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ing changes made by this bill in the existing law, especially in reference to the coinage. It would seem that all the small coinage of the country is intended to be recoined.

Mr. Hooper's attention was called especially to the coinage. Mr. HOLMAN also feared that all the small currency of the country was intended to be recoined, which would be a costly operation.

Mr. HOOPER, of Massachusetts. This bill makes no changes in the existing law in that regard. It does not require the recoinage of the small coins. On the contrary, I understand that the Secretary of the Treasury proposes to issue an order to stop the coinage of all the minor coins, as there is now a great abundance of them in the country. The salaries are not increased. They remain as they were.

That was satisfactory, and the bill, which was believed to be a substitute with all the objectionable features as to coinage and changes stricken out, was allowed to pass almost unanimously.

The record flatly contradicts Mr. SHERMAN'S assertion that the Hooper substitute, which passed, was ever discussed or considered, and proves my assertion that it was passed without members knowing what it contained. I might add that they were deceived in regard to its provisions.

On the motion to suspend the rules and pass the bill the vote was 110 yeas to 13 nays. Not a word was said about striking down the silver dollar. Now, is it true that the bill finally passed, as stated the other day by the Senator from Ohio, because silver was worth 3½ per cent. more than gold, and therefore the silver dollar was sought to be reduced from 412½ grains to 383 grains? I have stated how the bill was passed, and nine-tenths of the members then in the House will prove what I say is true. Of course, the provision striking down the silver dollar and reducing its legal-tender quality was in it, but the members of the House, except a favored few, were kept in ignorance of the fact.

The bill went to the Senate, reaching there on the day of final adjournment for the session. I have the bill in my hand as it finally passed in conference. I received it this morning from the file clerk, together with the report of the committee of conference, with all the changes made after it reached the Senate, with marks showing what the conference agreed to. I do not care to read details. It would take too long. All the provisions of the House bill in regard to reducing the value of the silver dollar, because, as the Senator said, the old silver coin was worth 3 per cent. more than gold, which was the pretense on which he said they were acting, were stricken out, the old dollar was dropped, and a trade-dollar of 420 grains substituted.

Mr. SHERMAN. I will ask the Senator from Kentucky now to read in his speech the section of the bill in regard to coinage as it came from the House of Representatives, and then as it was proposed in the Senate. He has before him now the document which shows the proposition of the House of Representatives as it came to us. Let that be printed and then let the proposition of the Senator be printed side by side.

Mr. BECK. Here they are, sections 12, 14, and 15.

Mr. SHERMAN. I hope the Senator will have that done.

Mr. BECK. I will. With the consent of the Senate, I will have that done.

Mr. SHERMAN. Let them be read.

They are as follows:

The proposition in the House bill was:

"That the silver coins of the United States shall be a dollar, a half-dollar or fifty-cent piece, a quarter-dollar or twenty-five-cent piece, and a dime or ten-cent piece; and the weight of the dollar shall be 384 grains; the half-dollar, quarter-dollar, and the dime shall be, respectively, one-half, one-quarter, and one-tenth of the weight of said dollar; which coins shall be a legal tender, at their denominational value, for any amount not exceeding $5 in any one payment."

The Senate substitute, which was adopted, reads:

That the silver coins of the United States shall be a trade-dollar, a half-dollar or fifty-cent piece, a quarter-dollar or twenty-five-cent piece, a dime or ten-cent piece; and the weight of the trade-dollar shall be 420 grains troy, the weight of the half-dollar shall be 12½ grams; the quarter-dollar and the dime shall be, respectively, one-half and one-fifth of the weight of said half-dollar; and said coins shall be legal tender, at their nominal value, for any amount not exceeding $5 in any one payment.

Then follows—

SEC. 18. *And be it further enacted*, That no coins, either of gold, silver, or minor coinage, shall hereafter be issued from the mint other than those of the denominations, standards, and weights herein set forth.

Mr. BECK. The final change was made from 383 grains, as the House bill proposed, to a trade dollar of 420 grains, which was 7½ grains more valuable than the original standard silver dollar, whose legal-tender quality they were so eager to destroy.

Mr. SHERMAN. In other words, the dollar, not the dollar of the fathers, not the dollar of 412½ grains, but the token dollar of 385 grains, was provided for in the House bill.

Mr. BECK. Provided for by Mr. Hooper and one or two other men who denied that they were providing for it. The House never knew anything about it. Mr. Blaine proved that; Mr. KELLEY has shown that; Mr. Garfield, over and over again, proved that; and the RECORD shows that he was present in the House and taking part in the proceedings when it was done. That provision was inserted reducing the silver dollar from 412½ to 383 grains by a few men who denied that they were doing it. That is what I contend, and I think I have proved it. Of course they got it in, else the scheme would have failed.

Mr. SHERMAN. But what I wish is to have the proposition of the House printed, and then side by side the proposition of the Senate, which lay upon our table more than two months, and has been read over and over again.

Mr. BECK. What I complain of, and what I think I have proved, is that the House never knew what was in that bill. The bill was offered as a substitute for all former bills, and it was vouched for by Mr. Hooper, who presented it, that it had nothing to do with coinage. It was upon the faith of that statement the House allowed it to pass, and the House was deceived.

The Senate amendment is a curious commentary on what the Senator from Ohio the other day said about the old silver dollar being deliberately demonetized because it was more valuable than gold. When the bill came into his hands, as chairman of the committee he struck out the provision which the House bill contained reducing the dollar because of its overvaluation; he left no such dollar in the bill, but inserted another dollar altogether; one of 420 grains, or 7½ grains more silver than the original 412½ grains, which he said was worth 3½ per cent. more than gold; and the bill was sent back to the House, and, so far as I can find by searching the RECORD, the House was never told of the change. What occurred when it got back to the House? It was sent at once to a committee of conference. I turn to the RECORD again, part 2, third session Forty-second Congress, page 1189, under the heading "Mint laws:"

Mr. HOOPER, of Massachusetts. Mr. Speaker, I rise for the purpose of submitting a report of a committee of conference, which I ask the Clerk to read.

That was this report, which no man could by reading tell what it meant unless he had the bill carefully before him.

Signed by the conferees.

The report was adopted.

Mr. HOOPER, of Massachusetts, moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

That is all the House ever did know. The House was never told, so far as the RECORD shows, that I can find, that the Senate had changed the bill from a bill reducing the value of a silver doller to a bill creating a new dollar altogether, one of 420 grains instead of 383 grains.

When it came to the Senate the Senator from Ohio [Mr. SHERMAN] had charge of it, and it is headed again "Mint laws."

Mr. SHERMAN submitted the following report.

The report was concurred in, with not one word said about it, so that neither House had any opportunity, so far as these reports show, to know what they were doing.

I need not waste time in regard to what took place when the House bill reached the Senate. The Senator from Nevada [Mr. STEWART] has shown very fully what took place there. If the Senator from Ohio is content with that statement I am. Mr. Casserly, of California, was in the Senate and other able and distinguished representatives of silver-producing States. Mr. Corbett, of Oregon, and others took part in the debate. Will any sane man believe that they deliberately consented ta strike down silver coinage? Mr. SHERMAN says they all did. I do not believe him. When the House bill was brought up by Mr. SHERMAN the RECORD shows that he used this language:

Mr. SHERMAN. I rise for the purpose of moving that the Senate proceed to the consideration of the Mint bill. I will state that this bill will not probably consume any more time than the time consumed in reading it. It passed the Senate two years ago after full debate. It was taken up again in the House during the present Congress, and passed there. It is a matter of vital interest to the Government, and I am informed by officers of the Government it is important it should pass promptly. The amendments reported by the Committee on Finance present the points of difference between the two Houses, and they can go to a committee of conference without having a controversy here in the Senate about them.

Again he said:

If the Senator will allow me, he will see that the preceding section provides for coin which is exactly interchangeable with the English shilling and the five-franc piece of France; that is, a five-franc piece of France will be the exact equivalent of a dollar of the United States in our silver coinage.

That was stricken out, and there was no such thing left in the bill.

And in order to show this wherever our silver coin shall float—and we are providing that it shall float all over the world—we propose to stamp upon it, instead of our eagle, which foreigners may not understand, and which they may not distinguish from a buzzard, or some other bird, the intrinsic fineness and weight of the coin. In this practical utilitarian age the officers of the Mint seemed to think it would be better to do that than to put the eagle on our silver coins. I must confess I do not think it is very important, but I think the Senator ought to be willing to defer in these matters to the practical knowledge of the officers who have charge of this branch of the Government service. I will say that Mr. Linderman, whom the Senator must know, has suggested this as being a convenient mode of promoting international coinage.

Did not every word of that indicate the continuance of silver coinage with full legal-tender quality as it had always had?

International coinage in a trade-dollar, with a legal-tender quality of only $5, and even that poor quality was stricken out in 1875, so as to make it simply merchandise. That was the coin the Senator from Ohio said was to float, and they were providing it should float all over the world, wherever our flag floated, and that it should be international coinage equivalent to the coins of other nations. Little wonder the Senator from Nevada said to him, "Whatever may be your construction of the meaning now, the words used then induced me to vote with you, because you made me believe that you were sending out a bona

fide silver dollar as good as any in the world." The Senate so believed. The debate showed that Mr. Casserly announced that Nevada alone was then producing $20,000,000 of silver, and the question was, as to whether silver owners should pay the coinage charge of half a quarter, or one-eighth per cent.; nothing was suggested anywhere that the silver dollar was to be stricken down. The Senator from Ohio was as silent as the grave on that subject.

But that was not all. To show that whenever things are not done as they ought to be the track can be followed, and it will be in the same direction, the Revised Statutes were adopted shortly afterwards. When it is said that we had coined no silver dollars, practically, up to that time, that is not the fact. We had coined in the month of January, 1873, and in the first twelve days of February, 1873, nearly two million standard silver dollars of 412½ grains, nearly one-fourth of all we ever had coined. By the way, if Senators will turn to Dr. Linderman's work on "Money and Legal-Tender," which you will find in the Library, you will see we never had coined a gold dollar from the foundation of the Government until long after the discovery of gold in California, and that we had up to 1848 about as much silver as we had gold coin of all sorts. At the time we fought the war of 1812 and the war with Mexico, and acquired Louisiana, we were upon a silver basis, if that is worth suggesting. All our acquisitions were obtained with silver coin, the Mexican dollar being the legal tender, as well as other foreign coins, most of the time. The table furnished by Dr. Linderman shows it all, and the fact is proved by his tables that we had coined nearly two million standard dollars in less than six weeks before this act of 1873 was passed.

I think I can guess the reason why the bankers of Europe were pushing the act of 1873. The Rothschilds, who held our bonds, and the great bankers of the Rhine, at Frankfort and elsewhere, were, of course, all anxious for it to pass. Mr. Hooper and the other bankers knew why. How much the Senator from Ohio was allowed to know I can not state; but Dr. Linderman showed in November, 1872, that silver was falling, and falling rapidly; it had fallen from 3 per cent. premium down to par with gold when the act was passed demonetizing it, and that it was sure to fall still more rapidly. All their bonds were payable in it while it was being stricken down in their countries. Dr. Linderman tells the whole story in a report made the fall of 1872, after the bill had passed the House. He takes credit for the trade-dollar as having been first suggested in his report. He says we discovered very soon after the bill passed the House—as early as September or October, 1872—that Germany was going to sell her silver. The House had passed the bill, recollect, in May, 1872; it came to the Senate practically in December.

Dr. Linderman in his book states what he said in the fall of 1872:

> The amount of silver bullion annually produced from the mines of the United States has been increased during the last three years, and now amounts to about $30,000,000 per annum, exclusive of the gold it contains; and a further increase in this product being quite certain, the future value of silver as compared with gold is a matter of national importance.
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> The fluctuations in the relative value of gold and silver during the last hundred years have not been very great, but several causes are now at work, all tending to an excess of supply over demand for silver, and its consequent depreciation. Among these causes may be stated the increasing production, its demonetization by the German Empire, and continued disuse in this country, except to a limited extent, as a part of the circulating medium.
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> It has also been demonetized by Japan, while in some other countries silver coin has been wholly or partially expelled from circulation by paper money, the effect of which will be to bring to market as bullion large amounts hitherto used as coin. The amount of silver coin in the German Empire at the date of the enactment of the recent coinage law (December, 1871), which changed the standard from silver to gold, is estimated by competent authority at $350,000,000, being equal to five years' total production of the globe.
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> Even if silver should be adopted by Germany for subsidiary coinage, not more than $50,000,000 will be required for that purpose, which will leave $300,000,000, or about 9,000 tons, to be disposed of as bullion. A market for this immense supply of silver can only be found in such of the European states as maintain the single standard of silver or the double standard of gold and silver, and in China and the Indies.
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> The facts above stated indicate the gradual but eventually certain adoption of the gold standard and consequent demonetization of silver by all commercial countries. Not only is the tendency to adopt gold as the sole standard and measure of value, but to use paper money redeemable in gold as the bulk of the circulating medium.

Then he proceeds to show that gold would necessarily appreciate, which he said meant the same thing as depreciation of property by reason of silver being stricken down. I may refer to his table giving the amount of silver and gold we had then coined and the relation they bore to each other in 1873, showing that the pretense that silver was demonetized because it was either not a coin that the people wanted or because it was more valuable than gold is not true. It was stricken down because the great gold brokers, foreign and domestic, saw that gold was becoming more and more valuable every day, and silver would necessarily fall because of the action of Germany. The production of gold had fallen off in this country from $66,000,000 in 1856 to $32,000,000 in 1873. Silver production had gone up from less than $14,000,000 four years before to thirty-odd million dollars in 1873. That was the real cause of its being striken down in the interest of the bondholders and the bankers and the usurers of Europe and America.

But I started to speak of the fraud—and I use the word deliberately—the fraud committed by somebody in the Revised Statutes in demonetizing the silver coin then in existence. Recollect the act of 1873 did not do that. It left whatever coin had been coined as a legal tender for all debts. It only provided for coins in the future. The fraud in the Revised Statutes had to be perpetrated to consummate the act and to destroy the existing silver money. The Revised Statutes professed to be simply a compilation of existing laws, nothing more. They so state officially on their face. General Butler presented them. This is what he said, among other things:

> I desire to premise here that your committee felt it their bounden duty not to allow, so far as they could ascertain, any change of the law. This embodies the law as it is. The temptation, of course, was very great, where a law seemed to be imperfect, to perfect it by the alteration of words or phrases or to make some change; but that temptation has, so far as I know and believe, been resisted. We have not attempted to change the law in a single word or letter so as to make a different reading or different sense. All that has been done is to strike out the obsolete parts and to condense and consolidate and bring together statutes *in pari materia*, so that you have here, except in so far as it is human to err, the laws of the United States under which we now live. And it will be necessary, if the bill passes Congress, that it shall pass without any one undertaking to amend the law as it stands in this revision, because once beginning to amend the revision by altering the law from what it is will lead into an interminable sea, in which we shall never find soundings and which will never find a shore. But if there be any omission of any provision of law the theory of this revision is that that shall be supplied; and to that the committee desire to call the attention of the House.

Judge Poland followed, who had charge of the bill, perhaps was chairman, and said:

> As my friend from Massachusetts has said, the committee have endeavored to have this revision a perfect reflex of the existing national statutes. We felt aware that if anything was introduced by way of change into those statutes it would be impossible that the thing should ever be carried through the House. In the multitude of matters that come before Congress for consideration, if we undertake to perfect and amend the whole body of the national statutes there is an end of any expectation that the thing would ever be carried through either House of Congress, and therefore the committee have endeavored to eliminate from this everything that savors of change in the slightest degree of the existing statutes.

So the Revised Statutes were passed; and yet, coupling that with what was done in 1873 in regard to the silver dollar, is it strange that we find in those Revised Statutes all the silver coinage of the country that was a full legal tender for every dollar of debt, public and private, demonetized and not allowed to be a legal tender for more than $5 under and by virtue of the Revised Statutes? Whoever did it committed a fraud, a palpable fraud upon the country. As I said and repeat, it required such a provision in the Revised Statutes to destroy the existing silver coinage of the country. Whoever inserted it did it in the interest of the bondholders, willfully and fraudulently. Passing from that, the Senator from Ohio, as the Senator from Kansas said in the speech from which I read, declared that the striking down of silver coinage and the substituting of the gold unit was an American idea. I deny it, as the Senator from Kansas did, as every Senator has who spoke upon this subject. I ask Senators to read the report of Mr. Hunter, from which I would like to quote, made in 1853. He there shows that silver and gold, acting side by side and treated both alike, was the American idea. Gold, and gold alone, was the idea of the Senator from Ohio, but not of any other Senator or any other leading American that I know of.

Why do I say it was his idea? Because he went to Paris in 1867. I do not know whether he wrote the letter while in Paris or not, but at an international convention to which Mr. Ruggles was the American delegate, appointed by Mr. Seward, in 1867, in making his report in regard to the question what should be the unit of value—a question never brought up before for action in the United States, so far as I know, but suggested in a convention of European nations—Mr. Ruggles reports to Mr. Seward as follows:

> It was then stated to the Emperor that an eminent American statesman—Mr. SHERMAN, Senator from Ohio, chairman of the Finance Committee of the Senate of the United States, and recently in Paris—had written an important and interesting letter, expressing his opinion that the gold dollar of the United States ought to be and readily might be reduced by Congress, in weight and value, to correspond with the gold five-franc piece of France; that the letter was now before the international committee, having the question of uniform coin under special examination, to which letter, as being one of the best interpretations of the views of the American people, the attention of the public authorities of France was respectfully invited.

Mr. SHERMAN'S letter had not then been brought to the attention of the American people, so far as I know. I think he represented only himself.

> The Emperor then closed the audience, by repeating the assurances of his gratification that the important international measure in question was likely to receive active support from the United States.
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> The letter of Mr. SHERMAN above referred to, dated the 18th of May, 1867, originally written in English, was presented in a French translation a few days after to the international committee in full session, when it was received with unusual interest and ordered by the committee to be printed in both languages. A copy is herewith transmitted for the information of the Department of State.

Further on, when they reached an agreement on the single gold unit, Mr. Ruggles took uncommon pleasure, he said, in giving great credit to his friend, the Senator from Ohio, as being the man chiefly instrumental in bringing about that result by the letter he had written and by the influence he had exerted. Mr. Ruggles says:

> The establishment of the single standard exclusively of gold is in truth the cardinal if not the all-important feature of the plan proposed by the conference, relieving the whole subject by a single stroke of the pen from the perplexity, and indeed the impossibility, of permanently unifying the multiplicity of silver coins scattered through the various nations of Europe. It is a matter of world-wide congratulation that on this vital point the delegates from the nineteen nations represented in the conference were unanimous, not excepting France itself, so strongly wedded by the national traditions to a double standard.

Then he goes on to state the controversy they had among themselves and how they finally got together, Great Britain and Sweden standing out alone in favor of their own moneys. He adds:

On all these questions the interests of monetary unification were materially advanced by the publication at Paris of the concise but admirable letter from Hon. JOHN SHERMAN, Senator in Congress from the State of Ohio, a copy of which has been already communicated to the Department of State, but which for more convenient reference is now transmitted herewith in duplicate, with its French translation. His opinions are unmistakably expressed in the following extracts: "As the gold franc piece is now in use by over sixty millions of people of several different nationalities, and is of convenient form and size, it may well be adopted by other nations as the common standard of value, leaving to each nation to regulate the divisions of this unit in silver coin or tokens. If this is done, France will surely abandon the impossible effort of making two standards of value."

He was for the one standard and thought France could be brought into it.

Gold coins will answer all the purposes of European commerce. A common gold standard will regulate silver coinage. In England many persons of influence and different chambers are earnestly in favor of the proposed change in the coinage. The change is so slight with them that an enlightened self-interest will soon induce them to make it, especially if we make the greater change in our coinage. We can easily adjust the reduction with the public creditors in the payment or conversion of their securities, while private creditors might be authorized to recover upon the old standard.

When Mr. Ruggles's report was made Mr. SHERMAN took it up and sought to carry its recommendations through Congress, and no doubt this is one of the things that he thought attracted so much public attention. During the Fortieth Congress, June 9, 1868, Mr. SHERMAN made a report to the Senate in which he recommended a single standard exclusively of gold, and in that report used the language which the Senator from Kansas [Mr. INGALLS] quoted in the speech which he made:

The single standard of gold is an American idea, yielded reluctantly by France and other countries, where silver is the chief standard of value.

At the close of his report he said:

These reasons induce your committee to earnestly urge the adoption by the United States of the general plan of the French conference.

He attempted to show that the sole legal standard of gold was the one object most to be desired, while he insisted most urgently in regard to public debts that it was dishonest and dishonorable to require the holders to take pay in a coin less valuable than the coin of the contract. He said if we reduce the metal in our coin, as our public debt is very large, we shall have to pay our creditors $90,000,000 in addition to the face of the bonds. That was a small matter, however, though he afterwards urged, as Secretary and Senator, earnestly and repeatedly, that the silver coin of the contract should be increased and paid to the bondholders. In his report he urged the gold unit, changing ours to the French standard, and providing for payment in addition to the bondholder. I will quote his language exactly:

As to public debts, the contract of loan is the only law that ought to affect the creditor until his debt is fully discharged.

Now, pay attention to this. I expect to read this again, because the act of July 14, 1870, made all public debts payable in the gold and silver coin of the standard value of that day, and every effort of Mr. SHERMAN or anybody else to increase the weight of the silver dollar, by any additional number of grains, simply seeks to impose a tax upon the people to the extent of the increase, in violation of the contract that he regarded as so sacred, when he sought to reduce gold. Perhaps poor debtors have not the same contract rights as rich creditors, especially when bondholders are the beneficiaries.

Mr. TELLER. What is the date of that?

Mr. BECK. June 9, 1868; it is Mr. SHERMAN'S report from the Finance Committee, on the relation of the coinage of gold and silver:

Does not a different principle prevail as to public debts? As to public debts, the contract of loan is the only law that ought to affect the creditor until his debt is fully discharged.

Note that. It ought to apply to the debtor as well; he has rights in all contracts as well as the creditor, in my opinion at least.

Congress—

Says Mr. SHERMAN—

as the authorized agent of the American people, is one party to the contract, and it may no more vary the contract by subsequent acts than any other debtor may vary his contract. As to the public creditor, no legislative power stands between him and the exact performance of his contract. Public faith holds the scales between him and the United States, and the penalties for a breach of this faith are far more severe and disastrous to the nation than courts, constables, and sheriffs can be to the private debtor. These penalties are national dishonor and inability to borrow money in case of war or public distress, and the ultimate result is the sure and speedy decline of national power and prestige. When changes in our coin were made in 1834 and 1853, the United States had no public debt of any significance, and the precedents then made do not apply to the present time. Now the public debt is so large that a change of 3½ per cent. in the value of our coin is a reduction of the public debt of $90,000,000. So much of this debt as exists in the form of legal-tender notes will be received and disbursed as money, and as its value for some time will be less than the new coin, no provision need be made for it; but for so much of the debt as is payable, principal or interest, in coin of a specific weight and value, provision ought to be made for its exact discharge in that coin or its equivalent in the new. Your committee, therefore, propose an amendment to that effect.

That quotation may be useful in the further discussion of some other points made from time to time by that distinguished gentleman. His proposition met with no favor as far as the history of American legislation publicly shows. Even Mr. Morgan, of New York, who was supposed to be the representative of Wall street, in every form opposed it, and made a minority report in which he said:

A change in our national coinage so grave as that proposed by the bill should be made only after the most mature deliberation. The circulating medium is a matter that directly concerns the affairs of every-day life, affecting not only the varied, intricate, and multiform interests of the people at home to the minutest detail, but the relations of the nation with all other countries as well. The United States has a peculiar interest in such a question. It is a principal producer of the precious metals, and its geographical position, most favorable in view of impending commercial changes, renders it wise that we should be in no haste to fetter ourselves by any new international regulation based on an order of things belonging essentially to the past.

Again he says:

The movement proposed in the bill appears to be in the wrong direction. The standard value of gold coin should be increased—brought up to our own, rather than lowered.

He gives many reasons for that. Again he says:

These two streams of the precious metals, poured into the current of commerce in full volume, will produce perturbations marked and important. Other countries will be affected, but the United States will feel the effect first and more directly than any other.

The Pacific Railway will open to us the trade of China, Japan, India, and other oriental countries, of whose prepossessions we must not lose sight. For years silver, for reasons not fully understood, has been the object of unusual demand among these Asiatic nations, and now forms the almost universal medium of circulation, absorbing rapidly the silver of coinage. The enormous proportion fixed between silver and gold by France, and which we are asked to copy, is denuding that country of the former metal. Our own monetary system, though less faulty, is not suitably adjusted in this respect. The silver dollar, for instance, a favorite coin of the native Indian and distant Asiatic, has well-nigh disappeared from domestic circulation to reappear among the Eastern peoples, with whom we more than ever seek close intimacy. As they prefer this piece we would do well to increase rather than discontinue its coinage, for we must not deprive ourselves of the advantages which its agency will afford, and "it would be useless to send dollars to Asia inferior in weight and value to its well-known Spanish and Mexican prototype."

So when Mr. SHERMAN and Mr. Ruggles managed to agree in regard to the single gold unit, and when Mr. SHERMAN presented it before the American Congress, it was met by a minority report from Mr. MORGAN and then dropped, it became just and proper for the Senator from Kansas [Mr. INGALLS] to remark as he did in the speech I have just read:

In a report made to the Senate June 9, 1868, to accompany "A bill in relation to the coinage of gold and silver," Mr. Sherman, now Secretary of the Treasury, said:

"The single standard of gold is an American idea, yielded reluctantly by France and other countries where silver is the chief standard of value."

No statement emanating from authority so respectable could well be more devoid of truth. The original American idea was a single standard of silver. Gold was an innovation, and in my judgment a grave mistake. The assertion of Senator SHERMAN that the single gold standard was an "American idea" is so singularly incorrect that it seems almost like a premeditated preliminary to the fatal error of 1873.

It seems as though the only pressure for that action, so far as I know, from any of the public men of the country was from the Senator from Ohio himself. He confounds the American idea with his own and assumes that they mean the same thing. Mr. President, the truth is, and there is no use denying it, that from the beginning of the war till now the moneyed men of this country and Europe and their advocates in and out of Congress and their supporters everywhere have sought persistently to make money out of the distress of this country. They have attempted, and generally succeeded, at all hazards, by means foul and fair, lawful and unlawful, to make themselves rich at the expense of the great mass of this people. The demonetization of our silver coin was but one step in that line, a step that was in perfect accord with all the other steps that had been taken and were afterwards taken, and the fraudulent act perpetrated in the Revised Statutes, whatever may be said of the motives of men, of the openness or secrecy of the act of 1873, consummating and making possible the benefits they expected to derive from the act of 1873, was another and the decisive step in the same direction. No man will ever avow that he knew who perpetrated the fraud in the Revised Statutes.

When legal-tender notes were first circulated war was made on them by all the bankers and money-changers from the beginning. That war was kept up, and kept up persistently, and by none more persistently than by the Senator from Ohio to the very end, and, indeed, to this day. When the greenback was first issued the combinations of bankers got together and determined that the greenback should be repudiated so far as they were concerned. They all agreed that it should be good enough for everybody but them; good enough for the soldiers, the sailors, the contractors, for everybody except the men who held the money-bags of the United States. That repudiation was consummated in the Senate of the United States—no doubt in the Finance Committee of the Senate of the United States, of which the Senator from Ohio was then a distinguished member. The gold interest on bonds paid for in greenbacks at par brought the first evils upon the country and placed and kept all the interests of the people under the money kings. For fear I may be charged with making statements that I can not substantiate I will read from a speech by Hon. WILLIAM D. KELLEY, quoting Mr. Stevens, who I suppose is at least respectable authority. Mr. KELLEY in his speech at Philadelphia said, speaking of the money that was issued when the Senate inserted the coin payment of interest on the bonds.

Mr. KELLEY said:

The House refused to concur, and appointed a committee of conference, with

Mr. Stevens as its chairman. They contested the matter until further contest was in vain. I remember the grand "Old Commoner"—

Said Mr. KELLEY—

with his hat in his hand and his cane under his arm, talking to myself and another, when he returned to the House after the final conference, and shedding bitter tears over the result. "Yes," said he, "we have had to yield; the Senate was stubborn. We did not yield until we found that the country must be lost or the banks be gratified, and we have sought to save the country in spite of the cupidity of its wealthier citizens." The bill went through, but not until he had expressed to the House and the country his fears.

That crime perpetrated by the Senate of the United States, or that blunder worse than a crime, has cost the American people more than all the war would have cost had the House bill been adopted as originally passed. That crime or blunder called into existence the gold room of New York; it invited from all the money centers of the world their most voracious vampires to come and fatten upon the life-blood of the American people. It converted commerce into a mere system of gambling, and made such creatures as Jay Gould and Jim Fisk possible in American history. Do I speak too severely? If I do, I will summon a voice from the grave to temper my severity. I have here the Congressional Globe, in which I find the following remarks, made February 20, 1862, by Thaddeus Stevens, chairman of the committee of conference on the disagreeing votes of the two Houses on the Treasury-note bill. In submitting the report he said:

"Mr. Speaker, I have a very few words to say. I approach the subject with more depression of spirits than I ever before approached any question. No personal motive or feeling influences me—I hope not, at least. I have a melancholy foreboding that we are about to consummate a cunningly-devised scheme which will carry great injury and great loss to all classes of the people throughout this Union, except one. With my colleague, I believe that no act of legislation of this Government was ever hailed with as much delight throughout the whole length and breadth of this Union, by every class of people, without any exception, as the bill which we passed and sent to the Senate. Congratulations from all classes—merchants, traders, manufacturers, mechanics, and laborers—poured in upon us from all quarters. The boards of trade from Boston, New York, Philadelphia, Cincinnati, Louisville, St. Louis, Chicago, and Milwaukee approved its provisions and urged its passage as it was. I have a dispatch from the Chamber of Commerce of Cincinnati, sent to the Secretary of the Treasury and by him to me, urging the speedy passage of the bill as it passed the House. It is true there was a doleful sound came up from the caverns of the bullion-brokers and from the saloons of the associated banks. Their cashiers and agents were soon on the ground, and persuaded the Senate, with but little deliberation to mangle and destroy what it had cost the House months to digest, consider, and pass. They fell upon the bill in hot haste, and so disfigured and deformed it that its very father would not know it. Instead of being a beneficent and invigorating measure, it is now positively mischievous. It has all the bad qualities which its enemies charged in the original bill, and none of its benefits. It now creates money, and by its very terms declares it a depreciated currency. It makes two classes of money—one for the banks and brokers, and another for the people. It discriminates between the rights of different classes of creditors, allowing the rich capitalists to demand gold, and compelling the ordinary lender of money on individual security to receive notes which the Government had purposely discredited."

Again, in still more emphatic terms, and almost in repetition, only stronger, he repeats that it was the conspiracy between European bankers and the rich men of America, through the Finance Committee of the Senate, which brought about that condition of things. They bankrupted the country and made themselves the richest men in the world.

What followed? I need not go over that history. You all know it. The usurers of the world bought the bonds of the United States with that very depreciated currency, averaging only about 50 cents to the dollar in gold, at the time. Of course they paid the greenbacks for them at par. One gold dollar bought two in paper; the paper dollar bought bonds at par, with 6 per cent. gold interest. Thus 12 per cent. was secured, and they called that patriotism! They next had all the currency of State banks legislated out of existence by a tax, so that their currency and theirs alone, as national bankers, should circulate over the land. The principal of their bonds was made expressly payable in greenbacks. Even Mr. SHERMAN admitted that in 1868, in a celebrated letter which has been read time and again, in which he denounced them as extortioners for claiming that the bonds should be paid in coin. Of course he was right, because each note had written on its back that "this note is a legal tender at its face value for all debts, public and private, except duties of imports and interest on the public debt." Yet in the face of that, when Congress met in March, 1869, it declared, and Mr. SHERMAN led the column in the assault on greenbacks, that the greenback should not be received in payment of the principal of the bonds, although it was written upon it that it should be, and that the bonds should all be paid in coin. The Senator from Nevada [Mr. STEWART] very properly said the other day that the advantages the bondholders had received from Congressional legislation had added to their value 50 per cent. before the act of 1873 was passed.

To make a long story short, the advocates of the money power followed up and sought new advantages promptly. July 14, 1870, another act was passed, in which it was agreed that their bonds should be paid in gold and silver coin of the then standard value, which is the same as the standard silver dollar of to-day and the gold dollar of to-day. They required that stipulation to be inserted in face of all the contracts, and the bonds were exempted from all taxation, State, Federal, and municipal. No tax has since been paid by any holder of them to State, county, or city, or to the United States, no matter though the bondholder might be worth millions. Perhaps the Senator from Ohio was guarding his friends in that act from his proposed change in the gold unit. Ought they not to have stopped there? Had they not received benefactions enough to have satisfied any cormorant? They had degraded for their own benefit the currency issued by the Government to carry on the war and depreciated it for their own advantage, to the ruin of all others. They had become the sole bankers of the country that could furnish currency. They had declared that their own bonds should be paid in gold and silver coin in the face of an obligation written on the greenbacks with which they had bought the bonds; and then they had their bonds exempted from all taxation, State, Federal, and municipal.

All this time the distinguished Senator from Ohio was chairman of the Committee on Finance, and every one of those acts met his cordial approval, so far as I know, even if he did write in 1868 the letter which I believe I will again reproduce for the edification of the people, in which he said they were extortionists if they demanded anything else than greenbacks.

He said to his friend:

DEAR SIR: I was pleased to receive your letter. My personal interests are the same as yours; but, like you, I do not intend to be influenced by them. My construction of the law is the result of careful examination, and I feel quite sure an impartial court would affirm it, if the case could be tried before a court. I send you my views as fully stated in a speech. Your idea is, that we propose to repudiate or violate a promise when we offer to redeem the "principal" in legal-tenders.

I think the bondholder violates his promise when he refuses to take the same kind of money he paid for the bonds. If the case is to be tested by law, I am right; if it is to be tested by Jay Cooke's advertisements, I am wrong. I hate repudiation, or anything like it, but we ought not to be deterred from doing what is right by fear of undeserved epithets.

If under the law as it stands the holders of the five-twenties can only be paid in gold, then we are repudiators if we propose to pay otherwise. If the bondholder can legally demand only the kind of money he paid, then he is a repudiator and an extortioner to demand money more valuable than he gave.

Truly yours,

JOHN SHERMAN.

But greed is never satisfied. Not content with all these extortions, they had the law of 1873 passed striking down the silver coin. Why? Because Germany had united with England in doing so after she had extorted a thousand millions from France as a war indemnity. Silver was coming into use rapidly by the increasing product of our own mines. Thus the people would be able to pay their debts and discharge the public obligations of the country with it more easily than they could with gold. But, if the money kings could strike down silver, which was one-half of the world's money, in conjunction with England and Germany, they knew this would make them the richest men in the world and impoverish everybody else. After securing the act of 1873 they changed the Revised Statutes, in the face of the solemn pledges given that there was no change in them, so as to destroy the legal-tender quality of what there was of silver coin at the time, and about $2,000,000 of standard dollars had been coined in the six weeks preceding the passage of the act of 1873. Not content with that, it was not a year until we had a scramble in the other House, when the Senator from Massachusetts [Mr. DAWES] was chairman of the committee, and Black Friday came, as we remember, in New York. The greenbacks cut quite an important figure at that time. The Committee on Finance of the Senate reported against legalizing an increase of some $5,000,000 or $10,000,000. But Black Friday, as I said, came in the mean time and an increase was made by executive order. I may not give the exact figures, but the increase was from $354,000,000 to $382,000,000—some $28,000,000 added to the greenback circulation by executive action. Several bills were introduced in the House of Representatives and the question was elaborately discussed as to how much should be allowed as the maximum of that currency. Mr. DAWES moved, as the RECORD will show, that the amount should be limited to $356,000,000. Mr. Ellis H. Roberts, another member of the Committee on Finance, moved to make it $382,000,000. I, then a member of the Committee on Finance, moved to make it $400,000,000, and after a long debate in the House it was made $400,000,000.

The bill came to the Senate, and was put into the hands of the Senator from Ohio. I think the committee reported $382,000,000. It was made $400,000,000 by a majority of the Senate, and it passed the Senate at $400,000,000. It was sent to the President, and because there were some other banking privileges in it he vetoed it; but it had passed both Houses, and a few months afterwards an act was passed fixing the limit at $382,000,000, and the President approved it.

Recollect they had silver quietly stricken down during this period. The Revised Statutes had been adjusted to that end fraudulently. No man will deny that the change in the compilation of the statutes was fraudulent; I repeat that with emphasis. The act of 1873 was, as I think I have shown, secret and unknown to a large majority of the Representatives of the States and people; the change in the Revised Statutes was a fraud, purposely committed to consummate the advantages the money power had gained by the other act. There is not a man in either House who will dare appear before the American people and say that he knew at the time that the Revised Statutes were altered so as to take away the legal-tender quality from the existing silver dollar. The Senator from Ohio will not admit that he knew anything about that. That change was secretly made, so secret that even the Senator from Ohio did not know it, I assume.

Yet it was done; and after it was done and the bankers and the money-changers were having everything their own way, the next great movement in their interest was to strike down the greenbacks, destroy their legal-tender quality; indeed, destroy them altogether. The Senator from Ohio labored in season and out of season to strike down everything but national-bank notes and gold. Silver had been effectually destroyed, as they assumed by prohibiting any more coinage, and no legal

tender beyond $5; even the $5 legal-tender quality was taken away from the trade-dollar; the national banks, through their currency, were sought to be made omnipotent over the land.

That was the next move of the Senator from Ohio as chairman of the Finance Committee. Recollect every national-bank note is a legal tender to you, and to me, and to every contractor, and to every soldier, and to every sailor, and for every obligation of the Government except interest on the public debt and customs dues. Their bank notes were redeemable in lawful money. The greenback was assumed to be lawful money, whether it had a legal-tender quality or not. The banks would not take their own notes in discharge of the obligations due to them by the Government; but you and I and everybody else had to take them. With gold, and gold alone, with the greenback destroyed, with silver out of the way, who could get a dollar to pay his debts with unless he went to a national bank and paid whatever premium they saw fit to ask him? Nobody. That was the next great move on the boards, and the Senator from Ohio was the leading player.

Under his management the banks were to be made masters; that was the great struggle the Senator from Ohio was making all the time. Take the act about which he and others have boasted so much, the resumption act. I hope Senators will read it carefully. You will find it in volume 18 of the Statutes at Large, page 296. The second section allows gold to be coined free of charge. That was another move. They had paid one-eighth of 1 per cent., or perhaps one-fourth of 1 per cent., before that time. This was in 1875 recollect, while silver was still demonetized. They were to have thereafter all their bullion coined free. England had, they said, done the same thing. England, of course, to carry out her policy, had done just what Mr. SHERMAN and his friends were doing here, making gold, and gold alone, the standard, and the bondholder or the holder of consols who controlled the gold, and he alone, was master of the situation. England had provided by statute that for every standard ounce of gold offered to the Bank of England the bank should pay in their own notes, which could be converted into gold in a minute, £3 17*s.* 9*d.* They had thus fixed the value for gold so that it could not fluctuate. This statute had ours coined free of charge, and in the same statute they provided that all limitations should be taken away from national-bank notes; they should issue just as many as they pleased, a thousand millions if they wanted to. Let me read:

That section 5177 of the Revised Statutes of the United States, limiting the aggregate amount of circulating notes of national banking associations, be, and is hereby, repealed; and each existing banking association may increase its circulating notes in accordance with existing law without respect to said aggregate limit; and new banking associations may be organized in accordance with existing law without respect to said aggregate limit; and the provisions of law for the withdrawal and redistribution of national bank currency among the several States and Territories are hereby repealed.

That was another of their schemes. When the original banking act was passed the provision was to divide the currency allowed, about $350,000,000, among the States according to wealth and population. Kentucky had about the same population as Massachusetts, paying more taxes, not perhaps quite as rich in previously accumulated wealth according to the census, but needing money quite as much. Yet Massachusetts was allowed about $60,000,000 of national currency and Kentucky was allowed $7,000,000.

That same year I raised the question of a legal redistribution in the Ways and Means Committee. The Senator from Massachusetts [Mr. DAWES] agreed that I was right. We forced a redistribution. Fifty-five million dollars was to be taken from those banks in the East which had received it in violation of law, and which Mr. Knox had favored because of their loyalty—for that seemed to be one of the things that was necessary for national banking under him—and Congress ordered a redistribution. Then came the panacea. They did not want to give up the money. They had all the bonds, they had all the circulation, they said, "Oh, no; make banking free, make the circulation without limit," and they did so in order to keep the $55,000,000 that the law the year before had ordered them to give up. When they got that done, they said that the legal-tender notes should be reduced down to $300,000,000 before resumption day, which was January 1, 1879, and after that day they were all to be destroyed.

The resumption act provides:

And to enable the Secretary of the Treasury to prepare and provide for the redemption in this act authorized or required, he is authorized to use any surplus revenues, from time to time, in the Treasury not otherwise appropriated, and to issue, sell, and dispose of, at not less than par, in coin, either of the descriptions of bonds of the United States described in the act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt," with like qualities, privileges, and exemptions, to the extent necessary to carry this act into full effect, and to use the proceeds thereof for the purposes aforesaid.

Every greenback was to be destroyed after January, 1879, and all but $300,000,000 before that date, by the act which the Senator from Ohio had passed. He would not say so distinctly at the time, that the greenback was to be absolutely destroyed. He did not like to speak out. That was one of the things that he was very particular about, but that he did intend to destroy all the greenbacks absolutely I suppose he will hardly deny himself, although I believe he said he changed his mind afterwards. Mr. Bayard, then a Senator from Delaware, was making a speech in the Senate of the United States on the 27th of January, 1880, when the question came up whether this resumption act necessarily destroyed the greenbacks and authorized the sale of bonds at any rate of interest that the Secretary of the Treasury might see fit in order to get the money to do it with. Mr. Bayard said:

During the debate which attended the passage of the resumption act the present Secretary of the Treasury, Mr. Sherman, who had charge of the bill in this body, was asked by several Senators, myself among the number, whether by the redemption of the United States notes under that act they were finally to be retired and destroyed, and he declined to give any construction whatever to the law on that point.

Mr. EDMUNDS. May I ask the Senator if in his mind there is any doubt at all as to what the construction of that act was?

Mr. BAYARD. I was unable to say what its construction was.

Mr. Bayard became quite complimentary to the Senator from Ohio, as he will observe:

I was unable to say what its construction was. I thought it was a double-faced juggle intended to catch the votes of contractionists in one direction and of inflationists in the other. I said so at the time, and I withheld my vote, for I thought it was not treating a great subject with proper respect to legislate upon it in such a way. I therefore came to no construction. I was disposed to believe that with a Secretary favoring one view it would be made a means of contraction; under the other view, which it seems has been adopted by many, it would become a means solely of inflation, because there was no limit put upon the notes to be issued by the Government to the national banks, and there was no security that the Treasury notes retired nominally in the course of redemption would not be reissued again by the Treasury; and when the author of the bill—no, I will not say the author of the bill, for I have understood he was not the author of the bill, but he was the gentleman in charge of the bill—declined to say what was intended by it, and what its effect would be, I believed then that there was some snare, and that it was an improper way of dealing with the subject, and hence the measure was not fit really to be before the legislative body.

Mr. EDMUNDS. My apology for interrupting my honorable friend, to all of whose very interesting and satisfactory speech I am sorry I have not been able to listen on account of an engagement elsewhere, is that I thought it right it should appear in that connection that I voted for the act of 1875, because, on a careful examination, it was to my mind perfectly clear, no matter what the present Secretary of the Treasury chose to think about it or chose not to say about it, but on the bill itself that I was voting for, it was perfectly clear that the redemption that that act provided for, both before the 1st of January, 1879, and afterward, was a redemption which took out in point of law from existence all the United States notes that should come in in the methods provided by that act. And I am inclined to think that if my honorable friend would now examine the statute he would not have any doubt upon it at all.

Therefore I am justified in assuming that to be the object and intent of the resumption act. They had destroyed silver, and they now passed an act to destroy the legal tender. Everything was working as they desired, when the representatives of the States and people began to realize what was going on, and they stepped in and prevented these things from being done, first by restoring silver as a legal tender, and by the act of 1878, forbidding the reduction of the greenbacks below $346,000,000. Then the struggle began to take away their legal-tender quality; that was the next best thing for the bankers. Recollect, and I want Senators to examine for themselves, when the act rechartering the banks was passed all their notes were made redeemable in lawful money, not in legal-tender money. The word "legal tender" was never inserted once; it was kept out on purpose, so that the legal-tender quality should be striken down from these very notes and yet be of sufficient quality to redeem the national-bank circulation.

In view of what I read in regard to our solemn obligation to our public creditors in the report made by the Senator from Ohio, as to the public debt being such a sacred public obligation that the coin in which it was payable could not be changed, I wish to call attention to what he was told by the law officers of the Government when he insisted that the bonds should be paid in gold and in gold alone. He asked for an opinion from the then Attorney-General of the United States upon that subject, and he received it. April 27, 1877, Mr. SHERMAN wrote the following letter, which I have read before, asking Mr. Devens whether or not the bonds he was about to issue could be made payable in gold and gold alone, which he thought for many reasons might be desired:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., April 21, 1877.

SIR: I beg leave to call your attention to, and ask your opinion upon, the following questions growing out of the refunding act of July 14, 1870, to wit:

Can I stipulate in the body of the 4 per cent. bonds about to be issued that they shall be redeemable in coin of the present standard value; that is, the standard value at the date of their issue, or must it be the date of the law?

I submit a statement prepared by Hon. H. F. French, Assistant Secretary, having reference to the laws.

It may become important to the public interests to make the new bonds payable in coin of the present standard; that is, gold coin. Some doubts have been expressed upon whether previous bonds issued under acts passed prior to 1873 are not legally payable in silver coin. This question may become important, as any doubt upon the legal terms of a public security affects its value.

Very respectfully,

JOHN SHERMAN, *Secretary.*

Hon. CHARLES DEVENS,
Attorney-General.

Mr. Devens told him officially on the 26th of April, 1877, in answer to his question, that he regarded it as his bounden duty to recognize the fact that all obligations were payable in the coin of July 14, 1870, silver as well as gold, which every lawyer has recognized since, although it may be Jay Cooke's pronunciamientos and declarations have been paraded here once or twice and all sorts of sophistry flung in to make a show of equitable doubt. Mr. EDMUNDS, Mr. Matthews, Mr. Thurman, everybody, as well as Mr. Devens, has declared that the bonds of the United States can all be paid fairly, honorably, justly,

in the lawful money that existed July 14, 1870, of the then standard value. Mr. Devens's letter is as follows:

DEPARTMENT OF JUSTICE, *Washington, April 26, 1877.*

SIR: In answer to your letter of the 21st instant, requesting my opinion upon the following question growing out of the refunding act of July 14, 1870, to wit, "Can I stipulate in the body of the 4 per cent. bonds about to be issued that they shall be redeemable in coin of the present value, that is, the standard value at the date of their issue, or must it be the date of the law?" I have the honor to reply:

The act provides for the issue of bonds "redeemable in coin of the present standard value." The word "present" undoubtedly refers as a matter of date to the time when the act was passed, and not to the time when the bonds were thereafter issued. It contemplated that a long period would elapse before it would finally be carried into effect, and that changes in the coinage of the country might occur during that period.

Whatever changes in the coinage should occur, these bonds were, however, to be redeemed in coin of the standard value as it existed at the date of the act. By this provision the holder was guarded against any depreciation that might take place in the value of the coin, and the Government would not be compelled to pay the additional value should the coinage be appreciated. All the bonds issued under the act were to stand alike, no matter what was the date when such bonds were issued. Each was to be redeemable in coin which was included in the authorized coinage of the country at the date referred to, it being of the standard value as it then existed. Since the law was passed no change has taken place in the standard value of the coin. It is understood that there has been a certain change in the coinage of the country, and that silver dollars have now ceased to exist practically as coin.

It has been further provided by the statute of February 12, 1873 (Revised Statutes, sections 3585, 3586), that "the silver coins of the United States shall be a legal tender at their nominal value for any amount not exceeding $5 in any one payment."

Notwithstanding this practical change in the coinage of the country and the passage of this act in regard to legal tenders, the form of bond to be issued by you should not be changed so far as the mode in which it is to be redeemed is concerned. It was not intended that this should be varied according to the changes which might be made in the coinage, because a definite rule was given by reference to the coin of a particular date. That which will pay the bonds heretofore issued under this act will pay the bonds which you may hereafter issue.

It can not be authoritatively said that the words "payable in coin" or "payable in gold" are equivalent to the words used by the statute. Even if this leaves open for discussion the question whether bonds issued under this act are or are not redeemable in silver coin of the character and standard which existed July 14, 1870, it is not a doubt which it is in your power to remedy by the use of words in the bond other than those which this statute provides.

While I comprehend the difficulty suggested in your letter and the convenience that there might be in removing any question upon this matter, I am, therefore, of opinion that it would not be safe to issue the bonds, except as redeemable in coin of the standard value of July 14, 1870.

Very respectfully, your obedient servant,

CHAS. DEVENS, *Attorney-General.*

Hon. JOHN SHERMAN,
Secretary of the Treasury.

Although Mr. Sherman had received that opinion from the Attorney-General, and although every bond that was issued had written upon its face that it was so payable, five months after that opinion was received by him, on the 3d day of December, 1877, that distinguished gentleman, as Secretary of the Treasury, with the opinion of the Attorney-General in his hand, wrote this to Congress:

If, therefore, the public interests demand the issue of silver dollars—a subject hereafter discussed—

This was in 1877, recollect, when he was resisting it with all his might—

it is respectfully submitted to Congress that an express exception be made requiring that gold coin alone shall be paid for principal or interest on bonds issued to public creditors since February 12, 1873, the amount of which is $592,990,700. These bonds have entered into the markets of the world. If the market value of the silver in the new coin is less than the gold dollar, a forced payment in the new coin is a repudiation of a part of this debt.

That was his opinion and recommendation; that was what he desired to act upon in the face of an opinion from the Attorney-General, in the face of the written indorsement on the back of every bond that it was payable in coin of the standard value of July 14, 1870. Yet as Secretary of the Treasury he denounced the laws of his country, as construed by the Attorney-General, when they militated against the views that he entertained in the interest of the bondholders, and called the law repudiation of a part of the public debt; and he was so anxious to get clear of the silver dollar that in 1879, in his report as Secretary of the Treasury, he demanded that there should be no more than 50,000,000 silver dollars issued at the outside, saying that beyond that they could not be maintained. This is what he said; let me read it:

In the last annual report the Secretary stated—

He began very early—

"It would seem to be the best policy for the present to limit the aggregate issue of our silver dollars, based on the ratio of 16 to 1, to such sums as can clearly be maintained at par with gold, until the price of silver in the market shall assume a definite ratio to gold, when that ratio should be adopted and our coins made to conform to it; and the Secretary respectfully recommends that he be authorized to discontinue the coinage of the silver dollar when the amount outstanding shall exceed $50,000,000."

That was in the report of 1878. I read from the report of 1879. After quoting the recommendation in his report of 1878, which I have just read, he says:

He again respectfully calls the attention of Congress to the importance of further limiting the coinage of the silver dollar.

He demanded payment in gold alone in the face, as I have said, of his own declaration demanding that we should pay $90,000,000 to the public creditors because by the change of coin he proposed in 1868 the creditor would get over 3 per cent. less value. Now, in 1878 he wanted to pay the creditor in gold, and gold alone, on the bonds that he had issued, and denounced payment in silver as repudiation because it had depreciated 10, 15, or 20 per cent. by his own bad legislation. He cared nothing for the tax-payers or their rights; his sympathies were only aroused when the money was to go into certain rich people's pockets. That is one reason why I said to the Senator from Ohio the other day that while he may be the President of these United States his conduct in regard to the act of 1873, with all his great financial ability, exercised as it has been always in the interest of the money power, will not be a record he will be proud of when he comes before the people for their votes. I am done with that matter, and think I have made my promise good. Now as to my coin-certificate bill. The silver dollar! Mr. President, war has been made upon the silver dollar ever since its recoinage was ordered in 1878. I have more than once shown how absurd and how untrue all the predictions about the silver dollar driving gold out of the country have proved, and I need not repeat my former statements.

Every Secretary of the Treasury, all the bondholders everywhere, all the men who wanted to depreciate the price of property (and they have the world over since 1873 reduced the value of all the property of the people 35 per cent. by striking down half of the world's coinage—that I will prove before I sit down—by reports made after careful investigation) predicted the dire effects of remonetizing silver. Yet I can show that when gold was abundant, coming from Australia and California from 1850 to 1873, and silver was an equal partner, the property of the world increased in value 40 per cent., while from 1873, after we struck down silver and put all the money of the country and power over the property and products of the country into the hands of a few men, property has gone down 35 per cent. by this reverse action; yet those men will tell you that we should stop silver coinage, because that is the way to force the European nations to agree to use it. "Do not coin any more," they say, and you will ultimately put up the value of silver. What keeps it at even the point where it is? Simply American coinage; simply its scanty use by this great leading country in spite of the combinations of Europe, in spite of the efforts made here in 1873, and maintained even now. The people rose in their might and overrode the veto dictated by the able Secretary of the Treasury at the time President Hayes vetoed the bill of 1878. The then Secretary of the Treasury, now Senator from Ohio, was no doubt the inspiring cause of that veto of Mr. Hayes; but the American people had found out what had been done. Their representatives promptly passed the bill for recoinage overwhelmingly over the veto, and the bondholders commenced clamoring from that day on that we ought to stop it.

Those who urge this course say they are the friends of silver. What does England want us to do? Stop coining silver, of course. What does Germany want us to do? Of course they want us to stop coining silver. We are the great silver-producers of the world; the moment we stop our silver coinage down silver goes; that is what England wants for India; that is what they all want for their own colonies. That is what they want us to do, and we are told that will make them, after we break down our silver coinage and all our silver industries, return to silver coinage. Who ever heard of an army surrendering to the enemy on the battle-field at discretion as the best means of gaining a victory? What kind of a friend would you regard him who advised such a course? That is what they want; all the advocates of gold, at home and abroad, advise us to do nothing more and nothing less than surrender at discretion. Advice of that sort is simply humbug, or the baldest hypocrisy. A few plain facts upset all their speculations and gloomy predictions. Here they are:

When the act of 1873 was passed there were only $135,000,000 of gold in the United States. When the act of February 28, 1878, was passed there were $213,000,000. This is from the official statements of the Secretary of the Treasury. On the 1st of July last, at the close of the last fiscal year, we had $654,520,000 of gold; we had only coined $266,000,000 of silver, all told, since 1878.

The amount of gold that was added to our stock was $175,000,000 more of gold since 1878 than we have coined of silver since 1878. And yet we were told by the honorable Senator from Ohio, when Secretary of the Treasury, and it has been dinned into our ears ever since by all the doctrinaires that Gresham's law would make gold take wings and fly to more favored climes; that we would be on a silver basis every six months for the last eight years, and loss of credit at home and abroad would involve widespread ruin and national dishonor. I stand on the facts to disprove all their speculations; one fact is worth a thousand theories. One hundred and seventy-five million more of gold dollars have come to this country since we began to coin silver than we have coined of silver dollars, and in the year just closed the official report of the Director of the Mint shows that the surplus gold imported over gold exported was thirty-three and one-half millions.

The report further shows that the average annual product of gold in this country has been less than $33,000,000 for the last ten years, and that nearly $13,000,000 are used in the arts, in making watches, and the ten thousand things which it goes into leaving only $20,000,000 per annum, or $200,000,000 for the decade for use as coin, so that we have drawn from foreign countries under this system of silver coinage over $200,000,000 of gold in excess of all produced in this country. Does

that look as though we are being ruined by silver or by Gresham's law? What else have we done? We have paid off every bond of the United States that can be paid. Since Cleveland's administration began we have reduced the national debt over $250,000,000—I think nearly $300,000,000, but certainly over $250,000,000. We have paid off $194,000,000 of 3 per cent. bonds. We have bought $27,000,000 or $28,000,000 of fours and four-and-a-halfs, besides other things, until now there is over $250,000,000 paid, and we have a surplus of over $300,000,000 on hand; one of the last official reports shows the net gold in the Treasury to be: gold, $202,000,000, supplemented by $44,500,000 in silver and $60,000,000 more of our money is deposited with the national banks to keep the money which the people have paid in needless taxes from being locked up in the Treasury.

Think of it! Over two hundred and fifty millions of debt have been paid off, over three hundred millions of surplus are on hand, two hundred and odd millions of gold, forty-four millions in silver, and sixty millions loaned out, and yet a struggle is being made every day to make the country believe that we are on the verge of ruin! We have only succeeded in keeping the bankers, and bondholders, and their representatives here from ruining the country. I have a paper in my hand showing that with all the pretense of England, of Germany, and of France, there is to-day more silver by twenty-five millions of dollars in the continental banks than they have gold. Here is a table showing what was in the Bank of France on the 9th of February, 1888, the banks of Austria, the banks of Germany, and the silver exceeds the gold in their banks alone, saying nothing of what is in the hands of the people, over £5,000,000 or $25,000,000. The table is as follows:

Table indicating the amount of bullion in the principal European banks February 9, 1888.

Banks of—	Gold.	Silver.	Total.
England	£21,629,758	.....	£21,629,758
France	44,359,768	£47,600,696	91,951,464
Germany	21,514,820	19,079,180	40,594,000
Austria-Hungary	6,910,000	14,578,000	21,488,000
Netherlands	4,300,000	8,200,000	12,500,000
National Belgium	2,783,000	1,392,000	4,175,000
National Italy	6,983,000	1,118,000	8,101,000
Total this week	108,471,346	91,967,876	200,439,222
Total previous week	107,410,104	91,541,213	198,951,317

Mr. President, I repeat that the bill which I introduced, and which was voted for by five out of the eleven members of the Finance Committee, to issue coin certificates instead of gold and silver certificates, is the first great step for this Congress to take in order to place the two metals in proper relation. Why should we have a silver certificate and a gold certificate except that the leading bankers of the country do not want to acknowledge that silver is equal to gold? Therefore, they want their own certificates in gold, and let others who are as subsidiary to them as they claim silver is to gold take silver certificates, so that a hue and cry can be raised whenever they choose to suggest that silver is to be merely a token metal and shall not have equal rights with their gold. This country will never assume the proper relation to its own money and its own coined metals until it does away with all discrimination between them. The national banks are forced to admit that they are failures now in furnishing currency for the use of the people. The country knows it. The whole system was wrong in principle from the beginning, and was gotten up for the purpose of making money for a few rich men. It worked well for a time in the way of safe and uniform circulation, but it never was run in the interest of the country.

The Senator from Alabama and the Senator from Texas will recollect—as they took active part in 1882 when we were rechartering those banks—that we by law forbade them from entering into any combination to discountenance or boycott silver certificates; we inserted a stringent provision in the law; yet they defied us, they formed alliances in defiance of us, and our own creatures, our fiscal agents, the national banking organizations, would not take silver or silver certificates over their counters, so that silver could not get into their clearing houses in any form. They overcertified checks to suit themselves, and laughed at us for thinking we could control them. Now they have contracted their currency about one hundred and sixty million in the last four years in the face of the growing wants of the country for more. When we have built 11,000 miles of railroad in the year just closed, when we needed $160,000,000 more of circulation than we did four years ago, they contracted $160,000,000 of theirs. Their excuse may be good, but what good does the excuse do the country. They say they did it because we required them to surrender the bonds which were the basis of their circulation; of course we did; we had to do so or allow the money to be locked up in the Treasury. Every 3 per cent. bond has been paid; twenty-seven or twenty-eight million of the fours and four-and-a-halfs have been paid; and they say they can not afford to pay the premium now asked for other bonds and take out new circulation.

I hold in my hand a table showing what they had in November, 1883, what they had in February, 1888, which shows that the bonds to secure circulation were reduced from $362,000,000 to $182,000,000, and there are $102,000,000 of greenbacks now locked up in the Treasury in order to guard these outstanding notes on which the bonds have been withdrawn.

The Secretary of the Treasury has been compelled to put in the hands of national banks over $60,000,000 for nothing, which is being loaned at interest to those from whom it was taken in order to keep the money from being locked up in the Treasury. In view of these facts I ask Senators what would have been the condition of this country if we had been left to the tender mercies and the policy of the Senator from Ohio and of the national bankers.

If the advice of men like the Senator from Ohio [Mr. SHERMAN] and his allies had been followed, and no resources to furnish currency had existed outside of the national bankers when they reduced their circulation one hundred and sixty million in the last four years, paying no attention to the wants of the people, I ask whether we would not have been bankrupt to-day? The despised silver dollar and the certificates based thereon has saved the country from ruin. When we treat silver and gold as equals before the law, as they should be treated, all will be well. The restoration of the legal-tender quality to the silver dollar was all there ever was of resumption, everything else was false pretense. Why should we be told now in the face of the movements of the world that we shall not put the two metals and the paper based on them on an equality? I have never believed that silver money has had fair play, but at the same time I have never believed that it ever had an enemy that has persistently done it as much harm as the distinguished Senator from Ohio. He has worked to degrade it from the time Mr. Ruggles made his report to Mr. Seward, and from the time that he sought to establish gold as the sole unit in 1868; from the time that he denounced all payments to bondholders except in gold as repudiation; from the persistent efforts he made everywhere to destroy all legal tender but gold. I do not say they were not honest efforts.

I have said often and I believe that he is, if not the ablest, one of the very ablest men whom I have ever seen in public life; and it is because of his great ability, differing as I do with him, that I regard his financial policy as dangerous, yes, ruinous to the best interests of the people of this country. I have made no charge against him of corruption or of anything wrong. I differ from him in policy and I oppose his measures, in defense of the best interests of the masses of the people as I understand them. I have no doubt that his great abilities have a powerful influence over masses of men in high places in this country, as they had in Paris when the gold unit was first sought to be established, and his known power aids strongly in keeping up and in giving encouragement to the movement that is now going on in Europe by the royal commission and otherwise to perpetuate the power of gold.

I have no doubt the present President of the United States, who had no means of knowing half as much about financial matters at home or abroad as the Senator from Ohio did, or as much as many people who have been in public life for a long while knew in regard to public matters, was alarmed when he came into the high position of Chief Magistrate of the Republic by the clamor that had been kept up through every administration and through every Secretary of the Treasury against silver, and that leading men of both parties in New York City endeavored to persuade him, and did convince him before he came here, that unless he did something promptly to stop the coinage of silver ruin would speedily follow. I have no doubt the President was alarmed; and I know that when he came here first he thought the advice so ably advanced by the Senator from Ohio and other Secretaries of the Treasury during former administrations was good. I made a speech at the first session under our Administration which gave positive offense to some distinguished gentlemen in New York and elsewhere. They regarded it as impertinence for an outside Western Senator to assume to dictate to Wall street. They thought it wonderful that any one should assume to know anything that they did not want to know. My speech was answered by many able men, and Mr. Horace White, of New York, was one of them. He admitted substantially that efforts were made to create a panic. This is what he said in a review he made of my speech. The same ideas were presented by Mr. Hewitt in a speech in the House of Representatives. I will read what Mr. Hewitt said first:

I have reason to know when the present Administration came into power its first and chiefest concern was to avoid the danger which had been predicted by the Republican Secretary in his official statement and in his private communications. The amount of gold in the Treasury on the 4th of March, 1885, was $126,000,000. This was a much smaller sum than had usually been held in the Treasury in gold since the redemption of specie payment. It was steadily running down. The public confidence was gone. The hoarding of gold had begun—not by the mass of the people, not in stockings, not in secret hiding-places, but by the masters of finance, the men whose business it is to handle millions and to prevent deterioration; they began to prepare for the hour of danger and the collapse which they thought was impending.

I know three of the greatest institutions in the city of New York—I shall not name them, lest it might possibly bring down upon them the condemnation of those who are prejudiced against banks—but I know three institutions in the city of New York which had accumulated more than $25,000,000 of gold as a preparation for the collapse they thought was coming.

Mr. Horace White, in reviewing my speech, said:

A sort of panic ensued in the money market, and it came to my knowledge that Governor Tilden was one of a considerable number of persons who, without any concert of action, had bought large amounts of sterling exchange in order to protect themselves against loss in case silver should become our mon-

etary standard. Sterling exchange means gold in London. Why was Governor Tilden buying sterling exchange? Because, happening to have on hand a certain number of dollars worth 100 cents each in gold, and apprehending that if left in bank they would presently be worth only 90 or 80, or perhaps 75 cents each, he took the precaution to insure that they should continue to be worth 100 cents. He had only to write a few lines to his banker to insure this result. This was a typical case of the domineering "organizations of wealth" that Mr. BECK has conjured up.

Little wonder the President, then comparatively a new man in national politics, was staggered. These were the men, these were the organizations fortified in their assumption by all the predictions of the Senator from Ohio and other great leaders of both parties, that silver and silver alone would become our currency if we did not stop coining it, at once they urged it when we had less than $100,000,000; now, in the face of their failure the result of the efforts they made and combined in making is still to prevent the people of this country from recognizing gold and silver both as part of the money of the country. They have at last to admit that the national banks are a failure. They are no longer of any value as the fiscal agents of the people. Still they are here keeping up their hostility, and they meet as usual in convention denouncing silver, and demanding that it be demonetized as loudly as if they were important factors in supplying currency to the country. The national boards of trade that meet here in Washington unite with them in denouncing silver, and even now insist that it shall be demonetized, just as earnestly as if national-bank notes were being issued fully up to the wants of the people. The banks have bills before Congress now asking us to give them the right to increase the issue of their currency from 90 up to 100 or par on their bonds, as though they were going to be of any use to the country in furnishing the currency of the people any longer.

They are simply asking us to make their bonds move valuable so that we will have to pay them that much more premium when we buy them, as we now must do, in open market. That is the only use their bonds now are to them, except for the present, till we reduce taxation, they can deposit them and get dollar for dollar of circulation already existing which belongs to the people and loan it to the tax-payers who furnished it at 6, 8, or 10 per cent. interest. That condition of things, the President says in his message, is indefensible, and ought promptly to be remedied by Congress. He was obliged to resort to it as the best he could do under the circumstances. Turning for a moment to Mr. Atkinson's report, I have only to say that all the agents who go to Europe go there, not to help us, as far as I am able to observe, but to give aid and comfort to the men who are seeking to break us down. I have great respect for Mr. Edward Atkinson as a gentleman, a man of learning and of high integrity and ability. Mr. Edward Atkinson has made a report which has been laid on our tables in which he does not even pretend to notice the fact that a great committee under Lord Iddesleigh have looked into the question of the demonetization of silver, and that they have reported evidence showing that the depression of the world's business, the depreciation of property, and the prostration of commerce grow out of what the witnesses call the great conspiracy of 1873 between England, Germany, and the United States. Lord Iddesleigh was then a member of Parliament. I have the report.

There is no indication—

Says Mr. Atkinson—

that the subject of bimetallism has received any intelligent or serious consideration outside of a small circle in each country named, as a probable or possible remedy for the existing causes of alleged depression in trade.

When he said that he had before him the report of a commission which took volumes of testimony. It was perhaps the ablest committee that ever was raised in England. Its report was exhaustive upon all branches of business. That commission, which Mr. Atkinson does not deign to notice, made a report June 18, 1886, addressed to the Queen, saying, among other things:

In recent years the purchasing power of gold has increased, or, in other words, the prices of commodities in general, as measured by a gold standard, have fallen; and this appreciation of gold, taken in combination with other circumstances, has disturbed the relations between the two precious metals. An inconvenient depreciation of silver, as measured in gold, has for some time prevailed, and is still proceeding.

Without going into minute detail, we may point out that these changes result from a twofold set of causes. Not only has the supply of gold diminished, but the demand for it has increased. That is to say, the actual production of gold from the mines has declined, while the demand for it has been largely increased by its substitution for silver in the coinages of Germany and other countries; at the same time the supply of silver has been increased both by the somewhat larger produce of the mines and by the demonetized silver thrown on the market by Germany and Holland.

It seems unnecessary at this moment to refer in detail to the other changes in the monetary system of the world, such as the altered policy of the Latin Union, the resumption of cash payments on a gold basis by nations which had suspended them, and the increased absorption of gold in India. Questions may also arise as to the possibility of other circumstances having occurred which have affected the value of precious metals, such as, for example, any addition to or diminution of the quantities used for other than monetary purposes. All these subjects should have their proper weight given to them in the fuller and special inquiry which we recommend should be instituted.

Neither do we propose to enter upon the very important subject of the effect which the fluctuations in the value of the precious metals have upon the relations between the home and Indian governments in their large monetary transactions. That India has to receive her revenue in silver and to make her payments for a large portion of the interest on her debt, for the articles which she purchases, or for the services which she commands, in gold, and that a fall in the value of silver seriously disturbs her budget, is obvious and is not unnaturally disquieting. But it does not appear to us to be directly within the limits of our inquiry, though indirectly it may have a bearing on the trade of India, and we may have occasion to recur to it.

We have not thought it desirable to take any oral evidence specially directed to this question; but we append a series of questions which we circulated among a limited number of gentlemen, who, either from their practical experience or from their researches in the subject, appeared likely to be able to afford useful information or to express opinions of value. Many of those to whom we applied have been unable from various causes to draw up answers to the questions. We annex those which we have received, and we venture to think that they will afford valuable material for prosecuting further inquiry into the subject.

We are strongly of opinion that the question deserves early and separate examination from other points of view than that of our commission, and that apart from its general connection with the depression of trade it should be treated with reference to our currency as a whole, and to our monetary system at home and to its relations to our colonies, to India, and to foreign countries; and we humbly submit to Your Majesty that from the general anxiety expressed on the subject the necessity for such an inquiry is urgent, and that it would both save time and facilitate investigation if a special inquiry into the group of questions which relate to the currency were set on foot and were intrusted to such persons as might seem to Your Majesty the most proper to conduct it under an order of reference carefully prepared and drawn so as to include all branches of the subject.

All which we humbly submit for your Majesty's gracious consideration.

IDDESLEIGH.	W. H. HOULDSWORTH.
DUNRAVEN.	W. L. JACKSON.
G. SCLATER BOOTH.	GEO. A. JAMIESON.
JOHN AIRD.	N. LUBBOCK.
JAMES J. ALLPORT.	P. ALBERT MUNTZ.
THOS. BIRTWISTLE.	R. H. I. PALGRAVE.
LIONEL L. COHEN.	CHAS. M. PALMER.
JAMES P. CORRY.	WM. PEARCE.
DAVID DALE.	B. PRICE.
C. J. DRUMMOND.	SAMUEL STOREY.
W. FARRER ECROYD.	GEO. H. MURRAY, *Secretary.*
HENRY HUCKS GIBBS.	

18TH JUNE, 1886.

Observe they call for a special committee on silver coinage. The royal commission was the result. And in the appendix which I have before me—I do not want to take time to read it; but I asked on one occasion that this testimony might be published and I borrowed from my friend, the Senator from Rhode Island [Mr. ALDRICH], his copy, because I have cut off the testimony from my own copy which our minister to England was kind enough to send me—I have marked in red pencil so as not to swell the RECORD too much, but to give a clear idea of what all these gentlemen said that answered the questions propounded by Lord Iddesleigh's commission. Nine printed questions were put and were answered by twenty-seven leading men in England, presidents of banks, chambers of commerce, and with almost one accord they agreed that the restoration of silver to the coinage upon substantially the old basis was the only solution of the troubles now crushing the commerce of the world—there is no other—and they agree that it does not require an increase of value of metal in the silver coinage.

The restoration of it to a legal tender is all that is wanted. Some of them furnished valuable tables to show an average decline of 35 per cent. in values because of what they do not hesitate to call the great crime of the age when Germany and the United States in 1873 united with England to strike down legal-tender silver coins. They also show that up to that time as long as gold was being furnished in large amounts from Australia and California every business was prosperous and prosperity was the rule and not the exception, not only in England, France, and Germany, but in the United States, indeed all over the world, and that property values from 1850 to 1873 increased 40 per cent. in all civilized nations. There is so much of this testimony that ought to be scrutinized by Senators, of course I will not take time to read it, but I will ask leave to print what I have marked in red marks, and I shall upon some proper occasion ask the Senate to order the whole of it to be printed as a proper accompaniment to the views and opinions of Mr. Atkinson.

Mr. STEWART. Ask unanimous consent to print it.

Mr. BECK. There is too much of it to be made part of a speech [exhibiting]. I will insert as much of it as I think will illustrate and prove what I say about it.

APPENDIX C.

Questions on the subject of currency and prices, circulated by the royal commission on the depression of trade and industry.

1. Has there been, within a period which can be distinctly defined, a fall (*i*) in the gold prices, or (*ii*) in the silver prices, of commodities in countries where those metals are respectively the standards of value?
2. If so, has the fall extended uniformly to all commodities, or has it been confined to some particular class or classes of commodities?
3. Apart from any circumstances which have tended to lower the price of particular commodities, or of commodities generally, are there any circumstances which have enhanced the value of the metal used as the standard?
4. Have similar circumstances ever occurred before, and what results did they produce?
5. To what causes do you assign the fluctuations which have occurred in recent years in the ratio of the precious metals to one another?
6. Are there any indications that the development of the credit system, or other similar means of enconomizing the use of the precious metals, has tended to counteract or retard the fall of prices?
7. What circumstances, apart from an appreciation of the metal used as the standard, have tended to bring about a fall of prices generally?
8. How is trade affected by alterations (*i*) in the value of the metal used as the standard, and (*ii*) in the value of the precious metals *inter se*, especially in the case of trade between gold-using and silver-using countries?
9. What is the effect of the present relations of gold and silver upon the internal and external trade of India, and upon prices in that country?

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I. Mr. Robert Barclay says:

1 DICKINSON STREET, *Manchester*, *May* 5, 1886.

MY LORD: I have much pleasure in replying to the questions you have submitted on behalf of the royal commission on the repression of trade.

* * * * * * *

3. Yes. The closing of the mints of France and the Latin Union destroyed the par of value between gold and silver, which the free mintage of these metals at the fixed ratio of 15½ to 1 had maintained as long as these mints were open to silver as fully as gold, was practically international money; but since then gold has been regarded by all the European nations and also by America as the only standard of value for international purposes, and the increased work thus thrown upon it as a store of value has led to its enhancement.

* * * * * * *

Improved credit appliances facilitate the transference of value, but when property of any kind is parted with for money it is something that may, if wished, be a permanent possession that is sought, and credit as an aid to money in this sense can not be expanded, except in due proportion to the metallic money on which it is supposed to give an absolute lien, just as a banker's obligation must be in due proportion to his reserve.

7. Apart from monetary causes there have been many other things at work tending to cheapen production, say, new inventions, scientific discoveries, and new applications of chemistry, an increased use of labor-saving machines, and the higher speeding of machinery, rendered possible by the greater mathematical perfection and accuracy of its construction; but all these causes combined would not, I think, account for, perhaps, more than, say, a sixth or a fifth of the actual difference which is seen.

8. The appreciation in the value of the monetary metal, gold, upon which our English values are based, has had and can not but have, a most serious effect upon trade. It means declining prices for commodities, and when prices are continuously declining all enterprise is banished from trade. The trader must work with the barest possible stock, as everything held over becomes dear as compared with the price at which it could be replaced. The whole fabric of trade is built up on credit and time contracts, and stability of the money basis on which it rests is all-important. Transactions entered into in the hope of profit may result in loss if prices, from an appreciation of the monetary measure, fall before the transactions can be completed. An enterprise requiring the investment of capital may offer strong inducement for entering upon it; but when the question is considered, How will the property to be acquired be affected by the decline of prices going on? the risk of loss in this respect counterbalances the inducement.

* * * * * * *

The fact of India being upon a silver basis has, I think, so far been in many respects an advantage to her. Her internal trade has not suffered from the decline in prices which has been so disastrous in Europe, and the divergence of the relative value of gold and silver has had no practical effect upon the welfare of the great body of her people. The development of her external trade has also so far not been seriously impeded, rupee values of European articles laid down in India not having risen with the fall in silver, gold prices having conformed to the standard of India and not rupee prices to the gold standard of Europe. The lower European value of the rupee has also helped to stimulate her exports. On the other hand, the exchange difficulty makes it impossible for India to borrow in her own currency, and the disadvantage she suffers in this respect in very great not only as regards the carrying out of public works, but in many ways in which the outflow of British capital would both enrich India and benefit England.

III. Mr. Hammond Chubb said:

3. The circumstances which led to the enhancement of the value of the meta (gold) used as a standard were those connected with the substitution of gold for silver by Germany and other countries. To these must be added the increased use of gold in the Unifed States, a diminution in its production, and the growing requirements due to increased population.

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But if, as seems to be inferred by the question, it is admitted that a fall is due to the appreciation of gold—and I entirely concur in such an opinion—it is difficult to estimate what proportion of the fall is due to that cause. If it is admitted not only that gold has appreciated, but continues to appreciate, then prices not only have fallen, but continue to fall; and but for this permanent cause of depression it is possible that the other causes put forward to account for a fall in prices would have only a limited operation and take rank amongst the ever varying incidents of a healthy competition.

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But the effect upon trade is, no doubt, that of a tendency to its contraction; and capital, which would have been used to stimulate trade, will, by preference, be invested in securities yielding a fixed interest in gold, though the payment of this interest be to the disadvantage of those, chiefly governments and other public bodies, who have contracted such arrangements.

The modes in which the results of falling prices due to an appreciating standard would be manifested would vary with the trades affected, but the operation of the principle would be continuous, and not the less hurtful that it is not generally apparent.

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If it be the case that produce can be grown in India at the same cost in silver as that which has long prevailed and be sold in England for gold, which, at present, commands more rupees than formerly, this would be to the advantage of India, and lead to increased exports.

And, again, if the cost of labor in India has not increased, it might lead, in certain cases where practicable, to the amount realized by such exports being used for the establishment of factories in India, rather than to the purchase here of manufactured goods. If the present relations of silver and gold were final, this condition would probably be modified in course of time as prices rose in India; but if the present ratio between the two metals widens more rapidly than prices rise in India, an advantage would continue to accrue to India, as against gold-using countries. This leaves out of view the loss by exchange incurred by the government of India through its indebtedness to England.

IV. Mr. M. W. Collet says:

3. This question I assume to mean whether the standard itself as a measure of value has altered, and, if so, what has caused the alteration? Whatever the answer, it does not admit of exact proof, but by inference it is to be assumed that the abstraction of gold in large quantities for coinage purposes by Germany, Italy, and other States and Treasury reserves in the United States, the increased application of it for ornamental and artistic purposes beyond former requirements, together with the simultaneous decrease in the annual production of this metal, must have rendered it relatively more valuable; and this view is consistent with the fall in prices noted in the answer to the first question.

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VI. Mr. Alexander Del Mar says:

This fall of prices has been ascribed by some persons to "overproduction;" but apart from the consideration that if overproduction, including the precious metals, were general it could have no effect upon prices, and if not general it would rectify itself by the shifting of industries and avocations in a briefer space of time than thirteen years, it is to be remarked that previous to 1873, when the forces of production were as great and the actual production of commodities per capita of population was not less than it is now, there was no complaint or pretext of overproduction.

The true cause has been—here I speak as a practical miner and producer of gold, well acquainted with the conditions surrounding its production and use generally—the true cause has been the dwindling product of the gold placers of California and Australia, and the utter inability of quartz mining as a whole to put gold on the markets of the world at the lower equivalent, in commodities and services, at which it was previously put by the placer mining. This dwindling product of gold, suddenly and enormously aggravated by the demonetization of silver in Germany and the subsequent suspension of free coinage for silver in France, the United States, and other countries, has been, in my opinion, the true cause of the recent fall in the prices of commodities.

Your commission asks if similar circumstances ever occurred before. Yes; they occurred after a similar failure of the Roman mines, an event which precipitated the disruption of the Western Empire, and was followed by the tremendous consequences so ably depicted in Sir Archibald Alison's "Essays;" they occurred after the dismemberment of Charlemagne's empire, an event which occasioned the secret hoarding of the vast quantities of gold and silver which that monarch had captured in Saxony and Hungary, and had made into money; and they occurred again during the eighteenth century, when the plunder of America and the Orient was quite over, and the metallic product of Spanish America, although it continually increased under the cruel stimulus of the lash, yet it failed to increase fast enough to supply a rapidly-growing Europe with the materials for money. In the latter instance the evil effects of diminishing moneys manifested themselves in every country of the European world, including America; in each of them it was due to the failure of the supplies of the precious metals to keep pace with loss, wear and tear, and increasing demand to sustain prices; in nearly all of them it was followed by similar consequences; a continued and uneven fall of prices, industrial distress, social disorders, turbulence, anarchy, revolution, wars, and the dissolution of empires.

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From what I have seen of gold and silver mining during the past thirty years, I should say that in the long run it probably costs as much effort to find and bring to grass-roots a pound of silver as a pound of gold, and that in all newly-opened countries gold would even be cheaper than silver, because in such countries the former is always to be found on the surface, whilst the latter is hidden away in the uncertain convolutions of volcanic rocks.

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Among those who admit the entire amenability of the ratio to legislation there are some who deem it necessary at the present time to procure an international concert of action on the subject. With the highest respect for those who advocate this policy, it seems to me unnecessarily cautious and timid. It did not require a concert of the nations to break down the ratio, and it needs no concert to restore it. Either one of the four leading nations can do it, for each of these has enough gold to exchange for all the silver that will probably be offered to its mints. But foremost among nations in its large control of the precious metals stands England, whose financial investments in foreign countries and whose widespread commerce have conferred upon her the hegemony of the commercial world. She can certainly afford to permit one-fourth of her £100,000,000 of gold to flow out in exchange for £25,000,000 of silver, which is far more than the combined world will be likely to offer to her mints during several years. This sum, coined upon the same terms as gold into full legal-tender money—first, and in order to discourage counterfeiting, at the so-called market ratio of 20, and afterwards recoined at the American ratio of 16 or the French and German ratio of 15½—would not only yield England a handsome profit, but, what is far more important, it would arrest the present depression of trade and avert from impending disaster England's commercial interests in India.

VII. Mr. Claremont J. Daniell says:

The statistics of imports and exports of gold treasure which the government of India compiles show that in a little more than fifty years India has imported, and not re-exported, gold to the value of £127,000,000 sterling. To this must be added the gold treasure which India had continued to absorb during more than two thousand years, the amount of which may be inferred from historical records extending from very ancient times to the present century. I consider that I estimate the gold treasure existing in India in 1835 (when our statistics of imports and exports of treasure began to be compiled) at a low figure in putting it at £100,000,000 more.

It is sufficient to notice the extent of this absorption of gold by India since 1835 for the purposes of the question (£127,000,000).

This drain of the precious metals to India arises from peculiarities in the commercial productions of that country and in the condition and habits of the people. The country produces commodities which are to a great extent superfluous to the wants of the mass of its people, while at the same time these are readily sold to Western nations. This circumstance enables the people of India to export these commodities without any enhancement of the price of articles necessary to their own existence resulting from this exportation.

This is a condition of very great influence on the development of an export trade.

The simple habits of the people of India; immemorial custom which precludes them from the use of many commodities of secondary necessity, convenience,

or luxury; and the variety of the natural productions which the soil of the country supplies, exempt the people from the necessity of importing more than a limited number of commodities of foreign manufacture for their own use. Hence it follows that the exports of Indian productions generally exceed in value the imports of goods from foreign countries, and the balance has to be paid directly or indirectly in treasure.

I say so much, by way of explaining why I believe that this drain of treasure from the West into India is likely to continue—it has been going on for the last five years at the rate of £4,700,000 a year—and also in order to show that what has been going on in India has probably (I know no reason why I should not say certainly) been going on in other parts of Asia, *e. g.*, China, where similar climatic, industrial, and social conditions are found to exist. If this is the case, the appreciation of gold in the West must be largely due to this cause, and the proper remedy appears to me to consist in the remonetizing of gold in India, where the metal used from the most ancient times as money has, in British India at least, been discarded from that employment since 1835.

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I assign the fluctuations which have occurred in recent years in the ratio of the precious metals to one another to the following causes: (1) The great yield of silver from the mines in North America between 1870 and 1880. (2) The partial disuse of silver as money by Germany, France, and the United States of America during the same period. (3) The drain of gold into India between 1870 and 1885. During those fifteen years India has withdrawn from use as money in the West a gold treasure valued at £38,250,000 and upwards, and has not used it as money herself.

Thus, while the supply of silver from the mines increased, the demand for it, owing to its exclusion from its proper field of employment as money, fell off, and measured by the gold standard its value necessarily declined. At the same time gold became appreciated both by reason of part of the supply being absorbed and rendered useless as money by India, and from the circumstance that upon the gold currencies of the West was thrown the work not only which they formerly carried on, but in addition a great part of the work which the silver currencies of the same regions had hitherto been used to transact.

The relation which one of the precious metals bears to the other as money is ascertained by the quantity of the same commodity which a given amount of each of them will suffice to buy in the same market. If gold and silver are coined and circulated without restriction of quantity in any country, and, say, an ounce of gold money will buy fifteen and one-half times as much of any commodity as an ounce of silver money, then the relation of gold to silver money in that country stands at 1 to 15½. But if, as has happened in Europe since 1870, restriction is placed on the free coinage and circulation of silver money, its real value in gold money can never be ascertained, because its purchasing power, in consequence of the restriction placed upon its use as money, is deprived of all freedom of action. Had gold and silver money been allowed to circulate freely throughout Europe and North America, and had India been using gold money since 1870, a fixation of value between gold and silver money exactly corresponding with that educed by the competitions of commerce would probably have been arrived at long since. As the case stands, the owners of silver, seeking every opportunity to sell their commodity at a profit, have been obliged to offer it for sale, sometimes at one price and sometimes at another, and the price of silver has necessarily been subject to similar fluctuations as against gold that other articles are liable to, which take their value from gold in a falling market.

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The purchasing power of the standard money depends on the proportion which the quantity of it in circulation bears to the amount of the merchandise which it serves to exchange one kind with another kind.

This view of the case is not affected by the use of the credit contrivances (checks, promissory notes, etc.) with the view of minimising the employment of metallic money, because their efficiency ultimately rests upon the stock of metallic standard money in use in the country. If that stock increases while the commodities brought to market do not increase, prices will rise, and *vice versa*.

If the standard money of any nation or group of nations is required to do more work than it was required to do before, the effect on trade is the same as if the quantity of goods under exchange had increased while the amount of money available to effect the exchanges had remained stationary. Prices in that case would fall.

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If, on the other hand, the State decides to use both kinds of money on equal terms, that is, so to regulate its currency system that the silver and gold coin in use shall always exchange at their natural value in one another, which would be the rate elicited by the competitions of commerce, the supply of coin of both kinds will exactly correspond with the requirements of commerce and always be fully sufficient for the exchanges of goods, however numerous they may be. The currency, whether of gold or silver, will always be kept at full supply, because no one will hesitate to put his gold or silver metal into circulation, under the conviction that neither can ever become undervalued and that he can in no circumstances lose by doing so.

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9. The relation of value between gold and silver has altered in favor of gold by from 20 to 25 per cent. during the last fifteen years, and in India, where silver alone is used as legal-tender money, the value of silver money, as against commodities, has not depreciated to an extent at all approaching that figure. It follows that traders in gold-using countries can obtain in India, say, 20 per cent. more of the silver money of that country with a given value of gold than was possible fifteen years ago, and with it buy a correspondingly larger amount of the productions of India. This state of things provides a wide margin to cover the risks of trade and the chances of profit, and is one among other causes which accounts for the great increase in the export trade of India to gold-using countries which has occurred during the last few years.

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This consideration must also not be lost sight of, that, as above stated, India has, during the last fifty years, absorbed gold treasure to the value of £127,000,000 sterling. This treasure can only have come into the country directly or indirectly as payment for the productions of India, whether sold in India or abroad; it has not gone into circulation as money, and its withdrawal from use as money has had an enormous influence in preventing that rise of prices which would have taken place in India if it had gone to swell the volume of the currency.

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VIII. Mr. Moreton Frewen says:

Since 1873 (from which time Germany commenced to take great masses of gold to enable her to effect a change from a silver to a gold standard) there has been a general fall of prices, which Mulhall estimates (History of Prices, page 1) at the amount of the difference between 135 and 84. The average of prices is lower now than in 1850, at which time Newmarch remarks that prices had been falling steadily since 1809 on account of an increasing scarcity in the supply of the precious metals. "Between 1809 and 1849 prices fell in the ratio of 100 to 41." (Jevons.)

I think it is safe to say that in gold-standard countries there has been a general average decline of prices since 1874 of 35 per cent. Now, as to silver-standard countries there is a valuable chapter (16) in Fawcett's Political Economy which appears to have been written within two years of the professor's death. The select committee on Indian finance which sat in 1874 established the fact that while for eight years previous to 1867 the net annual import of silver into India was at the rate of £15,000,000 sterling, the expansion of the currency there which resulted from this importation of £120,000,000 sterling of silver, had caused a rise of all prices, which rise was estimated to be from 30 to 40 per cent. Now, since 1873, when the (gold) price of silver began to fall rapidly, there has been no such rise of prices in India as we should have naturally looked for, but, on the contrary, the Economist has been at some pains to point out, while there has been a great fall of silver in terms of gold, there has also been even a slight rise in the value of silver measured by its power to purchase Eastern commodities.

This, it seems to me, is the great interest that England has in the "silver question." For it is clear that if silver in Asia is worth at the rate of 60*d.* an ounce to buy everything Indian, it is not coming to Manchester if it can help it, where it is only worth 46*d.* To recapitulate, it is interesting to observe that prices in India between 1860 and 1870 rose rapidly without the price of silver falling below 60½*d.* the ounce, but whereas since 1873 silver has been continuously falling from 60½*d.* to 46*d.*, yet so far from silver losing its value at home, in the East it is slightly more valuable—will buy a little more wheat, cotton, or labor than before. If a man saw both sides of a balance scale go down at the same time he would hardly witness a more puzzling phenomenon.

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There are a number of circumstances that have combined to enhance the value of gold; chief among these an enormous increase in demand, while *pari passu* a great diminution in supply. Increased demand may be classed under two heads: The increased demand in gold-standard countries, the result of increased population, and increased production of commodities; for example, the amount of gold and silver current in the United States is about £3 per head of population to measure an annual production of wealth estimated by Mr. Atkinson (Distribution of Products) at £2,000,000,000 sterling. The population of the United States is doubling every twenty-five years; hence the United States twenty-five years hence, her population and production doubled, will *cæteris paribus* require more currency. I will not hazard an opinion as to the amount of coin per capita needed to insure a healthy system of currency. France, however, with almost £9 per capita, showed by the rapidity of the payment of her war indemnity to Germany the benefit of a full and well distributed currency at a time of crisis.

But it is more important to draw attention to the increased area of the demand for gold.

Since 1873 Germany has taken over £80,000,000 sterling of gold.

Since 1878 the United States has taken more than £80,000,000; Italy has taken £16,000,000 (Grenfell); besides which in the last ten years India has taken £40,000,000 of gold. These extraordinary demands have averaged more than £20,000,000 a year, or more than £1,000,000 more than the entire annual output of the earth; the while also that some £12,000,000 is being annually absorbed by the arts and manufactures (Soetbeer).

No wonder that since 1877 England has lost gold from currency to the amount of £25,000,000, or about one-quarter of her entire stock. In M. de Laveley's words, "Gold, like water, if spread over a larger surface lowers in level at its original basin."

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4. Is it the intention of question 4 to discover what has been the result in times past of a diminished product of the precious metals? If so, it is of interest that Alison (History of Europe) says that the fall of the Roman Empire was brought about by a violent contraction of the circulating medium, resulting from the failure of the mines in Spain and in Greece, the burden of debt was increased and the general conditions of human industry paralyzed.

The two greatest events that have occurred in the history of mankind have been directly brought about by a successive contraction and expansion of the circulating medium of society. The fall of the Roman Empire, so long ascribed in ignorance to slavery, heathenism, and moral corruption, was in reality brought about by a decline in the silver and gold mines of Spain and Greece.

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And as if Providence had intended to reveal in the clearest manner the influence of this mighty agent on human affairs, the resurrection of mankind from the ruin which those causes had produced was owing to a directly opposite set of agencies being put in operation. Columbus led the way in the career of renovation; when he spread his sails across the Atlantic he bore mankind and its fortunes in his bark. * * * The annual supply of the precious metals for the use of the globe was tripled; before a century had expired the prices of every species of produce were quadrupled. The weight of debt and taxes insensibly wore off under the influence of that prodigious increase; in the renovation of industry the relations of society were changed, the weight of feudalism cast off, the rights of man established. Among the many concurring causes which conspired to bring about this mighty consummation, the most important, though hitherto the least observed, was the discovery of Mexico and Peru.

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If the circulating medium of the globe had remained stationary or declining, as it was from 1815 to 1849, from the effect of South American revolution and English legislation, the necessary result must have been that it would have become altogether inadequate to the wants of man; and not only would industry have been everywhere cramped, but the price of produce would have universally and constantly fallen. Money would have every day become more valuable; all other articles measured in money less so; debt and taxes would have been constantly increasing in weight and oppression. The fate which crushed Rome in ancient, and has all but crushed Great Britain in modern times, would have been that of the whole family of mankind. All these evils have been entirely obviated, and the opposite set of blessings introduced by the opening of the great reserve treasures of nature in California and Australia. * * * Before half a century has elapsed the prices of every article will be tripled, enterprise proportionally encouraged, industry vivified, debts and taxes lessened.—*Alison.*

After the fall of Rome no considerable mines were discovered and prices fell steadily for a thousand years, till Columbus sailed to America. From 1539 to 1800, for near three hundred years after the discovery of America had resulted in a tenfold increase in the annual output of gold and silver, prices rose steadily; then after 1816, silver having been demonetized and specie payments resumed in England, prices steadily fell till there was a price crisis like the present, which extended and intensified just as now, till the Californian discoveries in 1849. The effect of those great discoveries did not make any very considerable impression on the great volume of the precious metals till 1854, after which year prices rose steadily and every branch of industry was stimulated.

It is evident that "demand" created by legislation—in other words, the prerogative of "legal tender"—is the great factor in determining the value of the precious metals. This is particularly true of silver, because the percentage of the annual output of silver which is absorbed in the arts is quite inconsiderable. Thus the tax paid on manufactured silver in England in 1875 (I can not lay my hands on any later returns of silver consumed in the arts) showed that the entire home manufacture was less than £200,000.

It seems that legislation can fix and keep steady the ratio of one metal to the other, provided the area of operation be sufficiently wide. But if either metal be proscribed by legislation it is certain that their ratios must fluctuate wildly.

If legislation the world over decreed to-morrow that silver should be demonetized, and should be sold as mere merchandise for what it would fetch, it might be that area railings would be made of silver! Certainly the price would fall toward 1*s.* per ounce. The value of gold also would be enormously depressed if that metal were universally demonetized.

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A fall of prices is itself a contraction of credit. To take a very simple instance, suppose I bought through a broker and on credit cotton futures, or wheat, or a railroad stock at 100, I should pay up a margin of 10, the broker or his banker lending me the other 90; now, if prices fell from 100 to 95, the broker would require a further margin; in other words, owing to the fall of prices my credit with my broker is contracted, and a further demand arises for sovereigns. If, on the contrary, the price instead of falling rose to 110, the broker would allow me to buy a second hundred shares of stock, and on account of the rise in the price of the first hundred he would not require me to advance the ten sovereigns margin on the second transaction. And this illustration holds good for all kinds of credit transactions, including the credit any wholesale dealer gives to any retail dealer.

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Trade may be expected to stagnate when prices are declining, but to be brisk when prices are rising. Falling prices can not fail to check industry and enterprise; if a man with £10,000 to invest believes that because values are still falling he will be able to buy a farm, a ship, or a mill twelve months hence for much less gold than at the present time, he will prefer to leave this £10,000 at his bank idle, even though the bank rate is only 1 per cent. Suppose such a one had invested at the higher prices of 1874, if he sold out now he would find that his ten thousand had shrunk to £6,500 (assuming that the average fall of prices in twelve years has been 35 per cent.). And this seems to be the present position; intending investors are waiting year after year for the fall of prices to be complete. When, on the other hand, the tendency of prices is upwards, then enterprise and investment is brisk. The investor prefers to buy a farm to-day rather than to pay the higher price that he anticipates will be asked six months hence.

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Until 1873 the 1 to 15½ "par of exchange" between the nations that used gold and those that used silver had never been impaired; but in the last twelve years we have had perpetual fluctuations, and at the present moment no English merchant trading with the East has any idea when he makes a forward contract whether, owing to a further fall in the exchange rate of silver, the transaction may not involve him in heavy losses. Ask any Manchester merchant what would be the condition of his trade with his best customers, India and China, if silver suddenly fell 6*d.*, and he will tell you that half the mills in Lancashire would be closed; and yet it has lately depended upon the mere accident of foreign legislation that this did not happen; if the clamor of the Eastern cities—in other words, of the creditor community—had prevailed and silver coinage had been suspended in the United States, then the silver ounce would have fallen at least 3*d*. It is, indeed, the opinion of those most competent to judge that this suggested suspension must inevitably have been followed by the demonetization of silver in the United States, and thereafter also in France,

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Hence it happens that a wheat speculator who used to buy 10 rupees with his sovereign can now buy 13, and each of the 13 buys as much wheat (say a bushel) as did each of his previous 10 rupees. In other words, the fall of silver has brought about a decline in the price of wheat represented by the difference between 13 and 10. And if, owing to legislation in Washington or Paris, silver is to be still further depressed and the rupee falls to 1*s.*, I see no reason why that rupee should at all depreciate in India, and if it does not, then the fall in wheat in Mark Lane will be represented by the difference between 20 and 10, because the sovereign will buy 20 rupees instead of as before 10. Keeping in view the fact that silver retains its value in the East, although it has by law been deprived of its value in the West, it follows that by reason of the absence of all tariff regulations in England our farmers are at the mercy of foreign monetary legislation at Washington or Berlin. If Sir James Caird can foretell what will be the price of the silver ounce in the twentieth century, he can tell approximately what will be the area of wheat cultivation in England, in Dakota, or the Punjaub. With the rupee at 1*s.* no wheat could come forward from America or Russia, and we might expect a further fall in the prices of maize and raw cotton, and it has been this consideration that has influenced recent legislation at Washington.

IX. Mr. H. R. Grenfell says:

Trade is affected by alterations in the value of the "metal used as a standard" in proportion to the indebtedness of those carrying on various trades or callings connected with production. If no one was indebted in fixed sums of the standard metal it would not matter in the long run whether the counters were red counters with a 6 marked on them or blue counters with a 1; but where indebted producers have made specific contracts to pay in nothing but red counters the relation between these counters and productions is altered, and the debtors have to pay the result of perhaps two years' labor instead of one. Agricultural producers are indebted all over the world, and have always been so since the day when Adam brought a store of apples and damsons out of Paradise to keep him alive while he dug for the next year's crop, and they are being ruined by this alteration in the amount of existing counters.

X. Mr. S. O. Gray says:

1. It would appear that during the period since 1873 there has been a fall in the price of most commodities alike, but different in degree, in countries using gold or silver or both metals as a standard of value.

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3. There has been an increased demand for gold for the purposes of coinage by countries, Germany, Italy, and others, that have during the period mentioned above adopted a gold standard, and simultaneously the production of the metal has fallen off. For silver, on the other hand, the demand for the purposes of coinage in Europe and for the manufacture of plate has materially deminished, while the available supply has been increased both by a larger production of fresh metal and by the demonetization and conversion into bullion if considerable amounts of previously existing silver coin.

XI. Glasgow Chamber of Commerce, by Mr. William H. Hill, secretary, says:

3. Since 1873 about two hundred millions of gold have been required to supply Germany, Italy, and the United States with a new gold currency. This absorption of the metal occurred concurrently with its lessened production. In 1851–'52 the annual production throughout the world had risen to about thirty-six millions sterling, but it is now less than twenty millions. Assuming that ten millions are needed for the arts and manufactures, it follows that twenty years' net supply of the metal was absorbed by the two hundred millions, leaving nothing available for replenishing (repairing) the waste on a greatly enlarged currency, or for the purpose of meeting the wants of an increasing population, growing wealth, and consequent enlargement of business transactions.

4. The directors have no personal knowledge of the previous occurrence of such circumstances.

5. As respects silver, there has been an increased supply with a diminished use; as regards gold, there has been a diminished supply with an increased use. These results are due to the closure of the mints of the Latin Union for indiscriminate coinage of both metals at a fixed ratio; to the action of Germany in demonetizing her silver currency; and to the effect that the large stocks of silver held in America and Europe have on the market.

XII. Mr. Luke Hansard says:

It appears to me that "the value of the metal used as the standard" must necessarily be measured by "the prices of commodities generally." In this country the standard is gold, and the value of gold is what it will purchase in commodities generally. If a general fall of prices is admitted, it follows that there is an appreciation of the metal in which those prices are expressed. The expressions "fall in prices" and "appreciation of gold" are, in my opinion, synonymous, and it only leads to confusion of ideas in speaking of the two expressions as distinct and arising from separate causes. I have frequently heard it stated in discussions, and have read in print, that the "fall in prices" is caused "by an appreciation of gold." This appears to me an error, for the two phrases mean really one and the same thing. If you have a fall in prices you have an appreciation of gold, and if you have an appreciation of gold you have a fall in prices. In fact the two expressions are exchangeable terms for the purposes of the present subject.

XIII. Sir Hector Hay says:

The specious argument that it is for the advantage of the working classes that all their requirements should be as cheap as possible is misleading, because a universal cheapness implies that the article or commodity which gives the means of living to each class of workers is cheap also, the consequence of which must be low wages or less employment, generally the latter, as is shown by the present state of the labor market and the large number of the unemployed.

It is no benefit to a working man that all he wants is very cheap if he has no wages wherewith to purchase it, and for the community it is better that all should be employed at moderate wages than that some should receive higher wages and the rest none.

Low prices invariably bring depression of trade and lack of employment, and high prices prosperity to all classes with the exception of annuitants, who are after all but a comparatively small section of the people.

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Another disastrous effect is that the Indian government, having to draw some fifteen millions per annum from India, have had to submit to an enormous loss by exchange, beginning in 1874 with about one million and increasing every year till it amounts now to nearly four millions a year. It has been said that this loss is only apparent, or, in other words, a mere matter of account, but this idea ignores the fact that this loss by exchange must be covered by increasing the amount of taxation in India, and therefore some thirty millions sterling have, during the last thirteen years, been wrung from the tax-payers more than would have been necessary had the rupee remained at its nominal value of about 1*s.* 10½*d*. Taking this into consideration it will be apparent that India has lost much more by taxation than she has gained by the low price of silver.

The whole question of the ratio between gold and silver lies in a nut-shell. In England, and practically in Europe generally, gold only is the measure of value; in the East silver is the measure. In order to enable trade between the East and West to be conducted with reasonable confidence there must be a standard of conversion, that is, a fixed ratio of gold to silver.

If this is admitted it is difficult to see how it can be denied that the most advantageous ratio would be 15½ to 1, simply for this reason, that it would cause less inconvenience than any other, for practically all the silver money existing in the world (except merely the subsidiary coins) has been coined on or close to that basis.

To adopt any other ratio would necessitate the recoinage of hundreds of millions or the circulation of the present coins at a changed valuation, whereas the restoration of the old bimetallic basis of 15½ to 1 would affect only the few millions of silver which remain at present in the shape of bars, and the future production, say eighteen to twenty millions a year.

Such a measure as this by agreement among the principal nations, most of whom are more than willing to adopt it, would most certainly restore to the trade of the world that elasticity which of late years it has entirely lost.

XIV. Mr. W. Jackson says:

Trade is affected by an appreciation of the metal used as the standard, by handicapping the producing classes to the benefit of the moneyed classes.

By rendering the trade between gold and silver using countries uncertain, and thus speculative.

The appreciation of gold in relation to silver has, in my opinion, tended to stimulate the exports of India, while the imports into India have also shown an increase, owing to the fall in prices in the gold countries. The internal trade of India has developed by the greater exports and imports, and industries have received an impetus which will probably lead to the establishment of manufactories on a large scale. Silver is, however, being imported into India in excess of the average of former years, and if this continues a rise in the prices of commodities in India seems inevitable, which must in time react prejudicially upon the export trade of India.

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XV. Mr. J. N. Keynes says:

There has not, I believe, been a corresponding fall in silver prices in countries where silver is the standard of value. Still, notwithstanding the depreciation of silver, prices appear to have fallen rather than to have risen in India within the last ten or fifteen years. This points to the conclusion that the depreciation of silver is a depreciation relatively to gold only, and not relatively to commodities in general, but rather the reverse.

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The point that remains to be mentioned is perhaps of greater importance than any of the preceding. Traders in a large way of business are accustomed to work to some extent with borrowed capital. Upon the sum borrowed interest has to be paid in money, and ultimately the capital itself may have to be refunded in money. It is clear that if money, measured in commodities, has an enhanced value, the burden of debts is increased, and with falling prices fixed preference charges mean diminished profits. Thus lenders gain at the expense of borrowers, and, what is pertinent to the present discussion, they gain at the expense of those who are taking an active part in trade, and upon whose individual effort the success of large enterprises frequently depends. Trade is the more depressed and demoralized because it is those who have the greatest business capacity who naturally employ, in addition to their own capital, the capital of others. Similar remarks apply to fixed charges of any kind.

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The internal trade of a gold-using country is not sensibly affected by an alteration in the value of the precious metals *inter se*, but it is otherwise with trade between gold-using and silver-using countries. Frequent alterations in the gold price of silver obviously introduce an additional element of speculation into all dealings between such countries. If a trader in a gold-using country is selling

commodities in a silver-using country, his profits depend not merely on the silver price which his goods will fetch, but also on the gold price of silver when he receives payment. Fluctuations, therefore, in the relative value of the precious metals tend by their effect on the foreign exchanges to disorganize and render uncertain the trade between countries which have respectively a gold and a silver standard. A permanent alteration, however, when once established, will only affect the nominal exchanges between the countries.

XVI. Mr. D. Larnach says:

4. I recollect perfectly that prior to the discovery of gold in 1849-'50 in California, and in 1851 in Australia, trade was depressed all over the world. Those discoveries gave a wonderful impetus to trade, which would have been much more felt in England but for the Crimean war.

XVII. Mr. Edward Langley says:

Taking wheat as perhaps the best illustration of an article of universal production and universal consumption the facts are beyond dispute. Wheat has fallen to a price in gold-using countries that renders it barely remunerative, or even unremunerative. In India the fall is estimated by Mr. Prinsep at 17 per cent.

3. The following are some of the circumstances that have enhanced the value of gold:

Reduced production, which is a natural cause; increase of population, which is also a natural cause. But the circumstance that has caused the greatest enhancement in the value of gold is one that is not natural, but has been the attempt by Germany to convert her single silver currency to that of single gold, as by so doing Germany has stimulated other nations to do likewise; such, for instance, as France; who within the last twelve months alone has increased her stock of gold by £12,000,000 (increased since this was written to £16,000,000, or, say, to £56,000,000 in all from £46,000,000 twelve months ago, more than equal to the year's production). This action of France is still proceeding in full force, and can hardly fail to have a still further serious effect on the purchasing power of gold. Then the action of the United States in resuming specie payments mainly in gold. Also of Italy of the same character, as well as the continued absorption of gold by Germany, which is clearly still in operation, notwithstanding that she has suspended all sales of silver. Then again, India is a large absorber of gold, a circumstance that can not be looked upon except with anxiety, as indicating a preference for that metal rather than for silver, her standard of value. Australia and New Zealand also produce not only less gold, but practically absorb more, largely the result of their great borrowings in England, and indications are not wanting that those countries may draw gold from England, instances of which, though isolated, have actually occurred.

Then, again, the market which exists in London for the issue of foreign loans tends to enhance the value of gold, as such issues are generally followed by an export of gold to the countries issuing such loans. * * *

Nothing can restore the profitable character of the enormous trade of England with silver-using countries but a restoration of the ratio that prevailed between 1803 and 1876, when the bimetallic law of France during all that time acted as a regulator to the mercantile machine that was working between England and her silver-using customers. Whatever the merits are that are claimed for the single gold standard, it is utterly unsuited to a manufacturing nation like England, whose existence depends very largely on the profitable trade she can carry on with nations that have a currency composed of a silver metal. This argument has been maintained by what is known as the bimetallic school, and ten years of experience only go to confirm their assertions. There is not an article that is produced in India, and that is also produced in England, the continent of Europe, and in the United States, that is not subject to a protection bonus in India in the shape of the extent of the variation of the ratio between the precious metals.

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The effect of the cessation of a fixed ratio between gold and silver has been a continuance of the fall in the value of silver, measured in gold, until at the present moment a rupee, the intrinsic value of which at 5*s.* the ounce for silver is close on 1*s.* 6*d.* in gold, can now be bought at under 1*s.* 6*d.*, or a fall in its value of more than 20 per cent., and therefore at the present moment 1*s.* 6*d.* will buy in India more wheat than 2*s.* could have bought before the demonetization of silver took place, or, say, about thirteen years ago. This gives the purchaser of Indian wheat an export bonus amounting to the reduced cost of the rupee, and thus enables Indian-grown wheat to compete with English wheat under a bonus of more than 20 per cent. over and above the cost of production. This is bad enough, but the position is made worse by the appreciation of the rupee in India itself.

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This, of course, secures cheap food, but at the cost of the destruction of the agricultural interests not only in England but also in Europe and the United States. This is the reason why wheat is 30*s.* per quarter, with the prospect of a lower price should silver fall lower. The same argument applies to cotton in the United States, which is now selling at less than 5*d.* a pound, a price, I under stand, which in America it can not be produced to pay.

On the other hand, the same fall in the ratio of silver to gold operates in the opposite direction against Lancashire cotton manufactures. Cotton goods may sell in India at the same prices as heretofore in rupees, but when a manufacturer proceeds to bring the proceeds of his goods back to England, in other words, so soon as he attempts to convert the rupees into gold, as he must do to complete the transaction, he is confronted by the same 20 per cent. depreciation in the price of silver as a charge against the operation. He is thus compelled either to ask a higher price, that is to say, more rupees in India, to counteract the 20 per cent. loss by the depreciation in silver, or he must reduce the cost of production in England by paying less wages and less cost for his cotton. Experience shows that he can not get higher prices for his goods in India, where this fact stimulates native manufacturers, and thus he is driven to reduce the cost of manufacture in England, and thus the reduction in the ratio of value between silver and gold falls directly on the English artisan and the American producer."

XXV. Mr. Prideaux Selby says:

In its relation to commodities, silver has changed much less than gold, as is proved by the comparative stability of prices in silver-standard countries, and by this stability has proved itself, for the time, the more reliable standard of value of the two.

The fall in prices has, I believe, been much retarded by developments of the credit system, and would be intensely accentuated by any check to credit.

From my point of view the phrases used are but different ways of expressing the same fact, "appreciation of the metal used as the standard" means simply, as shown above, "a fall of prices generally."

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XXVI. Mr. Samuel Smith, M. P., says:

Speaking broadly, I believe the question to be this: Up till 1873 the gold and silver bullion produced in the world flowed into Europe and was coined equally into money and performed exactly the same functions; since 1873 silver has virtually been excluded from the mints of the great commercial nations of Europe, and the gold supply has also greatly fallen off. The necessary result is that instead of that steady replenishment of the currencies which the growing needs of commerce require there is a diminution of supply, causing contraction and a fall of prices.

The result is analogous to that which took place after the resumption of specie payments was decided on in 1816, which produced many years of falling prices and great depression and suffering among the masses of the people.

* * * * * * *

Trade is very greatly and injuriously affected by a sudden alteration in the standard of value, especially when the alteration is, as now, towards increased value.

It arises in this way: Trade is largely carried on by borrowed capital, or, in other words, by the use of credit in some shape or another; the vast banking deposits are mostly lent to traders; a very great deal of the invested capital of this country is lent upon mortgage of trading property, such as ships, factories, warehouses, etc. A prudent trader usually considers it safe to trade considerably beyond his floating capital, and to borrow, say, 50 per cent., on the security of his plant or fixed capital. Now, the constant decline of prices the last few years has virtually swept away his own portion of the capital, and only left him enough to pay the loans and mortgages; for instance, a ship or a factory built at a cost of £20,000, of which £10,000 was borrowed, is now worth only £12,000, or 40 per cent. less, and so the mortgage now represents five-sixths of the value instead of half, the trader's interest having sunk to £2,000 in place of £10,000; probably, if trade is unprofitable, he fails to pay the interest, and the mortgage is foreclosed, and the property is forced off at just sufficient to cover the loan, and he is ruined.

I have no doubt that this process exactly describes the condition of vast numbers of the traders of this country, and of other countries having a gold standard. A great portion of the commercial capital of this country has silently passed into the hands of the mortgagees and bondholders who have neither "toiled nor spun"; the discouragement this state of things produces is intense; after it has gone on for several years a kind of hopelessness oppresses the commercial community, all enterprise comes to a standstill, many works are closed, labor is thrown out of employment, and great distress is felt both among laborers and the humbler middle class; indeed, it strikes higher than this, for multitudes of people who were once prosperous traders have now become dependent on charity. I know many such myself; indeed, but a small portion of those who were prosperous ten or fifteen years ago are well off now.

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It is a foolish reply to this that the aggregate wealth of the nation is not changed because it is only a transfer from one class to another; one might as well say that the craft of the pick-pocket or card-sharper is innocuous because it only transfers wealth from one pocket to another. The prosperity of the nation depends upon the just distribution of wealth and the security of industry; nothing affects it more vitally than unjust alienation.

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One more point I would add. This appreciation of gold, with its corresponding decline of trade, throws the finances of all gold-using countries into confusion; it leads to deficits and increased duties, and makes foreign tariffs more and more protective. India suffers in a somewhat different way, for she has to remit £15,000,000 in gold to England annually and is now losing £4,000,000 a year in exchange, and may in course of time lose £5,000,000 or £6,000,000 and find it almost impossible to carry out the railway extensions resolved upon, owing to the danger of borrowing in gold and the impossibility of borrowing in silver.

These extracts illustrate the views of all, or nearly all, who testified.

It is shown that there were meetings held in Liverpool, in Glasgow, in Manchester, and among the leading chambers of commerce, leading men everywhere taking part, and by large majorities reports were made favoring the restoration of silver to its old-time honored relation, yet our commissioner did not think it worth while to say anything about them. I was not astonished at it; they were not his productions, and of course he thought they were of no value. I insert some of them by way of illustration of the feeling existing in Europe in regard to silver.

Hon. George Walker, consul-general at Paris, sent to Secretary Bayard, August 20, 1885, a letter in regard to coinage, from which I read the following extract:

The parliamentary inquiry in England, which has just been initiated by the appointment of a royal commission, distinctly recognizes that the discord at present existing between the precious metals is one of the alleged causes of industrial and commercial distress. The appointment of Mr. Gibbs, one of the ablest English defenders of the bimetallic system, and of Sir Louis Mallet, who, with Lord Reay (now governor of Bombay), represented the Indian office in the international conference of 1881, to lead the inquiry on this subject, gives assurance that the investigation will be intelligent and thorough, and that all the facts which are believed to establish the impossibility of conducting the commerce of the world on a gold basis will be brought out in their true relations.

The chambers of commerce of Manchester, Birmingham, Liverpool, and Glasgow, four of the largest towns in the United Kingdom, have adopted resolutions calling on their members in Parliament to support this branch of the general investigation; and it is very clearly indicated in the debates of the meetings at which these resolutions were passed, that an intelligent majority in those great commercial centers has reached the conclusion that the silver question is largely responsible for the existing distress, and I think I am justified in saying that they believe that bimetallism, to be established by international treaty, is the only sufficient monetary remedy.

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With the adhesion of Great Britain, the adoption of international bimetallism would be very simple. Without that adhesion, it would be equally practicable, safe, and effective if the system were accepted by Germany. Of this there is much reason to hope, inasmuch as the prevailing sentiment of that country is unmistakably in favor of the restoration of silver to full monetary functions. In Germany the learned body has taken the lead in this direction, and it has been followed by all the industrial classes, agricultural and manufacturing, and by the leading commercial houses in Hamburg and elsewhere. It is also asserted that a majority of the national parliament has reached a similar conviction, and may, at an early day, be persuaded to act.

On the 8th day of July, 1866, the following is given of a meeting of the British and Colonial Chambers of Commerce, in which, by a majority of 28 to 15, they decided in favor of recoining their silver money:

The silver question—An animated discussion by English bankers in London—They resolve that to remonetize silver means greater prosperity.

LONDON, *July* 8.

An important meeting of the British and Colonial Chambers of Commerce was held yesterday, at which there was an animated discussion of the silver question and its bearings upon the commerce of India, Australia, and Great Britain. Mr. Henry H. Gibbs, ex-governor of the Bank of England, opened the proceedings

by a strong speech, showing the world-wide importance of restoring the monetary value of silver. Sir Robert W. Fowler, M. P., the London banker and ex-lord mayor, opposed the idea in a speech which was feeble in comparison with that of Mr. Gibbs, and was followed by two Indian members.

Both of these contended that the effect of the depreciation of silver must be finally the ruin of the wheat and cotton industries of America, and the development of India as the chief wheat and cotton exporter of the world. They, therefore, protested against England's aiding America to restore the value of silver at the expense of the interests of India.

Mr. Paul F. Irdman, an East India merchant, argued that England had other interests besides those of India, which stood sorely in need of the restoration of silver, and trusted that Mr. Gibbs's ideas would be adopted by the meeting.

Mr. Crump, of the London Times, denounced the agitation of the silver question as the work of the silver miners of Nevada, and their allies, the Washington ring.

Mr. Moreton Frewen opposed Mr. Crump in a strong speech in behalf of the farmers in the West and the planters in the South of America, and a resolution was passed by a vote, 28 to 15, amid great excitement, declaring that the remonetization of silver would relieve the depression under which trade is now staggering. The meeting is regarded as highly important, and its influence upon the coming silver demonstration in Lancashire must necessarily be very strong.

I may as well add:

A year ago last June at a meeting of the British and Colonial Chamber of Commerce held in London, Sir Robert Fowler, member of Parliament and ex-lord mayor, is reported to have said "that the effect of the depreciation of silver must finally be the ruin of the wheat and cotton industries of America, and be the development of India as the chief wheat and cotton exporter of the world.

And also a high authority at home:

In the report of our Silver Commission made in 1877, Governor Boutwell, late Secretary of the Treasury (volume 1, page 138), says:

"It is no doubt true that the demonetization of either metal adds to the purchasing power of the metal retained for use, by diminishing the price of every article of merchandise, while it increases the burden of debts both public and private."

The result of this mass of intelligent testimony may be stated briefly as proving that so long as England alone maintained gold as the single standard there was no contraction of the circulating medium in the world's commercial transactions, and consequently no depression in trade because of a contracted currency. France acted as the great clearing-house of the nations, but when the United States and Germany struck down their silver coinage in 1873 France, drained as she had been of $1,000,000,000 of gold by Germany shortly before, could no longer maintain her gold and silver coins on equal terms with free coinage, and had to protect herself against the combined attack of England, Germany, and the United States as best she could.

It also proves that the result of the withdrawal of silver as an equal factor with gold has been to reduce the value of all the past accumulations and present products of labor from 30 to 35 per cent. since 1873, by appreciating the value or purchasing power of gold to that extent, as they all agree that the appreciation of gold and depreciation of property mean the same thing, being only a different way of stating the same proposition. They further agree that the annual product of gold is almost, if not entirely, absorbed in the arts and uses to which it is applied outside of coinage and by absorption in India and other silver-using countries, whose exports exceed their imports, and, when so absorbed, it never again appears as part of the world's coinage. They assume as a proposition too plain for argument, that the effort to destroy one-half of the world's circulating medium and force the remaining half to perform the functions of both metals largely increased the burden of all the obligations of the debtor class by requiring 35 per cent. more of the property they hold or labor to produce to be sold to pay their debts than was needed when gold and silver were both legal-tender money at fixed rates, as they were when most of the present large obligations were contracted.

It did not require any evidence to prove what they all assumed as a necessary sequence of the facts they furnished, that steadily-falling values contract trade and production of every description to the limits of absolute necessity, as no man can buy, borrow, or spend money to produce anything which he knows will be worth 10 per cent. less when his obligations mature than it is at the time he buys or produces it. Of course, money is apparently abundant. When these conditions exist nobody dares borrow it, no matter how low the rate of interest. Labor suffers perhaps more than all else by enforced idleness and inability to change as production dwindles.

India alone, of all the possessions of Great Britain, has, as a country, profited by the rapacity of the gold-worshipers. England, in 1835, prohibited the coinage of gold coin in that country, while she granted the colonial government the right to coin silver without limit. Since that time the official tables which I hold in my hand show that the silver coinage of India has amounted to over $1,500,000,000.

As soon as the report and testimony taken by Lord Iddesleigh's committee appeared some very distinguished gentleman who did not sign his name, but his paper is evidently semi-official, took up the silver question in an elaborate article and with great ability he showed that all that was needed for England to crush out the export of agricultural products by the United States was to induce the United States to stop the coinage of silver to keep down the price of it, and that India would soon supply England with all the cotton goods, with all the hemp products, with all the wheat, with all the tobacco she wanted, and the United States would be broken down, but above all he pleaded that England must never consent to restore legal-tender silver to her own coinage, as that would simply be building up the United States at the expense of England's leading colony.

One of the gentlemen who testified before Lord Iddesleigh's commission, Mr. Moreton Frewen, a very intelligent man, who I met once in the Northwest, sent me a copy of that pamphlet, which is entitled "The Silver Question, or Sacrifice of India," accompanied by a letter, in which he said, among other things:

A study of this pamphlet will, however, demonstrate the special difficulties by which England is beset. One part of the Empire, in which gold alone is legal tender, is evidently suffering severely from the rapid appreciation of the standard; another immense portion of the empire, in which the standard silver is depreciating, is as clearly gaining, and this gain, while partly at the expense of British agriculture, is more particularly at the expense of the United States.

If England now supports any legislation which restores to silver its old value and the old "par of exchange," then the wheat exports of British India will cease and also the cotton industry of India, now expanding so immensely, may be paralyzed. The sole object of the writer of the "Sacrifice of India" is to protest against any legislation in England which, by restoring to silver the prerogative of legal tender, may keep silver steady at its former price, and thus secure to the United States the control of the export trades in cotton and wheat, a control which now promises to pass to India.

In this pamphlet the writer goes on to show—and I may take the liberty to make some extracts from it—after showing the increase of India's trade in wheat and other things and the immense increase of her exports and imports, which I laid before the Senate the other day, and therefore need not repeat. He says:

I trust I have succeeded in making clear the effect of low exchange upon the Indian wheat export. Other articles of Indian produce which enter into competition with gold-using countries would similarly suffer by a rise in exchange and in the same proportion, for since that difference or loss could not be made up out of reductions in the cost of transport or out of traders' profits (these being already lowered to a minimum), it would have to come out of the pockets of the cultivators. With articles such as indigo, or jute, or shellac, which are comparative monopolies of Indian production, and tea, which is produced only in silver countries, the benefit derived from low exchange—

That is, cheap silver—

is in the cheapening of the selling cost, and the consequent extending of consumption. A return of exchange to the old ratio would increase the cost of tea in London by about 25 per cent. Thus consumption would be checked, and consequently also the production in India and China. The disturbance thus created would in course of time be adjusted by the ordinary law of supply and demand, but at the cost of the producing country.

Another important benefit conferred upon India by low exchange, but which is little noticed by the Government, is the encouragement to her local manufactures, of which the two most important, although there are many others, are the jute and cotton manufactures. In these, besides an enormously extended consumption of both these manufactures within the country itself, their exports have increased as follows:

Cotton yarn, 1880-'81, 26,901,346 pounds; 1885-'86, 78,238,471 pounds; cotton print goods, 1880-'81, 3),424,032 yards; 1885-'86, 51,574,372 yards; jute, 1880-'81, 45,354,044 bags; 1885-'86, 82,774,207 bags.

In these industries alone, as already noticed, about one hundred millions of rupees are invested, and many thousands of well-paid operatives are happily employed. The effect of raising exchange to the old ratio would be to interfere with these industries, but more particularly with the cotton.

Then he adds, in substance: "Take care how you restore this silver coinage and bring back our old rival, the United States, into this trade. You are not only protecting India, but you men in England are the principal beneficiaries. You have increased our taxes threefold, you are making us support the Indian army of the Queen, you have pensioned your hungry sons, otherwise unprovided for, upon us as a legacy of the old East India Company, and you are demanding all these tributes and subsidies in gold, so that while we have increased in prosperity very largely you are, in fact, getting the lion's share out of us at last." Therefore by every appeal, in every form, the effort is to get England to stand by her single gold standard. I have thought that the Royal Commission now in session will do it, although very many of the best men in that country desire that it shall be otherwise.

I hope the American Congress will show by equalizing our own coins and their uses that we do not intend to pander to them. The Director of the Mint, Mr. Kimball, sent me a letter the other day when he saw that I was looking into this subject. He said that the royal commission is being made to believe from the arguments before it that silver is produced so cheaply in this country that if its coinage is restored we can furnish it at less than 1*s.* 8*d.* (38 cents) to the dollar, their leading statistician is so declaring, and that the royal commission has in a preliminary report given great weight to it. Mr. Kimball says this in his letter:

Your remarks in the Senate on the report of the royal commission suggests sending you a copy of a blank recently prepared by me.

I did not know he was going to write to me.

I beg you to observe the note at the foot of the page. Mr. Atkinson told me that he found great disinclination toward any change in the status of silver in Great Britain on account of the prevalence of the idea that silver is, or can be, produced at about half of the present bullion value, and that indeed it would be "shoveled" out in unprecedented volume if the status be improved. This impression seems to mainly rest upon the preposterous estimates of Professor Austin, of the Royal Mint, whose testimony was taken by the commission, and with an exhibit of detailed statements, to be found in the appendix, which claims to be based on a technical analysis of industrial cost. Nothing could be more misleading. Yet I notice that more importance attaches to this testimony than to anything else brought forward during the whole proceedings. Several English writers have since based arguments upon it.

I may say that no American technical authority has ever ventured to put forth a general estimate of cost of production in the case of the precious metals, the truth being, as pointed out by me in my Report on Production, 1885, page 26, that their cost as well as the supply, is to be considered subsidiary to a large extent to the production and reduction of miscellaneous ores, their part in the value of which is none the less an integral one. A large part of the produce

of both metals corresponds to the aggregate of small products, which bear a small, but widely varying, proportion to their cost. Estimated as in the case of any other staple, the cost of silver is believed by most men acquainted with our mineral industries to be some multiple of its value.

While a few ventures yield a rich profit, a majority of gold and silver mining ventures fail to pay any interest on outlay, though in the aggregate contributing the larger part of the silver produced in the world. This is a curious fact, and due mainly to the fascination which the search for the precious metals has for a large class in all countries where a few examples of successful operations are to be found. I may take some occasion to follow out the methods of Professor Austen, whereby he has reached so false a conclusion. I allude to his assumptions of cost of production, to the arbitrary way in which he has excluded all but successful ventures. If the silver market had alone the product of these to depend upon, it would be in sad straits indeed.

Truly yours,

J. P. KIMBALL.

He furnishes the note which he is going to send out, and perhaps has sent out now, to leading men of the country to get information to contradict this report.

The note appended to the printed questions to which he calls my attention reads as follows:

The Director of the Mint hopes to be able to deduce some approximate estimate of the cost of producing silver under different circumstances, in order to meet certain obviously erroneous statements before the present "royal commission appointed to inquire into the recent changes in the relative values of the precious metals." (London.) This cost has been represented in testimony before that commission as low as 1*s.* 8*d.*

I referred a while ago to what the national banks were doing. I happen to have in my hand a letter, which I intended to read, and may perhaps as well do it now, from a very distinguished gentleman, Hon. Edwards Pierrepont, dated November 22, 1887, in which he calls my attention to the action of these gentlemen; and as he agrees precisely with my opinion about it, I will read what he says:

No. 103 FIFTH AVENUE, *November* 22, 1887.

Hon. JAMES B. BECK, *United States Senator:*

MY DEAR SIR: What your letter says about coin-notes I have read with interest; but judging from the report of the bankers' convention held at Pittsburgh last month, I think that you will see a renewed effort to suspend silver coinage indefinitely. On page 60 of the report is the following:

"The British Government has appointed a royal commission to investigate the silver question, which has made a preliminary report adverse to the double standard. As the assent of England has been recognized by the most eminent bimetallists as essential to any effectual agreement upon the silver question, the committee recommend that this association delay action for the present, and await the final report of the royal commission to Parliament and the action of Parliament thereon. * * * The committee further recommends that the coinage of silver dollars by the United States, under the act of February, 1878, be suspended until the points at issue of the silver question be settled by international agreement."

These distinguished bankers are waiting until they can get an adverse report from England, which they are encouraging by every means in their power. The moment they get it then the hue and cry will be raised again with redoubled energy that we are keeping dishonored money in circulation after the world has decided against it. When they have done all they can to bring about the result they will claim that we can do nothing. What Congress has to do to thwart their schemes is to take some honest step forward and show the world that we intend to hold on to what we have and to progress steadily and not retrograde at the dictation of any power, foreign or domestic. Mr. Pierrepont adds:

This means an indefinite suspension of silver coinage, and nothing else. It is well known that the "final," like the preliminary, report will be "adverse to the double standard." Many honest men have been duped into the belief that by suspending our silver coinage we can force England into an international agreement about silver.

The smiling contempt with which the ruling class in England receives this suggestion is not complimentary to our intelligence. The suspension of our silver coinage is exactly what they want. Such suspension, they imagine, would largely increase the purchasing power of their gold; however fallacious this view may prove in the long run, they now entertain it, and it will take many years to change them. It is well understood in Great Britain that if Congress will once suspend the coinage of silver, the gold forces of England and America combined can prevent its restoration.

Some tell us that we ought to stop the coinage of silver, because they say that the intrinsic value of the silver dollar is worth less by 30 per cent. than the gold dollar. This is an entire mistake. In 1851 the silver dollar of the exact weight and fineness as now was at a premium of 3.42 per cent. above the gold dollar, and for a period of forty years next prior to 1873 it was continuously at a premium; and in 1851 the gold of the world, in proportion to silver, was far less than it is to-day.

Was the intrinsic value of 100 cents of silver in 1851 3.42 per cent. more than the intrinsic value of 100 cents of gold? The legal value of a five-pound Bank of England note is five gold sovereigns—the legal value of a ten-dollar greenback is a gold eagle. But the intrinsic value of the English bank-note and the American greenback together is nothing; their only value is a value imposed by law, a fiat value, there is nothing intrinsic about it. By far the chief value of all coins is fiat value.

All the gloomy predictions about the coinage of silver in our country have proved false. We need not distress ourselves about the royal commission or the action of the British Parliament on the silver question. If the continental governments which coined silver prior to 1873 would restore its coinage, there can be no reasonable doubt that the silver dollar would be quite equal to the gold dollar in the whole of continental Europe, as it now is in every corner of the United States.

But for the silver, what would have been our condition this last summer, with the national-bank notes reduced from three hundred and fifty-six millions to one hundred and sixty-five millions, and one hundred and ninety-four millions locked in the Treasury? In any country whose currency is reduced to gold, it is always easy for a few rich operators to "corner" the currency, throw down the price of stocks, wheat, cotton, and other commodities, and force those who have bills falling due to sacrifice their property to escape bankruptcy. The member of Congress who shall vote to suspend the coinage and "await the report of the royal commission," will be a bold man or an idiot. Is it possible that this great and powerful nation, quite the richest in the world, can not devise a financial system suited to its conditions, instead of waiting in dazed bewilderment for the action of a British Parliament?

I am, ever, faithfully yours,

EDWARDS PIERREPONT.

To show why I have no confidence in our late commissioner on the silver question, I will add that Mr. Atkinson is a *doctrinaire;* he is an able man and beyond doubt a man of integrity, but Mr. Atkinson is not the man whom anybody who knows him would select as a friend of silver money. He testified before the commission of which the Senator from Nevada [Mr. JONES] was chairman.

Mr. HOAR. The Senator from Kentucky will permit me to say, as he has alluded to an eminent constituent of mine, that the present Administration did send him to Europe on precisely that errand.

Mr. BECK. I know it did, and that is what I do not like.

Mr. HOAR. I understood the Senator to say that nobody ever sent Mr. Atkinson on any such errand.

Mr. BECK. No. We have made blunders.

Mr. HOAR. You did say so.

Mr. BECK. I read the resolution some time ago—perhaps the Senator was not in—of the Senator from Delaware [Mr. SAULSBURY], reciting that Mr. Atkinson had been sent, but that we do not propose to send him or any one else any more on such missions. I propose to favor that resolution mainly because we have not sent the kind of men who were likely to do the most good. There are gold worshippers in the Democratic party, I am sorry to say, as well as in the Republican party. We are not strictly divided as parties on that line, there are some Senators who stand by me very earnestly on this question on the other side of this Chamber in sustaining our silver coinage and in giving it equal rights, I am happy to say.

Mr. Atkinson was asked the following questions by the silver commission in 1876 and answered them in this way.

After insisting that there were causes which made silver no longer fit to be a legal tender, he said, in answer to questions:

Q. 7. Are these causes temporary or permanent?

A. No positive answer can be made to this question. It is certain that silver has been recently subject to such great fluctuations that it is for the time being a most unfit substance for a standard of value.

Q. 8. Would the relative value of gold and silver be affected by the remonetization of the latter in this country, coupled with the resumption of specie payments?

A. The temporary increase of demand for silver would, I doubt not, increase its value in relation to gold, but only temporarily, and its ultimate relation to gold would be determined by the cost of production and the general demand for it in the world. If the question implies the resumption of specie payments in silver, as a full legal tender, I think it implies an impossibility. The resumption of specie payments depends upon confidence being restored. To make an unlimited tender of this metal, at its old weight, would be so bad a breach of faith, and would imply such want of perception in regard to the needs of the time, as to destroy what little confidence there is now existing, and defeat the attempt itself.

Q. 9. Which standard, the single gold or the double standard of gold and silver, is best calculated to facilitate a return to specie payments?

A. I think resumption will be retarded and not facilitated by any present alteration in the relation of gold and silver coins to each other, and that the silver coinage should remain a token coinage, carefully restricted to the actual demands of the country for tokens, and be as strictly limited as was the amount of fractional paper currency.

Q. 10. If the double standard is adopted, what relation of value should be fixed between gold and silver?

A. That which is changing from week to week, or from day to day, can not be fixed by any statute. I think no change should be made at present in the relation of the weight in our coins, nor should any change be attempted until the value of silver is fixed more than it is now. Then there will be a basis for legislation as to the weight each coin should contain.

Q. 11. If the United States should establish the double standard, would it have a tendency to confirm France, Italy, and Belgium and the other nations of the Latin Union, Austria, Russia, Holland, Mexico, Asia, and South America in their present policy of employing silver as an unlimited legal tender?

A. I do not think the example of the United States will affect intelligent statesmen anywhere. I think we have blundered too much in the last ten years to have our example copied by any intelligent nation, until at least ten more years have expired, in which we have shown our fitness to teach.

If Senators will read the whole of the testimony of Mr. Atkinson, they will find that he was not only bitterly opposed to the restoration of silver to any position above mere subsidiary tokens, but he showed scant respect for the intelligence of those who differed from him. I confess, therefore, to being astonished at his selection as the agent of the United States by the Secretary of State to induce England and other nations to aid us in restoring gold and silver as joint factors or units of value; and I was not astonished that he ignored all the testimony taken before the Iddesleigh commission, which was in direct opposition to the views he has expressed before our Congressional joint committee.

That is not the kind of a man I should send to Europe to take care of silver. But waiving all that and believing that the first thing for Congress to do is to assert our own rights and to let England, France, and Germany, and the bondholders of America, the bankers, and everybody else know that when we put out our coin, or any paper based upon it, that it is as good as any other coin or any other paper, and that we have not one coin for the rich and another for the poor, that gold and silver recognized by us at the standard value of July 14, 1870, in which all bonds are payable, is good enough for anybody, and that we intend to stand upon it and maintain it with all our power, and as every prediction up to this time in regard to what would happen if we attempted to do so has been falsified, we have a right to assume that the

thirty-odd million dollars of gold coming in this year more than we exported, $174,000,000 having come since we began coining silver more than we have coined of silver with the effort made in 1880 to deposit gold and get silver certificates, when men deposited $80,000,000 of gold for them until they were stopped by the Treasury Department, if they do not deposit it now no harm can be done. They are not obliged to do it.

We have surplus enough belonging to the people on which we can issue coin certificates, backed by the coin in the Treasury, whenever we please, because the coin is in our own hands and will never be demanded if we have it on hand. I do not see how anybody can object to that, except those who want to keep up a distinction and make a discrimination between the two metals and hold out to England and her Royal Commission that we are still undetermined, and if they will only struggle a little longer to maintain her single standard that we will give way to her and abandon our silver coin as hopeless.

I have thus imperfectly stated the object of the bill. I shall endeavor to argue its merits more clearly and show our need for it when it comes up for a vote. I know I have to give way to the Senator from Iowa [Mr. ALLISON] to call up what is known as the undervaluation bill which has the right of way, but at some very early day I will call up this bill and I will try to press it to a vote, and I will see whether the Senate of the United States will agree with me in believing that it is a step in the right direction. Our present gold certificates are of no sort of use as circulation. More than half of them are in denominations of $10,000 and over, so we are simply insurers of rich men's gold without pay; that of course they want, as they want all else. They are not currency in any sense.

In the mean time I will say now that I agree with the Senator from Delaware that there is no use in begging England, or Germany, or France, or any other country any more. We are able to stand by ourselves and maintain a policy of our own, and I am not sure, in view of what is going on in the world, that we ought not to coin silver up to the maximum limit instead of the minimum. That, however, is a question which may be discussed hereafter.

Gentlemen talk about compulsory coinage. Why, Mr. President, the present law is simply a limitation upon a pre-existing right that all men could avail themselves of until the limitation was put on it, and as all holders of gold bullion get gold coin now free of charge. We had to require that silver should be coined to the amount of at least $2,000,000 per month, because if we had not required it it would not have been coined at all. How many dollars do you think would have been coined under the administration of the Senator from Ohio [Mr. SHERMAN] if he had not been required by law to coin at least $2,000,000 of silver per month? How many millions a month would have been coined under the administration of any Secretary of the Treasury from that day to this? Not a dollar. They have been begging us all the time to stop it, and then call silver coinage compulsory. There is free coinage of gold without a penny cost.

England by statute requires the Bank of England to pay for bullion, in bank notes which may be immediately exchanged for gold, £3 17*s.* 9*d.* for each standard ounce of gold that is offered, thus furnishing a market to everybody, we are inviting them all to coin their gold free. When men produce silver we call it repudiated, depreciated stuff, token money, and everything else that is vile. Unless we had required something to be done, nothing, I repeat, would have done, and yet that is charged as being compulsory coinage.

I am not sure that we can maintain free coinage of silver by ourselves. I am not clear about that. That is a question for discussion. But whatever we do put out as money we ought to maintain as equal to any money that we put out, and when we say that gold and silver shall stand upon an equality by our law, Congress having the power to coin money and regulate the value thereof, and the States having no right to make any thing a legal tender but gold and silver coin, either metal, coined by Congress the value of which has been thus regulated, when it is once in the hands of the people Congress must see that every particle of gold and silver is made equal for all uses; and if we treat it as such ourselves we shall maintain it against the world as we can do, and the moment we do that then the nations of Europe will follow our example.

I meant to read some other papers, but I have talked very much too long. I can show by official statistics that Austria can hardly keep her debts afloat; Russia is substantially bankrupt; Germany, with a great army, is staggering; France, perhaps, is more in debt than any of them. England confesses the depreciation of all values of 35 per cent. since 1873 until she, too, is staggering and her gold is leaving her. They are all using more silver to-day than gold in their ordinary transactions, and in spite of all their protests they will have to come back to it as a full legal tender; and when they do the double standard using both metals, will not be more than enough to meet the growing wants and needs of commerce and the growing wants of people whose needs are becoming greater as they are becoming richer and their commerce is becoming more extended.

I beg pardon of the Senate for having detained it so long.

Mr. SHERMAN. Mr. President, as a matter of course I shall not undertake to reply to the argument of the Senator from Kentucky [Mr. BECK] upon the silver question, but I wish now, before the subject passesfrom the attention of the Senate, to briefly reply to one or two matters of a personal character which the Senator from Kentucky feels himself justified in lugging into this controversy. I say "lugging" because this debate is but an addendum to the debate had the other day when the Senator from Kentucky started off against a bill intended to grant pensions to certain disabled soldiers of the Union Army. He extended from that point until he got upon the tariff, very naturally, perhaps; he thinks so at least, because every road leads to the tariff with him. When the tariff got to be a little tiresome he commenced talking about trusts and said that the great trusts were caused by the tariff. I ventured in a mild-mannered way to suggest to him a doubt whether trusts were caused by the tariff; whether trusts did not exist in domestic as well as foreign productions, and he answered promptly that the tariff was the great cause of all. I named to him the whisky trust, the oil trust, the cotton-seed trust, and other trusts of that kind, and wanted to know how they grew out of the tariff. Thereupon the Senator changed his ground and got onto the silver question, and then he commenced assailing me for the coinage act, and said I had been responsible for the coinage act of 1873. He spoke of it as having been secretly passed, surreptitiously done, etc., that I did it, that I knew it.

I was very indifferent to the previous part of his speech, but I felt a little sensitive that I was charged with having the management or custody of any bill whatever that was not openly and manfully discussed, and, although my opinions often differ with those of the Senator from Kentucky, I believe that he is as sincere and honest in his opinions as I am in mine. When the heat was over he should have withdrawn his imputation. He will never find me dodging responsibility, or evading or concealing a measure, in whole or in part, as long as I live; and in reply, I think I convinced the Senate that I did not in this case. And now, Mr. President, his answer, nearly three hours long, is "lame and impotent" to the last degree. How does he answer? By going to the public records and showing by them whether or not the law was put through the Senate in a secret and suppressed and indefinite way? Not at all. The records are the evidence of our acts here; but instead of going to them, he quotes speeches which have been made on the stump, one by yourself, sir, [Mr. INGALLS in the chair], which he grossly misapplies. He cites what several gentlemen say they did not know.

He quotes from a speech made by Mr. KELLEY, of Pennsylvania, and other members of the House of Representatives, and a speech made by my friend from Iowa [Mr. ALLISON], not one of them bearing upon the question as to whether the bill under my charge was openly and manfully presented and discussed; and now, thank fortune, I am able from the original records of the Senate to show that that bill was more openly discussed, was more fully considered than any bill pending in Congress. It was submitted in every possible form to public opinion inside and outside of Congress, as is shown by the original records here upon my table.

What was the coinage act of 1873? Was it a bill of my devising? No, I never saw it until it was sent to me here, in a letter dated April 25, 1870, addressed to me as chairman of the Committee on Finance, from Mr. Boutwell, the Secretary of the Treasury. It was a long bill containing many sections that I had never before seen. With that bill came a history of the bill; that it had been prepared nearly a year before that time. At a time when we hopefully looked for the resumption of specie payments, then faintly in the glimmering distance, Mr. Linderman, not a man of my politics at all, but a leading Democrat, who had held for a long time the office of Superintendent of the Mint at Philadelphia, and Mr. Knox, Comptroller of the Currency, framed a bill to codify or include in one law all the coinage acts of the United States which were then in force. The bill was sent to us with a formal letter and it was printed. Here is the printed letter:

TREASURY DEPARTMENT, *April* 25, 1870.

SIR: I have the honor to transmit herewith a bill revising the laws relative to the mint, assay offices, and coinage of the United States, and accompanying report. The bill has been prepared under the supervision of John Jay Knox, Deputy Comptroller of the Currency, and its passage is recommended in the form presented. It includes, in a condensed form, all the important legislation upon the coinage, not now obsolete, since the first Mint was established, in 1792; and the report gives a concise statement of the various amendments proposed to existing laws and the necessity for the change recommended. There has been no revision of the laws pertaining to the Mint and coinage since 1837, and it is believed that the passage of the inclosed bill will conduce greatly to the efficiency and economy of this important branch of the Government service.

I am, very respectfully, your obedient servant,

GEO. S. BOUTWELL,
Secretary of the Treasury.

The report and the bill were referred to the Committee on Finance April 28, 1870, and printed, and 500 additional copies printed for the use of the Treasury Department.

The report says:

The method adopted in the preparation of the bill was first to arrange in as concise a form as possible the laws now in existence upon these subjects, with such additional sections and suggestions as seemed valuable. Having accomplished this, the bill as thus prepared was printed upon paper with wide margin, and in this form transmitted to the different mints and assay offices, to the First Comptroller, the Treasurer, the Solicitor, the First Auditor, and to such other gentlemen as are known to be intelligent upon metallurgical and numismatical subjects, with the request that the printed bill should be returned with such notes and suggestions as experience and education should dictate. In

this way the views of more than thirty gentlemen who are conversant with the manipulation of metals, the manufacture of coinage, the execution of the present laws relative thereto, the method of keeping accounts, and of making returns to the Department, have been obtained with but little expense to the Department and little inconvenience to correspondents. Having received these suggestions, the present bill has been framed, and is believed to comprise within the compass of eight or ten pages of the Revised Statutes every important provision contained in more than sixty different enactments upon the Mint, assay offices, and coinage of the United States, which are the result of nearly eighty years of legislation upon these subjects.

The Senator says that the silver dollar was surreptitiously and secretly suppressed by the operation of this bill. It did not become a law until three years afterwards, and, as I will show; it was printed thirteen different times, over and over again debated, and the debates upon the bill in the Senate occupied sixty-eight columns of the Globe, and in the House seventy-eight columns of the Globe, probably ten times as many columns devoted to it as the Senator's speech will make, and that is a long standard for debate. It was debated day after day. The first proposition submitted to us was the discontinuing the coinage of the silver dollar. The report of Mr. Knox called special attention to the discontinuance of the silver dollar as a standard, as may be seen from the following paragraph on page 11:

SILVER DOLLAR—ITS DISCONTINUANCE AS A STANDARD.

The coinage of the silver-dollar piece, the history of which is here given, is discontinued in the proposed bill. It is by law the dollar unit, and, assuming the value of gold to be fifteen and one-half times that of silver, being about the mean ratio for the past six years, is worth in gold a premium of about 3 per cent. (its value being 103.12) and intrinsically more than 7 per cent. premium in our other silver coin, its value thus being 107.42. The present laws consequently authorize both a gold-dollar unit and a silver-dollar unit, differing from each other in intrinsic value. The present gold-dollar piece is made the dollar unit in the proposed bill, and the silver-dollar piece is discontinued. If, however, such a coin is authorized, it should be issued only as a commercial dollar, not as a standard unit of account, and of the exact value of the Mexican dollar, which is the favorite for circulation in China and Japan and other Oriental countries.

This original bill and report were sent, as I have stated, to all the leading specialists familiar with this subject, to the officers of the mints all over the country, to the leading bankers of the country, and to members of Congress, inviting their criticism. In the first bill that was thus sent there was this section, which I will read:

That of the silver coins the weight of the dollar shall be 384 grains (now 412½ grains), the weight of the half-dollar or piece of 50 cents shall be 192 grains; and that the quarter-dollar and dime and half-dime shall be, respectively, one-half and one-fifth and one-tenth of the weight of said half-dollar. That the silver coin issued in conformity with the above sections shall be a legal tender in any one payment of debts for all sums not exceeding $5, except duties on imports.

That was substantially the form in which that section appeared in the last bill sent by the House here in the spring of 1872, two years afterwards, and that particular section which abolished, as you say, or dropped the silver dollar, was in the bill during all its history from the beginning to the end. The dollar proposed by Mr. Knox, instead of the old dollar of 412½ grains, was a dollar of 384 grains, or just the exact equivalent of two of the minor half-dollars, and reduced the dollar by their proposition to a minor, a subsidiary coin, and he specially called attention to this by saying the dollar was "now 412½ grains," and proposed to make the new coin a legal tender for only $5. That was the proposition.

Mr. DAWES. Just what the fractional currency was.

Mr. SHERMAN. Just what the fractional currency was. So in the original bill the old dollar was displaced and in its place was put a minor coin equal to two half-dollars coined under the old act of 1834. That was the proposition, and it was sent to California and other gold and silver regions.

It was objected in California that the dollar proposed would not answer commercial exchanges, that they wanted a dollar even larger than the old silver dollar of 412½ grains, that they wanted a convenient coin into which silver, then being mined largely in that region of country, might be put for exportation. It was said if we would give them a coin of 420 grains, it would be worth about 3 grains more than the Mexican dollar, and that such a coin as that would fill the channels of commerce and enable them to export silver, at that time only valuable to be exported, not used by the people of our country, because we were then using paper and fractional currency entirely.

During this time the officers of the San Francisco branch mint made the following suggestion:

Would not the proposed change in the weight of the silver dollar disturb the relative value of all our coinage, affect our commercial conventions, and possibly impair the validity of contracts running through a long period? Might not the dollar be retained as a measure of value, but the coinage of the piece for circulation be discontinued?

Mr. E. B. Elliot, of the Treasury Department, gave a complete history of the silver dollar and suggested—

The issue of a commercial dollar of nine-tenths fineness, and containing of pure silver just 25 grams, in place of the then existing silver dollar of 412½ grains; the proposed silver dollar being almost the exact equivalent of the silver contained in the older Spanish-Mexican pillared dollar, established in 1704 by proclamation of Queen Anne as a legal tender of payment and accepted as par of exchange for the British colonies of North America at the rate of 54 pence sterling to the dollar, or four and four-ninths dollars to the pound sterling.

Mr. Robert Patterson, of Philadelphia, long an officer of the Mint and an expert, recommended that this dollar of 385 grains be stricken out, and there is here a petition from the California Legislature—I had it in my hand a few moments ago; it is on the Secretary's desk—in which they ask Congress formally to raise the standard of silver and not to use this diminished dollar of 385 grains.

In consequence of this diversity of opinion among experts the Comptroller of the Currency dropped out the silver dollar entirely, said nothing about it, made no provision for it, but instead of that told us that if not omitted entirely a dollar ought to be inserted, as demanded by the Pacific Coast, for commercial purposes, containing 420 grains.

Mr. President, from the beginning, from April, 1870, until the passage of the law on February 27, 1873, the provision discontinuing the old silver dollar of 412½ grains stood in that proposed law, printed here over and over again by both Houses through nearly three sessions of Congress, and yet members of Congress are quoted, forsooth, as saying that they never saw it! Whose fault was it?

Why, Mr. President, I have here the last print of the bill. Here it is, with the old-time appearance of decayed bills, folded away for good. Here it is in the very last print of the bill. Look at the history of it, and see whether there was anything secret about it. Here is the bill:

May 29, 1872.—In the Senate of the United States.
Read twice and referred to the Committee on Finance.
December 16, 1872.—Reported by Mr. SHERMAN with amendments, namely: "Strike out the parts in brackets and insert the parts printed in italics."

Then follows:

January 7, 1873.—Mr. SHERMAN, from the Committee on Finance, reported additional amendments; which were ordered to be printed with the bill.

Then, two or three weeks afterwards, I do not know exactly when, although the date can be easily had, I called up the bill for consideration. Here it was, printed in double-leaded type.

I will read what I asked the Senator from Kentucky to put in his remarks, but I will put it in mine. Here is the proposition of the House. I have already read the proposition as it came to us originally. The proposition of the House was:

That the silver coins of the United States shall be a dollar, a half-dollar or fifty-cent piece, a quarter-dollar or twenty-five-cent piece, and a dime or ten-cent piece; and the weight of the dollar shall be 384 grains; the half-dollar, quarter-dollar, and the dime shall be, respectively, one-half, one-quarter, and one-tenth of the weight of said dollar; which coins shall be a legal tender, at their denominational value, for any amount not exceeding $5 in any one payment.

That is substantially as it stood at the beginning of this controversy, and yet the Senator says it was secretly, surreptitiously inserted.

The Senate, on the other hand, in deference to the demands made from the Pacific Coast, where the great body of the silver bullion was produced, offered, instead of that, this proposition (and it is now the law), to strike out what I have read and insert:

That the silver coins of the United States shall be a trade-dollar, a half-dollar or fifty-cent piece, a quarter-dollar or twenty-five-cent piece, a dime or ten-cent piece; and the weight of the trade-dollar shall be 420 grains troy, the weight of the half-dollar shall be 12½ grams; the quarter-dollar and the dime shall be, respectively, one-half and one-fifth of the weight of said half-dollar; and said coins shall be legal tender, at their nominal value, for any amount not exceeding $5 in any one payment.

The following section was contained in all the different bills and the coinage act of 1873:

SEC. 18. *And be it further enacted*, That no coins, either of gold, silver, or minor coinage, shall hereafter be issued from the Mint other than those of the denominations, standards, and weights herein set forth.

The amendment of the Senate converted the grains of the old half-dollar into the grams of the French. Instead of taking the diminished minor dollar proposed by the House, not the old dollar of the fathers that the Senator has been talking about, but the dollar of 384 grains, we struck that out and put in the trade-dollar of 420 grains, and then we adapted the minor coins exactly to the French gram, so that two half-dollars would be precisely equal to 5 francs in the French currency. That was done by common consent. It only amounted to a change of one-half of 1 per cent., 12½ grams being, I believe, the equivalent of about 193 instead of 192 grains. The precise fraction I will not pretend to state, but that was all.

Here was a proposition printed which lay upon that table for three months. Yes, the bill came over to us in the session before. It lay over through a vacation and was then taken up, and after some days, probably with considerable debate upon other questions, this proposition was put and carried almost *nem. con.*

Can any Senator say that he did not see this bill? No, Senators; no man would plead the baby act in that way. I never would. I did see it. I did see that the original proposition of the House was to convert the silver dollar into a minor coin, and I did not believe in that. I did believe that it was better to have a coin according to the desire of the California people; to give them a coin of commerce, a trade-dollar into which they might convert their silver bullion, mined from the American mines, to be exported in the best form for the Oriental markets.

That is what I thought; and every Senator and Member had the same opportunity to see it, and no doubt did see it. But there is one thing which, it seems, some did not see, and the Senator from Kentucky did not and does not seem to know, and that is, the difference between seeing what is past and what is to come in the future. We did not see into the future, and it is not given to man to see into the future. We did not know that while we were acting here upon the official statement that a silver dollar was worth over 3 per cent. more than a gold dollar, by changes of production and other causes that position

would be reversed. If any man had then said to me that within twenty years, yea, within fifteen years after that time the silver dollar would only be worth 70 cents on the dollar, I would have thought him crazy. All there is about it is that we did not foresee the great change in the value of silver bullion.

But when any one in the light of these facts will say of the members of that Senate or the members of that House, that they sought to do anything by indirection or by secrecy, he does injustice to himself; he can not do injustice to me, because the records are there, and the Senator has seen them.

Now, Mr. President, let us go a little further. I answered promptly to the Senator from Kentucky, and made this statement, not so clear as I have now made it, because I have the documents before me. He brings a collateral witness to prove that after all I was a secret conspirator, because at one time or another I proposed to make gold the single standard. There again he misrepresents my position. I did not make or propose to make it the single standard. I proposed to make gold an international coin, and to so change the coinage and the gold coins of all the peoples of the world that one would be easily converted into the other.

As these coins now exist, a franc is worth less than one-fifth of a dollar, and yet the dollar only passes for five francs, and the loss falls upon our people. So a pound sterling is not worth $5, and yet in common account we call the pound sterling $5. It has been the desire of scientists for more than a hundred years, commencing with Newton when he was director of the mint in England, that this difficulty of exchanges among peoples should be abolished, and it was the common sentiment of all the men who met in Paris, of all the nations, you may say, of Europe and Asia, that this difference should be in some way or other got rid of, so that the traveler might start in America and cross two oceans, traverse the world, with one American coin of unchangeable value.

What was the proposition? The proposition was that we should take the franc, which was the lowest standard or unit of value, as the unit, and then change our gold coins so as to make 5 francs of French coin exactly equal in size, in material, in shape, in form, to the five-franc gold piece. But as gold coins could not be readily issued in such small sums, it was proposed that we should take what is called the international, a gold coin of 25 francs, as a standard, and we recommended that the United States should make the half-eagle a coin of the exact commercial equivalent of 25 francs, and that England should make her pound sterling conform to this standard, so that 5 francs should be equal to $1 and $5 would be equal to £1. Austria, then greater even than Germany, was to make her 10 florins equal to 25 francs. So we should have an international coin of commerce which would go over the world.

Mr. President, that was the proposition. I was there, a citizen of the United States and a member of this body. I was not a member *per se* of what is called the Paris conference, but I was invited. I went there. They published what was said in different languages. They gave me no special compliment in publishing what I wrote in two languages as if it was an extraordinary thing. All the proceedings were published in two languages. I read them, and after reading them all and finding a concurring opinion that what they meant to do was a good thing to do, I wrote the letter, not one word of which I now withdraw; not one word of which, fairly interpreted under the circumstances which then surrounded me, would bear the meaning that is now suggested. The Senator from Kentucky uses this letter, which I will ask to have put in the RECORD. It is not very long, not one-half as long as some of the schedules attached to the speech of my friend from Kentucky.

What we intended to do is plain and manifest. The Senator introduces this to prove what? That I was wrong in seeking to get an international coin? No; that was not it, but in some way or other that I wanted to conspire against silver; that it was silver I was striking at. Why at that time the silver dollar was worth over 3 per cent. above par. It was shortly before that time that Chevalier proposed to demonetize gold, and take the better metal, as he called it, silver, as the single standard. It was because silver had been practically abandoned for circulation, and every country in modern Europe and our own had been compelled to lower the standard of our coins in silver in order to prevent their exportation.

Does the Senator from Kentucky know that Tom Benton and the men of 1834 and 1837 who met this difficulty in the first place demonetized silver, and from that time to this we have been practically upon the unit of gold coin? Although nominally in law the silver dollar stood as the unit of value, yet in fact and in practice gold was the only standard of value. But the silver was coined freely into what are called minor coins, 50 cents and 25 cents, and there was 7 per cent. less silver put in them, so that they would not be exported. The whole object of this demonetization of silver was to prevent the silver dollar from being exported, as it always was exported, because it was worth more in the mints of Europe than in our own.

One difficulty grew out of the difference between our ratio in this country and that in Europe. In France it was 15½ ounces of silver to one of gold. In our country it was 16 ounces of silver to one of gold. The result was, as we undervalued silver according to the market value, our silver dollar, whenever coined, went abroad, and therefore for forty or fifty years there was none of it coined, although any man had a right to carry silver bullion to the Mint and have it coined. Therefore, so far from intending any reproach or dishonor or depreciation of silver, we were trying to meet a difficulty entirely outside of the scope of that controversy between the two ratios.

The Senator from Kentucky must take notice that I say this letter, which I will ask to have printed in this place in my remarks, expressed my opinion better and more carefully than I could do now in anything that I would say.

The letter referred to is as follows:

HOTEL JARDIN DES TUILERIES, *May* 18, 1867.

MY DEAR SIR: Your note of yesterday, inquiring whether Congress would probably in future coinage make our gold dollar conform in value to the gold five-franc piece, has been received.

There has been so little discussion in Congress upon the subject that I can not base my opinion upon anything said or done there.

The subject has, however, excited the attention of several important commercial bodies in the United States, and the time is now so favorable that I feel quite sure that Congress will adopt any practical measure that will secure to the commercial world a uniform standard of value and exchange.

The only question will be, how this can be accomplished.

The treaty of December 23, 1865, between France, Italy, Belgium, and Switzerland, and the probable acquiescence in that treaty by Prussia, has laid the foundation for such a standard. If Great Britain will reduce the value of her sovereign two pence, and the United States will reduce the value of her dollar something over three cents, we then have a coinage in the franc, dollar, and sovereign, easily computed, and which will readily pass in all countries—the dollar as five francs, and the sovereign as twenty-five francs.

This will put an end to the loss and intricacies of exchange and discount.

Our gold dollar is certainly as good a unit of value as the franc; and so the English think of their pound sterling. These coins are now exchangeable only at a considerable loss, and this exchange is a profit only to brokers and bankers. Surely each commercial nation should be willing to yield a little to secure a gold coin of equal value, weight, and diameter, from whatever mint it may have been issued.

As the gold five-franc piece is now in use by over sixty millions of people of several different nationalities, and is of convenient form and size, it may well be adopted by other nations as the common standard of value, leaving to each nation to regulate the divisions of this unit in silver coin or tokens.

If this is done, France will surely abandon the impossible effort of making two standards of value. Gold coins will answer all the purposes of European commerce. A common gold standard will regulate silver coinage, of which the United States will furnish the greater part, especially for the Chinese trade.

I have thought a good deal of how the object you propose may be most readily accomplished. It is clear that the United States can not become a party to the treaty referred to. They could not agree upon the silver standard; nor could we limit the amount of our coinage as proposed by the treaty. The United States is so large in extent, is so sparsely populated, and the price of labor is so much higher than in Europe, that we require more currency per capita. We now produce the larger part of the gold and silver of the world, and can not limit our coinage, except by the wants of our people and the demands of commerce.

Congress alone can change the value of our coin. I see no object in negotiating with other powers on the subject. As coin is not now in general circulation with us, we can readily fix by law the size, weight, and measure of future issues. It is not worth while to negotiate about that which we can do without negotiation, and we do not wish to limit ourselves by treaty restrictions.

In England many persons of influence and different chambers of commerce are earnestly in favor of the proposed change in their coinage. The change is so slight with them that an enlightened self-interest will soon induce them to make it, especially if we make the greater change in our coinage. We will have some difficulty in adjusting existing contracts with the new dollar; but as contracts are now based upon the fluctuating value of paper money, even the reduced dollar in coin will be of more purchasable value than our currency.

We can easily adjust the reduction with the public creditors in the payment or conversion of their securities, while private creditors might be authorized to recover upon the old standard. All these are matters of detail to which I hope the commission will direct their attention.

And now, my dear sir, allow me to say in conclusion, that I heartily sympathize with you and others in your efforts to secure the adoption of the metrical system of weights and measures.

The tendency of the age is to break down all needless restrictions upon social and commercial intercourse. Nations are now as much akin to each other as provinces were of old. Prejudices disappear by contact. People of different nations learn to respect each other as they find that their differences are the effect of social and local custom not founded upon good reasons. I trust that the industrial commission will enable the world to compute the value of all productions by the same standard, to measure by the same yard or meter, and weigh by the same scales.

Such a result would be of greater value than the usual employments of diplomatists and statesmen.

I am, very truly, yours,

JOHN SHERMAN.

SAMUEL B. RUGGLES, Esq.

Mr. SHERMAN. There I stand, and would to God this day that a spirit might exist among the nations of the world that we should agree not only upon a ratio between silver and gold, but that we should agree upon a coin which, bearing the image of every nation according to its own devices, should be of equal and exact weight, value, and metal, travel over the world, and be the supreme standard of value among the nations.

The Senator from Kentucky says he does not know how the plan for an international coin was dropped out. He seems to think there was something suspicious about it. I can tell him. He need not have explored ancient history to have found it. It is true when this question came before the Committee on Finance we substantially agreed, with the single exception of Senator Morgan, of New York. He thought it might derange affairs in New York, the profits of exchange, the effect upon existing contracts, and perhaps it would; and he presented some difficulties in reducing our coins down to the standard proposed by the French ratio.

It would have created some trouble, but still the Senate would have passed it without much debate, and Senators around me were continu-

ally complaining of me for not bringing up that bill. The reason why it was not brought up was because Great Britain took ground against it, though her representatives had given a qualified assent. They said they would not change their pound sterling to conform to the proposed coin, because, in the first place, it was a matter of pride; in the next place, it would disturb the value of the shilling and farthing; that it would disturb the current of their money in the smaller payments of human life; that it would disturb to a slight degree the value of the farthing. When England had thus refused to enter into this international union, this international coin, as it may be called, it was found not to be feasible to proceed any further in the matter.

Then soon came on the war between France and Germany, and then these two nations were in no condition to negotiate with each other about coinage or anything else. This was the reason why this great effort at reform failed, for which Mr. Ruggles is fairly entitled to credit by the people of the United States. It was because England, from her exclusive pride and supreme selfishness, would not enter into this arrangement, and it fell dead. But I hope the time may come yet, in the lifetime of some of us at least, when this idea, so honorable to all the nations represented in that conference, so useful to mankind at large, so beneficial to every one who travels or trades, to every one who emigrates or migrates, will be finally adopted by the common consent of the great nations of the world. So much for that.

Now, what else is there that I care to answer in the speech of the Senator from Kentucky? He said we insisted upon paying our bonds in coin. So we did, and I thank God we did. If we had not paid our bonds in coin during the war, or promised to pay them in coin, what would have become of our credit? Even as it was, with the interest fairly secured by revenues collected in coin, our bonds went at one time in the markets of the world at about 40 cents on the dollar. Suppose we had not supported our credit, and maintained the standard that we had proclaimed, that we would not only pay the principal but the interest in gold? In the direst times of the war we bought coin and paid untold premiums almost to get it, in order to pay the public creditor. But that was to sustain the public credit and maintain the public faith.

The Senator said some harsh words—he will find them when he looks over his remarks, if he does so—about the men of business during the war, that they were grabbers, seeking something more than they deserved. My countrymen, it required patriotism, heroism, courage, and hope to take the bonds of the United States during that fearful war. All of you know how severely at times we were pressed, and how dangerously our credit was affected, and yet without that strong anchor of coin interest our bonds would have disappeared like the Confederate bonds into thin air, dishonored and unsung.

But, sir, thanks to the courage of the people of the United States, they stood by that policy, and by that means we are able now to legislate for a restored and advanced country of untarnished credit and to borrow money at a less rate than any country in the world.

Let us go a little further to illustrate the wisdom of the financial policy of the Senate. Senators may now be forgetful of one fact which I will state, not for the purpose of criticising any one—perhaps it may be new to the Senator from Kentucky, and yet he was here at the time it was done. When it became necessary to refund the public debt, after the first five-twenties had matured, everybody demanded a refunding act to lessen the burden of our debt. It was a very difficult thing to do. The Senate of the United States, after more care and deliberation than, so far as I know, it has ever bestowed on any bill, finally reported a bill to fund the public debt, to aid in the resumption of specie payments, and to advance the public credit.

On the 3d day of February, 1870, I was directed by the Committee on Finance to report Senate bill No. 380, "to authorize the refunding and consolidation of the national debt, to extend banking facilities, and to establish fixed specie payments." The Congressional Globe shows that this bill received the most careful consideration. Its first form is printed on page 1587, Congressional Globe, part 2, second session Forty-first Congress.

The first section authorizes the issue of four hundred million of bonds redeemable in coin at the pleasure of the United States at any time after ten years, bearing interest at 5 per cent.

The second section authorizes the issue of bonds to the amount of $400,000,000, redeemable at the pleasure of the Government at any time after fifteen years, and bearing interest at 4½ per cent.

The third section authorizes the issue of $400,000,000 of bonds, redeemable at any time after twenty years, and bearing interest at the rate of 4 per cent.

The proceeds of all these bonds were to be applied to the redemption of 5-20 and 10-40 bonds and other obligations of the United States then outstanding.

It will be perceived that this bill provided for the issue of securities all of which were redeemable within twenty years and two-thirds of which were redeemable within fifteen years; so that if the bill as reported by the Committee on Finance had become the law no such difficulty as we now labor under would exist, but four hundred millions of these bonds would be within reach of the Government at this moment, and the four hundred millions would be due within two years.

The bill passed the Senate in substantially the form reported from the Committee on Finance by the large vote of 33 to 10, and was perhaps the most carefully prepared of any of the financial measures of the Government. In opening the debate I called the attention of the Senate to the great advantage the Government had derived from making its bonds redeemable at brief periods like the 5-20 bonds, the 10-40 bonds, and the Treasury notes. I also called attention to the fact that the same principle of maintaining the right to redeem had been ingrafted in the bill then before the Senate, that the duration of the bonds was divided into three periods of ten, fifteen, and twenty years, during which time, by the gradual application of the surplus revenue, the whole debt might be paid. This was the bill sent by the Senate to the House of Representatives, and if it had been adopted by the House there would be no trouble now about the application of the surplus revenue, but by common consent it would be used in the speedy extinction of the public debt.

The bill was sent to the House of Representatives on the 11th of March, 1870, and there seems to have slept for nearly three months without any action on the part of the House.

On the 6th day of June, 1870, the Committee on Ways and Means reported House bill 2167, covering the same subject-matters as were contained in the Senate bill. The consideration of this bill was commenced by sections on the 30th of June, 1870. The material part of the first section of this bill is as follows:

That the Secretary of the Treasury is hereby authorized to issue, in a sum or sums not exceeding in the aggregate $1,000,000,000 coupon or registered bonds of the United States, in such form as he may prescribe, and of denomination of $50 or some multiple of that sum, redeemable in coin of the present standard value at the pleasure of the United States after thirty years from the date of their issue, and bearing interest payable semi-annually in such coin at the rate of 4 per cent. per annum.

Thus it will be perceived that instead of the three series of bonds provided by the Senate, the House proposed to authorize the issue of $1,000,000,000, redeemable in coin after thirty years from the date of their issue, with 4 per cent.; and this difference in the description of the bonds was the chief difference between the proposition of the House and the Senate. To emphasize this difference I will read what was said by the chairman of the House committee reporting the bill:

It is a proposition to refund a portion of the public debt of the country at a very much lower rate of interest. It is a propos tion that $1,000,000,000 of that debt shall take the form of bonds, upon which the United States will agree to pay only 4 per cent. per annum. But in order to make those bonds acceptable to capitalists at home and abroad, further provision is made that the bonds themselves shall have a longer time to run, not merely for thirty years, but that they shall only be redeemable after thirty years; thus giving them, without the objections, the advantages which in a great degree attach to a perpetual loan.

This bill, with a very limited debate, passed the House on the 1st of July, 1870, and then immediately was offered as a substitute for the Senate bill and was adopted.

Those two rival propositions, differing mainly upon the question of the character of the bonds to be issued, were sent to a committee of conference composed on the part of the Senate of Messrs. SHERMAN, Sumner, and Davis. It appears that the chief controversy in the conference was as to the description of funding bonds to be provided for. After many meetings it was finally agreed that the bonds authorized should be $200,000,000 5 per cent. bonds, $300,000,000 4½ per cent. bonds of the character described in the Senate bill, and $1,000,000,000 of 4 per cent. bonds, as described in the House bill. In other words, it was a compromise which, like many other compromises, was in its results an injury of great magnitude, but it was an honest difference of opinion between the Senate and the House, in which, tested by the march of time, the Senate was right and the House was wrong. But it is perfectly manifest that without this concession by the Senate to the House the bill could not have passed, and even with this concession the first report of the committee of conference was disagreed to by the House because of certain provisions requiring the national banks to provide the new bonds as the basis of banking, as circulation. This disagreement by the House compelled a second committee of conference, in which the contested banking section was stricken out and the bill agreed to as it now stands on the statute-books.

And thus thirty-year securities now at a premium of more than 25 per cent. were forced into the law by the determined action of the House. Where the Senator from Kentucky stood on this question, or other gentlemen who now make complaint, I have not stopped to inquire, because I wish to make no personal issue. No doubt the members were honest in their convictions that long 4 per cent. bonds were best for the Government, better than the issue of short bonds bearing 4½ or 5 per cent. interest, but certain it is that the then House of Representatives is responsible for the terms of these bonds, and that I at least am free from this blame, if there be any, and am rather entitled to the credit, whatever it may be, of forming a better estimate as to what was best for the interests of the people of the United States.

Every man now who can see backwards can see what a terrible mistake that was. It makes a difference of one or two hundred millions of dollars. But does any man reproach those in public life who honestly believed that the time would never come when the Government of the United States could borrow money at less than 4 per cent.? They thought so, and I never would reproach them. I do not mention a name; I will not quote their language, because they were as hot as I was in insisting on other terms and conditions.

Mr. President, these are the three things about which I have been arraigned, and a kind of personal attack has been made upon me. The Senator talked about resumption. I do not want to say anything about resumption. Who does not feel that that great work of courage, not only in Congress but in the Departments and among the people, was one of the proud triumphs of our age and generation? I have no apologies to make for it.

As to the silver question, I am perfectly willing to debate it. I am not opposed to silver. I wish to God I could add more than 30 per cent. to the value of every grain of silver in the mines and in the world. The interest of our country is to have both gold and silver. You never can keep them at the present ratio except by doing one of two things, and that the Senator from Kentucky wants to break down. You must maintain the silver dollar at the gold standard by receiving them as gold and hoarding them when they are not readily taken by the people. If you would force the silver dollars now in the Treasury out among the people, you would break down their credit so that they would fall more and more. You therefore have either to maintain them at the gold standard by redeeming them at par with gold or you have got to put more silver in them to make them equal in market value to gold. I do not want to precipitate this question, and do not care to discuss it. The arguments are old. I do not care to have them repeated and printed at every session.

Whenever I can see the way clear, by general consent of the people interested in this product, with the consent of Colorado and Nevada and California, to take any steps to deal with the silver question, I am willing to do it. I think the time may come when we can make the silver production in our country the basis for coin certificates; but then we must buy it at market value; we must not take it at an artificial value. But after all the efforts of our silver friends, by these fierce attempts to get their money into circulation, silver has gone down steadily under this process. I should like to see it advanced, and I believe I can see my way clear to measures which if agreed to by them—reasonable in their character—would bring up silver nearer to its old standard.

When finally a fair ratio is fixed by the commercial nations of the relative value of silver and gold in the world, all we can do is to adopt that ratio and base our action upon it. This Senate and this nation are powerful in many things, but they have not the power to fix the value in anything. You may hold a thing up to a standard of value by receiving it and redeeming it, but you can not make the value of a plate or a bar of iron or a grain of wheat. That is beyond the power of man. It must be fixed by the general market value among commercial nations. I do not intend to be led off into that discussion. Whenever the time comes when a bill of this kind, such as the Senator has introduced, shall be taken up and discussed in an orderly way, so that we can present our views to each other, not in the presence of a captivating audience, not for the purpose of filling the tomes of our RECORD, but for legitimate debate to convince each other as to what is best for our country, I shall be present with my friend from Kentucky prepared to consider the question.

ADDITIONAL REPORTS OF COMMITTEES.

Mr. PALMER. I desire to make a report out of order. I report amendments from the Committee on Agriculture and Forestry to the bill (S. 2083) to provide for the establishment of a Bureau of Animal Industry, and to facilitate the exportation of live-stock and their products, to extirpate contagious pleuro-pneumonia and other diseases among domestic animals, and for other purposes, and move that they be printed with the original bill. This will supersede the motion that I made yesterday, and I ask the reference of the motion to print the bill and amendments be made to the Committee on Printing.

The PRESIDENT *pro tempore*. It will be so referred.

Mr. BLAIR. I present a report from the Committee on Pensions on the bill (S. 373) for the relief of women enrolled as Army nurses, etc., proposing an amendment to the bill, which is already on the Calendar. I ask the Secretary to note a correction in the Calendar entry. The bill is reported with an amendment and not "without amendment," as stated on the Calendar.

Mr. BLAIR, from the Committee on Education and Labor, to whom was referred the bill (S. 405) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law, reported it with an amendment, and submitted a report thereon.

REPORT OF CAPT. EUGENE GRIFFIN.

Mr. DAWES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the commissioners of the District of Columbia be, and are hereby, directed to communicate to the Senate a copy of the report of Capt. Eugene Griffin to Maj. William Ludlow, late one of said commissioners, on the subject of electricity as a motor power for street cars, made in January last, and of all papers connected therewith.

HOUSE BILLS REFERRED.

The bill (H. R. 2017) to incorporate the Rock Creek Railway Company of the District of Columbia was read twice by its title, and referred to the Committee on the District of Columbia.

The bill (H. R. 5373) to change the location of a certain alley in the city of Washington was read twice by its title.

Mr. VANCE. I desire to have that bill lie on the table, with a view of substituting it for a bill already reported in this body.

The PRESIDENT *pro tempore*. If the Senator desires to substitute this for the bill on the Calendar, that can be done, and the Senate bill indefinitely postponed.

Mr. VANCE. The Senate bill is in precisely the same words as the House bill. It is the bill (S. 1519) to change the location of a certain alley in the city of Washington. I move that it be indefinitely postponed.

The motion was agreed to.

The PRESIDENT *pro tempore*. The House bill 5373 having been read twice, will be substituted on the Calendar for the bill just disposed of.

The bill (H. R. 4601) to amend the naval record of Nicholas Leuschen, Peter Leuschen, and Loth Possum was read twice by its title, and referred to the Committee on Naval Affairs.

The bill (H. R. 5617) to provide for the leasing of premises for the Washington city post-office was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 6591) for the relief of S. Dillinger & Sons was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 8309) to secure for the District of Columbia a compilation of the laws of said District was read twice by its title, and referred to the Committee on the District of Columbia.

VALUATION OF IMPORTED MERCHANDISE.

Mr. ALLISON. I ask that the regular order be laid before the Senate.

The PRESIDENT *pro tempore*. The unfinished business will be reported.

The CHIEF CLERK. A bill (S. 977) to regulate the importation of foreign merchandise and to secure uniformity in the classification and valuation thereof, and for other purposes.

Mr. ALLISON. I desire to say one word respecting this bill. I give notice that to-morrow morning, after the morning business shall have been concluded, I will ask the Senate to proceed with the consideration of the pending bill, hoping that we may conclude its consideration to-morrow. I now move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 3 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, March 14, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March* 13, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT D. D., of Washington, D. C.

The Journal of yesterday's proceedings was read and approved.

SIGNAL CORPS.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of War, transmitting, with a letter from the Chief Signal Officer, a draught and recommending the passage of a bill to make enlisted men of the Signal Corps responsible for public property; which was referred to the Committee on Military Affairs, and ordered to be printed.

FORT MEADE, DAK.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of War of appropriation for purchase of land near Fort Meade, Dak., for the purpose of obtaining a water supply; which was referred to the Committee on Appropriations, and ordered to be printed.

HOT SPRINGS, ARK.

The SPEAKER *pro tempore* also laid before the House the joint resolution (H. Res. 117) to enable the Secretary of the Interior to utilize the hot water now running to waste on the permanent reservation at Hot Springs, Ark., and for other purposes, with Senate amendments; and a message from the Senate that it insisted upon its amendments to the joint resolution, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. TELLER, Mr. PADDOCK, and Mr. WALTHALL to be the conferees on the part of the Senate.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MORGAN for ten days, on account of sickness in his family.

REPRINT OF BILL.

The SPEAKER *pro tempore* also laid before the House the following request:

Mr. STEELE, from the Committee on Military Affairs, states that the bill (H. R. 6106) for the relief of certain volunteer soldiers is exhausted, and to accommodate members asks that a reprint of said bill be ordered.

There was no objection, and it was so ordered.

WASHINGTON CITY POST-OFFICE.

Mr. ANDERSON, of Illinois. Mr. Speaker, I ask unanimous con-

sent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. 5617) to provide for the lease of premises for the Washington city post-office, and that the bill be now put upon its passage.

The bill was read, as follows:

Be it enacted, etc., That the Postmaster-General be empowered to lease suitable premises in the city of Washington for the purposes of the Washington city post-office.

Mr. RANDALL. I think there ought to be some statement in reference to the necessity for that.

Mr. ANDERSON, of Illinois. Let the report be read.

The report (by Mr. ANDERSON, of Illinois) was read, as follows:

The Committee on the Post-Office and Post-Roads reports back the bill (H. R. 5617) to empower the Postmaster-General to lease suitable premises in the city of Washington for the purposes of the city post-office, and recommends its passage.

Under the present law buildings for post-offices of the first and second classes, except within the District of Columbia, can be leased by the Department in the name of the United States for such term of years as may be agreed upon. These leases are usually made for a term of five years, although the Department has no power to bind the United States for a longer term than the period of the appropriation.

Within the District of Columbia, however, the act of March 3, 1877, does not permit a contract to be made for the rental of any building to be used for the purposes of the Government until an appropriation therefor shall have been made in terms by Congress. The present bill simply brings the rental of buildings in the District of Columbia under the law applicable to leasing of buildings for post-offices. The present condition of the city post-office renders this necessary.

In the opinion of your committee the Washington city post-office, though conveniently located, is in a building insufficient and unsuitable for its proper requirements. The building is not owned by the Government and no continuing lease of it exists. Since the beginning of the present fiscal year the proprietor of this building has demanded double the rent previously paid. As the Department has no authority to lease suitable buildings, the post-office is continuing in this building under the demand for double the rent formerly paid, although the payment of the increase asked for has been refused.

To relieve the present embarrassment the committee recommends the passage of the bill.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. PEEL. With the understanding that if the bill provokes discussion it shall be withdrawn, I will not object.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ANDERSON, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Appropriations was discharged from the further consideration of the communication from the Secretary of the Treasury in relation to hand and steam presses in the Bureau of Engraving and Printing, and it was referred to the Committee on Banking and Currency.

FIRE-PROOF BUILDING AT SPRINGFIELD ARMORY.

Mr. ROCKWELL. Mr. Speaker, I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. 5639) to provide for the erection of a fire-proof workshop at the Springfield Armory, and that it be now put upon its passage. Yesterday the gentleman from Missouri [Mr. STONE], through a misunderstanding, objected to the consideration of the bill, but he is now willing to withdraw the objection.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Massachusetts?

Mr. BLAND. I shall not object to the consideration of the bill; but, as I said yesterday, if it is to be considered I want to debate it. I am not willing that these bills for the construction of public buildings shall pass without discussion.

The SPEAKER *pro tempore*. Is there objection?

Mr. PEEL. If the bill is to be debated, I shall have to object.

Mr. ROCKWELL. I trust the gentleman will not object. Two bills from the other side of the House have been passed this morning, and there is no objection at all to this bill. It is not for the erection of a post-office or court building, and it will not take more than three minutes to dispose of it.

Mr. PEEL. I understand the gentleman from Missouri [Mr. BLAND] to say that there will be discussion of the bill.

Mr. BLAND. I stated yesterday that I did not propose to stand here and object to every such bill, but I do intend that they shall not pass without discussion.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Massachusetts?

Mr. PEEL. I object.

S. DILLINGER & SONS.

Mr. McCULLOGH. Mr. Speaker, I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. 6591) for the relief of S. Dillinger & Sons.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to S. Dillinger & Sons, of Westmoreland County, Pennsylvania, out of any money in the Treasury not otherwise appropriated, the sum of $511.20; the same being money paid for stamps for distilled spirits on the 17th day of June, 1881, which said spirits were destroyed by fire on the same day before said stamps were received at the distillery.

The report (by Mr. McCULLOGH) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 6591) for the relief of S. Dillinger & Sons, have had the same under consideration, and respectfully report as follows:

On the 16th day of June, 1881, S. Dillinger & Sons, then engaged in the business of distilling grain, purchased from the collector of internal revenue for the Twenty-second Pennsylvania district revenue stamps of the value of $396.90 for eleven packages of distilled spirits. On the morning of the 17th, before these stamps were attached, the packages for which they were bought were destroyed by fire. Application was made to the Treasury Department for repayment of the money, and the purchased stamps were submitted with the other papers, and are now in the Department. To this application the Commissioner of Internal Revenue made the following response:

"TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
"*Washington, May* 22, 1882.

"SIR: The claims of S. Dillinger & Sons, for the refunding of $208.80 and $188.10, respectively, taxes paid on spirits alleged to have been destroyed by fire, have been rejected by the honorable Secretary of the Treasury. The money in payment for the stamps was received by the collector June 16, 1881, and the spirits were destroyed June 17, 1881.

"The Secretary decides 'that under section 3295 (Rev. Stat.) payment for stamps is held * * * to be a payment of the tax, and that section 3221 (Rev. Stat.) authorizes relief by abatement only in case of loss before payment, or by refunding only in case of the collection of the tax after the destruction, and this case does not come under either category.'

"The Secretary adds that 'the claimants must apply to Congress for relief, and can take their claims there with the emphatic recommendation of this Department.'

"Respectfully,

"GREEN B. RAUM, *Commissioner.*"

In view of the facts stated, the committee recommend the passage of the bill, with an amendment, by striking out the words "five hundred and eleven dollars and twenty cents," in the sixth and seventh lines, and inserting "three hundred and ninety-six dollars and ninety cents." The amount stated in the bill includes interest. The amount proposed to be inserted is the actual sum paid for the stamps, without interest.

The amendment reported by the Committee on Claims was agreed to.

There being no objection, the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McCULLOGH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NICKOLAS LEUSCHEN AND OTHERS.

Mr. SCOTT. Mr. Speaker, I ask unanimous consent to take up and consider at this time the bill (H. R. 4601) to amend the naval record of Nickolas Leuschen, Peter Leuschen, etc. The bill involves no appropriation of money. It is simply designed to rectify the record of three enlisted men of the United States Navy during the war.

The bill was read, as follows:

Whereas Nickolas Leuschen, Peter Leuschen, and Loth Possum, citizens of the United States and residents of Erie, Pa., did, on the 13th day of July, A. D. 1864, enlist at Erie, Pa., as volunteers in the United States Navy for three years or during the war; and

Whereas they were taken to Buffalo, in the State of New York, and there, without their knowledge or consent, sold as substitutes, so that their names now appear on the records of the Bureau of Equipment and Recruiting as substitutes, credited as such to the Thirtieth Congressional district, in the State of New York, instead of as volunteers from the Twenty-seventh Congressional district, in the State of Pennsylvania; and

Whereas they were honorably discharged at the expiration of their three years of service: Therefore,

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to cause the names of Nickolas Leuschen, Peter Leuschen, and Loth Possum to be entered on the appropriate records of the Navy Department as volunteers, enlisted in the United States Navy July 13, 1864, at Erie, Pa., and to cause them to be credited to the Twenty-seventh Congressional district of the State of Pennsylvania.

SEC. 2. That they are hereby restored to the standing and to all the rights, privileges, advantages, immunities, and emoluments, past, present, and prospective now enjoyed or to be hereafter enjoyed by volunteer soldiers and sailors of the United States.

The report (by Mr. WISE) was read, as follows:

The Committee on Naval Affairs, to whom was referred the bill (H. R. 4601) to correct the naval record of Nickolas Leuschen, Peter Leuschen, and Loth Possum, report as follows:

That the petition of Nickolas Leuschen, Peter Leuschen, and Loth Possum represents that they enlisted at Erie, Pa., on the 13th day of July, 1864, as volunteers in the United States Navy for three years or during the war. Several days after their enlistment they were examined by Inspecting Surgeon Charles Justice and mustered into the service by James Cummins, both of whom are now living at Erie, Pa. Subsequently they were put aboard the United States receiving-ship North Carolina, then lying at the Brooklyn navy-yard.

About the 20th of September of the same year they were transferred to the United States transport Kensington, when, for the first time, they discovered that they had been sold as substitutes, which deprived them of their rights and standing in the naval service of the United States as volunteers. They reported the discovery at once to the commander of the North Carolina, who advised them to do nothing and remain silent until the Kensington had reached her destination, when he assured them justice would be done them.

Since that time they have made repeated efforts to secure from the Government that recognition which they considered due to them as volunteers; but all their efforts have thus far failed. The Navy Department records show that they were enlisted as substitutes and not as volunteers, and the Department has no authority to correct those records.

The following is an extract from a letter from Hon. William C. Whitney, Secretary of the Navy, under date of February 14, 1888:

"In reply I have the honor to state that the records of the Bureau of Equipment and Recruiting show that Nickolas Leuschen, Peter Leuschen, and Loth Possum were enlisted in July, 1864, at Buffalo, N. Y., for three years, as substitutes, and that they were credited as such to the Thirtieth Congressional district of New York. The names of the persons for whom they became substi-

tutes were not reported to the bureau in connection with their enlistment, and no information appears upon the records of the Department in relation to the alleged deception practiced in their cases, whereby they were enlisted as substitutes instead of volunteers. * * * That, as the names of the persons for whom they became substitutes were not reported to the Bureau of Equipment and Recruiting, the Department is inclined to give due weight to their statements concerning the manner in which their enlistment was procured, and to regard their claims as deserving of favorable consideration."

A number of citizens of Erie, Pa., where the brothers Leuschen reside, certify that they are personally acquainted with them and know them to be men of excellent character and undoubted integrity. Strong Vincent Post, No. 67, and Robert Wainright Scott Post, No. 464, Department of Pennsylvania, Grand Army of the Republic, unite in asking that the records of their service be made to conform to the facts.

The statements contained in the petition have been corroborated by representations made by Hon. W. L. Scott, member of Congress from Erie (Pa.) district, who knows the parties named in the bill and was conversant with the facts at the time of their enlistment, and the injustice done them. He also knows them to be men of character and integrity.

With the petition, the substance of which has been given above, the affidavits of William Taylor and Charles Justice were filed. The former was the officer who enlisted Nickolas and Peter Leuschen and Loth Possum, and the latter was the inspecting surgeon who examined and passed them. Copies of these affidavits are appended.

The committee are satisfied that these men were the victims of a foul conspiracy, and recommend the passage of the bill.

STATE OF PENNSYLVANIA, *Erie County, ss:*

Personally appeared before me, an alderman, *ex officio* justice of the peace in and for the city of Erie, Pa., Charles Justice, who, being duly sworn according to law, deposeth and saith that his home is at Erie, Pa.; that he is personally acquainted with Nickolas and Peter Leuschen and Loth Possum, and that he knew them in 1864; that in July, 1864, he was inspecting surgeon at the naval rendezvous at Buffalo, N. Y.; that in that capacity he examined and passed Nickolas and Peter Leuschen and Loth Possum; that at that time he knew that said N. and P. Leuschen and L. Possum had enlisted in the United States naval service as volunteers, and that a fraud was being perpetrated upon them at Buffalo, N. Y., and that when he attempted to protest and expostulate he was commanded by his superiors to attend strictly to his own business.

CHARLES JUSTICE.

Sworn and subscribed to before me this 13th day of February, 1888.

[SEAL.] DANIEL McMAHON, *Alderman.*

STATE OF PENNSYLVANIA,
Erie County, ss:

Personally appeared before me, an alderman, *ex officio* justice of the peace in and for the city of Erie, Pa., William Taylor, who, being duly sworn according to law, deposeth and saith that his home is at Erie, Pa.; that he is well acquainted with Nickolas and Peter Leuschen and Loth Possum, and that he knew them in the year 1864; that in the year 1864 he, said William Taylor, was the United States enlisting officer at Erie, Pa., and that in that capacity he enlisted Nickolas and Peter Leuschen and Loth Possum, in the month of July, 1864, as volunteers for the naval service of the United States.

WILLIAM TAYLOR.

Sworn and subscribed to before me this 13th day of February, 1888.

[SEAL.] DANIEL McMAHON, *Alderman.*

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. PEEL. If it is understood that the bill will be withdrawn if it provokes discussion I shall not object.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SCOTT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. PEEL. Regular order.

Mr. ANDERSON, of Kansas. Mr. Speaker, I ask unanimous consent to take up and consider at this time the bill which I send to the desk.

The SPEAKER *pro tempore*. The gentleman from Arkansas [Mr. PEEL] demands the regular order.

Mr. ANDERSON, of Kansas. This bill will take but a moment. It simply grants a right of way through a military reservation. It will not lead to debate.

Mr. PEEL. It would take half an hour to read a right-of-way bill.

Mr. ANDERSON, of Kansas. Oh, no.

Mr. PEEL. Mr. Speaker, I shall be compelled to demand the regular order. This day has been assigned for business reported from the Committee on Indian Affairs, and if we let it be frittered away in this manner we shall not get anything done.

The SPEAKER *pro tempore*. The regular order is demanded. The regular order is the call of committees for reports.

REGULAR MEETINGS OF CONGRESS.

Mr. OATES, from the Committee on the Judiciary, reported back adversely the bill (H. R. 1290) to fix the times for the regular meetings of Congress; which was referred to the House Calendar, and the accompanying report ordered to be printed.

Mr. OATES. The gentleman from Illinois [Mr. ADAMS] desires to file the views of a minority of the committee on this bill. I ask that leave be given for that purpose.

The SPEAKER *pro tempore*. In the absence of objection, that leave will be granted.

JOHN W. MEARS.

Mr. CASWELL, from the Committee on the Judiciary, reported back favorably the bill (H. R. 3235) to restore to John W. Mears a fine improperly imposed on him; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MERCHANTS' NATIONAL BANK OF POUGHKEEPSIE, N. Y.

Mr. BACON, from the Committee on Banking and Currency, reported as a substitute for House bill 932 a bill (H. R. 8464) for the relief of the Merchants' National Bank of Poughkeepsie, N. Y.; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

House bill 932 was, by unanimous consent, laid on the table.

COINAGE OF DOUBLE EAGLES, ETC.

Mr. BLAND, from the Committee on Coinage, Weights, and Measures, reported back with amendment the bill (H. R. 7409) limiting the coinage of double eagles and discontinuing the coinage of certain United States coins; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC DEFENSE.

Mr. CUTCHEON, from the Committee on Military Affairs, reported, in lieu of House bills 1555 and 4297, a bill (H. R. 8465) to provide for the public defense; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. SAYERS. I desire to reserve all points of order on this bill.

The SPEAKER *pro tempore*. That reservation will be noted.

House bills 1555 and 4297, in lieu of which House bill 8465 was reported, were, by unanimous consent, laid on the table.

SALE OF GOVERNMENT PROPERTY, PITTSBURGH, PA.

Mr. MAISH, from the Committee on Military Affairs, reported back with amendment the bill (H. R. 6145) authorizing and directing the sale of certain property belonging to the United States situate in Pittsburgh, Pa.; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PAY OF ENSIGNS, UNITED STATES NAVY.

Mr. WISE, from the Committee on Naval Affairs, reported back favorably the bill (H. R. 4465) to regulate the pay of ensigns of the United States Navy; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. HERBERT. I ask leave to file the views of a minority of the Committee on Naval Affairs upon this bill.

The SPEAKER *pro tempore*. In the absence of objection, leave will be granted.

SALE OF LAND IN HOUSTON, TEX.

Mr. LAFFOON, from the Committee on the Public Lands, reported back favorably the bill (H. R. 5690) authorizing the Secretary of the Treasury to sell block of land 108 in the city of Houston, Tex.; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ADMISSION OF NEW STATES.

Mr. SPRINGER, from the Committee on the Territories, reported back, in lieu of House bills 1276, 1955, 4430, and 4431, a bill (H. R. 8466) to enable the people of Dakota, Montana, Washington, and New Mexico to form constitutions and State governments, and to be admitted into the Union on an equal footing with the original States; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bills 1276, 1955, 4430, and 4431 were, by unanimous consent, laid on the table.

Mr. SPRINGER. I desire to ask leave that a minority of the Committee on Territories may file, to be printed in connection with the report of the committee, their views on the bill just referred to the Committee of the Whole.

Mr. STRUBLE. I expect, on behalf of a minority of the committee, to file their views during the day.

The SPEAKER *pro tempore*. In the absence of objection, leave to file the views of the minority will be granted.

APPRAISER'S WAREHOUSE, CHICAGO.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, reported, in lieu of House bills 4938 and 4941, a bill (H. R. 8467) to further provide for an appraiser's warehouse at Chicago, Ill.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The bills H. R. 4938 and H. R. 4941 were ordered to be laid on the table.

PUBLIC BUILDING, FORT WORTH, TEX.

Mr. BANKHEAD, from the Committee on Public Buildings and Grounds, reported back with amendments the bill (H. R. 1875) for the erection of a public building at Fort Worth, Tex.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, GALESBURGH, ILL.

Mr. POST, from the Committee on Public Buildings and Grounds, reported back favorably the bill (H. R. 7038) for the erection of a pub-

lic building at the city of Galesburgh, Ill.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, DAVENPORT, IOWA.

Mr. POST also, from the Committee on Public Buildings and Grounds, reported, as a substitute for House bill 7044, a bill (H. R. 8468) for the erection of a public building at Davenport, Iowa; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The bill H. R. 7044 was ordered to be laid on the table.

CYRENIUS G. STRYKER.

Mr. PIDCOCK, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 5234) granting a pension to Cyrenius G. Stryker; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALETTA V. QUICK.

Mr. PIDCOCK also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7181) granting a pension to Aletta V. Quick; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE E. OLIPHANT.

Mr. MATSON, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 2167) for the relief of George E. Oliphant; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN E. SMITH.

Mr. MATSON also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 130) granting a pension to John E. Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PETER CLARK, JR.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6971) to pension Peter Clark, jr.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HANNAH VARQUISON.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 431) granting a pension to Hannah Varquison; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM J. MILLER.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 4519) to grant a pension to William J. Miller; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ISAAC DILLEY.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7171) to restore to the pension-roll the name of Isaac Dilley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JULIET G. HOWE.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 8117) granting a pension to Mrs. Juliet G. Howe; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

AMENDMENT OF THE PENSION LAWS.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 4953) to amend paragraph 3 of section 4693 of the Revised Statutes, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with adverse recommendations bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 5950) to increase the pension of John Smith; and

A bill (H. R. 3184) granting a pension to John P. Schmitz.

Mr. GALLINGER, from the Committee on Invalid Pensions, reported back with adverse recommendations bills of the following titles; which were laid upon the table, and the accompanying reports ordered to be printed:

A bill (H. R. 2415) granting a pension to Mrs. Mary A. Bailey; and

A bill (H. R. 4108) granting a pension to Lucinda Belcher.

NELLIE PALFREY GOODWIN.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 7913) granting a pension to Nellie Palfrey Goodwin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ABBIE R. BROWN.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 7642) granting a pension to Abbie R. Brown; which was referred to the Committee of the Whole House on the Private Calendar, and, with the acacompnying report, ordered to be printed.

HANNAH H. GRANT.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 7466) granting a pension to Hannah H. Grant; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES F. WARD.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 6520) to increase the pension of Charles F. Ward; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

MRS. MERCY KNIGHT.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 2413) granting a pension to Mrs. Mercy Knight; which was referred to the Committee of the Whole House on the Private Calendar, and with the accompanying report, ordered to be printed.

FRANK LEWIS.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 7574) granting a pension to Frank Lewis; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALOURED H. GREGORY.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 5311) granting a pension to Aloured H. Gregory; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

ALPHEUS DYER.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 4891) granting a pension to Alpheus Dyer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EPHRAIM REYNOLDS.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 809) granting a pension to Ephraim Reynolds; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JESSE H. STRICKLAND.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back with amendments the bill (S. 381) for the relief of Jesse H. Strickland; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

ELIZABETH TWIGG.

Mr. SPOONER, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 5847) granting a pension to Elizabeth Twigg; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY B. VERY.

Mr. SPOONER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 173) granting a pension to Henry B. Very; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. ARABELLA CODDINGTON.

Mr. SPOONER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 293) granting a pension to Mrs. Arabella Coddington; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY STAFFORD.

Mr. SPOONER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 679) granting a pension to Henry Stafford; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES M. M'KUHAN.

Mr. HUNTER, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 6576) for the relief of James M. McKuhan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES L. ALSIP.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 6575) for the relief of James L. Alsip; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN WITHAM.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 6845) granting a pension to John Witham; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MILTON JUDD.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 3712) increasing the pension of Milton Judd; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY O'NEILL.

Mr. FRENCH, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 3745) granting a pension to Mary O'Neill; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH BURR.

Mr. THOMPSON, of Ohio, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 488) granting a pension to Elizabeth Burr; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DOLLY BLAZER.

Mr. THOMPSON, of Ohio, also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 3959) granting a pension to Dolly Blazer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LIZZIE WRIGHT OWEN.

Mr. THOMPSON, of Ohio, also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 42) granting a pension to Lizzie Wright Owen; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHANNA LOEWINGER.

Mr. THOMPSON, of Ohio, also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 739) granting a pension to Johanna Loewinger; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BERRY DAY.

Mr. THOMPSON, of Ohio, also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 737) granting a pension to Berry Day; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZA DOUGLASS.

Mr. THOMPSON, of Ohio, also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 339) granting a pension to Eliza Douglass; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES F. ALLGOWER.

Mr. THOMPSON, of Ohio, also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 334) granting an increase of pension to Charles F. Allgower; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REUBEN BROWNMILLER.

Mr. THOMPSON, of Ohio, also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 333) granting a pension to Reuben Brownmiller; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN KALBFLEISCH.

Mr. THOMPSON, of Ohio, also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 331) granting a pension to John Kalbfleisch; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

C. R. THOMAS.

Mr. THOMPSON, of Ohio, also, from the Committee on Invalid Pensions, reported with amendments the bill (S. 335) granting an increase of pension to C. R. Thomas; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ENOS J. SEARLES.

Mr. THOMPSON, of Ohio, also, from the Committee on Invalid Pensions, reported with an amendment the bill (S. 738) granting a pension to the guardian of Enos J. Searles, of Clermont, Ohio; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY E. JOHNSON.

Mr. THOMPSON, of Ohio, also, from the Committee on Invalid Pensions, reported with an amendment a bill (S. 337) granting a pension to Mary E. Johnson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MANON VANGORDON.

Mr. THOMPSON, of Ohio, also, from the Committee on Invalid Pensions, reported back with an amendment the bill (S. 330) granting a pension to Manon Vangordon; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DEPENDENT PARENTS' PENSIONS.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 1688) relating to claims for pensions by dependent parents; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CLARISSA G. GREEN.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 8266) for the relief of Mrs. Clarissa G. Green; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LYDIA A. HICKS.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 8260) granting a pension to Lydia A. Hicks; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back adversely the bill (S. 824) granting a pension to John Geibel; which was referred to the Committee of the Whole House on the Private Calendar, with an adverse recommendation.

CASPAR SEIBEL.

Mr. YODER, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 3922) to place the name of Caspar Seibel on the pension-roll; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JACOB BEHR.

Mr. YODER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4864) to place the name of Jacob Behr on the pension-roll; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY M. SWEET.

Mr. YODER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 955) granting a pension to Mary M. Sweet; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES R. PORTER.

Mr. YODER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6552) to increase the pension of James

R. Porter; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REBECCA E. SHOEMAKER.

Mr. YODER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6990) to place the name of Rebecca E. Shoemaker on the pension-roll; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN GERMAN.

Mr. LANE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 3504) for the relief of John German; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DAVID JOHNSON.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 5363) granting a pension to David Johnson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN E. LEWIS.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7665) granting a pension to John E. Lewis; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JULIA TRIGGS.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 5752) for the relief of Julia Triggs; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARGARET M. HATCH.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 5751) for the relief of Margaret M. Hatch; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARTHA GRAY.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 2071) for the relief of Martha Gray; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CYNTHIA J. LEROY.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7891) for the relief of Cynthia J. Leroy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM RICHARDSON.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1638) granting a pension to William Richardson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY H. NICHOLSON.

Mr. CHIPMAN, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 6317) for the relief of Mary H. Nicholson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY L. POTTER.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 7857) to increase the pension of Henry L. Potter; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN TAYLOR.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 2656) to increase the pension of John Taylor; which was referred to the Committee of the Whole House on the Private Calender, and, with the accompanying report, ordered to be printed.

ELISHA GRISWOLD.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 835) for the relief of Elisha Griswold; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHANNA ECKHARDT.

Mr. BLISS, from the Committee on Pensions, reported back favorably the bill (H. R. 2116) granting a pension to Johanna Eckhardt; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEWIS DAVIS.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 5903) for the relief of Lewis Davis, a soldier of the war of 1812; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. BLISS also, from the Committee on Pensions, reported back adversely the petition of Thomas Shackelford to be placed on the pension-roll; which was laid on the table, and the accompanying report ordered to be printed.

W. A. LEMASTER.

Mr. HENDERSON, of North Carolina, from the Committee on Pensions, reported back favorably the bill (S. 647) for the relief of W. A. Lemaster; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE KINCAID.

Mr. FINLEY, from the Committee on Pensions, reported back favorably the bill (H. R. 7719) granting an increase of pension to George Kincaid; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM COMPTON.

Mr. FINLEY also, from the Committee on Pensions, reported back favorably the bill (H. R. 6574) for the relief of William Compton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

M. M. GIBSON.

Mr. LANHAM, from the Committee on Claims, reported back with amendment the bill (H. R. 8012) for the relief of M. M. Gibson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN M. HIGGS.

Mr. LANHAM also, from the Committee on Claims, reported back with amendment the bill (H. R. 8102) for the relief of John M. Higgs; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed

C. L. WILSON.

Mr. LANHAM also, from the Committee on Claims, reported back favorably the bill (H. R. 7232) for the relief of C. L. Wilson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

STATE NATIONAL BANK OF NEW ORLEANS.

Mr. SHAW, from the Committee on Claims, reported back favorably the bill (H. R. 3715) for the relief of the State National Bank of New Orleans, formerly Louisiana State Bank; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

COMMISSIONS DUE OWNERS OF PRIVATE DIES.

Mr. SHAW also, from the Committee on Claims, reported back favorably the bill (H. R. 1268) to authorize the Secretary of the Treasury and the proper accounting officers to restate, settle, and pay to the owners of private dies the balance of commissions due them; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report ordered, to be printed.

M. C. MORDECAI.

Mr. SHAW also, from the Committee on Claims, reported back favorably the bill (H. R. 5405) for the relief of M. C. Mordecai; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN FINN.

Mr. MANSUR, from the Committee on Claims, reported back favorably the bill (H. R. 2573) for the relief of John Finn; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEGAL REPRESENTATIVES OF JAMES HALE.

Mr. MANSUR also, from the Committee on Claims, reported back favorably the bill (H. R. 7363) for the relief of the legal representatives of James Hale; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN T. JOHNSTON.

Mr. MANSUR also, from the Committee on Claims, reported back favorably the bill (H. R. 6298) for the relief of John T. Johnston; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MICHAEL PIGGOTT.

Mr. MANSUR also, from the Committee on Claims, reported back

adversely the bill (H. R. 5362) for the relief of Michael Piggott; which was laid on the table.

He also, from the same committee, reported a bill (H. R. 8469) for the relief of Michael Pigott; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NEWTON M'COY.

Mr. MANSUR also, from the Committee on Claims, reported a bill (H. R. 8470) for the relief of Newton McCoy; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES OBRION.

Mr. KERR, from the Committee on Claims, reported back favorably the bill (H. R. 6602) for the relief of James Obrion; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM DOLTON.

Mr. McCULLOGH, from the Committee on Claims, reported back favorably the bill (H. R. 914) referring the claim of William Dolton to the Court of Claims; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

R. G. HUSTON & CO.

Mr. McCULLOGH also, from the Committee on Claims, reported back favorably the bill (H. R. 4702) for the relief of R. G. Huston & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JACOB KERN.

Mr. McCULLOGH also, from the Committee on Claims, reported back favorably the bill (H. R. 7176) for the relief of Jacob Kern; which was referred to the Committee of the Whole House on the Private Calendar, and with the accompanying report, ordered to be printed.

CAPT. J. W. KOUNTZ.

Mr. McCULLOGH also, from the Committee on Claims, reported back favorably the bill (H. R. 2865) for the relief of Capt. J. W. Kountz; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES MURPHY.

Mr. McCULLOGH also, from the Committee on Claims, reported back favorably the bill (H. R. 2042) for the relief of Charles Murphy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS P. MORGAN, JR.

Mr. BOWDEN, from the Committee on Claims, reported back favorably the bill, H. R. 3743, for the relief of Thomas P. Morgan, jr.; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill H. R. 3743 was ordered to be laid on the table.

JENNIE D. RICE.

Mr. LAIDLAW, from the Committee on Claims, reported back favorably the bill (H. R. 3722) for the relief of Jennie D. Rice; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH MULVEHILL.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back favorably the bill (H. R. 8002) for the relief of Elizabeth Mulvehill; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM LAVERY.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back favorably the bill (H. R. 610) for the relief of William Lavery; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ST. JOSEPH'S COMMERCIAL COLLEGE, MISSOURI.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back with amendments the bill (H. R. 5426) for the relief of St. Joseph's Commercial College, at St. Joseph, Mo.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

W. H. BOYD.

Mr. BROWER, from the Committee on War Claims, reported back favorably the bill (H. R. 5888) for the relief of W. H. Boyd; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. A. SHIRLEY.

Mr. BROWER also, from the Committee on War Claims, reported back favorably the bill (H. R. 8133) for the relief of Mrs. A. Shirley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH B. M'CLINTOCK.

Mr. THOMAS, of Wisconsin, from the Committee on War Claims, reported back favorably the bill (H. R. 8313) for the relief of Joseph B. McClintock; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SEVENTH REGIMENT TENNESSEE INFANTRY.

Mr. THOMAS, of Wisconsin, also, from the Committee on War Claims, reported back with amendments the bill (H. R. 1068) for the relief of the officers and soldiers of the Seventh Regiment Tennessee Infantry; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL HOWARD.

Mr. WILKINSON, from the Committee on War Claims, reported back favorably the bill (H. R. 7809) for the relief of Samuel Howard; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. CROUSE, from the Committee on War Claims, reported back adversely the bill (H. R. 455) for the relief of Albert D. Spalter; which was ordered to be laid on the table and the accompanying report printed.

SARAH M. LARIMER.

Mr. WILLIAMS, from the Select Committee on Indian Depredation Claims, reported back favorably the bill (H. R. 777) to compensate Mrs. Sarah M. Larimer for important services rendered the military authorities, in 1864, at Bear Creek Station, Wyoming, and for loss of property taken by Sioux Indians; which was referred to the Committee of the Whole House on the Private Calendar and, with the accompanying report, ordered to be printed.

EXTRA PAY TO CERTAIN VOLUNTEERS.

Mr. STEELE, from the Committee on Military Affairs, reported back with amendments the bill (H. R. 1398) allowing extra pay to certain volunteer officers of the late war; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MIAMI INDIANS, INDIANA.

Mr. COBB, from the Committee on Indian Affairs, reported back with adverse recommendation the bill (H. R. 2099) to reimburse the Miami Indians of Indiana for moneys improperly taken from them; which, with the adverse report, was referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

Mr. NELSON asked and obtained leave to file the views of the minority, to accompany the report of the committee on said bill.

PUBLIC BUILDING, PUEBLO, COLO.

Mr. BANKHEAD, from the Committee on Public Buildings and Grounds, reported back favorably the bill (H. R. 1264) for the erection of a public building at Pueblo, Colo.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

LIFE-SAVING STATIONS.

Mr. TARSNEY, from the Committee on Commerce, reported, as a substitute for the bill (H. R. 6684) establishing additional life-saving stations on the Atlantic coast of the United States, a bill (H. R. 8505) establishing a life-saving station on the Atlantic coast, between Indian River Inlet, Delaware, and Ocean City, Md.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The bill H. R. 6684 was laid on the table.

SECTION 4414, REVISED STATUTES.

Mr. TARSNEY also, from the Committee on Commerce, reported back with amendments the bill (H. R. 5640) to amend section 4414 of the Revised Statutes of the United States; which was referred to the Committee of the Whole House on the state of the Union, and, with the amendments and accompanying report, ordered to be printed.

ANDREW S. CORE.

Mr. BLISS, from the Committee on War Claims, reported back with amendments the bill (H. R. 4148) for the relief of Andrew S. Core; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

G. B. HORWITZ.

Mr. TURNER, of Georgia, from the Committee on Ways and Means, reported back with a favorable recommendation the bill (H. R. 2429) for the relief of G. B. Horwitz; which was referred to the Committee

of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SUBDIVISION OF LAND IN THE DISTRICT.

Mr. HEARD, from the Committee on the District of Columbia, reported back with a favorable recommendation the bill (H. R. 3329) to regulate the subdivision of land within the District of Columbia; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

RECORDS OF THE REBELLION.

Mr. HOOKER. I am instructed by the unanimous action of the Committee on Military Affairs to report back with a favorable recommendation the resolution which I send to the desk; and I ask for its present consideration.

The resolution, which was referred to the Committee on Military Affairs on March 5, on motion of Mr. GROSVENOR, was read, as follows:

Whereas the House of Representatives did, on the 12th day of January, 1888, request the Secretary of War to inform the House whether, among other things, there had been any departure in the compilation of the Records of the War of the Rebellion as now carried on from the plan adopted when the work of compilation was in charge of the late Lieut. Col. R. N. Scott, "either in the arrangement or the subject-matter to be published;" to which, on February 14, 1888, the Secretary of War replied, upon the authority of the compiler, Lieut. Col. H. M. Lazelle, that there had been no change, but that in both the arrangement and the subject-matter to be published the former "instructions and requirements have been rigidly observed;" and

Whereas there is now good reason for the belief that unofficial matter, which contradicts the real official history of the transaction to which it relates, has been adopted as official and inserted in volume 20, part 2, of the Records of the War of the Rebellion: Therefore,

Resolved, That the Committee on Military Affairs be, and it is hereby, instructed to ascertain whether unofficial matter has been introduced into the said volume of the War Records; and if so introduced, under what circumstances and by whose authority it was done, and to report all the facts in the case to the House of Representatives.

Mr. REED. Will the gentleman from Mississippi give some explanation as to this?

Mr. HOOKER. This is a resolution which was introduced by the gentleman from Ohio [Mr. GROSVENOR]. The committee can not make the investigation until the resolution is adopted, and that is the recommendation of the committee.

The resolution was adopted.

Mr. HOOKER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INVESTIGATION OF TRUSTS.

Mr. BUCHANAN. On behalf of the chairman of the Committee on Manufactures, who is necessarily absent, I desire to offer the resolution which I send to the desk, and which by the vote of the committee he was instructed to offer, and to ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Committee on Manufactures be authorized to have printed such documents and testimony taken before it as it may deem necessary in connection with the investigation ordered to be made by the said committee during the present Congress.

The resolution was adopted.

Mr. BUCHANAN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

Mr. COGSWELL, by unanimous consent, obtained indefinite leave of absence on account of sickness.

LEAVE TO PRINT.

Mr. LANDES, by unanimous consent, obtained leave to extend in the RECORD his remarks on Senate bill 418.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Chair will now call the committees for one hour for the consideration of bills.

Mr. PEEL. Mr. Speaker, I ask unanimous consent that the consideration hour be dispensed with.

Mr. WILKINS. I object.

The SPEAKER *pro tempore*. Objection is made. The hour begins at twenty minutes past 1 o'clock. The call rests with the Committee on Pacific Railroads.

Mr. WILKINS. I withdraw my objection to the request of the gentleman from Arkansas.

Mr. DINGLEY. I renew the objection.

The SPEAKER *pro tempore*. The gentleman from Maine [Mr. DINGLEY] renews the objection. The call is with the Committee on Pacific Railroads.

Mr. OUTHWAITE. Mr. Speaker, I ask unanimous consent that the Committee on Pacific Railroads be passed for this day, with the privilege of taking up its business again when called.

There was no objection, and it was so ordered.

BUSINESS FROM THE COMMITTEE ON LABOR.

Mr. TARSNEY (when the Committee on Labor was called) submitted the following resolution:

Resolved, That Tuesday and Wednesday, March 20 and 21, immediately after the reading of the Journal, and also Wednesday, April 18, and Wednesday, May 16, be set apart for the consideration of labor bills, and that all speeches be limited to fifteen minutes; not to interfere with revenue or appropriation bills.

Mr. HOLMAN. I suppose this resolution is submitted for reference.

Mr. TARSNEY. I would be very glad to have it passed upon at this time; but if that can not be done, let it go to the Committee on Rules.

Mr. WILKINS. Let it be referred to the Committee on Rules.

There was no objection, and the resolution was so referred.

Mr. TARSNEY. Mr. Speaker, I ask on behalf of the Committee on Labor that that committee be permitted to retain its place in the call. I make this request because the chairman of the committee is absent from the city—weather-bound in Philadelphia.

There was no objection, and it was so ordered.

MILITIA OF THE DISTRICT OF COLUMBIA.

Mr. MCADOO (when the Committee on the Militia was called). Mr. Speaker, on behalf of the Committee on the Militia, I call up for present consideration the bill (H. R. 4961) to amend an act entitled "An act to provide for the more effectual organization of the militia of the District of Columbia," passed March 3, 1803. The bill does not make any appropriation of money, and I ask unanimous consent that it be considered in the House under the five-minute rule.

The SPEAKER *pro tempore*. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 4961) to amend an act entitled "An act to provide for the more effectual organization of the militia of the District of Columbia," passed March 3, 1803.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from New Jersey [Mr. MCADOO], that this bill be considered in the House under the five-minute rule?

Mr. PEEL. Regular order.

The SPEAKER *pro tempore*. This is the regular order, in the opinion of the Chair, during this hour. Does the gentleman from Arkansas object to the mode of consideration proposed by the gentleman from New Jersey?

Mr. PEEL. No, sir.

There was no objection, and the request of Mr. MCADOO was agreed to.

Mr. MCADOO. I now move to dispense with the first reading of the bill. I will then make a brief statement of its provisions, and also ask to have the report read.

The motion to dispense with the first reading of the bill was agreed to.

The report (by Mr. MCADOO) was read, as follows:

The Committee on the Militia, to whom was referred for consideration House bill 4961, to provide for the organization of the militia of the District of Columbia, having considered the same, beg leave to report as follows:

All measures relating to the militia are important. The militia are the popular and constitutional military defenders of the Republic. The founders of the Republic, jealous of a large standing army, made special constitutional provision for the militia. The citizen soldiery of the country have ever been on the side of liberty, and while defending just laws, preserving peace, and defending against foreign invasion, have never been the instruments of tyrants nor the destroyers of free States. This bill places the militia of the District of Columbia on the same footing as those of the several States.

The existing militia law for the District of Columbia was enacted in 1803. When that law was enacted the enrolled militia, which included every citizen between eighteen and forty-five years of age, was the essential and recognized military reserve of the country, and the law for the District of Columbia, like the laws of all the States, was framed with a view to instructing and utilizing it. As the population of the country increased, the necessity of requiring active duty from the whole body of the enrolled militia decreased and became well-nigh impracticable, and the States successively repealed the old militia laws and substituted laws recognizing and providing for volunteer militia. In the District of Columbia the old law still remains in existence, though its provisions have been utterly disregarded for many years, and the law has become not only obsolete, but impracticable.

It being an axiom, recognized in the Constitution of our country, that a well-regulated militia is necessary to the security of a republic, it would seem proper that at the capital of the Republic the militia should be made a model organization, and that the necessary legislation should be enacted to repeal these obsolete laws. The fact that the militia of the District of Columbia might be, in case of need, a protection for the enormous amount of public property accumulated here, and in any and every crisis the first defenders of the capital, makes it proper and desirable that the Government should extend to the militia of the District the same aid and encouragement that is extended by the States to their local organizations.

Although the proposed bill is long and apparently elaborate, it contains only the usual and necessary provisions that are included in the militia codes of nearly all the States. The bill carries with it no appropriation of money. Expenditures, other than issues from the regular stores of the Army, it is provided shall be estimated for in the annual estimate of appropriations for the District of Columbia, and thereby will be at all times within the control of Congress.

The bill has been examined and approved by the War Department, is urged by the existing militia organizations of the District, and the committee report back the bill with amendments, striking out section 63, adding a section to repeal the old law, and amending the title, and recommend that the bill as thus amended do pass.

Mr. MCADOO. Mr. Speaker, I will briefly explain the amendment. The sixty-third section of the bill excused from jury duty certain honorary members of the militia of the District of Columbia. It provided as follows:

That each company of the National Guard shall be entitled to enroll not exceeding twenty honorary members, who, upon the payment into the treasury

of said company of not less than $25 annually, shall be exempt from active militia duty and jury duty, upon the exhibition of a receipt for such payment, for one year from the date thereof.

The committee thought this provision unwise, because we should have our very best citizens in the jury-box; and no one, by the simple payment of $25 per annum, should secure exemption from the performance of this important function of a citizen.

I now reserve the residue of my time, and ask that the bill be read by paragraphs for amendment.

The Clerk, proceeding to read the bill by sections for amendment, read down to and including section 63, as follows:

Be it enacted, etc., That every able-bodied male citizen resident within the District of Columbia, of the age of eighteen years and under the age of forty-five years, excepting persons exempted by section 2, and idiots, lunatics, common drunkards, vagabonds, paupers, and persons convicted of any infamous crime, shall be enrolled in the militia. Persons so convicted after enrollment shall forthwith be disenrolled; and in all cases of doubt respecting the age of a person enrolled, the burden of proof shall be upon him.

SEC. 2. That in addition to the persons exempted from enrollment in the militia by the general laws of the United States, the following persons shall also be exempted from enrollment in the militia of the District of Columbia, namely: Officers of the government of the District of Columbia; judges and officers of the courts of the District of Columbia; officers who have held commissions in the regular or volunteer Army or Navy of the United States; officers who have served for a period of five years in the militia of the District of Columbia or of any State of the United States; ministers of the gospel; practicing physicians; conductors and engine-drivers of railroad trains; members of the paid police and fire department.

SEC. 3. That the commissioners of the District of Columbia shall provide for the enrollment of the militia, and for this purpose may require the assessors of taxes, at the same time they are engaged in taking the assessment of valuation of real and personal property, to make a list of persons liable to enrollment; and such record shall be deemed a sufficient notification to all persons whose names are thus recorded that they have been enrolled in the militia. Immediately after the completion of each enrollment they shall furnish the commanding general of the militia with a copy of the same.

SEC. 4. That the enrolled militia shall not be subject to any duty except when called into the service of the United States, or to aid the civil authorities in the execution of the laws or suppression of riots.

SEC. 5. That whenever it shall be necessary to call out any portion of the enrolled militia the commander-in-chief shall order out, by draft or otherwise, or accept as volunteers as many as required. Every member of the enrolled militia who volunteers, or who is ordered out or drafted under the provisions of this act, who does not appear at the time and place designated, may be arrested by order of the commanding general and be tried and punished by a court-martial. The portion of the enrolled militia ordered out or accepted shall be mustered into service for such period as may be required, and the commanding general may assign them to existing organizations of the active militia, or may organize them as the exigencies of the occasion may require.

SEC. 6. That the President of the United States shall be the commander-in-chief of the militia of the District of Columbia.

SEC. 7. That there shall be appointed and commissioned by the President of the United States a commanding general of the militia of the District of Columbia, with the rank of brigadier-general, who shall hold office until his successor is appointed and qualified, but may be removed at any time by the President.

SEC. 8. That the staff of the militia of the District of Columbia shall be appointed and commissioned by the President, and hold office until their successors are appointed and qualified, but may be removed at any time by the President. It shall consist of one adjutant-general, with the rank of lieutenant-colonel; one inspector-general, one quartermaster-general, one commissary-general, one chief of ordnance, one chief engineer, one surgeon-general, one judge-advocate-general, and one inspector-general of rifle practice, each with the rank of major, and four aides-de-camp, each with the rank of captain. The commanding general may appoint a non-commmissioned staff of the militia, to consist of one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, one ordnance-sergeant, two staff-sergeants, one hospital-steward, one color-sergeant, and one sergeant-bugler.

SEC. 9. That the President may assign an officer of the Army to act as adjutant-general of the militia of the District of Columbia, who, while so assigned, shall be commissioned as such and be subject to the orders of the commanding general and the provisions of this act: *Provided, however*, That the officer so assigned shall receive no other pay or emolument than that to which his rank in the Army entitles him when on detached service.

THE ACTIVE MILITIA; ITS ORGANIZATION.

SEC. 10. That the active militia shall be composed of volunteers, and shall be designated the National Guard of the District of Columbia; and in case the militia of the District of Columbia are called into the service of the United States, or required for the suppression of riots, or to aid civil officers in the execution of the laws, shall be the first to be ordered into service.

SEC. 11. That in time of peace the National Guard shall consist of not more than thirty-six companies of infantry, which shall be arranged by the commanding general into such regiments, battalions, and unattached companies as he may deem expedient; one battery of light artillery; one troop of cavalry; one signal corps; one ambulance corps; one engineer corps; one band of music, and one corps of field musicians.

SEC. 12. That regiments of infantry shall consist of three battalions, and to each regiment there shall be one colonel and one lieutenant-colonel, and a staff to consist of one surgeon, one adjutant, one quartermaster, one inspector of rifle practice, and one chaplain, each with the rank of captain; and a non-commissioned staff, consisting of one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, and one hospital-steward.

SEC. 13. That battalions of infantry shall consist of four companies; and to each battalion there shall be one major; and a staff consisting of one surgeon, one adjutant, one quartermaster, and one inspector of rifle practice, each with the rank of first lieutenant; and a non-commissioned staff, consisting of one sergeant-major, one quartermaster-sergeant, and one hospital-steward.

SEC. 14. That to each company of infantry there shall be one captain, one first lieutenant, one second lieutenant, one first sergeant, four sergeants, one corporal to each ten privates, and not more than eighty-seven privates; and the minimum number of enlisted men shall be forty.

SEC. 15. That to the troop of cavalry there shall be one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster-sergeant, five sergeants, eight corporals, two trumpeters, and not more than eighty-three privates; and the minimum number of enlisted men shall be forty.

SEC. 16. That the battery of light artillery shall have not less than four nor more than six guns. To four guns there shall be one captain, two first lieutenants, one second lieutenant, one first sergeant, one quartermaster-sergeant, five sergeants, eight corporals, two buglers, and not more than eighty-two privates; and the minimum number of enlisted men shall be fifty-seven. To more than four guns there shall be, for each additional gun, one sergeant, two corporals, and not more than twenty nor less than ten privates; for two additional guns there shall be one additional second lieutenant.

SEC. 17. That to each signal corps, ambulance corps, and engineer corps there shall be one first lieutenant, two sergeants, two corporals, and not more than thirty-two nor less than fourteen privates.

SEC. 18. That the band of music shall consist of one chief musician, two sergeants, two corporals, and thirty-two privates; and the corps of field music, of one principal musician, two sergeants, two corporals, and thirty-two privates. The chief musician, principal musician, and other non-commissioned officers of the band and field music shall be appointed by the commanding general.

SEC. 19. That when any company of the National Guard shall, for a period of not less than ninety days, contain less than the minimum number of enlisted men prescribed by this act, or, upon a duly ordered inspection, shall be found to have fallen below a proper standard of efficiency, the commanding general may either disband such company or consolidate it with any other company of the National Guard, and grant an honorable discharge to the supernumerary officers and non-commissioned officers produced by such consolidation. Officers and enlisted men discharged by reason of such disbanding or consolidation and at any time thereafter re-entering the service shall have allowed to them, as part of their term of service, the time already served.

ELECTION, APPOINTMENT, AND DISCHARGE OF COMMISSIONED OFFICERS.

SEC. 20. That all officers shall be commissioned by the President of the United States. In time of peace, or when not in the service of the United States, they shall previously be elected or appointed as herein provided. No person commissioned as an officer shall assume such rank, or enter upon the duties of the office to which he may be commissioned, until he has accepted such commission and taken such oath or affirmation as may be prescribed.

SEC. 21. That the staff officers of a regiment or battalion shall be appointed by the permanent commander thereof.

SEC. 22. That field officers of regiments or battalions shall be appointed by the commanding general. Captain and lieutenants of companies shall be elected by the written votes of the enlisted men of the respective companies.

SEC. 23. That elections of officers shall be ordered and held under such regulations as may be prescribed by the commanding general.

SEC. 24. That every person accepting an election or appointment as an officer shall appear before an examining board, to be appointed by the commanding general, which board shall examine said officer as to his military and other qualifications. If any officer shall fail to appear before the board of examination within thirty days after being notified, or shall fail to pass a satisfactory examination, the fact shall be certified by the board to the commanding general, who shall thereupon declare the election or appointment of such officer null and void. If in the opinion of the board such officer is competent, and otherwise qualified, they shall certify the fact to the commanding general, who shall thereupon recommend him to the President for commission.

SEC. 25. That a commissioned officer may be honorably discharged—

Upon tender of resignation;

Upon disbandment of the organization to which he belongs;

Upon report of a board of examination, or for failure to appear before such board when ordered.

He may be dismissed upon the sentence of a court-martial; conviction in a court of justice of an infamous offense.

THE APPOINTMENT AND REDUCTION OF NON-COMMISSIONED OFFICERS.

SEC. 26. That non-commissioned staff officers shall be appointed by the permanent commander of the organization to which they belong; and permanent commanders of battalions shall appoint the non-commissioned officers of companies, upon the written nomination of the respective captains; but they may withhold such appointment if, in their judgment, there be proper cause; non-commissioned officers of unattached companies shall be appointed by their respective captains. The permanent commander of any battalion or unattached company may reduce to the ranks any company non-commissioned officers of his command.

ENLISTMENT AND DISCHARGE OF SOLDIERS.

SEC. 27. Enlistment in the National Guard shall be for the term of three years; *Provided, however*, That any soldier who may have received an honorable discharge, by reason of the expiration of his term of service, may, within thirty days thereafter, re-enlist for a term of one, two, or three years, to date from the expiration of his previous term. All terms of service, except in case of re-enlistment, shall commence at noon on the day of enlistment, and expire at noon on the day of discharge.

SEC. 28. Every person enlisting in the National Guard shall sign an enlistment paper which shall contain an oath of allegiance to the United States. The requisites and regulations for enlistment and the form of enlistment paper and oath for enlisting men shall be prescribed by the commanding general.

SEC. 29. That no enlisted man shall be honorably discharged before the expiration of his term of service, except by order of the commanding general, and for the following reasons:

Upon his own application, approved by the commanding officer of his company, and by superior commanders;

Upon removal from the District;

Upon disability, established by certificate of a medical officer;

To accept promotion by commission;

Whenever, in the opinion of the commanding general, the interest of the service demands such discharge.

SEC. 30. That enlisted men shall be dishonorably discharged by order of the commanding general:

To carry out the sentence of a court-martial;

Upon conviction of felony in a civil court;

Upon expulsion from his company, in accordance with its by-laws or regulations;

Upon discovery of re-enlistment after previous dishonorable discharge.

SEC. 31. That every soldier discharged from the service of the District shall be furnished with a certificate of such discharge, which shall state clearly the reasons therefor. Dishonorable discharges will have the word "dishonorable" written or printed diagonally across their faces, in large characters, with red ink, and the re-enlistment clause will be erased by a line.

ARMS, UNIFORMS, AND EQUIPMENTS.

SEC. 32. That the uniforms, arms, and equipments of the National Guard shall be the same as prescribed and furnished to the Army of the United States. Every organization of the National Guard shall be provided with such ordnance and ordnance stores, clothing, camp and garrison equipage, quartermaster's stores, medical supplies, and other military stores as may be necessary for the proper training and instruction of the force and for the proper performance of the duties required under this act. Such property shall be issued from the stores and supplies appropriated for the use of the Army, upon the approval and by the direction of the Secretary of War, to the commanding general upon his requisitions for the same. The property so issued shall remain and continue to be the property of the United States and shall be accounted for by the commanding general at such times, in manner, and on such forms as the Secretary of War may require.

SEC. 33. That the commanding general may transfer all public property received by him for the use of the National Guard under the provisions of this act to the several departmental officers of the general staff, and may make and pre-

scribe regulations for its issue by them and for its care and preservation by the officers or soldiers to whom issued.

SEC. 34. That every officer receiving public property for military use shall be accountable for the articles so received by him, and shall make returns of such property at such times, in such manner, and on such forms as may be prescribed. He shall be liable to trial by court-martial for neglect of duty, and also to make good to the United States the value of all such property defaced, injured, destroyed, or lost, by any neglect or default on his part, to be recovered in an action of tort, or by any other action at law, to be instituted by the judge-advocate-general of the militia at the order of the commanding general. All money received on account of loss or damages shall be paid in the Treasury of the United States, and shall be accounted for by the commanding general in his returns to the Secretary of War.

SEC. 35. That any officer or soldier who shall sell, dispose of, pawn or pledge, willfully destroy or injure, or retain after proper demand made, any public property issued under the provisions of this act, shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment for not exceeding two months, or by a fine not exceeding $100, or by both; and it is hereby made the duty of the judge of the police court of the District of Columbia, upon information filed or complaint made under oath, to issue process for the arrest of the offender, and to cause him to be brought before the police court to be dealt with according to the provisions of this section.

SEC. 36. That until an officer, or his legal representative, shall have received notice that the property accounts of such officer have been examined and found correct, the liability of such officer, or of his estate, for public property for which he is or may have been responsible shall be in no way affected by resignation, discharge, change in official position, or death. Upon the death or desertion of an officer responsible for public property his immediate commander shall at once cause the property for which such officer was responsible to be collected, and a correct inventory made by actual count and examination; which inventory shall be forwarded to the commanding general, in order that any deficiency may be made good from the estate of the deceased or deserting officer; compensation for such deficiency may be recovered in the manner provided in section 34.

SEC. 37. That property issued or provided under the provisions of this act which becomes unfit for use, and is condemned as unserviceable shall be reported by the commanding general to the Secretary of War, and shall be disposed of as may be directed by him.

SEC. 38. That any organization of the active militia may, with the approval of the commanding general, and at its own expense, adopt any other uniform than that issued to it; but such uniform shall not be worn when such organization is on duty under the orders of the commanding general except by his permission.

SEC. 39. That organizations of the National Guard shall have the right to own and keep personal property, which shall belong to and be under the control of the active members thereof; and the commanding officer of any organization may recover for its use any debts or effects belonging to it, or damages for injury to such property; action for such recovery to be brought, in the name of such commanding officer, before any justice of the peace, with the right of appeal to the supreme court of the District of Columbia, or before the supreme court of the District of Columbia; and no suit or complaint pending in his name shall be abated by his ceasing to be commanding officer of the organization; but, upon the motion of the commander succeeding him, such commander shall be admitted to prosecute the suit or complaint in like manner and with like effect as if it had been originally commenced by him.

SEC. 40. That the quartermaster-general of the militia shall provide, by rental or otherwise, such armories for the National Guard as may be allowed and directed by the commanding general. He shall also provide each organization with such lockers, closets, gun-racks, and cases or desks as may be necessary for the care, preservation, and safe-keeping of the arms, equipments, uniforms, records, and other military property in their possession. He shall also provide suitable rooms for the offices of the commanding general and staff, for the keeping of books, the transaction of business, and the instruction of officers, and also suitable places for the storage and safe-keeping of public property.

MILITARY DUTIES.

SEC. 41. That any drill, parade, encampment, or duty that is required, ordered, or authorized to be performed under the provisions of this act shall be deemed to be a military duty, and while on such duty every officer and enlisted man of the National Guard shall be subject to the lawful orders of his superior officers, and for any military offense may be put and kept under arrest or under guard for a time not extending beyond the term of service for which he is then ordered.

SEC. 42. That the commanding general shall prescribe such stated drills and parades as he may deem necessary for the instruction of the National Guard, and may order out any portion of the National Guard for such drills, inspections, parades, escort, or other duties, as he may deem proper. The commanding officer of any regiment, battalion, or company may also assemble his command, or any part thereof, in the evening for drill, instruction, or other business, as he may deem expedient; but no parade shall be performed by any regiment, battalion, company, or part thereof without the permission of the commanding general.

SEC. 43. That an annual inspection and muster of each organization of the National Guard, and an inspection of their armories and of public property in their possession, shall be made at such times and places as the commanding general may order and direct.

SEC. 44. That the National Guard shall perform not less than six consecutive days of camp duty in each year, at such time as may be ordered by the commanding general; and the quartermaster-general of the militia, subject to the approval of the commanding general, shall provide, by rental or otherwise, a suitable camp ground for the annual encampment of the militia, make the necessary provisions thereon for the encampment, and provide necessary transportation to and from the same for baggage and supplies.

SEC. 45. The National Guard shall have the use of the drill grounds and rifle-range at the Washington Barracks, subject to the approval of the Secretary of War, and the commanding general of the militia shall provide such additional targets and accessories as may be necessary for the use of the militia.

SEC. 46. That when there is in the District of Columbia a tumult, riot, mob, or a body of men acting together by force with attempt to commit a felony or to offer violence to persons or property, or by force and violence to break and resist the laws, or when such tumult, riot, or mob is threatened, it shall be lawful for the commissioners of the District of Columbia, or for the United States marshal for the District of Columbia, to call on the commander-in-chief to aid them in suppressing such violence and enforcing the laws; the commander-in-chief shall thereupon order out so much and such portion of the militia as he may deem necessary to suppress the same, and no member thereof who shall be thus ordered out by proper authority for any such duty shall be liable to civil or criminal prosecution for any act done in the discharge of his military duty.

SEC. 47. That no officer or soldier of the National Guard, when ordered on duty to aid the civil authorities, or when ordered into the service of the United States, in obedience to the call or order of the President, shall be excused from such duty except upon the certificate of the surgeon of his command of physical disability, such certificate to be presented to the commanding general in case of an officer, or to his company commander in case of a soldier. If such officer or soldier fail to furnish such excuse he shall be tried and punished by a court-martial. For absence from any other military duty required or ordered under the provisions of this act the penalty shall be such as may be prescribed by the commanding general, or the by-laws of the organization to which the officer or soldier belongs.

SEC. 48. That United States forces or troops, or any portion of the militia, parading, or performing any duty according to law, shall have the right of way in any street or highway through which they may pass: *Provided*, That the carriage of the United States mails, the legitimate functions of the police, and the progress and operations of fire-engines and fire departments shall not be interfered with thereby.

SEC. 49. That every commanding officer, when on duty, may ascertain and fix necessary bounds and limits to his parade or encampment. Whoever intrudes within the limits of the parade or encampment after being forbidden, or whoever shall interrupt, molest, or obstruct any officer or soldier while on duty, may be put and kept under guard until the parade, encampment, or duty be concluded; and the commanding officer may turn over such person to any police officer, and said police officer is required to detain him in custody for examination or trial before the police court, and the judge thereof may punish such offense by a fine not exceeding $25.

SEC. 50. That all officers and employés of the United States and of the District of Columbia who are members of the National Guard shall be entitled to leave of absence from their respective duties, without loss of pay or time, on all days of any parade or encampment ordered or authorized under the provisions of this act.

MILITARY COURTS.

SEC. 51. Courts of inquiry, to consist of not more than three officers, may be ordered by the commanding general, for the purpose of investigating the conduct of any officer, either at his own request or on a complaint or charge of conduct unbecoming an officer. Such court of inquiry shall report the evidence adduced, a statement of facts, and an opinion thereon, when required, to the commanding general, who may, in his discretion, thereupon order a court-martial for the trial of the officer whose conduct has been inquired into.

SEC. 52. That general courts-martial for the trial of commissioned officers or enlisted men shall be ordered by the commanding general at such times as the interests of the service may require, and shall consist of not less than five nor more than thirteen officers, and a judge-advocate, none of whom shall be of less rank than the accused, when it can be avoided.

SEC. 53. That for the trial of enlisted men for all minor offenses the commanding officer of each battalion and unattached company shall, at such times as may be necessary, appoint courts-martial. Such battalion and company courts-martial shall consist, for a batalion, of one officer, whose rank is not below that of captain; and for a company, of a lieutenant. Such courts shall have power, subject to the approval of the officer ordering the court, to sentence to be reprimanded by said officer in battalion or company orders; or, in case of a company non-commissioned officer, to be reduced to the ranks, or to pay such fines as may be imposed and allowed by the regulations or by-laws of the organization to which the accused belongs; and such court may, with the approval of the commanding general, sentence to be reprimanded in general orders or to be dishonorably discharged.

SEC. 54. That the president of a general court-martial or court of inquiry, and the officer constituting a battalion or company court-martial, shall have power to administer the usual oath to witnesses, and may issue summons for all witnesses whose attendance at such court may, in his opinion, be necessary, and any officer or soldier failing to serve such summons, and any witness failing to appear and testify when so summoned, shall be liable to trial by court-martial.

SEC. 55. That in all courts-martial and courts of inquiry the arraignment of the accused, the proceedings, trial, and record shall in all respects conform as nearly as practicable to the regulations for the same in the Army of the United States.

EXPENSES AND ALLOWANCES.

SEC. 56. That there shall be allowed for the general expenses of the militia such sums as may be necessary for the rental and furnishing of offices for headquarters, stationery, postage, printing and issuing orders, advertising orders, providing necessary blanks for the use of the militia, the cost of storing, caring for, and issuing all public property, and such other contingent expenses, not herein specially provided for, as may be estimated and appropriated for; the accounts for which shall be certified to by the officer receiving the service or property charged for, approved by the commanding general, and paid in the manner provided in section 60.

SEC. 57. That during the annual encampment, and on every duty or parade ordered by the commanding general, there shall be allowed and paid for each day of service: To each member of the regularly enlisted band, $4; to each member of the regularly enlisted corps of field music, $2; to the chief musician, $8, and to the principal musician $6. In event there is no enlisted band or field music, or not a sufficient number of either, the commanding general may authorize the employment of such as he may deem necessary for the occasion. The payments for bands of music and drum corps shall be made in the manner provided in section 60.

SEC. 58. That during the annual encampment, and on every duty or parade ordered by the commanding general, there may be employed such number of horses as the commanding general may authorize for the use of the battery of light artillery, the troop of cavalry, the ambulance corps, the signal corps, and the non-commissioned general staff, the cost of which shall be paid in the manner provided in section 60.

SEC. 59. That during the annual encampment, or when ordered on duty to aid the civil authorities, the National Guard shall be furnished with subsistence stores, of the kind, quality, and amount allowed and prescribed by the Army. Such stores shall be issued from the stores and supplies appropriated for the use of the Army, upon the approval and by the direction of the Secretary of War, to the commanding general upon his requisitions for the same.

SEC. 60. That the commanding general shall annually transmit to the commissioners of the District of Columbia an estimate of the amount of money required for the next ensuing fiscal year to pay the expenses authorized by this act, and the said commissioners shall include the same in their annual estimates of appropriations for the District; and all money appropriated to pay the expenses authorized by this act shall be disbursed by the commissioners of the District of Columbia, upon vouchers duly certified and approved by the commanding general, and accounted for by them in the same manner as all other moneys appropriated for the expenses of the District.

GENERAL PROVISIONS.

SEC. 61. That companies, battalions, or regiments may adopt constitutional articles of agreement or by-laws, subject to the approval of the commander-in-chief, for the government of matters relating to the civic affairs of their respective organizations, the regulation of fines for non-performance of duty, and the determination of causes upon which excuses from fines may be based: *Provided, however*, That such articles or rules shall not be repugnant to law or the regulations for the government of the militia: *And provided further*, That the articles or rules adopted by any company or battalion shall not be repugnant to the articles or rules adopted for the general government of the regiment or battalion to which it belongs. Certified copies of such articles or rules, with like copies of all alterations, as finally approved by the commanding general, shall be deposited in the office of the Adjutant-General.

SEC. 62. That no officer shall be liable to jury duty; and any officer or soldier

who shall have served continuously and faithfully for nine years in the National Guard shall be exempt for life thereafter from jury duty.

SEC. 63. That each company of the National Guard shall be entitled to enroll not exceeding twenty honorary members, who, upon the payment into the treasury of such company of not less than $25 annually, shall be exempted from active military duty and jury duty, upon the exhibition of a receipt for such payment, for one year from the date thereof.

The SPEAKER *pro tempore* (Mr. HOLMAN). To the section just read the committee report an amendment, which the Clerk will read.

The Clerk read as follows:

Strike out the whole of section 63.

Mr. MCADOO. I move concurrence in this amendment of the committee.

Mr. BLOUNT. I understand that this bill is now being read for the first time, for information only—not for the purpose of amendment.

The SPEAKER *pro tempore*. It is being read by sections for amendment.

Mr. BLOUNT. I did not so understand.

Mr. MCADOO. The first reading was dispensed with by order of the House.

Mr. OATES. I would like to make an inquiry. If I understand correctly the bill as read, it proposes to exempt members of this militia force from jury duty.

Mr. MCADOO. The bill, as the committee propose to amend it, will exempt from such duty the active members of this National Guard.

Mr. OATES. Does the gentleman think it a wise policy to excuse from jury duty some of our best citizens? I submit we ought to have the largest possible body of good citizens from whom to select juries.

Mr. MCADOO. That was the idea of the committee in the amendment which has been read, and which proposes to strike out section 63. That section proposed to exempt from jury duty honorary members of this National Guard—men who may become honorary members by paying $25 a year. The committee thought this provision should be struck out, adopting the view suggested by the gentleman that it is desirable to secure the services of our best citizens as jurors.

Mr. BLOUNT. I would like to ask the gentleman from New Jersey what duty the regular members of this National Guard perform. How much service is required of them that they should be exempt from jury duty?

Mr. MCADOO. Well, it is the custom in all the States——

Mr. BLOUNT. Not all of them.

Mr. MCADOO. So far as I know, it is the custom in most of the States to grant an exemption of this kind. The bill follows the usual course in this matter. In many of our cities volunteer firemen as well as volunteer members of the militia force are exempted from jury duty.

Mr. BLOUNT. I do not profess to be familiar with the legislation of all the States, but, taking this matter on its face, I can see no occasion for exempting these gentlemen from jury duty. They are required to go into encampment for six days in the year, but beyond that there is no requirement of service at all so far as I can see.

Mr. MCADOO. We must offer some inducement to get men to enroll themselves in the active militia. Of course every citizen of the United States is theoretically a part of the militia; but as an inducement to active participation in militia duty something of this kind is required. These men do duties other than those performed by the ordinary citizen. They attend drills; they are liable to incur penalties for disobedience of orders; they give up a part of the privileges and liberties which the ordinary citizen enjoys, and it has been thought fair to give them, in compensation for this, an exemption from jury duty.

Mr. BLOUNT. I do not see that these men "give up" much of their "liberties."

Mr. MCADOO. Well, if the gentleman wishes to offer an amendment, I do not know that I shall oppose it.

Mr. BLOUNT. I had supposed the bill was being read merely for information, and that it would afterward be taken up for consideration by paragraphs.

Mr. MCADOO. The first reading of the bill, as I have stated, was dispensed with.

The SPEAKER *pro tempore*. The pending section is open to amendment.

Mr. BLOUNT. Well, I move to amend by striking out section 62.

The SPEAKER *pro tempore*. That section has been passed, but if there be no objection the House will return to it.

Mr. MCADOO. I offer no objection. I am willing to leave this question to the House.

Mr. BLOUNT. So far as I understand this bill from the reading (and I have been following it as read by the Clerk, although I supposed it would be again read for amendment), no duty is required of members of this National Guard except the election of a number of officers and service for six days each year in an encampment.

Mr. HOVEY. And that they should regard as an honor.

Mr. BLOUNT. As the gentleman suggests, they ought to regard that as an honor. I have no doubt that participation in these exercises is a great recreation to them; and I do not see why, because of six days' service annually in an encampment, these men, after a period of nine years, should be exempted from jury duty in the District. That is the effect of the provision; and I think it ought to be stricken out.

Mr. WHEELER. Mr. Speaker, I think we ought to consider this question deliberately before determining to strike out this entire paragraph. Perhaps it might be sufficient to modify it. We all know that General Ordway is making an effort to improve the militia system of this District. We all know that the general spirit of the people favors an improvement of the militia system of the whole country. New York, Pennsylvania, and many other States in the North, and nearly all of the States of the South, are bringing their volunteer soldiery up to a very high standard, and I for one am proud of it. The superior excellence in drill and discipline and the spirit displayed by the citizen soldiers of the country in this city last May must have been most gratifying to the patriotic pride of every American. It was certainly pleasing to Alabamians to see a company from their State bear off the honors awarded to them by impartial and able judges, who declared them to be superior to any other similar organization on the continent.

Mr. BLOUNT. Will the gentleman permit a remark? He suggests that the section may be modified. Now, a part of the section is in this language:

Any officer or soldier who shall have served continuously and faithfully for nine years in the National Guard shall be exempted for life thereafter from jury duty.

Does not the gentleman think it would be a sufficient concession if we strike out what I have just read and retain the first part of this section, which provides that—

No officer or soldier shall be liable to jury duty.

I have no objection to modifying my amendment so as to have that effect.

Mr. WHEELER. That would be better than to strike out the entire paragraph.

Mr. STEELE. That will be all right.

Mr. WHEELER. I think there ought to be some compensation for a long period of service in this militia, but I do not contend that being on the rolls for nine years should exempt a citizen of the District from jury duty for life. I think I am correct in stating that every State in the Union now exempts its volunteer soldiery from jury duty, and it is just and right that it should be done. They perform actual work, and must be devoted to the task of preparation to fit themselves for service in the field should the honor of the country be assailed.

Mr. BLOUNT. There is no service, except serving in the encampment for six days every year.

Mr. WHEELER. Why, sir, these men perform a great deal of service, such as attending at their armories and drilling night after night. The efforts of the officers in charge of this militia force should be regarded by the House with some consideration.

Mr. BLOUNT. We do not require any such duty as the gentleman has just referred to; it is a mere voluntary matter with these men.

Mr. WHEELER. The gentleman should know that in order to have a respectable volunteer militia, it is necessary that the men be compelled to drill a great deal, and they actually do so. We could not have an efficient militia system without it.

There is no place more proper to commence the inauguration of a good militia system than the District of Columbia. It has been commenced, and it ought to be encouraged, and we should make some concession to men who serve for a long period. The bill says nine years. It might be twelve or fifteen, or more; but there should be some adequate recognition of a long period of service. That is all I have to say.

Mr. BLOUNT. So far as drilling is concerned, there is no trouble. If anything, they drill too much. This bill proposes, as I understand it, to prohibit drilling on the part of members of volunteer organizations in this District.

Mr. MCADOO. I do not so understand. On the contrary, I understand the volunteer organizations in this District are in favor of it.

Mr. BLOUNT. That does not appear in the bill.

Mr. MCADOO. It does not prohibit any one from drilling.

Mr. BLOUNT. The bill provides—

That it shall be a misdemeanor for any body of men, other than the regularly organized militia and the troops of the United States, except such independent military organizations as are now in existence, to associate themselves together as a military company or organization, or meet for drill with arms, or parade in public with arms, without the permission of the commanding general.

Mr. MCADOO. This bill takes in every military organization in the District of Columbia and makes it a part of the militia.

Mr. BLOUNT. Yes, and you provide there shall be nothing else in the District but this militia.

Mr. MCADOO. Volunteer organizations are all included.

Mr. BLOUNT. Perhaps their officers expect to get the offices provided for in this bill.

Mr. MCADOO. If the gentleman wishes to modify the amendment, I accept it.

Mr. BLOUNT. I move to strike out in section 62, after the word "duty," the following words:

And any officer or soldier who shall have served continuously and faithfully for nine years in the National Guard shall be exempt for life thereafter from jury duty.

So it will read:

That no officer or soldier shall be liable to jury duty.

Mr. RICHARDSON. What is the amendment?

Mr. BLOUNT. It exempts them from jury duty while they are in active service.

The amendment was agreed to.

The SPEAKER *pro tempore* (Mr. HOLMAN in the chair). The morning hour has expired, and the bill goes over until the next morning hour.

GENERAL G. CLUSERÉT.

Mr. COX. I move, by unanimous consent, to call up for present consideration a bill (H. R. 474) for the relief of General G. Cluserét.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, upon vouchers duly approved by the Secretary of State, the sum of $500, to be immediately available, to pay General G. Cluserét for services rendered to the Department of State in carrying out a circular instruction of that Department of May 23, 1880, relative to statistical information in the Turkish dominions.

Mr. STEELE. Let the report of the committee be read.

Mr. HENDERSON, of Iowa. Let the gentleman from New York make a statement.

Mr. COX. It simply reimburses General Cluserét for money he actually expended.

Mr. STEELE. I will withdraw the demand for the reading of the report.

Mr. COX. It can be printed in the RECORD. The bill gives General Cluserét the money he expended under the orders of the consul-general at Constantinople or the State Department. The State Department recommends it. The late minister to Constantinople knows it is right. [Laughter and applause.]

The report of the committee is as follows:

The Committee on Foreign Affairs, to whom was referred the bill (H. R. 474) for the relief of General G. Cluserét, make the following report, to wit:

In obedience to Department circular of May 23, 1880, to the United States consul-general at Constantinople, the claimant was employed by said consul-general for the collection of statistics and the making of a report on "cotton fabrics and yarns imported into Turkey."

These statistics, owing to the condition of Turkey at the time, were very difficult to procure.

The consul-general in his dispatch of August 24, 1880, acknowledges his obligation to the American Eastern Agency, represented by General Cluserét, who devoted much time and labor to the subject. The consul recognized the report to be as full and clear as possible.

Owing to the difficulty in obtaining the necessary data the fund at the command of the consul-general was not sufficient to meet the expenses incurred.

No payment was ever made by Mr. Heap, nor by the Government, to General Cluserét for his work.

The report of General Cluserét is to be found in the Consular Report No. 12, for October, 1881, entitled "Cotton-Goods Trade of the World, and the share of the United States therein."

Although there was no special contract made with General Cluserét, the Department of State thinks that it would be hardly just that he should have incurred any expense in obtaining valuable information for an officer of the Government without having the amount thereof at least returned to him.

Owing to the failure of the Department to grant the consul-general permission to apply the fund to his credit for such work, General Cluserét failed to obtain any compensation.

Your committee think General Cluserét has an equitable claim upon the Government for a reasonable sum, and they report a bill for $500, which is simply the amount he expended, not counting his time and labor in preparing the information.

This view of the case is taken by the Department of State in the paper hereto annexed.

Perhaps General Cluserét would not have made this request were he not impoverished at the end of a long and honorable career as a soldier, during which he served in our own Army. The committee also refer to the statements of General Cluserét for the details of his service.

Application was made by Hon. Horace Maynard, while minister to Turkey, for compensation, and also through Hon. Roscoe Conkling, Senator from New York, but nothing was ever done.

The value of this work will be appreciated when it is known that General Cluserét is an accomplished writer in many languages and has fully earned the small sum which, in his old age and indigence, has been appropriated by the bill.

The correspondence is hereto appended.

"DEPARTMENT OF STATE, *Washington, December* 13, 1887.

"MY DEAR SIR: In reply to your letter of the 4th instant, touching the claim of General G. Cluserét, who rendered valuable assistance to Mr. Heap in connection with the Department's circular of May 23, 1880, I herewith transmit copies of the following correspondence upon the subject:

"1. Mr. Cox to Mr. Bayard, No. 105, January 19, 1886, with inclosure;

"2. Mr. Bayard to Mr. Cox, No. 86, of February 19, 1886; and

"3. Mr. Bayard to Mr. Belmont, February 19, 1886, with inclosure.

"Adding that the letter to Mr. Belmont covers a proposed bill appropriating $500 for the relief of General Cluserét.

"I am, my dear sir, very respectfully yours,

"T. F. BAYARD.

"Hon. S. S. COX, M. C.,
"*House of Representatives.*"

"[Inclosure 105.]

"CONSTANTINOPLE, *January* 17, 1886.

"DEAR SIR: When Mr. Maynard was United States plenipotentiary minister here I forwarded, through Mr. Heap, a memoir and collection of samples of every cotton goods employed in the Turkish Empire.

"That work was very difficult, long, and expensive. I was obliged to correspond with every villager from Persia to Herzegovina, give bakshish for every information and pay for every sample, several hundred in number. You know that in this country nothing can be accomplished without bakshish. For each sample I was obliged to pay one yard and transportation.

"I completed three collections and memoirs, including every information not only on cotton trade but also its manufacturing. I added statistics of import and export, etc. One was directed to the State Department, one to the New York Chamber of Commerce, and the third to that of Boston or Philadelphia, I don't recollect exactly which one. These two last were delivered by our friend, Colonel Dugane, of New York.

"This work was undertaken in order to answer a questionary by the State Department to Mr. Heap, who did not think possible to give it a satisfactory solution. So in point of fact, having volunteered my services without them being requested officially, I have no legal right to claim from the Treasury the refunding of my expenses.

"Still I have spent, besides my time and labor, nearly $500. Twice Mr. Maynard applied to the State Department for some compensation; so did R. Conkling, of New York, but to no purpose. If you, sir, through Congress, can obtain the refunding of a part, whatever it might be, of my disbursing, you will oblige me very much. Although perhaps not strictly correct in a financial point of view, I think that transaction perfectly equitable, for my work has been utilized not only by the State Department but by the chambers of commerce.

"Very respectfully,

"GENERAL G. CLUSERÉT.

"Hon. S. S. COX,
"*Plenipotentiary Minister of the United States of America.*"

"DEPARTMENT OF STATE, *Washington, February* 19, 1886.

"SIR: I have received your No. 105 of the 19th ultimo, relative to the equitable claim of General G. Cluserét, in connection with his service to Mr. Heap, consul-general at Constantinople, in carrying out a circular instruction of this Department of May 23, 1880.

"At present I can only express the Department's regret that General Cluserét should not have been paid at the time, and that it has no appropriation available at this late date from which to recompense him for the valuable information furnished. In order, if possible, to compensate General Cluserét for his services, I have inclosed to Hon. Perry Belmont, chairman of the Committee on Foreign Affairs of the House of Representatives, a copy of your dispatch, with a letter of explanation, a copy of which I herewith transmit, recommending the appropriation of $500, to be paid to General Cluserét.

"I am, sir, your obedient servant,

"T. F. BAYARD.

"SAMUEL S. COX,
"*Constantinople.*"

"UNITED STATES LEGATION, *Constantinople, January* 19, 1886.

"SIR. I knew a soldier in our civil war named General Cluserét. He lives here now, after military service with the Turks. He is a writer and economist, as well as soldier. He is now old and destitute. I called to see him at his room in the suburbs of this city. I found him endeavoring to get some warmth over a *mangal*. His condition excited sympathy.

"He has an equitable claim for services rendered in the preparation of certain statistics, in response to a call of the Department. I requested him to put it on paper. I inclose you a reply of his letter, with a view to have you regard it, even at this late day, in a favorable light, and with the further object of an appropriation and payment, if you think it possible.

"I am endeavoring to aid him personally by purchasing some of his pictures, but he is, or should be, an object of justice, as well as benevolence.

"I have the honor to be, sir, your obedient servant,

"S. S. COX.

"Hon. T. F. BAYARD,
"*Secretary of State, Washington, D. C.*"

"DEPARTMENT OF STATE, *Washington, February* 19, 1886.

"SIR: I have the honor to inclose for the consideration of your committee a copy of a dispatch from Mr. S. S. Cox, the minister of the United States at Constantinople, No. 105, of the 19th ultimo, relative to the petition of General G. Cluserét for relief in connection with his services to Mr. G. H. Heap, consul-general of the United States at Constantinople, in carrying out a circular instruction of this Department in 1880.

"General Cluserét's petition is correct as to the character of the information furnished, but I have been unable to find any record in the Department of his claim having been previously brought to its attention as he asserts.

"The facts appear to be these:

"Mr. Heap with his dispatch No. 96 of August 24, 1880, furnished a report on cotton fabrics and yarns imported into Turkey, in obedience to the Department's circular of May 23, 1880.

"A portion of his dispatch is as follows:

"'For the information contained in this report I am chiefly indebted to the "American Eastern Agency," represented by General Cluserét, who has devoted much time and labor on the subject, and I believe that the answers to the subject will be found as full and clear as possible.'

"Mr. Heap also asked permission to expend the fund at his command for obtaining information for consular reports to meet the expenses incurred in making this one after explaining how very difficult it was to obtain the necessary data. His dispatch does not say that he intended to recompense Genereal Cluserét for his trouble, or give any idea of how the money was to be applied.

"At any rate, no special acknowledgment was ever made of Mr. Heap's dispatch, although the report, a very full and valuable one, was published in the consular report, No. 12, October, 1881, entitled 'Cotton-Goods Trade of the World, and the share of the United States therein.'

"It is apparent from his petition that General Cluserét did not, when furnishing the information, expect to be compensated. Even now he says, 'in point of fact, having volunteered my services without their being requested officially, I have no legal right to claim from the Treasury the refunding of my expenses.'

"It seems hardly just, however, that General Cluserét should have incurred any expenses in obtaining this valuable information for an officer of this Government without having the amount thereof at least returned to him. But the failure of the Department to grant Mr. Heap permission to apply the fund to his credit for such work to the best advantage necessarily prevented him from offering to compensate General Cluserét, even if it was his intention to do so.

"Under these circumstances the Department is disposed to agree with Mr. Cox that General Cluserét has an equitable claim upon this Government for the services rendered to it as explained, and entertains the hope that some measure for the petitioner's relief at this late date, to the extent at least of the $500 which he expended, besides his time and labor in preparing the information, may find equal favor with your committee and secure its co-operation in obtaining the passage of the necessary bill for General Cluserét's relief.

"A draught of a bill to meet the case is herewith transmitted for the consideration of your committee, and it is respectfully suggested that you authorize some member thereof to introduce it in the House, should the judgment of the committee be favorably disposed in the premises.

"I have the honor to be, sir, your obedient servant,

"T. F. BAYARD.

"Hon. PERRY BELMONT,
"*Chairman Committee on Foreign Affairs,*
"*House of Representatives.*"

There was no objection, and the bill was taken up and ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. COX moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNITED PEORIAS AND MIAMIES.

The SPEAKER *pro tempore*. The House resumes the consideration of the bill (H. R. 8074) providing for the allotment of land in severalty to United Peorias and Miamies in Indian Territory. At the adjournment on Saturday the question under consideration was the substitute for section 4 moved by the gentleman from Kansas [Mr. PERKINS].

Mr. PERKINS. As I said at the time, I moved that substitute at the request of the representatives of these Indians. At their request I again move to modify that substitute so as to insert, after the word "Indian," the words "not a member of the tribe;" so it will read:

Any adult members of the United Peoria and Miami tribes of Indians shall have authority, under the provisions of this act, to sell or dispose of, to any Indian not a member of the tribe, etc.

I also moved to modify it by striking out the word "become" and substituting the word "be;" so it will read:

Or forfeiture so long as the title to the same shall remain in the original patentee or be the property of any other Indians, etc.

The SPEAKER *pro tempore*. The Chair hears no objection to the proposed modifications of the substitute.

Mr. HOLMAN. I think the word "purchase," where it is used in the first clause of the proposed amendment, is not properly there, and should be stricken out.

Mr. PERKINS. If the gentleman will read that provision of the amendment in connection with the remainder of it, he will agree that it is the proper word.

Mr. HOLMAN. I have no objection to the use of the word "inheritance" in that connection; but the word "purchase," as used in the substitute, should be omitted. I ask the Clerk to read that portion of the amendment again.

The Clerk read as follows:

That the lands so patented shall remain free from execution, levy, taxation, compulsory sale, or forfeiture so long as the title to the same shall remain in the original patentees or become the property of any other Indians by inheritance, purchase, or otherwise, etc.

Mr. HOLMAN. Now I hope the word "inheritance" will be allowed to remain, but the word "purchase" ought to be stricken out.

Mr. PERKINS. I think it should not be stricken out in consequence of what follows; and I believe that, in connection with the amendment I offered a short time ago, the gentleman will not object. I ask the Clerk to read the remainder of the proposed amendment.

The proposed substitute was read at length.

Mr. COBB. Mr. Speaker, I move to amend that amendment by striking out the words in the second line of the amendment, "in fee-simple," and in the third line the word "forever." I should like to be heard upon this amendment before a vote is taken upon it.

The SPEAKER *pro tempore*. The gentleman from Kansas has an amendment already pending to the amendment.

Mr. PERKINS. I think we had better have a vote first on the amendment suggested by myself. Let the gentleman's amendment be pending.

Mr. COBB. Before that I want to be heard for a moment.

Mr. PERKINS. Mr. Speaker, I think, rather than consume the time, I will accept the amendment of the gentleman from Alabama, so that we can get on with the bill.

Mr. HOLMAN. I hope the gentleman will not do that unless there is some explanation of the object to be accomplished by the amendment.

Mr. PERKINS. Very well; then I shall wait to hear the reasons the gentleman may have for offering the amendment.

Mr. COBB. I desire to say, Mr. Speaker, that I am opposed to the amendment offered by my colleague on the committee, and shall vote against it. I think that the original section of the bill for which the amendment is offered as a substitute is better. This original section conforms to the general policy of the Government with reference to the Indians, and especially the policy of the Government as declared in the act of 1887, approved February the 8th of that year. This policy is, that the Government of the United States shall hold lands for the Indians for a certain period of time, and then that the lands may go to them in severalty, they receiving a fee-simple title.

Pervading this policy is the expectation that the Indians will attain the qualifications necessary to enable them, properly, to be trusted with the lands in fee, and to enable them to reach that status which will make it safe for them to become citizens of the United States. I repeat and urge what I said on Saturday in regard to this matter.

The provisions of this amendment seek to force upon these people the rights and privileges and duties of citizenship without regard to their qualifications. Therefore, believing, as I do, that this is not a wise policy, although it may be recommended by the Indian Department, and although it may be urged by those who seem to have particular regard for the Indians, I can not give to it the assent of my judgment. I can not consent that it will be well for the Indians to withdraw from them the guardianship of the United States. This guardianship—this superintending care—will be withdrawn whenever they are settled in severalty upon their lands and are made citizens of the United States. Such will be the necessary and inevitable result of such provisions as are contained in the proposed amendment.

Now, what will be the effect of this policy? These men are settled upon lands allotted to them, and are forced, we will assume, under the operation of this bill, to take them in severalty. Suppose the Indians do not care to take the lands in severalty—and this is no unreasonable supposition—and abandon them? They are then without support or guardianship, and what is to become of them? But my limited time will not permit me to press this point.

I have another objection to the amendment. I take it to be wise when we are legislating for these people that our legislation should be without doubt as to its meaning—that the terms in which it is framed should be clear and unambiguous.

Now, to any legal mind the inconsistencies contained in this amendment will readily appear. If the words "in fee-simple and forever" are not stricken out, the result is, you have a provision here under the operation of which——

[Here the hammer fell.]

Mr. NELSON. I rise to oppose the amendment and yield my time to the gentleman from Alabama.

Mr. COBB. I thank the gentleman for his courtesy. I was about to point out an inconsistency in the provisions of the amendment. If the words are left in the amendment providing that these lands shall be given in fee-simple to these several Indians, the result is a patent issuing from the Government of the United States which, as we all know, is simply equivalent to a deed, containing these provisions: first, a conveyance in fee-simple and forever of a tract of land. Following that, in the same deed, conditions and limitations and restrictions are imposed.

Now, what is the result? Let us consider for a moment what would be the result when the patent is presented for construction by the judicial department of the Government. One of these Indians with his patent in his hand makes a sale. There is an interference or an attempted interference with his vendee and he appeals to the courts. He says, "I have got a fee-simple title to this land; there is no restriction to the sale of the land on the part of these patentees." And why? Because of the operation of the provision of law that, where there are two inconsistent provisions in a deed the first holds and the latter is a nullity. The first provision in a deed, the last in a will—that is the universal rule.

Now here is a deed which says upon its face and in its first clause, that "the Government of the United States conveys in fee-simple forever a tract of land to the patentees." Following in the same instrument are restrictions and limitations, not upon the sale only—and I call the attention of the lawyers in the House to that—but restrictions and limitations upon the title itself.

Such is the deed, first, words of conveyance in fee-simple forever; then restrictions and limitations upon the title itself. Now, what is the result? The patentee has the absolute, unqualified, fee-simple title.

And yet, Mr. Speaker, it is not pretended that that is the policy to be pursued with regard to these Indians.

Upon both of these grounds I am opposed to this amendment. There are two classes of men who are operating with regard to these Indians, and who, unwittingly it may be, are driving them to their destruction. One class are the philanthropists, who believe they are doing wisely when they attempt to put the Indians on an equal footing as to the rights of property and the rights of citizenship with the civilized white man. The other class are those, in my opinion, who are not actuated by these philanthropic motives. They do not care what becomes of the Indian. They think that he is doomed, and the quicker he is extirpated from this continent the better. But seeing the operations and effect of the policy prescribed and urged by these men who are really seeking his benefit——

[Here the hammer fell.]

Mr. NELSON. I move to strike out the last word, and yield five minutes to the gentleman from Alabama [Mr. COBB].

Mr. COBB. I do not want to take up too much of the time of the House.

Several MEMBERS. Go on.

I am, Mr. Speaker, pleading for the Indian; pleading for the adoption of the policy which will protect him; because I sincerely believe that this nation owes him a duty that it ought to fulfill.

Now, I say that these two classes of whom I am speaking, the one the honest philanthropic men—perhaps impractical—who are seeking to promote the welfare of the Indian, the other caring nothing for his destiny, or, it may be, believing it to be settled, but wise enough to see that the policy urged by the first will hasten his destruction, have joined in demanding the same course. We see both parties urging that the Indian be made a citizen and be assigned his land in severalty and given a fee-simple title.

Now, put him in that position and how long will he hold his land? How long will he hold his 160 or 240 acres of land if you give him a title in fee? The result will be that these adventurous and enterpris-

ing men of whom we have heard so much, and of whom my friend from Mississippi [Mr. HOOKER] spoke so eloquently on Saturday as pressing him on all sides, will speedily acquire his lands.

Mr. BUTTERWORTH. Is the Indian allowed to alienate it by this bill?

Mr. COBB. Yes, sir; that is my construction. The amendment, as I have attempted to show, is inconsistent in its provisions. The first provision gives him a title in fee. The other, as it appears to me, provides restrictions and limitations, which, however, will not take away the power of alienation; and when he alienates his title, where is he?

Mr. BUTTERWORTH. He becomes a pauper and a little worse than that.

Mr. HOOKER. He comes back on the Government for support and the Government will have to sustain him.

Mr. COBB. One of two results will inevitably follow; either the Indian will become a pauper and die of starvation, or else he will put himself in a condition to demand of the Government a reversal of its policy. If he does not starve he will make himself so troublesome to the Government that a reversal of this policy will inevitably follow. And in thus pursuing a shifting policy the Government retards rather than advances the advancement of the Indian.

Mr. PERKINS. Mr. Speaker, I desire to explain briefly to the House what, in my judgment, is the effect of this substitute, and in that connection I shall give the House a little history in addition to what was given in the debate on Saturday. As I then explained, there are fifty-eight of these Miami Indians and one hundred and forty-four of the Peorias and those associated with them. They occupy a reservation in the Indian Territory of 50,300 acres. They have also some remaining lands in Kansas of those which have been given to them heretofore under treaty, which lands they are not occupying. There are some three or four or five sections, in the aggregate, scattered over two counties in my State, and by the provisions of this bill the Indians are authorized to sell those lands, as they are substantially authorized to do under existing law. But the Indians come to Congress, as they have come for years, asking that the lands which they occupy in the Indian Territory shall be given to them in severalty.

A division of the reservation will give to each man, woman, and child 220 acres and a trifle more. Now, they ask that, as to all of these lands given them in excess of the 160-acre allotments, they may be authorized to sell them to other Indians who are not so fortunately situated as themselves. That is all there is of this amendment. These Indians say that, as to the 160 acres each, they are willing that the usual condition shall be put into their patents, that the lands shall not be alienable for twenty-five years, and that they are to be exempt for that time. That is the effect of the general allotment bill; that is the effect of almost every allotment bill that Congress has given its attention to. They say that as to the 160 acres of land given to each of these men, these women, these children, they are willing that that condition shall be made; but as to the excess over and above the 160 acres, they ask that adult members of the tribe shall have the right, if they choose, to sell those lands to other Indians, with the consent and approval of the Secretary of the Interior. They say that some of them may not need 220 acres of land. They say there are other Indians in the country not so fortunately situated as they are, and they simply ask that, as adults, they may have the right given them to sell to other Indians the excess of these lands over 160 acres. That is all they ask. Now, is there anything unreasonable in that?

Should any man, actuated by sentiment or by a desire to promote the welfare and well-being of these Indians, stand upon this floor and oppose this substitute? These Indians, as I read from the report of the Indian agent on Saturday, are as competent to look after their own interests as any like number of men in any community in the country. They would like to have these lands given to them absolutely, without restriction; but knowing the sentiment of some members of Congress and the sentiment prevailing in many parts of the country, they are willing that the 160 acres allotted to each shall be subject to the usual condition in allotment bills making the land inalienable. As to the excess, however, they ask to be permitted to sell it to other Indians, and to Indians only, with the consent and approval of the Secretary of the Interior.

I move the previous question on the pending section and amendment.

Mr. BLOUNT. I hope the gentleman will not cut off debate in that way. This is the gentleman's own bill, which was referred to the committee.

Mr. PERKINS. How much time does the gentleman want?

Mr. BLOUNT. I do not know exactly; not long.

Mr. PERKINS. I will withdraw for the present the demand for the previous question. I did not know that there was any disposition to continue the discussion.

Mr. BLOUNT. Mr. Speaker, the Government of the United States, whenever it suits its purposes, claims to be the especial guardian of the Indian. Treaty obligations are set aside, and the Government assumes paternal care of the Indian and undertakes to do what is best for him.

Mr. FULLER. It does not always do it, though.

Mr. BLOUNT. My friend suggests that the Government does not always do it. I am surprised at him! [Laughter.] Then again, Mr. Speaker, when measures come into the House purporting to be for the benefit of these wards of ours, we are gravely told by persons urging them that "the Indians want them." Now, sir, I have never been one of those who have inclined to the opinion that our policy should be to provide for the ownership of Indian lands in severalty.

Such, however, has come to be, with some qualification, the policy of the Government. I believe that up to this time alienation has not been allowed until the expiration of a period of twenty-five years. The proposition of my friend from Kansas [Mr. PERKINS] is now to limit this period to twenty years. It is proposed that the Indian may sell a part of his lands to any other Indian. With the assent of the Secretary of the Interior, an Indian receiving land under this allotment may convey a portion to any other Indian who is not so fortunately situated as himself. What sort of a title is there to be in such a case?

Mr. PERKINS. Perhaps the gentleman may not be aware that we have never passed an allotment bill allowing to an Indian so large a quantity of land in severalty as is proposed to be given by this bill, and that is one reason why the bill authorizes under certain conditions a sale of the excess over 160 acres.

Mr. BLOUNT. Under this bill as it came to the House with the recommendation of the Committee on Indian Affairs there were to be so many hundred acres allotted to these Indians; but before we have reached the conclusion of the bill the gentleman from Kansas comes in with a proposition that we take away one-half of this land, and he suggests that in doing this we do more for the Indians than we have ever done before. Sir, I wish to say we have done nothing for the Indians in reference to this matter, either in this bill or in any other. There has been on the part of some of our people a spirit of agrarianism with reference to the lands of the Indians. Wherever there have been valuable Indian lands there has been pressure in this House, pressure from the Departments, pressure everywhere, for treaty stipulations or for legislation, the effect of which has simply been to rob the Indians, and this proposition giving to them a certain amount of land in severalty does practically nothing for their benefit. The result of this measure, in my opinion, will be that these lands will be frittered away. It does not appear that even on the portion of lands now proposed to be allowed houses are to be constructed and supplies furnished for the purpose of enabling the Indians to carry on their farms. As to the sum of money for which an Indian may sell a portion of his land to some other Indian, that is likely to be frittered away.

The inducement held out for the passage of this bill is that the Indian wants it. Yes, the cupidity of the Indian destroys his judgment. Inspired by his cupidity, he is doubtless pleased with the provision of the bill allowing him to sell a portion of this land and devote the proceeds to any purpose, however silly.

Mr. HERBERT. Will the gentleman allow a question?

Mr. BLOUNT. Certainly.

Mr. HERBERT. Is it not the opinion of the gentleman that the provision limiting the sale to another Indian would prove nugatory? Might not the Indian to whom the land would be transferred act as an agent for some other person? There is not even a limitation that the land shall be sold only to other Indians for the purpose of settlement and cultivation.

Mr. BLOUNT. I can come to no other conclusion than that which has been reached by my friend from Alabama [Mr. HERBERT].

Mr. HERBERT. The provision practically gives the Indian no protection at all.

Mr. BLOUNT. We are told that the Indian is in favor of this provision giving him a part of the land in absolute fee. Sir, any gentleman who has taken occasion to observe the course of affairs in reference to our Indian treaties——

Mr. PEEL. Mr. Speaker, are we not proceeding under the five-minute rule? The first reading of the bill, I believe, was dispensed with.

Mr. PERKINS. I yield to the gentleman from Georgia [Mr. BLOUNT] if he desires a little more time.

The SPEAKER *pro tempore* (Mr. COX). The gentleman from Kansas yields to the gentleman from Georgia [Mr. BLOUNT].

Mr. BLOUNT. Any gentleman who has taken occasion to look into the expenditures for negotiating Indian treaties on the part of this great Government of the United States—any gentleman who calls to mind the various baubles which have been used to attract the Indian's fancy and to operate as an inducement for the negotiation of these treaties—ought to feel the blush of shame come to his cheek. I can not but think that the money which these Indians are expected to realize from the sale of a portion of these lands is operating upon the Indians as a temptation in the same way as did the baubles which have been used for the purpose of negotiating treaties.

If we are to give these allotment lands to the Indians, let us give them absolutely, without any division. Let us try the Indian for a time in this matter. Let us not be in great haste to exhaust what little treasure we have left him. I trust, Mr. Speaker, that the amendment will not be agreed to.

Mr. PERKINS. I move the previous question on the section and pending amendment.

Mr. LA FOLLETTE rose.

Mr. PERKINS. As the gentleman from Wisconsin [Mr. LA FOLLETTE], who is a member of the committee and who has only come into the Hall within the last few minutes, would like to be heard, I will withdraw for the present the call for the previous question.

Mr. HOOKER. I rise to a parliamentary inquiry. I understand we are considering this bill in the House as in Committee of the Whole under the five-minute rule. If that is the fact, will it not be proper that the bill be considered afterward by the House itself?

Mr. PERKINS. This bill was not in the Committee of the Whole, but was on the House Calendar.

Mr. HOOKER. But it is now being considered, as I understand, in the House as in Committee of the Whole.

Mr. PERKINS. Oh, no; this bill was not on the Union Calendar. It makes no appropriation. It was upon the House Calendar.

Mr. HOOKER. Was not the motion made to consider it in the House as in Committee of the Whole?

The SPEAKER *pro tempore*. This bill was on the House Calendar; it makes no appropriation. The question now pending is on the amendment proposed by the gentleman from Kansas to the substitute.

Mr. PERKINS. I yield to the gentleman from Wisconsin [Mr. LA FOLLETTE].

Mr. BLOUNT. I wish to make a parliamentary inquiry. Does the Chair hold that a bill providing for parting with the title to Indian lands which are under the control of the Government does not require under the rules to be considered in the Committee of the Whole? I am quite sure it has been held otherwise frequently.

Mr. PEEL. This bill does not make any appropriation of Government property; it simply provides for the division of Indian lands among the Indians.

Mr. BLOUNT. But it provides for parting with the control of the Government over these lands; and it has always been held that the rules require such a bill to be considered in Committee of the Whole.

Mr. NELSON. In reference to the point of order of the gentleman from Georgia [Mr. BLOUNT] allow me to say——

Mr. BLOUNT. I have not made a point of order, only a parliamentary inquiry.

Mr. NELSON. I want to suggest to the gentleman from Geoegia and to the Chair that whatever might have been the ruling in the first instance the point has been waived, because we have gone on and considered the bill in the House.

Mr. BLOUNT. So I understand, hence I did not raise a question of order, and I did not expect that any ruling now upon a case not actually presenting itself would be treated anything like a determined opinion of the Chair.

The SPEAKER *pro tempore*. The Chair recognizes the gentleman from Wisconsin [Mr. LA FOLLETTE].

Mr. LA FOLLETTE. I did not know, Mr. Speaker, that I would add anything to what I said the other day; but I do desire to emphasize my objection to this amendment.

It has been stated repeatedly on this floor that these Indians are quite as capable of holding property, and of managing it, as white people. If this be true, then there is no reason why any restriction should be put upon the fee which they take in their lands, or upon their right to control their allotments under the bill; but I doubt, as I have before intimated, whether it is safe to follow the advice and direction of those from whom this amendment emanates, although they claim to be delegates of the Indians interested. It seems to me it ought to be apparent to any gentleman reflecting on this subject for a moment, that there must be, from the very nature of things, a wide difference in the business capacity of the different members of these tribes, and in their ability to manage property. It may be that all these Indians are capable of looking after their own interests, but I do not believe they or any other Indians have at this time reached such a high state of development, attained such a degree of civilization as to make it safe to intrust them with the power to dispose of their land.

I believe the inevitable effect of this amendment will be that all the lands to which the members of the tribe are entitled over and above 160 acres, amounting to something over 100 acres each, will soon pass into the hands of the stronger, shrewder, more capable members of the tribe, who, like these delegates now here, have been sharpened by their intercourse with the world and who have a great advantage over other members of the tribe in their superior business knowledge.

I believe it to be entirely proper for me to say that I submitted this amendment, and especially this portion of the amendment, to the judgment of the Commissioner of Indian Affairs yesterday morning, and he expressed himself as being wholly and irreconcilably opposed to the proposition. He believed it to be entirely unsafe, and thought it ought not to be adopted as part of the bill.

With that statement I will leave the matter with the House. If they see fit to place in the hands of these Indians the entire control of the disposal of their lands, the responsibility will be with them and not with me.

Mr. PERKINS. I wish to suggest to the gentleman from Wisconsin that since his interview with the Commissioner of Indian Affairs we have modified the amendment, at the request of the representatives of these Indians, to limit the excess of lands to be sold to other Indians or to other tribes. That limitation was not in the amendment when the gentleman showed it to the Commissioner of Indian Affairs. With that amendment it may have the approval of the Secretary of the Interior.

Mr. LA FOLLETTE. I do not see how that obviates the objection. They may dispose of their lands to other Indians or to Indians of other tribes.

Mr. HERBERT. That would not prevent these Indians selling their lands to Indians of other tribes.

Mr. LA FOLLETTE. It seems to me the bill is absolutely worthless in that regard.

Mr. HOOKER. I see it is provided in section 11—

That it is distinctly understood that no person or persons who have heretofore been attached to either of said tribes, and who have withdrawn from either of said tribes and become citizens of the United States, and been paid their fair share of the funds set apart for them and their families, shall have, or be permitted to have, any part or interest in and to any portion of the land or money allotted or paid to the said Peoria or Miami Indians under the provisions of this act.

I see, too, the gentleman from Kansas [Mr. PERKINS] has introduced a bill—

To provide for a revision of a distribution of the "invested and other common property" of the Confederated Peoria, Kaskaskia, Wea, and Piankeshaw Indians, made under the treaty of 1867, and for other purposes.

Mr. PERKINS. I am going to offer that as an amendment.

Mr. HOOKER. What I wish to inquire about is this: How do you provide for the protection of these Indians who, under the treaty of 1867, became citizens of the United States?

Mr. PERKINS. The gentleman from Mississippi, I will say, is mistaken in one particular. The bill he has before him has not been reported by the committee, although it has been introduced and is before them. It has not received their favorable consideration yet. However, by consent of parties interested, I am going to move that bill as an amendment in the proper place to accomplish the objects sought to be accomplished therein.

Mr. HOOKER. To whom do you refer when you speak of "parties interested?"

Mr. PERKINS. The citizen Indians and the delegates here speaking for the Indians in the Indian Territory. By consent they have agreed upon that as an amendment and given it to me, which I will offer at the proper time.

I now demand the previous question upon the substitute and the pending amendments to this section.

The previous question was ordered.

The amendments to the proposed substitute were severally read and concurred in; there being, on a division—ayes 51, noes 34.

The question recurred upon the adoption of the substitute for the section as amended.

Mr. HOLMAN. Let the substitute be read now as it has been amended.

The Clerk read as follows:

That upon the approval of the allotments provided for in this act by the Secretary of the Interior he shall cause patents to issue therefor in the name of the allottees, their heirs and assigns. Said patents shall contain and recite the following exemption clause: "That the lands so patented shall remain free from execution, levy, taxation, sale, or forfeiture so long as the title shall remain in the original patentee or be the property of any other Indians by inheritance, purchase, or otherwise;" also, the following restricting clause: "That 160 acres of said lands so allotted shall remain inalienable for a period of twenty years from the date of patents;" and if any conveyance shall be made of lands herein made inalienable by this act, or any contract made touching the same before the expiration of the time mentioned and provided by this act, it shall be absolutely null and void. Any adult members of the United Peoria and Miami tribes of Indians shall have authority, under the provisions of this act, to sell or dispose of to any Indian not a member of the tribe any part or parcel of land for himself or herself of the amount over and above the 160 acres of the allotments as hereinbefore made by this act. That the sale of any part or parcel of said allotments of lands shall not be made for a less sum than $1.25 per acre: *Provided*, That all sales of lands under this act made by the adult members of the said Peoria and Miami tribes of Indians while the Indian Territory remains under its present form of government shall be subject to approval by the Secretary of the Interior under and by the same rules and regulations governing the sales of Miami Indian allotted lands in Kansas, and the deed shall be recorded in the office of the Commissioner of Indian Affairs, and the deed after approval and recording shall be returned to the grantor named in the deed.

The question was taken on the adoption of the substitute; and on a division there were—ayes 41, nays 40.

Mr. BLOUNT. Let us have tellers.

The SPEAKER *pro tempore*. Does the gentleman make the point that no quorum has voted?

Mr. BLOUNT. I do make it.

Mr. BLOUNT and Mr. PERKINS were appointed tellers.

Mr. NELSON. I hope the gentleman from Georgia will not insist upon that point, as we have quite an amount of business from the committee to get through with, and there are several other sections to this bill.

Mr. BLOUNT. Mr. Speaker, at the request of gentlemen in charge of the Indian bills I withdraw the point of no quorum.

So (no further count being demanded) the substitute was adopted.

Section 5 of the bill was read.

The first paragraph of section 6 was read, as follows:

SEC. 6. That the unallotted lands of the Miami Indians in Kansas, including the school-sections, shall be disposed of in the following manner, to wit:

That each bona fide settler occupying any portion of said lands at the date of

the passage of this act, and having made valuable improvements thereon, or the heirs-at-law of such, who is a citizen of the United States, or who has declared his intention to become such, shall be entitled, at any time within one year from the passage of this act, to purchase the land so occupied and improved by him, not to exceed 160 acres in each case, according to the Government survey, at the appraised value thereof, as heretofore ascertained by the Secretary of the Interior, in accordance with the provisions of the act of March 3, 1873, under such rules and regulations as the Secretary of the Interior may prescribe. And such persons who are entitled to purchase said lands as aforesaid shall be permitted to make payment therefor in cash in three equal annual installments, the first installment to be payable on the day of the entry of the land, and the remaining two installments annually thereafter, with interest at the rate of 6 per cent. per annum from the date of entry.

Mr. HOLMAN. Mr. Speaker, I wish to ask the gentleman from Kansas when this appraisement was made?

Mr. PERKINS. Under the act of 1873.

Mr. HOLMAN. I know it was under that act, but I mean when was it made?

Mr. PERKINS. Soon after the passage of the act.

Mr. HOLMAN. I suggest to my friend from Kansas the propriety of striking out these words in the twelfth and thirteenth lines, "as heretofore ascertained;" so that it will read:

According to the Government survey, at the appraised value thereof, etc.

Certainly these lands ought not to be sold now on an appraisement made as far back as 1873. They ought to be sold, of course, at their actual present value. I therefore think it would be wise to strike out these words and insert "to be ascertained by the Secretary of the Interior under the provisions of the act of 1873."

Mr. PERKINS. I do not know that I have any objection to that amendment myself, only that I would like to suggest to the gentleman from Indiana the condition of these lands, and then if he desires to offer the amendment, of course it will be for the House to act upon it.

I will state to him that there are small quantities of these lands, little detached, jagged pieces, which have not been heretofore sold, possibly 20 acres in one place, 40 acres in another, and so on, in most cases very poor lands, lying along on the headwaters of the Marais de Cygnes River in my State; and, as a new appraisement would necessarily involve some expenditure and delay, they would like to avoid, not only the expense, but the circumlocution of the Interior Department that such an appraisement would involve. I thought that, as the lands had been appraised once and they were generally insignificant in value, there could be little question as to the interests of the present owners being guarded, and that they may be sold under the direction of the Secretary of the Interior, the minimum price being fixed by the bill. Under these circumstances, I do not think the gentleman will insist upon the amendment.

Mr. HOLMAN. If we were disposing of lands under the legislation of a State for the benefit of white people, we would be careful to see that there was a just appraisement and not an appraisement made ten or twelve years previously. Manifestly a sale under such circumstances might be very unfair and unjust, and hence I offer the amendment I have suggested.

The Clerk read the proposed amendment, as follows:

Amend line 12 of section 6 by striking out the words "as heretofore" and inserting "to be hereafter;" making it read: "not to exceed 160 acres in each case, according to the Government survey, at the appraised value thereof, to be hereafter ascertained by the Secretary of the Interior."

The amendment was adopted.

The Clerk read the concluding paragraph of section 6, as follows:

And the net proceeds of the sales of said lands, after defraying the expenses of the sale, shall belong to said Miami Indians, and shall be disposed of as now provided by law.

Mr. HOOKER. I ask the gentleman who has charge of this bill what is the effect of these closing words of the section which the Clerk has just finished reading, what Miami Indians are referred to, and what provision of law? Do you include the citizens as well?

Mr. PERKINS. No, sir; but the citizens will be included by the amendments we will offer, to which I called attention a short time ago.

The Clerk read section 7, as follows:

SEC. 7. That the Peoria and Miami Indians shall be paid separately all such sums of money as may be due each of said tribes, in manner as hereinafter provided; and so much of that portion of the act of March 3, 1873, as relates to the consolidation of said tribal funds of said Peoria and Miami Indians is hereby repealed.

Mr. HOLMAN. I hope the gentleman from Kansas will inform the House as to the state of the funds of these consolidated tribes; how much money they have here in trust for them, and how much is paid them annually for interest.

Mr. PERKINS. The Peorias have about $77,300 as a trust fund; in addition they have about $20,000 as a school fund. The Miamies have not as much, but I have been unable to learn, without visiting the Indian Office, just how much. When the same question was asked me on Saturday I had intended to visit the Indian Office to get this information, but I have been so busy that I have not been able to do so; but the amount paid to the Miamies is much less than that paid to the Peorias.

Mr. HOLMAN. Then it may be assumed that about $150,000 are held for the benefit of both tribes?

Mr. PERKINS. Substantially that.

Mr. HOLMAN. And except as to the $20,000 of the school fund of the Peorias and whatever may be the amount of the school fund of the Miamies, it is proposed to distribute the balance among the tribe?

Mr. PERKINS. Yes. The bill distributes the common fund so that they may use it for making their homes in the Territory and for their general good.

Mr. HOLMAN. I think many of those Indians would use that money prudently, but there are some of them who would not, and I should be very glad to inquire whether the tribes by any action of theirs or their council, as I believe they have a common council acting for both tribes, have expressed any wish that this fund should be distributed.

Mr. PERKINS. I will say that this provision has been in every bill which has been introduced at the instance and suggestion of these Indians. For several years they have approved every measure of this kind in their councils and by petitions to Congress, and they have sent delegation after delegation to urge on Congress the passage of the bill, and I will say in addition the Indian Office recommends the adoption of this section with others. I have a letter in my desk from the Indian Office approving it.

Mr. HOLMAN. These Indians have here representing them some intelligent men. I have seen two of them; one of them is a white man, I believe. The other tells me he is the great grandson of Richardville, who, I understand, was half Indian and half French. These Indians are getting remote from the original stock.

Mr. PERKINS. That is true of nearly all the tribes.

Mr. HOLMAN. Does my friend from Kansas believe it is safe policy to pay over to these two hundred Indians at least $120,000 when they are getting along reasonably well as it is? Is it safe to put this money at peril in their hands? Does our experience in reference to these Indians justify that line of policy? Does the Commissioner of Indian Affairs recommend it?

Mr. PERKINS. He does. This entire bill was submitted to the Commissioner of Indian Affairs and the Secretary of the Interior, and every paragraph of it received the sanction of that Department. The committee amended the bill so as to conform to every suggestion of the Indian Office.

Mr. HOLMAN. I apprehend we are following a line of policy, and have done so ever since we commenced the allotment system, that will make the remnants of the aboriginal tribes landless and hopelessly impoverished.

Mr. PERKINS. As to the minors, that fund is not given to them; but guardians are to be appointed and bonds given, and they are to care for this fund as guardians for their wards, as is the case in most of our States. Then I will say the Committee on Indian Affairs in the preparation of the annual appropriation bill, upon the recommendation of the Indian Office, has provided for the distribution of trust funds in other cases to Indian tribes.

Mr. NELSON. I call the attention of the gentleman from Indiana to the proviso at the end of section 8:

Provided, That the shares of all minors entitled under this act shall be retained one year from the passage of this act, to purchase the land so occupied and improved by him.

In other words, it is held in the Treasury of the United States.

Mr. HOLMAN. That is all safe enough as to the minors, but it is unsafe in my judgment as to a large proportion of those who are adults and who would receive this money. I think that two influences which have been mentioned by the gentleman from Alabama [Mr. COBB] are working to the injury of the Indians; upon the one side the influence of mistaken humanitarians, people who believe that the Indians are to be benefited by being placed upon the same footing with white men, and who measure their capacity for managing their affairs by the intelligence of the white man; upon the other the everlastingly aggressive spirit of the white man, which impels him to reach out for at least all that he can fairly acquire.

These two forces are working together, and their influence produces a result which is very different from the former policy of our Government, and, Mr. Speaker, I can not but deplore the existence of this new Indian policy. I do not indulge the slightest hope that the Indian will be benefited by it. On the contrary, I think that our generation will have the misfortune of undoing what our fathers sought to do for the Indian. The messages of President Jackson and his predecessors breathe a very different spirit from the measures that are carried through Congress here year after year. Our fathers sought to save the remnants of these brave people, and they set apart for them reservations solemnly dedicated to their use forever, in language as strong as the human mind could express. But the present policy is to reach out and take possession of those Indian lands. Thirty-nine million acres of their lands have already been taken by bills which have passed this House within a brief period, and those lands are to be thrown open for settlement by white men.

We can not complain, perhaps, with regard to the lands that are situated away from the Indian Territory, because they are required for white occupation, and because the Indians are paid a reasonably fair price for them; but as to the lands in the Indian Territory I must protest against the policy which has been recently instituted, and which is pressed so urgently and aggressively upon the House, the policy of opening up that

Territory to white settlement in defiance of solemn treaties made with the Indians in former years. We commence in the northeastern corner of the Indian Territory with lands which we have declared shall not be subject to the legislation of any State or Territory. We commence legislating there by the terms of this bill. Bill after bill is pending in Congress for the purpose of reaching the other Indian lands, and they will be reached, and this policy is to be substituted for the benign, humane, honorable policy of our fathers which set apart a fine body of land for the purpose of colonizing those Indians who would consent to go there and build up a great Indian commonwealth. And, sir, our experience up to the present time has justified the hope of our fathers that a great Indian commonwealth might be built up there and that at least one State of this Union might be peopled by the descendants of the brave Indian tribes that once occupied and possessed this whole land.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Indiana [Mr. HOLMAN] that there is nothing pending before the House. The gentleman from Indiana has not submitted any amendment.

Mr. WEAVER. Will the gentleman from Indiana [Mr. HOLMAN] permit me to ask him a question?

Mr. HOLMAN. Certainly.

Mr. WEAVER. I wish to ask the gentleman whether he thinks from the current history of the Indian Territory that a very humane condition of affairs exists there?

Mr. HOLMAN. I think that in the main, everything considered, the Indian Territory is doing remarkably well. The claim has been made, and I have never heard it denied, that there was not a pauper among the five civilized tribes, and the same claim has beeen set up by the Sacs and Foxes.

Mr. PEEL. Mr. Speaker, I dislike to interrupt the gentleman, but——

Mr. WEAVER. The condition of the Indian Territory is that it is controlled by a few barons who are enslaving all the rest.

Mr. HOOKER. I wish to ask the gentleman in charge of this bill [Mr. PERKINS] what portion of the existing law section 7 proposes to repeal. I observe in that section this language:

And so much of that portion of the act of March 3, 1873, as relates to the consolidation of said tribal funds of said Peoria and Miami Indians is hereby repealed.

To what section of the act of March 3, 1873, does that refer?

Mr. PERKINS. To the provision which has created this consolidated fund.

Mr. HOOKER. And put it in trust?

Mr. PERKINS. And put it in trust.

Mr. HOOKER. Then this repeals that provision, and provides for the distribution of the fund.

Mr. PERKINS. Yes, sir; we repeal that section of the act of 1873.

The Clerk read the next section, as follows:

SEC. 8. That within ninety days from and after the passage of this act the Secretary of the Interior is hereby authorized and directed to pay over to the said Peoria, Wea, Kaskaskia, and Piankeshaw Indians, except as hereinafter provided, all money belonging to said Peoria, Wea, Kaskaskia, and Piankeshaw Indians, and heretofore invested by the United States for the benefit of said Indians, together with all money now in the custody of the United States and belonging to said Indians, and arising from any and all sources whatsoever, the same to be paid out under the direction of the Secretary of the Interior per capita to all of said Peoria, Wea, Kaskaskia, and Piankeshaw Indians: *Provided*, That the shares of all minors entitled under this act shall be retained in the Treasury of the United States until such minors shall arrive at full age; and such shares so remaining shall bear interest at the rate of 3 per cent. per annum.

Mr. PERKINS. Mr. Speaker, there are, as many members of this House may be aware, some citizen Indians who have heretofore belonged to these tribes. Under acts of Congress already passed their fund has been distributed, and the relations previously existing between the several members of the tribe have been adjusted. The citizen Indians, however, think that in this adjustment they did not get their full proportion of the trust fund; and they have a bill pending in the House, which has been referred to our committee, asking a readjustment of the matter and a redistribution of the fund. That is the bill to which my friend from Mississippi has referred. In order to give the Interior Department an opportunity to reinvestigate this matter and to do justice in the event that these Indians did not get their full share in the distribution already had, I move the following amendment:

In line 2 of section 8 strike out the words "passage of this act" and insert the following:

"Revision of a distribution of the invested and other common property of the Confederated Peoria, Kaskaskia, Weah, and Piankeshaw Indians, made under the treaty of 1867, as hereinafter provided."

Other amendments are to follow which will make the bill harmonious.

The amendment was agreed to.

The Clerk read the following:

SEC. 9. That within ninety days from and after the passage of this act the Secretary of the Interior is hereby authorized and directed to pay over, except as hereinafter provided, to the said Miami Indians, all money belonging to said Indians, or that may be due to said Miami Indians from the United States, arising from any and all sources whatsoever, the same to be paid out, under the direction of the Secretary of the Interior, per capita to the members of the said Miami tribe of Indians. That all money received and now in the custody of the United States, or that may be received up to the date of the passage of this act, arising from the sale of the unallotted lands in Kansas, including the school sections referred to in section 6 of this act, shall immediately be available after the passage of this act; and the Secretary of the Interior is hereby authorized and directed to pay the same to said Miami Indians in accordance with the provisions of the act of March 3, 1873.

Mr. HOLMAN. I would be very glad to know whether the Commissioner of Indian Affairs recommends definitely this section and the two preceding sections. Has he given an expression of approval as to the general bill, or does he advise the distribution of this fund among the Peorias and other Indians?

Mr. PERKINS. As I stated a few minutes ago, this bill was submitted to the Indian Office and to the Secretary of the Interior, in order to obtain the views of the Office and the Department upon it. They interpolated in the bill as submitted to them such amendments as in their judgment were proper. The committee accepted every such amendment and suggestion, and reported the bill to the House as amended and approved by the Indian Office and the Secretary of the Interior. This bill confers upon these Indians the rights of citizenship substantially as the general allotment bill confers the right of citizenship upon the Indians to whom allotments are made.

Mr. HOLMAN. So that the Commissioner of Indian Affairs, it is understood, actually recommended the policy of this bill.

Mr. PERKINS. He did, he indorsed every line of it as reported to the House.

Mr. HOLMAN. I hope this is not a mistake, because it is a very serious matter to these unfortunate people. My belief is that within five years the body of these Indians will either be asking aid from this Government to support them on their lands, or else they will be outcasts and paupers.

The SPEAKER *pro tempore*. There is no amendment pending. The Clerk will read.

The Clerk read as follows:

SEC. 10. That upon the completion of the allotments provided for in this act and the patenting of the lands to said allottees, each and every member of the united tribes to whom allotments have been made shall become and be a citizen of the United States entitled to all the rights, privileges, and immunities of such citizens.

Mr. COBB. I move to amend by striking out the section just read.

Mr. Speaker, while I am not opposed to the policy of allowing Indians to become citizens of the United States, I am unalterably opposed to the policy of thrusting citizenship upon them without reference to their qualifications to receive it. This bill proposes in the first place to divide the lands of these Indians in severalty; and the mere fact that the land is so divided is to make them citizens, so we are told, under the general laws of the United States. If that be true, then this section is not necessary. If it is not true, then I am opposed to the section, because I am opposed to having these Indians made citizens in the manner here provided.

It is well known that these Indians are not the most civilized of our Indian tribes. There are other Indians more advanced in civilization who have never yet received the privilege of citizenship. It is more than doubtful whether any of the Indians are prepared, as tribes or bands, to enjoy the rights and privileges and assume the duties and responsibilities of citizens. If we are to pursue the policy of making them citizens, why not do so under such regulations, limitations, and restrictions of law as will insure their fitness to exercise the rights of citizenship? Here is a whole tribe or band of Indians, not the most civilized in the Indian Territory, upon whom you propose to confer by a single enactment the rights and duties of citizenship. I think the policy is wrong, looking to the interests of the Government; and it is certainly wrong, in my judgment, so far as the Indian himself is concerned, as it will tend to drive him more speedily to his destruction.

Mr. NELSON. I beg to have read section 6 of the general allotment act passed at the last Congress. I want to have it read for the information of the House.

The Clerk read as follows:

SEC. 6. That upon the completion of said allotments and the patenting of the lands to said allottees, each and every member of the respective bands or tribes of Indians to whom allotments have been made shall have the benefit of and be subject to the laws, both civil and criminal, of the State or Territory in which they may reside; and no Territory shall pass or enforce any law denying any such Indian within its jurisdiction the equal protection of the law. And every Indian born within the territorial limits of the United States to whom allotments shall have been made under the provisions of this act, or under any law or treaty, and every Indian born within the territorial limits of the United States who has voluntarily taken up, within said limits, his residence separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life, is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges, and immunities of such citizens, whether said Indian has been or not, by birth or otherwise, a member of any tribe of Indians within the territorial limits of the United States without in any manner impairing or otherwise affecting the right of any such Indian to tribal or other property.

Mr. COBB. I ask the gentleman from Minnesota to have read at the same time section 8 of the same law.

Mr. PEEL. I must object to the time being taken up in these debates when there is no question pending before the House.

The SPEAKER *pro tempore* (Mr. HATCH in the chair). The gentleman from Minnesota is entitled to the floor.

Mr. NELSON. I desire to say, Mr. Speaker, that the general law

which I have had read at the Clerk's desk goes further even than the proposition in this bill. Therefore whether we leave this in the pending bill or not these Indians will come in under the general allotment act.

Mr. PERKINS. These Indians were specially excepted from the general allotment act, and therefore if they are to become citizens of the United States it must be done affirmatively, because as the law now stands they are expressly excepted.

Mr. HOLMAN. Have these Indians applied for this legislation?

Mr. PERKINS. They have.

Mr. HOLMAN. The men who are here are white men—one is a white man and the other is a half-breed. I am not aware that they are here having any authority from these Indians to represent them.

Mr. COBB. I should like to have read section 8, to which I have referred, of the general allotment act.

Mr. PEEL. I do not wish to interfere with my colleague on the committee, but I should like to ask the Chair a parliamentary question: whether it is competent for gentlemen to discuss this bill except under the five-minute rule?

The SPEAKER *pro tempore*. The bill is being discussed under the five-minute rule. The gentleman from Alabama who offered the amendment occupied but two minutes, and the gentleman from Minnesota occupied less than three minutes.

Mr. PEEL. I am anxious to get along with this bill.

Mr. COBB. In addition to the statement made by the gentleman from Minnesota, I will say that section 8 does except these Indians from the operation of section 6, which was read on his request at the Clerk's desk.

I have but a word more to say. I am as anxious as my colleague, the chairman of the Committee on Indian Affairs, to get along with the bill; but it strikes me it is not prudent and wise legislation to permit a bill to pass without fair consideration.

Mr. PERKINS. By express terms, it is provided in the general allotment act—

That the provision of this act shall not extend to the territory occupied by the Cherokees, Creeks, Choctaws, Chickasaws, Seminoles, and Osages, Miamies and Peorias, and Sacs and Foxes, in the Indian Territory.

It was expressly understood that these Indians were not to be embraced.

Mr. HOLMAN. In the treaties with the five civilized tribes of Indians in the Indian Territory it was expressly provided that they were not to be embarrassed by legislation in reference to the Indians who were allowed to be located in that Territory. Those Indians were to be under their own government. They sold to these Miamies and Peorias a small corner of land. I would inquire, therefore, whether this legislation is not almost a violation in terms of the treaty under which the Cherokees acquired these lands?

Mr. COBB. I have no knowledge about that; if I had time I would go more extensively into that question; and I hope to do so when the Indian appropriation bill comes up for consideration. We have not time now to go into these questions.

We are now speaking on the question of citizenship. I do not think this provision extending the right of citizenship to these Indians, before we are assured they are ready for it, should be in this bill; and it is against that provision I feel it to be my duty to object. I propose before this Congress adjourns to introduce a bill repealing the general law on this subject, because I think it is wrong in principle and destructive in its policy. I do not want this thing to extend further than it has already gone, and hence I am opposed to providing in this bill for the extension of citizenship to these Miamies and Peorias. It is violative, as my friend from Indiana [Mr. HOLMAN] has suggested, of our treaty stipulations.

I am opposed to the whole policy as to conferring citizenship covered by this bill. What inquiry is provided to be made into the qualifications these men have for the exercise of the right and the performance of the duties of citizenship? Since this Government was organized we have been liberal in our policy of granting citizenship, but it has always been connected with the inquiry as to the qualification of the person applying for it to discharge its duties and obligations.

Mr. PERKINS. I simply desire to say, in response to the gentleman from Alabama, that I have here a letter from the Commissioner of Indian Affairs, and this section 10 found in the bill is found in the language draughted and recommended by the Indian Office. I therefore ask a vote on the amendment.

Mr. HOOKER. Mr. Speaker, I understand the motion of the gentleman from Alabama is to strike out the tenth section upon the ground that it proposes to regard as citizens of the United States all the members of these two combined tribes of Miami and Peoria Indians immediately upon receiving their allotted lands. An amendment which was adopted at the instance of the gentleman from Kansas [Mr. PERKINS] this morning, or a few moments ago, contained the stipulation that these lands, when thus allotted to the Indians, should be inalienable except to Indians; that the title should be perpetually in the allottees, their heirs or assigns, provided they were Indians, and that the lands should be exempt from execution, levy, or sale under the ordinary forms of law as provided when lands are held by white men. The singular aspect is thus presented of a proposition to create over a small portion of the Indian Territory—a little parallelogram along the northeastern portion of the Territory, as gentlemen will see by reference to the map which I hold in my hand—a different system, and establish there the two tribes of Indians which you propose to locate in that parallelogram under a system different from that which is in force over the remainder of the Territory inhabited by these various tribes. It is proposed here by legislative enactment to admit the combined tribes of Miamies and Peorias as citizens of this country, and settle them upon their own lands, coupled with the extraordinary condition, I might say one unparalleled in the history of any people over whom we propose to stretch our laws, that they shall be vested with all the rights and privileges of citizens of the United States and at the same time be entirely free from execution through the ordinary processes of law. Under what State are they placed? In what State would they be regarded as citizens? Under what law do they live? How would they be citizens of the United States? Under what territorial organization would they act? Where would they be triable for a violation of the law? Where would they be amenable to civil suits?

Under this law they could not be amenable at all, for their realty is free from all execution, from any judgments, which may be obtained against them, unlike any similar provision incorporated in the laws of any of the States of the Union affecting the property of the poorest man in the country. The strange policy would be presented here of carving out of the extreme northeastern portion of this Indian Territory this small parallelogram and clothing the combined tribes of the Miami and Peoria Indians, whom you propose to locate there, with the rights of citizenship under the laws of the United States, and yet under no State, in no State, having no laws applicable to them or over them, and under the control of no law whatever.

Mr. HOLMAN. Except their own.

Mr. HOOKER. Yes, except their own.

Now, it will be observed, and it is significant, that this little strip of land to which I have referred is close upon the State of Missouri, and on the northern boundary is the State of Kansas.

Mr. BUCHANAN. Does not that arise from its geographical position? [Laughter.]

Mr. HOOKER. Undoubtedly from its geographical position, but most fortunately for Kansas and Missouri, however unfortunate it may be for the Indians themselves.

But, sir, I hold that the bill contains graver objections than the objections that have been so well stated by my friend from Alabama [Mr. COBB]. These people are in the midst of the five semi-civilized Indian tribes. These tribes are known to be bitterly opposed to the principle of allotment of their lands in severalty. They sold these lands to the Miami and Peoria Indians, under what particular terms of the treaty I have not now time to investigate, but sold them for the purpose of being occupied by Indians living under the same system of laws as themselves, wedded to the same line of policy as themselves. It is undoubtedly a violation of the terms and stipulations of the treaty under which the Cherokees held these lands to say that you will now change the conditions under which they are held and adopt a different system in relation to them from that applied to the other tribes. If you may do that you may change the laws applicable to the lands held by the Indians in any portion of the territory occupied by any of the Indians, and I prophesy, Mr. Speaker, that this bill is but the entering wedge for propositions that are now here, or shortly will come, submitting plans and methods to change the policy under which the Indians hold their lands.

Mr. PEEL. Mr. Speaker, I desire to say for the benefit of my friend from Mississippi that, unless I am badly mistaken, under a general allotment bill the Quapaws and Pottawatomies and other Indian tribes have already had their lands allotted; and hence this is no anomaly. The world will go on all the same after it is done as it has been going on for some time.

Mr. HOOKER. It will be imitating a very bad example, if it has been set before. I understand that the Pottawatomies are situated in that way, and that amongst them that principle prevails. I do not think, however, it can be justified upon any ground unless you are going to change the whole Indian policy, and on the pretense that you understand their interests better than they do themselves.

Now, I assert that the five civilized tribes are amply capable of directing their own affairs. I had occasion to pass through that part of the country not very long since, and met with men of the Cherokee, Chickasaw, Creek, and Choctaw tribes, and know their feelings in reference to the matter. I have spoken heretofore of their capacity to manage their own affairs. And while they may have peculiar views of the obligations of contract, if there is one principle that is dearer to these Indians than another, and if there is one in which they show marked intelligence and unanimity, it is the pertinacity with which they insist on holding their lands in common. They say, "It is our right, and unless you were dealing with us when you donated these lands in exchange for this vast empire east of the Mississippi," to use their own figurative language, "with forked tongues, and your promise that we should enjoy the occupancy of these lands forever meant only that we might hold them until you wanted them for the white people, and would

then ruthlessly, under the pretended form of protection, take them away, you will leave us to determine for ourselves what are our best interests and not force upon us a condition not demanded by our condition or best interests and not warranted by your obligations to us."

We stand, sir, related to these Indians, not only by solemn treaties, but the patents of the Government have gone forth, the highest evidence of title. And if you may invade it in one small and insignificant corner of the Indian Territory you may invade it everywhere, and set it aside at your own will and pleasure whenever you want these rich lands.

Mr. WARNER. I desire to make a correction of a statement made a short time ago. It was stated that by the treaty with the Cherokees in 1866 it was provided that lands should be deeded to them as tribes. I beg to say it was left to the discretion of the General Government whether lands should be deeded to the tribes or to the Indians.

Mr. HOLMAN. The Government used that discretion and elected to give the lands to the tribes.

Mr. PERKINS. Let us get on with this bill, which has nothing to do with the Cherokees.

The SPEAKER *pro tempore*. The question is on the amendment of the gentleman from Alabama [Mr. COBB] to strike out the tenth section.

The question being taken, there were—ayes 33, noes 73.

So (further count not being called for) the motion to strike out the section was not agreed to.

The Clerk read section 11, as follows:

SEC. 11. That it is distinctly understood that no person or persons who have heretofore been attached to either of said tribes, and who have withdrawn from either of said tribes and become citizens of the United States, and been paid their fair share of the funds set apart for them and their families, shall have or be permitted to have any part or interest in and to any portion of the land or money allotted or paid to the said Peoria or Miami Indians under the provisions of this act. Where present members of either of said tribes shall have intermarried into each other's tribe, respectively, he or she shall not be barred from receiving his or her full share of all land and money divided per capita under this act among the tribe from which he or she originated.

Mr. PERKINS. I offer the amendments which I send to the desk. I think it will save time to take them together.

The Clerk read as follows:

In line 2, strike out "either of said" and insert "the Western Miami."
Strike out the letter "s" from "tribes" in line 3, and strike out in same line the words "either of."
In line 4, strike out "s" from the word "tribes."
In line 5, strike out the word "fair."
In line 8, strike out "Peoria or."
Strike out all after the word "act" in line 9.

Mr. HOOKER. Why in this section strike out the Peorias?

Mr. PERKINS. Because these provisions do not relate to them.

Mr. HOOKER. I understand the purport of the gentleman's amendment to be that none of those who have chosen to become citizens of the United States shall be entitled to any portion of this fund.

Mr. PERKINS. The object of our amendments is that they shall have whatever may be found to be their due, and that the Government shall be able to give it to them.

Mr. BUCHANAN. I wish to ask the gentleman from Kansas a question. He says, as I understand, that this bill has been submitted to and approved by the Commissioner of Indian Affairs.

Mr. PERKINS. Yes, sir.

Mr. BUCHANAN. I wish to know whether the bill submitted to the Commissioner of Indian Affairs was the bill reported to the House or the bill as it is now being amended?

Mr. PERKINS. The bill reported to the House.

Mr. ADAMS. I suggest to the gentleman from Kansas another amendment to the eleventh section. I think it would be better if the words at the beginning of the section "that it is distinctly understood" should be stricken out.

Mr. PERKINS. I agree to that and accept it as part of my amendment. Let the section now be read as it is proposed to be amended.

The Clerk read as follows:

SEC. 11. That no person or persons who have heretofore been attached to the western Miami tribe, and who have withdrawn from said tribe and become citizens of the United States, and been paid their share of the funds set apart for them and their families, shall have or be permitted to have any part or interest in and to any portion of the land or money allotted or paid to the said Miami Indians under the provisions of this act.

The question being put on the amendments of Mr. PERKINS as odified they were agreed to.

The Clerk resumed and concluded the reading of the bill.

Mr. PERKINS. In order that the bill may be made to conform entirely to what I suggested to the gentleman from Mississippi I move now the additional sections as an amendment pertaining to the same subject.

The Clerk read as follows:

Amend by adding sections 14 and 15, as follows:

"SEC. 14. That the Secretary of the Interior shall, immediately after the passage of this act, examine and revise the distribution heretofore made of the 'invested and other common property' of the tribe of Confederated Peoria, Kaskaskia, Wea, and Piankeshaw Indians, under the provisions of the treaty of 1867, between said Indians and the United States, and shall ascertain and determine the amount due the Indians of said tribe 'who remained and became citizens of the United States' under the provisions of said treaty at the date of the distribution aforesaid, and deduct therefrom the sum actually paid to said Indians in said distribution heretofore made, and pay to said Indians of said tribe 'who remained and became citizens of the United States,' the survivors of them, their heirs or legal representatives, according to the laws of descent and distribution now in force in the State of Kansas, the difference between the revised amount in excess of the amount so distributed as aforesaid, with interest thereon from the date of distribution aforesaid, and deduct the amount so found to be due to said Indians of said tribe 'who remained and became citizens of the United States,' with the interest thereon from such of the invested or other funds of said tribe of Confederated Peoria, Kaskaskia, Wea, and Piankeshaw Indians, or of such of the invested or other funds now held in trust for said confederated tribe. If it shall appear that any living persons who were members of said confederated tribe of Peorias, etc., as appear in the treaty of 1854 were not enrolled on the division rolls on which a distribution was made under the treaty of 1867, they shall be enrolled with the Indian class; and if any persons have been fraudulently or erroneously enrolled on either of said rolls they shall be stricken therefrom and the two rolls thus amended shall be the basis of the redistribution herein provided.

"SEC. 15. That in the revision and examination herein provided for said Indians 'who remained and became citizens of the United States' under said treaty of 1867, may be heard through counsel learned in the law, who shall have free access, for the purposes of this examination and revision, to all papers now on file in the Department of the Interior relating to or in any wise pertaining to said distribution or revision; and for the services of said counsel in this behalf a reasonable sum, to be fixed by contract between said Indians and their counsel, subject to the approval of the Secretary of the Interior, or in the absence of such contract in the discretion of the Secretary of the Interior, shall be retained out of the amount found to be due said Indians 'who remained and became citizens of the United States,' the survivors of them, their heirs or legal representatives, and be paid by the Secretary of the Interior to said counsel."

The amendment was adopted.

Mr. PERKINS. I ask unanimous consent for the House to recur to sections 7 and 9. I made a statement to the House, which I find, on examination of the letter of the Indian Office, was not correct. I said every amendment suggested to the bill by the Indian Office had been incorporated and reported; but I find now the Department criticises section 7 and section 9, and doubts the propriety of dividing this investment fund among these Indians. I ask unanimous consent to reconsider these sections, so that the House may not be deceived by any statement I made in the matter.

The SPEAKER *pro tempore*. Is there objection to going back to the consideration of those sections?

There was no objection.

Mr. HOLMAN. I shall move to strike out those sections.

Mr. BLOUNT. Let them be read.

Section 7 was read, as follows:

SEC. 7. That the Peoria and Miami Indians shall be paid separately all such sums of money as may be due each of said tribes, in manner as hereinafter provided; and so much of that portion of the act of March 3, 1873, as relates to the consolidation of said tribal funds of said Peoria and Miami Indians is hereby repealed.

Mr. PERKINS. I desire to read from the letter of the Commissioner of Indian Affairs, Mr. Atkins, in regard to those sections:

As to sections 7, 8, and 9, I quote from my report of April 16, 1886:

"Section 7 provides that the Peoria and Miami Indians shall be paid separately all such sums of money as may be due each of said tribes in manner as hereinafter provided, and repeals so much of the act of March 3, 1873, as relates to the consolidation of said tribal funds of said Peoria and Miami Indians, and section 8 provides that within ninety days from and after the passage of this act the Secretary of the Interior is authorized and directed to pay over to said Peoria, etc., Indians—with the exception of $15,000, to be reserved as a school fund—all moneys belonging to said Indians heretofore invested or held in trust, and arising from any and all sources whatsoever.

"In regard to these two sections, I have to say that it is not deemed wise or prudent to pay to these tribes the whole amount of moneys due under treaties or held in trust for their benefit, but that under the twenty-fourth article of the treaty with the Peorias, etc., dated February 23, 1867 (Stats. 15, pages 519–520) the Secretary of the Interior has authority to grant relief from time to time by payment of a part of their funds, invested or otherwise, upon the application of the chiefs for the same.

"The same remarks will apply to section 9 regarding the payment in full to the Miamies of all moneys due, except as to the land moneys now on hand or hereafter to be placed to their credit on the books of the Treasury, which requires the consent of Congress before payment."

So that the Indian Commissioner does not suggest any amendment to the section, and, in consequence of that, no amendments were made by the committee; but the Indian Office doubts the propriety of the legislation proposed in that section.

The motion of Mr. HOLMAN to strike out section 7 was agreed to.

The Clerk read section 9, as follows:

SEC. 9. That within ninety days from and after the passage of this act the Secretary of the Interior is hereby authorized and directed to pay over, except as hereinafter provided, to the said Miami Indians all money belonging to said Indians, or that may be due to said Miami Indians from the United States, arising from any and all sources whatsoever, the same to be paid out, under the direction of the Secretary of the Interior, per capita to the members of the said Miami tribe of Indians. That all money received and now in the custody of the United States, or that may be received up to the date of the passage of this act, arising from the sale of the unallotted lands in Kansas, including the school sections referred to in section 6 of this act, shall immediately be available after the passage of this act; and the Secretary of the Interior is hereby authorized and directed to pay the same to said Miami Indians in accordance with the provisions of the act of March 3, 1873.

Mr. HOLMAN. I move to strike out the ninth section.

Mr. PERKINS. I hope that amendment will not prevail. This relates only to the money that is to be derived from the sale of their lands in Kansas, so I understand it from a hasty reading, and as to that, I think it should be the sense of the House that they should receive that money.

Mr. HOLMAN. The gentleman is mistaken. If he will read the section he will see it provides that "the Secretary of the Interior shall pay over, except as is hereinafter provided, to the said Miami Indians

all money belonging to said Indians, or that may be due to said Miami Indians from the United States, arising from any and all sources whatsoever."

Mr. PERKINS. Yes, I see it contains that provision.

The motion of Mr. HOLMAN to strike out the section was agreed to.

Mr. LA FOLLETTE. Mr. Speaker, the letter from the Commissioner of Indian Affairs makes the same objection to section 8 as it does to section 7, which has been stricken out on the motion of the gentleman from Indiana [Mr. HOLMAN]. I therefore move that section 8 also be struck out from this bill.

The SPEAKER *pro tempore*. The Clerk will report the section.

The Clerk read as follows:

SEC. 8. That within ninety days from and after the passage of this act the Secretary of the Interior is hereby authorized and directed to pay over to the said Peoria, Wea, Kaskaskia, and Piankeshaw Indians, except as hereinafter provided, all money belonging to said Peoria, Wea, Kaskaskia, and Piankeshaw Indians, and heretofore invested by the United States for the benefit of said Indians, together with all money now in the custody of the United States and belonging to said Indians, and arising from any and all sources whatsoever, the same to be paid out under the direction of the Secretary of the Interior per capita to all of said Peoria, Wea, Kaskaskia, and Piankeshaw Indians: *Provided*, That the shares of all minors entitled under this act shall be retained in the Treasury of the United States until such minors shall arrive at full age; and such shares so remaining shall bear interest at the rate of 3 per cent. per annum.

Mr. PERKINS. Mr. Speaker, the House will remember that this section 8 was amended so as to make provision for the citizen Indians. In consequence of the amendment which was made in section 8 we incorporated in the bill sections 14 and 15 as additional provisions. Now, if it should be the sense of the House that section 8 should be stricken out, it would carry with it the amendments which were put on that section, and would make nugatory sections 14 and 15. I make this statement so that the House may understand the case. I do not know that I care particularly about it, only that I thought it would be right to give the Secretary of the Interior authority to reinvestigate this trust fund, so that if there had been any injustice done to any Indian, whether a citizen or a member of the tribe, it might be remedied. However, if section 8 is to go out, I shall move to strike out sections 14 and 15.

Mr. LA FOLLETTE. Mr. Speaker, the gentleman's explanation does not go to the objection made by the Commissioner of Indian Affairs to the section which I have moved to strike out. The Commissioner's objection is that it provides for paying over to these Indians the gross sum of their funds, and operates right in the line of objection raised by the gentleman from Indiana [Mr. HOLMAN] The Commissioner of Indian Affairs says:

In regard to these two sections, 7 and 8, I have to say that it is not deemed wise or prudent to pay to these tribes the whole amount of money due under treaties or held in trust for their benefit.

Therefore, Mr. Speaker, it seems to me that these sections should both go out, because, no matter what amendments may have been made to them, there has been no amendment made providing that they shall not receive the whole sum of their fund under these sections.

Mr. STEWART, of Georgia. Mr. Speaker, I do trust that the House will vote to strike out the eighth section with the amendments. I am very much impressed with the idea, sir, that we are engaged in a scheme of inconsiderate legislation. We are undertaking to confer some kind of immunity or citizenship upon these Indians—something which is not clearly defined. There is nothing definite as to how they shall hold their property, or as to how they shall exercise their right of suffrage or any rights of citizenship. The character of their citizenship is not defined by this bill; and I apprehend that no member on this floor clearly understands the exact character of the citizenship which we here propose to confer. The Indians affected by this bill are not made citizens of any State; they are not clothed with the power usually conferred by a Territorial government; and in addition to this, if we confer the right of citizenship upon them we take away this fund now set apart for their support. In one breath we say, "They are not capable of holding and controlling their own;" and in another we declare, "They are citizens." The very statement of the proposition ought to be sufficient to convince any fair mind that this is unwise legislation.

Mr. Speaker, there is another provision of this bill which, whether so intended or not, is most deceptive in its character. Here we are disposing of 50,300 acres of land, and we say that these people may hold for twenty-five years 160 acres of this land for each Indian, and we allow them to sell the remainder, about 23,000 acres, to other Indians. If I have a right to sell or convey land to an Indian, why can not he sell it to somebody else? In other words, we say that an Indian can sell his land to another Indian, as though by this we mean that the land should remain perpetually the property of the Indians. The result will be that so much land as the Indian is allowed to sell in fee under this bill will soon be frittered away in his well-known prodigality and improvidence. This bill places the Indian at the mercy of the greed and shrewdness of the white invader.

While I do not make any charge against any one, I apprehend that this scheme is an effort to dispose of 23,000 acres of land to the "poor Indians" in order that some white men, the next day after the bill takes effect, may own the land. I apprehend this is the purpose of the bill—not disclosed in terms, but a hidden purpose covered by artful verbal dissimulation.

It is said that the bill allows the Indian to sell his land only to some other Indian. Why not allow him to sell to any one? If our purpose is sincere and honest, why impose the restriction that the land shall be sold to Indians only? Why not allow it to be sold in open market?

I repeat that in my judgment this bill is an inconsiderate measure of legislation, hurried through this House without mature deliberation. What sort of citizenship will these Indians enjoy? What will be their rights as to the inheritance and transmission of title to property? No limitation or regulation in that respect is provided in the bill. It simply, by the adoption of certain platitudes, says that these Indians are, or may become, citizens, when in point of fact they are not citizens and they do not become such under the bill. I hope we shall strike out this eighth section, for in doing so we strike out the very heart of the bill; and then I hope we shall defeat the entire measure.

Mr. PERKINS. Let us vote.

The SPEAKER *pro tempore*. The question will now be taken on the amendment of the gentleman from Wisconsin [Mr. LA FOLLETTE], to strike out the eighth section.

Mr. PERKINS. I do not care particularly about this question. I am quite willing the section should be stricken out, as that action has been taken on sections 7 and 9, pertaining to the same subject.

The amendment of Mr. LA FOLLETTE was agreed to; there being—ayes 51, noes 21.

Mr. PERKINS. I now move the previous question on the engrossment and third reading of the bill as amended.

The SPEAKER *pro tempore*. Does the gentleman desire any action on sections 14 and 15?

Mr. PERKINS. No, sir; on mature reflection I believe they are complete in themselves.

The previous question was ordered.

Mr. LA FOLLETTE. I desire to make a motion to recommit the bill.

The SPEAKER *pro tempore*. That will be in order when the question is upon its passage.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER *pro tempore*. The question is now on the passage of the bill.

Mr. LA FOLLETTE. I move to recommit the bill to the Committee on Indian Affairs.

The question being taken, there were—ayes 45, noes 75.

Mr. BLOUNT. I think we had better have the yeas and nays on this question. I call for them.

The yeas and nays were ordered, there being—ayes 25, noes 96 (more than one-fifth voting in the affirmative).

The question was taken; and it was decided in the negative—yeas 47, nays 135, not voting 142; as follows:

YEAS—47.

Abbott,	Clements,	Hooker,	Smith,
Adams,	Cogswell,	La Follette,	Sowden,
Arnold,	Elliott,	Mahoney,	Spooner,
Bacon,	Felton,	Mason,	Stahlnecker,
Baker, Ill.	Finley,	McAdoo,	Stephenson,
Barnes,	Fuller,	McClammy,	Stewart, Ga.
Blanchard,	Greenman,	McComas,	Stone, Ky.
Blount,	Guenther,	McCreary,	Thomas, Ky.
Bryce,	Hall,	Pidcock,	Tracey,
Campbell, T.J., N.Y.	Haugen,	Randall,	Turner, Ga.
Caswell,	Henderson, N. C.	Rowland,	Whitthorne.
Chipman,	Holman,	Seymour,	

NAYS—135.

Allen, Mich.	Dingley,	Lane,	Sawyer,
Allen, Miss.	Dockery,	Lanham,	Sayers,
Anderson, Miss.	Dorsey,	Lind,	Shaw,
Anderson, Ill.	Dougherty,	Long,	Sherman,
Anderson, Kans.	Enloe,	Macdonald,	Shively,
Belden,	Flood,	Mansur,	Springer,
Bland,	Forney,	Martin,	Stewart, Tex.
Bliss,	French,	McRae,	Stockdale,
Boothman,	Gaines,	Milliken,	Stone, Mo.
Boutelle,	Gallinger,	Mills,	Struble,
Breckinridge, Ark.	Gear,	Moffitt,	Symes,
Breckinridge, Ky.	Gest,	Montgomery,	Tarsney,
Brewer,	Gibson,	Morrill,	Taulbee,
Brower,	Glass,	Morrow,	Thomas, Wis.
Browne, T.H.B., Va.	Grosvenor,	Neal,	Thompson, Cal.
Browne, Ind.	Hare,	Nelson,	Vance,
Brown, Ohio	Hatch,	Newton,	Wade,
Burrows,	Hayes,	Nichols,	Walker,
Butler,	Hemphill,	Nutting,	Warner,
Butterworth,	Henderson, Iowa	O'Donnell,	Washington,
Bynum,	Hermann,	O'Neill, Pa.	Weaver,
Cannon,	Hires,	Owen,	Weber,
Caruth,	Hitt,	Payson,	West,
Catchings,	Hogg,	Peel,	Wheeler,
Cheadle,	Holmes,	Penington,	White, N.Y.
Clardy,	Hopkins, Ill.	Perkins,	Whiting, Mich.
Cobb,	Hunter,	Perry,	Wickham,
Cockran,	Jackson,	Peters,	Wilkins,
Conger,	Kean,	Post,	Wilkinson,
Cothran,	Kerr,	Rice,	Wilson, W. Va.
Crouse,	Ketcham,	Richardson,	Wise,
Culberson,	Kilgore,	Rogers,	Yoder,
Cummings,	Laidlaw,	Russell, Conn.	Yost.
Darlington,	Landes,	Ryan,	

NOT VOTING—142.

Allen, Mass.	Davidson, Ala.	Kelley,	Phelps,
Anderson, Iowa	Davidson, Fla.	Kennedy,	Plumb,
Atkinson,	Davis,	Laffoon,	Pugsley,
Baker, N. Y.	De Lano,	Lagan,	Rayner,
Bankhead,	Dibble,	Laird,	Reed,
Barry,	Dunham,	Latham,	Robertson,
Bayne,	Dunn,	Lawler,	Rockwell,
Belmont,	Ermentrout,	Lee,	Romeis,
Biggs,	Farquhar,	Lehlbach,	Rowell,
Bingham,	Fisher,	Lodge,	Russell, Mass.
Bound,	Fitch,	Lyman,	Rusk,
Bowden,	Foran,	Lynch,	Scott,
Bowen,	Ford,	Maffett,	Scull,
Brown, J. R., Va.	Funston,	Maish,	Seney,
Brumm,	Gay,	Matson,	Simmons,
Buchanan,	Glover,	McCormick,	Snyder,
Buckalew,	Goff,	McCullogh,	Spinola,
Bunnell,	Granger,	McKenna,	Steele,
Burnes,	Grimes,	McKinley,	Stewart, Vt.
Burnett,	Grout,	McKinney,	Taylor, E. B., Ohio
Campbell, F., N.Y.	Harmer,	McMillin,	Taylor, J. D., Ohio
Campbell, Ohio	Hayden,	McShane,	Thomas, Ill.
Candler,	Heard,	Merriman,	Thompson, Ohio
Carlton,	Henderson, Ill.	Moore,	Tillman,
Clark,	Herbert,	Morgan,	Townshend,
Collins,	Hiestand,	Morse,	Turner, Kans.
Compton,	Hopkins, Va.	Norwood,	Vandever,
Cooper,	Hopkins, N. Y.	Oates,	White, Ind.
Cowles,	Houk,	O'Ferrall,	Whiting, Mass.
Cox,	Hovey,	O'Neall, Ind.	Wilber,
Crain,	Howard,	O'Neill, Mo.	Williams,
Crisp,	Hudd,	Osborne,	Wilson, Minn.
Cutcheon,	Hutton,	Outhwaite,	Woodburn,
Dalzell,	Johnston, Ind.	Parker,	Yardley.
Dargan,	Johnston, N. C.	Patton,	
Davenport,	Jones,	Phelan,	

So the motion to recommit was disagreed to.

During the roll-call the following pairs were announced:

On all political questions until further notice:

Mr. NORWOOD with Mr. DAVENPORT.

Mr. LYNCH with Mr. HIESTAND.

Mr. COWLES with Mr. THOMPSON, of Ohio.

Mr. JONES with Mr. PHELPS.

Mr. GOFF with Mr. SNYDER.

Mr. HOWARD with Mr. DE LANO.

Mr. COLLINS with Mr. JOHN R. BROWN.

Mr. TOWNSHEND with Mr. MAFFETT.

Mr. MATSON with Mr. DUNHAM.

Mr. HUDD with Mr. CLARK.

Mr. PHELAN with Mr. BUTLER.

Mr. MCSHANE with Mr. MCCULLOGH.

Mr. SPINOLA with Mr. THOMAS, of Illinois.

Mr. GRANGER with Mr. ROCKWELL.

For this day on all political questions:

Mr. OUTHWAITE with Mr. PUGSLEY.

Mr. O'FERRALL with Mr. COOPER.

Mr. CAMPBELL, of Ohio, with Mr. BAKER, of New York.

Mr. SENEY with Mr. KENNEDY.

Mr. CRAIN with Mr. ALLEN, of Massachusetts.

Mr. HUTTON with Mr. BAYNE.

Mr. DAVIDSON, of Florida, with Mr. ATKINSON.

Mr. DIBBLE with Mr. LEHLBACH.

Mr. LAWLER with Mr. HOPKINS.

Mr. FORD with Mr. STEELE.

Mr. BANKHEAD with Mr. COGSWELL.

Mr. GRIMES with Mr. MCCORMICK.

Mr. RUSSELL, of Massachusetts, with Mr. FITCH.

Mr. MOORE with Mr. DARLINGTON.

Mr. HOGG with Mr. LAIRD.

Mr. BURNETT with Mr. ROMEIS.

Mr. DARLINGTON. I am paired on all political questions with Mr. MOORE, but not regarding this as such, I have voted in the negative.

The vote was then announced as above recorded.

Mr. PERKINS demanded the previous question on the passage of the bill.

The previous question was ordered, and under the operation thereof the bill was passed.

Mr. PERKINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CREDITORS OF POTTAWATOMIE INDIANS.

Mr. PEEL. I move that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (H. R. 4487) to enable the Secretary of the Interior to pay certain creditors of the Pottawatomie Indians out of the funds of said Indians, and that it be put on its passage.

The motion was agreed to.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay, out of moneys appropriated for the Pottawatomie Indians by the act of August 3, 1886, entitled "An act making appropriations to supply deficiencies," etc., a sum not exceeding $3,175, being 10 per cent. of the amount or proportion of said appropriation due the Citizens' band of Pottawatomie Indians, to E. John Ellis, for professional service rendered said Citizens' band in the collection of said claim: *Provided*, That the Secretary of the Interior shall first determine that the said services were rendered to said Indians by said Ellis, and were contracted for in good faith by persons authorized to represent said Indians.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PEEL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OLD SETTLER OR WESTERN CHEROKEE INDIANS.

Mr. PEEL. Mr. Speaker, I now ask unanimous consent to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill (H. R. 1407) to authorize the Court of Claims to hear, determine, and render final judgment upon the claim of the Old Settler or Western Cherokee Indians, and put it upon its passage.

The bill was read, as follows:

Be it enacted, etc., That the claim of that part of the Cherokee Indians, known as the Old Settlers or Western Cherokees, against the United States, which claim was set forth in the report of the Secretary of the Interior to Congress of February 3, 1883 (said report being made under act of Congress of August 7, 1882), and contained in Executive Document No. 60 of the second session of the Forty-seventh Congress, be, and the same hereby is, referred to the Court of Claims for adjudication; and jurisdiction is hereby conferred on said court to try said cause, and to determine what sum or sums of money, if any, are justly due from the United States to said Indians, arising from or growing out of treaty stipulations and acts of Congress relating thereto, after deducting all payments heretofore actually made to said Indians by the United States, either in money or property; and to try and determine all questions that may arise in such cause on behalf of either party thereto and render final judgment thereon; and the Attorney-General is hereby directed to appear in behalf of the Government; and if said court shall decide against the United States, the Attorney-General shall, within thirty days from the rendition of judgment, appeal the cause to the Supreme Court of the United States; and from any judgment that may be rendered the said Indians may also appeal to said Supreme Court: *Provided*, That the appeal of said Indians shall be taken within sixty days after the rendition of said judgment, and said courts shall give such cause precedence: *Provided further*, That nothing in this act shall be accepted or construed as a confession that the Government of the United States is indebted to said Indians.

SEC. 2. That said action shall be commenced by a petition stating the facts on which said Indians claim to recover, and the amount of their claim; and said petition may be verified by the authorized agent or attorney of said Indians as to the existence of such facts, and no other statement need be contained in said petition or verification.

The committee recommend the adoption of the following amendment:

After the word "property," in line 19, of the first section, add: "and after deducting all offsets, counter-claims, and deductions of any and every kind and character which should be allowed to the United States under any valid provision or provisions in said treaties and laws contained, or to which the United States may be otherwise entitled, and after fully considering and determining whether or not the said Indians have heretofore adjusted and settled their said claim with the United States, it being the intention of this act to allow the said Court of Claims unrestricted latitude in adjusting and determining the said claim, so that the rights, legal and equitable, both of the United States and of said Indians may be fully considered and determined."

Mr. PEEL. I desire, Mr. Speaker, to call attention briefly to the objects of this bill. The branch of the Cherokee Indians known as the Old Settlers, or Western Cherokees, have been prosecuting a claim against the Government for over forty years, growing out of the stipulations of the treaty made with them in 1846.

In the Forty-seventh Congress the Senate, by a resolution, referred the claim to the Secretary of the Interior, with instructions and authority to have a special accountant examine the claim from its inception. The Secretary of the Interior employed a special accountant under the resolution, who found, after a laborious and thorough investigation, that the Government was indebted to these Indians in the sum of about $400,000. The Commissioner of Indian Affairs made a separate report, corresponding with and corroborating that of the special accountant.

In the Forty-eighth Congress this came from the Department by way of an Executive document for the purpose of making an appropriation to meet the payment of the claim. It was referred to the Committee on Indian Affairs, of which I was a member, and to me as a subcommittee to examine and report upon it. I gave it a thorough examination and came to a different conclusion from that reached by the Department—that under the treaties we did not owe these Indians anything. That is still my opinion.

During that same session of Congress the Senate, however, referred it to the Court of Claims under the Bowman act. That court ascertained and reported that under one construction of the treaty the Government owed these Indians about $4,000, and under another construction two hundred and sixty-odd thousand dollars. This bill is not for the purpose of appropriating the money. When I reported adversely upon it in the Forty-eighth Congress I held, as stated, the same opinion that I have now, and this bill is simply to refer it to the Court of Claims with the right of appeal to the Supreme Court of the United States.

The bill makes it imperative upon the part of the Attorney-General to appeal the case on behalf of the Government if the Court of Claims decides in favor of the Indians. I recommend this course from the fact—notwithstanding I came to the conclusion that we are not indebted to them—that this is a question involving a legal consideration growing out of the construction of the terms of the treaty with these Indians. I may be wrong in my construction of it; and while my honest judg-

ment is that we are not indebted to them, I prefer the judgment of another department which is equally interested. The Court of Claims holds, as I have said, that the treaty is susceptible of the two constructions, under one of which $4,000 is due them, and under the other in the neighborhood of $260,000; and the object of this bill is to bring the question before the proper tribunal, and eventually to the highest court of the land, to interpret and construe the treaties and ascertain whether or not we are indebted, and, if indebted, to what extent. That is all the bill asks.

Mr. BLOUNT. Will the gentleman from Arkansas allow me a moment?

Mr. PEEL. Certainly.

Mr. BLOUNT. I wish to know if the gentleman can inform me how many years this matter has been before Congress, and whether there have been any adverse reports?

Mr. PEEL. The adverse report that I made when it was before the Forty-eighth Congress is the only one that I have any knowledge of against it. There were two reports made in the Senate, one in the Forty-sixth and one in the Forty-seventh Congress, one of them submitted by Senator Logan and the other by Senator CAMERON, both in favor of it.

Mr. BLOUNT. Do I understand that from 1846 up to that time Congress took no notice of the claim, or that it was not pressed?

Mr. PEEL. Well, there was a time during the war that it was not pressed.

Mr. BLOUNT. I understand the gentleman to say that it grew out of the treaty of 1846.

Mr. PEEL. It did.

Mr. BLOUNT. Then Congress failed to recognize it at all until since the war?

Mr. PEEL. No; the gentleman is mistaken. I think there was an appropriation made in 1850, growing out of the treaty stipulation of 1846; but they received it under protest at that time.

Mr. BLOUNT. Then Congress in 1850 determined the question and appropriated the amount to pay it?

Mr. PEEL. They did, and gave the same construction to the treaty that I gave it in my adverse report. But the trouble is here: I do not think it is just to these people, or to any other people in the United States who have a claim against the Government for money growing out of the language of treaties, to refuse a hearing because I or any other man may come to the conclusion that it is not correct, and acting on that belief refuse to let them go to the court and have it passed upon by a proper judicial tribunal.

Mr. BLOUNT. Then why not have a general provision of law instead of making a special act in regard to this old claim?

Mr. PEEL. Because I suppose a general law is not asked for. I do not know of any other reason. This claim has been prosecuted earnestly, and theclaimants believe that something is due them; and under the construction of the Court of Claims something appears to be due them.

Mr. HENDERSON, of Iowa. Is your committee unanimous?

Mr. PEEL. Yes, sir.

Mr. BLOUNT. I hope, sir, we are not going to agree to this bill. My friend from Arkansas has just stated to the House that in 1850 this claim was presented to Congress. It was examined by both branches and they ascertained the amount believed to be due, passed a bill to that effect, and the Government paid the money over to the Indians.

Mr. WEAVER. Amounting to very nearly a million of dollars.

Mr. BLOUNT. Yes; amounting, as my friend from Iowa states, to nearly a million of dollars. That was in 1850. Now the claim is pressed again. It is like all those old claims, in which there is always somebody about this Capitol interested in some form or other.

My friend from Arkansas tells the House he examined this matter in the last Congress and came to the same conclusion that Congress did in 1850; that there was nothing at all in it. He states that the Court of Claims, having examined it, reports that there is one construction under which $4,000 are due, and that something is due under another construction.

Mr. WEAVER. But under the construction which Congress puts upon the treaty nothing is due.

Mr. BLOUNT. So I understand. This claim was acted upon by Congress just as we have done with reference to other Indian matters. Congress in 1850 took the subject in hand and disposed of it as they saw fit; and I think that ought to be final. I therefore see no reason why this old claim should be revived when there are thousands of claims all over the country which are not to have the privilege of going to the Court of Claims.

We have many bills providing for the submission of claims to the Court of Claims, and I think if any of these applications should be declined this one ought to be. I think when claims come before us which have been disposed of by the Government in a solemn legislative form we will not, after the lapse of nearly half a century, proceed to make another examination of them.

Mr. ANDERSON, of Kansas. Move to lay the bill on the table.

Mr. BLOUNT. I move to lay the bill on the table.

The SPEAKER *pro tempore*. The gentleman from Arkansas is entitled to the floor.

Mr. PEEL. I am somewhat surprised at the attitude of my friend from Georgia [Mr. BLOUNT], whose voice but a few moments ago was heard lifted up in protest against our robbing the Indians. And now he will not let them go to the Court of Claims to pass upon the justice of their claim. The gentleman professes to be a friend of the Indians, and yet when we ask on behalf of the old Cherokee Indians the simple right to go to the court and have the court adjudicate a claim which the Interior Department says we owe them and in regard to which the Court of Claims say something is due them under the treaty, the gentleman is opposed to that proposition, as if we should be afraid to trust a court of the United States to adjudicate a case and dispose of it finally.

I do not pretend I am perfect in all things. It may be that nothing is due those Indians. I made an investigation and came to that conclusion. But other gentlemen, equally able and perhaps more able than myself, say differently. The Court of Claims say in their investigation, under the Bowman act, that under one construction of the treaty we owed them $4,000; under another construction, $260,000. Is it right to deprive these people of a hearing in the court? Is it not right to alllow them to go to court and present their claim to a court that has the power to construe the treaty and the law?

Mr. BLOUNT. What is meant by the term "Old Settlers?"

Mr. PEEL. These were a branch of the Cherokees who removed to the west of the Mississippi River, settled in Arkansas, and then went to the Indian Territory.

Mr. BLOUNT. How many of them are there?

Mr. PEEL. I can not give the exact number. About a third of the whole tribe belong to the Old Settlers. They have always been so denominated.

Mr. BLOUNT. Then this if paid would only go to a branch of the Cherokee Nation?

Mr. PEEL. Yes, sir. I do trust Congress will give them the chance of a hearing in the court.

Mr. ADAMS. I desire to ask the gentleman from Arkansas a question. I understand the gentleman to say that the only question remaining in this case is a question of law—a question of construction.

Mr. PEEL. A construction of the treaty.

Mr. ADAMS. I ask whether the report of the committee states what that question of law is. Is the report brief enough to have it read now?

Mr. PEEL. It is very brief, but I do not think it would enlighten the House upon that one subject.

Mr. ADAMS. The reason why I ask that question is that the main object of referring a case to the Court of Claims is to settle a disputed question of fact, and, although a question of law might be settled in that court, yet, after all, this House is entitled to its opinion on the construction of the law.

Mr. PEEL. If my friend will pardon me, this proposition is not only to send the case to the Court of Claims, but the object is to get it to the Supreme Court of the United States.

Mr. ADAMS. But there would still be the question of appropriation, and that question can come up in this Congress, or in the next, and after all it will come to that, and therefore will not the determination of the question ultimately depend upon the construction which Congress puts upon the law?

Mr. PEEL. Not at all. When the Supreme Court renders its judgment.

Mr. BLOUNT. The bill provides that it shall be a final judgment, and when it comes here we have nothing to do but to appropriate the money.

Mr. ADAMS. Or to refuse to appropriate.

Mr. BLOUNT. You can not refuse to appropriate for a judgment.

Mr. ADAMS. Can we not neglect it? [Laughter.]

The SPEAKER *pro tempore*. The House will be in order. The gentleman from Arkansas has not yielded the floor, except as he has indicated.

Mr. PEEL. I yield now to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I only want to say that I very much doubt the wisdom of legislating in a hurry on this matter and sending it, as is now proposed, to the Court of Claims. We have got to have various negotiations and settlements with the Cherokee Indians in the not distant future. We have had various negotiations and settlements with them, running back, as the gentleman from Arkansas [Mr. PEEL] says, to 1850, and even back of that. I understand the gentleman to say that in 1850 we settled this claim and paid them a round million of dollars. It will be recollected by the House that we bought some lands of these Indians, known as the Cherokee Strip, and from time to time we have paid them money upon those lands; but still they have possession of them, and are leasing them to other parties without authority.

Mr. PEEL. I am afraid, if the gentleman will allow me——

Mr. CANNON. I beg that the gentleman will allow me to go on for a moment. Now, Mr. Speaker, it may be that we owe these Indians this money; but I doubt it very much. I suspect that this claim hav-

ing been settled at one time and paid, and they having accepted the money, they are in point of fact estopped.

Mr. PEEL. That is all set out in the bill, and the court can consider it if they want to.

Mr. CANNON. Let that be as it may, I wish to remind the House also that we sent a Choctaw claim to the Court of Claims some time ago, and it came back here in the form of a judgment for nearly three millions of dollars, which so outraged the sense of the House, or at least of a majority of it, that, although the judgment has been at interest for a year and a half, no appropriation has ever been made for it.

Mr. WEAVER. I wish to ask the gentleman whether it is not true that this House had as good a right at that time to pass upon the legality of that claim as the court had?

Mr. CANNON. With all due regard to the views of my friend from Arkansas [Mr. PEEL], in whose judgment I have great confidence, I think we ought to be a little slow in sending this claim to the Court of Claims.

A MEMBER. Fifty years is moderately slow.

Mr. CANNON. For one, Mr. Speaker, I am not willing, without more light upon the subject, to vote to send this claim to the Court of Claims.

Mr. MILLS. Mr. Speaker, I think that the members are not prepared to vote on this question at this time, and I therefore move that the House adjourn.

The SPEAKER *pro tempore*. Does the gentleman from Arkansas [Mr. PEEL] yield?

Mr. PEEL. I yield to the gentleman from Pennsylvania [Mr. RANDALL].

BILL H. R. 8383, TO REDUCE AND EQUALIZE DUTIES, ETC.

Mr. RANDALL, by unanimous consent, offered the following resolution; which was adopted:

Resolved, That the Public Printer be, and he is hereby, directed to print for the use of the House of Representatives 3,000 additional copies of the bill H. R. 8383, entitled "A bill to reduce and equalize duties on imports, to reduce internal-revenue taxes, and for other purposes."

ORDER OF BUSINESS.

Mr. PEEL. Mr. Speaker, I do not suppose the House cares to continue the discussion of this bill at length; but I now yield to the gentleman from Mississippi [Mr. HOOKER], who desires to submit a few remarks at this time.

The SPEAKER *pro tempore*. The gentleman from Texas [Mr. MILLS] moves that the House do now adjourn.

Mr. BLOUNT. I call for the regular order. If this bill is to be debated only on one side, I object.

The SPEAKER *pro tempore*. The Chair understood that the gentleman from Texas [Mr. MILLS] had the floor by consent of the gentleman from Arkansas [Mr. PEEL], to make the motion to adjourn, which is the pending motion before the House.

Mr. BLOUNT. I renew the motion to adjourn.

The SPEAKER *pro tempore*. Did the gentleman from Arkansas yield to the gentleman from Georgia?

Mr. PEEL. I did not. I move that the House do now adjourn.

CORRECTION.

The SPEAKER *pro tempore*. Pending the motion to adjourn the gentleman from Pennsylvania [Mr. JACKSON] rises to a question of privilege.

Mr. JACKSON. Mr. Speaker, in the proceedings in the House on Friday last, on the consideration of House bill 2952, for the payment of certain claims, in the Journal I am reported as not voting.

I was present and voted "no," having previously voted in favor of taking the vote by yeas and nays. I ask to have the Journal corrected, to show me voting against the bill as it stood on its passage.

The SPEAKER *pro tempore*. The correction will be made.

Pending the motion to adjourn, the chairman of the Committee on Banking and Currency asks unanimous consent to take from the table House bill 1816 and re-refer it to the Committee on Banking and Currency.

Mr. ANDERSON, of Kansas. What is the title of the bill?

The SPEAKER *pro tempore*. The Clerk has not the bill at hand at this moment.

Mr. MILLS. I demand the regular order.

The SPEAKER *pro tempore*. The request of the chairman of the Committee on Banking and Currency will go over until to-morrow.

The motion to adjourn was agreed to; and the House accordingly (at 5 o'clock and 35 minutes p. m.) adjourned.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the followin titles were introduced and referred as indicated below:

By Mr. J. M. ALLEN (by request): A bill (H. R. 8471) for the relief of B. L. Owen—to the Committee on War Claims.

By Mr. ANDERSON, of Illinois: A bill (H. R. 8472) for the relief of Charles C. Whiteside—to the Committee on Invalid Pensions.

By Mr. BLAND: A bill (H. R. 8473) for the relief of Tarrell W. Young—to the Committee on Invalid Pensions.

By Mr. COMPTON: A bill (H. R. 8474) for the payment of the claim of Columbus E. Robey—to the Committee on War Claims.

Also, a bill (H. R. 8475) for the relief of Mrs. Thomas S. Ferral—to the Committee on War Claims.

By Mr. COOPER: A bill (H. R. 8476) granting a pension to Mortimer Hyatt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8477) granting a pension to Philip Stull—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8478) granting a pension to Charles Guest—to the Committee on Invalid Pensions.

By Mr. DORSEY: A bill (H. R. 8479) granting a pension to Elvira E. Fancher, widow of E. D. Fancher—to the Committee on Invalid Pensions.

By Mr. FISHER: A bill (H. R. 8480) granting a pension to James M. Camp—to the Committee on Invalid Pensions.

By Mr. FINLEY: A bill (H. R. 8481) for the relief of the estate of Isham Combs, deceased—to the Committee on War Claims.

By Mr. FUNSTON: A bill (H. R. 8482) granting a pension to Mrs. Elvira Parish—to the Committee on Invalid Pensions.

By Mr. GAINES: A bill (H. R. 8483) for the relief of Mary E. Hamilton, administratrix, Cross County, Arkansas—to the Committee on War Claims.

By Mr. HAUGEN: A bill (H. R. 8484) granting a pension to David E. Lawton—to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 8485) granting a pension to John Schebler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8486) for the relief of Thomas S. Brooke & Co.—to the Committee on Indian Affairs.

By Mr. HIRES: A bill (H. R. 8487) granting a pension to Samuel M. Robinson—to the Committee on Invalid Pensions.

By Mr. HITT: A bill (H. R. 8488) for the relief of Josephine Dubendorf—to the Committee on Invalid Pensions.

By Mr. LONG: A bill (H. R. 8489) granting a pension to Abial S. Chamberlain—to the Committee on Invalid Pensions.

By Mr. McCLAMMY: A bill (H. R. 8490) for the relief of W. P. Lane—to the Committee on Claims.

Also, a bill (H. R. 8491) for the relief of George E. Taylor—to the Committee on Claims.

Also, a bill (H. R. 8492) authorizing the construction of a bridge across Northeast River, Black River, and Cape Fear River, in the State of North Carolina—to the Committee on Commerce.

By Mr. MORRILL: A bill (H. R. 8493) granting an increase of a pension to George N. Faulcouer—to the Committee on Pensions.

By Mr. NEAL: A bill (H. R. 8494) granting a pension to Gilbert Reed—to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 8495) granting a pension to Alva D. Tomlinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8496) to increase the pension of Albert E. Magoffin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8497) for the relief of G. F. Mecklen—to the Committee on Claims.

By Mr. SYMES: A bill (H. R. 8498) granting a pension to Michael O'Loughlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8499) to remove the charge of desertion against Alfred G. Romine—to the Committee on Military Affairs.

Also, a bill (H. R. 8500) granting a pension to William E. Wheeler—to the Committee on Invalid Pensions.

By Mr. WALKER: A bill (H. R. 8501) granting a pension to Fridoline Glastetter—to the Committee on Invalid Pension.

Also, a bill (H. R. 8502) granting a pension to Edward Maag—to the Committee on Invalid Pensions.

By Mr. E. B. TAYLOR: A bill (H. R. 8503) for the relief of Otis H. Gaylord—to the Committee on Military Affairs.

By Mr. STONE, of Kentucky: A bill (H. R. 8504) granting a pension to Lucinda Dunlap—to the Committee on Pensions.

Change in the reference of a bill improperly referred was made in the following case, namely:

A bill (H. R. 6036) to pay Waddy T. James and others for horses killed in the service of the United States—from the Committee on War Claims to the Committee on Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. M. ALLEN: Papers in the claim of Isaac Owen, administrator of F. Owen, of Lawrence County, Alabama—to the Committee on War Claims.

By Mr. BACON (by request): Petition of Patrick Morgan, Company H, One hundred and forty-third Regiment New York Volunteers, for a pension—to the Committee on Invalid Pensions.

Also (by request), petition of Charles J. Dolson, Company G, Nine-

teenth Regiment New York State Militia Volunteers, for a pension—to the Committee on Invalid Pensions.

By Mr. BLISS: Petition of Mary F. Denby for relief—to the Committee on Pensions.

By Mr. J. R. BROWN: Petition of Isaac M. Huff, of Virginia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. BUCHANAN: Petition of 86 citizens of Philadelphia; and of 93 citizens of Pittsburgh, Pa.; of 154 citizens of Camden County, New Jersey; and of 164 citizens; of 112 citizens, and of 45 citizens, of Atlantic City, N. J., in favor of increase pay to keepers and surfmen in the Life-Saving Service—to the Committee on Commerce.

Also, resolutions of the New York Produce Exchange, in favor of pure-food legislation—to the Committee on Agriculture.

By Mr. BURROWS: Petition asking speedy action in protecting wool and woolen interests in the United States—to the Committee on Ways and Means.

Also, memorial of the Saginaw (Mich.) Board of Trade, protesting against the proposed legislation to put salt and lumber on the free-list—to the Committee on Ways and Means.

By Mr. BYNUM: Petition of citizens and business men of Indianapolis, Ind., to have tin-plate placed on the free-list—to the Committee on Ways and Means.

Also, petition of 20 manufacturers of tobacco, and of 25 laboring men of Indianapolis, Ind., against removal of the internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

Also, resolution of the Tippecanoe Club, of Indianapolis, Ind., for an appropriation of $20,000 for the erection of a monument at the grave of General Harrison—to the Committee on the Library.

Also, petition and resolution of the Indianapolis Live Stock Exchange, against the sale of articles of food which have been compounded or adulterated without being labeled—to the Committee on Agriculture.

By Mr. CARUTH: Paper relating to the claim of Mrs. M. J. Walker, for relief—to the Committee on War Claims.

By Mr. COOPER: Petition of John C. McCarthy and 25 others, citizens of Camden County, and of James Pendleton and 45 others, citizens of Kinney County, Texas, for increase of tariff on wool and revision of the duty on worsteds—to the Committee on Ways and Means.

By Mr. CRAIN: Petition of citizens of Galveston, Tex., that the least per diem pay for laborers for the United States Government shall be $2—to the Committee on Labor.

By Mr. DALZELL: Petition of Marshall Lodge, Amalgamated Association of Iron and Steel Workers, with respect to a protective tariff—to the Committee on Ways and Means.

By Mr. R. H. M. DAVIDSON: Memorial of William D. Chipley, president of the provisional municipality of Pensacola, Fla.—to the Committee on Military Affairs.

By Mr. ENLOE: Petition of P. E. Parker, administrator of J. C. Parker, of Tennessee, for reference of his case to the Court of Claims—to the Committee on War Claims.

Also, petition of Eliza Bridges, of McNairy County, Tennessee, for a pension—to the Committee on Invalid Pensions.

Also, petition of T. C. Bell, of Henderson County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. FISHER: Petition of James M. Camp, Company C, Seventh Regiment Pensylvanaia Cavalry Volunteers, for a pension—to the Committee on Invalid Pensions.

By Mr. FUNSTON: Petition of A. H. Tanner and others, to pension Mrs. Elvira Parish, mother of Cyrus O. Parish—to the Committee on Invalid Pensions.

By Mr. GAINES: Petition of the professional musicians of the District of Columbia—to the Committee on Military Affairs.

By Mr. GOFF: Petition of Bridget Kearney, widow of Patrick Kearney, late private Company B, Third Virginia Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: Memorial of professional musicians of the District of Columbia, protesting against interfering by law with the right of the Marine band to play on private engagements—to the Committee on Military Affairs.

By Mr. GROUT: Memorial of Acting Assistant Surgeon O. P. Frick, of Fort Selden, N. Mex., in support of House bill 5023—to the Committee on Military Affairs.

By Mr. HAYES: Petition of John Schebler, for a pension—to the Committee on Invalid Pensions.

By Mr. HEMPHILL: Petition of Charles Brunger and others, and of George E. Kennedy and others, for improvement of certain streets represented by the North Capitol, Boundary, and other street associations—to the Committee on Appropriations.

By Mr. J. S. HENDERSON: Petition of 107 professional musicians of the District of Columbia, against the enactment of any law proposing to interfere with the liberty of the United States Marine band—to the Committee on Military Affairs.

By Mr. JACKSON: Petition of New Castle Lodge of Amalgamated Association of Iron and Steel Workers, of New Castle, Pa., in relation to the tariff—to the Committee on Ways and Means.

By Mr. McCREARY: Paper to accompany bill for the relief of H. S. Powell—to the Committee on Claims.

Also, papers in the case of Estes and Warren—to the Committee on Claims.

Also, affidavit of T. T. Garrard, of Clay County, Kentucky, in support of the claim of the heirs of John Patton—to the Committee on War Claims.

By Mr. McKINLEY: Papers in the claim of Paul Greory, of Erie County, New York—to the Committee on War Claims.

By Mr. NEAL: Papers in the case of Gilbert Reed—to the Committee on Invalid Pensions.

By Mr. OWEN: Petition of D. J. Jones and others, for the passage of the wool-growers and woolen manufacturers' tariff schedule—to the Committee on Ways and Means.

By Mr. PHELAN: Petition of W. H. Neel, of Shelby County, and of Hiram Howell, of Fayette County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, papers in the claim of William Goolsby, of Jasper County, and of Joseph B. Inabuct, of Hinds County, Mississippi—to the Committee on War Claims.

By Mr. RYAN: Resolutions of the Board of Trade of Junction City, Kans., for an appropriation to continue the work at Fort Riley, Kans.—to the Committee on Appropriations.

Also, petition of citizens of Ryan County, Kansas, in favor of opening the Indian Territory to settlement—to the Committee on the Territories.

Also, papers relating to the pension bill of Belinda J. McLelan—to the Committee on Invalid Pensions.

By Mr. SENEY: Petition of John S. F. Ferguson, for a pension—to the Committee on Invalid Pensions.

By Mr. SEYMOUR: Petition of William Hooper and 69 others, miners and laborers, of Crystal Falls, Mich., protesting against the repeal or reduction of the duty on iron ore—to the Committee on Ways and Means.

By Mr. HENRY SMITH: Protest of Joseph Hunter and 175 others, citizens of the Public Land Strip, against the passage of any measure attaching said territory to any State for judicial purposes only, and asking for local government as provided by House bill 1277—to the Committee on the Public Lands.

By Mr. M. A. SMITH: Resolutions of the Arizona Department of the Grand Army of the Republic, for the disability pension bill—to the Committee on Invalid Pensions.

By Mr. J. D. STEWART: Petition of Walter S. Wither, agent for Selana Coughlin; of Elizabeth Ray, widow of E. Ray, and of J. N. Wilkinson, heirs of J. Wilkinson, of Georgia, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. SYMES: Petition for a pension to Michael O'Loughlin—to the Committee on Invalid Pensions.

By Mr. E. B. TAYLOR: Petition of farmers of Ashtabula County, Ohio, in favor of a tariff on wool—to the Committee on Ways and Means.

By Mr. VOORHEES: Petition of 26 citizens, and of 27 citizens of Pacific County, Washington Territory, for an increase in the pay of surfmen in the Life-Saving Service—to the Committee on Commerce.

Also, papers in the claim of G. F. Jocknick—to the Committee on Claims.

By Mr. WILKINS: Petition of James W. Collins and 200 others, citizens of Newark, Ohio, protesting against removal of the duty on glass bottles—to the Committee on Ways and Means.

By Mr. YOST: Petition of Josef Kasper and others, protesting against the enactment of a law tending to interfere with the liberty of members of the Marine band—to the Committee on Military Affairs.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. J. R. BROWN: Of R. B. Dawson and others, of Level Run, and of W. T. Mitchell and others, of Callands, Pittsylvania County, Virginia.

By Mr. T. H. B. BROWNE: Of A. B. Eskridge and others, citizens of Northumberland County, Virginia.

By Mr. TILLMAN: Of sundry citizens of Celestia, S. C.

The following petitions, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, were severally referred to the Committee on Invalid Pensions:

By Mr. A. R. ANDERSON: Of Grand Army of the Republic Post No. 251, of Leon, Iowa.

By Mr. BELDEN: Of soldiers in the vicinity of Cortland and of Willetts, N. Y.

By Mr. BREWER: Of William A. Linman and 45 others, ex-soldiers of Lusk Post, Grand Army of the Republic, of Elsie, Mich.

By Mr. BUCHANAN: Of the per diem rated service-pension bill.

By Mr. HALL: Of soldiers and sailors of Butler County, Pennsylvania.

By Mr. HAUGEN: Of George L. Wakefield and 75 others, ex-Union soldiers and sailors and citizens of Pepin County, Wisconsin.

By Mr. JACKSON: Of Union soldiers of West Alexander, Pa.

By Mr. O'DONNELL: Of 51 soldiers of Bellevue, Mich.

By Mr. SAWYER: Of 30 soldiers of Livingston County, New York.

By Mr. E. B. TAYLOR: Of ex-soldiers of Lordstown, of Fowler, and of Ashtabula County, Ohio.

By Mr. WEAVER: Of H. B. Moore, of Albin, Iowa, and 118 other ex-Union soldiers.

By Mr. YODER: Fifty-one petitions signed by 2,573 ex-Union soldiers and sailors of the Fourth district of Ohio.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. J. R. BROWN: Of W. M. Peyton, county superintendent of schools, and teachers of Henry County, Virginia.

By Mr. FLOOD: Of 121 citizens of Chemung County, New York.

By Mr. HALL: Of 435 citizens of Crawford County, Pennsylvania.

By Mr. MANSUR: Of 114 citizens of Linn County, Missouri.

By Mr. SCOTT: Of 209 residents of Warren County, Pennsylvania.

By Mr. WEAVER: Of J. M. Brown and other citizens, and of J. W. Young and others, citizens of Bloomfield, Iowa.

The following petition, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia, was referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. VANCE: Of 196 citizens of the First district of Connecticut.

SENATE.

WEDNESDAY, *March* 14, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of citizens of Montana, praying for the adoption of the schedule of duties agreed upon by the representatives of the Wool-Growers' and Wool Manufacturers' Association at Washington, January 14, 1888, and for the correction of the erroneous classification of worsteds; which was referred to the Committee on Finance.

He also presented two petitions of citizens of Kansas, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. EDMUNDS. I present the petition of a large number of highly respectable citizens of Vermont, ex-soldiers, in favor of what is called the rated pension bill, and also the petition of William B. Westervelt and 39 other surviving soldiers and sailors of the Union Army and Navy, in favor of the same bill. I move the reference of the petitions to the Committee on Pensions.

The motion was agreed to.

Mr. EDMUNDS presented the petition of R. A. Tilden and 46 other citizens of Norwich, Vt., praying for an increase of the duties on wool; which was referred to the Committee on Finance.

Mr. EDMUNDS. I present a resolution in the nature of a petition, and intended to be presented (although it is not strictly in the form that it ought to be, I ask leave to present it), of a body of farmers in Vermont on the subject of reducing the postage on agricultural and horticultural seeds, etc., which I ask may be referred to the Committee on Post-Offices and Post-Roads.

The PRESIDENT *pro tempore*. If there be no objection, the resolution will be received as a petition and so referred.

Mr. CAMERON presented the petition of I. M. Huston Post, No. 394, Grand Army of the Republic, Department of Iowa, and a petition of surviving soldiers and sailors of the Union Army and Navy, citizens of Victor, Iowa, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented a petition of Beavertown (Pa.) Grange, No. 799, Patrons of Husbandry, praying for legislation granting protection to agricultural products; which was referred to the Committee on Finance.

Mr. SHERMAN presented seven petitions, signed by 146 ex-Union soldiers and sailors, citizens of the State of Ohio, praying for the passage of the per diem rated service-pension bill, as follows:

A petition of citizens of Lordstown;
A petition of citizens of Ohio;
A petition of citizens of Fowler;
A petition of citizens of Mesopotamia;
A petition of citizens of Smithville;
A petition of citizens of Pittsburgh and Potsdam; and
A petition of citizens of Bristolville.

The petitions were referred to the Committee on Pensions.

Mr. SHERMAN presented a petition of 143 citizens of Ohio, praying for the protection of agricultural products; which was referred to the Committee on Finance.

He also presented a petition of citizens of Lucas and Clarke Counties, Ohio, praying for the enactment of legislation for the protection of the wool and woolen industries; which was referred to the Committee on Finance.

Mr. FRYE. I present a large number of petitions from soldiers of the State of Maine, praying for the equalization of the pay of soldiers of the late war, that is to say, to pay them the difference, as I understand it, between gold and currency, the petitions representing about 6,000 soldiers. I do not know whether the petitions should be referred to the Committee on Pensions or the Committee on Military Affairs.

The PRESIDENT *pro tempore*. The petitions will be separately noted in the Journal and RECORD, and referred to the Committee on Military Affairs.

The petitions are as follows:

A petition of John C. Cobb and others, of Portland;
A petition of John L. Russell and others, of Dexter;
A petition of William K. Kimball Post, No. 148, Grand Army of the Republic, of South Paris;
A petition of Justus Webster and others, of Chesterville;
A petition of G. H. Ramsell and others, members of Post No. 33, Grand Army of the Republic, Department of Maine;
A petition of N. H. Martin and others, of Fort Fairfield;
A petition of R. G. Smith and others, of Whitefield;
A petition of J. A. Stout and others, of Biddeford;
A petition of Thomas H. Marshall Post, No. 42, Grand Army of the Republic, Department of Maine;
A petition of J. B. Currier and other citizens of Corinna;
A petition of S. G. Hunington and other citizens of Bridgewater;
A petition of John M. League and other citizens of Weld;
A petition of Jesse Pierce and other citizens of Booth Bay;
A petition of Matcher Post, No. 111, Grand Army of the Republic, of Maine;
A petition of Enoch G. Mitchell and other citizens of Kennebunk;
A petition of George E. Elliott and other citizens of Lynchville;
A petition of William H. Leavitt and other citizens of Phillips;
A petition of Harry Rust Post, No. 54, Grand Army of the Republic, at Norway;
A petition of Kimball Post, No. 38, Grand Army of the Republic, at Livermore Mills;
A petition of F. J. Leavitt and other citizens of Buxton;
A petition of Russell Post, No. 96, Grand Army of the Republic, at Skowhegan;
A petition of Meade Post, No. 40, Grand Army of the Republic, at Eastport;
A petition of J. H. H. Hewitt and others, of Thomaston;
A petition of Edwin Ilsley and others, of Limerick;
A petition of Theodore Shackford and others, of Gorham;
A petition of James McGlauflin and others, of Mapleton;
A petition of Charles O. Wadsworth and others, of Gardiner;
A petition of William H. Nevers and others, of Cornish;
A petition of Ruel Anners Post, No. 104, Grand Army of the Republic, of Sprague Mills;
A petition of A. A. Dwinal Post, No. 3, Grand Army of the Republic, of Mechanic's Falls;
A petition of Sedgwick Post, No. 6, Grand Army of the Republic, of Bath;
A petition of Ira P. Wing and others, of Monson;
A petition of James A. Garfield Post, Grand Army of the Republic, of Bluehill;
A petition of George E. Hapgood and others, of North Anson;
A petition of Sergeant Wyman Post, No. 95, Grand Army of the Republic, of Oakland;
A petition of D. L. Weard Post, No. 89, Grand Army of the Republic, of East Sullivan;
A petition of George L. Marson and others, of Windsor;
A petition of F. M. Gilman and others, of Mount Vernon;
A petition of T. S. Keen and others, of Brooks;
A petition of Judson Hall and others, of South Gardiner;
A petition of Benjamin B. Mayberry and others, of South Windham;
A petition of Hiram E. Stellman, commander of Post 147, Grand Army of the Republic, of State of Maine, and members of said post;
A petition of John Renier and others, of Madison;
A petition of L. W. Elliot and others, of New Sharon;
A petition of E. H. Bryant and others, of Machias;
A petition of John Merrill Post, No. 137, of Richmond;
A petition of Burnside Post, Grand Army of the Republic, of Auburn;
A petition of L. C. Morse and others, of Liberty;
A petition of Charles W. Cook and others, of Solon;
A petition of Wade Post, No. 123, Grand Army of the Republic, of Presque Isle; and
A petition of Levi W. Smith and others, of Maine.

Mr. FRYE presented a petition of the Bath (Me.) Board of Trade, praying for the repayment to ship-owners of the tonnage tax; which was referred to the Committee on Finance.

Mr. HISCOCK presented two petitions of ex-Union veterans, citizens of the State of New York, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. PADDOCK presented a petition of 45 ex-Union soldiers and sailors of the Second Congressional district of Nebraska, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. MANDERSON presented three petitons of ex-Union soldiers and sailors, citizens of Hardy, Nebr., praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. FARWELL presented a petition of citizens of Chicago, Ill., praying for the enactment of legislation to correct the evils resulting from convict labor; which was referred to the Committee on Education and Labor.

He also presented certain papers relating to the claim of David Blakeslee, a soldier of the war of 1812; which were referred to the Committee on Pensions.

Mr. CULLOM. I present the petition of J. M. Means and 11 other citizens of Iroquois County, Illinois, praying for legislation to prevent the formation of trusts or combinations to corner markets, to restrict immigration, to prevent the sale of adulterated articles used as food or drink, and also urging that the tax on bogus butter be retained, and that the tax on tobacco and spirits be retained until the war debt is paid. I move that the petition be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. KENNA presented a petition of 33 ex-Union soldiers, citizens of Middlebourne, Ripley, Kidwell, Lone Tree, and Sistersville, Tyler County, and Van Camp and Martinsville, Wetzel County; a petition of 41 ex-Union soldiers, of Adonis, Pursley, Friendly, Sistersville, Bearsville, Little's Mills, Shiloh, and Long Reach, Tyler County; a petition of Edwin A. Barr and 19 other ex-soldiers, of Sistersville, Tyler County, West Virginia; a petition of Newton Wilson and 20 other ex-soldiers, of Wick, Tyler County, West Virginia, and the petition of John R. Mason, of Long Reach, Tyler County, West Virginia, and A. Meredith and 5 ex-soldiers, of Hebron, Pleasants County, West Virginia; a petition of 75 ex-soldiers, of Middlebourne, Lone Tree, Ripley, Sancho, Kidwell, Conaway, Bearsville, Wick, North Bend, Pursley, and Sistersville, Tyler County, West Virginia, and Central Station, Doddridge County, West Virginia; a petition of 33 ex-Union soldiers and sailors, of Tyler County; and a petition of Isaac S. Smith, chairman, and Joab Martin, secretary, of a meeting of ex-Union soldiers, of Ellenborough, W. Va., praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. HOAR presented a memorial of the Boston Chamber of Commerce, signed by W. H. Pearson, secretary, in favor of the passage of the tonnage bill, and of the carrying of the United States mail in American ships; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. CAMERON, from the Committee on Naval Affairs, to whom was referred a petition in reference to a marine hospital at Evansville, Ind., asked to be discharged from its further consideration, and that it be referred to the Committee on Public Buildings and Grounds; which was agreed to.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (S. 875) granting a pension to Patrick Breene, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (H. R. 5874) for the relief of the heirs of the late Francis I. Wheeler, reported it without amendment.

Mr. RIDDLEBERGER, from the Committee on Naval Affairs, to whom was referred the bill (S. 2039) for the relief of the Albemarle and Chesapeake Canal Company, reported it without amendment, and submitted a report thereon.

Mr. MANDERSON, from the Committee on Military Affairs, to whom were referred the resolutions of the Grand Army of the Republic, favoring a change in the law for retiring enlisted men in the United States Army, submitted an adverse report thereon; which was agreed to, and the committee were discharged from the further consideration of the resolutions.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the petition of Mrs. Jennie Hart Mullany, widow of the late Rear-Admiral Mullany, United States Navy, praying an increase of pension to $50 per month, submitted a report thereon, accompanied by a bill (S. 2346) granting increase of pension to Jennie Hart Mullany; which was read twice by its title.

He also, from the same committee, to whom was recommitted the bill (S. 431) granting a pension to Emma S. Free, widow of Thomas S. Free, late major of the United States Army, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. BOWEN introduced a bill (S. 2347) to amend section 837 of the Revised Statutes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HARRIS (by request) introduced a bill (S. 2348) to provide for the extension of Eighteenth street, in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also (by request) introduced a bill (S. 2349) to provide for the widening of Columbia road, in the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also (by request) introduced a bill (S. 2350) to regulate the fees and limit the compensation of the recorder of deeds of the District of Columbia, and of the register of wills of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. TELLER (by request) introduced a bill (S. 2351) to promote the interests of agriculture by irrigation, and to encourage the settlement of the arid lands in the Territory of New Mexico; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

He also introduced a bill (S. 2352) granting pension to John F. Keran; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2353) granting pension to Daniel C. Auld; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PALMER (by request) introduced a bill (S. 2354) to amend section 4444 of the Revised Statutes, relative to vessels engaged wholly or in part in the coastwise service; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2355) for the relief of Rebecca Rhodes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2356) to provide a pension for Mrs. Adeline Couzins; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KENNA (by request) introduced a bill (S. 2357) for the relief of James Forgey; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2358) for the relief of G. W. McCulloh; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (by request) introduced a bill (S. 2359) for the relief of Frederick Ford; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 2360) granting a pension to Nicholas C. Rohrbough; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2361) granting a pension to Sarah J. Eyster; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2362) granting a pension to Jackson Myers; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 2363) for the relief of John W. Combs; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2364) granting an increase of pension to John S. Hale; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2365) for the relief of James A. Armstead; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DAVIS introduced a bill (S. 2366) granting a pension to Mrs. Emeline Anderson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. EVARTS introduced a bill (S. 2367) for the relief of Austin Mandeville; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MANDERSON introduced a bill (S. 2368) to remove the charge of desertion against William C. Jones; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 2369) for the relief of Dorr Heffleman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. SHERMAN introduced a bill (S. 2370) granting a pension to Sarah C. Anderson and children under sixteen years; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2371) granting a pension to Jacob Pitner; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2372) restoring pension to George L. Flech; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CHANDLER introduced a bill (S. 2373) relating to promotions

in the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. SAWYER introduced a bill (S. 2374) for the relief of David Gray Purman; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2375) granting a pension to Joseph McGuckian; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 2376) for the reduction of postage on seeds, cuttings, bulbs, scions, etc.; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 4487) to enable the Secretary of the Interior to pay certain creditors of the Pottawatomie Indians out of the funds of said Indians; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (S. 1071) for the relief of A. B. Norton;

A bill (H. R. 120) for the relief of Charlotte Caroline Hackleman;

A bill (H. R. 221) increasing the pension of John C. Johnston;

A bill (H. R. 363) granting a pension to Mrs. Eliza L. Mace;

A bill (H. R. 365) granting a pension to John Humes;

A bill (H. R. 440) granting a pension to Mary C. Knight;

A bill (H. R. 880) granting a pension to Mary Everingham Brown;

A bill (H. R. 2457) to increase the pension of Hubert M. Potter;

A bill (H. R. 2467) to amend chapter 191 of the private acts of the Forty-ninth Congress, passed at the second session thereof, concerning James H. Young; and

Joint resolution (S. R. 60) directing the Secretary of the Interior by means of the Director of the Geological Survey to investigate the practicability of constructing reservoirs for the storage of water in the arid region of the United States and to report to Congress.

DISTRICT PROHIBITION HEARINGS.

Mr. FARWELL submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the District of Columbia is hereby authorized and empowered to employ a stenographer to report oral statements on the bill (S. 927) to prohibit the manufacture and sale of spirituous and intoxicating liquors in the District of Columbia, the expenses therefor to be paid out of the contingent expenses of the Senate.

INTERNAL-REVENUE LAWS.

The PRESIDENT *pro tempore*. If there are no further resolutions, concurrent or other, the morning business is closed.

Mr. BROWN. I gave notice the other day that I should move at this hour to take up the resolutions introduced by me at an early day of the session, in reference to the collection of the revenues of the Government and the repeal of the internal-revenue laws. I move to take up the resolutions.

The PRESIDENT *pro tempore*. The resolutions will be read.

The Chief Clerk read the resolutions submitted by Mr. BROWN January 4, 1888, as follows:

Resolved, That the practice of the Government of the United States was correct, for the first three-quarters of a century of its existence, when it collected the revenues necessary to its support at the ports or other boundaries of our territory by tariff, except in cases of war or other great emergency, when internal-revenue laws or laws imposing direct taxes were passed, which were repealed as soon as the emergency which called them forth ceased to exist.

Resolved, That the present internal-revenue laws, which were enacted as war measures in time of a great emergency, which are onerous, oppressive, and undemocratic, have existed for almost a quarter of a century after the emergency has passed, and there being a very large surplus in the Treasury, which it is the duty of the Government to provide against by a reduction of the revenues, it becomes the imperative duty of Congress to enact appropriate legislation for the repeal of said internal-revenue laws at the earliest day practicable.

The PRESIDENT *pro tempore*. If there be no objection, the resolutions are before the Senate, and the Senator from Georgia is entitled to the floor.

Mr. BROWN. Mr. President, it is important to inquire what is the true issue now before the people of this country in reference to the collection of our revenues, and to those of us who are Democrats it is important that we view it from a Democratic standpoint.

Thomas Jefferson, the great apostle and founder of the Democratic party, denounced the excise system of collecting taxes, except in cases of great emergency, and secured the repeal of all such laws during his administration. The Democratic party for a great many years, and during a long succession of Democratic administrations, collected the money necessary to support the Government by tariff taxation, so adjusted as to afford encouragement and protection to domestic manufactures.

Andrew Jackson, the next greatest leader of the Democratic party, held to the same doctrine. In his message of 7th of December, 1830, he says:

The power to impose duties on imports originally belonged to the several States; the right to adjust those duties with a view to the encouragement of domestic branches of industry is so completely identical with that power that it is difficult to suppose the existence of the one without the other.

Again, in the same message, he says:

While the chief object of duties should be revenue, they may be so adjusted as to encourage manufactures.

In another part of the message again he says:

In this conclusion I am confirmed, as well by the opinions of Presidents Washington, Jefferson, Madison, and Monroe, who have each repeatedly recommended the exercise of this right under the Constitution, as by the uniform practice of Congress, the continued acquiescence of the States, and the general understanding of the people.

Again, in his letter to Dr. Coleman, of North Carolina, General Jackson wrote:

If we omit or refuse to use the gifts which Providence has extended to us, we deserve not the continuation of His blessing. He has filled our mountains and our plains with minerals, with lead, iron, and copper, and given us a climate and soil for the growing of hemp and wool. These being the great materials of our national defense, they ought to have extended to them adequate protection; that our manufacturers and laborers may be placed in a fair competition with those of Europe, and that we have within our country a supply of those leading and important articles so essential to war. I will ask, what is the real situation of the agriculturist? Where has the American farmer a market for his surplus produce? Except for cotton he has neither a foreign nor a home market. Common sense at once points out the remedy. Take from agriculture in the United States 600,000 men, women, and children, and you will at once give a market for more breadstuffs than all Europe now furnishes us. In short, sir, we have been too long subject to the policy of British merchants. It is time we should become a little more Americanized, and instead of feeding the paupers and laborers of England, feed our own, or else in a short time, by continuing our present policy, we shall be rendered paupers ourselves.

THE DEMOCRATIC PLATFORM OF 1884 ON TARIFF ABUSES.

The Democratic convention of 1884, which nominated President Cleveland, characterized "the system of direct taxation known as the internal revenue as a war tax," and declared that "sufficient revenue to pay all the expenses of the Federal Government economically administered, including pensions, interest and principal of the public debt, can be got under our present system of taxation from custom-house taxes, on fewer imported articles, bearing heaviest on articles of luxury, and bearing lightest on articles of necessity." The convention then denounces, not the tariff system, but the abuses of the tariff.

What is the plain purport of the language of the founders of the Democratic party, and the traditions and precepts of former administrations, and the language of the platform of the party in its last national convention? Simply, as there is now no emergency, and we have an overflowing Treasury, that the internal-revenue system, which is only temporary, should be repealed without unnecessary delay, and that there should be a revision of the tariff, and that, under our present system of custom-house taxes, the revenue should be raised on fewer imported articles bearing heaviest on articles of luxury and bearing lightest on articles of necessity.

A FALSE ISSUE.

The issue that some persons have attempted to raise, whether it would be better to repeal the internal-revenue law and give the people free whisky and tobacco, or whether it would be better to reduce the tax on the necessaries of life, is a false issue. Neither the fathers of the Democratic party nor the practice of Democratic administrations for nearly half a century, nor the last platform laid down by the Democratic party in convention, submits or justifies any such issue. The obvious plain duty of the Democratic party under the authority and precepts above mentioned is to abolish the internal-revenue system as early as possible, and leave the States to tax whisky and tobacco; and in good faith to revise the tariff, putting the heaviest burdens on articles of luxury consumed by the rich, and the lightest burdens on articles of necessity consumed by the poor. There is no room for an issue between the repeal of the internal revenue and the revision of the tariff. The Democratic party is pledged to do both, and it is an imperative duty which the party owes to the country in good faith to redeem that pledge. And the party does not redeem the pledge by carrying out one of these measures, but it is bound to carry them both into effect.

THE TRUE ISSUE.

The only issue is, will the party in good faith redeem its pledges, and sweep from the statute-book the system of direct taxation known as internal revenue, and "revise the tariff in a spirit of fairness to all interests?" Both must be done. This is the plain meaning of the pledge of the party, and it is the duty of every Democrat to aid in redeeming that pledge. His Democracy may be justly questioned, who refuses to aid in redeeming the solemn pledges of the National Democratic Convention.

NOT A PROTECTIONIST PER SE.

I believe the true position is to collect all the money necessary to the support of the Government economically administered, by tariff, except in cases of great emergency. I am not a protectionist *per se*, and I would not vote to raise a dollar more than is absolutely necessary to the economical support of the Government, for any purpose, or to protect any industry of any character. In adjusting the tariff, I would as a general rule put on the free-list such articles as are produced abroad and not in this country, where the tax upon the imported article could afford no protection to American industry, and I would as a general rule

collect the tax by imposts or tariff on such articles imported from abroad as are produced in this country, so as to give to American capital and American labor all the incidental protection within our power. In other words, I believe in a tariff for revenue, so adjusted as to afford incidental protection to American capital and American labor.

Again, in adjusting the tariff, I would as far as possible put the heaviest burdens on articles of luxury which are used mostly by the rich, who are better able to pay the tariff and the lightest burdens upon articles of prime necessity which are used by the poor, who are less able to pay the tariff.

GIVING PREFERENCE TO FOREIGN CAPITAL.

The principal difference between my position and that of some who claim to be tariff reformers is that they would prefer to put the tariff on such articles as are produced abroad and not produced in this country so as to carefully avoid any protection to American capital and American industry. In other words they would raise, as I understand it, if left to their choice, all the money necessary to the support of the Government by internal revenue by direct tax, and by a tariff on such goods as are produced abroad and not produced in this country, and thus avoid all protection of American interests, giving the preference in every case to foreign capital and foreign labor. This was not the position of Washington, Jefferson, Madison, Monroe, or Jackson.

THE WHISKY TAX.

It has been matter of boast on this floor again and again that the internal tax on whisky does not, as its advocates claim, increase the price of that commodity made by anybody else except the licensed distillers; or rather, they claim that all internal-revenue tax goes into the Treasury, and there is no incidental protection. Senators say they prefer to collect over $100,000,000 a year on internal revenue, because it all goes into the Treasury and protects nobody. But this is not true. The whisky ring is protected against all foreign whisky by a tariff of 1,000 per cent. on what it costs the registered distiller to make it, and pays 90 cents a gallon internal revenue, leaving a net protection of over 500 per cent. on its cost at the distillery. The tariff is prohibitory, and therefore gives the registered distillers the control of the market. They are protected by a prohibitory tariff at the coast, and by penal enactments that put all small people in the interior in jail who attempt to come in competition with them. It is true they pay to the Government a tax of 90 cents a gallon on most of the whisky made by them, which goes into the Treasury, just as the tariff on woolen blankets paid at the custom-house all goes into the Treasury. The advocates of the whisky ring claim that the tariff on woolens protects our home manufacturers engaged in that business. So does the tariff on whisky of $2 a gallon, and the law making it illegal for anybody to compete with the registered distillers protects them to almost any extent that they choose to increase the price to the consumer.

As I have shown elsewhere, it costs them not exceeding 20 cents a gallon to make the whisky. They are protected on one side by a high tariff, and on the other side by a law making it criminal for people to compete with them. They are supposed to make all the whisky that is legally sold in this country. Now, what profit growing out of protection do they make when they sell the whisky to the consumer? Ninety cents tax and 20 cents a gallon would be what it costs the distiller. It is guarded for them at the expense of the Government for three years without paying either tax or interest, and they then sell it at from two to three dollars a gallon. All over $1.10 is net profit, a net profit levied on all consumers, obtained how? By reason of the enormous protection which the law gives them, which amounts to a monopoly—net profit which they levy upon everybody who buys whisky from them, and everybody, if the law is obeyed, is obliged to buy whisky made by them.

The only difference between the manufacturer of woolen blankets and the manufacturer of whisky is that the manufacturer of whisky is protected by a higher tariff than the manufacturer of woolen blankets, and protected by penal law, which sentences to jail anybody who attempts to make whisky in competition with them. In case of the manufacturer of woolen blankets there is a tariff for his protection, but any and every body who chooses may build factories and compete with him. The law enables the licensed distillers, without competition from persons outside of their ring, to put any price they please on whisky. To prevent a decrease in the price by competition among themselves they regulate that matter by a trust and agree with each other not to sell below a certain price.

To give protection to the manufacturer of woolens equal to that given to the registered distiller it would be necessary for the Government to license a certain number—say twenty factories—who are engaged in making woolen blankets, put a prohibitory tariff on woolen blankets, and enact a penal law making it criminal for anybody else to engage in the business of making woolen blankets, and then impose a license fee or tax upon those who make woolen blankets, to be paid into the Treasury. This would protect them by a tariff against foreign manufacturers; it would protect them by penal statute against home competition, and it would give them the power now possessed by the whisky ring to add the amount they pay as internal tax to the Government to the price of the commodity, and then, as they control the market entirely, to fix their own profits in addition to that. So far as competitors not belonging to their organization are concerned they would have no chance to come in competition, and so far as competition among themselves is concerned, they regulate that by a trust. So that in every sense there is no other class of manufacturers in this country so extravagantly and so thoroughly protected as the whisky ring. The Senator from Kentucky says that no Democrat is in favor of protection, and still the Senator from Kentucky defends the whisky ring, which has more protection than any other protected interest or monopoly in this country, and desires the continuance of the present state of things.

But the proposition that 90 cents a gallon on all the whisky made goes into the Treasury is not true. There is a large amount which runs the blockade, from the licensed distilleries that pays no tax to the Government, and still the consumer pays full price for it. There is a large amount that is lost by fire and other casualties that pays no tax to the Government. There is a large amount allowed the distillers for evaporation which pays no tax, to wit, 7½ gallons on every forty-gallon barrel which has been stored three years, while the whisky is stored and guarded by the Government and at the expense of the Government for the benefit of the owners. It is not true, therefore, as assumed by the Senator from Kentucky, that the Government gets its tax on all the whisky made, and that there is no protection resulting in an increase of the price to the consumer. Large quantities of whisky are sold to the consumer that have paid no tax to the Government, and the protection given to the licensed distillers, as above stated, gives them a practical monopoly of the business, and adds enormous tax to the cost of every gallon of whisky consumed by the laboring masses of the people of this country.

Say the laboring man buys a pair of woolen blankets and pays $1.50 tariff on it; he buys as a medicine for himself and family a gallon of whisky and pays $1.50 tax on it to the registered distiller. Which hurts him worst? In each case he pays $1.50 more than he would pay if there were no tariff on blankets and no tariff and internal revenue on whisky. In each case a dollar and a half of the amount for which he has labored, and which would otherwise go to the support of his family, is taken out of his pocket.

The Senator says, however, that he can do without the whisky; so he can do without the blankets. There are thousands of families in the mountains and backwoods of this country who have no blankets, unless it is a home-made one. The industrious wife and daughters in thousands of families make home-made blankets, or quilts which serve in place of blankets, so that the purchase of either blankets or whisky is alike a matter of interest or a matter of choice. Both are highly protected. But the manufacturer of whisky has about three times as much protection as the manufacturer of blankets. The money taken from the pocket of the consumer in case of whisky is much greater than the money taken from his pocket in case of a pair of blankets, because the price of whisky in comparison with the cost of its manufacture is two or three times as great as the price of blankets when compared with the cost of their manufacture.

This is not a question of sentiment. This is a question of dollars and cents. Which injures the pocket of the consumer most the tariff paid upon woolen goods, which is high, or the tariff and internal-revenue tax paid by the consumer upon whisky, which is three times as high? If it is wrong to defend the lower protection, is it not worse to defend the higher protection, which is three times as high in case of whisky as it is in case of woolens? If it is robbery for the manufacturer to take from the consumer of woolen blankets 50 per cent., growing out of protection, is it not greater robbery to take from the consumer of whisky three or five times as large a per cent. as profit to the distiller, growing out of the protection which the law gives him?

The whisky ring, this grandest of monopolies, is better protected, and the people have to pay more for its protection, than they pay for the protection of any other class of producers or manufacturers in this country.

AGAINST TWO SYSTEMS OF COLLECTORS.

But if the Senator is right about it, and it is better to collect over a hundred millions a year on tobacco and whisky, because the money all goes into the Treasury and protects nobody but the whisky ring, then why not collect all the money we need by a direct tax, which all goes into the Treasury, and abolish the custom-houses altogether? We certainly ought not to have two systems of collecting revenue and two armies of collectors, each at the expense of many millions of dollars a year. One or the other system should be abolished. I am for the abolition of internal revenue and all direct taxation, and collecting all the revenue necessary to support the Government, economically administered, at the ports by a tariff. If the Senator is right, and the internal-revenue and direct taxation is a better system, then we ought to abolish the custom-houses and collect all the tax under the present system of spies, informers, and raiders upon the homes and property of the people. In that way you can collect your revenues and protect nobody but the distillers, not even protect the persons, property, or, in many cases, the lives of your fellow-citizens.

But what would the people say to such a practice? Suppose we undertake to raise three hundred millions a year by internal-revenue laws

and direct taxes? The people of each State must then pay its part in cash, in addition to the direct tax which its people pay for the support of its own government. When apportioned out among the different States, my own State, being a little over the average State, would have to pay, in addition to the tax it now pays to support the State government, something over $8,000,000 a year in cash, collected directly from the people who have visible property to aid in the support of the Federal Government. This is about eight times as much as we now pay to support the State government. What would the people of Georgia or Kentucky say to such a system, with all the oppressions and domiciliary vexations which would attend the collection of the taxes under it?

THE GEORGIA PEOPLE DO NOT WISH TO CRUSH MANUFACTURES.

I do not undertake to speak for the people of Kentucky; but I have no hesitation in saying that, while the people of Georgia desire a just revision of the tariff and the abolition of the internal-revenue system entirely, they do not desire to crush American manufactures or reduce the compensation of American labor.

On that question they stand squarely on the Democratic platform as promulgated by the national Democratic party in 1884, which no person or association of persons, except the Democratic party in convention, has power to change or abrogate. That platform says:

But in making reduction in taxes it is not proposed to injure any domestic industries, but rather to promote their healthy growth. From the foundation of this Government taxes collected at the custom-house have been the chief source of Federal revenue. Such they must continue to be. Moreover, many industries have come to rely upon legislation for successful continuance, so that any change of law must be at every step regardful of the labor and capital which is involved. The progress of reform must be subject in the execution, to this plain dictate of justice—all taxation should be limited to the requirements of economical government. The necessary reduction can and must be effected without depriving American labor of the ability to compete successfully with foreign labor, and without imposing lower rates of duty than will be ample to cover any increased cost of production which may exist in consequence of the higher rate of wages prevailing in this country.

Then the platform adds this significant language, which leaves no room for the internal-revenue system:

THE DEMOCRATIC PLATFORM FOR INTERNAL REVENUE REPEAL.

Sufficient revenue to pay all the expenses of the Federal Government economically administered, including pensions, interest and principal of the public debt, can be got under our present system of taxation from custom-house taxes on fewer imported articles, bearing heaviest on articles of luxury, and bearing lightest on articles of necessity.

This, as I understand it, and as the Democracy of Georgia understand it, is sound Democratic doctrine on the revenue question. It involves the absolute repeal of the internal-revenue system, which the Democratic platform says is a "war tax," at the earliest day when the emergency that called it into existence has passed. And it has already passed.

So much for the position and precepts of Jefferson, Jackson, and the other founders and champions of the Democratic party, who all favored such adjustment of our tariff laws as was necessary to give encouragement and protection to manufactures and to American labor; and it involves an adjustment of the tariff in such manner as not to injure any domestic industries, but rather to promote their healthy growth; and as some industries have come to rely on legislation for successful continuance, the position is distinctly taken by the national Democratic convention that every step in changing the law must be regardful of the labor and capital thus involved, and that the necessary reduction in taxation can and must be effected without depriving American labor of the ability to compete successfully with foreign labor, and without imposing lower rates of duty than will be ample (mark the word "ample") to cover any increased cost of production which may exist in consequence of the higher rates of wages prevailing in this country. Here in the platform is the doctrine of protection clearly set forth.

It is not the purpose of the Democratic party, as its platform distinctly states, to injure any domestic industry, or to reduce the tariff so low as to compel the American manufacturer to reduce the wages of American laborers about one-half, so as to bring it down to the prices paid for labor in Europe, and thus enable the American manufacturer to compete with the European manufacturer.

As labor is much the larger part of the cost of most manufactured articles, the American manufacturer can not compete successfully and pay double the price for labor which the European manufacturer pays. It follows, therefore, that in case of most manufactured articles the price of labor must be reduced when the tariff is reduced, or the American manufacturer must retire and give the field to the European who has the cheap labor. You can not reduce American labor to the price paid paupers in Europe without compelling American laborers to live like the paupers in Europe live. To this our laborers should never submit. Against this the faith of the Democratic party is solemnly pledged. And I trust we may find every true Democrat ready to aid in keeping faith and redeeming that solemn pledge.

IMPORTED AND HOME MANUFACTURES.

The whole value of dutiable manufactured articles imported in one year is $190,088,633. The whole value of home products of manufacturers, mechanics, and miners, according to the last census, is nearly five and a half billions a year, or over twenty-seven times as much home production as the whole amount of like dutiable goods imported. So that our people use more than twenty-seven times as much home-made goods on which they pay little or no tariff as they use of foreign goods on which they pay the tariff. The amount of the tariff paid by a farmer or planter in the South who lives plainly and economically is so small that it is almost imperceptible. He pays tariff on a small proportion of the small quantity of manufactured goods which he buys, such as blankets, wool hats, trace-chains, etc. And he gets protection under our tariff law on the articles raised by him to almost if not quite as large a sum, as he pays tariff on goods bought by him which are subject to duty under our tariff law as it now stands on the statute-book.

But suppose we reduce the estimate taken from the census one-half. Then our people use thirteen and one-half times as much home-made goods as they use of imported manufactures. Or, say you reduce it to one-third, then they use nearly ten times as much home-made as foreign manufactures. Though it is much more than that, for the purposes of this argument, we will say ten times as much.

The following table will illustrate this more clearly:

IMPORTS AND HOME PRODUCTION OF MANUFACTURES.

Total imports 1887	$663,429,189
Total free	219,887,787
Total dutiable	443,541,402
Total manufactured, dutiable	190,088,633
Per cent	42.86
Total home manufactured products, 1880	$5,369,579,191
1887—Imported dutiable manufactures	190,088,633
Excess home manufactures	5,179,490,558
Ratio imports to home manufactures	1 to 28
Yearly average increase home manufactures, 1860 to 1880	$173,247,276
Home manufactures in 1887 by same increase	$6,554,569,166
Imported manufactures 1887	190,088,633
Excess home manufactures	6,364,481,533
1887—Ratio imports to home manufactures	1 to 33

THE DIVISION OF LABOR IN THE UNITED STATES.

According to the last census, the whole number of persons employed in gainful pursuits in the United States was 17,392,099, divided as follows:

In agriculture	7,670,493
Professional and personal	4,079,238
Manufacturing and mechanical operations, and mining	3,837,112
Trade and transportation	1,810,256
The total number of farms was	4,008,967
The whole value of farms	$10,197,096,776
Value of farm products	$2,113,402,564
Value of live-stock	$2,000,000,000
Whole number of manufacturing establishments	253,852
Capital invested	$2,790,272,606
Whole number of hands employed	3,837,112
Annual wages paid	$941,953,795
Value of materials used	$3,396,823,549
Whole value of products	$5,369,579,191
Increased product from 1870 to 1880	$1,137,253,749
Increased capital invested	$672,063,837
Horse-power increased by steam and water	3,410,837

The foregoing statement, taken from the census reports, shows that the labor of this country is becoming pretty well diversified, that it is divided out into different classes who are engaged in different pursuits, each tending to build up the general prosperity of the country and promote the interest of the whole. Any legislation that disarranges this apportionment of labor to different channels and different productions, or that destroys any one of the great industries of the country, produces a shock in the system which is followed by very serious consequences to the whole body politic.

AN ILLUSTRATION OF INJURY.

As an illustration, take one and a half millions of the persons now engaged in manufacturing and mining, and put them to farming, and it would add about 20 per cent. to the number of farmers, and thus reduce the number of non-producing consumers in like proportion and add one-fifth additional to the present surplus productions made by the farmers, which would greatly reduce the price of all farm products in the market below what it now is; and if one and a half millions of the persons now engaged in manufacturing and mining were taken from that pursuit, that would greatly reduce the manufactured articles in the market, and to that extent increase the price of all manufactured articles that must be bought by the farmer.

Any legislation so unfriendly to the manufacturing interests of the country as to materially cripple those interests and cause factories to be closed, and operatives to be thrown out of employment, would drive large numbers of people now engaged in manufacturing back to farm life to make a living, and would necessarily greatly increase the number of farmers and the quantity of farm productions, and thus lessen the demand for farm products and diminish the price which the farmer would receive for his corn, wheat, and other productions.

SURPLUS REDUCTION AND THE TARIFF.

But it may be said that it is not intended to reduce the amount paid into the Treasury from the tariff so as to cripple the manufacturers, and in that way stop the surplus which now goes into the Treasury. The

Secretary of the Treasury in his annual report says that during the present fiscal year, ending June 30, 1888, the surplus taxation will amount to $113,000,000. Then if we are to get rid of all the surplus as recommended by the President, the proposition as I understand it is to reduce the tariff on manufactured articles and raw material $113,000,000 next year. The whole amount paid into the Treasury last year from customs was $217,286,893.13. The surplus as estimated for by the Secretary of the Treasury for this year will be $113,000,000, leaving only $104,000,000 to be raised by tariff, if we retain the internal revenue. Or, in other words, we must take off more than one-half the tariff on every article taxed, or take it entirely off half the articles taxed.

Let us see what reduction it will be necessary to make. Say we want to reduce the tariff $113,000,000 so as to stop entirely the surplus which now flows into the Treasury. During the last year the amount paid into the Treasury under the operation of our tariff laws on the chief classes of articles manufactured in this country was, on

All woolen manufactures	$27,278,523
All silk manufactures	13,000,000
All iron and steel manufactures	14,631,876
All cotton manufactures	11,752,207
All chemical manufactures	4,247,816
All jute, hemp, and sisal-grass manufacturers	9,247,816
Earthenware and china	2,829,540
Glass and glassware	3,694,924
Leather manufactures	3,262,233
Paper	392,469
Tobacco manufactures	8,311,114
Total revenue from the manufactures above named	98,748,328
Additional revenue from all raw materials	12,419,699
Total revenue from all sources named above	111,168,027
Surplus for this year	113,000,000
Surplus still remaining after repealing all the above-named duties	2,831,973

Thus you see, Mr. President, if we leave it as it now is on other articles we will have to remove all tariff from woolen, silk, iron, steel, cotton, chemicals, hemp, earthenware, glass, leather, paper, and tobacco, and all tariff from raw materials, and we will still fall short over two millions of dollars of disposing of the whole surplus estimated for by the Secretary of the Treasury for the current year.

The last census shows that there were then 802,206 persons employed in the eleven chief branches of manufacturing above enumerated, and it is safe to calculate that each of the persons employed at labor supports him or herself, with at least two other persons dependents. Some estimates put it as high as five other persons; so that at the most moderate estimate, there were 2,406,618 persons employed in said eleven branches of manufacturing and dependent upon the employés in said factories for a support. Or, if we count five dependents upon each laborer, this would make 4,011,030 persons—employés and dependents. There was, in 1880, according to the census reports, 35,529 manufacturing establishments of the character above mentioned, and there was invested in said above-enumerated industries the enormous sum of $875,995,387 capital. They paid annually $268,606,609 in wages, and they turned out annually $1,400,196,117 worth of manufactured articles. The following table will better illustrate this:

Manufactures.

Kind.	Establishments.	Capital.	Hands.	Wages.	Products.
Wool	2,689	$158,091,869	161,557	$47,389,087	$267,252,913
Silk	382	19,125,300	34,521	9,146,705	34,519,723
Iron and steel	1,005	230,971,884	140,978	55,476,785	296,557,685
Cotton	796	208,280,346	172,544	42,040,510	192,090,110
Chemicals	592	28,593,458	9,545	4,157,163	38,173,658
Jute, etc	27	2,491,500	3,207	827,759	3,571,653
Earthenware, etc	686	6,380,610	9,494	3,279,535	7,942,729
Glass	211	19,844,699	24,177	9,144,100	21,154,571
Leather	23,694	130,473,911	176,006	73,450,263	403,551,149
Paper	4,970	53,529,409	44,421	17,275,678	82,588,870
Tobacco	477	17,207,401	25,756	6,419,024	52,793,056
Total	35,529	875,995,387	802,206	268,606,609	1,400,196,117

You will notice, Mr. President, that this was the census report of 1880. Since that time seven years have passed, the most active seven years of American progress and American manufacturing, and I think it is safe to estimate that there has been one-third added to the number of establishments, the amount of capital invested, the number of persons employed, and the amount of productions of said factories. It would certainly be a very moderate estimate to say that there are now forty thousand of said manufacturing establishments, one million of persons employed in them, and, counting two dependents to each, three millions of persons employed and dependent; or if we count five persons dependent upon each laborer, then there would be six millions employed and dependent, one billion of capital invested, and three hundreds millions a year paid in wages, and $1,800,000,000 worth of manufactured articles produced.

THE INJURY OF GENERAL TARIFF REPEAL.

Now, an act of Congress that repeals the tariff on all these imported articles not only strikes down a large part of the enormous capital invested, but it throws a million of persons out of employment and cuts off not only their means of support, but the livelihood of from two to five millions of additional persons who are dependent upon them, and leaves the whole mass without food or clothing until they can, by charity or some other way, get locations upon farms, where, as tenants or otherwise, they can dig their living out of the ground, and cease to purchase their bread from the farmers who now supply them and make a good profit by so doing.

The present tariff paid into the Treasury upon all the manufactures of the character above described, and upon all raw material, as already stated, amounts in round numbers to $111,000,000. The internal-revenue tax amounts to about $118,000,000, a little larger sum.

The manufacturing investments that are more or less protected by the payment by foreign importers into the Treasury of $111,000,000 tariff maintain 40,000 manufacturing establishments, and employ and support in operatives and dependents at least 3,000,000 people, and turn out nearly $2,000,000,000 worth of manufactured articles every year.

SURPLUS REDUCTION AND THE WHISKY RING.

Now, let us contrast this with the whisky ring. The 969 registered distillers in the United States last year made about 76,000,000 gallons of whisky. They have comparatively a small number of employés, running up at most to a few thousand persons. The repeal of the internal-revenue laws still leaves the owners of these registered distilleries to distill or not to distill, as they think proper, and turns comparatively a small number of operatives out of employment.

A TREMENDOUS ANTITHESIS.

Now, which is best for the people of the United States as a whole? Shall the tariff on the eleven most important branches of manufacturing above enumerated be repealed, which partially protects and encourages 40,000 manufacturing establishments and affords food, shelter, and clothing to over 3,000,000 people, turning out nearly $2,000,000,000 worth of manufactured articles a year, and paying over $300,000,000 a year in wages, and affording a better market for 7,000,000 agriculturists; and shall the billion of dollars invested in these establishments be destroyed and the vast number of employés and dependents supported by them be turned out of employment and left to contend with starvation and want, or shall we let these industries continue to live and let the employés make an honest and liberal support, as they are now doing, by their daily labor, and let the billion of capital invested and the millions of persons employed prosper as heretofore? Or shall we, in obedience to the dictation of the whisky ring, by legislation strike down these manufacturing establishments, destroy the billion of dollars invested in them, and turn 3,000,000 people supported by them out of employment, without support, for the purpose of protecting the 969 "whisky barons" of this country, who make 76,000,000 gallons of whisky a year and realize vast profit upon it, protected by $2 a gallon at the ports, which, if the rule laid down by tariff reformers is correct, gives them $2 a gallon protection and profit, or $152,000,000 a year net profit on the whisky manufactured by them?

Mr. President, is it better that the vast manufacturing interests above referred to should be crushed out and their employés be reduced to beggary, and the market they afford our farmers destroyed, or is it better that the internal revenue should be repealed and the "whisky barons" left to take care of themselves, which they are abundantly able to do without the present enormous protection which they receive and without the monopoly they now enjoy?

You can get rid of the surplus revenue by crushing out the manufacturing interests referred to and turning the vast number of operatives out homeless and penniless, or you can get rid of the surplus by leaving them in a prosperous condition and all the balance of the country prosperous, and repealing the whisky and tobacco tax, and leaving the "whisky barons," already enriched by enormous profits made by the monopoly they have so long enjoyed, to provide for themselves without legislative protection in the future.

It is a question whether more than a million of people connected with the manufacturing establishments, with two millions of dependents, shall have their livelihood destroyed or whether less than a thousand men running registered distilleries shall have their enormous profits curtailed.

PERIL TO AMERICAN LABOR.

Now, suppose you remove the tariff entirely from all the class of leading manufactures above described, or suppose you take half the tariff from every article of import now taxed, and if you get rid of all the surplus and retain the internal revenue you are obliged to do one or the other. What will then become of American labor? The manufacturers of Europe get their pauper labor for less than half the wages paid to American labor. Then, unless they have tariff protection, as pledged in the Democratic platform, our manufacturers can not compete without a reduction of labor to the European standard, which puts American laborers on an equality with the pauper labor of Europe. Take two cotton factories in Augusta, Ga., and if one gets labor at a dollar a day and the other has to pay $2 a day, the latter must soon close, as it can not compete with the former. So an American manufacturer without tariff protection, paying twice as much for labor as is paid by a European manufacturer, must soon close, or he must reduce the

price paid by him for labor one-half, so as to make his labor as cheap as the labor of the rival in Europe. The American factory without protection must close, and the European with pauper labor must do our manufacturing on the other side of the ocean, or the American manufacturer must reduce American labor to the pauper prices paid to put him on an equality with his European competitor. Without protection or the reduction of American labor you must close the American mills and turn the employés out doors to seek a living by tilling the soil, as there is probably no other occupation that the great body of them can engage in where they can make a living. This will violate the pledges made in the Democratic platform of 1884 in reference to such industries as have come to rely upon legislation for successful continuance, and also the pledge that the necessary reduction "can and must be effected without depriving American labor of the ability to compete successfully with foreign labor, and without imposing lower rates of duty than will be ample to cover any increased cost of production which may exist in consequence of the high rate of wages prevailing in this country;" and it will crush out and close three-fourths of the factories of this country and leave their operatives in a state of deplorable privation and suffering, and will produce a panic such as we have not felt in many a year, and precipitate a flood of condemnation and denunciation which will overwhelm the Democratic party if it is false to its pledges.

But the Senator may say that he does not intend that, and that the Democratic party in Congress do not intend to remove the tariff to that extent, and strike down these great industrial enterprises that are affording a livelihood to millions of people in this country. Then will he be kind enough to tell the country how he expects to reduce the revenue one hundred and thirteen millions of dollars? From what classes of manufactured articles or imported articles will he remove the one hundred and thirteen millions of the customs duties?

It will take more than one-half the whole customs to make the necessary reductions and carry out the President's recommendation.

THE PLIGHTED FAITH OF THE DEMOCRATIC PARTY.

What will he take it from without a violation of the plighted faith of the Democratic party in its platform of 1884? Is the Senator ready to reduce the tariff upon all manufactured and imported articles more than one-half, or to take it entirely off one-half and leave it as it is on the other half, and take the chances of the crash of insolvency which it will entail upon capital invested in manufactures, and the misery and panic which it will produce over the whole country, to enable 969 "whisky barons," who are protected on all sides under the enormous monopoly which they now enjoy, to pile up immense profits and accumulate enormous fortunes under the internal-revenue system?

THE PEOPLE VERSUS THE WHISKY RING.

Mr. President, the true issue is between the millions of men, women, and children of this country who are dependent upon the manufacturing industries of the country for their support, and the whisky monopoly, who under the present laws are enjoying outrageous privileges, by which they are accumulating enormous profits without any benefit to others. Shall between three and four millions of persons engaged in manufacturing, mechanics, and mining be crushed and reduced to poverty, or shall the iniquitous system of internal revenue be repealed, with its spies and informers, and the profits of the "whisky barons" be reduced? That is the true issue which the people of this country have to meet. Yes, the issue is between the 969 "whisky barons," with their enormous profits, on the one hand, and the millions of dependent women and children of this country on the other hand. Let us look at this question in another view.

Suppose, by unfriendly legislation, you crush out or break down a large number of the manufacturing establishments of this country. What is the result? Of course the effect is greatly to diminish the manufactured articles offered in our market for sale. As matters now stand more than nine-tenths of the manufactured articles which go upon the American market are home-made, the products of our own manufacturing establishments. As long as this is true the home competition, in a very large degree, regulates the price, and the foreign manufacturer, bringing his merchandise here, can not put up the price so as to make it oppressive to our people. Thus far our experience has frequently been that when the tariff has been made very high on any great and growing industry it has induced large amounts of capital to be put into factories for the production of articles upon which the tariff is high. When a large amount of capital has been invested in a large number of factories to make a particular article, and they reach a point where they can make about all that is demanded in our markets, there springs up a home competition which regulates the price.

HOW THE TARIFF HAS BENEFITED BY HOME COMPETITION.

Take as an illustration the article of Bessemer steel. Twelve or fourteen years ago I purchased the first 100 tons of Bessemer steel which was laid down on the Western and Atlantic Railroad, and paid $130 a ton for it. At that time the tariff on Bessemer steel was $28 per ton. This high rate of tariff induced millions of capital to be put into plants or mills to produce Bessemer steel. Enormous factories were established. In 1883, just before the tariff act was passed, I purchased 2,000 tons of Bessemer steel at $38.50 a ton in the market. The tariff was still $28 a ton, and before the tariff act of 1883 went into operation Bessemer steel went still lower in the market. I think it got down as low as $33 a ton, while the tariff was still $28 a ton. The tariff act of 1883 reduced the tariff on Bessemer steel to $17 a ton, and since that time Bessemer steel, on account of the active home competition which was gotten up between our manufacturers, and which has made their business but moderately profitable, has sold in the market as low as $27 a ton. I was offered a lot of Bessemer only a few days since at $31 per ton, and the tariff is now $17 a ton.

What has produced the enormous decline in the price of Bessemer steel? How is it that an article which twelve or fourteen years ago paid the foreign manufacturer $130 a ton in our market is now selling at $31 a ton? The extravagantly high tariff which was then in operation induced an immense amount of capital to engage in that business and they now turn out so much Bessemer that the American manufacturers in competition with each other keep the price down, and we have a perpetual guaranty that the price will never again go up to an exorbitant figure, for the simple reason that our own mills with a reasonable tariff make enough to supply this country, and the British mill owner who attempts to import it must do so, generally, at a loss, and he will only do it when he has a large surplus which he can not dispose of without loss and must dump it on somebody. The price of Bessemer steel in Great Britain, say, is $20 a ton at the wharf. It costs, say, $2.50 a ton freight to lay it down here. That makes it cost the English manufacturer $22.50 a ton, which is the price in Great Britain with the freight added. Then he must pay $17 a ton tariff to be added, which makes $39.50 per ton, when the American manufacturer is offering it in the market at $31, being $8.50 a ton less than it actually costs the British manufacturer to pay the tariff and lay it down in our market. In other words, he pays half the tariff out of his own pocket to get into our market. Now as long as our home Bessemer factories are able to sustain themselves and make steel, as they are now making it, it is impossible for the British manufacturer, or any other manufacturer, to put up the price of Bessemer steel materially in this country.

They can not in other words take the price in Great Britain and the freight added and add the tariff to it, and sell the steel at its price in Great Britain with the tariff added, for the simple reason that our own manufacturers in competition with each other will always sell it lower, and it is impossible for British laborers, to any great extent, to take the business from American laborers. Then as long as we do not by unfriendly legislation destroy our home steel factories by putting the tariff so low as to let in a flood of steel from abroad, made by pauper labor, we are in no danger of having the price put up to an exorbitant point at any future time by foreign importers. But, Mr. President, if by unfriendly legislation you could destroy the Bessemer steel factories of this country, and turn over the whole business to the British manufacturer, as I believe some persons would be glad to do, it would not be five years, no, not three years, until they would put up the price in this market to $60 or $75 a ton. In other words, whenever the home supply is exhausted or destroyed and all our great railroad interests in this country are dependent upon foreigners for their supply of Bessemer, we are then at the mercy of the foreign manufacturer, and must pay whatever price he chooses to dictate.

THE LESSON OF RICE PROTECTION.

This is forcibly illustrated in the case of the price of rice during our late unfortunate civil war. Prior to the commencement of the war the American rice planters with slave labor made as cheap rice as could be had anywhere. They supplied the American market, and probably more than one-half the European market, and they sold rice at from $1.75 to $2.25 per 100 pounds. The war came on and the Southern planters had to take their negroes off the rice plantations and put them to building fortifications, and soon after the Federal Government threw a blockade around the Southern ports and cut off the Northern States entirely from the rice plantations of the South. What was the result? The foreign rice planters at once saw their opportunity. The American supply was cut off. The American people must have large quantities of rice, and large quantities were required for the army and the hospitals, and the foreigners advanced the price of rice in the market step by step until it reached over $14 per 100 pounds, where it stood for quite a length of time. Why did the people of the Northern States and the army hospitals have to pay $14 per 100 pounds for rice? For the reason that the Southern supply, upon which they had heretofore depended for their rice, was cut off. Little was made and none could reach them, and they were left at the mercy of the foreign importer; and the foreign importer made them pay most extravagantly for it. Since our rice fields are again in cultivation and the ports open and rice is protected by a high tariff the price in the market has gone down until it is now from $3 to $4 per 100 pounds.

Now, if you legislate in reference to any of the great manufacturing interests so as to crush out the American factories and leave us dependent upon foreign manufacturers for our supply, the same result will follow. Whenever foreigners see that we are dependent upon them they will use their power and compel us to pay extortionate prices for the articles they sell us.

MORE BENEFICIAL PROTECTION.

Take another illustration of home competition, the article of cut nails. They are now worth in the market $2 a keg of 100 pounds. The duty on cut nails is $1.25 per 100 pounds. This leaves the foreign importer who brings cut nails into our market but 75 cents per 100 pounds as his compensation for manufacturing them on the other side of the ocean and paying the freight to this country. In other words, cut nails in our home market are worth $2 per 100 pounds and the foreign importer pays $1.25 per 100 pounds tariff. Now repeal the tariff on cut nails, and if the foreign importer can bring them into this market at 75 cents per 100 pounds with his pauper labor he would soon stop all the nail factories of this country. But do you suppose after our factories were destroyed that the foreign importer would continue to sell us nails at 75 cents per 100 pounds? By no means. He would see his opportunity and he would advance the price of nails to the highest point in his power as long as we were dependent upon him and did not make our own supply at home. So with many other articles that might be mentioned. But those already enumerated are sufficient to illustrate the principle.

THE FARMERS AND THE TARIFF.

But the advocates and defenders of the whisky ring, with its enormous protection and colossal monopoly, whenever anything is said in favor of abolishing the internal revenue or curtailing the profits of the whisky ring, shed many crocodile tears over the poor unfortunate farmers of this country, who are so heavily taxed by the heartless manufacturers. In other words, it will not do to repeal the internal-revenue laws and interfere with the profits of the whisky ring, as they say that would leave no room for a repeal or reduction of the tariff, which they say is necessary for the relief of the farmers of this country, as they are at present unprotected. Now, the truth is that nine-tenths of the farmers of this country would never know they paid a dollar of revenue into the Treasury of the United States (and they pay very little) if they were not very kindly reminded of it by the low-tariff orators who seek office. They are told that the tariff is enormously high and that it is literally ruining the farming and planting interests of the country.

SUGAR, CALICO, ETC., CHEAPER UNDER PRESENT TARIFF.

From 1856 to 1860 was a period of low tariff. At that time refined white sugar in the market was worth from 14 to 16 cents a pound at retail. Now you can buy refined granulated sugar at about 6½ cents a pound, and I presume you can buy the brown sugar at about 5. Thus you see, Mr. President, how the enormous tariff on sugar by reducing the price is ruining the farmers of Georgia, who have to purchase sugar.

Prior to the war, in the period of low tariff, a good article of calico was worth from 10 to 12 cents at retail. Now the same article, and just as good, can be bought at from 5 to 6 cents a yard, one-half the price that it brought during the low-tariff period. So you see, Mr. President, how the present high tariff is ruining the planters and farmers who have to buy calico. Prior to the war all agricultural implements were worth from 30 to 50 per cent. more than they now command. For instance, it was worth 35 cents to lay a scooter plow at the blacksmith shop, and would cost from 50 to 75 cents to purchase one. Now you can purchase it for 25 cents. Everybody knows this helps the farmer. And in the face of all this the free-trader tells the farmer that he is being ruined by the tariff. How utterly absurd! How absolutely false! Yet they say the planting interest is being ruined by the high tariff. Take the article of bacon for instance, which is purchased largely by the farmers of Georgia, and prior to the war, during the low-tariff period, it was worth from 10 to 12 cents a pound in the market. Now it ranges generally from 6 to 8, and it has sold by the car-load within the last three or four years as low as 4½.

This is the way the tariff is ruining the great mass of farmers in the South who have to buy their bacon and other food supplies; and I might extend this list by enumerating article after article purchased by the farmer that is worth a third less, or one-half as much now, in the market, as it cost him prior to the war. Now, the farmers who are getting this reduction upon the price formerly paid by them for necessary articles would never know they were being ruined if they were not kindly reminded of it by their good friends, the agents or advocates of the whisky ring; and they would not be reminded so often now if it were not for the fact that there is a large surplus in the Treasury of the United States that you must get rid of, and it comes down to the question whether more than one-half the tariff shall be taken off and crush the manufacturing interests of this country, or whether we shall reduce the price of labor one-half, or whether the internal revenue shall be abolished and curtail the profits of the whisky ring. And whenever this issue is being made up the friends of the whisky ring then very politely and kindly inform the farmers and laborers of this country of the immense oppression of the tariff, which is reducing the price of many of the necessary articles they now buy to about half the price they cost prior to the war. If this state of things goes on and the manufacturing interests continue to be built up as they have been in the past, and the price of all the necessaries of life, on account of the competition growing up between home manufacturers, continues to go down, what is to become of the farmer and laboring man who has to buy these articles?

BETTER PRICES FOR LABOR UNDER THE TARIFF.

But this is not all. The price of nearly all the necessaries of life which the farmers buy has not only gone down from 25 to 50 per cent., but the price of labor has gone up. There was never a period in American history when labor commanded as high a price in the market as it does at the present time, or when the price of a day's labor would buy as much of the necessaries of life to the family of the laborer. What is to become of the country, Mr. President, and especially the farmers and laboring class of this country, if the price of all the necessaries which they have to buy is to continue to go down in the market, and labor, by which they make their money, is to continue to go up? There must be some check to this state of things, or some one's interest will suffer. In other words, if this state of things is not checked the internal-revenue laws will have to be repealed, even though it be at the expense of a large proportion of the profits of the whisky ring.

PROTECTION ENJOYED BY THE FARMERS.

But is it true that the present tariff protects everybody else but the farmer, and levies enormous exactions on him without protection? So far from this being true, a large proportion of the articles produced by the farmers of this country enjoy a large share of protection under the present tariff. In other words, foreign producers, in case of farm products as well as the products of the factories, have to pay a tariff before they can bring their productions into this country and expose them for sale in competition with our own farmers. Let us see how this matter really does stand. Is the farmer discriminated against and left unprotected while everybody else has protection at his expense, as we are told by the advocates of the whisky ring? By reference to the tariff act it will be found that this state of things does not exist. I have here some figures taken from the statistical reports of our imports and exports and from our tariff laws, which show very clearly that the interest of the farmer has not been neglected in framing our present tariff legislation, but he is liberally protected.

The following table will show the number of horses, cattle, sheep, etc., imported annually, and the tariff upon them, the quantity of breadstuffs imported, and the value and the tariff paid upon them. The table will also show the flax, hemp, etc., that were imported, the value of them, and the tariff upon them; also the fruits raised by our farmers and gardeners, the quantity of each imported, its value, and the tariff upon it; also the hay, hops, and barley malt imported, with the value of each article and the tariff paid upon it; also the provisions, such as meat, butter, cheese, etc., with the quantity imported and the tariff upon it; also rice and sugar, in which the planters are vitally interested, with the quantity of each imported and the tariff upon it; also tobacco, which is an article produced by the farmer alone, with the quantity brought in and the tariff paid upon it; also vegetables, such as beans, peas, potatoes, etc., with the quantity imported and the tariff paid upon it; also wool, which is a production of the farmer, the quantity imported, and the tariff upon it. I have not, Mr. President, embraced the manufactured articles made of these commodities, but only the commodities themselves, such as are produced by our own farmers and gardeners, dairymen, and fruit-growers, with the amount brought in and the tariff paid before it could come into competition with our own farmers and reduce the price of their produce. I will print the table from the official statistics with my remarks:

Farm imports, dutiable.

Articles.	Quantity.	Amount.	Duty.
Animals (page 791):			
Cattle	72,665	$979,696	20 per cent. ad valorem.
Horses	38,725	2,464,303	Do.
Sheep	451,253	1,187,847	Do.
Total		4,631,846	
Breadstuffs (page 791):			
Barley.....bushels...	10,355,594	6,173,208	10 cents per bushel.
Corn.....do.....	30,536	16,636	Do.
Oats.....do.....	87,380	29,579	Do.
Oatmeal.....pounds...	939,502	37,857	½ cent per pound.
Rye.....bushels...	18,469	10,720	10 cents per bushel.
Wheat.....do.....	277,842	218,867	20 cents per bushel.
Wheat flour..barrels...	1,013	3,302	20 per cent. ad valorem.
All other		150,059	
Total		6,640,228	
Flax, etc. (page 794):			
Flax.....tons..	7,140	1,922,182	$5 to $40 per ton.
Hemp.....do.....	32,739	4,041,522	$25 per ton.
Jute.....do.....	88,514	2,616,128	20 per cent. ad valorem.
Sisal grass, etc..do.....	36,355	3,733,001	$15 per ton.
Total		12,312,833	
Fruits (pages 794, 795):			
Figs.....pounds...	8,724,583	487,602	2 cents.
Lemons		3,835,147	30 cents per box, 16 cents per half box, $2 per 1,000.
Oranges		2,408,140	25 cents per box, 13 cents per half box, $1.60 per 1,000.

Farm imports, dutiable—Continued.

Articles.	Quantity.	Amount.	Duty.
Fruits—Continued.			
Prunes.....pounds...	92,032,625	$2,999,648	
Raisins .....do.....	40,673,288	2,281,981	2 cents.
Preserved fruit.....	.....	748,493	20 per cent. ad valorem.
All other.....	.....	1,799,462	35 per cent. ad valorem.
Almonds.....	5,482,362	597,476	5 cents per pound, 7 cents per pound shelled.
All others.....	.....	682,878	2 cents per pound.
Total.....	.....	15,840,827	
Hay (page 795).....tons...	78,368	790,394	$2 per ton.
Hops (page 795)..pounds...	18,538,049	3,404,669	8 cents per pound.
Malt barley (page 796) bushels.....	209,960	153,363	20 cents per bushel.
Provisions (page 797):			
Meat products, extracts.....	.....	272,651	20 per cent. ad valorem.
All other	.....	162,202	1 to 2 cents per pound.
Dairy:			
Butter .....pounds...	236,100	38,125	4 cents per pound.
Cheese.....do.....	6,592,192	874,261	Do.
Milk, condensed.....	.....	459,000	20 per cent. ad valorem.
Total.....	.....	1,806,239	
Rice (page 798):			
In grain.....pounds...	46,765,394	922,305	1½ to 2½ cents per pound.
Granulated.....do.....	47,921,263	754,089	Do.
Total.....	94,686,659	1,674,394	
Sugar, molasses, etc. (page 799):			
Molasses ....gallons...	37,894,126	5,340,763	4 to 8 cents per gallon.
Sugar, to No. 13, pounds.....	2,918,103,240	69,153,830	1.4 cents per pound.
Sugar, Nos. 13 to 20, pounds.....	25,043	1,017	3 cents.
Sugar, above No. 20, pounds.....	24,122	1,026	3.5.
Candy.....	.....	22,971	5 cents per pound.
Total.....	.....	74,519,607	
Tobacco (page 799):			
Leaf, wrappers.....	54,939	49,430	75 cents to $1 per pound.
All other.....	17,464,255	8,655,520	35 cents per pound.
Total.....	17,519,104	8,704,950	
Vegetables (page 799):			
Beans,peas..bushels...	648,388	607,853	10 per cent. ad valorem.
Potatoes .....do...	1,432,490	543,091	15 per cent. per bushel.
Pickles, etc.....	.....	387,177	35 per cent.
All other, natural.....	.....	516,319	10 per cent. ad valorem.
All other, preserved...	.....	295,911	35 per cent. ad valorem.
Total.....	.....	2,350,351	
Wool (page 800):			
Clothing wools, lbs...	17,963,982	3,431,567	2½ to 12 cents per pound.
Combing wools..do.....	10,721,753	2,528,560	Do.
Carpet, etc.....do.....	85,352,295	10,464,352	Do.
Total.....	114,038,030	16,424,479	

RECAPITULATION.

Animals.....	$4,631,846	Rice.....	$1,674,394
Breadstuffs.....	6,640,228	Sugar and molasses.....	74,519,607
Flax, hemp, etc., raw.....	12,312,833	Tobacco, raw	8,704,950
Fruits.....	15,840,827	Vegetables.....	2,350,351
Hay	790,394	Wool, raw.....	16,424,479
Hops	3,404,669		
Barley malt.....	153,363	Total.....	149,254,784
Provisions	1,806,239		

So you see, Mr. President, the farmers and planters and fruit-growers of this country are all protected by the tariff in nearly everything they produce, and it does not meet the case to say that little or nothing would be brought in if there were no tariff, and therefore the farmers get no protection, because the table taken from the official reports shows that $149,300,331 worth of these articles were brought in the last year and the tariff paid upon them. Then the farmers, gardeners, dairymen, etc., get protection on articles that were brought in, amounting to nearly $150,000,000 a year under the present tariff. It is reasonable to suppose that a much larger quantity would have been brought in if there had been no tariff, which would have come into direct competition with our own planters and farmers and gardeners and orchardmen and reduced the prices of their products. It is a deception and a delusion, then, when the advocates of the whisky ring attempt to convince the farmer that everybody else gets protection under the tariff but himself. He gets a liberal share of protection on almost every article he makes, and he gets almost every manufactured article he buys a great deal cheaper than he was formerly able during a period of low tariff to buy it.

THE ALLEGED RULE THAT THE TARIFF RAISES PRICES.

But there is another view of the farmer's interest that it would be well in this connection to present. The advocates of the whisky ring, in their zeal for reducing the tariff and retaining internal-revenue taxes, lay down the rule that the tariff laws raise the price to consumers of all articles imported and subject to duty the sum paid for such duties.

In other words, that the price paid by the purchaser of imported articles is measured by the duty on the articles, and that the importer adds the amount of tariff to the price of the commodity he imports, and the consumer has to pay the original price with the tariff added, and that this is not only true as to the imported article, but that it raises in the market the price of every article of like kind produced in this country, and that the people pay not only the tariff on the imported article, but an additional sum as large as the tariff on the price of every article produced in this country of the same kind and quality as the imported article. This is the rule laid down by able tariff reformers and the advocates of the whisky ring. I do not agree to the correctness of the rule. But I will argue this question on the supposition that they do lay down the rule correctly and we will see the result that is reached.

The rule must work both ways or it is not a good rule. To illustrate the manufacturers' side of it. We will say that the tariff on calico is 20 per cent. ad valorem. The owner of a factory in Canada imports one thousand bolts of calico and pays the tariff of 20 per cent. on it. He adds the tariff to the price, and it is paid by the consumer. This, according to the rule, adds 20 per cent. to the price of all the calico manufactured in this country, and all purchasers of calico pay 20 per cent. more than they would have paid but for the tariff on every yard of calico manufactured in the United States, which is 20 per cent. net the manufacturer gets as protection by the tariff. I will admit, for the argument, though untrue, that the above rule is correct, and that the payment of 20 per cent. tariff on imported calico adds 20 per cent. to the price of all the calico manufactured in the United States, and the manufacturers get the 20 per cent. protection.

THE FARMER'S SIDE OF TARIFF PROFIT.

Now we will test the rule by an illustration on the farmer's side. Suppose the tariff on wheat to be 20 per cent. ad valorem. A farmer in Canada imports into the United States 1,000 bushels of wheat, and pays a tariff of 20 per cent. He adds the tariff to the price of the wheat, and it is paid by the consumer. It follows, under the rule, that this at once raises the price of every bushel of wheat made in the United States, and all purchasers of American wheat must pay 20 per cent. more for it, and the farmers, as a protection under the tariff, gets 20 per cent. increase on the price of every bushel of wheat raised by them. If the rule is correct when applied to the manufacturer, it must be correct when applied to the farmer. They each make the 20 per cent. on articles to which the tariff is equally applicable, or neither makes it. In the case supposed, each produces an article upon which there is 20 per cent. tariff, and importation is made of each kind of article, one produced by the farmer and the other by the manufacturer, and the same per cent. is paid as tariff by each, and of course each gets the same protection.

I proceed now on the assumption that the rule is correct. This rule has been laid down again and again in the discussions on this floor, and if it is a correct rule then no class of our citizens have anything like the amount of protection under our tariff laws that is given to the planters and farmers of this country.

A PRODIGIOUS SHOWING FOR THE FARMERS.

For instance, there is a tariff of 10 cents a bushel on corn, and the official statistical report puts down the whole quantity of corn produced in this country last year at 1,936,136,000 bushels. There were imported last year 30,536 bushels, which paid a tariff of 10 cents per bushel. In other words, the tariff was added to the original price of the corn, and that raised the price of all corn produced in this country 10 cents a bushel. Now, what was the result? Ten cents a bushel on the quantity of corn above mentioned amounted to a net income to the farmers, if the rule be correct, of $193,617,600 on account of corn alone for one year. This was a greater sum in net profits which the farmers made by the tariff than the sum made by the whisky ring, the difference being, however, that there were only 969 "whisky barons" among whom it was to be divided, while there was a longer division among the farmers.

I have a table here showing how much under that rule the farmers made net on corn, wheat, rye, oats, barley, potatoes, tobacco, cattle, horses, and sheep, and other articles, showing the aggregate of net profit to the planters, farmers, and stock-raisers of this country under the rule above mentioned of twelve hundred millions of dollars in round numbers in a single year. Now, who will say in the face of these figures, taken from the official reports, that the farmers are not well protected by the tariff? If the rule laid down by the tariff reformers is correct, then there is no escape from the official figures, and there is no question that the farmers made last year by the tariff over a billion of dollars. I will insert this table, No. 4, in my speech, without reading it.

The following are the amounts of leading farm products of the United States, with profit to farmers by application of the rule, which applies

as well to farmers as manufacturers, that prices are increased the rate of tariff duties on like products imported:

1885.	Corn produced	bushels...	1,936,176,000
	Gain at 10 cents per bushel duty		$193,617,600
	Wheat produced	bushels...	357,112,000
	Gain at 20 cents per bushel duty		$71,422,400
	Rye produced	bushels...	21,756,000
	Gain at 10 cents per bushel duty		$2,175,600
	Oats produced	bushels...	629,409,000
	Gain at 10 cents per bushel duty		$62,940,900
	Barley produced	bushels...	58,836,000
	Gain at 10 cents per bushel duty		$5,836,000
	Potatoes produced	bushels...	175,029,000
	Gain at 15 cents per bushel duty		$26,254,350
	Hay produced	tons...	44,731,550
	Gain at $2 per ton duty		$89,463,100
	Tobacco produced	pounds...	562,736,000
	Gain at 35 cents per pound duty		$196,957,600
	Duty at 35 cents to $1 per pound.		
1887.	Cattle raised, 23,511,750 head	value...	$663,137,926
	Gain at 20 per cent. ad valorem duty		$132,627,585
	Horses raised, 12,496,744 head	value...	$901,685,755
	Gain at 20 per cent. ad valorem duty		$180,337,151
	Sheep raised, 44,759,314 head		$89,872,839
	Gain at 20 per cent. ad valorem duty		$17,974,569
1880.	Wheat flour made		$315,394,385
	Gain at 20 per cent. ad valorem duty		$63,078,877
	Cheese made	pounds...	243,157,850
	Gain at 4 cents per pound duty		$9,726,314
	Butter made	pounds...	806,672,071
	Gain at 4 cents per pound duty		$32,266,882
	Molasses made	gallons...	46,811,523
	Gain at 4 to 8 cents per gallon duty		$3,745,081
	Sugar made	pounds...	124,516,685
	Gain at 1.40 to 3.50 cents per pound duty		$4,358,084
	Provision—meats	value...	$303,562,413
	Gain at 20 per cent. ad valorem duty		$60,712,482
	Hops raised	pounds...	26,546,378
	Gain at 8 cents per pound duty		$2,123,710
	Rice raised	pounds...	110,131,373
	Gain at 2½ cents per pound duty		$2,477,965
	Wool clips	pounds...	240,681,751
	Gain at 10 per cent.—per pound 2½ to 12 cents—duty		$24,068,175
	Pickles, etc	value...	$2,407,342
	Gain at 35 per cent. ad valorem duty		$842,569
	Beans and peas	bushels...	9,594,027
	Gain at 10 per cent. ad valorem duty		$959,002

RECAPITULATION OF SUPPOSED PROFITS.

Corn	$193,617,600	Cheese	$9,726,314
Wheat	71,422,400	Butter	32,266,882
Rye	2,175,600	Molasses	3,745,081
Oats	62,940,900	Sugar	4,358,084
Barley	5,836,000	Meats	60,712,482
Potatoes	26,254,350	Hops	2,123,710
Hay	89,463,100	Rice	2,477,965
Tobacco	196,957,600	Wool	24,068,175
Cattle	132,627,585	Pickles, etc	842,569
Horses	180,337,151	Beans, etc	959,002
Sheep	17,974,567		
Wheat flour	63,078,877	Total	1,203,954,994

THE FARMERS OR THE WHISKY RING, WHICH?

Now, Mr. President, shall we cut off the tariff on all these articles that protects the farmers of this country, or greatly reduce it at the dictation of the whisky ring, or shall we repeal the internal revenue and cut off the unreasonable incomes on whisky and let the farmers of this country enjoy the benefits of the tariff to which they are legitimately and justly entitled and by which they are largely protected?

HOW FACTORIES BENEFIT FARMERS.

But this is not all. Every man of common sense knows that every factory that is built in this country that employs 100 hands or 500 hands is a great advantage to every farmer who lives within many miles of it. You go back into the portions of the country far distant from manufacturing establishments and you will find chickens selling at 10 to 12 cents apiece, butter at 10 to 15 cents, eggs at 10 cents a dozen, and everything produced on the farm or in the dairy at a price that is scarcely remunerative.

Now change your location and go into the neighborhood of one or more large factories where there is a large number of officers, employés, and operatives engaged in manufacturing. They produce none of these things. They want to buy everything of the character mentioned that is made upon the farm, in the garden, or the dairy, and instead of chickens being 10 to 12 cents apiece they are from 20 to 30 cents; instead of eggs being worth 10 cents a dozen they are worth 20 to 25 cents; instead of butter being 10 or 15 cents a pound it is worth 40 cents a pound, and so with everything the farmers and the farmers' wives make for sale which is needed by the large number of persons engaged in manufacturing, who do not make these necessary articles.

Not only that, but the price of land is greatly increased by their proximity to and diminished by their remoteness from manufacturing centers. You may find lands selling at $50 an acre within a few miles of a manufacturing town, and you may buy the same quality of land at $5 an acre 50 or 100 miles from manufacturing centers. And why so? Because not only the good housewife has a market for her butter and chickens and eggs and cheese, and everything of that character that is produced upon the farm, but the farmer himself has a market for every bushel of corn, wheat, rye, etc., and for every apple, peach, pear, melon, and everything of that character that he makes upon the farm when located near a manufacturing center, and he gets the best price for his corn, flour, meat, and other necessary articles produced upon the farm. So, in every view of it, no class of people in this country are more benefited by the increase of manufactures and the diversity of labor, thus putting down the price of manufactured articles and putting up the price of labor and the price of farm products, than the farmers themselves, and if on some few articles they pay tariff, it is an indirect tax, that they do not feel much, and they have, as already shown, compensation in numerous other respects for the tariff imposed upon them on part of the articles which they have in daily use.

THE ATLANTA CONVENTION AND THE TARIFF.

In this connection, Mr. President, I desire to state that the farmers of the Southern States held an interstate convention in Atlanta, in August last, which was largely attended by those representing the planting and farming interests of the South. Among other things several tariff speeches were made by persons who were either members or invited by the convention. One of the distinguished gentlemen present was General W. R. Miles, of Mississippi, an able man and a distinguished planter. He referred to the tariff speeches that had been made in the convention, and then called the attention of the convention to the fact that other things were affecting their interests much more injuriously than the tariff. He says:

> Have you ever made a calculation as to the expenditure of these ten Southern States for what they could raise at home? Over $100,000,000 per annum. How much do you pay for your pork? Pork and bacon brought to these ten States cost over $50,000,000 a year. You can raise it all if you will. How much do your mules cost you per annum? I have stated that the hog meat brought into these ten States cost over $50,000,000 a year. I have stated that the mule flesh brought into these States costs at least from twenty to twenty-two millions of dollars a year.

Again, he says:

> Think a moment, will somebody explain to me how much tariff there is on a Kentucky or a Western hog that you eat? [Laughter.] I have never found it in the tariff list. Will you tell me how much duty there is on a Kentucky or St. Louis or Western mule that you buy? [Laughter.] I have not found it in the tariff list.

He then adds:

> I have on my property now the rise of four hundred negroes. I can not state with precise accuracy, but I know that it has not required $1,000 a year to buy all the dry goods that clothes those negroes with the greatest comfort. Twelve hundred dollars, I am satisfied, will cover the total outlay for clothing and for suits, but when I touch the oily hog I have to pay out about $5,000 to feed him, and I have to pay annually from $2,000 to $3,000 for the mules that they work, because they will wear out and die. Now, the tariff does not hurt you at all on your mules and your hogs, nor does it help you. The little duty upon the $1,000 of dry goods that I buy is not a mote in the sunbeam to these expenses.

FREE TRADE AT HOME.

Think of it, Senators, we have free trade between the thirty-eight States and all the Territories of the Union, from ocean to ocean. Take the Southern planters and farmers and they have free trade with the West, and the great bulk of the money they make does not go to buy articles upon which they pay tariff. Indeed, they buy comparatively a small amount of articles upon which they pay tariff. Where they buy one dollar's worth upon which they pay tariff they buy ten dollars' worth, and probably one hundred dollars' worth, from the West, that they ought to raise at home, upon which they pay no tariff. In other words, the great bulk of the purchases made by planters and farmers is made upon the free-trade principle. They purchase from the West under perfect free trade, and they spend most of the money they make in buying supplies from the West, while they spend comparatively a very small portion of it in buying clothing and other articles upon which they pay tariff; and they sell their cotton, rice, and lumber to foreign countries, upon which they pay no tariff and no export duty. Indeed, the great bulk of their transactions, probably nineteen-twentieths of the whole, is conducted upon a strictly free-trade principle. The class of articles bought by the planters upon which they pay tariff is small compared with the exports of their crops and their free trade with the West in numerous commodities where there is no tariff and no export duty.

THE FARMER AND GAMBLER AS AFFECTED BY THE TARIFF.

As a class, our farmers buy sparingly such articles as pay a tariff. I know a fashionable gambler in a Southern city who wears fine clothes, drinks fine wine, and smokes fine cigars, who pays more tax under the tariff laws than a farmer with whom I am well acquainted who is worth $20,000, and who raises his own mules, his own hogs, makes his own corn, and his own fodder and hay, in a word, raises upon the farm everything he uses, except a portion of his clothing, for most of it is made upon the farm, and some sugar and salt and a few other articles. With these exceptions, he is free from taxation to aid in the support of the Government under the tariff system. In other words, he buys fewer articles upon which he has to pay tariff and pays a less amount of money for them than the gambler just mentioned, while the farmer has $20,000 worth of property that is visible and subject to direct taxation, and the gambler has not a dollar of visible property upon which a tax could be collected in any other way except by tariff.

THE FARMER PAYS LITTLE TARIFF.

The truth is, Mr. President, that our Southern planters and farmers pay comparatively a very small proportion of the tariff. The tariff is paid mostly by men of wealth who conduct large business, who wear fine clothing, drink fine liquors and fine wines, entertain largely, living

in fine houses with fine furniture, and having fine carriages and equipage, giving fine dinners and suppers, and who use almost exclusively such articles as pay tax under our tariff laws.

WHO PAY THE MOST TARIFF.

The gambler, the dude, the *demi-monde*, and a large class of fashionable people who dress extravagantly and wear fine jewelry, and make great display, pay most of the tariff, and a great many of them can only be reached by tariff legislation, as they have no visible property upon which a tax can be assessed and collected, and the only way to reach them is to make them pay a tariff in the shape of an increase of the price upon the goods they buy.

In fact a large proportion of the tariff is paid by a class of people above referred to, and by foreign importers who bring such goods to the American market as are made in this country, where the competition between home producers and home manufacturers regulates the price, and the foreign importer has to pay the tariff, or a large part of it, out of his own pocket to get into our markets. This is true whenever the price is fixed by our home competition and the importation of the article has not increased the price. Then it costs the purchaser of the imported article no more than the home market price, and in that case the importer must pay the tariff out of his own pocket. So that a large part of our tax is paid under the tariff system for us by foreign importers to get into our market, at prices fixed by our home competition, and not changed by the importation on which the foreigner pays the tariff.

THE REAL BURDENS OF THE FARMER.

The heavy burdens borne by the Southern planters and farmers are not the result of tariff legislation. They result from an unwise system adopted by our planters of raising one particular crop or product. Instead of diversifying labor and crops, many of them raise no crop but cotton. They purchase their corn, flour, hay, pork, bacon, and agricultural machinery from the West. They ought to make it at home and make less cotton.

But there is still another cause for their want of prosperity, which outweighs the tariff more than tenfold.

Under our national-banking system banks can not loan money to our planters and take lien or mortgage on real estate as security. Planters have no stocks or bonds to deposit as security. Consequently they can not borrow money in bank. What are they to do? They are obliged to purchase supplies to be used in making the crop. As they have no other resource, they turn to the merchant and ask him to sell them corn, bacon, and other necessary supplies on credit for six or nine months, till they can make and sell the crop. He agrees to sell them corn and bacon on six months' time. But he charges 25 per cent. on the cash price for the corn and bacon on six months' time. In other words, he charges on a credit for six months a dollar a bushel for corn worth 75 cents cash, which is 25 per cent. for six months or 50 per cent. for twelve months. And like rates on other necessary supplies. This is 50 per cent. per annum the planter pays for the use of the money with which to purchase supplies to make the crop. It is not the tariff, but the 50 per cent. he pays for the use of the money that ruins the Southern planter. This is what covers the plantations of our farmers with mortgages. The tariff is not the cause. The high rate of interest paid for money does the mischief.

NOT FOR FREE WHISKY AND TOBACCO.

But the great cry of the advocates of the whisky ring is that the repeal of the internal-revenue laws will give free whisky and tobacco to the people of this country, which will be a great curse to them, and therefore the benevolent distillers, who have the great interests of the people supremely at heart, insist that Congress continue to collect by law from them 90 cents a gallon on whisky, which tax does not cost them a cent, and which they charge to the consumer. Now, if we were to repeal the internal-revenue laws and make whisky as free as these reformers insist it would be, that would only put us back where we were at the beginning of the war. There would be no more whisky drank than there is now, there would not be half as much kept in bonded warehouse or in stores, tempting people to use it, as there is now by the whisky ring, and there would be no greater temptation to get drunk on whisky that might cost but 50 cents a gallon than there now is to get drunk on whisky that costs $3 a gallon; and the drunk, when it came, would not be generally as bad, because the whisky made by the small distillers all through the mountain country of this Union would be much purer and less adulterated than that which we get from the store-houses of the whisky ring.

But I do not advocate free whisky, and there is no sort of reason why we should have free whisky as a result of the repeal of the internal-revenue laws, unless we want it free. I say that the system of internal revenue, accompanied with its spies, its informers, and its oppressions, should not be kept on articles of any character in this country, neither on whisky nor tobacco, nor anything else, but it should be swept out of existence. I object, in a word, to the iniquitous system much more than I object to the tax on whisky or tobacco, or any other particular commodity. But I state distinctly, as I have stated on a former occasion, which can not be controverted without misrepresentation, that I am opposed to free whisky. I believe that whisky and tobacco ought both to pay a liberal share of the taxes assessed against our people, but they should pay it to the States. Each State, in other words, should take hold of that matter and put such tax on whisky and tobacco as it thinks reasonable, and in my State I should advocate a high tax on both. In Illinois or Kentucky there would be no obligation upon the State authorities to impose any tax on whisky unless they preferred it. The public would be left to their own choice whether they taxed it or not. It might be entirely free and those States might derive no revenue from it, but if it is to be taxed at all, and revenue is to be derived from it, then it should be a tax levied and collected by the States and not by the Federal Government.

REPEAL DOES NOT TRANSFER THE TAX.

It has been objected that the repeal of the internal-revenue law would transfer the present tax, or the money raised by it, from the United States Treasury into the State treasury, and that a few of the Western States would get enormous sums of money, while other States that pay but little revenue, or do not do much distilling, would get almost nothing. This is not true in any sense. Nobody proposes to transfer the money raised by the present internal-revenue system from the Federal Treasury into the State treasuries. The proposition is to repeal absolutely the internal-revenue laws on whisky and tobacco and leave each State to pass its own laws and collect its own tax upon those commodities.

As I have stated on a former occasion, there is a large class of people in each State who use tobacco and whisky freely, who have no visible property upon which you can collect any tax. A proper law passed by the State to collect the tax on whisky and tobacco would charge the tax to the consumer, and the fashionable gambler or other character who dresses fine and drinks fine whisky and uses fine tobacco, would then have to pay something and divide the expense of the government with the old farmer who is taxed at present upon his land, his horses, his mules, and his cattle, and other property. In other words, so far as the whisky and tobacco tax is concerned, it would be paid by those who use whisky and tobacco, and those who use most of it would pay most of the tax. This would greatly relieve the honest farmers who are property holders, and now pay a large share of the tax to support the State government.

In other words, they now pay a tax to the United States on all the whisky they use, and then pay a direct tax to help support the State government. When the change is made, the tax, whatever it might be, imposed by the State upon whisky and tobacco, would not go into the Federal treasury, but into the State treasury, and to that extent reduce the tax now collected from the people for the support of the State government. As it now stands we virtually pay a double tax. We would then pay but one tax, and that would go into the State treasury. As shown on a former occasion, this would be better for all parties, and it would do away with the present practice of arresting innocent men and dragging them a hundred miles from their homes to be arraigned before the Federal courts, and it would turn over all prosecutions of that character to the State court in the county of the residence of the defendant and the witnesses in his case. In every view of it, then, it would be better for the people of the country for the States to take this matter into their own control, and let the Federal Government wash its hands of the whole system.

A NEW SOUTHERN INTEREST IN THE TARIFF QUESTION.

A few words, Mr. President, upon one other subject and I have done. On account of questions of paramount importance, including race troubles, and on account of the great embarrassments of the Southern States and Southern people in the reorganization of society in the South, which become necessary on account of the changed condition of things, the tariff question has been but little discussed by our people, and is not probably as well understood by the present generation as it was by the past.

In the days of Henry Clay, when he was the leader of a grand old party, a tariff for revenue with incidental protection, or a tariff upon articles so adjusted as to give all the protection possible to American manufactures, was not regarded by the people of the South as an unmitigated evil. The Whig party frequently carried the elections on that platform in a number of Southern States. In that day Kentucky was always true to her great son and to his principles on the tariff.

Our interests, however, being slaveholders and planters, were strongly in favor of free trade or as near an approximation to it as possible. True, we had as large natural resources then as we now have, but they were undeveloped. In our then state of society, and with our devotion to the planting interest, we did not care to develop them. But now this is all changed, and the Southern people will have to take up the tariff question for themselves, investigate it, and do on that question as all other people in every other portion of the Union do, there being no constitutional question involved, favor the line of policy which best promotes their own interest.

Now, we frequently hear it said South that the people of the North have grown rich by manufacturing, in which pursuit they have had the advantage of a high protective tariff.

THE SOUTH'S SUPERIOR NATURAL ADVANTAGES.

But it is time that we were reflecting upon this question, and asking how is it that the people of the North have grown rich by manufacturing and commerce, though they may have had the benefit of protection? Did they have superior advantages or greater resources than the South? By no means. No section of the Union, and probably no portion of the continent or of the civilized world, has advantages superior to those enjoyed by the Southern section of this Union. We have a genial climate, a healthy country, immense fertility of soil; in fact, great varieties of soil and climate, adapted to the culture of almost every crop that is grown in this country. We have the orange belt along the coast; we have the sugar and rice lands in great abundance. Above that we have the cotton belt; then the belt where clover and the different grasses grow and flourish admirably well; then comes our vast mineral belt, where the bowels of the earth are store-houses of inestimable wealth. We have iron, manganese, marble, and coal, and almost every mineral known to the catalogue, including rich gold mines in great abundance. We have water-power without limit, enough to run all the machinery of this continent; and if we prefer steam the coal is at hand to make it. In a word, the natural advantages of the Southern country are surpassed by no other country on the globe. Why, then, should we lag behind in poverty?

THE EXAMPLE OF THE NORTH IN MANUFACTURING SHOULD BE IMITATED.

If the North, with fewer resources and less genial climate, has grown immensely rich by manufacturing, and shipping, and commerce, should we not imitate their example, and with our better climate and greater facilities and resources move forward on the same line, and in the course of half a century accumulate greater wealth than they have piled up under a like system? For half a century, while we were planting cotton, or while we were engaged in war, and while we have been reconstructing society and government, the people North have availed themselves of our tariff legislation, and with great energy and zeal have engaged in manufacturing and commerce. They now have immense capital invested in manufacturing plants. They have skilled labor in abundance. They have had long experience, and they are approximating the condition where they will be able to compete with the English manufacturer almost upon equal terms. Indeed, in some of the branches of manufactures they could now compete if it were not for the great advantage that the British manufacturers have in cheap labor. As matters now stand, however, New England is much further advanced than the Southern States are in manufacturing, and Old England is still further advanced than New England.

THE BAD RESULTS OF TARIFF REPEAL.

If all tariff laws were repealed, some of the industries in New England could still sustain themselves, but the great mass of them would go down in a crash, and it would transfer our workshops and the labor which manufactures our supplies from this side of the ocean to the other side, and the English manufacturers would supply most of the articles we use.

This, as already stated, would throw millions of people on this side out of employment, or compel them to work at starvation prices, and bring about a state of distress the like of which we have probably never known. But the result would be still more disastrous to the Southern States, to the extent that we have manufacturing establishments, than it would to New England. The South could not, with its present lack of capital invested, of improved machinery, and of skilled labor, compete at all with Old England, or to any considerable extent with New England. The result even of a reduction of the tariff, while it might not destroy many factories in New England, would destroy almost all the factories of the South, except probably some cotton-factories making the coarser fabrics. In other words, the great reduction of the tariff would crush almost all Southern factories, and turn that portion of our population now engaged in manufacturing into other pursuits, and leave us, as heretofore, farmers and planters dependent upon New England mainly for the manufacture of such articles as we constantly need.

Now, Mr. President, I do not think it would be a wise course for Southern people to adopt any such line of policy. With the great advantages we have of climate, and the vast advantages of natural resources, and with the progress which we have been making under the present tariff in building up our manufacturing establishments, it seems to me it would be worse than madness to adopt a line of policy that would crush them out and put us back half a century behind even our present state of progress. The result will be, instead of encouraging diversity of labor and making each class of laborers in each of the different classes of production dependent more or less upon the other, thus creating a mutual dependence and mutual support, it would drive our whole population back to the cotton-fields and the farms, and would greatly increase our field productions, while it would greatly reduce the consumers who are now non-consumers of field products, and leave our farmers with no home market and no prospect of one in future. As it now is, many of our communities are being benefited by the home market afforded by our manufacturing establishments, and if we should press forward for half a century with the same energy that we have for the last ten or fifteen years the South would be a great manufacturing section, with diversity of employment and labor that would produce general success and prosperity throughout that whole vast region.

The growth of manufactures in the South in the two years 1886 and 1887 is given by the Baltimore Manufacturers' Record of December 31, 1887, and the following are the figures:

Year.	New establishments.	Capital and capital stock.
1886	1,575	$129,226,000
1887	3,430	256,298,000
Total growth two years	5,005	385,524,000

These manufactures consisted of lumber and wood factories, iron-works, mines and quarries, cotton, flour, and cotton-seed-oil mills, gas and water works, ice and canning factories, furniture and carriage factories, brick and stove works, and hundreds of miscellaneous manufactures.

The two following tables, taken from the Record, illustrate this increase more in detail:

New enterprises.	1887.	1886.
Iron furnace companies	29	28
Machine-shops and foundries	103	68
Agricultural-implement factories	25	11
Flour mills	135	92
Cotton mills	77	9
Furniture factories	55	23
Gas-works	35	24
Water-works	88	42
Carriage and wagon factories	44	16
Electric-light companies	83	34
Mining and quarrying enterprises	562	174
Lumber mills, including saw and planing mills, sash and door factories, stave factories, etc	726	418
Ice factories	96	50
Canning factories	82	13
Stove foundries	4	8
Brick-works	169	53
Miscellaneous iron-works, rolling-mills, pipe-works, etc	71	26
Cotton compresses	36	13
Cotton-seed-oil mills	18	4
Natural-gas companies	53	21
Miscellaneous enterprises not included in foregoing	939	418
Total	3,430	1,575

Summing up the amount of capital and capital stock represented by our list of new enterprises and the enlargement of old plants for 1887, and comparing it with 1886, we have:

States.	1887.	1886.
Alabama	$17,982,000	$19,848,000
Arkansas	24,466,000	15,240,000
Florida	2,786,000	1,650,000
Georgia	15,361,000	3,599,000
Kentucky	40,053,000	28,404,000
Louisiana	8,218,000	2,240,000
Maryland	15,187,000	8,765,000
Mississippi	4,771,000	774,000
North Carolina	9,767,000	3,676,000
South Carolina	3,895,000	1,208,000
Tennessee	35,861,000	21,240,000
Texas	16,430,000	5,694,000
Virginia	23,255,000	8,514,000
West Virginia	8,265,000	8,365,000
Total	256,298,000	129,226,000

As compared with 1886 the list of new enterprises for this year and the aggregate of capital and capital stock show a most astonishing increase. The capital (and capital stock) for 1887 is a little less than double the amount for 1886, while the number of new enterprises is a little more than doubled.

In view of this astonishing result, showing the wonderful progress now being made in manufacturing in the South, it seems almost incredible that the chosen representatives of the South should support legislation which tends seriously to cripple if not to destroy this immense wealth-producing development, as any material interference with the tariff must undoubtedly do.

In the South, by the cotton-fields where the water-power and the coal are both to be found in abundance, and the climate is equable, and everything else is favorable, with no freight to pay, and no commissions, is the place where the cotton raised in the South ought to be manufactured. In the South, where we have immense deposits of iron and coal in juxtaposition with each other, is the place where the iron and steel for that section of country, and in fact for a great portion of the balance of the country, ought to be manufactured.

THE BENEFITS OF MANUFACTURING INCREASE.

If we take from the farms and add 2,000,000 to our present manufacturing population in the South, it would to that extent diminish

the farm productions and increase the demand for everything made by the farmer, as it would add 2,000,000 to the number of consumers of commodities, of which they are now producers, and on account of the diminished quantity produced increase the price of every commodity raised on the farm, in the orchard, or the poultry yard, or the dairy. In a word, it would greatly swell our general population and increase the prosperity and happiness of our whole people.

We raise over six millions bags of cotton every year and the great bulk of it is shipped to New England or Old England to be manufactured, and a large part of it is sent back to us and purchased by us in the shape of manufactured articles. Think of the freight and the commissions and insurance and wharfages and drayages and all the expenses attaching to a cargo of cotton from the time it leaves the plantation in Georgia until it reaches the spinners of Manchester, England, and then think of all the like freight and charges on the manufactured article made of the cotton on its return to be sold to us, and then reflect for a moment upon the fact that we have a better climate and superior advantages, as far as natural resources are concerned, than Great Britain has for manufacturing cotton. Why should we send it 1,000 miles to New England or 4,000 miles to Old England to be manufactured and be sent back to us? Why not do it at home? Why not take one-half our population, if necessary and profitable, from the fields and put them into the factories, and take the whole cotton crop made in the South, worth, say, $300,000,000, and manufacture it into thread and into cloths, both coarse and fine, and more than double the value of it, making it worth $800,000,000 in the manufactured state, instead of $300,000,000 in the raw state? In this way we would add annually nearly $500,000,000 to the wealth of the South.

THE SOUTH'S INTEREST IN A LIBERAL TARIFF.

No, Mr. President, no section of this Union is as much interested as the South in sustaining a liberal and just tariff, which, while it raises all the revenue we need, affords all the incidental protection possible to the manufacturing industries of this country. We complain that the Northern people have grown rich by perseverance in manufacturing under our tariff system. As we have greatly superior natural advantages, instead of making war on them, suppose we imitate their example and go forward in the development of our resources and the manufacture of our raw material, the diversity of our labor, of our crops, and of our productions, and let us see if we can not in this way grow rich and powerful, as the people of the North have done, by adopting their line of policy, which created their wealth. Instead of lagging behind and crying out against a policy which has greatly enriched a sister section of the Union, let us go forward as a determined competitor, and with our greatly superior advantages finally bear off the palm of victory in progress, development, and wealth.

THE TYRANNY OF THE WHISKY RING.

But we can never do this, Mr. President, while the South is dominated and dictated to by the whisky ring, and while the 969 capitalists of whom it is composed, strongly intrenched behind legislative enactments, levy tribute upon the whole 60,000,000 of the population of these United States.

Let us rise in our might and break the cords of this giant monopoly which now bind us, and repeal the internal-revenue laws, and thus stop the drain of surplus into the Treasury. This would restore peace, prosperity, and happiness to the whole country.

The war, which was the exigency that justified the enactment of the present odious excise-tax laws, having been terminated twenty-odd years ago, the question is, how much longer do the advocates of the whisky ring ask that the law be kept in operation? Is it their policy to have it repealed soon, or is it their policy to ingraft it on our present revenue system and make it permanent as a means of raising revenue for the support of the Federal Government? If so, those who advocate that principle could scarcely be called Jeffersonian Democrats. Mr. Jefferson, in speaking of the internal-revenue taxes of his day, said:

> These, covering our land with officers and opening our doors to their intrusion, have already begun that process of domiciliary vexation which, once entered, is scarcely to be restrained from reaching successively every article of produce and property.

Whenever it is agreed that the odious internal-revenue laws are a part of our permanent system of taxation, then propositions will come from every quarter to extend the excise laws from whisky and tobacco to this, that, and the other article, as it may suit the interests and convenience of the parties moving in the matter. Already it embraces oleomargarine, and it is now proposed to extend it to cotton-seed oil; and it would not be many years until this process of domiciliary vexation, which the great founder of the Democratic party denounced, would be common all over this broad land of ours, and our doors would be opened and our houses searched by tax-gatherers, spies, and intruders, acting under these infamous laws. If the system is not to be permanent there never will be as good a time to repeal it as the present, when our Treasury is full to overflowing and nobody pretends that there is any possible necessity for the collection of this odious tax to supply the wants of the Government. If the exigency has not now passed, when will it ever pass? No, Mr. President, the policy of the advocates of the whisky ring is not to repeal it at all, but to ingraft it permanently upon our system of raising revenue, and ultimately to transfer, in the interest of British manufacturers, the larger part of our taxes from the custom-house to the office of the internal-tax gatherer. What say the free people, the liberty-loving people of this country? Are they ready for the permanent establishment of this monstrous evil? They will answer at the polls when an opportunity is afforded them.

INTERNAL-REVENUE REPEAL WILL NOT INTERFERE WITH TARIFF REVISION—BOTH NECESSARY.

But, Mr. President, the repeal of the internal-revenue laws will not interfere with the proper and just revision and modification of the tariff. The national Democratic convention in 1884 demanded a proper revision of the tariff, subject to the provisions that—

> The necessary reduction in taxation can and must be effected without depriving American labor of the ability to compete successfully with foreign labor, and without imposing lower rates of duty than will be ample to cover any increased cost of production which may exist in consequence of the higher rate of wages prevailing in this country.

There are inequalities in the present tariff that should be removed by proper legislation, so as to make the tariff act more uniformly and justly than it does at present. The tariff laws should be so modified and changed as to impose a higher rate on luxuries, which are used by the rich, and a lower rate on such articles of necessity as are used chiefly by the poor.

There are some articles, such as whisky, for instance, which are now protected by a tariff so high as to amount to a prohibition. In all such cases a reduction of the tariff will increase the importations and greatly increase the revenue.

It follows, Mr. President, that we can safely spare the money now collected under the internal-revenue laws; and by a judicious revision of the tariff we can raise by customs all the money necessary to an economical administration of the Government. I favor an immediate repeal of the odious excise laws and such judicious revision of the tariff as was demanded in 1884 by the national Democratic party in its platform.

I insist that this is sound Democracy, as it follows in the footsteps and practices the precepts of Thomas Jefferson, the founder, and Andrew Jackson, the defender, of the Democratic party; and it obeys the behest laid down in the platform by the national Democratic party in 1884, upon which it nominated for President the only Democratic candidate who has been successful for the last twenty-five years.

Before concluding these remarks I desire to say, in consideration of all that has been said, and in view of the apparently adverse and conflicting opinions and expressions of Democratic statesmen, and in view of the peculiar theories and policies that are advanced by Democratic Senators respecting the sentiments of sections and the interests of industries, that I trust and believe when we come to put into action and into law a measure in reality to adjust the customs and revenue system of this country that the great party to which all true Democrats belong will unite, and by mutual concessions give to the people that wise and expected reform in keeping with and conformity to the Chicago platform, which will be fair and just to all interests and industries and acceptable to our just and liberal-minded fellow-citizens. Believing that harmony is essential to success, and that Democratic success is essential to the public welfare, I earnestly desire such action as will redeem the solemn pledges of the party and assure its successive and repeated triumphs.

HEARINGS BEFORE COMMITTEE ON COMMERCE.

Mr. FRYE, from the Committee on Commerce, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

> *Resolved*, That the Committee on Commerce be, and they are hereby, authorized to employ a stenographer from time to time as he may be necessary to report such hearings as may be had before said committee, and to have the same printed for the use of the committee; and that such stenographer be paid out of the contingent fund of the Senate.

THE MAIL SERVICE.

Mr. WILSON, of Maryland. I desire to give notice that to-morrow, at the conclusion of the morning business, I intend to call up the motion of the Senator from Nebraska [Mr. PADDOCK] to reconsider the vote by which the resolution offered by the Senator from Kansas [Mr. PLUMB] with reference to the mail service was referred to the Committee on Post-Offices and Post-Roads, with a view of making some remarks thereon.

VALUATION OF IMPORTED MERCHANDISE.

Mr. ALLISON. I move that the Senate proceed to the consideration of the bill (S. 977) to regulate the importation of foreign merchandise, and to secure uniformity in the classification and valuation thereof, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. ALLISON. For the convenience of the Senate in the consideration of the bill, I ask unanimous consent that the amendment reported by me on the 16th of February be considered as the original bill, and that the original bill reported be indefinitely postponed.

The PRESIDING OFFICER (Mr. CHACE in the chair). If there be no objection, the amendment will be considered as accepted and adopted as the original bill.

Mr. ALLISON. I ask now that the original bill, Senate bill 977, be indefinitely postponed. That, I am informed, is the proper disposition to have made of it in order to accomplish what I desire.

The PRESIDING OFFICER. The order will be so made.

Mr. ALLISON. Mr. President, this is a bill relating solely to the administration of the customs laws. It is a bill reported from the Committee on Finance without a single objection, having received the unanimous support of the committee.

I ask, without further explanation, that the bill may now be read. I will say, however, before proceeding with the consideration of the bill, that if Senators desire to follow the sections as they are read by the clerks they will be very much facilitated by sending for the report, No. 295, which accompanies the bill.

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary proceeded to read the bill, and having read to the end of the second section,

Mr. EVARTS said: I desire to ask the Senator from Iowa in what manner he will find it convenient to have any discussion about the details of the bill. In the section which has now been read there are several points which have been brought to my attention by importers of New York City, a very respectable collection of merchants under an association; and if now is the proper time to propose to the consideration of the Senate suggestions pertinent to that section of the bill, I will now do so.

Mr. ALLISON. I think inasmuch as the bill must be read through under the rules of the Senate, it would perhaps be best to postpone any discussion of details until after that is done; and then if the Senator from New York and other Senators will allow me, from the committee, to present one or two amendments and have them agreed to, the whole bill will be open to discussion or amendment.

Mr. EVARTS. That will be quite agreeable to me if it is so understood.

Mr. ALLISON. Certainly; it will be so understood.

The reading of the bill in the amended form was resumed and concluded; and is as follows:

Be it enacted, etc., That all invoices of imported merchandise shall be made out in the currency of the place or country from whence the importations shall be made, or if purchased, in the currency actually paid therefor, shall contain a correct description of such merchandise, and shall be made in triplicate and signed by the person owning or shipping the same, if the merchandise has been actually purchased, or by the manufacturer or owner thereof, if the same has been procured otherwise than by purchase or by the duly authorized agent of such purchaser, manufacturer, or owner.

SEC. 2. That all such invoices shall, at or before the shipment of the merchandise, be produced to the consul, vice-consul, or commercial agent of the United States of the consular district from which the merchandise is imported to the United States, and shall have indorsed thereon, when so produced, a declaration signed by the purchaser, manufacturer, owner, or agent, setting forth that the invoice is in all respects correct and true, and was made at the place where the merchandise was originally procured for exportation to the United States; that it contains, if the merchandise was obtained by purchase, a true and full statement of the time when, the place where, the person from whom the same was purchased, and the actual cost thereof and of all charges thereon; and that no discounts, bounties, or drawbacks are contained in the invoice but such as have been actually allowed thereon; and when obtained in any other manner than by purchase, the actual market value or wholesale price thereof at the time of exportation to the United States in the principal markets of the country from whence exported; that such actual market value is the price at which the merchandise described in the invoice is freely offered for sale to all purchasers in said markets, and that it is the price which the manufacturer or owner making the declaration would have received, and was willing to receive, for such merchandise sold in the ordinary course of trade, and if subject to specific duty the actual quantity thereof; and that no different invoice of the merchandise mentioned in the invoice so produced has been or will be furnished to any one. If the merchandise was actually purchased, the declaration shall also contain a statement that the currency in which such invoice is made out is that which was actually paid for the merchandise by the purchaser.

SEC. 3. That, except in case of personal effects accompanying the passenger, no importation of any merchandise exceeding $100 in dutiable value shall be admitted to entry without the production of a duly certified invoice thereof as required by law, or of an affidavit made by the owner, importer, or consignee before the collector or his deputy, showing why it is impracticable to produce such invoice; and no entry shall be made in the absence of a certified invoice, upon affidavit as aforesaid, unless such affidavit be accompanied by a statement in the form of an invoice, or otherwise, showing the actual cost of such merchandise, if purchased, or if obtained otherwise than by purchase, the actual market value or wholesale price thereof at the time of exportation to the United States, in the principal markets of the country from which the same has been imported; which statement shall be verified by the oath of the owner, importer, consignee, or agent desiring to make entry of the merchandise, to be administered by the collector or his deputy, and it shall be lawful for the collector or his deputy to examine the deponent under oath touching the sources of his knowledge, information, or belief in the premises, and to require him to produce any letter, paper, or statement of account, in his possession or under his control, which may assist the officers of customs in ascertaining the actual value of the importation or any part thereof; and in default of such production when so requested, such owner, importer, consignee, or agent shall be thereafter debarred from producing any such letter, paper, or statement for the purpose of avoiding any additional duty, penalty, or forfeiture incurred under this act, unless he shall show to the satisfaction of the court or the officers of the customs, as the case may be, that it was not in his power to produce the same when so demanded; and no merchandise shall be admitted to entry under the provisions of this section unless the collector shall be satisfied that the failure to produce a duly certified invoice is due to causes beyond the control of the owner, consignee, or agent thereof.

SEC. 4. That whenever merchandise imported into the United States is entered by invoice, one of the following declarations, according to the nature of the case, shall be filed with the collector of the port, at the time of entry, by the owner, importer, consignee, or agent; which declaration so filed shall be duly signed by the owner, importer, consignee, or agent, before the collector, or before a notary public or other officer duly authorized by law to administer oaths and take acknowledgments, who may be designated by the Secretary of the Treasury to receive such declarations and to certify to the identity of the persons making them: and every officer so designated shall file with the collector of the port a copy of his official signature and seal: *Provided*, That if any of the invoices or bills of lading of any merchandise imported in any one vessel, which should otherwise be embraced in said entry, have not been received at the date of the entry, the declaration may state the fact, and thereupon such merchandise of which the invoices or bills of lading are not produced, shall not be included in such entry, but may be entered subsequently.

DECLARATION OF CONSIGNEE, IMPORTER, OR AGENT.

I, ——— ———, do solemnly and truly declare that the invoice and bill of lading now presented by me to the collector of ——— are the true and only invoice and bill of lading by me received of all the goods, wares, and merchandise imported in the ———, whereof ——— ——— is master, from ———, for account of any person whomsoever for whom I am authorized to enter the same; that the said invoice and bill of lading are in the state in which they were actually received by me, and that I do not know nor believe in the existence of any other invoice or bill of lading of the said goods, wares, and merchandise; that the entry now delivered to the collector contains a just and true account of the said goods, wares, and merchandise, according to the said invoice and bill of lading; that nothing has been, on my part, nor to my knowledge on the part of any other person, concealed or suppressed, whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise; that the said invoice and the declaration therein are in all respects true, and were made by the person by whom the same purports to have been made; and that if at any time hereafter I discover any error in the said invoice, or in the account now rendered of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district. And I do further solemnly and truly declare that to the best of my knowledge and belief [insert the name and residence of the owner or owners] is [or are] the owner [or owners] of the goods, wares, and merchandise mentioned in the annexed entry; that the invoice now produced by me exhibits the actual cost [if purchased] or the actual market value or wholesale price [if otherwise obtained] at the time of exportation to the United States in the principal markets of the country from whence imported, of the said goods, wares, and merchandise, including the value of all cartons, cases, crates, boxes, sacks, and coverings of any kind, and all other costs, charges, and expenses incident to placing said goods, wares, and merchandise in condition, packed ready for shipment to the United States, and no other or different discount, bounty, or drawback but such as has been actually allowed on the same.

DECLARATION OF OWNER IN CASES WHERE MERCHANDISE HAS BEEN ACTUALLY PURCHASED.

I, ——— ———, do solemnly and truly declare that the entry now delivered by me to the collector of ——— contains a just and true account of all the goods, wares, and merchandise imported by or consigned to me, in the ———, whereof ——— ——— is master, from ———; that the invoice and entry which I now produce contain a just and faithful account of the actual cost of the said goods, wares, and merchandise, including the value of all cartons, cases, crates, boxes, sacks, and coverings of any kind, and all other costs, charges, and expenses incident to placing said goods, wares, and merchandise in condition, packed ready for shipment to the United States, and no other discount, drawback, or bounty but such as has been actually allowed on the same; that I do not know nor believe in the existence of any invoice or bill of lading other than those now produced by me, and that they are in the state in which I actually received them. And I further solemnly and truly declare that I have not in the said entry or invoice concealed or suppressed anything whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise; that the said invoice and the declaration thereon are in all respects true, and were made by the person by whom the same purports to have been made; and that if at any time hereafter I discover any error in the said invoice or in the account now produced of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district.

DECLARATION OF MANUFACTURER OR OWNER IN CASES WHERE MERCHANDISE HAS NOT BEEN ACTUALLY PURCHASED.

I, ——— ———, do solemnly and truly declare that the entry now delivered by me to the collector of ——— contains a just and true account of all the goods, wares, and merchandise imported by or consigned to me in the ———, whereof ——— ——— is master, from ———; that the said goods, wares, and merchandise were not actually bought by me, or by my agent, in the ordinary mode of bargain and sale, but that nevertheless the invoice which I now produce contains a just and faithful valuation of the same, at their actual market value or wholesale price, at the time of exportation to the United States in the principal markets of the country from whence imported for my account [or for account of myself or partners]; that the said invoice contains also a just and faithful account of all the cost of finishing said goods, wares, and merchandise to their present condition, including the value of all cartons, cases, crates, boxes, sacks, and coverings of any kind, and all other costs and charges incident to placing said goods, wares, and merchandise in condition, packed ready for shipment to the United States, and no other discount, drawback, or bounty but such as has been actually allowed on the said goods, wares, and merchandise; that the said invoice and the declaration thereon are in all respects true, and were made by the person by whom the same purports to have been made; that I do not know nor believe in the existence of any invoice or bill of lading other than those now produced by me, and that they are in the state in which I actually received them. And I do further solemnly and truly declare that I have not in the said entry or invoice concealed or suppressed anything whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise; and that if at any time hereafter I discover any error in the said invoice, or in the account now produced of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district.

SEC. 5. That any person who shall knowingly make any false or untrue statement in the declarations provided for in the preceding section, or shall aid or procure the making of any such false statement as to any matter material thereto, shall, on conviction thereof, be punished by a fine not exceeding $5,000, or by imprisonment at hard labor not more than two years, or both, in the discretion of the court: *Provided*, That nothing in this section shall be construed to relieve imported merchandise from forfeiture for any cause elsewhere provided by law.

SEC. 6. That the owner, consignee, or agent of any imported merchandise which has been actually purchased may, at the time when he shall make and verify his written entry of such merchandise, but not afterwards, make such addition in the entry to the cost or value given in the invoice, or *pro forma* invoice, or statement in form of an invoice, which he shall produce with his entry, as in his opinion may raise the same to the actual market value or wholesale price of such merchandise at the time of exportation to the United States, in the principal markets of the country from which the same has been imported; but no such addition shall be made upon entry to the invoice value of any imported merchandise obtained otherwise than by actual purchase; and the collector within whose district any merchandise may be imported or entered, whether the same has been actually purchased or procured otherwise than by purchase, shall cause the actual market value or wholesale price of such merchandise to be appraised; and if the appraised value of any article of imported merchandise shall exceed by more than 5 per cent., and not more than 20 per cent., the value declared in the entry, there shall be levied, collected, and paid, in addition to the duties im-

posed by law on such merchandise, a further sum equal to 2 per cent. of the total appraised value for each 1 per cent. of the increased valuation as ascertained by the appraiser in excess of 5 per cent. above the entered value; and the additional duties shall only apply to the particular article or articles in each invoice which are undervalued; and if such appraised value shall exceed the value declared in the entry more than 20 per cent., such entry shall be held to be presumptively fraudulent, and the collector of customs shall seize such merchandise and proceed as in cases of forfeiture for violations of the customs laws; and in any legal proceedings which may result from such seizure the fact of such undervaluation shall be presumptive evidence of fraud, and the burden of proof shall be on the claimant to rebut the same, and forfeiture shall be adjudged unless he shall rebut said presumption of fraudulent intent by sufficient evidence: *Provided*, That the forfeitures provided for in this section shall apply to the whole of the merchandise or the value thereof in the case or package containing the particular article or articles in each invoice which are undervalued: *And provided further*, That all additional duties, penalties, or forfeitures applicable to merchandise entered by a duly certified invoice shall be alike applicable to goods entered by a *pro forma* invoice or statement in form of an invoice. The duty shall not, however, be assessed upon an amount less than the invoice or entered value.

SEC. 7. That when merchandise entered for customs duty has been consigned for sale by or on account of the manufacturer thereof, to a person, agent, partner, or consignee in the United States, such person, agent, partner, or consignee shall, at the time of the entry of such merchandise, present to the collector of customs at the port where such entry is made, as a part of such entry, and in addition to the certified invoice or statement in the form of an invoice required by law, a statement signed by such manufacturer, declaring the cost of production of such merchandise, such cost to include all the elements of cost as stated in section 10 of this act. When merchandise entered for customs duty has been consigned for sale by or on account of a person other than the manufacturer of such merchandise, to a person, agent, partner, or consignee in the United States, such person, agent, partner, or consignee shall at the time of the entry of such merchandise present to the collector of customs at the port where such entry is made, as a part of such entry, a statement signed by the consignor thereof, declaring that the merchandise was actually purchased by him or for his account, and showing the time when, the place where, and from whom he purchased the merchandise, and in detail the price he paid for the same: *Provided*, That the statements required by this section shall be made in triplicate, and shall bear the attestation of the consular officer of the United States resident within the consular district wherein the merchandise was manufactured, if consigned by the manufacturer or for his account, or from whence it was imported, when consigned by a person other than the manufacturer, one copy thereof to be delivered to the person making the statement, one copy to be transmitted with the triplicate invoice of the merchandise to the collector of the port in the United States to which the merchandise is consigned, and the remaining copy to be filed in the consulate.

SEC. 8. That if any owner, importer, consignee, agent, or other person shall make or attempt to make any entry of imported merchandise by means of any fraudulent or false invoice, affidavit, letter, paper, or by means of any false statement, written or verbal, or by means of any false or fraudulent practice or appliance whatsoever, or shall be guilty of any willful act or omission by means whereof the United States shall be deprived of the lawful duties, or any portion thereof, accruing upon the merchandise, or any portion thereof, embraced or referred to in such invoice, affidavit, letter, paper, or statement, or affected by such act or omission, such merchandise, or the value thereof, to be recovered from the person making the entry, shall be forfeited, which forfeiture shall only apply to the whole of the merchandise or the value thereof in the case or package containing the particular article or articles of merchandise to which such fraud or false paper or statement relates; and such person shall, upon conviction, be fined for each offense a sum not exceeding $5,000, or be imprisoned for a time not exceeding two years, or both, in the discretion of the court.

SEC. 9. That it shall be the duty of the appraisers of the United States, and every of them, and every person who shall act as such appraiser, or of the collector and naval officer, as the case may be, by all reasonable ways and means in his or their power, to ascertain, estimate, and appraise (any invoice or affidavit thereto or statement of cost, or of cost of production to the contrary notwithstanding) the actual market value and wholesale price of the merchandise at the time of exportation to the United States, in the principal markets of the country whence the same has been imported, and the number of yards, parcels, or quantities, and actual market value or wholesale price of every of them, as the case may require.

SEC. 10. That when the actual market value, as herein defined, of any article of imported merchandise wholly or partially manufactured and subject to ad valorem duty, or to duty based in whole or in part on value, can not be ascertained to the satisfaction of the appraising officer, and to assist in the ascertainment of such value, the appraiser or appraisers shall use all available means to ascertain the cost of production of such merchandise at the time of exportation to the United States, and at the place of manufacture; such cost of production to include cost of materials and of fabrication, all general expenses covering each and every outlay of whatsoever nature incident to such production, together with the expense of preparing and putting up such merchandise ready for shipment, and a profit of not less than 5 per cent. upon the total cost as thus ascertained; and in no such case shall the said actual market value of such merchandise be appraised upon original appraisal or reappraisement at less than the total cost of production as thus ascertained.

SEC. 11. That there shall be appointed by the President, by and with the advice and consent of the Senate, nine general appraisers of merchandise, each of whom shall receive a salary of $5,000 a year. Not more than five of such general appraisers shall be appointed from the same political party. They shall not be engaged in any other business, vocation, or employment, and may be removed from office at any time by the President for inefficiency, neglect of duty, or malfeasance in office. They shall be employed at such ports and within such territorial limits as the Secretary of the Treasury may from time to time prescribe, and are hereby authorized to exercise the powers and duties devolved upon them by this act, and to exercise, under the general direction of the Secretary of the Treasury, such other supervision over appraisements, classifications, and rates of duty of imported merchandise as may be needful to secure lawful and uniform appraisements, classifications, and rates of duty at the several ports. Three of the general appraisers shall be on duty as a board of general appraisers daily during each day of the year (except Sunday and legal holidays) at least from 10 o'clock in the morning until 4 o'clock in the afternoon, at the port of New York, at which port a place for samples shall be provided, under such rules and regulations as the Secretary of the Treasury may from time to time prescribe, which shall include rules as to the classes of articles to be deposited, the time of their retention, and as to their disposition, which place of samples shall be under the immediate control and direction of the general appraisers.

SEC. 12. That the appraiser shall revise and correct the reports of the assistant appraisers as he may judge proper, and the appraiser, or, at ports where there is no appraiser, the person acting as such, shall report to the collector his decision as to the value of the merchandise appraised. If the collector shall deem the appraisement of the merchandise by such appraiser too low he may order a reappraisement, which shall be made by one of the general appraisers; or, if the importer, owner, agent, or consignee of such merchandise shall be dissatisfied with the appraisement thereof, and shall have complied with the requirements of law with respect to the entry and appraisement of merchandise, he may forthwith give notice to the collector in writing of such dissatisfaction, on the receipt of which the collector shall at once direct a reappraisement of such merchandise by one of the general appraisers. The decision of the appraiser, or the person acting as such (in cases where no objection is made thereto, as above authorized, either by the collector or by the importer, owner, consignee, or agent), or of the general appraiser in cases of reappraisement, shall be final and conclusive as to the dutiable value of such merchandise against all parties interested therein, unless the importer, owner, consignee, or agent of the merchandise shall be dissatisfied with such decision, and shall forthwith give notice to the collector in writing of such dissatisfaction, or unless the collector shall deem the appraisement of the merchandise too low; in either case the collector shall transmit the invoice and all the papers appertaining thereto to the board of general appraisers which shall be on duty at the port of New York, or of three general appraisers who may be designated by the Secretary of the Treasury for such duty at that port or at any other port, which board shall examine and decide the case thus submitted, and their decision, or that of a majority of them, shall be final and conclusive as to the dutiable value of such merchandise against all parties interested therein, and the collector shall ascertain, fix, and liquidate the rate and amount of duties to be paid on such merchandise, and the dutiable costs and charges thereon, according to law.

SEC. 13. The decision of the collector as to the classification of imported merchandise, and as to the rate and amount of duties chargeable thereon, including all dutiable costs and charges, and as to all fees, charges, and exactions of whatever character (excepting duties on the tonnage of vessels), shall be final and conclusive against all persons interested therein, unless the owner, importer, consignee, or agent of such merchandise, or the person paying such fees, charges, and exactions other than duties, shall, not before, but within ten days after such ascertainment and liquidation of duties, as well in cases of merchandise entered in bond as for consumption, or within ten days after the payment of such fees, charges, and exactions, if dissatisfied with such decision give notice in writing to the collector, setting forth therein distinctly and specifically, and in respect to each entry or payment, the reasons for his objections thereto, and if the merchandise is entered for consumption shall pay the full amount of the duties and charges ascertained to be due thereon. Upon such notice and payment the collector shall transmit the entry and all the papers and exhibits connected therewith to the board of general appraisers which shall be on duty at the port of New York, or of three general appraisers who may be designated by the Secretary of the Treasury for such duty at that port or at any other port, which board shall examine and decide the case thus submitted, and their decision, or that of a majority of them, shall be final and conclusive upon all persons interested therein (except in cases where an application shall be filed in the circuit court within the time and in the manner provided for in section 14 of this act), and the entry thereof shall be reliquidated accordingly, including all dutiable costs and charges thereon, and all fees, charges, or exactions shall be paid in accordance with their decision.

SEC. 14. If the owner, importer, consignee, or agent of any imported merchandise, or the collector, or the Secretary of the Treasury, shall be dissatisfied with the decision of the board of general appraisers, as provided for in section 13 of this act, as to the construction of the law respecting the classification of such merchandise and the rate of duty imposed thereon under such classification, they, or either of them, may within thirty days next after such decision, and not afterwards, apply to the circuit court of the United States, within the district in which the matter arises, for a review of the questions of law involved in such decision. Such application shall be made by filing in the office of the clerk of said circuit court a concise statement of the errors of law complained of, and a copy of such statement shall be served on the collector, or on the importer, owner, consignee, or agent, as the case may be. Thereupon the court shall order the board of appraisers to transmit to said circuit court a certified statement of their findings of the facts involved in the case and their decision thereon; and the facts so found and certified shall be final and conclusive upon the court; which statement and certificate of the board of appraisers shall constitute the record in the circuit court, and said circuit court shall proceed to hear and determine the question of law involved in such decision, and the decision of such court shall be final unless such court shall be of opinion that the question involved is of such importance as to require a review of such decision by the Supreme Court of the United States, in which case said circuit court or the judge making the decision may, within thirty days thereafter, allow an appeal to said Supreme Court; but an appeal shall be allowed on the part of the United States whenever the Attorney-General shall apply for it within thirty days after the rendition of such decision. On such original application and on any such appeal security for damages and costs shall be given as in the case of other appeals in cases in which the United States is a party. Said Supreme Court shall have jurisdiction and power to review such decision, and may affirm, modify, or reverse such decision of such circuit court, and remand the case with such orders as may seem to it proper in the premises, which shall be executed accordingly. For the purposes of this section the circuit courts of the United States shall be deemed always open, and said circuit courts respectively may establish, and from time to time alter, rules and regulations not inconsistent herewith for the procedure in such cases as they shall deem proper.

SEC. 15. That all decisions of the general appraisers and of the boards of general appraisers, respecting values and rates of duty, shall be preserved and filed, and shall be open to inspection under proper regulations to be prescribed by the Secretary of the Treasury. All decisions of the general appraisers shall be reported forthwith to the Secretary of the Treasury and to the board of general appraisers in New York, and the report to the board shall be accompanied, whenever practicable, by samples of the merchandise in question, and it shall be the duty of the said board, under the direction of the Secretary of the Treasury, to cause an abstract to be made and published of such decisions of the appraisers as they may deem important, and the decisions of each of the general appraisers and boards of general appraisers, which abstract shall contain a general description of the merchandise in question and of the value and rate of duty fixed in each case, with reference, whenever practicable, by number or other designation, to samples deposited in the place of samples at New York, and such abstract shall be issued from time to time, at least once in each week, for the information of customs officers and the public.

SEC. 16. That whenever imported merchandise is subject to an ad valorem rate of duty, or to a duty based upon or regulated in any manner by the value thereof, the duty shall be assessed upon the actual market value or wholesale price of such merchandise, at the time of exportation to the United States, in the principal markets of the country from whence imported, and in the condition in which such merchandise is there bought and sold for exportation to the United States, or consigned to the United States for sale, including the value of all cartons, cases, crates, boxes, sacks, and coverings of any kind, and all other costs, charges, and expenses incident to placing the merchandise in condition packed ready for shipment to the United States; and if there be used for covering or holding imported merchandise, whether dutiable or free, any unusual material, article, or form, designed for use otherwise than in the bona fide transportation of such merchandise to the United States, additional duty shall be levied and collected upon such material or article at the rate to which the same would have been subject if separately imported. That the words "value" or "actual market value" wherever used in this act or in any law relating to the appraisement of imported merchandise shall be construed to mean the actual market value or wholesale price as defined in this section.

SEC. 17. That in all suits or informations brought, where any seizure has been made pursuant to any act providing for or regulating the collection of duties on

imports or tonnage, if the property is claimed by any person, the burden of proof shall lie upon such claimant: *Provided*, That probable cause is shown for such prosecution, to be judged of by the court.

SEC. 18. That all fees exacted and oaths administered by officers of the customs, except as provided in this act, under or by virtue of existing laws of the United States, upon the entry of imported goods and the passing thereof through the customs, and also upon all entries of domestic goods, wares, and merchandise for exportation, be, and the same are hereby, abolished; and in case of entry of merchandise for exportation, a declaration, in lieu of an oath, shall be filed, in such form and under such regulations as may be prescribed by the Secretary of the Treasury; and the penalties provided in the fifth section of this act for false statements in such declaration shall be applicable to declarations made under this section: *Provided*, That where such fees, under existing laws, constitute, in whole or in part, the compensation of any officer, such officer shall receive, from and after the passage of this act, a fixed sum for each year equal to the amount which he would have been entitled to receive as fees for such services during said year.

SEC. 19. That no allowance for damage to goods, wares, and merchandise imported into the United States shall hereafter be made in the estimation and liquidation of duties thereon; but the importer thereof may, within ten days after entry, abandon to the Government all or any portion of goods, wares, and merchandise included in any invoice, and be relieved from the payment of the duties on the portion so abandoned: *Provided*, That the portion so abandoned shall amount to 10 per cent. or over of the total value or quantity of the invoice.

SEC. 20. That whenever it shall be shown to the satisfaction of the Secretary of the Treasury that, in any case of unascertained or estimated duties, more money has been paid to or deposited with a collector of customs than as has been ascertained by final liquidation thereof the law required to be paid or deposited, the Secretary of the Treasury shall direct the Treasurer to refund and pay the same out of any money in the Treasury not otherwise appropriated. The necessary moneys therefor are hereby appropriated, and this appropriation shall be deemed a permanent indefinite appropriation; and the Secretary of the Treasury is hereby authorized to correct manifest clerical errors in any entry or liquidation, whether for or against the Government, at any time within one year of the date of such entry, but not afterwards.

SEC. 21. That from and after the taking effect of this act no collector or other officer of the customs shall be in any way liable to any owner, importer, consignee, or agent of any merchandise, or any other person for or on account of any rulings or decisions as to the classification of said merchandise or the duties charged thereon, or the collection of any dues, charges, or duties on or on account of said merchandise, or any other matter or thing as to which said owner, importer, consignee, or agent of such merchandise might, under this act, be entitled to appeal from the decision of said collector or other officer, or from any board of appraisers provided for in this act.

SEC. 22. That any person who shall give, or offer to give, or promise to give any money or thing of value, directly or indirectly, to any customs officer in consideration of or for any act or omission contrary to law in connection with or pertaining to the importation, appraisement, entry, examination, or inspection of goods, wares, or merchandise, including herein any baggage, or of the liquidation of the entry thereof, shall, on conviction thereof, be fined not exceeding $2,000, or be imprisoned at hard labor not more than one year, or both, in the discretion of the court; and evidence of such giving, or offering or promising to give, satisfactory to the court in which such trial is had, shall be regarded as *prima facie* evidence that such giving, or offering, or promising was contrary to law, and shall put upon the accused the burden of proving that such act was innocent and not done with an unlawful intention.

SEC. 23. That any officer or servant of the customs or of the United States who shall, excepting for lawful duties or fees, demand, exact, or receive from any person, directly or indirectly, any money or thing of value, in connection with or pertaining to the importation, appraisement, entry, examination, or inspection of goods, wares, or merchandise, including herein any baggage, or liquidation of the entry thereof, on conviction thereof, shall be fined not exceeding $5,000, or be imprisoned at hard labor not more than two years, or both, in the discretion of the court. And evidence of such demanding, exacting, or receiving, satisfactory to the court in which such trial is had, shall be regarded as *prima facie* evidence that such demanding, exacting, or receiving was contrary to law, and shall put upon the accused the burden of proving that such act was innocent and not with an unlawful intention.

SEC. 24. That sections 2808, 2838, 2839, 2841, 2843, 2844, 2845, 2853, 2854, 2856, 2858, 2860, 2900, 2902, 2905, 2907, 2908, 2909, 2929, 2930, 2931, 2932, 2943, 2945, 2952, 3011, 3012, 3012½, 3013, 3090 of the Revised Statutes of the United States, and sections 9, 10, 11, 12, 14, and 16 of an act entitled "An act to amend the customs-revenue laws and to repeal moieties," approved June 22, 1874, all of the act entitled "An act restricting the refunding of customs duties and prescribing certain regulations of the Treasury Department," approved March 3, 1875, and sections 7, 8, and 9 of the act entitled "An act to reduce internal-revenue taxation, and for other purposes," approved March 3, 1883, and all other acts and parts of acts inconsistent with the provisions of this act are hereby repealed, but such repeal shall not affect pending actions or causes of action which have already accrued.

Mr. ALLISON. On page 2, in section 2, line 4, I move to strike out "imported" and insert "exported;" so as to read:

SEC. 2. That all such invoices shall, at or before the shipment of the merchandise, be produced to the consul, vice-consul, or commercial agent of the United States of the consular district from which the merchandise is exported to the United States, and shall have indorsed thereon, when so produced, a declaration signed by the purchaser, manufacturer, owner, or agent, setting forth that the invoice is in all respects correct and true.

The amendment was agreed to.

Mr. ALLISON. On page 21, after line 45, of section 14, I move to insert as a new section:

SEC. —. That the general appraisers, or any of them, are hereby authorized to administer oaths, and said general appraisers, and boards of general appraisers, and collectors, as the case may be, may call before them, and examine upon oath, any owner, importer, agent, consignee, or other person, touching any matter or thing which they, or either of them, may deem material respecting any entry of imported merchandise, in ascertaining the value or classification thereof; and they, or either of them, may require the production of any letters, accounts, or invoices relating to said merchandise, and may require such testimony to be reduced to writing, and when so taken it shall be filed in the office of the collector, and preserved for use or reference until the final decision of the collector or said board of appraisers shall be made respecting the valuation or classification of said merchandise, as the case may be.

The amendment was agreed to.

The PRESIDING OFFICER. The Chair would suggest to the Senator from Iowa that if he will look in line 6 of section 18 he will find that the word "exportation" is misspelled.

Mr. ALLISON. The word "evportation" should be "exportation." Strike out the "v" and insert an "x."

The PRESIDING OFFICER. If there be no objection that change will be made.

Mr. ALLISON. I have no further amendments to propose.

Mr. EVARTS. Mr. President, I ask an explanation from the committee pertinent to some clauses in the second section of this bill. The changes that have been introduced in this section are in the memorandum before me denoted in italics. On the print before us, in reading this bill we are not aided in determining what is a change and what is not a change from the existing regulations of law. I will read this section and point out the parts which are new, that the Senate and the committee may understand with me what the subject of observation now is:

That all such invoices shall, at or before the shipment of the merchandise, be produced to the consul, vice-consul, or commercial agent of the United States—

Now I read new matter:

of the consular district from which the merchandise is imported to the United States—

That is new.

Mr. ALLISON. Yes, that is new.

Mr. EVARTS. It proceeds—

and shall have indorsed thereon, when so produced, a declaration signed by the purchaser, manufacturer, owner, or agent, setting forth that the invoice is in all respects—

Now I read—

correct and true, and was made at the place where the merchandise was originally procured for exportation to the United States;—

That is new—

that it contains, if the merchandise was obtained by purchase, a true and full statement of the time when, the place where, the person from whom—

I read in italics—

the person from whom—

These words are introduced now for the first time into our importation law.

And the actual cost thereof—

That is in the old law—

and of all charges thereon; and that no discounts, bounties, or drawbacks are contained in the invoice but such as have been actually allowed thereon; and when obtained in any other manner than by purchase, the actual market value or wholesale price thereof—

The words "or wholesale price" are introduced—

at the time—

Now, I read new matter—

of exportation to the United States in the principal markets of the country from whence exported; that such actual market value is the price at which the merchandise described in the invoice is freely offered for sale to all purchasers in said markets, and that it is the price which the manufacturer or owner making the declaration would have received, and was willing to receive, for such merchandise sold in the ordinary course of trade.

All that is new.

Mr. ALLISON. What is the particular point there?

Mr. EVARTS. This is a criticism of the original bill.

Mr. ALDRICH. That language has been inserted.

Mr. EVARTS. I look at the text. Now, the phrase "of the consular district" is in the bill. What importance is there for this in the regulation of commerce in this respect? for we shall all agree that changes without some importance or some motive for them should not be encouraged in the law-making power which we are now exercising. Before, it was required that at or before the shipment the invoice should be produced to a consul or vice-consul or commercial agent of the United States. Now, it is required by this section to be in the consular district from which the merchandise is exported to the United States. As we all know, consular posts are selected in reference to points of interest in commerce and proximity to exportation, or centers of commerce; these are the proper places for consular agencies and facilities. Why was not the old law sufficient on that score? Why is it necessary if the article to be exported is produced in a consular district where the consul's post and the commercial interest is much nearer to the district of production, although it falls outside of the consular district, rather than that the merchants should be driven to a more remote and less important post for consular verification?

Mr. ALLISON. The object of this particular provision is to regulate the consular certification of value to the appraising officer. As the law now stands it allows the consular certificate to be made at the place of shipment. It may be that the consular officer at that particular point will have no knowledge whatever of the goods intended to be shipped, whilst the presumption is that the officer in the consular district where the merchandise has been procured will be able to ascertain definitely the market value and thus make a proper certification. That is the only object of the change.

I will say to the Senator, by way of illustration, that as the law now stands merchandise purchased, if you please, in Manchester may be certified by the consul at Liverpool. In the nature of things the consul at Liverpool would not have that knowledge of merchandise procured in Manchester which a consul stationed at Manchester would have, and as a matter of practice it turns out that many persons are particular to have their invoices certified at places where the goods are shipped and not where they are procured.

I have stated the object of the change. It may be wise or otherwise; the committee think it is a wise change.

Mr. EVARTS. I supposed that it rested nothing upon what might be thought a proper protection of the sincerity of the invoice.

Mr. ALDRICH. That is just what it does.

Mr. EVARTS. That is what the Senator from Iowa has just said, and the Senator from Rhode Island concurs; but take the illustration the Senator from Iowa gives, although it is an instance in which it might be supposed that this sincerity could be better tested by getting a certificate from Manchester instead of from Liverpool. That is not the situation that I desire to have protected in the conveniences in districts of less importance; and while presumptively the central point of business in the products may be the proper place—although it may be across a stream by division between districts—it is not true that the point to be gained in such districts may be more readily gained by going into the distant points of commerce and deserting the points that commerce has pointed out as the site and the place where the knowledge of these values is.

It is for that reason that it will be, as I am told, a very serious interference with the natural convenience and the natural knowledge and the natural verification of these values, at points where there converges such a knowledge, for the purpose of transshipment, as gives to our important consul there the means of knowing what is the true value, and the production being at a manufactory in this or that corner of the district, that is not a better resort.

Now, to come to the instance that has been given, certainly the Senator from Iowa will not seriously contend that the value of articles produced in Manchester and sent to Liverpool in the course of commerce between Great Britain and the United States is not as well known for the purposes of commerce in Liverpool as in Manchester. Does any one pretend that in regard to products in Lowell, prepared for exportation in Boston, their value is not as well known commercially in Boston as it is known in Lowell? That is a similar situation to the citation which the Senator from Iowa has produced of Manchester and Liverpool; and so in any other case.

Take New York, where at various points in our State there are important articles of exportation produced, manufactures, contrivances, and all come down into the city of New York for exportation from all parts of that State. If we had consuls representing a foreign country that had adopted this same method of verification, would not the consul in New York be the most convenient, the most important, the most competent, the most responsible, the best informed adviser as to the value stated in the invoice, whether it came from Cohoes or from a Western manufacturing establishment? If consuls were distributed through the interior of our great State, would it not be an inconvenience that an exporter should have prepared an invoice that is to be presented before a consul in Buffalo when the product was to be shipped from New York City?

It is through this attempt to realize more accurately, if you please, and with a proper motive, the defenses of the revenue and the sincerity of importations, that the channels and methods of distribution for shipment and for verification are neglected. The former law as it reads allows such a resort to our consuls as may be most convenient for the exporter, not governed by any evasion or any contrivance, but in the rapid course of all commercial transactions, taking the consul found in this or that place, nearest at hand.

I must think, therefore, Mr. President, that this proposed improvement is not a real improvement, and will interfere with the convenience of trade. It will not be avowed, it certainly should not be for a moment harbored as a surmise, that the frame of these regulations as a body presented is hostile to importation or hostile to foreign commerce. Whether this or that measure is hostile to foreign commerce, is hostile to facility and justice in our intercourse commercially with other nations, the place to ask that question is to ask it of commercial men and of foreign merchants who are engaged in that business; I mean those who have the conduct of it abroad. We wish to facilitate and observe the just obligation of commercial facilities between countries. We fix our own tariff; we look out for that; but otherwise than that we are bound to put no impediment in the way of obstructing commercial intercourse that does not touch some important and essential protection of the revenue.

I think, therefore, that there is a minimum of advantage in this change, even as it is pretended, and that it is open to fear, at least, and certainly it is the opinion of the commercial people engaged in importations in New York that serious inconvenience will be caused by this innovation.

Mr. ALLISON. Mr. President, one word in response to the Senator from New York. I may have been unfortunate in my illustration; but the Senator will see that as the law now stands one shipper or manufacturer or merchant can ship at Liverpool, another at London, and another at perhaps some other port of Great Britain, all of the merchandise being purchased or secured in Manchester, where it has a well-known market value. If the purchaser finds that he can more easily attract the attention of a consul at Liverpool or London, that will be the point from whence his goods will be shipped. But that is not the only object. I perhaps did not go quite so far in my illustration as I should have gone.

It is perfectly well known that the great body of the merchandise shipped from Germany is shipped from the port of Antwerp. Under the existing law it is held that the certification of a consul at Antwerp will answer for goods that have been manufactured and purchased, if you please, at Crefeld, or at any point on the Rhine, where so many valuable goods are now manufactured.

So we concluded, after a full examination of this subject, and also taking the counsel and advice of the appraisers of merchandise at the port of New York, that the only true measure of the value of certification of a consular officer is to have that certification made by the officer who is located at the point where the goods are purchased.

It may be that now and then somebody will be inconvenienced by this arrangement; it may be that now and then somebody will be obliged to cross a stream or ride a few miles to secure a consular certification; but the great benefit of this provision over the existing law is that we locate these certifications at points where the value of the goods must be known.

Mr. HISCOCK. I desire to ask the Senator from Iowa a question. As I understand the purpose of this bill, it is to prevent undervaluation, frauds upon the Treasury in the undervaluing of imported goods. As I understand him to argue, the exporter from the foreign market has advantage in perpetrating frauds if he has the chance to select a consul or consular agent wherever he pleases before whom the invoice shall be verified. That is the argument, as I understand.

Mr. ALLISON. That is one argument.

Mr. HISCOCK. And that is practically the great argument in favor of the provision. It is not for the purpose of embarrassing the exporter, but, as I understand from the framework of the bill, importation to this country now is largely carried on by the exporter abroad, in Europe, being the owner of the goods and practically exporting to this country to himself here, so that there is really no change in the title of the goods until they reach the American port. Therefore all of his interest is in his invoices to fix as low a price as possible upon the goods which are brought to America; and for the purpose of keeping that entirely out of his power it is deemed advisable that the Government should indicate the officer who issues the certificate and before whom the value is proved, thus designating him, so that it must be followed, rather than to leave the power of designation to the exporter abroad to select his own agent, who may be friendly or unfriendly to him.

Mr. EVARTS. But my colleague will see while he is correct in his statement of the purposes of the bill, in which I concur entirely, that he overlooks what is really the point; and that is, whether it does tend to secure any such result by this circumstantial change as will justify an interference with the course of trade, which, without need of resorting to any contrivance, finds in the arrangement we have provided abroad the consular agents who are to supervise the exportation. We accomplish that by going to the district where this product is produced; for when you come to the point of influence, the local consul may be an unimportant consul, and he would be more likely to be under the influence of the immediate manufacturing surrounding interest than a consul at the great point that has to deal with shipments of products from other districts, all of which he has to supervise and certify to, being entirely free from such local influences.

Now, it is not for me, nor is it for the Senator from Iowa, nor is it for the Senate to feel that they can appreciate the inconveniences to commerce. It is those who deal with commerce that present this as an inconvenience. They do not present it because it is a guaranty or a preventive against fraud—by no means. These are the representations of honest importers who desire to carry on foreign commerce; they say that this circumstantial item interferes with the regular character of commerce, and it is very difficult for me to see that the change from one supervising consul to another, if fraudulent or overdealing influence is to divert the consul from his duty, is going to be any great security. The consul in the single manufacturing town in the interior of Switzerland or Germany is quite as likely to be under the influence of neighbors and friends there as the consul at an important point, through whose post invoices from various parts of the country flow.

On this point I move to strike out, after the words "United States," in the third line of section 2, on page 2, the words "of the consular district from which the merchandise is exported to the United States."

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from New York will be read.

The CHIEF CLERK. In section 2, line 3, after the words "United States," it is proposed to strike out all down to and including the words "United States," in line 5, as follows: "of the consular district from which the merchandise is exported to the United States."

Mr. CALL. Before the vote is taken on this amendment I should like to hear some reason why a consul at the place of manufacture is more reliable and more honest than a consul at the place of shipment. It seems to me that there is no kind of reason for that difference, and yet that is the proposition on which this clause is based, that the consul at probably a small, insignificant place where there happen to be manufactures is better informed than a consul at a larger place, the place of shipment.

Mr. ALDRICH. Mr. President, no Senator is more familiar than the Senator from New York [Mr. EVARTS] with the fact that the United States has established consular officers at all the commercial and manufacturing cities of the world, and that the principal function of those consular officers is the ascertainment of the market value of merchandise exported from their ports and the verification of invoices.

The law provides that duties shall be assessed upon imported merchandise based upon the market value or wholesale price in the principal markets of the country of exportation. In the case cited by my colleague upon the committee, the Senator from Iowa, where goods were procured originally in Germany, at Barmen for instance, and shipped at Antwerp, the market value is assessed in Barmen, not in Antwerp, in a different country.

The object of this provision is that this verification shall be made by the consul at Barmen, whose duty it is under the law to familiarize himself with the market value of the products of his own district, and who has the best knowledge which any consul can have of the market value of the products of his own district, that market value being the basis upon which dutiable value is assessed on this side of the ocean. It is plain that the consul at Antwerp, or the consul at Liverpool, outside of the district, outside of the country, can not have as good knowledge of the facts in the case and of the market value upon which duty must be based, as the consul in Barmen, whence the goods are shipped, and whose duty it is, as I have said before, to familiarize himself with the value of the products of the country in which his post of service is.

The Senator from New York says that the gentlemen whose brief he holds in his hands object to this. Of course they object to it, and they object, as it will be disclosed as we proceed, to every provision of this bill. Why? Because they are the men who are benefited by the present state of affairs. They are the men who are shipping goods from points like Antwerp and Liverpool and Paris when they should have been shipped from Barmen and Crefeld and the points upon the Rhine, or in Austria or in Switzerland and in various parts of Europe. I expect that these gentlemen will object to every provision of this bill. The work of the committee would have been in vain if objections had not been raised from this quarter.

Mr. FRYE. Will the Senator allow me a suggestion right here?

Mr. ALDRICH. Certainly.

Mr. FRYE. The product of an immense corset factory at Stuttgard for three or four years was shipped to this country for exactly one-half of the cost of the corsets at Stuttgard.

Mr. ALDRICH. Do you know where they were certified?

Mr. FRYE. They were not certified at Stuttgard.

Mr. ALDRICH. On the forty-eighth page of the testimony taken by the Committee on Undervaluation appears the examination of the gentleman having charge of the invoice bureau in the New York custom-house, and he pointed us to innumerable instances of just the nature which I am now describing, where goods produced in one consular district were sent, apparently and undoubtedly for the purpose of being undervalued, to another consular district for purposes of certification.

In reply to the question of the Senator from Kentucky [Mr. BECK]—

What value do you attach to a certificate of that sort on invoices coming from cities outside of the consul's jurisdiction, and where there is a consul who should certify, but does not?—

this gentleman answered:

We can not attach any importance to it, because the consul who certifies can not know anything about it. He can not know anything about goods not produced in his own district.

This is the state of affairs which this clause was suggested to obviate, and it seems to me there can be no question but what it does obviate it, and obviate it in a way in which every honorable and honest importer will be willing to have it corrected.

Mr. MORRILL. Mr. President, I think I can cite one fact which may perhaps satisfy my friend from New York [Mr. EVARTS] that this is a proper thing to do in the proposed revision of the revenue administration part of the laws.

It will be remembered by all that Germany has got to be a very large manufacturing country; that there are many cities or towns where manufactures are conducted, and wherever they are conducted it is found that generally one kind of manufacture is confined to a particular city or town. Take the cities of Berlin, Bremen, and Chemnitz, where large manufactures of woolens are made; Cologne and Crefeld, where there are manufactures of iron and implements of iron; Dresden, where there are manufactures of china-ware of all descriptions; Mayence and Stettin, and various other places, and it will be seen at once that a consul at one of those places may know all about the manufactures which are produced there and know nothing at all about manufactures produced elsewhere.

Therefore, it seems to me quite obvious that the bill is exactly correct in this particular.

Mr. HOAR. I should like to make a single observation, though I do not know that it is necessary; and that is, that there is a very large variety of products of foreign countries imported into ours where the manufacture is specially conducted to suit the taste of our market, where there is no sale for the precise quality or grade or finish or character of the article in the country where it is produced. The port of export in the country producing such an article as that would furnish to the consul no method of inquiring into and ascertaining its true value, because in that port there would be no such thing as a market price for it. Necessarily, therefore, the place of investigation of the value of that article would be the place where it is manufactured, where all the material for ascertaining its cost and value exists.

Then also there must be a very large number of articles which are produced alike for the domestic market of the foreign country and for exportation here, for our market, in which the port of export is no considerable market for the thing produced; it is not the principal market; and there also that locality would not be the place to go to find a consul who would be the best authority as to its value.

But in every case the consul who is close to the place of manufacture has every opportunity for ascertaining the cost and value, and for detecting and unearthing fraud. He is there; he can have his secret agents on the spot; he can report; he has an opportunity the whole year round to watch for suspicious circumstances in regard to the conduct of the manufacture; he knows the price of labor; he gets acquainted with the foremen or leading persons; he gets acquainted with the rivals of the exporter; and if the exporter should be a dishonest person he learns the fact.

It seems to me that from every consideration, as we are to fix by law the authority of a United States officer who is to certify to the value, and the value at the place of manufacture, the Government should intrust that duty to and impose that duty upon the consul there, instead of leaving the importer, who may desire a fraudulent undervaluation in certain cases, to roam about among the consuls and to select such port of export as he sees fit to choose.

Mr. MORRILL. That is the opinion of the collector of the port of New York.

Mr. HOAR. The Senator from Vermont says that is the opinion of the present collector of the port of New York, whose authority, of course, is very great on this subject.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from New York [Mr. EVARTS].

Mr. EVARTS. Mr. President, I shall not delay the Senate upon this point longer, but will make an observation upon what fell from the lips of the Senator from Rhode Island [Mr. ALDRICH], who, besides applying rather an opprobrious suggestion in reference to the importing merchants of New York, was also so polite as to use an opprobrious epithet towards myself, that I held a brief.

Mr. ALDRICH. If the Senator from New York will allow me, I did not use the term "holding a brief" in a technical sense, but I meant, literally, that the Senator held a brief in his hand.

Mr. EVARTS. I held this document in my hand, as I had explained, because the bill as reported and printed did not give any light on the subject as to what was old and new, and I was reading only from the text of the statute as here printed with a designation of what was new and what was old. But I think a larger imputation might have been reasonably inferred from the use of the term "holding a brief," especially when the Senator had fixed a stigma upon the clients, as they were to be designated.

I represent a great State, which is concerned in foreign commerce as well as in domestic manufactures. I shall endeavor to the best of my ability under our laws and in the making of laws to protect and defend the manufacturers of this country and also the importers of this country; and I do not propose to be deterred because my opinions are understood to be in favor of the protection of domestic industries and of the manufacturers of our State as well as of the rest of this country, because I am not able so to see whether in the zeal of their interests they may not encroach unnecessarily, not in protection against frauds, but on the honest and useful and facile conduct of lawful commercial intercourse. Every observation that I have made thus far, and every observation that I shall make hereafter, in reference to this bill regulating foreign commerce will address itself to seeing that the rights of importers in the maintenance of our just relations of foreign intercourse with foreign nations are protected in this bill.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the amendment proposed by the Senator from New York [Mr. EVARTS].

The amendment was rejected.

Mr. HOAR. Mr. President, I rise to inquire of the Senator from Iowa, who has this bill in charge [Mr. ALLISON], whether the attention of his committee has been invited to a recent decision of the Supreme Court of the United States, given on the 21st of November, 1887, in the case of Oelbermann and others *vs.* Edwin A. Merritt, late collector of the port of New York, reaffirming two previous decisions going back for a space, both of them in Howard, one in 10 Howard, I think, and one in 15 Howard, or in a later volume, where the court held that the failure under the existing provision of law to examine one package in ten (in the case of an appeal for the reappraisement or in the case of a reappraisement on the part of the Government, whether it is an appeal technically or not, so that one package in ten can be before the collector at the time of the second appraisement), makes the whole thing invalid, so far as the reappraisement is the foundation of a claim on the part of the Government for increased duty, or is the

foundation for a claim for a penalty for an attempted violation of the revenue laws. I understand that the decision of the court is that that is an essential to the proceeding, and if one package in every ten is not laid out from the cargo the whole adjudication upon the reappraisement is invalid and without force of law.

It is said that it is physically impossible with regard to a large number of branches of merchandise to retain one package in ten for the reexamination, and that it is never done; that practically it can not be done; that the store-houses would not afford the necessary space.

The suggestion has been made to me by persons very much interested in the promotion of this legislation, that it would be a proper and convenient time now, and that this bill would be a proper and convenient place, for an enactment by which there might be an arrangement between the collector and the importer as to what portion of the imported article would furnish a fair sample, and in that case a dispensing with the strict provision of the law which now exists.

If I have made my point clear to the Senator in charge of the bill, I should like to have him state for the information of some constituents of mine who are interested in the question whether the committee have considered that matter, and whether he would favor an amendment to the bill which I am prepared to offer at this time if the committee do favor it, or whether the committee prefer that that should be dealt with elsewhere.

Mr. ALLISON. The committee did consider the questions that arose in what is called the Oelbermann case. The decision in that case was substantially that a merchant appraiser should be familiar with the articles in the invoice, or on which he was called upon to decide, and the court did reaffirm, I think, two earlier decisions, both deciding that where the law required a particular thing to be done, either by an appraiser or other officer, that thing must be done.

Mr. HOAR. Perhaps the Senator from Iowa will allow me to read a sentence or two from this Oelbermann *vs.* Merritt decision, which state very clearly the proposition. The court in dealing with the question of the appointment of the substitute merchant appraiser, referred with approbation as a foundation for their opinion to the case of Converse *vs.* Burgess, 18 Howard, and they say:

In Converse *vs.* Burgess (18 How., 413), which arose under the act of 1842, the plaintiffs offered to prove that the merchant appraisers did not examine or see any of the original packages of the merchandise, which was sugar, but only saw samples which had been previously taken from one in ten of the packages described in the invoice, and that such samples would not, when exposed to the air, afford a fair criterion by which to judge of the importation, and claimed the right to go behind the return of the merchant appraisers, on the ground that they had not examined the sugar. Section 21 of the act of August 30, 1842, c. 270 (5 Stat., 565), now embodied in section 2901 of the Revised Statutes, provided that the collector should designate on the invoice at least one package of every invoice, and one package at least of every ten packages imported, to be opened, examined, and appraised in the public stores. The defendant objected to the admission of the evidence, in the absence of fraud on the part of the appraisers, and claimed that their decision was in the nature of an award, and final under the statute, and not open to review under the protest.

The protest alleged that the goods "were not fairly and faithfully examined by the appraisers." The circuit court ruled that the evidence was admissible, and that the plaintiffs might go to the jury on the question whether the examination made by the merchant appraisers was in substance and effect equivalent to an examination of one package in ten of the importation, and that, if it was not, the appraisement was void. The plaintiffs had a verdict and a judgment, and on a writ of error by the collector the judgment was affirmed by this court. The court observes in its opinion that the decision of the merchant appraisers is final, "provided it is made in pursuance of law," and referring to the acts of Congress on the subject the court adds: "These acts of Congress provide for the appointment, regulate the duties, and impose the limitations on the authority of the appraisers and determine the conditions on which the validity of their assessment depends. All their powers are derived from these acts, and it is their duty to observe the restrictions and to obey the directions they contain. In the present instance there was a neglect of the positive mandate 'to open, examine, and appraise one package of every invoice and one package at least of every ten packages of goods, wares, and merchandise;' and the jury have found that the inquiry they made was not in substance nor in effect an equivalent for such an examination. We are, therefore, of the opinion that the importer was not precluded by their return from disputing the sufficiency or accuracy of their assessment."

Mr. ALLISON. In the case cited it was claimed that the appraisers had not complied with the statute, but in this particular case it was claimed that the merchant appraiser was not familiar with the goods, and upon that ground the decision below was reversed. But the general scheme of this bill dismisses entirely the idea of a merchant appraiser.

Mr. HOAR. In this case also the merchant appraiser not only was not familiar with the goods, but he did not comply with the other provision and examine one package in every ten.

Mr. ALLISON. We have dispensed in this bill with the merchant appraisers, and of course that settles that particular case. But the question which the Senator propounds to me is, whether the committee considered the question of modifying or changing section 2901 of the Revised Statutes; that is, whether we believe that it is wise to allow the collector and the importer jointly to say whether or not a less number than one in ten of the packages shall be sent to the appraiser's office. The committee did consider that question, our attention having been called to it by the Senator from Massachusetts, and I think, after a pretty full consideration, the general view of the committee was that it would not be wise to so modify section 2901 of the Revised Statutes as to place wholly within the power of the collector a discretion as to the number of packages that should be sent to the appraiser's office.

Of course, the importer would always be willing that no package should be sent or that one package should be sent out of a whole invoice, so that the question would be left practically to the importer; and it seemed to us that a law which had stood the test of forty-six years as respects the propriety of sending at least one package in ten ought not to be lightly changed. The committee in their examinations in New York and Boston heard no complaint as respects the capacity of the appraiser's stores to contain these packages. There was complaint, and I think very just complaint, that the appraiser's stores in the city of New York were entirely inadequate for the work done there, because, in fact, the work is performed in an old sugar-house illy adapted to the business of appraising merchandise. But I suggest to the Senator from Massachusetts that in this bill it would be, it seems to me, very unwise to undertake to amend section 2901 of the Revised Statutes and give such an important matter to the discretion of the collector of the port.

Mr. HOAR. Mr. President, as the Senator from Iowa very well knows, I took a great deal of interest in having the evils which this bill is intended to remove dealt with in a comprehensive, summary, and thorough manner, and, indeed, the original investigation was made by the Finance Committee under a resolve which I originally introduced in the Senate.

This suggestion which I have made was made to me by the representative of a very important body of business men in Boston; and it is of course my desire, as I am sure it is that of my colleague, that while this measure shall be adopted to suppress the fraudulent importations from which not only the manufacturing interests of Massachusetts but the interests of the honest importers of Massachusetts alike have so grossly suffered, and which have been carried on to such an extent in other ports of the country—I will not say in what ports they have been carried on—it shall have an effect to prevent the diversion of the honest and natural trade of the city of Boston and other important cities to places where the imports would not go but for the opportunities of fraud which have existed.

I say that, feeling this evil, I still am very desirous to have this bill, as I am sure the chairman and all the members of the Finance Committee are, so constructed as to impose no unnecessary or invidious discrimination on the honest and legitimate importer. He is as much entitled to the protection of law everywhere as is the manufacturer. The business which is open to him under the laws is of course an honorable and honest business. I have not, however, after the great care which has been taken with this measure by the Senator from Iowa and his associates on the subcommittee, and especially after they have had the opportunity to consult with the collectors of different ports and with the most eminent of the appraisers and other customs officials, and with importing merchants and manufacturers and the representatives of boards of trade who have given this subject study, felt at liberty to move an amendment which does not meet their approbation and take the risk of the chance of having it hastily adopted on the floor of the Senate. Therefore I yield to the judgment which the honorable Senator from Iowa has expressed.

Mr. EVARTS. Mr. President, in lines 8, 9, and 10 of section 2 occurs this language, speaking of the invoice.

And was made at the place where the merchandise was originally procured for exportation to the United States.

We have an adequate verification of the invoice produced to the extent already provided for, that it must be to the consul of the district where the articles were produced. Now, why is it necessary that the invoice, which is the commercial document that accompanies the cargo from the port of exportation to the port of delivery, should be made up in the place where the goods were originally procured for exportation?

This seems to overlook the fact that merchants have a right to procure articles from whatever source they may find most suitable to their traffic, and collect them at ports of exportation, and make up their own shipment of collected articles as their proposed trade adapts itself to the port of delivery. This is entirely a novel proposition; that of a Liverpool merchant accompanying his exportation of a variety of articles that make up his shipment included in one invoice, and which is to be protected by supervision and certification, with an invoice made out for each one of these articles in his shipment, made in the place from which the articles were originally procured.

Mr. ALLISON. "For exportation."

Mr. EVARTS. "For exportation." Very well. Now, a Liverpool or London merchant collects from the Continent and from the interior of Scotland, and Ireland, and England the articles that he proposes to send to the city of New York. He has ordered them by correspondence, and in the literal sense he has procured them for exportation from the different places, whence, by conveyance, they have made up his shipment, for which he is to furnish an invoice. It is required that the invoice which he produces before the consul shall be not only before the consul of the district in which the purchase was made, but he must have an invoice that itself was made up in the various places or districts from which the contributory products of his shipment were obtained. If that is the meaning, and it seems to me the meaning, it is a very serious inconvenience to trade; and what good is to come of it

except in the mere particular of seeing that by every means an account may be had of every item that comes here? Immense volumes of commerce come here all the while. Every person that manufactures within a district does not himself export the article he makes. He does not make an invoice which is to accompany it as one of the documents of transmission across the Atlantic. He merely sends it to his purchaser in any town in England or on the Continent with such a bill of lading as is consonant with trade there and corresponds with our internal bills of lading here.

When he undertakes to ship what he has collected for foreign commerce and is to produce an invoice before our consul, he must produce an invoice that was made in that place from which he procured, by purchase or otherwise, the means of his foreign commerce, which does not become foreign commerce until he makes it a subject of foreign commerce as collected by himself. If that is the meaning, it is an interference with the regularity and the intelligible and sensible conduct of commerce.

Mr. ALLISON. Mr. President, the object of this provision is to have the invoice statement show what the transaction is. In the case put by the Senator from New York, here is a merchant in Liverpool; he may be a merchant who purchases articles in Ireland, in Scotland, in Germany, and elsewhere. If he purchases those articles in Liverpool for shipment to the United States he should have the certification of the consul of the country from whence they are exported; otherwise our appraising officers will have no knowledge of their value. They are bound to ascertain the value of the merchandise at the point of exportation. So in the case of the Liverpool merchant, he may send linen from Belfast and Dunfermline to Liverpool. It is not difficult for him to ascertain the value of those articles at those places, and it is the business of the consul at the place whence they come to ascertain what their market value is at that point; otherwise the certification is of no value to the appraiser at New York. What value is it to an appraiser in New York to know what the price of linen is in Liverpool or in Paris? The object is to have the invoices made at the place where the goods are sold or purchased, and made by the people who sell or purchase them, and not by a man in London or Liverpool or Paris, who may know nothing about the real transaction, and who can conveniently, if he wishes to do so, defraud the Government, make up an invoice, and require a certification by the Liverpool consul.

The object of this second section is to furnish the appraising officers at the ports of entry in the United States knowledge of the actual market value of merchandise at the point where it is purchased or procured, the actual transaction itself. If the Senator's illustration is intended to show that a Liverpool merchant ought to be permitted to gather goods from all Europe and then ship them from Liverpool certified by the consul there, it is not the purpose of this bill to allow that, but to really prevent it, because in that case certainly the market value would not properly be ascertained.

Mr. EVARTS. Now, Mr. President, the Senator knows that in London and Liverpool and in New York and Boston honest people do collect from the interior articles of exportation, and it is a perfectly legitimate piece of foreign commerce to do so, and you must have adequate guaranties and protection for the invoices which accompany the foreign transaction and not trace every interior rivulet up to the manufacturer that has sent a bale of goods from here and another from there to the warehouse in Boston or New York, or Liverpool or London, where there is a collection enough to supply the trade of the foreign merchant. You are undertaking to make commerce subordinate to the conveniences and securities against fraud. You are strangling commerce under a vain endeavor to protect against the efforts and contrivances of interested parties.

Mr. ALLISON. Either the Senator from New York does not understand me or I do not understand him. This bill does not interfere with a merchant at Liverpool or London, or anywhere else, who purchases at any other place merchandise and then sells it to be exported here.

Mr. EVARTS. He exports it.

Mr. ALLISON. Very well; then he becomes the consignor. Another section of this bill treats of invoices as respects the case of the consignor, and it does require him in that case to show from whom he purchased the goods and the price he paid, if he becomes the consignor and is not the manufacturer.

So it seems to me that the merchant who purchases goods in Liverpool or in London, if you please, and exports them to the United States, must find his certification at one or the other of those places; but if he purchases them in Ireland, surely it would not be held that he ought to have the certification of a consul at Liverpool.

Mr. EVARTS. I am not talking about certification; you have already provided for that. You now require that the invoice itself of the exporting merchant's merchandise that is to cross the Atlantic, that invoice which he sends with his merchandise, is to be made out in every place where he originally procured an article for exportation. That is what the point is. Either it is misunderstood or it is an entanglement of commerce that can not be tolerated. No exporting merchant here would tolerate any such arrangement abroad that obliged him, not to have an invoice of his transaction, but that he should accompany it with an invoice of somebody that did not export and had simply been an interior trader that had sold him an article and transmitted it by railroad certificate or by bill of lading. "There's the rub" here. You interfere with commerce. You have a good object, to stamp out fraud, but you are not to carry that so far as to trample out commerce. You will have no fraud if you shut out commerce; that is plain. Now, let me ask the Senator a question. The Liverpool merchant, as I suppose, sends to France, or wherever else, or to the interior of the United Kingdom, and buys articles here and there as he pleases, collects them in his warehouse, makes up his shipment three months afterwards, whenever it is made up, it is according to his trade, to suit himself. Now, suppose this Liverpool merchant, instead of having originally procured for exportation the article from the place where it was made, and to which he wants to trace it, bought it of another Liverpool merchant who had not procured it for exportation but had bought it for sale, and the exporting merchant goes to him and buys the merchandise, he then seeing it for the first time—what is the meaning of it? Was it originally procured for exportation in Liverpool?

Mr. ALLISON. Undoubtedly.

Mr. EVARTS. Where, then, do you follow this trade? It is an impossible case.

Mr. DAWES. Will the Senator allow me a word?

Mr. EVARTS. Certainly.

Mr. DAWES. When this Liverpool merchant makes out his invoice after he has got his shipment together, what price or value does he certify—that in Liverpool?

Mr. EVARTS. He certifies the price that he paid for it, if he bought it, and nothing else. He is not allowed by law to put anything else in.

Mr. DAWES. Without intimating that there is any such practice as to establish an intermediary and then get a fictitious value fixed on the cost at the point of production, which is the matter as between us and foreign importers, may it not be well to provide against such a contingency?

Mr. EVARTS. We are not now discussing the tariff or the integrity of the price of a shipment. This is one of the modes——

Mr. DAWES. My inquiry is whether, if that is easy to be accomplished, it is not wise to try and prevent it.

Mr. EVARTS. You have various other protections under which commerce has been carried on up to this time. Now you have got a contrivance in the mere commercial arrangement of documents interfering with foreign commerce by requiring that the invoice which is made up in Boston (to change the scene) for exportation from here, instead of exportation hither, must not only state that the exporter is making that shipment and that he has paid for its contents, which are described, so many thousands of dollars, but he has got to have that invoice, that paper, made up in the place where he procured in the interior the articles that he ships; and there will have to be as many invoices as there are items in the exportation.

Mr. EDMUNDS. Why not a general invoice covering all the items?

Mr. EVARTS. Because this says the invoice shall be made, the invoice that you produce before the consul shall be made in the place where the merchandise was originally procured for exportation.

Mr. EDMUNDS. That is the original paper.

Mr. EVARTS. No, the merchandise originally procured.

Mr. EDMUNDS. But it is the original paper that marks the transfer of the property.

Mr. EVARTS. No, but our invoice is described. Our invoice is the merchant's statement of the transaction by which he makes his importation here, which is produced to the collector here. Now, you provide that that paper which he produces to the collector here is to be made in the place from which he got the articles in his invoice.

Mr. DAWES. Will the Senator allow me to make another suggestion?

Mr. EVARTS. Certainly.

Mr. DAWES. Is it not the fact that Australian wool raised far in the interior by different men in the interior is sent to the coast, and one man on the coast gathers it in large quantities and adds to the cost a vast amount attributed to the expenses of its reaching the coast and there being shipped? Is not that the point at which the actual cost of exportation has occurred? Is not that true of wool, and is it not true in different degrees in all methods of proceeding throughout, that they escape the idea of cost at the point of production and substitute for it the cost at some intermediate point, and in that way avoid a real appraisal?

Mr. EVARTS. There are two rules for the invoice price inexorable. One is that if you have bought an article you must put in the price you paid, and not any other, and it is a fraud to put in anything else. If you manufacture it, and therefore have not procured it by purchase, then by abundant provisions you are required to put in the market value. Those two rules cover all the exportations and all the importations.

But what we are now concerned with is requiring that the very invoice, which is a transaction of foreign commerce, is to be made up in every place from which the articles were procured for the purpose of exportation. If a merchant in New York, as has been illustrated here, wishes to export to China, and has a correspondent in a similar relation in China, sheeting and calico, he makes up his statement, which his

invoice fully describes, and which states what he paid for them all. If besides that an invoice is to come from each of the mills, and is to be one of the invoices of foreign commerce when obtained, the producer and the manufacturer and the merchant who collects by purchase is to accompany it, not with an invoice to the collector, but a bill of lading or a letter or a memorandum or anything that is a sufficient and satisfactory description.

Now, as I understand, when the merchant is going to export a shipment of manufactured articles collected from a dozen interior manufacturing towns he must have an invoice that is made up in each of these local districts where each purchase was made. That is what it means, I assume. If it does not mean that, I do not know what it does mean.

This is new. It applies either to an American merchant exporting or a foreign merchant exporting to us. That is my view of the matter. You must have your guaranties and protections such as do not trammel commerce unnecessarily, because there is fraud in commerce no more than in manufactures. If fraud is the staple of the business, you may as well exclude all of it.

Mr. CALL. Mr. President, it seems to me the effect of an additional restriction like this will be an increase of the price of all imported articles to the consumer. In the first place, if a man buys abroad a block of merchandise for exportation to the United States he must have an invoice made, by the express provisions of this bill. He must pay all the consular fees for a certificate of that invoice, and the expense can not be less than from one to three dollars in the ordinary course of exportation. If there be no consul of the United States at Geneva, supposing that to be the point of exportation, he must go any distance to the nearest consul in the district, perhaps from 50 to 100 miles.

This provision can not be carried into effect without adding largely to the cost of imported articles; and the question arises, what is the necessity for it? The Senator from Rhode Island [Mr. ALDRICH] said that it was necessary, because there was a more intimate knowledge on the part of the local resident consul than there would be on the part of a consul at the place of shipment.

Mr. ALDRICH. If the Senator from Florida desires information, I will say that this bill does not change the export law one particle in regard to that matter, the number of invoices required, or the fees paid.

Mr. CALL. Then what is the necessity for requiring that the place where the purchase is made shall be the place where the invoice shall be made?

Mr. ALDRICH. The chairman of the committee has explained that, or it certainly will be explained by the other Senators. But the Senator from Florida is now addressing himself to the question that no invoice at all should be required. That is a point that is not touched by this bill.

Mr. CALL. Not at all. The Senator from New York made a very correct observation, in my judgment, when he said that where purchases are made at different places, certainly the certification may well be made at the place of final shipment to the United States.

Mr. ALDRICH. That question has been disposed of already by a vote of the Senate.

Mr. CALL. I understand that, and I say in regard to the vote of the Senate adopting that provision, it very materially increases the cost of imported articles to the consumers in this country.

So far as regards the other provision in the bill we are now considering, it expressly requires that an additional invoice shall be made at the place of purchase or production of each article. If that is already in the existing law, why is it inserted here?

Mr. HISCOCK. Mr. President, as I understand this bill, it is intended to prevent the frauds which have been discovered by the Government, which have been emphasized notably by the present collector of the port of New York, and which largely grow out of the fact that the importer is the exporter also, that the exporter on the other side practically consigns his goods to his agent here, and that he makes a systematic calculation, when he brings them here, as he desires to have them as cheap as possible on our market, as to the lowest possible price at which they can be passed through the custom-house, and without any regard to the price he paid for them, or the value of them on the other side, or the cost of them to himself. This bill is intended, so far as is practicable, to do what was illustrated by the Senator from Vermont [Mr. MORRILL], present to the appraisers here the actual transaction upon the other side.

It is easy to criticise the provisions of this bill. In answer to those criticisms it is proper to ask, what is the great hardship to the exporter abroad in requiring him to present with his importation here the original invoice of those goods to himself by the party of whom he purchased them? How can it damage him? What does it cost him? What embarrassment is there to him in the fact that he is compelled to present to the appraisers here and our consular agent abroad the original transaction between him and the person from whom he purchased those goods? If he purchased them not for exportation, if he collected them at Liverpool, at Manchester, or at any other place, and not specially for exportation at the time, as a matter of course his invoice is made out as of that place; but if he purchased them in some district remote, for exportation, why should he not, I ask, present the bill of sale which has been delivered to him by the party of whom he purchased the goods? Why should not the transaction be brought out, and let these officers who are to pass upon it know what he did pay for the goods and of whom he purchased them, and all that? Why should it be open for him to calculate, in the making of his invoice, the lowest possible price that he can put it in and get it through the custom-house?

One feature of this bill I certainly am heartily in sympathy with, and that is it looks in the direction, to some extent at least, of putting our foreign trade in the hands of our own people. It is those people who complain of present practices to a certain extent—men who are honestly and legitimately engaged as importers in this country. It is men of that kind, our own folks, who complain of the present law, of the chance that there is upon the other side for men who are shipping to their own agents here, the consignee here being in their employ, to "doctor" the invoice, if I may use a slang phrase, to make them up in such a way that you can not trace the property, fixing arbitrarily a value upon the goods themselves; and this absolutely forces out of trade those who are legitimately engaged in the business of importation.

Take the first few lines of this section:

SEC. 2. That all such invoices shall, at or before the shipment of the merchandise, be produced to the consul, vice-consul, or commercial agent of the United States of the consular district from which the merchandise is exported to the United States, and shall have indorsed thereon—

Now I come to the certificate—

shall have indorsed thereon, when so produced, a declaration signed by the purchaser, manufacturer, owner, or agent, setting forth that the invoice is in all respects correct and true.

He must produce the bill of sale, if you please, the original evidence of his title, exhibiting the transaction between him and the party from whom he purchased the goods. I put the question, and it seems to me that it is a pertinent one, what harm does that requirement do that man? What burden does it lay upon his shoulders? How does it restrict commerce? What impediment does it put in the way of importations to this country that the original transaction shall be exhibited so that these custom-house officers, for they are practically that, the consular agents, who act in connection with our custom-house system here, may detect these frauds, and to a certain extent at least make the importation to this country free to all, and not put it in the hands of persons on the other side entirely? And it is for that reason that I support this bill, and the general scheme and frame-work of the bill.

I desire not to repeat myself, but to impress upon the Senate, what wrong does it do these men, wherein are they harmed or injured, if they are honest and there is no fraud in the transaction, to force them to exhibit the original bills of sale to the officers, that they may accompany the goods and exhibit the actual transaction between themselves and the people from whom they purchased the property?

Mr. ALDRICH. Mr. President, I submit that the senior Senator from New York [Mr. EVARTS] in his treatment of this provision in regard to invoice as an innovation confuses two different and distinct transactions which have been in former years treated by present legislation in an entirely different manner.

So far as concerns goods which are purchased, what are known under the law as purchased goods, it is required that the actual transaction shall be disclosed by the invoice, and that that invoice shall be made at the place where the goods were originally procured for exportation to the United States; and the bill also provides for another class of goods, consigned goods. All that the consignor is required to do before exporting them to this country is to prepare and present to the consul an invoice which shall show the market value or wholesale price of the merchandise in question at the principal markets of the country of exportation.

In the case cited by the Senator from New York in regard to a merchant in Liverpool who shall collect goods from Asia, Africa, and from various parts of Europe, and consign them to the United States, he is not required by the provisions of this section to submit with his shipment any invoices other than the single invoice which shows the market value in Liverpool or in the principal markets of Great Britain. That is the only invoice which this section requires of him.

Another provision of another section—section 6, I think it is—provides that where those goods have been purchased by him and he is not the manufacturer, he shall accompany the goods by a statement of where those goods were purchased, and from whom, and the price paid; but so far as the provisions of this section are concerned, this declaration does not require the consignor who gathers goods from various parts of the world and ships them to America on consignment to make more than one invoice, which shall show the market value of those goods in the principal markets of the country of exportation.

Mr. EVARTS. Mr. President, the observation of the Senator from Rhode Island shows conclusively that the clause about which I am speaking ought not to be in. I am not concerned at all with what the invoice shall contain. I am not talking about that. Your previous and existing laws show what the invoice shall contain. But I am talking about your new entanglement of this new invoice, in the future. Now, let me show what is done by the innovation:

That all invoices of imported merchandise shall be made out in the currency of the place or country from whence the importations shall be made.

No other invoice shall be presented or prepared. Every degree of guaranty against duplication is taken. Now you are describing a verification of the paper that is produced before our consul as being the invoice that is to accompany the exportation. My objection is that you require that the paper thus produced of exportation, which is then the commencement of the commercial transaction, the first start in it, shall contain a declaration verified, and therefore it must be true—

a declaration signed by the purchaser, manufacturer, owner, or agent, setting forth that the invoice is in all respects correct and true—

That is right—

and was made—

This paper was made—

at the place—

Not of exportation, not the commencement of the transaction, but that it was made in the place where your domestic transaction was made.

Mr. ALLISON. If the Senator will allow me one moment——

Mr. EVARTS. Let me read it. I have tried to get the meaning out of the committee.

Mr. HOAR. On what page?

Mr. EVARTS. I read lines 8, 9, and 10 of the second section, on page 2:

And was made at the place where the merchandise was originally procured for exportation to the United States.

As my colleague has suggested, it is not only to trace it to the place where you collect the items that make up your invoice, but you are to furnish the indicia of domestic trade between you and the vendor to you. And this is one of the searching methods of preventing fraud! I am willing to interpose impediments to fraud, but I am not willing to interpose impediments to commerce that have nothing to do with the regular transaction of commerce. Foreign commerce begins when the merchant undertakes an exportation; and how he got his goods together and where he bought them and what he paid for them has nothing to do with the transaction except so far as we make it such by requiring that he shall insert, if he exports goods as his own, the price that he paid for them. That settles that question. He paid his money for them. Now, you can not look into the interior and domestic trade as to where he bought them.

When you come to condemn, when you come to take proof, search the transaction; but now we are providing for the commercial instrument, and we are providing what it shall contain. That is one thing. We are now providing that the instrument of foreign commerce shall not be made in the place where the foreign commerce begins, but that it shall be made in the place where the exporter first procured the articles which he has got together for the purpose of exportation.

The interior vendor does not make the exportation. He is not exporting the goods; he has nothing to do with their exportation; and how are you going to have your invoice when you originate the foreign transaction? You are responsible for it; you are held here by all sorts of guaranties and forfeitures, and properly. I do not care how severe, how searching they are; but I do not want an impediment introduced that has nothing to do with the just guaranties. It may be a mode of searching, but we do not want to search commerce before it starts here. We want to have such muniments, such instruments of commerce as shall be made plain and distinct, and shall conform to the regulations of commerce, and that shall be only responsible for forfeiture and for criminal prosecution.

If I plan an exportation of articles from New York to China and order interior producers to send them to me, I pay for them and that is the end of it; and then when I get ready and find a ship that will take my shipment, I have my invoice with which I accompany my exportation, which is the first and original instrument and which our previous regulation fortifies and protects. There shall not be any duplicate; there shall not be anything else; it shall all be simple, and I shall be held to my own action. But when I am going to ship for China it is proposed that I shall send up to Berkshire and have an invoice made there. The man up there does not ship the goods; he is not engaged in foreign commerce; he has not sent them on the way of foreign commerce; he has nothing to do with it; and yet my invoice must be sent up there and made in Berkshire.

Mr. ALLISON. The Senator from New York insists that when he purchases goods at a particular point he shall have a right to make out the certification and the statement of that transaction, whatever it is, at another point. In his case it might be well enough, because I assume that the Senator from New York would in no instance undertake to make a false statement of the fact; but it turns out everywhere—and we may as well speak plainly respecting this matter—that there are men in Paris and London (I mention those two points particularly) who make it a business to sell goods at those points, and to export goods from those points, which are purchased in Lyons, in Marseilles, in Belfast, and elsewhere, and which are exported, not from London or Paris, but exported from the points of manufacture.

It is the intention and purpose of the second section, in connection with other sections of the bill, that when a dishonest man (if there be any such importing goods, and I do not say that there are) presents his invoice for entry at the custom-house he shall show the transaction.

The Senator from New York says that if he wants to export goods to China, it is a great hardship for him to be compelled to show what he paid for the goods that he purchased in Chicago and have that statement made out in Chicago. The Senator from New York knows perfectly well that if he purchases a thousand tierces of lard in Chicago for shipment abroad, somebody there who knows of that transaction will make out a statement of the transaction. That is all there is here; there is nothing more of it. That original paper then becomes a part of the invoice, and is traced all the way through until it reaches the appraising officers in the custom-house at New York, and they are able, therefore, to know whether linens purchased in Belfast have been doctored in Liverpool as to certifications or as to statements. The Senator insists that these papers shall not be made out where the transaction occurred. Why not?

Mr. HOAR. May I ask the Senator from Iowa one question? Does he understand that the bill requires the affidavit of verification of the invoice to be made in the place where the goods were produced, or merely the invoice or bill?

Mr. ALLISON. The invoice.

Mr. HOAR. That is all? It does not require the affidavit?

Mr. ALLISON. No.

Mr. HOAR. So I understand.

Mr. ALLISON. If I am a purchaser of linens in Belfast for exportation to the United States and live in Liverpool, London, or in New York, I ask the Senator from New York what hardship there is in requiring a statement at Belfast that so many goods were purchased, so many packages shipped on board a vessel there, or on a railway, and transported to New York?

If there is any impediment to commerce in a statement of that kind, I fail to see it. It is not only not an impediment, but if a man is honest in the transaction and desires to make a correct statement of it, he will be only too glad to have it traced from its beginning, in order that the custom-house officers who must deal with him will be able easily to see that he is not endeavoring to defraud the Government, but that he is honestly endeavoring to import goods into this country, and pay the duty, and sell them in our own markets.

Whilst I do not say that this will in any great degree prevent fraud if men are disposed to commit fraud, it enables the appraising officers to see that here is a transaction which took place in Belfast, and not in Liverpool, or in Limoges, if you please, and not in Paris, or on the Rhine, instead of at Amsterdam or Antwerp.

Mr. EVARTS. The Senator does not speak as I did. I am talking not upon frauds in invoices; I am talking about having the invoice, which is the orignal document of commerce, as the beginning of exportation, carried back and distributed all over the internal production, if the articles were procured there for exportation.

Now let me confine the gentleman not to protections against fraud in invoices or exportations, but to the preparation of the invoice itself in the instance he has adduced. A merchant in New York trades in exporting lard, and he orders a thousand tierces of lard to be sent to him from Chicago, which he buys and pays for. Does the Chicago vendor export that lard? Then why should my invoice be sent out to Chicago?

Mr. ALLISON. Not in that case.

Mr. EVARTS. That is the case. You cover all cases. Every invoice that a foreign exporter starts his export with, by this provision, must, in its actual reduction to writing on the paper that is laid before the consul, be sent to the region of the country from which he bought from a vendor.

Mr. ALLISON. Would it interrupt the Senator if I should ask him a question?

Mr. EVARTS. That does not present the transaction between the lard merchant in Chicago and the exporting lard merchant in New York. You are saying that when I am exporting I must have my invoice made out there.

Mr. ALLISON. I should like to ask the honorable Senator from New York a question. He is a merchant in New York. He desires to buy a certain amount of linen goods, and purchases them in Belfast. What does this bill require? It requires that the invoice, that original paper, shall show the Belfast transaction, whatever it was. That is all there is of it.

Mr. EVARTS. You are speaking of importation now.

Mr. ALLISON. I am speaking of importation. If at the same time he buys crockery in France, there is another invoice. What the Senator from New York seems to think is that he should gather all these invoices together at Liverpool and then make up at that point a general single invoice and have it visaed, if you please, by the consul at Liverpool, and then send the goods to this country.

Mr. EVARTS. Let me correct the Senator.

Mr. GEORGE. Right there I desire to ask a question.

Mr. EVARTS. I was only using the New York importer as illustrating the condition if he were an exporter to a foreign country.

Mr. ALLISON. I understand.

Mr. EVARTS. I do not say that the importer here has a right to

have collected all the invoices together. I am speaking of the foreign merchant, who is buying wherever he pleases and collecting, but always for exportation, if you please.

Mr. ALLISON. As a consignor?

Mr. EVARTS. No, as an owner.

Mr. ALLISON. Very well; then if he becomes a purchaser and an importer into this country he should certainly be in no better position than that——

Mr. EVARTS. No, he is on the other side; he exports.

Mr. HISCOCK. But take this case: if he collects upon the other side and sells to some party in New York, then the transaction between the New York party and him upon the other side is his invoice.

Mr. ALLISON. Certainly; and it is done in Liverpool, if he lives there.

Mr. EVARTS. I am talking of the foreign exporter and what you require from him.

Mr. HISCOCK. If my colleague will allow me a moment; if, on the other hand, he is not only the exporter but the importer, and he is collecting on the other side to import to himself, consigning to himself here, having the control of the whole transaction, and there being no purchase or sale as between the exporter and importer, how else can you trace the value of the goods unless you do this?

Mr. EVARTS. That is an extraneous consideration.

Mr. HISCOCK. No.

Mr. EVARTS. Every invoice that comes here is not to be made where the commercial transaction begins, but it has to be sent into the interior to be made in the place where the purchase was made.

Mr. ALLISON. Not at all.

Mr. EVARTS. What does it mean, then?

Mr. ALLISON. It means that wherever the goods are purchased, if they are purchased, that is the point of exportation under this bill. It is not a secret. If a man purchases goods at Crefeld, or at Limoges, or at a point 100 miles or 1,000 miles from the sea and starts these goods on their pathway to the United States, that is the point of exportation in the contemplation of this bill, and nothing else. We discard the idea of ports of exportation in the bill, in every sentence and section in it. We make the place where the transaction occurs, either with the American merchant or with the foreign merchant, if he be a consignor or a manufacturer, the place where the thing starts. That is what is contemplated here, and nothing else.

Mr. EVARTS. I have asked for information, but I have not derived it. When you gave me an explanation it was of the Chicago lard transaction, and that does not accord with your present construction.

Mr. ALLISON. If I misled the Senator I regret it exceedingly; but that is the intent and purpose of the bill from beginning to end.

Mr. EVARTS. Here is the language. What you have in view may be as you now present it, but this language requires that the exporting merchant abroad, whether he owns or whether he consigns, must have an invoice, which he delivers to the master and of which he sends a duplicate to his consignee or vendee here to go through the custom-house, and it must be produced at the custom-house. It must be made not where he begins the origin of exportation, but from whence he procured the article of exportation. That is what I have explained, and that is what I have been contending against.

Mr. GEORGE. Mr. President, I tried to get the attention of the Senator from Iowa a few moments ago, with a view of asking him a question to relieve a difficulty which I have in this matter. Now I will ask it.

I understand him to say that the effect of the provision in the bill about which this controversy has arisen is to prevent the American merchant who has purchased goods for import into the United States at Belfast from having the invoice of those goods made out in Liverpool, when the shipment is actually made from Belfast to New York. I agree to that. That is right; it ought to be done.

But I have some difficulty, to which my mind has been called by the debate, and upon which I desire to have the Senator from Iowa enlighten me. Suppose a merchant in Liverpool (and I suppose there are a great many of that sort there) should buy goods in Belfast, should buy goods in Paris, should buy goods in Germany, and have them shipped to Liverpool and placed in his warehouse there, and he desires to make a shipment of those goods to the United States from Liverpool. I desire to ask the Senator whether, in the case of that Liverpool merchant, who has thus gathered in his warehouse goods from all parts of the world, and who desires to make an exportation to this country, when he makes that exportation he must accompany the exportation with the original invoice which he received from the various vendors to him of the goods in the various countries in which he bought them.

Mr. ALLISON. If the merchant in Liverpool having thus gathered his goods into his own warehouse consigns them, as I understand the Senator's suggestion to mean, to a port in the United States——

Mr. GEORGE. As his own goods.

Mr. ALLISON. As his own goods, to his agent here, he is bound under the bill to make his invoice at Liverpool, and is bound to testify as to the market value of those goods at Liverpool or the principal markets of the country. No matter where he purchased them, he is bound in that case by the market value at the point from which he exports them, and he is not bound by the fact of his having gathered those goods from Asia or Europe.

Mr. GEORGE. He is not bound to accompany his exportation with the invoice which he got in the various countries from which he purchased?

Mr. ALLISON. Not at all; in no sense. If instead of consigning them he sells them at Liverpool to a merchant in New York, then again the New York merchant is bound to produce the invoice at Liverpool of the price paid in Liverpool for the goods.

Mr. GEORGE. I understand that.

Mr. ALLISON. So in either case the price at Liverpool controls under this bill.

Mr. EVARTS. I am talking about the paper, the instrument itself.

Mr. ALLISON. The paper itself must be made in that case at Liverpool, and nowhere else; but there is in the bill an additional provision as respects consigned goods, to the effect that the consignor must make a statement showing where he purchased the goods and the price he paid. That is another section of the bill, the object being in that case to enlighten, if we can, the appraising officers as respects the invoice, which shows their market value in Liverpool.

Mr. GEORGE. But he is not obliged to carry the invoice?

Mr. ALLISON. No, not at all.

Mr. ALDRICH. If the Senator from Mississippi would read the section a little further along, he would see that the section provides as to what the invoice shall contain in each one of two cases. Beginning at the tenth line, the provision is that—

If the merchandise was obtained by purchase—

The invoice shall contain—

a true and full statement of the time when, the place where, the person from whom the same was purchased, etc.

Then, commencing in the sixteenth line—

And when obtained in any other manner than by purchase, the actual market value or wholesale price thereof at the time of exportation to the United States in the principal markets of the country from whence exported.

The section makes distinct provision for two different kinds of goods, making in the case of purchased goods, to which I first alluded, a provision that the invoice shall show the actual transaction, and in the case of consigned goods, to which I alluded the second time, it is provided that the invoice shall show the actual market value or wholesale price at the time of exportation in the principal markets of the country from whence exported.

Mr. HOAR. I do not know whether I quite understood the question of the Senator from Mississippi [Mr. GEORGE], but if I did I thought the Senator from Iowa made his answer not quite understanding it.

I understood the question of the Senator from Mississippi to suppose the case of a merchant in Liverpool, designing to export goods to this country who sent to various parts of the Kingdom of Great Britain or elsewhere for those goods. For instance, he makes up an assorted cargo, as merchants used to do in the old days. He gets so much linen from Belfast, so much crockery from Leeds or Worcester, so much of this, that, or the other; but when he originally acquires the article at the place of manufacture he designs that article to be exported to this country, though it came first to Liverpool, where he exports it.

Mr. ALLISON. The Senator from Mississippi did not state that case.

Mr. HOAR. That is what I understood by his question.

Mr. ALLISON. That was not his question.

Mr. HOAR. In such a case, let me ask the Senator from Iowa if it is the purpose of the bill to compel the transaction at Leeds, or at Worcester, or at Belfast, that is, the bill of sale or invoice there, to be disclosed?

Mr. ALLISON. Undoubtedly; but that was not the case the Senator from Mississippi put.

If the Senator from Massachusetts will allow me just one moment, I will show him why the Liverpool merchant would want just that thing. He would not desire to pay the charges upon those goods in gathering them up to Liverpool and then add that item to his invoice price, which he would be bound to do if he made it up at Liverpool.

Mr. HOAR. That is what I was about to observe, that it was in the interest of the importer to have that rule.

Mr. ALLISON. Undoubtedly; because he pays less duty.

Mr. HOAR. In other words, as I understand the bill, whenever those goods start on their way to this country, where the person controlling them intends them to come, the value at that place, as evidenced by the invoice, is to be disclosed to our customs authorities. If he be a manufacturer he is to disclose the value at the place of manufacture, at the time the goods were started. If a man buy them of the manufacturer he is to get an invoice made where he buys them of the manufacturer. If he be a man who has collected them in Liverpool and somebody in this country sends to him and purchases them there of him to bring here, then that transaction of purchase, as evidenced by the invoice, is to be disclosed to our customs authorities.

I can not understand why that is not only not the most reasonable rule but the best rule for the importer, as I was about to say when the Senator from Iowa anticipated me. You have either to disclose the

original value, or the value which you disclose to our customs authorities is to be a greater one, because something will have been added to it in the way of transportation and other charges, charges of the middleman, if there be one, of superintendence and insurance, or whatever charges are added in that interval.

If the New York merchant sends to Berkshire County or sends to Worcester, Mass., the place of my residence, for a dozen tons of barbed-wire fence to be sent to South America, I can not see why it should be any hardship on him to have the South American customs laws require that an invoice should be made out at the price disclosed in the bill of sale at Worcester, where he buys it, intending to export it.

Mr. EVARTS. That is not the question at all.

Mr. HOAR. That is precisely the illustration——

Mr. EVARTS. That has nothing to do with it.

Mr. HOAR. That is precisely the illustration which the Senator from New York has put twenty times of the hardship of which he complains.

Mr. EVARTS. I have not talked about the contents of the invoice in the least.

Mr. HOAR. I have not talked about the contents of the invoice in the least.

Mr. EVARTS. Does not the Senator speak of the bill of sale at Worcester?

Mr. HOAR. If the Senator will pardon me, I have talked about the place where the bill should be made. I understand the Senator from New York says, for the purpose of illustration (transposing the relations of the parties, and taking an American exporter, we being familiar with the places of manufacture and exportation here), that it would be a hardship for a New York merchant who takes articles manufactured in different parts of the interior of this continent to send with them, to the country where he sends them for the purpose of their customs laws, an invoice made out at the place where he buys them of the manufacturer, and therefore it is a hardship on the man who is to bring goods to this country, if he lives in Liverpool and gathers them from Limoges, or Brussels, or Belfast, or anywhere else, to have the invoice made where he gets them.

I say that if at the time he acquires them, which is the only case this bill covers, he has the purpose of bringing them here, it is very easy for him to stipulate that his bill of sale from the buyer shall be accompanied with this triplicate invoice of the character which our customs law describes. It is no hardship. On the other hand, it is a positive and an exceeding benefit, from the fact that in that case there is not added to the value of the goods the cost of transportation, of insurance, of superintendence, and of all intermediate charges.

Mr. EVARTS. In the first place, we have a gloss on this interpretation, that it only concerns exported merchandise which starts for that exportation at some other place than that of invoice. But the invoice shows what it is, and what its guaranties and what its securities should be. This section simply says that the invoice shall be made at the place where the merchandise was originally procured for exportation. I should like to know how you would make out an invoice in those cases. Who shall make it out? If it was an exportation from Europe, and so stated in the invoice, there would not be a word of truth in it. The exportation of the invoice begins in Boston, where a man has bought goods to export from there.

Mr. ALLISON. If the Senator will allow me, that is not the theory of the bill at all. The theory is that the exportation begins where the goods are actually purchased. It would begin, to use an illustration of our own, where I live, or at the Vermont home of the Senator from New York if it came from there, in compliance with the law, wherever the original transaction was.

Mr. EVARTS. Very well; that is what I desired to draw out. Now, if it comes to that, we have what it means, and I move an amendment. I move to change lines 8, 9, and 10, so that they will read as I now read them:

And was made at the place from which the merchandise is to be exported to the United States.

Not where it was originally procured for exportation, for that is abandoned now, but let us make it what it ought to be, and to which I agree.

Mr. ALLISON. If the Senator thinks his phraseology——

The PRESIDENT *pro tempore*. The amendment of the Senator from New York will be first read at the desk.

Mr. EVARTS. Let the clause read:

And was made at the place from which the merchandise is to be exported to the United States.

Mr. ALLISON. That, I think, is very good, and rather an improvement on the phraseology used in the bill.

The PRESIDENT *pro tempore*. The proposed amendment will be read from the desk.

The SECRETARY. In line 8 of section 2 it is proposed to strike out the word "where" and insert the words "from which;" and in line 9 to strike out the words "was originally procured for exportation" and insert "is to be exported;" so that the clause will read:

Setting forth that the invoice is in all respects correct and true, and was made at the place from which the merchandise is to be exported to the United States.

Mr. CALL. I think that amendment is entirely correct and relieves the clause of the difficulties suggested to my mind.

It has been asked, what harm will it do to the consumer of foreign goods if there should be a multiplication of needless charges? That is a very simple question to answer. This bill unquestionably provides, no matter what its object or purpose is, that if a person shall purchase an article to be shipped to the United States from some port of France or Germany, the first thing he shall do is to present to the consular agent of that district, although he may be 40 or 50 or 100 miles away, the original transaction between himself and the person from whom he bought the property. It then provides that when the merchandise arrives at the place of exportation he shall again reinvoice and again re-examine. That is the unquestionable purport and effect of the provisions of this bill. It provides that the price of the merchandise shall be the valuation in the invoice. How unreasonable is that. Why should a transaction between two individuals be the basis of valuation of imported goods? What necessity for that proposition? It matters not what the individual transaction between them may be; it is the market price; it is the general price in the market from which the article is exported that ought to be taken as the basis of valuation.

But that is the plain effect of the bill, and that is the objection to it, that every needless multiplication of expense and charge adds to the consumer's cost in the use of imported articles.

The amendment of the Senator from New York, while not making the matter entirely clear, does provide that the place of exportation shall be the place at which the valuation shall be ascertained, whether it be the place of original transaction or not. It avoids the objection to the reproducing of invoices and examination. I think a much better and plainer system would have been to have required the consul of the port most convenient to the place of shipment to ascertain the market valuation and to have him held responsible. That strikes me as a much better method.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from New York [Mr. EVARTS].

The amendment was agreed to.

Mr. EVARTS. I ask attention now to line 12 of the second section, which says that the invoice shall contain "a true and full statement of the time when, the place where, the person from whom the same was purchased."

The new words here are "the person from whom the same was purchased." That, in my judgment, carries too far a disclosure and it does not bear on the protection of the revenue. That carries too far an inquisition into the transactions of commerce. You will observe that this has nothing to do with the exportation. You are satisfied with having the price that was paid recited in the invoice; and the importer is bound by that, and his goods are forfeited if that is not honestly stated. Now you ask and you go on and identify what is meant, properly enough, by the purchase, "a true and full statement of the time when, the place where, the person from whom the same was purchased." But when you go further and ask a foreign merchant to disclose to you, and so to the world, trade transactions with his vendors, you carry it further than proper protection against frauds in importation should go. You have a penalty, you have the requirement, you have the means of correcting by the current prices abroad, and you now require him to identify what he means by what he paid, being the time and price; but when you come to ask a merchant to tell you from whom he bought all the articles that he exports and the price that he paid to each of them, you are encroaching upon commerce and trade beyond any just protection of the revenue. I move to strike that out.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from New York.

The amendment was rejected.

Mr. EVARTS. There is a further clause in this section, beginning at line 19, which I will read.

That such actual market value—

Observe that the sole criterion of honest importation is the market value properly stated, and that is well defined. In addition to that there is this clause now first introduced into legislation:

That such actual market value is the price at which the merchandise described in the invoice is freely offered for sale to all purchasers in said markets, and that it is the price which the manufacturer or owner making the declaration would have received, and was willing to receive, for such merchandise sold in the ordinary course of trade.

This reaches, undoubtedly, in a great direction against fraudulent evasions on the question of value. That I agree to, but it introduces an element not easy to be verified. There are a great many things, as we know, that are manufactured especially for our market. I leave out whether they are manufactured for the purpose of controlling the market, and so regulating improperly the price here; but there are a great many things, and very properly, that are manufactured and produced for exportation to this country, as there are others that are produced for exportation to Australia and to Hindostan, and to China and South America, and all over the world.

When you require an adherence to the price that you name as being that of the market value, that is as near as you can reduce anything. You may diversify it, of course; that we understand; but you can not exclude falsification. Your guaranties are by supervision and penalty,

and to look after your own revenue. That we all understand. Now, you require in this invoice not only this market value, but—

That such actual market value—

You are giving a description of the market value—

That such actual market value is the price at which the merchandise described in the invoice is freely offered for sale to all purchasers in said markets—

There might be a market not provided with such a criterion as that—

and that it is the price which the manufacturer or owner making the declaration would have received, and was willing to receive, for such merchandise sold in the ordinary course of trade.

But the articles are not for sale in the ordinary course of trade. They are articles intended for China, if it were an exportation there, for the United States, if for exportation here. It seems to me, therefore, that you carry the verification, and the scrutiny, and the functions of the exporter as far as you properly can when you hold him to describe "the actual market value or wholesale price thereof at the time of exportation to the United States, in the principal markets of the country from whence exported." My present objection is that then the exporter shall go on and state his judgment about what the actual market value is:

That such actual market value is the price at which the merchandise described in the invoice is freely offered for sale to all purchasers in said markets.

It may not be offered at all; it may not be freely offered; it may not be a subject of general transaction. Do you mean, then, to say that we shall not export anything here that is not in the condition of being in vogue and having an ascertained free vend in foreign places? One would think not; but nevertheless just in proportion as the exporter is conscientious—and conscientious men are your best exporters—you require him not only to state what the value is in the principal markets of that country, if he knows, but to go on and say that that actual market value that he gives is one that is the subject of free and common sale.

This is new. This seems to me unnecessary in reference to a proper regulation of commerce. It tends, of course, to protect exportations; I understand that; but it is simply because it introduces an additional clause upon the conscience and a statement that will exclude from exportation not an article that you wish to exclude, because there can be no ascertainment and conscientious verification of the condition of its being a subject of common trade.

Mr. ALLISON. A definition of market value is contained in the bill, and it is perfectly plain, so that if these words were out they would be in by the decision of the courts; but these words, being in the statute, are a notification to these people as to what they ought to put into their invoices. The language which we have inserted here is copied from a decision of the Supreme Court of the United States.

Mr. EVARTS. It is a correct estimate whenever that estimate can be made of what market value means, and so the court say; but where it can not be used as a test the court say other means must be resorted to.

There are two objections to forcing the conscience of the exporter to say that as a matter of fact. The true judicial criterion is stated by you under your oath to be the state of things there. That is the trouble. It is a wise position to come to. Let us stand, then, upon the language as it rests before you in this clause which appeals to the conscience, because you are not only putting in a good rule but you are putting in a statement of facts as to actual value which is to be ascertained by this criterion of common vending.

The courts all say this is the criterion of determining what "market value" means, but they always add, if the articles imported are not in the condition of trade such that that criterion can be resorted to, then other means are to be used, and one of the means is to ascertain what the cost of production is. The Senators on the committee are familiar with this as lawyers and merchants are. It is natural to see how much it costs to manufacture the article and what is a fair profit. I want the distinction drawn, as I did before, between what belongs to an invoice and belongs to a declaration, and what belongs to a solution or interpretation by law. When you enact it, that is settled. Still there must be an interpretation of that as well as the other; and when you put it in the declaration that the exporter's invoice shall state that, you entangle him either in stating what may be proved not to be a just support of this definition, or he may say, "I do not know anything about this; it was sent here, and I know nothing about it." Starting the invoice you shut him up to this condition of things, whereas heretofore it has come in under a very wide definition, which our courts have ascertained.

I move to strike out from line 19 to line 25, beginning with the word "that" and ending with the word "trade."

The PRESIDENT *pro tempore*. The proposed amendment will be read.

The SECRETARY. In section 2, line 19, after the word "exported," it is proposed to strike out all to and including the word "trade," in line 25, as follows:

That such actual market value is the price at which the merchandise described in the invoice is freely offered for sale to all purchasers in said markets, and that it is the price which the manufacturer or owner making the declaration would have received, and was willing to receive, for such merchandise sold in the ordinary course of trade.

The amendment was rejected.

Mr. EVARTS. These amendments of detail to this important section are all that I have to present to the notice of the Senate at this time; but there are some very important and general provisions of subsequent sections that I shall ask the attention of the Senate to. Probably we have now reached an hour when the Senate will think it convenient to adjourn.

Mr. PLATT. If the chairman of the committee does not intend to press the bill further to-night, I should like to make a motion to recommit a bill—not this bill, but another.

The PRESIDENT *pro tempore*. Does the Senator from Iowa yield for that purpose?

Mr. ALLISON. I do.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1438) to authorize the Kansas Valley Railroad Company to construct and operate a railway through the Fort Riley military reservation in Kansas, and for other purposes;

A bill (H. R. 3300) to amend an act to enable the city of Denver to purchase certain land for cemetery purposes;

A bill (H. R. 5310) for the relief of Arthur C. Tompkins, late postmaster at Hempstead, Tex.; and

A bill (H. R. 8074) to provide for allotment of land in severalty to United Peorias and Miamies in Indian Territory.

The message also announced that the House had passed the bill (S. 1027) to fix the charge for passports at $1.

RECOMMITTAL OF A BILL.

Mr. PLATT. I ask that the bill (H. R. 1406) to provide for the sale of certain New York Indian lands in Kansas, which was reported by me from the Committee on Indian Affairs a day or two since, may be recommitted to that committee.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

ADMISSION OF SOUTH DAKOTA.

Mr. PLATT. I desire at this time to say that immediately upon the conclusion of the bill which is now under consideration I shall ask the Senate to proceed to the consideration of the bill for the admission of the State of South Dakota. I gave notice for a former day, at the time when the Senator from Iowa [Mr. ALLISON] gave notice that he would call up this bill (but other matters which preceded this bill had delayed the finishing of its consideration beyond the day for which I gave notice), that I would ask the consideration of the bill to which I have referred; and I wish now to say that immediately upon the conclusion of this bill I shall ask the Senate to consider the proposition to admit the State of South Dakota.

CONFEDERATED OTOE AND MISSOURIA RESERVATION.

Mr. PADDOCK submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to furnish for the information of the Senate a statement of the number of acres embraced in the appraisement and sale of the remainder of the reservation of the Confederated Otoe and Missouria tribes of Indians, in the States of Nebraska and Kansas, under the provisions of the act of Congress relating thereto, approved March 3, 1881, and published in volume 21, United States Statutes at Large, page 380; said statement to show, as nearly as may be, the appraised valuation of each subdivision of said reservation and the price at which it was sold, together with the name of the purchaser thereof in each case. He is also requested to report whether or not proclamation was made of said sale or any advertisement of the same; and, if so, what, and furnish copies thereof.

POSTAL-TELEGRAPH SYSTEM.

Mr. CULLOM. I desire to call up a bill that was laid upon the table some days ago, which was reported from the Committee on Post-Offices and Post-Roads, Senate bill No. 2222, to regulate commerce carried on by telegraph, and ask that it be referred to the Committee on Interstate Commerce. The Senator from Texas [Mr. REAGAN] is present, and I am not sure whether it is his purpose to oppose the motion or not.

The PRESIDENT *pro tempore*. The bill will be read by title.

The SECRETARY. The bill (S. 2222) to regulate commerce carried on by telegraph.

Mr. REAGAN. I do not propose to make any formal resistance to this motion, but I do desire to say a word in vindication of the action of the Committee on Post-Offices and Post-Roads, which authorized this bill to be reported.

Many petitions have been sent to the Senate asking for some action in relation to telegraph companies. We had before us four bills, I believe, some of them proposing to build telegraph lines by the Government and operate them by the Government. The committee took the subject up and gave a great deal of attention to it. It was unwilling to agree to the proposition that the Government should build and operate telegraph lines, or that it should purchase the existing telegraph lines and operate them, because an effort to build and operate lines, it was believed, would involve the Government in a great deal of expense and in such expense as would probably make the cost of telegraphy greater than it would be under an act regulating the transmission of dispatches.

One of the bills proposed that the Government should build a sys-

tem of its own without purchasing or absorbing the existing telegraph lines. This would sacrifice in a large measure the property of the owners of the existing telegraph lines, and I suppose no one would desire to destroy property if that could be avoided.

When we had determined that we would not report any of the bills presented to us, it was my view, and I suppose the view of others of the committee, that we should not be placed in the attitude of negativing the wish of the people that something should be done to control the telegraph system, understanding, as we do, that it is largely under the control of a single company, and in fact under the control of a single individual. Responding, therefore, to what we understood to be the demand of the public for action, we determined to prepare a bill regulating the transmission and delivery of dispatches. To do that we took as the foundation for our measure the bill offered by the Senator from Wisconsin [Mr. SPOONER] and amended that bill, and reported it to the Senate, providing for the regulation of the transmission and delivery of telegraphic dispatches, having for our purpose to guard against extortionate prices and to guard against discrimination and injustice, the points in which it appeared to the committee that there had been abuse. We have reported the bill which met the approval of the committee, and which, I think, is a good bill on that subject.

I shall not resist the reference of this bill to the Committee on Interstate Commerce, though I can not, in justice to myself, say that in consenting to its reference I do not fear that that is the last we shall hear of it.

Mr. CULLOM. I do not desire to take up the time of the Senate further than to say, as the Senator has referred to two bills or more that he reported adversely from the Committee on Post-Offices and Post-Roads, and has given some reasons for such action, that I may take occasion before the subject is finally disposed of to give my views upon the question of the rightfulness of those bills; but I shall not trespass upon the time of the Senate by doing it now.

I make this motion not desiring to complain of the action of the Post-Office Committee in what it has done especially, but because there can be no question but that the Interstate Commerce Committee should have jurisdiction of this bill, as it is clearly, by its terms as well as by its title, a bill to regulate commerce by telegraph. I therefore have persisted in the desire that the bill should go to that committee.

In answer to the suggestion of the Senator from Texas expressing a fear that nothing may come from that committee looking to the regulation of telegraphs, I desire to say that the Senator, in my judgment, has no possible ground for even imagining what that committee will do on that subject, because it has not discussed it; it has not had an opportunity yet to do so; but a subcommittee has been appointed and is preparing to investigate the question fully, with a determination to do its duty in the premises, and I have no doubt that the Committee on Interstate Commerce will do its duty when the time comes for action.

Mr. REAGAN. I wish to supplement what I previously said by stating that we understood that we had the whole subject before us in the Post-Office Committee. Technically the bill which the Senator from Wisconsin introduced properly went to the Committee on Interstate Commerce; technically this report does not come from that committee, and in the form in which it is I see that it would more appropriately have come from the Committee on Interstate Commerce; but having the full subject before the Post-Office Committee as we understood, and not agreeing to the bills referred to us, we thought it our duty to report a bill which would meet the exigencies of the case.

Mr. HARRIS. But the bill which you reported is substantially a bill which had been originally referred to the Committee on Interstate Commerce and is pending there to-day.

Mr. REAGAN. I do not know whether I understand exactly what the Senator means by "substantially." We took the bill of the Senator from Wisconsin as the basis of our action and amended it in very material particulars.

Mr. HISCOCK. It would be no more than it would be if the Committee on Post-Offices and Post-Roads had reported the bill that we are considering to-day, so far as your originally having jurisdiction of it is concerned. It was not referred to your committee, and certainly it did not come within your jurisdiction.

Mr. REAGAN. That particular bill was not referred to us; the Spooner bill was not referred to us, but we took that as the basis for our action.

Mr. HISCOCK. Then you reported a bill which was referred to another committee.

Mr. REAGAN. I do not resist this motion, because technically the Committee on Interstate Commerce is entitled to have the bill. It is an open question whether they will ever make a better bill than has been reported by the Committee on Post-Offices and Post-Roads.

The PRESIDENT *pro tempore*. It is moved that the bill be referred to the Committee on Interstate Commerce.

The motion was agreed to.

THE SIOUX RESERVATION.

Mr. DAWES. The statement of the Senator from Connecticut that he proposes soon to call up the bill for the admission of South Dakota seems to me to render it necessary that I should ask the indulgence of the Senate at some early day to present another bill. The bill of which he speaks will be likely, of course, to consume a great deal of time. We have had no opportunity for a long time to go to the Calendar. I desire at as early a day as can be to ask the Senate to permit me to call up in the morning hour, before the consideration of these important bills, a bill which has passed the House for the division of the Great Sioux reservation in Dakota. I do that under the impression that the bill in its present shape will cause no debate, and that therefore it will consume simply the time taken to read and pass it. It contains provisions that make it very necessary, if it is to become a law, that it become a law very early; and if the Senate will indulge me to the extent of allowing me to call it up in the morning hour in a day or two, I shall be much obliged.

CONSIDERATION OF THE CALENDAR.

Mr. HARRIS. The morning hour during this session of Congress has been consumed mainly, almost entirely, in a scramble for consideration. The rules provide that we shall go to the Calendar under Rule VIII upon the completion of the routine morning business and continue under that rule until 2 o'clock. From this time on, unless by unanimous consent we agree to take two or three days consecutively to be devoted to the Calendar under Rule VIII, I will serve notice now that it will require a majority of this body to consider matters within the morning hour other than those provided for by Rule VIII.

Mr. DAWES. I have made no motion to displace the Calendar, or take any matter out of its order during the morning hour. I have not trespassed on the Senate in attempting to make any such motions. I have not used up the morning hour in that way. I have not made a motion to adjourn over from Thursday to Monday with a Calendar groaning with the amount of business ours is. I have endeavored, so far as I am concerned, to be as diligent as a man naturally would desire to be in getting along with the business. If the Senate will not consent to consider such an important bill as that moved by me, provided it involves no debate—I would not ask it to be done otherwise—a bill which has passed the Senate twice, but never before got action in the House of Representatives, they have got to object to it, that is all. I shall have done my duty. I regret that the Senator from Tennessee should serve his notice just at this point.

Mr. PLATT. Mr. President, I desire very much to go to the Calendar, not only in the morning hour, but to have a day or two set apart for it. I think we ought to do that. I will say that in speaking to the Senator from South Carolina [Mr. BUTLER], who entertains somewhat different views in relation to the admission of Dakota from myself, he said he would help me get the bill up, but that after I had made my statement he might want a little time to elapse before replying. If the bill could come up, and I could make a statement in regard to it, I think there would be no difficulty about interposing a little time for the consideration of the Calendar.

Mr. DAWES. As I have to crowd in a subject of this importance, it will be for the Senate to decide.

Mr. DOLPH. I quite agree to what has been said in regard to the necessity of some days being set apart for the consideration of the Calendar. There are a number of bills, almost every Senator has some bills which ought to be considered, which will take no time, to which there is no objection. They will pass the Senate and stand some chance of going through the House if sent there soon. Now I ask unanimous consent that Monday and Tuesday of next week, after the expiration of the morning hour, be set apart for the consideration of bills on the Calendar.

Mr. HARRIS. Under Rule VIII.

Mr. DOLPH. Under Rule VIII. When that is done I think the scramble for the consideration of important bills will go on without occupying so much time.

Mr. ALLISON. I shall not object to that if in the mean time the bill now under consideration as the regular order shall be disposed of. I shall agree to that if it is understood that the pending bill shall first be disposed of.

Mr. DOLPH. That is satisfactory.

Mr. HARRIS. I suggest to the Senator from Oregon that he make his request subject to the disposition of the bill in charge of the Senator from Iowa.

Mr. ALLISON. If I were to make a suggestion especially, I would suggest that we try and finish this bill to-morrow, if we can, and then set apart Friday—that is a very good day—to go to the Calendar.

Mr. DOLPH. There should be two days of the session devoted to the Calendar after the pending bill is disposed of.

Mr. PLATT. My consent to that will depend upon the vote on the motion to take up the bill to which I have referred. If that is taken up, I shall have no objection that it be laid aside informally.

Mr. SAWYER. I was about to ask unanimous consent to take up the unobjected pension cases on the Calendar.

Mr. HARRIS. There need be no hurry about them. They can be acted on at any time.

Mr. DOLPH. If we take up the Calendar that will include the pension cases.

Mr. SAWYER. Very well; I will not interfere if you want to go to the Calendar.

Mr. ALLISON. Then I understand the Senator from Oregon to ask unanimous consent now that, immediately after the disposition of the bill respecting the undervaluation of importations, two days be set apart for the Calendar under the eighth rule.

Mr. DOLPH. Subject to morning business.

Mr. PLATT. I shall move to take up the Dakota bill; and if that is taken up, it may be laid aside informally for the purpose of proceeding with the Calendar.

Mr. DOLPH. There will be no objection to that.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Oregon to ask unanimous consent that after the final disposition of the unfinished business two days shall be devoted to the consideration of the Calendar, under Rule VIII. Is there objection? [A pause.] The Chair would inquire, in order to guide him in enforcing the agreement, whether the order is to commence immediately each day after the conclusion of the formal routine morning business?

Mr. HARRIS. After the routine business of the morning hour.

The PRESIDENT *pro tempore*. Is there objection?

Mr. VANCE. Does that mean the entire legislative day, or only the unconcluded portion of the morning hour?

Mr. DOLPH and Mr. HARRIS. The whole day.

The PRESIDENT *pro tempore*. The Chair understands the order to be that after the conclusion of the unfinished business the Senate will go to the Calendar, under Rule VIII, at the expiration of formal routine morning business, for two legislative days. Is there objection? The Chair hears none.

Mr. CALL rose.

The PRESIDENT *pro tempore*. Does the Senator from Florida rise to this question?

Mr. CALL. I rise to——

Mr. PLATT. I make the reservation which I have already made.

The PRESIDENT *pro tempore*. That prevents unanimous consent.

Mr. HOAR. I understood the Senator from Oregon to qualify his request for unanimous consent by excepting the bill referred to by the Senator from Connecticut.

Mr. DOLPH. I understood that the Senator from Connecticut desired to call up the Dakota bill, and then lay it aside informally.

The PRESIDENT *pro tempore*. It is subject, then, to the right of the Senator from Connecticut [Mr. PLATT] to move the consideration of the bill for the admission of South Dakota. Is there objection? The Chair hears no objection to that arrangement.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Indian Affairs:

A bill (H. R. 4487) to enable the Secretary of the Interior to pay certain creditors of the Pottawatomie Indians out of the funds of said Indians; and

A bill (H. R. 8074) providing for the allotment of land in severalty to United Peorias and Miamies in Indian Territory.

The bill (H. R. 1438) to authorize the Kansas Valley Railroad Company to construct and operate a railway through the Fort Riley military reservation in Kansas, and for other purposes, was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 3300) to amend an act to enable the city of Denver to purchase certain land for cemetery purposes, was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 5310) for the relief of Arthur C. Tompkins, late postmaster at Hempstead, Tex., was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

CONDITION OF THE CIVIL SERVICE.

The PRESIDENT *pro tempore* appointed as the select committee, under the resolution adopted by the Senate, to examine into the present condition of the civil service in all branches of the Government, Messrs. HALE, MANDERSON, CHACE, SPOONER, BLACKBURN, DANIEL, and BLODGETT.

EXECUTIVE SESSION.

Mr. PADDOCK. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 15, 1888, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 14th day of March, 1888.

POSTMASTERS.

J. Henry Browne, to be postmaster at Tompkinsville, in the county of Richmond and State of New York, in the place of John W. Bassett, resigned.

John F. Cashen, to be postmaster at New Rochelle, in the county of Westchester and State of New York, in the place of William H. Le Count, deceased.

MARINE CORPS.

Maj. Charles Heywood, to be a lieutenant-colonel in the Marine Corps, from the 9th of March, 1888, *vice* Lieut. Col. J. L. Broome, retired.

Capt. McLane Tilton, to be a major in the Marine Corps, from the 9th of March, 1888, *vice* Maj. Charles Heywood, promoted.

First Lieut. Henry H. Coston, to be a captain in the Marine Corps, from the 9th of March, 1888, *vice* Capt. McL. Tilton, promoted.

Second Lieut. Francis E. Sutton, to be a first lieutenant in the Marine Corps, from the 9th of March, 1888, *vice* First Lieut. Henry H. Coston, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 7, 1888.

POSTMASTERS.

John C. Weatherred, to be postmaster at Tacoma, in the county of Pierce and Territory of Washington.

William C. Smith, to be postmaster at Stockton, in the county of San Joaquin and State of California.

Executive nominations confirmed by the Senate March 14, 1888.

TERRITORIAL JUDGE.

Lucius B. Nash, of Washington Territory, to be associate justice of the supreme court of the Territory of Washington.

UNITED STATES ATTORNEYS.

John R. Read, of Pennsylvania, to be attorney of the United States for the eastern district of Pennsylvania.

Alexander B. Cooper, of Delaware, to be attorney of the United States for the district of Delaware.

PROMOTIONS IN THE ARMY.

Tenth Regiment of Infantry.

First Lieut. Daniel F. Stiles, to be captain.

Second Lieut. Victor E. Stottler, to be first lieutenant.

Twenty-first Regiment of Infantry.

First Lieut. Daniel Cornman, to be captain.

Second Lieut. Edward H. Brooke, to be first lieutenant.

Fourth Regiment of Cavalry.

Second Lieut. Harry C. Benson, to be first lieutenant.

Fifteenth Regiment of Infantry.

First Lieut. Edward S. Chapin, to be captain.

Second Lieut. Will T. May, to be first lieutenant.

Thirteenth Regiment of Infantry.

Second Lieut. William L. Buck, to be first lieutenant.

Second Lieut. Alexander L. Dade, Thirteenth Infantry, to be second lieutenant Tenth Cavalry.

POSTMASTERS.

D. T. Graham, to be postmaster at Madison, in the county of Madison and State of Nebraska.

Milton H. Northrup, to be postmaster at Syracuse, in the county of Onondaga and State of New York.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March* 14, 1888.

The House met at 12 o'clock m., and was called to order by the Speaker, who, on taking the chair, was greeted with general applause.

Prayer by Rev. J. H. CUTHBERT, D. D., of Washington, D. C.

The Clerk proceeded to read the Journal of yesterday's proceedings.

Mr. ANDERSON, of Kansas. I ask unanimous consent that the reading of the portion of the Journal which relates to bills reported from committees (of which the number was very large yesterday) be dispensed with.

The SPEAKER. If there be no objection, the reading of the portion of the Journal indicated by the gentleman will be dispensed with. The Chair hears no objection.

The residue of the Journal was read and approved.

PUBLIC BUILDING, SAN FRANCISCO, CAL.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a report of the postmaster at San Francisco, Cal., relative to the necessity for a public building in that city; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

EXPENSES OF CUSTOMS COLLECTION.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting estimates for expenses of collecting the revenue from customs for the fiscal year ending June 30, 1889; which was referred to the Committee on Appropriations, and ordered to be printed.

LIGHT-HOUSE, GLADSTONE HARBOR, MICHIGAN.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Light-House Board of an appropriation for a light-house at Gladstone Harbor, Michigan; which was referred to the Committee on Commerce, and ordered to be printed.

SURVEY OF KASKASKIA RIVER, ILLINOIS, ETC.

The SPEAKER also laid before the House a letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, reports of the examination and survey of Kaskaskia River, Illinois, and of the Mississippi River at Rush Island Bend and Ivy Landing; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

SURVEY OF NEWPORT HARBOR, CALIFORNIA.

The SPEAKER also laid before the House a letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of the survey of Newport Harbor, California; which was referred to the Committee on Rivers and Harbors and ordered to be printed.

CLAIMS UNDER EIGHT-HOUR LAW.

The SPEAKER also laid before the House a letter from the Postmaster General, in response to a resolution of inquiry relative to the amount of claims arising in his Department under the bill for the adjustment of claims of certain employés under the eight-hour law; which was referred to the Committee on Labor, and ordered to be printed.

PRIVATE LAND CLAIM, NEW MEXICO.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, with a letter from the Acting Commissioner of the General Land Office, the supplemental report of the surveyor-general for New Mexico on private land claim, the San Miguel del Bado, No. 119; which was referred to the Committee on Private Land Claims, and ordered to be printed.

F. L. SLADE, ADMINISTRATOR.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of F. L. Slade, administrator, etc., against the United States; which was referred to the Committee on War Claims, and ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 1071) for the relief of A. B. Norton;

A bill (H. R. 2467) to amend chapter 191 of the private acts of the Forty-ninth Congress, passed at the second session thereof, concerning James H. Young;

A bill (H. R. 880) granting a pension to Mary Everingham Brown;

A bill (H. R. 2457) to increase the pension of Hubert M. Potter;

A bill (H. R. 221) increasing the pension of John C. Johnston;

A bill (H. R. 365) granting a pension to John Humes;

A bill (H. R. 440) granting a pension to Mary C. Knight;

A bill (H. R. 363) granting a pension to Elizabeth L. Mace; and

A bill (H. R. 120) for the relief of Charlotte Caroline Hackleman.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. WHITE, of New York, to withdraw from the files of the House the petition of W. M. Henry, filed in the Forty-sixth Congress, without leaving copies.

RECOMMITMENT OF A BILL.

On motion of Mr. WILKINS, by unanimous consent, the bill (H. R. 1816) to repeal all acts and parts of acts discriminating in taxation against the circulating notes of State banks and State banking associations was taken from the table and recommitted to the Committee on Banking and Currency.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. BOWEN, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a joint resolution (S. R. 60) directing the Secretary of the Interior, by means of the Director of the Geological Survey, to investigate the practicability of constructing reservoirs for the storage of water in the arid regions of the United States, and to report to Congress; when the Speaker signed the same.

RIGHT OF WAY THROUGH FORT RILEY MILITARY RESERVATION.

Mr. ANDERSON, of Kansas. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 1438) to authorize the Kansas Valley Railway Company to construct and operate a railway through the Fort Riley military reservation, in Kansas, and for other purposes, and put it upon its passage.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the Kansas Valley Railroad Company, a corporation created under and by virtue of the laws of the State of Kansas, be, and the same is hereby, empowered to survey, locate, construct, and maintain a railway, telegraph, and telephone line through that portion of the Fort Riley military reservation, upon such a line as shall be determined and approved by the Secretary of War.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, and for no other purpose, a right of way 100 feet in width through said Fort Riley military reservation for said line of the Kansas Valley Railroad Company, with the right to use such additional ground, where heavy cuts or fills may be necessary for the construction and maintenance of the road-bed, not exceeding 100 feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used, such portion shall revert to the United States, from which the same shall have been taken: *Provided, further*, That unless the construction of said railroad across said reservation be entered upon in good faith within three years after the passage of this act, this grant shall cease and determine upon the declaration by the Secretary of War to that effect.

Mr. ANDERSON, of Kansas. I ask for the reading of the report, which is brief, and will explain fully the object of the bill.

The report (by Mr. LAIRD) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 1438) to authorize the Kansas Valley Railroad Company to construct and operate a railway through the Fort Riley military reservation, in the State of Kansas, and for other purposes, respectfully report the same back to the House and recommend that the bill do pass, with the amendment suggested in the letter of the Lieutenant-General of the Army, hereto attached, to wit: Add, after the word "reservation," in line 7 of section 1, the words, "situated south and west of the Kansas River."

"HEADQUARTERS ARMY OF THE UNITED STATES,
"*Washington, D. C. January* 28, 1888.

"SIR: I have the honor to return herewith a bill (H. R. 1438, Fiftieth Congress, first session) to authorize the Kansas Valley Railroad Company to construct and operate a railway through the Fort Riley military reservation, in Kansas, and for other purposes.

"As now drawn the provisions of the bill do not sufficiently guard the interests of the Government, since no particular portion of the reservation is given as that upon which it is desired to locate the road. A similar bill was introduced in the last Congress, and after certain modifications, received my approval, in which the Secretary of War concurred.

"If the present bill were made to conform to the modified bill of the last Congress, as could be done by adding after the word 'reservation,' in the seventh line of section 1, the words 'situated south and west of the Kansas River,' its enactment would be of no detriment to the military service.

"Very respectfully, your obedient servant,

"P. H. SHERIDAN,
"*Lieutenant-General Commanding.*

"Hon. WILLIAM C. ENDICOTT,
"*Secretary of War.*"

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McCREARY. If it does not lead to debate I shall not object. If it does, I shall insist upon the regular order.

Mr. HATCH. I want to ask the gentleman from Kansas a question.

Mr. ANDERSON, of Kansas. With pleasure.

Mr. HATCH. Is it proposed to build this railroad through this Indian reservation——

Mr. ANDERSON, of Kansas. This is not an Indian reservation; it is to grant the right of way through the Fort Riley military reservation in Kansas—the largest reservation in the United States.

Mr. HOLMAN. How much land is appropriated for this purpose by the bill?

Mr. ANDERSON, of Kansas. I do not think it will exceed 3 or 4 miles in extent.

Mr. HATCH. May I ask the gentleman another question?

Mr. ANDERSON, of Kansas. Certainly.

Mr. HATCH. Does the gentleman from Kansas think that if this road is built there is any probability of its becoming a monopoly? [Laughter.]

Mr. ANDERSON, of Kansas. I am very glad the gentleman from Missouri gives me an opportunity of saying this: that the Union Pacific Railroad now runs on the north side of the Kansas River, through the Fort Riley military reservation. This is a proposition to grant the right of way to a railway company to build a road along the south side of the river, and of course it will afford a competing line for the shipment of freight and for all business traffic in that region.

Mr. HATCH. Is there any provision in the bill to prevent these two lines from pooling? [Renewed laughter.]

Mr. ANDERSON, of Kansas. There is such a provision under the general law; but nothing under the power of Heaven can prevent the railroads from pooling. There is not a railroad in the United States that is not engaged in that business now.

Mr. HOLMAN. I wish to inquire of the gentleman whether this grant is imperative, or whether it leaves the matter in the discretion of the Secretary of War?

Mr. ANDERSON, of Kansas. It is solely in his discretion, and nothing can be done without his assent.

Mr. HOLMAN. I hope the first section of the bill will be again read.

Mr. McCREARY. I have given notice that I shall object to the consideration of this bill if there is to be discussion.

Mr. HOLMAN. There will be no discussion. I only wish to have that section read to satisfy myself on this point.

The section of the bill was again read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. I do not wish to object; but it does not seem to me that the Secretary of War has any discretion, except as to the route.

Mr. ANDERSON, of Kansas. Does the gentleman from Indiana propose an amendment? This bill simply allows the right of way.

Mr. HOLMAN. But does it give that right of way dependent solely upon the approval of the Secretary of War, in the event that he finds the public interests will not be affected?

Mr. ANDERSON, of Kansas. Undoubtedly. The right of way can not be located at all without his assent.

Mr. HOLMAN. I would suggest that it should be amended to read, "if in the judgment of the Secretary of War the public interests will not be affected."

Mr. ANDERSON, of Kansas. If the Secretary of War thought the right of way ought not to be granted, the location could not be made under the bill. It is wholly and absolutely in his power.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. ANDERSON, of Kansas, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ARTHUR C. TOMPKINS.

Mr. STEWART, of Texas. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 5310) for the relief of Arthur C. Tompkins, late postmaster at Hempstead, Tex.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to pay to Arthur C. Tompkins, out of any funds in the Treasury of the United States not otherwise appropriated, the sum of $216.28, to reimburse him for losses unavoidably sustained by him when postmaster at Hempstead, Tex., in the years 1884 and 1886.

The committee recommend the adoption of the following amendment:

Strike out in line 6 of the bill the words "two hundred and sixteen dollars and twenty-eight cents" and insert "one hundred and fifty-four dollars and eighteen cents."

There being no objection, the bill was considered, the amendment concurred in, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. STEWART, of Texas, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. McCREARY. I call for the regular order.

Mr. SYMES. I wish to ask unanimous consent for the passage of a bill which I think will only take a minute or two.

Mr. McCREARY. I yield to the gentleman from Colorado.

CEMETERY AT DENVER, COLO.

Mr. SYMES. The gentleman from Kentucky waives the call for the regular order and allows me to call up for present consideration the bill (H. R. 3300) to amend an act to enable the city of Denver to purchase certain lands for cemetery purposes.

The bill was read, as follows:

Whereas at the second session of the Forty-second Congress an act approved May 21, 1872 (17 Stat., page 140), entitled "An act to enable the city of Denver to purchase certain lands in Colorado for a cemetery," erroneously describes a tract of land as the northwest quarter of the southwest quarter of section 1 and the north half of the southeast quarter of section 2 and the southwest quarter of the southeast quarter of section 2, township 4 south, range 68 west, sixth principal meridian; and

Whereas the said city of Denver has paid for and received a patent for the northwest quarter of the southwest quarter of section 1 and the north half of the southeast quarter of section 2 and the southwest quarter of the northeast quarter of section 2, township 4 south, range 68 west, sixth principal meridian, which latter description is correct, and in accordance with the land actually occupied by the said city of Denver for a cemetery: Now, therefore,

Be it enacted, etc., That an act entitled "An act to enable the city of Denver to purchase certain lands in Colorado for a cemetery," approved May 21, 1872, be, and the same is hereby, amended as follows: Strike out the words "the southwest quarter of the southeast quarter" and insert in lieu thereof the words "the southwest quarter of the northeast quarter;" so that the description of the said land in the said act shall read:

"The northwest quarter of the southwest quarter of section 1 and the north half of the southeast quarter of section 2 and the southwest quarter of the northeast quarter of section 2, township 4 south, range 68 west of the sixth principal meridian."

SEC. 2. That the United States patent issued November 15, 1873, conveying the northwest quarter of the southwest quarter of section 1 and the southwest quarter of the northeast quarter of section 2 and the north half of the southeast quarter of section 2 in township numbered 4 south, of range 68 west of the sixth principal meridian, in the Territory of Colorado, to Joseph E. Bates, mayor of the city of Denver, and to his successors and assigns forever, be, and the same is hereby approved and confirmed. That the said city of Denver be, and it is hereby, authorized to vacate the use of the said land or any portion thereof as a cemetery, and to appropriate and use the same or any part thereof for a public park or grounds and for such other legitimate and proper purposes as the corporate authorities of the said city of Denver may hereafter determine.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. McCREARY. I will object if there is to be any discussion.

Mr. SYMES. I will withdraw the bill if there is any discussion.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SYMES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. GLASS. I ask that the Committee of the Whole be discharged from the consideration of the bill H. R. 1070, and that it be brought before the House for present consideration.

Mr. McCREARY. I must demand the regular order.

The SPEAKER. The regular order is the call of committees for reports.

CONTESTED ELECTION—WORTHINGTON VS. POST.

Mr. O'FERRALL, from the Committee on Elections, presented a report in the contested-election case of Nicholas E. Worthington *vs.* Philip Sidney Post, Tenth Congressional district of Illinois; which was referred to the House Calendar, and ordered to be printed.

P. H. WINSTON.

Mr. OATES, from the Committee on the Judiciary, reported back with a favorable recommendation the bill (H. R. 4239) for the relief of P. H. Winston; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HANNAH H. LATHAM.

Mr. GALLINGER, from the Committee on Invalid Pensions, reported as a substitute for the bill H. R. 5781 the bill (H. R. 8506) for the relief of Hannah H. Latham; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill H. R. 5781 was laid on the table.

CATHARINE PRITCHARD.

Mr. WILKINSON, from the Committee on War Claims, reported back with an adverse recommendation the bill (H. R. 5954) for the relief of Catharine Pritchard, with a resolution as a substitute referring the claim to the Court of Claims.

The bill H. R. 5954 was laid on the table, and the substitute resolution was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. WILKINSON also, from the Committee on War Claims, reported back with adverse recommendations bills of the following titles; which were laid upon the table, and the accompanying reports ordered to be printed:

A bill (H. R. 3228) for the relief of Warren Hall; and

A bill (H. R. 506) for the relief of Battelle & Evans.

EIGHTH NEW HAMPSHIRE VOLUNTEERS.

Mr. THOMAS, of Wisconsin, from the Committee on War Claims, reported back with amendments the bill (H. R. 5907) directing the Secretary of the Treasury to pay withheld bounty to certain non-commissioned officers of the Eighth New Hampshire Volunteers discharged as supernumeraries; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

BATTLE OF TRENTON.

Mr. O'NEILL, of Pennsylvania, from the Committee on the Library, reported back with a favorable recommendation the bill (H. R. 1626) in regard to a monumental column to commemorate the battle of Trenton; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

JAMES H. WELLS.

Mr. HOPKINS, of New York, from the Select Committee on Indian Depredation Claims, reported back with a favorable recommendation the bill (H. R. 2048) for the relief of James H. Wells; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ABBIE SHARP.

Mr. WHITTHORNE, from the Select Committee on Indian Depredation Claims, reported back with a favorable recommendation the bill (H. R. 4775) for the relief of Abbie Sharp, formerly Abbie Gardner; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that he had approved and signed bills of the following titles:

An act (H. R. 4911) to carry out the findings of the Court of Claims in the case of James H. Ayers; and

An act (H. R. 4756) to amend an act to restrict the ownership of real estate in the Territories to American citizens, etc., approved March 3, 1887.

DISTRICT MILITIA.

The SPEAKER. The call of committees for reports has been completed. The regular order is now the consideration, for one hour, of bills called up by committees. The hour begins at four minutes of 1 o'clock. The call rests with the Committee on the Militia. The Clerk will report the title of the unfinished business.

The Clerk read as follows:

A bill (H. R. 4961) to amend the act entitled "An act more effectually to provide for the organization of the militia of the District of Columbia," passed March 3, 1803.

Mr. MCADOO. I ask that the reading of the bill for amendment be continued.

The Clerk commenced to read section 64.

Mr. BLOUNT. We were on section 62.

The Clerk read section 62, as follows:

SEC. 62. That no officer or soldier shall be liable to jury duty; and any officer or soldier who shall have served continuously and faithfully for nine years in the National Guard shall be exempt for life thereafter from jury duty.

The SPEAKER. On yesterday all the words after "liable to jury duty" were stricken out.

Mr. BLOUNT. On consultation with the gentleman from New Jersey [Mr. MCADOO] I have concluded to move to strike out the balance of the section. The duties provided for by this bill are very small; a large part of the population is not resident, and there is great difficulty in getting a sufficient number of men for jury duty.

The SPEAKER. The question is on the amendment of the gentleman from Georgia to strike out the entire section.

The amendn ent was agreed to.

Mr. BLOUNT. I ask that the Clerk report the next section.

The SPEAKER. The Chair understands that section 63 has been stricken out by the House.

Mr. MCADOO. Section 64 is the next section.

The Clerk read as follows:

SEC. 64. That the system of discipline and field exercise ordered to be observed by the Army of the United States, or such other system as may hereafter be directed for the militia by laws of the United States, shall be observed by the National Guard.

Mr. BLOUNT. Mr. Speaker, I move to strike out the last word. I desire to call attention to some of the features of this bill. The House was not giving attention to it, nor was I myself, at the time the request was made to dispense with the first reading, and unless gentlemen have taken pains to examine the bill during its reading by paragraphs, I fear that its contents are not generally comprehended, and for that reason I take the liberty of calling attention to it. On page 4 of the bill there is a provision for a staff consisting of an adjutant-general, an inspector-general, a quartermaster-general, a commissary-general, a chief of ordnance, a chief of engineers, a surgeon-general, a judge-advocate-general, an inspector-general of rifle practice, and other officers; and on page 5 there is a provision that this force shall consist of thirty-six companies of infantry, which shall be divided up according to the directions of the commanding general into infantry companies, artillery companies, cavalry companies, etc.

The uniforms, arms, and equipments are to be paid for out of the Treasury of the United States. This organization is designated as the National Guard, and there is a provision that every organization of the guard shall be "provided with such ordnance and ordnance stores, clothing, camp and garrison equipage, quartermaster's stores, medical supplies, and other military stores as may be necessary for the proper training and instruction of the force." Then there is a provision for the transfer of the property which may be needed by them. On page 15 of the bill there is a provision that "the quartermaster-general of the militia shall provide, by rental or otherwise, such armories for the National Guard as may be allowed or directed by the commanding general." Then this large and valuable staff is taken care of by a provision that the quartermaster-general "shall also provide suitable rooms for the offices of the commanding general and staff, for the keeping of books, the transanction of business," etc.

On page 17 the duties of the guard are defined, and the only duty required of them is that they shall "perform not less than six consecutive days of camp duty in each year, at such time as may be ordered by the commanding general; and the quartermaster-general of the militia, subject to the approval of the commanding general, shall provide by rental or otherwise a suitable camp ground for the annual encampment of the militia, make the necessary provisions thereon for the encampment, and provide the necessary transportation to and from the same for baggage and supplies."

Section 45 provides that the National Guard "shall have the use of the drill-grounds and rifle-range at the Washington Barracks."

Now, as to the cost of this. The committee, in their report, say that there is no appropriation contained in this bill, and that is true, but it is not the whole truth. On page 21 there is a provision "that there shall be allowed for the general expenses of the militia such sums as may be necessary for the rental and furnishing of offices for headquarters, stationery, postage, printing, and issuing orders, advertising orders, providing necessary blanks for the use of the militia, the cost of storing, caring for and issuing all public property, and such other contingent expenses not herein specially provided for as may be estimated and appropriated for."

But this does not cover it all, for on page 22 of the bill there is a provision "that during the annual encampment, and on every duty or parade ordered by the commanding general, there may be employed such number of horses as the commanding general may authorize for the use of the battery of light artillery, the troop of cavalry, the ambulance corps," etc. So that this valuable troop of cavalry are to have no care of their horses and no training of them, but the horses are to be hired from livery-men whenever occasion arises for a parade, no matter how often that may be, and are to be paid for out of the public Treasury. It appears, therefore, that we are to have an organization which is to be paid for out of the Treasury of the United States, the armory, the camp-ground, the arms, everything, and that their horses are to be taken care of by livery-men except when these militia see fit to display themselves on the street in parade.

More than that, these gentlemen who are to render such valuable services saw fit to have inserted in their bill a provision which the House has stricken out, exempting from jury duty for life "any officer or soldier who shall have served continuously and faithfully for nine years in the National Guard." They go still further, and provide for a monopoly of this thing—this businees of parading on the streets. In section 66 it is provided that—

It shall be a misdemeanor for any body of men other than the regularly organized militia and the troops of the United States, except such independent military organizations as are now in existence, to associate themselves together as a military company or organization, or meet for drill with arms, or parade in public with arms, without the permission of the commanding general; and whoever belongs to or parades with any such unauthorized body of men with arms shall be punished by imprisonment for not exceeding six months or by a fine not exceeding $50, or by both; and the police court of the District of Columbia shall have jurisdiction of misdemeanors under the provisions of this s ction.

That is section 66—it was section 67, but has become section 66. It will be observed that the bill provides—my friend from Kentucky [Mr. BRECKINRIDGE] who sits beside me, and who introduced this bill I believe, will, I hope, bear with any criticism I may make upon it——

Mr. BRECKINRIDGE, of Kentucky. Oh, it does not hurt my feelings when a militiaman like the gentleman criticises a military bill. [Laughter.]

Mr. BLOUNT. This bill provides that there shall be not exceeding thirty-six companies, and the minimum to a company shall be ten. Therefore there may be 360 men, or there may be thirty-six full companies. This is the beautiful organization we are to have at all this expense! Now, I can see no occasion for it. The report of the committee embraces this remark:

It being an axiom recognized in the Constitution of our country that a well-regulated militia is necessary to the security of a republic.

Mr. Speaker, our last war disclosed the fact that this remark quoted as an "axiom" is not true. In that war the soldiery on either side were men the mass of whom had perhaps never drilled in a militia company. Yet they won a reputation equal to that of any soldiers the world has ever seen. With the experience we have had, and in view of the growth of our nation and its resources, the force of the proposition quoted in the report is completely negatived.

Sir, I can see no reason why we may not now, as in the past, depend on the volunteer organizations of the country. In my own State I have never seen a militia drill since I was a boy. We have not thought it important to have such things; and I think many other States of the Union have been willing to depend on volunteer militia organizations. I think this experience gives us a safe rule by which to be guided in this District. This bill embodies but the beginning of this force here in Washington. What we are to have hereafter in the matter of expenses for troops, armories, arsenals, etc., we can not foresee.

[Here the hammer fell.]

The SPEAKER. The time of the gentleman from Georgia [Mr. BLOUNT] has expired. The Chair observes by the Journal that the Committee of the Whole was discharged from the consideration of this bill, and an order was adopted to consider the bill in the House under the five-minute rule.

Mr. BLOUNT. I move to amend by striking out the last word.

The SPEAKER. That is the pending motion.

Mr. BLOUNT. Then I move as an amendment to the amendment to strike out the last two words.

The SPEAKER. If there be no objection, the gentleman from Georgia will proceed.

Mr. BLOUNT. Mr. Speaker, the volunteer organizations of this District, like those in other sections of the country, have provided on their own motion armories, etc. They are not calling upon the Federal Treasury for contributions to expenses of this sort. It is said that we need a military organization of this sort at the national capital, for the suppression of riots, popular disorder, etc. Sir, I think for meeting such emergencies we may safely rely upon volunteer organizations of the District; and if we may not, the country from this point is ramified in every direction with railroads, and soldiers can be brought here on very short notice. So far as the national defense is concerned, I apprehend that indications of trouble from foreign countries would so far precede any danger to the capital as to give time for ample provision for that contingency.

I have taken occasion, Mr. Speaker, to bring these matters before the House, because I thought that attention should be called to some of the provisions of the bill. I think, if passed, it would be hasty legislation. It had better go over as unfinished business, in order that there may be some opportunity for further consideration.

It has been said that the military organizations in this city have concurred in favor of the passage of this bill. Doubtless they have. Doubtless the disposition of the offices and other matters of that kind are all understood, and this will be a very nice thing for the military organizations that have concurred in the measure.

As to the last section, it has been urged that unless it be adopted anarchists and an ignorant class of colored people may parade as military organizations in this District. Sir, I see no harm in the anarchists, if they do nothing else than what gentlemen seem to apprehend so much; and if the colored people like the parade and the music I think we can stand it. They are the chief performers in these matters in my section, and I do not see that any harm is done.

The SPEAKER. Does the gentleman from Georgia withdraw his amendment?

Mr. MCADOO. He does, as I understand, and I move, *proforma*, to renew it. Sir, it is quite evident from the remarks of my friend from Georgia, that a man may be a distinguished civilian without being a very proficient militiaman. Now, this bill, although it looks like a voluminous measure, and is such so far as length is concerned, is a very simple matter. It proposes to do for the militia in the District of Columbia what the majority of the States have done for their militia. My friend from Georgia is entirely mistaken in his remarks in regard to the militia in the several States. In New York, Pennsylvania, and in my own State of New Jersey very large sums are expended every year from the taxes of the people to keep up the militia establishment; and this bill proposes to require no more in regard to the militia of the District of Columbia than is required in regard to the militia of those States.

The gentleman has read from the bill various paragraphs going to show the expenses which may be incurred by its passage. As to these expenses, one of the sections of the bill provides that annual estimates shall be submitted to the District Committee, shall be passed upon by that committee, and that when appropriations are duly made the money shall be expended under the direction of the commissioners; and these expenses are to be paid, I presume, like other expenses of the District—one half by the National Government and the other half from the taxation of property within the District.

Mr. BLOUNT. Will the gentleman allow me——

Mr. MCADOO. One moment; permit me to proceed.

Mr. Speaker, the leading features of this bill are substantially those adopted in every State of the Union which has a militia force. The same staff has been allowed as in the State of Connecticut. The whole measure is simply, as I said, in one way the application to the now independent military organizations in this District of the militia laws of the several States. This bill will not interfere, if passed, with the existence of any independent organization, but it provides for the volunteering of this independent military organization into regular battalions of militia in the District.

Mr. BLOUNT. The gentleman from New Jersey announces this bill does not prevent other volunteer organizations. Now, I submit whether the bill does not expressly declare it shall be confined to a certain number; that is to thirty-six companies?

Mr. MCADOO. I think my friend——

Mr. BLOUNT. It provides that in time of peace the National Guard shall consist of not more than thirty-six companies of infantry. It also prohibits independent organizations beyond that number.

Mr. MCADOO. It is quite true so far as the organized militia of this District is concerned that there will be only thirty-six companies. I propose when we reach the sixty-sixth section of the bill, on my own motion, to strike that section from the bill, so that if any organization of gentlemen wish to pay their own expenses and to parade the streets with a military band of music they shall have the privilege to do so. I do not wish to deprive any portion of the people of the great American right of marching to the sound of military music, and when we come to that part of the section I will move to strike that out. I believe it is the right of every American citizen, if he wishes, to carry arms and parade the public streets to the sound of military music, and I will not for one deprive him of that right. I do not know there is anything else necessary to say on this measure, but I will answer any questions which gentlemen may propose to me.

Mr. BRUMM. This bill provides for the payment of a brigadier-general. Now, will that officer be subject to other officers of higher authority? Will he and his subordinates be under the authority of the President of the United States?

Mr. MCADOO. The bill provides that the President of the United States shall exercise in this District towards the militia which is proposed by this bill to be organized the same powers exercised by governors of States towards the militia of their States. Hence the President of the United States will be the commander-in-chief of this militia force, and all the officers will be under his control.

[Here the hammer fell.]

Mr. MCADOO. I hope my time will be extended by unanimous consent.

Mr. BLOUNT. I will move to strike out the last word and yield my time to the gentleman from New Jersey.

The SPEAKER. Is there objection to extending the time of the gentleman from New Jersey for five minutes?

There was no objection, and it was ordered accordingly.

Mr. BRUMM. Let me ask the gentleman from New Jersey why it would not be better to appoint one of the brigadier-generals of the Army to take charge of this militia, and thereby avoid the creation of any new offices?

Mr. MCADOO. The proposition of this bill is to have a citizen soldier at the head of citizen militia—to make it a true militia, and not merely a part of the regular Army.

Mr. BRUMM. It is proposed, then, to have a complete staff of quartermasters and so on?

Mr. MCADOO. It is.

Mr. BRUMM. Are they to be paid salaries?

Mr. MCADOO. There is to be no pay whatever except for the time they are in encampment; that is, for six days. The city of New York and your own State pay the militia for the time they are in encampment; the State of New York goes to the expense of paying for a large tract of land upon which to establish a camp for its militia.

Mr. BRUMM. At whose expense are they to be uniformed?

Mr. MCADOO. They are to be uniformed and the expense is to be put into the tax bill, just the same as the States support their militia, with the exception that in the District a portion of the expense is borne at large by the people.

Mr. ADAMS. The maximum provided in the bill is thirty-six companies. I wish to ask the gentleman whether that is not a larger proportion to the population here than in any of the States?

Mr. MCADOO. That is a question of expense. Take the case of New Jersey.

Mr. ADAMS. How many are there in the State of New Jersey?

Mr. MCADOO. Seven regiments.

Mr. CUTCHEON. What is the present organization of the militia in the District?

Mr. MCADOO. There is none in the District at present.

Mr. CUTCHEON. Only volunteer organizations?

Mr. MCADOO. I can not tell how many independent companies there are at the present time.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, permit me to state, for the information of the gentleman from New Jersey, that the National Guard of the State of Pennsylvania consists of eight thousand men, a compact body of well-drilled, well-officered, and well-equipped men, who encamp once a year for military drill and review at the expense of the State. The National Guard of the State of New Jersey is also a very compact body of men, who are well drilled; and I presume the intention of this bill is to have a similar organization of the militia companies of the District of Columbia, and consolidate them into a compact body. That, I believe, is the idea. There are thirty-six companies, I understand, of about thirty-six men each, which would be a very fair number when combined, and about in proportion, I take it, to the population of this District as the militia organizations of Pennsylvania and New Jersey are proportioned to the population of those States.

Mr. MCADOO. The gentleman is entirely correct in that.

Mr. O'NEILL, of Pennsylvania. There was, I may say, a very satisfactory exhibition of the volunteer soldiery of this country at the centennial celebration of the adoption of the Constitution, which took place in Philadelphia in September last.

Mr. O'NEILL, of Missouri. There was a very satisfactory exhibition of soldiery at the inauguration of President Cleveland, too.

Mr. O'NEILL, of Pennsylvania. And so far as the volunteer militia of this country was concerned, which took part in that centennial celebration, it was undoubtedly a very creditable and imposing sight to see these large bodies of men so well drilled and well uniformed and equipped.

Mr. BLOUNT. Let me ask the gentleman from Pennsylvania this question: How did the militia of the State of Pennsylvania serve the State at Pittsburgh some years back?

Mr. O'NEILL, of Pennsylvania. They served the State very well when it came to the moment of trial. They were ready at all times to do their duty, and their presence undoubtedly did much to allay excitement and restore order.

Mr. MCADOO. We were all very proud, I will say to the gentleman, to see that large and imposing body of troops parading the streets of Washington at the time of the inauguration of Grover Cleveland.

Mr. CUTCHEON. Let me ask the gentleman from New Jersey a question. I understand that nobody is compelled to serve in this organization, but that it is all composed of volunteers.

Mr. MCADOO. Yes, sir; that is correct.

Mr. STEELE. Mr. Speaker, I wish to call the attention of the gentleman from Georgia to the fact that the nineteenth section of this bill contains a provision that requires the National Guard to come up to a proper standard of efficiency, and an inspection is provided for. Unless,

therefore, they have been properly drilled outside of the six days required under the act, it must be manifest that they could not be proficient in the drill, and hence could not come up to the requirements of the law.

Again, on page 16 of the bill, section 42, it is provided that the commanding general may provide such stated drills and parades as he may deem necessary for instruction. So the gentleman from Georgia is wrong in saying that there are but six days when these men will serve in these military organizations and in which to become efficient. It leaves the question of instruction to the commanding general of the militia.

Mr. BLOUNT. I did not say that the commanding general might not require more than six days of drill. But the law requires these six days of encampment, and that is all the requirement there is under the statute. The rest is entirely discretionary with the officer.

Mr. STEELE. Suppose the general commanding did not think his militia sufficiently perfect in drill. He could prescribe additional drill for them.

Section 66 of this bill, I think, is objectionable, and I will take this occasion while I have the floor to ask the gentleman from New Jersey to recur to sections 20, 21, 22, and 24, where the bill provides, as in line 4 of section 20, for the "appointment" of the officers of the National Guard. I think it had better be amended to read "nominated."

Mr. MCADOO. I will accept that suggestion, and ask unanimous consent to go back and adopt it in the bill in line 4 of section 20, line 2 of section 21, line 2 of section 22, and lines 3 and 9 of section 24.

There was no objection, and the amendments were agreed to.

Mr. WHEELER Mr. Speaker, I think it only fair that there should be some reply to the suggestion of the gentleman from Georgia [Mr. BLOUNT] in view of the fact that the gentleman from Pennsylvania [Mr. O'NEILL] was cut off before he had concluded his answer. The point was made, or suggested by the gentleman from Georgia [Mr. BLOUNT], that the militia of the State of Pennsylvania did not behave creditably at Pittsburgh. It should be stated in that connection that this service at Pittsburgh was before the present militia system was adopted, which I have commended, and before they had such a thorough and compact organization as now exists and as this bill seeks to give to the militia of the District of Columbia. But all of us know that the militia of Pennsylvania have now become very efficient, well organized, well drilled and equipped, and there is no possible danger of a recurrence of what occurred at Pittsburgh in 1879. If there was any lack of efficiency at that time it was due to the want of that organization which now prevails and not on account of any deficiency in the individual *morale*, spirit, or courage of the men, but because they were not properly organized as soldiers. No man has ever questioned the individual prowess of the sturdy sons of Pennsylvania. She has furnished more than her quota of troops in every military enterprise in this country from the date of Braddock's expedition to the present time.

Mr. O'NEILL, of Pennsylvania. I want to say this, that the National Guard of the State of Pennsylvania at that time was not organized just exactly or as perfectly as it is now; but I also want to say that the presence of the volunteer militia at Pittsburgh did much towards bringing about a better condition of public feeling and security. It might not have done it instantly, but the effect of its being there finally reassured the citizens, and the trouble ceased, after much damage had been done, I admit. There is now a closer organization of the National Guard of Pennsylvania; but that guard was always ready to do its duty, and always will be, whether it comes to Washington to be present at the inauguration of a President or if it be called into service to quell riots or suppress insurrections.

Mr. WHEELER. I was not questioning the conduct of the militia of Pennsylvania, but on the contrary I was commending the gallantry of the soldiers of that State; but nothing I could say on this floor could add to her well-earned record. I was merely endeavoring to explain that for want of that organization which now obtains they were unable to do their duty at Pittsburgh as effectually as they could now do it if called into service. My object was to use the statements which the gentleman from Georgia [Mr. BLOUNT] made in his argument against the bill, to show the propriety of and necessity for its passage.

Mr. O'NEILL, of Pennsylvania. I understand; but I did not want it to be understood that I would admit for a moment that the militia of that State had ever flinched from duty, whether in Pittsburgh or anywhere else.

Mr. WHEELER. I understand, of course, what the gentleman means; and I am confident that the gentleman appreciates the purpose I had in view, and most certainly that I had no intention of creating any impression unfavorable to Pennsylvania.

Mr. BRECKINRIDGE, of Kentucky. I move to strike out the last word. This bill was introduced by me in the last Congress. I at that time occupied the very responsible position of being a member of the Committee on the Militia. It was prepared with very great care, submitted to the War Department, and approved by the War Department before I introduced it. At this session of Congress I reintroduced the bill, it, however, having undergone an additional and new supervision at the War Department and several changes having been made in it.

I am not enough of a soldier to know whether the system prescribed in this bill is a perfect system, for my service in the late war was very much that of a cavalry militiaman. But in looking over it it occurred to me that the bill provided about as good a system as the House of Representatives could well get up if they went to work to get up a system; that a system carefully prepared by a board of officers and carefully supervised by the Adjutant-General and a board of officers of the United States Army might fairly be presumed to be as good a system as any of us could get up, unless it be my friend from Georgia, who was not then serving upon the Committee on the Militia. Looking over it it occurred to me that all in all it was a good system for the District militia.

The sole question that seemed to me of importance was whether the District of Columbia ought to have an organized and uniform militia, and whether a city of a couple of hundred thousand inhabitants, situated as it is in the present condition of affairs, might be better off with an organized, systematic, and uniform militia rather than an irregular, unorganized, and purely voluntary system. It occurred to me that as all the States had adopted militia laws it was not a very bad precedent for us to follow to adopt for the District of Columbia this or some similar system. I am not wedded to any particular part of this system. I care very little about the particular sections of the bill. The real question for the House to consider is whether an organized system of militia for the District of Columbia is a good thing to have. I think it is. I think on many grounds it is. I think it has been established by the precedents set by the States of New York, Pennsylvania, and my own State of Kentucky, and the States generally, that a uniform body of men regularly organized, subject to call, systematized according to law, is a very good adjunct to the constabulary force of a State, and is in better shape than it is under the unorganized, purely voluntary system.

Mr. CUTCHEON. Can the gentleman state what will be the probable expense of this organization?

Mr. BRECKINRIDGE, of Kentucky. I am not prepared to state what the expense would be. It is comparatively small. It is for the armory in which the men meet and in which their arms and equipments are kept. It is for the six days' encampment at which the public drill of the battalion or organized body is held. I should think the whole cost would be a comparatively small amount. It is assigned as a part of the burden upon the annual tax budget of the District of Columbia, which burden is borne in part by the District of Columbia, and in part by the United States, under the arrangement which has heretofore been made as to District matters.

Mr. BLOUNT. The gentleman has not in his enumeration of the cost included the arms and equipments, which do not come from the funds of the District of Columbia, but come from the quartermaster and commissary stores.

Mr. BRECKINRIDGE, of Kentucky. The District of Columbia is substantially put by this bill on the same footing as the various States of the Union under the act which has been in operation for many years. The United States furnishes to the various States a certain amount of arms and equipments, tents, blankets, etc., to the extent now of $400,000. But instead of the District of Columbia getting a proportional part of that distribution, it gets its share under this bill by the actual equipment of the volunteer soldiers who enlist under its operation, it being presumed that as the District of Columbia had no separate organization, and could therefore not draw from the United States Treasury, it was better to organize these troops and clothe them by a direct requisition on the Quartermaster's Department, instead of doing as the States do—clothe them in part by the requisition of the State from the United States and then by the distribution by the State to its soldiery.

Mr. BLOUNT. Will the gentleman allow me, for information, to ask him a question?

Mr. BRECKINRIDGE, of Kentucky. Certainly.

Mr. BLOUNT. Section 67 of this bill provides for the repeal of the existing act for the organization of the militia in the District of Columbia.

Mr. BRECKINRIDGE, of Kentucky. The sixty-seventh section has been added by the committee.

Mr. BLOUNT. Now, as to that, I desire to ask the gentleman a question. The provision preventing the organization of volunteer companies has been stricken out from this bill. I wish to know whether it was not under the act which section 67 proposes to repeal that these volunteer organizations have been formed hitherto?

Mr. BRECKINRIDGE, of Kentucky. I am not prepared to say what the provisions of the act of 1803 were. It is a very old act, under which there has been a *simulacrum*, if I may use the expression, of a militia organization in the District of Columbia—a mere shadow, without any real substance. Under that act, whatever it was, the militia had been a failure in the District of Columbia, and that being so, this system was meant to supplant it. I had intended to submit a remark on the sixty-seventh section, but I omit that, and simply add that this is the real question for the House: Will it permit the organization of this militia under a system that will make it efficient? If so, this bill will do it. If the House think otherwise, let them vote this bill down.

Mr. MCADOO. Mr. Speaker, I rise for information. I wish to know what amendment is before the House.

The SPEAKER. The motion is to strike out the last word.

Mr. McADOO. Well, Mr. Speaker, we are proceeding under the five-minute rule, and I wish to say that this is the second morning this bill has been before the House and there is only fifteen minutes of my time remaining. I shall therefore be obliged to ask the Chair to enforce the rule limiting debate to five minutes upon each amendment. If the Clerk will proceed with the reading of the bill I will give the gentleman from Pennsylvania [Mr. BRUMM] a few minutes when we come to the next amendment.

The SPEAKER. The gentleman from New Jersey [Mr. McADOO] moved to strike out the last word. Does he withdraw that motion?

Mr. McADOO. I withdraw it.

Mr. BLOUNT. Mr. Speaker, I move to strike out the last two words.

Mr. BRUMM. Mr. Speaker, I think the error which is being made by the friends of this bill is in the difference which they make between the national militia and the State militia. The national soldiery is composed of the regular Army. The State militia is a force that is composed of volunteers under State laws and limited in number. By this bill, however, it is proposed to enroll the entire able-bodied citizenship of the District of Columbia, with the power to call out every man of them.

In a State you can have no authority over any of the militia, excepting the volunteer militia, unless you get an act allowing a draft, but here you give the power of drafting to the general. Section 5 of the bill provides that "whenever it shall be necessary to call out any portion of the enrolled militia the commander-in-chief shall order out, by draft or otherwise, or accept as volunteers, as many as required. Every member of the enrolled militia who volunteers or who is ordered out or drafted under the provisions of this act, who does not appear at the time and place designated, may be arrested by order of the commanding general and be tried and punished by court-martial."

This is the enrolled militia. The active militia, however, is limited, I grant you, in this bill; that is, thirty-six companies; but this bill gives the general the power, without a conscript act, without any legislation on the part of Congress, to call out every able-bodied man of the 250,000 citizens of the District, thereby giving the President the sword and the purse without constraint or limit. It is contrary to the genius of American institutions, and I think we ought not to pass a bill of this kind.

Mr. McADOO. Mr. Speaker, I move to strike out the last word, in order to reply very briefly to the gentleman from Pennsylvania [Mr. BRUMM]. Every able-bodied man in the United States is part of its militia under the law and the Constitution. The first part of this bill simply relates to the general citizens of the country, who are always subject to draft.

Mr. BRUMM. Not without a special act.

Mr. McADOO. They are under the existing law to-day, and in this bill, on the request of the general commanding the militia in this District, the President of the United States can, of course, call out every able-bodied man to defend the Constitution of his country; but he gets no additional power in that respect from this act.

Mr. BRUMM. Is it not true that we are relying entirely on the volunteer force in every State, supplemented by the established militia, which is limited, and that no one can be called out under conscription until a conscript act is passed? Is not that correct?

Mr. McADOO. That is not correct.

Mr. BRUMM. I do not agree with you.

Mr. BLOUNT. Mr. Speaker, I move to strike out the two last words. It has been stated in the report on this bill, and reiterated time and again, that the provisions of this bill were such as have been adopted by the several States, and yet, with the exception of two or three States in the Union, gentlemen have not been able to verify that assertion. My friend from Alabama [Mr. WHEELER] I am sure will not undertake to say that in Alabama they have any such organization as is here proposed, that Alabama is paying out any such sums of money, that Alabama is paying for armories——

Mr. McADOO (interposing). If the gentleman will permit me, I will say that in my State they do.

Mr. BLOUNT. That is all right, but I am talking now about Alabama. My friend from Alabama [Mr. WHEELER] will not say that in that State the militia are clothed at the public expense, and that whenever they see fit to drill or go out on parade as cavalry their horses are hired from the livery stables, or that they have the other privileges that are provided for in this bill. I am quite sure, sir, that there is nothing of the kind in my own State. Indeed, I believe that the extent of the public appropriation in Georgia for the militia is a provision for an adjutant-general.

We have not felt any great inconvenience from our policy in this respect. There is no occasion for alarm. I do not believe that we are dependent on the formation in time of peace of any organized militia force. At the outbreak of the late civil war the Army of the United States was less than 15,000 men; but when the occasion came, in the opinion of either section of the Union, for soldiers, there sprang up armies almost unprecedented in numbers and character.

Mr. STEELE. And more men were lost to the service on either side on account of the inefficiency and want of experience on the part of officers at the commencement of the war than were killed in battle.

Mr. BLOUNT. Then if that is true, let us get up something real and substantial as a military organization. It can not help us to have a lot of band-box fellows, a body of dudes in the District of Columbia, who are to go into camp six days in the year for drill, and who when they need horses for their performances are to get them from livery stables at the expense of the General Government. If our Army is not large enough, if West Point is not graduating enough men to act as military officers, let us enlist more men, let us graduate more officers; but let us not charge the Treasury with expenses for organizations such as this bill proposes. I venture to say that the judgment and practice of most of the States of this Union repudiate a miserable force of this character. We do not need it here. They may need it in Pennsylvania, where the militia were at one time called on to quell disorder at Pittsburgh. I will say nothing as to what occurred there, but I do believe that if you need an efficient military force, you want regular soldiers constantly disciplined, constantly drilled, and under the control of thorough officers. With our existing railroad communications the regular forces of the United States can be relied on for such occasions of domestic disorder as may arise. Every man in the land feels in his heart a confidence that the authority of the United States is ready to be exerted through its Army for the suppression of disorder. I trust we shall leave the matter there. If volunteer militia organizations see fit to indulge themselves, as they do all over the country, in forming military companies and drilling, I would not discourage it; I am glad to see it.

[Here the hammer fell.]

Mr. WHEELER. In reply to the gentleman from Georgia, I wish to say that the State of Alabama has, according to her limited resources, spent more money than most of the other States to increase the efficiency of and for the encouragement of her volunteer soldiery, and certainly with most satisfactory results.

Mr. BLOUNT. How much?

Mr. WHEELER. She has now some of the best drilled and most efficient volunteer soldiers in the United States. Her company which came to this city last May made a remarkable and highly creditable display of their efficiency, as evidenced by the prize they won.

We are not compelled to appropriate very largely in Alabama to maintain our military system. Our companies are so superior that they carry off in prizes more money than the combined appropriations of the majority of the States in the Union. The Montgomery Greys were awarded a prize of $2,000 in Louisville in 1884, $2,000 in Mobile in 1885, $5,000 in the great Philadelphia competitive drill in the same year; they were awarded $2,000 at the great Georgia drill at Savannah in 1886, and they again triumphed at Vicksburg, receiving a prize of $2,000 before the year had closed, and last year they carried off a $3,000 prize from Louisville, beside numerous badges and awards attesting the merits of its individual soldiers. The Lomax Rifles, of Mobile, have gained numerous prizes; among them I recall $3,000 at Houston, Tex., and the whole world is informed of their achievement in this city last spring, when they successfully competed with all of the best organizations in the United States, and bore off the first prize of $5,000, which was handed them by the Commanding General of the Army.

The modesty, thegentlemanly decorum, soldierly bearing, and perfect discipline of these young men while in the city, was the subject of general and favorable comment.

All of the volunteer companies of Alabama of whom I have any knowledge, are composed of gentlemen of the same character. The Mobile Rifles have also been successful in many of these friendly contests, carrying off the first prize of $3,000 at Nashville in 1883. The Montgomery True Blues have also won many prizes, and the Alabama Corps of Cadets, a body of students from the State University, were awarded the prize at the great New Orleans drill in 1885.

Other States, notably Texas, Louisiana, Tennessee, Mississippi, Kentucky, Missouri, and the gentleman's State (Georgia) can boast of admirable military organizations, but I think all will take pride in the record made by Alabama troops.

I would say more, but I do not wish to endanger the bill, as there is but little time left for its consideration.

Mr. BLOUNT. Does my friend from Alabama mean to say that the military companies which came here from Montgomery, Ala., were a sample of the militia throughout that State?

Mr. WHEELER. A very good sample. I do not mean to say that all are equal to the troops I have mentioned.

Mr. BLOUNT. And will he tell us how much Alabama has spent on militia organizations?

Mr. WHEELER. I think we appropriate about $10,000 a year; but troops who have gained $50,000 in prizes, all of which is expended in increasing their efficiency, do not need large appropriations from the State.

Mr. McADOO. Now, Mr. Speaker, I ask that the Clerk proceed with the reading of the bill.

The SPEAKER. The Chair discovers by reference to the Journal that section 63 was not stricken out yesterday. An amendment from

the committee proposing to strike out the section is pending, and the question will now be taken.

The question being taken on the amendment to strike out section 63, it was agreed to.

Mr. BLOUNT. I wish to ask my friend from New Jersey a question. Under what act have the volunteer companies of this District heretofore organized? Have they organized under the act of March 3, 1803, which this bill proposes to repeal?

Mr. MCADOO. I do not know. My attention has not been called to that point. But there is nothing in the existing laws of the District to prevent any number of gentlemen from associating themselves together as an independent militia company.

Mr. BLOUNT. Will my friend allow me——

Mr. MCADOO. I can not.

Mr. BLOUNT. I am only asking for information. I do not want to speak further.

Mr. MCADOO. I am glad to know it.

Mr. BLOUNT. I know the gentleman is; and I want to accommodate him. [Laughter.]

The SPEAKER. There is no question before the House. Section 63 has been struck out, and the next section has not been read.

Mr. BLOUNT. After the next section is read I will have something to say.

The Clerk read as follows:

SEC. 64. The departmental and military duties of the officers provided for in this act shall be correlative with those discharged by similarly-designated officers in the Army of the United States.

Mr. BLOUNT. Mr. Speaker, I move to amend by striking out the last word. A moment ago I asked my friend from New Jersey a question designed to ascertain whether the repeal of the act of March 3, 1803, as proposed in this bill, would not embrace the clause under which the volunteer organizations in the District of Columbia had been organized. He answered that there is nothing in the laws of the District of Columbia which prevents the organization of volunteer companies. I submit that the gentleman's remark does not answer fully my question. This law is in existence; and I desire to know whether these volunteer companies are now organized under that law or not.

Mr. MCADOO. There are only six minutes of the hour remaining; and of course there is not time for extended discussion. I will simply say that section 67 of this bill proposes to repeal the act of 1803. If the gentleman wishes to have volunteer organizations formed under that law, and apprehends that the proposed repeal may interfere with this object, I will move when we reach that section to strike it out.

The SPEAKER. Section 67 is not a part of the bill, but is a new section which the committee proposes to add as an amendment.

Mr. MCADOO. Well, I will withdraw it if the gentleman thinks it objectionable. I desire to end the debate.

Mr. BLOUNT. My friend from New Jersey is in charge of this bill, and is, I suppose, desirous of giving information as to the effect of the legislation which the committee recommends for our adoption.

Mr. MCADOO. I have been endeavoring to school the gentleman in the militia laws according to the best of my ability in my humble way.

Mr. BLOUNT. Well, in your "humble way" you have done pretty well. [Laughter.]

I have been trying to get some information from my friend from New Jersey, but so far I have not been able to get very much from him.

Mr. BRECKINRIDGE, of Kentucky. The gentleman from Georgia has not given anybody else any time to do any speaking. He would not keep still so he might get the information. [Laughter.]

Mr. BLOUNT. My friend is excited about this bill. His character for statesmanship is established, but his military career will not be complete until he gets an organization or band-box brigade in the District of Columbia in the shape of a national guard. [Laughter.]

Mr. BRECKINRIDGE, of Kentucky. How can the gentleman get any information when nobody else can get the floor to give it to him? [Laughter.]

Mr. BLOUNT. That is true; I have sought information in reference to this very important measure, and so far have not been able to get it.

Mr. WHEELER. The gentleman from Georgia is determined to have the last word.

Mr. BLOUNT. I have sought information of my friend from New Jersey, but it seems the vast amount of information he had accumulated on the subject of these militia organizations has passed from him, and I can not get it.

Mr. WEAVER. Strike out the enacting clause.

Mr. BLOUNT. I do not know but the best thing just now will be to adopt the suggestion of the gentleman from Iowa [Mr. WEAVER], and I therefore move to strike out the enacting clause of the bill.

The SPEAKER. The motion to strike out the enacting clause is not now in order.

Mr. MCADOO. I am satisfied, if the enemy ever approaches the District of Columbia and the gentleman from Georgia can only make a few amendments, he will instantly retire.

Mr. KERR. Mr. Speaker, I believe I have been recognized, and I desire to make a few statements in reference to the provisions of this bill. Now, it provides in section 47—

That no officer or soldier of the National Guard, when ordered on duty to aid the civil authorities, or when ordered into the service of the United States, in obedience to the call or order of the President, shall be excused from such duty except upon the certificate of the surgeon of his command of physical disability, such certificate to be presented to the commanding general in case of an officer, or to his company commander in case of a soldier. If such officer or soldier fail to furnish such excuse he shall be tried and punished by a court-martial.

The preceding section gives the commander-in-chief in the District power to enroll every member in the District of Columbia. It then provides that the commander-in-chief may call every man out, and if they do not obey his call they are liable to be tried, every man of them, by court-martial. It seems to me it confers most extraordinary power on the President of the United States and very dangerous power.

Mr. MCADOO. It is not more than was done during the war.

Mr. KERR. But we are not in war now.

Mr. MCADOO. It is only intended for cases of emergency.

Mr. KERR. But this is not a case of emergency now, and what was done during the war was done by authority of statutes passed by the Congress of the United States when the emergency occurred. If we had a million of men, here is power conferred on the President of the United States, on the commander-in-chief, to put every man in the Army, and, if they refused to obey his call, the power to try them by court-martial.

Mr. BLOUNT. I move to lay the bill upon the table.

The SPEAKER. That motion is not in order, as the House is now considering the bill as in Committee of the Whole under the five minute rule. After the bill has been gone through with the gentleman's motion will be in order.

Mr. MCADOO. I think the House should consider this bill fairly. We have nearly finished the reading of the bill, and I ask by unanimous consent that the time be extended for ten minutes.

Mr. BLOUNT. I do not think that is time enough to consider so important a measure.

The SPEAKER. The gentleman proposes to extend the time for ten minutes.

Mr. BLOUNT. I object.

The Clerk read section 66 of the bill, as follows:

SEC. 66. That it shall be a misdemeanor for any body of men, other than the regularly organized militia and the troops of the United States, except such independent military organizations as are now in existence, to associate themselves together as a military company or organization, or meet for drill with arms, or parade in public with arms, without the permission of the commanding general; and whoever belongs to, or parades with any such unauthorized body of men with arms shall be punished by imprisonment for not exceeding six months, or by a fine not exceeding $50, or by both; and the police court of the District of Columbia shall have jurisdiction of misdemeanors under the provisions of this section.

Mr. MCADOO. I move to strike that section out.

Mr. BLOUNT. I demand a division.

The SPEAKER. The time of the committee is expired. Does the gentleman from Georgia insist upon his demand for a division?

Mr. BLOUNT. I do. Let the section go out.

Mr. MCADOO'S motion was agreed to, and the section was stricken out.

The hour having expired, the bill went over to the next morning hour.

REDUCTION OF PASSPORT FEES.

Mr. MCCREARY. Mr. Speaker, this day, under the special order of the House, was set apart for the consideration of bills reported from the Committee on Foreign Affairs.

I call up for present consideration the bill (S. 1027) to fix the charge of passports at $1.

The bill was read, as follows:

Be it enacted, etc., That from and after the passage of this act a fee of $1 shall be collected for each citizen's passport issued from the Department of State. That all acts or parts of acts inconsistent with this are hereby repealed.

Mr. MCCREARY. Let the report be read.

The report (by Mr. HITT) was read, as follows:

A passport is, in its terms, a certificate of citizenship, and it contains a request to all whom it may concern to permit the bearer safely and freely to pass, and in case of need to give him all lawful aid and protection. There is no apparent reason why such certificates should be made a source of revenue or form of taxation by the Government. "Any citizen of the United States," said Secretary of State Fish, "has a right to be furnished with such evidence of citizenship, and of his right to the protection of the Government, as has been adopted for that purpose, upon complying with the usual regulation." At the present time, and for a long time heretofore, a charge of $5 has been made to every citizen who obtains from this Government this certificate of ten lines. The Secretary of State, in a communication to the Committee on Foreign Affairs, recommends that the fee, now so high, be reduced to $1, which leaves it still a source of some revenue to the Government. The fee of $5 is really a serious burden upon many of our people. It weighs especially heavy upon those crossing from Florida to Havana, where, in addition to the passport fee of $5, there are notarial fees of $2, visé by the Spanish consul at Key West, $4, and entrance and departure fee at Havana, $2.50, total $13.50, which is levied upon American citizens desiring to go from Key West to Havana, about 100 miles.

There is now a very considerable traffic between those points. An American steam-ship company recently established a line between Tampa, Key West, Fla., and Havana, and experience shows that the passport charges are a serious check to travel. The Spanish authorities, in view of this fact, modified their charges so that the visé at Key West is now only 60 cents, with a very light charge at Havana for arrival and departure, reducing the entire Spanish charges to about $1.

In 1886, between January 1 and August 12, there were over 1,200 passengers from Key West to Havana. From October 14 to the 25th of January, 1887, there were from Tampa and Key West to Havana 1,723 cabin and 2,821 steerage passengers. Nearly the whole of this travel is commercial. It is only during a short period of the winter that there is a small amount of travel which is not commercial. It is manifestly impolitic to burden the active commerce of the country, and especially persons of such limited means as are those here mentioned, with so heavy a fee as the law now imposes.

While the fact may be that Americans traveling to Europe are usually persons of ample means, who could readily pay a tax of $5 for a passport, which they sometimes take, there has been a change in regulations by the liberal policy of the great European states, almost all of which have abolished the requirement of passports, so that American travelers going from New York to England, France, etc., are no longer required to take passports with them to those countries. But the old burden rests with all its severity upon those going to Cuba, who are engaged in business, and are generally men of slender means.

Your committee coincide in the opinion of the Secretary of State that the present passport fee ought to be reduced to $1, and therefore recommend the passage of the bill.

[Senate Ex. Doc. No. 144, Forty-ninth Congress, first session.]

Message from the President of the United States, transmitting a letter of the Secretary of State, in response to a resolution of the Senate of May 5, relative to charges for passports to American citizens.

To the Senate:

In response to a resolution of the Senate of the 5th instant, inquiring as to the necessity for the continuance of the present charge for passports for American citizens desiring to visit foreign countries, I transmit herewith the report of the Secretary of State on the subject.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, May 17, 1888.

To the President:

The Secretary of State has received from the Senate a resolution bearing date the 5th instant, of which the following is the text:

"*Resolved*, That the Secretary of State be, and he is hereby, directed to inform the Senate what necessity, if any, exists for the continuance of the present charge for passports to citizens of the United States desiring to visit foreign countries, and whether in his opinion the charge now made can be reduced or dispensed with without detriment to the public service."

In reply, the Secretary of State has the honor to state that the possession of passports by American citizens traveling in Russia, Germany, Turkey, and Spain, and the dependencies of these countries, is still there a subject of legal requirement. In addition, it is desirable that all naturalized citizens of the United States visiting the country of their origin should carry passports as proof of their acquired citizenship.

The present legal fee for a passport is $5, and in the year commencing March 7, 1885, and ending March 7, 1886, there were issued 4,600 passports, and from the fees charged a revenue of $23,000 was derived.

I am disposed to recommend a reduction in this charge to $1 for each passport, as the fees derived therefrom would fully pay for all the clerical force, stationery, and postage made necessary.

Respectfully submitted.

T. F. BAYARD.

DEPARTMENT OF STATE, *Washington, May 17, 1888.*

WASHINGTON, D. C., *January 31, 1887.*

DEAR SIR: The Plant Investment Company, in January, 1886, established a line of steam-ships between Tampa, Key West, Fla., and Havana, Cuba (distance 365 miles), making three trips per week each way during six months of the year and two trips each way the remainder. The line carries the United States mail, and the time is very fast, and it is necessary to make the most of all classes of business in order to make the line pay even expenses, which we regret it has not done at all times. The passenger business has been injured by the passport charges, which have been as follows: Notarial fees, $2; United States passport, $5; visé by Spanish consul at Key West, $4; entrance and departure fees at Havana, $2.50; total, $13.50. Key West is about 100 miles from Havana, and there would be far more travel between these two cities but for these charges.

The Spanish authorities modified their charges so the visé at Key West is 60 cents, with a very light charge at Havana for arrival and departure; so the entire Spanish charges are about $1, while the United States charge remains the same, notwithstanding that it is an American enterprise that should not be discouraged by its own Government.

From January 1, 1886, to August 12, 1886, the line carried from Key West to Havana 245 cabin and 980 steerage passengers; from August 12, 1886, to October 14, 1886, we have not the data at hand; October 14, 1886, to January 25, 1887, from Tampa to Key West and Havana, 1,723 cabin and 2,821 steerage passengers.

We think that these data will convince you that nearly the whole of this travel is commercial. During a very short period in the winter there is a small amount of travel that is not commercial. While the receipts from this source are light, we are glad to get it to help pay expenses, as it is all necessary to a line that thus far has been far from profitable.

Very respectfully,

THOMPSON & SLATER.

Hon. R. R. HITT,
House of Representatives, Washington, D. C.

Mr. McCREARY. The report in this case was made by the gentleman from Illinois [Mr. HITT], and I yield to him such time as he may desire.

Mr. HITT. Mr. Speaker, the pending bill reducing the price of a passport from $5 to $1 is so simple that it needs no explanation, save, perhaps, to say that complaints have been so numerous of the burden which the passport fee has unnecessarily put upon many of our people, especially upon those who can ill afford it, that the attention of Congress has at last been drawn to the subject, and this bill is presented with a view to providing suitable legislation to bring the passport tax down to a reasonable amount. The Senate of the United States, two years ago, called upon the Executive to know if the passport fee, in his judgment, could not be reduced or even abolished. It is now only proposed to be reduced by this bill. Sufficient is still charged to pay and more than pay all the expenses necessarily incurred in preparing passports, such as clerical expense, stationery, etc. The diminution of the charge will in no way diminish the precautions to be taken in issuing the passport, the investigation necessary before it is granted, nor the protection it will afford to its bearer. It will be cheapened in cost, but not in quality; and this cheapening will come to those very ones who need it most. The passport regulation is enforced by foreign governments like Cuba, where people of small means go for business or work.

Mr. Speaker, the passport is no longer required of our citizens who go to France, England, and, generally, those countries where the current of American travel consists chiefly of persons of such ample means that this fee would be to them an inconsiderable expense; but on our southern coast, to the people of Florida and those of Louisiana, who have frequent occasions to go to the Spanish dependencies in the West Indies, it is a serious burden. Spanish law requires a passport from all strangers. That is not all. The amount of the exaction, connected with the passport, first by our Government, and then by the Spanish authorities, is so great that it more than equals the transportation charges of a poor man who goes to Cuba from Florida in pursuit of work or trade.

In Spain, Turkey, and Russia only, among the European countries, save in part in Germany, is the passport system still enforced upon those who arrive in those countries. Cuba, being a Spanish dependency, where disorders are quite possible, the rule is carried out in all its rigor. Here it falls upon a class of our people, becoming very numerous since the establishment of the new line of steamers, who can not well afford to hear this unnecessary charge for a paper of ten lines, which it is the right of every American citizen to have from his Government—a mere statement by the Government that he is a citizen. The newly established steamer line found it a hard struggle to maintain itself in running boats from Florida to Havana, made far harder when the passengers had to pay more for passport exactions than for steamer fare.

Mr. Fish, when he was Secretary of State, many years ago, declared that it was the right of every citizen to have this evidence of citizenship, and yet by law we have made this a source of revenue, the last thing in the world we should select as a means to fill the Treasury. I know of no objection to the bill to be answered, and therefore shall not occupy the time of the House longer.

Mr. ADAMS. Will my colleague permit me to ask him a question before he takes his seat?

Mr. HITT. Certainly.

Mr. ADAMS. I notice from the reading of the report it is said that by additional fees the cost of the passport is increased in some instances to about $13. Now, in obtaining passports in Chicago for a naturalized citizen of German extraction, for instance, I have had occasion to know that the expense there is much more than $5; and I want to know whether that additional expense does not come from some United States official whose fees can not be reduced at the same time? I believe the report stated the origin of this matter of fees.

Mr. HITT. The extra fees or charges referred to by my colleague are added by the notarial officers who procure the passport for the traveler and who are citizens of the United States. The fees referred to in the report, however, as amounting to $13 and upwards to those going to Cuba are the fees authorized by foreign laws and charged to our countrymen by foreign officers, besides the $5 first collected by our own Government. If a man who is in a hurry to embark goes to New York without providing himself with a passport, and then just before starting wishes a broker of passports to obtain one for him, he usually pays the broker $10 instead of $5, the broker charging a fee of $5 for his services. If the naturalized citizen of Chicago, referred to by my colleague, had only addressed the Department of State, "Passport Bureau," he would, upon proper information and proof, have his passport for $5. This bill reduces the cost to $1.

Mr. DAVIDSON, of Florida. Let me ask the gentleman from Illinois if the Senate did not pass a similar bill last year?

Mr. HITT. It was passed by the Senate in the last Congress, and was unanimously recommended by the Committee on Foreign Affairs of the House of Representatives, but was crowded out and failed with many others for want of consideration in the House. Now it has been passed again by the Senate, and is again recommended by our Committee on Foreign Affairs, and to-day only awaits the action of the House and the signature of the President to become a law.

Mr. McCREARY. Mr. Speaker, the passage of this bill has been recommended by the Secretary of State; the reasons have been fully set forth in the report and in the remarks of the gentleman from Illinois; and believing no further discussion to be necessary, I now demand the previous question on the third reading of the Senate bill.

The previous question was ordered; under the operation of which the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. McCREARY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN P. HAGEMAN.

Mr. McCREARY. I now call up the bill (H. R. 4691) for the relief of John P. Hageman.

The bill was read, as follows:

Be it enacted, etc., That a certain Mexican bond belonging to John P. Hageman, of the city of Kingston, Ulster County, and State of New York, and being for the

sum of $50, and numbered 298, due July 4, 1885, and signed by José M. J. Carvijal, as governor of Tamaulipas and San Luis Potosi, acting for said States and the United States of Mexico, and now in the custody of the Department of State, be restored to him; and the Secretary of State is hereby authorized and directed to deliver to the said John P. Hageman, or his assigns or legal representatives, the said bond.

Mr. McCREARY. This bill was by mistake referred to the Committee of the Whole House. It does not contain any appropriation of money, nor does it raise revenue. Its object is only to restore a Mexican bond to its proper owner. I therefore ask that the Committee of the Whole House be discharged from the further consideration of the bill, and that it be considered in the House.

The SPEAKER *pro tempore* (Mr. SPRINGER). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. McCREARY. I ask now that the report may be read.

The report (by Mr. HITT) was read, as follows:

The Committee on Foreign Affairs, to whom was referred House bill 4691, beg leave to report:

That John P. Hageman, of Kingston, Ulster County, New York, in 1865 did certain advertising in his newspaper, the Rondout Courier, for the Mexican Government, amounting to $50, which was not paid, except by the delivery to him by the duly authorized agent of the Mexican Government of a bond for $50, on which nothing was or has been paid. In 1870 Mr. Hageman submitted to the United States and Mexican Claims Commission his claim for this amount, $50, and filed this bond with the papers before the commission. Owing to the fact that he failed to produce proof of his citizenship or of the authority of the parties who made and executed the obligation, the claim was dismissed by the umpire February 3, 1874. The Government of the United States has nothing whatever to do with the payment of this bond, which is one of a series known as the Corlies-Carbajal bonds, issued by the Mexican Government in 1865. Our State Department has received information, and caused it to be made public through the newspapers, that the Mexican Government has recently provided for their redemption. In reply to Mr. Hageman's inquiry, the Secretary of State said, December 17, 1886:

"Your bond is apparently one of these genuine bonds. But before you can take any steps looking to the redemption of that bond, as provided by the Mexican Government, you will have to procure an act of Congress authorizing this Department to return to you the bond in question. It, being a part of the record of that Claims Commission, can not be removed therefrom except upon such permission."

In reply to an inquiry from this committee the Secretary says:

"In view of the precedents set by Congress in acts authorizing the surrender to their owners of original papers which have formed a part of the files of the said Claims Commission, I see no reason to object to the passage of this bill."

The committee therefore recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McCREARY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HUMANE JAPANESE.

Mr. McCREARY. I now call up for present consideration the joint resolution (H. Res. 95) to enable the President of the United States to extend to certain inhabitants of Japan a suitable recognition of their humane treatment of the survivors of the crew of the American bark Cashmere.

The joint resolution was read, as follows:

Resolved, etc., That the President of the United States be, and he is hereby, authorized to extend to the inhabitants of the island of Tanegashima, Japan, a suitable recognition of their kind and humane treatment of the survivors of the crew of the American bark Cashmere, lost off that coast in the year 1885, and to convey to the Government and people of Japan an expression of the high appreciation in which the Government and people of the United States hold such humane services.

SEC. 2. That the sum of $5,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, to enable the President to execute the purpose aforesaid.

Mr. McCREARY. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the joint resolution, and that it be considered in the House.

There was no objection.

Mr. McCREARY. I ask that the report be read.

The report (by Mr. MORROW) was read, as follows:

The Committee on Foreign Affairs, to whom was referred House resolution No. 95, beg leave to report:

On the 11th of September, 1885, the American bark Cashmere, bound on a voyage from the city of Philadelphia to Hiogo, Japan, encountered a violent typhoon near the coast of Japan. The fury of the gale soon reduced the vessel to a hopeless wreck. The officers and crew numbered fifteen, consisting of the master and his son, first and second mate, carpenter, eight seamen, steward, and cook. The first and second mate perished on the morning of the 13th of September while engaged in heroic efforts to save the vessel. A few hours later the master was swept overboard and lost. At this time, when the dismantled vessel was apparently unable to much longer resist the violence of the storm, seven of the men managed to get into the only remaining boat and set out in what appeared to be a hopeless effort to reach land.

The captain's son, the carpenter, and three of the crew were compelled to remain with the floating wreck. After two days of suffering, without food or water, the seven men who took to the boat landed in a famished condition on the little island of Tanegashima, inhabited by Japanese fishermen and peasants. These kind-hearted and hospitable people hastened to feed, clothe, and dress the wounds of the unfortunate castaways, and in every way possible administered to their wants. As soon as the latter were able to travel the islanders provided them with transportation to the Japanese city of Kagashima, where they were also hospitably received and kindly treated for eight days, when they were sent o Kobe, where the United States consul took them in charge and placed them on board a vessel bound to San Francisco.

In the mean time the wreck, upon which were left the captain's son and four members of the crew, was unexpectedly kept afloat by the buoyancy of its cargo of kerosene stored in cans in the hold of the vessel. For seven days and nights after the departure of the boat the five men remained on the wreck, crowded into a small space under the forecastle, with only a few raw yams to eat and a little vinegar to drink. Their suffering from hunger and thirst was most intense. The helpless craft finally drifted in sight of land, and the men constructed a raft with which, after much toil and danger, they reached shore and found that they had landed upon the same little island of Tanegashima, where their comrades in the boat had a few days before been rescued from the perils of the sea.

The Japanese, unwearied in their kindness, again hastened to the shore to rescue, feed, clothe, and administer to the wants of this second party of unfortunate strangers, which they did with even a more kindly generosity and a greater sympathy than before, as the last party were in greater distress than their comrades. After ten days of careful treatment, the second party had sufficiently recovered health and strength to travel, and they were also sent to Kobe, from which place they were sent to Yokohama by the American consul, and at the latter port they obtained passage on a vessel to New York. The escape of these poor sailors from the misfortunes that had overtaken them was most miraculous, but the humane and generous treatment they received at the hands of the kind-hearted Japanese was the feature of the story they had to tell when they reached home.

Our shipwrecked sailors have not always been so fortunate in that part of the world. The Japanese have never failed when occasion required to show their sympathy for people in distress; but their kindly disposition is in marked contrast with the barbarous conduct of many other people on the Asiatic coast. Instances have been reported where our shipwrecked sailors have been subjected to the most cruel and inhuman treatment; and the power of the Government has been invoked to punish such inhumanity.

It is the boast of our civilization that we seek to cultivate the highest order of fraternal obligations for the relief of distress in times of peril and disaster, whereby we spread abroad a spirit of friendliness and universal brotherhood. The present instance should not be allowed to pass, therefore, without some suitable recognition of the humane conduct of the Japanese towards the survivors of the American bark Cashmere.

The committee, therefore, recommend the passage of the accompanying resolution.

Mr. McCREARY. I give as much of my time as is necessary to the gentleman from California [Mr. MORROW], who introduced this bill and made the report from the Committee on Foreign Affairs.

Mr. MORROW. I apprehend it will not be necessary to go into much of a discussion with reference to this joint resolution. The facts upon which it is founded are set forth in the report which has just been read.

It is a fact that the treatment received by these poor sailors from the Japanese was very conspicuous for its humanity, and that it was the feature of the story these people had to tell when they reached home. It was very remarkable that they were rescued at all, because the vessel apparently was about to go down when the first boat left the vessel with some seven of the men and sought the shore. These seven men, after suffering for two days on the open sea, finally reached land on this small island of Tanegashima. The vessel they had left, instead of going down, as it was supposed it would do, kept afloat by reason of the buoyancy of its cargo of kerosene.

There were five men who remained on board this vessel for seven days. At the expiration of that time, when almost dead with hunger and thirst, they found themselves near land and managed to construct a raft, by which they reached land on this same island of Tanegashima.

The Japanese took these poor fellows, clothed them, fed and provided them with transportation to a port where they reached the American consul. The conduct of these Japanese was very remarkable, and was in strong contrast to the treatment our men have received elsewhere under like circumstances. Some years ago an American vessel was wrecked off the coast of Sumatra. The seamen who were wrecked were treated most inhumanly and barely escaped with their lives.

When the matter was brought to the attention of our Government we sent a man-of-war to destroy the village where these inhuman people lived, to teach them and others the lesson that American citizens should be respected wherever they were.

It seems proper under all these circumstances that the President of the United States should be authorized to give some sort of testimonial to these people. If this should be done it will have an exceedingly good effect with reference to our relations with the people of the Asiatic coast.

The amount contained in this bill was incorporated in the deficiency bill of last year, was approved, I believe, by both Houses, but failed in consequence of the failure of the deficiency appropriation bill. I believe the gentleman from Missouri [Mr. BURNES] is familiar with that fact.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McCREARY moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DR. H. B. MATTEOSIAN.

Mr. McCREARY. I now call up the bill (H. R. 7934) for the relief of Dr. H. B. Matteosian.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and empowered to pay, out of any money in the Treasury not otherwise appropriated, upon vouchers duly approved by the Secretary of State, the sum of $1,000 to be immediately available, to pay Dr. H. B. Matteosian for services as temporary delegate of the United States to the sanitary commission at the port of Constantinople.

Mr. McCREARY. Dr. H. B. Matteosian rendered the service re-

ferred to in the bill at Constantinople. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of this bill, and that it be considered in the House.

Mr. HITT. If that is agreed to I presume the bill would still be open for debate?

The SPEAKER *pro tempore*. Certainly.

Mr. HITT. I should like to hear something from the gentleman from New York [Mr. COX] in regard to it.

Mr. McCREARY. Dr. H. B. Matteosian, as I have said, rendered this service at Constantinople. He did it under the authority of a dispatch from the Department of State to Hon. G. H. Boker, then minister to Constantinople, authorizing the provisional appointment of this physician as temporary delegate of the United States to the sanitary commission at that port.

A distinguished member of the present House of Representatives, who succeeded Mr. Boker, was intimately acquainted with Dr. H. B. Matteosian, and understands the service he rendered. I therefore yield as much of my time as may be necessary to the gentleman from New York [Mr. COX], the late minister to Turkey.

Mr. COX. Mr. Speaker, I should prefer that the report should be read to the House by way of explanation of this claim. I am not an advocate of the claim in any sense of advocacy. I am rather in the relation toward it of a judge. I know Dr. Matteosian, and, as the termination of his name signifies, he is an Armenian. He was a surgeon in our Army during the war. He went back to Turkey, and, because of his eminent skill in his profession, he was chosen in 1874 by the State Department to be a member of the sanitary commission at Constantinople. In that commission he met regularly with the other members, physicians connected with the hospitals in that city, for fourteen years. After a while our commerce there failed. We had no shipping in Constantinople—none worth looking after—only a few Italian barks that carried our petroleum there.

The commission reported regularly upon the sanitary condition of all vessels that came from the Bosphorus, and they were very strict in doing so. Dr. Matteosian met, with the English, French, Austrian, Russian, and other members of the commission, and took part in their consultations and reports. When I went to Constantinople I could not find his reports on record—indeed, I could find very little else in the legation until I at last found a gentleman who arranged our archives, put them in good order and filed them away. After I had been there some time this doctor came to the minister and said, "I am called on to pass upon some matters connected with the sanitary condition of the city in connection with American vessels." It was news to me, but looking up the archives I found that General Wallace had given assurance that our Government would pay the doctor something for his services. General Wallace, however, had no funds from which to make the payment. I wrote to the Secretary of State, asking what was the function of this doctor; whether he was an officer, and if so, of what kind; whether he was appointed under a law of Congress, and if so, under what law.

I found that he occupied an anomalous position. He was no officer. He was delegated by the State Department for this business, but he had no promise of compensation; he had assumed the position without pay. He is not strictly entitled to any pay, but, as all our ministers there have assumed from time to time that he should have some compensation besides the mere honor of the business, I wrote to the State Department about it, and I promised that it I ever got back to Congress again—and I had some little idea of getting back even then [laughter]—I would say something in favor of this claim, and I have said it. How to fix the proper amount of compensation for these fourteen years I can not tell; nobody can tell just what it should be; so I put into the bill the round sum of $1,000 for the fourteen years' service. If anybody thinks that is too much, let him move to strike it out. I promised the doctor to lay his case before the American Congress, and I have done it.

Mr. HITT. I wish to ask the gentleman a question. Knowing how familiar he is with the usages of those eastern countries generally, and especially in connection with the foreign legations, I wish to ask him whether this doctor performed any regular service that really caused him any sacrifice of time or of patients, whether he did not receive great benefit in his practice as a physician from his recognition by the legation, and whether he was not very solicitous to retain this post and very strenuous in opposition to any attempt to supplant him?

Mr. COX. I do not know as to the details of that matter. I know that the French physician connected with this sanitary commission is paid 10,000 francs and the English physician £400 sterling. Our man rendered the same service that they did, except that his service did not result in helping our own country much, because during the last few years we have had no shipping there. There was one little perquisite connected with the service of the other physicians on this commission: they were made physicians to the legation. I was not sick enough while I was there to send for this doctor, so I have no interest of that kind in this bill. [Laughter.] I suppose he met with the other members of the commission and they consulted and talked over the regulations about cholera and yellow fever and those diseases that come out of the Orient and sometimes cause great damage throughout the world, and in that way, perhaps, his services were of benefit to us.

Mr. HITT. Does the gentleman from New York [Mr. COX] think it was a real advantage to the Government to have this doctor there, always ready, willing to serve?

Mr. COX. Well, Mr. Boker thought so; General Wallace thought so; I thought so myself, and the State Department has said so.

Mr. McCREARY. Is it not true that other delegates who served in like positions were paid by their respective governments?

Mr. COX. Yes, all the governments except ours paid their members of the commission.

Mr. McCREARY. Is it not true that the French Government paid theirs $2,000, and that the English Government paid their physician the same amount?

Mr. COX. The French and the English physicians were paid, the one 10,000 francs and the other £400 sterling. I do not know what to say about this claim further than to lay it before Congress. I want to see our business in Constantinople wound up handsomely according to the equities, and I think this is one of them.

Mr. WHITE, of New York. Will the gentleman tell us how long this payment of 10,000 francs and £400 to the French and the English physicians, respectively, has been made?

Mr. COX. Ever since the creation of the commission, in 1874.

Mr. WHITE, of New York. Is the condition of our Treasury so bad that we need to take a position in this matter only half equal in dignity to that taken by other nations? Why should we not pay as much as the others?

Mr. COX. Well, if I were a magnate of Wall street I could answer that question, but being an impecunious person, I can not do it. [Laughter.]

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McCREARY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

A. B. TYAN.

Mr. McCREARY. I call up House bill 7255 for the relief of A. B. Tyan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby directed to pay to A. B. Tyan the sum of $3,618.80, being the sum found due to the said A. B. Tyan from the United States when the Secretary of the Treasury, in obedience to an act of Congress entitled "An act for the relief of Victor Bean Voucher, passed March 29, 1886" (private No. 20), audited the expenditures of Victor Bean Voucher, late consul of the United States at Jerusalem.

Mr. McCREARY. This bill was introduced by the gentleman from New Jersey [Mr. PHELPS], and I yield to him so much time as he may desire to explain the measure.

Mr. PHELPS. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill, and that it be now considered in the House.

The SPEAKER *pro tempore* (Mr. SPRINGER). If there be no objection, that order will be made.

There was no objection.

Mr. PHELPS. Mr. Speaker, this bill has been introduced at the request of the State Department. The object of the bill is to appropriate $3,618.18 for the reimbursement of money which was expended by the claimant in the succor of certain American citizens who were stranded without resources of any kind at Jaffa in the winter of 1867–'68. This amount of money was expended in providing these people with food and with transportation by which they might return to their native country. The expenditure was made through the American consul at Jerusalem, whose name was Victor Beaubouchер. It was the supposition, until recently, that this money, which was in fact advanced through Beaubouchер, was his own money; and a bill passed in the last Congress authorized the State Department to repay him these advances. Subsequent investigations by the Department have discovered the fact that while Beaubouchер, the consul, was the instrument of making the expenditure, the money was actually advanced by a banker named Tyan, then and now doing business in Jaffa. At the request of the Department of State this bill has been introduced to authorize the payment of the money not to Beaubouchер, the consul who expended it, but to A. B. Tyan, the man who actually furnished it.

The committee has directed me to ask the adoption of two verbal amendments, which I send to the Clerk's desk—one to strike out in line 7 the words "the Treasury" and insert "State;" the other to change "Bean Voucher," in the printed bill, to the real name of the party—"Beaubouchер." I offer these amendments.

Mr. O'NEILL, of Missouri. I would be glad if the gentleman from New Jersey [Mr. PHELPS] would inform us who these people were, and why the Government should relieve them.

Mr. PHELPS. They were a company of Americans, numbering forty or more, mostly from the State of Maine, who were led by a religious enthusiast named Adams to settle in Jaffa, in the hope that by some miraculous interposition their enterprise would prove successful. Providence did not intervene, except in the ordinary way, and they were, as I before said, stranded without resources.

The SPEAKER *pro tempore*. The first question will be on the amend-

ments offered by the gentleman from New Jersey [Mr. PHELPS] on behalf of the committee.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McCREARY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HANNAH J. JONES, EXECUTRIX.

Mr. McCREARY. I now call up the bill (H. R. 4257) for the relief of Hannah J. Jones, executrix.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of State be, and he is hereby, authorized and directed to refer the claim of Emanuel Jones, deceased, a British subject, now on file and pending before said Secretary, to the Court of Claims for adjudication, to be presented in the name of Hannah J. Jones, his executrix; and said court is hereby authorized to hear and determine the same upon principles of equity and international law; and if a decree be rendered in favor of said Jones, the Secretary of the Treasury shall be, and is hereby, authorized and directed to make payment thereof: *Provided*, That either party shall have the right of appeal from such decree of said court, and the decision on such appeal shall be final.

Mr. McCREARY. I move that the Committee of the Whole House be discharged from the further consideration of this bill, and that it be considered in the House.

There being no objection, it was ordered accordingly.

Mr. McCREARY. This bill was introduced, I believe, by the gentleman from Mississippi [Mr. HOOKER], to whom I now yield so much time as he may desire to explain the measure.

Mr. HOOKER. Mr. Speaker, my friend from Kentucky [Mr. McCREARY] is mistaken in supposing that I am the author or introducer of this bill. It was introduced by my friend from Alabama [Mr. JONES], who comes from the region of country where a majority of the persons affected by the bill reside. I, however, having had the bill referred to me as a subcommittee of the Committee on Foreign Affairs, prepared the report on the subject. If it be desired by any gentleman, I will have the report read; or if more agreeable to the House, I will state the character of the claim.

Mr. HERBERT. Let the gentleman make a brief statement, without having the report read.

Mr. HOOKER. This bill proposes to authorize the reference of the claim of Hannah J. Jones to the Court of Claims, to ascertain the amount which may be due to the estate of her deceased husband, Emanuel Jones, a British subject, who came to this country before the late war between the States and settled in the city of Mobile, Ala. Before and during the war he aggregated all his assets in cotton, which was stored in a certain warehouse in the city of Mobile. When the city, by its surrender, fell into the hands of the Federal forces, this warehouse, containing Mr. Jones's cotton, with that of others, was seized by officers of the United States Government, acting under authority to confiscate whatever cotton was supposed to belong to the Confederate government or to persons who had rendered it aid. Immediately upon being notified that the Federal forces had taken possession of the warehouse containing this cotton, Mr. Jones, the owner, went to the Federal officer, and, as a British subject, demanded possession of his cotton. He was accompanied by the then British consul at Mobile, Mr. Cridland, in order that the latter might certify as to the character and nationality of Mr. Jones and the circumstances under which the cotton had been deposited.

The Federal forces having control of the warehouse and this cotton, with that belonging to others, declined to surrender it to Mr. Jones. They declined to pick out the specific cotton belonging to Mr. Jones, and which was designated by definite and specific marks. They also declined to give its weight. A few days after that the city of Mobile, Ala., fell into the hands of the Federal forces. In consequence of the explosion of ammunition in an adjoining warehouse, the warehouse where this cotton belonging to Mr. Jones was stored was set on fire, and the cotton for which the claim is made in this case in behalf of Mr. Jones—Mr. Jones having died in the mean time—was destroyed. All that is provided in the bill is that this case may be adjudicated by the Court of Claims, with the right of appeal on the part of the Government or of Mr. Jones's representative to the Supreme Court of the United States.

Let me read the certificate of Her Britannic Majesty's consul:

[British consulate for the States of Alabama and Florida, United States of America.]

I, Frederick J. Cridland, Her Britannic Majesty's consul for the States aforesaid, residing at Mobile, Ala., do hereby certify that the foregoing writing—

That is, the invoice of the cotton belonging to Mr. Jones which had been seized. I will read further—

is a true and correct copy of an original invoice of 252 bales of cotton, sworn to and deposited in this consulate on the 27th day of August, A. D. 1864, by Mr. Emanuel Jones, a British subject; the aforesaid copy having been compared by me with the original document now in the archives of this office.

In testimony whereof I have hereunto set my hand and affixed my seal, at Mobile, this 18th day of December, A. D. 1877.

[SEAL.] FREDERICK J. CRIDLAND,
H. B. M. Consul.

Mr. HOPKINS, of Illinois. Does the report show the date of the seizure of this cotton?

Mr. HOOKER. The report of the committee shows all the facts. It is stated in the report:

On the 12th day of April, A. D. 1865, the Federal forces took possession of the city of Mobile and immediately seized the warehouse in which Mr. Jones's cotton was stored, and placed military guards around it, and declared their intention to ship said cotton to New York, to be there sold as captured property and prize of war, and the proceeds thereof to be turned into the Treasury of the United States.

On learning of the seizure of his cotton by the military authorities of the United States, Mr. Emanuel Jones went to said warehouse and notified the officer in command that this cotton was his, and that he was a British subject; and he offered to point out the specific cotton and identify it by the marks thereon. He was turned back at the gates by the armed guard, and refused admission. He appealed to Mr. Cridland, the then consul of Her British Majesty at the port of Mobile, who went with Mr. Jones to the office of the Federal general in command at Mobile, and then and there explained to said commanding officer that Mr. Emanuel Jones was the bona fide owner of said cotton, and further advised said officers that said cotton was placed in said warehouse by the advice of the said consul, to be under the care and protection of the consulate of the government of which Mr. Emanuel Jones was a citizen.

Mr. HOPKINS, of Illinois. Did this British subject become the bona fide purchaser of this cotton? Is there any evidence to show that alleged fact?

Mr. HOOKER. Yes; there is evidence that he was a druggist in the city of Mobile, and was possessed of a considerable amount of Confederate money.

The report states:

He was engaged in business in said city at the breaking out of the war. Large sums of money were due him and paid to him in the depreciated currency of the South. In order to save himself from heavy losses he invested largely in cotton, hoping thus to save sufficient to enable him to return to his native country, which had always been his intention and purpose. His purchases were made in the interior, from time to time; but, for safety of his purchases, he in the year 1863 concentrated them in the city of Mobile, and stored them in a public warehouse in the city of Mobile, in the State of Alabama.

That is the language of the report. Again:

By the advice of Her Majesty's consul at the city of Mobile, Ala., Mr. Cridland, he, in August, 1874, deposited in his office an invoice of his cotton (amounting to 252 bales), which was registered by the consul as the property of Emanuel Jones, a British subject. A copy of the invoice, certified by the consul, is filed as Exhibit No. 1 to this report.

A large portion of the cotton which had been seized was surrendered, and what was surrendered was shipped to Drexel & Co. and sold, and became a part of the large sum paid into the Treasury as the proceeds of the sale of captured and abandoned property. Mr. Jones's cotton which had been there was, as I have stated, destroyed by fire a short time after its seizure. Mr. Jones, in his correspondence with the British Government, first with Lord Lyons and subsequently with Sir Edward Thornton——

Mr. HOPKINS, of Illinois. When was this claim first preferred against this Government?

Mr. HOOKER. From the very incipiency he has made his claim for this property; first on the part of his own government, and subsequently on the part of the United States Government. I have sent for a report, made by Mr. Herndon, representing the Mobile district of Alabama, on this floor, some ten years ago. He has been constantly claiming it from the Government of the United States. He has always been insisting upon his claim being presented by his government against this Government, and has even been demanding its payment on the part of this Government.

Mr. HOPKINS, of Illinois. Was the report which was made on his claim in Congress favorable or otherwise?

Mr. HOOKER. I understand the Congress in which Mr. Herndon was the Representative of the Mobile district the committee did make a favorable report.

Mr. HOPKINS, of Illinois. Was it ever reported on adversely?

Mr. HOOKER. I am not aware it has ever been reported upon adversely. The claimant has been here prosecuting his claim ever since. He tried to go into the Court of Claims, but he was met with obstacles. He now asks that he shall be permitted to go into the Court of Claims for adjudication, first as to whether the matter claimed is as it is claimed; in the second place, whether the claimant of this property was a British subject, and in the third place, whether the property was destroyed or not while in the possession of the forces of the United States.

Mr. BUCHANAN. What I have heard in reference to the matter excites my curiosity to have some further information on the subject. I understand this claimant claims that as a British subject he went to Mobile, Ala., and purchased with Confederate money this cotton, and put it into a warehouse which was taken possession of by the Federal forces, and that while in such warehouse it was seized by the Federal forces. Am I correct? How long was he a resident of Mobile, Ala., before this cotton was seized?

Mr. HOOKER. He was a resident before the war broke out. He was a resident at the time of the seizure, and at the time the cotton was destroyed, and while it was in the possession of the Federal authorities. The report states:

The said owner, Jones, was completely dispossessed of his property and not allowed access to it for any purpose. There was no pretense that this property was seized on account of any act of Mr. Jones towards the Government of the United States. Mr. Jones, during his life-time, made every effort to obtain release of his cotton and for payment therefor after it was sold by the Govern-

ment. The Secretary of the Treasury declined to adjudicate the claim because the proceeds never reached the Treasury, the cotton having been destroyed.

Mr. HOPKINS, of Illinois. As this claim arises on the part of a British subject, I ask whether there has been any international correspondence in reference to the claim itself, and whether any claim has been presented to this Government by the British Government in behalf of this claimant?

Mr. HOOKER. I do not think there has, and I will tell the gentleman why.

The following passage from the report which the committee make will show what was done:

He had hoped that the treaty in reference to the Alabama claims would open the way to his relief. But under this treaty British claims were limited to claims originating prior to the 9th of April, 1865, while Mr. Jones's cotton was seized on the 12th of April, 1865, and thus he was cut out of relief by three days, under the limitations of this treaty.

Hence he could not claim under that.

The committee proceed:

There is therefore no tribunal to which Mr. Jones can resort save the sense of justice of the Congress of the United States, to which he now again appeals.

That Mr. Jones was the bona fide owner of this property is beyond dispute; that he was a British subject is equally beyond dispute; that his property was seized by the Government of the United States is equally beyond dispute; that it was destroyed while so held by the Government is not denied; that he is entitled to redress somewhere and before some tribunal is a clear and undisputed proposition. Will this Government refuse to create a tribunal to pass on the question of his right to remuneration?

Your committee believe that this claim should receive adjudication by a tribunal established by the Government, and this is all the executrix and heirs of Mr. Jones ask at the hands of the Government of the United States.

Your committee therefore recommend that the bill be reported back to the House of Representatives with the recommendation that the bill do pass.

Some correspondence was had, I think, with all the British ministers here, with a view to proving his claim against the Government of the United States; and some correspondence was also had between Sir Edward Thornton and the Department of State, but it resulted in nothing. The Congress of the United States undoubtedly has the right to create or designate a tribunal in which the claimant shall be allowed to go and ascertain whether there is anything due justly and legitimately or not. That is all the bill proposes.

Mr. JOHNSTON, of Indiana. May I ask the gentleman a question?

Mr. HOOKER. Certainly.

Mr. JOHNSTON, of Indiana. Suppose this case: Suppose a Northern man had been down there during the war, and had lost his cotton under the same circumstances suggested here, does the gentleman think the Government would be liable to him for his loss?

Mr. HOOKER. I should think that he would have an equitable claim, and should be permitted to go, as in this case, to see if he could establish his right before the proper tribunal.

Mr. JOHNSTON, of Indiana. But would it, under the rules that Congress has established in reference to such cases, entitle a Northern man, who was there and lost his property under similar circumstances, to come before Congress and expect to have his claim recognized?

Mr. HOOKER. I do not know but that he would have that right. But that is a very different question from that presented here. Besides, there is no evidence, I will state to the gentleman—in fact, the evidence is all to the contrary—that he was other than he represented himself to be, a citizen of Great Britain; and this affidavit shows that he was residing there as a British subject, and, contemplating a return to his own country, he invested his money in cotton; that he never took part in the war, either on the part of the Union or the rebellion; that he had accumulated the property while there, and had by the advice of the consul of his own government confided it to this warehouse, where it was held by force of bayonets against his claim to identify or to insure it, and save him from the loss which ultimately befell him because of this fact.

I yield now to the gentleman from Alabama [Mr. HERBERT].

Mr. BUCHANAN. Before the gentleman takes his seat—and I am asking for information—I want to ask if I understand him to say that this cotton was taken possession of by the United States forces?

Mr. HOOKER. Yes, sir.

Mr. BUCHANAN. And was destroyed while in possession of the United States forces?

Mr. HOOKER. Yes, sir.

Mr. BUCHANAN. Is there anything to show that it was destroyed by order of the United States authorities, or was it by accident?

Mr. HOOKER. It was destroyed by an accidental explosion of ammunition in an adjoining warehouse, which communicated fire to the warehouse in which the cotton was stored.

Mr. HERBERT. Mr. Speaker, I will endeavor to answer the question of the gentleman from Indiana [Mr. JOHNSTON] who asked the gentleman from Mississippi if a Northern man had been in Mobile, and had acquired some cotton during the late war under the circumstances shown by this report, whether, in the event of its loss under similar circumstances to those enumerated here, the Government would have paid him? I think not. According to the reasoning of the court in, I think, the case of Alexander—at all events a cotton case—the first one decided by the Supreme Court, the status of the citizen during the late war and his relation to his property was determined by the *situs* of the property, and where the citizen was during the war; that is, if he was in Confederate territory, and took his chances with the Confederates, he must also take the chance of loss; and Mrs. Alexander lost her cotton for that reason.

But there is a difference between the situation in that case and in the case of a British subject. It was the duty of a citizen of the United States to go where the Government could protect him and his property. If he was South at the breaking out of the war, his duty of allegiance to the Government of the United States required that he should have gone North and brought his property North with him if he could. But there is no rule of law that required a British subject, under these circumstances, to do anything of that kind. If this man was a British subject in good faith, he had the right to own property there.

Now, the question has been asked by another gentleman whether he did not purchase this cotton with Confederate money. The report says that he did. But that is no reason why he should not be paid. The Supreme Court of the United States long ago, in the Smith case, I think—or Smith was one of the parties to the case—decided that Confederate money was a good consideration to support a contract. That is the law of this country. That decision has been followed in a number of cases——

Mr. BUCHANAN. Will the gentleman permit an interruption? I did not advance that as a reason, but was inquiring as to the facts in this case.

Mr. HERBERT. I can not see the purpose of the inquiry unless it tended in that direction.

Mr. BUCHANAN. Well, that was one of a dozen facts in reference to which I asked to find out about the case.

Mr. HERBERT. I suppose the gentleman asked because in his mind there were suspicious circumstances connected with it; and there was suspicion upon the question whether or not he was a British subject, whether he bought the cotton for Confederate money, and also whether or not he really owned the cotton.

Mr. BUCHANAN. The gentleman from Alabama can tell the workings of his own mind, but I think it will trouble him to tell the workings of mine.

Mr. HERBERT. I supposed the gentleman had some point in his inquiry. I gave him credit for not making an inquiry without any point, and I do not see what point there was if it was not this.

Mr. BUCHANAN. I made the inquiry because I had heard only a portion of the facts, and I was seeking to group the facts together and see if I understood them correctly. Is the gentleman satisfied?

Mr. HERBERT. I am. This bill submits the whole of this question to the Court of Claims. That court is to find whether Jones was a British subject, and whether he owned this property; and if the court finds that he was a British subject and did own the property, then it is to ascertain whether or not the Government was responsible for it.

The Government is responsible for it if the agents of the Government took it in charge and had it in charge, and if in consequence of the unlawful detention of it by the agents of the Government it was destroyed by any subsequent accident. It is not on the ground that the Government is responsible for an accident which happened by reason of an explosion of ammunition or anything of that kind. This case proceeds on no such idea. But it does proceed on the idea that the Government wrongfully detained this property from the person who claimed it, who insisted on his right to it, who offered to show to the officer of the Government by the evidence of the British consul, who went with him and offered testimony, that this was his property. And if it was his property, he claims it should have been surrendered to him, and if surrendered to him it probably would not have been destroyed.

Mr. DAVIS. Will the gentleman state what is the amount of the claim?

Mr. HERBERT. The amount is stated in the report; it is something like $56,000. There were 252 bales of cotton, and it is estimated in the report that it was worth at that time 40 cents per pound.

Mr. KERR. When was this cotton purchased by the claimant?

Mr. HERBERT. The report states it was purchased at different times during the war.

Mr. KERR. And before we took possession of that territory?

Mr. HERBERT. Yes. Long before the Union Army got there.

Mr. STEWART, of Vermont. Does it appear that the cotton was accidentally destroyed?

Mr. HERBERT. Yes. It was stored in a warehouse which was contiguous to another warehouse in which the Government had stored ammunition. That ammunition accidentally exploded and the explosion set fire to this cotton.

Mr. STEWART, of Vermont. Do I understand the gentleman to say, then, that the cotton was accidentally destroyed?

Mr. HERBERT. It was accidentally destroyed. I admit that the Government would not be responsible for an accident. What makes the Government responsible in this case is the wrongful detention of the property. The Government took possession of the cotton, had it in its possession; a demand was made for it and the Government refused to give it up. In other words, there was a conversion of the cotton by the Government when it refused to give it up, when it refused to let this gentleman remove it. Out of those facts the responsibility arises, or at least that is a question for the court to decide.

Mr. STEWART, of Vermont. The gentleman claims that the seizure was wrongful?

Mr. HERBERT. The claim is that the detention was wrongful, whether the seizure was or not. The Army had the right to seize the cotton in that warehouse because there was cotton there which they had the right to seize, and they could not at first separate it.

Mr. BOUTELLE. Was this cotton destroyed at the time of the explosion of ordnance stores at Mobile?

Mr. HERBERT. Yes, sir.

Mr. BOUTELLE. What record is there of the value of the property?

Mr. HOOKER. There is a certified report of the weight and value of the cotton.

Mr. BOUTELLE. How can that report be made? As I remember, at the time this explosion took place during General Canby's occupation of Mobile, many were killed and great havoc resulted. Under such circumstances it would seem to be difficult to have an accurate report of the value of this property.

Mr. HOOKER. There is an accurate report because the cotton was deposited with the British consul, and here is his certificate. The report gives the affidavit of Emanuel Jones, the owner.

Mr. BOUTELLE. The owner?

Mr. HOOKER. And appended to that is the affidavit of the British consul. Here is the affidavit of Jones:

I, Emanuel Jones, a British subject, of Liverpool, England, at present a resident of Mobile, do hereby make oath and declare that 252 bales cotton mentioned in the foregoing invoice is solely British property. So help me God.
EMAN'L JONES.

Sworn to before me at the British consulate at Mobile, this 27th day of August, 1864.
[SEAL.] FRED. J. CRIDLAND,
British Consular Agent.

And the invoice is given with it. It will be shown that this cotton was his and in his possession long before Mobile was in the hands of the Federal forces.

Mr. BOUTELLE. I do not understand that there was a British consul there in 1864.

Mr. HOOKER. There was.

Mr. BOUTELLE. To whom accredited?

Mr. HOOKER. Accredited by the British Government.

Mr. BOUTELLE. To whom accredited?

Mr. HOOKER. I will read the certificate:

BRITISH CONSULATE FOR THE STATES OF ALABAMA AND FLORIDA, UNITED STATES OF AMERICA.

I, Frederick J. Cridland, Her Britannic Majesty's consul for the States aforesaid, residing at Mobile, Ala., do hereby certify that the foregoing writing is a true and correct copy of an original invoice of 252 bales of cotton, deposited in this consulate on the 31st day of May, 1865, by Mr. Emanuel Jones, a British subject, and sole owner of said cotton, on his application to this consulate in reference to the destruction of the same by the explosion of the United States ordnance stores in Mobile, on the 25th day of said month of May, 1865; the aforesaid copy having been compared by me with the original document now in the archives of this consulate.

In testimony whereof I have hereunto set my hand and affixed my seal, at Mobile, this 18th day of December, A. D. 1877.
[SEAL.] FREDERICK J. CRIDLAND,
H. B. M. Consul.

He certifies the deposit was made there.

Mr. BOUTELLE. I fail to clearly understand to whom the British consul could have been accredited at that time.

Mr. HOOKER. He makes this certificate in 1877. I suppose he was duly accredited by the government, and he was there during the war at the time this deposit was made, I understand.

Mr. BOUTELLE. As I understand the affidavit, this statement of the owner of the cotton was made in 1864.

Mr. HERBERT. In 1865.

Mr. BOUTELLE. In 1864, I understood.

Mr. REED. In 1874, it would seem by this report.

Mr. BOUTELLE. I understood the gentleman from Mississippi [Mr. HOOKER] to read it as "1864."

Mr. HOOKER. Jones's affidavit is made in 1864, but the statement of Cridland is in 1874.

Mr. BOUTELLE. But before whom was that affidavit of Jones made in 1864? Not before the British consul, because there was no British consul there.

Mr. HERBERT. I think "1864" is a misprint.

Mr. REED. To whom was this consul accredited at that time? That is what my colleague [Mr. BOUTELLE] asks.

Mr. HERBERT. My understanding of it, speaking only from memory, is that this gentleman, Mr. Cridland, was in Mobile, accredited to the United States, until the State passed the ordinance of secession. At some time after that I think he was accredited to the Confederate government, but it can make no sort of difference whether he was accredited to the Confederate government or to any other. Certainly the status of Emanuel Jones was not affected by the question whether Cridland was accredited to one government or another.

Mr. BOUTELLE. What I wanted to bring out was this: As this affidavit was attested by the British consul, whose action, of course, would derive all its force from the official capacity in which he stood, I wanted to learn what his official capacity was at that time. Now, of course I know nothing about this claim, but I was in that vicinity about that time, and my recollection is that at the time this explosion took place there was a great deal of havoc created in that portion of the city; there was a conflagration raging there for two or three days, during which it was dangerous for men to work in that neighborhood, and I know that so far as the United States authorities were concerned it was impossible to make any direct or accurate ascertainment of the damage done or of the amount or character of the property destroyed. It therefore occurred to me that it must have been a matter of some difficulty to ascertain and demonstrate at that time the precise character, value, and ownership of property destroyed in that conflagration.

Mr. HERBERT. In reply to the gentleman from Maine, it may be admitted that Cridland at that time was, if you please, accredited to the Confederate government; it may be admitted, if you please, that he at that time was himself disloyal; it may be admitted, if you please, that anything that Cridland said at that time was absolutely worthless. That has nothing to do with the status of this case. This case rests upon the idea that Emanuel Jones was a British subject.

Mr. KERR. Will the gentleman let me ask him a question?

Mr. HERBERT. One at a time, if you please. This case rests upon the ground that Emanuel Jones was a British subject, and that he owned this property, and his proof that the property was destroyed consists, I suppose, from this report——

Mr. BOUTELLE. Of his own affidavit.

Mr. HERBERT. His own affidavit, in support of which he produces the warehouse receipts for 252 bales of cotton deposited there prior to the time when the Union forces captured Mobile, and prior to the time when they seized this cotton. After this cotton was seized, and a demand was made, the refusal by the representative of the United States Government to give up the property when he ought to have done it, if these facts be as stated, constitutes a conversion of the property. Every lawyer understands what that means, a wrongful withholding of the property, and that act made the Government responsible.

Mr. BOUTELLE. When was this property thus wrongfully withheld?

Mr. HERBERT. It was destroyed on the 12th day of April, 1865, *flagrante bello*, if you please.

Mr. BOUTELLE. Certainly. That is exactly what I was going to suggest, that at the time when this withholding of this property on the part of our Government is dated, the United States troops had just occupied the city of Mobile.

Mr. HERBERT. They had occupied it for some time, and there was really a truce there.

Mr. BOUTELLE. This explosion of ordnance occurred a very short time after the occupation of the city by our troops.

Mr. HERBERT. A very short time after the Federal Government was in peaceful possession of the city.

Mr. BOUTELLE. Ordinary commercial relations had not been reestablished in Mobile at that time. It was in a state of war.

Mr. HERBERT. I understand that; but notwithstanding the state of war the Government had no right to improperly withhold the property of a British subject. They had the right to withhold the property of any citizen of the United States, but not the property of a British subject.

Mr. BOUTELLE. Against whom would this claim rest, against the military officer of the United States?

Mr. KERR. Does the gentleman hold if a British subject went into the territory of the United States while we were blockading the port of Mobile and purchased cotton——

Mr. HOOKER. No, he lived there before the war began.

Mr. KERR. And purchased that cotton, does the gentleman say that cotton would be protected?

Mr. HOOKER. He was living there all the time; he was living there when the war broke out.

Mr. HERBERT. All these questions, Mr. Speaker, this bill proposes to submit to the Court of Claims. While the report says there is no doubt about the facts, yet it appears better to leave everything to be decided by the Court of Claims, not only the law but the fact.

Mr. CUTCHEON. With the right of appeal?

Mr. HERBERT. Yes; with the right of appeal to the Supreme Court.

Mr. ADAMS This claimant having concentrated his property in Mobile with the intention of escaping with that cotton, would that fact make this Government liable? When he gathered his property in cotton at this blockaded port of Mobile for the purpose of escaping with it, does that make this Government liable? The report states:

He was engaged in business in said city at the breaking out of the war. Large sums of money were due him and paid to him in the depreciated currency of the South. In order to save himself from heavy losses he invested largely in cotton, hoping thus to save sufficient to enable him to return to his native country, which had always been his intention and purpose. His purchases were made in the interior, from time to time; but for safety of his purchases he, in the year 1863, concentrated them in the city of Mobile, and stored them in a public warehouse in the city of Mobile, in the State of Alabama.

The report shows clearly that he had concentrated there this property with the intention of escaping with it.

Mr. HOOKER. Why does the gentleman use the word "escaped?" All along he intended to return to his own country.

Mr. ADAMS. I see the report states that his purchases were made in the interior from time to time, but for safety of his purchases he, in the year 1863, concentrated them in the city of Mobile, and stored them in a public warehouse in the city of Mobile, in the State of Alabama. Now, I suppose that was a blockaded port at that time, and I suppose he did that to break the blockade. I do not blame him for trying to do so, but if this is sent to the Court of Claims it should be with authority given to the Court of Claims to consider that question and everything connected with it.

Mr. HOOKER took the floor.

Mr. HOPKINS, of Illinois. I hope the gentleman will yield to me for a few minutes.

Mr. HOOKER. With pleasure.

Mr. HOPKINS, of Illinois. There are one or two matters, Mr. Speaker, in respect to which I wish to hear from the Committee on Foreign Affairs before the vote is taken on this bill. It appears in the report this claimant was down there trading on the misfortunes, if you can so term them, of these people, and that when Confederate money began to depreciate in value he put that which he had into cotton, which cotton, after he had purchased it, was stored in the blockaded city of Mobile, Ala. This report also shows that under a state of facts, for which the Government of the United States was not responsible, this property was destroyed by accident. Now, there is no report coming from the Treasury Department in regard to this matter. If this so-called British subject had an honest claim, and one that would bear inspection, there would have been some claim made on the Treasury Department, and there would be some report from that Department upon which members of the House could act. But there appears to be no report from that Department on the subject.

Mr. HERBERT. Let me state to the gentleman that the Treasury Department stated it had no jurisdiction of the case.

Mr. HOPKINS, of Illinois. There is another point which looks suspicious. If this Mr. Jones was a bona fide British subject, when he had property destroyed by the United States under any circumstances of the kind alleged, I believe the British Government would have taken interest enough in him to present his claim to the State Department.

Mr. DINGLEY. Is not that the usual course?

Mr. HOPKINS, of Illinois. Undoubtedly. The usual course in matters of this kind is to present the case to the home government, and that government will look after the interests of its subject or citizen.

Now, I confess I have no sympathy for Mr. Jones in his loss. I would much rather, so far as I am individually and personally concerned, pay a claim to an honest Confederate soldier, who had the courage of his convictions and faced the Federal Army on the battlefield, than to take up the claim of some greedy Shylock, who claimed the protection of the British flag, and who sought to use that protection as a means of the more successfully trading upon the misfortunes of the people of this country during the war.

Mr. WEST. That is right.

Mr. HOPKINS, of Illinois. This man, they say, Mr. Speaker, was living there some years; but there is no evidence contained in the report to indicate whether he was directly or indirectly connected with some of the blockade-runners who were seeking to break the blockade of the ports of the South and prolong the war, not for the benefit of the Confederates, but for the filthy lucre they could make from running cotton through, and making their profit on it in that way. It seems to me that it is due to the Confederate soldiers, as well as to the Union soldiers, that men of this class when they present claims should expect to have them most carefully inspected; and they should be as free from suspicion as Cæsar would have his wife. If this man was there to prey upon the misfortunes of the people, whether it be the people of the South or the people of the North, he should not receive and ought not to expect to receive the recognition of this Congress.

The gentleman from Alabama [Mr. HERBERT] says that all this bill seeks to do is to send this case to the Court of Claims. I understand that it is the policy of Congress, in sending claims there, that there should be some honest, legitimate ground upon which the claim rests. We all know that the docket of that court is already overcrowded with cases of just claimants, and to whom many thousands of dollars are due; and yet the interests of these claimants can not be served by the court, owing to this overcrowded condition of its dockets.

I am unwilling, therefore, to send a claim to that court unless there seems to be evidence of such a character as would justify favorable action, and that would present, as in the case of this so-called British subject, his claim in a light which would bear inspection.

Mr. BLAND. Let me ask the gentleman whether or not a person claiming to be a British subject under such circumstances has any right to come to this Government for relief? Had he not better go to his own government and have Great Britain pass upon the question first, and if he is a British subject and has a just claim, then we can act upon the matter through the proper channels on the request of the British Government.

Mr. HOPKINS, of Illinois. That is exactly the point I make, and members of the House will see by reading the report themselves that this claim in the first place is an extravagant one. The price of the cotton shows that this man was speculating in it, and he admits, as further shown by the report, that he had some Confederate money which he invested in cotton. In other words, he thought it was well to unload this money, and he unloaded it upon the people of the South and obtained their cotton in exchange for it, and now he seeks through the Court of Claims to get war prices for cotton obtained under such circumstances.

It seems to me that this claimant is in about the same position as that of a blockade-runner. This cotton was purchased, on his own showing, from a section of country in rebellion and under a blockade. He is a British subject, giving aid and comfort to the enemy by purchasing their goods and storing them in the blockaded city of Mobile. In the changing fortunes of war he lost his investment, and I for one am not willing that he shall now receive any recompense from the Government. He belongs to a class of men who deserve the condemnation of honest and brave men both North and South—a class that no language can fitly describe. At the proper time, Mr. Speaker, I shall move to lay this bill upon the table.

Mr. WARNER. Mr. Speaker, from the facts as stated by the committee in this report, for one I have no sympathy with the claimant, and certainly do not believe in the justice of his claim; and believing that this claim should not be paid, therefore I am against referring to the Court of Claims that which I believe unjust, even to our own courts to decide.

This report, sir, develops this state of facts: That this claimant had, in the course of his business at Mobile, accumulated a large amount of Confederate money, and, for the purpose of saving himself from great loss, invested it in cotton in the interior of the State. Now, sir, on the 12th day of April—but I wish first to call the attention of the House to the fact that he had previously stored this cotton in the store-room of a warehouse at Mobile. Up to this time no British consul had been appealed to; but when, by the fortunes of war, we captured Mobile on the 12th day of April, 1865, General Canby placed a guard around the warehouse where this cotton was stored. He never seized and never placed his hand upon it.

This claimant goes to the warehouse and seeks admission, as he states, but is told by the officer on guard that he can not enter. At this point certainly there is no evidence of any negligence on the part of the Government. The claimant then goes to the British consul, as he states, and the consul comes with him, and he seeks the protection of that consul for the property. The question comes up here, then, first, that certainly there was, and could have been, no accredited consul from Great Britain to the United States at the city of Mobile on the 12th day of April, 1865, nor had there been for years, unless he should take the position that the British consul, having been sent to Mobile accredited to the United States, and prior to the war of secession, had remained there during the entire war as the accredited consul, for the purpose of protecting British subjects; and I do not believe that is good law or even that it will be claimed.

But further, sir, this report reveals another important fact in determining the liability of the Government. Mind you, the Government had not used this cotton, but the further fact appears, and I read from the report, that—

> Cotton was then scarce, and eagerly sought by purchasers. The true owner, Emanuel Jones, could not ship his cotton, nor could he effect insurance on the cotton.

Mobile was then in a state of blockade——

Mr. HERBERT. Not at that time; the blockade had been raised.

Mr. BOUTELLE. When was it raised?

Mr. WARNER. It was raised on the 12th day of April, 1865, when General Canby captured Mobile. It was on the 12th day of April that this party made his claim, and I read from the report to show the dates, if the report is to be relied upon.

Mr. HERBERT. Let me state that my understanding is this: The Union troops were in possession a few days before that of the bay and city.

Mr. KERR. The protecting fort fell on the 9th, and this cotton transaction took place on the 12th.

Mr. WARNER. I am following this report, which recites the facts as I take it correctly. This report says that on the 12th of April, 1865, the Federal forces took possession of the city of Mobile.

That is the time they took possession of it. And this report says further that this man, the real owner of the cotton, could not ship it, nor could he obtain insurance abroad. I will ask any gentleman on this floor by what act the Government prejudiced this property. Did its placing this guard around this warehouse endanger the security of the property? I will submit to the gentleman that the act of the Government was the act of protecting the property. And even had there been an accredited consul of Great Britain then in Mobile at that time, he could not insure it, and as a prudent man, wishing to protect the property of a British subject, he would have done just what General Canby did, and placed a guard around the warehouse to protect it.

Then, by an unforeseen accident, in which no officer of the Government was at fault, in the wreck of other buildings this building was destroyed and this cotton. And now we are seriously asked because we took possession of Mobile on the 12th day of April, because we placed

the guard around the building, and because on the 29th of May this explosion took place during the time this cotton could not be shipped and the owner could not remove it, this Government is liable.

I said I had no sympathy with this claim, nor have I sympathy with the claim of any man, North or South, made under like circumstances; and I will go no further in the protection of a British subject than I would in the protection of a loyal citizen, nor would I go any further in protecting him than I would in the protection of any other citizen at that time. This man was there and could have applied to his Government. He could have escaped from Mobile if he had desired to do so. He chose to remain. He saw fit to speculate on the misfortunes of those among whom he lived. He sought the protection of the General Government when we went there. We placed our guards around his property. By accident it was destroyed, and now we are asked to pay its value. I certainly believe this claim is not just.

Mr. HOOKER. I have listened to what gentlemen have said against the reference of this claim to the Court of Claims and in response to remarks heretofore made in support of the bill. It is said Mr. Jones went down there for the purpose of speculating on the necessities of the Southern people. He went there, as the report shows, and, as is not questioned, as a British subject before the war, before the first gun was fired. He settled in the city of Mobile and commenced a commercial business, I think as a druggist. Had he not a right to do so? Every other portion of the country was open to him. He chose the city of Mobile. The war supervened and found him there still a British subject. He is certified to in 1864 as a British subject during the war. He is certified to as a British subject in 1877. As the report shows, he was in correspondence with Lord Lyons and with other British ministers as a British subject.

It is said by gentlemen there is no foundation of justice in this claim of this British subject. It is attempted to be said that Mr. Cridland even, the British consul, was not a British consul. Why not? He was the accredited British consul and was recognized as such at the port of Mobile before the war. The war found him there. He remained there as the accredited consul of Her Britannic Majesty; and I think the gentleman from Alabama [Mr. HERBERT] is mistaken in supposing he was ever accredited to any other government; for the British Government never recognized the Confederate government.

Mr. HERBERT. I merely said, admit that for the sake of argument.

Mr. HOOKER. As consul of the British Government he remained there and was doing his duty as representative of his government to protect the interests of British subjects. Did he have any power to do so? Did the mere fact of one portion of this country being at war with another portion of it destroy his power and right as British consul to protect the property of British subjects as far as he could? Did it invade any single provision of international law that he remained there as consul of the British Government under the *de facto* government, whatever it might be? He was there as their consul, to do his duty as such.

Mr. HERBERT. As Mr. Washburne remained at Paris.

Mr. HOOKER. Precisely as many foreign ministers retained their positions under like circumstances; precisely as in the Franco-Prussian war Mr. Washburne remained at Paris as the American resident minister accredited to France, whatever might be the government *de facto*, with full authority to protect the citizens of his own country. And that is all that this British consul pretended to do.

Mr. HOPKINS, of Illinois. Will the gentleman allow me to ask him just one question?

Mr. HOOKER. Yes, sir.

Mr. HOPKINS, of Illinois. If this gentleman was the consul of the British Government accredited to the United States, how could he be accredited to the Southern Confederacy, inasmuch as England never recognized the Southern Confederacy as a power?

Mr. HOOKER. He was not.

Mr. HOPKINS, of Illinois. Then is his certificate a fraud?

Mr. HOOKER. By no means. It would be taking a very narrow view of it to think so.

Mr. ADAMS. Will the gentleman yield to me for a question?

Mr. HOOKER. Yes, sir.

Mr. ADAMS. A consul, as I understand, is an agent to facilitate commercial intercourse. A British consul, before the war broke out, resided at Mobile in order to facilitate intercourse between that and foreign ports. When war breaks out and a blockade is established does not the consul cease to have any consular functions?

Mr. HOOKER. I think not.

Mr. ADAMS. A diplomatic officer, I admit, is different.

Mr. HOOKER. I think a consul stands in the same attitude under international law. If he does not, then there are many British subjects in the port of New York to-day who, if the port of New York should pass into other hands than those of the United States Government, would be helpless to protect themselves against anything—against being enlisted as soldiers. As a British subject, this man was not subject to be a soldier, and the evidence before the committee is undisputed that he stood in the attitude of a British subject. Is that made out satisfactorily? Undoubtedly it is.

But it is said that Cridland's power as a consul ceased whenever the State to which he was accredited in America became engaged in war with any other portion of America.

A MEMBER. And blockaded.

Mr. HERBERT. That can not possibly be. He was there to protect British subjects and the property of British subjects. He was appealed to in 1863, when Jones made his affidavit. On the 27th of August, 1864, he swears that even in 1863 the affidavit of Jones was made. But gentlemen say—and I appeal to the good sense of the House upon this point—gentlemen say that this man went down there to speculate on the necessities of the Southern people. Why do you say that, gentlemen? Upon what authority? What proof have you? The report of your committee says that he was there when the war broke out; he was there a British subject; he was there doing business; he was there accumulating property. Did he not have a right to do that? Will this House say that because he was found there at that unfortunate time with his property, which was not very great, he must have gone there to speculate? I say that is denied.

He went there as a British subject; he settled there as a British subject; he acquired his property as a British subject; was it wrong of him to appeal to the consul in 1863 and say that he was a British subject? He was not there to inquire minutely as to the powers of Cridland. He found him there as British consul, and he remained there long after the war. This British consul certified that Jones was a British subject, that he made his affidavit in 1863 claiming this property as a British subject; that long before Mobile fell into the hands of the Federal troops he made an affidavit claiming that this cotton was his property, that he had accumulated it there, and had placed it in this warehouse for safe-keeping and taken receipts. All this, of course, without any knowledge that there would ever be a seizure of Mobile by the United States Government. But it is said that the Government is not responsible for the destruction of this property by accident. But the Government has gone so far as to say, with reference to this captured and abandoned property in the Southern States, that all citizens who may be able to establish their loyalty, even if they were in the Confederacy, shall receive out of the captured and abandoned property fund whatever they are entitled to, and the Supreme Court have gone so far as to decide that the proceeds of captured and abandoned property constitute a sacred fund, never to be mingled with the other money in the Treasury, but to remain separate there for all time to come, subject to the claim of any man who can establish his right. In point of fact a portion of this cotton was shipped to the Drexels in Philadelphia and sold, and the proceeds deposited in the Treasury of the United States.

Now, Mr. Speaker, this gentleman's cotton was in that warehouse; it was taken by the Government; he applied for it, demanded possession of it, proposed to go in and identify it by its marks, its weights, and its measures, and the receipts which he had from the warehouse. That privilege was denied to him. The Government of the United States said, "No; we will not allow you to take possession of this property; we will not hear you on the question of whether you are a British subject; but we will seize this captured and abandoned property, and you may go"—that was in fact the answer to Mr. Jones—"you may go to the Treasury and make your demand." Now, after this cotton was seized as captured and abandoned property it was destroyed by reason of the injudicious storing of a large amount of combustible property—ammunition—in an adjacent warehouse. What was its *status in quo* at the time of its destruction? It was captured and abandoned property belonging to the Confederacy, in the hands of a Federal officer, the proceeds of it, when sold, to be transmitted to the Treasury of the United States. Mr. Jones came to identify and claim his cotton, but he was denied the right. He insisted on removing it, but he was denied the right, and the Government of the United States held it under the captured and abandoned property law as prize of war. When Mr. Jones applied to the Treasury of the United States what answer did he receive? The Treasurer very properly said, "This cotton not having reached the Government in the shape of a sale and deposit of the proceeds in the Treasury, we will not pay you for it." When he applied to the representatives of his own government here they told him that under the treaty of 1872 he was three days too late—that he fell three days outside of the treaty. For some strange reason or other that treaty, which provided in its twelfth article for a joint British and American commission for the settlement of claims, provided that British subjects should not claim any property destroyed after a particular day in April. Mr. Jones's cotton was destroyed three days after that date, and therefore he did not come within the terms of the treaty. Now a question arises as to what his claim was. Undoubtedly the Government of the United States had his property; why not then give to a court of your own creation the right to determine whether in point of fact this property was the property of a British subject; whether it had any value, and whether the claimant had any right to it? The intimation has been thrown out that he was there to aid in the rebellion. There is not a word of proof in the case to establish that allegation. There was not a word of proof to that effect before the committee. On the contrary, the committee are fully satisfied that Mr. Jones was a British subject, who, residing at Mobile before and during the war, accumulated this property by purchase. Of course, in making purchases during the war he was obliged to use the money issued

by the Confederate government; otherwise he would have been obliged to stop business altogether. He cannot be blamed for having used Confederate currency, because, otherwise, he and his family would have starved.

The widow and children of Mr. Jones are now asking simply that the Government of the United States pay for property which was taken by its officers under the strong arm of the law, without legal authority—property which, as a British subject, he had the right to hold. The bill proposes that the widow, as executrix of Mr. Jones, be allowed to go into a court of the Government's own creation, to establish the right of Mr. Jones to the property which was seized and to show that it was of the value claimed.

Mr. BUCHANAN. As the gentleman made the report in this case, I wish to ask him another question. I see it is stated in the report that "in August, 1874," Mr. Jones deposited in the office of the British consul at Mobile "an invoice of his cotton, amounting to 252 bales." The date given is August, 1874. Turning to the certificates of the consul, I find it stated that one invoice (which I presume was for only a small portion of the cotton, for the amount is only $19,631.22) was deposited with the consul on the 27th of August, 1864; but a larger invoice—an invoice aggregating nearly $60,000—was, according to the certificate of the consul, deposited on the 31st of May, 1865. Now, I see by the report that this cotton was destroyed on the 25th of May, 1865. I wish to ask whether the dates given in these consular certificates are correct, according to the investigation which the gentleman from Mississippi has given to the facts.

I will state my reason for asking this question. It appears that long prior to the seizure one of these invoices was deposited in the office of the consul or consular agent, whereas the invoice for the much larger proportion of the cotton appears to have been deposited several days subsequently to the destruction of the cotton. Hence, is it not a fact that, so far as concerns any evidence of the existence of the amount of cotton included in this larger invoice, we have simply the statement of Mr. Jones, and no other testimony? I ask the gentleman whether that is not so; if not, I shall be glad to know it.

Mr. HOOKER. There were, as the gentleman suggests, two invoices deposited. One was as early as August, 1864, and was for cotton amounting to $19,631.22. This deposit made at that time, long before the fall of Mobile, does away with the idea that Mr. Jones was seeking to deposit his property for the purpose of protection. The other invoice embraces a statement of the whole of the cotton—252 bales:

Statement of 252 bales cotton, the property of Emanuel Jones, a British subject, residing in Mobile, Ala., said cotton having been destroyed in consequence of the explosion of the United States ordnance depot, May 25, 1865.

That is the time when the cotton was destroyed—May 25, 1865. This later invoice shows the cotton to have amounted to $58,985.58, embracing, I presume, all the cotton covered by both invoices. Mr. Cridland, under date of December 18, 1877, certifies as follows:

I, Frederick J. Cridland, Her Britannic Majesty's consul for the States aforesaid, residing at Mobile, Ala., do hereby certify that the foregoing writing is a true and correct copy of an original invoice of 252 bales of cotton, deposited in this consulate on the 31st day of May, 1865, by Mr. Emanuel Jones, a British subject, and sole owner of said cotton, on his application to this consulate in reference to the destruction of the same by the explosion of the United States ordnance stores in Mobile on the 25th day of said month of May, 1865, the aforesaid copy having been compared by me with the original document now in the archives of this consulate.

Mr. BUCHANAN. Let me ask the gentleman another question. I now understand him to say that these two invoices represent the same cotton. Am I correct?

Mr. HOOKER. I think so.

Mr. BUCHANAN. By a hasty glance at the invoices it appears to me that they do, because the first invoice aggregates in quantity 132,756 pounds, and the second invoice aggregates precisely the same number of pounds. But the first invoice gives a total aggregate value of $19,631.22, while the second invoice, for identically the same number of pounds, gives a valuation of $58,985.58. In the first invoice the cotton seems to have been valued at 14½ cents a pound, while in the second invoice it is valued all the way from 28 cents to 50 cents a pound.

Mr. HOOKER. I presume the valuation put upon the cotton in the first invoice represents the market price of cotton in Mobile at that time. The valuation in the second invoice represents the estimate after the loss of the cotton by the explosion.

Mr. BUCHANAN. Exactly so. Within six days after this explosion did not the value of this cotton jump up to $60,000?

Mr. HOOKER. I do not know that it jumped up on that account.

Mr. BUCHANAN. I do not say it did. I am simply asking about the facts, leaving members of the House to draw their own inferences.

Mr. HOOKER. Cotton was very much higher in 1865, particularly after the fall of Mobile, than it was in 1864.

Mr. BUCHANAN. I would like to offer an amendment.

Mr. BRUMM. I wish to ask the gentleman from Mississippi a question. Suppose there should be to-day in the State of Mississippi an insurrection against the State authorities by the colored people there, and that they should go into the mountain fastnesses. Suppose I should go down there and furnish them with munitions of war or property by means of which they could procure such munitions. Does the gentleman contend that under such circumstances the State of Mississippi ought to reimburse me for any loss I might sustain in case the State should conquer those colored people and destroy or capture my property?

Mr. HOOKER. I think that inquiry is entirely foreign to any question before the House. Besides, the gentleman would not find any "mountains" in Mississippi; he would have to take them down there from the State of Pennsylvania. [Laughter.]

Now, this British subject did not go to Mobile for the purpose of participating in the war. The evidence is clear and overwhelming that though he was there at the beginning of the conflict, he did not participate in it, but acted as a British subject during the whole of the war. He took no part on the Union side, and no part on the Confederate side.

Mr. JACKSON. For what purpose did he make these purchases?

Mr. HOOKER. For the same purpose as anybody else would make such purchases.

Mr. JACKSON. What use did he expect to make of the cotton? Did he not expect to run the blockade with it?

Mr. HOOKER. He invested his means in this property in order that he might receive the accumulations of his investment.

Mr. JACKSON. Was not the cotton purchased for the purpose of taking it out of the country, against the orders of the United States Government?

Mr. HOOKER. I do not think so; it does not so appear by any evidence before the committee.

Mr. JACKSON. Was not this man engaged in that sort of business?

Mr. HOOKER. No, sir; there is no proof of it. This gentleman and his family were persons of as high character as any in Mobile.

Mr. JACKSON. But persons "of high character" were engaged in running the blockade, were they not?

Mr. HOOKER. Whether they were or not has nothing to do with this debate. This gentleman, so far as appears by the evidence in this case, was not so engaged. He was a British subject.

Mr. JACKSON. Were not men who purported to be British subjects engaged in that business?

Mr. HOOKER. Possibly.

Mr. JACKSON. Was not the British Government engaged in it?

Mr. HOOKER. I am not here to answer irrelevant questions which do not apply at all to the condition of affairs we are debating. So far as concerns this gentleman's investment cotton was the subject in which permanent investments were made at that time by everybody throughout the State. Everybody was seeking to invest in property which would escape the ravages of the war.

Mr. ALLEN, of Mississippi. Did I understand my colleague [Mr. HOOKER] to say that this man had no sympathy with either party in the contest which was then going on?

Mr. HOOKER. He took no part in it at all.

Mr. ALLEN, of Mississippi. That settles the case here, I think. [Laughter.]

Mr. HOOKER. Mr. Speaker, this is a subject too grave to be treated in the off-hand manner in which my colleague would treat it. I can conceive very readily that there may have been in various sections of the South citizens of other countries who did not take part in the then pending conflict at all, either on the part of the Union or on the part of the Confederacy. That was the case with this gentleman. He was at Mobile as a British subject. He claimed exemption from military service as such. Had he not the right to remain there?

My friend says that settles the question. How does it settle the question? It may settle it in his estimation, but not in mine, and not, I hope, in the mind of any reflecting member of this House.

If this claimant was there in the city of Mobile, an honest British subject, honestly acquiring property by industry and labor, and appealed to the representative of his government to protect him, he had the right to that protection. He received that protection. The property was deposited as that of a British subject.

Mr. CUTCHEON. Can the gentleman tell us whether he ever presented his claim to his own government?

Mr. HOOKER. Yes; he did present his claim to his own government. He first presented it to Lord Lyons, and afterwards he presented it to Sir Edward Thornton.

Mr. CUTCHEON. Then why was it not liquidated?

Mr. HOOKER. It is said in the report that he failed to get redress in any way for the property thus taken out of his possession. He sought to go into the Court of Claims, but was advised that it did not have jurisdiction, and from that day to this he has been knocking at the doors of the Congress for relief. He had hoped that the treaty in reference to the Alabama claims would open the way to his relief. But under this treaty British claims were limited to claims originating prior to the 9th of April, 1865, while Mr. Jones's cotton was seized on the 12th of April, 1865, and thus he was cut out of relief by three days under the limitations of this treaty. There is, therefore, no tribunal to which Mr. Jones can resort save the sense of justice of the Congress of the United States, to which he now again appeals.

Mr. BLAND. He was precluded, then, from presenting his claim under that treaty?

Mr. HOOKER. He was precluded under the treaty. All that he

asks now is that this claim shall be referred to the Court of Claims, a tribunal of your own, to decide whether or not this property was that of a British subject, and whether it was seized by the United States forces and destroyed by them. [Cries of "Vote!"]

Mr. BUCKALEW. I ask the gentleman to yield to me for a few minutes.

Mr. HOOKER. I yield to the gentleman from Pennsylvania [Mr. BUCKALEW].

Mr. BUCKALEW. I have great doubts, Mr. Speaker, about this bill, and I have grave doubts about the disposition this bill proposes to make of this claim; to send it to a tribunal which can not reach its real merits, and where the interests of the Government, so far as they are involved in this question, will not receive proper adjudication.

I have listened in vain during this debate for any information on the vital point upon which information should be given by those who support this bill. I have listened in vain to discover wherein the Government of the United States committed a wrong upon this claimant. I understand this cotton was deposited in a large warehouse in the city where it was found, and so far as I can draw conclusions from recitals of the testimony in the report of the committee, this claimant did not intend after the United States forces entered that city to remove the cotton from the warehouse where he had placed it.

He went to the warehouse where his cotton was stored and requested a subordinate officer to separate it from the other cotton which was stored there, offering to point out the specific cotton and identify it by marks, and asked that it should be separated from the other, I suppose intending to leave it in that depository, as there was probably no other suitable place in which to keep it.

Mr. HOOKER. The report states:

He appealed to Mr. Cridland, the then consul of Her British Majesty at the port of Mobile, who went with Mr. Jones to the office of the Federal general in command at Mobile, and then and there explained to said commanding officer that Mr. Emanuel Jones was the bona fide owner of said cotton, and further advised said officer that said cotton was placed in said warehouse by the advice of the said consul, to be under the care and protection of the consulate of the government of which Mr. Emanuel Jones was a citizen.

Mr. BUCKALEW. It does not follow that General Canby believed the verbal statements made to him. I think, under the circumstances, he was justified in not believing that this druggist was the bona fide owner of $56,000 worth of cotton acquired after a few years' residence. That is my theory in reference to that portion of the transaction.

Be that as it may, this cotton, as I conceive from the testimony, was left in that warehouse. If the fact be accepted as genuine that he was a British subject, his cotton was stored there for safety. What happened? Did the United States destroy it? Did any officer of the Government, from the commanding general down to the humblest subaltern, destroy it? No; it was destroyed by accident; by an explosion in an adjoining building. It was a pure accident. Suppose the Government of the United States had had no intercourse with this man about his cotton; suppose he had not got his consul to go with him and to back him up, did anything the Government of the United States did to it destroy it? No, sir.

The argument stated by the gentleman over the way is sound and conclusive. If the officers of the Government had retained possession of this cotton afterwards, and had moved it to New York or Philadelphia and sold it, and paid the proceeds into the Treasury, then they would have converted it to the use of the Government for the time being, and the claimant might have come before us with a case, and after proving that he was a British subject, and had bought the cotton for his own profit, and not to cover it from confiscation by the United States authorities, he might have had some just ground for expecting the claim to be favorably acted upon. But the cotton remained where he had placed it himself until destroyed by the accident.

Therefore it follows that nothing done by the Government of the United States caused the destruction of his cotton. Now, I do not agree with the doctrine that this cotton was converted to the use of the United States by having a military subordinate officer placed over it and by having guards around the building. I do not understand that that mere fact converted it into property of the United States. It was simply in the custody of the military authorities for the time being, and they might well, at any time before its shipment to New York or Philadelphia, have restored it to him, if he had shown his title to it and the fact of his nationality.

There is no evidence, legal or moral, to show the conversion of this property by the Government prior to its destruction. Hence, when that cotton was burned it was his property and not the property of the United States, nor was it property for which the Government was in any manner responsible. He still had the title, it was still where he placed it; nothing had been done by the Government of the United States to increase the risk of its destruction. Therefore, upon principles of justice and equity, to which this bill appeals, this property was never changed in ownership or location, never interfered with in any way by the Government of the United States, except to place a guard around it, shielding it with other property in the warehouse until it was unfortunately destroyed by accident.

The claimant, like all other persons, whether they be citizens of this Government or subjects of Great Britain, is liable to the law of irremediable loss—loss not to be compensated, because it is accidental. This is my view of the bill according to the imperfect information now before us; and waiving all the collateral inquiries which have been presented here in regard to the authority of consuls, and other points which I think immaterial, and looking alone to the merits of the claim, and believing there is no justice in it, I hope it will be rejected.

Mr. HOOKER. Mr. Speaker, I want to test the force of the position of my friend from Pennsylvania, who has just taken his seat, and I have no doubt he is earnest and honest in his objections, by a single illustration. Now, when Mr. Jones made his application for his cotton, which was under the control of the military authorities there, he was told that it had been seized by the Government as captured and abandoned property. When he protested against the seizure of his property as a violation of his private rights, and in violation of the right he had under the law to the protection of his property, which he undertook to point out to the officer in charge, he was met by the reply that all this cotton had been seized under the orders of the United States Government; that it would be sold by the Quartermaster's Department; that the proceeds would be covered into the Treasury of the United States; and that the claimant, Mr. Jones, had his remedy, which was by appeal to the Secretary of the Treasury, at Washington, for the return of the proceeds of the cotton when sold.

The cotton was not returned to him, but was kept by the Government of the United States, in pursuance of that statement. Now, in view of these circumstances, it is manifest that the Government did take possession of the property. That is conceded. It did hold it at the time of its destruction. That also is conceded, for nobody claims that it was not in the possession of the Government or under the guard of its troops; nor was it claimed by anybody else as his property but Mr. Jones. That also is conceded. While the Government officers thus held this property in storage as captured and abandoned property, acting under orders of the Government of the United States with reference to that class of property, which was known as captured and abandoned property, Mr. Jones's cotton was destroyed by this accidental fire. Is there, then, any remedy for him, conceding it to be his property, conceding that he was a British subject, and that it was the earning of his labor for years? Has he no remedy against the Government of the United States? Sir, if that doctrine prevails no foreign citizen holding property in a country at war with another could ever be protected at all. Was Mr. Jones responsible for this fire? Did the fact that his cotton was in the warehouse produce the fire, or is the loss attributable to the accidental fire that was caused by the improvident deposit of a large quantity of ammunition in an adjoining warehouse?

It was said that this demand should not be considered because it was captured and abandoned property. Did the fact, then, that it was seized as being the property of a citizen of this Government add to the responsibility of the Government? Is he remediless because he was not a citizen? Has he no right to go anywhere for redress? He can not get pay from the Treasury Department because the cotton was not sold and the proceeds deposited in the Treasury of the United States.

He could not get his relief in the Court of Claims, according to the advice of his counsel. Why? Because the Court of Claims did not have jurisdiction. What does he ask now? Simply that the Government of the United States, after this long lapse of time, shall create a tribunal which shall pass upon the question of his liability. Not that he shall be paid for his cotton, but that this court of quasi jurisdiction shall be invested with power to determine the question whether this property was his in the first place and then what its value was. The idea that runs through the bill is simply to give the court jurisdiction of all these facts and of the question of the responsibility of the Government.

Mr. DINGLEY. Will the gentleman pardon me? I desire to ask him a question at that point.

Mr. HOOKER. I yield for a question.

Mr. DINGLEY. What is there to prevent this Mr. Jones, who is claimed to be a British subject, from applying in the ordinary way to the British authorities and having the British authorities apply through the British minister at Washington to the Secretary of State for any claim that he may have for what is alleged to be an unlawful conversion of his property?

Mr. HOOKER. His own ministers have said he must rely on the treaty, which, however, unfortunately expired three days before his cotton was destroyed.

Mr. DINGLEY. But on examining the treaty we find it simply provides that all claims of British subjects of this nature that originate, mind you, before the 9th of April shall be left to this court. It does not affect any claims that originated after the 9th of April. Hence the road is entirely open to this gentleman to apply through his own Government if he has a case.

Mr. HOOKER. His ministers have not thought so, because he has repeatedly made application to them, and they thought the commission had not authority to decide upon the claim because it was shut out by the lapse of time.

If the Government of the United States has inflicted a wrong should it be unwilling to give a remedy for property seized under the false pre-

text that it was captured and abandoned property? Supposing it had been destroyed in transit to Philadelphia, would there have been no claim on the part of the British subject who owned it? Or suppose the funds for the sale before they were deposited in the Treasury had been destroyed. He would have been remediless as to an application to the Department. He is remediless in every respect, except by appealing to the sense of justice and equity of the United States to create a tribunal which shall pass upon the question of their liability.

Mr. McCREARY. I demand the previous question.

Mr. HERBERT. I ask the gentleman to yield to me for two minutes before calling the previous question.

Mr. McCREARY. I withdraw the call for the previous question, and yield the gentleman from Alabama two minutes.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. HOPKINS] is recognized.

Mr. HOPKINS, of Illinois. I move to lay the bill upon the table, and upon that motion I call for a yea and nay vote.

Mr. HERBERT. The gentleman from Kentucky has yielded me two minutes.

The SPEAKER *pro tempore*. But the gentleman from Kentucky had moved the previous question.

Mr. HERBERT. The gentleman withdrew the demand for the previous question, and then yielded to me.

The SPEAKER *pro tempore*. The Chair has recognized the gentleman from Illinois [Mr. HOPKINS].

Mr. McCREARY. I moved the previous question, and pending my motion the gentleman from Alabama asked me to yield him two minutes. I then withdrew the demand for the previous question in order to give him two minutes. The Speaker, I presume, did not hear me. I hope the gentleman from Alabama will be heard.

The SPEAKER *pro tempore*. The Chair did not hear the gentleman from Kentucky withdraw the call for the previous question, and meanwhile recognized the gentleman from Illinois [Mr. HOPKINS]. But in view of the mistake the Chair has made he will submit a request for unanimous consent that the gentleman from Alabama be permitted to speak for two minutes. Is there objection?

There was no objection.

Mr. HERBERT. Mr. Speaker, the question is asked why this widow, who is an executrix, does not apply to the British Government and have that government make this demand. The answer is, she supposed the case to have been covered by the Alabama treaty. That treaty covered all cases like this that occurred up to the 9th day of April, three days before the destruction of this property, but this case was not covered by it because it was three days late. Now, the question I put to the House is this: If other cases just like this were submitted on the demand of the British Government by the Government of the United States to the Court of Claims, will this Congress, will this House refuse to submit this claim simply because the British Government is not standing behind it to enforce it? In other words, will we do justice to a claimant only when the British Government, with its fleets and its armies back of it, comes and demands that we shall do justice, or will we of our own accord let our courts decide this claim? That is the question I want to put to this House. [Cries of "Vote!" "Vote!"]

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Illinois [Mr. HOPKINS] to lay this bill on the table. That motion is not debatable.

Mr. McCREARY. I move to adjourn.

The question was taken on the motion to adjourn, and it was rejected.

The SPEAKER *pro tempore*. The question recurs upon the motion of the gentleman from Illinois [Mr. HOPKINS] to lay this bill on the table.

Mr. HOOKER. I move that the House take a recess until to-morrow morning at 10 o'clock.

Mr. HOPKINS, of Illinois. I do not yield the floor.

The SPEAKER *pro tempore*. The gentleman has to yield the floor on a motion to lay on the table, because that motion is not debatable.

The question was taken on the motion of Mr. HOOKER, and there were—aye 1, noes 153.

Mr. HOOKER. No quorum has voted.

The SPEAKER *pro tempore*. The point is made that no quorum has voted, and the Chair will appoint to act as tellers the gentleman from Mississippi [Mr. HOOKER] and the gentleman from Illinois [Mr. HOPKINS].

The House divided; and the tellers reported—ayes 11, noes 153.

So the motion for a recess was not agreed to.

Mr. HOOKER. I move that the House do now adjourn.

The question was taken; and there were—ayes 30, noes 131.

Mr. HOOKER. I call for the yeas and nays on the motion to adjourn.

The question was taken; and the yeas and nays were refused, only 12 members voting in favor thereof.

Mr. HOPKINS, of Illinois. Now, Mr. Speaker, I insist on my motion to lay the bill on the table.

Mr. HOOKER. Pending that I move that when the House adjourn it be to meet on Friday next.

The question was taken on the motion of Mr. HOOKER; and there were—ayes 66, noes 61.

Mr. BLAND. No quorum.

The SPEAKER *pro tempore*. The point being made that no quorum has voted, the Chair will appoint to act as tellers the gentleman from Mississippi [Mr. HOOKER] and the gentleman from Illinois [Mr. HOPKINS].

The tellers took their places and proceeded with the count.

Mr. McCREARY (during the count). I demand the yeas and nays.

Several MEMBERS. Oh, no.

Mr. McCREARY. Well, I withdraw the demand.

Mr. MACDONALD. I rise to a parliamentary inquiry. Would a motion to adjourn be now in order?

The SPEAKER *pro tempore*. Not until the count by the tellers is announced.

The count having been concluded, the result was announced—ayes 90, noes 71.

Mr. BLAND. No quorum.

Several MEMBERS. Oh, yes, there is.

The SPEAKER *pro tempore*. No quorum has voted.

A MEMBER. A quorum is not necessary.

The SPEAKER *pro tempore*. This is not a motion to adjourn, but a motion to fix a day to which the House will adjourn; and it requires a quorum.

Mr. BLAND. I move that the House adjourn.

The question being taken on the motion to adjourn, there were—ayes 95, noes 70.

Mr. BOUTELLE. I call for tellers.

Tellers were not ordered.

So the motion was agreed to; and accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred as indicated below:

By Mr. BURNES: A bill (H. R. 8507) for the relief of C. G. Jesse—to the Committee on the Post-Office and Post-Roads.

By Mr. BUTLER: A bill (H. R. 8508) granting a pension to Nehemah H. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8509) granting a pension to Lucy A. Bell—to the Committee on Invalid Pensions.

By Mr. CHIPMAN: A bill (H. R. 8510) for the relief of Mary Command—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8511) for the relief of Catherine Carroll—to the Committee on Invalid Pensions.

By Mr. COMPTON: A bill (H. R. 8512) for the relief of the Ammoniated Fertilizer Company, of Washington, D. C.—to the Committee on Claims.

By Mr. ENLOE (by request): A bill (H. R. 8513) granting a pension to Eliza A. Bridges—to the Committee on Invalid Pensions.

By Mr. ERMENTROUT: A bill (H. R. 8514) granting a pension to Clara Geiser—to the Committee on Invalid Pensions.

By Mr. GEAR: A bill (H. R. 8515) authorizing R. T. Root to enter 240 acres of land without residing thereon—to the Committee on Private Land Claims.

By Mr. HEARD: A bill (H. R. 8516) granting a pension to Isaac Vannice—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8517) for the relief of Charles Wilson, of Missouri—to the Committee on War Claims.

By Mr. LAFFOON: A bill (H. R. 8518) for the relief of Richard Vaughn—to the Committee on War Claims.

By Mr. LEE: A bill (H. R. 8519) to pay for work done and labor performed and materials furnished to the use of the District of Columbia—to the Committee on the District of Columbia.

By Mr. MONTGOMERY: A bill (H. R. 8520) for the relief of Phillip N. Fox—to the Committee on Claims.

By Mr. J. H. O'NEALL: A bill (H. R. 8521) for the relief of William A. Mathes—to the Committee on Invalid Pensions.

By Mr. PIDCOCK: A bill (H. R. 8522) restoring the name of Elijah Potts to the pension-roll—to the Committee on Invalid Pensions.

By Mr. C. A. RUSSELL: A bill (H. R. 8523) granting a pension to Susan F. Scott—to the Committee on Invalid Pensions.

By Mr. SHAW: A bill (H. R. 8524) for the relief of the legal representatives of Henry W. Archer, deceased—to the Committee on War Claims.

By Mr. STEELE (by request): A bill (H. R. 8525) granting a pension to Benjamin Abernathy—to the Committee on Invalid Pensions.

By Mr. STONE, of Kentucky: A bill (H. R. 8526) for the relief of P. G. Jones—to the Committee on War Claims.

By Mr. E. B. TAYLOR: A bill (H. R. 8527) for the relief of John S. Ellen—to the Committee on the Post-Office and Post-Roads.

By Mr. A. C. THOMPSON: A bill (H. R. 8528) for the relief of Simon Gerstmann—to the Committee on War Claims.

By Mr. E. J. TURNER: A bill (H. R. 8529) granting a pension to Nathan B. Rarick—to the Committee on Invalid Pensions.

By Mr. WICKHAM: A bill (H. R. 8530) granting a pension to Simon F. Myers—to the Committee on Invalid Pensions.

By Mr. WILKINSON: A bill (H. R. 8531) to appropriate to the widow of the Hon. Edward W. Robertson a certain sum of money—to the Committee on Appropriations.

By Mr. STONE, of Kentucky: A bill (H. R. 8532) for the relief of Clifton R. Young—to the Committee on War Claims.

By Mr. GEST: A bill (H. R. 8533) to amend an act entitled "An act granting a pension to George Schaefer," approved July 6, 1886—to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 8534) granting a pension to Jacob Copes—to the Committee on Pensions.

Changes in the reference of bills improperly referred were made in the following cases, namely:

A bill (H. R. 7627) for the relief of John W. Athey; also, a bill (H. R. 7371) for the relief of Thomas J. Hicks; also, a bill (H. R. 7803) for the relief of T. R. Mason; also, a bill (H. R. 7892) for the relief of George Somerville—all from the Committee on the Post-Office and Post-Roads to the Committee on Claims.

Also, a Senate bill (S. 822) granting a pension to Sarah Errickson, widow of James S. Errickson, late seaman United States Navy—from the Committee on Pensions to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. A. ANDERSON: Petition of 42 citizens of Barnes, Washington County, Kansas, for a postal telegraph—to the Committee on the Post-Office and Post-Roads.

By Mr. ATKINSON: Petition of Pomona Grange, for legislation prohibiting the adulteration of lard—to the Committee on Agriculture.

By Mr. JEHU BAKER: Resolutions of the national convention of the Per Diem Rated Service-Pension Association, held in New York, March 1, 1888—to the Committee on Invalid Pensions.

By Mr. BARRY: Petition of citizens of Tyler and of Water Valley, Miss., asking that salt be placed on the free-list—to the Committee on Ways and Means.

By Mr. BLISS: Petition of Ellen Fitzgerald, for a special-act pension—to the Committee on Invalid Pensions.

By Mr. BOWDEN: Petition of Frank Wright and others, for survey for improvement of Bennett's Creek, Virginia—to the Committee on Rivers and Harbors.

By Mr. BUCHANAN: Resolution of the New Jersey State Board of Agriculture, for a reduction of postage on seeds, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. BURNES: Petition of H. F. Whiteford and others, citizens of St. Joseph, Mo., in favor of placing tin-plate upon the free-list—to the Committee on Ways and Means.

By Mr. COGSWELL: Petition of O. Gowen and others, of West Newbury, Mass., for the issue of fractional currency—to the Committee on Banking and Currency.

By Mr. COMPTON: Petition of Sarah Ellen Cady, of James C. Brooke, of Joseph T. Jenkins, of estate of Anthony Addison, of Zadock Williams, and of C. F. F. Rosenthal, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. COX: Memorial of Professor S. P. Langley in relation to the privileges of the floor of the House of Representatives—to the Committee on Rules.

By Mr. DOCKERY: Petition of Mary Rhea, of Ray County, Missouri, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. ENLOE: Petition of W. P. Doran, of Hardin County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. FLOOD: Petition of Walter Mason and 240 others, miners of bituminous coal in Clearfield County, Pennsylvania, against the removal of the duty on coal—to the Committee on Ways and Means.

By Mr. GUENTHER: Petition of 107 musicians, of Washington, D. C., protesting against any interference with the liberty of the members of the United States Marine band—to the Committee on Military Affairs.

By Mr. D. B. HENDERSON: Petition of musicians of the District of Columbia, protesting against legislation interfering with the rights of the Marine band—to the Committee on the District of Columbia.

By Mr. HOUK: Petition of Daniel Smith, for pay as second lieutenant and recruiting officer for services actually rendered the United States—to the Committee on War Claims.

By Mr. JACKSON: Petition of workingmen of New Castle, Pa., for the passage of laws to adjust the accounts of laborers and to secure the execution of the eight-hour law—to the Committee on Labor.

Also, petition of A. Murdock and 114 others, citizens of the Twenty-fourth district of Pennsylvania, against the admission of Utah as a State—to the Committee on the Territories.

By Mr. LAGAN: Petition of certain employés of the United States mint at New Orleans, La., for reference of their claim to the Court of Claims—to the Committee on Claims.

Also, petition of the heirs of Henry E. Spearing, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. LEE: Petition of J. M. Harrison and of John Mulholland, of Fairfax County, Virginia, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition for relief of the postmaster at Louisa Court-House, Va.—to the Committee on the Post-Office and Post-Roads.

By Mr. NEAL: Petition of estate of Gideon B. Thompson, of Bradley County, Tennessee, for reference of his case to the Court of Claims—to the Committee on War Claims.

By Mr. O'FERRALL: Petition of Caroline H. Heater, of Frederick County, Virginia, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. POST: Resolutions of the Board of Trade of Peoria, Ill., for an amendment to the interstate-commerce law so as to require railroads to issue bills of lading for grain and to deliver the same amount at destination—to the Committee on Commerce.

Also, resolutions of Branson Post, No. 462, Grand Army of the Republic, of Ipava, Ill., in favor of service pensions—to the Committee on Invalid Pensions.

Also, petition of 25 citizens of Peoria, Ill., against the repeal of the internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

By Mr. RICHARDSON: Petition of widow and executrix of Richard C. Owen, of Rutherford County, Tennessee, for reference of his case to the Court of Claims—to the Committee on War Claims.

By Mr. RYAN: Petition of Mrs. A. L. Woodford and 15 other ladies of Burlington, Kans., for two sections of land in the Indian Territory upon which to establish a home for friendless women and destitute girls—to the Committee on the Territories.

By Mr. SENEY: Petition of General E. T. Stickney, W. S. Eastman, and 70 others, citizens of Seneca County, Ohio, favoring schedule of duty agreed on by the wool-growers and manufacturers on January 4, 1888—to the Committee on Ways and Means.

Also, petition of Josef Kaspar and others, against legislation to interfere with the liberty of the Marine band—to the Committee on Military Affairs.

By Mr. SHAW: Petition for the improvement of Elk River, Maryland—to the Committee on Rivers and Harbors.

By Mr. STAHLNECKER: Petition of citizens of Tarrytown, N. Y., for the improvement of Tarrytown harbor—to the Committee on Rivers and Harbors.

Also, petition of the Gratwick, Smith & Fryer Lumber Company, of Tonawanda, N. Y., regarding the placing of lumber on the free-list—to the Committee on Ways and Means.

Also, petition of the Underwood Company, of Falmouth Fireside, Me., relative to tariff on mineral waters—to the Committee on Ways and Means.

Also, resolutions of the New York Produce Exchange, regarding the adulteration of food—to the Committee on Agriculture.

By Mr. STEELE: Petition of the Indianapolis (Ind.) Live-Stock Exchange, for the plain branding of all compounds used for food—to the Committee on Agriculture.

By Mr. SYMES: Petition for the establishment of a land office at Troy, Colo.—to the Committee on the Public Lands.

By Mr. E. B. TAYLOR: Memorial of John S. Ellen, postmaster of Willoughby, Ohio—to the Committee on the Post-Office and Post-Roads.

By Mr. J. D. TAYLOR: Memorial and resolutions of Wolf Lodge, No. 21, of Steubenville; of Lodge No. 22, American Association of Iron and Steel Workers, of Mingo Junction, and of Mountain City Lodge, No. 56, Amalgamated Association of Iron and Steel Workers, of Ohio, protesting against any reduction of our tariff, etc.—to the Committee on Ways and Means.

By Mr. O. B. THOMAS: Petition of Isaac W. Roberts, for the passage of the bill to increase the pensions of soldiers who have lost an arm or leg, and to grant them arrears—to the Committee on Invalid Pensions.

By Mr. A. C. THOMPSON: Petition of citizens of Scioto County, Ohio, for the passage of the bill to pension Samuel Spradling—to the Committee on Invalid Pensions.

By Mr. E. J. TURNER: Petition of J. G. Hibbs and others, for increase of pension rates—to the Committee on Invalid Pensions.

By Mr. WEBER: Petition in favor of bill to create navigable waters between Lakes Erie and Ontario—to the Committee on Railways and Canals.

By Mr. J. R. WHITING: Petition of Hon. L. E. Lincoln and 156

others, citizens of Huron and Sanilac Counties, Michigan, asking that the salaries of keepers of the Life Saving Service be increased to $1,000 per year, and surfmen be paid $75 per month—to the Committee on Commerce.

By Mr. WICKHAM: Petition of John Irvin, attorney in claim of Simon F. Myers, for a pension—to the Committee on Invalid Pensions.

By Mr. W. L. WILSON: Petition of James McGraw and others, for relief—to the Committee on Military Affairs.

Also, petition of Mrs. E. H. Roberts, of Jefferson County, West Virginia, for reference of her claim to the Court of Claims—to the Committee on War Claims.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. BUTLER: Of sundry citizens of Blizzard, Tenn.

By Mr. J. R. BROWN: Of W. W. Wilburn and others, citizens of Straightstone, Pittsylvania County, Virginia.

By Mr. CRISP: Of James Higgs and others, of Montgomery County, Georgia.

By Mr. ELLIOTT: Five petitions of citizens of the Seventh district of South Carolina.

The following petitions, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, were severally referred to the Committee on Invalid Pensions:

By Mr. J. A. ANDERSON: Of 17 citizens of Carlton, and of 75 citizens of Abilene, Kans.

By Mr. ATKINSON: Of citizens of Liverpool, Pa.

By Mr. C. S. BAKER: Of E. P. True and other veteran soldiers for the Union, residents of Monroe County, New York.

By Mr. JEHU BAKER: Of Charles Spies and 12 others, of E. S. Valentine and 12 others, of Leonard G. Porter and 17 others, and of Alfred Garrett and 11 others, ex-soldiers, of Bond County, Illinois.

By Mr. FUNSTON: Of ex-Union soldiers, of Pleasanton, Kans.

By Mr. HEARD (by request): Of citizens of the Sixth district of Missouri.

By Mr. HOLMES: Of T. N. Canfield and 41 other ex-Union soldiers and sailors of Boone County, and of A. T. Petitt and 40 other ex-Union soldiers and sailors of Greene County, Iowa.

By Mr. McCULLOGH: Of Henry Campbell and others, of M. R. Haymaker and others, of J. U. Lasher and others, and of John Shepler and others, ex-soldiers and citizens of Westmoreland County, Pennsylvania.

By Mr. O'DONNELL: Of 98 soldiers of Union City, Mich.

By Mr. PETERS: Of Samuel Stout and 54 ex-soldiers of Kearney County, and of N. S. Tozer and 40 others, citizens and soldiers of Garfield County, Kansas.

By Mr. SENEY: Of William Harmon and 70 other ex-Union soldiers.

By Mr. STAHLNECKER: Of the Per Diem Rated Service-Pension Association.

By Mr. J. W. STEWART: Of Daniel Fosburgh and 35 other ex-Union soldiers and sailors.

By Mr. STONE, of Missouri: Of Phineas Reed and 43 others, citizens of Cass County, Missouri.

By Mr. TARSNEY: Of citizens and ex-soldiers of Michigan.

By Mr. E. B. TAYLOR: Of 80 ex-soldiers of Madison, Lake County; of 29 ex-soldiers of Mesopotamia, Trumbull County, and of 20 ex-soldiers of Bristolville, Ohio.

By Mr. A. C. THOMPSON: Of citizens of Washington Territory.

By Mr. E. J. TURNER: Of A. D. Booton and others, and of Harmon Robbins and others, of Kansas.

By Mr. J. R. WHITING: Of Peter Monier and 39 others, citizens of Macomb County; of J. M. Allemand and 59 others, citizens and ex-soldiers, of Mount Clemens, and of A. P. Shepherd and 31 others, citizens of Lapeer County, Michigan.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. CATCHINGS: Of 103 citizens of Warren County, Mississippi.

By Mr. McKENNA: Of 197 citizens of Alameda County, California.

By Mr. MOFFITT: Of 296 citizens of Essex County, New York.

By Mr. MORROW: Of 113 citizens of San Francisco County, California.

By Mr. PATTON: Of 148 citizens of Clinton County, Pennsylvania.

By Mr. PHELPS: Of 198 citizens of Morris County, New Jersey.

The following petition, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia, was referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. TOOLE: Of citizens of East Gallatin, Mont.

SENATE.

THURSDAY, *March* 15, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

STEAM-SHIP ATLANTA.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of March 1, 1888, certain reports concerning the United States ship Atlanta; which, with the accompanying papers, was referred to the Committee on Naval Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the Arizona Department, Grand Army of the Republic, praying for the passage of the disability pension bill; which was ordered to lie upon the table.

Mr. CAMERON presented a petition of the Homeopathic Medical Society of Northern Pennsylvania, of Pittston, Pa., praying for the removal of the import duty on medicine and medical and surgical appliances; which was referred to the Committee on Finance.

He also presented a memorial of citizens of Downingtown, Pa., remonstrating against the admission of Utah as a State with polygamy; which was referred to the Committee on Territories.

He also presented petitions of ex-Union soldiers and sailors, citizens of West Chester, Montgomery's Ferry, McKean, and Fleming, in the State of Pennsylvania, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. PADDOCK presented a petition of 8 ex-Union soldiers and sailors of the Second Congressional district of Nebraska, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. COCKRELL presented a petition of ex-Union soldiers and sailors, citizens of McDonald County, Missouri, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. VEST presented the petition of R. H. Williams and others, ex-Union soldiers and sailors, citizens of McDonald County, Missouri, praying for the passage of the bill giving pensions at the rate of one cent per day for the term of service; which was referred to the Committee on Pensions.

Mr. MITCHELL presented a petition of comrades of Lincoln Post, No. 4, Grand Army of the Republic, of Portland, Oregon; a petition of ex-Union soldiers and sailors, citizens of Pennsylvania, and a petition of ex-Union soldiers and sailors, citizens of Washington Territory, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. GORMAN presented a petition of the Woman's Christian Temperance Union, of Maryland, officially signed, representing 2,500 members, praying for the repeal of the internal-revenue tax on all alcoholic liquors; which was referred to the Committee on Finance.

He also presented the petition of John T. White, late of Company A, Eighth Maryland Infantry, praying that he be allowed a pension; which was referred to the Committee on Pensions.

Mr. CULLOM presented a petition of the Merchants' Exchange, of Buffalo, N. Y., praying for the adoption of amendments to the interstate-commerce law to prohibit discriminations in freight charges by means of underbilling, false weights, etc., and that like penalties be imposed upon the shippers and carriers guilty of such practices; also, that foreign railroads should be made subject to all the provisions of the law, and that the penalty for its violation should be increased to $20,000, half of the fines imposed to go to the informer; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the directors of the Peoria (Ill.) Board of Trade, praying for an amendment of the interstate-commerce act, so as to require all railroads engaged in interstate commerce to issue all bills of lading for the exact amount of grain loaded in cars, and to deliver the same amount at destination; which was referred to the Committee on Interstate Commerce.

He also presented a petition of 12 ex-Union soldiers, residents of Jefferson County, Illinois, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. PALMER presented a petition of John Fuller and 86 other ex-Union soldiers, residents of Blissfield, Riga, and Burkey; a petition of George Nash, A. Dittman, and 23 other ex-Union soldiers and sailors, residents of Leonard and Dryden; a petition of Joseph H. Fish and 16 other ex-Union soldiers, residents of Saline; a petition of Sidney S. Tripp and 4 other ex-Union soldiers, residents of Saline; a petition of Charles Wright, John Barrett, and 24 other ex-Union soldiers, residents of Huron County, and a petition of George Shiebel, Lafayette Matthews, and 20 other ex-Union soldiers, residents of Huron County, all in the State of Michigan, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. DAVIS presented a petition of George P. Sawyer Post, No. 132, Grand Army of the Republic, Department of Minnesota; a petition of ex-Union soldiers and sailors, citizens of Gaston, Minn.; a petition of

ex-Union soldiers and sailors, citizens of North Ottawa, Minn.; a petition of ex-Union soldiers and sailors, citizens of Elbow Lake, Minn., and a petition of ex-Union soldiers and sailors, citizens of Roseville, Minn., praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. TURPIE presented a petition of ex-Union soldiers, citizens of Indiana, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. CALL presented the petition of Serucher & Haya, Lozano, Pendar & Co., Emilio Pons & Co., and N. Martinez Ibor & Co., manufacturers of Havana cigars, in the city of Tampa, Fla., praying that Tampa be made a port of entry, and that a collector of customs with full authority be appointed at that port; which was referred to the Committee on Commerce.

Mr. SAWYER presented three petitions of ex-Union soldiers and sailors, citizens of Berlin, Wis., praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. WILSON, of Iowa, presented a petiton of Kinsman Post, No. 7, Grand Army of the Republic, Department of Iowa, of Des Moines, Iowa, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. EVARTS presented a petition of 26 ex-Union soldiers and sailors, citizens of New York, and a petition of 25 ex-Union soldiers and sailors, citizens of New York, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. DAWES presented a petition of 125 citizens of the First and Second Congressional districts of Massachusetts, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. HOAR presented a letter from Mrs. Ada M. Bittenbender, superintendent of department of legislation, and petitions of the Woman's National Christian Temperance Union, favoring the entire repeal of internal-revenue taxes on alcoholic beverages; which was referred to the Committee on Finance.

Mr. PLUMB presented a petition of ex-Union soldiers and sailors, citizens of Kalvesta, Kans.; a petition of ex-Union soldiers and sailors, citizens of Winona, Kans., and a petition of ex-Union soldiers and sailors, citizens of Kendall, Kans., praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

ATTORNEYS IN PENSION CASES.

Mr. PLUMB. I wish to present, for reference to the Committee on Pensions, a letter which was sent to me by an ex-soldier in Kansas, being a letter addressed to him by a firm of claim agents in this city, the subject-matter of which I think the Pension Committee ought to take notice of. I ask the Secretary to read the letter, leaving out the name of the writer and the name of the person to whom it is addressed, in order that I may run no risk of reflecting unjustly upon people anywhere.

The PRESIDENT *pro tempore*. If there be no objection, the letter will be read by the Secretary.

The Chief Clerk read as follows:

WASHINGTON, D. C., *February* 18, 1888.

SIR: Some time ago we wrote you advising you to allow us to take your claim to Congress. Why do we not hear from you? We are thoroughly conversant with your claim and have no hesitation in stating it to be our belief that if the matter is properly presented Congress will not refuse to grant you a pension by "special act." Our fee is $25. Ten dollars we ask in advance, the balance, $15, when you receive the first payment of the pension. You will be to no other expense in the matter, as all the affidavits, etc., on file at the Pension Bureau will be submitted to the Congressional committees for examination.

During the last Congress 863 "special-act" pensions were granted; and it is expected that the number granted by the present Congress will be greatly in excess of that number. Now is the best possible time to present cases for Congressional action. It is the eve of a Presidential and Congressional election, and parties and individuals are on their metal to make a record.

Should you engage our services you may depend upon it that we shall do all in our power to secure success. Let us hear from you at once, please.

Respectfully,

——— ———.

——— ———.

Mr. PLUMB. Mr. President, I believe that large sums of money are being obtained by representations of that kind addressed to men for whom attorneys have rendered no service whatever.

I am not a member of the Pensions Committee, and can not, therefore, speak with any degree of authority; but from what I know about the practice in regard to bills before that committee, and all the other committees of this body, I feel warranted in saying that an attorney is not only not permitted to go before the committee, but that he can perform no useful office whatever in regard to the passage of any bill granting a special pension; and it is an outrage, to state it mildly, for men to be imposed upon in the way they are being imposed upon—if I have stated the facts correctly—by circulars such as that which has been read at the desk.

I ask the Pensions Committee to take that letter and consider it, and to make some report to the Senate in regard to the subject of it, in order that the ex-soldiers of this country may not continue to be swindled.

Mr. HALE. Before the Senator from Kansas sits down let me ask him if he has any objection to stating the name of the firm who wrote this remarkable letter (and I have no doubt that this is one of thousands that have been written by the same concern), thereby conveying the impression that in matters of legislation before Congress touching special bills for pensions attorneys can have an influence that will control the judgment and action of Congress?

I know nothing whatever from whom this letter is, and have no suspicion whatever who it is; but whoever wrote that letter and sent it out broadcast—as I have no doubt it was sent out—the names ought to be known here and now by the Senate, and through the papers by the country, and by the soldiers who are constantly besieged by claim-agents in and out of season, and led to pay over their money when the attorneys can render them no service.

I ask the Senator to consent that the names which are appended to the letter be read.

Mr. PLUMB. I think that that will come out better, if at all, at the time when the Pensions Committee shall make a report to the Senate on it. I might possibly be put in the attitude of reflecting unjustly upon a firm of attorneys, because it may be, although I do not believe it to be true, that they do perform some office about obtaining these pensions. I no not believe it, however.

Mr. HALE. Of course I do not wish to interfere with the Senator because he has introduced this upon his own motion, but it seems to me——

Mr. PLUMB. When the Committee on Pensions make their report the whole matter will properly come out.

Mr. HALE. There is no chance to misconstrue the letter. It speaks for itself, and I for one should be very glad to know, and I think other Senators should know the names. But if the Senator prefers, let it go in this way to the Committee on Pensions, and let that committee take into cognizance and investigation just such performances as this, because this has been going on too long. Every Senator almost every day of his service receives letters and copies of letters sent from claim agents in Washington urging and beseeching and hounding on a claimant to put cases into their hands, and to send money in advance, with assurances of the influence that the pension agents and claim agents have over these cases, when I believe they have little or no influence. It is high time the matter was looked into, and, so far as it can be, stopped or restrained.

I hope that the committee will take the subject into consideration early, and do something, if it can, that shall avail in this proceeding.

Mr. DAVIS. I should like to hear the letter read again.

Mr. HALE. Let us have it read again, Mr. President.

The PRESIDENT *pro tempore*. If there be no objection, the letter will be again read, omitting the address and the signature.

The Chief Clerk again read the letter.

Mr. DAVIS. Mr. President, that is evidently a letter from some of those pension sharks, whose names ought to be known. It is a most extraordinary document, and I do not wonder that it excites the indignation of Senators and calls for an investigation of the subject by the Pension Committee.

I wish to state that that committee never hears attorneys or agents on behalf of any individual claim, and I have never been approached by any person, either privately or publicly, with the expression of a desire that he should be heard before the committee. I hope the matter will be referred to the committee.

Mr. HALE. Let me ask the Senator from Minnesota, who is the chairman of the Committee on Pensions, in what way could a claim agent here in Washington advance the interests of an honest claimant before the Pension Committee for a special act giving him a pension?

Mr. PLUMB. Or before Congress.

Mr. HALE. Or in any claim before Congress.

Mr. DAVIS. Not in an honest way before Congress. Of course he would not be heard any more than he would if appearing before a judge.

Mr. HALE. And he would be of no account whatever to the applicant.

Mr. DAVIS. None whatever.

Mr. HALE. That is my view of it.

Mr. PLUMB. I have just been looking over the Calendar and I find that I introduced a bill for the relief of the soldier to whom this letter was addressed early in the session, and that ten days after that letter was written the bill was reported favorably by the Pension Committee. So, it becomes apparent that these people watch the Calendar of the Senate and note the introduction of bills, and address letters to the persons in whose favor bills have been introduced, endeavoring to get money out of them for cases which they have not had originated and with which they have had nothing at all to do, and which they can have nothing to do with, according to the statement of the Senator from Minnesota, the chairman of the Committee on Pensions.

Mr. COCKRELL. I desire to add to what the Senator from Kansas has said that I have in my possession at my rooms a similar communication to the one which has been read. It was written during the last Congress, and stated that this firm had been exceedingly successful in

prosecuting claims before Congress; that they had discovered that this applicant's claim had been rejected; that it was a great deal of labor to prepare a case for Congress and to present a bill; that they charge $10 in advance for the preparation of the case and then so much when the case was passed through, and solicited that the claim should be intrusted to them.

I think it is a regular system on the part of the pension sharks here in this city to send these circulars out all over the country and get these cases before Congress, and the applicants for relief are imposed upon and deceived and misled by the circulars, because these pension agents can render an applicant for the passage of a special bill for his relief no good whatever—not a particle. They do not render any assistance, and they obtain the money under false pretenses.

Mr. DOLPH. I think that the same thing is largely true in regard to other claims before Congress. Congress ought to be relieved from the consideration of private claims, and if that can not be done, some law ought to be passed regulating the fees of attorneys for prosecuting such claims.

I know that I have been instrumental in securing the passage of bills for private relief and never heard that there was an attorney in the case until after the bill had been passed and a large percentage of the money received from the Government was claimed as attorney's fees. I noticed in a published statement not long since that an attorney admitted he had an arrangement to receive 35 per cent. of the amount which had been collected off the citizens of a certain State under the direct-tax law of 1861, when it should be refunded by Congress.

I think that the investigation ought to go further than a mere investigation as to the sort of letters sent out by pension attorneys, and it ought to include the whole question of attorneys for private claims before Congress.

Mr. SAWYER. While I have presented a great many private pension bills to Congress, I will say that I have never been approached either by correspondence or in person by any claim agent here. I take up the papers which are sent from the Pension Bureau, and from them I make up my mind as to what ought to be done with the particular case.

If attorneys or others should attempt to influence me the only effect it would have, if any at all, would be to prejudice me against the claim. Whenever a claim agent pretends to have such influence, it is not true. They have not the least influence in the world; and any one who gives them his money for getting a bill through Congress is simply throwing it away.

The PRESIDENT *pro tempore*. The Chair hears no objection to the reference of the communication to the Committee on Pensions, and it will be so referred.

REPORTS OF COMMITTEES.

Mr. MORRILL. By direction of the Committee on Public Buildings and Grounds, I report back favorably the bill (H. R. 7217) for the erection of a public building at Lowell, Mass.

Mr. HOAR. I ask the Senator from Vermont if he has any objection to calling the bill up and putting it on its passage now.

Mr. MORRILL. I have no objection, if unanimous consent can be obtained.

Mr. HOAR. I ask that the bill be put on its passage.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the Senate proceed now to the consideration of the bill just reported. Is there objection?

Mr. PLUMB. I object.

The PRESIDENT *pro tempore*. The Senator from Kansas objects, and the bill will be placed on the Calendar.

Mr. GRAY, from the Committee on Naval Affairs, to whom was referred the joint resolution (S. R. 34) authorizing the Secretary of the Navy to loan certain scientific instruments, reported it without amendment.

Mr. GRAY. I am directed by the Committee on Naval Affairs to report adversely on the bill (S. 1573) for the relief of Sarah Morrison, dependent mother of George F. Morrison, lieutenant-commander United States Navy, a House bill on the same subject having already passed the Senate.

The PRESIDENT *pro tempore*. The adverse report will be agreed to, and the bill will be postponed indefinitely.

Mr. PALMER, from the Committee on Commerce, to whom was referred the bill (H. R. 1523) for the establishment of a light-house at Cob Point Bar, at the mouth of Wicomico River, in the State of Maryland, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2085) to provide for protecting the navigation of the Illinois River by extending the system of beacon-lights to said river, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1431) making an appropriation for the erection of a light-house at Boca Grande Pass, Charlotte Harbor, Florida, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 735) making an appropriation for the erection of a light-house on Dog Island, Florida, reported it with an amendment, and submitted a report thereon.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. 1078) for the relief of Florida Kennerly, reported it without amendment.

Mr. ALLISON, from the Committee on Finance, to whom was referred the bill (S. 1795) for the relief of the First National Bank of Marion, Iowa, reported it with amendments, and submitted a report thereon.

Mr. FRYE, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 7546) to amend sections 2595 and 2596 of the Revised Statutes of the United States, and to provide a collector at the port of St. Paul, Minn., and for other purposes;

A bill (S. 1625) to amend section 7 of the act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, A. D. 1880;

A bill (H. R. 1640) changing the name of the port of Lamberton, in the district of Burlington, N. J., to the port of Trenton, in said district;

A bill (S. 1786) to regulate appointments in the Marine Hospital Service of the United States; and

A bill (H. R. 1818) for the construction of a revenue-cutter for Charleston, S. C., in maintenance of the service, to replace the United States revenue-cutter McCulloch.

Mr. SAWYER, from the Committee on Commerce, to whom was referred the bill (S. 1882) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Clinton, Iowa, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 2345) authorizing the construction of bridges across the Cape Fear River, Black River, and the Northeast River, in the State of North Carolina, reported it with an amendment.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5247) granting a pension to William H. Brimmer;

A bill (H. R. 2663) for the relief of Alonzo Alden;

A bill (H. R. 2662) for the relief of Mary M. Strong;

A bill (H. R. 4812) to grant a pension to Squire Admire; and

A bill (H. R. 159) granting a pension to Jane Thomas.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 1956) to ratify and confirm an agreement with the Gros Ventre, Piegan, Blood, Blackfeet, and River Crow Indians, in Montana, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 2267) for the relief of the Omaha tribe of Indians in Nebraska, reported it without amendment.

Mr. STEWART, from the Committee on Military Affairs, to whom was referred the bill (S. 1242) for the relief of the legal representatives of Maj. William Kendall, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1871) to perfect the military record of Warren C. Alden, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1492) to place Charles V. Petteys and William T. Owsley on the retired-list of the United States Army, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 2030) to authorize the construction of a bridge across the Missouri River at Forest City, Dak., by the Forest City and Watertown Railway Company, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 1883) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Muscatine, Iowa, reported it with amendment.

He also, from the same committee, to whom was referred the bill (H. R. 2528) authorizing the construction of a railroad bridge across the Red River of the North by the North Dakota and Pacific Railway Company, reported it with amendment.

Mr. DAVIS, from the Committee on Military Affairs, to whom was recommitted the bill (S. 1650) for the relief of Maj. Gen. W. W. Averell, reported it with amendments.

He also, from the Committee on Pensions, to whom was referred the bill (H. R. 2077) to place on the pension-roll the name of William Sims, reported it without amendment, and submitted a report thereon.

Mr. CAMERON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 482) for the relief of Levi Jones, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1467) for the relief of David B. McKibbin, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1644) providing compensation to voluntary signal observers at present recognized in the Signal Service, and allowing them all the neces-

sary instruments required for observation, reported adversely thereon.

Mr. DOLPH. Let that bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar, with the adverse report of the committee.

Mr. CAMERON, from the Committee on Military Affairs, to whom the subject was referred, submitted a report, accompanied by a bill (S. 2377) providing for the issue gratuitously of certain meteorological instruments to voluntary observers at present recognized in the Signal Service; which was read twice by its title.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (S. 2271) for the relief of Rodman M. Price, asked to be discharged from its further consideration, and that it be referred to the Committee on Naval Affairs; which was agreed to.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the petition of Nathaniel R. Harris, praying for a correction of the records of the War Department as to his alleged military service, reported adversely thereon, and asked that the committee be discharged from the further consideration of the petition; which was agreed to.

Mr. EVARTS, from the Committee on the Library, to whom were referred the following joint resolution and bills, reported them severally without amendment:

Joint resolution (S. R. 62) in recognition of the services of Joseph Francis;

A bill (S. 1097) to provide for the erection of a monument to the memory of Brig. Gen. William Lee Davidson;

A bill (S. 449) for the erection of a monument to the memory of Maj. Gen. Henry Knox, at Thomaston, Me.;

A bill (H. R. 3796) to purchase of the widow and children of the late General James Shields certain swords; and

A bill (S. 1929) to authorize the purchase of five manuscript volumes (being letter-books) of William Vans Murray, formerly minister at The Hague and at Paris.

Mr. EVARTS, from the Committee on the Library, to whom was referred the bill (S. 1033) providing for the purchase of "the Capron collection of Japanese works of art," reported it with amendments.

Mr. HOAR, from the Committee on the Library, to whom was referred the bill (S. 2044) in aid of the erection of a monument to the memory of General Joseph Warren, who fell at the battle of Bunker Hill, reported a bill (S. 2392) for the erection of a monument to the memory of General Joseph Warren, who fell at the battle of Bunker Hill; which was read twice by its title.

Mr. WILSON, of Iowa, from the Committee on the Revision of the Laws of the United States, to whom was referred the bill (S. 1592) to continue the publication of the Supplement to the Revised Statutes, reported it with an amendment, and submitted a report thereon.

Mr. FRYE. I ask unanimous consent to report from the Committee on Commerce an original bill to take the place of the four accompanying bills, and I ask that they be postponed indefinitely, and that the original bill be placed on the Calendar.

The bill (S. 2393) to fix the compensation of inspectors of hulls and boilers in certain districts of the United States was read twice by its title.

The following bills were postponed indefinitely:

A bill (S. 1689) amending section 4414 of the Revised Statutes of the United States, fixing the compensation of inspectors of hulls and boilers in the several districts of the United States;

A bill (S. 255) amending section 4414 of the Revised Statutes, fixing the compensation of inspectors of hulls and boilers in the several districts of the United States;

A bill (S. 1271) to amend section 4414 of the Revised Statutes of the United States, fixing the compensation of inspectors of hulls and boilers in the several districts of the United States; and

A bill (S. 1444) to amend section 4414 of the Revised Statutes of the United States, fixing the compensation of inspectors of hulls and boilers in the several districts of the United States.

ADMISSION OF NEW STATES.

Mr. STEWART. I am instructed by the Committee on Territories, to whom was referred the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes, to report a substitute therefor.

Mr. CULLOM. I wish to state that, representing a minority of the committee, I will very soon make a written report, or present a bill, which I will ask to have considered, making some amendments to this bill, or changing the bill from what it has been reported by a majority of the committee.

Mr. BUTLER. I ask permission to state in connection with the report which has just been made that there is one provision of the bill to which I do not agree, and the right was reserved to those of us who do not agree to it to move to amend it when the bill comes up for consideration.

The PRESIDENT *pro tempore*. The bill, with the amendment reported, will be placed on the Calendar.

Mr. CULLOM. I wish to make one remark further. The bill that I shall report will not be adverse to the admission of Washington Territory as a State, but will be in favor of the admission without the annexation of other territory.

Mr. BUTLER. With its present boundary, I understand the Senator.

Mr. CULLOM. Yes, sir; the difference between the two propositions will be in reference to the boundary of the territory.

Mr. MANDERSON. I desire to know whether with the report of the bill for the admission of Washington Territory with the addition of what is known as the Pan Handle of Idaho there is a majority report?

Mr. STEWART. There is a majority report.

Mr. PLATT. A written report?

Mr. STEWART. There is a written report.

Mr. MANDERSON. I desire to give notice on behalf of the minority of the committee that we shall desire to file a minority report, and I ask that there be a short delay in the printing of the majority report, so that both may be printed together.

Mr. STEWART. I state in the report that the committee are unanimous in favor of the admission of the Territory as a State, and that a majority favor the boundaries prescribed by the bill. I have not named the majority.

Mr. MANDERSON. A minority of the committee will desire to submit a report in favor of the admission of Washington with the present boundaries.

The PRESIDENT *pro tempore*. What time does the Senator from Nebraska desire?

Mr. MANDERSON. A few days; say five days.

The PRESIDENT *pro tempore*. If there be no objection, the printing of the majority report will be delayed.

Mr. DOLPH. In that connection I will say that the Senator from Connecticut [Mr. PLATT] has given notice that he intends to call up at an early day the bill for the admission of South Dakota. I should like to have the bill for the admission of Washington taken up immediately after the bill for the admission of South Dakota is disposed of. I think such a course will avoid another discussion of the general questions involved. I hope, therefore, the report will be printed in time to be before the Senate as soon at least as the bill for the admission of South Dakota is out of the way. If no one else does it I myself shall ask the Senate to take up the bill for the admission of Washington immediately after the bill for the admission of South Dakota is disposed of.

Mr. PLATT, from the Committee on Territories, to whom was referred the bill (S. 1196) to provide for the formation and admission into the Union of the State of North Dakota, and for other purposes, reported it with amendments, and submitted a report thereon.

MARY MORFORD.

Mr. SAWYER. I move that the bill (S. 884) granting a pension to Mary Morford be indefinitely postponed, as I reported yesterday favorably from the Committee on Pensions a House bill granting a pension to Mary Morford.

The motion was agreed to.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 2378) to correct the military record of John D. Thomas; which was read by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2379) to provide for a term of court at Sterling, Ill.; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. BOWEN introduced a bill (S. 2380) for the relief of the Kansas and New Mexico Land and Cattle Company, limited; which was read twice by its title, and referred to the Committee on Claims.

Mr. DAVIS introduced a bill (S. 2381) to so amend section 9646 of the Revised Statutes as to allow the pensions of officers of the Army and Navy, their widows and dependent parents, to be rated as of the rank held by such officers at the date of discharge; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MORRILL. I introduce a bill at the request of the Director of the Mint.

The bill (S. 2382) to amend section 3510 of the Revised Statutes of the United States, and to provide for new designs of authorized devices of United States coins, was read twice by its title, and referred to the Committee on Finance.

Mr. COLQUITT (by request) introduced a bill (S. 2383) to provide for the suppression of the traffic in intoxicating liquors in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PADDOCK introduced a bill (S. 2384) to remove the charge of desertion from the military record of Loren W. Hastings; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CHANDLER introduced a bill (S. 2385) granting a pension to Caroline R. Haseltine; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 2386) explanatory of an act entitled "An act to settle certain accounts between the United States and the State of Mississippi and other States, and for other purposes;"

which was read twice by its title, and referred to the Committee on Public Lands.

He also (by request) introduced a bill (S. 2387) for the relief of Mrs. Emma G. C. Abbott; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HISCOCK introduced a bill (S. 2388) to provide for the preliminary arrest of, the demand for, and the surrender of fugitives from the justice of any of the States and Territories of the United States, who have committed treason, felony, or other crime therein, and have taken refuge in any of the other States or Territories of the United States; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary.

Mr. SPOONER introduced a bill (S. 2389) to provide for the erection of a public building at the city of Eau Claire, State of Wisconsin; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 2390) to remove the charge of desertion from the record of William Winchell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 2391) to remove the charge of desertion from the record of Manus Hanbelt; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 474) for the relief of General G. Cluserét;

A bill (H. R. 4961) for the relief of John P. Hageman;

A bill (H. R. 7255) for the relief of A. B. Tyan;

A bill (H. R. 7934) for the relief of Dr. H. B. Matteosian; and

Joint resolution (H. Res. 95) to enable the President of the United States to extend to certain inhabitants of Japan a suitable recognition of their humane treatment of the survivors of the crew of the American bark Cashmere.

BENNINGTON BATTLE MONUMENT.

Mr. EDMUNDS. The other day I presented a petition respecting the Bennington battle monument, which was referred, by inadvertence, to the Committee on Public Buildings and Grounds. The original bill, which the petition prays a supplement to, was reported from the Committee on Military Affairs. I ask that the Committee on Public Buildings and Grounds be discharged from the further consideration of the petition, and that it be referred to the Committee on Military Affairs, and I shall ask, as it is short and crisp, stating the facts, that it be printed, not in the RECORD, but as a document.

The PRESIDENT *pro tempore*. The order changing the reference will be made, if there be no objection. Does the Senator from Vermont desire to have the petition printed in the RECORD?

Mr. EDMUNDS. No; let it be printed as a document.

The PRESIDENT *pro tempore*. It will be printed as a document.

FISHERIES NEGOTIATIONS.

Mr. FRYE. I offer the following resolution, and ask for its immediate consideration:

Resolved, That the President of the United States be requested to transmit to the Senate copies of the minutes and daily protocols of the meetings of the commissioners who negotiated the treaty with Great Britain, submitted by the President to the Senate on the 20th of February, 1888.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. GRAY. That might as well go over.

The PRESIDENT *pro tempore*. The resolution will lie over, under the rules.

ALASKAN FUR SEALS.

Mr. DOLPH. I offer a resolution, and I desire to say a word or two upon it before asking that it go over.

The PRESIDENT *pro tempore*. The resolution will be read.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be directed to inform the Senate what construction is placed by the Department upon the phrase "or the waters adjacent thereto" in section 1967 of the Revised Statutes of the United States, prohibiting the killing of fur seals upon the islands of St. Paul and St. George and on the waters adjacent thereto, and whether or not American citizens have heretofore been or now are prohibited or prevented from fishing for fur seals in the waters of Alaska or in Behring Sea beyond one marine league from shore except on the islands aforesaid and the waters immediately adjacent thereto, and if so under what law or regulations this has been done and in what manner the same have been enforced.

The PRESIDENT *pro tempore*. Is there objection——

Mr. DOLPH. I do not ask for the immediate consideration of the resolution; but I have received a letter from Hon. James G. Swan, assistant to the Fish Commission, at Port Townsend, who has given much attention to the question of fish and fisheries on the North Pacific coast, which has induced me to offer the resolution. I ask that the letter may appear in the RECORD, without reading, as part of my remarks. It is not lengthy. I call the attention of Senators from the New England States, especially the Senators from Massachusetts, as being particularly interested, to this communication, and I give notice that to-morrow I shall ask for the consideration of the resolution.

Mr. BUTLER. May I inquire the character of the communication the Senator asks to have printed in the RECORD?

Mr. DOLPH. It is a communication in regard to the right of citizens of the United States to fish for fur seals in Behring Sea and the Alaskan waters.

Mr. BUTLER. May I inquire whom the communication is from and to whom addressed?

Mr. DOLPH. It is from Mr. James G. Swan, the assistant of the Fish Commission, stationed at Port Townsend, Wash.

Mr. BUTLER. I shall object to its being printed in the RECORD.

Mr. DOLPH. Then I ask that it be read at the desk.

The PRESIDENT *pro tempore*. Is there objection to the communication being read at the desk?

Mr. BUTLER. I object to its being read.

Mr. DOLPH. Then I will read it myself as part of my remarks, if the Secretary will pass it to me.

Mr. BUTLER. I should like to inquire if that is not a violation of the rules?

Mr. HARRIS. Let the rule be read as amended the other day.

The PRESIDENT *pro tempore*. The rule as amended will be read.

Mr. BUTLER. That rule is very rigidly enforced against this side of the Chamber, and I propose to have it enforced in the whole Senate, if I can.

Mr. DOLPH. If I may be permitted to say a word, I will state that I introduced the resolution to-day. I did not ask for its present consideration. I am simply doing what has been always allowed, by making some remarks in presenting a resolution. This letter is not addressed to Congress; it is a letter addressed to myself, which I propose to incorporate as a part of my remarks.

Mr. HARRIS. Will the Senator from Oregon allow me to suggest to him that his resolution has gone over under objection? Has it not?

Mr. DOLPH. No; I have retained the floor.

Mr. HARRIS. I understand from the Chair that it has gone over under objection. If so, his remarks are out of order.

The PRESIDENT *pro tempore*. The Senator from Oregon did not ask for the present consideration of the resolution.

Mr. DOLPH. I had not taken my seat, but I retained the floor.

The PRESIDENT *pro tempore*. The Senator from Oregon stated that he would call the resolution up to-morrow and submit some remarks upon it.

Mr. HARRIS. The resolution is not under consideration, and certainly remarks or the reading of a communication, I submit, would be out of order.

Mr. DOLPH. I do not understand the status of the resolution as the Senator from Tennessee understands it. I have retained the floor. I introduced the resolution. I said that I would not ask for its consideration to-day, but desired to say a word in regard to it, and I asked to have the communication printed as part of my remarks. In introducing the resolution I retained the floor, and I have held it ever since, except to give way for an inquiry.

Mr. BUTLER. Mr. President——

The PRESIDENT *pro tempore*. The question is not debatable under the rule. The rule with regard to the reading of communications has never been rigidly enforced, but the Chief Clerk will read the rule as it stands.

Mr. BUTLER. May I be permitted to state——

Mr. HOAR. Will the Chair first allow the resolution to be read, so that we may have the foundation of the whole proceeding?

The PRESIDENT *pro tempore*. The resolution lies upon the table. It will be read for information, if the Senator from Massachusetts desires.

Mr. BUTLER. May I have unanimous consent to make a very brief statement in explanation of my reasons for interposing this objection? That explanation is that I do so in——

The PRESIDENT *pro tempore*. The Senator from Oregon is entitled to the floor. Does he yield to the Senator from South Carolina?

Mr. DOLPH. Certainly; I yield.

Mr. BUTLER. I make this objection from no sort of feeling or discourtesy to the Senator from Oregon, but simply in pursuance of the rule which seems to have been invoked by some Senators when communications of this kind have been presented for publication in the RECORD. I think if that rule is enforced as to one it ought to be enforced as to all. Therefore I made the objection. I have seen upon the floor Senators who desired to have communications read and the reading was objected to when I thought the subject-matter of the communication was very meritorious. I do not know what is in this communication, but I object to its going in the RECORD, if the rules will sustain the objection I make. I should like to have the rule read.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks that the resolution be again read. Is there objection? If not it will be read.

The Chief Clerk read the resolution.

Mr. BUTLER. Now I should like to have the rule read.

The PRESIDENT *pro tempore*. The Chair would suggest that the

resolution not being called up for consideration, and lying upon the table, there is no question before the Senate, and debate can only proceed by unanimous consent.

Mr. DOLPH. I should like to ask the Chair how the resolution got upon the table, as I still held the floor and proposed to make some explanation of the resolution.

The PRESIDENT *pro tempore*. The Senator from Oregon stated that he did not desire to have the resolution acted upon, but desired that it might lie upon the table in order that it might be taken up to-morrow to enable him to submit some remarks.

Mr. DOLPH. I beg to correct the Chair. I said I did not intend, and such was not my intention, to make any remarks to-morrow. I simply said I would ask for the consideration of the resolution to-morrow; but I said that I desired to say a word in regard to it in submitting it.

Mr. HOAR. I ask the unanimous consent of the Senate that the Senator from Oregon be permitted to make the observation which he desired.

Mr. DOLPH. All I desire is that the communication be read in connection with the resolution.

Mr. BUTLER. I have no desire whatever to impose that duty upon the Senator from Oregon, but I do object to its going in the RECORD if I can prevent it. Therefore I will not give unanimous consent to permit the publication of the communication. So far as any remarks the Senator may have to make are concerned, I have not the slightest objection to his making them. I would be very glad to know what the rule is.

The PRESIDENT *pro tempore*. The rule will be read at the desk.

The Chief Clerk read as follows:

RULE XI.

OBJECTION TO READING A PAPER.

When the reading of a paper is called for, and objected to, it shall be determined by a vote of the Senate, without debate.

Mr. MITCHELL. I ask unanimous consent to make a suggestion to my colleague. I am very anxious, personally, to hear the communication read. I have a similar one, and it is important; but inasmuch as our friend, the Senator on my right [Mr. TELLER], gave notice that he desires to speak to-day, I suggest to my colleague that he permit the matter to go over and come up to-morrow.

Mr. DOLPH. I will go as far as any one to accommodate the Senator from Colorado [Mr. TELLER] or any other Senator on this floor; and if the rule is that I have no right now to address the Senate, of course I yield; but if I have a right to read the letter I propose to read it. That is all there is of it.

Mr. STEWART. I suggest to the Senate that unanimous consent be granted to have the communication printed and lie on the table.

Mr. DOLPH. That is precisely what I have asked.

Mr. STEWART. Not in the RECORD, but as a document.

Mr. BUTLER. I have not the slightest objection to that course, if the Senator from Oregon desires it.

Mr. STEWART. Let it be printed and lie on the table, and then we can see it to-morrow morning.

Mr. DOLPH. Let that course be taken.

The PRESIDENT *pro tempore*. The Senator from Oregon asks unanimous consent that the communication be printed. Is there objection? The Chair hears none, and it is so ordered.

FRANKING OF PUBLIC DOCUMENTS.

The PRESIDENT *pro tempore*. If there are no further resolutions, the order of morning business is closed.

Mr. BUTLER. If in order, I should like to have referred to the Committee on Post-Offices and Post-Roads a letter which was addressed by the Postmaster-General to the President of the Senate in response to a resolution which I offered and which was passed on the 24th of last month in regard to the return of public documents to a Senator when his frank had been placed upon them. The Postmaster-General, it seems, replies that upon inquiry of the postmaster of the city of Washington no such action was taken by him, and therefore this act must have been done or performed by the postmaster of the Senate.

I find upon reading the regulations of the Department and the law on the subject, that there was no authority for such action by the postmaster of the Senate. It is apparently a small matter, and yet one which might subject us to a vast amount of inconvenience. I do not know whether I am under the ban of suspicion by the postmaster of the Senate, or any other postmaster, of improperly franking public documents; but I do protest that when I have acted in accordance with law the documents I have franked should be allowed to proceed in the mail in the usual course.

I ask that the letter of the Postmaster-General be referred to the Committee on Post-Offices and Post-Roads, and I trust that committee will give the matter that investigation which the Postmaster-General seems to think is required.

The PRESIDENT *pro tempore*. The letter will be referred to the Committee on Post-Offices and Post-Roads, if there be no objection. The Chair hears none.

PRESIDENT'S ANNUAL MESSAGE.

Mr. TELLER. I desire to call up the resolution referring the President's message.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read the resolution submitted by Mr. SHERMAN December 19, 1887, as follows:

Resolved, That the President's annual message be referred to the Committee on Finance.

Mr. TELLER. Mr. President, I shall endeavor not to detain the Senate at any very great length, as what I shall have to say will not be in the nature of a general discussion of theoretical propositions, but will be rather a presentation of facts which illustrate and bear upon the issue presented.

At the commencement of this session the President of the United States sent a rather remarkable document to the Senate and House of Representatives; it was called his annual message, but it was devoted exclusively to the question of import duties and a reduction of the surplus revenues of the country. There has been since that time considerable discussion in the Senate over this message, and, it seems to me, on the part of the friends of the Administration, a disposition to avoid the real issue presented by the President.

Although we have been told by all on the other side of the Chamber who have spoken on the subject, that the message was one of great ability and entitled the Executive to great praise at the hands of the people for the courageous manner in which he had presented this matter to the public, yet I believe, without a single exception, all who have spoken in defense of the Administration and in accordance with the views of the Executive, have attempted to make it appear that it is not the kind of message that the President himself evidently intended it should be, and that everybody outside of official circles in this country and abroad has declared that it was.

It will not do for the friends of the Administration to assert that this is an attempt on the part of the Executive and his adherents to modify, revise, or correct the tariff. No such intent on the part of the President can be gathered from his message, no such intent can be supposed or has been supposed by the people who are directly interested in what is called in this country free trade. At home and abroad, everywhere, it has been received, not as an attack upon a defective tariff, not as being for the purpose of lopping off excrescences or incongruities in the tariff, but for the purpose of destroying the protective system. The President himself speaks of it as "vicious," "inequitable," and "illogical." A former Secretary of the Treasury, referring to this same system in a report at a former session of Congress, spoke of it as a "brutal method." Members who have addressed the Senate, and defenders of this message in portions of this country, whether they were in official life or in private life, have spoken in terms of opprobrium, of contempt, of detestation, not of the tariff, not in complaint of inconsistencies or incongruities in it, but have spoken in this manner of the protective system.

It is, then, and it is so understood, I think, outside of this Chamber at least, an attack, not upon the defective tariff, not upon a system good in itself but in details faulty, but it is an attack upon the system that protects American labor and American manufactures against the competition of the labor and capital of other countries.

The Senator from Connecticut [Mr. PLATT] presented to the Senate some time since his views on the subject, in which I think he clearly proved that all the friends in this country and abroad of free trade and enemies of the protective system have hailed this message as a free-trade document; if not accomplishing free trade now, at least as a step that would ultimately bring us to free trade.

I know that the Senator from Kentucky [Mr. BECK] the other day, while discussing this question, when asked if he was a protectionist, declined to answer, but declared that there were no free-traders on his side of the Chamber, and gave as his reason why they were not free-traders, not that they did not believe in free trade, not that they believed in protection, not that they thought it was the duty of the Government to protect either manufactures or labor by import duties, but because, he said, we could not avoid having a tariff of some kind, because we could not raise sufficient money by any other method. Therefore, he said, they were not free-traders, and yet he did not deny then or there that he himself would be a free-trader whenever it was practicable to have free trade; and everybody who has listened to him for the last twelve or fourteen years in this body or previously in the other House, of which he was for a long time a member, will certainly agree that he is a free-trader.

I have before me a large number of extracts from various English papers, in which, one and all, they assert that this message is a free-trade document, that it is a step in favor of free trade. I do not care to read them. I believe they are not in the extracts introduced by the Senator from Maine [Mr. FRYE]. I think they are all of them of a different character and from different papers, or if from the same papers of a different date.

I not only find that they assume that this is a free-trade document, but they assert that the Democratic party as a party has committed itself to free trade, and that the Democratic party must keep on until

free trade shall be an accomplished fact in this country, and then they congratulate themselves that they are about to have this, the finest market in the world, a market of 62,000,000 people, if our estimate is correct as to the number of our population, who buy more and pay for it with greater certainty than any other 62,000,000, or any other 100,000,000 of people on the face of the earth. They say that the languishing industries of Great Britain will revive with considerable force if it shall be established that even a considerable reduction of our import duties shall be obtained through the intervention of the Executive.

I will present for insertion in the RECORD these extracts from the British press:

ENGLISH OPINIONS.

We shall be much mistaken if the effect of this state communication will not be to strengthen considerably the case of free-traders in all parts of the world. It will be regarded as a step in the right direction by all who believe in the soundness of free-trade principles.—*London Post.*

Mr. Cleveland is entitled to credit for having spoken out and laid before Congress without reservation the real facts of the case. The stone now set rolling will not stop until it has broken the idol of protection to pieces.—*London Daily News.*

Mr. Cleveland demands, in effect, that there shall be a tariff for revenue purposes only. No tinkering with the tariff will suffice; no readjustment of duties will do. The only reform that common sense can accept is one which unaffectedly substitutes the principle of unimpeded imports for that of tariff regulations.—*London Daily Standard.*

For the present the change in the American fiscal policy will be beneficial to this country, and the prospect of it has diffused fresh hope throughout business circles.—*Dundee People's Journal.*

In an article on "The coal trade in 1887, and its prospects for 1888," the London Times says: "If President Cleveland's tariff reforms are carried English goods and iron and steel largely will go to the States in greatly increased proportions."

The Morning Post, commenting on President Cleveland's message, says: "The message will produce a profound sensation in Europe as well as in Amertca, and will strengthen the free-traders' case throughout the world."

The Daily News says: "Seldom has an American President had a more important or impressive lesson to teach. The fact is, that although President Cleveland makes a pretense of shutting his eyes to it, the policy of protection has been reduced to a practical and theoretical absurdity. The stone now set rolling will not stop until the idol of protection is broken in pieces."

The Chronicle says: "It is many years since such an important and suggestive message has been sent to Congress. If the policy of President Cleveland is adopted its effect on the trade of the world can not fail to be immense."

[From the Saturday Review.]

It may be taken for granted that the President has not acted without previously consulting the leaders of the Democratic party and securing their approval. He and they have taken up again the old free-trade policy of the South Carolina politicians, unconnected with what, in the jargon of American politics, was called the sectional question.

[From the Spectator.]

His terse and telling message has struck a blow at American protection such as could never have been struck by any fair-trade league, such, indeed, as would have been greatly weakened by the operations of any fair-trade league. * * * He has fired a shot at the protectionists which will be all the more effective for his refusal to discuss the theoretic issue. * * *

[From the People's Journal, Dundee.]

A great sensation has been created by President Cleveland's message, and if the policy which it indicates be carried out, it will produce almost as much effect in this country as in America. The tariff reform which the President recommends goes as far, at least, as the abolition or reduction of the duties on raw materials. Should Congress give effect to this proposal, its immediate result would be an enormous stimulus to English industry.

[From the London correspondence of the Scotsman.]

The tenor of President Cleveland's message tends to confirm a statement which was made to me yesterday by a person of high authority, that the American Government are expected shortly to remove nearly the whole of the duty on pig-iron. The statement was made some hours before the telegrams of the President's message reached London, so that it could not have been inspired by it. * * * It is also believed that the duty on lead will be materially lightened. I need hardly point out that if these expectations are realized a great "boom" in both industries will follow. In well-informed commercial circles one also finds that the belief in a considerable revival of trade is becoming every day more and more confirmed.

[From the Haddingtonshire (Scotland) Courier.]

This much is certain, that another fierce contest is impending in America over the principle at issue. If it terminates, as it may be hoped it will do, in the direction of a relaxation of those imposts that now so vexatiously hamper commercial intercourse between Great Britain and the United States, we may look to an impetus being given to our home trade that will go far to make up for the depression of late years.

[From the Scotsman.]

The President proposes a radical reduction in the duties on raw materials, or even their free importation, as a way of compensating manufacturers for the sacrifice which they are asked to make. The free importation of iron, coal, and wool would be a great boon to British producers; if it were accompanied with reductions in the tariff upon cotton, woolen, and other manufactures the artisans of this country would derive a marked benefit from it.

[From the London Ironmonger.]

Dealing with the message as it stands, it would certainly seem to indicate a greater leaning towards free-trade principles on the part of the United States Cabinet than has been observable hitherto.

"Mr. Cleveland's policy," said the Times, "may not establish free trade in the strict sense of the term, but it will to a great extent make free trade."

"The President," said the Daily News, "does not seem to perceive the effect of his own arguments, or even the meaning of his own words. His statement that the question of free trade is irrelevant is astounding and preposterous. Mr. Cleveland has persuaded himself to think, or finds it convenient to say, that the principle of fostering native industries by duties on foreign imports can be made compatible with the principle of regulating the burdens upon the people by the needs of the public service. It is pure delusion. Protection, albeit indefensible, is the height of wisdom compared with proposals which combine all the evils of interference with all the risks of liberty."

"His real meaning is that the scheme by which the artificial fabric of domestic enterprise has been built up in America is fundamentally vicious."

[From "A member of Parliament" by cable to the free-trade New York Herald.]

To convert the United States is indeed a triumph. The Cobden Club will henceforth set up a special shrine for the worship of President Cleveland, and send him all its publications gratis. Cobden founded free trade; Cleveland saved it. Such is the burden of the song all through England to-day.

[From the London Standard.]

"In readjusting the tariff," he adroitly explains, "the interests of American labor and our manufactures should be carefully considered. Relief from the hardships of the present tariff," he goes on to say, "should be devised with especial precaution against imperiling the existence of the manufacturing interests, but"—there is much virtue in the "but"—"such existence should not mean excessive profits."

Mr. Cleveland has used such praiseworthy candor in his positive treatment of the evils of the existing faulty system, that this soothing parenthesis, which the whole context proves to be a polite nothingness, may well be pardoned. When the inevitable consequences of adherence to a protectionist tariff are set forth by a man in Mr. Cleveland's position in the language which he has used, free trade becomes at once a living issue. There is an end of the truce, of the makeshifts, of the hollow compromises between the rival factions to keep the delicate subject in the background of the platforms. If the Congress does not forthwith expunge the scandals of the customs lists, the next Presidential campaign will be fought out, not on the obsolete cries of Republican and Democratic strife, but on the new question whether the people are—simply because it suits the convenience of certain manufacturing rings that foreign competition should be rigorously excluded—to be mulcted year after year of enormous sums which the Treasury does not need, and which it can not employ.

[From the London Post.]

We must regard the message of the President of the United States as being a distinct pronouncement in favor of free trade.

We shall be much mistaken if the effect of this State communication will not be to strengthen considerably the case of free-traders in all parts of the world. It will be regarded as a step in the right direction by all who believe in the soundness of free-trade principles.

[From the Glasgow Herald.]

"It is a condition which confronts us; not a theory." Precisely so. Words almost identical with these have been used, and with enormous effect, in this country by Adam Smith, by Richard Cobden, by Sir Robert Peel. President Cleveland may say to others, therefore, and think what he chooses, but he has precipitated the inevitable struggle between free trade and protection in the United States, and that is tantamount to saying that he is on the side of free trade.

The London Pall Mall Gazette gave the following warning, and it has been heeded:

English free-traders would be well advised if they moderated the ecstacy of their jubilation over President Cleveland's message. Every word which they say in its favor will be used as a powerful argument against the adoption of its recommendations.

I do not intend, Mr. President, to discuss the theoretical question of the tariff. I do not propose to go into the theory of the subject. The President of the United States has said that our protective tariff was a vicious system, inequitable and illogical. He has said himself, and his Secretary of the Treasury has said that the people of the United States are laboring under its weight and borne down by the burdens of our tariff. I propose in dealing with this question to deal with it in a practical way. I propose to see what we have done that is vicious, inequitable, and illogical; but before I proceed to that I propose to show that the following statement made by the Senator from Georgia [Mr. COLQUITT] the other day, is not true:

The Democratic party is a party of principle. These principles are deep-seated, grown out of a deep root, and bear appropriate fruit. They have had great expounders in the past, and will live to bless future generations. There are two great systems of thought and opinion in this country which contend for the mastery. Of these the Democratic, in my judgment, is bound to ultimate triumph, because it asserts the rights of the people to be superior to those of any privileged class. It is time now for the distinct assertion of Democratic principles, the hearty maintenance of them, and the redemption of Democratic pledges.

Now I want to assert, having been brought up in the Democratic faith when it was more than a mere party looking for patronage, having received some of my early education in that party, that the Democratic party except for a few years in all its history has never been until recently a free-trade party. Unless for the short time that Calhoun dominated and controlled it, it never was a free-trade party; and it can not be said that those who founded and created this party and who are now held up to us as its brilliant leaders, such men as Jefferson, Madison, Monroe, Jackson, Benton, and Buchanan, were for free trade. It can not be said by any one that those early advocates of Democratic principles were in favor of free trade. This system, denounced by the President as vicious, has had the approval of all the great minds of this country, of all the men who were potent in the early history of our country. If you should step into a school-house and call up a boy to tell you who were the prominent leaders of our Revolutionary times and in the organization of the country immediately after the war, all the men he would name without an exception will be found to have been intelligent, active advocates of this "vicious, inequitable, and illogical" policy.

I suppose I need not say to the Senate, what everybody who reads knows, that George Washington was a pronounced protective-tariff man. I do not suppose that our Democratic friends will care much about that, because they assert that George Washington did not have correct views of the fundamental principles of the Government. But not only was George Washington a protective-tariff man, but so was Benjamin Franklin; so was Alexander Hamilton; and so were Thomas Jefferson, James Madison, and James Monroe. I venture to say here that you never had a Democratic President, until Grover Cleveland, who had not at some stage of his political history been an open advocate of a protective tariff. I do not care whether you refer to Jefferson, Madison, Monroe, Jackson, James K. Polk, or Buchanan.

I do not propose to spend very much time in proving these assertions.

I desire, however, to call the attention of the Senate briefly to facts sustaining what I have said.

First, Washington, in one of his annual addresses, took high ground in favor of a protective tariff, and argued that it was the duty of the Government to protect manufactures, using this language:

Congress have repeatedly, and not without success, directed their attention to the encouragement of manufactures. The object is of too much consequence not to insure a continuance of their efforts in every way which shall appear eligible.

The same position was taken by Jefferson on several occasions. Jefferson said in his second annual message that—

To cultivate peace and maintain commerce and navigation in all their lawful enterprises; to foster our fisheries and nurseries of navigation and for the nurture of man, and protect the manufactures adapted to our circumstances—

Was the duty of Congress. Later he said:

Shall we suppress the impost and give that advantage to foreign over domestic manufactures? On a few articles of more general and necessary use, the suppression in due season will doubtless be right, but the great mass of the articles on which impost is paid are foreign luxuries, purchased by those only who are rich enough to afford themselves the use of them. Their patriotism would certainly prefer its continuance and application to the great purposes of the public education, roads, rivers, canals, and such other objects of public improvement as it may be thought proper to add to the constitutional enumeration of Federal powers.

Again he said, speaking on the same subject:

Shall the revenue be reduced? Or shall it not rather be appropriated to the improvements of roads, canals, rivers, education, and other great foundations of prosperity and union, under the powers which Congress may already possess, or such amendment of the Constitution as may be approved by the States?

Again he said:

The suspension of our foreign commerce produced by the injustice of the belligerent powers, and the consequent losses and sacrifices of our citizens are subjects of just concern. The situation into which we have thus been forced has impelled us to apply a portion of our industry and capital to internal manufactures and improvements. The extent of this conversion is daily increasing, and little doubt remains that the establishments formed and forming will—under the auspices of cheaper materials and subsistence, the freedom of labor from taxation with us, and of protecting duties and prohibitions—become permanent.

Mr. Madison said in a special message to Congress:

The revision of our commercial laws, proper to adopt them to the arrangement which has taken place with Great Britain, will doubtless engage the early attention of Congress. It will be worthy, at the same time, of their just and provident care to make such further alterations in the laws as will more especially protect and foster the several branches of manufacture which have been recently instituted or extended by the laudable exertions of our citizens.

Mr. Madison said in his seventh annual message:

In adjusting the duties on imports to the subject of revenue the influence of the tariff on manufactures will necessarily present itself for consideration. However wise the theory may be which leaves to the sagacity and interest of individuals the application of their industry and resources, there are in this, as in other cases, exceptions to the general rule. Besides the condition which the theory itself implies of a reciprocal adoption by other nations, experience teaches that so many circumstances must occur in introducing and maturing manufacturing establishments, especially of the more complicated kinds, that a country may remain long without them, although sufficiently advanced, and in some respects even peculiarly fitted for carrying them on with success. Under circumstances giving a powerful impulse to manufacturing industry it has made among us a progress and exhibited an efficiency which justify the belief that with a protection not more than is due to the enterprising citizens whose interests are now at stake, it will become at an early day not only safe against occasional competitions from abroad, but a source of domestic wealth and even of external commerce. In selecting the branches more especially entitled to the public patronage a preference is obviously claimed by such as will relieve the United States from a dependence on foreign supplies, ever subject to casual failures, for articles necessary for the public defense or connected with the primary wants of individuals. It will be an additional recommendation of particular manufactures where the materials for them are extensively drawn from our agriculture, and consequently impart and insure to that great fund of national prosperity and independence an encouragement which can not fail to be rewarded.

And he repeated this same idea again in a further message, as did Mr. Monroe.

Mr. Monroe, in his first inaugural address, said:

Our manufactures will likewise require the systematic and fostering care of the Government. Possessing, as we do, all the raw materials, the fruit of our own soil and industry, we ought not to depend in the degree we have done on supplies from other countries. While we are thus dependent, the sudden event of war, unsought and unexpected, can not fail to plunge us into the most serious difficulties. It is important, too, that the capital which nourishes our manufactures should be domestic, as its influence in that case, instead of exhausting, as it may do in foreign hands, would be felt advantageously on agriculture and every other branch of industry. Equally important is it to provide at home a market for our raw materials, as by extending the competition it will enhance the price and protect the cultivator against the casualties incident to foreign markets.

In his fifth annual message he again alluded to this subject, and said:

It may fairly be presumed that under the protection given to domestic manufactures by the existing laws we shall become at no distant period a manufacturing country on an extensive scale. Possessing as we do the raw materials in such vast amount, with a capacity to augment them to an indefinite extent; raising within the country aliment of every kind to an amount far exceeding the demand for home consumption, even in the most unfavorable years, and to be obtained always at a very moderate price; skilled also, as our people are, in the mechanic arts and in every improvement calculated to lessen the demand for and the price of labor, it is manifest that their success in every branch of domestic industry may and will be carried, under the encouragement given by the present duties, to an extent to meet any demand which under a fair competition may be made on it.

Then he proceeds to argue the question that it is the duty of the Government to protect manufactures.

Again, in his sixth annual message, he used practically the same language:

From the best information that I have been able to obtain it appears that our manufactures, though repressed immediately after the peace, have considerably increased, and are still increasing, under the encouragement given them by the tariff of 1816 and by subsequent laws. Satisfied I am, whatever may be the abstract doctrine in favor of unrestricted commerce, provided all nations would concur in it and it was not liable to be interrupted by war, which has never occurred and can not be expected, that there are other strong reasons applicable to our situation and relations with other countries which impose on us the obligation to cherish and sustain our manufactures.

Mr. Calhoun, who may be said to be the father of the system favored by the Executive, and whose utterances undoubtedly the President of the United States must have studied, was originally an active, intelligent protectionist. He was found in 1816 debating this question with great ability, and I have before me in his published speeches his remarks made, when it is said he was called into the House from a committee-room with little preparation and few opportunities, to defend the protective system, and he did it in a remarkably able manner. Amongst other things, he said:

Laying the claims of manufacturers entirely out of view, on general principles, without regard to their interests, a certain encouragement should be extended at least to our woolen and cotton manufactures.

In another speech in the House of Representatives, April 6, 1816, Mr. Calhoun said:

When our manufactures are grown to a certain perfection, as they soon will under the fostering care of Government, we will no longer experience these evils.

He was then speaking of the evils of an uncertain price, referring to the trouble that had existed during the early days of the war of 1812.

The farmer will find a ready market for his surplus produce; and, what is almost of equal consequence, a certain and cheap supply of all his wants. His prosperity will diffuse itself to every class in the community; and, instead of that langour of industry and individual distress now incident to a state of war and suspended commerce, the wealth and vigor of the community will not be materially impaired. The arm of government will be nerved; and taxes in the hour of danger, when essential to the independence of the nation, may be greatly increased; loans, so uncertain and hazardous, may be less relied on; thus situated the storm may beat without, but within all will be quiet and safe.

Mr. Calhoun said afterwards, speaking on this same subject:

It produced an interest strictly American, as much so as agriculture; in which it had the decided advantage of commerce or navigation. The country will from this derive much advantage. Again, it is calculated to bind together more closely our widely-spread Republic.

In 1816, when the subject of the tariff was before Congress, the then Secretary of the Treasury, Mr. Dallas, the father of the afterwards Vice-President of the United States, submitted a report in favor of a protective tariff, in which he said:

There are few, if any, governments which do not regard the establishment of domestic manufactures as a chief object of public policy. The United States have always so regarded it. In the earliest acts of Congress, which were passed after the adoption of the present Constitution, the obligation of providing, by duties on imports, for the discharge of the public debts is expressly connected with the policy of encouraging and protecting manufactures. (19) In the year 1790 the Secretary of the Treasury was directed by the House of Representatives to take the subject of manufactures into consideration with a view particularly to report upon "the means of promoting such as would render the United States independent of foreign nations for military and other essential supplies." (20) In the year 1810 the Legislature again manifested a marked solicitude to ascertain the progress of the national independence in manufactures by combining the business of the census with an inquiry into the state of the several manufacturing establishments and manufactures within the several districts, Territories, and divisions of the United States. (21) But it was, emphatically, during the period of the restrictive system and of the war that the importance of domestic manufactures became conspicuous to the nation, and made a lasting impression upon the mind of every statesman and of every patriot. The weapons and munitions of war, the necessaries of clothing and the comforts of living, were at first but scantily provided. The American market seemed for a while to be converted into a scene of gambling and extortion; and it was not the least of the evils generated by the unequal state of the supply and the demand that an illicit traffic with the enemy by land and by water was corruptly and systematically prosecuted from the commencement to the termination of hostilities.

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The matured state of the first class of manufactures relieves the task of forming a tariff, with respect to them, from any important difficulty. Duties might be freely imposed upon the importation of similar articles, amounting wholly, or nearly, to a prohibition, without endangering a scarcity in the supply; while the competition among the domestic manufacturers alone would sufficiently protect the consumer from exorbitant prices; graduating the rates of the market generally by the standard of a fair profit upon the capital and labor employed. It is true, however, on the other hand, that by imposing low duties upon the imported articles, importation would be encouraged and the revenue increased; but without adding to the comfort or deducting from the expense of the consumer, the consumption of the domestic manufacture would, in an equal degree, be diminished by that operation, and the manufacture itself might be entirely supplanted. It is, therefore, a question between the gain of the revenue and the loss of the manufacture, to be decided upon principles of national policy. Under the circumstances of an abundant market the interest of the consumer must stand indifferent, whether the price of any article be paid for the benefit of the manufacturer or of the importer; but a wise Government will, surely, deem it better to sacrifice a portion of its revenue than to sacrifice those institutions which private enterprise and wealth have connected with public prosperity and independence.

If there ever was anybody in the Democratic party that our Democratic friends bow down to more readily than to any other man, it is old Andrew Jackson. He was probably in his day one of the most popular of all Democrats, because, while our Democratic friends are proud to enumerate amongst those who have advocated Democratic sentiments Thomas Jefferson, there has always been a feeling that Thomas Jefferson was something of an aristocrat, but that Andrew Jackson more nearly represented the real Democracy than any other man who ever lived.

I have before me the letter that General Jackson wrote to Dr. L. H.

Coleman, which has become famous, and also his reply to the Indiana Legislature, in which he took high ground in favor of a protective system.

WASHINGTON CITY, *April* 26, 1824.

SIR: I have had the honor this day to receive your letter of the 21st instant, and with candor shall reply to it. * * * You ask me my opinion on the tariff. I answer that I am in favor of a judicious examination and revision of it; and so far as the tariff before us embraces the design of fostering, protecting, and preserving within ourselves the means of national defense and independence, particularly in a state of war, I would advocate and support it. The experience of the late war ought to teach us a lesson, and one never to be forgotten.

* * * * * * *

Heaven smiled upon and gave us liberty and independence. That same Providence has blessed us with the means of national independence and national defense. If we omit or refuse to use the gifts which He has extended to us we deserve not the continuation of His blessings. He has filled our mountains and our plains with minerals, with lead, iron, and copper, and given us a climate and soil for the growing of hemp and wool.

These being the grand materials of our national defense, they ought to have extended to them adequate and fair protection, that our own manufactories and laborers may be placed on a fair competition with those of Europe, and that we may have within our own country a supply of those leading and important articles so essential to war.

Beyond this I look at the tariff with an eye to the proper distribution of labor and revenue, and with a view to discharge our national debt. I am one of those who do not believe that a national debt is a national blessing, but rather a curse to a republic, inasmuch as it is calculated to raise around the administration a moneyed aristocracy dangerous to the liberties of the country.

This tariff, I mean a judicious one, possesses more fanciful than real dangers. I will ask what is the real situation of the agriculturist? Where has the American farmer a market for his surplus products? Except for cotton he has neither a foreign nor a home market. Does not this clearly prove, when there is no market either at home or abroad, that there is too much labor employed in agriculture, and that the channels of labor should be multiplied? Common sense points out at once the remedy. Draw from agriculture the superabundant labor, employ it in mechanism and manufactures, thereby creating a home market for your breadstuffs and distributing labor to a most profitable account, and benefits to the country will result.

Take from agriculture in the United States 600,000 men, women, and children, and you at once give a home market for more breadstuffs than all Europe now furnishes us. In short, sir, we have been too long subject to the policy of the British merchants. It is time we should become a little more Americanized, and instead of feeding the paupers and laborers of Europe, feed our own, or else in a short time, by continuing our present policy, we shall all be paupers ourselves.

It is, therefore, my opinion that a careful tariff is much wanted to pay our national debt and afford us the means of that defense within ourselves on which the safety and liberty of our country depend, and last, though not least, give a proper distribution to our labor, which must prove beneficial to the happiness, independence, and wealth of the community. * * *

I have presented you my opinions freely, because I am without concealment, and should indeed despise myself if I could believe myself capable of acquiring the confidence of any by means so ignoble.

I am, sir, very respectfully, your obedient servant,

ANDREW JACKSON.

HERMITAGE, *February* 28, 1828.

SIR: I have had the honor to receive your excellency's letter of the 30th ultimo, inclosing resolutions of the senate of Indiana adopted, as it appears, with a view of ascertaining my opinions on certain political topics. The respect which I entertain for the executive and senate of your State excludes from my mind the idea that an unfriendly disposition dictated the interrogatories which are proposed. But I will confess my regret at being forced by this sentiment to depart in the smallest degree from that determination on which I have always acted. Not, sir, that I would wish to conceal my opinions from the people upon any political or national subject; but as they were in various ways promulgated in 1824, I am apprehensive that my appearance before the public at this time may be attributed, as has already been the case, to improper motives.

With these remarks I pray you, sir, respectfully to state to the senate of Indiana that my opinions at present are precisely what they were in 1823 and 1824, when they were communicated by letter to Dr. Coleman, of Virginia, and when I voted for the present tariff and appropriations for internal improvements. As that letter was written at a time when the divisions of sentiments on this subject were as strongly marked as they now are in relation both to the expediency and constitutionality of the system, it is inclosed herein; and I beg the favor of your excellency to consider it a part of this communication. The occasion out of which it arose was embraced with a hope of preventing any doubt, misconstruction, or necessity for further inquiry respecting my opinions on the subject to which you refer; particularly in those States which you have designated as cherishing a policy at variance with our own. To preserve our invaluable Constitution and be prepared to repel the invasion of a foreign foe by the practice of economy and the cultivation within ourselves of the means of national defense and independence should be, it seems to me, the leading objects of any system which aspires to the name of "American," and of every prudent administration of our Government.

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I have the honor to be, very respectfully,

ANDREW JACKSON.

His Excellency JAMES B. RAY,
Governor of Indiana.

I also have here the remarks made by James Buchanan, while a member of the United States Senate, before he became President, in which he took high protective ground. I also have here the proof that Mr. Polk, notwithstanding that under his administration the tariff of 1846 was passed, had previous to his election declared himself in favor of the protective system. He said:

I have heretofore declared to my fellow-citizens that, in my judgment, it is the duty of the Government to extend, as far as it may be practicable to do so, by its revenue laws and all other means within its power, fair and just protection to all the great interests of the whole Union, embracing agriculture, manufactures, the mechanic arts, commerce, and navigation.

He also continued in this strain to a considerable extent.

Mr. President, in 1872, when the Democratic party met in convention and nominated a distinguished Republican for their leader, the most active and aggressive protective-tariff man of the continent, Horace Greeley, they said in their platform—which I shall not stop to read—that the tariff was a question to be left to the Congressional districts, without any interference whatever from the Executive. In 1876, when the Democratic party got together and nominated Mr. Tilden, they for the first time in their history in a national convention declared themselves in favor of a tariff for revenue only, which is synonymous with free trade, because if the Government can acquire its revenue from any other source, then they are in favor of so acquiring it and cutting down the revenue to the lowest possible figure. In that campaign they were defeated.

In 1880 it would be impossible for anybody to tell what they did intend to say on that subject, but they evidently intended to go before the people, as they did in the tariff districts, asserting that they were a tariff party, and evidently intended to go, as they did, into the non-tariff section declaring that they were for free trade.

But in 1884, when there was greater probability of their electing a President than there had been at any previous time in two decades, owing to the dissensions in the Republican party, they said in substance that always the revenues had been derived from import duties in the main, and that they must continue to do so. Then they took a sort of back-handed lick at the war taxes, the internal revenue, and then they passed on to this:

But in making a reduction in taxes it is not proposed to injure any domestic industries, but rather to promote their healthy growth. From the foundation of the Government taxes collected at the custom-house have been the chief source of Federal revenue; such they must continue. Moreover, many industries have come to rely upon legislation for successful continuance, so that any change of law must at every step be regardful of the labor and capital thus involved. The process of reform must be subject in its execution to the plain dictate of justice. All taxation shall be limited to the requirements of the Government economically administered. The necessary reduction in taxation can and must be effected without depriving American labor of the ability to compete successfully with foreign labor, and without imposing lower rates of duty than will be ample to cover an increased cost of production, which may exist in consequence of the higher rate of wages in this country.

Nobody living would have supposed that the Democratic party intended there to announce the doctrine of free trade; nobody can say that they did there attack the doctrine of protection; nobody could have supposed that the Executive elected upon that platform would have ever delivered the message that the President of the United States sent to us in December last.

I stated a few moments since that with the exception of a few years the principle that has governed the legislation of this country has been that of protection to American labor and American manufactures. From 1783 to 1789 was the only period when we had in this country free trade or anything approaching to free trade, when all the circumstances are considered. In those years each State was at liberty to collect its own revenue, and until we organized under the present Constitution the power did not exist to lay imposts for national purposes; and during those six or seven years that we had free trade the people of this country saw enough of it. It swept every dollar out of the country. It took all the ready money and left the people to barter simply. The very first thing done when the Congress of the United States assembled under the Constitution was to provide a system of import duties—the first law that was passed being for the purpose of swearing men into place under the new Constitution; the second law that passed was for the protection of American manufactures, and so declared in the act. The preamble is:

Whereas, it is necessary for the support of Government, for the discharge of the debts of the United States, and for the encouragement and protection of manufactures, that duties be laid on imported goods, wares, and merchandise.

That bill was signed on the 4th day of July, 1789, by George Washington. The men who made this law were, at least one-third of them, members of the constitutional convention that had created our Constitution; and yet we are gravely told by Senators who have been addressing us within the last six weeks that there is no constitutional power to protect manufactures. The Senator from West Virginia [Mr. KENNA] declared in the speech he made early in the session, in reply to one made by the Senator from Ohio [Mr. SHERMAN], that the method was an unconstitutional method when it attempted to protect American manufactures or American labor; that that was not the province or purpose of revenue laws; and yet this act to which I have called the attention of the Senate was presented to the House of Representatives by James Madison himself, who was then chairman of the Committee on Ways and Means, or what was equivalent thereto.

Between this time and 1812 there were seven or eight revisions of the tariff, and every revision of the tariff increased the amount of import duties on the whole. Occasionally one article would be dropped a little, but on the whole the duties were increased, the purpose being to increase the revenues and give additional protection to the manufactures of the country.

Immediately preceding 1812, while the embargo was laid, there was a great lack of goods in this country. We had been dependent up to that time very largely, notwithstanding our tariff, upon European manufactures for our goods. We had manufactured in a small way as a poor people could, but not to any considerable extent. So great was the lack of goods that when the embargo was laid Congress even contemplated removing it for a time, simply that the people might stock up goods in this country.

With the embargo, with the war of 1812, came very great activity in American manufactures. It is stated by good authority that up to

1810 at no time had there been more than 5,000 bales of cotton manufactured in a year in the United States. In 1815 the number of bales manufactured was 90,000. So during the war and during the days of the embargo our people put their money in manufacturing, and manufacturing went on all over the country to a considerable extent. Immediately after the war came an influx of European goods from all sections, but more particularly from Great Britain. This influx of foreign goods was sent here for two purposes: first, because there was an overstock in Europe, and, second, as declared by the English people themselves, and notably so by Lord Brougham, for the purpose of glutting the American market; for the purpose of depressing and breaking down prices in this country until such time, as he said, when the manufacturers in this country would renew the natural order of things, and that was to stop manufacturing here and let the goods be manufactured in Great Britain.

Our next tariff was the tariff of 1816. The first practical effort made after the war was the tariff of 1816, which was largely a reduction of the tariff of 1812, which had by one single movement doubled the import duties up to that time existing. So the tariff of 1816 was a reduction, and then what followed? All over the country there was in a short time stagnation in business. All of the trading and manufacturing interests and all of the commercial interests at home on land were practically wiped out. We depended entirely, or nearly so, upon foreign goods for a time, until it became evident that the tariff must be increased, as it was.

Here let me say that during this time Great Britain not only flooded us with cheap goods, but she made every effort to take out of this country such of her laborers as had found a home here. It is a notorious fact, and it was reported to Congress, that a great number of spinners, weavers, and that class of people were taken back free by the British Government, who had been engaged in manufacturing in this country. They not only tried to discourage manufacturing here, but they undertook even to discourage cotton raising in this country, for fear we would do what they quite naturally supposed we would do if we raised cotton, manufacture our own cotton.

In 1824 the tariff was again amended. This was an increased or protective tariff. In 1828 an additional tariff was put on imported goods, and this was the high tariff; this was the highest tariff that had ever been put upon imported goods up to that time. It was not as high a tariff as we have had since; but we ought to recollect when we speak of high tariffs that that is a relative term. In 1824, when the tariff was being discussed, Mr. Webster said, "You can bring from Stockholm, Sweden, wood to this country for $8 a ton." To-day they are bringing goods from England to this country of very fine quality for from $2.50 up. You can bring a ton of railroad iron or steel and land it at New York or at Boston or at Baltimore or at any of the Atlantic cities for $2.50 a ton. So what was a high tariff then would not be a high tariff now, on account of the difference in freights. It is suggested by the Senator from Rhode Island [Mr. CHACE] that they sometimes bring it for nothing as ballast. They were not in those days taking away from this country as much as now, and the temptation was not as great to bring it in as ballast as it is now, but the high price of freight, added to the duty, acted as a protection to the American producer of manufactured goods.

Now we are practically at the door of every European city that is on tide water. You can to-day bring things from any portion of the European continent that touches water cheaper than you can bring them from the center of this American continent to our coast. So what was a high tariff in 1824 and 1828 is not an ample tariff to-day.

The tariff of 1828, I said, reached the highest point that had then been attained. The tariff had gradually risen. From the time we adopted the Constitution to 1828 there never had been an hour that the protective system was not in the ascendency in this country, not even in 1816, when the tariff was lowered, there was still a protective majority in both branches of Congress, and the people were committed to the protective system.

But in 1828, when Mr. Calhoun for the first time had conceived the possibility of building up a great nation with one single interest, with only one single thing as its principal and distinctive feature, and that American slavery—when he came to the conclusion that that could be done in the South, he knew, as everybody knew, that manufacturing was inconsistent and impossible with that class of labor. He knew that that degraded class of labor could only do the work of a farm hand; and then, for the first time, he turned against his compeer, Mr. Clay, and advocated free trade.

In 1830 an effort was made to reduce the tariff, and it failed. In 1832–'33 agitation continued, and Mr. Clay, who perhaps of all men in public life had been the most zealous, and I presume it will not be amiss to say the most intelligent advocate, certainly the most eloquent advocate of American protection, giving way to a weakness of his character which was exhibited on other occasions, proposed to compromise with Mr. Calhoun, and then for the first time in our history, and only while that lasted or practically lasted, was there any considerable leaning in this country towards free trade. The compromise was a gradual reduction of the tariff until it should reach 20 per cent., which it did reach in 1842.

What was the result of that? Gradually as the tariff was reduced goods came in from abroad, especially from Great Britain; gradually the manufacturers in this country suspended and shut up; gradually as that was done the price of goods was raised, and in 1837, when we had tried the lowering scheme for four years or thereabouts, the whole country was in a state of financial depression unknown before that time in the history of any people, and I presume I shall not go amiss if I say its equal has never been known since. We continued that system till 1842. I would ask any man who wants free trade, who believes that the country where you can buy the cheapest is the best, to read the history of the financial disasters in this country from 1837 up to 1842.

In 1842 there was an increased duty put upon imports by the tariff act of 1842, and what was the result of that? Everywhere where there had been stagnation and depression and want before there was a revival of business. Where labor had been striking for bread the people who were engaged in manufacturing and other enterprises were inquiring for labor, and the business of the country sprang readily from nothing to activity. We were engaged then in manufacturing, in opening up new farms, and doing the things that are always done when labor is properly rewarded in this country.

Then came the election of 1844 and the tariff of 1846. I stated that Polk had been a protective-tariff man. His enunciations had been in that direction; and in that campaign Pennsylvania was won to the Democratic column by making speeches all over the State declaring that he was a protective-tariff man, and inscribing on their banners, "Polk, Dallas, and the tariff of 1842." Everywhere it was asserted that the tariff was to be protected and not destroyed if Mr. Polk should be elected President; but no sooner had he been fairly seated than the attempt was made to destroy the tariff of 1842 and to go back to the tariff that had resulted from the compromise of Mr. Clay.

Our friends on the other side are exceedingly fond of alluding to the period from 1846 to 1860. The Senator from Georgia [Mr. COLQUITT], who addressed the Senate on Monday last, dwelt long and eloquently upon the prosperity under that tariff. Mr. Walker, who was Secretary of the Treasury, made his report in 1845. It was a free-trade paper; it was the first open, square committal of the Democratic party to free trade. He believed in it, as the Senator from Kentucky [Mr. BECK] believes, that if the revenue could be derived from any other source there should not be any import duties at all. Secretary Walker made his report. That report was taken in Great Britain and published in the newspapers, and it was lauded and praised, as the recent President's message has been lauded and praised, as an able state paper.

The tariff of 1846 was not as low a tariff as some of the earlier tariffs had been, but under the circumstances and conditions of things it was the nearest to free trade that we had had, and it was put forth with the avowed purpose of coming to free trade as rapidly as possible.

What was the condition? I want to go back a moment to 1842. When Congress assembled in December, 1841, the Government of the United States was without money. There was a deficiency in the revenue. We were compelled to borrow money to pay the ordinary expenses of the Government. The revenue had faded away. Our friends on the other side of the Chamber tell us that there was no such period in the history of the country as that from 1846 to 1860. They tell us that it was the result of a free trade or low tariff. They lose sight of the fact that in the beginning of the trials of this tariff we had first the Mexican war. The Government, because of that war, had to put out a large amount of money, which stimulated all business in this country, which created manufactures, and called for activity in every branch of industry in the United States. They forget also that following on that was the famine of 1847, 1848, and 1849 in Europe. They forget that there was a market for our agricultural products then that had not existed before. They forget the further fact that we then entered immediately upon the production of fifty or sixty millions of gold a year; and fifty or sixty millions of gold a year thrown into the markets of the world had a very different effect from what fifty or sixty million dollars thrown into the markets would have now.

They forget that the discovery of gold in California inflated all classes of business; that it took from the productive ranks of people engaged in manufacturing and producing farm products a great number of men and transferred them to California, and put them at the most remunerative business that men ever engaged in. That labor was better compensated and paid in California than in any other portion of the world at any time in its history. The creation of wealth was simply enormous. Sixty million dollars a year right along was the product of that State. What became of it? It stopped a few days here and stimulated and excited the industries of the country, and then it fled across the water, never again to return to pay for the imported goods that we had bought, that we ought to have made on our own shores. And so, when 1860 came, we were practically without a dollar of hard money in this country.

They forget also that a few years after the discovery of gold in California the great Crimean war occurred in Southeastern Europe, in which Russia, Turkey, France, England, and Italy were engaged, diverting thousands of men from the pursuits of peace and creating for some years an immense demand for our agricultural products.

The PRESIDING OFFICER (Mr. DOLPH in the chair). The Senator from Colorado will suspend. Two o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, being Senate bill No. 977.

Mr. CHACE. I ask that the unfinished business be informally laid aside, and that the Senator from Colorado have unanimous consent to proceed.

The PRESIDING OFFICER. If there be no objection, that will be the order.

Mr. TELLER. Mr. President, the tariff of 1846 was so low that the imports under it were very large. The Government had been compelled under the compromise tariff of 1833 to borrow large sums of money which I will simply mention. In 1841, February 15, the Government made a loan of $5,000,000; on the 21st of July of the same year they made a loan of $12,000,000; on April 5, 1842, they made a loan of $5,000,000, and there was still a deficit in the Treasury that year. That was under the compromise tariff of 1833. Under the tariff of 1846 there were ample revenues, so much so that in the spring of 1857, there was a reduction of the tariff for the purpose of preventing an accumulation of revenue. There had been up to that time unusual activity in business circles. There had been what was called great prosperity growing out of the condition of things which I have mentioned, resulting from a demand abroad for our products and the fact that the Government had been engaged in a war, and the great production of gold in California, and the activity in consequence of putting in the market so much money. But in the fall of 1857, soon after the tariff reduction of that year, there came a panic that was not quite equal perhaps to that of 1837, but the most disastrous panic that we have ever had in this country save the panic of 1837, and from that time up to 1860—I speak to men who have recollection of the affairs of this country at that time—our manufactories closed their doors, and thus men who had supposed that they had accumulated something for old age found themselves bankrupt, and nobody suffered like the men who labored. There was distress, disaster, panic everywhere in the land, clear up to the time that the Republican party entered into power in the spring of 1861. When Senators tell us of the halcyon days of 1846 and subsequent years, prior to 1861, they overlook the fact that the country was in a state of panic for at least three or four years of that time, the result directly, in my judgment, of the low tariff, deferred and put off by the favorable and fortunate circumstances to which I have alluded.

In the fall of 1860 President Buchanan issued a proclamation, from which I will read a little extract which shows what the position of the country then was. This was on the 14th day of December, 1860, immediately after the assembling of Congress.

> The Union of the States is at the present moment threatened with alarm and immediate danger. Panic and distress of a fearful character prevail throughout the land. Our laboring population without employment, and consequently deprived of the means of earning their bread. Indeed, all hope seems to have deserted the minds of men.

I desire, for the benefit of those who wish to return to the position of 1846 and subsequent years, to call attention to the condition, financially, of the Government at that time. On the 22d of July, 1846, Congress authorized a loan of $10,000,000 to pay current expenses; on the 28th of January, 1847, a loan of $23,000,000 was authorized; on March 3, 1848, a loan of $16,000,000 was authorized; in 1850 a loan of $10,000,000 was authorized, what was known as the Texas indemnity loan; on the 14th of June, 1858, a loan of $20,000,000 was authorized drawing 5 per cent.; December 1, 1860, a further loan of $10,000,000; February 8, 1861, a loan of $25,000,000; March 3, 1861, when the Republicans came into power, the outgoing Congress authorized a loan of $10,000,000.

I wish now very briefly to compare the condition of the United States in 1860 with any time subsequent thereto. I do not care whether the comparison is made in the midst of the war with all the alarms of war and the excitements of war, or whether it is made in times of peace, the comparison will be in favor of the system of which I am an advocate. If this system is a vicious system, a wicked system, an illogical system, it is somewhat singular that the country should have prospered under it. I know it is said on the other side, "You prospered because you had great natural advantages, because the country had rich lands and rich mines," but we had the rich mines and we had the rich lands under the tariff of 1846. We had more rich lands before 1860 than we had afterwards; our mines had been as productive then as they were later, and more so in proportion to the labor expended on them. There had been greater profit in working them before 1860 than at any period subsequent thereto; and yet what was the condition of the country?

Was there plenty? Was there prosperity? Was it not true, as stated by Buchanan, that the laboring people were without the means of earning their daily bread? We had at that time in circulation in the United States, according to the best estimate that can be made, $214,000,000 of gold and silver. Of all the vast sums that had come from California this was all that was left. We had $207,000,000 of paper money, paper money that was not good in Connecticut if it was issued in Pennsylvania, and not good in Pennsylvania if it was issued in Illinois; and it was paper money that every man who took it had to have a detector at his elbow to see whether the bank had not broken over night.

Let me compare that financial statement with the statement of 1887. We have now, according to the authorities of the present Administration, $1,023,764,163 of gold and silver, more than a thousand million dollars of the two metals to-day as against $214,000,000 in 1860. We have in addition to that $346,681,016 of greenbacks, which can be readily exchanged any day in any part of the country for gold. We have $169,215,067 net of national-bank notes; and I deduct in this estimate $100,000,000 that is in the Treasury for redemption. Thus we have in all $1,539,660,246, as against $421,000,000 in 1860.

But we might have vast sums of money among our people, and yet the people might not be richer. I take now another item. The deposits in banks in 1860, all told—I mean aside from savings banks—were $253,802,129, and in the savings banks, all told, $149,277,504. Then all the money in all the banks held by all classes of people was $403,079,633. Now the national banks of the United States hold, by the official publications of the Government, $1,767,332,471. The State and private banks, the Treasury Department estimates, hold $251,734,788 more, making a total of deposits of $2,019,067,259 of money. The savings-banks in the United States that had in 1860 $149,000,000, have now $1,235,736,069. So the total money in banks is $3,254,803,328—$800,000 more than all the banks of England, Scotland, and Wales; and yet we are told that this "vicious" system has weighed down the people and destroyed their energies!

Why, Mr. President, who own the twelve hundred and thirty-five million dollars of money in the savings-banks? The men who labor; the men who toil for day's wages or monthly wages, not the rich. They own, besides, a large amount of the $1,767,000,000 that is found in the national banks on deposit. They own a large amount of that which is found in the State banks also.

We had in 1860 in the Treasury $32,979,530. We owed then somewhere in the neighborhood of $80,000,000, so that we did not have half money enough to pay our debts, and it was a time of profound peace. We had had no war since the Mexican war ended in 1847; we had had no great demand for money, and yet we had not been able to pay current expenses. How is it to-day? We have to-day—I will not venture to say to-day, because I made these figures some days since, and the accumulations go on very rapidly in the Treasury—we had, when I made the calculation, perhaps some thirty days ago or thereabouts, $663,172,732. I state here, with full knowledge of what I state, that all the great combined powers of the world have not got a fourth of that sum of money in their combined treasuries. Richer and stronger and greater in our national resources than any other nation, yet it is said that the system under which we have grown rich and strong and great is "vicious, inequitable, and illogical."

Our governmental receipts in 1860 were $56,054,599. In 1887 they were $371,403,277. Since I made these figures I cut from a paper—the Boston Advertiser—this statement, which I desire to read:

> The condition of the savings-banks of New York is a standing refutation to the cry that the country is becoming impoverished and the working people growing poorer under tariff burdens. It is an admitted fact that the amounts on deposit with the savings-banks of New York City are largely made up from the savings of the working classes of people.
>
> Reports of the eleven banks of the city for January 1 show an increase of $12,000,000 in deposit over the amount of last year, while the whole number of banks in the State show an increase of $26,000,000. These banks are said to be in an unusually safe and prosperous condition at the present time, owing to the stringent laws regulating their business.

That is in one State alone where the laboring people of this country have added to their wealth $26,000,000 deposited in savings-banks alone, and nobody can tell how many millions they have added in other ways. The Senator from Massachusetts tells me that the savings-banks of Massachusetts hold over $300,000,000. The Senator from Connecticut the other day declared that in his State the savings-banks held more money owned by the laboring people than all the savings-banks outside of the United States—in the world. I have no doubt that he told the truth, and that he was informed whereof he spoke.

Sir, we have a system of banking in this country which we call the national-bank system. Its capital is $578,462,765; its surplus fund $173,913,440; its undivided profits are $71,450,167; making a total of $823,826,372. The general impression is that these banks are owned and controlled by rich men. That is not a fact. In all the country banks laboring men have more or less part. I have a statement here from the Comptroller's report showing the number of persons who own stock in these banks and who, of course, own the surplus fund and the undivided profits. Outside of corporations there are 233,680, of corporations 7,492, total 241,172. Of this number 139,843 own $1,000 or less than $1,000 each. Thus it can be seen where the wealth of the country has gone. Seventy-three thousand two hundred and five own over $1,000 and less than $5,000, and then the balance is divided between $5,000 and $30,000.

In 1860 the value of all property, including slaves, in the United States was about $16,000,000,000. It was estimated by competent authorities that $2,000,000,000 should be deducted from that if you desired to arrive at the value of property outside of slaves. That would leave in 1860 $14,000,000,000. In 1880 the property of the United States was valued at $44,000,000,000, lacking a little. It comes nearer to $44,000,000,000 than to $43,000,000,000. So our gain in twenty years had been $30,000,000,000.

We are frequently told that the tariff prevents exports, that the tariff

disturbs commerce with foreign nations. I find that our total exports from the foundation of the Government up to 1860 had amounted to about $9,000,000,000, which was the result of two hundred and fifty years of exporting, for we began to export almost with the beginning of the settlement of this country, more or less, and we exported tobacco when we had not anything else to export. Since 1860, in twenty-seven years, we have exported $14,200,000,000. We have exported within the last three years more than $2,200,000,000. And yet we are told that this system is a weight upon progress and retards and hinders our natural development.

In 1860 there was employed in manufacturing a capital of $1,009,855,715; in 1880 the capital employed was $2,790,272,606. Our production in 1850 was $1,019,106,616.

This reminds me that when the Senator from Georgia was addressing the Senate the other day he made this statement:

PRODUCTS OF MANUFACTURES.

In the matter of products the same phenomena appear. In 1850 the total value was $1,019,106,616. In 1860 it was $1,885,861,676, a gain of 85 per cent. In 1880, after twenty years of high tariff, the product was valued at $5,369,579,191, a gain of 184.7 per cent. since 1860. The same causes which enlarged manufacturing capital in 1861-'65 increased manufactured products; but compare 1870 with 1880. The product of 1870 was valued at $4,232,325,442 in greenbacks, or $2,526,937,868 in specie. If the gain from 1870 to 1880 had been 85 per cent., as it was from 1850 to 1860, the product of 1880 would have been worth $6,524,835,056, or $1,155,255,865 in excess of the actual value. Where do the benefits of the high tariff appear?

Now, let us see how the Senator arrived at that. He says the gain from 1850 to 1860 was 85 per cent. In 1850 the product was $1,019,106,616, and in 1860 it was $1,885,861,676. The difference in those years was $886,755,060, but from 1860 to 1880 we gained $3,483,717,515. We gained from 1860, twenty years, four times what we gained from 1850 to 1860; and yet by a system of arithmetic that everybody understands you can make it appear that the percentage was greatly less than it was during that previous decade.

The Senator has other figures of the same kind which I will allude to before I get through. Our production was larger relatively from 1860 to 1880 than it had been from 1850 to 1860. Our production in 1880 was as he has given it, $5,369,579,191. Our net production in 1860 was $854,256,584. Our net production in 1880 was $1,972,755,642. Our wages in 1860 were $378,878,966. In 1880 our wages were $947,953,795. Dividing this by the number of men laboring we had in 1860 $289 per hand. Dividing it by the number of hands employed in 1880 we had $347 per hand.

Then the Senator from Georgia goes into an argument to show that the percentage of increase of the laborer's wages had not been equal to the percentage of increase of the product, and therefore, he said, the labor in this country is not receiving as much remuneration proportionately as it did in 1860. The laborer does not care what relation his wages bear to the product; he wants to know how much money he has got; and if he got $289 in 1860, he can realize the difference between that and getting $347 in 1880, with a purchasing power for everything that he needs increased from 15 to 20 per cent.

We employed in manufactures in 1860 1,311,246 persons. We employed in 1880 2,732,595. The amount of material used in 1860 was $1,027,411,482, and in 1880 it was $3,381,701,277. We employed in manufactures, of women and children who can not be employed in agriculture, 713,560, who are to be deprived of every opportunity to labor if all the people in this country are to follow one pursuit, and that the pursuit of agriculture.

We hear a great deal about farmers. The Senator from Georgia waxed eloquent over the wrongs of the farming people. In 1880 the number of people engaged in farming pursuits was 7,670,493. If the proportion is continued, if the same proportionate number of people are engaged in farming as in 1880, we must have about 9,000,000 now engaged in farming. But the people engaged in farming are not all farmers. It appears by the census reports that 3,323,876 of this number are agricultural laborers working for day wages, and of the 17,000,000 people who are said to be engaged in earning their living by labor there are 10,000,000 and more, according to the census of 1880, who are engaged in earning their living by daily labor or yearly labor or monthly labor. They were the employés and not the employers. If that rule holds good there are to-day not less than 12,000,000 people who are working in the United States for wages.

In 1860 the total production of cereals of all kinds in the United States was 1,230,000,000 bushels; in 1880, 2,700,000,000 bushels. The Agricultural Report shows that the production in 1887 amounted to 3,000,000,000 bushels of grain of various kinds.

The live-stock in the United States in 1860 was valued at $1,089,329,915. In 1880 it was $1,500,464,609. The Agricultural Report put it in 1884 at $2,467,868,924, and notwithstanding the depression in the cattle business and in all classes of property included in live-stock the last report from the Agricultural Department estimates the entire value of the live-stock in the United States, including horses that are used in cities, at $3,000,000,000.

In 1860 we produced 60,000,000 pounds of wool; in 1880 we produced 232,000,000 pounds, and in 1887, 285,000,000 pounds. We have produced year in and year out on an average for the last five years, 1,619,000,000 bushels of corn, and of this we export about 3½ per cent. The rest we find a market for amongst our own people.

It is said that we have not increased our farms and our farm products in accordance with the growth of other things. If we stimulate manufactures, we necessarily draw some of the people from agriculture; and that was what was desired, and that is what is desired. A diversity of pursuits is what we want, and a great diversity is not only calculated to give all men employment, but to give all men employment according to their capacities and according to their talents and tastes. One man who will succeed admirably as a manufacturer would fail as a farmer, and he who would fail as a manufacturer might succeed as a farmer, and so that is the wisest system of political economy which gives to the people diversity of occupation and diversity of pursuit; and thus we are enabled, as I said a moment ago, to put more than 700,000 women and children at work in useful pursuits, according to their capacity, that they may support themselves.

The farms in 1860 were 2,044,077 in number; in 1880 they were 4,008,907; in 1887 they were estimated at 5,000,000, according to the Agricultural Report. Their value in 1860 was $6,645,045,007; in 1880, $10,197,096,776. There is not time to go over these items, but any man who will do so will see, in the first place, that in 1880 there were many more acres of land under cultivation, in proportion to the whole number of farms, than there were in 1860, showing that the farms have increased, their value has increased, their capacity has increased, and their productiveness has increased as the land has been better cultivated.

In 1850 we produced 38 bushels of wheat per capita. In 1886 we produced 53 bushels of wheat per capita. We produce five times as much wheat as we produced in 1850. In fifteen years prior to 1887 the increased product of corn has been 43 per cent., and now our product of corn and wheat and oats and rye is so great that if one single mill to the bushel can be added to its value it represents three millions of money, and if you can add one single cent to its value it represents thirty millions of money.

From 1850 to 1861, a period of twelve years, we imported $454,309,000 of merchandise more than we exported. Do I need to say to anybody that no country can continue that process without destruction of her material interests? You can not as a nation buy more than you sell any more than an individual can do it, and not go into bankruptcy or draw upon his capital. But during the same twelve years we exported of silver and gold $361,769,479 more than we imported. During the twelve years from 1876 to 1887 inclusive, we exported merchandise in excess of our imports to the value of $1,481,077,940, and during this time while we exported a large amount of silver we also imported a large amount of gold, so that the sum total of our imports of gold and silver exceeded our exports by more than $86,000,000.

In 1860 our exports of merchandise were $316,242,423. In 1887 they were $716,183,211. In 1860 the imports of coin and bullion were $8,550,135. In 1887 our imports of coin and bullion were $60,170,792.

The Senator from Georgia called attention to the building of railroads in this country in his effort to make it appear that in the decade from 1850 to 1860 there had been a degree of prosperity not realized since. He said:

There were 9,021 miles of railroads in the United States in 1850. The mileage in 1860 was 30,635, an increase of 239.6 per cent. during the low-tariff period. In 1870 there was a mileage of 52,914, a gain of 72.72 per cent. These figures had increased to 93,349 in 1880, a gain of 76.41 per cent. In the twenty years of high tariff, from 1860 to 1880, there was a gain in mileage of 204.7 per cent. as against a gain of 239.6 per cent. in the ten years of low tariff, from 1850 to 1860. How much the duty on iron and steel rails checked railroad building during two decades of high tariff may not be correctly estimated, but it is easy of conjecture.

A statement of that kind is calculated to mislead the casual observer. A person taking up this and looking at it without paying much attention to it would say that that proposition was correct and that we did not progress as rapidly; but what are the facts? Let us take fourteen years previous to 1860 and during that time we built 25,705 miles of railroad, or an average of 1,836 miles a year. From 1860 to 1887, a period of twenty-seven years, we built 120,347 miles, or an average of 4,460 miles a year. And yet this process of figuring of the Senator from Georgia makes it appear to the casual observer that we actually built less miles of railroad since 1860 than we built previous to 1860.

Take the last fourteen years under this "vicious" tariff and put those fourteen years with the fourteen years previous to and including 1860, and it will be seen that we built 25,705 miles of road in the period up to 1860, and during the fourteen years last passed we have built 80,718 miles of railroad, or nearly 5,700 miles a year; and for the last seven years we have built 57,637 miles of railroad, or 8,219 miles in a year; and last year we built more miles of railroad than ever had been built in any year before in our history, and more than any other people ever built.

Yet upon that system of figuring, upon that system of percentages, we only built 9½ per cent. of road, and thus year after year, when we have accumulated 200,000 miles, the percentage will be still less, and we shall have to build an enormous amount of road to keep up with this method of figuring!

Mr. President, I find that I must close my remarks without referring to many things that I had intended to notice; but I shall take oc-

casion to refer to them at some other time. Before. however. I leave the subject I desire to call attention to some remarks of the Senator from Georgia that I think need a little explanation, and that is his system of percentages continued.

Mr. CHACE. Which Senator from Georgia?

Mr. TELLER. I refer to the Senator from Georgia who spoke in behalf of the President's message [Mr. COLQUITT].

He makes a comparison between the valuation of real and personal property by States for the decades from 1850 to 1860 and from 1870 to 1880. He takes, for instance, the State of California, and starting with $239 per capita in 1850 he finds that California had $547 per capita in 1860, $1,140 in 1870, and $1,654 in 1880, and yet he says that her percentage of gain from 1850 to 1860 was 128 per cent. and her percentage of increase between 1870 and 1880 was only 45 per cent. That is calculated to deceive. If it was not intended for that purpose it certainly is calculated to do it. The question is how much did they add, not what was the percentage, but did the people of California make more money and put it away between 1850 and 1860 than they did between 1870 and 1880? Between 1850 and 1860 they cleared on an average $308 apiece; between 1860 and 1870 they cleared $593 apiece, and between 1870 and 1880 they cleared $514 apiece; and yet the Senator's percentage is correct; and as they increase in wealth per capita their percentage will decrease, and apparently they will be making less money, although in fact they may be making twice as much.

The population of the State of Delaware between 1850 and 1860 gained $182 apiece, and between 1860 and 1870 $365 apiece, or twice as much.

The population of the District of Columbia gained between 1850 and 1860 $176 a piece, and between 1860 and 1870 $416 apiece. Thus you may take it right through and it will be found that these percentages are extremely vicious and deceiving.

A few days since a statement was made in another body which I quote from the RECORD and desire to call to the attention of the Senate. It is said to have been taken from a St. Louis paper, from the Missouri Republican. The statement is as follows:

First, as to farms. In 1880 there were 138,500 farms in Kansas, 256,000 in Illinois, 194,000 in Indiana, 247,000 in Ohio, 185,300 in Iowa, 154,000 in Michigan, and 134,300 in Wisconsin—making a total of 1,309,100 in the seven States named. Recent statistics collected by Granger associations and printed in farm journals make the following exhibit of farm mortgages in these same States:

Kansas	$235,000,000
Illinois	1,000,000,000
Indiana	665,000,000
Ohio	1,227,000,000
Iowa	567,000,000
Michigan	500,000,000
Wisconsin	357,000,000
Total	4,521,000,000

It occurred to me that that was not possible, but I read the statistics and I find that whoever got up this statement, either by accident or design, went to the record and took the value of farms as reported in the census of 1880 and actually put down here as mortgages the entire value of those farms. In the State of Illinois, if this is true, every farm must be mortgaged for $30 on acre; in the State of Indiana every farm must be mortgaged for $40 an acre; and yet accessible to every man is the Report of the Commissioner of Agriculture for 1886, in which he declared that the farm mortgages in all sections of the country, giving the tables, State by State, were much less than they were ten years before. I will not now detain the Senate with the particular details of that, but nobody need misstate, nobody need misunderstand. There are the facts. It is not true that the mortgages have shingled the farms all over, as the junior Senator from Georgia [Mr. COLQUITT] stated. There will be at all times where there is a farming community mortgages on farms. Many a man buys his farm on time and the great majority of men who own farms have got them on time, and they are compelled to mortgage them. But to say that they are heavily mortgaged because of the tariff is not true and is not borne out by the records of the Departments charged with an investigation into those affairs.

Mr. President, if there was time I should like to call attention to the complaint often made that our shipping is destroyed by reason of the tariff. I desire to put in my remarks on that point simply the statistics of the United States on this subject, which show that there is practically no tariff upon that which enters into the construction of a ship, or at least the great body of materials that enter into a ship is exempt by the plain provisions of the statute and has been for years.

On the free-list are—

Felt, adhesive, for sheeting vessels.

Logs, and round, unmanufactured timber, not specially enumerated or provided for in this act, and ship timber, and ship planking.

SEC. 2510. All lumber, timber, hemp, manila, wire rope, and iron and steel rods, bars, spikes, nails, and bolts, and copper and composition metal which may be necessary for the construction and equipment of vessels built in the United States for foreign account and ownership or for the purpose of being employed in the foreign trade, including the trade between the Atlantic and Pacific ports of the United States, after the passage of this act, may be imported in bond under such regulations as the Secretary of the Treasury may prescribe; and upon proof that such materials have been used for such purpose, no duties shall be paid thereon. But vessels receiving the benefit of this section shall not be allowed to engage in the coastwise trade of the United States more than two months in any one year, except upon the payment to the United States of the duties on which a rebate is herein allowed: *Provided*, That vessels built in the United States for foreign account and ownership shall not be allowed to engage in the coastwise trade of the United States.

SEC. 2511. All articles of foreign production needed for the repair of American vessels engaged exclusively in foreign trade may be withdrawn from bonded warehouses free of duty, under such regulations as the Secretary of the Treasury may prescribe.

Mr. President, I will not go into the history of the decay of the shipping interest, but we shall never build ships in this country unless by some system such as England has adopted we encourage ship-building, or until the time comes, which I hope may never come, when American laborers will work in this country for the prices for which men work in Europe. When they do that, then we can build ships; but as long as we pay for that class of skilled labor twice as much as they pay in England, twice as much as they pay in France, we shall not build ships.

It is said by those who are opposed to the tariff that it does not increase the wages of laboring people, that all the advantage goes to the manufacturer; and yet they do not deny, nobody denies that to-day a skilled laborer in almost any branch of business can get twice the amount of money here that he can get in Europe; and no one will deny the further fact that he, with one-half the money, can buy as many comforts in this country as his competitor abroad can buy with the money that he gets. Meats and butter and cheese and all that class of articles are cheaper in this country, and clothing that is worn by the class of men who labor is as cheap in this country as in Europe. I desire here to put in my remarks some extracts that I have here as to the wages of labor in this country.

Relative cost of labor in a woolen mill of 221 hands in Providence and of a similar mill in Bradford, England.

Operatives.	Providence.		Bradford.	
	Per week.	Total.	Per week.	Total.
Forty-five small boys and girls, fourteen years old	$3.25	$146.25	$1.50	$67.50
One hundred and four small boys and girls, eighteen years old	5.25	546.00	2.50	260.00
Fifty boys and girls, twenty-one years old	6.00	300.00	3.00	150.00
Six section hands	13.50	85.00	7.00	42.00
Two overseers	24.00	48.00	9.00	18.00
One superintendent	36.00	36.00	15.00	15.00
One boss dyer	30.00	30.00	10.00	10.00
Eight laborers in dye-house	7.00	56.00	4.50	36.00
One watchman	14.00	14.00	6.00	6.00
Two machinists for repairs	15.00	30.00	7.50	45.00
Two clerks	15.00	30.00	7.00	14.00
Total cost of weekly pay-roll		1,317.25		633.50

107.93 per cent. in favor of Providence operatives.

Machines and machinery.

Occupation.	Weekly wages.	
	United States.	England.
Blacksmiths	$15.50	$8.25
Blacksmiths, helpers	10.50	3.60
Blacksmiths, y. p	3.00	2.20
Boiler-makers	13.75	7.75
Core-makers	14.00	7.75
Engineers	13.75	7.75
Finishers	11.00	8.75
Firemen	9.00	4.50
Furnace men	12.60	6.75
Helpers	9.00	5.50
Holders-on	10.25	5.00
Laborers	9.30	5.00
Machinists, men	13.00	8.00
Machinists, app. m	8.50	3.25
Machinists, app. y. p	6.00	1.75
Machinists, helpers	9.00	5.30
Molders	15.50	8.75
Pattern-makers	14.60	8.40
Riveters	15.75	7.50

Metals and metallic goods.

Occupation.	Weekly wages.	
	United States.	England.
Burnishers, men	$15.00	$7.25
Core-makers, m	14.00	7.50
Engineers	12.75	8.50
Finishers	14.50	7.00
Fitters	15.00	9.00
Forgers	12.75	9.50
Furnacemen	11.50	6.75
Grinders	12.00	7.75
Hafters	12.00	6.00
Hafters, y. p	3.75	2.50
Hammermen	24.00	5.75
Hammermen, helpers	11.00	6.75
Lacquerers, w	4.50	2.35
Molders, m	15.60	9.50
Molders, y. p	10.30	3.20
Pattern-makers	17.00	9.00
Smiths	17.25	6.25

Weekly wages of compositors in the United States and Great Britain.

Great Britain, nine hours per day.		United States, ten hours per day.	
London	$9.00	New York	$18.00
Liverpool	9.00	Philadelphia	16.00
Manchester	8.72	Chicago	16.00
Dublin	8.24	St. Louis	16.90
Glasgow	8.24	Cambridge	15.00
Edinburgh	8.00	Boston	15.00
Belfast	7.48		

Mr. Duncan writes: "For work done by the week, in all classes of work, American wages are as nearly as possible double those paid in Great Britain."

If it is not true that the American laborer gets better pay, gets better compensation for his labor, than any other laborer in the world, why is it that since 1860 there have come to this country 9,129,945 foreigners? Why have they come? Why have they sought this region if it is not to better their condition? They are laboring people. They do not flee entirely from bad government, and they do not come, as it is frequently said here and elsewhere, to get our cheap lands. Why should more than 700,000 Canadians, with cheap land in Canada, come to the United States? They do not come for that purpose at all. Where do they go when they come? They go to the manufacturing States and the manufacturing cities, where labor is compensated, where it is well paid. I have before me the census reports showing where they go. Of the 6,679,943 foreigners in the United States in 1880, how many were found in the State of Alabama? Nine thousand seven hundred and thirty-four. In Arkansas only 10,350. Does anybody say that Arkansas and Alabama do not present an attractive field for the agriculturist? Texas only had of this great number of people a comparatively few, 114,616 only. Examination of the report will further show that Boston had 114,000 of them; that Massachusetts, without any agricultural grounds for them, had 443,491; that Baltimore had 56,136; that St. Louis had 105,013; and New York had 478,694. I ask to be allowed to put this table in my remarks.

Distribution of foreign immigrants in 1880.

(Compendium of Census, pages 483, 484.)

In the United States	6,679,943	Mississippi	9,209
		Missouri	211,578
Alabama	9,734	Montana	11,521
Arizona	16,049	Nebraska	97,414
Arkansas	10,350	Nevada	25,653
California	292,874	New Hampshire	46,204
Colorado	39,790	New Jersey	221,700
Connecticut	129,992	New Mexico	8,051
Dakota	51,794	New York	1,211,379
Delaware	9,468	North Carolina	3,742
District of Columbia	17,122	Ohio	394,943
Florida	9,909	Oregon	30,503
Georgia	10,564	Pennsylvania	587,829
Idaho	9,974	Rhode Island	73,993
Illinois	583,576	South Carolina	7,686
Indiana	144,178	Tennessee	16,702
Iowa	261,650	Texas	114,616
Kansas	110,086	Utah	43,994
Kentucky	59,517	Vermont	40,939
Louisiana	54,146	Virginia	14,096
Maine	58,883	Washington	15,803
Maryland	82,806	West Virginia	18,265
Massachusetts	443,491	Wisconsin	405,425
Michigan	388,508	Wyoming	5,850
Minnesota	267,676		

Distribution of immigrants from British America.

	The United States	717,157	24	New Hampshire	27,142
			25	New Jersey	3,536
	The States	697,676	26	New York	84,182
			27	North Carolina	425
1	Alabama	271	28	Ohio	16,146
2	Arkansas	787	29	Oregon	3,019
3	California	18,889	30	Pennsylvania	12,376
4	Colorado	5,785	31	Rhode Island	18,306
5	Connecticut	16,444	32	South Carolina	141
6	Delaware	246	33	Tennessee	545
7	Florida	446	34	Texas	2,472
8	Georgia	348	35	Vermont	24,620
9	Illinois	34,043	36	Virginia	585
10	Indiana	5,569	37	West Virginia	295
11	Iowa	21,097	38	Wisconsin	28,965
12	Kansas	12,536			
13	Kentucky	1,070		The Territories	19,481
14	Louisiana	726			
15	Maine	37,114	1	Arizona	571
16	Maryland	988	2	Dakota	10,678
17	Massachusetts	119,302	3	District of Columbia	452
18	Michigan	148,866	4	Idaho	584
19	Minnesota	29,631	5	Montana	2,481
20	Mississippi	309	6	New Mexico	280
21	Missouri	8,685	7	Utah	1,036
22	Nebraska	8,622	8	Washington	2,857
23	Nevada	3,147	9	Wyoming	542

FOREIGNERS IN CITIES.

Boston	114,796	Cleveland	59,409
Baltimore	56,136	Philadelphia	204,335
Detroit	45,645	Pittsburgh	44,605
St. Louis	105,013	Milwaukee	71,440
New York	478,694	Chicago	204,859
Brooklyn	177,694	New Orleans	41,157
Buffalo	51,264	San Francisco	104,244
Cincinnati	71,659	Key West	5,342

The junior Senator from Georgia the other day complained of the destructive influence the tariff had on the farmers, and he cited the fact that Georgia had less property in value to-day than it had in 1860. That may be correct according to the statements made here taken from the census, and yet I do not suppose that anybody believes that is true that the wealth of Georgia is not greater to-day than it was in 1860. What could have made it poorer? It is true there was a destruction of its system of labor twenty-five years ago, but the labor was left, the land was left; everything that was necessary to make a State was there; and if the people of Georgia are poorer to-day than they were in 1860 it is not to their credit. The cotton that they raise brings more money than it brought before the war, year in and year out. If the Senator will take ten years prior to the war, he can not take any ten years since that which have not brought more money. If there is anything else that Georgia produces to sell, it has brought more money.

It is a misleading and deceiving statement to say that Georgia is not worth as much now as in 1860. Of course if you count her able-bodied colored people at a thousand dollars a head, as they did before the war, and the children from $200 up, it might make an aggregation of a good deal of wealth; but every colored man to-day is worth more to Georgia than he was before the war. There are greater elements of strength in Georgia to-day than there were before the war. She can make an "Empire State" of herself, as she has chosen to call herself for many years, much more readily with free labor than she could with slave labor.

I repeat, everything is there, the labor is there, the land is there, the sunshine and the rain are there; and if the people of Georgia (if I may say it without offending anybody) would cease to whine and complain of their condition and address themselves like men to solving the question whether Georgia is to be a fifth-rate State or a good one, we should not hear these complaints here or elsewhere.

Mr. President, I do not propose now to go further into the details of this question, because I know my friend from Iowa [Mr. ALLISON] is getting impatient. Many things that I should like to say I shall omit now, and perhaps say on another occasion. When you take the last twenty-five years of our history, when you examine it everywhere, no man, high or low, is justified in speaking of the system of political economy which has wrought out such great results as have been wrought out in our case, as a vicious, illogical, or inequitable method. We have progressed faster than any other people in the world. Will the Senators who talk about free trade point me to a nation on the earth that has accumulated money as we have accumulated it? Will they point to a nation in the world where labor is so well paid, where it is so much respected, where every avenue of progress, every avenue of honor, of preferment, and of distinction is open to the laborer as it is here, where the people have engaged in such magnificent enterprises and accomplished them, where the great charities have been managed and kept alive as nowhere else? Why, Mr. President, we have sent relief abroad to suffering Ireland, and we have sent it to other nations of the world. The missionary people in this country send more than $6,000,000 a year to the heathen; and the laboring girls who work in kitchens and the boys who work in stables every year send to Ireland more than $15,000,000 to save their kindred from the effects of free trade in Ireland; and as is suggested to me by the Senator from Vermont [Mr. EDMUNDS], their own condition is 100 per cent. better than it ever was anywhere else, or than is that of their kindred at home. More than three and a half millions of Englishmen, including Irishmen in the number, have sought an asylum in this country and are here. Do you want to apply English methods, to put your labor where the English put theirs? If they are better off there, why do they not stay there, why do they come here, and why are they coming here whenever they can, and why is it that they never return?

Oh, Mr. President, I know that the Cobden Club sends out a great many articles to show that we should be benefited by having these people turn their attention to their own home country. Let them do something for their own subjects in Ireland, where the people have been reduced some millions from what they were, and poverty and distress pervade every stage of society save the landlords, and see what they can do there. If there was time I should like to go on and show the condition of Great Britain. I should like to show that every thirty-third man there is a pauper, and in some of their great cities every fifth man is the object of public charity. They pay in Great Britain two and a half times more to support their paupers than they do to sustain their public schools. And yet we are told that the American laborer should adopt English methods, and that we should open the door so that the products of English labor may come here and compete

with ours. Nay, Mr. President, not only the English laborer, but the laborer of India, the laborer of China, the laborer of Japan, the pariah of India who pays for labor to cultivate his field 6 cents a day—he is to be put in competition with American labor. The Chinaman, who works for 6 cents a day, is to be put in competition with American labor; the Japanese, who considers himself most magnificently paid if he gets 15 cents for fifteen hours' labor, a cent an hour, is to be put in competition with American labor.

Mr. President, we are told that we can compete with the world. So we can if we live as those people live. So we can if we adopt European methods; if we live without meat, without butter, and without milk; if we live as they do in London, six families in one room; where, as Mr. Chamberlain said, tens of thousands never know the luxury of milk. As laboring people we eat three times more meat than European people. We wear better clothes and spend more money on ourselves and our children as laboring people than any other people in the world; while as laborers we get more money in proportion to the payment of a dime than any other people in the world.

A distinguished Englishman, when comparing American laborers with English, said: "Where the American laborer gets 72 per cent., capital gets 23 per cent., and Government gets 5 per cent., our laborer gets 41 per cent., capital gets 36 per cent., and Government gets the balance." That is the English testimony. We get the bulk of what is paid out in manufactures. All manufactures are made up principally of labor. In some cases it is nearly all labor, 90 or 95 per cent., and on an average 80 per cent. of everything manufactured is labor, if you follow into computation the labor put upon what is called raw material.

Mr. EDMUNDS (in his seat). There is no raw material.

Mr. TELLER. A Senator suggests in my hearing that there is not any raw material. There is very little that can be called raw material. It is said, I believe, by those who are now advocating this message that wool is raw material. The farmer in Ohio does not believe that it is raw material. It has cost him care, it has cost him money, it has cost him attention to get it from the sheep's back. It is to him something more than a raw material. So you may say of everything else.

But, Mr. President, there is no time to go into that to-night, for I promised the Senator from Iowa that I would quit some time, and I propose to try to keep that promise. On some other occasion I may touch upon the question of raw material. I should like to touch upon some other questions in connection with our history as a people, and in connection with our progress.

However high the man may be, however much power there may be back of him who assails this system as "vicious, inequitable, and illogical," I am not ashamed to point to the glorious results of twenty-seven years of experiment and to show that it is neither vicious, nor illogical, nor inequitable, but that it has brought to the people of this country a prosperity, a richness, a contentedness, and a glory that no other system has brought to any other people in the world.

THE MAIL SERVICE.

The PRESIDING OFFICER. The regular order is the unfinished business, which is the bill to regulate the importation of foreign merchandise, and to secure uniformity in the classification and valuation thereof, and for other purposes.

Mr. WILSON, of Maryland. With the permission of the Senator from Iowa, I desire to make a statement before the Senate proceeds with the consideration of the regular order of business.

Yesterday I gave notice that it was my intention to-day to call up a resolution with a view to make some remarks on the subject. I was not aware at that time that the Senator from Colorado had made a similar announcement for to-day. I therefore desire now to give notice that on Monday next I shall call up the subject which I yesterday indicated, to wit, the motion of the Senator from Nebraska [Mr. PADDOCK] to reconsider the vote by which the resolution of the Senator from Kansas [Mr. PLUMB] proposing an inquiry into our alleged inefficient mail service was referred to the Committee on Post-Offices and Post-Roads, with a view of making some remarks upon the subject connected therewith.

HOUSE BILLS REFERRED.

The following bills and joint resolution, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Foreign Relations:

A bill (H. R. 4691) for the relief of John P. Hageman;

A bill (H. R. 7255) for the relief of A. B. Tyan;

A bill (H. R. 7934) for the relief of Dr. H. B. Matteosian;

A bill (H. R. 474) for the relief of General G. Cluserét; and

Joint resolution (H. Res. 95) to enable the President of the United States to extend to certain inhabitants of Japan a suitable recognition of their humane treatment of the survivors of the crew of the American bark Cashmere.

PUBLIC-BUILDING BILLS.

Mr. SPOONER. Some days since the Senate ordered a conference on the public-building bills for Milwaukee and Omaha, consisting of Senators QUAY and VEST and myself. Senator QUAY is absent from the city, and I understand will not return for some time. I ask that he be excused from further service upon the two committees of conference, and that another Senator be appointed in his place.

The PRESIDING OFFICER. The Senate has heard the request of the Senator from Wisconsin. If there be no objection, the Senator from Pennsylvania will be excused from service and the Senator from Iowa [Mr. ALLISON] appointed in his place.

VALUATION OF IMPORTED MERCHANDISE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 977) to regulate the importation of foreign merchandise, and to secure uniformity in the classification and valuation thereof, and for other purposes.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole, and open to amendment. [A pause.] If there be no further amendments proposed to the bill as in Committee of the Whole, it will be reported to the Senate.

The SECRETARY. A bill (S. 977) to regulate the importation of foreign merchandise, and to secure uniformity in the classification and valuation thereof, and for other purposes.

The PRESIDING OFFICER. The Senate as in Committee of the Whole has had under consideration the bill the title of which has just been read, and made amendments thereto. It is now in the Senate and the question is upon concurring in the amendments made as in Committee of the Whole.

Mr. EVARTS. Is not the bill still in Committee of the Whole?

The PRESIDING OFFICER. It has just been reported to the Senate.

Mr. FRYE. It is open to amendment just the same.

Mr. EDMUNDS. I move to amend section 14 of the bill under consideration.

The PRESIDING OFFICER. The Chair suggests to the Senator from Vermont whether the motion to concur in the amendments made as in Committee of the Whole would not be first in order?

Mr. EDMUNDS. That is right, sir.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The PRESIDING OFFICER. The bill is in the Senate and still open to amendment.

Mr. EDMUNDS. I move to amend lines 5 and 6 of section 14, by striking out the words "the construction of the law respecting."

The PRESIDING OFFICER. The Secretary will read the proposed amendment.

The SECRETARY. In section 14, line 5, after the word "to," it is proposed to strike out the words "the construction of the law respecting;" so as to read:

As provided for in section 13 of this act, as to the classification of such merchandise, etc.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Vermont [Mr. EDMUNDS].

Mr. EDMUNDS. My reason for moving the amendment is, that I believe as the section now reads it will not stand judicial investigation and scrutiny as a constitutional enactment, for the section as it now is makes the finding of the board of general appraisers on a question of classification (that is, as to whether one thing is under the law, wool or cotton, for illustration), a final and conclusive determination.

I believe that is a thing which can not be decided by executive authority, and that if the owner of the wool is taxed for cotton, if that be a higher rate, so that he has any motive for complaining, he has a right to have a judicial determination of the question—I do not say by a jury, because it is a matter which very likely can be withdrawn from the consideration of a jury entirely; but that is a different question from withdrawing it from judicial consideration.

With that end in view, and proposing to offer sundry other amendments in the same line, I make this motion to amend.

Mr. ALLISON. I ask the Senator from Vermont to make all his suggestions of amendment, so that we may see the scope of the section as he proposes to amend it.

Mr. EDMUNDS. Very good.

Mr. ALLISON. He was kind enough to show me what he proposed in the way of amendment, and I should like to see the general connection of all the amendments proposed by him.

Mr. EDMUNDS. I will state, then, in the first place, as I have perhaps already stated, but I will repeat it, that the fourteenth section of the bill as it now stands makes final and conclusive upon citizens of the United States and upon the Government itself (which is just as bad for public purposes, although perhaps not unconstitutional) the judgment and opinion of an executive board of an Executive Department; that is, the judgment of the board of general appraisers is final and conclusive on every question concerning the classification of property to be taxed by a customs impost. Therefore, if the law that we pass says all wool imported shall pay 20 per cent. ad valorem, and that silk imported shall pay 30 per cent. ad valorem, if this board of appraisers decide that my wool is silk, that is the end of it.

That is quite a different question, as it appears to me, from a mere valuation of an assessor, as we all have in our States, of property which can be left to their judgment and discretion, as it must be; but I never

heard of a State law, or anybody suggest that a State law, had left to tax assessors the right of determining finally and conclusively as against the citizen whether his property was land or whether it was personal property. The idea is perfectly absurd. Nobody ever thought of it.

But here, under this head of classification, the committee has got a phrase which makes this board of general appraisers the final and conclusive court to determine not merely valuations and incidents, and things of that kind, but to determine really under what head of a varying tariff law of various per cents. or specific duties anything shall go, and that is to be the end of it.

I do not believe you can pass a bill of that kind and have it the law, and if you could, it ought not to pass, for it is not right, as it appears to me. That is the scope of my observation.

Now, I propose to correct that as far as I can by the amendment I have offered, and then, in line 7, by adding, after the word "under," the words "and in consequence of;" then to strike out, on page 20, line 11 of the same section, the words "of law," so as to leave to the court all the questions that are open; again, to strike out all after "thereon," in line 19, to and including the word "court" where it first occurs in line 22; in line 23 to insert, after "shall," the words "summarily, without a jury," so as to read "shall summarily, without a jury, proceed," etc.; and to strike out the words "of law," in line 23, so that instead of leaving the board of appraisers to be the judicial determiners of what kind of property is taxed by this enactment, and whether it is taxed at one rate or another on account of its being one thing or another, there shall be a speedy judicial determination by the judges of the circuit court where the question arises, instead of leaving it to the judicial and final determination of an executive body of officers, who, in my opinion, have no constitutional power to settle a question of that kind finally.

Mr. EVARTS. Mr. President, at the adjournment last evening I stated that there were some other observations that I desired to make in Committee of the Whole on some subsequent sections of the bill. It seems my opportunity of doing so has been lost by some transaction which passed without my noticing it. But I am told that we are just as well off as if we had been in Committee of the Whole, and therefore I may be heard as well now as then.

It is to be noticed, in the scheme of this bill, that official appraisers, unassisted by merchant appraisers and without any intervention of court in the sense of a jury trial, are to be made the final determiners of the exactions which are taken under the supposed execution of law from the importers.

The transaction is this: By law certain exactions are justified and the importers are subject to the payment of those exactions, but from whatever authority an exaction shall be made contrary to law it is not made by authority of law, and the citizen suffering under that exaction, unless by some operation of this bill or otherwise, is deprived of a resort to law to save himself from a legal exaction; the general judicial establishment of the United States, and of the States, for that matter, opens to him his recourse for redress; and when he asserts that a collector has taken under this or that frame of law a certain amount of money when the law justified taking only a less sum, he is entitled to a restoration, not by favor, not by administration, but by law.

The peculiarity of the situation has been that while the Government had a right to institute its processes and methods of exacting from the importer the revenues which are by law imposed, and was not to be interrupted in that process, nevertheless when the process was completed the law and the courts were open to resort for redress; and by a long series of decisions, running back forty and almost fifty years, when these suits were first commenced, they rested upon the common-law right of the importer from whom money had been taken under exaction of law, but contrary to law, to have a direct recourse against the collector, to wit, the man who had taken from him more than the law allowed the collector to take. That was open to suit in the State courts; it could be transferred to the Federal courts; but the courts were open, and the courts had full jurisdiction of that direct, plain right, and that right was administered by the courts of law like any other right.

Then there came to be an arrangement by which this direct common-law resort against the individual who had violated the law should be reduced to a recourse against him only substantially *pro forma*, in order to try the question, but that no execution should issue against him, and in lieu thereof the Treasury, the Government, should assume the payment of what was thus established. The courts regarded that as a substitute for execution of the obligation of the Government, as still making it a just judicial procedure of which the Supreme Court and the inferior courts had jurisdiction, for these courts do not take jurisdiction of moot cases; they only take jurisdiction of cases in which they can enforce their judgments. This arrangement was considered in the transactions of Government as a substitute for the course by execution against the collector.

As I understand, all those provisions and arrangements of law, if this bill shall be enacted, will be repealed. If this section 14 is constitutional and consistent in its arrangements, either with or without the amendments proposed by the Senator from Vermont, it will be the only recourse there is; so far as the laws of the United States establish it, the method of recourse in this section will be the only one. If it should be held by the courts that this section is unconstitutional, then so far as I can see the aggrieved party would be remitted to his original common-law right to sue the collector as having taken by methods not known to or recognized by the law more than the law authorized the taking of.

It has seemed to me, therefore, that if this section 14 were open to serious question, as I deem it to be in substance and in bottom and in frame, it would be impossible to graft upon this scheme a constitutional method, but that the subject would have to be, by committal or by further and more deliberate consideration, the substitution of another method of pursuing and executing this general and certain and necessary right.

The observations of the Senator from Vermont have been undoubtedly well grounded; but the amendments which he has proposed do not, as it seems to me, reach what is a more fundamental difficulty in this scheme thus proposed as a summary and rapid method of executing rights.

I regard the bill, in its fourteenth section, as substantially turning the circuit courts into an appellate, appraising administrative act, and the appeal given to the Supreme Court of the United States is neither more nor less than carrying these successive appeals of what is, in its nature as thus developed up to this section and will remain under this section, if it is allowed to take operation, nothing but an administrative measure of appraisal.

Without discussing the question whether the matter of fact upon which the question of law between the United States and the importer who complains can be subtracted from a trial by jury, without considering for the moment that question, I submit that the whole jurisdiction in the courts of the United States rests entirely upon what are called in the Constitution and are known to the profession and to the judiciary as "cases." There is no constitution of the Federal courts as a tribunal to resort to for opinion or judgment or administrative action. The power of the Federal courts, even on the great constitutional question of the validity of laws of the States or laws of the United States, is nowhere accorded to those tribunals except as it arises in cases, in cases either at law or in equity; and "cases" are in their nature controversies, as the language is used in the Constitution in the same connection, between one party and another party, the assertion for judicial redress on the part of the plaintiff to be yielded under compulsion by the defendant. Whatever may be the description or arrangement of jurisdiction, there is nothing accorded to the Federal courts in the way of supervision that does not come under this proposition, for the Constitution can not be enlarged and it can not be diminished in this area of judicial power.

Now, we have the merchant or the collector, on one side or the other, as is provided for in section 14, dissatisfied with the last resort of administrative action by appraisers, which up to that time is certainly not a court in any sense, with none of the rights of parties before them, with none of the authority accorded to them. Up to that time it is a pure administration of official authority exerted by the Government against and upon the importer and his property. When, therefore, he, or the collector on one side or the other is dissatisfied with the point of law that arises, what is the appeal that is provided as a recourse to be followed up in the Federal court? Let me read from the fourteenth section:

If the owner * * * or the collector, or the Secretary of the Treasury shall be dissatisfied with the decision of the board of general appraisers, as provided for in section 13 * * * they, or either of them—

That is, the Secretary of the Treasury among them—

may, within thirty days next after such decision and not afterwards, apply to the circuit court * * * for a review of the questions of law involved in such decision.

It is precisely the same question, presented in the same form and in the same action by the court, that in the earlier appeal from one appraiser to the board of appraisers is provided for. The Secretary is not suing anybody. The decision has been in favor of the importer, and the importer has in advance, by the provisions of this bill, and the ordinary processes of exaction, paid all that the Government demands, and has paid more than by this decision the Government is entitled to. There is then no action brought by the United States against the importer to recover any money from him.

Then if you go on, what is the malcontent importer to do? He shall apply "for a review of the questions of law involved in such decision." Who is defendant? What party is there? How is judgment to be given? How does it become a judicial transaction? You can not change the nature of this from its being a judicial consideration of the justness and lawfulness of the classification.

Thereupon the court shall order the board of appraisers to transmit to said circuit court a certified statement of their findings of the facts involved in the case and their decision thereon.

But there has been nothing judicial before on that subject, nothing of that nature. It is the authoritative official appraisement against a taking effect on the property or the obligation of the importer.

And the facts so found and certified shall be final and conclusive upon the court.

What is there, then, in the court? What do you make the court.

then? Nothing but its determination as a question of administration and nothing else, whether the law takes this or that classification as the proper measure of exaction.

Which statement and certificate of the board of appraisers shall constitute the record in the circuit court.

That does not alter the nature of it. Where are the parties? Where is the contest? Where is the examination or the cross-examination? There is nothing there in the nature of a court, or in the nature of a trial of right.

What, then, does the court do? It is concluded from any trial of what the elements of fact are that belong to a jury to determine, whether the classification is right or not. This is final, this is the record for the court, to wit, the transactions of the appraisers, and that is the end of what constitutes the subject-matter of litigation.

Shall proceed to hear and determine the question of law involved in such decision.

How is this decided? It is just as it was before the appraiser. It is merely a more considerate and deliberate entertainment of a step and stage of authoritative administrative appraisal—

and the decision of such court shall be final, unless such court shall be of opinion that the question involved is of such importance as to require a review of such decision by the Supreme Court of the United States.

In that case the judge "may, within thirty days thereafter, allow an appeal," but "an appeal shall be allowed on the part of the United States," whether the court thinks it is proper to go up or not, on the application of an Attorney-General. On this application to the court "security for damages and costs shall be given as in the case of other appeals;" that is, when you go up.

Said Supreme Court shall have jurisdiction and power to review such decision, and may affirm, modify, or reverse such decision of such circuit court, and remand the case with such orders as may seem to it proper in the premises, which shall be executed accordingly.

What is to be executed accordingly? Nothing but a determination that the valuation is unfair, of such a rate or such a rate of exaction, and it passes upon nothing but that. But it does not give a judgment against anybody. There is not any frame-work here by which the final action of the Supreme Court or the original action of the circuit court can result in a judgment in favor of the Government against anybody or in favor of anybody against the Government.

It is, then, at the best, nothing but an advice sought for in the courts by the administrative officers of the Government or by the importer, subject to the proper payment of duties—advice to be given as to what the law is. There is under our jurisprudence, as established by the Constitution and the laws, no opportunity for resort of that kind to any court. The language of the Constitution is perfectly plain. The first section of the third article vests the judicial power in courts, and the second section defines what the judicial power is:

The judicial power shall extend to all cases in law and equity.

This is not a case in law or in equity. No lawyer, no court treats it as an array when it is in the nature of advice to be given to an appraiser concerning what the measure of classification shall be.

"Cases" only "in law and in equity" are the basis of all authority of our judicial courts. These cases must arise "under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority."

Is there any power to carry the laws of the United States, or the laws of the States, or the treaties, into the United States courts to determine whether they are conformable to law? Never until as a matter of decision between A and B as a "case in law and equity" is this transcendent power of determination over the constitutionality of acts of Congress or the validity of treaties to be appealed to. The basis and the strength of the domination of that great tribunal over these incidental questions depend upon the fact that they are not a court to be resorted to as a court of revision, as a sanhedrim on the Constitution. They have this jurisdiction of determining right between man and man in suits at law and in equity, and not otherwise.

These same cases may relate "to all cases of admiralty and maritime jurisdiction;" "to all cases affecting ambassadors, other public ministers, and consuls;" "to controversies to which the United States shall be a party"—that is, to determine where the United States is a plaintiff, as it can not be a defendant until the law makes it so; then it may become so; "to controversies between two or more States." Can two States come for advice to the Federal courts? No; there must be a *lis mota*, there must be an *actio* on the part of one against the other State; "between citizens of different States—between citizens of the same State claiming," etc.

But the fundamental proposition, the firm and the necessary basis is that they are to be cases in law and in equity, and these words are so used and are so construed by our courts in determining their own jurisdiction upon the established professional and judicial knowledge of what "cases" are.

There might have been a notion that the Supreme Court as an appellate court and the circuit court as an original court might have a sort of jurisdiction as by *certiorari*, as it were, to draw up a tribunal for supervision and correction, like the common law jurisdiction of the State courts or of the courts of Great Britain. But there is no such authority. These courts can have given to them no *certioraris*. They do not act as mere executive appendages of the cases in law and equity as they arise.

Thus it seems to me that this whole scheme is one attempting to carry a sort of presentment into this court, not for judicial action, not for conviction and determination by judgment, but to do exactly what the general appraisers are asked to do in respect to the transaction of the single appraiser, and so the Supreme Court is asked to sit directly upon a question of an appraisement as to whether wool is of one kind or another and advise the Government concerning it, and advise the importer concerning it.

It is well ascertained that our Supreme Court will not entertain trials that do not result in power of execution; but now we come to the question of original or appellate jurisdiction, and all this distribution between appellate and original power turns upon "cases."

In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction.

Now, look at the appellate jurisdiction given to the Supreme Court:

In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

Congress, it might be supposed, could separate between law and fact and suppress fact and leave nothing but law; but is there not another equally firm constitutional provision, that of right of trial by jury, which includes the inquisition and the decision by a jury of the questions of fact that enter into the determination of the case between man and man?

There are two ways to meet this difficulty, if I am correct in this judgment. One would be to rest on the present system, which operates very well, so far as the administration of justice goes, and meets all the requirements. But it is said there are many practical inconveniences from the accumulations of suits and from delays and accruing of costs and of interest, etc. I have nothing to say about that, except that in my judgment the citizen is entitled to his rights towards the Government and the representative of the Government. The Government is amenable to recourse of law quite as readily as anybody else, and if the courts are not provided adequately to meet the just claims of suitors against the United States or its representatives in unlawful exactions, it is for the Government by legislation to provide them.

But I am willing to recognize an impediment in the judicial methods as to choice of suits of a plaintiff and the calculations and contrivances that sometimes enter into the profession and ingenuities of litigation. If that method as now provided is to be substituted by a more direct and a more speedy one, then I desire to see section 14 transformed after you have reached the stage where the final appraisement is determined, so that the importer thus called upon to pay, or to be kept out of money which he thinks should be returned to him, should then have open to him in the Federal courts a direct action against the United States, and be given such speed and such preference and such acceleration as belongs to the public occasion of the great service in collecting the revenue.

It is a perfectly simple matter, without any machinery, with no voluntary course, when the last stage has been reached of official appraisement that is not judicial, to provide that the court shall be open in a direct action against the United States, and then with an appeal to the Supreme Court; and thus you have a case that opens the entire constitutional right and the entire constitutional power, and with such rapidity as will remove much of the objection that is found against the accumulation of suits.

But the accumulation of suits in the last five or ten or twenty years, if you please, grew, in my judgment, in great part from an imperfect administration of the business by the Government itself. It was never necessary that there should be so many suits. It was never necessary that there should be an accumulation of costs or a delay in accumulation of interest to this extent. If the Government will put itself in a desire that the law shall prevail promptly, cheerfully on the part of the plaintiffs and on this responsibility of the Government, much of this diffuse and prolix litigation will pass away.

We have provided an additional judge in the only circuit where there is any clog of this nature, in the city of New York, and my word for it, under that competent judge all this mass, as it is now commented on, all these series of suits will melt away and be disposed of; and so these matters can be by administration promptly disposed of between this Government and importing citizens who are entitled to every degree of protection and favor that the law gives to them.

I therefore, in a mere cursory and prompt emendation or substitution, submit to the committee that it is a very great matter to go on with this pursuit and repeal all the existing frame-work and throw the whole matter back into the original right, or the claim that the original right exists, when, by substituting a method coming up to the exigency and the inexorable requirements of the Constitution, this can be made a judicial proceeding, with all facilities and with all aids in the promptitude of the settlement that it is competent for legislation to provide.

For myself I can say, Mr. President, although——

Mr. PALMER. If the Senator from New York will excuse me, I desire, in accordance with the notice given heretofore, to call up the resolutions of the House of Representatives on the death of Hon. Seth C. Moffatt, late a member of the House of Representatives from the Eleventh district of Michigan.

Mr. EVARTS. I will close with a single sentence, and then that can be done.

If then there must be a deliberate and circumspect adjustment of this matter, I would suggest to the committee that while the bill should be perfected in every other regard, it be recommitted to the same committee for a further revision of this fourteenth section.

DEATH OF REPRESENTATIVE MOFFATT.

The PRESIDENT *pro tempore*. Pursuant to the notice given by the Senator from Michigan [Mr. PALMER] on the 5th instant, the Chair lays before the Senate resolutions from the House of Representatives, which will be read:

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *February* 29, 1888.

Resolved, That the business of the House be suspended, that suitable honors may be paid to the memory of Hon. Seth C. Moffatt, late a Representative from the State of Michigan.

Resolved, That in the death of Mr. Moffatt the country has sustained the loss of a safe legislator, a patriotic citizen, and an able and faithful public servant.

Resolved, That as a further mark of respect to his memory the House at the conclusion of these ceremonies shall adjourn.

Resolved, That the House communicate these resolutions to the Senate.

Mr. PALMER. I offer the resolutions which I send to the desk for the consideration of the Senate.

The PRESIDENT *pro tempore*. The resolutions submitted by the Senator from Michigan will be read.

The Secretary read as follows:

Resolved, That the Senate receives with deep sensibility the announcement of the death of Hon. Seth C. Moffatt, late a member of the House of Representatives from the State of Michigan, and tenders to the family and relatives of the deceased the assurance of its sympathy in their bereavement.

Resolved, That the Secretary transmit a copy of the foregoing resolution to the family of Mr. Moffatt.

Mr. PALMER. Mr. President, the apothegm "speak nothing save good of the dead" has given rise to the epigram "false as an epitaph."

It is easy for a friend to pronounce a eulogy on a bad man. The mantle of charity covers all that is ill, and leaves affection free to create or portray an ideal, which tradition, fortified by friendship, can only partially justify.

The hand of the rustic artist may carve the fungi into attractive forms, or paint the faces of its sections with suggestive and æsthetic scenes, but dense and valuable woods admit of no such freedom of treatment.

It is so of character. Where there is nothing for charity or regard to conceal, where there are virtues manifold, one must be careful to curb the imagination, lest a departure from exactness may throw discredit on a recital of qualities which truly reported make up a symmetrical whole.

Some men attain prominence by accident, some by effort, and some grow into it as naturally as the palm among lesser trees. The first may acquit themselves well for a brief season; the second often desire the insignia without the effort, and soon pass out of public sight; the third remain, because their growth has put them there, and nature makes no mistakes.

Of the latter class was the man of whom I speak to-day. 'Twas not his fortune to figure in dramatic combinations; there was nothing startling in his career, at least to the outside world. What he achieved he had done quietly. Of slight frame and delicate organization, he was not fitted for many of those mental efforts which resemble the stroke of Richard of the Lion Heart. His was rather the scimiter of Saladin, and what he did in influencing men was done by the subtle stroke of a finely-tempered mind—not that he ever dealt in finesse or chicanery; they were foreign to his nature.

He was atmospheric in his influence. Men were prepared to love him before they saw him, and they wished to agree with him before they knew him. It was not because he was effeminate that he was not aggressive, for when occasion demanded there were none of truer courage than he. His differences were never intensified by hate nor his opposition re-enforced by malice. He was a gentle man; not in the Oriental sense, merely a mystic and a dreamer, for his life shows him to have been a worker and a man of results.

Sent to Congress by a constituency as sturdy as any, and more intelligent than most, men and women of culture and refinement, people who not only have accomplished but are still accomplishing, he had acquitted himself in a manner fully up to their expectations.

He was born forty-six years ago: not much of a space in a geological epoch or in the span of history, but it was enough to permit him to develop, to exfoliate, and to become and remain a man. There was nothing unusual in his youth; there was nothing but what he shared in common with thousands of others in his early manhood. His was steady normal growth from the cradle to the grave.

He filled many positions of dignity and trust; he was never found wanting. He was a member and speaker of the Michigan house of representatives, State senator, member of the constitutional convention, delegate to the Republican national convention, a member of the Forty-ninth and Fiftieth Congresses. To those who know with what eagerness these prizes are pursued by the men whose lungs are inflated by the winds of the prairies tempered by the Great Lakes, where to be happy one must work, where the ozone of the air and the fruits of the earth contribute to the creation of forceful and the stimulation of feeble men, this record when read would incarnate the qualities required for successful competition in the frame of an athlete. On the contrary, this man achieved all this, or rather, he grew into it, retarded, as one might think, by a frame and physique as delicate as a woman's. Nay more, he sustained himself in each of them.

He was a lawyer; but his career was never tainted by a suspicion of barratry or oppression.

He was a politician; but with him "the end did not justify the means." His political life was subjected to and will bear the measurement of the severest code of morals.

He was a friend; and those coming in contact with him needed no assurance that he was true.

He was a husband; and in that far northern home, on the banks of that beautiful lake, amid the whispering pines and mournful hemlocks, a silent widow sheds unavailing tears above the grave of a companion regardful, chaste, and affectionate.

He was a father. Children "climbed his knee the envied kiss to share;" but his ambition for them was not that they should achieve distinction or acquire wealth, but that they should have and practice virtue.

He was a religious man—not in a sectarian sense. I think creeds would have cribbed and confined him, and arrested his growth; but he had the convictions which are the bases of all religion. He believed in the great overruling Power, in immortality, and the great law of compensation which at last makes all things even.

When I first met him the psychological and social chemicals of my nature unconsciously prepared the plate and took his photograph. I have compared the outlines and the expression of my negative with my subsequent experience, and with others, and we all agree as to the correctness of the picture.

Such was Seth C. Moffatt, Representative of the Eleventh district of Michigan, who died in this city at Providence Hospital on the 22d day of December, 1887. I have not intended to overstate his virtues. I shall

> No farther seek his merits to disclose,
> Or draw his frailties from their dread abode.

His frailties I did not know. He undoubtedly had them. I hope so. They are incident to the most exalted natures; they are essential to an exhaustive portrayal of a complete and lovable character; they are the shadows which nature, no less than art, demands for her most perfect work. The hopes and fears, the joys, the sorrows, the aspirations and temptations, the defeats, the successes of forty-six years of this animated life must have swayed him at times, and in all probability he did not escape every pitfall; but the tenor of his life and the character of his sympathies assure me that his constant effort was toward consecutively higher planes of living.

Fine-fibered physique, kindly presence, responsive heart, well-balanced brain, all united in one, farewell! I know not what the future has in store for you; but I feel that when you threw off the vestments which here fetter us all, you entered upon that higher arena which the soul loves to contemplate and speculate upon, spiritually clean limbed and anointed, and that there the great Supervisor assigned you your proper place.

Among the things inscrutable on earth, and which assure us that we have a mortgage on eternity which our good friend and faithful attorney, Death, will in due time foreclose, is this, that we who mourn those who have gone before have a right to know, why a man so well equipped and impelled to give delight to others should be taken first "and those whose hearts are dry as summer's dust burn to the socket."

Surely the blank wall against which we fruitlessly beat with lacerated hands, which gives back nothing but an echo to our lamentations, and which to be passed must be tunneled by the grave, has its foundations laid partly upon other fields than those of earth, and when we emerge into the refulgent light of the other side all will be made plain.

Mr. PADDOCK. Mr. President, it was not my good fortune to know Mr. Moffatt intimately, and I shall not attempt an extended review of his too brief, but eventful life. Nor, indeed, is this necessary. Others better qualified than myself have spoken of his career from boyhood to its sad and sudden close; have told the story of his struggles, his trials, and his successes. The voices of his associates, here and elsewhere, who were bound to him by ties of affection, who honored him for his manliness, his quiet, unyielding persistence, and his unbending integrity, have been heard in generous eulogy of his strong, well-rounded, admirable character.

The history of his triumphs as a lawyer and his faithful service as a Representative of the great Commonwealth of Michigan has been presented. The tributes of warm friendships, ruthlessly broken by the iron hand of death, have been laid with tears upon his grave, and the tremulous tones of bereaved affection have paid the last honors to departed worth.

Living in one of the busiest and most progressive of our Western Commonwealths, where the struggle for preference and position is keenest, he was for more than twenty years identified with public life and the recipient of the confidence and respect of friends and neighbors. Mr. Moffatt's career was steadily upward. Successive tokens of public esteem evidenced the high appreciation in which his services to his State and the nation were held by those best qualified to judge. His unswerving integrity, his fidelity to every obligation, cemented friendships which will continue a pleasant memory to many long after beneficent Nature has effaced the marks of his newly-made grave.

Mr. Moffatt was in the full meridian of life. He had achieved success by labor. He had won his way to honorable distinction by the inherent force of his character. Men respected him for what he was, not for what he seemed to be. His homely virtues commended him to those who admired sincerity, who abhorred mere display, and by whom the shams of society and the veneer in which false pretense and deception masquerade as honesty and truth were condemned.

He was in every sense of the word a self-poised man. His natural reserve was born of an innate modesty which declined self-assertion at the expense of self-respect. With a firm grasp on his mental resources, which were large, he preferred the esteem of his wide circle of friends to the fickle applause of the galleries or the evanescent notoriety of the press. A student of the political problems of the day, well equipped to grapple with topics affecting the national welfare, he was content to leave largely to others the acrimony of partisan debate and the bitterness of political controversy.

His mind was essentially a legal one. He was conservative in arriving at conclusions, slow to express an opinion, but when his judgment had crystallized an impression into a conviction it became the guiding motive of his action.

It was said of Seth C. Moffatt by some that he kept himself in the background from excessive modesty. By others his reserve of manners was taken for indifference. He was far from indifferent. Keenly and properly sensitive of the great world around him, he was particularly regardful of the desires and interests of friends, and the demands of the State which had honored itself by repeatedly honoring him.

Mr. President, death has removed from the councils of the nation an able, an honest man, and an experienced legislator. Words of praise in the presence of the dread destroyer seem at best cold and formal. They can not tame the night of his repose nor shiver the iron chain which binds his senseless clay. He has passed from the finite to the infinite, from the scenes of success into the shadows which shroud the future.

But he is not altogether dead, sir.

Non omnis moriar—

Exclaimed one of England's greatest writers—

if dying I yet live in a tender heart or two.

To be rich; to be famous? What do these count a year hence, when other names sound louder than yours; when you lie hidden away under the ground along with idle titles engraven on your coffin? But only true love lives after you, follows your memory with secret blessings, or precedes and intercedes for you.

"Praised be our Lord for our sister—the death of the body—from whom no man escapeth," sang St. Francis from the walls of his medieval monastery. The clear vision of the saintly monk whose life had been worn away in works of charity, amidst sin and suffering, saw, perchance, beyond "the vale between the peaks of two eternities," another sphere in which flagging activities and wearied souls find new stimulus, enlarged scope for endeavor, and peaceful rest. To it there is but one portal—through that our friend has passed from sight at the end of his mortal pilgrimage.

Mr. STOCKBRIDGE. Mr. President, I can not permit this occasion to pass without adding my tribute to the memory of my departed friend. I was intimate with Mr. Moffatt for twenty years, and in all those years knew of no word or act of his that I would wish to forget.

I am sure I voice the sentiment of Michigan when I say that no one of her citizens enjoyed more fully such confidence and entire respect than he to whose memory these exercises are a tribute. Michigan feels proud of Mr. Moffatt, for he was born, educated, and grew to manhood within her borders. He served her well in her Legislature, as speaker of her house of representatives, as a member of her constitutional commission, and in the Congress of the United States, and always, everywhere, was mindful of her best and truest interests, and in every position in which he was placed did his whole duty manfully and well, so that through long years of public service he grew year by year in the confidence and esteem of all who knew him.

His home was in one of the finest sections of his State, the great Traverse Bay region, a region with as intelligent and manly a population as any section of our country can boast of, and such a constituency evinced their high appreciation of the sterling qualities of Mr. Moffatt by always keeping him in prominent positions, to guard, protect, and further their interests.

The life of Mr. Moffatt is a signal illustration of what may be accomplished by one born in the middle walks of life, if he has the industry, good sense, ability, and honor possessed by my departed friend. His life was a success, for he had in all respects acted well his part. From our common school and academy he passed through our great university, of which we are so proud, to our law school, and from there commenced the practice of his profession, and within a few years attained a position among the most eminent men at the bar in our State. In the midst of a rapidly growing region of his State, his business sagacity enabled him to accumulate a handsome competency, and his manly qualities and open, generous traits of character secured him a noble wife from among the many fair daughters of Michigan. To this beloved wife and their children he was all a loving and kind husband and fond father could be. So I repeat, his life was a success, and a noble illustration of what life may be in this favored country of ours.

In that far-off home, as a citizen, a neighbor, he has left the impress of his life and character upon all who knew him, and he will be held in honored and loving remembrance. He has left his monument in human hearts, more enduring than any marble column.

Those who knew him well could not fail to be impressed with the gentleness and amiability of his character. There were no bitter ingredients in his composition; goodness, charity, and a good heart were the foundation of his broad views and sympathy with mankind. Though his opinions were clearly defined, and his convictions positive, he was utterly incapable of narrow prejudice or bitter enmity; and while he entered with vigor and enthusiasm into the business life of his favored region, still his greatest enjoyment was in the quiet and affection of his own home; and among those he loved so well he found contentment and rest. He was generous and warm in his attachments; there was nothing calculating in his friendship.

Well do I remember his cordial, hearty, greeting upon my arrival here December last, and his honest and warm assurance that he was glad I was to be here. His open and manly directness of speech won him the confidence of all.

I have spoken of my departed friend, Mr. Moffatt, as a citizen, as a legislator, and a friend. As to what he was to his own home and to his family is not for any to tell, for none can tell. The hearts most bereaved by his death know not their own bitterness only, but the rich treasure they have held and still hold, forever. It is not for even a friend to enter that sanctuary.

His faith was unfaltering in everything fundamental to Christianity, and he held with a firm grasp the old and the true, and his daily life was the best possible proof of his sincerity.

Happy for us if we each, as the shadows lengthen, are filled with the hope which sustained him, and as the evening draws on can as serenely give up our account for the day's work, feeling that it has been faithfully done.

Mr. PALMER. I now move the adoption of the resolutions.

The resolutions were agreed to unanimously.

Mr. PALMER. I move, as a further mark of respect to the memory of our deceased friend, that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 16, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March* 15, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D., of Washington, D. C.

The Journal of yesterday's proceedings was read and approved.

REIMBURSEMENT OF TEXAS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an estimate of appropriation for payment of the amount found due the State of Texas for expenses of suppressing Indian hostilities under the act of June 27, 1882; which was referred to the Committee on Appropriations, and ordered to be printed.

REPAIR OF PUBLIC BUILDINGS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Supervising Architect relative to special appropriations for repairing certain public buildings; which was referred to the Committee on Appropriations, and ordered to be printed.

HEATING APPARATUS FOR PUBLIC BUILDINGS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Supervising Architect recommending legislation amendatory of the sundry civil appropriation act of March 3, 1887, in respect to the item for heating apparatus for public buildings; which was referred to the Committee on Appropriations, and ordered to be printed.

FENCE AROUND PUBLIC BUILDING, TYLER, TEX.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Supervising Architect of appropriation for the erection of a fence around the public building at Tyler, Tex.; which was referred to the Committee on Appropriations, and ordered to be printed.

CLAIM OF WILLIAM C. RAMEY.

The SPEAKER also laid before the House a letter from the assistant

clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of William C. Ramey against the United States; which was referred to the Committee on War Claims, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CRAIN, for the remainder of this week, on account of illness.

To Mr. CARUTH, for ten days, on account of important business.

To Mr. LAIDLAW, for one week, on account of sickness in his family.

PERSONAL EXPLANATION.

Mr. THOMAS, of Wisconsin. Mr. Speaker, I rise to a question of privilege, and send to the Clerk's desk to be read an article from the New York Sun of Saturday, March 10, 1888.

The Clerk read as follows:

WASHINGTON BUCCANEERS—METHODS OF THE NEW HIGHWAYMEN OF FEDERAL LEGISLATION.

WASHINGTON, *March* 9.

In the varied shiftings and changes at the national capital nothing is more interesting than to note the methods, past and present, by which legislation is either accomplished or retarded. In the palmy days immediately succeeding the era of reconstruction, and subsequently for ten or fifteen years, when money was flush and corporations ran riot in Congress, it was the custom to employ a large lobby of retainers, who dispensed hospitality and otherwise intrigued and engineered for the benefit of their employers.

A marked change of corporation methods is now distinctly visible. Finding that times had changed, the corporations, shrewdly concluding that they must change with them, discharged their employés and turned them adrift. These promoters have therefore been thrown upon their own resources and are now doing business on individual account. Since the occupation of promoting legislation has gone to the wall, they now take the other tack, hoping to be "seen" and persuaded to "call off their dogs."

The pending legislation upon the Pacific railways' indebtedness affords an attractive carcass round which the vultures gather. A notable instance is the case of one Major Reddington, the proprietor of a "bucket shop" on F street, near the Treasury, whose name in full is displayed in gilt letters over the door. This gentleman alleges that he lost some forty or fifty thousand dollars by a deal in Pacifics some years ago, when he was skinned by Jay Gould, and he now thinks there is an opportunity of getting even. Major Reddington was at one time employed as a confidential clerk in the office of the Commissioner of Railroads, *but* was summarily dismissed by Secretary Lamar, as is alleged, for trading in Wall street upon contraband information obtained officially from Government sources, since which time he has posed as a great anti-monopolist and friend of the people.

At the last session of Congress it was made apparent that Major Reddington had conspired with various Wall street operators to manipulate stocks through representations that he had controlled the official action of certain members of the House Committee on Pacific Railroads. The names of various members were freely mentioned in this connection by Major Reddington, among them Messrs. DUNN, of Arkansas, and CABELL, of Virginia, who, when the matter came to their ears, indignantly denounced Reddington in unmeasured terms as a slanderer. However, Reddington succeeded, by means not yet clearly understood, in enlisting the services of certain Representatives on the floor, the result of which, through parliamentary obstruction, defeated the passage of the bill to fund the Pacific railways' indebtedness.

Then followed the passage of the act creating the Pacific Railways Investigating Commission, and its final reports, majority and minority, recently transmitted to Congress by the President, accompanied by a very pungent message, in effect urging favorable action of Congress as recommended by the majority report. Major Reddington now appears upon the scene in the old rôle of obstructing, by every means within his power, the passage of any such legislation, relying, however, largely upon the minority report of Commissioner Pattison, the authorship of which he claims to have directed or inspired. Aided doubtless by the stock-jobbers interested in the movement, he has embraced the opportunity to cultivate the acquaintance and if possible enlist the services of Congressmen of anti-monopoly tendencies, deceiving them into the belief that, actuated wholly by patriotic motives, he is able to supply information of great value to them antagonistic to the Pacific roads.

It is understood he claims to absolutely control Congressmen WEAVER and ANDERSON of Iowa, SHIVELY of Indiana, THOMAS of Wisconsin, and ALLEN of Mississippi. This, however, can not be true, since the members named are gentlemen of character, and would hardly put themselves in the power of a "bucket-shop" proprietor. Nevertheless he insists that such is the fact, and it seems that his programme, with the assumed assistance of these gentlemen, is to precipitate upon the House, pending the consideration of the proposed funding bill, a flood of alarming figures, tables, and alleged facts, which there will be no time to examine, and which will have the effect of producing a stampede. Of course it makes no difference whether these facts are true or false, since he considers that, for the time being, they will be "good enough Morgan" for his purposes, unless in the mean time things are made pleasant for him by the railroads. Probably these Congressmen would be astonished to learn that, when the Pacific Railways Commission was created last year, influences of a very questionable nature were brought to bear to secure Reddington's appointment as their expert accountant, but the President, being aware of his character, advised the commission not to do so. Fortunately, the commission acted upon the President's advice.

Mr. THOMAS, of Wisconsin. Mr. Speaker, I should not have noticed this article or called the attention of the House to it (for in my judgment its falsehood is such as to be apparent on its face), had it not been copied into papers of my own State. I wish to say that I do not know this man Reddington; I never saw him in my life; have never had any communication with him directly or indirectly. I am not interested in stocks or in the stock market in any manner; and the whole matter, so far as I am individually concerned, is an absolute falsehood and lie.

But, sir, I imagine that Mr. Reddington had little or nothing to do with this article. I imagine that men who are prowling around this Capitol, in its corridors and lobbies, who are interested, it may be, in this land-grant legislation as lobbyists, have inspired the article.

They have caused it to be published in one of the greatest and most widely circulated newspapers in the United States; and it has gone all over this broad land that members of this House are dealing with men who control these bucket shops, and are officially seeking here with their votes to influence the stock market for their own benefit, and are not legislating in regard to these public matters for the benefit of the people.

Sir, these men, these land-grant grabbers, these Pacific Railroad managers who have taken, as I believe, from the Treasury of these United States under false pretenses the sum of $178,000,000, or its equivalent, and have taken 26,000,000 acres of the public lands from this Government, the very best lands that we had, are seeking now to slander and besmirch and cast suspicion upon the character of every member of the House who dares to stand up here in the face of their opposition and for the rights of the people.

I feel it my duty, sir, to say that this statement, so far as I am concerned, and so far as every member of this House is concerned, I believe is absolutely false and without a shadow of foundation. This article stigmatizes also the members of the last Congress. It casts slurs and reflections upon the Committee on the Pacific Railroads, and upon every member of that committee unjustifiably, and, I believe, without any foundation; and so believing, I think such a slander should be called to the attention of the country and reprobated; and, sir, I wish the men who instigated these slanders and libels could be known. I wish the authors of these articles could be found out, in order that they might receive the just contempt which they deserve. I know that certain members of this House have been marked for their villainous attacks, they have been menaced, and vilest slanders and lies insinuated against their characters, because they dared to introduce bills and resolutions in the interest of the people and against these corporations.

I believe, sir, it is necessary that there should be a lobby. I believe that all lobbyists are not corrupt. I believe that the people have the right, through such means, to come here and give to the members of this House information upon public matters while they are dealing with the great business interests of the country; but I deny the right of any man or set of men to sneak and crawl around that lobby like a serpent, hissing out venomous threats, in order to deter the members of this House from performing their duty in the interest of the people and against the great monopolies that have fattened and are fattening upon the Treasury of this country, and have become what they are, gigantic oppressors of the people, stretching out their greedy tentacles like the devil-fish, sucking up the blood of the people, and hesitating at no means, however corrupt. [Applause.]

Mr. ALLEN, of Mississippi. Mr. Speaker, as my name appears in the article from the New York Sun just read at the Clerk's desk, it may be proper for me to take some notice of the same; but I am not mad. [Laughter.] A marked copy of the paper containing that article was sent me through the mails a day or two since. I suppose it was sent by some one connected with the Pacific railroads who was solicitous lest I should make a mistake and go wrong on some of the proposed Pacific railroad legislation. [Laughter.] It was probably intended as a service of notice on me that the eyes of the Sun and the Pacific railroads were on everybody who might be suspected of opposition to the Pacific railroad funding schemes. The programme as developed in this article seems to be, first, to make Major Reddington appear very odious, then to connect him with everybody who has of late years opposed the legislative schemes of the Pacific railroads, thereby making them odious; and to warn those of us who are suspected of opposition in the future that the same odium will attach to us if such opposition should develop.

We are told that the gentlemen who opposed the Pacific railroad funding bill in the last Congress are the tools of this Major Reddington; that the minority report made by Governor Pattison as one of the Pacific Railroad Commissioners was inspired by Reddington, and all others are notified in advance that if they oppose the proposed settlements between the Government and the Pacific railroads that they do it under the control of this disreputable Reddington.

Mr Speaker, I know nothing of the character of Major Reddington. He may be as bad as he is painted in this article, or he may be a gentleman. I do not know, nor do I care anything about that. I happened by accident to hear some two years ago that there was some man in the office of the Commissioner of Railroads who was something of a thorn in the side of some of the Pacific railroad people, and that they were here trying to get him removed.

I met Major Reddington once this winter, and heard him talking flippantly about the Pacific railroads and about his having been a clerk in the office of the Commissioner of Railroads. I asked him one or two questions to satisfy myself as to whether or not he was the man the Pacific railroads wanted out of the Commissioner's office, and this is the only time I ever saw, and the only communication, verbal or otherwise, I have ever had with him. If he has ever intimated that he had any sort of control over me he is unworthy of belief, though I must admit that I have some doubt of his ever having made such a claim. This article says he has made the acquaintance of certain Congressmen of anti-monopoly tendencies. Mr. Speaker, I hope I rest under that suspicion. [Laughter.] If that is intended to apply to me I plead guilty, and I am happy that I am guilty of such tendencies. [Laughter.]

We probably ought to thank this correspondent for the certificate of previous good character which he seems to fear we are about to lose. He says we would hardly put ourselves in the power of a bucket-shop

keeper, but rather intimates his fear that it is true by the statement that Reddington insists that it is true. His mind seems to be in a state of doubt that can only be solved in our favor by our good behavior in future. Compliments from such a source are of doubtful value. He says Reddington's programme seems to be, with the assumed assistance of these gentlemen, to precipitate upon the House, pending the consideration of the proposed funding bill, a flood of alarming figures, tables, and alleged facts. How does he expect Reddington to do this with the assumed assistance of these gentlemen? I should think he would need their actual assistance in such an undertaking.

For myself I can assure this correspondent it is not my purpose to flood the House with any new figures, facts, or tables. The facts and figures already before this House about the Pacific railroads are startling and alarming enough. I have tried several times to figure up their stealings as shown by investigations already had, and I find the amount so large that the calculation makes my head swim. This article informs us that we would probably be astonished to know that when the Pacific Railroad Commission was created last year influences of a very questionable nature were brought to bear to secure the appointment of Reddington as their expert accountant. About this I know nothing; but, sir, so many astonishing things have occurred in connection with Pacific railroads and their connection with this Government, so much has been done that is wrong and so little that is right, that nothing astonishes me in that connection now.

There is another thing that makes me doubt the accuracy of this correspondent's information.

If Reddington has the power attributed to him by this correspondent, or if the Pacific railroads thought he had such power, and it would only take forty or fifty thousand dollars to make him call off his dogs, unless these people have been radically converted from their past methods, they would have given him the money. It seems that they used to let it out by the million for the accomplishment of their legislative schemes.

Mr. Speaker, I just wish to say that the correspondent or newspaper that intimates or insinuates that I have put my vote or conduct as a member of this House at the disposal of any one, or that I have had any sort of connection with the bucket-shop keepers or stock-jobbers, is a—[laughter]—well, as you all know, I'm a mild-mannered man and not given to the use of strong language, like my friend from Wisconsin [Mr. THOMAS]; but I must say that if ever the suggestion made on this floor a few days ago by the gentleman from Florida [Mr. DOUGHERTY], that newspapers be required to confine themselves to the truth should ever prevail, the paper making such insinuations will have to suspend publication and the correspondent will go out of business. [Laughter.]

This correspondent finds it so interesting to note the changed methods by which legislation is either accomplished or retarded that I wish to commend to his investigating mind another line of inquiry that might prove interesting. Let him ascertain whether or not any of those corporations which have discharged their large lobby of retainers about Washington have employed in their stead newspapers to advocate their measures, and to attempt to besmirch and intimidate the men who may not exactly approve the legislation they may seek to put through here. There is some suspicion that such methods prevail, yet I hope not. The article from the Sun is headed, "The Washington Buccaneer." I hope there are no buccaneers in journalism. [Laughter.]

HOUSE FOLDING-ROOM.

Mr. SHAW. I desire to present a privileged report from the Committee on Accounts.

The resolution referred to the committee (on motion of Mr. SPRINGER) was read, as follows:

Resolved, That the Doorkeeper of the House of Representatives be, and he is hereby, authorized to employ twelve additional laborers in the House folding-room, for the purpose of folding speeches, to be paid out of the contingent fund of the House at the rate of $720 per annum: *Provided*, That the said twelve additional employés shall be dropped from the rolls of the Doorkeeper at a period not more than one month after the expiration of the present session.

The report of the committee was read, as follows:

The Committee on Accounts, to whom was referred the accompanying resolution, respectfully submit that they have considered the same and find the necessity exists for the employment of additional assistance in the House folding-room. They therefore report it back to the House with the recommendation that it be amended by inserting, in line 5, after the word "speeches," the words "and public documents," and that as so amended the resolution be adopted.

Mr. WASHINGTON. Mr. Speaker, I would like to inquire what documents there are in the folding-room to be folded at this time. I am one of the members of the Fiftieth Congress, and I have not discovered anything to my credit there to be folded that calls for an increase of force. Neither I nor, I believe, any other new member on this floor, has seen or heard of any documents to his credit which should require an increase of force to fold them, and as to speeches, none of us have had anything of that sort except what we have bought and paid for. I confess I can not myself see any necessity for the proposed increase, and I should like to hear some other reason given for it besides the report of the committee.

Mr. SHAW. Mr. Speaker, there have been received at the House folding-room within the last thirteen days 191,000 pamphlets, and 46,300 books are yet to be folded before they can be ready for delivery to members of the House.

The proposed increase is no new matter in the House of Representatives. It has been the custom as far back as the Forty-second Congress to increase the force in the House folding-room to meet the current demand of members for public documents, and when you add to that the vast thought of this House upon great public questions which will soon be up for consideration, which printer's ink and paper will make tangible, and which will be poured into that folding-room to be folded for distribution, the necessity for this increase, it seems to me, becomes at once apparent. If there be no other gentleman who desires to be heard, I now demand the previous question.

Mr. DOCKERY. Mr. Speaker, I wish to ask the gentleman from Maryland what the corresponding increase of the Doorkeeper's force was in 1884. I believe this is the usual resolution adopted by the House preceding a Presidential campaign, and rendered necessary by the folding of speeches on the eve of such a campaign. I remember that we did adopt a similar resolution in 1884, but how much we increased the force I do not distinctly remember.

Mr. SHAW. The increase was twelve, I think. I have not a memorandum of it, but that is my recollection.

Mr. TAULBEE. I wish to ask the gentleman a question. I would like to know whether or not such an increase of force as is proposed by this resolution was made in the Forty-ninth Congress?

Mr. SHAW. It was made in the Forty-eighth, as I am informed.

Mr. TAULBEE. I speak of the Forty-ninth.

Mr. SHAW. I am not informed as to that.

Mr. TAULBEE. My understanding is that it was not made in the Forty-ninth Congress. I desire to ask the gentleman further whether it is not a fact that in the Forty-ninth Congress the discussion on the propositions to suspend the coinage of silver increased the amount of documents and pamphlets to be folded largely over the number so far existing in the present Congress, and in addition to that I wish to ask him whether it is not a fact that with a force no greater than that which the Doorkeeper now has that work was amply done and done in good time?

Mr. SHAW. In reply to the gentleman's question I would say that usually on the eve of a Presidential election there is an increased demand among the people for literature of the character which members of this House send out—or it may be that there is an increased desire on the part of members to send out such literature; no matter which, the labors of the folding-room are increased thereby, and we are assured, and after the most careful investigation the committee have unanimously come to the conclusion, that this increase is actually necessary to meet the current demands that are made upon the folding-room.

Mr. TAULBEE. Mr. Speaker, I think I appreciate the care which the gentleman generally devotes to his work, and I am always pleased with his efforts; but from what he has already said I am led to the conclusion that the increase of force recommended by this resolution is designed more for the purpose of meeting an anticipated emergency than to meet any emergency which actually exists.

Mr. SHAW. For both purposes.

Mr. TAULBEE. If it is true that just preceding a Presidential election there is either a greater demand for the documents which we send out from here or a greater desire upon the part of members of this House to send out such documents, and that, as a result, increased labor is devolved upon the folding-room, I have only to say that whenever it becomes apparent that that work is necessary I am as ready to vote for the required increase as any member on this floor. But I maintain, Mr. Speaker, that the records of this Congress show that there is no such present emergency, and while the committee to whom this matter was referred have pursued with honest purposes the investigation which has led them to recommend this increase, I believe the candor of the gentleman who is chairman of that committee will induce him to say that the present emergency is not so great in this Congress as it was at a corresponding period in the Forty-ninth Congress. I further think, sir, that the history of the investigations had of this same service in the Forty-ninth Congress will show that the work in that Congress, though greatly in excess of the work at this time in this Congress, was performed to the satisfaction of everybody by a force no greater than that which is now at the command of the Doorkeeper. I am therefore opposed to this recommendation until the time comes when the business of the House shall make apparent the necessity for this proposed increase.

Mr. SHAW. I yield two minutes to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Speaker, it is well known to gentlemen on this floor that the number of speeches ordered by members of the House during a Presidential year is very great. I know two members who have already ordered this session over 100,000 copies of speeches in pamphlet form, which have to be folded in the folding-room. I myself have ordered 25,000 or 30,000 copies of speeches this session—speeches of other members, not my own. I find that the force in the document-room is now several weeks behind in performing the duties required of it.

The gentleman from Kentucky [Mr. TAULBEE] wants to know whether this proposed increase of force is necessary. The answer to the gentle-

man's inquiry is, that the Doorkeeper of the House has asked this increase—has gone before the Committee on Accounts and stated that his force is inadequate, and that he must have this increase. The Committee on Accounts of this House, charged with the duty of looking after the interests of members and seeing that we get proper and efficient service, has unanimously reported this additional force to be necessary. If the gentleman wants any further information on this subject, he ought to go to the Committee on Accounts and ask to be heard; he ought to go to the Doorkeeper and ask to be heard. Certainly it becomes us to take the word, the official statements, of those gentlemen who are charged with the responsibility in this matter. I hope, therefore, this resolution will be adopted.

Mr. SHAW. I yield two minutes to the gentleman from Tennessee [Mr. WASHINGTON].

Mr. WASHINGTON. Mr. Speaker, it is barely possible that by going to the Doorkeeper, as we have been advised to do by the gentleman from Illinois [Mr. SPRINGER], we might get some information in regard to the force in the folding-room and the needs of that department of our service. That official has been before the committee; I do not propose to go there, but I propose that this House shall have an explanation of the necessity for this increase of force. I insist that there is now a larger force here than there was at any time in the Forty-ninth Congress—more messengers, more doorkeepers, etc.—and as a private individual I can see many places around here where, in my humble judgment, men are carried on the rolls whose services could be dispensed with to-day.

I can see no necessity for additional force in the folding-room, though it may be a fact that numbers of speeches are being ordered by members who wish to distribute them. A visit to the folding-room itself will show book-keepers and others employed there whose services might be dispensed with, and whose pay, for the sake of "economy, retrenchment, and reform," might go toward the employment of men to fold books and speeches for members. I repeat that as a new member I have seen no books to my credit—none that have to be folded for my special needs, except those I have bought and paid for. Numbers of other members are in the same situation. Where are the documents alluded to, the thousands of books which have been folded? I can not find them; I have not seen them. I can see no necessity for this increase of force.

Mr. TAULBEE. Mr. Speaker, I want to occupy only a few moments——

The SPEAKER. The gentleman from Maryland [Mr. SHAW] is entitled to the floor.

Mr. SHAW. I will yield to the gentleman for a short time. How much time does he wish?

Mr. TAULBEE. I only desire to occupy about two minutes.

Mr. SHAW. I yield that time to the gentleman.

Mr. TAULBEE. I thought, however, I was entitled to the floor in my own right.

The SPEAKER. The gentleman from Maryland is entitled to the floor for one hour. He demanded the previous question, but withdrew the demand at the suggestion of gentlemen who wanted to be heard.

Mr. TAULBEE. I am very much obliged to the gentleman from Maryland for his courtesy. Now, Mr. Speaker, I have just one suggestion to make in response to the remarks of the gentleman from Illinois [Mr. SPRINGER]. He advocates this resolution on the theory that if there is any reasonable objection to be urged to it by me or any other member, it is our business to go before the Committee on Accounts. And he says also that if further information is wanted, we can get it by applying to the Doorkeeper. The information which I sought by the interrogatories which I put to the chairman of the Committee on Accounts has never been furnished to this House. Those questions were suggestive of what I understand to be the true situation, that this increase of force was not asked for nor had in the Forty-ninth Congress; that the business of the Doorkeeper during that Congress was greatly in excess of the work to be done in that department during this session, and that the work done in the Forty-ninth Congress, notwithstanding its excess over the present emergency, was amply done. This is the information which I sought. In the absence of satisfactory information contradicting what I understand to be the facts, I am inclined to vote against this resolution. If the chairman of the committee will tell me that he has investigated the matter, and that what I suppose to be the facts as suggested by my questions do not in truth exist, then I am willing to give the relief asked.

One further thought, and I am through. The gentleman from Illinois [Mr. SPRINGER] says it is a well-known fact that before a Presidential election there is greater emergency and necessity for increase of force in the folding-room, and that when that work begins in the folding-room we must increase that force over and above what was found necessary during the same period of the Forty-ninth Congress. Now, I am ready at any time to vote the necessary force to do this work well and in time, in order that members may have an opportunity to send documents out to their districts, but until that time comes I am not inclined to support it.

Mr. WASHINGTON. I rise to offer an amendment.

The SPEAKER. The gentleman from Maryland has the floor.

Mr. WASHINGTON. Can not I offer an amendment?

The SPEAKER. The gentleman can not take the gentleman from Maryland off the floor.

Mr. SHAW. Mr. Speaker, in reply to the inquiries of the gentleman from Kentucky [Mr. TAULBEE] I will say that I supposed I had anticipated in my remarks the information he seeks.

I stated that there had been received in the folding-room from the 1st to the 13th of March 191,295 speeches and pamphlets to be folded; and I also stated that there are 46,300 public documents or books to be folded before they are ready to be sent by members to their constituents. And I do not think it a violent presumption to state that it will require the present force and the addition the resolution proposes to make to that force in the folding-room to dispose of the work already there, so as to provide for the increase of labor which will be imposed on that department by the increased demands of the House preceding the Presidential election.

There are now employed in the folding-room 30 men, 9 of whom are detailed to service at doors and document-rooms, leaving only 21 actually employed in the folding-room.

I will say, and I have gone to some little trouble to investigate the official conduct of the Doorkeeper, that I believe he is acting with a view to the most rigid economy, and that he is faithfully discharging the duties imposed upon him. As he said, and I believe, he would not have asked for this additional force unless he regarded it necessary to the discharge of the current business in the folding-room required by members of the House.

Mr. TAULBEE. So far as the conduct of the Doorkeeper is concerned, it is not a matter connected with this thing at all.

Mr. SHAW. Except as referred to by the gentleman from Tennessee.

Mr. TAULBEE. I do not understand the gentleman from Tennessee to cast any insinuation in that direction. He may have done it, but I do not so understand it.

The question I wish to ask is this: Is it not a fact the same assignment to the folding-room force and the messenger force of this House has been carried out in former Congresses as it is proposed to be carried out in this? Is it not a further fact that in the Forty-ninth Congress there was an excess above 100,000 speeches brought to the folding-room to be folded during the Forty-ninth Congress corresponding to the period of the Fiftieth Congress; and that this excess was brought about by the extraordinary amount of discussion on the proposition of suspending silver coinage? Is not that the fact?

Mr. SHAW. If the gentleman from Kentucky can tell me how many speeches were folded during the Forty-ninth Congress, I will be able to answer his question. Does he know?

Mr. TAULBEE. I have not any distinct recollection, but I do remember that there was a statement submitted to this House by the Committee on Accounts, I believe, in February or March two years ago, when there was an increase of force to be voted for the folding-room. If my recollection serves me, the number of documents was vastly in excess of 200,000. There was a considerable increase in speeches on the proposition to suspend silver coinage. Gentlemen will generally recollect that in the Forty-ninth Congress there was vastly more discussion than for the same period in the Fiftieth Congress. Days were set apart for general debate, and nights were set apart for general debate, and leave was given to members to print speeches in the RECORD which amounted to vastly more than those delivered in the House. I think the House is entitled to know whether or not the documents received at this Congress by members are to be folded, and to that my question was directed.

Mr. JACKSON. I ask the gentleman to yield to me for one question—it is one for information simply. I wish to know whether the statement of the gentleman from Illinois, that some one had ordered 100,000 copies of the President's message is one of the reasons that it is necessary to give this additional force? I wish to say, as a Republican, we would like to see that carried out. No doubt it was instigated from a Republican source. We do not expect the folding-room now will be conducted with the same force as in a previous Congress, when the Republican administration had charge of the force. And we are so liberal on our side that for the sake of the public service we propose to join hands with you to enable you to provide a sufficient force to do the work of that bureau as it ought to be done.

Mr. SHAW. In reply to the gentleman, I will state that the force in the folding-room was increased by the Forty-seventh Congress by a like number as is provided in the pending resolution.

I now demand the previous question.

Mr. WASHINGTON. I want to offer an amendment.

The SPEAKER. The previous question has been demanded. If the House shall refuse to order the previous question then the opportunity to offer amendments will be given.

The question was taken on ordering the previous question; and on a division there were—ayes 94, noes 41.

Mr. WASHINGTON. No quorum.

The SPEAKER. The point of order being made that no quorum has voted the Chair will order tellers.

Mr. WASHINGTON and Mr. SHAW were appointed tellers.

Mr. TAULBEE. Mr. Speaker——

The SPEAKER. Debate is not in order.

Mr. TAULBEE. I know; but I want to make a suggestion. In order to facilitate the business of the House I ask unanimous consent that the gentleman from Tennessee be allowed five minutes.

Mr. SOWDEN. Regular order.

Mr. WASHINGTON. I do not want to make a speech, but simply want an opportunity to offer an amendment.

Mr. TAULBEE. I hope the House will not refuse that. [Cries of "Regular order!"]

The SPEAKER. The tellers will take their places.

The House again divided; and the tellers reported—ayes 137, noes 26.

So the previous question was ordered, under the operation of which the amendments proposed by the committee were adopted.

The question recurred on the resolution as amended.

Mr. TAULBEE. I move to recommit this subject with instructions that the Committee on Accounts ascertain and report whether or not the amount of work to be done in the present session of Congress is greater or less than the work for a corresponding period of the Forty-ninth Congress; also whether——

Mr. SPRINGER. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. Is it in order to move to recommit this unless the instructions are such as can be embodied in the resolution itself? This is a motion to recommit with instructions to investigate a subject not pertinent to the resolution at all.

The SPEAKER. Whether it is pertinent or not is for the House to decide. The gentleman moves to recommit the resolution for the purpose of obtaining additional information. The motion embraces the resolution and report, and the instructions are for the committee to ascertain and report certain facts. The Chair thinks it is in order. It is equivalent to an assertion that the report as presented does not afford sufficient information to the House; and it is, therefore, recommitted for the purpose of securing additional information.

Mr. TAULBEE. Now, Mr. Speaker——

Mr. SPRINGER. This subject is not debatable; the previous question has been ordered, and I demand the regular order.

The SPEAKER. The gentleman from Kentucky had better reduce his motion to writing.

Mr. TAULBEE. I will do so.

The motion of Mr. TAULBEE to recommit was read, as follows:

Recommit the resolution with instructions to report whether or not the present force is greater or less than the force at a corresponding period of the Forty-ninth Congress, and whether or not the work now done in the folding-room is greater or less than for a corresponding period of the Forty-ninth Congress.

Mr. WASHINGTON. I offer the following amendment to the proposition to recommit.

Mr. SPRINGER. I raise the question of order that it is not amendable. The previous question has been ordered, and no motion is in order except the one motion to recommit with instructions.

The SPEAKER. The previous question has been ordered upon the resolution as amended. The point of order of the gentleman from Illinois was raised in the Forty-ninth, or possibly the Forty-eighth Congress, and the Chair, after a thorough consideration of the question, decided that the motion to recommit, with or without instructions, was subject to amendment, notwithstanding the fact that the previous question had been ordered upon the main proposition, and that was so held mainly for the reason that under the rule of the House only one motion to recommit, with or without instructions, could be made after the previous question had been ordered, and the Chair thought that if, under such circumstances, the motion to recommit was held to be not amendable, it was always in the power of the opponents of recommittal to make a motion in such form that the House would undoubtedly vote it down, and thus deprive the other side, who really desired recommittal, of the power to submit a proposition which would be acceptable to the House. The Chair held, therefore, that the motion was subject to amendment, but was not debatable. Such has been the opinion of the Chair ever since, and it has uniformly so held.

Mr. SPRINGER. If you can move to recommit with instructions, and then amend the instructions after the previous question has been ordered, you open another field for dilatory motions, and also for getting at the sense of the House upon a proposition that is not admissible by the principles of the previous question.

Mr. TAULBEE. The previous question has been demanded and ordered, and this is not debatable.

The SPEAKER. The gentleman is debating the point of order.

Mr. TAULBEE. I thought the Chair had decided the point of order.

The SPEAKER. The motion to recommit is an independent motion. The previous question has been ordered upon the main proposition, and it can also be ordered upon the motion to recommit, which, of course, will cut off all amendments to that motion.

Mr. SPRINGER. Without the special rule this motion would not be in order. The previous question, when ordered by the House, brings the House to a vote on the main question and the amendments pending.

The SPEAKER. The Chair decides the motion to recommit with instructions is subject to amendment. In making that decision the Chair follows the rulings heretofore on that subject. The Clerk will report the amendment offered by the gentleman from Tennessee [Mr. WASHINGTON].

The Clerk read as follows:

Add to the motion to recommit the following:

"And that in employing these additional men they be appointed by the Doorkeeper from Congressional districts not already having representation on this force."

Mr. SPRINGER. That would suit me very well because I have not any from my district.

Mr. TAULBEE. I make the point of order that this is not debatable.

The SPEAKER. The question is on the amendment of the gentleman from Tennessee.

The House divided; and there were—ayes 95, noes 51.

So (further count not being called for) the amendment was agreed to.

The SPEAKER. The question is on the motion to recommit with instructions as amended.

The question being taken, the Speaker stated that the "noes" seemed to have it.

Mr. TAULBEE. I call for a division.

The House divided; and there were—ayes 73, noes 80.

Mr. TAULBEE. No quorum.

The SPEAKER. The Chair will appoint as tellers the gentleman from Kentucky [Mr. TAULBEE] and the gentleman from Maryland [Mr. SHAW].

Mr. TAULBEE. I demand the yeas and nays.

The yeas and nays were ordered, 47 members voting therefor—more than one-fifth of the last vote.

Mr. ALLEN, of Michigan. Let the instructions be read.

The SPEAKER. The instructions have been read. The Clerk will read them again, if there be no objection.

The proposed instructions were again read.

The question was taken; and there were—yeas 86, nays 163, not voting 75; as follows:

YEAS—86.

Adams,	Dalzell,	Lehlbach,	Post,
Allen, Mich.	Darlington,	Long,	Pugsley,
Anderson, Kans.	Dingley,	Lyman,	Randall,
Baker, N. Y.	Enloe,	Lynch,	Reed,
Baker, Ill.	Finley,	Martin,	Rowland,
Bliss,	Fuller,	McCullogh,	Ryan,
Bowden,	Gallinger,	McKenna,	Scull,
Bowen,	Gear,	McKinley,	Smith,
Browne, Ind.	Gest,	McShane,	Spooner,
Brown, Ohio	Guenther,	Montgomery,	Steele,
Brumm,	Haugen,	Morrill,	Stephenson,
Buchanan,	Henderson, N. C.	Nichols,	Stone, Mo.
Buckalew,	Hermann,	Nutting,	Taulbee,
Bunnell,	Hitt,	Oates,	Taylor, E. B., Ohio,
Burrows,	Holman,	O'Neall, Ind.	Thomas, Wis.
Butler,	Hooker,	O'Neill, Pa.	Tillman,
Caswell,	Hopkins, Ill.	Osborne,	Washington,
Cheadle,	Hopkins, Va.	Owen,	Wickham,
Cooper,	Hovey,	Perkins,	Williams,
Crisp,	Johnston, N. C.	Peters,	Wise.
Crouse,	Kelley,	Pidcock,	
Cutcheon,	Kennedy,	Plumb,	

NAYS—163.

Abbott,	Conger,	Kerr,	Rowell,
Allen, Mass.	Cothran,	Ketcham,	Rusk,
Allen, Miss.	Cox,	Kilgore,	Sayers,
Anderson, Iowa	Culberson,	Laffoon,	Scott,
Anderson, Miss.	Cummings,	Landes,	Seney,
Anderson, Ill.	Dargan,	Lane,	Shaw,
Atkinson,	Davidson, Ala.	Lanham,	Sherman,
Bacon,	Davidson, Fla.	Latham,	Shively,
Bankhead,	Davis,	Lawler,	Simmons,
Barnes,	Dibble,	Lee.	Sowden,
Barry,	Dockery,	Lind,	Springer,
Bayne,	Dorsey,	Macdonald,	Stahlnecker,
Biggs,	Dougherty,	Mansur,	Stewart, Tex.
Bingham,	Elliott,	Mason,	Stewart, Ga.
Blanchard,	Ermentrout,	McComas,	Stewart, Vt.
Bland,	Farquhar,	McCreary,	Stockdale,
Blount,	Felton,	McKinney,	Stone, Ky.
Boothman,	Fisher,	McRae,	Symes,
Bound,	Ford,	Merriman,	Taylor, J. D., Ohio,
Boutelle,	Forney,	Milliken,	Thomas, Ky.
Breckinridge, Ark.	French,	Mills,	Thompson, Cal.
Breckinridge, Ky.	Funston,	Moffitt,	Tracey,
Brower,	Gibson,	Moore,	Turner, Kans.
Browne, T. H. B., Va.	Greenman,	Morrow,	Turner, Ga.
Brown, J. R., Va.	Grimes,	Morse,	Vance,
Bryce,	Grosvenor,	Neal,	Wade,
Burnes,	Grout,	Newton,	Walker,
Burnett,	Hall,	O'Donnell,	Warner,
Bynum,	Hare,	O'Ferrall,	Weaver,
Campbell, F., N. Y.	Harmer,	O'Neill, Mo.	Weber,
Campbell, Ohio	Hatch,	Outhwaite,	West,
Campbell, T. J., N. Y.	Hayes,	Parker,	Wheeler,
Cannon,	Hemphill,	Patton,	White, Ind.
Carlton,	Henderson, Iowa,	Peel,	Whiting, Mich.
Caruth,	Henderson, Ill.	Penington,	Whiting, Mass.
Catchings,	Herbert,	Perry,	Wilkins,
Chipman,	Hogg,	Phelps,	Wilson, Minn.
Clements,	Holmes,	Rice,	Wilson, W. Va.
Cobb,	Hopkins, N. Y.	Richardson,	Woodburn,
Cockran,	Hunter,	Rogers,	Yost.
Compton,	Jackson,	Romeis,	

NOT VOTING—75.

Arnold,	Gaines,	Laidlaw,	Russell, Conn.
Belden,	Gay,	Laird,	Russell, Mass.
Belmont,	Glass,	Lodge,	Sawyer,
Brewer,	Glover,	Maffett,	Seymour,
Butterworth,	Goff,	Mahoney,	Snyder,
Candler,	Granger,	Maish,	Spinola,
Clardy,	Hayden,	Matson,	Struble,
Clark,	Heard,	McAdoo,	Tarsney,
Cogswell,	Hiestand,	McClammy,	Thomas, Ill.
Collins,	Hires,	McCormick,	Thompson, Ohio,
Cowles,	Houk,	McMillin,	Townshend,
Crain,	Howard,	Morgan,	Vandever,
Davenport,	Hudd,	Nelson,	White, N. Y.
De Lano,	Hutton,	Norwood,	Whitthorne,
Dunham,	Johnston, Ind.	Payson,	Wilber,
Dunn,	Jones,	Phelan,	Wilkinson,
Fitch,	Kean,	Rayner,	Yardley,
Flood,	La Follette,	Robertson,	Yoder.
Foran,	Lagan,	Rockwell,	

So the motion to recommit was not agreed to.

After the second roll-call,

Mr. BLISS said: I desire to vote.

The SPEAKER. Was the gentleman within the Hall when his name was called?

Mr. BLISS. Yes, sir. I vote "ay."

Mr. TAULBEE. I desire to make the point of order that under the rule no member has a right to vote after the second roll-call.

The SPEAKER. That is the language of the rule, but the practice has been invariably to permit a gentleman to vote when he states that he was in the Hall when his name was called and failed to hear his name called, on the ground that in the confusion that sometimes prevails he might fail to hear the Clerk call his name, but ought not on that account to be deprived of his right to vote.

Mr. TAULBEE. The object of my point of order is to test the validity of the practice under the rule. Of course it makes no difference in this instance.

The SPEAKER. The Chair has invariably followed the practice just indicated since the rule was adopted.

Mr. BROWNE, of Indiana. I suggest that the ruling of the Chair has been sometimes more liberal than that now indicated. A member has been permitted to vote when he states merely that he was within the Hall during the call of the roll.

The SPEAKER. The present occupant of the chair has always required a gentleman to state that he was in the Hall when his name was called.

Mr. BROWNE, of Indiana. Does not the present practice abrogate the spirit and purpose of the rule? If a member is in his seat when his name is called and fails to hear it and respond, I see no impropriety in allowing him to vote. But if he simply happens to be in some part of the Hall at some time during the roll-call, whether it was at the time when his name was called or not, and he is then permitted to vote, that appears to me is to abrogate the rule in letter and in spirit.

The SPEAKER. The Chair thinks a gentleman should not be permitted to vote unless he was in the Hall—not absolutely in his seat, for he is permitted to vote from any part of the Hall—when his name is called on the first or second call of the roll.

Mr. BROWNE, of Indiana. The object of the rule was to economize the time that used to be occupied under the old rule.

The SPEAKER. The gentleman from Indiana will remember that before the adoption of the present rule gentlemen rose after the second roll-call and were permitted to vote if they stated that they were within the Hall before the last name on the roll was called. The purpose of the new rule was to secure the votes of members in a regular way, either on the first or the second roll-call; but notwithstanding the express language of the rule the practice has grown up to permit gentlemen to vote who say they were in the Hall when their names were called.

Mr. BROWNE, of Indiana. If the Speaker will pardon me, I have found this to be the result, that when gentlemen know that they will have an opportunity after the second roll-call to have their votes recorded, they are inclined to be indifferent about the rule; they do not seem to care anything about it; they pay but little attention to it; and if we are to have attention paid to the roll-call, and to have members vote when their names are called, I think we must have a little more strict application of the rule than has been heretofore made.

Mr. COX. Mr. Speaker, I ask that the rule be read.

The SPEAKER. The Chair thinks it is important that this rule should be adhered to as strictly as possible. Of course the Chair takes it for granted that all gentlemen upon the floor act in good faith, and when a gentleman states that he was in the Hall at the time his name was called the Chair invariably accepts that statement. The Clerk will read the rule.

The Clerk read as follows:

RULE XV.

1. Upon every roll-call the names of the members shall be called alphabetically by surname, except when two or more have the same surname, in which case the name of the State shall be added; and if there be two such members from the same State, the whole name shall be called; and after the roll has been once called, the Clerk shall call, in their alphabetical order, the names of those not voting; and thereafter the Speaker shall not entertain a request to record a vote or announce a pair.

Mr. TAULBEE. That is the rule that misled me.

Mr. FELTON. Mr. Speaker, I was in my seat listening to the call and did not hear my name called, and consequently could not vote. Am I entitled to vote or not?

The SPEAKER. The Chair thinks that under the practice of the House the gentleman has a right to vote.

Mr. FELTON. I ask the privilege of voting under the circumstances.

Mr. BROWNE, of Indiana. I have not the slightest objection.

Mr. FELTON. And I want to vote "no."

Mr. TAULBEE. Well, Mr. Speaker, I will object. [Laughter.]

The SPEAKER. The Chair has decided that under the practice of the House a gentleman who makes the statement which has been made by the gentleman from California [Mr. FELTON] shall be permitted to vote, and the Chair now holds that the gentleman has a right to vote. The gentleman from Kentucky [Mr. TAULBEE], if he wishes, can take an appeal.

Mr. TAULBEE. My only purpose in objecting was to demonstrate the rule, and I now withdraw the objection.

Mr. FELTON. Your demonstration of the rule would deprive any gentleman of his rights as a member upon this floor, and I object to it.

The SPEAKER. The gentleman from Kentucky withdraws his objection. The Clerk will call the name of the gentleman from California.

The Clerk called the name of Mr. FELTON, who voted "no."

Mr. DAVIS. Mr. Speaker, I desire to record my vote.

The SPEAKER. Was the gentleman in the Hall when his name was called?

Mr. DAVIS. I was, and I did not hear my name called.

The SPEAKER. The Clerk will call the name of the gentleman from Massachusetts [Mr. DAVIS].

The Clerk called the name of Mr. DAVIS, who voted "no."

Mr. GEAR. Mr. Speaker, I wish to inquire how my vote is recorded.

The SPEAKER. The gentleman's vote is not recorded. Was the gentleman in the Hall when his name was called?

Mr. GEAR. I was in the Hall and voted "aye."

Mr. BLANCHARD. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the Hall when his name was called?

Mr. BLANCHARD. I was.

The SPEAKER. The Clerk will call the name of the gentleman from Louisiana.

The Clerk called the name of Mr. BLANCHARD, who voted "no."

Mr. WARNER. Mr. Speaker, I desire to have my vote recorded.

The SPEAKER. Was the gentleman in the Hall when his name was called?

Mr. WARNER. I was.

The SPEAKER. The Clerk will call the name of the gentleman from Missouri.

The Clerk called the name of Mr. WARNER, who voted "no."

Mr. CONGER. Mr. Speaker, I was in my seat during the roll-call, and did not hear my name called.

The SPEAKER. The gentleman is recorded as voting in the affirmative.

Mr. CONGER. I did not vote. I desire to vote in the negative.

On motion of Mr. TAULBEE, by unanimous consent, the reading of the names of members voting was dispensed with.

The following-named members were announced as paired until further notice on all political questions:

Mr. COLLINS with Mr. FITCH.
Mr. JONES with Mr. MCCORMICK.
Mr. HUTTON with Mr. COGSWELL.
Mr. NORWOOD with Mr. DAVENPORT.
Mr. TOWNSHEND with Mr. MAFFETT.
Mr. MATSON with Mr. DUNHAM.
Mr. HUDD with Mr. CLARK.
Mr. COWLES with Mr. THOMPSON, of Ohio.
Mr. MORGAN with Mr. YARDLEY.
Mr. GRANGER with Mr. ROCKWELL.
Mr. SPINOLA with Mr. THOMAS, of Illinois.
Mr. PHELAN with Mr. BUTLER.
Mr. HOWARD with Mr. DE LANO.
Mr. LYNCH with Mr. HIESTAND.
Mr. GOFF with Mr. SNYDER.

Mr. TIMOTHY J. CAMPBELL and Mr. LAIDLAW were announced as paired for one week on all political questions.

The following-named members were announced as paired for this day:

Mr. CRAIN with Mr. STRUBLE.
Mr. DUNN with Mr. HAYDEN.
Mr. HEARD with Mr. JOHNSTON, of Indiana.
Mr. GLASS with Mr. HOUK.
Mr. ROBERTSON with Mr. RUSSELL, of Connecticut.
Mr. GLOVER with Mr. BUTTERWORTH.

Mr. BUTLER. As announced by the Clerk, I am paired on all political questions with my colleague, Mr. PHELAN. This not being a political question, I have voted.

The result of the vote was announced as above stated.

The question then recurring on the adoption of the resolution as amended, it was adopted.

Mr. SHAW moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POSTAL COMMUNICATION BETWEEN CANADA AND UNITED STATES.

Mr. WHITE, of New York, by unanimous consent, submitted the following resolution; which was referred to the Committee on the Post-Office and Post-Roads:

Resolved, 1. That the Postmaster-General be, and he is hereby, requested to communicate to this House what instructions, if any, whether by circular letter or otherwise, have been given to subordinate officers of the Post-Office Department with reference to mail matter received from the Dominion of Canada, which instructions are intended to prohibit American citizens from using the United States mails upon the same terms with citizens of said Dominion living in the same vicinage and competing in the same branches of business with said American citizens.

2. That the said Postmaster-General be requested to inform this House whether any statute law prevents mailing in the Dominion of Canada seeds, plants, and bulbs grown by American citizens upon American soil, and if there is no provision of law prohibiting it, whether he has assumed to impose a penalty at the rate of $320 per ton upon seeds, plants, and bulbs lawfully mailed by American citizens in an attempt to compete with Canadian seedsmen, to whom the United States has, by a recent postal treaty, given an advantage over American seedsmen in the way of postage at the rate of $240 per ton.

3. In case the Postmaster-General shall show that orders have been given directing the examination of incoming Canadian mails for evidence of their use by American citizens, that he be further requested to inform the House by what provision of the recent postal treaty with the Dominion of Canada, or by what provision of law, the officers of the postal service of the United States are authorized to place an espionage on the said Canadian mail for the purpose of determining whether citizens of the United States are availing themselves of the beneficent provisions which are accorded to Canadians by said postal treaty.

LEAVE OF ABSENCE.

Mr. CANDLER, by unanimous consent, obtained leave of absence for a few days on account of important business.

URGENT DEFICIENCY BILL.

Mr. BURNES. I am instructed by the Committee on Appropriations to report back, with the amendments of the Senate, the urgent deficiency bill and to move its reference to the Committee of the Whole House on the state of the Union.

Mr. OUTHWAITE. At the proper time I wish to reserve all points of order.

The SPEAKER. That can be done now. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. 6437) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1888, and for other purposes.

The SPEAKER. The bill with the amendments of the Senate will be referred to the Committee of the Whole House on the state of the Union, and ordered to be printed. All points of order are reserved by the gentleman from Ohio [Mr. OUTHWAITE].

Mr. BURNES. I move to dispense with the morning hour for the call of committees.

The motion was agreed to, two-thirds voting in favor thereof.

Mr. BURNES. I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the urgent deficiency bill.

Mr. O'NEILL, of Missouri. Mr. Speaker, I believe the next thing in order is the morning hour for the consideration of measures called up by committees.

The SPEAKER. It is, unless the House goes into Committee of the Whole on the state of the Union for the consideration of revenue or general appropriation bills.

Mr. O'NEILL, of Missouri. Will the committees be entitled to the consideration hour after the disposition of this bill?

The SPEAKER. They will be should the bill be disposed of during the day.

Mr. DINGLEY. But this bill may occupy the whole day.

The SPEAKER. Then, as to-morrow will be Friday, the next consideration hour for bills from committees would be Saturday.

The question being taken on the motion of Mr. BURNES, that the House resolve itself into Committee of the Whole on the state of the Union, the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. BLOUNT in the chair.

Mr. BURNES. I ask unanimous consent that all bills on the Calendar of the Committee of the Whole be passed over until we reach the urgent deficiency bill.

The CHAIRMAN. If there be no objection, that order will be made.

There was no objection; and the House accordingly proceeded to the consideration of the bill (H. R. 6437) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1888, and for other purposes.

The CHAIRMAN. This bill was returned from the Senate with amendments, which have been considered by the Committee on Appropriations, who have reported them back with various recommendations. The question is now upon those amendments.

Several MEMBERS. Let the report of the Committee on Appropriations be read.

The report (by Mr. BURNES) was read, as follows:

The Committee on Appropriations, to whom was referred the bill (H. R. 6437) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the year ending June 30, 1888, and for other purposes, together with the amendments of the Senate thereto, having considered the same, beg leave to report as follows:

They recommend concurrence in the amendments of the Senate numbered 4, 5, 6, 7, 19, 21, 26, 45, 46, 49, 50, 51, 53, 54, 56, and 60.

They recommend non-concurrence in the amendments numbered 1, 2, 3, 8, 10, 11, 12, 14, 15, 16, 17, 18, 20, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 47, 48, 52, 55, 57, 58, 59, 61, and 62.

They recommend concurrence in the amendment numbered 13 with an amendment as follows:

After the amended paragraph insert the following:

"Pay of assistant custodians and janitors: For pay of assistant custodians and janitors, including all personal services in connection with public buildings under the control of the Treasury Department outside of the District of Columbia, and including the reinstatement of so many of the persons discharged or suspended since February 1 as may be absolutely necessary, and for such new buildings as may be completed and ready for occupancy within the current fiscal year, $25,000."

They recommend concurrence in the amendment numbered 63 with an amendment as follows:

Insert as section 5 of the bill the following:

"For reimbursement to the State of Texas expenses incurred in repelling invasions and suppressing Indian hostilities, found due under the act of June 27, 1882, and certified to Congress by the Secretary of the Treasury in a letter to the Speaker of the House of Representatives March 14, 1888, $927,177.40."

Mr. BURNES. I suppose we might as well concur in the report of the committee on the amendments of the Senate, unless there is some gentleman who desires information as to the action of the committee.

Mr. CANNON. What is the suggestion of the gentleman from Missouri?

Mr. BURNES. I suggest we concur in the report of the committee, unless there are inquiries to be made or information desired as to the action of the committee.

Mr. CANNON. As to amendment 13, where it is recommended to concur with the amendment, and as to the sixty-third amendment, I desire they may be excepted and be considered separately.

Mr. BURNES. I do not object, if that be the gentleman's desire.

Mr. CANNON. I desire those two amendments to be excepted and acted upon separately.

Mr. BURNES. My colleague on the committee, the gentleman from Maryland [Mr. MCCOMAS], desires to consider for a moment the action of the committee in reference to the amendment proposed by my colleague [Mr. O'NEILL] and I will yield to him for that purpose.

Mr. ROGERS. I rise to a parliamentary inquiry before the gentleman from Maryland takes the floor. I should be glad to be advised whether the report which we have before us embraces those items concurred in by the committee as well as those which are not concurred in.

Mr. BURNES. If I understand the gentleman, we recommend concurrence in some of the amendments of the Senate and non-concurrence in others.

Mr. ROGERS. The gentleman does not understand me, evidently. What I wish to get at is this: Does the report which you bring in with the bill indicate to the House the amendments of the Senate you propose to non-concur in?

Mr. BURNES. Certainly.

Mr. ROGERS. I have listened, and what has been read by the Clerk has only been by numbers, and those numbers do not indicate anything as to the character of the Senate amendments proposed to be concurred in or non-concurred in.

Mr. BURNES. The Senate amendments are all numbered and the action of the committee refers to those numbers, so that if you turn to the number of the amendment recommended to be concurred in or non-concurred in you will see exactly to what matter reference is made. The amendments are all printed and referred to by numbers.

Mr. MCCOMAS. The gentleman from Missouri has yielded to me, and I prefer to make my remarks now rather than when the amendment is read.

Mr. CANNON. I ask for the reading of the amendments.

The Clerk proceeded to read the amendments.

Mr. ROGERS. What are we now considering?

The CHAIRMAN. We are considering the amendments of the Senate, in which concurrence or non-concurrence is recommended by the Committee on Appropriations.

Mr. ROGERS. I must rise to a point of order, that, notwithstanding the strong voice of the Chair, I am unable to hear what he has said.

Mr. LONG. I suggest the amendments be taken up in their numerical order.

The CHAIRMAN. The Clerk will pursue that course.

First amendment of the Senate: Insert the following:

"To enable the Secretary of the Treasury to pay Samuel A. Robinson, inspector of plumbing for the District of Columbia, for services rendered in connection with the sanitary improvement of the Treasury building, the sum of $595 is hereby authorized to be paid him out of the appropriation of $20,000 made by the sundry civil act of August 4, 1886, to put the Treasury building in a proper sanitary condition by improved plumbing, sewerage, and drainage."

Mr. BURNES. The committee recommend non-concurrence.

The amendment was non-concurred in.

Second amendment, in regard to the court-house and post-office at Leavenworth, Kans.: Insert "in a fire-proof manner."

Mr. BURNES. The committee recommend non-concurrence.

Mr. ADAMS, of Illinois. Please tell us why.

Mr. BURNES. They recommend concurrence with an amendment. The committee desires specifically to require the erection of an iron or stone stairway in this building. It was with the view to having that amendment made we recommended non-concurrence, so as to amend in that form.

The amendment was non-concurred in.

Third amendment: In the same paragraph strike out "three" and insert "seven," so it will read "$7,000."

Mr. BURNES. The committee recommend non-concurrence.

The amendment was non-concurred in.

Fourth and fifth amendments: Strike out "extension" and the words "sixty-five thousand dollars. And said building may be extended on the north side thereof fifteen feet and one story high," and in lieu thereof to insert, "and for extension of building on the north side thereof 15 feet and one story high $65,000;" so it will read:

"For post-office and court-house at Syracuse, N. Y.: for granite work for approaches, and completion, in excess of the limit, and for extension of building on the north side thereof 15 feet and one story high, $65,000."

Mr. BURNES. The committee recommend concurrence.

The amendment was concurred in.

Sixth amendment: Strike out the words "lease of the ground used" and insert "use of the ground occupied;" so it will read:

"For use of the ground occupied as a site for the light-house and fog-signal established at Hallet's Point, near Hell Gate, New York," etc.

Mr. BURNES. The committee recommend concurrence.

The amendment was concurred in.

Mr. BELDEN. Mr. Chairman, I ask unanimous consent to reconsider the vote agreeing to the report of the committee, on amendments numbered 4 and 5, in relation to the post-office and court-house at Syracuse, N. Y. There is a clerical error that I want to have corrected, and I want to move a non-concurrence instead of concurrence in those amendments.

Mr. BURNES. There is no objection to that.

The CHAIRMAN. Without objection the vote by which the recommendation of the committee was concurred in will be reconsidered.

There was no objection, and it was so ordered.

Mr. BELDEN. I now move to non-concur in the amendments numbered 4 and 5.

The motion was agreed to.

Amendment numbered 7, to strike out the word "leased" in the same paragraph was concurred in.

Amendment numbered 8, to strike out "five" and insert "three" in the same paragraph was non-concurred in.

Amendment numbered 9, to strike out the provision for Lake Borgne light-station, Mississippi, was non-concurred in.

Amendment numbered 10 was read, as follows:

Revenue-cutter service.—For expenses of the revenue-cutter service: For pay of captains, lieutenants, engineers, cadets, and pilots employed, and for rations for the same; for pay of petty officers, seamen, cooks, stewards, boys, coal-passers, and firemen, and for rations for the same; for fuel for vessels and repairs and outfits for the same; ship-chandlery and engineers' stores for the same; traveling expenses of officers traveling on duty under orders from the Treasury Department; instruction of cadets; commutation of quarters; for protection of the interests of the Government on the sea-islands and the sea-otter hunting grounds, and the enforcement of the provisions of law in Alaska; contingent expenses, including wharfage, towage, dockage, freight, advertising, survey, labor, and miscellaneous expenses which can not be included under special heads, $30,664.02.

Mr. BURNES. The committee recommend non-concurrence in that amendment.

Mr. MORROW. I move to concur in the Senate amendment.

As I understand, the deficiency bill which failed to receive the approval of the President at the adjournment of the Forty-ninth Congress had a provision in it providing for the appropriation of the sum of $20,000 to cover a deficiency that then existed in this particular service. Now, I learn that that particular deficiency which occurred last year has not been obviated by the omission of the service or expense in the Department, but that the Department was compelled to take from the appropriation for the present year that sum, or rather, perhaps, was compelled to discontinue repairs on vessels to avoid the deficiency in last year, but this action of the Department has only brought the actual deficiency forward to the present year. A deficiency of $30,663.02 is the actual and existing deficiency provided for in the Senate amendment to this bill, and in support of that item I ask that the Clerk may read Executive Document No. 112, which I send to the desk.

The Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., January 21, 1888.

SIR: I have the honor to submit the accompanying estimate of a deficiency appropriation for expenses revenue-cutter service, 1888.

This appropriation is required in consequence of the failure of the service to receive for Alaska service in 1887 the sum contained in the deficiency bill of last year that did not go into effect, and certain increased expenses not apparent at the time the present appropriation was made.

I therefore request that the amount of the urgent deficiency required for expenses revenue-cutter service, 1888, stated in the estimate herewith submitted, at $30,664.02, be appropriated as soon as practicable.

Respectfully, yours,

C. S. FAIRCHILD, *Secretary.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Estimate of deficiency appropriation for service of the fiscal year ending June 30, 1888, *miscellaneous expenses Treasury Department.*

Expenses revenue-cutter service, 1888:	
Amount required for the current expenses of the revenue-cutter service, 1888, based on former expenditures, from which no considerable reduction can be made, which for the year 1887 amounted to	$889,034.39
Amount required for increased cost of fuel over prices paid in 1887	7,500.00
Amount required for expenses of new revenue steamer W. E. Smith, purchased March 11, 1887, and put in commission October 20, 1887	9,000.00
Amount required to complete repairs on revenue steamer McLane, not in commission in 1887	13,800.00
Amount required to meet increase in cost of the revenue-cutter service for the first three months of 1880 over the cost of the corresponding period in 1887; this increase being mostly for repairs required in 1887, which could not be authorized until 1888, in consequence of the failure of the revenue-cutter service to receive the $20,000 allowed for Alaska service in the deficiency bill of 1887 that failed of passage	26,329.63
Amount required for fiscal year 1888	945,664.02
Amount appropriated for fiscal year 1888	915,000.00
Additional amount required	30,664.02

Mr. MORROW. Now, Mr. Chairman, that report from the Treasury Department points out specifically the items that are to be covered by this appropriation. The omission to pass the bill appropriating $20,000, and the increase in the cost of coal, and the other items mentioned there, have necessitated the increase; and I hope the motion to concur will be adopted.

Mr. BURNES. Mr. Chairman, I sincerely hope that the action of the committee in regard to the amendment which has just been read will not be disturbed. The reason of that hope is probably better understood by members of the Committee on Appropriations on both sides of this Chamber than by those who have not been engaged in the work of considering this bill. The appropriations and expenditures for this service have increased somewhat in the last few years; and for the present fiscal year Congress appropriated $20,000 more than for any previous year.

Mr. STEELE. Let me ask the gentleman if that is not due to the fact that more vessels have been employed?

Mr. MORROW. Yes, sir.

Mr. BURNES. That may be. And we have the same information now before us that we had when the committee labored upon this bill in the first instance. It may be that when we go into conference the Senate conferees will give information that will justify concurrence in the amendment; but at present we desire to consult the Senate conferees with regard to the necessity for this additional appropriation of the $30,600 provided here.

Now, our request is certainly not an unreasonable one. I say it may be, and it is very likely to be the fact that we shall ultimately concur in this Senate amendment; but so far as we know at present we think it would be better to have a consultation with the Senatorial referees and report to the House the facts and information that may be gathered from that interview before we tie our hands irrevocably and say that this sum shall be appropriated. Because it must be observed that this $30,000 additional will make an increase of about $50,000 over and above the expenditures during the preceding year. I trust our friends on both sides of the Chamber in a spirit of fairness, justice, and candor will get all the information possible concerning this item of appropriation before undertaking to tie both the hands of the House and the conferees irrevocably as to the amendments. I hope the gentleman from California, himself, will see the propriety of taking this course, and not insist upon concurrence here without any other facts than those which were before the Committee on Appropriations, on which their recommendation was based.

Mr. STEELE. Was not the information before the Committee on Appropriations, before this bill went to the Senate, that there were many vessels needing repairs, and because the appropriations had not been wholly exhausted, the chief of the revenue service informing the committee that that was due to the fact that he had estimated just as closely as he could, so as not to be in danger of exhausting the appropriations, and that he needed much more money; but the appropriation was not made because he had not expended every cent, but had some $6,000 on hand? Was not that the reason the appropriation was refused—because the whole amount was not expended in the repair of vessels actually needing it?

Mr. ADAMS rose.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. BURNES] has not expired.

Mr. BURNES. In answer to my friend from Indiana [Mr. STEELE] I will say we had a gentleman representing that bureau before the Committee on Appropriations and got from him all the information he appeared to be able to give us; but I have yet to learn that there was a single member of that committee who was satisfied this increase ought to be allowed.

I say, therefore, in view of the fact that those of us who have investigated the matter most closely and most fully have not yet seen good reason for concurring in the Senate amendment, it would be the part of wisdom and prudence to non-concur until we are informed by the Senate conferees of some facts which would justify such action.

I will say further that in a former bill we appropriated for the rebuilding of a steamer destroyed in this service, I believe in the Gulf of Mexico. There have been side appropriations here and there; and upon the whole ground, looking at the whole case, I think I am authorized to assure the House upon the judgment of the entire committee that concurrence now would be imprudent, if not unwise.

Mr. ADAMS. I am not familiar with the needs of this particular branch of the service except so far as I have been informed by what fell from the gentleman from California [Mr. MORROW] and the report which was read. The gentleman from Missouri [Mr. BURNES] now intimates an opinion on the part of the committee that there is sufficient reason for non-concurring. What I rose for was to protest against the reason he gave before; because I think it is a matter of frequent comment here, or should be, whenever these appropriation bills come into the House with amendments from the Senate, that there is a strong tendency on the part of the Appropriations Committee to say that they have not sufficient information, and therefore they want to put the item in a conference committee in order to secure that information.

I take it this House has some duty to perform with regard to these appropriations. The Appropriations Committee also has some duty to perform; and the first duty it has to perform is to inform itself, in order that the House may be informed. When the bill is first introduced it comes from the committee. The committee knows all about it and it is its duty to inform the House. When it comes from the Senate with Senate amendments it is referred to the House committee for the express purpose of getting information before the House. Therefore it appears to me the reason given by the gentleman from Missouri when he first rose—a reason so frequently given—that he wants to put the amendment in conference because he wants it investigated, should not be tolerated in this House.

Mr. BURNES. In reply to the gentleman from Illinois I will say I have investigated this matter to my satisfaction so far as the evidence laid before the committee is concerned, and I presume other members of the committee are satisfied so far as the information goes which has been presented to them. But whatever it may be, we do not know all the facts in this case. I have great hope that when we get into conference we may learn something from the Senate conferees that even the gentleman from Illinois does not know in regard to it.

Mr. ADAMS. I do not pretend to know much about it, but I suggest to the gentleman, if he is disposed to non-concur and thinks this House ought to non-concur, he ought to give some reasons in answer to the reasons which have been given us in favor of concurrence.

Mr. BURNES. I think that is a reasonable request. And I answer that for the service of the present fiscal year we appropriated $20,000 more than was ever appropriated for this service before—$20,000 more. And now, before the close of the year, $30,000 additional are asked for, and we have not had such information as to justify us in believing that $50,000 in excess of the expenditures of former years are necessary.

Mr. STEELE. Has not the committee the information before it that many vessels out of repair can not leave the wharves where they are on account of their condition?

Mr. BURNES. I certainly did not hear any such statement from the gentleman who appeared before us representing the bureau.

Mr. STEELE. That is my information.

Mr. BURNES. He presented nothing outside of the ordinary annual repairs, according to my remembrance.

Mr. DAVIS. I notice by the statement that while during the last fiscal year, they kept fairly within their limits, there will be for this year, if the next six months are like the last, an actual deficiency of nearly this amount. They have already, in six months, expended $466,000, which would make for the entire year an expenditure of $932,000, the appropriation being $915,000.

It is well known that during the remainder of the year, or for the period of six months, the amount for fuel will be larger than for the first six months, at least to the extent of $14,000. If that be correct there will be an actual deficiency of some $30,000. I think we can not possibly go on during the remainder of the year under the present appropriation.

Mr. EZRA B. TAYLOR. From the remark which fell from the gentleman from Missouri [Mr. BURNES] I understand—I may not be right about it, but I understand—that the real object of non-concurring in this amendment is to keep it in as trading capital.

Mr. BURNES. The gentleman has greatly misunderstood me.

Mr. EZRA B. TAYLOR. I understood the gentleman to say quite emphatically that we are quite likely to agree at some time on this amendment. Now, sir, that is a fact which does exist, I will not say in this committee, but elsewhere, and I am utterly opposed to it. I believe in the Bismarckian doctrine of diplomacy, to tell the truth, to hide nothing, and to keep nothing back, in an appropriation bill or any other, for the purpose of trading in conference.

Mr. BURNES. Mr. Chairman, I wish to say in reply to my friend from Ohio [Mr. EZRA B. TAYLOR], the lover of Bismarck and Bismarckian principles, that I am equally with himself hostile to any proposition which leaves any appropriation open for trading or trafficking between the conferees on the part of the House and the conferees on the part of the Senate. I certainly made no statement to the contrary. I certainly would not be a party to any such proceeding. I simply said it might be possible—that I thought it might be probable—that the intelligent body at the other end of the Capitol might be able to give us some reason, some argument, some fact, that would throw new light upon this subject. I hope they will be able to do so; but certainly if they do not do so, as I feel at present, I should, if a member of the conference, report back to this House my inability to concur with the Senate conferees. I do not want anything in my hands to trade on with the Senate conferees. The gentleman misapprehended me.

Mr. MORROW. Mr. Chairman, in my judgment the members of this House have a responsibility with reference to these appropriations, and I think that it is not only perfectly competent for us to inquire into the necessity for such an appropriation as this, but it is our duty to determine its necessity. I happen to be somewhat interested in this item, because, judging from the past, I fear that unless the appropriation is made certain service on the Pacific Ocean may suffer. This appropriation of $30,000, as recommended by the Senate, gentlemen will find upon inquiry is proposed because of the expense attending increased revenue-cutter service. The actual expense of that service as now conducted is not in excess of what it was before, considering the number of vessels and the number of men employed; but you have placed in that service one vessel from the Navy, the Bear, and, I believe, one or two more, and to provide for the legitimate and reasonable expenses of those vessels you must make an appropriation to meet the requirements of such service. Now, what is going to be the effect of withholding this appropriation?

The effect will be, I fear, that the Bear will be left at San Francisco, and the protection which that vessel has afforded to the whaling fleet of the North Pacific will be taken away. It is a fact that those revenue-cutters are doing an important and valuable work on the Pacific coast that should be increased rather than diminished. They take the place of naval vessels in asserting the power and authority of the United States in the Arctic seas, and they render a most important service to the whaling fleet in bringing home from those seas the shipwrecked sailors. Refusing this $30,000 means a crippling of the service somewhere, and possibly on the Pacific Coast, and that is why I say it is our duty to inquire and ascertain why these items are incorporated into a report from the Secretary of the Treasury, and why the Secretary urges that we should make this appropriation. I hold in my hand a letter from a leading merchant and ship-owner in San Francisco, indorsed by the president of the chamber of commerce and others interested there, calling attention to this deficiency, and urging the Representatives from California to see to it that this appropriation is made in order that these vessels may go up into the Arctic seas as heretofore, and thus afford a measure of protection to our people there in the prosecution of their legitimate business.

If the vessels do not go there, the result will be the smuggling of liquor into Alaska, and a large liquor traffic there means the utter demoralization of the natives, and I am sure this House is in favor of protecting Alaska from that evil. I say, Mr. Chairman, that the revenue cutters on the Pacific Coast are doing the best work that is being done for the Government in any branch of its service. Therefore, as I have said, I think it is incumbent upon us to inquire into the matter and to examine the statement which has been read from the Clerk's desk, which shows the details making up this deficiency, namely, $20,000 that was left out of the deficiency bill of last year, and a certain amount for coal and other expenses—absolute deficiencies, actual expenses, which have been incurred and which must be paid sooner or later.

Mr. RANDALL. It is no deficiency at all.

Mr. DINGLEY. I wish to call the attention of the gentleman having charge of this bill to a fact which has appeared before the Committee on Merchant Marine and Fisheries in its investigation of the subject of the Alaska fisheries, and which has probably come to the attention of the Committee on Appropriations also. The fact is that there have been extraordinary encroachments upon the Alaska seal fisheries during the past year, which have necessitated the employment of an increased revenue service for the protection of those fisheries, and I simply desire to call the attention of the gentleman in charge of the bill to the importance of protecting these seal fisheries, and of making a sufficient appropriation for the revenue service to enable the Treasury Department to afford the necessary protection to an exceedingly important interest which yields a large amount of revenue to the Treasury. I am perfectly willing personally to leave this in the hands of the conferees, with the understanding that our vote of non-concurrence is not to be taken as a disapproval of the Senate amendments, but is given in order that they may arrange such an increase of appropriations as may be necessary for the purpose.

Mr. RANDALL. Mr. Chairman, the statement of the gentleman from Maine [Mr. DINGLEY] makes it unnecessary for me to say anything more on this subject, except that there has been no purpose on the part of the Committee on Appropriations to embarrass this service

in the least degree. One gentleman advocates this deficiency, as it is called—though it is no deficiency at all, but is a new appropriation for the year—one gentleman advocates it on the ground that special repairs are necessary; another advocates it because, he says, a number of vessels have been added to the service, and he instances the Bear. Now, sir, the Bear was added in 1883, and we have for two years been appropriating in view of that increase, and yet for the current year we gave, as has been stated by the gentleman from Missouri, more than we gave the year before, showing conclusively that the committee do not want to do anything which will embarrass the service.

Moreover, I can say to the gentleman from California that there are two vessels on the North Pacific—the Corwin and the Bear—performing efficient service.

Mr. MORROW. The Bear is at San Francisco now.

Mr. RANDALL. Well, it is in service on the Pacific. We have added a vessel for that service. There has been no effort on the part of anybody to embarrass the service on the Pacific. I want to correct in that respect the gentleman's statement, which seemed to imply that there is a disposition to cripple the service in that section of the country. Such is not the fact.

Mr. MORROW. The gentleman will permit me to say that the Bear was not put there as a serviceable vessel until 1885.

Mr. RANDALL. Well, we have made the appropriation for two years. Perhaps I said 1883 instead of 1885, but I said immediately afterward that we had made the appropriation for two years, in view of the Bear being in that service.

The question being taken on concurring in the amendment, it was non-concurred in, there being—ayes 48, noes 60.

The next amendment (in which the Committee on Appropriations recommended non-concurrence) was read, as follows:

Amendment 11: Insert after line 27, page 5, the following:

"Coast and Geodetic Survey.—Office expenses: For copper-plates, chart-paper, printers' ink, copper, zinc, and chemicals for electrotyping and photographing; engraving, printing, photographing, and electrotyping supplies; for extra drawing and engraving, and for photolithographing charts and printing from stone, for immediate use, $6,000."

The amendment was non-concurred in.

The next amendment (in which the Committee on Appropriations recommended non-concurrence) was read, as follows:

Amendment 12: On page 8 strike out the words "Suppressing counterfeiting and other crimes: To supply a deficiency in the appropriation for suppressing counterfeiting and other crimes, for" and insert "For."

The amendment was non-concurred in.

The next amendment was read, as follows:

Amendment 13: On page 8, after line 17, insert the following:

"Fish Commission: For salary of the Commissioner of Fish and Fisheries from date of qualification in office, February 18, to June 30, 1888, at the rate of $5,000 per annum, $1,840.68, or so much thereof as may be necessary."

The Committee on Appropriations recommended concurrence in this amendment with an amendment as follows:

After the amended paragraph insert:

"Pay of assistant custodians and janitors: For pay of assistant custodians and janitors, including all personal services in connection with public buildings under the control of the Treasury Department outside of the District of Columbia, and including the reinstatement of so many of the persons discharged or suspended since February 1 as may be absolutely necessary, and for such new buildings as may be completed and ready for occupancy within the present fiscal year, $25,000."

Mr. O'NEILL, of Missouri. I move to amend the amendment proposed by the Committee on Appropriations in regard to pay of assistant custodians and janitors, by striking out "$25,000" and inserting "$60,000, or so much thereof as may be necessary."

I have in my hand a list showing the reductions which will be required in the force of custodians in the various buildings if this adtional sum be withheld and the Department be compelled to keep within the limits of the appropriation. These reductions will involve the discharge of probably one hundred and twenty employés at various public buildings throughout the country. I ask the Clerk to read this statement, which is obtained at the Treasury Department.

The Clerk proceeded to read the following:

List showing reductions in the custodian's forces in the various buildings in order to keep within the limits of the appropriation "Pay of assistant custodians and janitors, 1888."

	Per month saved.
Albany, N. Y., custom-house, two laborers, at $50 each, per month	$100.00
Alexandria, Va., custom-house, one watchman	40.00
Atlanta, Ga., court-house and post-office, two laborers, at $30 per month each	60.00
Baltimore, Md., custom-house:	
Reduce pay of assistant custodian to $1,200 per annum, thereby saving, per month	17.00
Dispense with the services of one messenger	75.00
Three laborers, at $60 per month each	180.00
One janitor, at $1,000 per annum	83.00
One watchman	70.00
Baltimore, Md., court-house, one laborer	60.00
Boston, Mass., custom-house, one assistant janitor	50.00
Boston, Mass., post-office and subtreasury:	
Reduce pay of assistant custodian to $1,400 per annum	33.33
One janitor	66.00
Three watchmen, at $50 each per month	150.00
One clerk	75.00
Two laborers, at $1.50 each per day	90.00
Three elevator conductors, at $1.75 per day each	157.50
Buffalo, N. Y., custom-house, three cleaners, at $30 per month each	90.00
Charleston, S. C., custom-house:	
One assistant janitor	$30.00
One assistant janitor, in charge of grounds	50.00
Charleston, S. C., post-office, one assistant janitor	30.00
Chicago, Ill., custom-house:	
Reduce assistant custodian to $1,400 per annum	33.33
One superintendent of closets, $2 per day	60.00
One janitor, at $1,200 per annum	100.00
Two assistant janitors, at $50 per month each	100.00
Two elevator conductors, at $2 per day each	120.00
One watchman	60.00
Five cleaners, at $1.50 per day	225.00
Cincinnati, Ohio, custom-house:	
Reduce pay of assistant custodian to $1,400 per annum	33.33
Dispense with one janitor	100.00
Two assistant janitors, at $50 per month	100.00
One elevator conductor, at $2 per day	60.00
One watchman	60.00
Five cleaners, $1.50 per day each	225.00
Cleveland, Ohio, custom-house:	
One laborer	45.00
One assistant janitor	50.00
Columbia, S. C., court-house and post-office, one watchman, at $540 per annum	45.00
Columbus, Ohio, court-house and post-office, one laborer	45.00
Covington, Ky., court-house and post-office, one scrubber	30.00
Detroit, Mich., custom-house, one assistant janitor	42.00
Dubuque, Iowa, custom-house, one assistant janitor	45.00
Frankfort, Ky., court-house and post-office, one fireman	45.00
Greensborough, N. C., court-house and post-office, one laborer	30.00
Harrisburg, Pa., court-house and post-office, one watchman	45.00
Harrisonburgh, Va., court-house and post-office, one fireman	35.00
Indianapolis, Ind., court-house and post-office, one laborer	45.00
Jackson, Miss., court-house and post-office, one watchman	50.00
Jersey City, N. J., court-house and post-office, one cleaner	50.00
Kansas City, Mo., custom-house, one cleaner	45.00
Knoxville, Tenn., court-house and post-office, one watchman	45.00
Lincoln, Nebr., court-house and post-office:	
One assistant janitor	50.00
One watchman	50.00
Little Rock, Ark., court-house and post-office, one laborer	40.00
Louisville, Ky., custom-house, one laborer	30.00
Memphis, Tenn., custom-house, one laborer, at $360 per annum	30.00
Milwaukee, Wis., custom-house, one laborer, at $1.50 per day	45.00
Mobile, Ala., custom-house, one janitor, at $500 per annum	41.66
Montgomery, Ala., court-house and post-office, one watchman, at $50 per month	50.00
Nashville, Tenn., custom-house, one assistant janitor, at $1.50 per day	45.00
New Orleans, La., custom-house:	
Five assistant janitors, at $40 per month each	200.00
One assistant engineer	75.00
One superintendent of filters	60.00
New York City, barge office:	
One doorman	60.00
Two cleaners, at $60 each per month	120.00
New York City, court-house and post-office:	
Reduce assistant custodian to $1,400 per annum, saving	50.00
One messenger	60.00
One janitor	75.00
Three watchmen, at $60 per month each	180.00
Two elevator conductors, at $60 per month each	120.00
One assistant foreman of cleaners	75.00
Five cleaners, at $60 per month each	300.00
Two cleaners, at $1 per day each	60.00
New York City, custom-house:	
Reduce pay of superintendent to $1,400 per annum	
Reduce pay of assistant superintendent to $1,000 per annum	41.66
New York City, subtreasury, two janitors, at $60 per month each	120.00
Norfolk, Va., custom-house, one laborer	40.00
Omaha, Nebr., custom-house, one assistant janitor	40.00
Oxford, Miss., court-house and post-office, one fireman	35.00
Parkersburgh, W. Va., court-house and post-office, one laborer	30.00
Philadelphia, Pa., court-house and post-office:	
Reduce pay of assistant custodian to $1,400 per annum	33.33
One messenger, at $2 per day	60.00
One janitor	58.33
One elevator conductor	60.00
Five laborers, at $1.50 per day each	225.00
One janitor	58.33
One lamp-trimmer, at $1.75 per day	52.50
Philadelphia, Pa., custom-house, two assistant janitors, at $60 per month each	120.00
Pittsburgh, Pa., custom-house:	
One watchman	45.00
One lamp-trimmer, at $1.60 per day	48.00
Portland, Me., custom-house, one assistant janitor	60.00
Portland, Oregon, custom-house, assistant janitor	30.00
Poughkeepsie, N. Y., post-office, one laborer, at $2 per day	60.00
Raleigh, N. C., court-house and post-office, one assistant janitor	30.00
San Francisco, Cal., appraiser's stores:	
Two cleaners, at $60 per month each	120.00
One assistant janitor, at $720 per annum	60.00
San Francisco, Cal., subtreasury, one cleaner	35.00
Springfield, Ill., court-house and post-office:	
St. Louis, Mo., custom-house:	
Reduce pay of assistant custodian to $1,300 per annum	25.00
One janitor	83.33
One assistant janitor	50.00
Two elevator conductors, at $2 per day	120.00
Two cleaners, at $50 per month each	100.00
One lamp-trimmer, at $2 per day	60.00
St. Paul, Minn., custom-house, one assistant janitor	50.00
One laborer	40.00
One janitor for court-room	50.00
Topeka, Kans., court-house and post-office, one laborer	45.00
Trenton, N. J., court-house and post-office, one laborer	45.00
Utica, N. Y., court-house and post-office, one laborer	50.00

During the reading of the foregoing, when five minutes had expired,

Mr. O'NEILL, of Missouri, said: Without requiring the Clerk to read the remainder of this statement, I will ask that the whole be published in the RECORD. Mr. Chairman, these reductions affect nearly every building in the country. I have no criticism to pass upon the House

committee, as the communication on this subject was submitted to a committee located in another part of this building, and which, as I understand, the rules do not permit me to allude to more definitely. The Secretary of the Treasury requested the insertion of an appropriation of $60,000 to prevent this reduction of force. The House committee has inserted $25,000, which they claim will be ample to restore the force. I question if it will effect such a restoration, and also the restoration of the salaries of various employés which have been cut down by the order of the Secretary.

The amendment I have offered proposes that $60,000, or so much thereof as may be necessary, be appropriated. If the expenditure of the whole of this sum be not necessary the Secretary need not use it. The character of retrenchment undertaken in this instance is at the wrong end of the line. The people want retrenchment, but they want it at the top; they want retrenchment which will affect men who are getting $4,000 and $5,000 a year—not retrenchment which will render necessary the discharge or reduction of pay of scrub-women, janitors, watchmen, and elevator employés. I hope, Mr. Chairman, the House will adopt the amendment fixing the amount of this appropriation at $60,000. The Secretary's letter, in which he states that this amount is necessary, is here.

Mr. FELTON. I would like to know in what this reduction consists—the getting rid of supernumerary officers, or the lowering of salaries?

Mr. O'NEILL, of Missouri. It is a reduction of salaries in the case of many employés; in other cases it is a cutting down of the force, the discharge of a certain number of watchmen, janitors, scrub-women, or persons employed in running elevators. That is the effect of it. The document I had read was obtained at the Treasury, and shows where the cut is. Now, if you could fix the amount at a certain sum and cut upwards instead of cutting downwards, I do not know but I would favor that course. I move the adoption of the amendment.

Mr. RANDALL. Mr. Chairman, there has been no retrenchment at all by the insertion of this item, and there never ought to have been any deficiency if the law had been executed. We are now in a position which compels us to reinstate all those officials who were discharged, and who, so far as I know, were discharged without disaster to any of the public buildings. It provides for the restoring of such as are absolutely necessary.

The committee, knowing the anxiety of many members of the House in this connection, made careful investigation. It has been in correspondence with the Secretary of the Treasury and other officials, and we have a statement from them to the effect this appropriation of $25,000 will absolutely restore every one of those compulsorily removed. In addition, the Secretary of the Treasury states there has not been due diligence in the subdivisions, and the amount appropriated this year was increased over what was appropriated last year. I infer from that more care will be taken in that matter hereafter. Twenty-five thousand dollars, in my judgment, and I think in the judgment of the majority of the committee, is enough if due care be taken in the reinstatement.

Mr. HENDERSON, of Iowa. Is it not true that the Secretary of the Treasury says this amount of $25,000 will restore all those who were discharged?

Mr. RANDALL. It is.

Mr. HENDERSON, of Iowa. I should like to have that made clear. In my opinion this $25,000 would restore all those who have been dropped.

Mr. RANDALL. The committee have taken care to put in the words "absolutely necessary," because some members of the committee did not think some of those discharged should be restored. Still the money is given and the discretion is left to the Secretary of the Treasury. I will insert the papers in the RECORD. They are as follows:

List showing reduction in the custodians' forces in the various buildings in order to keep within the limits of the appropriation "Pay of assistant custodians and janitors, 1888."

	Per month saved.
Albany, N. Y., custom-house, two laborers, at $50 each per month	$100.00
Alexandria, Va., custom-house, one watchman	40.00
Atlanta, Ga., court-house and post-office, two laborers, at $30 per month each	60.00
Baltimore, Md., custom-house:	
Reduce pay of assistant custodian to $1,200 per annum, thereby saving per month	17.00
Dispense with the services of one messenger	76.00
Three laborers, at $60 per month each	180.00
One janitor, at $1,000 per annum	83.00
One watchman	70.00
Baltimore, Md., court-house, one laborer	60.00
Boston, Mass., custom-house, one assistant janitor	50.00
Boston, Mass., post-office and subtreasury:	
Reduce pay of assistant custodian to $1,400 per annum	33.33
One janitor	66.00
Three watchmen, at $50 each per month	150.00
One clerk	75.00
Two laborers, at $1.50 each per day	90.00
Three elevator conductors, at $1.75 per day each	157.50
Buffalo, N. Y., custom-house, three cleaners, at $30 per month each	90.00
Charleston, S. C., custom-house:	
One assistant janitor	30.00
One assistant janitor, in charge of grounds	50.00
Charleston, S. C., post-office, one assistant janitor	30.00
Chicago, Ill., custom-house:	
Reduce assistant custodian to $1,400 per annum, saving	$33.33
One superintendent of closets, $2 per day	60.00
One janitor, at $1,200 per annum	100.00
Two assistant janitors, at $50 per month each	100.00
Two elevator conductors, at $2 per day each	120.00
One watchman	60.00
Five cleaners, at $1.50 per day	225.00
Cincinnati, Ohio, custom-house:	
Reduce pay of assistant custodian to $1,400 per annum, saving	33.33
Dispense with one janitor	100.00
Two assistant janitors, at $50 per month	100.00
One elevator conductor, at $2 per day	60.00
One watchman	60.00
Five cleaners, at $1.50 per day each	225.00
Cleveland, Ohio, custom-house:	
One laborer	45.00
One assistant janitor	50.00
Columbia, S. C., court-house and post-office, one watchman	540.00
Columbus, Ohio, court-house and post-office, one laborer	45.00
Covington, Ky., court-house and post-office, one scrubber	30.00
Detroit, Mich., custom-house, one assistant janitor	42.00
Dubuque, Iowa, custom-house, one assistant janitor	45.00
Frankfort, Ky., court-house and post-office, one fireman	45.00
Greensborough, N. C., court-house and post-office, one laborer	30.00
Harrisburg, Pa., court-house and post-office, one watchman	45.00
Harrisonburgh, Va., court-house and post-office, one fireman	35.00
Indianapolis, Ind., court-house and post-office, one laborer	45.00
Jackson, Miss., court-house and post-office, one watchman	50.00
Jersey City, N. J., court-house and post-office, one cleaner	50.00
Kansas City, Mo., custom-house, one cleaner	45.00
Knoxville, Tenn., court-house and post-office, one watchman	45.00
Lincoln, Nebr., court-house and post-office:	
One assistant janitor	50.00
One watchman	50.00
Little Rock, Ark., court house and post-office, one laborer	40.00
Louisville, Ky., custom-house, one laborer	30.00
Memphis, Tenn., custom-house, one laborer, at $360 per annum	30.00
Milwaukee, Wis., custom-house, one laborer, at $1.50 per day	45.00
Mobile, Ala., custom-house, one janitor, at $500 per annum	41.66
Montgomery, Ala., custom-house and post-office, one watchman, at $50 per month	50.00
Nashville, Tenn., custom-house, one assistant janitor, at $1.50 per day	45.00
New Orleans, La., custom-house:	
Five assistant janitors, at $40 per month each	200.00
One assistant engineer	75.00
One superintendent of filters	60.00
New York City, barge office:	
One doorman	60.00
Two cleaners, at $60 each per month	120.00
New York City, court-house and post-office:	
Reduce assistant custodian to $1,400 per annum, saving	50.00
One messenger	60.00
One janitor	75.00
Three watchmen, at $60 per month each	180.00
Two elevator conductors, at $60 per month each	120.00
One assistant foreman of cleaners	75.00
Five cleaners, at $60 per month each	300.00
Two cleaners, $1 per day each	60.00
New York City, custom-house:	
Reduce pay of superintendent to $1,400 per annum	33.33
Reduce pay of assistant superintendent to $1,000	41.66
New York City, subtreasury, two janitors, at $50 per month each	120.00
Norfolk, Va., custom-house, one laborer	40.00
Omaha, Nebr., custom-house, one assistant janitor, at $40	40.00
Oxford, Miss, court-house and post-office, one fireman	35.00
Parkersburgh, W. Va., court-house and post-office, one laborer	30.00
Philadelphia, Pa., court-house and post-office:	
Reduce pay of assistant custodian to $1,400 per annum	33.33
One messenger at $2 per day	60.00
One janitor	58.33
One elevator conductor	60.00
Five laborers, at $1.50 per day each	225.00
One janitor	58.00
One lamp-trimmer, at $1.75 per day	52.50
Philadelphia, Pa., custom-house, two assistant janitors, at $60 per month each	120.00
Pittsburgh, Pa., custom-house:	
One watchman	45.00
One lamp-trimmer, at $1.60 per day	48.00
Poughkeepsie, N. Y., post-office, one laborer, at $2 per day	60.00
Portland, Me., custom-house, assistant janitor	60.00
Portland, Oregon, custom-house, one assistant janitor	30.00
Raleigh, N. C., court-house and post-office, one assistant janitor	30.00
San Francisco, Cal., appraiser's stores:	
Two cleaners, at $60 per month each	120.00
One assistant janitor, at $720 per annum	60.00
San Francisco, Cal., subtreasury, one cleaner	35.00
Springfield, Ill., court-house and post-office:	
One laborer	40.00
One janitor for court-room	50.00
St. Louis, Mo., custom-house:	
Reduce pay of assistant custodian to $1,300 per annum	25.00
One janitor	83.33
One assistant janitor	50.00
Two elevator conductors, at $2 per day	120.00
Two cleaners, at $50 per month each	100.00
One lamp-trimmer, at $2 per day	60.00
St. Paul, Minn., custom-house, one assistant janitor	50.00
Topeka, Kans., court-house and post-office, one laborer	45.00
Trenton, N. J., court-house and post-office, one laborer	45.00
Utica, N. Y., court-house and post-office, one laborer	50.00
Total	7,472.30

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., March 13, 1888.

SIR: In compliance with the request contained in your telegram of the 10th instant, that the Department inform the Committee on Appropriations of the House of Representatives fully as to why the additional sum of $60,000 for pay of assistant custodians and janitors is necessary, in view of the limitations attached to the appropriation of $425,000 for these services in the sundry civil act for the current fiscal year, and also what reductions have been made in the force

and the points at which said reductions have been made, giving the most important points, and the number and amount of the necessary increases, the Department has the honor to make the following statement, namely:

At the beginning of the fiscal year strict orders were given to the division of the Department having the matter in charge to keep the expenses within the appropriation. It is not possible to divide these expenses mathematically by months. At some seasons more is required than at others. There seems to have been certain work deferred until this year which should have been done last year, such as the removal of ashes and rubbish. This, together with unforeseen contingencies, has so encroached upon the fund available that it has been found necessary to order certain reductions, and I have thought it proper to call the attention of the Congress to this fact, to the end that an appropriation might be made to enable the Department to maintain the service at a degree of efficiency which I consider proper. I can not find that at any time an expenditure has been allowed which the public interest did not require to be made, but due watchfulness with reference to the amount of the appropriation does not seem to have been at all times exercised, and proper allowance for contingent and unforeseen expenses was not made. Hence the need at the present time of the reduction in expenditures which has been made.

The subject of the reduction was a matter of careful consideration and was made upon the report of the committee appointed for that purpose. Inclosed you will find a copy of the letter appointing the committee, and also the report submitted thereunder, which answers your interrogatory relative to the number of persons discharged and the points at which employed.

The reductions thus made have been a detriment to the service, and the remaining force is only sufficient to attend to demands that are indispensable.

In answer to your question as to why $60,000 additional is now required, the Department can not too strongly call your attention to the fact that out of the appropriation "Pay of assistant custodians and janitors," there has been expended since July 1, 1887, the sum of $20,807.97 on account of labor in running electric-light plants. The use of this money for this purpose, however, operated as a saving to the appropriation 'Fuel, lights, and water."

The component parts of the sixty thousand additional appropriation asked for, are based upon the following items, namely:

1. Amount required for reinstatement of persons discharged, which discharges were compulsory	$24,287.90
2. In addition to the above, the amount necessary to place the force in proper efficient working order is estimated at	20,000
3. The amount necessary for incidental expenses, for which requisitions have been made but not allowed, and for removal of accumulated ashes and rubbish during the winter months is	5,000
4. For the care of public buildings which will be finished before the 30th day of June next	10,000
Total	59,287.90

Relative to the points at which the Department intends to increase the force, should the $60,000 be appropriated, it can be said that there are no buildings that can be specifically mentioned, as the demand is general for an increase, and the condition of each building, in the matter of help, would receive consideration.

With the present force of assistant custodians and janitors no deficiency will be incurred; but it is proper to call your attention to the fact that the force is not now sufficient for the performance of the service required of it. The care and police of the public buildings under charge of this Department can not be effected by the force now on duty.

Your attention is again invited to Department's communications, which will be found in Senate Document No. 80, first session Fiftieth Congress, a copy inclosed for additional information in the premises.

Very respectfully,

C. S. FAIRCHILD,
Secretary.

Hon. SAMUEL J. RANDALL,
Chairman of the Committee on Appropriations,
House of Representatives.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 23, 1888.

GENTLEMEN: Your attention is invited to the appropriation "Pay of assistant custodians and janitors, 1888," with the request that you ascertain whether the authorized expenditures therefrom for the remainder of the current fiscal year can be met without creating a deficiency therein, and, if not, to make a careful revision of the authorizations, with a view of so adjusting them as to keep the expenses within the appropriation.

Upon the completion of the duties herein assigned, you will submit a written report covering the same, with such recommendations as you may deem expedient.

Respectfully yours,

C. S. FAIRCHILD, *Secretary.*

PERRY C. SMITH,
Chief of Appointment Division,
J. E. POWELL,
Inspector of Electric Lights, and
WALLACE H. HILLS,
Office of the Secretary, Treasury Department.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 24, 1888.

SIR: Acting under the instructions contained in your letter of the 23d instant, inviting attention to the appropriation "Pay of assistant custodians and janitors, 1888," and requesting that we ascertain whether the authorized expenditures therefrom for the remainder of the current fiscal year can be met without creating a deficiency therein, and, if not, to make a careful revision of the authorizations with a view of so adjusting them as to keep the expenses within the appropriation, we have the honor to report that we have examined the appropriations and authorizations named, and find that the authorized expenditures exceed the amount of the appropriation by $24,287.90, and would recommend that the commissions of the employés enumerated in the accompanying schedule be revoked, and that the compensation of the others be reduced as therein stated.

Respectfully yours,

PERRY C. SMITH,
J. E. POWELL,
W. H. HILLS,
Committee.

Hon. C. S. FAIRCHILD,
Secretary of the Treasury.

Mr. RANDALL. There is an estimate for further employment.

Mr. O'NEILL, of Missouri. Does it not embrace an aggregate of about $29,000?

Mr. RANDALL. It does. It embraces $29,000. They want to provide for greater efficiency and the employment of an additional force to what has been employed heretofore to the extent of $29,000. As to that the committee did not care.

Mr. LAWLER. I wish to say in behalf of the public building at Chicago, Ill., that the committee did cut off the janitor and assistant janitor of that building.

Mr. RANDALL. How many janitors have you?

Mr. LAWLER. Only one and an assistant. The custodian was compelled to deprive the mail clerks, having quarters on the top story of that building, of the use of an elevator in the night time. He discharged three of the elevator men in that building. He discharged also some of the janitors in that building, five or six.

I went to see the Assistant Secretary of the Treasury, and he gave me to understand it was necessary this appropriation should be $60,000 to reinstate all of these men. The work is increasing in that Chicago public building in consequence of repairs, and instead of taking away these janitors the force there ought to be increased.

Mr. RANDALL. They have discharged eleven from my city, but I do not see the public building has been removed or gone wrong.

Mr. BURNES. If there is no further discussion, I will submit the question.

MESSAGE FROM THE SENATE.

The committee informally arose; and the Speaker having resumed the chair, a message was received from the Senate, by Mr. MCCOOK, its Secretary, announcing the appointment of Mr. ALLISON, in place of Mr. QUAY, as one of the conferees on the part of the Senate on bills of the following titles:

A bill (S. 154) for the erection of a public building at Milwaukee, Wis.; and

A bill (S. 182) to provide for the purchase of a site and the erection of a public building at Omaha, Nebr.

URGENT DEFICIENCY APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. CANNON. I move to strike out the last word. Mr. Chairman, the appropriations for expenses of custodians and janitors of public buildings have been increasing very rapidly during the last three years. It may be said, it is true, that the public buildings have been increasing also. So they have, but not near so rapidly in proportion as the appropriations of money for these custodians; and in many cases where there were no public buildings there were rented buildings which required the same or possibly a much larger force of janitors and custodians than in the case of public buildings that we have authorized to be constructed at such places.

Now, amongst the last acts of the Forty-eighth Congress, while Arthur was President, was the passage of a bill containing an item of appropriation of $300,000 for the pay of custodians and janitors of public buildings. I recollect, sir, very well, and I apprehend that most gentlemen on the floor will also, that Mr. Cleveland had just been inaugurated, and that during the month of June, 1885, within a couple of months after his inauguration (the appropriations being for 1885 and 1886) papers all over the country—for it even got into the "patent insides" copied from the metropolitan papers—were all filled with clamor that in this item of expenditures for custodians and janitors of public buildings the Republican administration had been most wastefully extravagant; that the $300,000 appropriated for this purpose during Mr. Arthur's administration, for the coming year, was excessive and far more than it ought to have been. These articles to which I refer undertook to give lists, and prices paid, and salaries attached to these different public buildings, tabulating a great number of them at St. Louis, at Chicago, Philadelphia, New York, Indianapolis, all over the country, showing how they might all be cut down under the $300,000 asked for and appropriated under a Republican administration. Well, everybody was glad.

The Democrats were all glad because it was their administration. The Republicans were glad because we had been promised a great deal of reform. You may judge of my surprise, sir, then, when Congress met the next winter, that before its adjournment we appropriated for this very same purpose an additional sum of $50,000 of deficiency, making a total of $350,000 for the first year of Cleveland's administration. Then for 1887 they came in and asked for $474,000; quite a big jump, don't you see, $174,000 more than what had been appropriated in the last year of Arthur's administration, and which had been denounced as excessive and wastefully extravagant.

Congress gave $400,000 in that year, and granted in that manner an increase, as you will see, of $100,000 over the appropriation of the preceding year. Now in 1888, the present year, the Administration asked $534,000 for this same service. Still growing, you see. Congress gave them $425,000. But the gentleman from Pennsylvania [Mr. RANDALL] had begun to grow restless and uneasy.

[Here the hammer fell.]

Mr. RANDALL. If I can be recognized, I will yield the floor to the gentleman from Illinois.

Mr. CANNON. The gentleman from Pennsylvania, who made up the sundry civil bill, began to grow restless and uneasy in reference to this and various other items for the public service, which was so rapidly increasing. So that instead of the $534,000, he only recommended $425,000.

Mr. RANDALL. Which we thought was enough.

Mr. CANNON. Certainly. The gentleman thought it was enough and I thought it was enough; it was $125,000 more than the Administration had proclaimed the year before was ample for the service. But the gentleman from Pennsylvania wanted to make assurance doubly sure, and so he procured to be inserted in his bill a clause in the following language:

And the Secretary of the Treasury shall so apportion this sum as to prevent a deficiency therein.

That is, it was to be divided at so much for each month. Now, notwithstanding that provision which the gentleman from Pennsylvania procured to be written in the bill, connected with this appropriation, and as a part of the law making it, the Administration comes and asks $60,000 more for this service for the remainder of this year, admitting that they have disregarded the law, thereby making the expenditure nearly $200,000 more than it was the first year of this Administration, and in the estimates for this service for the coming year the Administration asks $626,560, double the amount that this same Administration denounced as extravagant a little over two years ago.

Mr. O'NEILL, of Missouri. Will the gentleman allow me to ask if he has read the communication from the chief of the appointment division of the Treasury, showing that a great deal of this expense has been due to the introduction of electric lighting throughout this building, and as a consequence the pay of the janitors and custodians has been diverted to this purpose?

Mr. RYAN. He says that there is about $20,000 used for that.

Mr. CANNON. Oh, yes; I have observed that; but when you put in the electric lights you discontinued the use of gas, and so it is as broad as it is long so far as light is concerned. The truth is that the service has grown, I think, without any excuse, and it is extravagant, in my opinion.

I can not say how much is proper for this force. I do not know. The gentleman from Pennsylvania thinks that $25,000 is ample. I am inclined to think it is more than ample. The gentleman from Missouri [Mr. O'NEILL] thinks that it ought to be not less than $60,000 more.

Mr. O'NEILL, of Missouri. Well, I say appropriate that sum if necessary, but leave it to the discretion of the Secretary.

Mr. CANNON. If we had the same spirit on the part of the Administration that we understood was to prevail when it started, I would be willing to have it go in in that way, for we were then told that $200,000 less than the amount now expended was ample for the service.

Mr. HENDERSON, of Iowa. Will my friend from Illinois allow me to ask him a question?

Mr. CANNON. Certainly.

Mr. HENDERSON, of Iowa. The gentleman spoke of a reduction that was made, the number of janitors that were dropped when the new administration came in. I ask the gentleman, were the places they were put out of left vacant?

Mr. CANNON. I suppose from the increased expenditures the vacancies have been filled since.

Mr. HENDERSON, of Iowa. Then the squeezing process was to drop Republicans and put in Democrats after the Republicans were dropped.

Mr. CANNON. I do not complain of Republicans being dropped and Democrats being put in. But I have not much sympathy with the underhanded way in which that was done. When, under the plea of economy, they turned out the Republicans and afterwards put in Democrats, so as to escape the criticisms of the Mugwumps, I certainly have not much admiration of the whole performance.

Mr. HENDERSON, of Iowa. The answer of the gentleman is entirely satisfactory to me.

Mr. CLEMENTS. I propose for a few minutes to discuss the question before us, and not the question raised by the gentleman from Illinois about what Democratic members have heretofore said in regard to Republican extravagance. That party has had so much reputation for extravagance that it does not take much to create the impression of extravagance in reference to their management.

But I do not think there is so much politics in a mere matter of business as some gentlemen seem to think. We are here dealing with a matter of business affecting the whole country, and we ought to deal with it candidly. For one, I think $25,000 is hardly sufficient; and I think the Treasury Department gives good reasons for the appropriation it asks. Still that amount is given as the amount that can be secured here, and I am not going to antagonize the proposition.

A good deal has been said about the intention of the Secretary of the Treasury to violate the law; that is the clause in the appropriation bill of last year requiring him to apportion the fund so as to keep within the appropriation. I desire to read a few lines of his letter to the chairman of the Committee on Appropriations on this subject:

It is not possible to divide these expenses mathematically by months. At some seasons more is required than at others. There seems to have been certain work deferred until this year which should have been done last year, such as the removal of ashes and rubbish. This, together with unforeseen contingencies, has so encroached upon the fund available that it has been found necessary to order certain reductions, and I have thought it proper to call the attention of the Congress to this fact, to the end that an appropriation might be made to enable the Department to maintain the service at a degree of efficiency which I consider proper. I can not find that at any time an expenditure has been allowed which the public interests did not require to be made, but due watchfulness with reference to the amount of the appropriation does not seem to have been at all times exercised, and proper allowance for contingent and unforeseen expenses was not made. Hence the need at the present time of the reduction in expenditures which has been made.

Now, as to the $20,000, the gentleman from Illinois, in reply to the gentleman from Missouri, said that placing the electric lights displaced the gas and therefore it was as broad as it was long. The statement is that this $20,000 was expended in the establishment of electric-light plants; and it is not a sufficient answer to say that electric light displaced gas and that the expense therefore was equal. It costs more than the gas; necessarily so because of the establishment of the plant. On this subject the Secretary says:

In answer to your question as to why $60,000 additional is now required, the Department can not too strongly call your attention to the fact that out of the appropriation "Pay of assistant custodians and janitors" there has been expended since July 1, 1887, the sum of $20,897.97 on account of labor in running electric-light plants. The use of this money for this purpose, however, operated as a saving to the appropriation "Fuel, lights, and water."

Mr. RYAN. That is not for establishing the plant; it is for running it.

Mr. CLEMENTS. It is for establishing and running.

Mr. RANDALL. I do not think any of this sum was taken to establish it.

Mr. CLEMENTS. That is what I understand from the Department; that this was partly for running and partly for establishing the electric-light plant. It is stated that that makes a saving to the appropriation for "fuel, light, and water," and I understand there will be turned into the Treasury some $85,000 under that head. So that when we look at this whole matter there is not that cause for criticism which gentlemen seem to wish to indulge in with regard to this branch of expenditure for public buildings. And it must be remembered while these amounts have been increased from year to year everything else has been growing; the country has been growing and public buildings are being multiplied from year to year by acts of Congress; and if they are necessary it is equally necessary to have proper watch and care for them, and everything shows there has been an honest and faithful administration.

[Here the hammer fell.]

Mr. CLEMENTS. I ask to have printed with my remarks Executive Document 138, relating to this subject.

There was no objection. It is as follows:

Letter from the Secretary of the Treasury, transmitting reports and recommending an appropriation to pay assistant janitors and custodians of public buildings, current fiscal year.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 4, 1888.

SIR: I have the honor to transmit herewith reports of the chief of the appointment division and J. E. Powell, electric-light inspector, in relation to the matter of an additional appropriation for the "pay of assistant custodians and janitors" for the fiscal year ending June 30, 1888.

The recommendations therein have been carefully considered, and I can not too strongly urge upon your attention an early and favorable consideration of the necessity for an additional appropriation of $60,000 for "pay of assistant custodians and janitors" for the fiscal year ending June 30, 1888. As shown by the reports, a serious embarrassment to the public service is inevitable unless some action is taken and an additional appropriation made immediately. Before taking any steps as to the reductions outlined in these reports it has been determined to invite the attention of Congress to the subject, with the request that the amount mentioned above be included in the urgent deficiency bill now before that body.

Respectfully, yours,

C. S. FAIRCHILD, *Secretary.*

Hon. JOHN G. CARLISLE,
Speaker of the House of Representatives.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 3, 1888.

SIR: Referring to your verbal directions to recommend further reductions of the force of assistant custodians and janitors, thus enabling the Department to keep within the appropriation for such purpose, such recommendations are herewith submitted, namely:

An immediate discharge of all employés connected with the elevator service in the various public buildings under control of this Department and the elevator service discontinued.

The approval of the above recommendation will effect a saving of $6,840 during the balance of the present fiscal year.

To provide against the deficiency which will still remain after the above recommendation is approved, I recommend the discharge of sufficient watchmen and laborers in accordance with a schedule to be prepared with a due regard to the relative importance of the public service in various buildings, the aggregate of the compensation of said watchmen and laborers to be such as will permit this Department to keep within the limits of the present appropriation. Having visited many of our public buildings, being practically familiar with the necessities of the service, I feel it my duty to add that the course recommended above will unquestionably seriously cripple the conduct of the service and result disastrously to the public business. The limits of the appropriation compel such recommendation.

I am, sir, very respectfully,

J. E. POWELL,
Inspector of Electric-Light Plants.

Hon. C. S. FAIRCHILD,
Secretary of the Treasury.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 4, 1888.

SIR: I have the honor to invite your attention to the necessities of the public service in the matter of expenditures payable from the appropriation "Pay of assistant custodians and janitors," for the fiscal year ending June 30, 1888.

The estimates for this service for the current fiscal year, based upon the actual

necessities thereof, amounting to $534,206, were prepared and submitted to Congress. The amount appropriated was only $425,000, being $109,206 less than the estimate.

In consequence of this reduction, the most careful economy has been exercised, yet it is found that during the first half of the current fiscal year the total amount expended from the appropriation was $218,296.

Extraordinary demands have been made upon the appropriation by reason of the completion of several new buildings since the beginning of the current fiscal year, and as others will be finished before the 30th of June next additional provisions will have to be made therefor, which will materially increase what appears to be inevitable, a deficiency, unless the service is curtailed by dismissals, a course undesirable and prejudicial to the public interests.

A most careful revision of these expenditures has been made, based upon an exact knowledge of the size, method of heating, lighting, cleaning, and caring for public buildings.

The salaries of employés, in many instances, have been reduced, in order to keep within the appropriation, below the rates paid by private individuals and corporations for similar service, and there is, therefore, an incessant demand for an increase of pay. Also, in many cases, the demands of the service have required that employés should work beyond the hours exacted from persons not employed by the Government; hence, a great deal of fault-finding in regard to the matter, the employés claiming that the Government was not justified in demanding such length of service, but, for the reason before stated, the Department has been powerless to grant the relief desired.

Every item of expenditure authorized from the appropriation has been closely scanned, and all possible saving accomplished, yet it is not found to be within the power of the Department to curtail further without crippling the service.

Owing to the smallness of the salary paid, the Department has not always been able to secure the services of competent engineers and firemen, men who are capable of taking care of the elaborate systems of machinery and apparatus now in use in some of the public buildings, thus inviting the danger attendant in such cases and the destruction of valuable mechanical plants.

Such action must be taken, however, to enable the Department to keep within the limits of the appropriation, and the services of elevator conductors, elevator engineers, and watchmen dispensed with, thus greatly impeding the public business.

It should be noted that a considerable portion of the appropriation "Pay of assistant custodians and janitors" has been used for the purpose of operating electric-light plants in several of the public buildings.

Wherever an electric-light plant has been introduced and used other appropriations for public buildings have been relieved more than the amount thus expended, and the result was an actual saving to the Government.

It is not deemed advisable, in view of the foregoing facts, to make a reduction of expenditures which would produce any friction in the conduct of the public service, or to adopt such a course before presenting for your honorable consideration a request to insert in the urgent deficiency bill a clause making an additional appropriation.

Special attention is invited to the estimates for the fiscal year ending June 30, 1889, where in detail will be found each item of expenditure proposed. An examination of that estimate will better show the necessity for the additional appropriation herein requested.

In view of the foregoing, it is suggested that an effort be made to have inserted in the urgent deficiency bill a clause making an additional appropriation for pay of assistant custodians and janitors for the current fiscal year of $60,000, which amount, in my judgment, will be required to fully meet the demands of the service.

Respectfully yours,

PERRY C. SMITH,
Chief Appointment Division.

Hon. C. S. FAIRCHILD,
Secretary of the Treasury.

Mr. RANDALL. I think that we will be found in harmony with the Treasury Department on this particular item.

Mr. RYAN. I wish to suggest to the gentleman from Pennsylvania [Mr. RANDALL] that if we give the $160,000 here, and the force is increased so as to absorb that appropriation, it will be necessary, in order to maintain that force during the next fiscal year, that we shall appropriate $600,000 instead of $450,000.

Mr. RANDALL. I am not going to anticipate trouble for the next fiscal year. I am only anxious now about the current year; that what gentlemen are complaining of, namely, that persons have been discharged from the public service in their respective districts, should be met and remedied as far as the Treasury Department will take the responsibility of doing it, and we say in the law that they shall do it only where there is absolute necessity that it shall be done.

Mr. BELDEN. Mr. Chairman, I desire to make a suggestion that I think will solve this difficulty and satisfy the gentleman from Missouri [Mr. BURNES]. When the appropriation for the Syracuse post-office was exhausted the Administration sent a man there from one of the Southern States, I think from Missouri, at $10 a day, and put him in charge of the building, and if this appropriation should go through I see no reason why they can not do the same thing elsewhere. Mind you, he was a good politician and a Democrat. [Laughter.]

Mr. RANDALL. I do not remember whether the Syracuse post-office is completed or not, but I want to remind this House that this appropriation applies only to public buildings which are finished and handed over to the care of the Treasury Department.

Mr. BUTTERWORTH. I do not propose now to inquire whether or not we have realized the economy in the administration of the General Government which was promised. One thing is clear, and that is that the amount appropriated for caring for the public buildings has fallen short, and it has been found necessary to discharge employés whose services were required to properly care for the public buildings, run the elevators, etc. The chairman of the committee has said that the amount asked for ought not to be allowed, because the bill of last year making an appropriation for this service provided that the sum appropriated should be so distributed throughout the year as not to permit of a deficiency; but the Secretary of the Treasury has informed us that in spite of his efforts in that behalf there is a deficiency, and as a result the elevators in a large number of the court-houses in the leading cities are stopped for want of money to pay an adequate force to run them.

The honorable chairman of the committee addressed a note to the Secretary, asking him what sum would be sufficient to enable him to restore the force which had been discharged, so far as that force might be found necessary to properly care for the buildings, take charge of the elevators, etc. The reply was, as already stated, twenty-four thousand and some hundreds of dollars. That amount is absolutely necessary. So far as my own city is concerned, I can say that one of the elevators, used for carrying judges, attorneys, litigants, and others having business before the court to the third story, where the court is held, had been stopped because there is no money to pay the men in charge of it. If there is a desire to punish the Secretary of the Treasury for having disregarded the law, let the punishment be visited on him, and not upon citizens who are interested in having the public buildings in different parts of the country properly cared for and the business of the courts continue uninterruptedly. The Secretary says $25,000 is sufficient for that purpose, and I see no reason to question the accuracy of that statement. The additional amount asked for, being $35,000, is to provide for service which he says is necessary, but not absolutely indispensable. I hope the motion for the $60,000 will not prevail, and that the amendment suggested by the gentleman from Missouri [Mr. BURNES] will be adopted, allowing just what the Secretary of the Treasury says is absolutely necessary to provide sufficient force to care for the public buildings and perform other indispensable duties.

Mr. BUCHANAN. Mr. Chairman, I have but a word to say in reference to this matter, and in saying that word I will not allude to politics in any way, because, so far as my section is concerned, the men who have been discharged are Democrats, and the men who will be appointed to succeed them will undoubtedly be Democrats, provided they are appointed before the 4th of March next. [Laughter.]

What I want to say is, that I have never been able to understand the statesmanship which pares an appropriation bill down below the amount absolutely needed, and then comes in the next year with a deficiency bill, an urgent deficiency bill, and an "extremely" urgent deficiency bill. That policy may be statesmanship, but I believe the country does not so regard it.

To-day in my own city the force in charge of the public building there is ridiculously inadequate, solely because money enough was not appropriated to carry on properly the public business. As I stated the other day, when only five-twelfths of the fiscal year had expired, our courts were stopped because of the failure of the appropriation; and to-day, were it not for the generosity of my county in giving credit to the National Government, your Federal prisoners would be walking our streets or starving in their cells. This may be statesmanship; but if it is, God save the mark!

Mr. PETERS. It is statesmanship which takes a magnifying glass to see it.

Mr. BUCHANAN. Whatever money is necessary to carry on the legitimate functions of the Government, the people are ready and willing to have appropriated; and I believe they take no stock in these circulars which are sent out from some political committee-room on the eve of an election, comparing the appropriations of one year with those of another. Why, sir, the people are not blind; they see through these matters and understand them. As these urgent deficiency bills are coming up one after another, they see more plainly than ever—I was going to say the "disreputable," but out of regard to gentleman upon the committee, I will say—the transparent subterfuge of the whole thing.

The question being taken on the amendment of Mr. O'NEILL, of Missouri, it was not agreed to, there being—ayes 9, noes 67.

The question then recurred on concurring in amendment 13 with the amendment reported by the Committee on Appropriations; and it was agreed to.

The next amendment (in which the Committee on Appropriations recommended non-concurrence) was read, as follows:

Amendment 14: On page 9, in line 7, after the word "tunnel," insert "according to the plan recommended by the board of Army engineer officers."

The amendment was non-concurred in.

The next amendment (in which the Committee on Appropriations recommended non-concurrence) was read, as follows:

Amendment 15: Insert the following new paragraph:

"Office of the Surgeon-General: For salaries of the following additional force from March 1 to June 30, 1888, namely: For one engineer, at the rate of $1,400 per annum; one assistant engineer, for night duty, at the rate of $900 per annum; two firemen, at the rate of $720 each per annum; and two laborers, at the rate of $660 each per annum; in all, $1,611.67, or so much thereof as may be necessary."

The amendment was non-concurred in.

The next amendment (in which the Committee on Appropriations recommended non-concurrence) was read, as follows:

Amendment 16: On page 10, in line 11, strike out "2,500" and insert "3,000."

The amendment was non-concurred in.

The next amendment (in which the Committee on Appropriations recommended non-concurrence), was read, as follows:

Amendment 17: On page 10, in lines 18 and 19, strike out "$5,895" and insert "$6,385."

The amendment was non-concurred in.

The next amendment (in which the Committee on Appropriations recommended non-concurrence) was read, as follows:

Amendment 18: On page 10, at the end of line 19, insert the following:
"*Provided*, That the printing-press and material formerly in use in the office of the Surgeon-General may be used by the record and pension division of that office to expedite as much as possible the work of the division, and for no other purpose."

The amendment was non-concurred in.

The next amendment (in which the Committee on Appropriations recommended concurrence) was read, as follows:

Amendment 19: On page 10, at the end of line 22, insert the following:
"To be disbursed under the limitations prescribed for the appropriation for mileage to officers by the Army appropriation act approved February 9, 1887."

The amendment was concurred in.

The next amendment (in which the Committee on Appropriations recommended non-concurrence) was read, as follows:

Amendment 20: On page 11, after line 11, insert the following:
"Extension of military reservation at Fort Robinson, Nebr.: For payment to John T. Sechler for private property taken by the Government in extension of the military reservation at Fort Robinson, Nebr., under the President's order of June 28, 1879, being the amount awarded by a board of officers January 5, 1888, as per their report approved by the War Department, $2,500."

The amendment was non-concurred in,

The next amendment (in which the Committee on Appropriations recommended concurrence) was read, as follows:

Amendment 21: On page 12, after line 13, insert:
"For rent, hire of civilian employés, furniture, light, stationery, ice, stoves and fixtures, repairs, rent of telephones, text-books, lumber, and other expenses of offices maintained as stations of observation outside of Washington, D. C., $5,000."

The amendment was concurred in.

The next amendment (in which the Committee on Appropriations recommended non-concurrence) was read, as follows:

Amendment 22: On page 12, after line 26, insert the following:
"For payment on account of Army transportation, 1882 and prior years, as certified to Congress as due by the accounting officers of the Treasury in House Executive Document No. 19, Fiftieth Congress, first session, as follows: To the Baltimore and Ohio Railroad Company, $32,788.48; to the Hoboken Land Improvement Company, of New Jersey, $15,800; in all, $48,588.48."

The amendment was non-concurred in.

The next amendment (in which the Committee on Appropriations recommended non-concurrence) was read, as follows:

Amendment 23: On page 12, after line 26, insert the following:
"For payment on account of barracks and quarters, 1881 and prior years, to L. A. Von Hoffman and William A. Mertens (trading as R. Von Hoffman & Co.) and William H. Newman, $18,430.56, certified to Congress as due by the accounting officers of the Treasury in House Executive Document No. 19, Fiftieth Congress, first session."

The amendment was non-concurred in.

The next amendment (in which the Committee on Appropriations recommended non-concurrence) was read, as follows:

Amendment 24: On page 12, line 26, insert the following:
"For reimbursement to the estate of Walter (or Walt.) Mason for stolen money under sections 2154 and 2155, Revised Statutes, as certified to Congress in House Executive Document No. 19, Fiftieth Congress, first session, $32,000."

The amendment was non-concurred in.

The next amendment (in which the Committee on Appropriations recommended non-concurrence) was read, as follows:

Amendment 25: On page 12, after line 26, insert the following:

"NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

"At the Western Branch, Leavenworth, Kans.: For fitting up barrack for the accommodation of additional inmates, $1,000; for maintenance during the remainder of the current fiscal year, $4,500, in all, $5,500."

Mr. DINGLEY. I would like to hear the gentleman from Missouri state the reasons which induced the Committee on Appropriations to recommend non-concurrence in this amendment.

Mr. BURNES. There was no sort of estimate or information sent to the House on this subject; not an item or a line. We have proposed non-concurrence with a view of ascertaining what are the facts and what should be done.

Mr. DINGLEY. I am surprised at the gentleman's statement, because when I happened to be in Leavenworth a month or two ago I visited this National Home, Western Branch, and I found that it was crowded to repletion. General Smith, who was in charge of it, said to me it was necessary an appropriation be made for the erection of barracks, in order to provide for hundreds of soldiers in the West who are awaiting an opportunity for admission into the Home. I am therefore surprised that no official communication on the subject has been sent to the committee.

Mr. BURNES. Not a line in reference to this matter has been received by us. While I presume the gentleman from Maine [Mr. DINGLEY] is right, and while I think the Senate conferees will be able to give us some information, we certainly have not yet received any upon the subject.

Mr. DINGLEY. In view of the gentleman's statement I make no objection to non-concurrence.

The amendment was non-concurred in.

The next amendment (in which the Committee on Appropriations recommended concurrence) was read, as follows:

Amendment 26: After the last amendment insert the following:
"Head-stones for graves of soldiers: For continuing the work of furnishing head-stones for unmarked graves of Union soldiers, sailors, and marines in national, post, city, town, and village cemeteries, naval cemeteries at navy-yards and stations of the United States, and other burial places, under the acts of March 3, 1873, and February 3, 1879, $20,000."

The amendment was concurred in.

Amendment 27: Strike out the following:
"For the purpose of making 100 feet longer the dry-dock now under contract to be built at the Brooklyn navy-yard, $100,000, or so much thereof as may be necessary."

Mr. BURNES. The committee recommend non-concurrence.

Mr. LODGE. I should like to know the reason for non-concurrence. It was not in the original bill.

Mr. BURNES. It was offered as an amendment in the House by the chairman of the Committee on Naval Affairs. That is how it got into the bill.

Mr. LONG. The Senate have stricken it out.

Mr. BOUTELLE. Is the motion to concur in order?

The CHAIRMAN. It is.

Mr. BOUTELLE. Then I make that motion. If I understand this provision, it is to increase in length the dry-dock provided for at 500 feet by adding 100 feet. There is no pretense, I understand, that any vessel now owned by the United States, now proposed to be constructed, or of the construction of which there is any expectation, will be long enough to require any such dry-dock as this when lengthened, as proposed, to 600 feet.

I did not know this bill was coming up to-day, and have not with me the data which I would like to present to the House on this subject, and I am justified in saying that the dock now provided for, 500 feet in length, is more than ample for all Government purposes. Of course there are a few of the largest of the foreign ocean steamships, built of enormous size for the purpose of speed and devoted almost exclusively to the carrying of passengers, which would require a dock something near the length of the one here proposed, but no Government vessel requires any such dock.

Mr. LONG. There is already a dock in New York of sufficient capacity.

Mr. BOUTELLE. Yes, I was coming to that. The dock already provided for is 500 feet long, and the only argument I have heard made in favor of increasing this dock to 600 feet is that possibly it might be utilized to repair two vessels at once. On that point I desire to express my opinion that building an enormous dock for the purpose of taking in two vessels at once is not practical or business-like. If the House will think a moment and consider the fact it is very rare that two vessels go into a dry-dock to have repairs of the same extent put upon them, it will be very obvious that the lengthening of a dry-dock for the purpose of accommodating two ships at a time is not a practical way of doing the business of the Government. For instance, one vessel has to be dry-docked perhaps for the purpose of three or four hours' work on her propeller or for twenty-four hours' work in cleaning her bottom, while another vessel is docked for repairs which may take three or four months. When those two vessels have once passed into the dock and been blocked up and the water pumped out, neither one of them can be taken out without floating up both, or if either of them had repairs going on below the water line the gates of the dock could not be opened without filling that vessel.

Again, in addition to the increase of $100,000 upon the original cost of this dry-dock there will be added an enormous increase in the expense for pumping out the water from the enlargement. If a vessel of two or three hundred feet in length is put in the dock for some ordinary repair the whole volume of water for that 600 feet of dock has to be pumped out, thus involving not only increased expenditure in the beginning but a heavy increase in the ordinary expenses of using the dock.

I understand that the pressure for the increase in the length of this dock has come chiefly or largely from the owners or agents of some of the passenger lines trading from Europe to the port of New York. But private enterprise and private capital have provided at the port of New York ample accommodation for docking ships of that character.

Mr. TIMOTHY J. CAMPBELL. At what part of New York have they provided that accommodation?

Mr. BOUTELLE. The Erie Basin.

Mr. TIMOTHY J. CAMPBELL. The only docks there are in my district, and they are not large enough to accommodate the large ships we have to provide for. I mean in regard to their length and accommodations.

Mr. RANDALL. The reason is that the water at the gates of these docks to which the gentleman refers is only about 25 feet, while these other vessels draw 28.

Mr. BOUTELLE. Very well; this brings the matter then to this point, that the object of providing the additional dock facilities in New York is for the purpose of accommodating this class of passenger steamships belonging to private corporations, sailing under a foreign flag and belonging to foreign countries.

Mr. TIMOTHY J. CAMPBELL. It is a class of people, let me say to the gentleman, who bring grist to our mills and money to our country.

Mr. BOUTELLE. Very true; but it is practically admitted that the primary object of this increased expenditure is not to provide for the

wants of the Government, but to provide for the accommodation of private corporations which may happen to need this dock for the use of vessels, all of which are sailing at this time under a foreign flag.

Now, I desire to say that whether it be true or not (and my information on that point differs from the information of my distinguished friend from New York, to whom I should defer on matters affecting his locality with a great deal of respect), but whether it be or be not true, that at the present moment there are not ample dock facilities for that class of steam-ships connected with the foreign trade at New York, there is certainly no question that there is plenty of capital—private capital—waiting to be invested in that great commercial and financial center, to supply all such private wants; and I do not believe that it is the duty of the United States Government, or for its interest, or that it is proper for the Government to increase the appropriations for a dry-dock by one-fifth, and add a hundred feet to the length of a dock that is already more than long enough for all Government purposes, in order to provide for the possible wants of private foreign corporations.

[Here the hammer fell.]

Mr. HERBERT. The opposition to this amendment put upon the appropriation bill by a vote of the House proceeds, as I conceive, upon an entire misapprehension of the situation. The gentleman from Maine [Mr. BOUTELLE], who has just spoken, based his opposition mainly upon the idea that this is to come into competition—this Government dock—in some manner with private docks. There could not be possibly a greater mistake.

I have here a letter from the Chief of the Bureau of Yards and Docks, Commodore Harmony, and another from the Secretary of the Navy, both saying that that can never be; and I read simply a single sentence from the letter of the Secretary, who favors this amendment and the passage of the bill in this regard as it was adopted by the House:

The Government property can not be used by private persons except where there is no other available resource, which almost never happens.

Now, that destroys the whole foundation upon which the gentleman from Maine rests his principal objection, and upon which it must rest. It has always been the rule that the Government docks are never allowed to come into competition with docks owned by private individuals.

Now, then, if a vessel, whether foreign and sailing under a foreign flag, or one sailing under the American flag, whether it be owned by foreigners or owned by Americans, happens to be at the port of New York, it certainly would be a great convenience to have a dock there that would enable the vessel to be repaired, in the event that repairs are necessary; because in the first instance the vessel might otherwise be worthless. It might be unable to recross the Atlantic in order to reach dock facilities in Europe, and if it were otherwise I think it would be desirable to let the vessel be docked in New York in order to enable the American workman to find employment. Why is it that gentlemen are so opposed to the idea that the vessels of whatever nation they may be, owned wherever they may be, shall not be repaired, if occasion demands, in our own docks? What has the American workman done that you should strike such a relentless blow at him as that?

Mr. CANNON. Is there want of capital, let me ask the gentleman from Alabama, at New York or in this country to construct such a dock?

Mr. HERBERT. There is no want of capital, as far as that is concerned; but I am answering the argument the gentleman from Maine has made in opposition to this appropriation. The fact is known that there is no dock in New York now that will take these larger steamers.

Mr. BOUTELLE. Will my colleague on the committee permit me to ask if he defends the increase of this dock on the ground that it is not large enough for the needs of the Navy?

Mr. HERBERT. I do; and I was taking your own argument, beginning with what you said last, for that seems to be the most important, and was then coming to the first objection.

Mr. BOUTELLE. I would like to ask my colleague if he will state whether any official authorities have recommended that this dock should be increased to 600 feet in length in view of any possible needs of the Navy?

Mr. HERBERT. I am coming to that. I say that the Chief of the Bureau of Yards and Docks, Commodore Harmony, does and the Secretary of the Navy does. I propose to read from the letter of the Secretary, and I will hand to the gentleman the letter from the Chief of the Bureau of Yards and Docks.

Mr. BOUTELLE. I will be glad to hear it.

Mr. O'NEILL, of Pennsylvania. With the permission of the chairman of the Committee on Naval Affairs, I should like to ask him a question. I recollect not many weeks ago there was a bill presented in this House proposing that there should be a dry-dock built at the League Island navy-yard on the Delaware River. My inquiry is, has any progress been made in the consideration of that bill?

Mr. RANDALL. Do not mix that up with this.

Mr. O'NEILL, of Pennsylvania. I did not hear my colleague.

Mr. MORSE. The gentleman says it will follow this. [Laughter.]

Mr. O'NEILL, of Pennsylvania. In the same bill?

Mr. RANDALL. I did not say that.

Mr. O'NEILL, of Pennsylvania. My colleague says it will follow this.

Mr. RANDALL. I did not say that.

Mr. O'NEILL, of Pennsylvania. There is no place where there are greater advantages for the Navy and the docking of private ships than at League Island. There is plenty of water, plenty of room, and plenty of workmen to work on ships of that kind. Now, if the gentleman will answer my question I would like to know what progress has been made with reference to that proposition.

Mr. HERBERT. I will answer the gentleman's question by another. What has the question about the League Island navy-yard to do with this question now before the House?

[Here the hammer fell.]

Mr. DOCKERY was recognized, and yielded his time to Mr. HERBERT.

Mr. O'NEILL, of Pennsylvania. I move to strike out the last word. I have a natural inclination when dry-docks are mentioned to bring this question before the House.

The CHAIRMAN. The gentleman from Alabama [Mr. HERBERT] is entitled to the floor.

Mr. HERBERT. I hope gentlemen will not ask any further questions to throw me off the line of my argument until at least I shall have answered the questions already propounded.

Mr. O'NEILL, of Pennsylvania. Answer mine.

Mr. HERBERT. I said there was no dock large enough to take some of the vessels that it is contemplated to run. The Erie Basin dock No. 2 is 600 feet long, but, as has been said by the gentleman from New York [Mr. TIMOTHY J. CAMPBELL] is not large enough; except perhaps for a few days at high flood tide.

Mr. BOUTELLE. What does the gentleman mean by saying that it is not large enough if it be 600 feet long?

Mr. HERBERT. It is not wide enough.

Mr. BOUTELLE. Will the gentleman state how wide it is?

Mr. HERBERT. I can not exactly state how wide it is, but I understand it is not wide enough. But even if it be wide enough there is no question about what the Secretary states and what Commodore Harmony states, namely, that never at any time is a Government dock allowed to be used for a private vessel when there is a Government vessel requiring accommodation.

Another question propounded to me was this: Do we want this dock for naval purposes? I say yes; the Secretary says yes; Commodore Harmony says yes.

Mr. RANDALL. And the New York delegation want it.

Mr. HERBERT. Of course they do. The New York delegation and the best citizens of New York want it.

The Secretary says:

I consider, however, the insertion of the item desirable. There is no question in the case of competition with private docks. The Government property can not be used by private persons except where there is no other available resource, which almost never happens.

There are two considerations which seem to make this extension of the dock desirable:

In the first place, for the ordinary use of the Government. An increase of the length of the dock by 100 feet would nearly double its capacity for our ordinary uses. It would enable us to dock two vessels at a time instead of one.

My colleague on the committee, the gentleman from Maine, has said according to his understanding this thing is impracticable. He says it is very seldom that two vessels can be put in one dock at one time.

Mr. BOUTELLE. I will stand on that statement.

Mr. HERBERT. No doubt the gentleman will, until I attempt to take the ground from under him and then the House will decide whether he stands on a firm foundation or not.

Here is a book of figures of dry-docks which has been in the Committee on Naval Affairs for almost a year. It was certainly not gotten up with reference to this question, which had not then arisen. I see represented in one of these docks, the Baltimore dock, the ships United States and Equator. In the Erie Basin dock No. 2 are represented the steamer Colorado and the bark Ophelia at the same time. At the St. John's dock are represented the steamers Hector and Nimrod at the same time.

The gentleman's argument is, it would frequently happen a vessel might want to go into dock for only twelve hours and another vessel might be in there. That might happen.

Mr. BOUTELLE. Will the gentleman allow me?

Mr. HERBERT. I have no time to yield.

Mr. BOUTELLE. Will the gentleman give the size of those vessels?

Mr. HERBERT. That has nothing to do with the question. They are within the 600 feet. It might frequently happen a vessel was in dock for three months.

[Here the hammer fell.]

Mr. BURNES. We have now heard very nearly, I think, all that can be said upon the subject. The two eminent sailors in the House have spoken, and I hope we will have a vote. I ask unanimous consent that debate on this paragraph shall now close.

Mr. BOUTELLE. Mr. Chairman, before the debate is closed I wish to say a word.

Mr. BURNES. I ask unanimous consent that the debate be limited to five minutes.

Mr. LODGE. I object to unanimous consent, Mr. Chairman. I want to say something on this subject.

Mr. BURNES. Then I ask unanimous consent that debate be limited to ten minutes, five minutes on each side.

Mr. LODGE. I object.

Mr. BURNES. Then I ask unanimous consent that debate be limited to fifteen minutes, five minutes on this side and ten minutes on the other.

There was no objection.

Mr. BOUTELLE. Mr. Chairman, I desire simply to add to what I have already said the fact disclosed by the official reports of our Navy Department, that the longest vessel we have in the Navy to-day is 315 feet. That is the length of the Chicago. The dock which is already provided for is 500 feet in length. So far as we can judge from the operations which have been carried on under the present Administration, the tendency is not in the direction of increasing the length; the Chicago, which was one of the Roach ships, being as long as any vessel now in the Navy, or under construction. The Baltimore is the same length. The Newark is 310 feet long. The Charleston, now being constructed on the Pacific Coast, is 300 feet long, and so they run on down. Now, in view of these facts, Mr. Chairman, it does not seem to me that this proposition has any standing before us in the interest of the Navy Department. I am unable to give at this time the length of the longest ship of war in the world, but it is perfectly safe to say that no navy has afloat to-day a modern war-ship that could not be taken into this dock of 500 feet in length, and I close by submitting to this House whether it is a sound business proposition, when we have one dock at the New York navy-yard of a reasonable length, and are building near it another dock 500 feet long, that, for the possibility that we may, at some time, desire to put two ships into a dock at once, we should make an additional appropriation of $100,000 to build a dock far beyond the length that is likely to be required, and involving an enormous additional expense for pumping out a 600-foot dock every time we have occasion to take out of water, for any kind of temporary repairs, any one of the ships of a navy no one of which to-day is over 315 feet long.

Mr. LODGE. Mr. Chairman, I should vote with the greatest pleasure for any appropriation for the United States Navy which the committee can bring in, but the naval purposes of this appropriation, as disclosed by what the chairman of the committee has said, are simply to give an opportunity to put two vessels into this dock at once. Now, if there is such urgency about docking the vessels of the United States, there are other docks in other Government yards that are quite capable of being used for that purpose. One of the finest in the country is at Charlestown, in my State, a dock which is perfectly capable of being used, but which is allowed to stand entirely idle under the present regulation of the navy-yard. The only object to be gained from this appropriation is to lengthen this Brooklyn dock so as to make it more convenient for docking ocean steamers. Of course it is desirable in case of distress to have a dock for the purpose of docking large ocean steamers, but there is a dock in New York at the Erie Basin which has been referred to here and which without doubt can be deepened sufficiently to care for those vessels, and I see no reason why the capital and the labor of New York should not be employed in a private enterprise like that, instead of committing the Government to the enlargement of this navy-yard dock. It seems to me that it is better economy to spend all the money that we appropriate in building up the American Navy and adding to the number of cruisers, instead of putting $100,000 into the Brooklyn dry-dock, not for the vessels of the United States, but for the convenience of the great ocean steam-ship companies.

Mr. BURNES. I yield four minutes to the gentleman from Alabama [Mr. HERBERT], and the remainder of the time to the distinguished gentleman from Pennsylvania, the chairman of the committee [Mr. RANDALL].

Mr. HERBERT. Mr. Chairman, I repeat that there is no danger whatever that the Government of the United States, even though it should have one hundred docks, would at any time come into competition with any of the capital now invested or hereafter to be invested in New York or Boston docks. So much for that. Now, in reply to the gentleman from Maine [Mr. BOUTELLE], I will read what the Secretary says:

> Of the new cruisers, five run from 300 feet to 315 feet in length. There are seven of sizes next smaller, running from 230 feet in length to 270. These twelve boats constitute thus far the new Navy, and it will be seen that a 600-foot dock will accommodate one of the first class and one of the second class at the same time, but a 500-foot dock, if it should have one of the first class in, would not have room for one of the other boats.

So that in general it may be said that by adding not more than 20 per cent. to the cost of this dock (the dock according to the present plans will cost about $600,000) the structure can be increased in length 100 feet, adding nearly 50 per cent. to the value of the dock for naval purposes. Not only is this addition desirable for the purpose now contemplated, not only is it economical to make this improvement, but it is quite likely that as there is so rapid a growth in the length of merchant vessels, we shall, before long, build a naval vessel which will require a dock longer than 500 feet. This dock is at present under contract, but if the appropriation be made in this bill for $100,000, the dock can be made 100 feet longer. That is the whole case.

Mr. BOUTELLE. Will the chairman of the Naval Committee [Mr. HERBERT] state the length of the latest vessels provided for by the Department?

Mr. HERBERT. It is considerably less than 500 feet. I do not remember the exact figures.

Mr. BOUTELLE. It is less than 300 feet, according to the report—290 feet.

Mr. RANDALL. Mr. Chairman, in no event does the Government propose to enter into competition with the owners of private dock-yards. The head of the Department has stated that neither now nor in the future is that proposed. The question involved here is whether vessels of greater length than 500 feet, or drawing more water than 25 feet, can be docked in the existing docks in the city of New York. My information is that they can not. If through private enterprise a dock should be provided with sufficient depth at the gate to allow a vessel drawing 28 feet of water to float in and out on all days of the year, then the Government is to be immediately debarred from entering into competition with private docks. But the present condition of the case is that there are vessels coming into the harbor of New York which can not be taken into an American dock. The question is whether we shall exclude such vessels from being repaired in American waters, and so drive them abroad.

The CHAIRMAN. The question is on the motion of the gentleman from Maine [Mr. BOUTELLE] to concur in the amendment.

Mr. RANDALL. I hope that will not be done.

The amendment was not concurred in; there being—ayes 48, noes 68.

The next amendment (in which the Committee on Appropriations recommended non-concurrence) was read, as follows:

> Amendment 28: On page 13, line 22, strike out "$5,000" and insert "$2,500."

The amendment was non-concurred in.

The next amendment (in which the Committee on Appropriations recommended non-concurrence) was read, as follows:

> Amendment 29: At the end of line 27, page 13, insert the following: "And from this amount an expenditure not to exceed $360 is hereby authorized for the rent of additional rooms for said bureau during the current fiscal year."

The amendment was non-concurred in.

The next amendment (in which the Committee on Appropriations recommended non-concurrence) was read, as follows:

> Amendment 30: Insert the following: "Support Freedmen's Hospital and Asylum: For subsistence, $1,800; for repairs to steam-boilers, $900; in all, $2,700."

The amendment was non-concurred in.

The next amendment (in which the Committee on Appropriations recommended non-concurrence) was read, as follows:

> Amendment 31: Insert the following: "Reports of the Tenth Census: To complete the publication of the reports of the Tenth Census, $77,495.52."

The amendment was non-concurred in.

Mr. RANDALL. Amendments 32 to 43, inclusive, are all of the same class, relating to the salaries of clerks in the offices of surveyors-general in various States and Territories. The Committee on Appropriations have recommended non-concurrence in these amendments. I ask that the question be taken upon them in gross, without reading them.

The CHAIRMAN. If there be no objection, amendments numbered from 32 to 43, inclusive, will be non-concurred in without reading.

There was no objection, and it was ordered accordingly.

The next amendment (in which the Committee on Appropriations recommended non-concurrence) was read, as follows:

> Amendment 44: On page 15 in line 9, strike out "35,000" and insert "25,000."

The amendment was non-concurred in.

The next amendment (in which the Committee on Appropriations recommended concurrence) was read, as follows:

> Amendment 45: Strike out on page 15 the following: "For the examination of surveys heretofore made, $10,000."

The amendment was concurred in.

The next amendment (in which the Committee on Appropriations recommended concurrence) was the following:

> Amendment 46: Insert the following: "Surveying the public lands: For the examination of surveys in the field to test the accuracy of the work and to prevent payment for fraudulent and imperfect surveys returned by deputy surveyors, $10,000."

The amendment was concurred in.

The next amendment (in which the Committee on Appropriations recommended non-concurrence) was read, as follows:

> Amendment 47: Strike out the following: "This amount for pay of special agents and necessary expenses to carry out the provisions of section 3 of the act approved February 8, 1887, entitled 'An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and Territories over the Indians, and for other purposes,' $10,000."

The amendment was non-concurred in.

The next amendment (in which the Committee on Appropriations recommended non-concurrence) was read, as follows:

> Amendment 48: Insert the following: "Traveling expenses of Indian school superintendent: Necessary traveling expenses of one Indian school superintendent, including incidental expenses

of inspection and investigation: *Provided*, That he shall be allowed $4 per day for traveling expenses when actually on duty in the field, exclusive of cost of transportation, $1,000."

The amendment was non-concurred in.

The next amendment (in which the Committee on Appropriations recommended concurrence) was read, as follows:

Amendment 49: Insert in the appropriations for the Post-Office Department the following:
"For wrapping paper, $14,000."

The amendment was concurred in.

Amendment 50: Strike out "wrapping-paper;" so that it will read:
"For balance due Bulkley, Raignel & Co., for 1,500 reams of wrapping-paper furnished per order of Postmaster-General, being a deficiency for fiscal year 1887, $2,165.77."

Mr. BURNES. The committee recommends concurrence.

The amendment was concurred in.

Amendment 51: Strike out the words "being for the fiscal year 1887;" so that it will read:
"For fitting up fire-proof record-rooms to preserve the records of the Department, $1,500."

Mr. BURNES. The committee recommend concurrence.

The amendment was concurred in.

Amendment 52: Insert the following:
"For support of United States prisoners, including necessary clothing and medical aid, and transportation to place of conviction, being for the fiscal year 1887, $20,000."

Mr. BURNES. The committee recommend non-concurrence.

The amendment was non-concurred in.

Amendment 53: Strike out the following:
"Miscellaneous expenses: For miscellaneous expenses, United States courts, $20,000, being a deficiency for the fiscal year 1887."

Mr. BURNES. The committee recommend concurrence.

The amendment was concurred in.

Amendment 54: Insert "or so much thereof as may be necessary;" so it will read:
"For salary of the additional circuit judge in the second judicial circuit authorized by the act approved March 3, 1887, $6,000, or so much thereof as may be necessary."

Mr. BURNES. The committee recommend concurrence.

The amendment was concurred in.

Amendment 55: Insert the following:
"Department of Justice: To pay Shirley C. Ward, of Los Angeles, Cal., $2,500 for his services to date as special attorney for the Mission Indians of Southern California, under appointment by the Attorney-General, made at the request of the Secretary of the Interior."

Mr. BURNES. The committee recommend non-concurrence.

The amendment was non-concurred in.

Amendment 56: Insert the following:
"For printing and binding for the Post-Office Department, $98,000."

Mr. BURNES. The committee recommend concurrence, but at the request of my colleague [Mr. HATCH], chairman of the Committee on Agriculture, I desire to move concurrence with the amendment to the amendment, which I send to the Clerk's desk to be read.

The Clerk read as follows:

For printing and binding for the Department of Agriculture, $10,000.

Mr. BURNES. I desire to say an estimate has come to us from the Secretary of the Treasury approving of the request for this deficiency appropriation on the part of the Commissioner of Agriculture.

Mr. BUTTERWORTH. I am not able to hear what the gentleman is saying.

Mr. BURNES. The amendment which I propose has come here from the Secretary of the Treasury at the instance of the Commissioner of Agriculture. It has the indorsement of the distinguished chairman of the Committee on Agriculture. It is a deficiency in regard to the printing and binding required for the Department of Agriculture.

The amendment to the amendment was agreed to, and the amendment of the Senate as amended was concurred in.

Amendment 57: Strike out the following:
"And the Public Printer is hereby directed to rigidly enforce the provisions of the eight-hour law in the department under his charge."

Mr. BURNES. I desire to have some understanding about the time to be taken up in this debate. Let the other side take ten minutes and five minutes be allowed to this side.

Mr. McCOMAS. I only want eight or ten minutes myself.

Mr. BURNES. It is necessary this bill should pass this evening, as there are thousands who are waiting for the money here appropriated. I ask that the time taken up by the debate on this question be limited to fifteen minutes.

Mr. O'NEILL, of Missouri. What does the committee recommend?

Mr. BURNES. The committee recommends non-concurrence.

The CHAIRMAN. The gentleman from Missouri asks the debate on the pending matter be limited to fifteen minutes.

There was no objection, and it was ordered accordingly.

Mr. McCOMAS. Mr. Chairman, the Senate rejected this amendment because it reiterates existing law. How recently did this House, to please the President, re-enact an existing law authorizing the purchase of bonds? This amendment is an admonition to the Public Printer to obey the eight-hour law. After questioning Mr. Benedict I am convinced that he deserves this censure. Twenty years after President Grant signed the eight-hour law Printer Benedict confesses that out of his 2,062 employés 564 men and women work ten, eleven, or twelve hours each day for the Government.

That of the 47 stereotypers employed there 39 of them work ten hours a day; of 26 machine-men, 11 work eleven hours a day; of 66 in the Treasury branch of the Printing Office, 23 work eleven hours; of 220 employed in the first document-room, 168 of them, some of them women, work twelve hours a day; of 118 in the specification room, 85 work eleven hours a day, and six work twelve hours; of 81 in the second document-room, 75 work twelve hours; and of 85 in the third document-room, 65 work twelve hours a day.

Mr. Chairman, during several months of the year, 81 women and girls in the bindery of that office, and 230 women and girls in the folding-room average nine hours a day, while the female compositors average eleven hours a day.

On June 25, 1868, Congress enacted that "eight hours shall constitute a day's labor for all workmen, mechanics, or laborers employed by or on behalf of the Government." In March, 1888, we discover that the shadow of this Capitol falls on this pile wherein more than two thousand men and women and girls are employed by the United States in its name, and that more than one-fourth of these men, women, and girls toil from nine to twelve hours every day or night, and, what is worst of all, that the most of these toilers are delicate women, orphan girls or widows.

I denounce this as a violation of the law, and the Public Printer for violating the law. Let pass the small force of fifty-seven regulars and twenty-six substitutes, working nine hours on the urgent work of the CONGRESSIONAL RECORD, who swiftly pour out into leaden molds the melted lava of your eloquence on this floor before it cools in the morning air.

I speak now of the remaining 2,000 employés and of the shameful evasion of the law, whereby nearly 600 men, women, and girls are kept working for the Government from nine to twelve hours by day and by night. When he found heads of Departments evading this law President Grant, by proclamations in 1869 and 1872, warned all Departments to obey this law. President Cleveland is silent, while Benedict, under his very eyes, continues this twelve-hour employment of men and this shameful overtaxing the nerves and health of women.

The plain terms of the law and these proclamations ought to prevent this evasion.

In addition, in Martin's case, the Supreme Court said:

This statute was a direction to every official that eight hours is deemed to be a proper length of time for a day's labor, and that his contract shall be based upon that theory.

Contracts for payment by the piece, or per 1,000 ems, or per 100 sheets, or by the hour, which leads to twelve hours' daily labor, is a trick upon the law by Printer Benedict, for which President Cleveland ought to discharge him.

But these shifty evasions are coupled with Benedict's regulation, in bold defiance of law, requiring the piece-workers and hour-workers to be present nine hours, from 8 o'clock until 5 o'clock. I fear many of us are too ready to laud the eight-hour law before we come here, only to forget it after we are here.

Mr. BUTTERWORTH. Let me interrupt the gentleman to ask what excuse is given for this violation of the law.

Mr. McCOMAS. I am coming to that. Benedict says he has not room enough. This is a mere pretext. There is no additional expense in wages. If the Government gives a full day's pay for eight hours, there Government employment should end. By this law the Government proclaimed that eight hours' labor is all it will afford.

Therefore, when Benedict affords, on behalf of the Government, twelve hours' work he either cheats the laborer or cheats the people of the country.

He cheats the laborer if for a day and a half of work he gives only one day's living wages. He cheats the people if to his favored employés on any one day he gives employment of a day and a half to one person when by law he was bound to call in another laborer for that half day's work.

To limit all Government employment to eight hours is no prohibition of labor elsewhere, no restriction upon longer hours in agricultural labor in the pure air. All private employments are open to private contract still.

But this public standard of eight hours has during twenty years wrought powerfully upon public opinion to induce conformity in private employment to this limit. It recognizes the absolute necessity of fewer hours caused by the encroachment of machinery.

The past twenty years tends to prove that eight hours' solid work is better work, and that the remainder of a day may be given to the family, to the libraries, the lyceums, the religious, social, or political meetings, which make a better citizen.

I believe that by the rigid enforcement of this law, the example of the Government helps to make us a stable society of healthy, vigorous, and self-ruling people. I believe the general acceptance of this law fosters intelligence and skill, tends to cheerfulness, honesty, energy, good will, and all that goes to stimulate manhood and womanhood by hope of deserved reward.

At this time the attention of the House and the country has been

turned to other aspects of the labor question, and, Mr. Chairman, even in free-trade England, where we find such eminent thinkers as Huxley using this language——

[Here the hammer fell.]

Mr. MCCOMAS asked and obtained leave to extend his remarks.

Mr. BURNES. Mr. Chairman, I have not my usual sympathy for my friend from Maryland in the remarks which he has made. It occurs to me that they are not characterized by that fairness which almost invariably characterizes him. I have never heard it asserted on this floor or elsewhere that the President of the United States or the Public Printer had violated the eight-hour law in the Public Printing Office; and I undertake to say that there can be no just conclusion of that sort. There has been no violation of the eight-hour law. There can be no violation of that law in permitting a man or woman to work the number of hours he or she may desire. We have no compulsory labor laws and can not have a law to prevent men or women from working as many hours as necessity and inclination may dictate. Eight hours constitute a day's work, and I am glad of it. But volition to work twenty-four hours can not be destroyed by law.

The eight-hour law was not made for the purpose of preventing a man or a woman from working. It was to give pay for a day's work when the employé worked for eight hours. The eight-hour law, I think, has never been so construed; never been so understood. The remarks of my friend from Maryland [Mr. MCCOMAS] seem to me unjust to the President of the United States and to the Public Printer, who, in my judgment, has violated no law.

Mr. RYAN. Then what is the use of this provision here?

Mr. BURNES. In reply to my friend from Kansas [Mr. RYAN], I answer, the provision ought never to have been in this bill. It is not an appropriation. I voted against it. I am opposed to it now. But it was placed in the bill by a decisive majority on a yea-and-nay vote, and the judgment of the House shall be respected.

Mr. O'NEILL, of Missouri. Does my colleague propose on the statement he has just made to absorb all the time on this side? I ask that the time be extended for fifteen minutes. I do not think the gentleman understands what the eight-hour law is.

Mr. BURNES. I understand that eight hours is a day's work when a man is hired for a day, and when he is hired for a day's work he is paid for eight hours. But these employés in the Public Printer's Office are working by the hour and prefer to work ten or twelve hours. Would you prohibit them to eight hours if their necessities lead them to work more hours than eight, as we have to do? Shall the Congress of the United States construe that law to mean that a public officer of the United States shall stop a poor fellow from working when it is necessary for him to work and he desires of his own free will to work extra time to support himself and his dependent family? If you desire such a law as that, make it; but do not undertake to charge respectable and efficient officers with violating law merely because they allow honest men to work as they deem necessary or lawful. Rather let some one present a bill for consideration that will test the judgment and conscience of the American people with regard to the construction sought to be placed on the present law.

I propose non-concurrence, and as one of the conferees will stand by the action of the House, whatever that may be.

Mr. O'NEILL, of Missouri. Like a cross-eyed man, not shooting where you look.

Mr. BURNES. I shoot where I look, and look where I shoot; but at the same time when representing the House a conferee does not always represent his own judgment.

I yield the remainder of my time to my colleague [Mr. O'NEILL].

Mr. ROGERS. I would like to ask a question, and I ask it for information.

Mr O'NEILL, of Missouri. I ask unanimous consent that the time for this debate be extended ten minutes.

Mr. MCCOMAS. Say ten minutes on each side.

Mr. BURNES. I must object.

Mr. O'NEILL, of Missouri. Will my colleague let me have five minutes' time?

Mr. BURNES. I do not object to that.

The CHAIRMAN. Does the gentleman from Missouri [Mr. O'NEILL] submit a request that he be allowed five minutes?

Mr. MCCOMAS. I ask to make the time ten minutes on each side.

The CHAIRMAN. Is there objection?

Mr. BURNES. I object.

Mr. MCCOMAS. The time can be taken on the next amendment. But suppose we say five minutes on each side?

Mr. BURNES. All right.

The CHAIRMAN. Does the Chair understand the gentleman from Missouri [Mr. BURNES] does not object to five minutes on each side?

Mr. BURNES. I do not.

The CHAIRMAN. The gentleman from Maryland [Mr. MCCOMAS] asks unanimous consent that the time for debate be extended ten minutes, one-half on each side.

Mr. ROGERS. Before I give my consent to that I want to ask these gentlemen a question. Otherwise I shall object myself.

Mr. BURNES. I will allow the gentleman from Arkansas to ask a question if I have time left.

The CHAIRMAN. Does the gentleman from Missouri yield for a question?

Mr. BURNES. Yes, sir.

The CHAIRMAN. The gentleman from Missouri [Mr. O'NEILL] had the floor for two minutes in the time of his colleague. The Chair understands that the gentleman from Missouri yields to the gentleman from Arkansas to ask a question in that time.

Mr. ROGERS. I simply wanted some gentleman, I do not care who, to state to me or to the House where I can find the law that directs that the employés of the Printing Office shall not work more than eight hours. And if there is not a law of that kind where is the law that prohibits a man from working more than eight hours? I want to find the law.

Mr. BURNES. There is no such law.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. O'NEILL, of Missouri. Not my time.

The CHAIRMAN. The Chair will submit the request of the gentleman from Maryland, that the debate be continued for ten minutes, to be equally divided between the two sides.

There was no objection.

Mr. MCCOMAS rose.

The CHAIRMAN. The Chair would like to understand what is meant by "the two sides?"

Mr. BURNES. Let there be five minutes under control of the gentleman from Maryland [Mr. MCCOMAS], and five minutes under the control of the gentleman from Missouri [Mr. O'NEILL].

The CHAIRMAN. The gentleman from Maryland [Mr. MCCOMAS] is recognized for five minutes.

Mr. MCCOMAS. After this struggle to get minutes in a debate over the eight-hour law, I want to add one thing. When the law expressly says eight hours shall constitute a day's labor, and the Supreme Court says it is a direction to every official of this Government upon which he shall base all his contracts for labor, if he makes a different contract he violates the law.

Mr. ROGERS. I want to see the law.

Mr. MCCOMAS. It passed June 25, 1868, and was signed by General Grant. And the Supreme Court decision is in Martin's case, from which I read one moment ago, in which the court says eight hours are deemed to be a proper length of time for a day's labor, and that Government contracts shall be based upon that theory. This does not prevent any man from working more than eight hours.

As I was about to say when the gavel fell, I believe with Huxley, that "a population whose labor is insufficiently paid must become physically and morally unhealthy, and socially unstable; and though it may succeed for a while in industrial competition by reason of the cheapness of its produce, it must in the end fall through hideous misery and degradation to utter ruin." Because I believe this, I favor a tariff upon cheap labor, and would restrict its immigration. We are now 60,000,000 of people, and each year more than a million are added to our number. Every twenty seconds, by birth or immigration, a new claimant presents himself or herself to claim a share in our common stock of maintenance and employment. Just when we are more sharply engaged than ever with our neighbors in the struggle for existence, needing the enjoyment of the fruits of honest industry, the President and his allies over the champagne dinner coddle those consumers with fixed incomes, who toil not and spin not, in a fool's paradise.

It is high time for this body, sprung from the very loins of the people, to begin to care for those who do toil and spin, and to help this American people to solve for itself the problem of eternal competition of man against man and nation against nation.

Let us begin to help permanent content by warning this garrulous, vain, and incompetent Public Printer, and through him all officials, to obey the eight-hour law for labor. [Applause.]

Mr. O'NEILL, of Missouri. Mr. Chairman, the construction put upon the eight-hour law by the gentleman representing this House upon the subcommittee who will confer with the Senate subcommittee with regard to this amendment is one that I cannot permit to pass unanswered. Either Congress, when they passed the eight-hour law, meant to set a standard and an example that they hoped would be followed by the industries in the country, either that, or they meant to perpetrate a piece of hypocrisy and to play upon the working classes of the country. Either they meant to say that eight hours should constitute a day's work, and that men should then cease from labor, or they did not mean anything. At that time a cry had gone up all over this country, spreading from State to State, in favor of an eight-hour law, in the hope that by that means thousands and thousands of men who had been thrown out of employment by labor-saving machinery and otherwise would be absorbed again into the ranks of industry; for that is the spirit of the eight-hour law, to bring in the idle men out of the streets and set them to work.

You can not want a better illustration of the benefits of such a law than that which the pay-roll of your Public Printer furnishes, which

shows that while some printers who are permitted to work over time earn over $80 within two weeks, the poor substitute, at the bottom of the list I saw at the Public Printer's, earned during two weeks $1.60. I have examined the Public Printer's books and have found hundreds and hundreds of violations of this law—hundreds of men working ten, twelve, and fourteen hours per day. What official under such a state of facts dares to say that this law can not be enforced? The enforcement of it simply involves the additional employment of 300 or 400 men. It would take in those poor fellows from the streets and give them a chance to earn their living. I say to this Congress, compel your executive officers to respect the law, not alone in your Public Printing Office, but in your Bureau of Engraving and Printing, and every other Department where similar violations of the law are going on. The men in charge of those offices were not appointed for the purpose of settling what the law is or should be, but simply to carry out the law. They should not seek pretexts to violate it; and I say to gentlemen in the other end of this building that they will find out when they go back to their constituents whether this is a trifling question or not, and whether the enforcement of the eight-hour law is a trifling matter.

Gentlemen say that the eight-hour law never was intended to prevent any man from working as long as he pleased. If that is true, will they tell us why Congress enacted it and why the President at the time and for years thereafter compelled its enforcement?

They certainly could work as long as they pleased before its passage; and the condition to-day in this case would lead us to believe that it was dead. Either enforce the law in its spirit or repeal it, and compel your Department heads to respect it.

I will add in all frankness that I think the chairman of the subcommittee having this deficiency bill in charge ought in fairness to let some other member of the committee take charge of this bill in the conference with the Senate committee. Let some member of the Appropriations Committee who is in sympathy with the views of the majority of this House go before that Senate committee and make an honest effort to impress upon them our views and convictions in regard to this bill. [Applause.]

Mr. BUCHANAN. I would like to ask the gentleman this question: Will the rigid enforcement of the provisions of the eight-hour law in the Government Printing Office cause $1 of additional expense to the Government?

Mr. O'NEILL, of Missouri. No, sir; and the Public Printer says that if you adopt this amendment he will enforce it. I do not wish to occupy further time. [Cries of "Vote!" "Vote!"]

The question being taken, the amendment was non-concurred in.

The next amendment (in which the Committee on Appropriations recommended non-concurrence) was read, as follows:

Amendment 58: Insert the following:

"SENATE.

"To enable the Secretary of the Senate to pay E. C. Goodwin, clerk to the Select Committee on the Centennial of the Constitution and the Discovery of America, for services as such clerk from the 13th to the 19th day of December, 1888, inclusive, $42."

The amendment was non-concurred in.

The Clerk was proceeding to read amendment 59 (in which the Committee on Appropriations had recommended non-concurrence) when

Mr. BURNES said: Mr. Chairman, this amendment is simply a recital of names of persons and amounts of money, being appropriations to pay judgment creditors of the Government the amounts allowed them by the Court of Claims. I ask that this amendment be non-concurred in, without reading. Non-concurrence is asked with the view of correcting any mistakes there may be in the names of the parties.

Mr. ADAMS. What is the gentleman's request?

Mr. BURNES. It is to non-concur in this amendment making these various appropriations to pay judgments of the Court of Claims. We are advised that there are errors in some of the names—misspellings and similar mistakes. We propose non-concurrence merely for the purpose of correcting any errors of that kind; otherwise, we would move concurrence.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There being no objection, amendment 59 was non-concurred in without reading.

The next amendment (in which the Committee on Appropriations recommended concurrence) was read, as follows:

Amendment 60: In the paragraph appropriating to George E. Hende $8,178.01, strike out "Hende" and insert "Hendee."

The amendment was concurred in.

The next amendment (in which the Committee on Appropriations recommended non-concurrence) was read, as follows:

Amendment 61: In the paragraph making appropriation to George K. Otis, strike out "$263,595.54" and insert "$455.273."

The amendment was non-concurred in.

The next amendment (in which the Committee on Appropriations recommended non-concurrence) was read, as follows:

Insert the following:

"That the Secretary of the Treasury be, and he is hereby, directed to pay to Mattie S. Whitney, as administratrix of the estate of Franklin S. Whitney, deceased, the sum of $22,224, in full satisfaction of her claim against the United States for supplies furnished to the Army and Navy of the United States, the same being the amount found to be due her by the Court of Claims."

Mr. ADAMS. I understand the recommendation in this case is to non-concur. Perhaps the Committee on Appropriations may have discovered another clerical error. If not, and the fact is ascertained that this judgment has been rendered, I can give the gentleman from Missouri very high authority for the position that where there is the judgment of a court the House has nothing to do but pay it.

Mr. BURNES. Mr. Chairman, we do not propose to non-concur in this amendment on account of any clerical error, but for the substantial reason that this is not a judgment of the Court of Claims, but merely a finding under the Bowman act, and has no place in this bill.

Mr. ADAMS. Is it not such a judgment as the Court of Claims has rendered in other cases?

Mr. BURNES. The Court of Claims under the Bowman act never renders any judgment in the proper sense; it merely certifies the facts for the consideration of Congress.

Mr. ADAMS. Has the gentleman any information as to the justice or lack of justice in this claim?

Mr. BURNES. Not at all. The justice of the claim may be perfect for all I know, but it is a claim under the Bowman act, and the policy of Congress has been uniform against appropriations in this way for such claims.

The amendment was non-concurred in.

The CHAIRMAN. The next and last amendment is Senate amendment numbered 63.

The Clerk read as follows from the report of the Committee on Appropriations accompanying the bill:

They recommend concurrence in the amendment numbered 63 with an amendment as follows:

Insert as section 5 of the bill the following:

"For reimbursement to the State of Texas, expenses incurred in repelling invasions and suppressing Indian hostilities, found due under the act of June 27, 1882, and certified to Congress by the Secretary of the Treasury in a letter to the Speaker of the House of Representatives March 14, 1888, $927,177.40."

The CHAIRMAN. The question is on concurring in the sixty-third amendment of the Senate with the amendment recommended by the Committee on Appropriations.

Mr. CANNON. I desire to be heard on this proposition. In 1882 an act of Congress was passed providing that certain States therein named, amongst them Texas, should be reimbursed for money expended and indebtedness incurred by such States and Territories in repelling invasion and suppressing Indian hostilities. That act provided as to Texas that for the period between a date named in 1865 and the passage of the act that State should be reimbursed for expenditures in repelling Indian hostilities and invasions from Mexico.

Under that act, by the finding of the Secretary of War and the Treasury Department, the State of Nebraska received $186,000, Kansas $332,000, and the bill carries also $23,000 in round numbers for the State of Nevada. This is an amendment recommended by the Committee on Appropriations to insert nearly a million of dollars for the State of Texas.

Mr. RYAN. An amendment to a Senate amendment?

Mr. CANNON. Yes; an amendment to an amendment inserted by the Senate.

Mr. RYAN. It is an amendment to a Senate amendment.

Mr. CANNON. Yes, it is an amendment to a Senate amendment, and I presume the claim is all right under this act, but I do not know that it is. The fact is, I understand, that a letter was transmitted by the Secretary of the Treasury to the House recommending the insertion of this item. It had not reached the committee-room this morning when the committee met. It may have been referred from the Speaker's table to the committee; at least I could not get access to it to examine it. How much of this million of dollars is for repelling Indian hostilities and how much for repelling invasion from Mexico, I know not. I thought in committee, and think now, it might well have examination from the subcommittee and the full committee in the general deficiency bill rather than in the urgent deficiency bill. The majority of the committee thought differently, and although we had not opportunity to examine the letter from the Secretary of the Treasury, or make any other examination, the committee authorized the insertion of this amendment. Having said this much, Mr. Chairman, which I believe to be due to myself, I will not longer occupy the time of the committee.

Mr. SAYERS. Mr. Chairman, I have no hesitancy in saying that it was at my instance that the proposition covered by the pending amendment came before the Committee on Appropriations, and that a majority of the committee recommended it to the House. I believe the amendment to be honest in every particular.

In 1882, as stated by the gentleman from Illinois [Mr. CANNON], Congress passed an act in which it was provided that the claims of certain States and Territories, including Texas, for moneys expended in repelling Indian incursions and Mexican invasions should be examined and audited in the War and Treasury Departments, and, after being so examined and audited, be transmitted to Congress for payment. This act is probably familiar to every member of this committee. In pursuance of it the State of Kansas has been allowed and paid the sum of $332,308.13; the State of Nebraska has been allowed and paid the sum

of $18,081.23; and in the very bill now under consideration there is an item, which has passed both Houses of Congress at its present session and without question, which authorizes the payment to the State of Nevada of the sum of $23,180.92.

Now, Mr. Chairman, for more than a year four officers of the Army, selected and detailed by the Secretary of War, have been engaged in examining and auditing the claims of Texas. They have and can have no interest, direct or otherwise, in these claims. They are not Texans by birth, and so far as I know have no affiliation with Texas. They have carefully examined more than five thousand separate vouchers, coming from the archives of Texas, and here is their report. It is conclusive, not only because of the direct and emphatic language used, but also because of the facts detailed, which show a thorough knowledge of the work in hand. The report is as follows:

WASHINGTON, D. C., *December* 1, 1887.

SIR: The examiners of State and Territorial war claims detailed by Special Orders No. 222, Adjutant-General's Office, October 6, 1886, have the honor to submit the following report upon the claims of the State of Texas, presented for settlement under the acts of Congress approved June 27, 1882 (22 Stat., 111), and August 4, 1886 (24 Stat., 217).

The State's arrangement of her claims is in the order of chronological series, fifteen in number. In this report the examiners have followed this order of classification, and examined and considered first the claims presented under

SERIES 1.

The claim of this series is for reimbursement of amounts expended in payment of services of two companies of "minute men," organized October 15 and 20, 1865, under authority of an act of the Texas Legislature, February 7, 1861. (See copy marked A.)

The vouchers for this claim are two pay-rolls certified to be correct by the respective company commanders, and certified to by the judges of the county courts of the counties in which the companies were enrolled; that the service stated in the rolls was rendered in compliance with the seventh section of an act for frontier defense passed on the 7th day of February, 1861, and that the same was necessary from the alarm existing at the time.

The only expenditure for which reimbursement is claimed is that for pay, and the rate allowed by the State was to a captain, $2.50; to a lieutenant, $2, and to a private, $1.50 per day, when in actual service.

If we allow the United States Army rates for pay, clothing, forage, and subsistence for a private mounted, for the same period, and 40 cents per day for use of his horse, the Texas pay is less than the United States Army pay and allowances, and has therefore been allowed by the examiners.

The act of Congress authorizing the examination of these claims stipulates that "said accounts for and on behalf of Texas shall be confined to claims arising since the 20th day of October, 1865, and shall include the necessary expenses of defense against Mexican raids or invasions, as well as those for defense against Indian hostilities, * * * and no allowance shall be made for services of such forces except for the time during which they were engaged in active service in the field." (Act of June 27, 1882.)

For evidence that the above conditions are fulfilled in the claim of series 1, attention is respectfully invited to the vouchers and the certificates they contain, heretofore cited, and to the sworn statements of Capts. John Teague and L. L. Tackett (marked 1 and 2).

SERIES 2.

The claim of this series is for reimbursement of expenses for "frontier defense" from August 25, 1870, to June 15, 1871.

The Legislature of Texas authorized the governor to raise and muster into service twenty companies of rangers for frontier defense, to serve for twelve months; provisions, ammunition, and arms to be furnished by the State; clothing, pistol, horse, and all necessary accouterments and camp equipage by the individual; troops to remain subject to the authority of the governor, and to be paid by the State. (See copy of act of Legislature approved June 13, 1870, marked B.)

Under the authority of this act the governor directed the organization of fifteen companies. These companies were gradually consolidated into seven, which were mustered out on May 31 and June 15, 1871. (See affidavit of Mr. Newcomb of December 15, 1886, marked 3.)

ARMS.

The amount claimed for expense of arming this force is $42,922. Section 4 of the Texas act of June 13, 1870, reads as follows:

"And each member of the company to be furnished with the arm to be used by him at the price the same shall cost the State, which sum shall be retained out of the first money due him."

Vouchers to Abstract G, this series, prove that $23,539 was collected from the men for arms, and no evidence is submitted to account properly for the balance of the arms the State purchased.

SUBSISTENCE AND FORAGE.

The amounts allowed as reimbursement for expenditures by Texas on account of rations and forage do not, to the best of our belief, equal the amounts allowed and paid by the United States for similar supplies for an equal number of her soldiers, mounted, serving at the same time in the same or in adjacent localities of Texas.

PAY.

In the allowances for reimbursement for pay is included for each man an allowance of 40 cents per day for use of his horse and the United States Army allowance of that period for clothing; and it is believed that the stipulations as to pay of the act of Congress, June 27, 1882, are complied with.

Section 16 of the act of 1870 (Texas) authorizes the governor to appoint special agents to purchase pack-mules and all necessary supplies.

We have allowed these agents not to exceed the pay of a major in the United States Army.

EVIDENCE AS TO THE NATURE OF SERVICE PERFORMED.

Sworn statements from J. P. Newcomb, secretary of state from 1870 to 1874; from Captains Samson, Kelso, Richarz, Von Biberstein, Harrell, Swisher, Hunter, and Kleide, and from Lieutenant Hill, all officers of this force, are submitted as evidence of the fact that these troops were employed solely for the purposes stated in the act of June, 1882, and cited in series 1 of this report. (See copies marked Nos 3 to 13, inclusive.)

SERIES 3.—1872, 1873, 1874.

The claim of this series is for expenses of "minute men" organized for the protection of the frontier from the raids of Indians and other marauding parties under acts of the Legislature approved November 25, 1871, and April 10, 1874. (See copies marked C and I.) These acts name twenty-five counties, each of which is authorized to raise a company for twelve months' service, to consist of one lieutenant, two sergeants, two corporals, and fifteen privates.

ARMS.

The reason for not allowing a reimbursement for expenditure for arms is the fact that the State does not account for the final disposition of this property.

PAY.

Section 5 of the act of November 25, 1871, provides for the daily payment of $2 to each member of a company "for time actually taken in the field in guarding the frontier; but this time shall in no case exceed ten days in any one calendar month."

It was carefully determined that the daily cost to the United States of maintaining a mounted soldier on the frontier of Texas during the period these minute companies were in service was $2.02. In this calculation the daily expenses for pay, rations, clothing, forage, and bedding, and 40 cents for use of a horse, are included. It is believed that $2 per day to a minute officer and soldier for time of active service in the field, including, as it does, all expense for pay, subsistence, clothing, forage, and use of a horse, is a rate that fulfills beyond all question the conditions imposed in the act of June 27, 1882, and this rate is allowed in settling the claim of this series where the men themselves furnished the supplies, for which credit is allowed in their pay.

EVIDENCE AS TO THE NATURE OF SERVICE PERFORMED.

The sworn statements of J. P. Newcomb, C. M. O'Neal, R. T. Rieger, G. W. Stevens, F. C. Stewart, George Haley, A. Schwethelm, J. M. Elkins, S. B. Gray, W. H. Ledbetter, J. J. Keith, P. Crider, I. Gregory, J. F. Lasater, and J. W. Peters (see copies marked Nos. 13 to 27, inclusive) are submitted to cover service in the field in defense against invasion or Indian hostilities of all the minute companies of this series, except U Company (Montague County), whose claim is disallowed for lack of such evidence.

This series covers a period of service from January, 1872, to April, 1874.

SERIES 4.—1873, 1874.

The claim of this series is for reimbursement of expenditures on account of eight companies organized under a proclamation of the governor of Texas dated November 1, 1873. (See copy marked A.)

The reasons as given by the governor for calling out these troops were that he had information of Indian raids into certain northwestern counties, and believed that, pending the enforcement of an agreement made by the United States for the protection of Texas the northwestern counties would be subject to inroads by small bands of the several tribes which under the agreement were to be forced to remain on the Fort Sill reservation. (See copy marked E.)

The governor authorized seven companies for four months' service. Montague and Young Counties were authorized to organize a company jointly, but they raised separate companies—by what authority is unknown to us. However, May 4, 1874, the Legislature organized a board of State officials to pass upon the expenses of ranger companies, and this board audited the accounts of this series.

June 2, 1873, the Legislature passed an act amending the first section of the act of November 25, 1871, and authorizing the governor, upon satisfactory evidence of Indian raids into any frontier county, to call out a company of "minute men" for twelve months' service. (See copy marked D.)

PAY.

Allowing 40 cents per day to each non-commissioned officer and private for use of the horse he furnished, and the clothing allowance for the period for a United States soldier, the pay allowed officers and men of this series by Texas is less than that allowed and paid by the United States in the same grade and for the same time in the United States Army.

FORAGE AND SUBSISTENCE.

The cost of these supplies at the military posts of Griffin and Richardson was ascertained and taken as the standard for allowances.

EVIDENCE AS TO THE NATURE OF SERVICE RENDERED.

Hon. J. P. Newcomb, secretary of state under Governor Davis (1870 to 1874), makes affidavit that "the forces called into service were not kept longer than necessary," and that "at no time during the administration of Governor Davis, from 1870 to 1874, was the frontier free from Indian depredations, and the frontier forces called into the field were necessary." (See copy marked 3; see also affidavits of G. W. Stevens and G. W. Campbell, marked Nos. 28 and 29.)

SERIES 5.—1874, 1875, 1876.

The claim of this series is for reimbursement of expenditures on account of "minute men;" twenty-five in Webb County, in service six months; fifty in Nueces County, in service three months; and twenty-five in El Paso County, in service nine months. This force was organized under an act of the Legislature approved April 10, 1874. (See copy marked F.)

ARMS.

No claim is made for expenditures for arms, but vouchers show that arms to the value of about $1,935 were sold to the men.

FORAGE AND SUBSISTENCE.

The allowances for these supplies are based upon army prices at Forts McIntosh and Bliss during the period this force was in service. The cost of a United States ration of forage at McIntosh was 49 cents, at Bliss 36 cents. The cost of a ration of subsistence was, at McIntosh 34 cents, and at Bliss 58 cents.

PAY.

The allowances for pay have been determined upon principles explained in previous series, and they conform, it is believed, to the terms prescribed in the act of June 27, 1882.

EVIDENCE AS TO THE NATURE OF SERVICE PERFORMED.

The Legislature authorized the governor, upon satisfactory evidence being furnished him that hostile Indians or Mexicans were depredating upon the lives or property of the citizens of any county or counties upon the frontier of the State, to organize a company for each county so infested.

When the governor called out the forces of this series he possessed the "satisfactory evidence" mentioned in this act, and the presumption is that the force was employed solely to accomplish the purpose for which it was created. There is no evidence in the vouchers of its employment on any duty not military. The affidavit of ex-Governor Coke is to the effect that this force was employed solely for the purpose for which it was organized, *i. e.*, in defense against hostile Indians and Mexicans. (See affidavit marked No. 64.)

In the special report of the adjutant-general of the State, of September, 1884, mention is made of encounters with and pursuit of Indians by this force. (See printed copy marked K.)

The governor, in a message, says: "The raids of bandits and outlaws from Mexico ceased, and persons and property were safe while it (this force) was in the field." (See Report No. 343, House of Representatives, Forty-fourth Congress, first session, page 161.)

SERIES 6.—1874, 1875.

The claim of this series is for reimbursement of expenditures on account of about one year's service of the Frontier Battalion (six companies).

This force was organized under the act of the Legislature approved April 10, 1874, which gave the governor authority to raise a battalion of mounted men, to consist of six companies of seventy-five men each; the commissioned offi-

cers to be: One major, at $125 per month; one quartermaster, at $100 per month; one captain, at $100 per month; and two lieutenants, at $75 each per month, to each company. Sergeants received $50 per month, corporals and privates each $40 per month. (See copy marked F.)

In section 23 of this act it is stated "that this force is not designed as a standing force, but shall always be under the command of the governor, to be operated by his direction in such manner, in such detachments, and in such localities as the governor may direct."

Section 25 authorizes the governor "to keep this force in the field as long as in his judgment there may be a necessity for such a force, and soldiers who may volunteer in such service shall do so for such term, not to exceed four years, subject to disbandment and reassemblage by order of the governor."

Section 28 provides that "each officer of this battalion shall have all the powers of a peace officer, and it shall be his duty to execute all criminal process directed to him, and make arrests under capias properly issued of any and all parties charged with offense against the laws of the State."

This section is quoted to exhibit the dual purpose of this force, and the important fact that under the Texas statute it could be lawfully employed for purposes of State police. Of such police service there is, however, no evidence in this series.

ARMS.

The claim for expenditure for arms amounts to $9,832.50.

Section 27 of the act (Texas) provides that the State shall furnish to each officer and private of this battalion an improved breech-loading cavalry gun at cost, the price of which shall be deducted from the first money due the battalion.

No evidence is submitted to show non-compliance with the above terms or for any final disposition of arms, horses, mules, wagons, or pack-saddles.

PAY.

The allowances for pay have been determined upon principles previously explained, and they conform, it is believed, to the provisions of the act of Congress of 1882.

SUBSISTENCE AND FORAGE.

The cost of an army ration of forage and subsistence delivered 1874-'75 at Forts Richardson, Griffin, McIntosh, and McKavett was carefully determined for each post and taken as the standard of comparison for determining allowances for expenditures claimed in this series to have been made for these supplies. It was found that for the four posts named the average cost to the United States for a ration of forage was 46 cents, and of subsistence, 35.04 cents. By referring to Abstracts D and E, this series, it will be seen that the amounts therein allowed are less than the amounts allowed and paid by the United States for similar supplies during the same time furnished an equal force of the United States Army in the same country.

In some of the vouchers an officer of the company appears as a creditor of the State for supplies he has purchased, and for which in most cases the original bill or subvoucher is not furnished. Where the State paid an officer-creditor, its action was accepted as evidence of a proper purchase, and the voucher was rated or allowed.

EVIDENCE AS TO NATURE OF SERVICE PERFORMED.

The sworn statement of Hon. Richard Coke, governor from January, 1874, to December, 1876, is that "during this time there was organized and put in the field on the frontier of Texas a battalion of rangers known as the Frontier Battalion, * * * for the purpose of protecting the frontier of Texas against Indian invasions and Mexican depredations; that said force was continuously in active service upon said frontier during my administration, in defense of said frontier; that said service was necessary, and that said force was not engaged in any other service for the State of Texas during this time."

Similar affidavits from G. W. Stevens, Ira Long, N. O. Reynolds, J. W. Martin, and L. P. Seiker, members of this force, are also submitted. (See copies of affidavits marked Nos. 30 to 35, inclusive.)

A special report of the adjutant-general of Texas, dated September, 1874, contains information relative to the operations of this battalion from May, 1874, to August, 1875. (See printed copy, marked K.)

SERIES 7.—1874, 1875, 1876, 1877.

The claim of this series is for expenditures on account of McNelly's company of Washington County volunteer militia, in service from July 14, 1874, to October 31, 1876.

In Abstract G it is stated that the disbursements are for services under act of July 22, 1876. This is believed to be an error, and it is believed that the authority for raising this company is in the act of April 10, 1874.

ARMS.

The amount claimed as expense for arming this force is $2,105, but for these arms, as well as for horses, mules, wagons, and harness, satisfactory evidence of final disposition is not furnished.

PAY.

The pay claimed is that allowed and paid by the United States, with 50 cents added as compensation to the private soldier for use of his horse. As no claim is made for clothing, and as such daily allowance to a United States soldier exceeded 10 cents, this per diem of 50 cents is allowed.

FORAGE AND SUBSISTENCE.

The claim for forage is settled upon the basis of the cost of a United States ration of forage in the years 1874, 1875, 1876, 1877, at Fort McIntosh, Texas.

That for subsistence is similarly determined. Thirty-four and nine-tenths cents, 29.70 cents, and 30 cents, was the cost to the United States of a ration of subsistence during the period this company was in service. The difference between the amount allowed on the vouchers and what could be allowed under the stipulations of the statute is $1,101.75 in favor of the State.

EVIDENCE AS TO NATURE OF SERVICE PERFORMED.

Report No. 843, House of Representatives, Forty-fourth Congress, first session, pages 8 to 17, inclusive, 79, 80, 82, 85, 90 to 96, inclusive, 175 to 178, inclusive, contains accounts of operations of this company against armed Mexican cattle thieves. (See, also, copies of Captain McNelly's reports, marked No. 36 to No. 63, inclusive.)

SERIES 8.—1877, 1878.

This claim is for reimbursement of expenditures on account of a "special company of State troops," in service from January 27, 1877, to December 31, 1878.

This company was organized under an act approved July 22, 1876, and entitled "An act to suppress lawlessness and crime in certain parts of the State." (See copy marked G.)

The preamble is as follows:

"Whereas in several counties in the western part of the State the people are being depredated on in person and property by bands of criminal and lawless men, too strong to be suppressed by the civil authorities unaided, and by bandits and robbers from Mexico: Therefore, for the purpose of maintaining law and order, and giving security to that section against foreign invasion and domestic disturbance, and for that purpose to aid the civil authorities, be it enacted," etc.

The aggregate strength of this company was by the act limited to 53 men, and the period of service stated to be six calendar months, or longer should the governor deem it necessary. General Order No. 14 (State of Texas), dated January 18, 1877, modifies the act by limiting the aggregate strength to 25 men, "in order to utilize to the best advantage the appropriation for the suppression of lawlessness and crime in certain portions of the State." (See copy marked H.)

For the purpose of showing the general nature of the service for which this company was organized, we quote here some of the sections of the act of 1876, defining its duties:

"SEC. 6. That the officers, non-commissioned officers, and privates of said company shall be clothed with the powers of peace officers, and shall aid the civil authorities in the execution of the laws.

"They shall have authority to make arrests, and in such cases they shall be governed by laws regulating and defining the duties of sheriffs when in discharge of similar duties.

"They shall, before entering upon the discharge of their duties, take an oath before some authority legally authorized to administer the same, that each of them will faithfully perform his duties in accordance with law. * * * In order to arrest and bring to justice men who have banded together for the purpose of committing robbery or other felonies and to prevent the execution of the law, the officers, non-commissioned officers, and privates of said company may accept the services of such citizens as shall volunteer to aid them. * * *

"SEC. 7. When said company, or any member or members thereof, shall arrest any person or persons charged with the commission of an offense or offenses, they shall convey said person or persons to the county or counties where he or they stand charged with the commission of an offense, and shall deliver him or them to the proper officer, taking his receipt therefor; and all necessary expenses thus incurred shall be paid by the State."

From the foregoing it is inferred that the means at the disposal of the civil authorities were not sufficient to execute the laws of the State, and the Legislature very properly authorized the call into service of this company of her militia to aid these authorities in arresting and punishing the "criminal and lawless men" who, in defiance of her laws, were depredating on the lives and property of her citizens. But it does not appear to your examiners as a just and impartial conclusion for the United States to bear any part of the expense incurred on account of this proper action on the part of Texas.

In certain vouchers to this claim there is evidence that this company was employed upon police duty.

If it was engaged in defense of the frontier against raid or invasion, no evidence is submitted of that fact; and the claim of this series is disallowed, as not fulfilling, specifically, the conditions imposed in the act of Congress of June 27, 1882.

SERIES 9.—FRONTIER BATTALION, 1875-'76.

The claim of this series is for reimbursement of expenses incurred between June 1, 1875, and September 1, 1876, on account of five companies of the Frontier Battalion.

The act of organization is the act of April 10, 1874, discussed in the review of series 6.

ARMS.

Pistols to the amount of $1,500 were purchased, but no evidence of final disposition is submitted.

SUBSISTENCE AND FORAGE.

In settling the claim for expenditures on account of these supplies, the costs at the following military posts were taken as the standard of comparisons:

The cost of an army ration, with transportation from St. Louis included, was, in the years 1875-'76, at Fort Griffin, 29.2 cents; at Fort Concho, 28.45 cents; at Fort McIntosh, 29.70 cents; and at Fort McKavett, 26.83 cents; the average for the four posts being 28½ cents.

The amount allowed upon the claim for subsistence, on proper vouchers, is less than the amount allowed and paid in 1875-'76 by the United States for similar supplies (at prices quoted) for an equal number of her soldiers then serving at the posts above named.

The allowance for forage was similarly calculated, but the quantities fed by Texas were much less than the army allowances.

PAY.

The allowances are calculated in the manner described in previous series, and conform to the stipulations of the act of 1882.

EVIDENCE AS TO NATURE OF SERVICE PERFORMED.

The sworn statements of ex-Governor Richard Coke, N. O. Reynolds, Ira Long, G. W. Stevens, and J. W. Martin are submitted in evidence of the fact that this force was employed in active service in the field in defense against Mexican raids or invasions or Indian hostilities and for no other purpose. (See copies marked Nos. 30 to 34, inclusive.)

The commanding general, military Department of Texas, in his annual report for the year 1876, says:

"In regard to expeditions after hostile Indians, all the Indians who come into or temporarily occupy this State are, and have been for years, hostile.

"They never come around the settlements except to rob and murder, and the peculiarly wild, rugged, and inhospitable character of the immense and almost unknown portion of Texas extending from the one hundredth meridian in a line due west to El Paso del Norte, a distance of 400 miles, and from the Red River south to the Rio Bravo, a distance along that meridian of 460 miles, makes it next to impossible, with the limited force at my command to do more than guard a few important settlements along the Rio Grande, protect, and occasionally pursue a raiding band, etc. * * * Some of the settlements along the Rio Grande have been almost abandoned by the stock rancheros because of the want of safety to life or property."

The above is quoted as evidence of the fact that in the opinion of this military commander the United States troops in Texas were insufficient to give the necessary protection to her people.

For results of the operations of this force in 1875-'76 see special report of the adjutant-general of Texas, of September, 1884, exhibits 7 and 8. (Printed copy marked K.)

SERIES 10.—FRONTIER BATTALION, 1876-'77.

The claim of this series is for expenditures on account of the service from September 1, 1876, to September 1, 1877, of six companies of the Frontier Battalion, organized under the Texas act of April 10, 1874.

ARMS.

Seven thousand one hundred and ninety-three dollars was expended for arms, but no evidence is submitted to account properly for their final disposition.

SUBSISTENCE AND FORAGE.

The cost of an army ration purchased in St. Louis and delivered at the military posts in Texas at or in the vicinity of which this force was employed, was found to be for 1876-'77, at Fort Clark 25.67 cents, at Fort McKavett 25.89 cents, and at Fort Griffin 25.92 cents. The average cost was taken as 25.82 cents.

The amount expended by Texas, for which proper vouchers were presented, exceeds, at the rate of 25.82 cents per ration, the amount to which the State is entitled under the terms of the act of 1882, and the excess is deducted from what was allowed in scaling the vouchers, in order that the allowances should conform to the statute.

Forage was settled upon a like basis, but this command did not consume the final Government allowance.

PAY.

The allowances for pay were adjusted upon principles explained in previous series.

EVIDENCE AS TO THE NATURE OF THE SERVICE PERFORMED.

Some of the vouchers to Abstract I of this series are conclusive evidence that detachments of the forces of this period were employed upon "peace" duty, or that of State police, namely: Voucher No. 12 is for the expense of photographing a murderer. Attached to voucher No. 14 there is a printed notice, dated March 27, 1877, that the Frontier Battalion will aid in hunting stolen stock. Vouchers Nos. 20, 22, 23, 24, 25, 26, and 27 are for expenses incident to State police duty. Voucher No. 29 is for expenses consequent upon the removal of a county seat. Vouchers Nos. 38, 42, 46, 69, 71, 74, 79, 81, 82, 84, 86, 88, 89, 90, 97, and 103 are for expenses incident to the pursuit, capture, or conveying to jail of criminals who had broken the laws of Texas.

Voucher No. 57 is for fees of a justice of peace, and No. 44 for detective service.

The problem is to determine the time of active service in the field for defense against Mexican raids or Indian hostilities solely.

Ex-Governor Coke's affidavit, as bearing upon this series, is to the effect that for three months from September 1, 1876, to December 1, 1876, at which latter date he went out of office, "said force was continuously in active service upon said frontier * * * in the defense of said frontier; that said service was necessary, and that said force was not engaged in any other service for the State of Texas during this time." (See affidavit marked No. 30.)

The affidavit of L. P. Seiker, as bearing upon this series, is to the effect that the duty of this battalion up to August 31, 1877, "was solely and entirely to protect the border counties of Texas against hostile invasions and raids by Indians and Mexicans." (See affidavit No. 35.)

The affidavits of N. O. Reynolds and J. W. Martin cover the entire service of Companies D and E for this series as solely for frontier defense. (See affidavits Nos. 33 and 34.)

The special report of the adjutant-general of Texas of September, 1884 (marked K), page 44, Exhibit 9, and Executive Document No. 13, House of Representatives, Forty-fifth Congress, first session, pages 13, 161, and 177, contain some information concerning the operations of this battalion.

Vouchers Nos. 38, 42, and 46, Abstract I, series 10, indicate that Company A was employed subsequently to April 15, 1877, in escorting prisoners. Voucher No. 103, Abstract I, series 10, is conclusive evidence that Company E was employed subsequently to December 28, 1876, in assisting the sheriff and escorting prisoners.

Vouchers Nos. 69, 71, 74, 79, 81, 82, 84, 86, 88, 89, 90, and 97, Abstract I series 10, are conclusive evidence that Company C was employed subsequently to December 15, 1876, in assisting the sheriff in capturing and escorting civilian prisoners.

In view of the above facts your examiners are of the opinion that the entire claims for these three companies (A, C, and E) from December 1, 1876, should be disallowed for the reason that, upon all the evidence, they believe that the conditions as to service prescribed by the act of June 27, 1882, are not fulfilled; *i. e.*, that "no allowance shall be made for services of such forces except for the time during which they were engaged in active service in the field * * * in defense against Mexican raids or invasions, as well as those for defense against Indian hostilities."

Your examiners being unable to find any evidence to the contrary, adopt the presumption supported by the evidence previously referred to, that the remainder of this force (Companies B, D, and E) was employed solely for the duty required in the act of 1882.

SERIES 11.—1877-'78.

The claim of this series is for reimbursement of expenditures on account of six companies of the Frontier Battalion, in service from September 1, 1877, to August 31, 1878, under the Texas act of 1874.

Reimbursement is allowed for expenses incurred by a detachment of Company C, Frontier Battalion, consisting of one lieutenant and about twenty men, engaged from November 10 to December 18, 1877, in defense against an invasion from Mexico, which resulted in the killing of Judge Howard and others at San Elizario on the 17th of December, 1877. (See, for evidence of the service of this detachment, Executive Document No. 93, Forty-fifth Congress, second session, House of Representatives.)

The allowances for forage and subsistence are based upon their cost to the United States for her Army at Fort Bliss in the year 1877, as follows: 64.8 cents for a ration of forage and 42½ cents for a ration of subsistence.

The pay allowed is the United States Army pay of that period.

While the statement that "State police service" was incidental and subordinate to that of protecting the frontier is not questioned (see affidavit of L. P. Seiker, captain and quartermaster, Frontier Battalion, marked No. 35), it is held by your examiners that the act of 1882 requires that the expenses to be reimbursed must be solely for "the necessary expenses of defense against Mexican raids or invasions, as well as those for defense against Indian hostilities."

For lack of evidence to enable the separation of the expenses incident to "State police service" from those incurred in defense against Mexican raids and Indian hostilities, the balance of the claim of this series is disallowed.

SERIES 12.—1878-'80.

The claim of this series is for reimbursement of expenses on account of six companies of the Frontier Battalion, service from September 1, 1878, to February 29, 1880 (eighteen months).

Allowance is made in this series for expense of two scouts in pursuit of depredating Indians, namely, one by Captain Peak and fourteen men of Company B, Frontier Battalion, of twenty-eight days' duration, and one by Sergeant Hageman and six men, of seven days' duration.

Allowances for forage and subsistence are based upon their cost for the United States Army in January and February, 1880, at Fort Concho, namely, corn, $1.09 per bushel, and a ration 20.52 cents.

The allowance for pay is that of the United States Army in the year 1880.

The evidence of the nature of service performed by these detachments is contained in the following reports: Adjutant-general's report (Texas), December 31, 1880, page 33, and special report, 1884, page 49. While it appears from these reports that there was considerable scouting against Indians by detachments from the Frontier Battalion, the number of men engaged and the time they were in active service in the field are not in all cases definitely stated. For this reason consideration can be given to and allowances made for the two scouts only above referred to, and the remainder of the claim is disallowed.

SERIES 13.—1880-'81.

The claim of this series is for reimbursement of expenses of five companies of the Frontier Battalion, the service from March 1, 1880, to February 28, 1881 (one year).

The allowances of this series are on account of expenses of small detachments scouting against Indians: One officer and detachments; Companies A and C, twenty-five days scouting with General Grierson, United States Army, in August and September, 1880, against Victorio; and twenty days in October, same year, assisting General Terrasses against Victorio; two scouts, of twenty-two days in January and February, 1881, by Baylor and Nevill. (See report of adjutant-general (Texas) dated December 31, 1880, pages 25 and 33, and special report of same officer, dated September, 1884, page 50.)

The allowances for forage and rations are based upon the cost to the United States of these supplies at Forts Bliss and Davis, namely: Forage. 37.24 cents at Bliss per ration, and corn 3½ cents at Davis; subsistence at Bliss 42.04 cents, and at Davis 34.30 cents, per ration.

SERIES 14 AND 15.—1881, 1882.

The claims of these series for reimbursement of expenses of six companies of the Frontier Battalion, their service from March 1, 1881, to June 27, 1882 (about sixteen months), under the Texas act of April 10, 1874, are disallowed, for the reason that satisfactory evidence of service in defense against Mexican raids or Indian hostilities is not furnished to enable the separation of this kind of service from that of State police.

REMARKS UPON THE SERIES IN GENERAL.

In their investigation of these claims of Texas your examiners have found that they are for moneys paid out by the State and not for any assumed indebtedness.

They have found no evidence of reckless or extravagant expenditure of public money; on the contrary, they have noticed the observance by the officers of the State of a careful economy in organizing and maintaining troops. The full United States allowance of forage was rarely fed, and all the constituents of a Government ration were not always purchased.

Texas was at the disadvantage of having to purchase supplies for her troops in various localities of the State, instead of at the commercial centers of the Union, and to pay for them with depreciated warrants.

The State submits no claim incident to the building of military posts, and her expenditures for camp and garrison equipage are surprisingly small.

So far as the evidence submitted shows, the forces for and on account of which the expenditures were made were called into service by the proper authorities of the State, the Legislatures and governors, and the presumption is that these authorities did not unnecessarily occasion such expenditures, but that the time and circumstances made them a necessity.

No evidence is found upon which to base an assumption that the authorities calling out the troops acted with the conviction that the expenses incident to their calls would be reimbursed eventually by the General Government.

The geographical position of Texas, the desperate character of the population on both sides of the Rio Grande, the presence of hostile Indians within and along her borders, made life and property insecure, and the active service of a military force necessary for their defense.

In conclusion, it is respectfully submitted that our examination of these claims has been a careful one; that upon points made by the claimant for which the proof was not clear we have leaned to doubt rather than to assurance; and that to the best of our belief our statement of these is a conscientious, just, and impartial one, under the provisions of the acts of Congress approved June 27, 1882, and August 4, 1886.

The oath provided for in section 2 of the act of August 4, 1886, was duly taken and subscribed by the examiners.

The examiners find that the State of Texas is entitled under the provisions of the act of Congress of June 27, 1882, to the amount of $927,242.30 of her claims for $1,867,259.13.

JAMES BIDDLE,
Lieutenant-Colonel Fifth Cavalry, United States Army, Senior Examiner.
HENRY J. FARNSWORTH,
Major and Inspector-General, Examiner.
EDWARD HUNTER,
Captain First Cavalry, Examiner.
FRANK WEST,
Captain Sixth Cavalry, Secretary to the Examiners.

The SECRETARY OF WAR.

I ask of every member a careful and a critical examination of this report. Its import is too plain to be misunderstood. The language employed is without ambiguity, and there is, in my opinion, no room, not the slightest, for any misunderstanding as to the meaning intended to be conveyed.

It concludes with the statement that "the examiners find that the State of Texas is entitled under the provisions of the act of Congress of June 27, 1882, to the amount of $927,242.30 of her claim for $1,867,259.13. This is the result of many months of careful and thorough examination by this board of Army officers.

The report, with accompanying vouchers, was then transmitted to the Secretary of War, and by him, after examination, transmitted to the Treasury Department. The Third Auditor of the Treasury then takes charge of the matter, and the claim is again, item by item, carefully examined and audited, every voucher undergoing the strictest scrutiny. But this is not all. The examination does not stop here.

The report of the Army board, with the vouchers presented by the State of Texas in support of her claims, now passes to the office of the Second Comptroller and is once again critically examined and audited. Nothing is taken for granted. The officials engaged in this work—the board of Army officers, the Third Auditor's Office, and the Second Comptroller's Office—all act independently of one another, and it can not be suspected that a fraudulent or unjust claim is being manufactured against the Government.

The result of all this examination, for so long a time and by so many different officials, was that when the claim reached the hands of the Secretary of the Treasury it amounted to $927,177.40, being only $64.90 less than the allowance of the board of Army officers.

Mr. CANNON. My statement was that the document had not yet been printed, nor has it as yet, so far as I am informed, reached the Committee on Appropriations.

Mr. SAYERS. If the gentleman from Illinois will only permit me to proceed I will answer his proposition before concluding. Mr. Chairman, under the act of 1882, to which I have referred, and upon which the claim under consideration depends for its validity and authority to be here, the claims of Kansas were allowed and paid without objection, and properly so. Kansas ought to have been paid, and if I had been a member of this House I should have most cheerfully voted for her payment.

Nebraska's claim was allowed and her appropriation made in the Forty-ninth Congress, and no one was heard to question its propriety; and now, in the bill before us, there is an appropriation, which has passed both Houses without objection, to pay the claim of Nevada.

Mr. RYAN was recognized, and yielded his time to Mr. SAYERS.

Mr. SAYERS. I thank my friend from Kansas for his kindness. Mr. Chairman, I say here, without intending to violate any duty to the Committee on Appropriations, that the claim of Nevada was accepted by the committee, without inquiry, upon the recommendation of the Secretary of the Treasury. But the gentleman from Illinois [Mr. CANNON] says that because the report of the Secretary of the Treasury did not reach this House until to-day, therefore this claim should not be allowed. The truth is—the truth is, I repeat, that the report of the Secretary was before the Committee on Appropriations and was read to the committee, and I then and there said to those present that if there was in the mind of a single member an idea or feeling that this was not a just claim, I wanted them to repudiate it, and I would not insist upon its being put upon this appropriation bill.

But, Mr. Chairman, though it is growing late, I desire to read for the information of this committee a certain order and report made by the commanding general of the fifth military district. They will furnish information which demonstrates most conclusively the condition of affairs in Texas at those dates. This order and report are as follows:

HEADQUARTERS FIFTH MILITARY DISTRICT, STATE OF TEXAS,
Austin, Tex., April 15, 1869.

GENERAL ORDERS No. 75.]

In order to insure effective co-operation between the troops and the citizens, and provide better protection for the frontier counties against Indian incursions, the commanding officers of the following posts, namely, Fort Brown, Ringgold Barracks, Fort McIntosh, Fort Duncan, Fort Clark, Fort McKavett, Fort Concho, Fort Davis, Camp Stockton, Fort Quitman, Fort Bliss, Fort Griffin, Fort Richardson, Greenville, Lampasas, and San Antonio, will cause to be made an enrollment of the citizens of the counties embraced within the limits of their respective posts, under the provisions of circular letter dated February 22, 1868, and paragraph I, General Orders No. 4, current series, from this headquarters.

The enrollment of each county will include such number of citizens as the post commander may deem expedient. They will be organized in detachments of about twenty-five men, each detachment having a captain selected by the post commander.

Upon the receipt of reliable intelligence that Indians are in their vicinity, any number of enrolled men may turn out, promptly notifying the post commander of their action. Should he disapprove of their remaining out, they will at once return to their homes; if he approve of their action, a commissioned officer of the Army will at once be sent to assume command of the party. Until his arrival, or instructions from the post commander, the captains of detachments will be held responsible for the conduct of their men.

While out on this service the enrolled men will, upon the approval of the commanding officer of the post, be supplied with forage, subsistence, and ammunition, and, in case of necessity, arms may be loaned temporarily when they can be spared.

The detachments will furnish their own horses, and will not receive pay for services under this order.

Detachment rolls will be kept at the respective posts, and duplicates will be sent to this headquarters.

By order of Bvt. Maj. Gen. J. J. Reynolds.

CHAS. E. MORSE,
Acting Assistant Adjutant-General.

Official:
C. S. MORSE,
Acting Assistant Adjutant-General.

HEADQUARTERS FIFTH MILITARY DISTRICT, STATE OF TEXAS,
Austin, Tex., March 7, 1870.

GENERAL: I have the honor to invite the attention of the general-in-chief to General Orders Nos. 75 and 136, series of 1869, copies inclosed, and to remark in this connection that it seems impossible, without the hearty co-operation of the citizens, to operate effectually against small bands of Indians that of late have been committing depredations more frequently than usual within the frontier lines of Texas. These marauding bands are called Indians, but in fact consist sometimes exclusively of Indians, sometimes of whites and Indians, and sometimes of Mexicans and Indians, all equally outlaws and savages. From its peculiar geographical position Texas becomes the receptacle of a larger proportion of desperadoes than any other portion of our country, and the sparseness of the population facilitates their usual vocations of stealing and killing.

As stated in my report of September 30, 1869 (extract inclosed), the organizations authorized in the above-named orders had not met with a very prompt response from the citizens. Lately they are turning out more freely. The orders were of course somewhat experimental. The frequency of Indian raids during the last few months has afforded me the opportunity of many interviews with the citizens from various portions of the frontier. Their testimony is almost universal that the raiding bands are much better armed than the citizens generally. The citizens positively assert that the Indians are from the reservations, but on this point it is difficult to procure satisfactory evidence. The fact of their being well armed is, however, fully established.

I have thus far loaned the organization about one hundred arms, and feel it my duty to continue to loan where the organizations give evidence of being in earnest. No pay has been promised to the members of these organizations, but I am satisfied that most of them can not afford to spare the time necessary for effective Indian fighting without any compensation. The inhabitants of the exposed counties are generally the poorest people.

From all the information which I have thus far been able to procure I believe that an effective organization in each frontier county could be formed of from twenty-five to fifty men, which would be sufficient to co-operate with the troops, by paying the men the same amount that is now paid the soldiers of the Army, one or two of each organization receiving the pay of sergeants; the pay to run only for the time actually out, to be properly attested by a commissioned officer of the Army. We have on hand large amounts of clothing left over from the rebellion, and much of it of inferior quality. It could not be put to better use than to issue a suit to volunteers for every ninety days' service, which would be quite an incentive to frontiersmen to enroll themselves.

I have the honor to request authority, if the above views are approved, to offer the members of frontier organizations pay, as above specified. Also that the loan of arms already made be approved and its continuance sanctioned.

The citizens of Texas declare that their animals, identified by the brands, are found in the possession of Indians on the reservation north of Red River. Whether these animals are stolen by the reserve Indians or by wild Indians and traded to the former is a question.

I am the more urgent in my request to pay civilian organizations because I believe it impossible to act effectively against small bands of Indians with regular troops alone.

So far as I can learn the troops on the Texas frontier have killed more Indians the last year than in any previous year, but this has been accomplished by long marches into the Indian country (in one instance, when forty Indians were killed, by a march of 600 miles from Fort McKavett into the Indian country on the headwaters of the Brazos River, in October last), and has not had the effect of checking the raids of small bands within the line of posts.

I have the honor to be, very respectfully, your obedient servant,

J. J. REYNOLDS,
Brevet Major-General, United States Army.

ADJUTANT-GENERAL U. S. A., *Washington, D. C.*

These two papers, together with the extract taken from the report of the commanding general of the Department of Texas for the year 1876, and which appears in the report of the board of Army officers, I am quite sure will satisfy every candid mind that there was a necessity, an urgent necessity, demanding the protection of the Texas frontier.

Mr. LANHAM. Let me ask my colleague if it would not be well enough to have the concluding portions of that read now?

Mr. SAYERS. I will have them printed.

Mr. RANDALL. It would be better to have all of the papers printed.

Mr. SAYERS. I will do so.

Mr. RANDALL. I want to say that the remark of the gentleman was perhaps a little too sweeping in this, that it might be implied that the committee had all voted in favor of putting this amendment in this bill. I voted in committee against attaching the amendment to the bill, not but that I thought the claim a just one, but because it ran so far back, beginning soon after the 20th of October, 1865, and continuing up to 1882, when the law was passed, and there was not time for me to examine and go over these claims. They were in manuscript and not printed.

I do not want to be understood as saying that the claim is dishonest in any particular. The only reason was because I had not time to examine it.

[Here the hammer fell.]

Mr. LANHAM was recognized and yielded his time to Mr. SAYERS.

Mr. SAYERS. What the gentleman from Pennsylvania says is true; but I submit to the gentleman from Pennsylvania and I also submit to the gentleman from Illinois this point: Would either one of them, if this claim should be defeated, have those piles of vouchers and certificates, upon which this claim is based, brought into the committee-room and there examined one by one to see if they tallied with the report of the Army officers, with the report of the Third Auditor of the Treasury, and with the report of the Second Comptroller?

Mr. RANDALL. The gentleman will remember that this report only came in yesterday.

Mr. SAYERS. That is what I have told the House, and I intend to be entirely frank with the House as regards this matter.

The gentleman from Pennsylvania says that this claim runs back to 1865. Where is the warrant of authority for its introduction here? The authority is to be found in the act of June 27, 1882, passed by both Houses of Congress, and which received the approval of the President. In that act express provision will be found authorizing inquiry into expenditures made by Texas for frontier protection so far back as the year 1865. When were the expenditures made by Kansas, Nebraska, and Nevada?

Mr. HOPKINS, of Illinois. Mr. Chairman, this claim, aggregating nearly a million of dollars, it seems to me would be better in some other bill than the urgent deficiency bill; and I suggest this point to the gentleman from Texas. I think it ought to be in a separate bill.

Mr. SAYERS. I think not. If it is just, it can be paid here just as well as anywhere else.

Mr. HOPKINS, of Illinois. If that were done the papers that the gentleman claims fully substantiate the amount of the claim could be printed and the members of the House could be as well informed upon the subject as he himself, and there might be no objection to its passage. But it is asking a great deal of a member to vote a million of dollars away upon the say so of anybody, I care not how honorable he may be. I understand that it is not a proper claim to go into this bill at all. Why not, therefore, if the documents support it, put it into an original bill, or let it go into the general deficiency?

Mr. SAYERS. Mr. Chairman, these reports will appear in to-morrow's RECORD.

Now let me say a word in conclusion, because I do not wish to longer detain the House. From 1865 down to 1882, from the Rio Grande to the Red River, the Indians were invading our whole frontier, murdering our men, carrying away our women and children into captivity, and destroying our property. If it was right that Kansas should be paid without objection, if it was right that Nevada and Nebraska should also be paid without objection, then I submit to this committee and to the Representatives of the sovereign States of this Union, that it is only right, fair, and just that Texas, too, should be paid, as her claim is here presented.

She does not demand one cent but what she feels she is entitled to. Mexican bandits and Indian marauders, as stated in the report of the commanding general in the Department of Texas, were continually invading our frontier settlements. Texas was compelled, poor as she was, from 1865 to 1875 to rely, in a great measure, upon herself for protection against these fiends in human flesh, and with the money placed

in her treasury by her own people to protect the frontier from the Rio Grande to Red River.

Take but a glance at the map of that State and see for yourselves what a long line it was to defend, and that, too, by a people illy able during those evil years to bear so heavy an expense.

Those only who have lived near tribes of hostile Indians, with firearms of the most approved manufacture in their hands, can properly appreciate the anxiety, the hardship, and the danger of the frontier life. Texas protected herself as well as she then could, and she now confidently relies upon that sense of justice which, I am sure, animates the Representatives of her sister States upon this floor to repay her in a measure for what she was necessarily compelled to expend during those years for the protection of those whose courage and power of endurance have made our western counties to bloom and to blossom as a rose.

Mr. CANNON rose.

Mr. BURNES. I should like very much that the committee should rise, and that we finish this debate on a future day.

Mr. CANNON. I only want to say a single word, to go with the remarks of the gentleman from Texas. This is an urgent deficiency bill. The general deficiency bill will pass later, about the close of the fiscal year. In theory this, the small deficiency bill, contains items necessary to carry on the Government now.

I do not combat the justice of the gentleman's claim. I do not know whether it is just or not. I merely wish to say its place, if just, is on the general deficiency bill.

I state further that so far as I know and am informed when the committee took action upon this amendment the report from the Secretary of the Treasury was not and never had been before it. On the contrary it was on the Speaker's table and it had not been referred. I say further as I understand not only the rules of the House but the law, that at the time the committee took action on this amendment it had no jurisdiction, not the slightest, to act upon it; because the estimate which the law says shall reach the committee before it has jurisdiction was upon the Speaker's table.

Now, then, let this amendment come in order. Let it be printed. Let it go to the Committee on Appropriations; let it be referred, carrying $1,000,000, as it does, to a subcommittee; let the full committee consider it and let it be reported if due, as I suspect it is, although I do not know it is, on the general deficiency bill, because it has no place and no business on the urgent deficiency bill.

Mr. ADAMS. Will my colleague yield to me for a question?

Mr. CANNON. Yes, sir.

Mr. ADAMS. I ask whether at the time the committee took action on this claim, an amendment to Senate amendment 63, the committee had not before decided in connection with amendment 62 that the judgment or the finding of the Court of Claims gives the Committee on Appropriations no reason for passing a claim against the Government.

Mr. CANNON. That was under the Bowman act, and the Committee on Appropriations has never taken jurisdiction of claims under the Bowman act.

Mr. ADAMS. Does the report of the board of Army officers give the Committee on Appropriations any more reason for approving a claim than a finding of the Court of Claims?

Mr. CANNON. I think not.

Mr. BURNES. I call the attention of the committee to the fact that this claim of Texas is audited under the law by the same officers and transmitted in the same way as all the claims of the other States have been audited and transmitted. Therefore it would be in my judgment a wrong on the State of Texas to place her on a different footing from other States. It would be unjust discrimination against a sovereign State of the Union—a deprivation of a right repeatedly granted to other sovereign States on precisely similar conditions.

Mr. LANHAM. Let me read——

Mr. BURNES. I ask unanimous consent to have printed in the RECORD the paper to which the gentleman from Texas [Mr. LANHAM] alludes; and to have printed the estimate sent here by the Secretary of the Treasury.

Mr. CANNON. But that estimate which the gentleman proposes to have printed was not before the committee.

Mr. BURNES. It was not in one sense perhaps; but it was physically before the committee.

Mr. RANDALL. It was not there by reference.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to have printed in the RECORD the letter from the Secretary of the Treasury and the paper held by the gentleman from Texas [Mr. LANHAM]. Is there objection?

There was no objection.

[These papers will be found among those printed in connection with the remarks of Mr. SAYERS.]

Mr. COX. I desire to move to reconsider the vote by which action was taken on amendment 31, on page 23, relating to reports of the Tenth Census. I do so for the purpose of asking unanimous consent to print statements which have come to me as chairman of the Census Committee since this was acted upon.

There was no objection.

The statements are as follows:

Letter from the Secretary of the Interior, recommending an appropriation to complete the publication of the reports of the Tenth Census.

DEPARTMENT OF THE INTERIOR,
Washington, December 5, 1887.

SIR: The act of Congress approved August 7, 1882, providing for the publication of the reports of the Tenth Census, appropriated for such purpose the sum of $678,624.61, to be expended by the Public Printer, under the direction of the Superintendent of the Census.

Under this appropriation 18 of the 22 volumes, constituting the final report, have been issued.

Owing to the exhaustion of this appropriation, the work on the unpublished reports was suspended some months since.

In order to complete the unfinished work, which embraces volumes Nos. 17, 19, 21, and 22 of the final report, 3,000 copies of an extra edition of the report on wages paid in manufacturing industries, and 25,000 copies, revised edition, part 2, of the Compendium of the Tenth Census, besides binding work on reports already printed, the Public Printer estimates that the sum of $77,495.52 will be required. The estimate in detail of the Public Printer follows:

Vol. 17, part 2—Water-Power	$11,143.44
Vol. 19, part 2—Social Statistics of Cities	12,802.00
Vol 21—Defective, Dependent, and Delinquent Classes	10,642.00
Vol. 22—Mechanical Reports and Ice	11,470.32
Total four volumes	46,057.76
3,000 copies vol. 20—Statistics of Wages	7,108.13
25,000 copies part 2 of the Compendium	15,894.50
To finish binding work already printed	8,435.13
Total	77,495.52

In this connection it may be proper to add that of the unpublished matter more than 99 per cent. is stereotyped. The copy for the remainder is in the hands of the Public Printer.

Without provision being made for the completion of this work, not only must these valuable reports, costing thousands and thousands of dollars, be lost to the public, but the series of volumes constituting the final report becomes irregular and incomplete.

The foregoing statement is respectfully submitted for the consideration and action of Congress. A communication of similar tenor and even date has been transmitted to the honorable the Speaker of the House of Representatives.

I have the honor to be, very respectfully,

L. Q. C. LAMAR, *Secretary.*

The PRESIDENT OF THE SENATE PRO TEMPORE.

DEPARTMENT OF THE INTERIOR, *Washington, March 8, 1888.*

SIR: Agreeably to your verbal request of the 5th instant, I have the honor to submit the following statement relative to the unpublished reports of the Tenth Census.

Four quarto volumes of the final report are yet to issue, namely:

Volume No. 17, part 2, Water-Power of the United States, Prof. W. P. Trowbridge, of the School of Mines, Columbia College, New York, chief special agent. This volume embraces five separate monographs, as follows:

Water-Power of the Northwest, by James L. Greenleaf, C. E.;
Mississippi River and some of its tributaries, by James L. Greenleaf, C. E.;
Mississippi River on the west, below Dubuque, by Dwight Porter, Ph. B.;
Ohio River and Ohio State Canals, by Dwight Porter, Ph. B.; and
Water Supply of Certain Cities and Towns, by Walter G. Elliot, C. E., 740 pages, stereotyped.

This report treats of the hydrology of certain portions of the country in a manner not shown in any other publication of the Government.

The investigations on which the results, as shown, were based were conducted by experts especially selected for the work assigned them, and their efforts have met with hearty indorsements from all sections of the United States.

Volume 19, part 2, of the report on Social Statistics of Cities, Col. George E. Waring, jr., of Newport, R. I., chief special agent, is devoted entirely to the cities of the Southern and Western States, which are treated in the same manner as are the cities of the New England and Middle States, in volume 18, part 1, of the same report. The volume contains 835 pages and is stereotyped.

Volume 21, The Deaf, Dumb, Blind, Insane, Idiotic, Homeless Children, Paupers, and Prisoners of the United States on June 1, 1880; stereotyped. This report contains the most comprehensive presentation of statistics relating to the defective, dependent, and delinquent classes that has been gathered in this or any other country; 577 pages of solid tabular matter, compiled under the direction of Mr. Fred. H. Wines, of Springfield, Ill., special agent, and is one of the most valuable of the entire series; its publication has been eagerly looked for, especially by the medical fraternity, for a long time past.

Judging from the great demand for this work, it would not be unreasonable to state that in the absence of reliable data of a like character its value appears to have increased rather than diminished by the delay in publication.

Volume 22, the last report of the series, is devoted to machinery used in manufactures, and ice statistics, with the exception of thirty-five galleys of a paper on marine engines and steam vessels. This volume is stereotyped, and embraces monographs on—

Engines and Boilers, Charles H. Fitch.
Marine Engines and Steam Vessels, Charles H. Fitch.
Steam and Water Power used in Manufacture of Iron and Steel, Herman Hollerith.
Shop Tools, F. R. Hutton.
Pumps and Pumping Engines, F. R. Hutton.
Wool and Silk Machinery, K. Neftel.
Ice Statistics, Henry Hall.

A small edition of the monograph on Shop Tools has already been issued in paper covers, pursuant to a provision of an act of Congress approved July 7, 1884.

With the exception of the report devoted to the unfortunate classes, it is altogether improbable that the next census will undertake to investigate the subjects contained in these unpublished volumes. The information contained therein has been gathered and compiled at great labor and expense by agents of the office, trained and experienced in the various departments to which they were assigned.

The reports are in great demand, as the hundreds of requests filed in this Department attest.

Apart from the four volumes named, Congress, by act approved July 7, 1884, directed the publication of 25,000 copies of revised edition of the Compendium, which is in two parts. Part first has already been issued but not distributed, and 3,000 copies in paper covers of a report on Statistics of Wages, by Joseph D. Weeks.

The urgent deficiency bill (H. R. 6437) as passed by the Senate yesterday, contains an amendment as follows: "Reports of the Tenth Census: To complete the publication of the reports of the Tenth Census, $77,495.52." This amount the Public Printer estimates is sufficient to complete the unpublished volumes herein

referred to, including part second of the Compendium and the small edition of wages report in addition to defraying the cost of binding 11,916vo lumes already printed, but, owing to the exhaustion of the appropriation, not bound.

The completion of the entire work as provided for in the Senate amendment to the bill referred to, is earnestly desired by the Department.

I have the honor to be, very respectfully,

WM. F. VILAS, *Secretary.*

Hon. SAMUEL S. COX,
Speaker pro tempore, House of Representatives.

Mr. BURNES. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 6437) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1888, and for other purposes, with amendments by the Senate, had come to no resolution thereon.

CHANGE OF REFERENCE.

Mr. RANDALL, from the Committee on Appropriations, reported back Executive Document 206, a letter from the Acting Secretary of the Treasury, transmitting an estimate from the Secretary of the Navy of appropriation for reconstructing building No. 7 at the navy-yard, Brooklyn, N. Y.; and the committee was discharged from the further consideration of the same, and it was referred to the Committee on Naval Affairs.

Mr. RANDALL also, from the Committee on Appropriations, reported back Executive Document 182, a letter from the Secretary of the Treasury, transmitting, with accompanying papers, a letter from the Supervising Architect in regard to the bill (H. R. 7227) for paving and grading around the site of the post-office at Lincoln, Nebr.; and the committee was discharged from the further consideration of the same, and it was referred to the Committee on Public Buildings and Grounds.

AMENDMENTS OF REVISED STATUTES.

Mr. WEAVER, by unanimous consent, introduced a bill (H. R. 8558) to amend certain sections of the Revised Statutes of the United States relating to patents; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

BOUNTIES TO MISSOURI TROOPS.

Mr. O'NEILL, of Missouri, by unanimous consent, introduced a bill (H. R. 8559) authorizing and directing the proper accounting officers of the Treasury to pay to persons whose services in the Department of the Missouri were recognized by the commission authorized by the joint resolution of July 12, 1862, a bounty of $100; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DEPARTMENT OF LABOR.

Mr. O'NEILL, of Missouri, also introduced a bill (H. R. 8560) to establish a Department of Labor; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

BUSINESS FROM THE COMMITTEE ON PRIVATE LAND CLAIMS.

Mr. McCREARY. Mr. Speaker, by a resolution adopted on the 24th of February, this day was set apart for business reported from the Committee on Private Land Claims. It has been used by the Committee on Appropriations, and I now ask unanimous consent that, in lieu of this day, Saturday, the 31st day of March, be assigned to the Committee on Private Land Claims, under the conditions expressed in the resolution assigning this day. We have a large number of important bills, delegations are here from the West pressing them, and we think it desirable that an early day shall be fixed for their consideration.

There was no objection, and it was so ordered.

The House then, on motion of Mr. MILLS (at 5 o'clock and 21 minutes p. m.), adjourned.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred as indicated below:

By Mr. BAYNE: A bill (H. R. 8535) for the relief of Thomas A. McLaughlin—to the Committee on Military Affairs.

Also, a bill (H. R. 8536) for the relief of Benjamin M. Clark—to the Committee on Military Affairs.

By Mr. BELDEN: A bill (H. R. 8537) granting an increase of pension to Ira C. McClenthen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8538) granting a pension to William M. Bradford—to the Committee on Invalid Pensions.

By Mr. J. E. CAMPBELL: A bill (H. R. 8539) for the relief of Rebecca B. Scott—to the Committee on the District of Columbia.

By Mr. CLARK: A bill (H. R. 8540) for the relief of Bernard Drinks—to the Committee on Military Affairs.

By Mr. DUNN: A bill (H. R. 8541) for the relief of Thomas I. Frith—to the Committee on War Claims.

By Mr. FUNSTON: A bill (H. R. 8542) to pay the claims of Conrad Henning, August Seigenfuhr, and John Head—to the Select Committee on Indian Depredation Claims.

By Mr. T. J. HENDERSON: A bill (H. R. 8543) to remove the charge of desertion from the military record of Charles Richter—to the Committee on Military Affairs.

By Mr. LAGAN: A bill (H. R. 8544) for the relief of the heirs of Martin Kenofsky—to the Committee on Foreign Affairs.

By Mr. LYMAN: A bill (H. R. 8545) for the relief of Samuel Purcell—to the Committee on Pensions.

By Mr. NEWTON: A bill (H. R. 8546) for the relief of the legal representatives of William C. Buffington, deceased—to the Committee on War Claims.

By Mr. NUTTING: A bill (H. R. 8547) granting a pension to Patrick Fitzpatrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8548) to increase the pension of John B. Swoaf—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8549) granting a pension to Louisa Rogers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8550) for the relief of Rodman M. Price—to the Committee on Naval Affairs.

Also, a bill (H. R. 8551) for the relief of Ira L. Hann—to the Committee on Military Affairs.

Also, a bill (H. R. 8552) for the relief of Anna Ella Carroll—to the Committee on War Claims.

By Mr. ROMEIS: A bill (H. R. 8553) granting a pension to Arabella Davis—to the Committee on Invalid Pensions.

By Mr. SCOTT: A bill (H. R. 8554) granting a pension to Louis A. Bright—to the Committee on Invalid Pensions.

By Mr. STONE, of Kentucky: A bill (H. R. 8555) for the relief of Nicholas Dailey—to the Committee on Military Affairs.

By Mr. WADE: A bill (H. R. 8556) granting a pension to Polly Anne Carr—to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 8557) for the relief of Dr. David Bell—to the Committee on War Claims.

Changes in the reference of bills improperly referred were made in the following cases, namely:

A bill (H. R. 7854) for the relief of the legal representatives and successors in interest of Sarah J. Verdier—from the Committee on the Judiciary to the Committee on War Claims.

Also, a bill (H. R. 6036) to pay Waddy T. James and others for horses killed in the service of the United States—from the Committee on War Claims to the Committee on Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. A. R. ANDERSON: Petition of Samuel King and others, of Bethlehem, Iowa, praying that salt be placed on the free-list—to the Committee on Agriculture.

Also, evidence in support of bill for relief of Benjamin L. Belvill—to the Committee on Invalid Pensions.

By Mr. C. L. ANDERSON: Petition of B. F. Bustin, administrator of Tennessee Rivers, Mississippi, for reference of claim to the Court of Claims—to the Committee on War Claims.

By Mr. BAYNE: Petition and papers relating to House bill for the relief of Thomas A. McLaughlin—to the Committee on Military Affairs.

Also, resolutions of the Pittsburgh (Pa.) Grain and Flour Exchange, in favor of regulating the interstate-telegraph systems—to the Committee on the Post-Office and Post-Roads.

Also, petition of 465 veterans of the National Soldiers' Home, at Hampton, Va., for the passage of House bill No. 7765—to the Committee on Invalid Pensions.

By Mr. BLANCHARD: Memorial of the mayor, city council, and citizens, for the erection of a public building at Alexandria, La.—to the Committee on Public Buildings and Grounds.

Also, papers in the claim of Phillip Dopf, of Louis E. Reynolds, of Jedediah Waterman's estate, and of John Mahoney, of Louisiana—to the Committee on War Claims.

By Mr. BLISS: Petition of citizens of New York, for the relief of Maria N. Abbey—to the Committee on Invalid Pensions.

By Mr. BUCHANAN: Petition of 142 citizens of Philadelphia, Pa., and Atlantic City, N. J., in favor of increased pay for keepers and surfmen in the Life-Saving Service—to the Committee on Commerce.

Also, petition of Senator William H. Carter, of Burlington, and 14 others, citizens of New Jersey, for the better legal protection for women and girls—to the Committee on the Judiciary.

By Mr. T. J. CAMPBELL: Papers in the case of the heirs of John W. Judson—to the Committee on Claims.

By Mr. CLARK: Petition of H. Shuy and others, of Oshkosh, Wis., against repeal of internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

By Mr. CHIPMAN: Resolutions of the Detroit (Mich.) Musicians' Benevolent and Protective Association, in favor of the joint resolution

introduced by Mr. COX, in reference to the employment of Army and Navy bands—to the Committee on Military Affairs.

By Mr. CONGER: Resolutions of Local Assembly No. 2709, Knights of Labor, of Marion County, Iowa, urging the passage of the so-called tonnage bill now pending—to the Committee on Merchant Marine and Fisheries.

By Mr. COOPER: Petition of R. J. Cutler and others, citizens of Utah, for increase of tariff on wool and revision of the tariff on worsteds—to the Committee on Ways and Means.

By Mr. CUTCHEON: Petition of Rev. M. S. Woodruff and 29 others, male citizens of Big Rapids, Mich., for better legal protection for women and girls—to the Committee on the Judiciary.

By Mr. DALZELL: Petition of Victory Lodge, Amalgamated Association of Iron and Steel Workers, with respect to protective tariff—to the Committee on Ways and Means.

By Mr. DARLINGTON: Petition of 48 citizens of Chester County, Pennsylvania, against the admission of Utah with polygamy—to the Committee on the Territories.

By Mr. R. H. M. DAVIDSON: Petition of cigar manufacturers of Tampa, Fla., that Tampa be made a port of entry—to the Committee on Commerce.

By Mr. DUNHAM: Petition of 21 citizens of Chicago, for the passage of Rockwell and Lodge bills, providing for the adjustment of laborers' accounts—to the Committee on Labor.

Also, resolutions of the Chicago Board of Trade, against the bill for appropriation of $200,000 for necessary expenses to enable the United States to take part in the Paris Exposition—to the Committee on Foreign Affairs.

By Mr. DUNN: Petition of Thomas J. Frith, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. FUNSTON: Petition of Conrad Henning, August Siegenfuhr, and John Head, for payment of claim for Indian depredations—to the Select Committee on Indian Depredation Claims.

By Mr. GEAR: Petition of Knights of Labor of Mount Pleasant, Iowa, for the passage of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. GIBSON: Petition for an appropriation to improve Wicomico River, Maryland—to the Committee on Rivers and Harbors.

By Mr. GIFFORD: Petition of John H. Harris and 82 others, citizens of Fall River County, Dakota, for larger appropriations for surveys of public lands—to the Committee on the Public Lands.

Also, petition of Dwight C. Pierce, of Ipswich, Dak., for a law to renew letters patent No. 129984, issued to himself—to the Committee on Patents.

By Mr. J. S. HENDERSON: Petition of the Woman's National Christian Temperance Union, in favor of the repeal of the internal-revenue tax on all alcoholic beverages—to the Committee on Ways and Means.

By Mr. HUNTER: Petition of Morris Post, Grand Army of the Republic, of Kentucky, for the repeal of the limitation of the arrears-of-pension act—to the Committee on Invalid Pensions.

By Mr. LAGAN: Papers in the claim of Phillip B. Fauke, administrator of H. E. Spearing, of New Orleans, La.—to the Committee on War Claims.

By Mr. LAWLER: Protest of the Turn Verein Vormaerts Society, of Chicago, Ill., against the passage of the bills now pending restricting immigration—to the Committee on Foreign Affairs.

By Mr. LEE: Papers in the claim of W. Vandegrist—to the Committee on the Judiciary.

Also, petition of Emma E. Green, wife of Thomas H. Green, for relief—to the Committee on Invalid Pensions.

By Mr. MCCOMAS: Petition of Lewis C. Cookerly, of William F. Viers, of heirs of Hezekiah Dean, of William A. Wroe, of Stephen M. Lyddane, of Jasper M. Jackson, of Howard Griffith, of James F. Peerce, of William T. Aud, of administrators of John W. Stouffer, of George W. Anderson, of heirs of Samuel T. Magruder, of Henry A. Pumphrey, of William T. Lewis, executor of John H. Lewis, and of Richard W. Holland, of Maryland, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. MCKINLEY: Petition of citizens of Ohio, asking for speedy action on the subject of protection to the wool-growers and woolen manufacturers of this country—to the Committee of Ways and Means.

Also, petition of ex-Union soldiers, for the passage of House bill 4339—to the Committee on Invalid Pensions.

Also, petition of citizens of Galveston, of Tom Green County, and of Howard and Glasscock Counties, Texas, protesting against any reduction of the duty on wool—to the Committee on Ways and Means.

By Mr. MCRAE: Petition of Joab E. Brooks, son of James M. Brooks, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. MAISH: Petition for the passage of Mr. LODGE'S bill providing that Government employés shall have the benefit of the eight-hour law—to the Committee on Labor.

By Mr. NEWTON: Papers in the claim of William C. Buffington, of Ouachita Parish, Louisiana—to the Committee on War Claims.

Also, petition of heirs of William C. Buffington, for reference of their claim to the Court of Claims—to the Committee on War Claims.

By Mr. OSBORNE: Memorial of the Pennsylvania State Grange, Patrons of Husbandry, that the Bureau of Animal Industry be continued, etc.—to the Committee on Agriculture.

Also, memorial of the same, for laws prohibiting the manufacture and sale of adulterated lard and other adulterated food products—to the Committee on Agriculture.

By Mr. PLUMB: Protest of A. Martin and 28 others, citizens of La Salle County, and of John Schilling and 28 others, citizens of Ottona, Ill., against a repeal of the internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

By Mr. REED: Petition of the musicians of Washington against interference with the liberty of the Marine band to furnish music outside of their regular duties—to the Committee on Labor.

By Mr. RICHARDSON: Petition of George W. Lorance, administrator of S. D. Travis, of Rutherford County; and of W. L. and J. C. Shafner, executors of J. H. Shafner, and of E. M. Clure, executor of Susan Carriger, of Lincoln County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. RUSK: Petition of James Carey Thomas, M. D., and 215 other male citizens of Baltimore, Md., for better legal protection for women and girls within the Territorial, admiralty, and maritime jurisdiction of the United States—to the Committee on the Judiciary.

By Mr. SCULL: Petition of Edmund Shaw and 30 other male citizens of Altoona, Pa., asking for better protection for women and girls—to the Committee on the Judiciary.

By Mr. SYMES: Petition of citizens of Colorado, against the reduction of the tariff on wool—to the Committee on Ways and Means.

By Mr. TAULBEE: Papers in the case of Hibbard Williamson, for relief—to the Committee on War Claims.

By Mr. WASHINGTON: Petition from the Tennessee School for the Blind, for the payment of their war claim—to the Committee on War Claims.

By Mr. WISE: Petition for the improvement of the Appomattox River, at Petersburg, Va.—to the Committee on Rivers and Harbors.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. WILLIAM WHITING: Petition of 109 citizens of the Eleventh district of Massachusetts.

By Mr. J. R. BROWN: Of J. G. Hendricks and others, citizens of Cedar Falls, Pittsylvania County, Virginia.

By Mr. CARLTON: Of Charles H. Johnson, A. C. Stovall, and others, of Elbert County, Georgia.

By Mr. CRISP: Of J. W. Whiddon and others, of Irwin County Georgia.

By Mr. R. H. M. DAVIDSON: Of citizens of Graceville, Fla.

By Mr. ELLIOTT: Seven petitions of citizens of the Seventh district of South Carolina.

By Mr. LEE: Of citizens of Orange County, Virginia.

By Mr. MCRAE: Of citizens of Moulton, Columbia County, Arkansas.

The following petitions, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, were severally referred to the Committee on Invalid Pensions:

By Mr. JEHU BAKER: Of Henry D. Hughes, E. J. Enloe, and 6 others, ex-soldiers of Bond County, Illinois.

By Mr. BUNNELL: Of 650 soldiers and citizens of Canton, Bradford County, Pennsylvania.

By Mr. BURROWS: Of citizens of St. Joseph County, Michigan.

By Mr. CLARK: Of A. J. Sherwood and others, of Seymour, and of Hollis Stedman and others, of Berlin, Wis.

By Mr. CONGER: Of soldiers of Zearing, Story County, and of 161 members of John C. Ferguson Post, Grand Army of the Republic, and others, of Knoxville, Iowa.

By Mr. COOPER: Of J. B. Corbin and 37 other ex-soldiers, of Marion County, Ohio.

By Mr. DARLINGTON: Of ex-soldiers and sailors, of Chester County, Pennsylvania.

By Mr. GIFFORD: Of Theodore Elfes and 34 others, of Centralia, of James Jackson and 16 others, of Ree Heights, and of 9 ex-Union soldiers, of Pleasant Valley, Dak.

By Mr. HERMANN: Of ex-Union soldiers, of Vancouver and La Comas, Wash.

By Mr. HIRES: Of soldiers and sailors of the late war.

By Mr. JACKSON: Of John W. Kerr and 22 other soldiers, of Lawrence County, Pennsylvania.

By Mr. KENNEDY: Of T. H. Selders and 21 other citizen soldiers, of Rushsylvania, and of F. M. Drake and 75 other soldiers, of Belle Centre, Logan County, Ohio.

By Mr. MCKINLEY: Of Union soldiers, of Stark County, Ohio.

By Mr. McSHANE: Of soldiers and citizens of Nebraska.
By Mr. MORRILL: Of J. Stickel and 52 others, of Centralia, Kans.
By Mr. NELSON: Of Frank Forstein and others, of P. F. McCalls and others, of H. E. Davis, and of Henry F. Sanford and others, ex-Union soldiers.
By Mr. O'DONNELL: Of 12 soldiers, of Eton Rapids, Mich.
By Mr. PATTON: Of 56 ex-soldiers, of Centre County, Pennsylvania.
By Mr. SAWYER: Of 26 soldiers, of Genesee County, New York.
By Mr. A. C. THOMPSON: Of 50 ex-Union soldiers, of Richmond, Lawrence County, Ohio.
By Mr. WADE: Of ex-soldiers and sailors, of Indian Springs, Mo.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:
By Mr. BUCHANAN: Of 108 citizens of Burlington County, New Jersey.
By Mr. BURROWS: Of 367 citizens of Cass County, Michigan.
By Mr. CHIPMAN: Of 177 citizens of Wayne County, Michigan.
By Mr. COOPER: Of 130 citizens of Union County, Ohio.
By Mr. MAISH: Of 107 citizens of York County, Pennsylvania.
By Mr. OSBORNE: Of 498 citizens of the United States.
By Mr. PATTON: Of 201 citizens of Centre County, Pennsylvania.
By Mr. WILLIAM WHITING: Of 423 citizens of Franklin County, Massachusetts.

The following petitions, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia, were severally referred to the Select Committee on the Alcoholic Liquor Traffic:
By Mr. BREWER: Of 120 citizens of the Sixth district of Michigan.
By Mr. J. E. CAMPBELL: Of citizens of the District of Columbia.

SENATE.

FRIDAY, *March* 16, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.
The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the Minneapolis (Minn.) Board of Trade, praying that an appropriation be made for the improvement of the Mississippi River between Minneapolis and St. Paul, Minn.; which was referred to the Committee on Commerce.

He also presented a petition of 296 citizens of the District of Columbia, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Farmers' Institute, at Manhattan, Kans., praying for the passage of laws prohibiting the adulteration of food; which was referred to the Committee on Agriculture and Forestry.

Mr. CULLOM. I present a petition and quite a number of letters from prominent citizens of Chicago, praying that a pension be granted to Frances M. Wilkinson. I move that the petition and letters be referred to the Committee on Pensions.

The motion was agreed to.

Mr. CULLOM presented a petition of the Board of Trade of the city of Chicago, praying for the construction of a ship-canal around Niagara Falls, in the State of New York, to connect the waters of Lakes Erie and Ontario, in order that free and uninterrupted deep-water navigation along our entire northern lake border may be provided; which was referred to the Committee on Commerce.

He also presented the petition of Edwin C. Arnold, secretary of the Methodist Episcopal ministers' meeting, representing 75 ministers of the Methodist Episcopal Church of the Chicago district, and 46 other citizens of Evanston, Ill.; a petition of J. B. Babcock and 5 other male citizens of Marengo, Ill., and a petition of 34 male citizens of Cook County, Illinois, praying for better legal protection for women and girls within the Territorial, admiralty, and maritime jurisdiction of the United States; which were referred to the Committee on the Judiciary.

He also presented a petition of 133 residents of the Ninth and Thirteenth Congressional districts of Illinois, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of 13 ex-Union soldiers, citizens of Frankfort, Ill., and a petition of 28 ex-Union soldiers, citizens of Mulberry Grove, Ill., praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented a petition of McDonough Post, No. 103, Grand Army of the Republic, located at Macomb, Ill., praying for the passage of the per diem rated service-pension bill, and the repeal of the limitation as to arrears of pensions; which was referred to the Committee on Pensions.

Mr. CAMERON presented a petition of 139 citizens of the Sixth, Twelfth, Eighteenth, Twenty-fifth, and Twenty-sixth Congressional districts of Pennsylvania, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petition of Judge S. P. Johnson and 15 other male citizens of Warren, Pa., and a petition of 14 male citizens of Lawrence, Pa., praying for better legal protection for women and girls within the Territorial, admiralty, and maritime jurisdiction of the United States; which were referred to the Committee on the Judiciary.

He also presented a petition of ex-Union soldiers and sailors, citizens of Sullivan County; a petition of ex-Union soldiers and sailors, citizens of Roaring Brook and vicinity; and a petition of ex-Union soldiers and sailors, citizens of Bradford County, all in the State of Pennsylvania, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. PADDOCK presented a petition of 17 ex-soldiers and sailors of the Union Army and Navy of the Second Congressional district of Nebraska, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. SAULSBURY presented the petition of Webster M. Raines, of Washington, D. C., formerly a resident of the State of Alabama, praying compensation for the use of certain property situated in Eufala, Ala., by the Government during the late war; which was referred to the Committee on Claims.

Mr. STOCKBRIDGE presented a petition of 49 ex-Union soldiers, citizens of Port Austin, Mich., and a petition of citizens of Lapeer County, Michigan, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented a petition of Rev. M. S. Woodruff and 29 other male citizens of Big Rapids, Mich., praying for better legal protection for young women and girls within the Territorial, admiralty, and maritime jurisdiction of the United States; which was referred to the Committee on the Judiciary.

He also presented a petition of 118 citizens of the Second, Sixth, and Eighth Congressional districts of Michigan, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. FARWELL presented a petition of ex-Union soldiers and sailors, citizens of Illinois, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented the petition of Robert E. Hemphill, late a private in Company H, Fourth Indiana Cavalry, praying for the removal of the charge of desertion from his military record; which was referred to the Committee on Military Affairs.

Mr. SHERMAN presented eleven petitions of 806 ex-Union soldiers and sailors, citizens of Ohio, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions, as follows:

Five petitions of citizens of Ohio;
A petition of citizens of Waldo and Norton, Ohio;
A petition of citizens of Madison, Lake County, Ohio;
A petition of citizens of Cleveland, Ohio;
A petition of citizens of Hocking County, Ohio;
A petition of citizens of Coalburgh, Ohio; and
A petition of citizens of Geneva, Ashtabula County, Ohio.

Mr. SHERMAN presented a petition of citizens of Ohio, praying that all disputes and differences that may arise between the Government of the United States and the Government of Great Britain may be submitted to and adjusted by arbitration; which was referred to the Committee on Foreign Relations.

Mr. VEST presented the petition of Nathan Williams and other citizens of Kidder, Mo., praying for the removal of the duty on salt; which was referred to the Committee on Finance.

He also presented the petition of Philip Schreiner and other ex-Union soldiers, citizens of Missouri, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. BUTLER presented the proceedings of the Chamber of Commerce of Charleston, S. C., favoring the completion of the jetties at the entrance to Charleston Harbor; which were referred to the Committee on Commerce.

Mr. CALL presented a petition of ex-Union soldiers and sailors, citizens of Florida, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of delegates from Volusia County, Florida, assembled at New Smyrna, in that State, praying that an appropriation be made for the improvement of the bar at Mosquito Inlet; which was referred to the Committee on Commerce.

Mr. ALLISON presented a petition of 22 ex-Union soldiers and sailors, citizens of Zearing, Iowa, and a petition of the Kinsman Post, No. 7, Grand Army of the Republic, of Des Moines, Iowa, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. EVARTS presented a petition of the New York Committee for the Prevention of State Regulation of Vice, praying that the legal age of consent for females in the national capital be raised to at least eight-

een years; which was referred to the Committee on the District of Columbia.

Mr. HISCOCK presented a petition of 196 citizens of the Twenty-eighth Congressional district of New York, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of veterans of the State of New York, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition, numerously signed by members of the New York State Agricultural Society and citizens throughout the State of New York, praying for the passage of the bill to eradicate pleuro-pneumonia among cattle; which was ordered to lie on the table.

Mr. BROWN presented the petition of W. W. Mackall, praying for the removal of his political disabilities; which was referred to the Committee on the Judiciary.

Mr. PLUMB presented the petition of Thomas Carney, of Washington, D. C., praying for an amendment of House bill 6364, to provide for the sale of land allotted and patented to certain members of the Black Bob band of Shawnee Indians, and for other purposes; which was referred to the Committee on Indian Affairs.

He also presented a petition of certain Shawnee Indians in regard to lands allotted and patented to them; which was referred to the Committee on Indian Affairs.

Mr. REAGAN presented the petition of G. W. Hawkins, delegate of the Chickasaw Nation, praying for restoration to that nation of a sum of money erroneously omitted from their trust fund now held in the Treasury; which was referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. VEST, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 7262) for the erection of a public building at Texarkana, situated on both sides of the line between the States of Arkansas and Texas, reported it without amendment.

He also, from the Committee on Commerce, to whom was referred the bill (S. 2179) authorizing the Kansas City, Texarkana and Gulf Railway Company to bridge the Red and Little Rivers, in the State of Arkansas, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 1889) to authorize the Tennessee Midland Railway Company to construct a bridge across the Tennessee River, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 2024) to authorize the construction of a bridge over the Mississippi River at or near Clarksville, Mo., and for other purposes, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. 3215) to authorize the construction of the Ohio Connecting Railway Company bridge, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2043) authorizing the removal of certain obstructions in the Hudson River opposite Poughkeepsie, in the State of New York, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. HARRIS. The Committee on the District of Columbia, to which was referred the bill (H. R. 2017) to incorporate the Rock Creek Railway Company of the District of Columbia, direct me to report it back without amendment.

The same committee directed me in January last to report a Senate bill on the same subject, which is Calendar No. 156, being the bill (S. 1054) to incorporate the Rock Creek Railway Company of the District of Columbia. I ask the unanimous consent of the Senate that the House bill may take the place of the Senate bill on the Calendar, and if that is done I shall then move to indefinitely postpone the Senate bill.

The PRESIDENT *pro tempore*. Senate bill 1054 will be indefinitely postponed if there be no objection, and the House bill reported this morning from the Committee on the District of Columbia will be substituted in its place on the Calendar.

Mr. HARRIS. I ask that the House bill be placed on the Calendar in the same position the Senate bill occupied.

The PRESIDENT *pro tempore*. The Chair hears no objection, and that order will be made.

Mr. PALMER, from the Committee on Agriculture and Forestry, submitted a report of the majority of the committee to accompany the bill (S. 2083) to provide for the establishment of a Bureau of Animal Industry, and to facilitate the exportation of live-stock and their products, to extirpate contagious pleuro-pneumonia, and other diseases among domestic animals, and for other purposes; which was ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 6800) for the relief of John Powers, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1970) to authorize the Kansas Valley Railroad Company to construct and operate a railway through the Fort Riley military reservation, in Kansas, and for other purposes, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 1438) to authorize the Kansas Valley Railroad Company to construct and operate a railway through the Fort Riley military reservation, and for other purposes, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1903) granting the right of way through the Fort Riley military reservation, Kansas, to the Chicago, Kansas and Western Railway Company, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1969) granting right of way to the Junction City and Fort Riley Street Railway Company into and upon the Fort Riley military reservation, in the State of Kansas, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. CAMERON, from the Committee on Military Affairs, to whom was referred the bill (S. 1599) correcting the military record of Lieut. James O'Rourke, reported it with an amendment, and submitted a report thereon.

Mr. WILSON, of Maryland, from the Committee on Pensions, to whom was referred the bill (S. 1041) granting a pension to Mary E. Walker, M. D., reported it with an amendment, and submitted a report thereon.

Mr. RIDDLEBERGER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 3290) to amend section 685 of the Revised Statutes relating to the District of Columbia, reported it with an amendment.

Mr. HAMPTON. I am directed by the Committee on Military Affairs to report a bill to authorize the construction of a counterpoise battery on the bank of the Potomac River below Washington. The bill has been framed by the Military Committee, and I will present at another time a report to accompany it.

The bill (S. 2394) to authorize the construction of a counterpoise battery on the bank of the Potomac River below Washington was read twice by its title.

MISSISSIPPI RIVER IMPROVEMENT.

Mr. PADDOCK. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by me on the 13th instant, to report it favorably without amendment. I ask for its immediate consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on the Improvement of the Mississippi River and its tributaries be, and is hereby, authorized to send for persons and papers, subpœna witnesses, and employ a stenographer, in the prosecution of the inquiry now in progress by said committee to determine whether the plan of improvement proposed by Senate bill 742 shall be substituted for or be made supplemental to the method of improvement now being carried on by the Mississippi River Commission; and that the expenses of the same shall be paid out of the contingent fund of the Senate.

BILLS INTRODUCED.

Mr. HALE. I introduce a bill authorizing the President to appoint and retire John C. Frémont as a major-general in the United States Army. In presenting this bill I wish to say that I hope the Committee on Military Affairs will give the measure an early consideration. The life of a generation has passed since General Frémont was connected as an eminent leader with party strife. Since that time he has rendered prominent services both in military and in civil life, and I am certain that every Senator upon either side of the Chamber who has known this distinguished officer in his later years, in his winter of life, which is truly frosty but kindly, can have nothing but high regard and affection for him. I should hope that no voice would be raised against a favorable report upon this bill and its passage through the Senate.

The bill (S. 2395) authorizing the President to appoint and retire John C. Frémont as a major-general in the United States Army, was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BLAIR introduced a bill (S. 2396) to provide a method for settling controversies and differences between railroad corporations engaged in interstate and territorial transportation of property or passengers and their employés; which was read twice by its title.

Mr. BLAIR. This bill passed both Houses in the last Congress, but failed to become a law. I have modified the bill in such a way as, in compliance with the provisions of the act, not only to authorize but require the parties to enter into arbitration; and I have added a section providing that—

No strike by such employés shall be ordered or shall be lawful in such case until after the railroad or railroads or the managers thereof shall have been requested to appoint an arbitrator and to enter into arbitration as provided in the first section of this act, and shall have failed for five days to comply with such request.

I move that the bill be referred, like the former bill, to the Committee on Education and Labor.

The motion was agreed to.

Mr. SHERMAN introduced a bill (S. 2397) to remove the charge of desertion from the military record of James W. Kilpatrick; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WILSON, of Maryland, introduced a bill (S. 2398) to provide

for a light-house at Holland's Island Bar, near the entrance to Kedge's Straits, in the Chesapeake Bay, Maryland; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. ALLISON introduced a bill (S. 2399) to remove the charge of desertion against Henry Crangle; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. DOLPH introduced a bill (S. 2400) authorizing the construction of a railroad bridge across the Clearwater River, in the Territory of Idaho, between its mouth and the boundary-line of the Nez Perce Indian reservation, by the Oregon Railway and Navigation Company; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2401) authorizing the construction of a railroad bridge across the Snake River by the Oregon Railway and Navigation Company; which was read twice by its title, and referred to the Committee on Commerce.

Mr. GORMAN (by request) introduced a bill (S. 2402) authorizing and directing the Secretary of the Navy to grant leaves of absence to employés in the United States navy-yards; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. HOAR introduced a bill (S. 2403) to adjust the accounts of the Department of Agriculture; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL introduced a bill (S. 2404) granting a pension to Anthony M. Fullerton; which was read twice by its title, and, with the accompanying petition, referred to the Committee on Pensions.

Mr. SAWYER introduced a bill (S. 2405) for the reduction of postage on seeds, cuttings, bulbs, scions, etc.; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. BUTLER introduced a bill (S. 2406) to provide for the admission of the State of Utah into the Union; which was read twice by its title, and referred to the Committee on Territories.

Mr. PLUMB introduced a bill (S. 2407) to authorize the conveyance of certain Absentee Shawnee Indian lands in Kansas; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CHANDLER introduced a bill (S. 2408) to fix the location upon the present site of the Congressional Library building; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Additional Accommodations for the Library.

Mr. HEARST introduced a bill (S. 2409) providing for the purchase of a site and the erection thereon of a building suitable for army purposes in San Francisco, Cal.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

AMENDMENT TO SUNDRY CIVIL BILL.

Mr. CAMERON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

HOT SPRINGS LEASES.

Mr. JONES, of Arkansas, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to inform the Senate how many leases for bath-house and hotel purposes to parts of the reservation at Hot Springs, Ark., have been made, and to whom, and the form of lease now in use; also how many and which of said leases have been improved and the value of said improvements; whether any of said leases, or any interest in them, have been assigned, and, if so, to whom; and, if known to the Department, upon what consideration, when such leases will expire, and whether they are renewable without further legislation, and also whether they are terminable at the will of Congress.

He will also inform the Senate what number of bath-tubs is used by each house, and also whether any hot water is carried off the reservation, and if so by what authority and for what purpose, giving number of houses and tubs supplied, and whether any of the hot water is used for any but bathing and drinking purposes, and if so by what authority.

The Secretary will also inform the Senate whether there is any combination of the bath-house owners, and if so, whether such combination is prejudicial or otherwise to the public interest; and also whether he can give the number of persons resorting to these springs annually for the benefit of the waters.

FOX AND WISCONSIN RIVER DAMS.

Mr. SAWYER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General be, and he is hereby, instructed to report to the Senate the amount of balance of pay due to the commissioners appointed by the court (and their names and the amount due to each) to examine and report on the damages against the Government occasioned by the erection of dams on the Fox and Wisconsin Rivers, in the State of Wisconsin, and now on file in his office, which have not been heretofore reported to Congress, and if he knows of any reason why they should not be paid, and also all claims against the Government not heretofore reported that have been allowed or rejected by said commissioners.

FISHERIES NEGOTIATIONS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution offered by the Senator from Maine [Mr. FRYE], coming over from a previous day.

The resolution submitted yesterday by Mr. FRYE was read, as follows:

Resolved, That the President of the United States be requested to transmit to the Senate copies of the minutes and daily protocols of the meetings of the commissioners who negotiated the treaty with Great Britain, submitted by the President to the Senate on the 20th of February, 1888.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. GRAY. I move that the resolution be amended by inserting, in the first line, after the word "requested," the customary words, "if in his judgment not incompatible with the public interests."

The amendment was agreed to.

Mr. SAULSBURY. I should like to ask the Senator from Maine if it is customary to call for an instrument of that description relating to negotiations with a foreign country.

Mr. FRYE. I am informed that it is; and that in the consideration of a treaty the Committee on Foreign Relations is entitled to all the papers touching that treaty which can be sent to it under a resolution of this kind. They can be sent as Executive matter, of course, if the President pleases so to send them.

Mr. SAULSBURY. All I wanted was that the usual course should be observed in this case.

Mr. FRYE. I understand this to be the usual course.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

ALASKAN FUR SEALS.

The PRESIDENT *pro tempore* laid before the Senate the following resolution, submitted yesterday by Mr. DOLPH; which was read:

Resolved, That the Secretary of the Treasury be directed to inform the Senate what construction is placed by the Department upon the phrase "or the waters adjacent thereto" in section 1967 of the Revised Statutes of the United States, prohibiting the killing of fur seals upon the islands of St. Paul and St. George and on the waters adjacent thereto, and whether or not American citizens have heretofore been or now are prohibited or prevented from fishing for fur seals in the waters of Alaska or in Behring Sea beyond one marine league from shore except on the islands aforesaid and the waters immediately adjacent thereto, and if so, under what law or regulations this has been done and in what manner the same have been enforced.

The resolution was agreed to.

HOT SPRINGS RESERVATION.

Mr. TELLER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution of the House No. 117, to enable the Secretary of the Interior to utilize the hot water now running to waste on the permanent reservation at Hot Springs, Ark., and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by said amendment insert the following:

"*Provided*, That the new bath-houses which may be so erected shall not be owned or controlled by any person, company, or corporation which may be the owner or interested in any other bath-house on or near the Hot Springs reservation; and if the ownership or control of any such bath-house be transferred to any person or corporation owning or interested in any other bath-house on or near said reservation, the Secretary of the Interior shall, for that cause, deprive said bath-house of the hot water, and also any other bath-house in which any such person or corporation shall be interested, and shall cancel any lease from the United States which any such person or corporation may hold or be interested in."

And the Senate agree to the same.

H. M. TELLER,
A. S. PADDOCK,
E. C. WALTHALL,
Managers on the part of the Senate.

J. H. BANKHEAD,
J. H. ROGERS,
W. H. WADE,
Managers on the part of the House.

The report was concurred in.

VALUATION OF IMPORTED MERCHANDISE.

Mr. ALLISON. I move to proceed to the consideration of Senate bill No. 977.

The PRESIDENT *pro tempore*. If there be no further morning business, the Calendar under Rule VIII being in order, the Senator from Iowa moves that the Senate proceed to the consideration of the bill (S. 977) to regulate the importation of foreign merchandise and to secure uniformity in the classification and valuation thereof, and for other purposes.

The motion was agreed to; and the Senate resumed the consideration of the bill.

The PRESIDENT *pro tempore*. The question is on the pending amendment, submitted by the Senator from Vermont [Mr. EDMUNDS], which will be read.

The CHIEF CLERK. In section 14, line 5, after the words "as to," it is proposed to strike out the words "the construction of the law respecting;" so as to read:

As provided for in section 13 of this act, as to the classification of such merchandise, etc.

Mr. ALLISON. Mr. President, near the close of the consideration of the bill yesterday the Senator from New York [Mr. EVARTS] made some observations respecting the necessity of striking section 14 from the bill. I do not know that he made any such motion. This section of the bill is a very important one, and the committee gave the subject involved in the section very full consideration, and as finally embodied in the bill I believe it was agreed to by every member of the committee.

I think the Senator from New York in his criticism of this section

yesterday failed to see the connection, and the necessary connection, between this section and the sections immediately preceding it. Sections 11, 12, 13, and 14 are to be considered practically together, as proposing a new scheme for the valuation and classification of imported merchandise.

I think it was made perfectly clear to the committee having charge of this subject that the growth of the country has made it absolutely necessary that some different machinery from that now in operation should be embodied in our statutes. As the practice now is, I think I speak advisedly when I say it is found impossible for the existing Government machinery as respects the collection of duties to go on with the necessary speed required for the safety of the Government and also for justice to the importer.

What is the present machinery? Let me state it in brief. When an entry is made at the custom-house the collector and naval officer, if there be one, take the invoice and make an estimate of the amount of duties to be required of the importer. When that estimate is made it is the duty of the importer to deposit with the collector the amount thus ascertained in the first instance or give bond for its payment. Then the importer is permitted to take the merchandise embraced in the invoice into his possession, with the exception of one package in ten, and that one package out of every ten is sent to the appraiser's store, where the local appraiser makes appraisement of the goods.

If the importer is dissatisfied with that appraisement, he makes known that dissatisfaction to the collector, and the collector is then required by law to submit the invoice and the merchandise in the appraiser's store to a general appraiser on duty in New York, if the importation is made there, and to a merchant appraiser to be selected by him, and these two, the general appraiser and the merchant appraiser, together reexamine the packages and make an estimate of the value of the merchandise. If they disagree, then the collector, under existing law, is required to decide between them; that is to say, the collector then becomes an appraiser or an umpire between the general appraiser and the merchant appraiser. Under existing law and under the law since 1842 the merchant appraiser becomes a sworn officer of the Government and is paid by the Government. When this process has been finished, it is conclusive under existing law upon the importer and upon the Government, unless the Secretary of the Treasury shall choose to order another appraisement.

At this point I wish to call the attention of the Senator from New York to the fact that during all the years that have gone by the importer is bound as to the question of value by the action of these executive officers of the Government; and it has been uniformly held that he has no right to a trial by jury or to the processes of the courts as respects the appraisement.

Mr. BUTLER. May I ask the Senator a question for the purpose of information?

Mr. ALLISON. Certainly.

Mr. BUTLER. Do I understand the Senator to say that the merchant appraiser and the regular appraiser and the collector find the facts in the case, and that their finding is conclusive on all parties?

Mr. ALLISON. They find the value of the merchandise, and their conclusion as respects value is binding upon the Government and upon the importer; that ends that matter. After that is done the collector of the port is required to liquidate the entry, which means that the collector shall take the statute law and decide under what schedule the importation is made and shall estimate and fix the rate of duty required of the importer. What is that? The Senator from New York seems to think that that is not a judicial proceeding. Of course it is not a judicial proceeding, but it is a duty that is in its nature to some extent a judicial duty, because it is the collector's business to construe the law and fix the amount to be paid under it. If the importer is satisfied with his construction of the law, that is the end of it; but if the importer is dissatisfied—I am speaking now of the existing law, and not of the proposed bill—he must give notice of such dissatisfaction, stating in detail why he is dissatisfied, and within thirty days take an appeal to the Secretary of the Treasury. The Secretary of the Treasury then is required to review the decision of the collector as respects the classification of the goods and the amount of duty, and if he shall agree with the collector and the importer is still dissatisfied he has ninety days within which to commence a suit against the collector for the recovery of the amount which he supposes he was improperly required to pay.

Now, as a matter of practice, the Secretary of the Treasury himself does not engage in an examination in detail of each one of these cases. That examination is made by subordinates in the Treasury Department. The custom is for these protests and appeals to be made to the Secretary and then to have what would be called a test suit begun, and in this way it has turned out in practice that now there are more than four thousand suits pending in the city of New York in the circuit court.

Mr. BUTLER. May I ask the Senator a question now?

Mr. ALLISON. Certainly.

Mr. BUTLER. In the prosecution of that suit of which the Senator speaks do the parties begin *de novo* before the court or are they controlled by the finding of facts by the board of which he has spoken? In other words, is there any tribunal before which testimony can be taken?

Mr. ALLISON. When the collector makes the final liquidation the importer is required to deposit the amount of that liquidation with the collector, and the amount is at once covered into the Treasury. Then the suit is against the collector for overpayment of duties; and when that suit is begun the question is tried *de novo* and before a jury as respects classification, the question of value never entering into these suits, and a jury is summoned and witnesses are examined and cross-examined, counsel appear, etc., and some of these suits have taken from two to three months to try under the existing law.

A test suit is begun, but there are protests and appeals lying behind this test suit where suits are not begun, but where the questions involved depend upon the suit that may be finally decided in the Supreme Court of the United States. There are four thousand of these suits now in the circuit court for the southern district of New York, and the Secretary of the Treasury, in his last report, states, I have no doubt truthfully, that the present generation of men will pass away before these suits are disposed of. There lie behind these suits about thirty thousand protests and appeals in all the by-ways and closets and pigeonholes of the office of the collector of the port of New York, these protests and appeals involving many millions of dollars and depending upon the fate of these four thousand suits yet to be tried.

Mr. ALDRICH. The Senator from Iowa will allow me to state that besides these protests and appeals there are about an equal number of unliquidated invoices involving difficult questions, from which are likely to arise thirty thousand more protests and appeals.

Mr. ALLISON. That is the situation as respects the administration of the present law.

The Senator from New York said yesterday that at the last session of Congress we provided for another circuit judge in the southern district of New York in order that these cases might be tried. Although that circuit judge has held court continuously since entering on his duties, these cases have increased from two to three hundred in number since that circuit judge was appointed.

The Committee on Finance on investigating the subject believed that if this course of procedure was to continue the Government would be swamped in its efforts to collect the revenue, either by the refunds it would be compelled to pay or by other methods which would eventually take large sums out of the Treasury. So we set about the ascertainment of how in any way we could improve the situation; and we have, as the result of our investigation and deliberation, presented these four sections. What are they?

We substitute for the merchant appraiser a permanent appraiser, who also is, like the merchant appraiser, an officer of the Government. The Senator from New York made no criticism upon that part of our bill.

Mr. EVARTS. My observation was directed entirely to the constitutional method as prescribed in those sections.

Mr. ALLISON. We have provided for general appraisers to take the place in the first place of the merchant appraiser and the collector, and then we have provided a board of general appraisers, who shall take the place of the Secretary of the Treasury in revising the conduct of the appraisers as respects value, and we have made the decision of this board of appraisers final and conclusive as respects value.

We have changed the existing provision of law, which provides that the collector shall first classify the merchandise, but instead of an appeal from the collector to the Secretary of the Treasury we make the appeal from the collector to the board of appraisers in the first instance; but in order that the importer may have a fair opportunity of having his case properly tried we allow him, by the fourteenth section, if he is dissatisfied with the action of the board of appraisers, to take his case into the circuit court of the United States, and have whatever question of law is involved decided by the circuit court of the United States, and if the circuit court of the United States think it is a matter of sufficient importance it can certify the question to the Supreme Court of the United States, who shall act upon it finally.

That is the substance of the provisions of the fourteenth section. The Senator from New York says there is no "case" involved. It is very easy, if this bill is defective in that respect, to make amendments which will put it in due form. This is not an unusual or extraordinary provision in statutes having reference to the collection of revenue. If you will look at the old statutes you will see that they are full—not very full, but there are many instances wherein the summary proceedings herein provided for are recognized and have been for a long time recognized. As far back as 1813 a statute was passed making the certification of the Comptroller of the Treasury conclusive, and allowing the Comptroller to issue his mandate or writ and have it served upon the property of a delinquent after a finding; and in 1820 that statute was so modified as that after the accounting officers of the Treasury had found the amount due the Solicitor of the Treasury, or the legal agent of the Treasury, whoever he might be, could issue his warrant and levy upon the real and personal estate of the party who had this account against him, and upon the filing of that writ in the office of the clerk of the district court where the party resided it was made a lien upon all his real estate within the jurisdiction of that district.

Mr. PLUMB. Will it interrupt the Senator if I ask him a question at this point?

Mr. ALLISON. No.

Mr. PLUMB. What remedy has the Government if the appraisers

or any of the instrumentalities now provided by law make an under-appraisement or construe the law in such a way as to collect too small a duty on an article? What is the remedy of the Government under the present law in that case? If there is any error whatever in regard to the valuation or classification of goods against the Government, is there any remedy?

Mr. ALLISON. There is no remedy, except the single remedy that the Secretary of the Treasury may order the collector to have a reappraisement.

Mr. PLUMB. Then the officers of the Treasury Department, whether the Secretary of the Treasury or others, are the final authority; and if the decision is against the Government the Government has no remedy by appeal or otherwise against the action of any of its own officials.

Mr. EVARTS. Allow me to suggest that the Senator from Kansas will perceive that we are passing a general law which applies to the collection of duties. Now there is an action against the Government by the importer to take the money improperly collected out of the hands of the Government. That brings up the question of the respective rights of the Government and the importer. That brings up the question of classification. The court applies the rule of law to the question of classification.

Mr. PLUMB. I understand this all relates as to what the rights of an importer would be in the case of an alleged mistake made by the Treasury officials whereby he is subjected to damage. I was only seeking to ascertain by my question from the Senator from Iowa whether the Government had any remedy against an error made by its own officials.

Mr. ALLISON. No remedy. Of course, if the importer commences suit, or if the Government commences suit in case it has not got the money, the Government can appeal from the decision of the lower court.

Mr. PLUMB. But take the case where an importation is made of dutiable merchandise which may be classified one way or another and always subject to difficulty about valuation. Suppose the appraiser or other officer having the performance of this duty improperly classifies or improperly appraises, or both, whereby the importer gains an advantage of the Government. The importer, of course, will not appeal, and I understand he only pays into the hands of the collector the amount of money which this classification and this appraisement with the application of the duty to it results in determining that he should pay. What is the remedy of the Government in a case of that kind in the absence of any allegation of collusion between the importer and the appraiser, where there is only a mistake, where goods subject to 30 per cent. duty are classified at 15, and whereby goods worth 30 per cent. are appraised as being worth half that? That is the point I want to get at. I want to see if there is any remedy the Government has which approximates in any direction the remedy which the importer has.

Mr. ALLISON. In the case stated by the Senator from Kansas the Government must rely upon its own executive officers, the Secretary of the Treasury having plenary power in that respect.

Mr. SHERMAN. I wish to correct both Senators. In the case of classification the bill is very plain. It provides:

SEC. 14. If the owner, importer, consignee, or agent of any imported merchandise, or the collector, or the Secretary of the Treasury, shall be dissatisfied with the decision of the board of general appraisers, as provided for in section 13 of this act, as to the construction of the law respecting the classification of such merchandise and the rate of duty imposed thereon under such classification, they or either of them—

The Secretary or the collector or the importer—

may, within thirty days next after such decision, and not afterwards, apply to the circuit court of the United States within the district in which the matter arises for a review of the questions of law involved in such decision.

Mr. ALLISON. That is the proposed bill.

Mr. PLUMB. But I was speaking about the law as it is at the present time.

Mr. SHERMAN. I think the present law as to the mere point of valuation is that there is an appeal. In the matter of classification either party may appeal.

Mr. PLUMB. May the Government commence suit?

Mr. ALLISON. The Government may commence suit.

Mr. EVARTS. Either party that is out of money may commence the action.

Mr. ALLISON. If the duties are not paid the Government can sue.

Mr. PLUMB. But if the duties are paid the Government can not sue. I am speaking of a case where an importer accepts the conclusion of the appraisers, and also practically the Secretary of the Treasury accepts the same conclusion.

Mr. HOAR. May I have the attention of the Senator from Iowa? Suppose the appraisers appraise things too high and the Government fails to appeal, what is the remedy, if the appraisers decide wrong, under the present law?

Mr. SHERMAN. An appeal to the circuit court.

Mr. ALLISON. The appraiser does not decide the question of classification; the collector makes that decision. If the collector makes a decision wrongfully, the Secretary revises his decision. That is the existing law, as I understand it. When the Secretary shall have revised that decision that is a law unto the Government.

Mr. PLUMB. It does not make any difference, so far as my question is concerned, whether the final decision in the case against the Government is made by the collector or by the Secretary of the Treasury. I want to know if the Government in the case of a decision by the Secretary of the Treasury as to a certain classification and a certain appraisement of value has any remedy against that decision. The importer may have the benefit of the judgment of the appraiser; he may have the benefit of the judgment of the collector; he may have the judgment of the Secretary of the Treasury, and if dissatisfied with any one of them he may appeal to the circuit court of the United States. The question is whether the Government can appeal.

Mr. ALLISON. In the case put by the Senator from Kansas the Government must rely upon the integrity and intelligence of the board of appraisers and the collector, to begin with, and of the Secretary of the Treasury in the next place; and if these responsible officers make a decision concertedly, that is the end of that particular case, so far as the Government is concerned.

Mr. GEORGE. I have before me a very conclusive answer made by the Supreme Court of the United States to the question propounded by the Senator from Kansas, and as it is only a short extract I will be glad to read it.

Mr. ALLISON. I will give way for that purpose.

Mr. GEORGE. The point made is that there may be improper valuations by these boards, and therefore there ought to be a revision of them.

Mr. ALLISON. What is the case?

Mr. GEORGE. The Kentucky railroad tax cases, reported in 115 United States Reports. The Supreme Court says:

It is still urged, however, that there is, notwithstanding what has been said, no security that the final action of the board of railroad commissioners—

Who are the parties authorized by law to make the valuations—

in valuing and assessing railroad property under this statute may not be unequal, unjust, and oppressive, and that either by error of judgment, through caprice, prejudice, or even from an intention to oppress, valuations may be made which are excessive, bearing no reasonable relation to what is fair and just, and fixed arbitrarily, based neither upon actual evidence nor an honest estimate. But the same suppositions may be indulged in, in opposition to all contrary presumptions, with reference to the final action of any tribunal appointed to determine the matter, however carefully constituted and however carefully guarded in its procedure, and whether judicial or administrative. Such possibilities are but the necessary imperfections of all human institutions, and do not admit of remedy; at least no revisory power to prevent or redress them enters into the judicial system, for, by the supposition, its administration is itself subject to the same imperfections.

Mr. ALLISON. Now, laying aside for a moment the suggestion made by the Senator from New York that there are no parties, as I understood him, it is quite easy by a single word or two to make it perfectly clear what we understand already to be the "case," namely, that the parties here are the importer, if he is dissatisfied, the plaintiff, the United States defendant; or the reverse. I will not stop to read the statute of 1820 to which I have alluded, but I will call the attention of the Senator from New York to the fact that the law of 1820 (which the Supreme Court has decided in two or three cases to have been a constitutional statute) allows the plaintiff to go into court and have the court pass upon the act of the accounting officers, but there is no suit. The framers of the act of 1820 did not think it was necessary to make out two people in order to have a suit. They said that the man who found fault with the accounting should file his bill of complaint. It did not say "against the United States," but everybody understood it was against the United States, and the matter could be considered in the courts of the United States. That was decided in the Hoboken case. One section of that statute authorized the party dissatisfied with the action of the accounting officers to file a bill of complaint; it did not say against whom. I am merely applying the verbal criticism made by the Senator from New York to that statute. It is not stated there against whom that bill of complaint shall be filed, but it seemed to be well understood by the courts that inasmuch as it was a dissatisfaction with the acts of the Government of the United States the complaint must be filed against the United States. They so understood it, and I think the courts would clearly and plainly so understand this particular section.

Now, let me call attention to another statute similar to this fourteenth section as respects the construction. In 1874 the anti-moiety act, so called, was passed. There are two sections in that anti-moiety act which provide for summary remedy, sections 17 and 18, not even requiring the remedy to be in the courts; *it might be before a judge of a court.*

SEC. 17. That whenever, for an alleged violation of the customs-revenue laws, any person who shall be charged with having incurred any fine, penalty, forfeiture, or disability other than imprisonment, or shall be interested in any vessel or merchandise seized or subject to seizure, when the appraised value of such vessel or merchandise is not less than $1,000, shall present his petition to the judge of the district in which the alleged violation occurred, or in which the property is situated, setting forth, truly and particularly, the facts and circumstances of the case—

What "case?" Just the kind of a case we have in section 14 of this bill—

and praying for relief, such judge shall, if the case, in his judgment, requires, proceed to inquire, in a summary manner—

Just as we propose here—

into the circumstances of the case—

That is the seizure; that is what that particular "case" is—

into the circumstances of the case, at such reasonable time as may be fixed by him for that purpose, of which the district attorney and the collector shall be

notified by the petitioner, in order that they may attend and show cause why the petition should be refused.

So in the next section. There is a jurisdiction conferred on the court. Has anybody doubted that that was proper jurisdiction? It has stood as a law, and I believe there are numerous cases where it has been enforced, and it would have been resorted to in more cases but for the fact that the sixteenth section of that same act practically repealed certain provisions as to the burden of proof. So I must be permitted to say that I do not think there is very great force in the criticism that there are not enough parties here. We certainly have a "case" when we have a dispute as respects the classification of merchandise. But the committee in making these provisions, I think, were of opinion that we could by law impose just such restrictions and limitations upon the importation of merchandise as we might choose, and I believe the statutes of all the States are in accord with this view. I do not know of a single State statute where there is a trial by jury as respects the amount of taxes that shall be imposed on the citizen. Our statute-books are full of laws placing limitations upon the importation of merchandise. For illustration, I remember some years ago we had a bill in the Senate that came to us from the House of Representatives which was very fully argued, whereby it was undertaken by law to absolutely prohibit the importation of Chinese into this country. That permitted ten and afterwards fifteen to come in on a single vessel. That bill was debated in this body for many days, and in all that debate I do not remember a single suggestion that there was any constitutional question involved. It was admitted by all the constitutional lawyers then in this body that we had the power to absolutely prohibit the importation of Chinese persons. The only objection made to that bill at that time was that it was a denunciation of a treaty with the Chinese Government, which was by some deemed an unwise thing to do at that time. There was no question of constitutional power.

If we can prohibit the importation of persons, can we not put limitations upon the importations of goods? We do now in various ways. We have a prohibitory duty upon the importation of refined sugars. It seems to me perfectly clear that we can say by our statute under what conditions persons shall import goods. I agree with the Senator from New York that they ought to be reasonable conditions and in furtherance of the commerce of our country.

I quote a decision made by Judge Story on this very question of what we can do in that direction. The question arose under the act of 1818. Judge Story says:

I do not feel myself called upon to discuss these objections minutely, however ingeniously they were urged, because it seems to me that they may be disposed of by the single remark, that as Congress has the constitutional power "to lay and collect taxes and duties," and "to regulate commerce with foreign nations," it possesses the incidental right to prescribe the manner in which the duties shall be levied and the value of the goods shall be ascertained, and the conditions upon which the importation shall be permitted. (Tappan in error *vs.* United States, Mason's Reports, page 396.)

The statute which is proposed here does not relate to a single article of merchandise now in the United States. We have expressly excluded that idea. It relates only to importations hereafter to be made.

Now, as respects the question of trial by jury in tax cases, I think the Senator from New York has not examined that question freshly and with the care that he generally examines such questions. Here I have Judge Cooley on that point, and I will read a paragraph from his work on taxation:

LAW OF THE LAND.

There is a constitutional guaranty which has come to us from Magna Charta, which declares that no person shall be deprived of life, liberty, or property except by the judgment of his peers or the law of the land. The alternative provisions of this guaranty have sometimes been supposed to mean the same thing, and the guaranty itself to entitle every person to have any demand made upon him submitted to the determination of a jury of the vicinage.

That I understand to be the principal criticism made by the Senator from New York on this fourteenth section—that we make no provision for a trial by jury. Now, let us see what Judge Cooley thinks on this subject.

Such a construction applied in tax cases would work a thorough and radical change in the principles on which taxation is now supposed to rest. It would cripple the legislative power, and subject the action of the department whose function it is to make laws on its own views of the questions of public interest and public policy which the laws involve, to a review and possible reversal at the hands of a jury. It would not so much strengthen the judicial department as it would weaken the legislative; for the courts themselves, though juries sit with and as a part of them, are compelled to recognize a large degree of independence in the action of these assistants. Such independence is often useful, and never can be seriously detrimental when a verdict determines a single controversy only; but to make juries the assessors of the claims of the state upon individuals could only introduce anarchy; one jury reaching one conclusion regarding the public needs and the justice of its demands, and another another, until the state would be without general rule, and must fall to pieces from the incurable insufficiency of its government. Such a construction of a clause agreed upon as an important provision in a charter of government can never have been intended.

The Senator from Kentucky [Mr. BECK] calls my attention to a case in 7 Wallace, page 126. That was a case, by the way, which was argued by the honorable Senator from New York when he was Attorney-General of the United States, and in his brief he asserts, I think, very cogently and tersely the rule. He says, on page 125:

The common law implies no contract on the part of the Government to repay money erroneously collected into the public treasury for public dues. This point sustained, the appeal fails.

The opinion of the court, on page 126, declares:

The written protest, signed by the party, with the definite grounds of objection, were conditions-precedent to the right to sue, and if omitted all right of action was gone. These conditions were necessary for the protection of the Government, as they informed the officers charged with the collection of the revenue from imports of the merchants' reasons for claiming exemption and enabled the Treasury Department to judge of their soundness and to decide on the risk of taking the duties in the face of the objections. There was no hardship in the case, because the law was notice equally to the collector and importer, and was a rule to guide their conduct in case differences should arise in relation to the laws for the imposition of duties. The allowing a suit at all was an act of beneficence on the part of the Government. As it had confided to the Secretary of the Treasury the power of deciding in the first instance on the amount of duties demandable on any specific importation, so it could have made him the final arbiter in all disputes concerning the same. After the passage of the law of 1845 the duties in controversy were paid. (Nichols *vs.* United States, 7 Wallace, pages 126 and 127.)

The Supreme Court of the United States in 1845 decided that it was within the clear constitutional power of Congress to withdraw entirely from the courts this whole question of taxation, and after that decision the law of 1845 was passed. The books are full of these decisions, but I will not take time to read more. The courts uniformly hold that it is within the discretion of Congress to say upon what conditions and limitations they shall levy taxes and impose duties. As Chief-Justice Marshall said, many years ago, the power to tax involves the power to destroy, and we have exercised it even to that extent in many instances at home. Who does not remember that in 1866 we passed a law taxing State-bank circulation 10 per cent.? What was the object of that? It was to destroy the State-bank system, and it did it effectually.

Now we can, under the Constitution of the United States, having the power to levy taxes and impose duties without limitation or restriction, make such regulations and laws respecting them as we choose in the wise exercise of our power here to do. In the exercise of this power we have proposed in this fourteenth section that the importer aggrieved because of an erroneous decision of law as respects the rate of duty or the classification of merchandise may resort in the first instance to the circuit court, and then have an appeal to the Supreme Court of the United States in a proper case.

It does seem to me that these provisions taken together are a better protection to the importers of the United States than is the existing law. We give them a full and complete remedy in the first instance for the ascertainment of the proper amount of duties.

These provisions are intended to give the importer the benefit of experienced men, who will receive a high compensation, because this bill does provide a high compensation for them. They will have the advantage of men who will be in the nature of things experts as respects the classification of merchandise, and then after these successive appeals if they should be dissatisfied they have the power to go quickly to the circuit court of the proper circuit and have a review of the law of the case.

It appears to me that these provisions are just to the importer and alike just to the Government. The Secretary of the Treasury says it will take a generation to dispose of the pending suits; but under these provisions we shall within a reasonable time be rid of the vexations that have grown up under existing statutes respecting the importation of merchandise.

So, Mr. President, I believe that this fourteenth section is an effective section for the purposes intended, and that it is in no degree and in no wise unjust to any honest importer in this country.

Mr. HOAR. Mr. President, if the Senator from Iowa will pardon me——

Mr. ALLISON. I have closed.

Mr. HOAR. I should like, without going into a discussion of the general question, to read a few lines only from a decision of Chief-Justice Shaw, in the case of Lincoln *vs.* City of Worcester, September 18, 1851, in 8 Cushing's Reports, page 61. It sums up this whole matter of systems of taxation and of the right to go to a jury or a judicial tribunal in regard to a matter of taxation:

We are not aware that any decided case has given sanction to the principle that assumpsit against the town or city will lie to recover back money, on the ground of any irregularity, error, or mistake, in fact or in law, in the mode of making the assessment. On the contrary, we think it is now definitely settled by a series of decisions that in such case the party's only remedy is by application to the assessors for abatement. (Revised Statutes, c. 7, section 37.) If the party obtain no satisfactory relief there, he may complain to the county commissioners for a revision. (Section 39.)

Who are, of course, not judicial officers.

And it has recently been decided that if there be any error or mistake in matter of law in the proceedings of the commissioners, a writ of certiorari from this court will lie to correct them. (Newburyport *vs.* County Commissioners, 12 Met., 211.)

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If such an action could be maintained, it would in effect be to transfer the duty and business of forming a valuation and assessing and levying taxes from the domestic tribunal to which the law has committed it to a court of justice, settling facts on evidence by a jury, and with very inadequate means for the performance of that duty to the satisfaction of anybody. Deciding, therefore, that such action will not lie is not deciding upon a mere question of form of remedy where a real grievance is shown; but it results from a view of the fundamental principles on which the whole system of public taxation is founded.

That as absolutely covers this question, it seems to me, as it does ordinary taxation.

Mr. EVARTS. Does the Senator from Massachusetts undertake to

say that by the law of Massachusetts there is no judicial protection to any of its citizens against a tax exaction contrary to law?

Mr. HOAR. I have not said anything which would give ground for that question.

Mr. EVARTS. I thought I had occasion to ask it.

Mr. HOAR. What I undertake to say is exactly this: that where the citizen has come within the jurisdiction of the taxing power so that he is taxable either for personal estate or for real estate under the system of taxation, his remedy for an excess of taxation, as, for instance, if he is taxed for forty cows where he owns but one, if he is taxed for forty acres of land where he owns but one, if the real or personal property is held by the taxing power to belong to one class and not to another, so that a higher tax is imposed upon him, his remedy is by an appeal to the assessors, who are not judicial officers, but taxing officers, for an abatement. If he complain of their judgment he next goes to the county commissioners, a board of officers who are not judicial, but who are officers for a revision of the assessment; and if they decide against him their decision is final and conclusive as to all the world on all questions of value, and on all questions of fact; but if there be an error in law, pure and simple, he may apply to the supreme court, who, by writ of certiorari, will direct the proceedings to be brought before them, and so far as there be error in law—not error in fact, or error in value—they will revise the decision and order the commissioners to apply the true rule of law. For instance, suppose the commissioners in the town where my colleague resides should rule that his presence in Washington in the discharge of his official duties should have changed his residence so that he was not taxable in that town, and the town authorities should appeal from the action of their assessor, or suppose a person who had left Massachusetts was still taxed there, the question of law involved in settling that as a matter of domicile could be carried to the supreme court, but no question of the value of the property taxed, no question whether the man did or did not own the property on which taxes were due could he carried to the court. That Chief-Justice Shaw says is not a mere method of remedy provided by the existing statutes of Massachusetts; but is a matter fundamental to every kind of public taxation whatever.

Mr. EVARTS. That brings the law of Massachusetts, in the judgment of Chief-Justice Shaw, in consonance with perfectly well-established principles. The point now made is whether our importers are to be precluded from an appeal to judicial protection against illegal exaction; that is, whether the law shall allow an appeal to the courts. What I am now discussing about the fourteenth section is that it does not provide for that in a constitutional manner, and that the courts will not have jurisdiction under it.

Mr. BECK. Mr. President, I was a member of the subcommittee on Finance that was charged with the investigation of this important subject touching the collection of our revenues and the best method of securing uniform and honest taxation on true valuations. I do not propose to enter into an elaborate discussion of the question. I am content to stand on the law of the case as stated by the chairman of the subcommittee, the Senator from Iowa [Mr. ALLISON], supplemented as it has been by the Senator from Massachusetts [Mr. HOAR]. The decisions which have been read settle the legal questions involved. All the authorities agree that the power we propose to exercise is clearly constitutional. Therefore I do not care to elaborate the legal propositions.

Relative to questions of expediency, the committee had an immensely complicated duty to perform. It was discharged as well as we knew how to discharge it. The investigation was originated in the Treasury Department by Mr. Manning when Secretary of the Treasury. The work he did in order to get clear of the acknowledged evils of the existing system was to me perfectly marvelous. I never knew as much intelligent and well-directed labor performed by any man as Mr. Manning performed. He devoted all his great energies to it as long as he was able to do anything. Unfortunately he was stricken down in the midst of it. The committee consulted with him freely on all proper occasions, and worked in perfect accord with him; and his successor has kept up the work and furnished every facility in his power—personally and through his officials. There has been no politics or division among us. All that the committee desired was to do what would best secure uniformity in the collection of revenues, and fair, equal taxation, by preventing fraud. We went to work and continued our labors to the end with an eye single to that purpose. Not one political question or movement in that direction was ever suggested during all the time we were at work, as far as I can now recall.

We found a great many evils in the old system that were almost confessed even by those who objected to our propositions. They were so flagrant that unless something was done to remedy them it was doubtful whether honest importers could continue in the business, or whether the Government could collect its revenue at all with any semblance of justice. For example, it had almost become the rule, under a construction given by a former Attorney-General, that when a cargo or lot of goods landed and sought entry under a *pro forma* invoice, the regular invoice having been detained, six months was given within which to present a regular invoice, in nine cases out of ten the goods were gone and could no longer be reached, and when the regular invoice came it was of course fixed up to correspond with the *pro forma* invoice. Instead of having their invoices come on with their goods, men relied on the *pro forma* invoice and fixed up one afterwards within the six months allowed by law; there were no penalties for undervaluation under *pro forma* invoices as there are under regular invoices, so that fraudulent importers and their consignees and agents here relied on the *pro forma* invoice as the surest, safest, and easiest way to avoid penalties and advances in taxation, till what was granted to mitigate a hardship became a convenient method of perpetrating frauds.

Under the unscrupulous practices of foreign manufacturers and their agents and consignees here we found that the importing business of the country had been in great part transferred from legitimate American traders to men who were simply the agents of the manufacturers abroad, and that the agent here who could by hook or crook manage to cheat the Government most successfully was the man most sought after by his employer abroad as the most valuable consignee or silent partner. There was no sort of scruple about taking any sort of oath, so that the consignee could get his goods through the custom-house lower than anybody else. The unscrupulous ingenuity of these people thwarted all the efforts of our consuls abroad. They persistently refused to give our officials any information. They said the goods had no fixed market value at home, that they were made for this market, and they could not give our officers the price of them in the money of the country of manufacture, but they were made for delivery here. They were willing to give a certain rate in dollars and cents, delivered in New York, taking the chances of getting them through at low rates. Of course honest and respectable American merchants could not compete with them. We have by the bill we seek to pass endeavored to correct the worst, at least, of these evils, and I believe we have succeeded. If we have not, I, for one, much as I believe in low tariffs and liberal commercial arrangements, would make even more stringent laws, as nothing can be so injurious to trade as fraud, chicanery, and the shameless cheating which is perpetrated under the present system by men who have no interest except to make all they can out of us.

The present methods of ascertaining the true value of goods and of securing uniformity in rates are fatally defective. Now, the goods must be valued by a merchant appraiser as the principal factor. Proof was made before us that the merchant appraiser nine times out of ten is in combination with the importer. I may be a merchant appraiser for a friend to-day and he for me to-morrow. The result is that by combinations of that sort dishonest people, who do not hesitate to cheat the Government, get their goods in cheaper than honest men can. There can be no fair trade, and there is no respect for authority when these conditions exist. The leading idea of the committee—we all agreed on that—was that we should invest our officers with all the power possible, to enable them to ascertain what were the true facts in regard to the true value of the goods at the principal ports of the country from which they came on the day they were shipped, and we would require the foreign manufacturer to tell the truth or quit the trade. We did not care whether the shipper was a consignee, a manufacturer, a purchaser, or whether he received the goods by gift from somebody, or paid the fair market price. We sought to tax all goods of like character equally.

We have by this bill placed in the hands of our officers the power to ascertain the real value of the goods on the day they were shipped in the principal ports of the country from which they came, so that the United States may charge the same duty on all goods of like character and value when they reach the port of New York, or any other port of the United States, no matter how the importer got them—whether he purchased them for less than somebody else could goods of the same class or not. We have tried to fix it so that all imported goods of similar character shall pay the United States the same tax when they reach here. In short, we sought to secure, so far as it can be done by law, absolute justice and fair dealing among all importers of the same classes of goods brought to this country, and that each one should pay, as nearly as possible, the same tax to the United States. In order to do that we found that a change in the present system of appraisement and valuation was indispensable.

Instead of allowing the importers to pick out their own merchant appraisers by combinations and reciprocal bargains to manipulate their goods, we have sought to vest that authority in the hands of a non-partisan body of men; for this system is intended to apply and extend to all time, no matter what party is in power, so that there shall be no feeling among importers or merchants that politics has anything to do with this business. The appraisers are to be men selected regardless of party, or rather shall be men of high standing selected from both parties, so that merchants, dealers, and importers, whatever may be their politics, as well as honest merchants and manufacturers abroad, whatever may be their political feeling, may understand that the United States are not looking to politics in this business, but are endeavoring to select the best men possible for the duty to be discharged. Of course the system proposed will break up many existing organizations. That was one object we had in view. We provide that when our officers have thoroughly investigated a matter and passed upon it with care, the facts they find shall be conclusive; but if they have made a mistake as to the law in classification an appeal is allowed to the courts, so that if any question in regard to an error of law comes up the courts can settle it in a summary way.

Under the present system there is a body of men—many of them no

doubt respectable—calling themselves lawyers, who hang around the great custom-houses of the country, playing the game Bussfuss played in the famous case of Bardell *vs.* Pickwick, taking cases on spec. After the entry has been liquidated and the merchant has got his goods, and the consumer has paid the price, then these gentlemen who are willing to take a fee of a half or a sum equal to half to avoid champerty, perhaps two-thirds of what may be recovered, take the chance of a suit to get the money back. Thus thousands and thousands of suits are brought against the United States, in which there is no real merit, that are often decided on the testimony of false witnesses, by a packed jury, or on the merest technicality. We intended to break up that system as far as we could, and we will do it by this bill, no doubt very much to the disgust of a very enterprising body of men.

I do not believe the United States should ever have a controversy with individuals if it can possibly be avoided. Therefore anything that stops suits meets my approval. We have done another thing, and perhaps the most important of all, and that is, as far as we could, to see to it that there should be uniformity at all the ports in the collection of our taxes. That good result I think this body of appraisers will bring about; I have no doubt of it. So that a man bringing his goods into Boston, Philadelphia, New York, New Orleans, or San Francisco, or transporting them to Chicago or elsewhere in the interior, shall pay the same tax, as the same body of men, or some of them, determine the rates of taxation everywhere. Three of them are always to be at the port of New York, and others at different ports of the country; and they can be called together at any place, or transferred by the Secretary of the Treasury from time to time. And we provide that there shall be a record kept of their proceedings, so that a thing once classified at any port shall pay the same duty at every port and be classified in the same way.

I regard it as more important than all else that the same duty shall be paid by every importer everywhere on similar goods, so that every purchaser in the country so far as the United States is concerned shall feel that he has not been taxed more than his neighbor who is dealing in the same article. The remedy we have adopted takes away inducements to fraud in every regard as far as we could devise means to that end, and makes the duties uniform at every port in the United States; it takes away many of the inducements that are now held out to foreign importers and their consignees and agents here to get things into the great port of New York at an undervaluation. The testimony showed in some consignments fraudulent agents carried goods to Hartford, Conn., because they had got hold of somebody there who would classify their gloves, I think it was, much lower than the appraisers in New York would. We were told by custom-house officers that that class of goods have gone to Hartford and come back to New York in twenty-four hours appraised at a lower rate than they would have been in New York. These and many other ingenious frauds we discovered as being systematically practiced.

I will not take up the time of the Senate by going over the testimony in detail or even stating what boards of trade in New York and Boston told us. The volume of testimony now on the desks of Senators illustrates the very remarkable workings of the present system and shows the great need of thorough reform. I believe the bill presented by the committee is a great improvement on the old law. Of course some modifications of it and of tariff taxation will have to be made, else taxation may be increased under the decisions of the Supreme Court construing the law of 1883. I do not know whether the Senator from Vermont [Mr. MORRILL], or myself, or the Finance Committee is responsible for the language of that law, but the court has construed its language to mean that all coverings of imported goods come in free of duty.

There are thousands of things that are brought in which have important and expensive coverings, and great injustice is now done. We have provided that goods shall be taxed, including all the coverings that may be offered for sale along with the goods covered, at the principal port of the country from which they are exported, to get clear of that obviously improper condition of things. The change will raise the tariff on some classes of goods. But that is all within the power of Congress. We can adjust our taxation so as to declare what amount or per cent. anything that may arrive shall be taxed, so that the change will work no wrong and make no increase. The change we make in regard to coverings was absolutely necessary in order to avoid great loss, and, I may say, great absurdity in construction. When the tax bill comes from the House there need be no trouble in inserting a provision to take care of any increase of duties on that account.

Mr. President, I do not propose to make a speech. I will only add that we worked at this measure very carefully; I think every change we made is an improvement. Strong efforts were made to induce us to give rewards and moieties to men who were doing our work as inducements to detect and expose frauds. That we steadily refused to do. We believed that we ought to find officers who are competent and honest, and if they are not we ought to dismiss them. We did not believe it was wise to go back to the old moiety system and reward officers in that way. When that question was up in 1874 I remember reading in my speech on that bill the report of the Senate select committee which had considered that matter in 1872. I will read it to the Senate, as it met my approval then and now. The select committee of the Senate on Retrenchment on July 4, 1872, made a report. The majority report used this language in regard to moieties:

> Moieties should not be allowed to officers of the customs except in the case of smuggled goods seized. It is the duty of these officers to assess and collect the duties on imports. It is their business not to permit any frauds upon the revenue. Attempts will be made to introduce merchandise upon our markets without payment of duty at all. Whoever defeats an attempt at smuggling should be allowed at least one-half the net proceeds of the goods condemned. But when goods are entered at the custom-house there should be no cheating in quantities or values. It is the duty of the officers of the customs to prevent that. Their salaries should be adequate to all the labor they perform and all the responsibility they assume. Still, in spite of diligence and fidelity, they will be sometimes circumvented. But the Government should not bribe them to be defrauded by holding up to them great fortunes for detecting the fraud. The husbandman who pays his harvester a meager salary for gathering grain, but offers him one-half for gleaning all that his own rake passes over, should not be surprised to learn that his servant rakes slovenly.

We agree that it was better to pay good salaries than hold out such inducements and tempt our servants to wink at dishonesty as a means of making money. Not desiring to occupy the time of the Senate, that is all I care to say.

Mr. HISCOCK. Mr. President, the bill under consideration proposes radical changes to the existing law. Under its provisions, if it is enacted into a law, many hundred millions of customs duties will be collected, and the fortune and prosperity of citizen and city will be involved. The bill comes here recommended unanimously by the Finance Committee. It was prepared after careful examination by a subcommittee of that committee, non-partisan in its character. The members of that subcommittee brought to their aid in the preparation of the bill the collector of the port of New York and many of the distinguished merchants of that city and Boston, and of other ports of entry. It has passed under the criticism of the Chamber of Commerce of New York, and I doubt not has been examined by all of the members of the Board of Trade of that city personally interested in foreign commerce. The merchants of Boston have examined it, too.

The members of the committee have taken great pains to place this bill in the hands of every person that they could imagine would be interested in its provisions. For some time it has been upon our Calendar, and I say, without fear of contradiction, that up to the present time not one word of protest has been received against it from merchants, from importers, from a member of a board of trade, or from the various boards of trade collectively, or from a member of the chamber of commerce of any of our great cities. Look through our files and you find no petition, remonstrance, or protest against it. No man has appeared before the committee of the Senate to protest against this bill. The only utterance that has found its way into print, so far as I know, against it is the anonymous brief issued by what may be a corporation or an association of individuals in the city of New York. Some man signs his name to that protest as the president of it. The members of that organization have not appeared here by committee; they have not appeared before the committee of the Senate that has had charge of this measure to ask for a hearing and to point out its demerits. Who compose this organization we do not know; it is without a body and doubtless without a soul. An unsubstantial, imaginary existence, so far as we know, alone protests against the passage of this bill.

It has been urged upon this floor that it is a restriction upon commerce, and that we were attempting to put obstacles in the way of commerce. What I have said about this bill being here by the unanimous report of the Committee on Finance is a sufficient refutation of that. What I have said about the collector of the port of New York acting with the committee in the formation of this bill is a refutation of that. That which has been said by the distinguished Senator from Kentucky [Mr. BECK], that it had the approval of Mr. Secretary Manning, is a refutation of that. But more than all this, the merchants of New York City, of Boston, of Baltimore, of Philadelphia, of Chicago, all over this broad land, importers favor the passage of this bill.

Now, sir, I concede that all this does not bear upon one question which is discussed here, but it does bear upon the charge that we are attempting to restrict commerce and that this is aimed to injure commerce; and most decidedly it bears upon the question of whether we should pass the bill or not if there is no constitutional objection in the way, and I dismiss this part of the case with that observation.

We are told, sir, that this bill is unconstitutional, first, because it does not provide a "case" by which importers as litigants may go before the courts; that the mode here provided of appealing, if you please, of removing the valuation and the classification into the courts, is not in form an action technically; and our attention is called to the language of the Constitution on this point, which speaks of "cases arising" under the provisions of law and against this officer and against that. My understanding of that word or phrase of the Constitution is that it is something broader than a mere technical action, as we understand it. It is something as to which parties have a difference. It is not so narrow in its meaning as to refer only to an action, as we understand it, or as it was understood at the time that provision of the Constitution was adopted. It is something in dispute. It is something as to which there are two parties, the one claiming his rights in this direction, the other controverting them. That, as I understand it, is all that is meant by this provision of the Constitution, and we provide in this bill that these

proceedings may be removed into the circuit court by an order. Was it not competent for us to provide for that removal by a writ of certiorari?

The old judiciary act enacts that where Congress has failed to provide some legal remedy or form of remedy that prescribed by the State shall be adopted, and the review of all such tribunals as the board of appraisers provided in the pending bill in my State of New York, as in many others, is by writ of certiorari issuing to the inferior tribunal or to the board of officers that have the matter in their jurisdiction, removing the cause for review into a superior court. Does it make any substantial difference that we have provided that it shall go there upon an order? What is the writ of certiorari but an order issued from the court commanding the record to be brought into the court for its consideration and review? And we have provided here in simpler language, using the one word, that it shall be removed there by "order."

I dismiss now and here, then, this criticism that we do not provide for a mode of litigating the questions, "cases" if you please, in the manner as seems to have been contemplated by the Constitution, and go to the other questions which have been raised.

We are told that these provisions of the present bill are unconstitutional, first because we deny the right of trial by jury as to the valuation and classification of the goods upon which taxes are to be levied and collected under its provisions. We are told that it is unconstitutional because we deny or refuse the power to the court to pass upon questions of fact that are involved. Mr. President, for one, I deny that it is incumbent upon Congress in levying taxes, or in providing methods for their collection, to provide any manner, any method whatever by which the proceedings shall be reviewed by the courts. I say that Congress is supreme in the matter of taxation and collecting revenue, and that is the only question which is involved here; that having given to a board of taxing officers jurisdiction of the subject-matter, it is not incumbent upon Congress to provide for a review of their action either as to the law or to the facts by an appeal to the circuit or to the Supreme Court of the United States.

It *is not* my purpose to go over all the cases on this point. The books are full of them. The distinguished Senator from Iowa [Mr. ALLISON] has referred to many, and others will be referred to in the progress of the discussion, and there is not a case in which an action has been sustained by the courts that did not depend upon a statute giving to the plaintiff the right to maintain it. There is no common-law action in the Federal courts. And shall I be told that if we refuse an action to the importer, if we make the decision of the board of appraisers final both in reference to the law and the facts, the whole system fails? Is that the argument? And shall it be said that it is incumbent upon Congress to provide for a review of all taxation which may be levied, by the courts of the United States?

That is not the law in a single State of the Union so far as I know, and in no case will the courts interfere to suspend the collection of a tax, even if there has been fraud or malfeasance practiced on the part of the board that levied it. The tax will be collected. The party may have his remedy against the board that levied it for malfeasance or for fraud, but so far as the Government is concerned he has none, and he has no power to recover it back from the Government.

I have here before me one case, in which the decision was delivered by Mr. Justice Clifford, where the question was up of the right of a party to maintain his action to review the levying of taxes upon him or his property by a collector of internal revenue, and there this language is used by that distinguished jurist:

> Remedies of the kind given by Congress may be changed or modified, or they may be withdrawn altogether, at the pleasure of the lawmaker, as the tax-payer can not have any vested right in the remedy granted by Congress for the correction of an error in taxation.

The remedy is given to him as a matter of grace entirely. The Government say, "We will give you a chance to review according to certain methods." It is true that in most of the cases which have been referred to the question arose where there was a failure to file the proper notice, or to file some notice which was essential for bringing the matter up for review, jurisdictional; and in all those cases the court said, "Having failed to file this notice, you have lost your action." Why? Because your action is a matter of grace to you on the part of the United States. You have no vested right to your action whatever; it is given to you by the grace of Congress; reserving the right to take it away from you when it seems proper, and Congress is the judge of that. You have no property or vested right that is involved. The law-making powers may give you the right of review by action or in this way, but whenever they please and as they please they have the absolute right to remove the restriction.

There is not one of these cases that I have found, and I have examined, I imagine, nearly all there are bearing upon this question, where the court has not decided it upon this distinct doctrine that the right to bring the action rests upon the statute; it rests upon the grace of the Government; it rests upon the act of Congress; and the act of Congress may be repealed and the grace may be withdrawn.

It has been held in one of the cases which has been referred to that the decision of a board of appraisers is final as to the question of valuation. Does not that cover the whole question? Why, then, is not their decision final as to all the facts which bear upon the matter of classification? Where is the distinction to be drawn between the two? Upon that point we have the decision of the highest tribunals in the country.

Mr. President, this is an important question, as it seems to me. The whole taxing power of the United States is involved in it. The question is presented here whether we can enact into law rules regulating the collection of taxes and provide that the decision of the officers who levy and collect them shall be final, or it is incumbent upon Congress to grant an appeal to or provide a review by the courts.

Bear in mind in this connection that the courts depend for their jurisdiction upon Congress. If it is absolutely necessary and indispensable as to every taxing law passed by Congress that we shall provide for a review of the taxing tribunal or of the taxing board by the courts, then that review is by tribunals whose jurisdiction is by the Constitution to be fixed and changed by Congress at its discretion.

Possibly some of the amendments which have been suggested here are unimportant in practice it is; they may be in the minds of some members of the Senate, but to me it is a surrendering of the power of Congress to tax as it pleases when it has jurisdiction over the subject, by what methods it pleases, by what officers it pleases, in a public debate in the United States Senate, and placing upon our record that Congress has not the power to collect customs taxes and all other taxes for that matter in this country without submitting the questions involved in the levying and collection of those taxes to a trial in our courts and before a jury. I do not know how long then it would be before the claim would be made that an injunction would lie, to be issued by a court, restraining the levying and the collection of taxes, and the taxing power of the Government be destroyed, putting it in the power of suitors to tie it up, thus striking at the very existence of the Government.

I concede, from a careful review of the decided cases and the principles upon which they were decided, that there is not one of them in which the facts are precisely as those presented by this bill. I grant that the question has not been presented whether it is necessary in a tax law to provide in terms for an appeal to the courts. It has been stated by the distinguished Senators who have presented amendments to the bill that that precise case has not been presented; but there are cases, numberless almost, where the right of action depends upon a statute, and the courts say it is in the power of Congress to repeal that statute and leave the party without any remedy whatever; that it is a matter of grace on the part of the Government that the party has his right of action. All of these cases have decided the principle which I maintain: that the power to tax, the power to levy imposts, is not constitutionally crippled by being subjected to an interference on the part of the courts, depending for their jurisdiction upon the same power which creates the taxing statute in the first instance.

Sir, a clause of the Constitution has not been pointed to by the Senators from New York and Vermont that contains a provision that the courts must be invoked in the administration of our tax laws. In all the provisions of the Constitution combined there does not lurk that fundamental weakness, so great and dangerous that we have but lately passed through a crisis when it might have imperiled the Government. On the other hand, the Constitution provides that Congress shall have the power to lay and collect taxes, duties, imposts, and excises; not by and with the aid of the courts, but alone. That great authority and responsibility was conferred upon the law-making power—not upon the judiciary, nor to both combined; in times of war, yes, in times of peace—if it were, the Administration might be so slow as to suffer the Executive Departments to languish without their necessary support and the public debts as they matured to be dishonored. It was committed to Congress to regulate commerce with foreign nations. That responsibility is not divided with the judiciary either. Congress in exercising both these functions may call to its aid the courts in construing the statutes it passes, under the provisions of the Constitution, that it may create courts, defining their jurisdiction; that is just to the citizen and those with whom we have commercial relations abroad, but it would be vicious, if not a crime, to concede that it was in obedience to constitutional command or in deference to limitations upon its power, and for one, I would regret to see the Senate voluntarily abdicate, so far as it can, the jurisdiction of Congress; it would be nothing else, if when challenged, as it is here to-day, the amendments offered by the Senators from New York and Vermont should be adopted.

Mr. President, I believe it is a duty upon the part of Congress to enact into law the bill which has been presented by the Committee on Finance. As to a restriction upon commerce, can it be said that we are attempting to interfere with the free interchange of commodities under our laws? Why, sir, when customs laws are established by a government (and it seems to be conceded that some sort of customs laws must exist, and should properly exist on the part of the Government, to some extent at least), it is the duty of that government to provide such measures for the levying and the collection of the taxes that the merchants of the country and the merchants of foreign countries will not be compelled to enter into a race with every thief and every criminal as to which one shall cheat the most in respect to the entry of his goods for the levying of taxes upon them.

The honest merchants have the right to demand that we shall give them laws they may live under, trade under, export to this country under, and be honest. They have the right to demand laws that will detect fraud and fraudulent undervaluations. They have the right to demand of us that we pass laws, and see to their execution and enforcement, that will permit them to make their conscientious, honest invoices to the country, and, as I said a little while ago, so that they will not be compelled to compete with every dirty scoundrel who crosses the sea in respect to the importation of goods. That is the question involved between the bill which is pending here and the law as it stands upon the statute-book.

It has been ascertained by the committee, it has been ascertained by the Secretary of the Treasury and by the collector of New York and by previous Secretaries of the Treasury and previous collectors, that under the law the fraudulent importer, the dishonest man, can secure an advantage over the honest importer and the honest man and practically drive him from the market. Therefore it is that the committee have gone through this bill section by section in respect to the invoices that shall be prepared, in respect to the prices that shall be entered upon the invoices, in respect to all of the facts that have been read and commented upon so often here—it is unnecessary for me to refer to them—and they have gone one step farther and put into the bill provisions which render it easy on the part of the Government and on the part of rivals in trade to ascertain fraud, if it has been practiced, and defeat it.

No, sir; this bill is not aimed against commerce. It is a protection to commerce, as I have stated, in that it provides that all importers, both here and abroad, shall stand equally before the law, and that this Government will not permit a premium to be offered to fraudulent practices and devices.

This is the reason why, without a single exception, the New York merchants approve or have not opposed it. Both the Senators from Massachusetts are upon the floor. I appeal to them if a whisper of opposition to this measure has come from the merchants or importers who enter their goods at the numerous ports of entry in that great State. The Senator from Rhode Island is upon the floor. Has he heard a whisper of opposition on the part of those people residing in his State or out of it who avail themselves of the ports of entry in that State for the delivery of foreign merchandise? All along our seacoast and in our interior towns, wherever there are men engaged in foreign trade, wherever there is foreign trade, this bill has been scattered; and there is not, as I have said, a man who has filed in the Senate, or has had presented to the Senate, his protest against it.

Yet if the bill is unconstitutional I suppose we must abandon it. It is desired by honest men everywhere, and is only attacked by an anonymous pamphlet. One name is signed to it I grant, but I can go through the report of the testimony which has been submitted to the Senate and disclose to the Senate five hundred cases of undervaluation in which that importer or the consignee raised his own schedule, and then it was raised subsequently. The only one who signs that protest against the bill was, I will not say guilty, for it may have been a mistake, but he was the man interested in these undervaluations. Whom he represents no one knows, as I have stated; he represents an anonymous association which may be a myth. The probability is that he himself is practically the only one interested in the question. At least he is the only one who has had the hardihood to put in an appearance either before the committee or before the Senate.

I suppose that if the bill is unconstitutional it must fail, but I beg Senators to hesitate before they vote that it must fail because either the right of a trial by jury of a question of fact or the trial of a question of fact by the court is denied to the importer, to the merchant, to the consignee, or whoever is interested in that question.

Mark you, sir, as to any question of law, we allow that, as a matter of grace, to be taken to the courts. Understand me, I do not yield it as a matter of right, but as a matter of grace we allow parties to go to the courts upon all questions of law. These appraisers may not be skilled in questions of law, but they should be skilled in questions of fact. One of the suggestions made here yesterday was that it was proposed to have the question tried before the court whether particular articles were woolen goods or cotton goods or wool or cotton; and I suppose it is to be claimed here that the Government is compelled under the Constitution to send to the courts in reference to taxation all questions of fact as to whether certain articles are woolen goods or cotton goods, wool itself or cotton itself, which has been entered at the custom-house. That I deny.

Yes, the question is whether it must be sent to the courts to decide whether an article imported is iron or sugar, and the argument is that unless you submit that question to a jury this proposed law is unconstitutional. That is the argument on the part of one of the distinguished Senators who oppose this bill, and upon the part of the other that you must submit the question to a court or else your taxing law is unconstitutional. It seems to me that I have not overstated the gravity of this question, and I have failed to state and illustrate its ridiculousness.

Many questions arise under the statute which need interpretation by distinguished lawyers and judges; send them to the courts as a matter of grace and wise administration. This bill proposes that because hundreds of millions may be involved in the decision of them. In a question of the construction of a statute let the courts pass upon it; but as to the facts, whether the goods are cotton, or woolen, or worsted, or silk, or whether they are iron, or steel, or lead, or copper, let that fact be found and be certified by this board of appraisers.

There is a great deal involved in this bill in reference to relieving the Government. The bill practically provides for a summary disposition of most of these questions, or provides at least for such disposition as will result in summary action upon them. These appraisers will look at the goods that are entered, and they will pass upon them and tell what they are, whether they are of wool, or cotton, or silk; every one will be entirely satisfied. But if there must be suits over the questions, as it has been argued there must be under the peculiar language of the Constitution in using the word "cases," then the suits must be tried. Under the law, samples must be preserved; they may be lost and witnesses may die, and days, weeks, and months will be consumed in the trial of these questions of fact, whereas if they were passed upon in the first instance by a tribunal or by a board or by officers in whom every one had confidence summarily finding the facts and stating them and filing them in the collector's office, all this vexatious delay, all the long litigations would be obviated, and the claims which are constantly being presented to Congress for the repayment of duties which have been collected on the part of the Government would cease to be longer presented.

The merchants desire to have the bill passed. Why? They want it because it provides for a speedy determination of every question between them and the Government. They do not want litigations which in the end assume a speculative character. Speedy determination is what they desire, and if the Government has imposed too high a rate of duty upon their goods they have the right to demand a law which will quickly restore it to them. Not one of them has been found to protest against this measure.

Mr. President, with the vast interests involved in this bill, would you undertake to calculate the number of distinguished lawyers in the United States who have reviewed it line by line and section by section? But, sir, they have not reviewed in the interest of defeating it. They have reviewed it in the interest of their clients, and it has been presented to them, I doubt not, in many cases, I know in some, in which the merchant has said, "How about the administration of the law under this provision?" and client and counsel have sat down together and reviewed and gone over it, line by line and section by section, and not a word of objection has come from those gentlemen who in that way have discussed and examined the measure. In several instances words of commendation have come, and with the bill in their possession, after having examined it in that way, a failure to criticise on their part seems to me is an approval of the measure.

Mr. EVARTS. Mr. President, I have no occasion to reply in any considerable degree to the topics introduced by my colleague [Mr. HISCOCK] with regard to this bill. Probably my colleague does not intend to represent me as in any attitude of hostility to this measure.

Mr. HISCOCK. Oh, not at all.

Mr. EVARTS. As he is in favor of it, I am trying to make it a bill that will carry out his views. If the final action of this body were to settle the constitutional question in debate here, I might be very indifferent to it. What I am endeavoring to provide against is a failure of the bill after it passes the Senate and the other body and is approved by the President. I want this section to be so framed that the bill will be in force and be a law.

It is nothing to say that the importers and the merchants have not weighed and raised the question as to its being a constitutional measure. I will even go further and say that if you will leave it to the judgment of the importers and those who desire the protection of law, they would prefer this ready, and prompt, and rapid method of having their questions settled by the Supreme Court of the United States, and I will agree that they would like to plant the circuit court and then the docket here with a supervision of the question of the classification as promptly, as readily, as easily as the question is now passed upon before the appraisers. I will yield all that, and say that every one of these importers would regret to see this section changed. That is not the question I am arguing.

I put the question distinctly to the chairman of the subcommittee, the Senator from Iowa, who has charge of the bill from the Finance Committee, what the consequence was of the bill if it were passed and section 14 was held to be unconstitutional. I said to him, you repeal all the present arrangements of our law regulating, curbing, defining, restraining, correcting the pursuit of this judicial recourse. I said to him, in my judgment all that falls, and he agreed with me, as the Senate will agree.

I then put the further proposition that if it be so, and if this enactment does not take the place of that as law, then the importer, or the aggrieved party is to be exactly where he was at common law, with a right to sue anybody who has taken his property away contrary to law. It is not contrary to law in regard to the method of appraisement, but it is contrary to law if, when the statute said that 10 per cent. should be paid, 40 per cent. has been paid. Then the 30 per cent. is taken

contrary to law, and the man stands in his natural position as a citizen, that whoever has committed that wrong against him is to be made responsible to him; and all the statutes which throw a protection around him are no protection if the law has not authorized him to do what he has done.

I am trying to make this a bill that will answer the purposes of the suppression of fraud. It is idle to talk about criticisms upon the Constitution. If it be good, very well; but if it be bad, the consequences can not be determined here.

Let us understand what is the subject-matter within discussion now of this measure, which is purely a constitutional question. It does not touch at all the questions that are referred to in the general observations of the commentator, Judge Cooley. He is dealing there, as every one who has read his language knows, with whether the intervention of protection by a jury is necessary in the processes by which taxation is placed and is levied.

So, too, with the judgment in Massachusetts, which has been cited. It is precisely to the same effect, and not beyond that; and I understand the Senator from Massachusetts to agree that when there is anything taken from a citizen contrary to law there is a remedy, and he has referred to a remedy which is familiar to common-law jurisdictions, and that is by certiorari directly to revise the very thing by a board or an inferior tribunal. But in our jurisprudence, under the Constitution of the United States, we have no common-law power. We can not, by certiorari or an analogy to certiorari, thrust into a court of the United States what would, under the general jurisdiction of common-law courts, properly be brought there in a summary manner.

The difficulty is that the whole frame-work of our jurisprudence and jurisdiction, a wise, a great, and a substantial line of definition of the basis of the whole judicial power of the United States, is that our courts shall be open to persons having litigations there, describing all the circumstances which give opportunity to have recourse to the Federal courts. There is not one word of constitutional power that does not use the phrase "cases at law or in equity," depending sometimes upon the subject-matter and at other times upon the relation of citizenship between plaintiff and defendant.

That these subjects have not been overlooked, let me call attention, not at length, to the undisputed disposition of questions which have arisen:

> For the judicial power to extend to a violation of the Constitution it must be "a case in law or in equity" in which a right under such law is asserted in a court of justice. Seeking protection under a law is a case arising under that law.
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> A case in law or equity consists of the right of one party as well as of the other, and it arises when its correct decision depends on the construction of the Constitution or laws of the United States. It is a suit instituted according to the regular course of judicial procedure; it is limited to such as are between parties, or are of a judicial nature, and does not include political questions. When the subject-matter of a controversy is political, it is beyond the domain of the judiciary, as where it involves the existence *de jure* of the Government, or the legality of some act or proceeding purely governmental. Cases at law include suits in which legal rights are to be ascertained and determined as distinguished from those where equitable rights are administered, etc.

We can not discuss this matter at large about the jurisdiction of State courts or about a review by certiorari, because we are within the strict limits of the Constitution, and the transcendent power of passing on the great topics that are accorded turns distinctly upon this matter.

If section 14 opens a court between parties for the enforcement of a right by one party against another that by the judgment of the court is to be disposed of and settled, there is a "case" in which there is a prosecution by one party against another for a judgment which is to end in an execution, or in the case of the Government there is substituted the obligation of the country. I say if the Senate can settle that question, it is not of very great importance to me or to the interests that I am contending for, because I am not contending for any interest of a private nature, or of a public nature in the sense of rights of individuals; I am only invoking adherence to constitutional obligation, and nothing else.

The Senator from Iowa has said that there were decisions to be found in our reports that did not come up to that proposition, and I waited to hear what they were. The first one is that of the Swartwout defalcation, where, under a statute passed in the very earliest legislation of this country, a warrant was issued sequestrating the property of Swartwout on a defalcation according to the method there provided. The question was judicially whether that was constitutional, and it was held to be constitutional only because it was the mode of beginning a suit by the Government against the person interested, which gave him an opportunity to come in and as a defendant to meet there by the proceeding of a counter-suit what was thus commenced only by this peremptory sequestration.

I have not looked at the case for many years. I need not advert to the discussion there, whether, as it was and had been, a matter consistent with the common law, as it was supposed, as administered for a long period of years, that exchequer sequestrations against a debtor of the king or a defaulter to the king might be and were sufficient, according to that system, and therefore it might be held that our constitutional inhibition would not apply to a special sequestration of that nature, but all went off on the ground that this was the beginning of a suit, and that it did not determine the right, but it did commence a right which the other party could come in and defend, and in defending use such methods of counter-suit, of equity or otherwise, as were suitable.

Another case is referred to in which I had the honor to take part as Attorney-General, and which is reported in 7 Wallace. That was a case from the Court of Claims, and I will state the only question so far as it is material here. It does not touch the question that I am discussing, but the question there will be easily understood. If an excessive tax had been imposed upon an importer by legal arrangements or statutes, it was a condition to his pursuing his remedy at law that he should have made a protest and given notice and taken what are the ordinary steps which belong to the administration of justice and right. A party who had not that right came into the Court of Claims and undertook to get a judgment in the Court of Claims on the ground that from the very nature of the subject the court was open, and that in that court this condition did not prevail. The court held that it did prevail; that is, that the condition was necessary to a recovery anywhere, and then as a general observation that the law might make any regulations of that nature that it saw fit in regard to the exaction of taxes. That I will not dispute here, for it relates to the processes of procedure antecedent to a right of suit. That disposes of that case, and it was rightly decided, I have no doubt; at any rate it was decided according to the views which I there presented.

The question is wholly here whether this is a suit at law or in equity, brought into jurisdiction in the way and in the manner the Constitution requires. I have been unable to trace the specific amendments proposed by the Senator from Vermont, no doubt pressed with a view of relieving the measure from unconstitutionality, in the very brief and limited attention that can be given to it. Let me have it understood, however, that closing our courts against those subject to the exactions of revenue is one thing. I am not even discussing that question; I am only saying that you have opened a method here that is not constitutional, and you have then left it to stand upon the only method, that at common law. There is not anywhere found in the preceding sections or in the subsequent sections any denial of the right of an aggrieved person to have a suit.

Mr. ALDRICH. I am sure the Senator would not make that statement if he had read the bill carefully. If he will read the twenty-first section, I think he will find just that denial.

Mr. EVARTS. Very well; that does not affect my argument.

Mr. ALDRICH. Undoubtedly it is denied by the twenty-first section.

Mr. EVARTS. Then the situation is different from what I supposed; but it does not touch what is my present argument. If the fourteenth section is stricken out, then there is no recourse to the courts. That is absolutely prohibited, as you understand. That is one question, and to that I will agree. Whether the Senate intends to pass a law of that kind without substituting a judicial determination, we are not called upon to determine now. You have not intended to shut out a recourse to law for a grievance of that kind, for you do undertake to provide a sufficient remedy. If you do not provide a sufficient remedy, then the judicial question would be whether it is constitutional to preclude a right of suit from the general right of a citizen.

Mr. ALDRICH. I should like to ask the Senator if he does not think that precise question was decided in the case of Cary *vs.* Curtis, in 3 Howard?

Mr. EVARTS. I shall take up that case in a few moments. So either way it is of the greatest importance that it should be understood whether this is a valid provision for recourse. If it does give a good one, and it should be so held by the courts, that is very good. There would then be an inconvenience, as I think, from the fact that these reconsiderations of the classifications would obtrude themselves very rapidly into the courts. But that is not a matter of constitutional consideration.

I am willing that there should be a very limited right of recourse. Down to the end of section 13 you have so provided that rapidly things are to be brought to a head and to a final conclusion between the importer and the Government. If you provide, as you do, that only within thirty days the dissatisfied party, the Government or the importer, can go into the courts, to that I have no objection. Then, on the matters we are now deliberating about, I have no objection to any rapidity that can be given to the course of this litigation that it is in the power of the Government to afford in respect to its judicial attention and disposition of the questions involved.

But we ought not to deceive ourselves when we have full knowledge that a judicial question can not be disposed of as a *pro forma* right. A recourse for a grievance to a court of justice is to have the right of the aggrieved party passed upon and determined according to law, and judicial methods, and judicials conclusions. All of us have a right to that. Importers have it just the same as any other citizens. Foreign countries have a right to see that our courts are open properly to their subjects for suits, and, as we all know, a denial of that forms a subject of reproach, and of negotiation, and of redress, which we would have from other nations, and which we are bound to accord to them. Therefore we must have somewhere or other a judicial determination, as it seems to me, in order to accord with the ordinary principles of our freedom, and our legislation, and our Constitution. Procedure and method may be simplified and accelerated, and required to be attended by all careful and vigilant consideration and disposition by the aggrieved party.

I would be quite willing that the decision of the circuit court in such a case should be final. It is not necessary that every suitor should have a right to all appeals, and after these processes of the official appraisements are satisfied in their different stages, as we are an upright Government, with upright officers, as we assume at least to be, I would be quite satisfied that there should not be any further agitation of the question, leaving it to be relieved by Congress, if it was found that there were diverse decisions in different courts, because it is not a matter, after all, which relates to anything but the regulation of the exaction of taxes, which is a plenary topic, always open for discussion in Congress.

If I have made this understood, it will be seen that it is purely a question as to whether this is a valid judicial power accorded to the courts, and that is what I am now presenting. I do not now discuss the question whether it is a fair discharge of duty towards the aggrieved suitor. I can easily see how simple that question is, and how Senators must vote upon it.

It is not necessary, as my colleague has suggested, to assume that if we can not pass the fourteenth section, therefore we can not pass the bill, and that we can not suppress fraud, and can not collect taxes and regulate appraisements. Not at all. There is but the narrowest possible question involved, and that is whether you shall put the fourteenth section on a footing that shall carry out the propositions which you wish to carry out, and that all this valuable legislation shall be made vigorous in this last point as well as in all the others.

On the subject of the decision made in 1839, I have in convenient form before me references to as much as is necessary to bring out exactly what did occur. In 1836 there was a decision in the case of Elliot *vs.* Swartwout, reported in 10 Peters, and decided in January, 1836. After that there came a new law passed on the 3d of March, 1839, which required collectors of customs to place to the credit of the Treasurer of the United States all moneys they received from unascertained duties or for duties paid under protest. It is not necessary to call attention to that provision beyond a single observation. Before that time the collector, upon being notified that he had in his hands money illegally extracted from an importer, was obliged to pay it out of his own pocket if it should turn out that it was received because of illegal exaction. Under that provision the claim was that the collector could keep that money and not turn it into the Treasury, because it might appear that he must account for it personally to the aggrieved importer. This law was passed, therefore, to meet that difficulty, and the Swartwout defalcation had taken place under that existence of habit and of law. Then the question was whether that did not destroy all recourse at law, because the law had prevented Swartwout from keeping the money. The majority of the court in Cary *vs.* Curtis, in 3 Howard, however, held that it did not end these suits against the collector. Let me call attention to the dissenting opinion of Mr. Justice Story and Mr. Justice McLean from this decision of the majority, for it is in language not only better than I can use but is with the authority of a great judge on this vital question. Says Mr. Justice Story:

> The question, stripped of all formalities, is neither more nor less than this: Whether Congress have a right to take from the citizens all right of action in any court to recover back money claimed illegally, and extorted by compulsion, by its officers under color of law, but without any legal authority, and thus to deny them all remedy for an admitted wrong, and to clothe the Secretary of the Treasury with the sole and exclusive authority to withhold or restore that money according to his own notions of justice or right? If Congress may do so in the present case, in the exercise of its power to levy and collect taxes and duties, and thus take away from all courts, State and national, all right to interpret the laws for levying and collecting taxes and duties, and to confide such interpretation to one of its own executive functionaries, whose judgment is to be at once summary and final, then I must say that it seems to me to be not what I have hitherto supposed it to be, a Government where the three great departments—legislative, executive, and judicial—had independent duties to perform each in its own sphere; but the judicial power, designated by the Constitution to be the final and appellate jurisdiction to interpret our laws, is superseded in its most vital and important functions.
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> I know of no power, indeed, of which a free people ought to be more jealous than that of levying taxes and duties; and yet if it is to rest with a mere executive functionary of the Government absolutely and finally to decide what taxes and duties are leviable under a particular act, without any power of appeal to any judicial tribunal, it seems to me that we have no security for the rights of the citizens; and if Congress possess a constitutional authority to vest such summary and final power of interpretation in an executive functionary, I know no other subject within the reach of legislation which may not be exclusively confided in the same way to an executive functionary, nay, to the Executive himself. Can it be true that the American people ever contemplated such a state of things as justifiable or practicable under our Constitution? I can not bring my mind to believe it, and therefore I repeat it, with the most sincere respect for my brethren who entertain a different opinion, I deny the constitutional authority of Congress to delegate such functions to any executive officer, or to take away all right of action for an admitted wrong and illegal exercise of power in the levy of money from the injured citizens. I am further of opinion, as I shall endeavor presently to show, that Congress never had contemplated passing any such act, and that the act of 3d March, 1839, chapter 82, section 2, neither requires nor, in my humble judgment, justifies such an interpretation.
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> If Congress have a right to say, and have said, under the provisions of that act, that no officer of the customs shall be liable to any action for money extorted by him under color of his office without authority and against law, then these provisions are equally applicable to all courts and furnish the rule of decision for all; and Congress have an equal right to apply a like provision to all other acts of all other officers done under color of office, and the trial by jury may, in suits at common law, be completely taken away in such cases, and the right of final decision be exclusively vested in the Executive, or any other public functionary, at the pleasure of Congress.

This dissenting opinion made an impression not only upon the public conscience and upon the public interests, but upon Congress that was in session at the time; and what followed? This act was passed under the immediate impression of the repugnance of any such legislation to the authority of the court, as pronounced by the dissenting judges, Story and McLean. The act was immediately passed, of February 26, 1845, referring to section 2 of the act of 1839, declaring that nothing contained in that section should take or be construed to take away or impair the right of any person or persons who had paid or should thereafter pay money—

> As and for duties under protest to any collector of the customs, or other person acting as such, in order to obtain goods, wares, or merchandise imported by him or them, or on his or their account, which duties are not authorized or payable in part or in whole by law; to maintain any action at law against such collector, or other person acting as such; to ascertain and try the legality and validity of such demand and payment of duties, and to have a right to trial by jury touching the same, according to the due course of law.

I do not want the fourteenth section to contain anything but a provision that the parties aggrieved by the final result of the official appraisement shall have opened to them the circuit courts, under such guaranties of immediate recourse, of prompt disposition, of final disposition, if you please, as may be provided. But the principles announced in the language of Story are sound and true, whatever may be thought of the technical and actual power that may be exerted, that it is against the right to have official power suppress the citizen's recourse to justification by law.

I leave out entirely the question whether there needs to be in this court any question of fact determined or any trial by jury. I only wish you to say that when you have come to the final official disposition of the matter, if a citizen has suffered an exaction contrary to law the court may be opened to him to have such recourse as will give a case judicially open for determination, to result in a determination of the plaintiff's right against some defendant who represents the Government.

Mr. CALL. Mr. President, I am compelled to vote against the bill very much to my regret. To my mind it is a very plain infraction of the Constitution. It is not only the bill itself, but the arbitrary principles upon which it is supported that compel me to resist it.

It is contended that the Government has a right to select a non-judicial tribunal for a proper construction of the law and of the exercise of authority under it. However courts may have decided the question and the extent to which the power of taxation may go, I am sure that it can not be questioned that Congress, the representative of the people, should be careful not to vest arbitrary power over the property of the citizen in any private citizen or executive officer—power to be exercised without appeal, power to make a final valuation of property, and to say that property which is worth only a dollar shall be valued and taxed as a thousand dollars, and to take possession of that property by virtue of that action and dispose of it as if a judicial tribunal, after a fair trial, had so decided to have the law declared, that the citizen and the courts shall be bound by this action, and that the officer thus violating the law himself can not be held amenable upon proof of his wrongful act in any judicial tribunal neither then nor thereafter. Why, Mr. President, what grounds of public policy are there to justify, if this body had the power, the exercise of it in this manner?

I deny that the established decisions of the courts have gone to this extent. The interpretation of the law, as stated by the learned Senator from New York [Mr. EVARTS], is, in my judgment, entirely correct; and while there may be expressions of opinion by judges of courts which would extend the doctrine much further than he has stated, yet it is true that it has not been finally decided—certainly not by the Supreme Court of the United States—that when, under color of law, but in violation of the statute law, an officer has seized the property of the citizen and disposed of it wrongfully, that citizen has not the right to say, "You can not justify yourself under the law, because the law does not authorize you to value my property wrongfully, or to tax me on a different kind of property from that which I have, and the statute which says I shall not have the right to hold you amenable for a trespass, for an unlawful act, is of no force or effect, because it is contrary to the very fundamental principles of the Government."

You leave the collector to collect the tax; but the arm of the judicial power can not be stayed. When the wrong is consummated you can not deny the right to redress and say, "You have not done this under the authority of law; you have violated law, and that provision which says that a man shall not be responsible for wrongs-doing must fall to the ground and can not be sustained." The complaint of the citizen in that case before the judicial power is that the law authorized the officer to collect a certain sum of money, and he demanded an amount which the law forbade him to demand, and he seized and sold the property because of the failure to pay an unlawful demand.

If for argument's sake we should admit that such a law could be made, as a mere exercise of power, on what ground of public policy can such a robbery be justified?

Mr. President, let us apply the principles which the Senator from Iowa has asserted in defense of this bill to a case which might occur. Let us suppose that the distinguished Senator had gone to China, and that the provisions of the bill excluding the Chinese from this country contained a similar provision to that of this bill, authorizing the collector of the port of San Francisco to decide who was a Chinaman and

who was not, and that upon the Senator's return that collector should say, "You are not the Senator from Iowa; you are a Chinaman;" and in the terms of the law say, as the statute here says, "My decision in this case is final and conclusive upon the question; the facts found and certified by me shall be final and conclusive upon the courts." The Senator from Iowa applies for a writ of habeas corpus and says, "I am not a Chinaman; I am the Senator from Iowa;" and the court replies to him, "But your law says that the finding of the collector shall be final and conclusive upon the facts, and I am bound to decide that you are a Chinaman."

Mr. President, the mere statement of such a proposition shows how impossible it is that such a conclusion can be sustained. This is precisely the case presented by this bill, and this is the law which is sought to be enacted by it. It makes no difference that the one is the property rights of a citizen, and the other his right respecting his personal liberty, and his personal rights; both are rights, and both equally under the protection of the law and the judicial power.

But the Constitution does not contemplate a board of appraisers or any non-judicial body of persons as having the power of final and conclusive judgment, and you can not make the opinions of four or five executive officers or any other number binding upon the department which is intrusted with the power of deciding as to the rights of citizens.

That is not all that is remarkable here. In my opinion, it is a bill which imposes great burdens upon the consumers of imported goods in this country. It increases in a material and vexatious manner the cost of importations. It provides, in the first place, that you shall not buy in any district abroad in which there is not a consul resident, because your are required to have the certificate of a resident consul.

It is true there is another provision of the bill which says if you can swear that it was impracticable, and prove that it was impracticable to have the invoices and bills of sale submitted to a consular resident they may be admitted to entry in the district, and it might be, where there was none to submit it to, the importer would be relieved from the penalty of not complying with this provision; but wherever there is a consular resident, at whatever distance he may be from the place of purchase, you must send to him the bills of sale or invoice or history of the original and private transaction between the parties, not to show the market price, but to show the actual transaction between the two individuals. Of what value is that except for the purpose of convicting some person of a fraud? It is the market value in that place that should be the test. While there may be some other obscure and contradictory provisions of the bill making the market value the basis of valuation, that is unquestionably the force and effect of the first and second sections of the bill.

Then, when the goods arrive at a port of this country, the bill imposes conditions that are unnecessary and vexatious. When these goods have been brought upon the shore, you are not content with a simple provision that bond shall be given. If the officer be an honest one, what difficulty is there, upon the entry of a cargo of goods in any port—unless the whole body of that community be fraudulent and corrupt, unless the judge and all the officers and the ministerial power of the court can not be relied upon—what difficulty is there in ascertaining under process of law in each case by a jury of merchants the market value of the goods? The United States judge is there to reverse any verdict of a jury or any action of a ministerial officer. If the evidence be against the verdict, the United States court has the power to set it aside. Why, then, these long and minute and vexatious provisions, except on the assumption that you can not find honest and capable men amongst the merchants or importers whose verdict can be relied on, and the further assumption that by virtue of being appointed an appraiser a man becomes both honest and intelligent in the performance of his duty? This is not true in any respect, either as to the merchants or the appraisers. There can be no objection to having a board of appraisers, but there can be no good reason given for making their judgment and their action and that of the Secretary of the Treasury final and conclusive as to the rights of the citizen.

Mr. President, this bill, in my judgment, invites more fraud than was possible to be committed under the former system. It deprives the judicial power and the citizen of that immediate access to relief which is proper to be had, and it gives immunity to arbitrary and fraudulent methods.

It is said that there have been too many complaints, too many suits. Why should not every man be allowed to complain to the courts and the access to the courts be made easy and cheap? Why can not you have honest judges, intelligent judges; why can not you have lawyers who will sustain the courts in the honest administration of the laws? It is a profession which has always sustained free government and protected private rights in all nations of the world. Why not place them on a footing where the laws can be administered with justice, with intelligence, and with celerity? What is the difficulty in providing additional courts of the United States, if necessary, in order that the citizen may have the right to have his cases disposed of as rapidly as they occur? Let us so legislate that such remedial measures may be had as will accelerate the progress of causes in court. Let the power be made summary, if necessary, in the courts to expedite these causes and not allow them to be delayed and accumulate. In my judgment that is the true path of reform in this direction, and that is the proper method.

There is no difficulty in ascertaining the market value abroad of every article of production; there is no difficulty in ascertaining it in the port of entry. The history of a transaction between two individuals at the place where the purchase was made ought not to be of any value, because these two parties may have bargained at an advantage to one and a disadvantage to the other, or it may have been a fair bargain; but, whatever it was, it was the market value of that article in the place of production according to the common consent there, the demand and supply, that should be the basis of any correct valuation.

Mr. President, for these reasons I shall support the amendment proposed by the Senator from New York, and I am by no means satisfied that the provisions of this bill, while they may be an improvement in some respects, are not upon the whole a serious injury to the foreign commerce of the country and to honest and fair importation.

Mr. BECK. I do not wish to prolong the debate, but the Senator from Florida seems to forget some things that the committee unearthed. His illustration as to determining whether a man was a Chinaman or an American is pretty far-fetched. We are not dealing now with the rights of men as they enter into this country. We are providing a system by which the Government will not be defrauded of its duties on articles imported into this country, that one man shall not pay a lower tax than his honest competitor pays, who is subject to the same tariff. That is the very purpose that we have in view, that men shall not be taxed unequally on their property here, but that all shall be subject to the same general taxation, and to provide hereafter for securing uniformity of taxation and honest dealing, and not allow rogues to get the advantage of honest men.

Complaint is made that we are trying to impose some regulations now that are more stringent than those which have existed heretofore. The subcommittee went to New York and had before us Mr. McMullen, the appraiser, and one of his chiefs of division, who has charge of the invoices, gave us an illustration, which is much better than an argument. In his testimony this occurred:

In the invoice division Mr. McMullen presented the chief of division, Mr. H. F. Bowers, who exhibited to the committee certain invoices and papers which he explained, one by one, as being improperly certified, as follows:

"In this case [exhibiting a paper] the consul at Brunswick, in Germany, certifies to an invoice dated at Hanover, which is in his jurisdiction, that the goods came from Barmen. There are two invoices from Barmen, and no certificate from the consul there; and one from Zittau, in Saxony. There is no consul there, but there is one at Dresden, near there.

"By Mr. BECK:

"Q. That is not under the jurisdiction of the consul at Brunswick?

"A. No, sir. Here is one from Waldkirchen, in Saxony.

"By the CHAIRMAN:

"Q. Is that near Brunswick?

"A. No, sir; it is nearer to Leipsic. Here is one from Forbach, in Baden; here one from Linden, near to Hanover; here another from Barmen; now one from Hanover, an invoice of 14,071 marks, being the total amount consolidated. It is certified to by the consul at Brunswick, William C. Fox.

"By Mr. BECK:

"Q. And it has no other consular certificate upon it?

"A. No, sir.

"Q. What value do you attach to a certificate of that sort on invoices coming from cities outside of the consul's jurisdiction, and where there is a consul who should certify, but does not?

"A. We can not attach any importance to it, because the consul who certifies can not know anything about it. He can not know anything about goods not produced in his own district."

Why did he say that? Because there are fraudulent invoices into the United States sent by the consignors abroad to their agents here who seek to undervalue, and they avoid all the honest consuls. The consul within whose jurisdiction the goods are bought knows all about them. They could get ten or twelve invoices from different places, but instead of that they go to a man who knows nothing about the matter, and upon one general invoice at the port of shipment they are received in the United States.

It appeared to us that it was not proper to let that be done. We ought to hold the proper consul to responsibility. Nobody calls on him, nobody sees him, nobody treats him with any consideration, and he is left there standing solitary and alone in a great city with all the power of these men and their agents employed to put him down, until he can not get any information except that which he drags out by course of law. The consul who is ready to certify to anything is taken care of; he is "hale fellow well met" with them, and all their friends and relatives, and they all run to him and avoid the others, and they object to any checks to prevent that being done. The committee thought we ought to require what is here imposed, the Senator from Florida to the contrary notwithstanding.

Mr. CALL. Is it to prevent one consul boycotting another one?

Mr. BECK. Not one consul. I say it is to prevent merchants in eight or ten districts being able to avoid absolutely the consul who knows all about the merchandise because he knows the men who produce it, and apply to convenient tools to sign their invoices of goods that came from ten districts to one man who is a pliant tool of theirs.

Mr. CALL. Let us look at that. A merchant or manufacturer abroad must make his invoices according to the market value.

Mr. BECK. Some men can not be imposed on, while others can.

Mr. CALL. All invoices must be verified before consuls, but why a consul at a particular place?

Mr. BECK. I think the Senate understands this, even if the Senator from Florida does not. We have desired to require the man who through his official position does know about these invoices to certify them, and not allow the consignor to avoid our own proper consuls because they are vigilant men, and consolidate the goods produced in eight or ten different districts and take them to some one man they can find who does not know anything about them and cares as little as he knows, and then send them to our officials instead of certificates from the eight or ten different districts.

Mr. CALL. The bill does not provide that the consul resident at the place of production shall be any more honest than the man resident in the district where the goods are bought or where they may be gathered from many districts. There is nothing in the bill on that subject. You can not secure this result if you tried to do it. Therefore the Senator from Kentucky is entirely wrong. The bill can have no such effect. It is one of its curious provisions that it assumes that the consul in a remote place, with but little business, will be honest and intelligent, and a consul in a larger and more important place will be dishonest and incapable.

Again, the existing law does not require that the collector shall be bound by the action of the consular agent abroad, bound by his fraud or his ignorance. The existing law—if you choose you can amend it and make it more direct—requires and should require the collector at a port of entry here to obtain reasonable and satisfactory evidence of the value of the goods, and if he is an honest and capable man he can do it; there is no possible trouble about it; and the history of the transaction of the purchase of the goods from the manufacturer abroad will afford little or no light upon the fact as to what is the market price in the place of manufacture from which the merchandise was exported.

These propositions are perfectly plain. They have nothing to do with the merits of this case. Neither is it true that the Congress of the United States have an absolute power in the exercise of taxation to take from a man one kind of property under pretext of its being another kind. Nor is it true that you can authorize a tax collector to take from the people a tax to which they are not subject by law, or that you can preclude him from a remedy by saying, "You shall not sue that collector."

When I was on the floor a few moments ago I failed to read from the report from which the Senator from Mississippi [Mr. GEORGE], for whose learning as a lawyer I have very great respect, read as an evidence that the taxing power might be committed to executive officers, who could exert it lawfully or unlawfully, and that there was no redress, no power of redress, and that the Supreme Court had so decided. I had not looked critically at this question. I had not read this bill until it came up for discussion yesterday; but I knew that, while there were a great many expressions of opinion by courts to which various colors might be given, there was no such principle established as that, and I read in the very case from which the Senator from Mississippi read the following statement of the court:

But whatever relief courts of justice may afford against the injuries apprehended, when in fact they have resulted, is secured to the plaintiffs in error by the very statute of which they complain.

And then it goes on:

For the valuation of railroad property under that act and the assessment of the taxes thereon are not final in the sense that they constitute a charge upon the property subject to the tax, or a liability fixed upon the corporation owning it. That result can be attained, and the tax actually collected, only by suit, as provided in the fifth section of the statute, either against the officers of the companies for penalties incurred by a failure to pay the taxes levied, or for the recovery of the taxes themselves by action in the Franklin circuit court, or in the courts having jurisdiction in the counties, for the taxes payable to them, respectively.

The case is thus brought directly and distinctly within the decision in Davidson *vs.* New Orleans, 96 U. S., 97, 104, where it was held "that whenever by the laws of a State, or by State authority, a tax, assessment, servitude, or other burden is imposed upon property for the public use, whether it be of the whole State or of some more limited portion of the community, and those laws provide for a mode of confirming or contesting the charge thus imposed, in the ordinary courts of justice, with such notice to the person or such proceeding in regard to the property as is appropriate to the nature of the case, the judgment in such proceedings can not be said to deprive the owner of his property without due process of law, however obnoxious it may be to other objections.

Now, the question occurs as to the validity of the clause contained in this proposed statute of the United States to the effect that the judgment of a majority of this board of appraisers in the execution of this law shall be final and conclusive upon the courts of the United States when the party aggrieved stands before the court and says the officer is authorized to levy a tax upon a particular kind of property, a particular amount. He has not done it. He has acted contrary to the law on the proof which I here present of the facts. This property was of a different kind, of a different value, and I am here now to deny the validity of his act done without the authority of law.

Mr. ALDRICH. Will the Senator from Florida let me read a few words from a decision of the Supreme Court?

Mr. CALL. I shall be glad to hear it.

Mr. ALDRICH. In the case of Hilton *vs.* Merritt, reported in 110 United States Reports, page 107, the court says:

The plaintiffs in error contended further that a denial of the right to bring an action at law to recover duties paid under an alleged excessive valuation of dutiable merchandise is depriving the importer of his property without due process of law, and is therefore forbidden by the Constitution of the United States. The cases of Murray's Lessee *vs.* Hoboken Land and Improvement Company, 18 How. 272, and Springer *vs.* United States, 102 U. S. 686, are conclusive on this point againt the plaintiff in error.

Mr. CALL. That is entirely true, but that does not support the Senator's proposition to any extent whatever. It is certainly true that a law does not take away property because it does not furnish a man a remedy in court; but if the Senator from Rhode Island, being the collector of any port within his State, takes my property and I say and the court says he takes it without the authority of law, the point is whether or not I can hold him responsible for it because Congress either has not provided a remedy or because it has said he shall not be responsible.

In the first case the court would hold under the general authority already given to it without a special remedy in the act, that I had a right as a citizen to hold him responsible for this action in some court, with an appeal to the Supreme Court if it involved a question of Federal law. The proposition which this bill asserts is that when a citizen, a non-judicial officer, violates the law and Congress enacts that he shall not be responsible for the taking of property without authority of law if he should himself declare certain facts to be true which justify his action, whether this decision of his own in favor of himself can be made binding on the courts.

We have not a government of arbitrary powers, and we should not have a government of arbitrary powers. We depend upon the honesty of the citizens as a body; and if in the great city of New York, or in New Orleans, or in Boston there can not be found integrity enough to enforce the law honestly, with a Federal judge to interpret it, then the foundation of our Government is entirely gone, and all the arguments by which this bill is maintained here may be made in support of the exercise of arbitrary power against the consent of the people.

But this is not all. This bill contians a section which ought not to be allowed by any law. Section 19 provides—

That no allowance for damage to goods, wares, and merchandise imported into the United States shall hereafter be made in the estimation and liquidation of duties thereon; but the importer thereof may, within ten days after entry, abandon to the Government all or any portion of goods, wares, and merchandise included in any invoice, and be relieved from the payment of the duties on the portion so abandoned: *Provided*, That the portion so abandoned shall amount to 10 per cent. or over of the total value or quantity of the invoice.

It confiscates the goods of a man if the damage done is 10, 20, 40, or 50 per cent., whatever it is. What reason is there, after having taken all this trouble to bring in the invoices, after having gone 50 or 100 miles to a consul and gone to the expense of having it inspected and certified, and after having paid duties and insurance and brought the goods into our port, for confiscating his property? Is there no means of honestly arriving at the damage which occurred to the goods of this man? And if they have been damaged why should he not have them on the payment of duties on the goods which are susceptible of use and sale?

It occurs to me that the bill ought to be more carefully considered. I am well aware that the committee have had very great difficulties in dealing with the subject. I have no doubt they have considered it carefully; but it seems to me it involves questions in reference to the administration of the revenue laws which ought to have further and more careful examination.

The PRESIDENT *pro tempore*. The question is now on the amendment of the Senator from Vermont [Mr. EDMUNDS].

Mr. EDMUNDS. I ask for the yeas and nays on that. It is a very important question.

Mr. SHERMAN. I should like to have the amendment stated.

The PRESIDENT *pro tempore*. It will be stated.

The SECRETARY. In section 14, line 5, after the words "as to," it is proposed to strike out the words "the construction of the law respecting;" so as to read:

SEC. 14. If the owner, importer, consignee, or agent of any imported merchandise, or the collector, or the Secretary of the Treasury, shall be dissatisfied with the decision of the board of general appraisers, as provided for in section 13 of this act, as to the classification of such merchandise and the rate of duty imposed thereon under such classification, they, or either of them, may, within thirty days next after such decision and not afterwards, apply to the circuit court of the United States, within the district in which the matter arises, for a review of the questions of law involved in such decision.

Mr. EDMUNDS. I must ask the indulgence of the Senate for a moment, because the amendments which I have proposed to this section are in my opinion extremely vital and important to its being made capable of standing the test of any kind of constitutional validity.

As the section now stands, the decision of the appraisers as to the identity of the goods, whether falling under one section of the law or another, or whether the law they apply to them has been repealed or not, is absolutely final. Their decision as respects the value of the property which is within their jurisdiction as appraisers may be made final. We all understand that. But I have never yet heard of a law, or a court that upheld a law of any such nature, that authorized any executive officer to possess really the whole taxing power of the country, and which the Constitution imposes upon Congress. Congress must select the objects of taxation and describe them. The executive department must execute that act of Congress upon the things described, and not upon something else. When they have found the things described,

then the law-making department may repose in them the final judgment as to how much they are worth, and then the law places the rate that is to be affixed to that valuation.

Now, this section as it stands, I say, leaves to the final decision of the appraisers every question of fact concerning the goods submitted to them, whether they fell under one law or another law; whether they are, for instance, silks or woolens; whether they are cottons or leather. Whatever it may be that enters into the identification of the property to which the law applies a given rate fixed by the law, is by the section as it stands made absolutely final as found by the appraisers; and all that is left to the court of original jurisdiction, the circuit court, when the matter is brought to it, is any question of law that may arise upon the written papers that the appraisers have made up and stated concerning the case—nothing but the question of law.

You have got, therefore, as I suppose, a "case" in the language of the Constitution in a court of justice of original jurisdiction, in which that court has no jurisdiction whatever over any question of fact whatever, which is of course ridiculous and absurd. There can not be a case pending, a controversy, in a court of original jurisdiction, without one party or the other or both parties being entitled to prove the grounds upon which they invoke the intervention of the court and its judgment upon the facts as they may be found.

That is the distinction, and that very distinction is maintained in the case from which my friend from Florida has just read, where the court in distinct terms say that the valuation by the appraising and collecting officers upon the goods described is final and conclusive and is made so by the law; but the classification and identification of those goods is quite another thing. That a court of justice must deal with. That is a thing which, in my opinion, can not constitutionally be taken away from a court of original jurisdiction; and if you have a judicial intervention at all it must be a judicial intervention that depends upon a case, and that case must depend upon facts that the parties on the one side and the other may assert and controvert and prove and disprove, and you can not have a judicial trial in a court of original jurisdiction without it.

Now, if for that you substitute this section, it appears to me to be a vital infirmity that will not stand the test of judicial investigation for a moment. To put it where it will work for the object the committee have in view, clearly and safely, I have proposed these amendments, and having done it my duty is done.

Mr. SHERMAN. Mr. President, at first when this amendment was shown to me I supposed it to be a harmless amendment, not changing materially the construction of the law; but if Senators will look at the language proposed to be stricken out, they will find that the effect of striking it out is to change the whole character of the section.

The main object of this bill was to leave to appraising officers, learned in these business matters, the final decision of facts, giving, however, to the courts the determination of questions of law that might arise in the administration of the law. That was the plain object. When this bill was first proposed, in its first draught, it did not contain any provision for a reference of these questions of law to the courts. Therefore it was that in the Committee on Finance the principal matter in controversy was upon that point, and it was originally made, as the Senator from New York [Mr. HISCOCK] has already explained, so that questions of law arising in the administration of the tariff laws might be carried to the courts.

Now let us look at the effect of the amendment of the Senator from Vermont. The section as it stands provides:

> If the owner, importer, consignee, or agent of any imported merchandise, or the collector, or the Secretary of the Treasury, shall be dissatisfied with the decision of the board of general appraisers, as provided for in section 13 of this act, as to the construction of the law respecting the classification of such merchandise.

The Senator from Vermont proposes to strike out the words "the construction of the law respecting," so as to leave all questions of classification of merchandise to be carried to the courts. There is the precise defect of the present law. Classification is a compound question of fact and law, and so far as it affects the construction of the law, this bill as prepared by the committee does carry that to the courts in a way that I think is proper and legal; but, if all questions of classification may be carried to the courts, you carry all questions of law and fact as well that arise in the course of a contest over an importation. Let me illustrate: Here is a tariff law and here are classifications. Take, for instance, the classification of sugar. There are half a dozen classes of sugar.

> All sugar above No. 13 and not above No. 16 Dutch standard, 2.75 cents per pound.
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> * * * * * * *
>
> All sugars not above No. 13 Dutch standard in color shall pay duty on their polariscopic test as follows, etc.

If the language of the committee is left, the question as to whether that sugar was of No. 13 or No. 16, more or less, is a question of fact to be determined by the appraisers.

Mr. EDMUNDS. And the question whether it was sugar at all.

Mr. SHERMAN. As to the question whether it was sugar or rice, of course that presents a different issue. That would be a question where the law would step in. But here is a question simply of valuation. This classification depends upon valuation. Suppose it is valued at 7 cents a pound, it would be subject to a certain rate of duty. If it be of the valuation of 9 cents, it would be subject to a higher rate of duty. This is a question of fact. The object of the bill is to separate the question of fact in the classification from the question of law.

For instance I can give cases of classification. Suppose the question arises whether a certain article of steel or iron is a bloom or an ingot, whether it is in the nature of pig-iron or rolled iron; there is a difference of classification whereby the rate of duty is changed, and it would be for the courts to say whether the article was more properly described as rolled iron or pig-iron, as a bloom or an ingot. That is a legal question, because upon the decision of that legal question will depend the rate of duty. But where the question is a mere matter of fact, properly a matter of fact, it is left to the decision of the appraisers; and the striking out of these words, therefore, simply destroys the effect of the section as it appears to me.

From the decisions submitted to the committee and from my own cursory examination of those decisions, I am inclined to think the courts will maintain that Congress has a right to allow administrative officers to determine all questions of fact arising in the exercise of the power of taxation. That is done in every State. It is done in Ohio, where the local appraiser estimates the value of my property. I have a right, if I choose to complain of it, to go to the county commissioners; and if they should decide against me, I have a right to go to the auditor of the State, and there is the final end. It can not get into the courts at all. It is a question of valuation.

The object of this section is to leave all questions of value dependent simply upon fact to the decision of the proper executive officers, and all questions of classification which depend upon law or the construction of the law to be carried to the courts. If these words are stricken out, the result will be to carry every question of classification, whether it depends upon fact or upon law, directly to the higher courts, and it will break down the system.

Mr. BUTLER. May I ask the Senator from Ohio one question in regard to that matter?

Mr. SHERMAN. Certainly.

Mr. BUTLER. If the amendment of the Senator from Vermont prevails, will the present evils continue?

Mr. SHERMAN. I think all the present evils we are trying to get rid of will continue, or many of them, at least.

Mr. HISCOCK. Mr. President, I think it has been well said by the Senator from Ohio that every evil of which the merchants complain, of which the importers in this country and the exporters from abroad who are honest complain, will exist in full force if these words be stricken out of section 14. The board of appraisers the very moment this takes place are forced by necessity to organize themselves into a court, with a stenographer and lawyers to fight out the question of the classification of goods, with a view of a record being made and so on, and it will be transferring to them what is now tried in the circuit courts before a jury, and the scheme of amendments propose still another trial.

The merchants say they are willing to accept a summary decision of the questions of fact by the men who will be appointed under this bill. Their own knowledge as experts may be largely depended upon in nine cases out of ten to protect them, and they are willing to take the judgment of the appraisers on the questions of fact involved in classification. I say that is the disposition of the principal merchants with whom the committee came in contact; and this bill was first prepared by the committee without any review by the courts of questions of law. And I perhaps may say, without divulging secrets, that it was upon the earnest solicitation of one or two members of the committee that the provision was put in by which questions of law may go to the courts and the parties complaining have their remedy there. It was in deference to that appeal that the committee inserted that provision.

It is a common thing to make an illustration in demonstrating against a statute which is too strong, too improbable for a court ever to construe the statute upon. The illustration has been put of the board of appraisers saying that property is wool when it is cotton, that it is rice when it is sugar. You can not assume anything of the kind. I say that no such illustration as that can ever be used in construing the statute. When a board diverge as far as that from their duty they are trespassers. It is precisely the case as in a State when a board of appraisers assess real estate as personal property under the statute in reference to personal property; they are without jurisdiction, they are trespassers; the courts hold that they are trespassers, and the injured party has his right of action against them as trespassers.

The assessing officer must have, under the statute, jurisdiction of the subject-matter, and he can not have the jurisdiction to assess as personal property real estate. He is outside of the law when he does it. He is guilty of malfeasance against the Government, and he is guilty of trespass against the party who is injured by it. The courts never take these extreme cases which may be imagined by fruitful brains; they never construe statutes to fit such illustrations.

I suppose that to be true beyond any sort of question. The board of appraisers assess cotton as wool? That would be obviously wrong. If they do it they are as I have suggested trespassers as against the party

injured. They will have no right to do it; they will have no power to do it; they will not do it, and the courts will never construe this law upon the assumption that they would do it as a reason for declaring it unconstitutional.

But take the case of woolen and worsted goods, or part wool, part cotton, and part silk; the question of classification there involves a question of fact as to what they are. There comes up also the question, what are they known to be under the law-merchant; what does the law of trade recognize them to be? These are facts that we say the board of appraisers shall pass upon, certify them up to the court. There will be no differences practically between the importers and the board in one case out of ten, or in one case out of a hundred. Under another section, which has been added to the bill by an amendment of the Senator from Iowa, appraisers are authorized to take testimony, and that testimony is to be placed on file, and they must find upon that testimony what the facts are.

This bill would be absolutely constitutional if this fourteenth section were eliminated from it. If it may be eliminated from it, it is not necessary under any circumstances or in any case that a taxing law should have in it a provision authorizing an aggrieved party to appeal to the courts; and I urge that when any government after the course this debate has taken surrenders that power by adopting the amendments proposed, it weakens itself, and it has never been yielded by any State in this Union heretofore, or by the Federal Government, and for myself I have no fear of a taxing law being held unconstitutional because it does not provide for an appeal to the courts to settle questions of law any more than I have a fear of its ever being held unconstitutional if it does not provide a way for the revision of questions of fact by the courts.

Mr. PALMER. I desire at this time to ask unanimous consent of the Senate that 2 o'clock on Thursday, the 22d instant, be fixed as the time for the consideration of Senate bill 2083.

Mr. EDMUNDS. What is that bill?

Mr. PALMER. The title can be read at the desk.

The PRESIDENT *pro tempore*. The title will be stated.

The CHIEF CLERK. A bill (S. 2083) to provide for the establishment of a bureau of animal industry, and to facilitate the exportation of live-stock and their products, to extirpate contagious pleuro-pneumonia and other diseases among domestic animals, and for other purposes.

The PRESIDENT *pro tempore*. The Senator from Michigan asks unanimous consent that this bill may be made the special order for Thursday next at 2 o'clock. Is there objection?

Mr. COKE. I make objection to that.

Mr. ALLISON. I object to any further interruption of the regular order.

The PRESIDENT *pro tempore*. The Senator from Iowa calls for the regular order.

Mr. EDMUNDS. It is always interesting to hear Senators who have their hearts set on accomplishing a given purpose intimate that they do not care so much about the Constitution, and express the hope and the belief that the Constitution will never be found to stand in the way of doing anything that they believe to be for the public good, and that no court can be got to so interpret that Constitution or a law as to deprive the sweet will of the people expressed through constitutional channels of doing exactly what they want to do. That is not my way of reading the Constitution; and however much the merchants of New York may desire this bill passed just as the committee has reported it, the first time any New York merchant is dissatisfied with the action of this board of appraisers, then he will be pretty certain to raise the question of his constitutional rights; and we shall be remitted, therefore, sooner or later (and undoubtedly very soon, because in great affairs questions of dispute will arise where the importer is dissatisfied or where the United States are dissatisfied—whichever it may be—at being cut off by an unconstitutional law as a citizen, because the Government can give away its rights), we shall, I say, be remitted to the courts for a decision.

Upon what ground can it be maintained that the executive branch of the Government of the United States, or of any State, under any constitution that has ever existed, or now exists, can have reposed in it by law the disposal of the private property of citizens? Is it "due process of law"—the Senator from New York [Mr. HISCOCK] admits that it is not—to authorize a taxing officer to impose a certain tax upon horses and another upon cows, and in doing that to decide that my cow is a horse, and make his decision final and conclusive? The Senator from New York admits that that can not be done.

That is nothing but classification; and that is not disputed; but when you come to silk and worsted goods, where the difference to the sight of the untutored man is not so clear as it is between a horse and a cow, and you have got therefore a more difficult question to decide, then the Senator says you may leave it to the appraisers to determine whether my property is woolen goods or is worsted goods, and their decision may be final, so that the constitutional right depends upon the easiness or the difficulty of deciding the question of fact. That is the kind of constitutional law we are treated to in this debate this afternoon!

I confess that with my experience I am not adequate to apprehending that species of argumentation. I was under the impression that the laws and the Constitution would be just the same applied to a doubtful or disputed question of fact as they would be applied to a plain question of fact that common men might decide.

Now, my friend from Ohio says, and my friend from New York says, that the laws and constitution of every State give the right of classification which is given in this fourteenth section finally and conclusively, or might do so, and in most States they do so, to the assessor. I deny it. I challenge the production of the constitution or the law of a single State in this whole Union in which any such power is finally reposed in the board of State assessors, by whatever name they may be called. What is left to them finally to decide, and all that is left to them finally to decide, is the question of the value of the things that the law says, being ascertained to be the things named in the law, the assessors are to determine and assess their valuation and then apply the rate that the law fixes to that valuation.

This is not valuation. It is the classification of things that the law under the Constitution reserves to Congress to do; and it being the duty of Congress to do it, it does do it, and declares that this class of things shall pay such a duty and that class of things shall pay another duty, and so on; and it is the duty of these agents to arrange that classification, but they can not arrange it finally if there is any private right at all left under the Constitution.

I say then that the argument of my friend from Ohio, that it will be inconvenient in respect of classifying sugars under one standard or another, does not prove that you can uphold it under the Constitution. That does not help it any. You can not pass an unconstitutional law because it would be more convenient to have it passed if you could. That does not help us out. And he has stated the strongest case that can possibly happen of inconvenience, and probably—although I am not so sure about that, because that might fall under the head of valuation possibly, and therefore their decision would be final; but supposing it to fall under classification, there is a case of difficulty in determining whether the sugar is of one kind or of another kind, whether it is melada or molasses, for instance, or what not, and you might have a series of cases that these appraisers are bound to determine under the section as it stands, and all the inconvenience you have got is that if the collector is dissatisfied, or the Secretary of the Treasury or the importer is dissatisfied, there is an appeal immediately within thirty days to a court, which, in a summary way, proceeds to determine that question of classification.

That is all there is to it, and the question is whether you wish to risk what to my mind, with great deference to others, is a plain and palpable undertaking to assert an excess of power that we do not possess, merely because it may tend to avoid a practical inconvenience.

Mr. ALLISON. Mr. President, this fourteenth section has given the committee more difficulty than any other question involved in this bill; and I think, in view of the statement made by the Senator from New York [Mr. HISCOCK], it is due to the committee that I should say a little more in that direction.

The question of how far we should go respecting the exercise of judicial power under this bill is a subject which was discussed in the committee a long time before the Senator from New York became a member of it; and it was always with me a question of serious difficulty—speaking now only for myself—and when I reported this bill without any provision respecting judicial determination on appeal it was expressly understood in the committee that that was a point which was reserved and not finally disposed of. I say this in justice to myself.

Therefore no one or two men can be singled out from the committee as being especially devoted to this as against other members of the committee. And so careful and so diligent was the committee as respects this question of the power of appeal that a great many provisions were drawn respecting it; not only the committee but other gentlemen were consulted, members of the Senate, and I introduced a provision in the committee which was much more liberal, I will take the liberty of stating now, than this provision in the bill, but I was overruled and the provision that is inserted here was adopted by votes other than my own. So I do not wish to be understood myself as standing in the attitude of not giving every importer in the United States a proper remedy as respects his importation before the judicial tribunals of the country.

Now, whilst I say this in view of what has already been said respecting this provision, and in some sense defending myself as against the implication at least that I was not in favor of a liberal provision in this regard, and having said this, I wish to add a word with respect to the pending amendment.

Mr. ALDRICH. Will the Senator before he leaves that point allow me to ask whether his difficulty with the provisions of this section grew out of his belief in a want of power on the part of Congress over the subject, or whether it was not rather as to what was a wise public policy to adopt?

Mr. ALLISON. I am willing to answer. I knew perfectly well that the Supreme Court of the United States in a proper case before them substantially decided by a majority (Justices Story and McLean dissenting from the opinion) that the details of tax laws and their assessment and collection were questions wholly and solely within the power and jurisdiction of Congress. The Senator from Vermont [Mr. EDMUNDS]

says, *sotto voce*, "They have not decided any such thing." I know that the opinion of the court in that case went off upon another point, but the justice who delivered the opinion of the court clearly and distinctly stated, I think, in that opinion, which I have not before me and I regret it, that the taxing power was a legislative power, that it was within the scope and jurisdiction of the legislature, that is, the Congress of the United States, and that it was not a judicial power in any sense. Therefore, in the exercise of that power, after studying these cases with the time I had for such purpose and with the best ability of which I am capable, I am led to believe that we can go even further than the provisions of this bill respecting the measure which we shall adopt for the purpose of collecting our revenue. But the question of our power is one thing and the question of the expediency of the exercise of that power is another thing. I was not of the opinion from the beginning that it was wise to cut off entirely all judicial remedy as respects these questions.

But I want to say one word further now, and that is that I think both the Senator from Vermont and the Senator from New York misapprehend in a certain degree the extent and scope of this bill. They seem to regard it now as a question, at least so far as it respects section 14, where a citizen is pursuing a legal remedy against the Government of the United States because of unjust and illegal exactions. That is not the theory of this bill. The theory of this bill is that the whole matter is a continuing process between the importer on the one side and the Government on the other, and that the final adjudication as respects the amount of duties to be paid and the classification of the merchandise is to be decided by the courts. That is the theory of this bill, and the Senator from New York in argument seemed to regard it as though the Government had taken from a man his property and that he was denied the privilege or power of going to a court for the purpose of its recovery. No such question is involved in this bill, and no such question was contemplated by Judge Cooley when he made the declaration in the paragraph which I read from his work on taxation this morning.

What is this process? It is that at a certain stage one party wants his merchandise, and the other takes as security for duties a certain amount of money. After that point is reached—and it is reached when the collector makes the liquidation—then both parties go on, whether before the board of appraisers or the courts, and they go on until there is a final adjudication between them as to what is the proper amount. That is all. So I can not see the difficulty that the Senator from Vermont sees in this provision about the certification of facts.

Who is to determine the question of fact? The Senator from Vermont says that it ought to be done by the courts, and that it is necessary for the courts to do that in order to reach a just conclusion as to the application of the law. We provide that, as I understand it, in this section. We say that the board shall certify, not their decision, but shall certify the facts upon which they base their decision. That is to say, if they decide that an importation was wool when it ought to have been cotton, they must certify to the court the facts upon which they made that decision, not the decision itself. Am I wrong or right, I ask the Senator, in that respect?

Thereupon the court shall order the board of appraisers to transmit to said circuit court a certified statement of their findings of the facts involved in the case and their decision thereon; and the facts so found and certified——

Mr. EDMUNDS. "The facts so found." They find the fact that the wool is worsted, and therefore bears a higher rate of duty. That is conclusive on the court, and you have got in your case in a court of original jurisdiction, or no case at all except a question of law which can almost never arise, depending upon the statement of an executive officer.

Mr. ALLISON. Let us see:

Thereupon the said court shall order the board of appraisers to transmit to said circuit court a certified statement of their findings of the facts.

Mr. EDMUNDS. Exactly; that is their special purpose.

Mr. ALLISON. No, sir; their special purpose is what I said before, "and their decision thereon." So that in the transmission of this case as it stands, according to my interpretation of the section, the court has all the facts that were before the board, and while as to that I may be a little wrong, they have all the facts certified up by the board and before the court. But what do we intend them to do? We intend to exclude the idea that runs through the argument of the Senator from New York [Mr. EVARTS], that this court shall take up that question *de novo* and summon before it all the witnesses that were before the board of appraisers, summon before it the samples and the threads and the boxes that were reserved in the appraiser's stores, and summon before it such witnesses as they see proper, and thus make a regular and continuous litigation respecting it. We sought to devise some phraseology—we may have been unfortunate in it—that would get rid of that idea. Therefore we said, after a good deal of discussion in the committee, "Let us take the findings of fact as the board of appraisers find them, after going over the whole question, and let the court take their findings of fact thus disclosed, and upon them make up their decision as to the proper application of the law."

Mr. EDMUNDS. That is exactly what your section provides and nothing more.

Mr. ALLISON. Now, the Senator from Vermont wants to strke that out. Why? He strikes that out, as I understand him, because he wants the court to draw before it whatever it may choose to draw—if you please, all the witnesses that were before the board of appraisers, all the records that were before that board, and in addition this court shall receive any other contradictory evidence or statements that may be presented.

Mr. EDMUNDS. The Senator does not state me correctly. I want it stricken out because I believe (with great deference to everybody else) that it is manifestly and boldly unconstitutional. I only stand now on its, to my mind, apparent unconstitutionality upon the ground that you have not here a judicial investigation of any matter. You have only, to put it in plain terms, authorized an executive officer to make up just such a statement of facts as he pleases, to express his opinion upon it, and send that into a court for the information of the court, not upon the facts, but upon the law as applicable to the special finding of the executive officer. If there is any assertion of right under the Constitution of the United States, it seems to me that here ought to be a clear case of it.

Mr. ALLISON. I do not argue that question, but I want to defend this provision, wherein it was the intent and purpose of the committee, as I understood it, that these facts, not the decision of the board, but the facts upon which they make up their decision——

Mr. EDMUNDS. Their findings.

Mr. ALLISON. Their findings of fact; of course lawyers know what that means; the finding of a referee of the facts that were before him is presented to the court. The board are obliged to certify that to the court, and the certification is conclusive. It is like the report of a referee in a law case; and it seems to me, with all due deference to the Senator from Vermont, that there is a full disclosure with respect to the facts that are before the court.

Mr. PLUMB. There seems to be some little difference here. This provision, as interpreted by the Senator from Iowa, speaking for the committee, does not go half as far as the provisions of the statutes of the United States in regard to the disposal of public lands go in regard to the dispossession of men of their property. There is no appeal from the judgment of any officer of the United States in the decision of any land case, and yet such decisions involve the disposal by such an officer, or by the officers of the Interior Department on appeal, of the property of a settler, whether it be a homestead case, whether it be a pre-emption case, or whether it be a case of private entry. Not only the question of the right of the party to enter the land under the law, but the disposition of the improvements which he has put upon the land, are all within the purview solely of an Executive Department of the Government, and the only relief to any person so situated in respect to the public land is an appeal from the register and receiver of the local land office to the Commissioner of the General Land Office, and from him to the Secretary of the Interior.

Further than that, in a case where an entry is set aside by the act of the Executive Department, the question as to whether the party shall have his money returned to him is dependent upon the character of the entry, and the question whether that character is affected by fraud or otherwise is determined absolutely and unqualifiedly beyond the power of appeal by the Commissioner of the General Land Office himself.

I can see no ground for the objection raised to this provision of the pending bill unless it may arise from a tender feeling for those on the other side of the water who export goods to the United States, which demands that they should be treated much more liberally than settlers on the public lands of the United States. I can see no reason why as stringent a rule as is applied to the people of the United States should not be applied to these foreign importers. To me it is the unwholesome feature of this whole thing, that while we seem to be sincerely desirous of legislating for the benefit of those people with whom we have less to do on the whole, we entirely ignore the constitutional rights, in the phrase of my friend from Vermont, of those people who are the subjects of our own laws, who bear the burdens as well as the benefits of those laws.

Mr. President, beyond that is a fact which I can certify as having had from the lips of one of the largest importers in the United States, who is a citizen of the United States. He says the *modus operandi* in regard to these collections is that the duties once paid are added to the price of the goods, and that price is collected from the consumer; but there is a "jack-leg lawyer"—I use his phrase, that may be a phrase of contempt probably—hanging around the custom-house who for a percentage undertakes to collect back some of the money paid as duties. He gets a percentage of what he may be able to get judgment against the Government of the United States for on account of the collection of duties by the collector, and he agrees to carry on that kind of business, and he does it by all sorts of ingenious appeals to the courts and by finding all kinds of flaws in the statutes.

I do not mean to say this in disregard of the fundamental provision which so much affects the Senator from Vermont. I only desire to present here the parallel of our dealings with the importers of the United States and those of our own citizens with whom we have to deal in a much larger way, and as they have been dealt with by law on the public domain; and then to show, according to the testimony of

this importer of whom I speak, exactly what it amounts to—that the importer gets the money back by reason of having added it to the price of his goods, and then he puts the case out to nurse on shares with some lively attorney, who for a percentage of what he can collect undertakes to bring up not a real case, not a case that has merit on its face, but something which he thinks he can, by some ingenuity, torture into an appearance of oppression or overcollection, and get by means of that some judgment from the courts upon it in a case which on its face would warrant the inference not that there has been an overcharge or an improper classification or an improper valuation, but something that by some ingenuity he thinks he may be able to obtain from the Treasury; and thus there is held over the Government of the United States for years in the course of time a means of depleting the revenue for the mutual benefit of the attorneys and the importers.

Mr. President, if it were in my power to put the law as I believe it is not only legal to have it but as it is eminently proper that it should be, I would provide that there should be no appeal upon any point whatever beyond the Secretary of the Treasury. I would put an importer upon the exact platform that the man who deals with the Government of the United States in regard to public lands is put. Whether that involves the exercise of judicial power or not I do not say; but I remember very well that the Supreme Court, in what is known as the Craig case, a case that is famous in its way, held that where Congress devolved upon the register and receiver of a land office in Colorado the duty of fixing the boundaries of a grant which would give some hundreds of thousands of acres of land they acted judicially, and their action was not subject to revision. I imagine that if the register and receiver, appointees of the President of the United States, may act judicially, so may the appraisers at the port of New York or of Boston for the purpose of determining rights of property no more extensive and no more sacred than those which affected the hundreds of thousands of acres of public land which were determined by the decision of the register and receiver in the Craig case. The decision in the Craig case is not the only one which has been decided by the court. There have been many other cases of the same kind where they so held as in that notable case.

For that reason the provision as it came from the committee does not, in my judgment, go far enough, and it would be, as I think, a great wrong to the people of the United States and to the Government of the United States to establish a rule such as is sought here by the Senator from New York and the Senator from Vermont, as applicable to these people who have already been favored too much.

Mr. ALDRICH. Mr. President, I desire to put upon record as bearing upon the question of the power of Congress a decision of the Supreme Court of the United States, although I must confess I do it with some diffidence, as the remarks of the Senator from New York [Mr. EVARTS] have already thrown doubt upon the wisdom of that tribunal in interpreting the Constitution of the United States. But I suppose it is the most perfect tribunal we have, and for the time being at least its decisions furnish an authoritative interpretation of the law.

Mr. EVARTS. Does the Senator say that I have thrown any doubt upon the decisions of the court?

Mr. ALDRICH. I understood that in the course of reading the dissenting opinion of Judge Story in the case of Cary *vs.* Curtis the Senator claimed that the position taken by Judge Story was the true interpretation of the Constitution, and therefore that the opinions of the majority of the court are incorrect and unjust.

Mr. EVARTS. That is the Senator's inference. I said that the principles of justice and right that he there announced were permanent and true, now as then.

Mr. ALDRICH. In the case of Cheatham and others *vs.* The United States, reported in 92 United States Reports, the court say:

> All governments in all times have found it necessary to adopt stringent measures for the collection of taxes and to be rigid in the enforcement of them.
>
> These measures are not judicial; nor does the Government resort, except in extraordinary cases, to the courts for that purpose. The revenue measures of every civilized government constitute a system which provides for its enforcement by officers commissioned for that purpose.
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> * * * * * * *
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> In these respects the United States have, as was said by this court in Nichols *vs.* United States, 7 Wall., 122, enacted a system of corrective justice as well as a system of taxation in both its customs and internal-revenue branches.
>
> * * * * * * *
>
> It will be readily conceded, from what we have here stated, that the Government has the right to prescribe the conditions on which it will subject itself to the judgment of the courts in the collection of its revenues.
>
> If there existed in the courts, State or national, any general power of impeding or controlling the collection of taxes or relieving the hardship incident to taxation, the very existence of the Government might be placed in the power of a hostile judiciary.

The court say further on:

> We regard this as a condition on which alone the Government consents to litigate the lawfulness of the original tax. It is not a hard condition. Few governments have conceded such a right on any condition.

In the case of Murray's Lessee and others *vs.* The Hoboken Land and Improvement Company, reported in 18 Howard, the decision having been given by Mr. Justice Curtis, the court say:

> It may be added, that probably there are few governments which do or can permit their claims for public taxes, either on the citizen or the officer employed for their collection or disbursement, to become subjects of judicial controversy, according to the course of the law of the land. Imperative necessity has forced a distinction between such claims and all others, which has sometimes been carried out by summary methods of proceeding, and sometimes by systems of fines and penalties, but always in some way observed and yielded to.

In the same decision the court say:

> It is equally clear that the United States may consent to be sued, and may yield this consent upon such "terms and under such restrictions as it may think just."

In another case the court say:

> Congress has the clear right, under its powers to lay and collect taxes, duties, etc., to prescribe the manner of levying duties, and the conditions on which importations of foreign goods shall be allowed.

I have a number of other cases here, but I will not take the time of the Senate to read them.

Mr. CALL. Mr. President, before closing this debate I desire to say a few words more.

I shall be very glad for some one who maintains the contrary view to state the difference between the violation of the law by an executive officer, which gives him the authority to act in respect to the value of property, and a violation of the law in respect to the kind of property.

A man does not obtain redress against another one who has taken from him property by virtue of an assessment that it is worth $10,000 when it is only worth $1,000, because of the assessment. It is because of the violation of the law; because he has acted without authority; because he has done that which the law has forbidden.

What is the difference between the responsibility of a man who has violated the law in respect to the kind of property and in respect to its value? The judge in the decision which has been just read attempts to make a distinction. I had supposed that the Supreme Court of the United States had never said that a man who had a trespass committed upon him by an officer acting without law, either in respect to the amount of the valuation or in respect to the kind of property, was exempted from responsibility for that violation of the law. I had supposed that the proposition would address itself to everybody as a plain one, that a citizen should not be deprived of his property without authority of law, and that if there be no authority of law in the case of the valuation the exercise of arbitrary power without law should not be excusable any more than in the case of the classification of the kind of property, and that in both cases he might have redress.

The judge in that case says, I think without a show of reason, that the classification involves the value, but still the classification shall be open to review, while the value shall not; and we are asked now, because of that lame and impotent conclusion of that court, to carry out as a principle of legislation the proposition that the property of the citizen shall be taken without redress, and that the judgment of a private individual shall be conclusive in regard to his rights in the courts of justice.

Shall we as legislators affirm to the importers and the consumers of this country that the property imported into this country under the color of our laws shall be taken without law and in violation of law in respect either to classification or to kind, and that the owner of it shall be denied redress in the courts by a distinct declaration that the judgment of a private individual, whether wrong or right, true or false, shall bind that court to refuse him the right of redress and recovery?

The Senator from Kansas [Mr. PLUMB] says distinctly that under the land laws the Commissioner of Public Lands, the receiver, and the Secretary of the Interior can bind or destroy a man's right. That is not true. A court of justice is not bound to recognize their action, except in so far, in their judicial discretion, as they may say that it binds the United States in cases in which they are required to perform ministerial duties.

I supposed every one knew that those executive officers can decide no man's right. They can affect rights by delivery of possession of Government property; but what is judicial power? The Constitution says that in deciding between the rights of citizens, either in respect to the Government or in respect to individuals, all judicial power shall be vested in the courts of the United States, the judges of which shall be appointed for life, and confirmed by the Senate. No other persons can exercise judicial power. All decision of private right is the exercise of judicial power.

To undertake to say, by whatever line of reasoning it may be defended, that a man's property may be taken from him by an officer who is to levy 1 per cent. and yet makes a levy of 20 per cent., and that it is no violation of the law, and that the officer's action is conclusive, can not be maintained anywhere. It is simply a tradition of that old and arbitrary authority of government which this Government is intended to forbid and deny to every one.

In the phrase "all judicial power" was comprehended the protection of the private rights of every citizen in this country, however humble, no matter who he may be; and no executive power can deprive him, and no legislative power can deprive him, under the Constitution, of the judicial interpretation and decision of his rights.

While I concur entirely with the learned Senator from Vermont as to the provision in regard to classification, this opinion of the court in the cases cited by the Senator from Iowa undertakes to say that the collector of the port of San Francisco, if authorized by Congress, might decide that he was a Chinaman, and that that decision would be binding

upon the courts in reference to the fact whether he was or not. The Senator from Kentucky undertakes to answer that by saying we are not deciding as to personal rights. But we are deciding in regard to personal rights, and nothing else, for the rights of property are those which are included, and they arise because they are attached to the persons, and are exercised by them, and the powers of the courts and the laws are invoked under our Constitution from the fact that persons having rights are before them. There is no difference in respect to public policy, and no difference in respect to the denial of right to the citizen whether his property is taken by a violation of law in respect to valuation or classification.

Mr. BUTLER. I move that when the Senate adjourn to-day it stand adjourned to meet on Monday next.

Mr. EDMUNDS and others. Oh, no.

Mr. ALLISON. I hope that motion will not be interposed at this juncture. Probably later on we may agree to it, if we can get a vote on the bill.

Mr. BUTLER. It depends upon how long this discussion is going to continue.

Mr. HARRIS. I hope the Senator will withdraw the motion until we get through with the bill.

Several SENATORS. Withdraw it.

Mr. BUTLER. If we can vote, I will withdraw the motion for the time being.

The PRESIDENT *pro tempore*. The motion is withdrawn, and the roll will be called on the question of agreeing to the amendment of the Senator from Vermont [Mr. EDMUNDS].

The Secretary proceeded to call the roll.

Mr. EVARTS (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN], and therefore can not vote.

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN]. I was requested to announce that the Senator from Kentucky [Mr. BLACKBURN] is paired with the Senator from Nebraska [Mr. MANDERSON]. I do not see either Senator in his seat.

The roll-call was concluded.

Mr. CALL. I am paired with the Senator from Michigan [Mr. PALMER]. If he were present, I should vote "yea," and I understand that he would vote "nay."

Mr. WILSON, of Maryland (after having voted in the negative). I voted just now, but I find that the junior Senator from Iowa [Mr. WILSON] is not present. I am paired with him, and therefore withdraw my vote.

The result was announced—yeas 5, nays 47; as follows:

YEAS—5.

Edmunds,	Gray,	Saulsbury,	Walthall.
Eustis,			

NAYS—47.

Aldrich,	Colquitt,	Hearst,	Reagan,
Allison,	Cullom,	Hiscock,	Riddleberger,
Bate,	Davis,	Hoar,	Sawyer,
Beck,	Dawes,	Ingalls,	Sherman,
Berry,	Dolph,	Jones of Arkansas,	Spooner,
Blair,	Farwell,	Mitchell,	Stewart,
Butler,	Frye,	Morrill,	Stockbridge,
Cameron,	George,	Paddock,	Teller,
Chace.	Gorman,	Pasco,	Turpie,
Chandler,	Hale,	Payne,	Vance,
Cockrell,	Hampton,	Plumb,	Vest.
Coke,	Harris,	Pugh,	

ABSENT—24.

Blackburn,	Evarts,	McPherson,	Ransom,
Blodgett,	Faulkner,	Manderson,	Sabin,
Bowen,	Gibson,	Morgan,	Stanford,
Brown,	Hawley,	Palmer,	Voorhees,
Call,	Jones of Nevada,	Platt,	Wilson of Iowa,
Daniel,	Kenna,	Quay,	Wilson of Md.

So the amendment was rejected.

Mr. EDMUNDS. I do not know whether the other amendments I had proposed were taken down at the desk or not.

The PRESIDENT *pro tempore*. No other amendment is pending.

Mr. EDMUNDS. As the vote just taken, after the discussion, discloses the fact, and the valuable fact I will add, and not the classified fact, that the Senate does not wish to make the changes in this section that I proposed, to save time, with the leave of the Senate, I will withdraw the other amendments of the same character to the fourteenth section.

Mr. SAULSBURY. In section 14, line 20, after the word "court," I move to insert:

Unless upon the petition of any party interested, stating the facts which he desires reviewed, the court shall deem it proper to review the case upon such facts.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Delaware [Mr. SAULSBURY].

Mr. SAULSBURY. It seems to me that a party might state in his petition the facts which had been found against him, and if those facts were presented to the court the court might deem it a proper case to review those facts. It would not be mandatory upon the court. It would still be left, according to my amendment, in the discretion of the court to grant the party relief. It seems to me that any appraiser or importer ought to have that measure of relief upon the question of fact in the case.

The amendment was rejected.

Mr. HOAR. I desire to call the attention of the Senator in charge of the bill to line 24 of section 12, which requires that if the owner, importer, consignee, or agent of the merchandise shall be dissatisfied with the decision he "shall forthwith give notice to the collector in writing of such dissatisfaction."

That, as I understand, is the foundation of the whole right of appeal or of further inquiry on the part of the importer. The word "forthwith" in that connection seems to me to be a little vague. It leaves the question for judicial construction as to what "forthwith" means, whether it is within three weeks, or three hours, or on the instant.

To meet the case where a man is sick, or is absent in another city, and may not be able to attend to his rights, a case which may arise very often, I suggest that instead of the word "forthwith" the words "within six days" be substituted. I know it is the desire of the committee, as well as of the Senate, to secure to the honest importer every possible convenience which the fair administration of the law will permit, and it seems to me there could be no great objection to having a brief number of days fixed, instead of using the word "forthwith."

Mr. ALLISON. The only point respecting that is that this is the present law; and the word "forthwith" has been construed, I believe, by the Treasury Department, if not by the courts, as the Senator from Ohio [Mr. SHERMAN] will remember, to mean within twenty-four hours; that is, the law gives one day.

Mr. HOAR. That is a very short time. This suggestion has come to me from the representative of a very important body of merchants, and from a person who heartily sympathizes with the general purpose of the bill, representing, indeed, the persons on whose application the original investigation was ordered by the Senate. I do not mean to antagonize the committee, but I should be gratified if it would adopt my suggestion.

Mr. ALLISON. We do not change the law in this regard. I would rather have the word "forthwith" remain in the bill.

Mr. ALDRICH. That has been the law for over forty years. We never heard any complaint from the importers of New York in that regard.

The PRESIDENT *pro tempore*. The Chair does not understand whether the Senator from Massachusetts proposes an amendment.

Mr. HOAR. I will not press the amendment against the judgment of the committee, who have very thoroughly investigated the question, because I am quite sure the Senate would not adopt the amendment if I should move it against the judgment of the committee under the special circumstances; but I beg leave to say that I think, as far as I can understand the matter, that justice and reason would require fixing the time, and that it should be a more liberal time than "forthwith."

Mr. EDMUNDS. I wish to ask the liberty of calling the attention of the committee, or the Senator in charge of the bill, to the twenty-fourth section, which is the repealing section, repealing a great many sections of the Revised Statutes and sections of later laws. The last clause of the section reads:

But such repeal shall not affect pending actions or causes of action which have already accrued.

I wish to simply call attention to the fear, which undoubtedly is entirely an unwise one, from the experience we have had here, that that saving clause is not at all adequate to the necessities of the public service.

The PRESIDENT *pro tempore*. Are there further amendments to the bill in the Senate?

Mr. ALLISON. In section 24, line 4, which is the repealing section, after the words "twenty-eight hundred and forty-three," I move to strike out the words "twenty-eight hundred and forty-four." I move this amendment to prevent the repeal of a section which I think perhaps ought not to be repealed.

In response to the Senator from Vermont with respect to the inadequacy of the saving clause at the end of the section, I will say that it was taken from what was understood to be Judge Lowell's bill in relation to a customs court, and that was intended to be a complete saving clause of all the existing causes of action under that bill if it became a law.

Mr. SHERMAN. What is the matter contained in the section which the Senator from Iowa proposes to reserve from repeal?

Mr. ALLISON. It relates to the authentication of merchandise in the absence of the consul or where there is no consular district. It was inserted by mistake.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Iowa [Mr. ALLISON].

The amendment was agreed to.

Mr. EVARTS. The vote on the amendments offered by the Senator from Vermont to section 14 precludes me from attempting to raise in any other form a determination by the Senate on the constitutional questions which I have discussed. If those amendments could not be adopted, and if the bill as it reads in section 14 is to be hazarded on

the constitutionality of it to be judicially determined, I will make no further impediment to its passage.

The bill was ordered to be engrossed for a third reading, and was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in some and non-concurred in other amendments of the Senate to the bill (H. R. 6437) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1888, and for other purposes, had concurred in the thirteenth, forty-sixth, fifty-sixth, fifty-eighth, and sixty-third amendments of the Senate with amendments; that it asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURNES, Mr. SAYERS, and Mr. MCCOMAS the managers of the conference on the part of the House.

INTERRUPTION OF INTERSTATE COMMERCE.

Mr. PLUMB. I offer at this time a resolution and ask for its immediate consideration.

The PRESIDENT *pro tempore*. The resolution will be read, if there be no objection.

The Chief Clerk read the resolution, as follows:

Whereas an almost or quite total interruption of freight traffic has occurred upon the Chicago, Burlington and Quincy, and Atchison, Topeka and Santa Fé Railroads, railroads which are engaged in interstate commerce, and by reason of which interruption commerce between States is impeded and prevented:

Resolved, That the Committee on Interstate Commerce of the Senate, or a subcommittee thereof, be, and it is hereby, directed to inquire whether such interruption of commerce is occasioned by the failure of such railroads, or either of them, to adopt necessary precautions or means for carrying freights delivered or tendered to them for transportation; or if they have been otherwise neglectful of their duties as common carriers, whereby said interruption has been brought about; and to make such further inquiry as may be necessary to determine the responsibility for the interruption of commerce mentioned; and to report by bill or otherwise.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. CULLOM. That is a pretty important subject and very responsible duty that is proposed to be imposed on this committee. I desire to inquire of the Senator from Kansas if it is the purport of the resolution that the committee shall go away from Congress and out into the country where those events have occurred?

Mr. PLUMB. I intend to leave to the committee itself, after it has entered upon the work in a preliminary way, to determine what it had better do, and then to ask the necessary authority from the Senate to do what it thinks it had better do.

Mr. HARRIS. Would it be agreeable to the Senator from Kansas to let the resolution be printed and lie over until the next meeting of the Senate?

Mr. PLUMB. I shall not object to that course if any doubt exists in the mind of any one about the propriety of the resolution.

Mr. HARRIS. I do not want to object to the resolution, nor to have that course taken unless agreeable to the Senator, but I think it would be better to have the resolution printed and let us look at it.

Mr. PLUMB. Very well.

The PRESIDENT *pro tempore*. The resolution will lie over.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 14th instant, approved and signed the act (S. 147) for the relief of S. D. Barclay, G. D. Adams, and William H. Kimbrew.

ORDER OF BUSINESS.

Mr. HARRIS. I ask unanimous consent that Order of Business 557, being the bill (H. R. 2927) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn., be made the special order for Wednesday next, at 2 o'clock. I do not think it will take exceeding an hour or so to consider the bill, and as a question of time it is very important that it should be considered at an early day.

Mr. PLATT. I must object. At an early day——

Mr. CULLOM. I desire to inquire if there is not an order made by unanimous consent that the Senate shall go to the Calendar for two consecutive days after the morning business?

Mr. HARRIS. There is, and that order is to follow the immediate passage of the valuation bill. Therefore, I ask that Wednesday next, which leaves Monday and Tuesday untouched for the purpose suggested by the Senator from Illinois, be fixed for the consideration of the bridge bill.

Mr. PLATT. There was no——

The PRESIDENT *pro tempore*. The Chair will state the question. The Senator from Tennessee asks unanimous consent that the bill (H. R. 2927) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn., may be made the special order for Wednesday next at 2 o'clock. Is there objection?

Mr. DAWES. I object.

Mr. EUSTIS. I suggest to the Senator from Tennessee that my colleague [Mr. GIBSON], who is upon the Committee on Commerce, has made a minority report with reference to that bill.

Mr. HARRIS. Which is now printed and lying on my table.

Mr. EUSTIS. I am not sure that my colleague will be here on Wednesday. In case he should not be present, I should like to have some understanding to let the bill go over.

Mr. HARRIS. I will say to the Senator from Louisiana that, while I am very anxious to consider the bill at the very earliest moment possible, I shall not take advantage of the absence of his colleague unless it extends beyond a reasonable time.

Mr. EUSTIS. That is satisfactory.

The PRESIDENT *pro tempore*. The Chair did not understand the Senator from Tennessee to move that the bill be made a special order, but to ask unanimous consent.

Mr. HARRIS. I have asked unanimous consent for the present.

The PRESIDENT *pro tempore*. That has been objected to.

Mr. HARRIS. Then I move that the bill be made the special order for the time I have indicated.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the bill the title of which has just been been stated be made the special order for Wednesday next, at 2 o'clock in the afternoon.

Mr. PLATT. Is that debatable?

The PRESIDENT *pro tempore*. It is.

Mr. PLATT. If it is, I desire to say——

The PRESIDENT *ro tem pore*. The Senator will pause. The Chair was under the impression that the motion was debatable. Rule X provides that—

Any subject may, by a vote of two-thirds of the Senators present, be made a special order.

There is no restriction apparently on the right of debate, except it be found in this language:

And all motions to change such order or to proceed to the consideration of other business, shall be decided without debate.

The Chair would hold that the motion was debatable, unless otherwise instructed.

Mr. PLATT. Upon a former day I gave notice that, at the conclusion of the bill which has occupied the attention of the Senate to-day, I would move to take up the bill for the admission of South Dakota; and it was understood, as I supposed, by the Senate at that time unanimously that that bill was to be taken up, and then that two days were to be given to the Calendar, the bill being laid aside informally for that purpose. I must insist upon making that motion. I will not interfere with the Senator from Tennessee if I can get that bill before the Senate as the unfinished business; but I think I am entitled to have a matter of this importance taken up at this time in accordance with what I supposed was the understanding of the Senate.

Mr. CULLOM. I think that was the understanding.

Mr. HARRIS. I will state to the Senator from Connecticut that I understood what the Senate unanimously consented to was this, that immediately upon the completion of the consideration of the undervaluation bill two days should be given to the consideration of the Calendar under Rule VIII, and the Senator from Connecticut gave notice that he would reserve the right to move to take up the South Dakota bill.

Mr. PLATT. I said that any consent which I gave would be subject to that reservation, to make that motion at this time. I had previously stated, as the Senator will recollect, that if the bill should be taken up I should have no objection to its being laid aside informally, in order that we might go to the Calendar for two days. I supposed that was the understanding of the Senate.

Mr. HARRIS. My objection to the suggestion of the Senator from Connecticut is, that if his bill is really made the unfinished business or given the right of way, then it can not be laid aside for the consideration of my bill except by unanimous consent. I do not believe it will take two hours to dispose of the bill that I am anxious to have considered, but I want it to have the right of way, so that one single objection can not defeat its consideration.

Mr. PLATT. There will be no trouble about that.

Mr. DAWES. I dislike very much to interfere with or postpone any wish of the Senator from Tennessee, but it was suggested a day or two since that a great deal of time was spent in controversy and antagonism over what measures should take precedence in the consideration of the Calendar, and it was suggested with such weight to the Senate that it was better to take the Calendar in its order rather than to spend any considerable time in seeing which particular bill should be taken out of order that I was compelled myself to yield in any desire I had to ask the Senate to consider out of its order an important bill. I wish, therefore, the Senator from Tennessee would suppress this new view of his on the order of business. I think we had better proceed with the Calendar. I dislike very much to oppose the Senator's new view of the just way of proceeding with the order of business.

ADJOURNMENT TO MONDAY.

Mr. ALLISON. Pending this matter I move that when the Senate adjourn to-day it be to meet on Monday next.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that when the Senate adjourn to-day it be to meet on Monday next. The question is on that motion.

The motion was agreed to.

AMENDMENT TO A BILL.

Mr. TELLER submitted an amendment intended to be proposed by him to the bill (S. 1430) to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes; which was ordered to lie on the table and be printed.

URGENT DEFICIENCY BILL.

Mr. DAWES. I move that the Senate do now adjourn.

Mr. ALLISON. I ask the Senator from Massachusetts to withdraw that motion for a moment that I may ask the Chair to lay before the Senate the urgent deficiency bill, in order that a conference may be ordered.

Mr. DAWES. I withdraw the motion for that purpose.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. 6437) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1888, and for other purposes, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. I move that the Senate insist on its amendments disagreed to by the House of Representatives, disagree to the amendments made by the House of Representatives to other amendments of the Senate, and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. HALE, Mr. ALLISON, and Mr. COCKRELL were appointed.

Mr. EDMUNDS. I move that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 31 minutes p. m.) the Senate adjourned until Monday, March 19, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March* 16, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D., of Washington, D. C.

The Journal of the proceedings of yesterday was read.

Mr. TAULBEE. Mr. Speaker, the Journal seems to omit that part of the proceedings relating to the point of order raised upon the right of members to vote after the second roll-call. As I understand the Journal to be the only approved record of the House, it seems to me proper to mention this seeming omission.

The SPEAKER. The Clerk consulted the Chair as to the propriety, or rather as to the necessity, of inserting that matter, and the Chair told him that it was not necessary to insert it, as there was not, according to the Chair's understanding, any point of order distinctly made. The gentleman from Kentucky [Mr. TAULBEE] objected to the request of the gentleman from California [Mr. FELTON] to be allowed to vote, and afterwards withdrew his objection. But the Chair will examine the Journal and cause the ruling to be inserted in proper form.

Mr. TAULBEE. One word more, Mr. Speaker. According to my recollection, the point of order was raised and sustained by the Chair, but the Chair stated that it was the custom of the House to allow members to vote in such cases by unanimous consent. To the request for unanimous consent objection was made and afterwards withdrawn.

The SPEAKER. The Chair will cause the ruling to be inserted in the Journal.

Mr. SPRINGER. Mr. Speaker, in regard to the point of order I think the Journal clerk was perfectly right. There could have been no point of order made at that time upon which the Chair could have ruled, because the vote was not announced upon the pending proposition; so that the matter must have been stated just as it occurred and just as it was stated by the Clerk. Before the vote was announced the Chair could not have entertained a point of order upon which an appeal could have been taken. It was simply a correction of the roll as we passed along.

The SPEAKER. The gentleman from Kentucky [Mr. TAULBEE] objected to the request of the gentleman from California [Mr. FELTON], and thereupon the Chair ruled that under the practice which had prevailed in the House since the adoption of the new rules by the Forty-sixth Congress the gentleman from California had the right to vote, but the Chair suggested that the gentleman from Kentucky [Mr. TAULBEE] might take an appeal to the House. The gentleman from Kentucky declined to take an appeal and withdrew his objection.

Mr. SPRINGER. I think that was an inadvertence on the part of the Chair, because no appeal could have been taken at that time, as there was another vote pending and which had not been announced.

The SPEAKER. The other vote could not have been announced until it was decided who had the right to vote. If the vote had been announced, of course the vote of the gentleman from California [Mr. FELTON] would have availed nothing.

Mr. TAULBEE. Mr. Speaker, I do not consider this point of very great importance at this time; but, as I remember the proceedings, the point of order was made when the gentleman from New York [Mr. BLISS] proposed to vote. On that request of the gentleman from New York I raised the point of order that, the second roll-call having passed, the Chair could not entertain a request for unanimous consent for a gentleman to vote, and I thought the Chair decided that the rule prohibited the entertainment of such a request. Thereupon the gentleman from New York [Mr. COX] asked that the rule be read and it was read by the Clerk, and the Chair then, in addition to stating the provision of the rule, decided that under the common law or practice of the House it had been usual for gentlemen to vote under such circumstances by unanimous consent. Thereupon the gentleman from California [Mr. FELTON] proposed to vote, and the Chair put the question, stating that he could vote only by unanimous consent, and I objected, but afterwards withdrew the objection. That is my recollection of what occurred.

OLD PRODUCE EXCHANGE BUILDING, NEW YORK.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of War of an appropriation for the purchase and remodeling of the old Produce Exchange building in New York; which was referred to the Committee on Appropriations, and ordered to be printed.

CAPTURED AND ABANDONED COTTON IN ARKANSAS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, in response to a resolution of inquiry relative to claims for proceeds for certain abandoned cotton captured in La Fayette County, Arkansas; which was referred to the Committee on War Claims, and ordered to be printed.

UNITED STATES PENITENTIARY, UTAH.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting, with inclosures, a letter from the Attorney-General relative to additional prison accommodations in the United States penitentiary in Utah; which was referred to the Committee on Appropriations, and ordered to be printed.

PRINTING AND BINDING FOR BUREAU OF AGRICULTURE.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Commissioner of Agriculture of an appropriation for printing and binding for that Department for the fiscal year ending June 30, 1888; which was referred to the Committee on Appropriations, and ordered to be printed.

EXPENDITURE OF JUDICIARY APPROPRIATION.

The SPEAKER also laid before the House a letter from the Attorney-General, in response to a resolution of inquiry relative to the expenditure of the judiciary appropriation; which was referred to the Committee on Appropriations, and ordered to be printed.

ADA E. LAWRENCE VS. THE UNITED STATES.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of Ada E. Lawrence, administratrix, against the United States; which was referred to the Committee on War Claims.

ROBERT W. RENICK.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of Robert W. Renick; which was referred to the Committee on War Claims.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DAVENPORT, for one week, on account of important business.

To Mr. GUENTHER, for ten days, on account of important business.

To Mr. PENINGTON, until Tuesday, the 20th instant, on account of important business.

COMMITTEE ON WAYS AND MEANS.

Mr. MILLS. Mr. Speaker, I am directed by the Committee on Ways and Means to ask for unanimous consent for leave to sit during the sessions of the House.

Mr. BURROWS. I object.

SERVICE-PENSION BILL.

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent to submit a memorial and have it printed in the RECORD, without the names, and referred to the Committee on Invalid Pensions. It is the petition of 176 Union soldiers for the passage of the service-pension bill.

The SPEAKER. Without objection, that order will be made.

There was no objection.

The petition is as follows:

To the honorable Senators and Representatives in Congress assembled:

We, the undersigned, surviving soldiers and sailors of the Union Army and Navy, heartily indorse the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines a monthly pension of 1 cent for each day they were in the service during the war of the rebellion—that is to say, the soldier who served ninety days shall receive a monthly pension of 90 cents, the one who served a year a monthly pension of $3.65, and the one who served a thousand days a monthly pension of $10, and at that rate for each fraction of a year to a day; and we urge upon Congress its immediate passage.

REDUCTION OF REVENUES.

Mr. MORSE. Mr. Speaker, I ask unanimous consent to have printed

in the RECORD and referred to the Committee on Ways and Means the body of a petition from citizens, merchants, and manufacturers of Massachusetts, in regard to the reduction of national revenues.

Mr. O'NEILL, of Pennsylvania. I ask unanimous consent to present a petition also, and to have it printed.

The SPEAKER. The gentleman from Massachusetts has been recognized. Is there objection to the request?

There was no objection.

The petition referred to by Mr. MORSE was ordered to be printed in the RECORD, and referred to the Committee on Ways and Means.

It is as follows:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The undersigned, citizens, merchants, and manufacturers of Massachusetts, realizing the necessity of a reduction of the national revenue in order that the public income may correspond to the reasonable expenses of the Government, respectfully petition your honorable body to so revise the existing tariff laws as to place upon the free-list the largest possible number of commodities that are used as raw materials by the manufacturing interests of this country.

It is our belief that by such a change our industries would be greatly benefited; that our export trade in manufactured articles would be largely increased, and that, consequently, American workingmen would obtain the advantages resulting from more continuous work at better wages.

ORDER OF BUSINESS.

Mr. MILLS. I demand the regular order.

The SPEAKER. This being Friday, the regular order is the call of committees for bills and reports of a private nature.

Mr. O'NEILL, of Pennsylvania. I understood that I had unanimous consent, when I made a similar request, to present a memorial and have it printed.

The SPEAKER. It was not granted to the gentleman. The Chair had first recognized the gentleman from Ohio, and then the gentleman from Massachusetts, after which the regular order was demanded.

Mr. O'NEILL, of Pennsylvania. But before the demand for the regular order I made my request.

The SPEAKER. The gentleman from Pennsylvania had not sent up any memorial. He was not recognized for that purpose prior to the time that the gentleman from Texas demanded the regular order.

Mr. BREWER. These are all in the same form.

The SPEAKER. But the gentleman from Texas demands the regular order, and of course the Chair has no option but to recognize that demand.

Mr. BREWER. I mean that they are all in the same form, which would obviate the necessity for printing more than one of them.

The SPEAKER. The regular order is the call of committees.

BRIDGE ACROSS BLACK RIVER, ARKANSAS.

Mr. CRISP, from the Committee on Commerce, reported back with amendments the bill (H. R. 6563) to authorize the Batesville and Brinkley Railroad to build a bridge across the Black River, in Arkansas; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS THE TENNESSEE RIVER, KNOXVILLE.

Mr. CRISP also, from the Committee on Commerce, reported back with amendments the bill (H. R. 7783) to authorize the construction of a bridge across the Tennessee River at or near Knoxville, in Tennessee; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE NEAR CHATTANOOGA, TENN.

Mr. CRISP also, from the Committee on Commerce, reported back with amendments the bill (H. R. 7564) to authorize the construction of a bridge across the Tennessee River at or near Chattanooga, Tenn.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS THE RED AND LITTLE RIVERS, ARKANSAS.

Mr. CRISP also, from the Committee on Commerce, reported back with amendments the bill (H. R. 7676) authorizing the Kansas City, Texarkana and Gulf Railway Company to bridge the Red and Little Rivers, in the State of Arkansas; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS THE TENNESSEE, AT LAMB'S FERRY, ALABAMA.

Mr. CRISP also, from the Committee on Commerce, reported back with amendments the bill (H. R. 7899) authorizing the construction of a bridge across the Tennessee River at or near Lamb's Ferry, Alabama, and for other purposes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE, DULUTH HARBOR, MINNESOTA.

Mr. DUNHAM, from the Committee on Commerce, reported back with amendments the bill (H. R. 5191) for the construction of a bridge across the canal entrance to the harbor of Duluth, Minn.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS BAY SUPERIOR, MINNESOTA.

Mr. DUNHAM also, from the Committee on Commerce, reported back with amendments the bill (H. R. 5192) for the construction of a bridge across the Bay of Superior from Rice's Point to Minnesota Point, in the State of Minnesota; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS THE MISSOURI AT FOREST CITY, DAK.

Mr. DUNHAM also, from the Committee on Commerce, reported back with amendments the bill (H. R. 6699) to authorize the construction of a bridge across the Missouri River, at Forest City, Dak., by the Forest City and Watertown Railway Company; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS BAYOU D'ARBONNE, LOUISIANA.

Mr. ANDERSON, of Iowa, from the Committee on Commerce, reported back with amendments the bill (H. R. 2412) authorizing the Little Rock and Alexandria Railway Company to maintain and construct a bridge across the Bayou d'Arbonne, in Louisiana; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS THE MISSISSIPPI AT MUSCATINE, IOWA.

Mr. ANDERSON, of Iowa, also, from the Committee on Commerce, reported back with amendments the bill (H. R. 6570) authorizing the construction of a railroad, wagon, and foot-passenger bridge over the Mississippi River at or near Muscatine, Iowa; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS THE MISSOURI, IN MONTANA.

Mr. ANDERSON, of Iowa, also, from the Committee on Commerce, reported back with amendments the bill (H. R. 3070) to authorize the construction of a bridge across the Missouri River, in Montana; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS THE MISSISSIPPI AT HICKMAN, KY.

Mr. ANDERSON, of Iowa, also, from the Committee on Commerce, reported back with amendments the bill (H. R. 7340) to authorize the construction of a bridge across the Mississippi River, at Hickman, Ky.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN RIGNEY.

Mr. CUTCHEON, from the Committee on Military Affairs, reported back adversely the bill (H. R. 3899) to authorize the President to appoint, with the advice and consent of the Senate, John Rigney, a sergeant in the Army, to be made second lieutenant; which was laid on the table, and the accompanying report ordered to be printed.

AARON E. WELTY.

Mr. CUTCHEON also, from the Committee on Military Affairs, reported back adversely the bill (H. R. 107) for the relief of Aaron E. Welty, of Olney, Ill.; which was laid on the table, and the accompanying report ordered to be printed.

RIGHT OF WAY THROUGH LAKE TRAVERSE RESERVATION, DAKOTA.

Mr. GIFFORD, from the Committee on Indian Affairs, reported a bill (H. R. 8561) to accept and ratify an agreement made by the Sisseton and Wahpeton bands of Sioux Indians, and to grant a right of way for the Chicago, Milwaukee and St. Paul Railway through the Lake Traverse reservation, in Dakota; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JEARUM ATKINS.

Mr. GREENMAN, from the Committee on Patents, reported back favorably the bill (H. R. 6994) for the relief of Jearum Atkins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EVALINA P. BROWN.

Mr. WALKER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7025) granting a pension to Evalina P. Brown; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY C. RICHARDSON.

Mr. HUNTER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 3706) granting a pension to Henry C. Richardson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM BURK.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 6245) for the relief of William Burk; which was referred to the Committee of the Whole

House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. ABIGAIL SULLIVAN.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6577) granting a pension to Mrs. Abigail Sullivan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. THEODORA M. PIATT.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R 2282) to pension Mrs. Theodora M. Piatt; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GENERAL W. E. WOODRUFF.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 335) granting a pension to General W. E. Woodruff; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PENELOPE MORTON.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 3690) granting a pension to Penelope Morton, widow of Lieut. James Morton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JANE BROWN DUNN.

Mr. MATSON (by Mr. MORRILL), from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 8159) granting a pension to Jane Brown Dunn; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. ELIZABETH G. SCOTT.

On motion of Mr. MORRILL, by unanimous consent, the Committee on Invalid Pensions was discharged from the further consideration of the bill (S. 944) increasing the pension of Mrs. Elizabeth G. Scott; and the same was referred to the Committee on Pensions.

WILLIAM LEMONS.

Mr. HENDERSON, of North Carolina, from the Committee on Pensions, reported back with amendment the bill (H. R. 2928) granting a pension to William Lemons; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

A. R. ELLIOTT.

Mr. SIMMONS, from the Committee on Claims, reported back favorably the bill (H. R. 7862) to pay A. R. Elliott, postmaster at Bowman, Ga., for money stolen from post-office; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

OWNERS, OFFICERS, ETC., OF BRIG OLIVE FRANCES.

Mr. LANHAM, from the Committee on Claims, reported back with amendments the bill (H. R. 820) for the relief of the owners and officers of the brig Olive Frances, and others on board said brig; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LABAN HEATH & CO.

Mr. MANSUR, from the Committee on Claims, reported back favorably the bill (H. R. 57) for the relief of Laban Heath & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

W. C. F. NINDEMANN.

Mr. TIMOTHY J. CAMPBELL, from the Committee on Claims, reported back favorably the bill (H. R. 7801) for the relief of W. C. F. Nindemann, formerly a seaman in the Navy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH W. PARISH.

Mr. SHAW, from the Committee on Claims, reported a bill (H. R. 8562) for the relief of Joseph W. Parish; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CLAIMS UNDER BOWMAN ACT.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported a bill (H. R. 8563) for the allowance of certain claims for supplies taken and used by the United States Army, reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HEIRS OF THOMAS BLACK.

Mr. LAWLER, from the Committee on War Claims, reported back with amendments the bill (H. R. 2876) for the relief of the heirs of Thomas Black; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

TERRITORY OF IDAHO.

Mr. MANSUR, by unanimous consent, from the Committee on Territories, reported back with adverse recommendations bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 1962) to annex a portion of the Territory of Idaho to Washington Territory and Montana Territory; and

A bill (H. R. 4429) to annex a portion of the Territory of Idaho to Washington Territory.

ORDER OF BUSINESS.

Mr. LANHAM. I move that the House resolve itself into Committee of the Whole House for the purpose of considering the Private Calendar.

Mr. BURNES. I beg the indulgence of the House for a moment. If the urgent deficiency bill is not considered to-day, it will be impossible for me to give my attention to it. I ask unanimous consent that we proceed at once to consider and finish that bill.

Mr. O'NEILL, of Pennsylvania. Can we not arrange that the Private Calendar shall go over until to-morrow?

Mr. BURNES. I think we can finish the urgent deficiency bill in a half hour.

The SPEAKER. The gentleman from Texas moves that the House resolve itself into Committee of the Whole for the purpose of considering the Private Calendar. Pending that the gentleman from Missouri [Mr. BURNES] asks unanimous consent to proceed to the consideration of the urgent deficiency bill, not to interfere with private business after the consideration of that bill is concluded.

Mr. RICHARDSON. Does the gentleman limit the time to be occupied by the urgent deficiency bill to a certain time? The gentleman has the right of way for the appropriation bill every day. I do not like to have the Private Calendar lose the only day that we have to devote to it.

Mr. O'NEILL, of Pennsylvania. Will the gentleman from Missouri not consent that we shall have as much time for the Private Calendar to-morrow as is taken to-day for the deficiency bill?

Mr. BURNES. I have no objection to that arrangement.

Mr. HOLMAN. I have already asked the permission of the House to take up the general homestead bill to-morrow. I hope that will not be interfered with.

Mr. RICHARDSON. The effect of agreeing to the request of the gentleman from Missouri will be to crowd out the Private Calendar, and I must object.

Mr. O'NEILL, of Pennsylvania. If only an hour is occupied by the deficiency bill to-day, that will merely take an hour from the consideration of the land bill to-morrow.

The SPEAKER. The gentleman from Indiana objects to that part of the request for unanimous consent which relates to assigning a part of to-morrow to private business.

Mr. BURNES. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the urgent deficiency bill.

The SPEAKER. The Chair is under the impression that the House must either first dispense with private business or refuse to go into Committee of the Whole for the consideration of private business before that motion would be in order.

Mr. RICHARDSON. Does it not require a two-thirds vote to dispense with private business?

The SPEAKER. The Clerk will read portions of two rules which relate to this matter.

The Clerk read the concluding paragraph of Rule XXIV, as follows:

Third. On Friday of each week, after the morning hour, it shall be in order to entertain a motion that the House resolve itself into the Committee of the Whole House to consider business on the Private Calendar; and if this motion fail, then public business shall be in order as on other days.

The Clerk also read Rule XXVI, clause 1, as follows:

Friday in every week shall be set apart for the consideration of private business, unless otherwise determined by the House.

The SPEAKER. The effect of these two rules, the Chair thinks, is this: Each Friday is set apart for the consideration of private business; but if the House, on motion, refuses to go into the Committee of the Whole House for the purpose of considering that character of business, then the House proceeds with public business as on other days. There is an apparent conflict between the two provisions; but that seems to be the most reasonable construction, and it is the one the Chair has heretofore acted upon. The gentleman from Texas has made the motion that the House resolve itself into the Committee of the Whole for the purpose of considering the Private Calendar, and the Chair will submit that motion to the House.

Mr. O'NEILL, of Pennsylvania. No one desires more than I do to proceed with public business——

Mr. TAULBEE. I rise to a question of order. I submit that the pending motion is not debatable.

The SPEAKER. The motion is not debatable. The question is on the motion of the gentleman from Texas.

The question being put, the Speaker stated that the "noes" seemed to have it.

Mr. LANHAM. I call for a division.

The House divided; and there were—ayes 85, noes 89.

So the motion was not agreed to.

Mr. BURNES. I now move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the urgent deficiency bill.

COMMERCIAL UNION WITH CANADA.

Mr. HITT. If the gentleman will withhold that motion for a moment, I ask unanimous consent to make a report from the Committee on Foreign Affairs.

There was no objection.

Mr. HITT, from the Committee on Foreign Affairs, reported back with a favorable recommendation the joint resolution (H. Res. 129) to promote commercial union with Canada; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

POSTAGE ON SEEDS, ETC.

Mr. ENLOE. I ask unanimous consent to make a report from the Committee on the Post-Office and Post-Roads; and I ask that the gentleman from New York [Mr. WHITE] may have leave to file the views of the minority. I am instructed to report a substitute for the bills H. R. 3258, H. R. 1681, and H. R. 1386.

The SPEAKER. A substitute can be reported for only one bill.

Mr. ENLOE. The other bills can be laid on the table.

There was no objection.

Mr. ENLOE, from the Committee on the Post-Office and Post-Roads, reported back the bills (H. R. 3258) to reduce the postage on fourth-class matter, (H. R. 1386) reducing the rate of postage on seed, plants, cuttings, bulbs, roots, and scions, and (H. R. 1681) regulating the rate of postage on bulbs, scions, plants, and seeds; and, as a substitute for the bill H. R. 3258, a bill (H. R. 8564) to change the classification and reduce the rate of postage on seeds, plants, bulbs, and scions; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. WHITE, of New York. For which bill is this a substitute? I ask that it be treated as a substitute for the bill H. R. 3258, and that that bill be placed on the Calendar.

The bill H. R. 3258 was referred with the substitute to the House Calendar.

The bills H. R. 1386 and H. R. 1681 were laid on the table.

INDIAN APPROPRIATION BILL.

Mr. PEEL, from the Committee on Indian Affairs, reported a bill (H. R. 8565) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1889, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

URGENT DEFICIENCY BILL.

The SPEAKER. Does the gentleman from Missouri [Mr. BURNES] withdraw his motion?

Mr. BURNES. No, sir; I insist upon it.

The SPEAKER. The gentleman from Missouri [Mr. BURNES] moves that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. BLOUNT in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills. The Clerk will report the title of the bill under consideration.

The Clerk read as follows:

A bill (H. R. 6437) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1888, and for other purposes.

Mr. BURNES. Mr. Chairman, I ask unanimous consent to return to amendment 58, on page 20 of the bill.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

Amendment 58, page 20: After line 11 insert "Senate: to enable the Secretary of the Senate to pay E. C. Goodwin, clerk to the Select Committee on the Centennial of the Constitution and the Discovery of America, for services as such clerk from the 13th to the 19th day of December, 1888, inclusive, $42."

The CHAIRMAN. The gentleman from Missouri [Mr. BURNES] asks unanimous consent to return to this amendment.

There was no objection.

Mr. BURNES. I now ask unanimous consent to change the action of the committee from non-concurrence to concurrence, with an amendment which I have sent to the Clerk's desk, and which I ask to have read.

The Clerk read as follows:

Concur, with an amendment as follows: On page 20 of the bill, after line 12, insert "for salary of O. O. Stealy, clerk to the Speaker, from December 1, 1887, to June 30, 1888, at the rate of $1,600 per annum, $935."

Mr. ADAMS. Will the gentleman from Missouri tell me in what sense this is a deficiency at all, an appropriation to pay the salary of a clerk for a period ending next December?

Mr. BURNES. That is the amendment of the Senate.

Mr. ADAMS. I am aware of that; and you now propose to amend it, but I ask with what propriety is this Senate amendment in a deficiency bill?

Mr. BURNES. Well, it is a deficiency for the reason that it is an expenditure incurred by one of the bodies of Congress, and is due.

Mr. ADAMS. But the provision is for services as such clerk from the 13th to the 19th day of "December, 1888."

Mr. BURNES. That is a typographical error.

The CHAIRMAN. Unless there is objection, the Senate amendment will be concurred in, with the amendment proposed by the gentleman from Missouri [Mr. BURNES].

There was no objection.

The CHAIRMAN. The Clerk will report the amendment which was under consideration when the committee rose yesterday.

The Clerk read as follows:

The committee recommend non-concurrence in amendment numbered 63, as follows:

"Insert in section 5 of the bill the following: For reimbursement to the State of Texas expenses incurred in repelling invasions and suppressing Indian hostilities found due under the act of June 27, 1882, certified to Congress by the Secretary of the Treasury in a letter to the Speaker of the House of Representatives, March 14, 1888, $927,177.40."

Mr. BURNES. I ask unanimous consent that further debate on this provision be limited to fifteen minutes.

There being no objection, it was so ordered.

Mr. BURNES. I yield ten minutes to the gentleman from Texas [Mr. LANHAM].

Mr. LANHAM. Mr. Chairman, I send to the Clerk's desk, to be read as part of my remarks, the letter from the Secretary of the Treasury transmitting to the Speaker of the House the estimate of appropriation for the payment of this claim of the State of Texas.

The Clerk read as follows:

TREASURY DEPARTMENT, *March* 14, 1888.

SIR: I have the honor to transmit herewith an estimate for the payment of the amount found due by the accounting officers of the Treasury to the State of Texas under the act of June 27, 1882 (22 Stats., page 111), providing for reimbursement to certain States and Territories for expenses incurred in repelling invasions and suppressing Indian hostilities, $927,177.40.

Respectfully, yours,

C. S. FAIRCHILD, *Secretary.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Estimates for the payment of claims received and examined by the accounting officers of the Treasury Department under act of June 27, 1882, providing for reimbursement as stated below.

No. of certificate or claim.	Name of claimant.	Appropriation from which payable.	Fiscal year in which the expenditure was incurred.	Amount.
1182	State of Texas.....	Reimbursement to certain States and Territories for expenses incurred in repelling invasions and suppressing Indian hostilities (act June 27, 1882).	1866 to 1882	$927,177.40

Mr. LANHAM. Mr. Chairman, having lived for many years on what was once the frontier of Texas, and having resided there at the time of the accrual of this claim on the part of that State, I feel prepared, in a measure, to bear testimony to the merits, the justice, and the honesty of the claim. I had some opportunity for practical observation as to the necessities which compelled the expenditures for the reimbursement of which this claim is made.

None but a Western man can appreciate fully the conditions with which the frontier had to contend during the predatory warfare which was for a long time waged against our border people. The privation and peril, the woe and waste, the death and desolation which abounded will never be forgotten by those whose lot it was to be situated within the region afflicted by Indian invasions and savage hostilities. By the act of June 27, 1882, it was provided, among other things, that the Secretary of the Treasury, with the aid and assistance of the Secretary of War, should cause to be examined and investigated this claim of the State of Texas for moneys alleged to have been expended and for indebtedness alleged to have been assumed by that State in organizing, arming, equipping, supplying, clothing, subsisting, transporting, and paying the volunteer and military forces of the State called into active service by the proper authority to repel invasions and Indian hostilities, including all proper expenses necessarily incurred on account of said forces having been so called into active service, and also all proper

claims paid or assumed for horses and equipments actually lost by said forces while in the line of duty in active service. The act further provided that said accounts for and on behalf of the State of Texas should be confined to claims arising since the 20th day of October, 1865, and should include the necessary expenses of defense against Mexican raids or invasion, as well as those for defense against Indian hostilities.

Under the provisions of this act the claim has been referred to the Secretary of the Treasury; it has been carefully examined and considered, audited, and reported to this House. I desire to call attention to the concluding passage of the report of the board of examiners. They say:

In their investigation of these claims of Texas your examiners have found that they are for moneys paid out by the State and not for any assumed indebtedness.

They have found no evidence of reckless or extravagant expenditure of public money; on the contrary, they have noticed the observance by the officers of the State of a careful economy in organizing and maintaining troops. The full United States allowance of forage was rarely fed, and all the constituents of a Government ration were not always purchased.

Texas was at the disadvantage of having to purchase supplies for her troops in various localities of the State instead of at the commercial centers of the Union, and to pay for them with depreciated warrants.

The State submits no claim incident to the building of military posts, and her expenditures for camp and garrison equipage are surprisingly small.

So far as the evidence submitted shows, the forces for and on account of which the expenditures were made were called into service by the proper authorities of the State, the Legislatures and governors, and the presumption is that these authorities did not unnecessarily occasion such expenditures, but that the time and circumstances made them a necessity.

No evidence is found upon which to base an assumption that the authorities calling out the troops acted with the conviction that the expenses incident to their calls would be reimbursed eventually by the General Government.

The geographical position of Texas, the desperate character of the population on both sides of the Rio Grande, the presence of hostile Indians within and along her borders, made life and property insecure, and the active service of a military force necessary for their defense.

In conclusion, it is respectfully submitted that our examination of these claims has been a careful one; that upon points made by the claimant for which the proof was not clear we have leaned to doubt rather than to assurance; and that to the best of our belief our statement of these is a conscientious, just, and impartial one, under the provisions of the acts of Congress approved June 27, 1882, and August 4, 1886.

The oath provided for in section 2 of the act of August 4, 1886, was duly taken and subscribed by the examiners.

The examiners find that the State of Texas is entitled under the provisions of the act of Congress of June 27, 1882, to the amount of $927,242.30 of her claims for $1,867,259.13.

These examiners, who were sworn, carefully investigated all the vouchers and evidences of this claim. It has gone through all the machinery contemplated by the act of June 27, 1882, and the additional act of August 4, 1886; it has received the severe scrutiny and critical analysis of those whose special duty it was to examine it, and has been transmitted to this House in precisely the same manner that was observed in the similar claims of Kansas, Nebraska, and Nevada. There would seem to be no question, after a careful examination of their report, which is printed in full in this morning's RECORD, that the amounts of money for which this claim is made were actually expended by the State of Texas in the necessary defense of her frontier. The examiners declare "that upon points made by the claimant where the proof was not clear we have leaned to doubt rather than to assurance."

Mr. Chairman, I deem it appropriate to make brief mention of some of the circumstances under which this claim arose. The civil war had just closed; the State government was disturbed and unstable; the State treasury was exhausted; the frontier settlements were widely separated and defenseless; means of communication were exceedingly limited. We had a border of more than 1,000 miles in extent exposed to predatory incursions by Indians and Mexicans; the United States military posts along this border were distant from each other, and their garrisons wholly inadequate to afford the necessary protection; the homes of our people were being despoiled; the property of our citizens was being destroyed; our men, women, and children were being murdered; the very extremes of torture and outrage were of constant occurrence. It is simply impossible to overdraw the horrors and sufferings which obtained.

I quote from a letter of Hon. James W. Throckmorton, governor of the State of Texas in 1866, where, in writing to Secretary Stanton (September 29, 1866), he says:

The frontier is suffering great devastation; murder, rapine, and the most revolting outrages are of daily occurrence. Unless the Government will send sufficient and immediate protection, the State will be compelled to undertake it without a dollar in the State treasury to defray the necessary expenditures. * * * I also forward you memoranda of Indian depredations that have occurred in the last few months. The statements herein are only partial accounts, and by no means constitute the half of what has occurred within the last twelve months. I respectfully request that you will make these facts known to the President, in order that he may be fully advised as to the condition of our State.

In a telegram to President Johnson, Governor Throckmorton says:

Our frontiers are rapidly depopulating from Indian depredations.

Under date of August 24, 1875, Hon. RICHARD COKE, then governor of Texas, in a letter to the Texas delegation in Congress, speaking of Mexican invasions, says:

Our people have been plundered there until they ought not to submit to it any longer. * * * If the United States Government will not protect that border, the State must and will; but it is a burden which she ought not to bear. I do hope that you will leave nothing undone, no effort unmade, to procure the requisite relief.

In a special report of Adjutant-General King, of Texas, made in September, 1884, there is to be found a statement of depredations by Indians and Mexicans, which, though partial and incomplete, shows that from the year 1865 to 1882 there were four hundred and sixteen of our people killed, seventy-nine wounded, and eighty-one carried into captivity. No complete record of the casualties and cruelties which resulted from this border warfare can ever be made. The loss of life and property can never be estimated. The State of Texas was compelled to bear the burden of its own defense, and the efficiency of its troops is attested by General Reynolds, as shown in his letter of March 7, 1870, to the Adjutant-General, United States Army, printed in the record, where he says:

It seems impossible, without the hearty co-operation of the citizens, to operate effectually against small bands of Indians that of late have been committing depredations more frequently than usual within the frontier lines of Texas.

* * * * * * *

I am the more urgent in my request to pay civilian organizations because I believe it impossible to act effectively against small bands of Indians with regular troops alone.

Governor COKE, in the letter before referred to, says:

A police force, irregular troops, rather than strictly military organizations is required here. * * * They would do service such as the officers and men of the United States Army can not do. * * * None but Texas troops have ever checked the operations of these predatory bands.

Sir, it is fresh within my memory that seven men were murdered in 1871, within less than 20 miles of the military post at Fort Richardson, Tex., by Satanta and his band of savages. General Sherman, passing through the country on a tour of inspection, was at this post when the news of the murder was received, and it was through his orders that Satanta and Big Tree were sent back from the reservation at Fort Sill to Texas for trial.

It was made my duty to prosecute these Kiowa chiefs, the older of whom had signed a treaty of amity with his own hand, for this horrible murder of these unfortunate citizens of my State. I trust I may be indulged to reproduce a few words of my own utterance during that unique and remarkable trial, as illustrative of the conditions which then existed:

The testimony discloses that about the time indicated by the charge, the defendants with other chiefs, and a band of more than fifty warriors, were absent from their reservation. They were away about thirty days, a sufficient length of time to make this incursion and return; that upon their return they brought back their booty, the forty mules, guns, and pistols, and camp supplies of the deceased; that Satanta made a speech in the presence of the interpreter, Lowrie Tatem, the Indian agent at Fort Sill, and General Sherman, in which he boasted of having been down to Texas, and had a big fight, killing seven Tehannas (Texans), and capturing forty mules, guns, pistols, ammunition, sugar and coffee, and other supplies of the train; that he said if any other chief claimed the credit of the victory that he was a liar; that he, Satanta, with Big Tree and Satank, was entitled to all the glory.

Then we have the evidence of one of the surviving teamsters, who tells of the attack upon himself and comrades by a band of over fifty Indians; of the killing of seven of his comrades and the escape of four others with himself. Then we have the testimony of the orderly sergeant, who himself is an old Indian fighter, and familiar with the modes of attack and general conduct of the savages. He with a detachment of soldiers went out from Fort Richardson to the scene of blood to bury the dead. He describes how they were scalped, mutilated with tomahawks, and pierced with arrows; how the wagon-master was chained to the wheel and burned, evidently while living; of the revolting and horrible manner in which the dead bodies were mangled and disfigured, and how everything betokened the work and presence of Indians.

* * * * * * *

Federal munificence has fostered and nourished them, fed and clothed them; from their strongholds of protection they have come down upon us "like wolves on the fold;" treaties have been solemnly made with them, wherein they have been considered with all the formalities of quasi nationalities. Mistaken sympathy for these vile creatures has kindled the flames around the cabin of the pioneer and despoiled him of his hard earnings, murdered and scalped our people, and carried off our women into captivity worse than death. For many years predatory bands of these "pets of the Government" have waged the most relentless and heart-rending warfare upon our frontier, stealing our property and killing our citizens. We have cried aloud for help; deaf ears have been turned to our cries and the story of our wrongs has been discredited. Had it not been for General Sherman and his most opportune journey through this section it may well be doubted whether these brutes in human shape would ever have been brought to trial, for it is a fact well known in Texas that stolen property has been traced to the very doors of the reservation and there identified by our people to no purpose.

In the letter of General Reynolds is to be found this statement:

The citizens of Texas declare that their animals, identified by the brands, are found in the possession of Indians on the reservation north of Red River.

Numbers of reputable citizens of Texas can be found, many of whom I could mention by name, who would sustain the truth of this declaration. I can not do better in this connection than to quote the following language of Adjutant-General King in the report before mentioned, in order to show the duty of Texas to its people under these circumstances and the feeling of our people concerning this claim against the Federal Government:

For some reason Texas, like many other border States and Territories, was left by the General Government without adequate protection against those constantly occurring invasions and raids, and, as a matter of absolute and overpowering necessity, the State had to make some regular and systematic provision for affording protection and giving security, if possible, to her people; and to do this, unusual and extraordinary pecuniary burdens were necessarily laid upon the whole body of citizens, and those burdens, in varying amounts, have been kept up ever since. For years past, the State, through her Senators and Representatives in Congress, has been asking the General Government to reimburse her, in part at least, for the enormous sums of money expended in

giving aid and protection to her people, which protection should have been given by the General Government and paid for out of the common Treasury.

The people of Texas believe this claim to be a just and proper one, and knowing, from long and frightful experience, the horrors and losses of this border warfare, and the painful and ever-present necessity for organized and armed resistance to these murderous raids, they feel that the State, in the absence of protection by the General Government, would have utterly failed in one of its highest and gravest duties if any hesitation had been manifested in meeting the demand for frontier protection to the utmost of its abilities. This state of things has been so prominent and painful a feature in the history of Texas for so many years that all citizens and every political party, every form of State government, military or civil, provisional or permanent, and at least one constitutional convention, have all recognized it, and made efforts to meet the demands of the people, and of justice, humanity, and of good government, on this question.

In response to the suggestion that this appropriation ought to be postponed for the general deficiency bill, I have to say that justice has already been long deferred. Ample data as to the foundation for the demand, with detailed statements of its varied items, are to be found in the RECORD. There can, I think, be no valid objection to its speedy settlement. My colleague [Mr. SAYERS], with his characteristic energy, has brought the matter to the attention of the Committee on Appropriations, for which he should and will receive the grateful recognition of his State. The committee have justly added it to the bill now under consideration, and I trust their action will be promptly approved and ratified. No man will deny that it is obligatory on the Federal Government "to repel invasion." That power is expressly conferred on Congress by the Constitution. Texas was, when this claim accrued, and is now, a component part of our great Union and entitled to its protection. The State in its corporate capacity will be the beneficiary of this appropriation. There are very many equally just and meritorious claims of private individuals on account of Indian depredations, not only in Texas, but elsewhere in the United States, which ought to, and I trust will, receive the earnest attention of Congress.

Mr. BURNES. I yield four minutes to the gentleman from Iowa [Mr. HENDERSON].

Mr. HENDERSON, of Iowa. Mr. Chairman, I have examined this claim with some care since its presentation. While I felt at the time it came before the committee that I would have preferred that the matter had undergone the usual investigation by a subcommittee, yet I am frank to say that from a careful reading of the report of the military board, consisting of Lieut. Col. James Biddle, Maj. Henry J. Farnsworth, Capt. Edward Hunter, and Capt. Frank West, who were engaged for twelve months in examining every one of the vouchers involved, examining every statement of the testimony and having the law before them, I have reached the conclusion that inasmuch as this matter is now before us, we are justified in treating it as we have similar claims in Congress.

I believe the claim is a just one and ought to be allowed, and as I recognize no distinction between States or individuals on this floor when their cause is just, I intend to support this proposition.

I find also in the allowance of claims made by this board they have invariably taken into account the cost at the military posts in that country, and that they have allowed these at a lower rate, as a rule, yet in nearly every case that the Government itself paid for rations and for similar expenses.

I find up to 1874 these troops were organized and ordered into the field by a Republican governor or war governor, so that it has been entirely non-political.

I find further in examining the report for the payment of these troops that there were altogether some eighty-one companies during this period enrolled in the service, and that they were only paid for the time they were actually employed in the service. That it stands thus: Texas is peculiarly situated between the Indians on the one side and the Mexicans on the other; that the people were constantly afflicted by raids from one or both quarters; but that most of these expenses were incurred in protecting our citizens against the raids, depredations, and murders of Indians.

I find the law of Congress justified this; that in every instance legislative action and gubernatorial action called for the organization of these troops; that they actually served where the charges have been made, and the cost has been less than for the General Government. And I can not detect one reason why these claims should not be allowed.

I will yield to the gentleman from Massachusetts for a question.

Mr. LONG. I wish to ask the gentleman from Iowa how much of the claim was disallowed?

Mr. HENDERSON, of Iowa. I could not give as to that any accurate answer. I find, however, in one case, where a claim was made for two scouts and for several companies, the companies were disallowed because the evidence was not conclusive that they were actively employed, and allowance was only made for two scouts who were so employed, showing the discriminating care of the military board.

Mr. LONG. That is what I wished to bring out, that there was a large disallowance of items.

Mr. HENDERSON, of Iowa. There was large disallowances besides the one just referred to. I have reached the conclusion that this is just, and I shall vote for it without a single doubt in my own mind.

Mr. DUNHAM. Will the gentleman permit me to ask him a question?

Mr. HENDERSON, of Iowa. Yes, I will yield if I have the time.

The CHAIRMAN. The gentleman's time has expired.

Mr. BURNES. I move, by unanimous consent, that the debate be limited to five minutes to the gentleman from Illinois [Mr. CANNON], and five minutes to the gentleman from Texas [Mr. MILLS], and one minute to the gentleman from Illinois [Mr. HOPKINS].

There was no objection, and it was ordered accordingly.

Mr. DUNHAM. I ask that, by unanimous consent, I be allowed to ask the gentleman from Iowa a question.

Mr. HENDERSON, of Iowa. Let the gentleman's colleague yield to him for that purpose.

Mr. CANNON. I am willing to yield to my colleague for half a minute. Or I ask that, by unanimous consent, my colleague be allowed a few minutes in which to ask a question.

Mr. DUNHAM. I do not take it in that way.

The CHAIRMAN. The gentleman from Illinois [Mr. HOPKINS] is entitled to one minute.

Mr. HOPKINS, of Illinois. Mr. Chairman, I desire to enter my protest against the manner in which this allowance of money is proposed to be voted by this House. Everything stated by the gentleman from Texas may be true of these claims. The gentleman from Iowa has stated that he has had an opportunity to look over these accounts and he is satisfied with them. I submit the privileges accorded to the gentleman from Texas and to the gentleman from Iowa have not been accorded to the other members of the House, or, as I understand, to the full Committee on Appropriations.

Mr. HENDERSON, of Iowa. We had a full morning over it.

Mr. HOPKINS, of Illinois. A full morning to consider a million of money composed of I do not know how many items.

The CHAIRMAN. The gentleman's minute has expired.

Mr. HOPKINS, of Illinois. I would like to have a little more time.

Mr. MILLS. I will yield to the gentleman one minute of my time.

Mr. HOPKINS, of Illinois. The bill, Mr. Chairman, which we are considering is an urgent deficiency bill. These items, which carry nearly a million of dollars, belong properly to the general deficiency bill. Now, I for one do not see that it is wise or proper legislation to tack upon this bill an amendment legislating away this vast amount of money, when there is a general deficiency bill to be considered later in the session, and in which it properly belongs. That is the reason why I enter my protest. This unseemly haste upon the part of the members from the State of Texas looks a little suspicious; for these items, if they are all they claim, can well wait to be put in the general deficiency bill and considered there, where they properly and legitimately belong.

Mr. LANHAM. Let me ask the gentleman if it is likely that any postponement will furnish additional information or evidence as to the obligation of the Government in this case other than that which now appears in the record.

Mr. HOPKINS, of Illinois. Who in this House has had an opportunity of examining the data on which this claim is based? The opportunity has not been presented; and especially in view of the fact that this is an urgent deficiency bill I claim that it does not belong here.

Mr. LANHAM. Texas has been for years insisting upon this claim.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Texas has four minutes of his time remaining.

Mr. MILLS. Mr. Chairman, it might have been better if this claim had been held back and placed upon the regular deficiency bill. Perhaps there would have been no objection raised on either side of the House if that course had been adopted with reference to it. But the claim is now before the House, on a favorable report from the Committee on Appropriations, and it is here for action. Being before us, I do not want to see a vote against it to-day because of the fact that it has not been held back to give a red-tape examination to it.

This is an old, familiar friend of mine. I am thoroughly acquainted with it in all of its details. I introduced bills, as did my colleagues upon this floor, years ago to pay the State of Texas the money which had been expended by that State in doing that which the Government of the United States ought to have done for her. I remember the time when the Representatives from Kansas, Nevada, and Nebraska and ourselves often met together for conference and with a view to helping each other to get the Congress of the United States to do justice to our people in recognizing these claims which had been standing so long.

We united our efforts and aided in the passage of the law of 1882. That law was passed for the purpose of providing a settlement for these claims, and under it all of the claims of this class were submitted, with the evidence to substantiate them, to a board of Army officers. They have been thoroughly, patiently, exhaustively examined through a careful process of inspection covering a long period of time, and have all been reported to Congress, and all have been passed except the claim of the State of Nevada, and she is now in this bill unchallenged, and the State of Texas, which asks admission for the same privileges.

There is no objection made to the payment of any of this class of claims upon the judgment of this board of officers, indorsed as it has been by the Treasury Department, except with regard to the claim of Texas; and the opposition, Mr. Chairman, is as unjust to the State of Texas as it would have been to the other States.

There is no gentleman who has challenged or will challenge the statement that not a single item has been questioned or can be pointed out in which a wrong judgment has been made by this board of officers.

But, sir, this appeal that is made here is all for delay. They say the case ought to have waited longer—as if it had not waited long enough already—and that it should have gone through some further and more patient examination; but they have not been able to point to a single item of all the items making up this sum of $927,000 which is not justly due to my State—not one of them.

Our claim is a little larger than the claim of the State of Kansas, because Kansas had a much smaller frontier, and had to guard only against the Indians, whereas we had both the Indians and the Mexicans. We had a border as long on the northern frontier of the State as the whole frontier line of the State of Kansas, and in addition to that we had all of that vast line from the thirty-second parallel of north latitude down to the Gulf of Mexico, making more than a thousand miles in addition. That is the reason why the claim of the State of Texas is larger.

Mr. LANHAM. Will my colleague not also state that during that time four hundred and sixteen of our people were killed and seventy-nine wounded?

Mr. MILLS. That has been stated before. My claim now is that Texas should stand equally with the other States and on the same footing as Kansas, Nevada, and Nebraska. Their claims have been paid because the officers appointed by the Government reported in their favor as in the case of the State of Texas; and now our State, standing on the same footing, only asks the same treatment.

Mr. CANNON. Mr. Chairman, I feel just a little embarrassment in submitting any further remarks to-day on this amendment. Perhaps I said enough on yesterday to cover my point. I did not on yesterday and do not to-day say that the claim is an unjust one. I simply said yesterday, and repeat it now, that it has not had that proper consideration that a claim carrying a million of dollars in round numbers demands, and that the rules of the House, ay, more, that the law itself, requires it should have before the appropriation is made. That is what I said, and I say it now.

Mr. ROGERS. May I ask a question for information?

Mr. CANNON. I have but five minutes, but if my friend will be brief——

Mr. ROGERS. Only a word. Is it the practice of the Appropriations Committee to take up these claims which have been audited and examine each claim and go into the evidence and all the details of the claim or not?

Mr. CANNON. Oh, certainly not, with all the vouchers. But it is the practice of the Committee on Appropriations to have jurisdiction of the bills it reports and the amendments.

It is the practice of that committee, especially where large amounts are involved, to look at a portion of the vouchers and give the claim all the examination it can. The committee has not done so in this case.

And I ask, why place this on the immediate deficiency bill? This amendment delays it. It must go back to the Senate and will probably be referred to the committee there; in the mean time the courts and hundreds of little claims for horses, back pay, and bounty must wait. This claim could go on the general deficiency bill.

Mr. SAYERS. Will the gentleman allow me to ask him just one question there? Why did he not postpone the Nevada claim?

Mr. CANNON. The Nevada claim is for, say, $30,000. This claim is for $1,000,000. The committee had jurisdiction of the Nevada claim, but did not have jurisdiction of this claim. Let us comply with our rules and the law in this and all other matters. There are many millions of dollars, deficiencies, that the committee has jurisdiction of that are not upon this bill, not urgent, and await the general deficiency bill. Take the judgment of the Court of Claims, for instance, the Choctaw judgment for about $3,000,000, it is not on this bill, although eighteen months have passed since it was rendered, and it has drawn over $200,000 interest. Again, I call attention to the direct-tax bill, which passed the Senate months ago and has not yet received the attention of this House.

Gentlemen will recollect that at the commencement of the late war a direct tax was apportioned among the States to maintain the Government. All the States North paid this tax. Most of the States South, among them Texas, never paid it. Up to a short time past this $1,000,000 to the State of Texas would have been set off against this direct tax not paid by Texas, but under a decision of the Supreme Court this can not now be done, and the $1,000,000 will go in cash to Texas, and Texas will still owe the direct tax that should have been paid twenty-seven years ago. Now the Senate has passed a bill to refund to the States this tax paid twenty-seven years ago, without interest, and that bill is pending in the House so far without consideration. Rumor says that it is the policy of some members on the other side of the House to see that this direct-tax bill shall not receive consideration during this Congress. As long as there is studied delay in this and other most just measures, of which the House and committees have jurisdiction, I ask, why this wonderful haste touching this claim of which the committee did not have jurisdiction?

Mr. ADAMS. We ought never to have an urgent deficiency if we can help it. When such a bill becomes necessary it ought to be so drawn as to pass with the least possible delay. No item should be put in an urgent deficiency which is not itself a deficiency. Everything which can be left out of that bill should be left out, so that the items which ought to be included may pass with the least possible delay.

The CHAIRMAN. The Chair requests the attention of the gentleman from Missouri [Mr. BURNES]. On yesterday the Clerk began to read the amendment numbered 63, and the gentleman from Missouri moved to concur in the Senate amendment with an amendment. The Chair supposed there was a typographical error, but it turns out that that amendment includes pages 61, 62, 63, 64, 65, 66, 67, down to the conclusion of the bill. The Chair, therefore, will cause the balance of the amendment to be read.

Mr. BURNES. What has been stated by the Chair is correct, and the amendment should be read through unless some gentleman should move to dispense with the reading in full before the vote is taken.

The Clerk proceeded to read in full amendment numbered 63.

Mr. BRECKINRIDGE, of Kentucky (interrupting the reading). I desire to offer an amendment.

The CHAIRMAN. The Clerk will complete the reading of the Senate amendment.

Mr. DUNHAM. I ask, what has become of the Texas claim?

The CHAIRMAN. The Chair has stated that, under the apprehension that the amendment had been read, the gentleman from Missouri [Mr. BURNES] rose and asked to concur with an amendment, the amendment which the gentleman from Illinois designates as the Texas amendment. Supposing that the whole of the Senate amendment had been read, the Chair permitted the debate. But it appears that the remainder of the bill is all included in the amendment numbered 63, and the Chair is causing the whole of it to be read.

Mr. CANNON. Why not dispense with the reading of the balance of the amendment?

Mr. BURNES. I ask unanimous consent to dispense with the reading of the remainder of that amendment.

There was no objection.

Mr. BRECKINRIDGE, of Kentucky. I ask the Clerk to read the amendment which I have sent up.

The Clerk read as follows:

To pay C. W. Buck, United States minister to Peru, the balance of salary due him for the fiscal year ended June 30, 1886, which has remained unpaid because of the exhaustion of the appropriation for salaries of ministers for that year, $1,190.28.

The CHAIRMAN. The Chair will first submit the motion of the gentleman from Missouri [Mr. BURNES] to concur in the Senate amendment with an amendment.

Mr. CANNON. If the amendment offered by the gentleman from Kentucky [Mr. BRECKINRIDGE] is pending, I desire to reserve a point of order on it.

The question being taken on the motion to concur in the Senate amendment with an amendment, there were—ayes 64, noes 39.

So (further count not being called for) the motion was agreed to.

The CHAIRMAN. The Clerk will again report the amendment of the gentleman from Kentucky [Mr. BRECKINRIDGE].

The amendment was again read.

Mr. CANNON. Mr. Chairman, I believe I shall have to make a point of order on that.

The CHAIRMAN. The gentleman will state it.

Mr. CANNON. I think there is no law authorizing the expenditure, and I do not think we owe it.

Mr. BRECKINRIDGE, of Kentucky. This is a part of the salary of the minister to Peru for the year 1886, which is certified by a letter from the First Assistant Secretary of State, from which I read an extract:

In compliance with your request, I inclose herewith a form of amendment in Mr. Buck's behalf. You will see that the amount named in it is about $50 less than the amount of the draft held by Mr. John W. Buck. This is because the draft is partly on account of a balance due the minister for contingent expenses. An appropriation, therefore, of $1,190.28 on account of salary will suffice to enable the Treasury to pay the whole draft, a balance of the contingent fund being still available to meet the remainder.

The facts are that the appropriation for salaries for 1886 was exhausted, and Mr. Buck, our minister to Peru, drew a draft for $1,240.28, which draft was protested from the want of funds to pay it, but the Assistant Secretary says the amount is due, and asks for an appropriation of a sum $50 less than the amount of the draft because the Department have a balance of the contingent fund remaining on hand from which to pay the $50. So that the case simply is this: Here is a draft drawn on the Government by our minister abroad for a part of the salary due for the years which expired June 30, 1886. We are now in March, 1888, and we are asked to pay this debt, which is certified by the Assistant Secretary of State, a debt which has been due since the time the draft was drawn.

Mr. CANNON. The Chair is familiar with the provisions of law which prohibit the making of an indebtedness on the part of the Government in the absence of an appropriation.

Mr. BRECKINRIDGE, of Kentucky. But the gentleman is mistaken about this case. This is no indebtedness incurred in the absence

of an appropriation. It is a part of the regular salary of the minister to Peru for the year named.

Mr. CANNON. Why was it not paid, then?

Mr. BRECKINRIDGE, of Kentucky. Because the appropriation for that year had been exhausted and there was not enough money to pay it. The salary was fixed in the bill, the money was appropriated for that and other salaries, but the amount appropriated did not turn out to be sufficient to pay the fixed salaries for that year. Therefore this is simply a case where the salary of a minister for the year 1886 has not been paid in full. That is the whole of it.

Mr. CANNON. In reply to the gentleman I will say that the Chair is quite familiar with the provisions of law touching claims of this class. First, the law provides that no obligation on the part of the Government shall be made unless there is an appropriation. I recollect that in 1886, I think, and the gentleman from Missouri [Mr. BURNES] will probably recollect it also, he placed in the appropriation bill some additional restrictions touching the contingent fund, which has been mentioned here. But the Chair is familiar also with the additional provision of law, that in a certain class of cases where the law calls for a service and there is no appropriation made after the lapse of two years, the accounting officers of the Treasury have to investigate and certify such claims to Congress for their consideration. Now this does not come here as a certified claim having passed through the Treasury, and from anything that I can see or anything that I know about it I am inclined to think it is not an obligation of the Government made in pursuance of law. But, Mr. Chairman, I make this point of order because there are a great many items of this kind pending in the estimates, and they ought to receive consideration by the regular committees of the House.

Mr. BURNES. Mr. Chairman, this is a very plain and simple proposition. The case is not exactly the kind of claim to which my colleague on the committee [Mr. CANNON] alludes. Ordinarily the salary for a minister is appropriated expressly and there is no deficiency; but my friend knows that it frequently happens in the change of ministers, one retiring and another coming in, as was the fact in this case, that there is an interregnum during which a month or two's salary is lost, and these deficiencies are created in that way.

As I understand, this deficiency was created because of a change which was made by the appointment of a new minister.

Mr. CANNON. Does the gentleman understand that two men drew salary at the same time?

Mr. BURNES. I think that in these cases, under the regulations, and probably under the law, one officer holds until the other arrives; and it often happens that a newly appointed minister is upon salary before he starts for his post of duty and the retiring minister is paid up to the time of the arrival of the new appointee. In this way a deficiency for a few hundred dollars is of frequent occurrence. I think my friend from Illinois is wrong in this matter.

Mr. CANNON. I do not know whether I am or not. But why should this one case be picked out from a dozen just like it which have to bide their time?

Mr. BURNES. For the simple reason that the Representative from Kentucky——

Mr. RANDALL. I would like to ask the gentleman from Missouri whether in the act making appropriations for the diplomatic service for the fiscal year 1886 the full amount of salary was provided for the minister to Peru?

Mr. BURNES. I have no doubt the full salary was provided; but in this case there was one man in Peru drawing a salary, and another man who drew the salary from about the time of his appointment until he arrived in Peru to take the place of the retiring minister. This necessarily created a deficiency. There is a certain period allowed—I think forty days—for a minister to go from this country to his post of duty, during which time he is entitled to pay; and of course the officer whose place he is to take is paid until the arrival of the new appointee.

Mr. RANDALL. But if this were a case of that kind the deficiency would not aggregate $1,200.

Mr. BURNES. The salary being $10,000 a year, the amount due for forty days would be just about this sum.

In answer to the inquiry just made by my friend from Illinois [Mr. CANNON], I wish to say that there is nothing wrong or unusual in the presentation of this matter in this way. If any other member has a constituent in a similar situation, all he has to do is to get a proper official certification of the matter from the Secretary of State, and the claim would undoubtedly be recognized as a proper object of appropriation.

Mr. CANNON. Are there not a dozen just such cases in the estimates which we did not consider in this urgent deficiency bill?

Mr. BURNES. I think not.

Mr. BUCHANAN. Are there not some?

Mr. BURNES. There may be some cases of consuls or similar officers.

Mr. CANNON. Then we draw the line at ministers?

Mr. BURNES (referring to Mr. COX, who sat beside him). In such a presence I could not do otherwise. [Laughter.]

Mr. BRECKINRIDGE, of Kentucky. This is indubitably a debt which the Government owes and has owed for eighteen months.

The CHAIRMAN. The Chair desires to inquire whether the appropriation act for 1886 provided for the salary of the minister to Peru.

Mr. BRECKINRIDGE, of Kentucky. Yes, sir, it provided for the salary of the minister to Peru at the rate of $10,000 a year.

The CHAIRMAN. That act made appropriation for the sum claimed as the legal amount of the salary?

Mr. BRECKINRIDGE, of Kentucky. It provided for the salary of $10,000 a year. But there was a change made by the appointment of a new minister, who obtained, as I understand, the entire salary for the year except the sum now asked.

The CHAIRMAN. At the rate of $10,000 a year?

Mr. BRECKINRIDGE, of Kentucky. At that rate.

The CHAIRMAN. And this amendment is for unpaid salary to which it is claimed he was entitled under the law? Does the gentleman concede that the appropriation was in the exact amount which the prior law provided as the salary?

Mr. BRECKINRIDGE, of Kentucky. The appropriation was the amount that the law required to be paid. This deficiency arose, I have no doubt, as the gentleman from Missouri has suggested, because forty days are allowed a newly-appointed minister to go from this country to his post of duty, during which time the minister who had not yet been relieved by the arrival of the new appointee was drawing salary. In some such way as this, I understand, the amount of the appropriation was exhausted and the draft for the sum which this amendment proposes to pay was dishonored.

The CHAIRMAN. The object of the inquiry on the part of the Chair was to ascertain whether this belonged to a class of cases where the appropriation bill appropriated as salary a less amount than the previous law provided for, and a claim is made for the difference. The Chair understands this is not such a case. The point of order is overruled.

The amendment of Mr. BRECKINRIDGE, of Kentucky, was agreed to.

The CHAIRMAN. The question is now on concurring in the Senate amendment 63, with the several amendments which have been adopted thereto. Is there objection? The Chair hears none.

Mr. COX. I ask unanimous consent that we recur to amendment 31, on page 33 of the bill. Last evening I entered a motion to reconsider the vote by which that amendment was non-concurred in. I have printed in this morning's RECORD data from the late Secretary of the Interior, Mr. Lamar, and from the present Secretary of the Interior, Mr. Vilas, which I think will justify the House in concurring in this amendment. I think there is a thorough acquiescence on the part of the committee.

Amendment 31 was read, as follows:

Insert the following:

"Reports of the Tenth Census: To complete the publication of the reports of the Tenth Census, $77,495.52."

The CHAIRMAN. The gentleman from New York asks consent that the Committee of the Whole may recur to amendment 31, in order to rescind the action by which it was non-concurred in.

Mr. RANDALL. What is the object?

Mr. COX. The object is that the Senate amendment be concurred in. The communications published in the RECORD of this morning on the subject will, I think, satisfy the gentleman that such action ought to be taken.

The CHAIRMAN. Is there objection to the request of the gentleman from New York that the Committee of the Whole return to amendment 31, and that the amendment be concurred in? The Chair hears no objection, and it is so ordered.

Mr. HOLMAN. I desire unanimous consent to go back to amendment 46, to which I ask to add the following two amendments.

The Clerk read as follows:

For amount necessary for resurveying certain lands involved in suit against the Sierra Lumber Company in California, to be done under the direction of the Commissioner of the General Land Office at a per diem compensation to be fixed by him, $1,600.

For the survey of certain lands from which it is claimed the Montana Improvement Company have cut timber, now involved in suit, to be surveyed under the direction of the Commissioner of the General Land Office at a per diem compensation to be fixed by him, $2,500.

Mr. HOLMAN. I wish to state very briefly——

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HOLMAN. There are pending in California important land suits connected with the public domain, one in the Territory of Montana involving millions of dollars. They are set for the month of May, and the Attorney-General says the actions can not be maintained without a survey of the lands, and so reports to the Secretary of the Interior. There is now no fund to be applied for that purpose. On account of the emergency I ask these two amendments be made.

Mr. RYAN. Why not made at the rates provided by law?

Mr. HOLMAN. There is a reason given in the communication which will fully explain the matter.

Mr. BIGGS. I ask that that communication be read.

The Clerk read as follows:

INTERIOR DEPARTMENT, GENERAL LAND OFFICE, *March* 16, 1888.

SIR: I desire to submit as an amendment to the urgency deficiency bill the following items: For amount necessary for resurveying certain lands involved in suit against the Sierra Lumber Company in California, to be done under the

direction of the Commissioner of the General Land Office, at a per diem compensation to be fixed by him, $1,600.

For the survey of certain lands from which it is claimed the Montana Improvement Company have cut timber, now involved in suit, to be surveyed under the direction of the Commissioner of the General Land Office, at a per diem compensation to be fixed by him, $2,500.

The necessity for the foregoing items is fully set forth in the copies of letters from the special agents of this office, and the suit against the Sierra Lumber Company in California involves about $2,000,000, and a like amount is involved in the suit against the Montana Improvement Company along the line of the Northern Pacific Railroad. Both of these suits are set for trial in May, and there is no fund available from which the surveys can be made.

The provisions of sections 2404 and 2405 of the Revised Statutes, allowing augmented rates in California, Oregon, and Washington Territory, were repealed or suspended by the last appropriation act, and the rates now provided by law are inadequate to cover the costs of the surveys required.

During the last year two attempts were made to have the lands along the Northern Pacific Railroad surveyed under the existing rates, but no bids were received under the advertisement of the surveyor-general of Montana for deputy surveyors to do the work.

Unless some provision is made by Congress these suits must either go by default, or be postponed indefinitely, which is equivalent to an abandonment of the prosecution, as it will be impossible to secure the attendance of the necessary witnesses after so long a delay.

I desire to urge upon your committee the vital necessity for the immediate appropriation of the sums herein asked for.

Very respectfully,

S. M. STOCKSLAGER,
Acting Commissioner.

Hon. S. J. RANDALL,
House of Representatives.

Mr. BIGGS. The amounts provided in the amendment of the gentleman from Indiana are not sufficient for the survey of these lands.

Mr. HOLMAN. The Commssioner of the General Land Office thinks it is enough.

Mr. BIGGS. Those surveys can not be made for that amount.

Mr. HOLMAN. I wish to state the letters from the Attorney-General to the Interior Department did not reach that Department in time to be sent to the Committee on Appropriations to be included by that committee in this bill. The letter is addressed to Mr. RANDALL, chairman of the committee, and was not presented to the committee itself because it was only received during the present session of the House.

Mr. BIGGS. I move to strike out "sixteen hundred" and insert "twenty-five hundred," because there are over two millions of dollars involved. This is a mountainous country where these lands are situated, and it will be impossible to have the surveys made for less than that amount. I have been in that country over and over again, and I know how it is. Those suits can not be settled until surveys have been made, and I say, without fear of successful contradiction on this floor, that it will take over $2,500 to make that survey. I move to strike out "sixteen hundred" and insert "twenty-five hundred."

Mr. FELTON. I will supplement the remarks of my friend, that in the event the survey should cost over sixteen hundred dollars the money will be paid to them, and in the event it does not the money will not be used. I do not see, therefore, that there can be any special objection to the advance proposed.

Mr. RANDALL. It is not usual to give more to a Department than it asks.

Mr. HOLMAN. It is the judgment of the Department that $1,600 will be enough.

Mr. BIGGS. I move to add the words "or so much thereof as may be necessary."

Mr. BUCHANAN. It seems, Mr. Chairman, to be the unanimous opinion on the part of gentlemen who are familiar with this country which is to be surveyed that $2,500 will be required, and the Attorney-General has told us that such a survey is necessary to maintain the suits. Therefore I am in favor of making the increase in the appropriation to that extent. There is no good reason why a sufficient sum should not be granted to carry on these suits successfully, and a proper survey seems to lie at the base of a successful prosecution. It is well known that we now have more money in the Treasury than is absolutely demanded for the ordinary purposes of the Government, and besides we have had formulated in some committee-room, I will not say where, or when, or by whom, a proposition which I learn is to be brought forward, the inevitable effect of which will be largely to increase the already large surplus revenue. As a part of my remarks I ask to read a remonstrance which I have here against that proposition, signed by 236 employés of the Greenwood Pottery Company, in Trenton, N. J. It is as follows:

TRENTON, N. J., *March* 6, 1888.

To the honorable Ways and Means Committee of the House of Representatives, Washington, D. C.:

Whereas, we notice with alarm that a bill has been presented for consideration of your honorable committee which will greatly reduce the present duty on pottery-ware, which bill, if passed, will necessitate either a ruinous reduction of our wages or lead to the closing of the potteries: Therefore we, the undersigned, working people of the Greenwood Pottery Company's pottery, would respectfully urge your honorable body to so amend said bill as to remove the necessity of a reduction of our present rate of wages, and because so large a proportion of the cost of making pottery-ware is in the cost of labor.

Mr. Chairman, as I have said, this is signed by 236 working men and women in my city. I have similar remonstrances here as numerously signed, and I hence read this because it is the only way, under the circumstances, by which the voice of these people is allowed to reach the committee-room or to be heard in this House. [Applause.]

The CHAIRMAN. The question is on the amendment to the amendment proposed by the gentleman from California.

The amendment to the amendment was rejected.

The amendment of Mr. HOLMAN was then adopted.

The motion to concur in the amendment of the Senate with an amendment was agreed to.

Mr. BURNES. Mr. Chairman, I now move that the committee rise and report the bill, with the various recommendations of the committee and the several amendments, to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union, having had under consideration the Senate amendments to the urgent deficiency appropriation bill, had directed him to report the same to the House with sundry recommendations and amendments.

The SPEAKER. Unless a separate vote is demanded on some particular amendment, the recommendations of the committee will be voted upon as a whole.

Mr. BOUTELLE. I would like to have a separate vote on the twenty-seventh amendment, increasing the dry-dock at New York.

The SPEAKER. That amendment will be excepted from the order, and, if there be no objection, the several recommendations of the Committee of the Whole with regard to the other Senate amendments will be considered as concurred in.

There was no objection, and it was so ordered.

The SPEAKER. The question now is on non-concurring in the amendment of the Senate as recommended by the Committee of the Whole, on which a separate vote has been demanded by the gentleman from Maine.

Mr. BOUTELLE. I ask for the reading of the amendment.

The Clerk read as follows:

The amendment of the Senate is to strike out lines 16, 17, and 18, as follows: "For the purpose of making 100 feet longer the dry-dock, now under contract, to be built at the Brooklyn navy-yard, $100,000, or so much thereof as may be necessary."

The SPEAKER. The question is on non-concurring in the Senate amendment.

Mr. BOUTELLE. Would not a motion to concur take precedence?

The SPEAKER. The Chair thinks it would.

Mr. BOUTELLE. Then I move to concur in the Senate amendment.

Mr. BURNES. On that I demand the previous question.

Mr. RANDALL. The question is on agreeing to the report of the committee of the Whole.

The SPEAKER. The Committee of the Whole recommended non-concurrence; but under the practice of the House a motion to concur has priority, which, if adopted, of course overrules the action of the committee. The gentleman from Missouri demands the previous question.

The previous question was ordered.

The question was taken on the motion of Mr. BOUTELLE to concur in the Senate amendment; and there were, on a division—ayes 64, noes 66.

Mr. BOUTELLE. Let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 107, nays 143, not voting 74; as follows:

YEAS—107.

Adams,	Cheadle,	Kean,	Plumb,
Allen, Mass.	Conger,	Kelley,	Post,
Allen, Mich.	Cooper,	Kennedy,	Pugsley,
Anderson, Iowa	Crouse,	Kerr,	Romeis,
Anderson, Kans.	Cutcheon,	Laird,	Rowell,
Arnold,	Dalzell,	Lind,	Russell, Conn.
Atkinson,	Darlington,	Lodge,	Ryan,
Baker, N. Y.	Davis,	Long,	Scull,
Baker, Ill.	Dingley,	Lyman,	Sherman,
Bayne,	Dorsey,	Lynch,	Smith,
Bingham,	Dunham,	Mason,	Spooner,
Boothman,	Finley,	McCullogh,	Steele,
Boutelle,	Fuller,	McKenna,	Stephenson,
Bowden,	Gaines,	McKinley,	Stewart, Vt.
Bowen,	Gallinger,	Milliken	Symes,
Brewer,	Gear,	Moffitt,	Taylor, E. B., Ohio
Brower,	Gest,	Morrill,	Taylor, J. D., Ohio
Brown, Ohio.	Grosvenor,	Morrow,	Thomas, Ky.
Brown, J. R., Va.	Grout,	Nelson,	Thomas, Wis.
Brumm,	Haugen,	Nutting,	Turner, Kans.
Buchanan,	Henderson, Iowa.	Osborne,	Wade,
Buckalew,	Henderson, Ill.	Owen,	Warner,
Bunnell,	Hermann,	Patton,	Weber,
Burrows,	Holmes,	Payson,	Wickham,
Butler,	Hopkins, Ill.	Perkins,	Wilber,
Cannon,	Hovey,	Peters,	Williams.
Caswell,	Hunter,	Phelps,	

NAYS—143.

Abbott,	Blanchard,	Campbell, F., N. Y.	Cockran,
Allen, Miss.	Bland,	Campbell, Ohio	Compton,
Anderson, Miss.	Blount,	Campbell, T. J., N. Y.	Cothran,
Anderson, Ill.	Breckinridge, Ark.	Carleton,	Cox,
Bacon,	Breckinridge, Ky.	Catchings,	Crisp,
Bankhead,	Bryce,	Chipman,	Cummings,
Barnes,	Burnes,	Clardy,	Dargan,
Belden,	Burnett,	Clements,	Davidson, Ala.
Biggs,	Bynum,	Cobb,	Davidson, Fla.

Dockery,	Johnston, N. C.	Newton,	Springer,
Dunn,	Ketcham,	Nichols,	Stahlnecker,
Elliott,	Kilgore,	Norwood,	Stewart, Tex.
Enloe,	Laffoon,	Oates,	Stewart, Ga.
Ermentrout,	Lagan,	O'Donnell,	Stockdale,
Felton,	Landes,	O'Ferrall,	Stone, Ky.
Fisher,	Lane,	O'Neall, Ind.	Stone, Mo.
Flood,	Lanham,	O'Neill, Mo.	Tarsney,
Ford,	Latham,	Outhwaite,	Taulbee,
Forney,	Lawler,	Parker,	Thompson, Cal.
French,	Lee,	Peel,	Tillman,
Gibson,	Macdonald,	Perry,	Tracey,
Glass,	Mahoney,	Pidcock,	Turner, Ga.
Greenman,	Maish,	Randall,	Vance,
Hall,	Mansur,	Rice,	Walker,
Hare,	Martin,	Richardson,	Washington,
Harmer,	McAdoo,	Rogers,	Weaver,
Hatch,	McClammy,	Rowland,	Wheeler,
Heard,	McCreary,	Rusk,	White, Ind.
Hemphill,	McKinney,	Sayers,	White, N. Y.
Henderson, N. C.	McRae,	Scott,	Whiting, Mich.
Herbert,	McShane,	Seney,	Whiting, Mass.
Hitt,	Mills,	Seymour,	Wilkins,
Holman,	Montgomery,	Shaw,	Wilkinson,
Hooker,	Moore,	Shively,	Wilson, W. Va.
Hopkins, Va.	Morse,	Simmons,	Yost.
Hopkins, N. Y.	Neal,	Sowden.	

NOT VOTING—74.

Barry,	Farquhar,	Jackson,	Rockwell,
Belmont,	Fitch,	Johnston, Ind.	Russell, Mass.
Bliss,	Foran,	Jones,	Sawyer,
Bound,	Funston,	La Follette,	Snyder,
Browne, T. H. B., Va.	Gay,	Laidlaw,	Spinola,
Browne, Ind.	Glover,	Lehlbach,	Struble,
Butterworth,	Goff,	Maffett,	Thomas, Ill.
Candler,	Granger,	Matson,	Thompson, Ohio
Caruth,	Grimes,	McComas,	Townshend,
Clark,	Guenther,	McCormick.	Vandever,
Cogswell,	Hayden,	McMillin,	West,
Collins,	Hayes,	Merriman,	Whitthorne,
Cowles,	Hiestand,	Morgan,	Wilson, Minn.
Crain,	Hires,	O'Neill, Pa.	Wise.
Culberson,	Hogg,	Penington,	Woodburn,
Davenport,	Houk,	Phelan,	Yardley,
De Lano,	Howard,	Rayner,	Yoder.
Dibble,	Hudd,	Reed,	
Dougherty,	Hutton,	Robertson,	

So the motion to concur was rejected.

On motion of Mr. RANDALL, by unanimous consent, the reading of the names was dispensed with.

The following pairs were announced until further notice on all political questions:

Mr. TOWNSHEND with Mr. O'NEILL, of Pennsylvania.
Mr. MATSON with Mr. MAFFETT.
Mr. CARUTH with Mr. JACKSON.
Mr. GLOVER with Mr. GUENTHER.
Mr. COWLES with Mr. THOMPSON, of Ohio.
Mr. MORGAN with Mr. YARDLEY.
Mr. HUTTON with Mr. COGSWELL.
Mr. COLLINS with Mr. FITCH.
Mr. JONES, of Alabama, with Mr. MCCORMICK.
Mr. CANDLER with Mr. DAVENPORT.
Mr. PENINGTON with Mr. HIESTAND.
Mr. GOFF with Mr. SNYDER.
Mr. HOWARD with Mr. DE LANO.
Mr. SPINOLA with Mr. THOMAS, of Illinois.
Mr. HUDD with Mr. CLARK.
Mr. GRANGER with Mr. ROCKWELL.
Mr. PHELAN with Mr. BUTLER.

The following were announced as being paired for this day:

Mr. CRAIN with Mr. HOUK.
Mr. WHITTHORNE with Mr. WEST.
Mr. WISE with Mr. T. H. B. BROWNE, of Virginia.
Mr. BROWNE, of Indiana, with Mr. MCMILLIN.
Mr. CULBERSON with Mr. STRUBLE.
Mr. DIBBLE with Mr. LEHLBACH.

The result of the vote was announced as above recorded.

Mr. BURNES. I move that the House ask for a conference on the disagreeing votes between the two Houses.

The SPEAKER. The gentleman from Missouri moves that a conference with the Senate be requested on the disagreeing votes of the two Houses. If there be no objection, that order will be made. The Chair hears none. The Chair appoints as conferees on the part of the House the gentleman from Missouri [Mr. BURNES], the gentleman from Texas [Mr. SAYERS], and the gentleman from Maryland [Mr. MCCOMAS].

INDIAN APPROPRIATIONS.

Mr. BURNES. In a hurried moment the chairman of the Committee on Indian Affairs reported what I have since learned was the Indian appropriation bill. I desire to reserve all points of order on the bill.

The SPEAKER. Points of order will be reserved.

PRIVATE CALENDAR.

Mr. LANHAM. I move that the House resolve itself into Committee of the Whole House for the purpose of considering bills on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. HATCH in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering bills on the Private Calendar. The Clerk will report the first bill.

ALEXANDER MOFFITT.

Mr. LANHAM. When the committee rose on last Friday, the bill (H. R. 6347) for the relief of Alexander Moffitt was under consideration.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to Alexander Moffitt, out of any money in the Treasury not otherwise appropriated, the sum of $12,442.98, being amount due the said Alexander Moffitt for the use and occupation of the premises known as the National Race-Course, in the District of Columbia, from the 12th day of July, 1861, to the 12th day of June, 1865, by the United States forces, as found by the Court of Claims.

The CHAIRMAN. When the committee rose on Friday last this bill was under consideration, and the pending motion was that of the gentleman from Ohio [Mr. GROSVENOR] that the bill be laid aside to be reported to the House with the recommendation that all after the enacting clause be stricken out. The committee was dividing upon that question, and the point was made by the gentleman from Maryland [Mr. COMPTON] that a quorum had not voted.

Mr. COMPTON. I ask unanimous consent, in view of the fact that few members were present when this bill was formerly under consideration, to be allowed to explain it briefly.

The CHAIRMAN. How much time does the gentleman desire?

Mr. COMPTON. Not more than five minutes.

The CHAIRMAN. The gentlemen from Maryland asks unanimous consent that he be allowed five minutes for debate.

Mr. PERKINS. Let it be ten minutes, five on each side.

The CHAIRMAN. Is there objection to the request that ten minutes be allowed for debate, five minutes on each side? The Chair hears none.

Mr. COMPTON. This is a claim for rent and for damages to the property of a loyal citizen.

The claim, as I formerly stated, has been through the ordeal of the Committee on War Claims twice. It obtained the approval of the Committee on War Claims of the Forty-ninth Congress. It has passed through the Court of Claims, and the facts have been found and the claim favorably considered by that court. Having been referred to the Committee on War Claims of the present House, it has been favorably reported to the House.

In the discussion one week ago those gentlemen who opposed this bill opposed it in spite of what I have just stated, on three grounds: First, that the claimant in this bill had signed a receipt in full to the Quartermaster's Department for damages claimed; secondly, that the amount was extravagant; and, thirdly, I believe, gentlemen opposed it on general principles.

Now, Mr. Chairman, as to the point made on the other side, that this party is barred because of his having signed a receipt, the Court of Claims in their report to this House state distinctly and unqualifiedly that he signed that receipt with the express understanding that it should not debar him from the privilege of making a future claim on the Government for damages; and in the brief submitted by the attorney who presented his case to the Court of Claims there are references to eleven decisions of various courts in this country to the effect that where a party signed a receipt in full, and where there was oral testimony that he signed that receipt upon compulsion or condition, that receipt did not debar him from the privilege of making a further claim for damages to his property. There can be nothing in that proposition.

A gentleman on this floor, a distinguished lawyer, took issue with the gentleman who raised that point at the time, and said he was willing to risk his reputation as a lawyer on the proposition that that did not debar this claimant from claiming further damages from the Government.

One other point. Gentlemen seem to lay no stress on the fact that the Court of Claims had found in favor of the claimant. They seek to know what the testimony was on which the court based its finding. Let me say to the gentlemen making such a cavil, that the findings of the court as to the rent were based on testimony obtained by two persons appointed by the Quartermaster's Department to take testimony; and that the finding of the court upon the question of the destruction of property was based upon the testimony of a party appointed by General Augur himself to ascertain the amount of damages. So that this testimony taken by these three several agents of the Government, appointed by trusted officers of the Government, in connection with testimony by experts, builders, and others familiar with the value of the property destroyed, constitute the basis upon which the Court of Claims made its recommendations to this Congress.

I would like to ask gentlemen what better evidence could be obtained, what better proof could that court have obtained as to the real value of the rental or the value of the property destroyed than the actual testimony on which their report to this House was based?

[Here the hammer fell.]

Mr. GROSVENOR. It is a thankless undertaking to stand here and oppose the payment of claims of this character. Nevertheless I am satisfied it is a duty that is imposed upon somebody, and I might as well bear my proportion of the burden as anybody else.

So far as the question of this receipt is concerned, I think no lawyer and no man of intelligence who knows anything about law will differ as to what the law of this whole country is upon that point. A receipt is *prima facie* evidence of the settlement of the claim.

Mr. COMPTON. Nobody disputes that.

Mr. GROSVENOR. And it can be impeached and set aside only upon the ground either that it was obtained by duress, or by some fraudulent representation, or upon some misunderstanding by the party signing it. I say about this claim without hesitation that there is a total lack of any suggestion of either one of these grounds for setting aside the receipt. It looks to me exactly as though this claimant (and I am very sorry for this claimant) had concluded at one time to take what was about a fair amount for the rent of this property, and that then somebody told him that he was not bound by his receipt.

Mr. COMPTON. Will the gentleman let me ask him a question right there?

Mr. GROSVENOR. Certainly.

Mr. COMPTON. Who is that "somebody" but the Court of Claims?

Mr. GROSVENOR. I do not know.

Mr. COMPTON. Has not the Court of Claims told him so?

Mr. GROSVENOR. The claim would never have been in the Court of Claims if he had not asserted the right to recover after he had given a receipt in full.

Mr. COMPTON. Does not the Court of Claims say distinctly that that right does not debar him from recovering?

Mr. GROSVENOR. Everybody knows that it does not debar him if he can get rid of the force of it, but he has not done that by any one of the methods which the law recognizes.

My next proposition is that this is one of these indefinite claims. They do not tell us anything about this property. The committee will remember that they told us last Friday that they did not know in what part of the District of Columbia this race-track was located. I am not in favor of paying claims like that.

And now, Mr. Chairman, I am compelled to say that I am not willing to pay claims of this class. That is what the gentleman [Mr. COMPTON] says is "general principles." There is no "general principles" about it. That is a distinct doctrine of the law of this country which has been settled over and over again. There was not any contract here; it is not pretended that there was. It was in the nature of a violent seizure and occupation of this abandoned property; for I assume that it was abandoned. There is no pretense that it was being used for a race-track. It is stated that there were 52 acres of land and buildings and saloons, a grand-stand, etc., and I admit that there is a report from the Quartermaster-General which indicates the value of the property, but I am not content with that. I refer again to what I said the other day, that there is something left for Congress in these cases, or else we have not any jurisdiction. It is left to Congress to say, after the ascertainment of the Court of Claims, first, whether we will pay this class of claims at all, and, secondly, whether we will pay the amount that an *ex parte* examination has found to be due. I use the term *ex parte* with full understanding of its scope. I do not believe that any evidence has been called by the Government. I do not believe that any pains have been taken to ascertain the value of this property. That is all I desire to say.

Mr. BROWNE, of Indiana. Mr. Chairman——

The CHAIRMAN. The Chair would state to the gentleman that the time allowed for debate by unanimous consent has expired.

Mr. BROWNE, of Indiana. I ask unanimous consent to occupy about two minutes.

There was no objection.

Mr. BROWNE, of Indiana. Mr. Chairman, the other day, when this bill came before the House, without knowing anything about it except what was contained in the report, I antagonized it with some degree of violence. I know more of the claim now than I did then. I am not prepared to vote for its allowance, but I fear that if we entirely reject it some injustice may be done to this claimant. That he was indisputably and undoubtedly, at all times and under all circumstances, true to the Government is beyond question. I therefore suggested to the gentleman from Maryland [Mr. COMPTON], and I suggest now to the committee, that if by vote or consent this claim can be recommitted to the committee for further inquiry and report the House may then be in a condition to do exact justice between the Government and this claimant. I should regret exceedingly to see a claim that ought not to be allowed paid, and I would regret perhaps more to have an honest claim defeated.

Mr. COMPTON. Mr. Chairman, I move to recommit this bill to the Committee on War Claims, with the understanding that it shall not lose its place on the Calendar.

Mr. BROWNE, of Indiana. I am willing that that condition shall be made.

Mr. GROSVENOR. Mr. Chairman, I am willing to have this bill withdrawn and re-referred to the Committee on War Claims for the purpose of ascertaining the circumstances under which this receipt was given, and also the actual value of the property. If that can be done, and my mind can be disabused of the views which I now hold, I will gladly support the bill.

Mr. COMPTON. I am willing to have the bill recommitted to the Committee on War Claims, in order that that committee may reopen and reinvestigate the case and report fully to this House, upon condition that the bill shall not lose its place on the Calendar.

Mr. GROSVENOR. I certainly have no objection to that.

The CHAIRMAN. The gentleman from Maryland [Mr. COMPTON] moves that this bill be laid aside to be reported to the House with the recommendation that it be recommitted to the Committee on War Claims, and that when again reported it shall retain its original place on the Calendar.

Mr. LANHAM. I object to the last portion of the proposition.

Mr. STONE, of Kentucky. I suggest to the gentleman from Texas that that would be the regular order anyhow——

Mr. PERKINS. Undoubtedly.

Mr. STONE, of Kentucky. Because the bill under consideration is simply a substitute for this report from the Court of Claims, so that if the bill should be recommitted it would not interfere with the standing of the report from the court, which would be in exactly the same position.

The CHAIRMAN. The Chair thinks it is not competent for the Committee of the Whole by resolution to change the attitude which a bill would take upon the Calendar when it may be again reported. That would require unanimous consent.

Mr. DINGLEY. I was about to make that suggestion.

Mr. COMPTON. Very well; I will take my chances as to that.

The CHAIRMAN. The gentleman from Maryland [Mr. COMPTON] now moves that the bill be laid aside to be reported to the House with the recommendation that it be recommitted to the Committee on War Claims.

Mr. GROSVENOR. I desire to withdraw my motion to strike out.

The CHAIRMAN. The Chair understood the gentleman to do that.

The motion of Mr. COMPTON was agreed to.

ELIZABETH MULVEHILL.

The CHAIRMAN. The Clerk will now report the next bill on the Calendar.

The Clerk read the following:

A bill (H. R. 8339, Forty-ninth Congress) for the relief of Elizabeth Mulvehill.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Elizabeth Mulvehill the sum of $4,345.17, out of any money in the Treasury not otherwise appropriated, in full satisfaction for her claim for tobacco taken by the Army of the United States in Alleghany County, State of Virginia, in 1863, for Army use, as shown by the facts found in the Court of Claims in Congressional case No. 100.

Mr. O'FERRALL. There is a report in this case.

The CHAIRMAN. The Chair understands the report was read on a previous day.

Mr. HOLMAN. I hope it will be read again.

Mr. BAYNE. Would it not be best to read simply the finding of the Court of Claims?

Mr. O'FERRALL. That is embodied in the report of the committee.

The report of the Committee on War Claims of the Forty-ninth Congress was read, as follows:

The Committee on War Claims, to whom was referred the claim of Elizabeth Mulvehill, beg leave to report:

That the Committee on War Claims of the Forty-eighth Congress, not being clearly and fully advised of all the facts in the case, referred it to the Court of Claims for a finding, under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883.

Said claim has been returned by said Court of Claims to the committee with the following findings of fact, filed January 11, 1886, to wit:

"In the Court of Claims. December term, 1884. Elizabeth Mulvehill *vs.* The United States. Congressional case No. 100.

"FINDINGS OF FACT. FILED JANUARY 11, 1886.

"This case, referred to the court by the Committee on War Claims of the House of Representatives the 25th day of April, 1884, under the act of March 3, 1883 (22 Stat. at L., 485), having been heard by the court, the Attorney-General by his assistants appearing for the defense and protection of the United States, as required by said act, the court upon the evidence finds the facts to be as follows:

"1. That this claim was referred to the Court of Claims by the Committee on War Claims, House of Representatives, under the first section of the act approved March 3, 1883, commonly called the 'Bowman act,' April 25, 1884.

"2. That the Court of Claims, on preliminary inquiry, as required by the fourth section of said act, found that the claimant did not give aid and comfort to the rebellion, but was throughout that war loyal to the Government of the United States, and that the Assistant Attorney-General of the United States appeared for the defense and protection of the interest of the United States in this pending investigation.

"3. That the claimant was residing with her husband, since deceased, at Greenbrier White Sulphur Springs, in the State now of West Virginia; that her husband was a railroad contractor at that place, and was engaged in railroad work with one Thomas K. McCann, late assistant quartermaster, United States Volunteers, brother of the claimant; that claimant and her husband went to Virginia in about 1857, and were natives of the State of Pennsylvania; that at the breaking out of the war claimant's brother left the State of Virginia for the North, and that some time in 1862 claimant's husband escaped in the night-time and went North, leaving his wife, the claimant, what ready money he had, she at the time having a young child, and could not go with him.

"4. That claimant afterwards applied to the Confederate military authorities for a pass to enable her to follow her husband to the Union lines, but was refused such pass; that she went to reside in the family of one John Waldron, a

contractor and Union man, on the next section of the railroad, all the property of herself and husband having been confiscated after his escape.

"5. That she was informed that no person would be allowed to carry money through the Confederate lines, all persons being carefully searched.

"That she had managed to keep the money secreted up to this time.

"That at John Waldron's house she discussed with him what they should do with their money; they could not invest it in real estate, and could not carry the money away with them. They concluded to buy tobacco and secrete it. She accordingly employed Mr. Waldron and furnished him the money to purchase the tobacco, which was purchased at Lynchburgh, Va., at different times in 1863, and stored, with other tobacco belonging to Waldron, at Sweet Chalybeate Springs, Alleghany County, Virginia, with one John Kelly, proprietor of said springs.

"That about 126 boxes and packages were stored at that place, of which the following belonged to claimant, namely:

1 boxes Julia Dean, 633 pounds, at 95 cents	$601.35
10 boxes Rough and Ready, 985 pounds, at $1	985.00
62 boxes J. W. North, 1,294 pounds, at 80 cents	1,035.20
2 boxes W. S. Dodd, 188 pounds, at 87½ cents	164.50
4 boxes Simpson, 395½ pounds, at 75 cents	296.62
5 boxes Horseshoe, 527 pounds, at $1.25	658.75
6 boxes Julia Dean, 629 pounds, at $1.15	723.35
Total	4,464.77
Deduct one box lost, 104 pounds, at $1.15	119.60
	4,345.17

"6. That the bills of purchase were shown to her at the time, but claimant could not keep the bills or have the tobacco stored in her own name for fear of confiscation.

"7. That the tobacco was all in good condition when stored; none of the boxes or packages were broken; it was stored in a safe place, where it remained until on or about November 15, 1863, when the same was taken by the troops under the command of General Averell, of the United States Army, at that place, in the daytime, and carried away, together with the tobacco belonging to Waldron, in all amounting to about 126 boxes and packages.

"8. That all of said tobacco was in good order when stored with said John Kelly for safe-keeping by said Waldron, and remained securely stored and locked and was in good order at the time the same was taken by the command of General Averell, as shown in finding 7; that the prices charged were reasonable and just for the time and place, and that claimant has never received pay or compensation therefor from any source or for any part thereof, but that the same is still unpaid, and that reasonable value of the tobacco so taken from claimant was $4,345.17.

"9. That claimant's husband died in 1873; that his estate was settled and his debts all paid, and that the money used in the purchase of the tobacco, which is the subject-matter of this claim, was left with claimant by her husband, and was accumulated by him in the course of his business prior to the war.

"ORDER OF THE COURT.

"*Ordered*, That a copy of the foregoing findings of fact, duly certified, be reported to the Committee on War Claims of the House of Representatives, together with a copy of this order.

"By the court.

"A true transcript of record.

"Test, this 13th day of March, 1886.

"[SEAL.] JOHN RANDOLPH,

"*Assistant Clerk Court of Claims.*"

Your committee therefore report a bill herewith providing for the payment of the amount found by said Court of Claims, and recommend that it do pass.

The CHAIRMAN. The question is, Shall this bill be laid aside to be reported to the House with the recommendation that it pass?

Mr. BROWNE, of Indiana. Mr. Chairman, to make the statement of this case very brief, it is entirely clear, I think, from the findings of the court, that this claimant was loyal. It seems that money belonging either to this claimant or her husband—and it makes no difference which—was invested in tobacco, which was stored in a place supposed at the time to be safe. The army of the United States, under the command of General Averell, came along and carried the tobacco away—appropriated it to its own use in some way or other. I think there is no doubt about the facts in the case.

The first question that occurs to me is whether under any circumstances tobacco can be regarded as either quartermaster's or commissary stores. Then there is the question, in the second place, whether there is anything in the findings of the court or in the evidence in the case which even tends to show that this tobacco was taken by the order of General Averell, or any other officer in command of those troops. It is true that at one place in the findings of the court it is stated that the tobacco was taken by the command of General Averell, but this simply meant (as is clearly shown in a preceding finding of the court) that the tobacco was taken by troops of, or under the command of, General Averell.

The question I wish to submit to the Committee of the Whole is whether the United States Government is prepared to assume payment for damages done by its soldiery in time of war to the property of a loyal citizen by a mere act of trespass, or to pay for the conversion by the Army to its own use of goods which can under no conceivable circumstances be regarded as army supplies belonging either to quartermaster's or commissary stores. Certainly the Government is no more liable in this case than if these troops had gone through that country and with the torch set fire to this warehouse and consumed it and the tobacco together.

I do not care to say anything further. The committee, I think, will understand fully just what this case is. If members are prepared to vote for the payment of the claim, the responsibility is with them.

Mr. O'FERRALL rose.

Mr. PERKINS. Before the gentleman from Virginia [Mr. O'FERRALL] proceeds, I would like to ascertain whether any committee of this House has reported upon this bill. The report just read by the Clerk was made in the Forty-ninth Congress. I think this bill was passed over last Friday because of the fact that no report had been made upon the claim at this session of Congress. I make the inquiry now in order to ascertain whether a report has been made since.

Mr. O'FERRALL. In answer to the gentleman from Kansas [Mr. PERKINS], I will say that the Committee on War Claims of this House has made a report upon a bill introduced at this session similar to the one introduced and reported upon at the last session. The report made at this session is identical with the report just read. I have it in my hand.

Mr. WARNER. Will the gentleman give the number of the bill and report for this session?

Mr. O'FERRALL. The bill is No. 8002, and the report No. 1122.

Now, Mr. Chairman, as stated by the gentleman from Indiana [Mr. BROWNE] there can not be any question as to the loyalty of the claimant in this case. According to the testimony she and her husband came to Virginia about 1857 to reside. The war came on. Her husband, being a loyal man, disposed of what property he had, went North and became a soldier in the Federal Army. His wife, having an infant at the time, was not able to go with him, and afterward was constantly prevented from leaving by the extension of the Confederate lines. The little money that she had she invested in tobacco, that being, as she supposed and was advised, the safest investment she could make. That tobacco was stored in Alleghany County, Virginia. There it remained until 1863, when General Averell's cavalry came and took it.

I have in my possession here, which I shall send to the Clerk's desk to be read directly, an affidavit which has been taken since the testimony which was before the Court of Claims, and which is not what a lawyer would regard as first class testimony, but which certainly is persuasive. It is the testimony of a gentleman living in my district at this time and whose integrity and reliability I am ready to vouch for anywhere, who swears the officer who took this tobacco told him he took it by direction of General Averell, and that it was for the use of the troops.

I admit there was no war regulation and there was none during the war which made tobacco a ration; but, unless I am very much mistaken, from 1776 down to this hour tobacco has always been regarded as a commissary supply. And I think there is a war regulation now which authorizes and directs the commissaries of the Army to keep tobacco on hand to be furnished to the enlisted men at prime cost, adding only transportation, but not to be furnished in greater quantity to each soldier than 16 ounces in thirty days. Not a ration, sir, but a commissary supply; but if it was not used by the soldiers as rations it must have been taken and given out by the commissary of General Averell's command as commissary stores, and the Federal soldiers in that way paid the United States Government for this tobacco, and the United States Government is holding the money to-day which belongs to this lady.

Mr. WARNER. Let me inquire of the gentleman from Virginia if there is any evidence that this tobacco was issued to the troops? The gentleman has said that it was issued to the troops, for which the troops paid, and in this way the money came into the hands of the Government. My question is, is there any evidence that money was received for this tobacco?

Mr. O'FERRALL. I can not say money was received for this tobacco, but what I say is this: I said, sir, that while tobacco was not a ration, yet it had been regarded, I think, since 1776, as a commissary supply, and there is a war regulation now, which I have here at my desk, which authorizes and directs commissaries to keep on hand tobacco and furnish it to soldiers at prime cost, not exceeding 16 ounces to each a month. And if it is furnished to soldiers at prime cost it is necessarily taken out of the wages of the soldiers when they are paid, and the Government is getting something from the soldiers for the tobacco and not the Government.

Mr. WARNER. I ask the gentleman whether there is any evidence or not that this tobacco was ever issued to the soldiers?

Mr. O'FERRALL. The finding of the Court of Claims does not go that far; but as I said a moment ago I have here in my hand an affidavit, which the gentleman from Missouri will not regard as first-class testimony, but which is the persuasive testimony of a man who was told by the quartermaster who took it that it was taken for the use of the Army and taken by the direction of General Averell, and that he promised to give him a certificate to that effect, but never did so. I ask the affidavit to be read.

The Clerk read as follows:

DISTRICT OF COLUMBIA, *ss:*

Personally appeared before me, the undersigned, a notary public in and for the District of Columbia, T. K. McCann, who, being by me duly sworn according to law, deposes and says that he resides at Steubenville, Ohio, which is also his post-office address; that he is the identical T. K. McCann who was captain and acting quartermaster, United States Volunteers, in the war of 1861; that he was personally well acquainted with one Michael E. Mulvehill, deceased, late an employé in the Quartermaster's Department, United States Army; that deponent was personally well acquainted with said Mulvehill previous to the war and up to the time of the death of said Mulvehill, who was burned in his hotel at Warrensburgh, Mo., in November, 1873. Deponent knows that said Mulvehill was a Union man and loyal and devoted to the cause of the Government of the United States previous to and throughout the war. Deponent says this from his own personal knowledge and from his intimate acquaintance with the said Mulvehill. Deponent further says that said Mulvehill was in the em-

ploy of the War Department, Quartermaster-General's Department, that is, under the immediate command of this deponent or of one Captain Pinkard, till the close of the war.

Deponent further says that he was personally well acquainted with one Capt. William H. Brown, since deceased, of General Averell's staff; that deponent met said Brown at the village of Martinsburgh, W. Va., early in 1861, and that this deponent talked with said Brown about the taking and use of certain tobacco which was stored at Red Sweet Springs, Alleghany County, Virginia, belonging to the said Mulvehill; that the said Brown told this deponent that he (Brown) seized and took possession and removed the said tobacco on General Averell's order, on the raid to Salem in about December, 1863.

Deponent further says that said Brown promised said Mulvehill that he (Brown) would give Mulvehill a certificate of seizure, as the property had been taken on account of the United States and for the benefit thereof.

T. K. McCANN.

Subscribed and sworn to before me this 14th day of June, A. D. 1878.

[SEAL.[GEORGE F. GRAHAM, *Notary Public.*

Mr. O'FERRALL. I yield now five minutes to the gentleman from Indiana [Mr. WHITE].

Mr. WHITE, of Indiana. Mr. Chairman, in regard to this bill there are one or two features to which I wish to direct the attention of the House, and which ought to govern the action, as I conceive, of the members of the House upon the bill as to whether it should be paid or not. In the first place, the report in this case clearly shows the fact that this woman, who is now the claimant on behalf of her dead husband's estate, was a loyal woman, and also that her husband was a loyal man. This point, it seems, can not be gainsaid in any manner.

Now, it is not disputed, and I take it it will not be by any member of this House, that the Government of the United States is not in a position and can not undertake to shirk the payment of any just debt due to a loyal citizen.. Neither can it be said that because Virginia took the part she did in secession there were no loyal people there. In fact, some of the most loyal people we had during the great struggle were found in the border States, in Virginia, Kentucky, and Missouri; people who suffered more, with the armies surrounding them, than people in the North did, because they were between the fires and the struggles of both armies.

To my mind this case is so clear that I would be in favor of paying the claim on this ground alone, especially when it is accompanied by the fact that the party was loyal and the evidence is clear that the property was taken. It makes no difference how it was done—whether by General Averell's order, or whether he commanded the troops or not; it is only a question whether or not it was taken by the United States troops. Neither does it make much difference whether they used it or not. If it was taken and used or taken and destroyed by their order or by their act, and was the property of a loyal citizen, then the owner ought to be recompensed.

And further, Mr. Chairman, there is another feature which has weight in determining my views of this question: that is, that a court of this country has already passed upon the merits of the claim.

Now, I understand this court is constituted to relieve the Congress of the United States from the investigation of just this class of claims. It would be almost impossible for the business of the Government to go on if the various claims were to be brought in here and examined with every strip of evidence that was necessary to establish them. It would be impossible for Congress, if devoting the whole of its session to the consideration of such claims, to get through with them. They are worked out in the Court of Claims, the evidence sifted carefully, I understand, by a court composed of honorable judges, men who hear the evidence and the petition of the party, who consider the question presented, not as a one-sided case, for, I believe, the United States attorney appears in every case, takes the evidence, examines it, and defends the United States against such claims.

Therefore when a case reaches a stage such that it has passed the action of these judges, who report that it is a proper one to be paid, it would be very difficult and require considerable evidence to persuade me that it should not be paid. Therefore I am in favor of paying the claim here, on the ground that I believe it to be a just claim, fairly made out, and establishing both the loss of the property and the loyalty of the claimant.

Mr. O'FERRALL. I now yield such time as he may desire to the gentleman from Kansas [Mr. PERKINS].

Mr. PERKINS. It seems to me, Mr. Chairman, that there is but one theory upon which the House can accept the claim, and that is the theory suggested in the affidavit which the gentleman from Virginia sent to the desk and caused to be read a few moments ago. If we accept that as evidence in the case, in my judgment the claim can be honored by the House without hesitation, and we can make the appropriation; but unless that is accepted as testimony, it seems to me that, upon principle, the claim must be rejected.

From the first presentation of this claim until the present moment it has been the theory and practice of Congress to deny claims arising from the wanton acts of the soldiers; in other words, the Government of the United States never presumed to stand responsible for the wanton destruction or seizure of property that was not authorized; and it seems to me that the Court of Claims finds here only that the soldiers, or a soldier, under the command of or constituting a part of the command of General Averell, wantonly took the property, this tobacco, and appropriated it to his or their own use or purposes.

Mr. WHITE, of Indiana. Will the gentleman let me ask him a question?

Mr. PERKINS. Certainly.

Mr. WHITE, of Indiana. Was it any worse for this claimant if this property was taken by an order of General Averell, or if it was taken or destroyed by the wanton acts of the soldiers without orders?

Mr. PERKINS. The loss to the claimant might be no greater in either case; but the principle, so far as the indebtedness of the United States Government is concerned, is widely different. Congress at all times has absolutely refused to recognize the idea that the Government of the United States is responsible for the wanton destruction of property by its soldiers; and unless it can be made to appear to the satisfaction of the House that this property was taken for the use of the Army, and by some officer having authority to represent the Government in that particular, then this demand must be rejected.

Mr. BROWNE, of Indiana. Let me ask the gentleman a question. If these are not ordinary army supplies, would the fact that the officer directed their taking make any difference as far as the liability of the Government is concerned?

Mr. PERKINS. Technically it would, but it would make no difference with me. I am not inclined to take the technical view of these claims that some members seem inclined to take. I know the difficulties existing in the Southern country during the war, and how difficult it would be for a man to be able to show that his property was taken by an officer who had the authority of the United States Government back of him to warrant its taking. Hence I do not insist upon that strict rule of proof.

But it must be made to appear, before Congress should pass one of these claims for damages, or make compensation to parties for losses sustained, that the property was actually taken for army purposes. When that is made to appear to my satisfaction, I will not require that the claimant shall produce additional proof to show that the property was taken by authority of the Government. I know our commands in the Southern States went out and appropriated horses and commissary stores, and took all that could contribute to our success in that conflict; and if it is made to appear by competent testimony that the property was taken and actually used by the Army in its efforts to suppress treason and rebellion, that is sufficient for me. But it is not sufficient to show that it was wantonly destroyed by some soldiers in some officer's command.

Hence it appears to me this affidavit is a very important one if we accept it as competent proof. If it is not, we are establishing a precedent that will involve us in claims leading to fearful consequences.

Mr. TAULBEE. I ask the gentleman, does he not think the rule already established is a little rigid, which requires the claimant to show not only the taking of the property, but the consumption and use of the property for the uses of the Army?

Mr. PERKINS. I think the claimant should show not only the taking of the property, but that it was taken by order of some commanding officer. But when the claimant has shown that, I think he has gone as far as any claimant should be required to go.

Mr. TAULBEE. I understand the gentleman to say that he is willing to waive the proof that the property was taken by order of the regular commanding officer in this case.

Mr. PERKINS. We have no evidence as to that except this affidavit, which is important in my judgment. If we accept it, there is evidence that the property was taken by the authority of one of the officers representing General Averell, in command of the United States forces.

Mr. WARNER. I desire to ask the gentleman from Kansas a question. I am not opposing this claim and am inclined to be liberal, and I am willing to go further perhaps than the gentleman from Kansas. When the gentleman speaks of the property being taken by the order of a commanding officer, does he go back to the corps commander, the division commander, the regiment commander, the company commander, or the commander of a squad?

Mr. PERKINS. I am inclined to be liberal, also, in regard to that feature of a claim. But I think it should be made to appear whether the property was taken here by the troops constituting the command of General Averell. To hold the Government of the United States responsible for the taking of that property I think it should be made to appear that it was taken by the orders of General Averell, or of some one representing him; and this affidavit presumes to speak for General Averell.

Mr. LYMAN. Does the gentleman deem this affidavit competent testimony?

Mr. PERKINS. I should not consider it competent in a court of justice. I do not know what this House might consider it.

Mr. O'FERRALL. I yield five minutes to the gentleman from Michigan [Mr. CUTCHEON].

Mr. CUTCHEON. I take it this claim is of that nature which every gentleman on this floor would desire to vote for provided he considered it a safe thing to do. It is a claim which every one would favor if it was in nowise dangerous.

This question of the seizure of tobacco is not altogether a new question. It is one that has been passed upon by the officers of the Government

and by the claims commissioners. In this case there are certain things that appear to be well established. The first is that the decedent was the owner of this tobacco. The second is that the decedent was a loyal man. The third is that this tobacco was seized by the officers of the Government, and for the purposes of the Government. We perhaps can not decide whether this tobacco was seized as an army supply and issued to the troops for their use, or whether it was seized for purposes of destruction simply to destroy property within the enemy's country.

I take it if the former supposition be true, that this was seized as an army supply for the purposes of the Government and used by the troops of the Government, then we have ample precedent for the payment for this tobacco.

Mr. BROWNE, of Indiana. Does the gentleman insist there is precedent for the payment of property taken not for the purpose of army supplies?

Mr. CUTCHEON. I will give my authority in a moment, found in a very exhaustive report made in the Forty-third Congress, by Mr. Lawrence, late First Comptroller of the Treasury. In this report, numbered 262, of that Congress, we have a very exhaustive discussion of this matter of war claims. At page 15 of that report occurs the following:

Tobacco and other property was also an element of strength, and by the laws of war might equally, with cotton, and upon the same principles, be destroyed.

Then in a note we find the following:

The Commissioners of Claims, under the act of March 3, 1871, in their third annual report, of December 8, 1873, House Miscellaneous Document No. 23, first session Forty-first Congress, page 3, say:

"As we now for the first time present reports allowing for tobacco taken for army use, we desire to state the reasons for such allowances.

"Tobacco was by law never made an army supply till the act of March 3, 1865, provided that it might be furnished at cost to those who desired it, and at their expense. All the claims for tobacco which have been examined by us are for tobacco taken before that date.

"After the capture of Atlanta, in September, 1864, General Sherman found that he was short of rations for his army, and that the soldiers were subject to many privations. To make his army contented, and as far as possible to make up to them for their usual rations, of which they were for the time deprived, he issued an order on the 8th of September, 1864, authorizing the chief commissary of subsistence to take possession of and issue to the troops all the tobacco in Atlanta, and give certificates thereof to the owners, to be accounted for in accordance with existing orders.

"Pursuant to this order tobacco belonging to George J. Stubblefield was taken, and upon his making claim for payment the Commissary Department recommended, 'as this tobacco was taken by order of General Sherman and issued to the troops in lieu of other rations, and as the loyalty of the claimant is clearly established,' that payment should be made. This was approved by the Secretary of War, Mr. Stanton, and the claim was paid.

"The payment stands upon the ground that when an army is deprived of its usual rations the commanding general can, in his judgment, authorize an article not a supply to be taken and used for the time being as a supply and in lieu of other rations; and in such case the Government is bound to pay for it. We have strictly followed this precedent, and have not allowed for tobacco except when taken under this order."—*Third General Report Commissioners of Claims*, article 6, page 3.

The committee rose informally to receive a message from the Senate.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. Res. 117) to enable the Secretary of the Interior to utilize the hot water now running to waste on the permanent reservation at Hot Springs, Ark., and for other purposes.

ELIZABETH MULVEHILL.

The Committee of the Whole resumed its session, Mr. Hatch in the chair.

Mr. CUTCHEON. Mr. Chairman, the only open question in this case is whether this tobacco was taken by order and taken in lieu of an Army supply. Now, I do not suppose that any gentleman upon this floor believes for a moment that this tobacco was taken simply for the purpose of destroying it. There is no sort of doubt in my mind, especially in view of the affidavit which has been read, that this tobacco was taken by a staff officer of General Averell for the benefit of the troops. Every man knows how essential it was to the troops in the field, especially when undergoing hardships and privations, to have the solace of that weed around the camp-fires. Wherever we could get our hands on it we took it, and we took it for the use of the troops. I have known cotton to be destroyed again and again, but I never knew any tobacco to be destroyed, and whenever we could put our hands upon it we did put them upon it for the benefit of the boys in blue, to stiffen them on the march and comfort them in the camp. Believing, then, that this tobacco was taken by a staff officer of General Averell as a supply for the use of his troops, I shall willingly and gladly vote for this bill, but I draw the line there. It is because the tobacco was taken for use and not for destruction that I am willing to vote for the claim.

Mr. O'FERRALL. I yield five minutes to the gentleman from Michigan [Mr. Allen].

Mr. ALLEN, of Michigan. I wish to ask the gentleman from Virginia a question. Did I understand him correctly when I understood him to say that the husband of this claimant was a Union soldier?

Mr. O'FERRALL. You understood me correctly, sir. He was a Union soldier. He left Virginia and went North and became a Union soldier, and was in the Quartermaster's Department of the Federal Army.

Mr. ALLEN, of Michigan. Mr. Chairman, in the presence of the fact that this soldier was a Union soldier going from Virginia, which had seceded, and in the presence of the other fact that his wife sought in vain to pass through the Confederate lines in order that she might join her husband in the North, I feel that I have ample justification for sweeping away in this case all legal cobwebs. I am free to say I know of no similar instance, and for this Congress to say that a man who was himself a Union soldier and whose wife remained loyal among those who were not loyal should suffer here by reason of technicalities would be an insult to every Union soldier in this country. This claim ought to have been paid long ago upon the proofs that are here. No man can say, of course, that the affidavit which has been read as a part of the remarks of the gentleman from Virginia [Mr. O'Ferrall] would be sufficient in a court of law, but this House rises at times above law, and, in the atmosphere of equity, undertakes to do exact justice between man and man. No one can claim for a moment that so large an amount of tobacco could be surreptitiously taken and concealed by the soldiers.

The officers must necessarily have known of the capture of this tobacco. It could not be carried away in the pockets of the troops, and from the statement made in that affidavit I have not the slightest doubt that this tobacco was taken with the knowledge and by the direction of the commanding officer, and that, whether we ever paid a bill like this before or not, the only just thing to do in this case is to pay this claim. I think such cases must be exceedingly scarce, and I do not think the Congress of the United States would be willing to say that while a man was fighting on the side of the Union his tobacco could be taken for the use of the Union troops, and payment be now refused to his widow. I do not want to put myself on record in that shape. I want to vote for this bill. It ought to be passed unanimously, for several reasons: first, because the man himself, though living in Virginia, was loyal to the nation. In the next place, because there can be no reasonable doubt that the Union soldiers had the benefit of the tobacco; and, in the third place, because, while the evidence is not, perhaps, sufficient in a court of law, the fact is, in the mind of every man here, that morally and equitably we not only have the right but that it is our bounden duty to pay this claim.

Why, sir, I would rather vote for a million such claims as this than vote to pay a single dollar of claims similar to that of the man Jones from Mobile who was upon neither side of the question.

We need not be afraid of making mistakes, Mr. Chairman, where the Union soldier is involved, as he is here. And, by and by, we shall ask you to go further and to do justice to those ex-soldiers of the Union, or their widows or children, who in every county of the North are suffering for the necessaries of life, the soldiers having lost their lives or had their constitutions impaired by reason of their services in putting down the rebellion.

Mr. O'FERRALL. I move that this bill be now laid aside to be favorably reported to the House.

Mr. HOLMAN. Mr. Chairman, where a claim has any elements of merit——

Mr. O'FERRALL. Let me understand whether I am entitled to the floor, or whether it belongs to the gentleman from Indiana [Mr. Holman].

The CHAIRMAN. The gentleman from Virginia [Mr. O'Ferrall] has fifteen minutes of his time remaining.

Mr. O'FERRALL. How much time does the gentleman from Indiana wish?

Mr. HOLMAN. I will take the floor after the gentleman gets through.

Mr. O'FERRALL. Then I reserve the residue of my time.

Mr. HOLMAN. Mr. Chairman, where there are elements of merit in a claim, and the precedent proposed to be established is not a dangerous one, I always resolve any fair doubts in favor of the claim. Here there is the circumstance that the husband of the claimant was a Union soldier. I submit that is to be taken into account. I take it into account myself involuntarily. This man and his wife were natives of Pennsylvania, who, before the war began, moved into West Virginia.

Mr. O'FERRALL. Virginia.

Mr. HOLMAN. It was Virginia before the formation of the State of West Virginia. Undoubtedly these were both loyal people. If I have understood some of the papers which were read, the husband afterward became connected with the Quartermaster Department——

Mr. O'FERRALL. He was in the Federal Army.

Mr. HOLMAN. And in that capacity was in the Army. That he was in the Union Army I assume to be a fact. The finding of the court, that portion of it which is material to the case, is:

That all of said tobacco was in good order when stored with said John Kelly.

The property was placed in the hands of John Kelly and stood in his name to protect it from confiscation by the Confederate government. I infer, therefore, that John Kelly was in sympathy with the Confederacy.

Mr. O'FERRALL. Allow me to interrupt the gentleman right there.

Mr. HOLMAN. That point is unimportant, however.

Mr. O'FERRALL. But the gentleman has mentioned it, and his

statement, if uncorrected, may prejudice this case. John Kelly was a Union man, and this Congress has already passed a bill for his relief.

Mr. HOLMAN. I thank the gentleman for that information.

That the bills of purchase were shown to her at the time, but claimant could not keep the bills or have the tobacco stored in her own name for fear of confiscation.

I can not see how the tobacco would have been any safer in the hands of any other Union person than in her own hands. Hence I inferred that John Kelly was a Confederate. But that is unimportant; it does not touch the merits of the case. I need not have mentioned it.

That all of said tobacco was in good order when stored with said John Kelly for safe-keeping by said Waldron—

A friend of this lady—

and remained securely stored and locked, and was in good order at the time the same was taken by the command of General Averell, as shown in finding 7; that the prices charged were reasonable and just for the time and place, and that claimant has never received pay or compensation therefor from any source or for any part thereof.

Now, General Averell, I believe, is still living. If the report refers to General Averill of the volunteer forces, I know he is living; and I believe General Averell who belonged to the regular service is also alive.

Mr. DORSEY and others. Yes, sir.

Mr. O'FERRALL. There was but one General Averell that I ever heard of.

Mr. HOLMAN. If General Averill of Minnesota is the officer referred to, he was in the volunteer service.

Mr. MACDONALD. He is not the man; he was not down there.

Mr. HOLMAN. Now, does the affidavit presented here throw any important light on this case? That affidavit alleges that affiant had a conversation with the quartermaster who made the seizure of this tobacco, who told him that the seizure was made by order of General Averell and that the tobacco was appropriated to the use of the Army. That is the substance of the affidavit, if I understand it correctly. Now, I do not believe that any member of the House who has long served upon the Committee on Claims attaches any special importance to these *ex parte* affidavits. We do not do it as lawyers in our current practice, and I know as a general rule that sort of testimony is not reliable here any more than elsewhere. It is not, indeed, evidence at all; and I do not see how the House or the committee, no matter how anxious to do a favor to this lady, can attach any importance to that affidavit.

In the first place, tobacco was not a ration. It has always been kept, I believe, as commissary stores, just as multitudes of other things were sold by the Commissary Department. Now, there is no testimony tending to show——

Mr. O'FERRALL. The gentleman will allow me to remind him that some days ago various claims, embraced in what was known as the "omnibus bill," were passed here; some of those claims were for whisky, some for ladies' shoes; and those claims were voted for by the distinguished gentleman from Indiana. Those articles were not rations, and they were not army supplies.

Mr. HOLMAN. I am very glad the gentleman has furnished me with his testimony to a fact, of which I was not conscious before—that I voted for those claims. I was anxious to vote for that bill if I could do so. Some of the claims were good claims, and some were bad; but I was not able to vote for it. In my judgment there were many items in it which ought to have been excluded. That shows the want of value in reports which we are receiving from time to time from the Court of Claims. That court pays no attention to the legislation of July 4, 1865. Reports come in such form as to lay plausible ground for a claim, but without proof that is satisfactory the property taken was used for the Army, except incidentally, and then paid for by our soldiers, as is always done. If it were shown this property was taken by order of the commanding general and actually applied to the use of the Army, divided up amongst the soldiers, and they used the tobacco, it would be a persuasive case, although it is a claim the Government should not be held liable for. There is not a district on the border, or anywhere south of the border, where cases did not occur where the Army passing through villages appropriated the property within their reach, and for these acts of spoliation I never knew claims were allowed by Congress. I have known nothing of that sort. Over my own district, and over other districts on the border where instances of that kind have occurred, the Government has never held itself responsible for the mere taking of the property of citizens at the seat of war, or connected with military operations. I do not think any government has ever done so.

This property was taken and used by the Army under the order of a commanding general who is still living here, and there ought to be abundant proof to establish that fact? Why should presumptions be indulged at the expense of the Government?

Mr. GROSVENOR. Is it not a fact that General Averell is still living in this city?

Mr. HOLMAN. I understand that to be so.

Mr. GROSVENOR. Is there anything in the record of this claim to show her husband was a Union soldier?

Mr. HOLMAN. It has been said by the gentleman from Virginia that he was.

Mr. GROSVENOR. Does it not show that he was an employé of the Quartermaster's Department?

Mr. HOLMAN. There is evidence he was such employé. I have assumed in behalf of this claimant that he was in the Union service, but I can not see upon what ground a claim can rest. I would like, if I could satisfactorily to my own conscience, to vote for it, but I am compelled to vote against it.

It would be carrying war claims to too great a length and there would be no limit to the demand which might be made upon the Government if we recognize a claim like this as being sufficiently proved. Here we have a large body of tobacco taken possession of, alleged to have been by the order of the commanding general, and yet no proof has been presented from that officer, although that officer is living almost within the sound of my voice. There is no testimony to enable the committee to reach a satisfactory conclusion, and while I would prefer to vote for the bill, I am compelled to vote against it. It is a lady, a widow woman, a loyal widow woman, too, whose husband was in the employment of the Quartermaster's Department. I should like to vote for this claim, but I can not do it unless claims of every character without a shadow of testimony to establish them are to be paid out of the public Treasury. I am compelled, therefore, to cast my vote against this claim.

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported to the House with a favorable recommendation?

The committee divided; and there were—ayes 78, noes 21.

Mr. HOLMAN. Reserving the question of no quorum, as this is a pioneer claim of its class, I think a record should be made of the vote upon it; and with the understanding there shall be a yea-and-nay vote in the House, I cheerfully withhold the question of no quorum.

There was no objection; and it was agreed by unanimous consent that a vote by yeas and nays should be taken on the bill in the House.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM LAVERY.

The next business on the Private Calendar was the bill (H. R. 610) for the relief of William Lavery.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay William Lavery, out of any money in the Treasury not otherwise appropriated, the sum of $438.75, being the value of quartermaster's stores taken from the said William Lavery by the United States forces during the late war and appropriated to their use, as found by the Court of Claims.

The report of the committee (by Mr. STONE, of Kentucky) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 610) for the relief of William Lavery, report as follows:

The facts out of which this bill for relief arises will be found stated in House report from the Committee on War Claims of the Forty-ninth Congress, a copy of which is hereto appended and made a part of this report.

Your committee adopt the said report as their own, and report back the bill and recommend its passage.

[House Report No. 2788, Forty-ninth Congress, first session.]

The Committee on War Claims, to whom was referred the claim of William Lavery, beg leave to report:

The Committee on War Claims of the Forty-eighth Congress, not being clearly and fully advised of all the facts in the case, referred it to the Court of Claims for findings, under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883.

Said claim has been returned by said Court of Claims to the committee with the following findings of fact, filed March 29, 1886, to wit:

"Court of Claims. Congressional case No. 45. William Lavery *vs.* The United States."

"FINDINGS OF FACT. MARCH 29, 1886.

"The claim in the above-entitled suit having been transmitted to this court by the Committee on War Claims of the House of Representatives on the 3d day of March, 1884, and the Attorney-General having appeared for the defendant, and the suit having been brought to a hearing on the 2d day of March, 1886, the court, upon the proofs and evidence, and after hearing P. E. Dye, esq., of counsel for the claimant, and Heber J. May, esq., of counsel for the defendant, finds the following facts:

"I.

"During the years 1862, 1863, 1864, and 1865, and part of 1866, the claimant was residing in Virginia upon a farm known as 'Oakland farm,' in Warwick County. Said farm was reputed to have been then owned by James W. Custis, a member of the Virginia legislature and disloyal to the United States Government. The legal title to said farm is not proved.

"II.

"March 11, 1863, there were received from the claimant and appropriated for the use of the Union Army six head of beef cattle, worth $256.75, and a receipt for the same was given to him, as follows:

"'Received from the estate of James W. Custis, now a member of the Virginia rebel legislature, and occupied by William Lavery, late his overseer, six head of beef cattle, weighing net 1,975 pounds. I have taken the above beef up on my returns for March, 1863, and have not paid the account.

"'Yorktown, Va., March 11, 1863.

"'E. W. COFFIN, *Captain and C. S.*'

"Said cattle were the property of the claimant and not of said Custis, and have not been paid for.

"There were also taken from the claimant in May, 1862, and used for the Army, four head of beef cattle belonging to him, of the value of $182, which have not been paid for.

"It does not appear that any other supplies or stores of the claimant were taken by or furnished to any part of the military forces of the United States for their use which have not been paid for.

"III.

"The 'Bureau for the Relief of Freedmen and Refugees,' established by the act

of March 3, 1865, (chap. 90, 13 Stat. L., 507), having taken possession of said farm as land supposed to be abandoned by its reputed owner (James W. Custis), leased the same to the claimant at a rental of $175 a year. The claimant continued to use and occupy said farm under lease from said bureau for two years, and voluntarily paid rent therefor during that time to officers or agents of said bureau to the amount of $350.

"I certify that the foregoing two pages are a true copy of the original findings of the facts filed by the court.

"ARCHIBALD HOPKINS, *Chief Clerk.*"

Your committee therefore report a bill herewith, providing for the payment of the amount found by said Court of Claims, and recommend that it do pass.

Mr. HOLMAN. I ask that the second finding of the Court of Claims in that case be again read. It was not distinctly understood here.

The report was again read by the Clerk.

Mr. BROWNE, of Indiana. What is the name of the claimant in this case?

Mr. BOWDEN. His name is William Lavery.

Mr. BROWNE, of Indiana. It appears from the report that he was occupying this farm in some capacity, as tenant or lessee.

Mr. HOLMAN. As the overseer.

Mr. BROWNE, of Indiana. What is the report of the court as to the loyalty of the claimant?

Mr. HOLMAN. I did not hear, in reference to the loyalty of the claimant, anything in the report.

Mr. BROWNE, of Indiana. I think there is no finding in that regard.

If I understand this aright, this property was taken in the State of Virginia, the seat of war, from the plantation of a gentleman who was serving in the Virginia Confederate legislature, from his overseer or some other person in charge.

Mr. BOWDEN. Will the gentleman permit me a moment? I will state first that I know nothing whatever of the facts of this claim, except such as are embodied in the report which has been read. I do know old man Lavery, however, and he has always been regarded as one of the few Union men residing in this part of Virginia at that time.

He was, in *ante bellum* times, the overseer of Mr. Custis, the owner of this plantation mentioned here. During the war it seems that he occupied this plantation, afterwards renting it from the Freedmen's Bureau, and while in custody this property was taken for commissary subsistence and for the use of the Army. This old gentleman has been here for twenty years prosecuting the claim, and he has prosecuted it with such success that he is now an inmate of the almshouse.

Mr. BROWNE, of Indiana. The only point I made was as to the loyalty of the claimant, the circumstances under which the property was taken creating a doubt on that point.

Mr. BOWDEN. As I understand the Bowman act, the question of loyalty is a jurisdictional fact which is to be first determined by the Court of Claims before the matter can be considered at all. It comes down as tradition to me that this old gentleman was one of the few Union men of the State at that time.

Mr. BROWNE, of Indiana. I am sure the gentleman can not complain that I raised the question under the circumstances of this report.

Mr. BREWER. If I understood the reading of this report correctly, the receipt which was given by the captain was for the property as belonging to Custis, and not to Mr. Lavery.

Mr. BOWDEN. The Court of Claims determined that it was the property of Mr. Lavery, that it belonged to him, and they expressly so state if the gentleman will observe the reading of the report:

That said cattle were the property of the claimant and not of said Custis, and have not been paid for.

I move that the bill be laid aside and favorably reported to the House.

The motion was agreed to.

ORDER OF BUSINESS.

The CHAIRMAN. The Clerk will report the next business on the Private Calendar.

The Clerk read as follows:

A bill (H. R. 6348) for the relief of Mrs. Ellen P. Malloy.

Mr. LANHAM. I move that the Committee do now rise for the purpose of taking action in the House upon the bills considered in the committee.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. STONE, of Missouri, reported that the Committee of the Whole House having had under consideration the Private Calendar, had directed him to report sundry bills with various recommendations.

RECOMMITTAL OF A BILL.

The SPEAKER. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 6347) for the relief of Alexander Moffitt.

The SPEAKER. This bill is reported from the committee with the recommendation that it be recommitted to the Committee on War Claims.

The report of the committee was concurred in.

ELIZABETH MULVEHILL.

The next business reported from the Committee of the Whole with favorable recommendation was the bill (H. R. 8002) for the relief of Elizabeth Mulvehill.

Mr. LANHAM. It was agreed that there should be a yea-and-nay vote in the House on this bill.

The SPEAKER. The Chair will state that the agreement in committee can not bind the House.

Mr. LANHAM. I understand that; but such was the understanding in committee, and I presume the House will assent to it.

Mr. BROWNE, of Indiana. I ask for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Chair will state that this bill has not yet been engrossed and read the third time.

Mr. LANHAM. The real meaning of the understanding in committee was that the vote should be taken upon the final passage of the bill.

The SPEAKER. Then, if there be no objection, this bill will be considered as ordered to be engrossed and read the third time, and the question will be on its passage.

There was no objection, and it was so ordered.

The question was taken on the passage of the bill; and there were—yeas 117, nays 52, not voting 155; as follows:

YEAS—117.

Allen, Mich.	Finley,	McComas,	Stewart, Ga.
Anderson, Miss.	Flood,	McCreary,	Stockdale,
Arnold,	Ford,	McKenna,	Stone, Ky.
Atkinson,	Forney,	McKinney,	Taulbee,
Baker, Ill.	Funston,	Montgomery,	Thomas, Ky.
Bland,	Gallinger,	Moore,	Thomas, Wis.
Bliss,	Gibson,	Morrill,	Tracey,
Boutelle,	Glass,	Morrow,	Turner, Ga.
Bowden,	Grimes,	Neal,	Vance,
Breckinridge, Ky.	Hatch,	Nelson,	Wade,
Browne, T. H. B., Va.	Haugen,	Newton,	Walker,
Brown, Ohio	Hayes,	Nichols,	Warner,
Brumm,	Herbert,	O'Donnell,	Washington,
Buchanan,	Hermann,	O'Ferrall,	Weber,
Bunnell,	Hires,	O'Neall, Ind.	West,
Catchings,	Hooker,	Osborne,	Wheeler,
Cheadle,	Hunter,	Outhwaite,	White, Ind.
Chipman,	Kean,	Owen,	White, N. Y.
Cothran,	Kerr,	Parker,	Whiting, Mich.
Crisp,	Laird,	Peel,	Whitthorne,
Dalzell,	Landes,	Post,	Wilkinson,
Dargan,	Lawler,	Richardson,	Williams,
Davidson, Fla.	Lee,	Rogers,	Wilson, Minn.
Dorsey,	Lind,	Rowell,	Wilson, W. Va.
Dougherty,	Long,	Rowland,	Wise,
Elliott,	Macdonald,	Russell, Conn.	Yoder,
Enloe,	Maish,	Rusk,	Yost.
Ermentrout,	Mansur,	Sawyer,	
Farquhar,	Mason,	Shively,	
Felton,	McClammy,	Spooner,	

NAYS—52.

Abbott,	Browne, Ind.	Hovey,	Payson,
Adams,	Buckalew,	Johnston, N. C.	Perkins,
Allen, Mass.	Burrows,	Ketcham,	Peters,
Allen, Miss.	Bynum,	Kilgore,	Sayers,
Anderson, Iowa	Caswell,	Lane,	Smith,
Anderson, Ill.	Conger,	Lanham,	Sowden,
Anderson, Kans.	Culberson,	Lyman,	Springer,
Bacon,	Dunham,	McKinley,	Steele,
Bankhead,	Fuller,	McRae,	Stephenson,
Belden,	Greenman,	Mills,	Stone, Mo.
Blount,	Grosvenor,	Moffitt,	Thompson, Ohio
Breckinridge, Ark.	Henderson, Ill.	Nutting,	Weaver,
Brewer,	Holman,	Oates,	Wilkins.

NOT VOTING—155.

Baker, N. Y.	Cutcheon,	Howard,	Pugsley,
Barnes,	Darlington,	Hudd,	Randall,
Barry,	Davenport,	Hutton,	Rayner,
Bayne,	Davidson, Ala.	Jackson,	Reed,
Belmont,	Davis,	Johnston, Ind.	Rice,
Biggs,	De Lano,	Jones,	Robertson,
Bingham,	Dibble	Kelley,	Rockwell,
Blanchard,	Dingley,	Kennedy,	Romeis,
Boothman,	Dockery,	Laffoon,	Russell, Mass.
Bound,	Dunn,	La Follette,	Ryan,
Bowen,	Fisher,	Lagan,	Scott,
Brower,	Fitch,	Laidlaw,	Scull,
Brown, J. R., Va.	Foran,	Latham,	Seney,
Bryce,	French,	Lehlbach,	Seymour,
Burnes,	Gaines,	Lodge,	Shaw,
Burnett,	Gay,	Lynch,	Sherman,
Butler,	Gear,	Maffett,	Simmons,
Butterworth,	Gest,	Mahoney,	Snyder,
Campbell, F., N. Y.	Glover,	Martin,	Spinola,
Campbell, Ohio	Goff,	Matson,	Stahlnecker,
Campbell, T. J., N. Y.	Granger,	McAdoo,	Stewart, Tex.
Candler,	Grout,	McCormick	Stewart, Vt.
Cannon,	Guenther,	McCullogh,	Struble,
Carlton,	Hall,	McMillin,	Symes,
Caruth,	Hare,	McShane,	Tarsney,
Clardy,	Harmer,	Merriman,	Taylor, E. B., Ohio
Clark,	Hayden,	Milliken,	Taylor, J. D., Ohio
Clements,	Heard,	Morgan,	Thomas, Ill.
Cobb,	Hemphill,	Morse,	Thompson, Cal.
Cockran,	Henderson, Iowa	Norwood,	Tillman,
Cogswell,	Henderson, N. C.	O'Neill, Pa.	Townshend,
Collins,	Hiestand,	O'Neill, Mo.	Turner, Kans.
Compton,	Hitt,	Patton,	Vandever,
Cooper,	Hogg,	Penington,	Whiting, Mass.
Cowles,	Holmes,	Perry,	Wickham,
Cox,	Hopkins, Ill.	Phelan,	Wilber,
Crain,	Hopkins, Va.	Phelps,	Woodburn,
Crouse,	Hopkins, N. Y.	Pidcock,	Yardley.
Cummings,	Houk,	Plumb,	

So the bill was passed.

During the roll-call,

The SPEAKER said: It appears that the House on this roll-call may find itself without a quorum. The Chair will remind gentlemen that those who are paired have the right to vote to make a quorum.

On motion of Mr. O'FERRALL, by unanimous consent, the reading of the names was dispensed with.

The following additional pairs were announced:

For the rest of this day:

Mr. STEWART, of Texas, with Mr. LODGE;

Mr. DUNN with Mr. WOODBURN;

Mr. HEARD with Mr. BAYNE;

Mr. SHAW with Mr. RYAN;

Mr. ROBERTSON with Mr. MCCULLOGH;

Mr. COCKRAN with Mr. BAKER, of New York;

Mr. HENDERSON, of North Carolina, with Mr. HOPKINS, of New York;

Mr. BRYCE with Mr. LA FOLLETTE;

Mr. HARE with Mr. HOLMES;

Mr. CUMMINGS with Mr. CANNON;

Mr. PIDCOCK with Mr. DINGLEY;

Mr. SENEY with Mr. KELLEY; and

Mr. STAHLNECKER with Mr. KENNEDY.

The result of the vote was then announced, as above stated.

Mr. O'FERRALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. 1027) to fix the charge for passports at $1.

WILLIAM LAVERY.

The next bill reported from the Committee of the Whole with a favorable recommendation was the bill (H. R. 610) for the relief of William Lavery.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BOWDEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SPRINGER. There are two bills at the head of the Calendar which I think the House might as well pass: one for the relief of John F. Cadwallader and the other for the relief of Dr. F. O. St. Clair. They are the first bills on the Private Calendar proper of bills reported at this session, and should have been reached some weeks ago. The amount in one bill is $400 and in the other a little over $90.

Mr. ROGERS. I ask the gentleman to yield to me to make a privileged report, which will only occupy two or three minutes. After that is disposed of I will not object to his request. The committee having charge of the joint resolution (H. Res. 117) have agreed on a report in the form of a substitute for the Senate amendment.

HOT SPRINGS, ARK.

The SPEAKER. The Clerk will read the report of the committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution of the House, No. 117, to enable the Secretary of the Interior to utilize the hot water now running to waste on the permanent reservation at Hot Springs, Ark., and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by said amendment insert the following:

"*Provided*, That the new bath-houses which may be so erected shall not be owned or controlled by any person, company, or corporation which may be the owner or interested in any other bath-house on or near the Hot Springs reservation; and if the ownership or control of any such bath-house be transferred to any such person or corporation owning or interested in any other bath-house on or near said reservation the Secretary of the Interior shall for that cause deprive said bath-house of the hot water and also any other bath-house in which any such owner or corporation shall be interested, and shall cancel any lease from the United States which any such person or corporation may hold or be interested in."

And the Senate agree to the same.

J. H. BANKHEAD,
J. H. ROGERS,
W. H. WADE,
Managers on the part of the House.

H. M. TELLER,
A. S. PADDOCK,
E. C. WALTHALL,
Managers on the part of the Senate.

The report was agreed to.

Mr. ROGERS moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN F. CADWALLADER.

Mr. SPRINGER. I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 742) for the relief of John F. Cadwallader, and that it be now considered in the House.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to John F. Cadwallader, out of any money in the Treasury not otherwise appropriated, the sum of $462.75, for services rendered in writing up back records of the district court of the United States for the southern district of Illinois.

Mr. SPRINGER. This gentleman was ordered by the judge of the United States district court of Southern Illinois to write up some records which had not been written up by his deceased predecessor. The Attorney-General recommended the payment, but the Comptroller found there was no appropriation covering the amount. It was sent to Congress as part of a deficiency estimate. It passed the Committee on Claims of the last Congress, and is recommended by the Committee on Claims of this Congress.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SPRINGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN D. MAXTED AND OTHERS.

Mr. CUTCHEON. I ask unanimous consent to take from the Private Calendar for present consideration the bill (H. R. 878) for the relief of John D. Maxted and Robert J. B. Newcombe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and hereby is, authorized and directed to pay to John D. Maxted and Robert J. B. Newcombe, of Manistee, Mich., the sum of $636, the same being for extra excavation performed by them under the direction of the United States superintendent in the construction of the Sturgeon Bay life-saving station, in the State of Wisconsin; and the amount aforesaid is hereby appropriated for the purpose aforesaid, out of any money in the Treasury not otherwise appropriated.

Mr. TAULBEE. Will the gentleman from Michigan give some explanation of this bill?

Mr. CUTCHEON. These claimants took the contract for building the life-saving station at Sturgeon Bay Canal, Wisconsin. In the construction they were ordered by the superintendent to do an amount of excavation which was not included in the specifications of the contract. The engineer in charge approved and accepted the work. The claim has been before the Department of Justice, and that Department, in a letter before the Committee on Claims, says it is a just claim and ought to be allowed by Congress.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CUTCHEON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHARLES M. KENNERLY.

Mr. ENLOE. Mr. Speaker, I ask unanimous consent to take from the House Calendar and put upon its passage the bill (H. R. 1050) for the relief of Charles M. Kennerly.

The bill was read, as follows:

Be it enacted, etc., That the proper accounting officers of the Treasury of the United States pay to Charles M. Kennerly, of Henry County, Tennessee, the sum of $900, in full for property taken or seized by the United States officers belonging to the said Charles M. Kennerly, on or about the 15th day of March, 1874, and said sum of $900 is hereby appropriated for that purpose out of any money in the Treasury not otherwise appropriated.

The Committee on War Claims recommended an amendment in line 5, striking out the word "nine" and substituting the word "six," and a like amendment in line 9.

Mr. WILLIAMS. Let us have the report read.

Mr. ENLOE. I think I can make a brief statement which will save the reading of the report. Mr. Kennerly was engaged in manufacturing and dealing in tobacco, and the United States Government seized his wagon and his tobacco and condemned it. He was tried for a violation of the internal-revenue laws, and the certificate of the judge before whom he was tried states that he was found not guilty, and that at the time the offense was charged his wagon had become submerged in crossing a creek, and he had taken the tobacco out of the wagon to dry it. Under these circumstances the committee recommend the payment of $600 to him for the property taken and seized.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ENLOE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES GASTER.

Mr. HENDERSON, of Illinois. Mr. Speaker, I ask unanimous con-

sent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. 5984) for the relief of James Gaster.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to James Gaster, late postmaster of Galva, in the county of Henry and State of Illinois, out of any money in the Treasury not otherwise appropriated, the sum of $232.72, to indemnify him for loss of postal funds sustained by him and caused by robbery of the post-office at said town of Galva on the 29th day of September, 1886, while postmaster; and also the further sum of $36, expenses incurred by him in an effort to ferret out and apprehend the burglars, in connection with a post-office inspector.

Mr. HENDERSON, of Illinois. There is a unanimous report of the Committee on Claims in favor of this bill.

Mr. TAULBEE. Is the report long?

Mr. HENDERSON, of Illinois. No; it is very short. It is the unanimous report of the committee.

The SPEAKER. The Clerk will read the report, subject to the right to object.

Mr. TAULBEE. I do not ask for the reading of the report, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The committee recommended an amendment striking out all after the word "postmaster" in line 11.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HENDERSON, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES L. HENDERSON.

Mr. STONE, of Kentucky. Mr. Speaker, I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. 314) authorizing the Secretary of War to place the name of James L. Henderson on the roll of Company B, Sixteenth Kentucky Volunteers.

ORDER OF BUSINESS.

Mr. HOOKER. Mr. Speaker, I rise to a privileged motion. I move that when the House adjourns to-night it adjourn to meet on Monday next.

Mr. ANDERSON, of Kansas. This is pension night.

Mr. HOOKER. My motion would not interfere with pensions.

Mr. HOLMAN. Mr. Speaker, I hope that motion will not be adopted. We are very anxious to take up the homestead bill to-morrow, which is a very important measure.

Mr. HOOKER. Has to-morrow been assigned for it?

Mr. HOLMAN. It has not been assigned for it, but notice has been given that we would take it up; and the committee has a right to report at any time.

The question was taken on the motion of Mr. HOOKER; and there were—ayes 58, noes 23.

Mr. HOLMAN. No quorum.

The SPEAKER. The point being made that no quorum has voted, the Chair will appoint to act as tellers the gentleman from Mississippi [Mr. HOOKER] and the gentleman from Indiana [Mr. HOLMAN].

Mr. HOOKER. Mr. Speaker, if the motion leads to discussion I will withdraw it and let the gentleman from Kentucky [Mr. STONE] proceed with his bill.

JAMES L. HENDERSON.

Mr. STONE, of Kentucky. I ask unanimous consent that the Committee of the Whole be discharged from further consideration of the bill H. R. 314, the title of which has been read.

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to place the name of James L. Henderson on the roll of Company B, Sixteenth Kentucky Volunteers, as having been mustered into said company as a private of date ——, that being the date of his enlistment in said company.

Mr. STEELE. Let the report be read.

The Clerk proceeded to read the report.

The SPEAKER. The hour of 5 o'clock having arrived, the House, under the order, will take a recess until half past 7 o'clock this evening.

EVENING SESSION.

The recess having expired, the House reassembled at half past 7 o'clock p. m. The Clerk called the House to order, and submitted the following communication; which was read:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES, *March* 16, 1885.

SIR: Hon. J. D. RICHARDSON, of Tennessee, is designated to preside as Speaker *pro tempore* at the session of the House this evening.

JOHN G. CARLISLE.

Hon. JOHN B. CLARK,
Clerk House of Representatives.

Mr. RICHARDSON accordingly took the chair as Speaker *pro tempore*.

ORDER OF BUSINESS.

Mr. MORRILL. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole for the consideration of bills under the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is in Committee of the Whole under the special order. The Clerk will report the first bill.

Mr. NELSON. Mr. Chairman, I ask unanimous consent to take up the bill which I send to the desk.

Mr. MORRILL. I shall have to insist on the regular order, Mr. Chairman.

Mr. NELSON. Mr. Chairman, I want to say to gentlemen that if they have the regular order one pension night they had better have it the next night also, so as to give fair play all round. At the last pension session there was no regular order; and not only that, but we were gravely told that we could pass only so many bills.

Mr. MORRILL. The gentleman is very much mistaken. We had the regular order at last Friday evening's session until about 9 o'clock, and then gentlemen were allowed to call up bills by unanimous consent. I think it is desirable to carry out the same order this evening.

Mr. NELSON. I have only this to say, Mr. Chairman, that it will be one thing or the other to-night while I am here.

Mr. ALLEN, of Michigan. Mr. Chairman, I would like to say in behalf of the gentleman from Minnesota [Mr. NELSON] that on last Friday night I spoke with the gentleman from Kansas [Mr. MORRILL], who was desirous, for what were to me excellent reasons, that the committee should rise. At that time the gentleman from Minnesota [Mr. NELSON] was entitled to the floor, and virtually had it, but he at once withdrew his bill and put it in his pocket. Therefore I think that to-night it is no more than fair that the regular order should be waived in his behalf because he made a sacrifice to that extent. It will also save the question of departing from the regular order later, which will be a great convenience to many members.

Mr. NELSON. I want to say, Mr. Chairman, that I am not a mendicant just now.

Mr. PETERS. Mr. Chairman, I think it is for the best interests of the soldiers and all applicants for pensions that we should insist upon the regular order and have the reports read, and I shall do so.

JACOB CRAMER.

The CHAIRMAN. The regular order is demanded. The Clerk will report the title of the first bill.

The Clerk read as follows:

A bill (H. R. 855) for the relief of the heirs of Jacob Cramer.

The bill was read.

Mr. TAULBEE. Mr. Chairman, I make the point of order against that bill that it is not included within the special order.

The CHAIRMAN. The Chair is informed that it is a report from the Committee on Pensions, but it is clearly not within the special order, which is for bills reported from the Committee on Pensions or the Committee on Invalid Pensions granting pensions. The Clerk will report the next bill.

ALONZO HIGLEY.

The next pension business on the Private Calendar was the bill (H. R. 2498) granting a pension to Alonzo Higley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll the name of Alonzo Higley, formerly of the Tenth Ohio Volunteer Cavalry, subject to the provisions and limitations of the pension laws, and that he be granted a pension commensurate with his present disability.

Mr. TAULBEE. Let the report be read.

The report (by Mr. CHIPMAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2498) granting a pension to Alonzo Higley, have had the same under consideration, and submit the following report:

This soldier applied for pension March 23, 1885, and his claim was rejected solely upon the ground that he was never mustered into the military service of the United States. While this is true, and by reason of which, under the law, he could not be pensioned by the Department, yet we submit that the circumstances in this case call for the intervention of Congress. It is in evidence that when the late war broke out claimant was a physician with good practice and unimpaired health. In response to the call for troops he freely gave his time, money, and services in enlisting men in the city of Pittsburgh, Pa.

A little later he went to Ohio, and, at the request of Governor Tod, continued in this work until he was requested by the governor to go to camp at Mansfield, Ohio, and help organize the 7,000 drafted men who were encamped there.

On the 4th day of October, 1862, he enlisted in the Tenth Regiment Ohio Cavalry, but was soon after stricken with congestion of the brain of a severe type, as testified to by Post Surgeon Craig, resulting in disease of brain, nervous system, throat, lungs, kidneys, and spine, and at the time his regiment was sworn in he lay unconscious and could not be mustered; and this is the reason his name does not appear upon the roll of the regiment.

Post Surg. J. W. Craig, of Camp Mansfield, Ohio, under date of October 27, 1862, certified that the claimant "is unfit for military duty on account of spinal irritation and congestion of the base of the brain of a severe type, and he will perhaps be unfit for military duty in the future."

The affidavits of four physicians who have attended him through all the years since testify to his great sufferings, and that his sickness has been con-

gestion and irritation of spinal column, with all the train of suffering and disease that would grow out of that, until claimant is, at the present time, a complete wreck.

The board of examining surgeons at Kalamazoo, Mich., under date of June 24, 1885, says: "Great suffering and complication of troubles as result of disease of brain, and report claimant entitled, in their opinion, to 'total second grade.'"

Although told by Governor Tod and the State treasurer of Ohio that he (claimant) should be reimbursed for all moneys expended in enlisting men, he never received any compensation for such service nor desired any return, cheerfully contributing of his means for the support of the Government, and not until his own private fortune was exhausted did he apply for a pension.

In view of all the circumstances in this case your committee report back the bill with a recommendation that all the words after the word "laws," in the sixth line, be stricken out, and that the bill as amended do pass.

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with a recommendation that it do pass.

DAVID STRUNK.

The next pension business on the Private Calendar was the bill (H. R. 417) granting a pension to David Strunk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of David Strunk, late private in the Eighteenth Battery of New York Light Artillery.

The report (by Mr. CHIPMAN) was read, as follows:

David Strunk, the claimant in this case, was a private in the Eighteenth Battery of New York Light Artillery, and enlisted August 23, 1862, and was discharged July 20, 1865. He swears that on the 5th day of November, 1864, he was injured in the right testicle by the jumping of his horse, whereby he was thrown forward upon the pommel of his saddle, forcing his right testicle into his right groin, which injury has caused much swelling and pain and disabled him from labor and exertion; that he was thrown from his horse, and afterwards assisted upon his horse again, and remained with his command; that he was not treated while in the service by a surgeon, because the nature of the injury was such that it could not be relieved by treatment; that from or by reason of the injury the cords of the testicle have contracted until the same has caused a hernia; that such injury occurred at the time stated at Baton Rouge, La. A. G. Mock, captain of the battery, testified, in 1878, that while in line of duty and at drill-work at Baton Rouge in 1864 the claimant was violently thrown forward upon the pommel of his saddle, injuring his right testicle; that he was assisted to his horse again and remained with his command, fully confirming the statement of claimant.

John S. Wisner and several other persons swear that they knew the claimant from the time he came out of the service in 1865, and that he was then suffering from the alleged injury, preventing him from the performance of hard labor, and often confining him to his house. These persons, according to their statement, seem to have been in a position to know the facts stated by them, and their evidence is in no way controverted or impeached.

Under the orders of the Pension Department the claimant was examined in 1877 by Dr. De Witt C. Wade, an examining surgeon of the bureau, residing at Holly, Mich., who made his report as to claimant's injuries. He says: "Injury to right testicle and right oblique inguinal hernia; objectively, right testicle lies in inguinal canal; can not readily be pressed down to scrotum, but pressure reveals its presence at external ring; hernia reducible; not scrotal, and quite large; subjectively, hernia has appeared gradually and without attracting much attention, until fully produced; testicle has been retracted more than twelve years; labor produces pain."

Claim was rejected in Pension Office because there was no medical proof or evidence showing that injury was contracted in the service.

After a careful review of the evidence in this case, and the consideration thereof, we are clearly satisfied that the evidence sustains the claim of David Strunk, and that he received the injury as alleged by him.

We therefore report the bill back to the House, and recommend that the same do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

REBECCA H. CLARK.

The next pension business on the Private Calendar was a bill (H. R. 183) granting a pension to Rebecca H. Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension law, the name of Rebecca H. Clark, widow of William Clark, late a private in Company C, of the Fortieth Regiment of Indiana, and to pay her a pension from and after the passage of this act.

Amend the title so as to read: "A bill granting a pension to the minor children of William Clark."

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 183) granting a pension to Rebecca H. Clark, have had the same under consideration, and now submit the following report:

Willis Clark was a private soldier of Company C, Fortieth Indiana Volunteers. He died February 11, 1882, and was a pensioner by reason of a gunshot wound of the right knee. Rebecca H. Clark applied for a pension as his widow, alleging that he died of inflammatory rheumatism of the heart, the result of the wound for which he was pensioned. The claim was rejected by the Commissioner of Pensions on the ground, as the medical referee stated, that it was not medically proven that his death was the result of his army service. The case was appealed to the Secretary of the Interior, and the following statement appears in his report:

"When the soldier died February 11, 1882, he was a pensioner by reason of a gunshot wound of the right knee. April 21, 1882, the appellant applied for a pension as his widow, alleging that he died of inflammatory rheumatism of the heart, a result of the wound for which he was pensioned. The claim was rejected January 12, 1883, on the ground that the soldier's death was not due to his military service, from which action the appeal is taken.

"J. R. McGee, examining surgeon, September 7, 1875: 'I find two scars, one 1½ inches above the other, just below the knee in front, entrance and exit of the ball as he states, the leg being firmly flexed on the thigh when he was wounded. The knee is larger and the leg longer and smaller than the left. There is anchylosis between the outer edge of the patella and femur. Friction is plainly felt by placing the fingers under the joint while moving it.'

"September 6, 1877, Dr. Keegan, about same as above, and further: 'I find the internal condyle was fractured and has united in such a way as to leave a small projection of bone at its lower border. The cicatrix at the point of entrance is quite tender. I would recommend that his pension be continued at total, or $8 per month.'

"Charles H. Davis, examining surgeon, November 21, 1879, same as above, and further: 'I find at present time that the leg is very much emaciated and the knee-joint partially anchylosed; the muscles of leg are soft. Soldier states that in the winter he is troubled with rheumatism in knee-joint; also, that joint is painful at all times. He also states there is increased emaciation and anchylosis of said joint. Disability permanent, and he is entitled to an increase of $2, making $10 per month.'

"December 6, 1882, Dr. I. McKenzie testifies that the immediate cause of soldier's death was 'embolism of the heart, usually termed heart-clot, induced by the septic condition of the blood as a direct result of a gunshot wound said to have been received in the service.'

"September 27, 1883, Dr. S. J. Ensley testifies: 'First saw soldier January, 1877, at Rock Creek, Kans. He was suffering from a gunshot wound in right knee, causing locomotor ataxia, with atrophy of entire muscular system in said limb and the whole of right side. Actual cause of death, septic poison from wound. Wholly disabled; confined to his bed considerable portion of the time.'

"Affiant treated him at various times until his death. His disability was total, his whole right side having shrunken and become useless. He died under affiant's care February 11, 1882, from cause before stated.

"August 3, 1885, Dr. E. says: 'I have treated soldier before and during his last illness, and that the cause of his death was from rheumatism of the heart and general heart-clot, produced by gunshot wound, said to have been received while in the service of the United States, said wound being the cause of general rheumatism, which often affects the action of the heart, and was continuous from date of discharge.' And he further says that the said wound was a source of constant pain and other sympathetic trouble, which finally involved the heart's action.

"December 16, 1885, Dr. E. says about same as above, and further: 'The case was one of erysipelatous poisoning from reabsorptions from secretions from knee-joint, the hear-clot or embolism being the product of reabsorbed poisons, as the knee-joint or wound had been discharging continually since my first knowledge of the case, the same being of a highly inflammable character, and manifesting all the symptoms of chronic erysipelas, and, upon further research, do declare the probable cause of death to be from erysipelas poisoning from the knee-joint as wounded.'

"Medical reference August 1, 1884: Change of action is recommended.

"May 6, 1887, medical reference: Respectfully returned to chief law division.

"In view of the facts shown by the medical evidence on file, it is my opinion that the rejection of the widow's claim is correct from a medical standpoint. The Department having no higher medical authority to whom the case can be referred, your rejection is affirmed.

"Very respectfully,

"H. L. MULDROW, *Acting Secretary.*"

Your committee are constrained to admit that it is not "medically proven" that the wound caused the death of the soldier, but the presumption is so strong that they unhesitatingly say that the claimant should have the benefit of the doubt; but the widow having remarried, they recommend that the bill be amended by striking out, in the fifth and sixth lines, the words "name of Rebecca H. Clark, widow," and inserting the words "minor children;" and also to strike out all after the word "Indiana," in line 7.

The amendments recommended by the Committee on Invalid Pensions were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM F. RANDOLPH.

The next pension business on the Private Calendar was a bill (H. R. 5233) granting a pension to William F. Randolph.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William F. Randolph, late of Company E, Thirty-fifth Regiment New Jersey Volunteers.

The report (by Mr. PIDCOCK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5233) granting a pension to William F. Randolph, have had the same under consideration, and beg leave to submit the following report:

Randolph was drafted into Company H, One hundred and seventy-fourth Regiment Pennsylvania drafted militia, November 1, 1862, and served therein until discharged August 7, 1863, by reason of expiration of term of enlistment. On the 29th of said month he again entered the service as private in Company E, Thirty-fifth Regiment New Jersey Volunteers, from which organization he was discharged August 11, 1865. He filed his application for pension on account of disease of eyes November 3, 1871. This application was rejected in 1877, after an *ex parte* special examination, during which some statements were procured tending to show defective eyesight prior to enlistment.

Dr. Traill Green, a credible witness, who had a personal acquaintance with claimant for years prior to his service, and who examined claimant at his entry into the drafted militia, testifies in most positive terms to claimant's prior soundness. A large number of neighbors, persons of good character, corroborate the above-named witness. There is no record of treatment for alleged disability in the service, but the record does show that claimant was treated for an injury to back, and later for rheumatism. The existence of disease of eyes in the latter part of his second term of his service is shown by the testimony of a commissioned officer and enlisted men, who state that this condition of the eyes was caused by the smoke and steam to which claimant was exposed as company cook. The evidence in the case further shows that he came under medical treatment immediately after discharge, and that he has been disabled by reason of diseased eyes ever since. The certificate of the examining surgeon shows a disability at three-fourths of total from granular conjunctivitis in 1873.

Claimant is now seventy-eight years of age and without means.

A favorable report was made in this case by the Committee on Invalid Pensions of the Forty-ninth Congress, but failed of final action.

Upon the showing made, and the fact that claimant gave nearly three years' continuous service to the Government at an age at which he could have claimed exemption from military duty had not love for country prompted him otherwise, your committee are clearly of opinion that whatever doubts may exist in the case should be solved in favor of this old man, and therefore report favorably on the accompanying bill, and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN GODSON.

The next pension business on the Private Calendar was the bill (H. R. 5246) granting a pension to John Godson.

The bill and report were read.

Mr. ENLOE. It does not seem to me this is a proper bill to recommend for passage. It seems this case rests upon the statement of the

hospital steward that this man was treated for this alleged injury, but he is not able to show from the evidence of any of his comrades he received such wound when such injury should have occurred. It seems to me the man is laboring under present disability; there is ample evidence of that fact; but how he received this injury which he claims entitles him to a pension is not shown. The evidence rests upon the statement of the hospital steward that this man was treated, stating that he received the injury in the way alleged, by the breaking of a rope, which resulted in piles and other disorders. I do not think this is a proper case to report with favorable recommendation, and I therefore object to it.

Mr. MORRILL. The gentleman who reported this case is not present, and I ask that it go over for the present.

The motion was agreed to; and the bill was passed over.

ELIZABETH BUFFINGTON.

The next business on the Private Calendar was the bill (H. R. 5388) granting a pension to Elizabeth Buffington.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll the name of Elizabeth Buffington, dependent mother of George Merrill, late of Company I, Twenty-first Regiment Ohio Volunteer Infantry, now deceased, subject to the limitations of the general pension laws.

The report of the committee (by Mr. YODER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5388) granting a pension to Elizabeth Buffington, have had the same under consideration, and beg leave to submit the following report:

Elizabeth Buffington is the mother of George Merrill, late of Company I, Twenty-first Regiment Ohio Volunteers, who died April 7, 1871, leaving neither widow nor minor child surviving him. Her claim for pension has been rejected because the evidence, in the opinion of the Pension Bureau, fails to show the immediate cause of the soldier's death.

George Merrill enlisted August 29, 1861, and served until mustered out July 25, 1865. The records of the War Department show that he received a gunshot wound of left thigh in action at Chickamauga, September 19, 1863, and also a wound of right thigh in action at Kenesaw Mountain, June 28, 1864. The records of the Surgeon-General further show that he was treated for fracture of head received in action January 5, 1865, and later for abscess (locality not stated), and still later for dropsy.

There is an abundance of evidence showing that soldier upon his return home was an invalid, and continued to ail with some disease of head until his death in 1871. He was under medical treatment during that entire period, but the death of the two attending physicians precludes the possibility of obtaining positive evidence as to the precise nature of the disease from which he suffered and which caused his death. It is shown, however, by the testimony procured during a special examination of the case, that soldier complained constantly of a ringing in his head, had spells of dizziness, and at the least exertion would become exhausted. There was also a nearly constant discharge from the ears. For more than a year prior to his death he was unable to perform any labor, and during the last six or more weeks of his life he was confined to his bed. It is also shown that his mind became seriously affected, and that this disease of the head became complicated with diabetes, as it would appear from lay testimony.

That the injury of head, shown by the record to have been received in action, was the principal cause of soldier's disability and death can hardly be questioned. But even were this connection clearly shown, pension to the mother would still be denied by the Pension Office, because said injury was not received in action, but under circumstances not strictly attributable to "line of duty" as that phrase is construed by that office. It appears from the evidence filed by the claimant and corroborated by the report of the special examiner that in January, 1865, while the command was on picket duty some of the men picked up a cannon-ball and amused themselves by throwing it over their heads. Soldier did not engage in this sport in any manner, but accidentally was hit on the head, when he fell senseless and was at once taken to the hospital. The injury having been received while on duty and without any fault on his part, it seems to your committee that "line of duty" should not be questioned.

That soldier contributed liberally to the support of the claimant, and that such contributions were needed because of her husband's physical disabilities, as well as his intemperate habits, is fully shown by the evidence on file.

The special examiner, referring to the claimant in the summary of his report, states that she is evidently honest and anxious to answer truthfully all questions. She is living in abject poverty, and on account of her generally pitiable condition has the sympathy of the entire community in which she resides. He further states that the testimony elicited by him is thoroughly reliable, and while it is not conclusive, yet he is impressed with the merits of the claim and submits it for admission.

The claimant's family was well represented in the Army. Three sons, a husband, and three step-sons served during the war, but one of whom is now surviving.

Your committee, after a careful examination of the evidence presented, are fully satisfied with the merits of the case, and regret that the general law and the rules enacted thereunder will not permit favorable action by the Pension Bureau, but unhesitatingly report favorably on the accompanying bill, and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LIZZIE F. REED.

The next business on the Private Calendar was the bill (H. R. 4685) granting a pension to Lizzie F. Reed.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lizzie F. Reed, widow of Oliver H. Reed, late a private in Company A, Eighth Regiment New Hampshire Volunteers, at the rate of $12 per month.

The report of the committee (by Mr. GALLINGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4685) granting a pension to Lizzie F. Reed, having considered the same, report as follows:

Oliver Reed was a private in Company A, Eighth Regiment New Hampshire Volunteers. It is fully established that he was a strong, healthy man at the date of enlistment, which was October 25, 1861. The evidence of his captain shows that he was taken suddenly ill at a place called Median Village, La., on the last day of February, 1863, his disability being sciatic rheumatism, the result of a severe cold, from being drenched with rain while on picket duty. Soldier entered the regimental hospital, where he remained until the removal of the regiment, when he was carried to Algiers, La. Afterwards he was taken to the marine hospital at New Orleans, where he remained until his discharge, on the 19th day of June, 1863. He was continuously in hospital nearly four months, all the time suffering severe pain, and, as his captain testifies, was almost entirely deprived of the use of his lower limbs in consequence of the disease contracted in the service.

Soldier promptly applied for a pension, which was granted in due time. His first medical examination was on September 15, 1863, and, in addition to rheumatism, the examining surgeon records the fact that "soldier is emaciated, has little strength, and can walk only a short distance." Between 1863 and 1874 soldier was examined by medical officers of the Government ten times, and in every instance the record reads that in addition to rheumatism he was emaciated and debilitated generally, and unable to perform much manual labor.

It will be noted that soldier's original disability was the result of severe cold from getting wet while on picket duty; that the acute attack took the form of so-called sciatic rheumatism; that from the day soldier was stricken down until his death he was a great sufferer, his constitution being so undermined as to produce marked emaciation and debility. It certainly does not require a great stretch of the imagination to conclude that the sixteen years of suffering which this man endured so weakened the system that it was unable to resist the fatal attack, which it is almost certain resulted from a chill or some necessary exposure, and which would not have resulted seriously had soldier's constitution been free from the disabilities due to army service.

Soldier died January 5, 1879. The records show that for some time previous he suffered from laryngeal cough and great debility. The attending physician's certificate is something of a curiosity, his opinion being that—

"The bronchitis, laryngitis, and consumption from which he suffered weakened his system, and the indirect cause of death was consumption, and the direct cause of death was pneumonia."

The widow's claim for pension was rejected on the ground that the evidence did not warrant the conclusion, from a medical standpoint, that soldier died from the disease or disabilities for which he was pensioned. It would be a fruitless task to undertake to prove to the contrary, as the limitations of human knowledge stop short of that, but certainly the picture of this emaciated and debilitated soldier, dragging a diseased body through the long period of sixteen years, improperly nourished and steadily growing weaker, is not inconsistent with the opinion that the fatal disease was due to the exposures and privations of army life. And this opinion is strengthened from the fact, as every medical man must admit, that the severe drenching and chill received on picket duty, and which resulted in an acute rheumatic attack, may have laid the foundation of disease of the chest which did not fully develop until years had elapsed.

Claimant is in ill health and extreme poverty. She is a soldier's daughter, a soldier's sister, and a soldier's widow, and hence deserving of the benefit that any reasonable doubt can give her.

Believing that the case is one of real merit, your committee report the bill back favorably and recommend its passage with an amendment striking out all after the word "volunteers."

The amendment of the committee was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

NANCY O. GRAY.

The next business on the Private Calendar was the bill (H. R. 6586) granting a pension to Nancy O. Gray.

Mr. GALLINGER. That bill was ordered to be reported to the House last Friday with the recommendation that it do pass. The bill and report have already been printed in the RECORD, but it seems that it was not acted upon in the House.

The CHAIRMAN. The bill will be reported to the House with the recommendation that it do pass.

There was no objection, and it was ordered accordingly.

OLIVE WALLACE.

The next business on the Private Calendar was the bill (H. R. 4106) granting a pension to Olive Wallace.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be hereby authorized and directed to put upon the pension-roll the name of Olive Wallace, formerly Olive Burbank, mother of Charles H. Burbank, late of Company C, Third Regiment Vermont Volunteers, on account of whose death pension certificate No. 60800 was heretofore issued to her as dependent mother, but vacated on account of subsequent marriage.

The report of the committee (by Mr. GALLINGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4106) granting a pension to Olive Wallace, having considered the same, report as follows:

Charles H. Burbank, private in Company C, Third Regiment Vermont Volunteers, was killed in action in the battle of the Wilderness. His mother, Olive Burbank, was pensioned as a dependent, but pension was discontinued on account of subsequent remarriage. Her second husband died in 1872, and she now asks to be again placed on the roll, and furnishes a large mass of testimony showing that she is extremely destitute, and has been totally blind for seven years.

The fact that the son was actually killed in battle, and that the mother is destitute and blind, makes this an exceptionally strong case of its class, and as there are various precedents for the passage of such bills, your committee report the bill back with a recommendation that it be amended by adding after the word "pension-roll," in the fourth line, the words "subject to the provisions and limitations of the pension laws," and with this amendment recommend its passage.

The amendment of the committee was agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

CHARLOTTE BROAD.

The next business on the Private Calendar was the bill (H. R. 816) granting a pension to Charlotte Broad.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and

limitations of the pension laws, the name of Charlotte Broad, of Troy, Me., mother of Frederick H. Leary, late of Company I, Second Regiment of Maine Cavalry.

The report of the committee (by Mr. GALLINGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 816) granting a pension to Charlotte Broad, having considered the same, report as follows:

Frederick H. Learey enlisted November 25, 1863, in Company I, Second Regiment of Maine Cavalry, at the age of sixteen years, and died in the service at Barrancas, Fla., August 31, 1864, of chronic diarrhea.

Mrs. Charlotte Broad, of Troy, Me., made application for pension as dependent mother of soldier, but the claim was rejected on the ground that she was not his natural mother.

From an examination of the papers in the Pension Office it appears that Mrs. Broad took the child at the very moment of birth and adopted him, and that she did so because the natural mother threatened to destroy the child's life. It further appears that the foster-mother tenderly cared for the child up to the age of sixteen, when he enlisted in the Army. During his service soldier frequently sent his foster-mother money, as appears from letters on file, always addressing her as "mother" and exhibiting great solicitude for her comfort and welfare.

These facts are all so clearly established that unquestionably the pension would have been allowed through the regular channel had the claimant been the natural mother of the soldier, which the law requires. Inasmuch as she cared for the child from the moment of birth, and he knew no other mother but her, the case comes clearly within the scope of those recognized by Congress.

Claimant is nearly seventy years of age and utterly destitute.

A petition signed by 104 of the leading citizens of West Troy, Vt., is filed with the committee, setting forth all the essential facts in the claim and urgently praying that the relief be granted.

Your committee recommend that the bill be amended by inserting before the word "mother," in the sixth line, the word "foster," and, with this amendment, recommend its passage."

Mr. TAULBEE. I did not catch from the report of the committee as to the question of dependence, and I would like to hear from some gentleman on that point.

Mr. GALLINGER. There is no question that this foster-mother is absolutely dependent. The rejection of the Pension Office was because she was not the natural mother.

The amendment was agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MEHITABLE WHEELOCK.

The next business on the Private Calendar was the bill (H. R. 4110) granting a pension to Mehitable Wheelock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby directed to place upon the pension-list, subject to the limitations and restrictions of the pension laws, the name of Mehitable Wheelock, widow of Jacob E. Wheelock, late of Company C, First Vermont Cavalry.

The report of the committee (by Mr. GALLINGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4110) granting a pension to Mehitable Wheelock, having considered the same, report as follows:

Jacob E. Wheelock, late of Company C, First Vermont Cavalry, alleged in his application for pension that at Winchester, Va., June 20, 1862, he was injured in his back and kidneys by being thrown from his horse, and also that he contracted measles, which resulted in total loss of hearing of right ear and stiff and painful neck. The claim for injury was not established before the Department, but soldier was pensioned for loss of hearing consequent upon measles.

The widow made application in due form for pension, which was rejected on the ground that soldier died from pneumonia, which could not in any satisfactory way be connected with his army service or pensionable disabilities.

If it were conclusively shown that soldier died from an ordinary uncomplicated attack of pneumonia there would be no merit in this claim, but the records do not show this fact.

Dr. Robert W. Lance, of South Woodbury, Vt., under oath says:

"I was well acquainted with Jacob E. Wheelock, of Calais, Vt., as I was his family physician. At my first acquaintance with him he was afflicted with chronic otorrhœa, the discharge being of an ichorous and cadaverous smelling nature. The same discharge existed from the right nostril, both of which continued until twenty-four hours before his death. On March 14, 1884, I was called to see Wheelock, and found him suffering with pneumonia. I visited him each day and called him doing nicely, as the fever had subsided, respiration easy, expectoration better, so much so that I omitted my visit on the 26th, and on the 27th found him still improving. Was to see him again on the 29th, but on the morning of the 28th I was summoned in great haste; found that at 3 a. m. he had had a violent chill, followed by a congestive headache, the discharges from his head having stopped. He became crazy, rolling and pounding his head, with contractions of the muscles of the neck. Had opisthotonus, followed by convulsions and death. Soldier was not a healthy man, but debilitated from disease of the head. Now, according to my best judgment, Mr. Wheelock, in his last sickness, was taken with pneumonia, from which he was improving, but owing to the diseased condition of his head, and perhaps a little cold, there set in cerebro-spinal meningitis, from which he died."

In an affidavit furnished your committee, dated December 20, 1887, Dr. Robert W. Lance says:

"There was pleurisy in right lung for two days, and none after that. From the 18th the expectoration was easy, there was no trouble with the bowels, but the whole complaint was in the head, and that was where the fever-heat seemed to be located. He had had a constant discharge from his right ear, and also from his nose, of a most offensive odo, rever since my acquaintance with him, which had been for about nine years, but at his last sickness these discharges all stopped, the right side of his head and face became swollen and of a purple color, and the mastoid portion of right temporal bone was badly swollen and distended. He could not have any cold about his head, hot applications being the only thing that seemed to relieve it. It is my opinion that had there not been chronic disease of the head he would have survived, for his lungs were improving, notwithstanding which he grew more delirious, with occasional rigors, dying in convulsions, which I believe were caused by cerebral involvement."

It is clearly evident from the above that, even if pneumonia was the indirect cause of death, a cerebral complication existed, probably the result of the disease of head for which soldier was pensioned, and the weight of testimony would seem to be strongly in favor of the view that soldier died directly and unquestionably from diseases associated with the disability for which he was pensioned. The medical referee suggests that brain symptoms are common in pneumonia. In so-called typhoid pneumonia that is true. But the progress of this case shows nothing that would justify the opinion that it was typhoid in character, while the leading symptoms, as enumerated by the medical attendant, present a perfect picture of cerebro-spinal irritation, which might clearly have resulted from the deep-seated affection of the ear, and especially from the suppression of the discharge, which had continued uninterruptedly from the date of army service to twenty-four hours previous to death.

Your committee report the bill back with a recommendation that it do pass.

Mr. TAULBEE. Is there any evidence of dependence?

Mr. MORRILL. It is a widow's case.

Mr. TAULBEE. I have no desire to discuss the merits of the case. [Laughter.]

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HANNAH F. BROCK.

The next business on the Private Calendar was the bill (H. R. 2416) granting a pension to Mrs. Hannah F. Brock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the pension laws, the name of Mrs. Hannah F. Brock, dependent step-mother of John M. Brock, deceased, late a private in Company H, Thirteenth Regiment Massachusetts Infantry Volunteers.

The report (by Mr. GALLINGER) was read, as follows:

John M. Brock was a Union soldier, and was killed on the battle-field at Gettysburgh. Robert M. Brock was pensioned as dependent father of said soldier, and has since died. The present applicant, Hannah F. Brock, is the step-mother of the dead soldier, and applies in her own behalf as a dependent.

Cases of this kind can not be allowed under the general law, but Congress has in many instances, where it could be shown that the step-mother had charge of the child from a tender age and had been dutiful to him, granted the desired relief.

In this case it appears that the applicant married Robert M. Brock, the father of the soldier, when the boy was ten years of age; that she turned in a little property of her own to the family, which was exhausted for their support; that she cared for the child as tenderly as if he had been her own; that she was for many years a devoted wife, caring for her husband when he was receiving a small pension as dependent father, at which time he was completely disabled by rheumatism. It further conclusively appears that the boy, while in the Army, contributed liberally of his pay to the family, and there is every reason to believe that had he lived he would have cared for his step-mother in her poverty and declining years, the evidence of present destitution being clearly shown.

Under all the circumstances your committee are of opinion that the bill should pass, and report it back with that recommendation.

Mr. MORRILL. I ask to offer an amendment to this bill, as it seems to be imperfect in its present form. I move to amend by adding "and to pay her a pension at the rate of $12 a month." The bill as it now stands would not give her any pension at all, there being no rating for a step-mother.

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ISAIAH G. MAYO.

The next business on the Private Calendar was the bill (H. R. 824) granting a pension to Isaiah G. Mayo.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Isaiah G. Mayo, late of the United States Sanitary Commission service.

The report (by Mr. GALLINGER) was read, as follows:

This case was favorably reported by the Committee on Invalid Pensions of the Forty-ninth Congress, but was not reached for consideration. That report is as follows:

"In the early part of August, 1864, the United States Sanitary Commission's steamer S. E. Browne was fired upon from the river bank while she was proceeding up the James River from City Point. There were on board several of the commission's force, both male and female, together with convalescent soldiers. Of these, one man was instantly killed, one mortally wounded, and Mr. Mayo was shot through the hip and side, from the effects of which he has never recovered.

"Mr. Mayo was a duly accredited agent of the Sanitary Commission. His sworn statement, annexed to his report, is abundantly corroborated by evidence filed with the committee. Among the exhibits are certified copies of letters now in existence and deposited with the archives of the United States Sanitary Commission in the Astor Library in New York; also statements by several persons connected with him in the work of the commission, including Hon. JOHN A. ANDERSON, a member of this House.

"It is conclusively shown that the trip when the boat was assailed was not a pleasure excursion, but was under direction of the agent in charge, and partially for the purpose of visiting the gunboats stationed above City Point and supplying their needs so far as they came within the scope of the commission.

"The present disability of Mr. Mayo is shown by lay testimony, and also in the affidavit of Dr. Louis C. Ford, which is printed with this report.

"This man was not an employé of the Government, either civil or military, but was one of a noble corps of men and women whose services, while gratuitously rendered, were of inestimable value in ameliorating the sufferings of the sick and wounded, and were recognized as a most important adjunct of our armed forces.

"An exception to the rule of this committee against granting pensions to civil employés has been uniformly made in favor of those wounded in action. It seems to us that there are even stronger equities in the case of this man, who was shot down in the performance of duties rendered without money and without price to the Government."

Your committee adopt the report of the committee of the Forty-ninth Congress as above, and recommend that the bill do pass, amended as follows: Strike out the words "subject to the provisions and limitations of the pension laws," and add, after the word "service," in the last line, the words "the rating to be the same as allowed for similar disability to an enlisted man in the United States military service."

"APPENDIX.

"I, Isaiah G. Mayo, residing in Milo, county of Piscataquis, State of Maine, forty-five years of age, on oath depose and say:

"That during the year of 1863 and a part of 1864 I was studying medicine at the Hygienic Institute, 15 Laight street, New York City, assisting to help defray my expenses. At the close of the term I had an offer of a situation as agent in the United States Sanitary Commission, and accepted, intending to return when I had fulfilled my engagement and continue my studies at Bellevue. About July 2, 1864, I was ordered to report to City Point, Va. When I arrived I was assigned to duty at the Cavalry Corps Hospital; a few days later was transferred to the Ninth Army Corps Hospital, at the station, under charge of Mr. Ezra Rounds, Hon. Frank P. Fay being superintendent. My duty was general sanitary work. The sick and wounded were brought in very rapidly, the heat was intense, the work very hard, and a large portion of the agents were feeling the effect; some died and some went home sick. Under these circumstances Dr. Parrish, acting as superintendent in the absence of Mr. Fay, who was home on a furlough, deemed it necessary that as many as could be spared should have a change for a few hours. Accordingly the sanitary supply steamer S. E. Brown was ordered to report to the hospital landing. She took on board as many of the agents as could be spared, some convalescent soldiers, and several ladies.

"We were to visit the gunboats, to ascertain if any supplies were needed. When about 8 miles from City Point, at Turkey Bend, we were fired on by rebel guerrillas on shore. The second engineer was instantly killed, a sanitary agent mortally wounded, and I received a dangerous wound, from the effects of which I have never recovered. Two gunboats came to our relief and shelled the shore, one guarding us back to City Point. Our wounds were dressed by Dr. Thomas Haight, formerly of the Sanitary Commission, and Dr. W. J. Swalm, formerly surgeon in the Nineteenth New York Volunteers. I was removed to Baltimore, to the Sanitary Hospital, Dr. Swalm accompanying me; afterwards removed to the Institute, at 15 Laight street, New York City, Mr. A. G. Potter taking charge of me to that place.

"I remained there until some time in the fall—October or November—when I left for my home in Maine. At this time two nurses, Mary and Sarah Holland, being about to come to their home in Auburn, I was sent along in their charge. I was so exhausted when we arrived there that they did not think it safe for me to go farther without resting, and I remained with them at their residence several days.

"I suffer continually from lameness in the back, and at times experience great difficulty in stooping or remaining long in one position, and often am obliged to lie down for an hour or more during the day, and within the last few years my suffering has increased.

"ISAIAH G. MAYO.

"STATE OF MAINE, *Piscataquis, ss:*

"DECEMBER 14, 1886.

"Personally appeared Isaiah G. Mayo and made oath to the truth of the foregoing by him signed.

"[SEAL.] HENRY B. FLINT,
"Clerk Superior Judicial Court."

"This certifies that I have examined the condition of Isaiah G. Mayo, of Milo, Me., with the following result:

"Inspection shows scar of gunshot wound of the back, the ball entering above the right sacro-iliac articulation about 2 inches from the median line, passing through the origin of the lumbar muscles and coming out through the crest of the left ilium 7 or 8 inches from the point of entrance. The spinous processes of the lumbar vertebræ in the track of the ball are injured, and there is much thickening and infiltration along the crest of the ilium from the spine to the point of the bullet's exit. The muscles of the back are very much weakened in consequence of this injury, and Mr. Mayo is unable to take long rides, to lift, or to perform heavy manual labor. And also from the injury to the spine, or from the thickening of the tissues around the roots of the spinal nerve, the sensation is impared in the lower extremities. He complains also of dullness and a feeling of weight in the head.

"I further certify that I have no interest in his application for pension.

"LOUIS C. FORD, *M. D.*

"MILO, ME., *November* 18, 1886."

"STATE OF MAINE, *Piscataquis, ss:*

"Personally appeared the within-named Louis C. Ford and made oath, that the within statement by him subscribed is true; and I certify that the within-named L. C. Ford is a regular practicing physician in good standing. I am disinterested.

"[SEAL.] GEO. W. HOWE,
"Justice of the Peace."

"STATE OF MAINE, *Piscataquis, ss:*

"I, Henry B. Flint, clerk of all the judicial courts in said county, certify that George W. Howe, esq., is, and was at the date of his certificate, an acting justice of the peace in and for said county, duly commissioned and qualified to act as such, and that the signature to the paper annexed, purporting to be his, is genuine, and that he is duly authorized and empowered, by the laws of said State, to administer oaths, to take depositions, acknowledgment of deeds, assignments, and powers of attorney, and that the annexed instrument is executed and acknowledged according to the laws of this State.

"In testimony whereof I have hereunto set my hand and affixed the seal of the supreme judicial court for said State, this 7th day of December, in the year of our Lord 1886.

"[SEAL.] HENRY B. FLINT, *Clerk.*"

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HORATIO R. MARYMAN.

The next business on the Private Calendar was the bill (H. R. 807) for the relief of Horatio R. Maryman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Horatio R. Maryman, of the District of Columbia, father of Richard A. Maryman, late of Company B, Thirteenth Regiment New York Volunteers.

The report (by Mr. GALLINGER) was read, as follows:

The claimant under this bill asks to be placed on the pension-roll, subject to the provisions and limitations of the pension laws, as the dependent parent of Richard A. Maryman, late of Company B, Thirteenth Regiment New York Volunteers. The claimant is about seventy-eight years of age; he resides in the city of Washington, and his proofs are made by neighbors and others who have known him from twenty to forty years. It is abundantly shown that he has always been a sober, temperate man; that he is by trade a carpenter, but that since 1861, owing to epileptic fits in that and succeeding years, he has been unable to earn his support. He was on the police force in Washington for some time prior to 1851, but has had no regular or salaried occupation since 1860. For some years after 1861 he was a constable and collector, and for three or four months a justice of the peace, but from these offices he derived a very precarious return, at no time sufficient for his comfortable support.

A very critical examination of the case reveals the fact that from 1861 to 1865 there was real estate assessed to claimant to the value of about $10,000, that he had an income therefrom by way of rents of $56 per month, and that he owned the house he lived in. Upon this state of facts the Pension Office concluded that he did not come within the meaning of the statute, and rejected the claim.

The proofs show that the son, borne on the rolls as Richard A. Morgan, enlisted on July 12, 1861, and died at Camp Butler, Newport News, Va., January 6, 1862. He was a mere lad at the time of enlistment, less than nineteen years of age, and is fully identified as the son of the claimant.

It further appears that the property assessed to claimant in 1862 and following years at $10,000 was not his own, but belonged to the Hazel estate, and that in due time he accounted for it to said estate. He did at that time and now does own the house he lives in, 231 Pennsylvania avenue southeast, but which has been since 1861 incumbered by a deed of trust, and to pay the accumulated taxes and the trust incumbrance leaves him but an equity in the property, the value of which is very small. In addition to this a number of judgments for divers amounts have been recorded against him, some of which have been discharged. At one time he also held certain unimproved real estate, but the proofs show that all of it was covered with deeds of trust to such an extent that when interest, taxes, insurance, etc., had been paid there was practically nothing left. His ill health compelled him to raise money by new mortgages to discharge the old ones as they matured, which of course involved additional expense, until finally the unimproved property was sold to discharge the incumbrance.

It is evident that claimant did not have any income from his property over and above costs, charges, interest, and insurance, and if he secured money at any time on his property it was only to add debt to debt for the purpose of holding it a while longer.

Claimant's health has been poor since 1861, and medical gentlemen in Washington, among them Dr. A. Y. P. Garnett, certify that they treated him in 1861 and following years, and that he was incapacitated for manual labor. Dr. Dexter certifies that he treated him for some years after 1863, and found him incapacitated for labor; that he treated him in the way of charity, besides giving him small sums of money from time to time with which to purchase provisions. It is abundantly shown that the dead son, from the age of fifteen years, had been a liberal contributor to the support of his father, and that claimant received the bounty due the son at the time of his enlistment.

Your committee are of the opinion that this is a meritorious case. There is no dispute as to the claimant's aged, helpless, and destitute condition. The weight of years is upon him. He has had a long period of hardships and ill health. Not many more years will pass before he will have no need of earthly aid. For these reasons, in addition to our belief that he is properly entitled to the relief asked, we recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MILES S. SCRIBNER.

The next business on the Private Calendar was the bill (H. R. 822) granting a pension to Miles S. Scribner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Miles S. Scribner, late a private in Company H of the Second Maine Regiment of Volunteers.

The report (by Mr. GALLINGER) was read, as follows:

Soldier enlisted for three years May 28, 1861, and was discharged September 19, 1861, the surgeon giving as a reason for his discharge that he was superannuated and had hip disease. On August 23, 1881, he filed a declaration for a pension, alleging that he received an injury to the right hip at Arlington Heights, Virginia, on or about the 20th of August, 1861, while in battalion drill, marching double-quick, by stepping on a piece of wet, slippery bark, and falling in such a manner as to seriously wrench and injure the right hip.

The claim was rejected on the ground that soldier had failed, after being afforded a special examination, to prove incurrence of the alleged injury in service, the decision of the medical officers being evidently influenced by the admission of the soldier, when asked if he had ever been injured prior to enlistment, that he did fall and injure his back eight years before entering the Army, claiming, however, that that injury was a trifling affair, and no proof was produced to make it appear otherwise. The presumption is formed that this injury was taken into account in deciding the case, for the reason that the record of rejection closes with the words, "he admits injury to back eight years prior to enlistment."

Soundness at enlistment was proved by overwhelming medical and lay testimony, and Dr. S. B. Morrison, late surgeon of the Second Maine Volunteers, testified that the hospital records showed that claimant was under treatment for inflammation of the tissues around the hip-joint in August, 1861, and for rheumatism in September, 1861.

Two comrades, John H. Sargent and Warren Day, testify that they were with soldier when he received the injury, and other comrades testify that it was a matter of general repute in the company that he had been injured as alleged. The reputation of the comrades who testified to personal knowledge was found to be good by the special examiner.

It is proper to say that there are some minor discrepancies between the statement of claimant and certain other members of his company, but when it is considered that he did not apply for pension until twenty years after the alleged injury this is not to be wondered at. When asked by the special examiner why he did not apply for pension sooner he promptly replied:

"Because I hated to do it. I had some personal pride, and didn't want to be a Government pauper."

The case was submitted to Special Examiner C. W. Kirkpatrick in September, 1884, who made an exhaustive investigation of the matter, calling many witnesses. He reported to the Department that he was satisfied claimant was sound prior to enlistment; that he in some way became lame while in service, and that he had been continuously lame ever since. He recommended that the claim be further investigated at Danforth, Me.

This further investigation was conducted by Special Examiner Z. R. Warner, and after hearing testimony he reported that "it is my opinion that the claim for injury to hip is made out." As a result of these two investigations Special Examiner Kirkpatrick made report to the Department as follows:

"I think the case for injury to hip has been made out. I recommend admission for injury to hip."

Notwithstanding this recommendation of the special examiner the claim was rejected, evidently largely from the fact that claimant himself admitted receiving an injury eight years before enlistment, but which injury was trifling and of little consequence.

Soldier is now seventy-six years of age. He says in a letter:

"I have exhausted my means in an effort to obtain what I believe to be my

just dues from the Government. Had I been arraigned for murder, and as good proof of my guilt been furnished as I have furnished to substantiate my claim for a pension, I should have been consigned to prison for life or to the gallows."

He had three sons in the Army. One died in service and is buried at Arlington Heights, one died from wounds after reaching home, and the other had his health permanently destroyed by being confined in a rebel prison for ten months and a half.

The case certainly is one that deserves consideration at the hands of Congress, and your committee report the bill back favorably with a recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MORRIS T. MANTOR.

The next business on the Private Calendar was the bill (H. R. 4663) granting a pension to Morris T. Mantor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Morris T. Mantor, late a private in Company F of the Eighteenth Regiment Wisconsin Infantry Volunteers.

The report (by Mr. SAWYER) was read, as follows:

Mantor enlisted in Company F, Eighteenth Wisconsin Volunteers, February 25, 1864, and was discharged July 18, 1865. On July 3, 1880, he filed an application for pension, alleging that he contracted dropsy in the service, and had his eyes injured by the explosion of ammunition at Columbia, S. C., about February 18, 1865. The application was rejected by the Pension Office on the ground that disease of eyes existed prior to enlistment, and that the medical examination failed to show a ratable degree of disability from dropsy.

The rejection of the claim for diseased eyes was based upon a special examination of the case, during which it appeared that claimant some years prior to the war suffered for a short time from what was known in his region as "prairie sore eyes," a disease then very common on the prairies of the West. It is claimed, however, on the part of the soldier, and in this he is corroborated by a number of neighbors, that he had entirely recovered therefrom a long time before enlistment.

Capt. Joseph W. Roberts, of claimant's company, testifies that he refused a number of recruits, but was glad to get him because of his fine physical condition; saw him after the explosion at Columbia, when his eyes were sore and inflamed, and he complained of his side. Affiant heard the explosion; it shook the building he was in; many were wounded and some killed; noticed that claimant was bloated. Inasmuch as claimant was on detached service at the time of the injury, eye-witnesses thereto can not be procured.

Jacob Gore, a respectable citizen of Rock Elm, Wis., testifies that he was living in the same house with claimant prior to August, 1862; had been living there for two years, and knows that during that period he was a very strong, efficient man, free from any ailment, weakness, or complaint, dropsical or otherwise, with a capacity for manual labor very much above the average man; saw him next in November, 1864, on Sherman's march to Savannah, and also in December, 1864, when he appeared all right, well and sound in his eyes; saw him again in March, 1865, when his eyebrows were scorched and the eyes inflamed and sore, which he then attributed to the explosion at Columbia, S. C.; saw him next in July, 1865; his eyes were then sore and inflamed and his general health was poor.

The records of the War Department show treatment for malarial troubles prior to the alleged injury, and for debility and dropsy from venal disease subsequent thereto.

It is clearly shown by the evidence filed in the case and the testimony obtained by the special examiner that claimant at date of his return home was seriously afflicted with sore eyes and dropsy, and has been a sufferer therefrom ever since.

The last medical examination, March 21, 1883, finds one-half total for disease of eyes, but no physical signs of dropsy or disease of stomach.

The Senate passed a bill for the relief of this claimant during the last Congress, but it was not reached for action by the House.

While it is true that some adverse testimony was given before the special examiner, yet your committee are clearly of opinion that the weight of the evidence is strongly in favor of the claimant, and that he should receive a pension for disease of eyes and such other disabilities as may by another medical examination be found to be reasonably chargeable to the dropsical condition shown by the record to have existed during the latter part of his service.

The committee therefore return the accompanying bill and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JULIA A. GRIFFEN.

The next business on the Private Calendar was the bill (H. R. 2694) granting a pension to Julia A. Griffen.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll the name of Julia A. Griffen, and pay her a pension of $25 per month, for services as nurse in the late war of the rebellion.

The report (by Mr. SAWYER) was read, as follows:

Julia A. Griffen asks to be placed on the pension-roll for services rendered by her as hospital nurse during our late civil war. The evidence shows that Miss Griffen is a maiden lady of fifty-five years of age; she has no relatives living except one sister; she is now poor, with no property, and dependent upon others for her support. Before she entered upon her services as nurse she was a strong and healthy woman.

She received no pay while serving as nurse, and no compensation therefor since. In March, 1862, she reported as nurse to Miss Dorothy Dix at Washington, and was assigned to duty at the Union Hotel hospital at Winchester, Va., where she remained until she was transferred to the Academy hospital in the same place, where she remained until transferred to the hospital at Strasburgh, Va. She remained here until the Union army retreated to Winchester, Va., and she was sent back to the Academy hospital at that place. On the defeat of the Union forces at that place she was taken prisoner and released on her parole, but she remained in the hospital at this place, taking care of wounded and sick soldiers of both armies. Here she remained until the Union army retook possession of Winchester, and until the hospitals were removed to Harper's Ferry, when she was sent to Bolivar Heights hospital at that place. Here she remained until ordered to report to Miss Dix at the city of Washington, which she did.

In May, 1864, she was ordered by Surgeon-General Barnes to report to the surgeon in charge in the front, and she went to Belle Plain, Va. After the battle of the Wilderness she was detailed to duty upon the hospital-boats conveying the wounded from that point to Washington. After the battle of Cold Harbor she was detailed to like duty upon the hospital-boats.

That then she was detailed to duty upon the hospital-boats and in hospital-tents at City Point, Va., where she was engaged in caring for the wounded soldiers brought from Petersburgh.

While here she was exposed to rain and storms, frequently being all day exposed to rain, and often sleeping on the wet ground at night. Here, from that exposure, she contracted a severe cold, and she became so sick that she was compelled to leave the service and return home; that the result of this sickness was to produce asthma, from which she has suffered ever since.

The medical evidence shows clearly that she has suffered from that disease ever since she left the Army; that the disease is incurable, and totally disqualifies her from doing anything for her own support.

The high personal character of this woman is fully shown, and your committee believe that this worthy woman, who spent so much time without any compensation therefor in caring for our sick and wounded soldiers, now she is rendered helpless by disease contracted while in the service and dependent upon others for her support, is fairly entitled to a pension; and would therefore recommend the passage of the bill, with an amendment striking out the word "twenty-five," in sixth line thereof, and inserting therein the word "eighteen."

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARGARET E. GRAVES.

The next business on the Private Calendar was the bill (H. R. 6984) granting a pension to Margaret E. Graves.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret E. Graves, the dependent mother of Pliny A. Graves, late of Company F, Fifth New York Cavalry.

The report (by Mr. SAWYER) was read, as follows:

Margaret E. Graves was the mother of Pliny A. Graves, who enlisted as a member of Company F, Fifth Regiment New York Cavalry, September 7, 1861, for three years. He was "killed in action" at Ely's Ford, January 22, 1864. He died, leaving no wife or descendant, but leaving the said Margaret, his mother, and Simeon Graves, his father.

Simeon Graves died in July, 1868.

The soldier before his enlistment lived at home, giving his parents the benefit of his labor and earnings. While in the service he sent them at different times quite a large sum of money, and that he was a kind and affectionate son. The husband during his life-time, although subject to attacks of sickness, did in fact support his wife. Mrs. Graves, in 1869, filed her claim for pension, and the same was rejected solely on the ground she failed to show that at the time of her son's death, in 1864, she was dependent upon him for support. Upon the settlement of her late husband's estate there was nothing left for the widow for her support.

It clearly appears that this widowed mother is now 64 years of age, that she has no property, real or personal, is dependent upon her own labor for her support, and is not in good health.

Your committee believe that this poor widow and mother, whose son, kind and affectionate to his mother, was killed in battle, and now in her old age and poor health is dependent upon her own labor for her support, is fairly entitled to the relief proposed by this bill, and would therefore recommend the passage of this bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN ROWE.

The next business on the Private Calendar was the bill (H. R. 2518) granting an increase of pension to John Rowe.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Rowe, late a private in Company G, Eleventh Wisconsin Volunteers, at the rate of $12 per month.

The report (by Mr. MORRILL) was read, as follows:

The claimant, John Rowe, of Company G, Eleventh Wisconsin Volunteers, made application for an increase of pension June 16, 1884, on account of kidney complaint, incurred while in the line of duty, from being thrown from an ambulance while on the march from Pocahontas to Batesville, Ark.

The claim has been rejected on the ground there is no record as to the kidney disease having its origin in the service or of medical treatment therefor prior to his discharge. The record shows that in an old brief the claimant states he was not treated for kidney disease in the service, but the claimant furnishes the testimony of William L. Spencer, January 26, 1885, who states he has known the claimant thirty-two years and intimately since discharge, and knows that he has been suffering from kidney disease ever since he left the Army. This testimony is corroborated by other affiants.

Lieut. Nathan Downs, of Company G, Eleventh Wisconsin Volunteers, testifies that the claimant was sick while in the line of duty in May, 1862, at or near Pocahontas, and was unable to march, and while on the march from Pocahontas to Batesville, Ark., while riding in an ambulance, it was overturned, and he understood that the claimant had his back injured, and was suffering from said injury to the best of his knowledge. Dr. L. W. Babcock testifies, October 14, 1884, of the existence of kidney disease at that time; and Dr. H. J. Harding testifies that he treated the claimant from about July, 1879, to July, 1882, for chronic difficulty of liver and kidneys.

C. A. Crowell, examining surgeon, who made an examination January 3, 1883, states, in regard to kidney disease:

"I find by examination of urine that the quantity is large, the same is very clear, that it contains a small quantity of sugar, and would recommend one-half for disability for kidney disease."

The same surgeon made a special examination November 20, 1884, and states:

"He is in my opinion entitled to a three-fourths total disability for chronic diarrhea, and for that caused by disease of the kidneys a total disability."

Testimony has been filed to show that he was a sound man at the time of enlistment, and sufficient evidence has been submitted to show that the claimant has suffered from kidney disease since discharge and is disabled thereby, and that he is poor and unable to support his family.

In view of these facts the committee report the bill favorably, and recommend the passage of the accompanying substitute.

The committee recommend the amendment of the bill so as to read as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed

to increase the pension of John Rowe, late a lieutenant in Company G, Eleventh Wisconsin Volunteers, so as to include disability from kidney disease.

The amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

MAXWELL CARROLL.

The next business on the Private Calender was the bill (H. R. 3603) to increase the pension of Maxwell Carroll.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of Maxwell Carroll from $24 per month to the amount allowed by law for the loss of a limb above the knee.

The report (by Mr. MORRILL) was read, as follows.

Claimant was first lieutenant of Company B, First Regiment of Virginia Cavalry. At the battle of Hanover, June 30, 1862, he received a severe gunshot wound of right hip, for which he is now receiving a pension of $24 per month. This bill proposes to increase the pension to the amount that he would be entitled to receive had the limb been amputated above the knee. The reports of the examining boards show that the bullet is still lodged in the hip; that the ball must have fractured the neck of the femur, the head and neck of which are becoming absorbed, causing a shortening of the limb of about 4 inches. The hip is also much shrunken, being 3 inches less in circumference than the other. There is also partial anchylosis of the hip joint, destroying the power of motion to a great extent. The examining board at Kansas City, Mo., report September 27, 1886, that "he is totally disabled from performing any manual labor, and requires the aid of another person in dressing."

Your committee are justly satisfied that the disability is equal to the loss of a limb at the knee, and therefore recommend the passage of the bill with an amendment inserting after the word "Carroll," in line 4, the words "late first lieutenant of Company B, First Virginia Cavalry."

Mr. TAULBEE. I would like to inquire whether or not the pension drawn by this soldier was rated as an equivalent prior to the passage of the act by the Forty-ninth Congress increasing the rate of pension for the loss of a limb?

Mr. MORRILL. As I recollect the case, it was equivalent to the loss of a foot, which was $24; but that act did not contain a clause providing for an equivalent, and so he could not be increased in the office.

Mr. TAULBEE. I understand the Forty-ninth Congress failed to make an equivalent provision for equivalent disability for the loss of a limb; but I fail to see from the reading of the report any good reason why the pension in this case should be increased above the rate now authorized for the loss of a foot, since the diagnosis had by the Pension Office seems to place this soldier in that way. The medical board seems to find that this soldier is disabled in a degree to correspond with the loss of a foot, and the bill proposes to give a pension at a rate corresponding with the loss of a limb above the knee.

Mr. MORRILL. I would suggest to the gentleman from Kentucky that the examining board in their last report have stated this man was totally disqualified from the performance of any manual labor and requires the assistance of another person even in dressing. The limb is 4 inches shorter than the other and is shrunken at the hip so that it is 3 inches less in circumference. The head and neck of the femur are becoming absorbed so that the limb is almost useless.

Mr. TAULBEE. I can not understand how it is that the board of examiners of the Pension Office should report that this claimant is disabled to an extent to correspond with the loss of a leg above the knee and yet only rate him in accordance with the acts passed prior to the Forty-ninth Congress for a disability equivalent to the loss of a foot.

I believe, so far as I am concerned, that there ought to be an amendment to the act of the Forty-ninth Congress providing for corresponding disabilities; but inasmuch as the act does not do that, of course we are called on to rate these pensioners at equivalent rates.

Mr. CHIPMAN. Does the gentleman from Kentucky object to this report?

Mr. TAULBEE. I do not object to the report. I simply want to know why it is this recommendation is made in the Pension Office, the disability being treated as equivalent to the loss of a foot, while the committee ask us to give a pension corresponding to the loss of a leg above the knee?

Mr. CHIPMAN. I understood the gentleman to say he was in favor of an amendment to the general act. Does he object to this specific report?

Mr. TAULBEE. I do not object to the report. But as I have said, I can not understand why it is a recommendation is made for a pension to correspond with a pension for the loss of the leg above the knee when the findings of the examining board on which this report is based rate this man according to the loss of a foot.

Mr. CHIPMAN. The report is based on the ground of total disability. I hope the gentleman from Kentucky notices that. That is the ground on which the recommendation is based—a total disability of his limb.

Mr. TAULBEE. So far as the total disability is concerned, I think it is well known to each member who has paid any attention to the pension laws that there are different kinds of total disability. One kind entitles the pensioner to a pension of $10 a month, while another entitles him to $72 a month. I would like to have the gentleman who has the bill in charge say to which kind this bill belongs.

Mr. CHIPMAN. I have not the bill in charge, but am a member of the Committee on Invalid Pensions; and it appeared to me the gentleman from Kentucky had not listened to the reading of the report. He asked upon what ground the gentleman from Kansas [Mr. MORRILL] had placed this claim for a pension. It struck me the report was full and ample. If the gentleman objects to the inefficiency of the pension laws in some respects, I will go hand in hand with him to amend them. If he objects simply because the laws are inefficient and takes the ground that where they are inefficent this body shall not grant relief, then I will not go hand in hand with him. I do not understand, and I wish the gentleman to understand me distinctly, that he is hostile to legislation of this kind.

Mr. TAULBEE. If the gentleman will pardon me, what am I to understand his last statement to be?

Mr. CHIPMAN. I do not understand the gentleman is hostile to legislation of this kind. I have understood that generally he was friendly to this kind of legislation, and that generally the criticisms he made were made in a fair spirit and in behalf of exact justice in regard to these claims. I wish the gentleman to understand me distinctly on that point.

But if the objection is simply this, that the Pension Office found a less degree of disability than actually existed, then, with all respect to the honorable gentleman, I must contend that this body is like a court for the correction of errors. The pension laws, of course, are general, and I have no doubt that in the enforcement and administration of those laws the present Commissioner of Pensions and the force under him are entirely just and entirely within the law.

What I desire to know is simply this, whether the objection of the gentleman from Kentucky is specifically to this case or whether his objection is to the pension laws generally. He spoke of an amendment to those laws. If the objection is to the pension laws, we cannot amend them here to-night. If the pension laws generally are so broad that they omit a meritorious case, then undoubtedly it is our duty here to-night to do what a court of equity according to Blackstone would do, and make the necessary correction where the law, by reason of its universality, is inefficient. This seems to me one of those cases where the general law may be deficient. And, in fact, every case brought to the Committee on Invalid Pensions which has been passed upon by the Pension Office presents the very aspect of this case; presents a case in which the law or the administration of the law is deficient. Now, does the gentleman object to this particular case or does he object to the law generally?

Mr. TAULBEE. I do not believe that the pension laws are sufficient to answer the emergencies on the subject of rating soldiers who have lost limbs. I had the honor to join in the report on the bill providing for an increase of rating for the loss of a limb, which bill failed to provide for an equivalent disability. I would be in favor of increasing the pensions of those soldiers who have disabilities of limbs to correspond with the loss, and in favor of giving them a rating commensurate with that provided in the general law for loss of limbs. As the gentleman from Michigan [Mr. CHIPMAN] has well said, we could not amend that general law to-night, because we can not pass any general legislation at these sessions; but my criticism on this bill is that the committee bases its report for a fixed rating on the findings of the medical examining board of the Pension Office. According to this report it places this soldier as having a disability equivalent to the loss of a foot, while this bill proposes to fix a specific rating for a disability to correspond with the loss of a leg above the knee——

Mr. FULLER. I think the gentleman is mistaken as to the report.

Mr. TAULBEE. If I am I shall be glad to be corrected.

Mr. FULLER. The examining board report that he is totally disabled from performing any manual labor, and requires the aid of another person to dress him; but it is the committee who say that they are satisfied that the disability is equal to the loss of a limb at the knee.

Mr. TAULBEE. I do not think the gentleman has convinced the House that I am mistaken in what I said, because of the simple fact that the Pension Office has once by its finding rated this claimant at $24 per month, basing that upon the disability which the board finds him to be laboring under corresponding with the loss of a foot, if I understood the gentleman from Kansas [Mr. MORRILL] correctly.

Mr. MORRILL. That was the rating.

Mr. FULLER. But this is a later rating.

Mr. TAULBEE. Then, upon the report of a subsequent examining board the remedy lies in the Pension Office, as everybody knows, and it is not the prerogative of Congress to rate pensions when a fair and equitable rating can be had in the Pension Office.

Mr. PAYSON. Will the gentleman permit a question?

Mr. TAULBEE. Yes, sir.

Mr. PAYSON. We have listened here with a good deal of pleasure to the observations of the gentleman from Kentucky [Mr. TAULBEE], but we are utterly at a loss to know whether he thinks this bill gives this soldier too much or too little money. We will all cheerfully vote for an amendment giving him something more.

Mr. TAULBEE. According to the disability as found in the Pension Office, I think this soldier should now have a pension to correspond with that of other soldiers who are laboring under the same degree of disability. If the Pension Office find that his disability is equivalent to the loss of a foot, then let us give him a pension according to the rating of that disability.

Mr. PAYSON. But if the gentleman will permit me to make one observation, the report in this case shows that the limb is withered, and——

Mr. TAULBEE (interposing). I understand that, but the gentleman will remember that the Pension Office has a system by which it arrives at these amounts.

Now, in addition to that, if the Pension Office, or the board of examiners, or, for that matter, any other reliable board of physicians, find on proper examination that this claimant is laboring under a disability equivalent to the loss of a limb above the knee, then I say I am willing to give him a pension according to the rating fixed for those who have lost a limb above the knee.

Mr. PAYSON. Offer that amendment and we will all vote for it.

Mr. FUNSTON. I ask the gentleman from Kentucky to yield to me for a few minutes.

Mr. TAULBEE. Yes, sir; I will yield you whatever time you want.

Mr. FUNSTON. Mr. Chairman, this is one of the bills that I introduced, and therefore I feel a special interest in it, and I am very thankful to the gentleman from Kentucky [Mr. TAULBEE] for the opportunity he gives me. I do not understand that the gentleman especially objects to this report or to the recommendation of the committee. I understand, though, that he thinks the law is defective. That is probably true. The law is defective, but we can not amend it to-night. But the difference in opinion as to the degree of disability, as I understand, between the medical board and the committee is the ground upon which the recommendation of the committee is made.

Now, the medical board report that this gentleman's right limb is 4 inches shorter than it should be, that the hip joint is shrunken 3 inches, and that the ball still remains in the joint. The medical board rate that as equivalent to the loss of a foot. As I understand it, the committee say that if the limb is 4 inches too short, and the hip joint shrunken 3 inches, and the ball still in the joint, and the man totally disabled from supporting himself, that is a greater disability than the loss of a foot, and amounts to the disability of the loss of a leg at the knee. They base their finding on the facts. The medical board admit the facts, and the committee say that if those facts be established then the man is not receiving sufficient pension. Now, Mr. Chairman, I desire still further to say that I know this gentleman, and I know that the statements made by the committee and by the medical board are correct. I know that this claimant's right limb is much shorter than the other, that the muscles are withered, and that he walks not even with the sprightliness that a man with a cork leg or any sort of artificial limb would have. I know further that he is absolutely disabled from supporting himself, at least by manual labor. I call for a vote.

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

CHLOE QUIGGLE.

The next pension business on the Private Calendar was the bill (H. R. 4550) granting a pension to Chloe Quiggle, widow of Philip Quiggle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Chloe Quiggle, widow of Philip Quiggle, late a private in Company I, First Minnesota Heavy Artillery.

SEC. 2. That this act shall be in force from and after its approval by the President.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4550) granting a pension to Chloe Quiggle, widow of Philip Quiggle, beg leave to report:

This claimant is the widow of Philip Quiggle, a private in Company I, First Minnesota Heavy Artillery, who enlisted February 11, 1865, and was discharged September 28, 1865. At the time of his death his application for pension was pending, in which he alleged that he contracted rheumatism, chronic diarrhea, and kidney disease. The evidence submitted, including that of the captain and the lieutenant of the company, shows that the soldier at the time of enlistment, though above the age required by law, was a strong, robust man; that claimant received a sunstroke on the march from Chattanooga to Nashville; that at time of discharge and ever since the soldier suffered from kidney disease until his death, and that the cause of his death was from that disease.

The widow's claim was rejected because it was not shown satisfactorily that the disease originated in the service. It seems to be clearly shown that at time of enlistment the soldier was a vigorous, robust man; that he came out of the service a wreck; that from his discharge till the date of his death he was a constant sufferer from disease of the kidneys, and that his death was caused by that disease. The widow is seventy-six years of age, feeble in body and mind, and in destitute circumstances.

Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. PAYSON. I ask unanimous consent to take up House bill 2078 for present consideration. I know that it is out of order, but the House has had some twenty-odd bills——

Mr. FINLEY. I shall be compelled to object, Mr. Chairman. There are three bills on the Calendar in which the chairman of my committee is interested, and, as he is absent, I desire to have them reached and disposed of.

A MEMBER. After three more we can have unanimous consent.

Mr. PETERS. I shall have to object, Mr. Chairman.

JOAB M. HALEY.

The next pension business on the Private Calendar was a bill (H. R. 2259) to grant a pension to Joab M. Haley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized, and hereby directed, to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Joab M. Haley, late a first lieutenant of Company E, Tenth Iowa Regiment of Infantry Volunteers.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2259) granting a pension to Joab M. Haley, have had the same under consideration, and now submit the following report:

In this case the papers in the office of the Commissioner of Pensions disclose the following facts.

Joab M. Haley enlisted in Company E, Tenth Iowa Volunteer Infantry, September, 1861, and was sworn in on the 6th of that month, and honorably discharged in August, 1865. His application alleges that he was injured by the concussion of a cannon-ball in passing very close to his head, which knocked him down and caused him to lose hearing in the right ear, and resulting in partial paralysis of left shoulder, neck, etc. The chief examiner of the west division, in submitting the case says:

"The claim for deafness is unquestionably primafacially established, but there is no testimony on file showing existence of paralysis or affection of neck at any time during service or since discharge.

"The captain of his company and three of his comrades testify that at the battle of Corinth, Miss., October 3, 1862, a shell passed so near him that it knocked him down, blackened his face, and made him deaf in his right ear; that he was free from deafness at enlistment, but has been deaf in the right ear ever since that battle.

"Dr. G. B. Richards testifies that he treated claimant for deafness of right ear and injury to lower right jaw from his discharge until 1872.

"A number of witnesses testify that claimant's health has been bad since his discharge; that he has continuously complained of injury to right shoulder, neck, and arm, and is almost totally unable to perform manual labor.

"A special examination was ordered by the Pension Department, at which a number of his neighbors testified that they had known him many years, that the soldier was a man of good character, but they did not know that he was deaf in the right ear."

The committee are of the opinion that the preponderance of testimony is in favor of the applicant, and that deafness resulted as alleged from the concussion of a cannon-ball at the battle of Corinth, Miss., October 3, 1862, and that the relief asked for in the bill ought to be granted.

The committee therefore submit a favorable report, and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. EMILY M. WYMAN.

The next pension business on the Private Calendar was the bill (H. R. 4672) granting an increase of pension to Mrs. Emily M. Wyman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Emily M. Wyman, widow of the late Rear-Admiral Robert H. Wyman, United States Navy, and pay her a pension, from and after the passage of this act, at the rate of $50 per month, in lieu of her present pension.

The report (by Mr. BLISS) was read in part.

On motion of Mr. MORRILL, its further reading was dispensed with, and it was ordered to be printed in the RECORD.

The report is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4672) granting a pension to Mrs. Emily M. Wyman, have examined the same, and report as follows:

The claimant is the widow of Robert Harris Wyman, late rear-admiral, United States Navy. She was pensioned April 17, 1883, at $30 per month, from February 1, 1883, the date of filing her application. A bill has been introduced to increase this amount to $50 per month, in compliance with the following letter from the Secretary of the Navy, addressed to the chairman of this committee:

"NAVY DEPARTMENT, *December* 20, 1883.

SIR: I have the honor to transmit herewith a draught of a bill granting an increase of pension to Mrs. Emily M. Wyman, widow of the late Rear-Admiral Robert H. Wyman, United States Navy. In view of the long and honorable service of the late Rear-Admiral Wyman in the Navy, and of the statements to the Department by his widow in regard to her necessitous circumstances, I have to request that the proposed bill may be introduced for her relief.

"Very respectfully,

"W. E. CHANDLER,
"*Secretary of the Navy.*"

The following statement or abstract of the service of Rear-Admiral Wyman has been furnished by the Secretary of the Navy:

"Robert H. Wyman was appointed a midshipman in the Navy March 11, 1837, and ordered the same month to the Independence, where he remained until June, 1840, when he was detached and granted three months' leave; September, 1840, ordered to the West India squadron, and served on board the Levant, Concord, and Potomac until August, 1842, when he was detached from the last-named vessel and granted three months' leave; August, 1842, ordered to the Naval School at Philadelphia; May, 1843, ordered to examination for promotion.

"June, 1843, ordered to the On-ka-hye; July, 1843, warranted as passed midshipman from the 29th June, 1843.

"August, 1843, detached from the On-ka-hye and ordered to the Perry as acting master; was transferred from this vessel to the Brandywine, and detached from the latter ship in September, 1845, and granted three months' leave; then to the receiving-ship at Boston, where he remained until March, 1846, when he was detached and ordered to the Princeton as acting master.

"He was transferred from this vessel to the Porpoise, and served on these two vessels during the Mexican war.

"Was present at the siege of Vera Cruz. June, 1847, he was detached from the Porpoise and granted three months' leave; July, 1847, ordered to the naval rendezvous at Boston, Mass.

"He was detached and ordered to the Albany as acting master in September following, where he remained until January, 1848, when he was detached (sick) and placed on waiting orders. February, 1848, he was ordered to the Naval Observatory, and remained on this duty until June, 1848, when he was detached and ordered to the receiving-ship at Boston as acting master. He was detached in June, 1850, and placed on waiting orders.

"September, 1850, ordered to the St. Mary's; July, 1850, promoted to lieuten-

ant. He was detached from the St. Mary's in December, 1852, and granted three months' leave.

"February, 1853, he was ordered to the Naval Observatory, where he remained until October, 1854, when he was detached and ordered to the practice-ship Preble. He remained attached to this vessel until October, 1856, when he was detached and placed on waiting orders.

"November, 1856, he was ordered to take passage from New York in the Wabash for duty on the St. Mary's, then at Panama. He was transferred to the Independence, and in August, 1857, was ordered to rejoin the St. Mary's; January, 1859, he was detached from the St. Mary's and ordered to the navy-yard, New York. He was detached from this duty in April, 1859, and ordered to the practice-ship Plymouth, where he remained until August, 1860, when he was detached and ordered to the Richmond, remaining on board this ship until July, 1861, when he was detached and ordered to command the Yankee.

"October, 1861, he was detached from command of the Yankee and ordered to command the Pawnee, where he remained about one month, when he was detached (sick) and placed on waiting orders. Was present at the taking of Port Royal.

"December, 1861 ordered to command the Potomac flotilla; June, 1862, detached from this duty and ordered to command the Sonoma, and served on James River. July, 1862, promoted to commander. September, 1862, detached from command of the Sonoma and ordered to command the Wachusett, where he remained until November following, when he was detached and ordered to special duty at Washington, D. C.

"March, 1863, he was detached and ordered to command the Santiago de Cuba at Havana, where he remained until August following, when he was detached and ordered to report at the Department.

"May 10, 1865, he was ordered to command the Colorado; was transferred to the command of the Ticonderoga, and detached from that vessel in April, 1869, and placed on waiting orders.

"July, 1866, was promoted to captain.

"October, 1869, ordered to the Hydrographic Office, and the following October he was directed to take charge of that office, and remained in charge until January, 1879, when he was ordered to command the North Atlantic Station.

"July, 1872, was promoted to commodore.

"April, 1878, promoted to rear-admiral.

"May, 1882, was detached from command of the North Atlantic Station and placed on waiting orders.

"May 25, 1882, was ordered as member of the Light-House Board, and was afterwards made chairman of the said board.

"He died at Washington, D. C., on the 2d of December, 1882, of disease contracted in the line of duty in the service."

In view of the long and distinguished services of the late Admiral Wyman, husband of claimant, the recommendation of the late Secretary of the Navy, W. E. Chandler, and of the favorable action of Congress in many similar cases, granting the rate of pension proposed by this bill, your committee recommend its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY S. WELLS.

The next pension business on the Private Calendar was the bill (H. R. 6789) granting a pension to Mary S. Wells.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary S. Wells, widow of the late Rear-Admiral Clark H. Wells, of the United States Navy, and pay her a pension at the rate of $50 per month; said pension to be in lieu of any pension she may hereafter receive.

Mr. FINLEY. Mr. Chairman, this is a bill of precisely the same character as the last preceding one. I move that the reading of the report be dispensed with and that it be printed in the RECORD.

Mr. TAULBEE. Let us have the report read.

Mr. FINLEY. There is, however, a slight amendment which should be made in the last line of the bill. The words "hereafter receive" should be struck out and the words "now be receiving" substituted.

The CHAIRMAN. Does the gentleman from Kentucky insist on the reading of the report?

Mr. TAULBEE. If the reading of the report is to be dispensed with, I should like to have some gentleman who is acquainted with the facts in the case give some reason why this claimant should receive $50 a month, when the widows of officers of the same rank as that held by this officer receive only $30 a month.

Mr. FINLEY. This is a rear-admiral's widow, and there are a great many precedents for this pension.

Mr. MORRILL. There are some sixty or seventy precedents.

Mr. TAULBEE. Yes; and I think it is about time to stop adding to that line of precedents, unless we propose to pass a general law of that character and treat all alike.

Mr. BOUTELLE. I suggest to the gentleman that it would be very invidious to make a discrimination against the applicant in this case. Rear-Admiral Wells was an officer of great distinction, who rendered eminent service to the country. I have personal knowledge of the extent and value of the service which he rendered.

Mr. TAULBEE. Let the report be read.

The CHAIRMAN. The Chair understands that the report is very long.

Mr. TAULBEE. Well, on the question of dependence, the question of the financial condition of this claimant, let us hear a statement, or hear the portion of the report read which refers to that.

Mr. FINLEY. Let the report be read on that point.

Mr. TAULBEE. I shall not insist on the reading of the whole of the report.

The report was read in part, and was ordered to be printed in the RECORD, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 6789) granting a pension to Mary S. Wells, have considered the same, and report as follows:

By this bill it is proposed to pay Mary S. Wells, widow of the late Rear-Admiral Clark H. Wells, of the United States Navy, a pension of $50 per month, in lieu of any pension which she may hereafter receive.

Rear-Admiral Clark H. Wells, United States Navy, was born in Pennsylvania. He was appointed a midshipman from Pennsylvania, September 25, 1840; attached to the North Carolina, 1840; frigate Brandywine and sloop Fairfield, 1840-'41; razee Independence, Home Squadron, 1842-'43; sloop Levant, Pacific Squadron, 1844-'45; Naval School, Annapolis, 1846.

Graduated and became passed midshipman July 11, 1846. During Mexican war: in brig Somers, blockading Vera Cruz, in 1846; in gunboat Petrel 1846-'47, during which time she joined Tatnall's flotilla in the attack upon the castle of San Juan d'Ulloa and the city of Vera Cruz; took part also in the capture of Tuspan and Tampico. To the East Indies and "around the world" in the sloop Plymouth and brig Dolphin, 1848-'51; receiving-ship Philadelphia, 1852; store-ship Fredonia at Valparaiso, 1852-'55.

Commissioned as lieutenant September 14, 1855; Naval Observatory, Washington, 1856; in 1856 attached to bark Resolute (originally English man-of-war, abandoned in the Arctic Sea and subsequently recovered and brought to the United States by the American whale-ship George Henry; Congress, by joint resolution, dated August 28, 1856, having purchased her from the salvors and ordered her restoration to the British Government, she sailed for England, November 13, 1856); in steam-frigate Susquehanna and Water Witch, Home Squadron, 1858; steamer Metacomet, Paraguay expedition, 1859. During the rebellion commanded sloop Vandalia, South Atlantic Blockading Squadron, 1861-'62; was executive officer of the steamer Susquehanna in the battle of Port Royal; this vessel, the Susquehanna, struck thirty-six times and badly cut up, was specially mentioned in Admiral Du Pont's official report; was sent several times with sailors and marines to re-enforce the Unadilla when much exposed to night attacks in Wright's River, South Carolina; commanded sloop Dale, 1862, and brought her to Philadelphia.

Commissioned as lieutenant-commander July 16, 1862; navy-yard, Philadelphia, 1863; commanded Galena when rebuilt as wooden gunboat in West Gulf Squadron, 1864; frequently drew the fire of Fort Morgan while running in the shelling blockade-runners under the fort's guns; took part in the Mobile fight. During the passage of the forts, the Galena and Oneida, lashed together, brought up the rear and suffered severely from the fire of the forts and the Tennessee, a shell from the latter exploding the Oneida's boiler, so that she was towed in by her consort. After Captain Mullany, of the Oneida, had his arm shot away opposite the forts, the command of both vessels devolved upon Lieutenant-Commander Wells. The Galena's services were specially mentioned in Admiral Farragut's official report. Commander Wells also received a commendatory letter from the admiral himself, in which he says:

"'That in your case I depart from my usual custom, not to give letters for good conduct in time of war, where there is an immediate commander first to forward it; but inasmuch as Captain Mullany was wounded, and the command of the two vessels (Oneida and Galena) devolved upon you and were carried through the battle with great gallantry, I take great pleasure in giving my official testimony to your very meritorious conduct in that engagement, and trust that in the future it may be of service to you.'

"East Gulf Squadron, 1864; refitted in Philadelphia and joined Admiral Porter's squadron on the James River; remained there until the close of the war. Commanded the steamer Kansas, and visited nearly all the ports of the South Atlantic Station during 1864, 1865, and 1866; received a letter of thanks from the English Government and English admiral for going to the assistance of Her British Majesty's gunboat Gleaner, reported to be dangerously ashore in Moledona Bay; he and his officers and crew also received thanks, on this cruise, for rescuing an English bark from English Bank, river La Plata.

"Commissioned as commander July 25, 1866; navy-yard, Portsmouth, N. H., 1868, 1869, and 1870; detailed for the command of the Shenandoah in spring of 1870.

"Remained in command of Shenandoah for nearly four years. Received a vote of thanks from the Italian Government for assistance rendered to Italian vessels of war. For service rendered to the French Government he received the decoration of "Officer of the Legion of Honor" from President Thiers, which Congress, by a joint resolution, allowed him to accept. After his return from sea he was executive officer of the Boston and Philadelphia navy-yards, and then commanded the League Island yard for a period of two years. He then was made chief signal officer of the Navy, which he held for three years. Then he was ordered to command the Portsmouth, N. H., navy-yard, which position he held until he was placed on the retired-list in September, 1883.

Total service at sea, twenty-two years and six months. Total service on shore fourteen years and eight months. Unemployed, nine years and seven months.

In his report to the Surgeon-General, United States Navy, concerning the death of Rear-Admiral Wells and the cause thereof, A. C. Gorgas, medical director, United States Navy, states:

"As long ago as in the year 1862, Admiral (then Lieutenant and Lieutenant-Commander) Wells was affected with palpitation of the heart and other distressing cardiac symptoms. He was then in command of the sloop Vandalia, of which I was the senior medical officer. His troubles were due to the combined exposure and confinement incident to life on the blockade, at one time a period of three months elapsing without any visit to the shore being possible. In 1867, while he was in command of the Kansas at Rio de Janeiro, I examined him and conferred with the assistant surgeon of that ship for the same symptoms.

"At Portsmouth, N. H., in 1869 and 1870, and in Europe, while he was in command of the Shenandoah, he suffered from time to time with the same.

"While he was in command of the Portsmouth (N. H.) navy-yard, in 1882, '83, and '84, I several times was sent for by him to be consulted with in regard to his disease. By this time the physical signs, which on former occasions were negative, became pronounced, and his disease made out as cardiac dilatation. Since then his disease has been continuous, complicated with nephritis as a secondary affection, and with supervening pneumonia.

"I consider that his disease originated as stated above, and has been intensified by arduous service and the rigorous climate of New Hampshire, where the high winds of winter at one time seriously aggravated his disease and caused a very dangerous attack of bronchitis."

In view of the long and meritorious services of Admiral Wells, and of the fact that his death resulted from disease contracted in the service of the United States, your committee report this bill favorably, and recommend its passage.

Mr. FINLEY. As a matter of courtesy to the gentleman from New York [Mr. BLISS] I took charge of this case. The report is full and complete. A list of precedents is given of other officers, who did not rank as high, where this increased pension has been allowed.

Mr. BOUTELLE. The question of dependence hardly arises on a bill of this kind. This is the case of a widow.

I expect my friend may say this is an increase of pension. Well, an increase of pension goes to the same merit as the original pension. A pension to a widow is not granted by reason of dependence, and is not affected by the financial condition of the widow. It is granted as her right in view of what her husband did.

I have spoken from the general interest I have in seeing justice done to an officer whose valuable services I have reason to know.

Admiral Wells has a record of almost half a century, forty-eight years of service to his country.

I have no explicit information in regard to the financial condition of Mrs. Wells. My personal impression is such I have been led to believe she has been left in humble circumstances.

I should regret to see any distinction made against this officer, whose services have placed him in the front rank of the Navy.

Mr. TAULBEE. I think I am prompted in my opposition to this bill by a consideration of fairness equal to that which prompts the gentleman from Maine.

Mr. BOUTELLE. I have no doubt about it.

Mr. TAULBEE. In advocating this bill the gentleman said he would regret to see a discrimination made against this claim; he would regret to see justice denied this claimant. I know it has been the custom of Congress, where shown to the satisfaction of Congress widows of rear-admirals or of generals in the Army, corresponding with rear-admirals, were in destitute circumstances, that they were laboring under physical disabilities, to increase their pension above that of the law at an equal and fair rate. It is not the business of Congress to give pensions to widows on account of meritorious services of their husbands. That is not the policy of the Government. It is the policy of the Government to grant widows pensions because of the death of their husbands. It would be unfair to the widow of a rear-admiral to whom the law gives a pension of $30 a month to give another a pension of $50 a month, for the loss of a husband is as great to one woman as to another.

The object of our pension laws is to give to the widows of our soldiers a pension which is believed to be sufficient. My colleague brings a list of precedents, and the more we pass special cases the longer that list will be, until after a while the widow of a rear-admiral and of every officer of corresponding rank in the Army who can bring influence to bear, either social or political, on members of Congress to induce them to advocate special bills, will be given pensions at $50 a month, when those who have no such influence, and whom we might reasonably conclude were most destitute of means of support, are compelled by our laws to put up with pensions of $30 a month. I maintain that is a discrimination against widows who are in destitute circumstances, and many, no doubt, in absolute poverty.

Mr. PERKINS. Is not this almost the only widow of a rear-admiral who remains at $30 a month, and is it not a discrimination against her?

Mr. TAULBEE. I have not a list of the surviving widows of rear-admirals. I remember in the Forty-ninth Congress a report was submitted from the Committee on Invalid Pensions in the case of Mrs. Logan, which gave a list of rear-admirals of the Navy, and the number was considerable.

But I maintain, Mr. Chairman, if this is really the last one we can treat them all alike by general law as to come in here and consume the time of our Friday-night sessions by presentation of these enormous pension claims to the detriment of smaller claims of widows of private soldiers.

I know all over the country as well as in my district there are widows of private soldiers who, by reason of some technicality or inability to comply with some iron-clad rule of the Pension Office, are deprived of a pension of $12 a month. I do not think I will live long enough to forget an instance which occurred during my stay at home after the Forty-ninth Congress. I had occasion to visit the house of the widow of a Union soldier for whom I had been instrumental in procuring the passage of a bill giving her $12 a month. When I looked around me and beheld absolute poverty, the evidence of which was apparent on every hand, and witnessed the tears of that poor woman as she recited the distress she had suffered from the close of the war until relief came by the act passed by the Forty-ninth Congress, I was reminded of the injustice done to the great number of these loyal widows throughout the country, injustice resulting on many occasions by discrimination as in the bill before us.

I believe, if it be the sense of Congress that the widows of rear-admirals of this country are entitled to a pension of $50 a month, that it should be paid to them under some general law; and let the pension of no person in this country depend upon the pleas that may be brought to bear upon the committees of the House or Congress to secure such pensions. I am opposed to such special legislation.

Mr. NUTTING. Will the gentleman permit a question?

Mr. TAULBEE. Certainly.

Mr. NUTTING. Suppose you stop the passage of this bill, does it make the injustice any the less as to the others? Are you not taking out of the way one person? It does not relieve the rest any to stop this one. If you prevent the passage of this bill you do not relieve the distress of any person who is now an applicant for pension. Is not that so?

Mr. TAULBEE. I admit the gentleman's argument is, to some extent, plausible.

Mr. NUTTING. Not plausible. Is it not a fact?

Mr. TAULBEE. Well, no; I do not like to say that, because I want to be entirely parliamentary and courteous, but I do not believe it is. That is not my understanding of it, at all events. I believe that by the passage of these extravagant individual pension bills the consciences of members of the House are liable to be satisfied to the injustice of the poor and needy. I believe that whatever is done in this direction ought to be done where the relief is absolutely needed, and that we ought to begin at the bottom and take those who are in the greatest need first. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. If there be no further discussion, the question is on the amendment proposed by the gentleman from Kentucky [Mr. FINLEY], which the Clerk will report.

The Clerk read as follows:

Strike out, at the end of the bill, the words "hereafter receive" and insert "now be receiving."

Mr. FINLEY. One word, Mr. Chairman. [Cries of "Vote!" "Vote!"] I shall detain the committee but a moment.

I am proud that I am here [laughter], in the first place. I am proud that I represent a constituency that has no admiral, rear or otherwise, and I have got no interest in this bill. I am proud that this Government lives. I am proud that men on either side, as well as myself, are proud of the Government in which we all live. I am proud of the fact that we have the money to pay such pensions to the soldiers, their widows and orphans, as we may regard to be proper. I am proud, and I hope every other man on this floor is proud, that our laws have been so shaped and we are so shaping them now, that men who risk or sacrifice their lives for this country and the honor of its flag, which shall wave over one single union of States, and we hope also over a union of hearts and hands in the United States, will never find that Congress is disposed to be niggardly about it and close-fisted in extending charity, while doing only justice to the widows and orphans of those who have so richly earned their reward.

I trust the bill will pass.

The CHAIRMAN. The question is on agreeing to the amendment which has been reported.

The amendment was agreed to.

Mr. FINLEY. I move that the bill be laid aside to be reported favorably to the House.

The motion was agreed to.

Mr. TAULBEE. I will ask that this bill and the preceding one be classed together, as I want a vote on them in the House.

Mr. FORD. What does the gentleman mean by classing them together?

The CHAIRMAN. The bills have been laid aside to be reported to the House.

Mr. TAULBEE. I know; but I want to give notice so that the clerks may have them separated from the other bills, as a separate vote will be demanded upon them.

ORDER OF BUSINESS.

Mr. PETERS. Mr. Chairman, in deference to the wishes of a number of gentlemen, for whom I have a great respect, I withdraw any further objection I made to the unanimous consent for the consideration of bills out of their regular order.

Mr. FINLEY. I ask to pass the next bill on the Calendar before that order is made.

EMILY G. MILLS.

The next business on the Private Calendar was the bill (H. R. 4534) for the relief of Emily G. Mills.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, directed to have the name of Emily G. Mills, as widow of Oscar B. Mills, late a second assistant engineer in the United States Navy (retired), placed on the pension-roll, subject to the limitations and provisions of the pension laws, to take effect from and after the passage of this act.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4534) for the relief of Emily G. Mills, beg leave to report as follows:

The bill proposes to pension Mrs. Emily G. Mills, as widow of Oscar B. Mills, late second assistant engineer, United States Navy (retired). The following is an abstract of the record of husband of claimant as furnished by the honorable Secretary of the Navy:

"Oscar B. Mills was appointed an acting third assistant engineer in the Navy October 31, 1862, and ordered to the Ladona.

"January 27, 1863, he was warranted as third assistant engineer in the regular Navy, to take rank from January 16, 1863; was then on the Ladona.

"July 19, 1864, was warranted as second assistant engineer, to take rank from May 28, 1864.

"June 17, 1865, detached from the Lehigh and placed on waiting orders.

"August 5, 1866, was ordered to the Yantic.

"August 18, 1866, commissioned as second assistant engineer from July 25, 1866.

"November 12, 1866, detached from the Yantic and placed on waiting orders.

"November 19, 1866, ordered to special duty at New York; December 19, 1867, detached and ordered to the Saco; December 9, 1868, detached and placed on waiting orders.

"May 28, 1869, ordered to the Dictator; September 10, 1869, detached and placed on sick leave.

"February 11, 1871, ordered to appear before the naval retiring board.

"November 22, 1871, again ordered to appear before the naval retiring board.

"June 13, 1872, ordered to the Tallapoosa; July 10, 1872, detached and placed on sick leave.

"October 11, 1872, ordered to appear before the naval retiring board.

"October 26, 1872, he was placed on the retired-list.

"He died at Tunkhannock, Pa., on the 10th of August, 1873.

"The following is a copy of the finding of the retiring board, before which he appeared in obedience to the Department's order of February 11, 1871:

"'First. That, in their judgment, Second Assistant Engineer O. B. Mills is at this time incapacitated for active service.

"'Second. That, in their judgment, the disability of Second Assistant O. B. Mills arose from an attack of malarious fever while he was serving on board the United States steam-ship Saco at Aspinwall, in the year 1868, and that the said disability originated from sickness in the line of duty.

"'The board respectfully recommend that Mr. Mills be not placed on the retired-list of the Navy at this time, but that he be allowed leave for six months to recover his health.'

"A copy of the finding of the retiring board before which Second Assistant Engineer Oscar B. Mills was examined in December, 1871:

"'The board * * * after mature deliberation upon the evidence adduced, find that Second Assistant Engineer Oscar B. Mills is not in any way incapacitated from performing the duties of his office.'

"The following is a copy of the finding of the retiring board before which Second Assistant Engineer Oscar B. Mills was examined in October, 1872:

"'The board * * * after mature deliberation find Second Assistant Engineer Oscar B. Mills laboring under general debility, the effect of intermittent fever acting upon an originally delicate constitution. We further find that he is incapacitated for active service, and that his sickness originated in the line of duty.'

"This finding was approved by the President of the United States October 25, 1872, and pursuant to which Second Assistant Oscar B. Mills was retired from active service."

The husband of claimant was killed accidentally August 10, 1873, leaving his widow and daughter, the latter now aged about seventeen years, in very narrow circumstances, as is satisfactorily shown before your committee by the affidavits of her near neighbors.

In view of this fact, and the long service of claimant's husband, your committee would recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. PAYSON. Mr. Chairman, I call up for present consideration House bill 2078, which with the report I send to the desk.

Mr. ANDERSON, of Illinois. I must insist upon the regular order for one more bill at least.

EMILY GOODALL.

The next business on the Private Calendar was the bill (H. R. 3682) to pension Emily Goodall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Emily Goodall, widow of Robert S. Goodall, who was pensioned by act of Congress approved February 26, A. D. 1881.

The report (by Mr. THOMPSON, of Ohio) was read, as follows:

Emily Goodall is the widow of Robert S. Goodall, late first-class pilot United States steamer Champion, of the Mississippi squadron, who died of disease of lungs February 1, 1887.

Robert S. Goodall, entered the naval service of the United States at Louisville, Ky., on the 17th of August, 1863, as first-class pilot on the United States gunboat Champion No. 4, and was honorably discharged on the 17th day of May, 1864. He applied for pension on account of pleurisy and resulting disease of lungs, July 19, 1879, but his claim was rejected by the Pension Office because of a record made by Assistant Surgeon Vail, to the effect that Goodall was admitted to the sick list February 28, 1864, for "pain over stomach, liver, and right pleura, which originated from the excessive use of alcoholic stimulants."

On February 26, 1881, an act was passed placing the name of Goodall on the pension-roll, and in pursuance of said act he was allowed total pension for disease of lungs.

It appears from the evidence on file that Goodall received his appointment from Admiral Porter, upon the recommendation of Capt. Z. M. Sherley, of Louisville, Ky., who, because of his familiarity with the navigation of the Western waters, was requested to secure suitable men for this service.

For several years prior to his enlistment Goodall was in the employ of Captain Sherley, who testifies that at the time he (Goodall) entered the service of the United States he was a stout, active man, in good health and physical condition, and in full possession of his mental and physical powers. That he was a temperate man, otherwise he would not have employed him and intrusted such vital interests to him as pilot of the first-class steam-boats in the West. That during the time of his services as pilot in the United States service, and since his discharge from the service, affiant was well acquainted with the habits of Goodall, and knows that the disease under which he labored did not arise from the excessive use of alcoholic stimulants or from intemperance. The affidavit of Captain Sherley, above referred to, bears the following indorsement:

"I am personally acquainted with Captain Sherley, have been for a number of years, and would rely as implicitly upon his word as that of any person of my acquaintance.

"June 8, 1874.

"U. S. GRANT."

Dr. Henry Chenoweth, who had been Goodall's family physician for ten years, Dr. Lewis Rogers, and Dr. John Thurston, who had known him for years, all of whom are of the highest personal and professional standing, confirm Captain Sherley's statement, that prior to his enlistment Godall's "health was unimpaired, and that his habits were uniformly good and temperate."

Ensign Merwin Allen testifies:

"During Captain Goodall's term of service I was doing duty on the Champion as watch officer, and the greater portion of the time as executive officer. Captain G.'s ill-health and disability were occasioned in the line of his duty as first-class pilot. I further state I believe Assistant Surgeon Vail made the report of his (Goodall's) sickness through malice and ill-disposition toward Goodall, caused by some private difficulty between them, and that said Vail continued to be inimical to Goodall until the time of his (G.'s) departure for the vessel."

Pilot W. S. Henthorn swears:

"I was over two years on the Champion, and know something of the dangers and exposures that it was necessary to undergo while under way. We had to remain six hours within an iron-casemated pilot-house, without fire, with scarcely any protection from rain or cold. Captain Goodall was a very efficient pilot, and, until he took sick, was always ready for duty, and I firmly believe his ill-health and final disability was occasioned by exposure while in the line of duty as pilot in the United States Navy. I have seen the entry of Mr. Vail, and have reason to think it is wholly malicious, as I know that the surgeon and Captain Goodall were not on amicable terms. He (the surgeon) remarked to me the day Captain Goodall took his departure, 'Well, Henthorn, you have lost your partner.' I asked him if he thought the captain would not get able to return to the vessel. He laughed and remarked he would not be permitted to do so when his (Vail's) report met the eye of Admiral Porter."

Second Engineers C. A. Fisher and George Wadlee also testify in corroboration of above statements.

Your committee are clearly of opinion that the evidence in the case fully warranted the passage of a bill for the relief of said Robert S. Goodall, and he having died of the disease which Congress by its action recognized as chargeable to the naval service of the United States, no good reasons appearing why a different conclusion should be reached in this case, unless it be the adverse action of the Pension Bureau upon the widow's claim, recommend that the accompanying bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

THERESA B. HOFFMAN.

Mr. CASWELL. Mr. Chairman, I would like to make a parliamentary inquiry—why Senate bill 1665 was passed over? This is a bill in which I happen to have a peculiar interest.

The CHAIRMAN. It was an accidental omission. The Clerk will return to the bill now and report it.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Theresa B. Hoffman, widow of E. G. Hoffman, deceased, late a captain in the One hundred and sixty-fifth Regiment of New York Volunteers, and to pay her a pension at the rate of $20 per month, to commence from the date of the death of the said E. G. Hoffman, August 16, 1886.

Mr. CASWELL. I ask unanimous consent to dispense with the reading of the report, which is quite a lengthy one.

Mr. TAULBEE. I think it ought to be read or else an explanation given.

Mr. WILLIAMS. I do not know anything of this bill, but it has passed the Senate and been recommended by the House Committee on Pensions, and I think that ought to be a sufficient voucher without reading the lengthy and elaborate report. I believe, and I say it with great respect, and with no desire to criticise the action of the committee, that many of these reports are unnecessarily voluminous. I have noticed in many cases these reports are perfect biographies of the men to whom they refer. It does seem to me that if they would just state the essential features necessary for giving the information to the House we would get along a great deal better.

Mr. CASWELL. This is a Senate bill. It has had the careful consideration of the Committee on Invalid Pensions. The report is somewhat lengthy. I looked it over once and was entirely satisfied that it is a strong case; but I can not recall the circumstances sufficiently to state them at this time.

Mr. NUTTING. I think the gentleman from Kentucky has indicated his desire to dispense with the reading of the report.

Mr. TAULBEE. I have no wish to have the report read if I can get an explanation of the bill.

Mr. CASWELL. As I have stated, I can not give the explanation at present.

Mr. TAULBEE. Then I call for the reading of the report.

The report (by Mr. THOMPSON, of Ohio) was read in part.

Mr. NELSON. I ask unanimous consent to dispense with the further reading of the report.

Mr. CASWELL. I remember the circumstances now. The husband of the claimant was on duty in South Carolina, at Charleston. When his regiment was mustered out he was retained by the force of military discipline, and by order of his superior officer was placed on duty at that post; and one night when a fire occurred, he, acting, I think, as provost-marshal, was present and a falling building crushed his arm.

Mr. MORRILL. The only difficulty about the case is that the man was a sergeant at the time he received the wound. He afterwards became a captain; and this is to give the pension of a captain's widow. That is the recommendation of the Pension Office.

Mr. TAULBEE. That is satisfactory.

The further reading of the report was dispensed with.

In full it is as follows:

The Committee on Invalid Pensions, to whom was referred the *bill (H. R.* 2873) granting a pension to Theresa B. Hoffman, have had the same under consideration, and beg leave to submit the following report:

The Committee on Pensions, United States Senate, have at this session made a report on a similar bill, which your committee beg leave to adopt as its own, as follows:

"The husband of the claimant was pensioned by special act, approved August 5, 1882. The report recommending the passage of the bill explains the military service rendered by him, and is as follows:

"That said Hoffman entered the United States military service in July, 1861, as sergeant of Company A, Fifth New York Volunteers. At the battle of Gaines's Mill, Virginia, June 27, 1862, he received a gunshot wound in his left arm, shattering the bone and necessitating a resection above the elbow, which left his arm practically useless. He was mustered out of service July 31, 1862.

"In November, 1862, after his wound had healed, he re-entered the service as first lieutenant Company D, One hundred and sixty-fifth New York Volunteers, and was subsequently promoted to the captaincy of Company F.

"At the close of the war his regiment was ordered to South Carolina, and in July, 1865, he was appointed chief of military police of the subdistrict of Charleston. On the 1st of September, 1865, his regiment was sent to Hart's Island to be mustered out of service, but General Burnett, the commanding officer at the post of Charleston, would not allow Hoffman to be retired or discharged with his regiment, but continued him on duty in Charleston as chief of military police. While in the performance of his duties, at a fire on Hayne street, October 18, 1865, he was severely injured by the walls of the burning building giving way and falling upon him, breaking his right thigh in two places and burning him badly. His right hand was so badly burned as to contract the sinews and leave the hand drawn up. His injuries confined him in bed for three months;

his right leg is almost 2 inches shorter than the left, and his right hand is practically disabled. General Burnett, in an order bearing date October 21, 1865, appointing another chief of military police, states that Captain Hoffman was 'in the faithful discharge of his duties' when he received said injuries.

"In April, 1866, Captain Hoffman went to New York and obtained his discharge, which was antedated to September 1, 1865, so as to make it correspond with the date his regiment was mustered out of the service. He was in fact, however, not relieved from duty or discharged until after receiving the injuries aforesaid.

"In 1867 he applied for a pension, and was allowed $4 per month for the gunshot wound in the left arm, received at the battle of Gaines's Mill, Virginia, but for injuries received while acting as chief of military police no allowance was made. The War Department having ruled that Captain Hoffman's time of service ceased with the mustering out of his regiment, the Commissioner of Pensions held that he was not pensionable for injuries received after that date.

"This ruling may be technically correct, but under the special circumstances of this case your committee are of the opinion that Captain Hoffman should be relieved from its operation. He was denied a discharge when his regiment was mustered out (being on special detail duty at the time), and his commanding officer required him to continue in the performance of the special service to which he had previously been assigned. He did so, and was injured in the service and in the line of his duty. It would be unjust on the part of the Government, after having detained him, as already stated, in its service, to urge as a bar to his claim for pension that he was constructively discharged with his regiment before receiving his injuries.

"For the same reason that her husband's application to the Pension Office was disallowed the widow is unable to procure a pension from that source. In the case of the former there can be no doubt that special legislation was not only proper, but was the only way in which justice could be done. The widow is aged and in much need, and her case appeals as strongly to Congress as did that of her husband."

Your committee have carefully examined the evidence in the case and cheerfully concur in the opinion expressed in the foregoing report, and therefore respectfully return the accompanying bill and ask that Senate bill 1665 be substituted therefor, and that said substituted bill do pass.

The bill was laid aside to be reported to the House with a favorable recommendation.

CHARLOTTE T. CLARK.

Mr. PAYSON. I ask unanimous consent to call up the bill (H. R. 2078) granting a pension to Charlotte T. Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-rolls the name of Charlotte T. Clark, widow of Bela T. Clark, late captain Company D, Forty-second Regiment Illinois Volunteers, at a monthly rating of $30, from and after the passage of this act.

The Committee on Invalid Pensions recommended the following amendment:

Strike out the words "at a monthly rating of $30 from and after the passage of this act," and insert "subject to the provisions and limitations of the pension laws."

Mr. TAULBEE. Let the report be read.

The report (by Mr. LANE) was read in part.

Mr. ANDERSON, of Kansas. I ask unanimous consent that the further reading of the report be dispensed with.

Mr. TAULBEE. I have no objection to that, if an explanation is given.

Mr. PAYSON. I will state that I knew this man personally for twelve or fifteen years before his death. Commencing my statement where the reading clerk has just ended, I will state that during the remaining ten years of his life he was most of the time bedridden and had to be lifted on a sheet that the bed might be made.

He was so poor that he could not have medical attendance for the last two or three years, and during that time it was a constant struggle between life and death as to which would win.

The only difficulty at the Pension Office was, that while this condition of things existed as to this soldier, when he was lifted out of bed, a window was open, and he took cold and the doctor said his death was caused by acute pneumonia; and the medical gentlemen connected with the Pension Bureau could not understand from their books that there could be any connection between acute pneumonia and chronic diarrhea.

The evidence in the Pension Officie is clear that the man was almost dead when this attack came upon him. That is the substance of the case. His widow is now in a destitute condition, and if there was ever a meritorious case I think this is one.

Mr. TAULBEE. That is satisfactory.

The further reading of the report was dispensed with. In full it is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2078) for the relief of Charlotte T. Clark, submit the following report:

The soldier, Bela T. Clark, enlisted August 10, 1861, and was discharged July 14, 1862, and died January 10, 1873, and he held the rank of captain at that time. He drew a pension in his life-time, which was allowed him on the ground of diarrhea.

B. F. Gray, second lieutenant of the company, testifies to the origin of diarrhea; that at the time the soldier was furloughed, May, 1862, he was so weak and emaciated as to be perfectly helpless on account of said disease; that he had been with the soldier ever since 1864, and that he had never been free from chronic diarrhea, and that just before his death he suffered very much from this disease, so as to require constant medical treatment.

Dr. Keyser, who was examining surgeon, two months before soldier's death testified that he was the family physician of the soldier ever since the summer of 1860, and when he saw the soldier in 1862 he was suffering from chronic diarrhea; that he treated him at that time, and that the disease continued almost uninterrupted up to 1863; that it never has been cured, and that he believes it never will be, and that the soldier's constitution is broken down by the disease, and that the suffering of the soldier is from the effects of diarrhea.

In 1878 B. F. Clark testified that he knew of his own personal knowledge that the soldier was suffering with the disease since the war, and that he was constantly wearing out under the disease, and that in 1872 he was very feeble and confined much of the time to his room. These facts are fully sustained by other witnesses. The witness Clark further testified that the soldier contracted a cold, which, in his feeble condition, settled upon his lungs and throat, and carried him off. This witness says that if the soldier had not been rendered so feeble by diarrhea the cold would not prove serious at all.

Worcester testifies that the soldier, from the disease of camp diarrhea, became so emaciated that he was almost a walking skeleton, his constitution entirely undermined and all vital force of resistance to disease gone, and that diarrhea was at least the remote cause of his death.

Dr. Ellis testifies that in 1868 he knew the soldier, and that he had chronic diarrhea, which rendered him unfit for any labor; that to the date of the death of the soldier there was a gradual decline in his physical powers from continual exhausting process of chronic diarrhea, and from this cause his death was assured at no distant period, and that the cause of the death of the soldier, in the opinion of Dr. Ellis, was chronic diarrhea, although he had pneumonia at the time, which was, perhaps, the immediate cause.

Dr. Keyser testifies that there was a total physical disability from chronic diarrhea, which destroyed the forces of resistance of the vital powers, and that it is his opinion that the soldier could recover from his last sickness had it not been for the inroads of chronic diarrhea, and that he had the chronic diarrhea since he came out of the service. That from early in August, 1872, to the date of the death the soldier had diarrhea continuously, and that without doubt the chronic diarrhea was the remote cause of his death, and that his life was wholly exhausted at the time of the attack of pneumonia.

And the committee being of opinion that the death of the soldier was from chronic diarrhea—that is, that he would not have died of pneumonia if his constitution had not been paralyzed by chronic diarrhea—and that he received a pension of $20 per month in his life time for diarrhea, we therefore recommend that the bill be amended by striking out all after the word "volunteer," in the sixth line, and to insert in lieu thereof "subject to the limitation of the pension laws."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

DAVID JOHNSON.

Mr. ANDERSON, of Illinois. I ask unanimous consent to call up the bill (H. R. 5363) granting a pension to David Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions of the pension laws, the name of David Johnson, of Virginia, Ill., late a member of Company C, First North Carolina Regiment of Volunteers.

The report (by Mr. LANE) was read in part.

On motion of Mr. NUTTING, by unanimous consent, the further reading of the report was dispensed with.

In full it is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5363) granting a pension to David Johnson, submit the following report:

The said David Johnson enlisted in Company C, First North Carolina Infantry, on the 18th day of March, 1863, and was mustered out with his company June 27, 1865. At the time of enlistment this soldier was fifty-seven years old and had been engaged for several years in farming. He states that he was perfectly sound and able to do as much work when he enlisted as any man. This statement is affirmed by affiants Charles W. Swain and J. W. Clifton, who knew him for a long time prior to 1857. They say that when he enlisted they "considered him physically sound in every respect, having never heard him complain of any disease. He was always able to do as much manual labor as any man."

Sometime during the summer of 1863 the said Johnson contracted fever from exposure while on duty, and lay for six weeks in the hospital at Little Washington, N. C., under the treatment of the regimental surgeon, Dr. Babbet, who died before application was made. This case was rejected because there was no hospital record of it, and no evidence showing disability from the time of discharge until 1868.

The report of the Adjutant-General's Office states that there is no record of disability on file; but adds, "regimental hospital records are not on file." This report does not state that the hospital records do not show disease of soldier, but the absence of the entire record. Two comrades, Z. P. Alexander and Solomon Dunbar, belonging to the same company, swear to the sickness. Alexander says:

"I saw him when he was sent to the hospital at Washington and several times afterwards, and know he staid in the hospital from six to eight weeks, and was never able after he left to do anything but light duty."

Dunbar affirms this, and adds that he was disabled when he was discharged.

Immediately upon the close of the war Johnson moved into the hills of McKean County, Pennsylvania, and worked in the woods. He had but one neighbor within 3 miles of him—Charles Miller, whose family consisted of himself, wife, and son. Both Miller and his wife died before application was made, and the son moved West and can not be found. During this period Johnson had no physicians to treat him. He was living so far away that he could not summon a doctor without great trouble, and his sick spells came on suddenly in the nature of nervous prostration. After recovering consciousness from these spells, although remaining weak for days, he suffered no pain and no medical treatment was called for.

In 1868 Johnson moved to Cass County, Illinois, since which time, by abundance of evidence, it is shown that the old man has been nearly totally disabled from work; that while he has been at all times afflicted with troubles in his head and back, he has been subject to spells of prostration, when he would be entirely helpless. These spells have grown more frequent during the past years.

Dr. Smith, secretary of board of medical surgeons in Cass County, in a letter to the Commissioner of Pensions, says: "He is attacked with paroxysms of shaking palsy, which are very bad. Will pass into a stupor which will last sometimes nearly two days," and that he is strictly honest, and his statement can be relied on implicitly.

This old soldier was a well-to-do farmer when he enlisted, and now at the age of eighty-two earns what little he can by sawing wood.

The committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with a favorable recommendation.

ISAAC DILLEY.

Mr. MORRILL. I ask unanimous consent to call up the bill (H. R. 7171) to restore to the pension-roll the name of Isaac Dilley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to restore to the pension-roll the name of Isaac Dilley, late of Company H, One hundred and thirtieth Indiana Infantry Volunteers.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7171) to restore to the pension-roll the name of Isaac Dilley, have had the same under consideration, and beg leave to submit the following report:

Claimant served as private in Company H, One hundred and thirtieth Regiment Indiana Volunteers, from February 9, 1864, to December 2, 1865, when mustered out with his command. He was allowed a pension January 17, 1873, at $8 per month, for dislocation and fracture of left elbow, incurred at Nashville, Tenn., April 5, 1864. This rate was increased at different times, until May 21, 1885, he was allowed $24 per month. Subject to this adjudication information was obtained by the Pension Bureau tending to show that the injury was received prior to enlistment, whereupon the case was specially examined. Much testimony has been taken during the examination, and the purport of the same may briefly be stated in the language of the reviewer who acted upon the case prior to the dropping of the pensioner's name from the rolls. He says:

"There is no doubt—in fact claimant admits—he incurred an injury to his left elbow about 1855, which left said elbow 'slightly crooked.' He alleges that he was an able-bodied man up to enlistment, with the exception of the slight crookedness of left elbow. The only question to ascertain is, did claimant receive a second injury to his left elbow during service and in line of duty which aggravated the injury incurred prior to enlistment?

"The claimant, who is of good character, a truthful, industrious man, makes a clear statement in respect to the incurrence of injury in service and in line of duty. He is supported in his statements by comrades and by Capt. Joseph C. Gresson, late of Company H, One hundred and thirtieth Indiana Volunteer Infantry, who says: 'He [claimant] was one among the best in the company and never shrank from duty. * * * There was nothing in his appearance to indicate that there was anything the matter with his left arm either in drill or other duty until he went out on that detail [meaning the detail on which claimant alleges the injury was incurred], and he never had a sound arm afterward while I knew him in the service.'

"The evidence, in my opinion, establishes that claimant's left elbow was injured a second time, and said second injury was incurred in service. * * * The case of Daniel Lamon, Company I, Fifty-fifth Indiana Volunteers, application 403304, is believed to be exactly parallel to the one now under consideration. The honorable Commissioner, in ruling 181, says 'that his present condition is due to a pre-existing disability and its aggravation by military service and in line of duty.' From the above-cited reasons I am of opinion the claim is not a fraud, and claimant's name should not be dropped from the pension-roll."

The re-reviewer, however, took a different view of the case, prejudiced apparently because of the claimant's failure in the first instance to make known his first injury, and his judgment prevailed; the name was dropped from the rolls, and this action sustained by the Secretary of the Interior November 7, 1887. After a careful examination of all the evidence in the case, your committee concur in the opinion of the reviewer above quoted for the reasons therein set forth, and therefore report favorably on the accompanying bill and ask that it do pass.

The bill was laid aside to be reported to the House with a favorable recommendation.

JAMES M. BERRY.

Mr. LANE, by unanimous consent, called up for present consideration the bill (H. R. 3490) granting a pension to James M. Berry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James M. Berry, father of John H. Berry, late of Company D, One hundred and twenty-sixth Regiment of Illinois Infantry, and Robert L. Berry, late of Company C, One hundred and forty-third Regiment of Illinois Infantry.

The report (by Mr. LANE) was read in part.

Mr. TAULBEE. Mr. Chairman, if the only question in this case is the question of dependence, I ask unanimous consent that the further reading of the report be dispensed with. It seems to be very clear on that point.

The report was ordered to be printed in full in the RECORD, as follows:

The Committee on Invalid Pensions, to whom was referred House bill 3490, submit the following report:

The record in this case shows that John H. Berry and Robert L. Berry, sons of James M. Berry, enlisted in the Illinois Infantry as privates, and while in the service one of them was drowned and the other died of disease contracted in the service. After their death and after the close of the war their mother, the wife of said James M. Berry, made application to the Pension Office for a pension, but said application was rejected for the reason that the testimony did not sufficiently show that the mother was depending on the soldiers for her support at the time of their enlistment. The testimony of Dr. Hobson, now on file with the committee, shows that the said James M. Berry is afflicted, and has been so afflicted for about twelve years; that he has not been able to take care of himself, and most of the time he has had to have constant personal attention.

The testimony of Abner Moore and John E. Knight further shows that the said James M. Berry for the last twelve years has been totally disabled physically, and has been unable to dress himself or help himself on account of paralysis, and that he has no means of support whatever, and that if the said Robert L. Berry and John H. Berry were now living the said James M. Berry would be depending on them for his support. The record further shows that the mother of the said soldiers departed this life about four years ago. And from the evidence aforesaid it appears now that the said James M. Berry would be depending on the said soldiers for a living if they were now living, and that he is now about seventy-nine years of age, and in the course of nature can not live long, and is poor and needy.

The committee therefore recommend that this bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CYNTHIA J. LEROY.

Mr. CANNON, by unanimous consent, called up the bill (H. R. 7891) for the relief of Cynthia J. Leroy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place upon the pension-roll the name Cynthia J. Leroy, the invalid daughter of Abraham Leroy, late a private of Company B, Sixth Regiment Illinois Volunteers, and pay said daughter a pension of $13 per month for and during her natural life.

Mr. CANNON. Mr. Chairman, I can state in a word the substance of the report in this case. This woman's father was a private in the Sixth Illinois Cavalry, was pensioned for kidney trouble, and drew a pension until his death, which resulted from that trouble. About a year ago his widow applied for a pension, but before it could be granted she died. This woman, the youngest child, is over forty years of age. She is paralyzed in the lower part of her body, so that she is entirely helpless, permanently paralyzed, and there is nothing between her and the poor-house except the justice or the bounty of the Government.

Mr. TAULBEE. I would like to ask the gentleman why it is that $18 a month is fixed as the rate of the pension in this case?

Mr. CANNON. For the reason that on consultation with the chairman of the Committee on Invalid Pensions, he seemed to think that was quite as small a pension as was usual in such cases, and said that it ought to be $18 at least, if it was anything. This is all this woman will have to live upon, and, as I have said, she is absolutely helpless. It is in the line of a bill of the same kind, and, indeed, of several bills that have been passed heretofore.

Mr. TAULBEE. I wish to ask the gentleman if he does not think that this is a discrimination in favor of a remote relative of the deceased soldier?

Mr. CANNON. She happens to be his daughter.

Mr. TAULBEE. But she is not entitled to a pension under the general law.

Mr. CANNON. Clearly not. Otherwise I would not ask to have this bill passed.

Mr. TAULBEE. And in addition to that, this bill proposes to put her in the case of a widow, a degree of relationship recognized by the general pension law, and to give her a pension 50 per cent. above that which the general law gives to the widow.

Mr. CANNON. But she is absolutely helpless.

Mr. TAULBEE. I do not see any good reason why we should give to a daughter a pension on account of her disability, and not be willing to rate the widows of soldiers according to their disabilities.

Mr. FELTON. We are willing to do that always.

Mr. CANNON. I will ask my friend [Mr. TAULBEE] if he thinks that $200 is more than enough for an absolutely helpless woman who has nothing else to depend on.

Mr. TAULBEE. I do not think $200 would be more than sufficient to give a support, a bare support, to an afflicted woman; but the gentleman certainly knows that that is not a good argument in favor of a pension, unless it is made applicable to those relatives who are recognized by the general law as being entitled to pension by reason of the death of the soldier. I think, Mr. Chairman, that when we go to the extent of pensioning a daughter above the age of sixteen years, she certainly ought to be content to receive the same rate of pension that the widows of soldiers are entitled to under the general law, many of whom are, as the gentleman will doubtless admit, as badly afflicted as this lady.

Mr. CANNON. Well, if there are any of them who are paralyzed, unable to work, absolutely helpless, and without means of support, so that they must go to the poor-house unless we give them relief, I am in favor of allowing them at least $18 per month.

Mr. TAULBEE. Now, Mr. Chairman, I have got the gentleman committed on that question, and I have no further objection to his bill. [Laughter.]

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WIDOW OF EMANUEL R. HAWN.

Mr. O'NEALL, of Indiana. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 6974) for the relief of —— Hawn, widow of Emanuel R. Hawn, late surgeon of the Forty-ninth Regiment Indiana Volunteers, deceased.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll the name of —— Hawn, widow of Emanuel R. Hawn, late surgeon of the Forty-ninth Regiment of Indiana Volunteers, subject to the conditions and limitations of the pension laws.

There being no objection, the Committee of the Whole proceeded to the consideration of the bill.

The report (by Mr. MATSON) is as follows:

The Adjutant-General reports that Emanuel R. Hawn was mustered into the service June 12, 1861, as second lieutenant Company C, Seventeenth Indiana Volunteers, as first lieutenant to date from February 1, 1862, and as captain to date from May 1, 1862. His resignation was tendered and accepted on account of "excessive corpulency, which unfits him for service on foot," September 29, 1862.

He was mustered in as assistant surgeon First Indiana Heavy Artillery, October 21, 1862, and was mustered out April 4, 1864, by reason of promotion, and was mustered in as surgeon Forty-ninth Indiana Volunteers, to date April 4, 1864, and was mustered out November 29, 1864. He was mustered in as surgeon One hundred and forty-fourth Indiana Volunteers March 9, 1865, to serve one year, and was mustered out with field and staff August 5, 1865.

The claimant alleges that while in the line of duty as the surgeon of the Forty-ninth Indiana Volunteers, the soldier, on or about the 15th day of May, 1864, at or near Red River, Louisiana, received the injury, or hernia of the abdomen, by being thrown from his horse. His horse became frightened, unmanageable, and ran away with him, the girth of the saddle breaking, causing him to be thrown violently to the ground, thereby causing and producing the hernia, which caused his death August 14, 1883. Col. James Keigwin, commanding the Forty-ninth Indiana at the time, testifies from personal knowledge to the incursion of the hernia as client alleges, his command at the time serving under General Banks; that the surgeon always complained of the injury during the remainder of his service in the Forty-ninth Indiana Volunteers. George W.

Riddle, adjutant Forty-ninth Indiana Volunteers, testifies identically with the colonel.

Dr. John M. Craig testifies he was well acquainted with Surgeon Hawn from August, 1865, the date of his muster-out, to 1881, and knows he was a great sufferer on account of rupture of the abdomen. His means of knowing such facts is that he was a partner of Surgeon Hawn from 1866 to 1876.

Dr. J. R. Bigelow, late United States examining surgeon for pensions (now deceased), filed July 6, 1885, states as follows:

"My attention was called by Emanuel R. Hawn, late surgeon Forty-ninth Indiana Volunteers, to a large umbilical reducible hernia, with which he was suffering, in October, 1865. I reduced the hernia and applied a truss, which, however, failed to retain the bowel. From October, 1865, to within a period of a month before his death, I had treated him frequently for strangulation with morphia, chloroform, and taxis."

Dr. E. S. Elder testifies as follows:

"I was the attending physician of the soldier during his last illness, and had previously known him for five years. He was suffering from an immense umbilical hernia, which occasionally became strangulated, and was constantly irritated by the excoriation of the integuments covering the hernia. The hernia was the source of constant pain, and in July, 1883, became inflamed and irritated to such an extent as to confine the patient to his bed. He medicated himself for a few days, and becoming worse, I was sent for and found him suffering severely. He had been using sulphate of morphia largely, he informed me. I attended for several days. On the 13th day of August, 1883, he became worse and suffered severely. On August 14, 1883, he suffered very much, and I was called in and administered a hypodermic injection of sulphate of morphia. In a few hours I was recalled and found him narcotized. Was informed that after my departure he took a large dose of morphia and soon became in the condition I found him. He died from the effects of the narcotic (morphia) in twelve hours from the time of my first visit."

The claim was rejected under ruling 112, which is as follows:

"Where soldier died from an overdose of opium self-administered, held, that whether the fatal dose was taken by mistake or during temporary insanity, the claim can not be admitted, upon the theory that, as opium had been prescribed for the soldier, he might easily contract the habit of taking it; that his death was not due to service, and his claim should be rejected."

Since the claim was rejected client has filed an additional affidavit from Dr. Elder, which is as follows:

"The soldier came under my care and treatment about July 14, 1883. He was suffering from the effects of an enormously large umbilical hernia, and he died August 14, 1883, from its effects. In my former statement I mentioned the fact that the immediate cause of his death was from the effects of an overdose of morphia. I desire to say that while he died from the effects of the morphia, yet his death was expected from the effects of the hernia, and would have taken place in the course of a very short time. The hernia was ulcerated and inflamed and would have weighed 20 or 25 pounds, and was so large that no truss could be adjusted to retain it. He used morphine to relieve his sufferings and took an overdose. I think that his death was fairly attributable to the effects of the hernia as the prime cause of his death. I had informed his family that his death would occur very soon from the debilitated condition the hernia had produced."

Hon. John C. Black, Commissioner of Pensions, in submitting the papers to the Secretary of the Interior, says:

"SIR: I have the honor to submit herewith the papers in the pension claim above indicated for transmittal through your office to the chairman of the Committee on Invalid Pensions, House of Representatives, that the attention of Congress may be invited to the facts in the case for such action in the premises, under the provisions of joint resolution approved May 29, 1830, as that honorable body may deem just and proper.

"It appears from the testimony filed in this case that the husband of the claimant, while in the service, was thrown from his horse and severely ruptured in the abdomen.

"The rupture appears to have been one of unusual size and severity, causing him great trouble and suffering at different times on account of it becoming strangulated and inflamed.

"During the last days of his life the rupture became unusually troublesome and painful, and it was apparent that it would cause his death at an early date.

"For his relief the attending physician administered opium, and during the absence of the physician the patient took an additional dose of opium, and died from the effect of the narcotic August 14, 1883.

"Not having died from the effect of the rupture received in the service, but from an overdose of opium, self-administered, the claim of the widow was rejected on that ground.

"There appears to have been no suicidal intent upon the part of the deceased, the narcotic having been resorted to merely to obtain relief from his intense suffering, and his condition was such that his life must have been soon terminated by the rupture. I therefore recommend this case for the action of Congress.

"Very respectfully,

"JOHN C. BLACK, *Commissioner.*

"The SECRETARY OF THE INTERIOR."

The committee are unanimously of the opinion that the injuries which finally resulted in death were contracted in the Army while in line of duty, and that the bill ought to pass with the following amendment:

In line 4, before the word "Hawn," insert "Mary E.," and when so amended we recommend that the bill do pass. We also recommend that the bill be amended accordingly.

The amendments reported by the committee were read, as follows:

In line 4, before the word "Hawn," insert "Mary E."

Amend the title so as to read: "A bill for the relief of Mary E. Hawn, widow of Emanuel R. Hawn, late surgeon of the Forty-ninth Regiment Indiana Volunteers, deceased."

The Clerk was proceeding to read the report, as already given, when

Mr. PERKINS said: This report seems to be lengthy. I ask unanimous consent that its further reading be dispensed with, and that it be printed in the RECORD. The case seems to be a good one.

Mr. TAULBEE. If the reading of the report be dispensed with, let there be a brief explanation.

Mr. O'NEALL, of Indiana. Emanuel R. Hawn, while in the military service during the war, fell from his horse on account of excessive corpulency, and was very badly ruptured. He lived until 1883. The evidence in support of the claim is very strong. The physician who attended him from July 14, 1883, until August 14, 1883, the date of his death, testifies that this man was in a very serious condition, entirely on account of this hernia; that in order to relieve the pain of the patient he administered from day to day doses of morphia. In the absence of the physician the patient took, without medical advice, an excessive dose of morphia, which threw him into a stupor, so that when the physician was again called in he found him in a condition from which he died. The immediate cause of death was the overdose of morphia, but in the opinion of the physician, if that had not been taken, the man, on account of hernia, could not have lived beyond a very few days. [Cries of "Vote!" "Vote!"]

The question being taken on the amendments, they were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ALBERT NEVIN.

Mr. MOFFITT. I ask consent for the present consideration of the bill (H. R. 3870) granting a pension to Albert Nevin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Albert Nevin, late a private in Company K, Ninety-second New York Volunteers, upon the pension-roll at the rate of $50 per month, in lieu of the $25 per month heretofore allowed him, the said increase of pension to commence from the passage of this act, subject to the limitations of the pension laws.

The amendment reported by the committee was read, as follows:

In line 6, strike out "fifty," and insert "forty-five," so as to make the rate of pension $45 per month.

Mr. MORRILL (after the reading of the report had begun). This case appears to be one of total helplessness. I ask that the further reading of the report be dispensed with.

Mr. TAULBEE. And that it be printed in the RECORD.

The CHAIRMAN. If there be no objection, the reading of the report will be dispensed with, and it will be printed in the RECORD.

There was no objection.

The report (by Mr. SAWYER) is as follows:

Albert Nevin enlisted in the Ninety-second Regiment New York Volunteers September 22, 1862, for three years. At the battle of Kinston, N. C., December 14, 1862, he received, according to his certificate of discharge, date of September 1, 1863, a gunshot wound "carrying away the lower jaw at a point corresponding to the anterior molar of either side. Articulation very imperfect and mastication impossible."

The certificate of the examining surgeon, of the date of September 6, 1863, describes him as follows:

"Wounded at Kinston, N. C., December 14, 1862. The lower jaw on either side, as far back as the angle, has been removed, resulting in frightful deformity. Loss of power of articulation, mastication, and deglutition."

In November, 1863, he was granted a pension of $8 per month.

Congress, in July, 1886, granted him a pension at the rate of $25 per month.

He now asks that it be increased to the sum of $50 per month.

The act of Congress having fixed his rate of pension at a definite sum, the Pension Bureau has no power to change the same. His only relief is by another special act.

The evidence filed with the committee shows him to be badly suffering from indigestion occasioned by his inability to masticate his food, resulting in such a debilitated condition of his system as to be wholly unable to perform manual labor; that he is so poor that he is unable to provide himself with suitable food.

The committee think that this soldier, from the awful nature of his wound and the necessary consequences thereof, and his extreme poverty, should receive the relief provided in this bill, and would therefore recommend the passage thereof, with an amendment striking out the word "fifty," in the sixth line, and inserting in lieu thereof the words "forty-five."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS J. PARKER.

Mr. FORD. I ask unanimous consent for the present consideration of the bill (H. R. 5176) granting a pension to Thomas J. Parker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Thomas J. Parker, late of Company A, Fourth Regiment Michigan Cavalry, subject to the provisions and limitations of the pension laws.

Mr. MORRILL (when the report had been partially read). I ask unanimous consent that the further reading of this report be dispensed with, and that it be printed in the RECORD.

There was no objection.

The report (by Mr. CHIPMAN) is as follows:

Parker served during the war of the rebellion in Company A, Fourth Regiment Michigan Cavalry. He applied for a pension on account of asthma contracted by exposure in the service, which application was rejected by the Pension Department on the ground that the asthma existed prior to his enlistment.

From testimony filed and submitted to the committee subsequent to the rejection of the claim, your committee are of the opinion that prior to his enlistment Parker was an able-bodied man, engaged in the occupation of blacksmithing.

H. H. Williams testifies that he has been acquainted with Parker since 1858, and that "he was a strong, healthy, able-bodied man, free from any constitutional disease or ailment," and that he "never knew of his being troubled with asthma or any other trouble with his throat or lungs."

Charles Carter submits an affidavit in which he states substantially the same as the former affiant.

William Partridge testifies that he has known Parker since 1850, and that prior to his enlistment "he was absolutely free from asthma."

James B. Streeter testifies that he has been acquainted with Parker since 1850, and that before he went to the war he was entirely free from asthma, and "a sound and healthy man."

James Forbes testifies that he worked with Parker as a blacksmith from 1859 for about two years, and that Parker was "as sound as a nut, and was free from asthma, and as tough as a bear."

John Southwell and W. A. Bliss, who knew Parker intimately before he enlisted, also testify to Parker's sound physical condition prior to his enlistment.

All of the above witnesses reside at Allegan, Mich., where Parker resided before the war, and where he now resides, and appear to be good citizens of excellent reputation. Parker is now old, destitute, and broken down in health.

In view of the above the committee recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. MORRILL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. RICHARDSON having taken the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole House, having had under consideration the special order, had directed him to report sundry bills with various recommendations.

ORDER OF BUSINESS.

Mr. TAULBEE. I ask unanimous consent that the bill (H. R. 4672) granting a pension to Mrs. Emily M. Wyman and the bill (H. R. 6789) granting a pension to Mary S. Wells, be laid aside until the other bills reported from the Committee of the Whole House have been disposed of.

The SPEAKER *pro tempore*. If there be no objection, that order will be made.

There was no objection.

BILLS PASSED.

Bills of the following titles, reported from the Committee of the Whole House without amendment, were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed.

A bill (H. R. 417) granting a pension to David Strunk;
A bill (H. R. 5233) granting a pension to William F. Randolph;
A bill (H. R. 5388) granting a pension to Elizabeth Buffington;
A bill (H. R. 4106) granting a pension to Olive Wallace;
A bill (H. R. 6586) granting a pension to Nancy O. Gray;
A bill (H. R. 4110) granting a pension to Mehitable Wheelock;
A bill (H. R. 807) for the relief of Horatio R. Maryman;
A bill (H. R. 822) granting a pension to Miles S. Scribner;
A bill (H. R. 4633) granting a pension to Morris T. Mantor;
A bill (H. R. 6984) granting a pension to Margaret E. Graves;
A bill (H. R. 4550) granting a pension to Chloe Quiggle, widow of Philip Quiggle;
A bill (H. R. 2259) to grant a pension to John M. Haley;
A bill (H. R. 4534) for the relief of Emily G. Mills;
A bill (H. R. 3682) to pension Emily Goodall;
A bill (H. R. 5363) granting a pension to David Johnson;
A bill (H. R. 7171) to restore to the pension-roll the name of Isaac Dilley;
A bill (H. R. 3490) granting a pension to James M. Berry;
A bill (H. R. 7891) for the relief of Cynthia J. Leroy; and
A bill (H. R. 5176) granting a pension to Thomas J. Parker.

Bills of the following titles, reported from the Committee of the Whole House with amendments, were taken up, the amendments severally agreed to, the bills as amended ordered to be engrossed and read a third time; and being engrossed, they were respectively read the third time, and passed:

A bill (H. R. 2498) granting a pension to Alonzo Higley;
A bill (H. R. 4685) granting a pension to Lizzie F. Reed;
A bill (H. R. 2416) granting a pension to Mrs. Hannah F. Brock;
A bill (H. R. 2694) granting a pension to Julia A. Griffen;
A bill (H. R. 2518) granting an increase of pension to John Rowe;
A bill (H. R. 3603) to increase the pension of Maxwell Carroll;
A bill (H. R. 2078) granting a pension to Charlotte T. Clark;
A bill (H. R. 3870) granting a pension to Albert Nevin;

Bills of the following titles, reported from the Committee of the Whole House with amendments to the body of the bills and to the titles, were taken up, the amendments severally agreed to, the bills as amended ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed; and the titles were amended as indicated:

A bill (H. R. 183) granting a pension to Rebecca H. Clark (title amended so as to read, "A bill granting a pension to the minor children of William Clark"); and

A bill (H. R. 6974) for the relief of —— Hawn, widow of Emanuel R. Hawn, late surgeon of the Forty-ninth Regiment Indiana Volunteers, deceased (title amended so as to read, "A bill for the relief of Mary E. Hawn, widow of Emanuel R. Hawn, late surgeon of the Forty-ninth Regiment Indiana Volunteers, deceased").

CHARLOTTE BROAD.

The bill (H. R. 816) granting a pension to Charlotte Broad, reported from the Committee of the Whole House with amendments, was taken up, and the amendments were agreed to.

Mr. GALLINGER. I desire to offer a further amendment to this bill by adding the words "and pay her a pension at the rate of $12 a month."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ISAIAH G. MAYO.

The bill (H. R. 824) granting a pension to Isaiah G. Mayo was taken up.

Mr. BOUTELLE. This bill should have been amended in Committee of the Whole. I ask that it be now amended in accordance with the report of the committee, by striking out the words "subject to the provisions and limitations of the pension laws," and adding after the word "service," in the last line, the words "the rating to be the same as allowed for similar disability to an enlisted man in the United States military service."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

EMILY M. WYMAN AND MARY S. WELLS.

Mr. TAULBEE. I ask unanimous consent that the bill (H. R. 4672) granting a pension to Emily H. Wyman and the bill (H. R. 6789) granting a pension to Mary S. Wells be laid aside informally, not to lose their places on the Calendar. I suggest that the little time remaining of this evening session be devoted to the recognition of such members as are on the list, for motions to discharge the Committee of the Whole, and to pass some of these pension bills to which there is no objection.

The SPEAKER *pro tempore*. What is the request of the gentleman?

Mr. TAULBEE. I ask unanimous consent that the two bills I have named be laid aside informally, not to lose their places on the Calendar.

Mr. BOUTELLE. They are now off the Calendar of the Committee of the Whole House, having been considered by that committee and reported to the House.

Mr. TAULBEE. I do not understand that such action takes them off the Calendar.

The SPEAKER *pro tempore*. The Chair is of opinion that it takes them off the Private Calendar and they would now be upon the Calendar of the House.

Mr. PERKINS. Let the previous question be ordered upon them.

Mr. TAULBEE. I have no objection to the previous question being ordered.

The bills were severally ordered to be engrossed and read a third time; and being engrossed they were accordingly read the third time.

Mr. PERKINS. By unanimous consent, let the previous question be considered as ordered.

There was no objection, and it was so ordered.

Mr. DINGLEY. When will the bills come up?

The SPEAKER *pro tempore*. The Chair is of the opinion if the previous question is ordered on the passage of the bills, the vote will come up to-morrow. That has been the practice.

Mr. BOUTELLE. Is it the purpose to insist on a vote in the House?

Mr. TAULBEE. Yes, that is what I want. I want a vote on both bills.

THERESA B. HOFFMAN.

A bill (S. 2873) granting a pension to Theresa B. Hoffman, reported favorably, was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. MORRILL moved to reconsider the several votes; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, on motion of Mr. MORRILL (at 10 o'clock and 30 minutes p. m.), the House adjourned.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred as indicated below:

By Mr. ANDERSON, of Kansas: A bill (H. R. 8566) granting a pension to William Brown—to the Committee on Invalid Pensions.

By Mr. BLAND: A bill (H. R. 8567) for the relief of Rebecca Gaddy—to the Committee on War Claims.

By Mr. BOOTHMAN: A bill (H. R. 8568) granting a pension to Thomas Warren—to the Committee on Invalid Pensions.

By Mr. C. E. BROWN: A bill (H. R. 8569) granting a pension to John Breitinger—to the Committee on Invalid Pensions.

By Mr. CARLTON: A bill (H. R. 8570) to appropriate money to pay Mrs. John H. Christy the salary of her deceased husband, Hon. John H. Christy, as a member of the Thirty-ninth Congress—to the Committee on Claims.

By Mr. CHEADLE: A bill (H. R. 8571) granting a pension to Margaret J. McQuary—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8572) to correct the military record of George W. Camp—to the Committee on Military Affairs.

By Mr. FISHER: A bill (H. R. 8573) granting a pension to William Partlow—to the Committee on Invalid Pensions.

By Mr. FINLEY: A bill (H. R. 8574) granting a pension to Sallie T. Ward, widow of the late W. T. Ward—to the Committee on Invalid Pensions.

By Mr. LANDES: A bill (H. R. 8575) granting a pension to W. J. Wiggs—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 8576) for the relief of Rachel Dyer, of Fairfax, County, Virginia—to the Committee on War Claims.

By Mr. LYNCH: A bill (H. R. 8577) granting a pension to Oliver P. Hadsel—to the Committee on Invalid Pensions.

By Mr. MASON: A bill (H. R. 8578) for the relief of Mrs. Gertrude Feese—to the Committee on Invalid Pensions.

By Mr. PHELPS: A bill (H. R. 8579) granting an increase of pension to Louisa V. de Kilpatrick, widow of Maj. Gen. Judson Kilpatrick, United States Volunteers—to the Committee on Invalid Pensions.

By Mr. PUGSLEY: A bill (H. R. 8580) granting a pension to Sarah A. Harrison—to the Committee on Invalid Pensions.

By Mr. SEYMOUR: A bill (H. R. 8581) for the relief of E. S. Rowland—to the Committee on Claims.

By Mr. E. B. TAYLOR: A bill (H. R. 8582) for the relief of Sanford M. Downing—to the Committee on Invalid Pensions.

By Mr. G. M. THOMAS: A bill (H. R. 8583) for the relief of John B. Auxier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8584) for the relief of Elias Dutton, Inez, Martin County, Kentucky—to the Committee on Military Affairs.

By Mr. W. L. WILSON: A bill (H. R. 8585) granting an increase of pension to Henry Smith, of Pendleton County, West Virginia—to the Committee on Invalid Pensions.

By Mr. STONE, of Kentucky: A bill (H. R. 8586) for the relief of J. A. Crawford & Sons—to the Committee on War Claims.

By Mr. HERMANN: A bill (H. R. 8587) for the relief P. B. Sinnott, late Indian agent at Grande Ronde agency, State of Oregon—to the Committee on Claims.

By Mr. LAWLER: A bill (H. R. 8588) granting a pension to Axel Silverspane—to the Committee on Invalid Pensions.

By Mr. WADE: A bill (H. R. 8589) granting a pension to Nancy Daniels—to the Committee on Invalid Pensions.

By Mr. WILKINSON: A bill (H. R. 8590) for the relief of John Rhodes—to the Committee on War Claims.

Changes in the reference of bills improperly referred were made in the following cases, namely:

A bill (H. R. 5812) granting a pension to Catharine Tierney—from the Committee on Invalid Pensions to the Committee on Pensions.

Also, a bill (H. R. 3868) granting a pension to Cynthia Witherell—from the Committee on Invalid Pensions to the Committee on Pensions.

Also, a bill (H. R. 6339) for increase of pension to Mrs. Sarah R. Bleecker—from the Committee on Pensions to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. H. ALLEN: Petition of an assembly of the Knights of Labor of Methuen, Mass., with reference to the so-called tonnage bill—to the Committee on Commerce.

Also, resolutions of Abraham Lincoln Post, No. 11, Grand Army of the Republic, of Boston, Mass., with reference to the discharge of veteran soldiers and sailors from the Charlestown navy-yard—to the Committee on Naval Affairs.

Also, affidavits of Solon W. Sterns and William Seavre, certificate of Dr. Walter Burnham, and statement of Joseph G. Grush, in the case of Mrs. Nancy J. Seavre, claimant for a pension—to the Committee on Invalid Pensions.

By Mr. BOOTHMAN: Petition of Thomas Warren, Company E, Seventh Regiment Ohio Volunteers, for a pension—to the Committee on Invalid Pensions.

By Mr. C. E. BROWN: Petition of John Breitinger, Company A, One hundred and eighth Regiment Ohio Volunteers, for a pension—to the Committee on Invalid Pensions.

By Mr. BUCHANAN: Petition of 26 citizens of Philadelphia, Pa., in favor of increased pay for keepers and surfmen in the Life-Saving Service—to the Committee on Commerce.

By Mr. BUNNELL: Resolution of Trades Assembly of Western Pennsylvania, favoring House bill 5664—to the Committee on the Post-Office and Post-Roads.

By Mr. COMPTON: Petition of the mechanics and laborers in the Washington navy-yard, for relief—to the Committee on Labor.

By Mr. CONGER: Petition of farmers of Iowa, for such amendment to the tariff laws as will furnish more effectual protection of agriculture—to the Committee on Ways and Means.

By Mr. DALZELL: Petition of P. F. Keeney Lodge Amalgamated Association of Iron and Steel Workers, with respect to a protective tariff—to the Committee on Ways and Means.

Also, petition of Smoky City Council, Junior Order of United American Mechanics, that February 22 be made a national holiday—to the Committee on the Judiciary.

By Mr. DARLINGTON: Petition of the Farmers' Club, of London Grove, Chester County, Pennsylvania, that the Department of Agriculture be made an Executive Department—to the Committee on Agriculture.

By Mr. DINGLEY: Resolutions of workingmen, ship-builders, and ship-owners, of Waldoborough, Damariscotta, and New Castle, Me., for the passage of a bill to pay a bounty to American vessels in foreign trade—to the Committee on the Merchant Marine and Fisheries.

Also, memorial of Bath, (Me.) Board of Trade, for refunding of tonnage tax paid by American vessels from July 1, 1865, to July 1, 1885—to the Committee on Claims.

By Mr. DUNHAM: Petition of Local Assembly No. 2636, Knights of Labor, of Chicago, Ill., favoring the passage of the tonnage bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. ENLOE: Petition of John Shell and of administrator of Sarah King, of Henry County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War C aims.

By Mr. FARQUHAR: Memorial of citizens of Buffalo, N. Y., engaged in the manufacture and sale of pure lards, for legislation to regulate the manufacture and sale of lard—to the Committee on Agriculture.

By Mr. GROUT: Memorial of the National Woman's Christian Temperance Union, for the repeal of the tax on alcoholic liquors as a beverage—to the Committee on Ways and Means.

By Mr. JOSEPH: Petition of 228 citizens of White Oaks, Socorro, Las Cruces, Hillsborough, and Albuquerque, N. Mex., for better legal protection for women and girls—to the Committee on the Judiciary.

Also, petition of citizens of Lincoln County, New Mexico, for the establishment of the Lincoln land district in the Territory of New Mexico—to the Committee on the Public Lands.

By Mr. LAWLER: Resolutions of the Board of Trade of Chicago, Ill., favoring the passage of House bill 8064 to build a ship-canal around the Niagara Falls, N. Y.—to the Committee on Railways and Canals.

By Mr. LONG: Petition of Local Assembly No. 4638, of East Bridgewater, Mass., in behalf of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

Also, memorial of Abraham Lincoln Post, No. 11, Grand Army of the Republic, of Charlestown, Mass., in behalf of employment of Union soldiers in the public service—to the Select Committee on Reform in the Civil Service.

Also, petition of John L. Whiting & Son and 11 other brush-manufacturing firms, against reduction of the tariff on imported brushes—to the Committee on Ways and Means.

By Mr. McSHANE: Petition of citizens of Florence, Nebr., for the abolition of the liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

Also, the petition of the bankers of the District of Columbia, that inauguration day be made a legal holiday—to the Committee on the Judiciary.

By Mr. MORROW: Petition of 25 male citizens of San Francisco, Cal., for better legal protection of women and girls—to the Committee on the Judiciary.

By Mr. CHARLES O'NEILL: Communication from the New York Chamber of Commerce, for the passage of House bill 1677, with an amendment that all agricultural products, especially nurserymen's goods, may be sold with the payment of a drummer's license tax—to the Committee on Commerce.

By Mr. OSBORNE: Petition of the Homeopathic Medical Society of Northern Pennsylvania, for the removal of the duty on medicine and medical and surgical appliances—to the Committee on Ways and Means.

By Mr. PARKER: Petition in favor of granting a pension to John Rhubart, late of Company C, First Regiment New York Light Artillery Volunteers—to the Committee on Invalid Pensions.

By Mr. PERKINS: Petition of James Monroe, F. H. Hawkins, and others, citizens of Chautauqua County, Kansas, for a pension for Mrs. Malinda Higgins—to the Committee on Invalid Pensions.

By Mr. REED: Petition of the commissioners of the District of Columbia and 1,500 others, citizens of Washington, praying that the District be exempted from the operation of joint resolution 99—to the Committee on Military Affairs.

By Mr. RICE: Remonstrance of citizens of Washington, D. C., against the passage of joint resolution 99—to the Committee on Military Affairs.

By Mr. SAWYER: Petition of Rev. C. W. Dibble and 6 others, male citizens of Perry, N. Y., for better legal protection for women and girls—to the Committee on the Judiciary.

By Mr. SCULL: Memorial of the Patrons of Husbandry of Ostesburgh, Pa., for a law prohibiting the adulteration of lard and other food products—to the Committee on Agriculture.

Also, memorial of the same, for the continuance of the Bureau of Animal Industry—to the Committee on Agriculture.

By Mr. HENRY SMITH: Petition of Fred. Mass and others, for the payment semi-monthly of employés working on Government buildings and works—to the Committee on Labor.

Also, memorial of the American Society of Civil Engineers, for the appointment of a commission to test structural material—to the Committee on Manufactures.

By Mr. SPRINGER: Petition of George Rausch and others, relative to arrears of pensions—to the Committee on Invalid Pensions.

By Mr. STAHLNECKER: Memorial relative to the duty on salt—to the Committee on Ways and Means.

By Mr. STEPHENSON: Petition of Robert E. Bradford and 47 others, citizens of Chippewa Falls, Wis., for repeal of the pension laws, limiting the time of making application for pensions—to the Committee on Invalid Pensions.

Also, petition of 106 iron-ore miners and laborers of the Superior Iron Mine at Hurley, Wis., relating to the duty on iron ore—to the Committee on Ways and Means.

By Mr. STONE, of Kentucky: Petition of W. S. Porter, of Covington, Ky., for reference of his case to the Court of Claims—to the Committee on War Claims.

By Mr. SYMES: Petition against the removal of the internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

Also, resolution against land offices at Sterling and Akron—to the Committee on the Public Lands.

Also, memorial of citizens of Saguache, Colo., asking an appropriation for reservoir purposes—to the Committee on Agriculture.

By Mr. E. B. TAYLOR: Petition of Rev. I. B. Hammond and 11 others, male citizens, Saybrook, Ohio, for better legal protection for women and girls—to the Committee on the Judiciary.

By Mr. E. J. TURNER: Petition of E. A. Lowe and others, and E. J. Bryant and others, for repeal of the duty on foreign salt—to the Committee on Ways and Means.

By Mr. WASHINGTON: Petition of John L. Hadley, jr., heir of John L. Hadley, deceased, of Davidson County, Tennessee, for reference of his case to the Court of Claims—to the Committee on War Claims.

By Mr. WHEELER: Petitions of Mary P. Wade, of Nathan L. Williams, of Harris Crowell, of Catherine Ledbetter, of Thomas J. Mitchell, of Samuel Green, of Margaret Haden, administratrix of John T. Haden; of G. W. Roberts, of Andrew J. Brown, of W. M. Porter, of Willis P. Grisham, of William Gullatt, of S. E. Summers and E. J. Terry, heirs of Francis M. Wedgeworth; of Mrs. Jane Simpson, heir of William Whitsett; of Glovena Mason, administratrix of John R. Mason, and of J. O. Cooper, administratrix of John Cooper, of Alabama, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. J. R. WHITING: Petition of J. S. Duffie and 37 others, citizens of Huron and St. Clair Counties, Michigan, for increase of pay of keepers and surfmen of the Life-Saving Service—to the Committee on Commerce.

By Mr. WHITTHORNE: Petition of Garrett D. Voorhies, and of Miss Caledonia Brown, heir of Hugh H. Brown, of Maury County, and of J. W. Armstrong, administrator of Sallie Armstrong, of Williamson County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

The following petition for an increase of compensation of fourth-class postmasters was referred to the Committee on the Post-Office and Post-Roads:

By Mr. BUTLER: Of sundry citizens of Hancock County, Tennessee.

The following petitions, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, were severally referred to the Committee on Invalid Pensions:

By Mr. BOOTHMAN: Of John W. Boston and others, citizens and ex-Union soldiers of Henry County, Ohio.

By Mr. BREWER: Of Isaac Eagle and 42 others, citizens of Eureka, Mich.

Also, of J. R. Jeffrey and 38 others, ex-soldiers of Eureka, Mich.

By Mr. BURROWS: Of ex-soldiers of Michigan.

By Mr. CONGER: Of soldiers of Ames, Story County, Iowa.

By Mr. FISHER: Of 8 ex-Union soldiers and sailors of Indian Lake, Mich.

By Mr. LYMAN: Of ex-Union soldiers of Villisco, Iowa.

By Mr. McCULLOGH: Of D. R. Bickner and others, of George H. Murphy and others, of Louis Marchand and others, and of William H. Vantasselle and others, ex-soldiers and sailors of Westmoreland County, Pennsylvania.

By Mr. NELSON: Of George B. Adams Post, No. 151, Grand Army of the Republic, of Minnesota.

By Mr. NUTTING: Of John L. Hall and 45 others, of James K. P. Cottrell and 124 others, and of M. A. Dumoro and 50 others, soldiers and citizens of New York.

By Mr. CHARLES O'NEILL: Of ex-Union soldiers and sailors of Pennsylvania.

By Mr. OSBORNE: Of O. B. Wright and 41 others, ex-soldiers of Lackawanna County, Pennsylvania.

By Mr. ROMEIS: Of 79 ex-soldiers and sailors of Lucas County, Ohio.

By Mr. SHERMAN: Of L. A. Martin and 105 others, citizens of Oneida County, New York.

By Mr. STRUBLE: Petition of De Salvo B. Harmon and 31 others, citizens and ex-Union soldiers of Iowa.

By Mr. A. C. THOMPSON: Of ex-Union soldiers of Blue Creek, Adams County, Ohio.

By Mr. E. B. TAYLOR: Of ex-soldiers of Coalburgh, and of 143 ex-soldiers of Geneva, Ohio.

By Mr. J. R. WHITING: Of C. L. Smith and 36 others, of Francis Strobridge and 39 others, and of Marion Bolton and 16 others, ex-soldiers of Lapeer County; of Lafayette Matthews and 47 others, ex-soldiers of Huron County; of Henry A. McLeod and 37 others, ex-soldiers of Marine City, and of Harrison Bradshaw Post, 304, of Clifford, Mich.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. BOUTELLE: Of 141 citizens of Aroostook County, Maine.

By Mr. J. E. CAMPBELL: Of 192 citizens of Warren County, Ohio.

By Mr. FISHER: Of 211 citizens of Tuscola County, Michigan.

By Mr. GREENMAN: Of 169 citizens of Rensselaer County, New York.

By Mr. KEAN: Of 169 citizens of Middlesex County, New Jersey.

By Mr. OSBORNE: Of 341 citizens of the United States.

The following petitions, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia, were severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. BOUTELLE: Of C. F. A. Johnson and 104 others, citizens of the Fourth district of Maine.

By Mr. FLOOD: Of B. W. Payne and 196 others, citizens of the Twenty-eighth district of New York.

By Mr. LYMAN: Of citizens of Adair County, Iowa.

By Mr. PUGSLEY: Of 120 citizens of the Twelfth district of Ohio.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March* 17, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D., of Washington, D. C.

The Journal of yesterday's proceedings was read and approved.

The SPEAKER. The Chair has caused to be prepared an amendment to the Journal of the proceedings of the day before yesterday in relation to the point of order of the gentleman from Kentucky [Mr. TAULBEE], which the Clerk will now read. This has relation to the proceedings which took place immediately after the call of the roll, as the House will remember, on the report of the Committee on Accounts.

The Clerk read as follows:

At the conclusion of the second call of the roll, and before the result was announced, Mr. BLISS asked leave to vote, and stated that he was in the Hall of the House when his name was called but failed to hear it; whereupon Mr. TAULBEE made the point of order that under the rule of the House no member had the right to vote after the completion of the second call of the roll.

The Speaker ruled that notwithstanding the express language of clause 1 of Rule XV, which was adopted during the Forty-sixth Congress, it has been the uniform practice of the House to permit a member to vote when he stated he was within the Hall when his name was called but had failed to hear it; and therefore the point of order was overruled, and Mr. BLISS was permitted to vote.

The SPEAKER. If there be no objection, this amendment of the Journal will be inserted.

There was no objection, and it was so ordered.

PENITENTIARY, BOISÉ CITY, IDAHO.

The SPEAKER laid before the House a letter from the Attorney-General, transmitting an estimate of the plan of the proposed enlargement of the United States penitentiary at Boisé City, Idaho; which was referred to the Committee on Appropriations, and ordered to be printed.

LEAVE OF ABSENCE.

Mr. O'NEILL, of Pennsylvania, by unanimous consent, was granted leave of absence from Saturday until Tuesday, on account of the death of a relative.

PENSACOLA HARBOR, FLORIDA.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of the survey of the outer and inner bars of Pensacola Harbor, Florida; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

CLERICAL FORCE, ORDNANCE AND COMMISSARY DEPARTMENTS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting letters from the Chief of Ordnance and the Commissary-General, in reference to the appropriations for clerical force in their offices for the fiscal year ending June 30, 1889; which was referred to the Committee on Appropriations, and ordered to be printed.

FINDINGS OF COURT OF CLAIMS.

The SPEAKER also laid before the House letters from the assistant clerk of the Court of Claims, transmitting copies of findings of fact in

the following cases against the United States; which were severally referred to the Committee on War Claims, namely:

The case of J. Q. Ward, administrator; and

The case of James S. Frizzell.

FEDERAL COURTS, MISSOURI.

Mr. HATCH. Mr. Speaker, I ask unanimous consent to discharge the House Calendar from the further consideration of the bill (H. R. 8044) to change the time of the sessions of the circuit and district courts of the northern division of the eastern district of Missouri, and put it upon its passage.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the sessions of the circuit and district courts of the United States for the northern division of the eastern district of Missouri, at the city of Hannibal, shall begin and be held on the fourth Monday of May and the first Monday of December of each year. All acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 2. That all process issued from the clerk's office of said courts, and all recognizances taken therein, shall be taken and considered as returnable to the term or terms hereby established in lieu of the term or terms existing at the time such process was issued or such recognizances were taken.

Mr. BLAND. I would like to inquire of my colleague if this interferes with the holding of the terms of court at other points in Missouri?

Mr. HATCH. It does not. It is to prevent a conflict. I have a letter from Judge Thayer, in which he states that the terms of court as now fixed by law, the spring and fall terms at Hannibal, conflict with his St. Louis term.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered and ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. HATCH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

T. J. EDWARDS, ADMINISTRATOR.

Mr. THOMPSON, of Ohio. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill (H. R. 518) for the relief of T. J. Edwards, administrator of David Edwards, deceased, and put it upon its passage.

The SPEAKER. The bill will be read, subject to objection.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to T. J. Edwards, as administrator of the estate of David Edwards, deceased, late of Jackson County, Ohio, the sum of $225, for the balance due the said David Edwards, deceased, for property taken by the United States Army in 1862, as appears in his claim filed in 1879, in the Quartermaster-General's Office, No. 201,855, and referred to the Third Auditor of the Treasury for settlement, No. 59,148.

Mr. HOLMAN. What is the amount covered by the bill?

Mr. BURROWS. Let the report be read.

Mr. THOMPSON, of Ohio. I will state that the sum covered by this bill is quite small, only $225.

Mr. BURROWS. I do not insist, then, upon the reading of the report.

There being no objection, the bill was considered and ordered to be engrossed for a third reading; and was accordingly read the third time, and passed.

Mr. THOMPSON, of Ohio, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES L. HENDERSON.

Mr. STONE, of Kentucky. Mr. Speaker, when the House took a recess on yesterday evening I had obtained unanimous consent for the consideration of a bill which was read, but further action was cut off by some dilatory motion.

The SPEAKER. The gentleman was cut off by the arrival of the hour fixed for the recess. The bill was read on yesterday evening and unanimous consent given for its consideration. The Clerk will again report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to place the name of James L. Henderson on the roll of Company B, Sixteenth Kentucky Volunteers, as having been mustered into said company as a private of date ——, that being the date of his enlistment in said company.

The SPEAKER. The gentleman from Indiana [Mr. STEELE] had demanded the reading of the report, and pending that the hour expired. The Clerk will now read the report.

The report (by Mr. GEAR) was read, as follows:

The records of the War Department show that the said Henderson was never mustered into the service of the United States, but the records of No. 4 General Hospital, at Paducah, Ky., show that James L. Henderson, a private in Company B, Sixteenth Kentucky Volunteers, was admitted to that hospital February 18, 1864, and was treated for typhoid pneumonia, and died February 19 or 20 of typhoid-malarial fever.

W. A. Walston, guardian of Henderson's minor children, testifies that "Henderson enlisted in Company B, Sixteenth Kentucky Volunteers, December 30, 1863, and died at Paducah February 28, 1864, of small-pox, before his company was mustered in." John E. Williams, late captain of Company B, Sixteenth Kentucky Volunteers, testifies that he—

"Personally remembers James L. Henderson, who was a soldier in said company; that Henderson enlisted December 30, 1863, at Paducah, Ky., for three years, and died at Paducah, Ky., February 28, 1864, of small-pox, which disease he contracted in the line of duty, and was never mustered in, as, when company was mustered in, March 17, 1864, said soldier was dead. That, further, his officers then had the mistaken idea that those of company who were dead when said muster-in took place should be dropped from the rolls, and this was done in Henderson's case, and his name is not, therefore, found on rolls of the Army."

The records of the War Department show that Company B, Sixteenth Kentucky Volunteers, was mustered into the military service of the United States March 17, 1864.

The evidence in this case clearly shows that the said James L. Henderson did enlist in good faith for three years; that he died of disease contracted in the line of duty; and that he died before the company of which he was a member was mustered into the military service of the United States; that owing to a lack of knowledge on the part of his company officers his name was not borne on the rolls at the time of the muster of his company.

In view of the facts in this case your committee are of the opinion that the relief asked for should be granted, and they therefore recommend that the bill do pass.

Mr. STONE, of Kentucky. When this bill was introduced I did not know the date of enlistment, hence there was a blank left in the bill. This was found afterwards in committee to be December 30, 1863, which date I ask to have fixed in the bill as an amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. STONE, of Kentucky, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT SAN FRANCISCO.

Mr. MORROW. I ask unanimous consent to take from the Union Calendar for present consideration the bill (H. R. 7597) to increase the limit of cost for the purchase of a site for a public building for the post-office, court-house, and other public offices in San Francisco, Cal.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MCMILLIN. Let the report be read.

The report was read.

Mr. MCMILLIN. I think I must object to the consideration of the bill at this time.

Mr. MORROW. I hope the gentleman will withhold his objection until I have an opportunity to explain why the bill is brought forward at this time. By the act of 1887 Congress provided for the appointment of a commission and authorized that commission to make the selection of a lot. The commission negotiated for a purchase and found that the sum of $350,000 provided in the original act was insufficient. The commission reported this fact to the Secretary of the Treasury, and the Secretary of the Treasury in two executive documents which I hold in my hand has indicated to Congress the fact that this sum of $350,000 is too small.

Mr. MCMILLIN. I will object to the consideration of the bill until I can look into it.

ORDER OF BUSINESS.

Mr. HOLMAN. After the next recognition I will have to call for the regular order.

MORGAN RAWLS.

Mr. NORWOOD. I ask unanimous consent to call up from the Private Calendar for present consideration the bill (H. R. 92) for the relief of Morgan Rawls.

The bill was read, as follows:

Be it enacted, etc., That the sum of $800 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay Morgan Rawls, of the State of Georgia, for a dwelling-house taken from the village of Guyton, Ga., in the latter part of the year 1865, by order of the United States officer in command at Savannah, Ga., through mistake for a Confederate building.

The report (by Mr. SHAW) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 92) for the relief of Morgan Rawls, respectfully report back the same, and recommend that it do pass.

The following report from the Committee on Claims in the Forty-seventh and adopted by the Committee on Claims in the Forty-ninth Congress is made part hereof, to which reference is made for the facts:

[House Report No. 104, Forty-seventh Congress, first session.]

The Committee on Claims, to whom was referred the bill (H. R. 2136) for the relief of Morgan Rawls, have had the same under consideration, and submit the following report:

During the late war a number of buildings were erected by the Confederate authorities, for hospitals and quartermaster and commissary stores, at the village of Guyton, State of Georgia. Standing between and near these buildings was a small unoccupied dwelling-house belonging to Morgan Rawls, of the value of $800, not estimating the ground on which it stood. In the fall of 1865, during the absence of said Rawls, while in attendance upon the constitutional convention of said State and as a member of said convention, and after he had taken the oath known as the "amnesty oath," a detail of United States soldiers was sent to Guyton, by the United States military authorities, from Savannah, with instructions to take down and remove said Confederate buildings to Savannah, the materials to be used in the construction of school-houses for freedmen. In executing said instructions said soldiers destroyed, by mistake, said house

belonging to Rawls. Said Rawls endeavored to obtain from the military authorities at Savannah compensation for his loss, but was never paid. A bill similar to this, for his relief, was introduced in the Forty-third Congress, and also in the Forty-fourth Congress, but no report was made in either Congress upon the bill.

The committee report the bill back with the recommendation that it pass.

There being no objection, the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. NORWOOD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MERCHANTS' NATIONAL BANK, POUGHKEEPSIE, N. Y.

Mr. KETCHAM. I ask unanimous consent to call up from the Private Calendar for present consideration the bill (H. R. 932) for the relief of the Merchants' National Bank of Poughkeepsie, N. Y.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, instructed to issue a duplicate 4 per cent. registered bond for the sum of $10,000 to the Merchants' National Bank of Poughkeepsie, N. Y., and cause the same to be registered on the books of the Treasury in the name of the Merchants' National Bank of Poughkeepsie, N. Y., in lieu of bond numbered 10307, for $10,000, act of July 14, 1870, consols of 1907, inscribed in the name of the Dutchess County Mutual Insurance Company, and assigned in blank, and lost or destroyed about the 24th day of July, 1880, upon the Merchants' National Bank of Poughkeepsie complying with the following conditions: That it file with the Secretary of the Treasury a consent by the Dutchess County Mutual Insurance Company to the cancellation of the entry on the books of the Treasury showing it to be the owner of said lost bond 10307, and to the issuing of said duplicate bond and to the payment of interest thereon hereafter to the Merchants' National Bank, which consent shall be in writing, executed and duly acknowledged by the officers of the said insurance company and approved of by the Secretary of the Treasury. That it also execute and file with the Secretary of the Treasury a bond with sufficient sureties, to be approved by the Secretary of the Treasury, in the penalty of $20,000, conditioned to save harmless and indemnify the United States from loss or liability on account of said original bond or the interest accruing thereon, and shall renew said bond from time to time as the Secretary of the Treasury or his successors may require, and shall deposit as collateral security to said indemnity bond with the Secretary of the Treasury said duplicate bond, to be held at all times by said Secretary until the liability of the United States upon said original bond shall be extinguished.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. ANDERSON, of Kansas. I would like to hear some explanation of it.

Mr. KETCHAM. The bill has the unanimous approval of the Committee on Banking and Currency. It is approved also by the Treasury Department. I yield to the gentleman from New York [Mr. BACON], who reported the bill, to make the necessary explanation.

Mr. BACON. If any explanation is necessary, I will be glad to afford it. The Dutchess County Mutual Insurance Company, at Poughkeepsie, N. Y., was the owner of this bond. For the purpose of cashing it the insurance company signed a transfer in blank and took it to the Merchants' National Bank of Poughkeepsie. The amount was credited to the insurance company on the books of the bank. The bond was then put in an envelope and addressed by the cashier of that bank to the correspondent in New York of the Merchants' National Bank, and by him delivered to the teller of the bank to be mailed at the Poughkeepsie post-office.

Somewhere between the bank and the post-office the bond was lost and has never been seen since. The interest has been paid regularly to the Dutchess County Insurance Company and by that company paid over to the Merchants' National Bank of Poughkeepsie.

The bank applies now for the issue of a duplicate bond. It is obvious that the original bond, if in existence, might be presented as a valid claim against the Treasury of the United States. To protect the Government against that, the bill provides, first, that the consent of the Dutchess County Mutual Insurance Company to the cancellation of the entry on the books of the Treasury showing it to be the owner of the lost bond shall be filed in due form; and, second, that the Government shall be protected against any possible claim for interest or principal paid to the bank by a bond in the penalty of $20,000, and by the deposit as collateral of the duplicate bond with the Secretary of the Treasury. This bill simply settles the question between the two corporations.

Mr. ANDERSON, of Kansas. That is all I want to hear.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CUTCHEON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. I ask unanimous consent that instead of the regular call of committees for reports being proceeded with, any gentleman desiring to submit reports may do so. I think that will save some time.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the formal regular call of committees for reports be dispensed with, but that gentlemen who desire to make reports may do so. Is there objection? The Chair hears none.

FOG-SIGNAL AT MANISTEE.

Mr. CUTCHEON, by unanimous consent, introduced a bill (H. R. 8591) for the establishment of a steam fog-signal at Manistee light-station, Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CHANGE OF REFERENCE.

Mr. LONG, from the Committee on Appropriations, reported back the bill (H. R. 3382) fixing the salaries of the Commissioner of Education and the Commissioner of Labor at $5,000 each per annum, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Expenditures in the Interior Department.

The motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. It appears from the Journal that two bills have come over from the session of last evening with the previous question ordered upon their passage. Under the practice of the House they will be disposed of now.

Mr. HOLMAN. I ask unanimous consent that they be passed over for the present.

Mr. RANDALL. Are those the two pension bills that have come over?

The SPEAKER. Yes.

Mr. RANDALL. I object to their being laid aside.

The SPEAKER. The Clerk will report the title of the first bill.

The Clerk read as follows:

A bill (H. R. 6789) granting a pension to Mary S. Wells, reported from the Committee of the Whole with an amendment.

The bill was read.

Mr. SPRINGER. Mr. Speaker, I think that these pension bills coming over from Friday evening sessions with the previous question ordered upon their passage ought to go over until the succeeding Friday.

Mr. RANDALL. They ought to go over only to the time when the practice of the House requires that they shall be disposed of.

Mr. SPRINGER. They are private bills, and if this practice is to be permitted, the Committee on Invalid Pensions can bring into the session of Saturday all the bills that have been considered at the Friday evening session and compel the House to devote the entire day to them. I think these bills ought to go over until next Friday. When we give one day in the week to private bills I think there ought to be no overlapping of that business, especially from the Friday night sessions, when, as is well known, very few members are present. I think it is taking advantage of the House to send over bills in this way.

Mr. RANDALL. This proceeding was not intended to take advantage of the House, but, on the contrary, to let these bills come into a full House, and, the previous question having been ordered upon them, they properly come up now, and they may as well be disposed of at one time as another.

Mr. SPRINGER. Only that they interrupt the regular business of the day.

Mr. DOCKERY. Mr. Speaker, I think the gentleman from Pennsylvania [Mr. RANDALL] is quite right in his statement of the intent of the House in sending over these bills. There certainly was no intention to take any advantage of the House; on the contrary, the desire was to give the full House an opportunity to vote on them. But it does occur to me that, under the circumstances, the suggestion of the gentleman from Illinois [Mr. SPRINGER] is timely, and I suggest that, by unanimous consent, these bills be allowed to go over until next Friday.

Mr. RANDALL. I object.

Mr. STONE, of Kentucky. So do I.

The SPEAKER. It is true that Friday is set apart for the consideration of private bills, but it is also true that the House may and does consider private bills on other days, and the uniform practice of the House has been that when the previous question is ordered upon a bill it comes up in the House the next morning.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to be heard for a moment.

The SPEAKER. The Chair will hear the gentleman. This is a question of order.

Mr. ROGERS. The House of Representatives, during my service here, have been disposed to give graceful treatment to all pension legislation, and have set apart Friday evenings for the disposition of that kind of business. Now, it occurs to me that that is as much of the time of the House as should be consumed by one class of legislation, especially when this kind of business is ordinarily done *nem. con.*, and if the business of the House at the Friday night sessions, when only a few members are present, is to be forced over into the next day and put in such shape that it shall interfere with the next day's business or with the business of other days, then I give notice that there will be some members who will see that neither this class of business nor any other does come over in this way until there are full sessions of the House on Friday nights.

Mr. TAULBEE. Mr. Speaker, I think it is due to the members who attend the Friday night sessions that I should make a brief statement.

I agree with the criticisms offered by the gentleman from Arkansas [Mr. ROGERS], but I regret exceedingly that members of the House are not present on Friday evenings to see that only proper legislation is had.

A MEMBER. That is the point.

Mr. TAULBEE. The object in sending these bills over was not to consume the time of the House to-day, which ought to be devoted to other business. They were sent over on my objection, because I did not think they ought to pass, and I was unwilling that they should pass unless a quorum decided otherwise. We passed several bills last night, but these two bills that have come over were not such as I thought ought to be disposed of in the absence of a quorum. Now, if the members who are willing to devote their time to this pension business on Friday evenings are to be held responsible for all the bad legislation that takes place, certainly gentlemen who bless us with their absence on such occasions ought not to complain if objectionable bills are sent over for the action of a full House. There is a remedy, and that is for members to attend the Friday night sessions, so as to have a quorum present and avoid putting the members who do attend in the awkward attitude, when objectionable bills are brought forward, of attempting to obstruct legislation by requiring the presence of a quorum.

Mr. RANDALL. Mr. Speaker, I desire to say a word on this point. The action of the Friday night sessions is always unobjectionable. I do not know that the House at those sessions has ever passed a bill against which there is any valid objection, but where objection is made by any member to a bill at those sessions the House takes the very safest course possible by sending the bill over, so that it can be acted on by a full House; and I do not think there is any service that we can render that is much more important than doing justice to worthy applicants for pensions.

Mr. HOLMAN. I call for the regular order.

The SPEAKER. The regular order is demanded. The question is, Shall this bill pass?

The question was taken; and there were—ayes 100, noes 19.

Mr. TAULBEE. No quorum.

The SPEAKER. The point being made that no quorum has voted, the Chair will appoint the gentleman from Kentucky [Mr. TAULBEE] and the gentleman from Kentucky [Mr. FINLEY] to act as tellers.

The House again divided; and the tellers reported—ayes 126, noes 37.

So the bill was passed.

Mr. FINLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MRS. EMILY M. WYMAN.

The next bill in order (having come over from last night's session with the previous question ordered upon its passage) was the bill (H. R. 4672) to increase the pension to Mrs. Emily M. Wyman.

The bill was read.

The question being taken on the passage of the bill, there were—ayes 104, noes 22.

Mr. TAULBEE. No quorum.

Tellers were ordered; and Mr. FINLEY and Mr. TAULBEE were appointed.

The House again divided; and the tellers reported—ayes 114, noes 29.

Mr. TAULBEE. I withdraw the point of no quorum.

So the bill was passed.

Mr. FINLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The Chair, under the order made this morning, will now, without regularly calling the committees, recognize gentlemen who desire to present reports.

UNITED STATES COURT ROOMS, UTICA, N. Y.

Mr. NEAL, from the Committee on Public Buildings and Grounds, reported back favorably the joint resolution (H. Res. 103) authorizing and directing the Department of Justice to transfer certain rooms which have been occupied by the United States courts and officials to the city of Utica, N. Y.; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PENSIONS.

Mr. GALLINGER, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 1537) to allow soldiers and sailors in the United States service who have lost both arms an increase of pension; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

MEETINGS OF CONGRESS.

Mr. ADAMS, in pursuance of leave heretofore granted, submitted in writing the views of a minority of the Committee on the Judiciary on the bill (H. R. 1290) to fix the times for the regular meetings of Congress; which were ordered to be printed.

WATCHMEN IN THE TREASURY DEPARTMENT.

Mr. HALL (by Mr. WHEELER), from the Committee on Expenditures in the Treasury Department, reported back with amendment the bill (H. R. 6127) to determine and increase the pay of the watchmen in the Treasury Department; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

RIGHTS OF MARRIED WOMEN.

Mr. STEWART, of Georgia, from the Committee on the Judiciary, reported back adversely the bill (H. R. 7594) to change the common law of marriage to the customs of modern civilization by the emancipation of married women in the District of Columbia, the forts and arsenals, and the Territories of the United States; which was laid on the table, and the accompanying report ordered to be printed.

BRIDGE ACROSS TENNESSEE RIVER.

Mr. CRISP, from the Committee on Commerce, reported back with amendment the bill (H. R. 6843) to authorize the Tennessee Midland Railway Company to construct a bridge across the Tennessee River at any point on the line between the counties of Decatur and Perry, in the State of Tennessee, it may deem acceptable; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT JACKSON, MICH.

Mr. NEWTON, from the Committee on Public Buildings and Grounds, reported, as a substitute for House bill 3392, a bill (H. R. 8592) for the erection of a public building at Jackson, Mich.; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill 3392 was, by unanimous consent, laid on the table.

PUBLIC BUILDING AT SAGINAW, MICH.

Mr. NEWTON also, from the Committee on Public Buildings and Grounds, reported, as a substitute for House bill 4976, a bill (H. R. 8593) for the erection of a public building at Saginaw, Mich.; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill 4976 was, by unanimous consent, laid on the table.

ARMS, ETC., FOR OREGON MILITIA.

Mr. CUTCHEON, from the Committee on Military Affairs, reported back with amendments the bill (H. R. 5009) to provide certain arms, ammunition, and equipage to the State of Oregon for the militia thereof; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

PENSIONS TO SURVIVORS OF INDIAN WARS.

Mr. BARRY, from the Committee on Pensions, reported back, in lieu of House bills 1182, 1289, 1820, 1831, 1851, 1989, 3335, 4989, and 6160, a bill (H. R. 8594) granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

House bills 1182, 1289, 1820, 1831, 1851, 1989, 3335, 4989, and 6160 were, by unanimous consent, laid on the table.

INDIAN SCHOOL, CARSON CITY, NEV.

Mr. PERKINS, from the Committee on Indian Affairs, reported back with amendments a bill (S. 1103) to provide for an Indian school at Carson City, Nev.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

GREEN TWO-CENT POSTAGE-STAMP.

Mr. PETERS, from the Committee on the Post-Office and Post-Roads, reported back adversely joint resolution (H. Res. 37) requesting the Postmaster-General to discontinue the use of the green two-cent postage-stamp and to return to the use of the two-cent-stamp of terra-cotta color; which was laid on the table, and the accompanying report ordered to be printed.

The SPEAKER. If there be no further reports from committees the hour will begin for the consideration of bills.

BUSINESS OF COMMITTEE ON MILITARY AFFAIRS.

Mr. HOOKER. I desire to submit a resolution setting apart certain days for the consideration of business of the Committee on Military Affairs.

Mr. RANDALL. I must object to it unless it is introduced for reference to the Committee on Rules, and I will tell the gentleman from Mississippi why I object. The Committee on Rules have had a session and have taken these matters up and considered them.

Mr. HOOKER. I provide that the bills which are to be considered shall not interfere with appropriation or revenue bills.

Mr. RANDALL. Already thirty days have been asked by the committees of the House for the consideration of their special business.

Mr. HOOKER. I hope gentlemen will allow the House to act on this resolution without reference to the Committee on Rules.

Mr. WEAVER. There are so many important measures to come up that I must object.

Mr. HOOKER. I move, then, the resolution be introduced for reference to the Committee on Rules.

The resolution was read, as follows:

Resolved, That Tuesday the 20th day of March and Thursday the 29th day of March and Thursday the 8th day of May, 1888, immediately after the hour for consideration of bills by committees, be set apart for the consideration of bills and measures reported by the Committee on Military Affairs, in such order as may be designated by said committee, the order not to conflict with prior orders or revenue or general appropriation bills.

There was no objection, and the resolution was referred to the Committee on Rules.

COMMITTEE ON LABOR.

The SPEAKER. The hour begins for the consideration of bills, and the call rests upon the Committee on Labor.

Mr. O'NEILL, of Missouri. I desire to submit a report from the Committee on Labor, setting apart certain days for the consideration of business coming from the Committee on Labor.

The Clerk read as follows:

The Committee on Labor, to whom was referred House resolution 197, beg leave to report that they have considered the same, and report the following substitute, and request that it be adopted:

"*Resolved*, That Tuesday the 20th and Wednesday the 21st days of March, Wednesday, April 18th, and Wednesday, May 16th, immediately after the reading of the Journal, be set apart for the consideration of bills and resolutions reported from the Committee on Labor; and that pending the consideration of said bills and resolutions all speeches be limited to fifteen minutes."

Mr. STEELE. Is there any bill on the Calendar from that committee?

Mr. O'NEILL, of Missouri. Yes, there are a number of bills upon the Calendar, and there are others ready to be reported from the committee.

Mr. MILLS. This is a very important proposition.

Mr. O'NEILL, of Missouri. I retain the floor.

Mr. BLOUNT. Does not the gentleman except revenue bills and appropriation bills?

Mr. O'NEILL, of Missouri. No; I do not.

Mr. HOLMAN. Nor bills coming from the Committee on Public Lands, nor the homestead bill, or others?

Mr. O'NEILL, of Missouri. I am glad these questions have been asked. Now, it will be remembered that on May 17, 1886, I moved to suspend the rules and adopt the following resolution:

Resolved, That Thursday the 3d day of June be set apart for the consideration of such business as may be presented by the Committee on Labor, this order not to interfere with general appropriation or revenue bills, and whether so interfered with on that day or not, shall be a continuing order as above until the bills presented by said committee shall be disposed of.

Then Mr. REAGAN asked to insert the words "or prior orders," and Mr. HOLMAN "also reports from the Committee on Public Lands." During the remainder of the first session of that Congress the Committee on Labor was not able to obtain one moment from Congress. By allowing general appropriation and revenue bills to be excepted we were excluded whenever we attempted to get the floor.

Now, that is the plain English of it; and the gentleman from Indiana knows as well as I do that if you allow this matter to come in you never will have a labor bill acted upon in this House. I in my judgment it would effectually kill it.

Mr. BLOUNT. Did you not have a day in the last Congress?

Mr. O'NEILL, of Missouri. No, sir, we did not. We had seven minutes under the call during the morning hour, and the only bills we passed were at a night session, when the point of no quorum prevented the transaction of the important business of the committee. They gave us a night session when a single objection killed every bill.

Mr. McMILLIN. Let me ask the gentleman if at the night session we did not clear the Calendar?

Mr. O'NEILL, of Missouri. No, sir; not by any manner of means.

Mr. McMILLIN. Well, if we did not clear the Calendar, we did a big work.

Mr. O'NEILL, of Missouri. We passed some seven or eight bills, and you remember the storm, and the first thing we heard was the no-quorum echo.

Mr. McMILLIN. That did not prevent the passage, at that night session, as my friend will remember, of some very important bills.

Mr. O'NEILL, of Missouri. I am satisfied of that; we did pass some bills, and all the bills of that committee are important.

Mr. BRUMM. Was not the reason that committee was not reached, or the bills were not reached, because of the action of the so-called "steering" committee?

Mr. O'NEILL, of Missouri. No, sir; I do not believe it was the fault of the steering committee, but of the House.

Mr. BRUMM. Well, the House created the steering committee.

Mr. O'NEILL, of Missouri. The fact of the matter is that they side-tracked our business, and we had no opportunity to present it and could not get enough men on this floor to enable us to call the ayes and noes. I remember when they engineered the trade-dollar against us and that took precedence; for the almighty dollar has far more influence than labor, unfortunately, in this House, and the consequence was we went up, then.

Now, Mr. Speaker, all we want is a little time so far as the committee's bills are concerned. We are reporting, in our judgment, bills that are in the interest of labor, and we want a fair consideration of them. We asked four days, because we have many very important bills. We are run up now almost to the first two days, the 20th and 21st, and then we thought it proper to ask one day in April and one in May. That is all, and we may not even need the whole time. Certainly we will not consume more than is necessary. All we ask is that you give us these four days to consider and pass these important bills, or to consider them at least in the House.

I believe the House is prepared now to vote on this question, and we have only an hour this morning, and so, not wishing to waste time, unless some gentleman desires to ask a further question, I shall move the previous question.

Mr. ROGERS. I want to ask a question.

Mr. O'NEILL, of Missouri. Very well.

Mr. ROGERS. I want to ask the gentleman from Missouri if he has not a bill already upon the Calendar creating what is called the department—the executive department of agriculture?

Mr. O'NEILL, of Missouri. No, sir.

Mr. ROGERS. I mean the department of labor?

Mr. O'NEILL, of Missouri. No, sir; we have a bill pending in committee simply to create a department of labor.

Mr. ROGERS. Then I want to ask if he proposes to discuss a bill of that importance in fifteen minutes on each side?

Mr. O'NEILL, of Missouri. Why, my friend, that bill has not yet even been considered in committee.

Mr. ROGERS. But that does not answer the question.

Mr. O'NEILL, of Missouri. Well, then, what can I answer?

Mr. ROGERS. If the gentleman proposes that such a bill as that should be considered and acted upon finally by this House in fifteen minutes?

Mr. O'NEILL, of Missouri. I know this, that one of the greatest mischiefs in this House to-day is the continuance in force of what is called the hour rule. It ought long since to have been abolished. The very best speeches made on this floor are made under a brief limitation. The fact of the matter is, and the gentleman from Arkansas knows as well as I do, that when a man gets an hour to make a speech on this floor as a rule he talks to empty seats.

Mr. ROGERS. I do not ask whether the gentleman is going to limit one man to fifteen minutes or allow the hour rule to prevail, but whether he expects such a bill as this to pass the House in fifteen minutes.

Mr. O'NEILL, of Missouri. Oh, no; not by any means. The idea is that each member shall only consume fifteen minutes. It does not seek by any means to limit the House to that time. Is not fifteen minutes long enough for you and for me?

Mr. ROGERS. I think about one-third of that time is twice as much as the gentleman ought usually to consume.

Mr. O'NEILL, of Missouri. I usually do get through in five minutes.

Mr. MILLS. I wish to state to the gentleman from Missouri that it has been the custom in the adoption of resolutions of this character, setting apart days for the consideration of special orders, to exempt bills reported from the Committee on Ways and Means and by the Committee on Appropriations for consideration. Now, it is known to the House that we have passed no bills from the Appropriations Committee. We are away behind.

Mr. O'NEILL, of Missouri. Oh, no.

Mr. MILLS. And the gentleman ought to make an exception at least in that regard.

Mr. O'NEILL, of Missouri. If the cause of labor——

Mr. MILLS. Oh, well, as far as that is concerned, we are all laborers.

Mr. O'NEILL, of Missouri. All laborers?

Mr. MILLS. Yes, as far as that is concerned, each one of us.

Mr. O'NEILL, of Missouri. When your tariff bill is brought in here everything is to be side-tracked to give it the right of way.

Mr. MILLS. And ought to be.

Mr. O'NEILL, of Missouri. I do not blame you for that.

Mr. MILLS. I presume not.

Mr. O'NEILL, of Missouri. Because you are the chairman of that committee, and I am the chairman of the Committee on Labor and working in the interest of that committee.

I demand the previous question on the adoption of the resolution.

Mr. HOLMAN. I ask the gentleman from Missouri to yield to me for a question.

Mr. GROSVENOR. The gentleman from Missouri [Mr. O'NEILL] has submitted a proposition to the House, and I claim the right to be heard on it.

The SPEAKER. The gentleman from Missouri is entitled to one hour, and has announced his intention to call the previous question. If the previous question should be ordered, that, of course, would cut off other gentlemen from taking part in the debate.

Mr. GROSVENOR. I desire to be heard on this question. I am in favor of giving the committee time, but I am not in favor of the fifteen-

minute gag. I represent more men who work than does the gentleman from Missouri.

Mr. MILLS. Will the gentleman from Missouri accept an amendment to except revenue and appropriation bills?

Mr. O'NEILL, of Missouri. I would as soon see the resolution defeated at once. To make that exception would be its death.

Mr. HOLMAN. The gentleman from Missouri is aware there has been prepared for the consideration of the House a bill to secure to actual settlers what remains of the public domain, and there are other bills to declare the forfeiture of lands heretofore granted that they may be restored to the public domain. Does the gentleman know of any subject in which the laborers of this country have more interest than in that?

Mr. O'NEILL, of Missouri. If the gentleman from Indiana will introduce those bills and have them referred to the Committee on Labor, we will report them back without loss of time.

Mr. HOLMAN. Why not except those bills?

Mr. O'NEILL, of Missouri. I except nothing. I move the previous question.

Mr. BUCHANAN. Will the gentleman from Missouri, before insisting on the previous question, yield to me for a moment?

Mr. O'NEILL, of Missouri. Yes, sir.

Mr. BUCHANAN. This is a proposition to set apart certain days for the consideration of bills on the Calendar reported from the Committee on Labor. There are already several such bills on the Calendar accompanied by unanimous reports from the committee, I believe, in each instance. That committee is satisfied the only way to have those bills reached and considered in this Congress is to have certain days set apart for that purpose. Already the Committee on Banking and Currency, representing the great moneyed interest of the country, have had their day. Already the Committee on Commerce, representing other interests—and I use the expression in no offensive sense—have had their day. And the Committee on the Judiciary and other committees have had days set apart for their business without so much opposition as appears to be offered now, without so much outcry against it. I can not understand why those four days of the present session of the American Congress can not be devoted to the consideration of bills which affect vitally the interests of a large number of the people of the United States who can not be heard in any other way.

I think this bill ought to pass as reported; but if there are provisions in it which are obnoxious to some members of this House, let them vote those provisions down. We put in the fifteen-minute limitation because we thought the House would be more willing to agree to the resolution with that proviso, that only fifteen minutes should be allowed to each member on each bill. If the resolution be adopted, we will undoubtedly be enabled to bring forward and have considered a number of measures now on the Calendar and others which will be reported before the time fixed in the resolution. I earnestly hope the resolution will be adopted, and that unanimously.

Mr. COX. Will the gentleman from Missouri yield to me for one minute?

Mr. O'NEILL, of Missouri. Yes, sir.

Mr. COX. The gentleman from New Jersey [Mr. BUCHANAN] has named several committees which have had their days. He might have named some others—the Committee on Indian Affairs and the Committee on Public Buildings and Grounds.

Mr. BUCHANAN. I would have done so had the names occurred to me.

Mr. COX. He might have named also the Committee on Appropriations. I desire to say this, that there are gentlemen here who are anxious about appropriations and anxious about the revenue bill; and I do not quarrel with gentlemen for not bringing in those bills earlier. This is the long session and I can not say they are dilatory, for they are not. They are doing their work in committee.

But here is a committee charged with a subject with which are connected the most important interests of all our people. That committee has not had sufficient opportunity. It was not fairly treated in the last Congress, according to my reading of the RECORD. The gentleman from Missouri, I think, is entitled to at least four days, if not more, for the consideration of measures reported by his committee.

It is not a question as to the merits of these bills. I do not propose to discuss their merits. Nor do I propose at this time to discuss the merits of the bills reported by the gentleman from Indiana [Mr. HOLMAN] or by any other member. But I will say the bulk of the work of this Congress has been in relation to the South and West, and has not tended to help the people who labor in large cities.

I therefore appeal to the gentlemen on this side of the House, and particularly my distinguished friend from Texas [Mr. MILLS], to allow these days to be fixed for the consideration of the interests of these laboring men; so that when they are compelled to come here in person asking for this legislation they shall not have to go back disappointed.

Mr. MILLS. I move to refer the resolution to the Committee on Rules.

Mr. O'NEILL, of Missouri. I move the previous question.

Mr. GROSVENOR. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSVENOR. I ask whether the question may not be divided so that members may vote for that part of the resolution which grants four days to the Committee on Labor, which I am heartily in favor of, but against the application of the fifteen-minute rule? I am opposed to that because members who may support these bills or who may oppose them ought not to be gagged by the fifteen-minute rule of the chairman of the committee.

The SPEAKER. In reply to the question of the gentleman from Ohio, the Chair will say the first question is on the demand for the previous question. If the previous question should be ordered by the House, no amendment, of course, would be in order. But the Chair thinks the two propositions contained in the resolution are entirely distinct. The first, setting apart four days, may be voted upon separately; and then the other, "that pending the consideration of said bills and resolutions all speeches be limited to fifteen minutes." Each proposition may stand by itself. The question now is on ordering the previous question.

Mr. SPRINGER. Pending that, the gentleman from Texas [Mr. MILLS] moves to refer the resolution to the Committee on Rules.

The SPEAKER. The Chair understands that pending the demand for the previous question the gentleman from Texas [Mr. MILLS] moves to commit the resolution and the proposed substitute to the Committee on Rules.

Mr. GROSVENOR. Let us take that vote by yeas and nays.

The SPEAKER. The substitute will be reported.

The substitute was again read.

The SPEAKER. The question is upon the motion to refer this resolution to the Committee on Rules, and upon that the gentleman from Ohio [Mr. GROSVENOR] demands the yeas and nays.

Mr. SPRINGER. Mr. Speaker, would it be in order to move as an amendment that the Committee on Rules be instructed to report on this subject on Monday next?

The SPEAKER. That is in order.

Mr. SPRINGER. Then I move to amend the motion of the gentleman from Texas in that way.

Mr. O'NEILL, of Missouri. Regular order!

The SPEAKER. This is the regular order.

Mr. MILLS. I accept the amendment of the gentleman from Illinois.

Mr. HOOKER. And to report on all other applications of a like character. [Laughter.]

The SPEAKER. The question is on the motion of the gentleman from Texas [Mr. MILLS] as amended by the proposition of the gentleman from Illinois [Mr. SPRINGER], and upon this question the yeas and nays are demanded by the gentleman from Ohio [Mr. GROSVENOR].

The yeas and nays were ordered.

Mr. BROWNE, of Indiana. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BROWNE, of Indiana. Will it be in order for me to object to allowing any gentleman to vote after the second roll-call?

The SPEAKER. It will be in order for the gentleman to object.

Mr. BROWNE, of Indiana. I want to give notice that I will do so.

The question was taken; and there were—yeas 55, nays 182, not voting 87; as follows:

YEAS—55.

Abbott,	Cothran,	Kilgore,	Rogers,
Allen, Miss.	Crisp,	Landes,	Russell, Mass.
Anderson, Miss.	Culberson,	Lanham,	Sayers,
Anderson, Ill.	Dargan,	McMillin,	Scott,
Bacon,	Davidson, Fla.	Mills,	Shively,
Barnes,	Dougherty,	Montgomery,	Simmons,
Barry,	Dunn,	Moore,	Springer,
Bland,	Elliott,	Neal,	Taulbee,
Blount,	Enloe,	Oates,	Tillman,
Breckinridge, Ark.	Forney,	O'Neall, Ind.	Turner, Ga.
Bynum,	Gibson,	Peel,	Walker,
Catchings,	Glass,	Perry,	Wilson, Minn.
Clardy,	Herbert,	Randall,	Wilson, W. Va.
Cobb,	Holman,	Richardson,	

NAYS—182.

Adams,	Bryce,	Dorsey,	Hayes,
Allen, Mass.	Buchanan,	Dunham,	Henderson, N. C.
Anderson, Iowa.	Bunnell,	Ermentrout,	Hermann,
Anderson, Kans.	Burnett,	Farquhar,	Hires,
Arnold,	Burrows,	Felton,	Hitt,
Atkinson.	Butler,	Finley,	Hogg,
Baker, N. Y.	Campbell, F., N. Y.	Flood,	Holmes,
Baker, Ill.	Cannon,	Foran,	Hooker,
Bankhead,	Caswell,	Ford,	Hopkins, Ill.
Bayne,	Cheadle,	French,	Hopkins, Va.
Belden,	Chipman,	Fuller,	Hopkins, N. Y.
Biggs,	Cockran,	Funston,	Hovey,
Bingham,	Conger,	Gaines,	Hunter,
Bliss,	Cooper,	Gallinger,	Johnston, N. C.
Boothman,	Cox,	Gear,	Kean,
Bound,	Crouse,	Gest,	Kelley,
Boutelle,	Cutcheon,	Greenman,	Kennedy,
Bowden,	Dalzell,	Grimes,	Kerr,
Brewer,	Davidson, Ala.	Grosvenor,	Ketcham,
Brower,	Davis,	Grout,	Laffoon,
Browne, Ind.	Dibble,	Harmer,	Laird,
Brown, Ohio	Dingley,	Hatch,	Lawler,
Brumm,	Dockery,	Haugen,	Lee,

Lehlbach,	Norwood,	Russell, Conn.	Thompson, Cal.
Lind,	Nutting,	Ryan,	Tracey,
Lodge,	O'Donnell,	Sawyer,	Turner, Kans.
Long,	O'Neill, Mo.	Scull,	Vance,
Lyman,	Osborne,	Seney,	Vandever,
Macdonald,	Outhwaite,	Seymour,	Wade,
Mansur,	Owen,	Sherman,	Warner,
Mason,	Parker,	Smith,	Washington,
McClammy,	Patton,	Sowden,	Weaver,
McCreary,	Payson,	Spooner,	Weber,
McKenna,	Perkins,	Steele,	West,
McKinley,	Peters,	Stephenson,	Wheeler,
McKinney,	Phelps,	Stewart, Ga.	White, Ind.
McRae,	Pidcock,	Stockdale,	Whiting, Mich.
McShane,	Plumb,	Stone, Ky.	Whiting, Mass.
Merriman,	Post,	Stone, Mo.	Wickham,
Milliken,	Pugsley,	Struble,	Wilber,
Moffitt,	Rayner,	Symes,	Wilkins,
Morrill,	Robertson,	Tarsney,	Williams,
Morrow,	Rockwell,	Taylor, E. B., Ohio	Yardley,
Nelson,	Romeis,	Taylor, J. D., Ohio	Yost.
Newton,	Rowell,	Thomas, Ky.	
Nichols,	Rowland,	Thompson, Ohio	

NOT VOTING—87.

Allen, Mich.	Cummings,	Hutton,	O'Neill, Pa.
Belmont,	Darlington,	Jackson,	Penington,
Blanchard,	Davenport,	Johnston, Ind.	Phelan,
Bowen,	De Lano,	Jones,	Reed,
Breckinridge, Ky.	Fisher,	La Follette,	Rice,
Browne, T. H. B., Va.	Fitch,	Lagan,	Rusk,
Brown, J. R., Va.	Gay,	Laidlaw,	Shaw,
Buckalew,	Glover,	Lane,	Snyder,
Burnes,	Goff,	Latham,	Spinola,
Butterworth,	Granger,	Lynch,	Stahlnecker,
Campbell, Ohio	Guenther,	Maffett,	Stewart, Tex.
Campbell, T. J., N. Y.	Hall,	Mahoney,	Stewart, Vt.
Candler,	Hare,	Maish,	Thomas, Ill.
Carlton,	Hayden,	Martin,	Thomas, Wis.
Caruth,	Heard,	Matson,	Townshend,
Clark,	Hemphill,	McAdoo,	White, N. Y.
Clements,	Henderson, Iowa	McComas,	Whitthorne,
Cogswell,	Henderson, Ill.	McCormick,	Wilkinson.
Collins,	Hiestand,	McCullogh,	Wise,
Compton,	Houk,	Morgan,	Woodburn,
Cowles,	Howard,	Morse,	Yoder.
Crain,	Hudd,	O'Ferrall,	

So the motion was not agreed to.

Mr. O'NEILL, of Missouri. Mr. Speaker, I move to dispense with the reading of the names of members voting.

Mr. MILLS. I object.

The record of the roll-call was then read.

The following-named members were announced as paired on all political questions until further notice:

Mr. MATSON with Mr. MAFFETT.

Mr. TOWNSHEND with Mr. O'NEILL, of Pennsylvania.

Mr. GRANGER with Mr. ROCKWELL.

Mr. SPINOLA with Mr. THOMAS, of Illinois.

Mr. PHELAN with Mr. BUTLER.

Mr. HUDD with Mr. CLARK.

Mr. HOWARD with Mr. DE LANO.

Mr. GOFF with Mr. SNYDER.

Mr. PENINGTON with Mr. HIESTAND.

Mr. CANDLER with Mr. DAVENPORT.

Mr. JONES with Mr. MCCORMICK.

Mr. COLLINS with Mr. FITCH.

Mr. HUTTON with Mr. COGSWELL.

Mr. COWLES with Mr. THOMPSON, of Ohio.

Mr. GLOVER with Mr. GUENTHER.

Mr. CARUTH with Mr. JACKSON.

The following-named members were announced as paired for this day:

Mr. HEARD with Mr. THOMAS, of Wisconsin.

Mr. CUMMINGS with Mr. LA FOLLETTE.

Mr. HARE with Mr. LAIDLAW.

Mr. BRICE with Mr. BOWEN.

Mr. LAGAN with Mr. WOODBURN.

Mr. MORGAN with Mr. MCCULLOGH.

Mr. CRAIN with Mr. HOUK.

Mr. MOORE with Mr. DARLINGTON.

Mr. HALL with Mr. HAYDEN.

Mr. CAMPBELL, of Ohio, with Mr. BUTTERWORTH.

Mr. O'FERRALL with Mr. WHITE, of Indiana.

Mr. WISE with Mr. THOMAS H. B. BROWNE.

Mr. RICE with Mr. MCCOMAS.

Mr. CLEMENTS with Mr. HENDERSON, of Iowa.

Mr. LATHAM with Mr. ADAMS.

The result of the vote was announced as above stated.

Mr. O'NEILL, of Missouri. I now ask a vote on ordering the previous question.

The SPEAKER. The question is on ordering the previous question upon the resolution and pending substitute.

The question being taken, there were—ayes 107, noes 9.

Mr. ROGERS. No quorum.

Mr. O'NEILL, of Missouri, and Mr. SOWDEN rose.

Mr. O'NEILL, of Missouri. I demand the yeas and nays. That will simply——

Mr. SOWDEN. I rose to demand the yeas and nays.

The yeas and nays were ordered.

Mr. O'NEILL, of Missouri (after the roll-call had begun). Mr. Speaker, I desire to ask unanimous consent——

The SPEAKER. The roll-call is proceeding.

Several MEMBERS. Regular order!

The question was taken; and there were—yeas 207, nays 21, not voting 96; as follows:

YEAS—207.

Adams,	Dockery,	Lee,	Russell, Conn.
Allen, Mass.	Dorsey,	Lehlbach,	Russell, Mass.
Allen, Mich.	Dunham,	Lind,	Ryan,
Anderson, Miss.	Dunn,	Lodge,	Sayers,
Anderson, Ill.	Elliott,	Long,	Scott,
Anderson, Kans.	Farquhar,	Lyman,	Scull,
Arnold,	Finley,	Macdonald,	Seney,
Atkinson,	Flood,	Mansur,	Seymour,
Baker, N. Y.	Foran,	Mason,	Sherman,
Baker, Ill.	Forney,	McClammy,	Shively,
Bankhead,	French,	McCormick,	Simmons,
Barnes,	Fuller,	McCreary,	Smith,
Bayne,	Funston,	McKenna,	Sowden,
Belden,	Gaines,	McKinley,	Spooner,
Biggs,	Gallinger,	McKinney,	Springer,
Bingham,	Gear,	McRae,	Steele,
Blanchard,	Gest,	McShane,	Stephenson,
Bland,	Glass,	Merriman,	Stewart, Ga.
Bliss,	Greenman,	Moffitt,	Stewart, Vt.
Boothman,	Grimes,	Montgomery,	Stockdale,
Bound,	Grosvenor,	Morrill,	Stone of Ky.
Boutelle,	Grout,	Morrow,	Stone of Mo.
Bowden,	Hall,	Neal,	Struble,
Brewer,	Harmer,	Nelson,	Tarsney,
Brower,	Hatch,	Nichols,	Taylor, E. B., Ohio
Browne, Ind.	Haugen,	Norwood,	Taylor, J. D., Ohio
Brown, Ohio.	Hayes,	Nutting,	Thomas, Ky.
Brumm,	Henderson, N. C.	O'Donnell,	Thompson, Cal.
Buchanan,	Henderson, Ill.	O'Ferrall,	Tillman,
Burnett,	Herbert,	O'Neall, Ind.	Tracey,
Burrows,	Hermann,	O'Neill, Mo.	Vance,
Butler,	Hires,	Osborne,	Vandever,
Campbell, F., N. Y.	Hitt,	Outhwaite,	Wade,
Cannon,	Hogg,	Owen,	Warner,
Caswell,	Holman,	Parker,	Washington,
Catchings,	Hooker,	Patton,	Weaver,
Cheadle,	Hopkins, Va.	Payson,	Weber,
Chipman,	Hopkins, N. Y.	Perkins,	West,
Clardy,	Hovey,	Peters,	Wheeler,
Cobb,	Hunter,	Phelps,	White, Ind.
Cockran,	Johnston, Ind.	Pidcock,	Whiting, Mich.
Conger,	Johnston, N. C.	Plumb,	Whiting, Mass.
Cooper,	Kean,	Post,	Whitthorne,
Cox,	Kennedy,	Pugsley,	Wickham,
Crouse,	Kerr,	Randall,	Wilbur,
Culberson,	Ketcham,	Reed,	Wilkins,
Cutcheon,	Kilgore,	Robertson,	Wilkinson,
Davidson, Ala.	Laffoon,	Rockwell,	Williams,
Davidson, Fla.	Laird,	Rogers,	Wilson, W. Va.
Davis,	Lane,	Romeis,	Yardley,
De Lano,	Lanham,	Rowell,	Yost.
Dingley,	Lawler,	Rowland,	

NAYS—21.

Abbott,	Dargan,	Mills,	Taulbee,
Allen, Miss.	Dougherty,	Moore,	Turner, Ga.
Barry,	Enloe,	Oates,	Walker.
Bynum,	Gibson,	Peel,	
Cothran,	Hemphill,	Perry,	
Crisp,	Martin,	Richardson,	

NOT VOTING—96.

Anderson, Iowa	Cowles,	Houk,	Newton,
Bacon,	Crain,	Howard,	O'Neill, Pa.
Belmont,	Cummings,	Hudd,	Penington,
Blount,	Dalzell,	Hutton,	Phelan,
Bowen,	Darlington,	Jackson,	Rayner,
Breckinridge, Ark.	Davenport,	Jones,	Rice,
Breckinridge, Ky.	Dibble,	Kelley,	Rusk,
Browne, T. H. B., Va.	Ermentrout,	La Follette,	Sawyer,
Brown, J. R., Va.	Felton,	Lagan,	Shaw,
Bryce,	Fisher,	Laidlaw,	Snyder,
Buckalew,	Fitch,	Landes,	Spinola,
Bunnell,	Ford,	Latham,	Stahlnecker,
Burnes,	Gay,	Lynch,	Stewart, Tex.
Butterworth,	Glover,	Maffett,	Symes,
Campbell, Ohio	Goff,	Mahoney,	Thomas, Ill.
Campbell, T. J., N. Y.	Granger,	Maish,	Thomas, Wis.
Candler,	Guenther,	Matson,	Thompson, Ohio
Carleton,	Hare,	McAdoo,	Townshend,
Caruth,	Hayden,	McComas,	Turner, Kans.
Clark,	Heard,	McCullogh,	White, N. Y.
Clements,	Henderson, Iowa	McMillin,	Wilson, Minn.
Cogswell,	Hiestand,	Milliken,	Wise,
Collins,	Holmes,	Morgan,	Woodburn,
Compton,	Hopkins, Ill.	Morse,	Yoder.

So the previous question was ordered.

Mr. THOMPSON, of Ohio. I voted in the affirmative on this question, but did so inadvertently, as I am paired with the gentleman from North Carolina [Mr. COWLES]. I desire to withdraw my vote.

Mr. ANDERSON, of Iowa. Mr. Speaker, I was necessarily absent when my name was called. If present, I would have voted in the affirmative.

The SPEAKER. The Clerk will announce the additional pairs.

The following-named members were announced as paired on all political questions for the remainder of the day:

Mr. WILSON, of Minnesota, with Mr. KELLEY.

Mr. STAHLNECKER with Mr. WHITE, of New York.

Mr. MILLIKEN with Mr. DIBBLE. If present, Mr. MILLIKEN would vote "ay" on this question.

The result of the vote was announced as above stated.

Mr. O'NEILL, of Missouri. In view of the vote which the House has just given, I ask unanimous consent that we now proceed to the adoption of the pending resolution.

Mr. ROGERS. I object.

Mr. O'NEILL, of Missouri. I wish to put a question to the Chair for information. On next Monday, as I understand, the Committee on Labor will be again entitled to one hour, when this matter can again come up.

The SPEAKER. Not on Monday, but on Tuesday. On Monday there is no consideration hour for committees.

Mr. ROGERS. I move to reconsider the vote just taken.

Mr. O'NEILL, of Missouri. I move to lay that motion on the table.

The SPEAKER. The gentleman from Arkansas [Mr. ROGERS] enters a motion to reconsider the vote just taken. The consideration hour has expired; the Chair entertains the motion simply because it is a privileged motion which might be made at any time within this or the next legislative day.

Mr. O'NEILL, of Missouri. I move to lay the motion to reconsider on the table.

The SPEAKER. That is not in order now, but will be in order when this subject is again taken up.

Mr. O'NEILL, of Missouri. It will be in order so as to occupy time with another dilatory motion when our hour comes again.

Mr. LONG. I wish to submit to the Chair a parliamentary question. Is a motion to reconsider in order with reference to the previous question, the previous question having been ordered?

The SPEAKER. Always. The motion is to reconsider the vote by which the previous question was ordered.

Mr. LONG. The previous question having been ordered, it would seem that the main question must be taken at once; and how can there be a motion to reconsider?

The SPEAKER. Simply because the rules of the House and of general parliamentary law allow a motion to reconsider on all questions and make it a privileged motion. Tha gentleman from Arkansas [Mr. ROGERS], who voted with the majority, moves to reconsider the vote by which the previous question was ordered.

Mr. O'NEILL, of Missouri. I rise to a parliamentary inquiry. The consideration hour having expired during the roll-call just taken, how can the gentleman from Arkansas move to reconsider after that hour is passed?

The SPEAKER. The motion to reconsider this vote could be made on next Monday.

Mr. O'NEILL, of Missouri. But the hour having expired during the roll-call, how can the gentleman make any motion relating to business transacted solely within that hour?

The SPEAKER. Under the rules of the House the gentleman could make this motion at any time to-day or next Monday. This is a privileged motion, the rules providing that in respect to any vote a motion to reconsider shall be in order at any time "on the same or succeeding day."

Mr. ANDERSON, of Kansas. I wish to make a parliamentary inquiry. A motion to reconsider having been made after the termination of the morning hour, and also a motion to lay the motion to reconsider on the table, is it not in order at this time to proceed to vote upon the question?

The SPEAKER. The Chair thinks not. The Chair did not even put to a vote the question of reconsideration; but the motion to reconsider, as the Chair has stated, is one which, under the rules, may be made at any time on the day when the original question is taken or on the succeeding legislative day.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate insisted on its amendments, disagreed to by the House, to the bill (H. R. 6437) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1888, and for other purposes; disagreed to the amendments of the House to certain amendments of the Senate; agreed to the conference asked by the House, and had appointed as conferees on the part of the Senate Mr. HALE, Mr. ALLISON, and Mr. COCKRELL.

The message also announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

A bill (S. 977) to regulate the importation of foreign merchandise and to secure uniformity in the classification and valuation thereof, and for other purposes.

OLIVE WALLACE.

Mr. GROUT. Last evening the House passed a bill (H. R. 4106) granting a pension to Olive Wallace. An amendment, which had been recommended by the Committee on Invalid Pensions and agreed to in Committee of the Whole House, was not acted on when the bill was passed by the House, as is shown by both the RECORD and the Journal. The amendment proposes to insert, after "pension-roll" in the fourth line, the words "subject to the provisions and limitations of the pension laws." I ask unanimous consent that the amendment be made.

The SPEAKER. If there be no objection, the vote passing the bill mentioned and also the vote ordering it to be engrossed and read a third time will be reconsidered; the amendment reported by the Committee on Invalid Pensions will be regarded as adopted; and the bill as amended ordered to be engrossed for a third reading, read the third time, and passed. The Chair hears no objection. The Clerk will make the proper entry.

PUBLIC LANDS.

Mr. HOLMAN. I am instructed by the Committee on Public Lands to report back to the House the bill (H. R. 7901) to secure to actual settlers the public lands adapted to agriculture, to protect forests on the public domain, and for other purposes. I ask that the bill be taken up now for consideration.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] reports for present consideration a bill from the Committee on Public Lands.

Mr. BANKHEAD. Is that privileged?

The SPEAKER. The rules provide that all bills reported by the Committee on Public Lands "for the forfeiture of land grants to railroad or other corporations, bills preventing speculation in the public lands, and bills for the preservation of the public lands for the benefit of actual settlers," shall be privileged. The Chair supposes this is a bill coming within the rule.

Mr. DINGLEY. But if this bill should contain other matter than that relating to the protection of the public lands for the benefit of settlers, would it then be privileged?

The SPEAKER. The Chair supposes that a bill reported from this committee might include matters having no relation to the public lands or to the privileged subjects mentioned in the rule, and thus might lose its privilege; but the Chair will state that in such a bill all provisions relating to the preservation of the public lands for actual settlers, and providing the means for accomplishing that object, are certainly privileged; otherwise the privilege would amount to nothing.

Mr. DINGLEY. I merely desire to ask the gentleman from Indiana whether this bill contains only propositions relating to the preservation of the public lands for settlers.

Mr. HOLMAN. Well, it goes beyond that, and embraces provisions in regard to timber lands, providing for the preservation of those lands in a general way; but the main purpose of the bill, its leading feature, is the protection of the public lands for actual settlers. That is the leading, and almost the only, purpose of it, as the gentleman will observe when the bill is read.

The SPEAKER. The Clerk will read the bill.

Mr. HOLMAN. I ask unanimous consent that the bill be read, and after being read shall be opened to reasonable debate for such time as the House may think proper; that amendments may then be submitted to the bill without reference to the rules of the House, and be voted on in the order in which they may be submitted.

Mr. DINGLEY. Let it be understood that the question whether this bill is privileged or not is reserved until the bill has been read.

The SPEAKER. That question will be reserved.

Mr. LAIRD. In the Forty-eighth Congress an act repealing the preemption and timber-culture laws was put through this House under a suspension of the rules. This is a matter which very seriously affects the Western country. This bill embraces some good features, and I think some bad ones. I would like to know what the policy of the gentleman in charge of the bill is to be in regard to allowing debate and amendments.

Mr. HOLMAN. I stated a moment ago—I presume my voice was not loud enough to reach the gentleman—that I asked unanimous consent that the bill be read for the information of the House; that then it be open for such debate as the House may deem proper; that amendments be submitted without reference to the rules of the House, and be voted upon, until the previous question be ordered, in their regular order.

Mr. LAIRD. What time does the gentleman from Indiana propose to give in debate against the bill?

Mr. COX. If there are any matters connected with legislation outside of the rule, I understand the rule to be as decided by the Speaker *pro tempore* the other day, that is, where there appears on the face of the bill something not within the category of the rule, it is not privileged. The Chair intimated it is well to have the bill read if the matter is to be reserved. If the gentleman asks unanimous consent to consider it, we may get rid of the point of order and go on with the business and save the afternoon.

The SPEAKER. The gentleman asked the bill be read on the point of order, which can not be decided until it is read, and then he asked unanimous consent that amendments be allowed without regard to the rules of the House, that is, gentlemen having amendments could send them up and have them read and considered as pending to be acted upon in the order in which they are offered. Is there objection?

Mr. NELSON. What time is to be allowed for general debate?

Mr. HOLMAN. Reasonable time.

Mr. NELSON. Does the gentleman propose to allow general debate on the bill?

Mr. HOLMAN. Yes, sir.

Mr. LAIRD. I understand the House is not to be precluded from amending the bill when it comes to be read by sections.

The SPEAKER. The bill will not be read except by unanimous consent. The House is not in the Committee of the Whole. What the gentleman from Indiana proposes is that gentlemen having amendments to submit can send them up to the desk and have them read, and they are to be considered as pending, and to be acted upon in the order in which they are offered.

Mr. ADAMS. I rise to a parliamentary inquiry. The Chair has ruled it is necessary to have the bill read in order to determine whether it is privileged or not.

The SPEAKER. The bill will be read.

Mr. ADAMS. To determine whether it is privileged or not. I do not know whether it is privileged or not, but I wish the question to be determined by the Chair.

The Clerk proceeded with the reading of the bill.

Mr. ADAMS. Enough has been read to raise the point of order. I do not wish the bill to be claimed to be a privileged one when it is not. I ask the Chair to rule on section 2 that it is not a privileged bill. If the gentleman asks unanimous consent I, for one, will not object.

Mr. HOLMAN. The question is raised under the rule of the House. The language of the rule is as follows:

The following-named committees shall have leave to report at any time on the matters herein stated, namely: The Committee on Elections, on the right of a member to his seat; the Committee on Ways and Means, on bills raising the revenue; the committees having jurisdiction of appropriations, the general appropriation bills; the Committee on Rivers and Harbors, bills for the improvement of rivers and harbors; the Committee on the Public Lands, bills for the forfeiture of land grants to railroad and other corporations, bills preventing speculation in the public lands, and bills for the reservation of the public lands for the benefit of actual and bona fide settlers.

There are three propositions: One is, bills declaring forfeitures; second, bills preventing speculation; and, thirdly, bills reserving public lands for the benefit of actual settlers.

I submit to the Chair the provisions of this bill come within the last clauses of the rule. The bill prevents speculation in the public lands by reservation, for instance, of forest lands from sale. The provisions of the bill are applied exclusively to secure the remaining public land to actual settlers under the homestead laws. The necessary preliminary provisions of the bill seek to reserve the public land for settlement. The main provision is that one which dedicates the public lands to agriculture and all other lands not specially enumerated under the provisions of the homestead law. I wish to further call attention to this fact. There is a mineral law in force. That law is limited. That is to say, the amount of lands coming now under the operation of the mineral law, lands now devoted to mineral operations, are restricted in the interest of lands coming under the homestead law. There is a desert-land law. That desert-land law is restricted in the interest of the homestead law. There is a timber-culture law, and that is also restricted in the interest of homestead. So far as legislation is concerned this bill is in the interest of the homestead law, and its intention is to protect the public lands from speculation.

Mr. ADAMS. The reason I brought the question up by interrupting the reading of the bill was to have it determined before we proceeded any further. It is evident that the bill is partly privileged and partly not privileged.

Mr. HOLMAN. What part?

Mr. ADAMS. It has been decided that a matter can not be privileged which contains other matter not privileged in its character.

The SPEAKER. The Chair thinks that is a correct proposition: that a bill which contains two separate matters, one of which is privileged under the rules of the House and the other is not, is subject to the point of order. That is to say, the insertion of matter which was not privileged destroys the privileged character of the other, and therefore subjects the entire proposition to the point of order. As, for instance, when the Committee on Public Printing reports a resolution providing for printing for use of the two Houses, and in the same resolution inserts a provision for printing for the use of the Departments of the Government, the latter part of the resolution not being privileged destroys the privileged character of the whole.

This is quite a long bill. The Chair has given it some attention, but may not thoroughly understand its purposes and provisions. It seems to be a bill the principal object of which is to preserve the public lands for actual settlers. It is true the bill relates also to timber lands, mineral lands, and desert lands; but, so far as the Chair has been able to ascertain from such examination of the bill as it has been able to make, these provisions simply enlarge the area of the public domain subject to entry and settlement under the homestead law. In other words, a part of the lands which can now be taken up under existing law as timber lands, or mineral lands, or desert lands, will, if this bill passes, be subject to entry hereafter under the homestead law only.

The Chair does not think that such a provision as that would destroy the privileged character of the bill; because a bill might be introduced which simply related to the timber lands, making all that class of lands subject to entry under the homestead law only; or a similar bill relating exclusively to the mineral lands might also be introduced, making all that class of lands subject to entry under the homestead law only, and such bills would be privileged. In other words, it is impossible to enlarge the area of the public lands subject to entry under the homestead law without in some way legislating in respect to lands that are not now subject to homestead entry.

Mr. ADAMS. I will ask the attention of the Chair to the title of this bill:

To secure to actual settlers the public lands adapted to agriculture, to protect the forests on the public domain, and for other purposes.

This has reference, it will be seen, also to the forests.

The SPEAKER. The Chair was about to add that it may be possible there is some provision in this bill in relation to the preservation of the timber upon the public lands——

Mr. HOLMAN. There is such a provision——

The SPEAKER. Which provision would have some bearing upon the question of order presented. The Chair has not yet carefully examined with reference to that point. The title would indicate that there is some provision in relation to the timber on the lands.

Mr. HOLMAN. There is such a provision, but it protects such lands from speculators.

The SPEAKER. That is what the Chair desires to look at.

Mr. SYMES. Mr. Speaker, I desire to say that the sections of this bill providing for the disposition of timber upon the public domain and reserving from sale the lands upon which the timber is located have a tendency, unless materially amended, to allow speculators in this country to buy up all the timber and hold it. And the very object that I give the gentleman from Indiana credit for having in view in the preparation of this bill, the object of preserving these lands for actual settlers, will be defeated by the particular provisions of the bill itself.

Mr. HOLMAN. That is absolutely impossible; and I do not think the gentleman has carefully read the provisions of this bill.

Mr. SYMES. I have made the statement on an examination of the bill and can prove it; but I do not care to elaborate it on the point of order.

This bill prohibits the entry by any man, any pioneer or farmer, of a little piece of mountain timber land for actual use in connection with his ranch or to make improvements under the homestead law. It would effectually prevent it. It provides for putting up for sale all the timber upon lands of the United States.

Mr. HOLMAN. On the contrary, if the gentleman will allow me to interrupt him, it is just the reverse. The main purpose is to limit the disposition of the timber lands.

Mr. SYMES. I give the gentleman credit for saying that that is the main purpose he has in view; and I believe it to be what he supposes it is. But I will state that the bill will bring about the actual opposite tendency from what he believes. The difference between purpose and effect is often very great with gentlemen who imagine they can bring in a bill here to reform the whole land system of the United States, when they have not had practical knowledge of the workings of that system only from a distance and upon theory.

I say and repeat that this bill prevents any pioneer from entering a 40-acre piece of timber land upon the mountain side near his ranch, so as to preserve it for timber purposes for his own use. He has to go to a public sale, to a cash sale, and bid in the timber against any one who sees fit to bid against him. After that he has to remove the timber from the public lands; and he is not allowed to enter a little piece upon the mountain side, valuable for no other purpose, present or future, and to no other person, except to furnish the timber for his ranch. And he must remove it within a definite period and take the chance of speculators buying it all up before he is able to do so.

Mr. LAIRD. This is a bill to depopulate the timber lands of the United States.

Mr. SYMES. That is exactly what it is; and I make the point of order that it is not to reserve to the homesteader or pioneer the use of the timber lands, but to allow the sale of that timber, to his detriment, in a great measure.

Mr. MACDONALD. As a member of the Committee on Public Lands I wish to say in reply to the gentleman from Colorado that I apprehend my experience in the public-land States is just as great as his is, amounting as it does to thirty-three years, and I disagree with him *in toto* as to the effect of this bill. We will discuss that when the bill is properly before the House. The question here for the Chair to consider is whether or not this is a bill to prevent speculation in the public lands or a bill for the reservation of the public lands for the benefit of actual and bona fide settlers. I insist it is both.

Mr. SYMES. Will the gentleman yield to me for a question?

Mr. MACDONALD. Yes, sir.

Mr. SYMES. I will ask the gentleman, who is familiar with this bill because he is a member of the Public Lands Committee, whether it provides for putting up at auction and sale and requiring the removal of timber from the public domain within a definite period and does not permit the pioneer or ranchman to buy any of it for his use in the future?

Mr. MACDONALD. That is a question which will come up when the bill is under discussion.

Mr. SYMES. Does the gentleman claim that I misstate the fact?

Mr. HOLMAN. I think the gentleman does misstate the fact when

he speaks of other persons being deprived of the right to purchase the timber. Their rights are equal, to the extent of 40 acres.

Mr. NELSON. I desire to call the attention of the Chair to the fact that the timber provisions of this bill are calculated to reserve the lands for the settlers. They simply provide that where the lands are covered with timber of a merchantable character the timber shall be sold and the proceeds saved for the people of the United States, to be afterwards disposed of for other purposes. I submit that comes clearly within the spirit of the rule.

The SPEAKER. The Chair desires to understand whether those lands are now subject to entry under the homestead law.

Mr. NELSON. They are, under the homestead and pre-emption laws.

Mr. HOLMAN. That is correct as to a portion of the timber lands, but not as to all of them.

Mr. SPRINGER. I desire to call attention to the rule of the House which gives privilege to—

Bills preventing speculation in the public lands, and bills for the reservation of the public lands for the benefit of actual and bona fide settlers.

Now, whether this bill would actually prevent speculation in the public lands is not the question before the Chair. The question is whether the object of the bill is to prevent speculation in the public lands. As to whether it will have that effect, there may be a difference of opinion. The gentleman from Colorado may be of opinion that it will not have that effect. The gentleman from Minnesota and the chairman of the Committee on Public Lands are of opinion that it does have that effect. But it certainly has that object in view, unless we are to impugn the motives of the committee and say their object is to squander the public domain and let speculators have it.

If there is any reason why the committee should report this bill that reason is found in the language of this rule, which authorizes them to report bills preventing speculation in the public lands and bills for the reservation of the public lands for the benefit of actual and bona fide settlers. I have gone through the various portions of this bill, and there is no clause in it that can not be classified by taking the view the committee intended should be taken of it under one or the other of these heads.

The bill is intended in all its provisions to provide for withdrawing the public domain from speculation; and there are thrown around it, by the repeal of existing laws and otherwise, safeguards and protection, the object of which is that no part of the public domain shall be hereafter within the reach of speculators, and at the same time there shall be preserved such portions of it as are adapted to homesteads for agricultural purposes.

Our rule is rendered nugatory if this is not considered privileged, because any gentleman chooses to rise in his place and say he does not think the bill accomplishes the object intended by its promoters to be accomplished.

Mr. PAYSON. I desire to make a single suggestion and in doing so to emphasize the view just taken by my colleague [Mr. SPRINGER].

In determining whether or not so much of this bill as relates to timber lands is obnoxious to the point of order it must be borne in mind what the existing evil is which it is desired to remedy and whether it is one of which the Chair can take judicial notice.

It is a matter of familiar experience to members of this House who have ever had occasion to look into the subject that the timber lands of this country have been fruitful fields for speculation ever since we have had a public-land system, and I hazard nothing in saying there has been more money made out of improvident legislation by those who have dealt in the timber lands of this country than by any other means, notably in the northwestern portion of the country and on the Pacific Slope. Year after year, as the reports of the Secretary of the Interior and the Commissioner of Public Lands have been sent to this body, the attention of Congress has been called to the fact that the timber lands of this country, worth actually $5, $10, $50—in some cases $100 and $150 an acre—under the operation of existing law have been susceptible of acquisition, in one way or another, at the price of $1.25 in many sections of the country, and nowhere in the Union at a higher price than $2.50 an acre.

In the northwestern part of the Union, as we understand it, and in the regions of the Great Lakes at the North, at the price of $1.25 per acre, all of the pine lands of that region have been acquired by methods devious in their operation and startling in their results to those who have opportunity to examine the matter. On the Pacific Slope, as everybody who has looked into the question knows, the great redwood forests of California have been taken in by syndicates of capitalists under the improvident act of 1873, never at a higher price than $2.50 per acre. And so, Mr. Speaker, the question has been submitted to the Committee on Public Lands to see whether some means can not be devised by which this business of speculating in the public lands may be stopped, and the provisions of this bill with reference to the preservation of the forests look to that end and to that alone, not merely to preserve the public lands for actual settlers in time to come, but to prevent present speculation in them. Now, Mr. Speaker, it is utterly immaterial for the purposes of this point of order whether the means that have been reported to the House by the Committee on Public Lands will ultimately turn out to be successful or not, or whether their theory shall turn out to be the proper one. It is enough for the purposes of this point of order that, in the judgment of the committee, this method is deemed the best, and that the recommendations which they make have that end in view, leaving it to the House to determine whether this is the proper policy or not. Now, that is not only the avowed object of the bill, but by an examination of its provisions, in connection with the suggestions and recommendations of the executive officers of the Government for the last ten years, the Speaker can not fail to see that the object the committee have here in view is to prevent this speculation from going any further than it has gone.

The SPEAKER. Under the law as it now exists these timber lands may be entered either under the pre-emption law or the homestead law, unless the Chair is mistaken in his recollection.

Mr. RYAN. The Chair is correct.

Mr. PAYSON. The Chair is absolutely right.

The SPEAKER. But if this bill passes they can be entered only under the homestead law by actual settlers.

Mr. BANKHEAD. Mr. Speaker, the bill, as I understand it, provides that the timber lands shall be sold at not less than $10 per acre.

Mr. McRAE. No. Under this bill no lands can be sold unless they are unfit for cultivation, whether they are mineral or timber lands.

The SPEAKER. The Chair understands that under the provisions of this bill, as stated by the gentleman from Arkansas [Mr. McRAE], no land can be sold unless it is unfit for cultivation.

Mr. LAIRD. Under this bill the title to the land does not pass from the Government, but the title to the timber passes, and the timber has to be removed from the land within five years. That is the point made by the gentleman from Colorado [Mr. SYMES], that this bill deforests the timber lands of the country.

Mr. McRAE. This bill does not provide for selling the timber on any land that is fit for cultivation.

The SPEAKER. The Chair understands that if the land is agricultural land this timber provision does not apply to it at all.

Mr. SYMES. That is correct; but this bill deals with timber lands and provides for the sale of the timber.

Mr. CUTCHEON. But, under this bill, no land is regarded as timber land unless it is unfit for cultivation.

The SPEAKER. And even that land may be entered afterwards under the homestead law. As the law now exists these lands may be acquired either under the homestead law or under the pre-emption law, but if this bill passes they will be preserved for actual settlers. Therefore the bill aims to preserve the public land for actual settlers, and comes within the rule. The Chair is not under the necessity of deciding whether the bill will prevent speculation or not. It may or may not do that. But unless the Chair misunderstands the provisions of the bill, it comes within the last clause of the rule; that is, it is a bill to preserve the public lands for actual settlers. The Chair therefore thinks the bill is privileged.

Mr. HOLMAN. Now, Mr. Speaker, I ask unanimous consent that the bill be read for the information of the House.

The SPEAKER. That must be done anyway.

Mr. HOLMAN. And that then it shall be open to amendment, the amendments to be submitted without reference to order; and that after such debate as the House may think proper to allow, the amendments be voted upon in the order of their submission.

Mr. SYMES. Will the gentleman permit me to make an inquiry?

Mr. HOLMAN. Certainly.

Mr. SYMES. As I understand it, amendments may be offered at any time before the previous question is seconded?

Mr. HOLMAN. Certainly.

Mr. SYMES. And I understand that there is no disposition on the part of the gentleman from Indiana [Mr. HOLMAN] to limit debate or amendment?

Mr. HOLMAN. I can not say as to that, because I have not consulted with the other members of the committee, and I do not know how much time may be allowed.

Mr. SYMES. Can the gentleman intimate how much time he is willing to give for debate and amendment?

Mr. HOLMAN. There will be a reasonable time, of course.

Mr. LAIRD. Can the gentleman indicate what his policy is to be in the conduct of this bill as to allowing time for debate and amendment?

Mr. HOLMAN. What time does the gentleman from Colorado [Mr. SYMES] desire?

Mr. SYMES. I am not here making points to antagonize the consideration of this bill, nor am I here for the purpose of trying to defeat all of its provisions. I am here only to try to perfect the bill so as to secure these lands, whether timber or not timber lands, for actual settlers.

Mr. HOLMAN. What does the gentleman want?

Mr. SYMES. I want to know whether there is to be done in this case what, I am sorry to say, is so often done in this House, when gentlemen get up here and propose a bill and say there is no disposition to limit amendment or debate, and then, about the third hour of its con-

sideration, we are limited and have no opportunity for debate. I want an intimation whether three hours or three days are to be considered as the proper time for debate and amendment of this important bill.

Mr. HOLMAN. Mr. Speaker, I call for the reading of the bill.

The Clerk resumed and concluded the reading of the bill.

Mr. ANDERSON, of Kansas. I wish to inquire whether it would be agreeable to the gentleman from Indiana [Mr. HOLMAN] that amendments be offered now so that they may appear in the RECORD?

Mr. HOLMAN. I ask unanimous consent that any gentleman desiring to do so may submit amendments to the bill, and that they be considered as pending, to be voted on ultimately in the order in which they are offered.

Mr. PETERS. How long a time will be given for the preparation of amendments?

Mr. HOLMAN. I suppose until the debate closes.

Mr. PETERS. It will be impossible for some of us to prepare our amendments and present them now; but if we are to have an opportunity to offer them during the debate——

Mr. HOLMAN. I suppose it ought to be understood that amendments may be offered at any time until the previous question is called.

Several MEMBERS. That is right.

Mr. HOLMAN. And I wish to add this further proposition—that debate on amendments be limited to fifteen minutes on each side.

A MEMBER. Fifteen minutes on each side on each separate amendment?

Mr. HOLMAN. Yes, sir.

The SPEAKER *pro tempore* (Mr. MCCREARY). The gentleman from Indiana asks unanimous consent that all members be allowed to offer amendments until the previous question is called, the amendments to be voted on ultimately in their order as offered, and that debate on each amendment be limited to fifteen minutes on each side. The Chair hears no objection, and that order will be made.

Mr. ANDERSON, of Kansas. I would like to know whether amendments are to be read or simply printed in the RECORD.

The SPEAKER. The amendments will be read.

The amendments were read, as follows:

By Mr. HERMANN:

On line 18, page 4, strike out the words "or hold."

On line 20, page 4, strike out "four" and insert "one;" so as to read "one quarter-section."

On line 6, page 7, after the words "to do so," insert the words "subject to the rights of actual settlers to purchase or enter."

On line 20, page 4, insert the following, after the word "land:"

"*Provided*, That an actual settler or owner of farm or grazing lands shall have the preference right to purchase not to exceed 160 acres of such timber lands which shall adjoin his own lands at $1.25 per acre, and the adverse applicant shall first serve notice on said settler or owner of his said application, after which the said settler or owner shall have ninety days within which to exercise his preference right of purchase or entry."

By Mr. PERKINS:

Add to section 4:

"*Provided*, That any one owning farming lands and engaged in agriculture may buy as under existing law 40 acres of land or less classified herein as timber lands, and, upon making full payment therefor, shall receive a patent thereto from the Government of the United States in fee-simple."

By Mr. ANDERSON, of Kansas:

Amend section 24 by striking out the word "five," in lines 7 and 17, and inserting the word "three."

By Mr. ANDERSON, of Kansas:

Amend by striking out the words in lines 6 and 7 of section 3 "or any association of persons severally qualified as above;" and in lines 12 and 13 of section 3 the words "or 320 acres to such association."

By Mr. SMITH, of Wisconsin:

Amend section 2 by striking out the word "coal," in said section, and all of the section after the word "provided," in the seventh line, and add at the end of the section:

"The title of all coal lands or any coal that may exist in the public lands shall from and after the passage of this act remain in the United States; but such lands shall be subject to a lease to any person, persons, or corporation at a price not less than 25 cents per net ton of 2,000 pounds, and such leases shall not exceed a term of ten years."

By Mr. MCRAE, from the Committee on the Public Lands:

Amend section 4 by adding thereto the following:

"*Provided*, That the timber on no isolated or disconnected tract or parcel of timber land of less quantity than 160 acres shall be sold, but such tracts or parcels of such land may be disposed of under section 11 of this act."

By Mr. MCRAE:

After the word "one," in the thirteenth line, section 29, insert "2,345."

By Mr. LAIRD:

Amend section 18 by adding at the end thereof the following:

"The time which the homestead settler has served in the Army, Navy, or Marine Corps shall be deducted from the time heretofore required to perfect title, or if discharged on account of wounds received or disability incurred in the line of duty, then the term of enlistment shall be deducted from the time heretofore required to perfect title without reference to the length of time he may have served; but no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year after he shall have commenced his improvements: *Provided*, That homestead entries can be commuted to cash entries after actual inhabitancy of the land sought to be entered by the homesteader and his improvement and cultivation of it for a period of one year."

By Mr. DORSEY:

Add to section 24:

"*It is further provided*, That after proof is made before the register and receiver of the district in which the land is situated, and a certificate is issued to the entryman, said certificate shall be considered *prima facie* evidence of ownership and the burden of proof to vacate said entry shall rest upon the Government."

By Mr. CUTCHEON:

Insert in line 3, section 1, after the words "United States:"

"Now belonging to the public domain, or which may be hereafter restored to the public domain from lands heretofore granted to any State or corporation for the purpose of aiding in the construction of any railroad or other public improvement."

By Mr. NUTTING:

Strike out the words "or who has declared his intention to become such," lines 5 and 6, page 2.

After the word "time," in line 16, page 3, add:

"But no timber under this section shall be sold to any one except citizens of the United States."

By Mr. BIGGS:

Amend in—

Section 13, in line 3, strike out "320" and insert "640."

Section 17, in lines 8 and 9, strike out "320" and insert "640."

By Mr. LAIRD:

Add as an additional section:

"That in all actions brought by any land-grant company, or by any person claiming title under or through such company, against any actual settler occupying not to exceed 160 acres of land which he in good faith entered upon, intending to claim the same under any of the public-land laws of the United States, such settler may raise and interpose as a defense in such action any mistake, error, or mistaken construction of an act of Congress by the Interior or Executive Department or any officer thereof, which may have resulted in an erroneous certification or patent of such land to such land-grant company or to a State for its benefit; and such settler may also raise and interpose as a defense in such action any question which the United States might by its Attorney-General raise by a bill in equity to set aside such patent or certificate, and such defense shall be given the same effect as if the questions so presented had been so raised by the Attorney-General in such suit."

By Mr. WICKHAM:

Add as follows:

"SEC. 30. Nothing in this act contained shall in any manner interfere with or curtail the right of soldiers, sailors, marines, or officers in the Army or Navy of the United States to make and perfect entries of land for homestead purposes, in the manner and to the extent now provided by law."

By Mr. SMITH, of Wisconsin:

Amend section 3, in line 9, by striking out the words "or coal."

By Mr. SMITH, of Wisconsin:

Amend section 16 by adding to the end of same:

"*Provided, however*, That the Government of the United States may at any time whenever the public interest may require enter upon a system of irrigation, and may by purchase or condemnation acquire all irrigating canals, ditches, and reservoirs provided for in this act, and as may be found necessary for a complete system of irrigation, and the title of waters that may or can be used for irrigation shall remain in the United States."

By Mr. PETERS:

Amend section 1 by adding after the words "United States," in line 3, the words "including 'No Man's Land,' or the Neutral Strip lying immediately south of Western Kansas and Eastern Colorado."

By Mr. MCDONALD:

Strike out the word "contiguous," in third line of section 2, and insert the same in line 4, after the word "in" and before "legal."

By Mr. LAIRD:

Amend section 24 by adding after the proviso offered by way of amendment thereto by Mr. DORSEY, these words:

"And no settler on the public domain under the provisions of this act shall be deprived of his title to any land based upon a receiver's final receipt except upon an open and public trial, under and according to the forms of law relating to contest cases."

Mr. HOLMAN took the floor.

Mr. PAYSON. If the gentleman from Indiana will yield to me a moment, I desire to make a suggestion. It is Saturday afternoon. A large number of amendments have been ordered to be printed in the RECORD. The subject is an important one, and I suggest to the gentleman a motion to adjourn.

Mr. HOLMAN. I will yield for that purpose.

CIVIL SERVICE.

Mr. TAULBEE. I ask unanimous consent to present the following resolution.

The Clerk read as follows:

Resolved, That the Speaker be, and he is hereby, authorized and directed to appoint a committee, to consist of seven members, whose duty it shall be to fully examine and inquire into the condition of the civil service in all the Departments and branches of the Government, and whether or not the provisions of an act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, and the several acts amendatory thereto, have been, at all times since their passage, observed and carried out, and what beneficial results, if any, have inured to the civil service of the Government by reason of said acts.

Second. Said committee is hereby authorized to employ a clerk and stenographer, and shall have the power to administer oaths, send for persons and papers, to sit in such places as may be necessary, and to conduct its investigations through subcommittees, the expenses of the same to be paid out of the contingent fund of the House, and a full report of its proceedings shall be made to the House at as early a day as practicable.

Mr. GROSVENOR. I object.

REPRINT OF THE PUBLIC-LAND BILL.

Mr. HOLMAN. I ask unanimous consent that the pending bill, in relation to the land laws, may be reprinted, as I understand the copies have been exhausted.

There was no objection, and it was so ordered.

CONSIDERATION OF HOUSE BILL 6897.

Mr. McRAE. Mr. Speaker, I ask unanimous consent to present a resolution for present consideration.

The SPEAKER *pro tempore* (Mr. MCCREARY in the chair). The resolution will be read, subject to objection.

The Clerk read as follows:

Resolved, That Wednesday, April 4, 1888, after the morning hour for the consideration of bills, be set apart for the consideration of the bill H. R. 6897, reported from the Committee on Public Lands, to relieve purchasers of, and to indemnify certain States for, swamp and overflowed lands erroneously disposed of by the United States, not to interfere with revenue or appropriation bills or prior orders; and if displaced by any cause, or not disposed of on that day, then Wednesday of each subsequent week shall be set apart, subject to the same exceptions and limitations, until the said bill shall be disposed of by the House.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. McRAE. I wish to state that I offer this resolution at the request of the committee.

Mr. STEELE. I think that ought to go to the Committee on Rules.

Mr. LAIRD. Will the gentleman allow the Military Committee to submit an amendment giving a special day to that committee?

The SPEAKER *pro tempore*. The gentleman from Indiana objects, and moves its reference to the Committee on Rules.

Mr. McRAE. I hope the gentleman will not object, but let us have the consideration of this at once.

Mr. STEELE. They sent us to the Committee on Rules to-day.

The SPEAKER *pro tempore*. It only requires an objection to prevent its being acted upon now. The Chair understands the gentleman from Indiana as objecting; and the resolution will be referred to the Committee on Rules.

Mr. McRAE. I want it to be considered now if possible.

The SPEAKER *pro tempore*. The question is, Will the House refer the resolution to the Committee on Rules?

The question was taken, and the resolution was referred to the Committee on Rules.

DUTY ON LUMBER.

Mr. MOFFITT. Mr. Speaker, I ask unanimous consent to present the memorial of lumbermen of Northern New York, protesting against any reduction in the duties on lumber, have it printed in the RECORD, and referred to the Committee on Ways and Means.

There was no objection.

It is as follows:

To the Senate and House of Representatives of the United States of America:

The undersigned, manufacturers of lumber in the county of Franklin and State of New York, respectfully present for your consideration the following statement in regard to this important industry, with an earnest protest against any change in the existing tariff on lumber.

We are situated so near to the Canadian frontier that a reduction of the small duty now exacted would take away all the profit now enjoyed, unless it could be saved by a reduction of the wages paid the laborers engaged in the work. Fully four-fifths of the cost of lumber is in the wages paid, and these wages are based upon giving a fair return for the labor expended, and are from 50 to 75 per cent. in excess of those paid by the Canadian lumbermen with whom we compete, and in the aggregate amount to at least $3 per 1,000 feet more than paid to the Canadians for the same work. Should the duty be removed and the rates of wages in this country be maintained as at present, we, in common with others, would be compelled to shut up our mills. This would throw out of employment a vast army of workmen, and drive them into other occupations, thereby creating a fresh competition in the labor market, and tending to diminish the income of all wage earners. This in turn would take away their purchasing ability and curtail the market for other producers, thus throwing still other laborers out of employment, and yet further deranging the entire business of the communities, and so of the nation. In time the pangs of hunger would compel a resumption of labor in some field, but at the starvation wages paid in other lands, and in the distant future, on the basis of lower wages, the lumber industry might be resumed, but after a complete demoralization and the ruin of hundreds of men engaged in it to-day.

If the reduction in price claimed by the advocates of the removal of the duty should be made, who would get the benefit of it? The Canadians have millions of feet of lumber awaiting a favorable time for shipment, and would get the opportunity of supplying the immediate demand. That accomplished and the home manufacturers being driven from the market, the citizens of our neighboring Dominion would hold absolute control, and our builders would be at their mercy. Then, with a wasted trade, demolished mills, and lack of properly trained laborers, our manufacturers could again seek to supply the demand which a careless act of legislation had taken from them.

The supply of timber in our Adirondack forests is in no danger of being exhausted by those who operate according to the plan pursued by your petitioners, for they cut only the large timber, leaving the smaller trees for further growth. In this way the preservation of the forests as regulators of moisture is not injured, and the sources of water supply are maintained. The hemlock timber on most of the tracts is cut for the use of tanners, and the logs are saved for the lumbermen. The spruce supply is in some sections dying rapidly, and to prevent great loss to the owners this must soon be cut. The supply of pine is not large, and the hard-wood can not be manufactured to any considerable extent at a profit with present railroad facilities and at present prices.

The discontinuance of the lumber business in our county would entail serious consequences on a host of other industries dependent on the consuming power of the fifteen thousand people supported by this industry. The store-keepers, produce dealers, millers, machinists, farmers, railroads, all depend largely upon the prosperity of the lumbermen. Such discontinuance would entail upon the manufacturers who have been for years engaged in establishing their business and locating and preserving their vast forest possessions an almost irretrievable ruin. The cost of the mills in this county is upwards of a quarter of a million of dollars, and the value of the timber lands, if the tariff is maintained, is reckoned by millions.

The conditions existing here are not very different from those in other States, and when the great aggregate of laborers employed is taken into account, the disastrous effects of a repeal of the present small tariff duty, which is felt by no consumer of lumber and yields a comparatively insignificant revenue to the Government, are so appalling that we are constrained to enter our vigorous protest against so ruinous a measure.

Respectfully submitted February, 1888.

Name.	Residence.	Annual capacity of mills.
		Feet.
A. B. Parmelee & Son	Malone, N. Y	4,000,000
A. A. Wood	St. Regis Falls	4,000,000
McFarlane & Ross	St. Regis Falls	9,000,000
R. P. Lindsay	St. Regis Falls	1,000,000
J. W. Shanley	Shanley's Station	5,000,000
The Deecey & Backus Lumber Company	Brandon	15,000,000
St. Regis River Lumber Company	Santa Clara	30,000,000
F. A. Cutting, per D. M. David Mitchell	St. Regis Falls	1,000,000
C. J. Adams	Bangor	2,000,000
Ladd & Smallman	Moline	4,000,000

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. JONES, of Alabama, for ten days on account of sickness.

WITHDRAWAL OF PAPERS.

Mr. WILKINSON. I ask unanimous consent to withdraw from the files of the House the adverse report on House bill No. 506, for the relief of Battelle and Evans, and recommit the bill to the Committee on War Claims for further consideration by the committee.

Mr. BLOUNT. I would like to ask if the gentleman is a member of that committee?

Mr. WILKINSON. Yes, sir.

Mr. BLOUNT. Then I have no objection.

The SPEAKER *pro tempore*. Without objection the order will be made as requested.

There was no objection, and it was so ordered.

NEW LIBRARY BUILDING.

Mr. PEEL (by request), by unanimous consent, introduced a bill (H. R. 8630) concerning the location of the new Library Building; which was read a first and second time, referred to the Committee on the Library, and ordered to beprinted.

And then the motion of Mr. PAYSON was agreed to; and accordingly (at 4 o'clock and 15 minutes p. m.) the House adjourned.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred as indicated below:

By Mr. BIGGS: A bill (H. R. 8595) increasing the pension of Mrs. Mary M. Ord—to the Committee on Invalid Pensions.

By Mr. BRECKINRIDGE, of Arkansas: A bill (H. R. 8596) for the relief of George Maxwell, F. C. Bulkley, and H. L. Newman—to the Select Committee on Indian Depredation Claims.

By Mr. BURROWS: A bill (H. R. 8597) for the relief of Mrs. E. Wheeler—to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 8598) for the relief of John Boyd, a Mexican war pensioner—to the Committee on Pensions.

By Mr. CLEMENTS (by request): A bill (H. R. 8599) for the relief of the heirs-at-law of Levi R. Blackman—to the Committee on War Claims.

Also, a bill (H. R. 8600) for the relief of George W. F. Lamkin—to the Committee on War Claims.

Also (by request), a bill (H. R. 8601) for the relief of the heirs-at-law of Samuel Hnut—to the Committee on War Claims.

Also (by request), a bill (H. R. 8602) for the relief of Major Davis—to the Committee on War Claims.

Also, a bill (H. R. 8603) for the relief of the heirs-at-law of Lowry Williams—to the Committee on War Claims.

Also (by request), a bill (H. R. 8604) for the relief of George P. Bornett—to the Committee on War Claims.

Also (by request), a bill (H. R. 8605) for the relief of Peter M. Sheibly—to the Committee on War Claims.

Also (by request), a bill (H. R. 8606) for the relief of Prior L. Tornly—to the Committee on War Claims.

By Mr. DINGLEY: A bill (H. R. 8607) to increase the pension of Lucius B. Varney—to the Committee on Invalid Pensions.

By Mr. HARMER: A bill (H. R. 8608) granting a pension to John Loeffler—to the Committee on Invalid Pensions.

By Mr. KENNEDY: A bill (H. R. 8609) restoring to the pension-roll Mary Mahoney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8610) to place the name of Virginia H. Vance on the pension-roll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8611) granting a pension to Mary A. Kinsley—to the Committee on Invalid Pensions.

By Mr. LAFFOON: A bill (H. R. 8612) for the relief of Thomas T. Owen—to the Committee on War Claims.

By Mr. LANE: A bill (H. R. 8613) granting a pension to Ann Bryan—to the Committee on Invalid Pensions.

By Mr. LEE (by request): A bill (H. R. 8614) for the relief of John H. Hammill—to the Committee on War Claims.

By Mr. LYNCH: A bill (H. R. 8615) for the relief of William Winlock, late captain Company E, Forty-eighth Regiment Pennsylvania Volunteers—to the Committee on Invalid Pensions.

By Mr. NEAL: A bill (H. R. 8616) for the relief of Thomas L. Sperry, of White County, Tennessee—to the Committee on War Claims.

By Mr. PIDCOCK: A bill (H. R. 8617) granting a pension to Henry Crotsley—to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 8618) to pay E. Dempsey for services rendered the United States as regimental nurse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8619) for the relief of Isaac Brown, of Craven County, North Carolina—to the Committee on Claims.

Also, a bill (H. R. 8620) for the relief of Isaac Brown, of Jones County, North Carolina—to the Committee on War Claims.

By Mr. SYMES: A bill (H. R. 8621) for the relief of Henry H. Crane—to the Committee on Claims.

By Mr. A. C. THOMPSON: A bill (H. R. 8622) granting a pension to William J. Carrell—to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 8623) authorizing the construction of a bridge over the Tennessee River at or near Guntersville, Ala., and for other purposes—to the Committee on Commerce.

Also, a bill (H. R. 8624) for the relief of John Martin Fennell—to the Committee on War Claims.

By Mr. ROMEIS: A bill (H. R. 8625) granting a pension to Sidney Anson, late private of Company D, One hundredth Regiment Ohio Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. ATKINSON: A bill (H. R. 8626) granting a pension to J. B. Covert—to the Committee on Invalid Pensions.

By Mr. GEAR: A bill (H. R. 8627) to restore James H. Stewart to the pension-roll—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 8628) to enable trustees to sell and convey square 1089, in the city of Washington, in the District of Columbia—to the Committee on the District of Columbia.

By Mr. REED: A bill (H. R. 8629) granting a pension to Mrs. Abba E. Jackson—to the Committee on Invalid Pensions.

Changes in the reference of bills improperly referred were made in the following cases, namely:

A bill (H. R. 7916) for the relief of J. A. Furley, from the Committee on Invalid Pensions to the Committee on Pensions.

Also, a bill (H. R. 8424) granting a pension to Rachel Ann Carroll, from the Committee on Invalid Pensions to the Committee on Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. G. A. ANDERSON: Petition of 43 leading citizens of Quincy, Ill., remonstrating against the oppressive practice of establishing "pools" and "trusts" by manufacturers and dealers, and for a law prohibiting the formation of the same—to the Committee on Manufactures.

By Mr. ARNOLD (by request): Petition of citizens of Smithfield, R. I., for the reissue of fractional currency—to the Committee on Banking and Currency.

By Mr. BAYNE: Resolutions of Reliable Council, of Manchester Council, of Pride of the West Council, of North Side Council, of Verona Council, of Tarentum Council, of Buena Vista Council, of Port Perry Council, and of Cicero Council, Junior Order of United American Mechanics of Pennsylvania, that February 22 be made a legal holiday—to the Committee on the Judiciary.

Also, petition of Thomas Welsh and 634 others, inmates of the National Home for Disabled Volunteer Soldiers, Togus, Me., in favor of House bill 7765—to the Committee on Invalid Pensions.

By Mr. BOUND: Memorial of the Executive Board of the National Farmers' Alliance for the establishment of a department of agriculture—to the Committee on Agriculture.

By Mr. BROWER: Petition of D. A. Roberson and 11 others, citizens of New Garden, N. C., for better legal protection of women and girls—to the Committee on the Judiciary.

By Mr. CANNON: Memorial of William O. Smith, for relief—to the Committee on Military Affairs.

By Mr. CATCHINGS: Papers in the claim of George Smith, M. D., of Washington County, and of Samuel Bagwell, of Claiborne County, Mississippi—to the Committee on War Claims.

By Mr. CHEADLE: Petition of 27 wool-growers of Westfield, Hamilton County, Indiana, to revise the tariff on wool on the basis of the wool-growers and woolen manufacturers' schedule—to the Committee on Ways and Means.

By Mr. CONGER: Memorial of the executive board of the National Farmers' Alliance, for the creation of an executive department of agriculture—to the Committee on Agriculture.

By Mr. CROUSE: Memorial of the executive board of the National Farmers' Alliance—to the Committee on Agriculture.

By Mr. CUTCHEON: Petition of Grange No. 633, Patrons of Husbandry, of Cloon, Mich., for the more effectual protection of agriculture—to the Committee on Ways and Means.

Also, remonstrance of manufacturers of salt and lumber, of Manistee, Mich., against placing salt and lumber on the free-list—to the Committee on Ways and Means.

Also, protest of citizens of Muskegon, Mich., against the repeal of the internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

By Mr. DINGLEY: Petition of G. S. Pendleton and others, of Knox County, Maine, for repeal of law allowing products of Maine forests to be manufactured in New Brunswick and reshipped to the United States—to the Committee on Ways and Means.

By Mr. DUNHAM: Resolutions of the Chicago Turn Gemeinde, against further restriction of immigration, and favoring the arrival of honest and peaceful foreigners, and claiming that the present laws are fully adequate—to the Committee on Foreign Affairs.

By Mr. GEAR: Petition of James M. Stewart, for restoration to the pension-rolls—to the Committee on Invalid Pensions.

By Mr. GIBSON: Petition for the improvement of the South East River, Maryland—to the Committee on Rivers and Harbors.

By Mr. HATCH: Petition of Local Assembly 3994, Knights of Labor, of Macon County, and of Local Assembly 3685, Knights of Labor, of Hannibal, Mo., for the tonnage bill or bounty on freight carried by American vessels—to the Committee on Merchant Marine and Fisheries.

By Mr. D. B. HENDERSON: Remonstrance of 193 citizens of Brewer County, Iowa, against the admission of Utah—to the Committee on the Territories.

Also, memorial of the executive committee of the National Farmers' Alliance, praying for the organization of a department of agriculture, making its chief a member of the Cabinet—to the Committee on Agriculture.

By Mr. J. S. HENDERSON: Petition of J. S. Ragsdale, in behalf of himself and 200 operatives, of Jamestown, N. C., against the taxation of cotton-seed oil, etc.—to the Committee on Ways and Means.

Also, memorial of the National Farmers' Alliance, representing 1,400,000 persons, for the establishment of a department of agriculture, with a Cabinet minister at its head—to the Committee on Agriculture.

By Mr. HITT: Memorial of executive board of Farmers' Alliance, with membership of 1,400,000 persons, praying for the establishment of an agricultural department—to the Committee on Agriculture.

By Mr. HOLMAN: Petition of R. L. Gordon Post, No. 201, Grand Army of the Republic, of Indiana, for the passage of the bill to equalize the bounty of Union soldiers—to the Committee on Invalid Pensions.

Also, petition of Stacy Matlack, formerly trader at Pawnee agency, for relief—to the Committee on Indian Affairs.

Also, papers in the claim of Julia A. Webster, for a pension—to the Committee on Invalid Pensions.

By Mr. KENNEDY: Petition of Mary A. Kinsley, widow of William Kinsley, private Fifty-sixth Ohio Volunteers, for a pension—to the Committee on Invalid Pensions.

By Mr. LAFFOON: Petition of Knights of Labor of Hopkins County, Kentucky, in favor of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

Also, papers in the claim of Thomas F. Owen, of Bowling Green, Ky.—to the Committee on War Claims.

By Mr. LONG: Petition of citizens of the District of Columbia, praying that the District be exempted from the operation of joint resolution 99, and requesting an amendment thereto—to the Committee on Labor.

By Mr. LYMAN: Papers in support of House bill 5946, for the relief of Sarah C. Hyland—to the Committee on Invalid Pensions.

By Mr. McCLAMMY: Petition of 60 citizens of Duplin County, North Carolina, for an appropriation to improve North East River—to the Committee on Rivers and Harbors.

Also, petition of the North Carolina Pharmaceutical Association for repeal of the internal-revenue tax on alcohol used for mechanical and medicinal purposes—to the Committee on Ways and Means.

By Mr. McKINLEY: Papers to accompany House bill for the relief of Dwight Jarvis—to the Committee on Invalid Pensions.

By Mr. MORRILL: Petition of Henry Cobb and 26 others, of Invermay, Kans., for increase of duties on agricultural products and repeal of the tariff on sugar—to the Committee on Ways and Means.

By Mr. NEAL: Petition of Thomas L. Sperry, of White County, Tennessee, for payment of his war claim—to the Committee on War Claims.

By Mr. OSBORNE: Petition of the letter-carriers of Wilkes Barre, Pa., for a law establishing three grades of salaries for letter-carriers, namely, $800 for the first year, $1,000 for the second year, and $1,200 thereafter—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the West Philadelphia Republican Club, declaring for protection and against free trade—to the Committee on Ways and Means.

Also, resolutions of the Trades Assembly of Western Pennsylvania, for the passage of House bill 5664—to the Committee on the Post-Office and Post-Roads.

By Mr. PERKINS: Resolutions of the Board of Trade of Manhattan, Kans., for legislation prohibiting the adulteration of food and food products—to the Committee on Agriculture.

By Mr. PLUMB: Petition of Local Assembly No. 3082, of Seneca, Ill., for the passage of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. REED: Memorial of the Grand Army of the Republic, of Maine, for an appropriation to build a monument to the regular troops at Gettysburgh—to the Committee on the Library.

By Mr. RICE: Memorial of the Board of Trade of Minneapolis, Minn., for an appropriation of $150,000 for the improvement of the Mississippi River between St. Paul and Minneapolis, and for prosecution of surveys for further improvements—to the Committee on Rivers and Harbors.

By Mr. ROWLAND: Papers in the claims of John H. Smith, of Martin L. Covington, son of James P. Covington; of Mrs. C. M. Banks, widow of David Banks; of Marcellus J. Edwards, and of Elizabeth Covington, of Richmond County; of Arthur J. Hill, jr., of New Hanover County; and of H. K. Ruark, agent for heirs of William Grissam, of Brunswick County, North Carolina—to the Committee on War Claims.

By Mr. RYAN: Resolution of Farmers' Institute, of Manhattan, Kans., in regard to food adulterations—to the Committee on Agriculture.

By Mr. STAHLNECKER: Resolution of the National Woman's Christian Temperance Union, for the entire repeal of the internal-revenue taxes on alcoholic beverages—to the Committee on Ways and Means.

Also, resolutions of the chamber of commerce in reference to the bill creating a commission to supervise the waters of New York Harbor and its tributaries—to the Committee on Rivers and Harbors.

By Mr. STEELE: Petition of S. H. Sheaver and 500 others, for a post-office building at Huntington, Ind.—to the Committee on Public Buildings and Grounds.

By Mr. STONE, of Kentucky: Memorial of cigar-makers and others, citizens of Paducah, Ky., against the repeal of the internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

By Mr. E. B. TAYLOR: Memorial of the Hubbard, Ohio, branch of the Amalgamated Association of Iron and Steel Workers, against a reduction of the tariff—to the Committee on Ways and Means.

By Mr. WARNER: Papers in the case of Lydia A. Magill, administratrix, for relief—to the Committee on War Claims.

By Mr. WASHINGTON: Petition of Mary Klooz, executrix of Frederick Klooz, of Davidson County; of Nashville School Board, and of the heirs of Mrs. Tennessee Boyd, of Nashville, Tenn., for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. W. L. WILSON: Papers in the case of John W. Kennedy—to the Committee on Claims.

By Mr. YOST: Papers in the claim of John R. Buchanan and of Richard Anderson, of Augusta County, and of John R. Buchanan, son of David Buchanan, of Craigsville, Va.—to the Committee on War Claims.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. J. S. HENDERSON: Petition of J. M. Lawing and 40 others, of Logan Conrad and 51 others, of W. Y. Jaratt and 17 others, of C. L. Little and 17 others, of J. M. Drum and 37 others, and of D. A. Johnson and 49 others of Catawba County, and of J. R. Lane and 67 others, of Chatham County, North Carolina.

By Mr. HERBERT: Of R. F. Wilson and others, and of Francis Ford and others, citizens of Alabama.

By Mr. McRAE: Of citizens of Baker, Polk County, Arkansas.

By Mr. STONE, of Kentucky: Of citizens of Kansas, Graves County, Kentucky.

The following petitions, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, were severally referred to the Committee on Invalid Pensions:

By Mr. ATKINSON: Of citizens of Perry County, Pennsylvania.

By Mr. BAYNE: Of the National Encampment Union Veteran Legion, held at Youngstown, Ohio.

By Mr. DORSEY: Of ex-soldiers and sailors of Jackson, Nebr.

By Mr. GIFFORD: Of D. G. Butts and other ex-Union soldiers of Dakota.

By Mr. NUTTING: Of Montgomery Fuller and 75 others, ex-Union soldiers, of Oswego County, New York.

By Mr. E. B. TAYLOR: Of ex-soldiers of Gustavus, of Vienna, and of Orangeville, Ohio.

By Mr. A. C. THOMPSON: Of California Post No. 375, Department of Ohio, Grand Army of the Republic.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. ATKINSON: Of 337 citizens of Perry County, Pennsylvania.

By Mr. COOPER: Of 129 citizens of Delaware County, Ohio.

By Mr. CUTCHEON: Of 97 citizens of Charlevoix County, Michigan.

By Mr. GEAR: Of Mrs. W. E. Elliott and 22 others, citizens of Iowa.

SENATE.

MONDAY, *March* 19, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Friday last was read and approved.

MEXICAN ZONA LIBRE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate of the United States:

I herewith transmit, in compliance with the resolution of the Senate of the 16th ultimo, a report from the Secretary of State, accompanied by certain correspondence, in regard to the Mexican Zona Libre.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, March 16, 1888.

The PRESIDENT *pro tempore*. The accompanying correspondence is very voluminous. What disposition will the Senate make of the same? The resolution was offered by the Senator from Alabama [Mr. MORGAN].

Mr. HALE. I move that the message, with the accompanying papers, be referred to the Committee on Printing.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

PETITIONS AND MEMORIALS.

Mr. WILSON, of Iowa. I present a joint resolution of the General Assembly of Iowa, favoring the passage of the bill for the relief of the settlers upon what are commonly known as the Des Moines River lands. I ask that the joint resolution may be printed in the RECORD, and as the bill has been reported from the committee and is now on the Calendar, the resolution may lie on the table.

The resolution was ordered to lie on the table and be printed in the RECORD, as follows:

Whereas the Fifteenth, Sixteenth, Eighteenth, Nineteenth, and Twentieth General Assemblies of the State of Iowa, by joint resolutions, duly approved by the governor, petitioned the Congress of the United States for relief to the settlers upon what are commonly known as the Des Moines River lands; and

Whereas grievous litigation is now pending in the court of the United States, relating to the title and rights of the settlers to and upon said lands, upon which said settlers located in good faith, and have made valuable improvements and have for many years made their homes; and

Whereas, on account of the very great hardship that has been brought about by the conflicting decisions aforesaid, great disturbance and trouble has already risen and is likely to arise unless some satisfactory and just action be taken by the State and General Government relating to this subject: Therefore,

Be it resolved by the senate of Iowa (the house of representatives concurring), That our Senators and Representatives in Congress are hereby requested to favor the immediate passage of the bill lately introduced in the Senate of the United States by Hon. JAMES F. WILSON, and now pending in Congress, in so far as it has for its object to provide that the Attorney-General of the United States to immediately commence proceedings, or cause such proceedings to be instituted by suit, either in law or in equity, or both, as may be necessary, and appear in the name of the United States so as to remove all clouds from the title to said lands, in which suits any person or persons in possession of, or claiming title to, any tract or tracts of land under the United States involved in such suits may, at his or their expense, unite with the United States in the prosecution of such suits, to the end that the title or titles of any person or persons claiming said lands may be forever settled.

I hereby certify that the foregoing concurrent resolution passed the senate and house of representatives of the Twenty-second General Assembly of the State of Iowa.

[SEAL.] FRANK D. JACKSON,
Secretary of State.

Mr. WILSON, of Iowa, presented a petition of 58 male citizens of Anamosa, Jones County, Iowa, praying for better legal protection for women and girls within the Territorial, admiralty, and maritime jurisdiction of the United States; which was referred to the Committee on the Judiciary.

He also presented a petition of 32 citizens of Iowa, and a petition of 113 ex-Union soldiers and sailors, citizens of Albia, Iowa, and vicinity, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. GORMAN presented the petition of A. T. Lloyd and other citizens of Maryland, praying Congress to repeal the duty on salt; which was referred to the Committee on Finance.

Mr. VOORHEES presented a petition of Connersville Post, No. 126, Grand Army of the Republic, Department of Indiana, praying for the repeal of the limitation clause in regard to arrearages in the pension laws; which was referred to the Committee on Pensions.

He also presented a petition of Blankenship Post, No. 77, Grand Army of the Republic, located at Martinsville, Ind.; a petition of ex-Union soldiers and sailors, citizens of Washington and Clark Counties; a petition of ex-Union soldiers and sailors, citizens of Numa and vicinity, and a petition of ex-Union soldiers and sailors, citizens of Knox County, all in the State of Indiana, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. MORRILL presented a petition of ex-Union soldiers and sailors, citizens of Vermont, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. SHERMAN presented five petitions of 197 ex-Union soldiers and sailors, citizens of Ohio, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions, as follows:

A petition of citizens of Orangeville;
A petition of citizens of Vienna;
A petition of citizens of Gustavus;
A petition of citizens of Cecil; and
A petition of citizens of Castalia, Venice, and Clyde.

Mr. SHERMAN presented the petition of J. M. Dalzell, a citizen of Ohio, praying that a monument be placed over the grave of John Gray, who died at the age of one hundred and four years, the last surviving soldier of the Revolutionary war, and that a statue of that soldier be placed in the Capitol; which was referred to the Committee on the Library.

Mr. WILSON, of Maryland, presented the petition of James Carey Thomas, M. D., and 220 other male citizens of Baltimore, Md., praying for better legal protection for women and girls within the Territorial, admiralty, and maritime jurisdiction of the United States; which was referred to the Committee on the Judiciary.

Mr. CULLOM presented a petition of the Commercial Exchange of Philadelphia, Pa., praying for the adoption of the proposed amendment to the interstate-commerce law to prohibit underbilling, and also that the penalties of the law may include imprisonment; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Lake Carriers' Association, located at Buffalo, N. Y., praying for the enforcement of the wrecking laws: which was referred to the Committee on Commerce.

He also presented a memorial of the Lake Carriers' Association of Buffalo, N. Y., remonstrating against the passage of House bill 4977, which forbids any steamer to leave port without a full complement of licensed officers; which was referred to the Committee on Commerce.

He also presented a petition of the Lake Carriers' Association of Buffalo, N. Y., praying for the passage of Senate bill 1821, making an appropriation for the improvement of the Sault Ste. Marie lock and its approaches; which was referred to the Committee on Commerce.

He also presented a memorial of the Lake Carriers' Association of Buffalo, N. Y., remonstrating against the passage of House bill 6135, for the better protection of human life on merchant vessels; which was referred to the Committee on Commerce.

He also presented a petition of 39 ex-Union soldiers and sailors, citizens of Blandinsville, Ill., and a petition of 20 ex-Union soldiers and sailors, citizens of Bond and Montgomery Counties, Illinois, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. SAULSBURY. I present sundry petitions from citizens of Delaware, praying that the salaries of the keepers of the Life-Saving Service be increased to $1,000 a year, and that the pay of the surfmen of that service be raised to $75 a month. These petitions are numerously signed by those who are familiar with the character of service rendered by these men. I move that the petitions be referred to the Committee on Commerce, and I ask that committee to give the subject due and careful consideration.

The motion was agreed to.

Mr. CAMERON presented a petition of the Lake Carriers' Association of Buffalo, N. Y., praying for the enforcement of the wrecking laws; which was referred to the Committee on Commerce.

He also presented a memorial of the Lake Carriers' Association of Buffalo, N. Y., remonstrating against the passage of House bill 4977, forbidding steamers from leaving port without a full complement of licensed officers; which was referred to the Committee on Commerce.

He also presented a memorial of the Lake Carriers' Association of Buffalo, N. Y., remonstrating against the passage of House bill 6135, for the better protection of human life on merchant steam-vessels; which was referred to the Committee on Commerce.

He also presented a petition of the Lake Carriers' Association of Buffalo, N. Y., praying that an appropriation be made for the improvement of Sault Ste. Marie lock and approaches; which was referred to the Committee on Commerce.

He also presented a memorial of Sligo Lodge, Amalgamated Association of Iron and Steel Workers, of Pittsburgh, Pa., remonstrating against any reduction of existing tariff duties; which was referred to the Committee on Finance.

He also presented a petition of 650 ex-Union soldiers, citizens of Bradford County; a petition of ex-Union soldiers and sailors, citizens of Mount Carmel, Northumberland County, and a petition of ex-Union soldiers and sailors, citizens of New Castle, all in the State of Pennsylvania, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. MANDERSON. I present a petition, signed by the officers of all the commercial banks of the city of Washington, setting forth the difficulty of the transaction of business upon inauguration day, and praying for legislation making inauguration day a legal holiday in the District of Columbia. I move that the petition be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. MANDERSON presented a petition of the Military Board of Nebraska, praying for an increase of the annual appropriation for the militia of the United States to $1,000,000; which was referred to the Committee on Military Affairs.

He also presented a petition of 51 veterans of the Nineteenth Ohio Volunteer Infantry, citizens of Trumbull and other counties in Nebraska; a petition of ex-Union soldiers and sailors, citizens of Nora, Bostwick, and Superior, Nebr.; and a petition of ex-Union soldiers and sailors, citizens of Davenport, Nebr., praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. DAVIS presented a petition of ex-Union soldiers, citizens of Rochester, Minn., praying for the passage of the per diem rated service-pension bill; which was referred the Committee on Pensions.

Mr. STOCKBRIDGE presented the petition of C. H. Allen and other citizens of Henderson, Mich.; the petition of William Horton, jr., and 80 other citizens of Hartford, Mich.; the petition of Samuel A. Fuller and other citizens of Michigan; and the petition of Samuel T. Cantelon and other citizens of Port Austin, Mich., praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. PALMER presented a petition of Francis Strobridge, Arnold Allen, and 34 other ex-Union soldiers and sailors, citizens of Lapeer County, Michigan; a petition of Moses Swadling, Cornelius L. Smith, and 24 other ex-Union soldiers and sailors, citizens of Lapeer County, Michigan; a petition of W. B. Fox and 30 other ex-Union soldiers and sailors, citizens of Bancroft, Mich.; a petition of Henry C. McLeod and 36 other ex-Union soldiers and sailors, citizens of St. Clair, Mich., praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented the petition of W. F. Atkinson and 39 other male citizens of Detroit, Mich., and a petition of J. C. Lampman, M. D., and 14 others, male citizens of Hastings, Mich., praying for better legal protection for women and girls within the Territorial, admiralty, and maritime jurisdiction of the United States; which were referred to the Committee on the Judiciary.

He also presented the petition of J. W. Hibbard and 30 other citizens of Michigan, praying for the passage of the bill to extirpate contagious pleuro-pneumonia among cattle; which was ordered to lie on the table.

Mr. PADDOCK presented a petition of ex-Union soldiers, citizens of Davenport, Iowa, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. VANCE presented a petition of 885 citizens of Goldsborough, Fremont, Summerfield, and other towns of North Carolina, praying for better legal protection for women and girls within the Territorial, admiralty, and maritime jurisdiction of the United States; which was referred to the Committee on the Judiciary.

Mr. TURPIE presented a petition of Jefferson K. Scott, and other ex-Union soldiers, citizens of Morgan County, Indiana, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. HISCOCK presented a memorial of 448 members of the New York State Agricultural Society, remonstrating against the passage of the Palmer Cattle Commission bill; which was ordered to lie on the table.

He also presented a petition of Rev. Andrew Schriver and 32 other citizens of Chester, N. Y., and a petition of 26 male citizens of High Falls, N. Y., praying for better protection for women and girls within the Territorial, admiralty, and maritime jurisdiction of the United States; which were referred to the Committee on the Judiciary.

He also presented a petition of 975 veterans, citizens of the State of New York, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. COCKRELL presented a petition of ex-Union soldiers, citizens of Missouri, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. COCKRELL. I present the affidavits of William H. Shivers and Dr. E. C. Royston, and a letter of P. D. Lane, touching the bill (S. 1658) granting a pension to William H. Shivers. I move the reference of these papers to the Committee on Pensions, to accompany the bill.

The motion was agreed to.

Mr. CALL. I present the petition of P. O. Knight, jr., and other citizens of Lee County, Florida, numerously signed, praying for the passage of a bill appropriating $25,000 for the improvement of San Carlos Bay, in Charlotte Harbor, and the Caloosahatchie River, above the town of Fort Myers. This petition presents facts of great importance in reference to communication through the Caloosahatchie River to the Atlantic Ocean. I ask its careful consideration by the Committee on Commerce. I move that the petition be referred to that committee. The petition is signed by P. O. Knight, jr., a leading citizen and lawyer of character and ability, and S. E. Titus, and many other prominent citizens of that community.

The motion was agreed to.

Mr. CALL presented a communication from Edward P. Lull, United States Navy, captain commandant, United States navy-yard, Pensacola, Fla., forwarding a petition of citizens of the naval reservation adjacent to the navy-yard at that place, praying for the right of schooling, etc.; which was referred to the Committee on Education and Labor.

Mr. FARWELL presented the petition of James Riggs and other ex-Union soldiers and sailors, citizens of Frankfort, Ill., and the petition of Charles R. Hume and other ex-Union soldiers and sailors, citizens of Blandinsville, Ill., praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on pensions.

He also presented a petition of the Board of Trade of Chicago, Ill., praying for the passage of House bill 8064, proposing the construction of a ship-canal around Niagara Falls, in the State of New York; which was referred to the Committee on Commerce.

He also presented a petition of the Lake Carriers' Association of Buffalo, N. Y., praying for the rejection of House bill 6135, for the better protection of human life on merchant steam-vessels of the United States; which was referred to the Committee on Commerce.

Mr. PLUMB presented a petition of citizens of Atchison, Kans., and a petition of citizens of Leavenworth, Kans., praying for the passage of a bill to prevent the adulteration of food articles, and to compel all dealers in produce and food merchandise to sell their goods for just what they are; which were referred to the Committee on Agriculture and Forestry.

Mr. McPHERSON presented a petition of Joseph R. Westcott and 7 other male citizens of Salem, N. J., and a petition of 55 male citizens of Salem, N. J., praying for the better legal protection of women and girls within the Territorial, admiralty, and maritime jurisdiction of the United States; which were referred to the Committee on the Judiciary.

He also presented a petition of the State board of agriculture of New Jersey, praying for a reduction of postage on seeds, etc., and for the issue of fractional currency and the abolition of postal-notes; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Elisha M. Luckett, late second lieutenant Company B, Second Pennsylvania Volunteers, Mexican war, praying for arrears of pension; which was referred to the Committee on Pensions.

Mr. EVARTS presented a petition of 64 ex-Union soldiers and sailors, citizens of the State of New York; a petition of 20 ex-Union soldiers and sailors, citizens of the State of New York, and a petition of 47 ex-Union soldiers and sailors, citizens of Spencer, Tioga County, State of New York, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented the petition of Rev. C. W. Dibble and six other male citizens of Perry, N. Y., praying for better legal protection for women and girls within the Territorial, admiralty, and maritime jurisdiction of the United States; which was referred to the Committee on the Judiciary.

INVESTMENT OF TREASURY FUNDS.

Mr. MORRILL. I move that a letter received from the Secretary of the Treasury, addressed to myself as chairman of the Committee on Finance, stating the opinion of the Secretary in regard to Senate bill No. 1216, providing for the investment of certain funds in the Treasury, be printed, and referred to the Committee on Finance.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. REAGAN, from the Committee on Post-Offices and Post-Roads, to whom was referred the petition of citizens of Franklin, W. Va., praying for an issue of fractional currency, asked to be discharged from its further consideration, and that it be referred to the Committee on Finance; which was agreed to.

Mr. FAULKNER, from the Committee on Claims, to whom was referred the bill (S. 661) for the relief of Charles Murphy, reported it with an amendment, and submitted a report thereon.

Mr. WILSON, of Maryland, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 484) for the relief of Thomas C. Dickey, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Pensions, to whom was referred the bill (S. 294) granting a pension to Mrs. Elizabeth M. Newman, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 90) for the relief of William Clift, reported it without amendment, and submitted a report thereon.

Mr. TELLER. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 1860) to grant the Boisé Basin Bed-Rock Flume Company the right of way to construct a bed-rock flume in Idaho, to report it adversely. I would say that I introduced this bill by request, although it was not so marked on the bill. I move that it be indefinitely postponed.

The motion was agreed to.

Mr. TELLER, from the Committee on Public Lands, to whom was referred the bill (H. R. 3300) to amend an act to enable the city of Denver to purchase certain land for cemetery purposes, reported it with an amendment.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1064) for the relief of L. J. Worden, reported it without amendment.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 1793) releasing the title of the United States in a certain parcel of land to John D. Thorne, the assignee of John Cutler, reported adversely thereon, and the bill was postponed indefinitely.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (H. R. 4907) for the relief of John M. Higgins, sr., submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. GEORGE. The bill (S. 1067) relating to imported liquors was referred to the Committee on the Judiciary for the purpose of examining the constitutional questions involved. The committee instruct me to report the bill adversely with a written report. There is a minority report.

The PRESIDING OFFICER (Mr. PLATT in the chair). The bill will be placed on the Calendar.

Mr. WILSON, of Iowa. I desire, on behalf of the minority of the committee, to present their views in writing with regard to that bill, in which there is a general dissent from the propositions of the majority of the committee; and in connection with it we present an amendment to the bill. I ask that the amendment be printed, and also that the views of the minority be printed in connection with the report of the majority of the committee.

I also desire to state that the Senator from Massachusetts [Mr. HOAR], who is now absent from his seat, dissents from the views of the majority and will present at an early day his views separately, which I presume he will desire to have printed also in connection with the views now submitted by the majority and the minority.

The PRESIDING OFFICER. The Senator from Iowa, on behalf of a minority of the committee, submits the views of the minority, which he asks to have printed with the report of the majority. That order will be made.

Mr. HOAR subsequently said: I ask unanimous consent to present my views on Senate bill No. 1067, relating to imported liquors, which was reported adversely by the Senator from Mississippi [Mr. GEORGE] from the Judiciary Committee this morning.

The PRESIDENT *pro tempore*. The views will be received and printed.

Mr. MITCHELL, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1820) for the relief of L. A. Davis, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, submitted a report accompanied by a bill (S. 2410) for the relief of L. A. Davis; which was read twice by its title.

Mr. PALMER, from the Committee on Commerce, to whom was referred the bill (H. R. 1923) providing for the establishment of a life-saving station at the harbor of Kewaunee, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1856) to establish a life-saving station on the Atlantic coast between Indian River Inlet, Delaware, and Ocean City, Md., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 705) to establish additional life-saving stations, reported it with amendments, and submitted a report thereon.

Mr. PALMER. I am also directed by the same committee, to whom was referred the bill (S. 559) making an appropriation for the establishment of a life-saving station, and providing for a life-saving crew at Yaquina Bay, in the State of Oregon, to submit an adverse report thereon, and recommend that it be indefinitely postponed, the essence of it having been incorporated in the other bills by amendment.

The bill was indefinitely postponed.

Mr. EVARTS, from the Committee on the Judiciary, to whom was referred the bill (H. R. 4375) to create a board of arbitration to settle and determine the controversy between the United States and the State of Texas, relating to certain territory by them respectively claimed, reported it with amendments.

Mr. DANIEL, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1177) for the erection of a public building at Fortress Monroe, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 347) to provide for the erection of a public building in the city of Youngstown, Ohio, reported it with amendments, and submitted a report thereon.

Mr. STANFORD, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1554) to increase the appropriation for the erection of the public building at Sacramento, Cal., reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 21) to provide for the construction of a public building at Salem, Oregon, reported it with an amendment, and submitted a report thereon.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 7315) to divide the great Sioux Indian reservation into separate smaller reservations, and for other purposes, reported it with amendments.

Mr. EDMUNDS. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 514) for the relief of Dr. A. Sidney Tebbs, to ask to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs, to which it should have gone originally.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. 1442) for the relief of C. A. Williams and others, owners of the schooner Era, submitted a report accompanied by a bill (S. 2411) for the relief of C. A. Williams and others; which was read twice by its title.

PRINTING OF BUREAU OF ANIMAL INDUSTRY BILL.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred a Senate resolution authorizing the printing of 1,000 extra copies of the bill creating a Bureau of Animal Industry, to report it with a recommendation that it pass. I ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That 1,000 extra copies of Senate bill 2083, known as the bill for the establishment of a Bureau of Animal Industry, and for other purposes, be printed for the use of the Committee on Agriculture and Forestry.

WASHINGTON CITY POST-OFFICE.

Mr. SAWYER. I am directed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 5617) to provide for the leasing of premises for the Washington city post-office, to report it favorably without amendment. It is a very short bill, and I ask for its immediate consideration.

Mr. McPHERSON. Let the bill be read.

The PRESIDING OFFICER (Mr. PLATT in the chair). The bill will be read for information.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster-General be empowered to lease suitable premises in the city of Washington for the purposes of the Washington city post-office.

Mr. SAWYER. I will state that the Postmaster-General is now authorized to lease post-offices of the first and second class in every place in the United States except the city of Washington; but there is a law which provides that the Government shall not lease any building in this city unless an appropriation is first made especially for that purpose. The present city post-office is a very bad affair, and the owners have doubled up on the rent from the 1st of January. The Postmaster-General is entirely powerless to do anything unless we pass this bill, and I have therefore asked for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment.

Mr. VEST. I should like to inquire whether there is any limitation as to this lease. Is there any time fixed in the bill?

Mr. SAWYER. No, there is not. It simply puts the post-office in the city of Washington on the same footing and in the same condition with the rest of the post-offices in the United States of the first and second class. It allows the Department to rent a post-office building.

Mr. VEST. There is a limitation in the general law, however, is there not?

Mr. SAWYER. No; there is no limitation, except a provision that the Postmaster-General shall not rent a building beyond the time appropriated for; and of course the office here would come under the same law. The Postmaster-General can not rent a building for a longer period than is covered by an appropriation; nor can he do so under this bill.

Mr. VEST. We have passed a bill for the erection of a post-office building here, and I should not like to give the Department authority to run a lease for ten or twenty years.

Mr. SAWYER. This will only bring the Washington city post-office under the same law as the other first and second class post-offices throughout the country.

The bill was ordered to a third reading, read the third time, and passed.

SALMON FISHERIES.

Mr. MANDERSON. I am directed by the Committee on Printing to report back a letter of the Secretary of War, in response to a Senate resolution of January 27, on the subject of salmon fisheries in the Columbia River. By direction of the committee I ask that the letter be ordered to be printed, the usual number only, with the accompanying report.

The PRESIDING OFFICER. That order will be made if there be no objection.

STATISTICAL ABSTRACT OF THE UNITED STATES.

Mr. MANDERSON, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment, and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed 15,000 additional copies of the Statistical Abstracts of the United States for the year 1887, of which 5,000 copies shall be for the use of the Senate and 10,000 copies for the use of the House of Representatives.

BRIDGES OVER STREAMS WITHIN STATE LIMITS.

Mr. VEST. The following resolution was referred to the Committee on Commerce:

Resolved, That the Committee on Commerce be instructed to inquire into the right and expediency of Congress assuming control of the erection of bridges over navigable waters or streams within State limits, and to report by bill or otherwise.

I am instructed by that committee to submit a report in writing, and I ask that it be printed and lie upon the table.

The PRESIDING OFFICER. That order will be made.

REPORT ON FORTIFICATIONS.

Mr. DOLPH. I submit a written report on the bill (S. 62) to provide for fortifications and other seacoast defenses, which was reported from the Committee on Coast Defenses on the 15th instant, and I ask that 1,000 extra copies of the report be printed. I understand from investigation the cost will be only $8 or $10.

The PRESIDING OFFICER. The Senator from Oregon submits a written report upon the bill named by him, which has already been reported, and asks that 1,000 extra copies of the report be printed.

Mr. MANDERSON. I will say that I have investigated the matter, and am satisfied that the cost will be less than the amount fixed by the law, so that it will be within the power of the Senate to order the printing.

The PRESIDING OFFICER. If there be no objection, such will be the order of the Senate.

BILLS INTRODUCED.

Mr. HISCOCK introduced a bill (S. 2412) granting a pension to Haskell A. Evarts; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2413) granting a pension to Ernst Hein; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLACKBURN (by request) introduced a bill (S. 2414) granting a pension to Paulina Barbara, formerly widow of John Pitman; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 2415) restoring Frances Paul to the pension-roll; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VOORHEES introduced a bill (S. 2416) granting a pension to Jane Devines; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 2417) for the relief of Sylvanus Sandford; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. SPOONER introduced a bill (S. 2418) granting a pension to Jarret Spencer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BERRY introduced a bill (S. 2419) granting a pension to Lemuel B. Rea; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SHERMAN (by request) introduced a bill (S. 2420) granting arrears of pension in certain cases; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PALMER introduced a bill (S. 2421) to transfer Rear-Admiral James E. Jouett to the retired-list of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. ALDRICH introduced a bill (S. 2422) granting a pension to Elvira A. Pierce; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2423) to increase the rank of Maj. Joseph B. Collins, United States Army, retired; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. GORMAN introduced a bill (S. 2424) for the relief of non-residents who have paid license taxes to the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2425) for the relief of Henrietta V. Minnix; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. CAMERON introduced a bill (S. 2426) to remove the charge of desertion from the military record of Andrew A. Keen; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BOWEN introduced a bill (S. 2427) to establish a public park to be called and known as the Royal Arch Park; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. McPHERSON (by request) introduced a bill (S. 2428) granting a pension to Mary F. Danby; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 2429) for the relief of Charles F. Holly; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2430) explanatory of an act entitled "An act to settle certain accounts between the United States and the State of Mississippi and other States," and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. HAWLEY introduced a bill (S. 2431) for the relief of Nathan Burnham; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2432) concerning the militia of the District of Columbia; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2433) to remove the charge of desertion against Daniel C. Lewis; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. WILSON, of Iowa (by request), introduced a bill (S. 2434) for the relief of John P. T. Davis; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2435) granting a pension to D. G. Scooten; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2436) granting a pension to Alvia D. Tomlinson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2437) granting a pension to James G. W. Hardy; which was read twice by its title, and referred to the Committee on Pensions.

Mr. EVARTS introduced a bill (S. 2438) to regulate the salaries and expenses of the judges of the circuit and district courts of the United States within the State of New York; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. CULLOM introduced a bill (S. 2439) granting a pension to Charlotte T. Alderman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DOLPH introduced a bill (S. 2440) for the relief of the State of Oregon; which was read twice by its title, and referred to the Committee on Claims.

Mr. JONES, of Arkansas, introduced a bill (S. 2441) to refund the illegal internal-revenue tax collected of James R. Berry as late auditor of the State of Arkansas; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO BILLS.

Mr. STEWART submitted an amendment intended to be proposed by him to the bill (S. 8) to provide for the retirement of United States legal-tender and national-bank notes of small denominations, and the issue of coin certificates in lieu of gold and silver certificates, and for other purposes; which was ordered to be printed.

Mr. TELLER submitted an amendment intended to be proposed by him to the bill (H. R. 3300) to amend an act to enable the city of Denver to purchase certain land for cemetery purposes; which was ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. HAWLEY, it was

Ordered, That leave be granted Lewis D Allen to withdraw from the files of the Senate the papers in his case.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 92) for the relief of Morgan Rawls;

A bill (H. R. 183) granting a pension to the minor children of William Clark;

A bill (H. R. 314) authorizing the Secretary of War to place the name of James L. Henderson on the roll of Company B, Sixteenth Kentucky Volunteers;

A bill (H. R. 417) granting a pension to David Strunk;

A bill (H. R. 518) for the relief of T. J. Edwards, administrator of David Edwards, deceased;

A bill (H. R. 610) for the relief of William Lavery;

A bill (H. R. 742) for the relief of John F. Cadwallader;

A bill (H. R. 807) for the relief of Horatio R. Maryman;

A bill (H. R. 816) granting a pension to Charlotte Broad;

A bill (H. R. 822) granting a pension to Miles S. Scribner;

A bill (H. R. 824) granting a pension to Isaiah G. Mayo;

A bill (H. R. 878) for the relief of John D. Maxted and Robert J. B. Newcombe;

A bill (H. R. 1050) for the relief of Charles M. Kennerly;

A bill (H. R. 2078) granting a pension to Charlotte T. Clark;

A bill (H. R. 2259) to grant a pension to John M. Haley;

A bill (H. R. 2416) granting a pension to Hannah F. Brock;

A bill (H. R. 2498) granting a pension to Alonzo Higley;

A bill (H. R. 2518) granting an increase of pension to John Rowe;

A bill (H. R. 2694) granting a pension to Julia A. Griffen;

A bill (H. R. 3490) granting a pension to James M. Berry;

A bill (H. R. 3603) to increase the pension of Maxwell Carroll;

A bill (H. R. 3682) to pension Emily Goodall;

A bill (H. R. 3870) granting a pension to Albert Nevin;

A bill (H. R. 4106) granting a pension to Olive Wallace;

A bill (H. R. 4110) granting a pension to Mehitable Wheelock;

A bill (H. R. 4534) for the relief of Emily G. Mills;

A bill (H. R. 4550) granting a pension to Chloe Quiggle, widow of Philip Quiggle;

A bill (H. R. 4633) granting a pension to Morris T. Mantor;

A bill (H. R. 4672) granting an increase of pension to Mrs. Emily M. Wyman;

A bill (H. R. 4685) granting a pension to Lizzie F. Reed;

A bill (H. R. 5176) granting a pension to Thomas J. Parker;

A bill (H. R. 5233) granting a pension to William F. Randolph;

A bill (H. R. 5363) granting a pension to David Johnson;

A bill (H. R. 5388) granting a pension to Elizabeth Buffington;

A bill (H. R. 5984) for the relief of James Gaster;

A bill (H. R. 6586) granting a pension to Nancy O. Gray;

A bill (H. R. 6789) granting a pension to Mary S. Wells;

A bill (H. R. 6974) for the relief of Mary E. Hawn, widow of Emanuel R. Hawn, late surgeon of the Forty-ninth Regiment Indiana Volunteers, deceased;

A bill (H. R. 6984) granting a pension to Margaret E. Graves;

A bill (H. R. 7171) to restore to the pension-roll the name of Isaac Dilley;

A bill (H. R. 7891) for the relief of Cynthia J. Leroy;

A bill (H. R. 8002) for the relief of Elizabeth Mulvehill;

A bill (H. R. 8044) to change the time of the sessions of the circuit and district courts of the northern division of the eastern district of Missouri; and

A bill (H. R. 8464) for the relief of the Merchants' National Bank, of Poughkeepsie, N. Y.

The message also announced that the House had passed the bill (S. 1665) granting a pension to Theresa B. Hoffman.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. Res. 117) to enable the Secretary of the Interior to utilize the hot water now running to waste on the permanent reservation at Hot Springs, Ark., and for other purposes.

PURCHASE OF BONDS.

Mr. MORRILL. I desire to give notice that to-morrow, in the morning hour, I shall call up for consideration the bill (H. R. 5034) to provide for the purchase of United States bonds by the Secretary of the Treasury.

PRESIDENT'S ANNUAL MESSAGE.

Mr. SAULSBURY. I understand that the order of business to-day and also to-morrow will be the Calendar under Rule VIII. I desire to give notice that on Wednesday next, with the leave of the Senate, I shall ask to take up for consideration the resolution offered by the Senator from Ohio [Mr. SHERMAN] referring the President's message to the Finance Committee, in order that I may submit some remarks upon it.

BUREAU OF ANIMAL INDUSTRY.

The PRESIDING OFFICER. If there are no concurrent or other resolutions, the Calendar is in order under Rule VIII, and the first bill on the Calendar will be announced.

Mr. PALMER. I move that 2 o'clock one week from to-day be fixed as the hour when the Senate shall take up for consideration the bill (S. 2083) to provide for the establishment of a Bureau of Animal Industry, and to facilitate the exportation of live-stock and their products, to extirpate contagious pleuro-pneumonia and other diseases among domestic animals, and for other purposes.

The PRESIDING OFFICER. The Senator from Michigan moves that the bill indicated by him be made the special order of the day for next Monday at 2 o'clock. The title of the bill will be read at the desk.

The CHIEF CLERK. A bill (S. 2083) to provide for the establishment of a Bureau of Animal Industry, and to facilitate the exportation of live-stock and their products, to extirpate contagious pleuro-pneumonia and other diseases among domestic animals, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Michigan. [Putting the question.] The motion is agreed to; and the order is made, two-thirds of the Senate concurring therein.

Mr. SHERMAN. I hope we shall now go on with the Calendar by unanimous consent.

Mr. CALL. I did not understand that that question was to be voted on at the moment. I understood the Chair simply to state the question, that it was moved that the bill in relation to pleuro-pneumonia

be made the special order of the day. I do not think the vote was understood.

The PRESIDING OFFICER. The bill was made the special order for one week from to-day.

Mr. CALL. I do not think Senators generally understood the question.

Mr. PLATT. The order was for one week from to-day, and the then occupant of the chair put the motion. I do not know whether the Senate understood it or not.

Mr. CALL. I did not understand it. I think the vote should be taken over again.

The PRESIDENT *pro tempore*. If there be any general misunderstanding, by unanimous consent the question will be again taken.

Mr. SHERMAN. It was very plainly announced. Everybody on this side understood it.

Mr. ALLISON. The title of the bill was read at the Secretary's desk.

Mr. SHERMAN. At any rate a majority of the Senate can at any time postpone the bill when it comes up. It is not a matter of great moment.

ORDER OF BUSINESS.

Mr. HARRIS. Just before the adjournment on Friday evening I moved that the bill (H. R. 2927) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn., be made the special order for Wednesday next at 2 o'clock. The motion was misconstrued and misunderstood by two or three Senators. The Senator from Massachusetts [Mr. DAWES] was kind enough to make some rather uncharitable comments upon my having made such a motion, in view of the fact that a few evenings before I had given notice that I should insist upon the execution of Rule VIII, which devotes the morning hour up to 2 o'clock every day to the consideration of bills and resolutions on the Calendar.

My motion was to make a special order, beginning at 2 o'clock on Wednesday, and not to interfere with the morning hour of any day.

No one knows better than the Senator from Massachusetts that there are a large number of bills on the Calendar that can not be considered under Rule VIII, which limits debate to five minutes and limits every Senator to one speech of five minutes upon each question.

My object was simply to make that bill a special order, because it is very important as a question of time, if the bill is to pass at all, that it pass at a very early day.

The Senator from Connecticut [Mr. PLATT] considered that my proposition was in conflict with a notice that he had given, or rather with a reservation of a right that he had given notice of, to move that the Senate proceed to consider a certain bill, the Dakota bill, which he had reported. My motion was not in the slightest degree in conflict with the Senator's reservation. I simply proposed to make a special order. The Senator from Connecticut might have moved the next moment that the Senate proceed to consider the bill to which he referred.

I simply ask now that the Senate may make a special order for Wednesday at 2 o'clock of Order of Business 557, being House bill 2927.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the bill (H. R. 2927) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn., be made the special order for Wednesday at 2 o'clock.

Mr. DAWES. That is not debatable, but I think the Senate will indulge me in response to the Senator from Tennessee.

Mr. PLATT. It is debatable.

Mr. DAWES. I have not the slightest objection to fixing the special order, but I desire to set myself right with the Senator from Tennessee, with whom I should dislike as much as anybody I know in this world to have any difference.

It was not on Friday last that I did not feel the force of the Senator's new view of the best way to dispose of the Calendar. I did feel the full force of it. I anticipated it when the Senator served the notice on us a few days before that from that time forth he should insist upon the observance of the Calendar.

Mr. HARRIS. Within the morning hour.

Mr. DAWES. I anticipated that any change of views as to the best method of conducting business would come with such force that I should be obliged to yield to that also; and therefore I say now that I yield to this new view of disposing of business on the Calendar, which is to take up matters on it and make them special orders. Experience here will show that picking up bills out of the Calendar and making them special orders will be the best way to dispose of the whole Calendar. Every Senator who has been here any length of time will know that that is the best way to dispose of the Calendar, and therefore I yield again to the Senator's new view of this matter, assuring him that I will co-operate with him as fast as his views change and I can keep up with them, for the Calendar ought to be disposed of.

Mr. SHERMAN. We are acting now upon an order agreed to by unanimous consent, to proceed to the Calendar under a certain rule, and I hope the Chair will enforce the agreement.

Mr. PLATT. If in order at this time, I should like to move that the Senate proceed to the consideration of the bill for the admission of South Dakota, and I should like to make a statement before submitting that motion.

Last Tuesday I supposed it was understood by the Senate that that motion should prevail, and then that the bill should be laid aside informally for the execution of the order of the Senate for two days with reference to the Calendar. I shall be entirely willing that that course shall be pursued if the bill shall be taken up at this time. I think it is a matter of such importance that it ought to be taken up, so that it will remain as the unfinished business and have the right of way when the Calendar is concluded. I make that motion.

Mr. HARRIS. I had made a motion that preceded it, but I suggest to my friend from Connecticut that I will withdraw my motion, and I ask him not to press his at present, and let us go on with the execution of the consent order, and at the end of the two days I will renew my motion to make a special order. He can make his motion, of course, whenever he chooses, but let us not consume the time of the Senate this morning in any discussion or consideration of these questions.

Mr. PLATT. I have no objection to withdrawing my motion, except that during these two days, when I shall not be in the Senate perhaps, I do not want some other matter to get precedence of the bill for the admission of South Dakota. In the hope that that may not be done in my absence I withdraw the motion, and shall allow the Calendar to proceed.

Mr. HARRIS. The Senator from Maryland [Mr. WILSON] gave notice two or three days ago that he would call up a certain matter with a view of submitting some remarks this morning. I appeal to the Senator, as to-day and to-morrow have been by unanimous consent given over to the consideration of the Calendar, to forego his intention to make remarks this morning and postpone them until Wednesday morning.

Mr. WILSON, of Maryland. I shall yield to that request, Mr. President.

The PRESIDENT *pro tempore*. If there is no further morning business that order is closed, and the Senate proceeds to the consideration of the Calendar under Rule VIII, in pursuance of the agreement made on Wednesday last. The consideration of the Calendar under this rule will continue for two consecutive days. The first bill on the Calendar will be stated.

GEORGE W. BOLTON, ALIAS CHARLES W. ANDREWS.

The bill (S. 547) for the relief of George W. Bolton, alias Charles Andrews, was announced as first in order, and the Senate, as in Committee of the Whole, proceeded to consider it.

The Committee on Military Affairs reported the bill with an amendment in line 5, by changing the name "Charles Andrews" to "Charles W. Andrews;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War is hereby directed to remove the charge of desertion from the record of George W. Bolton, alias Charles W. Andrews, late a private in Company B, Eleventh Regiment Indiana Volunteers, and to grant him an honorable discharge as of the date when his said regiment was mustered out.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read:

A bill for the relief of George W. Bolton, alias Charles W. Andrews.

ORIN R. M'DANIEL.

The bill (S. 768) for the relief of Orin R. McDaniel was considered as in Committee of the Whole. It provides for placing the name of Orin R. McDaniel, late an enrolled soldier of Company H, Sixty-fourth Regiment Illinois Volunteers, upon the records of that company as enrolled December 26, 1863, and discharged February 14, 1864, for disability, and for granting him an honorable discharge accordingly, as of date February 14, 1864, for disability.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DESERTION IN TIME OF PEACE.

The bill (S. 254) to amend article 103 of the Rules and Articles of War was considered as in Committee of the Whole.

The Committee on Military Affairs reported an amendment, in line 7, after the word "desertion" to insert "in time of peace and not in the face of an enemy;" so as to make the bill read:

Be it enacted, etc., That the one hundred and third of the Rules and Articles of War be, and the same is hereby, amended by adding thereto the following words:

"No person shall be tried or punished by a court-martial for desertion in time of peace and not in the face of an enemy, committed two years before the arraignment of such person for such offense, unless he shall meanwhile have absented himself from the United States, in which case the time of his absence shall be excluded in computing the period of the limitation: *Provided*, That said limitation shall not begin until the end of the term for which said person enlisted."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OFFENSES AGAINT POSTAL LAWS.

Mr. SAULSBURY. I desire to make a report at this time.

The PRESIDENT *pro tempore*. The Chair will receive the report, if there be no objection.

Mr. SAULSBURY. I am instructed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 7052) relating to postal crimes and amendatory of the statutes therein mentioned, to report it with an amendment. I ask that the amendment may be read and adopted. I understand it is a very important matter to the Department that the bill should be passed promptly.

Mr. COCKRELL. Let the bill be read for information.

The Chief Clerk read the bill.

The PRESIDENT *pro tempore*. The Senator from Delaware asks unanimous consent for the consideration of the bill at this time.

Mr. CALL. I object.

Mr. SAULSBURY. I desire to say to the Senator that it is a very important bill.

The PRESIDENT *pro tempore*. The Senator from Delaware can only proceed by unanimous consent. Is there objection? The Chair hears none.

Mr. SAULSBURY. It is to correct an abuse of the mails by persons who desire to use them for purposes of their own. They inclose an envelope to a person against whom they have a claim. He is informed of their demand, and on an envelope of that character the words are sometimes marked "bad debt." Some of the persons thus addressed may not owe the money, and persons who owe money and are unable to pay are exposed to the public gaze as bad debtors. It is to correct abuses of that kind that the bill is offered. I hope the Senate will pass the bill.

Mr. HALE. How does the committee propose to reach the difficulty and remedy it?

Mr. SAULSBURY. By amending the House bill.

The PRESIDENT *pro tempore*. The bill has gone to the Calendar. The next bill in order will be stated.

The bill (S. 300) granting a pension to Miss Juliet G. Howe was announced as next in order.

Mr. PADDOCK. Mr. President——

Mr. SAULSBURY. Was there objection to the consideration of the bill I reported?

The PRESIDENT *pro tempore*. The Senator from Tennessee and the Senator from Florida both objected.

Mr. CALL. I withdraw the objection so far as I am concerned.

Mr. HARRIS. I understand it is important in matter of time, and I withdraw my objection.

The PRESIDENT *pro tempore*. The bill has already passed from the consideration of the Senate and has gone to the Calendar, and the Senate is engaged in the consideration of other business, pending which the Senator from Delaware moves——

Mr. PADDOCK. Do I understand the Senator from Delaware to object to the consideration of Senate bill 300?

Mr. HOAR. I ask unanimous consent that the bill of the Senator from Delaware be restored to its place on the Calendar and taken up in order after Senate bill 300 is disposed of.

Mr. MANDERSON. I hope the bill pending will be disposed of, and then there will be no objection to the bill proposed by the Senator from Delaware being considered.

The PRESIDENT *pro tempore*. The pending bill will be reported.

JULIET G. HOWE.

The Senate, as in Committee of the Whole, resumed the consideration of bill (S. 300) granting a pension to Miss Juliet G. Howe, the pending amendment being, in line 6, to strike out "Miss" and insert "Mrs;" so as to read, "Mrs. Juliet G. Howe."

The amendment was agreed to.

The PRESIDENT *pro tempore*. It was also moved, in line 7, before the word "dollars," to strike out "twenty-five" and insert "twelve;" so as to read:

And pay her a pension at the rate of $12 per month.

Mr. PADDOCK. I hope that amendment will not prevail. The amount of $25 has been reported by the Pension Committee. It is in accordance with our rule to pension a hospital nurse at $25. This is a particularly and specially meritorious case, and I hope the amendment will not be agreed to.

The PRESIDENT *pro tempore*. The question is on the amendment.

Mr. CULLOM. May I inquire whether the amendment which has been read is the report of the Pension Committee?

Mr. PADDOCK. No, sir; the bill was reported at $25 per month by a unanimous vote of the committee.

Mr. CULLOM. The committee report in favor of $25 per month?

Mr. PADDOCK. Yes, sir.

Mr. CULLOM. This is an individual amendment.

Mr. PADDOCK. Yes; and the case is especially meritorious.

The PRESIDENT *pro tempore*. The Chair will ascertain the state of the amendment.

Mr. HARRIS. Let the amendment be stated again. It is not understood on this side of the Chamber.

The PRESIDENT *pro tempore*. The Chair finds that the proposed amendment was offered by the Senator from Missouri [Mr. COCKRELL]. It will be read.

The SECRETARY. In line 7, before the word "dollars," it is proposed to strike out "25" and insert "12;" so as to read:

And pay her a pension at the rate of $12 per month.

The PRESIDENT *pro tempore*. The bill was previously under consideration, and went over under objection. The question is on the amendment just read.

Mr. HAMPTON. I suggest that the bill be passed over informally until the Senator from Missouri [Mr. COCKRELL] returns. I will say in addition that the question of pensioning all these nurses is now before the Military Committee.

The PRESIDENT *pro tempore*. Unless formal objection be made to the consideration of the bill, the question must be taken on the amendment. The question is on the amendment proposed by the Senator from Missouri, on which a division has been called for.

The amendment was rejected, there being, on a division—ayes 16, noes 26.

The bill was reported to the Senate as amended, and the amendment made as in Committee of the Whole was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Mrs. Juliet G. Howe."

GEORGE PARK.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1299) granting a pension to George Park. It proposes to place on the pension-roll the name of George Park, dependent father of William C. Park, Company H, Fifty-seventh Massachusetts Volunteers.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the report, submitted by Mr. DAVIS January 10, 1888, as follows:

The Committee on Pensions, to whom was referred the petition of George Park, praying for a pension, have examined the same, and report:

The petitioner, George Park, alleges that his two sons, H. L. Park and William C. Park, both minors, enlisted in Company H, Fifty-seventh Massachusetts Volunteers. H. L. Park, the eldest, was killed in the battle of North Anna River, June 24, 1864, aged nineteen years. William C. Park was wounded in the battle of the Wilderness; returned to his regiment from hospital; was taken prisoner at the springing of the mine at Petersburgh, and sent to the prison at Danville, N. C., where he died January 6, 1865, aged eighteen years.

The mother is drawing a pension on account of the death of the eldest son, and the petitioner is advised that he can not be allowed a pension under existing laws because the mother is receiving a pension on account of the death of one of their deceased sons.

Petitioner is seventy-three years old; is unable to support himself without outside help; is troubled with varicose veins in his limbs and rheumatism in his shoulder-joints. The Commissioner of Pensions writes to the chairman of this committee in regard to this case:

"The parents had two sons, who were killed or died in the service. Unless the parents are living apart or at variance, the father can not be pensioned under the laws as they now exist."

F. Wessen deposes, August 22, 1866, that William C. Park worked for him for the last two years previous to enlistment, and that deponent paid his wages to the petitioner, amounting to about $40 a month.

October 13, 1866, said Wessen and one F. F. Hopkins made a joint affidavit, Wessen deposing that he employed William C. Park from July, 1860, to December, 1863, at which time he enlisted, and that he, Wessen, paid the father the son's wages, at the rate of $25 to $30 a month, the father being in delicate health and nearly dependent on the earnings of his son for support of his family of wife and four children.

Hopkins deposes that he has known the father and family four years, and that the above statement is true in all respects.

Both deponents also state that the soldier left surviving one sister (Theresa), whose age on January 3, 1866, was five years.

This claim was rejected by the following indorsement:

"May 13, 1867. Rejected. The mother alive."

In view of all the facts in this case, your committee recommend the passage of the bill which is herewith submitted.

Mr. COCKRELL. As far as I am concerned, I make no objection.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OFFENSES AGAINST POSTAL LAWS.

Mr. SAULSBURY. The bill which I reported from the Post-Office Committee, and which I understood was to come up immediately after the passage of the bill last considered, I move be now taken up.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The Senator from Delaware asks that the Senate proceed to the consideration of a bill the title of which will be stated.

The CHIEF CLERK. A bill (H. R. 7052) relating to postal crimes and amendatory of the statutes therein mentioned.

The bill was read.

Mr. SAULSBURY. I ask that the amendments of the Committee on Post-Offices and Post-Roads be read and adopted.

The PRESIDING OFFICER. The amendments reported by the committee will be stated.

The CHIEF CLERK. It is proposed to add to the bill:

And all matter otherwise mailable by law, upon the envelope, or outside cover or wrapper of which, or postal-card, upon which indecent, lewd, lascivious, obscene, libelous, scurrilous, or threatening delineations, epithets, terms, or lan-

guage, or reflecting injuriously upon the character or conduct of another may be written or printed, are hereby declared to be non-mailable matter and shall not be conveyed in the mail, nor delivered from any post-office nor by any letter-carrier, and any person who shall knowingly deposit, or cause to be deposited for mailing or delivery anything declared by this section to be non-mailable matter, and any person who shall knowingly take the same or cause the same to be taken from the mail for the purpose of circulating, or disposing of, or of aiding in the circulation or disposition of the same, shall be deemed guilty of a misdemeanor, and shall for each and every offense be fined not less than $100, nor more than $5,000, or imprisoned at hard labor not less than one year nor more than ten years, or both, at the discretion of the court.

Mr. PLATT. How does this get in?

The PRESIDING OFFICER. By unanimous consent.

Mr. PLATT. This is not a bill in regular order on the Calendar.

The PRESIDING OFFICER. It was reported this morning and its consideration suspended, and the Senator from Delaware [Mr. SAULSBURY] asked unanimous consent to have it considered at this time.

Mr. PLATT. It seems to me it is too important a bill to be acted on now.

Mr. HOAR. I think that was misunderstood. I do not suppose anybody who had given unanimous consent to going on with the Calendar at this time expected that we should take up that important measure.

The PRESIDING OFFICER. The Chair will submit the matter to the Senate. The Senator from Delaware made the motion and no objection whatever was made. The Senator from Delaware moves to proceed to the consideration of this bill.

Mr. SAULSBURY. I made the statement——

Mr. SHERMAN. It can only be done by unanimous consent, because we are now acting under a special order that sets apart two days for the consideration of a certain class of bills in their order. If Senators want to break this up it is very easy to do it. If one bill of this kind gets in, that is the end of the order.

Mr. SAULSBURY. As I find there is objection, I withdraw my motion.

The PRESIDING OFFICER. The motion is withdrawn, and the consideration of the Calendar will proceed.

LEGAL REPRESENTATIVE OF ROBERT J. BAUGNESS.

The bill (S. 1063) for the relief of the heirs or legal representatives of Robert J. Baugness, deceased, was considered as in Committee of the Whole.

It is a direction to the Secretary of War to correct the record of Robert J. Baugness, late a private in Company I, Thirty-seventh Illinois Volunteers, so as to remove the charge of desertion; and to the proper accounting officers of the Treasury to pay to the heirs or legal representative of Baugness the bounty and allowances that would have been due him had not such charge of desertion appeared against him on the rolls.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALBERT H. EMERY.

The bill (S. 495) for the relief of Albert H. Emery was announced as next in order.

Mr. HOAR. I think that bill had better stand over, if the Senate will consent, without losing its place on the Calendar under this rule. There is a similar bill pending in the other House, and my opinion is that it would be better to await the action of the House on that bill.

The PRESIDING OFFICER. The Senator from Massachusetts asks that the bill be passed over, retaining its place on the Calendar. The Chair hears no objection to that course.

SARAH E. E. PERINE.

The bill (S. 396) for the relief of Sarah E. E. Perine, widow and administratrix of William Perine, deceased, was considered as in Committee of the Whole.

It proposes to authorize the Court of Claims to take jurisdiction and hear the case of Sarah E. E. Perine, widow and administratrix of William Perine, deceased, against the United States, on application of the claimant, if made within six months, with jurisdiction to hear and determine the increased cost of the construction of the iron-clad monitor Naubuc and the iron tug-boats Maria and Triana, and which increased cost was caused by delays occasioned in such construction by the acts of the Government, or its duly authorized officers or agents, beyond the periods specified in the contracts for the construction and completion of the steam iron-clad batteries. The court is to give judgment for such increased cost, if any, as shall be established by the evidence, any statutes of limitation to the contrary notwithstanding; but such recovery, if any, is to be limited to the increased cost which shall be shown to have resulted from delays caused by the Government, or its duly authorized officers and agents, in fulfilling the original contracts and alterations or modifications of the plans, and which increased cost could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor.

Mr. PLATT. Let the report be read.

The PRESIDING OFFICER. The report will be read.

Mr. HOAR. I do not believe it will be necessary to read the report. This bill has passed the Senate two or three times. It is one of those cases where ironclads were built under a contract whereby the Navy Department might order such changes and additional work as it saw fit. It has been recommended by a commission of the Navy Department and has passed the Senate three or four times. I do not think anybody will care about having the report read, as the case is very familiar to the Senate.

Mr. PLATT. I do not insist on the reading of the report; but I want to say that I do not think there is the slightest claim against the Government in this case. This case is thirty or forty years old.

Mr. HOAR. Oh, no; it only arose during the war.

Mr. PLATT. Thirty years now, nearly. I simply say that this is a claim which has been before Congress in one way or another since the early period of the war. The claim has been the subject at one time and another of a good deal of scandal, and has been the subject of several reports. I do not believe that it is a claim which ought to be considered by Congress, to say the least. Latterly, within the past session or two, the claimants have adopted a different plan, and have asked to go to the Court of Claims. I do not know that I have any objection to their going to the Court of Claims unless the bill concludes the Government in the matter of recovery in some way. As has been suggested, there has been so much noise and confusion while this bill was being read that I was utterly unable to determine whether the bill concluded the Government on any point or not. If the bill can be read again and we can have sufficient order in the Senate so that I can understand it, perhaps I shall have no objection to the parties going to the Court of Claims.

The PRESIDING OFFICER. The Senator from Connecticut asks that the bill be read again. It will be read.

The Chief Clerk read the bill.

Mr. McPHERSON. Let the report be read.

The PRESIDING OFFICER. The report will be read.

Mr. COCKRELL. As that report will consume half or three-quarters of an hour, had not the bill better be passed over?

Mr. EVARTS. I would suggest to the Senator from Missouri that the last page of this report, which contains the conclusions of the committee, would satisfy him of the public merits and propriety of the measure.

Mr. COCKRELL. I have the report here. I did not call for the reading of the report. The Senator from New Jersey [Mr. McPHERSON] called for it.

Mr. EVARTS. The last page will show the conclusions of the committee on the situation of this claim.

Mr. McPHERSON. Very well, that will do.

Mr. HOAR. I think, if the Senator from New Jersey will permit me to state to him my understanding before the report is read, he will catch the points in the report perhap a little more understandingly, and he can then have it read in full or in part, as he prefers.

Mr. McPHERSON. Perhaps it will be totally unnecessary to read the report if the Senator from Massachusetts will give an explanation of the case; but before he explains it I desire to ask a question.

I know there were very many naval vessels, so called, which were constructed during the war, in the construction of which delays were made necessary by reason of changes of plan, and also by the impossibility of obtaining materials at the proper time of a proper character to be put into the vessels; but I do know that there was settlement made in most cases between the parties and the Government, that they receipted in full for all debts and demands of every nature and character, and took a sum of money awarded them by the Government, and that afterwards some of the cases were opened and a new board of investigation was ordered, and a new award was made and another receipt was given. In short, the Government settled twice and secured a receipt twice for all debts and demands due by the Government; and now if this is one of the cases that stands in that position, and it is proposed to send it to the Court of Claims for another adjudication after thirty years have elapsed, it seems to me the bill is not proper. There ought to be some time in the history of these cases when they shall be considered closed.

Mr. HOAR. I have never heard of any second receipt given by this party. I do not think there was anything of that kind in this case.

Mr. McPHERSON. I know of cases in which a second receipt was given.

Mr. HOAR. No such fact appears in this case. It must apply to some other case. It is not true in this case, so far as I am informed at least. There are some six or seven cases like this, of which two or three bills providing for relief have become laws, providing relief directly to the claimants. One was the case of Chouteau & Co. All stand alike and all stand on this same statement of facts in substance.

The Navy Department made contracts early in the war for the construction of what they called iron batteries and iron-clad vessels for war purposes, and it was reserved in the contract, the invention being entirely new in naval construction, that the Government should have the right to vary the contract in any respect as it should see fit, and the contractor thereupon should proceed to execute the work according to the new requirement of the Government, and that if he did not do it the Government should have the right to take the vessel as it stood, with all his work, and execute the rest itself. In other words, it was, as I said in stating the Chouteau case in the Senate, very much as if a builder who had contracted to build a cottage for the Senator from New

Jersey at Newport should be liable by his contract to enter into obligation to build a mansion in New York—a distinct class of building. There were the most repeated and important changes, varying the character of the whole work. The Secretary of the Navy in one of his reports said that the United States had spent millions of dollars for changes in the ironclads.

It followed that a contract which could have been completed by the contractors within six to nine months, and which was required by its terms to be so completed, did not in fact get completed, and could not be completed under the new demands of the Government, for two or three years. In the mean time labor and iron and other materials, owing to the change of the value of our currency, had become three times as costly as when the contract was made.

These contractors had three classes of claims. First, they were entitled to their claim under the original contract for what they executed in pursuance of that. Next, they were entitled to extras occasioned by the variations which the Government made in the contract in accordance with the reserved right as it went on. Third, in the execution of their original contract they had a claim by reason of the delay caused by the Government in postponing for two or three years the execution of a contract which was to be completed in a few months, less than one year. They were put to a great increase of cost of material and labor in the execution of so much of the work as was within the original contract.

Mr. McPHERSON. What is the amount?

Mr. HOAR. Some hundreds of thousands of dollars. I think the contracts rise to as much as $395,000 in some cases.

When the work was done these people came to the Navy Department for their pay, and the Navy Department had a question about the authority of the Secretary to pay. They ordered a board, of which Mr. Cragin, formerly a Senator of the United States from New Hampshire, was a member, and some other gentlemen of high character, naval officers; I have forgotten their names.

The PRESIDING OFFICER. The time of the Senator from Massachusetts has expired.

Mr. HOAR. I ask unanimous consent to complete my statement.

The PRESIDING OFFICER. The Senator from Massachusetts asks the liberty to complete his statement. Is there objection? The Chair hears none.

Mr. HOAR. The Government, however, had made a payment under circumstances which I have stated, under the original contract. The board recommended a payment of a very large sum in satisfaction of the claims of the contractors, that were well founded, holding that they were entitled to a large additional sum. Thereupon they were permitted to go to the Court of Claims, and the Court of Claims held, and the Supreme Court of the United States also held in one of the cases, that while they were entitled to recover what was provided in the original contract as the original cost and extras, there was no authority to allow them for the increase in the cost of the original work by reason of the higher price of labor and material caused by the Government prolonging the time. This bill is to allow this party to go to the Court of Claims and recover that additional sum.

In several of these cases—I am not certain whether in this one or not—there was a further question; and that was whether the original payment which had been made to the parties operated as a receipt in full. That came up in the Chouteau case; but whether in this case or not, I can not tell without looking at the papers.

The contractors gave a receipt which the Supreme Court held operated as a receipt in full; but it was the ordinary case where the parties authorized a banker or business agent in New York to collect the payments as they became due; and when they collected the final one on the completion of the work they gave the form of receipt required, but there is abundant evidence that the naval officer under whose direction the receipt was given told the agent of these parties that that would not in fact operate to cut them off from claiming for the extra work, and that the agent of these parties protested that it should not cut them off. Under these circumstances the committee held that these parties should be at liberty to go again to the Court of Claims to establish, if they could, their claim, the obligation of the Government by reason of this increased cost of the work which I have stated, and that the receipt should not conclude their right.

Now, the Senator from Connecticut understands that this is a claim which has given rise to some difficulty, or scandal as he expressed it. I have only to say that I have been upon the Committee on Claims for the last five or six years, and we have reported this claim once or twice and the other claims which became laws, but they have always been explained to the Senate, or several times have been explained to the Senate, and unless I am altogether at fault in my memory no human being has ever suggested an objection to the justice and equity of these claims. The Senator from Missouri [Mr. COCKRELL] will remember about the Chouteau case, which came from his State, and I think on the explanation which was made these cases have always passed the Senate without objection. Certainly I have never heard from any quarter of any objection.

Mr. McPHERSON. Has any case ever passed except the Chouteau case?

Mr. HOAR. There are two cases; I have forgotten the names of them now.

Mr. McPHERSON. I know there are some ten or twelve of them altogether, fully as many as that, which have been before the Committee on Naval Affairs for the last ten or twelve years, *and in no* case has one of them been reported favorably. I have some information somewhere, I think, perhaps in the committee-room of the Committee on Naval Affairs, that will give me the facts touching all these claims, and included among them are several in which there has been a second settlement and a second receipt given. I should like to have this bill go over until to-morrow, to retain its place on the Calendar, in order that I may investigate and see exactly what the status is.

Mr. HOAR. I have no objection to that course, and I further desire to say that any Senator who knows of any fact bearing upon these matters that has not come to the knowledge of the Committee on Claims is a public benefactor and a benefactor of that committee when he discloses it. Of course, sometimes, with the utmost diligence, the committee may make a mistake. This matter has been fully known to the Navy Department always, and never has been brought to the attention of the committee except in the way I have stated. All we do is to send the claim to the Court of Claims.

Mr. McPHERSON. If the Court of Claims makes an award to meet the demands of the petitioners in these bills, as near as I can now remember, it will take several million dollars to pay all the claims, and in every case they have receipted to the Government in full for all debts and demands due them, and twenty-five years have already elapsed; and during that period of time there has not been a single session of Congress that they have not been here asking relief.

The PRESIDING OFFICER. The Senator from New Jersey asks that the bill go over until to-morrow, retaining its place on the Calendar.

Mr. EVARTS. I merely wish to make a single observation. I have no objection to its going over.

The persons relieved here represent Mr. Perine, a very reputable shipbuilder in the city of New York, a man in regard to whose character no suspicion has ever been raised. He came into this duty and service for the Government and put his whole fortune into it. He was bankrupted by it. All that he has left to his estate, represented by his widow, is what this Government, under the limitations of this allowance by the Court of Claims, if it shall be approved by the Senate and House, may grant. If there was any scandal in the matter, it was the scandal that his whole fortune was wasted in attempting to serve his country.

The PRESIDING OFFICER (Mr. HARRIS in the chair). There being no objection to that course, the bill will go over, retaining its place on the Calendar. The next bill will be stated.

NATHANIEL M'KAY AND DONALD M'KAY'S EXECUTORS.

The bill (S. 4) for the relief of Nathaniel McKay and the executors of Donald McKay was announced as next in order.

Mr. HOAR. That bill is one of the same class.

The PRESIDING OFFICER. Without objection, the bill goes over also under the same order.

WILLIAM B. GROFF.

The bill (S. 178) for the relief of William B. Groff, of Newport, R. I., was considered as in Committee of the Whole. It provides for the payment to William B. Groff, of Newport, R. I., of $25 for damages sustained by his sail-boat Doctor, through collision with the United States tug Cohasset, in Newport Harbor, July 4, 1881.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

R. G. HUSTON & CO.

The bill (S. 309) for the relief of R. G. Huston & Co. was considered as in Committee of the Whole. It provides for the payment to R. G. Huston and John B. Neely, partners as R. G. Huston & Co., $7,572.48, for replacing earth and material washed away from the levees from Milton to Raleigh, in the State of Louisiana, by the extraordinary floods of February, 1883, the same being in full payment for all extra work done by them in connection with their contract with the United States under date of October 3, 1882.

Mr. CALL. I should like the Senator reporting that bill to explain it.

Mr. SPOONER. The report is somewhat lengthy, but I can state in a moment what the facts of the case are.

These claimants entered into a contract with the Government for the construction of the works at Raleigh, Wilton, and other levees on the Mississippi River in 1882.

Under the specifications of the contract the contractors were responsible for damages by freshets and floods, but in drawing up the specifications no extraordinary floods were contemplated, nor further damage than by ordinary high water, such as damage by waves and ripples.

The claimants submitted their proposal for the work on the 25th of September, 1882, and the contract was awarded them on the 23d day of October following. Notice of the approval of this contract was not sent until the 9th day of November, 1882, and did not reach them until the 24th of the same month. This delay in giving notice to the contractors

of the approval of the contract prevented the commencement of their operations for at least six weeks. The report shows that—

Immediately upon receiving the notice, Messrs. R. G. Huston & Co. proceeded with the work, employing a large number of men and teams, and continued to prosecute it with diligence and energy and to the entire satisfaction of the Government engineers in charge. During the month of February, 1883, and while a portion of the work was yet unfinished, a sudden and very extraordinary rise of the Mississippi River took place, threatening the destruction of the completed and uncompleted work, whereupon the Government engineer in charge directed Messrs. Huston & Co. to erect certain protection levees, intended to secure not only the uncompleted work but especially the Government work which had been already completed and paid for, which they immediately did, and for that purpose necessarily drew off their force from the levee then in process of construction by them. While the contractors were engaged in erecting the protection levees the river rose so rapidly as to sweep away portions of the protection levee and also of the main levee, which had not been completed, and for the portion of the main levee so swept away, and which the contractors were compelled to rebuild, they asked payment at the same rate as for the rest of the work.

It is stated by Colonel Marshall that the quantity of material which the contractors were thus obliged to replace, and which was not paid for, amounted to 31,552 cubic yards, amounting to $7,572.48. Colonel Marshall says:

The contractors did everything in their power to prevent loss by floods, working a large force by day and night. The damage could not have been foreseen or provided against, and in my opinion they can not equitably be held responsible for this loss.

The flood was almost unprecedented. Colonel Marshall further says:

I have no hesitation in advising the justice of payment for the first item, $7,572.48.

The Second Comptroller of the Treasury, considering the matter, said:

If not restricted by the express terms of the contract, I should deem that the circumstances afforded strong reasons for allowing for the work so nearly completed, and I think it to be regretted that the interests of the contractors were not more carefully guarded in preparing the contract.

This claim was considered carefully by Senator Jackson, as a subcommittee of the Committee on Claims, but was reported by him to the full committee before his resignation. He returned the bill and accompanying papers to the committee-room, with a draught of report on the case, which coincides with the recommendation of the committee.

It is asking too much of these claimants to ask them to stand loss occasioned by such a flood under the circumstances.

There were some items in this claim which were disallowed, but the item for which the appropriation is proposed is that recommended by the Engineer Department, and is one to which the committee could see no just objection.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LUCINDA M'GUIRE.

The bill (S. 102) for the relief of Lucinda McGuire was considered as in Committee of the Whole. It proposes to pay to Lucinda McGuire, of Memphis, Tenn., $10,260, in full compensation for the use of her premises, Nos. 195 and 197 Main street, in the city of Memphis, from March 24, 1863, until June 1, 1865.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES MURPHY.

The bill (S. 660) for the relief of Charles Murphy was considered as in Committee of the Whole. By its terms the Secretary of the Treasury is to adjust and settle, on the principles of equity, the claims of Charles Murphy arising under his contract with the United States for the supply of material for the erection of the appraiser's stores at San Francisco, Cal., and the money necessary to pay the amount found due is appropriated, not exceeding $3,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SUPERINTENDENT OF INDIAN SCHOOLS.

The consideration of the bill (S. 1227) authorizing the appointment of a superintendent of Indian schools and prescribing his duties was resumed as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment, which was, at the beginning of section 3 to strike out "the said superintendent shall have power" and insert "it shall be the duty of said superintendent;" after the word "discharge," at the end of line 3, to insert "superintendents;" and in line 4, after the words "teachers and," to insert "any other person connected with such schools and;" so as to make the section read:

SEC. 3. It shall be the duty of said superintendent, subject to the approval of the Secretary of the Interior, to employ and discharge superintendents, teachers, and any other person connected with such schools, and to make such rules and regulations for the conduct of the schools as in his judgment the good of such schools may require. He shall embody in detail his doings under this section, with the reasons for his action in each case, in his annual report to Congress.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TIMBER ON MENOMONEE RESERVATION.

The bill (S. 358) to authorize the sale of timber on certain lands reserved for the use of the Menomonee tribe of Indians, in the State of Wisconsin, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment, in section 4, line 9, after the word "President," to strike out "with the assent of the chiefs and headmen of said tribe;" so as to make the section read:

SEC. 4. That the sum of $5,000, or so much thereof as may be necessary, be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of the expenses of survey, appraisal, and sale thereof, which expenses shall be reimbursed to the Treasury of the United States from the first proceeds of the sale of timber as hereinbefore provided that the residue of such proceeds shall be paid to or funded for the benefit of said tribe, in such manner as the President may determine.

The amendment was agreed to.

Mr. DAWES. I offer another amendment, on the second page, in section 1, lines 14 and 15, to strike out the words in parentheses and insert in place thereof the words:

Which shall not be less than $4 per thousand feet, board measure.

The PRESIDENT *pro tempore*. The proposed amendment will be read from the desk.

The CHIEF CLERK. Section 1, line 14, after the word "lot," it is proposed to strike out the words in parentheses, as follows:

(Except as herein provided, which exception shall be stated in the appraisal.)

And insert in lieu thereof:

Which shall not be less than $4 per thousand feet, board measure.

So as to read:

Such appraisal shall state the quality, quantity, and value of the pine timber growing or being on each lot (which shall not be less than $4 per thousand feet, board measure), and shall be returned at the land office at Menasha, Wis., and shall be subject to public inspection for at least sixty days before the day appointed for the sale of said timber as herein provided.

The amendment was agreed to.

Mr. DAWES. I move to strike out the fifth section.

The PRESIDENT *pro tempore*. The words proposed to be stricken out will be read.

The CHIEF CLERK. It is proposed to strike out section 5 in the following words:

SEC. 5. That this act shall be and remain inoperative until full and satisfactory evidence shall have been placed on the files of the office of the Commissioner of Indian Affairs that the sales of timber herein authorized have the sanction of the tribe, evidenced by orders or agreement taken in full council.

The amendment was agreed to.

Mr. COCKRELL. What is the object of that last amendment?

Mr. DAWES. It was once thought best by the committee that it should be left to the Indians to say what disposition should be made of the timber on their land. It is thought that it would be better to have that done by the discretion of the President and the Secretary of the Interior.

The title of these Indians to this land is very peculiar. It is perhaps worth while to call attention to it. I do not know that I have ever noticed such a title anywhere. They had a large tract of land in Wisconsin which they ceded to the United States, and the United States in exchange ceded them this land. My eye does not fall on the words at this moment, but they are these, "to be held by such title as Indian lands are held." That was the treaty. Then they made another treaty in which they distinctly subjected themselves, in the management of their whole reservation, to the President of the United States. After having taken a title which is such as Indians usually hold, they then agreed to submit the whole management to the President of the United States, and that renders it unnecessary to do anything but what Congress and the President shall deem wise.

Mr. CALL. I should be glad to know from the chairman of the Committee on Indian Affairs whether the Indians are satisfied with the proposed arrangement.

Mr. DAWES. The Indians are desirous of disposing of this timber. It is very important, in the opinion of everybody, that it should be disposed of. The chiefs of the tribe, however, desire to manage their own affairs, and have the money put into their hands. It is not thought to be wise that it should be done so; but this bill provides that it shall be put in the Treasury to be disposed of for their benefit under the direction of the President and the Secretary of the Interior. That is the only difference. I think the Indians as a body approve of this, but the chiefs of the tribe cling to the old idea of managing the affairs themselves.

Mr. CALL. I ask also whether the bill authorizes establishments to be set up for the manufacture of lumber?

Mr. COCKRELL. That is satisfactorily provided for.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COL. JAMES C. DUANE.

The bill (S. 45) for the relief of Col. James C. Duane, was considered as in Committee of the Whole. It proposes to appropriate $648 to reimburse Col. James C. Duane, brevet brigadier-general, for losses in-

curred in his office as engineer of the third light-house district through the forgeries committed by a clerk in his office, Henry J. Buete (who has fled the country), in raising his official checks to amounts greater than those for which they were drawn and signed, between the 1st day of January and the 23d day of June, 1879, without any negligence or fault on the part of the said Colonel Duane.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HEIRS OF PETER DELLA TORRE.

The bill (S. 498) for the relief of Frank Della Torre and Susan F. Della Torre, heirs of Peter Della Torre, deceased, was announced as next in order.

Mr. COCKRELL. I object to that and the succeeding bill. We can not discuss them under the five-minute rule.

Mr. STEWART. I think we can dispose of the Della Torre bill and the other one, too. I hope the Senator will not object to the Della Torre bill. If I am given one moment, I think I can satisfy the Senate as to the facts.

The PRESIDENT *pro tempore*. The bill, being objected to, goes over.

Mr. COCKRELL. One bill proposes to pay the heirs of a United States district attorney in California for services in 1856 and 1857, $50,000, an absolute payment of $50,000 for extraordinary services for doing his duty. We can not discuss that within the limit of five minutes.

Mr. STEWART. That is not the proposition in the committee's amendment. Will the Senator allow the amendment to be read and let me say one word, and then he can object if he chooses?

Mr. COCKRELL. Let me understand. Here is Senate bill 498 reported by the Senator from Nevada [Mr. STEWART] "without amendment," proposing to give $50,000.

Mr. STEWART. No; "with an amendment."

Mr. COCKRELL. "Without amendment," the print before me says.

Mr. STEWART. Let the amendment be read.

Mr. COCKRELL. I want to show what we have on our Calendar. We have Senate bill 498 reported by the Senator from Nevada [Mr. STEWART] "without amendment."

Mr. STEWART. I ask the Senator——

The PRESIDENT *pro tempore*. Senators will pause. Does the Senator from Missouri object?

Mr. STEWART. I ask the Senator from Missouri——

The PRESIDENT *pro tempore*. Does the Senator from Missouri object to the consideration of the bill?

Mr. STEWART. Will the Senator from Missouri allow me a word?

Mr. COCKRELL. One moment.

Mr. STEWART. Will the Senator from Missouri give me his attention?

Mr. COCKRELL. I will in a moment.

The PRESIDENT *pro tempore*. Does the Senator from Missouri object to the consideration of the bill?

Mr. COCKRELL. When I make an explanation.

The PRESIDENT *pro tempore*. That can not be allowed.

Mr. COCKRELL. Then I object.

Mr. STEWART. Will the Senator from Missouri allow the amendment proposed by the committee to be read? I do not like to have the bill denounced in this way.

Mr. COCKRELL. If the Chair had permitted me to make an explanation, I should have made it; but if I can not make it, I object to the consideration of the bill.

The PRESIDENT *pro tempore*. The Chair is bound to enforce the rule.

Mr. STEWART. The committee has reported an amendment.

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. HARRIS. If the bill is objected to, I insist on the regular order.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks for the regular order. The next order of business will be stated.

Mr. STEWART. I do not think it is fair in objecting to a bill to make an erroneous statement without knowing the facts of the case. If the Senator objects, we have to submit to that under the rule; but I object to an argument being made when it can not be replied to. I ask that the amendment reported by the committee be read. This bill does not propose to pay $50,000. It proposes to refer the matter to the Department of Justice to ascertain the amount due, not exceeding $10,000, not for services as district attorney, but for services outside of his office, which he performed at the request of the Attorney-General, and which the Attorney-General said he ought to be paid for. Both Attorneys-General Stanton and Black said he ought to be paid a much larger sum than is provided in this bill, for it is limited to $10,000. I think it is fair to allow the amendment of the committee to be read before objection is made.

The PRESIDENT *pro tempore*. The next bill on the Calendar will be stated.

Order of Business No. 62, being the bill (S. 670) to increase the efficiency of the infantry branch of the Army, was announced as next in order.

Mr. MANDERSON. What has become of Order of Business No. 60?

The PRESIDENT *pro tempore*. It was objected to.

Mr. MANDERSON. I did not understand that there was any objection to Order of Business No. 60.

The PRESIDENT *pro tempore*. The Senator from Missouri——

Mr. COCKRELL. I have not entered any objection to what has not been called.

Mr. MANDERSON. I ask that it be reported. It is next in order.

Mr. SPOONER. I ask unanimous consent that Order of Business No. 59 may be gone through with. I think the Senator from Missouri [Mr. COCKRELL] was perhaps laboring under a misapprehension.

The PRESIDENT *pro tempore*. The Senator from Missouri stated that he objected to Orders of Business 59 and 60, and under that objection the Chair announced that they were passed over.

Mr. COCKRELL. My Calendar shows, as my red mark on the Calendar before me indicates, "Order of Business 59." I did not intend to object to Order of Business 60. Let that be called.

Mr. SPOONER. Does the Senator from Missouri object to Order of Business 59?

Mr. COCKRELL. I have objected to it, and shall object to it until I can get the floor. When I can get the floor I will give my reasons.

Mr. MANDERSON. I ask that Order of Business No. 60 be considered.

The PRESIDENT *pro tempore*. It will be stated.

W. L. PARVIN AND H. A. GREENE.

Order of Business No. 60, being the bill (S. 180) for the relief of Washington L. Parvin and Henry A. Greene, was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to consider it. It proposes to make it the duty of the proper accounting officers of the Treasury to examine and determine the amounts justly due Washington L. Parvin for expenses incurred by him in recruiting, transporting, and subsisting Company F, First Regiment California Infantry Volunteers, in the year 1861, in the State of California; also what is justly due Henry A. Greene for expenses incurred by him in recruiting, transporting, and subsisting Company G, First Regiment California Infantry Volunteers, in the year 1861, in the State of California; but in no case shall the amount allowed thereon to Parvin exceed $991.10, nor shall the amount allowed to Greene exceed $3,303; and the sums so found to be due shall be paid.

Mr. COCKRELL. When Order of Business No. 59 was called upon the Calendar, Senate bill 498, Report No. 33, I had on my original file of papers that bill "introduced by Mr. PLATT December 12, 1887," and "reported by Mr. STEWART without amendment" on January 12, 1888. That bill as reported without amendment proposed to pay to the heirs $50,000. On turning over I found "Calendar No. 59, Senate bill 498, Report No. 33, reported January 12, 1888, by Mr. STEWART with an amendment" striking out all after the enacting clause and inserting the parts printed in italics. Both bills appear to have been reported on the same day, one of them without amendment and one of them to strike out all of it and insert.

Mr. STEWART. That is a mistake. I only made one report.

Mr. COCKRELL. I am entitled to the floor. These are the bills themselves here before me. I am not responsible for the mistake that the printer may have made. I supposed they were printed right, and that the bills as printed and laid before us were correct, and therefore I said that here were two bills, and here they are, one to pay $50,000 and another to pay $10,000.

Now, as I understand the Senator from Nevada, the first bill was not intended to be reported without amendment, and the second bill was intended to be reported with a substitute proposing to pay $10,000, or, rather, to authorize the Attorney-General to do it. That is a very different case from the $50,000 case, and if both bills were here, one to pay $50,000 and the other to pay $10,000, I should insist on my objection. At the proper time I shall withdraw my objection.

Mr. MANDERSON. I ask that the bill before the Senate (S. 180) for the relief of Washington L. Parvin and Henry A. Greene be acted on.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HEIRS OF PETER DELLA TORRE.

Mr. COCKRELL. I now withdraw my objection to the bill that proposes to allow $10,000.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 498) for the relief of Frank Della Torre and Susan F. Della Torre, heirs of Peter Della Torre, deceased.

The bill was reported from the Committee on Claims with an amendment to strike out all after the enacting clause and in lieu thereof to insert:

That the Attorney-General be, and is hereby, authorized and required to examine the claim of Frank Della Torre and Susan F. Della Torre, heirs of Peter Della Torre, deceased, for extraordinary services rendered by said Peter Della Torre during the years 1857, 1858, and 1859, while United States district attorney for the State of California, in defending the title of the United States to public lands in said State against fraudulent claims under pretended Mexican grants, and allow to the heirs of said Peter Della Torre what said extraordinary services were reasonably worth, not exceeding the sum of $10,000; and whatever sum shall be found due on such examination shall be paid to said heirs out of any money in the Treasury of the United States not otherwise appropriated.

Mr. STEWART. Let me say a word, in explanation, as the report is somewhat long.

Mr. Della Torre was district attorney during most of the time when the board of land commissioners was in operation in California. It was not his duty to appear before that board. The Attorney-General, Mr. Black, asked him to attend to the Government interests. A large number of fraudulent claims were presented. He was a very intelligent and competent man, one of the best officers we ever had on the Pacific Coast. He understood the Spanish language, and was peculiarly fitted for the duty. He undertook to perform this service and worked about three years at it thoroughly. The Attorney-General did not pay him at the time, giving as an excuse therefor that he did not think he had authority to pay it out of the contingent fund, or that the contingent fund was pretty nearly exhausted.

Mr. Stanton also had correspondence with him, as the report shows, and as the record shows, and fully understood the case. I will read a very short letter from Mr. Stanton, which will show his view of the case:

WAR DEPARTMENT, WASHINGTON CITY, *January* 23, 1867.

DEAR MADAM: Your recent note was duly received. Mr. Bidwell informs me that he has received and filed with the committee a statement of the cases conducted by Colonel Della Torre. I have made an application to the committee to permit me to appear before them and give my testimony in relation to the valuable services of the colonel and the justice of his claim. I shall do all in my power to bring the case to a favorable and speedy termination, and shall not cease in my interest and anxiety for the welfare of yourself and your children.

With sincere regard, I am ever, truly yours,

EDWIN M. STANTON.

MRS. DELLA TORRE.

I need not go into the previous correspondence; it is too lengthy. The bill that was introduced proposed $50,000. The committee were unable to estimate the value of these services satisfactorily, or to give such explanation as would be likely to secure the passage of the bill. The services at that time of attorneys in California were extremely high. We thought that a bill for a larger amount would be delayed, as it has been already delayed for a generation; and rating it at $10,000, which would be less than $5,000 a year for the work done, and leaving it to the Department of Justice to determine what he shall have, not exceeding $10,000, so as to give some compensation for his services, we thought would be likely to receive the approbation of Congress.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EFFICIENCY OF INFANTRY BRANCH OF ARMY.

The bill (S. 670) to increase the efficiency of the infantry branch of the Army was announced as next in order.

Mr. COCKRELL. I suggest that that will lead to discussion. It had better retain its place on the Calendar.

Mr. MANDERSON. I hope that may be done. I presume it can not be considered under the five-minute rule.

The PRESIDENT *pro tempore*. The bill will retain its place on the Calendar, being passed over.

ROBERT H. MONTGOMERY.

The bill (S. 939) for the relief of Robert H. Montgomery was considered as in Committee of the Whole. It provides that Robert H. Montgomery, captain in the Fifth Regiment of Cavalry, shall be entitled to credit, for all purposes of pay and allowances, for the period of time from the 19th of November, 1863, to the 16th of February, 1865, during which time he was a prisoner of war in the hands of the enemy, the same as though he had actually been in the military service as a second lieutenant of cavalry during that period.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FORT PEMBINA MILITARY RESERVATION.

The bill (S. 1003) granting the right of way to the Duluth and Manitoba Railroad Company across the Fort Pembina military reservation, in Dakota Territory, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN DENVER.

The bill (S. 1157) to correct an error in the description of certain lands entered and patented to the city of Denver, in the State of Colorado, by authority of an act of Congress approved May 21, 1872, was announced as next in order.

Mr. TELLER. That bill may be indefinitely postponed, the House having passed a bill of similar import, and I shall ask the consideration of the House bill.

The bill was postponed indefinitely.

MRS. HETTIE K. PAINTER.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 434) granting a pension to Mrs. Hettie K. Painter. It proposes to place on the pension-roll the name of Mrs. Hettie K. Painter, a volunteer nurse during the late war, at the rate of $25 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DEPOSITORS OF FREEDMAN'S SAVINGS AND TRUST COMPANY.

The bill (S. 1138) to reimburse the depositors of the Freedman's Savings and Trust Company for losses incurred by the failure of said company was announced as next in order.

Mr. COCKRELL. I think that will lead to discussion. It had better retain its place on the Calendar. It is a very important bill.

Mr. SHERMAN. The bill has passed the Senate at least once, when the attention of the Senate was called to it and the facts stated. It is recommended by the Secretary of the Treasury, and by the Comptroller of the Currency, who is also *ex officio* the manager of this fund. I think it is simply an act of justice. I do not think there is any disputed fact connected with it. The whole thing is in the hands of the Government. The Government—I think unwisely; I have always thought it was done unwisely—chartered a corporation under the name of the Freedman's Bank. The persons having charge of the bank, which was looked upon as a kind of Government institution, collected from the freedmen in various parts of the United States large sums of money, which were there deposited. The money was wasted by the managers of the bank, who were, many of them, persons in responsible positions, largely on account of bad investments, making insecure loans, and the like, so that it requires a million dollars to make good the deficiency to the depositors without interest. The matter has been pending here for several years, and finally the Secretary of the Treasury and the Comptroller of the Currency recommended that these ignorant and poor depositors be reimbursed from the Treasury by the Government. It is an act of charity of the highest kind. Nearly all these people lived in the South—all of them, I believe—and they are colored people from almost every city in the South.

I think a general public sentiment throughout those States, so far as I have heard, favors the passage of this bill, and we have had some resolutions in favor of it from public bodies, recommending the appropriation of this sum of money. Any Senator can decide for it or against it on a moment's consideration. All I wish is to have a vote. If I remember aright, the Committee on Finance reported it unanimously, with the exception of the Senator from Tennessee [Mr. HARRIS]. At any rate, we all agreed that the money ought to be paid. That is all there is of it.

Mr. VEST. I have supported some such bill before, but I do not know that I shall do so now. There is one expression in this bill that in my judgment controls its entire operation, and that is the use of the words "legal representatives." If I believed this money would go to the poor depositors, the deceived and deluded negroes, no man would vote for it more readily; but in my judgment, from what I have seen in regard to claims of this class, I believe this money will not go to the negroes, but will go to the speculators, who have bought up the claims and are urging the bill to a passage.

Mr. SHERMAN. If the Senator will draw an amendment in stronger language than the bill employs against the misapplication of the money, I shall be glad to accept it. The Committee on Finance have expressly provided that no assignment shall be regarded as valid, and if you can express the idea of the words "legal representatives" in a more limited way than we have done, I shall be glad to accept the amendment.

I say now, to place it on the record, that the object of this bill is to reimburse the persons who trusted the Freedman's Bank, not any assignee, not any speculator, not any purchaser of claims; and if the language of the bill is not strong enough on that point, I should be glad to have the Senator take the bill and make it stronger, because I certainly would not pay to any assignee or any other persons except the depositor a single dollar.

Mr. VEST. I do not know that any language I could use would improve the bill; but I know very well that these claims have been purchased by claim agents in the city of Washington, who are urging that this bill should be passed as an act of justice on the part of the Government. We all know how these things go on. I have an impression in regard to where the money will go, and therefore I am opposed to the bill.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Missouri [Mr. COCKRELL] to object to the consideration of the bill.

Mr. COCKRELL. I think it will lead to debate, and I must therefore object.

The PRESIDENT *pro tempore*. The bill will be passed over.

Mr. COCKRELL. I have no objection to its retaining its place on the Calendar.

Mr. SHERMAN. The objection I suppose carries it over.

Mr. EVARTS. If the Senator from Missouri who last addressed us will permit me to make a single observation, I suppose we should all feel that the benefit of this bill should go to those who suffered and their personal representatives, those who succeed them, and not to any agent. If the words "legal representatives" are thought to include possible assignees, the use of the words "personal representatives" would answer the purpose.

Mr. SHERMAN. But there is an express clause in the bill excluding assignees.

Mr. VEST. As a lawyer I suppose the words "legal representatives" would include any assignee, any person who came with a power of attorney.

Mr. EVARTS. But "personal representatives" would not.

Mr. VEST. "Personal representatives" would not do it.

Mr. EVARTS. I move to substitute "personal," and then we can pass the bill.

Mr. VEST. I should vote for that.

The PRESIDENT *pro tempore*. The bill goes over under objection.

Mr. SHERMAN. Without losing its place on the Calendar?

The PRESIDENT *pro tempore*. The bill retains its place on the Calendar.

Mr. SHERMAN. I hope the proposed amendment of the Senator from New York will be noted, and I will look at it, to insert "personal representatives" instead of "legal representatives."

BESSIE S. GILMORE.

The bill (S. 352) for the relief of Bessie S. Gilmore was considered as in Committee of the Whole. It proposes to direct the Secretary of the Treasury to redeem certain United States 5 per cent. coupon bonds in favor of Bessie S. Gilmore, who claims to have been the owner thereof on September 14, 1876, at which time it is alleged they were stolen from her, and who further claims that they were afterward destroyed by the thief or thieves, upon Bessie S. Gilmore furnishing to the Treasury Department a bond of indemnity, with good and sufficient sureties, subject to the approval of the Secretary of the Treasury, to secure the United States against loss or damage in consequence of the redemption of the bonds.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. SHERMAN January 17, 1888:

The Committee on Finance, to which was referred the bill (S. 352) for the relief of Bessie S. Gilmore, respectfully reports:

That it is clearly shown by the papers on file that Mrs. Bessie S. Gilmore was the owner of the bonds described in the bill, amounting to $2,000; that they were in her possession on board the Bremen steamer Neckar in September, 1876; that while on the voyage they were either lost or stolen and have never been recovered; that active efforts were made by the officers of the boat, by the police officers on the arrival of the steamer at Bremen, and by the German authorities to recover the bonds, without success; and that all the circumstances indicate that the bonds were destroyed to avoid detection. They were called in due course by the Treasury Department prior to July 1, 1881, but neither bonds nor coupons have been presented. Mrs. Gilmore applied to the Treasury Department for relief under existing law on or about June, 1880, and established to the satisfaction of the Comptroller her ownership of the bonds and their loss. The Comptroller adds:

"It does not sufficiently appear that these bonds, or any of them, are destroyed. Under the provisions of the Revised Statutes, sections 3702, 3703, and 3704, no relief in the present condition of the case can be granted to Mrs. Gilmore. Whenever the bonds have been outstanding a sufficient length of time it is probable that she may obtain relief from Congress."

More than four years having elapsed since the date of the Comptroller's report, and it appearing that neither bonds nor coupons have been presented for payment, and it being clearly established that the claimant has a right to the bonds and the proceeds, your committee is of the opinion that she is entitled to relief by the payment of the amount of the bonds and the coupons maturing to the date of the call, upon her furnishing to the Treasury Department a bond of indemnity in the usual form.

Your committee therefore recommends the passage of the bill with an amendment in the nature of a substitute more accurately describing the bonds.

Mr. COCKRELL. I believe it was in the Forty-fourth Congress that a case similar to this came before the Committee on Finance and was reported adversely. In that or the succeeding Congress a similar bill was referred to the Committee on Claims, of which I was then a member, and I made an adverse report on it. I think this is a very dangerous class of legislation. Coupon bonds may pass by delivery just as greenbacks do, and there are instances now on record in the Treasury Department where the loss or supposed destruction of bonds has been satisfactorily proved apparently, and the law now provides that where they are totally destroyed and the owners can make the proper proof before the Treasury Department they may get payment. I say that where proof has been made, yet the bonds have afterwards turned up and been presented to the Treasury Department. It opens a wide door for fraud and false swearing in every direction.

I am opposed to the principle involved in this bill. I do not think the United States should pay any of these bonds which have been lost, any more than they should pay for lost legal-tender notes. There is no obligation on the Government, and it is dangerous because proof can be made. It is easy to make proof that a person had certain bonds. The securities in the course of a few years will be scattered or dead, and the United States will have no recourse. The bonds may be presented twenty or thirty years hereafter. They may be laid aside purposely until all the securities have died. It opens a wide door for fraud.

Mr. JONES, of Arkansas. I ask the Senator in charge of the bill from the committee if the Treasury Department has been consulted in regard to the propriety of redeeming these bonds?

Mr. SHERMAN. In this case not only does the Department recommend it, but the Comptroller at the time—I have forgotten who it was—six or seven years ago, thought the case came very nearly within the general law as it stood, but in this case the claimant was not able to show the actual destruction of the bonds by fire or the like, and the Comptroller thought that the lapse of time would show that they had been probably destroyed. This bill received the approval of the Treasury Department, and also passed the Senate at the last Congress.

I do not think with the Senator from Missouri that the Government of the United States ought to refuse to pay bonds when there is a moral certainty that they have been lost or destroyed. Any citizen of the United States might be compelled in any tribunal of the United States to pay these bonds if they were his, under the precise circumstances given here, and the United States ought not to shield itself behind the uncertain proof of the loss of these securities and avoid payment.

Mr. COCKRELL. Will the Senator permit a question?

Mr. SHERMAN. Yes.

Mr. COCKRELL. Could not this party have gone into court after the bonds were called and sue for the money?

Mr. SHERMAN. Not at all.

Mr. COCKRELL. Why not?

Mr. SHERMAN. The law expressly forbids it.

Mr. COCKRELL. I have never seen such a law. I should like the Senator to show it.

Mr. SHERMAN. If this was against a private person—if these bonds were issued by the Senator from Missouri—the owner might sue him and make him pay them; but the Government can not be sued on a question of this kind.

Mr. COCKRELL. In the Court of Claims on any contract of the United States suit can be brought.

Mr. SHERMAN. Not in this case. A suit can not be brought for bonds. There are dozens of cases of the kind. This is a case where a lady traveling with these bonds to pay her expenses, lost them in a steamer sixteen years ago—in 1871. They were five-twenties, and were subsequently called, and neither bonds nor coupons have ever been produced, and she has lost this money and been without it from that time to this. She has also lost the interest, as a matter of course, ever since the date of the call.

It seems to me that under the circumstances the Government of the United States ought to pay this money on its bonds that are lost, taking such security as may be reasonable, and the bill requires that before she can get the money she has to give ample security to the United States to pay back any damage that may be done to the United States by the payment of these bonds to her.

I believe but one case has ever occurred where bonds supposed to be lost under these circumstances were finally presented, but there it was very easy to recover upon the bond required by the Government before payment was made.

I think it is a clear case of equity and that we ought not to refuse to pay this money. All I wish is a vote.

Mr. COCKRELL. I move to amend by inserting, in line 27, "double the amount of the face of said bonds."

Mr. SHERMAN. I have no objection. She can give bond in five times the amount—any bond that is desired.

Mr. COCKRELL. Then I move to insert, in line 27, after the words "a bond of indemnity," the words "in double the amount of the face of said bonds."

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. In line 27, after the word "indemnity," it is proposed to insert—

In double the amount of the face of said bonds.

Mr. COCKRELL. Mr. President——

Mr. SAULSBURY. The Senator will allow me to make a statement. It is provided that the bond of indemnity shall be double the amount of the face of the bonds lost. How much interest has accrued?

Mr. COCKRELL. Interest stopped when the bonds were called in.

Mr. SHERMAN. The calling in stopped the payment of coupons. The coupons may have been attached.

Mr. COCKRELL. I was very much astonished at the statement of the Senator from Ohio. I read section 1059 of the Revised Statutes:

SEC. 1059. The Court of Claims shall have jurisdiction to hear and determine the following matters:

First. All claims founded upon any law of Congress, or upon any regulation of an Executive Department, or upon any contract, expressed or implied, with the Government of the United States, and all claims which may be referred to it by either House of Congress.

There can be no question that the Court of Claims has jurisdiction, and if these bonds have been lost, it would be the tribunal in which to establish that fact, not by *ex parte* evidence, as in this case, but by competent legal testimony, subject to cross-examination. If the party was to go into the Court of Claims, and the Court of Claims was to decide that it did not have jurisdiction, and Congress was the only hope of relief, it would be different. These bonds are due. If they are due they are like any other contract.

Mr. SHERMAN. I am not able to turn to the statute, but I am sure there is no question about that. The law provides when these bonds may be paid by the Secretary of the Treasury. There is no authority to sue on a bond of the United States that has been lost or destroyed. In that respect the law is defective, because we have several times proposed to make a general law on the subject, and did pass a law authorizing the Secretary of the Treasury to act in certain cases where the proof of destruction of the bond was absolute and conclusive. In that case he can act, but in all other cases a bill must be presented to Congress. I can not turn at once to the law, but there is no doubt about it. We have had case after case pending before us.

Mr. COCKRELL. If the mere loss of the bond prevents the bring-

ng of an action in the Court of Claims, then we should by a general law remove that objection and let the parties go to the Court of Claims.

Mr. SHERMAN. That would be proper enough, perhaps.

Mr. COCKRELL. I shall therefore be compelled for the present to object to this until such a bill as that can be prepared; and let us pass a general law and get these cases out of Congress. It is not the place for them.

Mr. SHERMAN. We pass such bills every session, and the Senator now denies justice to this poor woman who has waited sixteen years for her money. Congress will never pass such a law as he suggests. I would not vote for such a law, because I think cases of this kind should be brought to Congress unless the law specially provides some other way. It would not be safe.

Mr. COCKRELL. In other words, it is safe to trust Congress to pass a bill upon *ex parte* testimony of the claimants and their friends and relatives, and not safe to trust the Court of Claims for these same parties to go in and bring suit, and the United States with the Attorney-General and his assistants to appear there and cross-examine them and make them introduce competent legal testimony to establish the loss or destruction of a bond and the ownership of it.

The PRESIDENT *pro tempore*. The Chair reminds Senators that this debate is by unanimous consent. The consideration of the bill has been objected to.

Mr. COCKRELL. Let the bill retain its place on the Calendar for the present.

The PRESIDENT *pro tempore*. The bill will be passed over, retaining its place on the Calendar.

LANDS IN DENVER.

Mr. TELLER. I asked awhile ago to have Order of Business 65, being the bill (S. 1157) to correct an error in the description of certain lands entered and patented to the city of Denver, in the State of Colorado, by authority of an act of Congress approved May 21, 1872, indefinitely postponed. I ask unanimous consent that that bill be placed back on the Calendar.

The PRESIDENT *pro tempore*. The order by which the bill was indefinitely postponed will be reconsidered, if there be no objection, and the bill restored in its place on the Calendar.

Mr. PLUMB. The desire of the Senator from Colorado is that the bill may be informally placed on the Calendar, subject to be called up again.

The PRESIDENT *pro tempore*. That was the order.

Mr. TELLER. I ask now that we take up Senate bill 1157, and substitute for it the House bill reported to-day by the Committee on Public Lands.

The PRESIDENT *pro tempore*. Order of Business 65, being the bill (S. 1157) to correct an error in the description of certain lands entered and patented to the city of Denver, in the State of Colorado, by authority of an act of Congress approved May 21, 1872, having been passed over, the Senator from Colorado asks that the Senate now proceed to consider the same.

The Chair hears no objection.

Mr. TELLER. I desire to substitute the House bill, which is in the hands of the Secretary, for the Senate bill.

The PRESIDENT *pro tempore*. Is the House bill on the Calendar?

Mr. TELLER. No, sir; but it was reported this morning from the Committee on Public Lands. It is the bill (H. R. 3300) to amend an act to enable the city of Denver to purchase certain lands for cemetery purposes, reported with amendments.

The PRESIDENT *pro tempore*. The Senator from Colorado asks that this bill be considered in lieu of Senate bill 1157?

Mr. TELLER. Yes, sir.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider House bill 3300.

The preamble recites that at the second session of the Forty-second Congress an act approved May 21, 1872, entitled "An act to enable the city of Denver to purchase certain lands in Colorado for a cemetery," erroneously describes a tract of land as the northwest quarter of the southwest quarter of section 1 and the north half of the southeast quarter of section 2 and the southwest quarter of the southeast quarter of section 2, township 4 south, range 68 west, sixth principal meridian; and that Denver City has paid for and received a patent for the northwest quarter of the southwest quarter of section 1 and the north half of the southeast quarter of section 2 and the southwest quarter of the northeast quarter of section 2, township 4 south, range 68 west, sixth principal meridian, which latter description is correct, and in accordance with the land actually occupied by the city for a cemetery. The bill therefore proposes that the act of May 21, 1872, shall be amended by striking out the words "the southwest quarter of the southeast quarter" and inserting in lieu thereof "the southwest quarter of the northeast quarter;" so that the description of the land shall read: "The northwest quarter of the southwest quarter of section 1 and the north half of the southeast quarter of section 2 and the southwest quarter of the northeast quarter of section 2, township 4 south, range 68 west of the sixth principal meridian."

The first amendment of the Committee on Public Lands was in section 2, line 14, after the word "grounds," to strike out "and for such other legitimate and proper purposes;" so as to read:

That the said city of Denver be, and it is hereby, authorized to vacate the use of the said land, or any portion thereof, as a cemetery, and to appropriate and use the same or any part thereof for a public park or grounds, as the corporate authorities of the said city of Denver may hereafter determine.

The amendment was agreed to.

Mr. TELLER. I also offer another amendment, which I send to the desk.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. It is proposed to add to the bill:

SEC. 3. That all selections of land as school indemnity in the State of Colorado may be made in quantities equal to the loss of school lands or deficiency therein, and anywhere in the land district in which the bases of selection are situated: *Provided*, That if non-mineral vacant public lands are not obtained for such indemnity in the district in which the bases are situated, the selections may be made in any land district in the State containing such lands and in subdivisions of 40 acres or more.

SEC. 4. That selections of the school indemnity heretofore made in the State of Colorado under the provisions of the seventh section of an act entitled "An act to enable the people of Colorado to form a constitution and State government, and for the admission of said State into the Union on an equal footing with the original States," approved March 3, 1875, and sections 2275 and 2276 of the United States Revised Statutes, which have been suspended by the Commissioner of the General Land Office because not made in tracts of not more than one quarter-section, and as "contiguous as may be" to the bases of the same, as required by the said section of the said act of 1875, are hereby confirmed to the extent that they shall be found valid in all other respects, and it shall be the duty of the said Commissioner and the Secretary of the Interior to cause them to be approved and certified as by law provided in other cases of school selections.

SEC. 5. That said State shall be allowed to select lands in lieu of the sixteenth and thirty-sixth sections in patented private land claims and the Ute Indian reservations within said State of Colorado, comprehended in an act entitled "An act to accept and ratify the agreement submitted by the confederate bands of Ute Indians in Colorado, for the sale of their reservation in the said State, and for other purposes, and to make the necessary appropriations for carrying out the same," approved June 15, 1880.

SEC. 6. That it shall be the duty of the Seretary of the Interior, without awaiting the extension of the public surveys, to ascertain and determine, by protraction or otherwise, the number of townships that will be included within the late Ute Indian reservation in the State of Colorado, and thereupon the State shall be entitled to select indemnity lands to the extent of two sections for each of said townships, for school purposes, in any land districts in the State: *Provided*, That said selections shall not be made within the boundaries of said reservation, and in subdivisions of not less than 160 acres.

SEC. 7. That upon a determination by the Interior Department that a portion of the smallest legal subdivision in a section numbered 16 or 36 in Colorado is mineral land, and that the United States was not divested of its title thereto in its entirety by the grant to the State for schools, the State shall be allowed to select indemnity for the entire section subdivision under the act entitled "An act to enable the State of Colorado to take lands in lieu of the sixteenth and thirty-sixth sections found to be mineral lands," and for other purposes, approved April 2, 1884, and thereupon the subdivisions mentioned, or such portions of them as remain after segregation of the mineral lands or claims, shall be treated as other public lands of the United States.

Mr. COCKRELL. I ask the Senator from Colorado if that amendment is precisely the same bill that the Committee on Public Lands passed on favorably.

Mr. TELLER. It is *verbatim*. There is no change whatever in it. It has the unanimous approval of the committee, and the Senator himself looked at it with me.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The PRESIDENT *pro tempore*. The question is on agreeing to the preamble.

The preamble was agreed to.

On motion of Mr. TELLER, the title was amended so as to read:

A bill to enable the State of Colorado to select indemnity lands, and for other purposes.

The PRESIDENT *pro tempore*. The bill (S. 1157) to correct an error in the description of certain lands entered and patented to the city of Denver, in the State of Colorado, by authority of an act of Congress approved May 21, 1872, will be indefinitely postponed.

BATTLE-GROUNDS IN MAUMEE VALLEY.

The bill (S. 354) to provide for the survey of certain historic grounds, locations, and military works was considered as in Committee of the Whole. It proposes to direct the Secretary of War to cause to be made, by an officer of the Engineer Corps, in co-operation with the Maumee Valley Monumental Association, an examination and inspection of each of the following-named historic grounds, locations, and military works:

The burial place on Put-in-Bay Island of the sailors of the Navy in the war of 1812.

Fort Industry, at the mouth of Swan Creek, on the Maumee River.

Fort Miami, on the north and west side of the Maumee River, 7 miles above Fort Industry.

Fort Meigs, and the burial grounds of the soldiers of the war of 1812, near the same, on the south and east bank of the Maumee River, 10 miles above the mouth of Swan Creek.

A suitable portion of the battle-field of Fallen Timber, on the north and west bank of the Maumee River, 4 miles above Fort Meigs, where Anthony Wayne defeated the allied Indian nations under Turkey Foot August 20, 1794.

Fort Defiance, at the confluence of the Auglaize and Maumee Rivers, erected by General Wayne in August, 1794.

Fort Wayne, at Fort Wayne, Ind., at the confluence of the St. Joe and St. Mary's Rivers, which was erected by General Wayne in October, 1794.

A survey and full report shall be made to Congress of the location, situation, and condition of the same, and the amount of grounds necessary for the proper protection and improvement of the works, forts, battle-fields, and burial places in and near the same, as well as the probable cost thereof. One hundred and fifty dollars is appropriated for the expense of the examination and inspection provided for.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL CEMETERY AT CORINTH, MISS.

The bill (S. 643) to construct a road to the national cemetery at Corinth, Miss., was considered as in Committee of the Whole. It proposes to appropriate $10,000 for the purpose of constructing a macadamized or gravel road, or a road partly of gravel and partly of stone, from the town of Corinth, Miss., to the national cemetery near that town, to be expended under the direction of the Secretary of War.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MILITARY RECORD OF WILLIAM CLARK.

The bill (S. 1118) to remove the charge of desertion from the military record of William Clark, deceased, was considered as in Committee of the Whole. It is a direction to the Secretary of War to remove the charge of desertion standing against the record of William Clark, deceased, who was a private in Company K, Fourteenth Regiment Illinois Volunteer Cavalry, and who died in Andersonville prison on August 9, 1864.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LAND IN ST. LOUIS.

The bill (S. 280) donating to city of St. Louis, Mo., a certain strip of land for street purposes was considered as in Committee of the Whole. By its terms a strip of land 57½ feet in width, off the south end of the United States marine-hospital tract, in the city of St. Louis, Mo., to connect Second street with Marine avenue, the southern line of the strip being coincident with the southern line of the hospital tract, is donated to the city of St. Louis for street purposes; but whenever the city shall cease to use the strip for street purposes the title to the same shall revert to the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY M. RECTOR.

The bill (S. 314) for the relief of Henry M. Rector was considered as in Committee of the Whole. It provides for the payment to Henry M. Rector of $399.91, being the amount standing to the credit of Rector on the books of the Treasury, as shown by page 162, Executive Document No. 363, first session Forty-ninth Congress.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M'GRATH.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1512) granting an increase of pension to John McGrath. It proposes to place on the pension-roll the name of John McGrath, late a private in Company D, Twenty-third New Jersey Volunteers, at the rate of $30 per month, in lieu of that which he is now receiving.

Mr. COCKRELL. Let the report be read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. BLODGETT January 18, 1888:

The Committee on Pensions, to whom was referred the petition granting a pension to John McGrath, have examined the same, and report:

The petitioner, who was a private in Company D, Twenty-third New Jersey Volunteers, enlisted August 26, 1862, was mustered in September 13 of the same year, and was discharged February 14, 1863. In his application for a pension, filed February 10, 1879, he claimed that in the fall and winter of 1862 he contracted a severe cold, which settled in his lungs, resulting in incipient consumption, which later became chronic. This claim he substantiated, and was pensioned from February 15, 1863, at $4 per month, and from March 3, 1880, at $8 per month. On April 11, 1880, he made application for an increase of pension, on the ground of increased disability. This was granted August 27, 1880, since which time he has received $16 per month. He now prays for further increase, alleging diseases of heart, kidneys, and liver, and claims to be totally incapacitated for labor.

The reports of the examining surgeons fully substantiate the claims of the petitioner, and after careful examination of other evidence, the committee feels justified in recommending favorable action on his petition and accompanying bill.

Mr. COCKRELL. So far as this report discloses, the last application for increase was in 1880. The Pension Office is very liberal in granting applications for increase of pensions by reason of increased disability; and if there has been no application since 1880 for an increase of the rate of pension allowed in this case by reason of increased disability, the case has no business in Congress. I object, therefore; let it go over.

The PRESIDENT *pro tempore*. The bill goes over under objection.

WILLIAM TABB.

The bill (S. 741) for the relief of William Tabb was considered as in Committee of the Whole. It provides for payment to William Tabb, of Spottsylvania County, near Fredericksburgh, Virginia, of $2,149.75, in full for supplies taken from him during the years 1863 and 1864 by and for the use of the United States troops.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SEMON BACHE & CO.

The bill (S. 576) for the relief of Semon Bache & Co. was considered as in Committee of the Whole. It proposes to pay to Semon Bache & Co., of New York, $3,562.56, for the purpose of refunding the duty paid by that firm upon glass from imported stock furnished to the National Museum and the New Orleans, Louisville, and Cincinnati expositions for exhibition cases.

Mr. COCKRELL. I ask the Senator making the report if there was a deduction from the price charged the Government and paid for this glass of the amount of this tax? Did these parties receive full compensation for the glass with the tariff duty added?

Mr. HOAR. They did not, as I understand.

Mr. EVARTS. I can answer that question. It is a perfectly plain debt on the part of the United States, and it has never been disputed. The Government were in immediate need of the glass, and this importing house had the glass desired, which had paid duty. The United States never pays duty, and if it had ordered this glass it would have been imported free. This is the short price without the duty added, and the merchants having paid the Government the duty, it has come around so as to need an application in order to refund it. I can only regret that it can not be refunded with interest, because the importers are losing the interest for three or four years upon the intricacy, if it be that, in the repayment of the money.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS OF STATES.

The bill (S. 1057) to settle and adjust the claims of any State for expenses incurred by it in defense of the United States was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 1, after the word "that," to strike out "the proper accounting officers" and insert "Secretary;" and in line 4, before the word "hereby," to strike out "they are" and insert "he is;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to audit and report to Congress the costs, charges, and expenses properly incurred by any State for enrolling, subsisting, clothing, arming, equipping, supplying, paying, and transporting its troops, commissioned or enlisted, for the purpose of aiding to suppress the late insurrection against the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PAYMASTER JAMES E. TOLFREE.

The bill (S. 868) for the relief of Paymaster James E. Tolfree, United States Navy, was considered as in Committee of the Whole. It provides for paying to James E. Tolfree, paymaster United States Navy, $4,000, in full for all losses of both Government and personal property incurred by him by reason of the destruction by fire of the Windsor House, at Yokohama, Japan, on the morning of February 8, 1886.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES BLAKE.

The bill (S. 882) for the relief of Pay Clerk Charles Blake, United States Navy, was considered as in Committee of the Whole. It proposes to pay to Charles Blake, pay clerk, United States Navy, $700, in full of all losses of personal property incurred by him by reason of the destruction by fire of the Windsor House, at Yokohama, Japan, on the morning of February 8, 1886.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PAY AND RETIREMENT OF MATES IN THE NAVY.

The bill (S. 744) relating to the pay and retirement of the mates in the Navy was considered as in Committee of the Whole.

The bill was reported by the Committee on Military Affairs with an amendment, in section 1, line 5, before the word "officers," to strike out "thirty-seven" and insert "thirty-four;" so as to make the section read:

That the law regulating the pay and retirement of warrant officers in the Navy shall be construed to apply to the thirty-four officers serving as mates in the Navy.

The amendment was agreed to.

Mr. COCKRELL. I should thank the Senator making this report to explain the necessity of this bill and the change it makes in the existing law.

Mr. CHANDLER. There are now thirty-four mates in the Navy who are not entitled to retirement under the existing law. So they stand upon the active-list of the Navy. This bill simply provides that they

may be retired with the pay of warrant officers—boatswains and carpenters.

Mr. COCKRELL. What is the difference between the pay of warrant officers and the pay of mates?

Mr. CHANDLER. The pay of warrant officers is larger than the present pay of the mates.

Mr. COCKRELL. Then why shall these men be retired on a higher pay than they now receive?

Mr. CHANDLER. They are a meritorious class of officers. They have all of them served faithfully. There can be no additional appointments. The position which they have occupied in the service is one entitling them, as is thought by those familiar with the service, to as favorable treatment as retired warrant officers receive. And therefore it was thought by the committee that these officers might judiciously and fairly be placed upon the retired-list upon as favorable terms as the warrant officers.

Mr. COCKRELL. Why should they not be on as favorable terms as the warrant officers who are retired as warrant officers if these men are retired as mates?

Mr. CHANDLER. I do not understand the question.

Mr. COCKRELL. The warrant officers are retired upon their rank and pay of warrant officers. Now you take these mates, and instead of retiring them as mates you give them a promotion. The next thing will be application by warrant officers to be retired on higher pay, one grade higher, and so it will go. If this was to retire them on the pay of the grade they held as mates, it would be placing them on an equality with the warrant officers, but it is placing them on a better footing than the warrant officers.

Mr. CHANDLER. No, Mr. President, it is not placing them in any better position than the warrant officers. The retired pay of these mates will be precisely the same, if they are retired under this bill, as the pay of retired boatswains, and carpenters, and sailmakers.

Mr. COCKRELL. I must object to this bill; but I ask that it retain its place on the Calendar until I can look into it.

The PRESIDENT *pro tempore*. The bill will be passed over, retaining its place on the Calendar.

FOURTH INTERNATIONAL PRISON CONGRESS.

The joint resolution (S. R. 29) authorizing the appointment of a delegate to the Fourth International Prison Congress, to meet at St. Petersburg, in the year 1890, was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BRITISH BARK CHANCE.

The bill (S. 1026) for the relief of the owners, officers, and crew of the British bark Chance was considered as in Committee of the Whole. It is a direction to the Secretary of State to draw his requisition upon the Secretary of the Treasury for the payment of $16,000 to the duly accredited representative of the Government of Great Britain at Washington, to enable that government to pay the same to the owners of the British bark Chance, of the port of Sydney, New South Wales, to indemnify them, and the officers and crew of that bark, for abandoning their whaling voyage in the Arctic Ocean, in the month of September, 1871, and rescuing from shipwreck ninety-six American seamen and transporting them to Honolulu.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JABEZ BURCHARD.

The bill (S. 131) for the relief of Jabez Burchard was considered as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs with an amendment, in line 10, after the words "in the," to strike out "naval-pension fund" and insert "United States Treasury;" so as to make the bill read:

Be it enacted, etc., That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to allow to Jabez Burchard, assistant engineer on the retired-list of the United States Navy, an amount which, with payments heretofore made to him, will be equal to 75 per cent. of the sea-pay of the grade or rank held by him at the date of his retirement by a naval board of the United States Navy; said amount to be paid out of any money in the United States Treasury not otherwise appropriated, and to take effect from and after the date of his retirement by said naval board.

The amendment was agreed to.

Mr. COCKRELL. I should like to hear the report in that case, or some explanation of the bill.

Mr. CAMERON. A similar bill to this has passed the Senate at four different Congresses—certainly three, and I think four; but failed to receive action in the House of Representatives.

Mr. COCKRELL. It does not seem to increase his rank. I do not understand what the bill is for. It says:

That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to allow to Jabez Burchard, assistant engineer on the retired-list of the United States Navy, an amount which, with payments heretofore made to him, will be equal to 75 per cent. of the sea-pay of the grade or rank held by him at the date of his retirement by a naval board of the United States Navy.

Mr. CAMERON. The report explains it.

Mr. COCKRELL. He wants to get 75 per cent. of sea-pay. I suppose he only received 75 per cent. of shore-pay. Do all officers of this grade when retired get 75 per cent. of sea-pay?

Mr. CAMERON. If put on the retired-list for disability incurred in the service. He was not so placed, but afterwards he proved that the disabilities were incurred in the service, and on the recommendation of the Secretary of the Navy the Senate has passed the bill on three different occasions.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REPRESENTATIVES OF JAMES W. SCHAUMBURG.

The bill (S. 954) for the relief of the heirs, legal representatives, or legatees of James W. Schaumburg was considered as in Committee of the Whole. It requires the accounting officers of the Treasury to certify to the Secretary of War in favor of the heirs, legal representatives, or devisees of James W. Schaumburg the amount of the pay and allowances of a first lieutenant of dragoons or cavalry, from July 1, 1836, to March 24, 1845; and directs the Secretary of the Treasury to pay to the heirs, legal representatives, or legatees of Schaumburg the amount so certified, after deducting such sums as may have been paid and credited to him on account of such service.

Mr. COCKRELL. Let the report be read, or I should like some explanation of a bill to pay an officer for services rendered from 1836 to 1845.

The PRESIDENT *pro tempore*. The report will be read.

Mr. MITCHELL. Does the Senator insist on the reading of the report?

Mr. COCKRELL. I shall be glad to hear an explanation.

Mr. MITCHELL. A short explanation will take less time than the reading of the report.

Although this is a stale claim, it is, in my judgment, one of merit and justice. There could not have been any greater injustice done under the law than was done to Lieutenant Schaumburg. The proofs fully verify the statements made in the report. Lieutenant Schaumburg was a second lieutenant in the Army stationed at Fort Des Moines, now the capital of the State of Iowa, in 1836. At that time and for a long time prior it had been a custom that had grown up in the War Department that in case an Army officer for any reason desired to have leave of absence for a certain length of time and it was impossible to obtain that leave, by reason of the slow communication, so as to enable him to accomplish his purpose, he could prepare and forward his resignation to the Secretary of War, providing in that letter of resignation that it should be accepted to take effect at a future day specified. It was the custom to accompany that letter of resignation with a private letter requesting that the resignation be not accepted and that leave of absence be granted. That was the practice in the War Department, as is abundantly shown by an order of President Jackson, subsequently issued by the Secretary of War under his direction, doing away with that practice, and by any amount of other evidence.

On the 6th of June, 1836, Second Lieutenant Schaumburg, of the United States Dragoons, obtained information that his father at New Orleans was seriously ill, which was to him a peremptory summons. It was impossible to communicate with the War Department and get leave of absence. He availed himself of the custom that had grown up, good or bad, in the Department, and on that date, June 6, 1836, he sent forward to the Secretary of War a letter of resignation, specifying in that resignation that it should take effect the 1st day of October following. He accompanied that by a private letter giving the reasons why he had sent the letter of resignation and requesting that it be not accepted and asking for leave of absence. That letter reached the War Department on the 26th of June. On the 28th of June of the same year a general order was issued, called Order No. 43, I believe, doing away with this practice, and on the 30th of June, two days afterwards, the Adjutant-General accepted the resignation of Lieutenant Schaumburg and specified in the order that the resignation should take effect one month from that date, on the 30th day of July.

The order, however, in accordance with this practice that had grown up in the Department, provided that all those who were then absent from their posts should have three months within which to return.

The PRESIDENT *pro tempore*. The Senator has spoken five minutes.

Mr. MITCHELL. I ask unanimous consent to finish my statement.

Mr. COCKRELL. I suggest to the Senator that the point I wanted to get at is explained in the report, if he will let the report from the bottom of the first page be read, from the order of June 30, 1836, down to page 2. I think that will explain it.

Mr. MITCHELL. Certainly; I am perfectly willing.

The PRESIDENT *pro tempore*. That part will be read, if there be no objection.

The Chief Clerk read the following from Senate Report No. 69, submitted by Mr. MITCHELL January 18, 1888:

If the validity of the order of June 30, 1836, purporting to relieve Lieutenant Schaumburg from the military service could properly be considered an undetermined question, it might be the duty of the committee to set forth in detail the personal considerations and influences that originated the order, but the illegality and invalidity of the order and of the attempt to deprive Lieutenant

Schaumburg of his position in the Army has been directly and conclusively settled by a judgment of the district court of the United States for the eastern district of Pennsylvania, and the judgment was affirmed on appeal to the Supreme Court of the United States.

In an action between the United States and the claimant, commenced in the district court in September, 1874, and determined in November, 1875, the legality of the order, and the question whether the claimant, Schaumburg, was a lieutenant during the period in question, was directly in issue, and the court, having before it the orders of the War Department, made during the attempt of Lieutenant Schaumburg's enemies to deprive him of his position in the Army, and the entire records relative to the subject, instructed the jury, as a matter of law, that Schaumburg, "from July 1, 1836, until March 24, 1845, was in the military service of the United States as a first lieutenant of dragoons or cavalry, and that he was entitled as such to credit for the pay and emoluments that accrued during that period," and a verdict and judgment were rendered in accordance with the instruction. This judgment was a judicial determination of the invalidity of the order, and that Lieutenant Schaumburg continued in the service. From this judgment an appeal was taken to the United States Supreme Court, and the judgment was affirmed. (Schaumburg *vs.* United States, 13 Otto, 667.)

The court, under the issues presented, having full jurisdiction to determine Schaumburg's right to the office and to its emoluments, the nature of the issues required present payment or allowance in that cause of only $306.20 of the $11,471.51 then due to Schaumburg, thus reducing the indebtedness to $11,165.31; and it not being the province of the district court to render judgments directing present payment by the Government, this balance still remains unpaid. But as it was within the jurisdiction of the court to ascertain and determine whether Mr. Schaumburg was in the Army and entitled to pay, in order to determine whether the set-off should be made, the judgment is conclusive on whatever question was necessarily involved in that suit. It is, in the opinion of your committee, conclusive that Schaumburg was a lieutenant in the Army, notwithstanding the order of June 30, 1836, and of all that is material in the present claim, it being an elementary principle that the judgment of a court having jurisdiction is conclusive of the point determined in any future inquiry between the same parties relative to the same subject-matter.

Although this judgment would seem to render a further consideration of the validity of the order unnecessary for any purpose of determining the legal rights of the claimant, consideration for the hardships and delays to which the claimant has been subject for want of a full understanding of the question involved may justify a brief statement of the points originally involved.

Long prior to 1836 it had become a practice, having the approval of the War Department, that when some emergency rendered it important to an officer that he should absent himself from a distant post of duty sooner than it was possible to obtain an order granting leave of absence, the officer, at his own risk, made a formal tender of his resignation, conditioning the resignation to take effect at a specified future time. The resignation was inclosed with a letter explaining the emergency, asking the leave of absence, and requesting that the resignation be not accepted.

On the 6th of June, 1836, Schaumburg, then being a second lieutenant and stationed at Fort Des Moines, was informed that his father was sick and could not survive many weeks, and he sent such a letter with his resignation as second lieutenant, conditioned to take effect October 31, following.

June 28, 1836, the War Department issued an order forbidding the further continuance of that practice, and requiring all officers then absent under that practice to resume their duties within three months, or to vacate their commissions. It also contained the following:

"If the resignation of any officer be accepted it shall take effect within thirty days from the date of the order of acceptance."

By misconstruction of this language and misconception of legal rights the Adjutant-General issued an order on the 30th of June, 1836, purporting to accept the resignation of Second Lieutenant Schaumburg, to take effect July 30, 1836, disregarding the condition that had been made part of the proposed resignation; and in attempting to give force to the action then taken on the qualified resignation as second lieutenant, the Adjutant-General ignored the fact that after this attempt, namely, on July 1, 1836, Schaumburg was promoted and received a reappointment to the position of first lieutenant, being duly commissioned on July 1, 1836. Schaumburg subsequently accepted the office of first lieutenant.

Mr. MITCHELL. It will be seen from that that the simple question was whether the order of the War Department accepting the resignation of Lieutenant Schaumburg put him out of the Army or whether it did not put him out of the Army. The district court of the United States for the eastern district of Pennsylvania, in a case where the point was directly in issue as to the period of the termination of the service, decided that the order did not put Lieutenant Schaumburg out of the Army, but that he continued to be a first lieutenant in the Army from the 1st day of July, 1836, until some time in 1845. Therefore this matter has been passed upon judicially by the United States district court for the eastern district of Pennsylvania.

I do not wish to take up time unless the Senator has some other trouble about the matter.

Mr. COCKRELL. The part of the report that I referred to satisfies me.

Mr. MITCHELL. I supposed it would satisfy the Senator.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NEGRO SOLDIERS' AND SAILORS' MONUMENT.

The bill (S. 406) making an appropriation for the erection of a monument to the negro soldiers and sailors who gave their lives for the preservation of the Government was announced as next in order.

Mr. VEST. Let that bill go over.

Mr. HOAR. I was very much in hopes the Senator would allow the bill to pass at this time. I desire to say that if it be passed at this time it will save the Senate from any elaborate speeches on the subject. I am afraid I shall be constrained to make one if it goes over.

Mr. VEST. I do not desire to make any speech on it myself.

Mr. MITCHELL. The bill ought to be passed.

The PRESIDENT *pro tempore*. Does the Senator from Missouri withdraw his objection?

Mr. VEST. No, sir; let it go over.

The PRESIDENT *pro tempore*. The bill goes over under objection.

Mr. HOAR subsequently said: I ask unanimous consent to go back to the last Calendar number, Senate bill 406. The Senator from Missouri [Mr. VEST] after an explanation has agreed to withdraw his objection.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the Senate proceed to the consideration of the bill (S. 406) making an appropriation for the erection of a monument to the negro soldiers and sailors who gave their lives for the proservation of the Government. Does the Senator from Missouri withdraw his objection?

Mr. VEST. Yes, sir.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $100,000 for the erection of a monument to the negro soldiers and sailors who fell while fighting for the preservation of the nation's life in the war of the rebellion, in the Government reservation between Howard University, the Freedmen's Hospital, Four-and-a-half street, and Seventh street, in the District of Columbia, the money to be expended under the direction of a commission to consist of the chairman of the Joint Committee on the Library, the Secretary of War, and the Secretary of the Navy.

Mr. VEST. I simply want the yeas and nays on the passage of the bill. I want to vote "nay."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT *pro tempore*. Upon the question, Shall the bill pass? the Senator from Missouri asks that the yeas and nays be entered on the Journal.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CAMERON (when his name was called). I am paired with the Senator from South Carolina [Mr. BUTLER]. If he were here, I should vote "yea" and he would vote "nay."

Mr. COCKRELL (when his name was called). I have been paired with the Senator from Connecticut [Mr. HAWLEY]. I saw him in the Chamber this morning, but as I do not see him now, I presume the pair continues. I should vote "nay" if I were not paired.

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS]. If he were here, I should vote "yea."

The roll-call was concluded.

Mr. FAULKNER. I do not see my colleague [Mr. KENNA] in the Chamber. He is paired with the Senator from Minnesota [Mr. SABIN].

Mr. ALLISON (after having voted in the affirmative). I am paired on political questions with the Senator from North Carolina [Mr. RANSOM]. I do not know but that I ought to withdraw my vote, having voted in the affirmative. I ask his colleague [Mr. VANCE] whether he regards this as such a question. I am paired on political questions with the Senator's colleague.

Mr. VANCE. I do not consider this a political question, but I am confident that if my colleague were here, he would vote "nay."

Mr. ALLISON. I withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from Iowa withdraws his vote.

Mr. HEARST. I am paired with the Senator from Nevada [Mr. JONES]. Not knowing how he would vote, I refrain from voting.

The result was announced—yeas 31, nays 19; as follows:

YEAS—31.

Blair,	Dolph,	Manderson,	Sherman,
Bowen,	Edmunds,	Mitchell,	Spooner,
Brown,	Farwell,	Morrill,	Stanford,
Chace,	Frye,	Palmer,	Stewart,
Chandler,	Hale,	Platt,	Stockbridge,
Cullom,	Hoar,	Plumb,	Teller,
Davis,	Ingalls,	Riddleberger,	Wilson of Iowa.
Dawes,	McPherson,	Sawyer,	

NAYS—19.

Bate,	Daniel,	Jones of Arkansas,	Vance,
Beck,	George,	Pasco,	Vest,
Berry,	Gray,	Pugh,	Walthall,
Blackburn,	Hampton,	Reagan,	Wilson of Md.
Coke,	Harris,	Saulsbury,	

ABSENT—26.

Aldrich,	Colquitt,	Hearst,	Quay,
Allison,	Eustis,	Hiscock,	Ransom,
Blodgett,	Evarts,	Jones of Nevada,	Sabin,
Butler,	Faulkner,	Kenna,	Turpie,
Call,	Gibson,	Morgan,	Voorhees.
Cameron,	Gorman,	Paddock,	
Cockrell,	Hawley,	Payne,	

So the bill was passed.

LAKE CHAMPLAIN BRIDGE.

The bill (S. 544) to authorize the construction of a highway bridge across that part of the waters of Lake Champlain which separates the islands of North Hero and South Hero, in the county of Grand Isle, in the State of Vermont, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amend-

ments, in section 2, line 7, after the word "that," to strike out the words "of the Lamoille Valley Extension Railroad Company's draw in their bridge across Missisquoy Bay" and to insert "of the draw in the bridge between the towns of Alburgh and North Hero, Vt.;" and in the same section, line 17, after the word "of," to strike out the word "Congress" and insert "the Secretary of War;" so as to make the section read:

SEC. 2. That the structure authorized by the preceding section shall be built and located under and subject to such regulations for the security of navigation of such waters as the Secretary of War shall prescribe, and shall be provided with such suitable and convenient draw as the said Secretary shall deem needful for the proper purposes of navigation, of width not less than that of the draw in the bridge between the towns of Alburgh and North Hero, Vt.; and the maintenance and management of said structure shall be subject to such of the provisions of section 6 of chapter 52 of the acts of the second session of the Forty-seventh Congress as the Secretary of War may, from time to time, deem needful; and the authority to erect and continue said bridge shall be subject to revocation and modification by law whenever the public good shall, in the judgment of the Secretary of War, so require, without any expense or charge to the United States.

The amendments were agreed to.

Mr. VEST. I notice a mistake in the enacting clause. It reads: "*Resolved by the Senate and House of Representatives.*" It should read: "*Be it enacted by the Senate and House of Representatives.*"

The PRESIDENT *pro tempore*. The necessary correction will be made.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OLD SETTLERS' (CHEROKEES') CLAIM.

The bill (S. 428) to authorize the Court of Claims to hear, determine, and render final judgment upon the claim of the Old Settlers or Western Cherokee Indians was announced as next in order on the Calendar.

Mr. JONES, of Arkansas. I object to the consideration of that bill.

The PRESIDENT *pro tempore*. The bill will be passed over under objection.

Mr. TELLER. I ask the Senator from Arkansas if he is willing that the bill shall retain its place on the Calendar?

Mr. JONES, of Arkansas. I have no objection to that course.

The PRESIDENT *pro tempore*. It will be so ordered.

ANSON RUDD.

The bill (S. 687) to authorize the Secretary of the Treasury to convey to Anson Rudd, of the State of Colorado, certain real estate in the county of Fremont, in said State, was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury, without consideration, to make, execute, and deliver all needful instruments conveying and transferring all the right, title, and interest of the United States in and to a certain tract of land situate in the county of Fremont and State of Colorado to Anson Rudd, being the same tract which Anson Rudd and Harriet Rudd, his wife, conveyed to the United States by general warranty deed, without consideration, dated March 20, 1868.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS H. NORTON AND JAMES M'LEAN.

The bill (S. 109) for the relief of Thomas H. Norton and James McLean was considered as in Committee of the Whole. It proposes to appropriate $3,200 to pay Thomas H. Norton and James McLean amount of excess paid by them on coal entry numbered 1 at Del Norte land office, Colorado, July 10, 1882.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. SARAH ELIZABETH HOLROYD.

The bill (S. 500) for the relief of Mrs. Sarah Elizabeth Holroyd, widow and administratrix of the estate of John Holroyd, deceased, was considered as in Committee of the Whole. It proposes to pay to Mrs. Sarah Elizabeth Holroyd, widow and administratrix of the estate of John Holroyd, deceased, $1,000, in full consideration for the entire past and future use by the Government of the United States of the patented hook and eye for tackle-blocks of John Holroyd.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. PLATT January 23, 1888:

The Committee on Patents, to whom was referred the bill (S. 500) for the relief of Mrs. Sarah Elizabeth Holroyd, widow and administratrix of the estate of John Holroyd, deceased, having examined the same, report as follows:

The committee find the facts to be as stated in Senate Report No. 51, Forty-ninth Congress, first session, which said report is hereto annexed and made part of this report, and is as follows:

"The Committee on Patents, to whom was referred the bill (S. 94) for the relief of Mrs. Sarah Elizabeth Holroyd, widow and administratrix of the estate of the late John Holroyd, deceased, have duly considered the same and accompanying papers, and recommend that it pass.

"The facts upon which this recommendation is based are so fully set forth in the letter of the Secretary of the Navy and extracts from the report of Chief of Ordnance, transmitted in response to a call from the Committee on Patents of the United States Senate, Forty-seventh Congress, first session, under date of February 23, 1882, that your committee ask to make the same a part of their report, and append a decision of the Supreme Court of the United States that is pertinent:

"'NAVY DEPARTMENT, *Washington, March* 16, 1882.

"'SIR: I have the honor to acknowledge the receipt of your letter of the 23d ultimo, inclosing a copy of a bill (S. 243) for the relief of Mrs. Sarah Elizabeth Holroyd, widow and administratrix of the estate of the late John Holroyd, deceased.

"'In compliance with your request for information in regard to the claim of the late Mr. Holroyd, I transmit a copy of a letter, with its inclosures, from the Chief of the Bureau of Ordnance, furnishing answers to the questions presented by you; also a copy of a communication and accompanying report from the commandant of the navy-yard, Washington.

"'The bill is herewith returned.

"'Very respectfully,

"'ED. T. NICHOLS,
"'*Acting Secretary of the Navy.*

"'Hon. WILKINSON CALL,
"'*Committee on Patents, United States Senate.*'

"'BUREAU OF ORDNANCE, NAVY DEPARTMENT,
"'*Washington City, March* 4, 1882.

"'SIR: I have the honor to return herewith a communication to the Navy Department from the chairman of the Senate Committee on Claims, dated December 23, 1881, requesting information concerning certain alleged inventions of the late John Holroyd.

"'I beg leave to submit, in reply to the questions contained in the said letter, the following remarks, and also the appended papers, which further explain the matter:

"'Reply to first question: The Navy Department is still using a hook and eye for tackle-blocks patented by the late John Holroyd March 18, 1873. * * *

"'Reply to second question: There is no evidence on file in this bureau that Mr. Holroyd ever claimed, or that the Government ever paid him, anything beyond the regular daily amount paid to and accepted by him in return for his services in the various positions that he held from time to time in the Ordnance Department. * * *

"'It is considered that $1,000 would be reasonable compensation to the estate of Mr. Holroyd for the past and future use by the Government of his patented hook and eye for tackle-blocks.

"'As regards the other articles on the Senate bill 243, it is not considered expedient that any allowance should be made upon them. * * *

"'I am, sir, very respectfully, your obedient servant,

"'MONTGOMERY SICARD,
"'*Chief of Bureau.*

"'Hon. WILLIAM H. HUNT,
"'*Secretary of the Navy.*'

"The Chief of Ordnance appends to his report, under head "gun-tackle blocks," the following:

"'The distinctive feature is the nib-hook, which holds a block steadily in a horizontal and convenient position. The eye assists in this.

"'This device is considered ingenious and original. * * *

"'The device has been extensively used in the past, but probably will not be as useful in the future.

"'It is thought that about 2,500 blocks have probably been made with the nib-hooks and eyes.' * * *

"APPENDIX.

"A decision by the Supreme Court in The United States *vs.* Burns (Wallace's Reports, vol. 12, page 252, December term, 1870), namely:

"'If an officer in the military service, not specially employed to make experiments with a view to suggest improvements, devises a new and valuable improvement in arms, tents, or any other kind of war material, he is entitled to the benefit of it, and to letters patent for the improvement from the United States, equally with any other citizen not engaged in such service; and the Government can not, after the patent is issued, make use of the improvement any more than a private individual without license of the inventor or making compensation to him.'"

The committee therefore recommend the passage of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 165) for the relief of H. C. Markham; and

A bill (H. R. 1076) authorizing the construction of a bridge across the Tennessee River at Chattanooga, Tenn.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 1027) to fix the charge for passports at $1; and it was thereupon signed by the President *pro tempore*.

CALIFORNIA MISSION INDIANS.

The bill (S. 2) for the relief of the Mission Indians in the State of California was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, in section 3, line 5, after the word "him," to insert the words "in favor of each band or village of Indians occupying any such reservation;" in line 8, after the word "patented," to insert "subject to the provisions of section 4 of this act;" in line 12, after the word "same," to insert "or the remaining portion not previously patented in severalty;" and in line 14, after the word "village," to strike out the words "subject to the provisions of section 4 of this act in fee;" so as to read:

That the commissioners, upon the completion of their duties, shall report the result to the Secretary of the Interior, who, if no valid objection exists, shall cause a patent to issue for each of the reservations selected by the commission and approved by him in favor of each band or village of Indians occupying any such reservation, which patent shall be of the legal effect, and declare that the United States does and will hold the land thus patented, subject to the provis-

ions of section 4 of this act, for the period of twenty-five years, in trust for the sole use and benefit of the band or village to which it is issued, and that at the expiration of said period the United States will convey the same or the remaining portion not previously patented in severalty by patent to said band or village, discharged of said trust, and free of all charge or incumbrance whatsoever.

The amendment was agreed to.

The next amendment was, in section 3, line 24, after the word "separate," to strike out the words "certificate and;" so as to read:

Provided, That no patent shall embrace any tract or tracts to which existing valid rights have attached in favor of any person under any of the United States laws providing for the disposition of the public domain, unless such person shall acquiesce in and accept the appraisal provided for in the preceding section in all respects, and shall thereafter, upon demand and payment of said appraised value, execute a release of all title and claim thereto; and a separate patent, in similar form, may be issued for any such tract or tracts, at any time thereafter.

The amendment was agreed to.

The next amendment was, in section 3, line 29, after the word "person," to strike out "has" and insert the words "shall have;" so as to read:

Any such person shall be permitted to exercise the same right to take land under the public-land laws of the United States as though he had not made settlement on the lands embraced in said reservation, unless such person shall have been paid the value of his improvements as appraised by the aforesaid commission. And a separate patent, in similar form, may be issued for any tract or tracts at any time after the appraised value of improvements thereon shall have been paid.

The amendment was agreed to.

The next amendment was to add to section 3 the following additional proviso:

And provided further, That said patents declaring such lands to be held in trust, as aforesaid, shall be retained and kept in the Interior Department, and certified copies of the same shall be forwarded to and kept at the agency by the agent having charge of the Indians for whom such lands are to be held in trust, and said copies shall be open to inspection at such agency.

The amendment was agreed to.

The next amendment was, in section 4, line 13, after the word "eighty," to insert the words "nor more than six hundred and forty;" so as to make the section read:

SEC. 4. That whenever any of the Indians residing upon any reservation patented under the provisions of this act shall, in the opinion of the Secretary of the Interior, be so advanced in civilization as to be capable of owning and managing land in severalty, the Secretary of the Interior may cause allotments to be made to such Indians, out of the land of such reservation, in quantity as follows: To each head of a family, not more than 640 acres nor less than 160 acres, at the discretion of said Secretary, of which such proportion, not exceeding 10 acres, as he shall deem for the best interest of the allottee, shall be arable land; to each single person over twenty-one years of age, not less than 80 nor more than 640 acres, apportioned in like manner.

Mr. TELLER. I think that must be an error. Section 4, it seems to me, contains a very liberal provision—

To each head of a family, not more than 640 acres nor less than 160 acres, at the discretion of said Secretary.

This amendment gives, in the same section, to each single person over twenty-one years of age not less than 80 nor more than 640 acres. I should like to inquire of the committee why it is thought proper to give to these Indians 640 acres when we have restricted our grants to white settlers to 160 acres.

Mr. PLATT. The history of the Mission Indians shows that by the encroachments of the people around them they have been crowded back until what they have now is all in the clouds, with the exception of a very few acres of land left, in the valleys. This 640 acres that it is proposed to give them will be up on mountain tops which can not be reached by any known means of travel at the present time, except by balloons. But the idea is to divide it up among the Indians eventually. Ten acres down in the valleys would be probably as much as any Indian would get of any really good arable land which could be cultivated to advantage. The truth is that their reservation has been almost entirely despoiled, so that what is left of it will be really good for nothing.

Mr. TELLER. To what reservation does the Senator allude?

Mr. PLATT. To pretty much all the lands of the Mission Indians about which we are talking. That is the case, as I understand it.

Mr. HEARST. Does the Senator wish me to tell him why it is proposed to give these Indians 640 acres?

Mr. TELLER. I should like to know.

Mr. HEARST. These Indians have no other territory to go to. They do not own in their tribal capacity any territory outside of what we see fit to give them. They ought to have a little bit of pasture land, because the good land has been pretty much taken away from them already, and if they do not get that in good time they will never get any.

Mr. TELLER. This provision is not confined to pasture land. It it were there would be some reason for it. This is a general provision that they may have 640 acres of arable land anywhere outside of their reservation that is not taken up. If anybody can given me any reason why an Indian should have 640 acres when a white man gets only 160 acres, it would have to be a better reason than the Senator from California gives me in order to convince me that it is right.

If it is not too late I will ask that this bill may stand over until the committee may look at it further. I think I can make some suggestions to them, but I do not wish to object to the bill.

Mr. PLATT. It is very important that the bill should pass.

Mr. TELLER. But it certainly ought to be restricted to pasture land. Then the bill does great injustice, as I can show if necessary, to the settlers whose land may be taken. I do not object to the Indians taking the land if they compensate the owners, but there is no proper provision in the bill for that. I think the committee had better let the bill stand over to be called again. I shall not object to it on the second call of the docket. I should like to call the attention of the chairman to it and see if it can not be amended. I do not wish to offer any objection to the bill.

Mr. DAWES. This bill——

The PRESIDENT *pro tempore*. The Chair understands the Senator from Colorado to object to the bill.

Mr. TELLER. I do not desire to object to it, but I ask the committee to let it stand over until the next call of the Calendar, and then we will see if there can not be some change made in it.

Mr. DAWES. The history of the bill is such that the Senator, I think, will find himself committed to it.

Mr. TELLER. I feel myself committed to doing something for these Mission Indians.

Mr. DAWES. There is no doubt about that. I have no doubt of what the Senator says.

Mr. TELLER. I think I have done more for them than anybody else in the Senate.

Mr. DAWES. I have no doubt about the Senator's sincerity. My remark was not intended to reflect upon that; but what particular measure shall be adopted has been a matter of great difficulty. A long time ago the Interior Department—I am quite confident it was at a time when it was under a very able administration—sent out a commission there, consisting of Mrs. Helen Hunt Jackson and a very excellent gentleman on the Pacific Coast, who spent a great deal of time and made a very valuable report, which by that same Secretary of the Interior was transmitted to Congress with a bill prepared by them and recommended by him for passage. So far as I know, that identical bill has been reported favorably for two or three Congresses, and it is the bill now before Congress, so far as I recollect.

Mr. TELLER. No, this is not the bill which came from the Interior Department while I was Secretary.

Mr. DAWES. Of course I am not certain about that.

Mr. TELLER. I am frank to say that I approved that bill, and I have a full recollection of it. I took some interest in these people.

Mr. DAWES. If the Senator desires the bill to go over, I will not object. I have no doubt the Senator desires to do, so far as can be done, exact justice to these Indians, because I know in the past the measures which the Senator has recommended; and when he goes carefully into this again and refreshes his memory, as I hope he will before to-morrow, I think we shall have his co-operation.

The PRESIDENT *pro tempore*. The next bill on the Calendar will be stated.

WASHINGTON TERRITORY SCHOOL LANDS.

The bill (S. 558) for the relief of certain settlers upon the school lands of Washington Territory was considered as in Committee of the Whole.

The preamble recites that sections 16 and 36 of each township of land in Washington Territory was reserved to that Territory for school purposes; that December 2, 1869, the Legislative Assembly of the Territory, by an act duly passed, authorized the county commissioners of the several counties to lease those lands for a term of years not exceeding six, the money received therefor being placed in the school fund; and that the lands so leased are greatly enhanced in value by the cultivation thereof, and the lessees thereof have made valuable improvements thereon and incurred large expense in reducing the land to a state of cultivation, and will incur much loss if they are caused to abandon their improvements and cultivation; and that the validity of the leases is questioned.

The bill confirms the action of the county commissioners of the several counties of Washington Territory under the authority supposed to reside in the act of the Legislative Assembly of that Territory of December 2, 1869, entitled "An act to provide for the leasing of school lands in Washington Territory."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

WILLIAM R. WHEATON AND CHARLES H. CHAMBERLAIN.

The bill (S. 664) for the relief of William R. Wheaton and Charles H. Chamberlain, of California, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments: In line 7, after the words "the sum of" to strike out "$5,330.76" and insert "$3,800," and in line 9, after the word "being," to insert the words "a portion of;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to William R. Wheaton, register, and to Charles H. Chamberlain, ex-receiver of the land office at San Francisco, Cal., jointly, out of any money in the Treasury not otherwise appropriated, the sum of $3,800, being a portion of the amount deposited in the Treasury of the United States by them as fees for

testimony which was taken by clerks whose compensation was paid from the private funds of said register and said ex-receiver.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OREGON LAND DISTRICT.

The bill (S. 555) to establish an additional land district in the State of Oregon was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, to strike out all after the enacting clause and insert:

That so much of the districts of lands subject to sale under existing laws at Lakeview, La Grande, and The Dalles land districts, in the State of Oregon, as are contained in the following boundaries shall constitute a new land district, to be called the Harney land district, bounded as follows: Commencing at Snake River, in the State of Oregon, on township line between townships 12 and 13 south of second standard parallel; thence west to northwest corner of township 13 south, of range 24 east of Willamette meridian; thence due south to the southwest corner of township 29 south, of range 23 east of Willamette meridian; thence due east to the boundary line of the State of Oregon; thence north on said boundary line to the place of beginning.

SEC. 2. That the location of the office of said district shall be designated by the President of the United States, and may be changed from time to time by him as the public convenience may seem to require.

SEC. 3. That there shall be appointed by the President, by and with the advice and consent of the Senate, a register and a receiver for said land district, who shall respectively be required to reside at the site of the office, and be subject to the same laws and entitled to the same compensation as is or may be prescribed by law in relation to other land offices in said State.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL J. JOHNSON.

The bill (S. 1082) for the relief of I. R. B. Moore was considered as in Committee of the Whole. It proposes to confirm the location made by Samuel J. Johnson for the north half of southwest quarter of section 17, in township 12 north, of range 9 west, in Arkansas, containing 80 acres, on the 4th March, 1861, with military bounty-land warrant No. 32256, for 80 acres, under act March 3, 1855, in the name of Achilles Ferrill or Terrill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the issuance of patent to certain land in Arkansas."

LEGAL REPRESENTATIVES OF DAVID WALTER JONES.

The bill (S. 458) for the relief of the legal representatives of David Walter Jones was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, in line 4, after the word "directed," to strike out the words:

To pay to the legal representatives of David Walter Jones, late receiver of public moneys at the Mineral Point United States land office, in the State of Wisconsin, the sum of $2,096.43, in full payment and satisfaction of the balances due from the United States to the said David Walter Jones as such late receiver of public moneys.

And to insert:

To adjust and audit the claim of the legal representatives of David Walter Jones, deceased, late receiver of public moneys at the Mineral Point United States land office, in the State of Wisconsin, for two balances, one of $1,860.85, and the other of $235.58, aggregating the sum of $2,096.43, now appearing by the records of the Treasury Department to be due to said Jones, and to pay to such legal representatives of said Jones whatever sum of money, if any, may be found due and unpaid.

So as to make the bill read:

That the Secretary of the Treasury be, and he hereby is, authorized and directed to adjust and audit the claim of the legal representatives of David Walter Jones, deceased, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FORFEITURE OF UNEARNED RAILROAD LANDS.

The bill (S. 1430) to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes, was announced as next in order on the Calendar.

Mr. PLUMB. I ask that that bill may lie over and retain its place on the Calendar, giving notice that on Wednesday next, at the conclusion of the morning business, I shall ask the Senate to proceed to its consideration.

The PRESIDENT *pro tempore*. The bill will go over, retaining its place on the Calendar.

MANUFACTURE AND SALE OF GAS IN WASHINGTON.

The bill (S. 155) relating to the manufacture and sale of gas in the city of Washington, in the District of Columbia, and amendatory of an act entitled "An act regulating gas-works," approved June 23, 1874, was announced as next in order on the Calendar.

Mr. CAMERON. I object to the consideration of that bill.

The PRESIDENT *pro tempore*. The bill will be passed over under objection.

HOWARD D. POTTS.

The bill (S. 1370) for the relief of Assistant Engineer Howard D. Potts, United States Navy, was considered as in Committee of the Whole. It proposes to place the name of Assistant Engineer Howard D. Potts, United States Navy, on the retired-list of the Navy "for disabilities incurred in the line of duty from sickness or exposure therein."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

WILLIAM J. MARTIN.

The bill (S. 728) for the relief of William J. Martin, of Oregon, was considered as in Committee of the Whole. It refers to the Court of Claims for adjudication the claim of William J. Martin, of Oregon, heretofore presented to the War Department, being a balance of $7,520 alleged to be due and owing to him under his contract for beef cattle, made with Lieut. G. W. Hawkins, in June, 1849, and for the delivery of beef cattle under such contract for the use of the Army.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS P. MORGAN, JR.

The bill (S. 603) for the relief of Thomas P. Morgan, jr., was considered as in Committee of the Whole. It proposes to pay $4,898.04 to Thomas P. Morgan, jr., this sum being the amount of work done by him on the Norfolk Harbor, in the years 1881 and 1882, and declared forfeited to the United States by reason of the failure of Morgan to perform his contract within the time specified in his contract.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM C. DODGE.

The bill (S. 852) for the relief of William C. Dodge was considered as in Committee of the Whole.

The bill was reported from the Committee on Patents with an amendment, to fill the blank in line 6 with the words "ten thousand dollars;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to William C. Dodge, of Washington, D. C., the sum of $10,000 for a cartridge-loading machine furnished by him to the United States upon an order from the Ordnance Department, and for the use of his invention of the same, and of the patent therefor, dated July 17, 1866, and for his improvement in cartridges patented July 4, 1865, and for the infringement of his said patents by the United States; which said sum of $10,000 shall be in full satisfaction of all claims for such use and infringements, and for the relinquishment of all right to claim any further compensation for the use of the same by the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ASSIGNEES OF ADDISON C. FLETCHER.

The bill (S. 395) for the relief of Hyland C. Kirk and others, assignees of Addison C. Fletcher, was considered as in Committee of the Whole.

Mr. ALLISON. Let the report be read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. PLATT January 25, 1888:

The Committee on Patents, to whom was referred the bill (S. 395) for the relief of Hyland C. Kirk and others, assignees of Addison C. Fletcher, having had the same under consideration, submit the following report:

The Committee on Patents reported favorably a bill to the Forty-ninth Congress for the relief of Mr. Kirk and other assignees of Addison C. Fletcher, which bill was amended and passed by the Senate. The bill referred to the committee is understood to be the same in form as the one passed by the Senate, and its passage is recommended.

The report made by the committee at the last session is adopted and made part of this report, as follows:

"The legislation proposed by the bill is the reference of the claim of Hyland C. Kirk and others against the United States for the use of an alleged patented invention to the Court of Claims for an investigation of the facts involved. Two reasons exist why it can not be referred under the 'Bowman act,' so called, namely:

"1. That the statute of limitations runs against the claim, and

"2. That the present claimants are assignees of the original patentee.

"The committee think it is a case which may be properly referred to the Court of Claims for its investigation, reserving final action thereon to Congress, and recommend the indefinite postponement of the bill referred to the committee and the passage of the substitute bill, reported herewith, intended to secure such results.

"The facts upon which their action is based is well set forth in the report of the House Committee on Claims made at the present session, which is hereto appended and adopted as part of this report:

"'The Committee on Claims, to whom was referred House bill 3145, having fully considered the same, submit the following report:

"'This bill and the claim involved therein refer to a "perforated, tax-paid spirit stamp," adopted by the United States Government, under the act of July 20, 1868, and used in the collection of internal revenue during the years 1868, 1869, 1870, 1871, and 1872. (See Exhibit A, specimen of the stamp.)

"'According to the deposition of W. S. Andrews, a former internal-revenue collector (see Fletcher *vs.* United States, page 5), Fletcher's design was carried to Washington by him and deposited in the Internal Revenue Department about the 1st of November, 1867. The same device with the written specifications thereto appended was "returned to inventor by Internal Revenue Department August 17, 1868. Witness, W. M. Smith." (*Id.*, page 33.)

"'It appears from the records of the Patent Office that the title to this invention was originally claimed by four inventors. (See Exhibit B.) In the interference which was declared, the primary examiner decided in favor of Spencer M. Clark, at that time chief of the Bureau of Printing and Engraving.

"'The three examiners-in-chief, on appeal, reversed this decision, and decided in favor of Addison C. Fletcher.

"'Clark appealing, the Commissioner of Patents reversed the decision of the examiners-in-chief and decided in favor of Clark.

"'On appeal to the supreme court of the District of Columbia, Judge George P. Fisher reversed the decision of the Commissioner of Patents and awarded priority of invention to Fletcher. (See Exhibit C, opinion of the court.)

"'From this decision there was no appeal. But Clark's original claims and specifications were modified and a patent was granted to him for substantially the same device and issued to Adolphus S. Solomons as assignee. (See Exhibits D and E, Fletcher's and Clark's patents.)

"'Fletcher made demand for compensation and brought suit against the Government therefor in 1872. The Court of Claims found in 1876, when the case was dismissed, that there had been two "inventors of the same mechanical contrivance in the form of a stamp," and disclaimed jurisdiction in patent cases; the defense chiefly resting on the use of Clark's patent, and not Fletcher's.

"'Solomons, Clark's assignee, brought suit in the Court of Claims, September 17, 1875, for compensation for the use of this stamp, which is still pending. The court's decision in favor of the petitioner's patent, Hyland C. Kirk and others, assignees of Addison C. Fletcher, is now being used in the case by the Government as one of the defenses against Solomons. (See requests for findings of fact by the Attorney-General, Exhibit F.)

"'The petitioners' claim, being barred by the statute of limitations, they ask to be restored to court on the ground that they are the rightful owners of this stamp patent, and entitled to compensation.

"'Your committee have received a copy of a report, dated February 18, 1885, from the Internal Revenue Department, addressed to the Secretary of the Treasury, which recommends the reference of this claim to the Court of Claims. (See Exhibit G.)

"'In view, however, of the fact that this claim seems to involve a considerable sum of money, and that the passage of an act placing the matter in court to be tried upon its legal and equitable merits might seem to restrict the court to the finding of a judgment and to impose upon the Government the payment of a large sum of money in liquidation thereof, this bill provides simply that the claim be referred to the Court of Claims for a judicial investigation and finding of the facts, subject to the future action of Congress.

"'The committee return the accompanying bill as a substitute for bill H.R.3145, and recommend its passage, and that the original bill (H. R. 3145) do lie upon the table.'"

Mr. COCKRELL. I suggest, in line 20, on page 2, an amendment which I trust will be accepted. In line 20, after the word "owners," I move to strike out the words "together with the right of recovery and compensation" and insert "and their right to recover compensation." The bill now reads:

Issued to Addison C. Fletcher and alleged to have been duly assigned to said owners, together with the right of recovery and compensation for the alleged use thereof by the United States Government in the collection of revenue on distilled spirits and malt liquors during the years.

Mr. PLATT. I do not think there is any objection to that amendment.

Mr. COCKRELL. I think the amendment makes it a little more explicit than it otherwise would be.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Missouri.

The amendment was agreed to.

Mr. COCKRELL. In line 26 I suggest an amendment, which is a mere matter of grammatical construction, to strike out "is" and insert "are;" so as to read, "and are hereby referred to the Court of Claims." There is more than one thing to be referred to the court.

Mr. PLATT. I have no objection to that amendment.

The amendment was agreed to.

Mr. COCKRELL. In line 34, after the words "and the right of the claimants," I move to insert the words "to compensation."

Mr. PLATT. I have no objection to that amendment.

The amendment was agreed to.

Mr. COCKRELL. In line 40, after the word "sums," I suggest the insertion of the insignificant words "if any;" so as to read:

To find the aggregate sum or sums, if any.

It seems to take it for granted that there is to be a sum, and the words "if any" will leave that in doubt.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL REPORTS OF COMMITTEES.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 836) to amend an act to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich., approved March 2, 1885, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, reported a bill (S. 2442) to increase the appropriation for the public building at Detroit, Mich.; which was read twice by its title.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (S. 437) for the relief of Claude H. Mastin, surviving partner of the firm of Le Vert & Mastin, of Mobile, Ala., reported it with amendments, and submitted a report thereon.

INTERNATIONAL COPYRIGHT.

Mr. CHACE. I report from the Committee on Patents, with amendments, the bill (S. 554) to amend Title LX, chapter 3, of the Revised Statutes of the United States, otherwise called the international copyright bill.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. PLUMB. I should like to ask the Senator from Rhode Island who has made this report upon what is known as the question of international copyright whether it is based upon what is called the protective principle? I should like to ask him further whether the persons who have promoted the introduction of the bill and the report of it by the committee are persons who are in favor of what is known as the protective principle as applied to the labor and production of other persons than themselves?

Mr. CHACE. I will endeavor very briefly to answer the question of the Senator from Kansas. The provisions of the bill have no reference whatever to either the question of protection to American industries in the common acceptation of that term or the question of free trade. The tariff upon books might be doubled or quadrupled or it might be entirely repealed without having the slightest effect upon the operation of this bill. This is simply——

Mr. HARRIS. The copyright bill is not under consideration, I think.

Mr. SPOONER. The Senator from Rhode Island is answering a question.

The PRESIDENT *pro tempore*. The bill has been placed on the Calendar.

Mr. HARRIS. But it is not under consideration at present, I should think.

Mr. CHACE. I will say to the Senator from Tennessee that the Senator from Kansas asked me a question. I will answer it very briefly. I will take but a few minutes.

The PRESIDENT *pro tempore*. Is there objection to the Senator from Rhode Island proceeding?

Mr. HARRIS. Of course the Senator may finish his statement. I will not object to his concluding his statement, but I would prefer to go on with the Calendar.

Mr. CHACE. I will say to the Senator from Tennessee that I was necessarily called out of the Senate this morning during the morning hour, or I should have reported the bill at that time.

With reference to the views of the persons who are promoting the introduction and passage of the bill, I wish to say to the Senator from Kansas that they represent every possible shade of sentiment in regard to the question of protection and free trade. You will find ranged among the advocates of the bill extreme protectionists, extreme theoretical free-traders, mugwumps, Democrats, and Republicans, and men who believe in a revenue tariff and in moderate protection.

I desire to say further that the measure is non-partisan in character; that it has not the slightest political complexion. It is simply a question of national honor, a question whether we will do ourselves justice by recognizing the rights of foreign authors and thereby helping our own authors to secure their rights under the law.

Mr. PLUMB. I asked the question because I noticed some time ago in the proceedings of a meeting of authors in New York that the person who lately held down the position of minister from the United States to England, in appearing before the assemblage for the purpose of advocating international copyright, felt constrained to apologize to his audience on account of the fact that he was advocating protection for himself and his guild, while at the same time he was himself in favor of denying protection to other people who labor with their hands. He of course put himself in the attitude of saying that he thought head-work was entitled to protection, but hand-work was not entitled to protection.

I only wanted to know upon what theory the committee had proceeded in preparing this bill, and whether it was designed to give something to the people who are denying the same protection to other people which they ask for themselves?

Mr. COCKRELL. I call for the regular order.

Mr. CHACE. I wish to state, if the Senator will pardon me——

Mr. HARRIS. The regular order.

Mr. COCKRELL. I insist that the order made by unanimous consent ought not to be violated any further in this way, and I shall object to the report being received if I can not get rid of it in any other manner.

The PRESIDENT *pro tempore*. The next bill on the Calendar will be stated.

ESTATE OF THOMAS L. PRICE.

The bill (S. 475) for the relief of the estate of Thomas L. Price, deceased, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments: In line 8, to strike out the name "Warninner" and insert "Warinner;" in line 10 strike out the name "Col. J. H. Eaton" and insert "General John C. Frémont;" and in line 11, before the word "purposes," to insert the word "public;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and hereby is, authorized and directed to credit to Thomas L. Price, of Jefferson City, Mo., late brigadier-general of the United States volunteers, and now deceased, the sum of $2,000, being the amount received at Jefferson City, October 7, 1861, of R. O. Warinner, a paymaster in the United States Army, by order of General John C. Frémont, for special public purposes at that post by said Price, then command-

ing said post, and to release the estate of said Price from any and all liability therefor.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CORRECTION OF SOLDIERS' ROLLS.

The bill (S. 1295) for the relief of soldiers and sailors who enlisted or served under assumed names, while minors or otherwise, in the Army or Navy during the war of the rebellion, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments.

The first amendment was, in line 4, after the word "required," to insert the words "to correct the rolls and;" so as to read:

That the Secretary of War and the Secretary of the Navy be, and they are hereby, authorized and required to correct the rolls and to issue certificates of discharge or orders of acceptance of resignation, upon application and proof of identity, in the true name of such persons as enlisted or served under assumed names, while minors or otherwise, in the Army and Navy, during the war of the rebellion, and were honorably discharged therefrom.

The amendment was agreed to.

The next amendment was, in line 10, after the word "for," to insert the words "correction of rolls and for;" and, in line 13, after the word "such," to insert the words "correction of the rolls shall be made or such;" so as to read:

Applications for correction of rolls and for said certificates of discharge or amended orders of resignation may be made by or on behalf of persons entitled to them; but no such correction of the rolls shall be made or such certificate or order shall be issued where a name was assumed to cover crime or to avoid its consequences.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FALSE CAPE LIGHT-SHIP.

The bill (S. 1091) to establish a light-ship off False Cape, seacoast of Virginia, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. SHERMAN. It will be necessary to have a brief executive session, and if it is the pleasure of the Senate now, I will move that the Senate proceed to the consideration of executive business.

Mr. HARRIS. Had we not better run on until 5 o'clock and have an executive session then?

Mr. TELLER. Let us go on until 5 o'clock.

Mr. SHERMAN. Just as the Senate wishes.

Mr. SAWYER. Let us go on to 5 o'clock.

Mr. CULLOM. I hope the Senator from Ohio will not insist on his motion now.

Mr. SHERMAN. All right. At 5 o'clock I shall move that the Senate proceed to the consideration of executive business.

FRAUDULENT LAND-WARRANTS.

The bill (S. 245) to investigate the issue of fraudulent land-warrants, and to protect soldiers and sailors of the United States from loss therefrom, was announced as the next bill in order on the Calendar.

Mr. DOLPH. That bill was reported adversely from the Committee on Public Lands.

Mr. COCKRELL. Let that go over.

The PRESIDENT *pro tempore*. The bill was adversely reported and goes over under objection.

FLORIDA RAILROAD LAND GRANTS.

The bill (S. 1708) to provide for the judicial determination of the rights of the United States in lands granted to the State of Florida for the purpose of aiding in the construction of railroads, under an act of Congress approved May 17, 1856, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment.

Mr. PLATT. Is it the intention of this bill to direct the Attorney-General to bring certain suits, or only to authorize him to do it? That is the inquiry I should like to make of the chairman of the Committee on Public Lands [Mr. PLUMB].

Mr. CALL. I do not see the Senator from Kansas [Mr. PLUMB] in the Chamber. A similar bill was passed, after full debate, in the last Congress. This same bill exactly has been twice discussed and passed by the Senate. The bill directs the Attorney-General to bring suit.

Mr. PLATT. I have an impression that the first section of the bill is not exactly in the shape that it ought to be; but I make no objection to its passage.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LIVE-OAK LANDS IN LOUISIANA.

The bill (S. 196) to cancel certain reservations of lands, on account of live-oak, in the Southwestern land district of the State of Louisiana was considered as in Committee of the Whole.

It proposes to cancel and annul the reservation set apart by order of the President, October 21, 1845, in the Southwestern land district of the State of Louisiana, known as Pecan Island. All persons who have in good faith settled upon and made improvements upon Pecan Island at the time of the passage of the act, and who occupy the same, shall be entitled to enter the same, not exceeding 160 acres each, under the provisions of the homestead laws, and be admitted to make their proofs and complete their titles in the same manner as if the reservations for live-oak had not been made.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The PRESIDENT *pro tempore*. The next two bills on the Calendar, the bill (S. 747) granting aid in the construction of a railroad from the town of Titusville, Brevard County, Florida, to the Bight of Canaveral, with a branch to Banana River, in said State, and the bill (S. 1469) for the relief of the settlers upon the lands along the Des Moines River, above the Raccoon Falls, in the State of Iowa, having been adversely reported, will take their places on the Calendar under Rule IX.

COLORADO SALT SPRINGS.

The bill (S. 761) to amend section 11 of an act entitled "An act to enable the people of Colorado to form a State constitution and State government; for the admission of the said State into the Union on equal footing with the original States," was considered as in Committee of the Whole.

It proposes to amend section 11 of "An act to enable the people of Colorado to form a constitution and State government, and admission of the said State into the Union on an equal footing with the original States," approved March 3, 1875, so as to read:

SEC. 11. That all salt springs within said State, not exceeding twelve in number, with six sections of land adjoining, as contiguous as may be to each, shall be granted to said State for its use, the said land to be selected by the governor of said State within two years after the approval of this act: *Provided*, That if the surveys of the land so sought to be selected shall not be made within said two years, the time for said selections shall be extended for one year after the plats of the surveys have been made of said lands, are filed in the district land office for the proper district, and when so selected to be used and disposed of on such terms, conditions, and regulations as the Legislature shall direct: *Provided*, That no salt springs or lands the right whereof is now vested in any individual or individuals, or which shall hereafter be confirmed or adjudged to any individual or individuals, shall by this act be granted to said State.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

PAGOSA SPRINGS PUBLIC PARK.

The bill (S. 957) to establish a public park at Pagosa Springs, in the State of Colorado, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, line 27, after the word "hereby," to strike out the words "forever reserved from sale and dedicated to public use as a park, to be hereafter known as Bruno Park," and to insert:

Granted to the State of Colorado for a public park on the condition that the same shall be kept and maintained by the State for that use, and if at any time the said land shall be diverted from such use it shall revert and become the property of the United States.

The amendment was agreed to.

The next amendment was to strike out section 2, in the following words:

SEC. 2. That the land so reserved for a public park shall be under the control of the Secretary of the Interior, who shall provide for the survey of said park and marking the boundaries thereof; and he shall have power to provide for the preservation of the timber and for the protection of the natural curiosities contained in said park; and for that purpose he may appoint a superintendent to take charge of and exercise authority over said park, and who shall receive such annual compensation for such services as the Secretary of the Interior may determine; and such service may be terminated at any time the Secretary may direct.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DONATION CLAIMS IN OREGON AND WASHINGTON TERRITORY.

The bill (S. 1709) to provide for the issue of patents to certain persons for donation claims under the act approved September 27, 1850, commonly known as the donation law, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROCK CREEK RAILWAY COMPANY.

The bill (H. R. 2017) to incorporate the Rock Creek Railway Company of the District of Columbia was announced as next in order on the Calendar.

Mr. MORRILL. I object to this bill. I think we should not pass it without longer discussion than we can have at present. We ought to have some country road without a railroad on it. I object to the bill.

Mr. HARRIS. I hope the Senator will allow the Senate to consider the bill. It has been very carefully considered by the committee, and it is important, if passed at all, that the incorporators should go to work at once.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Vermont to object, and the bill will go over, retaining its place on the Calendar.

Mr. MORRILL. I have no objection to that.

The PRESIDENT *pro tempore*. That order will be made.

DETAILS OF ARMY OFFICERS TO EDUCATIONAL INSTITUTIONS.

The bill (S. 186) to amend section 1225 of the Revised Statutes, relating to details of Army officers to educational institutions, etc., was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments, in section 1, line 14, after the word "fifty," to insert "from the Army and ten from the Navy, being a maximum of sixty;" and in line 28, after the words "out of," to strike out "any small-arms or pieces of field artillery" and insert "ordnance and ordnance stores;" so as to make the bill read:

That section 1225 of the Revised Statutes of the United States, as amended by an act of Congress approved July 5, 1884, be, and the same is hereby, further amended, so as to read as follows:

"SEC. 1225. The President may, upon the application of any established college or university within the United States having capacity to educate at the same time not less than one hundred and fifty male students, detail an officer of the Army to act as president, superintendent, or professor thereof; but the number of officers so detailed shall not exceed fifty from the Army and ten from the Navy, being a maximum of sixty, at any time, and they shall be apportioned throughout the United States, first, to those State institutions applying for such detail that are required to provide instruction in military tactics under the provisions of the act of Congress of July 2, 1862, donating lands for the establishment of colleges where the leading object shall be the practical instruction of the industrial classes in agriculture and the mechanic arts, including military tactics; and after that, said details to be distributed, as nearly as may be practicable, according to population. Officers so detailed shall be governed by general rules prescribed from time to time by the President. The Secretary of War is authorized to issue, at his discretion and under proper regulations to be prescribed by him, out of ordnance and ordnance stores belonging to the Government, and which can be spared for that purpose, such number of the same as may appear to be required for military instruction and practice by the students of any college or university under the provisions of this section, and the Secretary shall require a bond in each case, in double the value of the property, for the care and safe-keeping thereof, and for the return of the same when required."

The amendments were agreed to.

Mr. ALLISON. I move to strike out the last clause. The bill will go into effect on its passage, of course, without saying so.

Mr. MANDERSON. Strike out all after the word "existing," in the eighth line of section 2.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In section 2, line 8, after the word "existing," it is proposed to strike out:

And this act shall take effect and be in force from and after its approval according to law.

So as to make the section read:

SEC. 2. That the said section 1225 of the Revised Statutes of the United States, as amended by the said act of Congress approved July 5, 1884, and all acts and parts of acts inconsistent or in conflict with the provisions of this act, be, and the same are hereby, repealed, saving always, however, all acts and things done under the said amended section as heretofore existing.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. MANDERSON, the title was amended so as to read: "A bill to amend section 1225 of the Revised Statutes, concerning details of officers of the Army and Navy to educational institutions," etc.

TIMBER ON MENOMONEE LANDS IN WISCONSIN.

Mr. DAWES. I have discovered a misprint in a word in a bill already passed, which I ask unanimous consent may be changed. It is Calendar No. 57, being the bill (S. 358) to authorize the sale of timber on certain land reserved for the use of the Menomonee tribe of Indians, in the State of Wisconsin. In section 4, line 7, the word "that," after the word "provided," should be "and" to make sense. The section would then read:

SEC. 4. That the sum of $5,000, or so much thereof as may be necessary, be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of the expenses of survey, appraisal, and sale thereof, which expenses shall be reimbursed to the Treasury of the United States from the first proceeds of the sale of timber as hereinbefore provided, and the residue of such proceeds shall be paid to or funded for the benefit of said tribe, in such manner as the President may determine.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the amendment suggested by him be made to the text of the bill. The amendment may be agreed to by unanimous consent. The Chair hears no objection. The proper journal entries will be made.

BILLS INTRODUCED.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

Mr. BLAIR. Allow me to introduce a bill for reference.

Mr. SHERMAN. Let me first submit the motion.

The PRESIDENT *pro tempore*. The Senator from Ohio is recognized as making the motion. If he yields for the purpose of enabling the Senator from New Hampshire to introduce a bill, the Chair will receive the bill.

Mr. BLAIR introduced a bill (S. 2443) providing, in the appointments to the civil service, for the preference in certain cases of persons who were engaged in the military or naval service of the so-called Confederate States of America during the war of the rebellion, and who were disabled therein and were not dishonorably discharged therefrom; which was read the first time by its title.

Mr. BLAIR. The bill draws the same distinction between those engaged in the military service of the Confederate States and other disloyal persons that is drawn in regard to loyal persons who were not engaged in service and those who were engaged in the service of the United States during the war.

Mr. DAWES. If that is not a long bill, I should like to hear it read at length.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be read at length.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That before persons shall be appointed to the civil service of the United States it shall be made to appear whether such persons were loyal to the Government of the United States during the war of the rebellion, if of lawful age at any time during said war; and whenever such persons not loyal to the United States during said war shall be appointed to office in the civil service, those not dishonorably discharged from the military or naval service of the so-called Confederate States, and now suffering from disability resulting from wounds or sickness incurred in said service, shall be preferred to other persons not shown to have been loyal in the war of the rebellion, provided they are found to possess the business capacity necessary to the proper discharge of such offices.

Mr. PLATT. I should like to hear the title of that bill read once more.

The PRESIDENT *pro tempore*. The title will be read.

The CHIEF CLERK. A bill providing in the appointments to the civil service for the preference in certain cases of persons who were engaged in the military or naval service of the so-called Confederate States of America during the war of the rebellion, and who were disabled therein and were not dishonorably discharged therefrom.

Mr. PLATT. That is a pretty unfortunate title, and I will not consent to the second reading of such a bill to-day.

Mr. SPOONER. Is that a preference over Union soldiers?

The PRESIDENT *pro tempore*. The bill, having been read the first time by its title, will lie on the table for its second reading to-morrow.

Mr. EVARTS introduced a bill (S. 2444) authorizing the Secretary of the Treasury to make final adjustment of claims of certain foreign steam-ship companies arising from the illegal exaction of tonnage dues; which was read twice by its title, and referred to the Committee on Claims.

Mr. TELLER introduced a bill (S. 2445) to provide for the formation and admission into the Union of the State of Wyoming, and for other purposes; which was read twice by its title, and referred to the Committee on Territories.

HOUSE BILLS REFERRED.

The PRESIDENT *pro tempore*. The Chair lays before the Senate bills from the House of Representatives for reference.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 314) authorizing the Secretary of War to place the name of James L. Henderson on the roll of Company B, Sixteenth Kentucky Volunteers; and

A bill (H. R. 165) for the relief of H. C. Markham.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 92) for the relief of Morgan Rawls;

A bill (H. R. 610) for the relief of William Lavery;

A bill (H. R. 518) for the relief of T. J. Edwards, administrator of David Edwards, deceased;

A bill (H. R. 742) for the relief of John F. Cadwallader;

A bill (H. R. 878) for the relief of John D. Maxted and Robert J. B. Newcombe;

A bill (H. R. 1050) for the relief of Charles M. Kennerly; and

A bill (H. R. 8002) for the relief of Elizabeth Mulvehill.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 183) granting a pension to the minor children of William Clark;

A bill (H. H. 417) granting a pension to David Strunk;

A bill (H. R. 807) for the relief of Horatio R. Maryman;

A bill (H. R. 816) granting a pension to Charlotte Broad;

A bill (H. R. 822) granting a pension to Miles S. Scribner;

A bill (H. R. 824) granting a pension to Isaiah G. Mayo;
A bill (H. R. 2078) granting a pension to Charlotte T. Clark;
A bill (H. R. 2259) to grant a pension to John M. Haley;
A bill (H. R. 2416) granting a pension to Mrs. Hannah F. Brock;
A bill (H. R. 2498) granting a pension to Alonzo Higley;
A bill (H. R. 2518) granting an increase of pension to John Rowe;
A bill (H. R. 2694) granting a pension to Julia A. Griffen;
A bill (H. R. 3490) granting a pension to James M. Berry;
A bill (H. R. 3603) to increase the pension of Maxwell Carroll;
A bill (H. R. 3682) to pension Emily Goodall;
A bill (H. R. 3870) granting a pension to Albert Nevin;
A bill (H. R. 4106) granting a pension to Olive Wallace;
A bill (H. R. 4110) granting a pension to Mehitable Wheelock;
A bill (H. R. 4534) for the relief of Emily G. Mills;
A bill (H. R. 4550) granting a pension to Chloe Quiggle, widow of Philip Quiggle;
A bill (H. R. 4672) granting an increase of pension to Mrs. Emily M. Wyman;
A bill (H. R. 4685) granting a pension to Lizzie F. Reed;
A bill (H. R. 5176) granting a pension to Thomas J. Parker;
A bill (H. R. 5233) granting a pension to William F. Randolph;
A bill (H. R. 5363) granting a pension to David Johnson;
A bill (H. R. 5388) granting a pension to Elizabeth Buffington;
A bill (H. R. 4633) granting a pension to Morris T. Mantor;
A bill (H. R. 6586) granting a pension to Nancy O. Gray;
A bill (H. R. 6974) for the relief of Mary E. Hawn, widow of Emanuel R. Hawn, late surgeon of the Forty-ninth Regiment Indiana Volunteers, deceased;
A bill (H. R. 6984) granting a pension to Margaret E. Graves;
A bill (H. R. 7171) to restore to the pension-roll the name of Isaac Dilley; and
A bill (H. R. 7891) for the relief of Cynthia J. Leroy.

The bill (H. R. 5984) for the relief of James Gaster was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 1076) authorizing the construction of a bridge across the Tennessee River at Chattanooga, Tenn., was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 8044) to change the time of the sessions of the circuit and district courts of the northern division of the eastern district of Missouri was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 8464) for the relief of the Merchants' National Bank of Poughkeepsie, N. Y., was read twice by its title, and referred to the Committee on Finance.

MARY S. WELLS.

The bill (H. R. 6789) granting a pension to Mary S. Wells was read twice by its title.

Mr. CAMERON. I ask that that bill be placed on the Calendar, a similar bill having been reported by the Committee on Pensions, and being now on the Calendar.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Pennsylvania. The Chair hears none, and it is so ordered.

EXECUTIVE SESSION.

Mr. SHERMAN. I renew my motion.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 32 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 20, 1888, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 19th day of March, 1888.

TERRITORIAL JUDGE.

Micah C. Saufley, of Kentucky, to be associate justice of the supreme court of the Territory of Wyoming, in the place of Jacob B. Blair, whose term will expire March 24, 1888.

The nomination of Michael C. Saufley to the above-named office, which was sent to the Senate on the 12th instant, is withdrawn.

PENSION AGENT.

Jacob Schenkelberger, of New York, to be pension agent at Syracuse, in the State of New York, in the place of Theodore L. Poole, whose term has expired.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 12, 1888.

POSTMASTERS.

David H. Mudgett, to be postmaster at Dexter, in the county of Penobscot and State of Maine.

John D. England, to be postmaster at Lindsborg, in the county of McPherson and State of Kansas.

P. W. Bundick, to be postmaster at Augusta, in the county of Butler and State of Kansas.

Harrison Peck, to be postmaster at Nunda, in the county of Livingston and State of New York.

Philip H. Miller, to be postmaster at Canal Dover, in the county of Tuscarawas and State of Ohio.

Thomas B. Griffith, to be postmaster at Terrell, in the county of Kaufman and State of Texas.

Charles G. Juden, to be postmaster at Cape Girardeau, in the county of Cape Girardeau and State of Missouri.

Executive nominations confirmed by the Senate March 19, 1888.

REGISTER OF LAND-OFFICE.

Charles C. Jones, of Neligh, Nebr., to be register of the land-office at Neligh, Nebr.

RECEIVER OF PUBLIC MONEYS.

Jabez C. Street, of Bluff Spring, Ala., to be receiver of public moneys at Huntsville, Ala.

UNITED STATES CONSUL.

Alexander J. Jones, of Springfield, Ill., to be consul of the United States at Barranquilla.

POSTMASTER.

Miss Mary F. Ballentine, to be postmaster at Syracuse, Otoe County, Nebraska.

HOUSE OF REPRESENTATIVES.

MONDAY, *March* 19, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D., of Washington, D. C.

The Journal of Saturday's proceedings was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LAGAN, for ten days, on account of important business.

To Mr. MCCREARY, for four days, on account of important business.

H. C. MARKHAM.

Mr. HENDERSON, of Iowa. I ask unanimous consent to call up from the Private Calendar for present consideration the bill (H. R. 165) for the relief of H. C. Markham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion resting upon the military record of H. C. Markham, late assistant surgeon Nineteenth Regiment Wisconsin Volunteers, and to issue to said H. C. Markham an honorable discharge from the service of the United States.

Mr. HENDERSON, of Iowa. The report is somewhat lengthy. I think there is no use of reading it, unless it is called for.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HENDERSON, of Iowa, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE AT CHATTANOOGA, TENN.

Mr. NEAL. I ask unanimous consent to call up for present consideration the bill (H. R. 1076) authorizing the construction of a bridge across the Tennessee River at Chattanooga, Tenn.

The bill was reported from the Committee on Commerce with amendments.

As proposed to be amended it was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby given to the Chattanooga Bridge Company, a corporation organized under the laws of the State of Tennessee, having its principal office at Chattanooga, in said State, and to its successors or assigns, to build, construct, and maintain a bridge, as hereinafter described, across the Tennessee River at Chattanooga, in the State of Tennessee, the southern terminus of said bridge to be at some point between the west line of Market street and the east line of Georgia avenue of said city, and the bridge to be constructed at right angles to said stream to a point on the north side thereof. Said bridge shall be constructed to provide for the passage of street cars, wagons, and vehicles, and the transit of animals and foot-passengers, and equal facilities for passage across said bridge shall be afforded to all wagons and vehicles and the cars of all street-car companies.

SEC. 2. That any bridge built under this act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post-route, upon which no higher charge shall be made for the transmission over the same of the mails, troops, and munitions of war of the United States than the rate per mile paid for the transportation over the highways leading to said bridge; and it shall enjoy the rights and privileges of other post-routes in the United States, and equal privileges in the use of said bridge shall be granted to all telegraph companies, and the United States shall have the right of way across said bridge and its approaches for postal telegraph purposes.

SEC. 3. That if said bridge shall be made with unbroken and continuous spans,

the two main spans thereof shall be over the main channels of the river and not less than 300 feet each in length in the clear, and the remaining spans shall not be less than 200 feet each in length in the clear. The lowest part of the superstructure of the south span of said bridge shall not be less than 100 feet and the remaining spans not less than 90 feet above low-water mark as understood at the point of location, and the bridge shall be at right angles to and its piers parallel to the current of the river: *Provided*, That if any bridge built under this act shall be constructed as a pivot draw-bridge its draw shall be over the main channel at an accessible and the best navigable point, and with spans giving a clear water-way, measured at the lowest stage of water known at the locality, of not less than 160 feet in the clear on each side of the central or pivot pier of the draw; the main unbroken span of the bridge shall not be less than 300 feet in the clear, and the remaining spans not less than 200 feet each in the clear, and the lowest part of the superstructure of all the principal spans shall not be less than 75 feet above low-water mark as understood at the point of location, and the piers of said bridge shall be parallel to and the bridge itself at right angles to the current of the river: *Provided*, That said draw shall be opened promptly upon reasonable signals for the passage of boats or vessels; and said corporation shall maintain at its own expense from sunset to sunrise such light or other signals as the Secretary of War shall prescribe.

SEC. 4. That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of the navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War for his examination and approval a design and drawings of the bridge, and a map of the location, giving, for the space of 1 mile above and 1 mile below the proposed location, the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the current at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built; and should any change be made in the plans of said bridge during the progress of construction, such change shall be subject to the approval of the Secretary of War. Said company shall be allowed to charge reasonable tolls for transit over said bridge, but the Secretary of War shall have the right from time to time to revise, prescribe, and determine such rates or tolls.

SEC. 5. The right to alter, amend, or repeal this act so as to prevent or remove all material and substantial obstructions to the navigation of said river by the construction of said bridge is hereby expressly reserved; and any alteration or change that may be required by Congress in the bridge constructed under this act shall be made by the corporation or party owning or controlling the same at its own expense. If the construction of said bridge shall not be commenced within two and completed within four years after the passage of this act, all privileges conferred hereby and this act shall become null and void.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. Are separate votes demanded on the amendments?

No separate vote was demanded, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. NEAL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT SUSPENSION BRIDGE, N. Y.

Mr. WEBER. I ask unanimous consent to call up the bill (H. R. 1689) providing for the erection of a public building at Suspension Bridge, N. Y.

The bill, which was reported by the Committee on Public Buildings and Grounds with amendments, was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BLAND. If the House will give consent to two hours for the consideration of the bill, I shall not object; otherwise I shall. I do not think it quite proper that these bills making appropriations for public buildings should be rushed through by unanimous consent and without time for debate and consideration. I ask that two hours shall be devoted to the consideration of the bill if it is to be considered.

The SPEAKER. The gentleman from Missouri states that he objects to the consideration of the bill unless two hours are allowed for debate. Is there objection to that arrangement?

Mr. RANDALL. I object.

Mr. HATCH. I make the point of order that the gentleman from Missouri can not make a conditional objection. He must either object to the consideration of the bill or not.

The SPEAKER. The gentleman objects to the consideration of the bill, but says he will withdraw the objection if two hours are allowed for debate.

Mr. WEBER. If I can make it more palatable to the gentleman on the other side I will state that I do not propose to occupy more than five minutes and he can have an hour.

The SPEAKER. Objection is made.

WOOL-GROWING INDUSTRY.

Mr. JOSEPH D. TAYLOR. I ask unanimous consent to have printed in the RECORD a petition signed by about two thousand voters of Guernsey County, Ohio, for the restoration of the 1867 tariff on wool; also, another, extensively signed through the district, in reference to the duty on wool. It has been signed by several thousand legal voters.

Mr. BRECKINRIDGE, of Kentucky. How long are those petitions?

Mr. JOSEPH D. TAYLOR. The one consists of five lines and the other is longer.

Mr. BRECKINRIDGE, of Kentucky. I object.

Subsequently the objection was withdrawn, and unanimous consent was given to print the petitions in the RECORD.

They are as follows:

To the Congress of the United States:

Your petitioners, wool-growers of Guernsey County, Ohio, solicitous for the maintenance of an industry already greatly impaired, respectfully ask for the re-enactment of the tariff of 1867 as applicable to wool, with such amendments as will give to the wool-grower protection equivalent to that given him by said law.

To the honorable the Senate and House of Representatives of the United States:

The undersigned, citizens of the county of Noble and State of Ohio: We respectfully petition your honorable body for speedy action on the subject of protection to the wool-growing and woolen-manufacturing industries of this country. They represent that the changes made by the act of Congress of March 3, 1883, reducing protection to these industries, have already resulted in great injury to the sheep-growing interest, as well as to the manufacturing interests, and that, if continued, must result in the destruction, to a very great extent, of the wool-growing industry in all parts of our country, and also largely increase the price of mutton to the consumer. They represent that the number of sheep in the United States in 1883 was 49,237,291 (an increase of 15,453,691 since 1875), and which was reduced to 44,759,314 in 1887, showing a loss of 4,477,977 sheep in four years, whilst with proper protection the number, at the same ratio of increase, in 1887 would probably have been about 64,000,000. A further effect of this injurious legislation was an enormous increase in importation of foreign wool, both in unmanufactured and manufactured state, especially the latter, to the great loss of our domestic laboring classes, whether employed on farms or in workshops, and yielding an increase in revenue to the Government of about $4,000,000 per annum at a time when it was not needed.

They therefore ask that the schedule of duties unanimously agreed upon by the representatives of the wool growers and woolen manufacturers at Washington, on January 14, 1888, may be enacted into a law at an early day, and, pending the passage of such bill, in accordance with the further action of said convention, "we urgently request Congress to immediately pass a joint resolution correcting the present erroneous classification of worsteds by directing that they be classified as woolen cloths."

DUTIES ON FARM PRODUCE.

Mr. BUCHANAN. I desire to present and have printed in the RECORD a memorial of the New Jersey State Board of Agriculture against any reductions of the duties imposed on farm produce.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. BRECKINRIDGE, of Kentucky. I object.

Subsequently, Mr. BRECKINRIDGE, of Kentucky, withdrew his objection.

The memorial is as follows:

NEW JERSEY STATE BOARD OF AGRICULTURE, SECRETARY'S OFFICE,
Trenton, N. J., March 12, 1888.

In the name of the New Jersey State Board of Agriculture we emphatically protest against any reduction of the duties imposed on farm produce, and we hereby memorialize our Senators and Members of Congress that in making any changes in our revenue laws they should increase rather than decrease the duties on all raw materials produced in this country.

E. BURROUGH, *President.*

Attest:
FRANKLIN DYE, *Secretary.*

AMENDMENTS TO PUBLIC-LAND BILL.

Mr. DORSEY. I ask unanimous consent to have printed in the RECORD amendments to the bill (H. R. 7901) which I send to the desk.

The SPEAKER. Consent has already been given to print amendments to that bill.

The amendments were read, as follows:

Insert, in line 2, section 29, after "sections," "2259, 2260, 2262, 2263, 2264, 2267, 2273."

Amend section 24, in line 4, by striking out "three" and inserting "six."

Amend section 25 by adding:

"*It is further provided*, That in all cases where notice by publication of intention to make final proof upon any land taken under the provision of this act is required the entrymen shall be allowed ten days following the day named in the advertisement in which to complete proof and present witnesses."

Additional section, to follow section 25:

"That any person who may make a homestead entry upon any of the agricultural lands of the United States under the provisions of this act, and who shall erect a dwelling-house thereupon worth at least $300, and shall put into cultivation 20 acres of said land, shall, after one year's residence thereon, have the right to commute said entry under such rules as the Secretary of the Interior may prescribe, and upon the payment of $1.25 per acre shall be entitled to receive a patent for said land."

Mr. FELTON offered the following amendment:

Strike out the words "or who has filed his declaration of intention to become such as required by the naturalization laws," in lines 5 and 6, page 2; lines 5, 6, and 7, page 8, and lines 7, 8, and 9, page 12 of the printed bill.

ORDER OF BUSINESS.

Mr. KEAN. Mr. Speaker, I have a brief petition here that I would like to have printed in the RECORD.

The SPEAKER. The regular order is demanded. The regular order is the call of States and Territories for the introduction of bills and resolutions.

ACCOUNTS OF UNITED STATES MARSHALS.

Mr. OATES introduced a bill (H. R. 8631) to expedite the settlement of the accounts of United States marshals, and to regulate the payment of jurors and witnesses in the courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MOBILE AND BIRMINGHAM RAILWAY.

Mr. BANKHEAD introduced a bill (H. R. 8632) granting the right of way to the Mobile and Birmingham Railway Company across the

Mount Vernon arsenal reservation, in Mobile County, Alabama; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RESERVATION LINE, HOT SPRINGS, ARK.

Mr. ROGERS introduced a bill (H. R. 8633) to change the United States reservation line on Central avenue in Hot Springs, Ark.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MACHINERY FOR BEET-SUGAR MAKING.

Mr. FELTON introduced a joint resolution (H. Res. 133) for the admission of machinery for the manufacture of beet-sugar exclusively; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

FORT SEDGWICK MILITARY RESERVATION.

Mr. SYMES introduced a bill (H. R. 8634) to provide for the sale of the Fort Sedgwick military reservation, in the State of Colorado and the Territory of Wyoming, to actual settlers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LIGHT-HOUSE, ST. JOSEPH'S POINT.

Mr. DAVIDSON, of Florida, introduced a bill (H. R. 8635) for the establishment of a light-house at or near St. Joseph's Point, in the State of Florida; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ISAAC N. ENLOE.

Mr. BAKER, of Illinois, introduced a bill (H. R. 8636) for the relief of Isaac N. Enloe; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BOUNTIES.

Mr. BYNUM introduced a bill (H. R. 8637) in relation to bounties of soldiers in late war of the rebellion; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SUGAR-TESTING FACTORY, TERRE HAUTE, IND.

Mr. JOHNSTON, of Indiana, introduced a bill (H. R. 8638) to establish an experimental sugar-testing manufactory at the city of Terre Haute, Ind.; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

STATUE OF ROBERT DALE OWEN.

Mr. HOVEY introduced a joint resolution (H. Res. 134) for the erection of a statue of Robert Dale Owen on the grounds of the Smithsonian Institution; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

DES MOINES RIVER LANDS.

Mr. LYMAN presented concurrent resolutions of the General Assembly of the State of Iowa, in favor of the passage of the Senate bill now pending for the relief of settlers on what are known as the Des Moines River lands in Iowa; which were referred to the Committee on the Public Lands.

Mr. FULLER presented concurrent resolutions of the General Assembly of Iowa, asking the passage of the bill introduced in the Senate by Hon. JAMES F. WILSON and now pending, so far as it has for its object to provide that the Attorney-General immediately commence proceedings in the courts with a view to remove all clouds from the title to the lands known as "Des Moines River lands;" which were referred to the Committee on the Public Lands.

INVESTIGATION OF RAILROAD STRIKES.

Mr. ANDERSON, of Iowa, offered a resolution directing the appointment of a committee of five members of the House to investigate railroad strikes and to report what legislation is necessary to prevent such obstructions to commerce and disturbance of the public peace; and asked unanimous consent that the resolution be read and printed in the RECORD.

The SPEAKER *pro tempore* (Mr. HATCH in the chair). The request to have the resolution printed in the RECORD is not in order during the pendency of this call.

Mr. ANDERSON, of Iowa. Is it in order to ask to have the resolution read?

The SPEAKER *pro tempore*. That is in order.

Mr. ANDERSON, of Iowa. Then I ask to have it read.

The resolution was read.

The SPEAKER *pro tempore*. The resolution will be referred to the Committee on Commerce.

Mr. ANDERSON, of Iowa. Is it not now in order to ask that the resolution be printed in the RECORD?

The SPEAKER *pro tempore*. That request is not in order till this call is completed, when the Chair will recognize the gentleman to make the request.

Mr. TAULBEE. Does not the resolution go into the RECORD without any such request?

Mr. CLARDY. I rise to a parliamentary inquiry. I wish to know whether this resolution should not properly go to the Committee on Rules.

The SPEAKER *pro tempore*. The Chair will examine the resolution. During the reading there was so much confusion that the Chair did not understand it distinctly. [After examining the resolution.] The point made by the gentleman from Missouri [Mr. CLARDY], the chairman of the Committee on Commerce, is sustained. The resolution proposes that the Speaker appoint a special committee for a certain investigation. The reference of the resolution will be changed, and it will be referred to the Committee on Rules. The Chair will now hear the inquiry of the gentleman from Kentucky [Mr. TAULBEE].

Mr. TAULBEE. My inquiry was whether or not the resolution, having been read, did not under the rule go into the RECORD?

The SPEAKER *pro tempore*. It does not. During this call any member has the right to call for the reading of every bill or resolution presented; but such reading does not necessarily cause the printing of the document in the RECORD. The request for that purpose must be made after the call is over.

Mr. TAULBEE. Is it not the custom to print these resolutions in the RECORD?

The SPEAKER *pro tempore*. It is not. The Chair knows of no instance in which it has ever been done, except by the action of the House.

Mr. TAULBEE. Well, I do not want to make any further question with the Chair; but I remember very distinctly a case where it was done a few days ago.

The SPEAKER *pro tempore*. Then, if the gentleman will examine that case, he will find, unless it was a mistake on the part of officers of the House, it was done by order of the House. But when the regular call of the States on Monday for the introduction of bills and resolutions is proceeding no request for printing in the RECORD any bill or resolution is in order. Such requests are entertained at the conclusion of the call.

[The resolution will be found on page 2228.]

RELIEF TO DES MOINES RIVER LAND SETTLERS.

Mr. ANDERSON, of Iowa, also presented a concurrent resolution of the Legislature of the State of Iowa, requesting Senators and Representatives in Congress from that State to vote for the passage of the bill giving relief to settlers on Des Moines River lands; which was referred to the Committee on the Public Lands, and ordered to be printed.

Mr. CONGER presented a concurrent resolution of the Legislature of Iowa, urging the passage of the bill for the relief of settlers on the Des Moines River lands introduced in the United States Senate by Hon. JAMES F. WILSON, and now pending in Congress; which was referred to the Committee on the Public Lands, and ordered to be printed.

Mr. HENDERSON, of Iowa, presented a concurrent resolution of the Legislature of the State of Iowa, in favor of the passage of the bill for relief of settlers on the Des Moines River lands; which was referred to the Committee on the Public Lands, and ordered to be printed.

RAILROAD THROUGH FORT LEAVENWORTH MILITARY RESERVATION.

Mr. MORRILL introduced a bill (H. R. 8639) granting the Leavenworth Rapid Transit Railway Company the right to construct and operate its railroad through a portion of the military reservation at Fort Leavenworth, Kans.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BUSINESS OF INVALID PENSIONS COMMITTEE.

Mr. MORRILL introduced a resolution setting apart Wednesday, May 2, and Thursday, May 3, for the consideration of bills reported by the Committee on Invalid Pensions.

The SPEAKER *pro tempore*. This resolution will be referred to the Committee on Rules.

Mr. MORRILL. I move its reference to the Committee on Invalid Pensions.

The SPEAKER *pro tempore*. The gentleman from Kansas [Mr. MORRILL] has introduced a resolution, just read by its title, which the Chair has stated belongs to the Committee on Rules. The gentleman from Kansas moves that it be referred to the Committee on Invalid Pensions.

Mr. DINGLEY. Is this a resolution fixing a time for the consideration of bills from the Committee on Invalid Pensions?

The SPEAKER *pro tempore*. The Clerk will report the resolution again.

The Clerk again read the title of the resolution.

Mr. DINGLEY. I hope the resolution will be referred to the Committee on Invalid Pensions.

The SPEAKER *pro tempore*. The Chair has stated that under the rules the resolution would go to the Committee on Rules. The gentleman from Kansas moves that it be referred to the Committee on Invalid Pensions.

The question being taken on the motion of Mr. MORRILL, there were—ayes 102, noes 74.

Mr. ROGERS. I call for tellers.

Mr. COWLES. I call for the yeas and nays.

Mr. BURROWS. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. SPRINGER. Will the Chair state the question?

The SPEAKER *pro tempore*. The Clerk will report the resolution in full.

The Clerk read as follows:

Resolved, That it is hereby ordered by the House that Wednesday, May 2, and Thursday, May 3, immediately after the hour for the consideration of bills by committees, be set apart for the consideration of bills and measures reported from the Committee on Invalid Pensions, in such order as may be designated by said committee, but not to interfere with revenue bills, appropriation bills, or prior orders; and if displaced by these or by any cause, the same days in each subsequent week shall be substituted for those herein named, until two days, or so much thereof as may be necessary, are devoted to the consideration of measures reported by said committee.

Mr. NELSON. I would like to ask the gentleman from Kansas whether the object of the committee is to bring up the Logan and Blair pension cases?

Mr. MORRILL. Not at all; this is for general bills reported from the committee.

The SPEAKER *pro tempore*. Debate is not in order. The question is on the motion of the gentleman from Kansas that this resolution be referred to the Committee on Invalid Pensions. The yeas and nays have been ordered. The Clerk will call the roll.

The question was taken; and there were—yeas 135, nays 100, not voting 89; as follows:

YEAS—135.

Adams,	Dalzell,	Kennedy,	Rowell,
Allen, Mass.	Darlington,	Lane,	Russell, Conn.
Allen, Mich.	De Lano,	Lind,	Ryan,
Anderson, Iowa	Dingley,	Long,	Scull,
Anderson, Kans.	Dunham,	Lyman,	Seney,
Arnold,	Farquhar,	Lynch,	Seymour,
Baker, N. Y.	Felton,	Macdonald,	Smith,
Baker, Ill.	Finley,	Mahoney,	Sowden,
Bayne,	Fisher,	McAdoo,	Spooner,
Bingham,	Flood,	McCormick,	Steele,
Boothman,	Foran,	McKenna,	Stewart, Vt.
Bound,	Fuller,	McKinley,	Symes,
Boutelle,	Funston,	McShane,	Taulbee,
Bowdell,	Gaines,	Moffitt,	Taylor, E. B., Ohio
Bowen,	Gear,	Morrill,	Taylor, J. D., Ohio
Brewer,	Gest,	Morrow,	Thomas, Ky.
Browne, T. H. B. Va.	Grosvenor,	Morse,	Thomas, Wis.
Browne, Ind.	Grout,	Nelson,	Thompson, Ohio
Brown, Ohio	Harmer,	Nutting,	Thompson, Cal.
Brown, J. R., Va.	Haugen,	O'Donnell,	Turner, Kans.
Brumm,	Henderson, Iowa	O'Neill, Mo.	Vandever,
Buchanan,	Henderson, Ill.	Osborne,	Wade,
Bunnell,	Hermann,	Ower,	Warner,
Burnett,	Hires,	Parker,	Weber,
Burrows,	Hitt,	Patton,	West,
Campbell, F., N. Y.	Hogg,	Payson,	White, N. Y.
Caswell,	Holmes,	Perkins,	Whiting, Mass.
Cheadle,	Hopkins, Ill.	Peters,	Wickham,
Chipman,	Hopkins, N. Y.	Phelps,	Williams.
Clark,	Hovey,	Plumb,	Wilson, Minn.
Conger,	Hunter,	Post,	Woodburn,
Cooper,	Johnston, Ind.	Pugsley,	Yardley,
Crouse,	Kean,	Rayner,	Yost.
Cutcheon,	Kelley,	Romeis,	

NAYS—100.

Abbott,	Crisp,	Laffoon,	Rogers,
Allen, Miss.	Culberson,	Landes,	Rowland,
Anderson, Ill.	Dargan,	Lanham,	Russell, Mass.
Bacon,	Davidson, Ala.	Maish,	Rusk,
Bankhead,	Davidson, Fla.	Mansur,	Sayers,
Barnes,	Dibble,	McClammy,	Shively,
Barry,	Dockery,	McKinney,	Simmons,
Biggs,	Elliott,	McMillin,	Springer,
Blanchard,	Enloe,	McRae,	Stewart, Tex.
Bland.	Ermentrout,	Mills,	Stewart, Ga.
Bliss.	Forney,	Montgomery,	Stockdale.
Blount,	Gibson,	Moore,	Stone of Ky.
Breckinridge, Ky.	Glass,	Neal,	Stone of Mo.
Brower,	Grimes,	Newton,	Tarsney,
Buckalew,	Hatch,	Norwood,	Tillman,
Bynum,	Hayes,	Oates,	Tracey,
Campbell, Ohio	Hemphill,	O'Ferrall,	Turner, Ga.
Cannon,	Henderson, N. C.	O'Neall, Ind.	Walker,
Carlton,	Herbert,	Outhwaite,	Washington,
Catchings,	Hooker,	Peel,	Weaver,
Clardy,	Hopkins, Va.	Perry,	Wheeler,
Clements,	Hudd,	Randall,	Wilkins,
Cobb,	Hutton,	Rice,	Wilkinson,
Cowles,	Johnston, N. C.	Richardson,	Wilson, W. Va.
Cox,	Kilgore,	Robertson,	Wise.

NOT VOTING—89.

Anderson, Miss.	Dunn,	La Follette,	Pidcock,
Atkinson,	Fitch,	Lagan,	Reed,
Belden,	Ford,	Laidlaw,	Rockwell,
Belmont,	French,	Laird,	Sawyer,
Breckinridge, Ark.	Gallinger,	Latham,	Scott,
Bryce,	Gay,	Lawler,	Shaw,
Burnes,	Glover,	Lee,	Sherman,
Butler,	Goff,	Lehlbach,	Snyder,
Butterworth,	Granger,	Lodge,	Spinola,
Campbell, T. J., N. Y.	Greenman,	Maffett,	Stahlnecker,
Candler,	Guenther,	Martin,	Stephenson,
Caruth,	Hall,	Mason,	Struble,
Cockran,	Hare,	Matson,	Thomas, Ill.
Cogswell,	Hayden,	McComas,	Townshend,
Collins,	Heard,	McCreary,	Vance,
Compton,	Hiestand,	McCullogh,	White, Ind.
Cothran,	Holman,	Merriman,	Whiting, Mich.
Crain,	Houk,	Milliken,	Whitthorne,
Cummings,	Howard,	Morgan,	Wilber,
Davenport,	Jackson,	Nichols,	Yoder.
Davis,	Jones,	O'Neill, Pa.	
Dorsey,	Kerr,	Penington,	
Dougherty,	Ketcham,	Phelan,	

So the motion was agreed to.

On motion of Mr. PAYSON, by unanimous consent, the reading of the names was dispensed with.

The following pairs were announced, on all political questions, until further notice:

Mr. MCCREARY with Mr. SHERMAN.
Mr. MORGAN with Mr. KETCHAM.
Mr. LAGAN with Mr. STEPHENSON.
Mr. CARUTH with Mr. JACKSON.
Mr. GLOVER with Mr. GUENTHER.
Mr. CANDLER with Mr. DAVENPORT.
Mr. PENINGTON with Mr. HIESTAND.
Mr. GOFF with Mr. SNYDER.
Mr. PHELAN with Mr. BUTLER.
Mr. SPINOLA with Mr. THOMAS, of Illinois.
Mr. GALLINGER with Mr. ROCKWELL.
Mr. TOWNSHEND with Mr. O'NEILL, of Pennsylvania.
Mr. MATSON with Mr. MAFFETT.

The following were announced as paired on all political questions for this day:

Mr. HEARD with Mr. FITCH.
Mr. YODER with Mr. HAYDEN.
Mr. CRAIN with Mr. MCCULLOGH.
Mr. BRYCE with Mr. LA FOLLETTE.
Mr. MERRIMAN with Mr. COGSWELL.
Mr. LATHAM with Mr. BUTTERWORTH.
Mr. WHITTHORNE with Mr. HOUK.
Mr. PIDCOCK with Mr. LEHLBACH.
Mr. HALL with Mr. DORSEY.
Mr. CUMMINGS with Mr. ATKINSON.
Mr. STAHLNECKER with Mr. BELDEN.

The result of the vote was then announced as above recorded.

Mr. MORRILL moved to reconsider the vote by which the resolution was referred to the Committee on Invalid Pensions; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING FOR COMMITTEE ON WAR CLAIMS.

Mr. STONE, of Kentucky, submitted the following resolution; which was read, and referred to the Committee on Printing:

Resolved, That the Committee on War Claims have authority to have printed for the use of the committee certain statistical information now in manuscript before the committee relative to its business, the cost of said printing not to exceed $50.

DESTRUCTION OF PROPERTY, CYNTHIANA, KY.

Mr. BRECKINRIDGE, of Kentucky, introduced a bill (H. R. 8640) to direct the Secretary of War to appoint a commission to ascertain and report the facts concerning the destruction of property at Cynthiana, Ky., on July 17, 1862; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DISALLOWED POSTMASTERS' CLAIMS, KENTUCKY.

Mr. TAULBEE submitted the following resolution; which was read, and referred to the Committee on the Post-Office and Post-Roads:

Resolved, That the Postmaster-General be requested to transmit to the House of Representatives a tabulated statement of the disallowed postmasters' claims presented from the State of Kentucky under the act of March 3, 1883, exhibiting all such claims as by an actual computation of commissions prescribed by the act of 1854, and entered upon claim jackets, show that the paid salaries are 10 per cent. or more less than such commissions. Such tabulated statement to show in each case, first, the name of the post-office; second, the name of the applicant; third, the period of service covered by the computation of commissions; fourth, the amount of the computed commissions; fifth, the amount of paid salary for the same term of service; sixth, the actual amount of commissions in excess of the paid salary.

CIVIL SERVICE.

Mr. TAULBEE submitted the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That the Speaker be, and he is hereby, authorized and directed to appoint a committee, to consist of seven members, whose duty it shall be to fully examine and inquire into the condition of the civil service in all the Departments and branches of the Government, and whether or not the provisions of an act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, and the several acts amendatory thereto, have been, at all times since their passage, observed and carried out, and what beneficial results, if any, have inured to the civil service of the Government by reason of said acts.

Second. Said committee is hereby authorized to employ a clerk and stenographer, and shall have the power to administer oaths, send for persons and papers, to sit in such places as may be necessary, and to conduct its investigations through subcommittees, the expenses of the same to be paid out of the contingent fund of the House, and a full report of its proceedings shall be made to the House at as early a day as practicable.

PROPOSED EVENING SESSIONS FOR PRIVATE BILLS.

Mr. TAULBEE also submitted the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That, until further ordered, on each Tuesday at 5 o'clock p. m. the House take a recess until 7.30 p. m., and after the 15th day of April next until 8 p. m., at which evening sessions bills on the Private Calendar reported from the various committees providing for the reference of claims to the Court of Claims and to the various Departments for findings of fact or settlement and final adjudication, and for the relief of persons against whom suits are pending or are in course of preparation, or against whom judgments have been obtained, and bills for the relief of claimants against the United States which in no case involve an amount exceeding $2,000 alone shall be considered: *Provided*, That no bill or resolution shall be considered at such evening session on which an adverse opinion has been submitted to the House either by a majority or minority of a committee of this

House, or against the consideration of which there is objection raised by any member when such bill or resolution is called up for consideration.

RAIN-SHED, BOSTON LIGHT-STATION.

Mr. MORSE introduced a bill (H. R. 8641) for the erection of a rain-shed for the Boston light-station in the State of Massachusetts; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LAND DISTRICTS IN MICHIGAN.

Mr. TARSNEY introduced a bill (H. R. 8642) defining the boundaries of the land districts of Michigan; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

GEORGE WINTERS AND L. B. COOK.

Mr. TARSNEY also submitted the following resolution; which was read, and referred to the Committee on Accounts:

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay to George Winters and L. B. Cook $200 each out of the contingent fund of the House, being the difference between their pay as conductors of the elevator and $1,200 per annum from July 1, 1886, to July 1, 1888.

SAULT STE. MARIE MILITARY RESERVATION.

Mr. SEYMOUR introduced a joint resolution (H. Res. 135) authorizing the Secretary of the Treasury to sell to the Minneapolis, Sault Ste. Marie and Atlantic Railway Company certain portions of the military reservation of Sault Ste. Marie, Michigan; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LUDINGTON HARBOR, MICH.

Mr. CUTCHEON introduced a bill (H. R. 8643) to authorize the Secretary of War to accept the conveyance of certain lands at Ludington, Mich., for harbor purposes; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

SETTLERS ON THE PUBLIC LANDS.

Mr. LIND introduced a bill (H. R. 8644) for the relief of settlers on the public lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

LAKE SUPERIOR AND PUGET SOUND RAILROAD.

Mr. NELSON introduced a bill (H. R. 8645) to amend an act entitled "An act granting lands to aid in the construction of a railway and telegraph line from Lake Superior to Puget Sound," etc.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

DULUTH COLLECTION DISTRICT.

Mr. NELSON introduced a bill (H. R. 8646) relating to the customs collection district of Duluth, Minn.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PUBLIC LANDS IN MISSISSIPPI, ETC.

Mr. WILSON, of Minnesota, introduced a bill (H. R. 8647) explanatory of an act entitled "An act to settle certain questions between the United States and the State of Mississippi and other States," and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

TREASURY SURPLUS.

Mr. MACDONALD submitted the following resolution; which was read, and referred to the Committee on Ways and Means:

Whereas according to official estimates the surplus in the national Treasury will at the end of the present fiscal year amount to the unparalleled sum of not less than $147,000,000, which surplus is in addition to (and does not include) the $100,000,000 in gold which has been kept since 1879 in the Treasury to redeem legal-tender Treasury notes; and

Whereas it is conceded by all that the withdrawal of this enormous surplus from the channels of trade is disastrous to the business interests of the country and paralyzes industry, and that our laws should be so amended as to prevent a continuance of this unnecessary and injurious accumulation of the money of our people; and

Whereas this surplus is the result of our present high and oppressive tariff taxes, imposed under the plea of protecting home labor and industries in their infancy, and that notwithstanding this tariff protects the manufactures of our country from foreign competition and enables many of our manufacturers and business men to charge the people much more than they otherwise could (or should) for articles of necessity; and

Whereas divers persons, companies, and corporations who, as proprietors and owners, are engaged in many of the industries and branches of business so protected, inspired with insatiate greed, and in violation of all good faith with our people (who have been told by them that the imposition of these tariff taxes was but a temporary contribution in aid of American manufactures), have conspired and combined together to filch and plunder them, by the formation of monopolies called "trusts," by means of which prices are to be increased and kept up permanently, and healthy competition prevented and defeated: Therefore,

Resolved, That the Committee on Ways and Means be, and they are hereby, instructed to report a bill placing all such articles and products as are so protected by any such "trust" or monopolistic combination upon the free-list, or as nearly so as the financial requirements of the Government will permit.

CAPTURED AND ABANDONED PROPERTY.

Mr. CATCHINGS introduced a bill (H. R. 8648) in relation to claims arising under the provisions of the captured and abandoned property acts, and for other purposes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

STREETS AND AVENUES, WASHINGTON, D. C.

Mr. DOCKERY (by request) introduced a bill (H. R. 8649) to authorize the commissioners of the District of Columbia to extend and widen certain streets and avenues of the city of Washington; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

PUBLIC LANDS IN MISSISSIPPI, ETC.

Mr. WOODBURN introduced a bill (H. R. 8650) to extend the provisions of an act entitled "An act to settle certain accounts between the United States and the State of Mississippi and other States," and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

BOUNTY ON GRAIN.

Mr. CROUSE introduced a bill (H. R. 8651) providing for a bounty on wheat, corn, oats, flour, and oatmeal exported from the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

NATIONAL BANKS.

Mr. WILKINS introduced a bill (H. R. 8652) to reduce the amount of United States bonds to be required of national banks; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

FORFEITURE OF LANDS IN ALABAMA.

Mr. McCULLOGH introduced a bill (H. R. 8653) to forfeit certain lands granted to the State of Alabama to aid in the construction of the Mobile and Girard Railroad and to affirm the title of bona fide purchasers, and to relieve said company of its obligations as a land-grant railroad; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PUBLIC BUILDING, PAWTUCKET, R. I.

Mr. ARNOLD introduced a bill (H. R. 8654) for the erection of a public building in the city of Pawtucket, R. I.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUBLIC BUILDING, WOONSOCKET, R. I.

Mr. ARNOLD also introduced a bill (H. R. 8655) for the erection of a public building in Woonsocket, R. I.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

DEPOSITS OF BONDS IN THE TREASURY.

Mr. DARGAN (by request) introduced a bill (H. R. 8656) to authorize the Treasurer of the United States to receive deposits of bonds of the United States for the security of depositors in national and State banks; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

ACCOUNTS OF ARMY OFFICERS.

Mr. NEAL introduced a bill (H. R. 8657) to provide for the settlement of accounts of officers of the Army who served during the war of the rebellion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SECTION 3893, REVISED STATUTES.

Mr. STEWART, of Texas, introduced a bill (H. R. 8658) amendatory of section 3893 of the Revised Statutes of the United States of America; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

LIGHT-HOUSE, DAWSON'S SHOALS, VIRGINIA.

Mr. THOMAS H. B. BROWNE introduced a bill (H. R. 8659) for the establishment of a light-house or light-ship at or near Dawson's Shoals, on the Atlantic coast in Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

REPEAL OF INTERNAL-REVENUE TAXES.

Mr. JOHN R. BROWN introduced a bill (H. R. 8660) repealing all internal taxes on domestic tobacco and spirits distilled from fruits, and providing for a drawback; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

EXCHANGE OF GUNS.

Mr. GAINES introduced a bill (H. R. 8661) to authorize the Secretary of War to exchange guns with the R. E. Lee Volunteer Battery of Petersburgh, Va.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FORT HALL RESERVATION, IDAHO.

Mr. DUBOIS introduced a bill (H. R. 8662) to accept and ratify an agreement made with the Shoshone and Bannack Indians for the surrender and relinquishment to the United States of a portion of the Fort Hall reservation, in the Territory of Idaho, for the purposes of a town site, and for the grant of the right of way through said reservation to the Utah and Northern Railway Company, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

COUNTY OF LAHTO, IDAHO.

Mr. DUBOIS also introduced a bill (H. R. 8663) to create and organize the county of Lahto, in Idaho; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

REMOVAL OF UTE INDIANS TO UTAH.

Mr. CAINE presented a memorial of the governor and Legislative Assembly of the Territory of Utah, protesting against the removal of the Southern Ute Indians from their present reservation in Colorado to the Uintah Indian reservation or other place in the Territory of Utah, as contemplated in House bill 1265, as a movement fraught with danger to the white settlers and demoralization of the Uintah Indians; which was referred to the Committee on Indian Affairs.

FORT DOUGLAS RESERVATION, UTAH.

Mr. CAINE also presented a memorial of the governor and Legislative Assembly of the Territory of Utah, asking for a grant to the Territory of 10 acres of the Fort Douglas military reservation on which to erect suitable buildings for an orphans' home; which was referred to the Committee on Military Affairs.

The SPEAKER *pro tempore*. This completes the call. The Chair will now recognize gentlemen who were not present in their seats when the call was progressing.

TELEGRAPH AND TELEPHONE POLES IN WASHINGTON.

Mr. THOMPSON, of Ohio, offered a resolution in relation to overhead telegraph and telephone poles in the city of Washington; which was referred to the Committee on the District of Columbia.

By unanimous consent, the resolution was read, and was ordered to be printed in the RECORD, as follows:

Resolved, That the Committee on the District of Columbia be, and that it is hereby, directed to inquire:

First. Into the reasons for the abrogation or non-observance of a former order of the commissioners of the District of Columbia forbidding the further erection of poles for telephone or telegraph service in the city of Washington.

Second. Into the degree of success attending the working of the underground wires for telephone, electric-light, and telegraph service now in operation in the city of Washington.

Third. The earliest practicable date at which all overhead wires now used for telephone, electric-light, or telegraph service can be placed under ground by the several corporations operating the same.

And that the said committee report at its earliest convenience a bill providing for the immediate removal of all telephone poles from the streets and avenues of Washington to the alleys of the city, and further providing for the absolute prohibition of overhead service in said city from such date as the inquiries of the committee may appear to justify.

SURVEY OF COASTS OF THE UNITED STATES.

Mr. HERBERT introduced a bill (H. R. 8664) to transfer the survey of the coasts of the United States to the Navy Department, and for other purposes; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ARBITRATION OF LABOR TROUBLES.

Mr. O'NEILL, of Missouri, introduced a bill (H. R. 8665) to create boards of arbitration for settling controversies and differences between railroad corporations and other common carriers engaged in interstate and Territorial transportation of property or passengers and their employés; which was read a first and second time.

The SPEAKER *pro tempore*. Under the rules this bill will be referred to the Committee on Commerce.

Mr. O'NEILL, of Missouri. I move its reference to the Committee on Labor. This is the arbitration bill reported last year from that committee.

Mr. TAULBEE. Can the bill be read in full?

The SPEAKER *pro tempore*. The Clerk will read the bill.

The bill was read.

Mr. O'NEILL, of Missouri. This bill is substantially, almost word for word, the bill reported from the Committee on Labor at the last session. There is simply an additional clause to conform to the views of the President. I move its reference to the Committee on Labor.

The SPEAKER. That motion has been made; it is not debatable.

The question being taken on the motion of Mr. O'NEILL, of Missouri, it was agreed to.

So the bill was referred to the Committee on Labor, and ordered to be printed.

TRUST MONOPOLIES.

Mr. COX introduced a bill (H. R. 8666) to suppress trust monopolies and to permit free competition in the District of Columbia; which was read a first and second time, referred to the Committee on Manufactures, and ordered to be printed.

REGULAR ARMY OFFICERS, ETC.

Mr. MAISH introduced a bill (H. R. 8667) to extend the benefits of the acts approved January 3, 1884, and February 3, 1887, to officers of the regular Army, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ADDITIONAL DEPARTMENTAL MESSENGER.

Mr. LAFFOON introduced a resolution appointing an additional departmental messenger; which was referred to the Committee on Accounts.

SURVIVING CHILDREN OF REVOLUTIONARY SOLDIERS.

Mr. REED (by request) introduced a bill (H. R. 8668) to pay to the surviving children of Revolutionary soldiers the arrears of pension between 1818 and 1832; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JAIL IN DISTRICT OF COLUMBIA.

Mr. HEMPHILL introduced a bill (H. R. 8669) in relation to the jail in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

WASHINGTON SAFE DEPOSIT AND TRUST COMPANY, ETC.

Mr. HEMPHILL (by request) also introduced a bill (H. R. 8670) changing the names of certain corporations in the District of Columbia, incorporating the Washington Safe Deposit and Trust Company, the American Trust Company, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

STREETS AND AVENUES OF WASHINGTON, D. C.

Mr. HEMPHILL (by request) also introduced a bill (H. R. 8671) to extend the streets and avenues of Washington, D. C.; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

OHIO CENTENNIAL, SEPTEMBER 4, 1888.

Mr. OUTHWAITE introduced a joint resolution (H. Res. 136) making appropriation to enable the several Executive Departments of the Government and the Bureau of Agriculture, the Government Printing Office, and the Smithsonian Institution, including the National Museum and the Commission of Fish and Fisheries, to participate in the Ohio Centennial, to be held at Columbus, Ohio, from September 4 to October 19, 1888; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

DUTIES ON AGRICULTURAL PRODUCTS.

Mr. KEAN, by unanimous consent, presented the following petition, signed by farmers of Middlesex County, New Jersey; which was referred to the Committee on Agriculture, and ordered to be printed in the RECORD:

To the Speaker of the House of Representatives:

The undersigned respectfully and earnestly protest against any reduction in the duties now imposed on imported agricultural products, and pray that the duty on potatoes be increased to not less than 25 cents per bushel; that the duty on onions be at least 25 cents per bushel; on cabbage $2 per hundred heads; on hay $3 per ton; 10 cents per pound on hops; 20 per cent. on beans and peas; 5 cents per dozen on eggs; 30 per cent. on fowls and poultry, and on "vegetables in the natural state or in salt or brine, not otherwise provided for," with no removal or reduction of duties on market-garden products now dutiable.

INVESTIGATION OF RAILROAD STRIKES.

Mr. ANDERSON, of Iowa. I ask unanimous consent that the resolution introduced by me this morning for the investigation of railroad strikes be printed in the RECORD.

The SPEAKER. If there be no objection, that order will be made.

There was no objection.

The resolution is as follows:

Whereas the strike of the locomotive engineers on the line of the Chicago, Burlington and Quincy Railroad resulted in an obstruction to interstate commerce and put in jeopardy the public peace; and

Whereas the management of said road claim to have supplied with competent men the places vacated at the time of said strike, and claim to have restored said company to a proper discharge of its duties and obligations as a common carrier engaged in interstate commerce; and

Whereas it is alleged that the new men thus placed upon the engines on said road are incompetent and unfit to discharge the responsible duties of locomotive engineers; and

Whereas it is alleged that the claim of a resumption of public duties and obligations on the part of the Chicago, Burlington and Quincy Railroad Company is a fraudulent pretense and a gross imposition upon the public, placing in imminent peril both life and property; and

Whereas on lawful request of citizens of Creston, Iowa, the Iowa State Board of Railroad Commissioners, heretofore commended by railroad authorities as an eminently conservative body, have made an investigation of the competency of said new engineers and reported their doings officially to the governor of Iowa, in which report the commissioners say: "It may be regarded as proven beyond question that the men were inexperienced, and we do not hesitate to say they are incompetent;" and

Whereas there is now in progress on the Atchison, Topeka and Santa Fé Railroad, a line engaged in interstate commerce, a great strike substantially similar in its character and in its effects upon commerce and the interests of the country at large as the strike upon the Chicago, Burlington and Quincy line; and

Whereas such conflicts between the officers and employés of common carriers engaged in interstate commerce, fraught as they are with danger to life and property and to the public peace, are matters of great national concern, demanding prompt and careful consideration by Congress to the end that laws may be enacted defining and enforcing the mutual rights and duties of such officers and employés and their relations to the public: Therefore,

Resolved, That the Speaker be, and hereby is, authorized and directed to appoint a special committee of five members of the House whose duty it shall be to proceed at once to the scene of said strikes, then and there to make investigation thereof with a view to ascertaining what legislation is necessary in the matter of defining and enforcing the mutual rights and duties of the officers, managers, and employés of railroad companies and other common carriers engaged in interstate commerce, and the relations of each to the public, to the end that danger to life, obstruction to commerce, and jeopardy to the public peace

may be prevented and averted; and that said committee may employ a stenographer and a clerk, administer oaths, examine witnesses, and compel the attendance of persons and the production of books and papers. And the expenses of such investigation shall be paid out of the contingent fund of the House.

PLEURO-PNEUMONIA, TARIFF DUTIES, ETC.

Mr. MACDONALD, by unanimous consent, presented the following memorial of members of the Farmers' Alliance of McLeod County, Minnesota; which was referred to the Committee on Agriculture, and ordered to be printed in the RECORD:

SUMTER, MINN., *March* 6, 1888.

To the members of the Fiftieth Congress of the United States:

We, the members of the McLeod County Farmers' Alliance, do hereby petition you as follows:

First. Believing the present laws with the amendments proposed by Commissioner Colman are ample and sufficient for the protection of stock from contagious diseases, we petition you to defeat the passage of the Miller-Carey Senate bill, No. 945.

Second. Viewing with alarm the rapid accumulation of coal and timber lands by combinations of capitalists in the form of "syndicates" and railroad companies, we petition you to pass stringent laws for the protection of our mines and forests and their reservation for the use of the common people.

Third. We petition you to reduce the tariff duties on lumber, coal, salt, iron and its manufactures, sugar, binding twine, woolen manufactures, and other necessaries of life in use by laboring classes of our people.

Fourth. We petition you to at once pass a law prohibiting the formation of "trusts" and "syndicates" for the control of the price and manufacture of the necessaries of life, and prescribing severe penalties therefor.

Resolved, That our secretary is hereby instructed to send a copy of this petition to Hon. J. L. MACDONALD for presentation to Congress.

B. F. JENKINS, *President.*
M. CUTLER, *Secretary.*

Mr. MACDONALD. I wish to say that I am heartily in favor of the recommendations of the memorialists.

TARIFF ON RAW MATERIALS, ETC.

Mr. REED, by unanimous consent, presented the following petition from manufacturers of New England; which was referred to the Committee on Ways and Means, and ordered to be printed in the RECORD:

FEBRUARY, 1888.

To the honorable the Senate and House of Representatives of the Fiftieth Congress, assembled:

The undersigned, manufacturers in New England, recognizing the principle of protection as national and not provincial, and consequently equally applicable to all the industries of the United States; repudiating any distiction in this connection between so-called "raw materials" of domestic production and "finished products," whether the output of mines, farms, or workshops; claiming that the American policy should benefit alike all citizens, whether engaged in agriculture, manufacturing, or mining; that the industries of the country are interdependent and mutually sustaining, and the people of the different sections co-customers and co-consumers—

Do therefore respectfully submit that no article, "raw" or otherwise, of home production should be added to the free-list or inequitably changed in the tariff rates.

The undersigned also submit that, for a due understanding of the premises, the following official records of the Government should be kept in mind, to wit:

Free imports: Increase in twenty years, 1868 to 1887, from $29,000,000 to $233,000,000, or 700 per cent.

Dutiable imports: For same period, increase from $329,000,000 to $450,000,000, or 37 per cent.

Customs duties: For same period, increase from $164,000,000 to $214,000,000, or 30 per cent.

Also, that the expenditures of the Government, including sinking fund, for the last fiscal year, were about $100,000,000 in excess of the customs receipts.

Believing that the existing tariff policy, both free and dutiable, is working in harmony with the industrial and productive interests of all sections of the country, the undersigned deprecate any departure from this policy, whether directed against "raw" or "finished" American products.

QUARANTINE STATION, SHIP ISLAND, MISSISSIPPI.

Mr. WILKINS. I yield to the gentleman from Mississippi [Mr. STOCKDALE].

Mr. STOCKDALE. I present resolution of the Legislature of the State of Mississippi memoralizing Congress to assist the State board of health of the State of Mississippi in establishing a quarantine station on Ship Island, and move its reference to the Committee on Commerce, and ask that it be printed in the RECORD.

There was no objection, and it was ordered accordingly.

The resolution is as follows:

A resolution memorializing Congress to assist our State board of health in establishing quarantine service on Ship Island.

Be it resolved by the Legislature of the State of Mississippi now assembled, That Congress or the proper Department at Washington City, through our Senators and Representatives, be requested to donate the necessary buildings now on Ship Island, erected by the United States Government, which would be suitable for quarantine-inspection service, now necessary to be conducted and carried on by the State board of health of the State of Mississippi, to said board and for said service, and that the clerk of this house be required at once to send copies of this resolution to our Senators and Representatives in Congress.

LANDS DONATED TO MISSISSIPPI.

Mr. STOCKDALE also presented a memorial of the State Legislature of Mississippi, asking confirmation of the title to certain lands donated to Mississippi by act of Congress of September 28, 1859; which was referred to the Committee on the Public Lands, and ordered to be printed in the RECORD.

The memorial is as follows:

Memorial to Congress asking confirmation of titles to certain lands donated to the State of Mississippi by act of Congress passed September 28, 1859.

Whereas Congress, by an act passed September 28, 1859, donated to the several States the lands within their borders subject to overflow or being too wet for cultivation; and

Whereas the governor did, prior to 1860, and in conformity with the then existing regulations, appoint one H. Krebs, —— Breland, and —— Hawthorn to select lands inuring to the State of Mississippi under the aforesaid act; and

Whereas the said Krebs, Breland, and Hawthorn did proceed to and did make the selection of certain lands under the then existing law and instructions, and file the lists properly sworn and certified to, the lists having been filed with the proper local United States land officers; and

Whereas the said lists, through no fault of the State of Mississippi or her officials, did not receive the approval of the honorable the Secretary of the Interior, but that the said lists were lost sight of by the Federal officials until a recent date, and then came to light by a change in the regulations, and after more than twenty years' delay, and after the State had sold and conveyed a large part of the land embraced in the said lists in good faith, and believing that she had a good and perfect title to the lands embraced in the said lists; and

Whereas the Department of the Interior, under its late regulations, holds the said State selections for rejection, to the injury of the citizens who believed the title derived from the State to be a good and valid title: Therefore,

Be it resolved by the senate and house of representatives of the State of Mississippi, That our Senators and Representatives in the Congress of the United States be requested to use their best endeavors to have Congress confirm to the State of Mississippi the title to the lands embraced in the aforesaid selections.

Be it further resolved, That the clerk of the house be requested to send a copy of this memorial to each of our Senators and Representatives in Congress.

SALE OF RESERVED LANDS, HARRISON COUNTY, MISSISSIPPI.

Mr. STOCKDALE also, by unanimous consent, presented a memorial of the State Legislature of Mississippi, asking for the passage of an act putting the reserved lands of Harrison County, Mississippi, on the market; which was referred to the Committee on the Public Lands, and ordered to be printed in the RECORD.

The memorial is as follows:

An act memorializing Congress to pass an act placing the naval reserve lands of the United States Government situated in Harrison County, on the market.

Be it resolved by the Legislature of the State of Mississippi, That our members of Congress and of the United States Senate be requested and urged to pass an act placing naval reserve lands of Harrison County, in lots of not more than 160 acres to any one individual, he or she being the head of a family and a resident citizen of the State of Mississippi, provided no land shall be so opened to purchase that comes under the head of live-oak lands.

This memorial is for the purpose of placing in the reach of citizens of this State pine lands reserved by the Government for naval purposes, and which are of no service to the Government.

SOUTHERN UTE INDIAN RESERVATION.

Mr. CAINE. I ask, by unanimous consent, that the memorial of the governor and Legislative Assembly of the Territory of Utah, protesting against the removal of the Southern Ute Indians from their present reservation in Colorado to the Uintah Indian reservation or other place in the Territory of Utah, as contemplated in the bill (H. R. 1265) authorizing the removal of the Southern Ute Indians from the State of Colorado to the Territory of Utah, as a movement fraught with danger to the white settlers and demoralization to the Uintah Indians, be printed in the RECORD. That bill is not in the committee, but is before the House, and for that reason I wish this memorial brought to the attention of the members.

Mr. MCMILLIN. Does the printing include the signatures?

The SPEAKER. It is not usual to print the signatures unless that is the special order of the House.

There was no objection, and it was ordered accordingly.

The memorial is as follows:

SECRETARY'S OFFICE, *Territory of Utah, ss:*

MARCH 3, 1888.

I, William C. Hall, secretary of the Territory of Utah, do hereby certify that the annexed copy of the memorial to Congress by the governor and Legislative Assembly of the Territory of Utah, resolved at the twenty-eighth session of said Assembly, is a true and literal exemplification of the original on file and of record in this office.

In testimony whereof I have hereunto subscribed my name and caused the great seal of the Territory to be affixed at Salt Lake City the day and year above written.

[SEAL.]

WM. C. HALL,
Secretary of Utah Territory.

Memorial to Congress.

To the honorable the Senate and House of Representatives in Congress assembled:

Your memorialists, the governor and Legislative Assembly of the Territory of Utah, represent that the measure (H. R. 1265) now pending before your honorable body, contemplating the removal of the Southern Ute Indians from their existing reservation in the State of Colorado to the Territory of Utah, and massing them incongruously with the tribes already on the Uintah reservation, is unjust in itself, and fraught with certain danger to the lives and property of all settlers in the valleys of Green River and its many tributaries in the eastern borders of this Territory.

These Utes are now the only tribe of Indians that has not passed through the process of subjugation which must precede a settled peace, and the proposed scheme of massing them incongruously with other tribes within the borders of this Territory is unfair as well as dangerous to the white settlements in the eastern portions of Utah, and impolitic as well as unjust to the tribes already settled upon the Uintah reservation, who have made considerable progress in the peaceful pursuits of civilization.

Numerous white settlements have already extended along the valleys of Green River and its tributaries, the lives and property of whose citizens would be exposed to the horrors of the savage warfare that would naturally follow the importation of said Indians.

If these Southern Utes are not dangerous to the people of Colorado, there can be no necessity for their removal to this Territory; on the other hand, if their presence on their existing reservation is fraught with danger to the people of that State, who are better able to restrain them in peace within their present limits, that fact furnishes a cogent reason why they should not be brought into Utah and placed on a wild border, where wholesome restraint or effectual pursuit would be rendered far more difficult.

Your memorialists therefore deprecate and protest against the said proposed measure, which means present dispossession of many white settlers on our eastern border, and ultimately savage war against all white settlements in the val-

leys of Green River, in the eastern part of Utah, as well as discord, retrogression, and demoralization to the Indians now settled on the Uintah reservation, who are abandoning their tribal organizations and betaking themselves to agricultural and other industries of peace.

Your memorialists, on favorable answer, as in duty bound, will ever pray, etc.

ELIAS A. SMITH,
President of the Council.
W. W. RITER,
Speaker of the House of Representatives.
CALEB W. WEST,
Governor of the Territory of Utah.

CANAL CONNECTING BEAUFORT HARBOR AND NEUSE RIVER AND PAMLICO SOUND.

Mr. SIMMONS, by unanimous consent, presented a petition of 148 citizens of Eastern North Carolina, asking an appropriation to widen and deepen the canal connecting the waters of Beaufort Harbor with those of the Neuse River and Pamlico Sound, giving inland navigation from New York to Beaufort; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD.

The petition is as follows:

To the Congress of the United States:

We, the undersigned citizens of the city of New Berne, State of North Carolina, respectfully ask that an appropriation, adequate to the purpose, be made for the deepening and widening the canal connecting the waters of Pamlico Sound and Neuse River with those of Beaufort Harbor, in this State, by which an inland highway for shipping may be established through which coastwise vessels can escape the dangers of Capes Hatteras and Lookout, thus furnishing safe inland communication from New York to Beaufort Harbor by means of the Raritan Canal, the Delaware and Chesapeake Canal, Chesapeake Bay, the Albemarle and Chesapeake Canal, Albemarle Sound, Pamlico Sound, and the proposed canal, which in time of peace would be a source of pecuniary advantage, and in time of war would be of inestimable value and a means of safety to the United States.

LIME MANUFACTURERS OF KNOX COUNTY, MAINE.

Mr. DINGLEY, by unanimous consent, presented a memorial of lime manufacturers of Knox County, Maine, asking for an increase of duty on lime to the same rate as that fixed by Canada on that imported from the United States; which was referred to the Committee on Ways and Means, and ordered to be printed in the RECORD.

The memorial is as follows:

To the honorable the Senate and House of Representatives of the United States:

We, the undersigned, manufacturers of lime in the county of Knox, State of Maine, do most respectfully and earnestly desire to call your attention to the following important facts relating to and affecting the interest of the people of this and surrounding counties:

The vast beds of limestone in this county opened up an industry in the seaports of Thomaston, Rockland, Rockport, and Lincolnville in the manufacturing of lime, which has existed for over a century. Gradually increasing, it now amounts to a capital invested in kilns, wharves, and storehouses of about $1,000,000; in lime-rock quarries of about $2,000,000, and it is an investment worthless for any other purpose. There is besides a large shipping interest employed in transporting the lime and fuel for burning it. About 2,000,000 casks of lime are annually manufactured and shipped from this county, at a cost, delivered in the markets, of from 90 cents to $1 per cask.

Excepting the rock in the quarry, the fuel and lumber on the stump at an average cost of 6 cents per cask, the whole cost of this article is made up of labor, which includes quarrying the rock, hauling same to kilns, gathering the fuel, making and hauling the lime casks by the inhabitants of the surrounding towns, burning the lime, handling and carrying the same to market.

Before and after the formation of the Dominion of Canada, Nova Scotia was one of our large lime markets, but at or about that time, a duty was imposed on our lime by that government which necessitated the abandonment of that market by us, the said duty still remaining in force. Since the decline in shipbuilding the manufacture of lime is the only industry of any importance at the ports above mentioned, affording as it does employment to a large number of men who have become permanently located here. We therefore deem it of the utmost importance that the Fiftieth Congress take some action to protect this great industry upon which the future of this county depends.

Near St. John, New Brunswick, are vast deposits of limestone, with fuel in abundance and at less than half the cost of the same used here, with labor much cheaper. Within a few years the business of burning lime has been begun and carried on there, and the product largely sent into our markets, namely, to New York alone there were shipped in 1885 less than 5,000 casks; in 1886, 41,000, and in 1887, 138,000 casks, and it is estimated that under the present arrangement 200,000 casks or more will be sent to that market this year.

The difference in the cost of this article here and there at the kiln ready for shipment is about 23 cents per cask in their favor, and there is now a duty of 10 per cent. ad valorem, or only 3 cents per cask, it being invoiced at 30 cents per cask, which is exclusive of the package.

Under the tariff bill as revised by the Ways and Means Committee we notice lime among the articles placed on the free-list. We therefore most respectfully petition your honorable body to not only remove lime from the free-list, but to impose a specific duty corresponding to that of the Dominion Government.

We further desire to state that we are manufacturing independently, and are not members of any trust or association.

SETTLERS ON DES MOINES RIVER LANDS.

Mr. PAYSON. I am instructed by the Committee on the Public Lands to report back with amendment the bill (H. R. 1368) to quiet titles of settlers on the Des Moines River lands in the State of Iowa, and for other purposes, and to ask that the report be printed and the bill and amendments be recommitted.

I deem it not improper to state that a similar motion to that I have just made was presented on the 8th of March during your absence, Mr. Speaker, from this body, and while the House was being presided over by the distinguished gentleman from New York [Mr. COX], as Speaker *pro tempore*. A point of order was made against the presentation of that report by the gentleman from New York [Mr. PARKER] and the point was sustained. In one sense, perhaps, this motion I now make might be regarded as a motion for a new trial; but I prefer to take the ordinary parliamentary course and present the report, being advised that the gentleman from New York [Mr. PARKER] will present the same question of order he made the other day.

Mr. PARKER. I wish first to make the parliamentary point of order that this having been presented to the Speaker of the House, having been decided by the Speaker of the House, and the Speaker having suggested that it was a question of importance, and would like to have it referred to the House for its decision, that the gentleman disclaimed expressly to take that course, and therefore accepted the decision of the Speaker as the decision of the House. This being the case, I say the gentleman has no standing for a new trial. I should like to have the Chair decide the question.

The SPEAKER. The Chair supposes the gentleman can make the same question of order. Under the circumstances the Chair will not pass on the question of whether it is a question of privilege without careful examination. If the gentleman will let it lie over until to-morrow morning, in the mean time the Chair will investigate the whole question.

Mr. PAYSON. I think some suggestion should be made in reference to it. I should be willing to let the matter go to the Speaker on what I said the other day, as it appears in the RECORD, with what I have said just now.

Mr. ROGERS. I insist the point shall be made in the House.

Mr. COX. Mr. Speaker, when the point was made I occupied the chair in your absence, and had the matter postponed, just as the Speaker does now, with a view to an examination of the bill.

The gentleman from Indiana and the gentleman from Illinois have both had their day in court. The question presented was argued by the gentleman from New York [Mr. PARKER] and others. The case was clear. It was decided upon the same principle laid down by the Speaker of the House of Representatives in his decision on last Saturday. I am prepared to justify that decision as good law for the Chair.

But, Mr. Speaker, I do not believe it is fair that gentlemen representing this favored committee should have the privilege time after time to present these questions, especially after they have been once disposed of; for if it can be done once it can be done a dozen times. It would thus thrust aside all other business. It would give these bills a privilege over other matters pending in Congress of equal dignity and importance. But inasmuch as this question is presented again in its present form, and inasmuch as I, when occupying the chair, made a ruling upon it, and as its presentation now is, at least to a certain extent, a reflection upon the gentleman occupying the chair as Speaker *pro tempore* at that time, I may forego a certain self-respect and ask to be heard when this point comes up for a final decision by the Chair.

Mr. PAYSON. Will the gentleman from New York permit me to interrupt him just there?

If he can point to any expression of mine which reflects even indirectly upon him in presenting this question, I will cheerfully disclaim any such intention. No such words can be pointed out.

Mr. COX. I do not refer to any words the gentleman uttered in debate; but the very act of presenting it now is to a certain extent, and for a certain purpose, a reflection. I am not prepared to take any reflections from anybody. I do my own reflecting.

Mr. PAYSON. No one more than myself recognizes the distinguished and eminent ability of the gentleman from New York who occupied the chair as Speaker *pro tempore*. I recognize that fully; and supplemented as it is by his long parliamentary experience I conceive that his judgment with reference to any matter of parliamentary procedure is unquestionably entitled to great weight. But, Mr. Speaker, I do not concede that it is conclusive upon anybody; and that because the question was raised and was decided, and as he believes justly decided, under the rules of the House—however much we may differ as to the correctness of that ruling—still, under the rules of the House, I do not understand that where there is such a difference of opinion I should be precluded from the right of submitting that question again, under the rules, for a determination by the House; and in presenting it now, as I do, I believe that all gentlemen will concede I am strictly within the rule.

We have the right to take the opinion of whoever is occupying the chair as to the question of the privileged character of the bill unless precluded by the rules. The rules give us that right, and certainly the gentleman has no cause to complain or object if we choose to exercise that right.

I do not object to the gentleman debating the question and sustaining, if he may, the validity of the opinion he delivered as his judgment in this case; and I shall be very glad to meet him in reference to the legal propositions presented by the submission of the report now as well as to-morrow or whenever it comes up for consideration. I think—and I may be permitted to say it without any undue assumption—that I will be able to convince the Speaker, as well as the House, if the opportunity presents itself, that the distinguished gentleman from New York was entirely mistaken in the judgment rendered by him as Speaker *pro tempore;* and it is not by any means to his discredit, if I may be permitted to say it, for it was simply his judgment of the case as it appeared to him, and while I believe it was an error, yet the gentleman has an equal right with me or any other man to his own opinions. That is all.

Mr. COX. I asked the gentleman from Illinois at the time of the submission of this proposition to take the judgment of the House upon it.

Mr. PAYSON. Precisely; and the "gentleman from Illinois" did not choose to do it. That is all.

Mr. DINGLEY. I would ask, what is the regular order?

Mr. WILKINS. I have demanded the regular order, and I claim that this is all out of order.

The SPEAKER. The Chair thinks so. The title of the bill has not been read.

The Clerk read as follows:

A bill (H. R. 1368) to quiet the title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes.

Mr. WILKINS. I now demand the regular order.

Mr. ROGERS. Mr. Speaker, I wish it to be understood that my point of order is not waived or reserved, if the gentleman from New York reserves it.

The SPEAKER. The Chair does not understand the gentleman from New York as reserving the point of order; but that it was distinctly made.

Mr. ROGERS. I want to reserve the right to make another point of order if the reading of the bill shall develop the fact that other points may be made against it.

The SPEAKER. The point of order is made by the gentleman from New York; and the Chair thinks that under the circumstances it is only proper to make a careful investigation of the bill before passing upon a point that has been presented and once decided. The Chair will therefore examine the bill and submit a ruling upon the question of order hereafter.

Mr. ROGERS. I only want it understood that I reserve any points of order that may be made.

Mr. PARKER. I wish it to be understood, Mr. Speaker, that the same point that was first presented, in objection to the presentation of the bill, is made now.

The SPEAKER. The Chair understands the point of order is made directly.

The regular order is the call of committees for suspension of the rules.

DEPENDENT PENSION BILL.

Mr. GROSVENOR. I rise to a privileged question.

The SPEAKER. The gentleman will state it.

Mr. GROSVENOR. It is stated in the preamble and resolution which I send to the desk.

The Clerk read as follows:

Whereas an important bill, known as the dependent pension bill, passed the Senate ten days ago; and

Whereas the said bill has not yet been printed and placed in the hands of the proper officer of the House: Therefore,

Resolved, That the Committee on Printing be requested to inquire and report to the House the cause of the delay in printing said bill and what is necessary to secure the House against such delays in the future.

The resolution was adopted.

Mr. GROSVENOR moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FRACTIONAL SILVER CERTIFICATES.

The SPEAKER called the Committee on Banking and Currency.

Mr. WILKINS. I am directed by the Committee on Banking and Currency to move to suspend the rules and pass the bill (H. R. 8004) authorizing the issue of fractional silver certificates.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to issue silver certificates of the denominations of 25, 15, and 10 cents, in such form and design as he may determine, such certificates to be received, redeemed, paid, and reissued in the same manner as silver certificates of larger denominations, and to be exchangeable for silver certificates of other denominations. And the Secretary of the Treasury is authorized and directed to make such regulations as may seem to him proper for distributing and redeeming the denominations of silver certificates herein authorized.

Mr. BACON. I demand a second.

Mr. WILKINS. I ask unanimous consent that the second be considered as ordered.

Mr. BACON. I object.

The SPEAKER appointed as tellers Mr. WILKINS and Mr. BACON.

Before the count by tellers was completed,

Mr. WEAVER said: I ask unanimous consent that this bill be assigned for a hearing to-morrow, after the consideration hour, for two hours, and that at the end of that time the previous question be considered as pending on all amendments and the bill. My proposition includes the offering of amendments. This is an important bill and the House does not seem disposed to give it a second, for the reason that no amendment can be offered. I think if we take it up to-morrow we can dispose of it.

Mr. HOLMAN. I would suggest that instead of two hours one hour be assigned for the consideration of the bill.

Mr. WEAVER. Very well.

Mr. WILKINS. I ask that we may have an hour for debate to-day.

The SPEAKER. The suggestion of the gentleman from Iowa differs from the request of the gentleman from Ohio [Mr. WILKINS]. This is a motion to suspend the rules. The gentleman from Iowa suggests that the bill be taken up to-morrow, with an opportunity to offer amendments.

Mr. RANDALL. I object. The bill can be reached in regular order.

Mr. ANDERSON, of Kansas. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON, of Kansas. Is it in order to call for the yeas and nays on a motion to second?

The SPEAKER. It is not.

The tellers completed their count, and reported—ayes 134, noes 32.

So the motion to suspend the rules was seconded.

The SPEAKER. Under the rules thirty minutes are allowed for debate, fifteen minutes on each side. The Chair recognizes the gentleman from Ohio [Mr. WILKINS] to control the time in support of the measure and the gentleman from New York [Mr. BACON] to control the time in opposition to it.

Mr. WEAVER. Before the debate begins I ask unanimous consent to have the amendment pending which I send to the desk.

The SPEAKER. There can be no amendment pending on a motion to suspend the rules.

Mr. WEAVER. I ask unanimous consent.

Mr. RANDALL. I think the bill is bad enough and would only be made worse by amendments.

Mr. DINGLEY. I object.

Mr. WILKINS. I desire to yield to the gentleman from South Carolina [Mr. DARGAN], who will control the time in support of the bill.

Mr. DARGAN. I ask unanimous consent that the time be extended so as to allow thirty minutes debate on each side.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that the time be extended so as to allow thirty minutes on each side.

Mr. HATCH. That would be taking up the time of other committees.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina? The Chair hears none.

Mr. DARGAN. This is a very important measure, and I ask unanimous consent that the majority and minority reports be read, the time occupied in their reading not to be deducted from either side.

Mr. HATCH. I object to that.

Mr. DARGAN. I wish to remark first that this is not a bill to force a fractional currency upon the people. By its terms it only authorizes the Secretary of the Treasury to issue upon demand fractional currency in the same manner that silver certificates of larger denominations have heretofore been issued. Therefore, Mr. Speaker, if this bill is not acceptable to the people, if there is no desire for this law, this currency will never come into existence.

In order that this may be fully understood I will state that the act of 1878, called the Bland act, authorizes the holder of standard silver dollars to deposit the same in sums not less than $10 with the Treasurer, or any assistant treasurer of the United States, and to receive therefor certificates not less than $10 each, and other certificates of higher denominations corresponding with the notes of the United States.

By the act of 1886 that law was so enlarged as to allow holders presenting not less than $10 of standard silver dollars to receive from the Treasurer therefor certificates of the denominations of one, two, and five dollars.

This bill proposes so to extend that law as to allow the Secretary of the Treasury, upon the receipt of $10 and upward in standard silver dollars, to issue fractional silver certificates of the denominations of 25, 15, and 10 cents. It is therefore only an extension of existing law so as to enable the Secretary of the Treasury to issue fractional silver certificates as well as certificates of larger denominations.

The peculiarity and, as your committee think, the excellence of this law—the existing law and the addition proposed to be made to it—is this, that the currency which is created by it comes into existence only at the option of the people.

We are not here, Mr. Speaker, trying by law to force a fractional paper currency upon the people. We only propose to untie the hands of the Secretary of the Treasury and allow persons who desire them, upon the deposit of the standard silver dollars, to procure fractional silver certificates. Therefore if this law amounts to nothing, if nobody desires this currency, then it will never be created. Further, Mr. Speaker, if this bill is enacted into law and the law turns out to be a bad one and works unsatisfactorily, the currency can be retired by the people themselves without the intervention of Congress. All that needs to be done when these silver certificates are shown to be unsatisfactory is for the holders to carry them back to the Secretary of the Treasury, present them, and receive back the silver paid in, and thus the unsatisfactory currency disappears and no harm is done to any one. In short, Mr. Speaker, the question now before the House is this: Will this Congress allow the people of the United States to determine for themselves whether they will have fractional silver certificates? If there

proves to be any harm in this currency, if it is unsatisfactory, it can be withdrawn in the manner already stated. If it does not commend itself to the approval of the people it will be rejected.

Mr. MACDONALD. Will the gentleman yield for a question?

Mr. DARGAN. Certainly.

Mr. MACDONALD. What view does the Treasury Department take of this bill?

Mr. DARGAN. The Treasury Department is opposed to it.

Now, Mr. Speaker, I shall not go into an examination of the objections which are made to this bill. The object of the bill is not to supplant the fractional coin now in existence, but to supplement it. This is a bill which is demanded by the people living in the country and in small towns who wish to have the advantage of trading with the great money centers and getting their commodities on the best terms possible. This is not, as has been alleged, a step backward; on the contrary, it is a step forward. On account of the extraordinary development of our mail system, by which goods are transported rapidly from one point to another, a very large retail trade has sprung up which is carried on through the mails, and we have no currency suitable for the transaction of that class of business. Now, it is the duty of Congress, as we hold, having assumed control of this matter, to permit the people to have such currency as will enable them to carry on to the best advantage any business transactions in which they are engaged.

Mr. BLAND. I wish to ask the gentleman a question. He claims that this is for the purpose of supplementing the subsidiary coin. If so, why do you base this proposed currency, not upon the subsidiary coin, but upon the monthly purchases of bullion, or certificates already issued, thus taking it clear out of the range of the subsidiary coin?

Mr. DARGAN. There are now two hundred and fourteen millions of silver dollars in the Treasury lying there unused, outside of the silver certificates——

Mr. DINGLEY. There are only forty-seven millions unused. The remainder is represented by outstanding certificates.

Mr. DARGAN. Yes; I stand corrected. There will be only twenty-five millions of this currency, as we understand. But, however that may be——

Mr. BLAND. Upon what do you base your statement as to twenty-five millions?

Mr. DARGAN. That is a supposition, a speculation. But I wish to say in answer to the gentleman from Missouri [Mr. BLAND] that if he is so much in favor of the liberty and the rights of the people, all that this bill proposes is to allow the people to do as they please about this matter.

Mr. FELTON. On what basis does the bill propose to place the issue of these certificates? The bill does not say.

Mr. DARGAN. They are to be issued in the same manner as other silver certificates.

Mr. FELTON. But on what deposits?

Mr. DARGAN. The former law says $10 of standard silver dollars and upwards.

Mr. FELTON. This bill does not say so.

Mr. DARGAN. The Bland bill of 1878 says in sums not less than $10.

Mr. FELTON. What I want to know is on what basis this currency is to be issued.

Mr. WEAVER. Will the gentleman yield for a question?

Mr. DARGAN. My time is so short that I am compelled to decline.

A MEMBER. The gentleman from Iowa [Mr. WEAVER] has time of his own.

Mr. ADAMS. I ask the gentleman to yield to me for a question, as I have no time?

Mr. DARGAN. Certainly.

Mr. ADAMS. I wish to ask the gentleman whether the main purpose of this bill can not be achieved by an extension of the law authorizing the issue of postal-notes?

Mr. DARGAN. I should say not. In the first place, it is often troublesome and inconvenient to get those notes, and there is only a very small percentage of the post-offices of this country that issue them.

Mr. ADAMS. Make them easier to get.

Mr. DARGAN. Besides, it is frequently difficult to get to those offices, and it costs time and money to get the notes. I do not think the need can be supplied in that way. There is too much friction and delay in the postal-note system.

Mr. STEELE. I will ask the gentleman a question. As I understand him, he says that the acceptance of this currency rests with the people under this bill.

Mr. DARGAN. Yes, sir.

Mr. STEELE. Take, for instance, the case of a bank out in Omaha. It would cost to express silver to Omaha four dollars and a half a thousand, while to express fractional currency or silver certificates to Omaha would cost only fifty cents a thousand. The banker out there would of course prefer to get his currency as cheaply as he could, and he would get it in this way, and if you made these notes a legal tender what remedy would the people have if they did not want them?

Mr. DARGAN. The Government pays all the expense of carrying the currency.

Mr. STEELE. If they wish to get it back to the Treasury how will they do it?

Mr. DARGAN. The people of Omaha must decide that themselves. If they do not want it they need not take it.

Mr. WEAVER. The bill makes no provision that this fractional currency shall be issued, and I call the attention of the gentleman to the fact.

Mr. DARGAN. I yield to the gentleman from Iowa for a question only.

Mr. WEAVER. I hope the gentleman from South Carolina will permit me to answer the question of the gentleman from Iowa. The bill, as it is printed, provides that such certificates be received, redeemed, and paid and reissued in the same manner as silver certificates of larger denomination, and to be exchangable for silver certificates of other denominations. There is nothing about how they shall be issued.

Mr. WILKINS. Their issue was dropped out in the printed bill.

Mr. WEAVER. It should be in.

Mr. WILKINS. Yes, it should be put in. I ask that the word "issued" be inserted in the bill, as its omission is a misprint. It is in the original bill and should be in the printed bill. I do not suppose there will be any objection to having the word inserted in the printed bill.

Mr. DARGAN. I reserve the balance of my time.

The SPEAKER *pro tempore*. The gentleman from Ohio asks to insert the word "issued" as he has indicated; is there objection?

Mr. BAYNE. Yes, I object.

Mr. WILKINS. It is a typographical error. I raise the point of order that if the original bill contained that word, I submit that it is now there whether it is in the printed bill or not.

The SPEAKER *pro tempore*. If it turns out on examination the original bill reported by the Committee on Banking and Currency contained the word indicated by the gentleman from Ohio, it does not require unanimous consent to be inserted in the bill. If it is in the original bill, that is all that is necessary, as that is the bill upon which the House is acting.

Mr. BRUMM. I should like to have the text of the original bill read.

Mr. BACON. As a parliamentary inquiry I should like to know how the House is to be informed what the original bill is. This bill here and the one printed in the newspapers are the same.

Mr. BRUMM. Let us have the bill read.

The SPEAKER *pro tempore*. The Chair supposes the original bill is still in the hands of the Public Printer.

Mr. BLOUNT. The question is whether the bill examined by the committee and reported to the House contained the word indicated.

Mr. PERKINS. Is it not competent to move to suspend the rules and pass the bill with the word "issued" inserted? If so, let the gentleman make that motion.

The SPEAKER *pro tempore*. The Chair will state, if the gentleman from Ohio had made that motion in the beginning it would have been in order, but the motion has been already submitted and debated, and it is not now in order to modify that motion, unless by unanimous consent.

Mr. BRUMM. There is a manifest error in the bill by the omission of the word "issued." Now, can not the mover of the motion so modify his motion as to correct that error?

The SPEAKER *pro tempore*. There can not be any modification of the motion after the House has entered on the consideration of the matter.

Mr. BACON. I rise to make this explanation. When this bill was presented to the Committee on Banking and Currency I presented the views I entertained against its report. It was then asked that certain words should be stricken out and the bill should be reported without them, and, as I recollect, amongst the words stricken out was the word "issued." I may be wrong, but that is my recollection.

Mr. RANDALL. Can not the original bill be produced?

The SPEAKER *pro tempore*. The difficulty is, it can not be produced in time, as it is in the hands of the Public Printer.

Several MEMBERS. Regular order.

Mr. BAYNE. I can not hear what is going on.

Mr. ENLOE. Would it not be practicable within the time allowed for the decision of this question to telephone to the Public Printer and have the original bill brought here?

Mr. WILKINS. It might be. But I hope the gentleman from Pennsylvania [Mr. BAYNE] will withdraw his objection to the request for unanimous consent.

Mr. BAYNE. No, sir; I insist on my objection. The word was struck out in committee.

Mr. DINGLEY. That is a mistake; the word was never struck out in committee.

Mr. WILKINS. Never in the world.

The SPEAKER *pro tempore*. The gentleman from New York [Mr. BACON] is now entitled to control the time in opposition to the pending proposition. The gentleman from South Carolina [Mr. DARGAN] has reserved the remainder of his time.

Mr. BLOUNT. I wish to make a parliamentary inquiry. What bill

are we to vote on, the original bill or the bill which has been read?

The SPEAKER *pro tempore*. The bill which has been read at the Clerk's desk, the bill presented by the gentleman from Ohio [Mr. WILKINS], the chairman of the committee.

Mr. BACON. That is the printed bill?

The SPEAKER *pro tempore*. The bill which was read from the Clerk's desk.

Mr. BACON. Mr. Speaker, I wrote out and submitted to the Committee on Banking and Currency a paper, which was subsequently presented to the House and printed as the "views of the minority" of the committee, which seems to me a fair and concise statement of the objections to this bill. Those objections were submitted to the committee in advance of the preparation of the majority report, and I think an examination of that report will demonstrate that it is principally devoted to answering the suggestions contained in the views which I submitted, and in which I took the ground that there was no general demand for this currency and no public necessity for the passage of this bill.

For myself, I desire to say that I have received but one communication advocating the passage of this bill. That there is a general desire for the measure I do not know, except so far as I am informed by the correspondence contained in the report itself and by a letter which I hold in my hand—a letter which I think explains whatever demand may be claimed to exist for the passage of the bill. This letter was written from Springfield, Mass., on the 8th of March, 1888, by a gentleman whom I will not name for reasons which will be obvious to the House. This letter is upon paper ornamented by a very elaborate printed heading, giving the title "The United States Postal Improvement Association. Membership fee, $5." Then follows a list of the officers, and they consist of the editor of a paper in Chicago, the editor of a child's paper at Boston, a lecturer of the National Grange from New Jersey, the editor of an agricultural paper at Springfield, Ohio, the president of the Farmers' Alliance of Cameron, Tex., the president of the Society of American Florists, the agricultural editor of two agricultural papers, the chairman of the American Seed Trade Association, and the chairman of the American Nurserymen's Association. On the reverse of this page is printed the "constitution of the United States Postal Improvement Association," and it asserts that the objects of this association are to induce such legislation as will bring about a reduction of postage on seeds, etc., a reissue of fractional currency, the abolition of postal-notes, and a reduction of the cost of postal money-orders. Then follows this, which I think will interest the House:

(Please write a letter something like this to your Representative and also to your Senator in Congress, who may be addressed either at their home or simply by name at Washington, D. C.)

Hon. ——— ———:

DEAR SIR: I wish you would help in the movement to secure—

1. Reduced postage on seeds, plants, and bulbs.
2. The reissue of fractional currency for use in the mails.
3. Abolition of postal-notes.
4. Issue of money-orders for $5 or less for a fee of 3 cents.

Then comes this paragraph as to fractional currency:

2. As to fractional currency, we need it for a thousand and one daily uses. Whether it be issued as greenbacks or as silver or gold certificates, I do not care much so long as the Government is behind it. I want it particularly for sending in the mails. The postal-note does not accommodate us. It is no safer than fractional currency, is expensive, exceedingly inconvenient to get or to collect, and is issued only at money-order offices. Now, as only 14 per cent. of the post-offices issue money-orders or postal-notes, and these only at important centers, you will see that the people remote from these centers who most need the conveniences have no way of sending money by mail except in postage-stamps or bulky silver. Stamps were not made for this purpose and are not negotiable. Silver is too unsafe. Therefore, give us a fractional currency and abolish the postal-notes.

* * * * * * *

[Suggestion: The above is merely a model. Alter it to suit your views. Add points of local interest to your Congressman. Impress upon him the fact that these objects are demanded by the men whose votes elected him. Write at once. Do not delay. Get others to do likewise. If you want to help the cause still further, address Secretary United States Postal Improvement Association for particulars.]

Now, Mr. Speaker, this little communication, put forth by an association formed by the editors of agricultural papers and gentlemen who sell to the country seeds—an association with an admission fee of $5—seems to me to account for most of what has come to members of this body, if anything has come, with reference to this matter. The fact seems to be simply that this agency, seeking to produce a public opinion, has scattered these blanks over the country, and every man who has received one, thinking he ought to write to his Congressman, has copied this letter and sent it to him. That is how these communications come here.

This is a very impressive letter. It is so impressive that if gentlemen of this House will examine the report in this case they will find that a very considerable portion of this letter is embodied in the report itself—not merely the ideas, but the language. I ask the House to consider whether this supposed public sentiment is not the result of the impressiveness of this letter, which so far impressed the majority of this committee that they have embodied it in their report and put it upon the records of this House.

I wish further to call the attention of the House to the fact that this letter contains two statements which are of some importance. First, it is stated that it is desired that about $25,000,000 in fractional currency be reissued. Do gentlemen recall the fact that the subsidiary coinage of this country to-day amounts to about $75,000,000 or $76,000,000, and that only $50,000,000 of it is floated, the balance being at all times in the Treasury an unavailable asset? Is this House prepared to say that it is wise or just legislation to remove that subsidiary coin and substitute in its place $25,000,000 of paper? Gentlemen say the people are not obliged to take it unless they want it. Let us examine that a moment. The gentleman who addressed an inquiry to my friend from South Carolina [Mr. DARGAN] met and answered that suggestion. It is cheaper for the banks and the points from which money is circulated to get the paper than the silver, and the people will have the paper whether they will or won't; because the men who furnish the circulation will furnish up that which is the cheapest for them and put it into the hands of the people regardless of their interests, wishes, or comfort.

Now, sir, another serious objection, it seems to me, with regard to this matter, is the item of expense to the Government. The annual report of the Bureau of Engraving and Printing informs this House that it is almost impossible for it, conveniently, to do the work called for by existing law with its present accommodations. I have addressed to the chief of that bureau a letter asking for an estimate of what the expense of the additional plant, room, and labor would be. I hold in my hand his letter, dated this day, in answer to that.

I asked:

What addition to the force of your bureau will the issuing of the proposed fractional currency require?

He answers:

If the work is done by hand, 280 persons; if done by the steam press, 230 persons.

I asked:

What will be the cost of preparing that amount of fractional currency?

He answers:

Three hundred and eighty thousand dollars if the printing be done by hand, and $350,000 if the printing be done partly by hand and partly by steam.

Mr. DINGLEY. How much is the amount on which his estimate is based?

Mr. BACON. The amount estimated for by the gentleman engaged in improving the currency of this country, and the postal laws as well, is $25,000,000.

Taking that as the estimate, and I assume that the committee did not accept one part of this gentleman's letter of suggestions and not the rest, but if they adopt his reasons they adopt also the measure he gives as the amount needed for this purpose.

I asked the Chief of the Bureau of Engraving and Printing the question:

What additional building would be required?

He answers:

An estimate of $80,000 has been made by the office of the Supervising Architect for the extension of this building for another purpose; and it is believed such an extension would afford ample room.

I asked:

What additional plant will be required?

He answered that an expenditure of $35,000 would supply the additional plant.

Now, I ask, Mr. Speaker, when this matter comes before the House, obviously as the result of the inquiry and urgency of a single or at most two classes of individuals, will the House reissue this paper currency and put the additional burden upon the Treasury of this country? Is there reason for it? Is there sufficient advantage to be derived from it to justify such an expenditure?

But not only is the currency expensive to make, but it is a currency which is expensive to keep in circulation. I inquired of the Bureau of Engraving and Printing the average life of the fractional note, and received in response the reply that it was one year and one month. I asked what the average life of the other notes was; and the answer was four and one-fifth years for all notes above $1. So that, if the $25,000,000 is to be issued, every one and one-half years $383,000 of additional expense must be saddled upon the Treasury of the United States to keep it in circulation.

But, sir, that is not all. The Government of the United States has unquestionably to-day in operation a system which will perfectly and fully supply this alleged want—the system of postal-notes. It has been said that that system has not been sufficiently extensive. That is true, sir; but under the laws passed by the Forty-ninth Congress it has been extended 51 per cent. in the past year, and under laws, as the Postmaster-General reports, now in existence the increase of the postal-notes and the frequency of their use will be very greatly extended. So that there is no necessity nor public use for the creation of this currency.

That, in addition to what I have said in my report, is all I desire to present at this time in opposition to this bill.

The undersigned, member of the Committee on Banking and Currency, respectfully dissents from the report of the majority of that committee whereby they recommend the passage of a bill as a substitute for H. R. 6140, to authorize the issue of fractional silver certificates, and recommend that said bill do not pass, but the same lie upon the table.

I do not understand that the demand for any such form of currency is claimed to be general, much less universal. The claim is that in certain kinds of business the proposed fractional certificate would be a convenience.

Waiving the question whether legislation exclusively for the convenience of any one or two kinds of business is proper, it is entirely obvious that it is improper either where there is any general principle of which it is a violation or where expense to the general public is occasioned thereby more than commensurate to the private advantage, or where there is a loss likely to result therefrom to the general public or to any other class.

The expense of issuing these fractional certificates will necessarily be very large. The report of the Chief of the Bureau of Printing and Engraving for the past year, and his estimate of expenses of that bureau for the next year, inform us that that bureau, now being in a condition of high efficiency, is already hampered for room and will be taxed to its utmost capacity to prepare and issue, as required by the public demand, the various securities, bills, and stamps in the next fiscal year, as the amount has been ascertained from the estimates of the respective bureaus of the Treasury Department.

The addition to the work of the Bureau of Printing and Engraving by the making of the proposed fractional certificates, as authorized by this bill, will therefore require additional or new buildings for that bureau, additional machinery, and additional labor.

The cost of these necessary additions to be paid for out of the general Treasury seems to me to be largely in excess of any advantage to the particular classes asking for this legislation.

The return to the use of the subsidiary coin in place of the former fractional currency was accompanied by such general expressions of gratification from all parts of this country as could only have been occasioned by a very general sense of the inconvenience and loss arising from the use of that currency.

Fifteen million three hundred thousand dollars, in round numbers, of that currency remained unredeemed on July 1, 1887, eleven years after the last issue of it ceased.

The loss may be presumed to have been generally distributed, but fell heaviest upon the laboring classes, and any loss in the proposed currency will certainly be distributed in the same way. Unless the use of this currency can be made so general as to make it certain that the division of the loss upon it will be generally distributed it is impossible to see how it can supply the asserted demand for a paper currency of such denomination as will facilitate the settlement by mail of small transactions.

Its general use seems to me a prerequisite to its getting to the remoter and less accessible parts of the country, where it is claimed to be really needed. If it is to be generally used, then it must displace just so much of the subsidiary coin.

The subsidiary coinage is now beyond the needs of the country, nearly one-third of it being constantly in the Treasury, despite the best efforts of the Government to keep it in circulation.

The loss, by destruction of the currency, to the people, is a gain to the Treasury. The Treasury can not make any gain in this way except by an equal loss to the people. It will not be seriously contended that the Government should issue a currency for the intended or with the foreseen result of making a profit out of the citizen by means of the destruction of such currency.

The subsidiary coin being paid into the Treasury for fractional silver certificates reissued, these certificates are by the terms of this law exchangeable for other silver certificates payable in silver dollars.

When this latter class of certificates are presented, silver dollars must be paid from the Treasury, and the subsidiary coin remains therein. From what fund all the remaining silver certificates issued for silver dollars deposited in the Treasury, and some of which have been paid out in the process above described, are to be paid this bill does not provide, as I comprehend it.

The holders of such as may be left after the silver dollars are all paid out can not be compelled to take the subsidiary coin. As the subsidiary coin is not of proportional weight with the silver dollar, and hence a dollar of it not of intrinsically equal value, it is not difficult to see that there is held out an inducement which may on an occasion lead men desirous and capable of speculating to load down the Treasury with the intrinsically less valuable and deprive it of the intrinsically more valuable coin.

It is not to be forgotten that one of the evils which grew to large and generous proportions in connection with the issue of fractional currency from 1862 to 1876 by the Federal Government was the forging of this kind of currency. Its small value and frequent use made forging of it comparatively simple and safe.

The loss from this cause of course fell heaviest upon the laboring classes, from education, habit, and necessity least observant of the quality of the currency they receive.

The same result is certain, as it seems to me, to follow a return to its use.

These reasons for my dissent are based upon the views I entertain of the expediency and effect of the proposed legislation. There remains to be stated a reason which rests upon broader and more fundamental grounds.

It seems to me that the proposed bill is violative of what I believe to be the sound general principle that the Treasury of the United States should not become a bank of deposit for the money of private individuals, nor issue its negotiable certificates of deposit to its depositors.

It was never contemplated, in my opinion, by the framers of the Constitution that the Treasury should occupy any such relation either to private individuals or to the general business of the country.

I am not unaware that in later years this theory of the province of the Treasury has been frequently set aside. Yet as one who believes in the necessity of a return to the older and, as it seems to me, sounder views of the constitutional relations of the Federal Government to the citizens of the country, I can not concur in recommending the passage of any legislation which tends to extend these violations of what seems to me sound doctrine.

HENRY BACON.

I yield to the gentleman from Pennsylvania [Mr. BAYNE] for five minutes.

Mr. BAYNE. Mr. Speaker, I think this bill is objectionable because it is in the interest of a class. It may benefit that class. It may prove of convenience to that class, but it would prove of inconvenience to all the other people of the country.

No one here can recall the days when we had fractional paper currency without remembering that it was very inconvenient in many cases; that the notes became chafed, that they became mutilated and soiled, and after passing from hand to hand many of them became utterly unfit for use. These were palmed off upon ignorant persons, while the sharp and smart fellows refused to receive them, and many a man has torn a note up and thrown it away rather than go to the Treasury Department or to the United States depository for the purpose of having it redeemed. The loss to our country, as shown by statistics, by the use of that fractional currency amounts to about $15,000,000; and it is not improbable, if the silver fractional certificates will be used, that a like loss will result from their introduction.

Now, sir, I say it is unfair on the part of the Government, it is dishonest on the part of the Government, to put into existence a system of currency which will thus result to the people of the country. It is not an honest, fair, decent way of doing business.

There is another objection to it, Mr. Speaker. It is this: There are now hoarded in the Treasury of the United States about $215,000,000 of silver. About one hundred and sixty or one hundred and seventy millions of that money are there on the basis of silver certificates having been issued, and the other forty-five or fifty millions are lying there in the Treasury the property exclusively of the United States; and the effect of the enactment of this law would be to drive still further into the Treasury of the United States the subsidiary coin of the country and lodge side by side with the legal-tender dollars that are now in the Treasury the subsidiary coin which is handled from day to day and used in the daily transactions of life.

I conceive it was a violent departure from the principles of the fathers and from the rules laid down in the Constitution of the United States when the Supreme Court of the United States held that greenbacks were a legal tender, especially after the war necessity had ended, and when there was nothing to base them upon except the authority conferred by the Constitution. I see in the issue of these silver certificates here proposed and in the issue of the silver certificates that are gone before a continuation of that departure and an effort to practically put into use a paper currency instead of retaining in use a subsidiary coin or a gold and silver coin for the wants of the people in their business transactions.

I regard this as a dangerous innovation. I look upon laws as a growth, as everything else grows and develops; and I think this tendency has grown and developed, and is about to culminate, if this measure becomes a law, in a system which will be injurious to the people of this country from one end of it to the other.

I hope this measure will be defeated, and that the already large amount of silver in the Treasury of the United States will not be still further increased by the enactment of such a law as this.

[Here the hammer fell.]

Mr. BACON. I called the attention of the House to the letter I received and the circular printed on the back of it to make plain the ground on which I based the assertion in my minority report that there was no general demand for this measure, that it was simply a demand created by the ingenious gentleman who got up this circular. It has no more resemblance to a general public demand than the tin thunder of a theater has to the thunder in the clouds.

I yield five minutes to the gentleman from Missouri [Mr. BLAND].

Mr. BLAND. Without committing myself to the proposition of issuing fractional paper money of any kind, there are other features of this bill to which I seriously object.

My personal recollection of this fractional paper does not recommend it to me. I remember when it was in use that sometimes, in trying to separate it after it had been wadded together and sweated over in the pocket-book, it would tear to pieces, 25 or 50 cents of it, and it would take longer to piece and paste it together than the time it would take me to make that amount of money. I think fifteen millions of it perished, there being a total loss to the people of that amount.

Mr. DUNN. Besides the loss by counterfeiting.

Mr. BLAND. As the gentleman from Arkansas says, it was constantly counterfeited, and the counterfeit and the genuine passed all alike.

I might, however, yield those personal objections if I thought there was a universal demand, or a demand we ought to heed, for the issue of this paper money. If I thought so, I might not interpose my objection to a proper bill for that purpose. But what is this bill? In the first place, it is very difficult to determine what the bill means. There is one thing certain about it, and that is it changes the whole system of our currency.

The subsidiary silver coin, the 50 cents, the 25 cents, and the dimes, has not the same quantity of silver as the legal-tender silver dollar has; and it is a legal tender for only $10. It has been issued to the extent of about $70,000,000, and about twenty-five millions of that issue are piled up in the Treasury and not in circulation.

This bill does not propose to issue the subsidiary paper or the subsidiary coin at all; and there is this fundamental objection to it as a measure, that it proposes to convert the monthly purchase of bullion for the purpose of issuing this fractional currency, instead of basing it on the subsidiary coin in the Treasury.

Now, what would be the effect of it? We have to-day twenty-five millions, or sometimes as high as thirty millions, of this subsidiary silver in the Treasury, and never less than twenty-five millions that is not in circulation at all. It is counted as an unavailable asset in the Treasury balance. Now, this bill proposes to give the Secretary of the Treasury unlimited power to do what? To convert silver certificates issued under the law of 1878 on the silver dollar into subsidiary silver paper, to the amount of seventy millions.

Give him that power and you will have seventy millions of subsidiary silver on the Treasury books as unavailable assets, because as you get out this paper the coin returns and this takes its place, and the whole subsidiary coinage, amounting to $70.000,000, together with the

trade-dollar, amounting to nearly one hundred millions, will be piled up in the Treasury as unavailable dead capital, and this paper is to be issued on the monthly coinage and monthly purchase of bullion. I say, Mr. Speaker, it will contract the currency, and instead of the people having a currency that is convenient, as the subsidiary silver coinage is, they will have torn, mutilated, pasted, dirty paper, which will be issued for the purpose of contracting the currency, and nothing else. It is questionable whether, under the provisions of this bill, the Secretary of the Treasury may not convert the whole of our silver coinage into fractional paper, to be a legal tender for only $10, and thus defeat the purpose of remonetizing silver.

[Here the hammer fell.]

Mr. BACON. Mr. Speaker, how much time have I remaining?

The SPEAKER *pro tempore*. The gentleman from New York has four minutes of his time remaining.

Mr. BACON. I yield four minutes to my colleague from New York [Mr. COX].

Mr. COX. Mr. Speaker, I will say in three minutes, very briefly, what occurs to me on this subject. I happened to be chairman of the Committee on Banking and Currency in June, 1876, and reported a bill which had been introduced by the gentleman from Pennsylvania [Mr. RANDALL] and referred to that committee, providing for the issue of twenty millions of subsidiary coinage in the place of the old, rotten, small-pox fractional paper currency. We got rid of that currency, and it was a good riddance; not merely because it was old and unpleasant and contagious, but also on economic grounds. I remember it was argued by some gentlemen at that time, on both sides of the Chamber I think, that the small fractional paper currency was lost or destroyed at the rate of some ten or twelve million dollars per annum, while the silver would not be lost, and that therefore, by retaining the fractional paper currency, the Treasury would gain by the people's loss, forgetting, of course, in the argumentation, that the people were really the Government, and that the people, and especially the poor people, would be the real sufferers. Well, sir, Congress almost unanimously passed that bill for the subsidiary silver coinage. It was a bill intended to conform to the usages of all nations and of all ages, for no nation undertakes to get rid of silver for its subsidiary coin. From the time of Abraham down to the present, in all the countries of Europe and of the Old World generally, the old white coin has remained in use for change and is found to be indispensable. If we want change of another kind for purposes of transmission through the mails, it is easily obtained. We have it already in our postal-notes and postage-stamps, and if we want more we can easily get it without bringing back upon our people that pestiferous thing, the shinplaster of the past.

Mr. RANDALL. I have not been able to hear a popular clamor for the enactment of such a law as this. I do not believe any such clamor exists. I happened to be here in 1876 when there was a real demand for the extinguishment of the fractional paper currency and for the substitution in its stead of subsidiary silver coin for the purpose of carrying on the retail business of the country; and, whether there is any clamor for this or not, in my judgment there is no necessity for it, because the report presented to us by the committee shows that there is now afloat a sufficient subsidiary coinage to meet the demands of business. The report of the committee shows that there is yet twenty-seven millions of coin of that character remaining in the Treasury. It also tells us that between the 30th of June, 1886, and the 30th of June, 1887, one year, this circulation had increased $2,000,000, showing that it was increasing from natural business causes and ought not to be interfered with in the manner proposed. Now, what has been said by the gentleman from New York [Mr. COX], in not altogether refined language [laughter], I repeat. There was $368,000,000 of this fractional currency issued, and the final result is that the people of the United States have been mulcted to the extent of fifteen millions by that kind of money.

[Here the hammer fell.]

Mr. DARGAN. How much time have I remaining, Mr. Speaker?

The SPEAKER *pro tempore*. The gentleman from South Carolina has thirteen minutes of his time remaining.

Mr. DARGAN. I will yield ten minutes to the gentleman from Maine [Mr. DINGLEY].

Mr. DINGLEY. Mr. Speaker, the pending bill provides for the issue of fractional silver certificates in denominations of 10, 15, and 25 cents, to be issued, paid, and exchanged in the same manner and received for the same purposes as the $1 and $2 silver certificates.

The amount to be issued will depend entirely on the demand for them, in the same way as the amount of issues of other silver certificates is determined. The only limit is that in no case can the issues of all denominations of silver certificates be larger in the aggregate than the whole number of silver dollars that have been coined. If but few fractional silver certificates are demanded by the public, but few will be issued. If ten, fifteen, or even twenty or more millions are required in fractional denominations, then they will be issued.

Inasmuch as on March 1 there were over forty-seven million of standard silver dollars in the Treasury against which no certificates were outstanding, not to mention the monthly coinage of over two millions, there is an abundant basis for the issue of fractional denominations to meet the wants of business. To whatever extent the fractional silver certificates go into use, therefore, they will utilize the unused silver dollars in the Treasury.

I favor the issue of such fractional silver certificates because I believe they will prove a great convenience in the transaction of the large and increasing volume of business done by means of orders sent through the mails by individual citizens removed from the commercial centers and points of distribution. Not only does this include extensive special business enterprises like those conducted by seedsmen, publishers, booksellers, notions, etc., but to a large extent farmers and other citizens obtain special articles not usually found in rural sections of the country by sending orders and making remittances, usually requiring fractional sums, through the mails.

The large numbers of letters and memorials from Grangers, farmers, and residents of rural communities, asking for the passage of this bill, attest not only the existence of a wide demand for such a currency as this bill proposes but also a conviction wide and deep in the farming communities of the country that it is the duty of the Government to meet this want.

The information which the committee have received shows clearly that the growth of the kind of business which demands a convenient fractional currency for transmission through the mails has been unexampled within a few years. The money-order and postal-note, inconvenient and expensive for small sums, can be obtained only at one out of eight post-offices in the country, and the people therefore have been obliged to resort to heavy and unsafe coin, and postage stamps, which in warm and damp weather have been handled with difficulty and usually with loss.

Four objections have been made to supplying this admitted public convenience and necessity—objections which seem to me to have little force when compared with the great advantages gained.

First. It is said that these fractional silver certificates will drive fractional silver out of circulation. There is no good ground for this suggestion. Fractional silver as pocket coin will maintain its place. If we had any doubt of this, our fears have been dispelled by the trial which Canada has given to an issue of fractional paper currency to supplement her fractional silver. The result has been that fractional silver has maintained its usual circulation as change for the hand-to-hand transactions of the people of Canada, while the fractional paper has been mainly used for those business transactions where parts of a dollar were needed for transmission by mail. As such it has proved a convenience in Canada. In this country, where such transactions are proportionately much more numerous, such fractional certificates will prove a great boon.

Second. It is objected that it is a very expensive currency to the people on account of the wear and destruction of the paper. It is pointed out that of the three hundred and sixty-odd millions of fractional currency issued by the Government between 1862 and 1876, to maintain a maximum circulation of seventy-five millions, over fifteen millions have never been presented for redemption, and it is claimed that this amount has been lost.

As a matter of fact a large proportion of these fractional notes which have never been presented for redemption are still in the hands of the people, carefully preserved as curiosities of the war. A considerable amount was kept by banks and business men for use in transmission by mail. It is doubtful if the actual loss was a third of the apparent amount missing, and that was largely due to the neglect of the people in the flush times of the war to preserve for redemption mutilated notes. Besides, it should be borne in mind that this fractional paper currency was, during the war period and up to 1876, the only money which the people had for hand-to-hand uses in denominations less than a dollar, and that the loss by mutilation must be much greater when such a currency is used as pocket change than when it is used for transmission by mail. With such appropriate regulations for distribution and redemption as this bill authorizes the Secretary of the Treasury to make, there is no reason why the loss to the people in using fractional certificates should be greater than in the use of $1 and $2 certificates. It is not believed that the expense of these is much, if any, greater than in the use of coin.

Third. It is said that the people rejoiced when fractional silver came in in 1876 to take the place of fractional paper, and therefore it is assumed that there is no desire now for the issue proposed by this bill.

But it should be borne in mind that the popular satisfaction at the return to fractional silver had reference partly to the fact that it was the inception of a return to specie payments and a currency at par with coin, and partly to the fact that for ordinary pocket change the people preferred silver. For this use they prefer it now. But hardly had we withdrawn the fractional paper before it began to be seen that it had a useful end to subserve for transmission through the mails. The postal-note was an effort to meet a want which the withdrawal of the fractional paper disclosed, but it has necessarily proved insufficient. And with the large increase of the kinds of business which demand a convenient currency for transmission through the mails the demand from our rural population for such an issue as is proposed by this bill is too general to be resisted, especially when there is no substantial reason for withholding it.

Fourth. It is finally urged that the expense to the Government will be so great in issuing it as to more than offset the advantages of the issue. Somber pictures of an overloaded Bureau of Engraving and heavy expenditures in constructing new buildings to hold machinery enough to print a few millions of fractional certificates are presented to the House.

The gentleman from South Carolina [Mr. DARGAN] has so thoroughly shown the groundlessness of this objection that I need not dwell on it. Our Government, which, with a mighty war on its hands, found no difficulty in printing hundreds of millions more of bonds, Treasury notes, fractional notes, and bank-notes than are now desired, will have no difficulty in printing a few millions of fractional certificates.

It is strange that gentlemen who saw no difficulty or expense in printing gold certificates, or even the many millions of $1 and $2 silver certificates authorized by the last Congress, should now discover so great expense in printing a few millions of fractional silver certificates.

Mr. Speaker, I hope the bill will receive the necessary two-thirds vote, and thus the requests which are coming up to us from the farmers and rural communities of this country for a currency which can be conveniently and economically used for transmission through the mails in sums of less than $1 will receive a favorable response from Congress.

Mr. COX. In order to avoid the reproach of inelegance, to which my facetious friend from Pennsylvania [Mr. RANDALL] subjected my limited and hurried remarks, I ask to add a paragraph or so from the debate of June 10, 1876 (CONGRESSIONAL RECORD, first session Forty-fourth Congress), when the respective utilities of the paper change and the subsidiary coinage were compared:

Why, then, should we discriminate in our legislation against silver, a product of our own land? It is a product, like wheat. It costs to get it. Its beauty and brilliancy are inferior to no metal. Softer than copper, harder than gold, its malleability makes it a medium, and our organic law regards it as a legal medium of exchange. Its very ductility gives it a quality as wonderful as that of any metal. It may be drawn out into wires finer than hair. A grain of it may be extended by the genius of mechanism 400 feet in length. Its tenacity is not less remarkable. Its alloy with copper by fusion not only makes it harder, but gives it a ringing sonorousness which is beginning to make music in the pockets of the million. It may be too heavy for lazy effeminacy, but it is none the less precious when jingled in the hand of toil. Our Government has fixed its standard, as have Britain, Austria, and France. Let us maintain it as our fathers advanced it, above and out of the slough of the Continental currency.

This white metal is not a new coin. I have seen its old mines in Cartagena, which were once worked by Spanish slaves under Roman masters, as Peru and Mexico have worked their mines under Spanish mastery. The ancients used silver for coin, and made the coin unalloyed. Hungary, Saxony, Norway, and Asiatic Russia have had and yet have their mines of silver; but all nations, ancient and modern, fall in its production in comparison with our own mining miracles. The stories of Monte Cristo and the fables of Aladdin and the Orient do not touch the realities of Nevada with its incalculable bonanzas.

In our present emergencies, and when the bulk of the currency of our country is provincial paper, when it is, therefore, non-exportable, when it is neither the standard of wages nor prices, when it is not the legal tender which industry deserves or the Constitution contemplates, is it not a heroic and wise movement towards honest money to prepare with caution and receive with prudence this remarkable metal placed by Providence within the bosom of the earth, to be delved after as a factor in the exchanges of our enterprising country and busy world? Well might the Psalmist exclaim, "O Lord, how manifold are Thy works! In wisdom hast Thou made them all. The earth is full of Thy riches!"

Mr. WHITING, of Massachusetts. Mr. Speaker, I desire to make a few observations in reference to the minority report, which states in brief that there is no general demand for the issue of fractional currency. The evidence before the subcommittee that prepared the bill was that there is a general demand for it. Newspapers all over the country have favored it; letters and petitions from various sections have been received in its favor, and from people in every walk of life. We can, therefore, reasonably say that there is a wide and general demand for the passage of the bill.

Any one can see why there should be a demand for such a currency to be used in the mails. Only 14 per cent. of our people live where they are able to obtain postal money-orders; 86 per cent. of our people are therefore without this privilege, and if they have remittances to make are compelled to use postage-stamps or subsidiary coin. No one will contend that these were intended to be used for such a purpose, and when they are so used it is to the inconvenience and loss of those using them.

It strikes me that when 86 per cent. of our people are driven to the use of stamps and silver, which are unsafe and unfit for the purpose of transmission through the mails, no one can deny that fractional currency would be a great convenience for such a purpose.

It is also assumed in the minority report that the $15,300,000 of fractional currency now outstanding of the old issues is lost, but I am sure that it must be within the knowledge of every member on this floor that large amounts have been retained by the people as souvenirs of the times in which it was issued and for use in the mails.

It may be that the subsidiary coinage is already more than the country needs, but that is not the question here. The question is, shall we give the people a convenient and safe currency with which to make small remittances through the mails? To my mind it seems an imposition to longer deprive them of it and compel them to use an inconvenient and unfit medium for this purpose.

Mr. DARGAN. I now yield to the gentleman from New Jersey [Mr. PHELPS].

Mr. PHELPS. Mr. Speaker, there is no doubt that they will be shinplasters. There is no doubt that we have all learned to hate and despise shinplasters. We hated them because a disagreeable necessity forced them upon us. We despised them because they were fraud, they were not worth their face, and they were not redeemable in coin. But these objections died with the war. They will not exist to plague this new issue of fractional currency. But there are other objections that will. I will be frank in that admission.

These certificates will cost a good deal to manufacture. Many of them will be torn; all of them will be dirty. Many of them will be lost in the hands of the people. They will add twenty-five millions to our paper currency.

But all these objections have been, I think, exaggerated. We exaggerate them, naturally, under our prejudices against the shinplaster.

Grant that the loss is great. If the loss be equally distributed and not confined to a single class, what the individual citizen loses out of his pocket he finds in the United States Treasury, in which he has a pro-rata interest. And I believe that the rich man is as careless in handling that kind of money as the poor man.

Grant that the certificate gets quickly torn or soiled. Measures will soon be devised by the Secretary of the Treasury, to whose power it is committed, to facilitate the exchange. The banks will assist. If they do not, public opinion will force them promptly to do so, that the mutilated or dirty certificate shall be promptly exchanged for one that is clean and crisp.

New arrangements and machinery will diminish in time the cost of its production, just as has been the case in the production of our United States notes.

Where there are hundreds of millions of paper money out, to the exclusion of the coin it represents, the addition of twenty-five millions to that amount is not a serious objection. Now, against these objections weigh the wishes of those who use seven-eighths of the post-offices of the country. They want a currency which they can use in the mails whenever they want to buy any article that is worth less than a dollar. They can not go to a post-office for a money-order.

The gentleman who lives in Philadelphia [Mr. RANDALL] may not want it, nor the gentleman from Pittsburgh [Mr. BAYNE], nor the gentleman from Missouri [Mr. BLAND], who lives by a money-order office, nor the gentleman [Mr. BACON] who lives in a city of New York; but the farmers who are scattered over the country do, and those who live in small villages. To these it is almost a necessity. And as for those who live near money-order offices, why these gentlemen themselves must think their time of little value if, when they want to buy 25 cents' worth of anything not found in their vicinage, they prefer to walk to the post-office and there enter into a written contract with the United States Government, and this to expend a quarter of a dollar. [Laughter.]

I want to vote for the farmers, the class that need this accommodation. There are plenty to speak and work for the laborers of cities. Hundreds of organizations look to their rights—Knights of Labor and brotherhoods of every name. But the scattered farmers, the dwellers in little villages, have no organizations to help them.

I am always glad to aid such. I wish I had often the opportunity both by my voice and vote. I am not sure that the voice would help, but the vote does, and they shall have it every time. I am glad they get it this time. [Laughter and applause.]

Mr. DARGAN. How much time have I remaining?

The SPEAKER. The gentleman has three minutes of his time remaining.

Mr. DARGAN. Mr. Speaker, since this debate has commenced the gentleman from Oregon [Mr. HERMANN] has handed to me some postage-stamps, which I hold in my hand, which have been received through the mail to present as a practical argument in favor of the passage of this bill. They are sealed both ways and are therefore perfectly worthless for any purpose.

The gentleman from Pennsylvania has said laws are a growth, and the correctness of this proposition is illustrated by the bill under consideration. On account of our mail facilities, on account of the extraordinary facility of communication our people in different parts of the country have with one another, and the movements of trade, a demand has arisen, a growth has taken place which requires that we shall not only have silver certificates above one dollar, but that we shall also have fractional certificates adapted to the carrying on to the best advantage a peculiar kind of trade—a retail trade through the mails—which has come into existence as one of the incidents of an advancing civilization.

I yield the remainder of my time to the gentleman from Iowa [Mr. WEAVER].

In order to show that the committee have not, as is alleged, reached without evidence the conclusion that there is a universal demand for this currency, I present, as a part of my remarks, the report of the majority of the committee, only adding that if it had been deemed necessary the evidences of this demand could have been multiplied almost indefinitely.

Mr. DARGAN, from the Committee on Banking and Currency, submitted the following report:

The Committee on Banking and Currency, having had under consideration the bill (H. R. 6140) authorizing the issue of fractional silver certificates, beg leave to report that they have carefully considered the same, and recommend

that said bill do lie on the table, and that the accompanying bill be adopted as a substitute therefor.

Since the question of issuing fractional paper currency has been referred to this committee, numerous petitions asking for the issue of such currency have been presented to Congress and referred to this committee. Numerous letters in reference to the same subject have been received by individual members of the committee. These letters and petitions earnestly urge the passage by Congress of some measure giving the people a fractional paper currency. The demand seems to be very general, as the letters and petitions referred to come from almost every section of the country, but seems to be particularly urgent from the New England States. Letters, however, have been received from Georgia, Indiana, Iowa, Arkansas, Minnesota, Mississippi, and other States of the Union. These facts are mentioned in order that the House may understand that the demand for fractional paper currency does not come from some particular locality only, but may be considered as coming from almost every part of the country.

The following letter received from the secretary and treasurer of the Cultivator Publishing Company, of Atlanta, Ga., expresses in a clear and concise way the reasons upon which this demand for fractional paper currency is based:

"ATLANTA, GA., *February* 10, 1888.

"GENTLEMEN: Fractional currency for use through the mails is a want long felt, and the proposed relief is urgently demanded by every consideration of convenience to publishers.

"The facilities of the money-order and postal-note system of the Government are very good as far as they go, but it is a well-known fact that they reach only a very small percentage of the farmers of the country. For instance, a town that does not have a money-order office can not enjoy the advantages of the postal-note system.

"None feel the need of fractional currency for sending through the mails more than newspaper publishers. In their view nothing meets this demand so essentially well as this kind of money.

"Trusting that your honorable committee will give this matter your favorable consideration, we remain,

"Yours, truly,

"CULTIVATOR PUBLISHING CO.,
"GEO. W. HARRISON,
"*Secretary and Treasurer.*

"Hons. BERIAH WILKINS, WILLIAM WHITING, and GEORGE W. DARGAN,
"*House Banking Committee, Washington, D. C.*"

The following letter from New Haven, Conn., is also presented as a clear and concise presentation of the matter from a New England standpoint:

"THE H. P. HUBBARD COMPANY,
"*New Haven, Conn., February* 18, 1888.

"DEAR SIR: We understand that you are on a committee in regard to the issue of silver certificates for sums less than $1, and we therefore take the liberty of writing you to state that should such a bill become a law it would greatly further our interests and the interests of a large number of our customers. We receive many remittances in small amounts, which must necessarily be paid in United States postage-stamps, so that at times we have thousands of dollars in postage-stamps on hand, which we can only dispose of at a discount. If silver certificates for fractional currency could be issued for use in the mails, it would do away with this annoyance and save us a large amount of money every year.

"The same would be the case with a large number of our customers, whose business in small remittances is even greater than ours.

"We trust you will do all in your power to put the measure through, and thus do your constituents a last service.

"Shall be pleased to hear from you in regard to the matter, and to furnish further information at any time.

"Yours, truly,

"THE H. P. HUBBARD CO.,
"By C. E. RAYMOND,
"*Treasurer.*

"Hon. GEORGE W. DARGAN,
"*Washington, D. C.*"

The following communications will show how this question is looked upon by the farmers of the country:

"(State Grange of Massachusetts, of the Order of the Patrons of Husbandry, Master's office.)

"MARLBOROUGH, MASS., ——— ——, 188—

"DEAR SIR: The State Grange and the members of the subordinate granges of Massachusetts are heartily desirous of securing by law the reissuing of fractional currency.

"Our rural population deserve this accommodation and relief from the use of postage-stamps or coin in sending small sums through the mails.

"Yours, very truly,

"A. A. BRIGHAM.

"Hon. BERIAH WILKINS,
"*Chairman Committee on Banking and Currency.*"

"(Office of The Western Rural and American Stockman.)

"CHICAGO, *February* 11, 1888.

"DEAR SIR: In behalf of the 35,000 subscribers of the Western Rural, I respectfully ask that the Committee on Banking report a bill in favor of the issue of postal currency. There is no legal objection to the issue of this currency, and there is no greater need on the part of the residents of the rural districts, who send many thousands of dollars annually by letter in business transactions. In thousands of cases it is not practical for these people to get postal-notes or postal-orders, and the only thing they can do is to inclose postage-stamps. In establishments like mine, we receive a large aggregate of money in postage-stamps, which are inconvenient to handle and can not be handled in large quantities in this way without considerable loss. There is no one thing that is so often demanded of us by our patrons as that we shall advocate the issue of postal currency.

"It is believed that a petition bearing the names of fifty thousand people could be secured within thirty days by any newspaper establishment of the character of this. It is hoped your committee will be able to see the necessity of such a bill. As the United States Supreme Court has affirmed the constitutionality of the greenback, such currency as we here ask is in that line, and may be issued not only to the great convenience of the people and to publishers, but also to increase the volume of our currency.

"Very respectfully,

"MILTON GEORGE,
"*Publisher the Western Rural.*

"CHAIRMAN COMMITTEE ON BANKING,
"*Washington, D. C.*"

"[Indiana Farmer, a weekly journal of the farm, home, and garden.]

"INDIANAPOLIS, *February* 10, 1888.

"DEAR SIR: In behalf of our readers, as well as ourselves, we take the liberty of requesting you to use your influence in favor of the reissue of fractional currency.

"This currency would be of incalculable benefit to newspaper publishers, and those dealing with them through the mails. We assure you that, in our judgment, such a bill as suggested would be extremely popular throughout the country.

"Very respectfully,

"IND. FARMER CO.,
"J. G. KINGSBURY,
"*Secretary.*

"Hon. BERIAH WILKINS."

These letters are only fair specimens of quite a large number which have been addressed to almost every member of the committee.

Petitions from various parts of the country setting forth—

1. That the petitioners are put to great inconvenience because of the lack of fractional paper currency.

2. For sending small sums in the mails the postal-note does not accommodate them. It is no safer than fractional currency, is expensive, exceedingly inconvenient to get or to collect, and is issued only at money-order offices. Now, as only 14 per cent. of the post-offices issue money-orders or postal-notes, and these only at important centers, it will be seen that the people remote from these centers, who most need the conveniences, have no way of sending money by mail except in postage-stamps or bulky silver. Stamps were not made for this purpose and are not negotiable. Silver is too unsafe. Therefore they ask for a fractional paper currency.

3. They therefore petition Congress to at once enact a law for the reissue of fractional currency, not as a substitute for silver, but to supplement it, and especially for use in the mails.

These petitions have been numerously signed by citizens of States of such different geographical location and divergent interests as the States of Nebraska, New York, Pennsylvania, Kansas, Massachusetts, Iowa, Connecticut, Illinois, and others.

In conclusion, your committee would say that after very careful consideration they are satisfied that this demand for fractional paper currency is not confined to any particular locality or to any special class of industry, and that the demand may be fairly considered to be both general and urgent.

Your committee can see no good ground for non-compliance with this demand of the people, and they have, therefore, recommended the adoption of the accompanying substitute.

This bill, it will be perceived upon examination, does not in any way increase the volume of the circulating medium. It only substitutes a currency which seems to be desired by the people for so much of the existing currency as they may desire to exchange therefor.

This bill also, it may be added, simply proposes to so enlarge existing law as to authorize the Secretary of the Treasury to issue, upon demand, fractional silver certificates as well as silver certificates of larger denominations.

Mr. WEAVER. I am in favor of a paper fractional currency, but I am in favor of the old-fashioned currency if I can get it. If I can not, I am in favor of this.

I wish to criticise this bill. I do not think a piece of unfinished legislation should go through this House. The word "issued" is not in the printed bill, although it is in the original bill.

Now, let me give you a case in point: Suppose I take a thousand dollars in ten-dollar silver certificates to the Treasury Department and say to the Treasurer, "I want $1,000 in these fractional silver certificates in exchange." He says, "All right; I have the right to give them to you under the bill passed by the Fiftieth Congress." Very well; I take them. Now, I ask, what is he going to do with the thousand dollars I handed him? There is nothing in the bill that says it shall be canceled. It says that I shall have the right to exchange those certificates for the fractional silver certificates at the Treasury Department, but there is no provision of law, either existing or as proposed in this bill, for the cancellation of the notes representing the thousand dollars that I have exchanged for them. Hence, I increase the currency $1,000 by this transaction. The Treasurer must receive the $1,000 and keep it in the Treasury under the law; and the law says he may reissue that money.

I think, Mr. Speaker, that is an omission in this bill. If there is to be an issuance of these fractional silver certificates, there should be some provision as to what is to be done with the bills of larger denominations taken in exchange for them by the Treasury.

The SPEAKER *pro tempore* (Mr. HATCH in the chair). The time fixed for debate by order of the House has expired.

The Chair will state for the information of the House that the original bill has been sent for, that reported by the Committee on Banking and Currency, and the Chair finds upon a careful examination of the original bill that the present bill, which was sent to the desk and read upon motion of the gentleman from Ohio to suspend the rules and pass it, is an exact and true copy of the original bill. The word left out, as stated by the gentleman from Ohio, was not a typographical error, but was, as the gentleman now states he thinks, a mistake.

Mr. WILKINS. It was a clerical error evidently in copying the bill, and I desire to say that if the House passes the bill in this shape, it may be corrected in conference or in the Senate.

Mr. RANDALL. This, I believe, is not debatable. [Cries of "Regular order!"]

Mr. BLAND. This is a regular stab at the whole silver coinage, and I hope it will be voted down.

The SPEAKER *pro tempore*. Debate is out of order.

Mr. DARGAN. Before the question is submitted I desire to ask unanimous consent that gentlemen who have addressed the House upon this question may be permitted to extend their remarks if they see proper to do so.

There was no objection, and it was so ordered.

The SPEAKER *pro tempore*. The question is, Will the House suspend the rules and pass the bill?

Mr. BACON. On that I ask a vote by yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 177, nays 67, not voting 80; as follows:

YEAS—177.

Allen, Mass.	Darlington,	Johnston, N. C.	Post,
Allen, Mich.	Davidson, Fla.	Kennedy,	Rayner,
Anderson, Iowa.	Davis,	Kerr,	Reed,
Anderson, Ill.	DeLano,	Kilgore,	Richardson,
Anderson, Kans.	Dibble,	Laffoon,	Rockwell,
Arnold,	Dingley,	Laird,	Romeis,
Atkinson,	Dorsey,	Landes,	Rowland,
Baker, N. Y.	Dunham,	Lee,	Ryan,
Baker, Ill.	Elliott,	Lind,	Sawyer,
Bankhead,	Enloe,	Lodge,	Scull,
Barnes,	Farquhar,	Long,	Seney,
Belden,	Fisher,	Lyman,	Shively,
Blanchard,	Flood,	Maish,	Simmons,
Boothman,	Ford,	Mansur,	Smith,
Bound,	Forney,	Mason,	Snyder,
Boutelle,	French,	McAdoo,	Spooner,
Bowden,	Fuller,	McComas,	Steele,
Bowen,	Funston,	McCormick,	Stewart, Tex.
Brewer,	Gaines,	McKinley,	Stewart, Ga.
Brower,	Gallinger,	McKinney,	Stewart, Vt.
Browne, T. H. B., Va.	Gear,	McMillin,	Stockdale,
Browne, Ind.	Gest,	McRae,	Stone, Ky.
Brown, Ohio	Greenman,	McShane,	Stone, Mo.
Brown, J. R., Va.	Grout,	Milliken,	Tarsney,
Brumm,	Harmer,	Moffitt,	Thomas, Ky.
Buchanan,	Hatch,	Montgomery,	Thomas, Wis.
Bunnell,	Haugen,	Morrill,	Turner, Kans.
Burrows,	Hayes,	Neal,	Vance,
Bynum,	Hemphill,	Nelson,	Wade,
Campbell, Ohio	Henderson, Iowa	Newton,	Warner,
Cannon,	Henderson, N. C.	Norwood,	Washington,
Carlton,	Henderson, Ill.	Nutting,	Weaver,
Caswell,	Herbert,	O'Donnell,	Weber,
Cheadle,	Hermann,	O'Ferrall,	West,
Chipman,	Hires,	O'Neall, Ind.	White, Ind.
Clark,	Hitt,	O'Neill, Mo.	Whiting, Mass.
Clements,	Hogg,	Osborne,	Wickham,
Compton,	Holman,	Owen,	Wilkins,
Conger,	Holmes,	Parker,	Williams,
Cooper,	Hopkins, Ill.	Patton,	Wise.
Cowles,	Hopkins, Va.	Payson,	Yardley,
Crouse,	Hovey,	Perkins,	Yost.
Cutcheon,	Hunter,	Peters,	
Dalzell,	Hutton,	Phelps,	
Dargan,	Johnston, Ind.	Plumb,	

NAYS—67.

Abbott,	Culberson,	Lynch,	Rogers,
Adams,	Dockery,	Martin,	Russell, Mass.
Allen, Miss.	Dunn,	McClammy,	Sayres,
Anderson, Miss.	Ermentrout,	McKenna,	Scott,
Bacon,	Felton,	Merriman,	Seymour,
Bayne,	Finley,	Mills,	Shaw,
Biggs,	Gay,	Moore,	Sowden,
Bingham,	Gibson,	Morrow,	Springer,
Bland,	Glass,	Nichols,	Tillman,
Blount,	Grimes,	Oates,	Tracey,
Breckinridge, Ky.	Grosvenor,	Outhwaite,	Turner, Ga.
Buckalew,	Hooker,	Peel,	Walker,
Burnett,	Hudd,	Penington,	White, N. Y.
Campbell, F., N. Y.	Kean,	Perry,	Whitthorne,
Cobb,	Lane,	Randall,	Wilson, Minn.
Collins,	Lanham,	Rice,	Wilson, W. Va.
Cox,	Lehlbach,	Robertson,	

NOT VOTING—80.

Barry,	Davidson, Ala.	La Follette,	Sherman,
Belmont,	Dougherty,	Lagan,	Spinola,
Bliss,	Fitch,	Laidlaw,	Stahlnecker,
Breckinridge, Ark.	Foran,	Latham,	Stephenson,
Bryce,	Glover,	Lawler,	Struble,
Burnes,	Goff,	Macdonald,	Symes,
Butler,	Granger,	Maffett,	Taulbee,
Butterworth,	Guenther,	Mahoney,	Taylor, E. B., Ohio
Campbell, T. J., N. Y.	Hall,	Matson,	Taylor, J. D., Ohio
Candler,	Hare,	McCreary,	Thomas, Ill.
Caruth,	Hayden,	McCullogh,	Thompson, Ohio
Catchings,	Heard,	Morgan,	Thompson, Cal.
Clardy,	Hiestand,	Morse,	Townshend,
Cockran,	Hopkins, N. Y.	O'Neill, Pa.	Vandever,
Cogswell,	Houk,	Phelan,	Wheeler,
Cothran,	Howard,	Pidcock,	Whiting, Mich.
Crain,	Jackson,	Pugsley,	Wilber,
Crisp,	Jones,	Rowell,	Wilkinson,
Cummings,	Kelley,	Russell, Conn.	Woodburn,
Davenport,	Ketcham,	Rusk,	Yoder.

So the motion to suspend the rules and pass the bill was agreed to.

On motion of Mr. WILKINS, by unanimous consent, the reading of the record of the roll-call was dispensed with.

The SPEAKER. The Clerk will announce the additional pairs.

The following-named gentlemen were announced as paired on political questions for the rest of the day:

Mr. CATCHINGS with Mr. KELLEY.

Mr. FORD with Mr. LAIRD.

Mr. THOMPSON, of California, with Mr. LAIDLAW.

Mr. WILKINSON with Mr. HOPKINS, of New York.

Mr. HOWARD with Mr. JOSEPH D. TAYLOR.

Mr. CUMMINGS with Mr. COGSWELL.

Mr. WHITING, of Michigan, with Mr. WILBER.

Mr. STAHLNECKER with Mr. LAWLER, on all bank bills.

The result of the vote was announced as above stated.

Mr. WILKINS. I now ask unanimous consent to make the correction in the bill to which I have already called attention.

Mr. BLAND. I object.

The SPEAKER. Objection is made.

AMENDMENT OF REVISED STATUTES.

Mr. BRECKINRIDGE, of Kentucky, by unanimous consent, introduced a bill (H. R. 8715) to amend Title LX, chapter 3, of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ONE-DOLLAR AND THREE-DOLLAR GOLD PIECES.

Mr. BLAND (when the Committee on Coinage, Weights, and Measures was called) said: By direction of the Committee on Coinage, Weights, and Measures, I move to suspend the rules and pass, with the amendments recommended by the committee, the bill (H. R. 7409) limiting the coinage of double eagles, and discontinuing the coinage of certain United States coins. The amendments propose to strike out the second section of the bill, and to make the title read: "A bill to discontinue the coinage of the three-dollar gold piece and the gold dollar."

The SPEAKER. As the gentleman moves to pass the bill with the amendments, it will be read as it will stand if amended.

The Clerk read as follows:

Be it enacted, etc., That after the passage of this act the following denominations of coin, namely, the three-dollar gold piece and the gold dollar, shall not be struck or issued by the mints of the United States.

Mr. BLAND. Mr. Speaker, the Committee on Coinage, Weights, and Measures has recommended the passage of this bill in the form as just read.

The SPEAKER. Debate is not in order. Is a second demanded on the motion to suspend the rules?

Mr. DINGLEY. For the purpose of allowing an explanation of the bill, I ask unanimous consent that a second be considered as ordered.

There being no objection, the motion to suspend the rules was seconded.

Mr. BLAND. This bill, as now proposed to be passed, provides merely for suspending the coinage of the three-dollar gold piece and the gold dollar. The Director of the Mint, in his annual report, has recommended this legislation, from the fact that at present these coins are not struck except when demanded by private individuals.

Mr. WEAVER. To what coins does the bill now refer?

Mr. BLAND. Only to the one-dollar and three-dollar gold pieces.

Mr. DINGLEY. The bill I think is entirely correct, and ought to pass.

The question being taken on the motion of Mr. BLAND to suspend the rules and pass the bill, there were—ayes 133, noes 5.

Mr. SOWDEN. No quorum.

Tellers were ordered; and Mr. BLAND and Mr. SOWDEN were appointed.

The House divided; and the tellers reported—ayes 151, noes 10.

Mr. SOWDEN. I do not insist on the point with reference to a quorum.

So (two-thirds having voted in favor thereof) the motion of Mr. BLAND to suspend the rules and pass the bill as amended was agreed to.

The SPEAKER. If there be no objection, the title of the bill will be amended as recommended by the Committee on Coinage, Weights, and Measures.

There was no objection.

BRIDGE ACROSS STATEN ISLAND SOUND.

Mr. CRISP (when the Committee on Commerce was called) said: I move to suspend the rules and pass the bill (H. R. 5929) to extend the time for the completion of a bridge across Staten Island Sound.

The bill was read, as follows:

Be it enacted, etc., That the further time of one year from and after the 16th day of June, 1888, be, and the same is hereby, allowed to the Staten Island Rapid Transit Railroad Company and the Baltimore and New York Railroad Company, or either of them, to build the bridge across the Staten Island Sound or Arthur Kill, from New Jersey to Richmond County, New York, pursuant to the provisions of the act entitled "An act to authorize the construction of a bridge across the Staten Island Sound," known as Arthur Kill, and to establish the same as a post-road, passed the 16th day of June, 1886.

The SPEAKER. Is a second demanded?

Mr. PHELPS. I call for a second.

The SPEAKER. The Chair will appoint as tellers the gentleman from New Jersey [Mr. PHELPS] and the gentleman from Georgia [Mr. CRISP].

Mr. HATCH. I ask unanimous consent that the second be considered as ordered.

Mr. PHELPS. I object.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same:

A bill (S. 1665) granting a pension to Theresa B. Hoffman; and

Joint resolution (H. Res. 117) to enable the Secretary of the Interior to utilize the hot water now running to waste on the permanent reservation at Hot Springs, Ark., and for other purposes.

MIAMI INDIANS OF INDIANA.

Mr. PERKINS, from the Committee on Indian Affairs, in accordance with leave heretofore granted, filed the views of the minority in favor of the bill (H. R. 2099) to reimburse the Miami Indians of Indiana for moneys improperly taken from them.

The views of the minority were ordered to be printed.

BRIDGE ACROSS STATEN ISLAND SOUND.

The SPEAKER. If no other gentleman desires to vote, the Chair will announce the vote as reported by the tellers. The ayes are 142 the noes 2.

Mr. KEAN. No quorum.

ORDER OF BUSINESS.

Mr. DUNHAM. I move that the House adjourn.

Mr. RICHARDSON. I hope the gentleman from Illinois will withhold his motion to adjourn while I present a privileged report.

The SPEAKER. The gentleman from New Jersey has made the point that no quorum has voted. In the absence of a quorum the House can transact no business.

[Cries of "Regular order!"]

The SPEAKER. The regular order is the motion to adjourn.

The question being put on the motion to adjourn, there were—ayes 108, noes 11.

PRINTING OF DEPENDENT PENSION BILL.

Mr. RICHARDSON. Before the result of the vote on the motion to adjourn is announced, I hope to be permitted to present a report in answer to a resolution introduced to-day by the gentleman from Ohio [Mr. GROSVENOR].

The SPEAKER. Is there objection to the gentleman from Tennessee being permitted to make a report from the Committee on Printing?

There was no objection.

The report of the Committee on Printing was read, as follows:

The Committee on Printing have considered the House resolution introduced to-day in the House by Mr. GROSVENOR, of Ohio; which is as follows:

"Whereas an important bill known as the dependent pension bill passed the Senate some ten days ago; and

"Whereas the said bill has not yet been printed and placed in the hands of the proper officer of the House: Therefore,

"*Resolved*, That the Committee on Printing be requested to inquire and report to the House the cause of the delay in printing said bill, and what is necessary to secure the House against such delays in the future."

The committee report the same back with the statement that there is no delay in printing said bill. The bill is a Senate bill, which is not printed by the House when it is simply referred to a committee, as in this case. The Senate bill was referred by the House, on March 10, to the Committee on Invalid Pensions.

In answer to so much of the resolution as requires this committee to report "what is necessary to secure the House against such delays in the future," the committee can only say that such delays can be prevented by first changing the law so that Senate bills shall be ordered printed when they are laid before the House of Representatives. The Public Printer has no authority under the law to print this Senate bill.

Mr. RICHARDSON. I move the adoption of the report and demand the previous question.

Mr. GROSVENOR. Will the gentleman yield to me for a moment before insisting on the previous question?

Mr. RICHARDSON. Yes, sir; I yield the gentleman—how long?

Mr. GROSVENOR. Two minutes. The chairman of the committee will see that his report responds to something that is not in the resolution. There is nothing in the resolution that says anything about the Public Printer. It contains no intimation that the Public Printer had not done his duty. The question was, what became of that bill which has lain for ten days without being discovered?

Mr. RICHARDSON. No, sir; the question was why the bill has not been printed.

Mr. GROSVENOR. But nobody said the Public Printer had it, and nobody has complained of the Public Printer. The purpose of the resolution was to ascertain who it was that was preventing the printing of that bill; and we find now that it is the Committee on Invalid Pensions. My purpose in offering the resolution is accomplished; but the defense of the Public Printer has been made without any necessity for it.

Mr. RICHARDSON. I think the gentleman can hardly have read his own resolution.

Mr. GROSVENOR. I wrote it myself.

Mr. RICHARDSON. The resolution says:

Whereas the said bill has not yet been printed and placed in the hands of the proper officer of the House: Therefore,

Resolved, That the Committee on Printing be requested to inquire and report to the House the cause of the delay in printing said bill.

As the report explains, the cause of the delay is this, that there is no law for the printing of this bill. It is a Senate bill sent to the House and referred under the rules of this House to a committee. There is no law to have it printed. If there was a law to authorize its printing, it would have to be done by the Public Printer; and therefore the resolution, whatever the gentleman may say, reflects on the Public Printer, and insinuates that the Public Printer has not discharged the duty he was bound to discharge.

The bill was printed in the Senate and placed in the folding-room.

Mr. GROSVENOR. There is not a copy of it to be had in the folding-room.

Mr. BUCHANAN. I desire to ask the Chair whether there was not a motion to adjourn, on which the House divided?

The SPEAKER. There was; but unanimous consent was given to the chairman of the Committee on Printing to make this report. The question is on discharging the committee from the further consideration of the resolution and adopting the report.

The question being taken, there were—ayes 50, no 1 (no quorum voting).

The result of the vote on the motion to adjourn was then announced; and accordingly (at 5 o'clock p. m.) the House adjourned.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred as indicated below:

By Mr. C. H. ALLEN: A bill (H. R. 8672) granting a pension to Mrs. Adelia M. Sherman—to the Committee on Invalid Pensions.

By Mr. C. S. BAKER: A bill (H. R. 8673) to increase the pension of John R. Stiles, late a member of Company G, One hundred and forty-eighth Regiment of New York Volunteers—to the Committee on Invalid Pensions.

By Mr. C. R. BRECKINRIDGE: A bill (H. R. 8674) for the relief of Sterling H. Tucker and others—to the Committee on the Judiciary.

By Mr. W. C. P. BRECKINRIDGE: A bill (H. R. 8675) for the relief of D. G. and A. R. Perry, administrators of D. G. Perry, and Thomas Gayle, of Owen County, Kentucky—to the Committee on War Claims.

By Mr. BOUTELLE: A bill (H. R. 8676) for the relief of David Hurlburt—to the Committee on Military Affairs.

Also a bill, (H. R. 8677) granting a pension to Mary E. Forren—to the Committee on Invalid Pensions.

By Mr. BROWER: A bill (H. R. 8678) for the relief of Simeon Wagner and others—to the Committee on Claims.

By Mr. CUTCHEON (by request): A bill (H. R. 8679) for the relief of Daniel S. Lamb, M. D.—to the Committee on Appropriations.

By Mr. FULLER (by request): A bill (H. R. 8680) for the relief of Fannie A. Boyd, widow of Capt. O. B. Boyd, deceased, late Eighth United States Cavalry—to the Committee on Claims.

Also (by request), a bill (H. R. 8681) to remove the charge of desertion against Henry Crangle—to the Committee on Military Affairs.

Also, a bill (H. R. 8682) granting a pension to Lucinda J. Sackett—to the Committee on Invalid Pensions.

By Mr. GALLINGER: A bill (H. R. 8683) granting a pension to Mrs. Sarah Frost—to the Committee on Pensions.

By Mr. GROUT: A bill (H. R. 8684) granting a pension to Marcus F. Tucker—to the Committee on Invalid Pensions.

By Mr. HUNTER: A bill (H. R. 8685) for the relief of Robert Browder, of Logan County, Kentucky—to the Committee on War Claims.

Also, a bill (H. R. 8686) for the relief of David P. Browder, of Logan County, Kentucky—to the Committee on War Claims.

Also, a bill (H. R. 8687) for the relief of Thomas W. Campbell—to the Committee on War Claims.

Also, a bill (H. R. 8688) for the relief of Duncan & Mason and Duncan & Durrett—to the Committee on War Claims.

By Mr. LAFFOON: A bill (H. R. 8689) for the relief of Clara Potts's heirs—to the Committee on War Claims.

Also, a bill (H. R. 8690) for the relief of Frederick Skinner—to the Committee on War Claims.

Also, a bill (H. R. 8691) for the establishment of a depot for the fourteenth light-house district at Carrollton, Ky.—to the Committee on Commerce.

By Mr. LAWLER: A bill (H. R. 8692) for the relief of Thomas English—to the Committee on War Claims.

By Mr. LEE (by request): A bill (H. R. 8693) for the relief of Mrs. M. V. Madden—to the Committee on War Claims.

By Mr. LONG: A bill (H. R. 8694) granting a pension to Isabella F. Dyke—to the Committee on Invalid Pensions.

By Mr. MONTGOMERY: A bill (H. R. 8695) giving a pension to George W. Powers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8696) granting a pension to Lucretia Meece—to the Committee on Invalid Pensions.

By Mr. MOORE: A bill (H. R. 8697) to increase the pension of Martin McLaughlin, a survivor of the Mexican war, and late a private in Company D, Third United States Infantry—to the Committee on Pensions.

By Mr. OWEN: A bill (H. R. 8698) granting a pension to Ida Richards—to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 8699) for the relief of John Rhubart—to the Committee on Invalid Pensions.

By Mr. RUSK: A bill (H. R. 8700) authorizing the Secretary of War to settle the claim of Frederich Engelhardt for back pay and bounty to the Committee on Military Affairs.

By Mr. SENEY: A bill (H. R. 8701) granting a pension to Jacob Crossley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8702) for the relief of John Pifher—to the Committee on Military Affairs.

Also, a bill (H. R. 8703) for the relief of Charles W. Creager—to the Committee on Military Affairs.

By Mr. SHIVELY: A bill (H. R. 8704) granting a pension to Julia Bryan, late nurse at Jeffersonville hospital—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8705) granting a pension to Mary E. Adams, widow of Elsey G. Adams, deceased—to the Committee on Invalid Pensions.

By Mr. A. C. THOMPSON: A bill (H. R. 8706) to authorize C. N. Leavenworth, John O. Wilson, John D. Means, John J. Thompson, and George T. Rodgers, to take possession of and improve and use the Chehalis River, in Washington Territory, and for other purposes—to the Committee on the Territories.

By Mr. J. B. WHITE: A bill (H. R. 8707) granting a pension to Alonzo Young—to the Committee on Invalid Pensions.

By Mr. SHIVELY: A bill (H. R. 8708) for the removal of the charge of desertion from the record of George W. Dunlap—to the Committee on Military Affairs.

By Mr. McMILLIN: A bill (H. R. 8709) for the relief of Samuel E. Patton, of Goodlettsville, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 8710) for the relief of James H. Culbreth, of Smith County, Tennessee—to the Committee on War Claims.

Also, a bill (H. R. 8711) for the relief of Hiram Poston—to the Committee on War Claims.

Also, a bill (H. R. 8712) for the relief of John Mason, of Temperance Hall, Tenn.—to the Committee on War Claims.

By Mr. CHEADLE: A bill (H. R. 8713) granting a pension to John Hussey—to the Committee on Invalid Pensions.

By Mr. RUSK: A bill (H. R. 8714) for the relief James B. Jones—to the Committee on Claims.

Changes in the reference of bills improperly referred were made in the following cases, namely:

A bill (H. R. 93) for the relief of Mayer Newmark—from the Committee on Claims to the Committee on War Claims.

Also, a bill (H. R. 853) for the relief of the legal representatives of Peter Lyle, deceased—from the Committee on Invalid Pensions to the Committee on Claims.

Also, a bill (H. R. 1202) to regulate the charges for transportation of freight and passengers upon the Missouri, Kansas and Texas Railroad, in the Indian Territory—from the Committee on Military Affairs to the Committee on Indian Affairs.

Also, a bill (H. R. 3592) granting a pension to Rudolph Morand—from the Committee on Pensions to the Committee on Invalid Pensions.

Also, a bill (H. R. 3593) granting a pension to Huldah A. Dow—from the Committee on Pensions to the Committee on Invalid Pensions.

Also, a bill (H. R. 5985) to increase the pensions of Mrs. Mary Ann Cross, Mrs. Minnie L. Gardner, and Mrs. Lillie May Pavy to $30 per month—from the Committee on Invalid Pensions to the Committee on Pensions.

Also, a bill (H. R. 6604) for the relief of James S. Fausey—from the Committee on Pensions to the Committee on Military Affairs.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ABBOTT: Petition of citizens of Dallas County, Texas, protesting against the Butterworth and Dawes lard bills—to the Committee on Agriculture.

By Mr. E. P. ALLEN: Petition of F. A. Dewey, of Cambridge, Mich., in favor of pensioning the surviving soldiers of the Black Hawk war—to the Committee on Pensions.

By Mr. C. S. BAKER: Petition of Chappell, Chase, Maxwell & Co., and other manufacturers and merchants of Oneida, N. Y., in favor of the bill to reduce the rate of letter postage—to the Committee on the Post-Office and Post-Roads.

Also, petition of John R. Stiles, late a member of the One hundred and forty-eighth New York Volunteers, for increase of pension—to the Committee on Invalid Pensions.

By Mr. BANKHEAD: Petition of Willis A. Fanington, of Jefferson County, and of R. H. Palmer and others, heirs of Elizabeth A. Palmer, of Walker County, Alabama, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. BAYNE: Petition of veterans of the National Soldiers' Home, of Milwaukee, Wis., in favor of the passage of House bill 7865—to the Committee on the Judiciary.

Also, petition of citizens of Clarion County, Pennsylvania, for the establishment of a post-route—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Trades Assembly of Western Pennsylvania, in favor of House bill 5664—to the Committee on the Post-Office and Post-Roads.

Also, petition of Col. J. B. Clark, of Hand-in-Hand, of Sewickley, of Lorena, of Farragut, of Colonel James, and of Hull Councils, Junior Order of United American Mechanics, of Pennsylvania, and resolutions of Twin City and of Standard Councils of the same order, asking that February 22 be made a national holiday—to the Committee on the Judiciary.

Also, petition of 165 veterans of the National Soldiers' Home at Togus, Me., for the passage of House bill 7765—to the Committee on Invalid Pensions.

Also, petition of H. Clay Redfield and 90 others, ex-Union soldiers in the Hampton National Home, for the passage of the furlough bill (H. R. 7765)—to the Committee on Invalid Pensions.

By Mr. BLANCHARD: Memorial of the people of Natchitoches, La., asking for the holding of United States courts in that town—to the Committee on the Judiciary.

By Mr. BUCHANAN: Petition of 35 citizens of Manahawkin, N. J., for increased pay of persons employed in the Life-Saving Service—to the Committee on Commerce.

By Mr. CAINE: Petition of 16 male citizens of Salt Lake City, Utah, for better legal protection of women and girls—to the Committee on the Judiciary.

By Mr. FELIX CAMPBELL: Petition of C. T. Raynolds & Co. and others, against placing whiting and Paris white on the free-list—to the Committee on Ways and Means.

By Mr. CHIPMAN: Petition of Robert J. Walker and others, of the First district of Michigan, protesting against the proposed reduction of tariff on window-glass—to the Committee on Ways and Means.

Also, petition of Rev. C. R. Henderson and 40 other male citizens of Detroit, Mich., for better legal protection for women and girls—to the Committee on the Judiciary.

By Mr. CLARK: Petition of H. H. Hutchinson and others, of Columbia County, Wisconsin, for protection to the wool-growing interests, and against reduction in wool duty—to the Committee on Ways and Means.

By Mr. CLEMENTS: Petition to have the claims of Thomas J. Davis, Francis M. Freeman, and the heirs of Riley Johnson referred to the Court of Claims—to the Committee on War Claims.

By Mr. CONGER: Petition of 145 cigar-makers and citizens of Des Moines, Iowa, protesting against the repeal of the internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

Also, resolutions of the Upper Mississippi Turn-Bezirk, protesting against the several bills now pending restricting immigration to this country—to the Committee on Foreign Affairs.

By Mr. CROUSE: Memorial of National Association of Postmasters, in favor of House bill 7389—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Tobacco Exchange, in favor of the abolition of the internal-revenue tax on tobacco—to the Committee on Ways and Means.

By Mr. CULBERSON: Petition of Mary Cheairs, of Lamar County, Texas, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. DALZELL: Petition of manufacturers of sheet-iron, with respect to protective tariff on tin-plate and protesting against putting it on the free list—to the Committee on Ways and Means.

Also, petition of Sligo Lodge, Amalgamated Association of Iron and Steel Workers, with respect to a protective tariff—to the Committee on Ways and Means.

By Mr. DE LANO: Petition of R. L. Case, master workman of Assembly No. 3149, Knights of Labor, of Norwich, N. Y., for the passage of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. DINGLEY: Petition of John Vinal and 267 others, of Vinalhaven, Me., for the passage of a bill referring claims under the eight-hour law to the Court of Claims—to the Committee on Labor.

By Mr. DUBOIS: Petition of the Woman's Christian Temperance Union of North Idaho Territory, for repeal of the internal-revenue tax on all alcoholic liquors—to the Committee on Ways and Means.

By Mr. DUNHAM: Resolutions of the Chicago Board of Trade, favoring ship-canal in New York State between Lakes Erie and Ontario—to the Committee on Railways and Canals.

By Mr. ERMENTROUT: Memorial of the Western and Virginia Leaf-Tobacco Trade, for abrogation of the internal revenue—to the Committee on Ways and Means.

Also, memorial of H. S. Huidekoper, in favor of House and Senate bills granting a pension of $50 to soldiers who have lost an arm or leg, to date from discharge—to the Committee on Invalid Pensions.

By Mr. FLOOD: Petition of Ansal Roberts and others; of J. D. Gano and others, and of F. Van Duzer and others, of Schuyler County, New York, for more protection to wool—to the Committee on Ways and Means.

By Mr. FORNEY: Petition of citizens of Etowah and Marshall Counties, Alabama, asking that the grant of lands to the Coosa and Tennessee River Railroad Company be not forfeited—to the Committee on the Public Lands.

By Mr. GALLINGER: Petition of Mrs. N. H. Knox, president, and other officers of the Woman's Christian Temperance Union of New Hampshire, for the repeal of the internal-revenue tax on all alcoholic liquors—to the Committee on Ways and Means.

By Mr. GEAR: Resolutions of the General Assembly of Iowa, for the bill of Hon. JAMES F. WILSON to quiet the title to the Des Moines River lands—to the Committee on the Public Lands.

By Mr. GEST: Petition of the Knights of Labor of Moline, Ill., favoring the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. GIFFORD: Petition of E. B. Cook and others, of Fall River

County, Dakota, for larger appropriations for surveys of public lands—to the Committee on the Public Lands.

By Mr. GLASS: Petition of R. F. Moclin, administrator of William B. Moclin, of Haywood County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. GROSVENOR: Resolutions of the Lake Carriers' Association, of Buffalo, N. Y., in favor of larger appropriations for Sault Ste. Marie Canal—to the Committee on Railways and Canals.

Also, resolutions of same, protesting against House bill 6135—to the Committee on Merchant Marine and Fisheries.

Also, resolutions of same, asking that the attention of the Canadian authorities may be notified of discrimination against American commerce—to the Committee on Foreign Affairs.

Also, resolutions of the same, protesting against House bill 4977—to the Committee on Commerce.

By Mr. GROUT: Resolutions of the Western and Virginia Leaf Tobacco Trade, declaring for a repeal of laws on tobacco—to the Committee on Ways and Means.

Also, memorial of the executive committee of the National Farmers' Alliance, for the establishment of a department of agriculture with Cabinet minister—to the Committee on Agriculture.

By Mr. D. B. HENDERSON: Petition and resolution of the Upper Mississippi Turn-Bezirk, relating to foreign immigration and opposing restrictive legislation—to the Committee on Foreign Affairs.

By Mr. J. S. HENDERSON: Petition of the Western and Virginia Leaf Tobacco Trade of New York City, in favor of the revenue laws affecting tobacco in all its forms—to the Committee on Ways and Means.

Also, petition of W. D. Coward, of B. B. Marley, of D. H. Lambert, of D. J. Miller, of S. E. Allen, of J. J. White, of S. W. White, of A. A. Loflin, of S. L. Hollady, of G. H. Murry, of Hugh Parks, of S. B. Love, of W. M. Routh, of E. P. Hays, of I. W. Calder, of Garrett L. Spinks, of W. H. Watkins, of Henry Yow, of John F. Garrell, of A. Luther, of J. R. Coltraue, of Randolph County; and of Samuel W. Miller, of Solomon Love, of Y. W. Forsett, of Dr. W. J. Vestal, of R. G. Gibbons, and of B. S. Young, of Davidson County, and of I. I. Green, of Davie County, North Carolina, for reference of their claims to the Court of Claims.

By Mr. HITT: Petition of John P. Gorman and 21 others, citizens of Galena, Ill., for the continuance of the office of local inspector of steamboats at Galena, and for a subsidy to open Galena River—to the Committee on Commerce.

Also, petition of the directors of the Board of Trade of Chicago, for the Niagara ship-canal—to the Committee on Railways and Canals.

By Mr. HOLMAN: Petition of William Banister and 26 others, citizens of Decatur County, Indiana, for the issue of fractional paper currency—to the Committee on Banking and Currency.

By Mr. A. J. HOPKINS: Petition of J. B. Babcock and others, of Illinois, for the better legal protection of women and girls—to the Committee on the Judiciary.

Also, petition of Joseph Denny and others, against the admission of Utah with polygamy—to the Committee on the Territories.

By Mr. HOVEY: Memorial of the business men of Evansville, Ind., requesting the United States to purchase the franchises of the Green and Barren River Navigation Company—to the Committee on Commerce.

By Mr. HUNTER: Petition of Stanford Mitchell, of Jane Luois, of Ambrose Kurtley, of John Kirtley, of W. C. Johns, of John H. Harwood, of Isaac Greer, of Elijah H. Green, of Sarah Edwards, of Elvira Duke, of R. A. Crump, of Mary F. Curd, of J. W. Bailey, of Milburn Mitchell, of Lewis L. May, of estate of Nancy Miller, of James M. Oller, of Warren R. Moore, of James Oller, of E. B. Pace, of Pleasant P. Roundtill, of George W. Woolsey, of Joseph Woolsey, of Sarah Woolsey, of S. A. Withers, of James H. Tomes, and of Silas R. Tomes, of Edmonston County, Kentucky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition of W. E. Ellington, of N. D. Ingram, and of Jo. B. Alexander, of Cumberland County; of Winslow Carter, of E. B. West, of Jos. W. Spencer, and of Magdalene Knykendall, of Butler County; of John Meek, of Clinton County; and of W. H. Lyon, of Warren County, and of P. B. Allensworth, of Todd County, Kentucky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition of third and fourth class postmasters of the United States for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. T. D. JOHNSTON: Petition of citizens of Jupiter, N. C., in favor of House bill 7389—to the Committee on the Post-Office and Post-Roads.

By Mr. LAFFOON: Petition for the relief of Francis Millett, to accompany House bill 3656—to the Committee on War Claims.

Also, petition in the claim of W. H. Jackson (H. R. 8206), and of heirs of Clara Potts—to the Committee on War Claims.

Also, petition of Samuel L. Casey, for reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, petition of the Knights of Labor of the Second district of Kentucky, for the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. LEHLBACH: Petition of the Board of Trade of Newark, N. J., that the postage on all letters be reduced to 1 cent per ounce—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Board of Trade of Newark, N. J., praying that the bill (H. R. 4996) for the relief of the merchant marine, may become a law—to the Committee on Merchant Marine and Fisheries.

By Mr. LONG: Petition of Local Assembly, No. 1431, Knights of Labor, of West Quincy, Mass., for the passage of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. LYMAN: Memorial of the National Association of Third and Fourth Class Postmasters, in favor of House bill 7389—to the Committee on the Post-Office and Post-Roads.

Also, protest of the Upper Mississippi Turn-Bezirk, against the passage of laws restricting immigration—to the Committee on Foreign Affairs.

By Mr. McCOMAS: Petition of James B. Elgin, administrator of Mary Elgin, of Montgomery County, Maryland, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. McKENNA: Memorial of Council of Federated Trades and Labor Organizations of the Pacific Coast, against the abolition of the internal-revenue tax on manufactured tobacco—to the Committee on Ways and Means.

By Mr. McMILLIN: Petition of C. C. Robinson, T. B. Potter, and 36 others, for increase of pension of Patrick Gegherty, of De Kalb County, Tennessee—to the Committee on Invalid Pensions.

Also, petition of S. W. Sherrill, of Wilson County; of administrator of Adeline T. Odorn, of Sumner County; of John B. White, of Smith County, and of Lytle Ball, of Trousdale County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. McRAE: Petition of citizens of Jersey, Bradley County, Arkansas, in favor of House bill 7389—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Enon Alliance, of Bright Star, Ark., protesting against the Farwell bill—to the Committee on Banking and Currency.

By Mr. MONTGOMERY: Petition of S. B. Duncan, and of Simeon B. Lewis, of Nelson County; of Elizabeth Porter, and of Payton Burdette, of Bullitt County; of Jacob Miller, and of Eliza Schooling, of Marion County; of John Stewart, of George W. Smith, and of William Hopkins, of Hardin County, Kentucky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. NEWTON: Petition of citizens of Tensas Parish, Louisiana, for the improvement of Bayou Beillers, and for appropriation for cleaning out the bayou—to the Committee on Rivers and Harbors.

By Mr. NORWOOD: Petition of John H. Williams, of Chatham County, Georgia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. OUTHWAITE: Memorial of Mrs. E. Bliss, president of Columbus (Ohio) Art Association, and several artists, relative to the duty on imported paintings—to the Committee on Ways and Means.

By Mr. PETERS: Petition of John Ballinger and 61 others, for the passage of the Plumb bill attaching No Man's Land to Kansas—to the Committee on the Public Lands.

Also, petition of John Ballinger and 50 others, citizens of Finney County, Kansas, asking for a public building at Garden City, Kans.—to the Committee on Public Buildings and Grounds.

Also, petition of H. E. Johnson and others, citizens of Rice County, Kansas, favoring reduction of postage on seeds, bulbs, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. REED: Petition of numerous manufacturers of New England, deprecating any change in the tariff—to the Committee on Ways and Means.

By Mr. RICE: Resolution of the Lake Carriers' Association, urging the passage of the bill for the improvement of Sault Ste. Marie lock and approaches—to the Committee on Rivers and Harbors.

Also, resolutions of the same, against bill 6135, "for better protection of human life on merchant steam-vessels," as being class legislation of the most dangerous character—to the Committee on Commerce.

Also, resolutions of the same, in opposition to bill 4977 in its application to steamers on the Great Lakes—to the Committee on Commerce.

Also, resolutions of the St. Paul Jobbers' Union of St. Paul, Minn., in opposition to any legislation tending to prohibit or restrict transportation of merchandise and grain over Canadian railroads by citizens of the United States—to the Committee on Commerce.

Also, resolution of the Board of Trade of Mankato, Minn., asking to have linseed and linseed oil stricken from the free-list—to the Committee on Ways and Means.

By Mr. ROCKWELL: Petition of Alvis Telinck and others, and of Charles Rawbone and others, citizens of Massachusetts, against repeal of internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

By Mr. ROWLAND: Petition of certain citizens of Southport, Brunswick County, North Carolina, for an increase of pay in the Life-Saving Service—to the Committee on Commerce.

By Mr. SAWYER: Petition asking for a tariff on wool—to the Committee on Ways and Means.

By Mr. SENEY: Petition of third and fourth class postmasters, fa-

voring House bill 7389—to the Committee on the Post-Office and Post-Roads.

By Mr. SHIVELY: Petition of the South Bend (Ind.) Turnverein, against legislation restricting immigration—to the Committee on Foreign Affairs.

By Mr. J. W. STEWART: Petition of the Quechee Valley Pomona, and the Orion Grange of Windsor County, Vermont, for the more effectual protection of agriculture—to the Committee on Ways and Means.

By Mr. STONE, of Kentucky: Petition of Virginia White, for relief—to the Committee on War Claims.

By Mr. SYMES: Petition of 19 citizens of Longmont, Colo., for the better legal protection of women and girls—to the Committee on the Judiciary.

By Mr. TAULBEE: Petition for the relief of Michael Staley—to the Committee on Pensions.

By Mr. J. D. TAYLOR: Petition of 1,453 legal voters and of 390 legal voters of Guernsey County, Ohio, for the restoration of the duty on wool as provided in the law of 1867 at the time it passed—to the Committee on Ways and Means.

By Mr. J. R. THOMAS: Petition of Local Assembly No. 3833, Knights of Labor, of Murphysborough, Ill., for the passage of a bill known as the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. O. B. THOMAS: Petition of 30 farmers of La Crosse County, Wisconsin, for more effectual protection of agriculture—to the Committee on Ways and Means.

By Mr. T. L. THOMPSON: Memorial of the Council of Federated Trades and Labor Organizations of the Pacific Coast, against the abolition of the internal-revenue tax on cigars—to the Committee on Ways and Means.

By Mr. VANDEVER: Petition against the reduction of the internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

By Mr. WASHINGTON: Petition of Robert L. Morris, administrator of K. L. Morris, of Nashville, Tenn., for reference of his case to the Court of Claims—to the Committee on War Claims.

By Mr. WARNER: Petition of citizens of Lafayette County, Missouri, in favor of appointing commission on reform of orthography—to the Committee on Education.

Also, petition of Local Assembly No. 1508, Knights of Labor, of Lexington, Mo., favoring the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. WHITTHORNE: Petition of A. T. Hassell, and of L. H. Grimes, of Wayne County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. W. L. WILSON: Petition of John H. Smith, of Jefferson County, West Virginia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. CARLTON: Of W. A. Moore, L. R. Fisher, and others, and of W. R. Johnson, W. T. Bannister, and others, of Hart County, Georgia.

By Mr. HEMPHILL: Of J. D. Burr, jr., and 16 others, of Chesterfield, S. C.

By Mr. LYNCH: Of citizens of Mount Cobb, Lackawanna County, Pennsylvania.

By Mr. McCORMICK: Of 50 citizens of Ringville, Sullivan County, Pennsylvania.

By Mr. OATES: Of Levi Kirkland and 81 others, citizens of Pleasant Plains, Ala.

By Mr. J. B. WHITE: Of citizens of Alvarado, Ind.

The following petitions, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, were severally referred to the Committee on Invalid Pensions:

By Mr. E. P. ALLEN: Of B. W. Hendricks and 134 other ex-soldiers, of the Second district of Michigan.

By Mr. WISE: Petition of Robert James, of Robert Faggins, and of Joseph L. Scott, of Henrico County, Virginia, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. BELDEN: Of John Wells and 49 others, citizens and ex-soldiers and sailors of Syracuse, N. Y.

By Mr. BINGHAM: Of ex-Union soldiers and sailors of Philadelphia, Pa.

By Mr. BOOTHMAN: Of Russell Randolph and 92 others, ex-Union soldiers and citizens of Cecil, Paulding County, Ohio.

By Mr. BOUND: Of 100 soldiers and citizens of Mount Carmel, Northumberland County, Pennsylvania.

By Mr. BREWER: Of M. W. Tucker and 144 others, ex-soldiers of Sumner, Mich.

By Mr. BURROWS: Of 41 citizens of Centreville, St. Joseph County, and of 80 citizens of Hartford, Van Buren County, Michigan.

By Mr. CHIPMAN: Of W. H. Henderson and others, of W. J. Day and others, of E. J. Whipple and others, and of A. L. Sawyer and others, ex-soldiers of Michigan.

By Mr. CONGER: Of Monroe, Jasper County; of Blairtown; and of Linn and Bates Counties, Kansas.

By Mr. DELANO: Of John E. Knapp and 107 others, soldiers of Deposit; of Barak G. Whipple and 47 members of Mase Post, No. 268, of Eaton, and of Leonard Brooks and 47 others, Union soldiers of Spencer, N. Y.

By Mr. DUBOIS: Of 34 ex-soldiers and sailors of Idaho Territory.

By Mr. HOLMAN: Of John W. Cristie and 34 other Union soldiers of Jesse B. Holman Post, No. 495, of Indiana.

By Mr. LYMAN: Of 25 ex-Union soldiers of Cumberland, Iowa.

By Mr. McCULLOGH: Of L. P. Hays and others, and of George W. Baker and others, ex-soldiers and sailors of Westmoreland County, Pennsylvania.

By Mr. MOFFITT: Of Leonard Bennett Post, Grand Army of the Republic, of North Creek, N. Y.

By Mr. MORRILL: Of W. H. Carroll and 17 others, ex-soldiers of Havensville, Kans.

By Mr. O'DONNELL: Of 60 soldiers of Eaton and Calhoun Counties, Michigan, and of George S. Acker Camp, Sons of Veterans, of Union City, Mich.

By Mr. OUTHWAITE: Of Union soldiers and sailors of Ohio.

By Mr. ROMEIS: Of James A. Brush and 38 other ex-soldiers of Castalia, Erie County, Ohio.

By Mr. SAWYER: Of 51 soldiers, and of 64 soldiers of Livingston County, New York.

By Mr. J. W. STEWART: Of Edward H. James and 30 others, citizens of Addison County, Vermont.

By Mr. SYMES: Of citizens of Colorado.

By Mr. WEBER: Of ex-Union soldiers and sailors of New York.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. DELANO: Petition of David Goodrich and 176 others, citizens of Tioga County, New York.

By Mr. McKENNA: Petition of 195 citizens of Alameda County, California.

By Mr. MOORE: Of 83 citizens of Fayette County, Texas.

By Mr. ROMEIS: Of 157 citizens of Erie County, Ohio.

By Mr. RUSK: Of 183 citizens of Baltimore, Baltimore County, Maryland.

By Mr. WARNER: Of 100 citizens of Johnson County, Missouri.

The following petitions, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia, were severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. TOOLE: Of citizens of Helena and of Bozeman, Mont.

By Mr. WEBER (by request): Of citizens of Niagara County, New York.

SENATE.

TUESDAY, *March* 20, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of February 21, 1888, certain information in relation to the naval force employed by the Fish Commission; which was read.

The PRESIDENT *pro tempore*. This communication will be referred to the Committee on Fisheries, and printed.

Mr. HALE. Should that go to the Committee on Fisheries?

The PRESIDENT *pro tempore*. It is in response to a resolution offered by the Senator from New Hampshire [Mr. CHANDLER]

Mr. HALE. I think if the Senator from New Hampshire were here he would desire that the communication should be referred to the Committee on Naval Affairs.

The PRESIDENT *pro tempore*. It is moved that the communication be referred to the Committee on Naval Affairs, and printed.

The motion was agreed to.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting reports urging an appropriation of $4,100 for resurveying certain lands in California and Montana; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

REPORT OF CAPT. EUGENE GRIFFIN.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Board of Commissioners of the District of Columbia,

transmitting, in response to a resolution of March 13, 1888, the report of Capt. Eugene Griffin, on the subject of electricity as a motive power for street cars; which, with the accompanying papers, was, on motion of Mr. DAWES, referred to the Committee on the District of Columbia, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the governor and Legislative Assembly of Utah, praying for a grant to that Territory of 10 acres of the Fort Douglas military reservation, on which to erect suitable buildings for an orphans' home; which was referred to the Committee on Military Affairs.

He also presented a memorial of the governor and Legislative Assembly of Utah, remonstrating against the removal of the Southern Ute Indians from their present reservation in Colorado to the Uintah Indian reservation or other place in the Territory of Utah; which was referred to the Committee on Indian Affairs.

He also presented a memorial of the Board of Trade of McPherson, Kans., remonstrating against the opening of the Oklahoma territory to settlement; which was referred to the Committee on Indian Affairs.

He also presented a memorial of citizens of Gila Valley, Arizona, remonstrating against any change in the existing laws relating to Spanish land grants; which was referred to the Committee on Private Land Claims.

He also presented the petition of William C. Shimonech, late principal musician in the Third Regiment United States Infantry, praying to be allowed an increase of pension; which was referred to the Committee on Pensions.

Mr. HALE. I present a petition of ex-letter-carriers of Philadelphia, praying for an investigation into the violation of the civil-service law and the bad management of the post-office at that place by the postmaster, William F. Harrity, esq. I move that the petition be referred to the special committee on that subject, and, as it contains matter of importance for the use of the committee and other Senators, I move that it be printed as a Senate document.

The motion was agreed to.

Mr. CAMERON presented two memorials of the National Woman's Christian Temperance Union, signed by 1175 citizens and 646 voters of the State of Pennsylvania, remonstrating against the running of interstate Sunday trains, mail trains, and against military drills on the Sabbath; which were referred to the Committee on Interstate Commerce.

He also presented a petition of 13 male citizens of New Castle, and 8 male citizens of Ebensburgh, Pa., praying for the better legal protection of women and girls within the Territorial, admiralty, and maritime jurisdiction of the United States; which was referred to the Committee on the Judiciary.

He also presented a petition of Typographical Union, No. 2, of Philadelphia, Pa., praying for the passage of the bill providing for an international copyright law; which was ordered to lie on the table.

He also presented a petition of ex-Union soldiers and sailors, citizens of Fisher, Pa.; a petition of ex-Union soldiers and sailors, citizens of Pottsville, Pa.; a petition of ex-Union soldiers and sailors, citizens of Millheim, Pa.; and nine petitions of ex-Union soldiers and sailors, citizens of Pennsylvania, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. PADDOCK presented a petition of 17 surviving soldiers and sailors, citizens of Nebraska, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of the National Woman's Christian Temperance Union, signed by 808 citizens of Nebraska, Kansas, and other States, praying for legislation prohibiting the running of interstate Sunday trains and military drills on the Sabbath; which was referred to the Committee on Interstate Commerce.

Mr. PASCO presented a memorial of the city council of St. Augustine, Fla., relative to the lands there occupied as a United States military post, and other matters connected therewith; which was referred to the Committee on Military Affairs.

Mr. HISCOCK presented a petition of veteran ex-Union soldiers and sailors, citizens of the State of New York, and a petition of ex-Union soldiers and sailors, citizens of Niles, Cayuga County, New York, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented a petition of the National Woman's Christian Temperance Union, signed by 287 citizens and 91 voters of the State of New York, and a petition of the National Woman's Christian Temperance Union, signed by 252 citizens of the State of New York, praying for legislation prohibiting the running of interstate Sunday trains and mail trains, and military drills on the Sabbath; which were referred to the Committee on Interstate Commerce.

Mr. VEST. I present the petition of N. B. Moore and other citizens resident in the Indian Territory and members of the five civilized nations, praying for the establishment of a United States court to be located at Muscogee. As a bill to that effect is on the Calendar, I move that the petition lie on the table.

The motion was agreed to.

Mr. CULLOM presented a petition of ex-Union soldiers and sailors, citizens of Illinois, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of the National Woman's Christian Temperance Union, praying for legislation prohibiting the running of interstate Sunday trains and mail trains, and military drills on the Sabbath, signed by 471 citizens, more than 249 voters, and three local unions with 230 members, of the State of Illinois; which was referred to the Committee on Interstate Commerce.

Mr. PALMER presented the petition of Luther Ripley, William Pochert, and 12 other ex-Union soldiers and sailors, citizens of Huron County, Michigan, and the petition of Samuel E. Cantelon, Thomas E. Cook, and 14 other ex-Union soldiers and sailors, citizens of Huron County, Michigan, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. MANDERSON presented a petition of ex-Union soldiers and sailors, citizens of Nebraska, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. DAVIS presented a petition of the Board of Trade of Minneapolis, Minn., praying that an appropriation be made for the improvement of the Mississippi River from St. Paul, Minn., to the Falls of St. Anthony; which was referred to the Committee on Commerce.

Mr. WILSON, of Iowa, presented a petition of the National Woman's Christian Temperance Union, Department of Sabbath Observances, signed by 448 citizens and 300 voters of Iowa, praying for the passage of a law prohibiting the running of interstate Sunday trains and mail trains, and military drills on the Sabbath; which was referred to the Committee on Interstate Commerce.

Mr. ALLISON presented a petition of 32 ex-Union soldiers and sailors, citizens of Rockwell, Iowa; a petition of 32 ex-Union soldiers and sailors, citizens of Iowa; and a petition of 110 ex-Union soldiers and sailors, citizens of Albia, Iowa, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented a petition of 19 male citizens of Burlington, Iowa, praying for better legal protection for women and girls within the Territorial, admiralty, and maritime jurisdiction of the United States; which was referred to the Committee on the Judiciary.

Mr. DANIEL presented a memorial of the General Assembly of Virginia, requesting the Senators and Representatives of Virginia to vote for granting the control of the Arlington estate, in Alexandria County, Virginia, to the United States Agricultural Department for an agricultural experiment station; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of J. L. Shelton and others, citizens of Dinwiddie County, Virginia, praying for legislation in behalf of agricultural industries; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of A. E. Marston and other citizens of Virginia, praying for increase of compensation for fourth-class postmasters; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of J. N. Stubbs, of Richmond, and other citizens of Virginia, praying that an appropriation be made for the improvement of Pasapotank Creek, in that State; which was referred to the Committee on Commerce.

Mr. SHERMAN presented a petition of the National Woman's Christian Temperance Union, signed by 408 citizens of the State of Ohio, praying for legislation prohibiting the running of interstate Sunday trains and military drills on the Sabbath; which was referred to the Committee on Interstate Commerce.

He also presented the petition of H. M. Carpenter and 15 other male citizens of Elyria, Ohio, praying for better legal protection for women and girls within the Territorial, admiralty, and maritime jurisdiction of the United States; which was referred to the Committee on the Judiciary.

He also presented a petition of widows and heirs of deceased colored soldiers, praying for the passage of a law to allow bounties to be paid to the heirs of deceased soldiers; which was referred to the Committee on Military Affairs.

He also presented the petition of Robert Hammond, late a private in Company A, Fifteenth Regiment Ohio Volunteer Infantry, praying for allowance, compensation, etc.; which was referred to the Committee on Pensions.

He also presented the petition of A. L. Nelson, of Sirensburg, Ohio, a liquor dealer since 1848, and 82 citizens of the Fifteenth, Eighteenth, and Twentieth Congressional districts of Ohio, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. SAWYER presented a petition of 175 ex-Union soldiers and sailors, citizens of Eagle, Richland County, Wisconsin, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. BLODGETT presented a petition of ex-Union soldiers and sailors, citizens of Elizabeth, N. J., and a petition of ex-Union soldiers and sailors, citizens of Newfield, N. J., praying for the passage of the per

diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented a petition of citizens of Ocean County, New Jersey, praying that the salary of keepers of the Life-Saving Service be increased to $1,000 per year; which was referred to the Committee on Commerce.

He also presented the petition of L. B. Hartman, D.D., and 12 others, male citizens of Trenton, N. J., praying for better legal protection for women and girls within the Territorial, admiralty, and maritime jurisdiction of the United States; which was referred to the Committee on the Judiciary.

Mr. CHACE presented petitions of 150 citizens of Americus, Ga., and of citizens of Brunswick and Madison, in the State of Georgia, praying for the enactment of an international copyright law; which were ordered to lie on the table.

Mr. EVARTS presented the petition of Hon. Charles P. Daly, president, J. S. Newbury, Oliver P. Hubbard, and W. P. Trowbridge, members of the New York Academy of Sciences, and other citizens of New York, praying for the passage of Senate bill 1779, for the protection and administration of forests in the public domain; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of 284 ex-Union soldiers and sailors, citizens of Corning, Steuben County, New York, and a petition of 37 ex-Union soldiers and sailors, citizens of New York, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. SPOONER presented the petition of D. C. Daugherty and 132 other ex-Union soldiers, citizens of Richland County, Wisconsin, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. PLATT presented a petition of 56 citizens of Garfield, Wash., and a petition of 125 citizens of Dakota Territory, praying for prohibition in the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented the petition of Rev. C. L. Libby and 15 other male citizens of Salt Lake City, Utah, and a petition of 94 citizens of Albuquerque, 69 citizens of Socorro, 76 citizens of Las Cruces, and 182 citizens of Las Vegas, in the Territory of New Mexico, praying for better legal protection for women and girls within the Territorial, admiralty, and maritime jurisdiction of the United States; which were referred to the Committee on the Judiciary.

Mr. HARRIS. I present two memorials, sent to me by the Woman's Christian Temperance Union of this District, purporting to be signed by sundry citizens of the Second and Sixth Congressional districts of Tennessee, protesting against the manufacture and sale of alcoholic beverages within the District of Columbia. I move their reference to the Committee on the District of Columbia.

The motion was agreed to.

Mr. COCKRELL presented a petition of 62 citizens of the Ninth and Twelfth Congressional districts of Missouri, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. FRYE presented a petition of 50 citizens of the Fourth Congressional district of Maine, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. MCPHERSON presented the petition of 64 disabled Union soldiers and sailors of the Third Congressional district of New Jersey, in favor of the per diem pension bill; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. RIDDLEBERGER, from the Committee on Naval Affairs, to whom was referred the bill (S. 961) for the presentation of badges to the officers and men of the Greely relief expedition, reported it without amendment.

Mr. FAULKNER, from the Committee on Pensions, to whom was referred the bill (S. 2206) granting a pension to David H. Lutman, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 911) to increase the pension of Alonzo B. Chatfield, submitted an adverse report thereon.

Mr. CULLOM. I should like to have that bill go on the Calendar. I will inquire of the Senator from West Virginia if he has made a written report in the case.

Mr. FAULKNER. There is a written report. The claim has been considered twice by the Pension Committee. It is a unanimous report.

Mr. CULLOM. I ask that the bill be placed on the Calendar. On looking at the report I may not insist upon favorable action on the bill.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar, with the adverse report of the committee.

Mr. SHERMAN, from the Committee on Finance, to whom was referred the bill (S. 344) to relieve the Treasurer of the United States from the amount now charged to him and deposited with the several States, and for other purposes, reported it with an amendment.

Mr. PALMER. I am directed by the Committee on Education and Labor, to whom was referred the bill (S. 1156) to encourage the holding of a national industrial exposition of the arts, mechanics, and products of the colored race throughout the United States of America, to be held in the years 1888 and 1889, to report it with amendments. A written report will be submitted hereafter.

The PRESIDENT *pro tempore*. Meanwhile the bill will be placed on the Calendar.

Mr. ALDRICH. I am directed by the Committee on Finance, to whom was referred the bill (S. 163) to authorize the Secretary of the Treasury to apply the surplus money in the Treasury to the purchase of United States bonds or to prepayment of interest on the public debt, to report it favorably with amendments. I give notice that at an early day I shall ask the Senate to proceed to the consideration of the bill.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 1685) granting a pension to Mrs. Betsy C. Green;
A bill (S. 1954) for the relief of Catherine Holliday;
A bill (S. 2161) granting a pension to John Godson;
A bill (S. 1684) granting a pension to Robert Noble; and
A bill (S. 1693) granting a pension to Isaac Smith.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (S. 2381) to so amend section 9646 of the Revised Statutes as to allow the pensions of officers of the Army and Navy, their widows and dependent parents, to be rated as of the rank held by such officers at the date of discharge, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1958) granting an increase of pension to Eleanor B. Goodfellow, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1161) granting a pension to Mrs. Jennie Stone, widow of General Charles P. Stone, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1952) for the relief of Sigmund Bauer, reported it without amendment, and submitted a report thereon.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 2007) granting a pension to N. J. Myers; and
A bill (S. 2171) granting a pension to Mrs. Catharine W. Collins.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2491) granting a pension to John Bisbey;
A bill (H. R. 418) granting a pension to William H. Brokenshaw;
A bill (H. R. 4516) granting a pension to Mrs. Delilah Agard;
A bill (H. R. 4655) granting a pension to Mary J. Francis;
A bill (H. R. 6732) granting a pension to Leora E. Gear;
A bill (H. R. 3711) granting a pension to Harriet V. Stockton;
A bill (H. R. 122) for the relief of Julia A. Darrell;
A bill (H. R. 6343) to increase the pension of Nancy Rains, the oldest Revolutionary pensioner on the rolls, she being ninety-six years of age;
A bill (H. R. 442) granting a pension to Emily B. Newell;
A bill (S. 1110) granting a pension to Mrs. Fredericka Hauser; and
A bill (S. 2183) granting a pension to Rachel Plummer.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1744) granting a pension to William M. Davis;
A bill (S. 2087) granting a pension to Julia B. McComb; and
A bill (S. 2088) granting a pension to Mattie V. Boothe and Mary M. Boothe.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 1314) granting an increase of pension to Benjamin M. Fisher, reported it with amendments, and submitted a report thereon.

Mr. BLODGETT, from the Committee on Pensions, to whom was referred the bill (S. 2014) granting a pension to John Farlow, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Pensions, to whom was referred the bill (S. 1523) granting a pension to Isaac Bibby, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. TURPIE, from the Committee on Pensions, to whom were referred the following bills, reported adversely thereon; and they were postponed indefinitely:

A bill (S. 1360) for the increase of pensions for the loss of an eye;
A bill (S. 380) to increase the rate of pension for deafness and loss of sight; and
A bill (S. 1734) fixing the rate of pension for the total loss of an eye or the sight thereof.

Mr. TURPIE. From the Committee on Pensions, I submit a report, accompanied by a bill granting an increase of pensions in certain cases therein mentioned, it being on the same subject-matter as the bills just postponed indefinitely.

The bill (S. 2446) granting an increase of pensions in certain cases therein mentioned was read twice by its title.

Mr. TURPIE, from the Committee on Pensions, to whom was referred the bill (S. 1403) granting a pension to Daniel Shack, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Mary J. Goslee, praying to be allowed a pension, submitted a report thereon, accompanied by a bill (S. 2447) granting a pension to Mary J. Goslee; which was read twice by its title.

He also, from the same committee, to whom was referred the petition of Catharine McQuade, praying to be allowed a pension, submitted a report thereon, accompanied by a bill (S. 2448) granting a pension to Catharine McQuade, which was read twice by its title.

He also, from the same committee, to whom was referred the petition of James M. Bowman, praying to be allowed a pension, submitted a report thereon, accompanied by a bill (S. 2449) granting a pension to James W. Bowman, which was read twice by its title.

Mr. PADDOCK. I am instructed by the Committee on Pensions, to whom was referred the bill (S. 1307) granting a pension to Washington T. Otey, to report it adversely. At the request of the Senator from Illinois [Mr. CULLOM], I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar, with the adverse report of the committee.

Mr. PADDOCK, from the Committee on Pensions, to whom was referred the bill (S. 618) granting a pension to Washington T. Otey, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1047) to increase the pension of James A. Underwood, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3898) granting an increase of pension to James H. Reeve;

A bill (S. 1687) to restore J. Rock Williamson to the pension-roll; and

A bill (S. 1122) granting an increase of pension to William Collinsworth.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1074) for the relief of J. W. McMillan; and

A bill (S. 1266) granting a pension to Shelton Flannigan.

Mr. PASCO, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1083) for the erection of a public building at Tallahassee, Fla., reported it with an amendment, and submitted a report thereon.

Mr. COKE. Yesterday, when I was absent from the Chamber, the Senator from New York [Mr. EVARTS], from the Committee on the Judiciary, to whom was referred the bill (H. R. 4375) to create a board of arbitration to settle and determine the controversy between the United States and the State of Texas, relating to certain territory by them respectively claimed, reported it with amendments.

I call the matter up now for the purpose of stating that I dissent from that report and shall stand by the House bill as it came from the House of Representatives, without amendment. I should have given this notice yesterday when the report was made had I been in the Chamber.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 2450) placing the name of Bridget White on the pension-rolls; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2451) placing the name of Elizabeth Domm on the pension-rolls; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2452) placing the name of Lena Neuninger on the pension-rolls; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MANDERSON introduced a bill (S. 2453) for the relief of Bvt. Maj. Gen. Henry J. Hunt, colonel retired, of the United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. STOCKBRIDGE introduced a bill (S. 2454) granting an increase of pension to Alfred Pearson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 2455) for the relief of Thomas J. Mason and Joel Mason; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL. In connection with that bill I present the affidavits of Thomas J. Mason, Joseph W. Carlton, and Hon. D. P. Dyer. I ask that they be received and referred to the Committee on Claims, to accompany the bill.

The PRESIDENT *pro tempore*. That order will be made.

Mr. COCKRELL introduced a bill (S. 2456) granting a pension to Dobson Amick; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PASCO introduced a bill (S. 2457) to provide for the establishment of a light-house at or near St. Joseph's Point, Florida; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PALMER introduced a joint resolution (S. R. 64) authorizing the Secretary of War to sell and convey to the Minneapolis, Sault Ste. Marie and Atlantic Railway Company certain portions of the military reservation at Sault Ste. Marie, Mich.; which was read twice by its title, and referred to the Committee on Military Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. FRYE, it was

Ordered, That the papers in the case of William L. Eddy be taken from the files of the Senate and referred to the Committee on Pensions, there having been no adverse report thereon.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 8004) authorizing the issue of fractional silver certificates; and

A bill (H. R. 7409) to discontinue the coinage of the three-dollar gold piece and the gold dollar.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (S. 1665) granting a pension to Theresa B. Hoffman; and

Joint resolution (H. Res. 117) to enable the Secretary of the Interior to utilize the hot water now running to waste on the permanent reservation at Hot Springs, Ark., and for other purposes.

APPOINTMENTS OF CONFEDERATE SOLDIERS.

Mr. BLAIR. I introduced a bill yesterday the second reading of which the Senator from Connecticut [Mr. PLATT] objected to at the time. The bill was introduced for reference, and if the Senator from Connecticut has no further objection, I ask that it be read the second time and referred to the Committee on Civil Service and Retrenchment.

The PRESIDENT *pro tempore*. The question is, Shall the bill (S. 2443) providing, in the appointments to the civil service, for the preference in certain cases of persons who were engaged in the military or naval service of the so-called Confederate States of America during the war of the rebellion, and who were disabled therein and were not dishonorably discharged therefrom, be read the second time?

Mr. PLATT. I simply exercised my right yesterday in objecting to two readings of the bill on the day on which it was introduced. I can not object further to the reading of the bill or its reference to the committee. My objection was based upon what seemed to me an inference in the title of the bill that the Senate in some way might give its assent to the appointment in the civil service of soldiers who served the Confederate government. It was that inference in the title of the bill which struck me. Of course I can make no objection to its reference.

Mr. BLAIR. I suppose that Congress, or the Senate certainly, can interpose no objection to the appointment of those who were engaged actively in hostilities on the side of the late Confederacy to civil appointments where they have returned to loyalty and their disabilities have been removed. If so, it is quite time that the objection were interposed.

The object of the bill is simply this, that, as among those who were disloyal to the Government during the war, those who were disabled by active military service shall have the preference, other things being equal, in appointments to the civil service.

We have applied that principle with reference to those who were loyal, and it seems to me that it is a very good principle to adopt with reference to those who were disloyal.

I may say now that I offer this bill in entire good faith. I am told by one who belonged to the number of those who lost a leg in the service of the Confederacy (and from other sources I have the same general knowledge) that in many of the Southern States there are thousands, and I know that in the State of North Carolina there are at least 20,000, of the soldiers of the Confederacy who lost arms or legs in the service, a very large majority of whom are in poor circumstances.

It seems to me that if either this Administration or any other administration of the Government is to give appointments in the civil service to anybody who was disloyal to the Government, these men, if otherwise competent, ought to have the preference. That is the object of the bill and nothing else.

Mr. HALE. I desire to ask the Senator a question. I should be glad to be informed as to just where this preference for the soldiers of the Confederacy who were disabled is applied. Is it applied to disabled soldiers of the Confederacy as against other soldiers of the Confederacy who are not disabled, or is it applied to disabled soldiers of the Confederacy as against individuals living in the South who were loyal, or individuals living in the South who were disloyal but who did not serve in the armies?

I should, for one, not be willing to consent that the same discriminating favor that has been applied to the loyal soldier of the North, giving him a preference in appointment because of his services in the war for the suppression of the rebellion, should be by Congress granted to the Southern soldier who was engaged in the work of destroying the Union, when we prefer Union soldiers for their services in maintaining it.

I should like to have the Senator explain just where this discrimination comes in. Is it proposed that there shall be hereafter a preference for the Confederate soldier who is disabled as there is now for the Union soldier who is disabled? That I object to.

Mr. BLAIR. The bill was read yesterday and is in the RECORD, as the Senator will find by examining the copy that is upon his desk, or ought to be; mine somebody had taken, and I have borrowed one.

Mr. HALE. But how does the Senator understand that himself?

Mr. BLAIR. I will read the bill:

That before persons shall be appointed to the civil service of the United States it shall be made to appear whether such persons were loyal to the Government of the United States during the war of the rebellion, if of lawful age at any time during said war; and whenever such persons not loyal to the United States during said war shall be appointed to office in the civil service, those not dishonorably discharged from the military or naval service of the so-called Confederate States, and now suffering from disability resulting from wounds or sickness incurred in said service, shall be preferred to other persons not shown to have been loyal in the war of the rebellion, provided they are found to possess the business capacity necessary to the proper discharge of such offices.

I think the bill clearly answers all the suggestions or questions of the Senator. It merely provides that wherever persons are appointed to civil office who were of age during the rebellion, and who during the rebellion were disloyal persons, whether they were civilians or were in the military service, those in the military service and disabled by wounds or sickness in that service, if found to be competent, shall be preferred to any other disloyal person, whether he was in the military service or in the civil service.

Mr. HALE. I have a copy of the bill as it appears in the RECORD, and as the Senator has just read it, and from reading it myself as carefully as it is possible in the limited time now before us, it is very clear that the same discrimination which has been made by statutes heretofore enacted for the Northern soldier, the loyal soldier, because of his service or because of his wounds, is to be made in appointments in the South. The fact that the soldier served in the Confederacy, was wounded, was disabled, gives him a preference over and above everybody else there who did not serve. In other words, it is the crowning merit of his case that he served and was wounded or disabled in the service of the Confederacy. It puts him above the soldier who was wounded and disabled in the Mexican war for the cause of the whole Republic.

While I do not wish in any way to revive old questions or call up the past, I do think it is too early now for the Senator from New Hampshire to introduce this feature as a matter of legislation. In calling upon the Government for protection and preferment there must be some difference in merit between the man who served in the Union armies and was there disabled, and the man who served in the armies of the Confederacy and was there disabled.

Mr. BLAIR. The Senator can not be in earnest in his remarks. Let him read the bill, and read it carefully.

Mr. HALE. I have read it twice.

Mr. BLAIR. It is simply a discrimination among the disloyal, and the bill provides in express terms to that effect.

Mr. HALE. In favor of the man who served in the Confederate army?

Mr. BLAIR. In favor of the man who served in the Confederate army, and is now disabled by wounds or sickness, as against other disloyal persons who did no such thing and who are not disabled.

Mr. HALE. Who did not serve in the Confederate army?

Mr. BLAIR. Who did not serve in the Confederate army, but were disloyal.

Mr. HALE. That is precisely the point. It is made a merit by this bill that the applicant for office served in the Confederate armies and was there disabled. It entitles him to preferment over and above the man who did not go into the Confederate army and did not there serve.

Mr. BLAIR. But was disloyal; and that is right.

Mr. PLATT. Mr. President——

Mr. COCKRELL. What is the pending question?

The PRESIDENT *pro tempore*. The question is, Shall the bill be read the second time?

Mr. PLATT. The more I look at this bill the more I dislike it. Of course I recognize the benevolent and philanthropic sentiment which seems to have actuated the Senator from New Hampshire in its introduction, but I do not want to engage in any legislation for the benefit of any Confederate soldier, whether it be for preference over another Confederate soldier or over a man who was disloyal but did not enter the Confederate army, or for any other purpose.

I think this bill is fraught with danger. I think that the Senator from New Hampshire, carried away by sentiment perhaps, has introduced a bill here which ought not to go any further, and therefore I ask for the yeas and nays upon the question of the second reading of the bill.

Mr. BERRY. Mr. President, I wish to say on behalf of the wounded soldiers of the South, that so far as my knowledge extends they have not asked any preference in any way whatever over their comrades. We recognize, however, the fact that the Senator from New Hampshire has done a very generous thing in making this proposition. We recognize that such generosity can come from those only who were in the war, and knew something of the trials of those who served upon both sides.

I would say to the Senate, in response to what the Senator from Connecticut has said, that while we have asked no preference, and nothing at the hands of the Government, except to be permitted to take care of ourselves, which we have been able to do so far, that any intimation that these soldiers were not equal in point of courage, in point of love of country, in point of honor, in every other point, to any other men, is unfounded and unjust, and unwarranted by the facts.

Mr. PLATT. I made no intimation whatever with regard to the Confederate soldier. I did not intend to do so. Perhaps of all men in the Senate I am as little disposed to do anything which may recall the controversy of those days as any one.

But, Mr. President, when the Senator from Arkansas says that the Confederate soldier was the equal of all men, and the peer of all men in his love of country, I think it is time that some objection should be made to such a statement as that in the Senate of the United States. He may have loved what was called the Confederate States, but he loved the Union only just enough to fight against it and try to destroy it; and I will not sit in my seat and have his loyalty, his devotion, his courage, and his love for the Union put on a par with that of the soldier who fought to maintain it, without entering my protest against it.

Mr. BLAIR. Mr. President, this bill originated with myself. It originated after conversation with various persons and information derived from various sources as to the condition of the Confederate soldiers of the South. There are many of them not only grievously wounded but in great destitution, men of intelligence, of capacity, of education, and as capable of serving their country as any other persons whatever who during the war for the Union were disloyal. We have applied that principle so far as the soldiers of the North are concerned——

Mr. SPOONER. Will the Senator from New Hampshire allow me to ask him a question?

Mr. BLAIR. Certainly.

Mr. SPOONER. Does not the Senator from New Hampshire think that in appointments under the present Administration the Confederate leaders are sufficiently potential in influence to take ample care of wounded Confederate soldiers, without the assistance of Congress?

Mr. BLAIR. I will answer the question by saying that whatever may be their influence with this Administration, I do not believe that the wounded and capable soldier of the Confederacy has received in the matter of appointments that discrimination in his own favor which he would be entitled to receive and which he should have received when appointments were made from among those who were disloyal during the war. I think there is just cause of complaint on the part of those soldiers as a class. That is my answer to the Senator from Wisconsin.

It is no use, Mr. President, after all these years have passed away, for us to cherish any special feeling of hostility towards the man in the South who was in the Confederate army, discriminating against him as in favor of the disloyal person who rendered no military service; and when we come to a class of those men who, being competent and capable, are disabled and objects of commiseration and of that just charity which the Government ought to exercise, and an appointment is to be made from among those who were disloyal, it seems to me that it is the proper thing to do to give the preference to that man.

The object of this bill, which is introduced for reference to the proper committee, is that that subject may be duly considered; and I trust that the Senate, whatever may be the ultimate disposition of the bill itself, will send it to the committee in the ordinary way.

Mr. HOAR. Mr. President, I merely rise to say that I am very much gratified to learn both from the Senator from New Hampshire and from the Senator from Arkansas, if I understood his remarks correctly, that this proposition does not come from Confederate soldiers, from Confederates, or from anybody representing them at all.

There is no occasion, therefore, at this time to enter into any discussion as to what it would or would not be proper to do if dealing with that class of our citizens. Many of that class are in the Senate, regarded in the Senate as equals, not only constitutionally, but having the respect and friendship of their associates; and there is no occasion for any strife growing out of any former division at this time, either in debate or otherwise; but I do not believe that this measure would ever have come from the gentlemen representing the States which were formerly in rebellion, or the men who formerly went into the Confederate service.

Why, just look at it. There may be some men at the South—of course there were hundreds and thousands—who went into the rebellion, who took part in it, who furnished aid and comfort to it, although they were not wounded or disabled in its service, who before the war were eminent for high public service to their country, men like A. H. H. Stuart, men like John Bell, and like many others whom I could name. There are hundreds who could be named. If one of those persons is presented for a public office and his eminent service to the whole country and his eminent character are considered by the appointing power sufficient, al-

though he went with the community about him into the rebellion, still the answer is to be made to him by this Government and by the authority of law, "Your services to your whole country, your eminent character, your eminent abilities, it being understood that you took part in the rebellion, are to be rejected, because you did not actually take arms in your hands, and with arms in your hands get wounded in trying to destroy the life of the country." That is this bill exactly, in terms and in words.

Mr. BLAIR. Will the Senator allow me to ask him a question?

Mr. HOAR. Certainly.

Mr. BLAIR. Is he not aware that precisely that state of affairs exists in regard to a like class at the North?

Mr. HOAR. Yes; I am. I am aware of it.

Mr. BLAIR. And is the Senator aware that the bill applies only to persons who were disloyal during the war?

Mr. HOAR. I am.

Mr. BLAIR. Very well.

Mr. HOAR. That is just what I am talking about. The gentlemen who went into the Confederate service and were wounded in it, as they have so many times said, and, as we think, believed they were doing right and sealed that belief by risking their life, having now come back and taking part in the administration of a Government which they mean to stand by as loyal citizens henceforth, have not one of them asked of that Government to say to them or to their friends or constituents that it will make among men who were disloyal the having sustained injury or lost health or received a wound in attacking the Government a merit superior to that of eminent service rendered to the country before the war or since by men who did not incur wounds. On the other hand, every one of these persons, I believe, will say that in dealing with the Union soldier it is a proper policy, and a policy which they mean to adhere to and act upon as long as they are in power, that the man who suffered wounds or disease in fighting for the country shall be preferred to the other loyal man who did not suffer wounds or disease. That is the statute as well as the custom, and it ought to be.

I never have heard of the Confederate, public or private, who said that he expected this Government to pay him or to pay his associates or friends or constituents for what they did or for the wounds they suffered in the cause of the Confederacy. The Constitution, with the assent of these gentlemen, has said we should never pay a pension to them.

The difficulty with the proposition of the Senator from New Hampshire is that he thinks that because it is a merit to have suffered a wound in the cause of the country, it should be an equal merit in dealing with persons who were disloyal to have suffered a wound in the cause opposed to that.

Mr. BLAIR. The Senator is quite wrong in that.

Mr. HOAR. That is precisely what it is. The whole country has said in removing disabilities, in admitting the States that took part in the rebellion to their places here in the Union again, in supporting such men for office when we agree with them now in politics, that we do not propose to consider the having taken part in the rebellion an objection to holding public office. When the rebellion was put down it was that these men might stand by our side as equals, not as superiors on the one side or as inferiors or vassals on the other, but as equals. But now the proposition of the Senator from New Hampshire is that in dealing with that class of persons, men who were disloyal from 1861 to 1865, in appointing that class of persons to office, the most eminent service to the whole country before or since the war shall not weigh in the scale against the having sustained a wound or incurred disease in the service of the Confederate cause.

I say I do not believe there is a Senator on the other side of the Chamber who would have thought of introducing such a bill. I do not believe there is a representative man of the South who would say that such a bill as that is reasonable or prudent or expedient. I do not believe that a representative man from among the men who were wounded in the Confederate cause could be found who would say that he regarded it as consistent with his renewed loyalty to issue these medals for a service in the Confederacy. That is what I mean to say. I do not think my friend from New Hampshire, who is as warm-hearted a man as breathes and as loyal a man as breathes, and always was, sees the effect of his own bill. I do not believe when he drew the bill he observed that that effect was in it which I find there.

Mr. BLAIR. I do not observe it now.

Mr. HOAR. I think it is there.

Mr. HALE. Let us have the yeas and nays on the second reading of the bill.

The PRESIDENT *pro tempore*. They have already been demanded by the Senator from Connecticut [Mr. PLATT].

Mr. RIDDLEBERGER. Mr. President, I should not have introduced this bill, coming, as I do, from the South, and having been a Confederate soldier for four years; but I can not see the objection to it which seems to have seized hold of the minds of some of the Senators on this side of the Chamber. It is simply a proposition that when an appointment is proposed to be made from the late Confederate army, all other things being equal, the disabled soldier shall be preferred. Where is the objection to that?

The Senator from Massachusetts says it is conferring a badge and that it is discriminating against some of his aged friends. Does that Senator conceive in his mind that that was an old man's war and a young man's fight? The bill does not discriminate against loyal men. The young men were actuated and impelled by a sentiment inculcated by the very men whom the Senator from Massachusetts says this bill would discriminate against. If there be an element in the South that ought to be discriminated against, it is that very element, that aged element, that experienced element that precipitated upon the young men of the country a war from which they had nothing to gain but disaster and a loss of four years of active life, of training, and of education.

Since this Administration began I have known armless and legless Confederate soldiers turned out of office in the South, not because of their politics, but simply because they had been put there by a Republican administration, and their places supplied by the very men whom the real Confederate soldier actually detests to-day.

I understand the Senator from New Hampshire as meaning nothing in this bill except that when you do take a man from the South you shall give, all other things being equal, the preference to the wounded or disabled Confederate soldier. I appeal to the reason of any Senator here whether that is not fair and right.

Take the disabled Confederate soldier in the South and you will find in nine cases out of ten a man who will tell you that he is glad the war terminated as it did. If you want to find the unreconstructed element of the South, take those whom the Senator from Massachusetts says are recognized for their eminent services before and since the war, who were years in accepting the three amendments to the Constitution, when the actual Confederate element of the South would have accepted them at once. They knew what it was to fight and they knew what it was to surrender.

I therefore, Mr. President, and I hope with becoming diffidence, here as a Confederate do support the bill of the Senator from New Hampshire. Whenever this Government has anything to bestow in the way of an office I would have it given to the wounded or the disabled Confederate, so as to have it understood that those men eminent for their services in disabling and wounding these soldiers should be excluded. I would not allow them to come here if I had my way. By way of illustration, take for instance the young men. They followed the advice and counsel of the men who were eminent for their services before the war, eminent for their services in bringing about the war, eminent now as going around the city of Washington begging for office, eminent for precipitating these young men into that war and having them wounded, eminent altogether in that line, but not eminent in the line of soldiery.

I think the bill is right in that view. It does not provide that Confederate soldiers alone shall be appointed. It does not make any discrimination in favor of the Confederate against the Union soldier. I dare say that when you go to select men for office from among those who were Confederates you shall give the preference, as the Senator himself expressed it, all other things being equal, to the man who was wounded or disabled in that war.

Mr. HAMPTON. Mr. President, I need not say that there is no man in the Senate or in the South who has higher regard or deeper sympathy for the wounded Confederate soldiers than myself. I have shown by my course here uniformly that I have exhibited regard for the wounded Federal soldiers, and I have always tried to do justice.

I am sure that all the Southern Senators around me join in the feeling I rise to express, one of great gratification at the generous action of the Senator from New Hampshire. It was a bold and generous and noble deed on his part, and I simply wish to express that feeling while I explain the reasons why I shall vote against the bill.

No Southern soldier, either individually or in any organized bodies, has asked for the passage of any bill of this sort. We do not feel it right to make any discrimination, and my own opinion is that in the appointment of Federal officers the Government should demand those best qualified to discharge the duties of the office. While we recognize gratefully the kind feelings which prompted the bill, I, for one, shall be compelled to vote against it.

Mr. GEORGE. Mr. President, the question before the Senate, as I understand, is whether this bill shall have the courtesy of a second reading and a reference to the appropriate committee for consideration. That is the question—not on the passage of the bill. In my service in the Senate, which has not been a very long one, extending, however, over three Congresses, I have not observed until this morning and on this day a refusal on the part of the Senate to allow a bill to receive its second reading and be referred to the appropriate committee.

I agree with the Senator from South Carolina that no Confederate soldier has asked for this bill. I do not ask for it; I do not believe any Confederate will ever ask for it; and in voting in favor of the second reading of this bill, which I shall do, I shall not do it from any motive or any wish on my part to facilitate legislation of this sort.

But, sir, I find a bill introduced by a distinguished Senator from the North, a gentleman whose services in the Union Army, as I understand, were very meritorious—for I understand now that he suffers from a wound received in the war—and when such a Senator, of his own mo-

tion, acting on his own judgment of what is right and proper, offers a bill of this character, I do not feel that I ought to slap him in the face by voting to refuse to his bill the universal courtesy of a second reading and a reference to a committee. I can not do that, sir.

I esteem the Senator from New Hampshire, from a considerable intercourse with him on important committees, as a thoroughly patriotic Senator. I believe that in all his actions in this body he has the good of the country at heart; and when a fair and honorable representative of those who were in arms against me and my section comes with this peace-offering, though it may not meet in the end my judgment, as this does not, I will not, as I have just remarked, show him the discourtesy of not allowing his bill to receive a second reading and be referred to the appropriate committee.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that this bill be read the second time now.

Mr. BLAIR. The bill was introduced in the usual way yesterday, during the later proceedings of the Senate.

The PRESIDENT *pro tempore*. The Chair understood the Senator from New Hampshire to make that motion.

Mr. BLAIR. Yes, if this be the proper time to make it.

I do not apologize, Mr. President, for the introduction of this bill. If any shall have occasion to apologize for opposition to it, or for opposition to the ordinary treatment extended to bills introduced in this body, those persons will not occupy my seat. This bill was not suggested by anybody on this side of the Chamber. It could not be suggested by anybody who was disloyal during the war and who is loyal to-day. But if upon either side of this Chamber it be supposed that there is no sentiment either North or South, or in both sections, that will respond to it, I am mistaken, or others will find themselves mistaken. I believe that the bill is based not alone upon the most generous sentiments, but upon those of strict justice.

There will be here and there an exception such as is imagined by the acute sense of the Senator from Massachusetts perhaps, but in those exceptional cases the discrimination which has always sufficed to enable that class of persons when selected from the loyal North to carry off the offices to the exclusion of the soldier of equal merit can be relied upon in the future to discriminate equally against the Confederate soldier as among the disloyal. The Senator from Massachusetts need be under no apprehension for the gray-haired traitors of the South who have been loyal a little longer than these disabled men who fought and lost almost everything that was important to life; he need not fear that those men will fail to have discrimination in their favor. One reason why this bill is here to-day is because they have succeeded altogether too largely in securing that discrimination thus far, and my friends on this side of the Chamber need not worry that this bill will fail to elicit an awakening response from all over the South from the men whom some of these gentlemen with greater intelligence and more years misled others into a war which these same men would otherwise have avoided.

As I said, I have had occasion to know something about the disabled soldier of the South; and I believe that when the disabled soldier of the South has become loyal there is in his bosom a stronger sentiment of loyalty to-day than in that of the mass of civilians who were in the same opposition to the Union and who gave equally efficient but less honorable and manly services for the destruction of this Government.

Now, sir, when there are in the State of North Carolina alone 20,000 men, as I am informed, without arms or without legs, poor, many of them dying in the almshouses of that State, and when all through the South there is a like condition of things, many of these men educated, worthy, competent gentlemen, and there are appointments going from this Government to the South, to the disloyal, in vast numbers, why should not these men, equally competent and equally patriotic to-day, receive that discrimination which is due to the man who fights for his principles over him who was willing in the late controversy to render equally disloyal service and yet saved himself from all danger?

This bill can reach only those who were young at the time. They must be fully competent for service; all other things must be equal; and everybody can see that among those who are to receive appointments to the civil service of the United States, the clerkships in Washington and the employments about the Capitol, are the men who are in view, just exactly as that class of men are taken care of by the Federal statutes by preferring the soldiers of the war of the Union. These men necessarily must have been young men, for there has been a quarter of a century elapsing since the war; and how came they into the rebellion? How came the Northern soldier under the flag, fighting for the preservation of the Union? As a rule they were young men, loyal to their country. They enlisted into the war as a matter of patriotism. At the South, with these men, it was simply a matter of sentiment. How could they stand up against the old men and against the action of their organized communities? They inevitably found the military service. Had they failed to find the service of the Confederate States, as a rule they would have lacked in the highest qualities of mankind.

Now, Mr. President, having lost everything, with no moral guilt, now as patriotic as anybody is to-day, and with the Government appointing from among the disloyal, this bill only asks, not as a tribute to their disloyalty, but as a tribute to the manliness within their bosoms which led them to fight for their principles, that that class of men in their misfortune, when equally competent, shall receive the favor of civil appointments. It is no discrimination against the loyal; but only when those who were disloyal are to be appointed that the man who took these risks, who endured these misfortunes, who is recovering from them to-day, and yet can render equally good service to the Government, shall receive the preference. That is all there is in this bill.

I ask nothing for courtesy in regard to me from anybody on any side of the Chamber. I offered the bill in good faith. It is a bill that not only ought to be introduced but it ought to be a law; there is no valid objection to it. The sentimentality to which Senators allude is a false sentimentality against this bill as I look at it. The bill itself is framed on a profound principle of justice and of right.

Mr. MANDERSON. Mr. President, I certainly do not think that anything in the nature of apology is needed from the Senator from New Hampshire for the introduction of this bill. Every man in this Chamber knows him well enough to know that this proposed piece of legislation has sprung from his warm sympathy with those who are in distressed condition, that the bill comes from his heart. But I fear that he has not given to it the sober judgment of his head and that calm scrutiny that so radical a bill deserves.

Personally I would have preferred that this bill had been permitted to take the usual course, have gone to second reading, and been referred to an appropriate committee for its consideration; but I do not think it discourteous to the Senator that on a bill of this nature, involving propositions so new, strange, and startling, the Senate should pause to consider whether it should even go to second reading and receive the consideration of one of the committees of the Senate. While I would be one of the last on this floor to be guilty of anything that might seem like discourtesy to the Senator from New Hampshire, who was such a gallant soldier and is usually foremost in that which is for the good of the country at large, yet I do not propose to vote for the second reading of this bill, now that the attention of the Senate has been challenged to its peculiar and exceptional character.

We have upon the statute-books a law that, unfortunately, is "more honored in the breach than in the observance;" a law which says that ex-Union soldiers shall be preferred, mental and physical qualifications being equal, to those who did not serve in the armies of the United States at the time when the existence of the Republic was in danger and when it called for defenders.

Upon what does that legislation rest, Mr. President? It clearly rests upon the idea of obligation on the part of the Government of the United States to those who thus served, and particularly to those who were injured in such service. It does not rest upon any obligation that flows from mere disability, but upon an obligation that flows from the service; and I submit to the Senator from New Hampshire that this proposed legislation must so rest if it has proper foundation. This bill proposes that a certain class in the South who are disabled shall be preferred for civil office. But that is not all; it says that such disability must have been contracted in the rebellion and rest upon an honorable discharge from service in the Confederacy in the war of the rebellion.

Mr. BLAIR. The language is "not dishonorably discharged."

Mr. MANDERSON. Which, I take it, means honorably discharged.

Mr. BLAIR. Many were not discharged at all, but surrendered.

Mr. MANDERSON. That would be presumed to be an honorable discharge from the service or side that met with defeat and surrendered.

Mr. BLAIR. Of course that phrase would include those.

Mr. MANDERSON. But whether honorably discharged or dishonorably discharged or not discharged at all, whether passing into the body of citizenship of the country by force of circumstances, being the surrender of the rebel armies, is utterly immaterial. The basis of the obligation as proposed under this bill is service in the Confederacy, is active support and armed aid and comfort to the war of the rebellion. It seems to me that before we can enter upon this new field of legislation as a preliminary step we must repeal, by proper action in the Congress of the United States and in the Legislatures of the different States, the fourteenth amendment to the Constitution.

If, as I have suggested, this rests upon obligation, obligation flowing from the Government of the United States to those who served in rebellion against it, why is it not in direct conflict with this provision of the fourteenth amendment?

> But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

It is true that this may have been intended to have a more limited significance, to mean a mere dollar obligation, but I submit to the Senator from New Hampshire that this bill is in direct violation of the spirit, if not the very letter, of this constitutional provision.

Mr. BLAIR. Will the Senator allow me to ask him a question?

Mr. MANDERSON. Certainly.

Mr. BLAIR. If that be a constitutional provision applicable in its spirit against this bill, why does it not exclude from office or from any sort of governmental assistance, direct or indirect, the entire disloyal population, whether engaged in the military or civil service of the rebellion?

Mr. MANDERSON. It does so by express terms until their political disabilities shall be removed by Congress, by a vote of two-thirds. It is so stated in the fourteenth amendment itself.

Mr. BLAIR. Does not the Senator understand that before, under this or any other bill, any one can be appointed to a civil office, those disabilities must have been removed; and does he not know that the entire Confederacy is furnishing civil officers by appointment under the law to-day?

Mr. MANDERSON. I do certainly understand that when the political disabilities of an ex-Confederate shall be removed he is eligible for citizenship and for office; but I say that in this legislation there is a proposition to reward him for such service, to pay an obligation that is prohibited by the spirit, if not by the letter, of this constitutional amendment; and it is for this reason that I propose to vote even against the second reading of this bill, not out of discourtesy to the Senator from New Hampshire, but because I am opposed to this effort to invade the constitutional guaranties that have been given to this Republic for its own safety and perpetuation.

Mr. DANIEL. Mr. President, if this were a question of courtesy to the Senator who has offered this bill, there would be no doubt in my mind as to how I should vote upon it. I feel incapable of offering a discourtesy to any Senator on this floor, and I certainly would go very far to avoid doing so to one who has been inspired by such magnanimous and generous sentiments as those which that Senator has expressed.

But no public question can ever be decided by any mere matter of courtesy. The question before the Senate is the propriety of the consideration of this bill. If it had gone in due course without note or comment, none would have felt that anything improper had occurred. But since a question has been made upon it, that question must be met, and I trust that no ex-Confederate on this floor will dodge that question, although doubtless his emotions might incline him to do so. If I could with propriety decline to vote upon this question I would do so, because in my judgment it does not become a Confederate soldier to ask of the United States Government any peculiar right or privilege whatsoever; and I have never known a Confederate soldier within my own knowledge to do it.

The Confederate soldier boldly laid down the gauntlet of war and made it war, and when he came out of that war he had contempt for but two classes who were engaged in it: first, the men who made apologies; and, second, the men who demanded them. Questions of great international strife and of great social conflict never descend to personality. They are governed by the great philosophy of human existence; they are governed by laws higher and superior to and above the mere conduct of the individual who moves in the great path of human history.

I have no doubt that the honorable Senator from New Hampshire has offered this bill in a spirit of benevolence and of kindness and of generosity; but it has not been called for by any Confederate; it has not grown out of any demand of public sentiment. The wise legislation of the world is generally that which is the product of a matured public opinion which has gradually formed behind it and of which it becomes the mere legislative expression. No public discussion has been had upon this subject; no wise debate either North or South has been heard upon it. What Senator had a right to originate it? I venture to believe that its origin is almost entirely confined to the lucubrations of his own mind. While I shall greatly respect, yea, shall honor and admire and feel my soul go out to the great and noble spirit that will face any kind of opposition to assert that which he believes to be right, I can not believe, sir, that in this instance that gentleman has acted wisely or in consonance with the public spirit of the country.

All, sir, that the Confederate soldier asks of the United States is that he shall stand equal before its law, shall have a fair opportunity to work out his own salvation; and I venture to say there is not a county or a town or a hamlet from the Potomac to the Rio Grande in which a Confederate soldier will be seen in rags or in tatters in the street begging bread. There is no palace and no hut and no fireside where he is not always a welcome and honored guest; and there is no honorable citizen who would not divide with him whatever he had in this life of its comforts.

There is no danger of any such honorable and true man, however humble he may be, or however little may be his fortune, dying upon the roadside because no good Samaritan will come by to lend him a helping hand. The Confederates ask nothing special not accorded to other men in this Government; all they ask is that they be respected in those rights of American citizens which they have assumed knowingly and intentionally, and which they intend to abide by, and that you shall help them in such a manner that no man can justly point toward them the finger of scorn or apply to them the epithet of insult.

Mr. HAWLEY. Mr. President, I am personally grateful to the Senator from Virginia [Mr. DANIEL] for the manly and I venture to say statesmanlike speech he has just made. I have seen nothing so disagreeable in the proceedings of this body in some time as the presentation of this bill by the Senator from New Hampshire. If it had passed by without notice and gone to the committee, I should not have cared whether or not the question had been raised upon the second reading, and I should have been willing to wait for the report of the committee for any debate; but the point has been made, and it must be met. There is nothing complicated in the bill, in the proposition, that we do not understand just as well now as we should after a long report from any committee.

I think the bill is fundamentally a mistake. I need not, I am sure, disclaim any feeling like personal hatred toward the men who were Confederates. I need not disclaim a desire to in any way bar their progress or disqualify or dishonor them; but a generous, manly Confederate soldier knows just as well as any of us that an issue was joined before the greatest tribunal in the world upon a question involving the very foundation of republican government; and it was fought out as men fight, fought out as great armies of free men alone can fight. Somebody won—some theory, some fundamental constitutional theory or proposition won. What was it? The assertion was vindicated by the result according to the best of human knowledge and effort that that was a causeless war and an unconstitutional war, and if you choose, a wicked war. That was accorded by the surrender at Appomattox as the judgment of the nation. Shall I turn around, however, ungenerously towards any man who was engaged honorably on the other side? God forbid! Shall I bar his progress? Not at all. Shall I object to meeting him here as a brother? By no means. Do I object to the fact that his fellow-citizens in his State love him because of his gallantry? No, sir. Does any man think the less of South Carolina because of the presence here of the two gallant generals of the Confederacy? Not at all, not at all. I think I may say I should feel ashamed of South Carolina if she did not remember such men in the days of her restoration.

But at the same time I will not, by my vote and without my most vigorous and indignant protest, permit to be put either in Constitution or in statute anything that shall in any degree reward a man for having been in that war. I will not bar him or disqualify him, but I hold that it would be a crime, a dishonor to the graves of Union soldiers to say that now we will only regard the question of valor, and that we will give to those men who were the bravest in this attempt to destroy the country the preference in all political honors and preferments. How should we conduct a war upon principles like that? Whenever Stonewall Jackson made a splendid charge, we would say, "That will make him minister to Vienna;" if he lost, "That will make him governor of his State;" if he be defeated and it is recorded in the great records of the war as a rebel, nevertheless "when he comes back he shall be preferred." But, on the other hand, such is the savage and terrible cruelty and wickedness, if you choose, of war that much as even Union soldiers would have been glad to drink a glass to the gallantry of Stonewall Jackson, as a military matter, it was a satisfaction to learn that that terrible soldier was out of the battle; was it not?

Am I, therefore, ungenerous? If he had survived the war, I would have gone some way to shake his hand by reason of his personal and military character.

But in a future rebellion, if one shall ever arise here, when such confused and confusing and crude logic as that of the Senator from New Hampshire prevails, the question will arise, what is to be the treatment of men committing the great crime? Shall the war be waged with the understanding that the bravest men in destroying the country will be the most honored men upon that side when the contest shall have ended?

The Senator from Nebraska has very well pointed to the constitutional provisions which are a legal and constitutional condemnation of the conflict—not a social and personal condemnation, not an ungenerous condemnation, but they are the recorded legal judgment after the great struggle. They call it a rebellion; they forbid the payment of its debts or obligations of any sort whatever, and for a time disqualified its leaders from holding office. We should have been unworthy of the respect of the Confederates if we had not put upon record something to show that we had won. The ex-soldier who now fails to stand up for his cause is a coward, is a doughface, is a reptile in the consideration of gentlemen.

I am obliged to the Senator from Virginia [Mr. DANIEL]. I honor him that he remembers with gratitude and love the men with whom he fought, and I thank him that he does not ask us to make what in my judgment I must say would be fools of ourselves by such legislation as this.

Mr. BLAIR. Mr. President, the Senator from Connecticut [Mr. HAWLEY] closes his address by charging the man who does not boast of his devotion to his treason with cowardice and lack of manhood——

Mr. HAWLEY. I do not like to interrupt the Senator, because he does so much of it, but I said nothing of that sort.

Mr. BLAIR. The Senator's words are matter of record, where I have no doubt they will remain; and the Senator knows whether I state his sentiments correctly or not.

Mr. President, we are not dealing with traitors in arms. We are dealing with men who once were in arms, who were in disloyal opposition to the Government, but who are now citizens of our common country with the obligations and the rights of citizens. We are bound to presume that they are patriots to-day if we claim for ourselves that we are so. I have introduced here a bill providing for a preference

among those who once were disloyal, but who are patriots now, some of them in this Chamber and hundreds of thousands of them citizens of our common country. The bill gives a certain preference to those who by the misfortunes of war in a joint disloyalty suffered physical hurt by reason of which they are now disqualified from physical exertion. When an appointment is to be made of some one who was in opposition to the Government, but who is now loyal, the bill provides that these men thus unfortunate shall receive the preference among those who were equally wrong in their opposition to the Government.

That is this bill, and nothing more can be made of it. My friends, North or South, can make neither more nor less of it. This bill is not a bill which is based on any of the prejudices or the patriotisms or the convictions of twenty-five years ago; but it is a proposition designating how we shall deal with a certain class of people who did certain things twenty-five years ago and among whom I say are to be found those who are unfortunate, all if you please equally underserving, but in behalf of a certain class now suffering as the result of the exhibition of manhood on the battle-field, which the Senator from Connecticut so highly eulogizes, though it was demonstrated in tearing down the flag and killing the boys of the North. The bill provides that the man so engaged in armed conflict for his principles, who was disabled as the result, shall receive the preference over the craven who did not do it and who perhaps misled him into his opposition to the Government. That is a better way of putting it.

The Senator says that Stonewall Jackson is to be rewarded under the principles of this bill because of his great military service, because of the great consequence of his opposition to the Union cause. But that is not in the bill. That is nowhere but in the imagination of the Senator. Suppose Stonewall Jackson had conducted every great battle of the Confederacy, every great victory, and presided in every great defeat of the Confederacy, and had failed to be wounded and disabled, under the provisions of this bill could he have been appointed as against the lowest and most unfortunate private, the most inconsequential servant of the Confederacy, who in arms was disabled, and to-day is competent to fulfill the duties of the office to which he asks to be appointed? By no means; and that illustration ought to satisfy the Senator that his whole argument is a sham and a folly, and a misconstruction and a misapprehension, and a piece of nonsense, to follow up his long string of adjectives.

No, Mr. President, it is not a war between men who engaged in armed conflict for the destruction of the Union, but that, as between those who were disloyal, the disabled shall to-day receive the preference as a matter of charity and as a means to some extent of alleviating that misfortune from which they are suffering. And it is pretty late, Mr. President, to appeal to the prejudices of the war and to say that when we are dealing with this great class of our fellow-citizens of the South whose affections were outside of the Union and who were disloyal we will not recognize a condition of misfortune and of personal suffering on the part of those to whom we are to give appointments, in recognition of the great principles of charity.

I have been requested, Mr. President, to ask unanimous consent of the Senate that this bill go over until to-morrow morning; and I now ask that consent.

Mr. HAWLEY. It goes over at 2 o'clock anyhow.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent that the bill be postponed until to-morrow. Is there objection?

Mr. COCKRELL. If we are to have a repetition of this debate at a subsequent time, if that is the object of postponement, I shall object. I think we may as well dispose of it now.

Mr. BLAIR. That is not the object. Senators have asked me to request unanimous consent that the matter be postponed until to-morrow morning. I can say no more. I do not care to prolong the debate; but Senators desire a postponement, and I asked it for that reason.

The PRESIDENT *pro tempore*. Is there objection to the bill lying on the table until to-morrow? The Chair hears none.

REDUCTION OF POSTAGE RATES.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, the Senate resumes the consideration of the Calendar under Rule VIII. The first case on the Calendar will be stated.

Order of Business No. 161, being a resolution submitted by Mr. BECK directing the Committee on Post-Offices and Post-Roads to inquire into the advisability of reducing the rate of postage on first-class mail matter, was announced as the first business on the Calendar.

ORDER OF PROCEEDING.

Mr. HOAR. This unexpected debate has taken up a large share of the day, and the morning business is not completed. I venture to ask unanimous consent that the morning business shall be completed, although the hour of 2 o'clock has arrived, and that to-morrow be assigned for the consideration of the Calendar as to-day was.

Mr. CULLOM. May I ask the Senator to make his motion broad enough so that we may go through the Calendar under Rule VIII, and get rid of the cases that can be disposed of without much debate?

Mr. HOAR. Nobody can tell how long that would take. If at the end of to-morrow the Senate wish to go through the Calendar, they can. I think it is better to confine this request to going on to to-morrow.

Mr. CULLOM. I have no objection to the request, but I think the Senate ought to go through the whole Calendar.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that morning business be received, and that at the conclusion of morning business the Calendar be resumed, and that the same order be continued for the legislative day to-morrow. Is there objection? The Chair hears none, and it is so ordered.

REDUCTION OF POSTAGE RATES.

Mr. BECK. I thought I heard a resolution submitted by me, Order of Business 161, announced a moment ago as the next business in order.

The PRESIDENT *pro tempore*. It was reported as the first Order of Business on the Calendar under the rule, but it was informally laid aside to receive morning business.

Mr. BECK. I desire to ask a question. The resolution was reported adversely by the Committee on Post-Offices and Post-Roads, and I understand an adverse report stands in the nature of an objection.

The PRESIDENT *pro tempore*. It has been so considered. The Chair, under the order of the Senate, will receive any further morning business.

REPORTS OF COMMITTEES.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 1712) for the erection of a public building at Portsmouth, Ohio, reported it without amendment, and submitted a report thereon.

Mr. WILSON, of Maryland, from the Committee on Claims, to whom was referred the bill (H. R. 2365) for the relief of William P. Thorne, reported it without amendment, and submitted a report thereon.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 2311) for the relief of Heman D. Walbridge and Reginald Fendall, trustees, reported it without amendment, and submitted a report thereon.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom was referred the communication from the Postmaster-General of February 29, 1888, in response to a resolution of the Senate of February 24, 1888, in relation to holding public documents for postage that had been franked and deposited in the mail by a United States Senator, submitted a report thereon, which was ordered to lie on the table; and he asked to be discharged from the further consideration of the subject, which was agreed to.

HOUSE BILL REFERRED.

Mr. FRYE. On my motion the bill (S. 1473) authorizing the President of the United States to arrange a conference for the purpose of promoting arbitration and encouraging reciprocal commercial relations between the United States of America and the Republics of Mexico, Central and South America, and the Empire of Brazil, was ordered to lie on the table. I ask that it be taken from the table and referred to the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. The bill, having been read twice, will be referred to the Committee on Foreign Relations.

WILLIAM R. BLEVINS.

Mr. COCKRELL. I ask that Order of Business 169, being the bill (S. 466) granting a pension to William R. Blevins, reported adversely from the Committee on Pensions January 31, 1888, with the adverse report thereon, be recommitted to the Committee on Pensions, that I may present additional evidence which was not filed before the committee.

The PRESIDENT *pro tempore*. The Senator from Missouri moves that Senate bill 466, granting a pension to William R. Blevins, be recommitted to the Committee on Pensions with the accompanying papers presented by him.

The motion was agreed to.

Mr. COCKRELL. I present the petition of Mr. Blevins, with his discharge and the affidavits of Elihu G. Raybourn and others, and ask that they be received and referred to the Committee on Pensions.

The PRESIDENT *pro tempore*. They will be received and referred to the Committee on Pensions.

BILLS INTRODUCED.

Mr. MCPHERSON introduced a bill (S. 2458) to amend an act to authorize the construction of a bridge across the Eastern Branch of the Potomac River at the foot of Pennsylvania avenue east; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HOAR introduced a bill (S. 2459) granting a pension to Mary S. Maynard; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

MOTHER OF JAMES E. LAWRENCE.

Mr. EDMUNDS. I offer a resolution:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, out of the appropriation for miscellaneous items of the contingent fund of the Senate, to Mrs. Eliza Lawrence, mother of James E. Law-

rence, deceased, late a laborer of the Senate, the sum of $360, being an amount equal to six months' salary as a laborer aforesaid. And said sum shall be considered as including funeral expenses and all other allowances.

This most worthy laborer of ours, who was in the service of the Senate for a long time, died three days ago and left his mother in North Carolina in very straitened circumstances; and I hope that the Committee to Audit and Control the Contingent Expenses of the Senate will act speedily, if they think it right, upon this resolution, to which committee it must be referred.

The PRESIDENT *pro tempore*. The resolution will be referred, under the rules, to the Committee to Audit and Control the Contingent Expenses of the Senate.

FORFEITURE OF OREGON WAGON-ROAD LAND GRANT.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Public Lands, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 13th instant from the Secretary of the Interior, with accompanying papers, and submitting the draught of a proposed bill to forfeit lands granted to the State of Oregon for the construction of certain wagon-roads, and for other purposes.

The presentation of facts by the Secretary of the Interior herewith transmitted is the result of an examination made under his direction, which has developed, as it seems to me, the most unblushing frauds upon the Government, which if remaining unchallenged will divert several hundred thousand acres of land from the public domain and from the reach of honest settlers to those who have attempted to prevent and prostitute the beneficent designs of the Government. The Government sought by the promise of generous donations of land to promote the building of wagon-roads for public convenience and for the purpose of encouraging settlement upon the public lands. The roads have not been built and yet an attempt is made to claim the lands under a title which depends for its validity entirely upon the construction of these roads.

The evidence which has been collected by the Secretary of the Interior plainly establishing this attempt to defraud the Government and exclude the settlers who are willing to avail themselves of the liberal policy adopted for the settlement of the public lands, is herewith submitted to the Congress with the recommendation that the bill which has been prepared, and which is herewith transmitted, may become a law, and with the earnest hope that the opportunity thus presented to demonstrate a sincere desire to preserve the public domain for settlers, and to frustrate unlawful attempts to appropriate the same, may not be neglected.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 20, 1888.

NOTE.—The evidence collected by the Secretary of the Interior accompanies the copy of this message transmitted to the House of Representatives.

HOUSE BILLS REFERRED.

The following bills, from the House of Representatives, were read twice by their titles, and referred to the Committee on Finance:

A bill (H. R. 8004) authorizing the issue of fractional silver certificates; and

A bill (H. R. 7409) to discontinue the coinage of the three-dollar gold piece and the gold dollar.

CALIFORNIA MISSION INDIANS.

The PRESIDENT *pro tempore*. The first order of business on the Calendar will be stated.

Order of Business 164, being the bill (S. 70) to provide for warehousing fruit brandy, was announced as first in order.

Mr. PLATT. Yesterday the bill for the relief of the Mission Indians in the State of California was partly considered, and at the suggestion of the Senator from Colorado [Mr. TELLER] was laid aside, keeping its place on the Calendar, for some conference upon the matter. It is Order of Business 113.

The PRESIDENT *pro tempore*. The Senator will pause one moment. The Chair would like to be instructed by the Senate upon the point whether bills that have been passed over without prejudice, retaining their place on the Calendar, ought to be called when the Calendar is next resumed under Rule VIII, or whether the Calendar is to be taken up at the point where its consideration was stopped.

Mr. HARRIS. I think the uniform practice of the Senate is that bills so passed over have been subject to the call of the Senator in charge of them to call them up at any time he chose.

Mr. PLATT. So I understood.

Mr. HARRIS. They are not to be called first as in regular order.

The PRESIDENT *pro tempore*. Unless otherwise instructed, the Chair will follow that practice.

Mr. PLATT. I was about to remark that I do not think I can be here during the whole day, and upon conference with the Senator from Colorado some amendments have been suggested, and, so far as I am concerned, are agreed to, and I do not think the further consideration of the bill will occupy more than a very few minutes, and therefore I ask that it be taken up.

The PRESIDENT *pro tempore*. If there be no objection, the Senate resumes the consideration of the bill mentioned by the Senator from Connecticut.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2) for the relief the Mission Indians in the State of California.

Mr. HOAR. I give notice, for the convenience of the Senate, that after this bill is disposed of I shall call up the matter which stands at the head of the Calendar, the case of Sarah E. E. Perine, Order of Business 45.

The PRESIDENT *pro tempore*. The pending amendment to Senate bill No. 2 will be stated.

The CHIEF CLERK. In section 4, line 13, after the word "eighty," the Committee on Indian Affairs reported an amendment to insert "nor more than 640;" so as to read:

To each single person over twenty-one years of age, not less than 80 nor more than 640 acres, apportioned in like manner.

Mr. PLATT. If it be in order, I should like to move, in lieu of that amendment, to strike out all from the eighth to the fourteenth lines in the section, inclusive, and to insert what I send to the desk.

The PRESIDENT *pro tempore*. The proposed amendment will be stated.

The SECRETARY. It is proposed to strike out from line 8 to line 14, inclusive, as follows:

To each head of a family not more than 640 acres nor less than 160 acres, at the discretion of said Secretary, of which such proportion, not exceeding 10 acres, as he shall deem for the best interest of the allottee, shall be arable land; to each single person over twenty-one years of age, not less than 80 acres, apportioned in like manner.

And in lieu thereof to insert:

To each head of a family not more than 640 acres nor less than 160 acres of pasture or grazing land, and in addition thereto not exceeding 20 acres, as he shall deem for the best interests of all of the allottees, of arable land in some suitable locality; to a single person over twenty-one years of age not less than 80 nor more than 640 acres of pasture or grazing land, and not exceeding 10 acres of such arable land.

Mr. PLATT. That meets the views of the Senator from Colorado.

The PRESIDENT *pro tempore*. The Chair will state that the amendment reported by the committee should first be acted on; but if there be no objection the amendment proposed by the Senator from Connecticut will be entertained and reported as superseding it.

Mr. PLATT. I ask unanimous consent that that be done.

The PRESIDENT *pro tempore*. By unanimous consent the committee amendment can be treated as superseded. Is there objection? The Chair hears none. The question is on the amendment proposed by the Senator from Connecticut to strike out and insert.

The amendment was agreed to.

Mr. PLATT. Now I ask to go back to section 3 and strike out from lines 29, 30, and 31 these words—

unless such person shall have been paid the value of his improvements as appraised by the aforesaid commission.

The amendment was agreed to.

Mr. PLATT. With these amendments I believe the bill meets the approval of the Senator from Colorado and conforms to the bill which was formerly recommended by the Secretary of the Interior.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 5639) for erection of a fire-proof workshop at the National Armory; in which it requested the concurrence of the Senate.

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the concurrent resolution of the Senate to print Executive Document No. 51, first session Forty-ninth Congress, on the subject of cattle and dairy farming.

SARAH E. E. PERINE.

Mr. HOAR. I now call up the bill for the relief of Sarah E. E. Perine.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 396) for the relief of Sarah E. E. Perine, widow and administratrix of William Perine, deceased.

Mr. PLATT. I move, and I believe with the assent of the Senator from Massachusetts [Mr. HOAR], to strike out of line 10 the words "and which," and insert in lieu of them the words "so far as said;" so as to read:

So far as said increased cost was caused by delays, etc.

The amendment was agreed to.

Mr. MCPHERSON. I have an amendment to offer. At the end of the bill I move to add:

And provided further, That the compensation fixed by the contractors and the Government for specific alterations in advance of such alterations shall be conclusive as to the compensation to be made therefor: *Provided*, Such alterations, when made, complied with the specifications of the same as furnished by the Government aforesaid: *And provided further*, That all moneys paid to said contractor over and above the original contract price for building said vessel shall be deducted from any amounts allowed by said court by reason of the matters hereinbefore stated: *And provided further*, That if any such changes caused less work and expenses to the contractor than the original plan and specifications, a corresponding deduction shall be made from the contract price, and the amount thereof be deducted from any allowance which may be made by said court to said claimant: *And provided further*, That the receipts or vouchers heretofore signed by the contractors for the building of said vessels shall be considered by said court as *prima facie* evidence of settlement of and payment for the claims now made, but which vouchers and receipts shall be susceptible of explanation by proofs, showing the net indebtedness of the Government, and the circumstances under which the same were given.

Mr. HOAR. I ask the Senator if he would be willing to offer those

four provisos separately. Two of them seem to me to be entirely reasonable. The first two I think the Senator will be willing to modify on an explanation.

Mr. McPHERSON. The bill following this bill upon the Calendar is one for the relief of Nathaniel McKay. The House of Representatives have passed a bill for the relief of Nathaniel McKay with exactly such an amendment upon it as I now offer to the bill for the relief of Perine. The two cases are exactly alike. Both Perine and McKay built several monitors during the war. As I understand, none of them were completed at the close of the war in 1865, and an additional compensation over and above the contract price, for increased cost of material and increased cost of labor, and also for alterations made while the ships were under construction, has been asked for by the parties.

In addition to the ships built by Perine and McKay there were some thirty or forty others, and the very moment Congress takes action upon these cases it will be met by bills asking for like appropriations in cases claimed to be somewhat similar.

As I stated yesterday in debate upon the floor, some of these ships were paid for in full at the time of construction, and an agreement was entered into between the contractors and the proper officers of the Government that the compensation should be received in full, and such a receipt was given to the Government, after which the cases were again opened. New boards were appointed; in short, three boards were appointed, one known as the Gregory board, then the Selfridge board, and finally the Marchand board. Some of these boards did report in favor of additional compensation to be paid to the ship-builders by reason of the delays and the additional cost of labor and cost of material and changed plans. Some of them reported, however, that there was no compensation due.

What I propose to do is to guard this bill in such a way that whatever has been paid by the Government up to this time shall be properly credited.

Mr. HOAR. The Senator will pardon me a moment. Since the Senator began his remarks I have received a communication from a gentleman who appeared before the committee in behalf of the claimant, saying that the persons interested here are content that the amendment proposed by the Senator shall be adopted. Therefore I withdraw all objection to it.

Mr. McPHERSON. Very well. I move exactly the proposition put on the McKay bill by the other House.

Mr. EVARTS. The Senator from New Jersey will allow me to ask whether this amendment now is identical with the amendment that accompanies the McKay bill as it has passed the House of Representatives? I ask the question because I have not been able to hear all his remarks.

Mr. McPHERSON. Precisely. I will state to the Senate that my understanding is that the amendment is in that exact phraseology, and if it is not I am perfectly willing to have it amended to conform thereto.

Mr. EVARTS. The amendment may be adopted now.

Mr. McPHERSON. I will give in as few words as possible the exact meaning of the amendment. First, that we shall keep in view all the time the receipts theretofore given by Mr. Perine to the Government; second, that any increase of cost by reason of alterations for which recovery shall be had shall be due entirely to the acts of the officers of the United States; third, that any compensation fixed between the contractors and the Government for specific alterations made in advance shall be conclusive on the contractors; fourth, that the alterations, when completed, complied with the requirements of the officers of the Government; fifth, that all sums already paid on account of the present claim shall be deducted.

I think the amendment covers that whole ground. I have no objection to the bill with that amendment.

Mr. FRYE. I desire to correct one statement that the Senator from New Jersey made, probably inadvertently, that all these claims had been considered by three boards. The three boards did not consider all the claims. There were quite a number not considered at all by the Marchand board, and there were two or three left out by the Selfridge board without consideration owing to a misapprehension of the claimants.

Mr. McPHERSON. I think it is fair that I should state that the Marchand board did not allow all the claims. A different state of facts was found. Acting entirely upon the state of facts already decided, they agreed to pay certain claimants. Mr. Secor received compensation for his vessel, exactly what these people ask now and what they expect to get in the court; but I believe in making up the bill it was on the principles involved in the amendment I have now offered.

Mr. GEORGE. I desire to ask the Senator from Massachusetts to explain the adjudications already made in these cases.

Mr. HOAR. The case has been adjudicated under the circumstances I stated. I will repeat the statement. There are several of these cases; the facts are very complicated, and it is therefore difficult to answer any question, and one becomes confused by confounding one case with another; but I am sure that as far as adjudication has taken place it was under the circumstances I stated yesterday.

These parties made a contract to build an ironclad or a floating battery. The contract provided that the work should be done in a certain time; I think it was within nine months, but I will not state positively. It was, however, within a few months. This matter of building ironclads was then an experiment just being tried. The Monitor, as everybody knows, was a new invention during the war. The Secretary of the Navy inserted in the contract that the builders of the vessels should make such variations in the plans of the vessels as the Government should order from time to time, and if they did not carry out the contract the Government might take possession of their ship-yards and do it themselves. It was a war contract.

Thereupon, constantly new lights were being constantly thrown on this branch of naval architecture, so that, as I said yesterday, the Secretary of the Navy ordered changes which cost millions of dollars. The Government ordered these vast changes, reconstructing the whole character of the vessels, and it took two or three years to build them instead of their being completed in a short time. The cost of iron and labor had been multiplied by three, at any rate enormously increased—everybody knows that general fact—after the time originally fixed for the conclusion of the work and before the time when it was actually completed. This additional cost was imposed by the action of the officers of the Government.

The parties went to the Court of Claims. There came up a matter about an appeal, but the Court of Claims held that they could recover first the amount of the original contract so far as it was completed; next the amount of the extras so far as they were carried out under the direction of the officers of the Government, but that they had no authority to allow for the increased cost of completing the original structures by reason of the great delay occasioned by the requirements of the Government, so that the man who could for an expenditure of $300,000 in labor and iron and other materials have completed the work in nine months, when he had to complete it in twenty-nine months, the extra twenty months occasioned a rise in labor and materials. Three separate commissions reported to the Department that that loss had been occasioned under such circumstances that it ought to be paid by the United States.

Mr. GEORGE. The Secretary of the Navy required changes to be made by these parties which caused delay in the execution of the contracts, and this delay added to their cost?

Mr. HOAR. Yes; and the boards of officers appointed to inquire into the subject, of one of which Mr. Cragin, formerly a member of the Senate, was a member, advised that the loss should be repaid. The bill provides that the sum awarded shall be received in full. I do not understand that anything has ever been paid to these parties for the particular item of claim in this bill.

Mr. McPHERSON. This bill, as I understand, simply carries into effect the finding of the Selfridge board.

Mr. HOAR. Yes, sir; that is it.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from New Jersey.

Mr. HOAR. Some person—I do not know who—has sent me a card from the gallery saying, "The Perine case has never been before the Court of Claims." I can not undertake at this moment, in regard to half a dozen cases, to distinguish the facts between one of them and another in their details, and the answer which I made to the Senator from Mississippi is the answer relative to these claims generally.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NATHANIEL M'KAY AND DONALD M'KAY'S EXECUTORS.

Mr. HOAR. In the next case, which I now call up, I ask unanimous consent that the House bill, which is later on the Calendar, House bill No. 2477, may be brought up and substituted for Senate bill No. 4.

Mr. TELLER. I insist on the five-minute rule being applied. If Senators will speak only five minutes and only once on a bill, we shall get along faster.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves the consideration of the bill (H. R. 2477) for the relief of Nathaniel McKay and the executors of Donald McKay, and asks that it be considered in place of Order of Business 46, Senate bill No. 4. The Chair hears no objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2477) for the relief of Nathaniel McKay and the executors of Donald McKay.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The bill (S. 4) for the relief of Nathaniel McKay and the executors of Donald McKay will be indefinitely postponed, if there be no objection.

WAREHOUSING FRUIT BRANDY.

The bill (S. 70) to provide for warehousing fruit brandy was considered as in Committee of the Whole. By it the provisions of an act entitled "An act relating to the production of fruit brandy, and to punish frauds connected with the same," approved March 3, 1877, are extended and made applicable to brandy distilled from apples or peaches, or from

any other fruit the brandy distilled from which is not now required or hereafter shall not be required to be deposited in a distillery warehouse; but each of the warehouses established under act of March 3, 1877, or which may hereafter be established, shall be in charge either of a storekeeper or of a storekeeper and gauger, at the discretion of the Commissioner of Internal Revenue.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ST. CROIX RIVER BRIDGE.

The bill (S. 1139) for the construction of a bridge across the St. Croix River was considered as in Committee of the Whole. It proposes to appropriate $3,000 for the construction of a bridge across the St. Croix River where it forms the boundary between the State of Maine and the Province of New Brunswick, the bridge to be located to connect the town of Baring, Washington County, Maine, with the town of Upper Mills, in the Province of New Brunswick, if the government of New Brunswick shall appropriate a like sum for the construction of the bridge.

The bill was reported from the Committee on Commerce with an amendment to add at the end of the bill the following proviso:

Provided, That no contract shall be made or money expended for the construction of said bridge until the plans and specifications for the same shall have been submitted to the Secretary of War of the United States and approved by him.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BETTS, NICHOLS & CO.

The bill (S. 1328) for the relief of Betts, Nichols & Co. was considered as in Committee of the Whole. It provides for payment to the holder of draft numbered 5453, on Treasury-Interior warrant numbered 4801, dated March 1, 1860, payable to and indorsed by Sampson & Hendricks, of Austin, Tex., on the assistant treasurer of the United States at New Orleans, for $250.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROCK CREEK RAILWAY.

Mr. HARRIS. I ask for the consideration at this time of a bill passed over yesterday on the objection of the Senator from Vermont [Mr. MORRILL]. It is Order of Business 701. The Senator from Vermont consents to the bill being considered.

The PRESIDENT *pro tempore*. If there is no objection, the consideration of that bill will be resumed.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2017) to incorporate the Rock Creek Railway Company of the District of Columbia.

The PRESIDENT *pro tempore*. The reading of the bill will be resumed at the point where it was left off yesterday.

The reading of the bill was concluded.

The bill was reported from the Committee on the District of Columbia with amendments. The first amendment was in section 1, line 20, after the word "the," to strike out "west side" and insert "middle;" so as to read:

Beginning for the main line of said road at the intersection of Connecticut avenue and Boundary street; thence along the middle of Columbia road to Woodley road.

The amendment was agreed to.

The next amendment was, in section 1, after the word "package," line 41, to strike out the following proviso:

Provided, That whenever the net receipts of said company, from its business upon said road, shall for any year exceed 8 per cent. of the actual cost of such road, then said company shall, under the direction of said commissioners, reduce the rate of passenger fare to an amount as near as the same can be approximated so that the net receipts of said company from its business upon such road shall not exceed 8 per cent. of the actual cost for the construction thereof.

The amendment was agreed to.

The next amendment was, in section 1, line 79, after the word "the," to strike out "engineer commissioner" and insert "commissioners;" so as to read:

And said sewer connections shall have such traps or other devices as may be required by the commissioners.

The amendment was agreed to.

The next amendment was, in section 1, line 99, after the word "to," to insert "the line of;" so as to read:

The corporators herein named or the corporation hereby created shall not sell or assign any of the rights hereby conferred relating to the line of said road until after the main road hereby authorized shall have been constructed as herein provided.

The amendment was agreed to.

The next amendment was, in section 2, line 43, after the word "accommodated," to strike out the words:

And if they do, no fare shall be collected from such unaccommodated passenger or passengers.

And in the same section, line 47, after the word "Columbia," to strike out the words:

And for a willful violation of any such regulations said company shall be liable to a fine of $200 for each day on which such regulation shall be violated, such fine to be recovered in any court of competent jurisdiction.

So as to read:

The said company shall place first-class cars on said railways, with all modern improvements necessary to the convenience and comfort of passengers, and shall run cars thereon as often as the public convenience may require, in accordance with a schedule or time-table to be adopted by said board of directors, a copy of which shall be filed with the commissioners of the District of Columbia, and to be approved by them, and shall not take on any of its cars more passengers than can be accommodated, and shall cause its cars to be heated during the winter season, subject to regulations to be prescribed by the commissioners of the District of Columbia.

The amendment was agreed to.

The next amendment was, in section 2, line 58, after the word "associates," to insert "successors or assigns;" so as to read:

The corporators named in the first section and their associates, successors, or assigns, or a majority of them, or if any refuse or neglect to act, then a majority of the remainder, etc.

The amendment was agreed to.

The next amendment was, in section 3, line 37, after the word "mischievously," to insert "and unnecessary;" and in the same section, line 41, before the word "powers," to insert "motive;" so as to read:

The said company shall have at all times the free and uninterrupted use of its roadway; and if any person or persons shall willfully and mischievously and unnecessarily obstruct or impede the passage of the cars of said railway with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with passengers or operatives while in transit, or destroy or injure the motive powers of said railway, or depots, stations, or other property belonging to said railway, the person or persons so offending shall forfeit and pay for each offense not less than $25 nor more than $100, to be recovered as other fines and penalties in said District, and shall, in addition to said penalty, be liable to said company for any loss or damage occasioned by his, her, or their acts as aforesaid.

The amendment was agreed to.

The next amendment was, in section 3, line 48, after the word "aforesaid," to strike out the following words:

No person shall be prohibited the right to travel on the cars of said road, or be ejected therefrom by the company's employés, for any other cause than that of being drunk, disorderly, or contagiously diseased, for the use of obscene and profane language, refusing to pay the legal fare, or a failure to comply with the lawful regulations of the company.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HARRIS. I move that the Senate insist on its amendments to the bill and ask for a conference on the same.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. HARRIS, Mr. SPOONER, and Mr. FARWELL were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1540) to establish a port of delivery at Grand Rapids, Mich.;

A bill (H. R. 1645) to limit the hours that letter-carriers in cities shall be employed per day; and

A bill (H. R. 3405) to protect mechanics, laborers, and servants in their wages.

JOHN N. QUACKENBUSH.

The bill (S. 1226) touching the grade of commander in the Navy, and to correct an error in relation to an appointment therein, was announced as the next bill in order on the Calendar.

Mr. COCKRELL. Let that bill be passed over.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The bill being objected to, it will be passed over under the rule.

Mr. RIDDLEBERGER. Who objected to the consideration of the bill?

The PRESIDING OFFICER. The Senator from Missouri [Mr. COCKRELL] objects to its present consideration.

Mr. RIDDLEBERGER. Then I move to take up the bill notwithstanding the objection.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Virginia to the fact that the Senate is proceeding by unanimous consent to take up bills in their order upon the Calendar, subject to objection. The unanimous consent of the Senate, as the Chair understands it, was if any bill should be objected to it should be passed over, retaining its place on the Calendar.

Mr. RIDDLEBERGER. I beg pardon of the Chair; but the Senate has it in its power to do what it shall please by a majority vote, notwithstanding the unanimous consent. I move that the Senate proceed to the consideration of the bill notwithstanding the objection of the Senator from Missouri.

The PRESIDING OFFICER. The Chair will entertain the motion of the Senator from Virginia. He simply called his attention to the fact that such a motion would seem to be a breach of the unanimous consent.

Mr. HARRIS. I am inclined to think that under the consent rule the Senator from Virginia has a right to make the motion.

The PRESIDING OFFICER. The Chair would so hold.

Mr. HARRIS. I do not think it is a violation of the consent rule, because we consented to go to the consideration of the Calendar under Rule VIII, and Rule VIII distinctly provides for such a motion, if any Senator chooses to make it, after objection.

The PRESIDING OFFICER. The understanding of the Chair is that the unanimous consent goes further than the Senator from Tennessee suggests; but he may be mistaken. The Senator from Virginia moves that, notwithstanding the objection, the Senate proceed to the consideration of the bill the title of which will be read at the desk.

Mr. RIDDLEBERGER. It has passed the Senate three times and has been delayed by that kind of tactics.

The PRESIDING OFFICER. The title of the bill will be read.

The SECRETARY. A bill (S. 1226) touching the grade of commander in the Navy, and to correct an error in relation to an appointment therein.

The PRESIDENT *pro tempore*. The question is, Will the Senate proceed to the consideration of the bill?

Mr. COCKRELL. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. COCKRELL. This bill will necessarily consume some time. I think this gentleman was dismissed about three times from the Navy. The bill has been reported adversely in the other House repeatedly, and it will be reported adversely again in the other House, as I was informed only last night by a member of the committee there. It would be simply a waste of time for the Senate to consider it.

Mr. RIDDLEBERGER. That is a kind of reason for not considering a bill which does not commend itself to me. This is a bill which has passed the Senate three times and gone to the other House at the end of a session. It has passed the other House twice and has come to the Senate at the end of a session, and each time it was defeated by one Senator objecting.

I undertake not to threaten anybody, but if I can not have proper consideration of a bill which I bring here from a committee because of the objection of one Senator, I will sit here and I will be a monopolist in the matter of objections. I will see whose bills go through here when one objection can stop them.

I listened yesterday until we reached this bill, and then the Senate went back; and to-day I am told that one Senator can object to it, and it must go over. If one Senator from Missouri can do one thing, I will teach him the lesson that there is a Senator from Virginia who can do the same.

I ask now for the consideration of the bill. I do not propose to make a remark upon it, for Senators here understand the merits of it. They have the certificate of Grant, of Robeson, and of men who know about it, and who have treated it without the malice which emanates from those who have heretofore opposed it. I only ask for a vote on it, and I ask that the Senate shall now consider it.

The PRESIDING OFFICER. The Senator from Virginia moves that the Senate proceed to the consideration of the bill the title of which has been read from the desk. Upon that motion the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. I should vote "yea" if he were present.

The roll-call was concluded.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from West Virginia [Mr. FAULKNER] and wishes to know whether he voted or made the announcement of a pair.

Mr. FAULKNER. I made the announcement of a pair. I stated that I am paired with the Senator from Pennsylvania [Mr. QUAY], and, if he were present, I should vote "yea."

Mr. CULLOM. I will take occasion to say that on a motion of this kind ordinarily I do not think it necessary for the Senator from West Virginia to consider himself paired with the Senator from Pennsylvania.

Mr. FAULKNER. I am very glad to hear that such is the understanding of the Senator from Illinois. As I have been deprived of voting for a long time, and expect to be deprived, under my pair, for some time to come, I will avail myself of that understanding.

The PRESIDING OFFICER. Does the Senator from West Virginia desire to vote at this time?

Mr. FAULKNER. I will vote "yea."

The result was announced—yeas 47, nays 5; as follows:

YEAS—47.

Bate,	Edmunds,	Manderson,	Sawyer,
Berry,	Evarts,	Mitchell,	Spooner,
Blackburn,	Farwell,	Morrill,	Stanford,
Blodgett,	Faulkner,	Paddock,	Stewart,
Bowen,	Frye,	Palmer,	Stockbridge,
Brown,	George,	Pasco,	Teller,
Cameron,	Gorman,	Payne,	Turpie,
Chace,	Gray,	Platt,	Vest,
Colquitt,	Hearst,	Pugh,	Walthall,
Cullom,	Hiscock,	Reagan,	Wilson of Iowa,
Daniel,	Hoar,	Riddleberger,	Wilson of Md.
Davis,	McPherson,	Sabin,	

NAYS—5.

Chandler,	Coke,	Hampton,	Jones of Arkansas.
Cockrell,			

ABSENT—24.

Aldrich,	Dawes,	Hawley,	Quay,
Allison,	Dolph,	Ingalls,	Ransom,
Beck,	Eustis,	Jones of Nevada,	Saulsbury,
Blair,	Gibson,	Kenna,	Sherman,
Butler,	Hale,	Morgan,	Vance,
Call,	Harris,	Plumb,	Voorhees.

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Naval Affairs with an amendment, after the word "authorized," in line 4, to strike out the words:

In his discretion, in consideration of the facts and circumstances hereof, to nominate and, by and with the advice and consent of the Senate, to appoint John N. Quackenbush a commander in the Navy, and place him on the retired-list as such from the date of such appointment: *Provided*, That the said John N. Quackenbush shall not be required to refund to the United States any moneys received by him as pay while borne on the rolls as an officer of the Navy.

And to insert:

To place upon the Navy Register the name of Commander John N. Quackenbush in the position it occupied when recently stricken therefrom, and thereupon to transfer said Quackenbush to the retired-list as a commander; and the accounting officers of the Treasury are hereby authorized and directed to credit and allow to said Quackenbush his appropriate pay as a commander since the date when their stoppage of his pay took effect.

So as to make the bill read:

That the President of the United States be, and is hereby, authorized to place upon the Navy Register the name of Commander John N. Quackenbush, etc.

Mr. COCKRELL. Let the report be read.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. RIDDLEBERGER January 31, 1888:

The Committee on Naval Affairs, to whom was referred the bill (S. 1226) touching the grade of commander in the Navy, and to correct an error in relation to an appointment therein, submit the following report:

The facts are as follows: In February, 1874, Commander Quackenbush was tried by court-martial for intoxication, convicted, and sentenced to be dismissed the service. On the 9th of June following the President approved this sentence, but immediately thereafter directed a mitigation to a suspension of rank and duty for six years on furlough pay. Since that time to 1883 his name has been borne on the Register in the same relative place it occupied at the time of his conviction and the mitigation as above stated.

On the next day after the President had fixed the degree and character of his punishment, by an inadvertence in sending in nominations to the Senate, the name of W. S. Schley was sent in, nominating him as commander, "*vice* Quackenbush, dismissed," and this nomination was confirmed. This for the time being (Quackenbush's name being still on the register) made an excess of one on the register; but this was corrected by withholding any nomination subsequently until the proper number was reached, thus recognizing the fact that his name was properly there; that he was not regarded as dismissed, but still an officer serving out his mitigated punishment. After this six years expired he was placed on waiting-orders pay, and thus continued until in March, 1881, when the question was for the first time raised as to his having any legal status as an officer.

This grew out of the decision of the Supreme Court of the United States in the Blake case (13 Otto, page 227), in which it was held that when the President nominated one man in place of another, and that nomination was confirmed by the Senate, the effect was to remove the latter from the service altogether. Since that decision the question has arisen whether Schley, having been nominated and confirmed "*vice* Quackenbush," he was not thereby removed from the service, and the object of this bill is to remove that question.

Assuming that such is the effect of the opinion above alluded to, your committee are of opinion that justice and good faith demand that Commander Quackenbush should be at least restored to the retired-list with the rank he then held.

It is clear that it was not intended to remove him from the Navy. If such had been the intention, the President would not have changed the sentence of dismissal "to suspension of rank and duty for six years on furlough pay," nor would his name have continued on the register and his pay accorded him, nor would he have been placed on waiting orders. He has served out his sentence with the expectation that at the expiration of the time he would be restored to active duty.

Your committee have made inquiries in regard to his deportment during the period of his suspension, and find that it has been unexceptionable. He is a man of high character, and, excepting the offending for which he was court-martialed, his character is without reproach. Since his suspension he has lived a life of sobriety.

Appended herewith will be found the evidence that his sentence was mitigated as hereinbefore stated, that the nomination of Commander Schley *vice* Quackenbush was a clerical inadvertence, and that his deportment since the time of his sentence has been of the most commendable character.

Your committee therefore report said bill back, and recommend its passage.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported from the Committee on Naval Affairs.

Mr. REAGAN. Mr. President, I desire to say something on this bill, but I shall not discuss the propriety or the impropriety of the reinstatement of this officer. I shall direct what I have to say to the question of the retirement of officers.

I deem it proper to say that I was out of the Chamber when the question was put, and that during the roll-call I came in and on making inquiry voted to take up the bill. The vote is inconsistent with any vote I have ever given on such a subject before, and I therefore make this explanation.

I desire, in order to convey the views I have on this question, to read from a report I formerly submitted, on a different occasion and with reference to a different class of officers. The verbiage, of course, refers to another matter, but the views which I desire to present will be apparent.

Under our Constitution and theory of government we respectfully submit it was never contemplated originally that one portion of the people should be taxed for the support of another portion of the people, who are able to take care

of themselves. It is right that the soldier or sailor who has been wounded in battle, or otherwise disabled while in the line of his duty in the Army or Navy, and who is thus rendered incapable of supporting himself or his family, should in some measure be relieved by the bounty of the Government, and that the widows and minor children of such soldiers or sailors should be the objects of the care of the Government, but it is a very different question when it is proposed to retire in idleness, and upon life pay, public officers who, more fortunate than others of their countrymen, have been able to secure important public offices with high salary or pay.

Among the self-evident truths mentioned in the Declaration of Independence one is "that all men are created equal." The Constitution provides that "no title of nobility shall be granted by the United States," and that "no State shall grant any title of nobility," thus striking down class distinctions in American society.

That one class of persons should not be deprived of their property for the support of another class of persons, and that private property shall not be taken from the citizen except for public uses, is shown by the fifth amendment to the Constitution.

Under our constitutional form of government it was contemplated that public officers were public servants, to be compensated for their services rendered as such, and that, we submit, is the theory which is most consistent with the doctrines of our free constitutional Republic.

The English Government, for example, is based upon a wholly different theory. Royalty and an aristocracy are there maintained as important agencies of government, or rather as government itself, with all the special privileges that are provided for and attached to each, at the expense of the great mass of the people, who are called subjects. The sovereign and the aristocracy there are upheld by being invested with special privileges not common to the people, and the ranks of the aristocracy are from time to time recruited by additions from persons who have distinguished themselves in some of the walks of life, and upon whom titles and dignities are conferred, together with high salaries, emoluments, or pensions drawn from the common revenues for the support of their titles and dignity. And it is the policy of that country, as a means of preserving classes and distinctions in society, to confer upon all public officers high salaries, and to create extensive lists of retired officers upon high pay drawn from the toil and taxes of the people.

If we are to follow their example by adopting the policy of high salaries, and of providing for the retirement from the public service of public officers on high pay, we will have gone a long way towards establishing an office-holding and privileged class, which will be our aristocracy at the expense of the toiling millions of non-office-holding and non-privileged people, and we will in this commit the great wrong intended to be provided against by the Constitution, of taking private property from one class of the people and giving it to another class without compensating the owners for it.

In answer to this it will be said that we are then to avail ourselves of the services of officers during all the period of their vigorous manhood, and then turn them out to die of neglect and in poverty when they are no longer able to perform their public duties. This is a strong figure of speech, but wanting in truth. To this the reply might well be made that many are retired on pay who are not at all disabled.

The PRESIDING OFFICER. The Senator from Texas must be reminded by the Chair that his time has expired.

Mr. COCKRELL. The five-minute rule is not in force.

The PRESIDING OFFICER. The Chair so understands it, under the unanimous consent of the Senate.

Mr. COCKRELL. Not at all; I beg the Chair's pardon. By vote of the Senate, it has been ordered to be set aside.

The PRESIDING OFFICER. It may be so.

Mr. COCKRELL. There is no doubt of it. The vote of the Senate has set that aside. We are not under any five-minute rule now.

The PRESIDING OFFICER. The Senator from Texas will proceed.

Mr. REAGAN. I continue from the report:

To this the reply might well be made that many are retired on pay who are not at all disabled and who have ample means of support, independently of their pay as retired officers; and that they should not be retired on pay at all events when either of these conditions exists. But this relates only to the abuse of the power. We object to the system; and so objecting say, in answer to the objection, that we avail ourselves of their services while they are well and strong, and turn them out when worn out and poor; that if that state of facts exists as a rule, it is because of the improvidence and prodigality of such officers, in wasting their large salaries during service. We now retire the judges of the Federal courts on full pay after they become seventy years old, if they have served ten years as such. (Rev. Stat. sec. 714.) The Chief-Justice of the Supreme Court of the United States receives a salary of $10,500 a year, and the associate justices receive $10,000 a year each. The circuit judges receive $6,000 a year each. The judges of the Court of Claims receive $4,500 a year each. The judges of the district courts receive from $3,500 to $4,500 per annum each. It must be understood that mendicants are not appointed to such positions.

The pay of the General of the Army is $13,500 a year—

When these views were submitted we had a General of the Army.

The pay of the General of the Army is $13,500 a year; Lieutenant-General, $11,000 a year; major-general, $7,500 a year; brigadier-general, $5,500 a year; colonel, $3,500 a year; lieutenant-colonel, $3,000 a year; major, $2,500 a year; captain (mounted), $2,000 a year; captain (not mounted), $1,800 a year; adjutant, $1,800 a year; regimental quartermaster, $1,800 a year; first lieutenant (mounted), $1,600 a year; first lieutenant (not mounted), $1,500 a year; second lieutenant (mounted), $1,500 a year; second lieutenant (not mounted), $1,400 a year; and the balance of the officers of the Army are paid in the same proportion. In addition to this there is "allowed and paid to each commissioned officer below the rank of brigadier-general, including chaplains and others having assimilated rank or pay, 10 per cent. of their current yearly pay for each term of five years of service."

But this increase of pay is in no case to exceed 40 per cent. of the pay of the officers as provided by law. These officers are also allowed rations, and when mounted are allowed forage, so that they can save the greater part of their pay. And if these have served forty consecutive years as commissioned officers they may on their own application be retired; or when they have been thirty years in the service, they may on their own applications, in the discretion of the President, and when any officer has served forty-five years as a commissioned officer, or is sixty-two years old, he may be retired from active service by the President, and these officers when so retired are to receive 75 per cent. of the yearly pay of the rank upon which they are so retired.

I quote the salaries of these officers:

In the Navy the pay of the officers is as follows: Admiral, $13,000 a year; Vice-Admiral, $9,000 a year; rear-admirals, $6,000 a year; commodores, $5,000 a year; captains, $4,500 a year; commanders, $3,500 a year; lieutenant-commanders, first four years from date of commission, $2,800; after four years from date of commission, $3,000.

Lieutenants: First five years from date of commission, $2,400; after five years from date of commission, $2,600.

Lieutenants (junior grade): First five years from date of commission, $1,800; after five years from date of commission, $2,000.

Engineers: First five years after date of commission, $1,200; after five years from date of commission, $1,400.

Ensigns (junior grade), $1,000; and other officers of the Navy receive corresponding rates of compensation.

* * * * * * *

There are now in the revenue-marine service 31 captains, receiving an annual compensation of $2,500 each; 34 first lieutenants, receiving an annual compensation of $1,800 each; 34 second lieutenants, receiving an annual compensation of $1,500 each; 26 third lieutenants, receiving an annual compensation of $1,200 each; 10 cadets, receiving an annual compensation of $900 each; 23 chief engineers, receiving an annual compensation of $1,800 each; 18 first assistant engineers, receiving an annual compensation of $1,500 each; and 27 second assistant engineers, receiving an annual compensation of $1,200 each.

* * * * * * *

Under chapter 3 of the Revised Statutes, when an officer of the Navy has been forty years in the service of the United States, he may be retired from active service; and when sixty years old shall be retired, if below the rank of vice-admiral and above the rank of lieutenant-commander. Lieutenant-commanders and those of lower rank are not to be placed on the retired-list except on account of physical or mental disability. In addition to their pay these officers receive the rations due to their rank, and the law provides for allowances which increase the emoluments of both the officers of the Army and Navy; and, on being retired from active service after forty-five years' service, after reaching the age of sixty years, or who have, or may be retired after forty years' service upon their own application, or on attaining sixty-two years of age, or on account of incapacity resulting from long and faithful service, from wounds or injuries received in the line of duty, or from sickness or exposure therein, their pay shall be equal to 75 per cent. of the sea-pay provided by law. The pay of other officers on the retired-list shall, when not on active duty, be equal to one-half the sea-pay provided by law.

Under section 1622 of the Revised Statutes it is provided that the commissioned officers of the Marine Corps shall be retired in like cases, in the same manner, and with the same relative conditions in all respects as are provided for officers of the Army. And under section 1612 of the Revised Statutes officers of the Marine Corps are entitled to receive the same pay and allowances as those of a like grade in the infantry of the Army.

The foregoing statements in relation to the Army, the Navy, and the Marine Corps are introduced to show that with the salaries allowed the officers in these branches of the service, if they will exercise that sort of economy which people in other walks of life are compelled to exercise, they ought, as a rule, to be either rich or well off at the end of a term of forty or forty-five years' service instead of becoming paupers and dependent on appropriations from the public Treasury for their support. If the policy of supporting them for life after they are retired from the public service be adopted, then their pay during the years of service ought to be reduced so as to protect them against habits of extravagance and dissipation. If they choose with the rates of pay now allowed them to spend their money in luxurious extravagance or in debasing dissipation, we submit that by so doing they justly forfeit any claim to the bounty of the Government for their support in their retirement.

There is no moral and there should be no legal obligation on the people of our Republic to tax themselves, to take from themselves the earnings of their toil, and the saving of their frugality, in order to support those who, by extravagance and folly, waste the bounty of the Government, which, if preserved with frugality, would be amply sufficient for their support in old age. The opposite policy, that which now prevails with reference to the Army, the Navy, and the Marine Corps, simply means that we are to have favored and privileged classes who are to be supported by the labors of others; in fact, an American aristocracy. It can hardly be doubted that many of the officers of the Army and Navy now regard themselves as entitled to extraordinary considerations and privileges; and that they are forgetful of the fact that they are the servants of the very people upon whom they affect to look with contempt.

* * * * * * *

So it will be seen we are combating the whole system of retiring public officers on pay, not simply to retirement on pay of the officers of the revenue marine.

What better title has a public officer to such bounty of the Government than a private citizen, who may have lived honestly, and worked hard during all the period of his vigorous manhood, perhaps reared a family of children, and performed all his public duties? The officer being more fortunate than the private citizen, obtains an honorable and lucrative position, which thousands of others may have desired but could not obtain. He enjoys, as a rule, more leisure than the private citizen; is the recipient of more consideration; has greater social advantages, and his pay and emoluments are greater, as a rule. Is it because of his good fortune and better situation in life that at the end of his active service he is to be retired on pay out of other people's money, whether he has been provident or improvident, and whether he is rich or poor?

During the recent war, as an inducement to men to enter and remain in the service, as well as from a desire to compensate them in some measure for their services and sacrifices, and because of the depreciation of the currency, the pay of those engaged in the military operations was increased beyond what it was before that time. And after the war, and up to the year 1870, those who remained in the Army and Navy, taking advantage of the patriotic pride of the country in its then recent military achievements, and profiting by the demagogy which sought votes and support from those who had served in the Army, secured legislation which increased their pay and allowances to the present figures, and beyond all reason, while in the service, and also pay as hereinbefore stated after their retirement from the service. Think of a brigadier-general in time of peace getting $5,500 a year, besides all of his extra allowances; and at the same time of Senators and Representatives in Congress, who do infinitely more labor as a rule, and who are charged with the consideration and determination of the most important questions of governmental policy, elected for limited terms, who receive $5,000 a year!

We have seen that provisions are made by law for the retirement on pay of judicial, military, and naval officers, and the officers of the Marine Corps.

I go on to enumerate a large number of other bills which were then pending where this occurred, to show the tendency to create an army of retired men in various positions of life.

Mr. President, I do not wish to occupy the time of the Senate by the unnecessary prolongation of the discussion of this subject, but I do wish to emphasize the fact that in this country, and especially where officers receive the enormous pay that they now get, far above what can be obtained for like services and occupations in private life, we have no right to tax the toiling millions of this country, to tax men as good as they are, men who labor harder, men who have fewer honors, to maintain them in retirement after their active service. They have no

more right to claim it than would any other citizen finding himself in like condition be entitled to appeal to the rest of the country for support after he is unable to work.

The uniform theory and practice of the Government until about twenty-five years ago was that when an officer was appointed upon a salary prescribed by law he was to perform his duty and receive his pay, and when he went out of the service he was to become as other men, a private citizen, dependent upon his own labor for his support. This for three-quarters of a century was the practice of this country when it was conforming to the theory of a republic. If our purpose is to change the character of this Government, if our purpose is to build up an aristocracy, and to have our millions of subjects in the sense that Great Britain has them, instead of citizens in the sense of our Constitution and Government, the way to do it is to establish privileged classes, supported off the labor of others and from means they never earned.

Who that looks over the salaries paid to these officers does not know that with ordinary economy, with ordinary frugality, by the time they come to be retired any of them could have ample means to live on in comfort the remainder of his life? If we are to adopt the plan of retiring classes on pay during life we ought then certainly, as I said a little while ago, to reduce their pay so as to teach them frugality before they go into private life and not give them such salaries as I have mentioned here.

A captain in the Navy receives $4,500 a year. There are few States in the Union which give their governors and the judges of their supreme courts so much. Most States give greatly less than that to men who perform as a rule, on an average, five times as much service as these captains of the Navy in time of peace.

Why should this be so? Are we to give over this Government to classes? Are we to introduce and support and extend the idea of privileged classes and an American aristocracy? If so, we may well say farewell to our Republican system of government. That is the very point which distinguishes our Government from the governments of monarchical Europe. It is the equality of the citizen before the law and under the Constitution. It is the fact that we have no privileged classes who have a right to lord it over the rest of the community and live off of the fruits of the toil of other people.

I know the pleas which are introduced for the purpose of sustaining this character of legislation. It is that these men serve during the prime of their lives. If they serve during the prime of their lives and are entitled to this pay, why not extend it to the private soldier, the marine, and the sailor, who are more impoverished than the officers we attempt to benefit by such legislation? If we intend to be just, if we intend to be charitable, why not begin where charity is most needed? Why bestow our alms upon the rich and the powerful, and leave in poverty and neglect those who perform longer service in less consequential positions?

I did not expect to say this much, Mr. President, but I desire on all occasions when class legislation of this kind comes up to enter my earnest and solemn protest against its continuance. I would to God we could to-day repeal every law that retires an officer of this Government on pay.

Mr. COCKRELL. Mr. President, I am opposed to this bill. I am opposed to the principle asserted in it and the policy. I agree fully with the distinguished Senator from Texas [Mr. REAGAN] in his comments upon the impropriety of placing upon the retired-list every one who may have been connected with the military or naval service.

This is not an ordinary case. This is not an ordinary individual. He is, if not distinguished, at least notorious in the records of the Navy Department. He was a naval cadet and was dismissed for drunkenness. He was afterwards put into the Navy and there tried by court-martial for drunkenness and dismissed. He has once before been restored by act of Congress, and now he again appeals for another act of Congress to place him upon the retired-list that he may thenceforth draw three-fourths of his pay for life. His case has been under discussion more or less ever since 1874, and in fact it has been a case almost ever since Quackenbush went into the Navy, because he commenced his career with drunkenness as a cadet and was dismissed as such, and he has been figuring conspicuously ever since.

I hold in my hand a full statement of this case which was prepared by the distinguished Senator from New Hampshire [Mr. CHANDLER] whilst he was Secretary of the Navy in 1885, and was addressed to a distinguished Senator now a member of this body. The bill then pending was Senate bill 2152. That bill, as this bill does, named Quackenbush five times in the preamble and twice in the body of the act, and was drawn solely with the view of effecting his appointment to the office he once held as commander in the Navy. That bill and this bill, the report in that case and this report, and all the reports which have been made in the case, carefully conceal the important facts in the case.

The report which has been read here states that Quackenbush, a commander in the Navy, was on the 9th of June, 1874, in pursuance and in mitigation of a court-martial sentence, suspended by the President for six years on furlough pay. It conceals the crime for which he was tried by court-martial and sentenced to be dismissed. It does not state what offense he was tried for, or what was his sentence. The same kind of a report was made in the Forty-seventh and Forty-eighth Congresses. All they say is that he was tried by a naval court-martial in February, 1874, and sentenced to dismissal.

Now, what are the facts in regard to that trial? What are the official records of the Government of the United States? What is the naval record of Quackenbush? What is the record he has made himself and upon which he has the effrontery to stand before the United States Senate and demand that he shall be placed back upon the Navy list, perhaps again to disgrace it? Now, I will give the record:

On the 9th of June, 1871, Commander Quackenbush was ordered to command the United States steamer Wasp, on the South Atlantic Station. He remained in command of that vessel until February 17, 1873, when he was detached, ordered home, and placed on waiting orders. In February, 1874, he was tried before a general court-martial on the following charges and specifications—

Forming part of his naval record.

CHARGE I. "Drunkenness."

Specification 1. "That on or about the 16th day of May, in the year 1872, the said Commander J. N. Quackenbush, then in command of the United States steamer Wasp, was drunk on board the English mail steamer Douro, at Montevideo."

Specification 2. "In this, that on or about the 20th day of June, in the year 1872, the said Commander J. N. Quackenbush, then in command of the United States steamer Wasp, was drunk on board the said vessel, at Colonia, Uruguay."

Specification 3. "In this, that on or about the 28th day of June, in the year 1872, the said Commander J. N. Quackenbush, then in command of the United States steamer Wasp, was scandalously drunk."

Not an ordinary, common debauch, but—

scandalously drunk at a ball given by the Club Libertad, at Montevideo, and deported himself in such a manner as to disgrace the uniform of an officer of the United States Navy.

CHARGE II. Scandalous conduct tending to the destruction of good morals.

Specification 1. In this, that during the months of April, May, and June, in the year 1872, the said Commander J. N. Quackenbush, being then in command of the United States steamer Wasp, indulged to excess in the use of intoxicating liquor.

Specification 2. In this, that on or about the 3d day of June, in the year 1872, the said Commander J. N. Quackenbush, then in command of the United States steamer Wasp, in consequence of excessive use of intoxicating liquor, was in such a condition as to require to be medically treated for alcoholism.

These are the charges and specifications forming part of the naval record of Commander Quackenbush in the Navy. He was arraigned upon these charges and specifications before a duly constituted naval court, and I will state the result:

Commander Quackenbush was found guilty of all the specifications, and both the charges.

He was found guilty of all the specifications and also of both the charges, and one of them was the charge of being "scandalously drunk," "in such a manner as to disgrace the uniform of an officer of the United States Navy." I am not making this record. It is the foot-print upon the sands of time made by Quackenbush's own conduct. I would to God that no naval officer ever had made such a record.

The sentence of dismissal was confirmed by the President on the 5th of June, 1874, and, in a letter dated the 9th of the same month, the Department informed Commander Quackenbush of the sentence of the court and the action of the President thereon, and that he would from that date "cease to be an officer in the Navy."

There is the record of the President and there is the notice given to the offender.

It further appears that Commander Quackenbush commenced his naval career with drunkenness.

"Conceived in sin and brought forth in iniquity."

September 24, 1847, he became a midshipman and served on shipboard and at the Naval Academy; and January 3, 1854, he was dismissed by the following letter:

"NAVY DEPARTMENT, *Washington, January 3, 1854.*

"SIR: As you have been again reported—

Not a first offense—

"As you have been again reported to the Department for drunkenness, I have to inform you that you are dismissed from the service, and will, from this date, no longer be regarded a midshipman in the Navy.

"I am, respectfully, etc.,

"J. C. DOBBIN,
"*Secretary of the Navy.*

"Midshipman JOHN N. QUACKENBUSH,
"*Naval Academy.*"

May 13, 1861, Mr. Quackenbush was appointed an acting lieutenant in the Navy. On two examinations—

I call the attention of Senators to this fact.

On two examinations as to his mental, moral, and professional fitness for promotion he was reported as disqualified, and thus at last forced on the retired-list.

On two separate examinations as to his mental, moral, and physical fitness for promotion he was reported by boards of naval officers as disqualified for promotion, and thus at last forced upon the retired-list.

Now what? Congress by a special act restored him to the active-list after having been twice found unfit for promotion on the active-list, and he was placed on the retired-list; and then comes in the potency of his social and political influences in securing the passage of an act of Congress to take him from the retired-list and place him upon the active-list.

The abstract of his record herewith transmitted shows how he managed to pass his examination for promotion.

Three years after he was placed upon the retired-list by a special act of Congress he was tried for drunkenness and dismissed. Congress placed a vessel worth, perchance, millions of dollars, and the lives of hundreds of sailors in the hands of this drunken officer. Congress took him from the retired-list and placed him in the command of a vessel, and placed him upon the high seas with the property of the Government and the lives of its citizens in his hands; and how did he discharge that trust after that magnanimous action on the part of Congress? Drunk, scandalously drunk, tried by court-martial, and dismissed again. Here is the record.

Now, what is the pretext for his restoration? As you will discover, the bill which was first introduced here to appoint him by and with the advice and consent of the Senate is proposed to be stricken out, and by the pending amendment the President is directed "to place upon the Navy Register the name of Commander John N. Quackenbush in the position it occupied when recently stricken therefrom, and thereupon to transfer said Quackenbush to the retired-list as a commander;" and then the bill orders that he shall be paid from what time? All arrears of pay since 1880. I believe he received pay up to 1880, and now he is to be paid for the past eight years, during which he rendered no service, directly or indirectly, to the Government.

This is a generous offer to place him upon the retired-list with the rank of commander and give him eight years' back pay as commander, and then for life give him 75 per cent. of his pay as commander.

What is the fact from which it is argued that Mr. Quackenbush should be restored to the Navy? The President had, June 5, 1874, approved his sentence of dismissal. He had on June 9, 1874, actually dismissed him.

I wish the Senate to understand distinctly that he was dismissed by the sentence of the court-martial approved by the President on the 5th of June, 1874, and notice of that dismissal was furnished him on the 9th day of June, 1874, and from that date he ceased to be an officer. But here comes in the pretext and the subterfuge that on the 8th day of December, 1874, six months after the sentence of dismissal had been confirmed and proclaimed, Secretary Robeson, then the Secretary of the Navy, addressed to Quackenbush a letter stating that his sentence had been, on the 9th of June, 1874, mitigated "to suspension of rank and duty for six years on furlough pay." It took the Secretary of the Navy six months to ascertain that fact, after he had issued under his hand and the seal of his office a notice to this man that he had been dismissed and ceased to be an officer.

Whence did that very important information come? How did it reach Secretary Robeson? How was it withheld from him for six long months? How was it concealed? Why was it not communicated immediately after the order of June 9, stating that the sentence had been approved and he ceased to be an officer? I challenge any living mortal to explain that.

A letter is also produced from ex-President Grant, dated February 10, 1882, nearly eight years after the transaction, and a letter from Secretary Robeson, dated February 18, 1882, in which they say they are quite sure the sentence was mitigated June 9, 1874. Eight years afterwards the President and the Secretary were called upon and they write letters, in which the ex-President and the ex-Secretary state that they are quite sure the sentence was mitigated June 9, 1874.

Without intending any reflection upon the distinguished signers of these letters, it is permissible to say at least that it will not be wise to base action upon the recollection of ex-officers eight years after official transactions have occurred, the effect of which as recorded by themselves they seek to vary by their subsequent unofficial statement.

The record shows plainly, unequivocally, and unmistakably a formal dismissal of Quackenbush on the 9th day of June, 1874; and that record is confirmed by the records of this body, because on the 10th day of June, 1874, the very next day, W. S. Schley was nominated to the Senate by President Grant himself "*vice* Quackenbush, dismissed." There it stands upon the records of the Senate, and yet we are called upon to state that the recollection of President Grant and Secretary Robeson must be taken eight years after they proclaimed this sentence of dismissal and the President sent the nomination of Schley to the Senate "*vice* Quackenbush, dismissed."

Schley was confirmed June 12, 1874.

No record whatever of the alleged mitigation has ever appeared.

Human eye has never seen the words written upon paper or elsewhere showing any trace, any fading of that mitigation. It is a castle in the air; it is imagination. It has had no local habitation in pen and ink or upon earth.

No record whatever of the alleged mitigation has ever appeared; and no such record was in fact ever made, either on the 9th of June or at any time afterwards; only on the 8th of December the Secretary—

December 8, 1874, six months after the dismissal, Secretary Robeson—

wrote a letter stating that the sentence had been in fact mitigated June 9.

And yet he makes no record of it.

Cotemporaneous evidence of mitigation is entirely wanting.

We are called upon to say here by solemn act of Congress that the President on the 9th of June, 1874, mitigated that sentence to suspension for six years, when not a trace of a record, not a trace of an affidavit by any man competent to make it, is here. All that we have in the shape of a record is a letter written by the same Secretary who issued the order of dismissal and published it abroad, written six months afterwards, stating that it had been mitigated on the 9th of June. It took him six months to find it out. Here we have corroborative evidence, cotemporaneous evidence of the dismissal. On the 10th day of June, the next day after, the President of the United States sent the nomination of W. S. Schley as the successor to Quackenbush to the Senate, and in the message he said, "to be commander, *vice* Quackenbush, dismissed."

There is the record of the court-martial; there is the order of promulgation on the 9th of June, and on the 10th of June there is the nomination of the successor; and yet we are asked credulously to believe that that is all a fiction; that it was not a dismissal; that it was only a suspension for six years. The Senate of the United States is called upon to affirm that that is all a myth; that there was no dismissal, no nomination of a successor; oh, no, it was all a mere suspension for six years.

Now, let us see what there is intervening between June, 1874, and December.

June 12, 1874, the Secretary—

The Secretary of the Navy, Mr. Robeson—

wrote Mr. Quackenbush at Boston to return the letter of dismissal—

What influence had been brought to bear in the mean time I do not know—

and on June 15 it was so returned.

This may indicate possibly that pressure was being brought to bear, and they intended if they could to mitigate the sentence. But this was after another name had been sent to the Senate in lieu of the dismissed officer and it was confirmed. I say this may indicate an intention in the mind of the Secretary to attempt to review the case and reverse the dismissal, but he, in fact, made no such attempt, made no such effort until December 8, 1874, six months afterward, and the very circumstance that he wrote the letter of June 12, and yet did nothing till December 8, is very strong evidence that no mitigation had been in fact made on the 9th of June, 1874. The fact is that on the 15th of June he wrote for the return of this letter of dismissal and it was returned, and as nothing was done it only confirms the fact that no mitigation was made at that time. If so, why did he not notify him at once? Why did he let six months elapse before he told him that it was a suspension? If the order of suspension was not made on the latter date, the 9th of June, it could not be made afterward. It was out of the power of the Secretary of the Navy or the President to make any order changing the sentence after Mr. Schley had been nominated to the Senate and confirmed. Their power ceased; they could by no order affect the status of Quackenbush. His condition then was beyond the reach or the Executive power without the concurrence of the Senate.

Now, Mr. President, we have the facts in this case. As I said, the bill directs the President "to place upon the Navy Register the name of Commander John N. Quackenbush in the position it occupied when recently stricken therefrom, and thereupon to transfer said Quackenbush to the retired-list as a commander; and the accounting officers of the Treasury are hereby authorized and directed to credit and allow to said Quackenbush his appropriate pay as a commander since the date when their stoppage of his pay took effect."

It is proposed to give him eight years' arrears of pay when he has rendered no equivalent service to the United States. This is a magnificent, generous donation to Commander Quackenbush for his distinguished services in the Navy, for the distinguished record which he has made, he being dismissed for drunkenness when a cadet; he being twice examined for promotion and found deficient and unqualified for promotion, and then placed upon the retired-list, and then by act of Congress taken from the retired-list and placed upon the active-list in command of a vessel, and there month after month in drunken debauch, scandalously drunk, till he was forced before a court-martial, and then sentenced to be dismissed, and that sentence was approved! He is a worthy object of eight years' arrears of pay, and it is a most excellent way to exhaust the surplus in the Treasury!

Mr. VOORHEES. Mr. President, I desire to say a few words in connection with this bill. I did not know it was under consideration until I came into the Senate a few moments ago.

I know Mr. Quackenbush; I have known him for some years; and I have looked into this case and made myself somewhat familiar with it. The case simply is this: A young man, contracting bad habits and suffering from them, was suspended from the service for six years. He was first ordered to be dismissed. The Navy Department, however, in the exercise of its judgment mitigated that penalty to a suspension of six years. He thereupon had the right to believe that by a proper life while he was undergoing his punishment, he could restore himself to the confidence of his official superiors and regain his character.

In the report which I have here the committee unanimously say that during his suspension, which was from 1874 to 1880, a period of six years, he lived an absolutely sober and upright life, and I know that he has done so since. I have known him for more than eight years myself. A more exemplary, cleanly, decent life, no man has maintained than Mr. Quackenbush.

Those who can see no forgiveness for a fault will vote against him. Those who can see atonement in a complete reformation, steadfast and true, will feel as I do, that this man ought to have another chance.

The value of restoration is not in its pecuniary compensation. There is that, however, in the human mind that desires to be placed back again on that footing where one has been who has had trials in his life. This man has lived all these years as upright and as proper a life as any man in the United States, in the hope, and sustained by the hope, that sooner or later this judgment, severe as it was, perhaps not too severe, would be reversed; that he could make atonement; and unless this man can be allowed this atonement and this restoration it is hardly worth while that the hope should be held out to anybody hereafter.

Mr. HOAR. May I interrupt the honorable Senator?

Mr. VOORHEES. Certainly.

Mr. HOAR. I desire to ask him if the case is not a little stronger for this person than he himself states it?

Mr. VOORHEES. Possibly it is.

Mr. HOAR. If I may be permitted to interrupt the Senator one moment I will state that he does not ask the reversal of any judgment.

Mr. VOORHEES. That is true.

Mr. HOAR. He has asked simply his legal right. I will state what his case is exactly like, if the Senator will permit me.

Mr. VOORHEES. I was coming to that point, but I yield.

Mr. HOAR. Suppose a man had been sentenced to the State prison for a gross and wicked act for six years, and after the six years were over they should undertake to keep him in the State prison for the rest of his life, and he should go to the appropriate legal tribunal established by the country for a habeas corpus, and the Supreme Court should say, "We know just what the thing is the man did for which he was put in State prison; we will not give any habeas corpus for you; you shall not have your remedy."

This man was sentenced to suspension for six years and not a day more; and that is proved by the letters of Ulysses S. Grant and his Secretary of the Navy, both certifying that the man's sentence was commuted, and that he was only suspended for six years. That is all, and at the end of that time he had as absolute a legal right to go back to his place as the Senator or I have to sit down in our seats in this Chamber.

He had a right to go back on the rolls of the Navy and to receive the pay, but it turned out that by sheer mistake President Grant sent in the next officer that he nominated, a Mr. Schley, "*vice* Quackenbush," and by a subsequently, long afterwards made decision of the Attorney-General and of the Supreme Court of the United States in another case, in the Blake case, it was held that putting in the word "*vice*" operated as a removal of this man, against the intention of President Grant, as stated in his letter, and against the intention of the Secretary of the Navy.

Mr. DAWES. It was held that it removed him from the Navy entirely.

Mr. HOAR. That it removed him from the Navy entirely. Now he comes to the only tribunal which the country has established, to wit, Congress, asking to have his legal right declared, and nothing more. If when a man has been punished for six years he is held liable to be punished longer, and if when he asks his legal right, after the six years are over, it is decent to say, "Why, you were so bad a man you had to be punished for six years, and therefore you shall not have any legal rights for the rest of your life," then we should vote down this bill. If that is not the case, we should vote for it.

Mr. VOORHEES. I am very much obliged to the Senator from Massachusetts for making the speech which I intended to try to make, but he has made it so much better than I should have made it that I am very glad he did so. I was coming along in the same line in my lame and faltering way.

Mr. HOAR. I beg the Senator's pardon. I meant to say merely that Commander Quackenbush had not asked to have the decision reversed.

Mr. VOORHEES. The word I used was not the word I ought to have used. The word "reversal" was not the correct word, because he does not ask a reversal of the judgment at all. He has paid the penalty, suffered it out, and when I used the word "reversal" I meant the reversal of the judgment of his comrades and the people; that is to say, he asks Congress to remove from his record the stain that had been placed upon it. I was not thinking so much of the legal finding when I used the word "reversal," and I stand corrected.

I have very little more now to say, because I will just adopt the Senator's speech as mine. It was very much better made than my own, and I shall gain credit thereby. But I was going to say that this gentleman is barred, if barred at all, by an accident in the executive department of the Government. It was not intended to supply his place on the Navy Register. When he was suspended, as everybody knows, it goes without arguing, he had the legal right to expect that when the time of his suspension expired his rights would arise again. In the mean time he was deprived of them, as the Senator from Massachusetts has stated, and as the report which I have been looking at and have in my hand also states, by the word "dismissed" following his name in the nomination of Mr. Schley.

He was not dismissed. He was for the time being, say a few months, dismissed; and then, what seems to me greatly in his favor, immediately and in close proximity to his offense, there were mitigating circumstances found, when his offense, however heinous it may have been, was fresh in the minds of the Department. General Grant was not a lenient man to offenses of this kind; the Navy Department was run on very proper principles, so far as discipline was concerned, at that time; and it was seen that there was something in this young man's conduct which authorized and warranted a mitigation from a cruel dismissal into a suspension of six years, which told him that he should live those six years with the chance and with the hope of restoration. In the mean time this accident came upon the record to bar him. He has not been discouraged by it. He has not thrown his life away, and I, for one, believe in helping those who try to help themselves.

Possibly if I did not know this gentleman, a refined, cultivated, gentlemanly man, and his family I might—no, I would not join in the severe condemnation of the Senator from Missouri. We are all as the great Father above has made us. I can not sit harshly upon my fellowman for offenses that do not imply criminality, malignancy, fraud, or dishonor. If every young man, or young or old for that matter, is to be pelted with stones who has stumbled and fallen in this world of seduction and temptation, I do not intend to be of the party to throw them. I believe this man has atoned for his fault; I believe he has lived a life that is a guaranty for the future; and I shall vote for this bill with that satisfaction which I always feel when helping one who is seeking to restore his manhood to the respect of his countrymen and to the favor of his Maker; and this I firmly believe to be the conduct of Commander Quackenbush.

The Senator from Missouri dwelt upon a remark to the effect that he was "scandalously drunk." Of course he was, if he was drunk at all. Why talk about adjectives in that connection? For a man to intoxicate himself, and especially when upon high duty, as he was, is a scandal. The Senator from Missouri says he was scandalously drunk at a ball. That is a scandal also, and while a man ought to get drunk at no place, he certainly ought not to get drunk at a ball.

But in connection with these harsh and painful words falling from the Senator's lips, I notice he said that this man had great social and political influence, and had had a bill once passed to assist him. "Great social and political influence." Well, he is not a vagabond, then. I think a man with great social and political influence is very apt to be leading a decent life, and while condemning him on the one hand the Senator from Missouri spoke words to show that he was worthy of the highest consideration on the other.

Mr. RIDDLEBERGER. Mr. President, I do not want to detain the Senate for more than two or three minutes, and that only to make up a part of the record in this matter by reading a letter of the late President Grant and of Secretary George M. Robeson. It has not been distinctly stated that the committee took the view of the case that Mr. Quackenbush was at no time out of the Navy. He was suspended for six years, and President Grant, not President at the time he wrote the letter, but who was President at the time of the suspension, says that the sending of the nomination in the form it came to the Senate was a clerical error. The letter reads as I shall read it now:

NEW YORK CITY, *February* 10, 1882.

The PRESIDENT:

The case of Commander J. N. Quackenbush, United States Navy, sentenced to be dismissed in 1874, has just been called to my attention, with the hardship attending his case by reason of inadvertency in the nomination of his successor after his sentence had been commuted.

You observe, Mr. President, that the successor was nominated after the commutation of sentence.

The matter of nomination or promotion in the Army and Navy is regulated by law so that the Executive scarcely thinks to look at the nominations when they are put before him, supposing, of course, they are to fill vacancies. In this way it seems Commander Quackenbush was superseded, and now finds himself in danger of being out of the Navy by a recent decision in another case.

I remember of Commander Quackenbush, but not the details of my action. I have no doubt, however, but that Hon. George M. Robeson, then Secretary of the Navy, knows and remembers all about it.

I do know, however, the intention was not to put him out of the service, and I now recommend his nomination to the vacancy, which was kept open for him from the time of the first vacancy after the promotion of Schley.

The fact that executive action was delayed so long in the case of Commander Quackenbush, at the request of Mr. Samuel Howe, shows quite conclusively that the approval of the sentence and commutation were done at one and the same time.

I desire to call the attention of the Senate particularly to this concluding sentence:

My decision was probably given verbally to the Secretary, and the mistake in the record has been made by a clerk.

Very truly, yours,

U. S. GRANT.

Then follows a letter from Secretary Robeson because of this reference of President Grant to him:

WASHINGTON, D. C., *February* 16, 1882.

To the PRESIDENT:

In the case of Commander J. N. Quackenbush, who was sentenced by court-martial in February, 1874, to dismissal from the Navy, no action was taken by the President for many weeks. Mrs. Julia Ward Howe, with her niece, the wife of Commander Quackenbush, called upon me in regard to this case, and I told them that they needed the direct action of the President, and they must go at once to him, which they did. The same day, after their interview, President Grant, on seeing me, took up the case for consideration, and after carefully going over it the President told me that he had delayed previous consideration of the case at the solicitation of his friend, Dr. Samuel G. Howe, of Boston, who,

on the eve of sailing for St. Domingo for his health, made this request. Dr. Howe, as Mrs. Howe stated, having just returned from St. Domingo, was on his way to see the President about this case, and was to meet his niece, Mrs. Quackenbush, in Washington, but was kept in New York by sudden illness. In his absence his wife and Mrs. Quackenbush had come. On going over the case with me the President approved the findings, but directed mitigation of the sentence to probation on furlough pay; this was fixed at six years subsequent to the 9th of June, 1874.

The action of approval and mitigation was at one and the same time, whatever the records in the Department may appear to show. The direction to me being verbal, and a letter being sent by me at once to Commander Quackenbush, and afterwards in December, the letter promulgating the finding and mitigation, I may have rested content with my action, and neglected to order, or to make full indorsement on the records.

The nomination of Schley "*vice* Quackenbush" went through in some incomprehensible manner, and when brought to my attention, as it made an excess of numbers, I ordered no nominations to be made for the position shortly after vacated by the retirement of Morris, which reduced the number of commanders to legal limits.

It will be a great act of injustice if Commander Quackenbush, after serving out his sentence, shall not be retained in the Navy.

Mr. President, I have but one comment to make, and that is in reply to one observation made by the Senator from Missouri. I will not be so unkind as to say that he only made one observation that it is necessary to notice, though I can mighty nearly "ring the bell" that he did. The Senator from Missouri said that there is no cotemporaneous evidence. There is the cotemporaneous evidence. There is the statement of a man who when he was dying could complete the second volume of his own memoirs. From what did the Senator from Missouri read? It was my good fortune in walking around the Chamber to notice that the letter from which he read was in type-writing, and it contained more information than he is likely to get outside of the Ebbitt House.

Mr. REAGAN. I desire to say a word in response to something that was said by the Senator from Indiana [Mr. VOORHEES].

I said nothing in regard to the details of the case and do not propose to consider them. I look only at that feature of the measure which is to put on the retired-list on pay a person who was once an officer of the Navy, but has rendered no service for years. The Senator from Indiana, whose great heart bubbles over with kindness and charity, seems to forget that some one has to earn the money to be allowed this man for six years' back pay when no service was rendered and the money for the lifetime of pay that is to come after. Who is to furnish that money? We do not pay the money out of our own pockets. Thousands of the Senator's constituents, poorer, no doubt, more oppressed, and more needy than this man, are to be taxed to support this man, to pay back pay for six years and forward pay for a lifetime.

I am not going into the points so ably made by the Senator from Missouri [Mr. COCKRELL] about the particular facts of this case. I only refer to the general policy of retiring men from the public service on pay. I repeat that the whole system is wrong and unsustainable by any reason under our republican form of government. An officer gets a good salary during his term of service; he may get honors and consideration on account of his position. This man received large pay while performing his duty as commander in the Navy from the time he entered that rank, and received enough salary to furnish him the means to live in ease the rest of his life.

If he has chosen a life of dissipation—I do not care whether he has stopped now or not—if he has chosen a life that has deprived him of the means of livelihood hereafter, what right has he now to say that the millions of honest toilers in this country shall work and sweat to keep him in idleness the rest of his life? If he has been unfortunate, is that a reason why others should be taxed for his benefit? It seems to me we ought to remember when we are conferring benefits that we are not conferring them out of our own pockets, but that we are conferring them out of the earnings and sweat of other people.

I repeat—I suppose the Senator did not hear what I said—that the whole idea of a retired-list, commencing with the judiciary and extending through the military, through the naval establishment, and the marine service, is unrepublican, not in conformity with our theory of government, creates a privileged class, conferring privileges on that class not enjoyed by other people, in violation of our whole theory of government, and it ought to be abandoned. When a man accepts public office he ought to expect when he retires from that office to do like other people and take care of himself.

That was our plan until we fell into this way of commencing to build up an American aristocracy, which, if it goes much further, must change the whole theory of this Government and create privileged classes to be fed and sustained by others. We should then be a nation of subjects instead of a nation of citizens with equal privileges before the law.

The PRESIDING OFFICER (Mr. FRYE, in the chair). The question is on the amendment reported by the Committee on Naval Affairs.

Mr. COCKRELL. I am opposed to the amendment and want that statement placed on record.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. SAULSBURY. I desire to say that I concur very fully in the views expressed by the Senator from Texas [Mr. REAGAN] in reference to the propriety of building up a civil pension-list in this country, and I would vote for a law abrogating all efforts of that kind heretofore effected; but I am not opposed to pensions for wounds or injuries contracted or disease incurred in the military or naval service. In reference to this particular case, I understand from the letter of General Grant, which was read by the Senator from Virginia [Mr. RIDDLEBERGER], and from the letter of Secretary Robeson, that this man was an unfortunate victim of inadvertence on the part of the Navy Department; that if there had not been an inadvertence he would have been entitled years ago to the position which he now asks.

I have no doubt the Department acted wisely in suspending him; but it is evident by the action of President Grant and Secretary Robeson that their action as then intended was a suspension and was a wise act, and I approve of that course. Nor would I now vote to put him on the retired-list or reinstate him in the place from which he was taken by the order of suspension, but that I understand he would have been entitled, if there had been no inadvertence, to the position which he now seeks on the retired-list. I therefore, in view of all the circumstances stated, shall vote for the bill restoring him to the service and putting him on the retired-list, not because I favor these life pensions to military or civil officers, for I would repeal the whole concern if I had it in my power, and have no civil pension-list in this country; but we have that law. This man would have been entitled to the benefit of it but for the inadvertence of the Navy Department. I therefore am willing to correct that inadvertence and put the man back where he would have been but for it.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The Senator from Missouri [Mr. COCKRELL] demands the yeas and nays on the passage of the bill, as the Chair understands.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. EVARTS (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN]. Not knowing how he would vote if present, I withhold my vote.

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS]. Not knowing how he would vote if present, I shall refrain from voting.

The roll-call was concluded.

Mr. ALLISON. I am paired with the Senator from North Carolina [Mr. RANSOM]. If he were here, I should vote "yea."

Mr. HEARST. I am paired with the Senator from Nevada [Mr. JONES]. If he were here, I should vote "yea."

Mr. FAULKNER. I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. EVARTS. I am assured that the Senator from Alabama [Mr. MORGAN], if here, would vote "yea." I therefore vote "yea."

The result was announced—yeas 40, nays 14; as follows:

YEAS—40.

Blackburn,	Dawes,	Manderson,	Sawyer,
Blair,	Dolph,	Mitchell,	Sherman,
Blodgett,	Evarts,	Morrill,	Spooner,
Bowen,	Farwell,	Palmer,	Stanford,
Brown,	Frye,	Pasco,	Stewart,
Call,	George,	Payne,	Stockbridge,
Cameron,	Hampton,	Pugh,	Turpie,
Cullom,	Hiscock,	Riddleberger,	Vest,
Daniel,	Hoar,	Sabin,	Voorhees,
Davis,	Ingalls,	Saulsbury,	Walthall.

NAYS—14.

Bate,	Coke,	Plumb,	Wilson of Iowa,
Berry,	Colquitt,	Reagan,	Wilson of Md.
Chandler,	Harris,	Teller,	
Cockrell,	Platt,	Vance,	

ABSENT—22.

Aldrich,	Eustis,	Hawley,	Morgan,
Allison,	Faulkner,	Hearst,	Paddock,
Beck,	Gibson,	Jones of Arkansas,	Quay,
Butler,	Gorman,	Jones of Nevada,	Ransom.
Chace,	Gray,	Kenna,	
Edmunds,	Hale,	McPherson,	

So the bill was passed.

CATTLE AND DAIRY FARMING.

Mr. MANDERSON. I ask leave to make a conference report on a Senate resolution.

The PRESIDING OFFICER. Without objection, it will be received.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the concurrent resolution to authorize the printing of additional copies of Executive Document first session Forty-ninth Congress, on the subject of cattle and dairy farming, 2,000 copies for the use of the Senate, 4,000 copies for the use of the House of Representatives, and 1,000 copies for the Department of State, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the House amendments numbered 1, 2, 3, and 5, and agree to the same.

That the Senate agree to the amendment numbered 4, with an amendment as follows: Strike out all of said amendment and insert in lieu thereof the following:

"And that there is hereby appropriated out of the Treasury the sum of $65,000,

or so much thereof as may be necessary, out of any money not otherwise appropriated, to pay for the same, and said work shall be bound in two volumes."

And the House agree to the same."

CHARLES F. MANDERSON,
A. P. GORMAN,
JOS. R. HAWLEY,
Conferees on the part of the Senate.
JAMES D. RICHARDSON,
CHAS. H. GIBSON,
JNO. A. HIESTAND,
Conferees on the part of the House of Representatives.

Mr. MANDERSON. I will explain the matter, as it cannot be understood by the reading. We agree to the resolution as amended by the House fixing the number of this report at 25,000 copies, with the distribution of numbers among the two Houses as heretofore stated.

Mr. COCKRELL. What is that distribution in this particular case?

Mr. MANDERSON. Eight thousand to the Senate, 16,000 to the House, and 1,000 to the State Department. The only change is to increase the amount of the appropriation from $62,500 to $65,000. A parliamentary question arises here that I confess puzzled me somewhat. This was a concurrent resolution as it passed the Senate. It went to the House, and the House, making it self-appropriating, changed its form to a joint resolution. I suppose it will become a joint resolution by concurrence in the conference report. That I leave to the Presiding Officer. We have changed the title by the conference report so as to make it a joint resolution.

The PRESIDENT *pro tempore*. The Chair would hold that the adoption of the conference report would effect a change in the form of resolution.

Mr. MANDERSON. I move, then, that the Senate concur in the report.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. COKE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, March 21, 1888, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 20th day of March, 1888.

COMMISSIONER OF GENERAL LAND OFFICE.

Strother M. Stockslager, of Corydon, Ind., to be Commissioner of the General Land Office, *vice* William A. J. Sparks, resigned.

ASSISTANT COMMISSIONER OF LAND OFFICE.

Thomas J. Anderson, of Iowa, to be Assistant Commissioner of the General Land Office, *vice* Strother M. Stockslager, appointed Commissioner of the General Land Office.

INDIAN AGENT.

Thomas H. B. Jones, of Steele, Dak., to be agent for the Indians of the Fort Berthold agency in Dakota, *vice* Abram J. Gifford, whose term will expire April 15, 1888.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 20, 1888.

RECEIVER OF PUBLIC MONEYS.

E. Nelson Fitch, of Ludington, Mich., to be receiver of public moneys at Reed City, Mich.

REGISTER OF LAND OFFICE.

James K. Wright, of St. Louis, Mich., to be register of the land office at Grayling (formerly Reed City), Mich.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March* 20, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D., of Washington.

The Journal of the proceedings of yesterday was read and approved.

UNITED STATES PENITENTIARY, BOISÉ CITY, IDAHO.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Attorney-General in relation to an estimate of an appropriation for the enlargement of the United States penitentiary at Boisé City, Idaho; which was referred to the Committee on Appropriations, and ordered to be printed.

OLD PRODUCE EXCHANGE BUILDING, NEW YORK.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an additional estimate from the Secretary of War of an appropriation for the purchase and remodeling of the old Produce Exchange building, New York City; which was referred to the Committee on Appropriations, and ordered to be printed.

MEDAWAKANTON INDIANS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of the Interior of an appropriation for the support of the Medawakanton band of Sioux Indians; which was referred to the Committee on Indian Affairs.

WITHDRAWAL OF PAPERS.

Mr. BUTLER, by unanimous consent, obtained leave to withdraw from the files of the House the papers in the case of David Bell without leaving copies of the same.

PORT OF DELIVERY, GRAND RAPIDS, MICH.

Mr. FORD. Mr. Speaker, I ask unanimous consent to take from the House Calendar the bill (H. R. 1540) to establish a port of delivery at Grand Rapids, Mich., and to put the same upon its passage.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, etc., That Grand Rapids, in the State of Michigan, be, and the same is hereby, constituted a port of delivery; and that the privileges of immediate transportation of dutiable merchandise conferred by the act of June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to said port.

SEC. 2. That there shall be appointed by the President a surveyor of customs for said port, who shall reside at said port, and who shall receive a salary to be determined in amount by the Secretary of the Treasury, not exceeding $1,200 per annum.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FORD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FIRE-PROOF WORKSHOP, NATIONAL ARMORY, SPRINGFIELD, MASS.

Mr. ROCKWELL. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 5639) to provide for erecting a fire-proof workshop at the National Armory, and that the bill be put upon its passage.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized and directed to cause to be erected at the National Armory, Springfield, Mass., one fire-proof carpenters' and stocking shop. The plan, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for said building complete the sum of $75,000.

For the purposes of this act the sum of $75,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the same to be expended under the direction of the Secretary of War.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. ROGERS. I wish to inquire whether there is a report in this case; and if so, whether it is unanimous.

Mr. ROCKWELL. Yes, sir; a unanimous report.

Mr. ROGERS. Then, Mr. Speaker, let the report be read, subject to objection.

The report (by Mr. DIBBLE) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 5639) providing for the erection of a fire-proof workshop at the National Armory at Springfield, Mass., makes the following report:

The necessity for the erection of a fire-proof workshop at the National Armory is fully disclosed in the letter of the Secretary of War inclosing a copy of a report on the subject from the Chief of Ordnance, which letter and report are annexed to and made a part of this report.

Your committee concur in said report, and recommend the passage of the accompanying bill.

WAR DEPARTMENT, *Washington City, January* 26, 1888.

SIR: I have the honor to acknowledge the receipt of your letter of the 23d instant, requesting that a report be made on House bill 5639, Fiftieth Congress, first session, to provide for erection of a fire-proof workshop at the National Armory, Springfield, Mass. In reply I beg to inclose a copy of a report on the subject, dated the 24th instant, from the Chief of Ordnance, who submits an estimate and drawings for a new building at the National Armory for stocking and carpenter shops, and recommends an appropriation of $75,000 for the purpose.

Very respectfully, your obedient servant,

WILLIAM C. ENDICOTT,
Secretary of War.

Hon. SAMUEL DIBBLE,
Chairman Committee on Public Buildings and Grounds,
House of Representatives.

ORDNANCE OFFICE, *Washington, January* 24, 1888.

Respectfully returned to the Secretary of War with an estimate and drawings for a new building at the National Armory, Springfield, Mass., for stocking and carpenter shops.

The old shops used for these purposes are an addition to the original machine-shop built nearly fifty years ago, and from the nature of the wood-work carried on in them are a menace to the whole structure. The erection of a fire-proof building is, therefore, not only a necessity, but is demanded by the advance made in all departments of labor since these old buildings were put up. Modern ideas require more room, more light, more conveniences for workmen, more

facilities for handling material, more security for fine machinery, more economy of space in the arrangement of shops and their connection with each other. The old shops are worn out, are of the cheapest order of work buildings, and not a credit to the United States. These buildings have served their time and should be followed by workshops such as are to be found in all our manufacturing centers. This appropriation of $75,000 is therefore recommended.

The aggregate is made up as follows:

Masonry-work	$29,000
Iron-work	32,000
Wood-work	9,700
Glass and glazing	700
Paints and painting	200
Roofing	3,000
Drains and pavements	400
Total	75,000

S. V. BENÉT,
Brigadier-General, Chief of Ordnance.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BLAND. Mr. Speaker, if the House gives consent for the consideration of this bill I hope it will be really considered, because this question of public buildings is a very important one and is growing more so every session and every day. A few years ago four or five such bills were about all that passed through Congress at any one session. There was no general demand for them. As a rule whenever the Government had occasion for the use of buildings it was able to find satisfactory accommodations at a small rental, ranging from $150 to $400 a year; but of late the demand for public buildings seems to have become a mania. These buildings asked for now, not only in the larger cities, where the United States courts are held and internal-revenue offices or custom-houses are required, but even in places of only eight or ten thousand inhabitants. They seem to be demanded simply as a sort of adornment in order to beautify the towns and gratify the pride of the local communities and of their Representatives in Congress. And all this comes, Mr. Speaker, from the fact that we have a Treasury filled with money; that we have a surplus of a hundred millions—yea, a hundred and fifty millions; or, perhaps, I would not be far out of the way if I said two hundred millions—money that has been gathered there unnecessarily by an onerous system of taxation; money that has been wrung from the people of this country by a protective tariff, operating to contract the currency so as to depress the value of everything, to depress the wage of the laborer, to reduce the value of every article that is produced from the farm or manufactured by the handicraft of the workman. For in so far as you contract the currency there is no difference whether that is done by refusing to issue it from the mint of the Treasury or whether, after having issued it, you gather it in and pile it up in the public Treasury by an excessive system of taxation. In either case it is contraction of the currency and lays equal burdens upon the people.

Mr. Speaker, in considering bills of this character, which seem to be very numerous and which are designed to deplete the public Treasury, it would be meet for the members of this House to devote their attention for a while to the consideration of the question of reducing taxation and thus relieving the Treasury of this excessive glut, because when that shall have been done we shall hear but little of these public-building schemes.

This is a bill appropriating $75,000 for a building at Springfield, Mass., recommended, I believe, by some general of the Army, the recommendation not coming directly or specifically from the War Department.

Mr. DUNHAM. Will my friend allow me a question? Would it not be better to discuss the tariff question when the Committee on Ways and Means report their bill?

Mr. BLAND. Mr. Speaker, I propose to govern myself in the discussions in this House of all public questions according to my own judgment, responsible alone to my constituents who have given me a seat on this floor.

Mr. ROCKWELL. All right; go ahead.

Mr. BLAND. Now, what is the character of these bills? Several weeks ago I introduced here a bill which I had referred to the Committee on Public Buildings and Grounds, upon the express statement of the chairman of the committee that that bill would be reported back, in order that the House might have some basis for action and that there might be some system with regard to this question. That bill proposed that some of the Departments of the Government—whether the Treasury Department, or the Navy Department, or the Post-Office Department——

Mr. DIBBLE. I wish to state that I have now in my hand a report on that bill, to be presented this morning. [Laughter.]

Mr. BLAND. Well, then, Mr. Speaker, I think the best thing for us to do with these public-building bills is to let them await action on that bill and that report. Let us pass a general law on this subject in preference to passing these special bills; and the only way to get a general law through is to prevent the passage of these special acts, these special favors to special individuals and special places.

Mr. KERR. Would not the gentleman be willing to allow half the time to gentlemen on this side to attack the internal-revenue system?

Mr. BLAND. The gentleman can have all the time that he desires if he will oppose these public-building bills and demand the time in which to do so. I have not usurped any time here. I sat in my place and waited until the House gave unanimous consent for the consideration of this bill. The bill was about to go through without objection; and that was the time for the gentleman to rise for debate, occupying not my time, but his own.

Mr. DIBBLE. I wish to ask the gentleman whether he means that if we will trade off a public-building bill for a speech on the tariff or the internal revenue the objector will permit the bill to go through if he can have that compensation? [Laughter.]

Mr. BLAND. The gentleman may intend that as a species of wit; but my reply to it is this: The tax-payers of this country to-day condemn Congress because we sit here and allow bills to go through appropriating thousands and hundreds of thousands of dollars without any man raising his voice in dissent, though the bills themselves are condemned by the country.

I have stated on previous occasions that I did not propose to put myself in the position of objecting to these bills coming up, but that if the House gave consent for their consideration I would demand that they be considered and not put through *nem. con.*, not rushed through without any consideration whatever.

I repeat that in my judgment the proper policy is to pass a general law on this subject and stop this special legislation. If other gentlemen desire the time of this Congress taken up in the discussion and passage of public-building bills, so be it. I state again that I will not allow such bills to go through without consideration and discussion.

The bill, as I have said, appropriates $75,000. Our experience in regard to public-building bills is that they generally appropriate in the commencement more than is necessary. These public buildings are usually constructed of the most costly materials that can be found. It seems to be the policy of the Department to require in the erection of these buildings stone which a fire turns into lime. If you were to construct buildings of brick in a cheap but substantial manner the cost would not be more than half what is usually called for in these cases.

Mr. Speaker, I move as an amendment to this bill to strike out "$75,000" and insert "$50,000."

Mr. RANDALL. Strike out the whole amount.

Mr. BLAND. The gentleman from Pennsylvania [Mr. RANDALL] says, "Strike out the whole amount."

Mr. RANDALL. And let it be ascertained how much money is really necessary for the purpose.

Mr. SPRINGER. Then the bill ought to be recommitted.

Mr. BLAND. I move to recommit this bill to the Committee on Public Buildings and Grounds, to await the passage of a general law on this subject.

Mr. ROCKWELL. I would like to reply to the gentleman from Missouri.

The SPEAKER. The motion to recommit is not debatable.

Mr. ROCKWELL. I am aware of that.

Mr. BLAND. I will withdraw the motion for a moment, if the gentleman wishes to discuss the question.

Mr. ROCKWELL. Mr. Speaker, I want to make this statement so that every member of the House may hear it: This bill is a Department bill calling for an appropriation of $75,000 for the erection of a fire-proof workshop at the National Armory. It is not like an ordinary public-building bill for the construction of a court-house or a post-office. The building which this bill contemplates is needed for the uses of the Government in the manufacture of arms.

The difficulty about the consideration of this bill is that gentlemen upon the floor, being so busy in conversation, have not heard the report as read by the Clerk. If they had they would have seen that the bill is recommended by the Department; that plans and specifications have been filed in the committee-room; that there is great need for the erection of this building in order that the Government property may be protected from fire, and that the buildings at the National Armory were, some of them, built fifty years ago. When the war came it was supposed that it would end in a short time, and consequently temporary buildings and wings were put up, which are a source of great danger to all the other buildings upon the property.

Under the circumstances set forth in this report, this bill should be considered as an entirely distinct proposition from an ordinary post-office or court-house bill.

The remarks of the gentleman from Missouri [Mr. BLAND] first made on the general subject of these appropriations, do not apply to this bill. Three years ago this bill would have been referred to the Committee on Appropriations and not to the Committee on Public Buildings and Grounds; but the rule was changed, and now only repairs of public buildings go to the Committee on Appropriations. That is the reason why this bill was before the Committee on Public Buildings and Grounds. At the end of this bill is an appropriating clause, and I desire to move at the proper time that it be stricken out.

There can be no object in referring this bill back again to the committee. The plans and specifications were all before it. The report shows the Government needs this building in order to carry on its own business and to protect the other buildings.

The National Armory is situated in the district I have the honor to represent. If it were in the district of the gentleman from Missouri [Mr. BLAND], he might have an opportunity of presenting from the Democratic Departments of the Government the needs of the National Armory. Perhaps it would make a difference, as he would then make inquiry into the needs of the Government at this public institution.

It has been suggested the amount be reduced. If anybody here has been upon the National Armory grounds at Springfield, Mass., they know we have taken buildings only fit for store-houses and fitted them up for shops. They know the buildings there are not up to the modern standard. They know that but one building has been built there since the war.

It will be idle to refer this matter back to the committee. They have everything they want now. The plans and specifications have been prepared accurately. The estimates that appear in the report were carefully prepared. The Department has recommended the bill. They say it is necessary this building should be constructed.

It is one thing to differ about appropriations for public buildings; it is another thing to say that the needs of the Government on a public reservation to carry on the public business should be ignored. I present this bill on its merits. I ask its passage on its merits. I ask for the full amount of $75,000. If you do not choose to pass it, you ignore the recommendations of your own Department.

Mr. BLAND. Mr. Speaker, it seems to be difficult to get the facts about these public buildings. This is a proper matter to go before the Committee on Appropriations in the legal estimates in regard to the War Department as to the needs of that Department. It is not for a new building here; it is to repair a building needed by the War Department of the Government.

Mr. ROCKWELL. That question was presented last Congress to the chairman of the Committee on Appropriations, and he said under the rule this bill must go to the Committee on Public Buildings and Grounds.

Mr. BLAND. I insist these shall all go to the same committee. I move, therefore, this bill be recommitted to the Committee on Public Buildings and Grounds, and I ask for a division.

The House divided; and there were—ayes 19, noes 149.

Mr. BLAND. Has a quorum voted?

The SPEAKER. A quorum has voted.

So the motion was disagreed to.

Mr. BLAND. I move to strike out "$75,000" and insert "$50,000."

The House divided; and there were—ayes 17, noes 151.

So the motion was disagreed to.

Mr. DIBBLE. I rise to demand the previous question.

Mr. BLAND. I move to strike out "$75,000" and insert "$55,000."

The SPEAKER. The Chair recognizes the gentleman from South Carolina.

Mr. BLAND. I move to take a recess for an hour.

The House divided; and there were—ayes none, noes 154.

Mr. BLAND. No quorum.

Mr. DUNN. Is this bill before the House by unanimous consent, and subject to objection?

The SPEAKER. It is not subject to objection. The Chair asked for objections, but none were made. The Chair was putting the question to the House on ordering the bill to be engrossed and read the third time, when the gentleman from Missouri rose and addressed the House.

The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. BLAND and Mr. ROCKWELL were appointed tellers.

The House again divided; and the tellers reported—ayes 2, noes 165.

So the motion of Mr. BLAND was not agreed to.

Mr. DIBBLE. I demand the previous question.

Mr. BLAND. I desire simply an opportunity to amend this bill. I am not filibustering for any other purpose. I think $55,000 is ample, and I wanted to make that amendment to the bill, to strike out $75,000 and insert $55,000.

The SPEAKER. But the gentleman from South Carolina has demanded the previous question.

Mr. HATCH. I appeal to the gentleman from South Carolina to allow a vote on the proposition of my colleague to reduce the amount to $55,000, as we will save time, I am sure, by it.

Mr. DIBBLE. If the gentleman from Missouri assures the House that he moves the amendment not for the purpose of delaying proceedings, but in good faith, I will not insist.

Mr. BLAND. I am not assuring the gentleman what I am doing it for. I have the right to move the amendment.

Mr. DIBBLE. Well, I will take it for granted that the gentleman is sufficiently observant of the decorum and duties of a Representative to demand it in good faith, and I will withdraw the call for the previous question to enable him to do so.

The SPEAKER. The gentleman from Missouri moves to strike out "$75,000" and insert "$55,000."

The question was taken; and on a division there were—ayes 21, noes 132.

Mr. BLAND. We had better have a quorum.

Mr. BLAND and Mr. ROCKWELL were appointed tellers.

The House again divided; and the tellers reported—ayes 6, noes 157.

So the amendment was rejected.

Mr. BLAND. I move to strike out "$75,000" and insert "$60,000."

Mr. DIBBLE. I renew the demand for the previous question.

Mr. BLAND. I think I have the floor.

The SPEAKER. The previous question, if ordered, will include the gentleman's amendment.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Missouri to strike out "seventy-five" and insert "sixty."

The House divided; and there were—ayes 17, noes 128.

Mr. BLAND. No quorum.

The SPEAKER appointed Mr. BLAND and Mr. ROCKWELL tellers.

The House again divided; and the tellers reported—ayes 11, noes 154.

So the amendment was rejected.

Mr. ROCKWELL. Mr. Speaker, if in order at this time, I desire to make a request. The other morning I spoke to the gentleman from Georgia [Mr. BLOUNT], who is not in his seat, and agreed with him that if this bill could be taken up by unanimous consent I would move to strike out the appropriating clause. I now ask unanimous consent to strike out the provision making the appropriation, all after the tenth line of the bill.

The SPEAKER. Is there objection?

Mr. BRUMM. I object.

Mr. HOLMAN. Regular order.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. ROCKWELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HOLMAN. Regular order.

PRODUCTS OF CONVICT LABOR.

Mr. O'NEILL, of Missouri, by unanimous consent, introduced a bill (H. R. 8716) to protect free labor and the industries in which it is employed from the injurious effects of convict labor, by confining the sale of the goods, wares, and merchandise manufactured by convict labor to the State in which they are produced; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. MCCOOK, its Secretary, announced that the Senate had passed bills and a joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 45) for the relief of Col. James C. Duane;

A bill (S. 102) for the relief of Lucinda McGuire;

A bill (S. 109) for the relief of Thomas H. Norton and James McLean;

A bill (S. 131) for the relief of Jabez Burchard;

A bill (S. 178) for the relief of William B. Groff, of Newport, R. I.;

A bill (S. 180) for the relief of Washington L. Parvin and Henry A. Greene;

A bill (S. 309) for the relief of R. G. Huston & Co.;

A bill (S. 314) for the relief of Henry M. Rector;

A bill (S. 395) for the relief of Hyland C. Kirk and others, assignees of Addison C. Fletcher;

A bill (S. 458) for the relief of the legal representatives of David Walter Jones;

A bill (S. 475) for the relief of Thomas L. Price, deceased;

A bill (S. 498) for the relief of Frank Della Torre and Susan Della Torre, heirs of Peter Della Torre, deceased;

A bill (S. 500) for the relief of Mrs. Sarah Elizabeth Holroyd, widow and administratrix of the estate of John Holroyd, deceased;

A bill (S. 547) for the relief of George W. Bolton, alias Charles W. Andrews;

A bill (S. 558) for the relief of certain settlers upon the school lands of Washington Territory;

A bill (S. 576) for the relief of Semon Bache & Co.;

A bill (S. 603) for the relief of Thomas P. Morgan, jr.;

A bill (S. 660) for the relief of Charles Murphy;

A bill (S. 664) for the relief of William R. Wheaton and Charles H. Chamberlain, of California;

A bill (S. 728) for the relief of William P. Martin, of Oregon;

A bill (S. 741) for the relief of William Tabb;

A bill (S. 768) for the relief of Orion R. McDaniel;

A bill (H. R. 852) for the relief of William C. Dodge;

A bill (S. 868) for the relief of Paymaster James E. Tolfree, United States Navy;

A bill (S. 882) for the relief of Pay Clerk Charles Blake, United States Navy;

A bill (S. 939) for the relief of Robert H. Montgomery;

A bill (S. 954) for the relief of the heirs, legal representatives, and legatees of James W. Schaumburg;

A bill (S. 1063) for the relief of the heirs or legal representatives of Robert J. Baugness, deceased;

A bill (S. 1295) for the relief of soldiers and sailors who enlisted or served under assumed names while minors or otherwise in the Army or Navy during the war of the rebellion;

A bill (S. 1370) for the relief of Assistant Engineer Howard D. Potts, United States Navy;

A bill (S. 300) granting a pension to Mrs. Juliet G. Howe;

A bill (S. 434) granting a pension to Mrs. Hettie K. Painter;

A bill (S. 1299) granting a pension to George Park;

A bill (S. 406) making an appropriation for the erection of a monument to the negro soldiers and sailors who gave their lives for the preservation of the Government;

A bill (S. 186) to amend section 1225 of the Revised Statutes, concerning details of officers of the Army and Navy to educational institutions, and so forth;

A bill (S. 196) to cancel certain reservations of land on account of the live-oak in the southwestern land district of the State of Louisiana;

A bill (S. 254) to amend article 103 of the Rules and Articles of War;

A bill (S. 280) donating to the city of St. Louis, Mo., a certain strip of land for street purposes;

A bill (S. 354) to provide for the survey of certain historic grounds, locations, and military works;

A bill (S. 358) to authorize the sale of timber on certain lands reserved for the use of the Menomonee tribe of Indians in the State of Wisconsin;

A bill (S. 544) to authorize the construction of a highway bridge across that part of the waters of Lake Champlain which separates the islands of North Hero and South Hero, in the county of Grand Isle, in the State of Vermont;

A bill (S. 555) to establish an additional land district in the State of Oregon;

A bill (S. 643) to construct a road to the national cemetery at Corinth, Miss.;

A bill (S. 687) to authorize the Secretary of the Treasury to convey to Anson Rudd, of the State of Colorado, certain real estate in the county of Fremont, in said State;

A bill (S. 761) to amend section 11 of an act entitled "An act to enable the people of Colorado to form a State constitution and State government for the admission of said State into the Union on an equal footing with the original States;"

A bill (S. 957) to establish a public park at Pagosa Springs, in the State of Colorado;

A bill (S. 1003) granting the right of way to the Duluth and Manitoba Railway Company across the Fort Pembina military reservation, in Dakota Territory;

A bill (S. 1026) for the relief of the owners, officers, and crew of the British bark Chance;

A bill (S. 1057) to settle and adjust the claims of any State for expenses incurred by it in defense of the United States;

A bill (S. 1082) to authorize the issuance of patent to certain land in Arkansas;

A bill (S. 1091) to establish a light-ship off False Cape, seacoast of Virginia;

A bill (S. 1118) to remove the charge of desertion from the military record of William Clark, deceased;

A bill (S. 1227) authorizing the appointment of a superintendent of Indian schools, and prescribing his duties;

A bill (S. 1708) to provide for the judicial determination of the rights of the United States in lands granted to the State of Florida for the purpose of aiding in the construction of railroads under an act of Congress approved May 17, 1856, and for other purposes;

A bill (S. 1709) to provide for the issue of patents to certain persons for donation claims under an act approved September 27, 1850, commonly known as the donation law; and

Joint resolution (S. R. 29) authorizing the appointment of a delegate to the Fourth International Prison Congress, to meet at St. Petersburg in the year 1890.

The message also announced that the Senate had passed without amendment the bill (H. R. 5617) to provide for the leasing of premises for the Washington city post-office.

The message further announced that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. 3300) to amend an act to enable the city of Denver to purchase certain lands for cemetery purposes.

CLASSIFICATION, COMPENSATION, ETC., OF POSTMASTERS.

Mr. ENLOE. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. ENLOE. I hold in my hand a petition, Mr. Speaker, which I desire to have read, in order that I may make clear the statement of the question of privilege which I wish to present.

The Clerk read as follows:

To the honorable members of the House of Representatives in Congress assembled:

Your petitioners respectfully request that you use your most earnest efforts in favor of the passage of the bill H. R. 7389, introduced by Mr. BLOUNT, chairman of the Committee on the Post-Office and Post-Roads, to regulate the classification, compensation, and allowances for additional rent, light, and clerk-hire of postmasters.

Mr. ENLOE. That petition was sent here in response to a circular prepared in this city and sent out by a man representing himself as an attorney charged with the duty of looking after the interest of the fourth-class postmasters before Congress. I want to say to the House that I have examined this circular and consulted those members of the House whose names are used as references in regard to it. I have had no opportunity to consult the Senators whose names are used for references in the circular, but the references as far as the members of the House are concerned are fraudulent. They inform me that there was no authority upon the part of this gentleman to use their names for such purpose; and this man has prepared a circular which is designed to defraud the fourth-class postmasters of this country of $1 each, as I understand the objects of the circular.

There are fifty-two thousand postmasters of this class, and if he can succeed in getting $1 apiece from them it will be a very handsome transaction for him.

Mr. O'FERRALL. Who is the gentleman?

Mr. ENLOE. The gentleman's name is Patrick O'Farrell [laughter]; no relation, I hope, to the gentleman from Virginia. [Laughter.]

Mr. O'FERRALL. I know nothing whatever about him.

Mr. ENLOE. Now, Mr. Speaker, I want to read a short extract from this circular in order that it may go into the RECORD for the benefit of the class that I design by this statement to protect against this fraud:

Last December there was a national convention of postmasters held in this city, at which I had the honor to be present. Since then many of the postmasters have consulted me and retained my services to look after such measures as might be introduced during the present session, and, on the suggestion of friends of the measure and in the interest of postmasters throughout the country, I have prepared the petition herewith inclosed, which you should have signed by your neighbors and returned to me without delay, so that I may be able to place it, with others now in my charge, before the House at an early day. I expect to be able to place hundreds of such petitions on the desk of every Congressman and Delegate in the House of Representatives at the proper time. It is for you to do your share in the good work. You are brought daily in close contact with those who, by their votes, make Congressmen.

[Laughter.]

You fill an important and responsible office, requiring intelligent and careful service, and there is no reason why your salary should not be increased from 50 to 100 per cent. Then put your shoulder to the wheel immediately and give it a push.

As I understand it, Mr. Speaker, the "wheel" which this gentleman wishes to start rolling is that with which the name of my friend from Missouri [Mr. BLAND] is so intimately associated, the silver dollar; for he goes on to say in the next paragraph:

With the return of the petition please inclose $1.

[Laughter.]

He is a very considerate man, though, for he adds:

If you choose to send more I won't find fault, but you should at least send $1 to cover my expense for stationery, clerk-hire, and my own time, which I am devoting to your interest. Of course if I succeed in getting the bill passed I will be paid my fee by those who retained me, but in the mean time I have to call for your mite to cover preliminary expenses. Fill out the inclosed slip and place it, with your remittance and petition, in the return envelope.

This gentleman names as references Representatives VANCE, MARTIN, FRENCH, COLLINS, MCKINLEY, and BOUTELLE, all of whom I have consulted, and have ascertained from them that they have never authorized such use of their names. He also mentions Mr. O'Neil and Mr. Campbell, but there are so many gentlemen bearing those names here that I have not been able to identify those named in this circular.

Mr. O'NEILL, of Pennsylvania. I trust the gentleman will state that the Mr. O'Neil referred to is not Mr. O'NEILL, of Pennsylvania. [Laughter.]

Mr. ENLOE. Among those named as Senators is one "Fullerton," though there is neither Senator nor Representative of that name. Now, Mr. Speaker, I simply want to say that this gentleman who sends out this circular has had no connection or communication with the Committee on the Post-Office and Post-Roads, and I presume he will not have any connection with this matter before that committee or with this measure before the House. I regard this as a transparent fraud intended to cheat the fourth-class postmasters of this country out of the small sum of $1 each, which, small as it is in each case, will make a very handsome aggregate for the enterprising gentleman who has contrived this scheme.

ORDER OF BUSINESS.

Mr. RICHARDSON. Mr. Speaker, on yesterday when the House adjourned I had called the previous question on the adoption of the report presented by me from the Committee on Printing. I now renew the demand.

Mr. GROSVENOR. Mr. Speaker, in presenting the resolution which I introduced yesterday, in order to ascertain why Senate bill No. 181 had not been printed, I acted upon what I understood to be the uniform custom of the House in regard to important Senate bills. The report made by the Committee on Printing last evening, which has not yet been adopted, informed me for the first time that the printing of Senate bills is a matter for the action of the House or the Speaker, independent of any law. In the position which I took in the matter I was mistaken, and as I am the only member of the House that ever made a mistake in regard to the rules [laughter], I think I ought to say so frankly. But, Mr. Speaker, I now desire to ask unanimous con-

sent that 1,000 copies of the bill in question (S. 181) be printed for the use of the House.

A MEMBER. What is the bill?

Mr. GROSVENOR. It is the bill known as the dependent pension bill.

The SPEAKER. If there be no objection——

Mr. RICHARDSON. Mr. Speaker, there is already a matter pending. Let us dispose of that, and then I shall not object.

Mr. GROSVENOR. I have no objection to the adoption of the report of the Committee on Printing, but I ask unanimous consent that a thousand copies of the Senate bill be printed for the use of the House.

The SPEAKER. The gentleman from Tennessee [Mr. RICHARDSON] objects. The question is on ordering the previous question on the adoption of the pending report.

Mr. GROSVENOR. Now, Mr. Speaker, I desire to offer a resolution as a matter of privilege.

Mr. RICHARDSON. Mr. Speaker, I submit that the pending matter has precedence.

The SPEAKER. The Chair must hear the proposition of the gentleman from Ohio [Mr. GROSVENOR] before he can decide. Let the resolution be read.

The Clerk read as follows:

Resolved, That there be printed for the use of the House of Representatives 1,000 copies of Senate bill 181.

The SPEAKER. The Chair thinks this is not a privileged matter. There is already one privileged matter pending before the House. After that is disposed of the Chair will recognize the gentleman from Ohio.

Mr. GROSVENOR. Then I understand that the gentleman from Tennessee [Mr. RICHARDSON] objects to the printing of the bill?

Mr. RICHARDSON. I stated that I would not object after this other matter was disposed of.

The SPEAKER. The gentleman from Tennessee makes the point that the pending question is privileged and that this can not interfere with it.

The previous question was ordered on the adoption of the report.

The report was adopted.

The SPEAKER. The Clerk will again report the resolution of the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Now, Mr. Speaker, I renew my request for unanimous consent for the printing of a thousand copies of Senate bill 181.

There was no objection, and it was so ordered.

REPORT ON CATTLE AND DAIRY FARMING.

Mr. RICHARDSON. I desire to present several privileged reports. The first of these, which is a conference report, I send to the desk and ask that it be read:

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the concurrent resolution to authorize the printing of additional copies of Executive Document first session Forty-ninth Congress, on the subject of cattle and dairy farming, 2,000 copies for the use of the Senate, 4,000 copies for the use of the House of Representatives, and 1,000 copies for the Department of State, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the House amendments numbered 1, 2, 3, and 5, and agree to the same.

That the Senate agree to the amendment numbered 4 with an amendment as follows: Strike out all of said amendment, and insert in lieu thereof the following:

"That there is hereby appropriated out of the Treasury the sum of $65,000, or so much thereof as may be necessary, out of any money not otherwise appropriated, to pay for the same; and said work shall be bound in two volumes."

And the House agree to the same.

JAMES D. RICHARDSON,
CHAS. H. GIBSON,
JNO. A. HIESTAND,
Conferees on the part of the House.
CHARLES F. MANDERSON,
A. P. GORMAN,
JOSEPH R. HAWLEY,
Conferees on the part of the Senate.

The statement accompanying the conference report was read, as follows:

Statement of conferees on the part of the House on the disagreeing votes of the two Houses on the Senate resolution "to print additional copies of Executive Document 51, first session Forty-ninth Congress, on the subject of cattle and dairy farming."

The resolution as it passed the Senate was a concurrent resolution, and provided for the printing of 7,000 additional copies of said document, 2,000 copies for the Senate, 4,000 copies for the House, and 1,000 for the Department of State.

The House of Representatives amends the resolution by providing for the printing of 25,000 copies, 8,000 of which should be for the use of the Senate and 16,000 for the use of the House, and further changed the resolution from a concurrent to a joint resolution, and made a direct appropriation of $62,500, or so much thereof as might be necessary, out of any money in the Treasury not otherwise appropriated, to pay for the same. And further ordered that said work should be bound in two volumes.

The conferees agree to all the amendments of the House of Representatives, with an amendment providing that instead of the sum of $62,500, or so much thereof as may be found necessary, that there be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $65,000, or so much thereof as may be necessary.

JAMES D. RICHARDSON,
CHAS. H. GIBSON,
JNO. A. HIESTAND,
Conferees on the part of the House.

The report of the committee of conference was agreed to.

Mr. RICHARDSON moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING FOR COMMITTEE ON WAR CLAIMS.

Mr. RICHARDSON, from the Committee on Printing, submitted a report; which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, *March* 19, 1888.

Mr. STONE, of Kentucky, submitted the following resolution; which was referred to the Committee on Printing:

"*Resolved*, That the Committee on War Claims have authority to have printed for the use of the committee certain statistical information now in manuscript before the committee relative to its business, the cost of said printing not to exceed $50."

The Committee on Printing have considered the resolution of Mr. STONE, of Kentucky, which was referred to the committee on March 19, authorizing the Committee on War Claims to have printed for the use of that committee certain statistical information now in manuscript before said committee relative to its business, and report the same with the recommendation that the same be agreed to. The cost is not to exceed $50.

The resolution was adopted.

Mr. RICHARDSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. RICHARDSON. The Committee on Printing have directed me to report several other resolutions, which are not privileged in their character, but which will not provoke any debate. I ask that they may be considered now, as they look to facilitating the public business.

Mr. HOLMAN. I think we had better have the regular order.

Mr. RANDALL. Let the resolutions go on the Calendar.

Mr. RICHARDSON. To that course there is this objection: If they go to the Calendar they may never be reached. I have no interest in this matter except to promote the transaction of the public business. If objection is made to the request, I of course withdraw it.

The SPEAKER. Objection is made.

FORFEITURE OF LAND GRANT TO OREGON.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying documents, referred to the Committee on the Public Lands, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 13th instant, from the Secretary of the Interior, with accompanying papers, and submitting the draught of a proposed bill to forfeit lands granted to the State of Oregon for the construction of certain wagon-roads, and for other purposes.

The presentation of facts by the Secretary of the Interior herewith transmitted is the result of an examination made under his direction, which has developed, as it seems to me, the most unblushing frauds upon the Government, which, if remaining unchallenged, will divert several hundred thousand acres of land from the public domain and from the reach of honest settlers to those who have attempted to pervert and prostitute the beneficent designs of the Government. The Government sought by the promise of generous donations of land to promote the building of wagon-roads for public convenience and for the purpose of encouraging settlement upon the public lands. The roads have not been built, and yet an attempt is made to claim the lands under a title which depends for its validity entirely upon the construction of these roads.

The evidence which has been collected by the Secretary of the Interior, plainly establishing this attempt to defraud the Government and exclude the settlers who are willing to avail themselves of the liberal policy adopted for the settlement of the public lands, is herewith submitted to the Congress, with the recommendation that the bill which has been prepared and which is herewith transmitted may become a law, and with the earnest hope that the opportunity thus presented to demonstrate a sincere desire to preserve the public domain for settlers and to frustrate unlawful attempts to appropriate the same may not be neglected.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 20, 1888.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of committees for reports.

Mr. HOLMAN. In order to save time, I ask unanimous consent that gentlemen desiring to submit reports may do so without the regular call being gone through with.

The SPEAKER. If there be no objection, that order will be made.

There was no objection.

MEDICAL DIVISION OF PENSION BUREAU.

Mr. WASHINGTON, from the Committee on Expenditures in the Interior Department, reported back with amendment the bill (H. R. 1548) to increase the efficiency of the medical division of the Pension Bureau; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BOARD OF SURGEONS FOR PENSION CASES.

Mr. WASHINGTON also, from the Committee on Expenditures in the Interior Department, reported back adversely the bill (H. R. 1549) to increase the efficiency of the board of surgeons for the examination of pension applicants; which was laid on the table, and the accompanying report ordered to be printed.

DEPARTMENT OF LABOR.

Mr. O'NEILL, of Missouri, from the Committee on Labor, reported back with amendment the bill (H. R. 8560) to establish a department

of labor; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

CONVICT LABOR.

Mr. O'NEILL, of Missouri, also, from the Committee on Labor, reported back with amendment the bill (H. R. 3406) to prevent the product of convict labor from being furnished to or for the use of any department of the Government, and to prevent the product of convict labor from being used upon public buildings or other public works; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CYRENUS BEERS.

Mr. DUNN, from the Select Committee on Indian Depredation Claims, reported back with amendments the bill (H. R. 654) for the relief of Cyrenus Beers or his personal representatives, and also the personal representatives of Vail and Robinson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES H. WYATT.

Mr. STOCKDALE, from the Committee on War Claims, reported back with amendments the bill (H. R. 3790) for the relief of James H. Wyatt; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZA A. CUTLER JONES.

Mr. BIGGS, from the Select Committee on Indian Depredation Claims, reported back favorably the bill (H. R. 6619) for the relief of Eliza A. Cutler Jones; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FRANZ AND CHARLES HUNING AND OTHERS.

Mr. BIGGS also, from the Select Committee on Indian Depredation Claims, reported back favorably the bill (H. R. 4572) for the relief of Franz and Charles Huning and others; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, STERLING, ILL.

Mr. NEWTON, from the Committee on Public Buildings and Grounds, reported back the bill (H. R. 7390) providing for the construction of a public building at Sterling, Ill.; which was laid on the table.

He also, from the same committee, reported a bill (H. R. 8717) for the erection of a public building at Sterling, Ill.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, BURLINGTON, IOWA.

Mr. NEWTON also, from the Committee on Public Buildings and Grounds, reported back the bill (H. R. 7396) for the erection of a public building at Burlington, Iowa; which was laid on the table.

He also, from the same committee, reported a bill (H. R. 8718) for the erection of a public building at Burlington, Iowa; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ANACOSTIA AND POTOMAC RIVER RAILROAD.

Mr. COMPTON, from the Committee on the District of Columbia, reported back the bill (H. R. 8385) to amend the act giving approval of Congress to the road and termini of the Anacostia and Potomac River Railroad in the District of Columbia; which was laid on the table.

He also, from the same committee, reported a bill (H. R. 8719) amending the act giving the approval of Congress to the road and termini of the Anacostia and Potomac River Railroad in the District of Columbia; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

B. S. VAN BUREN.

Mr. LANE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 3568) for the relief of B. S. Van Buren; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JULIA WELCH.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 8291) granting a pension to Julia Welch; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES RITCHEY.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 5123) for increase of pension to Charles Ritchey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH JONES.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4182) granting a pension to Elizabeth Jones; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HARRIET I. PEABODY.

Mr. LANE also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 3509) granting a pension to Harriet I. Peabody; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES M. WILLBUR.

Mr. TIMOTHY J. CAMPBELL, from the Committee on Claims, reported back favorably the bill (H. R. 4545) authorizing the Secretary of the Treasury to state and settle the account of James M. Willbur with the United States and to pay said Willbur such sum of money as may be found due him thereon; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. F. BAILEY & CO. AND OTHERS.

Mr. TIMOTHY J. CAMPBELL also, from the Committee on Claims, reported back a bill (H. R. 6337) referring the claim of J. F. Bailey & Co. and others to the Court of Claims; which was laid on the table.

He also, from the same committee, reported a bill (H. R. 8720) for the relief of J. F. Bailey & Co. and others; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY CALVERT TRUXTUN.

Mr. BLISS, from the Committee on Pensions, reported back favorably the bill (H. R. 7932) granting a pension to Mary Calvert Truxtun; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. F. SELINA BUCHANAN.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (S. 1985) granting an increase of pension to Mrs. F. Selina Buchanan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANDREW FRANKLIN, ALIAS M'KEE.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (S. 626) granting an increase of pension to Andrew Franklin, alias McKee; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM R. BLAKESLEE.

Mr. FORD, from the Committee on Military Affairs, reported back favorably the bill (H. R. 550) for the relief of William Blakeslee; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SOUTHERN ILLINOIS NORMAL UNIVERSITY.

Mr. FORD also, from the Committee on Military Affairs, reported back favorably the bill (H. R. 7452) for the relief of the Southern Illinois Normal University; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN B. READ.

Mr. FORD also, from the Committee on Military Affairs, reported back favorably the joint resolution (S. R. 5) in relation to the claim made by John B. Read against the United States for the alleged use of projectiles for rifled ordnance claimed as the invention of said Read, and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department in 1856, for which no compensation has been made; also, in relation to the claim of William E. Woodbridge, based upon the alleged plea of priority in this line of invention: which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. FORD also, from the Committee on Military Affairs, reported back the joint resolution (H. Res. 4) of the same title, with the recommendation that it do lie on the table.

GEORGE P. STONE.

Mr. HUNTER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6453) granting a pension to George P. Stone; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LINNÆUS W. RISLEY.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 1074) granting a pension to Linnæus W. Risley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGIA A. STRICKLETT.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7715) for the relief of Georgia A. Stricklett; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM O. DOYEL.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 7476) granting a pension to William O. Doyel; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BREVET RANK.

Mr. CUTCHEON, from the Committee on Military Affairs, reported back favorably the bill (H. R. 1561) to authorize the President to confer brevet rank on officers of the Army for gallant services in Indian campaigns; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. CUTCHEON also, from the Committee on Military Affairs, reported back adversely bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 4611) authorizing the President, by and with the advice of the Senate, to confer commissions by brevet in certain cases; and

A bill (H. R. 4734) for the relief of Walter F. Halleck.

LAURA L. WALLEN.

Mr. RUSSELL, of Massachusetts, from the Committee on Pensions, reported back favorably the bill (H. R. 5593) granting a pension to Laura L. Wallen; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, reported back with an adverse recommendation the bill (H. R. 7752) providing for the construction of public buildings and appropriations therefor; which was laid on the table, and the accompanying report ordered to be printed.

PUBLIC BUILDING AT CHARLOTTE, N. C.

Mr. DIBBLE also, from the Committee on Public Buildings and Grounds, reported as a substitute for the bill H. R. 5669 a bill (H. R. 8721) to provide for the erection of a public building at Charlotte, N. C.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The bill H. R. 5669 was laid on the table.

MOSES L. CHASE.

Mr. GALLINGER, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 7471) granting a pension to Moses L. Chase; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES W. SANBORN.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 362) to increase the pension of Charles W. Sanborn; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZA TREFREN.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 4098) granting a pension to Eliza Trefren; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back with an adverse recommendation the bill (H. R. 4105) granting a pension to Margie D. Garvin; which was laid on the table, and the accompanying report ordered to be printed.

MARINE HOSPITAL AT VINEYARD HAVEN.

Mr. DAVIS, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. 8042) to purchase land for the marine hospital at Vineyard Haven, Mass.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT RICHMOND, IND.

Mr. NEAL, from the Committee on Public Buildings and Grounds, reported back with amendments the bill (H. R. 7039) for the purchase of suitable grounds in the city of Richmond, in the State of Indiana, and the erection thereon of a public building for the post-office, United States collector's office, United States commissioner's office, and for the use of other United States officers in said city, and appropriating money for said purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the amendments and accompanying report, ordered to be printed.

RAPHAEL FOWLER.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 8217) granting a pension to Raphael Fowler; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NANCY VAN DYNE.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 7094) granting a pension to Nancy Van Dyne; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

EVELINE M. ALEXANDER.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 4578) granting a pension to Eveline M. Alexander, widow of Bvt. Brig. Gen. Andrew J. Alexander; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES SMITH.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 5249) to increase the pension of Charles Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

ELIZA ANN SHAVER.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 891) granting a pension to Eliza Ann Shaver; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

EDMUND RYAN.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 7097) granting a pension to Edmund Ryan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EMELINE C. YOUNG.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 6949) granting a pension to Emeline C. Young; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

JESSIE M. BARTHAUER.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported a bill (H. R. 8722) granting a pension to Jessie M. Barthauer; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE W. PEAVEY.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 1478) granting a pension to George W. Peavey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES LUCAS.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 1096) granting a pension to James Lucas; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BASILE CHAMPAGNE.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 801) for the relief of Basile Champagne; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

AMASTASIA WALTER.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 816) granting a pension to Amastasia Walter; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HARLOW B. HYDE.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 1477) granting a pen-

sion to Harlow B. Hyde; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DAVID A. SERVIS.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 820) granting a pension to David A. Servis; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MELVINA GREENWOOD.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 805) granting a pension to Melvina Greenwood; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY GAMMELL.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 1298) granting a pension to Mary Gammell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EMMA VON BERNEWITZ.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 1717) granting a pension to Emma Von Bernewitz; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (S. 806) granting a pension to William Healy; and

A bill (H. R. 8010) granting a pension to Michael Eller.

MRS. LEPHA A. OSBORN.

Mr. THOMPSON, of Ohio, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 5966) granting a pension to Mrs. Lepha A. Osborn; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

COLUMBUS BOSTEDER.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 432) granting a pension to Columbus Bosteder; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES M'CAFFREY.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 215) granting a pension to James McCaffrey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HOWARD S. ABBOTT.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 3158) granting an increase of pension to Howard S. Abbott; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES H. DARLING.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 780) granting a pension to James H. Darling; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BILLS REPORTED FROM COMMITTEE ON INVALID PENSIONS.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported a resolution fixing May 2 and 3 for the consideration of bills reported from the Committee on Invalid Pensions; which was referred to the House Calendar, and ordered to be printed.

CORDELIA R. JONES.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 1300) granting a pension to Cordelia R. Jones; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. GEAR, from the Committee on Military Affairs, reported back adversely the bill (H. R. 2322) for the relief of Lewis C. Dils; which was laid on the table, and the accompanying report ordered to be printed.

MARY A. LEE.

Mr. CAREY, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 6285) for the relief of Mary A. Lee; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM TABB.

Mr. THOMAS, of Wisconsin, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 6425) for the relief of William Tabb; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. L. BRASSFIELD.

Mr. BROWER, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 7865) for the relief of J. L. Brassfield; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES BALLARD.

Mr. BROWER also, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 6782) for the relief of James Ballard; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANDREW MUCKLIN.

Mr. PIDCOCK, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 5332) granting a pension to Andrew Mucklin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY MINOR HOXEY.

Mr. YODER, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 600) increasing the pension of Mary Minor Hoxey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM SACKMAN, SR.

Mr. WALKER, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 465) granting a pension to William Sackman, sr.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL E. WYMAN.

Mr. FRENCH, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 2478) for the relief of Samuel E. Wyman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARTHA LINTON.

Mr. FRENCH also, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 7721) granting a pension to Martha Linton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS M'GUIRE.

Mr. FRENCH also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 7829) granting a pension to Thomas McGuire; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, TALLAHASSEE, FLA.

Mr. BANKHEAD, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (H. R. 1270) making appropriation for the erection of a public building at Tallahassee, Fla.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ELIZA SHREEVE.

Mr. LYNCH, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 3735) granting a pension to Eliza Shreeve; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES JACKSON PURMAN.

Mr. LYNCH also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 656) granting an increase of pension to James Jackson Purman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HIRAM M. GOSS.

Mr. CHIPMAN, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6840) for the relief of Hiram M. Goss; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PETER C. CHEEKS.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7693) granting an increase of pension to Peter C. Cheeks; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY MONTI.

Mr. HENDERSON, of North Carolina, from the Committee on Pensions, reported back with amendment the bill (H. R. 2529) granting a pension to Mary Monti; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE AT WABASHA, MINN.

Mr. WILSON, of Minnesota, from the Committee on Commerce, reported back with amendment the bill (H. R. 7749) to authorize the building of a bridge across the Mississippi River at Wabasha, Minn.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LIFE-SAVING SERVICE.

Mr. TARSNEY, from the Committee on Commerce, reported back as a substitute for House bill 7774, a bill (H. R. 8723) to amend and re-enact section 5 of an act entitled "An act to promote the efficiency of the Life-Saving Service, and to encourage the saving of life from shipwreck," approved May 4, 1882; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill 7774 was, by unanimous consent, laid on the table.

ALIEN LABOR.

Mr. TARSNEY, from the Committee on Labor, reported back as a substitute for House bill 5643 a bill (H. R. 8724) to prevent the employment of alien labor upon public buildings or other public works and in the various Departments of the Government; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill 5643 was, by unanimous consent, laid on the table.

POSTAL TELEGRAPH SYSTEM.

Mr. CLARDY, in pursuance of leave heretofore granted, submitted in writing the views of a minority of the Committee on Commerce upon the bill (H. R. 3404) to amend an act entitled "An act to regulate interstate commerce," approved February 4, 1887; which were ordered to be printed.

Mr. CLARDY. I ask unanimous consent that the views of the minority be printed in the RECORD.

There being no objection, leave was granted.

Mr. RAYNER. I ask unanimous consent that the report of the majority of the Committee on Commerce upon the same bill be also printed in the RECORD.

There being no objection, leave was granted.

The report of the Committee on Commerce (by Mr. RAYNER) is as follows:

The Committee on Commerce, to whom was referred House bill 3404, respectfully report the following amendments to said bill; that is to say:

Amend the title by substituting in lieu thereof as follows: "A bill to provide for the establishment of a postal telegraph system."

Strike out all after the enacting clause and insert the bill which is hereunto annexed.

These amendments substantially provide for a postal telegraph system, to be constructed and carried on by the Government as a part of its postal service, and the committee respectfully give the following reasons that have influenced them in adopting this measure in place of the one before them:

1. The bill does not, in the opinion of the committee, satisfy public requirements in connection with the present condition of the telegraphic business of the country. Public necessity and public convenience require some measure more practical and much stronger that the one under consideration. The fixing of maximum rates and the prohibition upon discriminations, while good enough in themselves, will not accomplish what the people of this country have now a right under existing circumstances to ask and demand of the Government in this connection. The great question that underlies the discussion of this measure is whether we are not in the hands of a monopoly that not only has the right to fix its charges arbitrarily, but can crush competition whenever it encounters it, and can centralize within itself a tremendous power that can be used to oppress the people and to promote the purposes of those who control it. To-day there is virtually but one telegraph company in this country, with hundreds of thousands of miles of line and with thousands of employés and telegraph offices.

The history of this organization has been a most phenomenal one; commencing with a small capital, it has by purchase, lease, and traffic contract submerged substantially every competing line in existence, until to-day sixty millions of people are utterly and absolutely dependent upon it for the means of telegraphic facilities, now one of the necessities of civilization. Monopoly after monopoly is gradually growing up in this country, while legislatures are sitting by with folded hands until the danger-signal will be passed and it will be too late to avoid the wreck and ruin that will be the inevitable sequel of this condition of affairs; but of all these monopolies, it is respectfully submitted that the telegraph system of this country, substantially owned and controlled by one man, is the worst and most dangerous of them all. In fact, you can look over the whole map of civilization, and in no country, monarchy or republic, will you find a parallel to this anomalous condition that confronts us.

Now it has been said time and again by the president of the Western Union Telegraph Company, arguing against the necessity of governmental interference, that their system is not only the best but the cheapest in existence. As far as its being the best system is concerned, no one that has had any experience with it could truthfully assert that it could not be improved upon, both in the accuracy of transmission and the promptness of delivery. The assertion that it is the cheapest in existence the undersigned are prepared to show is incorrect. We are prepared by a comparison with European systems to satisfy Congress that, making all due allowance for distances, the average rate for telegraphing in this country is higher than it is in Great Britain and in most of the countries of continental Europe. There can be no equivocation about this, because the tables will be presented at the proper time, and the comparison will show the correctness of the statement we now make.

But be this as it may, and admitting for the sake of argument that the charges are not only reasonable but that the working of this system is efficient in the highest degree, the committee are still of the opinion that the time has arrived when it is no longer safe or expedient to intrust into the hands of one overpowering monopoly the telegraphic business of this country. It is a power that not only can be used, but has been perverted for purposes hostile to the best interests of the people.

The market of the country, its finances, and its commercial interests to so large an extent depend upon the honest and honorable administration of the management of the business of this company that the people are not in a mood to repose a trust of this character any longer without competition in the hands of a stock-jobbing corporation, whose managers, in the nature of things, have not the slightest interest for the public good, but are alone concerned in the aggrandizement of their own fortunes. A dozen telegraph companies have been born and have died an artificial death since this corporation came into existence. A number of them, it is true, started upon a dishonest basis, but all of them have been absorbed, until to-day the Western Union Telegraph Company represents an inflated capital, one-half of which would certainly be sufficient to place into full operation a system as effective in every particular as theirs. These are all matters of public notoriety, in reference to which the president and the experts of the Western Union Telegraph Company have over and over again made their statements before investigating committees of Congress. These statements are published, and from them let us now for a moment ascertain what ground they take in opposition to the Government constructing and operating a system of its own.

1. It is claimed that Congress has no power under the Constitution to pass such a measure. There is so little in this objection that it is hardly worth consideration. Every lawyer that is acquainted with the provisions of the Constitution and with the leading decisions of the Supreme Court construing it knows that this proposition has passed into history, and that Congress has the clear and undoubted right, under the grant in Article I, in section 8, to establish post-offices and post-roads, and under the power to regulate commerce between the States, and under other grants and other powers of the Constitution, to establish a telegraph system as a part of its postal service.

In fact, when the argument of the distinguished counsel of the Western Union Telegraph Company, which was made some four years ago before an investigating committee of the Senate, is examined, it will be difficult to discover any objection urged by him against the constitutionality of the measure; and it is a perfectly safe proposition to assert that the power of Congress is so plain and so clear that no one at all familiar with the provisions of the Constitution would deny the right that is vested in us to pass this legislation. Every lawyer who has argued this matter has admitted it, and no one except Dr. Norvin Green has denied it, in a memorial which he has issued and kindly sent to each Representative in Congress. He has quoted no authority to sustain the point that he makes, and it may be relied upon that if there had been anything in this objection it would have been taken, not by Dr. Green, but by some one or other of the array of distinguished counsel who have from time to time represented the interest of this company.

Now, let us glance briefly at the other reasons that are advanced by him and his company in opposition to a Government system.

1. It is contended the service will not be as well performed in the hands of the Government as it is in the hands of the present company. In answer to this it is sufficient to state that experience has taught us that whenever the Government assumes an undertaking of this sort for the benefit of the people it performs it more acceptably and more efficiently than it is possible to be done by private enterprise.

2. It is contended in the second place that the Government would not be responsible in damages for errors and delays in its service. It is very easy to provide for cases of this sort, so that the Government can be made liable for its torts as well as for its violation of contracts, and wherever in the prosecution of the telegraphic business damages arise by reason of the failure of the Government to carry out its contracts with those who use the telegraph, it is submitted that the statute now in force gives the Court of Claims jurisdiction, and that Congress would have the right under the law to refer this class of cases to the Court of Claims.

It might be well in this connection to observe that the reports of the different State tribunals will show that the Western Union Telegraph Company has availed itself of every trivial technicality and quibble of the law to evade its responsibilities for the damages that have frequently been sustained by those who have dealt with it.

3. It is insisted that the Government will engage in a losing business if this measure is adopted, which will result in increased taxation, and the experience of the Government of Great Britain is cited in support of this position.

In answer to this we desire to state that the purchase of the telegraphs by the English Government cost £10,880,571, and that this is the principal reason why the department does not receive a revenue upon its outlay. The system here will not cost the Government anything like such an amount. It will have no competitors to buy up; it will not be compelled, like the Western Union, to issue any watered stock, and it will be able to place into service a system answering all the needs of the public for a sum vastly below that which is represented by the Western Union Telegraph Company.

But let us look at this objection in another light. If the Western Union Telegraph Company can pay a dividend upon an inflated capital of over $80,000,000, how is it that the Government will not be able to pay expenses and interest upon a capital not over one-third of this amount, especially if you take into consideration the fact that the Western Union Telegraph Company has been able to pay a dividend in the face of the competition that has constantly embarrassed it, and that, according to the statement of the president of the company, made before a committee of the Senate, the Government will virtually have no opposition from the time that the system is put into operation?

From the figures that have been given the committee are of the opinion that, at the rates mentioned in this bill, the Government will be able to carry on this department in such a manner that its revenues will largely exceed its expenditures if the business of the Western Union can be taken as a basis from which inferences can be drawn and deductions made, and especially if we can take the statement of the president of the company as correct, that the result of the Government's undertaking this business will be to force competition out of the field.

This brings us to another consideration, and that is in reference to the suggestion that has been made that if the Government must adopt a telegraph system it ought, in the exercise of good faith, to acquire and purchase existing lines and properties.

Let us look at this for a moment. Is there any obligation devolving upon the Government to purchase the Western Union Telegraph Company at Wall street figures? Is there any obligation resting upon the Government, in the exercise of the highest degree of good faith, to buy out a company that has inflated and watered its stock beyond all proportion to the value of the properties that it has bankrupted and absorbed? In 1858 it commenced with a capital of about $400,000,

Then as one competing company after another arose, without the slightest regard to vested rights, it crushed them all, until to-day it holds within its embrace the franchises of the United States Telegraph Company, the American Telegraph Company, the American Union Telegraph Company, the Southern Telegraph Company, the Northwestern Telegraph Company, the Atlantic and Pacific Telegraph Company, the Mutual Union Telegraph Company, the Bankers and Merchants' Telegraph Company, the Baltimore and Ohio Telegraph Company, besides a number of others.

In the case of the Pacific Telegraph Company, over $1,000,000 was paid for imaginary wires and lines that were never laid or built. In the case of the United States Telegraph Company, over $7,000,000 was paid for property that did not have an actual value of over one-fifth of that amount. In the case of the American Telegraph Company, eight millions of bonus in Western Union stock was paid over and above an inflated capital of $3,000,000 of the stock of that company. In the case of the American Union Telegraph Company, fifteen millions were paid in stock for franchises and property that were not worth over $3,000,000; and in the case of the Atlantic and Pacific Telegraph Company, $8,000,000 worth of stock again was issued for property that could not be properly estimated over the sum of $3,000,000.

Is it not the height of assurance to say to a great Government like this that you shall not now and shall never undertake the business of telegraphing as a branch and adjunct of the postal service unless you first step in and buy us out at the fictitious figures that we have placed upon our enterprise, although it is admitted that you can duplicate the same enterprise at a figure incomparably less than that which we are to receive?

There is only one other point that has been referred to by the president of the company in his memorial that it is proper now to take note of, and that is the following statement. Says he:

"No one person and no one family own or ever have owned anything approximating a controlling interest in the capital stock of the company, or of its bonded obligations."

Why does he not frankly come out and state that one individual virtually owns and controls the Western Union Telegraph Company, and if this should not be true, why does he not state the amount of stock that this individual does own or control, and if it be but a very small proportion thereof, why does he not relieve the public mind of the suspicion and false impression under which it has been laboring for some time that about $40,000,000 of the stock of this company is in a single hand. If this is not so, why not state it and give what is so? And until that is done we are quite sure that the public will continue to believe that the Western Union Telegraph Company, with all its immense franchises, is virtually in the grasp of one individual, who can run its stock up or down to suit his fancy; who shapes its destinies, and who has never had the slightest regard for public interests, private contracts, or vested rights, when they interfered with him in his march to aggrandizement and to power. Of all the corporations in this country it is respectfully submitted that it is the last one that ought through its officers to talk about vested rights, when it has never hesitated to destroy and annihilate them in every instance that it has met with competition or encountered opposition.

For these reasons, and for many other reasons which the committee will give at the proper time, when this measure comes before the House, we therefore hold—

1. That the time has arrived when the Government should construct and operate a postal-telegraph system as a branch of its postal service.
2. That the service will undoubtedly be self-supporting.
3. That the Government has the right to build and operate telegraph lines under the jurisdiction of its Post-Office Department.
4. That public opinion will not permit, and good faith and justice do not require, the purchase by the Government of the property and franchises of the Western Union Telegraph Company.
5. That the bill that is herewith incorporated is substantially as good a measure as can be framed for the purpose of inaugurating a telegraph system and placing it into operation as a branch of the Post-Office Department and under the jurisdiction of its Postmaster-General.

The views of the minority of the Committee on Commerce upon the bill (H. R. 3404) to amend an act entitled "An act to regulate interstate commerce" are as follows:

VIEWS OF THE MINORITY ON H. R. 3404.

We find ourselves unable to agree with the majority of the committee in their views regarding H. R. 3404, and beg, therefore, to dissent therefrom.

In the bill reported by the majority of your committee we recognize the methods adopted by European peoples in dealing with the interest under consideration, and while we have no reflections to offer upon their wisdom in that regard, we can not refrain from expressing the opinion that it is of doubtful utility to import the methods of more or less centralized governments into the political system of a free people.

In our opinion the Government can not safely descend into the arena of private business. Its purpose and, as we believe, its only proper function is to discover and enforce the principles of justice. To assume that it is not able to do this except by supplying competition for every monopoly that may exist or that may be brought into existence is to announce that it ought to abdicate its prerogatives and to shirk its duty. The Government does not owe to the citizen cheap telegraph or cheap telephone or any other cheap service; but the Government does owe to him protection against extortion, protection against unjust and exorbitant charges for services that these common carriers or transmitters of intelligence may be called upon to render. As common carriers they are compelled under the law of the land to render the services demanded by the citizen, not at their own pleasure, but at his pleasure. For this service they are entitled to receive just and reasonable compensation, not whatever they may see fit to charge, but what is just and reasonable.

The sum of the evils complained of does not exist so much in the law which defines the reciprocal duties and obligations of the common carrier and citizen as in the instrumentalities that enforce such laws; in other words, not so much in the rule of justice as in the difficulty of applying the rule.

Convinced of this, the minority of your committee submit the following substitute, which aims to protect the citizen, first, against excessive and unjust charges for services received; secondly, against discrimination as to the facilities furnished; thirdly, against discriminations as to the charges made for such facilities; so that if the act proves effective it will place the citizen on an equality with the common carrier.

To accomplish this result the bill declares a violation of certain of its provisions a crime, and provides penalties such as in our opinion will enforce obedience. In addition to this it submits the entire business transactions between telegraph companies and the citizen to publicity, and confers authority upon the Interstate Commerce Commission not only to enforce this publicity, but also to investigate any alleged violation of any of the provisions of the act; and it gives to the result of such investigation the dignity of a *prima facie* case in any legal proceeding hereafter instituted. It also arms the commission for the performance of this duty with the powers of the judiciary, and finally places at its disposal, in any compulsory proceeding that may be instituted, the services of the law officers of the Government, providing, among other things, that in all civil cases where the plaintiff recovers he shall have judgment covering his reasonable attorney's fees in that behalf expended.

For the reasons before assigned we believe that the passage of the substitute here reported will more effectually secure the rights of the citizens than the bill presented by the committee.

MARTIN L. CLARDY.
CHARLES F. CRISP.

A bill to regulate commerce carried on by telegraph.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the term "telegraph company," as used in this act, shall include any person or persons, or corporation or corporations engaged in the business of transmitting, for hire, by telegraph, messages from one State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or to the District of Columbia, or from any place in the United States to any foreign country, or from any place in the United States, through a foreign country, to any other place in the United States; but shall not include, nor shall the provisions of this act apply to, such transmission of messages from a point in a State to another point in the same State, over wires entirely within such State.

SEC. 2. That all charges made for such telegraph service, in the receiving, transmission, and delivery of messages, shall be reasonable and just, and every unreasonable charge for any such service is prohibited, and declared to be unlawful.

SEC. 3. That it shall be unlawful for any telegraph company, subject to the provisions of this act, to give any unreasonable preference or advantage to any particular person, company, firm, corporation, or locality or class of business, in any respect whatever, or to subject any particular person, company, firm, corporation, locality, or class of business to any unreasonable discrimination or disadvantage, in any respect whatsoever, or to charge any more for a shorter than for a longer distance over the same line, in the same direction. Every such telegraph company shall afford reasonably equal facilities for the receiving, forwarding, transmitting, and delivering of messages to and from their several lines, and those connecting therewith, and shall not discriminate in their rates and charges between such connecting lines. All dispatches shall be transmitted in the order of time in which received at the respective offices, and shall be sent for delivery from the office of delivery in the order of time in which received at such office, except that messages to and from officers of the Government of the United States, and of the several States, on official business, and the messages of train dispatchers on telegraph lines used by railroads, which may, when necessary, be allowed precedence over other messages.

SEC. 4. That it shall be unlawful for any such telegraph company to enter into any contract, agreement, or combination with any competing telegraph company or companies to divide between them the aggregate or net proceeds of the earnings of such companies upon their respective lines, or any portions thereof.

SEC. 5. That it shall be unlawful for any such telegraph company, directly or indirectly, by any special rate, rebate, drawback, or other device or contrivance, to charge, demand, collect, or receive from any person or persons, corporation or corporations, a greater or less compensation for any service rendered, or to be rendered, in the transmission of messages, subject to the provisions of this act, than it charges, demands, collects, or receives from any other person or persons, corporation or corporations, for doing for him or them a like and contemporaneous service; but nothing in this act shall be construed as prohibiting any such telegraph company from receiving, transmitting, and delivering messages for the press, intended for publication as news, at lower rates than are at the same time charged for social, business, and other messages, but that they shall not discriminate between the publishers of newspapers by allowing terms or advantages to one or more newspapers which are not allowed to other newspapers in any city, town, or place where there is, or may be, a telegraph office from which such messages may be dropped: *Provided*, That nothing herein contained shall be construed to prohibit any such telegraph company from charging for night less than for day messages.

SEC. 6. That every such telegraph company shall publish its rates to such extent and in such manner as shall be prescribed from time to time by the commission hereinafter named, and shall file with said commission an accurate schedule, verified by the president or secretary, showing its rate of charges for the transmission and delivery of messages, subject to the provisions of this act, and shall, ten days before the taking effect thereof, notify the said commission of proposed changes in said schedules of rates, giving to said commission the reason for such changes. If any such telegraph company shall neglect or refuse to file its schedule of rates with the said commission, or to give notice of changes therein as aforesaid, or to publish its schedules of rates as required by said commission, such telegraph company shall, in addition to other penalties herein prescribed, be subject to a writ of mandamus, to be issued by any circuit court of the United States in the judicial district wherein the principal office of such telegraph company is situated, or wherein such offense may be committed, and if such telegraph company be a foreign corporation in the judicial circuit wherein such telegraph company accepts and transmits messages, and has agents and operators to perform such service, to compel compliance with the provisions of this section, and such writ shall issue in the name of the people of the United States, at the relation of said commission, or a person to be designated by it, and failure to comply with its requirements shall be punishable as and for a contempt.

SEC. 7. That in case any telegraph company, subject to the provisions of this act, shall do, cause to be done, or permit to be done any act, matter, or thing in this act prohibited or declared to be unlawful, or shall omit to do any act, matter, or thing in this act required to be done, such telegraph company shall be liable, to the person or persons injured thereby, for the full amount of damages sustained in consequence of any such violation of the provisions of this act, together with a reasonable counsel or attorney's fees, to be fixed by the court, in every case of recovery, which attorney's fee shall be taxed and collected as part of the costs in the case.

SEC. 8. That any person or persons, company, corporation, or corporations, claiming to be damaged by any such telegraph company as aforesaid, may either make complaint to the commission, as hereinafter provided, or may bring suit, in his, its, or their behalf, for the recovery of damages, for which such telegraph company may be liable under the provisions of this act, in any district or circuit court of the United States of competent jurisdiction; that such person or persons, corporation or corporations, shall not have the right to pursue both of said remedies, but must in each case elect which one of the two modes herein provided for it or they will adopt it. In any such action brought for the recovery of damages, the court before which the same may be pending may compel any director, officer, receiver, trustee, or agent of such telegraph company, defendant in such suit, to attend, appear, and testify in such case, and may compel the production of books and papers of such telegraph company, party to any such suit; the claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying, but such evidence or testimony shall not be used against such person in any criminal proceedings: *Provided, however*, That no such witness shall be compelled to produce or testify to the contents of any telegram received or transmitted by such company unless the same shall have been sent by or to the plaintiff or plaintiffs in such action.

SEC. 9. That any such telegraph company, subject to the provisions of this act, or, whenever such telegraph company is a corporation, any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation, who, alone or with any other corporation, company, per-

son, or party, shall willfully do or cause to be done, or shall willingly suffer or permit to be done, any act, matter, or thing in this act prohibited or declared to be unlawful, or who shall aid or abet therein, or shall willfully omit or fail to do any act, matter, or thing in this act required to be done, or shall cause or willingly suffer or permit any act, matter, or thing so directed or required by this act to be done not to be so done, or shall aid or abet any such omission or failure, or shall be guilty of any infraction of this act, or shall aid or abet therein, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any district court of the United States within the jurisdiction of which such offense was committed, be subject to a fine of not to exceed $5,000 for each offense.

SEC. 10. That the Interstate Commerce Commission, created by an act to regulate commerce, approved February 4, 1887, shall have jurisdiction over telegraph companies and the business transacted thereby, subject to the provisions of this act, and shall be charged with the duty of enforcing the provisions hereof.

SEC. 11. That the said commission shall have authority to inquire into the management of the business of such telegraph companies, and shall keep itself informed as to the manner and method in which the same is conducted, and shall have the right to obtain from such companies full and complete information necessary to enable the commission to perform the duties by this act imposed upon it; and for the purposes thereof the commission shall have power to require the attendance and testimony of witnesses, and the production of all books, papers, tariffs, contracts, agreements, and documents relating to any matter under investigation, and to that end may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses, and the production of books, papers, and documents under the provisions of this section, except that no such telegraph company or witness shall be bound to disclose the contents of any telegraph message received and transmitted by it for hire from and to any person not parties to some proceeding under investigation by such commission; and such commission shall have the same jurisdiction and power over telegraph companies, in so far as may be necessary to the execution of this act, as it has over common carriers by virtue of the provisions of the act entitled "An act to regulate commerce," approved February 4, 1887. And any of the circuit courts of the United States within the jurisdiction in which such inquiry is prosecuted may, in case of contumacy or refusal to obey a subpœna lawfully issued to any such company or to any person, issue an order requiring such company or other person to appear before said commission (and produce books and papers, if so ordered) and give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. The claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying; but such evidence or testimony shall not be used against such person in any criminal proceeding.

SEC. 12. That any person, firm, association, corporation, or any mercantile, agricultural, manufacturing, or other society, or any body politic or municipal organization, complaining of anything done or omitted to be done by any such telegraph company in contravention of the provisions of this act, may apply to said commission, by petition, which shall briefly state the facts; whereupon a statement of the charges thus made shall be forwarded by the commission to such company, which shall be called upon to satisfy the complaint, or to answer the same in writing within a reasonable time, to be specified by the commission. If any such company, within the time specified, shall make reparation for the injury alleged to have been done, such company shall be relieved of liability to the complainant only for the particular violation of the law thus complained of. If such company shall not satisfy the complaint within the time specified, or there shall appear to be any reasonable ground for investigating said complaint, it shall be the duty of the commission to investigate the matters complained of, in such manner and by such means as it shall deem proper. Whenever an investigation shall be made by said commission, it shall be its duty to make a report in writing in respect thereof, which shall include the findings of fact upon which the conclusions of the commission are based, together with its recommendations as to what reparation, if any, should be made by such telegraph company to any party or parties who may be found to have been injured; and such findings so made shall thereafter, in all judicial proceedings, be deemed *prima facie* evidence as to each and every fact found. All reports of investigations made by the commission shall be entered of record, and a copy thereof shall be furnished to the party who may have complained, and to any telegraph company that may have been complained of.

SEC. 13. That in any case in which an investigation shall be made by said commission it shall be made to appear to the satisfaction of the commission, either by the testimony of witnesses or other evidence, that anything has been done or omitted to be done in violation of the provisions of this act, by any such telegraph company, or that any injury or damage has been sustained by the party or parties complaining, or by other parties aggrieved in consequence of any such violation, it shall be the duty of the commission to forthwith cause a copy of its report in respect thereto to be delivered to such telegraph company, together with a notice to said company to cease and desist from such violation, or to make reparation for the injury so found to have been done, or both, within a reasonable time, to be specified by the commission; and if, within the time specified, it shall be made to appear to the commission that such company has ceased from such violation of law, and has made reparation for the injury found to have been done, in compliance with the report and notice of the commission, or to the satisfaction of the party complaining, a statement to that effect shall be entered of record by the commission, and the said company shall thereupon be relieved from further liability or penalty for such particular violation of law.

SEC. 14. That whenever any telegraph company, as defined in and subject to the provisions of this act, shall violate or refuse or neglect to obey any lawful order or requirement of the commission in this act named, it shall be the duty of the commission, and lawful for any company or person interested in such order or requirement, to apply, in a summary way, by petition, to the circuit court of the United States sitting in equity in the judicial district in which the telegraph company complained of has its principal office, or in which the violation or disobedience of such order or requirement shall happen, alleging such violation or disobedience, as the case may be; and the said court shall have power to hear and determine the matter, on such short notice to the telegraph company complained of as the court shall deem reasonable; and such notice may be served on such telegraph company, its officers, agents, or servants, in such manner as the court shall direct; and said court shall proceed to hear and determine the matter as speedily as a court of equity, and without the formal pleadings and proceedings applicable to ordinary suits in equity, but in such manner as to do justice in the premises; and to this end such court shall have power, if it think fit, to direct and prosecute, in such mode and by such persons as it may appoint, all such inquiries as the court may think needful to enable it to form a just judgment in the matter of such petition; and on such hearing the report of said commission shall be *prima facie* evidence of the matters therein stated; and if it be made to appear to such court, on such hearing or on report of any such person or persons, that the lawful order or requirement of said commission drawn in question has been violated or disobeyed, it shall be lawful for such court to issue a writ of injunction or other proper process, mandatory or otherwise, to restrain such telegraph company from further continuing such violation or disobedience of such order or requirement of said commission, and enjoining obedience to the same; and in case of any disobedience of any such writ of injunction or other proper process, mandatory or otherwise, it shall be lawful for such courts to issue writs of attachment, or any other process of said court incident or applicable to writs of injunction or other proper process, mandatory or otherwise, against such telegraph company, and if a corporation, against one or more of the directors, officers, or agents of the same, or against any owner, lessee, trustee, receiver, or other person failing to obey such writ of injunction or other proper process, mandatory or otherwise; and said court may, if it shall think fit, make an order directing such telegraph company or other person so disobeying such writ of injunction or other proper process, mandatory or otherwise, to pay such sum of money, not exceeding for each company or person in default the sum of $500 for every day after a day to be named in the order that such company or other person shall fail to obey such injunction or other proper process, mandatory or otherwise; and such moneys shall be payable as the court shall direct, either to the party complaining or into court to abide the ultimate decision of the court, or into the Treasury; and payment thereof may, without prejudice to any other mode of recovering the same, be enforced by attachment or order in the nature of a writ of execution in like manner as if the same had been recovered by a final decree *in personam* in such court. When the subject in dispute shall be of the value of $2,000 or more, either party to such proceeding before said court may appeal to the Supreme Court of the United States, under the same regulations now provided by law in respect of security for such appeal; but such appeal shall not operate to stay or supersede the order of the court or the execution of any writ or process thereon; and such court may, in every such matter, order the payment of such costs and counsel fees as shall be deemed reasonable. Whenever any such petition shall be filed or presented by the commission it shall be the duty of the district attorney, under the direction of the Attorney-General of the United States, to prosecute the same; and the costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States. For the purposes of this act, excepting its penal provisions, the circuit courts of the United States shall be deemed to be always in session.

SEC. 15. That the commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice. A majority of the commission shall constitute a quorum for the transaction of business, but no commissioner shall participate in any hearing in which he has any pecuniary interest. Said commission may, from time to time, make or amend such general rules or orders as may be requisite for the order and regulation of proceedings before it, including forms of notices and the service thereof, which shall conform, as nearly as may be, to those in use in the courts of the United States. Any party may appear before said commission and be heard, in person or by attorney. Every vote and official act of the commission shall be entered of record, and its proceedings shall be public upon the request of either party interested. Said commission shall have an official seal, which shall be judicially noticed. Either of the members of the commission may administer oaths and affirmations.

SEC. 16. That the commission is hereby authorized to require annual reports from all telegraph companies subject to the provisions of this act, to fix the time and prescribe the manner in which such reports shall be made, and to require from such companies specific answers to all questions upon which the commission may need information. Such annual reports shall show in detail the amount of capital stock issued, the amounts paid therefor, and the manner of payment for the same; the dividends paid, the surplus fund, if any, and the number of stockholders; the funded and floating debts and the interest paid thereon; the cost and value of the companies' property, franchises, and equipment; the number of employés and the salaries paid each class; the amounts expended for improvements each year, how expended, and the character of such improvements; the earnings and receipts from each branch of business and from all sources; the operating and other expenses; the balances of profit and loss; and a complete exhibit of the financial operations of the company each year, including an annual balance-sheet. Such reports shall also contain such information in relation to rates or regulations concerning recovery, transmission and delivery messages, or agreements, arrangements, or contracts with other telegraph companies as the commission may require; and the said commission may, within its discretion, for the purpose of enabling it the better to carry out the purposes of this act, prescribe (if in the opinion of the commission it is practicable to prescribe such uniformity and methods of keeping accounts) a period of time within which all telegraph companies subject to the provisions of this act shall have, as near as may be, a uniform system of accounts, and the manner in which such accounts shall be kept.

SEC. 17. That the commission shall, on or before the 1st day of December in each year, make a report to the Secretary of the Interior, which shall be by him transmitted to Congress, and copies of which shall be distributed as are the other reports issued from the Interior Department. This report shall contain such information and data collected by the commission as may be considered of value in the determination of questions connected with the regulation of commerce or carried on by telegraph, together with such recommendations as to additional legislation relating thereto as the commission may deem necessary.

SEC. 18. That this act shall take effect and be in force from the 1st day of September, A. D. 1888.

VIEWS OF THOMAS WILSON.

In my opinion the ownership of nearly all the lines of telegraph in the country by one corporation should not be tolerated without such governmental supervision and control as will secure efficient service at reasonable rates, without discrimination in favor of or against any person or class of persons or places. And if it were made to appear to me that nothing short of Government ownership can secure these en s, then I would favor such ownership. But your committee has had no evidence presented to it which justifies the belief that Government ownership would secure to the people either better or cheaper services than may be had by private ownership under efficient governmental supervision.

On the contrary, after a somewhat careful consideration of the subject, I am led to the conclusion that the expense of the service would in all probability be greatly increased. But the consideration which, as much as any other, has influenced me to come to the conclusion at which I have arrived is the impolicy and danger of an unnecessary expansion of the patronage and power of the Government. Such expansion is generally dangerous, and, unless necessary to guard the rights of the people, opposed to the principles that lie at the foundation of good government. I believe that what can be as well done by private enterprise should not be undertaken by the Government. I therefore favor the substitute recommended by the minority of the committee, which I believe, if passed, will more effectually secure the rights of the citizens than the bill presented by the majority of the committee.

THOMAS WILSON,
Member of Committee on Commerce.

The undersigned agrees with the minority in recommending the passage of the substitute bill proposed by them. He does not feel called upon, however, to express an opinion respecting the merits of the bill reported by the majority. The subject embraced in that bill was not referred to the committee in any form or manner by the House, and in the opinion of the undersigned it was not the duty of the committee nor within its province to take any action thereon.

R. T. DAVIS.

W. S. CARPENTER.

Mr. McCULLOGH, from the Committee on Claims, reported back favorably the bill (H. R. 2088) for the relief of W. S. Carpenter; which

was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

C. A. WILLIAMS AND OTHERS.

Mr. McCULLOGH also, from the Committee on Claims, reported back favorably the bill (H. R. 86) for the relief of C. A. Williams and others, owners of the schooner Era; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEGAL-TENDER TREASURY NOTES.

Mr. WEAVER, by unanimous consent, introduced a bill (H. R. 8725) to provide for the issue of legal-tender Treasury notes in lieu of notes estimated to be lost and destroyed; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

ARSENAL AT COLUMBIA, TENN.

Mr. MAISH, from the Committee on Military Affairs, reported back with amendment the bill (H. R. 4365) to authorize the construction of an arsenal for the manufacture of ordnance and ordnance stores for the use of the Government of the United States at Columbia, Tenn.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SURVEY OF HISTORIC GROUNDS, ETC.

Mr. MAISH also, from the Committee on Military Affairs, reported back with amendment the bill (H. R. 1738) to provide for the survey of certain historic grounds, locations, and military works; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

NATIONAL CEMETERY NEAR NEW BERNE, N. C.

Mr. MAISH also, from the Committee on Military Affairs, reported back with amendment the bill (H. R. 4320) to authorize the construction of a graveled or macadamized road from the city of New Berne, N. C., to the national cemetery near said city; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

LACON R. TILLMAN.

Mr. SHAW, from the Committee on Claims, reported back favorably the bill (H. R. 2894) for the relief of Lacon R. Tillman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. STEELE, from the Committee on Military Affairs, reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 7911) to remove the charge of desertion against Joseph C. Pouceler;

A bill (H. R. 7925) to correct the military record of Joel Maxwell;

A bill (H. R. 7958) to remove the charge of desertion from Peter R. Eddy;

A bill (H. R. 7953) to remove the charge of desertion against Henry E. Dart;

A bill (H. R. 7967) to remove the charge of desertion against Daniel Reedy;

A bill (H. R. 7969) for the relief of F. T. Leahy;

A bill (H. R. 7990) to remove charge of desertion existing against Daniel Morris, late of Company F, Fortieth Regiment of New York State Volunteers;

A bill (H. R. 8020) for the relief of Jacob Koller;

A bill (H. R. 8130) for the relief of Joseph M. Shafer;

A bill (H. R. 8145) for the relief of Charles G. Blythe;

A bill (H. R. 8146) to remove charge of desertion from the record of Albert Stratton;

A bill (H. R. 8171) removing the charge of desertion from the military record of Thomas J. Kelley;

A bill (H. R. 8163) to remove the charge of desertion from the military record of Malcolm Sinclair;

A bill (H. R. 8177) to remove the charge of desertion from John Chase;

A bill (H. R. 8178) for the relief of Jane Armstrong;

A bill (H. R. 8212) for the relief of James B. Bryant;

A bill (H. R. 8240) to remove charge of desertion from the military record of William T. Smith, late private in Company F, Ninety-seventh Regiment Pennsylvania Volunteers, and to issue to him an honorable discharge;

A bill (H. R. 8255) for the relief of Henry Boswell;

A bill (H. R. 8158) to remove the charge of desertion against Frank Wempe;

A bill (H. R. 8295) for the relief of Isaac A. Kase; and

A bill (H. R. 8338) to remove the charge of desertion from the record of John Cartner.

CHARLES GLAMANN.

Mr. SPOONER, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 2215) granting a pension to Charles Glamann; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEWIS FICHTHORN.

Mr. SPOONER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 2174) granting a pension to Lewis Fichthorn; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING WEST POINT, VA.

Mr. WISE, by unanimous consent, introduced a bill (H. R. 8726) to provide for the erection of a public building at West Point, Va.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

AMENDMENT OF RULES.

Mr. FARQUHAR, by unanimous consent, submitted the following amendment; which was referred to the Committee on Rules:

Add to Rule XLVI the following paragraph:

"Of all bills and joint resolutions of a public character received from the Senate there shall be printed 500 copies for the use of the House, unless, for the dispatch of the business of the House, such printing may be dispensed with."

COMMITTEE ON LABOR.

The SPEAKER. There being no more reports from committees, the hour for the consideration begins at seventeen minutes to 2 o'clock, and the call rests with the Committee on Labor. The pending question is on the motion of the gentleman from Arkansas [Mr. ROGERS] to reconsider the vote by which the previous question was ordered on the following resolution:

Resolved, That Tuesday the 20th and Wednesday the 21st days of March, Wednesday, April 18th, and Wednesday, May 16th, immediately after the reading of the Journal, be set apart for the consideration of bills and resolutions reported from the Committee on Labor; and that pending the consideration of said bills and resolutions all speeches be limited to fifteen minutes.

Mr. O'NEILL, of Missouri. I move to lay the motion to reconsider on the table.

Mr. ROGERS demanded a division.

The House divided; and there were—ayes 77, noes 9.

The SPEAKER appointed as tellers Mr. ROGERS and Mr. O'NEILL, of Missouri.

Mr. O'NEILL, of Misouri, demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 224, nays 18, not voting 82; as follows:

YEAS—224.

Adams,	Dingley,	Laffoon,	Pugsley,
Allen, Mass.	Dockery,	Landes,	Rayner,
Allen, Mich.	Dorsey,	Lane,	Reed,
Anderson, Iowa	Dunn,	Lanham,	Rice,
Anderson, Miss.	Ermentrout,	Latham,	Rockwell,
Anderson, Ill.	Farquhar,	Lawler,	Romeis,
Anderson, Kans.	Felton,	Lee,	Rowell,
Arnold,	Finley,	Lehlbach,	Rowland,
Baker, N. Y.	Fisher,	Lind,	Russell, Conn.
Baker, Ill.	Fitch,	Lodge,	Russell, Mass.
Bankhead,	Flood,	Long,	Rusk,
Barry,	Foran,	Lyman,	Ryan,
Bayne,	Ford,	Lynch,	Sayers,
Belden,	Forney,	Macdonald,	Scull,
Biggs,	French,	Mansur,	Seney,
Bliss,	Fuller,	Martin,	Seymour,
Boothman,	Funston,	Mason,	Shaw,
Bound,	Gaines,	Matson,	Shively,
Bowen,	Gallinger,	McAdoo,	Simmons,
Brewer,	Gear,	McClammy,	Smith,
Brower,	Gest,	McComas,	Snyder,
Browne, T. H. B., Va.	Gibson,	McCormick,	Sowden,
Browne, Ind.	Glass,	McCullogh,	Spooner,
Brown, Ohio	Granger,	McKenna,	Steele,
Brown, J. R., Va.	Greenman,	McKinley,	Stewart, Tex.
Brumm,	Grimes,	McKinney,	Stockdale,
Bryce,	Grosvenor,	McRae,	Stone, Mo.
Buchanan,	Grout,	McShane,	Struble,
Bunnell,	Hare,	Merriman,	Symes,
Burnett,	Harmer,	Moffitt,	Tarsney,
Burrows,	Hatch,	Montgomery,	Taulbee,
Butterworth,	Haugen,	Moore,	Taylor, E. B., Ohio
Campbell, Ohio	Hayes,	Morrill,	Thomas, Ky.
Candler,	Heard,	Morrow,	Thomas, Wis.
Cannon,	Henderson, Iowa	Morse,	Tillman,
Caswell,	Henderson, N. C.	Neal,	Tracey,
Chipman,	Herbert,	Nelson,	Turner, Kans.
Clark,	Hiestand,	Newton,	Vance,
Clements,	Hires,	Norwood,	Vandever,
Cobb,	Hitt,	Nutting,	Wade,
Collins,	Holman,	O'Donnell,	Warner,
Compton,	Hooker,	O'Ferrall,	Washington,
Conger,	Hopkins, Ill.	O'Neall, Ind.	Weaver,
Cooper,	Hopkins, Va.	O'Neill, Pa.	Weber,
Cox,	Hopkins, N. Y.	O'Neill, Mo.	Wheeler,
Crain,	Hovey,	Osborne,	White, Ind.
Crouse,	Hudd,	Outhwaite,	White, N. Y.
Culberson,	Hunter,	Owen,	Whiting, Mich.
Cummings,	Hutton,	Parker,	Whiting, Mass.
Cutcheon,	Jackson,	Patton,	Whitthorne,
Dalzell,	Johnston, Ind.	Payson,	Wickham,
Darlington,	Johnston, N. C.	Perkins,	Wilkinson,
Davidson, A. C., Fla.	Kean,	Peters,	Williams,
Davis,	Kennedy,	Pidcock,	Wilson, Minn.
De Lano,	Kerr,	Plumb,	Wilson, W. Va.
Dibble,	Kilgore,	Post,	Yardley.

NAYS—18.

Abbott,	Crisp,	Mills,	Stone, Ky.
Breckinridge, Ark.	Dargan,	Oates,	Turner, Ga.
Breckinridge, Ky.	Enloe,	Randall,	Walker.
Buckalew,	Hemphill,	Richardson,	
Bynum,	McMillin,	Rogers,	

NOT VOTING—82.

Allen, Miss.	Cogswell,	Kelley,	Sherman,
Atkinson,	Cothran,	Ketcham,	Spinola,
Bacon,	Cowles,	La Follette,	Springer,
Barnes,	Davenport,	Lagan,	Stahlnecker,
Belmont,	Davidson, Ala.	Laidlaw,	Stephenson,
Bingham,	Dougherty,	Laird,	Stewart, Ga.
Blanchard,	Dunham,	Maffett,	Stewart, Vt.
Bland,	Elliott,	Mahoney,	Taylor, J. D., Ohio
Blount,	Gay,	Maish,	Thomas, Ill.
Boutelle,	Glover,	McCreary,	Thompson, Ohio
Bowden,	Goff,	Milliken,	Thompson, Cal.
Burnes,	Guenther,	Morgan,	Townshend,
Butler,	Hall,	Nichols,	West,
Campbell, F., N.Y.	Hayden,	Peel,	Wilber,
Campbell, T.J., N.Y.	Henderson, Ill.	Penington,	Wilkins,
Carlton,	Hermann,	Perry,	Wise,
Caruth,	Hogg,	Phelan,	Woodburn,
Catchings,	Holmes,	Phelps,	Yoder,
Cheadle,	Houk,	Robertson,	Yost.
Clardy,	Howard,	Sawyer,	
Cockran,	Jones,	Scott,	

So the motion to lay on the table the motion to reconsider was agreed to.

Mr. JOSEPH D. TAYLOR. Mr. Speaker, I ask to have my name recorded.

The SPEAKER. Was the gentleman in the Hall when his name was called?

Mr. JOSEPH D. TAYLOR. No, sir; not at the moment. I had been called out just prior to that.

The SPEAKER. The Chair under the rule can not entertain the request.

Mr. O'NEILL, of Missouri. I ask unanimous consent to dispense with the reading of the names.

Mr. ROGERS. I object.

Mr. O'NEILL, of Missouri. Just as I expected.

The Clerk then recapitulated the names of those voting.

The following were announced as being paired on all political questions until further notice:

Mr. TOWNSHEND with Mr. DAVENPORT.
Mr. CRAIN with Mr. LAIDLAW.
Mr. BURNES with Mr. GOFF.
Mr. HALL with Mr. WILBER.
Mr. HEARD with Mr. COGSWELL.
Mr. HOWARD with Mr. MAFFETT.
Mr. COWLES with Mr. THOMPSON, of Ohio.
Mr. MORGAN with Mr. KETCHAM.
Mr. MCCREARY with Mr. SHERMAN.
Mr. LAGAN with Mr. STEPHENSON.
Mr. GLOVER with Mr. GUENTHER.
Mr. PHELAN with Mr. BUTLER.
Mr. SPINOLA with Mr. THOMAS, of Illinois.

The following were announced as being paired on all political questions for this day:

Mr. BARNES with Mr. DUNHAM.
Mr. YODER with Mr. ALLEN, of Massachusetts.
Mr. BLOUNT with Mr. KELLEY.
Mr. HOGG with Mr. HOUK.
Mr. WILKINS with Mr. BINGHAM.
Mr. STAHLNECKER with Mr. HAYDEN.
Mr. DAVIDSON, of Alabama, with Mr. CHEADLE.
Mr. MAHONEY with Mr. BOWDEN.
Mr. CARUTH with Mr. BOUTELLE.
Mr. HENDERSON, of Illinois, with Mr. THOMPSON, of California, on this vote.

The result of the vote was then announced as above recorded.

Mr. O'NEILL, of Missouri. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. O'NEILL, of Missouri. Operating under the previous question, the resolution before the House now is the one fixing days for the consideration of measures reported from the Committee on Labor, with a limitation as to the time to be consumed in debate.

Now, the question I submit, and on which I would like to have a decision, is this: Is that motion, under the operation of the previous question, divisible?

The SPEAKER. The Chair ruled the other day, in response to a question propounded by the gentleman from Ohio [Mr. GROSVENOR], that the latter part of the resolution, which limited the time for debate, could be voted upon separately, as it was a distinct proposition.

Mr. O'NEILL, of Missouri. Would it be in order for me to state in behalf of the Committee on Labor——

Mr. ROGERS. I call for the regular order.

Mr. O'NEILL, of Missouri. I am asking a question, for information, of the Chair—a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. O'NEILL, of Missouri. Would it be in order for me to state, on behalf of the Committee on Labor, that they will not ask for the adoption of the latter half of the resolution, in regard to the limitation of time, and thereby remove the pretext these gentlemen have adopted for filibustering on this resolution.

Mr. ROGERS. Mr. Speaker——

Mr. O'NEILL, of Missouri. If so, I am willing to make that statement.

Mr. ROGERS. I call this gentleman from St. Louis to order, and I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. ROGERS. The gentleman from Missouri has no right to impugn the motives of any gentlemen upon the floor of this House by charging that they are doing anything for a mere pretext. And, by way of response to that, I have just this to say: In the first place the charge is not true. In the second place, I have this further to say, that we are now here asked by this Committee on Labor, with four bills on the Calendar exclusive of this resolution—asking for the privilege of four days.

Mr. O'NEILL, of Missouri. I rise to a point of order. The gentleman is accomplishing his purpose just as well in this way as in another; and for his information, if he wants information, I will state that there are seven bills on the Calendar. But I believe debate is not in order. I demand the regular order.

Mr. ROGERS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ROGERS. I wish to know whether it is in order for the gentleman from Missouri to charge that our objection to this mode of conducting the public business is a pretext?

The SPEAKER. The Chair understood the gentleman from Missouri to rise to a parliamentary inquiry and recognized him for that purpose. The gentleman went somewhat beyond that to make the statement he did; but it was made, and the Chair could not avoid it.

Mr. ROGERS. Then, Mr. Speaker, I am on the floor on a matter of personal privilege.

Mr. O'NEILL, of Missouri. Regular order.

Mr. ROGERS. I think I have the right to be heard on that.

The SPEAKER. The Chair thinks so; but the point of order the gentleman from Missouri makes is that the gentleman is proceeding to discuss the resolution.

Mr. ROGERS. I am not discussing the bill or resolution pending in any degree.

Mr. O'NEILL, of Missouri. This does not come out of the hour, does it?

The SPEAKER. It does.

Mr. O'NEILL, of Missouri. Oh, that will not do. [Laughter.]

The SPEAKER. This, as well as the time occupied by the gentleman from Missouri himself, comes out of the hour.

The gentleman from Arkansas will state his question of privilege.

Mr. ROGERS. When we have order I will be glad to proceed.

Now, Mr. Speaker, I may be mistaken, but so far from my engaging in a pretext here, I am endeavoring to do the country a public service. I am acting in perfect honesty, in perfect good faith, and, as I know, am influenced by a desire for the public good.

My motives for that having been questioned, I desire to state what my reasons are by way of responding to the remarks of the gentleman impugning my motives. We are here without a solitary general appropriation bill but one on the Calendar.

Mr. O'NEILL, of Missouri. I rise to a question of order. I protest against this being taken out of the hour assigned to the Committee on Labor.

The SPEAKER. The Chair does not think that the gentleman from Arkansas, in responding to any remarks which may have been made questioning his motives, has a right to discuss the merits of the resolution.

Mr. ROGERS. I am not going to discuss the merits of the resolution.

The SPEAKER. It has always been difficult for the Chair in such cases to draw the line so as to distinguish between what belongs properly to a question of personal privilege and what constitutes a discussion of the merits of a pending question.

Mr. O'NEILL, of Missouri, rose.

Mr. ROGERS. I rise to a question of order. Until I am taken off the floor I decline to be interrupted.

Mr. O'NEILL, of Missouri. Does the Chair rule that this comes out of the time of the Committee on Labor?

The SPEAKER. The time is proceeding, and only one hour is allowed under the rules of the House. The Chair rules that the gentleman from Arkansas has a right to respond to that part of the remarks of the gentleman from Missouri which questioned his motives, but that he is not entitled to go beyond that.

Mr. ROGERS. It has been charged that the obstructions I have placed in the way of the passage of the resolution are a mere "pretext;" that the question touching the division of the resolution is a mere "pretext." It is to that charge I am responding, and I am responding in good faith.

I appeal to any gentlemen on this floor whether they have ever, here

or elsewhere, found me acting under cover. I do not fight in that way. I have the courage to go on record on any proposition. I want now to go on with my remarks on this point.

Mr. TARSNEY. Will the gentleman yield to me for a moment?

Mr. ROGERS. No, sir; I yield to nobody. I will state what the reasons are why I am offering these obstructions. First, only one general appropriation bill is here. I find no fault with anybody for that. We all know the Committee on Ways and Means are maturing an important piece of legislation which has to be discussed, one which affects a hundred-fold more the interests of honest labor in this country than every conceivable proposition over which that Committee on Labor has jurisdiction.

More than that, Mr. Speaker, every important committee of this House has its important legislation to be disposed of. But here is a committee which came into this House the other day with only four bills, exclusive of this resolution on the Calendar, and asks at this stage of the proceedings to have four days exclusive of the morning hours set apart for them to call up such measures as they may designate.

Mr. MASON. I rise to a question of order. I submit that the gentleman is not speaking to a question of personal privilege.

The SPEAKER. It is impossible for the Chair to dictate what gentlemen shall say in making personal explanations or when they rise to state a question of privilege. But the Chair has ruled that the gentleman from Arkansas has a right simply to respond to that portion of the remarks of the gentleman from Missouri which questioned his motives. How the gentleman from Arkansas will do that the Chair can not determine in advance, except to say that the Chair does not think it is in order to discuss the merits of the resolution itself. The Chair does not think the gentleman can enter at large into a discussion of the merits of the resolution, because that would necessarily open the question to debate on both sides, notwithstanding the fact that the previous question has been ordered upon it.

Mr. ALLEN, of Michigan. I make the point that so long as the gentleman from Missouri did not mention the name of the gentleman from Arkansas, that gentleman has not the right to make a personal explanation.

The SPEAKER. The Chair supposes that the gentleman from Arkansas assumed that the gentleman from Missouri referred to him.

Mr. ROGERS. Mr. Speaker, you are entirely right in that proposition. And I made these motions and assume the responsibility of them in all their breadth, and as dilatory motions. And I did so in order to prevent the wasteful expenditure of time which ought to be devoted to the most important public business that can address itself to this House. They are motions which I conceive to be valuable to the House by enabling it to deal with questions that will come up for consideration of infinitely more importance than anything these gentlemen can present.

So far from being guilty of any pretext I fight without placing myself under any cover, for the public good, against the wasteful expenditure of public time and against the arrogance on the part of this committee in coming here and asking us to assign for the consideration of four little trifling bills four days of the time of this House, when all the other important business of the country has not yet been considered.

Mr. O'NEILL, of Missouri. Mr. Speaker, I claim the floor on a question of privilege. I want to inform this House that there are now reported and on the Calendar, a bill creating a department of labor; two bills providing for the protection of the honest labor of this country against convict labor; two bills to protect the citizens of this country against alien labor; a bill to protect the civilians of this country in certain places against the competition of enlisted men; a bill to extend the scope of the eight-hour law so as to embrace the letter-carriers throughout the United States, and a bill to send to the Court of Claims the claims of fourteen thousand men in this country for money owing to them by the Government. Are those seven bills small and unimportant? I tell these gentlemen, you have talked out this morning hour; you have accomplished your purpose, and you have simply been the tool—the tool—that has been used for that purpose.

Mr. ROGERS. Mr. Speaker, I rise to a question of order. I demand that the language of the gentleman be taken down.

Mr. O'NEILL, of Missouri. Mr. Speaker, I stand by what I say.

The SPEAKER. The gentleman from Arkansas [Mr. ROGERS] rises to a question of order.

Mr. ROGERS. And I ask to have the gentleman's language taken down.

Mr. O'NEILL, of Missouri. Take it down! Is it in order for me to proceed, Mr. Speaker?

The SPEAKER. It is not. The gentleman must take his seat until the words which the gentleman from Arkansas [Mr. ROGERS] asks to have taken down can be reduced to writing, and the question of order disposed of by the House.

The words in question having been transcribed from the notes of the Official Reporter—

The SPEAKER. The Clerk will read the words of the gentleman from Missouri [Mr. O'NEILL] taken down upon the demand of the gentleman from Arkansas [Mr. ROGERS].

The Clerk read as follows:

Are those seven bills small and unimportant? I tell these gentlemen, you have talked out this morning hour; you have accomplished your purpose, and you have simply been the tool—the tool—that has been used for that purpose.

The SPEAKER. The Chair will cause the rule of the House in relation to this subject to be read. The Clerk will read clauses 4 and 5 of Rule XIV.

The Clerk read as follows:

RULE XIV.

4. If any member in speaking, or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call him to order; in which case he shall immediately sit down, unless permitted, on motion of another member, to explain, and the House shall, if appealed to, decide on the case without debate; if the decision is in favor of the member called to order he shall be at liberty to proceed, but not otherwise; and, if the case require it, he shall be liable to censure, or such punishment as the House may deem proper.

5. If a member is called to order for words spoken in debate, the member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the House; but he shall not be held to answer, nor be subject to the censure of the House therefor, if further debate or business has intervened.

Mr. COX. Mr. Speaker——

The SPEAKER. It will be observed that under this rule it is for the House to decide whether the gentleman from Missouri [Mr. O'NEILL] has violated the rules of the House or not, and whether he may proceed or not, and under the rule this must be done without debate.

Mr. COX. I rose simply to make a motion under the rule. Is it in order to move that the gentleman from Missouri [Mr. O'NEILL] be allowed to proceed in order?

The SPEAKER. It is.

Mr. COX. Then I make that motion.

The SPEAKER. The gentleman from New York [Mr. COX] moves that the gentleman from Missouri [Mr. O'NEILL] be allowed to proceed in order.

The motion was agreed to. [Applause.]

The SPEAKER. The gentleman from Missouri [Mr. O'NEILL] will now proceed in order

Mr. O'NEILL, of Missouri. Now, Mr. Speaker, if I may be pardoned a moment's digression, the duties of the Committee on Labor are not only arduous, involving the time and constant attention of members, but the members of that committee are placed in a peculiar position not only towards the House but towards the country, every measure they present being subjected to the closest scrutiny, every bill they report rendering them liable to the charge of being demagogues, or of pandering to the labor element. Mr. Speaker, we have worked honestly, earnestly, and faithfully, endeavoring to compass such measures as we thought would be a benefit to the laboring classes.

We have reported these measures, and I can frankly say that most of them are the productions of members of the committee. We may not have the shining abilities of those grand, brilliant stars that appear all over this House to invent labor bills and send them to our committee for our consideration and deliberation; and, Mr. Speaker, it is a very embarrassing position, one which requires almost more calmness than I have, to stand here for two days and see our efforts simply to secure time for the consideration of our bills frittered away by men who, as leaders of the House, should be the ones to respond first to the demand of workingmen for a right to be heard. [Applause.] And if in my remarks I did digress for a moment in reference to the reasons why men did certain things, it was because on Saturday last I heard this man and that man on this side of the House suggesting to certain members that they ought to make this motion and that motion, not being willing to stand up in their seats and shoulder the responsibility themselves. [Applause.]

Mr. Speaker, I can simply say that in season and out of season, whenever and wherever an opportunity occurs for me to bring before this House the proposition of giving that committee proper time for the consideration of its measures, I will do it. [Cries of "Good!" "Good!"] Now, Mr. Speaker, I am through.

Mr. ROGERS. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. ROGERS. Mr. Speaker, the House is the keeper of its own order and dignity, and its own umpire of all questions of parliamentary decorum. I shall not emulate the gentleman from Missouri. I have too much respect for the House; and if I had none for the House, I have for myself. Mr. Speaker, when the gentleman from Missouri charges that I am the "tool" of anybody, he charges, I repeat, that which is absolutely untrue, The Speaker knows, as the House knows, and as the RECORD shows on its face, that the other day, early in the debate, I made the inquiry on my own responsibility as to whether it was proposed to discuss under the fifteen-minute rule a proposition to establish a department of the Government. Furthermore, Mr. Speaker, I have gone to these gentlemen and asked them over and over (and it has not been consented to) to strike out that provision of this resolution, upon the promise that if that were withdrawn I would not undertake to consume any more time. I have done so this morning. I made that offer to the gentleman from New York, to the gentleman from Michigan [Mr. TARSNEY]; I have made the offer repeatedly on a former day as on this day.

Mr. TARSNEY. That has been offered to you inside of the last twenty minutes on this floor.

Mr. ROGERS. That is not the fact; the gentleman from Michigan in making that statement does not know what the fact is.

Mr. O'NEILL, of Missouri. We still have time to adopt the resolution; there is no trouble about that; we have twelve minutes remaining.

Mr. ROGERS. I hope the gentleman from Missouri will be in order.

The SPEAKER. The gentleman from Arkansas is entitled to proceed without interruption.

Mr. ROGERS. Now, Mr. Speaker, we have a precedent here that I want to talk about for a moment.

Mr. BUCHANAN. Will the gentleman yield for a question before he passes from this point?

Mr. ROGERS. Yes, sir.

Mr. BUCHANAN. It is true that such a proposition as the gentleman has just referred to was intended to be offered. If it has not been offered, I will now reveal no committee secret, but will state my conviction as a member of this House that the committee will not insist upon the limitation of time.

Mr. ROGERS. Mr. Speaker, so far as I am personally concerned, if that clause of the resolution can be struck out by unanimous consent, I have no sort of objection to letting this resolution go through. I make that statement now.

Several MEMBERS. All right.

Mr. ROGERS. But first I want to put myself right on the record; I will yield before the termination of the hour arrives. In response to the gentleman from Michigan [Mr. TARSNEY], who stated a moment ago that this offer had been tendered, I wish to say he was simply mistaken. It was in the attitude of being tendered when the gentleman from Missouri impugned my motives; and following that came the question of privilege, so that the proposition has never been tendered until now, when it comes from the gentleman from New Jersey [Mr. BUCHANAN]. My friend from New York [Mr. COX], my friend from Michigan [Mr. TARSNEY], and other gentlemen, will bear witness that on the other day, as on this day, I have offered to withdraw my opposition if these propositions coming from the Committee on Labor could have reasonable time for debate.

And now, Mr. Speaker, as evidence of my good faith in this matter, I say that if the proposition just indicated is tendered, I shall not offer any further obstruction at this time; if not, then I shall insist on the motion that when the House adjourns to-day it adjourn to meet on Thursday next.

Mr. O'NEILL, of Missouri. I now call up for consideration the resolution—the first portion of it.

The SPEAKER. The resolution is already under consideration. The question is on agreeing to the substitute for the original resolution.

Mr. ROGERS. I insist that the resolution be divided, and that the first proposition be voted on separately——

Mr. O'NEILL, of Missouri. That is right.

Mr. ROGERS. With the distinct understanding that the second proposition shall not be voted on at all.

Mr. BUCHANAN. That is all right; we agree to that.

The SPEAKER. The question is now simply upon agreeing to the amendment in the form of a substitute. When the question comes up upon the adoption of the resolution as amended a separate vote can be demanded, or a separate vote can now be had by unanimous consent. [Cries of "Agreed!"] If there be no objection, that part of the proposed substitute which relates to the time to be allowed for debate will be stricken out. Is there objection? The Chair hears none.

Then the question is on agreeing to the substitute with that part omitted.

The resolution as amended was adopted.

Mr. O'NEILL, of Missouri, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. O'NEILL, of Missouri. Under the order of the House, I call up for present consideration——

The SPEAKER. This resolution cuts off the remainder of this hour.

Mr. HOLMAN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOLMAN. It is whether the unfinished business before the House, the bill in regard to homesteads, comes up in its regular order after this business has been disposed of?

The SPEAKER. Its consideration is postponed by this order and can be resumed on any day not dedicated to this business.

PROTECTION OF WAGES.

Mr. O'NEILL, of Missouri. I desire to withdraw any remarks made by me of an offensive and personal character. I do not desire to bear animosity. I am willing to forgive everybody. [Laughter.]

I call up for consideration the bill (H. R. 3405) to protect mechanics, laborers, and servants in their wages.

The bill was read, as follows:

Be it enacted, etc., That for all personal services rendered by any person acting in the capacity of mechanic, laborer, or servant in the District of Columbia and Territories of the United States, to an amount not exceeding $100, no property shall be exempt from seizure and sale under execution: *Provided*, That in order to secure the benefits of this act such mechanic, laborer, or servant shall commence their action within six months next after the last service shall have been rendered.

SEC. 2. That all acts and parts of acts inconsistent with this act are hereby repealed.

Mr. O'NEILL, of Missouri. A bill similar to this in every respect passed the last House of Representatives by unanimous consent, but failed to be reported in the Senate. The intention of this bill is to protect that class of persons who are compelled to trust their labor before demand for payment. Servants, laborers, and mechanics must first render service before they can demand their pay; and this is to prevent a party employing a servant or laborer and after using them refuse to pay them, under the exemption law. It is provided that "no property shall be exempt from seizure and sale under execution," which will have the effect to protect their wages. I do not desire to take up time unnecessarily. It only applies to the District of Columbia and the Territories.

I demand the previous question.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. O'NEILL, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIMITATION OF HOURS OF LETTER-CARRIERS.

Mr. O'NEILL, of Missouri. I call up for consideration the bill (H. R. 1645) to limit the hours that letter-carriers in cities shall be employed per day.

The bill was read, as follows:

Be it enacted, etc., That hereafter eight consecutive hours shall constitute a day's work for letter-carriers in cities or postal districts connected therewith, for which they shall receive the same pay as is now paid as for a day's work of a greater number of hours. If any letter-carrier is employed a greater number of hours per day than eight, he shall be paid extra for the same in proportion to the salary now fixed by law.

Mr. O'NEILL, of Missouri. The committee recommend in the third line to amend by striking out the word "consecutive."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. O'NEILL, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THE EIGHT-HOUR LAW.

Mr. O'NEILL, of Missouri. Mr. Speaker, I now call up for consideration the bill (H. R. 1539) providing for the adjustment of accounts of laborers, workmen, and mechanics, arising under the eight-hour law.

The bill was read at length.

Mr. CANNON. Mr. Speaker, I take it that this bill is in Committee of the Whole.

The SPEAKER. It is in Committee of the Whole House on the state of the Union.

Mr. CANNON. It ought to be considered there.

Mr. COX. I ask unanimous consent that the bill be considered in the House.

Mr. CANNON. I think this is so important a measure that there should be a full discussion in the usual way in Committee of the Whole.

Mr. COX. I will make my request for unanimous consent, then, that we have the same privilege as in Committee of the Whole, with five minutes for debate on amendments, etc. That arrangement leaves the Speaker in the chair, and facilitates, in my opinion, the consideration of the bill.

Mr. CANNON. I think it will save a great deal of time to let this go into committee.

Mr. O'NEILL, of Missouri. I yield to the gentleman from Michigan [Mr. TARSNEY].

The SPEAKER. What motion does the gentleman make?

Mr. TARSNEY. I move that the House resolve itself into Committee of the Whole for the purpose of considering this bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HATCH in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering the bill which has just been read in the House.

Mr. COX. I ask unanimous consent to omit the first formal reading of the bill, and let it be read by sections for debate and amendments.

The CHAIRMAN. The Chair will state to the gentleman from New York that the bill has already been read in the House.

Mr. COX. Then I ask that it be read by sections for debate.

The CHAIRMAN. The Chair will recognize the gentleman from Michigan [Mr. TARSNEY] in charge of the bill.

Mr. TARSNEY. Mr. Chairman, this bill, reported by the Committee on Labor, is one which affects a large number of persons who are now, and have been for some years past, in the employment of the Government of the United States. It will be remembered, sir, that in the year 1868 Congress passed a law known as the "eight-hour law," which reads upon the statute-books as follows:

Be it enacted, etc., That eight hours shall constitute a day's work for laborers, workmen, and mechanics now employed or who may be hereafter employed by or on behalf of the Government of the United States.

This will be found in the Statutes at Large, volume 15, page 77.

Time passed and this law was disregarded in many instances. Complaints came from the employés of the Government to the departmental officers and to the President of the United States, and finally, in 1869, President Grant issued a proclamation as follows, in relation to this law, in view of the fact that the law previous to that time had been disregarded:

Whereas the act of Congress approved June 25, 1868, constituted on and after that date eight hours a day's work for all laborers, workmen, and mechanics employed by or on behalf of the Government of the United States, and repealed all acts and parts of acts inconsistent therewith:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby direct that from and after this date no reduction shall be made in the wages paid by the Government by the day to such workmen, laborers, and mechanics on account of the reduction of the hours of labor.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this 19th day of May, in the year of our Lord 1869, and of the Independence of the United States the ninety-third.

U. S. GRANT.

By the President:
HAMILTON FISH,
Secretary of State.

Following, Mr. Chairman, in 1872, with a still continued disregard for the law in this particular, further proceedings were had by Congress in relation to the matter by which they allowed an extra compensation for the difference between the time when the act was passed, in 1868, and the date of the proclamation of President Grant, in 1869. That period, however, covered only a period of about ten and a half months. Therefore, Congress recognized the construction to be placed upon the law as well as the President of the United States. That law of 1872 was in the following words:

SEC. 2. That the proper accounting officers be, and are hereby, authorized and required, in the settlement of all accounts for the services of workmen, laborers, and mechanics employed by or on behalf of the Government of the United States, between the 25th day of June, 1868, the date of the act constituting eight hours a day's work for all such laborers, workmen, and mechanics, and the 19th day of May, 1869, the date of the proclamation of the President concerning such pay, to settle and pay for the same without reduction on account of the reduction of the hours of labor by said act, when it shall be made to appear that such was the sole cause of the reduction of wages, and a sufficient sum for said purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated. (See Statutes at Large, volume 17, page 134.)

Such, then, was the early construction and treatment of these acts. Subsequently, however, a change came over the spirit of the dreams of those in charge of the management of the affairs of the Government, and we find that in 1877, when Mr. Thompson was Secretary of the Navy, the following order was issued by him:

NAVY DEPARTMENT, *Washington, June 30, 1877.*

The following decision of the Supreme Court of the United States is published for the information of the Navy:

Under this construction of the law regulating public labor, given by the Supreme Court of the United States, the Department has fixed the rate of labor for mechanics, foremen, leading-men, and laborers on the basis of ten hours a day. All workmen electing to labor only eight hours per day will receive a proportionate reduction of their wages.

R. W. THOMPSON,
Secretary of the Navy.

Thus requiring the superintendents of the different navy-yards to employ the men on the basis of ten hours per day, and if they chose to work for two hours less their pay was to be accordingly reduced.

Again, on March 21, 1878, the then Secretary of the Navy, the same as before, Thompson, issued the following circular order:

NAVY DEPARTMENT, *Washington, March 21, 1878.*

The following is hereby substituted, to take effect from this date, for the circular of October 25, 1877, in relation to the working hours at the several navy-yards and shore stations:

The working hours will be: From March 21 to September 21, from 7 a. m. to 6 p. m.; from September 22 to March 20, from 7.40 a. m. to 4.30 p. m., with the usual intermission of one hour for dinner.

The Department will contract for the labor of mechanics, foremen, leading-men, and laborers on the basis of eight hours a day. All workmen electing to labor ten hours a day will receive a proportionate increase of their wages.

The commandants will notify the men employed, or to be employed, of these conditions, and they are at liberty to continue or accept employment under them or not.

R. W. THOMPSON,
Secretary of the Navy.

A cool proposition for the Secretary of the Navy to make in the face of existing law upon the subject.

Under this provision, if men worked ten hours a day they received a proportionate price. When the law declared eight hours to be a day of labor, and they worked for but eight hours, they were cut down from ten to eight and received but a proportionate compensation, when the clear intention of the act was to fix the day at eight hours and pay compensation for a day's work for that number of hours.

So it has been since the change in that policy. These people have been deprived of the benefits, whatever they were, intended to be given them by the original act of 1868 by Department construction and the rulings of subordinate officers.

Mr. COX. And of the President himself.

Mr. TARSNEY. Yes, and of the President himself. This same matter has been presented to the present President of the United States, and an inquiry has been propounded to him as to whether that law in any of the Departments of the Government to his knowledge was being violated. He answered as follows:

I believe that the law is a sound one and a good one, and that it should be enforced to the letter. I have no information regarding instances of its violation or evasion, but if such instances are presented to me I will see that the abuse is remedied and the full spirit of the law is enforced, which I understand to be to pay workmen in the Government employ for eight hours' work, daily, what is paid outside of the Government employ for a full day's work. The Government can not afford to set the example of non-enforcement and non-observance of its own enactments.

Now, Mr. Chairman, I do not desire to take much of the time of the committee in the presentation of this matter. But I repeat what I have already said—that men, under the construction of this law, have been deprived of the benefits intended to be conferred upon them by it. And now what do they ask? They do not come to Congress and ask that Congress shall fix and determine the number of hours that they have lost. They do not come here and ask that this House shall place a legal construction upon that act or their rights under it. But they come here as suitors go to courts and they simply ask this House for permission to go to a tribunal organized under the Constitution and the laws of the country, that they may there present their claims and be heard, and that the court shall determine whether the Government of the United States is responsible to them for this loss of hours and loss of pay, and if it is found that they have a rightful claim then that the judgment of the court should be so recorded. When that judgment comes before Congress then it will be for Congress to make appropriations to pay the judgments so rendered against the Government.

That is the full extent to which this bill goes as I understand it, and I have given it very careful and attentive attention during the months of this winter.

I will not further occupy the attention of the House except to say that I believe the Government of the United States can not afford to close the doors of its courts to even the humblest of its citizens who are seeking redress. They believe, whether rightly or not, that the Government is their debtor. They do not ask you to decide that question, but they ask you to point out to them the pathway and permit them to enter into the proper forum and to present to the proper tribunal the fair question whether under that law they are entitled to compensation or whether they are not. If they are not, then they will do as we all do when the court decides against us, bow our head in meek submission to its order and leave; but if they are right, then the Government of the United States should pay them.

I believe from the observations I have made during the brief time I have been a member of this House that if a private individual were to attempt to conduct his business in the same way and on the same plan as some of the Government business here is conducted he would be in bankruptcy inside of nine months for want of credit. The Government can not afford to break its promise once made, whether it was a wise promise or not. And when you made it to these employés as far back as 1868, that promise is as sacred to-day as it was on the day when it was enrolled on that desk.

I hope, therefore, Mr. Chairman, that the committee will take favorable action upon this bill and report it favorably to the House that it may be speedily put upon its passage, and that these men who are affected by it may obtain that relief to which I believe they are justly entitled.

The CHAIRMAN. Does the gentleman from Michigan reserve the remainder of his time?

Mr. TARSNEY. I do.

Mr. BLAND. Will the gentleman yield to me for a question?

Mr. TARSNEY. Yes, sir.

Mr. BLAND. I have not had the pleasure of reading the report, and it is for information I ask, how long was it before this eight-hour law was enforced after it was passed?

Mr. TARSNEY. The trouble was it was not enforced at all until President Grant in 1869 compelled its enforcement by proclamation.

Mr. BLAND. A year after the passage of the law.

Mr. TARSNEY. Ten and a half months.

Mr. BLAND. Does the bill relate only to the time intervening between the passage of the act and the proclamation?

Mr. TARSNEY. No, sir. The act passed in 1872, I think, related only to the intervening time, and provided for compensation between the time of the passage of the act and the time of issuing the proclamation. This bill goes back to the time of that act of 1872, and takes in everything since up to to-day, if you please.

Mr. BLAND. That is the question. Now, what has been the history of that act since that time? Has it been enforced or not?

Mr. TARSNEY. In some instances it has not been enforced; in some instances it has. If the gentleman was listening, I called his attention to the orders and circulars which were sent out by Secretary

Thompson in 1877 and 1878 from the Navy Department, by which orders he practically nullified the law in that Department, and declared that ten hour a day and not eight hours should constitute a legal day's labor.

Mr. BLAND. How many laborers or how much money would be covered by the claims arising under that order or circular?

Mr. TARSNEY. The best information obtainable upon that subject is in the report made by the Secretary of the Navy to the House in the Forty-eighth Congress, I believe, and he estimated that the amount would be about $3,000,000.

Mr. BLAND. That is, from the time Secretary Thompson issued his circular up to what date?

Mr. TARSNEY. No, not from that time, but under the whole law.

Mr. BLAND. Was there any other Department besides the Navy Department in which that course was pursued?

Mr. TARSNEY. This bill relates to all the employés of the Government in or out of the Navy.

Mr. BLAND. That I understand; but what I was trying to get at was whether the Navy Department was the only one in which the course you have mentioned was pursued, or was a like course pursued in all the Departments.

Mr. TARSNEY. Not in all the Departments. I understand that in some of the administrative departments of the Government the eight-hour rule has been adhered to, while in others it has not.

Mr. BRUMM. I would like to ask the gentleman whether this bill would apply also to clerks and employés in the various Departments in Washington where they have been held over eight hours, sometimes ten or twelve hours a day?

Mr. TARSNEY. Mr. Chairman, my answer to the gentleman from Pennsylvania is this: A proper answer to his question would require a construction of the various terms employed in the act of 1868; and whether the class of employés referred to by him would properly come under the designation of the words "laborer," "workman," or "mechanic" is a question of the construction that is to be placed upon the law. I am not clear in my own mind as to whether they would or would not.

Mr. BRUMM. Would the committee object to inserting the words "or other employés?"

Mr. TARSNEY. I think the committee ought not to do that now.

Mr. BAKER, of New York. Mr. Chairman, as I understand the purpose of this bill, it is simply to provide for compensating employés, or rather laborers, workmen, and mechanics—using the language of the act of 1868—and it does not go beyond that.

Mr. TARSNEY. That is correct. It applies to the cases arising under the act of 1868, and nothing beyond that.

Mr. CANNON. I would like to ask my friend from Michigan [Mr. TARSNEY] whether this bill (H. R. 1539) introduced by Mr. LONG is the bill under consideration at the present time?

Mr. TARSNEY. It is.

Mr. CANNON. I wish to ask the gentleman a question based on the first section of the bill, which I will read:

Be it enacted, etc., That whoever as a laborer, workman, or mechanic has been employed by or on behalf of the Government of the United States since the 25th day of June, 1868, the date of the act constituting eight hours a day's work, shall be paid for each eight hours he has been employed as for a full day's work without any reduction of pay on account of the reduction of the hours of labor.

Now, in view of that positive provision, I wish to ask the gentleman what is the necessity or propriety of sending these parties to the Court of Claims as the bill does in the next section?

Mr. BRUMM. To adjudicate their accounts and find out how much is due them.

Mr. CANNON. This is a mere matter of computation, and why should it not be left to the auditing officers of the Treasury? Why entail upon these poor men, whom all are so anxious to protect, the expense of employing attorneys to go into the Court of Claims to establish a right to recover against the Government, which right is given as broadly and fully as language can give it in the first section of the bill?

A MEMBER. New legislation.

Mr. CANNON. I trust we are not legislating for the lawyers here. I ask this question of the gentleman from Michigan in good faith. I never saw the bill until ten minutes ago.

Mr. TARSNEY. I will answer the question in good faith. It is fair to presume, Mr. Chairman, that since 1868 many thousands of men in all parts of this country have been employed in the service of the United States Government, some for short spaces of time and some for longer periods, but I take it that very few of those who were in the service at that time are in the service at present, because of the ever-changing condition of things.

I am informed—I do not now recall where the act may be—that there is some statute of limitation which prevents the presentation of a certain class of claims (and these may be among the number) after the lapse of a designated period of time. One of the effects of this bill will be to do away with any such limitation; and another will be to obtain a judicial construction upon the intent and meaning of the eight-hour law. I presume that the trial of only one case in the Court of Claims would be necessary in order to determine this question; for all other cases depending upon a like state of the facts and the law would be controlled by the leading case, which when decided would be *res judicata* as to the whole.

Mr. CANNON. The gentleman will allow me to call his attention to that provision of the bill which proposes to obviate the force of the statute of limitations. If we are to legislate on this subject at all, it appears to me that a perfect remedy would be afforded by striking out section 2, and adding to section 1 these words, "that these accounts shall be settled by the auditing officers of the Treasury Department; and the statute of limitations shall not apply to the same," although the statute does not apply if they are adjudicated in the Treasury. If the act were passed in this form, these claims would then come before Congress certified for appropriation, upon settlements made by the auditing officers of the Treasury Department.

Mr. TARSNEY. Why may they not as well come here upon a judgment of the Court of Claims?

Mr. CANNON. I will tell the gentleman. If the auditing officers of the Treasury Department make these settlements, there is not one cent of fee to be paid; the settlements will be made rapidly and inexpensively. The suspicion arises in my mind—I will not say suspicion, but suggestion; I know the gentleman from Michigan is not in harmony with any such state of affairs as I am alluding to—that many of these men during the almost twenty years that have elapsed may, perchance, have assigned their claims, which may now be in the hands of a few persons; and the original holders of claims may, under the present bill, be driven to employ lawyers to represent them in the Court of Claims, so that there would be a lien upon the judgment for the expenses of the litigation. These objections could not arise if we should provide for the auditing of these claims in the Treasury Department. I call the gentleman's attention to this suggestion, for I feel quite sure it is well founded, and deserves his consideration as well as that of the House.

Mr. BUCHANAN. I will ask the gentleman from Illinois [Mr. CANNON] whether he has read the recent report of a Senate committee in regard to the circumlocution of the Departments.

Mr. CANNON. Oh, certainly; but I will say to the gentleman that if we direct the auditing officers of the Treasury Department to settle these accounts absolutely, the matters being such as rest in computation, they can be settled very rapidly.

Mr. BUCHANAN. They can be; but will they be?

Mr. CANNON. I think they will be.

Mr. BUCHANAN. Does the gentleman know that the practice in the Court of Claims is one of the simplest in the world? So far as regards the gentleman's suggestion that some of these claims may have been assigned, he can offer an amendment which would prevent such assignments from operating; and I, for one, would vote for it.

Mr. TAULBEE. I rise to a parliamentary inquiry. I would like to know when those who may wish to be heard in opposition to this bill will have any time?

The CHAIRMAN. The gentleman from Michigan in charge of the bill was recognized by the Chair as entitled to one hour. He has yielded to several gentlemen, and the time so occupied comes out of the hour.

Mr. TARSNEY. I yield five minutes to the gentleman from South Carolina [Mr. HEMPHILL].

Mr. HEMPHILL. Mr. Chairman, I wish to call the attention of the House to some features of this measure, for the bill strikes me as an exceedingly dangerous one. This is not a proposition simply to refer to the Court of Claims for adjudication the claims of the laboring people of this country growing out of the eight-hour law. The bill undertakes to legislate upon the validity of the claims, and to provide that eight hours' work shall be regarded as constituting a day's labor. Now, giving a man a right to go into court and sue upon a contract which has been violated is a very different thing from giving him a contract after the work has been performed, with the right to go into court and sue upon it. If the object of this legislation were simply to give this class of citizens a right to enforce a contract under which they labored and which has been violated, it would be a very simple proposition to say that any man who, at any time since 1868, has labored for the Government more than eight hours a day shall have the privilege of going into court and establishing his claim for the excess of compensation over what he received. But this bill provides—

That whoever, as a laborer, workman, or mechanic, has been employed by or on behalf of the Government of the United States since the 25th day of June, 1868, the date of the act constituting eight hours a day's work, shall be paid for each eight hours he has been employed as for a full day's work.

There must be some question as to whether the eight-hour law, as heretofore existing, gives this right to additional compensation, because this bill undertakes to declare, twenty years after the work has been performed, that in respect to such work eight hours shall constitute a day's labor.

In addition to that, Mr. Chairman, every "laborer, workman, or mechanic"—that is, every man who is employed about the various Departments of the Government—if he has for any reason been required to do daily more than eight hours' work, no matter whether the original eight-hour law covers his case or not, is to have the right under this bill to go into court and make claim against the Government and recover compensation for the amount of labor exceeding eight hours a day.

Now, if there has been a clerk in the Departments or a laboring man or workman who went there in expectation he would have to work nine or ten hours a day, and that was the legitimate work of his office, and he performed it and accepted pay for it, he can now come on the Government, twenty years after the work was done, and make a claim against the Government and secure its payment.

In addition to that, Mr. Chairman, there is a provision in the seventh line of the first section which seems to me to be very peculiar. Beginning at line 7 it says, "shall be paid for each eight hours he has been employed as for a full day's work, without any reduction of pay on account of the reduction of the hours of labor." That is, as I understand it, if the Govrenment has not given him eight hours' labor he shall get pay for a day's work.

Mr. TARSNEY. No, it does not mean that.

Mr. HEMPHILL. Then what does it mean?

Mr. TARSNEY. It means just what it says, that there shall be no reduction of pay on account of the reduction of the hours of labor.

Mr. HEMPHILL. It says, "shall be paid for each eight hours he has been employed as for a full day's work, without any reduction of pay on account of the reduction of the hours of labor." In the first part of the section it is provided that whoever, as a laborer, workman, or mechanic, has been employed by or on behalf of the Government of the United States since the 25th day of June, 1868, the date of the act constituting eight hours a day's work, shall be paid for each eight hours he has been employed as for a full day's work, without any reduction of pay on account of the reduction of the hours of labor. That is, if he only works six hours he gets pay for the full day's work. There is to be no reduction on account of the reduction of the hours of labor.

Mr. McCOMAS. Will the gentleman from South Carolina let me interrupt to say that the language is the precise language of President Grant's proclamation? and the purpose of the proclamation and of the bill alike is to meet the claims of laborers at that time, when they worked for ten hours a day, who, when labor was reduced to eight hours, were entitled to full pay, and this clause would simply give it to them. It only enforces the eight-hour law from the time of its passage.

Mr. BRUMM. The language of the section must be construed one part with the other.

Mr. BAKER, of New York. Those words can be stricken out without affecting the bill. Indeed, it would be an improvement to the bill.

Mr. HEMPHILL. If the gentleman will look at the fourth and fifth lines of section 2 he will see a day's work is to be paid at the price per day as provided for in the first section of this act. They are not to be paid at the price or the number of hours actually worked or under the eight-hour law as originally understood, but they are to be paid at the price provided in the first section.

The CHAIRMAN. The gentleman's time has expired.

Mr. HEMPHILL. I should like to have two minutes more.

Mr. TARSNEY. How much time have I remaining?

The CHAIRMAN. Twenty-eight minutes.

Mr. WARNER. I hope the gentleman will let me send up to be read two amendments I desire to offer.

Mr. TARSNEY. I will allow the gentleman to offer his amendments.

The amendments were read, as follows:

Add to section 1 the following:

"*And provided further*, That all suits shall be commenced and prosecuted in the name of the laborer, workman, or mechanic, his heirs, administrator, or executor. If upon the hearing it shall appear that a claim has been assigned to any person or persons, the suit shall be dismissed."

Add to section 3:

"That it shall be unlawful for any attorney or other persons to charge or receive, either directly or indirectly, a greater fee than 10 per cent. of the amount collected in any claim or number of claims collected or prosecuted under this act. That any contract or agreement entered into in violation of this provision shall be null and void, and the attorney or the person who shall, either directly or indirectly, take, receive, or ask for a greater fee than herein provided for shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine not exceeding $1,000, or by imprisonment not exceeding six months, or by both such fine and imprisonment, and shall thereafter be barred from practicing in any court in the United States or before any Department."

The CHAIRMAN. The Chair will state, the gentleman from Michigan, in his own time, yielded to the gentleman from Missouri to have these amendments read for information. They are not pending amendments, but have been merely read for the information of the committee.

Mr. TARSNEY. One word in reference to the criticisms made by the gentleman from South Carolina [Mr. HEMPHILL] of the language of the bill in the first section.

Now, as to the suggestion made by my friend from Illinois [Mr. CANNON] and the proposed amendment of the gentleman from Missouri [Mr. WARNER] relative to the persons who may bring suit, I answer this: I know not how it may be in other parts of the country, but in the State from which I come, sir, it was found some years ago, on account of the hard times we had, and the difficulty of obtaining money, that people laboring in the employ of our mills and factories were at times compelled to take orders, and from time to time were obliged to discount or assign them to other people; and when they were paid, in nine cases out of ten it was to somebody who did not perform the service. But when they were paid they were paid in accordance with the original agreement. I do not know what the facts are in this case; but I would not wonder if during the panic of 1873, and that long period of depression which followed, lasting some five years, that many of these people who are now employed by this Government under its guaranty that they should be paid at the rate fixed by Congress in 1868, were obliged, in order to obtain a livelihood for their families, to discount or assign their payments. Suppose they did. Does that fact in any manner lessen the liability of the Government for the performance of the obligations it entered into to pay the claim, no matter to whom?

Mr. BLAND. Let me ask the gentleman if he proposes that this bill, if passed, is to enable these claim agents to step forward and get hold of this money? If that is to be the effect of the bill I am opposed to it.

Mr. TARSNEY. Not by any means.

Mr. WARNER. I understood the gentleman from Michigan to permit me to offer the amendments to be read for information, and the Chair to state that they were not yet pending. I shall ask consent of the House to offer them at the proper time, and try to defend the principles therein embodied, as, I think, a protection to the laboring people.

The CHAIRMAN. The Chair will state that the opportunity will be offered at the proper time.

Mr. TARSNEY. I reserve the remainder of my time.

Mr. COBB. Let me ask the gentleman a question before he takes his seat. In his report he refers to a decision of the Supreme Court of the United States without quoting it. I desire to know what it was the Supreme Court decided as to the meaning of this law.

Mr. TARSNEY. I will furnish the gentleman the reference before the debate closes.

Mr. COX. I wish to ask unanimous consent of the House that general debate be now closed and that we now proceed under the five-minute rule.

Several members objected.

Mr. CANNON. I want a little time in general debate.

The CHAIRMAN. Does the gentleman from Michigan yield the floor?

Mr. TARSNEY. I simply desire to reserve the balance of my time.

Mr. CANNON rose.

Mr. TAULBEE. I rise to a parliamentary inquiry. I desire to know if the gentleman from Illinois wishes to be heard in opposition to the bill?

Mr. CANNON. I want to submit some observations either in opposition to or for very material modifications of the bill.

Mr. TARSNEY. If the gentleman from Illinois desires it, I will yield him five minutes.

Mr. CANNON. I prefer to take time in my own right. Perhaps I may be able to yield the gentleman time out of my hour if he desires it.

Mr. TARSNEY. Thank you; it may be that the gentleman will get hold of the reins.

Mr. CANNON. This eight-hour legislation was had in 1868 for the purpose of trying the experiment as to the effect of eight hours' labor upon the working people of this country. It was supposed that the Government could try that experiment and could afford to try it better than anybody else. Mind you, that was twenty years ago.

There have been various agitations throughout the country about the hours of labor since that time, and there had been prior to that period. I gather from this bill, as well as from knowledge otherwise obtained, that for a portion of the time since the enactment of that law the people designated by the bill have worked for more than eight hours for the Government, and have been paid for their work. If they worked ten hours they have had pay for ten hours, and if they worked for eight hours they would have what is called eight hours' pay.

Now, I will cheerfully support any legislation that looks towards the enforcement of this law as long as it stands upon the statute-books. It is true that men and women and children, too, representing sixty millions of people throughout the country, most of whom work nine, and ten, and twelve, and some fourteen hours a day, pay the taxes which carry on the Government. Yet, in their interest, and in the interest of everybody in the present, and looking to the future, I stand ready as long as this act stands upon the statute-books to help enforce it and to restrict the employment of any one individual mentioned in the act for more than eight hours a day. Because if you permit them to work ten or twelve hours a day for the Government, then the very object for which the act was passed is destroyed and you are not trying the experiment in good faith.

But I call attention to the fact that this bill does not look towards the enforcement of the eight-hour law either in the present or in the future. It is not like the proposition of the gentleman from Missouri the other day, when we instructed the Public Printer to enforce the eight-hour law in the Government Printing Office. On the contrary, the proposition is to go back for twenty years and find every person designated in the act, who ever worked for the Government, although he received his wage and receipted for it, not expecting to get more than he received when he did the work, and give him pay for all work that he performed over eight hours a day, which would equal 20 to 25 per cent. of all the money paid by the Government for work in the last twenty years.

How much does it cost? I do not know. In the report, which I saw

for the first time a half hour ago, it is stated that in the navy-yards alone, as nearly as they can get at it, it would be nearly $3,000,000. How much it is to cost everywhere throughout the country I do not know. I suspect from fifteen to twenty-five millions of dollars.

Now, I ask gentlemen how this benefits labor in the contest it is making to-day. To go back twenty years and pay the Government employé who got a larger wage, mind you, than employés at the hands of private employers anywhere in the country; and after that larger wage has been paid and receipted for, to go back, and, if this legislation is had, pay one-fourth or one-fifth more to those who worked ten hours. Is that going to give much satisfaction, I say, gentlemen, to the laborers whom you represent, in the factories throughout the country, who are working ten and some eleven hours a day? Is it going to be much satisfaction to the agricultural laborer who toils from ten to twelve hours a day? Is it going to be much satisfaction to the railroad laborer who works from ten to twelve or fourteen hours a day, to say to him that he is going to be taxed to pay these claims that are twenty years old to men who got a greater wage than he did for one-fifth to one-fourth more labor done at the same time? I think not. I do not think they will say there is much satisfaction in that. I do not believe there is a laborer whom I have the honor to represent, working on the average for his dollar and half to two dollars a day—some of them for less—and working ten or twelve hours, who will be greatly pleased when I tell him we propose to tax him to pay somebody who worked twenty years ago and got what he was entitled to, and far more than like laborers got, a bonus of twenty to twenty-five millions of dollars.

Mr. BLAND. Will the gentleman permit me to ask him a question?

Mr. CANNON. Yes, sir.

Mr. BLAND. I ask the gentleman from Illinois if his farmer constituents do not work from sun to sun, sometimes sixteen hours a day, and whether they should be taxed to pay these men who work eight hours a day, most of them? Are not many of the gentleman's farmer constituents pressing here to get into these positions, and glad to get them?

Mr. MILLIKEN. Will the gentleman from Illinois yield to me for a question?

Mr. CANNON. I desire to answer one question at a time. At certain seasons of the year farmers do work as long as the gentleman states. All of us know this, that in the navy-yards in this country and wherever the Government employs workmen it is a favor and a boon to get employment there. Why, sir, it is a part of the political patronage of the party in power. I recollect years ago, when I was a younger man sitting in the House, hearing the honorable gentleman from New York [Mr. COX], who then had had considerable service, listening to him, as I always do, with great respect, when he spoke of the condition of affairs that existed in the navy-yards, namely, larger wages than were paid elsewhere and the employés very largely employed from the political standpoint. It takes influence to get these positions. It is quite a boon to the people who get them, even where they work ten hours a day.

Mr. COX. Will the gentleman yield to me for a moment?

Mr. CANNON. Yes, sir.

Mr. COX. I do not think the gentleman would like to misinterpret an ancient speech of mine. I never made a speech of that kind—not in those words or with that meaning. I used to demand, as I have no doubt the gentleman from Illinois will do, either the enforcement of the eight-hour law or its repeal. I did so time after time, until the heart grew sick with the dilatoriness of it; and I almost quit talking about it.

I am very glad I have lived to see this day when the eight-hour law has been applied to the letter-carriers, and I hope it will be applied to all other Departments of the Government where employés of this character are employed. But I have never advocated the giving of higher wages in the navy-yards or elsewhere. I have only advocated such wages as the eight-hour law gave. And I have never advocated the right of men in the Departments to have only eight hours' work. I have only advocated the application of the law equitably to those men who have worked faithfully according to the time fixed by a law passed by the American Congress and interpreted by some of our best executive officers.

Mr. CANNON. I agree with the gentleman from New York. I state again that this eight-hour law should be enforced, and I stand ready to help enforce it as long as it stands upon the statute-book. But I want to have some regard for the reason for the enactment of this eight-hour law, and I want it to perform that function which Congress thought it would perform, namely, to lead off as a pioneer to the movement leading towards the shortening of the hours of labor in this country, and not bring in claims twenty years old and in the name of labor fasten additional burdens upon labor at large throughout the country.

Now, having said this much, I want to again call attention to the first section of the proposed act. I will ask gentlemen to read it. It is as follows:

That whoever, as a laborer, workman, or mechanic, has been employed by or on behalf of the Government of the United States since the 25th day of June, 1868, the date of the act constituting eight hours a day's work, shall be paid for each eight hours he has been employed as for a full day's work, without any reduction of pay on account of the reduction of the hours of labor.

Is that uncertain? Now I am going upon the proposition that the bill is to pass. Does not that entitle every man to pay for every hour's work he ever did upon the basis of a day's work for eight hours; that if he worked ten hours he gets pay for the other two? There can be no doubt about it. Hence I say again, as I said in a question I asked the gentleman from Michigan, what is the necessity of the second section? What is the necessity for sending these men to the Court of Claims to find out whether the Government owes them something and what that amount is, if it does owe them anything, when the Government in the very act proposed to be enacted says it owes them and what shall be paid?

I propose when this bill is reached for amendment under the five-minute rule to offer a substitute for section 2. If gentlemen will take their bill while I read, they will see the changes I propose. I will read the second section of the bill as I shall propose it.

That all claims for labor so performed in excess of eight hours a day are hereby referred to the accounting officers of the Treasury, to be adjudicated upon the basis that eight hours constitute a day's work, and are to be paid for at the price per day as provided for in the first section of this act; and the amounts which they find to be due each claimant shall be certified to Congress at the beginning of each session thereof for consideration; and no payment or agreement made or receipt given for a less sum per day than the full price of a day's work, as provided in the first section of this act, shall bar the right of recovery: *Provided*, That all claims under this act shall be filed within two years from and after its passage.

Now, I will state to gentlemen that under the new regulations of the Treasury Department these men can file their own claims; the accounting officers can take the rolls upon which the men were paid and can examine them and make these computations. For the further information of gentlemen, I will state that under the new regulations of the Department no attorney can have any lien upon any account that the Secretary of the Treasury finds to be due, and I think that is a very wise regulation. Gentlemen are familiar with it in connection with claims for bounty and back pay.

Mr. REED. Under the pending bill, as I understand it, these claimants would have to pay attorneys to appear in the Court of Claims, would they not?

Mr. CANNON. Oh, certainly.

Mr. REED. And each one would have to bring his own suit?

Mr. BRUMM. Not necessarily.

Mr. REED. I ask this question because I represent some of the people who are interested and who have written me upon that very point. They think they would be liable under this bill to be taxed from 10 to 25 per cent. of the amount of their claims, an objection which the amendment of the gentleman from Illinois [Mr. CANNON] obviates.

Mr. CANNON. All the rolls and all the receipts and all the evidence upon which these parties have been paid by the Government are still in existence, and the accounting officers of the Treasury can have access to them. There need be no trouble in settling these accounts. It can be done exactly as back-pay and bounty accounts are settled.

Now, Mr. Chairman, I want to say a word in reply to a remark that I understood to fall from the gentleman from Michigan [Mr. TARSNEY]. I understood him to say that where these men in the last twenty years had assigned their claims to parties who were dealing in claims, he believed this legislation should be had in the interest of the assignees.

Mr. TARSNEY. I did not put it in that form.

Mr. CANNON. Well, that in substance. Mr. Chairman, I take issue with the gentleman. I say frankly that I doubt the propriety of this proposed legislation looking backward. I am heartily in favor of it in the present and looking to the future; but I will never go home to my constituents in Illinois and say to them that by voice or by vote here I have given this money to parties who deal in these claims. I will not do that, because at best it is of doubtful propriety, and I am not ready to tax the man that toils ten or twelve hours a day in order to pour the money into the coffers of this class of speculators.

Mr. COX. I suggest that my friend from Illinois, with his skill and experience as a member of the Committee on Appropriations and as a legislator, had better draught an amendment to prevent the sharks from getting any of this money.

Mr. CANNON. This amendment that I have drawn does that, I think. As I understand the regulations, the Secretary of the Treasury does not recognize transfers or attorneys' fees in these cases or any others, except where the claimant requests it after the appropriation is made by Congress.

Mr. BUCHANAN. Will the gentleman allow me to ask him a question?

Mr. CANNON. Certainly.

Mr. BUCHANAN. Does not the gentleman know that a number of these claims are now sleeping in the Auditor's Office simply because the officials claim that the evasion of the law by Secretary Thompson was legal?

Mr. CANNON. Then retain the first section, which says so plainly that the wayfaring man can read as he runs that these men shall have this money.

Mr. BUCHANAN. The wayfaring man might, but the Auditor might not. [Laughter.] That has been the experience heretofore.

Mr. CANNON. Some presumptions are to be made in favor of at least common sense on the part of officers of the Government, even under the present Administration. [Laughter.]

Mr. BUCHANAN. If there had been some honesty, this bill would never have been required.

Mr. CANNON. Mr. Chairman, I now yield fifteen minutes to the gentleman from Mississippi [Mr. ALLEN].

Mr. ALLEN, of Mississippi. Mr. Chairman, I am not speaking for fun this evening or because I feel like speaking, but because I have a profound conviction that this bill ought not to pass. I have listened with interest to the gentleman from Illinois [Mr. CANNON] who has yielded me a portion of his time, and I desire to say now, as I have had occasion to think often before, that when you take him outside of politics and partisanship he is one of the clearest-headed and safest legislators upon this floor. And I want to say to his Illinois constituents that so long as they will go astray and elect a Republican, they can not do better than elect him. [Laughter.]

Mr. BROWNE, of Indiana. I thought the gentleman said he did not intend to speak "for fun."

Mr. ALLEN, of Mississippi. I am not speaking "for fun." This is sound sense.

Mr. Chairman, the gentleman from New York [Mr. COX], in stating his position a while ago, when he asked a question of the gentleman from Illinois, said that if the law provided that eight hours should be a day's work and these men worked daily more than eight hours, it was but equitable and right that they should be paid for the additional time.

Now, I ask the gentleman to look upon the other side of this proposition and answer me this question: If employment under the Government is sought after eagerly by the laborers of this country, if the Government pays better wages than are paid by private employers for similar grades of labor, if these men seek places under the Government with the full knowledge that they are expected to work a certain number of hours for a given amount of wages, if this contract is made with a full knowledge of the number of hours of labor which will be expected of them, if they not only seek the places, but accept them gladly, and work ten hours and receive their money under the contract they freely made, I ask the gentleman from New York whether he thinks the equities of the case demand that the laborers of this country who can not get Government employment, but who must labor for twelve or fifteen hours per day for such wages as they can get without additional or extra compensation, and have to pay by taxation the wages of the Government employés, should be taxed to give them additional pay? I pause for reply.

Mr. COX. I rise under considerable apprehension. My friend is so vigorous that it really startles me a little.

Mr. ALLEN, of Mississippi. Yes, sir; this is a vigorous proposition.

Mr. COX. But I will give the gentleman an answer (I do not want to make a speech), so that we can maintain our *entente cordiale*. He will understand my language. [Laughter.] I want to keep him good-natured, for he is the best-natured man in the House. Most of my information about this matter arises from the fact of my neighborhood to the navy-yard at Brooklyn, and the fact that a great many of my constituents living along the East River have worked as calkers, machinists, etc., at the navy-yard on the other side.

It is within my personal knowledge that these navy-yard employés gave their ten hours' work under protest, and with a distinct understanding that they would make a claim thereafter for pay for the extra time. And there are now pending in the Auditors' offices, unsettled as yet, thousands of claims of this character. I beg to say further to my friend from Mississippi that the wages of these navy-yard employés are governed by the wages in the same trade or business which obtain in the vicinity. So that it really comes to a case of equity.

Now, I will ask my friend in turn whether he would not either enforce this eight-hour law in those cases to which the law is applicable or repeal it. He would answer, "I would repeal it." He would favor its repeal to-day. But if he repealed it, would he not pay the men who have worked under it in good faith under protest, the men who have filed their claims, and who seek only to have those claims properly audited in the Department or adjudicated in the Court of Claims?

Now, I do not know whether I have answered my friend's question, because he was so intense in putting it that I was almost scared out of my wits. [Laughter.]

Mr. ALLEN, of Mississippi. The gentleman answered the question pretty conclusively when he said that a good many of his constituents were interested in these claims. [Laughter.] That I construe to be the "milk in the cocoanut," and the true answer. I accept it as explaining the position of the gentleman from New York. [Laughter.]

Mr. COX. I thank the gentleman for recognizing me as a good local representative. [Laughter.]

Mr. ALLEN, of Mississippi. Mr. Chairman, since I have been here I have heard a good deal of this talk about accepting Government positions "under protest." [Laughter.] Sir, every member on this floor, I presume, understands that. [Laughter.] We all know something about the constant clamor that there is for public position, for Government employment. "The children cry for it," and the older ones refuse to be comforted without it. They may work under protest, but they don't contract under protest, nor draw their pay under protest. But when they get in, then the next proposition is that they want their compensation increased and their hours of labor diminished. Why all this scramble for Government employment? It is because the Government gives more pay for less work than they can get elsewhere.

The gentleman spoke awhile ago of the happiness that it gave him to-day to see the eight-hour law applied to mail-carriers. I will state that I was the one man who stood up in opposition to that proposition, but was overlooked in the count. [Laughter.] The mail-carriers, I believe, get from $900 to $1,300 a year for carrying letters about the streets and to private residences in cities.

I noticed some contracts awarded the other day for carrying the mail to my town. I saw where two men undertook to carry the mail each way out from the town where I live, where they have to ride 40 miles a day to carry the mail every day except Sunday. They have to have horses; they have to have vehicles to carry the mail; one carried it 20 miles each way and back daily for $490, and the other carried it the same distance for $500 a year.

Now they do it under contract. Why do they carry it for so little under contract? Because they come in competition with other people in that country. They ride in wind and sleet and they ride through mud and through rain. They carry this mail every day in the year except Sunday. They do it because their wages and their labor are put in competition with men who follow the ordinary avocations of life and who are to pay the taxes to carry out this bill if it ever passes. Three millions of back pay from the Navy Department alone, and no one knows how much in the other Departments, to men who have been fully paid years ago—paid what they agreed to work for and what they were glad to work for at the time, and more than most laborers were getting.

There are many vicious features in this bill. It proposes to constitute the Court of Claims into a tribunal to try we do not know how many millions of cases——

Mr. COX. Before the gentleman goes to that would he allow a friend of his to interrupt him?

Mr. ALLEN, of Mississippi. Yes, sir.

Mr. COX. I think he has confused (perhaps I am wrong) the mail-carrier with the letter-carrier. The mail-carrier in his district is unlike in his relations to the Government to the letter-carrier. Take the mail-carriers in the country district away from the cities. They have a chance to carry in coaches and wagons passengers and things besides the mail. Where the mail is carried even sometimes on horseback they have a chance to do express business. They carry packages. My friend knows that, because he has ridden behind them many a time when little. [Laughter.] It is a different thing from allowing letter-carriers eight hours a day, when we can show you by the Postmaster-General's report that in New York City alone there is made extra beyond the cost of the delivery service one and a quarter millions of dollars. This is a business transaction. Yes, sir; in New York City alone there is made one and a quarter millions of dollars beyond the cost of the free-delivery service. [Applause.]

Mr. ALLEN, of Mississippi. Out of New York business?

Mr. COX. I say out of the work of the letter-carriers of New York City.

Mr. ALLEN, of Mississippi. Explain how the letter-carriers make that money and I will yield, for I am seeking information as well as giving it. [Laughter.]

Mr. COX. I will do it. They make money for the United States, because when the Government causes them to carry local letters and deliver them "upstairs and downstairs and in my lady's chamber" [laughter] they make a million and a quarter more than the service costs. Where does that million and a quarter go? It goes to help people in other parts of the country.

Mr. ALLEN, of Mississippi. Does the gentleman from New York say that more is charged for the letter carried by the letter-carrier than for a letter carried by Uncle Billy Walton from my town to Fulton? [Laughter and applause.]

Mr. COX. I do not know Billy Walton. [Laughter.] The gentleman has got away from my question; got after a person I do not know anything about.

Mr. ALLEN, of Mississippi. That is the trouble with the gentleman; he does not know anything about the country people represented by so many of us. [Laughter and applause.] He knows what the New York people and the people of the navy-yard want, but he does not know what the people of the United States want. [Laughter and applause.]

Mr. COX. I represented farmers in this House twenty-five or thirty years ago. [Applause.]

Mr. ALLEN, of Mississippi. You did that so long ago, you have forgotten all about them. [Laughter.]

Mr. COX. The gentleman must know otherwise, if he knows anything about myself, but I do not like to be debated about too much. It does not amount to much. It is not of consequence compared with the great men who come from Mississippi. [Laughter.]

But I say this, that I never gave a vote that was alien to the interests of your country in the days of its emergency, when they were rightfully standing by the country.

Mr. ALLEN, of Mississippi. Oh! we will not go back to the war. [Laughter.] The gentleman is all right. Your record is good; but you are off on this bill and not up to the interests of the country people. [Renewed laughter.]

Mr. COX. I suppose what applies to the country as a whole is good enough for the country people. Because I helped to keep the people of our country together, the country people ought not to complain.

Mr. ALLEN, of Mississippi. They do not want you to tax them unnecessarily, and claim it is for their interest because you helped to keep them together. Now, stand up to your record. [Laughter.]

Mr. COX. My record is open to the gentleman and to the country; but if he will read in the RECORD in the morning his answers to me to-day, he will find out how irrelevant and inconsequential they are. My statement was that the letter-carriers of New York City, performing a peculiar free-delivery service that pays the Government annually nearly one and one-half million of dollars more than it costs, help to serve the people of the country and the gentleman's own town, where the mail is carried by one "Billy" somebody, as he tells us. [Laughter and applause.]

Mr. ALLEN, of Mississippi. That is exactly what I asked the gentleman from New York to explain. How do they do it? Do these letters pay more postage than those carried by the mail-rider?

Mr. COX. It increases the service and enlarges the number of letters sent and delivered.

Mr. ALLEN, of Mississippi. The letter-carriers paid in one and one-half millions of dollars, this gentleman says, but I might suggest in reply to that that this same postage, and only this same postage, was paid upon letters they carried, and nothing more than upon the letters some mail-carrier in my part of the country carries.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired. [Cries of "Go on!"]

Mr. ALLEN, of Mississippi. I would like to go on, as I had a slight interruption. [Great laughter.]

Mr. CANNON. I will yield the gentleman some additional time.

Mr. ALLEN, of Mississippi. Mr. Chairman, I have remained here in this House and have listened to proposition after proposition of this kind. Why, almost half of our time here is taken up in trying to undo some settlement that has been made between the Government and somebody in the past and give him something more.

I never have heard yet anybody suggest the reverse of that proposition on this floor. Nobody has ever arisen here and said the Government has paid too much and ought to get something back. There are no such propositions. It is always the other way. The equities we are asked to consider are always against the Government. It is strange how few seem to think of the great army of laborers who do not work for the Government, but who must work to pay those who do.

I, sir, think that we might very well permit these people who made these contracts with the Government twenty years ago and received their pay, and were no doubt glad to get it, to abide by the terms of their agreement. Let that payment stand and the whole thing rest there.

If it is the sense of Congress and the country that the eight-hour law should stand or should be enforced, let it be enforced; and when a man makes his contract for eight hours' work let him be paid for that number of hours.

Why, the way gentlemen talk you would think the Government employés had been working all these years under a system of conscription and enforced labor; that every one who had been employed to work for the Government had been coerced into doing the work; while, on the contrary, the Government can not furnish work for one-tenth of the men who are seeking employment. And I mention this again: I want you gentlemen on this floor who have constituents that are not overpaid, constituents who must pay all these taxes to keep up the Government, constituents whose hay will not keep under an eight-hour system of work, constituents in whose crops the grass will not stand still to wait for men who work only eight hours to clean it out, but grows the whole twenty-four hours, but constituents who must work in heat or cold, from dawn until dusk, to feed and clothe their families, and yet have to pay these taxes, to have some share of your consideration. They can not be pampered with Government employment; and I want you to consider them a little while you are considering the interests of people who have worked for the Government for sure pay.

The eight-hour law may have some good features. I did not get up to discuss that, but to oppose this ripping up settlements and going back and undoing them on questions of mere sentiment.

Why, take this bill and suppose it should pass. You have a Court of Claims, and you are referring bills there every day. That Court of Claims might sit for twenty years and they could not possibly get through with deciding cases that would go to that court under this bill. The number would be incalculable. Who knows who has labored for the Government twenty years back? You may say this man or that violated the eight-hour law. But where are they? Many of them are gone out, and they are not here to testify.

Who is here to represent the Government that was here then, and say whether or not A or B or C worked nine, ten, eleven, or twelve hours? Would not the investigation necessarily be *ex parte?* It is bound to be. It could not possibly be otherwise.

I say, Mr. Chairman, that there has not been, and there is not now, any means of arriving at a correct conclusion when such questions shall arise; and in addition to that, while there may have been estimates based on mere speculation, it is impossible for any human being to tell anything like what the expense of this legislation would be; whether it would involve an expenditure of ten or a hundred millions of dollars. Who can estimate? Nobody knows, even if it were possible to determine who had been so employed of the vast mass that have been paid by the Government in its service within the last twenty years.

Is it not better—I repeat, is it not better that these men should pocket any grievance they may imagine they may have, especially in view of the fact that they got what they were promised when they did the work and what they were doubtless glad to get, and that there should be an end of this matter some time, rather than to be constantly ripping open and tearing up the settlements once satisfactorily made?

I, for one, am tired of this never-ceasing anxiety that seems to consume some members of this House to take the people's money and bestow it on somebody who has been so fortunate as to get Government employment in the past by new propositions introduced in Congress of this kind. It is all wrong and we should quit it.

I yield the balance of the time back to the gentleman from Illinois.

Mr. CANNON. How much time have I remaining?

The CHAIRMAN. The gentleman has fifteen minutes remaining.

Mr. CANNON. I yield five minutes to the gentleman from Pennsylvania [Mr. BRUMM].

Mr. BRUMM. I think gentlemen as a rule have an improper conception of the construction of the order made by Secretary Thompson. The reason the order was made by him was not because he wished to have the men reduced two hours or their compensation cut down from the rate for ten hours to the rate for eight hours, having been employed at the rate of ten hours; but it was because the Supreme Court had decided when the eight-hour law went into effect and men took employment for a day of eight hours they were to be paid at the rate they received for like labor working ten hours. Secretary Thompson says this:

NAVY DEPARTMENT, *Washington, June* 30, 1877.

The following decision of the Supreme Court of the United States is published for the information of the Navy.

Under this construction of the law regulating public labor, given by the Supreme Court of the United States, the Department has fixed the rate of labor for mechanics, foremen, leading-men, and laborers on the basis of ten hours a day. All workmen electing to labor only eight hours per day will receive a proportionate reduction of their wages.

R. W. THOMPSON, *Secretary of the Navy.*

Now, Mr. Chairman, it was the Supreme Court that fixed that, and not Secretary Thompson. Secretary Thompson's order was simply to carry out the decision of the Supreme Court, that court having decided that the order of President Grant was in effect contrary to law. You will find the following decision by Secretary Thompson to be based on the same hypothesis.

This present bill is intended to amend that part of the law wherein it was deficient, in this, that the law as decided by the Supreme Court does not carry out the intent of the legislation. That is all there is in this bill. It is not, as stated by the gentleman from South Carolina, to create conditions or make new bases of contract and then to make a law to conform to those new conditions. That is not the case. The condition was created; but like most laws, and especially laws in the interest of the laboring men, when they are made there is always money enough found, and capital will come in and find some technicality whereby the intent of the legislation is defeated. This law is rather in the nature of a declaratory law than of a remedial statute.

If you ask, Mr. Chairman, whether the eight-hour law is carried out, let me refer you to a little fact I discovered a few days ago in the Bureau of Engraving and Printing. Notwithstanding the eight-hour law, the poor girls there are employed in that bureau for nine hours; and for the extra hour Uncle Sam cheats them out of three-eighths and five-eighths of a cent a day. It is the most petty larceny any one could be guilty of, and is quite unworthy of a great government.

Therefore it is time an act should be passed defining the existing law and declaring that the employés of the Government shall be paid the full rate of wages for ten hours a day if they are employed for that length of time, and that the Government shall not cheat them out of three-eighths and five-eighths of a cent a day.

Mr. CANNON. I yield the ten minutes which remain to me to the gentleman from Alabama [Mr. COBB].

Mr. COBB. The gentleman from New York [Mr. COX] desires to say something. I yield to him.

Mr. COX. The gentleman from Alabama yields to me five minutes. I take that time for the purpose of responding to the gentleman from Mississippi [Mr. ALLEN], but I do not see him in his place.

A MEMBER. He is here.

Mr. COX. I do not care about responding to anything except that which will verify my own statements, and which I desire to go out in the RECORD, that it may be seen by members when they vote on the bill to-morrow, along with the peculiar statement of the gentleman from Mississippi. When I mentioned the fact that these men who lived in my district went across the river and worked in the navy-yard, and put in their formal protest because the law was not carried out, the gentleman began to twit me because I was laboring for my own constituency. This I do just as the gentleman does for his constituents, and as every member here who is faithful does for his constituents.

He then makes some comparison between the mail service in Mississippi and the letter-carrier service elsewhere. I tried to impress on the gentleman and on the House the fact that the letter-carrier eight-hour law was a measure giving fair and honest compensation—in time—to men who, in a business, mercenary point of view, make

money for the Government. This surplus money we bestow in the order of our appropriations upon all sections, including the South. It goes into a common treasury and helps to run the mails in sparsely-populated districts, like Mississippi and other areas.

It is given, without grudging or stint, for their mail service. For the making, accumulation, and giving of this surplus we receive their peculiarly grateful votes and strictures upon measures of this kind. I do not refer to all of them, Mr. Chairman; I mean gentlemen who claim to be better informed than men who were members of this House and members of the Democratic party, taking care to be good Union men, when the gentleman from Mississippi [Mr. ALLEN] and others who reproach me and inspire him were mewling and so forth [laughter] in their mothers' arms.

Now, Mr. Chairman, what are the authentic facts about this letter-carrier system? I have sent for the Postmaster-General's report. Here are the figures. I ask to insert the table before making deductions.

The appropriation for the service for the last fiscal year, ending June 30, 1887, was $4,928,531.25. The cost of the service was $4,618,692.07; so that there was an unexpended balance of over $309,000, or $309,-839.18.

Now, since I have said that this cost was more than balanced, what employés or offices made that money that compensated the Government? Who trudged through the winter's slush and snows and through the blizzards of the last few days, in some cases losing their lives? Who are the men that march under the summer sun from twelve to fifteen hours a day in the large cities to make the net gain of the large sums which return the Government its outlay and more? I will show out of the one hundred and eighty-nine offices only thirty exceeded the cost of service. (Report of Postmaster-General, page 370.) In Boston the receipts were $504,942.94, and the net gain to the Government $193,-820.87. In Brooklyn the receipts were $316,937.05, and the net gain to the Government over $100,441.71. In Chicago the net gain was $192,580. In Philadelphia the net gain was more than half a million dollars, $567,000 and over. In St. Louis the cost was $177,585.77 and the receipts $274,123.72, showing a net gain of nearly $100,000. In San Francisco the net gain was over $59,000. In New York City, which is always being reproached here by some members, which is never mean, and which helps to pay the mail and letter carriers in distant parts of the country and in other cities—in New York City the receipts from local postage by this delivery system were $1,956,857.37, and the cost of the service, this hard, perilous, and onerous service, was only $676,-380.64, showing a net gain of $1,280,506.73. So that I am justified in saying that, and I will close with the justification, in answer to these ungrateful flings, in the heat of these harsh reproaches fixed upon those who simply propose that men who do so much and ask so little shall get not only hours of rest, but fair compensation for their service, which so chivalrously does so much for others.

We are enabled in New York, because of its density of population and commerce, to pay over to the Federal Treasury from the receipts from local postage on the delivery system alone over $1,280,000. Certainly a metropolis that can do that by the unflagging and arduous labors of these honest, intelligent, and hard-working letter-carriers deserves consideration at the hands of its beneficiaries and from the American Congress. This Congress, if it represents anything, should represent labor in all its best elements. It has no better element, sir, than that which is to be found among the letter-carriers of the country.

[From page 370 of the Report of the Postmaster-General.]

The aggregate results of the operations of the free-delivery system for the fiscal year and the comparison of the results with the preceding year will be shown by the following table:

Aggregate results of the free-delivery service for the fiscal year ended June 30, 1887.

Statistics of free delivery.	1886.	1887.	Increase.	Per cent.
Number of offices	181	189	8	4.42
Number of carriers	4,841	5,310	469	9.66
Mail letters delivered	510,310,305	577,354,923	67,044,618	13.13
Mail postal-cards delivered	109,829,038	122,388,275	12,559,237	11.43
Local letters delivered	171,416,284	206,038,135	34,621,851	20.19
Local postal-cards delivered	81,263,920	93,545,734	12,281,814	15.11
Registered letters delivered	3,407,140	3,706,346	299,206	8.78
Newspapers, etc., delivered	300,138,850	342,361,721	42,222,771	14.06
Letters collected	531,206,636	617,016,182	85,809,546	16.15
Postal-cards collected	150,077,294	170,079,552	20,002,258	13.32
Newspapers, etc., collected	91,871,132	102,073,888	10,002,756	11.15
Whole number of pieces handled	1,949,520,599	2,234,564,656	285,044,057	14.16
Pieces handled per carrier	402,710	420,822	18,112	4.31
Total cost of service, including post-office inspectors	$4,312,306.70	$4,618,692.07	$306,385.37	7.10
Average cost per piece, in mills*	2.2	2.0	†.2	9.09
Average cost per carrier*	$889.15	$867.67	†$21.48	2.41
Amount of postage on local matter	$5,839,242.97	$6,691,253.69	$852,010.72	14.59
Excess of postage on local matter over total cost of service	$1,526,936.27	$2,072,561.62	$545,625.35	35.73

* Based on the aggregate, $4,607,355.95, paid carriers and for incidental expenses, and not including $11,336.12 paid post-office inspectors.
† Decrease.

The receipts from local postage exceeded the cost of service in 30 of the 189 offices (an increase of 11 over the previous year). Of the remaining offices there were 23 which exceeded four-fifths, 31 exceeded three-fifths, 21 exceeded one-half, 41 exceeded two-fifths, 40 exceeded one-fifth, and 3 had less than one-fifth of the cost of service.

The cost of service and the local postage at each of the 30 offices above referred to are given in the following table:

Post-offices at which the local postage exceeded the cost of the service.

Name of office.	Receipts from local postage.	Cost of carrier service.	Net gain.
Atlanta, Ga	$14,750.80	$14,727.98	$22.82
Birmingham, Ala	4,432.20	3,044.31	1,387.89
Boston, Mass	504,942.94	311,122.07	193,820.87
Brooklyn, N. Y	316,937.05	216,495.34	100,441.71
Buffalo, N. Y	85,155.90	59,706.31	25,449.59
Chicago, Ill	534,103.78	341,594.98	192,508.80
Cincinnati, Ohio	141,800.17	122,439.86	19,360.31
Denver, Colo	41,052.92	20,977.53	20,075.39
Detroit, Mich	60,138.18	54,161.60	5,976.58
Duluth, Minn	6,543.42	4,796.01	1,747.41
Elizabeth, N. J	12,878.69	7,833.96	5,044.73
Kansas City, Mo	55,469.59	41,276.90	14,192.69
Lincoln, Nebr	12,929.51	6,864.82	6,064.69
Milwaukee, Wis	61,959.44	49,044.26	12,915.18
Montgomery, Ala	5,184.38	4,426.77	757.61
New Haven, Conn	35,085.92	22,426.85	12,659.07
New Orleans, La	53,593.31	53,072.49	520.82
New York, N. Y	1,956,887.37	676,380.64	1,280,506.73
Omaha, Nebr	31,182.72	18,562.72	12,620.00
Philadelphia, Pa	999,089.43	430,979.83	567,109.69
Pittsburgh, Pa	96,774.93	56,634.82	40,140.11
Providence, R. I	45,401.71	42,058.19	3,343.52
St. Louis, Mo	274,123.72	177,585.77	96,537.95
St. Paul, Minn	53,231.27	42,795.32	10,435.95
San Francisco, Cal	162,573.71	102,967.38	59,606.33
Savannah, Ga	9,871.68	8,572.15	1,299.53
Syracuse, N. Y	22,218.99	21,605.34	616.65
Topeka, Kans	9,039.77	8,775.99	263.78
Troy, N. Y	20,926.03	19,207.81	1,718.22
Wilkes Barre, Pa	9,384.97	8,082.14	1,302.83

The CHAIRMAN. The gentleman from Alabama [Mr. COBB] is entitled to the remainder of the time of the gentleman from Illinois [Mr. CANNON], which is three minutes.

Mr. COBB. It is hardly worth while to enter into a discussion for that length of time.

Mr. ALLEN, of Mississippi. I ask the gentleman to yield to me.

Mr. COBB. I yield to the gentleman from Mississippi.

Mr. ALLEN, of Mississippi. Mr. Chairman, I do not know whether I am one of those referred to as mewling in their mothers' arms, etc., when the gentleman from New York [Mr. COX] was doing such distinguished wind service for the salvation of the country [laughter], but if I am I will remind him that there are two periods in people's lives when they are not at their best—when they are too young and when they are too old. [Laughter.]

So far as the figures read by the gentleman from New York from the report are concerned——

Mr. COX. The last report of the Postmaster-General.

Mr. ALLEN, of Mississippi. So far as they are concerned, I do not know how anybody ascertains that the carrier service brings that money into the Treasury. The postal service of this country extends everywhere and is always increasing, and to say that because the post-office receipts increase that the letter-carriers bring in that money does not seem very reasonable.

Mr. COX. It is the delivery system that does it.

Mr. ALLEN, of Mississippi. These mail-riders in Mississippi that I spoke of stand such blizzards as we have down there and such suns as we have, and travel through the country in mud, rain, and storm, and they do not have paved streets to travel over; they do not have a chance to go in to people's fires to warm themselves when they are cold. They ride 40 miles over bad roads in the country the coldest days that come, carrying the mails, and the letters they carry have just the same postage on them that the letters carried by the carriers in New York, and they are just as much entitled to extra compensation as these city letter-carriers who walk on paved streets.

Now, I heard the gentleman from New York say—I do not remember his exact words—something in regard to New York having done so much for the country. We have heard a good deal of that sort of talk here; but if I am not very much mistaken, the country has done a good deal for New York. That city is a sort of *omnium gatherum*. The poor devils in the country work to make money and the people in New York get most of it. That is about the way the thing runs. The gentleman spoke about the people there paying so much money for postage and turning it in to the Post Department for the benefit of the rest of the country. Sir, a large part of that is the postage upon letters which the people there send out to get trade from my constituents and the constituents of other gentlemen, and these very letters are, many of them, carried by the mail-riders of whom I spoke. They pay postage to secure the advantages of trade and communication that the mail facilities of the country afford them. I do not understand that New York is entitled to any special credit or advantage on this account.

Mr. COX. It was only the delivery system to which I referred.

[Here the hammer fell.]

Mr. TAULBEE obtained the floor and said: I understand that the gentleman who has this bill in charge [Mr. TARSNEY] desires to move that the committee rise. With the understanding that I shall be entitled to the floor when this subject is resumed, I yield.

Mr. TARSNEY. Before moving that the committee rise, I will yield a moment to the gentleman from Illinois [Mr. BAKER], who wishes to have an amendment read and printed in the RECORD, that it may come up for consideration to-morrow.

The CHAIRMAN. It will be read for information.

Mr. BAKER, of Illinois. The amendment is designed to come in at the end of the bill.

The Clerk read as follows:

Add at the end of the bill the following:

"*Provided further*, That prosecutions of claims hereunder shall be in the names of the persons who actually rendered the service claimed for, if living, or of their heirs or personal representatives, if deceased; and in no case shall any payment be made hereunder except to persons who actually performed the service claimed for, if living, or to their heirs or personal representatives, if deceased."

The CHAIRMAN. This amendment has been read in the time of the gentleman from Michigan [Mr. TARSNEY]. The Chair recognized the gentleman from Kentucky [Mr. TAULBEE] as entitled to occupy the floor when the consideration of this bill is resumed.

Mr. TARSNEY. Several gentlemen have amendments which they desire to propose. I ask that, without being read, these amendments be printed in the RECORD.

The CHAIRMAN. If there be no objection, amendments which may be sent up by members will be printed in the RECORD. The Chair hears no objection.

The proposed amendments are as follows:

By Mr. MILLIKEN:

Insert after the word "mechanic," in line 3 of section 1, the words "or clerk or other employé."

By Mr. WASHINGTON:

Add the following:

"*Provided*, That any sum found due any claimant under the provisions of this act shall be paid by the Secretary of the Treasury to the claimant in person, or if claimant be deceased, payment shall be made to his personal representatives; or if paid by draft, such draft shall be made payable to the order of said claimant, or if deceased, to the order of his personal representatives; and such draft shall be mailed to his or their address."

Mr. TARSNEY. I now move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HATCH reported that the Committee of the Whole on the state of the Union, having had under consideration the bill (H. R. 1539) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law, had come to no resolution thereon.

SUPPRESSION OF LIQUOR TRAFFIC.

Mr. MCCOMAS, by unanimous consent, presented the following memorial; which was referred to the Select Committee on the Alcoholic Liquor Traffic, and ordered to be printed in the RECORD:

To the honorable the House of Representatives of the United States, Washington, D. C.:

The accompanying preamble and resolutions were submitted to the Baltimore Annual Conference of the Methodist Episcopal Church, second day of the one hundred and fourth session, to wit, Thursday, March 8, 1888, and were indorsed by a unanimous vote. This action is hereby certified according to the accompanying resolution numbered 2 in the paper herewith appended.

JOHN F. HURST, *President.*
J. ST. CLAIR NEAL, *Secretary.*

BALTIMORE, *March* 8, 1888.

Whereas the Congress of the United States, representing the whole nation in its various States and constituencies, in the exercise of their high duties enact laws for the government of the District of Columbia; and

Whereas many members of this body are pastors of churches in said District, and all of us are deeply interested in the welfare of our national capital: Therefore, by the Baltimore Conference of the Methodist Episcopal Church

Be it resolved, 1, That we do hereby respectfully petition their honorable bodies, the Senate and House of Representatives of the United States, to pass the measure now pending in their honorable bodies known as the "Platt prohibitory bill," or some other law which shall be effective in prohibiting and suppressing the traffic in alcoholic drinks in the District of Columbia.

Resolved, 2, That a copy of this action, certified by the signatures of our presiding bishop and the secretary of the conference, be presented to the President of the Senate and the Speaker of the House of Representatives, with the request that it be laid before the bodies over which they respectively preside.

CHARLES W. BALDWIN.
J. A. PRICE.
GEO. ELLIOTT.

GOVERNMENT RESERVOIR, HEADWATERS OF MISSISSIPPI.

Mr. NELSON, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of War is hereby requested to furnish for the use of this House such information as may be in his office regarding the purchase or condemnation of lands affected by the discharge of water from the Government reservoir at Pokegama Dam, on the headwaters of the Mississippi River, with his recommendations in the case.

Mr. NELSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. TARSNEY. I move that the House adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred as indicated below:

By Mr. ABBOTT: A bill (H. R. 8727) for the relief of William H. Keene—to the Committee on War Claims.

By Mr. BREWER: A bill (H. R. 8728) granting an increase of pension to Alfred Pearson—to the Committee on Invalid Pensions.

By Mr. BUTTERWORTH: A bill (H. R. 8729) granting a pension to Louisa Feiertag—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8730) for the relief of Franklin W. Fee—to the Committee on War Claims.

Also, a bill (H. R. 8731) for the relief of Nathan J. Harris—to the Committee on War Claims.

By Mr. J. E. CAMPBELL: A bill (H. R. 8732) for the relief of the heirs at law of John Gregg, a lieutenant in the Army of the Revolution—to the Committee on War Claims.

By Mr. DORSEY: A bill (H. R. 8733) granting a pension to Susan Buchanan—to the Committee on Invalid Pensions.

By Mr. HEARD (by request): A bill (H. R. 8734) for the relief of the legal representatives of the late firm of Child, Pratt & Fox—to the Committee on Claims.

By Mr. HOVEY: A bill (H. R. 8735) granting a pension to Mary A. McCool—to the Committee on Invalid Pensions.

By Mr. LANE: A bill (H. R. 8736) to remove the charge of desertion against John Young, and to place his name on the pension-roll—to the Committee on Military Affairs.

By Mr. LONG: A bill (H. R. 8737) for the relief of J. W. Merriam, United States consul at Iquique, Peru, for loss of Government bonds by fire—to the Committee on Claims.

By Mr. MASON: A bill (H. R. 8738) for the relief of Frances Merriman Newton—to the Committee on Claims.

By Mr. PERKINS: A bill (H. R. 8739) extending the provisions and benefits of the pre-emption law to C. E. Smith, of Elk County, Kansas—to the Committee on the Public Lands.

By Mr. PETERS: A bill (H. R. 8740) to authorize the Secretary of the Interior to sell to the Methodist College Association of Southwestern Kansas certain lands in Kansas—to the Committee on the Public Lands.

By Mr. RUSK: A bill (H. R. 8741) referring the claim of Joseph V. Campbell to the Court of Claims—to the Committee on Claims.

By Mr. SENEY: A bill (H. R. 8742) granting a pension to Benjamin F. Sanford—to the Committee on Invalid Pensions.

By Mr. SPOONER: A bill (H. R. 8743) authorizing the President to place Capt. William H. Hamner on the retired-list of the Army as major—to the Committee on Military Affairs.

By Mr. SYMES: A bill (H. R. 8744) granting a pension to Conrad Apple—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8745) for the relief of Mrs. Margaret A. Genthner—to the Select Committee on Indian Depredation Claims.

By Mr. E. B. TAYLOR: A bill (H. R. 8746) granting a pension to Jacob Winans—to the Committee on Invalid Pensions.

By Mr. E. J. TURNER: A bill (H. R. 8747) granting a pension to James M. Peters—to the Committee on Invalid Pensions.

By Mr. VANCE: A bill (H. R. 8748) to increase the pension of Richard Jobes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8749) for the relief of Margaret Costello—to the Committee on Invalid Pensions.

Change in the reference of a bill improperly referred was made in the following case, namely:

A bill (H. R. 1155) for the relief of John Donaldson—from the Committee on the Post-Office and Post-Roads to the Committee on Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BANKHEAD: Petition of the Mobile and Birmingham Railway Company, by their attorney, Caylord B. Clark—to the Committee on Military Affairs.

By Mr. BREWER: Petition of Orion Stone and 100 others, citizens of Genesee County, Michigan, for a tariff duty on wool as fixed by the wool-growers and woolen manufacturers at their recent meeting in Washington—to the Committee on Ways and Means.

By Mr. BUCHANAN: Petition of 64 citizens of Bayville, Ocean County, New Jersey, in favor of increased pay to persons employed in the Life-Saving Service—to the Committee on Commerce.

By Mr. BUTTERWORTH: Petition of Samuel Hannaford and other architects of Cincinnati, Ohio, urging the passage of the bill for the relief of Amanda Walter, widow of the late Thomas U. Walter, architect—to the Committee on Claims.

Also, papers in the pension claim of Mrs. Martha McCormack—to the Committee on Invalid Pensions.

Also, papers to accompany pension bill 6686—to the Committee on Invalid Pensions.

Also, petition of Lieut. Col. B. J. I. Irwin and 500 other officers of the Army, praying for a modification of the law in regard to mileage—to the Committee on Military Affairs.

By Mr. CROUSE: Petition of Darrow Street Grange, No. 751, of Situate, Summit County, Ohio, for more effectual protection to agriculture—to the Committee on Ways and Means.

By Mr. DE LANO: Petition of Charles Russell and 27 others, of Norwich, N. Y., protesting against the repeal of the internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

By Mr. DINGLEY: Memorial of lime manufacturers of Knox County, Maine, for an increase of duty on lime to the same rate as that fixed by Canada on lime imported from the United States—to the Committee on Ways and Means.

By Mr. GALLINGER: Petition of William Fullington and 78 others, citizens of Hanover, N. H., against reduction of duty on American wool—to the Committee on Ways and Means.

By Mr. GRIMES: Petition of estate of Wilson C. Cartwright, and of the estate of Mary A. Cartwright, of Carroll County, Georgia, for reference of claims to the Court of Claims—to the Committee on War Claims.

By Mr. HERMANN: Petition of 28 male citizens of Washington County, Oregon, for better legal protection for women and girls—to the Committee on the Judiciary.

By Mr. JOSEPH: Petition of citizens of New Mexico, for the establishment of the Lincoln land district in said Territory—to the Committee on the Public Lands.

By Mr. KEAN: Petition of citizens and farmers of Middlesex County, New Jersey, relative to duties on agricultural products—to the Committee on Ways and Means.

Also, petition of prominent business men of Sea Bright, Long Branch, and vicinity, asking for an increase of pay for keepers of the Life-Saving Service—to the Committee on Commerce.

By Mr. LEE (by request): Petition of Thomas K. Davis, of Prince William County, and of Charles R. Stewart, executor of Charles Stewart, of Fairfax County, Virginia, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. LONG: Petition of Nash, Spaulding & Co., and 42 others, for increase of salaries in the Life-Saving Service—to the Committee on Commerce.

By Mr. McCLAMMY: Petition of 60 citizens of Duplin County, North Carolina, for an appropriation for the improvement of the North East River—to the Committee on Rivers and Harbors.

By Mr. MOFFITT: Memorial of citizens of Fort Covington, N. Y., for an appropriation to improve the navigation of the Salmon River at Fort Covington, N. Y.—to the Committee on Rivers and Harbors.

Also, memorial of the lumbermen of Northern New York, against any reduction of the duties on lumber—to the Committee on Ways and Means.

By Mr. MORRILL: Petition of Local Assembly No. 3830, Knights of Labor, of Atchison, Kans., for the passage of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. PATTON: Petition of 88 workingmen of the Twentieth district of Pennsylvania, against the reduction of duty on window-glass—to the Committee on Ways and Means.

By Mr. PENINGTON: Petition of citizens of Sussex County, Delaware, for an appropriation to improve the Nanticoke River—to the Committee on Rivers and Harbors.

By Mr. PERKINS: Resolutions of Local Assembly, No. 3703, Knights of Labor, of Parsons, Kans., for the passage of the tonnage bill, in the interest of American shipping—to the Committee on Merchant Marine and Fisheries.

By Mr. J. E. RUSSELL: Petition of M. Malvey and others, for aid to shipping—to the Committee on Merchant Marine and Fisheries.

By Mr. SPOONER: Statement to accompany bill authorizing retirement of Capt. William H. Hamner as major—to the Committee on Military Affairs.

By Mr. STEELE: Petition of F. M. Huntsinger and 32 others, Knights of Labor, of Wabash, Ind., for the passage of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. SENEY: Petition of Benjamin F. Sanford, Company G, Third Regiment Ohio Volunteers, for a pension—to the Committee on Invalid Pensions.

By Mr. STOCKDALE: Petition of G. H. Barnes and 43 others, citizens of Amite County, Mississippi, to place salt on the free-list—to the Committee on Ways and Means.

By Mr. SYMES: Petition of Conrad Apple, of Leadville, Colo., for a pension—to the Committee on Invalid Pensions.

By Mr. E. B. TAYLOR: Petition of Jacob Winans, Company D, One hundred and twenty-fifth Regiment Ohio Volunteers, for a pension—to the Committee on Invalid Pensions.

Also, petition of Bernard Dyer and 56 others; of H. S. Shannon and 65 others, and of C. P. Root and others, glass-workers, of Ravenna, Ohio, against a reduction of duty on green and colored glass bottles—to the Committee on Ways and Means.

By Mr. J. D. TAYLOR: Petition of James M. Leeper and 56 others, of Noble County, Ohio, for speedy action to protect the wool-growing and woolen-manufacturing interests of this country—to the Committee on Ways and Means.

By Mr. TRACEY: Petition of the Cigar Packers' Union, of Albany, N. Y., for retention of the internal-revenue duty on cigars—to the Committee on Ways and Means.

By Mr. E. J. TURNER: Petition of N. Weaver and others, and of Floyd Blond and others, for the establishing of a Government telegraph—to the Committee on the Post-Office and Post-Roads.

By Mr. VANCE: Petition of H. A. Whittlesey and r others, citizen of the First district of Connecticut, relative to the Bueau of Animals Industry—to the Committee on Agriculture.

By Mr. WILKINSON: Petition of William Evans, of New Orleans, La., for reference of his claim to the Court of Claims—to the Committee on War Claims.

The following petitions, for an increase of compensation of fourth-class postmasters, were referred to the Committee on the Post-Office and Post-Roads:

By Mr. J. S. HENDERSON: Of W. D. Coward, of B. B. Marley, of D. H. Lambert, of D. J. Miller, of S. E. Allen, of J. J. White, of S. W. White, of A. A. Loflin, of S. L. Hollady, of G. H. Murry, of Hugh Parks, of S. B. Love, of W. M. Routh, of E. P. Hays, of I. W. Calder, of Garrett L. Spinks, of W. H. Watkins, of Henry Yow, of John F. Garrell, of A. Luther, of J. R. Coltraue, of Randolph County; and of Samuel W. Miller, of Solomon Love, of Y. W. Forsett, of Dr. W. J. Vestal, of R. G. Gibbons, and of B. S. Young, of Davidson County; and of I. I. Green, of Davie County, North Carolina.

Also, of D. F. West and 65 others, of C. D. Hendricks and 47 others, of E. C. Kirkman and 43 others, and of J. M. Miller and 35 others, of Yadkin County, North Carolina.

The following petitions, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, were severally referred to the Committee on Invalid Pensions:

By Mr. E. P. ALLEN: Of John Fuller and 86 other ex-soldiers of Lenawee and Monroe Counties, of A. H. Briggs and 79 other ex-soldiers of Lenawee County, and of Joseph H. Smith and 22 other ex-soldiers of Washtenaw County, Michigan.

By Mr. BACON (by request): Of George W. Lemon and others, of Orange County, New York.

By Mr. BELDEN: Of George W. Armstrong and 25 other ex-soldiers and citizens of Manlius, N. Y.

By Mr. CONGER: Of soldiers and sailors of Orient, Iowa, and vicinity.

By Mr. DE LANO: Of B. S. Howard, of Williams Post, No. 245, Grand Army of the Republic, of Newark Valley, N. Y.

By Mr. FLOOD: Of C. H. Reason and others, of Big Flats, N. Y.

By Mr. GEST: Of 39 old soldiers of McDonough County, Illinois.

By Mr. GROSVENOR: Of G. K. Campbell and 140 others, of Coolrich, Ohio.

By Mr. D. B. HENDERSON: Of 31 soldiers, of Butler County, Iowa.

By Mr. KEAN: Of Bvt. Maj. George B. Halsted and 64 ex-Union soldiers and sailors, of Elizabeth, N. J.

By Mr. McCULLOGH: Of John H. Park and others, and of Jacob D. Grove and others, ex-soldiers and sailors, of Westmoreland County, and of John Rush and others, ex-soldiers and sailors, of Greene County, Pennsylvania.

By Mr. NELSON: Of L. B. Moore and others, ex-Union soldiers and sailors.

By Mr. NUTTING: Of B. M. Gere and 12 others, Union soldiers, of Cayuga County, New York.

By Mr. PATTON: Of 34 ex-soldiers, of the Twentieth district of Pennsylvania.

By Mr. J. B. WHITE: Of soldiers of La Grange County, Indiana.

The following petitions, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia, were severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. NUTTING: Of 67 citizens of the Twenty-seventh district of New York.

By Mr. PIDCOCK: Of citizens of the Fourth district of New Jersey.

SENATE.

WEDNESDAY, *March* 21, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The bill (H. R. 5639) for erecting of a fire-proof workshop at the National Armory was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 1540) to establish a port of delivery at Grand Rapids, Mich., was read twice by its title, and referred to the Committee on Commerce.

The following bills were severally read twice by their titles, and referred to the Committee on Education and Labor:

A bill (H. R. 1645) to limit the hours that letter-carriers in cities shall be employed per day; and

A bill (H. R. 3405) to protect mechanics, laborers, and servants in their wages.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented a petition of a committee of one hundred, appointed by the citizens of Marietta, Ohio, and vicinity, to conduct the centennial celebration of the establishment of a civil government in the Northwestern Territory, praying for a loan of such objects of historic interest from the several Executive Departments as the custodians of the same may think proper; which was referred to the Committee on the Library.

He also presented a petition of Ætna Lodge, No. 36, Amalgamated Association of Iron and Steel Workers, located at South Cleveland, Ohio, favoring a protective-tariff policy; which was referred to the Committee on Finance.

He also presented a petition of 18 ex-Union soldiers, citizens of New York City and Brooklyn, who lost a limb or limbs, praying for the passage of Senate bill 913, providing relief in such cases; which was referred to the Committee on Pensions.

He also presented a petition of musicians of Columbus, Ohio, praying for the passage of a bill to prohibit enlisted men in the United States Army from engaging in civil employment; which was referred to the Committee on Military Affairs.

Mr. EDMUNDS presented the petition of Edward H. James and 30 other ex-Union soldiers and sailors, citizens of Addison County, Vermont, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. SABIN presented a petition of the Minneapolis (Minn.) Board of Trade, praying for the improvement of the Mississippi River between St. Paul and Minneapolis; which was referred to the Committee on Commerce.

He also presented the petition of Mrs. Crowley, Mrs. Collins, and other citizens of Duluth, Minn., praying for the better legal protection of young girls in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of members of the Mankato (Minn.) Board of Trade, praying that linseed and linseed oil be stricken from the free-list if upon investigation it be found advisable; which was referred to the Committee on Finance.

He also presented two petitions of ex-Union soldiers and sailors, citizens of Minnesota; a petition of Sawyer Post, Grand Army of the Republic, of Minnesota, and a petition of ex-Union soldiers and sailors, citizens of Elbow Lake, North Ottawa, Garton, and Roseville, in the State of Minnesota, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented a petition of the Bloomfield and Beaver Farmers' Alliance, of Fillmore County, Minnesota, praying for the removal or reduction of duties on lumber, coal, iron, and other articles; which was referred to the Committee on Finance.

He also presented a petition of the Minnesota State Grange, praying for the passage of the bill for the extirpation of pleuro-pneumonia among cattle; which was ordered to lie on the table.

He also presented a memorial of the St. Paul (Minn.) Jobbers' Union, remonstrating against changing the laws regulating traffic over the Canadian Pacific Railway; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Chamber of Commerce of Crookston, Minn., praying for certain amendments to House bill No. 7935, for the relief of the Chippewa Indians in the State of Minnesota; which was referred to the Committee on Indian Affairs.

He also presented a petition of citizens of Crookston, Minn., praying for an amendment of House bill No. 7935, to confine allotments to Indians on the Red Lake reservation to agricultural lands, etc.; which was referred to the Committee on Indian Affairs.

He also presented a petition of the Duluth (Minn.) Chamber of Commerce, praying for the passage of bills providing for a drawbridge across the channel at Duluth; which was referred to the Committee on Commerce.

Mr. TURPIE presented the petition of L. C. Risley and other ex-Union soldiers and sailors, citizens of Knox County, Indiana; and the petition of Elisha Wolf and other ex-Union soldiers and sailors, citizens of Dupont, Indiana, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. DAVIS presented a petition of the board of regents of the Agricultural College of Dakota, praying for authority to select and reserve from settlement at least 90,000 acres of public land in Dakota for the endowment of the college as provided for in the act of July 2, 1862; which was referred to the Committee on Territories.

Mr. PALMER presented the petition of J. B. Davidson, George W. Harris, David B. Wooley, David Arnold, and R. R. Smith, surviving soldiers and sailors of the Union Army and Navy, and the petition of Albert O. Foster, Burritt E. Leach, and 41 other citizens of Gratiot County, Michigan, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented the petition of Rev. L. D. Semple and 7 other male citizens of Flint, Mich., praying for the better legal protection for women and girls in the Territorial, admiralty, and maritime jurisdiction of the United States; which was referred to the Committee on the Judiciary.

Mr. BLODGETT presented a petition of the Young Men's Christian Association of Plainfield, N. J., officially signed; and a petition of the Young Men's Christian Association of Mount Holly, N. J., officially signed, praying for the better protection of young girls in the District of Columbia; which were referred to the Committee of the District of Columbia.

Mr. CALL presented the petition of J. W. Crary, jr., & Co., and other manufacturers and business men of Bluff Springs, Fla., praying for an amendment of the tariff laws and a reduction of duties in certain cases; which was referred to the Committee on Finance.

Mr. McPHERSON presented a petition of 45 veterans and other citizens of the second precinct of Vineland, Cumberland County; a petition of 80 veterans and other citizens of Malaga, Cumberland County, and a petition of 61 veterans and other citizens of the third precinct of Landis Township, Cumberland County, all in the State of New Jersey, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. KENNA presented a petition of 67 citizens of the First and Fourth Congressional districts of West Virginia, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. BLAIR presented the petition of Mrs. N. H. Knox, president, and other officers of the New Hampshire Woman's Christian Temperance Union, representing 2,200 members, praying for the repeal of the internal-revenue tax on all alcoholic liquors; which was referred to the Committee on Finance.

He also presented a petition of 50 citizens of the First Congressional district of New Hampshire, praying for the prohibition of the liquor traffic in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. EVARTS presented a petition of 13 ex-Union soldiers and sailors, citizens of Niles, Cayuga County, New York, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of 67 citizens of the Twenty-seventh Congressional district of New York, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. HISCOCK presented the petition of E. G. Hutchinson and 19 other male citizens of Phœnix, N. Y., praying for better legal protection for women and girls within the Territorial, admiralty, and maritime jurisdiction of the United States; which was referred to the Committee on the Judiciary.

Mr. JONES, of Arkansas, presented the petition of Martha W. Holmes, a citizen of Pennsylvania, praying to be allowed compensation for commissary supplies furnished the United States Government during the war, and receipted for by an authorized officer; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. BLACKBURN, from the Committee on Naval Affairs, to whom was referred the bill (S. 1180) to amend the naval record of Nickolas Leuschen, Peter Leuschen, and Loth Possum, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 4601) to amend the naval record of Nickolas Leuschen, Peter Leuschen, and Loth Possum, reported it with an amendment, and submitted a report thereon.

Mr. SHERMAN, from the Committee on Foreign Relations, to whom was referred the joint resolution (H. Res. 95) to enable the President of the United States to extend to certain inhabitants of Japan a suitable recognition of their humane treatment of the survivors of the crew of the American bark Cashmere, reported it without amendment.

He also, from the same committee, to whom was referred the letter of the Secretary of the Treasury in response to Senate resolution of February 16, 1888, relative to smuggling in the Free Zone of Mexico, asked to be discharged from its further consideration, and that it be referred to the Committee on Finance; which was agreed to.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (H. R. 742) for the relief of John F. Cadwallader, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 771) for the relief of John F. Cadwallader, reported adversely thereon; and the bill was postponed indefinitely.

Mr. FAULKNER, from the Committee on Claims, to whom was referred the bill (S. 517) for the relief of J. Henry Rivers, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Claims, to whom was referred the

bill (S. 1475) for the relief of Arthur Connell, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1158) to recognize and pay certain claims due by the State of West Virginia to citizens thereof for service rendered the United States in the late war, and which are properly chargeable to the United States, submitted the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That the claims represented by Senate bill No. 1158, with all the papers relating thereto, be, and the same are hereby, referred to the Court of Claims to find the facts, under the provisions of the act of Congress of March 3, 1888, chapter 116, commonly called the Bowman act, as amended by section 14, chapter 359, of the act of March 3, 1887.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (H. R. 2699) for the relief of the heirs of the late Solomon Spitzer, reported it without amendment, and submitted a report thereon.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the petition of Theodore Reuthe, praying for arrears of pension, submitted a report thereon, accompanied by a bill (S. 2460) granting arrears of pension to Theodore Reuthe; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 1831) granting a pension to Mrs. Mary Heap Nicholson, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2067) granting a pension to William O. Doyel, reported it without amendment, and submitted a report thereon.

Mr. BLODGETT, from the Committee on Pensions, to whom was referred the bill (S. 1488) granting an increase of pension to Louisa V. de Kilpatrick, widow of Maj. Gen. Judson Kilpatrick, United States Volunteers, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 1261) granting a pension to William H. Nonamaker;

A bill (S. 1330) granting a pension to Maria Gardner;

A bill (S. 1329) granting a pension to Alfred E. Gathercole;

A bill (S. 1667) granting a pension to John Hill;

A bill (S. 1486) increasing the pension of Anthony Kiss and granting arrears of increased pension; and

A bill (S. 1748) granting a pension to John L. Conklin.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1737) granting a pension to Theodore Gardner;

A bill (S. 1658) granting a pension to William H. Shivers;

A bill (S. 2375) granting a pension to Joseph McGuckian;

A bill (S. 2006) granting a pension to Mary E. Noll, widow of Philip Noll;

A bill (S. 2230) granting a pension to D. P. Hougland;

A bill (S. 2231) granting a pension to William N. Cline; and

A bill (S. 2108) granting a pension to George W. De Motte.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 1741) granting a pension to Patrick Flaherty, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. SAWYER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 2128) granting an increase of pension to Mary H. Nelson, to report it adversely.

Mr. PLUMB. I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. CULLOM. I desire, on behalf of the minority of the Committee on Territories, to file the views of the minority in relation to the bill (S. 12) to provide for the formation and admission into the Union of the State of Washington, and for other purposes. I ask that the views of the minority be printed with the majority report.

The PRESIDENT *pro tempore*. The views of the minority will be received and so printed.

Mr. CULLOM. I desire also to propose a bill as a substitute for Senate bill No. 12, reported by the Senator from Nevada [Mr. STEWART] from the Committee on Territories. I ask that the proposed substitute be printed with the views of the minority, and that it be placed on the Calendar.

Mr. PLATT. I want to say with reference to the bill presented by the Senator from Illinois [Mr. CULLOM] that I understand it is a bill in the nature of a proposed amendment to the bill which has been reported by the majority of the committee, and perhaps it had better remain in that shape rather than go upon the Calendar. I want it understood that it is introduced as a proposed amendment.

Mr. CULLOM. That is what I design. I really was not aware what order the bill would take.

The PRESIDENT *pro tempore*. The Senator can either introduce it as an original bill or offer it as an amendment to the bill reported from the committee.

Mr. CULLOM. It is proposed by the minority of the committee as an amendment in the nature of a substitute for the bill reported by the Senator from Nevada for the admission of Washington Territory.

The PRESIDENT *pro tempore*. The substitute is offered as an amendment, to be proposed by the Senator from Illinois when the bill is reached for consideration.

Mr. CULLOM. That states the case.

The PRESIDENT *pro tempore*. The proposed amendment will be printed and lie on the table.

Mr. MITCHELL. I am instructed by the Committee on Claims, to whom was referred the bill (S. 800) for the relief of Stewart & Co., to report it with an accompanying resolution referring the bill to the Court of Claims, and I ask for the adoption of the resolution.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That the bill (S. 800) entitled "A bill for the relief of Stewart & Co.," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of the fourteenth section of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of said section of such act and report to the Senate in accordance therewith.

Mr. JONES, of Arkansas. I am unwilling to allow this resolution to pass without——

Mr. EDMUNDS. I rise to an inquiry of order. I suppose that a resolution of this kind, which deals with public business and is not a mere opinion of the Senate——

Mr. MITCHELL. I can not hear the Senator from Vermont.

Mr. EDMUNDS. I am rising to an inquiry respecting a point of order. I suppose that resolutions of this character, which dispose of bills and other things, go on the Calendar, to come up like other subjects for the action of the Senate in their order. I submit, therefore, that this resolution is not now before the Senate for action, but should take its place on the Calendar with the other regular business of the Senate.

Mr. MITCHELL. I think the Senator from Vermont is entirely right; and as the Senator from Arkansas has some objection to the resolution, I ask that it be placed on the Calendar.

The PRESIDENT *pro tempore*. It will be so ordered.

BILLS INTRODUCED.

Mr. MANDERSON introduced a bill (S. 2461) appropriating $150,000 for quarters and barracks at the branches of the National Military Home for Disabled Volunteer Soldiers; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BLACKBURN introduced a bill (S. 2462) for the relief of Charlotte Crumbaugh; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT introduced a bill (S. 2463) for the relief of Dwight Hall; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Finance.

Mr. HOAR introduced a bill (S. 2464) granting a pension to Mary Fennessey; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FAULKNER introduced a bill (S. 2465) granting a pension to Charles T. Caldwell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CHANDLER introduced a bill (S. 2466) to authorize the retirement of Commander Joshua Bishop, United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. KENNA introduced a bill (S. 2467) granting an increase of pension to Capt. Cecil Clay; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COKE introduced a bill (S. 2468) to confirm the title of the heirs or legal representatives of Henry Volcker, deceased, to a certain tract of land in the Territory of New Mexico; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. EVARTS introduced a bill (S. 2469) for the relief of Annie L. Langworthy; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GEORGE introduced a bill (S. 2470) to repeal section 714 of the Revised Statutes, allowing pensions to judges in certain cases; which was read twice by its title, and referred to the Committee on the Judiciary.

WAREHOUSE ENTRIES IN BOSTON CUSTOM-HOUSE.

Mr. HOAR submitted the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That the answer of the Secretary of the Treasury in response to resolution of February 24, 1887, in regard to certain transactions in the Boston custom-house, be taken from the files of the Senate and referred to the select committee to examine into the present condition of the civil service in all branches of the Government.

INTERRUPTION OF INTERSTATE COMMERCE.

The PRESIDENT *pro tempore*. If there are no further resolutions, concurrent or other, the Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the following resolution, submitted by Mr. PLUMB March 16, 1888:

Whereas an almost or quite total interruption of freight traffic has occurred

upon the Chicago, Burlington and Quincy and Atchison, Topeka and Santa Fé Railroads, railroads which are engaged in interstate commerce, and by reason of which interruption commerce between States is impeded and prevented:

Resolved, That the Committee on Interstate Commerce of the Senate, or a subcommittee thereof, be, and it is hereby, directed to inquire whether such interruption of commerce is occasioned by the failure of such railroads, or either of them, to adopt necessary precautions or means for carrying freights delivered or tendered to them for transportation, or if they have been otherwise neglectful of their duties as common carriers, whereby said interruption has been brought about; and to make such further inquiry as may be necessary to determine the responsibility for the interruption of commerce mentioned; and to report by bill or otherwise.

Mr. CULLOM. That is a resolution offered by the Senator from Kansas [Mr. PLUMB], who is not present. From a conversation between him and myself I think it is not his desire that the resolution shall come up at present.

The PRESIDENT *pro tempore*. The resolution will lie on the table.

CONSIDERATION OF THE CALENDAR.

Mr. MORRILL. I ask unanimous consent that it shall not be in order to-day to move any contested case that comes up under the Anthony rule, so called.

I desire to call attention to the fact that while we have been at work on the Calendar for two days there are just as many pages of the Calendar this morning as there were when we began; and if we are to take up contested cases we shall consume the day and not accomplish much.

Mr. HOAR. The Senator refers to cases objected to?

Mr. MORRILL. Yes, cases objected to. I have a bill which was reported from the Committee on Finance that I am very anxious to have some action upon, but I have refrained from calling it up, hoping that we might get through with a large number of the unobjected cases on the Calendar.

Mr. CULLOM. I have no objection, if the Senator will allow a bill to be explained briefly by the Senator who has it in charge.

Mr. MORRILL. Of course I do not propose to interfere with that.

Mr. CULLOM. If a bill can be explained before an objection carries it to the Calendar or passes it over, I have no objection to the proposition of the Senator from Vermont. But sometimes objections are made to a bill by persons imagining that it will lead to discussion when a mere explanation briefly by a Senator knowing about the bill would result in its being considered at once.

Mr. HOAR. I do not understand that the Senator from Vermont asks to have cases passed by that may be objected to, but they may still be debated and considered under the five-minute rule.

Mr. MORRILL. Certainly.

Mr. HOAR. But he wishes to exclude a motion to proceed to the consideration of a bill when there is objection.

Mr. MORRILL. My request is that we shall not call up bills out of order which would be objected to if they came up in the regular course of the consideration of the Calendar.

Mr. HARRIS. I understood the Senator's suggestion to be that it shall not be in order to move to proceed to consider a bill notwithstanding an objection.

Mr. HOAR. That is it exactly.

Mr. MORRILL. That is the case.

Mr. HARRIS. Which motion relieves a case from the five-minute rule.

Mr. VOORHEES. I think the better course of procedure is to allow the Senator reporting the bill or interested in it to briefly explain it, and then, if there is objection that would lead to discussion, let it go over; but it is frequently the case that when a bill is reached a minute's explanation would obviate all objection and secure its passage.

Subject to that modification, with the understanding that we have the right to explain a bill when it is reached, I think the Senator from Vermont is right and that we should go on with the Calendar in that way. But I want to obviate the power of anybody to prevent the consideration of a bill when a moment's explanation would secure action upon it.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent that during this day it shall not be in order, when the consideration of the Calendar is resumed under Rule VIII, to move to proceed to the consideration of any case, notwithstanding an objection, subject, however, to the modification that a Senator reporting a bill shall have the right to make a brief statement of its contents before objection is interposed. Is there objection to that understanding?

Mr. CHACE. As I understand it, that then becomes the rule for the day, does it?

The PRESIDENT *pro tempore*. If the unanimous consent should be given, the Chair would not feel at liberty to entertain any motion to proceed to the consideration of a case notwithstanding an objection. Is there objection? ["None."] The Chair hears none, and it is so ordered.

APPOINTMENTS OF CONFEDERATE SOLDIERS.

Mr. BLAIR. I wish to make an inquiry of the Chair. I should like to inquire at what time Senate bill 2443, which was under discussion yesterday morning at the expiration of the morning hour, would be in order. It was postponed until to-day.

The PRESIDENT *pro tempore*. The Chair understands that it would properly come up under the order of morning business.

Mr. BLAIR. I would, then, say with reference to that bill that several Senators, upon both sides of the Chamber, have requested that it lie over still further, and I will ask for its postponement until next Tuesday morning. I ask unanimous consent for its postponement until next Tuesday morning, and I will say that I shall be glad to ask the Senate then to dispose of the pending question, which is that it be read the second time and referred.

Mr. PLATT. Does that make a special order of it?

The PRESIDENT *pro tempore*. If there is no objection, the bill will lie on the table.

Mr. VANCE. If it is in order on the bill which the Senator from New Hampshire proposes to postpone until next Tuesday, I wish to make a very brief statement in correction of some remarks which fell from him yesterday. I did not hear the remarks at the time, or I should have replied to them then.

The PRESIDENT *pro tempore*. The Chair understands that the bill lies upon the table subject to the motion of the Senator from New Hampshire to proceed to its second reading; but if there be unanimous consent, the Senator from North Carolina will be permitted to proceed.

Mr. VANCE. My statement will not exceed two minutes.

The PRESIDENT *pro tempore*. The Senator from North Carolina will proceed.

Mr. VANCE. The Senator from New Hampshire used the following language in his remarks yesterday:

> Now, sir, when there are in the State of North Carolina alone twenty thousand men, as I am informed, without arms or without legs, poor, many of them dying in the almshouses of that State, and when all through the South there is a like condition of things, etc.

I wish simply to state that the Senator has been misinformed. There are not twenty thousand destitute Confederate soldiers in North Carolina, nor anything like it. There are less than three thousand disabled soldiers in the State. Those who are utterly helpless and without arms or legs are pensioned by the State. They are given a small pension, it is true, something like $100 a year, I believe, and last year something over $30,000 were expended in relieving the destitution of those who were unable to work. The great bulk of them are earning their living in the various occupations of life, and are in no way to be described as suffering and in great destitution.

That is all I desire to say.

The PRESIDENT *pro tempore*. The order of morning business being closed, the Secretary——

Mr. BLAIR. Pardon me. In reference to what the Senator from North Carolina has said, I will state that what I desired to say was that my information was to the effect that the number of wounded soldiers was what I mentioned. I presume my language should be corrected. I said that was the number of those simply who were wounded by loss of arms and legs. I did not mean that.

Mr. VANCE. I do not know of a single soldier in an almshouse in North Carolina, and none have ever died there, to my knowledge. That is not the way we treat those who shed their blood in defense of their State.

Mr. DANIEL. Mr. President, I rise to what I deem a question of privilege. I observe that the few remarks I made yesterday upon the bill just referred to have been in one or two particulars misquoted by the stenographer, so as a little to alter the sense. I ask the privilege of making the proper corrections.

The PRESIDENT *pro tempore*. The Chair supposes the Senator from Virginia would have the right to have the necessary corrections made upon application to the Official Reporter.

Mr. DANIEL. I ask the privilege of correcting them and reprinting them.

The PRESIDENT *pro tempore*. There will be no objection, the Chair understands.

ALBERT H. EMERY.

The PRESIDENT *pro tempore*. If there be no further morning business that order is closed. The first bill on the Calendar will be stated.

Mr. HOAR. The first bill on the Calendar I desire to have remain without losing its place. There is a bill pending in the other House on the same subject, and I prefer not to call up this bill in the Senate until the other House have acted.

The PRESIDENT *pro tempore*. The first bill on the Calendar at the point when the Senate last had it under consideration is Senate bill 192.

Mr. HOAR. I refer to the bill (S. 495) for the relief of Albert H. Emery.

The PRESIDENT *pro tempore*. The bill retains its place on the Calendar. The Secretary will report the first bill on the Calendar at the point when the Senate last had consideration of the Calendar.

INSTRUCTIONS TO JURIES.

The bill (S. 192) to provide that judges of the United States circuit and district courts shall reduce their instructions to juries to writing, in all States wherein by the laws thereof State judges are required so to do, was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment, in line 6, after the word "practice," to strike out the words

"and in such States no instructions shall be given to the jury by the court, or modified, except in writing;" so as to make the bill read:

That in all States wherein by the laws thereof judges of courts of record are required to reduce charges and instructions to juries to writing, judges of the district and circuit courts of the United States shall conform to such practice; and such written instructions shall be taken by the jury on their retirement, returned with their verdict, and retained with the files and be a part of the record in each case.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COURT IN INDIAN TERRITORY.

The bill (S. 270) to establish a United States court in the Indian Territory, and for other purposes, was announced as next in order on the Calendar.

Mr. BERRY. I ask that the bill may go over.

The PRESIDENT *pro tempore*. The bill will be passed over under objection.

MARY F. POTTS.

The bill (S. 502) for the relief of Mary F. Potts was announced as next in order on the Calendar.

Mr. PLATT. In regard to that bill I do not ask for its consideration at the present time. I should like to have it remain on the Calendar in its place, however. There is a similar bill pending in the other House, and I understand it will probably be under discussion to-day, and I do not care to have the Senate act upon this bill until the fate of the bill in the other House is determined.

Mr. HARRIS. I was requested by the Senator from Missouri [Mr. COCKRELL] to ask that the bill go over.

Mr. PLATT. Let it stand in its present place on the Calendar.

Mr. HARRIS. I have no objection to that course. Let it go over for the present, at all events, while a similar bill is pending in the other House.

The PRESIDENT *pro tempore*. The bill will be passed over, retaining its place on the Calendar.

JAMES M. WILLBUR.

The bill (S. 1044) authorizing the Secretary of the Treasury to state and settle the account of James M. Willbur with the United States, and to pay said Willbur such sum of money as may be found due him thereon, was considered as in Committee of the Whole. It provides for the payment to James M. Willbur of such sum as may be found due him for excess in weight of material and superficial measurement in illuminated tiling, frames, and supports thereof, placed by him in, on, and around the New York post-office and court-house building, in excess of the weight of that which was contracted for at the contract prices as stipulated with and paid to Bartlett, Robbins & Co. in their contract with the United States for illuminated tiling for that building, together with any increased and extra expense or cost incurred by Willbur resulting from any changes made in the weight and character of the tiling from that which was specified in the contract of Willbur with Bartlett, Robbins & Co.

The Secretary of the Treasury may make this settlement upon the report of such excess of weight and superficial measurement furnished by the experts, Solomon J. Fague and Archibald Given, of date April 21, 1886, to the Senate committee and on file with the Senate Committee on Claims; but if not satisfied with the report of such experts, the Secretary of the Treasury, within thirty days, is to cause a reweighing of the material, to be made by two sworn experts, one to be appointed by him and one by the claimant, and a third to be appointed by the two first appointed, in case they shall not agree; and he shall then pay to Willbur the difference of excess in weight and superficial measurement as found by these experts between the illuminated tiling and frames and supports thereof furnished by Willbur and that originally contracted for between Willbur and Bartlett, Robbins & Co. at the contract prices agreed upon for such work and material with and paid to Bartlett, Robbins & Co. by the United States.

Fifty-two thousand dollars, or so much thereof as may be necessary, is appropriated to enable the Secretary of the Treasury to carry out and execute the provisions of the act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY A. LEWIS.

The bill (S. 1499) for the relief of Mary A. Lewis, widow of Joseph N. Lewis, was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay to Mrs. Mary A. Lewis, widow of Joseph N. Lewis, $411.22; to be in full remuneration of the payment made by Joseph N. Lewis out of his own private funds for account of the Government of the United States while he was acting as its commercial agent at Port au Prince, Hayti, in the year 1855.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LABAN HEATH & CO.

The bill (S. 903) for the relief of Laban Heath & Co., of Boston, Mass., was considered as in Committee of the Whole. It was reported from the Committee on Claims with an amendment, in line 6, after the words "sum of," to strike out "$49,641.27" and insert "$13,621.31;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to Laban Heath & Co., of Boston, Mass., out of any money in the Treasury not otherwise appropriated, the sum of $13,621.31, which amount shall be in full for all claims of the said Laban Heath & Co. against the United States by reason of damages claimed by them on account of the imperfect execution of certain impressions of United States bonds designed for illustrating a work to be issued by the said Laban Heath & Co., called "The United States Bond Detector and Complete History of the United States Securities."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD RICE.

The bill (S. 1163) for the relief of Edward Rice was considered as in Committee of the Whole.

The bill was reported from the Committee on Finance with amendments, in line 4, after the words "directed to," to strike out "issue" and insert "pay, out of any money in the Treasury not otherwise appropriated;" in line 7, after the word "Massachusetts," to strike out "duplicates of" and insert "the sum of $2,700 in full for;" in line 18, after the word "dollars," to strike out "together with duplicates of the coupons of said bonds" and insert "and, in addition thereto, the interest;" in line 20, after the word "maturing," to insert "on said bonds;" in line 21, after the date "1868," to insert "to the date when said bonds ceased to bear interest;" and in line 25, after the word "against," to strike out "the originals of;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Edward Rice, of Denver, in the State of Colorado, formerly of Worcester, in the State of Massachusetts, the sum of $2,700, in full for the following coupon bonds issued under the act of March 3, A. D. 1865, known as consols of 1867, namely: Nos. 104568 and 104569, of $100 each; Nos. 61857, 61858, and 61859, of $500 each; and No. 101302, of $1,000, and, in addition thereto, the interest maturing on said bonds after July 1, A. D. 1868, to the date when said bonds ceased to bear interest: *Provided*, Said Edward Rice shall first give bond, with sureties to the satisfaction of the Secretary of the Treasury, in a sum double the amount of said bonds, conditioned to secure the United States harmless against said bonds and coupons; said bonds having been lost by said Edward Rice on the 19th day of July, A. D. 1868.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INSPECTION OF EXPORTED MEATS, ETC.

The bill (S. 535) providing for an inspection of meats for exportation, prohibiting the importation of adulterated articles of food or drink, and authorizing the President to make proclamation in certain cases, and for other purposes, was considered as in Committee of the Whole.

Mr. BECK. There is a most important subject in this bill, and the powers given under it to the Secretary of the Treasury particularly are very sweeping. Of course he can only act on the report of some agent. I should like the Senator from New York [Mr. EVARTS] to advise the Senate, in the first place, whether this is a unanimous report from the Committee on Foreign Relations. It goes very far. Then I should like to understand, as the Secretary of the Treasury can not know anything of these subjects, and can only act upon information furnished him, whether or not it guards the rights of the people who own property which may be condemned under the regulations provided for so that they can have an investigation made, or whether the report the Secretary may adopt is final and conclusive as to the facts. Are the rights of persons sufficiently guarded?

Mr. EVARTS. Mr. President, this bill was introduced at the last Congress and was reported by the committee then and was passed by the Senate last year. There is really nothing new in this bill that has not passed through that degree of scrutiny at the last session; but as the Senator has asked I can answer that this bill was very carefully considered in the committee, both last year and this year, and the present report is a unanimous one in favor of its passage, and every degree of proper protection consistent with necessary vigor in supervising the very important subject has been attended to in the frame of this bill.

Mr. President, the only criticism that has been made upon this bill has been from interests in packing, shipping interests, that there was not sufficient convenience given to the supervision and certification, and that it would be improved if there were a provision by which the Secretary might provide for inspection at the place of packing, and I hold in my hand an amendment which I propose to have inserted in the first section, which is wholly occupied with that question. I will read it. It will come in at line 19 of section 1, on the second page, after the word "entry," and it merely relates to convenience for certification and examination:

Provided, That whenever the Secretary of the Treasury shall think it expedient to cause such inspection before mentioned to be made at the place of packing of such meats for exportation, he may do so by proper officers appointed for that purpose; and such inspection so made and properly certified shall be in lieu

of the inspection hereinbefore provided for and shall be deemed a compliance with the provisions of this section.

This amendment I suppose no one will object to, and I am not aware that on the details of this bill any criticism has ever been made.

The PRESIDENT *pro tempore*. The Senator from New York proposes an amendment, which will be read by the Secretary.

The SECRETARY. In section 1, line 19, after the word "entry," it is proposed to insert:

Provided, That whenever the Secretary of the Treasury shall think it expedient to cause such inspection before mentioned to be made at the place of the packing of such meats for exportation, he may do so by proper officers appointed for that purpose; and such inspection so made and properly certified shall be in lieu of the inspection hereinbefore provided for and shall be deemed a compliance with the provisions of this section.

Mr. MCPHERSON. I should like to have the amendment read again.

The PRESIDENT *pro tempore*. It will be again read.

The Secretary again read the amendment.

Mr. CALL. I ask whether it would not be better to make the bill a special order for some future time. The bill is a very important one.

Mr. EVARTS. It is true the bill is a very important one, but it has been very well understood. It has already passed the Senate twice, been reported upon by the Committee on Foreign Relations, and no citizens interested in the subject are unprovided for in the bill except the very interest which the amendment I have now offered covers, and this is simply to allow inspection at the place of packing, which is much more convenient to them, and not all done at the port of export.

Mr. COKE. Does it refer alone to meats?

Mr. EVARTS. "All salted pork and bacon intended for exportation." We have not a basis of reclamation at present, and it is very important that one should be made, as it will be by this bill.

Mr. MCPHERSON. I should like to ask the Senator from New York why the committee did not also include in this bill a proper inspection of live animals leaving the ports of the United States, which are now placed under restrictive municipal legislation on the other side? For instance, take the export of live cattle from this country. They reach an English port if you please. They are subjected to very restrictive laws or restrictive practices on that side. They are forced to be slaughtered at the point where they are received, in that way inflicting great loss on the shippers of the animals.

I can well see the propriety of such legislation as this with respect to pork and bacon and all kinds of provisions because of the objection that has been made in France, Germany, and other countries on the plea that the animals were diseased, and therefore that they have a right to make restrictive laws against their importation.

I am also glad to see that there is a section of the bill which provides for adulterated food and wines that come from other countries, and allows the President, by proclamation, to not permit their entry into the United States; but it seems to me that this bill should go further, and should include in its provisions some kind of inspection with respect to live animals. Will the Senator be willing to let the bill go over until to-morrow, keeping its place upon the Calendar? and I will try to prepare an amendment and submit it to him that will meet that view of the case.

There is also another provision of the bill which, while in some respects it might seem to be necessary, would in my opinion operate very injuriously to the interests of those who are engaged in the importation of live animals. As the law exists to-day (and this bill proposes to make it much more restricted with respect to the importation of live animals) they are forced to go into a sort of inspection yard, or quarantine yard. These quarantine yards are nothing in the world but pest-holes, as you can readily perceive that a quarantine hospital where yellow fever or small-pox is quarantined would not be supposed to be quite as agreeable as some other parts of the country outside of it. These cattle, whether diseased or not, whether brought from districts on the other side of the water that are infected or not, are forced into these quarantine stations, and the animals that have never been subjected by contact to any disease whatever are forced to go to the yards adjoining those where cattle are absolutely suffering with the disease. It does seem to me as though that was unnecessary, requiring the animals to be subjected to contact with the disease. I think some modification should be made in that regard.

Mr. PALMER. The Senator from New Jersey will permit me to suggest that I think the propositions he mentions are found in the bill (S. 2083) to provide for the establishment of a bureau of animal industry, and to facilitate the exportation of live-stock and their products, to extirpate contagious pleuro-pneumonia and other diseases among domestic animals, and for other purposes, a bill which has been reported by the Committee on Agriculture.

Mr. MCPHERSON. But not yet acted upon.

Mr. PALMER. It is on the Calendar.

Mr. PADDOCK. And will be soon brought up.

Mr. PALMER. I think the matter to which he alludes will properly be considered when that bill comes up for discussion.

Mr. MCPHERSON. Very well, then; I will refrain from offering any amendment to this bill.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Senator from New York [Mr. EVARTS].

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENSION FOR LOSS OF BOTH HANDS.

The bill (S. 379) to allow soldiers and sailors in the United States service who have lost both hands an increased pension was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 5, after the word "hand," to insert "or the use of both hands;" so as to make the bill read:

Be it enacted, etc., That from and after the passage of this act all persons who, in the military or naval service of the United States and in the line of duty, have lost both hands, or the use of both hands, shall be entitled to a pension of $100 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JENNIE H. COGHILL.

The bill (S. 171) granting a pension to Jennie H. Coghill was considered as in Committee of the Whole.

It proposes to place on the pension-roll the name of Jennie H. Coghill, widow of Thomas A. Coghill, late a private in Company F, Tenth Regiment Rhode Island Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT H. BLAKE.

The bill (S. 1209) for the relief of Robert H. Blake was considered as in Committee of the Whole. It provides that the claim of Robert H. Blake, of Virginia, for personal property alleged to have been taken from his farm on the Rappahannock River, adjoining Bankford, in Stafford County, Virginia, between November 15, 1862, and June 20, 1863, by a portion of the Army of the Potomac, and alleged to have been used by such army, be referred to the Quartermaster-General with directions to investigate the same and report the facts to Congress, together with all the evidence in the case.

Mr. EDMUNDS. Let us hear the report in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. MITCHELL February 1, 1888:

The Committee on Claims, to whom was referred the bill (S. 1209) for the relief of Robert N. Blake, having had the same under consideration, respectfully beg leave to submit the following report:

The claim in this case is for the sum of $5,755.50 for supplies belonging to the claimant, Robert N. Blake, and alleged to have been taken from his farm adjoining Banks's Ford, on the Rappahannock River, in the State of Virginia, under orders from officers in command of United States forces in November, 1862, and between the 15th of that month and the 20th of June, 1863, and used by the Army of the United States; and a list of which property, consisting principally of corn, hay, cord-wood, fodder, hogs, oxen, cattle, horses, etc., is hereto attached and made part hereof.

It is made to appear to your committee that the claimant during the war of the rebellion, in the fall of 1862 and winter and spring of 1863, was the owner of a valuable, well-cultivated, and well-stocked farm on the banks of the Rappahannock, in Stafford County, Virginia; that during the fall of 1862 and spring and summer of 1863 the United States forces and Army of the Potomac were encamped the most of this time on a portion of said farm, and during this time large levies were made from time to time, and from his personal property, on such farm, for the use of the Army, and used by the Army. For a small portion of the property so taken, hay and some other articles, receipts were given by the officers in command, while for the greater portion no receipts seem to have been given.

The evidence as to amount and value of the property so taken and used is not satisfactory and will not justify your committee in recommending payment in the amount claimed, or, in fact, in any specific amount. It is very evident, however, that certain amounts of hay, corn, coal, wood, and other items of personal property were taken from claimant's farm, and used by the Army as alleged. This farm, as appears from the evidence, was well stocked when the Army of the Potomac made its encampment there for the winter in the fall of 1862; and when it departed in June, 1863, it was stripped to a very great extent of everything of value.

The reason assigned why this claim was not presented to the Southern Claims Commission is that during the existence of that tribunal important papers connected with the claim and necessary to its consideration were lost, and were not found until some three months had elapsed after said commission had finally adjourned. The committee is inclined to accept this as an excuse in this case.

The evidence is clear that Mr. Blake was a thoroughly loyal man all through the war. Your committee, in view of all the circumstances, recommend that this claim, and all papers connected therewith, be referred to the Quartermaster-General, with instructions to investigate the same and report all the facts, together with the evidence, to Congress, at his earliest practicable convenience; and your committee report back the bill and recommend its passage.

Mr. EDMUNDS. I wish the Secretary would read the bill again; it is very short.

The PRESIDENT *pro tempore*. The bill will be read.

The Secretary read the bill.

Mr. EDMUNDS. I should like to ask my friend from Oregon if he can have read to us the evidence of the supposed accident which caused the loss of papers which led this claimant to omit to present his claim to the Southern Claims Commission.

Mr. MITCHELL. The evidence in the case was before the committee. I think it is his own affidavit on that point.

Mr. EDMUNDS. Then let the bill go over, and I will look up the affidavit. I do not like the looks of the claim.

Mr. MITCHELL. I suppose there is no objection to the case going to the Quartermaster-General to report the facts.

Mr. EDMUNDS. There would not be, only that always implies a mortgage, and I want to see on what ground it is that he claims that he failed on any principle of accident to submit the case to the Southern Claims Commission. I will take the trouble to look at the papers.

Mr. MITCHELL. The Committee on Claims, every day almost, is met by such cases and has refused many such applications.

Mr. EDMUNDS. I am glad of it.

The PRESIDENT *pro tempore*. The bill will be passed over, retaining its place on the Calendar.

THE NAVIGATION LAWS.

The bill (H. R. 5728) to amend the laws relating to navigation, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REMOVAL OF SOUTHERN UTES.

The bill (S. 104) authorizing the removal of the Southern Ute Indians from the State of Colorado to the Uintah Valley reservation, in the Territory of Utah, was announced as next in order on the Calendar.

Mr. DAWES. Let that bill go over.

Mr. BOWEN. I wish the bill to keep its place on the Calendar.

Mr. DAWES. Very well.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

JOHN W. BLAKE.

The bill (S. 1376) for the relief of John W. Blake was considered as in Committee of the Whole. It provides for the payment to John W. Blake, of the city of Indianapolis, Ind., the pay and allowances of a captain of infantry in the volunteer service from the 23d of June, 1861, to the 21st of July, 1861, less any amounts paid him during that term, which shall be in full payment of all claims which Blake may have against the Government of the United States for back pay.

The bill was reported to the Senate without amendment.

Mr. EDMUNDS. Let us hear the report.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. STEWART February 2, 1888:

The Committee on Military Affairs, to whom was referred the bill (S. 1376) for the relief of John W. Blake, report as follows:

The committee adopt the report of the Senate Committee on Military Affairs of the first session of the Forty-eighth Congress, and recommend the passage of the bill.

Said report contains all the facts in the case, and is as follows:

[Senate Report 441, Forty-eighth Congress, first session.]

The Committee on Military Affairs, to whom was referred the bill (S. 1631) for the relief John W. Blake, respectfully report:

The following correspondence with the War Department sufficiently explains the nature of this case:

"WAR DEPARTMENT, *Washington City, April* 17, 1884.

"SIR: I have the honor to acknowledge the receipt of your letter of the 24th ultimo, inclosing S. 1631, Forty-eighth Congress, first session, a bill which appropriates the sum of $1,700 as full payment of all claims that John W. Blake, of Indianapolis, Ind., late captain of Company C, Tenth Regiment Indiana Volunteers, may have against the Government of the United States for back pay and interest due him as brigade inspector and brigade commissary on the staff of General W. S. Rosecrans, during three months' service in the war of 1861-'65.

"In reply to your request for information in regard to the subject-matter of the bill, I beg to invite attention to the inclosed report of the 15th instant from the Adjutant-General of the Army, from which it appears that Captain Blake is equitably entitled to the pay of a captain of infantry from June 23 to July 21, 1861.

"Very respectfully, your obedient servant,

"ROBERT T. LINCOLN,
"*Secretary of War.*

"Hon. BENJAMIN HARRISON,
"*Of Committee on Military Affairs, United States Senate.*"

"WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
"*Washington, April* 15, 1884.

"SIR: I have the honor to return herewith a letter of Hon. Benjamin Harrison, United States Senator, inclosing a bill (S. 1631, Forty-eighth Congress, first session) for the relief of John W. Blake, with request for information in regard to the subject, and to report as follows:

"The records of this office show that John W. Blake was mustered into service as captain, Company C, Tenth Indiana Volunteers, with company April 25, 1861, to serve three months.

"On June 22, 1861, he was detached from his command as brigade major on the staff of Brig. Gen. W. S. Rosecrans, and on July 8, 1861, as acting brigade commissary. He was relieved as such and directed to rejoin his regiment July 21, 1861, but the records fail to show that he returned to his regiment or that he rendered any further service to the Government.

"John W. Blake was paid as captain, Company C, Tenth Indiana Volunteers (three months), from April 24 to June 23, 1861, and Abram O. Miller was paid as captain of same company from April 24 to include August 5, 1861, on which latter date the company was mustered out of service.

"Under the record it would seem that Captain Blake is equitably entitled to the pay of a captain of infantry from June 23 to July 21, 1861, although such payment, through the error arising from improperly dropping Captain Blake upon his detail to staff duty, and by filling his place by Captain Miller, would result in further paying two officers in the same grade for the same period.

"No such grade as 'brigade major' is known to the service.

"I am, sir, very respectfully, your obedient servant,

"R. C. DRUM, *Adjutant-General.*

"The Hon. SECRETARY OF WAR."

The committee report the bill favorably, with amendments, and recommend its passage as amended.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MAJ. DANIEL N. BASH.

The bill (S. 258) for the relief Maj. Daniel N. Bash, paymaster United States Army, was considered as in Committee of the Whole. It is a direction to the proper accounting officers, in settling and adjusting the accounts of Maj. Daniel N. Bash, paymaster United States Army, to credit him with $7,350.93, Government funds, of which he was robbed at Antelope Springs, Wyo., March 18, 1887, without his default, while *en route* to pay the troops at Fort McKinney, Wyo., by one Charles Parker, since arrested and convicted of the robbery, and now imprisoned and serving his term in the penitentiary at Laramie City.

Mr. EDMUNDS. Let us hear the report.

The PRESIDENT *pro tempore*. The report will be read.

Mr. SPOONER. The report is somewhat lengthy, and perhaps I can state to the Senator from Vermont what the case is.

Mr. EDMUNDS. I waive the request for the time being.

Mr. SPOONER. This bill is for the relief of Major Bash, who is at present a paymaster in the Army, and is based upon the following facts:

Major Bash was in 1887 on duty at San Antonio, Tex., where he had been on duty for a long time. He was ordered to Cheyenne depot, Wyoming Territory, and before his arrival at that post was ordered by General Crook to proceed to Fort McKinney for the payment of troops at that post.

It ought to be said that upon his arrival from Texas he was in ill health, and before he left Cheyenne he applied to the Quartermaster's Department for a safe, to which, under the rules of the Department, he was entitled, in order to enable him to transport in safety these funds. He was informed that there was no safe, except one that was out of repair. He asked that that safe be repaired and furnished to him. He was informed that under the law (although I think it would have cost but a few dollars to repair the safe) it was necessary to advertise for ten days for proposals to repair the safe, causing delay and expense. Major Bash offered to pay the expense out of his own pocket if they would have the safe repaired and furnished to him for the transmission of the money. They agreed to do it, but failed to do it, and, as his orders were peremptory, he was obliged to leave without the safe.

When he arrived at Douglas, Wyo., for he was to receive there a large part of the money, he attempted there to obtain a safe, but was unsuccessful. He also attempted to obtain a sack from the express company such as is used by the express companies in the transmission of funds, but he was unable to secure that. He was obliged to go without either the sack or the safe, having done all that any man could be expected to do to secure both.

At Douglas he met with an escort, consisting of a sergeant and one man, and he proceeded on his journey after having given, as the committee found upon a careful examination of the testimony, proper orders to his escort. At another point, where they stopped for breakfast, Major Bash found that in his absence his escort had left the stage without carrying with them the valise containing the money. He reprimanded them sharply, and cautioned them against being careless again on the journey; and when they stopped for dinner at Antelope station, where the robbery occurred, the testimony clearly shows that when he left the stage to go to the station he left with this money his clerk and his escort and went to the store. He was there, perhaps, ten or fifteen minutes. He then went to dinner, and at dinner he found, to his surprise, the clerk and the escort. They, within a few moments, left the room to go back to the stage; and during his absence the valise with the money had been stolen by a cowboy who was at that station. He was pursued, and shots were exchanged, but the escort was not provided (as was admitted by the War Department) with adequate arms, and the thief escaped with the money.

We were not satisfied that after the robbery, in the light of what had happened, Major Bash had exercised all the diligence that was possible; but we found that he exercised extraordinary diligence in the attempt to procure a safe, and that he had done, all things considered, all that could be reasonably asked of him under the circumstances. There was a court of inquiry organized, which found that he had been somewhat negligent in the orders which he gave to the escort as to taking care of the funds. We examined the testimony with great care and find that that finding was not sustained by the evidence. There is a letter from each of the officers composing the court commending the case to the favorable consideration of Congress. There is also in the report a letter from General Crook advising that this relief be afforded to this officer. There is also a letter from General Terry, which is very brief, and which I beg leave to read:

HEADQUARTERS DIVISION OF THE MISSOURI,
Chicago, December 7, 1887.

As the facts developed in relation to the robbery of Major Bash clearly indicate that he made strenuous efforts to provide for the safety of the official funds in his custody, which efforts, owing to the want of proper means at the disposal of the Government, failed, the views expressed by General Crook are concurred in.

ALFRED H. TERRY, *Major-General, U. S. A.*

The recommendation of General Terry is also concurred in by Lieutenant-General Sheridan. There are among the papers certificates from a large number of officers, most of whom are famous for gallant services during the war, stating that they have known Major Bash for a great many years, and that he is a man who has been uniformly careful and painstaking with regard to his duties.

The committee felt, after giving the case a very careful investigation, that under all the circumstances it was but an act of simple justice to relieve him from this liability.

Mr. CULLOM. I only desire to say a word, Mr. President, in corroboration of what the chairman of the Committee on Claims has stated as to the facts of the case, and to add that I have known Major Bash for probably twenty years, and know him to be a thoroughly honorable and sober man, and faithful in the discharge of his duties. I think it is a clear case where he ought to be relieved from this embarrassment under which he now rests.

Mr. BECK. I do not want to meddle with these matters, but I have read this report two or three times, and am thoroughly convinced that Major Bash has a very good case, and I am very glad to know it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RIVER AND HARBOR IMPROVEMENT WORKS.

The joint resolution (H. Res. 81) to authorize the purchase of the lands necessary for the construction of locks and dams on the Cumberland River was considered as in Committee of the Whole.

The joint resolution was reported from the Committee on Commerce with an amendment, which was to strike out the whole joint resolution and to insert the following in lieu thereof:

Be it enacted, etc., That the Secretary of War may cause proceedings to be instituted in the name of the United States, in any court having jurisdiction of such proceedings, for the acquirement by condemnation of any land, right of way, or material needed to enable him to prosecute works for the improvement of rivers and harbors for which provision has been made by law; such proceedings to be prosecuted in accordance with the laws relating to suits for the condemnation of property of the States wherein the proceedings may be instituted: *Provided, however*, That when the owner of such land, right of way, or material shall fix a price for the same which, in the opinion of the Secretary of War, shall be reasonable, he may purchase the same at such price without further delay.

The amendment was agreed to.

Mr. EDMUNDS. I should like to hear this measure explained. It is a bill of pretty large moment. What is the matter with the Cumberland River, and what is the present state of the locks and dams on it? I should like to hear it explained, if the Senator in charge of the bill will do it.

Mr. DOLPH. This measure came to us as a joint resolution proposing to authorize the Secretary of War to purchase or condemn the necessary land for locks on the Cumberland River. In the river and harbor bill which failed to become a law because it did not receive the signature of the President at the last session of Congress there was a general provision authorizing the condemnation of land necessary for river and harbor improvements, and also providing for an agreement between the parties and the Secretary of War, similar to the general provision substituted as an amendment for the House joint resolution by the Committee on Commerce.

Mr. EDMUNDS. What is the condition of public work on the Cumberland River?

Mr. DOLPH. The Senate Committee on Commerce has substituted, under the recommendation of the Secretary of War and the Chief of Engineers, a general provision providing in all cases for the exercise of this authority by the Secretary of War. The Senator did not hear the amendment which was read. It is a general provision which takes the place of the particular provision of the House resolution.

Mr. EDMUNDS. That I did not hear. Let the amendment be read.

The PRESIDENT *pro tempore*. The amendment will be again read.

The Secretary read the amendment reported by the Committee on Commerce.

Mr. EDMUNDS. I have no objection if the provision is adequate. I only heard the original resolution before.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

The title was amended so as to read: "A bill to facilitate the prosecution of works projected for the improvement of rivers and harbors."

Mr. DOLPH. I move that the Senate insist on its amendments, and ask for a conference thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. DOLPH, Mr. FRYE, and Mr. VEST were appointed.

CŒUR D'ALENE RESERVATION.

The bill (S. 38) granting to the Washington and Idaho Railroad Company the right of way through the Cœur d'Alene Indian reservation was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment, in section 3, line 17, after the word "railroad," to insert "including charges of transportation;" so as to read:

And the surveys, construction, and operation of such railroad, including charges of transportation, shall be conducted with due regard for the rights of the Indians, and in accordance with such rules and regulations as the Secretary of the Interior may make to carry out this provision.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The Chair calls attention to a typographical or grammatical error in line 8, section 2, after the words "water station," where the language is "not to exceeded."

Mr. DOLPH. Let that be corrected.

The PRESIDENT *pro tempore*. The word "exceed" will be inserted in place of "exceeded," if there be no objection.

Mr. EDMUNDS. I move to strike out the last section, as to when the act shall be in force. It is entirely unnecessary and unusual.

The PRESIDENT *pro tempore*. The section proposed to be stricken out will be read.

The Secretary read as follows:

SEC. 7. That this act shall be in force from its passage.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BOUNTIES OF VOLUNTEERS.

The bill (S. 1035) for the relief of certain volunteer soldiers was announced as next in order.

Mr. COCKRELL. I ask that the Senate will turn to Order of Business 352, being the bill (H. R. 1387) for the relief of the volunteers of the Fourth Regiment of Iowa Infantry. I ask that the bill be taken up and passed, by striking out the provisions of the House bill and inserting the Senate bill.

Mr. EDMUNDS. You want to postpone the Senate bill indefinitely and let the House bill take its place.

Mr. COCKRELL. Yes. I want the House bill taken up now.

The PRESIDENT *pro tempore*. If there be no objection, the House bill will be read.

The bill (H. R. 1387) for the relief of the volunteers of the Fourth Regiment of Iowa Infantry was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause, and in lieu thereof to insert:

That the act entitled "An act in relation to bounties," approved April 22, 1872, be amended by striking out the words "before August 6, 1861;" and said act, as hereby amended, shall have full force and effect from April 22, 1872.

SEC. 2. That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to reconsider the claims of all soldiers and their heirs who may have been denied the bounty of $100 granted by the act of April 22, 1872, under any construction of said act which has since been modified or rescinded, and such claims shall, if found correct and just, be allowed and paid, provided the soldiers were enrolled or enlisted for three years prior to July 22, 1861, under the proclamation of the President of the United States of May 3, 1861, and the orders of the War Department issued in pursuance thereof, and were actually mustered into the service of the United States and honorably discharged.

Mr. EDMUNDS. I should like to hear that explained.

Mr. COCKRELL. The reading of the report will be about as short an explanation as can be made.

Mr. EDMUNDS. Then let the report be read.

The PRESIDENT *pro tempore*. The report will be read.

Mr. COCKRELL. I can explain in a moment. The provision of the first section of the proposed amendment is to modify the law of April 22, 1872, by striking out the words "before August 6, 1861." The law is in the report. The whole thing is in the report.

Mr. EDMUNDS. Whereabouts in the statutes?

Mr. COCKRELL. The act of April 22, 1872. I suggest that the report be read. I think it is about as short as any explanation I could make.

The Secretary read the following report, submitted by Mr. COCKRELL from the Committee on Military Affairs February 2, 1888:

The Committee on Military Affairs, to which was referred the bill (S. 1035) "for the relief of certain volunteer soldiers," have duly considered the same, and submit the following report:

The first section of this bill proposes to amend the law, "An act in relation to bounties," approved April 22, 1872, by striking out the words "before August 6, 1861."

The second section directs the accounting officers of the Treasury to reconsider the claims of all soldiers and their heirs who have been denied the bounty of $100 under said act of April 22, 1872, under any construction of said act which has since been modified or rescinded.

Your committee referred the bill to the Second Auditor for examination and report, and received in answer the following:

"TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE,
"*Washington, D. C., January 27, 1888.*

"DEAR SIR: I am in receipt of your favor of the 26th instant, inclosing Senate bill No. 1035, for the relief of certain volunteer soldiers, and House bill 1387, for the relief of volunteers of the Fourth Iowa; and in reply to your questions have the honor to say that the provisions of the Senate bill would cover the regiment intended to be provided for in the House bill. The latter is identical in its provisions with Senate bill No. 795, which was referred to me on the 17th instant by Hon. CHARLES F. MANDERSON, to whom I made a report on the 20th.

"I beg leave to inclose a copy of that report, which, I think, will afford you

all the information you desire. In my judgment, both sections of Senate bill 1035 should be enacted into law.

"Respectfully, yours,

"WM. A. DAY, *Auditor.*

"Hon. F. M. COCKRELL,
"*United States Senate.*"

"TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE,
"*Washington, D. C., January* 20, 1888.

"SIR: Replying to your inquiries of the 17th instant, in connection with Senate bill 795, as to the probable number of men who would be entitled to bounty if the provisions of the bill were general, and what objections seem to exist to making the measure embrace all men who enlisted prior to July 22, 1861, and were mustered in, I have the honor to say:

"1. As at present advised I do not think the number would exceed 1,500, but I have not been able to obtain such data as would warrant me in making a positive statement on the subject.

"2. No objections occur to me. On the contrary, I favor the enactment of a law which will place on the same footing with regard to bounty all men who enlisted prior to July 22, 1861, under the President's proclamation of May 3, 1861, and who were actually mustered into the service of the United States and honorably discharged therefrom. With that end in view a bill was prepared for the Hon. WILLIAM B. ALLISON, and was referred to the Senate Committee on Military Affairs December 21, 1887. I inclose a copy of that bill (Senate 1035), and beg leave to suggest that if it be substituted for Senate bill 795 it will not only effect the object sought to be attained by the latter bill, namely, the relief of the Fourth Iowa Volunteers, but it will afford relief to members of other organizations whose claims are equally meritorious.

"Respectfully, yours,

"WM. A. DAY, *Auditor.*

"Hon. CHARLES F. MANDERSON,
"*United States Senate.*"

The law proposed to be amended by the first section of this bill reads as follows:

"An act in relation to bounties.

"*Be it enacted, etc.*, That every volunteer, non-commissioned officer, private, musician, and artificer who enlisted in the military service of the United States prior to July 22, 1861, under the proclamation of the President of the United States of May 3, 1861, and the orders of the War Department issued in pursuance thereof, and was actually mustered before August 6, 1861, into any regiment, company, or battery which was accepted by the War Department under such proclamation and orders, shall be paid the full bounty of $100, under and by virtue of the said proclamation and orders of the War Department, in force at the time of such enlistment and prior to July 22, 1861: *Provided*, That the same has not already been paid.

"Approved April 22, 1872."

This law was evidently intended as a law for adjusting and equalizing bounties, and was intended to provide a bounty of $100 to the soldiers who enlisted in the military service in response to the President's proclamation of May 3, 1861, and were actually mustered into the service, and fixed August 6, 1861, as the day before which they were required to have been mustered into the service. Apparently the only reason for the insertion of that day was the fact that on that day Congress by law legalized all the acts, proclamations, and orders of the President issued after March 4, 1861, and prior to that date, in regard to the Army and Navy. No valid reason seems to exist why those who responded to this proclamation of May 3, 1861, and enlisted in the service prior to July 22, 1861, and were mustered before August 6, 1861, should receive this bounty, whilst others who responded equally as promptly and enlisted prior to July 22, 1861, and were not mustered prior to August 6, 1861 (which in ninety-nine cases out of every hundred was not their fault, and who were mustered just as soon as mustering officers could reach them), should be denied this bounty. Equal and exact justice would seem to require that all who responded to the proclamation and enlisted prior to July 22, 1861, and were actually mustered into the service and were honorably discharged, should be placed upon an equal footing and receive equal amount of bounty, and therefore section 1 is right.

In regard to section 2. In adjusting claims under the act of April 22, 1872, the accounting officers of the Treasury adopted the rule laid down by the Secretary of War in construing the act of July 22, 1861, and decided that—

"Those who were enlisted and mustered as above, and who were discharged for promotion, are not entitled to this bounty, as such discharge is not considered a muster-out of the service as contemplated in General Order No. 15, 1861, under which the contract was made."

And Mr. Auditor French, on the 11th day of April, 1870, decided that—

"A discharge for promotion does not entitle the soldier promoted to this bounty."

This decision governed the accounting officers of the Treasury Department in passing upon bounty claims to December 24, 1885, when it was overruled or rescinded, on the ground that the soldier discharged for promotion was honorably discharged within the meaning of General Order No. 15, 1861.

General Order No. 15, issued May 4, 1861, by the War Department, as well as General Order No. 25 of the War Department, issued May 26, 1861, provides that every private who entered the service under the plan set forth should be paid, when honorably discharged, the sum of $100. The proclamation of the President May 3, 1861, and such orders of the War Department were, by section 3, 12 Statutes, 326, legalized and made valid to the same intent and to the same effect as if they had been issued and done under the previous express authority of the Congress of the United States.

Since this action or decision of December 24, 1885, became known, many soldiers whose cases had been rejected under the former construction of the act of 1872 renewed their applications for the one-hundred-dollar bounty and were again rejected on the ground that they had already been once adjudicated, and that under section 191, Revised Statutes, the action of the Second Comptroller in formal disallowance of these claims for bounty pursuant to the decision of 1872 and prior to December 24, 1885, was final and conclusive upon all concerned and subject to review only by Congress and the proper courts, and that the subsequent decision of 1885 reversing the prior one can not apply to the cases already decided and determined, and such cases can not be reopened.

The class of claimants this affects consists generally of men who volunteered as private soldiers and were afterwards promoted, and in some instances for gallantry in action. They filled the conditions of the act of 1872, and were legally entitled to the benefits thereof, but were denied such benefits by what must be considered as misinterpretation of the law, and this misinterpretation of the law is now construed as a bar to a reconsideration and readjustment of their claims. Therefore, in the opinion of your committee, in order to do equal and exact justice and to carry out the full intent of the act of April 22, 1872, section 2 should also be enacted.

Your committee therefore report the bill back to the Senate and recommend its passage.

Mr. MANDERSON. This bill has received very careful attention in the Committee on Military Affairs, and is approved by the Auditor of the Treasury who has the adjustment of these matters. I think there can be no possible objection to it.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of certain volunteer soldiers."

Mr. COCKRELL. I move that the bill (S. 1035) for the relief of certain volunteer soldiers be indefinitely postponed.

The motion was agreed to.

BRIDGE ACROSS RED RIVER OF THE NORTH.

The bill (S. 667) authorizing the construction of a bridge across the Red River of the North was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 6, after the words "bridge and," to strike out "apparatus" and insert "approaches;" so as to read:

That the assent of Congress is hereby given to the North Dakota and Pacific Railroad Company, a corporation existing under the laws of the State of Minnesota, and to its successors and assigns, to construct and maintain a bridge and approaches thereto, etc.

The amendment was agreed to.

The next amendment was, in section 2, line 7, after the word "draw," to strike out:

And provision shall be made in the height of the bridge, and in the location and construction of abutments and approaches, to allow the free passage of flood water.

And insert in lieu thereof:

And the bottom chord of the bridge shall not be of less elevation than one foot above the plane of the highest flood known at the locality, and provision shall also be made in the location and construction of abutments and approaches to allow the free passage of flood water.

The amendment was agreed to.

The next amendment was, in section 5, line 5, after the word "by," to strike out "Congress" and insert "the Secretary of War;" so as to make the section read:

SEC. 5. That the right to alter, amend, or repeal this act, so as to prevent or remove all material and substantial obstructions to the navigation of said river by the construction of the said bridge, is hereby expressly reserved, and any alterations or changes that may be required by the Secretary of War in the bridge constructed under this act shall be made by the corporation owning or controlling the same, at its own expense; and if said bridge shall not be finished within two years from the passage of this act, the rights and privileges hereby granted shall be null and void.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The Chair calls the attention of the Senator from Missouri to an apparent typographical error in line 38 of section 2, where the word "steam" occurs.

Mr. VEST. It ought to be "stream;" so as to read "channel of the stream."

The PRESIDENT *pro tempore*. That change will be made if there be no objection.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSISSIPPI BRIDGE AT NATCHEZ.

The bill (S. 1669) authorizing the Mississippi and Louisiana Bridge and Railroad Company of Natchez, Miss., to construct a bridge over the Mississippi at or near Natchez, Miss., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment.

Mr. VEST. I wish to offer an amendment on the part of the committee. Since the bill was reported by the Committee on Commerce the Board of Engineers of the War Department has reported in regard to all the bridges on the Mississippi River. In accordance with their recommendation I am directed by the committee to move that in section 3, line 5, the word "five" be stricken out before "hundred" and "six" inserted; and in the same line the words "seventy-five" before "feet" stricken out, so as to make a span of 600 feet.

The PRESIDING OFFICER (Mr. DOLPH in the chair). The amendment will be reported.

The SECRETARY. In section 3, line 5, after the word "than," it is proposed to strike out "five hundred and seventy-five" and insert "six hundred;" so as to make the section read:

SEC. 3. That the main channel-span shall not be less than 700 feet wide in the clear, to be placed at right angles to the direction of the current, and that the spans on either side of and next to the main span shall not be less than 600 feet in clear width, and that the height in the clear of the spans and the location of the piers shall be approved by the Secretary of War before the bridge is constructed.

The amendment was agreed to.

Mr. VEST. In line 8 of section 3, after the word "constructed," I move to insert:

Provided, That the height of said span shall not be less than 75 feet.

The amendment was agreed to.

Mr. VEST. I notice a misprint in line 4 of section 1, where the letter "a" is used instead of the letter "r." It reads "coaporation" instead of "corporation."

The PRESIDING OFFICER. That correction will be made, if there is no objection.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONSIDERATION OF CALENDAR.

Mr. HOAR. I understand that the Senator from Connecticut [Mr. PLATT] expected to call up the bill for the admission of Dakota to-morrow; but that Senator has informed me that he will prefer to call it up at a later day. I therefore ask unanimous consent that the consideration of business on the Calendar under the rule as made for to-day may continue through to-morrow.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that the consideration of the Calendar under the eighth rule be continued to-morrow after the morning business. Is there objection? The Chair hears none.

Mr. HOAR. Of course the modification of the rule made this morning on the motion of the Senator from Vermont [Mr. MORRILL] will apply to-morrow.

Mr. SAULSBURY. I gave notice that I would to-day, after the morning business, ask to be heard on the motion to refer the President's message. Not having had an opportunity to-day, I should like to be heard to-morrow.

Mr. HOAR. I do not propose to interfere with the Senator from Delaware. Indeed, I had forgotten that he proposed to address the Senate. It will not be understood that the unanimous consent cuts him off.

The PRESIDING OFFICER. The Senator from Massachusetts modifies his request so as to except the Senator from Delaware making remarks to-morrow.

Mr. VEST. My friend from Delaware can have the floor to-morrow. It is so understood.

Mr. HOAR. The Senator from Vermont obtained the unanimous consent of the Senate this morning that during the day to-day the rule should be so far modified that no person should move to take out from the operation of the rule any measure pending on the Calendar. I suppose the Senate desires to have that understanding applied to this extension for to-morrow.

The PRESIDING OFFICER. Will the Senator from Massachusetts state his request again, and the Chair will call for objection?

Mr. HOAR. The request is that, subject to the right of the Senator from Delaware to address the Senate, the consideration of bills on the Calendar continue through to-morrow as under the order made for to-day.

The PRESIDING OFFICER. The Senate has heard the request of the Senator from Massachusetts. Is there objection? The Chair hears none. There being no objection, that will be the order of the Senate.

SILETZ INDIAN RESERVATION.

The bill (S. 1129) granting to the Newport and King's Valley Railroad Company the right of way through the Siletz Indian reservation was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, at the end of section 3, in line 24, to add the followidg proviso:

And provided further, That no greater rate shall be charged upon said road within said reservation for the transportation of passengers or freight than is charged for a like service outside of said reservation.

The amendment was agreed to.

The next amendment was, in section 4, line 8, before the word "years," to strike out "ten" and insert "two;" so as to make the section read:

SEC. 4. That said company shall not assign or transfer or mortgage this right of way for any purpose whatever until said road shall be completed: *Provided*, That the company may mortgage said franchise, together with the rolling-stock, for money to construct and complete said road: *And provided further*, That the right granted herein shall be lost and forfeited by said company unless the road is constructed and in running order across said reservation within two years from the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DEARBORN PARK, CHICAGO.

The bill (S. 1852) to modify and amend the provisions of the dedication to public use of the tract of land known as "Dearborn Park," in the city of Chicago, State of Illinois, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC PARK IN OREGON.

The bill (S. 1817) to grant to the State of Oregon townships 27, 28, 29, 30, and 31 south, in ranges 5 and 6 east, of the Willamette meridian, in the State of Oregon, for a public park, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments, in line 13, after the word "inalienable." to insert "by the State of Oregon;" in line 17, before the word "buildings," to insert "roadways and," and in line 18, after the word "fire-wood," to insert "for use upon the reservation and for the preservation of the forests against fires;" so as to read:

That there be, and hereby is, granted to the State of Oregon the tract of land embracing townships 27, 28, 29, 30, and 31 south, in ranges 5 and 6 east, of the Willamette meridian in the State of Oregon, within the limits of which is situated Crater Lake, for the purposes of a public park, upon condition that said State shall, within three years from the passage of this act, by an act of its Legislative Assembly, accept this grant; that the premises shall be held for public use as a public park and place of public resort and forest reserve and shall be inalienable by the State of Oregon for all time, and that said State shall never cut or remove or authorize or permit the growing timber upon said tract to be cut or removed therefrom except to the extent that may be necessary for the construction of roadways and buildings thereon for the accommodation of visitors and for firewood for use upon the reservation and for the preservation of the forests against fires, and shall enact and enforce suitable laws for the protection and preservation of the same.

The amendments were agreed to.

The next amendment was, in line 21, after the word "exceeding," to strike out "twenty-five" and insert "fifteen;" so as to read:

But leases for a term not exceeding fifteen years may be granted for such portions of said premises as may be necessary for hotels and other similar purposes for the accommodation of visitors; all income derived from such leases to be expended for the preservation and improvement of the property and in the construction of roads thereon and leading thereto.

The amendment was agreed to.

The next amendment was at the end of the bill, to add:

Congress reserves the power to alter, amend, or repeal this act or any provision thereof, or to declare that the trusts declared in this act have not been duly executed by the State of Oregon; and, upon the making of such declaration, the title and possession of said land shall revert immediately to the United States, but the rights of lessees under this act shall be saved to them according to the terms of their respective leases, and no lease shall include the exclusive right to have and enjoy the privilege of access to Crater Lake, or to any other conspicuous object of natural curiosity.

The amendment was agreed to.

Mr. PLUMB. There is a recommendation of the President of the United States, communicating a report of Major Powell to set aside this tract of land—that is, Crater Lake and the adjoining property—as a public reservation. An amendment has been suggested as to the description of the land to be embraced within this reservation, and I move to insert in line 4, after the word "land," the description which Major Powell has suggested instead of the printed description in the bill.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 4, after the word "land," it is proposed to strike out the words:

Embracing townships 27, 28, 29, 30, and 31 south, in ranges 5 and 6 east of the Willamette meridian.

And in lieu thereof to insert:

Beginning at the northwest corner of section 5 of township 27 in range 3 east of the Willamette meridian, and extending due south 30 miles to the southwest corner of section 35 of township 31 in range 3 east of said meridian, thence extending due east until it meets the western boundary of the Klamath Indian reservation; thence northwardly and coterminously with said boundary of the Klamath Indian reservation as far as the northwesternmost corner thereof, thence due north to a point due east of and on the same parallel as the place of beginning, thence due west to the place of beginning.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. FRYE. I call the attention of the Senator from Kansas to the fact that the change of description will make it necessary to change the title of the bill.

The PRESIDING OFFICER. The bill is not yet passed. The title will come up after the passage. The attention of the Chair is called by the Secretary to a verbal correction which is needed in line 32. The word "lesees" should be "lessees." The correction will be made if there is no objection.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PLUMB. I now move to amend the title by striking out, after the word "Oregon," in the first line, all down to and including the word "Oregon," in the last line, and inserting "certain lands in that State;" so as to read:

A bill to grant to the State of Oregon certain lands in that State for a public park.

The amendment was agreed to.

PUBLIC BUILDING AT SPRINGFIELD, MO.

The bill (H. R. 1611) for the erection of a public building at Springfield, Mo., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISPOSITION OF GOVERNMENT PROPERTY.

The bill (S. 539) amending section 3749 of the Revised Statutes of the United States, relating to the disposition of property of the United

States, and repealing the first paragraph of section 3208 of the Revised Statutes, was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with amendments.

The first amendment was, in line 10, after the word "debts," to insert the words "or under any revenue law of the United States;" and in line 14, after the word "sale," to strike out the words "for three months" and insert "not less than once each week for four successive weeks next;" so as to read:

That section 3749 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 3749. The Secretary of the Treasury is authorized to rent, for a period not exceeding three years, or to sell at public sale and convey, any lands or other property of the United States acquired, under judicial process or otherwise, in the collection of debts, or under any revenue law of the United States, or acquired absolutely and without any condition, use, or trust attaching thereto, by private gift, grant, or devise, after advertising the time, place, and conditions of such sale not less than once each week for four successive weeks next preceding the same in some newspaper published in the vicinity thereof, in such manner and upon such terms as he, in his judgment, may deem to be most advantageous to the public interest."

The amendment was agreed to.

The next amendment was to add the following additional section to the bill:

SEC. 2. That the words "and with the approval of the Secretary of the Treasury may, at public vendue, and upon not less than twenty days' notice, sell and dispose of lands assigned or set off to the United States in payment of such debts, or vested in them by mortgage or other security for the payment of such debts," contained in section 3208 of the Revised Statutes, be, and the same are hereby, repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FISH-HATCHERY IN WYOMING.

The bill (S. 850) granting certain lands in the Territory of Wyoming for public purposes was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments, in line 8, after the word "exceeding," to strike out "1,280" and insert "640;" in line 9, after the word "acres," to insert "as nearly as practicable in square form, according to the public surveys;" and in line 13, after the word "fish-hatchery," to strike out the word "university;" so as to make the bill read:

That the governor of the Territory of Wyoming is hereby authorized and empowered to cause to be selected and entered, of the public lands contained within the boundaries of the Fort Sanders military reservation, in said Territory, as soon after the extension of the public surveys through said reservation as practicable, to an amount not exceeding 640 acres, as nearly as practicable in square form, according to the public surveys; that the lands so selected and entered are hereby granted to the Territory of Wyoming for the purpose of enabling the said Territory to maintain thereon a fish-hatchery and other public institutions: *Provided*, That if the said Territory shall at any time permit the said lands hereby granted to be used for any purpose not contemplated by this act, the said lands shall revert to the United States: *Provided further*, That nothing in this act contained shall be construed or have the effect to impair the rights of any person in or to any portion of said lands acquired under any law of the United States.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ECKINGTON AND SOLDIERS' HOME RAILWAY.

The bill (H. R. 6899) to incorporate the Eckington and Soldiers' Home Railway Company of the District of Columbia was announced as next in order on the Calendar.

Mr. DANIEL. I object to the consideration of that bill.

The PRESIDING OFFICER. Being objected to, the bill goes over under the rule.

Mr. HARRIS. It will retain its place on the Calendar?

The PRESIDING OFFICER. If there be no objection, the bill will retain its place on the Calendar.

Mr. HARRIS. It retains its place on the Calendar under Rule VIII.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2159) for the relief of Joseph B. Burton; and

A bill (H. R. 3508) for the relief of William G. Galloway, late captain Fifteenth, United States Army.

The message also announced that the House had passed the following bills:

A bill (S. 309) for the relief of R. G. Huston & Co.;

A bill (S. 643) to construct a road to the national cemetery at Corinth, Miss.; and

A bill (S. 660) for the relief of Charles Murphy.

INQUISITIONS UNDER NATIONAL AUTHORITY.

The bill (S. 1516) to provide for inquests under national authority was announced as next in order on the Calendar.

Mr. GEORGE. I presume the Senator from Massachusetts [Mr. HOAR] does not desire the consideration of that bill under this rule.

Mr. HOAR. If the Senator from Mississippi does not object on his own account, I pray he will not on mine.

Mr. GEORGE. I object to the consideration of the bill.

The PRESIDING OFFICER. Being objected to, the bill will go over.

JURIES IN UNITED STATES COURTS.

The bill (S. 64) to authorize the juries of the United States circuit and district courts to be used interchangeably, and to provide for drawing talesmen, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The PRESIDING OFFICER. The next two bills on the Calendar, the bill (S. 230) for the retirement of judges of the district or circuit courts of the United States on account of disability, and the bill (S. 226) securing the right of a party complainant in the United States courts to file a supplemental bill in equity causes, having been reported adversely, will go over under the rule.

COURTS IN MISSISSIPPI.

The bill (S. 778) to provide for holding terms of the United States courts at Mississippi City was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JULIET C. PALMER.

The bill (S. 607) for the relief of Juliet C. Palmer, widow and administratrix of James C. Palmer, late Surgeon-General United States Navy, was announced as next in order on the Calendar.

Mr. CHANDLER. I object to that bill.

The PRESIDING OFFICER. Being objected to, the bill will go over under the rule.

REPAIR OF FORT MARION.

The bill (S. 250) for the repair of Fort Marion, at St. Augustine, Fla., and the inclosure of the grounds attached to said fort, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments, in line 3, before the word "thousand," to strike out "twenty" and insert "ten," and to strike out all of the bill after the word "Florida," in line 5, in the following words:

and for the inclosure of the grounds attached to the fort as a park or place of public resort, the said park or grounds to be in charge of the city authorities of St. Augustine and the commanding officer of said fort, and for the repair of the sea-wall and the barracks of the United States Army at St. Augustine, Fla.

So as to make the bill read:

Be it enacted, etc., That $10,000 be, and the same is hereby, appropriated for the repair of Fort Marion, at St. Augustine, Fla.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the repair of Fort Marion, at St. Augustine, Fla."

LAND PATENT FEES.

The bill (S. 1681) to amend section 461 of the Revised Statutes of the United States, regulating fees for exemplification of land patents, and for other purposes, was considered as in Committee of the Whole. It proposes to amend section 461 of the Revised Statutes so as to make it read:

SEC. 461. All exemplifications of patents or papers on file or of record in the General Land Office which may be required by parties interested shall be furnished by the Commissioner upon the payment by such parties at the rate of 15 cents per hundred words, and 30 cents each for photolithographed copies of township plats or diagrams, unverified, not to exceed 10 copies to any one person, and 25 cents each for all copies in excess of 10, with an additional sum of $1 for the Commissioner's certificate of verification with the General Land Office seal; and one of the employés of the office shall be designated by the Commissioner as the receiving clerk, and the amounts so received shall, under the direction of the Commissioner, be paid into the Treasury; but fees shall not be demanded for such authenticated copies as may be required by the officers of any branch of the Government, nor for such unverified copies as the Commissioner, in his discretion, may deem proper to furnish.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DESTRUCTION OF OYSTERS.

The bill (S. 1378) directing the prosecution of inquiries by the Commissioner of Fish and Fisheries in respect to the destruction of oysters in the natural oyster-beds lying within the waters and jurisdiction of the United States, by star-fish, etc., and making an appropriation for such purpose, was considered as in Committee of the Whole. It proposes to appropriate $10,000 to enable the Commissioner of Fish and Fisheries to prosecute investigations and inquiries in respect to the destruction of oysters in the natural oyster-beds lying within the waters and jurisdiction of the United States, by star-fish, winkles, and

other animals destructive to oyster life, and also to ascertain whether any and what protective measures should be adopted in the premises, and to report upon the same to the next Congress.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. EDMUNDS. I wish the Chair (without meaning the slightest criticism, because he is doing what his predecessor, the regular chairman, did), would at the third reading have the title of each bill reported again, so that every Senator can hear it.

The PRESIDING OFFICER. The Chair will be glad to adopt the suggestion.

PENSIONS OF WIDOWS OF ARMY OFFICERS.

The bill (S. 998) to restore pensions in certain cases was considered as in Committee of the Whole. It provides that the act "to restore pensions in certain cases," approved June 9, 1880, shall be construed so as to include within its provisions all officers and enlisted men in the Army, and their widows and minor children.

Mr. EDMUNDS. I should like to have the bill explained a little. I do not know what it means.

Mr. BLAIR. The bill applies, I think, to five widows of Army officers who served in the Mexican war, and are consequently old women. The law cited in the bill actually gives them $5 a month more than they are now receiving, but by the operation of a law which was passed quite a number of years ago the pension was inadvertently reduced from $25 to $20. That illustrates the idea. The bill only applies to the widows of five old officers. An act was passed to rectify the wrong, but by accident it was made to apply only to the widows of naval officers and omitted these five or six. I think there are five such widows of officers who belonged to the Army.

The bill is simply to extend to them the same privilege which was extended to the widows of the naval officers by giving them the additional $5 a month.

Mr. EDMUNDS. How much would that make these widows of the Army officers have? The Senator will remember, of course, that the naval pensions are paid out of the fund raised by prize-money, and there might be—I do not say there is—a distinction in that respect in regard to the quantum to which we might go.

Mr. BLAIR. It makes just $5 a month more than they are now receiving, and there are five of them.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS TO ARMY NURSES.

The bill (S. 373) for the relief of women enrolled as army nurses was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in section 1, line 25, before the word "dollars," to strike out "twelve" and insert "twenty-five;" so as to read:

That all women regularly enrolled in the United States service as army nurses or sanitary agents during the late war of the rebellion, and who rendered six months' service in the hospitals, diet kitchens, or on the battle-fields, and who have been honorably discharged therefrom; or who, prior to the completion of the period named, were disabled in the line of duty and honorably discharged, shall, upon making due proof of the fact, according to such rules and regulations as the Secretary of the Interior may provide, be placed on the list of pensioners of the United States and entitled to $25 per month; and such pensions shall commence from the date of filing the application in the Pension Office after the passage of this act.

Mr. EDMUNDS. I should like to hear the report.

Mr. COCKRELL. There is no report, I understand.

Mr. BLAIR. Oh, yes, there is a report.

Mr. EDMUNDS. There is a report; No. 569.

Mr. BLAIR. Let the report be read.

Mr. COCKRELL. The report is not marked on the bill as printed and put on the Calendar. I did not know there was any report.

Mr. EDMUNDS. Let us have the report read.

The Secretary read the following report, submitted by Mr. BLAIR March 13, 1888:

The Committee on Pensions, to whom was referred the bill (S. 373) for the relief of women enrolled as army nurses, etc., having considered the same, report it back to the Senate with an amendment, to wit:

Strike out the word "twelve," in the twelfth line, and insert in place thereof the words "twenty-five," and thus amended recommend its passage.

The surviving nurses of the Army are now, nearly all of them, elderly and venerable women, disabled by hard service in the care of the sick and wounded soldiers of the country or by the infirmities of age. Their numbers are so reduced by death that, according to the best information which has been obtained after two years or more by careful and systematic inquiry and correspondence instituted by the Army Nurses' Association, there are, who would be included in the purview of this bill, an average of not more than six or eight in each State of the Union.

Many of them expended large sums of their private fortunes for the soldiers while engaged in the terrible service they rendered in hospital and frequently on the battle-field. Most of them gave away all they received from the Government when anything was paid to them; generally their service was gratuitous, and in many cases they paid their own expenses; and, as a whole, the nurses of the Army during the war gave to the country and the world the highest and holiest example of the sublime in patriotic devotion which the records of time afford.

For several years special acts have been passed providing for isolated cases, in sums varying from $12 to $25 per month, and perhaps in some instances a still higher sum. But it is time that this noble band of women be adopted as the nation's sacred charge, to provide for whom shall hereafter be a most grateful duty and the source of honorable pride.

This duty has been too long neglected, and it must ever be the cause of deep regret and a reflection upon the gallantry of this mighty people that twenty-seven years of continuous general pension legislation of great variety, and involving immense sums of money, have elapsed before these neglected benefactors of their country have received even the slight attempted recognition provided for in this bill.

The sum of $25 per month is little enough to pay to the few survivors of these more than Roman matrons, whose story is one of the chief glories of the Republic.

We append the plain, but affecting and impressive, statement submitted to your committee by the delegation representing the National Army Nurses' Association.

"ARMY NURSES' ASSOCIATION,
"*Washington, D. C., February* 29, 1888.

"*To the honorable Committee on Pensions, United States Senate:*

"GENTLEMEN: We appear before you as a committee representing the 'Army Nurses' Association,' the only organization of its kind in the country, with its headquarters in Washington, and a membership composed of women from all the loyal States from Maine to California. As women whose services allow us to speak with absolute certainty of our hospitals and the labors performed therein, we ask to be considered on this subject.

"For the four years of the war—years equal to a lifetime of labor and pain, and endured as bravely as well by women as by men—we were engaged in hospital work and saw every phase of it, and we earnestly request that the recent discriminations made in the rates of $12, $20, and $25 per month in the allowances of nurses' pensions for their own services be corrected; and that all women who shall satisfactorily prove their own service as regularly, permanently, and effectively on duty as soldiers, each under military authority and subject to orders of army surgeons in charge of sick and wounded soldiers in the United States military hospitals, sent wherever most needed, be considered on a uniform basis, namely, the rating $25 per month, as a general law, whenever they shall seek pension upon the ground of disability or present necessity.

"This should exclude those women who had extra care or responsibility in the distribution of hospital stores, or were in charge of others as 'superintendents of nurses,' among whom are our worthy president, Harriet P. Dame, of New Hampshire, whose personal benevolence in the donations for hospitals at the beginning of the war, untiring zeal and responsibilities in the distribution of stores for over four years in the Army of the Potomac; our vice-president, Dr. Susan A. Edson, of Ohio, whose knowledge of surgery enabled her to be most effective during the war, and later service in the care of President Garfield; 'Mother' Bickerdyke, whose name is a household word in the West, who distributed hundreds of thousands of dollars' worth of hospital stores committed to her special charge; Joanna W. Turner, whose judicious distribution of large and valuable stores, her arduous and responsible duties while in charge of the sick and wounded on board the Mississippi River hospital transport boats, with others who might be named. Such women as these, we claim, did service which entitles them to as large a specific rating as is allowed to any soldier, by general laws, namely, $72 per month, provided they have present disability by age or otherwise.

"Such women as served, who are now entitled to or deserving a pension on account of deceased husband or son, should be allowed an increase for their own service (should they seek it) as much as other women for their own services are considered entitled to. Each case should then be considered on its own merits or status; if a woman already pensioned for a husband's or son's service receives by law $12, $15, $17, $20, $25, or $30 per month, and she asks further pension on account of her own service, because of need or disability, why, for such service, should she not have the same as given others and the amount allowed to increase her present pension?

"In considering the claims of army nurses for pension, by some it has been placed on equality with that of widows and mothers of soldiers; but we claim that nurses should be pensioned on equal rating with the soldiers themselves, it being personal service as much as the soldier's, while the rating of the widows or mothers is for the services of other persons than themselves.

"General laws allow soldiers pensions from $8 to $72 per month, and we feel that by placing the rate for army nurses at $25 it is a very low average as between the rates for soldiers; and that for any woman who was old enough to do efficient army service during the war, she is by age alone now disabled for any real labor in life as much as the soldier, who would be allowed much more than a $25 pension; and further, if by necessity she is compelled now to ask a pension, she can not be made comfortable by a less amount than this for the few years of life now remaining to her.

"And this is but justice. This only grades pensions as the present laws allow for men, and for the same reasons; thus considering the widow or mother as heir of the one who filled responsible positions, bore great responsibility, entitled to more than the heir of a private soldier, however brave, who was responsible only for himself, and the same reasons as govern a grading of pay.

"The woman who takes greater responsibility also in her work, for others as well as herself, should be entitled to more pay and more pension than one who only fills her own place and is only responsible for it. A difference in rate has been made as to whether services rendered were 'in the field,' 'at the front,' or in the hospitals of Washington and vicinity. The hospitals of Fortress Monroe locality, Alexandria, Washington, Frederick, Cumberland, Baltimore, Annapolis, and others could be named as in the positive line of 'at the front' of hospital work, as were all which were near enough to the scene of carnage and slaughter so that the men were brought there to be saved in their blood-stained clothing as they fell, with most of the amputation yet to be made, with wounds undressed and often filled with maggots; clothing, bodies, and hair with filth and vermin—equally obnoxious to patient and nurse—and all to be made pure and well if skillful care and nursing could save them; and where did all the most loathsome and trying part fall but on the brave women who became willing nurses for these heroes, for such was every man who took his life in his hands to go forth to battle for what he believed right, to do his duty as a true, good citizen?

"It may be work in the hospitals so far north as Philadelphia, New York City, Boston, etc., could be classed as away from 'the front,' but even there the labor of nurses was arduous, the responsibility great; for we sent men from the hospitals of all points named, long before they ceased requiring skillful care, to make room 'at the front' for 'worse cases;' and, with the exceptions of at most a couple of days after battle—usually a few hours—the real 'long pull' and hard responsible work of doing, for both nurses and surgeons for our wounded, was transferred from 'the front' of fighting ground to 'the front' of hospital work—the general hospital—for every man who was expected to live, if at all dangerously sick or wounded, was taken thence as soon as possible, and there work was continuous, great, harrowing, in summer and winter, for all those years of war; many especially of our wounded were in hospitals for months before they could be even sent from these hospitals North. Consequently such difference in rating has been unjust and should be corrected. We are certain all army surgeons who served 'in the field' and 'in the hospitals' will say that, except for a short time after battle, in our hospitals was 'the front' of the care of our sick and wounded and the most arduous and continuous work of nurses done.

"For a soldier under orders, if his service or disability is 'in line of duty,' allow him a pension. It is not asked in what locality he was—he was sent where he was needed, and expected to be there, to do his duty. So were nurses. They, too, were under orders. Only such ask pensions as army nurses or should

receive as such. There are many who will not ask a pension; and be assured no woman will unless she finds it an actual necessity to ask the relief of a pension, as let the many years prove that worthy women have waited before any did ask pension as army nurse. The same brave, heroic spirit of self-sacrifice will govern them now as led them to perform service as they did in the war; but now, when age with disabilities and necessity press upon them, should they be less honored because they ask? And shall they be refused?

"We appeal to every heart in your honorable committee; and let all hope, if obliged to ask, that their request shall meet with kind and generous response.

"Per order of the association.

"Very respectfully, yours,

"HARRIET A. B. CORTS, *of Michigan, Chairman,*
"HENRIETTA C. INGERSOLL, *of District of Columbia,*
"ANNIE PLATT, *of Massachusetts,*
"MARY A. HILL, *of Pennsylvania,*
"CATHERINE M. LEE, *of Maryland,*
"HARRIET H. P. GROGAN, *of Connecticut,*
"SUSAN A. EDSON,

"*Committee on Legislation.*"

Mr. BECK. Mr. President, I only rise to call for the yeas and nays on the passage of the bill. I know it will pass, as all pension bills pass, and the worse they are the surer to succeed. There is no use objecting to it, because that will only postpone it for a day or two, and then it will come up and pass. I only call for the yeas and nays, because it has been announced here that whenever the yeas and nays are not called for it means that everybody is in favor of the bill. I am not in favor of it. After this report of course it will pass.

We have been giving from $12 to $25 a month, it seems, in all special cases where great service was done; but this is a bill which places on the pension-roll, at the rate of $25 a month, all women who were enrolled as army nurses or sanitary agents, and who rendered six months' service in hospitals, diet kitchens, or elsewhere. That is, any woman who was caught inside the lines of the Army, who was enrolled as an army nurse or sanitary agent, and cooked for six months, is to get a pension of $25 a month. The report says that——

This duty has been too long neglected, and it must ever be the cause of deep regret and a reflection upon the gallantry of this mighty people that twenty-seven years of continuous general pension legislation of great variety and involving immense sums of money have elapsed before these neglected benefactors of their country have received even the slight attempted recognition provided for in this bill.

The sum of $25 per month is little enough to pay to the few survivors of these more than Roman matrons, whose story is one of the chief glories of the Republic.

Of course the bill will pass after that. Where a woman has been caught anywhere, as was done all over the border States, and was taken in and enlisted as a nurse to get her away from her former master, and where she cooked for six months, she becomes a "Roman matron" and gets $25 a month. I do not think it is right.

Mr. EDMUNDS. Mr. President, I do not quite see on what principle this bill goes. In respect of the army nurses who got ill, or were in any wise disabled in their military service, I should be very glad indeed, if the law does not provide for them now, to make provision; but this bill gives a pension of $25 a month apparently for six months' service of women as army nurses who were honorably discharged and who went home in perfect health.

That is a new departure in the pension business. These ladies themselves, this association of nurses, if I understand the reading of their memorial, and I have read it again myself, do not ask for that. They only ask, apparently, and that would be right, to be put on the footing of soldiers who were disabled in the service; and if they were disabled in the service, or had come to extreme necessity, like our dependent soldiers, then it would be right that Congress should make provision for them. So say I; but this bill appears to go entirely beyond the memorial of the petitioners and entirely beyond anything in the way of pension laws that we have yet passed.

So far we have not provided for the men who served four or five years in the heat of battle and who came back whole, and who are still alive and well, although they had served four or five years continuously in the midst of perils and in prisons, etc. We have made no provision to do anything in the way of a pension for them; and yet this bill provides, what the ladies do not ask for, that if any woman has rendered service as an enrolled nurse in the Army for six months she shall have $25 a month, without any regard to her pecuniary circumstances, her state of health, or anything whatever.

As a friend of woman's rights I do not believe in making that invidious distinction. I can not see the ground upon which it stands, for these ladies, although women (and that is greatly to their credit), were not exposed to the dangers and to the hardships that the soldier himself was. No matter how wicked this rebellion was—we may exhaust the vocabulary about that—I do not believe there was ever a Confederate army or soldier or an officer who, having, contrary to the laws of Providence, beaten our boys on some battle-field and got into our hospitals where these women were, would do otherwise than treat them with the greatest tenderness and respect. It is impossible to think anything else. Therefore, so far as personal security goes, and personal safety, the women stand on a much safer ground than the man who held his musket on the lines and in the front and took the storm of battle.

So I can not see—perhaps my friend from New Hampshire can explain it to me—the principle, or the ground, or the justice upon which a service pension of $25, after a service of six months, shall be given to a well woman, under the present condition of things in regard to all the soldiers of the United States. If there is any explanation, I shall be glad to hear it.

Mr. BLAIR. Mr. President, this is a bill which was prepared by the National Relief Corps of Women, an association connected with the Grand Army of the Republic; and it was indorsed by the Grand Army of the Republic and sent here as the right kind of a bill for introduction. I introduced it, and it was referred to the Committee on Pensions.

The army nurses form an association which represents about 150 members, of which Mrs. Harriet P. Dame is the president. After the bill had been acted upon by the Committee on Pensions they came before it desiring to be heard. They are the people who are particularly interested, and they are acting in co-operation with the Grand Army and with the Woman's National Relief Corps. They felt as though the amount of pension provided in the bill as it had been introduced was not so large as it ought to be, and upon a full hearing by the committee it was determined by the committee that the amount of $12 per month, specified in the bill, was less than ought to be given for the services which had been rendered, and considering the condition of these women, an amendment raising the sum to $25 a month was adopted by the committee, and it was adopted without a division in the committee, so far as I know. Thus it appears upon the Calendar with this increase beyond the terms contained in the original bill.

The report of the committee has been read, and I do not think its terms would be considered as extravagant or as going beyond the just statement of the services rendered by these women by any member of the committee who heard the testimony and the address of the representatives of the army nurses.

I will, however, read, in addition to what is contained in the report which has been read to the Senate, a letter which has been sent to me by one of the past commanders-in-chief of the Grand Army who has had occasion to give much attention to this matter. Before reading it I wish to say what possibly may not have been heard stated in the report by all the members of the Senate, owing to the confusion in the Chamber, that after careful examination and after correspondence for two years or more by the members of this association they testified before the committee that there was not an average of over six, at most eight, nurses who would be included within the terms of the bill—that is, the enrolled nurses—in each State throughout the country.

Mr. JONES, of Arkansas. I do not wish to interrupt the Senator from New Hampshire if he desires to conclude the remarks he is making now; but as it seems this bill will necessitate considerable discussion, I propose to interpose an objection. I thought perhaps he would be willing that I should interpose the objection now.

Mr. BLAIR. I care to say nothing more but to read the statement, two pages only, of Paul Van Der Voort, past commander-in-chief of the Grand Army of the Republic:

WASHINGTON, *March* 19, 1888.

DEAR SIR: I have read with great interest your report on bill 373, Senate file, in reference to pension for army nurses, and submit a few reasons why I think it should become a law. While commander-in-chief of Grand Army of the Republic in 1882-'83 I took special interest in hunting up these cases. I met them from Maine to California, finding in the last-named State Mother Bickerdyke almost penniless and too proud to ask aid of the old soldiers whom she is even yet striving to help. Many of these cases have been provided for by special acts, but there still remains a small number, not to exceed at the maximum one hundred and fifty in all the States, who should be cared for by the passage of this bill. These women were, many of them, middle-aged when they were in this grand service, it being the custom to detail only those of mature age.

The PRESIDENT *pro tempore*. The Senator from New Hampshire has spoken five minutes.

Mr. EDMUNDS. I hope he will be allowed to proceed.

The PRESIDENT *pro tempore*. He will proceed by unanimous consent.

Mr. BLAIR. The letter continues:

In Nebraska we have two, Mrs. Painter and Mrs. Howe, both deserving cases. And I understand that there is an effort to cut down the amount asked for to $12 per month. If this is done it will be a base pittance that will no more than pay a servant to care for these aged and enfeebled women, whom I allude to because they represent the whole class. Take Clara Barton, for instance, known the world over, who wears on her tender breast the iron cross of Germany, bestowed by its late emperor, and a dozen other decorations given by the crowned heads of Europe. What has the Government of this country done to recognize her, save to give back a mere pittance of the large sum she disbursed during the war? She has never asked, and it has taken long and continued supplications to win such action. If she lived in Europe she would be a princess and the chosen companion of the greatest and best of all lands across the water.

I believe these women earned this recognization. The soldier suffered on battle-fields, in hospital and prison-pen, but I have always believed that woman suffered most. The nurses toiling on the field and in noisome hospital, the mother, wife, and sister picking lint and praying at home, trembling whenever they scanned a list of the dead, working in the field or slaving in the dim lamp-light with the needle until their aching fingers were worn to the bone. These are the class whose hearts were torn the most, who have fountains of tears yet unshed, and whom certain ones who legislate for this nation claim should be given no more than the meager pittance of $12 per month. Nearly all this saintly band are in the heaven above, where their reward is not stinted; and I trust the shattered band on earth will be blessed by the passage of this act.

Very respectfully, PAUL VAN DER VOORT,
Past Commander-in-Chief Grand Army of the Republic, and National Honorary Member Woman's Relief Corps.

Mr. BECK. The bill provides that "all women regularly enrolled" who served as army nurses for six months in hospitals, diet kitchens, etc., shall receive a pension of $25 a month. Can the Senator from New Hampshire tell me where that enrollment is to be found? There ought to be no guessing about it. We ought to know precisely how many were enrolled.

Mr. BLAIR. That enrollment I suppose to be in the War Department. There has been considerable effort made to obtain it. There has been effort made by the army nurses' organization to obtain it. The Secretary of War says it would necessitate the overhauling of his records very generally, and until applications by individuals are made it hardly seemed worth while to go through the labor. But the parties interested have been corresponding throughout every State in the Union and making great effort to ascertain the number of enrolled nurses, which is what the bill embraces, now living in the country, and, as stated in the report of the committee, the number does not exceed, so far as they can be ascertained, over six or eight in each State. The late commander of the Grand Army states that, after careful investigation by himself for a long time, there are not over one hundred and fifty in the whole country; he can not tell exactly.

Mr. BECK. This is a fact which can be ascertained accurately——

The PRESIDENT *pro tempore*. The Chair is compelled to remind the Senator from Kentucky that he has spoken once on this subject.

Mr. BECK. And I rise now only for the purpose of saying that I shall object to the further consideration of this bill, and I hope that the Committee on Pensions will at least do the Senate the justice to call upon the Secretary of War for information as to the number enrolled, so that we can come within at least a million or two million dollars of what we shall have to pay under the bill. That information can be had, and we do not have to rely upon army nurses or upon Grand Armies of the Republic. The rolls show it. If we are going to give $25 a month to every woman, white or black, who cooked for six months, well off or ill off, hurt or not, we ought at least to know how many we are going to give it to.

Mr. DAVIS. Mr. President——

The PRESIDENT *pro tempore*. The Secretary will report the next bill on the Calendar.

Mr. DAVIS. Is debate in order?

The PRESIDENT *pro tempore*. The bill has been passed over under objection.

Mr. BLAIR. I ask that unanimous consent be given to the chairman of the committee to be heard.

Mr. TELLER. I object to any discussion on a bill that is not before the Senate. We have had two speeches since this bill went out of the Senate.

The PRESIDENT *pro tempore*. The next order of business will be stated.

Mr. BLAIR. I suppose the Senator from Kentucky has no objection to the nurses' pension bill retaining its place on the Calendar.

Mr. BECK. No. All I desire is to get from the Secretary of War the number enrolled.

The PRESIDENT *pro tempore*. The bill will retain its place on the Calendar.

ADMINISTRATRIX OF GEORGE W. LAWRENCE.

The bill (S. 879) for the relief of the administratrix of the estate of George W. Lawrence was announced as next in order.

Mr. SPOONER. Let that be passed over without losing its place on the Calendar.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

Mr. SPOONER subsequently said: I ask now to proceed with Senate bill 879, which was passed over.

The bill (S. 879) for the relief of the administratrix of George W. Lawrence was considered as in Committee of the Whole.

Mr. SPOONER. I move to strike out all after the enacting clause and insert the amendment which I send to the desk; and I wish to say that the amendment which I send to the desk is precisely the McKay bill as it passed the House of Representatives and passed the Senate yesterday.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and in lieu thereof to insert:

That the claims of George W. Lawrence for further compensation for the construction of the United States vessels Agawam, Pontoosuc, and Wassuc may be submitted by his legal representatives within six months after the passage of this act to the Court of Claims, under and in compliance with the rules and regulations of said court; and said court shall have jurisdiction to hear and determine and render judgment upon the same: *Provided, however*, That the investigation of said claim shall be made upon the following basis: The said court shall ascertain the additional cost which was necessarily incurred by the contractor for building the United States vessels Agawam, Pontoosuc, and Wassuc in the completion of the same, by reason of any changes or alterations in the plans and specifications required, and delays in the prosecution of the work: *Provided*, Such additional cost in completing the same and such changes and alterations in the plans and specifications required, and delays in the completion of the work, were occasioned by the Government of the United States; but no allowance for any advance in the price of labor or material shall be considered unless such advance occurred during the prolonged term for completing the work rendered necessary by the delay resulting from the action of the Government aforesaid, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor: *And provided further*, That the compensation fixed by the contractor and the Government for specific alterations shall be conclusive as to the compensation to be made therefor: *Provided*, Such alterations, when made, complied with the specifications of the same as furnished by the Government aforesaid: *And provided further*, That all moneys paid to said contractor by the Government over and above the original contract price for building said vessel shall be deducted from any amounts allowed by said court by reason of the matters hereinbefore stated: *And provided further*, That if any of such changes caused less work and expense to the contractor than the original plans and specifications, a corresponding deduction shall be made from the contract price, and the amount thereof be deducted from any allowance which may be made by said court to said claimant: *And provided further*, That the receipts or vouchers heretofore signed by the contractors for the building of said vessels shall be considered by said court as *prima facie* evidence of settlement of and payment for the claims now made, but which vouchers and receipts shall be susceptible of explanation by proofs, showing the net indebtedness of the Government, and the circumstances under which the same were given.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PATRICK H. WINSTON, JR.

The bill (S. 212) for the relief of Patrick H. Winston, jr., was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 6, after the words "sum of," to strike out "one thousand" and insert "seven hundred and fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Patrick H. Winston, jr., out of any moneys in the Treasury not otherwise appropriated, the sum of $750, for legal services rendered by him in defense of Tom Hill, a captain of the Indian police of the Nez Percé agency, Idaho Territory, charged with the killing of the Indian Nine Pipes, said services having been rendered by the request of Mr. Charles Monteith, United States agent at the Nez Percé reservation, and of Hon. Norman Buck, judge of the first judicial district of Idaho Territory.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CROW INDIAN RESERVATION.

The bill (S. 325) granting to the Billings, Clark's Fork and Cooke City Railroad Company the right of way through the Crow Indian reservation was announced as next in order on the Calendar.

Mr. JONES, of Arkansas. Let that go over.

The PRESIDENT *pro tempore*. The bill will be passed over.

DIVISION OF GREAT SIOUX RESERVATION

The bill (S. 1) to divide a portion of the reservation of the Sioux Nation of Indians, in Dakota, into separate reservations, and to secure the relinquishment of the Indian title to the remainder, was announced as next in order on the Calendar.

Mr. DAWES. I ask unanimous consent that House bill No. 7315, on the same subject-matter, now on our Calendar as Order of Business 724, be substituted for consideration instead of this bill.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that Order of Business 724 be considered in lieu of Order of Business 282, being on the same subject. The Chair hears no objection.

Mr. DAWES. I think it will save time if the amendments suggested by the Committee on Indian Affairs be considered as the bill is read.

The PRESIDENT *pro tempore*. That order will be made, if there be no objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7315) to divide the Great Sioux Indian reservation into separate smaller reservations, and for other purposes.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, in section 1, line 11, after the word "thence," to strike out "easterly" and insert "due east;" in line 11, after the words "thence up," to strike out "the Pas" and insert "Pass;" so as to read:

That the following tract of land, being a part of the Great reservation of the Sioux Nation, in the Territory of Dakota, is hereby set apart for a permanent reservation for the Indians receiving rations and annuities at the Pine Ridge agency, in the Territory of Dakota, namely: Beginning at the intersection of the one hundred and third meridian of longitude with the northern boundary of the State of Nebraska; thence north along said meridian to the South Fork of Cheyenne River, and down said stream to the mouth of Battle Creek; thence due east to White River; thence down White River to the mouth of Pass Creek, on White River; thence up Pass Creek southerly to the source of its principal branch; thence due south to said north line of the State of Nebraska; thence west on said north line to the place of beginning.

The amendment was agreed to.

The next amendment was, in section 6, line 11, after the words "range 71, and," to insert "all except sections 1, 2, 3, 4, 9, 10, 11, and 12 of;" and in line 13, after the words "range seventy," to strike out "except sections 1, 2, 3, 4, 9, 10, 11, and 12;" so as to read:

SEC. 6. That the following tract of land, being a part of the Great reservation of the Sioux Nation, in the Territory of Dakota, is hereby set apart for a permanent reservation for the Indians receiving rations and annuities at the Crow

Creek agency, in said Territory of Dakota, namely: The whole of township 106, range 70; township 107, range 71; township 108, range 71; township 108, range 72; township 109, range 72, and the south half of township 109, range 71, and all except sections 1, 2, 3, 4, 9, 10, 11, and 12 of township 107, range 70, and such parts as lie on the east or left bank of the Missouri River, of the following townships.

The amendment was agreed to.

The next amendment was, at the end of section 7, to add the following proviso:

Provided further, That if there shall not be sufficient land in said Moody County for allotments to all of said Flandreau band, any member of said band not having made a location may make the same on any land opened to settlement under this act in the same manner as is provided for allotments on the reservations herein created.

The amendment was agreed to.

The next amendment was, in section 9, line 19, after the word "Indians," to strike out "and certificates;" so as to read:

That if any one entitled to an allotment shall fail to make a selection within five years after the President shall direct that allotments may be made on a particular reservation, the Secretary of the Interior may direct the agent of such tribe or band, if such there be, and if there be no agent, then a special agent appointed for that purpose, to make a selection for such Indian, which selection shall be allotted as in cases where selections are made by the Indians, and patents shall issue in like manner.

The amendment was agreed to.

The next amendment was, in section 11, line 3, after the word "cause," to strike out "certificates" and insert "patents;" in line 4, after the word "which," to strike out "certificates" and insert "patents;" in line 6, after the word "years," to strike out "or for a longer period, in the discretion of the President of the United States;" and in line 10, after the word "decease," to strike out "to" and insert "of;" so as to read:

SEC. 11. That upon the approval of the allotments provided for in this act by the Secretary of the Interior, he shall cause patents to issue therefor in the name of the allottees, which patents shall be of the legal effect, and declare that the United States does and will hold the lands thus allotted, for the period of twenty-five years, in trust for the sole use and benefit of the Indian to whom such allotment shall have been made, or, in case of his decease, of his heirs according to the laws of the State or Territory where such land is located, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his heirs, as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever, and patents shall issue accordingly.

The amendment was agreed to.

The next amendment was, in section 11, line 15, after the word "accordingly," to insert:

Provided, That the President of the United States may in any case, in his discretion, extend the period by a term not exceeding ten years.

The amendment was agreed to.

The next amendment was, in section 11, line 24, after the word "after," to strike out "certificates or;" and in line 26, before the word "patents," to strike out "certificates and;" so as to read:

Provided further, That the law of descent and partition in force in the State or Territory where the lands may be situated shall apply thereto after patents therefor have been executed and delivered. Each of the patents aforesaid shall be recorded in the General Land Office and afterward delivered, free of charge, to the allottee entitled thereto.

The amendment was agreed to.

The next amendment was to add as a new section, after section 11, the following:

SEC. 12. That at any time after lands have been allotted to all the Indians of any tribe as herein provided, or sooner, if in the opinion of the President it shall be for the best interests of said tribe, it shall be lawful for the Secretary of the Interior to negotiate with such Indian tribe for the purchase and release by said tribe, in conformity with the treaty or statute under which such reservation is held, of such portions of its reservation not allotted as such tribe shall, from time to time, consent to sell on such terms and conditions as shall be considered just and equitable between the United States and said tribe of Indians, which purchase shall not be complete until ratified by Congress; and the form and manner of executing such release shall also be prescribed by Congress: *Provided, however*, That all lands adapted to agriculture, with or without irrigation, so sold or released to the United States by any Indian tribe shall be held by the United States for the sole purpose of securing homes to actual settlers, and shall be disposed of by the United States to actual and bona fide settlers only in tracts not exceeding 160 acres to any one person, on such terms as Congress shall prescribe, subject to grants which Congress may make in aid of education: *And provided further*, That no patents shall issue therefor except to the person so taking the same as and for a homestead, or his heirs, and after the expiration of five years' occupancy thereof as such homestead; and any conveyance of said lands so taken as a homestead, or any contract touching the same, or lien thereon, created prior to the date of such patent, shall be null and void. And the sums agreed to be paid by the United States as purchase-money for any portion of any such reservation shall be held in the Treasury of the United States for the sole use of the tribe or tribes of Indians to whom such reservation belonged; and the same, with interest thereon at 5 per cent. per annum, shall be at all times subject to appropriation by Congress for the education and civilization of such tribe or tribes of Indians or the members thereof. The patents aforesaid shall be recorded in the General Land Office, and afterward delivered, free of charge, to the allottee entitled thereto.

The amendment was agreed to.

The next amendment was, in section [12] 13, line 14, after the word "provided," to strike out the words "including American Island, Farm Island, and Niobrara Island;" in line 28, after the word "named," to strike out the words:

When the allotment of the lands under the provisions of this act to the members of the Ponca tribe of Indians shall have been made, the President shall, in pursuance of the act approved March 28, 1882, entitled "An act to extend the northern boundary of the State of Nebraska," declare that the Indian title is extinguished to all the lands not allotted to said tribe hereunder and described in said act, and thereupon all of said lands not allotted to said Poncas, added to Nebraska by the act aforesaid, shall be open to settlement as provided in section 20 of this act.

And to insert in lieu thereof the words:

When the allotments to the Ponca tribe of Indians and to such other Indians as allotments are provided for by this act shall have been made upon that portion of said reservation which is described in the act entitled "An act to extend the northern boundary of the State of Nebraska," approved March 28, 1882, the President shall, in pursuance of said act, declare that the Indian title is extinguished to all lands described in said act not so allotted hereunder, and thereupon all of said land not so allotted and included in said act of March 28, 1882, shall be open to settlement, as provided in this act: *Provided*, That the allotments to Ponca and other Indians authorized by this act to be made upon the land described in the said act entitled "An act to extend the northern boundary of the State of Nebraska," shall be made within six months from the time this act shall take effect.

So as to make the section read:

SEC. 13. That any Indian receiving and entitled to rations and annuities at either of the agencies mentioned in this act at the time the same shall take effect, but residing upon any portion of said Great Sioux reservation not included in either of the separate reservations herein established, may, at his option, within one year from the time when this act shall take effect, and within one year after he has been notified of his said right of option in such manner as the Secretary of the Interior shall direct by recording his election with the proper agent at the agency to which he belongs, have the allotment to which he would be otherwise entitled on one of said separate reservations upon the land where such Indian may then reside, such allotment in all other respects to conform to the allotments hereinbefore provided. Each member of the Ponca tribe of Indians now occupying a part of the old Ponca reservation, within the limits of the said Great Sioux reservation, shall be entitled to allotments upon said old Ponca reservation as follows: To each head of a family, one-quarter of a section; to each single person over eighteen years of age, one-eighth of a section; to each orphan child under eighteen years of age, one-eighth of a section; and to each other person under eighteen years of age now living, one-sixteenth of a section, with title thereto and rights under the same in all other respects conforming to this act. And said Poncas shall be entitled to all other benefits under this act in the same manner and with the same conditions as if they were a part of the Sioux Nation receiving rations at one of the agencies herein named. When the allotments to the Ponca tribe of Indians and to such other Indians as allotments are provided for by this act shall have been made upon that portion of said reservation which is described in the act entitled "An act to extend the northern boundary of the State of Nebraska," approved March 28, 1882, the President shall, in pursuance of said act, declare that the Indian title is extinguished to all lands described in said act not so allotted hereunder, and thereupon all of said land not so allotted and included in said act of March 28, 1882, shall be open to settlement, as provided in this act: *Provided*, That the allotments to Ponca and other Indians authorized by this act to be made upon the land described in the said act entitled "An act to extend the northern boundary of the State of Nebraska," shall be made within six months from the time this act shall take effect.

The amendment was agreed to.

The next amendment was, in section [13] 14, line 7, after the word "any," to insert the word "such;" so that the section will read:

SEC. 14. That in cases where the use of water for irrigation is necessary to render the lands within any Indian reservation created by this act available for agricultural purposes, the Secretary of the Interior be, and he is hereby, authorized to prescribe such rules and regulations as he may deem necessary to secure a just and equal distribution thereof among the Indians residing upon any such Indian reservation created by this act; and no other appropriation or grant of water by any riparian proprietor shall be authorized or permitted to the damage of any other riparian proprietor.

The amendment was agreed to.

The next amendment was, in section [14] 15, line 6, after the word "within," to insert the words "or without;" so as to read:

SEC. 15. That if any Indian has, under and in conformity with the provisions of the treaty with the Great Sioux Nation concluded April 29, 1868, and proclaimed by the President February 24, 1869, or any existing law, taken allotments of land within or without the limits of any of the separate reservations established by this act, such allotments are hereby ratified and made and made valid, and such Indian is entitled to a patent therefor in conformity with the provisions of said treaty and existing law and of the provisions of this act in relation to patents for individual allotments.

The amendment was agreed to.

The PRESIDENT *pro tempore*. In line 8 the Chair calls the attention of the Senator from Massachusetts to a repetition of the words "and made." The repetition will be stricken out, if there be no objection.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, in section [15] 16, line 11, after the word "created," to insert the words:

And shall be held to confirm in the Indians entitled to receive rations at each of said separate reservations, respectively, to their separate and exclusive use and benefit, all the title and interest of every name and nature secured therein to the different bands of the Sioux Nation by said treaty of April 29, 1868.

In line 17, to strike out the word "extinguishment" and insert "release;" in line 19, after the word "act," to insert the words "which title is hereby confirmed;" so as to make the section read:

SEC. 16. That the acceptance of this act by the Indians in manner and form as required by the said treaty concluded between the different bands of the Sioux Nation of Indians and the United States April 29, 1868, and proclaimed by the President February 24, 1869, as hereinafter provided, shall be taken and held to be a release of all title on the part of the Indians receiving rations and annuities on each of the said separate reservations to the lands described in each of the other separate reservations so created, and shall be held to confirm in the Indians entitled to receive rations at each of said separate reservations, respectively, to their separate and exclusive use and benefit, all the title and interest of every name and nature secured therein to the different bands of the Sioux Nation by said treaty of April 29, 1868. This release shall not affect the title of any individual Indian to his separate allotment on land not included in any of said separate reservations provided for in this act, which title is hereby confirmed, nor any agreement heretofore made with the Chicago, Milwaukee and St. Paul Railroad Company or the Dakota Central Railroad Company for a right of way through said reservation; and for any lands acquired by any such agreement to be used in connection therewith, except as hereinafter provided; but the Chicago, Milwaukee and St. Paul Railway Company and the Dakota Central Railroad Company shall, respectively, have the right to take and use, prior to any white person and to any corporation, the right of way provided for in said agreements, with not to exceed 20 acres of land, in addition to the right of way, for stations for every 10 miles of road; and said companies shall also, respectively, have the right to take and use for right of way, side-track, depot,

and station privileges, machine-shop, freight-house, round-house, and yard facilities, prior to any white person and to any corporation or association, so much of the two separate sections of land embraced in said agreements; also, the former company so much of the 188 acres, and the latter company so much of the 75 acres, on the east side of the Missouri River, likewise embraced in said agreements, as the Secretary of the Interior shall decide to be absolutely necessary upon each side of said river for approaches to the bridge of each of said companies to be constructed across the river, for right of way, side-track, depot, and station privileges, machine-shop, freight-house, round-house, and yard facilities, and no more: *Provided*, That the said railway companies shall have made the payments according to the terms of said agreements for each mile of right of way and each acre of land for railway purposes which said companies take and use under the provisions of this act, and shall satisfy the Secretary of the Interior to that effect: *Provided further*, That no part of the lands herein authorized to be taken shall be sold or leased by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad; and when any portion thereof shall cease to be so used, such portion shall revert to the Government: *And provided further*, That said payments shall be made and said conditions performed within six months after the passage of this act. And unless said roads shall be constructed over said lands and right of way within three years from the passage and approval of this act, all of said lands granted and right of way shall be forfeited and revert to the Government and be subject to the other provisions of this act.

The amendment was agreed to.

Mr. DAWES. The committee suggest an amendment in the forty-second line, on the seventeenth page, immediately after the word "to" to insert:

Have been agreed upon and paid for by said railroads, or to.

The PRESIDENT *pro tempore*. The amendment will be read from the desk.

The SECRETARY. In section [15] 16, in line 42, after the word "to" it is proposed to insert:

Have been agreed upon and paid for by said railroads, or to.

So as to read:

As the Secretary of the Interior shall decide to have been agreed upon and paid for by said railroads, or to be absolutely necessary upon each side of said river.

The amendment was agreed to.

Mr. DAWES. After the word "be," in the same line, I move to strike out "absolutely" and insert "reasonably;" so as to read:

As the Secretary of the Interior shall decide to have been agreed upon and paid for by said railroads, or to be reasonably necessary, etc.

The amendment was agreed to.

The reading of the bill was resumed and continued to the close of section 16.

Mr. DAWES. The committee suggest an amendment, commencing on the fifty-second line, to strike out, commencing with the words "*Provided further*," in line 52, down to and including the word "and," in line 58, and insert what I send to the desk.

The PRESIDENT *pro tempore*. The amendment will be read.

The SECRETARY. In section [15] 16 it is proposed to strike out:

Provided further, That no part of the lands herein authorized to be taken shall be sold or leased by the company, and they shall not be used, except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad; and when any portion thereof shall cease to be so used, such portion shall revert to the Government.

And in lieu thereof to insert:

Provided, That no part of the lands herein authorized to be taken shall be sold or conveyed except by way of sale or mortgage of the railway itself, nor shall any of said lands be used directly or indirectly for town-site purposes, it being the intent hereof that such lands shall be held for general railway uses and purposes only, including stock-yards, warehouses, elevators, terminal and other facilities; and nothing herein contained shall be construed to prevent any railroad company from building upon such lands houses for the accommodation or residence of its employés or depot grounds contiguous to its tracks or warehouses for elevator purposes.

The amendment was agreed to.

Mr. DAWES. In the same section, line 60, after the word "after," I move to strike out the words "the passage of this act" and insert "this act shall take effect;" so as to read:

That said payments shall be made and said conditions performed within six months after this act shall take effect.

The amendment was agreed to.

Mr. DAWES. In the same section, line 62, after the word "within," I move to strike out "three years from the passage and approval of this act" and insert the words "four years from the date when this act shall take effect;" so as to read:

And unless said roads shall be constructed over said lands and right of way within four years from the date when this act shall take effect, all of said lands granted and right of way shall be forfeited and revert to the Government and be subject to the other provisions of this act.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, in section [16] 17, line 18, after the word "one," to strike out "yoke" and insert "pair;" and in the same line, after the word "oxen," to insert "with yoke and chain;" so as to read:

Provided, That each head of family or single person over the age of eighteen years, who shall have or may hereafter take his or her allotment of land in severalty, shall be provided with two milch cows, one pair of oxen, with yoke and chain, one plow, one wagon, one harrow, one hoe, one ax, and one pitchfork, all suitable to the work they may have to do, and also $20 in cash.

The amendment was agreed to.

The next amendment was, in section [16] 17, in line 53, after the word "pursuits," to insert:

And he shall report to Congress in detail each year his doings hereunder.

So as to read:

The Secretary of the Interior may, in his discretion, expend, in addition to the interest of the permanent fund, not to exceed 10 per cent. per annum of the principal of said fund in the employment of farmers and in the purchase of agricultural implements, teams, seeds, including reasonable cash payments per capita, and other articles necessary to assist them in agricultural pursuits, and he shall report to Congress in detail each year his doings hereunder.

The amendment was agreed to.

The next amendment was to strike out section 19, as follows:

SEC. 19. That in order to provide for a uniform system of public schools for the Indians, the Secretary of the Interior shall appoint some competent person friendly to the education of the Indians to act as superintendent of education of the Sioux Indians located on the portions of the Great Sioux reservation reserved as herein provided, at such salary as the Secretary of the Interior may fix, not exceeding $2,500 per annum, to be paid out of the interest of the permanent fund mentioned in this act, and said superintendent, by and under the direction of the Commissioner of Indian Affairs, shall cause to be erected not less than thirty school-houses, and more, if found necessary, on the different reservations, at such points as the superintendent shall think for the best interest of the Indians, but at such distance only as will enable as many as possible attending schools to return home nights, as white children do attending district schools: *And provided*, That any white children residing in the neighborhood are privileged to attend the said school on such terms as the Commissioner of Indian Affairs may prescribe.

Mr. DAWES. The Senator from Colorado proposes to amend the section just read.

Mr. TELLER. The committee, I understand, propose to strike out the whole section. I submit that it should stand, inserting in line 11, after the words "Indian Affairs"——

Mr. DAWES. If the Senator would send up the section as he proposes to make it read, that would be better.

Mr. TELLER. I move to insert instead of the words "Commissioner of Indian Affairs," in line 11, the words "Secretary of the Interior."

The PRESIDENT *pro tempore*. The Senator from Colorado, the Chair understands, proposes to amend the part proposed to be stricken out. The amendment will be stated.

The SECRETARY. In section 19, line 11, it is proposed to strike out "Commissioner of Indian Affairs" and insert "Secretary of the Interior."

The amendment was agreed to.

Mr. TELLER. In line 13 I move to strike out the words "the superintendent" and insert "he;" so as to read:

At such points as he shall think for the best interest of the Indians—

Referring to the Secretary of the Interior.

The amendment was agreed to.

Mr. TELLER. In line 18 I move to strike out the word "privileged" and insert "entitled;" and in line 19 to strike out "Commissioner of Indian Affairs" and insert "Secretary of the Interior;" so as to read:

And provided, That any white children residing in the neighborhood are entitled to attend the said school on such terms as the Secretary of the Interior may prescribe.

The amendment was agreed to.

Mr. TELLER. Now I move to strike out all of the section as now amended down to the word "the," in line 10.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. It is proposed to strike out all down to and including the word "the," in line 10, as follows:

That in order to provide for a uniform system of public schools for the Indians, the Secretary of the Interior shall appoint some competent person friendly to the education of the Indians to act as superintendent of education of the Sioux Indians located on the portions of the Great Sioux reservation reserved as herein provided, at such salary as the Secretary of the Interior may fix, not exceeding $2,500 per annum, to be paid out of the interest of the permanent fund mentioned in this act, and said superintendent, by and under the direction of the.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Colorado will be agreed to, if there be no objection.

Mr. TELLER. Now I ask the Secretary to read the section as it will stand with this amendment.

The PRESIDENT *pro tempore*. It will be read.

The Secretary read as follows:

SEC. 19. That the Secretary of the Interior shall cause to be erected not less than thirty school-houses, and more, if found necessary, on the different reservations, at such points as he shall think for the best interest of the Indians, but at such distance only as will enable as many as possible attending schools to return home nights, as white children do attending district schools: *And provided*, That any white children residing in the neighborhood are entitled to attend the said school on such terms as the Secretary of the Interior may prescribe.

The PRESIDENT *pro tempore*. The question recurs on the proposed amendment to strike out the section as amended.

Mr. DAWES. I hope the section will now remain.

Mr. TELLER. The committee desire it to stand as amended.

The PRESIDENT *pro tempore*. The Chair will put the question on agreeing to the amendment to strike out.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, in section 20, line 41, after "United States," to insert "to be disposed of by future legislation only;" so as to read:

Provided further, That said city of Chamberlain shall formally accept the same within one year from the passage of this act, upon the express condition that the same shall be preserved and used for all time entire as a public park, and for

no other purpose, to which all persons shall have free access; and said city shall have authority to adopt all proper rules and regulations for the improvement and care of said park; and upon the failure of any of said conditions the said island shall revert to the United States, to be disposed of by future legislation only.

The amendment was agreed to.

The next amendment was, in section 20, line 49, after the word "other," to strike out "purposes" and insert "purpose;" and in line 54, after the words "United States," to insert "to be disposed of by future legislation only;" so as to read:

Provided further, That said city of Pierre shall formally accept the same within one year from the passage of this act, upon the express condition that the same shall be preserved and used for all time entire as a public park, and for no other purpose, to which all persons shall have free access; and said city shall have authority to adopt all proper rules and regulations for the improvement and care of said park; and upon the failure of any of said conditions the said island shall revert to the United States, to be disposed of by future legislation only.

The amendment was agreed to.

The next amendment was, in section 20, line 66, after "United States," to insert "to be disposed of by future legislation only;" so as to read:

Provided further, That the said city of Niobrara shall formally accept the same within one year from the passage of this act, upon the express condition that the same shall be preserved and used for all time entire as a public park, and for no other purpose, to which all persons shall have free access; and said city shall have authority to adopt all proper rules and regulations for the improvement and care of said park; and upon the failure of any of said conditions the said island shall revert to the United States, to be disposed of by future legislation only.

The amendment was agreed to.

The next amendment was to add the following proviso to section 20:

And provided further, That if any full or mixed blood Indian of the Sioux Nation shall have located upon Farm Island, American Island, or Niobrara Island before the date of the passage of this act, it shall be the duty of the Secretary of the Interior, within three months from the time this act shall have taken effect, to cause all improvements made by any such Indian so located upon either of said islands, and all damage that may accrue to him by a removal therefrom, to be appraised, and upon the payment of the sum so determined, within six months after notice thereof, by the city to which the island is herein donated, to such Indian, said Indian shall be required to remove from said island, and shall be entitled to select instead of such location his allotment according to the provisions of this act upon any of the reservations herein established, or upon any land opened to settlement by this act not already located upon.

The amendment was agreed to.

The next amendment was, in section 21, line 1, after the word "money," to strike out "arising" and insert "accruing;" so as to make the section read:

SEC. 21. That all money accruing from the disposal of lands in conformity with the foregoing section shall, after deducting the necessary expenses attending such disposition thereof, be paid into the Treasury of the United States and be applied solely as follows: First, to the reimbursement of the United States for all necessary actual expenditures contemplated and provided for under the provisions of this act, and the creation of the permanent fund hereinbefore provided; and after such reimbursement to the increase of said permanent fund for the purposes hereinbefore provided.

The reading of the bill was resumed at section 22.

Mr. TELLER. I desire to correct some errors in this section. In line 4, the words "homestead filing" should be stricken out and "settlement" inserted. There were no homestead filings made. They were only settlements, and the filings were never executed. I move that amendment.

The amendment was agreed to.

Mr. TELLER. In line 12 there should be, after the word "located," the words "or attempted to locate" inserted. I move to insert them.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, in section 22, line 11, after the word "being," to insert "otherwise;" in line 16, after the words "made by," to strike out "section 24 of;" and in line 18, after the word "section," to strike out "twenty" and insert "twenty-one;" so as to read:

And who, being otherwise legally entitled to make such entries, located or attempted to locate thereon homestead, pre-emption, or town-site claims, by actual settlement and improvement of any portion of such lands, shall, for a period of ninety days after the proclamation of the President required to be made by this act, have a right to re-enter upon said claims and procure title thereto under the provisions of section 21 of this act, and complete the same as required therein, and their said claims shall, for such time, have a preference over later entries.

The amendment was agreed to.

The next amendment was, in section 23, line 6, after the date "1868," to strike out the words "*Provided*, That" and insert "which;" so as to make the section read:

SEC. 23. That this act shall take effect only upon the acceptance thereof and consent thereto by the different bands of the Sioux Nation of Indians, in manner and form prescribed by the twelfth article of the said treaty between the United States and said Indians, concluded April 29, 1868, which said acceptance and consent shall be made known by proclamation thereof by the President of the United States, upon satisfactory proof presented to him that the same has been obtained in the manner and form required by said twelfth article of said treaty, which proof shall be presented to him within one year from the passage of this act; and upon failure of such proof and proclamation this act becomes of no effect, and null and void.

The amendment was agreed to.

The next amendment was to strike out section 24, as follows:

SEC. 24. That sections 16 and 36 in each and every township to which the Indian title is extinguished by the provisions of this act, whether surveyed or unsurveyed, is reserved for the use and benefit of the public schools, and said sections, whether surveyed or not, shall not be subject to disposal under the provisions of this act or of any of the laws in relation to the disposal of public lands.

And in lieu thereof to insert:

SEC. 24. That sections 16 and 36 of each township of the lands opened to settlement under the provisions of this act, whether surveyed or unsurveyed, are hereby reserved for the use and benefit of the public schools as provided by the act organizing the Territory of Dakota, and whether surveyed or unsurveyed said sections shall not be subject to claim, settlement, or entry under the provisions of this act or any of the land laws of the United States: *Provided, however*, That the United States shall pay to said Indians, out of any moneys in the Treasury not otherwise appropriated, the sum of 50 cents per acre for all lands reserved under the provisions of this section.

The amendment was agreed to.

The next amendment was, in section 25, line 6, after the word "section," to strike out "twenty-three" and insert "twenty-four;" so as to make the section read:

SEC. 25. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $18,000, which sum shall be expended, under the direction of the Secretary of the Interior, for procuring the assent of the Sioux Indians to this act provided in section 24.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. CHACE. I move to amend section 7 by striking out all after the word "take," at the end of line 21, down to and including the word "act," in line 27, and inserting in lieu thereof what I send to the desk.

The PRESIDENT *pro tempore*. The words proposed to be stricken out will be read.

The SECRETARY. In section 7, after the word "take," in line 21, it is proposed to strike out as follows:

In Moody County, in said Dakota, the same allotments authorized by existing treaties and this act on any part of said reservation; and all allotments heretofore made to members of said band in said county are hereby ratified and confirmed, subject to the limitations and conditions of such treaties and this act.

And to insert in lieu thereof:

Allotments on the Great Sioux reservation, or in lieu thereof, shall be paid at the rate of 50 cents per acre for the land to which they would be entitled, which shall be used under the direction of the Secretary of the Interior to purchase land in the Sisseton reservation or elsewhere.

Mr. DAWES. Does the Senator leave in the italics?

Mr. CHASE. They, of course, must be stricken out, and I shall follow this amendment with that.

Mr. DAWES. I do not want to object to the amendment, except to state the reasons why the committee did not put it in. The committee have had a good deal of trouble with these Flandreau Indians. If the plan which the Senator suggests is a good one, I do not object to it; and I shall not object to the adoption of his amendment if it is to result in a committee of conference to see if something can not be provided. The truth is that the Flandreau Indians belong to the Yankton tribe. They got tired of staying with the Yanktons, and they went there of their own accord to Moody County, Dakota, and in that county, under the treaty which allowed allotments, they took allotments of land.

Some of the white friends of these Indians succeeded in persuading them, very much as Mark Twain's man persuaded the man to buy his mule, to sell their land. A good many of them have sold out there and the others are tired of staying there; and now they want the Government of the United States to pay them 50 cents an acre for that land, just what is the price fixed for the land that is open to settlement, and let them take that.

Mr. CHACE. The Senator will excuse me. He is under a mistaken impression as to the land they took up. They took up land on the public domain under the homestead law.

Mr. DAWES. They have parted with the land. Whether they took it up under the treaty or not, the Senator is more familiar with than myself. Now they want the Government of the United States to pay them 50 cents an acre for that land and let them take the money and go over to the Sisseton reservation to buy some land there. Whether the Sissetons want them or not does not appear. The committee propose, instead of that, to allow them to locate under this bill on any part of this reservation which is open to settlement. Which is best for the interest of those Indians I do not know. I will not object to the Senator's amendment, because it will go to a committee of conference, and what is best to be done will there be finally settled.

Mr. CHACE. Very well; if the Senator accepts the amendment I shall not detain the Senate by saying anything; but I think all he says could be very well answered. I do not care, however, to take up the time of the Senate.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Rhode Island.

The amendment was agreed to.

Mr. CHACE. I move now to strike out the italics, commencing with the word "provided," in line 30 down to line 35. It is really a part of the other amendment.

The PRESIDENT *pro tempore*. The part proposed to be stricken out now has been inserted by action of the Senate.

Mr. DAWES. By unanimous consent it can be stricken out.

The PRESIDENT *pro tempore*. By unanimous consent the amendment can be agreed to as proposed by the Senator from Rhode Island. It will be reported.

The SECRETARY. It is proposed to strike out, at the end of section 7, the following proviso:

Provided further, That if there shall not be sufficient land in said Moody

County for allotments to all of said Flandreau band, any member of said band not having made a location may make the same on any land opened to settlement under this act in the same manner as is provided for allotments on the reservations herein created.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended to read: "A bill to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder."

Mr. DAWES. I move that the Senate insist on its amendments to the bill and ask for a conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. DAWES, Mr. PLATT, and Mr. JONES of Arkansas were appointed.

Mr. MANDERSON. The amendments to this bill are so numerous and radical that I move that 100 copies of the bill be printed as amended for the use of the Senate, the print to show the House bill with the Senate amendments in italics.

The PRESIDENT *pro tempore*. That order will be made, if there be no objection. The bill (S. 1) to divide a portion of the reservation of the Sioux Nation of Indians, in Dakota, into separate reservations, and to secure the relinquishment of the Indian title to the remainder, will be indefinitely postponed.

JOHN N. QUACKENBUSH.

Mr. CALL. I move that an order be sent to the House of Representatives requesting the return of the bill (S. 1226) touching the grade of commander in the Navy, and to correct an error in relation to an appointment therein, as I wish to move to reconsider the vote by which it was passed.

The PRESIDENT *pro tempore*. The Senator from Florida, the Chair understands, moves to reconsider the vote by which the bill was passed yesterday, and moves that the bill be recalled from the House of Representatives.

Mr. VOORHEES. Will the Senator from Florida be kind enough to explain what he desires?

Mr. CALL. I enter a motion to reconsider the vote by which the bill was passed.

Mr. VOORHEES. The matter has been fully considered.

The PRESIDENT *pro tempore*. The bill to which the Senator from Florida refers was passed by the Senate yesterday. The motion to reconsider will be entered, and a message sent to the House of Representatives requesting the return of the bill.

CREDITORS OF POTTAWATOMIE INDIANS.

The bill (S. 136) to enable the Secretary of the Interior to pay certain creditors was considered as in Committee of the Whole.

Mr. DANIEL. This bill has heretofore passed the Senate and is again reported by the Committee on Indian Affairs; but there is a House bill on the same subject which ought to be considered instead of this.

The PRESIDENT *pro tempore*. Has the Senator the number of the House bill?

Mr. DANIEL. I will get it.

The PRESIDENT *pro tempore*. The bill will be informally passed over for the present.

SALE OF FORT OMAHA.

The bill (S. 671) to provide for the sale of the site of Fort Omaha, Nebr., the sale or removal of the improvements thereof, and for a new site and the construction of suitable buildings thereon, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CREDITORS OF POTTAWATOMIE INDIANS.

Mr. DANIEL. I ask leave to recur to the bill just now informally passed by, and I am instructed by the Committee on Indian Affairs to report the bill (H. R. 4487) to enable the Secretary of the Interior to pay certain creditors of the Pottawatomie Indians out of the funds of said Indians. I ask that this be considered in place of the Senate bill.

The PRESIDENT *pro tempore*. The Senator from Virginia asks that the bill which he has just reported, being identical with Senate bill 136, may be now considered. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It provides for the payment, out of moneys appropriated for the Pottawatomie Indians by the act of August 3, 1886, entitled "An act making appropriations to supply deficiencies," etc., a sum not exceeding $3,175, being 10 per cent. of the amount or proportion of the appropriation due the Citizens' band of Pottawatomie Indians, to E. John Ellis, for professional service rendered that band in the collection of the claim. The Secretary of the Interior is first to determine that the services were rendered to the Indians by Ellis, and were contracted for in good faith by persons authorized to represent the Indians.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The bill (S. 136) to enable the Secretary of the Interior to pay certain creditors will be indefinitely postponed.

FREEDOM OF NAVIGABLE WATERS.

The bill (S. 27) to prevent the obstructions of navigable waters and to protect public works against trespass or injury was announced as next in order.

Mr. STEWART. I think that will lead to discussion. It requires explanation. Let it go over.

The PRESIDENT *pro tempore*. The bill goes over under objection.

Mr. STEWART subsequently withdrew his objection, and the bill was restored to its place on the Calendar.

NEW YORK HARBOR.

The bill (S. 1241) to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York City, by dumping or otherwise, and to punish and prevent such offenses, and making other provisions in connection therewith, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment, was in section 1, line 8, after the word "waters," to insert "within the limits which shall be prescribed by the supervisor of the harbor;" so as to make the section read:

That the placing, discharging, or depositing, by any process or in any manner, of refuse, dirt, ashes, cinders, mud, sand, dredgings, sludge, acid, or any other matter of any kind, other than that flowing from streets, sewers, and passing therefrom in a liquid state, in the tidal waters of the harbor of New York, or its adjacent or tributary waters, within the limits which shall be prescribed by the supervisor of the harbor, is hereby strictly forbidden, and every such act is made a misdemeanor, and every person engaged in or who shall aid, abet, authorize, or instigate a violation of this section shall, upon conviction, be punishable by fine or imprisonment, or both, such fine to be not less than $250 nor more than $2,500, and the imprisonment to be not less than thirty days nor more than one year, either or both united, as the judge before whom conviction is obtained shall decide.

The amendment was agreed to.

The next amendment was, in section 2, line 7, after the words "by the," to strike out "board of commissioners" and insert "supervisor;" so as to make the section read:

SEC. 2. That any and every master and engineer, or person or persons acting in such capacity, respectively, on board of any boat or vessel, who shall knowingly engage in towing any scow, boat, or vessel loaded with any such prohibited matter to any point or place of deposit, or discharge in the waters of the harbor of New York, or to any point or place elsewhere than within the limits defined and permitted by the supervisor of the harbor hereinafter mentioned, shall be deemed guilty of a violation of this act, and shall, upon conviction, be punishable as hereinbefore provided for offenses in violation of section 1 of this act, and shall also have his license revoked or suspended for a term to be fixed by the judge before whom tried and convicted.

The amendment was agreed to.

The next amendment was, in section 3, after the word "any," at the end of line 1, to strike out "scow or boat" and insert "scows or boats;" after the word "such," at the end of line 4, to strike out "scow or boat" and insert "scows or boats;" in line 7, after the words "from the," to strike out "commissioners" and insert "supervisor;" in line 9, after the word "such," to strike out "scow or boat" and insert "scows or boats;" and in line 14, after the word "such," to strike out "scow or boat" and insert "scows or boats;" so as to make the section read:

SEC. 3. That in all cases of receiving on board of any scows or boats such forbidden matter or substance as herein described, it shall be the duty of the owner or master, or person acting in such capacity, on board of such scows or boats, before proceeding to take or tow the same to the place of deposit, to apply for and obtain from the supervisor of the harbor appointed hereunder a permit defining the precise limits within which the discharge of such scows or boats may be made; and any deviation from such dumping or discharging place specified in such permit shall be a misdemeanor within the meaning of this act; and the master and engineer, or person or persons acting in such capacity, on board of any tow-boat towing such scows or boats, shall be equally guilty of such offense with the master or person acting in the capacity of master of the scow, and be liable to equal punishment.

The amendment was agreed to.

The next amendment was, in section 4, line 9, after the words "by the," to strike out "commissioners" and insert "supervisor;" and in line 19, after the word "said," to strike out "commissioners" and insert "supervisor;" so as to read:

SEC. 4. That all mud, dirt, sand, dredgings, and material of every kind and description whatever, taken, dredged, or excavated from any slip, basin, or shoal in the harbor of New York, or the waters adjacent or tributary thereto, and placed on any boat, scow, or vessel for the purpose of being taken or towed upon the waters of the harbor of New York to a place of deposit, shall be deposited and discharged at such place or within such limits as shall be defined and specified by the supervisor of the harbor, as in the third section of this act prescribed, and not otherwise. Every person, firm, or corporation being the owner of any slip, basin, or shoal from which such mud, dirt, sand, dredgings, and material shall be taken, dredged, or excavated, and every person, firm, or corporation in any manner engaged in the work of dredging or excavating any such slip, basin, or shoal, or of removing such mud, dirt, sand, or dredgings therefrom, shall severally be responsible for the deposit and discharge of all such mud, dirt, sand, or dredgings at such place or within such limits so defined and prescribed by said supervisor of the harbor; and for every violation of the provisions of this section the person offending shall be guilty of an offense against this act,

and shall be punished by a fine equal to the sum of $5 for every cubic yard of mud, dirt, sand, dredgings, or material not deposited or discharged as required by this section.

The amendment was agreed to.

The next amendment was to strike out section 5, as follows:

SEC. 5. That the President of the United States shall designate and appoint three officers of the General Government as follows: An officer of the United States Army Corps of Engineers, not below the rank of captain; a line officer of the Navy, not below the rank of lieutenant; an assistant of the United States Coast Survey, forming a board of three officers in all, to act as harbor commissioners.

The amendment was agreed to.

The next amendment was to strike out section 6, as follows:

SEC. 6. That this board shall be a permanent organization; and when among its members a vacancy shall occur, the President of the United States shall fill the vacancy from the same departments.

The amendment was agreed to.

The next amendment was to strike out section 7, as follows:

SEC. 7. That it shall be the duty of this board to investigate the condition of the harbor, its channels, and adjacent waters, to ascertain the customs and abuses which tend to injure them and impair usefulness, and to consider and from time to time to report the most efficient remedies therefor to prevent the same, as well as to improve its facilities to comply with the present and further requirements of commerce, and for the carrying out of the provisions of this act.

The amendment was agreed to.

The next amendment was, in section [8] 5, in line 3, after the word "vicinity," to strike out—

And it shall be lawful for the heads of the Army, Navy, and Treasury Departments to assist the board in its investigations as far as may be practicable.

So as to make the section read:

SEC. 5. That a suitable office for the meetings of the board shall be provided in some building of the General Government in New York City or its vicinity.

The amendment was agreed to.

The next amendment was, in section [9] 6, line 2, after "United States," to insert "as supervisor of the harbor;" in line 3, after the words "direction of the," to strike out "board" and insert "Secretary of War;" in line 4, after the words "enforcing the," to strike out "rules of the port" and insert "provisions of this act;" in line 5, after the word "against," to strike out "those rules" and insert "the same;" in line 7, after the words "under the," to strike out "said board" and insert "Secretary of War;" and after the words "against the," in line 9, to strike out "port rules" and insert "provisions of this act;" so as to make the section read:

SEC. 6. That a line officer of the Navy shall be designated by the President of the United States as supervisor of the harbor, to act under the direction of the Secretary of War in enforcing the provisions of this act, and in detecting offenders against the same. This officer shall receive the sea-pay of his grade, and shall have personal charge and supervision under the Secretary of War, and shall direct the patrol boats and other means to detect and bring to punishment offenders against the provisions of this act.

The amendment was agreed to.

The next amendment was to strike out section 10, as follows:

SEC. 10. That no pay or emolument from the General Government shall be received by any Government officer connected with the board other than his usual pay as a Government officer.

The amendment was agreed to.

The next amendment was to strike out section 11, as follows:

SEC. 14. That the meetings shall be weekly, and two members of the board shall constitute a quorum, and on all subjects the assenting votes of two members of the board shall be necessary to constitute a decision of the board.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. HISCOCK. I ask that the bill stand over until to-morrow without losing its place.

The PRESIDENT *pro tempore*. If there be no objection, that request will be granted.

HOUSE BILLS REFERRED.

The bill (H. R. 2159) for the relief of Joseph B. Burton was read twice by its title, and referred to the Committee on Military Affairs;

The bill (H. R. 3508) for the relief of William G. Galloway, late captain Fifteenth, United States Army, was read twice by its title, and ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 164) for the erection of a public building in the city of Pawtucket, R. I., reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 7264) for the erection of a Government building at Bridgeport, Conn., reported it with amendments, and submitted a report thereon.

Mr. FRYE, from the Committee on Foreign Relations, to whom was referred the bill (H. R. 1473) authorizing the President of the United States to arrange a conference for the purpose of promoting arbitration and encouraging reciprocal commercial relations between the United States of America and the Republic of Mexico, Central and South America, and the Empire of Brazil, reported it with amendments.

Mr. FRYE. I am instructed by the committee to ask unanimous consent that this bill shall take the place of Order of Business 336 on this Calendar, and that Senate bill No. 623, to promote the political progress and commercial prosperity of the American nations, may be indefinitely postponed.

The PRESIDENT *pro tempore*. The substitution will be made, and the House bill just reported will be placed on the Calendar as Order of Business 336, and the Senate bill 623 will be indefinitely postponed.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 183) granting a pension to minor children of William Clark;

A bill (H. R. 7171) to restore to the pension-roll the name of Isaac Dilley;

A bill (H. R. 2078) granting a pension to Charlotte T. Clark;

A bill (H. R. 822) granting a pension to Miles S. Scribner;

A bill (H. R. 824) granting a pension to Isaiah G. Mayo; and

A bill (H. R. 4633) granting a pension to Morris T. Mantor.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (H. R. 754) to increase the pension of Mrs. Eliza B. Anderson, reported it without amendment, and submitted a report thereon.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1070) for the relief of J. A. Wilson;

A bill (H. R. 3406) to prevent the product of convict labor from being furnished to or for the use of any Department of the Government, and to prevent the product of convict labor from being used upon public buildings or other public works; and

A bill (H. R. 8724) to prevent the employment of alien labor upon public buildings or other public works and in the various Departments of the Government, etc.

BILLS INTRODUCED.

Mr. REAGAN introduced a bill (S. 2471) for the relief of Mary C. Williams; which was read twice by its title, and referred to the Committee on Pensions.

Mr. STEWART (by request), introduced a bill (S. 2472) authorizing the President to place Joseph Dickinson on the retired-list of the United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

HOUSE BILLS REFERRED.

The bill (H. R. 1070) for the relief of J. A. Wilson was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 3406) to prevent the product of convict labor from being furnished to or for the use of any Department of the Government, and to prevent the product of convict labor from being used upon public buildings or other public works, was read twice by its title, and referred to the Committee on Education and Labor.

The bill (H. R. 8724) to prevent the employment of alien labor upon public buildings or other public works and in various Departments of the Government, and so forth, was read twice by its title, and referred to the Committee on Education and Labor.

Mr. MANDERSON. I move that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 6 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 22, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March* 21, 1888.

The House met at 12 o'clock m. Prayer by the Rev. J. H. CUTHBERT, D. D., of Washington, D. C.

The Clerk proceeded to read the Journal of the proceedings of yesterday.

Mr. TARSNEY. Mr. Speaker, I ask to dispense with the reading of that part of the Journal relating to committee reports.

The SPEAKER. That can only be done by unanimous consent.

Mr. TARSNEY. Then I ask unanimous consent.

There being no objection, the reading of that part of the Journal was dispensed with.

The remainder of the Journal was read.

Mr. FELIX CAMPBELL. Mr. Speaker, I desire to state that my name is recorded as not voting on yesterday. I was present and voted "ay"

The SPEAKER. The Journal will be corrected as the gentleman states.

The Journal was then approved.

LANDS IN DENVER FOR CEMETERY PURPOSES.

The SPEAKER laid before the House the amendments of the Senate to the bill (H. R. 3300) to amend an act to enable the city of Denver to purchase certain lands for cemetery purposes.

Mr. PAYSON. Mr. Speaker, I ask unanimous consent to non-concur in the Senate amendments, and ask for a committee of conference with the Senate thereon.

The SPEAKER. Without objection that order will be made.

There was no objection, and it was so ordered.

The SPEAKER. The Chair will appoint the managers on the part of the House during the day.

NATIONAL CEMETERY, CORINTH, MISS.

The SPEAKER also laid before the House the bill (S. 643) to construct a road to the national cemetery at Corinth, Miss.; which was read a first and second time.

Mr. ALLEN, of Mississippi. Mr. Speaker, the bill just reported to the House is one that passed unanimously during the last Congress, and also passed the Senate, but failed to reach the President in time for his signature. It has passed the Senate again in this Congress, and a similar bill has been unanimously reported by the Committee on Military Affairs of this House; and I ask unanimous consent to put the Senate bill on its passage.

The SPEAKER. The bill will be read, subject to objections.

The bill was read, as follows:

Be it enacted, etc., That the sum of $10,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of constructing a macadamized or gravel road, or a road partly of gravel and partly of stone, from the town of Corinth, Miss., to the national cemetery near that town, to be expended under the direction of the Secretary of War, or so much of the above sum as is necessary: *Provided*, That the right of way for said road, not less than 60 feet wide, shall first be secured to the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. ALLEN, of Mississippi, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SENATE BILLS REFERRED.

The SPEAKER laid before the House bills and joint resolution of the Senate of the following titles; which were read twice, and referred as follows, namely:

The bill (S. 977) to regulate the importation of foreign merchandise and to secure uniformity in the classification and valuation thereof, and for other purposes—to the Committee on Ways and Means.

The joint resolution (S. R. 29) authorizing the appointment of a delegate to the Fourth International Prison Congress, to meet at St. Petersburg in the year 1890—to the Committee on Foreign Affairs.

The bill (S. 45) for the relief of Col. James C. Duane—to the Committee on Claims.

The bill (S. 102) for the relief of Lucinda McGuire—to the Committee on Claims.

The bill (S. 109) for the relief of Thomas H. Norton and James McLean—to the Committee on Claims.

The bill (S. 131) for the relief of Jabez Burchard—to the Committee on Claims.

The bill (S. 178) for the relief of William B. Groff, of Newport, R. I.—to the Committee on Claims.

The bill (S. 180) for the relief of Washington L. Parvin and Henry A. Greene—to the Committee on Claims.

The bill (S. 309) for the relief of R. G. Huston & Co.—to the Committee on Claims.

The bill (S. 314) for the relief of Henry M. Rector—to the Committee on Claims.

The bill (S. 395) for the relief of Hyland C. Kirk and others, assignees of Addison C. Fletcher—to the Committee on Patents.

The bill (S. 458) for the relief of the legal representatives of David Walter Jones—to the Committee on Claims.

The bill (S. 475) for the relief of Thomas L. Price, deceased—to the Committee on War Claims.

The bill (S. 498) for the relief of Frank Della Torre and Susan Della Torre, heirs of Peter Della Torre, deceased—to the Committee on Claims.

The bill (S. 500) for the relief of Mrs. Sarah Elizabeth Holroyd, widow and administratrix of the estate of John Holroyd, deceased—to the Committee on Claims.

The bill (S. 547) for the relief of George W. Bolton, alias Charles W. Andrews—to the Committee on Military Affairs.

The bill (S. 558) for the relief of certain settlers upon the school lands of Washington Territory—to the Committee on the Public Lands.

The bill (S. 576) for the relief of Semon, Bache & Co.—to the Committee on Claims.

The bill (S. 603) for the relief of Thomas P. Morgan, jr.—to the Committee on Claims.

The bill (S. 664) for the relief of William R. Wheaton and Charles H. Chamberlain, of California—to the Committee on Claims.

The bill (S. 728) for the relief of William P. Martin, of Oregon—to the Committee on Claims.

The bill (S. 741) for the relief of William Tabb—to the Committee on War Claims.

The bill (S. 768) for the relief of Orion R. McDaniel—to the Committee on Military Affairs.

The bill (S. 852) for the relief of William C. Dodge—to the Committee on Claims.

The bill (S. 868) for the relief of Paymaster James E. Tolfree, United States Navy—to the Committee on Claims.

The bill (S. 882) for the relief of Pay Clerk Charles Blake, United States Navy—to the Committee on Claims.

The bill (S. 939) for the relief of Robert H. Montgomery—to the Committee on War Claims.

The bill (S. 954) for the relief of the heirs, legal representatives, and legatees of James W. Schaumburg—to the Committee on Claims.

The bill (S. 1295) for the relief of soldiers and sailors who enlisted or served under assumed names while minors or otherwise in the Army or Navy during the war of the rebellion—to the Committee on Military Affairs.

The bill (S. 1370) for the relief of Assistant Engineer Howard D. Potts, United States Navy—to the Committee on Naval Affairs.

The bill (S. 300) granting a pension to Mrs. Juliet G. Howe—to the Committee on Invalid Pensions.

The bill (S. 434) granting a pension to Mrs. Hettie K. Painter—to the Committee on Invalid Pensions.

The bill (S. 1299) granting a pension to George Park—to the Committee on Invalid Pensions.

The bill (S. 406) making an appropriation for the erection of a monument to the negro soldiers and sailors who gave their lives for the preservation of the Government—to the Committee on the Library.

The bill (S. 186) to amend section 1225 of the Revised Statutes, concerning details of officers of the Army and Navy to educational institutions, etc.—to the Committee on Military Affairs.

The bill (S. 196) to cancel certain reservations of land on account of the live-oak in the Southwestern land district of the State of Louisiana—to the Committee on the Public Lands.

The bill (S. 254) to amend article 103 of the Rules and Articles of War—to the Committee on Military Affairs.

The bill (S. 280) donating to the city of St. Louis, Mo., a certain strip of land for street purposes—to the Committee on Public Buildings and Grounds.

The bill (S. 354) to provide for the survey of certain historic grounds, locations, and military works—to the Committee on Military Affairs.

The bill (S. 358) to authorize the sale of timber on certain lands reserved for the use of the Menomonee tribe of Indians in the State of Wisconsin—to the Committee on Indian Affairs.

The bill (S. 544) to authorize the construction of a highway bridge across that part of the waters of Lake Champlain which separates the islands of North Hero and South Hero, in the county of Grand Isle, in the State of Vermont—to the Committee on Commerce.

The bill (S. 555) to establish an additional land district in the State of Oregon—to the Committee on the Public Lands.

The bill (S. 687) to authorize the Secretary of the Treasury to convey to Anson Rudd, of the State of Colorado, certain real estate in the county of Fremont, in said State—to the Committee on the Public Lands.

The bill (S. 761) to amend section 11 of an act entitled "An act to enable the people of Colorado to form a State constitution and State government, for the admission of said State into the Union on an equal footing with the original States"—to the Committee on the Judiciary.

The bill (S. 957) to establish a public park at Pagosa Springs, in the State of Colorado—to the Committee on the Public Lands.

The bill (S. 1003) granting the right of way to the Duluth and Manitoba Railway Company across the Fort Pembina military reservation, in Dakota Territory—to the Committee on Military Affairs.

The bill (S. 1026) for the relief of the owners, officers, and crew of the British bark Chance—to the Committee on Foreign Affairs.

The bill (S. 1057) to settle and adjust the claims of any State for expenses incurred by it in defense of the United States—to the Committee on War Claims.

The bill (S. 1082) to authorize the issuance of patent to certain land in Arkansas—to the Committee on the Public Lands.

The bill (S. 1091) to establish a light-ship off False Cape, seacoast of Virginia—to the Committee on Commerce.

The bill (S. 1118) to remove the charge of desertion from the military record of William Clark, deceased—to the Committee on Military Affairs.

The bill (S. 1227) authorizing the appointment of a superintendent of Indian schools, and prescribing his duties—to the Committee on Indian Affairs.

The bill (S. 1708) to provide for the judicial determination of the rights of the United States in lands granted to the State of Florida for the purpose of aiding in the construction of railroads under an act of Congress approved May 17, 1856, and for other purposes—to the Committee on the Public Lands.

The bill (S. 1709) to provide for the issue of patents to certain persons for donation claims under an act approved September 27, 1850, commonly known as the donation law—to the Committee on the Public Lands.

CHARLES MURPHY.

The SPEAKER also laid before the House the bill (S. 660) for the relief of Charles Murphy; which was read a first and second time.

Mr. THOMPSON, of California. I ask unanimous consent to take up this bill for consideration at this time.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to adjust and settle, on the principles of equity, the claims of Charles Murphy, arising under his contract with the United States for the supply of material for the erection of the United States appraiser's stores at San Francisco, Cal.; and the money necessary to pay the amount found due him is hereby appropriated, not exceeding the sum of $3,000.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. RANDALL. I should like to hear the bill read.

The SPEAKER. The bill has been read, but there was so much confusion on the floor that the Chair thinks it was not heard. If the House will come to order, the Clerk will again read the bill.

The bill was again read.

Mr. SPRINGER. Has the bill been reported from the House committee?

Mr. McCULLOGH. This is a Senate bill. An identical bill has been reported unanimously by the Committee on Claims.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. THOMPSON, of California, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. If there be no objection, the corresponding House bill (H. R. 2042), reported from the Committee on Claims, will be laid on the table.

There was no objection, and it was so ordered.

R. G. HUSTON & CO.

Mr. BROWN, of Ohio. The bill (S. 309) for the relief of R. G. Huston & Co. was laid before the House a few moments ago. I ask unanimous consent that it be brought before the House for present consideration. This bill passed the Senate last session. It was reported favorably to the House last session, and an identical House bill is now on the Calendar unanimously reported by the Committee on Claims.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay R. G. Huston and John B. Neely, partners as R. G. Huston & Co., the sum of $7,572.48, for replacing earth and material washed away from the levees from Milton to Raleigh, in the State of Louisiana, by the extraordinary floods of February, 1883, the same being in full payment for all extra work done by them in connection with their contract with the United States under date of October 3, 1882; and said sum is hereby appropriated to the payment of the same out of any moneys in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BLAND. Let the report be read, subject to objection.

Mr. O'NEILL, of Missouri. I object, and call for the regular order.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DAVIDSON, of Alabama, indefinitely, on account of sickness.

UNDERVALUATION OF GOODS.

Mr. RANDALL. I ask unanimous consent to present a memorial of the Board of Trade of Philadelphia, urging the passage of Senate bill 977, to suppress undervaluation of goods imported into the United States. I ask that it be referred to the Committee on Ways and Means, and that it be printed in the RECORD.

There was no objection.

The memorial is as follows:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

This memorial of the Board of Trade of Philadelphia respectfully represents—

That the board considers the General Government should early enact such legislation as will suppress dishonest undervaluations of goods imported into this country, and also provide for the simplification of appraisements and guard against and prevent the unnecessary delays attending the final adjustment of duties.

That it finds the provisions of the amendments reported by Mr. ALLISON to Senate bill No. 977 wise and tending to secure better administration and the suppression of frauds and irregularities now complained of.

Therefore your memorialist, the Board of Trade of Philadelphia, urges your honorable bodies to pass Senate bill No. 977, with the amendments reported by Mr. ALLISON, from the Committee on Finance.

And your memorialist will ever pray, etc.

[SEAL.] FRED. FRALEY,
President of the Board of Trade of Philadelphia.

Attest: W. P. TUCKER, *Secretary.*

OFFICE OF THE BOARD OF TRADE, *Philadelphia, March* 20, 1888.

REVISION OF TARIFF.

Mr. RANDALL. I also ask unanimous consent to present resolutions adopted by the Board of Trade of Philadelphia, Pa., concerning the revision of the tariff. I ask that they be referred to the Committee on Ways and Means, and that they be printed in the RECORD.

There was no objection.

The resolutions are as follows:

Preamble and resolutions adopted at a meeting of the Board of Trade of Philadelphia, held on the evening of March 19, 1888.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Whereas in response to the President's message Congress has now under discussion the formulation of a tariff upon imports and the extension of the free-list of imports; and

Whereas many millions of our fellow-citizens are engaged in the production of manufactures, and in the home commerce arising from such manufactures, employing thousands of millions of dollars, which are interests so large and so varied that they permeate every business establishment and dwelling in the land; and

Whereas no laws should be passed which would injure or destroy the manufactures of this country, and what is done should be done speedily to prevent the stagnation now fully apparent, even from the pending discussion: Therefore,

Resolved, That while the revision of the tariff and the laws governing the tariff may have become necessary, no law should be passed which would tend to cripple, break up, or destroy the home industries and home markets of the United States.

Resolved, That the extension of the free-list of imports into the United States should be only of such character as will aid the further development of manufactures, and that no free importation of any article should be allowed that will militate against any of the industries of the country.

Resolved, That to destroy or even to seriously impair the manufacturing interests of the United States means the deprivation of employment or the reduction of the wages of millions now engaged in these industries to the low standard of the foreign wage-worker.

Resolved, That in accordance with these principles the Board of Trade expresses its belief that the Mills tariff bill, now before the Committee of Ways and Means, if it should become a law, would prove injurious to many important and long-established industries of the country, and that Congress be requested not to pass the bill.

[SEAL.] FRED. FRALEY,
President of the Board of Trade of Philadelphia.

Attest: W. P. TUCKER, *Secretary.*

OFFICE OF THE BOARD OF TRADE, *Philadelphia, March* 20, 1888.

AMENDMENTS TO PUBLIC-LAND BILL.

Under the order of the House amendments to the bill (H. R. 7901) to secure to actual settlers the public lands were filed, as follows:

By Mr. JACKSON:

Amend section 19 as follows, namely:

"Strike out all after 'United States,' in line 7, all of line 8, and the words 'laws' and 'one quarter-section,' in line 9, and insert in line 9, in lieu of the words stricken out, '80 acres.'"

Amend section 21 by adding, in line 3, after the word "cause," the following: "Except sale or disposal of his right thereto."

Amend section 22 by striking out the word "less," in line 22, and the word "than," in line 2, and adding "or less," in line 2, after the word "land."

Strike out all commencing with the word "may," in line 2, down to and including "she," in line 5; also strike out all of the remainder of the section after the word "made," in line 9.

Amend section 2 by inserting in line 3, after the word "nickel," "fire-clay."

Amend as follows, namely: In section 28 strike out all after the word "may," in line 3 and down to and including "vacated" in line 6, and in lieu thereof insert the following, namely:

"From time to time be improved and kept in repair as highways according to local laws, and for all other purposes."

By Mr. PETERS:

Add a new section, to come in after section 26, as follows:

"SEC. 27. Whenever final proofs are made before any other officer than the register or receiver, the fees of the officer taking such proofs shall not exceed $3 for each quarter-section or fractional part thereof; and any officer demanding or receiving a greater sum shall be deemed guilty of a misdemeanor, and shall be punished for each and every offense not exceeding $100."

Add to section 24 the following:

"*Provided*, That in all cases wherein a homestead entryman or pre-emption claimant, lawfully in possession of Government lands under acts of Congress which require residence, shall have been elected or appointed to any official position the acceptance of which requires his absence from said land in the discharge of his official duties, but who, nevertheless, shall have kept up his improvements on said land in good faith throughout such necessary absence, he shall be deemed to have complied with the laws relating to residence upon such land, and no advantage shall be taken of such necessary absence by any adverse claimant or by the United States, but such claimant shall be entitled to all rights and privileges which would attach to actual and continuous residence covering such period of necessary absence."

By Mr. TOOLE:

Amend section 5 by adding thereto the following:

"*Provided*, That it shall be lawful for the residents of either of the States of Colorado or Nevada or either of the Territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, and Montana to cut and remove timber on the public domain under existing law and the regulations thereunder for the period of six months after the passage of this act."

Amend section 7 by inserting the words "and mineral" between the words "timber" and "to," in line 2.

Also amend section 7 by inserting the words "and mineral" between the words "timber" and "land," in line 4.

Also amend section 7 by inserting the words "and mineral" between the words "timber" and "inspectors," in line 14.

Also amend section 7 by inserting the words "and mineral" between the words "timber" and "lands," in line 15.

Add the following to section 10:

"That in order to determine what lands may lawfully be selected, certified, or patented under grants made by Congress to each and every of the several land-grant railroads of the United States, and to which patent has not heretofore issued, such railroad company or corporation shall, by its agent thereto authorized in writing, file with the register and receiver of the land office in which such land is situated an affidavit that the land claimed or selected and each legal subdivision thereof is non-mineral in character as contemplated by the grant, and that the affiant has made a personal inspection of said land; and thereupon the register and receiver of the land office in which said land is situated shall cause to be published in a newspaper of general circulation, published nearest the land so claimed or selected, for four successive weeks a notice that such affidavit has been filed, and at any time within thirty days thereafter any citizen of the State or Territory within which said land is situated may deny the allegation of non-mineral in said affidavit upon oath; and thereupon the same proceedings shall be had and obtain as in other contested cases, including the right

of appeal by either party, but the burden of proving the non-mineral character of the land shall be upon the railroad company; and in all such contests it shall be sufficient to reject the claim or selection of any railroad company if it appears from the proof that the land contains lodes of mineral-bearing matter, which does not pass by the grant, whether it has been worked or not, or whether it will pay or not to work at the time of the contest. As between the railroad company and the Government any and all land that bears mineral which does not pass by the grant, or gold in placer form, in such appreciable quantities as to render it in any sense valuable so as to be likely to be sought out for its mineral qualities, shall be considered within the exception made by Congress, and shall be considered mineral lands."

Amend by adding the following sections to the bill:

"SEC. —. That the Secretary of the Interior be, and he is hereby, authorized to have the lands embraced within abandoned military reservations regularly surveyed by an extension of the public surveys thereon.

"SEC. —. That said lands when so surveyed shall, upon the approval of such surveys by the Secretary of the Interior, become a part of the public domain and subject to entry and settlement under the homestead laws of the United States, and not otherwise.

"SEC. —. That the Secretary of the Interior shall cause any improvements, buildings, building materials, and other property which may be situated upon such lands, not heretofore sold by the United States authorities, to be appraised by three competent and disinterested men, to be appointed by him, who shall, after each having been duly sworn to impartially and faithfully execute the trust imposed in him, appraise the said improvements, buildings, building materials, and other property situate thereon, and report their proceedings to the Secretary of the Interior for his action thereon; and thereupon the Secretary of the Interior shall cause the same to be advertised for sale at public auction, to the highest bidder, for cash, in at least two newspapers of general circulation published in the State or Territory where said reservation is situated for four successive weeks, giving the time and place of said sale. Any sale of improvements made under the provisions of this act shall be subject to the approval of the Secretary of the Interior.

"SEC. —. That all acts and parts of acts in conflict herewith are hereby repealed."

By Mr. CAREY:

Amend by adding at the end of section 7 the following:

"*Provided*, That sections 4, 5, 6, and 7 shall not apply to any timber lands in the Territory of Wyoming."

Amend line 3 of section 11 by striking out the words "private" and "or," and by inserting in said line 3, section 11, between the word "sale" and the word "for" the words "after advertisement as provided for the sale of timber lands under the provisions of this act."

Amend by adding as an additional section:

"That section 2 of the act of June 15, 1880, entitled "An act relating to the public lands" is hereby declared applicable to any entry made previous to January 1, 1888, under the homestead, desert-land, or pre-emption laws which had been improved in value previous to the last-named date by means of irrigation, works constructed for its reclamation, water rights, breakage of soil, or other improvements on the land to an amount equal to $2 per acre."

Amend by adding the following section:

"That persons who have heretofore under any of the homestead, desert-land, or pre-emption laws entered lands properly subject to such entries, or persons to whom the rights of those having so entered lands under the laws named may have been attempted to be transferred by bona fide instrument in writing, may entitle themselves to said land by paying the Government price therefor, and in no case less than $1.25 an acre, and the amount heretofore paid the Government upon said lands shall be taken as part payment of said price: *Provided*, That no one shall avail himself of the provisions of this section unless the lands contained in the entry effected on the 1st day of January, 1888, had been improved in value by irrigation works for the reclamation of the lands, water rights, buildings, or other improvements thereon, to an amount equal to $2 an acre for each acre contained in the entry: *Provided further*, That this section shall not interfere with the rights of any one who may have subsequently entered any of such lands therein described under either of the laws referred to in this section."

By Mr. SMITH, of Wisconsin:

Amend section 24, in the fifteenth line, by inserting, after the word "householders," the words "residing within a radius of 10 miles."

Amend section 11, in the third line, by striking out the words "private or."

R. G. HUSTON & CO.

Mr. O'NEILL, of Missouri. I withdraw my objection to the request of the gentleman from Ohio [Mr. BROWN].

Mr. BLAND. I think the bill ought to be explained. Or let the report be read, subject to objection.

The SPEAKER. The gentleman from Missouri [Mr. O'NEILL] demanded the regular order if time was to be consumed by the reading of the report.

Mr. O'NEILL, of Missouri. I withdraw the demand for the regular order.

The SPEAKER. The report of the Senate committee is not here.

Mr. BROWN, of Ohio. This bill has been several times before both Houses of Congress. It was passed by the Senate in the last Congress; was reported to the House, and a favorable report has been made by the House Committee on Claims in the present Congress. The measure has been recommended by the Chief of Engineers. The claim was also examined by the Second Comptroller of the Treasury and by him fully approved.

These parties asked $8,000 for their work. The amount was cut down to $7,572.48. The work was for improvements on the levees of the Mississippi River. It had to be done in September, 1882. There was some delay in giving notice to the parties. They got to work; in February high floods came, and the supervising officers of the Engineer Department directed them, in order to save certain other works, to lay aside this work and protect what had already been done. It is for compensation for this extra work that this bill is in part offered. If gentlemen desire it, the report of the House committee, which gives a full statement of the case, can be read.

Mr. BLAND. Let the report be read.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed without amendment the bill (H. R. 2477) for the relief of Nathaniel McKay and the executors of Donald McKay.

Also, that the Senate had passed the bill (H. R. 2017) to incorporate the Rock Creek Railway Company of the District of Columbia with amendments, in which the concurrence of the House was requested.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 2) for the relief of the Mission Indians in the State of California;

A bill (S. 70) to provide for warehousing fruit brandy;

A bill (S. 396) for the relief of Sarah E. E. Perine, widow and administratrix of William Perine, deceased;

A bill (S. 1139) for the construction of a bridge across the St. Croix River;

A bill (S. 1226) touching the grade of commander in the Navy, and to correct an error in relation to an appointment therein; and

A bill (S. 1328) for the relief of Betts, Nichols & Co.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the Senate concurrent resolution providing for the printing of Executive Document No. 51, Forty-ninth Congress, first session.

Also, that the Senate had agreed to the House concurrent resolution providing for the printing of 15,000 additional copies of the Statistical Abstract of the United States for the year 1887.

R. G. HUSTON & CO.

The Clerk read in part the report of the Committee on Claims upon the bill H. R. 4702.

Mr. ANDERSON, of Kansas. Mr. Speaker, I ask unanimous consent that the reading of the remainder of the report be dispensed with.

The SPEAKER. The report is being read upon the demand of the gentleman from Missouri [Mr. BLAND].

Mr. BLAND. Mr. Speaker, I have heard enough of the report to convince me that the bill is probably worthy of consideration, and I shall not object to the House considering it. I wish, however, to ask a question on a point which is not covered by the report so far as I have heard it read. Is this an appropriation to pay the contractors for material lost on account of the flood?

Mr. BROWN, of Ohio. Not at all. It is not for material, but for work done.

Mr. BLAND. Extra work?

Mr. BROWN, of Ohio. To pay for extra work in a great emergency, and, in a great measure, to protect work already done.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BROWN, of Ohio, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The bill H. R. 4702 was laid on the table.

J. A. WILSON.

Mr. GLASS. Mr. Speaker, I ask unanimous consent to take up the bill (H. R. 1070) for the relief of J. A. Wilson, and put it upon its passage.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and hereby is, authorized and directed to pay to J. A. Wilson the sum of $42.65, out of any money in the Treasury not otherwise appropriated, on account of the robbing of the mail and the loss of registered letters for that sum, the robber being subsequently arrested, tried, and convicted.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GLASS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PROTECTIVE DUTIES ON FARM PRODUCTS.

Mr. WEBER presented a petition of farmers of Erie County, New York, in favor of protective duties upon farm products; which was referred to the Committee on Ways and Means, and, by unanimous consent, was ordered to be printed in the RECORD.

The petition is as follows:

To the honorable the Congress of the United States:

We, the undersigned, farmers of Erie County, New York, respectfully petition your honorable body to adopt such legislation as shall protect us from frauds perpetrated in connection with the importation of cattle, horses, and other stock from Canada for alleged breeding purposes only; also, that a duty of 20 cents per bushel be imposed on foreign barley, 25 cents per bushel on potatoes and onions, $2 per hundred on cabbage, $3 per ton on hay, 10 cents a pound on hops, 20 cents a bushel on peas and beans, 5 cents a dozen on eggs, 5 cents a pound on butter, and 30 per cent. ad valorem on fowls.

LIGHT-HOUSE AT ROE ISLAND, CALIFORNIA.

Mr. ANDERSON, of Kansas, by unanimous cousent, from the Committee on Commerce, reported back with amendments the bill (H. R. 1249) making an appropriation for establishing a light-house and fog-signal on Roe Island, California; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

LIGHT-HOUSE AT GULL SHOAL, NORTH CAROLINA.

Mr. ANDERSON, of Kansas, also, by unanimous consent, from the Committee on Commerce, reported back the bill (H. R. 7604) for the establishment of a light-house and fog-signal at or near Gull Shoal, Pamlico Sound, North Carolina; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SACRAMENTO AND SAN JUAN RIVERS, CALIFORNIA.

Mr. ANDERSON, of Kansas, also, by unanimous consent, from the Committee on Commerce, reported back the bill (H. R. 1239) to extend the jurisdiction of the Light-House Board to the Sacramento and San Juan Rivers, in California; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

W. G. GALLOWAY.

Mr. YODER. Mr. Speaker, I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. 3508) for the relief of William G. Galloway, and that the same be put upon its passage.

The bill was read, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized and empowered to issue and grant an honorable discharge from the Army of the United States to William G. Galloway, late a captain in the Fifteenth, United States Army, which discharge shall bear date as of August 15, 1867, and with the rank of a captain; and said discharge, with said rank as of said date, shall be granted, notwithstanding his dismissal from the service by virtue of the proceedings and sentence of a general court-martial convened at Atlanta, Ga., June 6, 1867, pursuant to Special Order No. 9, dated May 24, 1867, and other orders subsequent thereto: *Provided*, That no pay or allowances shall be paid said Captain Galloway by reason of such honorable discharge.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. YODER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOSEPH B. BURTON.

Mr. OWEN. I ask unanimous consent for the present consideration of House bill No. 2151, for the relief of Joseph B. Burton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Joseph B. Burton, out of any moneys in the Treasury not otherwise appropriated, the pay and allowances of a private soldier from July 21, 1862, to June 26, 1865, he having served as a private in Company A, Seventy-second Indiana Regiment, and served as aforesaid, deducting therefrom any sum of money heretofore paid him on account of said service.

Mr. BLAND. We had better have the report read.

Mr. OWEN. This soldier served for three years, but on account of a mistake in his muster he never received any pay.

The report was read.

Mr. BLAND. Do I understand that this man received a portion of his pay, but not the whole of it?

Mr. OWEN. He did not receive any pay. He had a cousin who enlisted with him; and only one name was put down, instead of two.

Mr. BLAND. I understood the bill to provide for deducting whatever the soldier may have received.

Mr. OWEN. It is provided, as a matter of precaution, that if he did receive anything that amount shall be deducted.

There being no objection, the Committee of the Whole House on the Private Calendar was discharged from the further consideration of the bill; which was ordered to be engrossed and read a third time, and being engrossed it was accordingly read the third time, and passed.

Mr. OWEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. STOCKDALE. I ask unanimous consent for the consideration of the bill which I send to the desk.

A MEMBER. Regular order.

Mr. STOCKDALE. I hope that demand will be withheld for a few moments. If this bill occupies more than five minutes I will consent that it be withdrawn.

Mr. CLARDY. I ask unanimous consent——

The SPEAKER. The regular order has been demanded.

Mr. CLARDY. I do not propose to ask consent for the consideration of a bill, but that members having reports from committees be allowed to present them at the Clerk's desk.

Mr. O'NEILL, of Missouri. To that I hope there will be no objection.

The SPEAKER. In order to facilitate business the gentleman from Missouri [Mr. CLARDY] asks consent that gentlemen having reports to present may hand them to the Clerk to be referred to the appropriate Calendars by the Chair. Is there objection? The Chair hears none.

The following reports were presented, and referred as indicated:

LIGHT-HOUSE ON NEW JERSEY COAST.

Mr. BRYCE, from the Committee on Commerce, reported back with amendment the bill (H. R. 1641) to provide for the erection of a light-house at or near Squan Inlet, in the State of New Jersey; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

LIGHT-HOUSE AT NEWPORT NEWS, VA.

Mr. BRYCE also, from the Committee on Commerce, reported back with amendment the bill (H. R. 1891) to establish a light-house at Newport News, Middle Ground, Virginia; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

LIGHT-HOUSE AT OR NEAR TANGIER ISLAND, VIRGINIA.

Mr. BRYCE also, from the Committee on Commerce, reported, as a substitute for House bills 1511 and 1906, a bill (H. R. 8750) for the establishment of a light-house at or near Tangier Island, Chesapeake Bay; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

By unanimous consent House bills 1511 and 1906 were laid on the table.

REVENUE-CUTTER FOR NEW BERNE, N. C.

Mr. CLARDY, from the Committee on Commerce, reported back with amendment the bill (H. R. 5670) for the construction of a revenue-cutter for New Berne, N. C., to replace the revenue-cutter Stevens; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

AIDS TO NAVIGATION, CHARLOTTE HARBOR, FLORIDA.

Mr. CLARDY also, from the Committee on Commerce, reported back with amendments the bill (H. R. 7033) to establish a light or lights and other aids to navigation to guide into Charlotte Harbor, Florida; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

AIDS TO NAVIGATION, MOUTH OF MISSISSIPPI RIVER.

Mr. CLARDY also, from the Committee on Commerce, reported back with amendment the bill (H. R. 5067) establishing additional aids to navigation at the mouth of the Mississippi River; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

LIGHT-HOUSE BOARD.

Mr. CLARDY also, from the Committee on Commerce, reported back with amendment the bill (H. R. 1311) extending the operation of the Light-House Board over the Illinois River; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

LIGHT-HOUSES, ETC., ON THE LAKES.

Mr. CLARDY also, from the Committee on Commerce, reported, as a substitute for House bill 7085, a bill (H. R. 8751) providing for the erection of sundry light-houses and fog-signals on Lake Superior, Lakes Huron, Erie, and Michigan, and range lights in Lake St. Clair and Detroit River; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

By unanimous consent, House bill 7085 was laid on the table.

MARITIME CANAL COMPANY OF NICARAGUA.

Mr. CLARDY also, from the Committee on Commerce, reported back favorably the bill (S. 1305) to incorporate the Maritime Canal Company of Nicaragua; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. PHELAN submitted in writing the views of a minority of the Committee on Commerce on the bill (H. R. 1305) to incorporate the Maritime Canal Company of Nicaragua; which were ordered to be printed.

LIGHT-HOUSE, ETC., GRAY'S HARBOR, WASHINGTON TERRITORY.

On motion of Mr. CLARDY, by unanimous consent, the Committee on Commerce was discharged from the further consideration of the bill (H. R. 4449) making an appropriation for establishing a first-order light-house and fog-signal at Gray's Harbor, Washington Territory, and the same was referred to the Committee on Appropriations.

ESTATE OF DOUGLAS DALE.

Mr. MANSUR, from the Committee on Claims, reported back favorably the bill (H. R. 8141) for the relief of the estate of Douglas Dale,

deceased; which was referred to Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BOUNTY ON EXPORTS OF WHEAT, ETC.

Mr. HATCH, from the Committee on Agriculture, reported back adversely the bill (H. R. 6109) providing for a bounty on wheat, corn, and flour exported from the United States; which was laid on the table, and the accompanying report ordered to be printed.

LIGHT-HOUSE, GREAT WICOMICO RIVER, VIRGINIA.

Mr. DAVIS, from the Committee on Commerce, reported back with amendment the bill (H. R. 1912) making an appropriation for the establishment of a light-house at the mouth of Great Wicomico River, Virginia; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

LIGHT ON LAKE CHAMPLAIN.

Mr. DAVIS also, from the Committee on Commerce, reported back with amendment the bill (H. R. 5716) making an appropriation for establishing a light at the mouth of Otter Creek, Lake Champlain; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, orderd to be printed.

LIGHT-HOUSE, FOX ISLAND THOROUGHFARE, MAINE.

Mr. DAVIS also, from the Committee on Commerce, reported back with amendment the bill (H. R. 1492) providing for the establishment of a light-house upon Goose Rocks, Fox Island Thoroughfare, Maine; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

LIGHT OFF PAMLICO POINT, NORTH CAROLINA.

Mr. DAVIS also, from the Committee on Commerce, reported back with amendment the bill (H. R. 7421) establishing a light off Pamlico Point, North Carolina; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SALES OF GOODS BY SAMPLES, ETC.

Mr. RAYNER, from the Committee on Commerce, reported back with amendment the bill (H. R. 1677) to regulate commercial sales of goods and merchandise by sample, catalogue, card, price-list, description, or other representation, between residents of the several States and Territories; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ELLIOTT JOHNSON.

Mr. CULBERSON, from the Committee on the Judiciary, reported back favorably the bill (H. R. 8285) to remove the political disabilities of Elliott Johnson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LIFE-SAVING STATION, NANTUCKET ISLAND, MASSACHUSETTS.

Mr. DAVIS, by unanimous consent, introduced a bill (H. R. 8752) providing for the establishment of a life-saving station on Nantucket Island, Massachusetts; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CLAIMS UNDER EIGHT-HOUR LAW.

The SPEAKER. The regular order is the consideration of business of the Committee on Labor, under the resolution adopted yesterday.

Mr. TARSNEY. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House bill No. 1539, providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. HATCH in the chair) and resumed the consideration of House bill No. 1539.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of the unfinished business under the special order. The gentleman from Kentucky [Mr. TAULBEE] is entitled to the floor for one hour.

Mr. TAULBEE. I yield ten minutes to the gentleman from Arkansas [Mr. ROGERS].

Mr. MACDONALD. Mr. Chairman, has there been any limitation of time fixed for the debate on this bill?

The CHAIRMAN. The House has not fixed any limit to the debate. The general debate on the bill is proceeding.

Mr. ROGERS. Mr. Chairman, I ask that the Clerk read the first section of the bill.

The Clerk read as follows:

Be it enacted, etc., That whoever, as a laborer, workman, or mechanic, has been employed by or on behalf of the Government of the United States since the 25th day of June, 1868, the date of the act constituting eight hours a day's work, shall be paid for each eight hours he has been employed as for a full day's work, without any reduction of pay on account of the reduction of the hours of labor.

Mr. ROGERS. Mr. Chairman, in contrast with the provisions of this first section, I ask attention to an amendment which I propose to offer as a substitute for that section and to have it pending:

That all laborers of, and persons heretofore employed by or in behalf of the Government of the United States at per diem compensation, since the 25th of June, 1868, who have been required to perform labor for more than eight hours per day by the superintendent or other person in charge of the work upon which he was engaged, against the protest of such laborer and in violation of his contract, shall be entitled to have and recover of the Government of the United States extra compensation for the additional time so employed at the same per diem at which he was employed for each eight hours of extra labor so performed by him.

Some days ago it was alleged on both sides of the House that the Public Printer and the President of the United States were violators of the eight-hour law. I invited the attention of the House at that time to the question by making inquiry among gentlemen what law or what interpretation of law prohibited any officer of the Government from employing any person in excess of eight hours per day. I was referred to a decision of the Supreme Court of the United States, which I regret exceedingly I can not read in full, but I will read enough of it to show the House that there is not now and never has been, so far as I have any information, any law which prohibits any citizen of the United States from working in excess of eight hours a day.

In this connection I will say that so far as the departmental service is concerned I am willing to concede the eight-hour law as it stands; indeed I regard it as wholesome and desirable. But when the proposition is presented that we shall, by legal enactment, prohibit any citizen of the United States, either in the Government employ or elsewhere, from making any contract not in violation of public law or against public policy which he may deem to his advantage, or his duty, or his interest, I for one enter my solemn protest. To do this is to close the avenues to success, to honor, and to preferment, and overturn that great cardinal principle of free constitutional government in America which makes it possible for the humblest child born in it, by industry, thrift, self-reliance, and patient devotion to truth and duty, to reach the highest station under the Government.

I assert, therefore, that permitting printers to work twelve hours per day, on piecework or in any other way, if done voluntarily and under contract, was not and is not a violation of the eight-hour law, as it is called, and the assertion that in so doing either the Public Printer or the President has sanctioned or permitted or authorized any infraction of that law is wholly gratuitous and without any sort of foundation in truth.

Now, what is the correct construction of this law? What does it mean? What was its object?

This law has been interpreted by the highest court in the land; and that interpretation is directly in the teeth of the assumptions to which I have alluded. The Supreme Court of the United States, in the case of the United States *vs.* Martin, 4 Otto, makes use of this language:

On the 25th of June, 1868, Congress passed an act declaring that eight hours shall constitute a day's work for all laborers, workmen, and mechanics now employed or who may hereafter be employed by or on behalf of the Government of the United States.

This was a direction by Congress to the officers and agents of the United States, establishing the principle to be observed in respect to the labor of those engaged in its service. It prescribed the length of time which should amount to a day's work when no special agreement was made upon the subject. There are several things which the law does not regulate it may be worth while to notice.

Let me emphasize that paragraph:

It prescribes the length of time which should amount to a day's work when no special agreement was made on the subject—

which concedes the right of every American citizen to make a contract to suit his own convenience either with the Government or anybody else; and any law to the contrary is a violation of the personal liberty of the citizen and inimical to the whole system of popular government in this country.

The Supreme Court in this same case say:

Principals, so far as the law can give the power, are entitled to employ as many workmen, and of whatever degree of skill, and at whatever price they see fit, and, except in some special cases, as of children or orphans, the hours of labor and the price to be paid are left to the determination of the parties interested. The statute of the United States does not interfere with this principle. It does not specify any sum which shall be paid for the labor of eight hours, nor that the price shall be more when the hours are greater or less when the hours are fewer. It is silent as to everything except the direction to its officers that eight hours shall constitute a day's work for a laborer.

After reading this decision how can any one say that the statute forbids any laborer from making his own contracts and working any length of time his necessities or obligations may require, or how can it be said that any Government official has been derelict of duty who makes such a contract? This position is not tenable, and I maintain that no such law should ever be passed as applied to any freeman.

Further on the Supreme Court say, by way of illustrating the effect of the statute, that—

There are some branches of labor connected with furnaces, foundries, steam or gas works, where the labor and the exposure of eight hours a day would soon exhaust the strength of a laborer, and render him permanently an invalid. The Government officer is not prohibited from knowing these facts, nor from agreeing, when it is proper, that a less number of hours than eight shall be accepted as a day's work. Nor does the statute intend that, when out-of-door labor in the long days of summer may be offered for twelve hours at an uniform price, the officer may not so contract with a consenting laborer.

I submit that the right of a laborer to contract for any number of

hours of labor per day, at any price he pleases, under this statute, as the Supreme Court construes it, can not be questioned for one moment, and it is unwise, misleading, pernicious, and absolutely wrong for any one to so argue, and thereby stir up strife and discontent when none exists. For we all know—indeed it is notorious—that the best paid of all our labor, as a rule, is that in the Government employ.

Now, what were the facts in the case from which I have been reading?

Martin was employed at the Naval Academy, at Annapolis, at $2.50 per day, with an understanding that he should work twelve hours per day. While this contract was in force the eight-hour law went into effect. Martin claimed advantage of its provisions. It was denied, and he continued work, accepted the $2.50, and receipted the Government as per contract. Afterwards he sued the United States for the extra four hours for each day's work. It was in this state of case that the Supreme Court said:

We are of opinion, therefore, that contracts fixing or giving a different length of time as the day's work are legal and binding upon the parties making them.

* * * * * * *

The claimant's contract was a voluntary and a reasonable one, by which he must now be bound.

And Martin's alleged right to recover was denied. It is this decision of the Supreme Court that this bill seeks to overturn, not only as to Martin's, but as to all the classes named in the bill. Its object is not to enforce existing law or to pay persons having legal or equitable claims against the United States which they can establish in a court, but it is to make new contracts between the United States and these classes of persons, based on no consideration of any kind, and to pay for services never performed, for the services they performed have been once paid for according to the contracts under which they were performed.

If this is not absolutely true, what is the necessity of this bill? If these persons have just and legal claims, why not refer them to the Court of Claims under existing law? Let the facts be found, and if any liability is ascertained let Congress appropriate the money and pay them.

Sir, the very existence of this bill negates any liability of the United States under this eight-hour law. There is no evasion of this conclusion. If this be true, to enact this bill into law is absolute communism. It is simply dividing up the people's money among a class of persons who have no more right to it than I have.

Mr. BRUMM rose.

Mr. ROGERS. I hope the gentleman from Pennsylvania will not disturb me, as I can not be interrupted. My time does not admit of it.

I do not believe my accomplished and excellent and distinguished friend from Massachusetts [Mr. LONG] comprehended fully the import of this bill when he introduced it, and I have not the remotest idea the Committee on Labor understood its scope, because they tell us in their report—

That these yards—

Meaning navy-yards—

undoubtedly contain the bulk of the claims arising under this bill.

Let us look at that for a moment. What classes are covered by the first section of this bill—and I invite the scrutiny of gentlemen to what I am about to say—what are the limitations of the first section of this bill?

That whoever, as a laborer, workman, or mechanic, has been employed by or on behalf, etc.

Covering not only every workman employed by the Government but also in behalf of the Government of the United States.

That whoever, as a laborer, workman, or mechanic, has been employed by or on behalf of the Government of the United States since the 25th day of June, 1868, the date of the act constituting eight hours a day's work, shall be paid for each eight hours he has been employed as for a full day's work, whether engaged at per diem compensation or piece or task work.

I say, Mr. Chairman, that the only limitation to be found in the first section of this bill as to the classes of persons is that they must have been employed "by or on behalf" of the Government of the United States, and engaged at "per diem compensation or piece or task work."

And with those limitations it embraces every person within the limits of the United States so employed since 1868, the date of the act constituting eight hours a day's work, whether engaged at per diem compensation or piece or task work. It embraces every such departmental employé, every laborer engaged at the navy-yards and arsenals, those engaged upon the public buildings, in the improvement of rivers and harbors, gaugers, storekeepers, and others at the internal-revenue warehouses and distilleries, criers and bailiffs of courts, watchmen employed in guarding public buildings, including janitors, posse comitatus, laborers employed in the geological surveys and in the topographic surveys, laborers in the Signal Service, laborers engaged in the survey of the public lands, in the light-houses, marshals at elections—in fine, every laborer and artisan throughout the length and breadth of the land, under the terms of this bill, whether engaged as day laborers or engaged at per diem compensation or piece or task work. These classes of persons have occurred to me since last evening, when my attention was first called to this bill, as persons employed by the day, and I have no doubt there are various others that do not occur to me that will readily occur to others.

This bill not only includes all these classes, but it goes back and proposes to readjust their accounts for the last twenty years on the basis of this bill, wiping out all statutes of limitations, disregarding all sound principles of wise legislation, and violating voluntary contracts long since satisfied and *functus officio*. But more on this point hereafter.

But, Mr. Chairman, it does not stop here. Where are these men? You do not even except those men——

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROGERS. I hope I may be permitted to finish this thought.

Mr. TAULBEE. There are more requesting to have time than I have time to dispose of; but I shall yield five minutes more to the gentleman from Arkansas.

Mr. ROGERS. I am profoundly grateful to the gentleman from Kentucky.

I say where are these men now? There are no exceptions from these several classes. They may be men who have defrauded the Government and are serving their terms in the penitentiaries of the country. They may have served their terms for crime against the Government, or be defaulters, in Canada to avoid punishment, and yet they may be beneficiaries under this bill.

It was asserted on yesterday that fourteen thousand of these claims were to go to the Court of Claims. I venture to assert the belief that it will go far nearer one hundred and forty thousand than fourteen thousand. It is said that the Navy Department estimates three millions for the settlement of these accounts from that Department. That may be so; but you pass this bill and I think the amount it will cost the Government will go nearer a hundred millions.

Mr. MCMILLIN. Three millions in that Department alone?

Mr. ROGERS. Yes; as I have said, in that Department alone.

It is said that this is to benefit fourteen thousand men. But at whose expense? is the question. Why, the other sixty millions of American people who are toiling for their daily bread. Who are they? The farmers, the laborers all over the country, the mechanics, the miners in all the respective classes of mines, the transportation men, the day laborers in the manufactories, the doctors, the preachers, the widows, the orphans, "the butchers, the bakers, and the candlestick makers," all, all, everywhere throughout this broad land. And are to contribute to what? They are to contribute their mite to open a court and make it accessible at the sole expense of the United States to every single man or woman of the class that I have mentioned, that they may rate their wages upon a day of eight hours regardless of the contract on which they labored and under which they were paid in full, and regardless of the decision of the Supreme Court, in so many words declaring that they had a right to make the contracts, and that they are legally valid and binding upon them. That is class legislation in its worst form. And I assert this, Mr. Chairman, that if anything more than has been said was necessary to justify the position assumed in the discussion of this resolution, which was to turn over this House for four days to the control of this committee under the fifteen-minute rule, this bill is an ample justification.

It is far-reaching in its effects and deleterious and injurious in its results upon the people and upon the Government of the United States. It is a bill that ought to be discussed and discussed fully, and when we come to discuss a measure of this kind under the limitation sought to be imposed, I can but be reminded of what Judge Marshall said in one of the greatest opinions he ever delivered. He said:

For he who demands a decision without proper inquiry affirms that the decision he asks does not depend upon inquiry.

Mr. Chairman, I hate the gag law. I believe in full debate on all important or doubtful legislation. Above all is this true if new precedents are to be set, new principles invoked, or new policies inaugurated. Hence it was that, not knowing what was to come before us from this committee, I was ready to insist that debate should not be limited in advance, so that these matters could not be fully discussed. I submit that the wisdom of my course is now apparent. I trust that there will be no disposition on the part of the House to cut off debate, but that this matter will be fully, fairly, and freely discussed.

One other suggestion. How are you to settle with these piece-workers and task-workers? Let me illustrate. A man is employed, we will say, to make shoes at 40 cents a pair. He, at his own election, works twelve hours per day; but he is paid by the pair and not by the day. He got his money. What is the effect of this bill as to him? What rule will you apply to him? Has he not received all that his contract called for. He did not work by the day. But on the theory of this bill he worked four hours each day more than the law required, and should be paid for it. By what rule will you pay him? With all due deference to the committee, not meaning to be offensive, I submit that such a proposition is nonsense.

The same is true in the office of the Public Printer. There the piece-workers get so much an hour, 40 cents, I believe. They work, many of them, twelve hours. They get pay, by express agreement, for each hour they work. What are they entitled to? Have they any claim against the Government? This bill gives them just $1.60 per day more than they contracted for, after the lapse of twenty years, and this sum is to be paid out of taxes collected from all the people—all other laborers included—and all this is to be done in the name of labor. In the

name of honest labor I protest against any such legislation as that. There is not an element of justice, or honesty, or equity in it.

How will you settle with the "task-workers?" I confess, unless the term as used in the bill is a synonym for "piece-workers," I do not comprehend in what sense it is used, unless it means that in some branch of the service labor is employed to perform so much work each day. If that be the case which the bill seeks to reach, the same illustration I have given as to "piece-work" would apply to that. I do not dwell on this. By no possible construction that the English language is susceptible of can there be any justice in it. For if a man agrees to perform a certain amount of work for a certain sum, and does the work and gets the money, that is the end of it. The contract is satisfied and the thing is at an end.

Mr. Chairman, it is my deliberate judgment that no piece of legislation has been presented to the American Congress so injurious, so far-reaching, so ill-considered, and so vicious in its tendencies as this bill, unless it be that other class of legislation which obtrudes itself on us in a thousand ways and which looks to making this Government, which was formed for the benefit of all our people, with a few well-defined and enumerated paternal functions, a great political concern to furnish labor or support for the people. This idea involves a complete reversal of the whole theory of our Government. It teaches the doctrine that Government should take care of the people, while in truth the people should take care of their Government.

It is not the province, it is not the function, it is not the duty of the Government to furnish labor; but it is the duty of the people of these United States, who form this great Government—whose Government it is, made by them, of them, and for them—to preserve it as we received it, as a rich inheritance that shall descend to our children and children's children, remembering always that its great object was, not to legislate for classes, or to create or discriminate between them, but to secure the rights of all through just and equal laws.

Mr. TAULBEE. I yield ten minutes to the gentleman from South Carolina [Mr. TILLMAN].

Mr. TILLMAN. This eight-hour law is an old acquaintance of mine on this floor. I first served in the Forty-sixth Congress and was placed on the Committee on Education and Labor: and one of the first bills I had to encounter and consider was this so-called claim under the eight-hour law. I studied up the whole history of Federal legislation in regard not only to mechanical but to clerical labor in respect to statutes, to orders of the executive department, and the decisions of the courts about this eight-hour law in particular.

I very soon found that this bill was s..nply a bold, transparent device to attack the Treasury in the interest of claim agents. From the closest estimate I could make in 1884 it would then have taken about thirty millions of dollars to satisfy the bill. In ten minutes' time I can not go into the details of this thing as they ought to be gone into, especially as we all know that when any proposition comes up here touching labor or the Knights of Labor it causes a general nervous flutter of members to a place of supposed safety on the side of labor akin to that which birds in a dove-cote exhibit when a hawk swoops down upon them. The most mortifying thing to me in my Congressional experience is the pitiable manner in which members can be stampeded from propriety and common sense by almost any measure for the pretended good of labor.

This is simply a measure to give every man who has labored in any department of the Government at any time during the last twenty years a claim to ten hours' pay for eight hours' work. It is that and nothing more. It is intended to create an aristocracy of labor, and to give the claim agents probably 25 or 50 per cent. of whatever they may recover from the Government.

Just think of it. All the amounts we have appropriated to erect public buildings in the last twenty years, exceeding probably $100,000,000; all the amounts we have appropriated for rivers and harbors, equal to about another $100,000,000, perhaps; all we have spent to build ships, as well as all we have expended in any way at the army arsenals, forts, or wherever laborers, workmen, and mechanics have been employed in any of the departments, under the terms of this bill every such laborer, workman, and mechanic is authorized, without being entitled to it by existing law, to give the Court of Claims all the business it can likely do for the next five years to audit accounts that the Government does not owe at this time.

Mr. TARSNEY. Will the gentleman yield to me for a question?

Mr. TILLMAN. Not when I have but ten minutes. Extend my time, and then any member can cross-question me and I will undertake to kill this bill so dead that it will not show its face any more this Congress. [Laughter.]

Why, sir, the Supreme Court of the United States in two decisions—the United States *vs.* Martin, 4 Otto, in 1876, and the case of the United States *vs.* Driscoll, 6 Otto, 1877—have decided that this eight-hour law was simply a declaratory, and not a mandatory, law; that it merely intended to add one more item to the time-table in arithmetic and define what should be considered a day's labor where the parties themselves had not had any understanding about the time. That is all there is of it.

I wish I had time to have the two decisions read. The court held that the law did not prevent the heads of Departments from making a special contract for a day's labor of more than eight hours. And what has been the regulation of this Government in every Executive Department, from its foundation up to the present time, or rather up to the time this eight-hour law was adopted in 1868, both as to hours of labor and rates of wages? This is the law:

> That the hours of labor and the rate of wages of the employés in the navy-yards shall conform as nearly as is consistent with the public interest with those of private establishments in the immediate vicinity of the respective yards, to be determined by the commandants of the navy-yards, subject to the approval and revision of the Secretary of the Navy.

That act was passed in 1862. There never had been any law previous to that time, but the principle of that act had governed every Executive Department from the day the Government was organized, and that has been the practice of our whole administration ever since. The construction put upon the eight-hour law by the Supreme Court in the two cases to which I have alluded has been adhered to by all the Departments ever since until Mr. Chandler, in 1884, getting ready perhaps for the then approaching Presidential election, concluded he would apply the eight-hour law, so as to get as many Democratic employés as he could to vote the Republican ticket, and now I suppose some Democrats want to reciprocate. [Laughter.]

Why, sir, simply for public buildings and for rivers and harbors at this very session of Congress in all probability $20,000,000 will be appropriated, and if the Government chooses to give its employés 25 per cent. more wages than are paid for the same labor where the buildings shall be erected or the rivers and harbors shall be improved how many Republicans will vote the Democratic ticket to get employment under this Administration as a favored or pet laborer? Are you Republicans over there going to furnish such a fund for Democrats with which to electioneer against your own party? Are you going to reward the pestiferous claim agents who are behind this bill? For they are behind it, and there is no doubt about it. Are you for the sake of merely making them your friends and partisans going to pass this bill to rob the Treasury, more for their benefit than for the benefit of the laborers? I do not believe you will do that; and I do not believe the Democrats will permit it to be done. What does this bill do?

Mr. SPOONER. Will the gentleman allow me a question?

Mr. TILLMAN. No, sir; I have not time.

Mr. SPOONER. I merely wish the gentleman to inform me how the Republicans can pass the bill in the House when they are not in control, and the Democrats have a majority?

Mr. TILLMAN. Now listen to the language of the bill. I am amazed that any man could have the audacity to present such a bill here. [Laughter.]

Mr. STRUBLE. No reflection on the Democratic side, I hope?

Mr. TILLMAN. No; and I am glad that it was a Republican, the gentleman from Massachusetts [Mr. LONG], who introduced the bill. Listen to its language:

> That whoever, as laborer, workman, or mechanic, has been employed by or on behalf of the Government of the United States since the 25th day of June, 1868, the date of the act constituting eight hours a day's work, shall be paid for each eight hours he has been employed as for a full day's work, without——

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. MCMILLIN. I ask unanimous consent that the time of the gentleman from South Carolina [Mr. TILLMAN] be extended ten minutes; an equal amount of time to be given to the other side.

The CHAIRMAN. The Chair will state that no limit has been placed on this debate by the House. The gentleman from Tennessee [Mr. MCMILLIN] asks unanimous consent that the time of the gentleman from South Carolina [Mr. TILLMAN] be extended ten minutes.

Mr. BUCHANAN. I object.

The CHAIRMAN. The gentleman from New Jersey [Mr. BUCHANAN] objects. The Chair recognizes the gentleman from Kentucky [Mr. TAULBEE].

Mr. TAULBEE. Mr. Chairman, inasmuch as several gentlemen to whom I would be very glad to yield have asked me for time, to come out of this hour, which requests I have found myself unable to grant, I desire to ask unanimous consent that gentlemen who have been limited to so short a time as to be unable to say what they had to say on this bill be allowed to extend their remarks in the RECORD.

Mr. BUCHANAN. I hope that leave will be granted.

There was no objection, and it was so ordered.

Mr. BLAND. Mr. Chairman, I am in favor of the eight-hour law in its spirit, and I hope the time will come in this country when eight hours will be all that will be required for the laboring man to work, not merely in Government employ, but throughout the land. But, Mr. Chairman, if the friends of the eight-hour law suppose that this bill will give it a standing in the community or throughout the country, I fear they make a mistake. Under the influence of that sympathy which we all have or ought to have for the movement to reduce the hours of labor, this bill proposes to do injustice to the workingmen throughout the country who in the end will have the cost to pay. While there may possibly be some merit in some particular part of it, yet the bill is so loosely drawn, so unguarded, that the operation of it would bring down the condemnation of the people of this country upon the Congress that should pass it and

would excite a prejudice against the eight-hour movement, and tend to make it odious rather than otherwise.

If these gentlemen who worked ten hours had stood up as laboring men ought to have done, had refused to work beyond the legal time, and had required the enforcement of the law, they would now stand in a much better position before Congress and before the workingmen of the country.

Now, Mr. Chairman, while the eight-hour law is valuable as a monitor, as a sign to which the laborers of the country may look, as a promise of what is to come in the future, as an enactment it can have little or no effect. If we want to have eight hours suffice for a day's labor for the working people of this country, if we want to make eight hours per day a sufficient time for the laboring man to earn a subsistence, we must turn our attention to another character of legislation. We must wring the water from the railroad stocks of this country that is draining into the coffers of capital the products of labor; we must wring the water from the telegraph monopolies and from the syndicates and trusts, and we must stop wringing the money from the tax-payers of this country to the amount of $400,000,000 each year to be piled up in the Treasury. Our present system is using up the substance of labor. Our present system makes it necessary for men to work sixteen hours a day in order to live, when they ought not to have to work more than eight hours. If we quit taking away in this manner one-half of the profits of the workingman's labor to fill the Federal Treasury and to fill the coffers of the Goulds and the Vanderbilts, then the workingman will be allowed to retain his earnings and eight hours' labor a day will suffice to make him a living. That is the only way to enforce the eight-hour law—to bring about such a condition of things that eight hours' labor a day will bring men a subsistence.

But how is it now with the working people of this country? Speaking for those that I know personally, the great farming element, they are up at 4 o'clock in the morning, and they work from that time until it is dark; and yet many of them, after working fourteen and sixteen hours a day regularly for years, have their farms mortgaged, are unable to pay their taxes at the end of the year, and are compelled to borrow money to subsist upon.

While we refuse to change the system; while we refuse to repeal the laws that place these burdens upon labor in the way of taxation; while we refuse to squeeze the water from the railway stocks and from the telegraph stocks and from the syndicates, it will be impossible for the workingman to make a living by working eight hours a day. [Applause.]

Mr. TAULBEE withholds his remarks for revision. [See Appendix.]

Mr. LANE. Mr. Chairman, while I agree fully with all that has been said in opposition to this measure, I wish to state some other and different views than those presented by gentlemen who have thus far addressed the House. The chairman of the Committee on Labor said that that committee had prepared this bill, and that they were the authors of it. Well, if the Committee on Labor claims the authorship of this bill, it certainly takes a very great responsibility from the shoulders of the gentleman who professes to have introduced it, because I challenge the House on an examination to show where there has ever been before, in this House or in any other legislative body, such an act offered for the consideration and adoption of an intelligent body of men. It is so vicious, it is so absolutely wrong in principle, in verbiage, even in form, that you can scarcely conceive how any person acquainted with legal proceedings could draught such a bill.

The first section provides compensation for labor. What labor? Why, Mr. Chairman, under that bill I insist that a fair construction of the first section of it allows a laborer who has worked for the Government to go into court and recover a day's wages for less than eight hours' service, as the gentleman from South Carolina [Mr. HEMPHILL] clearly showed on yesterday. This is the fair construction of this section. And the second section of this act is absolutely so vicious that it is hard to believe that it is offered in good faith for adoption by this House.

The second section has this provision, among others:

> And no statute of limitation or payment made or receipt given for a less sum per day than the full price of a day's work, as provided in the first section, shall bar the right of recovery.

Now, this section assumes that these claims may be barred by the statute of limitation, and, if so, this bill desires to take this class of claims out of its operation and revives and revivifies them, and permits them to be presented in a new garb for additional pay.

Is there a lawyer in this House who can say that when a claim is barred by the statute of limitations, is actually extinguished, that subsequent legislation can enact such a measure as will revive and bring it into life?

The second section of this bill further provides that in the consideration of these claims the statute of limitation shall not apply. In other words, it assumes that these claims are now barred by some existing statute of limitations, but insists that this House by this act may add vitality and life to them, so that the Court of Claims can go back for twenty years and take up all these claims so barred, if they are barred, and consider them. I say such legislation is absolutely vicious, absolutely wrong. It is against sound law and sound principles of legislation or good conscience. It has neither equity nor justice to recommend it, and has no merit as a legislative enactment.

Another principle of this bill as proposed refers all these demands to the Court of Claims for final adjudication.

I have as profound respect for the courts of this country as any member of this House while such courts are transacting the business that properly belongs to them, but so long as I may be a member of this House I will never consent to refer any case to the Court of Claims, or the Supreme Court, or to any other court, that properly belongs to this House for adjudication or final judgment.

Now, sir, what is the duty of this House? We owe it to the people to perform the duties for which we were sent here, and should assume the responsibility for our action upon this as well as upon all other matters. The Supreme Court is not responsible to the people; we are directly responsible. This bill is a confession on our part of our inability to deal with the case. When you refer a case to the Court of Claims for final judgment that is the end of it. Whether it is right or wrong we must pay it if the decision is against the Government.

I am willing that we shall refer cases to the Court of Claims for the ascertainment of fact, or to a committee of this House, when the consideration of such cases is a part of our own duty; and I will say in addition that it is against the policy of this Government to allow any person to sue the Government, to take the Government into court there to be sued. It is presumed that the Government will pay its just debts without being sued, and I think it does.

Another objection to this bill is that it is class legislation. The Government can not be sued by its employés; then why should the persons mentioned in this bill be made a favored class to the exclusion of others? Laws should be general in their application and operation, and consequently these parties should not be allowed to go into court and sue the Government when you exclude all the other creditors of the Government.

There are other creditors equally meritorious. You exclude them and you attempt by class legislation here to allow these parties to go into court. This act might also be called properly an arrearage act. There is another class of persons—the lame and wounded soldiers—who it is said the Government is in arrears to and whose claims I regard much more meritorious than the claims now under consideration. Why is there not some provision made for them in this bill? Mr. Chairman, feeling as I do I can not support this bill with the pernicious effects it would have in filling the courts with claims and in starting up litigation about matters that are now absolutely settled, where the parties themselves had the right to make the contract and made it.

I wish to allude to another point in this case. Two of my colleagues from Illinois introduced an amendment to this bill. They seemed to think there were some claim agents behind this, and introduced an amendment to the effect that a claim could not be prosecuted in the name of an assignee of the laborer. Such an amendment is wholly unnecessary. Any lawyer should know that an assignee of an open account can not go into court and prosecute in his own name. The right of action is in the claimant himself who rendered the labor. He did not have a negotiable instrument from the Government. He had no note or bond which he could assign to these agents, so as to vest the legal title in the assignee. What he had was simply an open account which he could not transfer by assignment, so that the assignee could bring the action in his own name. The action must be in the name of the party who rendered the service, or, if dead, in that of his administrator.

But with that amendment the bill is still absolutely vicious by giving to these parties what they could not at the time have contemplated to receive. I am in favor on all occasions and shall ever be in this House in favor of labor. But labor in this House needs no affirmative act in its behalf. It simply needs the vicious acts that are now oppressing it and holding it down repealed.

What to-day is the trouble with labor in Ireland? Why, sir, it is the eviction act and kindred acts. Repeal those acts and the manhood strength of Ireland could then become an irresistible power, standing ready at its post while the whole Irish race, rallying to the support of such measures, would cry, "Down with the land system that has cursed and depopulated Ireland!"

And what is the matter to-day with our own American laborer? Is he not also crushed with unjust laws which take from him the well-merited reward of his labor and give it to monopolists and syndicates? By the laws of Congress you take one-third of the compensation for the laborer's service; you take one-third of his wages for the support of the Government and the benefit of the class of men who are seeking to assert their unjust claims before this House. The sugar a man uses, the blankets which cover him and his family, the stockings they wear pay an average of 47 per cent. duty. Therefore, if he earns but the miserable pittance of $1.50 a day, he is deprived of one-third of his earnings by the Government in paying duties on the meager necessities of life.

What labor wants is that we shall put the burdens of government where they belong, and not oppress the laborer by them. It must be admitted that for the last quarter of a century in this country the working classes, including the farmer, have not received open-handed justice. All manner of legislation has been resorted to in the interest of

monopoly, but in these later days there has come to the wealth-producing classes of the United States such a knowledge of their rights and their wrongs that they are about to unsettle the monopolists in their peaceful possession of their perquisites, absorbing by law the whole of labor's earnings, except so much as will afford a bare living. It is a monopoly of place, a monopoly of power, and a monopoly of production that now crushes labor and forces it here to this House for some redress.

There is now a giant struggle going on in this country between the people and monopoly. Monopoly is strong-willed, clear-brained, grasping, and merciless as death, as cunning and bloodless as a serpent; it is attempting to insnare the workingmen of this country, but they will arise in their might and strangle it to death. Its robbery takes on itself the form of law, and in the name of law, as in this instance, robs the enterprising, industrial, and wealth-producing classes of the products of their talents and labor. While this system continues it will be an outrage to pass this bill. I do not ask an affirmative act in the behalf of labor, but I do in the interest of labor, and in the name of labor repudiate this act. It is not in the interest of labor, as it claims, but is in the interest of claim agents who hang around this Capitol.

Mr. Chairman, now a few words in regard to the bill itself and its supposed operation. It is to pay, no person can definitely say to how many laborers, workingmen, and mechanics, for services rendered the Government in the last twenty years under what is known as the eight-hour law and to compensate for all overtime. It would involve the bringing of a lawsuit for each separate claim for all persons of this class who worked for the Government in the last twenty years. There can be no question but that many of these parties are now dead and others have left the country; but the bill proposes to extend the time for two years, so that said parties may be found by claim agents and others interested in this bill and their claims presented. It is supposed, at least, that one hundred and forty thousand suits would be brought under this act, and the liability of the Government is supposed by those best informed to be somewhere between thirty and fifty millions of dollars. It is true that the Committee on Labor puts the estimate at something less than this; but the truth is that no one is able to tell the number of persons to be benefited nor the amount involved. It can not possibly be an honest measure for honest ends, but evidently is in the interest of claim agents around the national Capitol, who make their living out of the Government in this way. These claim agents infest the Capitol as buzzards do a scavenger's dirt-cart.

Now, for one moment, as to the facts of the case. It seems that Congress, on the 28th day of June, 1868, passed what is called the eight-hour law, which reads as follows:

Be it enacted, etc., That eight hours shall constitute a day's work for laborers, workingmen, and mechanics now employed or who may be hereafter employed by the Government of the United States.

No person is finding fault with this law. I only wish personally that it could be extended to all classes of labor and to all business everywhere. I wish to have it apply to the mechanic, the laborer, the farmer, and, in fact, to all manual labor. It would be desirable and very beneficial. But that is not the question involved here. The parties employed by the Government, and who wish to secure redress for grievances by this bill, were employed by the Government under special contract for a special time at a special rate per day. The services were rendered under special contract; they received their pay in full, gave the Government receipts, and now twenty years after the transaction has elapsed they come to Congress and want this act passed, so as to open all these transactions between the Government and the employés during all this period.

Who can tell now how many hours the laborer rendered? The officer in charge of the Government work at that time is not in charge now. The people have seen fit since to make a change in the administration, and new officers are now in charge; therefore, who can know anything about these old transactions? No one is able to say whether or not the party worked eight, ten, or twelve hours a day. So the Government could be imposed upon by any of these parties who could claim they worked more than eight hours a day. It is certain that they were paid at the rate and time agreed upon between the parties. They saw proper to work at those wages and to give receipts in full for their services, and no law should be passed disturbing this voluntary act of these parties. There can be no objection in this connection to the eight-hour law. In fact, there never was any intention by that law to interfere with special contracts. All the purpose of that law was this: where no time was agreed upon by parties as to how many hours would constitute a day's work, then the eight hours should be a day's work. It was simply declaratory and not mandatory. The Supreme Court has expressly passed on this law in the case of The United States *vs.* Martin, 4 Otto, 400, and the case of The United States *vs.* Driscoll, 6 Otto, 421, that if a party would made a special contract to work ten hours a day, to constitute a day's work, at the end of the time he could not sue and recover for more than a day's labor. In other words, it leaves the parties at liberty to make their own contracts in any manner they see proper. This is right, and recognizes the individual liberty of the citizen. But under what obligation is the Government to these employés? Were they not better paid than other classes of labor? Can it be contended for a single moment that this bill is in the interest of labor? It is a fact that those employés received from $800 to $1,600 per annum. The laborer on the farm in Illinois is compelled to put up with $300 a year for his services, and not only eight hours a day but from early morn to late at night. In the summer season he works from twelve to fourteen hours a day. What farmer realizes from $800 to $1,600 per annum from his farm and property? After he settles his year's work, pays his taxes, in nine cases out of ten he has not a dollar remaining from his labor. But, as I stated, the Supreme Court of the United States has interpreted this law and declared its effect as follows. The court say in the first-named case in regard to this law:

This was a direction by Congress to the officers and agents of the United States establishing the principle to be observed in the labor of those engaged in service. It prescribes the length of time which should amount to a day's work where no special agreement was made upon the subject. * * * It does not specify any sum which shall be paid for the labor of eight hours, nor that the price shall be more when the hours are greater, nor less when the hours are fewer. It is silent as to everything except the directions to its officers that eight hours shall constitute a day's work for a laborer.

Mr. Chairman, this question has assumed a very broad range in discussion on both sides, and the inquiry who would be compelled to pay the $30,000,000 might not be inappropriate if this bill should become a law. It seems to me that every interest is represented in this House, looked after, and vigorously pressed, except the interest of the tax-payer. Appropriations are asked for every conceivable scheme in the world, for building railroads, canals, telegraph lines, steamship lines, public buildings, etc., but very little is said about the tax-payer and the party who has to bear all this burden. By such legislation as is here proposed and kindred acts the expenses of the Government annually reach the enormous sum of $400,000,000 per annum, or $8 for each man, woman, and child in the United States, or $40 for the head of each family. It seems to me that it is time to call a halt. This class of legislation should be stopped and some effort made by this House to relieve the country from the onerous burdens under which it is now laboring. The agricultural interests of the country are absolutely suffering, and the parties in this most useful of all pursuits are scarcely able to make a living, not by working eight hours a day, but sixteen.

Trusts and monopolies through vicious legislation are destroying the labor and the agricultural interests of this country. We are told as a fact that in the State of Illinois alone there are $620,000,000 mortgages on our farms. It is said that in ten of the Western States the mortgages on the farms amount to $3,422,000,000. This vast sum is held by Eastern capitalists, and bears interest from 6 to 10 per cent. per annum. Neither does this sum or any part of it pay any taxes of the farmer, or bear its just proportion of the national debt. And yet, in the face of this great agricultural depression, there is nothing being done by this House as yet to relieve the country. As it now is, the money to defray the extravagant legislation is paid by the iniquitous tariff system, which places the highest taxes on the necessaries of life, so that the burden falls heaviest on the toiling masses. This side of the Chamber, at least, is pledged to change this condition of affairs and not to increase labor, but to increase the rewards of labor and to keep it in right hands, and cheapen the cost of living. The converse of this proposition has been pursued by the party in power for twenty years in this country, and by this means the pockets of the laborers are kept empty. The chief apostle of the Republican party, Mr. Ingersoll, in nominating Mr. Blaine at Cincinnati, said "that all money must be made, not by law, but by labor." This is a greater mistake than he claims Moses ever made, judging by acts of the Republican party in the last twenty years.

By repeated acts of Congress in the last twenty years millions of dollars were transferred from the people to the bondholders without consideration; that is, the rich made money in other ways than by labor. Among these acts I will mention the 5-20 bonds, $1,600,000,000 in amount, issued during and just after the war. They bore 6 per cent. interest per annum, and were payable not in gold and silver coin, but in "lawful money," and lawful money at that time meant greenbacks. But an act was passed in 1869 converting this greenback debt into a gold debt, and as the bonds had cost only 70 cents in gold the money made without labor was a clear $480,000,000. In the last twenty-five years the holders of Government bonds have been paid in interest alone $2,323,000,000, a sum greater than the entire bonded national debt at its maximum. And now, Mr. SHERMAN, leader of the Republican party, says:

I think the time has arrived when the standard dollar, and trade-dollar, and the fractional coins should be freely received into the Treasury, and, when needed, issued with enough silver in them equal in market value to a gold dollar.

What would be the effect of such a law if it was passed? It would simply increase the debts, national, State, county, city, school-district, railroad and individual, 20 per cent., or one-fifth. These debts now aggregate about $5,000,000,000, and to increase 20 per cent. would make an additional indebtedness of $1,000,000,000, which sum would be a free gift, in the form of law, from the people to the bondholders, which I think the people are not willing to do. But, Mr. Chairman, this is a digression from the question under consideration, but yet it is the truth, and the truth may be told at all times. I wish to favor labor, but I do not wish to divorce labor as a separate organization from the other industries of the country. I wish to class the laborer, the farmer,

and the mechanic, and those engaged in manual labor as the wealth-producing classes, and advocate such measures as may be to the interest of all. I fully indorse, and I think the people will indorse this fall, what President Cleveland has said in his last annual message in regard to the laboring classes. He says:

All will acknowledge the force of an argument which involves the welfare and liberal compensation of our laboring people. Our labor is honorable in the eyes of every American citizen; and as it lies at the foundation of our development and progress, it is entitled, without affectation or hypocrisy, to the utmost regard.

This is the light in which labor is viewed by the Executive of the nation, and if the Committee on Labor of this House wish to do some good to the laboring classes it must be in the line of the President's message. Those who oppose the President and his policy have a very poor opinion of the laborer. They think he will do as a "hewer of wood or a drawer of water," but that he has no other rights only to create wealth which monopoly absorbs by unjust legislation. Labor and monopoly are now engaged in a fierce battle in this country which must be fought to a final issue. The parties are face to face in an open field and labor must suppress monopoly or monopoly will starve labor, even in this country where there is abundance for all. At the present time, more than at any former period of the history of the country, is monopoly becoming oppressive. Monopolists control the trade, the wealth, and politics of the country. They bribe the bench, shape legislation, make corners in stock markets, grain markets, and all other kind of markets. When monopolists combine they control the values of the country and influence the politics. They make the poor man's bread dearer, his fire and home more expensive and more difficult to obtain, and the money he gets from his labor less valuable. Monopoly is not content in absorbing railway and telegraph lines, the arteries and veins of commercial life, but the very necessaries of life are subject to its greed.

Mr. Chairman, I submit that in a country so free and fertile, so new and productive, these things should not be. In society and government what is for the good of all the people is for the good of each, and what is good for each is good for all, and it is for the Committee on Labor of this House to devise such legislation as will forever liberate labor from the iron grasp of monopoly, and under the leadership of the President (who recognizes the nobility of labor) and his party it will be enacted into a law and will live on the statute-books to protect future generations. There are two great systems of thought and opinion in this country which contend for the mastery. Of these what the President asserts, in my judgment, is bound to ultimate triumph, because it asserts the rights of the people to be superior to those of the monopolists and the privileged class. It is time now for distinct assertion of the correct principle of this question by this House, and the maintenance of them and redemption of the pledges made to the laboring classes at the polls. The reign of monopoly has been long enough and has already gone far towards converting the country into a plutocracy, one of the worst forms of government, that form of government based on "Mammon." The whole system of government is threatened by this tendency. Something should be done and done quickly to avert this threatened crisis, and what is it? Clearly there is but one thing to do, and that is for all the labor organizations of the country to follow the President, who has so boldly taken his position on this question, and to sustain him in his fight against the money-bags of the country.

Labor must unite with the President and his party, and being aroused by the great and long-continued wrongs it has endured fight with him and his party to final victory; and in his next annual message the President will issue a new act of emancipation, freeing labor from the shackles of monopoly, and reaffirm the sound doctrine that labor shall not be pauperized by charity and that monopoly shall not be fostered by tribute. Then will the laborer and the manufacturer feel a manly sense of independence and self-reliance, and the army of honest toilers will be relieved from the support of special classes. Labor will be placed where it justly belongs, giving and receiving equal benefits, recognizing the brotherhood of man and denying the right to levy tribute upon one man's industry to support another, but that all men are equally entitled to the varied bounty with which God has blessed the earth and which is the common inheritance of all mankind.

Mr. WARNER. Mr. Chairman, I believe an eight-hour law, properly guarded, is wise and just, and so believing insist that the law should be honestly enforced. The Government should not seek devices by which the law may be set aside. The eight-hour law is a declaration on the part of Congress that eight hours a day is all that the laborer should work in order to obtain payment for a full day; and that for that labor the workman should be paid a sufficient sum with which to support himself and family; that is, it puts the seal of condemnation of the General Government upon the idea that the laboring man should be compelled to work ten, twelve, or fourteen hours a day to feed and clothe his family.

Therefore the law should be so amended that the United States should employ as many laborers as it has days' work of eight hours to be performed. The system of employing laborers by the piece or at so much an hour should be discontinued, as it is by such systems that the wise and beneficent purposes of the law are defeated. The present law should be so amended that it shall no longer be within the power of any officer of the Government, high or low, to set it aside. That the present law is a dead letter on the statute-books none will deny. To remedy this crying evil the Committee on Labor should address itself. The present bill looks backward; it does not remedy an existing evil. It should be so amended that it will render to the laborers of the past every farthing due them, and make it impossible for like wrongs to be inflicted upon the laborers of to-day by those in authority. I am ready now, as I trust I shall ever be in the future, to aid the committee and the friends of justice and fair dealing in accomplishing this result. The amendments I offered on yesterday were for the purpose of aiding in perfecting the bill. The first amendment proposed is:

That all suits shall be commenced and prosecuted in the name of the laborer, workman, or mechanic, his heirs, administrator, or executor. If upon the hearing it shall appear that a claim has been assigned to any person or persons, the suit shall be dismissed.

This is to protect the man who rendered the service, if alive, or his widow and orphans, if dead. It is a check upon sharks who would, under one pretense and another, obtain these claims for a mere song, thereby defrauding the real beneficiaries under the bill. To this I trust no member of the committee will object.

The next amendment is a new section, and in these words:

And it shall be unlawful for any attorney or other persons to charge or receive, either directly or indirectly, a greater fee than 10 per cent. of the amount collected on any claim or number of claims collected or prosecuted under this act. That any contract or agreement entered into in violation of this provision shall be null and void, and the attorney or the person who shall, either directly or indirectly, take, receive, or ask for a greater fee than herein provided for shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding $1,000 or by imprisonment, and shall thereafter be barred from practicing in any court in the United States or before any Department.

The purposes of this amendment are clearly in the interest of the parties to be benefited under the provisions of the bill. It enables the parties to secure the services of competent attorneys, and at the same time protects them from the unconscionable contracts of those who would speculate upon the needs of the laboring men, the nation's creditors. It protects them from their pretended friends. It provides a suitable punishment by fine and imprisonment for its violation. In my judgment it would be still better if these claims were referred to the accounting officers of the Treasury to be audited and paid by the United States, thus rendering it unnecessary for the claimant to pay any fees. The laborer, Mr. Chairman, is "worthy of his hire." Let the pledges of the Government to him be kept both in letter and spirit. The men who labor should be honestly dealt with. Upon their prosperity depend the future happiness and perpetuity of the Republic. The son of the laboring man of to-day will be the legislator of to-morrow. If this nation is to maintain its supremacy, it must look to the education of the masses. This can only be accomplished by labor receiving its just reward.

Mr. BUCHANAN. I yield five minutes to the gentleman from Massachusetts [Mr. LODGE].

Mr. LODGE. I introduced one of those bills upon which this bill is founded. As the gentleman from South Carolina [Mr. TILLMAN] has put it, I had the audacity to introduce such a bill. It was brought to me by representatives of mechanics, carpenters, and workingmen living in my district. No claim agent came to me, as has been suggested, nor have I any reason to suppose that, as has been suggested by the gentleman from Arkansas [Mr. ROGERS], any of those interested in this measure were convicts. On the contrary, so far as I know, those who came to me by their representatives are industrious, intelligent American shipwrights and carpenters.

Their position is a perfectly simple and perfectly justifiable one. Prior to the act of 1868 they had entered into a contract with the Government to work so many hours a day, ten hours, at a certain price. Whether that wage, as has been suggested here, was larger than the wages paid by private enterprises or not does not seem to me to have any bearing upon the question. The Congress of the United States saw fit to come in and modify that contract by declaring that eight hours should be a day's labor. That modification, as made by the law passed by Congress, was not accepted by the officers of the Government and was not put in force for some ten months, until the appearance of General Grant's proclamation. It was then put in force and eight hours accepted as the legal day in the Government yards and elsewhere. Under a decision of the Supreme Court subsequently, which seems to me to bar those persons who made any voluntary agreement with officers of the Government, the Navy Department under President Hayes returned to the ten-hour day. Under President Arthur they reverted again to eight hours a day. These men, from the beginning, believing that their contract had been modified by the law passed by Congress, believing that the law in its spirit and intention was designed to make the day of the workingman in the navy-yards and elsewhere eight hours, worked under a protest which they made at the time, and they have been guilty of no neglect in this matter at all. They have presented their claims at the earliest date possible to the authorities. Those claims have been put aside by the auditing officers of the Treasury. These men waited for several years. They then came forward and asked Congress to give them the opportunity to go to the Court of Claims and to reaffirm by direct legislation what they believed to be the

spirit and intention of the act of 1868. It seems to me that it is a fair and reasonable proposition. Knowing the men who have made the demand in my district, I am extremely glad that I have presented a bill in their behalf. I do not doubt that the bill can be amended so as to be improved, but that these men have a reasonable claim to go before the Court of Claims with their demand seems to me perfectly clear. This debate has taken a very wide range; it has extended from the letter-carriers of New York to "Uncle Billy Walton," in Mississippi. I do not propose to follow it through all its turns and windings. It is not a question as to the merits of the eight-hour law or as to its repeal. It is simply a question as to whether these men are entitled, according to the act of Congress, to have pay for overtime. The fact that it involves a large sum does not seem to me to touch the question in any way as to whether it is a just claim, nor do I believe that there is a single workingman in the United States who would grudge to his fellow-workingmen, as has been asserted on this floor, the right to go to the courts of the United States and get pay for extra work if that pay is due them.

[Here the hammer fell.]

Mr. BUCHANAN. I yield ten minutes to the gentleman from Maryland [Mr. COMPTON].

Mr. COMPTON. Mr. Chairman, I have no desire to protract this debate, because, in the first place, it seems to me that enough has been said; and, in the second place, I am in very bad condition to do justice to either myself or the subject, especially within the limited time at my disposal. There can be no question as to the fact, as stated by the gentleman from Massachusetts [Mr. LODGE], that this debate has taken an exceedingly wide range. There can be no question about the fact that an immense deal has been said in this discussion which is absolutely irrelevant, which has no bearing or effect whatever upon the practical issue involved in this bill; and to attempt to answer it would be both a waste of time on my part, and even if I had the time or the inclination I should hesitate to detain the House in such a discussion. Let me say for myself, as a member of this committee, that in agreeing to the report on this bill I did so because I believed there was an element of justice in it; because I believed that the claims set up by these parties were just; and so believing, I would vote to report a measure which would do them justice and give them the rights they were entitled to, let the consequences be what they may. I think my frend from Kentucky [Mr. TAULBEE] did himself great credit a few moments ago when, after what he will pardon me for characterizing as a very unsatisfactory effort to prove that the amount to be taken from the Treasury by the payment of these claims was a bugbear sufficient in its enormity to frighten this House from its propriety—I say that he did himself, in my judgment, immense credit when he concluded with the declaration that the amount involved should not enter into the question at all.

Mr. Chairman, I have been in this Congress long enough, I am sorry to say, to discover the practical operation of a truth which history had long ago told me, that among the prime objects for which republican representative government was formed the last two to be accomplished by the representatives of the people in their legislative capacity are these, to do justice and to protect the weak.

I am ready, Mr. Chairman, to vote for any amendment to this bill which will perfect it. As a member of the committee which reported the bill I will waive anything like etiquette or pride of opinion in connection with the bill, and will vote for any amendment which will in my judgment prevent the measure from doing aught but simple justice to those who under the law, as I believe, have a rightful claim for wages which have not been paid them.

Mr. Chairman, we have upon the statute-book a law (this Congress is not responsible for it) prescribing and defining eight hours as the limit of time for a day's work by a workman, mechanic, or laborer in the employ of the General Government. There is no ambiguity about the language of the law. The word "shall" is to be found there; the act is mandatory, and provides that eight hours "shall be" the limit of a day's labor where a mechanic, workman, or laborer is employed by the Government. Now, in the face of such a mandatory statute, what do we find? Persons representing the authority of the Government see fit to do what? To demand and exact that men, forced by virtue of their circumstances to labor with their hands for the support of those dependent upon them, men who had for the time being sought employment at the hands of the Government, should relinquish that employment and go upon the streets in search of such labor as they could find or accept the demand of the Government that they should labor two hours daily beyond the time which the law prescribed. Sir, when the Government presents such a proposition as that to an employé situated as many of them were he has but one thing to do, and that is to accept the proposition. These men did accept it.

I admit that any man who obligated himself to work for ten hours a day, knowing fully the circumstances, as I understand was done by some laborers in certain Departments, will have no shadow of claim for additional compensation under this bill in the event of its passage. But the man who was obliged to accept this hard condition under compulsion has a just claim; and a great government like this, with its hundred millions of surplus money piled in its Treasury, ought to be ashamed not to do the pitiful justice proposed by this bill, no matter how many may be the individuals entitled to make claim and no matter how much it may cost to meet their claims.

Sir, I sympathize with any man who stands on this floor and in justice to the tax-payer, in justice to the property-holder, enters his protest against improper appropriations prospective in their character. I sympathize with any man who seeks to cut down the expenses of the Government and lessen the burden upon the people by reducing appropriations looking to the future. But I have no sympathy with that man, and I may be permitted to say I have no respect for the judgment of that man, who talks about amounts when justice is in the scale, when the proposition is not to expend money for future use, but to pay for services rendered and received. When such a case is presented I am in favor of paying the claim, if a just one, no matter what the amount may be.

Mr. BUCHANAN. I yield five minutes to the gentleman from Maine [Mr. DINGLEY].

Mr. DINGLEY. Mr. Chairman, the essential facts which determine the justice of this bill are very simple. June 25, 1868, Congress enacted that eight hours shall constitute a day's labor for any laborer, workman, or mechanic employed by or on behalf of the Government. The debate in the Senate when this measure was discussed shows that the object of the law was to test the point as to whether as much work could not be done in eight hours as in ten, the purpose being to pay full day's wages for eight hours' labor. May 19, 1869, President Grant issued his proclamation calling attention to the eight-hour law, and directing that there should thereafter be no deduction made in the wages of such employés of Government because of a reduction of hours of labor. May 18, 1872, Congress passed a law directing the accounting officers of the Treasury to pay laborers, workmen, and mechanics without deduction of wages on account of reduction of hours of labor for the time between the passage of the eight-hour law and the issue of the President's proclamation.

Subsequently the Martin case, which has been quoted by the gentleman from Arkansas [Mr. ROGERS], came before the Supreme Court. This was a case where Martin had made a special contract to work for the Government twelve hours per day for six months, at $2.50 per day, and the remainder of the year at $2.25 per day. The court held that the eight-hour law controlled in the absence of a contract, but where a special contract had been made this would control. This decision, therefore, affects only cases of workmen who voluntarily entered into a contract to work more than eight hours at a special rate, and leaves undisturbed the fact that in the absence of such a voluntary contract the law provides that eight hours shall constitute a day's work in the case of the class of Government employés named.

To make it clearer what the eight-hour law means, Attorney-General Evarts (12 Opinions, 533) gave the following opinion:

> The plain import of the law is that a laborer, workman, or mechanic in the employ of the Government, whether hired by the day, week, or month, shall only be required to work eight hours a day to earn his daily, weekly, or monthly wages, whatever these may be.

Now, what took place under this law? From the beginning the hours of labor by laborers, workmen, and mechanics were fixed at eight hours in a large proportion of the Departments of Government, but the pay was reduced proportionately until President Grant's proclamation was made. From that time to 1877 the law was enforced in the Navy Department, although only in part elsewhere. From 1877 to 1883 the law was practically ignored, notwithstanding the protests of the laborers, workmen, and mechanics affected. They were required to sign receipts or to enter into involuntary agreements to avoid the law, and in general were obliged to work ten hours to receive a day's pay, or their pay was reduced if they worked only eight hours.

What I insist, Mr. Chairman, is that all this was wrong. Whether the eight-hour law was right or wrong makes no difference. It was a law deliberately enacted by Congress, and the Government of the United States is bound by it. Wherever any laborer, workman, or mechanic employed by or on behalf of the Government has not been paid in accordance with the terms of the eight-hour law, he should be. It has been the proud boast of our Government that it has observed in letter and spirit all its engagements to those who took our bonds and other obligations in the dark hour of the civil war. We should deal with equal fidelityt owards the laborers, workmen, and mechanics employed by or on behalf of the Government.

Mr. BUCHANAN. I yield for five minutes to the gentleman from New York [Mr. CUMMINGS].

Mr. CUMMINGS. Mr. Chairman, I am not one who throttles labor with my left hand while waving the flag of labor in my right. I care not how much money this billl takes from the public Treasury. The question is, to whom does the money belong, to the Government or to the men who have been robbed of it?

The eight-hour law was born on June 25, 1868. It was the child of a four years' agitation among workingmen. They sought a shortening of the hours of labor without reduction in wages. Congress certainly meant to shorten its hours without wage reduction when it passed the eight-hour bill. No one questioned it then; no one ought to question it now. After the passage of the eight-hour act every mechanic and

laborer in the employ of the Government was entitled to the shorter hours of labor without reduction of pay. Men employed on the Government buildings in Washington promptly got the benefit of the new law.

In Departments controlled by officials educated at the Naval and Military Academies at the expense of workingmen the law was ignored. Possibly the appropriations were limited. It was easier to make both ends meet at the expense of the mechanic than to reach it by a reduction of routine expenses.

The workingmen in the Navy Department protested. President Grant heard their protest, and issued his first eight-hour proclamation. It was broad enough to include all workingmen in Government employ, but it had no direct effect outside of the Navy Department.

Mechanics in the Post-Office and other Departments made complaint, and nearly three years afterward the President reiterated his proclamation. It was then done so emphatically that the question was thoroughly settled. From that day until the perpetration of the monumental crime of the nineteenth century the intent of Congress in passing the law was observed. It was carried out in all the Departments.

Meantime, under an act of Congress hitched to an appropriation bill, a few of the mechanics in the navy-yard were collecting the money due them under the violation of the law in the Departments before the President's first proclamation was issued. The passage of such an act proved that Congress meant to give workingmen the benefit of the law withoued reduction in wages.

Under this bill a similar privilege is given to men who were robbed of their wages up to the time of President Grant's second proclamation.

"How are we to make a settlement?" is asked. The proceeds of the robbery are not to be returned because you can not see how you are to settle! Send the claims to the Court of Claims under this bill and that court will settle them. Pay to the laborers the wages which were retained.

Next came the decision of the Supreme Court, and Secretary Thompson's ruling under that decision, making ten hours the basis of payment for a day's work. Workingmen protested, and in eight months and twenty-one days Thompson revoked his decision and made eight hours a full day's work, with a proviso that those who worked ten hours should receive extra pay. Not one cent of this extra pay has ever been paid. This bill provides for its payment.

These workingmen have been robbed by Government officials in the face of an act of Congress and Presidential proclamations. This bill virtually provides that the will of Congress shall not be thwarted by overzealous officials. The workingmen must receive their wages under the law passed by Congress or the Government is disgraced.

Let those who think that the amount involved justifies the robbery vote against it, for there is apparently no other argument to excuse such a vote.

Great corporations have been protected here in robberies to the extent of hundreds of millions of dollars; empires have been thrown to them and Government securities without stint. Yet members higgle about this proposed act of justice to labor. Already this Administration has forced the return of 57,000,000 of acres of land fraudulently grabbed by great corporations. Now let it compel this act of honest dealing in restoring to workingmen the money which is due them under an act of Congress. That, sir, is what I would call justice. [Turning to the members of the House.] What do you call it? [Applause.]

[Here the hammer fell.]

Mr. BUCHANAN. I now yield five minutes to the gentleman from Ohio [Mr. BOOTHMAN].

Mr. BOOTHMAN. Mr. Chairman, I think that there are no gentlemen upon this floor who desire to do anything with this bill but that which should be done; and it seems to me that it is entirely outside of the line of discussion that should be pursued here and too light a view of the subject to talk of the motives of gentlemen, that they are in favor of this bill because it will work out political success to either one or the other party. It is too often the case that when a demand from the laborers of this country comes before Congress the men who are called upon to uphold their views are charged with being demagogues before they are scarcely able to define their position.

Now, here is a bill that has come before Congress asking consideration. It asks that where the country has a law in existence that law shall be enforced in the contracts made with the employés of this Government. Why should it not be done? Why is it that in 1868 the law could be passed requiring that eight hours should constitute a day's work, and then for several years thereafter the contractor and persons having charge of this matter should be able to take from the laborers a large number of days' work for which they would receive no compensation? I say that upon the face of the proposition itself it is a wrong that ought to be righted.

Now, what is asked here? That we shall enrich attorneys and claim agents? I take it that is not so. No member of the committee, so far as I am advised, and no member of the House desires anything of that kind. They are perfectly willing this bill shall be modified so as to exclude attorneys and claim agents and give the amounts that may be paid to the persons that did the work. I want the bill to provide for that before I vote for it, and I believe the gentlemen who have the bill in charge want the same thing.

Only two objections have been urged to the proposition. One is that the bill is to cost too much. Some say it will cost $3,000,000; some say it will cost $30,000,000. I take it that argument is met by this consideration, that the Government is able to pay what it owes; and if it is able to pay, why should it not pay this amount, whether it be $3,000,000 or $30,000,000?

Shall the Government, because it has the power, put itself in the position of saying, "We took this labor, we stole this money; and because we are able to do it we are going to do it?" I say that is wrong, and no government can afford to administer its affairs in that way, more especially when we take into account that the labor element is one of the greatest elements of this Government, and must be so during our whole existence.

We must be just in dealing with labor. I have no fear of an aristocracy of labor that may be built up in this country. If we are to have an aristocracy here at all, it should be the aristocracy of labor, and nothing else.

The other argument against the bill is that it is to take away from some of the laborers of the country the means they have to live on. I answer, it is going to give to labor a diversity; it is to give the farmer a home market for his products, and it is to give to these people the money they have properly and rightfully earned.

In conclusion, I repeat that no government can afford to be unjust to any portion of its people.

Mr. BUCHANAN. I yield two minutes to the gentleman from Pennsylvania [Mr. O'NEILL].

Mr. O'NEILL, of Pennsylvania. I do not know that I shall occupy two minutes. I simply want to state in connection with what has been said of the Grant administration, in reference to carrying out the provisions of this law, that I and others of my colleagues at that time waited on the late Secretary of the Navy, Mr. Adolph Borie, an elegant gentleman and a conscientious official, and also waited on General Grant with a delegation of mechanics, most of whom worked in the navy-yard at Philadelphia. It was in reply to this committee that General Grant said, "Let us carry out the law; it is better to carry out a law, even if the law does not meet the views of the people, than to let it exist as a dead letter."

It was on that occasion he made that remark, and it was a wise and philosophical remark.

I did not rise to discuss the question, and will merely add that justice should be done, and the law while it exists should be carried out now, whether twenty years or ten years or five years have elapsed.

Mr. BUCHANAN. This bill is one of a number introduced in the present Congress for the purpose, as was intended by the introducers, of giving the beneficiaries thereunder the full benefit, and no more, of what is known as the eight-hour law of June 25, 1868. In addition to the bills named in the report as having been introduced, one by Mr. LONG, one by Mr. LODGE, one by Mr. ROCKWELL, and one by Mr. MCKENNA, I will say the committee also had before it another bill, introduced by the gentleman from New York [Mr. COX]; so that five gentlemen of this House have had, in the elegant words of the gentleman from South Carolina [Mr. TILLMAN], the "audacity" to present bills of this kind. The law of 1868 is short and to the point. It provides—

That eight hours shall constitute a day's work for all laborers, workmen, and mechanics now employed or who may hereafter be employed by or on behalf of the Government of the United States. (U. S. Stat. L., vol. 15, page 77.)

For some time after the passage of this act it was executed only in part. In the erection of the public buildings in this city and immediately under the eye of the Executive, regard was had to the observance of the law, but in the navy-yards and in the arsenals generally no attention whatever was paid to its enactment.

This became so grievous that the workingmen petitioned General Grant, then President of the United States, to redress their grievances; and on the 19th of May, 1869, he issued the following proclamation:

Whereas the act of Congress approved June 25, 1868, constituted on and after that date eight hours a day's work for all laborers, workmen, and mechanics employed by or on behalf of the Government of the United States, and repealed all acts or parts of acts inconsistent therewith:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby direct that from and after this date no reduction shall be made in the wages paid by the Government by the day to such workmen, laborers, and mechanics on account of the reduction of the hours of labor.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this 19th day of May, in the year of our Lord 1869, and of the Independence of the United States the ninety-third.

U. S. GRANT.

By the President:
HAMILTON FISH,
Secretary of State.

I ask the special attention of the Committee of the Whole to the following words in this proclamation. They are a positive order by the Chief Executive of the nation to the officials under him, and constitute the basis upon which employment was given. I quote:

I do hereby direct that from and after this date no reduction shall be made in the wages paid by the Government by the day to such workmen, laborers, and mechanics on account of the reduction of the hours of labor.

In the absence of any agreement signed by any laborer, workman, or mechanic, was not the proclamation of the Chief Executive of the nation, the regulation under that law, and even under the construction given to it by the Supreme Court of the United States, and quoted here, was it not the contract under which those men labored? I say emphatically it was.

Mr. KERR. Did that law fix any rate of wages?

Mr. BUCHANAN. I have read the law to the committee.

Mr. KERR. Now answer the question.

Mr. BUCHANAN. I have read the law and that answers the gentleman's question. From that time up to the 30th day of June, 1877, the employés of the different navy-yards (from whence most of these claims come) were given the benefit of the law, and I want gentlemen who are appalled by the astounding expenditure which they say this bill will necessitate to remember the fact that through several administrations this eight-hour law has been observed, so that payment will not be required for the whole of the past twenty years, as has been asserted here; but, so far as the workmen in the navy-yards are concerned, only since June 30, 1877, and even since then, as I will show later on, at times the law has been observed and payments have been made, so as to still further reduce the amount. In some other of the Departments, however, the law was still disregarded, and May 11, 1872, General Grant, who was still President, issued the following proclamation, which I will read:

Whereas the act of Congress approved June 25, 1868, constituted on and after that date eight hours a day's work for all laborers, workmen, and mechanics employed by or on behalf of the Government of the United States; and

Whereas on the 19th of May, 1869, by Executive proclamation, it was directed that from and after that date no reduction should be made in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of the reduction of the hours of labor; and

Whereas it is now represented to me that the act of Congress and the proclamation aforesaid have not been strictly observed by all the officers of the Government having charge of such workmen, laborers, and mechanics:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby again call attention to the act of Congress aforesaid, and direct all officers of the Executive Departments of the Government having charge of the employment of laborers, workmen, and mechanics employed by or on behalf of the Government of the United States, to make no reduction in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of the reduction of the hours of labor. (United States Statutes at Large, volume 17, page 935.)

Mark the plain, direct words, so characteristic of Grant:

I * * * direct all officers of the Executive Departments of the Government having charge of the employment of laborers, workmen, and mechanics employed by or on behalf of the Government of the United States to make no reduction in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of the reduction of the hours of labor.

Can words be plainer, more direct, and less liable to misconstruction? They reaffirm the terms under which these workmen were employed, and expressly direct that no reduction in the daily wages should be made because of the reduction of the hours of labor. The workmen relied upon this interpretation of the law and regarded it, as they had a right to regard it, as the contract under which they labored. And this interpretation was correct.

The officials so regarded it, and thereafter for some time the workmen were given the benefit of the law. Those who had not received the benefit of it, owing to the refusal of some of the Departments to regard the law in the first instance, petitioned Congress for relief, and in an appropriation act approved May 18, 1872, Congress inserted the following provision:

SEC. 2. That the proper accounting officers be, and are hereby, authorized and required, in the settlement of all accounts for the services of workmen, laborers, and mechanics employed by or on behalf of the Government of the United States, between the 25th day of June, 1868, the date of the act constituting eight hours a day's work for all such laborers, workmen, and mechanics, and the 19th day of May, 1869, the date of the proclamation of the President concerning such pay, to settle and pay for the same without reduction on account of the reduction of the hours of labor by said act, when it shall be made to appear that such was the sole cause of the reduction of wages, and a sufficient sum for said purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated. (See Statutes at Large, volume 17, page 134.)

This act shows the interpretation Congress then put upon the law. The same words substantially are used as were used by Grant:

Pay for the same without reduction on account of the reduction of the hours of labor by said act.

Under this act the employés in the navy-yards were, with exceptions, paid the difference for the period named. Matters ran on in this way until 1877, when came the decision of the Supreme Court which has been referred to.

A foreman employed at the Naval Academy at Annapolis under a special agreement brought an action against the Government to recover the difference between eight hours' and twelve hours' work per day, and the Supreme Court of the United States decided the case and said that his agreement and the receipts which he had given in pursuance of it precluded him from any further claim upon the Government. That was the whole of the case, and that question having been decided, the court's duty was ended. They then go on and in some *obiter dicta* tell us what the law does not enact. I admit the full force of these *obiter dicta* as a judicial construction of the act, not a legal decision upon controverted points before the courts, but a construction of the act which it might be safe for us to follow as a guide.

That decision having been made, Secretary Thompson, of the Navy, issued a proclamation or direction to the heads of the navy-yards, calling their attention to this decision, and in that proclamation or direction the Secretary says that "under this construction of the law regulating public labor given by the Supreme Court of the United States the Department has fixed the rate of labor for mechanics, foremen, laborers, etc., on the basis of ten hours a day." That then became the order under which these men worked for the time being. But Congress did not allow the matter to rest there, and in 1878, in the Forty-fifth Congress, a joint resolution was introduced, which passed the House, but failed for want of time to be acted on in the Senate. That joint resolution was in the following words:

Joint resolution to provide for the enforcement of the eight-hour law.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That according to the true intent and meaning of the act of Congress approved June 25, 1868, entitled "An act constituting eight hours a legal day's work for all laborers, workmen, and mechanics employed by or on behalf of the Government of the United States," eight hours constitute a day's work for all such laborers, workmen, and mechanics; and while the act remains upon the statute-book no reduction shall be made in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of the reduction of the hours of labor; and that all the heads of Departments, officers, and agents of the Government are hereby directed to enforce said law as long as the same is unrepealed.

Passed the House of Representatives May 9, 1878.

Attest: GEO. M. ADAMS, *Clerk*.

That joint resolution shows the sense of the House at that time and its construction of the act. It provides that "while the act remains upon the statute-book, no reduction shall be made in the wages paid by the Government by the day to such laborers, workmen, or mechanics on account of the reduction of the hours of labor." That is the language of the law proposed here now, as it was the language of Grant's proclamation.

The act passed in 1872, I should have said in passing, was not taken into consideration by the Supreme Court in its decision because it was not before the court for construction, and was not even alluded to in the decision of the court in any way.

I should also have said that gentlemen will observe that by the express terms of this act of 1872 a construction was given to the act of 1868. It is expressly enjoined upon the Departments that they shall pay for labor without reduction on account of the reduction of the hours of labor by said act, "when it shall appear that such was the sole cause of the reduction."

I have recurred to this act to show that Congress had interpreted the terms of the original act, and voted money in pursuance of such interpretation, before these *obiter dicta* came from the Supreme Court.

A MEMBER. What year was that?

Mr. BUCHANAN. That was in 1872, and that is the statute law to-day. It has been the statute law all the while these men have been working. Its language is clear and unmistakable.

One gentleman asks me, has there been any adjudication under this statute? I answer him no, because its provisions are so plain, direct, and convincing that even an objecting Auditor could find nothing on which to hang a doubt.

Mr. LIND. Then why have not these claims been settled under the statute? Why is there any necessity for this legislation to-day?

Mr. BUCHANAN. Some of these claims were settled under the statute; and, as I said awhile ago, they are now out of the way. But these claims have not all been acted on. Beside, the act provided only for the then past. As I have said, this act was the solemn construction placed by the American Congress upon the terms of the act in 1868.

But, Mr. Chairman, I have not stated the whole of this case. On the 21st of March, 1878, Mr. Thompson, then Secretary of the Navy, issued another order, which he substituted for his previous order, the order which came immediately after the promulgation of the decision of the Supreme Court upon the eight-hour law. In this second order he says that—

The Department will contract for the labor of mechanics, foremen, leading men, and laborers on the basis of eight hours a day. All workmen electing to work ten hours a day will receive a proportionate increase of their wages.

The full order reads:

[Circular No. 8.]

NAVY DEPARTMENT, *Washington, March* 21, 1878.

The following is hereby substituted, to take effect from this date, for the circular of October 25, 1877, in relation to the working hours at the several navy-yards and shore stations:

The working hours will be: From March 21 to September 21, from 7 a. m. to 6 p. m.; from September 22 to March 20, from 7.40 a. m. to 4.30 p. m., with the usual intermission of one hour for dinner.

The Department will contract for the labor of mechanics, foremen, leading-men, and laborers on the basis of eight hours a day. All workmen electing to labor ten hours a day will receive a proportionate increase of their wages.

The commandants will notify the men employed, or to be employed, of these conditions, and they are at liberty to continue or accept employment under them or not.

R. W. THOMPSON,
Secretary of the Navy.

But this is not all. March 23, 1883, the then Secretary of the Navy issued the following order:

[Circular to the yards.]

NAVY DEPARTMENT, *Washington, March* 23, 1883.

The Department confirms its telegram to you of the 20th instant, which was

in the following words: "Continue the present eight hours of labor until otherwise ordered." The hours of labor should be from 8 to 12 m. and from 1 to 5 p. m.

W. E. CHANDLER,
Secretary of the Navy.

Will it be believed that in the face of these orders the men were not restored to the eight-hour basis? Yet such is the fact.

I stand here to-day to say that according to the testimony before the committee, notwithstanding this solemn promise of the Secretary of the Navy that those who worked ten hours should receive a proportionate increase of pay, they have never received it. There is his direction to his foremen; there is the decision of the Department under which these men are employed, saying specifically in so many words that they shall be employed on the basis of eight hours a day; but in fact they were worked ten hours a day. Do gentlemen say there is no basis for this claim? It is as plain as law and proclamation can make it.

When, in the Forty-ninth Congress, this matter was first called to my attention as a member of this committee, I will confess that I approached its consideration with some degree of hesitancy. I could hardly understand it to be possible that administration after administration should seek, if not to openly violate, at least to circumvent, the plain meaning of the law. I could hardly conceive it possible that the accounting officers would not allow this money to these men. But I saw before our committee, not the legion of claim agents that have troubled the gentleman from Kentucky [Mr. TAULBEE], but deputation after deputation of these workmen themselves came before us and asked for this legislation. There was but one claim agent who came before our committee; and I violate no confidence when I say the committee did not allow him to be heard. But we did listen to the statements of these deputations from the laborers themselves. We listened to their plain, unvarnished statement of how they had been treated by these brass-mounted martinets from Annapolis and West Point, and we determined, or at least I for one determined, that I would investigate carefully the propriety and justice of the claims. I have done so the more freely, because they had not behind them the powerful lobby which seems to have invaded the room of the Committee on Claims. These were plain workingmen, laborers and mechanics. They presented their case in a direct, business-like way, referring us to these different proclamations; and on hunting up these documents and the laws on the subject, we became satisfied that the claim was right and ought to be reported favorably.

It may be that this bill is defective in some respects. As one member of the committee I am ready to say that I will welcome any amendment which may guard against any injustice, real or fancied, either to the claimants or to the Government. I am surprised at the alacrity with which certain gentlemen rise to their feet in this case and cry out that there are claim agents behind this bill and that we must cut off these attorneys from receiving their compensation. This we see, although bill after bill appropriating from $45 to $45,000 has been passed here and not a word said about the fellow waiting in his office down town to divide with the claimant when the draft is obtained. But I concede we do not want to encourage these claim agents; and any amendment which will secure the payment of this money directly to the parties who rendered the service or to their legal representatives will be welcomed by us.

Do you call this "class legislation?" It is "class legislation." Other classes have had their legislation in the past, and it is time the working classes should have their legislation. It is "class legislation." It is for a class of deserving and needy workmen—not for millionaires, not for men who can spend the whole winter here pushing their bills in order to get money out of the Treasury. This bill is in the interest of men who could not afford to have their committee remain here more than a short time to present their case. This is the kind of "class legislation" which I am decidedly in favor of carefully investigating, and, if found correct and just, I am desirous of using extra exertions to have such legislation passed.

As to the amount involved in this bill, we have made the best computation practicable, and we do not see how it is possible under any circumstances for the amount to exceed $6,000,000. Gentlemen talk about $11,000,000, and I believe one gentleman in the wild exuberance of his fancy raised the amount to $100,000,000. I am glad he spoke so early in the debate as he did, because I suppose if he had let his fancy run riot an hour longer, he would have had the amount a round thousand millions.

The only thing that the committee desire in this matter is that these claims shall be sent to some forum which will properly investigate them and pay what is due. Any change in the language which may be necessary in order that the measure shall best effect this object will be welcomed rather than repelled by us.

I now yield to the gentleman from Michigan [Mr. TARSNEY] for four minutes.

Mr. TARSNEY. Mr. Chairman, it so happens, sir, that I was placed upon the Committee on Labor that had under consideration the bill which is now before the committee. To me was delegated the duty of presenting a report on that bill to this House. I did it by the unanimous vote of that committee, which had for months thoroughly investigated this subject.

I have listened patiently to the arguments for and against the bill pending in this committee. And my faith in the merits of this bill this moment remains not only unshaken, but stronger than it was when this bill was brought before the House.

Now, it is to me an appalling proposition that we who are sent here from every portion of this country as representatives of our people to make laws for their guidance and control should ourselves publish to the country that we, as representatives of the people, are violators of the very law we tell our constituents to respect and obey.

When the Congress of the United States in June, 1868, passed that law, which declared that eight hours should constitute a day's labor for every mechanic, laborer, and workman, it meant what it said. It was not, in the language of the gentleman from Arkansas [Mr. ROGERS], simply passed as a directory statute, but passed as a mandatory organic law.

I turn to my friends on this side of the House. I ask them when they consider the condition of the people employed in the various Departments of the Government actually working under duress for a greater number of hours than Congress said should constitute a legal day's labor, when the threat was held out to them of the possibility of an empty stomach for their wives and babies unless they obeyed the order and direction of men who were educated in the Naval Academy at Annapolis at the expense of the people, and had no sympathy with the laborers in the navy-yards—I say to my friends, go home to your constituents, go where these millions of laborers are who are not affected by the provisions of this bill, but whose hearts go out in sympathy to the men who have been wronged by the action of the House and by the action of the employing officers in the navy-yards of the country—go home to them, and, if you please, when you are asked the question, "What did you do for the benefit of those toiling masses; what did you do with that law which declared eight hours shall constitute a day's labor?" what answer shall you make to them? Shall you say that law upon the statute-book is like the fruit of the Dead Sea—beautiful to the eye but turns to ashes on the lips; that all promises held out to them of better things were only made to be broken by the very men who made them?

The CHAIRMAN. The time yielded to the gentleman by the gentleman from New Jersey has expired.

Mr. BUCHANAN. I have one minute of time remaining, which I reserve.

Mr. TARSNEY. I now propose to occupy the time which I have reserved in my own right.

The CHAIRMAN. The gentleman has nineteen minutes remaining.

Mr. TARSNEY. But a few words more, and I shall conclude. Read again, if you please, the history of this legislation in brief. The law was passed in 1868. Ten months and twenty-three days thereafter, on representations made to that grand man, then President of the United States, and whose memory we all revere, Ulysses S. Grant, that this law had been violated by officers of the Government, he issued his proclamation that the law should be enforced in the various Departments where it was intended to apply.

Time went on and again abuses crept in. Why, some of these very men, and unfortunately we have some of them to-day in these Departments whose knowledge of the law in their opinion is higher than that of Congress, higher than the supreme judicial tribunal of the land, setting themselves above the law, evaded and defied it. They construed as a law unto themselves. Again protest came in. President Grant issued his second proclamation, and then it was obeyed during the entire period of his administration, ending with the 4th of March, 1877. After that period came the change in the administration, and one whose name I will not mention here occupied the position of President *de facto* of the United States for a time. That law was abused and was violated again; and now while we are here as the representatives of our people, these men come before us, not lawyers, not claim agents, for I have never seen one of that class before the committee, but the men themselves, these mechanics and laborers, have appeared before the committee and individual members of the committee and simply asked that which never should be denied in any civilized country to its citizens, the right to go into their own forums, the courts of their country, and under laws enacted by their Government test their claim and define and place upon the record of the courts the legal status of the obligations between the Government and themselves.

They ask no more than that, sir; they should not be required to accept less.

Now, I will not further detain the committee, except that I may ask in connection with what I have said that inasmuch as the report, which is quite a voluminous one and contains these orders and proclamations, and not only that, but the extracts and opinions of eminent Senators and members of this House as contained in the CONGRESSIONAL RECORD, and which appear in the appendix to this report, giving their various views of the question presented, I ask that this report, inasmuch as it is now exhausted, may be printed in the RECORD as part of my remarks to-day, for it is my purpose before yielding the floor now, Mr. Chairman, and I announce it for the information of the House, that when this hour shall have expired, or before that, I shall move that the committee rise and then let this matter pass over until the next day. When this committee's order is reached, and when this bill is brought

up again for consideration, I hope to find a different expression of sentiment on the part of some gentlemen who have opposed us to-day. In the mean time let those who have been talking all around the bush, who are shooting at a bird they do not see——

Mr. BUCHANAN. And that was not there.

Mr. TARSNEY. Yes, and that was not there; let them examine this report and the merits of this case, and when the 16th of April comes around and our bill again comes up, I reckon that they will be better informed upon the subject than the speeches they have made here to-day would seem to indicate. We earnestly desire that each member shall intelligently examine the matter, and we fear not results.

Mr. TAULBEE. Will the gentleman yield for a question?

Mr. TARSNEY. I must decline to yield, as I have but a few moments.

Mr. BUCHANAN. I will reserve the remainder of my time.

The CHAIRMAN. The gentleman from Michigan [Mr. TARSNEY] has fourteen minutes remaining.

Mr. TARSNEY. This bill, with the report, is based not only upon the bill which is before the committee, but upon several other bills which are named at the beginning of the report, and one in addition which I desire to state here in the House was omitted by my mistake; and I desire to apologize to my friend from New York [Mr. COX] for this omission.

A MEMBER. What bill is that?

Mr. TARSNEY. That is House bill 1664, bearing directly upon this subject. All these bills were considered together by this committee, and I desire to apologize for the omission of my friend's bill.

Mr. COX. It is not necessary. That is all right.

Mr. TARSNEY. I desire now to yield two minutes to the gentleman from New York [Mr. BRYCE], reserving the remainder of my time.

Mr. BRYCE. Mr. Chairman, I send up an amendment, which I ask may be read.

The Clerk read as follows:

Amend section 2, by striking out all in line 8, after "United States" and down to the twelfth line, and insert the following words instead:

"*Provided*, That no claimant shall be entitled to recover any back pay unless he shall have filed at the time of payment a protest against the non-receipt of payment for work performed beyond that of eight hours per day."

Mr. BRYCE. Mr. Chairman, I believe in the eight-hour law and its enforcement. I also believe in the Government meeting all its just obligations. My object in offering this amendment, therefore, is simply to find out which of these employés have fairly earned this extra pay, and thus are fairly entitled to it.

Not to require proof of this would be at the expense of every laboring man in the community who contributes by his toil to pay this tax. Not to require such proof from those who have been in the Government employ would be to make a privileged class of these men at the expense of the hosts who have always been outside. Without some such protection the claims would probably aggregate upwards of $15,000,000, or, in other words, would take about 25 cents of the hard-earned gains of labor from the hand of each member of my district.

Without some such protection as my amendment suggests a keen temptation would be offered to fraud, and by making others pay for privileges they themselves have not enjoyed would be a singular instance of robbing Peter to pay Paul. I hope, Mr. Chairman, my amendment, or some modification of it that will protect the laboring man outside of Government employ, will be carried.

Mr. BUCHANAN. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BUCHANAN. Was not leave given last night to any gentleman offering amendments to have them printed in the RECORD?

The CHAIRMAN. That leave was given.

Mr. TAULBEE. Will the gentleman from Michigan yield to me for a brief question?

Mr. TARSNEY. Yes, sir.

Mr. TAULBEE. A good deal has been said about claim agents, and without any disrespect to these claim agents, I ask if Mr. Daniels, of this city, appeared before the committee in advocacy of this measure?

Mr. TARSNEY. He did——

Mr. BUCHANAN. And the committee declined to hear him.

Mr. TAULBEE. I asked the gentleman from Michigan the question.

Mr. TARSNEY. The gentleman from New Jersey has taken from my lips the words I was about to utter. The committee thought itself fully competent to investigate this matter and competent to take care of their bills when they were brought in.

Mr. TAULBEE. I hope they will be, but I wish to say in justification of that question that when that same gentleman came before a subcommittee of which I am chairman, he apologized for being late because he had been detained by the Committee on Labor.

Mr. BUCHANAN. We did not detain him.

Mr. TARSNEY. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HATCH reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 1539) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law, had come to no resolution thereon.

CONVICT LABOR.

Mr. O'NEILL, of Missouri. I now call up for present consideration the bill (H. R. 3406) to prevent the products of convict labor from being furnished to or for the use of any Department of the Government, and to prevent the product of convict labor from being used upon public buildings or other public works.

The bill was read, as follows:

Be it enacted, etc., That from and after the passage of this act it shall be unlawful for any agent or officer of the United States Government to purchase, or, if under his control, to permit the purchase, of supplies of every description to be furnished to or for the use of any of the Departments, or materials to be used in the erection, construction, or completion of public buildings or other public works: *And provided further*, That in all advertisements for the purchase of supplies to be furnished to or for the use of any of the Departments, or for the erection, construction, or completion of public buildings or public works, and in all contracts made under or in pursuance of such advertisements, there shall be inserted a condition that no convict or prison labor whatsoever, or the product thereof, shall be used by or furnished to any Department of the Government, or employed or used upon any public building or work, or in the preparation or manufacture of any of the articles, materials, or supplies contracted to be furnished therefor.

SEC. 2. That any willful breach of any of said conditions by any contractor shall authorize and work a forfeiture of the contract, and shall constitute a complete defense in bar against any claim or action against the United States for the recovery of any sum or sums under said contract; and it shall be the duty of the officer letting any such contract, upon being advised that any contractor has knowingly violated the terms of such contract, to declare the same forfeited.

The bill was reported with the following amendments:

In line 7 insert "the Army or Navy of the United States or other Government Department, or for use among any of the Indian tribes."

In line 11, after the words "other public works," insert "when said supplies or materials are in whole or in part the product of convict labor."

Mr. O'NEILL, of Missouri. I ask the adoption of the amendments. They are simply to perfect the language of the bill.

The amendments were agreed to.

Mr. O'NEILL, of Missouri. If any member desires to speak on this question I will yield him such reasonable time as he may wish. If not I will ask for a vote. This is a bill which we passed in the last Congress by a practically unanimous vote.

Mr. GEAR. I ask that the bill be read as amended.

The bill was read as amended.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. STEELE. I did not hear what were the provisions of the bill.

Mr. O'NEILL, of Missouri. It is substantially the same bill as passed the House last session.

The bill was passed.

Mr. O'NEILL, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALIEN LABOR.

Mr. O'NEILL, of Missouri. I now call up for consideration the bill (H. R. 8724) to prevent the employment of alien labor upon public buildings or other public works and in the various Departments of the Government, etc.

The bill was read, as follows:

Be it enacted, etc., That in all advertisements for the erection or construction or completion of public buildings or other public works, and in all contracts made under or in pursuance of such advertisements, there shall be inserted a condition that no person who is not a bona fide resident within the limits of the United States, and who is not a citizen, or who has not declared his intention to become a citizen thereof, in the manner provided by law, shall be employed in the erection, construction, or completion of any public building or other public work.

SEC. 2. That any willful breach of any of said conditions by any contractor shall authorize and work a forfeiture of the contract, and shall constitute a complete defense in bar against any claim or action against the United States for the recovery of any sum or sums under said contract; and it shall be the duty of the officer letting any such contract, upon being advised that any contractor has knowingly violated the terms of such contract, to declare the same forfeited.

SEC. 3. No person shall be employed in any department of the Government of the United States (except persons employed in the consular or diplomatic service abroad) who is not a citizen or who has not previously declared his intention to become a citizen of the United States.

Mr. TARSNEY. In the Forty-ninth Congress a bill embodying all the provisions of this one, so far as the first and second sections are concerned, passed this House and passed the Senate, but for some reason failed to become a law. The committee have added to those provisions of the bill the third section, which simply extends its scope.

The object and purpose of the bill are obvious from the simple reading of it. We find, for instance, all along our northern border, extending from Maine to Puget Sound, that many of our Canadian neighbors are coming over upon us, earning our public moneys in free and open competition with the American labor we pretend to protect. They take our money, take it home with them, and spend it in their own country. The same thing, I am informed, obtains along the Rio Grande and elsewhere.

I am likewise informed that in various Departments of the Government

here there are people employed by the Government of the United States who have never even declared their intention to become citizens.

There is no Know-Nothingism in this bill. We say as we have always said before, as was said to my father before me, and as to many now here, "Come, but when you come you must place yourself in a position where you will owe some allegiance to that Government from which you obtain your support."

All we ask is that citizens of the United States, or persons who have previously declared their intention to become citizens, and they only, shall be employed upon the public works and in the public service of the United States.

I reserve the balance of my time; and I now move the previous question upon the bill.

Mr. MACDONALD. I ask the gentleman to yield to me for a moment, while I ask a question.

Mr. TARSNEY. I yield to the gentleman.

Mr. MACDONALD. I see that this bill requires that "residents" only shall be employed upon public works. Suppose the Government is prosecuting a public work and is unable to find a sufficient number of residents to push on the work as rapidly as desired?

Mr. TARSNEY. There are residents enough within the limits of the United States, either citizens or persons who have declared their intention to become citizens, to perform all the work that the Government will require.

Mr. MACDONALD. Then the bill is not limited to residents of the locality or of the State, but to residents of the United States?

Mr. TARSNEY. That is correct.

Mr. TAULBEE. Will the gentleman permit me a suggestion?

Mr. TARSNEY. Yes, sir.

Mr. TAULBEE. I wish to inquire whether it is the intention of this bill to cover cases where parties are now borne on the Government rolls in Washington, but who reside abroad, in Italy, for instance. Will this reach such cases?

Mr. TARSNEY. This reaches everybody except those who are employed in the consular and diplomatic service abroad.

Mr. TAULBEE. That is all right.

Mr. O'NEILL, of Pennsylvania. I would suggest to the gentleman in charge of the bill whether it would not be well to insert a provision that American consuls abroad shall be obliged to employ Americans in their offices to the exclusion of foreigners. I know of many instances where the employés of consular offices are foreigners, Americans being excluded.

Mr. COX. I suggest to my friend from Pennsylvania that it would be impossible to enforce such a rule. There are a great many clerks and others connected with the consulates abroad who are of foreign birth, and whose services are necessary, but who could not be made American citizens unless some plan was adopted by which they could not only declare their intentions but could also get their final papers abroad.

Mr. O'NEILL, of Pennsylvania. I do not refer to diplomatic officers who require the services of translators and other persons familiar with the language and ways of the country, but I know of many places on the continent of Europe and in Great Britain where American citizens reside, yet the clerks in those consular offices are frequently foreigners, who are employed to the exclusion of Americans who would be glad to take the positions.

Mr. COX. You could not make it uniform.

Mr. TARSNEY. Mr. Speaker, I do not believe there is a gentleman upon the floor of this House, with the exception of the distinguished gentleman from New York [Mr. COX], who can talk Turkish. [Laughter.] It is absolutely necessary that the diplomatic and consular officers of the United States shall be authorized to employ foreigners to act as interpreters and to perform other duties in connection with those offices. For that reason the exception has been made in the bill.

Mr. O'NEILL, of Pennsylvania. That is all right. I do not object to that; but I do object to the mere clerks in consular offices being foreigners, to the exclusion of Americans.

Mr. TAULBEE. By the permission of the gentleman from Michigan [Mr. TARSNEY], I wish to suggest an amendment. In line 4 of section 3, after the word "citizen," I propose to amend by inserting the words "and resident of the United States." I will read the provision as it will read if amended:

No person shall be employed in any department of the Government of the United States, except persons employed in the consular or diplomatic service abroad, who is not a citizen and a resident of the United States, or who has not previously declared his intentions, etc.

Mr. TARSNEY. There is no objection to that. Now, Mr. Speaker, I move the previous question on the bill.

The SPEAKER. The question is first on the amendment of the gentleman from Kentucky [Mr. TAULBEE].

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed—ayes 92, noes 5.

Mr. TARSNEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEPARTMENT OF LABOR.

Mr. O'NEILL, of Missouri. I desire now to ask unanimous consent that the bill (H. R. 8560) to establish a department of labor be considered in the House, instead of the Committee of the Whole. The changes which the bill proposes to make in the present law are simply to enlarge the duties devolving upon the Commissioner of Labor, to give him wider scope——

Mr. BROWNE, of Indiana. I will say to the gentleman from Missouri that we shall insist on the consideration of this bill in the Committee of the Whole.

Mr. O'NEILL, of Missouri. Then I move that the House resolve itself into Committee of the Whole for the consideration of the bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HATCH in the chair, and proceeded to the consideration of the bill (H. R. 8560) to establish a department of labor.

The Clerk was proceeding to read the bill, when,

On motion of Mr. LONG, by unanimous consent, the first reading was dispensed with.

Mr. O'NEILL, of Missouri. I reserve my time, and ask that the bill be read section by section for consideration.

Mr. REED. What is the effect of the gentleman's proposition? Is it to limit general debate to one hour?

Mr. O'NEILL, of Missouri. I did not suppose there was any desire for general debate on this bill.

Mr. REED. I do not know whether there is or not. I simply wanted to know the effect of the proposition.

Mr. O'NEILL, of Missouri. I would like to have this bill reported back to the House and passed as speedily as possible. If the gentleman can facilitate that result in any way, I hope he will do so.

Mr. REED. What is the effect of reserving your time?

Mr. O'NEILL, of Missouri. I have no speech to make, but propose simply to explain any feature of the bill in regard to which any question may be raised.

Mr. REED. That is all I wanted to know.

The CHAIRMAN. The action of the Committee of the Whole in dispensing with the first reading of the bill does not close general debate, if any gentleman desires to take part in it.

Mr. O'NEILL, of Missouri. I ask unanimous consent that general debate be considered closed, and that we take up the bill for consideration by sections under the five-minute rule.

The CHAIRMAN. Is there objection to the proposition of the gentleman from Missouri?

Mr. BRECKINRIDGE, of Kentucky. I object. I do not know that I object to the bill; but I have just examined this report, and I find it does not give any information as to the change which this proposed legislation is to make in the expenses of this branch of the Government. I make my objection simply that the chairman of the Committee on Labor, or some other member who has paid special attention to this matter, may explain the changes proposed by the bill, how it will affect the running expenses of the office as compared with the existing arrangement. I think we ought to have some information on this matter before taking up the bill section by section. I shall probably not oppose the bill after it has been explained.

Mr. O'NEILL, of Missouri. In regard to expenditures, the change made by the bill is that the rental of offices and other expenses which heretofore have been charged to the Interior Department will be borne by the Commissioner of Labor. The present Commissioner, Mr. Carroll D. Wright, has carefully examined this bill, and its provisions are based on estimates prepared by him. It involves, I believe, the employment of some eight additional clerks of various grades, an increase which he considers essential. According to my information from the Commissioner, the only change in reference to expenses will be the employment of these additional clerks and the transfer of the running expenses from the Interior Department to the Department of Labor.

In the bill we enlarge the scope of the Commissioner's duties by empowering the Department of Labor to inquire in regard to the strikes which are occurring throughout the country. In this way Congress can be, from time to time, informed in regard to these disastrous conflicts, and what remedy, if any, can be made available.

Mr. WEAVER. The Commissioner has already made such inquiries during the past year.

Mr. O'NEILL, of Missouri. He has been doing this without being specially authorized.

It simply enlarges the scope of information embraced in the first and fifth sections.

Mr. WEAVER. It does not make it an Executive Department.

Mr. O'NEILL, of Missouri. No; it does not make it an Executive Department.

Mr. WEAVER. Simply places it on a footing with the Department of Agriculture.

Mr. O'NEILL, of Missouri. Yes; that is all. It simply places the Bureau of Labor on the same footing with the Department of Agriculture.

Mr. WEAVER. No Cabinet officer.

Mr. O'NEILL, of Missouri. No Cabinet officer.

Mr. BUCKALEW. Does it provide for an assistant?

Mr. O'NEILL, of Missouri. I think under the present law the chief clerk is the assistant commissioner.

Mr. HOLMAN. I think that is not so.

Mr. O'NEILL, of Missouri. Yes; the chief clerk, I think, at present acts as assistant commissioner.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I think this bill had better be debated somewhat generally. I do not desire to debate the bill myself, but I do desire information in reference to just what it covers and how far it reaches. I do not know the expense of the present Bureau of Labor. The Commissioner of that Bureau gets a salary of $3,000 a year and the chief clerk a salary of $2,000. What other expenses there may be I do not know.

This bill provides for a Commissioner of Labor, who shall receive a salary of $5,000 per annum, for which I am prepared to vote. I do not think it is too much salary for a gentleman at the head of such an important bureau. It also provides—

That there shall be an assistant commissioner at a salary of $3,000 per annum.

I do not think that is too high a salary, and am prepared to vote for it. Then the bill provides for—

One chief clerk, at a salary of $2,500 per annum; four clerks of class 4, all to be statistical experts; five clerks of class 3, one of whom may be a stenographer; six clerks of class 2, one of whom may be a translator and one of whom may be a stenographer; eight clerks of class 1; five clerks, at $1,000 per annum; one disbursing clerk, who shall also have charge of accounts, at a salary of $1,800 per annum; two copyists, at $900 each per annum; two copyists, at $720 each per annum; one messenger; one assistant messenger; one watchman; two assistant watchmen; two skilled laborers, at $600 each per annum; two charwomen, at $240 each per annum; six special agents, at $1,600 each per annum; ten special agents, at $1,400 each per annum; four special agents, at $1,200 each per annum; and such temporary experts, assistants, and other employés as Congress may from time to time provide, with compensation corresponding to that of similar officers and employés in other Departments of the Government.

Now, it seems to me my friend from Missouri is mistaken that it is better to discuss those provisions of the bill under the five-minute rule than in some general debate, which will show the House what is to be the expense of this new department so abundantly officered and it seems to me so extensively officered. The Bureau of Labor is now doing good work.

Mr. WEAVER. There are in the present Bureau of Labor within four persons of the number designated in this bill, and the labor is on the increase all the time.

Mr. BRECKINRIDGE, of Kentucky. My friend [Mr. WEAVER] says, and I do not question it, that this bill provides for within four of the number now employed in the Bureau of Labor.

Mr. WEAVER. I do not mean to say there are constantly employed that number in the present bureau, but that from time to time the number employed is within four of the number provided for in this bill.

Mr. BRECKINRIDGE, of Kentucky. What I desire for the committee and for myself is some statement by the Committee on Labor, who examined this bill, to show to the committee with some clearness of detail, some comparison of detail, the present force and the proposed force.

Mr. LONG. Will the gentleman from Kentucky allow me to cal his attention to a general suggestion?

Mr. BRECKINRIDGE, of Kentucky. With pleasure.

Mr. LONG. If you will turn to section 7, it provides:

SEC. 7. That the Commissioner of Labor, in accordance with the general design and duties referred to in section 1 of this act, is specially charged to ascertain, at as early a date as possible, and whenever industrial changes shall make it essential, the cost of producing articles at the time dutiable in the United States in leading countries where such articles are produced, by fully specified units of production, and under a classification showing the different elements of cost or approximate cost of such articles of production. He shall also establish a system of reports by which, at intervals of not less than two years, he can report the general condition, so far as production is concerned, of the leading industries of the country.

I am inclined to think that broadens a good deal the present work of the Bureau of Labor. One vital object of our census report is to furnish every ten years such information; but that is not sufficient. This provides for such report being made at intervals of not less than two years.

The next census will not be had until 1890. The object of this provision is that there may be practically an industrial census every second year; not with the detail and minutiæ of the present census, but full enough to give valuable information to the country. I can see at once that that provision of the bill would necessarily enlarge the official force and *personnel* of the bureau.

Mr. BRECKINRIDGE, of Kentucky. If my friend from Massachusetts, whose interruption I was glad to have, will permit me to interrupt him, I wish to say that I am not opposing the bill.

Mr. LONG. I understood that.

Mr. BRECKINRIDGE, of Kentucky. For, so far as I can judge from the examination I have been able to give to the bill and from having it read, I am disposed to favor it. I only desired to know from some person who had investigated the subject what difference in cost was involved.

Mr. LONG. I think, of course, that fact should be known, but wanted only to call attention to some general suggestions as embodied in the bill.

Mr. O'NEILL, of Missouri. The cost of the Bureau of Labor was $105,000. It had an appropriation of $95,000, and the balance of the appropriation comes from the Department of the Interior. The department of labor as organized by this bill will cost $150,000. It provides for the old organization, and this adds some ten experts as assistants to the eighteen, I think, special agents to obtain information.

Mr. LONG. This industrial information.

Mr. O'NEILL, of Missouri. Yes, sir.

Mr. WEAVER. But they are not constantly employed.

Mr. O'NEILL, of Missouri. These are to aid the department in ascertaining and reporting upon the facts necessary to prepare the reports required.

Mr. MILLS. Has this bill been submitted to the Commissioner of Labor?

Mr. O'NEILL, of Missouri. Yes, sir; and the estimates were prepared by him.

Mr. MILLS. For his indorsement would add largely to my opinion of the bill. I regard him as a most skillful man, and what he recommends would be entitled to consideration by the House.

Mr. O'NEILL, of Missouri. And the bill came last from his hands with his entire approval. All the estimates were prepared by him.

Mr. BRECKINRIDGE, of Kentucky. By Mr. Wright?

Mr. O'NEILL, of Missouri. Yes, sir; by Mr. Wright himself.

Mr. MILLS. What is the aggregate of the estimated expense?

Mr. O'NEILL, of Missouri. He says it will aggregate $150,000.

Mr. MILLS. And this is to cover the cost of procuring and collating this information?

Mr. O'NEILL, of Missouri. Yes, sir.

Mr. PETERS. The expert agents are not now provided for by law?

Mr. O'NEILL, of Missouri. These are in addition to those already provided by law. He requires additional force to get this information.

Mr. WEAVER. This adds four to the number now employed.

Mr. PETERS. This enlarges the scope of the present law?

Mr. O'NEILL, of Missouri. Yes, sir. It makes a separate and distinct department, the same as the present Department of Agriculture.

Mr. LONG. And gives a summary of industrial progress and development every two years for public information.

Mr. COCKRAN. It makes, in other words, a department of industrial statistics.

Mr. O'NEILL, of Missouri. And puts this information before the laboring masses of the country.

Mr. COX. Mr. Chairman, an inquiry was made a few moments ago as to the Commissioner of Labor, Carroll D. Wright. All I have to say is this, that Colonel Wright was the commissioner of labor of the State of Massachusetts. We all know him in that relation. He took the census of Massachusetts according to their State mode of taking it. He has been here two or three years in this city, in connection with this business, and his labors are familiar to all gentlemen around me.

But to any one who has worked, as I have to some extent, in connection with the census—our own Federal census—I wish to say that I have never known a man who could give more information in relation to matters connected with the enumeration of the people and their resources, their various industries, and all the social science growing out of the census and matters statistical, than Col. Carroll D. Wright. I say this because before I knew him, before he came to Washington, I had the preparation, to a great extent, of the decennial census, and called upon his volume and drew from it many and valuable suggestions in connection with the last preceding census, so that the census bill thus prepared passed through the House almost *nem. con.*, with only two hours of debate, whereas the preceding census bill, ten years prior to that, was debated for two months and then failed in the Senate, because somehow or other we had not the counsel, information, and advice of a man whose information is so valuable and complete as our present Commissioner of Labor.

Mr. O'NEILL, of Missouri. I ask unanimous consent that general debate be now closed, and that we proceed to consider the bill by sections.

Mr. HOLMAN. Before that is done I desire to be heard for a moment or two.

Mr. O'NEILL, of Missouri. I yield to the gentleman from Indiana.

Mr. HOLMAN. I wish simply to call attention to the present law, the act of 1884, under which this bureau was organized. I ask that it may be read.

The Clerk read as follows:

An act to establish a Bureau of Labor.

Be it enacted, etc., That there shall be established in the Department of the Interior a Bureau of Labor, which shall be under the charge of a Commissioner of Labor, who shall be appointed by the President, by and with the advice and consent of the Senate. The Commissioner of Labor shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed, and shall receive a salary of $3,000 a year. The Commissioner shall collect information upon the subject of labor, its relation to capital, the hours of labor, and the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity. The Secretary of the Interior, upon the recommendation of said Commissioner, shall appoint a chief clerk, who shall receive a salary of $2,000 per annum, and such other employés as may be necessary for the said bureau: *Provided*, That the

total expense shall not exceed $25,000 per annum. During the necessary absence of the Commissioner, or when the office shall become vacant, the chief clerk shall perform the duties of Commissioner. The Commissioner shall annually make a report in writing to the Secretary of the Interior of the information collected and collated by him, and containing such recommendations as he may deem calculated to promote the efficiency of the bureau.

Approved June 27, 1884.

Mr. HOLMAN. I have asked that the present law may be read simply for the purpose of showing the origin of the proposed measure.

That act did not present the subject in the breadth of importance that it now assumes. The sum of $25,000 was made the limit of expense. The salary of the Commissioner was placed at $3,000, and the salary of the chief clerk at $2,000, who was to act as deputy commissioner if the office of Commissioner was vacant, or if the Commissioner was absent. But we proceeded at once to appropriate a much larger sum than $25,000. The appropriations have run up to something over $100,000. A portion of the increase resulted from additional duties devolved upon the Commissioner by law in connection with the census, etc. This required an increase of appropriation.

It is now proposed to increase the salary of the Commissioner to $5,000, to fix the salary of the deputy commissioner at $3,000, and to have a chief clerk at $2,500. There is then an enumeration of a number of other employés who were not provided for by the former law.

It seems to me the present law has some merits above the proposed measure, particularly as to the appropriations in gross. I have not hitherto been in favor of such appropriations and have generally opposed them. But in regard to this particular bureau, looking at the character of duties performed, it occurred to me at the beginning, and it occurs to me still, that it is better to name the Commissioner, the deputy commissioner, and the chief clerk, and appropriate for them as in the last four years, and then fix a sum in gross, which has been estimated heretofore by the Secretary of the Interior, and hereafter would be estimated by the Commissioner of Labor, so that he may apply the money in such manner as will more directly accomplish the purpose he has in view.

I think it occasionally occurs that an appropriation in gross for a given bureau, or even for a given service in a Department, is found to be very beneficial. I admit you confer upon the head of a Department or the head of a bureau, especially the head of a Department, the power to fix salaries; but in some instances that is found to be beneficial and in many cases in the interest of economy as well as of the efficiency of the Department. I myself would prefer seeing the basis on which this is done perpetuated, even if the salaries were increased and the duties enlarged, rather than to see the plan proposed by this bill carried out of going into detail.

In connection with the proposed salary of the Commissioner and in regard to the duties performed up to this time I wish to say this, that that bureau, considering the time it has been in operation, has been a very successful one. It has been, I think, eminently successful. The very accomplished gentleman at the head of it entered upon his duties fully armed and equipped; he understood in all its details the subjects which would come under his control as head of the bureau. The results up to this time, I think, have been entirely satisfactory. And I do not hesitate to say that whatever change we may make will not render the bureau more efficient unless to the extent that we enlarge the scope of the inquiry. I think the remarks of the gentleman from Massachusetts clearly indicated that.

It is proposed to increase the salaries. That is according to our usual experience. I am not complaining particularly of this salary of $5,000 for what I look upon as the eminent qualifications of the gentleman who now fills the office. I am not complaining of this as too large a salary for the high qualities a gentleman should possess who fills such an office. But we are departing rapidly from the old landmarks.

The present Commissioner of the Land Office receives $4,500 a year, although there is no bureau of this Government perhaps which is of equal importance. I believe the Commissioner of Pensions receives $5,000; several others do so. I am not complaining particularly about that.

It seems to me, however, that for a bureau like this there is no necessity for a deputy. In the course of four years you provide for a deputy with the same general powers and the same salary as you conferred on the head of the bureau when it was established. But I do not apprehend my views on this subject, considering the rapidity with which we drift in these matters, would be entirely satisfactory.

Still, I wish to suggest to my friend from Missouri [Mr. O'NEILL] that the appropriation proposed here is $150,000, and it would probably be beyond that limit in two years. I am not going to complain about it. But I venture to say if you divide that sum up in accordance with a classification of clerks, experts, and other employés you will not get as efficient service and will do it at a larger expense than if you make an appropriation of the sum in gross.

Mr. WEAVER. When this follows the whole range of the investigation, how can it be inefficient?

Mr. HOLMAN. The question of efficiency will depend altogether upon the power of the Commissioner in securing efficient service. We have done this same thing in other branches of the service. The Supervising Architect's Office of the Treasury Department is upon the same basis, and so is the Geological Survey.

Mr. WEAVER. We do not appropriate for the Agricultural Department in that way.

Mr. HOLMAN. No.

Mr. WEAVER. Yet we have very efficient service there.

Mr. HOLMAN. But we do it in all those fields where scientific attainments are important. It is done in the two cases I have mentioned, in the case of the Supervising Architect's Office and in the case of the Geological Survey, and, from the examination I have made of the expenditures of those two bureaus, I am inclined to believe that the present method of appropriation is the best. As a general thing I have steadily protested against conferring upon the heads of Departments, even, much less upon the heads of bureaus, the power to appropriate money. I have always insisted that that should be under the control of Congress. But I should be glad to see an exception made here. I would provide for a Commissioner, a deputy commissioner, if necessary—although I do not think it is necessary—and a chief clerk, and then I would make an appropriation of a sum in gross, as we have done for the last four years. If we follow that course I indulge the belief that as long as we keep a thoroughly competent man at the head of that bureau we shall find it to be the most efficient and economical method of carrying on that service.

Mr. MILLS. Have we made provision here for the traveling expenses of these special agents?

Mr. O'NEILL, of Missouri. That is all embraced in the gross sum. The estimate I have from the committee states that this figure embraces the entire cost of the service.

Mr. HOLMAN. I wish to call attention of Missouri's——

Mr. O'NEILL, of Missouri, (*sotto voce*). Favorite son. [Laughter.]

Mr. HOLMAN. I wish to call the attention of the gentleman from Missouri [Mr. O'NEILL] to the fact that this bill does not abolish the present system.

Mr. O'NEILL, of Missouri. Oh, yes, it does, in section 9.

Now, Mr. Chairman, I understand that there is no objection to dispense with general debate and have the bill read by sections.

There was no objection, and it was so ordered.

The Clerk read as follows:

SEC. 2. That the department of labor shall be under the charge of a commissioner of labor, who shall be appointed by the President, by and with the advice and consent of the Senate; he shall hold his office for four years, unless sooner removed, and shall receive a salary of $5,000 per annum. There shall also be an assistant commissioner of labor, appointed by the President, by and with the advice and consent of the Senate, who shall hold his office for four years, unless sooner removed, and who shall receive a salary of $3,000 per annum.

Mr. MCADOO. I move to amend section 2, by adding after the word "Senate," in line 8, the following:

Who shall be an expert statistician and.

So that as amended, the provision will read:

There shall also be an assistant commissioner of labor, appointed by the President, by and with the advice and consent of the Senate, who shall be an expert statistician, and who shall hold his office, etc.

Mr. Chairman, I am heartily in favor of this bill, and I do not wish to delay or hinder it in any way, but I want to say a word in favor of this amendment. I find that the third section of the bill provides four clerks of class 4 who are to be statistical experts. Now, in my opinion, it would be impossible to get men who would be statistical experts of any value if they were to be classed as clerks of class 4. In other words, if it is intended that there shall be assistants to the chief of this bureau who shall be really and in truth statistical experts, we must pay them reasonable salaries, and the only salary mentioned in this bill that is at all commensurate with the value of the services of a statistical expert is that of the assistant of the chief.

Mr. REED. If the gentleman will look at the last four lines of section 3, he will find that it provides for a compensation to "experts, assistants, and other employés corresponding to that of similar officers and employés in other Departments of the Government."

Mr. O'NEILL, of Missouri. Yes. The language is, "and such temporary experts, assistants, and other employés as Congress may from time to time provide, with compensation corresponding to that of similar officers and employés in other Departments of the Government."

Mr. MCADOO. Well, Mr. Chairman, I had not noticed the very sweeping wording of that provision. The gentleman will see, however, that the bill makes provision for four clerks who are to be statistical experts.

Mr. REED. I should think it would be well enough to leave the appointment of the assistant commissioner to depend upon his general qualifications for the office, and if it be found necessary to have a statistical expert, I have no doubt that one will be selected for that place.

Mr. MCADOO. Well, Mr. Chairman, I do not insist upon the amendment. I withdraw it.

Mr. BUCKALEW. I move to amend section 2 by striking out the words:

There shall also be an assistant commissioner of labor, appointed by the President, by and with the advice and consent of the Senate, who shall hold his office for four years, unless sooner removed, and who shall receive a salary of $3,000 per annum.

Mr. Chairman, the office proposed to be created by this clause which

I have moved to erase from the bill is a new office. At present we have a Commissioner and a chief clerk, with a provision of law that the chief clerk shall perform the duties of Commissioner during the absence or disability of that officer. When the great Departments of our Government—the Department of Foreign Affairs, as it was then called (now the Department of State), the Treasury Department, and the War Department—were first organized, we had at the head of each a Secretary, with a chief clerk. Upon this clerk devolved the possession of the books and papers of the Department, together with the temporary control of its business during the absence or disability of the principal officer. That early arrangement has been superseded under the necessities of modern times. We have now in our Departments, on account of the pressure of public business, assistant secretaries in the several branches of administration.

Mr. HERBERT. The gentleman will allow me to say that there is not even now any assistant secretary of the Navy.

Mr. BRECKINRIDGE, of Kentucky. Nor of War.

Mr. BUCKALEW. If, by reason of the pressure of business or the important character of the duties imposed on this Department of Labor, it should appear that an assistant commissioner is indispensable, Congress can hereafter provide such an assistant, as it has already provided an assistant secretary in most of the Executive Departments of the Government. But, having established this branch of administration with a Commissioner and a chief clerk, I think it would be well for us to restrain our hands before creating this new office. This bill will increase the salary of the Commissioner to $5,000; and the salary of the chief clerk will be increased from $2,000 to $2,500. I am informed that the present incumbents of these positions are very competent and able men, no doubt competent and able enough for the performance of all the duties of their respective offices, without the employment of this assistant as proposed by the bill in the clause which I have moved to strike out.

Of course, if this amendment be adopted, it will require the modification of a subsequent section, where the assistant commissioner is charged with the performance of the duties of the Commissioner during the necessary absence of that officer.

Mr. O'NEILL, of Missouri. If in order to do so, I will accept, on behalf of the committee, the amendment of the gentleman from Pennsylvania [Mr. BUCKALEW].

The amendment of Mr. BUCKALEW was agreed to.

The Clerk read as follows:

SEC. 3. That there shall be in the department of labor, to be appointed by the commissioner of labor: One chief clerk, at a salary of $2,500 per annum; four clerks of class 4, all to be statistical experts; five clerks of class 3, one of whom may be a stenographer; six clerks of class 2, one of whom may be a translator and one of whom may be a stenographer; eight clerks of class 1; five clerks at $1,000 per annum; one disbursing clerk, who shall also have charge of accounts at a salary of $1,800 per annum; two copyists at $900 each per annum; two copyists at $720 each per annum; one messenger, one assistant messenger, one watchman, two assistant watchmen, two skilled laborers, at $600 each per annum; two charwomen at $240 each per annum; six special agents at $1,600 each per annum; ten special agents at $1,400 each per annum; four special agents at $1,200 each per annum, and such temporary experts, assistants, and other employés as Congress may from time to time provide, with compensation corresponding to that of similar officers and employés in other Departments of the Government.

Mr. LAWLER. I would like to make an inquiry. I see that lines 11 and 12 of this section provide for "two copyists at $900 each per annum" and "two copyists at $720 each per annum." What is the reason for the distinction in point of salary?

Mr. O'NEILL, of Missouri. That is the way the copyists are classified in the Department.

Mr. LAWLER. I am satisfied that the copyists receiving the lower salaries do just as much work as those receiving the higher salaries, and oftentimes more.

The CHAIRMAN. There is no amendment pending.

Mr. CRAIN. I move to amend by striking out, in lines 5 and 7, the word "may" and inserting the word "shall."

The first amendment of Mr. CRAIN, to strike out "may," in line 5, and insert "shall," so as to read "five clerks of class 3, one of whom shall be a stenographer," was agreed to.

The question recurring on the second amendment of Mr. CRAIN, it was read, as follows:

In line 7 strike out "may" and insert "shall;" so as to read "six clerks of class 2, one of whom may be a translator, and one of whom shall be a stenographer."

Mr. BLAND. I do not see why we should not leave this matter to the discretion of the Department. I think this amendment ought not to be adopted. Certainly the officer in charge of this department would be the best judge under the circumstances as to whether a translator or a stenographer should be employed.

The amendment was not agreed to.

Mr. McCOMAS. I move to amend by striking out, in line 13, the words "one assistant messenger," and in line 14, "two assistant watchmen."

Mr. WARNER. Is the gentleman sincere in that amendment?

Mr. McCOMAS. I am entirely sincere. These terms "assistant messenger" and "assistant watchman" are unknown to the law; they are grades or degrees of employment which ought not to appear in a statute. They hurt the bill.

Mr. O'NEILL, of Missouri. Does the gentleman propose merely to strike out the word "assistant?"

Mr. McCOMAS. You can provide, if you choose, one messenger or two messengers, one watchman or three watchmen.

Mr. O'NEILL, of Missouri. We had better provide for two messengers.

Mr. HOLMAN. I think it will be found that the offices of assistant messenger and assistant watchman are provided for by law. They do not receive the same salaries as messengers and watchmen.

Mr. PETERS. What is the difference between the duties of watchman and those of an assistant watchman?

Mr. HOLMAN. Perhaps there is no difference in the character of the duties; but there is a difference in the salary.

Mr. PETERS. If the service performed by the two classes of officers is the same, why should they not receive the same pay?

Mr. HOLMAN. The responsibility, I presume, is not so great in the one case as in the other.

Mr. PETERS. I think the distinction is purely artificial.

Mr. BUCHANAN. I do not see that this is a very momentous question, or that it is necessary for us to spend much time in discussing the designations which shall be given to these officers. It does seem to be, however, essential that there should be two messengers, whether one be called an assistant or not. If we strike out the provision for one assistant messenger we ought to provide for two messengers, so that when one is absent on duty the other would be subject to call. So far as regards the watchmen, there is a necessity for three of these officers, for the duty performed by them is required during the day as well as at night; and under the provisions of the eight-hour law, though only one should be on duty at one time, three would be required, as there are twenty-four hours in the day. Three times eight are twenty-four! [Laughter.]

Mr. McCOMAS'S amendments were disagreed to.

Mr. WEAVER. I wish to direct attention to section 3, lines 16, 17, 18, 19, and 20, which provide for—

Six special agents, at $1,600 each per annum; ten special agents, at $1,400 each per annum; four special agents, at $1,200 each per annum.

Now, it is impossible to employ special agents at that price, if they have to pay their traveling expenses and subsistence themselves. I think there should be a provision such as this: "Allowance for subsistence and traveling expenses as the Commissioner may prescribe."

Mr. HOLMAN. Permit me to suggest to the gentleman that the usual course is for the Committee on Appropriations to make the appropriation for such purposes.

Mr. WEAVER. I think it is proper and necessary in considering this bill at this time to make it perfect in all its provisions. We should not only provide for the officers necessary to carry on this department, but we should also provide for the appropriation of the necessary amounts for the efficiency and success of the department. I insist on my amendment. After the words "per annum" I move to insert the words "and such allowance for traveling expenses and subsistence as may be prescribed by the Commissioner."

In support of that amendment let me suggest that unless there is some provision of that sort in the organic act I doubt whether the Committee on Appropriations would have authority to make appropriation. At all events I moved the amendment to relieve any doubt on the subject.

A MEMBER. It would be much better to lessen the number of these special agents.

Mr. WEAVER. No; that is the best part of the bill.

Mr. MILLS. The Commissioner has the right now.

Mr. LONG. Inasmuch as this bill has had the scrutiny of the Commissioner of the Bureau of Labor, is it worth while to increase these salaries?

Mr. WEAVER. This does not increase these salaries.

Mr. LONG. It does practically.

Mr. WEAVER. He now pays $3 a day for traveling expenses and subsistence. It seems to me there ought to be some provision in the organic act so there may be no doubt with the Committee on Appropriations about the propriety and necessity of making this appropriation for the support of the department of labor.

The CHAIRMAN. The amendment of the gentleman from Iowa will be read.

The amendment was read.

Mr. WEAVER. It seems to me there ought to be no objection to having that included in the organic act, so there may be no doubt about the appropriation for this purpose hereafter by the Committee on Appropriations.

Mr. HERBERT. Mr. Chairman, I hope the amendment will not be adopted. This bill, I understand, was submitted to the Commissioner of Labor, and I think he has wisely approved of it as it is. There has long been a conflict between the two systems of appropriating for expenses, and I think experience has shown the mode adopted of giving a certain per diem instead of an amount of $3 a day for traveling expenses is much better than the mode this would continue. It is the system which the present Commissioner of Labor approves. It seems to be the system generally adopted and preferred by the heads of the

several Departments. It is preferred certainly by the Commissioner of Labor; and no good reason in the world can be given for the change which the amendment proposes.

Mr. WEAVER. I merely wish to say a word in reply to what has been stated by the gentleman from Alabama. The estimate includes these $3 a day for traveling expenses and subsistence. So then it does not enlarge the estimates.

Mr. MILLS. Have the present agents this allowance?

Mr. WEAVER. Yes.

Mr. MILLS. Do they receive $3 a day?

Mr. WEAVER. Yes; $3 a day for subsistence and traveling expenses. It is in the estimate, but not in the bill.

Mr. HERBERT. I understand that when the bill says—

With compensation corresponding to that of similar officers and employés in other Departments of the Government—

it means $3 per day and expenses. That is the method of compensation adopted and approved generally after long experience in every other Department, and I do not see any reason for departing from it in this case.

Mr. WEAVER. The gentleman is entirely mistaken about the provision of the bill, if he will permit me to state. It provides, after the semicolon in the twentieth line:

And such temporary experts, assistants, and other employés as Congress may from time to time provide, with compensation corresponding to that of similar officers and employés in other Departments of the Government.

That has reference only to the temporary experts, who are to have that compensation, and not to the permanent officers.

Mr. HOLMAN. Will the gentleman from Iowa let me call his attention to the fact that there is no appropriation in this bill at all, to begin with? The tenth section provides—

That on the passage of this act the commissioner of labor shall at once submit estimates for the expenses of the department of labor for the next fiscal year, giving in detail the number and salaries of officers and employés therein.

I do not think it is necessary that a provision like this should be adopted. It has never been adopted in the creation of an office of this class, unless it was done by an appropriation bill. You have, for instance, five Indian inspectors, five Indian agents, and two land inspectors in the Interior Department, and there is no provision of law providing for this expense except in the current appropriation bill. But if the gentleman from Iowa wishes to make this very specific, I will suggest to him the addition of this language—

And expenses when employed away from the department.

Mr. MILLS. That is, the special agents?

Mr. HOLMAN. Yes, sir.

Mr. WEAVER. That is the effect of the amendment now.

Mr. HOLMAN. No, they may be employed at the office here.

Mr. MILLS. Not the special agents.

Mr. HOLMAN. Yes, they might be employed right here about the department. There are several special agents employed here in this city now.

I do not think you ought to impose upon the Commissioner the power of fixing what the compensation should be. I think that should be determined by Congress and appropriation made for it in proper form.

Mr. WEAVER. That is the very effect of the amendment which I have offered.

The CHAIRMAN. The gentleman from Indiana will send up his amendment to the amendment.

The Clerk read as follows:

Add to the proposed amendment:
"And expenses when employed away from the department."

Mr. MILLS. That is right.

Mr. O'NEILL, of Missouri. I accept that.

Mr. WEAVER. I do not think that meets the point at all.

Mr. McCOMAS. I ask the attention of the gentleman from Indiana and the gentleman from Iowa also to a modification of this amendment which I think will be acceptable to both. I suggest its adoption in this form: Insert in line 20, after the words "per annum," the following:

And an allowance to special agents for traveling expenses not to exceed $3 per day while actually employed in the field and outside of the District of Columbia, exclusive of actual transportation, including sleeping-car fare.

Mr. O'NEILL, of Missouri. Will the gentleman allow me a moment? Why can not this section be permitted to stand just as the Commissioner of Labor prepared it himself?

Mr. HOLMAN. I am not objecting to that. My amendment was to a pending amendment.

Mr. WEAVER. The Commissioner of Labor may have made an omission, and I think he did.

Mr. HOLMAN. I am not objecting to this provision as it is.

Mr. WEAVER. Well, let us accept the amendment of the gentleman from Maryland.

Mr. HOLMAN. I do not think it expresses the intention fully. It ought not to specify the rate of compensation.

Mr. RYAN. I think it is very proper to specify the rate. It is done in all of the Departments of the Government.

Mr. HOLMAN. Very well; I have no objection.

Mr. WEAVER. Then I withdraw my amendment also.

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from Maryland.

The amendment of Mr. McCOMAS was again read, and adopted.

Section 4 was read, as follows:

SEC. 4. That during the necessary absence of the commissioner, or when the office shall become vacant, the assistant commissioner shall perform the duties of commissioner, and in the absence of both the commissioner and the assistant commissioner the chief clerk shall perform such duties.

Mr. BROWNE, of Indiana. I move to strike out that section.

Mr. HOLMAN. Before that I move to amend the section by a substitute which I send to the desk.

The Clerk read as follows:

Substitute for section 4:
"That during the necessary absence of the commissioner, or when the office shall become vacant, the chief clerk shall perform the duties of commissioner."

The amendment was adopted.

The CHAIRMAN. The question now recurs on the motion of the gentleman from Indiana [Mr. BROWNE] to strike out the section.

Mr. BROWNE, of Indiana. We ought not to charge the responsibility of that office upon a chief clerk. The chief clerk may act temporarily, as a matter of course, in the absence of the commissioner, to answer questions and take control of such temporary duties as may be imposed upon him in such absence; but to have him assume the responsibilities of the office I think would be as unsafe as it is entirely unnecessary.

The question being taken on the motion of Mr. BROWNE, of Indiana, to strike out the section as amended, it was not agreed to.

The Clerk read section 7, as follows:

SEC. 7. That the commissioner of labor, in accordance with the general design and duties referred to in section 1 of this act, is specially charged to ascertain, at as early a date as possible, and whenever industrial changes shall make it essential, the cost of producing articles at the time dutiable in the United States, in leading countries where such articles are produced, by fully specified units of production, and under a classification showing the different elements of cost, or approximate cost, of such articles of production. He shall also establish a system of reports by which, at intervals of not less than two years, he can report the general condition, so far as production is concerned, of the leading industries of the country. The commissioner of labor is also specially charged to investigate the causes of and facts relating to all controversies and disputes between employers and employés as they may occur, and which may tend to interfere with the welfare of the people of the different States, and report thereon to Congress. The commissioner of labor shall also obtain such information upon the various foreign nations.

The committee recommended the following amendment:

After the word "various," in line 19, insert "subjects committed to him as he may deem desirable from different;" so that it shall read:
"The commissioner of labor shall also obtain such information upon the various subjects committed to him as he may deem desirable from different foreign nations."

The amendment was agreed to.

Mr. DINGLEY. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert, after section 7, the following:
"SEC. 8. That the commissioner of labor shall also investigate the alcoholic liquor traffic in relation to revenue and taxation and its general economic, criminal, moral, and scientific aspects in connection with pauperism, crime, social vice, public health, and the general welfare of the people; and also inquire and report as to the practical results of legislation for the prevention of intemperance in the United States."

Mr. O'NEILL, of Missouri. I make the point of order that that is not germane to the subject-matter of the bill. We have a committee specially for the purpose of dealing with the liquor traffic. I hope the gentleman from Maine will not seek to encumber the bill with such an amendment.

Mr. DINGLEY. What is the gentleman's point of order?

Mr. O'NEILL, of Missouri. My principal point of order is that I do not want the gentleman to bring into the bill an amendment which may defeat it on account of the lateness of the hour in which we are considering the bill.

The CHAIRMAN. The Chair overrules the point of order.

Mr. BUCHANAN. I make a further point of order. The amendment offered by the gentleman from Maine is a distinct section, and we should perfect section 7 before we pass from it. I have an amendment to section 7 which I desire to offer.

The CHAIRMAN. The gentleman from New Jersey is recognized for the purpose of offering his amendment. The Clerk will report it.

The Clerk read as follows:

Amend section 7 by striking out, after the word "at," in line 3, down to the word "also," in line 9, namely, these words:
"Is specially charged to ascertain, at as early a date as possible, and whenever industrial changes shall make it essential, the cost of producing articles at the time dutiable in the United States, in leading countries where such articles are produced, by fully specified units of production, and under a classification showing the different elements of cost, or approximate cost, of such articles of production. He shall also."

Mr. BUCHANAN. The reason why I offer this amendment is this: The words proposed to be stricken out require the Commissioner of Labor to ascertain certain things in leading countries abroad. We already have a system by which these matters may be ascertained in our consular reports. Reports on these matters are made from time to time by our consular agents and consuls, and are published by our State Department.

To effectuate the provision which I propose to strike out it will be

necessary for the Commissioner of Labor to send his agents through all the producing countries in the world, and the expense will be simply enormous. It will load down the department with such expense that I am afraid it will become so great that the American Congress will refuse longer to appropriate for the purpose of maintaining the department.

It seems to me this work can be done through the agencies already established without incumbering the department of labor with this special work; because if the work is to be done accurately at all it will have to be done by men upon the spot; and to send men there for this particular purpose and pay their traveling expenses and contingent expenses must result in a largely increased cost. The machinery is already provided by which this work can be done, and I do not believe we are friends of the bill if we insist upon saddling this additional matter upon the Commissioner.

If it was simply proposed that he should tabulate and publish the reports gleaned abroad by our agents I should not object. But the whole matter is put in his charge; you discard the present agencies and compel the Commissioner to send his own men to the sources of information.

Mr. WEAVER. I suggest to the gentleman from New Jersey that the Commissioner can only use the agents provided in the act, and can not increase the limit of cost.

Mr. BUCHANAN. Then I will say that with the limited force provided in this act it will be simply impossible for the Commissioner to perform the labor imposed upon him by this provision, which I ask to have stricken out.

Mr. FELTON. I desire to ask the gentleman from New Jersey if he thinks the consular reports as now presented are reliable?

Mr. BUCHANAN. I do not vouch for the accuracy of the consular reports as they are at the present time or as they were in the past. I know in some instances they are accurate and in some instances grossly inaccurate. But I know if men on the spot can not in every instance be accurate, men in the city of Washington certainly can not be accurate as to matters in Europe, Asia, and Africa.

Mr. FELTON. Might it not be a good thing to send these men abroad so that the reports may be accurate?

Mr. BUCHANAN. If we do that it will be necessary to increase the force and expense of this bureau to such an extent that I am afraid Congress will refuse longer to appropriate for its support.

Already matters have been laid upon this bureau that have no legitimate connection with its duties. Already the Commissioner is authorized, or rather directed, by a law of Congress to gather statistics upon the subject of divorce, and the money that is appropriated in the interest of labor for the purpose of carrying on this bureau is diverted in that way from its legitimate uses. Of course, there are a thousand investigations and inquiries that could be put upon the Commissioner, and that would lead to interesting results, but which have no legitimate connection with the duties of his office.

Mr. BLAND. Mr. Chairman, I supposed that this was a bill looking somewhat to the improvement of the position of the wage-workers throughout this country. Coming from the Committee on Labor and advocated as a bill of that kind, it does seem to me that the very object of the bill shows the necessity of this proposed investigation. We want to ascertain whether the cost of the production of the articles that labor consumes is not such that the chief share of the profit goes to the manufacturers, the monopolists, the syndicates, and that labor does not get its proper share. If we want to bring about a state of things where men will need to labor only eight hours a day, we must pay the laborer better than he is paid at present. If this investigation can show, as I believe it will show, that the workingman is not getting the benefit of the laws pretended to be enacted in his interest and for his protection, that he is not getting his due share of the profits of production, then it will serve a very useful purpose.

Mr. MILLS. Mr. Chairman, this is one of the most important items, I will say the most important, in this bill. If this item is to be stricken out of the bill there is very little else in it that is worth retaining. I know that the Commissioner of Labor has been wanting this appropriation to pay these special agents to go through our own country and through the countries of Europe and gather up this information about the cost of production, in order to lay before the American people the true facts of that matter. We have been told here and are being continually told that the wages of labor on the other side of the ocean are so much less than the wages of labor on this side that the cost of production in foreign countries is lower than it is here. Who knows the truth of that proposition? Who knows whether it is true or not?

Now, sir, here is the test of it. Let our Commissioner of Labor send out his special agents—men thoroughly equipped for this work; let us give him the money to send them out to get the facts and make trustworthy reports upon the units of production, as to the labor cost, as to the material cost, as to all the elements of cost. Then when we come before the country to legislate upon these questions we can not deceive our laboring people by telling them that certain legislation is for their benefit, for they will be enabled to see for themselves whether the labor cost of production of any given article is or is not greater in Europe than it is in this country, and whether or not all the benefit of the duties imposed by the tariff upon articles imported into this country does not go into the pockets of the protected manufacturer.

Now then, gentlemen, come up to the scratch. Come up and have these matters investigated. Let us see what the cost of production is; let us see what part of it labor gets; let us see whether the cheaper labor on the other side of the ocean can compete with the higher-priced and more efficient labor on this side. Do not run away from the proposition. Do not aim to strike out the very heart of this bill and then feed our laboring people upon mere promises that your tariff legislation is intended for their benefit when every dime of it is intended for the benefit of the "trusts" that are organized in different parts of the country.

Mr. MILLIKEN. Oh, no; that is all humbug.

Mr. REED. If the chairman of the Committee on Ways and Means had that information, I wonder whether he would be willing to have it read to the committee? [Laughter.]

Mr. BUCHANAN. Mr. Chairman, I move to amend the amendment by striking out the last word. I had no idea, sir, of raising such an excitement in the House by the amendment which I offered. I had no idea that it would precipitate a tariff debate on the part of my friend from Missouri [Mr. BLAND], and bring to the front, clad in all the panoply of war, the leader of this House. I am glad that he is hungering and thirsting for information. I hope that he will get it. I hope that he will get his satisfaction of it.

I am glad he is hungering and thirsting for information. I hope he will get it to his satisfaction, and get it in legitimate ways. I do not object to the procuring of any information with respect to the cost of producing articles in any other country; and not a word that I said would justly subject me to such an imputation. I simply said that we had the means provided now for procuring the information, and that we could use those means without additional expense. I protested against placing this burden upon the Bureau of Labor; and the very excitement which this proposition has produced shows that there is another reason why we should keep this provision out of the bill. If the very mention of the thing precipitates a political discussion in this House, then if the provision be inserted in the bill, you have the Bureau of Labor made simply a political foot-ball, to be kicked hither and thither by free-trade advocates on the one side, and protection advocates on the other. I want to preserve the bureau from the possibility of that. I have nothing more to say. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. Does the gentleman from New Jersey withdraw his *pro forma* amendment to strike out the last word?

Mr. BUCHANAN. Oh, yes; I have no particular antipathy to that last word.

The CHAIRMAN. The question is now on the amendment of the gentleman from New Jersey [Mr. BUCHANAN], which has already been read.

The amendment was not agreed to.

Mr. RANDALL. I would like to amend by inserting at the appropriate place the words "and the wages paid respectively." We are all interested in the question of labor in this connection.

The CHAIRMAN. Will the gentleman from Pennsylvania indicate in what line he wishes the words inserted?

Mr. RANDALL. The amendment might be made plainer by inserting at the end of the sentence the words "including wages paid."

Mr. MILLS. It should read "wages paid by the day, week, month, or year, or by the piece."

Mr. WASHINGTON. And we should also insert the words "and the cost of living."

Mr. RANDALL. The constituents of the gentleman from Tennessee [Mr. WASHINGTON] would not want to live as the laboring people do abroad.

I modify my amendment so as to insert after the word "production," in line 9, the words "including the wages paid in such industries."

Mr. MILLS. It should read, "wages paid per day, week, month, or year, or by the piece." Let those words be put in.

Mr. RYAN. The proposition covers all kinds of wages.

Mr. BRUMM. The more specific the language is made the more it is restricted.

Mr. MILLS. I do not want anybody to be deceived. Gentlemen should not object to getting all the light they can on these questions.

Mr. RANDALL. We want to know the difference between the wages paid in Europe and those paid in the United States for similar service.

Mr. MILLS. And we want to know the difference in the productive power of labor in Europe and in this country. If a man in this country does five times as much work in a day as a man does in Europe, and only gets twice as much money, the man in this country is the cheaper worker of the two.

Mr. RANDALL. We do not want to philosophize about a matter of this kind.

Mr. MILLIKEN. The Ways and Means Committee ought to know all about that before this time.

Mr. MILLS. Let us have all the information we can get.

The amendment of Mr. RANDALL was modified by adding the amendment proposed by Mr. MILLS.

Mr. RANDALL. The gentleman from Tennessee [Mr. WASHING-

TON] suggested an amendment, to insert the words "and the cost of living."

Mr. MCKINLEY. I move to amend the amendment of the gentleman from Pennsylvania by adding "and the hours employed per day."

The amendment of Mr. MCKINLEY was agreed to.

The question then recurred on the amendment of Mr. RANDALL as modified and amended, and it was agreed to.

Mr. BUCHANAN. I move a further amendment, to insert at the end of the section the following:

And what, if any, convict-made goods are imported into this country, and if so, from whence.

Mr. BUCHANAN'S amendment was agreed to.

Mr. BLAND. I move to amend by inserting, after the word "production," in line 9, the words "and the profits of the manufacturers and producers of such articles in this country."

The CHAIRMAN. The amendment already agreed to by the committee has been inserted after the word "production," in the ninth line.

Mr. BLAND. Then I offer this to come in after that amendment.

Mr. BRUMM. I wish to offer an amendment to the amendment by striking out "in this country," so as to make this investigation apply to foreign countries.

Mr. BLAND. That is not what we want at all; we want to know what the profits are in this country.

Mr. BRUMM. Apply it to all alike.

Mr. BLAND. We want to expose them. I have no objection to take in the profits of all, but I do object to striking that out; let us have the investigation not only in the other countries, but in this.

Mr. O'NEILL, of Missouri. Let us do something; let us have a vote.

The CHAIRMAN. The question recurs on the amendment to the amendment of the gentleman from Pennsylvania [Mr. BRUMM].

The amendment was agreed to.

The question then recurred on Mr. BLAND'S amendment as amended.

The amendment was agreed to.

Mr. DINGLEY. I move the following amendment, to come in after section 7.

The Clerk read as follows:

SEC. 8. That the Commissioner of Labor shall also investigate the alcoholic liquor traffic, its relations to revenue and taxation, and its general economic, criminal, moral, and scientific aspects in connection to pauperism, crime, social vice, and public health and general welfare of the people; and also inquire and report as to the practical results of legislation for the prevention of intemperance in the United States.

Mr. WASHINGTON. I rise to a point of order. I offered an amendment to the preceding section, which was not received, although I was trying to be recognized for that purpose. Now the gentleman from Maine offers an amendment as an additional section. I insist that it is not in order until all amendments have been disposed of to section 7.

The CHAIRMAN. The amendment of the gentleman from Maine was moved to the seventh section; but the Chair will recognize the gentleman from Tennessee to move his amendment.

Mr. WASHINGTON. I move to add to the amendment just adopted "and the comparative cost of living."

Mr. MILLIKEN. I should like to have inserted the words "and the kind of living."

Mr. WASHINGTON. I move my amendment to what has already been adopted and added to the seventh section.

Mr. MILLIKEN. I insist on an amendment to the amendment, to insert the words "and the kind of living."

The amendment was agreed to; and the amendment as amended was adopted.

Mr. DINGLEY. I now insist upon my amendment.

Mr. BROWNE, of Indiana. I desire to ascertain some information as to the protective tariff. I send up an amendment to be inserted after the one just adopted.

The Clerk read as follows:

It shall be the duty of the Commissioner also to ascertain and report as to the effect of the tariff of the United States on the agricultural industries, especially as to its effect on mortgage indebtedness on farmers.

Mr. BROWNE, of Indiana. I have offered this amendment in the utmost good faith. We have heard from the distinguished gentleman from Texas [Mr. MILLS] more than once that the mortgage indebtedness on farmers in ten States of the Ohio and Missouri Valleys equals in the aggregate the immense sum of $3,500,000,000. He no doubt received his information from the partisan press of the country. The truth is, from the investigation made by Mr. Atkinson, a free-trader, I believe, certainly a gentleman of distinction, and when it comes to matter of statistics eminently fair, instead of this indebtedness aggregating $3,500,000,000 it is $1,093,000,000, or less than a third of the tremendous sum which has been paraded before the country in this House. Why, if it were true the farmers of those ten States were mortgaged to the extent of $3,500,000,000 it would be in excess of the aggregate value of all the real estate of all those ten States, including that of town and city. The statement contradicts itself. I have referred to the census of 1880.

In one of the newspapers I find that the farmers in my own State are indebted by mortgage to the extent of $620,000,000; and yet the entire real estate in Indiana is only assessed—or was in 1880, according to the census—at $550,000,000. Our farmers therefore are only indebted $70,000,000 more than the value of the entire real estate in the State. I want this Commissioner of Labor to ascertain if that is the condition of Indiana, and if it is I want to move into Missouri, where they have free trade and Bland silver dollars. [Laughter.] I shall want to get out of Indiana if that be true.

I assume that this statement is really unsupported by facts. I assert that it has been paraded here for the purpose of frightening somebody upon some subject; and it is to ascertain the exact truth in this case that I ask that this inquiry may be enlarged to that extent by this bureau.

Mr. MILLS. I offer an amendment to the amendment.

Mr. PERKINS. Before the gentleman from Indiana takes his seat let me ask him a question. If the farmers have been able to borrow such an amount of money as has been suggested upon these mortgages, have they not succeeded in selling their farms at remarkably good prices?

Mr. BROWNE, of Indiana. Yes, sir; and more than they could sell them for in the market.

It has also been stated in the same connection that farmers, because of the operation of protection or the "robbery of the tariff," or because of the havoc and ruin it has made in regard to the industries of the United States, are compelled to pay 10 and 12 per cent. interest, when if we had free trade, with all of its attendant blessings, we are assured they could get money possibly for nothing, and some would probably be willing to pay them a reasonable rate of interest for taking care of it. I undertake to say that the farmers in my section of the country in Indiana can now borrow all the money they want, all they need, at 6 per cent., and there never was a time in the history of this country when the great Northwest, at least my section of it, found money so cheap, when the farm credits were better, and when the farming industry was more prosperous.

Mr. MILLS. I ask the reading of the amendment I send to the desk.

The Clerk read as follows:

Amend by inserting:

"And what articles are now controlled by trusts, and what effect said trusts have had on limiting production and keeping up prices."

Mr. BLAND. Mr. Chairman, if what I have said heretofore has had the effect of calling the attention of the country, and especially my friend on the other side of the House, to the condition of the agricultural classes in this Union, I think I have performed my duty in this House.

The statistics that I gave, sir, purport to have been collated by farm papers, Granger organizations, and other sources, which I assume to be qualified to gather such information. When I published the statement I stated at the same time that I did not know myself as to the correctness of it, but that the figures were appalling; and even though one-half or one-third of the indebtedness only was true it was enough for the people of this country to begin to ascertain for themselves the cause and the remedy.

Now, when the gentleman admits that over one billion of dollars (if I understood him correctly he said nearly two billions), but if one billion of dollars of indebtedness is placed like a blanket upon the farms of those States as mortgages, and yet says that the farming and agricultural interests are not languishing, but are prosperous, and that his constituents are in a better condition than they have ever been before and can procure money upon their farms at a lower rate of interest, I have but this to say, that the interest on money being low is no indication of such prosperity, but is an indication simply of low prices everywhere and the inability of money to find circulation and to find borrowers or investment because of the stagnation of business, and because it is impossible to loan money or for people to borrow it and make anything out of it. I hope that the farmers of this country, in the discussion of this question here, will be informed upon it.

I yield the floor to the gentleman from Iowa.

Mr. WEAVER. I move to strike out the last word.

Mr. Chairman, I want to submit a few remarks in response to the gentleman from Indiana [Mr. BROWNE]. I have no doubt of his sincerity in everything he has said; but I have investigated this question and have endeavored to be as accurate in my investigation as it was possible to be.

During the past summer I traveled this country from Western New York, through portions of Pennsylvania, Indiana, Illinois, Iowa, Missouri, Kansas, and Nebraska, and the very best testimony I could procure discloses the fact that two-thirds of all the farms in the United States and Territories are under mortgages. According to the Tenth Census we had, in 1880, 539,000,000 acres of cultivated farms. Let us concede that it amounts to 600,000,000 acres now. Now, if two-thirds of this farm area is under mortgage, the encumbered land amounts to 400,000,000 acres.

Mr. FARQUHAR rose.

Mr. WEAVER. I have no time to yield.

I say that estimate can not be overthrown. Four hundred millions of acres, and that amounts to 625,000 square miles of cultivated land, that are under mortgage in this country; and that is 38,000 square

miles greater than all of the arable land in Italy, Spain, Portugal, France, Germany, Great Britain, and Ireland; 38,000 square miles, I say, greater than all the farm lands in the six states of the Old World I have named.

As to the aggregate amount of these mortgages, I have no sufficient data to predicate an opinion. But I assert, without any fear of successful contradiction, that the interest amounts to more than the profits of the farms, after paying taxes and supporting the families living upon them.

This fearful state of affairs is the result of excessive interest charges, excessive transportation charges, and insufficient volume of money, excessive taxes, and improvident management of our public domain; and this is a true picture, as I verily believe, of the situation in this country. As to the aggregate, I do not undertake to contradict the figures of the gentleman from Indiana, [Mr. BROWNE] or to support those of the gentleman from Missouri [Mr. BLAND]. But that the situation is appalling and sufficiently serious to challenge the attention of the American Congress there can be no question.

Mr. O'NEILL, of Missouri. I wish to say just a word. If it is the intention to carry on this line of discussion, it will be better to have the committee rise and the House take a recess. But if gentlemen will stop offering their amendments and allow us to take up the remaining sections, I think we can get through with the bill in fifteen or twenty minutes.

Mr. RANDALL. There is no desire on my part to retard the progress of the bill or to prevent it being finished to-night. The amendment I propose is in good faith. It is to insert after the amendment of the gentleman from Indiana [Mr. BROWNE]——

The CHAIRMAN. There are already two amendments pending.

Mr. RANDALL. Let the amendment be read for information. Perhaps the gentleman from Indiana will accept it.

The CHAIRMAN. The proposed amendment will be read.

The Clerk read as follows:

Insert the following:
"And the effect thereon of the state of the currency."

Mr. RANDALL. Mr. Chairman, no one can condemn more than I do this system of combines and trusts, nor can any one sympathize more fully than I do with the gentleman from Missouri [Mr. BLAND] with reference to the agricultural distress which is alleged to exist in the United States. It is our duty, to my mind, as enlightened statesmen, or at least legislators, to find out the evil and apply the remedy if it is within the range of law.

Mr. WEAVER. That is right.

Mr. RANDALL. I am inclined to think that the state of the currency has more to do than a tariff with this condition of affairs touching agriculture. That with the operation of the natural law of demand and supply has reduced the value of corn, of wheat, and of various products to an alarming extent. We ought, therefore, in the investigation which we want in this connection, to include this inquiry; and if that fact is established, no one would seek more than I would to correct the wrong, whether this condition of things comes from our present tariff laws or whether it comes from the state of the currency.

Mr. WEAVER. I am glad to hear those statements made here.

Mr. RANDALL. And I hope the gentleman from Indiana will accept this amendment, because I think it is pertinent.

Mr. BROWNE, of Indiana. If I can do so I will.

Mr. BLAND. I have no objection to that amendment, because I consider the currency question is an important one, and when it is locked up by taxation it is still more important.

Mr. GEAR. I wish to say one more word in support of the amendment of the gentleman from Indiana. I think it ought to be inserted in the bill.

I have heard on the floor of the House and in my own State a good deal said about the vast amount of mortgages resting on the farms of the Mississippi Valley and of my own fair State. I have heard it said you could not walk over my State from Minnesota to Missouri, and from the Mississippi to the Missouri River, without everywhere stepping on mortgaged land. I have heard the same remark made in regard to the great States in the Mississippi basin. Allow me to say that that is all the purest rot and demagogy.

When men standing in a high position on the floor of this House make such statements, whether their own assertions or quoted from newspaper articles, they go to the country with the reputation of the men who make those statements.

And when they say that the lands of the State which I represent here in part is assessed at five hundred and odd millions of dollars they make a mistake of $140,000,000. The real estate of my State has never been assessed at a higher amount than $360,000,000; and when they say that the mortgages resting on the State of Iowa amount to $620,000,000 they make a mistake of $550,000,000. [Laughter.] I have a dispatch from the chief magistrate of Iowa in regard to the statements that were made on the floor of this House some days ago in relation to the mortgages resting on the lands of that State, in which dispatch he tells me that those mortgages would not exceed the sum of $70,000,000. And, Mr. Chairman, what is true of the great agricultural State of Iowa, whose people are intelligent enough, in my judgment, to understand just how much they are taxed and how much they are imposed upon according to the theory advocated here the other day, I take to be true of all the other great States of that great Mississippi Valley, for they are one in sentiment and in interest.

Mr. BRECKINRIDGE, of Arkansas. What did the gentleman say was the assessed value of the Iowa lands?

Mr. GEAR. Three hundred and sixty million dollars.

Mr. BRECKINRIDGE, of Arkansas. And the mortgages are $70,000,000?

Mr. GEAR. Seventy millions. Of course the assessed value is not the real value. The gentleman knows that very well.

[Cries of "Vote!" "Vote!"]

Mr. GEAR. We will not vote yet. I will tell gentlemen how property is assessed in Iowa. It is assessed at 35 cents on the dollar.

Mr. WEAVER. Do I understand my colleague to say that farm lands in Iowa are assessed at only 35 cents on the dollar?

Mr. GEAR. I say they are so assessed, and I speak from the record.

Mr. WEAVER. That is a mistake. They are assessed at 60 per cent.

Mr. GEAR. I beg the gentleman's pardon. I have occupied a position in Iowa where every acre of the assessment came before me for review and equalization.

Mr. WEAVER. So have I. [Laughter.]

Mr. GEAR. And I know that the assessed value of real estate in Iowa is to-day $8.04 an acre under its equalized value, and the gentleman from Iowa [Mr. WEAVER] knows well that that is not over 35 per cent.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. GEAR] has expired.

Mr. REED. Mr. Chairman, I believe there is one aspect of this case that ought to be treated before we dismiss it. I do not believe that these figures, corrected as they have been by the gentleman from Indiana [Mr. BROWNE] and the gentleman from Iowa [Mr. GEAR], or even if taken in their full extent, indicate all the terrible disaster which is alleged to have fallen upon the farmers of this country. I admit as freely as any one that if a man owns a farm and if it has been paid for and he is obliged, in order to pay his personal expenses, to mortgage his farm, it is a great misfortune, and if such a state of things had arisen generally in this country, this country would be on the verge of destruction. And if this state of things existed in an old and settled country, all the doleful prognostications which have been made would be well founded. But this is not an old and settled country. It is a country of enterprising people who are not content with simply owning the property which they can buy and pay for, but who go on enlarging their business, the farmers as well as the merchants, by purchasing more than they can pay for and borrowing money of less enterprising people, and all this goes to make our country greater.

Every man before me knows this. Where, then, is the use of blinking it? Where is the use of going on here as if this was not the fact? It is because our people are settling lands largely beyond their immediate means. It is because they are extending their enterprise over the prairies. Suppose you should apply the same line of reasoning to Broadway and Sixth avenue, New York. If you should take the firms extending along those streets and compare their capital with the money which they actually owe, or their stocks on hand with the money they actually owe, you could picture to yourself a whole line of five-story fronts in a condition of the utmost sorrow, distress, and despair; and yet if we did that we should every one of us know that we were fooling ourselves with our own words. We do not have to look very far to see and to know that this country is prosperous and that it is growing more and more prosperous every year.

Mr. SPRINGER. Especially under Democratic rule.

Mr. REED. Under the protective system, if the gentleman wants to know the cause.

Why, sir, in my own State I have had occasion to notice the course of things in the last few years. We do not increase there in population; we have not the large materials of wealth undeveloped which exist in the West, or the great trading facilities of New York and the Central States. But I have seen almost every farmer's buildings growing better year by year. The very cattle are better housed than their owners were fifty years ago. Yet men who reside in agricultural districts come here and for mere political effect undertake to perpetrate what I say is a slander upon their own constituents. [Applause.]

Mr. MILLIKEN obtained the floor.

Mr. WEAVER addressed the Chair.

The CHAIRMAN. The Chair has recognized the gentleman from Maine [Mr. MILLIKEN]. The Chair will state that a few moments ago he recognized the gentleman from Maine——

Mr. MILLIKEN. But the bigger "gentleman from Maine" got my place; and I am very glad he did.

The CHAIRMAN. The Chair now recognizes the gentleman.

Mr. MILLIKEN. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend the amendment as follows:
"And the Commissioner is required to investigate the Mills tariff bill and re-

port upon the effect it will have upon the labor and industries of the United States and its effect upon foreign industries and the profits of foreign manufacturers and the markets of our farmers."

Mr. MILLIKEN. Mr. Chairman——

The CHAIRMAN. The Chair will state to the gentleman from Maine, before he begins his remarks, that there are now two amendments pending; and unless this be accepted as a modification it can not be entertained until one of the pending amendments has been disposed of. The Chair recognizes the gentleman from Maine as entitled to the floor for five minutes.

Mr. MILLIKEN. Mr. Chairman, when my bigger colleague from the State of Maine robs me of nothing more than five minutes of time I consider that I get out of him as good a bargain as I have ever secured from him in any transactions I have had with him. [Laughter.] I forgive him when his injuries go to no greater extent.

I simply wish to say—and my colleague not only took my place but at the same time "stole my thunder"——

Mr. SPRINGER. Then I move to put his speech in your mouth.

Mr. MILLIKEN. That can not be done. My friend from Illinois can do great things, but he can never put my colleague into my skin. By way of addition to what has been said, I wish to remark that new communities everywhere are to a certain extent mortgaged to the older communities, because the new community has not had time to accumulate. The young man is mortgaged to the older man. Men go out into the West; they take up farms; they have not perhaps one dollar in the world. They put their farms under mortgage to buy stock, and to get agricultural implements. A gentleman gets up in this House and calls attention to that fact in order to show the great oppression upon the farming interests of the country.

Now, I feel as much concern in the farming interests of the country as any man does. I was once a farmer's boy. I think I understand the hardships of the farmers; and I know something of their independence *too*. While it is true that the farmers as well as the manufacturers and merchants are embarrassed by mortgages, and always will be so long as the most enterprising citizens of the country, those who do the most business, continue to be borrowers, still there is a progress and improvement with which every man ought to be gratified. When the gentleman's section of the country shall have become old, when the people there shall have had time to accumulate property, then they may become the lenders, as they are to-day the borrowers. If the gentleman could have his way, if he could have free trade, if he could destroy the home market for these farmers, if he could bring them to the condition in which they were thirty years ago, when one of them would bring a dozen eggs to market, sell them for 10 cents and take his pay in store-goods, the result would be that instead of having, as now, persons coming to their doors and buying their products for twice the sum in cash that was then paid in commodities from the store, he would have these farms mortgaged for all that they are worth.

[Here the hammer fell.]

Mr. WEAVER. I wish simply to say a word in reply to my colleague from Iowa, Governor GEAR. I am very familiar with the condition of affairs in my State; and when my colleague asserts, on the authority of the governor of the State, that the mortgages will not amount to more than $70,000,000, although that is a very large sum, it is not, in my judgment, large enough by one-half; $150,000,000, according to my best judgment, will not cover the mortgage indebtedness of Iowa.

With regard to the number of farms mortgaged, I say it would be an accident if a man traveling from the south line of Iowa to the north line, or from east to west, should happen to step upon a farm that was not mortgaged. In my remarks awhile ago I said that 62½ per cent., at least, of all the farms of the whole country are mortgaged. This per cent., I again assert, will hold good throughout the Union. It may be less in some States and more in others. In the State of Missouri it is as large as in Iowa; in the State of Kansas much larger, in my opinion.

And now one word in reply to the gentleman from Maine [Mr. REED]. I do not wish to dispute, in a captious spirit, anything which has been said by the gentleman; but if he says that the mortgaged farmers of Iowa are making money and adding to their improvements, or are able to do so, his statement is not correct, as everybody in my State knows. As I have said, 62½ per cent. of the farms in Iowa are under mortgage, and these farmers are not, as a class, able to pay their interest charges and taxes, support their families, and at the same time improve their farms.

Mr. MCKENNA rose.

Mr. WEAVER. California is a world of itself.

Mr. MILLIKEN. What is the remedy?

Mr. WEAVER. More money, lower transportation charges, and less taxes. [Applause.]

[Here the hammer fell.]

The CHAIRMAN. There are two amendments pending, and debate has been exhausted.

Mr. MILLS's amendment was adopted; and the amendment as amended was agreed to.

Mr. O'NEILL, of Missouri, moved that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, Mr. HATCH reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration a bill (H. R. 8560) to establish a department of labor, and had come to no resolution thereon.

Mr. O'NEILL, of Missouri. I move the House take a recess until 11 o'clock to-morrow.

Mr. STEELE. I move the House do now adjourn.

Mr. ROGERS. I rise to a parliamentary inquiry. Is it the purpose of the gentleman from Missouri to run the session beyond 12 o'clock, which would cut off the Committee on the Judiciary?

The House divided on the motion to adjourn; and there were—ayes 62, noes 61.

The motion was agreed to; and thereupon (at 6 o'clock and 15 minutes p. m.) the House adjourned.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred as indicated below:

By Mr. W. C. P. BRECKINRIDGE: A bill (H. R. 8753) for the relief of James S. Frizzell—to the Committee on War Claims.

Also, a bill (H. R. 8754) for the relief of the executors of Marcus L. Broadwell—to the Committee on War Claims.

By Mr. CANNON: A bill (H. R. 8755) for the relief of E. C. Gullion—to the Committee on Invalid Pensions.

By Mr. CHIPMAN: A bill (H. R. 8756) for the relief of the estate of Oren M. Chase, deceased—to the Committee on Claims.

Also, a bill (H. R. 8757) granting an increased pension to Simeon J. Davenport—to the Committee on Invalid Pensions.

By Mr. COCKRAN: A bill (H. R. 8758) to carry into effect the recommendation of the Board of Admirals convened under the joint resolution approved February 5, 1879, in the case of Capt. Henry Erben, United States Navy—to the Committee on Naval Affairs.

By Mr. FISHER: A bill (H. R. 8759) granting a pension to George Burgess—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 8760) granting a pension to Sears T. Richards—to the Committee on Invalid Pensions.

By Mr. GALLINGER: A bill (H. R. 8761) granting a pension to Mrs. Anna Butterfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8762) granting an increase of pension to Charles H. Ordway—to the Committee on Invalid Pensions.

By Mr. GRANGER: A bill (H. R. 8763) granting a pension to Sarah Ann Noe—to the Committee on Invalid Pensions.

By Mr. LONG: A bill (H. R. 8764) for the relief of Samuel B. Edgeworth—to the Committee on Invalid Pensions.

By Mr. PATTON: A bill (H. R. 8765) for the relief of William Kline—to the Committee on Military Affairs.

By Mr. PENINGTON: A bill (H. R. 8766) to remove the charge of desertion from the military record of John Williams—to the Committee on Military Affairs.

By Mr. SAWYER: A bill (H. R. 8767) granting a pension to Mary A. Wicks—to the Committee on Invalid Pensions.

By Mr. STONE, of Kentucky: A bill (H. R. 8768) for the relief of Benjamin J. Northcut—to the Committee on War Claims.

By Mr. TAULBEE: A bill (H. R. 8769) authorizing the construction of a bridge across the Kentucky River and its tributaries by the Louisville, Cincinnati and Virginia Railway Company—to the Committee on Commerce.

By Mr. E. J. TURNER: A bill (H. R. 8770) granting a pension to A. A. Kivett—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 8771) to place the name of Mrs. Flora C. Andrews on the pension-roll—to the Committee on Invalid Pensions.

By Mr. MATSON: A bill (H. R. 8772) for the relief of William Mabee—to the Committee on War Claims.

Also, a bill (H. R. 8773) granting a pension to Austin Deckard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8774) to restore to the pension-roll the name of Cenia Van Buskirk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8775) granting a pension to Henry Chitwood—to the Committee on Invalid Pensions.

By Mr. HOOKER: A bill (H. R. 8776) for the relief of Benjamin F. Jones—to the Committee on Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. E. P. ALLEN: Petition of James Leonardson and 52 others, citizens of Hillsdale County, Michigan, against reducing the duty on wool—to the Committee on Ways and Means.

By Mr. BIGGS: Memorial of the supervisors of Yuba and Sutter Counties, California, against the passage of House bill 1216, to investigate the mines and rivers in California—to the Committee on Mines and Mining.

By Mr. BREWER: Petition of Adam Deihl and 100 others, citizens of Milford, Mich., for a revision of the tariff on imported wool in accordance with agreement of wool-growers and woolen manufacturers at their recent joint meeting—to the Committee on Ways and Means.

By Mr. BUCHANAN: Petition of 32 citizens of Lakewood, N. J., for increased pay of members of the Life-Saving Service—to the Committee on Commerce.

By Mr. BUNNELL: Memorial of Grange 74, Patrons of Husbandry, for a law prohibiting the adulteration of lard and other food products—to the Committee on Agriculture.

Also, memorial of the same, that the work of eradicating pleuro-pneumonia be continued under the Bureau of Animal Industry—to the Committee on Agriculture.

By Mr. BURNETT: Memorial of Adam K. Talbot, and of Charles H. Sprague, for improvement in mail service in New England—to the Committee on the Post-Office and Post-Roads.

By Mr. CRAIN: Petition of citizens of Victoria County, Texas, for the passage of a bill to protect the Yellowstone Park—to the Committee on the Public Lands.

Also, petition of 200 citizens of the District of Columbia, praying that said District be exempted from the operation of House joint resolution No. 99—to the Committee on Labor.

By Mr. CRISP: Petition of Grange No. 294, of Webster County, Georgia, in regard to interstate commerce, tariff, etc.—to the Committee on Ways and Means.

By Mr. CROUSE: Resolutions of Ætna Lodge, No. 36, Amalgamated Association of Iron and Steel Workers of Ohio, protesting against any reduction in the tariff—to the Committee on Ways and Means.

By Mr. DUBOIS: Petition of 1,482 citizens of Nez Perces County, Idaho, asking that the people of Nez Perces County be allowed to vote as to whether the county seat shall be located at Moscow or Lewiston, in said county—to the Committee on the Territories.

Also, remonstrance of 1,093 citizens of Nez Perces County, Idaho, against any proposition affecting the county affairs of Nez Perces County—to the Committee on the Territories.

By Mr. ERMENTROUT: Memorial of Lew S. Levan, for a pension for Mrs. Sarah Poff, House bill 523—to the Committee on Invalid Pensions.

By Mr. FISHER: Petition of Jay Thompson & Co. and 39 others, citizens of Arenac County, Michigan, asking for the improvement of Au Gres River, Michigan—to the Committee on Rivers and Harbors.

Also, petition of E. G. Cole and 92 others, citizens of Arenac and Bay Counties, Michigan, for an examination and survey of Au Gres River, Michigan—to the Committee on Rivers and Harbors.

By Mr. GALLINGER: Petition of H. C. Felch and 52 others, citizens of Bradford, N. H., for the more effectual protection to agriculture—to the Committee on Ways and Means.

By Mr. GRANGER: A bill for the improvement of the harbor of Stamford, Conn.—to the Committee on Rivers and Harbors.

Also, petition of James H. Ormstead and others, for the same—to the Committee on Rivers and Harbors.

By Mr. GRIMES: Petition of Abram W. Cozart, of Muscogee County, Georgia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. GROSVENOR: Memorial of the Marietta (Ohio) Centennial Commission, asking to amend the House resolution of Mr. Butterworth so as to permit the 15th of July celebration to have certain Government property to exhibit—to the Committee on Appropriations.

By Mr. GROUT: Petition of Grafton Grange, of Grafton, Vt., for increased duty on farm products—to the Committee on Ways and Means.

Also, memorial of Chauncy S. Shonnio, for relief—to the Committee on Military Affairs.

By Mr. HATCH: Petition of Knights of Labor of Kirkville, Mo., in favor of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. JACKSON: Petition of M. H. Calkins and 29 others, male citizens of New Castle, Pa., for better legal protection for women and girls—to the Committee on the Judiciary.

By Mr. LEE: Papers in the claim of Gabriel A. Robey, of Fairfax County, Virginia—to the Committee on War Claims.

By Mr. LONG: Petition of Knights of Labor Assembly No. 4330, of Carver, Mass., for the passage of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. McCOMAS: Petition for the relief of Benjamin Routzah, of Washington County, Maryland—to the Committee on War Claims.

By Mr. MAISH: Memorial praying for a pension for Joseph Finkenbinder, late of Company F, Seventeenth Pennsylvania Cavalry—to the Committee on Invalid Pensions.

Also, memorial of the Pennsylvania State Agricultural Society, for remuneration for money expended in the international exhibition of sheep and wool at Philadelphia in 1880—to the Committee on Claims.

Also, application of Susannah Speck, widow of Frederick Speck, for a pension—to the Committee on Invalid Pensions.

By Mr. MASON: Petition of workmen employed in the manufacture of stained-glass windows in the United States relative to the tariff—to the Committee on Ways and Means.

By Mr. MATSON: Petition of Austin Deckard, for a pension—to the Committee on Invalid Pensions.

Also, petition of Henry Chetwood, for a pension—to the Committee on Invalid Pensions.

By Mr. O'DONNELL: Petition of 56 citizens of Concord Township, Jackson County, Michigan, for the enactment of the duties on wool recommended by the convention of wool-growers and woolen manufacturers—to the Committee on Ways and Means.

By Mr. O'FERRALL: Petition of 33 citizens of Frederick and Clark Counties, Virginia, for lower rates of postage on seeds, plants, etc.—to the Committee on the Post-Office and Post-Roads.

Also, petition of the same, for reissue of fractional currency—to the Committee on Banking and Currency.

By Mr. CHARLES O'NEILL: Protest of business men of Philadelphia against the landing in our ports of pauper and convict laborers and workingmen, and contract, criminal, and pauper immigrants, and for legislation to prevent the same—to the Committee on Labor.

By Mr. OSBORNE: Resolutions of Typographical Union, No. 2, of Philadelphia, for the passage of the Chace bill—to the Committee on Patents.

By Mr. PERKINS: Papers and evidence in support of the claim of J. K. Ozbun, of Montgomery County, Kansas—to the Committee on Indian Affairs.

Also, papers and evidence in support of the pension bill of Sarah M. Drake, mother of William M. Maxwell—to the Committee on Invalid Pensions.

Also, papers and evidence in support of the pension bill of John T. Cornne, of Elk County, Kansas—to the Committee on Invalid Pensions.

Also, petition of Peter Elford, for a pension—to the Committee on Invalid Pensions.

By Mr. PLUMB: Protest of James Carman and 47 other glass-blowers of the Eighth district of Illinois, against the proposed reduction of the duty on window-glass—to the Committee on Ways and Means.

By Mr. RICHARDSON: Petition of James H. Henley, of Bedford County, and of Nancy Haynes, of Rutherford County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. ROBERTSON: Papers to accompanying House bill 8442, for the relief of William B. Smith, administrator of J. D. Smith—to the Committee on War Claims.

Also, brief to accompany petition and affidavits for relief of Dr. James Ray, administrator—to the Committee on War Claims.

By Mr. ROWLAND: Of citizens of Southport, Brunswick County, North Carolina, asking for an increase of the pay of persons employed in the Life-Saving Service—to the Committee on Commerce.

By Mr. RUSK: Petition and papers of Joseph V. Campbell, relating to his claim—to the Committee on Claims.

By Mr. SHIVELY: Petition of Local Assembly, No. 4259, Knights of Labor, of South Bend, Ind., in favor of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. SPRINGER: Petition of Knights of Labor of Pekin, Ill., in favor of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. STONE, of Missouri: Petition of Stephen E. Brown, of Cass County, Missouri, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. STRUBLE: Petition of Local Assembly, No. 3145, Knights of Labor, of Sioux City, Iowa, for the passage of a bill now pending to pay tonnage to all American vessels engaged in foreign trade—to the Committee on Merchant Marine and Fisheries.

Also, joint resolution of the General Assembly of Iowa, in relation to the Des Moines River lands in Iowa—to the Committee on the Public Lands.

By Mr. E. B. TAYLOR: Petition of S. A. Northway and 149 others, citizens of Jefferson, Ohio.

By Mr. J. D. TAYLOR: Petition of Webster D. Davidson and 62 others, for the enactment into law of the agreement made between the wool-growers and woolen manufacturers, January 14, 1888—to the Committee on Ways and Means.

By Mr. O. B. THOMAS: Petition of 40 citizens of Wisconsin, praying that the schedule of duties agreed upon by the wool-growers and woolen manufacturers at Washington, January 14, 1888, may be speedily enacted into law—to the Committee on Ways and Means.

By Mr. T. L. THOMPSON: Petition of citizens of Napa County, California, for an appropriation to improve Napa River—to the Committee on Rivers and Harbors.

By Mr. TOOLE: Petition of 200 wool-growers, protesting against putting wool on the free-list—to the Committee on Ways and Means.

By Mr. WASHINGTON: Petition of W. B. Bayless, of Nashville, Tenn., for reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, petition for the improvement of Duck River, Tennessee—to the Committee on Rivers and Harbors.

By Mr. WEBER: Petition of farmers of Erie County, New York, for protective duties on farm products—to the Committee on Ways and Means.

By Mr. WILLIAMS: Petition of Herkes Nursery Company and others, to amend the postal laws in regard to the sending of seeds, cuttings, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. WOODBURN: Petition of the wool-growers of Elko County, Nevada, praying that the schedule of duties on wool and woolen goods

as agreed upon by the wool-growers and manufacturers be enacted into a law—to the Committee on Ways and Means.

By Mr. YOST: Papers in the claim of Samuel Glick, of Augusta, County, Virginia—to the Committee on War Claims.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. LANDES: Of 75 citizens of Wayne County, Illinois.

By Mr. NEAL: Of Arch Long and others, citizens of Lorraine, Rhea County, Tennessee.

By Mr. O'FERRALL: Of citizens of Elkton, Rockingham County Virginia.

The following petitions, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, were severally referred to the Committee on Invalid Pensions:

By Mr. JEHU BAKER: Of J. P. Anderson and 47 other ex-soldiers, and of Rawley E. Stoddard and 12 other ex-soldiers, of Illinois.

By Mr. BELDEN: Of George H. Chapman and 10 other soldiers and sailors, of Camillus, N. Y.

By Mr. J. E. CAMPBELL: Of 43 ex-soldiers of Loveland, Ohio.

By Mr. CHEADLE: Of 71 ex-Union soldiers of Iowa.

By Mr. HIRES: Of soldiers, sailors, and citizens of Vineland, and of citizens of Malaga, N. J.

By Mr. KETCHAM: Of ex-soldiers and sailors of Hudson, N. Y.

By Mr. LYMAN: Of 26 ex-soldiers of Iowa.

By Mr. MATSON: Of 332 ex-soldiers of Morgan County, Indiana.

By Mr. NUTTING: Of F. H. Reed and 40 other members of the Hiram Sherman Post, Grand Army of the Republic, and of James Doyle and 32 other soldiers of Oswego County, New York.

By Mr. PATTON: Of 24 ex-soldiers of Clarion County, Pennsylvania.

By Mr. REED: Of George Sayers and other ex-soldiers.

By Mr. SAWYER: Of 182 citizens of Portage, Livingston County, New York.

By Mr. O. B. THOMAS: Of 125 voters and citizens of Richland County, and of 35 Union soldiers and sailors of Richland County, Missouri.

By Mr. J. R. WHITING: Of James Hind and 190 others, of James T. Raymond and 27 others, of Ellis E. June and 67 others, of W. S. Tanner and 18 others, and of Fred Cook and 20 others, citizens of Lapeer County, Michigan.

By Mr. WILLIAMS: Of D. L. Lee and 100 veterans of Ohio.

The following petitions, praying for the enactment of a law, providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. CUTCHEON: Of 92 citizens of Wexford County, Michigan.

By Mr. FUNSTON: Of citizens of Kansas City, Kans.

By Mr. HIRES: Of 72 citizens of Gloucester County, New Jersey.

By Mr. JACKSON: Of 203 citizens of Lawrence County, Pennsylvania.

By Mr. McCULLOGH: Of 556 citizens of Westmoreland County, Pennsylvania.

By Mr. PIDCOCK: Of 168 citizens of Warren County, New Jersey.

By Mr. TOOLE: Of 221 citizens of Gallatin County, Montana Territory.

The following petitions, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia, were severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. BOUND: Of 51 citizens of the Fourteenth district of Pennsylvania.

By Mr. BURNETT (by request): Of 56 citizens of the Ninth district of Massachusetts.

By Mr. SHAW (by request): Of 67 citizens of Cecil and Harford Counties, Maryland.

SENATE.

THURSDAY, *March* 22, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

JULIET C. PALMER.

Mr. McPHERSON. Mr. President, I rise to a question of privilege. I find on looking at the Calendar of Business this morning and also at the RECORD of yesterday's proceedings that the bill (S. 607) for the relief of Juliet C. Palmer, widow and administratrix of James C. Palmer, late Surgeon-General, United States Navy, was objected to by the Senator from New Hampshire [Mr. CHANDLER], and is, therefore, upon the Calendar of objected cases under Rule IX, losing its place under Rule VIII. As I understand from the Senator from New Hampshire, there was no intention on his part to have it take its place on the Calendar of objected cases.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be placed on the Calendar as having been passed over without prejudice.

Mr. McPHERSON. That is what I desire.

The PRESIDENT *pro tempore*. That order will be made.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition unanimously adopted by the Baltimore (Md.) Conference of the Methodist Episcopal Church, praying for the passage of the Platt prohibitory bill for the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. CAMERON presented a petition of ex-Union soldiers and sailors, citizens of Brinkerton, Pa., praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a memorial of the Philadelphia (Pa.) Board of Trade, remonstrating against the passage of the Mills tariff bill; which was referred to the Committee on Finance.

Mr. PADDOCK presented a petition of 54 prominent breeders and owners of cattle in the State of Nebraska, praying for the passage of the so-called Palmer bill, to provide for the extirpation of pleuro-pneumonia, foot-and-mouth disease, and rinderpest among cattle, and to facilitate the exportation of cattle and their products; which was ordered to lie on the table.

Mr. PALMER presented the petition of Thomas E. Cooney and 16 other ex-Union soldiers, citizens of Camden, Mich., praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. CHACE presented a petition of citizens of Augusta, Ga., praying for the enactment of an international copyright law; which was ordered to lie on the table.

Mr. MITCHELL presented a memorial of the Board of Trade of Portland, Oregon, remonstrating against the modification of the duties on lead, wool, and timber, as well as other articles which by reduction might imperil American producing and manufacturing industries; which was referred to the Committee on Finance.

He also presented a petition of the Board of Trade of Portland, Oregon, urging speedy action looking to the opening of a portion of the Cœur d'Alene Indian reservation to settlement; which was referred to the Committee on Indian Affairs.

Mr. BLAIR presented a petition of citizens of Harrisville, Butler County, Pennsylvania, praying for legislation prohibiting the distribution and carriage of mails, interstate commerce, and military drills on Sunday; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the National Woman's Christian Temperance Union, Department of Sabbath Observances, signed by 200 citizens of New Hampshire, all voters, and 365 citizens of Maine, 257 of whom are voters, praying for legislation prohibiting the running of interstate Sunday trains and mail trains, and also military drills on the Sabbath; which was referred to the Committee on Interstate Commerce.

Mr. CULLOM presented the petition of J. A. Black and 5 other citizens of Pleasant Mound, Ill., praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. EVARTS presented a petition of 23 ex-Union soldiers and sailors, citizens of Monroe and Wayne Counties; a petition of 42 ex-Union soldiers and sailors, citizens of Monroe County; and a petition of 44 ex-Union soldiers and sailors, citizens of Monroe County, all in the State of New York, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. CALL presented affidavits relating to the bill granting a pension to the widow of John Leary, late a private in Company F, Third United States Artillery; which were referred to the Committee on Pensions.

Mr. BECK presented the petition of J. M. Beatty, of Beattyville, Ky., administrator of the estate of the late Samuel Beatty, praying to be allowed compensation for a horse purchased by the Government of the said Samuel Beatty in 1862; which was referred to the Committee on Claims.

CONSIDERATION OF THE CALENDAR.

Mr. HOAR. I desire to ask, now that the Senate is full, unanimous consent that the order for proceeding with the Calendar through to-day may be continued through to-morrow.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the consideration of the Calendar under Rule VIII be continued for the legislative day to-morrow. Is there objection? ["None."] The Chair hears none, and that order will be made.

REPORTS OF COMMITTEES.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 1483) for the registry of the barges Albert M., Condor, and Adelante, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3333) to authorize the city of Chicago to erect a crib in Lake Michigan for water-works purposes, reported it with an amendment.

Mr. DAWES, from the Committee on Indian Affairs, to whom was recommitted the bill (H. R. 1406) to provide for the sale of certain New York Indian lands in Kansas, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 1800) authorizing the Secretary of the Treasury to permit miners and companies and corporations organized for mining purposes to prospect, develop, lease, and own the mineral portion of any Indian reservation upon such terms and conditions as may be agreed upon by the Secretary of the Interior and the Indians on any such reservation, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1732) for the relief of H. P. Wells, reported adversely thereon; and the bill was postponed indefinitely.

Mr. COLQUITT, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 6291) for the relief of R. S. Stanley, postmaster at Booneville, Miss., reported it without amendment.

Mr. BLODGETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1749) granting a pension to Wealtha Young; and

A bill (S. 1159) granting a pension to Alphonzo H. Melendy.

Mr. BLODGETT, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 1815) granting a pension to Eliza J. Booth;

A bill (S. 1489) granting a pension to James S. Tillson;

A bill (S. 1183) granting a pension to Col. Thomas M. Walker; and

A bill (S. 1154) granting a pension to Ann E. Brown.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 1930) authorizing the Secretary of War to revoke the order dismissing First Lieut. D. C. Smith, Company E, One hundred and fifth New York Volunteers, and grant him an honorable discharge, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. HAMPTON, from the Committee on Military Affairs, submitted a report to accompany the bill (S. 2394) authorizing the construction of a counterpoise battery on the Potomac River, below Washington, heretofore reported by him.

Mr. GRAY, from the Committee on Naval Affairs, to whom was referred the bill (S. 1463) to authorize an additional appointment on the retired-list of the Marine Corps, reported it with an amendment, and submitted a report thereon.

Mr. DAVIS, from the Committee on Military Affairs, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (H. R. 6243) for the relief of Conrad Claycomb;

A bill (S. 1443) for the relief of Newton Knight and others, citizens of Mississippi, therein named; and

A bill (S. 1557) for the relief of William Coakley.

Mr. DAVIS, from the Committee on Military Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1959) for the relief of James H. Bacon; and

A bill (S. 975) for the relief of H. A. Myers.

Mr. BOWEN. I am directed by the Committee on Indian Affairs to report an amendment intended to be proposed to the bill (H. R. 1956) to ratify and confirm an agreement with the Gros Ventre, Piegan, Blood, Blackfeet, and River Crow Indians in Montana. It is possible that the bill to which the amendment is to be proposed may be reached to-day on the Calendar, and in that event I may have an opportunity to offer the amendment so that I do not desire to have it printed to-day.

The PRESIDENT *pro tempore*. The order to print will not be made for the present. The amendment will lie on the table.

Mr. CAMERON, from the Committee on Military Affairs, to whom were referred 51 petitions of citizens of the State of Maine, praying for the equalization of pay of soldiers of the late war, asked to be discharged from their further consideration, and that they be referred to the Committee on Finance; which was agreed to.

He also, from the Committee on Commerce, to whom was referred the bill (S. 2458) to amend an act to authorize the construction of a bridge across the Eastern Branch of the Potomac River at the foot of Pennsylvania avenue east, reported it with amendments.

Mr. COCKRELL. The Committee on Military Affairs, to which was referred the bill (H. R. 5829) for the relief of Joseph Driskill, have instructed me to report the same back to the Senate, and ask to be discharged from its further consideration, and that it be referred to the Committee on Pensions, as it is a pension bill.

The PRESIDENT *pro tempore*. That order will be made.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the petition of Maurice Quimby, praying for the removal of the charge of desertion against him, reported it adversely, with the recommendation that the prayer of the petitioner be not granted, and that the committee be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 67) to perfect the military record of John C. Green, of Tennessee, reported it with an amendment, and submitted a report thereon.

Mr. MANDERSON. I am directed by the Committee on Printing to report back adversely the bill (S. 2219) authorizing the purchase of condensed statements, with covers, of the Compendium of the Tenth Census. It is ascertained that the cost of this purchase would be about $80,000, and it seems to be an entirely unnecessary expense.

The report was agreed to, and the bill was postponed indefinitely.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (S. 2104) to define the qualifications, duties, rank, and pay of chaplains in the United States Army, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1568) to promote the efficiency of the Signal Service, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1634) for the relief of John J. Adams, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Bridget Adams, of Worcester, Mass., praying for the removal of the charge of desertion against her husband, late a private in the Thirty-first Regiment Massachusetts Volunteers, reported adversely thereon, and asked that the committee be discharged from its further consideration; which was agreed to.

Mr. HOAR. I reported day before yesterday a bill for the relief of C. A. Williams and others, by direction of the Committee on Claims. I now wish to make a supplementary report, it being a letter of the Secretary of the Navy relating to that matter, received since the report was made. I ask for the adoption of an order that the letter be printed as a supplement to the report.

The order was agreed to, as follows:

Ordered, That the letter of the Secretary of the Navy appended hereto be printed for the use of the Senate, as a supplement to Senate Report No. 621, from the Committee on Claims, on the bill for the relief of C. A. Williams and others.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 1076) authorizing the construction of a bridge across the Tennessee River at Chattanooga, Tenn., reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 634) authorizing the construction of a bridge across the Tennessee River at Chattanooga, Tenn., reported adversely thereon, and the bill was postponed indefinitely.

GEORGIA PACIFIC RAILROAD BRIDGES.

Mr. VEST. I am instructed by the Committee on Commerce to report favorably, with certain verbal amendments, the bill (S. 2220) to correct an error in and to further amend "An act to authorize the Georgia Pacific Railroad Company to construct bridges across the Sunflower, Yazoo, and Tombigbee Rivers, in Mississippi," approved March 3, 1887. At the request of the Senator from Mississippi [Mr. GEORGE], whom I do not see in his seat, I ask the Senate to consider the bill now. It simply corrects a mistake in the title of a railroad corporation in a bill providing for the construction of a bridge. It is simply a verbal amendment.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The amendments reported by the Committee on Commerce will be stated in their order.

The first amendment of the Committee on Commerce was, in line 5, after the word "Mississippi," to insert the words "approved March 3, 1887;" so as to read:

That the act entitled "An act to authorize the Georgia Pacific Railroad Company to construct bridges across the Sunflower, Yazoo, and Tombigbee Rivers, in Mississippi," approved March 3, 1887, be, and is hereby, amended by striking from the title and enacting clauses thereof the word "railroad," wherever it occurs in the statement of the name of the corporation therein mentioned, and inserting in lieu thereof the word "railway," so as to make the corporate name of said corporation read: "The Georgia Pacific Railway Company," instead of "The Georgia Pacific Railroad Company."

The amendment was agreed to.

The next amendment was, after the word "follows," at the end of line 17, to strike out the word "namely," at the beginning of line 18; so as to read:

And by striking out the words "two years from the passage of this act," where they occur in the final clause of section 3 of the act, and inserting the words "four years from March 3, 1887," in lieu thereof, so as to make said final clause read as follows: "And if said bridges shall not be finished within four years from March 3, 1887, the rights and privileges hereby granted shall be null and void."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The committee also report amendments to the preamble, which will be stated.

The CHIEF CLERK. In line 1 of the third paragraph of the preamble it is proposed to strike out the word "the" where it occurs the second time, and in the second line of the same paragraph to strike out the word "as" and insert "is;" so as to read:

Whereas the said Georgia Pacific Railway Company is the true and only beneficiary of said act, and since the passage thereof has been using all the means in its power to complete its plans for the location and construction of bridges across the rivers named in said act, in accordance with the recommendations and approval of the Secretary of, etc.

The amendments were agreed to.

The preamble as amended was agreed to.

WORK IN THE EXECUTIVE DEPARTMENTS.

Mr. MANDERSON. I am instructed by the Committee on Printing to report adversely on the Senate resolution submitted by the Senator from Missouri [Mr. COCKRELL] March 8, 1888, to print 6,000 copies of the report of the Senate select committee to inquire into the methods of business, etc., in the Executive Departments, and to recommend in lieu thereof the adoption of the concurrent resolution which I send to the desk.

The PRESIDENT *pro tempore*. If there be no objection, the resolution reported adversely will be indefinitely postponed. The concurrent resolution reported by the Senator from Nebraska will be read.

The Chief Clerk read as follows:

Resolved by the Senate of the United States (the House of Representatives concurring), That there be printed of the report of the Senate select committee appointed under resolution of March 3, 1887, to inquire into the methods of business, etc., in the Executive Departments, and accompanying documents, 6,000 copies, 2,000 copies for the use of the Senate and 4,000 copies for the use of the House of Representatives.

Mr. MANDERSON. I ask for the present consideration of the resolution.

The resolution was considered by unanimous consent, and agreed to.

BILLS INTRODUCED.

Mr. ALLISON introduced a bill (S. 2473) granting a pension to D. P. McDonald; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2474) for the erection of a public building in Cedar Rapids, Iowa; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. SABIN introduced a bill (S. 2475) to increase the appropriation for the erection of a public building at Winona, Minn.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. CAMERON introduced a bill (S. 2476) granting a pension to Charles F. Urban; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MORGAN introduced a bill (S. 2477) granting the right of way to the Mobile and Birmingham Railway Company, the successor to the Mobile and Alabama Grand Trunk Railroad Company, across the Mount Vernon Arsenal reservation, in Mobile County, Alabama; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

He also introduced a bill (S. 2478) relating to the duties and compensation of United States marshals; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 2479) relating to the duties and compensation of United States attorneys; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 2480) to provide a mode of vacating patents in certain cases; which was read twice by its title, and referred to the Committee on Patents.

Mr. BECK introduced a bill (S. 2481) to authorize the construction of bridges across the Kentucky River and its tributaries by the Louisville, Cincinnati and Virginia Railway Company; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2482) placing the name of James Carroll on the pension-rolls; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLAIR introduced a bill (S. 2483) granting a pension to Catherine Tate; which was read twice by its title, and referred to the Committee on Pensions.

Mr. STOCKBRIDGE introduced a bill (S. 2484) for the relief of John Murphy and the Spalding Lumber Company; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

AMENDMENT TO A BILL.

Mr. STOCKBRIDGE submitted an amendment intended to be proposed by him to the bill (S. 1430) to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes; which was ordered to be printed.

URGENT DEFICIENCY BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6437) "to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1888, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 8, 9, 10, 22, 23, 28, 44, 55, 57, and 62.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 11, 16, 17, 18, 20, 24, 25, 27, 29, 30, 47, 52, 59, and 61, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: Add after the matter inserted by said amendment the words "including the erection of an iron stairway;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: Add after the word "high," in the matter inserted by said amendment, the words "which extension is hereby authorized;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: Insert in lieu of the amended paragraph the following:

"Suppressing counterfeiting and other crimes: For continuing the investigation of certain claims of Indian soldiers and their heirs for arrears of pay and bounty, $2,000."

And the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the sum proposed in said House amendment insert "$15,000;" and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendment, and insert after the word "dollars," in line 12, page 9 of the bill, the following: "All of said work to be completed by November 1, 1888;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with amendments as follows: Strike out the word "March" and insert in lieu thereof the word "April," and strike out the words "one thousand six hundred and eleven dollars and sixty-seven cents" and insert in lieu thereof "one thousand two hundred and ten dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$750;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$750;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,250;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$750;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,125;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$750;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,125;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,250;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$750;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$600;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 46, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"Traveling expenses of Indian school superintendent: For necessary traveling expenses of one Indian school superintendent, including incidental expenses of inspection and investigation, $500, or so much thereof as may be necessary: *Provided*, That he shall be allowed $3 per day for traveling expenses when actually on duty in the field, exclusive of cost of transportation."

And the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 56, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: Strike out from said Senate amendment the words "eighteen hundred and eighty-eight" and insert in lieu thereof the words "eighteen hundred and eighty-seven;" and the House agree to the same.

That the Senate recede from its disagreement to the amendments of the House to the amendment of the Senate numbered 63, and agree to the same.

EUGENE HALE,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.
JAMES N. BURNES,
JOSEPH D. SAYERS,
LOUIS E. McCOMAS,
Managers on the part of the House.

The PRESIDENT *pro tempore*. The question is on concurring in the conference report.

Mr. DAWES. It is difficult to follow a conference report made out in the way such reports are and read at the desk; and therefore, if the Senate will indulge me, I should like to make an inquiry of the Senate conferees as to what disposition was made of amendment numbered 55, on the thirty-first page?

Mr. HALE. Amendment numbered 55 reads as follows:

To pay Shirley C. Ward, of Los Angeles, Cal., $2,500 for his services to date as

special attorney for the Mission Indians of Southern California, under appointment by the Attorney-General, made at the request of the Secretary of the Interior.

The House conferees absolutely refused to agree to that, taking the ground that the appointment of this man was not authorized by statute and not covered by the practice of the Department under the law for employing special attorneys, and the Senate conferees yielded at last. So it goes out of the bill.

Mr. DAWES. An amendment amounting to only $2,500 is perhaps a small thing on which to delay the Senate in the consideration of so important a bill as this; but the circumstances connected with the amendment are such that I feel justified in calling the attention of the Senate to the fact that for the second time the conferees on the part of the House have utterly refused to pay for very valuable services rendered by an attorney appointed by the Attorney-General at the request of the Secretary of the Interior, upon the ground that they are able possibly to get it out from under the statute, which I will read:

SEC. 364. Whenever the head of a Department or bureau gives the Attorney-General due notice that the interests of the United States require the service of counsel upon the examination of witnesses touching any claim, or upon the legal investigation of any claim, pending in such Department or bureau, the Attorney-General shall provide for such service.

Under this section the Secretary of the Interior requested the Attorney-General to employ a lawyer to appear in behalf of certain Indians in California against whom a writ of ejectment had been brought and who were liable to be dispossessed of a reservation which they had occupied for a hundred and fifty years; and they were about to be dispossessed under a claim set up under the United States itself. The Attorney-General appointed this man, and I desire to give the history of the case.

The Mission Indians in California have occupied two or three small reservations there, as I stated, for one hundred and fifty years. They began their occupation under the Catholic priests who occupied that coast under the Spanish Government, and were taken care of there under the religious supervision of the Catholic priests, who established their missions, and they were called Mission Indians. The Mexican Government covered all that coast, just before we acquired it, with Mexican grants, indefinite and large, containing many leagues sometimes, and in many cases without regard to the occupation of the land by the Indians.

When the Mexican Government secularized, as they called it, the property of the priests of the Roman Catholic Church there they took away whatever claim of title the Indians had to this land, and then covered it with these grants. The grants were confirmed by a commission sent out in 1854 by the United States, and the grants occupied by these Mission Indians came into possession of subsequent owners. One of these owners commenced an action of ejectment against the Indians, and the Department several years ago employed a firm of lawyers in Los Angeles to appear for the Indians and to assert their rights on the reservation.

The public sentiment of that locality was so strongly against this proceeding and in behalf of the men who claimed under the grant that these lawyers after awhile thought it for their interest to abandon the case, and the Indians were about to be dispossessed and set afloat. It is well known that the Department of the Interior sent out a commission there to see if an arrangement could not be made, the commission consisting of Mrs. Helen Hunt Jackson and a gentleman in California, whose name I used here the other day, but which has passed from my recollection now. They proposed a bill. That bill passed the Senate two years ago, and it passed the Senate within two or three days again; but the suit went on, and last year the attention of the Secretary of the Interior was called to the destitute condition these Indians would be in, houseless and homeless, if these suits prevailed. Men who were kindly disposed to these Indians, in Philadelphia, New York, and Boston, sent at their own expense a special agent to California to investigate the matter. On his return and report to the Secretary of the Interior, with whose sanction he went out, the Secretary of the Interior requested the Attorney-General to employ some new lawyer to take up the suit that had been abandoned, and defend these Indians in the courts of California.

A young lawyer by the name of Shirley C. Ward, the son of the agent whom this Administration had put in charge of these Indians, was willing to undertake it, notwithstanding the strong current of public opinion in that locality against him. He received the appointment from the Attorney-General. He defended these Indians in the court below, and the court below decided against the Indians. He carried the case to the supreme court in California, and about three weeks ago the judgment of the court below was reversed and a decision rendered in favor of the Indians, and the Indians were reinstated upon their reservation. Other suits were commenced against other Indians on other of these small reservations, and are still pending.

This young man has been nearly two years in that work. If anybody knows what it is to have Indians for clients, he will know that they will cheer him with their presence a good deal of the time from the moment of his employ, working in their interest, until he gets through; and this young man was hardly able to do anything else but attend to these suits. He took them up against the current of public opinion in that country, and he obtained a reversal of the judgment in the supreme court of California and reinstated the Indians in a property which becomes theirs, subject to the rights of the United States, to a pretty large amount. He has not had a penny for his services. When he was appointed the Attorney-General appointed him without any stipulation as to his pay, because the Attorney-General was then without funds, and, the suit not being in the name of the United States, he was not certain whether it came within the section which I have read.

The Senator from Alabama [Mr. MORGAN], representing the Committee on Indian Affairs, made personal application to the Attorney-General in reference to this matter, and his letter to the Senator from Alabama I desire to have read at the desk. I send it up.

The PRESIDENT *pro tempore*. The letter will be read.

The Secretary read as follows:

DEPARTMENT OF JUSTICE, *Washington, February 29, 1888.*

SIR: In reply to your note of even date herewith, after having carefully read it and its inclosures, I beg to say that at the request of the Secretary of the Interior Mr. Shirley C. Ward was appointed, January 13, 1886, special attorney for the Mission Indians in Southern California. During the two years which have elapsed since his appointment he has exhibited great fidelity in the discharge of his duties, and a professional ability fully equal to the demands of his office. I am informed that his clients, who are poor and ignorant, take up a great deal of his time during the year outside of his necessary appearances in court in their behalf. In the case of Byrnes *vs.* Alas *et al.* I think Mr. Ward rendered very valuable services, and if this Department had been called upon to pay him therefor, a fee of $2,000 or even of $2,500 would not have been considered a large one, according to the usual standard of charges and allowances in such or similar cases.

It is proper to add that Mr. Ward's appointment was without compensation from this Department.

The inclosures accompanying your note are herewith returned as requested.

Very respectfully,

A. H. GARLAND,
Attorney-General.

HON. JOHN T. MORGAN,
United States Senate.

Mr. DAWES. The very elaborate opinion of the supreme court of California was forwarded to the Attorney-General by this attorney, and has met with his approval, and the attorney has received his congratulations for his success. Now it is proposed to accept all this service of two years from this man and give not a penny for it. This is the second time it has been stricken out of an appropriation bill under a conference. I am not criticising the members of the conference committee on the part of the Senate, for I know very well from experience that pressure upon them compels them often to choose between what they believe to be right and the necessity of a bill.

I desire to call public attention through the Senate to the idea that the United States can honorably accept this service at the hands of this man and refuse to pay him a penny for it. I venture to say that there is no honorable man in this building, I know there is no such man in the Senate of the United States, who would accept the service of any man, valuable service, performed at his request, and after performance refuse to pay a penny for it. The RECORD comes to us this morning laden with utterances made in another quarter of profuse regard for the laborer. We have only to believe that those professions are sincere, to believe that those who utter them would be only too glad to pay a laborer who had faithfully performed service for the benefit of the United States.

Mr. President, this is the second time, as I have said, that this item has been put into an appropriation bill and rejected upon the ground suggested here. I do not desire to make anything like a threat, much less to serve notice—I am not in the habit of serving notice, as the Senator from Tennessee knows very well—but, with the permission of the Senate, this amendment will go into every proper appropriation bill as long as I have a seat in this Chamber until it shall be decided by an enactment that the laborer is not only worthy of his hire, but that he shall get it.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The question is on agreeing to the report of the committee of conference.

Mr. CALL. I ask that the report be not agreed to so far as regards the item authorizing the Secretary of the Treasury to pay Samuel A. Robinson, which is struck out.

The PRESIDING OFFICER. As the Chair understands the rules, a conference report can not be separated. It must be adopted or rejected as a whole.

Mr. CALL. Then I hope the Senate will not agree to it.

The PRESIDING OFFICER. The question is on the adoption of the report of the committee of conference.

Mr. CALL. I desire before the vote is put to say a word.

I hope the Senate will not agree to the report of the conference committee. The conferees have agreed to strike out the item authorizing the Secretary of the Treasury to pay Samuel A. Robinson out of the appropriation for improving the sanitary condition of the Treasury building $595. The striking out of this item is an outrage. Mr. Robinson is an honest man, a capable man, who has rendered very great service to the Government under a contract made by the Secretary of the Treasury, Mr. Manning, approved by him as to the amount, recommended to be paid in a report to Congress of the present Secretary and in the estimates, and a claim in every respect honest and meritorious, and this is the appropriation for his payment.

There is perhaps no man upon whose intelligence and skill the lives and the health of the people of this city, including the women and the children, and of the members of Congress and of their families, are more dependent than upon Mr. Robinson. There is no man upon whose gratuitous and unpaid services the lives and the health of the people of the people of this District and every official of this Government are more dependent than that of Mr. Robinson. He is an officer of the District under a statute which creates an inspector of new buildings—not public buildings, not old buildings, but simply the plumbing and sanitary work in the construction of new buildings, and for that he receives a salary of about one-half or one-third the amount paid for similar services to persons in ordinary business. Because of that fact, because he is employed for that specific class of duty in the District of Columbia, he is refused payment under a contract made by the Secretary of the Treasury under an appropriation by Congress for an entirely different service, and a service which he was perhaps better qualified to render than any other person that could have been selected, because of his eminent skill and knowledge in sanitary matters.

When this matter came to be considered by the Treasury Department under an appropriation of, I think, $50,000 for the replumbing of the Treasury Department, Mr. Manning, as appears in the records of the Treasury, sent for Mr. Robinson. Subsequently Mr. Fairchild employed him, and employed him at a specific amount or rate for this service. His plans were submitted to a board of sanitary engineers, together with those of a large number of others, and they were accepted in preference to all others. He worked laboriously for weeks and months in his own time at night upon this work; and after it was done, after it was accepted, after it had received the approval of the most eminent engineers in this country, his account was approved, and a very moderate amount, not one-half, I am told, what would be charged by other sanitary engineers in private business, was ordered to be paid. The Comptroller decided that it was within the terms of the decision of the Supreme Court which affirmed that the law in relation to the payment of officers in the Government holding two offices did not prohibit payment for services rendered in pursuance of law other and different from the duties of the office held by them, but that he did not consider himself authorized under the appropriation as it stood to pay this amount without some action by Congress. The Secretary then again recommended the payment of this sum of money, and it was put on the bill by the Committee on Appropriations of the Senate in pursuance of an amendment offered in the Senate. This is the history and this the character of this most honest and meritorious provision of the deficiency bill, which has been stricken out without justice, right, or reason.

Here is this meritorious man, this skillful sanitary engineer, whose eminent skill has been approved, who has rendered gratuitous service to everybody in this District in case of sickness from impure air in their households, the father of a large family, a poor man in actual need of this money, and he is deprived of it without conscience and in positive violation of law. I think this is a case where the committee should stand and where the Senate should stand. I think we have no right to take, without reason and without law, money out of the pockets of poor, honest, and meritorious men who render service to the Government under specific contract made by the Secretary of the Treasury, approved by him, and required to be made by him under the express authority of an act of Congress. Therefore I hope this report will not be agreed to, although the amount is only $595. I hope the Senate will make a stand on the subject, and that somewhere and in some way we will be able, if we are to make raids on the people by depriving honest and meritorious citizens of just and reasonable payment for services honestly performed, to select some class of people who are rich enough to avoid positive need and suffering to be the victims of our unjust denial of their right and our duty.

Mr. MITCHELL. I should like to ask the chairman of the committee of conference a question in reference to the provisions of this bill.

The House bill as it came to the Senate, on page 26, had an appropriation of $10,000—

For pay of special agents and necessary expenses to carry out the provisions of section 3 of the act approved February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and Territories over the Indians, and for other purposes."

The Senate Committee on Appropriations and the Senate struck out that provision. I wish to know whether that provision has been retained or whether it goes out.

Mr. HALE. The House recede from their disagreement to that amendment and the clause goes out.

Mr. MITCHELL. Then it is not a part of the bill.

Mr. HALE. It is not.

Mr. MITCHELL. What is the reason for that?

Mr. HALE. The Senate conferees did not endeavor to make the House conferees adhere to clauses which the Senate struck out. The Senate conferees represented the action of the Senate in striking out the clause from the bill, and the House conferees agreed to it.

The PRESIDING OFFICER. The question is on agreeing to the report of the conference committee.

The report was concurred in.

THE PRESIDENT'S ANNUAL MESSAGE.

Mr. SAULSBURY. I now ask the Senate to take up the resolution of the Senator from Ohio [Mr. SHERMAN] proposing the reference of the President's annual message.

The PRESIDING OFFICER. The understanding was that the Senator should be heard on the conclusion of the morning business. If there be no further morning business, the resolution called for by the Senator from Delaware will be read.

The Chief Clerk read the resolution submitted by Mr. SHERMAN December 19, 1887, as follows:

Resolved, That the President's annual message be referred to the Committee on Finance.

Mr. SAULSBURY. Mr. President, I have called up this resolution for the purpose of making some observations upon our revenue laws, prominently brought to the attention of Congress and the country by the President's message.

At no time since the organization of the Government has the revenue required for its support been derived from any one source, but recourse has been had at times to all the forms of taxation which Congress is authorized to employ. From the earliest period of our national history, however, the chief reliance of the Treasury has been upon duties imposed by law upon foreign merchandise imported into the country. This mode of taxation had been tried by England and other countries long before we had an existence as an independent power, and had been found a fruitful source of revenue for the governments that had adopted it. It was no untried experiment, therefore, when Mr. Madison, in the first Congress that met after the adoption of the Federal Constitution, proposed to lay and collect duties on imported merchandise to meet the urgent wants of the Republic, embarrassed by the debts incurred in the war for independence and destitute of the means to meet its obligations and provide for the expenses incident to the organization and maintenance of the Government.

The country was at that time largely dependent upon importations for many things necessary for every class and condition of the people, and moderate import duties were certain to supply a fair share of the revenue required. This mode of taxation had then, as now, another consideration in its favor which was doubtless not overlooked. The people of that day were generally poor, especially in ready money, and the lightest burdens it was known would be regarded as oppressive. Hence it was desirable to conceal from view as far as possible the exactions made upon their limited means for the support of government. Duties paid at the custom-house by the importer and charged as a part of the price paid by the consumer, were less likely to attract attention and lead to complaint than taxes which were more direct and palpable, and in the organization of a revenue system when the people were ill able to bear its burdens it was necessary to give as little cause for dissatisfaction as possible.

The policy adopted at that early day of raising a large part of the revenue from import duties has been accepted as wise and proper by the people of the country for now nearly a century, and has become by general consent the settled policy of the Government in raising its revenues. No considerable portion of the American people are now or ever have been in favor of a resort to other modes of taxation that would dispense with import duties or render reliance upon them as the chief source of revenue unnecessary. No party charged with the administration of government has ever proposed, or in all probability ever will propose, the substitution of other methods of taxation that will dispense with collections at the custom-house or reduce the taxes there collected below at least one-half the amount needed by the Treasury. While there has never been any difference of opinion in regard to the propriety and wisdom of taxing the importation of foreign goods and deriving from that source a large share of the revenues needed by the Government, there have always been, and are to-day, very wide differences of opinion as to the extent to which and the object for which such taxation should be imposed. The Democratic party, as an organization, has maintained in its past history and now holds that the only proper object of taxation in any and every form is to secure the necessary amount of revenue for the support of government; that every man is bound to contribute his just share of that amount in consideration of the protection to his life, liberty, and property, and no more, and to take from him any greater share of his property or any portion of it for any other purpose is unjust and indefensible—none the less so because taken under the authority of law. The Government collected from customs in the last fiscal year over $217,000,000, and the Secretary of the Treasury estimates that the collection from the same source during the present fiscal year will reach $228,000,000. There is now in the Treasury a large surplus, which will amount to more than $100,000,000 by the 30th of June unless wasted in unwise appropriations, and no debt or obligation of the Government due or to which it can be applied before 1891 without paying a high premium to the holders of the Government bonds. This condition of affairs demands a revision of our tariff laws and a reduction of the taxes which it imposes. The Democratic party is in favor of such revision and reduction, and will, unless thwarted in its purpose by a combination of a few Democrats, actuated by local interest, with Republican members of Congress, sensi-

bly reduce the duties charged by the present tariff upon many things now heavily taxed.

The Republican party, judged by the utterances of its leaders and its press, will oppose any reduction of taxation that will lessen the profits of the classes protected by the existing tariff. If they can reduce the surplus accumulating in the Treasury by large and unnecessary appropriations or by a remission of taxes which do not interfere with the profits of the manufacturing interests of the country, they will do so; but they will not consent, if they can prevent it, to any modification of the tariff that is opposed by the favored classes that have enjoyed the protection which it has afforded for the last twenty-five years.

I think I state the position of the two great parties of the country correctly when I say the Democratic party is in favor of reforming the tariff in the interest of the people, and the Republicans in favor of maintaining the tariff in the interest of the protected classes. There may be a few Democrats who are protectionists and a few Republicans who favor revenue reform, but these exceptions on the one side or the other can not change the position of the parties with which they claim affiliation. Both of the parties will be judged by the policies at which they aim, and not the views of dissentients within their ranks.

To maintain the existing tariff, which for more than a quarter of a century has oppressed the people of the country, and defeat its repeal or modification, in order that the protected classes, who have grown rich by the exactions it has made upon others for their benefit, is the purpose of Republican leaders in Congress and in the country.

To reduce the taxes of the people, so far as it can be done consistent with the requirement of the Government for revenue, is the avowed purpose and aim of the Democratic party. This is no new position, but is in harmony with the history of the Democratic party on the subject of Federal taxation from the days of Jefferson to the present time.

No sooner had the President's message been sent to Congress, directing attention to the necessity for a reduction of taxation, than the advocates for protection on this floor and the utterances of Republican leaders and the Republican press in the country denounced the President and the Democratic party as advocating free trade. I shall make no apology for saying that such unwarranted assertions are without justification or excuse, but are either hasty and inconsiderate assumptions or willful and deliberate misrepresentations of the President and the Democratic party. Such assertions on the part of unscrupulous partisans, with no characters to lose by a disregard of truth, can neither damage their own reputation nor inflict injury on those they misrepresent. But how Senators and others occupying high positions in the country can so far forget what is due to themselves as to assert that the President or the Democratic party is in favor of free trade is beyond comprehension. Yet, strange as it may seem, such declarations and insinuations have been recklessly made upon this floor, with full knowledge that nothing in the history of the Democratic party, past or present, could justify such an accusation.

Does any sane man believe that the Democratic party, charged with the administration of the Government, would abolish all tariff taxation and deprive itself of the revenue necessary to carry on the Government and meet the demands upon the Treasury? No one believes it, and such railing accusations are inspired by the hope that they may delude some ignorant and unthinking voter in the next Presidential election and help to power the men who make them. The Democratic party is not in favor of free trade, but is earnestly in favor of reducing the tariff so that no greater burden of taxation shall be imposed upon the people than is necessary to furnish sufficient revenue to meet the just demands on the Government.

Is it not time that by a careful revision of the tariff the people of the country should be relieved from a part of the burden of taxation which they have so long borne with a degree of patience which no other people have ever exhibited? For twenty-five years they have been paying into the Treasury in customs duties large amounts of money which they needed for their own comfort and the comfort and convenience of their families. A very large per cent. of those who have paid these taxes could illy spare the contributions they have been forced to make, but submitted to the sacrifice in the belief that the necessities of the country demanded it, and in the hope that the Government, when the necessity had passed, would release them from the oppression which so long had afflicted them and impose no greater taxation than was required by the just demands upon it. The Treasury no longer needs the full amount of taxes collected. A large surplus is annually accumulating in its vaults which can not be used in the payment of the public debt at the par value of the bonds not yet due. Why, then, should not the taxes of the people be reduced? In no other country on earth could the people have borne such a drain upon their resources. Besides the large amounts paid annually for the support of State, county, and municipal governments, aggregating hundreds of millions of dollars, there has been paid into the Federal Treasury from customs alone in the last quarter of a century—that is, since the present protective-tariff system has been in operation—$4,293,857,599.72, and from internal revenue $3,558,011,444.77, besides what has been received from other sources.

I append a statement of receipts from customs and internal revenue in each year from 1863 to 1887, which will also show the receipts from customs for some years prior to 1863:

Year.	Customs.	Internal revenue.
1856	$64,022,863.50	.....
1857	63,875,905.05	.....
1858	41,789,620.96	.....
1859	49,565,824.38	.....
1860	53,187,511.87	.....
1861	39,582,125.64	.....
1862	49,056,397.62	.....
1863	69,059,642.40	$37,640,787.95
1864	102,316,152.99	109,741,134.10
1865	84,928,260.60	209,464,215.25
1866	179,046,651.58	309,226,813.42
1867	176,417,810.88	266,027,537.43
1868	164,464,599.56	191,087,589.41
1869	180,048,426.63	158,356,460.86
1870	194,538,374.44	184,899,756.49
1871	206,270,408.05	143,098,153.63
1872	216,370,286.77	130,642,177.72
1873	188,089,522.70	113,729,314.14
1874	163,103,833.69	102,409,784.90
1875	157,167,722.35	110,007,493.58
1876	148,071,984.61	116,700,732.03
1877	130,956,493.07	118,630,407.83
1878	130,170,680.20	110,581,624.74
1879	137,250,047.70	113,561,610.58
1880	186,522,064.60	124,009,373.92
1881	198,159,676.02	135,264,385.51
1882	220,410,730.25	146,497,595.45
1883	214,706,496.93	144,720,368.98
1884	195,067,489.76	121,586,072.51
1885	181,471,939.34	112,498,725.54
1886	192,905,023.44	116,805,936.48
1887	217,286,893.13	118,823,391.22

The taxes paid at the custom-house go into the Treasury, and can therefore be computed; but the taxes imposed by the tariff do not all go into the Treasury. The duties imposed upon imported goods have enabled the domestic manufacturers to demand for their fabrics a much larger price than they otherwise could have obtained, and this additional price paid on domestic goods is as virtually a tax upon consumers as the duties paid on the foreign goods imported into the country. The tax paid on the foreign products at the custom-house goes into the Federal Treasury, and the tax paid on goods produced in this country goes into the pockets of the manufacturers. We imported in the last fiscal year merchandise upon which duties were paid to the value of $450,325,322. On these importations there were duties paid to the Government to the amount of $217,000,000. I do not know the value of the domestic goods consumed in this country in the same year, but it was many times the value of the imported goods upon which duties were collected. I have seen it estimated that domestic goods to the value of $6,000,000,000 are annually consumed by the people of the country. Nor will I assert that the cost to the consumer of all the home products is enhanced by reason of the tariff laws of the country; but I do assert in the most positive and unequivocal terms that the cost to the consumer of a very large proportion of the products of home manufacture is largely increased by reason of the protection afforded by the tariff. I have heard this denied. I have heard it asserted that the consumer of imported goods does not pay the duties imposed by the tariff; that the foreign manufacturer pays the duty imposed by our tariff laws for the privilege of selling his products in this country.

Is it not surprising that intelligent men are so forgetful of what they owe to their own reputation, as well as what they owe to their fellowmen, as recklessly to assert what they can not believe themselves, and what no man, unless he is an idiot or partially insane, can believe? All such assertions, come from what source they may, are calculated, if not intended, to deceive the ignorant and uninformed, and are the more reprehensible because designed to impose upon the credulity of those whose confidence they may enjoy. The men who make such assertions know that the American importer pays for the goods he buys in the foreign market the price which the foreign manufacturer of such goods receives from his customers at home. They know, too, that the importer, in addition to the prime cost of the goods in the foreign market, pays the charges of shipment and transportation, and when they arrive at New York or any other port to which they are consigned he is compelled to pay the duties to which they are liable before he can have them taken to his store. The men who make such reckless assertions and declare that the consumers of imported goods do not pay the duty imposed by the tariff, know full well that the importer adds to the cost of the goods in the foreign market the freight and other charges of transportation, as well as the duty paid at the custom-house, and adjusts his profits upon the whole cost of the goods delivered in his store. But I will not reply further to such statements; their absurdity is their own best answer.

I have already said that the duty imposed by our tariff laws upon articles imported into this country enables the manufacturers of similar articles here to demand a higher price for their fabrics than they otherwise could do. No one, I suppose, will dispute this proposition who

intends to deal honestly with himself or others. Why should our manufacturers desire a high rate of duty, or any duty at all, upon imported goods if they are not thereby enabled to sell their own fabrics at higher prices? What protection do our tariff laws afford if they do not enable the producer of domestic goods to demand higher prices than he otherwise could obtain? If tariff laws do not secure this result, they afford no protection to manufacturers unless they impose duties so high that they prevent importations.

It would be impossible to state definitely the aggregate increase of profits which our present tariff secures to American manufacturers over and above the profits which their business would afford if there were no duties on foreign goods, or if the tariff was reduced to a revenue standard. It is certain, however, that the present tariff has increased their profits hundreds of millions of dollars more than they would have been under a tariff for revenue alone, and that the people of the United States have paid in the increased prices of domestic goods a much larger amount annually to manufacturers than they have paid into the Treasury in duties upon imported goods. Two hundred and seventeen millions of dollars was paid in duties to the Government in the last fiscal year. This amount was paid upon $450,325,322 worth of goods imported, upon which duties were collected, and we consumed in this country not less than ten times that amount of domestic goods. I venture nothing, therefore, in expressing the opinion that the people of the country have paid annually since 1862 to the manufacturing industries in the increased prices which the tariff has enabled them to demand a much larger amount than they have paid into the Federal Treasury in duties on imported goods consumed. I have already stated that there have been paid into the Treasury in the last twenty-five years duties to the amount of over $4,000,000,000, and I have no doubt twice that sum within the same time has been paid in enhanced prices to the manufacturers of the country.

Had the average rate of duties been only such as was required to meet the wants of the Treasury for the ordinary expenses of the Government, including interest on the public debt, the amount paid into the Treasury and the tribute paid to the manufacturing interest would have been much less annually, and a saving effected to consumers in the time the present tariff has been in operation of not much less than $6,000,000,000. Under a revenue tariff manufacturers would have enjoyed ample protection, more than would have compensated them for any difference in the cost of labor here and in European countries, and the people have been relieved from the payment of that large amount. Under the present tariff there has been paid into the Treasury in duties on importations and to the manufacturing industries in enhanced prices which the tariff has enabled them to exact for their products, a much larger sum of money annually than has been realized from all the agricultural products of every kind, including cotton, tobacco, and cereals, as well as other things exported from the country in the same time. The value of agricultural products exported during the fiscal year ending June 30, 1887, was $523,073,798, and I have no hesitation in expressing it as my opinion that it is a much less amount than was paid into the Federal Treasury in customs duties and to the manufacturers in the increased prices of their products under the protection secured to them by the tariff laws of the country in the same time.

For twenty-five years this constant drain upon the resources of the people has been going on under a protective tariff, and has been borne with a degree of patience as remarkable as it has been oppressive. The consequence has been that the protected classes and the section of the country where they operate most largely have increased in wealth far in excess of all other classes of persons and all other portions of the country. The New England States, with fewer natural advantages than almost any other section of the country, with a less fertile soil, incapable of producing sufficient food for the inhabitants, have grown rich, partly upon the tribute which the tariff laws of the country have enabled their industries to exact, and partly, perhaps, from other financial legislation of Congress which has inured to the benefit of their people.

I have in my hand a statement in a leading Western paper, the truth of which I have no reason to doubt, that the people of nine States of this Union, engaged largely in manufacturing industries, own one-half of the entire wealth of the country as a result of the policy which has obtained in this country for the last quarter of a century—a policy which they have had a large share in fastening upon the country for their own benefit.

[From the St. Louis Republican.]

HOW TO GROW RICH.

It is very important to remember that the nine industrial or manufacturing States of the Union are the capitalist and creditor States also. They all loan money to the other States, and all the other States borrow from them. There is not a single one of the twenty-nine agricultural States that is not to a greater or less extent under mortgage to the money-lending creditor States. These mortgages on farms and railroads represent an enormous aggregate. In Kansas it is estimated that one-half the entire wealth of the State is mortgaged to the industrial States; and even the older Western States, Ohio, Illinois, Minnesota, Michigan, and Indiana, are mortgaged to the extent of 20 to 33 per cent. of their farms and nearly all their railroads. It is stated that the insurance companies of Hartford, Conn., hold $70,000,000 in Western farm mortgages; that the loan companies of Boston hold 81,000 mortgages, representing $76,000,000, and in the little State of New Hampshire Western farm mortgages to the amount of $35,000,000 are held. If the whole debt claim of the industrial States on the farms and railroads of the agricultural States could be ascertained, it would probably be not less than $3,000,000,000, bearing an annual interest of $180,000,000.

The industrial States have not only shaped the revenue policy of the Government for the benefit of their manufacturing interests, but they have been equally successful in shaping the financial policy of the Government, also, for the special benefit of their monetary interests. There was not a financial measure taken by the Government from 1862 to 1885, with a single notable exception, that was not dictated or suggested by them—and it may well be inferred that they made no small amount of money by it.

Take the 5-20 bonds, $1,600,000,000 in amount, issued during and just after the war. They bore 6 per cent. and were payable, not in gold and silver coin, but in "lawful money"—and lawful money at that time meant greenbacks. But the money power of the capital States secured the passage of an act in 1869 converting this greenback debt into a gold debt. As the bonds had cost only 70 cents in gold, the profit on the conversion was a clear $480,000,000.

Their next profitable achievement was the resumption of specie payment in 1879. Of course specie payment had to be resumed, but this does not impair the value of its tremendous effect in favor of the creditor States at the expense of the debtor States, whereby $3,000,000,000 indebtedness was increased at least one-third, or $1,000,000,000.

The whole management of the national debt has been in the interest of the creditor States, and, although the effects have been so gradual as to be almost imperceptible, they have still been of a very substantial character. In the last twenty-five years the holders of the Government bonds, living chiefly in the creditor States, have been paid in interest alone $2,325,000,000, a sum greater than the entire bonded national debt at its maximum.

We have stated that there was a single case in which the capital States failed to have their way in the monetary policy of the Government. It was in the passage of the silver-coinage bill. They opposed it with all their power, because they sought to have all debts estimated in gold alone, whereby 10 to 15 per cent. would have been added to them, and in the arrogance of their opposition one prominent paper at least in New York went so far as to threaten a withdrawal of the moneyed States from the Union.

It is no wonder the industrial States have grown enormously rich under the Federal policy of the last twenty-six years. They have shaped that policy in its two most practical features, revenue and finance, and shaped it with such effect as to make themselves owners of one full half the entire wealth of the country, and to force the agricultural States to pay them $180,000,000 a year in interest alone.

This is the result in no small degree of the advantages which they have enjoyed under a tariff levied and maintained not so much to secure revenue for the Government as to increase their profits and hold the people of the country tributary to them. Is it not strange that Senators representing the great agricultural interest of the West should be willing to see a revenue system maintained as the policy of this country which taxes their constituents far in excess of the requirements of the Federal Treasury in order that the manufacturing States may grow richer and richer, while the rest of the country is becoming their debtors and in a certain sense their slaves? The tariff is more onerous upon the farmers and planters of the country than any other class of the American people. It taxes them on almost everything they buy and excludes their products, to a certain extent, from the markets of other countries. Let us see. The farmer is taxed upon his clothing and on many articles of his food; he is taxed upon the furniture in his house and every implement of husbandry used in the cultivation of his crops, his plows and harrows, his wagons and carts, his drills and reapers, every hoe, spade, shovel, fork, and rake—in short, everything necessary to the prosecution of his business is directly or indirectly taxed under the operation of the tariff laws of the country. The tariff not only increases the cost of all he has to buy, but by limiting the foreign demand for our cereals and breadstuffs prevents their exportation abroad and leaves a surplus on hand to depress the markets for his products at home.

If we had no tariff, or a lower or revenue tariff, so that foreign products could come into this country without being too heavily taxed under our revenue laws, our commerce with foreign countries would be greatly increased and our surplus wheat and corn go abroad and be exchanged for such things as we need from them. The restrictive policy of this country is depriving the farming community of its right to the markets of the world and denying it the just reward of its labor.

I repeat there is no portion of the American people so seriously affected by the operation of our protective tariff as the farmers of the country, and am glad to know that the depressed condition of their business for the last few years has given them to understand more clearly than ever before the true reason for the low prices of their grain and other products, and hope the time is not far distant when those who represent them in this Chamber and the other House of Congress will be less indifferent to their interests than they have been in the past.

Not only does the present protective tariff bear heavily upon the agricultural interests of the country, but the interest of every other class of our citizens is disregarded in the interests of the protected classes. Men and women engaged in almost every calling and pursuit bear a portion of the burden imposed and maintained for the benefit of the manufacturers. When I speak of manufacturers I mean the large establishments, the owners and operators of mills and factories employing large amounts of capital and doing an immense amount of business, and laying up fortunes from the advantages secured to them from the tariff. I do not mean the small local establishments scattered through the country, more properly mechanical than manufacturing, doing a small local business and deriving comparatively little profit from their occupation. These small establishments, necessary to every community, are not manufacturing establishments in the accepted sense of that term, and are injured rather than benefited by the tariff. I repeat it is not only the persons engaged in agricultural pursuits—a very large portion of the people of the country—who are oppressed by the present tariff, but those engaged in the other varied avocations of life are likewise, though not perhaps to the same extent, compelled to pay tribute to the protected classes as well as taxes to the Government.

There is not a man or woman in the land, including the operatives or employés engaged in manufacturing, that does not contribute more or less of the fruits of their labor to increase the profits of the protected classes. In every town and hamlet in the country there are many men and women who are unable to indulge in the luxuries of life, and some of whom can scarcely procure by their labor sufficient food and clothing for themselves and families, who are paying, under the exactions of the tariff laws, duties to the Government and tribute to the manufacturers fully as much in proportion to their means as their more wealthy neighbors. Now, is it not right that these people and all others should be relieved from all taxation not absolutely required to defray the legitimate expenses of the Government and be left in the enjoyment of the means at their command without being required to assist in increasing the fortunes of the capitalists who invest their thousands in the large factories and mills and reap the profits which the protective tariff enables them to divide?

Why is it, then, that the Republican leaders on this floor and throughout the country oppose a modification of the tariff? Do they not know that they are assisting to oppress unnecessarily one portion of the people in order to benefit another class? Do they not know that they are maintaining a system of taxation which is especially oppressive upon the great agricultural interest, not only by the high taxes which it imposes, but by the limitation it places upon the markets where agricultural products can be sold?

The products of other countries are so heavily taxed by our tariff laws that their markets are virtually closed to our agricultural products because no profitable trade can be maintained with them. If we could barter or trade with the South American republics without having to pay heavy duties upon what we obtained in exchange from them, new markets would be opened for our surplus flour and grain and their price be enhanced at home as well as abroad.

The accumulation of a large surplus in the Treasury is a fact that can neither be denied nor ignored, and the other side of this Chamber have not failed to understand that it was a standing protest against the high tariff which they desire to maintain. They regard it as a menace to the protective policy which they defend, and know full well unless that surplus can be reduced and kept down that a public demand will compel the reduction of the high rate of duty which takes unnecessarily more than $100,000,000 from the pockets of the people annually and locks it up in the vaults of the Treasury.

Fertile in expedients, the Republican leaders of the Senate have not been slow to devise ways and means to avert the danger threatening their protective policy. Their first move has been to spend the money, whether wisely or unwisely makes but little difference. Hence it was that a bill was introduced by the Senator from Vermont [Mr. MORRILL] to pay back to the States the sum of fifteen millions of dollars collected as direct tax twenty-two years ago. No State and the people of no State had asked the money to be refunded. It was a voluntary act on the part of Congress, prompted by a desire to reduce the surplus in the Treasury, and remove as far as possible the danger which threatened the protective tariff by an overflowing Treasury.

Then came the Blair bill, proposing an appropriation of $79,000,000 to the support of common schools in the States, a part of which was to be paid out of the present surplus in the Treasury, and the residue to be paid out of any surplus that might hereafter annually be on hand. Some Senators honestly in favor of revenue reform did not see or were unable to shun the net that was spread to entrap them, and assisted to pass through this body both these measures, neither of which becoming a law would be of any practical value; certainly not of sufficient value to justify the retention of the present tariff taxation, which both measures were calculated, if not designed, to aid.

The pension bill which has passed this body was doubtless also supported by some in the belief that it would reduce the surplus and lessen the necessity for revenue reform. It may have been this object that suggested the various amendments proposed to the bill as reported by the committee, which if they had been adopted by the Senate would have depleted the Treasury of its surplus and prevented further accumulations for years to come. The rivalry exhibited in professions of zeal for the interest of the soldiers and the Grand Army of the Republic during the discussion upon the bill would have been as amusing as the performances in a first-class circus but for the total indifference which was revealed for the interests of the people who pay the taxes into the Treasury.

So anxious were some of the performers in the comedy to surpass all competitors in professions of admiration of the soldiers of the late war (I will not say for their votes) that they were not only indifferent to the amount of taxation that would be necessary to pay pensions, but attributed to hostility to the soldiers any hesitation on the part of others to acquiesce in their views that tax-payers have no rights worthy of consideration in the American Senate. Mr. President, no man who is not willfully blind can fail to have seen that more anxiety was felt to make political capital for themselves and their party by some of the superserviceable friends of the bill than was felt to promote the interests of those who would be benefited by its passage; and unless I overestimate the intelligence and honesty of many who were in the war they will discount, very largely, the professions of zeal in their behalf, from a conviction that they were inspired by political rather than patriotic motives.

I have already said that the Republican leaders in this Chamber and throughout the country regard the large excess of revenues annually collected as a menace to the protective tariff which they have fastened on the country, and are ready to waste such excess in unwise appropriations of the public money in order to continue the exactions it makes in the interests of the protected classes already grown rich from the benefits it secures them. If they can not get rid of the surplus by unwise and unnecessary extravagance in appropriations, they will do so if they can by a repeal of all internal-revenue taxation or such changes therein as will prevent a reduction in tariff duties. The money derived from internal-revenue taxation is chiefly from the tax imposed on tobacco, beer, and whisky, amounting in the aggregate in the fiscal year ending June 30, 1887, to $118,823,391.22. If this source of revenue could be abolished there would be but little surplus hereafter in the Treasury, and less necessity for tariff revision. High duties could be maintained upon clothing and other necessaries of life and the protected classes left in the enjoyment of the privilege of increasing their wealth at the expense of the rest of the people of the country. I do not say that all Republicans are in favor of the absolute repeal of all internal-revenue taxation, but it is the demand very generally of the protectionists, whose interests the Republican party and leaders have taken in charge, and many of the leaders of that party are at present ready and willing to obey their behests and comply with their demands.

Who would be benefited by the repeal of the tax on tobacco, beer, or whisky? There are more than one-half of the people of the country who do not use in any form either tobacco, beer, or whisky, and the repeal of the tax on them would not benefit the non-consumers in the least. Nor would the repeal of the tax on either article benefit the consumer of either to any large extent. Perhaps the manufacturers of certain chemicals and drugs might be able to procure a supply of such alcoholic liquors as are used in their business at cheaper rates, but the consumers of their drugs would pay fully as much as they do now and would not be benefited by the repeal of the tax. So with tobacco in its various forms; the manufacturers of tobacco and cigars would buy a supply of raw tobacco and pay no tax upon it, but their customers who use tobacco either for chewing or smoking would pay not one cent less than they pay now. Can you buy tobacco in any form cheaper to-day than you had to pay when the tax was 32 cents per pound? You can not buy in this city, and I doubt whether you can buy in any city in the United States at the present time, a bar of tobacco or a box of cigars for a farthing less than you could buy the same quality of goods fifteen years ago, yet the tax has been reduced from 32 to 8 cents a pound. The consumer, as every man in the country knows, has derived no benefit from any reduction of the tax on tobacco, and will, in my opinion, derive no benefit from the repeal of the tobacco tax if the tax should be taken off.

Nor do I believe that the producer would be benefited by its repeal. There is only a certain quantity of tobacco required to meet the demand, and when the crop of tobacco is in excess of that demand the price will be low, tax or no tax. It is the demand and supply, and not the tax, that determine the price which the planter receives for his crop. I have seen it stated that the growers of tobacco in Kentucky, and perhaps some other States, realizing this fact, occasionally limit the acreage planted, in order to sustain remunerating prices for their products. The manufacturers of tobacco and cigars would doubtless be benefited by the repeal of the tobacco tax, as they have been by the reduction heretofore made in the tax, but neither the producers nor consumers of tobacco in any form would be profited. I admit that if it could be shown that the tax upon tobacco affected the price to the grower to any considerable extent it would be unwise to retain it, but until that can be shown there is no necessity for its repeal. Experience has shown that the reduction of the tax on tobacco from 32 cents to the present tax of 8 cents has benefited no one but the large manufacturers of tobacco in the form in which it is used. The growers obtain no more for their products, the price depending largely upon the quantity and quality of their crops, which must be sold soon after being prepared for market because of liability to injury.

Nor, Mr. President, would the repeal of the internal-revenue taxes cheapen the price of either tobacco, whisky, or beer to the consumers of those articles. They would pay no less for what they consume of either than they now pay. But suppose it would; suppose the men who indulge in the use of tobacco, beer, or whisky could procure them at a reduced cost, would it be wise to repeal the tax upon them in order that consumers might save a trifle in the purchases they make? The use of whisky, beer, or tobacco is purely voluntary, and may be abandoned without injury to the health or happiness of any one. The indulgence in the use of either is a habit, not a necessity, and is often injurious rather than beneficial, and without seeking to limit the indulgence in either, these articles may and ought, as mere luxuries, very properly be taxed in order to lighten the impositions on such things as are essential and necessary.

The repeal of internal-revenue taxation would necessitate high duties on many of the necessaries of life, and is advocated by some persons for

the purpose of preventing a reduction of taxes on articles of food and clothing and other things which people in every condition of life, the poor as well as the rich, the laboring man and his family as well as those in better circumstances, are compelled to have. How can any Senator justify and defend a revenue policy which will continue high taxation on such things as people must have in order that whisky, beer, and tobacco may escape taxation and bear no part of the burdens necessary for the support of the Government? For one, sir, I am opposed to any such policy, and am in favor of retaining the taxes on whisky, beer, and tobacco, in order to release from taxation, as far as possible, everything essential to the comfort and happiness of all classes of the people.

The system employed for the assessment and collection of internal revenue is justly objectionable and ought to be changed, and the odious features of the system and the petty annoyances to which it gives rise ought to be remedied. I would vote most cheerfully for any measure that would obviate the objectionable methods employed either in assessments or collections, and remove, as far as possible, the inquisitorial features of the system; and I hope that the Finance Committee will give consideration to this matter at the present session. If I believed that the growers of tobacco would be benefited by the total repeal of the tobacco tax I would not oppose such repeal. Believing, however, that no benefit would accrue to the producers I am in favor of retaining the tax, in order that a reduction may be made in the taxes imposed upon the necessaries of life.

Those who favor a repeal of the internal-revenue taxes base their opposition to such taxation on the ground that it was a war measure justified by the exigencies then existing, but unnecessary now; that the war having ended more than twenty years ago this system of taxation which they term a war measure ought to be abandoned. It is true, Mr. President, that prior to the war we had no internal-revenue taxation, nor was there any necessity for such taxation. The whole amount of revenue required by the Government prior to the war did not exceed some sixty millions of dollars—less than one-fourth now required—and therefore there was not the necessity for a resort to any other mode of taxation than the imposition of duties upon imported goods. The right to impose such taxes always existed in the Government, but its exercise was not demanded by the conditions existing prior to the war. The war, it is true, ended more than twenty years ago, but the burdens of the war yet remain. The public debt created by the war is yet unpaid and will in all probability remain unpaid for a long time to come. The pension-list, resulting from the war, is larger than ever before, and, as we know in this Senate, is rapidly increasing both in the number of beneficiaries and the amounts paid them. Let me ask, are the internal-revenue taxes any more war taxes than the large increase of tariff taxation which was imposed to meet the expenses of the war and is still maintained under your tariff laws?

The exigencies of the war taxed the energies of the Senator from Vermont [Mr. MORRILL] and his associates in the other House in 1861 and 1862 to ascertain and include on the tax-list everything that would yield a dollar of revenue and to increase the duty to the utmost extent it would bear without becoming prohibitory, and this increase in the number of articles taxed and the rate of duties to be paid was urged as a necessity created by the war. The duties then levied remain with slight modification, although the war ended more than twenty-two years ago. Why is not tariff taxation, at least the increase in tariff taxation, as much war taxation as that imposed by the internal-revenue system? And why are protectionists seeking to repeal the internal-revenue system on the plea that it is a war measure, while opposing the slightest modification of the tariff which they know now yields four times the amount collected under any tariff that existed before the war?

For one, Mr. President, I prefer to see the reduction of taxation demanded by the surplus in the Treasury made upon such things as will give the greatest relief to the people, and especially to those least able to bear the burdens of government.

There is nothing, in my opinion, from which the revenues of the Government can be derived, in part at least, more properly than from taxes on tobacco, beer, and whisky, and nothing that can be taxed with so little injury to the people of the country. Change the methods of assessing and collecting the internal revenue and do away with the harsh features of the system and you will have removed most of the objections now made to this mode of taxation and relieve the people from annoyances too often aggravated by the insolence of unworthy officials.

Mr. President, I shall now notice briefly some of the reasons assigned by protectionists for opposing a revision of the tariff and a reduction of the duties it imposes. These reasons are stereotyped, and have been employed by the advocates of protection from the beginning of tariff legislation in this country, and will be urged by that class of men while self-interest influences human action whenever any attempt is made to reduce taxation and lessen the burdens of the people.

It is said that our industrial establishments can not compete with manufacturers abroad. This was the plea for high tariff nearly a hundred years ago, when tariff legislation was commenced in this country. The plea at that time was doubtless a good one. We had at that time but few industries of the kind—but little capital invested therein—with no skilled labor employed in manufacturing and but little experience in the business. Because of this condition competition with the older and better-regulated establishments of Europe was hopeless, and Congress in the early legislation to secure revenue by import duties wisely sought to adjust them in a manner that would aid our then infant industries in their struggle for existence so far as it could do so consistently with the necessity for revenue. That necessity, however, was the acknowledged limit of the taxing power, and no one thought of imposing higher taxation on importations than was necessary to raise the revenue required by the Government. Within that limit discriminations might properly be made in adjusting the details of a tariff so as to aid incidentally the few manufacturing industries then existing. That policy of incidental protection in the adjustment of duties was continued in the early legislation on the subject, and very properly continued when necessary, because the average rate of duties then imposed was low and insufficient to aid some of the industries in the competitive struggle in which they were engaged.

But how very different are our manufacturers situated to-day. There is no lack of skilled labor, and in machinery we excel all other countries. There is no lack of capital or want of experience, as formerly, in the business, and without protection other than that afforded by a revenue tariff most of our manufacturing industries could compete at home and abroad with similar industries in any part of the world. Some of the newer industries, in which labor is the principal item of cost and in which machinery can not be used to any considerable extent, may be an exception, and no one would hesitate to grant them necessary aid in the adjustment of the details of a tariff limited to the demands of the Treasury for revenue.

Such a tariff would require an average rate of duty of not less than 25 or 30 per cent., which would more than pay the difference between the cost of labor here and in England or any other country in Europe and leave a fair margin of profits on the capital invested without lessening the wages paid to operatives.

Again, the advocates of a high tariff insist that it is necessary to insure proper wages to labor. They have become ashamed to ask longer for protection to infant industries. The most of our manufacturing establishments have grown to maturity, and are no longer infants needing the paternal care of the Government on their own account; but the plea of protection is interposed in the name of the labor employed. This is a specious plea, and if honestly made would command respect; but everybody knows it is not honest. It is an attempt to continue unnecessary taxation under false pretenses, in order that the manufacturers may make larger profits, not that the laborers in the mills and factories may obtain higher wages. The manufacturers and all other employers obtain their labor at the lowest possible price, and this will continue to be the case whether the tariff is high or low. Has labor shared in the profits of the manufacturers, enormously increased under the present tariff? No, sir. Employés have often been compelled to submit to a reduction of their wages, and sometimes compelled to strike in order to maintain prices that would enable them to support their families. Labor is not too well paid in any avocation in life, and no better paid in mills and factories than in many other pursuits, and I should be glad to see the day when it could command constant employment and a just return for its value to employers; but high tariff will never secure this result. Its proper remuneration depends upon conditions wholly independent of tariff laws. Such laws may, however, and do affect the cost of living to the laboring man as well as everybody else, and the higher the duty which they impose on the necessaries of life, for which his wages have to be expended, the more seriously do they embarrass him. He can buy more for his wages when duties are low than when they are high.

If you desire to improve the condition of the laboring men of the country, whether engaged in mills and factories or on the farm or in other pursuits, make the tariff as low on the things he is compelled to buy—his food, his clothing, etc.—as the condition of the Treasury will allow, but do not deceive him by the pretense that his earnings will be increased or his condition improved by maintaining a tariff which adds to the cost of everything he has to buy.

If high tariffs increase the wages of working people, how is it that in Germany and other European countries having such tariffs wages are lower than in England, which is practically a free-trade country? Can our Republican friends, upon their theory of high tariffs and high wages, solve that problem? Tariff laws, whether they impose high or low duties, do not affect wages, but they do increase or diminish the cost of living, and for that reason every workingman in the country is interested in having the tariff as low as possible.

I will read on this point an article taken from a leading newspaper:

[From the Albany Argus.]

THE TARIFF AND WAGES.

If war taxes on articles of necessity make high wages, how does it happen that the lowest wages are paid in those occupations where there is the most "protection" falsely so called? Men who work in the coal and iron mines of Pennsylvania get only 90 cents a day, and in some instances as low as 60 cents, while day laborers in the streets of any city are paid at the rate of a dollar a day or more.

If a high tariff makes high wages how does it happen that in Germany, which is a high-tariff country, mechanics earn on an average less than $4 a week, while in free-trade England the same men for a smaller number of hours are paid $7 a week?

The high tariff has nothing to do with wages. English workmen are paid

higher wages than German workmen because they do more work in many branches of industry. American workingmen are paid higher wages than English workingmen because they are more skillful and do more work. The official statistics of the three governments prove this. Here is one fact in evidence. On the average each operative engaged in woolen manufacturing in this country makes up into finished product 1,640 pounds of raw material. In England the operative on the average makes up only 1,275 pounds. The American operative in fewer hours of labor does one-fourth more work than does the English operative and earns easily one-fourth more pay. Does he get any more? Take spinners, for instance: In England their pay per week averaged about $7.70. If the American spinner turned out one-quarter more work what should he have been paid? Clearly about $9.60. What did his pay average? Less than $9.10. Take weavers, for instance: In 1880 in England their pay averaged about $6. If the American operative turned out one-quarter more goods he ought to have been paid, even on the English free-trade basis, $7.50. His pay in Massachusetts, as a matter of fact, ranged on the average from $6.95 to $7.45.

Although Germany is a high-tariff country and England is free-trade, why do German operatives get less pay than English operatives? Because they turn out less work. While the average American operative in a woolen mill makes up into goods annually about 1,640 pounds of wool, and the English operative makes up 1,275, the German operative makes up only 975 pounds. He does not do as much and as efficient work; he earns less money and he gets lower wages.

The same is true of other lines of production. Where an operative in an American cotton manufacturing establishment makes into goods 100 pounds of cotton, the English operative makes up only 67 pounds, and the German operative 28 pounds.

Laboring men are not to be deceived in the matter of wages. They know that no law of Congress or of the State can increase their pay. The better artisans they are and the better machinery and tools they have to work with, the more money they earn, and the less amount of work a man does or the more poorly he does it and the more inferior his tools and machinery the less he earns.

While laws of Congress can not increase or decrease wages, workingmen know that Congress, by putting taxes on every article of necessity they use, can make it more expensive for them to live. That is what the present tariff does. It does even worse. The poorer a man is, and the more modest his wants, the higher he is taxed. Silk stockings, for instance, are taxed 50 per cent. of their value, while common woolen socks are taxed 73 per cent. Raw silk is admitted free, and raw wool is taxed 40½ per cent.; India shawls are taxed 40½ per cent. and common woolen shawls 86 per cent. Diamonds are taxed 10 per cent., ottar of roses and orange flower scent and olives and spices come in free, while woolen jackets are taxed 40 per cent., salt 12 cents a hundredweight, and so on through the long list.

The interest professed for the workingmen by the protectionists is confined to those who are employed in the manufacturing industries. Less than three millions of our people, including men, women, and children, are thus employed, out of a population of more than sixty millions. It is not claimed that high rates of duties on importations increase the wages of any other class of working people. Why is it that the solicitude of our Republican friends who profess such interest in the employés of the mills and factories is thus restricted? Are there no other wage-earners but such as work in the manufacturing establishments? Why is it that their love for the sons of toil does not extend to those who labor in the field, in the mines, in the shops and stores, on highways and streets in your towns and cities as well as for those engaged in manufacturing establishments? The reason is obvious, they want to secure the support of the manufacturers of the country by increasing their profits under the pretense of benefiting their employés. Many of the operatives in the manufacturing establishments are intelligent men and will appreciate at its true value the motive which prompts such devotion to their interest.

They fully understand that high duties increase the profits of their employers, but add not a farthing to their wages. But now, Mr. President, in all honesty and fairness, if the maintenance of the present high tariff, which is enriching the protected industrial classes at the expense of all others, did secure better wages to the persons in their employment, which I most unhesitatingly deny, would it be right and just to continue for their benefit a rate of taxation that takes from the laboring men and women in all other pursuits part of their earnings by increasing the cost of their living? There are not three millions of persons engaged in manufacturing industries, while there are more than fifteen million engaged in other avocations. Nearly eight millions of people are employed in agricultural pursuits alone who are as poorly paid for their labor as any class of the American people. Is it right, is it just that the sixty millions of our population not engaged in manufacturing industries should be taxed beyond the requirement of the Government in order that the three millions of persons in mills and factories shall be paid high wages for their work, if a high tariff could have that result? Is it just to the seven million six hundred and seventy thousand four hundred and ninety-three farmers and men toiling in the field to maintain a high tariff and collect from them money not needed by the Treasury and compel them to pay higher prices for their clothing, their hats, their shoes, all in fact which they buy, their implements of husbandry as well as on every article of furniture in their homes, simply that one-third of their number employed in a different occupation may obtain higher wages.

No portion of the American people work harder or are poorer paid than the farming community. Fully one-half of the persons engaged in agricultural pursuits are working for wages or are tenant farmers, owning no homes of their own, but cultivating lands which they rent from others. Their property consists chiefly in the furniture in their houses, and in the live-stock and utensils necessary in the cultivation of the land. Necessity compels, on their part, incessant toil and industry, as well as the strictest economy, in order to quit expenses and maintain their families. As a general rule they have to deny themselves and their wives and children of most of the luxuries of life in order to pay their necessary bills and keep out of debt. No better citizens live in America to-day than the men who cultivate the soil as owners or tenant farmers. None are more honest and upright in their dealings with their fellow-men, or contribute more by precept and example to the good order and well being of society. Why should they be compelled to pay more for all they have to buy in order that manufacturers may realize larger profits from their business or their employés receive higher wages for their labor?

Why should mechanics and working men and women in all the avocations of life be compelled to pay a portion of their small earnings, not needed by the Government, in order that others in better condition than themselves may be benefited?

Is not the present tariff taking from the people in taxes more than $100,000,000 annually which the Government does not need, and if this exaction is longer continued to promote private interest will it be improper to call it robbery under the form of law? Another argument advanced in support of the present tariff is based upon the large increase in the business and wealth of the country since it has been in operation. It is said the country has been prosperous under the present tariff; therefore it should not be disturbed. This argument is intended to convey the impression that the prosperity of the country has resulted from our tariff laws, and is virtually a declaration that taxing the people and taking from them a part of their earnings has increased their wealth and improved their condition. If the argument had assumed another form I might accept it as true. If it should be asserted that taxing the great body of the people for the benefit of a particular class had increased the wealth of those for whose benefit the tax was imposed, I should not dispute it; but I do deny that the material wealth and prosperity of the country have resulted from the taxes paid into the Treasury or the tribute paid under the tariff to the manufacturers.

The country has prospered under the tariff, but not from it; and it would have prospered under a revenue tariff or under free trade, but not necessarily as a result of either, but from other causes wholly independent of tariffs and despite the burdens which they impose. Why should not this country be the most prosperous on earth? Where do the sources of wealth and prosperity so richly abound as here? With an extent of territory stretching from ocean to ocean and from the great inland seas on the north to the gulf on the south, with every variety of climate, soil, and production, capable of furnishing everything necessary for the sustenance of man, with rivers of oil and untold mineral deposits beneath our feet—the richest mines of the precious metals in the world—and a rapidly-increasing population of enterprising, industrious, and energetic men, why should this country not be the most prosperous and richest in the world? Our prosperity as a people is independent of the tariff, and despite the drain it has made upon their resources for the benefit of the industrial and protected classes. The country was prosperous under the tariff of 1846, strictly a revenue tariff, and the people were contented and happy. The present tariff may have increased the wealth of certain individuals and particular classes of persons, but it has been at the expense of the great body of the people, who have been deprived of their substance beyond the requirements of the Treasury in order to foster industries and increase the profits of their owners. So far as these exactions have been in excess of the amount of revenue needed by the Government they have been unjust and extortionate, and their abatement is demanded alike by public policy and common honesty.

It has been said in support of the present tariff system that high duties lead to competition in the various industries and to a reduction of prices in the articles produced, so that purchasers and consumers of domestic goods obtain them at lower rates than they could do if the duties upon foreign goods were less. That competition in some of the industrial establishments may have been stimulated by the great profits made under the tariff is not denied, nor is it disputed that prices of some articles of domestic production have declined; but this has not resulted from tariff duties imposed upon foreign importations or from the competition in business which they may have produced. There has been no greater decline in prices of manufactured goods in this country than in England, where there is no protective tariff. Certainly it will not be said that our tariff laws have affected the prices of goods manufactured abroad, and yet prices have declined in Europe fully as much as in the United States. The decline in prices everywhere has resulted from the same causes; improved machinery used in manufacturing, greater skill and better methods in business, and many other improvements in the general management and details which experience and ingenuity have suggested have resulted in a reduction in the cost of production and in prices not only here but everywhere else.

The claim that lower prices have been secured by tariff taxation is fallacious and deceptive, and is advanced to justify a system of taxation at variance with sound policy and indefensible upon any principle of honesty or justice.

Mr. President, in advocating revenue reform I have no desire and am sure the Democratic party has no purpose or intention to do anything that can justly be regarded inimical or unfriendly to the industrial interests of the country. On the contrary, I desire to see them, one and all, shielded and protected against hostile legislation and unwise interference with any right which they can justly claim. But I am unwilling to see the people of this country, of all classes and conditions in life,

oppressed by unnecessary taxation to foster private interests and enrich particular classes of men. I am especially unwilling to see the man and woman who toil for a bare subsistence and whose lives are spent in a struggle with necessity unduly deprived of a portion of their earnings, however trivial, to add to the profits or increase the wealth of others who know nothing of their deprivations, their misfortunes and wants. The legislation of Congress, especially such as has related to revenue and monetary affairs, has, for a quarter of a century, tended—whether so designed or not—to advance the interest of persons of affluence and wealth, while it has too often borne heavily on the indigent and those of limited means. The consequence is seen in class distinction based upon property and wealth, which is becoming as marked in this country as in the older portions of the world. Large and increasing fortunes, drawn from the labor and earnings of the multitude, are multiplying in single hands and bodies corporate, investing them with undue influence and power in all the affairs and relations both of public and private life. The tariff laws upon our statute-book, in the exactions they have made upon the resources of the many for the benefit of the few, have had their full share in producing this result, and common justice and the best interests of the country alike demand a revision of these provisions and a limitation of the taxes they impose to the revenue required by the Government.

CONSIDERATION OF THE FISHERIES TREATY.

The PRESIDING OFFICER. The regular order of business is the consideration of bills on the Calendar under Rule VIII.

Mr. RIDDLEBERGER. I ask permission at this time to offer a resolution. If there be a single objection to it, of course it will go over until to-morrow. I should prefer, however, that it be considered to-day.

The PRESIDING OFFICER. The Chair will receive the resolution.

The resolution was read, as follows:

Resolved, That so much of Rules XXXVI, XXXVII, and XXXVIII as provide for executive sessions be suspended during the consideration of the fisheries treaty, when the same shall be reported to the Senate.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. COCKRELL. Let it be printed and lie over.

The PRESIDING OFFICER. Objection is made.

Mr. RIDDLEBERGER. From whom does the objection come? I beg pardon; I could not hear.

The PRESIDING OFFICER. The Senator from Missouri objects. The resolution will be printed and lie over.

REPORTS OF COMMITTEES.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. 1835) for the relief of officers of the Army who have served continuously in one grade for twenty-one years, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. PAYNE, from the Committee on Foreign Relations, submitted a report embodying certain amendments to the joint resolution (H. Res. 83) accepting the invitation of the French Republic to take part in an international exposition to be held in Paris in 1889, heretofore reported; which was ordered to lie on the table, and be printed.

Mr. DANIEL, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1081) for the erection of a public building at Helena, Ark., reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. RIDDLEBERGER introduced a bill (S. 2485) for the relief of John S. Braxton; which was read twice by its title, and referred to the Committee on Claims.

Mr. TELLER introduced a bill (S. 2486) to protect settlers on lands supposed to be within the limits of railroad grants; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CHANDLER introduced a bill (S. 2487) to transfer the survey of the coasts of the United States to the Navy Department, and for other purposes; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. GORMAN introduced a bill (S. 2488) for the relief of the heirs of Nathan G. and Hezekiah J. Winslow, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. DANIEL introduced a bill (S. 2489) directing the Secretary of the Treasury to examine and settle the accounts of certain States and the city of Baltimore growing out of moneys expended by said States and the city of Baltimore for military purposes during the war of 1812; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. SPOONER introduced a bill (S. 2490) granting a pension to Nicholas T. Lawrence; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. VANCE introduced a bill (S. 2491) to repeal an act entitled "An act to establish the boundary line of Doña Afia County," in the Territory of New Mexico; which was read twice by its title, and referred to the Committee on Territories.

Mr. CULLOM introduced a bill (S. 2492) to correct the military record of Fountain C. Pollock; which was read twice by its title, and referred to the Committee on Military Affairs.

MONUMENT TO WASHINGTON'S MOTHER.

The PRESIDING OFFICER. The consideration of the Calendar will be resumed, beginning where the Senate left off yesterday.

Mr. DANIEL. I ask the unanimous consent of the Senate to take up the bill (S. 1211) for the completion of the monument to Mary, the mother of Washington, at Fredericksburgh, Va.

The PRESIDING OFFICER. Has the bill been reached on the Calendar?

Mr. DANIEL. No, sir; it is Order of Business 433.

The PRESIDING OFFICER. If there is no objection, the bill will be taken up for consideration.

Mr. COCKRELL. We must comply with the general understanding. We shall reach that bill to-morrow.

The PRESIDING OFFICER. Objection is made to the request of the Senator from Virginia.

LAND-PATENT FEES.

Mr. PLUMB. Yesterday the Senate passed the bill (S. 1681) to amend section 461 of the Revised Statutes of the United States, regulating fees for exemplification of land patents, and for other purposes. It is in precisely the language of a bill from the other House which is on the Senate Calendar. As it would be useless for the Senate to pass the Senate bill, I move that the vote by which it was passed be reconsidered.

The motion to reconsider was agreed to.

Mr. PLUMB. I now move that the bill be indefinitely postponed.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 20th instant approved and signed the following act and joint resolution:

An act (S. 1071) for the relief of A. B. Norton; and

Joint resolution (S. R. 60) directing the Secretary of the Interior, by means of the Director of the Geological Survey, to investigate the practicability of constructing reservoirs for the storage of water in the arid regions of the United States, and to report to Congress.

SUBSISTENCE DEPARTMENT GRADES.

The PRESIDING OFFICER. The Calendar will be proceeded with.

The bill (S. 1248) to effect a rearrangement of the grades of office of the Subsistence Department of the Army was announced as first in order on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that the Subsistence Department of the Army shall consist of one Commissary-General of Subsistence, with the rank, pay, and emoluments of brigadier-general; three assistant commissaries-general of subsistence, with the rank, pay, and emoluments of colonel; six assistant commissaries-general of subsistence, with the rank, pay, and emoluments of lieutenant-colonel; eight commissaries of subsistence, with the rank, pay, and emoluments of major; and eight commissaries of subsistence, with the rank, pay, and emoluments of captain of cavalry. The vacancies thus created shall be filled by the promotion by seniority of the officers now in the Subsistence Department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NEW YORK HARBOR.

Mr. EVARTS. I call attention to the bill (S. 1241) to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York City, by dumping or otherwise, and to punish and prevent such offenses, and making other provisions in connection therewith. I was absent from the Senate a few moments before its adjournment yesterday, although I was in the building, and the order under which the Senate is proceeding brought the Senate to this bill.

The PRESIDING OFFICER. The Chair will state that the bill has been reported to the Senate. It has gone through the Committee of the Whole.

Mr. EVARTS. The bill has proceeded, I understand, so far as to be amended in the Committee of the Whole and reported to the Senate. That is its present position.

The bill is a very important one, and as introduced by myself contained a certain arrangement of a board for the conduct and supervision of the matter. The committee amended that administration according to the amendments, but the Chamber of Commerce and the maritime boards in New York City are of the impression that this modification will impair very much the utility and practical service of the bill. I therefore do not desire that the bill should, as amended, now be passed, but as it will be quite in my power in the Senate to move to non-concur in the amendments, I desire that the bill may occupy its present position until I am able to call it up again.

Mr. MANDERSON. I desire to call the attention of the Senator from New York to the present parliamentary status of the bill. I think it would be important for him, for the purpose that he desires, to move to reconsider the action of the Senate. The bill was, in his absence,

reported to the Senate, and on motion all the amendments made as in Committee of the Whole were concurred in by the Senate.

Mr. EVARTS. That I did not know.

Mr. MANDERSON. So I think he had better make a motion to reconsider the vote by which the amendments were concurred in, and leave it in that position.

Mr. EVARTS. I was not properly advised as to the position of the bill.

I move, then, that the concurrence of the Senate in the amendments adopted as in Committee of the Whole be reconsidered.

The PRESIDING OFFICER. The bill is in the Senate for consideration. The present occupant of the chair was not in the chair at the time, but he understands that the question is on concurring in the amendments agreed to as in Committee of the Whole.

Mr. MANDERSON. No; I understand that the motion the Senator from New York desires to make is that the vote by which the Senate concurred in the amendments be reconsidered, so that the bill shall be left in that position.

Mr. EVARTS. That is all I desire.

Mr. DOLPH. What the Senator from New York desires is that the bill may be passed over, retaining its place on the Calendar in its present status, so that when he desires to call it up the Senate may act upon his motion to reconsider the amendments made as in Committee of the Whole.

The PRESIDING OFFICER. The Chair does not understand the Senator from New York in that way.

Mr. EVARTS. I want to have the vote reconsidered now, so that when we take up the bill in the Senate the question will be upon concurring in the amendments made as in Committee of the Whole.

Mr. DOLPH. I have no objection to that course.

The PRESIDING OFFICER. The Senator from New York moves to reconsider the votes of the Senate by which the amendments made as in Committee of the Whole were concurred in. The question is on agreeing to the motion to reconsider.

The motion to reconsider was agreed to.

Mr. EVARTS. I now ask that the bill, which I desire to see passed as soon as may be in its proper form, may occupy its present position on the Calendar until I am able to call it up.

The PRESIDING OFFICER. The bill will be passed over and retain its place on the Calendar, if there be no objection.

FREEDOM OF NAVIGABLE WATERS.

Mr. STEWART. I withdraw my objection to the consideration of the bill (S. 27) to prevent the obstructions of navigable waters and to protect public works against trespass or injury.

The PRESIDING OFFICER. The bill was passed over without prejudice, and it will be considered if there be no objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment was in section 1, line 10, after the word "river," to strike out "or other" and insert "or navigable;" in line 11, after the words "United States," to strike out "for the improvement of which Congress has already made, or may hereafter make, appropriations" and insert "which shall impede or obstruct navigation;" in line 17, after the words "situation on," to strike out "shore" and insert "the bank of any navigable waters;" in line 18, after the word "into," to strike out "any" and insert "such;" and in line 20, after the word "otherwise," to insert "whereby navigation shall be impeded or obstructed;" so as to read:

That it shall not be lawful to cast, throw, empty, or unlade, or cause, suffer, or procure to be cast, thrown, emptied, or unladen, either from or out of any ship, vessel, lighter, barge, boat, or other craft, or from the shore, pier, wharf, or mills of any kind whatever, any ballast, stone, slate, gravel, earth, rubbish, wreck, filth, slabs, edgings, sawdust or other mill-waste of any kind, into any port, road, roadstead, harbor, haven, navigable river, or navigable waters of the United States, which shall impede or obstruct navigation, or to deposit, or place, or cause, suffer, or procure to be deposited or placed, any ballast, stone, slate, gravel, earth, rubbish, wreck, filth, slabs, edgings, sawdust, or other mill-waste in any place or situation on the bank of any navigable waters where the same shall be liable to be washed into such navigable waters, either by ordinary or high tides, or by storms or floods, or otherwise, whereby navigation shall be impeded or obstructed.

The amendment was agreed to.

The next amendment was to add to the proviso at the end of section 1 the following words:

Or to prevent the depositing of any substance above mentioned under a permit from the Secretary of War, which he is hereby authorized to grant, in any place designated by him where navigation will not be obstructed thereby.

So as to make the proviso read:

Provided, That nothing herein contained shall extend or be construed to extend to the casting out, unlading, or throwing out of any ship or vessel, lighter, barge, boat, or other craft any stones, rocks, bricks, lime, or other materials used, or to be used, in or toward the building, repairing, or keeping in repair any quay, pier, wharf, weir, bridge, building, or other work lawfully erected or to be erected on the banks or sides of any port, harbor, haven, channel, or navigable river, or to the casting out, unlading, or depositing of any material excavated for the improvement of navigable waters, into such places and in such manner as may be deemed by the United States officer supervising said improvement most judicious and practicable and for the best interests of such improvement, or to prevent the depositing of any substance above mentioned under a permit from the Secretary of War, which he is hereby authorized to grant, in any place designated by him where navigation will not be obstructed thereby.

The amendment was agreed to.

The next amendment was, in section 2, line 4, after the words "permission of the," to strike out "proper local authorities" and insert "Secretary of War;" and in line 12, before the word "waters," to strike out "other" and insert "navigable;" so as to read:

SEC. 2. That it shall not be lawful to build any wharf, pier, dolphin, boom, dam, weir, breakwater, bulkhead, jetty, or other structure outside established harbor lines without the permission of the Secretary of War in any port, roadstead, haven, harbor, navigable river, or other waters of the United States, or in such manner as shall obstruct or impair navigation, commerce, or anchorage of said waters; and it shall not be lawful hereafter to commence the construction of any bridge, bridge-draw, bridge piers and abutments, causeway, or other works over or in any port, road, roadstead, haven, harbor, navigable river, or navigable waters of the United States, under any act of the legislative assembly of any State, until the location and plan of such bridge have been submitted to and approved by the Secretary of War, or to excavate or fill, or in any manner to alter or modify the course, location, condition, or capacity of the channel of said navigable waters of the United States, unless approved and authorized by the Secretary of War.

The amendment was agreed to.

The next amendment was, in section 4, line 5, after the word "jetty" to insert the words "dike, levee;" so as to make the section read:

That it shall not be lawful for any person or persons to take possession of or make use for any exclusive purpose, build upon, alter, deface, injure, obstruct, or in any other manner impair the usefulness of any sea-wall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the United States for the preservation and improvement of any of its navigable waters, or boundary marks, tide-gauges, surveying stations, buoys, or other established marks, nor remove for ballast or other purposes any stone or other material composing such works.

The amendment was agreed to.

The next amendment was, in section 5, line 8, after the words "penalties to be," to strike out:

Recoverable by and in the name of the United States of America, with costs, in any circuit or district court of the United States, at the suit of any district attorney of the United States, or at the suit of any person, by information to any district attorney in any district where or near to where the offense shall have been committed or the offender shall be.

And to insert:

Recovered by action in the name of the United States in any district court within whose jurisdiction such offense shall be committed, said action to be instituted by the district attorney for such district at the instance of any person complaining.

So as to make the section read:

That every person, persons, or corporation offending against the provisions of this act shall, for each and every such offense, forfeit and pay a penalty of $250, besides such other sum as may be found in any action for the recovery of the penalty or penalties incurred under this act to be the expense of making good the damage incurred or of removing to a proper place the things deposited in violation of this act, such penalties to be recovered by action in the name of the United States in any district court within whose jurisdiction such offense shall be committed, said action to be instituted by the district attorney for such district at the instance of any person complaining.

The amendment was agreed to.

The next amendment was, in section 6, line 5, after "United States," to strike out "collector" and insert "collectors;" and in line 7, after "United States," to strike out "nearest to the place where" and insert "for the district in which;" so as to make the section read:

SEC. 6. That it shall be the duty of officers and agents having the supervision, on the part of the United States, of the works in progress for the preservation and improvement of said navigable waters, and, in their absence, of the United States collectors of customs and other revenue officers to enforce the provisions of this law by giving information to the district attorney of the United States for the district in which any violation of any provision of this act shall have been committed.

The amendment was agreed to.

Mr. STEWART. I offer the following amendment, to come in at the end of the last section:

Nothing in this act shall prevent the reasonable use of the tributaries of any navigable waters of the United States for purposes of agriculture, mining, manufacturing, or domestic purposes, or any other industrial pursuit.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Nevada [Mr. STEWART].

Mr. GORMAN. That amendment simply destroys the bill so far as it relates to any navigable river where there is mining, particularly hydraulic mining. The Senator from Nevada, of course, is better acquainted with that industry than I am, but one of the main objects of the bill is to prevent persons engaged in hydraulic mining from forcing into navigable streams the immense deposits thereby occasioned.

Mr. DOLPH. If the Senator from Maryland will allow me, I will suggest that this does not confer any authority. It is merely a prohibition against a construction of the bill so as to extend to the tributaries of navigable rivers, not to navigable rivers. The committee cut it down by confining the effect of the bill to navigable streams. I do not believe the effect of the amendment is such as the Senator from Maryland supposes.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STATEN ISLAND SOUND BRIDGE.

The bill (S. 1433) to extend the time for the construction of a bridge

across the Staten Island Sound, known as Arthur Kill, was announced as next in order on the Calendar.

Mr. McPHERSON. I desire that that bill go over without losing its place.

Mr. FRYE. Let it be passed over without prejudice.

The PRESIDING OFFICER. Such will be the order. The bill will be passed over without prejudice.

CUMBERLAND RIVER BRIDGE.

The bill (S. 1525) to authorize the construction of a bridge over the Cumberland River between Burnside, Ky., and Carthage, Tenn., or the south fork of said river between Burnside and Tateville, Ky., was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 5, line 20, before the word "years," to strike out "three years" and insert "one year;" so as to read:

And if said bridge is not commenced within one year, etc.

Mr. BATE. I hope the amendment will not be adopted. I think two years ought to be allowed. I move to amend the amendment in that way.

The PRESIDING OFFICER. The Senator from Tennessee moves to amend the amendment by striking out "one year" and inserting "two years." The question is on that amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Commerce was, in section 5, line 21, before the word "years," to strike out "five" and insert "three;" so as to read:

And completed within three years from the passage of this act.

Mr. BATE. I move there to amend the amendment by inserting "four years" as the limit in place of three years, as proposed by the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Commerce was, in section 6, line 4, after the word "whenever," to strike out "Congress" and insert "the Secretary of War;" so as to read:

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved, and the right to require any changes in said structure or its entire removal, at the expense of the owners thereof, whenever the Secretary of War shall decide that the public interest requires it, is also expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE AT OQUAWKA.

The bill (S. 1405) to authorize the construction of a bridge across the Mississippi River at or near the city of Oquawka, in the State of Illinois, and to establish it as a post-road, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, after the word "at," at the end of line 6, to strike out "or near," and insert "a point suitable to the interests of navigation in the vicinity of;" so as to read:

That it shall be lawful for the Chicago, Oquawka and Kansas City Short Line Railway Company, a corporation organized under the laws of the State of Illinois, or its successors or assigns, to construct a bridge across the Mississippi River at a point suitable to the interests of navigation in the vicinity of the city of Oquawka, in the county of Henderson, State of Illinois.

The amendment was agreed to.

The next amendment was, in section 1, line 9, after the word "Illinois," to insert:

Provided, That a public necessity exists for said bridge.

The amendment was agreed to.

The next amendment was, in section 2, line 4, before the word "court," to strike out "district" and insert "circuit;" so as to make the section read:

SEC. 2. That said bridge shall not interfere with the free navigation of said river beyond what may be necessary to carry into effect the rights and privileges herein granted; and in case of any litigation arising therefrom, such litigation may be tried and determined by any circuit court of the United States whose jurisdiction embraces either terminus of said bridge.

The amendment was agreed to.

The next amendment was, in section 3, line 4, after the word "shall," to strike out "give a clear head-room of;" in the same line, after the word "not," to strike out "be;" in the same line, after the word "less," to strike out "in elevation;" in line 5, before the word "feet," to strike out "fifty" and insert "fifty-five;" in line 6, after the word "location," to strike out "to the bottom chord of the bridge;" in line 7, before the word "span," to strike out "the" and insert "any;" in line 10, after the word "span," to insert "or spans;" in the same line, after the word "channel," to insert "or channels;" in line 11, after the word "hundred," to insert "and fifty;" in line 15, after the word "than," to strike out "one" and insert "two;" in the same line, after the word "hundred," to strike out "and sixty;" in line 17, after the word "adjoining," to insert "span or;" in the same line, after the word "shall," to insert "give a clear width of water-way of;" in line 18, after the word "not," to strike out "be;" in the same line, after the word "than," to strike out "two" and insert "three;" in line 19, after the word "said," to strike out "span shall not be less than 30 feet above low-water mark and not less than 10 feet above extreme high-water mark, measuring from the bottom chord of said bridge" and insert "bridge shall give a clear head-room of not less than 10 feet at highest water;" and in line 27, after the word "boats," to insert "except when trains are on said draw;" so as to make the section read:

SEC. 3. That the bridge hereby authorized to be constructed must be constructed either as a draw-bridge or of unbroken spans. If constructed of unbroken spans, then it shall give a clear head-room of not less than 55 feet above extreme high water, as understood and determined at the point of location. Nor shall any span of said bridge be less than 250 feet in length, and the piers thereof shall be parallel with the current of the river. The main span or spans shall be over the main channel or channels of the river, and not less than 350 feet in length. In case said company shall elect to construct said bridge as a draw-bridge, the same shall be constructed as a pivot draw-bridge, with a draw over the main channel, with spans not less than 200 feet in length in the clear on each side of the pivot-piers, and the next adjoining span or spans to the draw shall give a clear width of water-way of not less than 350 feet, and the said bridge shall give a clear head-room of not less than 10 feet at highest water; and the piers of said bridge shall be parallel with the current of the river where said bridge may be erected. And it is further provided that said draw shall open promptly, upon proper signal, for the passage of boats, except when trains are on said draw.

The amendment was agreed to.

The next amendment was, in section 4, line 1, after the word "constructed," to insert "and properly maintained and managed," and in line 2, after the word "act," to insert "and according to its limitations;" so as to make the section read:

SEC. 4. That any bridge constructed and properly maintained and managed under this act and according to its limitations shall be a lawful structure, and shall be known as a post-road, and the same is hereby declared to be a post-road, over which no higher charge shall be made for the transmission of mails, troops, and munitions of war of the Government of the United States, or for passenger or freight passage over the same than the rate per mile charged for their transportation over the railroad or public highways leading to said bridge. The United States shall have also the right of way over said bridge for postal-telegraph purposes.

The amendment was agreed to.

The next amendment was, in section 6, line 3, after the words "Secretary of War," to insert "for his examination and approval," and in line 10, after the word "require," to insert "for a full and satisfactory understanding of the subject;" so as to read:

SEC. 6. That said railway company before entering upon the construction of said bridge, shall submit to the Secretary of War, for his examination and approval, plans and drawings of such structure, together with a map of the location thereof, for one mile above and one mile below said location, the topography of the banks of the river, the shore-lines at high and low water, the direction and strength of the current of said river at all stages of water, showing also the bed of the river and the channel, with such other and further information as the Secretary of War may require for a full and satisfactory understanding of the subject, which said drawings and other information aforesaid shall be examined by him, and if he shall approve the same, he shall so notify the said railway company of such approval, and thereupon the said company may proceed to the erection of said bridge.

The amendment was agreed to.

The next amendment was, in section 6, line 15, after the word "bridge," to insert:

But if the Secretary of War decides that the plans or location are such as to materially affect the interests of navigation, the bridge shall not be commenced or built.

The amendment was agreed to.

The next amendment was, at the end of section 6, after the word "company," to insert:

And the said bridge shall be constructed with such aids to the passage of said bridge in the form of booms, dikes, piers, or other suitable and proper structures for confining the flow of water to a permanent channel for a distance of not less than 1 mile above and a sufficient distance below the bridge site, and for the guiding of rafts, steam-boats, and other water craft safely through or under said bridge, as the Secretary of War shall prescribe and order to be constructed and maintained, at the expense of the company owning, controlling, or operating said bridge.

The amendment was agreed to.

The next amendment was, in section 7, line 1, after the word "bridge," to insert "and accessory aids to navigation;" in line 2, after the word "authorized," to strike out "to be constructed" and insert "and provided for;" in line 4, after the word "vessels," to insert "rafts and other water craft;" and in line 5, after the word "under," to insert "or through;" so as to read:

SEC. 7. That the said bridge and accessory aids to navigation herein authorized and provided for shall be so kept and managed at all times as to afford proper means and ways for the passages of vessels, rafts, and other water craft under or through it both by day and night.

The amendment was agreed to.

The next amendment was to insert as an additional section the following:

SEC. 10. That this act shall be null and void if actual construction of the bridge authorized by this act be not commenced within one year and completed within two years from the date of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RAILROAD BRIDGES IN ARKANSAS.

The bill (S. 1663) authorizing the Little Rock and Alexandria Railway Company to build certain bridges in the State of Arkansas was considered as in Committee of the Whole.

Mr. HARRIS. I ask that the amendments of the Committee on Commerce be considered as they are reached in the reading of the bill.

The PRESIDING OFFICER. If no objection be made, that course will be pursued.

The Secretary proceeded to read the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment was, in section 3, line 13, before the word "court," to strike out "district" and insert "circuit;" so as to read:

And in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river caused or alleged to be caused by said bridge the case may be brought in the circuit court of the United States for the State of Arkansas in which any portion of said obstruction or bridge may be located.

The amendment was agreed to.

The next amendment was, in section 5, line 23, to strike out "Congress" and insert "the Secretary of War;" and in the same line, after the word "direct," to insert "or the whole of said structure may be removed at the expense of the owners thereof, if the Secretary of War may, at any time, so direct;" and in line 29, after the words "judgment of," to strike out "Congress" and insert "the Secretary of War;" so as to read:

And the said structure shall be changed at the cost and expense of the owners thereof, from time to time, as the Secretary of War may direct, or the whole of said structure may be removed at the expense of the owners thereof, if the Secretary of War may, at any time, so direct, so as to preserve the free and convenient navigation of said rivers; and the authority to erect and continue any and all of said bridges shall be subject to revocation by law whenever the public good shall, in the judgment of the Secretary of War, so require.

The amendment was agreed to.

The next amendment was to insert as section 6 the following:

SEC. 6. That this act shall be null and void if actual construction of the bridges herein authorized be not commenced within one year and completed within three years from the date thereof.

The amendment was agreed to.

Mr. VEST. There is a misprint in section 1, line 28. The word "ever," before the words "the main channel," should be "over." And in section 2, line 7, the word "highways" is spelled "higways," which should be corrected.

The PRESIDING OFFICER. Those corrections will be made.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TENNESSEE RIVER BRIDGE AT SHEFFIELD, ALA.

The bill (S. 1524) to authorize the construction of a bridge over the Tennessee River, between Bridgeport and Sheffield, Ala., was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments. The first amendment was, in section 5, line 20, after the word "within," to strike out "three years" and insert "one year;" so as to read:

And if said bridge is not commenced within one year.

Mr. BATE. I move to amend this amendment by making the time two years.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. BATE. I also move, in line 21, before the word "years," to strike out "three" and insert "four;" so as to read:

And completed within four years.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The amendments of the Committee on Commerce will be proceeded with.

The next amendment of the Committee on Commerce was, in section 6, line 4, after the word "whenever," to strike out "Congress" and insert "the Secretary of War;" so as to make the section read:

SEC. 6. That the right to alter, amend or repeal this act is hereby expressly reserved, and the right to require any changes in said structure, or its entire removal, at the expense of the owners thereof, whenever the Secretary of War shall decide that the public interest requires it, is also expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGE OVER CANEY FORK RIVER.

The bill (S. 1526) to authorize the construction of a bridge over the Caney Fork River, between Rock Island and Carthage, in Tennessee, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

Mr. HARRIS. I ask that the amendments be acted upon as they are reached in the reading of the bill.

The PRESIDENT *pro tempore*. If there be no objection, that course will be pursued.

The Secretary proceeded to read the bill.

The first amendment reported from the Committee on Commerce was, in section 5, line 20, after the word "within," to strike out the words "three years" and insert "one year;" and in line 21, before the word "years," to strike out "five" and insert "three;" so as to read:

And if said bridge is not commenced within one year and completed within three years from the passage of this act, the rights and privileges hereby granted shall be null and void.

Mr. BATE. I move to amend the amendment of the committee in line 20 by striking out the words "one year" and inserting "two years;" and in line 21, by striking out "three" and inserting "four" before the word "years."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Commerce was, in section 6, line 4, after the word "whenever" to strike out "Congress" and insert "the Secretary of War;" so as to read:

That the right to alter, amend, or repeal this act is hereby expressly reserved, and the right to require any changes in said structure, or its entire removal, at the expense of the owners thereof, whenever the Secretary of War shall decide that the public interest requires it, is also expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LAND PATENT FEES.

The bill (H. R. 5723) to amend section 461 of the Revised Statutes, regulating fees for exemplifications of land patents, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ERECTION OF PUBLIC BUILDINGS.

The bill (S. 282) to amend section 3734 of the Revised Statutes, and to provide for the erection of public buildings by contract with the lowest bidders, was announced as next in order on the Calendar.

Mr. GORMAN. Let that bill go over, retaining its place.

The PRESIDENT *pro tempore*. The bill will be passed over, retaining its place on the Calendar.

OREGON WAGON-ROAD GRANTS.

The bill (S. 1939) providing in certain cases for the forfeiture of wagon-road grants in the State of Oregon was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read the third time.

Mr. HALE. I noticed as I thought while the Secretary was reading, the use of the word "intervener."

The PRESIDENT *pro tempore*. The word "intervener" occurs in line 10 of section 2.

Mr. PADDOCK. There is such a word, according to Worcester.

The PRESIDENT *pro tempore*. Does the Senator propose to amend the bill?

Mr. HALE. No, I do not. I find the word.

The bill was passed.

The preamble was agreed to.

HOT SPRINGS RESERVATION.

The next business on the Calendar was the joint resolution (S. R. 38) to enable the Secretary of the Interior to utilize the hot water now running to waste on the permanent reservation at Hot Springs, Ark., and for other purposes.

Mr. BERRY. A joint resolution which came from the House of Representatives similar to that has been passed already. This ought to be indefinitely postponed.

The PRESIDENT *pro tempore*. The joint resolution will be indefinitely postponed.

THOMAS GUINEAN.

The bill (S. 17) for the relief of Thomas Guinean was considered as in Committee of the Whole. It proposes to pay to Thomas Guinean, of Oregon, the assignee of Bradley S. Hoyt, deceased, of California, $160, paid the United States by Hoyt on account of land entry at Shasta, Cal., and which entry was subsequently canceled.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1589) to provide for holding terms of the United States courts at Mississippi City;

A bill (H. R. 3312) to transfer certain counties from the southern judicial district to the northern district, in the State of Georgia, and to divide the northern district, in said State, into two, to be known as the western and eastern divisions of said district, and for other purposes;

A bill (H. R. 4920) for the protection of the officials of the United States in the Indian Territory;

A bill (H. R. 5666) amending section 905 of the Revised Statutes of the United States;

A bill (H. R. 5673) to give validity to certain patents for inventions which were irregularly executed;

A bill (H. R. 6051) regulating the times for holding the terms of the United States courts in the northern district of Iowa;

A bill (H. R. 6831) to detach the county of Audrain, in the State of Missouri, from the eastern and attach it to the western judicial district of said State;

A bill (H. R. 6896) to require the United States circuit and district judges to instruct the jury in writing in certain cases; and

A bill (H. R. 8394) to authorize United States marshals to arrest offenders and fugitives from justice in Indian Territory.

The message also announced that the House had passed the bill (S. 1564) for the relief of importers of animals for breeding purposes in certain cases.

The message further announced that the Clerk was directed to return to the Senate, in compliance with its request, the bill (S. 1226) touching the grade of commander in the Navy and to correct an error in relation to an appointment therein.

SALE OF ADULTERATED FOOD IN THE DISTRICT.

The bill (S. 249) to prevent the sale of adulterated food in the District of Columbia was considered as in Committee of the Whole.

The Committee on the District of Columbia reported an amendment, to strike out all after the enacting clause and to insert:

That no person within the District of Columbia shall mix, color, stain, or powder, or order or permit any other person to mix, color, stain, or powder, any article of food or drugs with any ingredient or material so as to render the article injurious to health, with the intent that the same may be sold in the said District, and no person shall sell any such article so mixed, colored, stained, or powdered. Any person violating this section shall be guilty of a misdemeanor, and for each offense be fined not exceeding $200 for the first offense, and for each subsequent offense not exceeding $300, or imprisonment not exceeding one year, or both, in the discretion of the court.

SEC. 2. That no person shall, within the District of Columbia, except for the purpose of compounding as hereinafter described, mix, color, stain, or powder, or order or permit any other person to mix, color, stain, or powder, any drug with any ingredient or material so as to affect injuriously the quality or potency of such drug, with intent that the same may be sold in the said District of Columbia, and no person shall sell any such drug so mixed, colored, stained, or powdered under the same penalty in each case respectively as in the preceding section for a first and subsequent offense.

SEC. 3. That no person shall be liable to be convicted under either of the two last foregoing sections of this act in respect of the sale of any article of food, or of any drug, if he shows to the satisfaction of the court before whom he is charged that he did not know of the article of food or drug sold by him being so mixed, colored, stained, or powdered, as in either of those sections mentioned, and that he could not, with reasonable diligence, have obtained that knowledge.

SEC. 4. That no person shall sell, to the prejudice of the purchaser, any article of food or drug which is not of the nature, substance, and quality of the article demanded by such purchaser, and any person violating this section shall be guilty of a misdemeanor, and for the first offense be fined not exceeding $50, and for each subsequent offense not exceeding $100, or imprisonment not exceeding six months, or both, in the discretion of the court: *Provided*, That an offense shall not be deemed to be committed under this section in the following cases, that is to say:

First. Where any matter or ingredient not injurious to health has been added to the food or drug because the same is required for the production or preparation thereof as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight, or measure of the food or drug, or conceal the inferior quality thereof.

Second. Where the drug or food is a proprietary medicine.

Third. Where the food or drug is compounded as authorized by this act.

Fourth. Where the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation.

SEC. 5. That no person shall sell any compound article of food or compounded drug which is not composed of ingredients in accordance with the demand of the purchaser. Any person violating this section shall be guilty of a misdemeanor and fined not exceeding $50: *Provided*, That no person shall be guilty of any such offense as aforesaid in respect of the sale of an article of food or a drug mixed with any matter or ingredient not injurious to health, and not intended, fraudulently, to increase its bulk, weight, or measure, or conceal its inferior quality, if at the time of delivering such article or drug he shall supply to the person receiving the same a notice, by a label, distinctly and legibly written or printed on or with the article or drug, to the effect that the same is mixed.

SEC. 6. That no person shall, with the intent that the same may be sold in its altered state without notice, subtract from any article of food any part of it so as to affect injuriously its quality, substance, or nature, and no person shall sell any article so altered without making disclosure of the alteration, and any person violating the provisions of this section shall be guilty of a misdemeanor and fined not exceeding $100.

SEC. 7. That in any prosecution under this act, where the fact of an article having been sold in a mixed state has been proved, if the defendant shall desire to rely upon any exception or provision contained in this act, it shall be incumbent upon him to prove the same.

SEC. 8. That if the defendant in any prosecution under this act prove to the satisfaction of the court that he had purchased the article in question as the same in nature, substance, and quality as that demanded of him by the purchaser, and with a written warranty to that effect; that he had no reason to believe at the time when he sold it that the article was otherwise, and that he sold it in the same state as when he purchased it, he shall be discharged from the prosecution.

SEC. 9. That any person who shall forge, or shall alter knowing it to be forged, any certificate or any writing purporting to contain a warranty, as provided in section 8 of this act, shall be guilty of a misdemeanor and be punishable, on conviction, by imprisonment for a term not exceeding one year with hard labor.

SEC. 10. That every person who shall willfully apply to any article of food or a drug a certificate or warranty given in relation to any other article or drug, or who shall give a false warranty in writing to any purchaser in respect of an article of food or a drug sold by him as principal or agent, or who shall willfully give a label with any article sold by him which shall falsely describe the article sold, shall be guilty of a misdemeanor, and, on conviction, be fined not to exceed $100.

SEC. 11. That the commissioners of the District of Columbia shall appoint a person, who shall be removable at the pleasure of the commissioners, possessing competent knowledge, skill, and experience, as analyst of all articles of food or drugs sold within the District of Columbia, who shall receive a salary to be fixed by the commissioners, not exceeding $3,000 per annum: *Provided*, That the salary authorized by this section shall include any salary or compensation now paid to the analyst appointed by said commissioners: *And provided further*, That no person shall be appointed as such analyst who shall be engaged, directly or indirectly, in any trade or business connected with the sale of food or drugs.

SEC. 12. That any purchaser of an article of food or of a drug in the said District shall be entitled to have such article analyzed by such analyst, and to receive from him a certificate of the result of his analysis, and any health officer, inspector of nuisances, or any inspector of a market may procure any sample of food or drug, and if he suspects the same to have been sold to him contrary to any provision of this act he shall submit the same to be analyzed by the analyst of the said District, and such analyst shall, with all convenient speed, analyze the same and give a certificate to such officer, wherein he shall specify the result of the analysis.

SEC. 13. That if any officer mentioned in section 11 of this act shall apply to purchase any article of food or any drug exposed to sale or on sale by retail on any premises or in any shop or store, and shall tender the price for the quantity which he shall require for the purpose of analysis, not being more than shall be reasonably requisite, and the person exposing the same for sale shall refuse to sell the same to such officer, such person shall be guilty of a misdemeanor and fined for each offense not exceeding $50.

SEC. 14. That the term "food," as used in this act, shall include every article used for food or drink by man other than drugs or water. The term "drug," as used in this act, shall include all medicines for internal or external use.

SEC. 15. That nothing in this act shall be construed as modifying or repealing the provisions of chapter 840 of the acts of the first session of the Forty-ninth Congress, entitled "An act defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 6, 1886.

SEC. 16. That the analyst appointed under the provisions of this act may, with the approval of the commissioners of the District, from time to time declare certain articles or preparations to be exempt from the provisions of this act; and it shall be the duty of the commissioners of the District to prepare and publish from time to time a list of the articles, mixtures, or compounds declared to be exempt from the provisions of this act, in accordance with this section.

Mr. FAULKNER. In section 12, line 5, I move to amend the amendment by inserting the word "food" before the word "inspector."

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. In section 12, line 5, it is proposed to insert the word "food" before the word "inspector;" so as to read: "any food inspector," etc.

The amendment to the amendment was agreed to.

Mr. FAULKNER. And after the word "inspector," in the same line, I move to strike out "of a market."

The amendment to the amendment was agreed to.

Mr. FAULKNER. In the amendment of the committee in section 13, line 1, I move to strike out "eleven" and insert "twelve;" so as to read:

That if any officer mentioned in section 12 of this act, etc.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on the District of Columbia as amended.

Mr. WILSON, of Iowa. I wish to call the attention of the Senator reporting this bill to section 4. That section provides—

That no person shall sell, to the prejudice of the purchaser, any article of food or drug which is not of the nature, substance, and quality of the article demanded by such purchaser.

It seems to me that that section would be rendered more perfect by striking out the words "to the prejudice of the purchaser;" for it appears to me if they remain in the section it will involve a question that it will be almost impossible to determine in any case that may arise under the section. I therefore suggest that those words be stricken out.

Mr. FAULKNER. I see the point the Senator makes, and I make no objection to his amendment.

The amendment to the amendment was agreed to.

Mr. WILSON, of Iowa. Now, I would suggest at the end of line 3 that the word "such" be stricken out and the word "any" inserted; so as to read:

And quality of the article demanded by any purchaser.

The amendment to the amendment was agreed to.

The amendment of the Committee on the District of Columbia as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. FAULKNER, the title was amended so as to read: "A bill to prevent the manufacture or sale of adulterated food or drugs in the District of Columbia."

WILLIAM G. GALLOWAY.

The bill (S. 1558) for the relief of William G. Galloway was announced as next in order.

Mr. HAMPTON. A bill similar in character to this was sent here

from the House of Representatives a few days ago. I ask that the Senate bill be passed over and the House bill be taken up.

The PRESIDENT *pro tempore*. The Senator from South Carolina asks unanimous consent that the House bill be taken up. The Chair hears no objection.

The bill (H. R. 3508) for the relief of William G. Galloway, late captain Fifteenth, United States Army, was considered as in Committee of the Whole. It proposes to empower the President of the United States to issue and grant an honorable discharge from the Army to William G. Galloway, late a captain in the Fifteenth, which discharge shall bear date as of August 15, 1867, and with the rank of a captain; but no pay or allowances shall be paid Galloway by reason of such honorable discharge.

Mr. HAMPTON. The bill that comes from the House is in the same language as the Senate bill when introduced, but the Senate bill was reported by the Committee on Military Affairs with an amendment striking out "President of the United States" and inserting "Secretary of War." I move the same amendment in the House bill.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. In line 1, after the word "the," it is proposed to strike out "President of the United States" and insert "Secretary of War;" so as to read:

That the Secretary of War be, and he is hereby, authorized and empowered to issue and grant an honorable discharge from the Army of the United States to William G. Galloway, late a captain in the Fifteenth, United States Army, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The PRESIDENT *pro tempore*. The bill (S. 1558) for the relief of William G. Galloway will be indefinitely postponed.

CHANGE OF LOCATION OF AN ALLEY.

The bill (H. R. 5373) to change the location of a certain alley in the city of Washington was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NAVY HYDROGRAPHER AND ASSISTANT HYDROGRAPHER.

The bill (S. 1428) to authorize the appointment of a hydrographer and assistant hydrographer of the Navy, was considered as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs with an amendment, to strike out all after the enacting clause and insert:

That there shall be appointed by the President, with the advice and consent of the Senate, from the active-list of the officers of the Navy, a chief of the Hydrographic Office with the relative rank of captain, and an assistant with the relative rank of lieutenant-commander, to be entitled, respectively, the hydrographer and the assistant hydrographer. The salary of the hydrographer shall be $4,500 per annum, and the salary of the assistant hydrographer shall be $3,000 per annum. Whenever the President, in order to promote the efficiency of the hydrographic service, shall nominate and appoint an officer of the Navy in the place of either the hydrographer or assistant hydrographer, the officer superseded shall be placed on the retired-list.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COMMISSION ON LIQUOR TRAFFIC.

The bill (S. 372) to provide for a commission on the subject of the alcoholic liquor traffic was considered as in Committee of the Whole.

The bill was reported from the Committee on Education and Labor with an amendment, in section 2, line 1, after the word "commissioners," to insert the word "not;" and after the word "shall," at the end of the same line, to strike out "not;" so as to make the section read:

SEC. 2. That said commissioners, not all of whom shall be advocates of prohibitory legislation or of total abstinence in relation to alcoholic liquors, shall receive compensation not exceeding $10 per day and necessary expenses; that the necessary expenses incidental to said investigation, not exceeding $10,000, shall be paid out of any money in the Treasury not otherwise appropriated, upon vouchers approved by the Secretary of the Treasury; and for this purpose the sum of $10,000 is hereby appropriated; and the said commission is authorized to employ a stenographer and a clerk if they shall be found necessary. It shall be the duty of said commissioners to report the result of their investigation and the expenses attending the same to the President, to be transmitted by him to Congress.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COLORADO SCHOOL OF MINES.

The bill (S. 1102) to aid the State of Colorado to support a school of mines was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, in section 1, line 9, after the words "per annum," to insert "nor shall it exceed the amount expended by the State of Colorado for said school of mines;" so as to make the section read:

That the State of Colorado shall annually receive 25 per cent. of all moneys paid to the United States for mineral lands within the State of Colorado for the maintenance of the school of mines established at Golden, in the county of Jefferson, in said State: *Provided*, That said sum so to be paid shall not exceed the sum of $12,000 per annum, nor shall it exceed the amount expended by the State of Colorado for said school of mines.

The amendment was agreed to.

Mr. TELLER. I am directed by the committee that reported this bill to move to strike out, in line 3 of section 1, the word "twenty-five" and insert "fifty;" so as to read:

That the State of Colorado shall annually receive 50 per cent. of all moneys paid to the United States for mineral lands within the State of Colorado for the maintenance of the school of mines established at Golden, in the county of Jefferson, in said State.

Mr. MCPHERSON. I should like to inquire of the Senator from Colorado whether there is any necessity existing in the State of Colorado for the General Government to appropriate money for the establishment of a school of mines or a school for any other purpose?

Mr. TELLER. The United States has made donations of lands for agricultural purposes. It was not thought desirable to ask a donation of land, but a portion of the proceeds of mineral lands sold in the State for the only school of mines on this continent where a thoroughly practical education can be obtained in mining. Under the bill as amended 50 per cent. of the moneys received from mineral lands in the State by the United States is devoted to this purpose, and the total amount can not exceed $12,000, provided always that the State shall appropriate the same amount. The State has already expended over $250,000 besides donations received from individuals for the school of mines.

Mr. MCPHERSON. How much will this amount to?

Mr. TELLER. Not to exceed $12,000 a year out of the proceeds of the mineral lands sold within the State.

Mr. MCPHERSON. How long is this supposed to continue? Is it a perpetual fund?

Mr. TELLER. A perpetual fund while the sale of mineral land continues.

Mr. MCPHERSON. It is, then, the same as taking money out of the Treasury of the United States. This is an appropriation of $12,000 a year to continue indefinitely for the establishment of a school of mines.

Mr. TELLER. It continues while the sale of mineral lands continues.

Mr. HOAR. I should like to inquire of the Senator from Colorado whether that State has received an appropriation of public lands as the other States did for agricultural colleges under the grant of 1862 and its amendments?

Mr. TELLER. The State of Colorado received what one Congressional district is entitled to, and only that. The State contains a large area in square miles, but owing to the fact that we had but one member of Congress, we only got as much as one Congressional district. In other words, the State of New Jersey got eight or nine times as much agricultural-college land as we did.

It did not seem to me, and did not seem to our committee, as Colorado is maintaining a practical school of mines, that the sum of $12,000 a year, to be paid out of the sale of mineral lands within our own borders, was a large amount to devote to this purpose.

Mr. HOAR. I did not put the question from any purpose of hostility to the Senator's bill.

Mr. TELLER. No, I understand that.

Mr. HOAR. But, on the contrary, with the purpose of seeing whether the Senator's bill should not be made more ample in its provisions than he has himself designed. It would seem to me that the proper thing to do would be to enlarge this grant to a sum that would be equivalent to what would be a fair grant under the agricultural-college act and to give the State of Colorado some power of control over it.

If you make a special grant for a particular school you establish a precedent under which other States may come in for other schools. Lands, as I understand, are already granted to certain States for agricultural colleges with provision that the State may apply the grant to the benefit of technical or practical schools as well as to agricultural schools. In Massachusetts we give one-half to the School of Agriculture and the other half to the Technological School at Boston, where persons are educated for engineers. The State Legislature has always had a discretion in the selection of the institution to which to devote the grant. If we pick out this special institution and do not put it within the agricultural-college grant, but make this a special grant from the Treasury, I doubt whether it will be a safe precedent. It strikes me that it will be better to provide that this grant shall be made to such an institution as the State of Colorado may select, and that the amount granted shall be taken from the agricultural-college grant.

Mr. BUTLER. I think it is a departure from the rule to be debating this bill, and I therefore object to its further consideration.

The PRESIDENT *pro tempore*. The bill will go over under objection.

Mr. MCPHERSON. I hope it will retain its place on the Calendar.

Mr. BUTLER. I have no objection to that.

The PRESIDENT *pro tempore*. The bill will retain its place on the Calendar.

Mr. HOAR. It can come up to-morrow.

ALIEN OWNERSHIP OF MINERAL LANDS.

The bill (S. 1176) to authorize the sale to aliens of certain mineral lands was announced as next in order.

Mr. FAULKNER. I do not think that we can consider this bill under the eighth rule. It is probable that there will be discussion on some of the amendments which are now pending to that bill. I think it will be hardly proper to take it up at this time.

Mr. STEWART. I hope it will not be thrown over. I trust the Senator will let the bill be considered.

The PRESIDENT *pro tempore*. The Chair understands the Senator from West Virginia to object to the consideration of the bill under Rule VIII. The bill will go over, retaining its place on the Calendar.

REWARD TO ESQUIMAUX.

The bill (H. R. 1528) to reward the Esquimaux natives of the Asiatic coast of the Arctic Ocean for acts of humanity to shipwrecked seamen was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The question now is on agreeing to the preamble.

The preamble was agreed to.

CONFERENCE WITH SOUTH AMERICAN COUNTRIES.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1473) authorizing the President of the United States to arrange a conference for the purpose of promoting arbitration and encouraging reciprocal commercial relations between the United States of America and the Republics of Mexico, Central and South America, and the Empire of Brazil.

The bill was reported from the Committee on Foreign Relations with amendments.

The first amendment was, in section 1, line 5, after the words "South America," to insert "Hayti, San Domingo;" and in line 8, after the word "States," to strike out "at such time as he may deem proper," and insert "in or near the month of April;" so as to read:

That the President of the United States be, and he is hereby, requested and authorized to invite the several governments of the Republics of Mexico, Central and South America, Hayti, San Domingo, and the Empire of Brazil to join the United States in a conference to be held at Washington, in the United States, in or near the month of April, in the year 1889, for the purpose of discussing and recommending for adoption to their respective governments some plan of arbitration for the settlement of disagreements and disputes that may hereafter arise between them, and for considering questions relating to the improvement of business intercourse and means of direct communication between said countries, and to encourage such reciprocal commercial relations as will be beneficial to all and secure more extensive markets for the products of each of said countries.

The amendment was agreed to.

The next amendment was, in section 1, after the word "countries," in line 18, to strike out the following words:

The President of the United States shall appoint six commissioners, who shall attend said conference on behalf of the United States, and shall report the proceedings thereof to the President, who shall transmit the same to Congress; and the sum of $20,000, or so much thereof as shall be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the reasonable expenses of the conference, to be approved by the Secretary of State.

The amendment was agreed to.

The next amendment was to insert as additional sections the following:

SEC. 2. That in forwarding the invitations to the said governments the President of the United States shall set forth that the conference is called to consider—

First. Measures that shall tend to preserve the peace and promote the prosperity of the several American states.

Second. Measures toward the formation of an American customs union, under which the trade of the American nations with each other shall, so far as is possible and profitable, be promoted.

Third. The establishment of regular and frequent communication between the ports of the several American states and the ports of each other.

Fourth. The establishment of a uniform system of customs regulations in each of the independent American states to govern the mode of importation and exportation of merchandise and port dues and charges, a uniform method of determining the classification and valuation of such merchandise in the ports of each country, and a uniform system of invoices, and the subject of the sanitation of ships and quarantine.

Fifth. The adoption of a uniform system of weights and measures, and laws to protect the patent rights, copyrights, and trade-marks of citizens of either country in the other, and for the extradition of criminals.

Sixth. The adoption of a common silver coin, to be issued by each government in such an amount, proportionate to the population of each, as may be determined upon, the same to be legal tender in all commercial transactions between the citizens of all of the American states.

Seventh. An agreement upon and recommendation for adoption to their respective governments of a definite plan of arbitration of all questions, disputes, and differences that may now or hereafter exist between them, to the end that all difficulties and disputes between such nations may be peaceably settled and wars prevented.

Eighth. And to consider such other subjects relating to the welfare of the several states represented as may be presented by any of said states.

SEC. 3. That the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the same to be disbursed under the direction and in the discretion of the Secretary of State, for expenses incidental to the conference.

SEC. 4. That the President of the United States shall appoint, by and with the advice and consent of the Senate, ten delegates to said conference, who shall serve without compensation other than their actual necessary expenses, of whom at least two shall be learned in international law, two in finance, and six who are engaged in agriculture, manufacture, transportation, and the exportation or importation of merchandise, and the several other states participating in said conference shall be represented by as many delegates as each may elect: *Provided, however*, That in the disposition of questions to come before said conference no state shall be entitled to more than one vote.

SEC. 5. That the Secretary of State shall appoint such clerks as shall be necessary, at a compensation to be determined by him, and provide for the daily publication of the proceedings of the conference by the Public Printer, in both the English and Spanish languages; and upon the conclusion of said conference shall transmit a full report of the same to the Congress of the United States, together with a statement of the disbursements of the appropriation herein provided for.

Mr. REAGAN. I ask for the reading of the seventh proposition, in section 2.

The Secretary read as follows:

Seventh. An agreement upon and recommendation for adoption to their respective governments of a definite plan of arbitration of all questions, disputes, and differences that may now or hereafter exist between them, to the end that all difficulties and disputes between such nations may be peaceably settled and wars prevented.

Mr. REAGAN. I refer to the subdivision which relates to silver, and I ask that it be again read.

The Secretary read as follows:

Sixth. The adoption of a common silver coin, to be issued by each government in such an amount, proportionate to the population of each, as may be determined upon, the same to be legal tender in all commercial transactions between the citizens of all of the American states.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. STEWART. I should like to have that provision about silver coin reread.

The PRESIDENT *pro tempore*. The subdivision will be again read.

The Secretary read as follows:

Sixth. The adoption of a common silver coin, to be issued by each government in such an amount, proportionate to the population of each, as may be determined upon, the same to be legal tender in all commercial transactions between the citizens of all of the American states.

Mr. STEWART. I certainly object to that. I do not think if we are going to use gold and silver there should be a limitation of the quantity of money. There is no use to have a convention to say how much shall be used. If you are going to have an arbitrary limitation, why use gold and silver at all? I object to the bill.

Mr. FRYE. This has nothing to do with gold. It is an undertaking to establish a silver coin which shall be current and legal tender as between the United States and these Central and South American states.

Mr. STEWART. And it is proposed to determine the amount, as if nature had not determined the amount. If you are going to use it, why have a limitation upon the amount? I certainly am opposed to such a provision.

Mr. FRYE. The clause can be amended easily to meet the objection which the Senator from Nevada raises. If the Senator thinks there is any danger in that respect there will be no trouble in amending the bill.

Mr. REAGAN. I think it is eminently wise to make a provision that there should be a common coin between the United States and the countries named; but I agree with the Senator from Nevada that we ought not to assume that we wish to place a limitation upon that coin. I think the real interests of this country and of those countries require the coinage of silver upon the same basis as gold, and that we ought, for ourselves, to make a free and unlimited coinage of silver just as we do of gold, and not discriminate against it further. I like that part of the bill which provides for a common coinage, because that would facilitate commercial transactions, but I do not like that part of it which looks to a limitation on the amount of the silver coinage.

Mr. FRYE. Then let the Senator propose an amendment.

Mr. COCKRELL. Let the bill go over and retain its place on the Calendar.

Mr. FRYE. Its consideration is really concluded now.

Mr. COCKRELL. If this discussion continues, I shall object to its consideration, and it will certainly go over then.

Mr. FRYE. This is the only point raised.

Mr. STEWART. This is a very delicate subject, and I should like to look at it. Let the bill lie over.

Mr. FRYE. I notice that the silver men elsewhere insisted upon having this provision in.

Mr. STEWART. Perhaps they did not know what they were doing.

Mr. HARRIS. I suggest to the Senator from Maine that we pass to the consideration of the next bill, and by the time that is disposed of the Senator from Texas will have prepared his amendment.

Mr. FRYE. Very well; this may be passed over temporarily.

Mr. REAGAN. I am content with it if you just strike out that part which proposes to let the proposed conference fix and limit the adoption of a common silver coin. After the word "coin," in line 24, I propose to strike out down to the word "each," in line 26; so as to read:

The adoption of such common silver coin as may be determined upon, the same to be a legal tender in all commercial transactions between citizens of all of the American states.

That would leave out the words:

To be issued by each government in such an amount, proportionate to the population of each, as may be determined upon.

Mr. FRYE. I have no objection to the amendment.

The PRESIDENT *pro tempore*. The bill having been reported to the Senate, the Senator from Texas proposes to amend it. The amendment of the Senator from Texas will be stated.

The SECRETARY. In clause 6, after the word "coin," it is proposed to strike out the words:

To be issued by each government in such an amount, proportionate to the population of each, as may be determined upon.

Mr. STEWART. Let the bill lie over. I shall have to object to its present consideration, which I regret to do.

Mr. FRYE. I have not made any objection to its lying over.

Mr. STEWART. Just let it lie over until the next case is disposed of, and then it can be called up, so that we may look at it in the mean time.

Mr. MCPHERSON. Mr. President——

The PRESIDENT *pro tempore*. The bill will be temporarily and informally passed over, and the Senate will proceed to the consideration of the next case on the Calendar.

Mr. FRYE subsequently said: The Senators have agreed upon an amendment to the sixth subdivision, section 2, of the amendment of the Committee on Foreign Relations to House bill 1473, and I ask it to be taken up.

The Senate resumed the consideration of the bill (H. R. 1473) authorizing the President of the United States to arrange a conference for the purpose of promoting arbitration and encouraging reciprocal commercial relations between the United States of America and the Republics of Mexico, Central and South America, and the Empire of Brazil.

Mr. REAGAN. The amendment we have agreed upon is to strike out all after the word "government" in the twenty-fifth line down to the word "upon" in the twenty-sixth line.

The PRESIDENT *pro tempore*. The proposed amendment will be read at the desk.

The SECRETARY. In line 25, after the word "government," it is proposed to strike out the words:

In such an amount, proportionate to the population of each, as may be determined upon.

So as to read:

Sixth. The adoption of a common silver coin, to be issued by each government, the same to be legal tender in all commercial transactions between the citizens of all of the American states.

The amendment was agreed to.

Mr. MCPHERSON. I should like to ask the Senator from Texas a single question. As I look upon the object he has in view, it is to establish a system of coinage that shall be universal throughout the United States and the South American states. Why does he confine it to a silver coin? If he wants a universal system of coinage and a coin that shall be recognized all over the South American states as well as the United States of America, why does he not simply provide for coinage, without confining it to silver coin or any other particular coin? Certainly if there is any reason why the silver coin should be uniform, there is equal reason why the gold coin should be uniform.

Mr. REAGAN. I was simply proposing to amend the bill as reported from the Committee on Foreign Relations, and——

The PRESIDENT *pro tempore*. The Chair is compelled to remind the Senator from Texas that he has spoken once upon this bill.

Mr. VOORHEES. I beg leave to remind the Senate and the Chair that debate is out of order under this rule, if I understand the rule.

The PRESIDENT *pro tempore*. The Chair was endeavoring to enforce the rule.

Mr. MCPHERSON. I have no desire to interrupt the passage of the bill or throw any obstacle in its way, but it does seem to me that the amendment of the Senator from Texas does not go far enough.

Mr. VOORHEES. I object to the further consideration of the bill.

Mr. FRYE. I hope the Senator will not object. The bill is nearly concluded, and it is an exceedingly important one.

Mr. VOORHEES. I know it is, and I do not want to object to it; but I insist upon the rule, and that is, that there shall not be debate. I have sat here watching for bills all the afternoon.

Mr. FRYE. The rule permits five minutes' debate.

Mr. VOORHEES. My objection is not aimed at the bill, but it is aimed at debate.

Mr. BUTLER. Let us have a vote.

The PRESIDENT *pro tempore*. If there be no further amendment to the bill——

Mr. CALL. I object to the consideration of the bill.

The PRESIDENT *pro tempore*. The Senator from Florida objects to the further consideration of the bill.

Mr. FRYE. Has the Senator from Florida any objection to its holding its place on the Calendar?

Mr. CALL. None whatever. I only object to the proposed limitation upon coinage.

Mr. FRYE. There is not any limitation on coinage now. The Senate has taken the limitation out.

Mr. CALL. I understood that the Senate had inserted such a limitation.

Mr. FRYE. It has simply taken the limitation out. Does the Senator withdraw his objection?

Mr. CALL. I withdraw the objection.

Mr. FRYE. The objection is withdrawn.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill authorizing the President of the United States to arrange a conference between the United States of America and the Republics of Mexico, Central and South America, Hayti, San Domingo, and the Empire of Brazil."

Mr. FRYE. I move that the Senate insist on its amendments and ask for a conference with the House of Representatives on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate.

OATHS TO MERCHANDISE ENTRIES.

The bill (S. 622) to amend section 2805 of the Revised Statutes of the United States, so as to allow oaths to be administered by notaries public, was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment, in line 12, after the word "public," to insert the words "designated by the collector, under such regulations as the Secretary of the Treasury may prescribe;" so as to make the bill read:

That section 2805 of the Revised Statutes of the United States be, and the same hereby is, amended so that the said section shall read as follows:

"SEC. 2805. All oaths to be taken upon making of any of the reports or entries or respecting any of the acts mentioned in this chapter, whether by a master of any vessel, or the owner or consignee of any merchandise, his factor or agent, or by any other person, shall be administered by the collector or officer to or with whom the report or entry is made, or by any notary public designated by the collector, under such regulations as the Secretary of the Treasury may prescribe, and shall be reduced to writing and subscribed by the person taking and by the person administering the oath; and if said oath be administered by a notary public, he shall also affix his official seal thereto.

The amendment was agreed to.

Mr. COCKRELL. I should like to ask the Senator from Iowa [Mr. WILSON] who reported the bill why notaries public can not administer the oaths now?

Mr. WILSON, of Iowa. The section of the Revised Statutes which this bill is designed to amend confines the power of the administration of oaths in cases coming within its provisions to the collector or officer to whom the report or entry is made. As a matter of convenience in the transaction of customs business, it was thought proper to extend the power to administer oaths in certain cases to notaries public. The Secretary of the Treasury was communicated with in order to get his views of the proposed change in the law. He replied by suggesting the amendment which the committee report, and the bill therefore, with the amendment, is in accord with the views of the Secretary of the Treasury.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN S. COLEMAN.

The bill (S. 1007) granting a pension to John S. Coleman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John S. Coleman, late an employé in the Quartermaster-General's Office, United States Army.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD FITZGERALD.

The bill (S. 316) for the relief of Edward Fitzgerald was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That the Quartermaster-General of the United States is hereby authorized and directed to examine the claim of the Right Rev. Edward Fitzgerald, Bishop of Little Rock, trustee of the Catholic Church in Arkansas, for timber and fuel belonging to said church alleged to have been taken by the United States or the armies thereof at or near Fort Smith, in the State of Arkansas, during the war of the rebellion; and he may consider the evidence heretofore taken on said claim, so far as applicable, before the Commissioners of Claims and such other legal evidence as may be adduced before him in behalf of said trustee or in behalf of the United States, and shall report the facts to Congress, to be considered with other claims reported by the Quartermaster-General.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 3300) to amend an act to enable the city of Denver to purchase certain land for cemetery purposes, asked a conference with the Senate on the disagreeing votes of the two

Houses thereon, and had appointed Mr. HOLMAN, Mr. PAYSON, and Mr. MCKENNA managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 8393) to protect lands belonging to Indians from unlawful grazing and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*.

A bill (H. R. 5617) to provide for the leasing of premises for the Washington city post-office; and

A bill (H. R. 2477) for the relief of Nathaniel McKay and the executors of Donald McKay.

CONSIDERATION OF THE CALENDAR.

Mr. HARRIS. When does the consent rule under which the Senate is now acting expire?

The PRESIDENT *pro tempore*. At the conclusion of the legislative day to-morrow.

Mr. HARRIS. That is what I have understood, though I only knew that the rule extended to this evening; but I am tempted, though it is a little premature, to ask the unanimous consent of the Senate now that we continue this consent rule until the Calendar has been once called through.

Mr. PLATT. I can not consent to that.

The PRESIDENT *pro tempore*. The Senator from Connecticut objects. The next bill on the Calendar will be stated.

GEORGE F. ROBERTS AND OTHERS.

The bill (S. 2001) for the relief of George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Brothers and others, was considered as in Committee of the Whole. It proposes to pay to the following-named persons, or their legal representatives, respectively, such amounts as shall be shown to the satisfaction of the Commissioner or Internal Revenue to have been paid by them or by the firms they respectively represent, as tax on distilled spirits in excess of the quantity withdrawn by them from warehouse: to George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Brothers, $10,790.32; to Silas Q. Howe, surviving partner of William T. Pate & Co., $19,662.19; to Henry W. Smith, surviving partner of T. & J. W. Gaff & Co., $14,062.50; these payments being a refund of taxes exacted and paid on distilled spirits in excess of the quantity withdrawn by them from the bonded warehouse between July 1 and December 31, 1864, which spirits, it is alleged, had been manufactured and bonded prior to July 20, 1868.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SOPHIA W. WRIGHT.

The bill (S. 901) for the relief of Sophia W. Wright was announced as next in order on the Calendar, and the Senate, as in Committee of the Whole, resumed its consideration.

The PRESIDENT *pro tempore*. When this bill was formerly under consideration the Senator from Missouri [Mr. COCKRELL] offered an amendment, which will be stated.

The SECRETARY. In line 7, before the word "dollars," it is proposed to strike out "twenty-five" and insert "twelve;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sophia W. Wright, a volunteer nurse during the war of the rebellion, and pay her a pension at the rate of $12 per month.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Missouri.

Mr. SAWYER. I hope the Senator from Missouri will withdraw that amendment. This is a very worthy case.

Mr. COCKRELL. I can not withdraw the amendment. Let a vote be taken upon it. I think $12 is the right amount.

Mr. SAWYER. Very well; I ask for a vote on the amendment.

The amendment was rejected; there being, on a division—ayes 13, noes 26.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY M. BRIGGS.

The bill (S. 899) for the relief of Mary M. Briggs was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary M. Briggs, a volunteer nurse during the war of the rebellion, at the rate of $25 per month.

Mr. SAWYER. I move to amend the bill by adding the words:

In lieu of the pension she is now receiving.

Mrs. Briggs is a soldier's widow. She went into the Army with her husband and served as a volunteer nurse through the war without pay. She is drawing a soldier's pension, but we felt that now since she has lost her husband she ought to have $25 a month as a nurse.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COLORADO SCHOOL OF MINES.

Mr. TELLER. I ask the Senate to return to Order of Business 309, being the bill (S. 1102) to aid the State of Colorado to support a school of mines. The Senator from South Carolina [Mr. BUTLER] objected to the bill, but he will withdraw his objection. The bill has been read.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. TELLER. There is no further objection, I understand, to the bill, and it can be put upon its passage.

Mr. BUTLER. I did not object to the bill. I have no objection to the bill itself. I only objected to debate upon it.

The PRESIDENT *pro tempore*. If there be no further amendment as in Committee of the Whole the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WARREN MITCHELL.

The bill (S. 11) for the relief of Warren Mitchell was announced as next in order on the Calendar.

Mr. BECK. There is a minority report in that case, which I suppose stands as an objection. I spoke to the Senator from Wisconsin [Mr. SPOONER] this morning about it. I ask that the bill retain its place on the Calendar, and we shall endeavor to call it up at an early day upon an arrangement with the Senator from Wisconsin.

Mr. SPOONER. That course is entirely satisfactory to me.

The PRESIDENT *pro tempore*. The bill will be passed over, retaining its place on the Calendar.

SAMUEL A. B. WOODFORD.

The bill (S. 525) for the relief of Samuel A. B. Woodford was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with amendments, in line 7, to strike out the words "Surgeon-General of the Army" and insert "Secretary of War;" and in line 9, after the word "whisky," to strike out the words "and whether or not said Woodford, during the late civil war, was loyal to the United States;" so as to make the bill read:

That the claim of Samuel A. B. Woodford, of Clark County, Kentucky, for the value of 75 barrels of whisky, taken from him by order of General Samuel D. Sturgis, in April, 1863, be referred to the Secretary of War, to find and determine whether or not the United States received the benefit of said whisky, and if he shall find that said whisky was taken for the benefit of the United States (and that said claimant was loyal to the United States during the late civil war), to determine and award to the claimant the value of the whisky so taken; and that the Secretary of the Treasury be, and he is hereby, authorized and directed to pay the sum so awarded, if any, to said Woodford. And that a sufficient sum be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment thereof.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RED RIVER BRIDGES.

The bill (S. 1498) granting to the city of Grand Forks, Dak., the right to build two free bridges at said city across the Red River was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was to strike out the first seven lines of section 3, in the following words:

That the said bridge or bridges shall be draw-bridges, and the draw or pivot span shall be over the main channel at an accessible point, and shall be not less than 200 feet in length, and the spans shall not be less than 3 feet above extreme high-water mark, as understood at the point of location, to the lowest part of the superstructure of said bridge.

And to insert in lieu thereof:

That any bridge built under this act shall be constructed as a pivot draw-bridge, with a draw over the main channel at an accessible and the best navigable point, and with draw-spans giving a clear water-way, measured at the lowest stage of water known at the locality, of not less than 80 feet in the clear on each side of the central or pivot pier; and the clear width, as herein provided for, shall not be reduced by deposits of riprap or other material about the piers and abutments; and the spans shall not be of less elevation than 3 feet above extreme high-water mark, as known at the point of location, measured to the lowest part of the superstructure of said bridge; and provision shall be made in the location and construction of the abutments and approaches to allow the free passage of flood-water; and the piers of said bridge shall be parallel to, and the bridge itself at right angles to, the direction of the current of said stream.

The amendment was agreed to.

The next amendment was, in section 3, line 26, after the word "maintain," to insert the words "at its own expense;" in line 27, after the word "lights," to insert the words "or other signals;" and in the same line, after the word "the," to strike out "Secretary of

War" and insert "Light-House Board;" and in line 28, after the word "prescribed," to insert:

And said city shall provide at its own expense such sheer-booms, guide-piers, or other device as may be at any time deemed necessary by the Secretary of War to facilitate the safe passage of boats or other water craft through the spans of said bridge.

So as to read:

Provided, also, That the said draw, or draws, shall be opened promptly by said corporation, upon reasonable signal, for the passage of boats, and said city shall maintain, at its own expense, such lights or other signals thereon as the Light-House Board may prescribe, and such city shall provide at its own expense such sheer-booms, guide-piers, or other device as may be at any time deemed necessary by the Secretary of War to facilitate the safe passage of boats or other water craft through the spans of said bridge.

The amendment was agreed to.

The next amendment was to add the following additional section:

SEC. 7. That this act shall be null and void if actual construction of the bridges herein authorized be not commenced within one year, and completed within three years, from the date thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE AT SIOUX CITY.

The bill (S. 1701) authorizing the construction of a high wagon-bridge across the Missouri River at or near Sioux City, Iowa, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, in section 1, line 18, before the words "any change," to insert "the entire removal of said structure or;" so as make the section read:

That it shall be lawful for any person or persons, company or corporation now or hereafter authorized by the laws of Iowa or Nebraska to construct and maintain a high wagon-bridge across the Missouri River, at or near the city of Sioux City, in the State of Iowa, so as to connect with the opposite shore of the said river in the State of Nebraska, for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot-passengers, for such reasonable rates of toll as the city of Sioux City, Iowa, may prescribe: *Provided*, That said bridge shall not be built or commenced until the plan and specifications for its construction have been submitted to the Secretary of War for his approval, nor until he shall approve the plan and location of said bridge; and if any change be made in the plan of construction of said bridge at any time, such change shall be subject to the approval of the Secretary of War; and the entire removal of said structure or any change in the construction or in any alteration of said bridge that may be directed at any time by Congress or the Secretary of War shall be made at the cost and expense of the owners thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGES OVER MUSKINGUM RIVER.

The bill (H. R. 4327) regulating the construction of bridges over the Muskingum River, in Ohio, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, after the word "Ohio," at the end of line 4, to insert "between its mouth and Dresden;" so as to make the section read:

That any person or corporation having lawful authority to erect a bridge or bridges across the Muskingum River, Ohio, between its mouth and Dresden, may hereafter erect bridges across said river for railroad and other uses, upon compliance with the provisions and requirements of this act, but no bridge shall be erected across said river which does not comply therewith.

The amendment was agreed to.

The next amendment was in section 9, line 7, after the word "and," to insert "the entire removal of said bridge after its construction, or;" in line 9, after the word "construction," to insert "thereof;" and in line 10, after the word "by," to strike out "Congress" and insert "the Secretary of War;" so as to make the section read:

SEC. 9. That the right to alter, amend, or repeal this act so as to prevent or remove all material obstruction to the navigation of said river by the future construction of bridges is hereby expressly reserved, without any liability of the Government for damages on account of the alteration or amendment of this act, or on account of the prevention, or requiring the removal of any such obstructions; and the entire removal of said bridge after its construction, or any change in the construction thereof, or any alteration of any such bridge that may be directed, at any time by the Secretary of War, shall be made at the cost and expense of the owners thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. FRYE. I move that the Senate insist on its amendments and ask for a conference.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. VEST, Mr. SAWYER, and Mr. JONES of Nevada, were appointed.

CADET ENGINEERS.

The bill (S. 1484) for the relief of G. Kaemmerling and others was considered as in Committee of the Whole. For the purpose of placing certain cadet engineers (graduates) in their proper grade and rank in the Navy, the President is authorized to appoint and commission, as assistant engineers in the Navy, the cadet engineers of the classes of 1881 and 1882 now in the Navy, but the commissions of the class of 1881 are to be dated from July 1, 1883, and their names placed on the Navy Register immediately after the name of William D. Weaver, and they are to take precedence in their grade and corps according to their proficiency as shown by their order of merit at the date of graduation; and the commissions of the class of 1882 are to be dated from July 1, 1884, and their names placed on the Navy Register immediately after the name of Charles E. Rommell, and they are to take precedence in their grade and corps according to their proficiency as shown by their order of merit at the date of graduation.

The Committee on Naval Affairs reported an amendment, to add to the bill the following proviso:

Provided, That any of such cadet engineers who failed to pass the physical examination at the Naval Academy made at the time of their graduation shall be subjected to further examinations before receiving their appointments as above authorized.

The amendment was agreed to.

Mr. MCPHERSON. I offer an amendment to come in at the end of line 5, in section 1. After the word "and" I move to insert:

By and with the advice and consent of the Senate.

So as to read:

That for the purpose of placing certain cadet engineers (graduates) in their proper grade and rank in the Navy, the President of the United States be, and is hereby, authorized to appoint and, by and with the advice and consent of the Senate, commission as assistant engineers in the Navy the cadet engineers of the classes of 1881 and 1882, now in the Navy.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to fix the status in the Navy of certain cadet engineers."

PORTS OF ENTRY IN WASHINGTON TERRITORY.

The bill (S. 1128) to create ports of entry at Tacoma and Seattle, in Washington Territory, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROMOTION OF ARMY ASSISTANT SURGEONS.

The bill (S. 35) to authorize the promotion of certain assistant surgeons of the Army after twenty years' service was announced as next in order.

Mr. REAGAN. I ask that that bill be passed over.

The PRESIDENT *pro tempore*. The bill will be passed over under objection.

Mr. BECK. I rise to move that the Senate proceed to the consideration of executive business. It is now 5 o'clock.

Mr. SAWYER. I wish the Senator would give way one moment.

Mr. BECK. Any time in the next ten minutes will do.

Mr. STEWART. There is no objection to Senate bill 35, relating to the promotion of certain assistant surgeons of the Army, retaining its place on the Calendar?

Mr. REAGAN. No, I have no objection to the bill retaining its place on the Calendar. I want an opportunity to look at it.

Mr. STEWART. Let it keep its place on the Calendar, liable to be called up again.

The PRESIDENT *pro tempore*. It will be passed over without prejudice.

POSTAGE ON SEEDS, CUTTINGS, ETC.

Mr. SAWYER. I wish to make a report from the Committee on Post-Offices and Post-Roads. I am instructed by that committee to report without amendment the bill (S. 2405) for the reduction of postage on seeds, cuttings, bulbs, scions, etc., and I ask unanimous consent, after the bill is read, to have it considered at this time. It is very short.

The report was received, and by unanimous consent the Senate as in Committee of the Whole proceeded to consider the bill. It provides that hereafter the postage on seeds, cuttings, bulbs, roots, and scions shall be charged at the rate of 1 cent for each 4 ounces or fraction thereof, subject in all other respects to the existing law.

Mr. SAWYER. If there is no objection to the bill I will say nothing.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Indian Affairs:

A bill (H. R. 4920) for the protection of the officials of the United States in the Indian Territory;

A bill (H. R. 8393) to protect lands belonging to Indians from unlawful grazing, and for other purposes; and

A bill (H. R. 8394) to authorize United States marshals to arrest offenders and fugitives from justice in Indian Territory.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 5666) amending section 905 of the Revised Statutes of the United States;

A bill (H. R. 6051) regulating the times for holding the terms of the United States courts in the northern district of Iowa;

A bill (H. R. 6831) to detach the county of Audrain, in the State of Missouri, from the eastern and attach it to the western judicial district of said State;

A bill (H. R. 6896) to require the United States circuit and district judges to instruct the jury in writing in certain cases; and

A bill (H. R. 3312) to transfer certain counties from the southern judicial district to the northern district in the State of Georgia, and to divide the northern district in said State into two, to be known as the western and eastern divisions of said district, and for other purposes.

The bill (H. R. 5673) to give validity to certain patents for inventions which were irregularly executed was read twice by its title, and referred to the Committee on Patents.

COURTS IN MISSISSIPPI.

The bill (H. R. 1589) to provide for holding terms of the United States courts at Mississippi City was read twice by its title.

Mr. GEORGE. The bill just read is an exact copy of a bill passed by the Senate yesterday. If it be in order, I ask that the House bill be considered by unanimous consent. It is an exact copy of the bill passed by the Senate yesterday.

The PRESIDENT *pro tempore*. The Senator from Mississippi asks unanimous consent that the Senate now proceed to the consideration of the bill named by him.

There being no objection, the bill (H. R. 1589) to provide for holding terms of the United States courts at Mississippi City was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

Mr. GEORGE. I suggest now that the bill (S. 778) to provide for holding terms of the United States courts at Mississippi City, passed by the Senate and which was sent to the House yesterday, be recalled from the House of Representatives.

The PRESIDENT *pro tempore*. The Senator can move that the bill be recalled from the House of Representatives.

Mr. GEORGE. I make that motion.

Mr. HOAR. Can it be necessary to do that? Can not some member of the House state that the bill has passed here and move to lay it on the table there?

Mr. GEORGE. I thought it would be better to make a disposition of it.

The PRESIDENT *pro tempore*. The Senate can recall the bill, and then it can be reconsidered.

Mr. GEORGE. I move to recall the bill from the House of Representatives.

The PRESIDENT *pro tempore*. The Senator from Mississippi moves to reconsider the vote by which the Senate passed the bill (S. 788) to provide for holding terms of the United States courts at Mississippi City, and that the House be requested to return the same. The request will be made if no objection be interposed.

INSTRUCTIONS TO JURIES.

Mr. HOAR. I desire to enter a motion to reconsider the vote on the passage of the bill (S. 192) to provide that judges of the United States circuit and district courts shall reduce their instructions to juries to writing, in all States wherein by the laws thereof State judges are required so to do.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves to reconsider the vote by which the Senate passed the bill named by him. The motion will be entered.

Mr. HOAR. Let the bill be recalled from the House of Representatives.

The PRESIDENT *pro tempore*. That request will be made of the House of Representatives.

EXPENDITURES OF FISH COMMISSION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the United States Commissioner of Fish and Fisheries, transmitting, in response to a resolution of February 21, 1888, information in regard to expenditures of the Commission for the fiscal year ending June 30, 1887, and from that date to February 1, 1888, together with a statement of persons employed, salaries paid, property held, and stations occupied by the Commission, and appropriations which have been annually made for its work; which, with the accompanying papers, was referred to the Committee on Fisheries, and ordered to be printed.

EXECUTIVE SESSION.

Mr. BECK. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 23, 1888, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 22d day of March, 1888.

REFINER OF THE MINT.

John H. Dennis, of Nevada, to be melter and refiner of the mint of the United States at Carson, Nev., *vice* David K. Tuttle, who has been nominated melter and refiner of the mint at Philadelphia, Pa.

POSTMASTER.

Dwight N. Miller, to be postmaster at Homer, Cortland County, New York, *vice* Ethel C. Benedict, whose term expires March 24, 1888.

CONFIRMATION.

Executive nomination confirmed by the Senate March 21, 1888.

REFINER OF THE MINT.

David K. Tuttle, of New Jersey, to be melter and refiner of the mint of the United States at Philadelphia, in the State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March* 22, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D., of Washington, D. C.

The Journal of the proceedings of yesterday was read and approved.

COMPILATION OF REPORTS OF COMMITTEES.

Mr. CONGER, by unanimous consent, submitted the following resolution; which was read, and referred to the Committe on Printing:

Resolved, That the Joint Committee on Printing be, and they are hereby, directed to provide for a duplicate of the "compilation of reports of committees," provided for in public resolution No. 24, first session Forty-eighth Congress, approved July 29, 1886; said duplicate of Senate reports to be for the use of House committees.

REFERENCE OF BILLS.

The SPEAKER laid before the House the amendments of the Senate to the bill (H. R. 2017) to incorporate the Rock Creek Railway Company of the District of Columbia; which was referred to the Committee on the District of Columbia.

The SPEAKER also laid before the House Senate bills of the following titles; which were read twice, and referred as follows, namely:

A bill (S. 2) for the relief of the Mission Indians in the State of California—to the Committee on Indian Affairs.

A bill (S. 70) to provide for warehousing fruit brandy—to the Committee on Ways and Means.

A bill (S. 396) for the relief of Sarah E. E. Perine, widow and administratrix of William Perine, deceased—to the Committee on War Claims.

A bill (S. 1139) for the construction of a bridge across the St. Croix River—to the Committee on Commerce.

A bill (S. 1226) touching the grade of commander of the Navy, and to correct an error in relation to an appointment therein—to the Committee on Naval Affairs.

A bill (S. 1328) for the relief of Betts, Nichols & Co.—to the Committee on Claims.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GROSVENOR, for the remainder of the week, on account of pressing personal business.

To Mr. THOMPSON, of Ohio, indefinitely, on account of important business.

To Mr. DORSEY, indefinitely, on account of illness.

CHANGE OF REFERENCE.

Mr. RANDALL. I am instructed by the Committee on Appropriations to report back a letter of the Secretary of the Treasury, in relation to the penitentiary in Utah, improperly referred to that committee, for reference to the Committee on Public Buildings and Grounds.

The SPEAKER. The title of the communication will be read.

The Clerk read as follows:

A letter from the Secretary of the Treasury, transmitting, with inclosures, a letter from the Attorney-General relative to additional prison accommodations in the United States penitentiary in Utah.

The SPEAKER. This communication will be referred, if there be no objection, to the Committee on Public Buildings and Grounds.

There was no objection, and it was so ordered.

CORRECTION.

Mr. COWLES. I rise to a privileged question. Mr. Speaker, in the RECORD, on page 1480, in a question which I put to the gentleman from

Missouri [Mr. BLAND], who then occupied the floor, I am made to say:

I wish the gentleman would tell us how we can have an iron rule upon this subject.

What I did say was, "I wish the gentleman would tell us how we can have a yea-and-nay vote upon this subject."

Again, in a subsequent part of the question, I am made to say:

I am in favor of his amendment, but I do not see how we can have such a rule.

What I did say was, "I am in favor of his amendment, but what I wish is to have a yea-and-nay vote upon the subject in the House."

The SPEAKER. The correction will be made.

ORDER OF BUSINESS.

Mr. CULBERSON. I call up the special order.

The SPEAKER. This day, immediately after the reading of the Journal, has been set apart, by order of the House, for the consideration of business reported from the Committee on the Judiciary.

JUDICIAL DISTRICTS OF GEORGIA.

Mr. CULBERSON. I call up the bill (H. R. 3312) to transfer certain counties from the southern judicial district to the northern district in the State of Georgia, and to divide the northern district in said State into two, to be known as the western and eastern divisions of said district, and for other purposes.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted, etc., That the counties of Hancock, Warren, Glascock, McDuffie, Columbia, Richmond, Burke, Jefferson, Johnson, and Washington, now embraced in the limits of the southern Federal judicial district of the State of Georgia, be, and they are hereby, transferred from the said southern district to the northern district as now constituted by law.

SEC. 2. That for the purpose of holding the terms of court at proper localities, the northern judicial district as constituted by this act shall be divided into two, known respectively as the western division and eastern division of said district. The counties of Morgan, Greene, Hancock, Warren, Glascock, McDuffie, Columbia, Richmond, Lincoln, Wilkes, Taliaferro, Oglethorpe, Burke, Jefferson, Johnson, and Washington shall constitute the eastern division of said district, and all the other counties in said northern district as now constituted shall form the western division of said district.

SEC. 3. That there shall be held at the city of Augusta, in the eastern division of said northern district, two terms of the district and circuit courts in each and every year, to wit, one term commencing on the first Monday in May and the other the first Monday in November of each year. No additional clerk or marshal shall be appointed in said district.

SEC. 4. That all civil suits not of a local nature must be brought in the western or eastern division of the district in which the defendant or defendants reside; but if there are two or more defendants, some residing in the western division and others in the eastern, the action may be brought in either of the divisions in which any one of the defendants resides. When the defendant is a non-resident of either division, action may be brought in that division wherein the defendant may be found. Causes removed from any of the courts of the State of Georgia to the circuit court of the United States shall be removed to the circuit court in the division in which said State court is held.

SEC. 5. That all prosecutions for crimes or offenses hereafter committed in either of the said divisions shall be cognizable within such division; and all prosecutions for crimes or offenses heretofore committed within either of said counties, taken as aforesaid from the southern district, or committed in the southern district as heretofore constituted, shall be commenced and proceeded with as if this act had not been passed.

SEC. 6. That civil actions or proceedings now pending at Savannah, in the southern district, in which parties residing in the counties by this act transferred to the northern district are interested, may be transferred, by the consent of all the parties, to the northern district as herein provided; and in case of such transfer, all papers and files therein, with copies of all journal entries, shall be transferred to the deputy clerk's office of the court to which they are transferred, and the same shall be proceeded with in all respects as though the case was originally brought therein.

SEC. 7. That all grand and petit jurors summoned for service in each division shall be residents of such division.

SEC. 8. That this act shall be in force from and after the 1st day of August, 1887; and all acts and parts of acts inconsistent herewith are hereby repealed.

The committee recommended the striking out of the word "Morgan" in the fifth line of the second section.

Mr. CULBERSON. I yield to the gentleman from Ohio [Mr. SENEY.]

Mr. SENEY. This is a matter of purely local concern, interesting probably to the people of Georgia, and to no other locality of the country. I will yield the floor, therefore, to the gentleman from Georgia [Mr. BARNES] for ten minutes.

Mr. BARNES. I move to concur in the amendment to strike out the county of Morgan.

The SPEAKER. That is the committee's amendment.

The amendment was adopted.

Mr. BARNES. I now move to strike out the county of Oglethorpe, in the seventh line of the same section.

The amendment was adopted.

Mr. BLOUNT rose.

Mr. BARNES. There is a clerical error in the eighth section, where provision is made that this bill shall go into operation on the 1st day of August, 1887. I move to strike out these words and insert instead "the 1st day of January, 1889."

The amendment was adopted.

Mr. BLOUNT. Some of the counties included in this bill are taken from the eastern division of the southern district of the State. I have had no compaint made to me from any of these counties, but would be glad to know if my colleague has taken occasion to satisfy himself that such is the wish of the bar and of the people in those counties.

Mr. BARNES. I certainly have. I have taken the pains to go through the district myself and inquire of the members of the bar in each of the counties which were originally in the southern district of the judicial system of Georgia, and so far as I have been able to ascertain they all desire the passage of this bill.

Mr. CRISP. Has there been any objection so far as my colleague knows to the taking in of these counties from the southern district?

Mr. BARNES. I have received no objection whatever myself. There was one county, I understand, which they wanted to be erased from the eastern division—the county of Oglethorpe. I moved to amend that, and it has been done.

Mr. CRISP. I have heard no objection myself, and did not know if any had been made.

Mr. SENEY. If no gentleman desires to say anything further about this bill I ask that it be engrossed for a third reading.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SENEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PATENTS VALIDATED.

Mr. CULBERSON. I call up for consideration the bill (H. R. 5673) to give validity to certain patents for inventions which were irregularly executed, and I yield the floor to my colleague on the committee, the gentleman from Ohio [Mr. EZRA B. TAYLOR].

The bill was read, as follows:

Be it enacted, etc., That all patents for inventions signed by David L. Hawkins, Second Assistant Secretary of the Interior, shall have the same force, effect, and validity as though the same had been signed by the Secretary of the Interior in person at the date on which they were respectively executed.

Mr. EZRA B. TAYLOR. I call for the reading of the report.

The report (by Mr. EZRA B. TAYLOR) was read, as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 5673) to give validity to certain patents for inventions which were irregularly executed, having had the same under consideration, report:

That while the statute (section 4883) requires the Secretary of the Interior to sign all patents for inventions, yet many of such patents have recently been signed by David L. Hawkins, Second Assistant Secretary of the Interior, and in his capacity as such Second Assistant Secretary.

Your committee, believing that the statute does not authorize or empower such officer to sign such patents, but believing that such patents so signed ought to be validated, recommend the passage of said bill, it having no other purpose or effect.

Mr. EZRA B. TAYLOR. Mr. Speaker, I presume there is no need of delaying the House a moment, and if no one wishes to have time I call for a vote.

Mr. BLAND. As this is a bill relating to patents, I think the House should take time to see what is the effect of it.

Mr. EZRA B. TAYLOR. The report has been read, and if attention had been given to the reading it would have been seen there was nothing in the bill requiring a moment's attention. The matter is simply this: That for some little time, on account of a misunderstanding, one of the Assistant Secretaries of the Interior has been signing officially as Second Assistant Secretary the patents issued. There is no law for that, and this is simply to validate the action.

Mr. BLAND. And what patents will be validated by this bill?

Mr. EZRA B. TAYLOR. I do not know. At this session the House has passed a bill, and I understand it has passed the Senate, giving this same officer, the Second Assistant Secretary of the Interior, the right hereafter to sign the patents. This bill is to validate those patents which he has signed during the last two years. It does not go farther back than two years.

Mr. WEAVER. I desire to say a word with reference to this bill.

Mr. EZRA B. TAYLOR. What time does the gentleman desire?

Mr. WEAVER. I will wait till the gentleman from Ohio gets through.

Mr. EZRA B. TAYLOR. I yield the gentleman what time he wants.

Mr. WEAVER. I do not see any objection to this bill. In fact, it is right and proper that it should pass. But I want to say I do not see how the Judiciary Committee gets control of a bill of this character. It had no business before the Judiciary Committee, and it was an improper reference. If the bill had any important questions involved in it, I should move its reference to the proper committee. I shall not do so under present circumstances, and content myself with saying that it ought not to have been before that committee.

Mr. PAYSON. Will the gentleman from Ohio yield to me for a moment?

Mr. EZRA B. TAYLOR. Yes, sir.

Mr. PAYSON. I desire to make a single suggestion. It is that the evil sought to be cured by this bill has arisen in the case of other officers as well as the one named. I know this by personal inquiry at the Department of the Interior; and I suggest to the gentleman from Ohio the propriety of amending his bill by inserting the words "or any other Assistant Secretary" after the word "Interior," in line 4 of the bill.

Mr. EZRA B. TAYLOR. The gentleman can move to amend in the way he indicates.

Mr. PAYSON. Then I offer the amendment.

The Clerk read the proposed amendment, as follows:

In line 4, after the word "Interior," insert the words "or any other Assistant Secretary of the Interior."

Mr. EZRA B. TAYLOR. I think that amendment should be made.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. EZRA B. TAYLOR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNITED STATES COURTS, MISSISSIPPI CITY.

Mr. CULBERSON. I call up the bill (H. R. 1589) to provide for holding terms of the United States courts at Mississippi City.

The bill was read, as follows:

Be it enacted, etc., That the counties of Hancock, Harrison, Jackson, Marion, Perry, and Greene, being a part of the southern judicial district of Mississippi, shall be known as the southern division of said district; and circuit and district courts, for the transaction of business pertaining to the persons and property in said southern division, shall be held at Mississippi City on the third Mondays of February and August in each year.

SEC. 2. That the said courts to be held at Mississippi City, as provided in section 1 of this act, shall be possessed of and shall exercise all the powers and jurisdiction now possessed or exercised, or which may hereafter be granted to or exercised, by the circuit and district courts in said district now held at Jackson; and all laws regulating and defining how suits against persons or property located or found in judicial districts shall be brought shall be applicable to and govern the bringing of suits in said division; and all laws touching the removal of causes from State courts to United States courts shall apply to said courts hereby established; but all crimes and offenses heretofore committed within said southern district shall be prosecuted, tried, and determined in the same manner and with the same effect as if this act had not been passed.

SEC. 3. That it shall be the duty of the clerks of the courts now held at Jackson, on demand of either party to any suit now pending in either of said courts, and properly belonging to the court at Mississippi City, to make out and certify a copy of the record and proceedings in such suit, and to transmit the same to the deputy clerk of the proper court at Mississippi City, who shall enter said cause on his docket, and the same shall be proceeded with as if it had been originally brought in said court. The fees for such transcript shall be paid by the party applying for the same.

SEC. 4. That the marshal and clerks of said southern district of Mississippi shall each appoint a deputy, who shall reside at Mississippi City.

SEC. 5. That the United States shall not be at any expense in providing for a building or room for the holding of the terms of said court.

SEC. 6. That whenever the circuit and district courts in the southern district of Mississippi shall be held at the same time and place, only one grand jury and the necessary number of petit jurors shall be summoned for both courts, and they shall be the grand and petit jurors for both said courts.

Mr. CULBERSON. I yield to the gentleman from Pennsylvania [Mr. BUCKALEW].

Mr. BUCKALEW. Mr. Speaker, this bill does not involve any matter which should provoke debate. It has been reported by the Committee on the Judiciary unanimously, and it is agreeable to the Representatives of the State of Mississippi. If there is any question about it, the gentleman from Alabama [Mr. OATES] can state the points which are embodied in the report. If no gentleman desires further light upon the bill, I move that it be ordered to be engrossed and read a third time.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BUCKALEW moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SECTION 905, REVISED STATUTES.

Mr. CULBERSON. Mr. Speaker, I call up the bill (H. R. 5666) amending section 905 of the Revised Statutes, and I yield to the gentleman from Alabama [Mr. OATES].

The bill was read, as follows:

Be it enacted, etc., That section 905 of the Revised Statutes of the United States be amended by striking therefrom the words "or presiding magistrate," in the eigth and ninth lines of said section, and inserting in lieu thereof the words following: "presiding magistrate, or any judge or justice of said court;" so that the section, as amended, shall read as follows:

"SEC. 905. The acts of the Legislature of any State or Territory, or of any country subject to the jurisdiction of the United States, shall be authenticated by having the seals of such State, Territory, or country affixed thereto. The records and judicial proceedings of the courts of any State or Territory, or of any such country, shall be proved or admitted in any other court within the United States by the attestation of the clerk and the seal of the court annexed, if there be a seal, together with a certificate of the judge, chief-justice, presiding magistrate, or any judge or justice of said court that the said attestation is in due form; and the said records and judicial proceedings so authenticated shall have such faith and credit given to them in every court within the United States as they have by law or usage in the courts of the State from which they are taken."

Mr. OATES. Mr. Speaker, this bill is to amend section 905 of the Revised Statutes. The defect in the existing statute is that in the certification of a record from a court to be used elsewhere it requires that the presiding magistrate or judge or justice of said court shall make the certification. It has been adjudicated in several cases that where the court is composed of more than one member and the presiding magistrate or judge is absent neither of the associates can make a certification which will be valid in law. There are other cases arising in practice under the statute which render it very inconvenient and at times oppressive; and this bill, in order to cure that defect, provides that any one of the associate justices as well as the presiding justice may make a certification, or, in the case of a court composed of a single judge, that the record may be authenticated in due form by the clerk, there being attached thereto the certificate of the judge that he is the clerk of the court, and that the certification is in due form under the seal of the court. That is the whole of the bill. It has been reported unanimously by the Committee on the Judiciary, and I now move that it be ordered to be engrossed and read a third time.

Mr. HOLMAN. Mr. Speaker, there was some confusion in the Hall when the bill was read, and I ask that it be read again.

The bill was again read.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. OATES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PROTECTION OF UNITED STATES OFFICIALS, INDIAN TERRITORY.

Mr. COLLINS. Mr. Speaker, I call up the bill (H. R. 4920) for the protection of the officials of the United States in the Indian Territory.

The bill was read, as follows:

Be it enacted, etc., That any Indian hereafter committing against the person of any Indian policeman appointed under the laws of the United States, or against any Indian United States deputy marshal, posse comitatus, or guard, while lawfully engaged in the execution of any United States process' or lawfully engaged in any other duty imposed upon such policeman, deputy marshal, posse comitatus, or guard by the laws of the United States, any of the following crimes, namely, murder, manslaughter, or assault with intent to kill, within the Indian Territory, or who shall hereafter commit either of the crimes aforesaid, in said Indian Territory, against any person who, at the time of the commission of said crime, or at any time previous thereto, belonged to either of the classes of officials hereinbefore named, because such person, while acting in such capacity, had previously performed or been engaged in the performance of any such duty or service for the United States, shall be subject to the laws of the United States relating to such crimes, and shall be tried by the district court of the United States exercising criminal jurisdiction where such offense was committed, and shall be subject to the same penalties as are all other persons charged with the commission of said crimes, respectively; and the said courts are hereby given jurisdiction in all such cases.

Mr. ROGERS. Mr. Speaker, I ask to have the report read.

The report (by Mr. ROGERS) was read, as follows:

The Committee on the Judiciary, having had under consideration House bill 4920, report the same back with the following amendment: Strike out all from and including the word "because," in line 16, down to and inclusive of the words "United States," in line 18.

The bill is simply amendatory of a provision of the Indian appropriation bill approved March 3, 1887 (24 Stat. L., p. 464), and extends the protection of the United States laws and jurisdiction over the posse comitatus and guards who may be employed by the marshals in the Indian Territory in the execution of United States process. Its necessity is seen in the fact that Indians required to serve in the said capacities have been repeatedly killed in the last few months while on duty by those of their race while under arrest, and in some instances by the friends of the prisoners after the service had been performed; and the Indian courts have either refused or neglected to take any cognizance of the cases or even to apprehend the murderers.

The committee believe that all officers of the Government should have the shield of the law's protection thrown around them in the execution of its process, and that if the Indian government will not afford protection in its own courts that the United States should do so.

Your committee therefore recommend the passage of the bill, with the amendment.

The Committee on the Judiciary recommended an amendment striking out from lines 16, 17, and 18 of the bill the words, "because such person, while acting in such capacity, had previously performed or been engaged in the performance of any such duty or service for the United States."

The amendment was agreed to.

Mr. ROGERS. Mr. Speaker, the Committee on the Judiciary have also instructed me to move to amend the bill by inserting after the word "Indian," in line 4, the words "agent or;" so that it will read, "any Indian agent or policeman," etc.

The amendment was agreed to.

Mr. ROGERS. I am instructed also to move to amend in line 8, by inserting after the word "such" the word "agent;" so that it will read, "duty imposed upon such agent, policeman, deputy marshal," etc.

The amendment was agreed to.

Mr. ABBOTT. Mr. Speaker, I move to amend, in line 11, by striking out the word "kill" and substituting the word "murder."

Mr. ROGERS. I accept that amendment, Mr. Speaker. The word "kill" was used by an inadvertence.

The amendment was agreed to.

Mr. ROGERS. I move that the bill be ordered to be engrossed and read a third time.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ROGERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SECTION 905 REVISED STATUTES.

Mr. OATES. Mr. Speaker, in the bill H. R. 5666, which passed the

House a few moments ago, there is an omission or oversight which I ask unanimous consent to correct. In the first place, the bill mentions the records and judicial proceedings of the courts of any "State, Territory, or country," and then, after describing the manner of certification of records, it provides at the end that proceedings so authenticated shall have such faith and credit given to them in every court of the United States as they have by law or usage "in the courts of the State from which they are taken." I ask unanimous consent to amend the bill by adding after the word "State," in that last clause, the word "Territory, or country," so as to make the two parts of the bill harmonious.

The SPEAKER. If there is no objection, these words will be inserted without the formality of reconsideration.

There was no objection, and it was so ordered.

TERMS OF COURT IN IOWA.

Mr. COLLINS. I call up for consideration the bill (H. R. 6051) regulating the times for holding the terms of the United States courts in the northern district of Iowa. I yield to the gentleman from Iowa [Mr. FULLER].

The bill was read, as follows:

Be it enacted, etc., That hereafter the terms of the circuit and district courts of the United States in and for the northern district of Iowa shall be held as follows: At Sioux City on the first Tuesdays in October and May; at Fort Dodge on the second Tuesday of November and first Tuesday in June; at Dubuque on the fourth Tuesday of November and the first Tuesday in April.

Mr. FULLER. I call for the reading of the report.

The report (by Mr. FULLER) was read, as follows:

It appears that the changes desired in the terms for holding the courts are for the convenience of the persons having business before the court during the winter season. The judge for that district states, in referring to this bill:

"The only material change is in case of Fort Dodge, from January to November. I have consulted the bar here (Fort Dodge), and they are anxious to have the change made to avoid the difficulty resulting from the snow blockades. These times will not conflict with terms of State courts." * * *

This bill simply changes the time for holding the terms of the court, and your committee recommends that the bill pass.

Mr. FULLER. This bill is entirely of a local nature, changing the terms of court in the northern district of Iowa. The only material change is at Fort Dodge, and that is desired for the convenience of the bar and the judge. I ask for a vote on ordering the bill to be engrossed and read the third time.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FULLER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COUNTY OF AUDRAIN, MISSOURI.

Mr. CULBERSON. I call up the bill (H. R. 6831) to detach the county of Audrain, in the State of Missouri, from the eastern and attach it to the western judicial district of said State.

The bill was read, as follows:

Be it enacted, etc., That the county of Audrain, in the State of Missouri, be detached from the eastern, and attached to the western judicial district of the State of Missouri.

SEC. 2. That the provisions of this act shall not be construed so as to affect suits and prosecutions which may be pending.

Mr. CULBERSON. This bill is of a local nature, and there is no objection to it.

Mr. HATCH. I will state that in the bill which passed the last Congress the county of Audrain, Missouri, was, by mistake, attached to the eastern district. It had been arranged between my colleague and myself that this county should be attached to the western district; but an error, which was then made in draughting the bill, renders it proper to make the correction now.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HATCH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ANIMALS IMPORTED FOR BREEDING PURPOSES.

Mr. CULBERSON. I call up the bill (S. 1564) for the relief of importers of animals for breeding purposes in certain cases. I yield to the gentleman from Wisconsin [Mr. CASWELL].

The SPEAKER. This bill is in Committee of the Whole on the state of the Union.

Mr. CASWELL. I ask unanimous consent that the Committee of the Whole be discharged from further consideration of the bill, and that it be taken up in the House.

The SPEAKER. The bill will be read, after which the Chair will submit the gentleman's request.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to remit to any and all firms or persons who shall have, prior to the passage of this act, in good faith, and in compliance with the decisions and regulations of the Treasury Department, specially imported into the United States animals for breeding purposes, whether for the importer's own use or for sale, all duties, if any shall have accrued, upon such importations.

SEC. 2. In all actions now pending in behalf of and in the courts of the United States for the recovery of any duty or duties upon the importation of animals heretofore made for the purposes aforesaid, and in accordance with said decisions and regulations, such remission of duties by the Secretary of the Treasury, or the fact, when established by competent evidence, that such animals were imported by the defendant or defendants for breeding purposes, whether for such use by the importers or for sale, shall be a sufficient defense in any such action.

The SPEAKER. Is there objection to the request that the Committee of the Whole on the state of the Union be discharged from the further consideration of this bill? The Chair hears no objection.

The House proceeded to the consideration of the bill.

Mr. CASWELL. I call for the reading of the report.

The report (by Mr. CASWELL) was read, as follows:

The Committee on the Judiciary have had under consideration Senate bill 1564, for the relief of importers of animals for breeding purposes, and recommend that the same be passed.

The reasons for this recommendation are found in Report No. 215, made by the Senate committee, which report is adopted, attached hereto, and made a part of this report.

"The Committee on Finance, to whom was referred the bill (S. 1564) for relief of importers of animals for breeding purposes in certain cases, have had the same under consideration, and respectfully report:

"The object of the bill is one purely of relief. Its necessity grows out of facts which may be briefly stated thus:

"Subdivision A of section 642 of the free-list is as follows:

"'Animals specially imported for breeding purposes shall be admitted free, upon proof thereof satisfactory to the Secretary of the Treasury, and under such regulations as he may prescribe.'

"This statute has been uniformly construed by the Treasury Department, and the regulations promulgated have been in harmony with this construction, to authorize the importation duty free of live-stock for breeding purposes, whether for the importer's own use or for sale, and such importations have been constantly made into the different States upon the faith of this construction and in compliance with these regulations.

"Recently, by decisions of Federal judges in Texas and Illinois, the section has been restricted in its operation to animals imported for the importer's own use, and one or two suits are now pending to recover duties upon this construction of the law.

"The manifest purpose of the law was to stimulate the importation from all countries of animals for breeding purposes, in order that the stock of our own country might thereby be improved. To restrict its provisions to those intended for the importer's own use narrows its scope and largely impairs its usefulness.

"The construction and regulations of the Treasury Department have been adopted in this view.

"But the committee does not feel called upon by this measure to deal with the question of construction. Every consideration of good faith and fair dealing demands, whatever may be finally deemed the correct interpretation of the statute, that those who have, in good faith and in compliance with the construction adopted and the regulations promulgated by the Treasury Department, made importations should be protected as to such transactions. The bill in question is limited to this purpose.

"The Secretary of the Treasury, to whom the bill was referred, states as follows:

"'If the animals to which it is presumed such bill has reference were of a blooded grade, and valuable mainly for their breeding qualities, and were imported by citizens of the United States with that purpose in view, they were entitled to free entry under such regulations, and I am of opinion that the provisions of said bill may be considered as affording a fair measure of relief to such importers who were required to pay duty on animals of the character mentioned.'

"In view of the foregoing your committee recommend that the bill pass as amended."

Mr. MILLS. It seems to me this bill ought to have been referred to the Committee on Ways and Means. I do not see how the Committee on the Judiciary obtained jurisdiction of a measure changing the tariff laws. I think that committee ought to be willing now to have the bill referred to our committee.

Mr. CASWELL. The bill was referred to the Committee on the Judiciary upon the theory that it related to some pending suits.

Mr. MILLS. This is not a private relief bill?

Mr. CASWELL. Oh, no.

Mr. MILLS. It is a general law?

Mr. CASWELL. It is a general relief bill.

Mr. MILLS. Does this bill propose to change the existing law?

Mr. OATES. It does not. It is simply designed to grant relief from penalties already incurred.

Mr. MILLS. I think the Committee on the Judiciary ought to agree that the bill be referred to the Committee on Ways and Means.

Mr. HOPKINS, of Illinois. If this bill has been properly considered by the Judiciary Committee, why is it necessary that its passage should now be delayed by another reference?

Mr. ADAMS. A letter which I recently received from farmers of Iowa with reference to this bill gave me occasion to go to the other end of the Capitol to ascertain the origin of the measure. I found that two bills had been introduced there. One, which would have been liable to the objection made by the gentleman from Texas, was laid upon the table there for that reason; but this bill was passed, as I understand, on the ground that it did not affect the tariff laws, and therefore could legitimately originate in the other end of the Capitol. I think the gentleman will find, on examination, that this is a very different bill from the other measure which was laid on the table because obnoxious to the objection now raised by the gentleman from Texas.

Mr. MILLS. I understand that this bill repeals certain penalties.

Mr. ROWELL. It remits penalties; does not repeal them.

Mr. MILLS. Does not the bill change the existing law at all?

The SPEAKER. The Chair will state that the bill grants relief to certain persons who have heretofore imported animals for breeding purposes.

Mr. MILLS. I asked whether this was a private relief bill, and was informed that it was not.

Mr. HATCH. Can not the bill be read again?

The bill was again read.

Mr. MILLS. I think that bill should have gone to the Committee on Ways and Means, but seeing the scope of it I will not interpose further objection.

Mr. CRAIN. I should like to have the gentleman from Wisconsin [Mr. CASWELL] in charge of the bill explain to the House what it means. My impression is it refers to certain cases which occurred in the western district of Texas, in which parties were charged with evasion of the tariff laws, and to certain cases which are pending in which they were also charged with smuggling. The United States Government in the cases to which I have referred recovered judgment to the amount of the duties on the animals which were imported. The intention of this law is to undo the work of the court. If I am wrong I should like to have the gentleman explain it.

Mr. CASWELL. The law places upon the free-list all blooded animals imported for breeding purposes. The language used is:

Animals specially imported for breeding purposes shall be admitted free of duty on proof thereof to the satisfaction of the Secretary of the Treasury, and under such regulations as he may prescribe.

Under the terms of the regulations adopted by the Secretary of the Treasury many people have gone on and imported blooded stock. Where blooded stock was imported for breeding purposes it was permitted under the regulations to come in duty free. It may have been taken to Texas or elsewhere.

It has been decided by some judge if they have been imported for sale and not for the owner's use they come within the law and are subject to duty. But under the regulations of the Secretary of the Treasury they have been permitted to import blooded stock for breeding purposes, either for use or to sell to other parties. If imported for breeding purposes they could do so for their own use or to sell to other parties as they saw fit. It was not considered to be important who owned them if they were imported for breeding purposes. The decision of a judge has been that if the stock was imported for sale it was not therefore imported for breeding purposes. Some collectors of customs have made decisions in conflict with the regulations of the Treasury Department. Some suits have been commenced by local district attorneys contrary to the same regulations. If these were allowed they would ruin and bankrupt a large number of parties in the country; that is, if these parties were obliged to go back and pay duties on blooded animals which were imported for breeding purposes but sold to other parties.

This bill has been introduced for the relief of all parties who have acted in good faith and imported blooded stock for breeding purposes, whether they sold to other parties or for their own use, there really being no difference when the stock has been imported for breeding purposes.

The bill was introduced to affect cases where suits had been brought. It was referred to the Committee on the Judiciary and not to the Committee on Ways and Means, as it did not in any way affect the levying of duties, but simply provides those duties shall be remitted if it shall be shown to the satisfaction of the Treasury Department the blooded stock was imported in good faith for breeding purposes. It provides in those suits it shall be a sufficient answer that they were so imported in good faith. Where legal proceedings are commenced it is provided it shall be a sufficient answer also in those cases. If blooded stock have been imported for breeding purposes and sold immediately, and suit be brought to recover duties on it, on being shown to the satisfaction of the court it was imported for breeding purposes shall be a sufficient answer to the court. Where animals in good faith have been imported under these regulations of the Treasury Department, whether for the purpose of sale or for use, it shall be a sufficient answer to all legal proceedings under this statute, and that is the reason why it was referred to the Committee on the Judiciary instead of to the Committee on Ways and Means.

Mr. CULBERSON. The Secretary of the Treasury construes the free-list differently from the way it is now construed in Illinois and Texas. For instance, the free-list reads as follows:

Animals specially imported for breeding purposes shall be admitted free upon proof thereof satisfactory to the Secretary of the Treasury, and under such regulations as he may prescribe.

This statute has been uniformly construed by the Secretary of the Treasury, and the regulations promulgated by that Department have been in harmony with that construction, to authorize the importation duty free of all live-stock for breeding purposes, whether for the importer's own use or for sale.

The courts of the United States in the State of Texas and in the State of Illinois have decided this regulation of the Treasury Department was improper, and under the free-list these animals could not be imported into the United States except for the importer's own use. It has resulted the importers who, under the direction of the Treasury Department, have imported this character of stock into the United States for the purpose of sale are now being sued in the courts for violation of the statute.

This bill provides that all those persons who have been sued or who may be sued for the violation of this statute, before this construction was made by the courts, shall have the penalties imposed upon them remitted, because of the fact that they acted upon the regulations of the Treasury Department in good faith in importing the stock. That is all this bill proposes.

Mr. CRAIN. Will my colleague allow an interruption?

Mr. CULBERSON. Certainly.

Mr. CRAIN. How is this fact to be established? Does the bill provide for that?

Mr. CULBERSON. I presume that will be ascertained by the court.

Mr. CRAIN. But if the cases have been already tried?

Mr. CULBERSON. I suppose it will appear from the record of the case when the animals were imported, as I understand it.

I yield the floor now to the gentleman from Wisconsin.

Mr. CASWELL. I yield to the gentleman from Illinois [Mr. HOPKINS].

Mr. HOPKINS, of Illinois. As I understand this bill, it is simply to give emphasis to the interpretation of the law which has been placed upon it by the Secretary of the Treasury. For many years the Secretary has interpreted the law so as to permit the importation of blooded horses and cattle free of duty; and under that interpretation many men in the Western States, notably in the State of Illinois, have invested large sums of money in the business. In the district which I represent one gentleman alone for the last fifteen years has imported all the way from $100,000 to $500,000 per annum in value of blooded animals, and has done it under the interpretation of the law as given him by the Secretary of the Treasury. During the last summer one of the custom-house officers near Detroit insisted that unless the importer could swear that the stock which he imported was to be kept by himself for breeding purposes that it was subject to 20 per cent. duty.

That matter was brought before the courts, and the circuit judge up there held that the proper interpretation of the law was that unless the importer himself was the breeder of these animals, this 20 per cent. duty could be collected. The result, as stated by the gentleman from Wisconsin [Mr. CASWELL], would be disastrous to all of these importers. It would destroy this industry, which is so rapidly improving the stock of this country; and this bill is simply to give emphasis, I repeat, to the interpretation as given by the proper Department to protect these men who have invested their money under that interpretation, and to afford them a defense to any suit that may be brought against them for importations heretofore made free of duty.

Mr. CASWELL. I move the previous question upon the third reading of the bill.

Mr. STEELE. I desire, if the gentleman will permit me, to ask a question.

Mr. CASWELL. Certainly.

Mr. STEELE. I wish to inquire what the effect of the bill would be under such circumstances as these: One gentleman in my county has imported for years past a great many fine sheep; and the Wabash Importing Company has introduced into the State a great many very fine horses. The Department, by a letter addressed to me, decided that under the law these importations came in free. Now, I wish to ask the gentleman if I understand this bill is to confirm that decision of the Department?

Mr. CASWELL. That is the effect of this bill. It confirms that construction of the law, and relieves them from the duty.

Mr. JACKSON. Will the gentleman from Wisconsin yield to me for a question?

Mr. CASWELL. Certainly.

Mr. JACKSON. I wish to ask the gentleman who reports this bill if, in his judgment, it will cover those cases in which appeals have been taken from the collector's ruling, requiring the payment of this duty, and the appeal sustained upon the simple ground that the animals, while imported for breeding purposes, were imported to be sold by the importer?

Mr. CASWELL. Yes, sir. It is intended to cover and does cover all such cases.

Mr. JACKSON. Then I will cheerfully support the bill and hope it will pass. I know of cases in my part of the country deserving of relief that this law will cover. I desire to call attention of the House to the fact that this law only applies to importations of animals to improve our own stock and breeds. They are such animals as we do not raise in this country, and do not come in competition with those raised by our own people. It is only such as are expected to be a benefit to the breeds we have that are covered by it. This legislation is in the interest of improvement of our breeds of stock, is most commendable, and should be encouraged. I am glad to be able to say that the people of the district I have the honor to represent have for many years taken great interest in the breeding of fine cattle, sheep, swine, and horses; that much time and large amounts of money have been spent in those industries, and with the most satisfactory results. The men who have so interested themselves are public benefactors, and have rendered inestimable services to the farmers and stock-raisers, not only of my own State but many others. Believing this bill to be in the interests of men who would still further improve the breeds and quality of our stock of farm animals, I desire to urge its passage.

Mr. OATES. I wish, with the consent of the gentleman from Wisconsin, to ask a question before the previous question is demanded.

Mr. CASWELL. I yield for that purpose.

Mr. OATES. This bill, in the second section, provides that there shall be a defense in pending suits for the recovery of the penalty where it has been incurred. Now, that does not of itself work an amendment of the law. May there not be other cases occurring hereafter in which that provision will not apply? How will this change the law covering such cases?

Mr. CASWELL. I will say to the gentleman that this does not pretend to affect the future operations of the law. There is a bill pending before the committee now which applies to the future, and it was not desirable to encumber this in the form in which it came from the Senate.

Mr. OATES. It seems to me that the bill ought to be so amended.

Mr. CASWELL. This bill came from the Senate in its present form and has not been amended by the committee. I prefer that it should pass in its present form, and consider the other question presented by the gentleman from Alabama in a separate bill.

Mr. CRAIN. Let me ask the gentleman a question. Does his bill provide how the court is to be satisfied—or the Secretary of the Treasury—that the importations have been made in good faith for the objects stated? Trials have been had; there is no record of the testimony, except in case of appeals. The judge kept no record of the facts; the district attorney has none. How will you establish the fact that the importations have been made in good faith?

Mr. WHITE, of Indiana. Take the affidavit of the importer.

Mr. CASWELL. The bill says:

The fact, when established by competent evidence——

Mr. CRAIN. That refers to the future.

Mr. CASWELL. It says:

The fact, when established by competent evidence, that such animals were imported by the defendant or defendants for breeding purposes, whether for such use by the importers or for sale, shall be a sufficient defense in any such action.

Mr. CRAIN. That is for future cases.

Mr. CASWELL. No, sir; that applies to the past. If a suit is pending the parties come in with an answer, setting up the facts, and on its being proved before the court that the animals were imported for breeding purposes and in compliance with the regulations of the Treasury Department, that is a sufficient defense before the court.

Mr. CRAIN. But if the bill provides not only for pending cases but for cases already decided, how are you to upset the judgment of the court?

Mr. CASWELL. The Secretary of the Treasury, if the judgment was collected, would remit the amount paid.

Mr. CRAIN. Does the bill authorize that?

Mr. CASWELL. It does. I demand the previous question.

The previous question was ordered, and under the operation thereof the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CASWELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OFFENDERS TO BE ARRESTED IN INDIAN TERRITORY.

Mr. CULBERSON. I call up for consideration the bill (H. R. 8394) to authorize United States marshals to arrest offenders and fugitives from justice in the Indian Territory. I yield to the gentleman from Arkansas [Mr. ROGERS].

The bill was read, as follows:

Be it enacted, etc., That after the passage of this act any United States marshal is hereby authorized and required, when necessary to execute any process issued out of the circuit or district court of the United States for the district of which he is marshal, or by any commissioner of either of said courts, to enter the Indian Territory and to execute the same therein in the same manner that he is now required by law to execute processes in his own district.

Mr. ROGERS. Let the report be read.

The report (by Mr. ROGERS) was read, as follows:

The Committee on the Judiciary, having had under consideration House bill 6163, report the same back and ask that it lie on the table, and also report a substitute therefor.

The bill simply provides that any United States marshal who has in his hands for execution any criminal process, duly issued out of the district or circuit court of the United States for the district of which he is marshal, or by any commissioner of such court, shall be authorized to enter the Indian Territory and execute the same against the person named in the writ, in the same manner that he is now authorized to execute process in his own district. The necessity for this grows out of the well-known fact that criminals from all parts of the country have taken refuge in the Indian country, in violation of the intercourse law and the treaties with the Indian tribes, and remain there in security because no method has been prescribed by law whereby they may be apprehended and brought to justice. It is believed this bill, if passed, will tend to purge that country of that class of men, diminish crime, and relieve the Indians of grossly demoralizing influences and grievous annoyances.

Mr. ROGERS. Unless some inquiry is made, I move the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ROGERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JUDICIAL DISTRICTS OF TEXAS.

Mr. CULBERSON. I now call up for consideration the bill (H. R. 1874) to change the eastern and northern judicial districts of Texas, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the counties of Lamar, Fannin, Red River, and Delta, in the State of Texas, be, and they are hereby, detached from the northern judicial district of the said State, and that the same be, and are hereby, attached to the eastern judicial district of said State.

SEC. 2. That the portion of the Choctaw Nation within the following boundaries, to wit: Beginning on Red River at the southeast corner of the Choctaw Nation; thence north with the boundary line between the said Choctaw Nation and the State of Arkansas to a point where Big Creek, a tributary of the Black Fork of the Kimishi River, crosses the said boundary line; thence westerly with Big Creek and the said Black Fork to the junction of the said Black Fork with Buffalo Creek; thence northwesterly with said Buffalo Creek to a point where the same is crossed by the old military road from Fort Smith, Ark., to Boggy Depot, in the Choctaw Nation; thence southwesterly with the said road to where the same crosses Perryville Creek; thence northwesterly up said creek to where the same is crossed by the Missouri, Kansas and Texas Railway track; thence with the center of the main line of the said railway in a southerly direction to where the said road crosses North or Muddy Boggy; thence down said stream to its junction with Middle Boggy; thence down Middle Boggy to where it crosses the western boundary line of Kimishi County, Choctaw Nation; thence southerly with the western boundary line of said county to Red River; thence down said Red River to the place of beginning; and all that territory in the said Choctaw Nation included within the boundaries hereinbefore set out, be, and the same is hereby, attached to the eastern judicial district of the State of Texas for judicial purposes.

SEC. 3. That the counties of Lamar, Fannin, Red River, and Delta, of the State of Texas, and all that part of the Choctaw Nation attached to the eastern judicial district by the provisions of this act, shall constitute a division of the eastern judicial district of Texas; and terms of the circuit and district courts of the United States for the said eastern district of the State of Texas shall be held twice in each year at the city of Paris, on the first Mondays in June and December; and the United States courts herein provided to be held at Paris shall have exclusive original jurisdiction of all offenses committed within the limits of that portion of the Choctaw Nation attached to the eastern judicial district of the State of Texas by the provisions of this act against the laws of the United States now or that may hereafter be operative therein.

SEC. 4. That all process, civil and criminal, issued against citizens of the said counties of Lamar, Fannin, Red River, and Delta, cognizable before the United States courts, be made returnable to the courts, respectively, to be held at the city of Paris, Tex.

SEC. 5. That the territory of the Indian Territory occupied by the Chickasaw Indians, and that part of the territory of the Choctaw Nation embraced in the following limits, to wit: Beginning on Red River at the point where the western boundary line of Kimishi County, Choctaw Nation, reaches said river; thence north along the western boundary line of the said county to the point where the same crosses Middle Boggy River; thence up the said stream to its junction with the North or Muddy Boggy; thence up said last-mentioned stream to the Missouri, Kansas and Texas Railway track; *thence northerly up the center of* the main track of the said road to the South Canadian River; thence up the center of the main channel of the said river to the western boundary line of the Chickasaw Nation, the same being the northwest corner of the said nation; thence south on the boundary line between the said nation and the reservation of the Wichita Indians; thence continuing south with the boundary line between the said Chickasaw Nation and the reservations of the Kiowa, Comanche, and Apache Indians to Red River; thence down said river to the place of beginning, and all that territory of the Chickasaw and Choctaw Nations embraced within the boundaries set forth in this section be, and the same is hereby, attached to the northern judicial district of the State of Texas for judicial purposes.

SEC. 6. That the counties of Grayson, Montague, and Cooke, in the State of Texas, and all of the Chickasaw Nation, and that portion of the territory of the Choctaw Nation embraced within the limits of the boundaries set out in section 5 of this act, shall hereafter constitute a division of the northern judicial district of the State of Texas; and that a term of the circuit and district courts of the United States for said northern district shall be held twice in each year at the city of Denison, State of Texas, on the first Mondays of March and September; and the United States courts herein provided to be held at the city of Denison shall have exclusive original jurisdiction of all offenses committed within the limits of the Chickasaw Nation, Indian Territory, and in that part of the territory of the Choctaw Nation embraced within the limits of the boundaries set out in section 5 of this act, against the laws of the United States that are now or that may hereafter be operative therein.

SEC. 7. That all process, civil and criminal, issued against citizens of the counties of Grayson, Cooke, and Montague, in the State of Texas, cognizable before the courts of the United States, shall be made returnable to the said courts at the said city of Denison, Tex.

SEC. 8. That all laws or parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed; and this act shall take effect and be in force from and after its passage.

The following amendments were recommended by the Committee on the Judiciary:

Amend, in the sixth section, by striking out "counties" and inserting "county," and by striking out "Montague and Cooke."

Amend section 7, line 2, by striking out "counties" and inserting "county," and by striking out "Cooke and Montague."

Mr. CULBERSON. I ask for a vote on the amendments.

The amendments were adopted.

The SPEAKER *pro tempore* (Mr. HATCH). The question is on ordering the bill as amended to be engrossed and read a third time.

Mr. HOOKER. I wish to ask the gentleman from Texas what is the object and purpose of this bill, and how far it affects the jurisdiction over the Indian Territory now provided for by law?

Mr. CULBERSON. In reply to the inquiry made by the gentleman from Mississippi, I will state that under existing law the court of the western district of the State of Arkansas has jurisdiction over the five semi-civilized Indian tribes, the Choctaws, the Chickasaws, the Creeks, the Seminoles, and the Cherokees. That court has cognizance of all offenses committed against the United States in that Territory.

One of the objects of this bill is simply to detach the Chickasaw Na-

tion and half of the Choctaw Nation from that jurisdiction and attach them to the United States judicial district of the State of Texas for the same judicial purpose. It has no other effect whatever. That change will make it more convenient for the people of the Chickasaw Nation and that part of the Choctaw Nation which is taken away to attend the courts in Texas than to go to Fort Smith, and it will relieve the court at Fort Smith of a large amount of business; and that court, if not overloaded, is certainly now oppressed by the amount of its business.

Mr. HOOKER. The explanation of the gentleman is satisfactory.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CULBERSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INSTRUCTIONS TO JURIES IN WRITING.

Mr. CULBERSON. I call up for consideration the bill (H. R. 6896) to require the United States circuit and district judges to instruct the jury in writing in certain cases, and I yield to the gentleman from Alabama [Mr. OATES].

The bill was read, as follows:

Be it enacted, etc., That on the trial of all civil and criminal cases in the circuit and district courts of the United States the judge shall charge the jury in writing, if the charge is required to be so given by either party, and notice of such requisition is given before the argument to the jury is commenced.

Mr. OATES. I yield to the gentleman from California [Mr. MORROW].

Mr. MORROW. I think this bill imposes upon the judges of the United States circuit and district courts an unnecessary labor, and a labor that will, in districts and circuits like California, retard the proceedings in cases. This bill will require the judges to reduce their charges to writing. As the law now is, after a case has been argued and submitted, the judge charges the jury, which he may do orally, and of course the proceedings are not at all retarded by reason of the formal preparation of the charge. In districts where the trial of cases occupies but short terms and there is no difficulty about time for the disposition of the business of the court, this will perhaps work no hardship. But in my district, the district of San Francisco, where the United States courts are already overwhelmed with business, and where the judges have no time to spare in the preparation of their charges in writing, this requirement would interfere very seriously with the progress of business. If Congress would provide short-hand writers for the courts so that the judges could have assistance in the business of the court and in taking down their charges this would be all well enough. I understand very well that in many States it is provided that the judges shall, as this bill provides, charge the jury in writing; but in those cases it is also provided that the court shall have the services of a short-hand writer. And in such cases the judge may avail himself of the services of the stenographer in reducing his instructions to writing; but Congress does not provide stenographers for the circuit or district judges, and the result will be that they will be compelled after the case has been submitted to take the time required to prepare their instructions in writing. Now, I am sure that in San Francisco the bar would protest strongly against this extra work and delay being imposed upon the judges, because it would greatly retard the proceedings of the courts, and would prevent the trial of cases with that degree of life and speed which we have and ought to continue to have in order to get on with our calendar. Even as it is, the courts are very much behind in some of their business. I hope the bill will not pass unless we are prepared to also provide short-hand reporters for the judges in order to enable them to perform the work which this bill imposes upon them.

Mr. BREWER. Could not this bill be so amended as to relieve the courts of this duty when there is a stenographer employed?

Mr. MORROW. I am sure I do not see how it could be amended in that way. If there could be some such amendment as that, of course it would obviate one of the serious objections to this bill. But the difficulty is that, in general, stenographers are employed in the courts only by the parties, and such an employment as that would not relieve the judges in this matter. Parties go into court and sometimes one side and sometimes both sides employ a short-hand reporter for their own assistance or convenience, but the judge gets no advantage or assistance from that employment. The Government ought to employ a stenographer for the court as it employs other court officers. In that way the court might be able to do this work.

Mr. PETERS. Mr. Speaker, I want to say in reply to the gentleman from California [Mr. MORROW] that my experience is that the judge can regulate these matters by requiring that all instructions which either party desire to have given to the jury shall be prepared by the attorneys and presented to him for his consideration. There is another fact in connection with it, and that is, that there is more time spent in preparing and settling a case made than would be required for the judge to prepare his instructions in writing at the time of the trial. It is of the utmost importance in every case that is of sufficient weight to be tried in a United States court that the instructions of the judge shall be reduced to writing, not only because it is necessary for the attorneys and the litigants to know exactly what the court's instructions are, but also because it is desirable that those instructions shall go out with the jury, so that they may have them before them to consult in making up their verdict upon the case.

Now, if those instructions are given orally it is impossible for the jury to remember them, and then, as I said before, after the case is determined and the verdict is brought in more of the time of the judge is consumed in settling just what his instructions were and in preparing the case made for a higher court, whenever there is an appeal, than would be consumed in preparing his instructions in writing during the trial. There is no United States district judge or circuit judge in the United States who can not prepare his instructions on almost every point during the progress of the trial, and have them ready for the jury as soon as the evidence is in, or as soon as arguments have been closed. In some States the law requires that the judge shall instruct the jury in writing. I think that is the rule in most of the States. In some States it requires that the judge shall instruct the jury in writing immediately after the evidence has been closed; in others, that he shall instruct them after the arguments have been submitted. At all events, during the progress of any cause where evidence is being introduced the judge has time to prepare instructions in writing, and if he has not time to do it himself, he can require the attorneys on each side to put in writing and submit to him their requests for instructions to the jury.

Mr. MCKENNA. Is it not a fact that the judges in the Federal courts instruct on matters of fact?

Mr. PETERS. It is.

Mr. MCKENNA. Would it not be almost impossible for them to do that and do it in writing? Would it not be absolutely impracticable?

Mr. PETERS. The judges in the United States courts do not detail the facts to the jury. They instruct as to the bearing of certain facts in connection with the law.

Mr. WARNER. They do not pretend to tell the jury what the facts are.

Mr. PETERS. As suggested by my friend from Missouri, they do not pretend to state what the facts are. They merely state their conclusions and make application of the facts to the law.

Mr. MCKENNA. Is not a recital of the facts necessary for the balancing of the evidence all the way through?

Mr. PETERS. No, sir.

Mr. MCKENNA. How in the world would the instructions amount to anything otherwise?

Mr. PETERS. The instructions amount simply to an application of the facts to the law as the court presents it. I presume my friend will not pretend that it is the practice in any United States court for the judge in his charge to detail to the jury what has already been presented as evidence.

Mr. MCKENNA. He is not to assume the facts.

Mr. PETERS. He is not to detail the facts which have been given in evidence, because that would be simply a reiteration of what the witnesses have presented to the jury. But conceding the position of the gentleman from California to be correct—and it may be so far as United States judges in California are concerned, though it certainly is not in regard to United States judges in Kansas, Missouri, or any other portion of that circuit—conceding it to be true that the judge is to make a recital of the facts to the jury, then in order to be able to do this he must take minutes of the testimony as presented; hence he has the testimony in shape to be presented to the jury with his written instructions when the evidence is closed.

Mr. FORD. This bill requires nothing more in the United States courts than is now required by the States in the State courts.

Mr. PETERS. As suggested by the gentleman from Michigan [Mr. FORD], this measure requires nothing more than the statutes of the States require now in the State courts.

Mr. MORROW. It is true that in many States the judges are required to reduce their charges to writing. But, as I have said, there are two things to be taken into consideration in that connection: First, the judge has the assistance of a stenographer during the trial of the case, and also, if necessary, in reducing his charge to writing; in the second place, in the State courts, where that rule prevails, the judge charges the jury with reference merely to the law, and, as the gentleman from Kansas himself just pointed out, the judge adopts or rejects what he thinks proper in the instructions submitted by the attorneys on both sides. But in the United States courts the judge, in his charge to the jury, refers to the testimony; he sums up the facts of the case, so to speak, and then applies the law to those facts. Now, as he has not the assistance of a stenographer in the preparation of his charge, if we require the charge to be reduced to writing, the result will be that unless Congress provides stenographers for the United States courts we impose upon the judge an amount of labor which must tend to retard proceedings in the court. That is the point I make

Mr. PETERS. In answer to the suggestion of the gentleman from California [Mr. MORROW] I will state—and I make the statement because I have had some experience—that no judge can intelligently try a case involving any considerable amount of testimony unless he makes minutes of the testimony during the trial; and if he does so, he has those minutes ready to be incorporated in his written charge.

But one great objection to allowing a judge to give oral instructions to a jury is the fact that in doing so the judge very frequently descends from the high position he should occupy in administering the law and makes an argument as counsel to the jury.

Mr. MORROW. That is the fault of the judge.

Mr. PETERS. I concede that it is the fault of the judge, and I do not wish to have in operation any law which allows a judge to commit that fault. We have to legislate for a large number of judges throughout the United States, and we should frame our law, if possible, so as to prevent any abuse, and I think we are legislating to this end by requiring the United States judge to reduce his instructions to writing in every case.

Mr. MCKENNA. If a stenographer were provided for the court, would that be a remedy?

Mr. PETERS. It would be a remedy to a considerable extent. In all the districts of our State we have stenographers in our State courts; and there ought to be a stenographer in every United States court. But no case of any importance is ever tried now before a United States court unless there is a stenographer employed either by one party or the other.

Mr. OATES. Mr. Speaker, this bill is very brief and easily understood. It proposes simply to require the judges of the United States circuit courts in the trial of jury cases to give their instructions to the jury in writing when demanded by either party, and when notice is given to the court before the argument of counsel begins. We propose to require this notice, so as to afford the judge ample opportunity for putting his instructions in writing.

The objection raised by the gentleman from California [Mr. MORROW], that this requirement would embarrass the business of the court, is not, I think, well taken. It may, and ought to, have the effect of cutting short the speech which the judge frequently makes in the form of a charge, and which is more valuable to either side to which he may incline than the argument of counsel for that side.

This requirement will make the judge concise; it will make him careful as to what instructions he gives to a jury. This is right. It is an ancient maxim of the law—and none is wiser—that judges should not be encouraged to follow the crooked cord of discretion rather than the golden metewand of the law.

The requirement which this bill proposes to apply to the judges in our Federal courts has prevailed for a number of years in the courts of the State which I have the honor in part to represent. Instead of embarrassing the business of the court, its tendency and effect have been to facilitate business. The appeals are fewer in consequence of this provision of law, although the writing out of charges is rarely demanded. Only in cases of great magnitude, or where it is discovered during the proceedings that the judge has a bias or prejudice against one side or the other, do the parties desire the charge to be put in writing.

Mr. HOPKINS, of Illinois. In the practice of the gentleman's State, does the judge instruct before or after the argument of counsel?

Mr. OATES. He instructs after the argument of counsel; and in my judgment he should do so in all cases. Wherever the judge instructs the jury before the argument of counsel begins, he lays down rules by which he hedges in the counsel, requiring them to argue the case on lines of his selection. For that reason, in my judgment, it is an objectionable practice.

Mr. HOPKINS, of Illinois. One further question about your State practice. Where written instructions are given to the jury, are those the instructions prepared by the counsel on either side, or does the judge write out his own instructions?

Mr. OATES. Under the law of my State, where notice is given, the judge must write his charge in chief. He generally makes it very brief, to cover the points of law involved. He delivers it to the jury, and then it is the right of counsel on the respective sides to ask whatever other instructions in writing they deem proper.

That will be one of the effects of the law. The judge will be concise in delivering his charge. He will travel over as little space as possible to save him from manual labor. If it is not extensive enough, if it is not satisfactory, they have the right to present written instructions to meet every phase of the case.

It can work no hardship, and is in the interest of even-handed and exact justice. The institution of courts for trial of causes can have no purpose unless that purpose be to administer justice between man and man and between the Government and men. Everything which adds to the administration of justice according to the well-ascertained rules of the law is to my mind always commendable.

I can conceive of no well-founded objection to this proposed law in any respect. Wherever a judge desires to influence the action of a jury except within the line strictly of the law, it is going outside of his line of duty. He is not judge of the fact in jury cases, but of the law, and when he gives them the law, as he can easily do in a brief charge, that is as far as he should go, unless when requested by one of the parties.

Mr. MORROW. What is the objection to the oral charge to the jury?

Mr. OATES. The objection is there are cases—I have in my limited experience witnessed more than one—where from some cause the judge has in his charge to the jury made a better for one speech of the parties than his attorney.

Mr. MORROW. Did he make no mistake in that charge?

Mr. OATES. Yes, sir. I have seen them make mistakes, perhaps intentionally.

Mr. MORROW. Did not you take exception?

Mr. OATES. A skillful judge may put it in a form so no mortal man can except.

Mr. MORROW. Why should not an exception lie?

Mr. OATES. Exception lies on the part of the law, but when the judge is permitted to go beyond that into the facts and give construction he can employ many modes by which he can influence the jury in a manner he ought not to.

Mr. BRECKINRIDGE, of Kentucky. Because when the exception is heard the charge of the judge can carry the jury with him.

The SPEAKER *pro tempore*. Discussion must proceed in order. Gentlemen must not be interrupted without their consent.

Mr. OATES. There can be no appeal where the amount does not exceed $2,000. That is an additional reason why this should be the law.

Mr. PETERS. Will the gentleman from Alabama allow me? I wish to suggest when the judge comes to make up his case on oral instructions he has it in his power to say, "I gave such and such instructions."

Mr. OATES. Besides that, every lawyer knows, who has had much practice, how difficult it is sometimes for him to get an exception to an oral charge. I have seen charges that were radically wrong, made by the omission of a word that the judge intended to use, perhaps, but did not. I do not care to consume any more time.

Mr. MORROW. Will the gentleman yield to me for a minute or two before he concludes?

Mr. OATES. I will yield to the gentleman from California for one minute.

Mr. MORROW. I appreciate the argument made by the gentleman from Alabama, but the difficulty he states relates more to the character and official conduct of the judge than to the administration of the law. It is my experience, and I think it must be the experience of other lawyers here, that where the judge is an able and an honest man, if he goes to the jury with a charge beyond the law and that is called to his attention while the matter is fresh, he can do more for justice and for the proper administration of the law in its immediate correction than were he to wait until after the matter had passed out of his mind in the labor of preparing a written charge. Furthermore, in this delay opportunity is given to counsel to invoke technical points not always in aid of the due administration of the law.

My experience is that, in the interest of justice, a case should go to the jury fresh from the judge, with oral instructions covering the whole case, and with all the important facts brought out in proper order. There is a great difference between the impression made by the formal reading of a document and an oral address to the jury in a style and manner that direct the attention to leading facts.

Written instructions simply mean the formulation of abstract propositions drawn by attorneys to attract the attention of the jury to one side or the other, but generally in such a technical form as to confuse rather than to explain the important features of the case.

Mr. LONG. Let me ask the gentleman, if one of the parties to a suit prefers to have the charge written, why should he not have that privilege?

Mr. MORROW. For the reason that under the law as proposed here, if it passes, and it is required to be written out, it is going to retard the proceedings of the court and make formal and rigid the instructions of the judge.

He must get down, so to speak, off his bench and with the drudgery of a clerk or lawyer go carefully over the minutes of the case and prepare his charge in that way. It simply delays the proceedings of the court without any possible advantage.

Mr. LONG. Another reason, as I understood the gentleman, is that it will result in inconvenience.

Mr. MORROW. Yes, sir.

Mr. LONG. Why should not the court inconvenience the parties to litigation if it leads to justice?

Mr. MORROW. I do not think it will have that tendency. It will lead to inconvenience without any good effect. It will take from the case its life and truth. The oral charge, to my mind, comes nearer to the actual facts of a case than any possible written statement.

Mr. OATES. In response to the suggestion of the gentleman from California I wish to say but a word. His argument proceeds upon the assumption, I take it, that the judge is incapable of error. But as to what is justice in a given case the judge and himself may very radically differ.

Mr. HOPKINS, of Illinois. Will the gentleman from Alabama yield to me for a moment?

Mr. OATES. Certainly. I yield for a question.

Mr. HOPKINS, of Illinois. I wish to submit a question to the gentleman from Alabama, but will put my question more in the form of a suggestion to supplement what has been said already by the gentleman from California.

It is my experience and observation that in the trial of these causes

in the Federal courts the presiding judge, who sits there impartially between the parties, is more capable of giving a correct synopsis of the case and correct conclusions to the jury than the counsel on either side. This bill seems to be aimed at the argument it is claimed that the judge sometimes makes to a jury in a case, causing them to decide one way or the other according to his wishes. The point of my suggestion, therefore, is this: If the bill is adopted and made into a law, will it not result in extra expense to the litigants? Because, if the presiding judge is deprived of aiding the jury in arriving at what he thinks is a just conclusion by instructions as now practiced in Federal courts, and the jury give a verdict contrary to his idea of right or justice, it is not difficult to foresee that delays and additional expense to litigants must be involved by the granting of new trials.

Mr. OATES. I did not yield to the gentleman for a speech.

Mr. HOPKINS, of Illinois. Very well; I will not consume more of the gentleman's time.

Mr. OATES. The answer to that is that judges are not always perfectly fair and impartial, even when they think they are; and wherever a judge is permitted to charge a jury on the effect of the evidence, and tell them substantially what they ought to do, it is an invasion of the province of the jury, and to carry it out to its legitimate consequences we had as well abolish the jury altogether.

I yield two minutes to the gentleman from Illinois [Mr. ADAMS].

Mr. ADAMS. Mr. Speaker, I desire to do hardly more than to express my serious doubts of the wisdom of this bill.

I believe the argument upon the bill has confounded two separate things—one, the desirability of reducing to writing everything the judge says to the jury, in order that no error may be committed, or that any error may be corrected, and any man injured thereby may have an opportunity to point it out in appealing to a higher court upon the error.

But there is a very different proposition involved in the idea that the judge shall never deliver any instructions to the jury which have not previously been reduced to writing. That I conceive to be an error in the bill, though many gentlemen around me, I am aware, regard that as among the *palladia* of liberty.

The answer of the gentleman from Kansas [Mr. PETERS] to the gentleman from California [Mr. MORROW], that the judge can save labor by getting the attorneys to draw the instructions they may point out to him, is what seems to me to be the real error in the case. I believe it is not conducive to a plain elucidation of the truth, for the understanding of the jury, to have the statement of that truth embraced in one set of instructions prepared by the attorney representing one side of the case and supplemented by another set of instructions prepared from the point of view of the other side of the case.

Let us provide for stenographers, so that everything the judge says may be reduced to writing. Let the judge have the right to instruct in writing, if he chooses to do so, and let the judge have also the right, as I believe he has now, to supplement those written instructions; but do not cut off the judge from making a plain statement of fact, either of law or upon the facts, if you choose, or upon the law as applicable to the facts, which shall be immediately reduced to writing, so that any litigant who thinks he has been injured thereby may have his plain remedy thereafter.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 38) granting to the Washington and Idaho Railroad Company the right of way through the Cœur d' Alene Indian reservation;

A bill (S. 64) authorizing the juries of the United States circuit and district courts to be used interchangeably, and to provide for drawing talesmen;

A bill (S. 171) granting a pension to Jennie H. Coghill;

A bill (S. 192) to provide that judges of the United States circuit and district courts shall reduce their instructions to writing in all States wherein by the laws thereof State judges are required so to do;

A bill (S. 212) for the relief of Patrick H. Winston, jr.;

A bill (S. 250) for the repair of Fort Marion, at St. Augustine, Fla.;

A bill (S. 258) for the relief of Maj. Daniel N. Bash, paymaster United States Army;

A bill (S. 379) to allow soldiers and sailors in the United States service who have lost both hands an increased pension;

A bill (S. 535) providing for an inspection of meats for exportation, prohibiting the importation of adulterated articles of food and drink, and authorizing the President to make proclamation in certain cases, and for other purposes;

A bill (S. 539) amending section 3749 of the Revised Statutes of the United States relating to the disposition of property of the United States, and repealing the first paragraph of section 3208 of the Revised Statutes;

A bill (S. 667) authorizing the construction of a bridge across the Red River of the North;

A bill (S. 671) to provide for the sale of the site of Fort Omaha, Nebr., the sale or removal of the improvements thereof, and for a new site and the construction of suitable buildings thereon;

A bill (S. 788) to provide for holding terms of the United States courts at Mississippi City;

A bill (S. 850) granting certain lands in the Territory of Wyoming for public purposes;

A bill (S. 879) for the relief of the administratrix of the estate of George W. Lawrence;

A bill (S. 903) for the relief of Laban Heath & Co., of Boston, Mass.;

A bill (S. 998) to restore pensions in certain cases;

A bill (S. 1044) authorizing the Secretary of the Treasury to state and settle the account of James M. Willbur with the United States, and to pay said Willbur such sum of money as may be found due him thereon;

A bill (S. 1129) granting to the Newport and King's Valley Railroad Company the right of way through the Siletz Indian reservation;

A bill (S. 1163) for the relief of Edward Rice;

A bill (S. 1376) for the relief of John W. Blake;

A bill (S. 1378) directing the prosecution of inquiries by the Commissioner of Fish and Fisheries in respect to the destruction of oysters in the natural oyster-beds lying within the waters and jurisdiction of the United States by star-fish, etc., and making an appropriation for such purposes;

A bill (S. 1499) for the relief of Mary A. Lewis, widow of Joseph N. Lewis;

A bill (S. 1817) to grant to the State of Oregon certain lands in that State for a public park; and

A bill (S. 1852) to modify and amend the provisions of the dedication to public use of the tract of land known as Dearborn Park, in the city of Chicago, State of Illinois.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House was requested, a bill of the following title:

A bill (H. R. 1387) for the relief of the volunteers of the Fourth Regiment of Iowa Infantry.

The message also announced that the Senate had passed with amendments the joint resolution (H. Res. 81) to authorize the purchase of the lands necessary for the construction of locks and dams on the Cumberland River, requested a conference on the disagreeing votes of the two Houses, and had appointed Mr. DOLPH, Mr. FRYE, and Mr. VEST conferees on the part of the Senate.

The message further announced that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. 1611) for the erection of a public building at Springfield, Mo.;

A bill (H. R. 4487) to enable the Secretary of the Interior to pay certain creditors of the Pottawatomie Indians out of the funds of said Indians; and

A bill (H. R. 5728) to amend the laws relating to navigation, and for other purposes.

The message also announced that the Senate requested the return of the bill S. 1226.

RETURN OF BILL TO SENATE.

The SPEAKER *pro tempore*. The Chair lays before the House the request just received from the Senate.

The Clerk read the message, as follows:

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill of the Senate No. 1226, touching the grade of commander in the Navy, and to correct an error in relation to an appointment therein.

The SPEAKER *pro tempore*. If there be no objection, that bill will be returned as requested.

There was no objection.

CHARGES TO JURIES IN WRITING.

Mr. OATES. I yield five minutes to the gentleman from Ohio [Mr. EZRA B. TAYLOR].

Mr. EZRA B. TAYLOR. I believe, Mr. Speaker, that where the plan suggested by this bill has been adopted in the States no lawyer would wish it changed. It has worked against the theory of many lawyers, but it has worked admirably, and it has worked in the direction of the saving of time and of safety to litigants. I was struck by a remark made by the gentleman from California [Mr. MORROW], and I wondered that an answer which was in my mind was not given at the time, and to give it is the main reason why I rise now. If it be, as I know it is, the custom in the courts of the United States for the judges to sum up the facts, to charge the jury upon the facts, it is precisely in those courts beyond all others that it should be certainly known what the judges have said, and not have it left to their memory. Courts have no business to go far outside of the law in charging juries, and when they do go into the region of fact what they say should be in writing, and be preserved so that the court and the judges can tell whether it has been rightly said or not. Therefore, if there be any courts in which the judges do charge upon the facts, I would have this law apply to them if it should apply to no other courts in the world.

Mr. MORROW. If the gentleman will allow me, I have no objection, and I think the gentleman from Illinois [Mr. ADAMS] has no objection whatever to the taking down of everything that the judge says, or of everything that occurs in court. I certainly am in favor of

that. I think it should be done, but we should employ stenographers for these courts if that is to be done.

Mr. EZRA B. TAYLOR. Upon this question of stenographers in courts I am an old fogy. I never would allow one to come inside the court-house unless he came in a private capacity. The employment of stenographers officially in courts increases the cost of litigation immensely, and increases technical questions immensely. There is no trouble about trying any lawsuit on the bill of exceptions made from the notes of counsel if you can always have a guaranty that the charge of the court is a fixed and known fact. The presence of a stenographer at the time would not avail anything.

The purpose of this bill is to have the charge ready when the jury are ready to go out, to have it prepared so that they can take it with them as a part of the instructions which they can refer to; not to have it made up afterwards, not to have it corrected and fixed up after the jury have gone out. In regard to the suggestion of the gentleman from Illinois [Mr. ADAMS] to allow the judge to be upon the bench and write a charge and then to call in the jury and explain that charge without the explanation being in writing, when you permit that you do away with the whole merit of this bill.

Mr. ADAMS. I did not propose that.

Mr. EZRA B. TAYLOR. What was it that the gentleman said?

Mr. ADAMS. I said that everything that the judge says should be in writing.

Mr. EZRA B. TAYLOR. There comes in the question as to the stenographer. I understood you to say that you objected to the judge being precluded from saying anything to the jury orally that he had not reduced to writing, but then you would give him the right to take away by oral explanation what he had reduced to writing. To that I object.

Mr. LONG. And in the case of the employment of a stenographer, you would not get his report until after the jury had gone out. It would be of no use until the trial was entirely over.

Mr. EZRA B. TAYLOR. That is what I tried to suggest awhile ago. It is for the benefit of the jury that the instructions are required to be reduced to writing.

One more suggestion, Mr. Speaker. No industrious judge, no conscientious and careful judge, with this law or without it, would ever refuse or neglect to reduce his charge to writing in an important case. He would not put himself in a position, even in the absence of a law like this, where counsel could say to him, "You charged thus and so," or where they could make up a bill of exceptions representing him as having said something that he did not remember saying. No, Mr. Speaker, an industrious and careful judge, with or without this law, will reduce his charge to writing, and one that is neither industrious nor careful should be made to do it when the parties demand it of him, in the United States courts as well as anywhere else.

Mr. OATES. I yield two minutes to the gentleman from Colorado [Mr. SYMES].

Mr. SYMES. Mr. Speaker, I am in favor of this bill, but I think it should be amended so as to require the judge in all cases to charge the jury in writing. That is now done in most of the States of this Union. It is in the line of progress, and, as has been shown by the gentleman from Ohio who preceded me [Mr. EZRA B. TAYLOR] and others, this bill is in the line of progress because it is attempting to enforce a practice in the Federal courts similar to the practice which prevails now in nearly all the State courts of this Union. I considered this question a few years ago with reference to draughting a code, and gentlemen would be surprised to discover the progress that has been made in this regard in the thirty-eight States of this Union during the past twenty-five years. Twenty years ago the rule generally was for the judges to charge orally. Now charges are delivered orally in very few States. Congress commenced by adopting a national statute, which requires the practice in common-law cases in the United States courts in every State to comply with the practice in the State courts.

But it has been held by the Federal judges that that statute does not compel them to charge the juries in writing even where the State judges are required to do so by State statutes, because the word "inapplicable" is found in the national statute, and the Federal judges say it is inapplicable. Now, sir, I am opposed to allowing a Federal judge or any other judge to make the last speech in a trial at common law by jury. I have seen some of the ablest lawyers argue cases for two or three hours—no demagogy, no pettifogging in the argument—and after that argument was all over I have heard a Federal judge, prejudiced as he happened to be—no reflection upon him whatever—make from the bench an oral argument, called a charge, which was ingenious, which was able, and by ingenious use of the evidence and its application to a theory of law that differed from the attorneys, to overturn the whole argument that was made by the lawyers. The point made by gentlemen that a reporter can take down the charge as delivered does not reach the objection. The Supreme Court does not review the testimony or findings of fact by a jury in the circuit or district courts. If the judge in an oral charge does not sum up the evidence correctly, there is no remedy for the error.

My remarks are general in their application, for I have had the honor of practicing in a Federal court almost exclusively for many years; and the judges who preside there have no superiors in the country. But the point I desire to enforce is this: That when any man, whether a judge on the bench or a lawyer off the bench, proceeds to discuss a case orally, and warms up with the subject because he desires to see the law enforced as he views it, and reaches that point where he attempts to sum up the testimony, he will almost necessarily warp it; otherwise he has not that strength of mind which fits him for the position he occupies.

I think the Federal judges should be required to charge juries in writing, the same as required in the States where their courts are held.

[Here the hammer fell.]

Mr. OATES. I yield one minute to the gentleman from Mississippi [Mr. HOOKER].

Mr. HOOKER. Mr. Speaker, I do not like to be confined to the narrow channel marked out for me by my friend from Alabama [Mr. OATES]. I can say only a word in favor of this bill. It proposes to follow in this particular matter what has been the general policy of the country—that is, to assimilate the practice of the Federal courts to that which prevails in the courts of the State where the Federal court sits. A great philosophic lawyer of England has said that "reading makes a full man, conversation a ready man, and writing an exact man." To secure that exactness proper in a judicial charge the judge ought to be required to put down in black and white what he intends to say to a jury, in order that there may be no controversy about it. I am gratified to say from my experience in the administration of the law by the Federal judge in the district where I reside in Mississippi that the patient and painstaking judge there, though required by no law to do so, always reduces to writing his charges to the jury, in order that there may be no mistake as to what he intended to say.

This is a measure, as I have stated, in harmony with our general policy of requiring the Federal courts to conform in their practice to that prevailing in the respective States. There can be no reason against the measure, and there are many reasons in its favor.

Mr. OATES. I yield one minute to the gentleman from Pennsylvania [Mr. JACKSON].

Mr. JACKSON. Mr. Speaker, it seems to me that the statement of the proposition embraced in this bill to any one familiar with the practice in our courts ought to be sufficient to entitle it to support. When we consider that in the administration of justice the construction by a judge of a phrase and sometimes of a single word of a statute, or the application of the decision of the courts within the bounds of a single sentence, determines frequently the rights of parties in cases involving the liberty of person or large amounts of money and property, it ought to be a matter of surprise to any one that when a higher court is called upon to review what the judge in a lower court has said parties are frequently compelled to trust to a statement of the judge's charge as written out by him from recollection days, weeks, and often months after the charge was in fact delivered to the jury. But such is the law and practice as it exists in the Federal courts to-day. That this practice frequently results in great injustice is beyond doubt or dispute. That the injustice is in many, and in perhaps most cases unintentional is but poor satisfaction to the party wronged.

In the State which I have the honor in part to represent there was, during the first few years after I came to the bar, no law requiring the State judges to reduce their charges to writing. I recollect very well that when we wished to take a case to the supreme court of the State on writ of error, after the trial we would request the judge to write out his charge from the very brief notes he usually made at the trial. Generally the charge thus prepared would be written out weeks, and frequently months, after the case had been tried in court, and I know that often the counsel on one side or the other would contend that the charge so furnished was not the charge which was given to the jury. But in course of time the law was changed, and Pennsylvania to-day requires that every word of instruction given by a judge to a jury in her courts shall be reduced to writing and carefully preserved, so that it is exactly known what was said and done, and if error is committed, it can be corrected.

We have had quite a number of years' practice since the law was amended so as to require the charges of judges to be in writing, and I am quite certain no lawyer practicing in our courts can be found who will not concede that the change has resulted in very great improvement; that it has tended to the better administration of justice, and has aided largely in rendering the laws of our Commonwealth settled and secure.

Gentlemen who talk on this floor and know with what absolute accuracy the official stenographers report for the following day's RECORD what is said here, and who by an examination of the proof, or by a later reading of the much-abused CONGRESSIONAL RECORD, have so often been made to realize how frequently in extemporaneous speech they let slip a word or a phrase or a sentence which gives to their ideas an entirely different color and meaning from what they intended, must certainly be able to see how frequently judges wrong parties in their charges to juries in the same manner.

Mr. STEELE. Yes, members make slips.

Mr. JACKSON. It is a common expression with judges in the lower courts, as we all know, that if they are wrong in their construction of law or in their charges to juries, that their action can be reviewed in the higher courts. How often the judges allow this theory to serve as an excuse for negligence or undue haste is not for me to say.

But the superior court can only review and examine the record. How then, can the actions of the judge at a trial be reviewed unless the record shows fully, clearly, and absolutely what was said and done at the trial?

The American citizen has a right to point with pride to the high reputation for purity, ability, and integrity that the judiciary of his country has always maintained. This can be said equally well of both the State and Federal courts. I regard it as one of the surest promises of the stability of our institutions that there have been exceedingly few cases, in the more than one hundred years of our existence as a nation, in which we have had any occasion to doubt the integrity of any of the judges of our courts.

Charges of corruption, malfeasance, and disloyalty have frequently been made against men holding other official positions in the State and nation, but the judiciary has ever had the confidence of our people.

Mr. Speaker, it will be a sad day for this country, and our free institutions, if the time ever comes when that confidence is lost. Believing this as we all do, let us legislate here so as to perpetuate it and to build it on a firm and enduring foundation.

But, Mr. Speaker, entertaining as I do this high regard for our judges, I still know they are but human. They are not all even exempt from prejudice, and possibly some not even free from partisan bias. Every practicing lawyer knows how common it is for a judge to become early in a trial so impressed in favor of one side or the other of a case that he can scarcely refrain from coloring all he says in favor of that side. He can make his charge on main questions entirely correct, and yet by a few sentences on comparatively collateral matters prejudice the jury against a party so as to practically deny him justice. For such expressions of bias or prejudice there is to-day in the Federal courts practically no remedy.

This bill, requiring, if the party demands it, that all the judge says shall be reduced to writing, is a remedy for this evil.

What, then, are the objections to this bill? Some one says it is impracticable for the judges to do this unless you also furnish them with stenographers. If that be true, I for one will say, then give them stenographers; but I do not concede this. In our courts in Pennsylvania it was the law long before we had official stenographers, and even yet I know experienced, able judges who express doubts whether official stenographers are any real advantage in expediting business and fairly administering justice.

It is said it will delay trials, but I do not believe it. A competent judge can soon train himself to do this work very readily. It very likely will have the effect of making charges more brief, but this I count rather as an advantage. Much of the talk of judges in commenting on testimony might well be omitted, as it is generally more in the nature of argument than judicial construction.

I do not believe a single argument against this bill can be given, unless it be the one that some of the judges would rather not have the labor to perform, and, in fact, would prefer that all they say should not be put where it can be reviewed by their superiors.

[Here the hammer fell.]

Mr. OATES. I yield one minute to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Speaker, the objection made to this bill that its practical operation would be to cause delay in the administration of justice is not well taken. In the State of Illinois the practice of requiring judges to reduce their charges to writing has prevailed for many years, and it works well; it gives satisfaction to the lawyers on both sides and to the litigants. Its tendency is to require the judge to be exact and fair in the administration of the law. There can be no delay incident to this practice, for the reason that the instructions of the judge are generally prepared during the final argument to the jury. While the argument is going on the judge revises the instructions submitted by the lawyers on the respective sides, and as soon as the argument closes the judge is ready to read his instructions. I can say that this requirement has never caused delay, but has always worked to the advantage of litigants and has facilitated the administration of justice.

I wish, however, that the gentleman from Alabama would allow an amendment to be offered to this bill, so that the judges in the Territories in all cases that may come by appeal to the Supreme Court of the United States shall be required to reduce their instructions to writing. There have been many complaints of Territorial judges taking part in the trial of cases, instead of administering the law impartially, so that the charge to the jury in many instances amounts to an argument on the one side or the other. I hope, therefore, the gentleman from Alabama will allow the wise and wholesome provisions of this bill to be extended to the Territories.

[Here the hammer fell.]

Mr. OATES. I yield for one minute to the gentleman from Texas [Mr. LANHAM].

Mr. LANHAM. I thank my friend from Alabama. I hope this measure will pass. It will operate as a wholesome restraint upon any prejudice or extravagance of statement on the part of the judge; it will subject his written exposition of the law in particular cases to subsequent examination and criticism; it will be clearer and more intelligible to the jury and better calculated to promote the end of justice. Written things remain; words are often forgotten or misunderstood.

It is the practice in my State for the courts to instruct the jury both in civil and criminal cases, and the practice is universally approved. I believe that in all cases where it is practicable the same rules of procedure which obtain in the State courts should be observed in the Federal courts, and that the practice in Federal courts should be made to conform to that of the States in which they are held. I had the honor to introduce at this and the last Congress a bill providing for an additional mode of taking depositions, so as to allow the same to be taken in accordance with the practice in force in the States where the courts are held. It passed the House in the last Congress, and has again passed in this, and I trust may ultimately become a law.

[Here the hammer fell.]

Mr. OATES. There has come to the House from the Senate a bill (S. 192) on this subject, which I ask to be taken from the Speaker's table and acted on, instead of the House bill.

The SPEAKER *pro tempore*. The bill will be read, subject to objection.

The Senate bill was read, as follows:

Be it enacted, etc., That in all States wherein by the laws thereof judges of courts of record are required to reduce charges and instructions to juries to writing, judges of the district and circuit courts of the United States shall conform to such practice, and such written instructions shall be taken by the jury on their retirement, returned with their verdict, and retained with the files and be a part of the record in each case.

Mr. OATES. The substantial difference before the Senate bill and the House bill is that the Senate bill requires the courts of the United States to conform to the rules and practice of the States in which they are sitting. It also requires the instructions thus given in writing shall be taken by the jury on their retirement, and shall become a part of the record. In the latter respect the bill is preferable to the one of the House.

Mr. HOPKINS, of Illinois. I think the Senate bill should not pass, and I ask the gentleman to yield to me.

Mr. OATES. I yield to the gentleman for one minute.

Mr. HOPKINS, of Illinois. If the Senate bill is of the character stated by the gentleman from Alabama, I am opposed to it. Such practice as we have in the State of Illinois in reference to judges instructing juries is a practice I, for one, do not wish to see carried out in the Federal courts of Chicago and Springfield. Under our State practice the lawyers on either side prepare instructions and the judge gives them to the jury. It simply results in a series of conundrums given by the plaintiff and then a series of conundrums given by the defendant. The jury take those instructions thus prepared and retire. The instructions read, "If the jury believe so and so," then they are to find such conclusions, and it has been the observation of lawyers in the State courts that the juries have been befogged by that kind of instruction and justice has been miscarried.

If we are to have written instructions we ought not to have the State practice of Illinois ingrafted upon our Federal practice. If we are to have written instructions, those instructions should come from the judge, and not from the lawyer, either for the plaintiff or the defendant.

[Here the hammer fell.]

Mr. SPRINGER. My colleague is mistaken about the law in our State. I know it meets with general approval; it may be the difficulty is with the judge.

Mr. HOPKINS, of Illinois. Not at all.

The SPEAKER *pro tempore*. The request of the gentleman from Alabama is that the Senate bill shall be taken up and considered instead of the House bill.

Mr. PARKER. Let the Senate bill be again read.

The Senate bill was again read.

The SPEAKER *pro tempore*. Is there unanimous consent to consider the Senate bill instead of the House bill?

Mr. ADAMS. I object.

Mr. OATES. Then I demand the previous question on the engrossment and third reading of the bill.

Mr. ABBOTT. I ask leave to present an amendment.

The SPEAKER *pro tempore*. Has the gentleman from Alabama permitted the gentleman from Colorado [Mr. SYMES] to offer his amendment?

Mr. OATES. No, I did not yield to any amendment.

The SPEAKER *pro tempore*. Then the question is on the demand for the previous question, on the third reading and engrossment of the bill.

The House divided; and there were—ayes 113, noes 14.

Mr. MACDONALD. No quorum. The reason why I make the point is because no opportunity has been afforded to offer amendments.

Mr. OATES and Mr. MACDONALD were appointed as tellers.

The House again divided; and the tellers reported—ayes 145, noes 18.

So the previous question was ordered.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. OATES. I demand the previous question on the passage of the bill.

Mr. LYNCH. I move to recommit the bill with the following instructions:

Add as follows:

"That on the trial of all civil and criminal cases in the circuit and in the district courts of the United States a stenographer, to be appointed by the judge, shall be employed at a compensation of $10 per day, to be paid by the United States, whose duty it shall be to report all proceedings of the trial, including the instructions given to the jury by the judge. It shall be the duty of said stenographer to extend the said proceedings taken by him in short-hand in long hand, or by type-writer when directed to do so by the court, and that the instructions of the judge to the jury shall be filed as part of the record in each case."

Mr. BUCHANAN. I desire to amend the instructions by adding to the bill what I send to the desk.

The Clerk read as follows:

Add to the bill:

"And if such shall be the practice in the State courts of the State within which such judge shall be holding his court."

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Pennsylvania to recommit the bill with the instructions read and the amendment to the instructions proposed by the gentleman from New Jersey.

Mr. LYNCH. I do not accept that amendment.

The SPEAKER *pro tempore*. Then the question is on the amendment to the instructions.

The amendment was rejected.

The question recurred on the motion of Mr. LYNCH to recommit with instructions; and on a division there were—ayes 32, noes 109.

So the motion was rejected.

The previous question was ordered, under the operation of which the bill was passed.

Mr. OATES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPRINT OF A SENATE BILL.

On motion of Mr. MILLS, by unanimous consent, the bill (S. 977) to regulate the importation of foreign merchandise and to secure uniformity in the collection and valuation thereof, and for other purposes, was ordered to be printed for the use of the House.

STAYS ON EXECUTIONS, UNITED STATES COURTS.

Mr. CULBERSON. I now call up the bill (H. R. 4948) to amend section 988 of the Revised Statutes, regulating stays on executions in courts of the United States, and yield to the gentleman from Iowa [Mr. FULLER].

The bill was read, as follows:

Be it enacted, etc., That section 988 of the Revised Statutes be amended so as to read as follows:

"SEC. 988. That where, by the laws of a State, defendants in the courts thereof are entitled to a stay of execution, defendants in the courts of the United States held therein shall be entitled to a like stay upon the same conditions, including the giving and enforcement of bond or other security for the performance of the judgment thus stayed."

The report (by Mr. FULLER) was read, as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 4948) to amend section 988 of the Revised Statutes, regulating stays on executions in courts of the United States, having had the same under consideration, find that the object of this proposed legislation is to provide for a uniformity in the laws of the United States and several States in reference to stays on executions, and therefore recommend the passage of the bill.

Mr. FULLER. I do not care to take up any of the time of the House in the discussion of this bill. The report which has been read and the bill, it seems to me, sufficiently explain themselves, and unless some gentleman desires to be heard, I shall ask for the question on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The question recurred upon the passage of the bill; and there were on a division—ayes 100, noes 6.

So the bill was passed.

Mr. FULLER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNLAWFUL GRAZING ON INDIAN LANDS.

Mr. CULBERSON. I now call up the bill (H. R. 8393) to protect lands belonging to Indians from unlawful grazing, and for other purposes, and yield to the gentleman from Arkansas [Mr. ROGERS].

The bill is as follows:

Be it enacted, etc., That section 2117 of the United States Statutes at Large be so amended as to read as follows:

"Every person who drives, or otherwise conveys, any stock of horses, mules, or cattle to range and feed on any land belonging to any Indian or Indian tribe, without the consent of such Indian or such tribe, is liable to a penalty of $1 for each animal of such stock; such penalty to be recovered by civil suit as provided in section 2124 of the said Statutes at Large. When such penalty shall be recovered, the same, less costs and 10 per cent. of the amount recovered, shall be paid by the clerk of the court in which it is recovered to the treasurer of the nation or tribe of Indians which owns the land upon which the horses, mules, or cattle have been driven, or otherwise conveyed, to range or feed on the same. If the land belongs to an individual Indian, the amount of said penalty shall, by said clerk, be paid to him or his legal representatives. If a nation or tribe of Indians has no treasurer, then the amount of the penalty shall be paid by said clerk to such person as may be selected by the nation or tribe to receive it, all said payments to be made under orders of court previously made and entered of record."

SEC. 2. That this act shall be construed to apply to penalties already incurred but which have not been collected, but for the recovery of which suits at law have been or may be brought.

The report (by Mr. ROGERS) is as follows:

The Committee on the Judiciary, having had under consideration House bill 4922, report the same back and ask that it lie on the table, and report herewith a substitute therefor.

The bill is an amendment of section 2117 of the Revised Statutes, which imposes a penalty upon any person who drives cattle, horses, or mules on the land of any Indian or Indian tribe to range or feed. Section 2124 of the Revised Statutes provides that such penalty, when so recovered, shall go one-half to the informer and the other be covered into the Treasury of the United States. This the committee deem manifestly unjust, and this amendment requires the penalty, when recovered, less costs and 10 per cent., which is to be retained by the Government to indemnify it against losses in such prosecutions, shall be turned over to the tribe whose lands were trespassed upon, or, if the land belonged to an individual Indian, to him or his legal representatives, under orders of the court duly entered of record.

Mr. ROGERS. Mr. Chairman, the gentleman from Missouri [Mr. WARNER] signified a desire to offer an amendment to this bill. I am not authorized by the committee to accept it; but as this bill was prepared by the district judge, and without reference at all to the subject to which the gentleman desires to propose his amendment, and having no objection to it, I am perfectly willing for my part that he shall have an opportunity to present it, and shall make no objection unless requested by some other member of the Committee on the Judiciary.

Mr. WARNER. Before proceeding to present the formal amendment I desire to suggest an amendment in line 8 of section 1. The three words immediately preceding "thereby" in that line should be stricken out, the words "Indian or such." That would leave this provision identical with the present statute.

Mr. ROGERS. I have no objection to that. I do not desire to disturb anything that is settled, except the one thing that the bill is intended to remedy.

The amendment of Mr. WARNER was adopted.

Mr. WARNER. Now, Mr. Speaker, I offer this amendment to the first section.

The Clerk read as follows:

Add to the section:

"*Provided*, That nothing in this act shall be construed to validate any leases or agreements heretofore or hereafter entered into between any Indian or Indian tribe or nation with any person, firm, or corporation for the use or occupancy of any Indian lands for grazing purposes."

Mr. ROGERS. Does the gentleman desire to be heard on the amendment?

Mr. WARNER. I do not. I apprehend that there can be no question as to its propriety.

Mr. ROGERS. It was not the object of the committee to in any way interfere with the question of leases in the Indian Territory, but inasmuch as two or three gentlemen are interested—I do not mean personally, but who do not desire anything of that kind to be permitted—I do not care to interpose any objection to their wishes. I do not want to disturb the question, and therefore I shall not object to the introduction of the amendment.

The amendment of Mr. WARNER was adopted.

The SPEAKER *pro tempore*. The question is upon the engrossment and third reading of the bill as amended.

Mr. HARE. I ask the gentleman to yield to me to permit the insertion of the word "willfully" before the word "drives," in the fifth line, so that it will read, "or person who willfully drives," etc.

Mr. ROGERS. I have no authority at all from the Judiciary Committee to admit such an amendment. It was not our purpose to change or amend the existing statute in the slightest degree.

The SPEAKER *pro tempore*. The Chair understands the gentleman from Arkansas to decline to yield for this amendment.

Mr. ROGERS. I do.

The whole object, purpose, and effect of this bill is to appropriate the money which formerly went into the Treasury of the United States to the purposes of the Indians themselves, and let the penalty, when collected for such trespass, go to the Indians, which is manifestly an act of justice to them.

In other words, if persons drive their stock to graze on Indian lands the Government ought not to get the benefit of the penalty inflicted on them for so doing. Therefore, the Judiciary Committee, upon the suggestion of one of the judges who is frequently executing this law, provide that the proceeds shall go to the Indians whose lands have been trespassed upon. That is the sole object of the bill, and with that single alteration in the law it is our intention to let the law stand as it is.

Mr. HARE. If a person were to drive accidentally on those lands would he not be mulcted?

Mr. ROGERS. The gentleman asks if he should inadvertently drive his stock on the Indian Territory he would not be mulcted under this act. I am not aware of any such construction having been placed on the statute. I should construe the statute, if called upon to do so, that before a penalty could be inflicted it should be shown that the driving of the stock was willful, not accidentally done.

Mr. STEWART, of Vermont. This does not change the law in that respect?

Mr. ROGERS. It does not.

Mr. BUCHANAN. May I ask the gentleman from Arkansas a question?

Mr. ROGERS. Yes, sir.

Mr. BUCHANAN. Am I to understand that under the present law the whole of the penalty goes to the United States, and that this bill places the whole of the penalty in the treasury of the Indian tribe?

Mr. ROGERS. Not the whole. The bill gives it all to the Indians whose lands have been trespassed upon, less 10 per cent., which the Government retains to indemnify itself against loss in the prosecution of suits wherein the prosecution may fail.

Mr. BUCHANAN. Has the gentleman considered the propriety of informers retaining a small amount of the sum? Does he not think this would stimulate the enforcement of the law?

Mr. ROGERS. Without revealing committee secrets I may say that that question was fully considered.

Mr. BUCHANAN. It looks as if the statute takes away all incentive to informing.

Mr. ROGERS. I will say to the gentleman that these prosecutions are ordinarily instituted at the instance of the Indians themselves. The judge of the court, who has as kind a feeling to the Indian tribes as any one I know, thinks the penalty is due the Indians; and he prepared the bill for introduction in their behalf.

Mr. PERKINS. Will the gentleman from Arkansas permit an amendment to be offered, to insert "willful?"

Mr. ROGERS. That is an amendment I declined to yield for when the gentleman from Texas [Mr. HARE] desired to offer it. I do not think it would change the law, but I have not the authority from the committee to allow that amendment; and it was not the intention of the committee to change the law in any way except as I have mentioned.

Mr. PERKINS. In order that there may be no uncertainty, will the gentleman allow that amendment to be offered?

Mr. ROGERS. I do not like to yield for an amendment which might change the meaning of the provision, and I am not authorized to accept it. I now demand the previous question.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. ROGERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 2477) for the relief of Nathaniel McKay and the executors of Donald McKay; and

A bill (H. R. 5617) to provide for the leasing of premises for the Washington City post-office.

CONFERENCE COMMITTEE.

The SPEAKER announced as the managers of the conference on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. 3300) to amend an act to enable the city of Denver to purchase certain lands for cemetery purposes, Mr. HOLMAN, Mr. PAYSON, and Mr. MCKENNA.

LIENS OF JUDGMENTS.

Mr. CULBERSON. I call up for consideration the bill (H. R. 8180) to regulate the liens of judgments and decrees of the courts of the United States. I yield to the gentleman from North Carolina [Mr. HENDERSON].

The bill was read, as follows:

Be it enacted, etc., That judgments and decrees rendered in a circuit or district court within any State shall be liens on property in the same manner and to the same extent only as judgments and decrees of the courts of such State: *Provided*, That whenever the laws of the State require a judgment or decree of a State court to be registered, recorded, docketed, indexed, or any other thing to be done, in a particular manner, or in a certain office or county, before a lien shall attach, such regulations shall not apply to the judgments or decrees of the courts of the United States, unless now or until hereafter the laws of such State shall authorize the judgments and decrees of the United States to be registered, recorded, docketed, indexed, or otherwise conformed to the rules and requirements relating to the judgments and decrees of the courts of the State.

SEC. 2. That the clerks of the several courts of the United States shall prepare and keep in their respective offices complete and convenient indices and cross-indices of the judgment records of said courts, and such indices and records shall at all times be open to the inspection and examination of the public.

SEC. 3. That this act shall not be in force in any State until the laws of such State shall provide for the judgments and decrees of the courts of the State to be liens in other counties than the one in which the said judgments and decrees shall be rendered.

Mr. HENDERSON, of North Carolina. Let the report be read.

The report (by Mr. HENDERSON, of North Carolina) was read, as follows:

The Committee on the Judiciary, to whom was referred House bills 1378, 1388, 1869, and 5626, beg leave to report a substitute.

There is no act of Congress making judgments in the courts of the United States a lien on lands. Such a lien depends upon the local laws of the State where the land lies (Kent's Com., 248, note *b*; Taylor *vs.* Thomson, 5 Peters, U. S., 358; Williams *vs.* Benedict, 8 How., 107; Ward *vs.* Chamberlain, 2 Black., 430).

Sections 916 and 967 of the Revised Statutes contain the only law of the United States bearing upon this subject, to wit:

"SEC. 916. The party recovering a judgment in any common law cause in any circuit or district court shall be entitled to similar remedies upon the same, by execution or otherwise, to reach the property of the judgment debtor as are now provided in like causes by the laws of the State in which such court is held, or by any such laws hereafter enacted, which may be adopted by general rules of such circuit or district court; and such courts may from time to time, by general rules, adopt such State laws as may hereafter be in force in such State in relation to remedies upon judgments as aforesaid, by execution or otherwise. (See 24 Sept., 1789, c. 24, s. 34.)

"SEC. 967. Judgments and decrees rendered in a circuit or district court, within any State, shall cease to be liens on real estate or chattels real in the same manner and at like periods as judgments and decrees of the courts of such States cease, by law, to be liens thereon. (4 July, 1840, c. 43, s. 4, v. 5, p. 393.)"

It seems to be settled that in every State the judgments of the Federal courts have the same lien, to the extent of their jurisdiction, as the judgments of the highest court of the State. The following extract from Abbott's U. S. Practice, volume 2, section 249, page 154, states very clearly what the law is upon this question:

"Judgments and decrees of the national courts become liens upon the real property of the defendant, lying within the district in which they are rendered. But it is not easy to state, from the adjudications, precisely how far this lien is regulated by the local law. The existence of this lien * * * does not result from any direct legislation of Congress on the subject. But under the judiciary act of September 24, 1789, the courts of the United States have uniformly adopted the principles of State jurisprudence relative to the lien of judgments, so far as applicable.

"The extent of the lien, or the question what judgment or decree may form a lien, and what kinds of property may be holden, appears to depend upon the State law. The judgment or decree is a lien upon the property claimed, if a similar judgment or decree rendered in the State court would be a lien upon the like property. The duration of the lien was expressly made, by act of July 4, 1840, dependent upon the State law. * * * But it is not to be understood that regulations of State law, requiring a judgment of a State court to be registered or docketed in a particular manner or in a certain office or county, must be followed in respect to United States judgments. In those States where a judgment in the State courts creates a lien, a judgment in a court of the United States has that operation throughout the district to which the jurisdiction of the court extends; and State legislation modifying the lien of judgments or restricting their operation can not affect the lien. Moreover, the lien extends, irrespective of State restrictive laws, to all lands of the defendant throughout the district."

Different regulations prevail upon the subject of judgment liens in different jurisdictions, and in some of the States neither judgments nor decrees for the payment of money, except in cases of attachment or mesne process, create any preference in favor of the creditor until the execution on the same has been duly levied on the land (Ward *vs.* Chamberlain, 2 Black., 430). In many of the States the judgment of a State court is a lien upon lands only in the county in which the judgment is rendered and can not be made a lien in another county except by filing therein a transcript of the judgment, or by having the same docketed, recorded, or registered, as directed by State law.

In a number of the States, therefore, judgments of the Federal courts are liens upon the real property of the debtor throughout the State, without being recorded or filed in any other place than the court where rendered, while judgments of the highest courts of the State are liens only in the county in which the judgments are rendered or have been recorded or docketed. The only purpose of the proposed legislation is to place judgments of the State and Federal courts upon a perfect equality in each State, and that the same provisions of State law which regulate the docketing, registration, or recording of the judgments of the State courts shall be made applicable to the judgments of the United States courts, when authorized by the laws of such State.

The first section of the substitute reported by the committee provides that judgments of the Federal courts shall be liens in the same manner and to the same extent only as judgments of the State courts, with this proviso, that if the State laws direct a judgment of the State court to be recorded, or any other requirement to be complied with, such requirements shall not apply to Federal judgments unless the laws of the State shall so provide; and the third section does not authorize this act to be in force in any State unless the laws of such State shall also provide for judgments of the State courts to be liens in other counties than the one in which the judgments are rendered, so that this act can have no operation in any State without the consent of the Legislature thereof.

The second section provides for the proper indexing of the judgments of the Federal courts.

A bill similar to this was reported favorably by the Committee on the Judiciary of the Forty-eighth Congress, but was not acted upon in the House. In the Forty-ninth Congress a bill substantially like this was reported by the same committee and passed the House, but was not considered by the Senate.

Your committee have prepared the following substitute for the several bills referred to them upon the subject, and recommend its adoption, and that the original bills lie upon the table.

Mr. HENDERSON, of North Carolina. I am willing now to answer any questions that may be submitted to me in regard to this bill.

Mr. PERKINS. What is the meaning of the proviso in the first section? What is its effect?

Mr. HENDERSON, of North Carolina. As I understand the bill, it provides that the liens of judgments of the Federal courts shall be upon an exact equality in each State with the liens of the State courts in such State. But as I also understand it, this act can not be enforced in any State without the consent of the Legislature of the State.

Mr. DALZELL. Will the gentleman yield to me?

Mr. HENDERSON, of North Carolina. Yes, sir.

Mr. DALZELL. It seems to me there are grave objections to the passage of this bill. If I understand it, it will change entirely the character of the lien of judgments obtained in the Federal courts. As the law now is a judgment obtained in any Federal court is a lien on all lands throughout the district coextensive with the jurisdiction of that court.

In most of the States, in all the States, I may say, the lien of a judgment recovered in a State court is confined to the county in which the court is situated. The result of this act is, therefore, if I understand it, to confine the lien of a judgment recovered in a circuit court of the United States to land situated in the county where the court is held. If that is so, then one of the advantages, and one of the main advantages secured to the non-resident citizen when he goes into the United States court is entirely lost. Up to this point, up to the proviso in sec-

tion 1, the United States court in any State is the only court in that State in which it turns out to be impossible to secure a judgment which shall be a lien throughout the State. Now, from what the gentleman from North Carolina has already said, I take it that it was the intention of this proviso that this act should not go into effect until State machinery had been put in operation for the indexing of Federal judgments; but if I understand the plain English of this proviso it does not accomplish any such purpose.

The provision here simply is that the regulations—not the act, but the regulations with respect to indexing, recording, and registering—shall not apply to Federal judgments until the State has passed an act saying that they shall do so. So I take it that the first section of this act, the body of the section itself and the proviso if adopted, would simply legislate away the lien incident to a judgment recovered in a Federal court so as to confine that lien to the county in which the court sits; and it seems to me, sir, that that is a purpose which this body ought not to attempt to accomplish. It would be to take away from the Federal courts one of the advantages, and, as I have already said, one of the main advantages, which they furnish to citizens of other States than those in which the suits are brought.

Mr. CONGER. Will the gentleman permit an inquiry?

Mr. DALZELL. Yes, sir.

Mr. CONGER. Does not section 3 of the bill provide for the very thing that you are objecting to?

Mr. DALZELL. It does not, for this reason: Section 3 provides that this act shall not be in force in any State until the laws of such State shall provide for the judgment or decree of the courts of the State to be liens in other counties than the one in which the judgments and decrees shall be rendered. Now, I venture to say that there are few States in this Union in which there is not some provision for the judgments and decrees of the courts of that State being made liens in other counties than the county in which they were recovered if only you put in operation certain processes; but there is no provision in the State laws for putting in operation those processes with respect to Federal judgments. Hence, taking into account the third section also, the act is just as I have said it was, an act which will confine the liens of judgments recovered in Federal courts to the county in which the court sits.

Mr. JACKSON. Unless executions have issued.

Mr. WARNER. Mr. Speaker, this certainly is a bill which should receive the close consideration of every member of this House. Its purpose evidently is to make a radical change in the existing law and practice as to liens or judgments rendered in the United States courts. I apprehend that I state correctly the purpose of the framer of the bill; that is, Mr. Speaker, that a judgment rendered in a United States court shall only be a lien upon real estate in the county in which a United States court is held. I think I am correct in that proposition. I would ask the gentleman [Mr. ROGERS] if I am mistaken.

Mr. ROGERS. As far as the gentleman from Missouri has gone he is correct; but he has not gone as yet to the full extent of the bill.

Mr. WARNER. So far, then, I am correct in saying that that is the purpose of the framer of this bill. I think, sir, that the language of the first section preceding the proviso does not carry out that purpose. The act reads that "judgments and decrees rendered in a circuit or district court within any State shall be liens on property." How shall they be liens? "In the same manner and to the same extent only as judgments and decrees of State courts." Now, sir, take this language, take the plain meaning of it. In what manner and to what extent are judgments of State courts liens? I apprehend there is not a State in this Union where the judgment of a State court is not a lien upon real estate situate within the jurisdiction of that court. That is the manner.

Mr. OATES. Will the gentleman allow me to interrupt him?

Mr. WARNER. Wait a moment. That is the manner; that is the extent.

Mr. OATES. In my State a judgment has not any lien at all.

Mr. WARNER. Possibly in the gentleman's State a judgment has no lien.

There comes in the additional confusion, and, to my mind, the additional difficulty under this law. I speak only for my own State. A judgment rendered in what we term the circuit court (which is sometimes called in other States the district court) gives a lien upon the real estate in the county from the date it is rendered for a period of three years, and may be renewed every three years and continue a perpetual lien upon every cent's worth of real estate the judgment debtor owns in the county.

Mr. GROUT. Without any levy of execution?

Mr. WARNER. Without any levy of execution.

A MEMBER. Does that include leasehold property?

Mr. WARNER. Leasehold property of five years or more is considered the same as real estate.

But to come back to the view which I was presenting. In my own State—and in passing laws here we must take into consideration all the cases to which they will apply—in my own State the extent of a lien is through the entire jurisdiction of the court of record rendering the judgment. Then in the State of Missouri, under this bill, the judgment of a United States court would operate as a lien on the real estate of the judgment debtor in every county comprised within the district of the circuit. I submit there is no getting away from this conclusion.

Mr. CANNON. Is not that the law now?

Mr. WARNER. The gentleman asks me whether that is not the law now. Yes, it is; and it is more than that. Therefore I am in favor of the bill with a restriction, if the committee gives it that interpretation. The bar and the judges in my State concede that under the decision of the United States circuit court of Pennsylvania a judgment rendered in a United States circuit court in any State is a lien upon real estate throughout that State. In Missouri, where we are transferring a great deal of real property, especially in the city where I reside, a man purchasing a lot is obliged to send to the United States circuit court at St. Joseph, the United States circuit court at Jefferson City, the United States circuit court at Hannibal, the United States circuit court at St. Louis, the United States district court at Springfield, and all the other district courts, in order to obtain the certificate of the clerk of each court as to whether there have been any judgments within the last three years entered against any of the parties.

Mr. OATES. If this bill becomes a law, and the Legislature of the gentleman's State passes an act requiring judgments to be registered in the county where they are to operate as liens, will not that obviate the gentleman's objection?

Mr. HENDERSON, of North Carolina. I have not relinquished the floor. I designed to yield only a few minutes to the gentleman from Missouri.

Mr. WARNER. I did not intend to deprive the gentleman of the floor.

Mr. HENDERSON, of North Carolina. I yield the gentleman three minutes more.

Mr. WARNER. That will be sufficient. I would have confined myself to that limit in the first place, if the gentleman had so indicated.

The third section of this bill provides:

That this act shall not be in force in any State until the laws of such State shall provide for the judgments and decrees of the courts of the State to be liens in other counties than the one in which the said judgments and decrees shall be rendered.

How a lien? A lien from the day of the rendition of the judgment? A lien from the time a transcript is filed in another county? Under what conditions will you make the judgment a lien? Will you not by this bill create confusion—such confusion that no lawyer examining a title will dare to pass upon it? Lawyers sitting around me agree with me on this proposition. What we want in these matters is certainty. We want no enactment that can be misunderstood. I am in favor of a law which shall limit the lien of a judgment of a United States circuit court to the same extent that the lien of a State court is limited; but I would provide in every case that the filing of the transcript of a judgment within a certain time in other counties shall operate as notice, and if the transcript is not filed then parties shall not be considered as having notice.

Mr. LAIDLAW. That is the State law in New York now.

Mr. WARNER. That may be the State law in New York; but we are making law for every State in the Union, and this bill does not cover that point explicitly and directly.

Mr. PERKINS. If we strike out the third section and also the proviso in the first section, would not the bill accomplish the purpose which the gentleman from Missouri favors?

Several MEMBERS. No.

Mr. WARNER. I do not pretend to be accurate in my construction of this bill, nor would I set my judgment against that of members of the committee who have studied it; but if the third section of the bill and the proviso of the first section were struck out, the judgment of a United States circuit or district court would, in my opinion, be a lien upon real estate in every county situated in the circuit or district where the judgment was rendered.

A MEMBER. That is what it is now.

Mr. PERKINS. I call the attention of the gentleman from Missouri [Mr. WARNER] to this language:

Shall be liens on property in the same manner and to the same extent only as judgments and decrees of the courts of such State.

Mr. WARNER. I may have been unfortunate in conveying my views in the former part of my argument. Judgments of the State courts of Missouri are now liens on real estate within the jurisdiction of the court rendering the judgment. Hence, if judgments and decrees of a United States circuit or district court are to be liens "in the same manner and to the same extent," they will be liens upon real estate situated within the jurisdiction of such circuit or district court.

Mr. HENDERSON, of North Carolina. I yield three minutes to the gentleman from Arkansas [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, I invite the attention of my friend from Pennsylvania [Mr. DALZELL], whose lucid statement I listened to with pleasure, and also my friend from Missouri [Mr. WARNER], who is always clear on these subjects. Each of them has stated the effect of a lien in a Federal court correctly. It is co-extensive with the territorial jurisdiction of the court. The object of this bill is simply

this: That in those States where no law has been passed for the recording of judgments of State courts in other counties than the county where the court sits which rendered the judgment, and in those States also where they have made provision for recording State judgments in other counties than the one in which the court sits, but made no similar provision for recording Federal judgments, this law shall have no effect whatever.

To illustrate. In my own State the judgment of a State court is coextensive with the territorial jurisdiction of that court. The State laws have made no provision whatever in relation to either State or Federal judgments in any county other than the one where the court sits. This bill, therefore, in that State would not affect existing law. If it had the effect of limiting the lien of United States judgments to the county where the courts sit, in the absence of any State legislation for the establishment of the lien in other counties, either by recording or registering in some of the methods herein provided, I should be opposed to the bill myself.

Mr. WARNER. Pardon a question. I make simply this remark: The gentleman's construction of this law—and I apprehend that of a number of attorneys who may discuss it—shows the uncertainty of this language, and furnishes a reason why it should be made more plain.

Mr. ROGERS. It is impossible for any one in a discussion of a bill like this in Committee of the Whole to give it that analysis which we give to bills in committee. I state to my friend from Missouri, as chairman of the subcommittee which framed this bill, on the particular point I have just discussed, we gave it the most earnest and careful consideration, because my views agreed fully with the views of the gentleman from Pennsylvania, as well as those of the gentleman from Missouri. I desired to protect my State from the operation of this bill until its Legislature has made provision for recording not only State but Federal judgments in other counties than those in which the courts sit which render them. I do not know whether the State desires the change; if not, this bill does not disturb the *statu quo*. If the change is desired, the opportunity is given it.

Now, in those States where the Legislatures have provided already methods of registration or indexing, or recording, as the case may be, the judgments of State courts in counties other than those where the court rendering the judgments sits, and thereby fixing liens in such counties, and have extended the provisions thereof to Federal judgments, this law does take effect. And why is such a law desirable? It is this, Mr. Speaker: In many of the States of the Union, perhaps I might illustrate by my own, some fifty or sixty counties are embraced in one judicial district. A man in the most remote corner of the State may desire to make a transfer of a piece of real estate, but the man who is to take title from him is unable to go to the county seat and examine the records and learn whether any liens rest on his land. No matter how remote from railroad communication or telegraph communication, how long it may take to get to where the Federal court is located, he must go. The object of this bill, the necessity for its enactment, as I think, lies in the fact of its convenience to the largest number of people possible.

For if it becomes law the parties can go to the county seat, and if no Federal judgment is found recorded there, they can be sure there is no lien. But now they must go to the Federal court, after having examined the county records, before there is any assurance that the title is clear, and this involves expense, delay, and trouble incalculable almost. Therefore I think the change a very desirable one that the States will be glad to avail themselves of.

For one moment let me analyze the bill. The first and third sections, to understand it correctly, must be construed together. What does the first section provide?

That judgments and decrees rendered in a circuit or district court within any State shall be liens on property in the same manner and to the same extent only as judgments and decrees of the courts of such State: *Provided*, That whenever the laws of the State require a judgment or decree of a State court to be registered, recorded, docketed, indexed, or any other thing to be done, in a particular manner, or in a certain office or county, before a lien shall attach, such regulations shall not apply to the judgments or decrees of the courts of the United States, unless now or until hereafter the laws of such State shall authorize the judgments and decrees of the United States to be registered, recorded, docketed, indexed, or otherwise conformed to the rules and requirements relating to the judgments and decrees of the courts of the State.

Hence I protested against the first section of the bill without the third.

Now, as to the proviso first. It reads:

Provided, That whenever the laws of the State require a judgment or decree of a State court to be registered, recorded, docketed, indexed, or any other thing to be done, in a particular manner, or in a certain office or county, before a lien shall attach, such regulations shall not apply to the judgments or decrees of the courts of the United States, unless now or until hereafter the laws of such State shall authorize the judgments and decrees of the United States to be registered, recorded, docketed, indexed, or otherwise conformed to the rules and requirements relating to the judgments and decrees of the courts of the State.

What is the effect of this? Why, in a State court, when a judgment is rendered, the lien is confined to the county; but in a number of States throughout the Union laws have been passed so as that a judgment creditor in one county may take a transcript and have it recorded in another county, and it becomes at once a lien upon all property throughout the territorial limits of that county, and so on throughout the entire State.

Mr. RYAN. Would not the object of the bill be better accomplished if it provided that the judgment of the Federal court should be a lien from the time of its rendition in the county where it originated, and in all other counties from the date the transcript is entered?

Mr. ROGERS. If I undertook to discuss that question I should be compelled to go into the history of these lien laws.

The fact is, in brief, that there never was any legislation fixing the liens of Federal courts. It is assimilated to the practice in such cases in the State courts, and has grown up with the Federal judiciary, by conforming the practice to the laws of the several States. And I think that it is a wise thing in all of these matters, where it does not create a conflict either with some great fundamental principle or some constitutional obstacle, that all legislation regulating the practice and proceedings of Federal courts should be conformed to the State laws.

Mr. HOPKINS, of Illinois. Will the gentleman permit an interruption?

Mr. ROGERS. In a moment.

My answer to the gentleman from Kansas [Mr. RYAN] would be that I think it is the desire of Congress to conform judgments or liens to the procedure in the several States rather than to pass a general law upon the subject, and because, mainly, the bar, the practitioners, and the people are accustomed to that procedure.

Mr. HOPKINS, of Illinois. Will the gentleman now yield for a question?

Mr. ROGERS. With pleasure.

Mr. HOPKINS, of Illinois. What would be the practice under this bill in attachment suits? Does the bill contemplate final judgments or decrees in such cases?

As the gentleman knows, it frequently occurs that parties may commence suit by attachment, and the practice is, where the attachment is sustained, that the judgment reverts back to the time the attachment proceedings commenced.

Mr. ROGERS. The bill does not disturb the present status in those regards. It was not the intention of the committee in preparing the bill to do more than regulate the judgment liens.

Mr. HOPKINS, of Illinois. Do I understand the gentleman to say his interpretation is that if a suit shall be commenced with an attachment in a Federal court, and prosecuted to final judgment, the lien or that will relate back to the time when attachment proceedings began?

Mr. ROGERS. I do not undertake to answer in a single word the question propounded by the gentleman, because I am not so familiar with the practice in States other than my own as the gentleman is, no doubt, himself. But in my own State the practice in that regard is not changed by the bill. The present status is not changed in any respect.

Mr. HOPKINS, of Illinois. Another question—and I am asking only for information.

Mr. ROGERS. Certainly; and I am answering the gentleman candidly.

Mr. HOPKINS, of Illinois. I am sure of it. In the State of Illinois attachment proceedings in the Federal courts, if prosecuted to final judgment, relate back to the time of the attachment proceedings, so that no intervening judgment against the debtor will interfere with the lien under the attachment.

Mr. ROGERS. Certainly. And in every case where property is seized by the marshal under an attachment and brought into court it is held subject to the judgment which may be rendered under such proceedings. The decisions of the Supreme Court are all to the effect that no jurisdiction can interfere with it; that the *res* is *in custodia legis*, and no power can lawfully take it from the creditor by judgment lien or otherwise as against the jurisdiction first attaching. It is held subject to the attachment, and is subject to the judgment rendered under it.

Mr. HOPKINS, of Illinois. A little further. Would that judgment in the attachment proceeding of which I spoke be a lien upon the property outside of the county in which the Federal court was sitting?

Mr. ROGERS. That would depend on the lien laws of the State. In Arkansas it would. In Illinois, as I understand the law there, it would not.

Now, Mr. Speaker, I have discussed the first two aspects of the bill. I think a careful and analytical construction of it will demonstrate conclusively that its results will be just what I have stated, and such is the purpose of this bill. At least that view has received the unanimous sanction of your Judiciary Committee.

Now I come to the third section of the bill.

Mr. WARNER. Will the gentleman yield to me for a question?

Mr. ROGERS. Yes, sir.

Mr. WARNER. What would be the effect of the bill if you struck out the entire proviso of the first section? Would it defeat the object of the bill?

Mr. ROGERS. I think it would very materially.

Mr. WARNER. In what way?

Mr. ROGERS. I will state it. The question of the gentleman from Missouri is an exceedingly pertinent one. It puts the spear right into the spinal column of this bill.

Mr. WARNER. If it has one.

Mr. ROGERS. Yes, if it has one. Or I may say, it is the heart of the bill. If there is any weak spot at all, the gentleman has reached it. I maintain there is not, and that the bill is perfect.

The proviso is intended to cover one class of cases. The third section is intended to cover another class of cases. Let me illustrate. In my State the Federal liens extend all over the district; the liens rendered by the State courts are confined to the county. There are no provisions of law for recording the State and Federal judgments outside of the county in which they are rendered.

The third section covers States which are in that category; but the proviso of the first section covers cases where the States have made provision for recording the State judgments in counties other than where rendered, but have not extended that provision to the Federal judgments. Therefore this bill would not operate in either case until a similar privilege is extended to the Federal as well as to the State courts.

Mr. WARNER. Will the gentleman yield to me for a question?

Mr. ROGERS. Yes, sir.

Mr. WARNER. Then, that is the manner and extent of the judgment lien in those States in which they have provided for filing transcripts of judgments?

Mr. ROGERS. No, sir, if I understand the question. The paragraph down to the word "provided" fixes the lien, but the proviso then excludes from the operation of the bill those States where provision has been made in the States to record State judgments but not to record Federal judgments. Do I make myself understood? Does the gentleman gather my idea now? I will restate it. The proviso fixes the lien throughout the Federal jurisdiction——

Mr. WARNER (interrupting). I will be candid with the gentleman from Arkansas. I think the gentleman makes himself very plain, and if the language of the bill were as clear and distinct in its statements as he is in presenting his own views I think we could get along.

Mr. ROGERS. I can but acknowledge the grace of the gentleman's statement. And now, if he will give me his attention, I will read the proviso. Let us read it together and reason together.

Mr. RAYNER. Let me ask the gentleman from Arkansas a question.

Mr. ROGERS. I am now answering my friend from Missouri.

Mr. RAYNER. He has finished.

Mr. WARNER. I yield to the gentleman from Maryland to ask the gentleman from Arkansas a question.

Mr. ROGERS. I can not resist the persistency of the gentleman. I yield to him.

Mr. RAYNER. The question I want to ask the gentleman is this: Under the law of your State is a judgment of the United States court registered?

Mr. ROGERS. In Arkansas we have two circuits; but in each district the judge has circuit as well as district powers. Judgments in the State court are confined to the district.

Mr. RAYNER. Suppose this law passes and your State passes no law providing for the registration of a judgment of the Federal court in any other county than where it is rendered, what is the effect? Does it not restrict the Federal jurisdiction?

Mr. ROGERS. Oh, no; not at all. It does not affect Arkansas at all.

Mr. RAYNER. What portion of this law gives it the same territorial limit?

Mr. ROGERS. The first section down to the proviso.

Mr. RAYNER. But what is the effect with the proviso?

Mr. ROGERS. The proviso does not reach my State, for my State has made no provision for recording any judgment out of the county where it is rendered. But the third section applies to no other State except mine that I know of.

Now let me have the attention of the gentleman from Missouri.

Let us reason together upon this. I read:

Provided, That whenever the laws of the State require a judgment or decree of a State court to be registered, recorded, docketed, indexed, or any other thing to be done in a particular manner or in a certain office or county before a lien shall attach, such regulations shall not apply to the judgment or decrees of the courts of the United States, unless now, or until hereafter, the laws of such State shall authorize judgments and decrees of the United States courts to be registered, recorded, docketed, indexed, or otherwise conformed to the rules and requirements relating to the judgments and decrees of the courts of the State.

So that this proviso, I repeat, covers that category of States where no provision has been made to record Federal judgments, but in which there has been provision made for the recording of State judgments in other counties than those in which they are rendered.

Now, Mr. Speaker, I think I have made this matter as clear as I am capable of making it, unless I may have overlooked something that some gentleman may desire to inquire into.

Mr. HENDERSON, of North Carolina. I yield two minutes to the gentleman from Pennsylvania [Mr. JACKSON].

Mr. JACKSON. Mr. Speaker, whilst there is no act of Congress making judgments in the United States courts a lien on lands, yet the practice of these courts, aided by some incidental legislation, has had the effect of giving these judgments a lien more sweeping than the ordinary judgments of the State courts. I know that the foundation of this lien is claimed to be based by analogy on the local laws, but fastening itself on the local law it has by judicial construction grown almost imperceptibly until it has imposed upon the people of the country a most serious and, as I believe, unreasonable and unnecessary burden. Whilst this is a subject to which my attention has heretofore been called, and about which I have felt the need of relief from Congress, yet the form and provisions of this bill have not been very carefully considered by me. But from such an examination of it as I have been able to make, and from the report of the Judiciary Committee, which presents it here for our consideration, I conclude that if it were enacted into law it would remedy at least some of the evils that have grown up under the practices of the Federal courts. And whilst I have not examined the bill so carefully as to be able to express a judgment as to its particular phraseology, and in that respect I leave others to criticise, and if need be amend it, yet I desire to call attention to some matters that will, I hope, lead gentlemen to support it. The historical fact that the character and validity of liens of judgments in United States courts upon land is based on local laws makes a great diversity in the different districts and circuits. My knowledge and information is mostly in regard to my own State, though I think that the burdens and disadvantages our people labor under in this respect are common to all the people of perhaps every State in the Union.

In the early history of the Government this matter did not attract much attention, for the reason that the people had but little to do with the Federal courts. But it is a growing evil, and one that is likely to be felt more and more severely as time passes on. In support of this statement I desire to call the attention of the House to the fact that judgments are rendered now much more frequently in the Federal courts than formerly. Parties seem to prefer these courts to the State courts so far as they are able to use them. It is a matter of surprise to find how greatly the business of these courts has increased within a few years. It is a matter worthy of consideration when we come to enact laws that the business of the citizen with the Federal Government has grown very largely in the last twenty-five years. Until within that time the people have had but little to do with the United States courts.

The burdens of the Federal courts, like every other Federal burden, rested lightly upon them and were felt but rarely. It is perhaps not now necessary to discuss how the rebellion and questions growing out of it, bringing the people in different relations to the General Government and giving them a different understanding of the relations they as well as the several States occupy to that Government, has effected this change. But it is a fact, among others, beyond dispute that judgments are now entered in the Federal courts very frequently. The ingenuity of counsel, the desire of parties, and some additional legislation by Congress has encouraged and will continue to encourage this. So liberal has become the practice that not only by suits and trials in courts are judgments obtained, but in my State judgments are permitted to be entered in the United States courts, following the practice of the State courts, as I am informed, upon warrants of attorney in vacation. In this way they can be entered, not necessarily in term time nor in open court, but upon the filing with the clerk of a letter and warrant of the attorney such as is contained in an ordinary judgment note in common use among the people.

In addition to this the Federal courts are held much more frequently and in many more places than formerly. There are in Pennsylvania at least four places in which United States courts are held and clerks' offices kept, and a judgment entered in any one of those courts, according to the practice, becomes at once, and without any additional notice, a lien on all the lands of the defendant in every county throughout the State. This is a lien that affects the title and marketable quality of every parcel of land, and imposes on every purchaser the burden of expensive and difficult examinations of the records of the Federal courts. To-day it is necessary, in order to examine the title of a piece of property, even the smallest, in any county of the State, to have careful search made, not only of State records, but in the Federal courts at Pittsburgh, at Erie, at Williamsport, and at Philadelphia, and I am not sure but that in the last Congress we may have made an additional place by providing for a term of court to be held at another place.

You must at least search the records of those four places I have named before you can be certain about it. It certainly ought not to require much argument to show that there ought to be a law which would require, when judgments are rendered or entered in the Federal courts, that before they should become liens on lands outside of the county in which such court is situated, some note or record should be entered in the State court of the particular county in which the lands are situated. This is no more than is reasonable to give people warning and notice of what has been done in the Federal court.

Every lien upon land ought to be found of record in the county where it is situated. No purchaser should be required to make search hundreds of miles distant, and in several different places for incumbrances. The present law is a hinderance to the free sale and exchange of property. Its burdens fall heaviest on those least able to bear it. I observe that the passage of this bill is opposed on this floor by none except gentlemen residing where United States courts are held. I will not say that they may have constituents who might, perhaps, be reaping a benefit from the present state of affairs, but I will at least suggest that they are not so familiar with the difficulties as those who reside in other places, and far distant from the records of the Federal courts.

The SPEAKER. The gentleman's time has expired.

Mr. HENDERSON, of North Carolina. I yield three minutes to the gentleman from Iowa [Mr. CONGER].

Mr. CONGER. Mr. Speaker, this bill is a substitute for one which I had the honor to introduce. The object of that bill was to provide that the people of my State, and, in fact, the people of all the States, should be no longer subjected to what they consider a very unjust requirement. In the West real estate is an object of commerce. Hundreds of thousands of dollars' worth of real estate are sold in the State of Iowa every day, and, as the law now stands, a buyer or a seller of real estate is obliged to go to a county far distant from where he lives, and where the property is situated, in order to ascertain whether there may not be a lien of a Federal judgment upon the property which he wishes to buy or to sell. It is not so in regard to the liens of our State courts. As has been said, the lien of a judgment in our State courts takes effect simply in the county where it is rendered, or where a transcript has been filed; and what we propose by this bill is to provide that liens of the Federal courts shall be placed upon the same footing.

There is another object which is sought to be accomplished by the second section of this bill. That is, that the clerks of the several courts of the United States shall prepare and keep in their respective offices complete and convenient indices of the judgment records of their courts. In a great many localities it is claimed that the indices now kept by the clerks of those courts are their private property, and that they do not allow parties to inspect them as they may inspect the indices of the State courts. The object of the second section of the bill is to furnish a remedy for that evil, and to provide that the indices of the United States courts, the property of the people, shall not be made the objects of a system of money-making by those who have control of them.

Mr. BUCHANAN. Will the gentleman yield for a question?

Mr. CONGER. Yes, sir.

Mr. BUCHANAN. Does this bill provide that parties shall have access to those indices free of cost?

Mr. CONGER. Yes, sir; just the same as they do to those of the State courts.

Mr. BUCHANAN. While you are rehearsing the objects of the bill, let me ask whether it is not a fact that its language is so obscure that it is almost impossible to tell what it does mean?

Mr. CONGER. I did not draw the bill. I am speaking simply of the object sought to be accomplished, and it is an object that ought to be attained by some sort of legislation.

Mr. BUCHANAN. I am not complaining of the object, but of the bill.

Mr. CANNON. I am heartily in favor of the object, but I am afraid the bill does not afford the remedy that is desired.

Mr. CONGER. If it does not, let us amend it so that it will.

Mr. BUCHANAN. There is nothing to amend by.

Mr. HENDERSON, of North Carolina. I now yield three minutes to the gentleman from Minnesota [Mr. WILSON].

Mr. WILSON, of Minnesota. Mr. Speaker, I am thoroughly in accord with the purposes of this bill; but I fear that if passed in its present form it will not accomplish that which is intended. I therefore desire to offer an amendment to make the measure express clearly what I think its framers intended to declare. I send the amendment to the desk to be read.

Mr. HENDERSON, of North Carolina. I yield to have the amendment read.

Mr. WILSON, of Minnesota. If members will examine the bill as the amendment is read they will see, I think, that the bill if thus amended would accomplish the object sought.

The SPEAKER *pro tempore*. The Clerk will read, as a part of the remarks of the gentleman from Minnesota, the amendment which he proposes to offer at the proper time.

The Clerk read as follows:

In line 5 strike out the word "only" and insert "and under the same conditions."

In line 7 strike out the word "the" where it first occurs and insert "any."

In line 11 strike out the word "not."

In line 12 strike out all after the word "States" and insert "whenever, and only whenever."

Strike out section 3.

Mr. WILSON, of Minnesota. Now, Mr. Speaker, let me read the bill as it will stand if thus amended:

Be it enacted, etc., That judgments and decrees rendered in a circuit or district court within any State shall be liens on property in the same manner and to the same extent and under the same conditions as judgments and decrees of the courts of such State: *Provided*, That whenever any laws of the State require a judgment or decree of a State court to be registered, recorded, docketed, indexed, or any other thing to be done in a particular manner or in a certain office or county before a lien shall attach, such regulations shall apply to the judgments or decrees of the courts of the United States whenever, and only whenever, the laws of such State shall authorize the judgments and decrees of the United States to be registered, recorded, docketed, indexed, or otherwise conformed to the rules and requirements relating to the judgments and decrees of the courts of the State.

SEC. 2. That the clerks of the several courts of the United States shall prepare and keep in their respective offices complete and convenient indices and cross-indices of the judgment records of said courts, and such indices and records shall at all times be open to the inspection and examination of the public.

These amendments, I think, put the bill in intelligible language, and accomplish what is sought.

Mr. WARNER. I think that is a good amendment.

[Here the hammer fell.]

Mr. HENDERSON, of North Carolina. I yield two minutes to the gentleman from Kansas [Mr. PERKINS].

Mr. PERKINS. Mr. Speaker, if I understand the spirit of this proposed legislation, I am entirely in accord with it, as tending to remedy the evils which have been suggested by gentlemen on this floor. Coming from a State 400 miles in length, I appreciate the necessity of some legislation on this subject. To illustrate the existing evils, in my State the United States courts are held at Leavenworth and Topeka, which are in the eastern portion of the State. From Topeka to the western boundary of Kansas the distance is 340 miles. Yet a judgment rendered at Topeka in the circuit court of the United States becomes a lien upon a farm situated in the remotest portion of the State; so that it is not safe for a man to invest a dollar in a piece of land there until he has had an examination made of the records in the office of the clerk of the circuit court at Topeka. The people of Kansas and of other States should be protected against the evils of the existing law.

For this reason, if the bill now proposed can be made definite and plain, so that there will be no ambiguity as to the construction to be given to its provisions, I am heartily in its favor. Judgments should not be liens upon real estate, unless the judgments or transcripts of them are filed in the county in which the real estate is situated. If that is the purpose of the bill, I approve it.

Of course I realize that in some States difficulty arises from the fact that there is no State legislation providing for the filing of transcripts and the securing of liens in other counties than that in which the judgment is rendered. That is the difficulty with which the Committee on the Judiciary has had to deal in framing this bill. I think the amendments suggested by the gentleman from Minnesota [Mr. WILSON] tend to simplify and make plain the provisions of the bill; but I desire to offer an amendment to the third section which I ask to have read.

[Here the hammer fell.]

Mr. HENDERSON, of North Carolina. I yield for the reading of the amendment of the gentleman from Kansas.

The Clerk read as follows:

That this act shall not be in force in any State until the laws of such State provide that transcripts of judgments and decrees of the courts of the State may be filed in other counties in the State than the one in which the said judgments and decrees shall be rendered, and become liens upon the real estate situated in such other counties from and after the filing of such transcript.

Mr. PERKINS. This amendment, it seems to me, will make the third section definite and clear. I hope the committee will consent that it may be offered.

Mr. HENDERSON, of North Carolina. Mr. Speaker, this bill has been very carefully considered by the Judiciary Committee. A great many gentlemen on the floor seem to think that the bill is awkwardly or inartificially drawn—that its meaning is not clear. It may so appear to gentlemen who have examined it for only a few minutes. But we have considered the bill with the utmost care. We have had the benefit of the debate in the Forty-ninth Congress on a measure which was substantially this bill. I do not believe the language can be made any plainer, when we consider that the object is not to force any new law upon any State, but simply to require that the lien which the State provides for the judgment of its own courts shall be the lien of a Federal judgment whenever the State law will permit. Congress can not pass a law compelling a State officer to record a Federal judgment in the clerk's office of a State court. If we could do that, the committee would have drawn the bill in that way. But we provide that the lien of a judgment of a Federal court shall be the same as the lien of the judgment of a State court—that it shall be a lien on property in the same manner and to the same extent.

It goes on to say when State law requires certain things to be done before the lien shall attach then those regulations of State courts shall apply to regulations of Federal courts whenever the Legislature of a State will so authorize.

Mr. TAULBEE. Will the gentleman permit me to ask him a question?

Mr. HENDERSON, of North Carolina. Certainly.

Mr. TAULBEE. I want to know what provision is made in this bill or existing law for the payment of the cost arising out of the filing and recording of these transcripts?

Mr. HENDERSON, of North Carolina. None in the world.

Mr. TAULBEE. I had supposed there would be no difficulty in having the work done provided some means were provided for payment.

Mr. HENDERSON, of North Carolina. That will have to be done before the Federal judgment can be docketed. Whatever the State law requires about that this law permits.

Mr. TAULBEE. Whatever cost is incurred by reason of the filing or recording of these transcripts will be paid by the United States?

Mr. HENDERSON, of North Carolina. Not at all, but by the parties.

Mr. TAULBEE. I mean causes in which the United States is a party.

Mr. HENDERSON, of North Carolina. Of course it will be paid by the losing party. The State law can provide how the cost shall be paid.

I understand a great many gentlemen are willing to accept the amendment of the gentleman from Minnesota [Mr. WILSON], and so far as I

am concerned I am perfectly willing to have that amendment read and accepted by the House.

Mr. ROGERS. I have analyzed the amendment of the gentleman from Minnesota. My judgment is the result of his amendment will be precisely the same as this bill. I am free to say it is a briefer and a clearer one. The result is the same.

The amendments of Mr. WILSON, of Minnesota, were read, as follows:

In line 5, strike out "only" and insert "when under the same conditions." In line 7, strike out "the" where it occurs the second time and insert "any." In line 11, strike out "not." In line 12, strike out all after the word "States" and insert "whenever and only whenever." Strike out section 3.

Mr. HENDERSON, of North Carolina. I have no objection to those amendments.

The SPEAKER *pro tempore*. If there be no objection, they will be agreed to.

Mr. HOPKINS, of Illinois. I object. That might be all right in the State from which the gentleman comes, but it does not apply in the State of Illinois.

The amendments of Mr. WILSON, of Minnesota, were agreed to.

Mr. HENDERSON, of North Carolina, demanded the previous question.

Mr. HOPKINS, of Illinois. What I wish to say is that the amendment of the gentleman from Minnesota is not fully understood by members of the House. It may be right; but I suggest this bill go over until the next day given to the Committee on the Judiciary, and it be printed in the RECORD so we may see it.

Mr. HENDERSON, of North Carolina. I insist upon my demand for the previous question.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. KERR. I ask for the reading of the bill as amended.

Mr. HENDERSON, of North Carolina. I demand the previous question on the passage of the bill.

Mr. HOPKINS, of Illinois. Is it not in order for me to move that the bill be recommitted with instructions?

The SPEAKER *pro tempore*. It is.

Mr. TAULBEE. Mr. Speaker——

The SPEAKER *pro tempore*. The Chair will ask the House to allow him to state the motion before any other business is done.

Mr. TAULBEE. I did not rise to make a motion.

The SPEAKER *pro tempore*. The Chair must state the question before he can recognize any gentleman for any other purpose.

The gentleman from North Carolina demands the previous question.

Mr. TAULBEE. I rose to demand the reading of the bill, which had been demanded by the gentleman from Iowa [Mr. KERR], and the bill has only been read by its title.

The SPEAKER *pro tempore*. The Clerk will now read the bill.

The bill was read at length.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. HOPKINS] now moves to recommit the bill.

Mr. McRAE. I move to amend the motion in the manner specified in the paper I now send to the desk.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That judgments and decrees rendered in a circuit or district court shall not be liens on property within any State; but all executions issued on such judgments or decrees shall be liens on such property in the same manner and extent as executions on the judgments and decrees of the courts of such States."

The SPEAKER *pro tempore*. The question is on the adoption of the instructions just read, as an amendment to the motion to recommit the bill.

The question was taken; and on a division there were—ayes 11, noes 99.

So the amendment was rejected.

The question recurred on the motion to recommit the bill.

The House divided; and there were—ayes 55, noes 69.

So the motion to recommit was rejected.

Mr. RAYNER. I would like to call the attention of the House to a clerical error in the bill, which appears on page 2, line 14, where it provides:

—judgments and decrees of the United States to be registered, etc.

It should be United States courts.

Mr. ROGERS. That is correct, and I ask unanimous consent that the word "courts" be inserted there in its proper place.

There was no objection, and it was so ordered.

The question recurred on the passage of the bill; and there were, on a division—ayes 96, noes 21.

So the bill was passed.

Mr. HENDERSON, of North Carolina, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, informed the House that the Senate had agreed to the report of the committee of conference on the amendments of the Senate to the bill (H. R. 6437) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1888, and for other purposes.

The message further announced that the Senate had passed with amendments the bill (H. R. 7315) to divide the Great Sioux Indian reservation into separate smaller reservations, and for other purposes, requested a conference with the House of Representatives on said bill and amendments, and had appointed Mr. DAWES, Mr. PLATT, and Mr. JONES of Arkansas as conferees on the part of the Senate.

The message also announced that the Senate had passed the bill (S. 1669) authorizing the Mississippi and Louisiana Bridge and Railroad Company, of Natchez, Miss., to construct a bridge over the Mississippi River at or near Natchez, Miss.; in which the concurrence of the House was requested.

URGENT DEFICIENCY BILL.

Mr. OATES rose.

Mr. BURNES. I rise to make a privileged report.

The SPEAKER *pro tempore*. The gentleman from Alabama has been recognized.

Mr. OATES. I ask unanimous consent to take up Senate bill numbered 788 and pass it. It is identical with the bill we passed this morning.

Mr. BURNES. I am bound to insist on my motion, which is one of the highest privilege.

I call up the conference report on the urgent deficiency bill, and ask to have it read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6437) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1888, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 8, 9, 10, 22, 23, 28, 44, 55, 57, and 62.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 11, 16, 17, 18, 20, 24, 25, 27, 29, 30, 47, 52, 59, and 61, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows:

Add after the matter inserted by said amendment the words "including the erection of an iron stairway;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Add after the word "high," in the matter inserted by said amendment, the words "which extension is hereby authorized;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Insert in lieu of the amended paragraph the following:

"Suppressing counterfeiting and other crimes: For continuing the investigation of certain claims of Indian soldiers and their heirs for arrears of pay and bounty, $2,000."

And the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum proposed in said House amendment insert "$15,000;" and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: Strike out the matter inserted by said amendment and insert after the word "dollars," in line 12, page 9, of the bill, the following: "All of said work to be completed by November 1, 1888:" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with amendments as follows: Strike out the word "March" and insert in lieu thereof the word "April;" and strike out the words "one thousand six hundred and eleven dollars and sixty-seven cents" and insert in lieu thereof "one thousand two hundred and ten dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$750;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$750;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,250;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$750;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,125;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$750;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,125;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,250;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$750;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate

numbered 43, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$600;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 46, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows: In lieu of the matter stricken out by said amendment insert the following:

"Traveling expenses of Indian school superintendent: For necessary traveling expenses of one Indian school superintendent, including incidental expenses of inspection and investigation, $500, or so much thereof as may be necessary: *Provided*, That he shall be allowed $3 per day for traveling expenses when actually on duty in the field, exclusive of cost of transportation."

And the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numered 56, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows: Strike out from said Senate amendment the words "eighteen hundred and eighty-eight" and insert in lieu thereof the words: "eighteen hundred and eighty-seven;" and the House agree to the same.

That the Senate recede from its disagreement to the amendments of the House to the amendment of the Senate numbered 63, and agree to the same.

JAMES N. BURNES,
JOSEPH D. SAYERS,
LOUIS E. McCOMAS,
Managers on the part of the House.

EUGENE HALE,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement of the managers of the conference on the part of the House was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6437) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1888, and for other purposes, submit the following written statement in explanation of the action which is recommended by the conference committee on each of the amendments in the accompanying conference report, namely:

On amendment numbered 1: Strikes out proposed additional compensation to Samuel A. Robinson, inspector of plumbing for the District of Columbia.

On amendments numbered 2 and 3: Appropriates $7,000 for the completion of the public building at Leavenworth, Kans., including the erection of an iron stairway therein.

On amendments numbered 4 and 5: Appropriates $65,000 for the completion, including the extension, of the public building at Syracuse, N. Y., the extension thereof being specifically authorized.

On amendment numbered 8: Appropriates $5,000 for the completion of a light-house and fog-signal at Castle Hill, Rhode Island.

On amendment numbered 9: Appropriates $8,000 for establishing a light and fog signal to guide into Lake Borgne, Louisiana.

On amendment numbered 10: Strikes out proposed additional appropriation of $30,664.02 for the revenue-cutter service for the current fiscal year.

On amendment numbered 11: Appropriates $6,000 for photolithographing charts and printing, etc., for Coast and Geodetic Survey.

On amendment numbered 12: Makes a simple correction in the text of the bill.

On the amendment of the House to the amendment of the Senate numbered 13: Reduces the amount of $25,000 proposed by the House for assistant custodians and janitors to the sum of $15,000.

On amendment numbered 14: Strikes out the proposed provision that the work of lining the tunnel for the new water-works of the District shall be done in accordance with the plan recommended by the board of Army engineer officers, and provides that the work of completing the said water supply shall be done by November 1, 1888.

On amendment numbered 15: Provides for the additional force estimated for in the office of the Surgeon-General from April 1 to June 30 next.

On amendments numbered 16 and 17: Appropriates $3,000 for new steam heating apparatus in the old museum building on Tenth street, between E and F.

On amendment numbered 18: Authorizes the use of the printing-press and material formerly in the office of the Surgeon-General for the record and pension division of that office.

On amendment numbered 20: Appropriates $2,500 for payment of John T. Sechler for private property taken by the Government in extension of the military reservation at Fort Robinson, Nebr.

On amendments numbered 22 and 23: Strikes out the provisions to pay the claims of the Baltimore and Ohio Railway Company, the Hoboken Land Improvement Company, and of Von Hoffman & Co.

On amendment numbered 24: Appropriates $32,000 for the payment of the claim of Walter Grayson.

On amendment numbered 25: Appropriates $5,500 for the National Home for Disabled Volunteer Soldiers at Leavenworth, Kans.

On amendment numbered 27: Strikes out the appropriation of $100,000 for making 100 feet longer the dry-dock now under contract to be built at the Brooklyn navy-yard.

On amendment numbered 28: Appropriates $5,000 for the erection of marine officers' quarters at Mare Island, California.

On amendment numbered 29: Authorizes the use of $360 for rent of additional rooms for the Bureau of Labor.

On amendment numbered 30: Appropriates $2,700 for support of Freedmen's Hospital and Asylum.

On amendments numbered 32 to 43, inclusive: Reduces the amounts proposed by the House for salaries of clerks in the offices of certain surveyors-general 25 per cent.

On amendment 44: Appropriates $35,000 for clerk-hire and incidental expenses of the several land offices.

On the amendment of the House to the amendment of the Senate numbered 46: Appropriates $1,600 and $2,500, respectively, for surveying lands involved in suits with the Sierra Lumber Company in California, and the Montana Improvement Company.

On amendment numbered 47: Strikes out proposed appropriation of $10,000 for special agents and necessary expenses to carry out the provisions of section 3 of the act to provide for the allotment of lands in severalty to Indians.

On amendment numbered 48: Appropriates $500 for traveling and incidental expenses of the Indian school superintendent.

On amendment numbered 52: Appropriates $20,000 for support of United States prisoners during the fiscal year 1887.

On amendment numbered 55: Strikes out proposed appropriation of $2,500 to pay Shirley C. Ward for services as special attorney for the Mission Indians of Southern California.

On amendment numbered 56: Appropriates $10,000 for printing for the Agricultural Bureau.

On amendment numbered 57: Restores the provision proposed to be stricken out by the Senate directing the Public Printer to rigidly enforce the provisions of the eight-hour law in the Government Printing Office.

On the amendment of the House to the amendment of the Senate numbered 58: Appropriates $935 for salary of O. O. Stealy, clerk to the Speaker, for the balance of the fiscal year, and corrects a date in the text of the said Senate amendment.

On amendments numbered 59 and 61: Appropriates $191,677.48 to pay the judgments of the Court of Claims certified to the Senate after the passage of the bill by the House.

On amendment numbered 62: Strikes out the provision to pay a judgment in favor of Mattie S. Whitney, rendered by the Court of Claims under the so-called Bowman act.

On the amendment of the House to the amendment of the Senate numbered 63: Appropriates $1,190.28 to pay balance of salary certified to be due W. C. Buck as minister to Peru, and $927,177.40 to pay the amount certified to be due to the State of Texas under the act of June 27, 1882.

The bill as it passed the House appropriated $5,290,620.64; as it passed the Senate it appropriated $6,015,208.93; in acting upon the Senate amendments the House added to the bill $968,402.68; and as agreed upon by the conference committee it appropriates in all $6,876,502.88.

JAS. N. BURNES,
JOSEPH D. SAYERS,
LOUIS E. McCOMAS,
Managers on the part of the House.

The SPEAKER *pro tempore* (Mr. SPRINGER). The question is on agreeing to the report of the conference committee.

Mr. ADAMS. I think we should always have some explanation of even a conference report. I listened to it carefully, and there are three items which escaped my attention. I ask the gentleman who has presented the report what was the final disposition of the further appropriation for the revenue-cutter system? Was that finally dropped from the bill?

Mr. BURNES. The explanation accompanying the report is so full and complete on each and every item acted on by the conference committee that I thought it would be unnecessary to say a single word. If the gentleman had listened he would have found that the Senate receded from that proposition.

Mr. ADAMS. As I am to ask another question, I may say that the report of the conference committee simply gave the number of each amendment without stating what the amendment was.

Mr. BURNES. The statement gives the number of the amendment and substance of the amendment.

Mr. ADAMS. And finally there was a statement, after the whole enumeration had been gone through, of the substance of each amendment by numbers, but I venture to say that not one man in a hundred in this House understood the details of the statement.

Mr. BURNES. Very well, I will satisfy the gentleman.

Mr. ADAMS. I wish to ask whether the appropriation for the extension of the dry-dock at New York has been left out?

Mr. BURNES. I supposed that every gentleman heard read the statement that the House recedes, and that the 100 feet of extra dry-dock at the Brooklyn navy-yard are not provided for.

Mr. ADAMS. My theory was that a gentleman who was unable to gather the fact from the reading had the right to ask for information.

Mr. BURNES. The report states it in precise words.

Mr. BURROWS. Mr. Speaker, I see that the bill is increased from the amount appropriated by the House a million and a half. I suppose the gentleman from Missouri [Mr. BURNES] regards that increase as entirely proper.

Mr. BURNES. As a matter of course I regard it as proper. The increase comes mainly from the claim of the State of Texas, which is nearly a million dollars, and which the House put on.

Mr. BURROWS. The bill increased, I observe.

Mr. BURNES. As the gentleman will observe from the report, the House put on a good many amendments and the Senate put on a good many amendments.

Mr. BURROWS. The amendments put on by the Senate were entirely proper, were they?

Mr. BURNES. Well, as to the amendments that we yielded to, of course I am not in a position to say that they were not proper. At the same time, I resisted several of them with what skill and ability I could command.

Mr. BURROWS. But in your judgment they ought to be embraced in the bill?

Mr. BURNES. In my judgment they had to be embraced in order to pass the bill.

The report of the committee of conference was adopted.

Mr. BURNES moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHANGE OF REFERENCE.

On motion of Mr. BELMONT, by unanimous consent, the Committee on Foreign Affairs was discharged from the further consideration of the items in the estimates for foreign intercourse relating to the international boundary survey between the United States and Mexico and the Alaska boundary survey, and they were referred to the Committee on Appropriations.

BUSINESS FROM THE COMMITTEE ON MILITARY AFFAIRS.

Mr. TOWNSHEND, by unanimous consent, offered a resolution fixing a day for the consideration of business reported from the Commit-

tee on Military Affairs, and moved that it be referred to the Committee on Military Affairs.

Mr. BRECKINRIDGE, of Kentucky. I shall object to the consideration of the resolution unless it goes to the Committee on Rules.

Mr. TOWNSHEND. Then I withdraw the resolution.

CENTENNIAL EXPOSITION, COLUMBUS, OHIO.

Mr. WILKINS, by unanimous consent, from the Committee on Banking and Currency, reported back with a favorable recommendation the bill (H. R. 8380) to authorize the loan of certain exhibits to the centennial exposition to be held at Columbus, Ohio, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

UNITED STATES LOAN AND TRUST COMPANY, DISTRICT OF COLUMBIA.

Mr. REED, by unanimous consent, introduced a bill (H. R. 8777) to incorporate the Loan and Trust Company, District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

FOREST CONDITIONS OF THE ROCKY MOUNTAINS.

Mr. McRAE, from the Committee on the Public Lands, submitted as a privileged report the following:

IN THE HOUSE OF REPRESENTATIVES, *February* 27, 1888.

Resolved, That the Commissioner of Agriculture be requested to forward to this House any facts or statistics in his office relating to the forest conditions of the Rocky Mountains, and any matter pertinent to their consideration not heretofore reported.

The committee, to whom was referred the accompanying resolution, have considered the same, and report it back with the recommendation that it be adopted.

The resolution was adopted.

Mr. McRAE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

APPEALS IN LAND CONTESTS.

Mr. STOCKDALE, from the Committee on the Public Lands, submitted as a privileged report the following:

IN THE HOUSE OF REPRESENTATIVES, *February* 6, 1888.

Resolved, That the Secretary of the Interior be requested to inform the House of Representatives—

1. How soon after the filing of an appeal in a land-contest case in the office of the Commissioner of the Land Office is such case reached for hearing and consideration.
2. If such cases are considered in the order of their filing.
3. The cause of delay in the consideration of such cases, if there is any such delay.
4. After an appeal is taken to the Secretary of the Interior in such cases, how soon is it reached for hearing and consideration.
5. The cause of such delay, if any.
6. How soon after final decision in such cases does a patent issue.
7. The cause of such delay, if any.

The resolution was adopted.

Mr. STOCKDALE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 1611) for the erection of a public building at Springfield, Mo.;

A bill (H. R. 4487) to enable the Secretary of the Interior to pay certain creditors of the Pottawatomie Indians out of the funds of said Indians; and

A bill (H. R. 5728) to amend the laws relating to navigation, and for other purposes.

And then, on motion of Mr. CANNON (at 5 o'clock and 5 minutes p. m.), the House adjourned.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred, as indicated below:

By Mr. C. S. BAKER: A bill (H. R. 8778) for the relief of Mary Dickinson—to the Committee on Claims.

Also, a bill (H. R. 8779) granting a pension to Mary Dickinson—to the Committee on Invalid Pensions.

By Mr. BELMONT: A bill (H. R. 8780) for compensation, salvage, and medal of honor to Capt. Horatio Nelson—to the Committee on Claims.

By Mr. BLAND: A bill (H. R. 8781) for the relief of Francis M. Gaddy—to the Committee on War Claims.

By Mr. W. C. P. BRECKINRIDGE: A bill (H. R. 8782) to direct the Secretary of War to appoint a commission to ascertain and report the acts concerning the destruction of property at Cynthiana, Ky., on June 11, 1864—to the Committee on War Claims.

By Mr. CARUTH: A bill (H. R. 8783) to authorize the Kentucky Rock Gas Company to lay conduit pipes across the Ohio River—to the Committee on Commerce.

By Mr. CHEADLE: A bill (H. R. 8784) for the relief of H. M. Sailors—to the Committee on War Claims.

By Mr. COMPTON: A bill (H. R. 8785) for the relief of R. A. Francis—to the Committee on Claims.

By Mr. DUNHAM: A bill (H. R. 8786) for the relief of Sarah Friedman—to the Committee on War Claims.

By Mr. FITCH: A bill (H. R. 8787) granting a pension to John J. Gilmartin—to the Committee on Invalid Pensions.

By Mr. FLOOD: A bill (H. R. 8788) granting a pension to Elsie Dykeman—to the Committee on Invalid Pensions.

By Mr. GALLINGER: A bill (H. R. 8789) granting a pension to Caroline R. Haseltine—to the Committee on Invalid Pensions.

By Mr. D. B. HENDERSON: A bill (H. R. 8790) granting a pension to Thomas Rook—to the Committee on Invalid Pensions.

By Mr. KEAN: A bill (H. R. 8791) to carry into effect the recommendation of the board of admirals convened under the joint resolution, approved February 5, 1879, in the case of Commander James H. Sands, United States Navy—to the Committee on Naval Affairs.

By Mr. NELSON: A bill (H. R. 8792) granting a pension to Edward F. Wait—to the Committee on Invalid Pensions.

By Mr. CHARLES O'NEILL: A bill (H. R. 8793) granting a pension to Jennie Hart Mullany—to the Committee on Invalid Pensions.

By Mr. PIDCOCK: A bill (H. R. 8794) granting a pension to Levi Little—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8795) granting an increase of pension to John Burns—to the Committee on Invalid Pensions.

By Mr. RAYNER: A bill (H. R. 8796) for the relief of the heirs of Nathan C. and Hezekiah J. Winslow, deceased—to the Committee on Claims.

By Mr. ROMEIS: A bill (H. R. 8797) granting a pension to Edward Chapin—to the Committee on Invalid Pensions.

By Mr. SAWYER: A bill (H. R. 8798) granting a pension to Nettie Ellicott—to the Committee on Invalid Pensions.

By Mr. STONE of Kentucky: A bill (H. R. 8799) granting a pension to Mrs. W. H. Kidd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8800) for the relief of Thomas N. Cockrill—to the Committee on War Claims.

By Mr. SYMES: A bill (H. R. 8801) granting a pension to William Logan—to the Committee on Invalid Pensions.

By Mr. VANDEVER: A bill (H. R. 8802) granting a pension to J. R. Spencer—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. M. ALLEN: Petition of Lucy Cox, heir of Eliza Cox, of Alcorn County, Mississippi, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. C. S. BAKER: Petition of H. H. Seymour and others, of Penn Yan, Yates County, and of Hon. Gilbert C. Childs and 70 others, citizens of Parma, Monroe County, New York, in favor of reducing letter postage—to the Committee on the Post-Office and Post-Roads.

Also, petition of glass-blowers, against reduction of the tariff as proposed by the Mills bill—to the Committee on Ways and Means.

By Mr. JEHU BAKER: Petition of Local Assembly No. 4438 and Local Assembly No. 4489, of Illinois, in favor of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. BANKHEAD: Petition of John F. Stanley, and of Hiram Barton, of Walker County, Alabama, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. BAYNE: Petition of veterans of the National Soldiers' Home of Dayton, Ohio, for the passage of House bill 7765—to the Committee on Invalid Pensions.

Also, petition of veterans of the National Soldiers' Home of Milwaukee, Wis., for the passage of House bill 7765—to the Committee on Invalid Pensions.

By Mr. BLAND: Petition of Francis M. Gaddy, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. BOUND: Petition of Globe Council, No. 45, Junior Order United American Mechanics, of Mount Carmel, Pa., that February 22 be declared a legal national holiday—to the Committee on the Judiciary.

By Mr. BOWDEN: Papers in the claim of Henry McWilliams—to the Committee on War Claims.

By Mr. C. R. BRECKINRIDGE: A bill for the permanent improvement of the Arkansas River from Wichita, Kans., to the Mississippi River—to the Committee on Rivers and Harbors.

Also, a bill for the permanent improvement of the White River—to the Committee on Rivers and Harbors.

By Mr. BUCHANAN: Petition of 87 citizens of Great Egg Harbor, New Jersey, in favor of the increased pay of surfmen in the Life-Saving Service—to the Committee on Commerce.

Also, petition of 106 citizens of Great Egg Harbor, New Jersey, in

favor of increased pay for persons engaged in the Life-Saving Service—to the Committee on Commerce.

By Mr. BUTLER: Petition of H. C. Austin, administrator of Clisbe Austin, of Washington County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. CANNON: Protest of L. N. McIntosh and 110 others, citizens of the Public Land Strip, protesting against the attachment of that territory to any State for judicial and speculative purposes only, and asking for local government as provided for in the Oklahoma bill—to the Committee on the Public Lands.

By Mr. CLARK: Petition of P. G. Hendricks and others, of Columbia County, Wisconsin, in regard to eradication of pleuro-pneumonia—to the Committee on Agriculture.

Also, petition of the same against reduction of duties on wool—to the Committee on Ways and Means.

By Mr. DUNHAM: Petition of Local Assembly, Knights of Labor, of Pullman, Ill., favoring the passage of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

Also, resolutions of the Chicago Lumber Exchange, in favor of harbor improvements at Muskegon, Mich.—to the Committee on Rivers and Harbors.

Also, petition of Henry Baumann, for the passage of House bill 3503—to the Committee on Invalid Pensions.

By Mr. ENLOE: Petition of R. G. Stanley, of McNairy County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. ERMENTROUT: Petition of the Dinger & Conrad Company, for the passage of the bill reducing the postage on seeds, plants, bulbs, etc.—to the Committee on the Post-Office and Post-Roads.

Also, memorial of Bentley & Gerwig, of New Brighton, Pa., protesting against the reduction of the tariff on flax and hemp—to the Committee on Ways and Means.

Also, memorial of John Blakeley, for the passage of the letter-carriers' bill introduced by Mr. COX—to the Committee on the Post-Office and Post-Roads.

By Mr. FISHER: Petition of J. J. Donnelly and 36 others, for the examination and survey of the Au Gres River, Michigan—to the Committee on Rivers and Harbors.

By Mr. GLASS: Petition of W. J. McDearmon, executor of J. H. Hopkins, of Gibson County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. GRANGER: Petition of A. J. Spurr and others, for removal of duty on salt—to the Committee on Ways and Means.

Also, petition of Moses Scott and others, for reduced rates of postage—to the Committee on the Post-Office and Post-Roads.

Also, petition of Willis G. Berton and others, for reissue of fractional currency—to the Committee on Banking and Currency.

Also, petition of A. Solomons and 902 others, for increased duty on hats—to the Committee on Ways and Means.

By Mr. GROUT: Resolutions of Williams River Grange, for increased duty on farm products—to the Committee on Ways and Means.

By Mr. HATCH: Petitions of citizens of St. Louis, Mo., against the passage of the Butterworth bill to regulate the manufacture of compound or adulterated lard—to the Committee on Agriculture.

Also, petition of citizens of Marion County, Missouri, for continuation of eradication of pleuro-pneumonia under the Bureau of Animal Industry—to the Committee on Agriculture.

By Mr. KETCHAM: Petition of J. C. Sawyer and others, representing Local Assembly No. 3550, Knights of Labor, of Fishkill, N. Y., for the passage of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. LEE (by request): Petition of George W. Gunnell, for heirs of Elizabeth Gunnell, of Fairfax County, Virginia, for reference of their claim to the Court of Claims—to the Committee on War Claims.

By Mr. LYMAN: Memorial of the National Farmers' Alliance, for a law establishing a department of agriculture—to the Committee on Agriculture.

By Mr. McMILLIN: Petition of Cain Davis, of Wilson County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. MAISH: Petition of Adam R. Ballinger, estate of David Zeigler, estate of Jacob Ballinger, John M. Hoffman, estate of Philip M. Redding, Samuel Guithing, Francis M. Bunddy, estate of Jacob Hankey, Catharine Trostle, estate of Nicholas Codon, estate of Humelbaugh, Henry W. Epley, William E. Meyers, Baltzer Snyder, George Spangler, William H. Duttero, and estate of Edward Menchey, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition of Aaron Sheely, George Weigert, John P. Rose, Andrew Howard, Andrew Butler, Catharine Guinn, Jacob Swisher, Lydia J. Clapsaddle, Samuel B. Miller, estate of James McAllister, J. M. Walter, Jesse Werley, and Charles Shaner, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. MORROW: Petition of ship-owners and merchants of San Francisco, Cal., against removal of the tariff on lumber—to the Committee on Ways and Means.

By Mr. NEAL: Petition of John G. King, of Hamilton County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. NICHOLS: Petition of Local Assembly, No. 3606, of Raleigh, and Local Assembly, No. 4796, of Durham, N. C., Knights of Labor, in favor of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. OSBORNE: Memorial of the executive board of the National Farmers' Alliance, for the establishment of a department of agriculture with a Cabinet minister at its head—to the Committee on Agriculture.

By Mr. PATTON: Petition of 96 ex-soldiers of the Twentieth district of Pennsylvania.

By Mr. PEEL: Petition in favor of House bill No. 7389—to the Committee on the Post-Office and Post-Roads.

By Mr. PHELAN: Petition of Octavia P. Brooks, of Nathan Blair, of T. J. Hutchinson, administrator of Edwin Mize, of heirs of F. W. Mayo, of Hallie L. Falwell, of H. C. Graham, of R. J. Hill, heir of Addison Hill, of M. T. Garvin, widow of Joseph G. Garvin, and of Sarah P. Settle, administratrix of Benjamin Settle, of Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition of F. M. Stanley, administrator of Joshua M. Stanley, of Fayette County, Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. ROMEIS: Petition of Edward Chapin, Company C, Sixth Regiment United States Cavalry, for a pension—to the Committee on Invalid Pensions.

By Mr. SHIVELY: Petition of Local Assembly, No. 2066, Knights of Labor, of South Bend, Ind., in favor of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. STONE, of Kentucky: Petition of S. H. Meadows, Abraham Quick, Whitson Sanders, Harrison Stewart, William Stewart, C. A. Tart, Soverign Larkins, P. G. Jones, J. R. Lancaster, Peter Holt, C. M. R. Cox, Robert Dunkerson, Elizabeth Talkner, Overton T. Gardner, Martha A. Wilson, John Jones, J. V. Seyster, T. W. McCandless, Templeton Moon, D. W. Owens, G. M. Robertson, R. L. Thelkeld, H. Hall, Joseph P. Johnston, Thomas Jones, Samuel K. Green, Wiley Brown, B. F. Davis, Sarah Bingham, estate of Samuel Driskell, Cuthbert A. Berry, R. L. Moore, estate of Mary McDaniel, John B. Wilson, R. L. Brush, Jos. Miller, Thomas Vinson, William A. Wilson, William House, John W. Burk, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition of James T. Ryle, Whiteville Ryle, John J. Ryle, Absalom Aylor, Cave Close, Thomas J. Brown, and William P. Ryle, of Boone County, Kentucky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition of B. F. Sechrest, Richard Price, G. W. Blackburn, Lewis Vallannigham, A. H. McClure, R. F. Sechrest, Hayden Northcutt, T. Metcalf, and William Vallannigham, of Grant County, Kentucky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition of William T. Nichols, Alfred Williamson, J. R. Croff, Ebenezer Morse, L. S. Lapard, William S. Johnson, John Lowery, J. B. Crider, F. C. Myers, John N. Dorr, Noah M. Rice, A. J. Lamb, Sarah E. Harper, Benjamin B. Wyatt, Jesse J. Lee, Newton M. Love, G. W. Adamson, Jesse Stevens, and James P. Mansfield, of Caldwell County, Kentucky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition of Alex. Trout, Walter A. Trout, Isaac Trout, Charles Tingle, O. C. Strother, Melton Taylor, Archer Smith, Martha Colbert, Fulton Ewing, W. E. Powell, Jeremiah Colbert, J. M. Branch, David O. Anderson, and W. M. Webb, of Trimble County, Kentucky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition of Robert L. Skirwin, H. C. Castleman, Thomas Mylor, Alfred Arrowsmith, James Furnish, William H. Britt, George W. Lipp, Hiram P. Close, and Francis Baldwin, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition of Martha A. Bemiss, of Ballard County, Kentucky, for reference of her claim to the Court of Claims—to the Committee on War Claims.

Also, papers in the claim of Whilmell R. Newsom, of Mary A. McCan, and of Jesse Cargile—to the Committee on War Claims.

By Mr. TOWNSHEND: Protest of George Seranage and 115 others, citizens of the Public Land Strip, against the annexation to any State for judicial, town-site, and speculative purposes only; and asking for local government as provided for in the Oklahoma bill—to the Committee on the Territories.

By Mr. WEBER: Six petitions of bottle-blowers of the United States, against the reduction of duty on green and colored glass bottles—to the Committee on Ways and Means.

By Mr. WHITTHORNE: Papers in the claim of Sacrissa M. Long, of Maury County, Tennessee—to the Committee on War Claims.

Also, petition of Mrs. W. Abernathy, in the claim of Thomas E. Abernathy—to the Committee on War Claims.

By Mr. WOODBURN: Memorial of the State executive officers of Nevada, praying that that State be reimbursed in the sum of $11,840, expended and paid as costs, charges, and expenses in enrolling 1,184 men for the military service of the United States during the late war—to the Committee on War Claims.

By Mr. YOST: Petition of John N. Crous, of Waynesborough, Augusta County, Virginia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

The following petitions, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, were severally referred to the Committee on Invalid Pensions:

By Mr. C. S. BAKER: Of S. P. Howard and 68 others, citizens and veterans, and of Jacob Hoffman and 41 others, citizens and veterans of Monroe County, New York.

By Mr. BELDEN: Of Edwin A. Knapp and 20 others, citizens of Jamesville, N. J., ex-union soldiers and sailors.

By Mr. J. E. CAMPBELL: Of ex-soldiers of Springborough, Ohio.

By Mr. CROUSE: Of H. M. Blattenberg and 25 others, ex-Union soldiers, of Smithville, Wayne County, Ohio.

By Mr. FLOOD: Of Henry Lyon and other ex-soldiers.

By Mr. T. J. HENDERSON: Of Lawrence Priestman and others, citizens of Neponset, Bureau County, Illinois.

By Mr. LAIRD: Of citizens of Nebraska.

By Mr. McCORMICK: Of 37 ex-soldiers of the Sixteenth district of Pennsylvania.

By Mr. McCULLOGH: Of M. L. Carnahan and others, ex-soldiers and sailors of Westmoreland County, Pennsylvania.

By Mr. ROWLAND: Of certain citizens of Wilmington, N. C.

By Mr. TARSNEY: Of ex-soldiers of Michigan.

Also, of ex-soldiers of Bannister, Mich.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. FLOOD: Of citizens of Husteds, N. Y.

By Mr. GRANGER (by request): Of 144 citizens of Fairfield County, Connecticut.

By Mr. GROUT: Of 204 citizens of Orange County, Vermont.

By Mr. HIRES: Of 115 citizens of Gloucester County, New Jersey.

By Mr. PHELPS: Of 177 citizens of Passaic County, New Jersey.

By Mr. SHAW (by request): Of 66 citizens of Carroll County, Maryland.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. COWLES: Of P. T. Perkins and others, citizens of North Carolina.

By Mr. HERBERT: Of S. Curry and 16 others, citizens of Curry, Pike County, Alabama.

By Mr. PEEL: Of citizens of Devore, Washington County, Arkansas.

The following petitions, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia, were referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. GRANGER (by request): Of M. Knapp and 66 others, citizens of the Fourth district of Connecticut.

By Mr. C. A. RUSSELL: Of 63 citizens of Killingly, Conn.

SENATE.

FRIDAY, *March* 23, 1888.

DEATH OF THE CHIEF-JUSTICE.

The Chaplain of the Senate, Rev. J. G. BUTLER, D. D., offered the following prayer:

Thou, O God, liveth and reigneth forever, and we rejoice that our life is in Thy hands. Thou numberest the hairs of our head. A sparrow can not fall without Thy notice. We bow reverently and humbly before Thee under the shadow of death. O God, comfort and sustain the loved ones who are so sorely bereft.

Teach us so to number our days that we may apply our hearts unto wisdom. We rejoice in Thee, the upholder of life. We seek of Thee guidance and help, so that in living God may be glorified, and that after having served our generation we may fall asleep and be gathered to our fathers.

We bless Thee for the life of Thy departed servant, for his faith, for his labor, for his faithfulness, for all the service he has rendered. We rejoice in the hope that gathers around his bier, and we pray Thee, O God, as Thou art thus moving among us and causing us to see ourselves moving among the opening graves, that day by day we may learn wisdom, and so live faithfully and well, spending these frail, fleeting lives in the service of men and to the glory of God, that we may have peace of conscience, and that we may finally rest where death can not come.

Oh, forgive us. Enter not into judgment with us. We thank Thee for the voice of prayer daily heard here; for every heart that prays; that this is God's house; and we pray Thee manifest Thy presence through the spirit, and by Thy word and Thy providence, so that we may hear in our inward ear, and that we may walk softly before God.

We ask these mercies with grace and peace, in the name of Him who has taught us, when we pray, to say: Our Father who art in Heaven, hallowed be Thy name. Thy kingdom come: Thy will be done in earth, as it is in Heaven. Give us this day our daily bread. And forgive us our trespasses as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil. For Thine is the kingdom, and the power, and the glory, forever. Amen.

The PRESIDENT *pro tempore*. The Secretary will read the Journal of the proceedings of yesterday.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. EDMUNDS. I ask unanimous consent that the further reading of the Journal be dispensed with.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent that the further reading of the Journal be dispensed with. It is so ordered, if there be no objection.

The Chair lays before the Senate a communication from the Supreme Court of the United States, which will be read.

The Chief Clerk read as follows:

WASHINGTON, *March* 23, 1888.

SIR: I am directed by the Supreme Court of the United States to notify the Senate through you that the Chief-Justice of the United States died at his residence this morning at 6.30.

I have the honor to be, very respectfully,

SAM. F. MILLER,
Justice, Supreme Court.

Hon. JOHN J. INGALLS,
President of the Senate.

Mr. EDMUNDS. Mr. President, on the 21st day of January, 1874, Chief-Justice Waite received his commission and took his seat as the presiding officer of that great tribunal, and for now more than fourteen years, partly in times of great excitement, difficulty, and trouble, and through a career in that court and of it embracing questions of the widest importance to human rights, involving life, liberty, and property, the Chief-Justice has been a conspicuous figure in the jurisprudence of this nation, and, perhaps, not less conspicuous in respect of the jurisprudence of the whole world.

His career is ended for this life. It has neither been tarnished during this whole period by any stain nor clouded by any reproach, either official or personal. Upright, brave, even-minded, impartial, patient, learned as a judge; gentle, generous, affectionate, kindly as a citizen, he has in every walk of private life filled his career with honor—great honor to himself and infinite benefit to his country.

I move, Mr. President, that the Chair appoint a committee of five Senators to take such order as may be expedient in respect of the funeral of the Chief-Justice and other matters connected therewith; and if this shall be agreed to, I shall move that in view of this great calamity the Senate adjourn until Monday next.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that a committee of five Senators be appointed by the Chair to take action concerning the funeral of the Chief-Justice.

The motion was agreed to.

Mr. EDMUNDS having declined service upon the committee on account of the condition of his health, the President *pro tempore* announced the following committee: Senators SHERMAN, HOAR, WILSON of Iowa, PUGH, and GEORGE.

Mr. EDMUNDS. I move as a further mark of respect that the Senate adjourn until Monday next.

The motion was agreed to; and (at 12 o'clock and 8 minutes p. m.) the Senate adjourned until Monday, March 26, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March* 23, 1888.

The House met at 12 o'clock m. Rev. J. H. CUTHBERT, D. D., of Washington, D. C., offered the following prayer:

Our holy heavenly Father, we thank Thee for the mercies of the past night, for the light and comfort of another day. We come before Thee with prayer and supplication for all who are in authority, as Thou hast commanded us to pray for all who are in authority, that we may lead quiet and peaceable lives in all godliness and honesty. Regard in great mercy Thy servant the President of the United States, both Houses of Congress in session, Thy servants especially before Thee to-day.

We thank thee, O God, our Father, for the spirit of faith and prayer that marked conspicuously the founders of this Government, and especially him whose earthly remains lie so very near to where we stand to-day. May the same spirit be in our rulers now that they may all be men after Thine own heart, fearing God and loving truth and righteous-

ness. Thou knowest the difficulties and perplexities of their positions and duties. Give them grace and strength from above to discharge every duty in the fear of God, and without respect of persons.

Especially we would remember this morning that family in sore affliction. We remember how, in Thine inscrutable providence, Thou hast called away Thy servant, the late Chief-Justice of the United States. Help us to say, "The Lord gave, the Lord hath taken away." Be very near to his afflicted family, to his associates in office, to all of our people in the high places and the low places, that we may love Thee and serve Thee, and do with our might whatsoever our hands find to do. Guide us with that counsel which can never err. Support us by that hope which can never fail, that love which is infinite. And finally, in Thy great mercy, O Lord, save and accept us in Thy heavenly kingdom. And to Thy great name, Father, Son, and Spirit, be present and everlasting praises. Amen.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS FOR NEXT FRIDAY.

Mr. MATSON. Mr. Speaker, I ask unanimous consent that the order of the House heretofore made in relation to the bill granting a pension to Mrs. John A. Logan, and the bill to increase the pension of Mrs. Apolline A. Blair, be continued in force, to operate next Friday instead of to-day.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the order heretofore made by the House fixing this day, immediately after the reading of the Journal, for the consideration of the bills in reference to pensions to Mrs. Logan and Mrs. Blair be continued until next Friday morning, upon the same terms and conditions.

Mr. TAULBEE. I wish to make a parliamentary inquiry. If this request be not granted, when will those bills come up in the regular course of business?

The SPEAKER. If the request be not granted, the bills will come up next Friday, immediately after the Committee of the Whole House on the Private Calendar rises and makes its report. These bills are unfinished business in the class of business to which they belong. The Committee of the Whole House having been discharged from their further consideration, they are in the House as unfinished business from that committee.

Mr. ENLOE. I object.

Mr. SPRINGER. I think the gentleman from Tennessee [Mr. ENLOE] will withdraw that objection, if he understands the purport of the proposition.

Mr. ENLOE. I would like to know what the effect of withdrawing my objection will be.

The SPEAKER. If the objection be withdrawn, and the request of the gentleman from Indiana agreed to, these bills will come up next Friday immediately after the reading of the Journal, instead of coming up when the Committee of the Whole House rises on that day. That is the only difference.

Mr. CUTCHEON. The object of the request, as I understand, is simply to have a full vote of the House.

Mr. ENLOE. As I now understand, the only difference is that in one case the bills would be considered in the afternoon, and in the other case immediately after the reading of the Journal.

The SPEAKER. That is all.

Mr. ENLOE. Then I withdraw the objection.

The SPEAKER. The objection being withdrawn the request of the gentleman from Indiana, in the absence of further objection, will be agreed to. The Chair hears no objection; and it is so ordered.

DEATH OF CHIEF-JUSTICE WAITE.

The SPEAKER. The Chair will lay before the House a communication which has been received from the Supreme Court of the United States.

The Clerk read as follows:

SUPREME COURT OF THE UNITED STATES,
Washington, March 23, 1888.

SIR: I am directed by the Supreme Court of the United States to notify the House of Representatives through you that the Chief-Justice of the United States died at his residence this morning at 6.30.

I have the honor to be, very respectfully,
SAM. F. MILLER, *Justice, Supreme Court.*

Hon. JOHN G. CARLISLE,
Speaker of the House of Representatives.

Mr. EZRA B. TAYLOR. Mr. Speaker, as appears by the communication just read, the great office which was yesterday occupied by Morrison R. Waite is to-day vacant—an office second in dignity to none within my knowledge in the whole civilized world. It has been occupied by him for many years with such ability and industry, such a disposition to discharge conscientiously his whole duty, that to-day the nation is in mourning for his decease. This is not the time for eulogy, nor in fact for any extended remarks. But for the purpose of exhibiting the respect entertained by this House for his memory, I ask that the Clerk read, and that the House adopt, the resolutions which I send to the desk.

The Clerk read as follows:

Resolved, That the House of Representatives has heard of the death of Chief-Justice Waite, of the Supreme Court of the United States, which occurred this morning at 7 o'clock, with feelings of deep and sincere sorrow.

Resolved, That while the nation mourns the loss of one of its most useful and illustrious sons, it is fitting that the House, representing the people, express its deepest sympathy with the family of the deceased in their affliction.

Resolved, That the House will attend as a body the funeral of the late Chief-Justice, and the Speaker is requested to appoint a committee consisting of nine members to act with a committee of the Senate in any necessary action relating to the funeral.

Resolved, That as an additional mark of respect to the memory of the deceased the House do now adjourn.

The resolutions were unanimously adopted.

The SPEAKER. Before announcing the result of the vote, the Chair wishes to state that the committee provided for in the resolutions will be designated hereafter.

Mr. EZRA B. TAYLOR. Mr. Speaker, permit me to say in this connection, if the parliamentary custom should require myself to be put upon that committee, being the mover of the resolutions, that other engagements will prevent my acting, and I ask therefore to be excused.

The result of the vote upon the adoption of the resolutions was then announced; and accordingly (at 12 o'clock and 25 minutes p. m.) the House adjourned.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred as indicated below:

By Mr. BUTLER: A bill (H. R. 8803) for the relief of John Holt—to the Committee on Military Affairs.

By Mr. CUMMINGS: A bill (H. R. 8804) granting a pension to Patrick Gavin—to the Committee on Invalid Pensions.

By Mr. DAVIS: A bill (H. R. 8805) granting a pension to Eliza Sabens—to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 8806) for the relief of Alban S. Payson—to the Committee on War Claims.

By Mr. LANE: A bill (H. R. 8807) granting a pension to Harriet E. Cooper—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. S. BAKER: Petition of L. M. Gano and 114 other business men of Watkins, N. Y., for the reduction of letter postage to 1 cent an ounce—to the Committee on the Post-Office and Post-Roads.

By Mr. W. C. P. BRECKINRIDGE: Petition of Erving McAllister, of Henry County, and of estate of Michael McAllister, of Henry County, Kentucky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. CUMMINGS: Petition of J. C. Whiting and others, asking that all contractors on Government work be required to pay their help at least once in two weeks—to the Committee on Labor.

By Mr. ERMENTROUT: Memorial of Grange No. 551, of Wernersville, Berks County, Pennsylvania, for a law prohibiting the manufacture and sale of adulterated lard and other food products—to the Committee on Agriculture.

Also, memorial of the same, and of A. Gude, District of Columbia, for reduced postage on seeds, plants, bulbs, etc.—to the Committee on the Post-Office and Post-Roads.

Also, memorial of James Welsh, chairman International Copyright No. 2, indorsing the Chace bill, for international copyright—to the Committee on Patents.

Also, memorial of Grange No. 551, of Wernersville, Berks County, Pennsylvania, for the continuance of the Bureau of Animal Industry—to the Committee on Agriculture.

By Mr. LAFFOON: Petition of estate of George W. Luckett, of Daviess County; of Winston J. Davie and of John Graham, of Christian County, and of William D. Martin, of Hancock County, Kentucky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. LYMAN: Petition of Pomona Grange, No. 1, of Mills County, Iowa, for the better protection of American industries—to the Committee on Ways and Means.

Also, petition of same, for reduction of postage—to the Committee on the Post-Office and Post-Roads.

Also, resolution of same, for a law to elect United States Senators by the people—to the Committee on the Judiciary.

Also, resolution of same, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

Also, resolution of same, for a law restricting foreign immigration—to the Committee on Foreign Affairs.

Also, resolution of same, for a law protecting innocent purchasers of patented articles—to the Committee on Patents.

By Mr. MONTGOMERY: Petition of Alfred B. Vernon, of Jacob M. Miller, of Warren Dodson, of Merida Price, of estate of William Sisco, of James A. Withers, of George P. Parks, of James Fowler, of James Hayden, of Mrs. Susan Munsay, of James H. Tucker, of Frederick G. Rohr, of estate of George E. Moore, of John F. Boyle, of Hawkins Philip, of Mary A. Holmead, of Loretto Literary and Benevolent Institution, of John E. McGill, and of Miles Miller, of Kentucky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. NUTTING: Petition of H. P. Knowles & Co. and 100 others, citizens of Wayne County, New York, against putting wool on the free-list—to the Committee on Ways and Means.

Also, petition of Local Assembly No. 2629, Knights of Labor, of Auburn, N. Y., in favor of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. RICHARDSON: Petition of widow of Solomon Hopkins, and of W. L. Collins, heir of Ann D. Lipscomb, of Franklin County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. STONE, of Kentucky: Petition of A. G. Thompkins, of Kenton County, and of George Leonhart, of Campbell County, Kentucky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. SYMES: Petition of Local Assembly No. 3667, Knights of Labor, of Larimer County, Colorado, in favor of the tonnage bill—to the Committee on Commerce.

By Mr. TAULBEE: Petition of Brice Shepherd, of Magoffin County; of estate of George S. Ball, of Bell County, and of Permelia Hamilton, of George W. Tinsley, of H. B. Jones, and of Mary Jones, of Knox County, Kentucky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. T. L. THOMPSON: Petition of citizens of Mendocino County, California, against reduction of the tariff—to the Committee on Ways and Means.

Also, petition of the Anti-Débris Association of the Sacramento Valley, California, against House bill 1216—to the Committee on Mines and Mining.

By Mr. WALKER: Petition of John W. Baker, of Dunklin County, Missouri, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WARNER: Petition of William M. McConnell, of Jackson County, Missouri, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WASHINGTON: Petition of Morgan M. Lee, of Stewart County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

The following petitions, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, were severally referred to the Committee on Invalid Pensions:

By Mr. BELDEN: Of John Belknap and 27 others, citizens, Union soldiers and sailors of Navarino, N. Y.

By Mr. CUTCHEON: Of citizens of Antrim County, Michigan.

By Mr. NUTTING: Of Charles H. Vorce and 23 others, citizens of Oswego County, Ohio.

By Mr. STEELE: Of Henry Ganson and 30 other soldiers of Trask, Ind.

By Mr. E. B. TAYLOR: Of ex-soldiers of Trumbull County, Ohio.

The following petition for an increase of compensation of fourth-class postmasters was referred to the Committee on the Post-Office and Post-Roads:

By Mr. HOGG: Of Jacob Short and 37 others, of West Virginia.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March* 24, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D., of Washington, D. C.

The Journal of yesterday's proceedings was read and approved.

EXPENDITURES OF THE FISH COMMISSION.

The SPEAKER laid before the House a letter from the Commissioner of Fish and Fisheries, transmitting, in compliance with a resolution of the House, a report relative to the property and expenditures of the Fish Commission; which was referred to the Committee on Merchant Marine and Fisheries.

FINDINGS OF FACT BY COURT OF CLAIMS.

The SPEAKER also laid before the House communications from the assistant clerk of the Court of Claims, transmitting copies of findings of fact by that court in the following cases against the United States; which were severally referred to the Committee on War Claims, namely:

S. B. West, administrator;
William F. Ricks; and
Levi W. Brooks.

REFERENCE OF BILLS.

The SPEAKER laid before the House the amendments of the Senate to the joint resolution (H. Res. 81) to authorize the purchase of the lands necessary to the construction of locks and dams on the Cumberland River; which were referred to the Committee on Rivers and Harbors.

The SPEAKER also laid before the House Senate amendments to the bill (H. R. 1387) for the relief of volunteers of the Fourth Regiment Iowa Infantry.

Mr. CONGER. Mr. Speaker, I move that the House disagree to the amendments of the Senate and ask a conference thereon.

The SPEAKER. The amendments will be read.

The amendments of the Senate were read.

Mr. CULBERSON. I demand the regular order.

Mr. BRECKINRIDGE, of Arkansas. I think this had better go to the committee for consideration.

Mr. CONGER. Is not the motion in order?

The SPEAKER. It is not. Under the rules of the House the bill and amendments will be referred to the proper committee.

Mr. SPRINGER. To what committee?

The SPEAKER. To the Committee on Military Affairs.

JAMES M. WILLBUR.

The SPEAKER also laid before the House the bill (S. 1044) authorizing the Secretary of the Treasury to state and settle the account of James M. Willbur with the United States and to pay said Willbur such sum of money as may be found due him thereon.

Mr. TIMOTHY J. CAMPBELL. Mr. Speaker, I ask unanimous consent——

The SPEAKER. The gentleman from Texas has demanded the regular order, which cuts off all demands for unanimous consent.

Mr. TIMOTHY J. CAMPBELL. Then I ask that this bill be allowed to remain upon the table for the present.

There was no objection, and it was so ordered.

REFERENCE OF BILLS.

The SPEAKER also laid before the House bills of the Senate of the following titles; which were severally read twice, and referred as follows, namely:

The bill (S. 1669) authorizing the Mississippi and Louisiana Bridge and Railroad Company of Natchez, Miss., to construct a bridge over the Mississippi at or near Natchez—to the Committee on Commerce.

The bill (S. 788) to provide for holding terms of the United States courts at Mississippi City—to the Committee on the Judiciary.

The bill (S. 671) to provide for the sale of the site of Fort Omaha, Nebr., the sale or removal of the improvements thereof, and for a new site and the construction of suitable buildings thereon—to the Committee on Military Affairs.

The bill (S. 38) granting to the Washington and Idaho Railroad Company the right of way through the Cœur d'Alene Indian reservation—to the Committee on Indian Affairs.

The bill (S. 64) authorizing the juries of the United States circuit and district courts to be used interchangeably, and to provide for drawing talesmen—to the Committee on the Judiciary.

The bill (S. 171) granting a pension to Jennie H. Coghill—to the Committee on Invalid Pensions.

The bill (S. 192) to provide that judges of the United States circuit and district courts shall reduce their instructions to writing in all States wherein by the laws thereof State judges are required so to do—to the Committee on the Judiciary.

The bill (S. 212) for the relief of Patrick H. Winston, jr.—to the Committee on Claims.

The bill (S. 250) for the repair of Fort Marion, at St. Augustine, Fla.—to the Committee on Military Affairs.

The bill (S. 258) for the relief of Maj. Daniel N. Bash, paymaster, United States Army—to the Committee on Military Affairs.

The bill (S. 379) to allow soldiers and sailors in the United States service who have lost both hands an increased pension—to the Committee on Invalid Pensions.

The bill (S. 535) providing for an inspection of meats for exportation, prohibiting the importation of adulterated articles of food and drink, and authorizing the President to make proclamation in certain cases, and for other purposes—to the Committee on Commerce.

The bill (S. 539) amending section 3749 of the Revised Statutes of the United States relating to the disposition of property of the United States, and repealing the first paragraph of section 3208 of the Revised Statutes—to the Committee on the Judiciary.

The bill (S. 667) authorizing the construction of a bridge across the Red River of the North—to the Committee on Commerce.

The bill (S. 850) granting certain lands in the Territory of Wyoming for public purposes—to the Committee on the Public Lands.

The bill (S. 879) for the relief of the administratrix of the estate of George W. Lawrence—to the Committee on War Claims.

The bill (S. 903) for the relief of Laban Heath & Co., of Boston, Mass.—to the Committee on Claims.

The bill (S. 998) to restore pensions in certain cases—to the Committee on Pensions.

The bill (S. 1129) granting to the Newport and King's Valley Railroad Company the right of way through the Siletz Indian reservation—to the Committee on Indian Affairs.

The bill (S. 1163) for the relief of Edward Rice—to the Committee on Claims.

The bill (S. 1376) for the relief of John W. Blake—to the Committee on War Claims.

The bill (S. 1378) directing the prosecution of inquiries by the Commissioner of Fish and Fisheries in respect to the destruction of oysters in the natural oyster-beds lying within the waters and jurisdiction of the United States by star-fish, etc., and making an appropriation for such purposes—to the Committee on Merchant Marine and Fisheries.

The bill (S. 1499) for the relief of Mary A. Lewis, widow of Joseph N. Lewis—to the Committee on Claims.

The bill (S. 1817) to grant to the State of Oregon certain lands in that State for a public park—to the Committee on the Public Lands.

The bill (S. 1852) to modify and amend the provisions of the dedication to public use of the tract of land known as Dearborn Park, in the city of Chicago, State of Illinois—to the Committee on Public Buildings and Grounds.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 7315) to divide the Great Sioux reservation into separate smaller reservations, and for other purposes.

Mr. PEEL. I ask unanimous consent to consider the amendments of the Senate now.

Mr. CULBERSON. I must insist upon the demand for the regular order.

The SPEAKER. That demand, of course, cuts off all recognition for unanimous consent. The bill will be referred to the Committee on Indian Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HOPKINS, of Virginia, for four days.

To Mr. MCCLAMMY, indefinitely, on account of sickness in his family.

To Mr. PENINGTON, for four days, on account of important business.

To Mr. FISHER, indefinitely, on account of important business.

REPRINT OF BILL.

The SPEAKER. The gentleman from South Carolina [Mr. HEMPHILL], chairman of the Committee on the District of Columbia, asks that Senate bill No. 931 be reprinted. If there be no objection, the order will be made and the usual number will be printed.

There was no objection.

FUNERAL OF LATE CHIEF-JUSTICE WAITE.

The SPEAKER. The Chair announces as the select committee to act with a committee of the Senate in any necessary action relating to the funeral of the late Chief-Justice Waite, Mr. KELLEY, of Pennsylvania, Mr. SENEY, of Ohio, Mr. GROSVENOR, of Ohio, Mr. BRECKINRIDGE, of Kentucky, Mr. CANNON, of Illinois, Mr. CARLTON, of Georgia, Mr. STEWART, of Vermont, Mr. ANDERSON, of Iowa, and Mr. RUSSELL, of Connecticut.

ORDER OF BUSINESS.

Mr. CULBERSON. By direction of the Committee on the Judiciary, my colleague on the committee from North Carolina [Mr. HENDERSON] will make a report from that committee.

Mr. SPRINGER. Before the regular order is proceeded with will the gentleman from Texas allow me to make a report?

Mr. CULBERSON. I have refused other gentlemen.

TERMS OF COURT AT VICKSBURG, MISS.

Mr. HENDERSON, of North Carolina, from the Committee on the Judiciary, reported as a substitute for the bill H. R. 1592 a bill (H. R. 8808) to amend an act entitled "An act to provide for holding terms of United States courts at Vicksburg, Miss.; which was read a first and second time.

The SPEAKER. The bill will be referred to the House Calendar.

Mr. CULBERSON. I desire that the bill shall be taken up for consideration now.

The SPEAKER. The bill goes to the House Calendar, but that does not prevent its being taken up.

The bill H. R. 1592 was laid on the table.

Mr. HENDERSON, of North Carolina. I ask for the reading of the substitute.

The bill (H. R. 8808) was read, as follows:

Be it enacted, etc., That an act approved February 28, 1887, entitled "An act to provide for holding terms of United States courts at Vicksburg, Miss.," be, and the same is hereby, amended by inserting before the word "Washington," in the first section thereof, the words "Bolivar and Sunflower."

SEC. 2. That all crimes and offenses heretofore committed within the counties of Bolivar and Sunflower shall be prosecuted, tried, and determined in the same manner and with the same effect as if this act had not been passed.

Mr. HENDERSON, of North Carolina. This is a local bill. There is no objection to it on the part of any of the Representatives from Mississippi. I ask that it be put upon its passage.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HENDERSON, of North Carolina, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC TIMBER LANDS.

Mr. WASHINGTON. I desire to make a privileged report from the Committee on the Public Lands.

The Clerk read the following resolution, referred to the Committee on the Public Lands, which the committee recommended should be adopted:

Resolved, That the Secretary of the Interior be directed to send to this House a report by special agent Bowers to the Secretary, containing in outline the desirable features of legislation for the public timber lands, together with the needful augmentation of its provisions, and referred to in the report of the late Secretary of the Interior.

The resolution was adopted.

Mr. WASHINGTON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CALIFORNIA REDWOOD COMPANY.

Mr. STONE, of Missouri. I desire to make a privileged report. I am instructed by the Committee on the Public Lands to report back with a favorable recommendation the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, requested to transmit to this House all information in his possession, as far as is in his judgment compatible with the public interest, relating to the alleged frauds upon the Government by the California Redwood Company, and also information as to what suits, if any, have been caused by him to be instituted for the recovery of the lands held by said company, and what additional legislation, if any, in his judgment is needed to secure the rights of the Government in said matter.

Mr. HOLMAN. I suggest that the words "so far as is in his judgment compatible with the public interests" should be omitted.

The SPEAKER. The gentleman from Indiana moves to amend the resolution by striking out the words he has indicated.

The amendment was agreed to.

The resolution as amended was adopted.

Mr. STONE, of Missouri, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. CULBERSON. I call up for consideration the bill (H. R. 8190) to define and regulate the jurisdiction of the courts of the United States.

The SPEAKER. This bill is in Committee of the Whole House on the state of the Union.

Mr. ROGERS. I move that the House resolve itself into the Committee of the Whole House on the state of the Union to consider the bill just called up.

Mr. STEELE. Will the gentleman allow me to make a report from the Committee on Military Affairs?

Mr. ROGERS. I dislike to yield, because other gentlemen desire the same privilege. I shall not, however, refuse the request of the gentleman from Indiana, but hope no other gentleman will follow suit.

PROMOTION OF ARMY OFFICERS.

Mr. STEELE, from the Committee on Military Affairs, reported, as a substitute for sundry bills, a bill (H. R. 8809) to provide for the promotion of officers of the Army after continuous service in one grade; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The bills H. R. 1882, H. R. 3273, H. R. 5008, and H. R. 6442, were laid on the table.

JURISDICTION OF UNITED STATES COURTS.

The SPEAKER. The question is on the motion of the gentleman from Arkansas [Mr. ROGERS] that the House resolve itself into the Committee of the Whole House on the state of the Union to consider the bill H. R. 8190.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. HATCH in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering the bill the title of which has been read.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that the reading of the bill be dispensed with unless some gentleman desires to hear it read in full.

Mr. BUCHANAN. I object. This is a very important bill, and it should be read at length.

The bill was read, as follows:

Be it enacted, etc., That the district courts of the United States shall hereafter have and exercise, exclusive of the circuit courts of the United States, in addition to the jurisdiction conferred upon them by existing law, all the original jurisdiction now vested by law in the circuit courts of the United States, and that the circuit courts of the United States shall have and exercise such jurisdiction, by writ of error and appeal, as they have and exercise under existing laws, except as herein modified, and such other jurisdiction, appellate or otherwise, as is conferred by this act.

SEC. 2. That there shall be appointed for each circuit, by the President of the United States, by and with the advice and consent of the Senate, one additional circuit judge, who shall have the same qualifications and be entitled to the same compensation as the circuit judge appointed under existing laws. The circuit

court in each circuit shall consist of the justice of the Supreme Court assigned to the circuit and of the circuit judges thereof, any two of whom shall constitute a quorum. Such justice of the Supreme Court, or, in his absence, the circuit judge present who is senior in office, shall preside. In the absence of a quorum, the justice or judge present may adjourn the court from day to day, or without day, but the number necessary to make a quorum, at any term at which the justice of the Supreme Court or the requisite number of circuit judges are unable to attend, may be supplied for the time being by a district judge of the circuit, designated for that purpose by the justice of the Supreme Court or the circuit judge senior in office, so that, however, there shall always be present a circuit justice or circuit judge, who shall preside therein: *Provided*, That no district judge before whom a cause or question may have been tried or heard in the district court shall sit on the trial or hearing of such cause or question in the circuit court.

SEC. 3. That a writ of error in cases proper for such writ, and in all other cases an appeal may be taken to the circuit court from any final judgment or decree of any district court within the circuit in a civil cause, either at law or in equity, and in causes of admiralty and maritime jurisdiction as now provided by law. No such appeal shall be taken or writ of error sued out except within six months after the entry of the order, decree, or judgment sought to be reviewed. Where, upon a hearing in equity in a district court, an injunction shall be granted or continued by an interlocutory order or decree in a cause in which an appeal from a final decree could be taken under the provisions of this act to the circuit court, an appeal may be taken from such interlocutory order or decree granting or continuing such injunction to the circuit court, provided the appeal is taken within thirty days from the entry of such order or decree; and the proceedings in other respects in the district court shall not be stayed during the pendency of such appeal. All existing provisions of law regulating the mode of taking and perfecting appeals and of issuing writs of error, and the effect thereof, and in reference to citations, writs of error, appeal bonds, or other process or papers in cases of appeals and writs of error to review the decrees and judgments of district courts in circuit courts, shall continue and apply to similiar proceedings under this act. Upon such writ of error or appeal the circuit court shall review such order, judgment, or decree, and may affirm, modify, or reverse the same, or may make such order or may render such judgment or such decree as the district court should have made or rendered, or may order a new trial or other proceedings therein. The circuit court shall have power to issue writs of error, mandamus, prohibition, scire facias, habeas corpus, and all other writs which may be necessary or proper to the exercise of its jurisdiction and agreeable to the principles and usages of law; and said court shall have original jurisdiction in cases of habeas corpus, mandamus, and prohibition. The circuit court may also establish such rules, not inconsistent with law or the rules established by the Supreme Court, as it may deem necessary for the regulation of the practice of said court. Each of the circuit judges shall have authority to act at chambers, to be exercised as may be prescribed by the rules of the court; and as to matters pending in the district court, or relating thereto, when the district judge is disqualified or for any cause is unable to act, with the powers of a district judge. A circuit judge may also hold the district court, in place or in aid of the district judge, as the occasion may require.

SEC. 4. That the circuit court shall have the jurisdiction in criminal causes which is now provided by law, by writ of error to the district court, which writ may be issued out of the circuit court, on the allowance of one of the judges thereof, for cause shown of probable error, within sixty days after the entry of final judgment, during which time the judgment of the court shall not be executed, but remain in abeyance; and the circuit court shall also have appellate jurisdiction in such cases, by appeal from the final judgments of the district courts, and an appeal in such cases shall be a matter of right, and the practice, mode, and forms of procedure in the district court shall conform, as near as may be, to the practice, mode, and forms of procedure existing at the time in like criminal causes in the courts of record of the State within which said district courts are held, any rule of the court to the contrary notwithstanding. In the trial of indictments for crimes the punishment whereof is capital, one circuit judge of the circuit, to be designated by the circuit justice, shall sit with the district judge in the district court. The judgments of the district court in such cases shall be subject to be reviewed by writ of error, issued out of the Supreme Court, on the allowance of one of the justices thereof, for cause shown of probable error, within ninety days after the entry of such judgment, or on appeal thereto from the district to the Supreme Court in the mode and manner hereinbefore prescribed for appeals from the district to the circuit court in other criminal cases. All writs of error or appeals in criminal cases provided for by this act shall operate as a stay of all proceedings in such cases until their final determination; and a refusal to allow the writ by one judge or justice shall preclude its allowance by another.

SEC. 5. That civil causes, at law and in equity, removable from a State court into the circuit court of the United States under existing provisions of law may be removed into the district court of the district in the territorial jurisdiction of which they were commenced.

SEC. 6. That the circuit courts shall have the same appellate jurisdiction, by writ of error or appeal, to review the judgments, orders, and decrees of the supreme courts of the several Territories as by this act they may have to review the judgments, orders, and decrees of the district courts; and for that purpose the several Territories shall, by orders of the Supreme Court, to be made from time to time, be assigned to particular circuits.

SEC. 7. That the decision of the circuit court upon questions of fact shall in all equity cases be final and conclusive, except as otherwise provided in this section, the facts to be specially found if requested by either party; and the rulings of the court, occurring during the trial or hearing, upon the admission or rejection of evidence, or upon its legal effect, may be brought into the record by a bill of exceptions duly allowed and signed, according to the practice in cases at law, and a review upon all questions of law, upon the record, may be had, upon writ of error or appeal in the manner now provided by law, in the Supreme Court of the United States, of every final judgment or decree of the circuit court where the matter in controversy exceeds the sum or value of $10,000 exclusive of costs, or where the adjudication involves a question upon the construction of the Constitution, or the construction or validity of a treaty or a law of the United States, or where the circuit court shall certify that the adjudication involves a legal question of sufficient importance to require that the final decision thereof should be made by the Supreme Court; but in the last-mentioned two cases the circuit court shall state the question arising upon the construction of the Constitution or the construction or the validity of such treaty or law, or the question that the adjudication involves, with the facts upon which the same arises, and such questions only shall be certified to and finally decided by the Supreme Court; and its decisions thereon shall be enforced in like manner as is now provided by law in cases where a question is certified to the Supreme Court upon which the judges of a circuit court are divided in opinion. But in patent and copyright cases in equity a review by the Supreme Court may be had, without regard to the sum or value in dispute, upon the questions, both of law and fact, affecting the validity or the infringement of the patent or copyright. Such writ of error or appeal shall be sued out or taken within one year after the entry of the judgment or the decree sought to be reviewed. The Supreme Court may affirm, modify, or reverse the judgment or the decree brought before it for review, or may direct a judgment or a decree to be rendered or such further proceedings to be had as the justice of the case may require. The judgment or the decree shall be remitted to the proper circuit or district court, to be enforced according to law. If, within the year after the entry of the judgment or decree sought to be reversed, any party shall die, the personal representative or heir as the case may require, may, within one year next after the proof of the will or appointment of the administrator, or within one year next after the death of the ancestor in the case of an heir, sue out or be made a party to a writ of error, or take an appeal or be made a party thereto, without reviving the judgment or decree in the court in which the same was entered. But appeals taken to and writs of error from to the Supreme Court under existing laws before this act takes effect shall not be affected by this act.

SEC. 8. That no writ of error from or appeal to the Supreme Court of the United States shall lie in any cause, at law or in equity, determined by the supreme court of the District of Columbia, except in cases where the United States, or some officer thereof, acting under its authority, is a party, or when the adjudication involves a question upon the construction of the Constitution or the construction or validity of a treaty or a law of the United States, in which description of cases the questions for determination shall be certified by the supreme court of the District of Columbia, in the manner provided in the last preceding section as to writs of error and appeal in similar cases adjudged in the circuit courts.

SEC. 9. That the amount or value of the matter in controversy necessary to confer appellate jurisdiction in any case upon a court of the United States shall be measured by the pecuniary value of the interest therein of the plaintiff in error or appellant, and regarding as one party for such purpose all who are united in the record in a common or like interest in the prosecution or defense of the suit or the application or distribution of a common fund; but where it shall be made to appear to the appellate court that although the amount or value of the matter in controversy in the particular suit or action is less than that necessary to confer the jurisdiction by writ of error or appeal, but that the judgment sought to be reviewed directly concludes, by way of estoppel or by agreement of parties, an amount in value equal to or in excess of the required amount, the jurisdiction shall be exercised.

SEC. 10. That nothing in this act contained shall affect the laws now in force in relation to appeals in cases of prize from the district court, or to appeals in cases of admiralty and maritime jurisdiction from the circuit court to the Supreme Court of the United States; and all laws now in force in relation to writs of error and appeals from the district court to the circuit court, and from the circuit court to the Supreme Court, so far as applicable, shall continue and remain in force for the purpose of giving effect to the provisions of this act.

SEC. 11. That this act shall not affect cases now pending: *Provided, however*, That all undetermined suits, actions, and proceedings pending in the circuit courts as original suits, or of which they may have jurisdiction by removal from a State court, at the time this act takes effect, of which the district court would have original jurisdiction according to the provisions hereof, shall be transferred from the circuit courts to the proper district court, together with all writs, process, papers, and transcript of previous orders and proceedings; and all further proceedings therein shall be had in the district court. And this act shall take effect immediately after its approval as to the appointment of judges herein provided for, and in all other respects six months after the approval thereof.

SEC. 12. That all existing provisions of law relating to the designation, appointment, and compensation of a district judge to hold a district court in place or in aid of any other district judge within the same circuit are continued in force, such designation and appointment to be made by the senior circuit judge.

Mr. ROGERS. Mr. Chairman, I wish to announce to the House that, in view of the importance of this measure and in view of the numerous calls for the bill and the report, I took occasion to have a limited number of reports printed for my own use. I have them now at my desk, and any gentleman who has been unable to procure a copy in the document-room can get one here by sending for it.

Mr. WEAVER. Mr. Chairman, I desire to ask the gentleman in charge of this bill how much time is to be allowed to the opposition to this bill or for general debate?

Mr. ROGERS. Mr. Chairman, I have no disposition at this time to indicate any limit to the debate. The Committee on the Judiciary are perfectly willing that this measure shall have ample and thorough consideration. On that subject I may be permitted to state that this bill has gone through three different prints in the Judiciary Committee at the present session, and that the committee have gone through the bill section by section and line by line on each occasion, endeavoring in every conceivable way to produce a measure that would be thoroughly clear, thoroughly comprehensive, and yet as brief in its verbiage as it could possibly be made, so as to meet, as far as possible, every exigency that can arise with reference to the necessities of the country touching the Federal judiciary. Without going at this time into any extensive observations, I now yield the floor to the gentleman from Texas, the chairman of the committee [Mr. CULBERSON], who will explain to the House the provisions of this bill.

Mr. CULBERSON. Mr. Chairman, inasmuch as this bill will be read and discussed by sections, I deem it proper at this time only to call the attention of the House to some of the changes proposed in the existing law. The bill proposes radical and important changes in the judiciary system of the United States, and I desire briefly—very briefly at that—to call the attention of the House now to some of the more important of those changes, in order that members may have before them the entire intent and scope of the measure.

By the provisions of the first section of the bill, all the original jurisdiction now vested in and exercised by the circuit courts of the United States, save original jurisdiction in habeas corpus, mandamus, and prohibition, is vested in the district court of the United States; so that, if this bill becomes law, the district courts of the United States will be vested with all the original jurisdiction, with the exceptions named, now vested by law in the district courts and in the circuit courts of the United States.

The second section of the bill provides that the circuit courts of the United States shall be reconstructed in this way: After this bill goes into effect the circuit courts of the United States will be composed of a circuit justice of the United States and two circuit judges; two constituting a quorum. If, for any cause, a quorum of these judges should not attend it is provided that the presiding justice shall designate a district judge to occupy the bench in place of the absent judge. It is also provided that the circuit judges shall have the powers of a district

judge, and shall exercise the powers of the district court whenever may become necessary by reason of the absence, sickness, or disqualification of the district judge. In order to construct and organize the circuit court in this way, the bill provides for the appointment of nine additional circuit judges.

Section 3 provides that the circuit court so constructed shall have jurisdiction to hear and revise upon writ of error all cases proper for such writ, and in all other cases an appeal may be taken from any final judgment or decree of the district court; and the court is also given jurisdiction to review all judgments in admiralty and maritime jurisdiction, as now provided by law. So it will be perceived that every final judgment or decree rendered by a district court may be reviewed in the circuit court as established by the provisions of this bill. It is provided further, by this section, as a matter of detail, that a writ of error shall not be sued out after six months.

Another important provision, changing the existing law, is in line 10 of the third section. An appeal is there given from an interlocutory judgment or decree of a district court in matters of equity. While the bill gives this right of appeal to the circuit court from an interlocutory judgment or decree of a district court, it does not suspend proceedings in the main cause. Gentlemen will remember that under the law as it now exists an appeal from an interlocutory judgment in an equity cause does not lie.

The sixth section of the bill provides that all civil cases at law and equity removable now from a State court to a Federal court, or into the circuit court of the United States, shall be removable into the district court of the United States instead of the circuit court.

Under the law as it now exists an appeal lies from a final judgment or decree of the supreme court of any of the Territories to the United States Supreme Court.

The sixth section of this bill provides that there may be an appeal or a writ of error from final judgments of the supreme court of any Territory to the circuit court of the United States, or from the district to the circuit courts, as contemplated by this measure; and in order to accommodate that provision judges of the circuit court are required to attach each of the Territories of the United States to some one of the circuits in which these appeals and writs of error may be heard.

Section 7 provides that the judgments of the circuit court shall be final except where the matter in controversy exceeds the sum of $10,000, in which case an appeal or writ of error, as the case may be, lies to the Supreme Court of the United States. Further, where the adjudication involves a provision of the Constitution or laws of the United States or a treaty made in pursuance of the laws of the United States, the judgment in such case may be reviewed in the Supreme Court of the United States without reference to the amount involved; and a similar right of review will exist wherever the circuit court shall certify that the question involved in the suit is of sufficient importance to demand a revision by the Supreme Court.

Under the law as it now exists an appeal lies directly from the supreme court of the District of Columbia to the Supreme Court of the United States in any controversy which involves $2,500 or more. By the provisions of this act it is proposed to limit that right of revision to cases which involve a question upon the construction of the Constitution of the United States or the construction or validity of any treaty or law of the United States. Thus it will be perceived that the supreme court of the District of Columbia in this matter will be placed, with reference to appeals to the Supreme Court of the United States on Federal questions, upon the exact footing of a State court.

Mr. WARNER. The gentleman will pardon me for asking, before he leaves this point, upon what questions does the supreme court of the District of Columbia have to pass except questions arising under the Constitution and laws of the United States, as the District is governed entirely by acts of Congress. In this view, might not the provision to which the gentleman refers enlarge the right of appeal from the supreme court of the District of Columbia to the Supreme Court of the United States? I ask this question merely for information; I have not considered the bill carefully.

Mr. CULBERSON. I understand the gentleman's proposition. It will be noticed that I omitted to state one class of cases which may be reviewed in the Supreme Court of the United States upon writs of error to the supreme court of the District of Columbia; that is, cases where the United States or some officer acting under the authority of the United States is a party. The gentleman from Missouri [Mr. WARNER] asks me whether this provision with reference to the supreme court of the District of Columbia might not enlarge the number of cases which would go from that court to the Supreme Court of the United States. I think not. Unless the question depends upon a proper construction of the Constitution or some law or treaty of the United States it would not fall within the provision of this section. A case decided by the application of the general principles of law does not involve, of course, any Federal question.

Section 10 provides—

That nothing in this act contained shall affect the laws now in force in relation to appeals in cases of prize from the district court, or to appeals in cases of admiralty and maritime jurisdiction from the circuit court, to the Supreme Court of the United States.

Section 11 preserves the present status of pending litigation in the courts.

Section 12 is a matter of mere detail.

Now, Mr. Chairman, there are, so far as I am concerned, two great leading objects in view in advocacy of the passage of this bill. I desire, first and above all things, to destroy the judicial despotism now exercised by the district courts of the United States. Secondly, I desire to relieve the overburdened docket of the Supreme Court of the United States. In this connection I will ask the Clerk to read an extract from an address recently delivered by Mr. Justice Harlan, which will show the condition of that docket.

Before the Clerk proceeds to read the extract I have marked from the speech of Associate Justice Harlan of the Supreme Court, I wish to call attention to the fourth section of the bill, which provides—

That the circuit court shall have the jurisdiction in criminal cases which is now provided by law by writ of error to the district court.

It will be remembered that under existing law the writ of error lies from the circuit court to the district court in criminal cases where the punishment does not exceed a fine of $300 or imprisonment. The provision made by this bill retains that appellate jurisdiction of the circuit court. It also provides:

In the trial of indictments for crimes, the punishment whereof is capital, one circuit judge of the circuit, to be designated by the circuit justice, shall sit with the district judge in the district court.

Mr. MORROW. I see it is provided in the trial of indictments for crimes the punishment whereof is capital, one circuit judge is to be designated by the circuit justice to sit with the district judge in the district court. It is provided also in section 3 that a circuit judge may also hold the district court in place of or in aid of the district judge as the occasion may require. If the opinion of the district judge and the circuit judge should be opposed on any matter or any ruling upon evidence or instruction to the jury, is there any provision which opinion should prevail?

Mr. CULBERSON. There should be such a provision that the opinion of the senior judge should prevail in such a case.

Mr. MORROW. Is it proposed to amend the bill in that particular?

Mr. CULBERSON. There should be such an amendment. As I do not desire to trespass upon the attention of the House at this time, I will conclude by asking the members of the House to listen to the extract which the Clerk will read from a speech made by Associate Justice Harlan, to show the present condition of the Supreme Court docket.

The Clerk read as follows:

Occasionally I have seen it stated in the public prints that the Supreme Court ought to clear its entire docket during each term. Those who thus complain are without accurate information as to the amount of its business. They have no conception of the extent to which that business has increased since the organization of the Government, especially within the past thirty years. Think of it; in 1803 the whole number of cases on the docket of the Supreme Court was 51. In 1819, when the court determined the great cases of Sturges *vs.* Crowninshield, McCulloch *vs.* State of Maryland, and Dartmouth College *vs.* Woodward, there were 131 cases, of which 53 were disposed of during the term. But in 1860 the number on its docket had increased to 310, of which 91 were determined during the term. In 1870 the docket contained 636 cases, of which 280 were decided during the term. In 1880 the whole number was 1,202, of which 365 were disposed of during the term. In 1886 the docket had increased to 1,396 cases, of which 451 were disposed of during the term. Is it just to litigants that this condition of things continue? The remedy is not with the Supreme Court. After service of ten years as a member of that court, I am able to say that it moves with all the rapidity that is physically possible. Its members can do no more than they are doing. With rare exceptions, the court decides each term, and before its members start for their respective circuits, every case reached and submitted during that term. If the court had twice the number of justices it now has, no more business could be done by it than has been done, unless the court were divided into sections, a scheme which, it is to be hoped, will never be adopted. The Constitution makes provision for one Supreme Court. Without expressing any opinion as to whether its division into sections would be admissible under the Constitution, I may say that it would be unfortunate for the country if that court should ever be so enlarged in the number of its members as practically to convert it into a town-meeting upon questions of constitutional or general law.

Mr. CULBERSON. I now yield to the gentleman from Arkansas.

Mr. WEAVER. The bill also curtails appeals, or looks in that direction, from the Supreme Court. It enlarges the amount necessary for an appeal from the circuit to the Supreme Court. Has the committee made any calculation as to the amount of curtailment in the business of the Supreme Court which will be made by this provision?

Mr. CULBERSON. I do not know whether the committee has made any such investigation on that point or not, but some members have done so, and we are told that will have the effect to diminish the business of the Supreme Court one-third.

Mr. WEAVER. I understand the adoption of this provision will then diminish the business of the Supreme Court one-third.

Mr. ROGERS. How much time have I remaining?

The CHAIRMAN. The gentleman has thirty-five minutes of his time remaining.

Mr. ROGERS. There has been no indication on the part of the House or on the part of any gentleman to speak at this time.

Mr. STONE, of Missouri. If the gentleman is not disposed to proceed with his remarks, I will take the floor, if there be no objection, and ask to be recognized.

Mr. ROGERS. I will reserve my time and yield the floor to the gentleman from Missouri.

Mr. HOOKER. Mr. Chairman, this is a very important question and should have the most deliberate consideration on the part of the House.

Mr. ROGERS. Nor have I the remotest desire to adopt any other course. In the opening I called attention to the importance of the subject-matter now pending, and proposed it should have full and ample consideration.

Mr. STONE, of Missouri. Mr. Chairman, I shall be very glad if I can have the attention of the House. I have not consumed much of the time of the House in talking and I have no disposition to waste it now or at any time. But as I have now an opportunity to address myself to a proposition which to my mind is superior in importance to any other question which will present itself to the House, I must crave permission to be heard. I would not appeal to the House now to give me its attention except for the fact I propose to address myself to a proposition of this character and one of peculiar interest to my own people.

So far as the provisions in detail of this reorganization bill are concerned I must pass them by for the present. I want now to speak of one feature of the bill especially. I will read a few lines from the third section of the pending bill:

The circuit court shall have power to issue writs of error, mandamus, prohibition, scire facias, habeas corpus, and all other writs which may be necessary or proper to the exercise of its jurisdiction and agreeable to the principles and usages of law; and said court shall have original jurisdiction in cases of habeas corpus, mandamus, and prohibition.

At the beginning of the last Congress I introduced a bill to limit the jurisdiction of Federal courts. That is the bill which above all others I feel most interest in. I have introduced it again this Congress. I I am something like an old hen with one chicken so far as that bill is concerned. I have clucked every time it has come in sight and I propose to cluck whenever I have an opportunity until I can get the proposition embodied into law. As part of my remarks I ask the Clerk to read that bill of mine, which at the proper time I will offer as an amendment to the pending bill, in the form I now propose, to follow immediately after the lines I have just read.

The Clerk read as follows:

Provided, The jurisdiction of the district and circuit courts of the United States shall not be deemed to extend to any judicial or other officer elected or appointed under the laws of any State to compel by mandamus or other writ the performance by such officer of any official act arising under or authorized to be done by the laws of such State.

Mr. STONE, of Missouri. Mr. Chairman, I propose now to have read a memorial from the judges of one of the county courts of my district and it will explain in part why I am especially anxious to have some such provision as that suggested by my amendment incorporated into the statutes of this country. I ask the House to listen to the reading of this memorial.

The Clerk read as follows:

To the Congress of the United States:

The undersigned, citizens of the United States and the State of Missouri, respectfully represent that they are the judges of the county court of St. Clair County, Missouri, a court of record, upon which court the statutes of that State impose the duty of levying taxes on all property in said county for public purposes. That the power of said court to levy taxes for any and all county purposes is limited by the constitution and statutes of the State to one-half of 1 per cent., based on the last assessment for State and county purposes; and the said court is forbidden and prohibited by the laws of the State from levying, or attempting to levy, any tax for county purposes in excess of said limitation until first ordered so to do by the (State) circuit court, or judge thereof in vacation, having jurisdiction in said county, according to certain forms and methods prescribed by the statutes of the State; and any violation of said statutes by any county judge, or other county officer, is made a crime punishable by a fine of not less than $500 and forfeiture of his office.

Your memorialists further represent that notwithstanding the premises the circuit court of the United States for the western district of Missouri, on April 23, 1887, issued its writ of mandamus to the undersigned, commanding them as judges of said county court to levy a tax on all property in said St. Clair County, largely in excess of the limitation aforementioned, for the purpose of raising a county fund sufficient to satisfy a certain judgment theretofore rendered in said United States circuit court against said county, to which writ your memorialists, as respondents, made return to the effect that they could not obey the writ without violating the laws of the State which they had been elected, commissioned, and sworn to execute, and subjecting themselves to criminal prosecution and punishment. Thereupon the said circuit court quashed the return and attached your memorialists for contempt, and on the 23d day of November, 1887, made an order committing them to the common jail in Cole County, Missouri, there to remain until they acknowledge themselves ready and willing to levy a tax according to the mandate of said court, or until the further order of said court; and accordingly your memorialists were committed to, and have been since confined in, said jail.

Protesting against this deprivation of liberty as a gross personal wrong, and, what is of still greater consequence, as a dangerous subversion of the rights of the State in imprisoning her judicial officers for refusing to violate her laws; and yet being without remedy, your memorialists humbly pray that Congress will investigate the legality of their imprisonment and take such action as may seem proper for their relief and for the protection of State officers from such violence and injury in future.

JOHN F. TAUDY,
Presiding Judge.
ALBERT HOYT,
S. C. PEDEN,
Associates.

Mr. STONE, of Missouri. I desire to make that memorial the basis of what I purpose to say. These judges are the judges of a court of record of the State of Missouri. They represent a part of the judicial machinery of that State. They have jurisdiction to issue writs of habeas corpus and injunction, and have jurisdiction over a multitude of important matters. They audit all accounts against the county, draw all warrants on the treasury, distribute and control the public-school funds, revise the assessments of property for taxation, and, in short, are the most important of all our officers in the administration of county affairs, and among the most important in the administration of State affairs.

These judges are now in jail, literally behind the bars of a jail, and have been there for four months, or since about the last of November, 1887. They are, I repeat, absolutely and literally in a cell, confined as prisoners, on the order of a Federal judge. The memorial which the Clerk has just read in part explains the occasion for this imprisonment; but I desire to elaborate that statement somewhat, and I think gentlemen who hear me will sympathize with my anxiety to secure the legislation I am proposing, and I hope to win to my assistance votes enough to ingraft it on the pending bill.

At the close of the war and for some years afterwards Missouri, or that part of the State in which St. Clair County is situated, was in a condition of great disorder and confusion. A large percentage of the most intelligent people were deprived of the right of suffrage and the right to hold office. In many instances the bad elements were in the ascendant, and irresponsible county officers—*de facto* county judges—assuming to act under the laws as they then existed, issued, or pretended to issue, bonds of the counties almost without limit and for almost every conceivable purpose, and to dispose of them upon the best terms they could, and often for their personal advantage.

St. Clair County was the victim of one of these outrages. *De facto* county judges fraudulently assumed to and did issue the bonds of that county, aggregating in amount several hundred thousand dollars, in aid of an imaginary railroad upon which, practically, not a lick of work has ever been struck, or ever will be.

These bonds were disposed of. Subsequently the question as to the legality of their issue, and the binding character of the bonds as obligations of the county, came before the State judiciary, and the State courts held that the bonds were fraudulently issued, and issued without compliance with the substantial requirements of the law, and therefore were not binding upon the county. The bondholders sought relief in the Federal courts, and those courts, ignoring the adjudications of the State courts, held to the contrary, and adjudged that the bonds having been issued by men who were ostensibly agents of the municipality, and being (as they decided) negotiable paper in the hands of innocent purchasers, were valid and binding obligations.

A contest, quite animated and vigorous, has been going on ever since between the people of the county and the holders of these bonds—one seeking to enforce and the other to resist their collection. So far as this discussion is concerned, the legality or illegality of the bonds, whether they were honestly or dishonestly issued, is, to a great extent, a question of indifference. In a large measure that is a question foreign to the proposition I have before me, and affects it only in an incidental and collateral way. The Federal courts, in contravention of the State courts, held the bonds to be valid obligations and, as I have said, a contest has been going on ever since, in the courts and out of the courts, between the people of the county and the bondholders. Judgments were obtained from time to time against the county for large amounts in the circuit court of the United States sitting at Jefferson City. Mandamuses were issued to the judges of the county court requiring them to levy and collect a tax with which to satisfy those judgments. Out of those writs of mandamus this imprisonment has grown.

Under the laws of the State of Missouri, the judges of the county courts have absolutely no original power to levy such a tax. The law of the State authorizes the county courts to levy taxes to a limited extent; in counties of the class of St. Clair, to the extent of one-half of 1 per cent., or 50 cents on the hundred dollars of valuation. But that tax is expressly declared to be for the purpose of meeting the current county expenses, and for that only. The constitution of the State and the statutes of the State, affirmed and interpreted by the decisions of the supreme court, confer jurisdiction upon the county courts to levy this limited tax for specific purposes; and the same laws specify the uses to which these revenues shall be appropriated. That is to say, for purely county purposes—for the support of the poor and insane, for roads and bridges, for the payment of salaries of county officials, for witness and jury fees, election expenses, and the like. The laws of the State provide that the county court shall have no original jurisdiction to levy any other tax; and if a necessity exists for an additional tax to pay an existing debt, or there is any occasion for an extraordinary tax, another course of proceedings is required. No original jurisdiction is conferred upon the county courts to levy a tax to meet any such extraordinary demands; but on the contrary, such jurisdiction is expressly withheld.

Mr. PETERS. I would like to interrupt the gentleman from Missouri to ask if that defense was set up by these county court officials?

Mr. STONE, of Missouri. It was, I will state to the gentleman; but I am coming to that in a moment.

I want the House to understand the exact status of this question. To my mind it is one of the most profound interest, and if gentlemen will be patient and hear me through, I will endeavor to explain the facts as

fully as I can in my awkward way. I can not speak eloquently, but I do speak with feeling. I move with a leaden step and stumble as I go, and though I may tax your patience I ask you to hear me, for my heart is full of my subject.

I said, Mr. Chairman, that the county court had no original jurisdiction to levy the tax it was commanded to levy, a tax to pay judgments rendered on bonds of the county.

Where the necessity for such a tax exists the law requires that the county court shall cause the county attorney, who is an officer of that court, to prepare and present a petition to the State circuit court, which is a court of common law jurisdiction, or to the judge in vacation, setting forth the necessity and the reason for the tax, and all the facts connected with it; and the circuit judge, or court, shall examine the petition, and, after understanding the facts, if he shall hold that the debt is a valid one, and the tax a proper one to be levied, he can issue his order authorizing and empowering the county court to levy the tax; which order may be a continuing one, from year to year, as long as the necessity for the tax exists, or until it is revoked by the order of the court which made it.

The county court, I say, is devoid of jurisdiction and power to levy the tax in the first instance. The power to make the levy does not exist until the circuit court confers it in the manner provided by law. I have a brief here referring to several cases decided by our supreme court supporting what I say. I hold in my hand one of the very last reports issued containing the opinions of the court. It is volume 91 of the Missouri Reports, and the case I refer to is directly in point. A judgment was recovered in the Federal circuit court against the county of Cape Girardeau upon bonds similar to those involved in the St. Clair County controversy; a mandamus issued from the Federal court to the county judges requiring them to levy a tax to pay the judgment. The county attorney of that county went into the State circuit court with a petition for an injunction to restrain the county judges from levying the tax. The injunction was granted; an appeal was taken, and in that way the question was presented to the supreme court of the State. That court held that the county judges could not lawfully levy the tax. Let me read from the opinion:

The circuit court granted a temporary injunction restraining the judges of the county court of Cape Girardeau County, and others, from collecting a certain special tax of 2 per cent. ordered to be levied on all real and personal property in Cape Girardeau Township for the purpose of paying certain judgments rendered in the United States circuit court for the eastern district of Missouri, which judgments were based on coupons attached to bonds issued under the provisions of the act of March 23, 1868, commonly known as the township-aid act. On final hearing the temporary injunction was made perpetual, and this ruling was based on the express ground that the steps required by section 6799 had not been complied with prior to extending the tax on the tax-books and levying the same.

That section 6799 is the section of the statutes which provides that the county courts shall have no power to levy such taxes until jurisdiction and authority is conferred by the circuit court. But I read further:

It has been ruled by this court that taxes of the nature now in question can only be levied and collected in the manner provided in said section, and that unless the methods prescribed are pursued, the failure to pursue them, when, as here, they are the conditions essential to the exercise of the power, will render the tax invalid. (State *ex rel. vs.* Railroad, 87 Mo., 236.) Here those methods, those conditions precedent, were not followed; and hence the county court, having no inherent power to levy a tax and deriving its only authority from the State, must of necessity pursue the course in this regard marked out by the sovereign authority by its laws. (State *ex rel. vs.* Railroad, *supra.*)

Nor do I see that the matter being discussed is at all affected because the action of the county court was produced by the mandate of the Federal court. If, as already seen, the county court was powerless to act, except when acting in conformity to express statutory conditions, it was still the duty of the judges to comply with those conditions, while yielding obedience to the mandate aforesaid; for outside of those statutory conditions they were utterly powerless to act. Indeed, under section 6800, they were punishable for a misdemeanor in failing to comply with the provisions of section 6799 before levying the tax. It does not stand to reason that their act could be valid and still at the same time punishable as a crime. (State *ex rel. vs.* Garoutte, 67 Mo. *loc. cit.*, 456.)

I have read that to put beyond controversy the correctness of my statement, that the county judges now in jail have no power to levy the tax which the Federal court ordered them to levy until the State circuit court shall first confer jurisdiction and authority.

I am informed that since the mandamus was served upon the county judges they filed their petition with the State circuit court setting forth the fact that the mandamus had been served upon them, and asking that authority might be given to them to levy the tax in obedience to the mandate of the court. But the State circuit court, having long before held the bonds to be invalid, and as that court first obtained jurisdiction and was the first to decide that question, and as it is a court of concurrent and co-ordinate jurisdiction with the Federal court as to such matters, it did not feel disposed to yield, and refused to yield, to the later decisions of the Federal court, which had treated the prior judgment of the State court with contempt, and so refused to authorize the levy of the tax. I understand that to be the situation. I may not be accurate in all the details, but, according to my information, I state the case substantially as it is. The county judges then are wholly devoid of power to make the levy required, and any attempt to do so would subject them to a criminal prosecution and heavy penalties under the statutes of the State.

They made return of these facts to the Federal circuit court, setting forth that they were without authority to levy the tax commanded, and that any attempt to levy it would subject them not only to suits for damages at the instance of tax-payers whose property might be seized, but to a criminal prosecution under the law of the State, which declares that any officer who shall levy, or attempt to levy, or collect any tax, except in strict accordance with the provisions of the statute, shall forfeit his office and be liable to a fine of not less than $500.

In the face of all that the Federal court held that the return was bad and quashed it, and issued a warrant committing the judges for contempt, and they have been under duress ever since.

Mr. PETERS. Could not they take an appeal to the United States Supreme Court?

Mr. STONE, of Missouri. They did not.

Mr. PETERS. Why?

Mr. STONE, of Kentucky. Because, as the gentleman from Missouri says, they have been in jail. Is not that so?

Mr. OATES. No appeal lies for contempt.

Mr. PETERS. I think we ought to remedy that by legislation.

A MEMBER. Why don't they appeal to the Supreme Court? Would not that court set it right?

Mr. STONE, of Missouri. I will come to that in moment. Mr. Chairman, some gentleman has asked about an appeal, and what the Supreme Court would do. I do not know. I see in the Western newspapers that only a few days since an application for a writ of habeas corpus was made to the Federal circuit court and refused, and I am informed that papers are now being prepared with a view to presenting the question to the Supreme Court of the United States. What the Supreme Court may decide I do not know. I am glad to observe a growing disposition on the part of the Supreme Court to get back on safe ground once more, to respect the limitations of the Constitution, and the reserved rights of the States. The case of *Ex parte* Rowland, reported in 104 United States Reports, which was a habeas corpus proceeding brought by the commissioners of a county in Alabama, the Supreme Court retreated somewhat from the advances it had made in the wrong direction. And the more recent Virginia habeas corpus cases indicate that the Supreme Court justices, or most of them, have been baptized anew in the waters of the Constitution. Still the departure of that court from the earlier doctrines has in many respects been so radical that no mortal man can tell what it may decide when the case of these imprisoned judges is presented. I believe, as the tendency now is, they would be discharged; but that is altogether a matter of conjecture when we take in view the decisions of that court in corresponding cases. I beg the House to follow me while I examine briefly some of the more important cases, illustrating the disposition and views of the Supreme Court, and explaining why I say the law is now in a state of uncertainty, and demonstrating the necessity for legislative interference.

Mr. Chairman, during the first eighty years of our history, that is, prior to December, 1860, the right of the Federal Government to control State officers in the administration of State laws had not been asserted. More than that, prior to December, 1863, the Supreme Court of the United States, by a long and unbroken chain of decisions, had established the doctrine and observed the rule of following the latest decisions of the supreme court of a State in the interpretation of its own constitution and laws. In the case of The United States *vs.* Morrison, reported in 4 Peters, 124, Chief-Justice Marshall, while presiding over the circuit court for the district of Virginia, decided that a judgment in that State was, under the circumstances of that case, a lien on the real estate of the judgment debtor. The case was appealed to the Supreme Court of the United States, and soon thereafter the court of appeals of Virginia, in another case, held the contrary. When the case appealed to the Supreme Court came up Chief-Justice Marshall said he would follow the recent decision of the court of appeals without examination, although it required the reversal of a judgment in the circuit court rendered before that decision was made.

In the case of Green *vs.* Neal, 4 Peters, 291, the Supreme Court, in the language of Justice Miller, in the case I hold here—

overruled two former decisions of its own, based upon former decisions of the State court of Tennessee, in order to follow a later decision of the State court, after the law had been supposed to be settled for many years.

And that doctrine was followed and emphasized by a great many decisions for three-quarters of a century.

In 1860 the tide turned. It is well, as we go along, to notice the character and the subject-matter of the litigation. Aspinwall and others were the owners of certain coupon-bonds of Knox County, Indiana, upon which judgment was obtained before the circuit court of the United States for that district. Failing to realize by execution, a mandamus was issued to the commissioners of Knox County, commanding them to levy a tax, under the laws of the State, to pay the judgment. Seven years afterwards Judge Miller, in combating it as a doctrine dangerous and subversive, referred to it as—

the first instance in which a Federal court ever issued a writ of mandamus to a State officer in the history of this Government.

Mr. OATES. If it will not interrupt the gentleman's line of remark, I wish to ask him whether he is not aware that the Supreme Court of the United States have held in the case of Rowland, and in other cases, that the remedy is by habeas corpus, no appeal lying; and that when-

ever the law of the State does not authorize the judge or officer imprisoned to do the act his imprisonment is unlawful?

Mr. STONE, of Missouri. I am aware of that case, and I have referred to it already, though I think my friend states it rather broadly.

Mr. OATES. Does not the gentleman think that the amendment proposed by the Committee on the Judiciary to section 725 of the Revised Statutes covers the case he has in mind?

Mr. STONE, of Missouri. I do not. I think that is simply a declaration of the law as it exists.

Mr. OATES. I admit that it is declaratory; but will it not be sufficient to meet the case?

Mr. STONE, of Missouri. It is sufficient to declare the law as it is already understood.

Mr. OATES. It puts, in substance, on the statute-book what the court has decided.

Mr. STONE, of Missouri. Possibly. But I think it furnishes no substantial remedy for the evil I am complaining of.

Mr. OATES. The Supreme Court of the United States has decided it in several cases.

Mr. STONE, of Missouri. In the Alabama case referred to by my friend [Mr. OATES], the commissioners of the county had been ordered by mandamus to levy and collect a tax, and they did levy the tax, and the books were put into the hands of the collector. Under the laws of Alabama the collector was required to execute an ordinary bond for the collection of ordinary taxes, but before he was authorized to collect that special and extraordinary tax, he was required to execute an additional or special bond. That he was not able to do, and——

Mr. OATES. And Judge Rowland, under the law, had no power to collect the tax.

Mr. STONE, of Missouri. He had no power to collect the tax, and on that account the Supreme Court held that his imprisonment was contrary to law, and he was released. I have referred to that case.

Mr. OATES. The Supreme Court has uniformly held, wherever the question has been brought before it, that if there is no law authorizing the State officer to do that which the Federal court requires him to do, his imprisonment is unlawful.

Mr. STONE, of Missouri. I have just stated that there was absolutely no law under which these county judges could levy this tax. I speak with reference to the conditions as they existed. I go further, and say that the circuit judge of that circuit has recently dismissed an application for a habeas corpus——

Mr. OATES. How does it come to the Supreme Court?

Mr. STONE, of Missouri. The case, I understand, is coming to the Supreme Court. What the Supreme Court may do is altogether problematical. I understand the Federal courts below hold that if the State circuit court refuses to confer authority on the county court to levy the tax, that the order of the Federal court will take the place and supersede the necessity of a jurisdictional order by the State court. But let me proceed.

In 1863 the next step was taken. Then the old doctrine that the Supreme Court would follow the latest decisions of the State courts in the construction of their own laws was wrecked and thrown aside. I refer to the case of Gelpcke *vs.* The city of Dubuque, 1 Wallace, 175. The action was founded on municipal bonds issued in aid of a railroad. The supreme court of Iowa, by a divided bench, two affirming and one denying, at first held the law under which the bonds were issued to be constitutional.

Some time afterward the same court, by a unanimous decision, overruled the former decision rendered by a divided court, and held the law unconstitutional. Between the dates of the two decisions the bonds in litigation were issued. The conflict in the courts of Iowa was a stubborn and passionate one; and when, finally, the bondholders were routed in the courts of the State they fled to the Federal courts, and those courts, overturning an old established doctrine, complacently held that they were not bound by and would not follow the latest decision of the State court, interpreting its own constitution, but would be governed by the former divided opinion. The justice who rendered the opinion took occasion to make this complimentary allusion to the supreme court of Iowa:

> The late case in Iowa and two other cases of a kindred character in another State, also overruling earlier adjudications, stand out, as far as we are advised, in unenviable solitude and notoriety. We shall never immolate truth, justice, and the law because a State tribunal has erected the altar and decreed the sacrifice.

A State tribunal, indeed! A tribunal which has given to the country some of the most eminent jurists of this century is hardly a tribunal to be discredited in so flippant a way. It is a tribunal in whose hands any mortal man who has a just right under the laws of the State is perfectly safe. And Justice Miller, who rendered an unanswerable dissenting opinion, very justly resented the slight put upon the State court, and wisely asked what special charge did Federal courts have over contracts beyond other courts, except to declare judicially whether the statute of a State impairs their obligation, a question which did not arise in that case, as the construction of the very statute under which the plaintiff claimed was the subject of discussion.

But the decision involved something of far more importance than the question of ethics. It was the first announcement of the doctrine that the Federal courts would follow the decision of the State courts in interpreting their own laws only when it suited them to do so. Let me read a part of Judge Miller's dissenting opinion:

> The court has, in this case, taken a step in advance of anything heretofore decided by it on this subject. That advance is in the direction of a usurpation of the right which belongs to the State courts, to decide as a finality upon the construction of State constitutions and State statutes. This invasion is made in a case where there is no pretense that the constitution, as thus construed, is any infraction of the laws or Constitution of the United States.

The next important step in what Justice Miller denominates this march of judicial usurpation was taken in 1867, in the case of Riggs *vs.* Johnson County, 6 Wallace, 166. This was the greatest stride of all up to that date. Johnson County, Iowa, had issued bonds in aid of a railroad. The supreme court of the State held the law under which the bonds were issued to be unconstitutional. The Federal courts held otherwise. Mr. Riggs, a holder of Johnson County bonds, obtained judgment against the county in the Federal circuit court. After this, various tax-payers of the county filed a bill in chancery in one of the State courts against the county commissioners, alleging that the bonds were void from the beginning, and had been repeatedly held so by the supreme court of Iowa, and praying a perpetual injunction to the commissioners against levying any tax to pay them, which injunction the State court granted. Afterwards Mr. Riggs applied to the Federal circuit court for a writ of mandamus to the commissioners to compel them to levy a tax not only to pay the bonds merged in the judgment, but to continue the tax from year to year until all the bonds were paid, whether embraced in the judgment or not. The commissioners answered, setting up the injunction previously laid on them by the State court. The circuit court sustained the commissioners, held the return good, and refused a peremptory writ. Mr. Riggs appealed. The Supreme Court reversed the decision and directed the mandamus to issue. Again Justice Miller delivered an able and exhaustive dissenting opinion, in which he was sustained by Chief-Justice Chase and Justice Grier. I wish I had time to read the entire opinion; but I have not. I can only read some extracts from it.

I read as follows:

> In the case of Gelpcke *vs.* Dubuque I felt called upon to point out the evil consequences likely to flow from the doctrine there asserted for the first time—that the construction given by the State courts to their own constitutions and statutes could be disregarded and overruled by the Federal courts sitting in the same States and deciding the same controversies. These consequences are now apparent in the judgment just rendered, whereby the State officers are commanded to disobey an injunction of a State court rendered in regular judicial proceedings to which they were proper parties, in a matter of which that court had undoubted jurisdiction, concerning the levy of a tax under State laws.
>
> It may not be inappropriate to review the steps by which this court has gradually arrived at the conclusion that it can do this, for the purpose of enforcing the payment of bonds issued without authority of law, out of the property of those who never consented to their issue or agreed to pay them.
>
> In almost all the cases where municipal corporations have any authority at all to issue such bonds the statutes which give the authority require that there shall first be a vote of the majority of the people of the municipality approving the purpose for which they are issued and authorizing their issue. Of course, the law fixes the manner of taking this vote, and I believe that until this court decided to the contrary no court had ever held that such bonds were valid without a substantial compliance with the statutes on that subject.
>
> But in the case of The Commissioners of Knox County *vs.* Aspinwall, 21 How., it was held that the commissioners, whose duty it was to issue these bonds in the event that a majority voted them, were to be the exclusive and final judges of their own authority. It was said that because it became their duty to determine whether the bonds had been legally voted or not, before they issued them, therefore the fact that they had issued them was conclusive of the vote and of their own authority, and precluded all inquiry into that question.
>
> These commissioners were merely the agents of the people of the municipality. Their authority depended on no private instructions, but on the public statutes of the State, which every person who dealt with them could examine. The proceedings for a vote were all of record, as well as the return of the officers taking the vote.
>
> Yet in the face of all this, when these agents transcend their authority and attempt to bind upon the people of the county a load of debt which may absorb all their property and heavily burden them for years, we are told that the agents were the final and exclusive judges of their own authority. When the highest court in the land renders a judgment or decree, any other court before which the matter may come has a right to inquire into its authority to pass such judgment; but these mere agents of the people, whose powers are limited by law, may, by merely asserting their authority, pass a decree which no court can examine, because none can dispute their jurisdiction.
>
> After this decision, no matter how illegal, fraudulent, or unauthorized were corporation bonds, no defense could be made to them in the Federal courts, and, of course, they were all sued upon in those courts.
>
> But when judgments were obtained, it was found that the ordinary executions did not always produce the money, and some new device was to be resorted to for this purpose. Accordingly, we find Mr. Aspinwall applying for a writ of mandamus to compel the board of commissioners to levy the tax necessary to pay his judgment. This court held, in 24 Howard, that he was entitled to the writ. This was decided only seven years ago, and is the first instance in which a Federal court ever issued a writ of mandamus to a State officer in the history of this Government.
>
> I shall examine into its authority to do so hereafter, but merely note it in passing as among the new doctrines which this court has found it necessary to establish to enforce payment of county bonds.
>
> The next step was the decision, already mentioned, of Gelpcke *vs.* Dubuque, in which the court held that the later decision of a State court on the construction of its own constitution, although unanimous, would be disregarded in this court in county bond cases in favor of the earlier decisions made by a divided court.
>
> In the present case we are required to take another step in the same direction, and one still more serious. We are asked by a mandamus to compel these municipal officers to disobey an injunction of the State court duly served on them, and made perpetual by a decree to which they were party, and which if they disobey they will be imprisoned for such disobedience.

The learned justice then proceeds at length to discuss and combat

anew the right of the Federal courts to exercise such powers. In concluding he says this:

But if I am mistaken in all I have thus far been saying, there is another proposition, supported by a uniform current of authorities, which would preclude the issuing the writ of mandamus in this case; that is, that the writ is never issued to a party whom it would expose to imprisonment or other serious damage for obeying it.

* * * * * * *

With all the respect which I have for this court and for my brethren who differ with me, I take the liberty of saying it has no right to set aside all precedent and disregard established rules in the belief, however confidently entertained, that it is done in the cause of justice.

There was a case where the State court, having jurisdiction of the parties and the subject-matter, enjoined the collection of taxes, and the Supreme Court of the United States directed a mandamus to the same officials commanding them, in defiance of the injunction of the State court, to levy the tax. They are subjected to fine and imprisonment if they do, and subjected to fine and imprisonment if they do not.

There is a case to which I invite the attention of the gentleman from Alabama, directly in point, where these officers of the State are put between the fires of the State courts on the one side and the fires of the Federal courts on the other.

But here, Mr. Chairman, they have made another advance, and in this instance my own constituents are immediately interested. This time the Federal courts command the State officers to do an act which they have no lawful authority to do, and which an attempt to do would be in open violation of the law, result in a forfeiture of office, and lay them liable to a criminal prosecution.

There is the point we have now reached, following one step after another from the first disastrous mistake made in asserting the right to issue the writ of mandamus in such cases. First came the startling assertion of the right to issue the writ; then the overthrow of the doctrine that the Federal courts would conform to the State courts in the construction of State constitutions and statutes; then an order to State officers to disregard an injunction of their own State courts, issued and served in the regular course of judicial proceedings; and now comes an order requiring State officers to perform acts in excess of their lawful powers, thereby violating the laws of the State and committing a crime. And when those officers make respectful return of these facts they are told the defense is insufficient, and they are ordered to jail and are put behind the bars in sight of the very dome of the capitol within whose walls the laws were enacted which they were sworn to execute, by virtue of which their offices exist, and which they refuse to violate. Such a condition is intolerable. It is monstrous. If such a doctrine is to stand, State governments can not stand. It puts the officers of the State between the devil and the deep sea; they are damned if they do and damned if they do not.

Possibly we might come here and obtain release under the writ of habeas corpus, as suggested by the gentleman from Alabama. That doubtless will be tried. It has been tried before the circuit judge, and failed. I do not know what the Supreme Court may do. I do not know what a court which required the State officers of Iowa to levy a tax in disobedience of an injunction of the State judiciary, and at the same time declaring its ability and purpose to protect them from the consequences of such disobedience, may decide when the question is one, not of disobedience of the order of a court, but the violation of a public statute.

I think this matter ought not to be left where it is. We should not leave it to judicial settlement. The representatives of the people should take it in hand and strike at the root of the evil. We must relieve the States of this judicial despotism. We must entirely separate the machinery of the State and Federal Governments. That is the only safe and complete remedy. That is the purpose of my amendment, and that will be its effect if enacted into law.

But it is said if this is done the bondholders will be practically without remedy. That is the only objection I have heard urged. If you withdraw from the Federal courts the power to lay their hands upon the officers of the State, officers existing solely by virtue of State laws, for the purpose of executing State laws, and sworn to obey them, we are told you will endanger the precious interests of the bondholder. Are such interests of higher consequence than the preservation of our local governments and the liberties of the people? Shall we put the bondholder before the State?

The division-line between Federal and State powers ought not to be obscure. It is reasonably clear. Upon this head I wish to read one or two lines from an opinion delivered in 1870 by the Supreme Court, which will be found in 11 Wallace, 124. The case is Collector *vs.* Day.

The General Government and the State, although within the same territorial limits, are separate and distinct sovereignties, acting separately and independently of each other within their respective spheres. The former in its appropriate sphere is supreme; but the States within the limits of their powers not granted, or in the language of the Tenth Amendment "reserved," are as independent of the Federal Government as that Government, in its sphere, is independent of the States.

I say it is monstrous that officers who are elected or appointed under State laws to execute State laws, who are sworn to execute those laws, and are put under bonds to do so, should be put in a position where the Federal courts can command them to do one thing, while the State courts and the State laws may command them to do another.

Here is a great evil bristling with danger. We should supply a remedy, sharp, clear, and decisive, and be prompt about it. Let us separate the Federal courts and the State governments. Let the line be drawn broadly. Something in the nature of my proposition, and nothing short of it, will answer the purpose or meet the demand. Would you be willing to enact a statute subordinating your State governments to the Federal judiciary? Would you by express enactment be willing to authorize that judiciary to do what it has arbitrarily done without any enactment at all? If not, then come to the rescue of your home governments. If in truth the bondholder should get hurt, all the worse for him. But there is no truth in nor justification for the statement that public creditors will be denied or endangered in any just right they may have. Why should they, and why will they be? They will be upon an equality with all other citizens, and I know of no reason why they should be given special consideration. The courts of the State will be open to them, if they desire to invoke the power of the State and use its machinery. If they have no respect for or confidence in the State courts, the Federal courts will still, I say, remain open. They can sue there and recover their judgments. The only thing I propose is that when they go into the Federal courts they must depend upon the machinery of those courts to enforce their decrees.

I simply propose to take the hands of mammon and of power from the fair throat of the State. The Federal courts, doubtless, can devise methods and processes for the execution of their judgments. If the courts can not do so, let Congress do it for them. That is another phase of this question, but an entirely independent one. I am seeking now to correct an evil and escape danger. When we have done that I am ready and quite willing to discuss and argue upon just and adequate remedial processes.

What I am seeking to do is to protect the State governments—to protect our local officers in executing the laws under which they exist and which they are sworn to execute, free from outside interference.

What I am seeking to do is to check this judicial usurpation, to render its repetition impossible, and to preserve the remaining remnants of our State governments from utter overthrow and disintegration. And I do not propose to stop and ask what effect it may have on the ability of speculators in fraudulent securities to enforce their payment. I do not think the sovereignty of a State should be subordinated to such uses or the liberties of a great people bartered at such a price.

My time has expired. I thank the House for its courteous attention. [Great applause.]

FUNERAL EXPENSES OF THE CHIEF-JUSTICE.

The CHAIRMAN. The gentleman from Ohio [Mr. GROSVENOR] asks that the committee may informally rise in order that he may submit a resolution at this time which is deemed to be necessary in order to carry out the resolution of the House in respect to the funeral of Chief-Justice Waite.

Mr. ROGERS. I trust that will be done by unanimous consent.

There was no objection.

The committee accordingly informally rose; and Mr. HOLMAN took the chair as Speaker *pro tempore*.

Mr. GROSVENOR. By request of Judge KELLEY, chairman of the committee on behalf of the House in the matter of the funeral of the late Chief-Justice, I ask for the reading of the resolution I send to the desk.

The Clerk read as follows:

Resolved, That the necessary expenses incident to carrying out the resolution of the House of the 23d instant, relating to the funeral of Chief-Justice Waite, be paid out of the contingent fund of the House.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary to carry out the provisions of this resolution, and that the Clerk of the House be directed to advance to the Sergeant-at-Arms the necessary funds therefor.

The resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments, in which the concurrence of the House was requested, bills of the following titles:

A bill (H. R. 3508) for the relief of William G. Galloway, late captain, fifteenth United States Army; and

A bill(H. R. 4327) regulating the construction of bridges over the Muskingum River, in Ohio.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 1528) to reward the Esquimaux natives of the Asiatic coast of the Arctic Ocean for acts of humanity to shipwrecked seamen;

A bill (H. R. 1589) to provide for holding terms of the United States courts at Mississippi City;

A bill (H. R. 5373) to change the location of a certain alley in the city of Washington; and

A bill (H. R. 5723) to amend section 461 of the Revised Statutes, regulating fees for exemplifications of land patents, and for other purposes.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 17) for the relief of Thomas Guinean;

A bill (S. 27) to prevent the obstruction of navigable waters and to protect public works against trespass or injury;

A bill (S. 249) to prevent the manufacture or sale of adulterated food or drugs in the District of Columbia;

A bill (S. 316) for the relief of Edward Fitzgerald;

A bill (S. 372) to provide for a commission on the subject of the alcoholic liquor traffic;

A bill (S. 525) for the relief of Samuel A. B. Woodford;

A bill (S. 622) to amend section 2805 of the Revised Statutes of the United States so as to allow oaths to be administered by notaries public;

A bill (S. 899) for the relief of Mary M. Briggs;

A bill (S. 901) for the relief of Sophia W. Wright;

A bill (S. 1007) granting a pension to John S. Coleman;

A bill (S. 1102) to aid the State of Colorado to support a school of mines;

A bill (S. 1128) to create ports of entry at Tacoma and Seattle, in Washington Territory;

A bill (S. 1248) to effect a rearrangement of the grades of office in the Subsistence Department of the Army;

A bill (S. 1405) to authorize the construction of a bridge across the Mississippi River at or near the city of Oquawka, in the State of Illinois, and to establish it as a post-road;

A bill (S. 1428) to authorize the appointment of a hydrographer and assistant hydrographer of the Navy;

A bill (S. 1484) to fix the status in the Navy of certain cadet engineers;

A bill (S. 1498) granting to the city of Grand Forks, Dak., the right to build two free bridges at said city across the Red River;

A bill (S. 1524) to authorize the construction of a bridge over the Tennessee River, between Bridgeport and Sheffield, Ala.;

A bill (S. 1525) to authorize the construction of a bridge over the Cumberland River, between Burnside, Ky., and Carthage, Tenn., or the south fork of said river, between Burnside and Tateville, Ky.;

A bill (S. 1526) to authorize the construction of a bridge over the Caney Fork River, between Rock Island and Carthage, in Tennessee;

A bill (S. 1663) authorizing the Little Rock and Alexandria Railway Company to build certain bridges in the State of Arkansas;

A bill (S. 1701) authorizing the construction of a high wagon-bridge across the Missouri River at or near Sioux City, Iowa;

A bill (S. 1939) providing in certain cases for the forfeiture of wagon-road grants in the State of Oregon;

A bill (S. 2001) for the relief of George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Brothers, and others;

A bill (S. 2220) to correct an error in and to further amend "An act to authorize the Georgia Pacific Railroad Company to construct bridges across the Sunflower, Yazoo, and Tombigbee Rivers, in Mississippi," approved March 3, 1887; and

A bill (S. 2405) for the reduction of postage on seeds, cuttings, bulbs, scions, and so forth.

The message also requested that the House of Representatives return to the Senate bills of the following titles:

A bill (S. 788) to provide for holding terms of the United States courts at Mississippi City; and

A bill (S. 192) to provide that judges of the United States circuit and district courts shall reduce their instructions to juries to writing in all States wherein by the laws thereof State judges are required so to do.

The message also announced that the Senate had passed a resolution (in which the concurrence of the House was requested) for printing the report of the Senate select committee appointed under resolution of March 3, 1887, to inquire into the methods of doing business, etc., in the Executive Departments.

JURISDICTION OF UNITED STATES COURTS.

The Committee of the Whole resumed its session.

Mr. ROGERS. I now yield ten minutes to the gentleman from Iowa [Mr. WEAVER].

Mr. WEAVER. Mr. Chairman, I shall detain the House but a very few moments in reference to this bill. I wish to say that I am in hearty accord with most of its provisions, but with one, however, I am not. I do not believe that there is any necessity for the appointment of nine or any number of additional circuit judges. The bill itself makes it unnecessary in my judgment.

It is conceded by the chairman of the Judiciary Committee that the three features of the bill, sending appeal cases from the district courts to the circuit courts, increasing the amount to $10,000 in cases where appeals are taken from circuit courts to the Supreme Court, and the provision looking to the curtailment of appeal in the District of Columbia, will reduce the amount of business in the Supreme Court at least one-third. With that reduction I do not believe there is any necessity for increasing the number of circuit judges. That will unload—to use a trite phrase—the Supreme Court, and enable the present force of that court to transact its business within a reasonable length of time.

Now, if one other feature is added to the bill the court will be further relieved; and I propose, at the proper time, to offer the amendment I send to the desk, and ask now to have it read and to be considered as pending, to be offered when we reach the section to which it appropriately belongs, under the five-minute rule.

The Clerk read as follows:

Provided, That in all actions hereafter commenced in the courts of the several States, wherein a citizen of the State and a corporation engaged in the regular transaction of business in said State are parties, the right to remove such cause of action from the State court into the courts of the United States shall not be allowed.

Mr. WEAVER. Now, Mr. Chairman, that would further relieve the Supreme Court of an immense amount of business that regularly flows into the court caused by the removal of causes from the State to the Federal courts. Why is not that a proper amendment? Where the corporation erects its plant within a State and expects to remain there for all time, and to be engaged constantly in the transaction of business with the people of the State, why should it not be permitted and held to be a citizen of the State? Why should it not be placed upon the same footing with the citizens of the State with which it daily transacts its business?

I would like some gentleman to give a good reason why the corporation, in such cases, should be privileged above all the citizens as to the forum in which to litigate its action. It seems to me that a mere statement of the proposition is sufficient to secure its adoption in the form of the amendment I have submitted. With that and the three provisions to which I have already alluded I think the Supreme Court will be sufficiently relieved of the constantly inflowing business which has so much overcrowded its docket of late years.

I would rather, if there is to be any increase of judges, increase the number of district judges than the number of circuit judges. I can see a greater reason for it.

Mr. MCADOO. Will the gentleman yield to me for a question?

Mr. WEAVER. Yes, sir.

Mr. MCADOO. Is it not a fact that these corporations avail themselves of every pretext to get into the Federal courts from the State courts?

Mr. WEAVER. Certainly; and the law seems to have been framed, wittingly or unwittingly, to give them that pretext. They feel secure when they reach the Federal court. It is remote from the home of the citizen, who is taken away from the court and jury of his vicinity and taken to a court far from his residence, where marshals, not elected by the vote of the people, but appointed by the President of the United States, summon the juries, where everything is strange to him. It has the effect of denying justice to the people or discouraging them from litigating their causes against the corporations of the country. I would, rather than increase the number of Federal judges, look to some legislation curtailing the jurisdiction of Federal courts and turning the business of the country into the local courts, where the people are upon an equal footing with one another, and where the officers, ministerial and judicial, are responsible to the people for the manner in which they discharge their duties.

Mr. CULBERSON. If the gentleman from Iowa will permit me, I will state to him that there is a bill on the Calendar, reported favorably from the Committee on the Judiciary, which covers that exactly.

Mr. WEAVER. The gentleman says there is a bill on the Calendar which contains the very doctrine embraced in my amendment. Very well; I am very glad to know it. I was not aware of that.

Mr. HOLMAN. Let it go into this bill.

Mr. WEAVER. Yes; let it go into this bill and let it be enacted here. This bill may succeed and the other may fail. Let it go on both bills. We can not have it too often; and if the other bill finally secures passage through the Senate of the United States and through this House it can be stricken out of one of them. The other bill will not, in all probability, get through as a separate measure; I mean a bill providing against the removal into the Federal courts of causes such as are named in my amendment. Such a bill, perhaps, can not be passed at this session of Congress, and may not secure passage at all. But I believe that the proposition placed on this may be stronger than when standing alone and on its own merits.

Mr. ROGERS rose.

Mr. JOHNSTON, of North Carolina. I ask the gentleman from Arkansas to yield to me to permit me to offer an amendment.

Mr. ROGERS. This is not the time for offering amendments. When the bill is being considered under the five-minute rule, then all amendments can be offered.

I yield ten minutes, or fifteen if necessary, to the gentleman from Iowa [Mr. ANDERSON].

Mr. ANDERSON, of Iowa. Mr. Chairman, I regard the pending measure as one of very great importance to the country in its general provisions. But I am opposed to several of the main features of this bill for the reason that I do not believe it tends in the direction of the curtailment of the business of the Federal courts of the country.

I am opposed to the section which provides for the increase of the Federal judiciary to the extent of nine circuit judges. If there is anything in this country that the people are interested in having brought

to their immediate homes and reduced in cost to the very minimum it is the administration of the public justice of the country.

In the section of the country and in the State which I in part have the honor to represent I undertake to say that there is more irritation among the people growing out of the matter of their being dragged from their homes to distant courts, at great expense, than out of any other one source that I can think of.

We are beginning to realize in the frequency of the interference of Federal authority through the administration of the courts of the country something of what our old forefathers complained of when they alleged that they were being dragged beyond seas to answer to charges. We all know how expensive these courts are. In truth and in fact that provision of the Constitution which declares that all men may have their day in court and that a man's property shall not be taken without due process of law is well-nigh denied to any man who has in controversy more than $500, or even $2,000 for that matter, if he must be dragged into a United States court and fall within the tender mercies of United States marshals and United States officers.

In the Forty-ninth Congress there was passed what is termed the removal act; and it seems that in that act there was an intention to increase the jurisdictional sum as between citizens of different States from $500, where it has stood for a hundred years almost, to the sum of $2,000.

And yet that statute is left in such a condition that I have not found a man, no matter how learned he might be in the law, who was able to tell whether the jurisdictional sum was changed or not. In fact, I heard one distinguished judge in my own State say, when the matter was brought to his attention on a petition for a removal of a cause from the State to the Federal court, that an examination of the second section of that act forced him to the conclusion that there had been either bungling or criminal conduct in connection with its enactment, and, in harmony with the too prevalent mercenary spirit of the age, he said he presumed it was more charitable to the distinguished men who framed that second section to say that they had been guilty of criminal conduct than that they had bungled in its enactment.

I send to the Clerk's desk and ask to have read an amendment which I wish to have regarded as pending, and which I propose to offer at the proper time as an addition to section 5 of the pending bill.

The Clerk read as follows:

Provided, That in all suits at law and equity between citizens or residents of different States in which the matter in dispute exceeds the sum of $2,000, removal of said suits to the United States district courts shall not be allowed.

Mr. ANDERSON, of Iowa. Mr. Chairman, I am told that there is legislation now pending and maturing that will be constructive of the law as it was attempted to be declared by the Forty-ninth Congress, and which will meet the purposes for which I submit this amendment. Even if that be true, as was said by the gentleman who preceded me [Mr. WEAVER], we can not do a good thing too often, and I submit that this amendment can do no harm, as it will simply be declaratory of the law as it now stands. Then, in the enactment of this measure which seems to be general in its nature, if it does become a law, there will be a declaration that as to citizens or residents of different States where the sum in controversy does not exceed $2,000 removal shall not be had in the district courts as provided in this bill.

Mr. HOLMAN. Why allow it at all?

Mr. ANDERSON, of Iowa. I would not allow it at all if I thought such a provision would pass this House. I am ready to vote for a bill to take away all jurisdiction from these courts between the citizens of different States, and I am amazed to find gentlemen on this side of the House, our good old Democratic friends, who in the past have clung with such tenacity to the doctrines of state rights; many of them now touched, I was going to say by the spirit of mammon, insisting upon the Federal courts being extended and widened and broadened in their jurisdiction until they come at last to take charge of the entire business of this country. I am State-rights man enough to be in favor of the home courts in my State, and I am opposed to any law that in the remotest degree has a tendency to increase the jurisdiction of the Federal courts. We can see, Mr. Chairman, from what has been read from the Clerk's desk with reference to what one of the justices of the Supreme Court has said, that the business in the Federal courts of this country is growing to such an extent that it is absolutely impossible for the judges of those courts to discharge satisfactorily the duties of their high office. If this amendment shall prevail prohibiting removal in cases involving sums not in excess of $2,000, it will be a step in the direction of lessening the business of the Federal courts, and it will be a long step in the direction of bringing peace to men who, in cases involving amounts less than that, are now annoyed and irritated by being taken into the Federal courts, and thus, in fact, deprived of their right to be heard and to have due process of law where their property is in jeopardy.

[Here the hammer fell.]

Mr. ROGERS. How much time have I left, Mr. Chairman?

The CHAIRMAN. The gentleman has fifteen minutes left. The gentleman from Iowa [Mr. ANDERSON] has occupied but ten of the fifteen minutes allowed to him.

Mr. ROGERS. I should like very much to come to an agreement now as to the time that is to be allowed for general debate. I ask unanimous consent that general debate close in twenty minutes from this time.

Mr. DARLINGTON. I object.

Mr. ROGERS. Will the gentleman indicate what time he desires?

Mr. DARLINGTON. Oh, it will take probably a week before some of these amendments can be disposed of.

Mr. WILSON, of Minnesota. Mr. Chairman, I desire to offer an amendment to this bill.

Mr. ROGERS. The bill can not be amended until we come to consider it under the five-minute rule.

The CHAIRMAN. The gentleman from Arkansas [Mr. ROGERS] asks unanimous consent that general debate upon this bill close in twenty minutes.

Mr. HOLMAN. I suggest thirty minutes.

Mr. ROGERS. I accept that. I will remind the gentleman from Pennsylvania [Mr. DARLINGTON] that the five-minute rule does not cut off debate. The bill is in committee as long as they desire to keep it there.

Mr. DARLINGTON. Well, I withdraw my objection.

The request of Mr. ROGERS that general debate be limited to thirty minutes was agreed to.

Mr. ROGERS. Mr. Chairman, I reserve the remainder of my time, and I will now yield the floor to any gentleman who desires to control the remaining time. I believe I have fifteen minutes left. I yield to the gentleman from Minnesota [Mr. WILSON].

Mr. WILSON, of Minnesota. Mr. Chairman, I have thought somewhat of the substance of the amendment which has been presented by the two gentlemen of Iowa [Mr. WEAVER and Mr. ANDERSON]. At an early period in this session I presented a bill which is a great deal more radical than either of those amendments, a bill which accomplishes what those gentlemen propose, but which their amendments would not accomplish. Therefore, Mr. Chairman, when we reach section 5 I will propose an amendment in the words of the bill which I send to the desk.

The Clerk read as follows:

Provided, That no corporation shall in any suit or action to which it may be a party be held to be a citizen of any State other than that in which such suit or action is brought because it was created by or organized under the laws of such other State; nor shall any corporation be authorized to bring a suit or action in any court of the United States, or to remove any suit or action from any State court into any court of the United States, because it was created by or organized under the laws of any State other than that in which such suit or action is brought. And in such cases the circuit and district courts of the United States shall not have jurisdiction other than such as they would have if such corporation had been organized by or under the laws of the State in which such suit may be brought.

Mr. WILSON, of Minnesota. Mr. Chairman, if lawyers of this House have given attention to this amendment, they must see that it cuts up, root and branch, the theory that a corporation aggregate shall be held, for the purposes of jurisdiction, a citizen of the State creating it.

Mr. WEAVER. The gentleman will allow me to call his attention to the fact that the Supreme Court has twice decided, in two fundamental cases, that corporations are citizens within the meaning of the Constitution of the United States.

Mr. WILSON, of Minnesota. It has never been decided, I think, by the Supreme Court of the United States that they are citizens.

Mr. WEAVER. I refer the gentleman to 20 Wallace.

Mr. WILSON, of Minnesota. If permitted to bring authorities here, I will demonstrate the fact that that has not been decided. What has been decided, when we come down to it, is this: The court says, after considerable vascillation, "If you allege that a corporation aggregate is a citizen of the State by virtue of whose laws it exists, we, under the laws now on the statute-book, will not permit that fact to be traversed." That is what the court in effect says.

Mr. WEAVER. That is another case.

Mr. WILSON, of Minnesota. No person who has examined the matter has ever denied, I think, that Congress has the right to say that a corporation aggregate shall not, even for the purpose of jurisdiction, be considered a citizen.

Mr. WEAVER. I have examined the law, and I would like to ask the gentleman this question: Wherein does the gentleman's amendment differ from mine?

Mr. WILSON, of Minnesota. My amendment provides that in no case wherein a corporation is a party to a suit, either as plaintiff or defendant, shall it be permitted to claim that because it was created by the laws of another State it is to be considered a citizen of that State, or permitted either to bring its litigation in or remove it into the Federal courts on account of such alleged citizenship.

Mr. WEAVER. My amendment says the corporation shall not remove the suit, which is practically the same thing.

Mr. WILSON, of Minnesota. The gentleman's amendment is still more limited than I have said. It only refers to suits pending in a State in which the corporation is doing business and to a case in which the corporation is defendant. My amendment refers to all cases.

Mr. Chairman, this is a very important question. Under the statutes now in force, and the decisions of the Supreme Court of the United States, corporations created by the laws of any State other than that in which a suit is brought are allowed, in their discretion, to sue in the

Federal courts, or to remove suits against them from the State courts into the Federal courts when the amount involved is over $2,000 and the adverse party is a citizen of the State in which suit is brought. Inasmuch as the powers of the General Government are only those that are granted, the cases in which the Federal courts can properly entertain jurisdiction can only be such as fall under some enumerated class. The question which first arises is, therefore, one of interpretation, or construction, of that clause of the Constitution which provides that the judicial power of the Federal Government shall "extend to controversies between citizens of different States," for it is under that clause that corporations claim the right, as such, to litigate in the Federal courts.

Every member of the legal profession knows that of late it is assumed for the purpose of jurisdiction that a corporation is a citizen of the State by virtue of whose laws it exists; and that a suit between such a corporation and a citizen of any other State is assumed to be a suit between citizens of different States. This position is manifestly untenable. Carried to its logical consequences, it is alarming. If we admit that a corporation aggregate is a citizen of the State of its creation, within the purview of section 2, Article III, of the Constitution, it is impossible to resist the conclusion that under section 2, Article IV, which declares that "the citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States," the term "citizen" should have an equally comprehensive signification. But to hold that a corporation aggregate is a citizen entitled to all the rights and immunities of citizens of the several States is farther than any court has gone, or than any intelligent lawyer would assert there is any warrant in the Constitution for going.

For about half a century after the adoption of the Constitution it was uniformly held that a corporation, as such, had no right to sue in or to remove a suit into a Federal court. At that time it was considered almost treason to disregard or evade the mandates of the Constitution; but the influence of wealth and corporate power soon began to be felt, and the tendency of courts always being to absorb questionable jurisdiction, by a divided court, in a case in which this question did not necessarily arise, this new doctrine was approved, and, not without protest at first, that decision has since been followed. This is an illustration of the tendency of courts, on any excuse or pretext, to expand their jurisdiction, and of the never-ceasing, ever-increasing influence of corporations and concentrated capital; and, I may add, of the tendency of late towards unwarranted and unconstitutional centralization.

But that Congress has a right to regulate and limit this jurisdiction is not open to doubt, even if it were admitted that a corporation aggregate is within the purview of the Constitution a citizen. The Constitution does not confer jurisdiction on the Federal courts in every case between citizens of different States. It merely declares the limit of the possible jurisdiction in such cases. The question is, therefore, we having the power, what is our duty in the premises? Shall we take any, or limit this illegitimate exercise of jurisdiction, or tacitly give our sanction to it?

It is provided in the constitutions of most of the States that every person is entitled to a speedy remedy in the law for all injuries or wrongs he may suffer. This should be the birthright of every American citizen, even in the absence of any constitutional provision. But the modern doctrine of the Federal courts takes away this right and delivers the masses of the people bound hand and foot to the tender mercies of corporations and concentrated and organized capital. Every lawyer of extensive practice has frequently seen this.

Let me illustrate: A has insured his property in a foreign corporation, and the property being destroyed by fire the insurance company refuses payment. The assured is compelled at great expense to bring suit in the Federal court. Ordinarily the expense of such litigation at such a distance from his home is a great burden and hardship—in some cases nearly a denial of justice. But this is only the beginning of his calamity. An appeal may be taken by the insurance company, if a decision is adverse to it, to the Supreme Court of the United States. This delays the final decision about four years longer. Unless the assured is wealthy, if he relies, as is ordinarily the case, on the amount recovered from the insurance company to replace his buildings or his stock, the delay is simply ruin. He is therefore compelled to accept such terms of compromise as the corporation sees fit to offer.

I might instance, too, the case of life insurance, of claims for personal injuries against railroad companies, of claims on contracts, or for torts against foreign corporations generally. In any and all such cases the claimants, when the case is removed into the Federal courts, and the amount is sufficient to give a right of appeal, are, if not wealthy, simply at the mercy of the corporation and compelled to accept such terms of adjustment as may be offered. We should here take care that the rule of the Constitution be restored and the rule established by the Federal courts abrogated, and that the rights of the people be regarded instead of the interest of capital.

This modern rule is one of the most objectionable phases of centralization.

Mr. WEAVER. The gentleman is right about that.

Mr. WILSON, of Minnesota. It tends and is intended to magnify the officer at the expense of the people, the central Government at the expense of the State, the strong at the expense of the weak, and the rich at the expense of the poor. The States can not give the needed relief; no power but Congress can give it.

Mr. HOLMAN obtained the floor.

Mr. WEAVER. The gentleman from Indiana [Mr. HOLMAN] will yield to me to read a sentence from a decision of the Supreme Court.

Mr. HOLMAN. Just a moment.

Mr. WEAVER. I call the attention of the gentleman from Minnesota [Mr. WILSON] to a decision in 20 Wallace, page 553, where the court gives us this language:

> It has also been held many times that a corporation is a citizen of the State by which it is created and in which its principal place of business is situated, so far that it can sue and be sued in the Federal courts.

Mr. WILSON, of Minnesota. Exactly; but——

Mr. WEAVER. Wait a moment. Then the court goes on and holds that by virtue of this citzenship the corporation has the right to remove a cause to the Federal courts.

Mr. WILSON, of Minnesota. I admit that the courts have held that it will, under the laws in existence, be assumed for the purposes of jurisdiction that the corporation is a citizen of the State of its creation.

But Mr. Chief-Justice Taney and Mr. Justice Curtis, in different cases, emphatically decided that it could not be held that such a corporation is a citizen within the meaning of the Constitution.

Mr. WEAVER. I agree with the gentleman from Minnesota, that this system should be cut up by the roots; but the court, I say, has held they are citizens.

Mr. HOLMAN. Mr. Chairman, there are two modes by which the large accumulation of commercial business in the Supreme Court of the United States, which is the occasion for the proposed legislation, can be reduced. One is by reducing the jurisdiction of the Federal courts and thus reduce the number of causes in the Federal courts, and the other is by creating an intermediate appellate tribunal between the Supreme Court of the United States and the trial courts, nisi prius courts, of the Federal system. Which of these two shall be taken? If you adopt the latter, that of intermediate appellate tribunals, such as are proposed here—intermediate appellate courts, the plan proposed by this bill—you accomplish what I trust this House does not propose to do, an unexampled increase in the number of judges in the Federal judicial system. Unexampled, I say, and I think I use that term advisedly.

I call attention to the fact that if you confer on these district courts, in addition to the jurisdiction they now possess, the jurisdiction now possessed by the circuit courts, you will substantially double the business of those courts.

I predict, if you pass this bill, inside of five years, as an inevitable result, you will have to double the number of your district courts and double the number of your district judges. That is inevitable and patent. I am astonished that a fact so apparent and manifest has not been met by this committee by an increase not only of circuit, but also of the district judges. Why does not the committee provide for a large increase of the number of district judges at once, as the business thrown on these courts is enormously increased by this bill? Taking my own State, and judging from the business before the district and circuit courts at the present time, and from the additional business that will be thrown on the district courts by this bill, I am confident before the adjournment of the present Congress the Representatives from that State will find it necessary to consider the propriety of dividing the State into two districts. It will be found to be the same in the other States of the Union. Unless the House is prepared to go to the extent of enlarging the Federal system and the number of its judges beyond anything contemplated in our past history, gentlemen will hesitate to pass this bill.

You propose to diminish the business of the Supreme Court of the United States. That is undoubtedly proper and ought to be done. It is readily done when you establish the proper relations between the Federal and State courts. You thereby prevent those conflicts which have been occurring from time to time during the last twenty years, and certain to increase in the future under the present state of affairs, where the Federal authorities are brought in conflict with State authorities and citizens forced into inevitable peril of serious loss and imprisonment.

The jurisdiction of the Federal courts in all questions arising under the Constitution, laws, and treaties of the United States, of course must be maintained and to the extent prescribed by the Constitution, and there it ought to end. Beyond that it is a proper subject for the consideration of Congress Generally in all the States throughout the Union the judicial systems are well organized, society is well crystallized, and the relation between the various States of the Union and the citizens of all the States is such as to render it certain that justice will be secured in the courts of all the States.

The opinion is generally entertained that in the administration of justice where a citizen is to be sued the suit should be brought in the county where he resides and where he will suffer the least inconvenience. In the States the citizen is not to be taken beyond the tribunal of the county in which he lives.

To enlarge the Federal judicial system on one side diminishes the importance of your State courts and restricts them, and in a corresponding degree augments the importance of the Federal judiciary, and at the

same time oppresses your people. I think this is a departure from what was contemplated by our fathers in providing for the organization of the Federal judiciary.

Mr. CUTCHEON. In speaking of the matter of the expected increase of business in the Federal courts, I presume if this bill passes the jurisdiction of the Federal courts will not be extended where they do not now have it.

Mr. HOLMAN. Certainly. It imposes double the business on the district courts, and will compel a large increase in the number of district judges.

Mr. CUTCHEON. In your opinion it will enlarge the district court business?

Mr. HOLMAN. I think it will more than double the business in my State, and in that way require a larger number of districts.

[Here the hammer fell.]

Mr. ROGERS. I yield now such time to the gentleman from Texas [Mr. CULBERSON] as he may desire.

Mr. CULBERSON. Mr. Chairman, I have but a word to add to what has been already stated in reference to the amendment proposed by the gentleman from Minnesota [Mr. WILSON] and the gentleman from Iowa [Mr. ANDERSON].

I have to say this: I do not doubt that Congress has power to enact such legislation as they propose; and I have no doubt of another fact, that the Supreme Court of the United States have virtually, time and time again, held that for all judicial purposes the corporation created and organized under the laws of the State was a citizen of that State. They have constantly held that the judicial power of the United States, which provides that the courts of the United States shall have jurisdiction over controversies between the citizens of different States, that in such cases a corporation is a citizen within the meaning of that term in the Constitution; and the jurisdiction of these courts has been upheld from time to time upon that construction.

I confess that in the earlier days of the Supreme Court of the United States they held quite a different doctrine, and for many years such was no doubt the ruling of the court. But for years past the other has been the accepted construction, and is to this day.

Recognizing that fact, I did in the Forty-eighth Congress, and also in the Forty-ninth Congress, ingraft a provision into the law, which passed during the last Congress, to take away from these courts, the United States courts, original jurisdiction over controversies between corporations doing business in a State and the citizens of that State. That provision passed the House of Representatives twice, once in the Forty-eighth and again in the Forty-ninth Congress. It was stricken from the bill at the other end of the Capitol, and the balance was passed on the 3d day of March, 1887.

I beg to say that while we think—some of us do at least—that this is proper legislation, and upon a proper occasion ought to be insisted upon, yet in dealing with this bill, which we regard as very important, we believed that we should leave the jurisdiction of these courts just exactly where we found it, and not attempt, in a bill of this character, to diminish or increase that jurisdiction, but to organize these courts with reference to existing jurisdiction solely. And I do hope that this bill, having had the mature consideration of the committee in that view, will not be loaded down with these amendments in respect to the increase or diminution of existing jurisdiction.

Now, a word further. I understood the gentleman from Iowa [Mr. ANDERSON], who was on the floor awhile ago, to recite a conversation with some judge, up in Iowa, I believe, or some other State, in which that judge had declared that the member of Congress who had contributed the second section of the act of March, 1887, had been guilty either of "bungling or criminal neglect," or something of that character.

I want to say, Mr. Chairman, that I had somewhat of responsibility in connection with the construction of that act of Congress. Indeed, I represented it upon the floor in the last four Congresses and had the gratification to see the act passed by this House in three Congresses. It went over to the Senate in the last Congress, and went into the hands of a conference committee in the very last hours of the session. It has certainly not escaped the attention of the gentleman from Iowa that a bill is now pending in this House, and is also pending in the Senate, to correct the enrollment of that bill. It was enrolled under circumstances that made it an utter physical impossibility for the clerk to reach, it seemed to me, a correct and accurate representation of the bill as it passed both Houses of Congress in time for the signature of the President. It has been ascertained that from fifteen to twenty errors exist in that bill in the enrollment, consisting of punctuation, spelling, and the transposition of some sentences out of their proper places.

This bill has never been under judicial review, I think, except in two instances, since its adoption. While these errors have been complained of by the judges, none of them (and it has passed in review before one of the judges of the Supreme Court sitting at circuit and other circuit judges)—none of them have complained of any criminal negligence or blundering in connection with the bill, and no one ever heard before that any man could fail to see that the minimum jurisdiction of these courts had been raised from $500 to $2,000. No one has ever heard of such a complaint; and if I had time to read the act as it passed, and as it is placed in parallel columns with the act of 1875 in the one hundred and twentieth volume of the United States Reports, every gentleman could see exactly the change in the original law.

Mr. WILSON, of Minnesota. Nobody ever doubted that it was good law.

Mr. CULBERSON. Not that I ever heard of, except some gentleman in Iowa.

Now, I do not care to detain the House further.

Mr. ROGERS. I yield now one minute to the gentleman from Iowa [Mr. ANDERSON].

Mr. ANDERSON, of Iowa. Mr. Chairman, as to the statement made by the distinguished chairman of the Judiciary Committee, as to the number and variety of the errors made and otherwise contained in that removal act, he can raise no controversy with me.

Mr. CULBERSON. Not the removal act; the whole act taken together.

Mr. ANDERSON, of Iowa. And particularly as to the second section——

Mr. CULBERSON. I beg the gentleman to allow me to say that I did not have reference to the removal act solely. The removal clause is only one section of the act out of a good many.

Mr. ANDERSON, of Iowa. I simply referred, by way of argument, to what a distinguished judge in my State had said when the construction of that section came legitimately before him. We had there not only the law, but the history of the enactment of the statute as it took place in both branches of Congress; and I am glad and cheerful to say that I exonerate the chairman of the Judiciary Committee and any other member of this House, and that the bungling or criminal conduct, whatever it may have been, was not in that court or by me intended to be imputed to this House or any member of it.

Mr. ROGERS. I have only occupied one or two moments, and one or two gentlemen still desire more time than I have. I think I shall occupy the other five minutes I have remaining. Before doing so I ask that the gentleman from Ohio [Mr. SENEY], who is detained from the House by sickness in his family, be permitted to have remarks on this bill printed in the RECORD.

There was no objection.

Mr. ROGERS. I am gratified that the debate and criticism of this bill have resulted complimentarily to the Committee on the Judiciary in this respect: that the conciseness and perspicuity of the bill have been beyond criticism. The only criticism whatever that has been made upon the bill is upon the policy of reorganizing the judicial system of the country, and upon the additional fact that the bill does not contain other provisions curtailing the jurisdiction of the Federal courts.

It was the earnest desire, and I think I may say the unanimous view, of the Judiciary Committee that in presenting this bill to the House this year, a bill, I think, which has twice received in the form now presented substantially the assent of the Judiciary Committee of the Senate and of the Senate, it should not be encumbered with anything, certainly with no aggressive or affirmative legislation of any description that did not relate to the simple reorganization of the judicial system of the Government, and I express the hope and urge upon the friends of this measure who would like to see this system reorganized, that they do not encumber it with any legislation at all except to perfect, if it has any defects in it, the system itself.

It is conceded that this bill in no wise increases the jurisdiction of the Federal courts. It is urged, upon the other hand, that the tendency of it is to increase the litigation of those courts. My heart, Mr. Chairman, was enlisted in this measure first by an incident which took place in Great Britain. I allude to the trial of O'Donnell, I believe, as a suspect, and in which he was convicted in one of the courts of Great Britain over which there was no appellate jurisdiction. It was at least a political crime of which he had been convicted; and the whole country seemed shocked at the idea that an American citizen could be tried in one of the nisi prius courts of Great Britain and the judgment of the court remain final.

There were most severe and harsh criticisms on any system which tolerated the idea that the life and liberty of a citizen should be put in peril in that way.

And yet when we reflected on the fact that our own Federal system is organized on the same principle, we were estopped from complaining of the system of Great Britain; for it is true for the first hundred years of the Republic there has been no appellate jurisdiction from the nisi prius courts in criminal cases. It is true that where a question of jurisdiction of the lower courts may be involved the Supreme Court upon a writ of habeas corpus will review the rulings of the court below; and if it shall determine that jurisdiction did not exist it may discharge the prisoner. But there is no appellate jurisdiction. And the leading principle which is involved in this bill is the principle of humanity. It is the principle that runs in favor of human life and human liberty.

But there is another feature of this bill which is worthy of the earnest consideration of the American Congress. It is the destruction, the wiping out, so to speak, of that almost undefined and indefinable line of jurisdiction between the district and the circuit courts of the United

States, and the simplification of the jurisdiction as well as the great simplification and expedition in the procedure of the courts.

Then there is still another feature in the bill, Mr. Chairman. It is said, and I am not willing to permit that to go unnoticed, that the tendency of this legislation is to increase the jurisdiction of the Federal courts. It is due the Judiciary Committee of the House, at least since I have had the honor to be a member of it, that I should say that with the single exception of the extension of jurisdiction in the cases of polygamy, and perhaps with another exception, with reference to the recovery of the public domain, every step we have attempted thus far to take has been in the direction of curtailing the jurisdiction of the Federal courts.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman from Arkansas has expired. By order of the committee, made by unanimous consent, all general debate is now closed; and the Clerk will proceed to read the bill by sections for amendment.

The Clerk, reading the bill by sections, read as follows:

Be it enacted, etc., That the district courts of the United States shall hereafter have and exercise, exclusive of the circuit courts of the United States, in addition to the jurisdiction conferred upon them by existing law, all the original jurisdiction now vested by law in the circuit courts of the United States, and that the circuit courts of the United States shall have and exercise such jurisdiction, by writ of error and appeal, as they have and exercise under existing laws, except as herein modified, and such other jurisdiction, appellate or otherwise, as is conferred by this act.

Mr. ROGERS. Mr. Chairman, I move to strike out the last word, in order that I may conclude the observations that I desire to make in connection with former remarks. I repeat, sir, that, with the exception noted, every step taken during the last four years by the Judiciary Committee of the House has been in the direction of curtailing the jurisdiction of the Federal courts. It is said in this connection that if we pass this bill we shall be compelled in five years to double the number of district judges of the United States. The investigation of the question of raising judicial salaries has led the members of the Committee on the Judiciary to investigate to a considerable extent the amount of business now pending in the Federal courts throughout the country, and the conclusion reached by at least a large number of the members of the committee is that in many of the district courts the dockets are comparatively small.

It is also true, Mr. Chairman, that the district courts do, to a very large extent, circuit-court business, and an article which I had the pleasure of reading this morning, said to have been written by one of the most accomplished and distinguished lawyers that I have the honor to know, alluding to the bill, says in substance the same thing, namely, "that the jurisdiction of the circuit courts, as they are now constituted, is transferred to the district courts, which have at present but little business upon their dockets."

If that be true, Mr. Chairman, and if this unnecessary division of duties between the district and circuit courts be wiped out, and all of this business given to the district courts, so that they can arrange it and dispose of it in an orderly way and let it go up gradually by appeal to the higher courts, then we shall have these district courts organized substantially as the circuit courts of the several States are now organized. In other words, they will become the great reservoir, so to speak, of original jurisdiction, controlling, in the exercise of their executive ability, the management and dispatch of their business.

Now, what will be the other effect of this bill? Why, litigants who come into the district court will be enabled, as soon as the circuit courts may be organized, to secure a speedy trial before a tribunal of at least equal dignity with the supreme court of any State in this Union. In addition to that, these circuit courts will stop all cases below $10,000. Those above that, or, as has been said by my colleague, those involving treaty or constitutional questions, may proceed to the Supreme Court. The effect of this will be to curtail the jurisdiction of the Supreme Court, unload its docket, and in this way we accomplish good at both ends of the line.

But there is one other aspect of the matter which is of the very highest importance. That is the fact that under the organization here presented, as rapidly as the Territories may be developed into States, this system enlarges and takes them in without requiring any additional legislation whatever, and they become at once homogeneous parts of the system; so that there can arise no necessity for a change or modification of a system which will adapt itself as the country grows and develops, so as to meet every exigency that may arise.

We have, therefore, the two great principles combined or concurrent, namely: no questions of jurisdiction or thorough perspicuity as to every question of that sort that can arise, and, at the same time, the utmost simplicity of practice familiar to every member of the bar, because the procedure, so far as it is altered at all, is made to conform to that of the several States throughout the Union. I withdraw the formal amendment.

Mr. HOOKER. Mr. Chairman, I move to strike out the last two words.

I had no opportunity to say a word on this bill in the general debate, and therefore I shall have to avail myself of the occasion of speaking under the five-minute rule.

It is very well known, sir, that in the formation of the Government and in the adoption of the existing Constitution and the creation of the Federal judiciary long debates arose about the power which was being conferred upon the judiciary of the Federal Government and the power which was reserved to the States, and it was then argued that the boundary line between the jurisdiction of the Federal courts and the jurisdiction of the State courts was imperfectly defined, and that conflicts between the two jurisdictions would not be of infrequent occurrence in the progress of the country; a prediction which we have seen fully illustrated in later times. As was well said by the gentleman from Missouri [Mr. STONE], in the very able and compact brief which he presented this morning, for many years after the adoption of the Constitution of the United States the principle was laid down and followed by the Supreme Court of the United States that in adjudicating upon the law of a State it would follow the construction of the supreme court of that State as to its own constitution and laws. That rule remained unbroken until we begin in the Aspinwall case and the Riggs case, to which the gentleman from Missouri [Mr. STONE] has referred, when another and a different construction was placed upon their duty by the Supreme Court of the United States as to following the adjudication of the court of last resort in the State from which the case came.

And Mr. Justice Miller raised a note of warning which ought to be heard throughout the length and breadth of this land when he delivered the very able dissenting opinions in both those cases and invoked his judicial brethren to return to the original doctrine upon the subject—that it was the duty of the Supreme Court of the United States to follow the adjudications of the highest tribunal of the State in the construction of the State constitution and laws. And in an opinion delivered in 11 Wallace, page 125, by that able jurist, the late Judge Nelson, speaking for the Supreme Court of the United States—the same opinion referred to by the distinguished gentleman from Missouri [Mr. STONE]; an opinion delivered in 1870—we find this language:

It is a familiar rule of construction of the Constitution of the Union, that the sovereign powers vested in the State governments by their respective constitutions remained unaltered and unimpaired, except so far as they were granted to the Government of the United States. That the intention of the framers of the Constitution in this respect might not be misunderstood, this rule of interpretation is expressly declared in the tenth article of the amendments, namely: "The powers not delegated to the United States are reserved to the States respectively, or to the people." The Government of the United States, therefore, can claim no powers which are not granted to it by the Constitution, and the powers actually granted must be such as are expressly given, or given by necessary implication.

The General Government and the States, although both exist within the same territorial limits, are separate and distinct sovereignties, acting separately and independently of each other, within their respective spheres. The former in its appropriate sphere is supreme, but the States within the limits of their powers not granted, or in the language of the tenth amendment, "reserved," are as independent of the General Government as that Government within its sphere is independent of the States.

The relations existing between the two governments are well stated by the present Chief-Justice in the case of Lane County *vs.* Oregon (7 Wallace, 76). "Both the States and the United States," he observed, "existed before the Constitution. The people, through that instrument, established a more perfect union by substituting a National Government, acting with ample powers directly upon the citizens, instead of the confederate government, which acted, with powers greatly restricted, only upon the States. But in many of the articles of the Constitution the necessary existence of the States, and, within their proper spheres, the independent authority of the States, are distinctly recognized. To them nearly the whole charge of interior regulation is committed or left; to them, and to the people, all powers not expressly delegated to the National Government are reserved." Upon looking into the Constitution it will be found that but a few of the articles in that instrument could be carried into practical effect without the existence of the States.

Two of the great departments of the Government, the executive and legislative, depend upon the exercise of the powers, or upon the people, of the States. The Constitution guaranties to the States a republican form of government, and protects each against invasion or domestic violence. Such being the separate and independent condition of the States in our complex system, as recognized by the Constitution, and the existence of which is so indispensable that without them the General Government itself would disappear from the family of nations, it would seem to follow as a reasonable, if not a necessary consequence, that the means and instrumentalities employed for carrying on the operations of their governments, for preserving their existence, and fulfilling the high and responsible duties assigned to them in the Constitution, should be left free and unimpaired, should not be liable to be crippled much less defeated by the taxing power of another government, which power acknowledges no limits but the will of the legislative body imposing the tax; and, more especially, those means and instrumentalities which are the creation of their sovereign and reserved rights, one of which is the establishment of the judicial department and the appointment of officers to administer their laws. Without this power and the exercise of it, we risk nothing in saying that no one of the States under the form of Government guarantied by the Constitution could long preserve its existence. A despotic government might. We have said that one of the reserved powers was that to establish a judicial department; it would have been more accurate, and in accordance with the existing state of things at the time, to have said the power to maintain a judicial department. All of the thirteen States were in the possession of this power and had exercised it at the adoption of the Constitution; and it is not pretended that any grant of it to the General Government is found in that instrument. It is, therefore, one of the sovereign powers vested in the States by their constitutions, which remained unaltered and unimpaired, and in respect to which the State is as independent of the General Government as that Government is independent of the States.

[Here the hammer fell.]

Mr. DUNN obtained the floor and said: I yield my time to the gentleman from Mississippi [Mr. HOOKER].

Mr. HOOKER. It will be seen, Mr. Chairman, on examining this bill that it proposes in the first section to give additional jurisdiction to the district courts of the United States, diminishing correspondingly that of the circuit courts. I agree with my friend from Texas [Mr.

CULBERSON], to whose clear knowledge of the law I generally bow, in his construction of the act which was passed in the first session of the Forty-ninth Congress, restricting the jurisdiction of the district courts by a limitation of $2,000 and relegating to the State courts the adjudication of questions which by construction had been taken from those courts and given to Federal tribunals. I do not know what may have been in other States than my own the operation of the policy of authorizing unduly the removal of suits from the State courts to the Federal courts, but I know that in Mississippi it operated to strike down the State courts and transfer to the Federal tribunals sitting frequently at points remote from the residence of the parties the determination of their controversies. In this way the jurisdiction of the courts of our State was in a very large degree absorbed by Federal tribunals. I agree with the gentleman from Minnesota [Mr. WILSON] in desiring to see this portion of the law swept away, so that justice shall no longer be defeated by transferring to the Federal courts actions begun in the tribunals of the State.

What will be the effect of this bill? As has been well said by my distinguished friend from Indiana [Mr. HOLMAN], it will tend to enlarge the jurisdiction of the district courts and diminish that of the circuit courts. What will result? In a little while each State of the Union, instead of having, as Mississippi now has, a single Federal judge, will have two or three. A clamor will come up for the creation of Federal judgeships in addition to the nine new circuit judges that this bill proposes to authorize—a provision which constitutes, to my mind, the grand objection to the bill. I would not create by my vote another Federal judicial officer except in a case of absolute necessity, and if I made such increase I would begin at the bottom round of the ladder. I would not vote to authorize these nine additional circuit judges, because I believe that the Federal judiciary has under the present system sufficient power. To add to it by multiplying Federal judges and increasing the jurisdiction of the district courts would, in my judgment, be unwise policy. It has been said that the line of demarkation between Federal and State jurisdiction is a very murky and indistinct one.

On a memorable occasion I heard Justice Story, whose lessons of wisdom I had the honor of listening to in my younger days—when the great commercial lawyer of Boston, Mr. Choate, was arguing a question before him of conflict of authority, Judge Story, with that amiable manner which always characterized him, interrupted the argument of the case and said to Mr. Choate, "The conflicting authorities on this subject fade into each other as undistinguishably as the colors of the rainbow;" whereupon Mr. Choate stepped backward in that peculiar way which belonged to him in jury trials, and passing his long, slender fingers through his raven-black hair, said: "Yes, may it please your honor, or may it not rather be said to be like that peculiar period of time called twilight, when no man knows whether it be day or whether it be night?" [Applause.]

So it is we have seen this conflict of authority between State courts and Federal courts. We have witnessed these questions in the history of the country, and I fear this bill, instead of limiting the evils foreseen in the adoption of the Constitution, will increase them by the increase of the Federal judges, and drawing to the Federal judiciary more and more the authority, power, and jurisdiction which it was designed and intended should be lodged in the judicial tribunals of the respective States.

[Here the hammer fell.]

Mr. BUCKALEW. My colleague [Mr. LYNCH] has prepared an amendment to this first section of the bill, and I will yield to him for the purpose of having it offered at this time.

Mr. LYNCH. I offer the following amendment.

The Clerk read as follows:

That on the trial of the civil and criminal cases in the district courts of the United States a stenographer, to be appointed by the judges, shall be employed at a compensation not to exceed $10 per day, to be paid by the United States, whose duty it shall be to report all proceedings of the trial, including the instructions to the jury given by the judge. It shall be the duty of said stenographer to extend the said proceedings taken by him in short-hand in long-hand, or by type-writer when directed to do so by the court or a judge, and that the instructions of the judge to the jury shall be filed as a part of the record in the case.

Mr. ROGERS. I raise the point of order against that amendment.

The CHAIRMAN. The gentleman will state his point.

Mr. ROGERS. That it is not germane to the bill.

The CHAIRMAN. Germane to the bill or the first section?

Mr. ROGERS. The first section.

Mr. BUCKALEW rose.

The CHAIRMAN. Does the gentleman wish to discuss the point of order or the amendment?

Mr. BUCKALEW. I wish to discuss both. In the first place the first section of the bill devolves upon the district courts of the United States a large amount of original jurisdiction, including the trial of civil and criminal cases, which will double the amount of business; that is, the amount of trials in those courts. The amendment proposed is to enable the judges of those courts to perform their duties within reasonable limit of time and prevent accumulation of business upon their dockets. I am opposed to increase of the jurisdiction of these courts in such manner that the business will accumulate and the judges will not be able to perform the duties we impose upon them. I am also opposed to the prospective increase of judicial districts and judicial judges which may possibly arise from the adoption of the first section. Therefore the appointment of stenographers by which the transaction of business in these courts is facilitated is indispensable, in my judgment, to the operation of the first section of the bill. But I do not propose to proceed until the Chair has determined whether, in his judgment, the amendment is or is not germane to the section.

The CHAIRMAN. The Chair will hear the gentleman from Arkansas on the point of order, if he wishes to speak.

Mr. ROGERS. The first section of the bill contains nothing in the world except the transfer of the jurisdiction of the present circuit courts to the district courts. It has nothing to do with procedure or anything else, but merely the transfer of jurisdiction of the circuit courts to the district courts. I do not think it is germane.

Mr. STONE, of Missouri. Mr. Chairman, I now desire to offer the amendment which I had read some time ago.

The CHAIRMAN. The Chair will state that there is now a point of order pending.

Mr. STONE, of Missouri. I am aware of that.

Mr. BLAND. I understand this amendment is simply to perfect the jurisdictional features of the bill, and hence must properly come in before the amendment of the gentleman from Pennsylvania, which simply goes to the practice under the bill. I understand my colleague wants to perfect this part of the bill first.

Mr. STONE, of Missouri. That is the point. I wish to offer it as a proviso to the first section.

Mr. PETERS. I suppose there should first be a ruling on the point of order.

The CHAIRMAN. The Chair thinks the amendment of the gentleman from Pennsylvania is germane, and overrules the point of order.

Mr. BLAND. I wish to make a parliamentary inquiry—whether or not an amendment which proposes to amend the text, or limits the section, or gives jurisdiction to the courts, is not first to be determined before action is taken upon an amendment that simply goes to the practice before the courts? The amendment of the gentleman from Pennsylvania, as I understand it, relates to the practice, while that of my colleague affects the question of jurisdiction.

The CHAIRMAN. The Chair can not undertake to determine the order in which gentlemen upon the floor shall offer amendments. If the gentleman from Pennsylvania, whose amendment is pending, shall see proper to withdraw it temporarily the Chair will recognize the gentleman from Missouri to offer his. Otherwise, the amendment can not now be received. The gentleman from Pennsylvania is entitled to the floor on the pending amendment.

Mr. BUCKALEW. Mr. Chairman, there is no difficulty in having two amendments pending at the same time—the second one to the text of the bill, which would be voted upon first, and the other afterwards. That is the ordinary practice.

I will proceed now to speak to the amendment of my colleague. I hope, sir, if we are to charge the district courts of the United States with this large amount of nisi prius business—the trial of civil and criminal causes—we will make the necessary and, to my mind, indispensable provision for transacting promptly and efficiently the business thus imposed upon them. My colleague has drawn his amendment, I believe, very much from the provision of a similar character now existing in the laws of our own State, under which the practice of our courts has been most satisfactory, and the transaction of business has been much more prompt, while at the same time a large amount of public expense and the former delays of trials have been obviated. That I conceive to be the purpose and will be the effect of this amendment.

If the transaction of the business of these courts in the trial of causes submitted to them is accompanied by the employment of reporters, there will not be the delay and expense attending them which otherwise is inevitable, and, as I said before, the disposal of business will be prompt and satisfactory.

I support the amendment, therefore, as an indispensable adjunct or condition to this first section of the bill.

I will only add, sir, that I agreed to the report of this bill from the Committee on the Judiciary, reserving to myself complete freedom of action upon it; and if in the course of the consideration of the bill any amendment is presented which I regard as reasonable, judicious, and proper to limit the jurisdiction of our Federal courts, and to facilitate the transaction of the business of the courts, I shall support such amendment and vote for it cheerfully.

I only desire now to mention one practical consideration in this connection. We are told that this bill ought not to be burdened with any proposition of that description, that it might embarrass the passage of the bill. We are also told that an independent proposition limiting Federal jurisdiction will be proposed, or has been proposed, by the Judiciary Committee to this House, and that that can receive independent consideration. Let me say to gentlemen that when you send this bill to lawyers in another place for consideration, if you want any amendment, if you want any proposition like that referred to, limiting the jurisdiction of the courts, you must send it with this bill or you will

get nothing. I suppose it is true that this general measure has been considered in the Senate. It is very likely that it will receive the assent of that body if sent there. Therefore those who desire the adoption of the amendment to which I refer had better have it put upon the bill before it leaves the House, and insist upon its remaining there, for in my judgment that is the only manner in which it can be secured.

Mr. BLAND. Mr. Chairman, I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLAND. I want to know whether the amendment of my colleague to the text of the bill, and also the amendment of the gentleman from Pennsylvania, can both be pending at the same time to be voted upon?

The CHAIRMAN. Two amendments can be pending at the same time to be voted upon in their proper order—that is, an amendment and an amendment to the amendment. The Chair can not, as it has already said, undertake to designate the manner in which amendments are to be offered.

Mr. BLAND. Can my colleague now offer his amendment?

The CHAIRMAN. He can at this time, as an amendment to the pending amendment.

Mr. STONE, of Missouri. Then I offer the amendment which I sent up to the desk some time ago and had read, to come in as a proviso at the end of the first section.

The CHAIRMAN. The Chair will state that there is an amendment pending, offered by the gentleman from Pennsylvania, to come in at the end of the section, which will now have precedence, unless, as stated by the Chair, the gentleman from Pennsylvania shall see proper to withdraw his amendment for the purpose of allowing the gentleman from Missouri to offer his.

Mr. STONE, of Missouri. But the amendment of my friend from Pennsylvania, as he will observe by examining the text of the bill, would properly come in after mine.

The CHAIRMAN. The Chair will state the question.

Mr. HOLMAN. Permit me to ask if the pending amendment is that offered by the gentleman from Pennsylvania?

The CHAIRMAN. That is the pending question. The Clerk will again report the amendment.

The amendment of Mr. LYNCH was again read.

Mr. HOLMAN rose.

Mr. BLAND. I wish to suggest to the gentleman from Pennsylvania [Mr. LYNCH] to temporarily withdraw his amendment, with a view to the symmetry of the bill, as my colleague [Mr. STONE, of Missouri] desires to offer an amendment which goes to the text of it.

The CHAIRMAN. The Chair will recognize the gentleman from Pennsylvania afterwards if he desires to withhold his amendment at this time.

Mr. LYNCH. I prefer to have it voted on now.

Mr. HOLMAN. I offer as an amendment to the amendment of the gentleman from Pennsylvania what I send to the desk.

The Clerk read as follows:

Strike out "United States" and insert "by the party against whom the costs are adjudged."

Mr. HOLMAN. My amendment is to strike out "United States" where it occurs and insert the words I have sent up.

I wish to say to my friend from Pennsylvania that this amendment would completely harmonize with what is the practice, I presume, in most of the States. These, so far as I am aware, say a stenographer shall be employed, but the expense shall be paid by the party against whom the costs are adjudged. A stenographer is employed in at least those Federal courts with which I am familiar, but the costs are paid to him by the parties. It is merely a matter of cost. When you furnish the judicial system with proper officers for the administration of justice you have gone far enough.

Here would be an item of some $234,000 a year to be added to your budget for the administration of justice. In its main aspects the employment of a stenographer is a mere matter incident to the trial which ought to enter into the costs of the case.

I do not feel myself very much inclined to adopt the views expressed by the distinguished gentleman from Pennsylvania about increasing the motives of going into the tribunals.

A MEMBER. How about criminal cases?

Mr. HOLMAN. In criminal cases that could not occur. It would be confined to civil suits. But I take it as a matter of cost there is no reason why this expense should be taken out of the national Treasury. We are enlarging in every respect this system of going to the national Treasury and diminishing the degree of State jurisdiction.

Mr. BUCHANAN. I understand the gentleman from Pennsylvania [Mr. LYNCH] offered an amendment requiring the attendance in courts of a stenographer. I understand also that an amendment to that amendment has been offered by the gentleman from Indiana [Mr. HOLMAN], requiring that that stenographer shall be paid by the party losing the cause. I say that amendment is in direct conflict with all the fair and honorable principles on which the theory of this Government is based, to the effect that we shall have justice made not only as expeditious but as cheap to the people as possible.

But I call the attention of the gentleman from Indiana to the fact that his amendment does not go far enough. Upon the same principle it should provide that the party losing should pay the salary of the judge; that he should pay the rent of the court; that he should pay for gas, fuel, and all that sort of thing. To have his amendment perfectly consistent, I suggest to him to include those and similar items and make justice as dear as possible instead of as cheap as possible.

Mr. CASWELL. I do not want to oppose the appointment of a stenographer in the trial of these cases in the proper way and at the proper time. But this amendment would permit the attendance of a stenographer at $10 a day from the beginning of the session to its conclusion, whether there was anything for him to do or not. Nor would it correct the difficulty if we adopted the plan suggested by the gentleman from Indiana, because it very often occurs that there is no case on trial for three or four days that requires the assistance of a stenographer. Another objection is that neither the plaintiff nor the defendant might be responsible and that neither could be compelled to pay the stenographer. Consequently the remedy would be inadequate.

Now, I appeal to this House to second the suggestion made by the gentleman from Arkansas that we do not depart from the objects of this bill. We only undertake by it to reorganize the judiciary system of the United States, and we do not wish to have this bill loaded by propositions to extend or curtail the jurisdiction of these courts as they now exist. Instead of providing for the machinery of the courts by authorizing the appointment of stenographers or other officers, we should leave the bill to stand upon its own merits in so far as it deals with the reorganization of the judiciary system. Several amendments have been proposed to the bill as it now stands, which I do not wish to antagonize; nor does the Judiciary Committee, if I understand the disposition of its members, desire to antagonize those propositions. But in almost every instance we have already reported a bill to the House, and it is now on the Calendar, to provide for those very matters. And I urge this House now when we are trying to perfect this system by improvements which have been long needed to confine itself at this time to proceeding with the one subject of reorganizing the judiciary as presented in this measure.

While it is true that this measure will enlarge the duties of the trial court, it is also true that the district courts almost everywhere through the United States are now holding the circuit courts and are discharging in the main the duties of those courts. And it is, in my judgment, a wise thing to do, to bring the trial of these cases nearer the people and confine them to one court, the district court.

And then we assign to the intervening court, the circuit court, authority to review these cases on proper appeals or writs of error, for the purpose of correcting error if it has intervened in the trial court below. In that way we relieve the calendar of the Supreme Court. It is well known that in the present condition of that calendar a case if appealed can not be reached in less than three years, which amounts practically to a denial of justice in many cases, because it often happens that if the parties undertook to go through another three years of litigation they would be utterly ruined, and therefore they abandon the case. Now, the great object of this reorganization is to relieve the Supreme Court from its present crowded condition, and to that end we have proposed this system, which is not altogether new, as it has been often under consideration in the other end of the Capitol, and has twice passed that body in substantially its present form. I appeal to the committee again to let us proceed with this bill and take this step which is demanded by the people of the whole country.

Mr. MCMILLIN. I move to strike out the last word. I trust, Mr. Chairman, that the gentleman from Indiana will amend the proposition so as to provide that these stenographers shall be employed not in all civil causes, but only in causes in which it may be deemed by the court necessary to employ them, so as not to burden litigants with the cost of a stenographer in every case, which would in many instances amount to a great hardship.

Mr. MASON. I understand that the gentleman from Tennessee [Mr. MCMILLIN] is the author of the original amendment providing for the employment of stenographers.

Mr. MCMILLIN. No, sir; I am not, nor do I favor it.

Mr. MASON. At the proper time I want to ask a question of the gentleman who introduced the amendment.

Mr. MCMILLIN. Mr. Chairman, if this bill is to pass at all, its passage will not be facilitated nor made certain by the adoption of the amendment proposed by the gentleman from Pennsylvania, even as amended by the gentleman from Indiana, and I agree with my friend who has just addressed the committee that in considering this bill we ought to leave it unhampered by other questions. I sympathize with the disposition that has been manifested here to-day to lessen the jurisdiction of the Federal courts. They are expensive, they are far from the people, and they are tribunals in which the parties are as little likely to get satisfactory justice speedily as in any tribunals known to our system.

Mr. BUCKALEW. Will the gentleman allow me to call his attention to one consideration as to the cost of the employment of these stenographers? There are sixty districts, I understand from my colleague

on the Judiciary Committee, and if a reporter had to attend the courts one-half of the year, and was paid the highest price provided in this amendment, the cost would amount to only $90,000.

Mr. HOLMAN. If you authorize the employment of stenographers by every judge in every court, including the circuit judges, the cost would amount to $234,000 a year.

Mr. MCMILLIN. Unquestionably that would be the result finally. I do not understand that any judge is to be precluded from the privilege of appointing a stenographer, who is to receive $10 a day.

A MEMBER. Not to exceed $10.

Mr. MCMILLIN. Well, when you fix the maximum figure you may be sure the cost will never fall below that. I do not think this amendment should form any part of this bill. If the policy of employing stenographers is to be adopted let it come up as an independent proposition, and not as a barnacle on this or any other bill. In characterizing it in that way I do not, of course, mean any disrespect to my friend from Pennsylvania, because I know that he is simply seeking to accomplish an end which he thinks it is proper to accomplish. But, Mr. Chairman, the way to reach a remedy for our Federal evils is not by increasing the Federal judicial power; not by providing more judges.

The surest and best remedy is to take away some of the jurisdiction of the Federal courts, which by construction they have filched from the States. They began with the beginning of this Government to steal out over the fields of jurisdiction, and what they did not have by constitutional right or by statute they have taken to themselves by the force of construction. There is not a more irresponsible judicial tribunal known among men in this or any other country than our Federal courts. Mr. Jefferson very truly said that the only remedy against them was impeachment, and that to them impeachment was not a scarecrow. Whoever will turn back and look at Mr. Jefferson's predictions on this subject will see that if he had been a prophet ordained by God he could not have foretold more truly than he did the encroachments that these Federal courts would make.

Do members stop to think what we have given into the hands of those courts? First, they began by construing that they had a right to allow corporations to be considered persons in contemplation of law and to bring their causes in the Federal courts. Afterwards they held that not only the defendant might carry the cause to the Federal court, but that the plaintiff in an action, after bringing his cause in a State court, tampering with its jurisdiction and wearing out his antagonist, might take it to the Federal court. The way to put a stop to these evils is to take away their jurisdiction. Why, sir, they have at last, by the process of Congressional mal-legislation, put their rapacious hands upon the ballot-box. They send deputy marshals to the polls and supervisors to the polls to beat down the freeman or seize him and carry him from the voting places. I warn men here and now that if our liberties are to be perpetuated we had better begin to cut the locks of this judicial Samson.

Mr. MASON. I wish to suggest to the author of the amendment proposing the employment of stenographers that it is not sufficiently explicit, and that if such an amendment is to be adopted it ought to be perfected in some way. The proposition is to pay a per diem not exceeding $10; but no provision is made for copying the short-hand notes. Now, an ordinary stenographer will take in an hour notes which will require four hours for transcription either with pen or with type-writer. As I understand, a stenographer is usually paid $10 a day for attendance and note-taking; but this amendment would require him, without additional compensation, to sit up through the night making his transcript. If the amendment is to be adopted it should be put in such a form that good stenographers can afford to take these appointments. No competent stenographer can afford for a per diem of $10 to take notes all day and then sit up all night making his transcript. On these terms short-hand writers competent for this class of work can not be secured.

Mr. PETERS. I wish to call attention to what seems to me to be a very peculiar phase of this bill. It is stated by members of the Committee on the Judiciary, as well as by other members of the House, that the United States circuit courts are overburdened with business, while the United States district courts are deficient in business. It is proposed by this bill to take business from the United States circuit courts and transfer it to the United States district courts. In other words, there being one judicial hopper that is full to overflowing, while the other is empty, or nearly so, this bill proposes to empty the hopper that is full into the hopper that is now empty; that is, to transfer the business of one class of courts to the other.

It would naturally be expected, if business is thus to be transferred to the district courts, that any assistance to be given to the judicial force would be given to these courts. But, remarkable as it may seem, the additional assistance is to be given by this bill to the circuit courts. This seems to me a strange proceeding; and there appears to be some motive or object at the bottom of this transfer. If this bill proposed to increase the number of United States district judges, it would be in keeping with the ostensible object of the measure. But there is to be no increase of the district judges, while the circuit judges presiding over courts from which business is to be taken are to be enlarged in number. I submit this as a criticism which it seems to me is worthy of consideration.

The CHAIRMAN. Does the gentleman from Tennessee [Mr. MCMILLIN] withdraw his *pro forma* amendment?

Mr. MCMILLIN. I do.

Mr. ROGERS. I renew the amendment. A response to the observations of the gentleman from Kansas [Mr. PETERS] would probably be made more appropriately by some member of the Judiciary Committee on the other side of the House. It is my pleasure to state I do not know of any motive except that which has been stated openly on the floor, namely, to relieve the Supreme Court of its overwork, to simplify to procedure, and, in short, to do just exactly what the bill says on its face.

The trouble in all these questions in the past has been we get into some partisan discussion. I had hoped, Mr. Chairman, there would not be anything of that sort here. This is a unanimous report from the Judiciary Committee, as I understand it. Having said that much, I have no other observation to make on that point.

The observation my friend makes about the "hoppers" is perfectly easily explained. The Federal judge, to illustrate, of our circuit is running from Colorado to Arkansas. He is much of the time on the road. He is much of the time getting ready to work, and when he gets to a place he is much of the time getting ready to go away again. Half the time some of the district judges are idle, when they might be engaged in carrying on the business of the courts if they had the entire jurisdiction which this bill gives.

The argument the gentleman makes is the strongest argument in favor of the proposition. By transferring civil and criminal cases the court can dispose of more business than both can now do together. It is my belief the judge can do it easily. On the other hand, the circuit court becomes an appellate court, so to speak, with three judges. I suggest to my friend if the new judge to be appointed be a Democrat he will be in the minority, as the other two will be on the other side of the question.

Mr. PETERS. Does the gentleman from Arkansas accuse me of making a political speech? I made no political remarks while I was on the floor at all.

Mr. ROGERS. Then I withdraw the remark. I can not imagine what the gentleman means by any other motive than what appears on the face of the bill. I disclaim for one there is any other motive about it.

As I said before, this circuit court becomes correspondingly more efficient—I mean it becomes as much more efficient—and the district court becomes more efficient by having that jurisdiction placed in that way, instead of having the judge running about all over the country from Colorado to Arkansas, going backwards and forwards. All the responsibility will fall also upon this circuit court for the dispatch of its business. That court will be strengthened as to time as well as in numbers, and become a stronger court because I believe it will satisfy in most cases persons seeking this jurisdiction. I hope we may be able to have a vote on this.

Mr. BACON. I should like to know from the gentleman from Arkansas the relative number of judges of the district and circuit courts?

Mr. ROGERS. Fifty-seven and nine.

Mr. BACON. Then the hoppers which are to be filled are far in excess of the hoppers which are to be emptied.

Mr. PETERS. I wish to state, Mr. Chairman, that I did not catch the force of the political allusion in the gentleman's speech until towards the latter part of it. The point I made was simply this: Here you take the business before a United States circuit judge to the courts presided over by the United States district judges. If that be true, and it is the purpose and object of the bill, then the bill in order to be consistent should increase the number of United States district judges and not of United States circuit judges. The motive referred to might be in the fact that the United States circuit judges receive $5,000 per annum and the district judges receive $3,500, or from that to $4,000 per annum.

Mr. ROGERS. I am sorry I misapprehended my friend. As I have stated to the gentleman from New York, there are fifty-seven district judges and nine circuit judges.

Mr. LIND. More circuit business will be transacted by district judges than by the circuit judge himself.

Mr. ROGERS. That is true in a portion of the cases. The circuit court judge does not sit in many cases; I do not know how many. I know a large majority of the circuit judges' business is transacted by district judges, so that the increase of business before the district judges will be, relatively speaking, small.

Mr. HOLMAN. I move to modify the amendment and ask the Clerk to read the proposition I send up.

The Clerk read as follows:

Strike out the words in the amendment "That on the trial of all civil and criminal causes in the district courts of the United States" and insert "That on the trial of all civil causes in the district courts of the United States where, in the opinion of the judge, it shall be necessary." Also, strike out in the amendment the words "United States" and insert "party against whom causes are adjudged."

The CHAIRMAN. The question is on the modified amendment to the amendment offered by the gentleman from Indiana.

Mr. BUCHANAN. That contains two propositions, and I call for a

division, one as to the appointment of a stenographer, in the discretion of the judge, and the other compelling the losing party to pay this expense.

The CHAIRMAN. The vote will be taken first upon the proposition embodied in the first part of the amendment.

The committee divided; and there were—ayes 32, noes 54.

Mr. HOLMAN. I believe there is no quorum voting——

The CHAIRMAN. Does the gentleman make the point of order?

Mr. HOLMAN. I believe I will not press the point. The other amendment will be unimportant, as this is voted down.

I still move to strike out the word "criminal" where it occurs, and leave the other amendment standing, namely, that the expense shall be paid as a part of the costs of the losing party. However, I will not press the amendment at this time.

The CHAIRMAN. The question then recurs on the amendment offered by the gentleman from Pennsylvania, which has been read.

The question was taken; and on a division there were—ayes 49, noes 55.

Mr. LYNCH. No quorum has voted.

Mr. ROGERS. I beg the gentleman from Pennsylvania to withhold the point until I can make a statement to the House.

Mr. LYNCH. Very well.

Mr. ROGERS. Mr. Chairman, it is getting late now, and being an inclement day several gentlemen have indicated to me a desire that the committee shall rise, and that we do not remain longer in session this evening, Saturday. It is manifest that we will not be able to get through with the bill this evening unless we sit all night or certainly a greater portion of it. We have pending upon the Calendar what is known as the Utah constitutional amendment, and I am exceedingly anxious that the House shall consider that measure, and also complete the consideration of the pending bill. I think I may speak for the committee also in saying that they are desirous that both of these measures shall be promptly considered. I shall therefore ask unanimous consent of the House that the Committee on the Judiciary may be given another day for these measures, and would suggest Tuesday, the 3d day of April.

Mr. BLOUNT. That can not be done in committee.

Mr. ROGERS. I had forgotten for the moment. I move that the committee rise.

The CHAIRMAN. The Chair will first state the condition that this bill will be left in if the committee rises. The House has just taken a vote upon the amendment offered by the gentleman from Pennsylvania, and pending a division upon that vote the gentleman from Pennsylvania has made the point of order that no quorum has voted. The question on that amendment will recur the first thing when the House again resolves itself into committee for the consideration of this bill.

The gentleman from Arkansas moves that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, Mr. HATCH reported that the Committee of the Whole House, having had under consideration the bill H. R. 8190, under the special order of the House, had come to no resolution thereon.

Mr. ROGERS. Mr. Speaker, the House heard the request I made a few moments ago. Some gentlemen have suggested that I fix a later date. I will accordingly modify my request; and now ask unanimous consent that the provisions of the pending order in relation to business from the Committee on the Judiciary be extended to one more day, namely, the 10th day of April, for the purpose of considering the two measures to which I have referred.

Mr. BLOUNT. Will that interfere with revenue bills?

Mr. ROGERS. The order will be the same as that heretofore made

Mr. BUCHANAN. I understood the gentleman from Arkansas, when he first made his request, to name as one of the bills to be considered the Utah bill.

Mr. ROGERS. I am not authorized to state that the committee have so decided; but I think I may state without hesitation that the committee will be unanimous in that report.

Mr. BUCHANAN. To bring up the Utah bill?

Mr. ROGERS. Yes, sir.

Mr. BUCHANAN. Regular order.

The SPEAKER *pro tempore*. The gentleman from New Jersey demands the regular order.

Mr. BUCHANAN. Unless it is distinctly understood that the Utah bill will not be brought up, I demand the regular order.

Mr. ROGERS. Then, Mr. Speaker, I can not speak for the Judiciary Committee, but ask that the day be granted under this order for the purpose of considering this bill only.

Mr. HOLMAN. I will have to object to that.

Mr. PARKER. I ask unanimous consent, changing the gentleman's request to the 10th day of April to dispose of this bill.

Mr. DINGLEY. Has objection been made?

The SPEAKER *pro tempore*. The Chair understood the gentleman from Indiana as objecting, but will again submit the gentleman's request.

Mr. HOLMAN. There are many propositions pending before the Committee on Rules covering future time for committees; and I think it not only important but fair and proper that this request should go to the same committee.

Mr. ROGERS. Let me address an inquiry to my friend from New Jersey—whether he thought I alluded to the measure providing for the admission of Utah as a State?

Mr. BUCHANAN. I did.

Mr. ROGERS. I did not mean that. I meant the constitutional amendment prohibiting polygamy in the United States.

Mr. BUCHANAN. Oh, I am in favor of that all the time.

The SPEAKER *pro tempore*. The Chair will again state the request of the gentleman from Arkansas. It is that the order setting apart a certain time for the business of the Judiciary Committee be extended so as to include Tuesday, April 10, with the understanding that the measures the gentleman has indicated will be taken up then.

Mr. DINGLEY. Is it requested that the Judiciary Committee shall have that day after the hour for the consideration of bills?

Mr. ROGERS. The present order gives us the whole day immediately after the reading of the Journal.

Mr. DINGLEY. I will object to that arrangement, but I will not object to the committee being given the day named after the consideration hour.

Mr. ROGERS. I will modify my request to meet the gentleman's objection.

The SPEAKER *pro tempore*. Is there objection to the request as now modified?

Mr. HOLMAN. As I said before, I think that as a matter of fairness all such propositions should go before the Committee on Rules.

The SPEAKER *pro tempore*. Objection is made.

BRIDGE ACROSS MISSISSIPPI RIVER.

Mr. DUNHAM, by unanimous consent, reported back from the Committee on Commerce with amendments the bill (H. R. 3524) to authorize the construction of a bridge across the Mississippi River at or near the city of Oquawka, in the State of Illinois, and to establish it as a post-road; which was referred to the House Calendar, and, with the amendments and accompanying report, ordered to be printed.

INDIAN APPROPRIATION BILL.

Mr. PEEL. I give notice that on Thursday next I will ask the House to take up for consideration the Indian appropriation bill.

SECTION 4009, REVISED STATUTES.

Mr. BLOUNT, by unanimous consent, introduced a bill (H. R. 8830) to amend section 4009 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

SALARIES OF JUDGES OF UNITED STATES DISTRICT COURTS.

Mr. CASWELL. I desire to report from the Committee on the Judiciary, as a substitute for the bill H. R. 1928, a bill fixing the salaries of the several judges of the United States district courts.

Mr. McMILLIN. I object to that.

RETURN OF BILLS TO SENATE.

The SPEAKER *pro tempore* laid before the House a request from the Senate to return the bill (S. 192) to provide that judges of United States circuit and district courts shall reduce their instructions to juries to writing in all States where by the laws thereof they are required so to do; and the bill (S. 788) to provide for holding terms of the United States courts at Mississippi City.

The request of the Senate was agreed to; and the Committee on the Judiciary having been discharged from the consideration of the two bills named, they were ordered to be returned to the Senate.

REPORT OF SENATE INVESTIGATING COMMITTEE.

The SPEAKER *pro tempore* also laid before the House a Senate concurrent resolution for printing the report of the Senate select committee appointed under the resolution of March 3, 1887, to inquire into the methods of business, etc., in the Executive Departments; which was referred to the Committee on Printing.

UNITED STATES COURTS IN FLORIDA.

Mr. ADAMS, by unanimous consent, from the Committee on the Judiciary, reported back with amendments the bill (H. R. 8025) to amend an act entitled "An act to extend the jurisdiction of the district and circuit courts of the United States for the southern district of Florida," approved February 3, 1879; which was referred to the House Calendar, and, with the amendments and accompanying report, ordered to be printed.

CONSTRUCTION OF PUBLIC BUILDINGS.

Mr. DIBBLE, by unanimous consent, from the Committee on Public Buildings and Grounds, reported a bill (H. R. 8831) relating to the superintendence of public buildings; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

Mr. BARNES. I ask unanimous consent to report back from the

Committee on the Territories a bill which they think was improperly referred to them.

There was no objection, and the Committee on the Territories was discharged from the further consideration of the bill (H. R. 7050) to create and establish United States district, Territorial, supreme, and other courts in the Indian Territory; and it was referred to the Committee on the Judiciary.

Mr. ROGERS. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 35 minutes p. m.) the House adjourned.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred, as indicated below:

By Mr. C. L. ANDERSON: A bill (H. R. 8810) for the relief of John H. Kelly—to the Committee on Claims.

By Mr. W. C. P. BRECKINRIDGE: A bill (H. R. 8811) for the relief of Dr. William Kenney—to the Committee on War Claims.

By Mr. BURNETT: A bill (H. R. 8812) for the relief of Charles S. Wilder—to the Committee on War Claims.

By Mr. BURROWS: A bill (H. R. 8813) granting a pension to Joseph McGuckian—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8814) for the relief of William M. Hitchcock—to the Committee on Invalid Pensions.

By Mr. COGSWELL: A bill (H. R. 8815) granting a pension to Lucy A. George—to the Committee on Invalid Pensions.

By Mr. DUNHAM: A bill (H. R. 8816) granting a pension to Edward Miller—to the Committee on Invalid Pensions.

By Mr. FORAN: A bill (H. R. 8817) granting a pension to John R. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8818) to remove the mark of desertion from the naval record of James Haley—to the Committee on Naval Affairs.

By Mr. GAINES: A bill (H. R. 8819) for the relief of the legal heirs of Dr. Theoderick Bland—to the Committee on War Claims.

By Mr. GEAR: A bill (H. R. 8820) to pay John May—to the Committee on Claims.

By Mr. LAWLER: A bill (H. R. 8821) granting a pension to Jacob E. Goudy—to the Committee on Invalid Pensions.

By Mr. McCOMAS: A bill (H. R. 8822) to remove the charge of desertion from the military record of Malcolm Sinclair—to the Committee on Military Affairs.

By Mr. MILLIKEN: A bill (H. R. 8823) for the relief of Wilhelm Bauch—to the Committee on War Claims.

By Mr. ROGERS: A bill (H. R. 8824) granting the right of way over White Mountain, in the Hot Springs reservation, in the State of Arkansas, to the West Mountain Inclined Railway and Improvement Company—to the Committee on the Public Lands.

By Mr. STONE, of Kentucky: A bill (H. R. 8825) for the relief of William Robinson—to the Committee on War Claims.

By Mr. SYMES: A bill (H. R. 8826) granting a pension to Edgar N. Ordway—to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 8827) for the relief of the legal heirs of J. H. Ware, deceased—to the Committee on Claims.

By Mr. WHITTHORNE: A bill (H. R. 8828) for the relief of Mrs. Mary E. Walker—to the Committee on War Claims.

By Mr. WICKHAM: A bill (H. R. 8829) granting a pension to Charlotte W. Boalt and minor children—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. L. ANDERSON: Petition of William Fry, administrator of Fiester Fay, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. ATKINSON: Petition of Mount Union Grange, No. 368, of Pennsylvania, for the retention of the Bureau of Animal Industry in the Department of Agriculture—to the Committee on Agriculture.

Also, petition of same, for the prohibition of the manufacture and sale of adulterated lard and other adulterated food products—to the Committee on Agriculture.

By Mr. JEHU BAKER: Petition of Local Assembly, No. 2807, Knights of Labor, of St. Clair County, Illinois, favoring the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. BELDEN: Petition of J. J. Home and 20 others, citizens of Pompey, Onondaga County, New York, favoring the passage of the bill creating a department of agriculture.

Also, resolutions of Assembly No. 3172, Knights of Labor, of Cortland, N. Y., for the passage of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. BLISS (by request): Petition of Colonel Kirk Post, No. 67, of Dakota, for a service-pension bill—to the Committee on Invalid Pensions.

By Mr. BOUTELLE: Petition of Newell Rumery and others, of Maine, for increased compensation in the Life-Saving Service—to the Committee on Commerce.

By Mr. BREWER: Remonstrance of J. T. Daniels and 25 others, members of the Essex Farmers' Club of Clinton County, Michigan, against reduction of duty on foreign wool—to the Committee on Ways and Means.

Also, remonstrance of C. T. Casus and 200 others, citizens of Clinton County, Michigan, against decreasing the duty on foreign wool—to the Committee on Ways and Means.

By Mr. T. H. B. BROWNE: Petition of L. S. White and others, citizens of Northampton County, Virginia, for the improvement of Narrawaddox River in Virginia—to the Committee on Rivers and Harbors.

By Mr. BUCHANAN: Petition of 16 citizens of Seaside Park, of 15 citizens of Trenton, N. J., and of 19 citizens of New Jersey, for increased pay of persons employed in the Life-Saving Service—to the Committee on Commerce.

By Mr. BURNETT: Petition of the Merchants' Association of Boston, Mass., in regard to mail facilities in New England—to the Committee on the Post-Office and Post-Roads.

By Mr. BURROWS: Petition favoring a postal telegraph—to the Committee on the Post-Office and Post-Roads.

By Mr. BUTLER: Petition of heirs of Amelia Lynn, of Grainger County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, papers in the claim of Edmund N. Martin, of St. Landry Parish; of Halcott T. Burgess, of Orleans Parish, Louisiana, and of Alfred McKinney, of Hawkins County, Tennessee—to the Committee on War Claims.

By Mr. J. E. CAMPBELL: Petition of Mrs. Rebecca Scott, for the passage of House bill 8539—to the Committee on the District of Columbia.

By Mr. CANNON: Petition of Local Assembly No. 3710, Knights of Labor, of Danville, Ill., for the enactment of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. CARLTON: Petition of Tugalo Grange, of Franklin County, Georgia, relative to certain questions of national legislation—to the Committee on Ways and Means.

By Mr. CASWELL: Petition of John Stockman and others, citizens of Rock County, Wisconsin, for the restoration of the wool tariff of 1867—to the Committee on Ways and Means.

Also, petition of H. F. Warner and 26 others, citizens of Rock County, Wisconsin, that the work for the eradication of pleuro-pneumonia be continued in the Agricultural Department—to the Committee on Agriculture.

By Mr. COGSWELL: Petition of Hon. James D. Pike and others, of Merrimac, Mass., for repeal of the limit of the arrears-of-pension act—to the Committee on Invalid Pensions.

By Mr. COOPER: Petition of M. L. Wertz and 47 others, citizens of Texas, for increase of the duty on wool and revision of the tariff on worsteds—to the Committee on Ways and Means.

By Mr. FINLEY: Petition of estate of Edward B. Smith, of Hart County; Henry Johnson, of Taylor County; Eliza Jane Richardson, William Stephens, Moses Singleton, Levi Hewitt, Solomon Weddle, Uriah Pennington, William Hayden, Samuel Smith, William Lite, of Pulaski County; Samuel T. Davis, estate of John Shader, W. A. Williams, James F. Dickinson, W. L. Pointer, of Barren County; Samuel W. Robinson, James Elkin, and William Wallace, of Green County, Kentucky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. FISHER: Petition of the Franklin Mining Company and 20 other similar corporations of Michigan, asking that the Portage Lake Canal be purchased by the Government—to the Committee on Railways and Canals.

Also, memorial of the Bay County Medical Society, that certain medical instruments and supplies be furnished at lowest possible price, and that import duty be removed—to the Committee on Ways and Means.

By Mr. FORAN: Petition of manufacturers and dealers of Cleveland, Ohio, against repeal of internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

Also, petition of 100 citizens of Dayton, Ohio, for increase of compensation for per diem employés of the United States—to the Committee on Labor.

By Mr. GEAR: Petition of Matthew Edmondson, for a service pension—to the Committee on Invalid Pensions.

Also, petition of John Menz, for relief—to the Committee on War Claims.

By Mr. HATCH: Petition of citizens of Marion County, Missouri, to continue the Bureau of Animal Industry in Department of Agriculture—to the Committee on Agriculture.

Also, petition of citizens of Clark County, Missouri, against change of tariff on internal revenue—to the Committee on Ways and Means.

By Mr. HEARD: Petition of Mary P. Staples, administratrix of George E. Staples, of Morgan County, Missouri, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. D. B. HENDERSON: Petition of Local Assembly No. 4192,

Knights of Labor, of Dubuque, Iowa, for the passage of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

Also, remonstrance of 39 citizens of Franklin County, Iowa, against reducing the duty on flaxseed and linseed oil—to the Committee on Ways and Means.

By Mr. HOLMES: Resolution of Local Assembly No. 4493, Knights of Labor, of Boonesborough, Iowa, favoring the passage of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. LAIDLAW: Petition of citizens of Allegany County, New York, for the more effectual protection of agriculture—to the Committee on Agriculture.

Also, petition of citizens of Chautauqua County, New York, relating to customs duties on agricultural products—to the Committee on Ways and Means.

Also, petition of citizens of Chautauqua County, New York, relating to the rate of postage on seeds, etc.—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Allegany County, New York, for the more effectual protection of agricultural products—to the Committee on Agriculture.

By Mr. McCOMAS: Petition of Benjamin F. Ball, of estate of Robert K. Thissher, of Osborn S. Wilson, of Elizabeth Jarboe, of Charles Anderson, and of W. S. Offut, jr., for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition of Tilghman Hillary, of Frederick County, Maryland, for payment of his war claim—to the Committee on War Claims.

Also, petition of Lewis Trone, of Washington County, Maryland, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. McKINLEY: Petition of the International Pottery Company; of the Greenwood Pottery Company; of the Willett's Manufacturing Company; of Clark Brothers Pottery Company; of Burcovy & Montford Pottery Company; of the Union Pottery Company; of Enterprise Pottery Company; of the Mercer Pottery Company; of the Otto Brewers Pottery Company; of the East Trenton Pottery Company; of Lacey's Pottery; of employés of Dale & Daval Pottery; of the Terra-Cotta Company; of the Davis & Dowd's Pottery Company; of the Empire Pottery Company; of Thomas Maddock Sons Pottery Company, and of the Trenton China Company, of Trenton, N. J., protesting against any reduction of duty on pottery—to the Committee on Ways and Means.

Also, petition of citizens of Massillon, Ohio, protesting against the repeal of the internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

By Mr. MONTGOMERY: Petition of John P. McClure, of Grayson County; Elizabeth Landolt, Harvey Slaughter, William D. Wood, and S. W. D. Stone, of Hardin County, Kentucky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. MORGAN: Petition of Jane Cofer, widow of Lemuel Cofer, of Fayette County, Mississippi, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. NEAL: Petition of administrator of Thomas McCallie, of Hamilton County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. CHARLES O'NEILL: Petition protesting against the reduction of the duties on flax and hemp and their products as provided for in the Mills tariff bill—to the Committee on Ways and Means.

By Mr. PERKINS: Resolutions of the local assembly, Knights of Labor, of Winfield, Kans., for the passage of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. RANDALL: Memorial of the Board of Trade of Philadelphia, Pa., urging the passage of Senate bill 977, to suppress undervaluation of goods imported into the United States—to the Committee on Ways and Means.

Also, resolutions adopted by the same, concerning the revision of the tariff—to the Committee on Ways and Means.

By Mr. RICHARDSON: Petition of Thomas M. Emerson, of Coffee County, Tennessee, for payment of his war claim—to the Committee on War Claims.

By Mr. STAHLNECKER: Petition of the Tobacco Exchange of New York City, referring to internal-revenue tax on tobacco—to the Committee on Ways and Means.

By Mr. SYMES: Petition for a pension to Edgar N. Ordway, with affidavits, etc.—to the Committee on Invalid Pensions.

By Mr. TOOLE: Petition of 25 citizens of Montana, protesting against putting wool on the free-list—to the Committee on Ways and Means.

By Mr. TOWNSHEND: Petition of 48 citizens of Marion County, Illinois, for the reissue of fractional paper currency—to the Committee on Banking and Currency.

Also, petition of the district officers of the General Land Office in Utah, for increased appropriations for surveying, etc.—to the Committee on the Territories.

By Mr. WEBER: Petition in favor of creating navigable waters between Lakes Erie and Ontario—to the Committee on Railways and Canals.

Also, petition of farmers of Erie County, New York, asking for protection on farm products—to the Committee on Ways and Means.

By Mr. WEST: Petition of George McCreedy, for a pension—to the Committee on Invalid Pensions.

By Mr. WHEELER: Petition of John Higgins, of Lauderdale County; of James M. Kembraugh, of Colbert County; of W. S. Glascock, son of Bazel G. Glascock, and of George I. Scruggs, administrator, Francis M. Fennell, of Jackson County, Alabama, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. WHITTHORNE: Petition of John T. Fleming, of Williamson County; and of administrator Z. H. Germon, of Williamson County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition of John Schade, for a pension—to the Committee on Invalid Pensions.

Also, petition of William C. A. Foster, of Maury County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WICKHAM: Petition of Charlotte W. Boalt, for the passage of bill for her relief—to the Committee on Invalid Pensions.

The following petitions, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, were severally referred to the Committee on Invalid Pensions:

By Mr. E. P. ALLEN: Of Truman Gee and 99 others, ex-soldiers of the Second district of Michigan.

By Mr. JEHU BAKER: Of J. A. Black, William Forney, and 4 other ex-soldiers of Illinois.

By Mr. BELDEN: Of Curtis L. Rich and 35 others, of Marcellus; of C. E. Mink and others, of Syracuse; of John Miller and 30 others, of Syracuse, and of Frank M. Woodruff and others, of Syracuse, N. Y., ex-Union soldiers, sailors, and citizens.

By Mr. BOUND: Of 41 old soldiers of Shamokin, Pa.

By Mr. BOUTELLE: Of George F. Whidden and others, of Maine.

By Mr. BREWER: Of 400 ex-soldiers of Michigan.

By Mr. BUNNELL: Of soldiers of Evans Falls, Wyoming County, Pennsylvania.

By Mr. CONGER: Of 47 veteran soldiers and sailors of Carlisle, Warren County, Iowa.

By Mr. COOPER: Of E. D. Horton and 29 other ex-soldiers of Marion County, Ohio.

By Mr. CROUSE: Of A. Gibbs and 7 other ex-soldiers of Brunswick, Ohio.

By Mr. CUTCHEON: Of citizens of Charlevoix County, Michigan.

By Mr. DOCKERY: Of soldiers of Gentry County, Missouri.

By Mr. FISHER: Of Herbert Biggs and 22 other soldiers of Oscoda County, Michigan.

By Mr. FORAN: Of 200 Union veterans and citizens of Cleveland, and of 25 citizens and soldiers of Delaware County, New York.

By Mr. FORD: Of W. H. Williams and many other citizens of Portland, Mich.

By Mr. HOLMAN: Of S. E. O'Neel and 38 other Union soldiers of Jefferson County, Indiana.

By Mr. HOLMES: Of W. W. Watters and 31 other ex-Union soldiers and sailors of Calhoun County, Iowa.

By Mr. JACKSON: Of Garrett B. Walsh and 12 other soldiers of New Castle, Pa.

By Mr. KERR: Of soldiers of Mount Union, Iowa.

By Mr. LANDES: Of Albert Rude and others, citizens of Edwards County, Illinois.

By Mr. McCORMICK: Of sundry ex-soldiers of Potter County, Pennsylvania.

By Mr. NUTTING: Of J. B. Dickinson and 26 others, and of David Everett and 42 others, ex-Union soldiers of Cayuga County, New York.

By Mr. O. B. THOMAS: Of 50 ex-soldiers of Richland County, and of 75 ex-soldiers of Monroe County, Wisconsin.

By Mr. TOWNSHEND: Of 12 soldiers and of 73 soldiers of Jefferson County; of 79 soldiers and of 67 soldiers of White and Hamilton Counties, and of 13 soldiers and of 31 soldiers of Frankfort, Ill.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. BARRY: Of J. W. Robinson and others, of Choctaw County, Mississippi.

By Mr. J. S. HENDERSON: Of J. S. Lipe and 30 others, of L. W. Miller and 55 others, of S. S. Jones and 24 others, of G. M. Fisher and 34 others, of D. L. Watson and 17 others, of W. R. Trayley and 9 others, of Rev. C. A. Rose and 23 others, of R. C. Culp and 51 others, and of H. R. Plaster and 8 others, of Rowan County; of P. Jay Cotton and 22 others, of Montgomery County; and of T. T. Flemming and 75 others, of Catawba County, North Carolina.

By Mr. TOWNSHEND: Of 41 citizens of Braden, Ill.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. DAVIS: Of 115 citizens of Dukes County, Massachusetts.

By Mr. HAUGEN: Of 107 citizens of Barron County, Wisconsin.

By Mr. JACKSON: Of 318 citizens of Lawrence County, Pennsylvania.

By Mr. KERR: Of citizens of Johnson County, Iowa.

By Mr. McCORMICK: Of 209 citizens of McKean County, Pennsylvania.

By Mr. PATTON: Of 464 citizens of Union County, Pennsylvania.

By Mr. J. W. STEWART: Of 141 citizens of Bennington County, and of 116 citizens of Addison County, Vermont.

By Mr. YARDLEY: Of 174 citizens of Montgomery County, Pennsylvania.

The following petition, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia, was referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. PAYSON: Of 148 citizens of the Ninth district of Illinois.

SENATE.

MONDAY, *March* 26, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Friday last was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented two petitions of citizens of Massachusetts, praying for prohibition in the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented a petition of citizens of Kansas, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. HALE presented a petition of the board of regents of the Dakota Agricultural College, praying for legislation authorizing that board to select and reserve from any public agricultural lands now in the Territory, or which may soon become available for this purpose, the minimum amount, 90,000 acres, for the endowment of that college; which was referred to the Committee on Territories.

Mr. SHERMAN presented a petition of 81 wool-growers, citizens of Ohio, protesting against the further reduction of the duty on wool and praying for the restoration of the wool duty of 1867; which was referred to the Committee on Finance.

Mr. PAYNE presented twenty-three petitions of 970 ex-Union soldiers and sailors, citizens of Ohio, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented the petition of 11 citizens of Cleveland, Ohio, and the petition of Rev. J. B. Hammond and 11 other male citizens of Saybrook, Ohio, praying for the better legal protection of women and girls within the Territorial, admiralty, and maritime jurisdiction of the United States; which were referred to the Committee on the Judiciary.

He also presented petitions of the Amalgamated Association of Iron and Steel Workers at Bridgeport, Youngstown, Mingo Junction, Ironton, Massillon, Girard, New Philadelphia, and Canal Dover, in the State of Ohio, in favor of a protective tariff policy; which were referred to the Committee on Finance.

Mr. MORRILL presented a petition of citizens of Gaysville, Vt., praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. STOCKBRIDGE presented the petition of R. R. Smith and 29 other ex-Union soldiers, citizens of Michigan; the petition of August Ludwig and 19 other ex-Union soldiers, citizens of Michigan; and the petition of George H. Sexton and 399 other ex-Union soldiers, citizens of Michigan, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. SABIN presented a petition of citizens of Breckenridge and Barnesville, in the State of Minnesota, praying for the passage of a bill prohibiting employment of convict labor in trades competing with free labor; which was referred to the Committee on Education and Labor.

Mr. CAMERON presented seven petitions of ex-Union soldiers and sailors, citizens of Clifford, Carbondale, White Haven, Muncy, Franklin, and Rockport, in the State of Pennsylvania, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented a petition of the Trades Assembly of Western Pennsylvania, praying for the passage of a bill for classification of clerks in first-class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Osterburgh Grange, No. 737, Patrons of Husbandry, of Bedford County, Pennsylvania, praying for the passage of a law to prohibit the sale of adulterated lard and other food products; which was referred to the Committee on Agriculture and Forestry.

Mr. ALLISON presented a petition of Mills County Pomona Grange, No. 1, Patrons of Husbandry, of the State of Iowa, praying that agricultural products shall be equally protected with manufactured articles, etc.; which was referred to the Committee on Finance.

He also presented a petition of Mills County Pomona Grange, No. 1, Patrons of Husbandry, of the State of Iowa, praying that the patent laws be so amended as to protect the innocent purchasers of patented articles; which was referred to the Committee on Patents.

He also presented a petition of the Mills County Pomona Grange, No. 1, Patrons of Husbandry, of the State of Iowa, praying that the Commissioner of Agriculture be made a Cabinet officer; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Mills County Pomona Grange, No. 1, Patrons of Husbandry, of the State of Iowa, praying that foreign immigration shall be restricted so as to keep out all paupers and criminals of the Old World; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Mills County Pomona Grange, No. 1, Patrons of Husbandry, of the State of Iowa, praying that the postage on seeds, bulbs, cions, etc., be reduced 50 per cent.; also, that fractional currency be reissued; also, that postal notes be abolished; also, that money orders for $5 or less be issued for a fee of 3 cents; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Mills County Pomona Grange, No. 1, Patrons of Husbandry, of the State of Iowa, praying that United States Senators be elected by a direct vote of the people; which was referred to the Committee on Privileges and Elections.

He also presented a petition of 35 surviving soldiers and sailors of the Union Army and Navy, citizens of Mount Vernon, Iowa, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a memorial of the I. M. Huston Post, No. 394, Grand Army of the Republic, Department of Iowa, in favor of the passage of a substitute for the dependent pension bill, and outlining the provisions thereof; which was referred to the Committee on Pensions.

Mr. CALL presented a memorial of merchants of Cedar Keys, Fla., remonstrating against the passage of a bill providing for the consolidation of the St. Marks and Tampa custom-house districts, and praying that the custom-house at Cedar Keys may be retained; which was referred to the Committee on Commerce.

Mr. COKE presented a petition of citizens of Fate, Tex., praying for increased compensation to fourth-class postmasters; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT. I present the petition of J. W. Alsop and other citizens of Middletown, Conn., praying for the passage of Senate bill 283, relating to Yellowstone Park. As that bill has been reported, and is now on the Calendar, I move that the petition lie on the table.

The motion was agreed to.

Mr. DAVIS presented a petition of ex-Union soldiers and sailors, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Minnesota, praying for protective legislation for wool and woolen goods; which was referred to the Committee on Finance.

He also presented a petition of the Agricultural College at Brookings, Dak., praying legislation granting them authority to select and reserve 90,000 acres as primary school lands; which was referred to the Committee on Territories.

Mr. TURPIE presented a petition of Henry Ganson and others, ex-Union soldiers, citizens of Indiana, praying for the passage of the per per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. WILSON, of Iowa, presented a petition of 27 surviving soldiers of the Union Army and Navy, residents of Williamsburgh, Iowa; a petition of 34 surviving soldiers and sailors of the Union Army and Navy, residents of Mount Vernon, Iowa; and a petition of 98 citizens of Decatur County, Iowa, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. HARRIS presented a petition of citizens of Tennessee, praying that a pension be granted to Eliza Ann Woods; which was referred to the Committee on Pensions.

Mr. MORGAN presented a petition of citizens of Calhoun County, Alabama, praying for the repeal of the internal-revenue laws; which was referred to the Committee on Finance.

Mr. FARWELL presented the petition of August G. Schoenborn and others, citizens of the District of Columbia, praying for the passage of an act authorizing the commissioners of the District of Columbia to widen the alley in square 686, running from B to C street, northeast; which was referred to the Committee on the District of Columbia.

Mr. HISCOCK presented a petition of 275 ex-Union veterans, citizens of the State of New York, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a memorial of 46 members of the New York State Agricultural Society, remonstrating against the passage of the Palmer cattle-commission bill; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the wood-pulp industry companies of the State of New York, praying that the present duties on wood-pulp be maintained; which was referred to the Committee on Finance.

Mr. PLUMB presented a petition of ex-Union soldiers and sailors, citizens of Kansas, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of 63 citizens of the Third and Fifth Congressional districts of Kansas, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Gun Club and citizens of White City, Kans., praying for the passage of the bill setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park; which was ordered to lie on the table.

Mr. FRYE presented the petition of Hector McIntosh and others, citizens of Pennsylvania; the petition of M. L. Coburn and others, citizens of Pennsylvania; the petition of Clara G. Rowley and others, citizens of Pennsylvania; the petition of Joseph May and others, citizens of Pennsylvania, and the petition of D. C. Ritchie and others, citizens of Pennsylvania, praying for the passage of a bill extending protection to girlhood by raising the age of consent in females to eighteen years; which was referred to the Committee on the Judiciary.

Mr. BROWN presented the petition of the executive board of the National Farmers' Alliance, praying for the establishment of a department of agriculture with a Cabinet minister at its head; which was referred to the Committee on Agriculture and Forestry.

Mr. PADDOCK presented a petition of 20 ex-soldiers, citizens of Clay County, Nebraska, and a petition of the Per Diem Rated Service-Pension Association of New York City, officially signed, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. DOLPH presented a petition of the Marion County Pomona Grange, of Oregon, praying that the work of eradicating pleuro-pneumonia be continued under the Bureau of Animal Industry; which was ordered to lie on the table.

Mr. EVARTS presented a petition of the executive board of the National Farmers' Alliance, representing organized bodies of farmers in the United States, comprising an aggregate membership of 1,400,000 persons, praying for the enactment of a law during the present session of Congress establishing a department of agriculture with a Cabinet minister at its head; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Medical Society of the county of Rensselaer, N. Y., praying for the removal of import duty on all medical and surgical supplies, instruments, and appliances; which was referred to the Committee on Finance.

He also presented a petition of Typographical Union, No. 98, of Brooklyn, N. Y., praying for the passage of the Chace bill providing for an international copyright law; which was ordered to lie on the table.

He also presented a petition of R. D. Lathrop Post, No. 138, Grand Army of the Republic, Department of New York; a petition of 102 ex-Union soldiers and sailors, citizens of Cohocton, N. Y.; a petition of 44 ex-Union soldiers and sailors, citizens of Union Springs, Cayuga County, New York; a petition of 27 ex-Union soldiers and sailors, citizens of the State of New York; and a petition of 29 ex-Union soldiers and sailors, citizens of Scottsville, Monroe County, New York, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented the petition of George H. Lawrence, late first lieutenant Company E, Second New York Mounted Rifles, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. SPOONER. I present a memorial of the Turnverein, of Milwaukee, Wis., remonstrating, first, against the passage of any laws tending to make the right of immigration dependent on the personal views of the immigrant, or which may be so construed as to restrict and impede immigration; second, in favor of the laws against the importation and landing of bond slaves or laborers under contract being strictly enforced. I move that the petition be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. SPOONER. I also present a petition of citizens and members of the Grange of the State of Wisconsin, praying that there be no further extension of the time for the payment of the public debt; second, that there be no extension of charters of the national banks, and no increase of the percentage of the currency to those banks on their present securities; that the duties on sugars be abolished, with a bounty to home producers; that there be restored to wool-growing the substantial protection enjoyed under the tariff of 1867, so modified as to meet the later forms of foreign competition and evasion; and praying for protection to agriculture in other indicated ways. I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

CONSIDERATION OF THE CALENDAR.

Mr. EVARTS. If it be in order now, I would ask the attention of the Senate to the propriety of going on for to-day and to-morrow with the Calendar. On Wednesday, as we know, the Senate will not be in session, and the last two days of the week, Thursday and Friday, a certain number of Senators will be necessarily absent in attendance at the funeral of the late Chief-Justice. It seems to me that we should all feel under obligation to go through with the Calendar, and these two days might well be occupied in that way, and the general debates opened after Wednesday till they shall be completed or the Senate shall otherwise order. I would ask, if the Senate concur in this feeling, that there may be a general consent to that course to-day being continued under the same arrangement as heretofore.

The PRESIDENT *pro tempore*. The Senator from New York asks unanimous consent that the unexecuted order of Friday for the consideration of the Calendar under Rule VIII be continued to-day and to-morrow. Is there objection?

Mr. MORRILL. With this exception, Mr. President: When this order was made I had previously given notice that last Tuesday I would call up the bill (H. R. 5034) to provide for the purchase of United States bonds by the Secretary of the Treasury. I desire to call up that bill this morning. I think it will take but a few moments, and after that bill is passed I shall have no objection to going on with the Calendar; but until that bill has been taken up and considered I object to anything else.

Mr. PLATT. Mr. President, I am willing to consent that the order shall stand for to-day, as I think that was implied in the order which was made on Thursday that it should continue on Friday or the next legislative day. As we had no day on Friday for business, I think it is equitable and fair that the order should be continued for to-day; but I would not like to consent to longer than to-day.

Mr. PALMER. I think there is a special order down for 2 o'clock to-day. Although I do not wish to appear intractable in this matter, I should not like to give my consent to have that displaced or deferred without consultation with gentlemen who are here now waiting for action on that bill.

Mr. PLATT. I suppose this debate goes on by unanimous consent, and I ask permission to say a word.

The PRESIDENT *pro tempore*. The morning business has not yet been concluded, and therefore the debate proceeds by unanimous consent.

Mr. PALMER. I ask the Chair if it requires unanimous consent to displace the special order made for to-day at 2 o'clock?

The PRESIDENT *pro tempore*. A special order can be displaced by a majority of the Senate, when it is reached.

Mr. PLATT. I think that special order ought never to have been made, for this reason: A long time ago I gave notice that upon the conclusion of the undervaluation bill I would move to take up the bill for the admission of South Dakota. I do not think that any business can be more important than that of the admission of new States. The Committee on Territories has already reported three bills for the admission of new States, and I have another on my table ready to report, and I think that the importance of those measures requires their consideration. I have, however, acceded to the general wish of the Senate that the Calendar should be proceeded with; but here comes in this special order. I do not know that I want to antagonize it, but I simply say that I do not wish to consent that this order shall run longer than to-day.

Mr. PALMER. I think that the Senator was on the floor or in the Senate at the time that special order was made.

Mr. PLATT. I was in the chair, I think.

Mr. PALMER. And it seems to me that his remarks would have been more pertinent at that time than at this in regard to the propriety of making that special order.

I would say, in regard to the comparative importance of the bills, that I regard the pleuro-pneumonia bill, so called, as of much more importance than the admission of any Territory. Dakota would not ask for admission if pleuro-pneumonia were permitted to run riot through that Territory. The people could not live there. If it did not become a desert it would be deserted. People must have cattle, must have animals, must have the domestic animals, and if pleuro-pneumonia gets across the Mississippi River it will be said of Dakota, as it was of Rome, *Dakota fuit*, if gentlemen will permit me a little Latin.

Mr. PLATT. Mr. President, whether the remarks of the Senator from Michigan are intended to be jocose or not I am unable to tell——

Mr. PALMER. In great seriousness, Mr. President.

Mr. PLATT. But I assume that made in the Senate of the United States they are serious. I think he will hardly convince the people of Dakota or of this country that his bill is of more importance than the question of the admission of a new State. The admission of a new State goes to the honor, the dignity, the power, and the glory of this whole nation. Territories add but little to the honor and glory and the strength of the nation. The nation is a system of States, and the addition of a State gives us power and standing among the nations of the earth; and I can only account for the sentiment of the chairman of the Committee on Agriculture, that his bill is of more importance than

the question of the admission of a State, upon the theory that it comes from his committee.

Mr. REAGAN. Mr. President, I was not in my seat when the order was obtained by which the bill to provide for the establishment of a bureau of animal industry was set for to-day. If I had been here I should have objected to making a special order of it. I never learned the fact that it was so set until Saturday. The people of the State I in part represent have perhaps a larger interest in that subject than those of any other State in the Union. The people of that State have a very deep interest in anything that relates to cattle raising and cattle transportation, and they are very earnestly opposed to the passage of this bill; and I hope it will not be taken up to-day, or until we can get time to look into the subject, which I have not yet had an opportunity to do. It is a question of great importance, and it ought to be fairly considered.

Mr. PALMER. Mr. President——

The PRESIDENT *pro tempore*. Debate proceeds by unanimous consent, the morning business not having been concluded.

Mr. PALMER. I ask the courtesy of the Senate to state that this is a bill of very great importance and of as much importance or more to Texas than any other State, and I hope if it shall be defeated it will not be defeated by measures of retardation or indirection. I hope that the thing will be discussed on its merits, and unless the Senate sees fit to change the special order I think, without further information from gentlemen who are here waiting in the interest of the bill, I shall ask that the special order be observed as it now stands.

Mr. VEST. I rise to morning business.

The PRESIDENT *pro tempore*. The Chair will receive it.

REPORTS OF COMMITTEES.

Mr. VEST, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1974) for the erection of a public building at Fort Worth, Tex., reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 1805) for a public building at Greenville, S. C., reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 159) for a public building at Greenville, S. C., reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 5062) for the erection of a public building at Birmingham, Ala., reported it without amendment.

Mr. HARRIS, from the Committee on Epidemic Diseases, to whom was referred the petition of the San Diego (Cal.) Medical Society, urging that a quarantine station be established for San Diego Harbor, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, submitted a report accompanied by a bill (S. 2493) to perfect the quarantine service of the United States; which was read twice by its title.

He also, from the same committee, to whom were referred the bill (S. 665) to establish a quarantine station at the port of San Francisco, and the bill (S. 1641) to establish a permanent quarantine station at or near Cape Charles, Virginia, reported adversely thereon, and the bills were postponed indefinitely.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 1782) to authorize the leasing of the school and university lands in the Territory of Wyoming, and for other purposes, reported it with amendments.

Mr. PLATT, from the Committee on Territories, to whom was referred the bill (S. 1619) to provide for the formation and admission into the Union of the State of Montana, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, submitted a report accompanied by a bill (S. 2512) to provide for the formation and admission into the Union of the State of Montana, and for other purposes; which was read twice by its title.

Mr. DOLPH, from the Committee on Public Lands, to whom was referred the bill (S. 2003) to grant to the city of The Dalles, in the State of Oregon, certain lands for the purposes of a public park, reported it with amendments.

Mr. PADDOCK, from the Committee on Public Lands, to whom was referred the bill (S. 1765) to provide for the sale of the Fort Sedgwick military reservation, in the State of Colorado and Territory of Wyoming, to actual settlers, reported it with amendments.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (S. 2337) for the relief of Maria N. Abbey, asked to be discharged from its further consideration, and that it be referred to the Committee on Pensions; which was agreed to.

FUNERAL OF CHIEF-JUSTICE WAITE.

Mr. ALLISON. I introduce a bill and ask unanimous consent that it may now be put on its passage. Let it be read at length for information.

The bill (S. 2494) to provide for payment of the funeral expenses of the late Chief-Justice of the Supreme Court was read the first time at length, as follows:

Be it enacted, etc., That the sum of $5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expenses necessarily incurred in the funeral of Morrison R. Waite, late Chief-Justice of the Supreme Court of the United States, to be disbursed by the marshal of the Supreme Court upon vouchers to be approved by the senior associate justice of said court.

The bill was read the second time by its title, and by unanimous consent considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TERRITORY OF UTAH.

Mr. CULLOM. On behalf of the Committee on Territories I report back a memorial and proposed constitution for the admission of the Territory of Utah as a State, and ask to be discharged from their further consideration, and to report resolutions which were unanimously adopted by the Committee on Territories, and I request that they be now considered.

The PRESIDENT *pro tempore*. The resolutions reported by the Senator from Illinois will be read.

The Chief Clerk read as follows:

Resolved, That it is the sense of the Senate that new States should be admitted into the Union only upon a basis of equality with the existing States and that Congress ought not to exercise any supervision over the provisions of the constitution of any such new State further than is necessary to guaranty to every State in this Union a republican form of government.

Resolved, That the proposed constitution for the State of Utah submitted to Congress with the memorial praying for the admission of the Territory of Utah into the Union as a State, contains provisions which would deprive such proposed State, if admitted into the Union, of that equality which should exist among the different States.

Resolved further, That it is the sense of the Senate that the Territory of Utah ought not to be admitted into the Union as a State until it is certain beyond doubt that the practice of plural marriages, bigamy, or polygamy, has been entirely abandoned by the inhabitants of said Territory, and until it is likewise certain that the civil affairs of the Territory are not controlled by the priesthood of the Mormon Church.

Mr. HOAR. Let those resolutions be printed and go over. They are very important resolutions.

The PRESIDENT *pro tempore*. The resolutions will lie over under the rules and be printed.

Mr. BUTLER. May I inquire of the Senator from Illinois if those resolutions are accompanied by a bill sent to the committee.

Mr. CULLOM. No, sir. This report has nothing to do with the bill introduced by the Senator from South Carolina. It simply has to do with the memorial and the proposed constitution from that Territory.

Mr. BUTLER. That is what I wished to inquire about.

The PRESIDENT *pro tempore*. The Chair also understood the Senator from Illinois to report back from the committee the memorial and draught of a constitution, and ask that the committee be discharged from the further consideration of the same. That order will be made, unless there be objection.

BILLS INTRODUCED.

Mr. BUTLER introduced a bill (S. 2495) to equalize the pay of certain officers of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. BERRY introduced a bill (S. 2496) granting the right of way over West Mountain, in the Hot Springs reservation, in the State of Arkansas, to the West Mountain Inclined Railway and Improvement Company; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. COKE introduced a bill (S. 2497) for the relief of Jonathan L. Dobbs, Daniel C. Kyle, Keith & O'Neal, James C. Loving, and the legal representatives of John Hittson, deceased, Alexander Timmons, deceased, Nathan Watson, deceased, and Daniel Cretsinger, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2498) for the relief of William R. Baker; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2499) for the relief of Hiram D. Drum; which was read twice by its title, and referred to the Committee on Claims.

Mr. HALE introduced a bill (S. 2500) granting a pension to Gertrude K. Lyford; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLATT introduced a bill (S. 2501) for the relief of William M. Bryant; which was read twice by its title, and referred to the Committee on Patents.

He also introduced a bill (S. 2502) for the relief of James Caler; which was read twice by its title, and referred to the Committee on Claims.

Mr. BECK introduced a bill (S. 2503) to increase the pension of Mrs. Mary L. Scott, of Lincoln County, Kentucky; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DAVIS introduced a bill (S. 2504) granting a pension to Mary A. Moran; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 2505) removing the charge of desertion from the military record of L. F. Decker; which was read

twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. FRYE introduced a bill (S. 2506) for the establishment of a light-house, fog-signal, and day beacon in the vicinity of Goose Rocks, Fox Island Thoroughfare, Maine; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PLUMB introduced a bill (S. 2507) granting a pension to Joseph Hicks; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 2508) for the relief of B. F. Rockafellow; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 2509) to equalize the salaries of certain postmasters; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 2510) to amend an act entitled "An act authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes," approved June 3, 1878; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. WALTHALL introduced a bill (S. 2511) to withdraw the public lands of the United States in Mississippi from sale at ordinary private entry, and to restrict disposals thereof under general statutes to homestead settlers; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. SPOONER (by request) introduced a bill (S. 2513) granting a pension to Charles H. Sedgwick; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2514) granting a pension to Michael Shong; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DANIEL introduced a bill (S. 2515) to provide pneumatic gun-carriages for the War Department; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2516) to appropriate a sum of money to the Mount Vernon Avenue Association, as assignee of the State of Virginia, and for other purposes; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 2517) for the establishment of a light-ship at Bush's Bluff Shoal, Elizabeth River, Virginia; which was read twice by its title, and referred to the Committee on Commerce.

Mr. GEORGE (by request) introduced a bill (S. 2518) providing a remedy for the retention of officers of the Navy (not retired for age or length of service) on the retired-list after the disability for which they were placed there has ceased; which was read twice by its title, and referred to the Committee on Naval Affairs.

AMENDMENT TO A BILL.

Mr. PALMER submitted an amendment intended to be proposed by him to the bill (S. 1430) to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes; which was ordered to lie on the table.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 20th ultimo, a letter from the Chief of Engineers embodying a report of a board of engineers in regard to estimates for restoring quarters and buildings of Fort Moultrie for garrison of United States troops, etc.; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

FISHERIES NEGOTIATIONS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

In response to the resolution adopted by your honorable body on the 16th instant, as follows: "*Resolved*, That the President of the United States be requested, if in his judgment not incompatible with the public interest, to transmit to the Senate copies of the minutes and daily protocols of the meetings of the commissioners who negotiated the treaty with Great Britain, submitted by the President to the Senate on the 20th of February, 1888," I submit herewith a report of the Secretary of State, which, I hope, will satisfactorily meet the request for information embraced in said resolution.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, March 22, 1888.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6437) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1888, and for other purposes.

The message also returned to the Senate, in compliance with its request, the following bills:

A bill (S. 192) to provide that judges of the United States circuit and district courts shall reduce their instructions to juries to writing in all States wherein by the laws thereof State judges are required so to do; and

A bill (S. 788) to provide for holding terms of the United States courts at Mississippi City.

The message further announced that the House had passed the following resolutions:

IN THE HOUSE OF REPRESENTATIVES, *March* 23, 1888.

Resolved, That the House of Representatives has heard of the death of Chief-Justice Waite, of the Supreme Court of the United States, which occurred this morning at 7 o'clock, with feelings of deep and sincere sorrow.

Resolved, That while the nation mourns the loss of one of its most useful and illustrious sons, it is fitting that the House, representing the people, express its deepest sympathy with the family of the deceased in their affliction.

Resolved, That the House will attend as a body the funeral of the late Chief-Justice, and the Speaker is requested to appoint a committee consisting of nine members to act with a committee of the Senate in any necessary action relating to the funeral.

Resolved, That as an additional mark of respect to the memory of the deceased the House do now adjourn—.

And that the Speaker had announced the appointment of Mr. KELLEY, of Pennsylvania; Mr. SENEY, of Ohio; Mr. GROSVENOR, of Ohio; Mr. BRECKINRIDGE, of Kentucky; Mr. CANNON, of Illinois; Mr. CARLTON, of Georgia; Mr. STEWART, of Vermont; Mr. ANDERSON, of Iowa, and Mr. RUSSELL, of Connecticut, as members of the committee.

The message also announced that the House had passed the following resolutions:

Resolved, That the funeral ceremonies of the late Chief-Justice Waite be held in the Hall of the House of Representatives on Wednesday, March 28, 1888, at 12 o'clock, noon, under the arrangements of the Supreme Court, and that when the House adjourn on the 27th instant it shall be until 11.30 a. m. of March 28.

Resolved, That the Clerk of this House notify the Senate and Supreme Court of the passage of these resolutions.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1874) to change the eastern and northern judicial districts of Texas, and for other purposes;

A bill (H. R. 4948) to amend section 988 of the Revised Statutes, regulating stays on executions in courts of the United States;

A bill (H. R. 8180) to regulate the liens of judgments and decrees of the courts of the United States; and

A bill (H. R. 8808) to amend an act entitled "An act to provide for holding terms of United States courts at Vicksburg, Miss."

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 1611) for the erection of a public building at Springfield, Mo.;

A bill (H. R. 4487) to enable the Secretary of the Interior to pay certain creditors of the Pottawatomie Indians out of the funds of said Indians; and

A bill (H. R. 5728) to amend the laws relating to navigation, and for other purposes.

UNDERGROUND WIRES IN DISTRICT.

Mr. HALE. I submit, by request, two resolutions touching an inquiry into the expediency of a revised system of underground wires in the District of Columbia. Everybody knows the inconvenience to which we were all subjected last week in getting communication with the different parts of the city. These resolutions cover the subject. One should go to the Committee on Public Buildings and Grounds, and the other to the Committee on the District of Columbia.

The PRESIDENT *pro tempore*. The resolutions will be read separately.

The Chief Clerk read as follows:

Resolved, That the Superintendent of Public Buildings and Grounds is hereby directed to report to the Senate on or before Monday, the 16th day of April, 1888, a comprehensive system of underground wire for telegraph and telephone service to connect the several Departments and bureaus of the Government in Washington City, presenting in detail the same, and an itemized estimate of the cost.

The PRESIDENT *pro tempore*. Does the Senator from Maine desire action on the resolutions or their reference only? The Chair understood the Senator to say he desired one to be referred to the Committee on Public Buildings and Grounds and the other to the Committee on the District of Columbia.

Mr. HALE. This one should be referred to the Committe on Public Buildings and Grounds; but if there is no objection to the passage of the resolutions, I ask that they be considered now.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. HARRIS. Let it be read again.

The resolution was read.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this resolution?

The resolution was considered by unanimous consent, and agreed to.

The PRESIDENT *pro tempore*. The next resolution submitted by the Senator from Maine (Mr. HALE) will be read.

The Chief Clerk read as follows:

Resolved, That the commissioners of the District of Columbia are hereby directed to report to the Senate on or before Monday, the 16th day of April, 1888, a

comprehensive system of underground wires for telegraph and telephone service for use of the District of Columbia, presenting in detail the same and an itemized estimate of the cost.

The resolution was considered by unanimous consent, and agreed to.

LAND PATENT SUITS.

Mr. STEWART submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General be directed to inform the Senate:

First. What suits to vacate land patents issued by the United States have been commenced by the direction of the Department of Justice, and are now pending in court, and the present status of the same.

Second. What suits he has authorized to be commenced, and which have not yet been entered in court.

Third. What suits he has been requested by the Department of the Interior to commence, but upon which requests final action has not yet been taken.

Fourth. What applications for the institution of such suits have been filed with him, and are pending before him, or on reference to the Interior Department.

Fifth. Whether any special counsel have been employed in the conduct of such suits, or in any wise authorized to represent the United States therein; and, if so, the names of such counsel, and whether the expenses of any such suits in whole or in part are paid by any parties other than the Government.

Sixth. To what extent does the Department of Justice determine whether such suits ought to be commenced, or whether they can be successfully maintained.

CONSIDERATION OF THE FISHERIES TREATY.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Chief Clerk read the resolution submitted by Mr. RIDDLEBERGER March 22, 1888, as follows:

Resolved, That so much of Rules XXXVI, XXXVII, and XXXVIII as provide for executive sessions be suspended during the consideration of the fisheries treaty when the same shall be reported to the Senate.

Mr. RIDDLEBERGER. I believe that is a resolution I offered. I ask, without making any remarks upon it, that it may be acted on. I have heretofore said all I care to say in the way of objection to secret executive sessions. I do hope it will be the pleasure of the Senate to pass this resolution. There are two treaties which will come up for consideration pretty speedily, perhaps, and I hope will be treated like their predecessors and shelved until next December.

The PRESIDENT *pro tempore*. The question is on the resolution offered by the Senator from Virginia.

Mr. SHERMAN. It seems to me that if the Committee on Foreign Relations have that treaty under consideration, it would be better not to make any order of this kind at this period of the session. It may be that the committee itself will recommend that the debate be open and public. The official report has been laid on our table; it is open to the public. But pending the consideration of the treaty by the committee, I think this order had better remain. Let it lie on the table, and it may be that the committee itself will report in favor of having the debate public. At present I am not prepared to give any opinion whether the debate may not be public or not. Let the committee act on the question. It is simply idle for the Senate to act on it now. It had better be put over until the committee report, and then it is perhaps probable that the committee may agree that the debate shall be open to the public. I think we ought not to commit ourselves now.

Mr. RIDDLEBERGER. Mr. President, this is a resolution that does not go to the Committee on Foreign Relations, and each member of that committee acts here as a Senator as contradistinguished (if that is understood) from his relationship to the Foreign Relations Committee. This is a resolution which if it had gone to any committee would have gone to the Committee on Rules. The Committee on Foreign Relations will have performed its duty, or all that is expected of it, when it considers the treaty itself; and it has no right to consider what course of action the Senate shall pursue, whether it shall be in open or in executive session. That is a matter that I do not propose for one to let go to that graveyard of propositions like this.

Mr. President, I think this is the proper time to consider a resolution of this sort. The Senator from Ohio thinks it ought to be delayed until the committee of which he is chairman shall arrive at its conclusion on this treaty. So far as I am concerned if he will make that a condition I will agree to it, conditioned, however, that the chairman of that committee will not press the fisheries treaty in executive session before this resolution is acted upon in open session. I would not say that that Senator has any other than always a candid motive, but I have grown to believe that sometimes there is a bug under the chip. That fisheries treaty may come in here at any time and I can not discuss it. I am forbidden even to tell the truth about it, and the only way that it can be taken out of that executive or secret session is to pass a resolution during the morning hour that it shall be considered in open Senate.

It does not come before us as a political proposition entirely. I do not see how you can intelligently discuss that treaty without expressly providing that it shall be considered in open session and that the comments of Senators upon it shall be laid before the public. I have not seen an American newspaper, or, I will say, a newspaper published in the United States, that has not denounced the treaty. They say about it what I would be forbidden to say on the Senate floor. When I referred to another treaty I was told by a Senator, and had to deferentially accept it, that I was violating an oath as a Senator. I am not doing it now, sir. I would not have accepted it in any other spirit. Men may swap well-deserved reputations for cheap notoriety. I hope I shall not do it.

I am asking for the consideration of this resolution after the chairman of the Committee on Foreign Relations has had since last Thursday to examine it. It is a resolution, as I shall repeat, that does not properly go to his committee. I ask the Senate to consider it and not the Committee on Foreign Relations. I am reminded of what was well said on this floor by a very distinguished Senator when it was proposed by the chairman of the Judiciary Committee to refer his bill to that committee, and the Senator from Ohio reminded him that it was not debatable, and he said, "Mr. President, I do not rise to debate it. I simply want to bid farewell to my bill." I do not want to bid farewell to this resolution. I want to vote for it this morning when it comes up, and no single objection can pass it over, as it can on the day of its introduction.

I again ask the Senator from Ohio to express the same view in his vote which he has expressed repeatedly before, if I and others have an opportunity of expressing our view that America is big enough to take care of herself, and she does not require or need any treaty where she has to make concessions to those who are not manly fighting her.

Mr. GRAY. Mr. President——

Mr. SHERMAN. If the Senator from Delaware will allow me to make a single reply to the observation of the Senator from Virginia, I wish to say that I am absolutely indifferent in regard to this matter except that I take it the Senate would not care to decide a question until it becomes important to decide it. I can not tell when the treaty will be reported to the Senate, and I say to the Senator from Virginia, and that is all I wish to say, that undoubtedly he will have ample notice. I will see myself that he has ample notice, so that he can ask for a vote of the Senate on the resolution before the treaty is considered. As a matter of course that would naturally be the case, and I give him the assurance that there is no doubt about it at all. So far as the question itself is concerned, I am indifferent except I think the Senate had better wait until the treaty is presented here for consideration.

Mr. GRAY. I merely rose to say that I thought the suggestion of the Senator from Ohio was a proper one at this time in regard to the resolution of the Senator from Virginia to consider the fisheries treaty in open session. I am not opposed to the resolution of the Senator from Virginia; in fact, I expect to vote for it. The President of the United States sent the fisheries treaty to the Senate with a request that it be made public, and it has been published. The people of the United States are fully possessed of that treaty and know all about its terms already; but I think we should act in this matter in decency and in order, and when the committee which has that treaty in charge shall have reported it, after consideration of the treaty itself, there will be time enough then for the Senate to decide whether it will consider the ratification of the treaty in open session or not.

So far as I understand the sentiment of the Senators on this side of the Chamber who sit around me, I think, unless something in the report of the committee should change their minds, and I can not conceive how that can be, they are in favor of the consideration of the treaty in open session. But I think the suggestion made by the Senator from Ohio is an eminently proper one, and that for the present the resolution should lie on the table. I make that motion now.

Mr. RIDDLEBERGER. I will relieve the situation so far as I can by simply suggesting to the Senator from Delaware, and the Senator from Ohio, that if the Senate will consider the resolution in the morning hour, at least one day antecedent to the taking up of the fisheries treaty in executive session, with that understanding I will let the matter lie over. I do not wish to have the Senate lay the resolution on the table, for it would then require a vote to take it up.

Mr. SHERMAN. There is no objection to the course suggested by the Senator from Virginia.

The PRESIDENT *pro tempore*. Does the Senator from Delaware withdraw his motion to lay the resolution on the table?

Mr. GRAY. I will withdraw the motion if the resolution is not to be pressed at this time.

Mr. RIDDLEBERGER. I shall not press it any further now.

The PRESIDENT *pro tempore*. The resolution lies over for consideration.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 2494) to provide for payment of the funeral expenses of the late Chief-Justice of the Supreme Court.

PURCHASE OF BONDS.

Mr. MORRILL. I move that the Senate proceed to the consideration of the bill (H. R. 5034) to provide for the purchase of United States bonds by the Secretary of the Treasury.

The PRESIDENT *pro tempore*. The bill will be read at length for information.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to apply the surplus money now in the Treasury, and such surplus money as may hereafter be in the Treasury, and not otherwise appropriated, or so much thereof as he may consider proper, to the purchase or redemption of United States

bonds: *Provided*, That the bonds so purchased or redeemed shall constitute no part of the sinking fund but shall be canceled by the Secretary of the Treasury.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate now proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. MORRILL. I ask to have the report read, which will explain the bill as briefly as it can be done.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. MORRILL March 6, 1888:

The Committee on Finance, to whom was referred the bill (H. R. 5034) to provide for the purchase of United States bonds by the Secretary of the Treasury, respectfully report:

The committee unanimously believe no additional legislation is required to give the Secretary of the Treasury full and ample power to apply at any time the surplus money in the Treasury not otherwise appropriated, or so much thereof as he may consider proper, to the purchase or redemption of United States bonds. Section 2 of the act of March 3, 1881, nearly identical in phraseology, was reported by Mr. Bayard, chairman of the Committee on Finance, and inserted as an independent section of law with the approval of the Committee on Appropriations, and still stands unrepealed and with all of its original force on the statutes.

As the President has, however, expressed his belief that the law "is subject to the suspicion that it was intended as temporary and limited in its application, instead of conferring a continuing discretion and authority," it is likely that the Secretary of the Treasury may not feel at full liberty to exercise the power to purchase United States bonds as the public interest may seem to require. The committee, therefore, recommend the passage of the House bill, with some amendments designed to free the matter from all doubt.

The PRESIDENT *pro tempore*. The bill was reported from the Committee on Finance with amendments which will be stated in their order.

The first amendment of the Committee on Finance was, in line 4, after the word "apply," to insert the words "from time to time;" so as to read:

The Secretary of the Treasury is hereby authorized to apply from time to time the surplus money now in the Treasury, and such surplus money as may hereafter be in the Treasury.

The amendment was agreed to.

The next amendment was, in line 6, after the word "Treasury," to insert the words "not held for specific purposes;" so as to read:

And such surplus money as hereafter may be in the Treasury, not held for specific purposes, and not otherwise appropriated, or so much thereof as he may consider proper, to the purchase or redemption of United States bonds.

The amendment was agreed to.

Mr. PLUMB. Is it in order now to move an amendment?

The PRESIDENT *pro tempore*. The bill is open to amendment, the amendments of the committee having been acted upon.

Mr. PLUMB. I move to add as a separate section what I send to the desk.

Mr. STEWART. I wish to offer an amendment.

The PRESIDENT *pro tempore*. The Senator from Kansas has been recognized, and offers an amendment, which will be read.

The SECRETARY. It is proposed to add as an additional section the following:

SEC. 2. That whenever the circulation of any national bank, or any portion thereof, shall be surrendered, and the same is not taken up by other national banks within thirty days thereafter, the Secretary of the Treasury shall thereupon issue an equivalent amount of Treasury notes of the denominations now provided by law for national-bank notes. Said Treasury notes shall be deposited in the Treasury and paid out as other moneys kept for the discharge of the obligations of the Government. They shall be receivable for salaries and for all dues to the Government, including duties on imports; shall be a legal tender for all debts, public and private; shall be redeemable in coin, as the legal-tender notes of the United States now are; and when received into the Treasury they shall be reissued, and when mutilated or worn they shall be replaced, in the same manner as now provided by law for said legal-tender notes. The coin held in the Treasury at the date of the passage of this act for the redemption of the legal-tender notes of the Government shall also be applicable to the redemption of the Treasury notes herein provided for; and such coin reserve may, from time to time, be increased by adding thereto other sums from payments made into the Treasury, in the discretion of the Secretary of the Treasury: *Provided*, That the total amount of said coin reserve shall never be less than 25 per cent. nor more than 30 per cent. of the total amount of legal-tender and Treasury notes outstanding. The true intent and meaning of this section being that the volume of paper money outstanding (exclusive of gold and silver certificates) shall remain as now existing.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Kansas [Mr. PLUMB].

Mr. MORRILL. Mr. President, I hope that the amendment——

Mr. BECK. Will the Senator from Vermont allow me to make a suggestion before he goes on? I offered an amendment to the bill, in reference to the sinking fund, which was noted and regarded as pending. I rose about the time the Senator from Kansas offered his amendment to say that knowing this to be a measure which came from the other House, perhaps to remove a doubt, I proposed to withdraw my amendment, because this measure ought to stand by itself, and the question I sought to consider and the questions which the Senator from Kansas and others seek to consider should be placed upon other bills. But as this amendment has been thrown in I may as well let my amendment remain for a little while, and then I can withdraw it.

Mr. PLUMB. In view of the statement of the Senator from Kentucky, if he desires to offer his amendment, I will withdraw mine until he has had a chance to present his.

Mr. BECK. No, I will let it go for the time-being.

Mr. STEWART. I have an amendment to offer.

Mr. MORRILL. The amendment of the Senator from Kansas is entirely alien to the topic that is considered by the House bill. There is supposed to be an urgent necessity for the passage of the House bill with the amendments which have been made by the Committee on Finance, and agreed to by the Senate this morning. I trust that the Senator from Kansas will not press his amendment, which, if it was to be seriously discussed and considered, is one that would be likely to require a week or ten days of time for its consideration. I am sure that there is no present necessity for any action in the direction proposed by the Senator from Kansas. In order that we may get the bill through without taking much time this morning from the consideration of the Calendar, I hope that all amendments which have been proposed will be withdrawn and the bill allowed to pass.

Mr. PLUMB. Different people have different ways of manifesting haste. The bill under consideration has been on the Calendar just twenty days to-day. If there had been any great hurry about its passage, any very great emergency, I imagine the Finance Committee would have urged its passage long ago. It is not going to take ten days to dispose of this amendment, although it had better take thirty days than not have it or some such proposition adopted. It is entirely germane to the subject of the bill, just as germane as the punctuation that is in it.

This bill is for the purpose of relieving the Treasury from its surplus funds and adding to the circulation of the country, the last object being the main one I take it. The country to-day is in distress for lack of money, which the Treasury has locked up; and this is an effort on the part of Congress to induce the Secretary of the Treasury to do what he has heretofore refused to do, and that is to pay out the public money in discharge of the public debt.

But, Mr. President, this will only accomplish a partial purpose. No one can tell how many bonds will be bought under the authority of the bill if the Secretary shall choose to act under it, as he has heretofore refused to act under similar authority now on the statute-book. No one can tell how much it will add to the volume of money outstanding, because nobody can tell how many of the bonds will come from national banks now holding them as a basis for circulation. All the money that there is in the Treasury of the United States, I suppose, is in the neighborhood of $100,000,000, according to the Treasury view of it, which can be paid out in discharge of the public debt under the terms of the bill which is now pending. I think there is $160,000,000 there available for some such purpose beyond any reserve required by law or by the practice of the Department to be kept. But suppose there be only $100,000,000, and suppose the Secretary of the Treasury buys $100,000,000 of outstanding bonds of the United States with that money, it must be $100,000,000 of course minus the premium, or plus, as you may use the term. That is to say, if he buys 4 per cent. bonds at the market price to-day he would be able to take up the principal of only about $80,000,000 of bonds. If those bonds should be offered for sale by banks holding them already as a basis for their currency, there would only be 10 per cent. of that amount added to the volume of the currency outstanding, notwithstanding the disbursement by the Treasury of $100,000,000. The gain therefore would be fractional and imperceptible, and the purpose which I suppose the Finance Committee has in view would be lost. If one-half the bonds should be tendered by national banks, and one-half by outside parties, of course the gain to the outstanding circulation would be greater. While the bill itself is proper, at the same time as it stands, and by itself, it is trifling with a very great question.

For years the national-bank circulation and so the volume of money outstanding in the United States has been declining. The population has increased, business has increased, but the currency with which that business is to be transacted has diminished each year during the last five years; and yet the Finance Committee of the Senate and the similar committee in the other House, and all those whose special privilege it has heretofore seemed to be to take care of these questions have proposed nothing whatever—not one single measure for the purpose of keeping up the volume of the currency and nothing to increase it in accordance with the increasing needs of business. Here is a proposition which is put forth as something which is to relieve the existing stringency, which is to diminish the surplus in the Treasury, which is to add to the volume of the circulating medium, of which it can not be said with knowledge that it will perform one single thing of that which it is assumed on its face it will do.

Mr. President, I should like to know from the chairman of that committee what the committee propose as a substitute for the national-bank circulation, which has shrunk during the last year over $30,000,000, and which, in all human probability, during the coming year will shrink more than $30,000,000 more, and which under the operation of this bill will probably shrink at least $50,000,000. Does that committee have in view any remedy for this extraordinary state of affairs?

Mr. MORRILL. I will say to the Senator that we have several bills in the committee which have been considered, but not yet fully completed, and we propose to report upon them at the earliest practicable day.

Mr. PLUMB. But this contraction of the currency, by means of

the retirement of national-bank circulation, has been going on for more than ten years, and all the committee has to say now is that it only considered some bill, but it is not yet completed. If the committee will not complete some measure, the Senate must. If the Senate will not and if the other House will not, then the country is going upon the breakers of financial disturbance. As a Senator says in my hearing, it is there now. I think it is there now. We are dealing with a question which has more to do with the welfare of the people of the United States, which is of more concern to them than any other thing that is pending in either House of Congress, or which can be pending—the volume of the circulating medium of the country, the value of its property, the difference between debt and bankruptcy, on the one hand, and freedom from debt and prosperity on the other.

It is estimated that there are in circulation, including that which is locked up in the Treasury and held in banks as a reserve fund, about sixteen hundred million dollars of all kinds of currency of the United States, gold and silver, the overplus of gold and silver certificates, greenback notes, and national-bank notes, all told, and there are more than $60,000,000,000 of property which must finally be measured by this volume of currency. It has been contracted during the last year more than 5 per cent. in addition to all that has occurred by reason of abrasion and loss. No man can tell the volume of greenbacks outstanding. Nominally it is $346,000,000 and a fraction, but that volume has been subject to all the accidents which have occurred during the past twenty-five years, whereby money has been consumed, worn out, lost, and it is doubtful if the amount is really over $300,000,000 to-day.

But saying nothing about that, the retirement of the national banking circulation during the past twelve months has been 5 per cent. of the total amount of currency outstanding. There has been during that period a phenomenal depreciation of the prices of property. There has been the greatest depreciation of the price of agricultural products the country has ever known. And yet the Finance Committee has simply incubated something that may ripen after a time, and it may not. I do not speak of this for the purpose of reflecting on the committee, but for the purpose of expressing in a feeble way my view of the gravity of the situation which Congress has yet done nothing to meet.

The contraction of the currency during the last three years has been 5 per cent. of its volume. This means the depreciation of the property of the country $3,000,000,000. Debts have not only increased but the means to pay them have diminished in proportion as the currency has been contracted. Events based upon non-legislation have proved of advantage to lenders but disastrous to borrowers.

The proposition which I have made here is simply that we shall do with reference to the volume of the national banking circulation substantially what we did in regard to the volume of the greenback circulation. We arrested the policy of the Treasury whereby the greenback circulation was being diminished, and we said that after the date of the law which we passed in 1878, known as the Fort bill—that from and after that date the volume of currency should remain exactly as it was then; that whatever dollars of greenbacks the Treasury took in it should pay out, and not destroy as it had been doing.

In 1884 I moved this amendment in substance to a then pending measure reported by the Finance Committee, providing that whatever the volume of paper money then was it should be maintained at, by giving to the Secretary of the Treasury authority to issue greenbacks to take up, to fill the void then impending, and which we have since seen would have met the subsidence of the national banking circulation. That amendment received 11 votes in this body. Since that time the national banking circulation has gone off more than $60,000,000. If such an amendment as this had been adopted at that time the paper money in circulation in the United States would now be $60,000,000 greater than it is, and a large portion of the shrinkage in the value of the property of this country, of the paralysis which rests upon its business, would have been obviated, as I believe.

It is late to propose it again, perhaps, but better late than never, and I propose it in view of the fact, as stated by the chairman of the committee, that nothing of this kind is practically pending in that committee, and that committee has no design whatever to propose any measure which shall arrest this contraction of the currency and let the country go on and on with increasing needs and yet with a diminished quantity of money for the transaction of business until the worst shall come to the worst. And that hour may not be long delayed, Mr. President. It may arrive at any time. We have deluded ourselves with the belief that because we have had an abundance of currency in the banks of New York there was an abundance of money everywhere, which is an entirely misleading state of fact. The abundance of money in New York testifies to nothing except the subsidence of stock speculation. There is a great shrinkage in the West. In all the producing regions of the country there is great lack of the money necessary to carry on business, and we have a right to look to the Finance Committee of this body to propose some measure which shall relieve this condition of things.

The measure which I propose does not add to the volume of the currency, as it ought to do. It is a conservative measure. It simply provides that whatever that volume is to-day as it relates to the paper money it shall be maintained; it shall not be diminished. It is applying the same thing in practice, although different in form, that we applied in 1878 to the greenback notes. We ought at least to do that much.

If those who guide the finances of the country, if those who by reason of their familiarity with them and their prominent relation to the subject heretofore, are prepared to offer nothing now of an affirmative character calculated to give back to the country the currency of which it has been deprived, they ought at least to be willing to say that where this contraction is now it shall stop; that is, it shall go no further.

The Senator from Delaware [Mr. SAULSBURY] the other day spoke with great feeling about the mortgaging of farms in this country. So far as that complaint relates to a general condition, to the lack and to the shortcomings of legislation, it is more nearly related to the diminished volume of currency than to any other one thing.

For my part I do not care to rest any longer under the responsibility of this condition. I at least shall "in season and out of season" and on every proper bill move amendments of this character until Congress does something better, I hope, than I propose, but at least something which if it does not provide for the expanding commerce and the increasing population of the country will at least accommodate itself to the condition of things now existing, so that the currency shall not be further diminished until some proposition which shall meet with the consent of Congress and of the President shall be adopted to dispose of this question for all time to come.

Mr. MORRILL. If the Senator from Kansas had noticed what was on the Calendar, he would have discovered that already there are two bills which have been reported, one by the Senator from Ohio [Mr. SHERMAN], and another, Order of Business 736, by the Senator from Rhode Island [Mr. ALDRICH].

But without discussing at this time the merits of the proposition introduced by the Senator from Kansas—and I do not know whether I have any hostility to it or not—it does seem to me that it is more important that we shall act upon the measure that comes to us from the House of Representatives than to encumber it and embarrass it with various amendments. I therefore move to lay the amendment of the Senator from Kansas on the table.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to lay the amendment on the table.

Mr. FARWELL. I should like to hear the amendment read.

The PRESIDENT *pro tempore*. The amendment will be again read if there be no objection.

The Secretary read the amendment submitted by Mr. PLUMB.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont [Mr. MORRILL].

Mr. BECK and Mr. FARWELL addressed the Chair.

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. BECK. I know it is not. I only desire to ask the Senator from Vermont to withdraw the motion a moment until I can make some explanation, and then I will renew it for him.

Mr. FARWELL. I wish to say a word.

Mr. MORRILL. I do not desire to interfere with debate. My only anxiety is to have the bill acted on; but if the Senator from Kentucky and the Senator from Illinois desire to be heard, I withdraw the motion to lay the amendment on the table.

Mr. FARWELL. I desire to make an observation or two.

The PRESIDENT *pro tempore*. The Chair recognized the Senator from Kentucky [Mr. BECK].

Mr. BECK. I had offered what I thought was an important amendment bearing upon the questions involved in this bill, quite as important, in my opinion, as the amendment proposed by the Senator from Kansas, and perhaps there are others quite as important as either that other Senators may present; but this is a bill that has been passed by the other House, the single purpose of which is to remove a doubt expressed in the President's message in regard to the right to buy bonds under existing law. I have no doubt about the right to purchase them under the present law myself. The second section of the act of 1881 reads thus:

SEC. 2. That the Secretary of the Treasury may at any time apply the surplus money in the Treasury not otherwise appropriated, or so much thereof as he may consider proper, to the purchase or redemption of United States bonds: *Provided*, That the bonds so purchased or redeemed shall constitute no part of the sinking fund, but shall be canceled.

I have always thought, and believe now, that under that provision the Secretary of the Treasury has all the authority that the pending bill gives him; yet I desire to remove all possible doubt. The President says in his message:

Heretofore the redemption of 3 per cent. bonds, which were payable at the option of the Government, has afforded a means for the disbursement of the excess of our revenues; but these bonds have all been retired, and there are no bonds outstanding the payment of which we have the right to insist upon. The contribution to the sinking fund, which furnishes the occasion for expenditure in the purchase of bonds, has been already made for the current year, so that there is no outlet in that direction.

In the present state of legislation the only pretense of any existing executive power to restore, at this time, any part of our surplus revenues to the people by its expenditure, consists in the supposition that the Secretary of the Treasury may enter the market and purchase the bonds of the Government not yet due, at a rate of premium to be agreed upon. The only provision of law from which

such a power could be derived is found in an appropriation bill passed a number of years ago—

To wit, the section I have just read—

and it is subject to the suspicion that it was intended as temporary and limited in its application, instead of conferring a continuing discretion and authority. No condition ought to exist which would justify the grant of power to a single official, upon his judgment of its necessity, to withhold from or release to the business of the people, in an unusual manner, money held in the Treasury, and thus affect, at his will, the financial situation of the country; and if it is deemed wise to lodge in the Secretary of the Treasury the authority in the present juncture to purchase bonds, it should be plainly vested, and provided as far as possible with such checks and limitations as will define this official's right and discretion, and at the same time relieve him from undue responsibility.

In considering the question of purchasing bonds as a means of restoring to circulation the surplus money accumulating in the Treasury it should be borne in mind that premiums must of course be paid upon such purchase, that there may be a large part of these bonds held as investments which can not be purchased at any price, and that combinations among holders who are willing to sell may unreasonably enhance the cost of such bonds to the Government.

I do not entertain the doubt which the Secretary or the President thinks may exist, but I know some good lawyers who entertain the same view as the President. I believe that this bill ought to be passed promptly unencumbered by any amendments. My amendment was offered in committee, and has been printed. It proposes to repeal the laws requiring the further maintenance of a sinking fund, which I regard as no longer useful. In fact the sinking-fund provision now is simply adding by law $50,000,000 a year to the taxation we are obliged to provide for when there is no possibility of taking up any bonds with the money thus collected without paying any premium the bondholders may see fit to ask.

We have surplus enough on hand now to pay all the bonds that mature in 1891. There are only $230,000,000 of them left. We can not pay any of the fours till 1907; yet we are required by law, under the construction given to the sinking-fund provision, to provide $50,000,000 annually more than we need for the legitimate expenditures of the Government. That simply allows the bondholders to exact any premium on their bonds that they see fit to demand. I can show by official documents we have already bought and paid for and retired and sunk in the sinking fund, or in some other way, so that our debt is reduced over $700,000,000 more than anybody pretends that the sinking-fund law requires, or under any possible construction of it ever required us to pay or sink.

But I told the chairman that I would withdraw that amendment, just as I hope the Senator from Kansas will withdraw his amendment, regardless of their merits. I hope other gentlemen who may desire to present others will withhold them, so as to allow this bill as it came from the House of Representatives to pass and become a law. We can each present our propositions when other questions come up. Let this much be done and settled, and then the Secretary, as well as the President, will have the doubt removed as to the right to buy bonds.

I do not want a proposition about which we all agree tied up between the two Houses because of a long conflict of opinion about other matters, which may so complicate things that the bill will not pass at all. While we are wrangling some emergency may arise and the Secretary will be tied up by his construction of the law and thus be unable to buy bonds at all.

However, I hope he will regard the action of the House and of the Finance Committee of the Senate, coupled with the general expression here, as authorizing him to accept our construction of the act of 1881, even if he has some doubt about it.

There are $230,000,000 of 4½ per cent. bonds that he can purchase perhaps at 6 or 8 per cent. premium. The interest at 4½ per cent. for two years would more than pay the premium. The money is lying idle now; the sooner they are bought and the interest stopped the better. The 1891 bonds are so near maturity that they certainly can be bought at a premium less than the interest saved by the purchase, as the idle money is bringing in nothing. Besides, I desire to say to the Senator from Kansas that there is a bill reported by the Senator from Ohio [Mr. SHERMAN] which is in the direction which his amendment looks.

I think I should be very much inclined on that bill to favor what he suggests. I agree that this is one of the most important questions we have to deal with, and I further agree that the contraction of the national-bank circulation is alarming; but, as I said, there is a bill now on the Senate Calendar reported by the Senator from Ohio from the Finance Committee, the purpose of which is to relieve the contraction by purchasing bonds with the legal-tender notes that are now held as security for the national-bank circulation, which is left unprotected by bonds, as required by law. There was about $102,000,000 six weeks ago, I think about $98,000,000 now, of greenbacks held for that purpose. The Finance Committee thought that 80 per cent. of that fund can be used in the purchase of bonds, and that the interest saved will indemnify us against any possible reduction in premium if we have to sell them again.

A majority of the committee think we can afford to pay even more than they are worth, and the saving in interest between now and the time the national-bank notes come in would be a good investment for the country, and releases perhaps seventy-five or eighty millions of greenbacks now locked up for the payment of the unprotected notes issued by the banks, as the bonds on which the original issue was made have been paid. Again, the Senator from Rhode Island [Mr. ALDRICH] has reported a proposition which has been up time and again to reduce the interest on the outstanding 4 per cent. bonds to 2½ per cent. That will bring up questions which I desire to discuss as well as the question which the Senator from Kansas desires to have acted on now. By passing this bill in its present form we can put ourselves in shape to guard against any possible contingency that might arise from the failure of the passage of this bill, and we shall then be prepared to discuss other questions when we are not embarrassed as we are now, in regard to a bill which we all think is right as it now stands.

While I have been a friend of the greenback always, perhaps more than most people, my own idea is that the basis of our circulation ought to be gold and silver coin, supplemented by existing legal-tender notes. I believe coin certificates, which I have contended for time and again, based on either gold or silver coin deposited in the Treasury and redeemable at the option of the Government in either coin, so as to equalize both, would be the best basis.

As the national-bank circulation goes down I would issue coin certificates on all surplus not held as a special fund. There are now $187,000,000 of silver certificates outstanding and everybody is satisfied with them; they constitute the great bulk of our currency as the national-bank circulation is being contracted and is growing rapidly less every day as bonds are called in and paid off or purchased. Of course, as the premium rises, the banks will sell their bonds in order to secure the premium; therefore a system must be devised promptly to guard against that obvious contraction. The Comptroller of the Currency, a thoroughly well-informed gentleman, writes to the Rand-McNally Bankers' Monthly, a bankers' magazine, for the present month, an able article, in which he uses this language, speaking of the national-bank circulation:

But it is important to keep in mind,

Says the Comptroller of the Currency—

But it is important to keep in mind that our national-bank notes are, strictly speaking, not bank circulation; they are Government currency, maintained in a cumbersome manner at unnecessary expense, and no longer of any advantage to the Government, the people, or the banks. Moreover, the bonds on which they are based are approaching maturity, and are growing scarcer and dearer, so that the extinguishment of this currency is now obviously only a question of time, and of not a very long time.

That is a frank confession of the folly of longer relying on the national banks to furnish the people with needed circulation. It is agreed, I believe, by all the lawyers of the country that the only essential function the national banks possess is that which enables them to keep national-bank notes in circulation. Every other function belongs to every State bank as well as to them. They can operate just as well under State charters in every regard except in circulating notes of their own. Their circulation has decreased $160,000,000 in the last four years, and is decreasing every day; every act done which appreciates their bonds induces them to sell them and contract their currency until, as the Comptroller says, the extinguishment of this currency is now obviously only a question of a very short time.

The right to issue circulating notes is really the only function for which Congress chartered or could charter them, and as that fails some substitute must be found for the system. But notwithstanding, I regard the amendment I proposed as important, and I think I could show that it ought to be adopted. Perhaps the amendment of the Senator from Kansas ought, and so in regard to any other amendment that may be offered to this bill, but they would bring about a long discussion in this body; and the amended bill would have to go to the House of Representatives and there produce discussion and delay for a long time. Therefore I think good policy requires that we should pass this bill as it came from the Senate Committee on Finance regardless of how good the amendments may be.

I desire before I cast my vote to say that it is not because of any opposition to the amendment of the Senator from Kansas, and not because I do not believe he has offered a measure well worthy of consideration, and not because I do not believe in any other amendment that may be offered that I will vote to lay them on the table, but I believe this much ought to be done now in order to remove the doubt the President and the Secretary of the Treasury have as to their power to buy bonds. Let us pass this bill, and then the other questions can come up, as necessarily they will, on bills now on the Calendar.

I have introduced a bill which I hope to have discussed where it can be considered, in regard to coin certificates; and I think the question arises on that bill as well as on the bill of the Senator from Ohio or the bill of the Senator from Rhode Island. On those bills every one of these questions can be as well considered, and we shall be much safer after the President and the Secretary of the Treasury are relieved of their doubt about purchasing bonds under the authority which this bill will make clear. It was to enable me to make this explanation that I desired the Senator from Vermont to withdraw his motion to lay the amendment on the table till I could make a statement as to why I shall vote to lay all amendments on the table, my own and all others. I would rather not lay them on the table, but I feel constrained to do so. If they are not laid on the table I may vote for them, because all the questions will be opened up by the Senate.

Mr. REAGAN. Will the Senator from Vermont allow me a word?

Mr. MORRILL. The Senator from Illinois [Mr. FARWELL] desired to make a statement and I withdraw the motion far enough to allow him to be heard.

Mr. FARWELL. Mr. President, I hope that no amendment will be made to this bill. The only one that I could suggest, if I made any, would be to require that its provisions should be mandatory and not discretionary.

The amount of money in the hands of the Treasurer to-day under control could well be applied in my judgment to the redemption of bonds. The rate of interest on money is increased because of the large amount held in the Treasury under the existing law and thus reserved from the use of the people. In my judgment very wisely the surplus has been partially applied to the redemption of Government bonds, thus adding to the circulating medium. After this had been done by the Secretary of the Treasury, I think very unwisely a question arose as to the authority under which he had done it. This bill is to solve that doubt and make the power unquestionable.

The next thing the Secretary did was also in my judgment very wise, namely, to deposit in the national banks $50,000,000 so that that money could be loaned to the business people of the country.

I say that this bill ought not to be amended except to make it mandatory. The fact that he has so many millions of dollars in the Treasury is a threat to the business of the country which in my judgment is very dangerous and very alarming. I care not what political party he belongs to, no Secretary of the Treasury should ever hold such power in his hands.

There seems to be a feeling of hostility to national banks. It is only necessary to look at our condition for a moment to realize of what benefit they have been to the country. Before the war the currency was furnished largely by State banks. When the war came, the Secretary of the Treasury needing money, asked authority to issue greenbacks. Congress gave it, established the national bank system and legislated the State banks out of existence for the purpose of getting a market for the bonds. Those bonds were taken by the national banks and the circulating medium was based thereon. That system has worked to the satisfaction of everybody in the United States. Sometimes it is called a money monopoly. The speech of the Senator from Colorado [Mr. TELLER] a few days ago showed the Senate that the stock of those banks is mainly held by small investors, more than half held by people having less than $5,000 interest. So the hue and cry about the money power is simply a mistake. The banking capital is the accumulation of small sums of money in the form of the stock of the national banks.

The enhanced premium on the bonds which has accrued for some time past has made it necessary that bank directors and managers should, in taking care of small holders, dispose of their bonds. As a matter of course, the profits decrease as the period of payment of the bonds approaches. That condition of things having taken effect, the bank directors have retired within the last six years over $200,000,000 of bonds, and since 1882 over $200,000,000 circulation of banks has been withdrawn, so that to-day there are outstanding only about $160,000,000 of national-bank notes secured by a deposit of bonds. That process will go on until they are all retired.

I was foolish enough, perhaps, to introduce a bill providing a remedy for this state of things. I had the bill referred to the Finance Committee, and have since modified it, so that I think it will apply not only for to-day but next year and for all time to come. I provide in the modified bill that any existing national bank, or any new national bank may go to the Treasury and buy bonds, paying currency for them, and that those bonds may be the basis for circulation. I then direct, in another section of the bill, that the Secretary of the Treasury at the end of each month shall invest every dollar of the surplus in the purchase of bonds. If no reduction in the revenue takes place, within a very few years the national debt will be paid off. Having that in view, I provide in this bill that the national banks shall furnish other securities, these securities to be taken at 75 cents on the dollar, and they are not to be taken until they are passed upon by a committee of three, the Secretary of the Treasury, the Comptroller of the Currency, and the Treasurer of the United States. That I look upon as as much security as we can possibly have. The national banks will issue a circulation to the like amount, with the security filed, and thus circulation will be provided for.

There can be no surplus in the Treasury as long as there is a debt. There can be no reduction in the volume of the national-bank currency if my bill is passed, because as the Government bonds are paid other securities will be substituted.

Mr. REAGAN. I ask the Senator from Vermont to allow me a word.

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. MORRILL. I do not renew the motion if the Senator from Texas desires to be heard.

Mr. REAGAN. As I shall vote against the motion to lay the amendment offered by the Senator from Kansas on the table, I desire to say that in doing so I do not concur in that part of the amendment which proposes to make the notes of the Government a legal tender for private debts. I would have the notes to be issued exactly on the basis of the national-bank notes, receivable for all taxes and public dues and redeemable in coin at the will of the holder. I desire to make that explanation because I do not wish to do anything that would favor the idea of legal-tender paper money. I shall vote against laying the amendment offered by the Senator from Kansas on the table, because I think there is nothing that it is more important to preserve and perpetuate the prosperity of the country than to maintain the volume of the currency. It was stated as well by the Senator from Kentucky as by the Senator from Kansas that the redemption of the bonds will necessarily reduce the volume of currency. We have seen already the effect of a somewhat reduced currency. If we are to carry that reduction beyond what has already occurred we are to cripple the industries of the country, to reduce the value of all property and the value of labor, and I hold that it is more important to protect the country against this misfortune than to be delayed a few days or a few weeks in the passage of this bill.

The amendment, it seems to me, is mainly right; it is appropriate upon this bill; it preserves the best interests of the country by preventing a contraction of the volume of currency, and I shall be glad if the motion to lay on the table shall be voted down and the amendment adopted.

Mr. HARRIS. Mr. President, I shall be constrained, without regard to the merits of the amendment of the Senator from Kansas, to vote to lay it on the table, or any other amendment, however meritorious it may be, because I think this bill ought to pass, and pass promptly, and pass as it came from the House of Representatives.

BUREAU OF ANIMAL INDUSTRY.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, the Chair lays before the Senate the special order, being the bill (S. 2083) to provide for the establishment of a Bureau of Animal Industry, and to facilitate the exportation of live-stock and their products, to extirpate contagious pleuro-pneumonia and other diseases among domestic animals, and for other purposes.

Mr. MORRILL. I ask that the bill be temporarily laid aside until we conclude the bill we have had under consideration.

Mr. PLATT. If we can have a vote on the bill of the Senator from Vermont, I shall not object; but if there is to be further discussion I shall object.

Mr. PLUMB. I think that bill had better go over until to-morrow.

Mr. REAGAN. I hope the Senator from Michigan will allow his bill to go over for a day or two in order to allow further examination of it.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent that the special order be informally laid aside. Is there objection?

Mr. PALMER. I object.

Mr. MORRILL. Then I move to lay aside the special order for the purpose of proceeding with the bill which has been under consideration this morning.

The PRESIDENT *pro tempore*. That motion can not be entertained by the Chair. A motion to postpone to a day certain or to postpone indefinitely can be made.

Mr. HARRIS. I move a postponement until to-morrow. That will reach the object of the Senator from Vermont.

The PRESIDENT *pro tempore*. It is moved that the consideration of the special order be postponed until to-morrow at 2 o'clock.

Mr. PALMER. Out of deference to the Senator from Texas I shall make no objection to that postponement.

Mr. PLATT. I object to it.

Mr. PALMER. The Senator from Connecticut objects. Under these circumstances I shall feel compelled to object. I should like to defer to the Senator from Texas on this question; but as there are a great number of parties in the city waiting for action on this bill, and as the country is urgent for it, and as it is essential that some action should be taken soon for the great cattle industry of the country, I shall object to its postponement until to-morrow.

Mr. HARRIS. I wish to accommodate both the Senator from Michigan and the Senator from Connecticut, if I can. Will the Senator from Michigan consent to allow his special order to go over for the next two days, this day and to-morrow, the Senator from Connecticut waiving his motion until that time, and the Senator from Vermont, on the conclusion of the bill he has in charge, allow us to proceed with the Calendar under Rule VIII, as we have been doing for the past two or three days, by unanimous consent? I think we shall accomplish a good deal more in that way than in any other. I should certainly be very glad if the Senators would consent to the suggestion I make to proceed with the call of the Calendar to-day and to-morrow.

The PRESIDENT *pro tempore*. The pending question is on the motion of the Senator from Tennessee [Mr. HARRIS] to postpone the consideration of the special order until to-morrow at 2 o'clock. The Senator from Tennessee asks unanimous consent that the special order and the bill for the admission of South Dakota be postponed for two days, and that the consideration of the bill moved by the Senator from Vermont be continued to its conclusion, and that thereafter the Senate proceed to the consideration of the Calendar under Rule VIII. Is there objection?

Mr. PLATT. I object.

The PRESIDENT *pro tempore*. The question recurs, then, on the motion to postpone until to-morrow.

Mr. REAGAN. Only a word on that motion. The Senator from Michigan says that the country is urgent for this bill and that persons are here anxious for its passage. I am not aware of the circumstances which create the special emergency for its passage. We have a law in force to control and regulate animal industry and to protect cattle against the evil effects of pleuro-pneumonia. I do not know of the great changes between the law proposed and the one in existence which would indicate that there is a great emergency and an urgent necessity for action upon that bill. It proposes a change from the head of the Department of Agriculture and those associated with him to an independent commission. There are other changes, but that is the main point in the bill. I hope, if the Senator will allow the matter to go over, to be able to show that there is no necessity for that change.

Mr. PALMER. I think the Senator from Texas is mistaken when he says that there is no immediate necessity for the enlargement of the powers of the Department of Agriculture. This morning I saw a telegram in the papers that a new and very fatal malignant disease among cattle had broken out in Gainesville, Tex. There is a new outbreak of pleuro-pneumonia announced this morning in Cincinnati, and we are continually getting memorials urging us to do something to enlarge the powers of the Department of Agriculture and to make it more efficient in this direction. I did not hear the whole of the remarks of the Senator from Texas, but the bill which will be brought up for consideration, Senate bill 2083, is very distinct from bill 941, and it will be amended so that all those who object to detracting from the powers of the Department of Agriculture will be perfectly satisfied that it has been the intention of the committee to magnify that Department rather than to detract from it. What we contend for now, and what we can show by the concession of the Commissioner of Agriculture, as well as memorials and testimonials from other parts of the country, is that the Department of Agriculture has not sufficient power, and we want a radical bill that will enable the commissioners proposed in this bill No. 2083 to take hold of this disease and stamp it out wherever they can find it in the country.

But the bill is much more comprehensive even than its title would indicate, "for the suppression of pleuro-pneumonia." It takes up the swine plague, all communicable diseases, glanders in horses, and other diseases which are now running riot through the Northwest; and in my opinion it is one of the most important bills that has ever come up before Congress for legislation. It represents directly 35,000,000 people. It represents $2,400,000,000 in property. It indirectly represents 30,000,000 people more. It has greatly to do with our foreign trade and our interstate trade, and, in my opinion, there is no more important bill coming up this session for the consideration of Congress. For myself, I should be willing to have it postponed for a day; but if the Senator from Connecticut, who is very urgent with his Territorial bill, insists that I shall keep my place and retain my right, I can not concede the request of the Senator from Texas, which, under other circumstances, I should be very glad to do.

Mr. REAGAN. Mr. President, if the Senator will not consent to the postponement of this bill, I desire to address a word to the Senate, and that word is that the motion to make this the order of the day was made when both my colleague and myself were absent from the Senate and we had no opportunity to be heard, and no chance was given for the investigation of a question which the Senator says is most important. So I shall appeal to the Senate not to require us to come to a vote on this subject before we have time to meet the arguments in favor of the bill.

Mr. GEORGE. Mr. President, I desire to be allowed to make a remark or two in regard to the importance of this bill.

It is admitted to be a very important one, and if the bill passes it ought to be passed promptly. In all my experience I have not known a bill which so plainly and so clearly contravened the interest of the people and which so obviously usurped powers which on all sides have been heretofore conceded to belong to the States and which have been decided in numerous cases by the Supreme Court of the United States to belong to the States.

Mr. PLUMB. I think the controversy about that bill will depend more upon the question of constitutionality than anything else; but outside of certain provisions which under the beliefs held by Senators on that side and some on this side are unconstitutional, there are provisions in it which ought to be enacted into law. The great interest which it represents, and the gravity of the situation ought to prevent any opposition to the bill coming up and being considered, merely because of objection to some particular provision in it. There are provisions in it which on reflection all will concede not only to be important, but to be necessary to be adopted, which are just as important to the State of Texas as to any other State in the Union. I know the Senators from that State will be glad to adopt some new features of legislation which will secure protection to one of the great industries of that State from the dangers that threaten it, if they can do so without violating the Constitution. We disagree about some provisions of the bill, but there are portions of it which no one will object to.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Tennessee, to postpone the consideration of the special order until to-morrow at 2 o'clock.

The motion was agreed to.

The PRESIDENT *pro tempore*. The further consideration of the special order is postponed until to-morrow at 2 o'clock.

LANDS IN DENVER.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 3300) to amend an act to enable the city of Denver to purchase certain land for cemetery purposes.

On motion of Mr. TELLER it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. PLUMB, Mr. TELLER, and Mr. COCKRELL.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 2494) to provide for the payment of the funeral expenses of the late Chief-Justice of the Supreme Court; and

A bill (H. R. 6437) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1888, and for other purposes.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 23d instant signed the act (S. 1027) to fix the charge for passports at $1.

PURCHASE OF BONDS.

Mr. HARRIS. I now move that the Senate proceed with the consideration of the bill in charge of the Senator from Vermont [Mr. MORRILL].

The PRESIDENT *pro tempore*. If there be no objection——

Mr. PLATT. I should like to make a parliamentary inquiry. If that bill is taken up now and not finished to-day, it will have precedence to-morrow of the special order, will it not?

The PRESIDENT *pro tempore*. It will if left as the unfinished business.

Mr. PLATT. I do not propose without the consent of the Senate to have another important matter interjected between that bill and the Dakota matter.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Tennessee, that the Senate proceed with the consideration of the bill (H. R. 5034) to provide for the purchase of United States bonds by the Secretary of the Treasury.

The motion was agreed to; and the Senate as in Committee of the Whole, resumed the consideration of the bill, the pending question being on the amendment submitted by Mr. PLUMB.

Mr. SHERMAN. Mr. President, I am inclined to think it would be wise to confine the debate to the pending bill and not to go into the other propositions which have been made, and if that be the desire of the Senate I shall not seek to say anything on those propositions. If, however, it is the desire of the Senate to proceed with the consideration of the financial questions growing out of the contraction of the currency, I shall desire to submit some very important figures bearing on the subject.

As to the bill that is before us, it is now the law, conceded to be so by every member of the Committee on Finance familiar with the history of the law. The language of the law of 1881 is stronger and clearer and better than the language of the bill before us. Not a single act can be done under this bill that can not be done under the existing law, and all that this bill intends is to remove, not a doubt expressed by the Secretary of the Treasury, because he never had any and never expressed any, but a doubt expressed by the President, who shows by the context of his remarks that his attention was not called to the legal question at all, and he probably did not know anything about it. Still, to remove a doubt and get on the way of putting out the money of the Treasury, I would vote for the bill, and another one like it the next day, and so on day by day until we shall have a bill compelling the exercise of the power that has necessarily existed in the Secretary of the Treasury since 1862, and a power without which that Department could not conduct the great operations intrusted to it.

I do not wish to go further into this matter, or debate the proposition of the Senator from Kansas, if he will yield to the suggestion which has been made. I ask the Senator from Kansas whether he insists on a vote upon his amendment?

Mr. PLUMB. Not only on this bill, but, if it is voted down here, on every bill to which it is appropriate and germane.

Mr. SHERMAN. If that be so, we may as well dismiss the question that is proposed of taking up the bill to admit Dakota.

Now, in order that we may exactly understand each other, I will take the liberty of renewing in a moment the motion made by the Senator from Vermont, because if the Senate shows by its affirmative vote that it is not willing to go into the general financial question to-day, into all the questions that grow out of the contraction of the currency, then by expressing its opinion by laying the amendment on the table without regard to its merits it will express its view as to whether it will go on and discuss those questions. If not, and that proposition is voted down, then I have an amendment to authorize the investment of what is called the bank fund. I also have a proposition to authorize the issue of more circulating notes to national banks. The Senator from Nevada [Mr. STEWART] has a proposition to make the coinage of silver bullion free, I suppose, and the Senator from Kansas [Mr. PLUMB] has a perpetual and perennial proposition to attach to this or any other bill.

Before I go into a discussion of the financial subject I renew the motion of the Senator from Vermont, and I shall vote in favor of laying this amendment on the table without respect to its merits and without respect to any opinions on the general question, but simply pledging gentlemen that whenever the question can come up in the ordinary way on a bill involving these various points I will join in perfecting any measure that may be thought proper to relieve us from the really distressed condition of our finances at this moment.

Mr. CALL. I ask the Senator from Ohio to allow me to put a question. Is it not certain, in his opinion, that the exercise of this authority to purchase bonds will have some effect on the price of bonds in the markets?

Mr. SHERMAN. I think not. The money that is paid out for these bonds will enter into circulation as a matter of course.

Mr. CALL. How would it affect the national banks?

Mr. SHERMAN. I do not see how it could affect the national-bank circulation. You may as well make up your minds that if the national banks can not issue circulation to something approaching the value of their bonds, they will not feel justified by the law of banking, that is the law of profit, to continue the issue of circulating notes. The 4 per cent. bonds are now worth 125 per cent. If deposited in the Treasury by the banks the latter can only get 90 per cent. of circulation on the par value of those bonds.

Mr. CALL. What I want to get at is, whether or not this authority to purchase bonds might not have the effect to produce a larger price for them.

Mr. SHERMAN. That leads me to make a remark which I would have elaborated and made more at length if there was discussion. If the Secretary of the Treasury thinks this bill compels him to go right into the market and bull the market, to use a cant phrase, and put up the price of bonds, then as a matter of course it might induce the banks, in order to get a high and unnatural price for their bonds, to sell their bonds to him, and in that way withdraw more and more bank currency. But if he does as all his predecessors have done, lets no man know when he will buy bonds, giving his order to the assistant treasurer in New York to buy a million of bonds, say to-night, watching the market, he can not only prevent the increase of the market value of the bonds, but probably so act as to produce a decrease in the price of the bonds. It depends precisely on the manner in which he exercises this authority.

I hope the Senator from Kansas now will let us have a vote on the question. I do not care how the Senate vote on it. If they vote to lay this amendment on the table on the ground that they wish to pass this bill without amendment, then I shall say no more on the subject.

Mr. PLUMB. Do the Finance Committee propose an amendment to this bill?

Mr. SHERMAN. No; the Senator from Kentucky [Mr. BECK] proposed an amendment, but does not urge it.

Mr. PLUMB. Do the committee recommend the bill as it came from the other House?

The PRESIDING OFFICER (Mr. FRYE in the chair). Did the Senator from Ohio renew the motion of the Senator from Vermont to lay the amendment on the table?

Mr. SHERMAN. I did.

The PRESIDING OFFICER. The Senator from Ohio moves that the amendment lie on the table.

Mr. PLUMB. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. VOORHEES. I ask that the amendment be read.

The PRESIDING OFFICER. The amendment will be again read.

The Secretary read the amendment of Mr. PLUMB.

The Secretary proceeded to call the roll.

Mr. HISCOCK (when his name was called). I am paired with the Senator from New Jersey [Mr. MCPHERSON], but as I understand he would vote as I should, I shall record my vote on this question.

Mr. PLATT (when Mr. HAWLEY'S name was called). My colleague [Mr. HAWLEY] is absent from the Senate Chamber and is paired with the Senator from Missouri [Mr. COCKRELL]. If he were present, my colleague would vote "yea."

Mr. PUGH (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS]. If he were present, I should vote "nay."

Mr. WILSON, of Maryland (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE]. Not knowing how he would vote if present, I decline to vote.

The roll-call was concluded.

Mr. KENNA. My colleague [Mr. FAULKNER] is paired with the Senator from Pennsylvania [Mr. QUAY]. I am paired with the Senator from Minnesota [Mr. SABIN].

Mr. COCKRELL. I am paired with the Senator from Connecticut [Mr. HAWLEY]. If he were present, he would vote "yea" and I should vote "nay."

Mr. CALL. I understand my colleague [Mr. PASCO] is paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. PADDOCK. I am paired with the Senator from Louisiana [Mr. EUSTIS].

Mr. SPOONER. My colleague [Mr. SAWYER] is necessarily absent from the city. He is paired with the Senator from Georgia [Mr. BROWN].

Mr. EVARTS (after having voted in the affirmative). I voted "yea" without noticing that the Senator from Alabama [Mr. MORGAN] was not in his seat. I am paired with him, and therefore withdraw my vote.

Mr. BROWN (after having voted in the negative). I withdraw my vote. I did not think at the moment that I was paired with the Senator from Wisconsin [Mr. SAWYER].

The result was announced—yeas 23, nays 22; as follows:

YEAS—23.

Allison,	Dawes,	Hoar,	Sherman,
Bate,	Farwell,	Jones of Arkansas,	Spooner,
Beck,	Frye,	Morrill,	Stanford,
Blackburn,	Hampton,	Payne,	Stockbridge,
Cullom,	Harris,	Platt,	Wilson of Iowa.
Davis,	Hiscock,	Saulsbury,	

NAYS—22.

Berry,	Dolph,	Plumb,	Vance,
Bowen,	George,	Ransom,	Vest,
Call,	Jones of Nevada,	Reagan,	Voorhees,
Cameron,	Manderson,	Sabin,	Walthall.
Coke,	Mitchell,	Stewart,	
Daniel,	Palmer,	Teller,	

ABSENT—31.

Aldrich,	Colquitt,	Hale,	Pasco,
Blair,	Edmunds,	Hawley,	Pugh,
Blodgett,	Eustis,	Hearst,	Quay,
Brown,	Evarts,	Ingalls,	Riddleberger,
Butler,	Faulkner,	Kenna,	Sawyer,
Chace,	Gibson,	McPherson,	Turpie,
Chandler,	Gorman,	Morgan,	Wilson of Md.
Cockrell,	Gray,	Paddock,	

So the amendment was ordered to lie on the table.

Mr. PLUMB. I now move the same amendment, leaving out the words "public and private," leaving the Treasury notes to be issued receivable for Government dues and legal tender only between national banks.

The PRESIDING OFFICER. Does the Senator from Kansas desire to have the amendment read?

Mr. PLUMB. I do not think there is any necessity to read it. I do not ask to have it read. At all events, I shall not ask to detain the Senate for that purpose.

Mr. MORRILL. I move to lay the amendment——

Mr. PLUMB. I beg the Senator's pardon; I have the floor.

I was about to observe that this ought to be a measure of very great importance and of very great urgency in order to induce the Senate at this stage of its proceedings to resort to the only way in which debate can be cut off in this body; and yet this bill, as reported from the Finance Committee, is almost an exact copy of one already on the statute-books. There is not a member of the Finance Committee and there is not a member of the Senate who will say that one single line of this legislation is necessary or that if passed it will enable the President to do other or more than he can do under existing law. And yet it is in behalf of a bill simply designed to get the President out of a hole, and which adds nothing to what has already been enacted, that the Senator from Vermont and the Senator from Ohio have sought to stifle debate in the Senate.

Mr. President, if there be urgency, it is for the passage of such a proposition as is embodied in my amendment. The urgency is, or should be, to prevent the further contraction of the currency; to secure to the people of the United States an ample supply of money with which to transact their business.

On the 26th day of December, 1873, the volume of national-bank notes outstanding was $341,320,256. It is now less than $170,000,000. In other words, about $180,000,000 of national-bank circulation has been retired, has absolutely disappeared, during the past fourteen years.

Mr. FARWELL. I beg the Senator's pardon. There are about $270,000,000 now out, but the Government of the United States has assumed to pay $100,000,000 of those notes with the money which has been deposited in the Treasury for that purpose. Therefore the amount outstanding is $100,000,000 more than the Senator has stated it, but it is not secured by any Government bonds.

Mr. PLUMB. The report of the Comptroller of the Currency states the amount outstanding on the 1st day of August, 1887, as $166,000,000. That was last August, and the amount was $166,625,658.

Mr. FARWELL. I beg pardon for one moment. That statement is not accurate. The Senator will see a further item in the report. He will find $105,000,000, or about that amount, of United States notes on deposit with the Treasurer for the purpose of redeeming a like amount of national-bank notes unredeemed.

Mr. PLUMB. That only makes it so much worse. Then there has been a contraction not only of this $180,000,000 national-bank circulation withdrawn, but there is $105,000,000 of the three hundred and forty-six nominal million dollars of national-bank notes retained in the Treasury.

Mr. FARWELL. No.

Mr. PLUMB. Greenbacks?

Mr. FARWELL. Those have been paid out.

Mr. PLUMB. They have been paid out, but they are not out now; they are not performing any office of currency at the present moment.

Mr. FARWELL. I beg pardon. On the contrary, the Government has assumed to pay the one hundred and odd million dollars because it has received the money for that purpose. This $105,000,000 has been invested in the purchase of bonds.

Mr. PLUMB. I am talking about what is out in the hands of the people. What is in the Treasury is not in the hands of the people. What is locked up is not performing any purpose of circulation.

Mr. FARWELL. That is what I desire to say to the Senator. The $100,000,000 have not been paid out now.

Mr. PLUMB. But the Comptroller of the Currency says that on the 1st day of August last there were only $166,000,000 of national-bank notes altogether outstanding.

Mr. FARWELL. No, he does not.

Mr. PLUMB. I beg your pardon. If you can read better than I can, read this statement——

Mr. FARWELL. That is not the fact.

Mr. PLUMB. I am sorry. The table on page 93 of the Comptroller's report gives the circulation on the 1st day of January, 1886, at $213,239,530, and on the 5th day of October, 1887, at $167,283,343.

Mr. FARWELL. Secured by Government bonds.

Mr. PLUMB. Secured by Government bonds.

Mr. FARWELL. That is right.

Mr. PLUMB. Is there any circulation outstanding of national-bank notes not secured by Government bonds?

Mr. FARWELL. One hundred and five million dollars.

Mr. PLUMB. Not secured by Government bonds?

Mr. FARWELL. Yes, sir; $105,000,000.

Mr. PLUMB. I will sit down very cheerfully for an hour to hear the Senator tell me just how he makes that out.

Mr. FARWELL. Certainly; I will do it in two minutes.

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Illinois.

Mr. PLUMB. I do.

Mr. FARWELL. In 1882 there were $359,000,000 of national-bank notes outstanding. Since that time the national banks of the country have surrendered one way and another, by going into liquidation and voluntarily surrendering their circulation, $200,000,000 of their bonds, and they have also taken up until they have paid in that amount of money and taken their bonds out. They have paid into the Treasury $200,000,000 in money and received back in bonds more than $200,000,000.

Mr. PLUMB. That comes back to just the same thing exactly. For all purposes the amount of national-bank currency outstanding is $166,000,000 or $167,000,000, as the case may be, taking which one of these tables you please.

Mr. FARWELL. Secured by Government bonds.

Mr. PLUMB. It is in process of retirement; it is performing no office practically as currency.

Mr. FARWELL. I beg pardon; there are over $100,000,000 outstanding for which the United States has notes of equal amount.

Mr. PLUMB. That is only another way of stating the essential fact of my first statement, that there has been a diminution of the paper currency of the country since 1873 of about $180,000,000, because the Senator from Illinois is only talking about the method of book-keeping, not about the thing itself.

Mr. FARWELL. I beg the Senator's pardon, that is not correct. If you take the last statement of the Secretary of the Treasury you will find that there are only $33,000,000 to-day, or were at the beginning of this month, of United States notes in the Treasury. There were $61,000,000 of money deposited with the national banks, and that added to the $33,000,000 makes the $90,000,000 and odd of surplus.

Mr. PLUMB. I am not talking about what is in the national banks and what is in the Treasury; I am talking about the currency of the country in actual existence.

Mr. FARWELL. If the Senator will permit me, I will state that we have in circulation in the United States to-day $346,000,000 of United States notes, less $33,000,000 in the Treasury. Then add to that the silver certificates and the gold certificates and the national-bank circulation of about $270,000,000. In the debt statement the Treasurer says he has gold for $105,000,000 of national-bank notes which are outstanding, which he has received the money to redeem, and this $105,000,000 is invested in bonds, so that so far as the Government of the United States is concerned the $105,000,000 stands precisely in the same status as United States notes.

Mr. PLUMB. The Senator from Illinois seems to think that money in the Treasury is as usefully employed as though in circulation among the people. I am talking about the volume of paper money proper, which is composed of but two kinds. I am not talking about silver certificates or gold certificates. They correspond to the amount of metallic money which has been deposited in the Treasury, the persons so depositing it merely desiring to put it into more convenient form for the transaction of their business. The volume is not changed by the process.

Mr. FARWELL. I desire to say to the Senator, if he will allow me, that the present national-bank circulation is about $270,000,000, and the greenback circulation is about $313,000,000. That is now in the hands of the people, and the report of the Secretary of the Treasury shows that to be the case.

Mr. PLUMB. I have the official report in regard to this matter, which I propose to take as the correct figure until somebody rises with something better.

Mr. PLATT. May I ask a question for information?

Mr. PLUMB. Yes, sir.

Mr. PLATT. Does the Senator know how much during the period he speaks of the silver certificates have been increased?

Mr. PLUMB. I do not know the exact amount. It is not pertinent to what I am speaking of. I come back to my first proposition, that the paper money of this country has diminished in volume since 1873 by nearly $180,000,000.

Mr. PLATT. Since 1883?

Mr. PLUMB. No, since 1873. In the last fourteen years it has diminished $180,000,000.

Mr. President, the pending bill is justified on the ground that in the event the Secretary of the Treasury should conclude to obey its mandates the surplus in the Treasury will be thereby depleted and the currency in circulation be increased in volume by the amount of the surplus thus paid out. But, as I have before said, no one can tell, not a single member of the Finance Committee will even guess—that is, he will not guess out loud so as to be responsible for his guess—as to the amount that will be added to the circulating medium of the country by the purchase of bonds which may or can be purchased under the provisions of this bill.

I am told upon what I believe to be good authority, and it is accessible in the records, that the national banks of this country hold about $60,000,000 in bonds as security for currency beyond the amount they need to hold in order to maintain their charters. For instance, many banks requiring only $25,000 in bonds to retain their charters have $50,000 and sometimes $100,000 bonds in addition, on which currency is issued and outstanding. Such banks can sell the excess of bonds above $25,000 by retiring their circulation based on such excess, or by depositing an equivalent amount of greenbacks the Treasury will retire them, which is the same thing. This contracts the volume of currency outstanding, but it may slightly increase the amount actually in circulation, that is, by 10 per cent., the difference between the face of the bonds and the currency based on them.

If this bill should become a law and the Secretary of the Treasury should act upon the theory which has heretofore controlled him, it is not probable that he would buy more than $60,000,000 of bonds, and if he did not it would be possible, if not probable, that these bonds would all come from national banks now holding them as security for circulation, and thereby there would be practically no increase of the amount of money in actual circulation by reason of the purchase of bonds by reason of the passage of the bill.

We are urged, therefore, to pass a bill as a matter of emergency which no one will say what the effect of will be, except the one effect of putting the money out of the Treasury into the hands of the holders of bonds, without any reference to the effect it may have upon the volume of the currency.

But, Mr. President, it may have another effect of an injurious kind. The Treasury Department is in active partnership with the national banks. The Secretary of the Treasury has loaned to these banks over $61,000,000 of the public funds instead of buying bonds and saving interest. He has chosen to do this, and up to date the banks have been willing to receive the money. It cost them nothing and they could loan it to the people for current rates of interest. But now the banks have got to a point where they are declining, I understand, to receive any more public money on deposit, because they believe the money liable to be called for at any time suddenly and in bulk, and those of them who have read history know that in the only other period of history when such a partnership was entered upon it proved disastrous to the banks, disastrous to the Government, and disastrous to the people. Meanwhile the Secretary has given to the banks the use of funds

which have yielded them not less than $5,000,000 which the people have paid, and has failed to save to the Treasury at least half that sum, which he could have done by purchasing bonds.

Even if this bill should pass, the Secretary might decline to obey its mandates, as he has the one of the same tenor now on the statute-books. There is, therefore, grave doubt of the propriety of its passage.

But whether the bill passes or not, the great question of the volume of the currency of this country is left to take care of itself. The Administration recommends nothing and the Finance Committee does nothing.

Mr. President, if there is urgency for anything, it is for wise legislation upon the currency question. My amendment ought to be put upon this bill specially, because it is a House bill. It therefore offers an opportunity to have the House pass upon it directly, which will not come if it were put upon either of the other bills which have been mentioned here, because they are Senate bills.

But the Finance Committee, as heretofore and always, does not mean that any legislation adding to the volume of the currency, or any measure which replaces the currency which has been taken from the people, shall ever be adopted. That committee intend to obstruct and prevent everything of this kind. That committee is moved by impulses, by determinations, by theories, which are opposed to any increase in the volume of the currency and equally opposed to anything that stops its contraction.

Mr. MORRILL. The Senator from Kansas, so far as I am concerned, speaks entirely out of the book. He does not know anything about it, so far as I am concerned.

Mr. PLUMB. I appeal from the word of the Senator from Vermont to the record of his committee; I appeal to the action of that committee on this floor whenever this question has been up. I say that that committee, with all the determination of its able and determined chairman, with all the determination of the former Secretary of the Treasury now a member of the committee, with all the determination of that influence which has controlled the financial policy of the country for the last thirty years and controls it yet, the control of bondholders and money-lenders, has resolved that nothing shall be done which shall operate to make the burdens of the people lighter by increasing the volume of the currency or even by preventing further contraction.

These facts are shown by the character of the opposition offered to this amendment. It is not debated upon its merits. The Senate is asked to vote it down without debate, upon the pretense that it does not belong to a bill of this kind. Mr. President, it is in order; it is germane; it is highly important; and without it the bill might just as well never be passed.

So far as I am concerned I intend, as I said before, to move this amendment, or one similar to it, to every bill which that committee proposes. I do not expect to make any impression on the indurated hide of the Finance Committee; but I do hope to arouse the Senate, I hope to arouse the country, to the non-action which has characterized Congress for the last fifteen years upon this very important subject. We have sat here for the last fourteen years and seen the volume of the currency contract by reason of the shrinkage of the national-bank currency, and the motive for such non-action is found in the remark of the Senator from Ohio a moment ago, to the effect that if more currency was wanted inducements should be offered to the national banks to supply it.

I tell that Senator, as I have often before said in my place here, that Congress will never offer to any national bank any inducement to take out or to issue any more currency than they have got now. It is after the feast entirely. The country has made up its mind that the national banks are not to furnish it with currency. They are no longer factors in that great question. The issue of currency is an act of sovereignty which the people do not mean to have delegated to any further extent than it is now, and as fast as the national-bank currency now outstanding is retired something else is to take its place. The question of the volume of the currency is not to be settled by private corporations upon the basis of their own desire for gain as against the public interest.

That is a question to be settled by Congress, and the Senator from Ohio will wait a long time before his remedy of more currency to be issued by the banks will be adopted. He will soon see what he probably prefers, a still further reduction in the volume of the currency. To this complexion it has come at last. The Secretary of the Treasury, working on the same line as the Finance Committee, preaches the issue of more national-bank currency, and in effect threatens the country—that is, that or nothing.

And thus, as we approach nearer and nearer to the financial brink and the danger becomes greater, we are admonished that the only remedy is more national-bank circulation.

No one expects relief from the Secretary of the Treasury. It has got to come from Congress. The Secretary of the Treasury has power to issue $2,000,000 a month more of silver certificates or to coin $2,000,000 more of silver dollars, which would result in that amount added of silver certificates, but he will not do that. We may be sure that the administration of the Treasury Department is inspired with the same motive that the Finance Committee is, and that is that there shall be no currency which is to come direct from the Government and no relief of any kind whatever unless it comes from the national banks by some enlargement of their power and of their profits. That is to be held before us. That is the rod which is constantly held over us.

The Senators from Vermont and from Ohio belong to the school of financiers who believe that a small and diminishing volume of currency is a blessing, and that a large volume of money is a curse. They look at the condition of the vaults in the banks of New York City and say that because money can be had there by favored ones upon collateral security which can be sold at a moment's notice therefore there is enough to supply the country, and they know nothing and apparently care nothing about the condition of the country at large, about the impoverishment of the people in the interior, because of this hide-bound policy which has characterized Congress under the leadership of the Finance Committee and which controls the Treasury Department.

Mr. STEWART. Mr. President, I think this is an exceedingly bad time for the Government to be speculating in its bonds when the currency is contracted as it now is. I do not believe in paying the debt in any other mode than that provided by law, and when that mode is not at hand, when it can not be paid as provided by law, I do not believe in anticipating the payment.

The debt is payable in either gold or silver coin at the option of the Government. The act of July 14, 1870, distinctly provides that the bonds of the United States issued thereafter should be redeemable in coin of the then present standard value. The question has been thoroughly discussed and decided that "the present standard value" means the standard value of July 14, 1870. The Secretary of the Treasury, when issuing bonds, raised the question whether this phraseology could not be construed to mean the standard value at the time of issuing the bonds. He addressed a letter to the Attorney-General on the 21st day of April, 1877, in these words:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., April 21, 1877.

SIR: I beg leave to call your attention to, and ask your opinion upon, the following questions growing out of the refunding act of July 14, 1870, to wit:

Can I stipulate in the body of the 4 per cent. bonds about to be issued that they shall be redeemable in coin of the present standard value, that is, the standard value at the date of their issue, or must it be the date of the law?

I submit a statement, prepared by Hon. H. F. French, Assistant Secretary, having reference to the laws.

It may become important to the public interests to make the new bonds payable in coin of the present standard; that is, gold coin. Some doubts have been expressed upon whether previous bonds issued under acts passed prior to 1873 are not legally payable in silver coin. This question may become important, as any doubt upon the legal terms of a public security affects its value.

Very respectfully,

JOHN SHERMAN, *Secretary.*

Hon. CHARLES DEVENS,
Attorney-General.

On the 26th of that month the Attorney-General rendered his opinion, holding that "the present standard value" meant the value at the date of the act. I... ...ic give this opinion:

DEPARTMENT OF JUSTICE, *Washington, April* 26, 1877.

SIR: In answer to your letter of the 21st instant, requesting my opinion upon the following question growing out of the refunding act of July 14, 1870, to wit, "Can I stipulate in the body of the 4 per cent. bonds about to be issued that they shall be redeemable in coin of the present value, that is, the standard value at the date of their issue, or must it be the date of the law?" I have the honor to reply:

The act provides for the issue of bonds "redeemable in coin of the present standard value." The word "present" undoubtedly refers as a matter of date to the time when the act was passed, and not to the time when the bonds were thereafter issued. It contemplated that a long period would elapse before it would finally be carried into effect, and that changes in the coinage of the country might occur during that period.

Whatever changes in the coinage should occur, these bonds were, however, to be redeemed in coin of the standard value as it existed at the date of the act. By this provision the holder was guarded against any depreciation that might take place in the value of the coin, and the Government would not be compelled to pay the additional value should the coinage be appreciated. All the bonds issued under the act were to stand alike, no matter what was the date when such bonds were issued. Each was to be redeemable in coin which was included in the authorized coinage of the country at the date referred to, it being of the standard value as it then existed. Since the law was passed no change has taken place in the standard value of the coin. It is understood that there has been a certain change in the coinage of the country, and that silver dollars have now ceased to exist practically as coin.

It has been further provided by the statute of February 12, 1873 (Revised Statutes, sections 3585, 3586), that "the silver coins of the United States shall be a legal tender at their nominal value for any amount not exceeding $5 in any one payment."

Notwithstanding this practical change in the coinage of the country and the passage of this act in regard to legal-tenders, the form of bond to be issued by you should not be changed so far as the mode in which it is to be redeemed is concerned. It was not intended that this should be varied according to the changes which might be made in the coinage, because a definite rule was given by reference to the coin of a particular date. That which will pay the bonds heretofore issued under this act will pay the bonds which you may hereafter issue.

It can not be authoritatively said that the words "payable in coin" or "payable in gold" are equivalent to the words used by the statute. Even if this leaves open for discussion the question whether bonds issued under this act are or are not redeemable in silver coin of the character and standard which existed July 14, 1870, it is not a doubt which it is in your power to remedy by the use of words in the bond other than those which this statute provides.

While I comprehend the difficulty suggested in your letter, and the convenience that there might be in removing any question on this matter, I am,

therefore, of opinion that it would not be safe to issue the bonds, except as redeemable in coin of the standard value of July 14, 1870.

Very respectfully, your obedient servant,

CHARLES DEVENS, *Attorney-General.*

Hon. JOHN SHERMAN,
Secretary of the Treasury.

That was not entirely satisfactory to all. The question was further agitated and finally passed upon by a vote of this body and of the other House, more than a two-thirds vote in each House holding that every dollar of bonds issued by the United States was payable in silver. That is the opinion of every lawyer; that is the language of the law, and that is the option of the United States. If the United States might pay in either gold or silver at its option, was it not the duty of the executive officers to so exercise that option as to save all they could to the Government? Suppose one of you were an agent for an estate, and you had to deliver under a contract either a thousand bushels of oats or a thousand bushels of barley at a given date, and when that date came barley was scarce and worth three times as much as oats, would you expect to retain your place and be regarded as an honest man if you should pay in barley at treble the price that you would have to pay in oats? Would it not be necessary for you to exercise in favor of your principal that option which would benefit him most?

I will show you, if the Treasury Department had exercised that option, what the result would have been. I have some figures here which may be interesting to show how much has been lost already by the failure to comply with that option and obey the law. The following amounts have been paid on the bonded debt since 1879, when the Government commenced to coin the silver dollar under the act of 1878:

Principal of the public debt, $924,723,960.

Interest on the public debt since that time, $501,802,000.

Total, $1,426,525,960.

The average price of silver bullion from 1879 to October, 1887, was 84 cents on the dollar as compared with gold. If the money paid on the principal and interest of the bonded debt had been paid on a silver basis, there would have been a saving of $229,824,154, and at that time a law had been passed allowing the Secretary of the Treasury to buy and coin $4,000,000 silver bullion monthly in order to take advantage of this option, and one month before the passage of the law of 1878 both Houses of Congress had by more than a two-thirds vote declared that the bonds were payable in silver, and provided by law a means of paying them in that way.

The present bonded debt is $1,027,615,662. The interest, at 4½ per cent. and 4 per cent. and interest on the Pacific Railroad bonds at 6 per cent., in the aggregate, when they all come to maturity, will be $670,107,445. This, added to the principal, will make an aggregate, which must be paid by the Government, of $1,697,723,107. That amount must be paid to liquidate the present bonded indebtedness and interest. The average price of silver bullion in 1887 was 74 cents on the dollar as compared with gold. If that price remains the same until the maturity of the bonds there would be a saving of $451,408,008 in the payment of the existing bonded indebtedness and interest with silver. Add the money already paid out and lost on the principal and interest, namely, $264,141,994, to what will be lost if the policy of paying in the dearer metal is pursued, namely, $451,408,008, and it gives a total loss of $715,550,002. This amount the Government will lose if it continues to pay its bonded indebtedness in gold, provided the price of silver remains stationary and does not advance.

It can not be said that it would be inequitable to pay in silver for two very obvious reasons. First, the bondholder contracted to take silver, and there is no more reason why he should not be bound by the contract than other people. Wealth ought not to exonerate any class of men in the United States from complying with their contracts. The Government never pays its poor creditors beyond the letter of the law and denies them interest, and usually demands a compromise of a part of the principal. Almost every relief bill has a compromise of that kind in it.

Second, silver will buy more property to-day than it would when the contract was made. It has not gone down. We should not be paying the bondholders in depreciated currency. The average farm value of wheat in the United States in 1879, when the Government commenced coining silver dollars, was $1.04 per bushel on a gold basis. The farm value of wheat in 1887 was 68 cents per bushel, a fall in the price of wheat of more than 34 per cent., whereas the decline in the price of silver has been only 26 per cent., making an excess in the decline of the price of wheat over that of silver of 8 per cent. The same is true of the general range of commodities. Consequently the bondholder has nothing to complain of, either in law or equity, if the United States insists upon the terms of the contract.

Silver has not gone down, but the coining of gold and the action of various governments of the world in using gold alone has sent gold up and enhanced the value of the bonds. Legislation sought after the contract and the action of the Treasury Department has done this, and there has been a loss of over $700,000,000 on our debt by the officers having the administration of the Government declining to do what any honest agent for a private party would be compelled to do, and would be prosecuted if he did not do it.

I do not believe that any bill should be passed to buy more bonds and pay for them in a contracted currency at an enormous price, because you say it will only take such a percentage, and now it takes more wheat to pay for them, it takes more cotton, more products. The 4 per cent. bonds are at 25 per cent. premium, and the other bonds are at a premium almost equal to the interest that has not become due. I say that to go into the market and buy them now, without providing the currency in which to buy them, without giving the people something that will stop this contraction and let property go up, is unfair and unjust, and I will not vote to buy a dollar of bonds unless there is ample provision made for the use of silver.

I have several propositions. I have one that I intended to offer as an amendment to this bill which I will read but shall not offer at present, because there seems to be a disposition now to pass the bill in a hurry without considering amendments. The amendment that I had intended to offer to this particular bill, to go with it as an antidote, is as follows:

To secure to the United States the benefits of the option contained in the acts of Congress under which the bonds of the United States were issued, to pay the same in either gold or silver of the standard value of July 14, 1870, and to furnish silver coin sufficient for that purpose, the Secretary of the Treasury is authorized and directed to purchase from time to time silver bullion, at the market price thereof, not less than $4,000,000 worth per month nor more than $8,000,000 per month, and cause the same to be coined monthly, as fast as purchased, into silver coin of the denominations, weight, and fineness now provided by law.

The Secretary of the Treasury ought to have done that. If he were doing it now there would be some relief to the people. I agree that the amendment of the Senator from Kansas is in the right direction. It is in a proper direction, but I should like something better. I should like to adopt what has been the world's money and was the world's money for two thousand years before the hands of speculators struck it down by legislation. There was no reason in 1873 for depriving the world of the use of silver as money and bringing on this contraction. I think it is the crime of the nineteenth century to have done this, and the world is feeling it, and the people of this country are feeling it; and while we are enduring these evils on a gold basis, and practically discarding silver, I am opposed to going into the market and paying this debt, for I believe that before it becomes due the conscience of this country will be aroused to do justice to the people as well as to the bondholders, and hold the bondholders to their contracts as well as the people.

Mr. HISCOCK. Mr. President, the bill before the Senate is prompted by this language on the part of the President of the United States:

In the present state of legislation the only pretense of any existing executive power to restore at this time any part of our surplus revenues to the people by its expenditure consists in the supposition that the Secretary of the Treasury may enter the market and purchase the bonds of the Government not yet due at a rate of premium to be agreed upon. The only provision of law from which such a power could be derived is found in an appropriation bill passed a number of years ago; and it is subject to the suspicion that it was intended as temporary and limited in its application, instead of conferring a continuing discretion and authority.

The President does not deny that the Secretary of the Treasury has the power to purchase bonds under the act of 1881, but he seems to doubt the propriety of making the purchase on account of the provision having been enacted into a law upon a general appropriation bill. This bill, therefore, has been passed by the other House and has been reported to the Senate for the purpose of relieving the mind of the Executive upon that question and enabling him to get out of the Treasury the rapidly-accumulating surplus there.

This has been made the occasion for the offering of an amendment by the Senator from Kansas, providing for the issuing of Treasury notes by the Treasury Department. It has been made the occasion for an attack upon the Finance Committee for not providing any way to relieve the Treasury from the surplus which is there now and which is rapidly-accumulating.

I wish the Senator from Kansas were here to respond to the question which I shall propound, and that is, how will his amendment get any money out of the Treasury? How will it relieve us of the surplus already in the Treasury? How will it provide for paying out that already in the Treasury? We have more money there now than is necessary to pay the current expenses of the Government. We have more there than is necessary to pay the interest upon the bonded indebtedness of the Government. The surplus is rapidly accumulating, and why on this bill should we provide for increasing the currency when there is no possible way to relieve the Treasury of that currency when it is put there?

Suppose we add the amendment proposed by the Senator from Kansas to this bill, how do you propose to get the money out of the Treasury? What are you to pay it out upon? Is the Finance Committee subject to the charge which has been made against it? There is no way to get the surplus already in the Treasury or accumulating there out of the Treasury unless you pay it upon the indebtedness of the Government or purchase the outstanding indebtedness of the Government. Is there any object in connection with this bill to provide for printing more Treasury notes and piling them up in the Treasury Department? I might go further than that. Is there any necessity, if you wish to expand the currency, to coin more silver or gold for the purpose of enlarging the currency?

However the currency may be contracted to-day by the retirement

of national-bank notes, whatever its volume, is there no means or method to get out of the Treasury that which is there. There is but one way in which that can be done, and that is by the reduction of taxation. I do not propose to discuss that question here and now. The sources from which money is pouring into the Treasury must be cut off; the fountains must be dried up from which the money is flowing into the Treasury to-day; and we are not relieving the people from a contraction of the currency by either coining more silver or by making more treasury notes.

The Committee on Finance may report and bring in here the proposition advocated by the Senator from Kansas and numerous other propositions which have been suggested, and the only possible effect of them if enacted into law is to make more paper and pile it up in the Treasury Department, or coin more silver or gold and pile that up in the Treasury Department.

We come in here with a simple proposition, providing a way in which money can be got out of the Treasury, in which the surplus that is there may be paid out and put into circulation among the people of the United States. Why encumber it, I ask, with these propositions to make more currency at this particular time, when it is made a cause of offense on the part of the Administration? Why encumber it with the propositions which are made here to increase our circulation?

I concede many of the ills which are complained of in reference to the contraction of the currency. I am prepared to support any bill which may be brought in looking to relief upon that question which is proper in its terms; but any and all bills and all provisions which are brought here are ineffectual, and must be ineffectual unless some way shall be provided to pay the money out and take it to the people.

Mr. PLUMB. Will the Senator from New York permit me to interrupt him?

Mr. HISCOCK. Certainly.

Mr. PLUMB. What would the Senator say to a proposition to simply extinguish some more of the nation's debt with it? There are nearly a thousand million dollars of the public debt outstanding.

Mr. HISCOCK. If the Senator desires to inquire of me whether I have any purpose or intention or care to support or defend the national banking system, I say to him, no, sir; I do not.

Mr. PLUMB. I am not speaking of that. I am addressing myself to the Senator's proposition, that if we issue these additional Treasury notes we should have them piled up in the Treasury, with no way of getting them out. I want to suggest to him whether we could not pay the national debt with them. What would be the objection to that method of getting them out?

Mr. HISCOCK. On the one hand the Senator asks me that question and a moment ago he made the argument that the more bonds were purchased the more it was probable, or likely, or possible at least, that the currency would be contracted by reason of the national banks selling their bonds and thereby being compelled to surrender their circulation.

Mr. PLUMB. But my proposition goes beyond that.

Mr. HISCOCK. I say to the Senator very frankly that I am not at the present time disposed to enter into the question whether it is best now to purchase of the national banks the bonds at such price as they may see fit to ask for them, looking to the retirement of the bonds and our putting out in place of them Treasury notes. If that is the question the Senator asks me, I say that upon this bill I do not propose to discuss that question. It would then make it a question as between the national banks and the Government, whether the banks can make more money by selling their bonds to the Government and giving up the circulation which they received in place of them, and using the notes they receive as the circulation of the banks.

I say that upon this bill there is no propriety in discussing that question. The proposition comes here independent of any proposition to reduce revenue, providing one means, one method, by which the money which is now piled up in the vaults of the Government may be gotten out to the people. If we were prepared to add to this bill another measure which looked to the reduction of the revenues or which provided some other method to relieve the Government of the amount of money which it has now on hand, then the amendment offered by the Senator from Kansas would be properly here for discussion. But it seems to me that I have answered all of the proprieties of the case in reference to that amendment and kindred propositions when I make it manifest that by such a law it would be utterly impossible to relieve the Treasury of a single dollar of the surplus which has accumulated there; it would be practically impossible to add a dollar to the circulating medium now in use by the people.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Senator from Kansas [Mr. PLUMB].

Mr. MORRILL. I move to lay the amendment on the table.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to lay the amendment on the table.

Mr. PLUMB. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BLACKBURN. Mr. President, following the advice of the committee when this amendment substantially was pending before, and without careful consideration I voted to lay it on the table. I am satisfied from an examination of it that it represents every conviction that I hold upon this question, and I want to make this statement before the yeas and nays are taken.

The Secretary proceeded to call the roll.

Mr. BROWN (when his name was called). I am paired with the senior Senator from Wisconsin [Mr. SAWYER]. If he were present, I should vote "nay" and I presume he would vote "yea."

Mr. PUGH (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS]. If he were present, I should vote "nay."

Mr. WILSON, of Maryland (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE], but I am told that if he were present he would vote "yea." I therefore vote. I vote "yea."

The roll-call was concluded.

Mr. FAULKNER. I have transferred my pair with the Senator from Pennsylvania [Mr. QUAY] to the Senator from Florida [Mr. PASCO]. I therefore vote "nay."

Mr. BLACKBURN (after having voted in the negative). I am informed at the desk that the Senator from Nebraska [Mr. MANDERSON] has not voted on this question, and as I am paired generally with him I ask leave to withdraw my vote. [A pause.] I am informed that the Senator from Nebraska voted "nay" before. So I will let my vote stand.

Mr. PADDOCK. I am paired with the Senator from Louisiana [Mr. EUSTIS]. Not knowing how he would vote, I refrain from voting.

Mr. EVARTS. I am paired with the Senator from Alabama [Mr. MORGAN]. I should vote "yea" if he were present.

Mr. COCKRELL. I am paired with the Senator from Connecticut [Mr. HAWLEY]. If he were present, he would vote "yea" and I should vote "nay."

Mr. PAYNE (after having voted in the affirmative). I am paired with the Senator from Nebraska [Mr. MANDERSON]. I ask leave to withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from Ohio withdraws his vote.

Mr. KENNA. The Senator from Ohio is paired on this particular vote with the Senator from Nebraska [Mr. MANDERSON].

The result was announced—yeas 24, nays 24; as follows:

YEAS—24.

Allison,	Farwell,	Hoar,	Sherman,
Beck,	Frye,	Ingalls,	Spooner,
Chandler,	Hale,	Jones of Arkansas,	Stanford,
Cullom,	Hampton,	Morrill,	Stockbridge,
Davis,	Harris,	Platt,	Wilson of Iowa,
Dawes,	Hiscock,	Saulsbury,	Wilson of Md.

NAYS—24.

Bate,	Daniel,	Palmer,	Teller,
Berry,	Faulkner,	Plumb,	Turpie,
Blackburn,	George,	Ransom,	Vance,
Call,	Jones of Nevada,	Reagan,	Vest,
Cameron,	Kenna,	Sabin,	Voorhees,
Coke,	Mitchell,	Stewart,	Walthall.

ABSENT—28.

Aldrich,	Cockrell,	Gorman,	Paddock,
Blair,	Colquitt,	Gray,	Pasco,
Blodgett,	Dolph,	Hawley,	Payne,
Bowen,	Edmunds,	Hearst,	Pugh,
Brown,	Eustis,	McPherson,	Quay,
Butler,	Evarts,	Manderson,	Riddleberger,
Chace,	Gibson,	Morgan,	Sawyer.

So the motion to lay the amendment on the table was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on the adoption of the amendment.

Mr. PLUMB. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BECK. Let it be read.

The PRESIDENT *pro tempore*. The amendment will be again read.

The SECRETARY. The amendment is to add to the bill:

That whenever the circulation of any national bank, or any portion thereof, shall be surrendered, and the same is not taken up by other national banks within thirty days thereafter, the Secretary of the Treasury shall thereupon issue an equivalent amount of Treasury notes of the denominations now provided by law for national-bank notes. Said Treasury notes shall be deposited in the Treasury and paid out as other moneys kept for the discharge of the obligations of the Government. They shall be receivable for salaries and for all dues to the Government, including duties on imports; shall be a legal-tender between national banks, and for all debts due to any national bank; shall be redeemable in coin, as the legal-tender notes of the United States now are; and when received into the Treasury they shall be reissued; and when mutilated or worn they shall be replaced in the same manner as now provided by law for said legal-tender notes. The coin held in the Treasury at the date of the passage of this act for the redemption of the legal-tender notes of the Government shall also be applicable to the redemption of the Treasury notes herein provided for; and such coin reserve may, from time to time, be increased by adding thereto other sums from payments made into the Treasury, in the discretion of the Secretary of the Treasury: *Provided*, That the total amount of said coin reserve shall never be less than 25 per cent. nor more than 30 per cent. of the total amount of legal-tender and Treasury notes outstanding, the true intent and meaning of this section being that the volume of paper money outstanding (exclusive of gold and silver certificates) shall remain as now existing.

The PRESIDENT *pro tempore*. On the question of agreeing to this amendment the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. COCKRELL (when his name was called). I am paired with the Senator from Connecticut [Mr. HAWLEY]. If he were present, I presume he would vote "nay" and I should certainly vote "yea."

Mr. EVARTS (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN]. In his absence I can not vote.

Mr. HISCOCK (when his name was called). I am paired with the Senator from New Jersey [Mr. MCPHERSON], but as I know he would vote against this amendment if present, I vote "nay."

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS]. I do not know how he would vote if present, and therefore I withhold my vote.

Mr. PAYNE (when his name was called). I am paired with the Senator from Nebraska [Mr. MANDERSON]. If he were here, I should vote "nay."

Mr. PLATT (when his name was called). My colleague [Mr. HAWLEY] is absent, paired with the Senator from Missouri [Mr. COCKRELL]. If my colleague were here, he would vote "nay."

Mr. PUGH (when his name was called). I should vote "yea," but that I am paired with the Senator from Vermont [Mr. EDMUNDS].

Mr. SPOONER (when Mr. SAWYER'S name was called). My colleague [Mr. SAWYER], as I stated some time ago, is absent from the city and paired with the Senator from Georgia [Mr. BROWN].

Mr. WILSON, of Maryland (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE], but as he would vote "nay," I vote "nay."

The roll-call was concluded:

Mr. KENNA. I am paired with the Senator from Minnesota [Mr. SABIN]. If he were present, I should vote "yea."

Mr. CALL. My colleague [Mr. PASCO] is paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. COCKRELL. I was paired with the Senator from Connecticut [Mr. HAWLEY] and so announced; but I transfer the pair to the Senator from Colorado [Mr. BOWEN], who is absent. If the Senator from Colorado were here, he would vote "yea" and the Senator from Connecticut would vote "nay." I vote "yea."

Mr. KENNA. I understand that the Senator from Minnesota [Mr. SABIN], with whom I am paired, is in favor of the amendment. So I vote "yea."

Mr. BROWN. I am paired with the senior Senator from Wisconsin [Mr. SAWYER]. I should vote "yea" if he were present.

Mr. FRYE. I notice for the first time that the Senator from Maryland [Mr. GORMAN] is absent, and in his absence I am generally paired with him. I do not know how he would vote on this amendment if present, but it is a very important amendment, and as I am ignorant of his position in relation to it, I shall refrain from voting. I should vote against the amendment if not paired.

The result was announced—yeas 28, nays 21; as follows:

YEAS—28.

Bate,	Cockrell,	Jones of Nevada,	Stewart,
Beck,	Coke,	Kenna,	Teller,
Berry,	Daniel,	Mitchell,	Turpie,
Blackburn,	Dolph,	Palmer,	Vance,
Blair,	Faulkner,	Plumb,	Vest,
Call,	George,	Ransom,	Voorhees,
Cameron,	Ingalls,	Reagan,	Walthall.

NAYS—21.

Allison,	Gray,	Jones of Arkansas,	Stockbridge,
Chandler,	Hale,	Morrill,	Wilson of Iowa,
Cullom,	Hampton,	Platt,	Wilson of Md.
Davis,	Harris,	Saulsbury,	
Dawes,	Hiscock,	Sherman,	
Farwell,	Hoar,	Spooner,	

ABSENT—27.

Aldrich,	Edmunds,	Hearst,	Pugh,
Blodgett,	Eustis,	McPherson,	Quay,
Bowen,	Evarts,	Manderson,	Riddleberger,
Brown,	Frye,	Morgan,	Sabin,
Butler,	Gibson,	Paddock,	Sawyer,
Chace,	Gorman,	Pasco,	Stanford.
Colquitt,	Hawley,	Payne,	

So the amendment was agreed to.

Mr. STEWART. I offer an amendment as additional sections to the bill.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. It is proposed to add as additional sections the following:

SEC. —. That any person may deposit at any mint or assay office of the United States either gold or silver bullion, or both, in quantities of not less than 5 ounces of gold or 80 ounces of silver, and demand and receive coin certificates therefor The price to be paid for gold bullion, in exchange for certificates, shall be at the rate of $1 for 25.8 grains of gold, nine-tenths fine; the price to be paid for silver bullion, in exchange for certificates, shall be stated by the Secretary of the Treasury on the 1st and 15th day of each calendar month, and when either of these days shall fall on Sunday, or any other holiday, such statement shall be made on the following secular day, and the price so stated shall be equal to the average quotations of silver in the New York City market during the fifteen days next preceding such statement: *Provided*, That the price stated by the Secretary of the Treasury shall not exceed $1 for 412½ grains of silver, nine-tenths fine. Bullion below the standard value deposited under the provisions of this section may be reduced to the required fineness at the several mints and assay offices of the United States, under regulations prescribed by the Secretary of the Treasury, at the same cost to the depositor as is now charged for reducing gold bullion to the standard required for coinage.

SEC. —. The coin certificates issued under the provisions of this act shall be of such denominations as the Secretary of the Treasury shall prescribe: *Provided*, That they shall not be of less denomination than $1, or more than $1,000, and that one-half of the amount issued shall be of denominations less than $50, and shall be redeemable in gold or silver coin at the option of the United States. And the Secretary of the Treasury shall cause to be coined from time to time such portion of the bullion deposited under the provisions of this act as may be necessary to enable him to furnish coin for the redemption of such certificates. All coin certificates issued under the provisions of this act shall be a legal tender at their nominal value for all dues, public and private, except where otherwise expressly stipulated in contracts heretofore made.

Mr. MORRILL. I ask for the yeas and nays on that amendment.

The yeas and nays were ordered.

Mr. STEWART. I should like to explain the exact provisions of the amendment. This amendment simply provides that persons having either gold or silver bullion may deposit it in the several mints and assay offices of the Unites States and receive therefor coin certificates? The price fixed upon gold is the standard price of $1 for 25.8 grains of standard gold. The price fixed upon silver is the market price. Persons are to deposit it and receive the market price. That market price is to be ascertained by the New York quotations during the preceding fifteen days. The certificates to be issued for it are to be in denominations not less than one dollar nor more than a thousand dollars; but one-half of the amount of the certificates must be in denominations less than fifty dollars. When bullion is deposited it is provided that it shall be reduced to the proper fineness at the assay office where deposited at the same charges that are now made on gold for preparing it for coinage. The certificates are redeemable in the same manner that the gold and silver certificates now issued are redeemable.

I have now stated the substance of the amendment. It does not put up silver. It simply allows it to be used as money at its market value. I think that if this amendment can be adopted we shall have prosperity in this country. It will stop the contraction that is now going on. It will not produce inflation beyond the actual amount of bullion produced. Bullion has been used for a thousand years; and the avowed object of demonetizing part of it was to limit the currency. In 1873 Congress demonetized silver, and it has gone down. I recognize that fact; I take the situation as it now is, and provide for taking silver at its market value.

Mr. PLATT. Does not this amendment oblige the Government to coin all the silver that anybody chooses to bring?

Mr. STEWART. No, it requires the Government to purchase nothing. There is no element of that kind in it. It simply exchanges coin certificates for silver bullion at its market value. Do you say you purchase gold when you allow it to be coined? Was it a purchase of gold or silver from the beginning when each had that privilege which had been extended through all ages to exchange it on a known basis? Was that regarded as a purchase? No; it is but a means of furnishing circulation; it costs the Government nothing; it bases the circulation on the bullion. You might as well say it was purchasing gold when you allow it to go to the mints to be coined.

Mr. PLATT. If it is not a purchase, it has this effect at any rate, to oblige the Government to take all the silver in the country and issue certificates for it if all the silver should be offered.

Mr. STEWART. Certainly, the same as it takes all the gold now, and to make these certificates a legal tender. We treat silver at its market price. You have depreciated its market price by legislation. We accept that; but we now say treat it as a money metal and have prosperity, and be able to pay your debts according to the contract, and give the people some chance for prosperity or for relief.

See how this compares with your scheme of national banks. You say that the national-bank notes are good money. Why? Because the bonds they deposit are security for the notes. Very well, the bond is put into the Treasury as security for the note. My colleague has well asked, Why not keep the bond in the Treasury and save the 2 per cent.? Why put it out and pay 2 per cent. more, and then put it back in the Treasury as security?

I propose the old-fashioned way of having money. It avoids your schemes; it avoids tinkering with the money of the country; it avoids going to Wall street and asking the speculators there to make some arrangement whereby a little can be doled out. It lets the people know the basis on which money is issued, and it returns as far as practicable (recognizing what has already been done) to the double standard, allowing the producer of bullion to bring it to the mints and receive certificates for it at its market value.

It is suggested that we confine the provision to what is produced in this country. That is unnecessary, and I want to say right here that there is no danger of the Treasury being flooded with silver under this provision. There is not $5,000,000 of silver bullion in Europe and America. I know what is the operation here. It is shipped by every steamer. With the disposition to demonetize it the producers do not know what may happen, and it is unsafe property to keep. So in England; she has sent the bullion to Asia, and it has never returned and it will not return.

Then we are told that Europe will demonetize her silver and send it here. That can not be done. She has none that she can afford to demonetize and send here. If we should coin it and rate it at 16 to 1 she could not send any here. Her silver is circulating on a par with

gold at a relation of 15½ to 1. If brought here, and we paid 16 to 1 for it—if we paid par for it, they could not bring it here then, because they would have to put another half-ounce of silver in each dollar's worth before they could make it 16 to 1. But there is no danger of any coming from Europe. Europe is not going to take her silver legal tender and send it to us, her legal money that is circulating among the people; she is not going to send it here at 25 or 26 per cent. discount. It is dollar for dollar there, and a part of her legal-tender money that circulates on a par with gold, and to send it here she would have to pay par for it and sell it here at a discount.

There is very little that can come from Mexico. It is circulating there. They have use for their silver there, and have none to send to us. I tell you there is no danger whatever. The only difficulty will be that we shall not get enough. We shall have a basis that the people will know; we shall have a currency that the people will know how it is circulated and by whom; and we shall return to allowing our exchanges to be regulated by silver as well as gold. It is a step in the right direction. Pass this measure, and my word for it you will have prosperity.

Mr. EVARTS. Mr. President, I would ask the Senator from Nevada whether his confidence in the result of this amendment is not undertaking a responsibility quite in advance of the general judgment of the community, although that judgment may greatly desire a step in the right direction to the rehabilitation of silver? For myself, adhering firmly to the proposition that the two precious metals should form the basis of circulation and of the support of credits in common, I have not been able to see that any movement could be made forward in the absence of some convention with Europe on the subject that should extend the opening of our mints on any condition beyond the product of this country.

The Senator from Nevada would undoubtedly regard that as a step forward, but not so great a step forward as he would desire, and upon his horoscope of the future he would be responsible that all the movements of silver from Europe, now stagnant and paralyzed to a certain extent, and the immense production of new silver from the mines of Mexico and the now tendency of our silver outward to obtain a good market in India, would all be so unaffected by this new movement, which he considers a prodigious movement, so great a movement that it makes a difference between prosperity to this great nation and a lack of prosperity—that this agitation will all tend to nothing but this rehabilitation of the value of silver and its enlargement as a part of our currency.

Mr. President, a step backward in this direction can not be easily taken. If this movement were confined in its present shape, which I agree does not enhance the measure of our coinage given to the silver thus introduced, if it could be limited to the silver produced in this country, we should have an experiment of great interest, of great value, and containing no serious threat to the influence upon the currency and values in common of this country. But with all my desire that by convention, if possible, and in an accurate measure of convention with Europe, we should establish a system of our own, I can not see any wisdom in the very precipitate movement that is forced upon the country in this sideway amendment of a measure with which it has no connection; nor do I believe that the public mind, whether it favors the enlargement of silver currency or not, has at all meditated upon this measure. If the Senator from Nevada has done so, he has the great distinction of being more alert than the rest of the country. In measures of this kind it is not wise to go in advance of the public judgment as deliberately formed in matters that concern in a most intimate sense all that touches the currency and the values in common of this country. I must therefore vote against this measure, because I believe it will not accomplish and may endanger what I desire—a sound and sure movement towards the rehabilitation of silver.

Mr. STEWART. Every movement has to be begun. The movement to demonetize silver had a beginning. Movement after movement to restore silver to currency has been made. We are making no experiment when we go back to a thousand years' experience. It was a mistake to demonetize silver. But we do not seek to remedy that mistake altogether; we only propose a step in that direction.

My bill provided that silver bullion should be received by the Treasury Department at 412½ grains for a dollar, received at par; but it was objected that it was already at a lower price than that. Then I say receive it at its market price and use it as a basis of currency. That is the pending amendment.

This talk about getting the consent of Europe is all bosh. You can not do that. They have a deliberate policy there which this would destroy entirely. I believe the sentiment of this country, having seen the experiment, is overwhelmingly in favor of the use of silver as well as gold as a basis of circulation. I believe it is overwhelmingly in favor of such an extension of currency as may be made by the use of both metals and that the country wants no arbitrary limitation. I believe that the thousand millions of mortgages on the value of property are made heavier by our contraction policy. I believe this continual contraction of the currency will ruin the debtors. I do not believe I shall have any opportunity to get an expression of opinion on the subject unless I offer it as an amendment to a bill which is likely to become a law. If I could see any other way I should not offer it as an amendment here.

I offered my bill early in the session. I sent amendments to it to the committee, and I have heard nothing from them. There is no way to bring the subject before the Senate except by an amendment when a bill is pending. No report is made upon it, no reason has been assigned by the Finance Committee why silver should not be received, and we have gone on for fifteen years, and during those fifteen years the value of all commodities has shrunk over 33⅓ per cent., business has been paralyzed, and it has been said here to-day that the country was trembling on the brink of ruin. Something must be done. You struck at the basis of its prosperity and one-half the foundation of its currency. Now it is trembling. We get no report from the Finance Committee, no consideration of this great question. They promise to do it in the future. That has been the talk. You may promise forever. We want performance in this line, and if we can not have the benefit of the consideration of a committee on so important a question I say the Senate is bound to consider it, discuss it and vote upon it. I believe that every Senator, if he will examine the question carefully, will feel conscientiously bound to let the people have silver as money on the old basis.

The idea of letting Europeans run our finances and not taking care of ourselves has not worked well. We do not want them. Why should we not provide for ourselves?

I ask to have a reasonable amount of circulation based upon the precious metals, so that the people may do business, so that they shall not be compelled to sell their wheat for nothing. Wheat is lower than it has been for one hundred years. Why? It is a plain proposition. We can buy wheat here on a gold basis and you have to sell it in England on a gold basis. They can buy silver here for 26 per cent. discount to-day, take that silver to India, and sell it at par for wheat. There is no part of the world where wheat is grown that has prospered in the last ten years and has developed its resources except India, where they have had a silver basis. The silver-basis countries are prosperous because they have abundant currency by getting our cheap silver. When the merchant who has bought wheat on a silver basis in India comes in competition with the merchant who has bought wheat on a gold basis in the United States he can undersell him, and this cuts off our foreign market. The same is true of cotton.

When there is a question affecting the people as this does, if it is not considered in committee, the whole Senate should convert itself into a Committee of the Whole and examine the subject, and see if there is any relief for the farmers and for the mechanics and for the laboring men of this country, or whether we shall go on contracting.

We are told by Mr. Wells that it does not make any difference how much money we have. He says the values are short as much as the money is short, and they will accommodate themselves to it. That is true. If you destroy one-half of the world's money, if you reduce the money you have now one-half, values will shrink correspondingly, and they will continually shrink. That is an argument, he says, why we do not need any more money. We draw it down, and so reduce the debts of the people and decrease the value of property, which shrinks to accommodate itself to the volume of money. Will you let this go on? If it is not worthy of discussion in open Senate, it has to be discussed elsewhere.

Mr. EVARTS. Mr. President, the Senator from Nevada mixes with this discussion very large and important considerations which do not seem to bear upon the question before us. I will agree with him from the bottom of my heart that the capital error, the stupendous blunder, of European statesmanship has been the demonetization of silver. I will agree that we have suffered under that demonetization, but Germany and England have suffered much more. The lack of prosperity may grow out of this disturbance between the united current of the two precious metals which have built up and on which are sustained the credit of the world, but which are now made to war against one another. Every depreciation of the value of either of them or the enhancement of one at the expense of the other is a mischief to commerce. All this I will agree with. No doubt the demonstration has been marked step by step in the history of Europe and of this country, till now we seem to be reduced really to a practical, and, for the time at least, a permanent, reduction of the silver values in the currency of the world by one-quarter of the nominal rate of silver. But the Senator does not propose to redress that mischief and to restore that parity by opening our mints to silver; by no means. He does not open the mints to silver, for the mints are never opened to silver unless they are opened to coin the silver as coin at the value at which the dollar is rated.

Mr. STEWART. The Senator will allow me. The Secretary of the Treasury is authorized to coin a certain amount per month. Does the Senator prefer another amendment which I have, providing that any one could put in silver on the same terms as gold at the ratio of 16 to 1, that is, the ratio of 412½ grains of standard silver to 25.8 grains of standard gold, and receive it free at the mint the same as gold? Are you prepared for that? That is free coinage.

Mr. EVARTS. I have stated that in redress of the mischiefs which the Senator complains of, and justly, from the demonetization of silver

by the action of Germany, I did not propose at one bound to open our mints to the coinage of the silver of the world.

Mr. STEWART. To what does the Senator refer?

Mr. EVARTS. I am talking about the proposition of our friends here. Nobody will venture to say that that proposition is taking any proper step to what we desire, a restoration of parity between silver and gold at a proper measure. I said it might perhaps experimentally be introduced as undertaking to have better care for the silver produced in our own mines, leaving out the rest of commerce, Europe and the South American nations, to take care of their silver and see that it does not fall too much on their hands, while we were taking care of our own.

It is to me, therefore, a question of prudence and of what steps are to bring us most safely and without relapse and disaster to the final object. The risk we recognize is that the steady, historical, uniform co-ordination of the two metals in sustaining the commerce and credits of the world has been interrupted; but it does not follow that if one limb has been broken you can afford to dance with it instead of nursing it so as to secure the restoration of the bruised limb. Whether I would or would not introduce a measure, I can only say that this measure, as it appears in my judgment, is not the wisest and the best, nor does it carry us as much forward in what we might expect to gain as one would that was limited to our own silver. I certainly should not propose to open the mints to coinage for all the silver of Europe. I venture to say that a great deal of European silver not now in the shape of coin would come here if they could put it into different forms. You open our mints for all the silver of the world to come here and take out our silver dollars that are a legal tender here, and see whether they will not lose 3 per cent. and 5 per cent. and 10 per cent., to the detriment of our silver standard which was created for us.

But I have hoped that a judicious measure might be framed in the interest of our silver product, which we can count and measure, and whatever benefit was done to it was done within our own territory and for our own product, by which we might escape a resort to the public market as a measure of silver. But the Senator from Nevada still adheres to the market. I had hoped that at some measure between par and 75 per cent. we might give to our silver a recognition of free coinage here at a measure say of 87½ cents, and which would be a movement towards elevating the value of our silver and of forcing upon Europe the necessity of looking out for a disastrous effect upon its own silver.

Mr. STEWART. If you said silver should not go above a certain figure, then you would fix a new ratio.

Mr. EVARTS. I would attempt to deal with the problem as a wise physician or surgeon would, by such prudent remedies as the condition of the patient seemed to require. If he had but one leg, I would try to fix up the other.

Mr. STEWART. So would I; and not cut off the head at once.

Mr. EVARTS. I was talking of legs, not heads. Let us stick to the metaphor.

Now, a grave discussion on a proposition of that kind would be necessary before the public mind, before the Senate, before the House of Representatives could wisely undertake such a measure. This pending proposition exposes us as now proposed to a combination on the part of all those who have silver to part with at a better rate than they can get otherwise, to raid the market of silver in the city of New York for the purposes of an average to be made. But the principal, and I suppose final, answer to the adoption of this measure as an amendment to a necessary bill, with which it has no connection, is reason enough for voting against it.

Now, if the Finance Committee, against whose slowness of movement the Senator from Nevada has spoken, will meditate on what is the best measure forward towards our financial aim in rehabilitating silver, I certainly shall give it a candid support with a readiness to go as far as the farthest in what may be rational and involving no menace of too rapid and serious interference with the basis of things now existing.

Mr. STEWART. I think there is a misapprehension as to the amendment that is before the Senate. The amendment as printed has been very much changed, and for the information of the Senate I should like to have it reread, that Senators may know just what it is.

Mr. PLATT. I shall be glad to have it read.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to add as new sections:

SEC. —. That any person may deposit at any mint or assay office of the United States either gold or silver bullion, or both, in quantities of not less than five ounces of gold or eighty ounces of silver, and demand and receive coin certificates therefor. The price to be paid for gold bullion, in exchange for certificates, shall be at the rate of $1 for 25.8 grains of gold, nine-tenths fine; the price to be paid for silver bullion, in exchange for certificates, shall be stated by the Secretary of the Treasury on the 1st and 15th day of each calendar month, and when either of these days shall fall on Sunday, or any other holiday, such statement shall be made on the following secular day, and the price so stated shall be equal to the average quotations of silver in the New York City market during the fifteen days next preceding such statement: *Provided*, That the price stated by the Secretary of the Treasury shall not exceed $1 for 412½ grains of silver, nine-tenths fine. Bullion below the standard value deposited under the provisions of this section may be reduced to the required fineness at the several mints and assay offices of the United States, under regulations prescribed by the Secretary of the Treasury, at the same cost to the depositor as is now charged for reducing gold bullion to the standard required for coinage.

SEC. —. The coin certificates issued under the provisions of this act shall be of such denominations as the Secretary of the Treasury shall prescribe: *Provided*, That they shall not be of less denomination than $1, or more than $1,000, and that one-half of the amount issued shall be of denominations less than $50, and shall be redeemable in gold or silver coin at the option of the United States. And the Secretary of the Treasury shall cause to be coined from time to time such portion of the bullion deposited under the provisions of this act as may be necessary to enable him to furnish coin for the redemption of such certificates. All coin certificates issued under the provisions of this act shall be a legal tender at their nominal value for all dues, public and private, except where otherwise expressly stipulated in contracts heretofore made.

Mr. PLATT. Mr. President, the reading of the proposed amendment shows the inadvisability of acting upon a proposition of this kind in this hurried manner. In very important particulars it differs from the amendment of which we have had notice, and which has been before the Senate only since March 1, 1888. Any one reading the amendment of which we have had notice and voting for the amendment which has been proposed to-day might be mistaken, or if he understood the amendment of to-day would vote hastily upon first impression upon a matter of the greatest importance.

I had expected to hear from the Finance Committee on this proposition. I know that they are much better equipped for this discussion than I am. I do not intend to discuss it at any length, but before a vote is taken I think I ought to say that it seems to me we are launching our ship upon an unknown sea; whither it will sail no man can tell.

There has been a great deal said here to-day about the contraction of the currency in the past few years. I had been of the impression that the currency of the country had not been contracted within the past few years; that, taking the gold and silver coin, the greenbacks or legal-tender notes, the national-bank notes, our currency had been increased rather than diminished within the past few years. I think I am right. Whether our currency is equal in volume to the necessities and requirements of trade and population is another thing; but that there has been by reason of the retirement of the national-bank notes any absolute decrease in the currency, the circulating medium of the country, I think is not true.

I have seen no returns for the past few months; but a few months ago I know that it was not true, but that on the other hand there had been an absolute increase in the volume of our circulating medium. Possibly there may have been some diminution since the last statement which I saw, but I apprehend that when the facts are brought to our knowledge, when the figures are before us, as they are not now—no one has given any figures to-day—it will be found that there has been no actual decrease, that the coinage of the silver dollar has more than made up for the retirement of national-bank notes. Yet we are told to-day that there has been such contraction that prosperity has gone, that ruin stares us in the face.

Mr. President, if we should believe all that has been said within the last half hour we should believe that this was not a prosperous country, that it was a country from which prosperity had fled. We were told by the Senator from Nevada within the last five minutes that in the past ten years there had been no prosperity in the world except in India.

Mr. STEWART. Oh, no.

Mr. PLATT. The RECORD will show what the language of the Senator was. He said there was no prosperity in the world except in India, where silver was used. Mr. President, has not this country been prosperous for the last ten years? Has there ever been such prosperity on the face of the earth as this country has enjoyed in the last ten years? Why should it be thought necessary to run down our own country in order to pass an amendment of this sort? Whatever may be in question as to whether there has been contraction or not, if this amendment should pass we should have unlimited inflation. No man can now compute the amount of inflation which would occur under this measure.

The Senator from Nevada asks me why? I will endeavor to answer him. If I understand the reason for the decline of silver, when you have taken out all other elements that enter the determination of that question, silver has declined as all other things decline, because there has been an overproduction of it in the world, because there has been more silver than was required for coinage and other uses, including manufacturing and the arts, more than the people desired to use. That has been the reason for the decline in silver. Other things I know have entered in, but that universal law of supply and demand has not been without its effect upon the decline in silver.

What does this amendment propose to do? It proposes that there shall be no overproduction of silver in the world.

Mr. JONES, of Nevada. I wish to ask the Senator a question. If there has been such a great overproduction of silver in the world, and the cause for its decline, as the Senator has stated, is this overproduction, if the uses for it did not demand the whole of it, why is it that the same amount of silver will buy more of land and labor and all the commodities that enter into our daily life than it would before its demonetization?

Mr. PLATT. I am not going into that question. I am going to stand by this until somebody shows me that I am wrong, that silver has declined because there has been more produced of it than could be coined under the demonetization of silver in Europe, under our laws for coinage, and than could be used in the arts and manufactures. In other words, more silver was produced than there was use for. I think that will not be denied.

Mr. TELLER. I should like to say that I will take occasion to deny it if I can get the floor, and I think I can show that there is not the slightest foundation for that statement.

Mr. PLATT. Very well. If that be true, silver is different from any other commodity on earth. When there is a full demand for a commodity the price increases; when there is not a sufficient demand for the production the price decreases; and I shall look with interest to facts and figures which overthrow this universal law with regard to prices.

But I was going to remark that if this bill passes the Senator from Nevada may well say there will be prosperity. There will, but it will be the prosperity which comes with inflation, to be followed at last by worse adversity. The history of the world has shown that when a government begins, upon the demand for more money, to increase its paper money, there is no end to that increase and inflation except absolute bankruptcy and financial ruin.

To be sure, this is not exactly the inflation of a mere paper currency, but it is an inflation which no man knows where it will stop. And why? Because if there be not now an overproduction of silver in the world, there will be an increased production of silver the moment this measure goes into operation. When any man owning a silver mine knows that he can take all his surplus silver to the United States Government and receive for it coin certificates, the business will be good and it will be pursued with renewed and redoubled energy, and the production will be increased.

I heard the Senator from Nevada say *sotto voce* that this bill would put silver at par. And why? Because it will furnish a customer for all the silver that can be mined in the whole world. And what will be the effect of that? Simply that mining will be more profitable, will attract new capital, will enlist new enterprise, and the more it is produced the more the Government must take of it and issue the coin certificates therefor, and this not only in the United States but throughout the world. There is nothing to prevent the bringing of silver to this country, and there is nothing to prevent any foreigner, anybody on the whole face of the wide globe, from bringing all his surplus silver to the Treasury of the United States and taking the coin certificates of this Government for it.

The very first words in the amendment—and they have not been changed—are that "any person," no matter whether he is mining silver in South America, Mexico, in Canada, in the Himalaya Mountains, can bring his silver in bullion to the United States Treasury and take coin certificates therefor. If the mining of silver is profitable now when silver is worth 70 cents on the gold dollar, will it not be very much more profitable when, by reason of having a market for every ounce of silver that can be mined in the whole globe—will it not be so much more profitable that the output of silver will be immensely increased? And that process is to go on? The Government is to take all the surplus silver there is now, be it $5,000,000 or $50,000,000, and when that is gone it is to take all that can be produced in the future.

Mr. President, while I would be entirely willing to consider the question of whether we have circulation enough now, whether our circulating medium is sufficient for our wants, and to adopt wise measures to increase that circulation if it be not sufficient for our wants, I am unwilling to enter upon any such unexplored sea as this proposed increase of our circulating medium.

I regret, Mr. President, that a measure of this importance should have been thus suddenly thrust upon the Senate—all the surplus silver of the world to be issued in coin certificates of the United States, and the coinage of gold and silver to cease except as the Secretary of the Treasury may order it to be done. I think that is in the amendment.

"No gold or silver shall be hereafter coined"——

Mr. STEWART. That is not the amendment.

Mr. PLATT. "Except what may be necessary in payment of the obligations of the United States expressly made payable in coin," etc.

The Senator says that has been stricken out.

Mr. STEWART. That is not the amendment. It is another amendment.

Mr. PLATT. It was the amendment which the Senator proposed to offer. If in this respect at least he has seen the unwisdom of his proposition and withdrawn that portion of his amendment, I am thankful for it.

Mr. BECK. Mr. President——

Mr. HARRIS. As the whole financial question has been precipitated upon us in debate, I hardly think the Senate will find it convenient to continue the discussion longer to-day. In view of this fact I move that the Senate do now proceed to the consideration of executive business.

Mr. STEWART. I ask for an order that the amendment be printed as modified.

The PRESIDENT *pro tempore*. That order will be made if there be no objection. Before putting the question on the motion of the Senator from Tennessee the Chair will lay before the Senate sundry bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 1874) to change the eastern and northern judicial districts of Texas, and for other purposes;

A bill (H. R. 4948) to amend section 988 of the Revised Statutes, regulating stays on executions in courts of the United States;

A bill (H. R. 8180) to regulate the liens of judgments and decrees of the courts of the United States; and

A bill (H. R. 8808) to amend an act entitled "An act to provide for holding terms of United States courts at Vicksburg, Miss."

CLAIMS UNDER EIGHT-HOUR LAW.

Mr. DAWES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate in detail and by the different classes therein named the amount allowed and disallowed of accounts for services of laborers, workmen, and mechanics under the second section of chapter 172 of the statutes of 1872, making appropriations to supply deficiencies, etc., and for other purposes.

PUBLIC BUILDING AT CHARLOTTE, N. C.

Mr. SPOONER. I ask the Senator from Tennessee to yield to permit me to ask unanimous consent to call up a public-building bill which I think will elicit no discussion.

Mr. HARRIS. If the Senator can obtain unanimous consent, I shall not object.

Mr. SPOONER. I ask unanimous consent to proceed to the consideration of Calendar No. 408, being Senate bill 907, to provide for the erection of a public building at Charlotte, N. C.

Mr. VANCE. I hope the Senate will proceed to the consideration of that bill.

By unanimous consent the bill (S. 907) to provide for the erection of a public building at Charlotte, N. C., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with amendments, in section 1, line 3, after the word "of," to strike out "two hundred" and insert "one hundred and seventy-five;" in line 12, after the word "of," to strike out "two hundred" and insert "one hundred and seventy-five;" in line 15, after the word "of," to strike out "two hundred" and insert "one hundred and seventy-five;" and in line 19, after the word "alleys," to insert:

And that no money appropriated for this purpose shall be available until a valid title to the site to said building shall be vested in the United States, nor until the State of North Carolina shall have ceded to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein. The Secretary of the Treasury may acquire said site by purchase, or by condemnation proceedings in the name of the United States.

So as to read:

That the sum of $175,000 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose of erecting a United States court-house and post-office in the city of Charlotte, N. C., to be expended under the direction of the Supervising Architect of the Treasury Department. The site, and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $175,000; and no plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $175,000 for said building; and the site shall leave the building unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys. And that no money appropriated for this purpose shall be available until a valid title to the site to said building shall be vested in the United States, nor until the State of North Carolina shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein. The Secretary of the Treasury may acquire said site by purchase, or by condemnation proceedings in the name of the United States.

The amendments were agreed to.

Mr. SPOONER. I offer the following amendment: After the word "of," in the sixth line, insert:

Purchasing or acquiring by condemnation proceedings or otherwise a site and of.

The amendment was agreed to.

Mr. SPOONER. Also after the word "erecting," in the sixth line, I move to insert the word "thereon."

The amendment was agreed to.

Mr. SPOONER. I move to strike out all after the word "Treasury," in the twenty-seventh line, and insert:

If in his judgment the public interest will be better subserved, may direct the location of said building on ground belonging to the United States situated in said city, a part of which is now occupied by the United States mint.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the follow-

ing enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 1528) to reward the Esquimaux natives of the Asiatic coast of the Arctic Ocean for acts of humanity to shipwrecked seamen;

A bill (H. R. 1589) to provide for holding terms of the United States courts at Mississippi City;

A bill (H. R. 5373) to change the location of a certain alley in the city of Washington; and

A bill (H. R. 5723) to amend section 461 of the Revised Statutes, regulating fees for exemplifications of land patents, and for other purposes.

EXECUTIVE SESSION.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore.* The Chair first lays before the Senate the unfinished business, being the bill (H. R. 5034) to provide for the purchase of United States bonds by the Secretary of the Treasury. The Senator from Tennessee moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 4 o'clock and 53 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 27, 1888, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 26th day of March, 1888.

RECEIVERS OF PUBLIC MONEYS.

E. Nelson Fitch, of Ludington, Mich., to be receiver of public moneys at Grayling (formerly Reed City), Mich., *vice* William H. C. Mitchell, term expired.

Mr. Fitch was nominated to the Senate January 4, 1888, to be receiver of public moneys at Reed City, and so confirmed. Said office has been removed to Grayling.

Francis T. Anderson, of Del Norte, Colo., to be receiver of public moneys at Del Norte, Colo., *vice* Charles A. Coryell, resigned.

REGISTER OF LAND OFFICE.

J. H. Woodworth, of Waupaca, Wis., to be register of the land office at Menasha, Wis., *vice* Henry Cornelius, deceased.

INDIAN AGENT.

Thomas McCunniff, of Alamosa, Colo., to be agent for the Indians of the Southern Ute agency in Colorado, *vice* Christian F. Stollsteimer, removed.

CHIEF OF BUREAU OF MEDICINE AND SURGERY.

John M. Browne, medical director, to be Surgeon-General and Chief of the Bureau of Medicine and Surgery in the Department of the Navy, with the relative rank of commodore, to fill a vacancy arising from the expiration of the term of office of the present incumbent, which occurs March 27, 1888.

POSTMASTERS.

Stephen W. Coffman, to be postmaster at Watsonville, in the county of Santa Cruz and State of California, in the place of George B. Card, whose commission expired March 24, 1888.

Denton E. Bingham, to be postmaster at Southington, in the county of Hartford and State of Connecticut, in the place of John Hemingway, whose commission expires April 2, 1888.

Nicholas Morper, to be postmaster at South Evanston, in the county of Cook and State of Illinois, in the place of Nicholas Morper, whose commission expires April 8, 1888.

John H. Andrick, to be postmaster at McGregor, in the county of Clayton and State of Iowa, in the place of Rudolphus Hubbard, whose commission expires April 23, 1888.

William E. Huttman, to be postmaster at Ellinwood, in the county of Barton and State of Kansas, the appointment of a postmaster for the said office having, by law, become vested in the President from and after October 1, 1887.

C. W. Richardson, to be postmaster at Somerset, in the county of Pulaski and State of Kentucky, in the place of John Inman, whose commission expires April 30, 1888.

Henry C. Norton, to be postmaster at Cottage City, in the county of Dukes and State of Massachusetts, in the place of Francis P. Vincent, whose commission expires April 9, 1888.

Josiah D. Richards, to be postmaster at North Attleborough, in the county of Bristol and State of Massachusetts, in the place of Burrill Porter, jr., whose commission expires April 8, 1888.

Paul W. Grierson, to be postmaster at Calumet, in the county of Houghton and State of Michigan, in the place of Albert T. Streeter, whose commission expires April 15, 1888.

Amos Cogswell, to be postmaster at Owatonna, in the county of Steele and State of Minnesota, in the place of Lewis L. Wheelock, whose commission expired March 12, 1888.

James C. Frost, to be postmaster at Anoka, in the county of Anoka and State of Minnesota, in the place of James A. Foote, whose commission expires April 8, 1888.

M. D. L. Martin, to be postmaster at Water Valley, in the county of Yalabusha and State of Mississippi, in the place of William H. Brister, resigned.

Barton J. Morrow, to be postmaster at Neosho, in the county of Newton and State of Missouri, in the place of Hugh C. Armstrong, deceased.

James D. Hubble, to be postmaster at Fairbury, in the county of Jefferson and State of Nebraska, in the place of Robert B. Wallace, whose commission expires April 9, 1888.

Warren Clark, to be postmaster at Concord, in the county of Merrimack and State of New Hampshire, in the place of George W. Crockett, deceased.

William F. Jones, to be postmaster at Eaton, in the county of Preble and State of Ohio, in the place of Benjamin Neal, removed.

Allen G. Sprankle, to be postmaster at Millersburgh, in the county of Holmes and State of Ohio, in the place of Niva Huston, whose commission expired March 12, 1888.

William A. Sterling, to be postmaster at Shamokin, in the county Northumberland and State of Pennsylvania, in the place of Darius S. Gilger, whose commission expired January 24, 1888.

John T. Williamson, to be postmaster at Columbia, in the county of Maury and State of Tennessee, in the place of Hugh F. Fariss, whose commission expires April 15, 1888.

Thomas Francis Meagher, to be postmaster at Sprague, in the county of Lincoln and Territory of Washington, in the place of John J. Burns, whose commission expires April 14, 1888.

James Tiernan, to be postmaster at Fort Howard, in the county of Brown and State of Wisconsin, in the place of Peter V. Cottrell, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 20, 1888.

UNITED STATES CONSUL.

Frederick W. L. Butterfield, of New York City, to be consul of the United States at Ghent.

POSTMASTERS.

J. Henry Browne, to be postmaster at Tompkinsville, in the county of Richmond and State of New York.

John J. Stitt, to be postmaster at Sharon, in the county of Mercer and State of Pennsylvania.

Eben H. Clark, to be postmaster at Honesdale, in the county of Wayne and State of Pennsylvania.

John F. Cashen, to be postmaster at New Rochelle, in the county of Westchester and State of New York.

John McLaury, to be postmaster at Belleville, in the county of Republic and State of Kansas.

Executive nominations confirmed by the Senate March 26, 1888.

COMMISSIONER OF LAND OFFICE.

Strother M. Stockslager, to be Commissioner of the General Land Office.

ASSISTANT COMMISSIONER OF LAND OFFICE.

Thomas J. Anderson, of Iowa, to be assistant commissioner of the General Land Office.

REFINER OF THE MINT.

John H. Dennis, of Nevada, to be melter and refiner of the United States mint at Carson, Nev.

HOUSE OF REPRESENTATIVES.

MONDAY, *March* 26, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D., of Washington.

The Journal of the proceedings of Saturday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ANDERSON, of Mississippi, for two days, on account of sickness in his family.

To Mr. WILKINS, for ten days, on account of business.

To Mr. SIMMONS, for six days, on account of important business.

FUNERAL CEREMONIES OF CHIEF-JUSTICE WAITE.

Mr. GROSVENOR, by unanimous consent, offered the following resolutions:

Resolved, That the funeral ceremonies of the late Chief-Justice Waite be held in the Hall of the House of Representatives on Wednesday, March 28, at 12 o'clock noon, under the arrangement of the Supreme Court, and that when the House adjourns on the 27th instant it shall be until 11.30 a. m. March 28.

Resolved, That the Clerk of this House notify the Senate and the Supreme Court of the passage of these resolutions.

The resolutions were adopted.

BUSINESS FROM THE COMMITTEE ON COMMERCE.

Mr. CLARDY. Mr. Speaker, Tuesday and Wednesday of this week have been set apart for the consideration of bills reported by the Com-

mittee on Commerce. In view of the unlooked-for and very sad event which deprives us of the use of Wednesday, I ask unanimous consent that the corresponding days of next week be allotted for the consideration of that business.

Mr. O'FERRALL. Mr. Speaker, I do not object, but I want to give notice that to-morrow morning, immediately after the morning hour, I shall call up the contested-election case of Worthington against Post.

Mr. DINGLEY. Mr. Speaker, is the order which the chairman of the Committee on Commerce asks to have made to be on the same condition as the one for which it is to be substituted?

The SPEAKER. The Chair so understands.

Mr. CLARDY. Yes; after the morning hour.

The SPEAKER. After the hour for the consideration of bills.

Mr. O'FERRALL. I wish to add, Mr. Speaker, that I suppose the case of Worthington against Post will consume only a few moments of the time of the House. The report in the case is a unanimous one from the Committee on Elections, and I suppose there will be no discussion whatever.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. CLARDY]?

Mr. WEAVER. I shall have to object for the present.

Mr. CLARDY. I trust the gentleman will not object. Unless we can have this order we shall lose both days.

Mr. WEAVER. I am willing to let the matter lie over until I can have a consultation with some other gentlemen. The proposed order would interfere with business in which I am greatly interested, and which I think equally as important as that of the Committee on Commerce. I do not wish to object unless I am compelled to——

ORDER OF BUSINESS.

The SPEAKER. The gentleman objects for the present. This being Monday, the regular order is the call of States and Territories for the introduction of bills and joint resolutions.

MINERAL LANDS, MONTANA.

Mr. TOOLE. Mr. Speaker, I have a petition from citizens of Montana with respect to the mineral lands of that Territory, and I ask unanimous consent that the body of the petition be printed in the RECORD, the petition itself being referred to the Committee on the Public Lands.

There was no objection, and it was so ordered.

The petition is as follows:

To His Excellency the President of the United States and to the Senators and Representatives in Congress assembled:

Your petitioners most respectfully submit that they are all citizens of the United States, or have declared their intention to become such, and are all residents of the Territory of Montana.

That they are all interested in the protection and development of the mineral resources of said Territory.

That the Northern Pacific Railroad Company claim nearly all the odd-numbered sections of the surveyed portion of the mineral lands of said Territory, being gold, silver, lead, or copper, and has already caused the same to be certified to itself for patent by the United States land officers in said Territory.

That said certification has been based upon certain plats made by the deputy United States surveyors, and now on file in the respective United States land offices in said Territory, showing these lands so certified to be non-mineral in their character; which said plats are erroneous, in that they designate large quantities of mineral land as agricultural, mountainous timber lands.

That under the present acts of Congress, and the various decisions of the Supreme Court of the United States construing such acts, there is little, if any, hope of correcting the existing errors and of preventing said railroad company from acquiring titles to these lands.

That only within a few years has quartz mining proved to be a paying industry in Montana, and therefore the lands bearing the precious metals are to a large extent undeveloped.

That millions of dollars are now invested and are being invested in the development of such resources, the benefit of which will inure to the said railroad company if it is permitted to acquire title to the lands already certified to and to which it is not entitled.

That unless relief is granted said railroad company will soon acquire the absolute title to nearly one-half of the mineral land of this Territory.

That the acquirement of title to these lands by the said railroad company would not only work irreparable injury to the industries of the Territory of Montana and materially retard its progress, but would deprive all citizens of the United States of the right given them by the statutes to locate and appropriate our mineral lands, and would create one of the most colossal monopolies that ever existed.

Now, therefore, we most respectfully and earnestly pray that such legislation be had as will preserve the mineral lands of the Territory of Montana bearing the precious metals to the citizens of the United States and prevent the Northern Pacific Railroad Company from acquiring any lands to which it is not clearly entitled under its grant.

ARSENAL ON OR NEAR THE TENNESSEE RIVER.

Mr. WHEELER introduced a bill (H. R. 8832) to construct and establish an arsenal on or near the bank of the Tennessee River; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REFUND OF COTTON TAX.

Mr. OATES introduced a bill (H. R. 8833) to refund the cotton tax collected under the act approved July 1, 1862, and acts supplemental thereto; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SITE FOR PUBLIC BUILDINGS, SAN DIEGO, CAL.

Mr. VANDEVER introduced a bill (H. R. 8834) to transfer certain property now held for military purposes in the city of San Diego, Cal., to the Treasury Department, to be held for the erection of public buildings thereon; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

POST-OFFICE BUILDING, NORWALK, CONN.

Mr. GRANGER introduced a bill (H. R. 8835) for the erection of a public building at Norwalk, Conn.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LIGHT OR LIGHTS, ST. ANDREW'S BAY, FLORIDA.

Mr. DAVIDSON, of Florida, introduced a bill (H. R. 8836) for a light or lights at St. Andrew's Bay, Florida; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PUBLIC BUILDING AT MOUNT VERNON, ILL.

Mr. TOWNSHEND introduced a bill (H. R. 8837) for the erection of a public building at Mount Vernon, Ill.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

DEFINITION OF "BREVET."

Mr. TOWNSHEND also (by request) introduced a joint resolution (H. Res. 137) in explanation of and to define the term "brevet" as used in the military laws of the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHICAGO, BURLINGTON AND QUINCY RAILROAD.

Mr. LAWLER sent to the desk a paper; which was read, as follows:

Resolved, That the locomotive engineers and firemen of the Chicago, Burlington and Quincy road wish to call the attention of Congress and the public to the facts of the trouble now existing on the lines of the aforesaid railroad, and present the accompanying statement, to be referred to the Committee on Commerce, and that the same be printed in the RECORD.

The SPEAKER. This is not in order during the call of the States and Territories for the introduction of bills and resolutions.

Mr. LAWLER. I offer this as a resolution, the object being to get it before the committee and have it published.

The SPEAKER. It will go to the committee, if sent there as petitions usually are.

Mr. LAWLER. But, Mr. Speaker, is there any objection to the publication of this statement in the RECORD?

The SPEAKER. This is not the time to ask unanimous consent for that purpose. The Chair is now calling the States and Territories for the introduction of bills and resolutions for reference to the appropriate committees.

PAY OF NAVAL OFFICERS.

Mr. JACKSON. At the request of the gentleman from Illinois, [Mr. THOMAS], who is unable to be present, I introduce the bill which I send to the desk.

The bill (H. R. 8838) to equalize the pay of certain officers of the Navy was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

INTERSTATE COMMERCE.

Mr. KERR introduced a bill (H. R. 8839) to amend the interstate-commerce law; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

INTERNATIONAL ARBITRATION.

Mr. KERR also introduced a bill (H. R. 8840) for the establishment of a permanent court of arbitration between the United States and Great Britain and France; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

RAILROAD BRIDGE ACROSS MISSOURI RIVER.

Mr. STRUBLE (by Mr. LYMAN) introduced a bill (H. R. 8841) to authorize the construction of a railroad bridge across the Missouri River at or near Decatur, Nebr.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BRIDGE ACROSS OHIO RIVER.

Mr. CARUTH introduced a bill (H. R. 8842) to authorize the Louisville and Jeffersonville Bridge Company to construct a bridge across the Ohio River connecting the cities of Louisville, in the State of Kentucky, and Jeffersonville, in the State of Indiana; which was read a first and second time, referrred to the Committee on Commerce, and ordered to be printed.

INAUGURATION DAY A PUBLIC HOLIDAY.

Mr. CARUTH also introduced a bill (H. R. 8843) to amend section 993 of the Revised Statutes of the United States for the District of Columbia, so as to make "Inauguration Day" a holiday within said District; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

REFUND OF COTTON TAX.

Mr. NEWTON introduced a bill (H. R. 8844) to refund certain taxes collected by the United States Government on raw cotton during the

years 1863 to 1868, inclusive; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ARCTIC CRUISE OF STEAMER CORWIN, 1884 AND 1885.

Mr. REED introduced a resolution to print 5,000 copies of the report of Capt. M. A. Healey upon the cruise of the revenue-steamer Corwin in the Arctic Ocean in 1884; which was referred to the Committee on Printing.

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PNEUMATIC GUN CARRIAGES.

Mr. COMPTON introduced a bill (H. R. 8845) to provide pneumatic gun-carriages for the War Department; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DANIEL W. PERKINS.

Mr. TARSNEY introduced a bill (H. R. 8846) for the relief of Daniel W. Perkins; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JAMES E. ANDREWS.

Mr. NELSON introduced a bill (H. R. 8847) to authorize the Secretary of the Treasury to issue certain duplicate bonds to James E. Andrews in place of certain bonds destroyed by fire; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

STREET IMPROVEMENTS, DISTRICT OF COLUMBIA.

Mr. RICE (by request) introduced a bill (H. R. 8848) relating to street improvements in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

CONSTITUTIONAL CENTENNIAL.

Mr. HOOKER introduced a bill (H. R. 8849) to provide for a joint celebration at the national capital in 1889 by the sixteen American Republics, in honor of the centennial of the Constitution of the parent Republic, the United States; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

ALLOTMENT OF LANDS IN SEVERALTY.

Mr. HOOKER (by request) also introduced a bill (H. R. 8850) to amend an act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States in the Territories over the Indians, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

BUSINESS FROM COMMITTEE ON AGRICULTURE.

Mr. HATCH submitted the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That Thursday, the 10th day of May, 1888, after the second call of committees, be set apart for the consideration of such business as may be presented by the Committee on Agriculture, this order not to interfere with general appropriation or revenue bills; and whether so interfered with on that day or not shall be a continuing order until the bills presented by said committee shall be disposed of.

NEW DESIGNS, UNITED STATES COINS.

Mr. BLAND introduced a bill (H. R. 8851) to amend section 3510 of the Revised Statutes of the United States, and to provide for new designs of authorized devices of United States coins; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

THANKS TO OFFICERS OF ARCTIC EXPEDITION.

Mr. LAIRD introduced a joint resolution (H. Res. 138) tendering the thanks of Congress to Lieut. A. W. Greely, Lieut. James B. Lockwood, and others, for their courage, energy, and fidelity in the conduct of the late scientific expedition to the Arctic seas; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CLAIMS OF MISSISSIPPI, ETC.

Mr. WOODBURN introduced a bill (H. R. 8852) to extend the provisions of an act entitled "An act to settle certain accounts between the United States and the State of Mississippi and other States, and for other purposes;" which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CLAIMS OF NEVADA.

Mr. WOODBURN also introduced a bill (H. R. 8853) for the relief of the State of Nevada; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LIFE-SAVING SERVICE.

Mr. BUCHANAN introduced a bill (H. R. 8854) in relation to the Life-Saving Service; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIGHT-SHIP, SANDY HOOK.

Mr. BRYCE introduced a bill (H. R. 8855) for the establishment of a light-ship, with steam fog-signals, at Sandy Hook, New York Harbor; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

OVERLOADING OF VESSELS.

Mr. NUTTING introduced a bill (H. R. 8856) to prevent steam and sailing vessels being overloaded, and for other purposes; which was read a first and second time, referred to the Committee on Merchant Marine and Fisheries, and ordered to be printed.

MILITARY MUSTER-OUT ROLLS.

Mr. WEBER introduced a bill (H. R. 8857) directing the Secretary of War to furnish States with copies of muster-out rolls; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CIRCULATION OF OBSCENE MATTER.

Mr. CUMMINGS (by request) introduced a bill (H. R. 8858) to repeal section 3893 of the Revised Statutes and amendments, relating to circulating obscene matter, etc.; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

PAYMENT OF CERTAIN GOVERNMENT EMPLOYÉS.

Mr. CUMMINGS also introduced a joint resolution (H. Res. 139) providing for the payment of the employés of the Federal Government for certain holidays; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

RECALL OF A BILL FROM THE SENATE.

Mr. CUMMINGS also introduced a resolution providing for the recall from the Senate of the bill (H. R. 4910) entitled "A bill to amend section 14 of the act approved March 3, 1879, entitled 'An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes,' and relating to second-class mail matter;" which was referred to the Committee on the Post-Office and Post-Roads.

USE OF MAILS FOR FRAUDULENT PURPOSES.

Mr. WHITE, of New York, introduced a bill (H. R. 8 59) to amend section 5480 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

FIRE-ESCAPES, DISTRICT OF COLUMBIA.

Mr. ROMEIS introduced a bill (H. R. 8860) providing for the erection of fire-escapes in the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

VOLUNTARY RETIREMENT OF CERTAIN OFFICERS.

Mr. MAISH (by request) introduced a bill (H. R. 8861) to provide for the voluntary retirement of certain officers of the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC BUILDING SITE, SCRANTON, PA.

Mr. LYNCH introduced a bill (H. R. 8862) authorizing the Secretary of the Treasury to exchange or sell and convey the property purchased at Scranton, Pa., as a site for a public building for more suitable property, and for other purposes; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CLAIMS FOR REVOLUTIONARY SERVICE.

Mr. YARDLEY introduced a bill (H. R. 8863) to provide for the settlement of claims of officers of the Revolutionary Army and the heirs of those who died in the service; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SECTION 3887, REVISED STATUTES.

Mr. McMILLIN introduced a bill (H. R. 8864) to amend section 3887 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

BUSINESS OF JUDICIARY COMMITTEE.

Mr. CULBERSON submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That Tuesday, the 10th day of April, be set apart, immediately after the hour for the consideration of bills by committees, for the consideration of bills and resolutions reported from the Committee on the Judiciary in such order as the committee may designate, this order not to interfere with revenue or general appropriation bills.

SECTION 725 REVISED STATUTES.

Mr. MARTIN introduced a bill (H. R. 8865) to amend section 725 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PATENTS.

Mr. MARTIN also introduced a bill (H. R. 8866) to amend section 4884 of the Revised Statutes upon the subject of patents, and repealing all laws in conflict with said amendment; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

LIGHT-SHIP AT BUSH'S BLUFF.

Mr. BOWDEN introduced a bill (H. R. 8867) to establish a light-ship at Bush's Bluff, in the Elizabeth River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WORLD'S EXPOSITION IN 1892.

Mr. GEAR introduced a bill (H. R. 8868) to provide for a world's exposition at the national capital in 1892, and thereafter a permanent exposition of the three Americas in honor of the four hundredth anniversary of the discovery of America; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

WATER SUPPLY IN DISTRICT.

Mr. BREWER introduced a bill (H. R. 8869) relating to the matter of supplying water in certain cases in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

HACKLED FLAX.

Mr. LODGE. I ask unanimous consent to present at this time and have read, and printed in the RECORD, a memorial of certain hacklers of flax against the admission of hackled flax free of duty.

The memorial was read.

Mr. LODGE. I ask unanimous consent that the memorial be printed in the RECORD.

Mr. BRECKINRIDGE, of Arkansas. Let it be referred in the usual way.

The SPEAKER. The gentleman from Arkansas objects.

BENNINGTON BATTLE MONUMENT.

Mr. STEWART, of Vermont, introduced a bill (H. R. 8870) in aid of the Bennington Battle Monument Association; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

PRINTING FOR NAVAL ACADEMY.

Mr. HERBERT introduced a bill (H. R. 8871) relating to printing for the Naval Academy; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

PRESIDENTIAL POSTMASTERS.

Mr. CUTCHEON introduced a bill (H. R. 8872) to equalize the salaries of postmasters at Presidential post-offices; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

BONDS OF DISBURSING OFFICERS.

Mr. CUTCHEON also introduced a bill (H. R. 8873) in relation to bonds of disbursing officers and to monthly payments of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AMENDMENT OF RULES.

Mr. COX submitted the following resolution; which was read and referred to the Committee on Rules:

Resolved, That Rule XXXIV of the House of Representatives be amended by inserting after "foreign ministers," in line 14, "the Secretary of the Smithsonian Institution."

CUSTOMS INSPECTORS AT NEW ORLEANS.

Mr. WILKINSON introduced a bill (H. R. 8874) to increase the pay of day and night inspectors of customs at the port of New Orleans to an equality with the wages paid the same class of officials in the cities of Boston, New York, Baltimore, and San Francisco; which was read a first and second time, referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

ADMISSION OF STATES.

Mr. SPRINGER submitted the following resolution; which was read:

Resolved, That there be compiled, under the direction of the Committee on the Territories, a history of the several acts relating to the admission of States into the Union and the organization of the several Territories by acts of Congress, particularly with reference to the debates thereon, as shown by the Annals of Congress, Congressional Debates, or Congressional Globe, or RECORD; and the necessary expense attending the execution of this order shall be paid out of the contingent fund of the House on the approval of the Committee on Accounts.

The SPEAKER. The resolution will be referred to the Committee on Accounts.

Mr. SPRINGER. I ask to have it referred to the Committee on the Territories.

The SPEAKER. All matters relating to expenditures out of the contingent fund go to the Committee on Accounts.

Mr. SPRINGER. I desire to have it referred to the Committee on the Territories, that that committee may determine whether this expenditure should be recommended or not. In the event of a favorable report it can afterwards be referred to the Committee on Accounts.

Mr. SOWDEN. I object.

The SPEAKER. Does the gentleman from Illinois move that the resolution be referred to the Committee on the Territories?

Mr. SPRINGER. I care nothing about it. Let it go to the Committee on Accounts.

The resolution was referred to the Committee on Accounts.

WITHDRAWN LAND-GRANT LANDS.

Mr. SYMES introduced a bill (H. R. 8875) to protect purchasers of lands withdrawn by the executive department of the Government as lying within the limits of land grants in aid of the construction of railroads and afterwards held to lie without the limits of such grants; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CLAIMS OF WORKMEN UNDER THE EIGHT-HOUR LAW.

Mr. ROCKWELL. Mr. Speaker, I have a petition of citizens of seventy localities throughout the Union which I desire to present. It is a petition for the settlement of the claims of workmen arising under the eight-hour law. I ask that the body of the petition, which is short, may be printed in the RECORD.

Mr. BRECKINRIDGE, of Arkansas. Let the petition be referred in the manner required by the rules.

The SPEAKER. The gentleman from Arkansas objects.

FOREIGN IMMIGRATION.

Mr. SMITH, of Wisconsin. I have here a memorial of citizens of Milwaukee in regard to foreign immigration, which I would like to have printed in the RECORD.

Mr. BRECKINRIDGE, of Arkansas. Let the memorial be referred in the usual way.

ORDER OF BUSINESS.

Mr. HEMPHILL. Regular order, Mr. Speaker.

Mr. BOWDEN. I ask unanimous consent to present a report.

The SPEAKER. The gentleman from South Carolina [Mr. HEMPHILL] demands the regular order, which cuts off all requests for unanimous consent. The regular order is the consideration of business reported from the Committee on the District of Columbia.

SECTION 4693, REVISED STATUTES.

Mr. STONE, of Kentucky, introduced a bill (H. R. 8876) to amend subsection 4 of section 4693 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. STONE, of Missouri. Mr. Speaker, is it in order to present a report at this time?

The SPEAKER. It is not.

Mr. STONE, of Missouri. Is there no call for that business to-day?

The SPEAKER. There is not. This day, after the call of States and Territories for the introduction of bills and joint resolutions, is assigned for the consideration of business reported from the Committee on the District of Columbia.

CHAPTER 20, REVISED STATUTES.

Mr. BURNETT, by unanimous consent, introduced a bill (H. R. 8877) to amend chapter 20 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ORDER OF BUSINESS.

Mr. LAWLER. Mr. Speaker, I ask consent——

The SPEAKER. The gentleman from South Carolina [Mr. HEMPHILL] has demanded the regular order. Unless that demand is withdrawn the Chair can not recognize any request.

Mr. HEMPHILL. I withdraw the demand for a moment, as the gentleman [Mr. LAWLER] was on the floor at the time I demanded the regular order.

The SPEAKER. What is the request of the gentleman from Illinois?

Mr. LAWLER. I have a statement of the locomotive engineers and firemen of the Chicago, Burlington and Quincy lines of road which they desire presented for the information and consideration of Congress. I ask that the statement be read and be printed in the RECORD.

There was no objection, and it was so ordered.

The statement is as follows:

Resolved, That the locomotive engineers and firemen of the Chicago, Burlington and Quincy lines of road present for the consideration of Congress and the public a statement of the causes which led to the strike now in existence on the aforesaid railroad, and that said statement be referred to the Committee on Commerce, and for the information of the members of Congress the same be printed in the RECORD.

THE FACTS AS THEY EXIST.

CHICAGO, *March* 17, 1888.

To the public:

The officers of the Chicago, Burlington and Quincy Railroad Company have circulated throughout the country what we shall show to be a very misleading

statement of the matters in issue between the engineers and firemen formerly employed on that road and themselves. For the purpose of more effectively misleading the public the circular is addressed to the engineers and firemen. Of course it is intended for the public.

We shall not resort to the trick of addressing the Chicago, Burlington and Quincy road, but address the public, for whom this is intended, directly.

In the road's circular referred to, which is under date of February 22, appears the following:

"The important changes which your committee suggest are as follows: 'First. Pay to be governed solely by the miles run, without regard to other conditions or circumstances.

"'Secondly. A large average increase in existing rates of pay.

"'Third. The abolition of any classification based upon length of service, age, or experience.'"

In relation to the first statement we reply that we have requested our compensation to be fixed by the mile, because that is the method upon which compensation is based on nine-tenths of the railroads in operation in the United States. It is misleading to say that this compensation is sought to be fixed "without regard to other conditions or circumstances."

True there are some runs on branches of the "Q" road where the engineer's responsibility appears to be less than that on the main lines, because he has to haul a smaller number of cars. But the road carefully conceals the fact that on all of these branches where the engineer has a smaller number of cars to care for he is compelled, at the end of his trip, to take care of his engine by performing the work known to engineers as that of a "hostler." The imposition of this labor upon him saves the company the expense of employing a man at this work. On the main lines the engineer's work is ended when his train is taken in to its point of destination, and the work of the hostler is done in the round-houses by an extra man employed for that purpose. It will, therefore, be seen by the public that the men who are supposed to have easy runs under the present system are compelled to do extra work in addition to those easy runs, and are so worked as to save the company the wages of a hostler.

While it is correctly stated that we ask our pay to be based upon the number of miles run, it must also be understood that we care very little about the terms used by the road. They can continue to pay by the trip in place of paying by the mile if they prefer that system, providing, however, that they pay us as much as other roads pay for trips of the same length. The fact is that it is as broad as it is long how the wages are computed, whether by mile or by trip. If the desire is to pay men honestly and fairly, without throwing any dust in their eyes, or in the eyes of the public, at the same rates as other roads, it will be seen that it is immaterial whether the compensation is termed by the trip or by the mile. To illustrate: If a man runs 100 miles on a passenger train we say he should be paid $3.50. This rate is paid by the Rock Island road, the Santa Fé road, the Wabash system, and other roads too numerous to mention. The "Q" road, not desiring to pay upon the basis which would enable a fair comparison of its wages to be made with those of other companies, abandons the mile scheme and simply says: "We will pay you $3 for the trip," which means, in other words, 3 cents per mile for what other roads pay 3½ cents for. We think this pretense is too transparent to need very much discussion.

Second. It is true that we demand a large average increase in existing rates of pay. But the public must not be misled into the supposition that we are demanding a large increase from the "Q" over what is paid by its rivals. If the "Q" gives to us the large increase which we demand, it will only then place us on a footing with the employés of other roads, and it will only then be called upon to pay precisely what its neighbors and rivals pay and have paid for years. If it is a fact that it will require a large average increase of our wages to be made before we are placed on an equality with the employés of other roads—and we concede that it is a fact—this only proves that for many years the "Q" has had the advantage of shaving from its employés a large portion of the wages which it should have paid them. Although in justice we ought to ask it to make restitution for the past, we do not do so. We only ask it to deal fairly with us in the future.

In answer to the third point made by the road, namely: That we ask the abolition of any classification based upon length of service, age, or experience, we have to say that that statement is also misleading. Our position is this: If an engineer be competent to take charge of the best train on the "Q" road, then he ought to get the best pay, and it is immaterial whether he is thirty or ninety years old. When the "Q" road places a man in charge of one of its great express trains, and intrusts to him the precious lives of its patrons, by that act it certifies that he is a first-class engineer, and he ought to receive pay on the road's own certificate.

Our position is: That a man who does the work of a first-class engineer ought to receive the pay of a first-class engineer.

The "Q's" position is this: It places a man in a position which requires at his hands the skill and ability of a first-class engineer. The first year he is in that position it pays him much less than a first-class engineer's wages. The second year it slightly advances his wages, but still keeps them less than the first-class engineers. The third year he is paid their highest wages for an engineer. The result is that it is constantly gaining from the men who are only serving in their first and second year a large discount of wages. It also gains all the percentages in this transaction, because a number of men who work the first or second year do not stay in the company's employ long enough to be entitled to the first-class wages that are given to the man who has served his third year. These first and second year men who happen to leave to engage in other occupations are replaced by other first and second year men, and so the road manages to keep a large percentage of employés at under rates. We have no objection to its paying those who have been a long time on the road any extra gratuity it wishes. Nor will we ever complain if in its generosity it desires to pension men who have served it faithfully for a great many years. But we do insist that one of two things must be true: Either, first, that the engineers are first-class men and entitled to first-class pay; or, second, that the public is deceived when it is asked to travel on trains run by men who are entitled only to second or third-class compensation.

What is said in relation to the engineer applies also to the case of the fireman, because on all the roads the fireman's wages are based upon those of the engineer, and the fireman receives from 55 to 60 per cent. of what the engineer's wages are. Therefore, a shaving down of the engineer's wages means a shaving down of the fireman's wages, so that on all sides the peculiar system adopted by the "Q" road manages to punish its workingmen and enlarge its treasury.

But have we just cause of complaint? Are the engineers and firemen of the "Q" road seeking to take any advantage of that corporation? Have they just cause of complaint? Are they paid now as well as employés performing like services on rival roads?

We invite the attention of the public to the following comparisons: On the "Q" road there is a round trip between Rockford and Aurora which is made twenty-six times a month by the engineer.

On the Northwestern road there is a round trip between Rockford and Chicago which is also made twenty-six times per month.

The Northwestern round trip is 22 miles greater than the "Q" round trip. The Northwestern engineer travels 572 miles per month more than the "Q's" engineer.

At the rate of compensation asked by the engineers namely, 3½ cents per mile, the Northwestern road should only pay $20.02 per month to the engineer on the Rockford-to-Chicago trip greater than that paid to the "Q" engineer who runs on the Rockford-to-Aurora trip. But the fact is that the "Q" road pays its engineer only $104 per month, while the Northwestern pays its engineer $175. The "Q" engineer holds just as responsible a position as the engineer on the Northwestern. He has to cross three intersecting roads in the making of his trip, and in addition to his work as an engineer the labor of hostlering, or caring for the engine, is imposed upon him, while the engineer for the Northwestern is not obliged to care for his engine. The latter's work begins when he jumps on the engine at one end of the trip and ceases when he delivers it at the other end.

On the Pan Handle road the freight engineer who runs from Indianapolis to Bradford, a distance of 105 miles, receives $4.25 for the trip; his fireman receives $2.15.

On the "Q" road the round trip run from Galesburgh to Peoria is 105 miles, for which the engineer receives $3.60 and the fireman $2.10.

From Quincy to Colchester the round trip is 107 miles. The "Q" road pays its engineer for that trip $3.75, and its fireman $2.15.

For runs of 100 miles on the Union Pacific road the engineer on passenger trains receives $3.85. The "Q" road is a competitor of the Union Pacific, and for a long distance travels over parallel lines through country of precisely the same character. Yet we have only asked $3.50 per 100 miles for a passenger engineer on the "Q" road.

The engineer on the Sterling Branch run draws $34.10 for 90 miles. He stops in Rock Falls six hours, and takes care of his own engine. The engineer that runs the Batavia and Geneva accommodation receives $87.10. And the Chicago and Northwestern pays for like runs $96.20, the distance being 2 miles greater on the Chicago, Burlington and Quincy.

The reason we ask more pay for the branch runs is to compensate the men for the extra work done on account of the engineers having to do the work of a machinist.

The engineer on the Rockford way freight runs nightly (twenty-six nights constituting one month), for which he receives $56. Fireman, $35 per month.

The engineers on the fast mail, Chicago, Burlington and Quincy, 125 miles per day, receive $97.50 for twenty-six days' time. The engineers on the Chicago and Northwestern, for the same services, receive $120.

The runs on the main line of the Chicago, Burlington and Quincy, 125 miles per day thirty-five days per month, amount received, $131. On the trunk lines out of Chicago for the same service the engineers receive $161.

The engineers on the Buda and Vermont Branch of the "Q" line, 188.3 miles per day, twenty-six days constituting one month, receive for same $125.50. The Chicago and Northwestern Railroad pays for like service $181.

We desire further to state that no first-class engineer on the Chicago and Northwestern receives less than $96.20 for twenty-six days' work, if ready for duty

The Rock Island road pays its engineers on all of its passenger trains $3.60 and its firemen $2.15 for the 100-mile run from Galesburgh to Quincy.

The Quincy road only pays $3.50 for this same run to the engineers on a few of its heaviest trains—like the Kansas City one—and on all other trains it pays only $3.37½. It only pays its fireman $2 when with the engineer who is paid $3.50, and $1.90 when with the engineer who receives $3.37½.

The Rock Island road pays $4.15 for a run of 100 miles to its freight engineers, and does not require them to act as hostlers for their engines.

The Quincy road pays its freight engineer on the 101-mile run from Galva to New Boston $3.75. This run is on a branch road, and the engineer is compelled to do hostler's duty for his engine at both ends of his run.

Let us compare two short runs: The first is on the Chicago, Milwaukee and St. Paul road. The round trip between Chicago and Elgin is 74 miles, for which the engineer is paid $3.70. The engineer has full control of his time every second day and has not to act as hostler for his engine. The second is on the "Q" road. The round trip between Chicago and Aurora is 77 miles. The engineer is paid $3.35. He has to "hostler" his engine, and his entire time belongs to the road. Some days he has to be under orders for eighteen hours per day.

Complaint is made in the road's circular because we asked that "Galesburgh Division engineers and firemen be not required to run east of Aurora." The idea sought to be conveyed by the company is that this request is unreasonable and calculated to impose greater expense on the road. The fact is that compliance with this request will not impose one cent of extra expense on the road. No objection has been offered to running the engines through from Galesburgh to Chicago. The change of crews—engineers and firemen—at Aurora will not increase the company's outlay. There are about three hundred of the engineers and firemen who live in Aurora. Many of these men own their homes; some of these homes, however, are not entirely paid for. If they are compelled to run from Galesburgh to Chicago and return, they would have to sacrifice their property and remove either to Galesburgh or to Chicago. They ask that the crews be made to run on the one end of the route only, from Chicago and Aurora and return, and on the other end only from Galesburgh to Aurora and return. If we were paid on the mile system, the change of crews would not cost the road one cent.

It is also complained that we asked that some arrangement be made in relation to passing Brotherhood men on the "Q" trains. We make no demand in this regard. Our purpose in making this request was to get some uniform rule put in force on this road the same as prevails on other roads. We have no right to demand this. We did not demand it. Our desire was, while we were negotiating to get this question, now unsettled, so determined that the conductors would hereafter know precisely what to do, and thus be able to avoid conflicts. The company can decide this as it pleases. It does not stand in the road of a settlement.

S. E. HOGE,
Chairman Committee.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its secretaries, announced that the Senate had passed the bill (S. 2494) to provide for the payment of the funeral expenses of the late Chief-Justice of the Supreme Court.

Mr. COX. Mr. Speaker, I ask unanimous consent that that bill be now considered.

The SPEAKER. The Chair was about to lay it before the House. The Chair lays before the House the bill just received from the Senate, which will be read.

The bill was read, as follows:

A bill (S. 2494) to provide for the payment of the funeral expenses of the late Chief-Justice of the Supreme Court.

Be it enacted, etc., That the sum of $5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expenses necessarily incurred in the funeral of Morrison R. Waite, late Chief-Justice of the Supreme Court of the United States; to be disbursed by the marshal of the Supreme Court upon vouchers to be approved by the senior associate justice of said court.

Mr. COX. Mr. Speaker, I ask unanimous consent to dispense with consideration of this bill in the Committee of the Whole, and that it be now considered in the House.

There was no objection, and it was so ordered.

The SPEAKER. The question is upon ordering the bill to be read a third time.

Mr. TAULBEE. I believe the House has heretofore adopted a resolution providing for the payment of certain of these expenses out of the contingent fund of the House. I presume this bill will operate in lieu of that resolution.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

Mr. COX moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GOVERNMENT FOR ALASKA.

Mr. SPRINGER, by unanimous consent, reported from the Committee on the Territories, as a substitute for House bill 6555, a bill (H. R. 8878) to provide for the organization of the Territory of Alaska; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill 6555 was, by unanimous consent, laid on the table.

NATURALIZATION.

Mr. STEWART, of Georgia, by unanimous consent, introduced a bill (H. R. 8879) to amend the naturalization laws of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ANATOMICAL SCIENCE IN DISTRICT OF COLUMBIA.

Mr. HEMPHILL. I demand the regular order, and call up the bill which was undisposed of when the House adjourned on the last District day—House bill No. 5040—for the promotion of anatomical science and to prevent the desecration of graves in the District of Columbia.

Mr. GROUT. The pending question is on the motion to lay this bill upon the table, which is not debatable. I ask unanimous consent to make a brief statement.

The SPEAKER. Is there objection?

Mr. TAULBEE. Not if the same length of time be allowed to the other side of the question.

Mr. ANDERSON, of Kansas. That is fair.

Mr. TAULBEE. If the gentleman from Vermont desires to discuss only the question of laying the bill on the table, I have no objection.

The SPEAKER. That is the only question before the House, but of course it involves the merits of the bill.

Mr. GROUT. I trust the gentleman from Kentucky will not object to a brief statement on my part. He occupied an hour the other day, and at the close of his speech moved to lay the bill on the table. There has been no chance for any one to be heard in reply to him.

The SPEAKER. The gentleman from Vermont asks unanimous consent to make a brief statement. Is there objection?

Mr. ANDERSON, of Kansas. In connection with that request I ask that the same time be allowed to the gentleman from Kentucky [Mr. TAULBEE] to make a statement.

Mr. TAULBEE. I hope the gentleman from Kansas will withdraw that request. I do not know that I shall want any further time.

Mr. ANDERSON, of Kansas. Very well, I withdraw it.

The SPEAKER. Is there objection to the request of the gentleman from Vermont? The Chair hears none. The gentleman will proceed.

Mr. GROUT. Mr. Speaker, on the last District day, when this bill was under consideration, and after all the funny men of the House had had their little joke concerning it, as a member of the committee reporting it I tried to get recognition for the purpose of showing how little all that had been said in opposition to it really touched the question whether or not it was wholesome legislation for this District. And here let me say, in passing, that I expect the "fathers" foresaw the necessity that gentlemen who should occupy these seats should be kept somewhat familiar with small things, and accordingly they wrote in the Constitution that Congress should have exclusive legislation over such District, not exceeding ten miles square, as should be ceded, etc., and as the result the 250,000 people of this District bring all their public matters, small though some of them be, to the attention of Congress; and in the organization of the House the humble duty is assigned to the Committee on the District of Columbia of recommending such legislation as in their opinion the wants of this people require. Now, all that this committee ask, all they can ask, is that when these measures are brought in gentlemen will for a time come down from the lofty heights where they are accustomed to consider questions involving national and international topics and give to these local matters a respectful consideration.

When I requested the other day to be heard, I was asked whether twenty minutes would satisfy me. Now, I did not wish to occupy half that time, and do not now; but I was unwilling to capitulate to these frolicsome gentlemen in the mood in which they then were, which it seemed to me had become, for a subject so grave, exceedingly gay—so gay as to deny what common courtesy would accord to the committee reporting a bill, namely, the privilege of being heard in their own time under the rules of the House in reply to an attack as remarkable as that made upon this bill.

But enough. Now, this is what I then wanted to say: First, that when the gentleman from Kentucky [Mr. TAULBEE] admitted, as he did, and as the House will remember, that the purpose of his amendment was to defeat the object of the bill, he put himself in the attitude of attacking the bill indirectly, covertly, if you please, instead of stating in a frank, straight forward manner his objections to the bill.

I wanted also to say to him that if he had read the bill carefully, as I trust members have done since it was last under consideration, he would not have turned the brilliant period that he did about the bodies of the poor being turned over to college professors for display in some medical museum; for the bill in express terms provides that after a body has been used for purposes of anatomical dissection the remains shall be decently buried.

For another thing, I wanted to say to gentlemen, if they had been disposed to consider this bill fairly and upon its merits they would not have become so sentimental, nor would they have shed big tears over the misfortunes of the poor, especially after they are dead. We all know that all first-class statesmen lie awake nights thinking of the poor while they are alive; but this devotion to the dead, such as was shown by gentlemen the other day, is a pitch of enthusiasm to which few can rise.

Let me not, however, be understood as saying anything disrespectful of the poor, living or dead. Their misfortunes and sufferings should command the sympathy and assistance of all men. The poor, it is said, we have with us always. But I think the best time to help them is while they are alive, and not wait till after they are dead.

I wish also to remind the gentleman from Kentucky that this bill in terms provides for the bodies of those who die in hospital, prison, almshouse, jail, or asylum, and that sometimes rich men have been found in jails and prisons; and according to the philosophy of the gentleman more still should be found there. What, then, becomes of the argument that the provisions of this bill apply to the poor alone?

Mr. TAULBEE. Will the gentleman permit me to ask him a question?

Mr. GROUT. Certainly.

Mr. TAULBEE. In that connection what explanation do you put on that provision that only those who are buried at the public expense shall be included?

Mr. GROUT. It does not say only those buried at the public expense. The word only is not used——

Mr. TAULBEE. Read that part of the bill in this connection.

Mr. GROUT. It says:

> The bodies of such deceased persons as are required to be buried at the public expense.

Mr. TAULBEE. Does the bill cover any whose remains are not buried at the public expense?

Mr. GROUT. Perhaps not; it does not exclude those not buried at the public expense.

There is one other point to which I wish to call attention, and that is in reference to the veto message of the President of a similar bill in the last Congress, which the gentleman has caused to be read as a part of his remarks. The President said in that message:

> The purpose of this bill is to permit the delivery of certain dead bodies to the medical colleges located in the District of Columbia for dissection.
>
> Such disposition of the bodies of unknown and pauper dead is only excused by the necessity of acquiring by this means proper and useful anatomical knowledge, and the laws by which it is permitted should, in deference to a decent and universal sentiment, carefully guard against abuse and needless offense.

From the above it appears that the President is not opposed to the principle of the bill, but is really in favor of it. And I am obliged to the gentleman for having brought in the veto.

And I say so far the opinion of the President is an argument in favor of this bill, inasmuch as all his objections to the former bill have been carefully obviated in this draught. But without further following gentlemen in their groping about to discover what some one else may think of the bill, let us, like men, say what we think of it ourselves. Now, one moment as to the merits of the bill. Everybody knows that without a complete and thorough knowledge of anatomy the physician or surgeon is not fit to practice his profession. Everybody knows also that the only way in which the surgeon can acquire a practical knowledge of anatomy is by the dissection of the cadaver. The medical colleges of the country are constantly turning out an army of young practitioners to take the places of those who are passing off the stage. A medical college in this city only the other day—in fact since the last District day—graduated twenty-four of them.

Now, tell me what sort of ministers to the physical ills that flesh is heir to would these young men be without an intimate and thorough knowledge of the anatomy of the human body, which knowledge can only be acquired by a minute and careful dissection of every part of it, and how are these young men to make this dissection without subjects for that purpose? They must have them—they will have them. The experience of the world shows that it is absolutely necessary. Now, how shall this demand be supplied? That is the question. Shall it be by the present ghoulish practice of body-snatching, and under which it is said from one to two hundred bodies have been resurrected in this city within the last year?

Does any one ask why not supply the demand in that way? Then I answer, because in the first place it is a scandalous and demoralizing

business to those engaged in it. In the second place, it is a standing terror to mourning friends who have just buried their dead. Now, the provisions of this bill are intended for the living and not for the dead, as the gentleman seemed to understand, or rather misunderstood, the other day. It is intended for the benefit of the living friends of the dead, and if adopted it will quiet all apprehension on the part of the friends of those dying outside the institutions named in the bill, as against the work of the Washington resurrectionist.

Mr. MILLIKEN. Will the gentleman answer a question?

Mr. GROUT. Certainly.

Mr. MILLIKEN. What effect will this bill have upon the feelings of a man who knows he has got to die in the poor-house, and can not get out of it?

Mr. GROUT. He may request that his body shall be interred in the usual way, and in that event, under the provisions of this bill, that request must be regarded.

Mr. TAULBEE. Suppose he dies of apoplexy?

Mr. GROUT. If he had not in advance of such a misfortune made such a request, I should say it would be too late after he was dead of apoplexy.

Mr. TAULBEE. In that case he would not have had an opportunity during his last illness to have acted as directed by this bill to save his body from that fate.

Mr. GROUT. As a gentleman on my right suggests, he would not then have had occasion to worry about it.

Mr. TAULBEE. But his friends might, perhaps.

Mr. GROUT. I repeat, Mr. Speaker, this bill is for the benefit of the living; and if it be adopted it will quiet the apprehensions of those who are outside of these institutions; and at the same time the bill carefully respects the wishes of the friends of those dying within the institutions named in the bill. It allows any relation by birth or marriage or any friend to request the burial of any person of this last class, and such request must be respected.

Mr. MILLIKEN. Let me interrupt the gentleman again to ask: Do I understand he is going to make a distinction against people who do not happen to have friends?

Mr. GROUT. The bill only does what the gentleman's own State has done. But to answer the gentleman more to his satisfaction perhaps, I will say that the bill goes upon the idea that a person dying in any of these institutions without friends to claim his body had better be turned over to the medical schools than that the dead in the churchyards, whose friends are still living in the vicinity, should be disturbed.

Mr. MILLIKEN. I am not discussing what my State has done or may do, but what the gentleman's bill is intending to do.

Mr. GROUT. Again I repeat, this bill is for the benefit of the living, and the living friends of those who may die both in these institutions and outside of them.

But, Mr. Speaker, the gentleman from Kentucky admitted the other day, on an inquiry addressed to him by the gentleman from Indiana [Mr. BROWNE]—and I take it that he is a recognized authority upon theological questions—whether it would make any difference in the great Resurrection whether a body had been dissected or not, that it would not.

Mr. MILLIKEN. Why, then, do you make any distinction between the poor and the rich?

Mr. GROUT. There is no distinction whatever; it applies equally to all. It is for the benefit of all alike.

Mr. SOWDEN. Do I understand the gentleman to say that there are enough people dying in these institutions to supply the demand of which he speaks in this city?

Mr. GROUT. I understand so. I understand that the supply would be ample for the requirements of the local medical institutions.

So we see, Mr. Speaker, that this bill provides for this supply in the way I have shown, giving no offense, no needless offense, in the guarded language of the President, to any one. It supplies a demand that is absolutely necessary and will be met from some source. It will also tend to break up this nefarious, this ghastly and criminal business of robbing grave-yards in the District of Columbia, by means of which that supply is now made.

Mr. SOWDEN. What assurance can the gentleman give the House upon that subject?

Mr. GROUT. Only the assurance which arises from the very nature of things.

Mr. SOWDEN. Suppose all of these people who die in these institutions file a protest that they want to be buried.

Mr. GROUT. That is a mere supposition.

Mr. SOWDEN. It is at least a decent supposition.

Mr. GROUT. To be sure, but it is hardly a reasonable supposition. Such a result would at least be quite improbable.

I said a moment ago that this business of grave-robbing was a criminal one. Have you ever thought how unfair it is to the medical profession, and how inconsistent also, for the law to hold them to a strict accountability, as it does, for any carelessness or error in their surgical work, oftentimes bringing them into court and assessing them in damages for not doing that work correctly, and yet not only not providing them with the means of information which would enable them to do well their work—I say not only does the law do this, but it does more; it forbids the obtaining that necessary information under heavy penalties, such as exist for the disturbance of the dead after they are buried.

Mr. MILLIKEN. Will the gentleman permit a further question?

Mr. GROUT. To be sure.

Mr. MILLIKEN. Then, if I understand this bill, it provides that if a man is poor and dies in an asylum or in a poor-house, in order to save his body from going to the dissecting-table he has got to make a request that after he is deceased he is to be buried; while if he was placed in better circumstances and dies in his own home his body will not go, no matter whether he makes the request or not. Why, therefore, do you make this distinction against the poor fellow? He has got to go to the doctors for dissection unless he makes this special request, while everybody else will go to the church-yard for interment.

Mr. GROUT. I apprehend that the gentleman from Maine has not made a careful study of this bill, as he seems to have imbibed some of the strange sentiments in reference to it that animate others.

Mr. MILLIKEN. I am waiting an explanation from the gentleman himself.

Mr. GROUT. I am afraid I shall be unable to make the gentleman understand this bill as I would like to have him.

Mr. Speaker, when interrupted I was addressing myself to the inconsistency of the law, where a medical practitioner is held to a strict accountability in the practice of his profession, an accountability which he can not avoid, while on the other hand you make criminal the means whereby he alone can acquire that thorough knowledge of his profession which the law supposes him to have. Just think of this proposition for a moment. Can it be that a civilized people will long tolerate such contradiction in their legal system? And yet that is the law in the District of Columbia to-day—here where stands the Capitol of this great American people.

Mr. MILLIKEN. Will the gentleman from Vermont allow me to interrupt him again?

Mr. GROUT. Yes, sir.

Mr. MILLIKEN. This is the objection I make: that to save doctors from the necessity of body-snatching you provide for that difficulty by taking the bodies of the poor. Why do you make any distinction? Why should not the man who is worth a hundred million dollars and who has not filed his protest against his body being used in that way, why should not his body be assigned to the doctors as well as that of the poor devil who dies in a poor-house?

Mr. GROUT. I leave the gentleman from Maine to study out an answer to that question for himself. And now, to resume my statement, this bill, as we have shown, will cure this glaring inconsistency in the law, and will at the same time supply this reasonable and necessary demand of the medical profession. Nor is it a new thing in legislation. Most if not all the older and more advanced States of the Union have adopted this principle, including the State of the gentleman from Maine [Mr. MILLIKEN] and the State of the gentleman from Pennsylvania [Mr. SOWDEN]. England also, from whence came the fabric of our jurisprudence, long since enacted such a law, the pioneer act in the history of this kind of legislation.

Mr. CANNON. Will the gentleman yield to me for a moment?

Mr. GROUT. Yes, sir.

Mr. CANNON. As I understand the position of the gentleman from Vermont it is this, that when any man dies, whether he is poor or rich, it makes no difference to the dead man whether he goes on the dissecting-table or not. But it does make a difference as regards the feelings of the living. Now, in the class of cases provided for in this bill where the man himself does not object to it, where he does not make his objection known, and where there is no living relative or friend who makes the objection, I understand the body of such a man goes on the dissecting-table upon the theory that the feelings of the living are not outraged.

Mr. GROUT. Precisely so. The gentleman has the correct conception of the bill. It must be remembered also that the use of subjects for dissection is of absolute necessity, and that they must either be provided by law or they must be obtained in contravention of law, and no legal system is in keeping with high civilization that does not provide in a legitimate and legal manner for furnishing means of information in this way to doctors with a view to a successful practice of their profession.

Mr. MASON. Will the gentleman yield to me for a moment?

Mr. GROUT. Yes, sir.

Mr. MASON. As a matter of fact in those States which have adopted this law is it not true that the habit of grave-robbing has been substantially broken up?

Mr. GROUT. That is true, as I understand it.

Mr. MILLIKEN. But who can tell whether in those States they have stopped snatching bodies or not. That is not a thing that is done in the light.

Mr. GROUT. But in those States we do not hear of cases of grave-robbing.

Mr. MILLIKEN. You do not hear much of them in any community.

Mr. GROUT. Oh, yes; Washington papers are full of such cases. If the gentleman reads those newspapers, every now and then he will find a sickening and disgusting account of dragging from its last resting place some corpse for dissection.

Mr. Speaker, I have said all that I wanted and much more than I intended, but have been led on by interruptions. I will only add that the Committee on the District of Columbia are unanimously of the opinion that this bill ought to become a law; and should the House refuse to agree to the motion of the gentleman from Kentucky [Mr. TAULBEE] that the bill be ordered to lie on the table, and it should seem necessary, other members of the committee will have something to say upon it. I thank the House for the courtesy extended in listening to this statement.

Mr. HEMPHILL. If the House shall vote down the motion to lay the bill on the table, I should like to be heard in discussion of it. I think I can give some information which may assist the House in understanding the necessity for this bill.

Mr. TAULBEE. If I am permitted to do so, I will withdraw for the time being the motion to lay the bill on the table, so that the chairman of the committee may have such time as he desires in support of the bill and that the matter may be open to discussion on either side. I made an effort two weeks ago to obtain unanimous consent to let the committee have the time allowed under the rules for debate, but I was not recognized for that purpose in consequence of an objection being made. That was my purpose then and is my purpose now.

The SPEAKER. The motion to lay on the table having been withdrawn, the gentleman from South Carolina [Mr. HEMPHILL] is recognized.

Mr. HEMPHILL. When this bill was up for discussion the other day the committee had not an opportunity to present its views. I desire now to make a few suggestions in addition to what has been said by the gentleman from Pennsylvania [Mr. ATKINSON] and this morning by the gentleman from Vermont [Mr. GROUT].

There can be no question there is a necessity, with a view to the investigations of science, that there should be some human bodies furnished to the medical students of this country; and it is only the question as to how that shall be done which is proposed to be settled by this bill.

It is not worth while to argue the question of the necessity of that kind of knowledge. It is required by the medical board of the Army, it is required by the medical board of the Navy, it is required by the Marine Corps, that every man, before he can enter the medical service of the Army or Navy or Marine Corps, shall demonstrate on the human body what he knows of its anatomy.

Now, gentlemen, the only question is whether this shall be done in a legitimate, regular way, or whether it shall be done in violation of law and in defiance of decency. A good deal has been said here about this bill being aimed at the poor people and intended for the protection of the rich. Mr. Speaker, I do not pose here as a special friend of any particular class of people. I think that every man in these United States who is an honest, upright, patriotic citizen is entitled to as much consideration as anybody else, whether he be rich or whether he be poor. But is this bill aimed at the poor people? Is it not rather framed for their benefit? We all know, sir, that the rich people of this country and of all other countries are perfectly able by the use of money to take care of themselves while living and to take care of their dead when they are laid in their last resting place.

The rich are able to build tombs of marble, and to surround them with walls of iron and stone which the "resurrectionists" can not break through, and therefore it is of no particular importance to them whether this bill or any other for a similar purpose passes here or not. But there are a great many people in this District, worthy, upright, and respectable citizens, men who fight the battles of the country, who pay its taxes; people who are entitled to protection at the hands of the law when living, and it is our duty to give their dead protection when it can be done in a proper and legitimate way. It is a well-known fact that since the 1st of January last there have been several cases reported in the newspapers of this District where bodies of people entirely respectable, but in moderate circumstances, have been "snatched" from their graves and carried to the dissecting-tables of the medical colleges. Now, how is that to be regulated? It is impossible to prevent the medical students from getting bodies for dissection.

They always have got them and they always will get them. But how are you going to prevent it? What does this bill provide? It provides, in the first place, that where people die in the almshouses, hospitals, jails, or asylums, etc., of this District who do not make any request to be buried, whose bodies have lain there unclaimed by any person, either white or black, relative or friend, for the period of forty-eight hours, cases in which no relative either by blood or by marriage comes to claim that the body shall be buried, where no person claiming to stand in even the very indefinite relation of a friend comes and asks that the body shall be buried—when these conditions exist, and when, in addition, it meets with the approval of the health officer of the District, a sworn responsible official, whose duty it is under this bill to look after these matters—when all these contingencies concur, then the body may be delivered for the use of the medical colleges, and not until then.

Mr. LYNCH. Will the gentleman permit a question?

Mr. HEMPHILL. Yes, sir.

Mr. LYNCH. Is there any provision made for giving public notice of these deaths?

Mr. HEMPHILL. There is no provision made in this bill, but if the House sees fit to adopt an amendment requiring an advertisement to be published, I have no objection.

There is no purpose on the part of the committee to do anything but what is entirely fair and proper in the matter.

Mr. TAULBEE. Will the gentleman yield to me for a question?

Mr. HEMPHILL. Yes, sir.

Mr. TAULBEE. In enumerating the conditions provided for in the bill as antecedent to the delivery of a body to the medical colleges the gentleman mentioned the death of the person in the jail, the hospital, or the asylum, and the fact that the body must have remained forty-eight hours unclaimed by friend or relative, but I believe he omitted one very important condition which the bill sets forth and to which I would like to have him direct his attention, namely, the provision that the person must be buried at the public expense. I would like to hear the gentleman on that point.

Mr. HEMPHILL. I will come to that presently, Mr. Speaker. The gentleman is exceedingly apprehensive upon that subject. As I have already said, the rich are able to take care of themselves while they are living and their friends are able to take care of them when they are dead. There is another very large class of people who, though not rich, have as many friends and as many relations as the rich, and whose bodies are just as well protected by this bill as those of rich people or of anybody else. The law of this District now is that if a body is not claimed by a friend or relative, it is the duty of the District authorities to bury it, whether it be the body of a rich person or the body of a poor person, and I think it will hardly be maintained by the gentleman from Kentucky [Mr. TAULBEE] that the poor people of this District are so inhuman, or that their relatives are so forgetful of the ties that bind them to their own blood kin, that they will not go and ask to be allowed to bury them. This bill does not say a poor man, it does not say a rich man, it says a man who is buried at the public expense; that is, a man who has no friends who take enough interest in him to ask that he shall be buried. No man whose friends or relations will take the trouble to ask that he be buried, no matter whether he be rich or poor, will be so forgotten as to be buried at the public expense.

Now, Mr. Speaker, in addition to that, there are, unfortunately, in any community embracing so large a population as this city, a considerable number of women who by lives of shame have cut themselves off from all ties which might bind them to their blood relations, and there are men whose conduct has been such that their relatives and those who may once have been their friends would not recognize them when living or mourn for them when dead. It is this class of people whose bodies this bill proposes to operate upon, with the view of saving the living, whether poor or rich, from the harassing experience of having their loved ones snatched from their last resting place.

This bill is not aimed at the poor any more than at the rich. It is intended to protect those people who, when burying their dead, are now obliged to leave them to the mercy of the grave-digger and the body-snatcher.

I know that in the view of some persons it looks like a rather severe measure to provide by law that certain bodies shall be taken to the dissecting-table. But, Mr. Speaker, we can do the dead no good and we can do them no harm. This bill, like all other bills, should be framed for the protection of the living; and it is with the view of saving living persons from having their minds harassed with uncertainty as to what has been done with the bodies of their beloved dead that the House is asked to pass this bill.

Mr. WEAVER. But we impose upon certain classes named by the gentleman a certainty that their bodies are to be dealt with in this way——

Mr. HEMPHILL. No, sir.

Mr. WEAVER. And that would be harassing to them.

Mr. HEMPHILL. I will state very distinctly my position on this question. I think that when persons have so conducted themselves while living as to forfeit the respect of society, have led such lives of shame that after their death no friend or relative can be found to take interest enough in them to ask that their bodies shall be buried even at public expense, it would be no great hardship if we allow the bodies of such persons to be taken for dissection, provided they do not before death request otherwise, and provided that the health officer of the District of Columbia says that they are proper subjects for anatomical study.

Mr. WEAVER. I do not subscribe to any such doctrine as that. It would be far better for the Government to institute houses of correction and to adopt other reformatory measures for the creatures referred to by the gentleman than to notify them before they die that as a penalty for the character of their lives they shall after death be laid upon the dissecting-table and cut to pieces.

Mr. HEMPHILL. Well, Mr. Speaker, I do not indulge in any such sickly sentimentalism as that.

Mr. WEAVER. Oh, yes; it is "sickly." Anything in favor of hu-

manity is "sickly" in the estimation of men who will bring in a bill of this kind.

Mr. HEMPHILL. It is "sickly" to be indulging in appeals of that kind.

Mr. WEAVER. The gentleman has no right to impugn my motives. I have as much right to express my views here without having my motives impugned as he has; and I say my views are just as much in accord with humanity and good government—yes, more so—than the views he has expressed here, which ought to send a thrill of horror throughout this House and the whole country.

Mr. HEMPHILL. I will come to that. I am not going to report here any bill which I am not willing to stand by. I have as much respect for any class of people who are honest, patriotic, law-abiding, as any man in this House, and I do not care whether they be rich or poor. But I do say that it is the duty of the Government to legislate for the benefit of those citizens who are honest, upright, straightforward; who support the institutions of the country; who are patriotic in their desires; who fight its battles and make the country worth living in. And when the question is presented whether in our legislation we shall look to those who have forfeited all respect, who have led disgraceful lives, who have cut themselves off from all the tenderest ties of humanity by their own willful misconduct, or whether we shall regard the sentiment of the upright, honest, law-abiding people of the country, I will not hesitate to make my decision in favor of the more worthy class; and I am not afraid to announce it on this floor.

Mr. WEAVER. Let me ask the gentleman this question: Under this bill can not the body of a soldier who fought in the Union Army be sent to the dissecting-table as well as that of a man who has led a "life of shame?" As I understand, there is no exception in favor of the Union soldier.

Mr. HEMPHILL. A gentleman on the other side proposed the other day an amendment to protect that class of citizens by directing that notice should be given in any such case to the Grand Army post of the District; and, so far as I am concerned, I will vote for that amendment.

Mr. MILLIKEN. I ask the gentleman how his description about leading a "life of shame" applies to persons who happen to die in the hospital or the poor-house or whose bodies are taken to the morgue? May not such persons have lived as honest lives as the gentleman from South Carolina or myself or anybody else, and may they not have died under these circumstances on account of mere misfortune?

Mr. HEMPHILL. Exactly; and the body of any man dying under such circumstances of misfortune can not be taken for dissection unless with the approval of the health officer of the District, and unless he has no friends or relatives to ask that his body be buried.

Mr. MILLIKEN. Why do you not apply the same provision to everybody else?

Mr. HEMPHILL. It is applied to everybody.

Mr. MILLIKEN. Oh, no; it is not.

Mr. WEAVER. Why not apply the provisions of the bill to rich men who have led "lives of shame?"

Mr. HEMPHILL. I say, Mr. Speaker, that the bill makes no discrimination between the rich and the poor. The gentleman from Kentucky the other day, when he slipped the bridle and galloped all over this House without restraint, undertook to say that this measure is an insult, an indignity offered to the poor people of this country. Let us see whether members of this House who are going to vote for this bill, as I trust many of them will, will violate in so doing the best sentiment of the country. I have taken some pains to look into this matter a little, and find that according to the law of the State of Connecticut bodies to be used for dissection are defined as those "which shall not have been buried within twenty-four hours after death, nor claimed for burial by any relative or friend; but the body of no person known to have relatives or friends shall be so delivered without their consent." This is almost the exact language of the present bill.

The great State of Iowa, from which, I think, my friend has the honor to come, and which, judging from its representative, is a tender-hearted country, provides that a coroner or undertaker in any county of the State of Iowa, or of any city where the inhabitants exceed 1,000, may deliver to any college or any physician in the State of Iowa the body or remains of any deceased person, except where such body has been interred or dressed for interment, or bodies of those known to have relatives or friends. That is in the State of Iowa, where we have the right to presume there is civilization. That State provides that any coroner or undertaker, any man who sets himself up to bury others, may give the body of any deceased person to any medical college or physician, except where such body has been interred or dressed for interment or of those known to have relatives or friends. It is not provided this shall be done under the supervision of the health officer, as I recall the statute; but whenever the coroner or undertaker shall deem it fit to do so, he can turn over the bodies of any such persons to any college or to any one having a sheep-skin for the purpose of cutting them up.

When my friend from Kentucky [Mr. TAULBEE] was talking the other day about the Scriptures and about the potter's field, and charging this committee with having offered an indignity to the poor people of this country, the good people of his own State of Kentucky, assembled by their representatives at the capital of that State, were considering a bill to deliver unclaimed bodies of people over to the medical men of any institution of that State. And that bill has passed the house since then, and is now being considered in the senate, and according to the best information I have been able to procure, the law will pass that body. So that Kentucky is coming into line amongst the civilized States of the Union, and is opposed to body-snatching and in favor of the regulation of this business by some legitimate means.

Mr. TAULBEE. Will the gentleman allow me to ask him a question?

Mr. HEMPHILL. Certainly.

Mr. TAULBEE. I wish to ask whether the State from which he comes has a law similar to the one which he presents to this House? If it has not I would like to know from him why it has not; I would like to know why his State has not come up to the line of civilization, as he terms it?

Mr. HEMPHILL. Anybody who knows anything of the civilization of this country never doubted South Carolina in that regard. I do not think it is necessary she should pass a law of this kind in order to prove her civilization.

Now, in addition to what I have already said, I desire to state that I have gone over the statutes of the States of this Union to some extent, and I find there are thirty-one of the States and Territories, including the District of Columbia, where there are medical colleges. In eighteen, including the State of Tennessee, which is somewhat peculiar, there are laws like unto the one here proposed, some of which are much broader, and very few of which are as well guarded as this. In Connecticut, Missouri, Arkansas, Indiana, Illinois, Oregon, Iowa, Colorado, Maryland, New Hampshire, Ohio, Michigan, New York, Pennsylvania, Minnesota, and Nebraska statutes of this character are in existence, and one with similar provisions is being enacted in the State of Kentucky.

Mr. Speaker, in all those States there is a provision that unclaimed bodies shall be given over to medical colleges, and in some that they shall be given over to any physician desiring them for dissection. It is especially provided in a number of the States that the unclaimed bodies shall be those which are buried at the public expense, and that is the phraseology which is used in this bill.

The State of Maryland, which lies in juxtaposition to this District, has a law almost identical in phraseology to this bill, some changes having been made in the pending bill for the purpose of meeting the objection urged by the President in his veto message.

Now, Mr. Speaker, it looks like a pretty hard thing to be legislating about matters of this kind. We have to legislate about a good many things which are not very pleasant. It is a hard thing to say that a man for doing a certain thing shall be incarcerated in prison, or shall be hung between heaven and earth, but these things experience has proved are necessary for the protection of society and for the preservation of decency and good order.

This District has a number of medical colleges, which require from seventy to eighty bodies every year for the purpose of instructing their students in anatomy, in order that they may go out into the world and practice for the cure of the living. Now, for a number of years the practice of body-snatching has been going on in this District as it has been going on in other places throughout the Union where they have not enacted a law similar to the one now pending. The question at last comes down to this: Whether or not we will do something toward giving to the people of this District the same protection which the majority of the States of the Union have already given to their people by providing, as is done in this bill, that unclaimed bodies buried at the public expense, whether rich or poor, shall be turned over to the medical colleges which may require them for dissection by their students.

And I say if there is a man in this House who believes that the violation and contempt of the laws of this District should be permitted to go on unchecked, and thinks that the business of the resurrectionist, the business of the man who robs the graves of our people at midnight, should be unmolested, then let him vote against the bill. But if there are people who believe that this business, which is a necessity, which is known and recognized and winked at by the police and other authorities of the District, ought to be regulated in some fair way, then they ought to vote for the bill, for that is what the bill seeks to do. That is the question submitted to them.

It is not a question whether or not we are going to stop the resurrectionist, but whether we will regulate this business in some way, and save the people of the District from the uncertainty and distress of wondering whether or not the body of the friend or relative they have interred in one of the grave-yards of the city is lying there, or whether it has been dragged up at midnight with a rope around its neck and sold in secret to somebody for fifteen or twenty dollars to hack over.

Mr. JACKSON. Let me ask the gentleman from South Carolina if it is not a fact that there is no provision whatever in this bill making it an offense and providing a punishment for openly violating in any way any one of the provisions referred to here—that is to say, that any one having charge of the bodies of persons dying under such circumstances, the bodies of strangers dying here, might give the bodies away without reference to the request of the deceased, or dispose of them in less than forty-eight hours, and do this without the incurrence of any penalty

whatever? I ask the gentleman from South Carolina if it is not an omission from the bill which provides no penalties whatever.

Mr. HEMPHILL. The existing law is only changed in a few particulars in this bill; and if there be other offenses committed the law as it now stands attaches to them, and the party who violates the law must suffer the consequences.

Mr. JACKSON. Yes, but that does not meet the question. This bill makes provision for the burial of the remains that have been dissected, and provides penalties for such and such things, among the rest for removing bodies from their graves. It specifies what shall be done with the bodies of these deceased persons.

But if the party whose duty it is to comply with the law in this respect violates it, what I say is that this bill makes no provision for a penalty. Here, for instance, you recognize a class of persons whose bodies are to be disposed of in a certain manner—what is to prevent the custodian from giving those bodies away, from speculating upon them, or doing anything else with them in violation of the law?

Mr. HEMPHILL. The object of this bill is to meet what we believe to be an exigency; and if the gentleman has any modifications which he will suggest I am satisfied the committee would cheerfully accord him a patient hearing.

Mr. JACKSON. But I want the gentleman himself to say if this bill is not very objectionable and incomplete?

Mr. HEMPHILL. No, sir.

Mr. JACKSON. Then how does the gentleman explain this omission?

Mr. HEMPHILL. By the simple reason that if there is a law upon the subject already to regulate this business, which law makes no exception, a person who violates that law knowingly must suffer the consequences of it.

Mr. JACKSON. But certainly the gentleman does not pretend that there is any law in existence upon these subjects to which I have referred in the District of Columbia?

Mr. HEMPHILL. So far as I know there is no law regulating body-snatching at all.

Mr. JACKSON. Yes, but I am calling the attention of the gentleman to the traffic that may go on under the features of this bill in this District without the incurrence of any penalty on the part of the person who violates the law. There is no provision attaching the slightest penalty. It gives a license to any individual who may have charge of the unfortunates who may happen to come here—and as we all know many come who are disabled and infirm, and die here friendless and unknown—to speculate and traffic in their bodies.

Mr. HEMPHILL. Is that a question?

Mr. JACKSON. It is a question, if you can explain how it makes provision for the care of the bodies of people dying under such circumstances, and provides no punishment for an infraction of the law.

Mr. ATKINSON. It is already provided for by law.

Mr. HEMPHILL. If the gentleman from Pennsylvania will submit a question I will take pleasure in responding, but I can not undertake to answer a long speech. Or if the gentleman will submit an amendment to the bill providing penalties for a violation of any of its provisions, I shall be very glad to consider it.

Mr. JACKSON. The only amendment that I should offer would be one to strike out all after the enacting clause.

Mr. HEMPHILL. And that of course we would not consider.

Mr. O'NEILL, of Missouri. Will the gentleman permit me to ask him a question?

Mr. HEMPHILL. Certainly.

Mr. O'NEILL, of Missouri. In the fourteenth line of the bill the proviso reads:

> That if the deceased person during his last illness, of his own accord, requested to be buried, etc.

What is the object of inserting these words, "of his own accord?"

Mr. HEMPHILL. For the simple reason, I suppose, that he might not be persuaded into it. If he desires to give his body or does not desire it he can express that wish. But if the gentleman desires it the words might be inserted "of his own free will."

Mr. O'NEILL, of Missouri. Would it not be better to strike that out as surplusage?

Mr. HEMPHILL. I have no objection. The use of the language "of his own free will" would amount to the same thing.

Of course there are people who have given their bodies to be buried, and some who have given their bodies to be cremated, and others who have given their bodies for scientific purposes. And after all, Mr. Speaker, there is not so much difference in being cut up after death and buried afterwards, and being buried and cut up afterwards. For under this bill all bodies that are dissected are to be buried decently thereafter, and in order, by the people who have the use of the body for scientific purposes.

We all know that our bodies are not preserved after death, but by nature decay; and when we remember these things and know that it does not make much difference—really makes no difference to the dead whatever—when we remember these things it can not be a matter of so much concern, except as a mere sentiment in the living; and it is for the purpose of protecting the people of this District and saving those sentiments which we all recognize as noble and worthy of encouragement that we have undertaken to make some provision which will give the medical students of this District something which is necessary for their education, and which they now get in violation of law, and to the utter abhorrence of the sentiment of the people who are not able to put their dead behind steel bars, but are compelled to leave them, as most of them do, buried under the earth, where these people go and snatch them out at night.

Mr. WARNER. Will the gentleman yield to me for a question?

Mr. HEMPHILL. Yes, sir.

Mr. WARNER. As medical students may not be able properly to distinguish between a man who dies and has to be buried at the public expense and one who has lived a life of luxury and can pay for his funeral, I suggest to the gentleman from South Carolina why not strike out the words "as are required to be buried at the public expense;" so it would include the rich and poor?

Mr. HEMPHILL. I have no objection to that. I have no desire to legislate for one set of people more than another.

Mr. LYNCH. I desire to offer the amendment which I send to the desk.

The Clerk read as follows:

> Amend the first section by adding the following:
> "*Provided further*, That public notice of the death and a brief description of the deceased be given in two newspapers published daily in the city of Washington for two consecutive days before the body is delivered as aforesaid."

Mr. HEMPHILL. I have no objection to that.

Mr. WARNER. As the gentleman from South Carolina says he has no objection to the suggestion I have made, I will move to strike out the words I have indicated in the tenth line.

Mr. HEMPHILL. I suggest to the gentleman to wait till amendments are in order.

The SPEAKER *pro tempore* (Mr. HATCH). When this bill was last under consideration a large number of amendments were presented at the time the gentleman from Kentucky [Mr. TAULBEE] was on the floor, and can not under the rule be considered as pending amendments any more than the amendment just proposed by the gentleman from Pennsylvania [Mr. LYNCH] which has just been read, the Chair supposes, for information. At the proper time these amendments which have accumulated in such number will have to be taken up under the rule.

Mr. HEMPHILL. A number of those amendments were offered when the House was in a specially good humor. I think it important to go on with the business. I believe the House now understands the bill, and unless gentlemen desire that it shall be further discussed I would like the House to go to the consideration of the bill by sections.

Mr. COX. Those amendments which were offered when the bill was under discussion were offered in the hour of the gentleman from Kentucky. They were read for information, as the RECORD will show, and are not pending.

The SPEAKER *pro tempore*. The Chair will state that the gentleman from Kentucky had offered an amendment which was pending. One amendment to the bill had been offered by the gentleman from New Jersey [Mr. BUCHANAN] and had been adopted by the House. Thereupon the gentleman from Kentucky offered an amendment; and after the time occupied by the gentleman from Pennsylvania [Mr. ATKINSON] in debate the gentleman from Kentucky took the floor in support of his amendment; and during the time he was on the floor these other amendments were offered by the yielding from time to time of the gentleman from Kentucky.

Mr. COX. The gentleman from Kentucky concluded by moving to lay the bill on the table, the amendments having been read for information.

The SPEAKER *pro tempore*. That is a correct statement of what took place. But the gentleman from Kentucky this morning withdrew the motion to lay on the table.

Mr. GROSVENOR. I desire to ask the gentleman from South Carolina a question. As I understand, he has no objection to the amendment as to members of the Grand Army of the Republic?

Mr. HEMPHILL. No, sir.

Mr. COX. But it has to be voted upon.

Mr. ANDERSON, of Kansas. I would like to make a suggestion to the gentleman in charge of the measure. When the bill was last under consideration a motion to lay on the table had been made. That motion this morning has been withdrawn. The committee have been heard now *in extenso;* and under the circumstances I would suggest to the gentleman having charge of the bill the propriety of allowing further debate.

Mr. HEMPHILL. I do not desire to cut off debate unnecessarily. We have other business, and we would like to go on with it as rapidly as we can consistently with a fair consideration of the measure now pending. I reserve the balance of my time.

The SPEAKER *pro tempore*. The gentleman has twenty-three minutes remaining.

[Mr. TAULBEE withholds his remarks for revision. [See Appendix.]

Mr. WEAVER. Mr. Speaker, I wish to say a few words in opposition

to this bill. In my judgment it ought not to pass. I do not think the country is suffering for want of this sort of legislation, and I think the time of the House could be spent in a better way. Neither am I opposed to it from any sentimentality; not at all. I do not believe the opposition to the bill is inspired by anything of that kind. It does make the sending of bodies to the dissecting-table depend upon the poverty of the person. It is in the nature of a penalty upon poverty. So far as it applies to criminals it is in the nature of a penalty or punishment after death.

One other thing. I had hoped the gentleman would have spared the House and the country the recital of the secrets of the charnel-house. It was unnecessary to the discussion of the bill, and I hope he will strike out the horrible picture which he drew in that respect. I hope he will strike it from the RECORD; if it must be published, let it be published in the Police Gazette.

I look upon the bodies of all human beings as sacred, and that they ought not to be mutilated after death, except in case of necessity and with the consent of the dying person. And inasmuch as the committee have incorporated into this bill a feature looking to the consent of the dying person, and to the effect that his body shall not be given up to the dissecting-table if he requests otherwise, why not put into this bill a provision that his body shall not be so disposed of unless he had requested it? Just reverse the conditions of the bill. Give him the right to request or to decide the matter before death; and if he does not, touch not his remains.

I have nothing further to say upon the subject.

Mr. TAULBEE. I now yield five minutes to the gentleman from New Jersey [Mr. MCADOO].

Mr. MCADOO. Mr. Speaker, it seems to me that this bill might very well be entitled "A measure to send the Jerry Crunchers from the grave-yards into the hospitals."

Now, Mr. Speaker, there are a great many things about our daily lives, a great many evils that afflict society, which are entirely outside of the pale of the law; and it has been argued by many social reformers that it is better to license such evils rather than to know that they exist as against the law, which is unable in some instances to control or regulate them.

I, for one, am opposed to such a theory. To give legislative sanctity to seemingly irrepressible, and even apparently necessary, evils will, I am afraid, dignify, make respectable, and encourage wrong. The ghoul of the grave-yard is by this act dignified into the legalized "body-snatcher" of the hospital. Science, in a utilitarian age, selects its victims by reason of their poverty.

I agree with all that has been said about the horrors of this business of the resurrectionist, so far as it lacerates the feelings of the survivors and friends of the dead; but I do not wish, either by my vote or voice here, to add to the terrors which already surround the death-beds of the poor in our public hospitals and almshouses.

Many persons who find themselves dying in hospitals and almshouses are not the victims of their own evil ways. They are often good, honest, upright people, brought there by misfortunes, and the only crime of which they have been guilty is that unpardonable one in modern society, the crime of poverty.

Now, why add to the terrors of death by increasing the suffering of the poor fellow in the hospital or the almshouse by the knowledge that after death his body is to be appropriated to the dissecting-table, to be ruthlessly and brutally used for scientific purposes? This bill, with a sort of refinement of cruelty, prescribes that persons dying in the almshouses or asylums, unless of their own accord they request the privileges of Christian burial, shall be handed over to the savage, soulless science of the medical schools. Imagine for a moment a poor, homeless, friendless, suffering man in the very throes of dissolution, his faculties deserting him, eternity with its awful possibilities before him, the earth and its ties receding, and just as he is about to penetrate the veil of the tremendous future, he is obliged, in order to preserve his body, the temple of his soul, from a dissecting-table, to collect his thoughts and cite to the attendants, if any there be, an act of Congress passed for the district of Columbia, dated the 26th of March, 1888—probably sending for the statutes—asking that his body may not be handed over to the surgeons to be mutilated after his death.

Every poor waif of humanity who wants the benefit of this act must spend his last moments arguing law to the hospital or conventionally cold-hearted almshouse attendants. Money, which can not happily buy heaven, yet to the very last secures special privileges on this faithless earth. Even in the grave there is a one nice distinction.

I think, sir, the proper way would be to provide that where a man is willing that his body should be handed over to the dissecting-table for scientific dissection that he shall subscribe his wish to that effect in the presence of two or three witnesses, and thus dispose of his body after death. Never enact a law such as that proposed here, and put the burden upon him of saving his body by insisting upon its preservation from the dissecting-table. Let the contrary be the practice in such cases. If the friends of this measure want to aid surgical knowledge, let them enjoin that their bodies shall be devoted to scientific research. Let us not be generous to science solely at the expense of the poor and needy.

Mr. GROUT. Let me ask the gentleman if he recognizes the necessity for subjects by medical colleges for dissecting purposes.

Mr. MCADOO. Well, I do not know. They have dissected so many and for so long a time, and there have been made such perfect charts and casts showing the whole science of anatomy, that it would seem scarcely necessary that this process of dissecting bodies should continue. It seems to me, not being a medical man, that where bodies have been dissected and charts and casts have been prepared, and animals are to be had showing the organization, arteries, veins, and tissues of the body, there is no necessity for further advancing the medical science by exhuming and dissecting human cadavers. I pretend in this field, however, no special knowledge. We have certainly no right to give them the bodies of poor unfortunates.

Mr. GROUT. I mean for medical students alone to dissect. You do not admit that position, do you?

Mr. MCADOO. I can only repeat that so many years this practice has gone on and so many bodies have been dissected that from an unprofessional view I do not see the necessity for continuing it further.

Mr. GROUT. Are you aware of the fact that the medical men all over the world differ with you very materially on that point?

Mr. MCADOO. I am not aware of the fact, and do not profess to have any scientific information upon the subject. Science will find means to disseminate itself.

But, Mr. Speaker, apropos of this subject of resurrectionists and the prevalence of this business in all countries and at all times, I ask the Clerk to read an extract from the "Tale of Two Cities," a conversation between Mr. Jerry Cruncher and his precocious boy. By this bill you send Cruncher, as I said in the beginning, from the grave-yard to the pauper's bedside.

The Clerk read as follows:

"Father," said young Jerry, as they walked along, taking care to keep at arm's-length and to have the stool well between them, "what's a resurrection-man?"

Mr. Cruncher came to a stop on the pavement before he answered, "How should I know?"

"I thought you knowed everything, father," said the artless boy.

"Hem! Well," returned Mr. Cruncher, going on again, and lifting off his hat to give his spikes free play, "he's a tradesman."

"What's his goods, father?" asked the brisk young Jerry.

"His goods," said Mr. Cruncher, after turning it over in his mind, "is a branch of scientific goods."

"Persons' bodies, ain't it, father?" asked the lively boy.

"I believe it is something of that sort," observed Mr. Cruncher.

"Oh, father, I should so like to be a resurrection-man when I'm quite growed up."

Mr. Cruncher was soothed, but shook his head in a dubious and moral way. "It depends upon how you develop your talents. Be careful to develop your talents and never to say no more than you can help to nobody; and there's no telling at the present time what you may come to be fit for." As young Jerry, thus encouraged, went on a few yards in advance, to plant the stool in the shadow of the bar, Mr. Cruncher added to himself: "Jerry, you honest tradesman, there's hopes wot that boy will yet be a blessing to you, and a recompense to you for his mother!"

Mr. TAULBEE. I yield ten minutes to the gentleman from Kansas [Mr. ANDERSON].

Mr. ANDERSON, of Kansas. When this bill was under consideration the other day I offered the following amendment, which I shall endeavor to offer again as a substitute for the bill, unless it shall be held that the amendment is already pending. It is this:

Strike out all after the enacting clause of the bill and amend it so that it will read:

"*Be it enacted, etc.*, That whoever shall sell or buy the body or bodies of a deceased person or persons, or in any way traffic in the same, or who shall disturb or remove bodies from graves in which they have been buried, shall be deemed guilty of a misdemeanor, and shall, on conviction, be imprisoned for a term of not less than two nor more than three years at hard labor in the jail of said District."

That proposition I am ready to support, because it looks to the correction of an unquestionable and horrible crime, that of robbing graves. And I would dislike to see the bill laid on the, table for the reason that to do so would prevent the enactment of such a law as this; for, as I understand it, there is no such law to-day in this District——

Mr. GROUT. Oh, yes; there is.

Mr. ANDERSON, of Kansas. Not a law certainly which provides a penalty such as is called for by the nature of the crime. This city to a large extent is an aggregation of strangers, and therefore in it more than in other cities there is need for a stringent and effective law which shall prevent ghouls from desecrating graves.

There has been interjected into this debate the idea that the Committee on the District of Columbia was not treated with proper courtesy the other day. I am sure we are all willing to extend to the committee the fullest courtesy, and have done so by again opening the debate. It is alleged also that the committee having examined this subject, and having concluded to recommend favorably the bill before us, that this fact in itself is a reason why the House should pass this bill.

Mr. GROUT. Nobody claims that. We claim that that fact should entitle it to respectful consideration.

Mr. ANDERSON, of Kansas. Now I, in common with every gentleman on the floor of the House, have the highest opinion of the sagacity, the wisdom, the integrity, and the ability of every gentleman on that committee, and if a proposition were pending here that we should enact this opinion into a law I personally would vote for it. But that is not the proposition at all. The merits of that committee, like "the

flowers that bloom in the spring," have nothing to do with the merits of the case.

What is the exact proposition that we are asked to enact into a law? It is that when any persons die in any of the charitable or criminal institutions of this District the bodies of such deceased persons as are required to be buried at the public expense may be delivered to the medical colleges; provided, however, that if the deceased person during his last illness, of his own accord, requested to be buried, etc., then his body shall not be so disposed of.

My first objection to the bill is that it throws the burden of securing his body from dissection upon the person about to die. Who, ordinarily, is that person? Some one who is in the poor-house or in an insane asylum or hospital in this city, belonging to the class not ordinarily in the habit of reading the newspapers, usually not knowing what the laws of the District of Columbia may be; not knowing that there is such a law as this, if it becomes law, which he must obey if he would have his body buried.

Then consider the circumstances in which that person is at the time: weak, in pain, the mind beginning to grasp the idea of an approach to the mysterious confines of eternity and to all the vast possibilities and realities beyond; a man ignorant, poor, emaciated, in a hospital or in a jail about to meet his God. And by this bill it is made his duty to remember, at such a time and under those circumstances, that the Fiftieth Congress enacted that his body should be carved by a lot of deputy sawbones unless he, "of his own accord," without the suggestion from a surgeon, nurse, or anybody else—unless he "of his own accord" said he desired to have buried the body given to him by the Great Creator who made this world and made human bodies, and who vested in each man the right and title to his own body. Was it the pauper or the patrician whom that same God most loved when He walked the fields of Palestine so many centuries ago, His eye sympathizing with and kindling at the sight of whom? Of the Scribe? Of the Pharisee? Of the ruler? Of the senator or congressman of that government? Oh, no! Of the poor, the lame, the blind, the sick. Unlike this bill, He preferred Lazarus, whose sores the street dogs licked, to the rich man.

My objection is that by this measure that very spirit of pity and care for the weak is sought to be invaded and overthrown by singling out a pauper, dying, agonized, perhaps a veteran soldier, and calling upon him to be aware of the fact that this august body, the Fiftieth Congress, had seen fit to enact a law that he, to save his body from going to the dissecting-table, "of his own accord," must say that he did not want to be cut up for the benefit of a lot of sawbones. It is simply, in my judgment—and I say it with the highest respect for the committee and every member of it—a gross violation of that great spirit and heart of the God who is love, and who most loves the poor and the weak, the helpless and forsaken.

Now, if you want to pass a law to carve the body of a railroad president for the benefit of medical science, I will vote for it. [Laughter.] These men will know what the law is and act accordingly. If you wish to pass a bill under similar conditions as here proposed to dissect Jay Gould's remains, I will vote for it in a minute. [Laughter.] He would be able to take care of himself. But, gentlemen—and I am in earnest about this—I do not propose by my vote to put upon the statute-book a law which, as I see it, violates the vested rights of humanity and Christianity.

It is assumed by gentleman that we must provide "stiffs" for the medical students; that we are somehow under obligation to do it. That is the basis of their whole argument. Why must we do so? For one, I deny the obligation in toto. Why should this American Congress suspend the consideration of more important measures and come to a dead stop in order to enact a law of this character, violating, as I hold it does, the organic rights of men, the inalienable right of every man to his own body, be he poor or rich, sane or insane, merely for the purpose of providing subjects for medical students. What right have we to another man's corpse? Think of it, gentlemen! And yet we are called upon to turn aside from important and needed legislation to grapple with this great and crying demand that the American Congress shall provide "subjects" for the students of the medical colleges in the District of Columbia at the sole expense of the poor and friendless.

Now, I insist upon it that this Congress does not have to do any such thing. For one I am perfectly ready to pass a bill to punish severely any ghoul who desecrates a grave. I am ready to vote for the amendment of the gentleman from Kentucky, which strikes out the existing provision from the bill and puts upon the dying man the burden of directing affirmatively that his body may be used for dissection. I will vote for that amendment, but I prefer to strike out the whole bill and substitute my amendment.

Mr. TAULBEE. I yield five minutes to the gentleman from Indiana [Mr. WHITE].

Mr. WHITE, of Indiana. Mr. Speaker, I wish to say a few words in opposition to this bill, because in my judgment it is a measure that ought not to pass. It is legislation in favor of the rich and against the poor. Should this bill pass there is not a member of this House, there is not the head of a family in this great nation, who may not suffer from its provisions. Suppose that any member of this body or any head of a family has a wayward child, either a son or a daughter, who leaves home, perhaps through some distaste for its surroundings, but without any unkind feeling towards the parents. In such a case the child will be likely to try to conceal his or her locality from those at home. Now suppose that the wanderer should straggle down to this city of Washington and here, through misfortune, should become poor and sick and be compelled to go to a hospital. Suppose that there the poor patient gets worse instead of better, what will be his feelings when he sees death staring him in the face to know that his body will be unrecognized and will be handed over to be cut up under the provisions of this bill?

Mr. HEMPHILL. In the gentleman's own State, Indiana, they have a similar law with reference to bodies that are liable to be buried at the public expense. Will the gentleman reconcile the view he is expressing with that law of his own State?

Mr. WHITE, of Indiana. If they have such a law it is just as outrageous and infamous as the one we are considering here, and I would condemn it just as severely. Mr. Speaker, in the case I was supposing, the poor stray sheep dies with the seal of secrecy on his lips and comes under the operation of the provisions of this bill. But in the mean time some casual acquaintance, who knew that he is in the hospital but had not kept track of him in the mean time, discovers that he is dead, and knowing the residence of his parents and knowing that they would give half their fortune, or perhaps the whole of it, to discover even the body of their child, he writes or telegraphs to them, and they come here as fast as steam will carry them to reclaim the body of the unfortunate one. But do they find it? Not if this bill becomes a law. If you pass this bill you will make a law which will strike terror into families in every part of the country; no family in any part of this great nation will be safe against its provisions. Gentlemen know the feelings of parents in such cases. I know people in my own district who, even at this late day, if it were possible for them to visit the Southern battlefields and identify the places where their soldier-boy lies buried, would give their last dollar to go down there and reclaim that body and carry it home and bury it in the little village grave-yard. I hope that this bill will not pass.

[Here the hammer fell.]

Mr. TAULBEE. With the consent of the gentleman from South Carolina [Mr. HEMPHILL], I will yield to the gentleman from Pennsylvania [Mr. SOWDEN], who desires to offer an amendment.

The amendment was read, as follows:

In line 13 of section 1, after the word "students," insert: "That none of the said officers in charge of the institutions hereinbefore enumerated, nor the institutions they represent, shall be at any expense by reason of the delivery or distribution of the said bodies to any of the medical colleges in the District of Columbia; but all the expenses attending the delivery and distribution shall be paid by the college receiving them, in such manner as may be specified by the party making the delivery, and in no event shall the officer or officers, whether directors, trustees, superintendents, wardens, or managers, having lawful custody of said bodies, make any charge or receive any pay on account of, or by reason of, the delivery and distribution thereof except the actual expenses attending the delivery and distribution of the same. And any violation hereof shall be punished as provided for any violation of this enactment in section 2."

Also, strike out the words "*Provided, however,*" in line 13 of section 1, and insert after the preceding amendment the words "*Provided further.*"

Mr. MASON. Mr. Speaker, we have had Mr. Gould dragged in here several times upon this floor, with other railroad presidents, but this is the first time that gentlemen have had a chance to have him "dissected" at the desk. [Laughter.] I desire, sir, to address myself to the merits of this bill, allowing that sort of "rot" to take its place where, in my judgment, it belongs.

The United States Government requires, in regard to those who enter its service as physicians, certain things, one of which is that they shall have had practical experience by the dissection of a dead body; yet that law, in the absence of some such legislation as the bill now under discussion, places the physician in such a position that in order to comply with the requirements of the Government he must rob the graves of people who are buried in this District. In other words, the refusal to pass a bill like this invites—nay, it absolutely forces—the medical fraternity to violate other laws of the community.

Mr. TAULBEE. Will the gentleman allow me to ask him a question?

Mr. MASON. I can not if it is to come out of my time.

Mr. TAULBEE. I will consent that it come out of my time. I would like the gentleman to cite the law to which he refers. I want to introduce a bill to repeal it; and I wish to know where I can find it.

Mr. MASON. I understand that there is a law in force in this District making it a misdemeanor to rob a grave. I am so informed. And I say that to refuse to pass a law giving the unclaimed pauper dead to the proper medical authorities as subjects for dissection invites, and in fact compels, the medical fraternity to steal dead bodies in order that physicians may comply with that law which requires that before they can be accepted by the Government as surgeons in the Army or Navy they shall have dissected a body.

Now, all this talk about drawing distinctions between the rich and the poor by a bill of this kind is the merest nonsense. This bill will operate upon one person in the same way as upon another.

Mr. TAULBEE. The law to which I asked the gentleman to direct my attention was the law requiring a physician to have such practical

knowledge in surgery as is gained from the dissection of a body. Where is the law requiring a physician to have dissected a body? I want to know where to find that law.

Mr. MASON. Why, sir, every State of the Union, as well as the District of Columbia, according to my information, requires that a man, before being admitted to practice medicine, must have graduated at a medical college and received a regular diploma, which must show a certain course of study, including practice in the dissecting-room.

Mr. TAULBEE. There is no such law in Kentucky, nor do I think there is such a law in the District of Columbia. If so, I would like to know where it is.

Mr. MASON. I will find the law for the gentleman; but I wish now to finish my remarks on this branch of the subject.

Mr. Speaker, there is one view of this question which I have not heard any one refer to except the gentleman from Illinois [Mr. CANNON], who alluded to it in a question which I thought the House did not hear. The only shock or damage from the desecration of a grave comes to the living, not to the dead. If you or I die leaving no friends who care enough for us to bury us, there can be no injury from allowing our bodies to go to the dissecting-table, for it is certainly no injury to the dead. Throwing aside all the mock sentiment that has been indulged in here about the rich and the poor, I say that when a man who has been supported by the Government as a pauper dies he dies in debt to society. The man who requires money to be taken out of the public Treasury for his burial, who has never done enough in the way of kind words or deeds to inspire any person to take an interest in his burial, dies in debt to society to that extent——

Mr. TAULBEE. And the gentleman proposes to provide in this bill for a foreclosure of the mortgage.

Mr. MASON. I most emphatically do.

Mr. TAULBEE. I am glad that the gentleman is candid enough to make the avowal.

Mr. MASON. It is a square issue on this point. I say the man who, with all the opportunities that this country with its free institutions affords, dies without having made one friend who takes any interest in his burial does not deserve one; and when he dies in debt to the Government, when the Government has to provide for his burial, when he leaves no friends whose feelings can be shocked by the dissection of his body, it should go to the dissecting-table for the benefit of science.

When the State which I represent in part on this floor had no such law as is now proposed here for the District of Columbia, graves were robbed day after day and night after night, although there was a statute against grave-robbing. But the moment a law of this sort came into effect so that the physicians could get subjects in a legitimate way without wounding the feelings of any living human being, grave-robbing in the State of Illinois was effectually stopped. I would like to know whether the gentleman from Kentucky is familiar with State legislation on this subject.

[Here the hammer fell.]

Mr. MASON. I remind the Chair that the gentleman from Kentucky occupied one minute of my time.

The SPEAKER *pro tempore* (Mr. HATCH). The Chair has made allowance for that.

Mr. TAULBEE. I do not require the foreclosure of any mortgage in order to recover the time which the gentleman occupied. I yield for the question which I understand he was about to ask.

Mr. MASON. I wish simply to ask whether the gentleman is familiar with the legislation——

Mr. TAULBEE. Of your State?

Mr. MASON. Not only of Illinois, but of Indiana and several other States where laws similar to this bill have been passed. I can inform the gentleman that such legislation has operated for the good of science, without injury to the feelings of any human being, because an unclaimed pauper who has to be buried at the public expense leaves no friends to be concerned over the fact that his body is dissected. If the gentleman will study this question he will find that legislation of this kind has operated not only to furnish legitimate dissecting material for the medical colleges, but has directly operated to protect the cemeteries or grave-yards from desecration.

Mr. TAULBEE. I am not familiar with the legislation to which the gentleman refers, but I must confess I am surprised that it should have had any such effect.

Mr. HEMPHILL. I will yield for eight minutes to the gentleman from Michigan (Mr. CUTCHEON).

Mr. CUTCHEON. Mr. Speaker, this is an unpleasant subject in any aspect we can look at it, and yet we are not permitted to turn aside from duty because it is unpleasant. It has been my fortune to confront this question before in my life, when, for a number of years, as regent of the University of Michigan, having included with it the largest medical college in the United States, we had to meet and solve, so far as we could, this question. We found that in that part of the State of Michigan near to our medical college something analogous to a reign of terror prevailed amongst people who were called upon to bury their dead; that there was a feeling that no grave was sacred, and there was no assurance the dead would rest where they had been laid. We found frequently the friends and relatives of the deceased discovering the removal of the remains and following them to the dissecting-room and reclaiming them. And to meet this state of things the State of Michigan enacted a law very similar to, almost identical with, the bill now before the House. I can speak, I think, without question as to the effect of the law, that grave desecration in the State of Michigan since the enactment of that law has almost entirely ceased, and that complaint of the law has ceased on every hand. People now lay the bodies of their relatives and friends in the grave with the most absolute assurance they will repose where they are laid.

Now, Mr. Speaker, we are in this situation: In the first place, we must have medical men. We are all in the hands of the doctors. Sooner or later we go to them for help, and no conscientious physician can or will or dare stand by the bedside of suffering humanity until he has qualified himself for the discharge of the duties of physician or surgeon by the amplest dissection of the cadaver. No physician as a matter of fact does, and it is a fact that is known to every man of common sense that anatomical material must be had and will be had, either legitimately and lawfully, or will be had clandestinely, illegitimately, and unlawfully.

Now, there is the grave situation we confront, either the graves of every one of your States will be ground for plunder of the grave-robber or you must provide your medical colleges with legitimate anatomical material. Here is a choice of evils. It is not pleasant to say that certain bodies shall be dedicated to the dissecting-table, but we must either say that certain medical material shall be placed at the disposition of the medical colleges or we must say to the people of the country every one of your homes shall be liable to the invasion of the grave-robber. We must take our choice between these two.

Now, if anatomical material is to be provided for medical colleges where are we to look for it? Mr. Speaker, I have no difficulty whatever about this talk about the rich and the poor. Ninety-nine per cent. of the poor in the District of Columbia die at home in their beds and their remains are as sacred as the remains of the millionaire; but more than that, it is not one case in ten thousand that a man dies not only so poor in purse, but so poor in reputation, and so poor in affection that there is not some one to claim his body for burial in the grave. There is no aristocracy in the grave. There is no rich or poor, no bond or free. In the grave there is neither purity nor impurity. The grave is the great leveler of humanity.

This, Mr. Speaker, is not a question of rich or poor; it is a question of the preservation of the homes of the District of Columbia from the desecrating touch of the grave-robber, and we are now to choose here to-day whether every home shall be invaded by terror and the shadow of the resurrectionist, or we will provide the medical colleges necessary to civilization with the proper supply of legitimate anatomical material. And when it comes to that I will be ready to give my vote. I say we should go to the prisons and jails and almshouses, to the unknown and friendless man, who has not upon the face of the broad earth one friend who cares enough for him to ask his body shall be buried, rather than allow bodies to be taken from the grave-yards and terror to possess the firesides and homes of this District.

Mr. Speaker, this is a common-sense question. It is a question which comes home to every one of us. It is a question of common sense that if anatomical material must be provided it should be provided legitimately; and we can provide it legitimately by going to the prisons, jails, and almshouses, where men are dying unknown, without any friend whose feelings can be injured by their dedication to the dissecting-table.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The gentleman from South Carolina has ten minutes of his time remaining.

Mr. HEMPHILL. The gentleman from Kentucky [Mr. TAULBEE] has given me five minutes of his time; and I desire to yield ten minutes to the gentleman from New York [Mr. COX].

Mr. COX. Mr. Speaker, I do not think, sir, that I have any inordinate sensibility as to the human body and its disposition after death. I believe in something beyond and better than the mere corporate entity. It is impossible for us long to preserve our frail bodies in life unless we study them in death. The best use which can be made of some of our bodies doubtless is to consign them after death to the high and ennobling purposes of science and humanity.

This bill properly selects for this District that portion of the dead whose friends or friendlessness, whose crimes or condition, make them fit subjects for this object.

During the progress of time our bodies molder and decay in the ground. They return unto dust, unless they are strangely preserved and immortalized like those of the ancient Egyptians. On our earth they mix with the soil, and if in another element, they

> Suffer a sea-change
> Into something rich and strange.

Through the processes of chemical action they are so changed that they enter into other forms and even develop into food for animals and vegetation.

Why, it is said, sir, that where the largest battalions fell at Waterloo there were found the richest wheat fields; and it is within my observation that the tallest, finest cypresses that grow in the city where I re-

cently resided are those that spring out of the old Ottoman grave-yards from the bone and sinew of the tough Saljukian Turk. It is even said that from the skull of Roger Williams, discovered in Providence some years ago, a splendid apple-tree root had become embedded—rare fruitage from the brain that conceived religious liberty.

To understand why these mutations take place in our anatomy requires scientific research and study; and they teach us that we should not too highly prize the transient in decay.

Let us not, however, fail to defer to scientists in another more important direction. May I not say, sir, that it is impossible to study the science of anatomy, with a view to the practice of surgery and medicine, without having the human body, with its wonderful machinery, as the object lesson? It is in itself a microcosm. It has every force of mechanism, from the pulley to the wheel, and every form of matter known to nature. We are fearfully and wonderfully made, and the study of its parts with a view to health and longevity is insurmountable without the lessons taught in the dissecting-room. It may be cruel to the sentimentalist, but the forceps and the scalpel have their humane utilities. All the refinements that belong to that great and elder school of medicine must be taught under such conditions.

This bill is in the interest of humanity and science in many senses; and for one who has labored here in our legislation with care and zeal for the safety of human life, and who has advocated every project on this floor for its safeguard and preservation on land and sea, now, for the same reason, sir, I would advocate the passage of this bill. It not only will preserve human life in the larger sense by adding to the stock of human intelligence as to our bodies, but it will save the sensibilities of our friends from being racked through the work of these human hyenas, who for filthy lucre despoil the grave where affection has planted her sweetest flowers.

I remember a few years ago that the body of a son of a President of the United States was found in a vat in a dissecting-room in Cincinnati. I remember, too, that in a cemetery in Ohio, to which my body may go, the graves were torn open ruthlessly and bodies taken to the dissecting-room. *Ex necessitate* the professors and students had to have their subjects. It was in the interest of science. But public opinion was aroused and outraged in that State. A law not unlike this was enacted. It gave them the bodies taken from the hospitals, penitentiaries, jails, and asylums, under proper regulations and restrictions, and the outrages ceased. Thus science, through the medium of death, gave its aid to human life.

I favor the passage of this bill earnestly. I favor it in the interest of the living more than in the interest of the dead. I favor it because, sir, amid the changes that take place in our mortal sphere, the body, which is the mere shell of the life, is of little consequence compared with that life.

I am not insensible to the preservation of the form itself. Who that is human could be otherwise? If, then, we would preserve the memory of our dear and dead friends, with their features in a deathless picture, and since we can not have them in marble and only in dust, let their health and safety in life be our chief anxiety in legislation even as in our homes.

Let us care for them in such a mode by law that they may be long with us here, assured that they have a "life beyond life—an immortality rather than a life." [Applause.]

Mr. TAULBEE. Will the gentleman from New York permit me to ask if he is willing that his own body shall be so disposed of?

Mr. COX. I would have to ask my wife about that. [Great laughter and applause.]

Mr. HEMPHILL. I had intended, Mr. Speaker, to close this debate by adding a few words to what I have already said; but it has been so protracted and the discussion has brought out all perhaps that can be said, that I will not further occupy the time of the House, but ask an immediate vote upon the question. If there are amendments that gentlemen desire to offer, I hope we can have a vote upon them without delay. I yield now, according to promise, to the gentleman from Kentucky to present the motion again which was pending when this subject came up to-day.

Mr. TAULBEE. When the gentleman from South Carolina is through I desire to move to lay the bill and amendments on the table.

Mr. HEMPHILL. I shall not occupy the attention of the House further.

Mr. TAULBEE. Then I make that motion.

The question was taken on the motion of Mr. TAULBEE; and there were—ayes 38, noes 84.

Mr. TAULBEE. There is no quorum voting. I desire now to call for the yeas and nays, so as not to consume time unnecessarily in a further division.

The yeas and nays were refused, there being 29 voting in favor thereof and 135 in opposition.

Mr. TAULBEE. I renew the point that no quorum has voted.

Mr. FARQUHAR. The vote just taken discloses the fact that a quorum is present.

The SPEAKER *pro tempore*. But the point of order the gentleman makes is that no quorum voted upon the motion to lay on the table the amendments and the bill.

Several MEMBERS. Too late.

The SPEAKER *pro tempore*. The Chair will state that before he declared the result of the vote the gentleman from Kentucky [Mr. TAULBEE] demanded the yeas and nays, and the yeas and nays have been refused. The gentleman now makes the point that no quorum has voted. The Chair thinks the point is made in time, and will appoint as tellers the gentleman from South Carolina [Mr. HEMPHILL] and the gentleman from Kentucky [Mr. TAULBEE].

The House again divided; and there were—ayes 48, noes 116.

So the motion to lay the bill on the table was not agreed to.

The SPEAKER *pro tempore*. The gentleman from South Carolina [Mr. HEMPHILL] is entitled to the floor.

Mr. HEMPHILL. I move the previous question on the bill and amendments.

Mr. GROSVENOR. What amendments does that motion include?

Mr. TAULBEE. I ask whether it is considered that all the amendments which have been read are pending?

The SPEAKER *pro tempore*. The amendment offered by the gentleman from Kentucky [Mr. TAULBEE] is the first amendment pending. The Chair is not prepared now to say whether the others are pending or not.

Mr. HEMPHILL. I have no desire to cut off reasonable amendments which may be offered. There were a number of amendments offered the other day that I suppose gentlemen do not propose to have voted on.

Mr. SOWDEN. I desire to have mine voted on.

Mr. TAULBEE. If the last remark of the gentleman from South Carolina was intended to refer to my amendment, I beg to say the gentleman is mistaken.

The SPEAKER *pro tempore*. That amendment is pending.

Mr. WEAVER. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WEAVER. This bill consists of more than one section and has never been considered by sections.

The SPEAKER *pro tempore*. We are proceeding with the consideration of this bill in the House; and the gentleman in charge of the bill has the right at any time to move the previous question.

Mr. HEMPHILL. As I understand, all the amendments have been offered which gentlemen desire to offer.

Mr. MILLIKEN. No, sir; there are other amendments to be offered if the opportunity is presented.

Mr. ANDERSON, of Kansas. Is the amendment I proposed considered as pending?

The SPEAKER *pro tempore*. The Chair will state the situation to the House, and when the Chair has done so the gentleman from South Carolina can so frame his motion as to cover what he intends. If the House shall vote the previous question on the bill and pending amendments that have been offered, then all the amendments offered will be put before the House in their proper order. The gentleman from South Carolina is entitled to the floor.

Mr. WARNER. I asked the gentleman from South Carolina a question while he was on the floor, and I indicated the purpose to offer an amendment striking out certain words in the tenth and eleventh lines, to which amendment the gentleman said he had no objection. If there is an amendment already pending which covers that purpose, I do not ask to offer it. If there is not, I desire to offer it.

Mr. HEMPHILL. I agree that that amendment shall be offered. I submit this proposition, that the Clerk read the amendments offered to this bill, that it may be seen which amendments gentlemen desire to be regarded as pending.

Mr. MILLIKEN. Will the gentleman allow me to offer an amendment?

Mr. HEMPHILL. As soon as we get through with making this arrangement. I think gentlemen who offered amendments should indicate whether they desire to have them voted on or not.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. TAULBEE] was on the floor and entitled to the floor, and the amendment which he offered was pending. While he was on the floor numerous gentlemen offered amendments and he yielded to them, saying he accepted those amendments. Of course, the gentleman could only accept an amendment as a modification of his own, and only such as were germane. The Chair did not understand the gentleman as accepting all these as modifications of his own amendment.

Mr. TAULBEE. No, sir; I intended that my amendment should be acted on as a separate amendment, and that the others should be accepted and considered as pending.

Mr. HEMPHILL. The gentleman from Kansas [Mr. ANDERSON] has submitted an amendment which I think was submitted in good faith, and I should like it to be voted upon.

Mr. ANDERSON, of Kansas. I shall send my amendment to the desk.

The SPEAKER *pro tempore*. The Chair desires to get the attention of the gentleman from South Carolina. He will state it is impossible for the Chair to determine what number of these amendments which have been offered by gentlemen on the floor were offered in good faith.

Mr. HEMPHILL. I will agree that the amendment offered by the gentleman from Kentucky [Mr. TAULBEE], the amendment of the gentleman from Kansas [Mr. ANDERSON], the amendment offered by the gentleman from Pennsylvania [Mr. SOWDEN], the amendment of the

gentleman from Missouri [Mr. WARNER], and the amendment of the gentleman from Ohio [Mr. GROSVENOR] shall be voted upon.

The SPEAKER *pro tempore*. The gentleman from South Carolina demands the previous question on the bill and amendments which he has indicated.

Mr. TAULBEE. I object to that. I think it was understood all the amendments should be read, and if any of them appear to have been offered otherwise than in good faith they could be designated.

The SPEAKER *pro tempore*. The Chair will now cause the amendments to be read in their order, beginning with the amendment of the gentleman from Kentucky. If when any of the amendments are read the gentlemen who offered them desire to withdraw those amendments, that will relieve the situation to that extent.

Mr. HEMPHILL. I desire now, before the reading begins, to state that the gentleman from Missouri [Mr. WARNER] wished to offer an amendment, namely, to strike out the words "of his own accord," in line 14 of the first section, which I think ought to be adopted.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from Missouri [Mr. WARNER] later for that purpose. The Clerk will report the first amendment.

The first amendment, offered by Mr. TAULBEE, was read, as follows:

Amend by striking out all of section 1 after the word "*however*," in line 13, and insert, "That such deceased persons shall have consented to such disposition of his or her remains."

Mr. BREWER. Mr. Speaker, I think we shall not accomplish anything by proceeding in this way.

The SPEAKER *pro tempore*. These amendments are being read now for the information of the House and to enable the gentlemen who have offered them to withdraw them or to insist upon them as they may elect.

Mr. BREWER. Then let us dispose of this amendment now.

Mr. TAULBEE. Let us go on with the regular order, Mr. Speaker. I of course will insist on that amendment at the proper time, but I now demand the regular order.

The SPEAKER *pro tempore*. The Clerk will report the next amendment.

The next amendment, offered by Mr. STONE, of Missouri, was read, as follows:

Strike out all after the enacting clause down to and including the word "expense," in the eleventh line of the first section, and insert:

"That the bodies of all doctors and medical students dying in the District of Columbia shall be delivered to the duly-authorized agent of any medical college or colleges in the said District of Columbia and."

The next amendment, offered by Mr. GROSVENOR, was read, as follows:

And provided further, That if such deceased person was an honorably discharged soldier or member of the Marine Corps of the United States, and such fact is known by, or is brought to the knowledge of, the officer or person having charge of the institution in which such person died, then such body shall not be delivered to any medical college until due notice of the death of such person has been given to some Grand Army post in the District of Columbia, and reasonable time be given such post to claim such remains for burial by such post.'

The next amendment, offered by Mr. CUTCHEON, was read, as follows:

After the word "*however*," in the thirteenth line of section 1, insert the following:

"That such body shall not be so delivered in less than sixty hours from the time of death."

Mr. CUTCHEON. I wish to modify that amendment so as to make the time forty-eight hours instead of sixty.

The SPEAKER. The modification will be made.

Mr. TAULBEE. Mr. Speaker, I wish to reserve the point of order against that amendment.

The next amendment, offered by Mr. MCADOO, was read, as follows:

Strike out all in the first section after the word "that" down to the words "deceased persons," in line 10, so that it will read that "the bodies of deceased persons shall be distributed among the several medical colleges equitably," etc.

The next amendment, offered by Mr. ANDERSON, of Kansas, was read, as follows:

Strike out all after the enacting clause of the bill and amend it so that it will read:

"*Be it enacted, etc.*, That whoever shall sell or buy the body or bodies of a deceased person or persons, or in any way traffic in the same, or who shall disturb or remove bodies from graves in which they have been buried, shall be deemed guilty of a misdemeanor, and shall, on conviction, be imprisoned for a term of not less than two nor more than three years at hard labor in the jail of said District."

The next amendment, offered by Mr. SOWDEN, was read, as follows:

After the word "students," in line 13, section 1, insert:

"*Provided*, That no one of the said officers in charge of the institutions hereinbefore enumerated, nor the institutions they represent, shall be at any expense by reason of the delivery or distribution of the said bodies to any of the medical colleges in the District of Columbia, but all the expenses attending the delivery and distribution shall be paid by the college receiving them, in such manner as may be specified by the party making the delivery; and in no event shall the officer or officers, whether directors, trustees, superintendents, wardens, keepers, or managers, having lawful custody of said bodies make any charge or receive any pay on account of or by reason of the delivery and distribution thereof, except the actual expenses attending the distribution of the same. And any violation hereof shall be punished as is provided for any violation of this enactment in section 2."

Also, strike out the words "*Provided, however*," in line 13 of section 1, and insert after the preceding amendment the words "*And provided further.*"

The next amendment (offered by Mr. LYNCH) was read, as follows:

Amend the first section by adding the following:

"*Provided further*, That public notice of the death and a brief description of the deceased be given in two newspapers published daily in the city of Washington for two consecutive days before the body is delivered as aforesaid."

The next amendment (offered by Mr. WARNER) was read, as follows:

In section 1, lines 10 and 11, strike out the following words: "As are required to be buried at the public expense."

The SPEAKER *pro tempore*. The Chair now recognizes the gentleman from Missouri [Mr. O'NEILL] to offer his amendment.

Mr. O'NEILL, of Missouri. I move to amend by striking out, in line 14 of section 1, the words "of his own accord."

Mr. HEMPHILL. The gentleman from Maine [Mr. MILLIKEN] desires to submit an amendment.

Mr. MILLIKEN. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by striking out all after the word "that," in line 3, and before the word "the," in line 7 of the first section, and insert after the word "expense" and before the word "said," in line 11, the words "and the bodies of all other deceased persons;" so as to read:

"That the health officer of said District deliver to the duly authorized agent of any medical college or colleges in the said District of Columbia the bodies of such deceased persons as are required to be buried at the public expense, and the bodies of all other deceased persons, said bodies to be distributed," etc.

Mr. HEMPHILL. I now move the previous question upon the bill and amendments.

Mr. TAULBEE. Are all these amendments considered as pending?

The SPEAKER *pro tempore*. All of them are regarded as pending, to be voted on in their order. The gentleman from South Carolina moves the previous question on the bill and amendments.

Mr. TAULBEE. I move to lay that motion on the table.

Mr. HEMPHILL. That motion is not in order.

The SPEAKER *pro tempore*. The Chair holds that the motion of the gentleman from Kentucky is not in order. A motion to lay on the table the bill and amendments has just been voted on by the House. The gentleman from South Carolina now moves the previous question upon the bill and amendments.

Mr. TAULBEE. And I move to lay that motion for the previous question on the table.

The SPEAKER *pro tempore*. And the Chair holds that the motion of the gentleman from Kentucky is not in order.

Mr. TAULBEE. I defer to the opinion of the Chair.

The previous question was ordered, there being—ayes 133, noes 16.

The SPEAKER *pro tempore*. The question is first on the amendment submitted by the gentleman from Kentucky [Mr. TAULBEE], which the Clerk will read.

The Clerk read as follows:

Strike out all of section 1 after the word "however," in line 13, and insert "that such deceased person shall have consented to such disposition of his or her remains."

Mr. TAULBEE. I ask that the Clerk read the context, so as to show the effect of the amendment.

The SPEAKER *pro tempore*. The Clerk will report the first clause of the bill, with the amendment of the gentleman from Kentucky.

The Clerk read as follows:

That any public officers or officers, whether directors, trustees, wardens, keepers, or managers, having lawful charge of, or control over, any hospital, prison, almshouse, jail, morgue, or asylum within the District of Columbia, may, with the approval of the health officer of said District, deliver to the duly authorized agent of any medical college or colleges in the said District of Columbia the bodies of such deceased persons as are required to be buried at the public expense, said bodies to be distributed among the several colleges equitably, the number assigned to each being proportioned to that of its students: *Provided, however*, That such deceased person shall have consented to such disposition of his or her remains.

The question being taken on agreeing to the amendment of Mr. TAULBEE, there were—ayes 44, nays 100.

Mr. TAULBEE. I make the point that no quorum has voted; and pending that point I ask the yeas and nays on the amendment, as I think this is a very proper question on which to test the sense of the House.

The question being taken on ordering the yeas and nays, there were—ayes 28, noes 151.

Mr. TAULBEE. Let us have tellers on ordering the yeas and nays.

Tellers were not ordered.

So the yeas and nays were refused.

The SPEAKER *pro tempore*. The question now recurs upon the amendment of the gentleman from Kentucky [Mr. TAULBEE], on which no quorum voted. The Chair appoints as tellers the gentleman from Kentucky [Mr. TAULBEE] and the gentleman from South Carolina [Mr. HEMPHILL].

Mr. HEMPHILL. Can the point of "no quorum" be reserved while all these other questions are being put?

The SPEAKER *pro tempore*. The gentleman from Kentucky made the point of "no quorum," and pending that demanded a vote by yeas and nays, which was refused. The tellers will take their places.

The House divided; and there were—ayes 46, noes 120.

So the amendment was disagreed to.

The question next recurred on the amendment of Mr. STONE, of Missouri, which was read, as follows:

Strike out all after the enacting clause down to and including the word "expense," in the eleventh line of the first section, and insert: "That the bodies of all doctors and medical students dying in the District of Columbia shall be delivered to the duly authorized agent of any medical college or colleges in the said District of Columbia; and."

The House divided; and there were—ayes 11, noes 95.

Mr. TAULBEE. No quorum has voted.

The SPEAKER appointed as tellers Mr. TAULBEE and Mr. HEMPHILL.

The House again divided; and the tellers reported—ayes 35, noes 129.

So the amendment was rejected.

The question next recurred on the following amendment, submitted by Mr. GROSVENOR:

Add to the first section:

"*And provided further*, That if such deceased person was an honorably discharged soldier or sailor or member of the Marine Corps of the United States, and such fact is known or is brought to the knowledge of the officer or person having charge of the institution in which such person died, then such body shall not be delivered to any medical college until due notice of the death of such person has been given to some Grand Army post in the District of Columbia, and reasonable time given to such post to claim such remains for burial by such post."

The amendment was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate insisted on its amendments disagreed to by the House to the bill (H. R. 3300) to amend an act to enable the city of Denver to purchase certain land for cemetery purposes, and asked for a conference on the disagreeing votes of the two Houses, and had appointed as conferees on its part Mr. PLUMB, Mr. TELLER, and Mr. COCKRELL.

AMENDMENT OF REVISED STATUTES.

Mr. THOMPSON, of California, by unanimous consent, introduced a bill (H. R. 8944) to extend the repeal of section 4716 of the Revised Statutes in certain cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FIRST BATTALION OF CALIFORNIA MOUNTAINEERS.

Mr. THOMPSON, of California, also, by unanimous consent, introduced a bill (H. R. 8945) for the relief of the First Battalion of California Mountaineers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WAR CLAIMS.

The SPEAKER. The chairman of the Committee on War Claims [Mr. STONE] asks that the Committee of the Whole be discharged from the consideration of the bill (H. R. 8188) for the relief of Anthony L. Woodson, and that the bill (H. R. 4665) for the relief of Anthony L. Woodson be taken from the table, and that the said bills be recommitted to the Committee on War Claims.

Mr. SPRINGER. Not to be brought back by a motion to reconsider.

The SPEAKER. They can not be brought back by a motion to reconsider. If there be no objection, it will be ordered accordingly.

There was no objection, and it was so ordered.

ENROLLED BILLS SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 6437) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1888, and for other purposes;

A bill (H. R. 5723) to amend section 461 of the Revised Statutes, regulating fees for exemplifications of land patents, and for other purposes;

A bill (H. R. 1528) to reward the Esquimaux natives of the Asiatic coast of the Arctic Ocean for acts of humanity to shipwrecked seamen;

A bill (H. R. 1589) to provide for holding terms of the United States courts at Mississippi City; and

A bill (H. R. 5373) to change the location of a certain alley in the city of Washington.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill (H. R. 2494) to provide for payment of the funeral expenses of the late Chief-Justice of the Supreme Court; when the Speaker signed the same.

ORDER OF BUSINESS.

Mr. WEAVER. I move that the House do now adjourn.

Mr. CLARDY. I ask, by unanimous consent, that Thursday, the 5th of April, and Saturday, the 7th of April, be set apart for the consideration of bills reported from the Committee on Commerce in lieu of the days provided by a preceding order.

Mr. WEAVER. I hope that request will be agreed to.

The SPEAKER. The request of the gentleman from Missouri is that Thursday, the 5th, and Saturday, the 7th, day of April be set apart for the consideration of bills reported from the Committee on Commerce, not to interfere with revenue or appropriation bills.

Mr. HOLMAN. Bills coming from the Committee on the Public Lands ought also to be excepted, and I think I shall have to insist on that exception.

Mr. HATCH. The Committee on Commerce has already been accorded two days, to-morrow and the next day, for the consideration of its bills; and the gentleman from Indiana knows why that order can not be fairly and fully executed. I hope therefore he will not object.

Mr. HOLMAN. The question is as to one day.

Mr. HATCH. The gentleman from Indiana proposes to impose on the Committee on Commerce a condition not in the original order.

Mr. HOLMAN. I would not insist if the time had been postponed to a later day.

Mr. CANNON. There are so many special orders undisposed of I shall have to object. Gentlemen say, why do you object; and others say, oh, don't! Now, there are other members and other committees having just as important business, and until this matter is settled I say no.

Mr. WEAVER. I insist on my motion to adjourn.

The House divided; and there were—ayes 72, noes 56.

So the motion was agreed to; and accordingly (at 4 o'clock and 40 minutes p. m.) the House adjourned.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred as indicated below:

By Mr. C. H. ALLEN (by request): A bill (H. R. 8880) for the relief of L. A. Noyes—to the Committee on Claims.

By Mr. E. P. ALLEN: A bill (H. R. 8881) granting a pension to Margaret Smith—to the Committee on Invalid Pensions.

By Mr. J. A. ANDERSON: A bill (H. R. 8882) for the relief of William Walker—to the Committee on Claims.

Also, a bill (H. R. 8883) for the relief of W. H. L. Pepperill—to the Committee on Claims.

By Mr. C. S. BAKER: A bill (H. R. 8884) granting a pension to Emily McClure—to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 8885) granting a pension to Eliza A. Woods—to the Committee on Pensions.

Also, a bill (H. R. 8886) granting a pension to Sarah Borners—to the Committee on Invalid Pensions.

By Mr. COWLES: A bill (H. R. 8887) to place the name of Jonas Price on the pension-roll—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: A bill (H. R. 8888) granting a pension to the widow of G. K. Warren—to the Committee on Invalid Pensions.

By Mr. DARLINGTON: A bill (H. R. 8889) granting a pension to Charles Molseed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8890) granting a pension to William Hammond—to the Committee on Invalid Pensions.

By Mr. ENLOE (by request): A bill (H. R. 8891) for the relief of Silas A. Richman—to the Committee on Pensions.

By Mr. FARQUHAR: A bill (H. R. 8892) granting a pension to Eudelia S. Harmon—to the Committee on Pensions.

By Mr. FUNSTON: A bill (H. R. 8893) to place the name of Sarah E. Zaring on the pension-roll—to the Committee on Invalid Pensions.

By Mr. HOUK: A bill (H. R. 8894) for the relief of Benjamine Prater—to the Committee on War Claims.

Also, a bill (H. R. 8895) for the relief of Robert H. Alexander—to the Committee on War Claims.

Also, a bill (H. R. 8896) for the relief of Thomas Lowe—to the Committee on War Claims.

Also, a bill (H. R. 8897) for the relief of Elizabeth B. Baker—to the Committee on War Claims.

Also, a bill (H. R. 8898) for the relief of E. Dawson—to the Committee on War Claims.

Also, a bill (H. R. 8899) for the relief of Mrs. Sarah Bailey—to the Committee on War Claims.

By Mr. HUDD: A bill (H. R. 8900) for the relief of Eva Bruid—to the Committee on Invalid Pensions.

By Mr. LAFFOON: A bill (H. R. 8901) for the relief of Andrew Hildebrand—to the Committee on War Claims.

Also, a bill (H. R. 8902) to remove the charge of desertion against Alexander Malone—to the Committee on Military Affairs.

By Mr. MARTIN: A bill (H. R. 8903) for the relief of Henry W. Swann—to the Committee on Claims.

By Mr. MCCORMICK: A bill (H. R. 8904) extending the benefits of the act approved June 16, 1880, to Edson Hyde—to the Committee on Invalid Pensions.

By Mr. MCMILLIN: A bill (H. R. 8905) for the relief of Joseph C. Anthony—to the Committee on War Claims.

Also, a bill (H. R. 8906) for the relief of G. W. Catron—to the Committee on War Claims.

Also, a bill (H. R. 8907) for the relief of J. E. Copeland—to the Committee on War Claims.

Also, a bill (H. R. 8908) for the relief of S. R. Doxey, administrator of J. L. Doxey, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8909) for the relief of Nancy Bowman—to the Committee on Invalid Pensions.

By Mr. McSHANE: A bill (H. R. 8910) for the removal of the charge of desertion from Patrick Cline—to the Committee on Military Affairs.

Also, a bill (H. R. 8911) granting a pension to Lemuel A. Wheeler—to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 8912) granting an increase of pension to Almeron J. Patchin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8913) granting a pension to James H. Jeffries—to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 8914) for the relief of Daniel Jacobs—to the Committee on War Claims.

By Mr. ROBERTSON: A bill (H. R. 8915) to confirm to the heirs of Mrs. Courtney A. Claiborne the title to a certain tract of land in the State of Louisiana—to the Committee on Private Land Claims.

By Mr. STOCKDALE: A bill (H. R. 8916) for the relief of J. D. Ryan & Co.—to the Committee on War Claims.

By Mr. TOWNSHEND: A bill (H. R. 8917) for the relief of William Weaver—to the Committee on Military Affairs.

Also, a bill (H. R. 8918) for the relief of Joseph C. Williams—to the Committee on Military Affairs.

Also, a bill (H. R. 8919) for the relief of Daniel Ward—to the Committee on Military Affairs.

Also, a bill (H. R. 8920) for the relief of W. H. McCabe—to the Committee on Military Affairs.

Also, a bill (H. R. 8921) for the relief of Joseph N. Pierce—to the Committee on Military Affairs.

Also, a bill (H. R. 8922) for the relief of Michael John McClain—to the Committee on Military Affairs.

Also, a bill (H. R. 8923) for the relief of Benjamin Henderson—to the Committee on Pensions.

Also, a bill (H. R. 8924) for the relief of Rebecca Franklin—to the Committee on Pensions.

Also, a bill (H. R. 8925) for the relief of Mary Maulding—to the Committee on Pensions.

Also, a bill (H. R. 8926) for the relief of Catharine N. Harvey—to the Committee on Pensions.

Also, a bill (H. R. 8927) for the relief of Allen Morris—to the Committee on Pensions.

Also, a bill (H. R. 8928) for the relief of America A. McMahon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8929) for the relief of Samuel E. Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8930) for the relief of J. H. Corn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8931) for the relief of Samuel E. Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8932) for the relief of Hannah Coale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8933) for the relief of Sarah Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8934) for the relief of Malissey E. Smothers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8935) for the relief of James C. Finn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8936) for the relief of Catharine Arnold—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8937) for the relief of Mary A. Harper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8938) granting a pension to Nancy Hartley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8939) granting a pension to John A. Bull—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8940) granting a pension to William A. Plumb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8941) granting a pension to John Gant—to the Committee on Invalid Pensions.

By Mr. PERRY: A bill (H. R. 8942) for the relief of John L. Young—to the Committee on Claims.

By Mr. WHEELER: A bill (H. R. 8943) for the relief of the heirs of the late Dr. Nathan Fletcher—to the Committee on War Claims.

Change in the reference of a bill improperly referred was made in the following case, namely:

A bill (H. R. 6931) granting a pension to Jonathan Hayes—from the Committee on Invalid Pensions to the Committee on Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ADAMS: Petition for the repeal of the duty on German mirror plates—to the Committee on Ways and Means.

By Mr. C. H. ALLEN: Protest of William Reid and 18 others, dressers of flax, against the admission of hackled flax free of duty—to the Committee on Ways and Means.

By Mr. G. A. ANDERSON: Petition of George W. Long and 94 others, citizens of Calhoun County, Illinois, for removal of bar near Clarksville, Mo.—to the Committee on Rivers and Harbors.

By Mr. J. A. ANDERSON: Petition of E. J. Sankey, of Leon, Decatur County, Iowa, with affidavits, asking for a pension—to the Committee on Invalid Pensions.

By Mr. JEHU BAKER: Petition of green-glass bottle blowers, of Alton, Ill., against reduction of duty on green and colored glass bottles as proposed in the Mills bill—to the Committee on Ways and Means.

By Mr. BANKHEAD: Petition of Milla Barton, heir of Henry Ferguson, of Walker County, Alabama, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. BAYNE: Petition of James B. Murray and 888 others, disabled veterans of the National Soldiers Home at Leavenworth Kans., in favor of the Furlough bill (H. R. 7765)—to the Committee on Invalid Pensions.

Also, papers relating to the claim of John Russell—to the Committee on Claims.

Also, petition of Wash Deen Granger, of Allegheny County, Pennsylvania, for reduction of postage on seeds, bulbs, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. BOWDEN: Petition of Robert G. Griffin and others, heirs of Robert Anderson, of York County, Virginia, for reference of their claim to the Court of Claims—to the Committee on War Claims.

Also, protest of J. E. Butler and others against the repeal of the internal-revenue tax on cigars—to the Committee on Ways and Means.

By Mr. C. R. BRECKINRIDGE: Petition of citizens of Rondo, Ark., for the passage of House bill 7389—to the Committee on the Post-Office and Post-Roads.

By Mr. BREWER: Remonstrance of D. S. Waldron and 104 others, citizens of Iona, Mich., against any reduction of the duty upon imported wool—to the Committee on Ways and Means.

By Mr. COLLINS: Petition of the Boston Forge Company and others, for an appropriation for the improvement of Boston Harbor by extending a channel from the main ship-channel at the southeast line of the Grand Junction wharves extended, to the southeast line of Lamson street extended—to the Committee on Rivers and Harbors.

Also, petition of employés of the Boston post-office, in favor of the passage of House bill No. 5664—to the Committee on the Post-Office and Post-Roads.

By Mr. COMPTON: Petition of masters of vessels, captains, and citizens of Maryland, for the establishment of a light at White Rock, on the south side of the Potapsco River—to the Committee on Commerce.

Also, petition of estate of Thomas Talbert, and of estate of Mary H. Tolson, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition from bottle-blowers of the United States, against reduction of tariff on green or colored glass bottles—to the Committee on Ways and Means.

By Mr. COOPER: Petition of C. J. Mann and 82 others, members of the Waterford Grange in Knox County, Ohio, for increase of the wool tariff—to the Committee on Ways and Means.

By Mr. COWLES: Petition of Isaac Price, for an invalid pension—to the Committee on Invalid Pensions.

By Mr. CRISP: Affidavits, etc., in support of bill for the relief of J. W. Belvin, of Georgia—to the Committee on Claims.

By Mr. CUMMINGS: Petition in behalf of the bill to prevent the seining of menhaden within three miles from shore—to the Committee on Merchant Marine and Fisheries.

By Mr. DARLINGTON: Memorial of citizens of Pennsylvania engaged in agriculture, against the adulteration of food, etc.—to the Committee on Agriculture.

Also, memorial of citizens of Pennsylvania engaged in agriculture, for the eradication of pleuro-pneumonia—to the Committee on Agriculture.

By Mr. R. H. M. DAVIDSON: Petition of citizens of Florida, for an appropriation for the improvement of the Chipola River, including the cut-off—to the Committee on Rivers and Harbors.

Also, petition of Farmer's Alliance, Pioneer Lodge, of Citra, Marion County Florida, for reduction of postage on certain matter—to the Committee on the Post-Office and Post-Roads.

By Mr. ENLOE: Petition of Thomas Dinwiddie, of Carroll County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. FULLER: Petition of Huntting & Co. and 50 others, citizens of McGregor, Iowa, that no change be made in the tariff on flaxseed and linseed oil—to the Committee on Ways and Means.

By Mr. FUNSTON: Petition of citizens of Moran, Kans., to place the name of Sarah E. Zaring on the pension-rolls—to the Committee on Invalid Pensions.

By Mr. GALLINGER: Petition of John Mason, of Plymouth, of Foote, Brown & Co., of Penacook, and of L. J. Uppenheimer, of Concord, N. H., for quick mail transit between New York and the West and the New England States—to the Committee on the Post-Office and Post-Roads.

By Mr. GIFFORD: Petition of John C. Hall and 44 others of

Brown County, Dakota, for retention of duty on certain farm products, wool, and tobacco—to the Committee on Ways and Means.

By Mr. GLASS: Petition of B. A. Smith, administrator of H. S. Simmons, of Gibson County, Tennessee, for payment of his war claim—to the Committee on War Claims.

By Mr. GROUT: Memorial of Edwards & Lillis, of Brattleborough, Vt., in behalf of better mail facilities between New England and the West—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYES: Petition of citizens of La Motte, Jackson County, Iowa, to place tin-plate on free-list—to the Committee on Ways and Means.

By Mr. HOUK: Petition of Ellis J. Riggs, late private Company A, Tenth Tennessee Cavalry, of Jefferson County, Tennessee, for restoration to the pension-rolls—to the Committee on Invalid Pensions.

Also, petition of John A. Sellers, and of William L. Mann, administrator of William Mann, of Jefferson County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, resolution of Assembly No. 4885, Knights of Labor, of Knoxville, Tenn., in favor of the passage of tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. JACKSON: Petition of E. Sankey and 14 others, male citizens of Lawrence, Pa., for the better legal protection for women and girls—to the Committee on the Judiciary.

By Mr. JOSEPH: Protest of A. Mundell and 55 others, citizens of the Public Land Strip, against annexation to Kansas for judicial and townsite purposes only, and asking for immediate local government—to the Committee on the Public Lands.

By Mr. KELLEY: Petition of 64 green-glass blowers, protesting against reduction of import duties on green and other colored glass—to the Committee on Ways and Means.

By Mr. KERR: Remonstrance of 100 citizens of Marshall County, Iowa, against any change of the present tariff on flax—to the Committee on Ways and Means.

By Mr. LAFFOON: Petition of Isam Johnson, to accompany House bill 5581—to the Committee on War Claims.

Also, petition to remove the charge of desertion against Alexander Malone—to the Committee on Military Affairs.

Also, petition for the relief of Andrew Hildebrand—to the Committee on War Claims.

By Mr. LANE: Petition of Local Assembly No. 2504, Knights of Labor, of Girard, Ill., in favor of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. LODGE: Petition of William Reid and others, against a reduction of duties on hackled flax—to the Committee on Ways and Means.

By Mr. LONG: Petition of William Stewart and 19 others, dressers of flax in Jamaica Plain, Mass., for maintenance of duty on hackled flax—to the Committee on Ways and Means.

By Mr. McMILLIN: Petition of committee of Howard Lodge of Odd Fellows, of Gallatin, Tenn., for payment of their war claim—to the Committee on War Claims.

Also, petition of James Austin, and of the county of Sumner, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. McRAE: Petition of W. S. Finch and others, citizens of Warren, Ark., in favor of House bill 7389—to the Committee on the Post-Office and Post-Roads.

By Mr. McSHANE: Petition of L. M. Davis, late postmaster at Tecumseh, Nebr., for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. MORGAN: Petition of W. S. Bunch, of La Fayette County, Mississippi, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. MORROW: Petition of Point of Timber Grange, No. 14, Patrons of Husbandry, of Brentwood, Cal., relating to certain tariff duties—to the Committee on Ways and Means.

By Mr. NEAL: Petition of Isaac Rust, by J. C. Rust, administrator, of Grundy County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. NEWTON: Petition of Luke Madden, heir of Patrick Madden, of Madison Parish, Louisiana, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. NORWOOD: Papers in the claim of Daniel Verdere, and of Mary Loyd, of Chatham County, Georgia—to the Committee on War Claims.

By Mr. PATTON: Petition of Grange No. 788, of Clearfield, Pa., for the eradication of pleuro-pneumonia—to the Committee on Agriculture.

Also, petition of the same against adulteration of lard and other food products—to the Committee on Agriculture.

By Mr. PEEL: Petition of Samuel J. Smith, for a pension—to the Committee on Invalid Pensions.

By Mr. PETERS: Resolutions of Local Assembly No. 2733, Knights of Labor, of Larned, Kans., favoring the passage of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. RAYNER: Petition of Samuel H. Travers, for the payment of his claim—to the Committee on War Claims.

By Mr. RICHARDSON: Petition of heirs of Charles Anderson, of Rutherford County, and of Jordan Rucker, colored, of Rutherford County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. ROCKWELL: Petition of J. S. Murphy and numerous other citizens of Indianapolis, Ind., in favor of Mr. ROCKWELL'S bill to adjust the accounts of laborers, workmen, and mechanics under the eight-hour law—to the Committee on Labor.

By Mr. RYAN: Petition of H. A. Thompson, of H. A. Thompson & Co., praying that this declaration of claim may be referred to the Court of Claims under the Bowman act—to the Committee on War Claims.

By Mr. SAWYER: Petition of citizens of Genesee County, New York, against the repeal of the duty on wool—to the Committee on Ways and Means.

Also, petition of 31 citizens of Bethany, Genesee County, New York, for protection against pleuro-pneumonia—to the Committee on Agriculture.

By Mr. SCULL: Memorial of the Ostenburg (Pa.) Grange, Patrons of Husbandry, for the reduction of postage on seeds, bulbs, etc.—to the Committee on the Post-Office and Post-Roads.

Also, memorial of the same in favor of the reissue of fractional currency—to the Committee on Banking and Currency.

By Mr. SEYMOUR: Petition of R. Stepan and 25 others, miners and laborers, of Hurley, Wis., against reduction of duty on iron ore—to the Committee on Ways and Means.

By Mr. HENRY SMITH: Memorial of the Turnverein of Milwaukee, Wis., relating to foreign emigration—to the Committee on Foreign Affairs.

By Mr. STEELE: Petition of James V. Sweetser and 400 others, of Marion, Ind., against any change in the tariff on flaxseed and linseed oil—to the Committee on Ways and Means.

By Mr. TOOLE: Petition of citizens of Montana, relative to mineral lands in that Territory—to the Committe on the Public Lands.

By Mr. TOWNSHEND: Petition of numerous citizens of Franklin County, Illinois, to have the charge of desertion removed from the record of M. J. McClain—to the Committee on Military Affairs.

Also, petition of William A. Plumb, for a special-act pension—to the Committee on Invalid Pensions.

Also, papers in the claim of Daniel Ward, and in the claim for relief of W. H. McCabe—to the Committee on Military Affairs.

Also, evidence in the claim of Nancy Hartley for a pension and in the claim of Rebecca Franklin—to the Committee on Pensions.

Also, papers in the pension claim of Malissey E. Smathers and also papers to accompany bill for the relief of Samuel E. Wilson—to the Committee on Invalid Pensions.

Also, petition of Hannah Coole for relief—to the Committee on Invalid Pensions.

By Mr. WEBER: Petition of farmers of Erie County, New York, for protection on farm products—to the Committee on Ways and Means.

Also, petition of citizens of Niagara County, New York, for retention of duties on wood-pulp—to the Committee on Ways and Means.

By Mr. WHEELER: Petition of W. H. Boothe, guardian of heir of W. W. Mitchell, of Colbert County, Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Minerva T. Harris, widow of James D. Harris, of Jackson County, Alabama, for reference of her claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Mary Arnold, formerly Gance; of James J. Holsenback, of William P. James, of Amanda M. Wade, of A. J. Hannah, of Margaret Milligan, widow of Martin Milligan; of Joseph H. Livingston, and of Robert W. Woody, of Alabama, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. W. L. WILSON: Petition of George F. Anderson, of Jefferson County, West Virginia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WOODBURN: Memorial praying that the State of Nevada be reimbursed in the sum of $11,840, expended and incurred for enrolling 1,184 men for the military service of the United States—to the Committee on War Claims.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. J. S. HENDERSON: Of Elias Hunley and 56 others, of W. M. Smith and 57 others, of Angus McInnis and 29 others, of C. E. Hearper and 50 others, of R. E. Reynolds and 53 others, of G. W. Montgomery and 13 others, of A. J. Cochran and 28 others, of Rev. J. M. Bennett and 55 others, of G. M. Lammonds and 28 others, and of S. C. Sanders and 44 others, of Montgomery County, North Carolina.

The following petitions, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, were severally referred to the Committee on Invalid Pensions:

By Mr. J. A. ANDERSON: Of 35 ex-soldiers of Hope, Dickinson County, Kansas.

Also, of James Bridges and 116 others, of Decatur County, Iowa.

By Mr. C. S. BAKER: Of David B. Grey and others, citizens and veterans of Scottsville, Monroe County, New York.

By Mr. BELDEN: Of Edward H. Brooks and 33 others, citizens, soldiers, and sailors of Geddes, N. Y.

By Mr. BREWER: Of J. J. Bowen, E. Walker, and 50 others, citizens and soldiers of Michigan.

By Mr. GIFFORD: Of C. E. Smith and 65 others, ex-Union soldiers, of Miller, Dak.

By Mr. GOFF: Of G. A. Jones and others, of Marshall County, West Virginia.

By Mr. HOVEY: Of William Jenkins and others, soldiers, of Indiana.

By Mr. KETCHAM: Of R. D. Lathrop Post, No. 138, Grand Army of the Republic, of New York.

By Mr. McCORMICK: Of E. P. Murdock and others, and of Adelbert Rice and others, citizens and ex-soldiers, of Tioga County, Pennsylvania.

By Mr. NUTTING: Of Dr. Frank S. Low and 125 others, citizens and soldiers, of Oswego County; and of Henry H. Walker and 34 others, ex-soldiers, of Oswego County, New York.

By Mr. OSBORNE: Of John Kelley and 20 other citizens, ex-soldiers and sailors, of Carbondale, Pa.

By Mr. PUGSLEY: Of 57 citizens, of 16 citizens, and of 9 citizens of Pike County, Ohio.

By Mr. SAWYER: Of 20 soldiers of Elba, Genesee County, New York.

By Mr. E. B. TAYLOR: Of ex-soldiers of West Mecca, of Claridon, and of Russell, Ohio.

By Mr. J. R. WHITING: Of Wallace W. Huntley and 152 others, citizens of Lapeer County; of Samuel T. Cantelon and 420 others, citizens of Huron County, and of Edward McKenzie and 15 others, citizens of Sanilac County, Michigan.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. CAINE: Of 181 citizens of Salt Lake City, and of 117 citizens of Tooele County, Utah.

By Mr. CASWELL: Of 75 citizens of Rock County, Wisconsin.

By Mr. CONGER: Of 89 citizens of Dallas County, Iowa.

By Mr. JACKSON: Of 174 citizens of Beaver County, Pennsylvania.

By Mr. PETERS: Of Matilda Compton and 6 others of Alden, Kans.

By Mr. SHAW: Of 44 citizens of Cecil County, Maryland.

By Mr. STONE, of Missouri: Of 146 citizens of Dade County, Missouri.

By Mr. WILLIAM WHITING: Of 133 citizens of Hampden County, Massachusetts.

The following petitions, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia, were severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. HOGG: Of 88 citizens of the Fourth district of Virginia.

By Mr. TOOLE: Of 13 citizens of Anaconda, Mont.

SENATE.

TUESDAY, *March* 27, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

FUNERAL OF CHIEF-JUSTICE WAITE.

The PRESIDENT *pro tempore* laid before the Senate the following communication from the Supreme Court of the United States; which was read:

SUPREME COURT OF THE UNITED STATES,
Washington, March 26, 1888.

SIR: I am directed by the Justices of the Supreme Court of the United States to invite the Senate to attend the funeral ceremonies of the late Chief-Justice Waite, in the Hall of the House of Representatives, on Wednesday, March 28, at 12 m.

Very respectfully,

J. M. WRIGHT, *Marshal.*

The PRESIDENT *of the Senate.*

Mr. HOAR. I ask unanimous consent for the adoption of the following resolution:

Resolved, That the Senate accept the invitation of the Justices of the Supreme Court to attend the funeral of the late Chief-Justice, and will proceed to the Hall of the House of Representatives for that purpose at the time fixed for the ceremonial.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution? The Chair hears none. The question is on its adoption.

The resolution was agreed to.

Mr. HOAR. I move that when the Senate adjourns to-day it adjourn to meet at a quarter before twelve to-morrow.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that when the Senate adjourns to-day it be to meet at a quarter before twelve to-morrow.

The motion was agreed to.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 14th instant, a report from the Commissioner of the General Land Office, stating the number of acres embraced in the appraisement and sale of the remainder of the reservation of the confederated Otoe and Missouria tribe of Indians in the States of Nebraska and Kansas; which, on motion of Mr. PADDOCK, was, with the accompanying papers, ordered to lie on the table, and be printed.

PETITIONS AND MEMORIALS.

Mr. CAMERON presented a petition of ex-Union soldiers and sailors, citizens of Shamokin, Pa., praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a memorial of citizens of Chester County, Pennsylvania, remonstrating against the admission of the Territory of Utah as a State with polygamy; which was referred to the Committee on Territories.

Mr. HALE. I present the petition of M. L. Morse and other citizens of Athens, Somerset County, Maine, praying that the work for the eradication of pleuro-pneumonia shall be continued under the Bureau of Animal Industry as at present organized, and that the law establishing that bureau be strengthened without changing the plan of work now in operation. As the bill covering this subject has been reported, I move that the petition lie on the table.

The motion was agreed to.

Mr. REAGAN. I present the petition of D. G. Gregory and other citizens and voters in the town of Alleyton, Colorado County, Texas, praying that the work for the eradication of pleuro-pneumonia may be continued under the Bureau of Animal Industry as at present organized; that the law establishing that bureau be strengthened without changing the plan of work now in operation; that the Bureau of Animal Industry shall be allowed to remain in the Department of Agriculture, with a chief who shall be a competent veterinary surgeon, and who shall report to the Commissioner of Agriculture, and that no board or commission shall be given any authority or control over that bureau or the work which it is now performing. I move that the petition lie on the table.

The motion was agreed to.

Mr. VEST. I present a petition similar to that just presented by the Senator from Texas, from citizens of Columbia, Boone County, Missouri. I move that it lie on the table.

The motion was agreed to.

Mr. GORMAN presented the petition of Julie Stirzel, widow of Albion Stirzel, late private in Company G, One hundred and third New York Volunteers, praying that she be allowed a pension; which was referred to the Committee on Pensions.

Mr. BATE presented the petition of George W. Morton and citizens and voters in Nashville, Davidson County, Tennessee, praying that the work for the eradication of pleuro-pneumonia may be continued under the Bureau of Animal Industry as at present organized, etc.; which was ordered to lie on the table.

Mr. PAYNE presented seven petitions of 144 citizens of Ohio, praying that the work of the eradication of pleuro-pneumonia be continued under the Bureau of Animal Industry as at present organized; which were ordered to lie on the table.

Mr. McPHERSON. I present several memorials in respect to the pleuro-pneumonia bill, remonstrating against any further legislation on that subject and praying that the work shall be continued under the Bureau of Animal Industry as at present organized. One memorial is from the county of Hudson, New Jersey, one from the county of Middlesex, and one from the county of Monmouth, and various other localities in the State of New Jersey. I move that the memorials lie on the table.

The motion was agreed to.

Mr. CULLOM presented a petition of the Peoria (Ill.) Board of Trade, praying that Congress provide for an international marine conference; which was referred to the Committee on Foreign Relations.

He also presented a petition of Albert Rude and other citizens of Illinois, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. PALMER presented the petition of R. D. Cuddeback and 80 other citizens of Wexford County, Michigan, praying that the work of extirpating pleuro-pneumonia be continued under the Bureau of Animal Industry as at present organized; which was ordered to lie on the table.

He also presented the petition of Typographical Union No. 30, in favor of the passage of an international copyright law; which was ordered to lie on the table.

He also presented the petition of Edward McKenzie and 15 other Union soldiers, citizens of Michigan; the petition of George W. Saxton and 422 other Union soldiers, citizens of Michigan; the petition of August Ludwig and 16 other Union soldiers, citizens of Michigan; and the

petition of Marvin Kellogg and 43 other Union soldiers, citizens of Ionia and vicinity, Michigan, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented the petition of John Allen Bigelow and Joseph W. Seely, one-armed veterans, of Pontiac, Mich., praying for the passage of certain bills in aid of one-armed and one-legged soldiers; which was referred to the Committee on Pensions.

He also presented a petition of H. M. Bailey and 18 other jurors of the United States court for the eastern district of Michigan, praying for increased compensation for jurors; which was referred to the Committee on the Judiciary.

Mr. COCKRELL presented a petition of ex-Union soldiers and sailors, citizens of Stanbery and adjoining country, in the State of Missouri, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Chariton County, Missouri, praying for an enactment placing widows and orphans of soldiers of the Missouri militia who died or were killed while in active service on an equal footing with the widows and orphans of the other volunteer forces of the United States; which was referred to the Committee on Pensions.

Mr. BUTLER presented a petition of the Chamber of Commerce of Charleston, S. C., praying that an appropriation be made for the completion of the jetties in Charleston Harbor; which was referred to the Committee on Commerce.

Mr. STEWART. I present a letter of Hon. J. S. Hager, collector of the port of San Francisco, Cal., giving statistics of the number of arrivals and departures of Chinese from the port of San Francisco. I move that the letter be printed and referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. BLAIR presented the petition of Irving T. George and Thomas H. Wiswall, of New Market, N. H., praying for increased postal facilities between Boston and New York and the West; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Abel G. Rankin, late major Tenth Regiment Maine Volunteers, praying for a pension; which was referred to the Committee on Pensions.

He also presented the petition of Charles H. Day, late colonel Seventeenth Regiment West Virginia Infantry, praying that he be allowed a pension; which was referred to the Committee on Pensions.

Mr. MANDERSON presented a petition, signed by the executive board of the National Farmers' Alliance, praying that the Agricultural Bureau may be made a Department of the Government; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of ex-Union soldiers and sailors, citizens of Edgar and Angus, Nebr.; a petition of ex-Union soldiers and sailors, citizens of York, Nebr.; and a petition of ex-Union soldiers and sailors, citizens of Edgar, Nebr., praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. PADDOCK presented the petition of Royal Buck and other citizens of Red Willow County, Nebraska, praying that the work of eradicating pleuro-pneumonia and other contagious cattle diseases be continued by the Bureau of Animal Industry as at present organized, and that the bureau may be strengthened by additional legislation; which was ordered to lie on the table.

Mr. VOORHEES presented a petition of ex-Union soldiers and sailors, citizens of Indiana, and a petition of ex-Union soldiers and sailors, citizens of Dupont, Ind., praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. HISCOCK presented a petition of C. S. Jaquith and other citizens and voters of Sherman, Chautauqua County, New York; a petition of A. E. Lyon and other citizens and voters of Sherman, Chautauqua County, New York; and a petition of Savona Grange, No. 302, Patrons of Husbandry, praying that the work for the eradication of pleuro-pneumonia may be continued under the Bureau of Animal Industry as at present organized, that the bureau be strengthened without changing the plan of work now in operation, and that the bureau be allowed to remain in the Department of Agriculture, with a chief who shall be a competent veterinary surgeon; which were ordered to lie on the table.

Mr. EVARTS presented petitions of ex-Union soldiers and sailors, citizens of Greenport, Orient, Southold, Auburn, and Mottville, in the State of New York, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and they were indefinitely postponed:

A bill (S. 2080) for the relief of Mrs. Margaret Longshaw, dependent mother of William Longshaw, late assistant surgeon, United States Navy;

A bill (S. 1992) granting a pension to Otto Ahrens;

A bill (S. 2156) granting a pension to Mrs. Josephine Amsden;

A bill (S. 2296) granting a pension to Mrs. Josephine Amsden;

A bill (S. 1695) granting a pension to Elizabeth W. Adair;

A bill (S. 1979) granting a pension to Elizabeth Dolan; and

A bill (S. 980) granting an increase of pension to Horace M. Cook.

Mr. VEST. I am instructed by the Committee on Public Buildings and Grounds to report favorably without amendment the bill (H. R. 4472) for a public building at Helena, Ark.

I wish to state that yesterday the Senator from Virginia [Mr. DANIEL] reported a Senate bill by mistake upon this subject. He is detained from the Senate to-day by sickness, and requested me to correct his report. He was instructed by the committee to report the House bill, and by mistake he reported the Senate bill.

The PRESIDENT *pro tempore*. If there be no objection, the bill reported by the Senator from Missouri will be substituted on the Calendar for Order of Business 813, and the bill (S. 1081) for the erection of a public building at Helena, Ark., will be indefinitely postponed.

Mr. FAULKNER, from the Committee on Pensions, to whom was referred the bill (H. R. 2806) to increase the pension of James Woody, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (H. R. 421) granting a pension to Rufus Squire;

A bill (S. 1739) for increase of pension to Ephraim Owings;

A bill (S. 1655) granting a pension to Mrs. Leah E. Lady; and

A bill (S. 757) granting an increase of pension to Francis M. Higgason.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred a letter of the Secretary of War, transmitting a draught of a bill relating to the responsibility of enlisted men in the Signal Corps, submitted a report thereon, accompanied by a bill (S. 2519) to make enlisted men of the Signal Corps responsible for public property; which was read twice by its title.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 734) granting a pension to James Hale;

A bill (S. 1515) granting a pension to Helen Plunkett;

A bill (S. 1702) granting a pension to Joanna W. Turner;

A bill (H. R. 4107) granting a pension to Laura D. Pierce;

A bill (H. R. 823) granting a pension to Hannah C. De Witt;

A bill (H. R. 3849) granting a pension to Mrs. Martha M. Bagley;

A bill (H. R. 441) granting a pension to Eliza J. Currier; and

A bill (S. 1577) granting a pension to Mary H. Casler.

Mr. MANDERSON. I am directed by the Committee on Military Affairs to report favorably without amendment the bill (S. 2116) to provide aid to State homes for the support of disabled soldiers and sailors of the United States and their widows and orphans, and to submit a report thereon. I ask for an order that 500 extra copies of the report be printed for the use of the committee.

The PRESIDENT *pro tempore*. That order will be made, if there be no objection.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 545) appropriating $25,000 in aid of a volunteer disabled soldiers' home in the State of Vermont, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2356) to provide a pension for Mrs. Adeline Couzins;

A bill (S. 1935) for the relief of Andrew T. McReynolds;

A bill (H. R. 459) for the relief of Elvira Cooper;

A bill (H. R. 3183) for the relief of Kelsey Curtis;

A bill (H. R. 6908) granting a pension to William P. Witt;

A bill (H. R. 2177) granting a pension to Mahala Robbins;

A bill (H. R. 499) granting a pension to Catharine Maxwell;

A bill (H. R. 5911) granting a pension to Elizabeth J. Hascall;

A bill (H. R. 407) granting a pension to George W. Burkhart;

A bill (H. R. 5228) granting a pension to Clara Flanders; and

A bill (H. R. 5236) granting an increase of pension to Mary K. Taylor.

Mr. TURPIE, from the Committee on Pensions, to whom was referred the petition of James White, of South Carolina, praying to be allowed a pension, submitted a report thereon, accompanied by a bill (S. 2520) granting a pension to James White; which was read twice by its title.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1126) granting a pension to Francis M. Yearian;

A bill (S. 1906) granting a pension to Matilda Bleumner;

A bill (S. 1552) for an increase of pension to Oscar K. Rogers; and

A bill (S. 1762) granting a pension to Benjamin A. Burtram.

Mr. TURPIE, from the Committee on Pensions, to whom was referred the bill (S. 2129) to increase the pension of Mary M. Gibson,

widow of Commander William Gibson, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 1383) granting a pension to Isabella W. Addaddell; and

A bill (S. 1761) granting an increase of pension to Isaac M. Johnson.

THE MEXICAN FREE ZONE.

Mr. MANDERSON. I am directed by the Committee on Printing to report back a message of the President of the United States, transmitting a letter of the Secretary of State in response to a Senate resolution relative to the Mexican Free Zone, with their recommendation that the usual number of the accompanying papers be printed, omitting that part which is printed in the Spanish language.

The PRESIDENT *pro tempore*. That order will be made, if there be no objection.

DISTRICT PROHIBITION HEARINGS.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. FARWELL, March 14, 1888, reported it without amendment, and the resolution was considered, by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on the District of Columbia is hereby authorized and empowered to employ a stenographer to report oral statements on the bill (S. 927) to prohibit the manufacture and sale of spirituous and intoxicating liquors in the District of Columbia, the expenses therefor to be paid out of the contingent fund of the Senate.

COMMITTEE ON PATENTS.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. TELLER, March 7, 1888, reported it without amendment; and the resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Patents be authorized to employ a stenographer to take the testimony and arguments before that committee on the question of international copyright, and to print the same, together with other testimony and arguments on the same subject taken before said committee during the Forty-ninth Congress, for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate.

PAGE FOR PRESS GALLERY.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. GIBSON, March 6, 1888, reported it without amendment, and the resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That the Sergeant-at-Arms be, and he is hereby, authorized to appoint a page and assign him to the Press Gallery of the Senate for duty, and that he be paid from the contingent fund of the Senate.

MOTHER OF JAMES E. LAWRENCE.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. EDMUNDS, March 20, 1888, reported it without amendment, and the resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, out of the appropriation for miscellaneous items of the contingent fund of the Senate, to Mrs. Eliza Lawrence, mother of James E. Lawrence, deceased, late a laborer of the Senate, the sum of $360, being an amount equal to six months' salary as a laborer aforesaid. And said sum shall be considered as including funeral expenses and all other allowances.

HEARINGS BEFORE COMMITTEE ON COMMERCE.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. FRYE, March 14, 1888, reported it without amendment, and the resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Commerce be, and they are hereby, authorized to employ a stenographer from time to time as may be necessary to report such hearings as may be had before said committee, and to have the same printed for the use of the committee; and that such stenographer be paid out of the contingent fund of the Senate.

APPOINTMENTS OF CONFEDERATE SOLDIERS.

Mr. BLAIR. I shall yield of course to further morning business, but I desire at the proper time to call up Senate bill 2443, introduced by me, to have action upon the motion to proceed to its second reading and reference.

Mr. COCKRELL. We are not through with the morning business.

Mr. VEST. I rise to morning business.

The PRESIDENT *pro tempore*. Bills and joint resolutions are next in order.

BILLS INTRODUCED.

Mr. VEST introduced a bill (S. 2521) for the classification of clerks in first-class post-offices, and for fixing salaries of same; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

Mr. DAWES introduced a bill (S. 2522) to ratify and confirm an agreement with the Red Lake band of Chippewa Indians, in the State of Minnesota; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 2523) to ratify and confirm an agreement with the Chippewa Indians of the White Earth, Leech Lake, Cass Lake, Lake Winnebagoshish, and White Oak Point reservations, and the Gull River band, in the State of Minnesota; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. COCKRELL introduced a bill (S. 2524) for the relief of Montgomery Patton; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2525) granting a pension to Columbus C. Kerr; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2526) for the relief of John McFall; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2527) for the relief of the estate of Douglas Dale, deceased; which was read twice by its title, and referred to the Committee on Finance.

Mr. FRYE introduced a bill (S. 2528) for the relief of Jennie D. Rice; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. HALE introduced a bill (S. 2529) for a light or lights at St. Andrew's Bay, Florida; which was read twice by its title, and referred to the Committee on Commerce.

Mr. GORMAN introduced a bill (S. 2530) granting a pension to Robert Kelly; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2531) granting a pension to Julie Stirzel; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PALMER introduced a bill (S. 2532) to provide for the purchase of the two canals known as the Portage Lake and River Improvement Company Canal and the Lake Superior Ship-Canal Railway and Iron Company Canal, being the water communication across Keweenaw Point, Lake Superior, from Keweenaw Bay to Lake Superior by way of Portage River and Lake, in the State of Michigan; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HARRIS (by request) introduced a bill (S. 2533) to authorize the commissioners of the District of Columbia to lay water mains where necessary; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CAMERON (by request) introduced a bill (S. 2534) to build a railroad on Brightwood avenue, in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2535) for the erection of a public building at Wilkes Barre, Pa.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. DOLPH introduced a bill (S. 2536) granting to the Oregon Railway and Navigation Company the right of way through the Nez Perce Indian reservation; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. JONES, of Nevada, introduced a bill (S. 2537) for the relief of the State of Nevada; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. PLUMB introduced a bill (S. 2538) granting a pension to Oliver H. Judd; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SABIN introduced a joint resolution (S. R. 66) authorizing the appointment of a commission to establish the boundary line between Northern Minnesota and the Canadian provinces; which was read twice by its title, and referred to the Committee on Public Lands.

WITHDRAWAL OF PAPERS.

On motion of Mr. GORMAN, it was

Ordered, That leave be granted John A. Payne to withdraw the papers in his case from the files of the Senate, subject to the rules.

On motion of Mr. HISCOCK, it was

Ordered, That Mrs. Mary G. Walker have leave to withdraw the papers in her case from the files of the Senate.

DUTIES ON IMPORTED GOODS BY STEAM-SHIP ASIA.

On motion of Mr. HOAR, it was

Ordered, That the papers heretofore referred to the Finance Committee with Senate bill No. 2188 be printed.

PUGET SOUND FORTIFICATIONS.

Mr. DOLPH submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to transmit to the Senate copies of all reports of boards of engineers and officers of the Army on file in the Department concerning the necessity for fortifications upon Puget Sound, Washington Territory, and the practicability of fortifying the entrances to said sound, together with his recommendations in relation thereto.

RESERVOIRS IN ARID REGION.

Mr. STEWART submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior is hereby directed to report to the

Senate what appropriation is necessary to enable the United States Geologic a Survey to carry into effect the joint resolution, directing the Secretary of the Interior, by means of the Geological Survey, to investigate the practicability of constructing reservoirs for the storage of water in the arid region of the United States, and to report to Congress, approved March 20, 1888, and the several acts of Congress requiring such Geological Survey, under the direction of the Secretary of the Interior, to classify the public lands and furnish a map or maps showing the various divisions of the public domain suitable for agricultural, mineral, and other purposes, and particularly to segregate the lands susceptible of irrigation, where irrigation is required, from other lands, and designating places for reservoirs, canals, and other hydraulic works.

PRESIDENT'S ANNUAL MESSAGE.

Mr. BERRY. I desire to give notice that on Thursday morning, at the conclusion of the morning business, I will, with the consent of the Senate, submit some remarks on the resolution of the Senator from Ohio [Mr. SHERMAN] to refer the President's message to the Committee on Finance.

EASTERN BRANCH BRIDGE.

The PRESIDENT *pro tempore*. If there be no further morning business, the Calendar, under Rule VIII, is in order.

Mr. CAMERON. I move that the Senate proceed to the consideration of the bill (S. 2458) to amend an act to authorize the construction of a bridge across the Eastern Branch of the Potomac River at the foot of Pennsylvania avenue east.

Mr. BLAIR. I stated a short time since that I desired at the proper time, before proceeding to the consideration of other than morning business, to have the motion disposed of with reference to the second reading and reference of the bill introduced by myself several days ago, and which was postponed until this morning. I desire now to call it up and have it acted upon.

Mr. CAMERON. I will state that the bill which I ask to have considered at this time is in reference to the building of a bridge in the District of Columbia, the work upon which is now delayed for want of a sufficient appropriation. The bill comes from the Committee on Commerce with a unanimous recommendation for its passage, and I do not think it will meet with any opposition whatever. If the Senator from New Hampshire will give way for five minutes I think the bill can be passed. Should there be any debate upon it, I shall withdraw the bill. For as little time as will be required to dispose of it it can scarcely interfere with the bill the Senator from New Hampshire wishes to have considered.

Mr. BLAIR. I have no objection to the consideration of the bill moved by the Senator from Pennsylvania, but I do not desire to lose the opportunity of having the bill to which I refer disposed of.

The PRESIDENT *pro tempore*. The Senator from New Hampshire will be recognized to call up his bill. The Senator from Pennsylvania moves that the Senate proceed to the consideration of the bill which he has indicated. It will be read at length for information, if there be no objection.

The Chief Clerk read the bill.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Pennsylvania [Mr. CAMERON].

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which was reported from the Committee on Commerce with amendments.

The first amendment was in line 5, after the word "over," to strike out the word "or" and insert the word "and;" so as to read:

That the Secretary of War be, and he is hereby, authorized, in his discretion, to make such alterations in the plan of said bridge as will best accommodate the traffic over and under said bridge.

Mr. EDMUNDS. What does the phrase "and under" mean?

Mr. CAMERON. It refers to the railroad. The other amendments will explain it.

Mr. MCPHERSON. If the Senator from Vermont will permit me I will simply state that this bridge was authorized to be constructed in accordance with a certain plan within the limit of the appropriation, and the appropriation was something like $70,000 under the amount asked for by the board of engineers to build a suitable bridge. The appropriation the Department asked for was $172,000, and Congress only appropriated $100,000. They found that in the construction of the bridge they were required to build a very light structure, with very short spans, and after they began to construct the bridge they discovered that they were placing the piers of the bridge on the line that had been laid out by the Baltimore and Potomac Railroad, and that they were really occupying territory belonging to the Baltimore and Potomac Railroad in its original plan for its road. Therefore there was a necessity for changing the plan of the bridge, and they got into a suit with the railroad people, and the whole construction of it has been arrested owing to the action of the Baltimore and Potomac Railroad and the War Department.

The bridge itself will be entirely incomplete, entirely insufficient, as the board of engineers now avow, and they ask for an additional appropriation of money in order that retaining walls may be put up on the western end of the bridge to hold the embankment from going into the river, and also for making of increased strength the abutments and a longer span over the Baltimore and Potomac Railroad to enable them to straighten their road on the original line that they filed. The road is not now laid upon the line that was originally filed, but owing to the expense of the structure and the necessity of time in the completion of the road they have a very crooked road, and for the safety of the traveling public the road ought to be straightened, and in order to do this, to get rid of all these suits and to build a suitable bridge, one that will accommodate the traffic over the bridge as well as traffic under the bridge, it is proposed to make an additional appropriation of money and to build such a bridge as the board of engineers originally intended, and which could have been built with the appropriation they asked to have made.

Mr. EDMUNDS. I think I understand it now; but I should be glad to know whose land it is that this railway is now on, and whose land it is where the line was originally laid and where there is now no road, as I understand it, and which Congress is asked to expend more money to make more convenient for the purposes of the railroad.

If this is the railroad property which Congress is undertaking to pass with a new highway in the nature of a bridge, and therefore interfering with private property rights, then it would probably seem to follow that the public ought to pay the expense of it. If the railroad crosses property of the United States at that place, on the shore of the Eastern Branch, which it has not paid for and obtained by lawful ways, and it is necessary to have the span of the bridge there longer and more expensive in order to accommodate the traffic of the railroad, I submit with due humility that the railroad company ought to pay for it, and the bill ought to provide for it.

Mr. MCPHERSON. An amendment provides for that.

Mr. CAMERON. If the Senator from Vermont will permit the further amendments of the committee to be stated he will find that the point he makes is provided for.

Mr. EDMUNDS. I shall be very glad to find that to be the case.

The PRESIDENT *pro tempore*. The question is on agreeing to the first amendment of the committee.

The amendment was agreed to.

The next amendment was, in line 6, before the word "thousand," to strike out "thirty" and insert "sixty;" so as to read:

And for said purpose the sum of $60,000, or so much thereof as may be necessary, to be immediately available, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was to add to the bill the following proviso:

Provided, That the Baltimore and Potomac Railroad Company pay their fair and just proportion of the cost of said alteration at the west end of said bridge, to be determined by the Secretary of War.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 3508) for the relief of William G. Galloway, late captain Fifteenth, United States Army; and

A bill (H. R. 4327) regulating the construction of bridges over the Muskingum River in Ohio.

The message also announced that the House had passed the following bills:

A bill (S. 1663) authorizing the Little Rock and Alexandria Railway Company to build certain bridges in the State of Arkansas; and

A bill (S. 2220) to correct an error in and to further amend "An act to authorize the Georgia Pacific Railroad Company to construct bridges across the Sunflower, Yazoo, and Tombigbee Rivers, in Mississippi," approved March 3, 1887.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (S. 309) for the relief of R. G. Huston & Co.;

A bill (S. 643) to construct a road to the national cemetery at Corinth, Miss.;

A bill (S. 660) for the relief of Charles Murphy;

A bill (S. 1564) for the relief of importers of animals for breeding purposes in certain cases; and

Joint resolution (S. R. 65) to print Executive Document No. 51, first session of the Forty-ninth Congress, on the subject of cattle and dairy farming.

APPOINTMENTS OF CONFEDERATE SOLDIERS.

Mr. BLAIR. Mr. President, it will be remembered that on the 19th of the month, I think it was, I introduced a bill providing for an amendment of the law touching appointments to the civil service which would permit wounded disabled soldiers who received their disability in the Confederacy to receive preference in appointments such as they were competent to fill, as against other persons connected with the Confederacy and disloyal who during the period of the war were of mature age. That bill was objected to upon the second reading, and the question now pending is whether the bill shall be read a second time

and referred to the Committee on Civil Service and Retrenchment. It was discussed somewhat the next day after its introduction and postponed until the day following on request, and upon the day following, on the request of several Senators on each side of the Chamber, it was again postponed until to-day, and now I ask the Senate to dispose of the pending question, which is whether the bill shall be referred. I do not at this time care to say anything, but the Senator from Virginia [Mr. RIDDLEBERGER] would like to be heard.

The PRESIDENT *pro tempore*. The pending question is, Shall the bill be read a second time?

Mr. BLAIR. I will then amend the motion——

Mr. EDMUNDS. The bill can not be referred until after its second reading.

Mr. BLAIR. The bill came up in the ordinary routine, and upon its reference to the committee the question was raised, as I understood. I desire that the motion be in form to refer the bill.

The PRESIDENT *pro tempore*. The rule requiring that bills shall have their several readings on separate days, unless by unanimous consent, was applied to this bill; after the first reading the second reading on the same day was objected to, whereupon it went over, and the question now recurs on the second reading of the bill.

Mr. BLAIR. I desire that the motion be treated as a motion for its second reading and reference to a committee.

Mr. EDMUNDS. There can not be such a motion. We must first settle the question of the second reading. The Senator can give notice of the motion to refer after the second reading.

Mr. BLAIR. By unanimous consent the motion can be treated in that way, and I ask unanimous consent that the pending question be considered to be on the motion for the second reading of the bill and its reference to the committee.

Mr. EDMUNDS. I object.

The PRESIDENT *pro tempore*. Objection being made, the question recurs, Shall this bill be read the second time?

Mr. BLAIR. I then give notice that I will move to refer after the second reading.

Mr. RIDDLEBERGER. Mr. President——

Mr. HOAR. Mr. President, the other day, when the Committee on Public Buildings and Grounds reported a bill for the erection of a public building at Lowell and I asked unanimous consent that the bill might then be considered, the Senator from Kansas [Mr. PLUMB] objected, but he informed me afterwards that he would waive his objection, as the objection was made under a misapprehension. I ask unanimous consent that that bill be now taken up for consideration. If it leads to any debate I shall withdraw it.

Mr. BLAIR. I hope the Senator will not prefer a request of that kind at this time. I desire that this bill be disposed of.

Mr. HOAR. It will take only half a minute.

Mr. BLAIR. But I desire to go on and dispose of this matter.

The PRESIDENT *pro tempore*. The Senator from Virginia [Mr. RIDDLEBERGER] has the floor and has the right to yield if he desires.

Mr. RIDDLEBERGER. I did yield to the Senator from Massachusetts.

Mr. HOAR. But the Senator from New Hampshire [Mr. BLAIR] objects.

Mr. BLAIR. I shall not object if others do not.

Mr. RIDDLEBERGER. Perhaps I had better go on with the few remarks I want to make on this bill.

I formerly said, as I thought, enough from the standpoint of a Confederate soldier. I did the Republican element of this Senate injustice in the opening remarks I then made. I had heard some suggestions of disapprobation from this side of the Chamber, and I did the Senators on this side, with one possible exception, the injustice to have used this language:

But I can not see the objection to it [this bill] which seems to have seized hold of the minds of some of the Senators on this side of the Chamber.

I perused the RECORD the next morning and I found that the objections came from Confederate soldiers on the other side of the Chamber. It is to them that I propose to reply.

I am the only Republican, I suppose, in the Senate who was a Confederate and dare to say so now, and dare to be a Republican notwithstanding the epithets hurled at him, who served from Mechanicsville to Harrison's Landing under the banner of the Senator from South Carolina, then commanding a division in which I had the honor to serve.

The public mind can not be misled by statements made in the CONGRESSIONAL RECORD. I propose to make the bill a part of the record, and for that purpose I shall read it myself:

Be it enacted, etc., That before persons shall be appointed to the civil service of the United States it shall be made to appear whether such persons were loyal to the Government of the United States during the war of the rebellion, if of lawful age any time during said war.

I will submit this to every Grand Army post in this country, and I apprehend that no men who were soldiers would object to it. But, further, it provides:

And whenever such persons not loyal to the United States during said war shall be appointed to office in the civil service, those not dishonorably discharged from military or naval service of the so-called Confederate States and now suffering from disability resulting from wounds or sickness incurred in said service shall be preferred to other persons not shown to have been loyal in the war of the rebellion: *Provided*, They are found to possess the business capacity necessary to the proper discharge of such offices.

I would submit this proposition to the Grand Army posts; I would take the opinion of the Federal soldiers here to-day, and ask, if we are to take men for the civil service of the Government of the United States and men from the South, whether we should not give preference to the maimed Confederate. As I said the other day, if you want a loyal man, take a man who fought.

I am glad to be able to have this opportunity of calling the attention of some men in the South to the fact that they are still representing ideas hateful to the South rather than its patriotism. I read in this RECORD that no Confederate soldier asks anything in the way of favor from the Federal Government. I agree that this emanated from the mouth of an eminent Confederate soldier. Mr. President, the Confederates have had very few to voice their wishes. They have had no channel through which to express themselves in the Congress of the United States. I represent, in some capacity, a Confederate soldier element, and yield to no man in it in my devotion to them (not to the cause, for I yielded that).

The Senator from Connecticut [Mr. HAWLEY] congratulated my colleague on his statesmanlike speech. I felt its tones in the most vital part of the physical man. He has a reputation in the South as being generous. His magnanimity has lately taken the direction of starving the living and then making an appropriation for a tombstone. He is gratified at that expression which emanated, almost as if stereotyped, from three tongues on the other side of the chamber, that the Confederate soldiers asked nothing. Mr. President, it is that same kind and quality of statesmanship which was a disgrace to the Confederacy during four years of war which should have put all burdens on others than those following a commander.

It is that same ideal statesmanship that fixed the price of flour by act of the Confederate congress at $30 a barrel, and paid the infantry soldier in the field $11 a month. It was that kind of statesmanship that passed the conscript act, levied upon the physical power of those States latest to secede, from the cradle to the grave, extending that act even to sixty years, and yet exempting one overseer for every twenty slaves.

I am standing here to-day for those who had no slaves, and who were in the armies of the South. They were the Confederate soldiers. The record that they made then, the unchanged record that they have made since, will stand; but I defy the Senator from South Carolina, my colleague from Virginia, and the Senator from Connecticut to represent the views of those who were the real Confederate soldiers, and who to-day compose the reviled loyal element of the South.

I read here that no Confederate soldier asks any favors. I speak in behalf of those who served in the ranks. I never rode in an ambulance a day; I never was sick a day; I never was out of a single fight in which the regiment and brigade that I belonged to were engaged. I suffered two terms of imprisonment, and a man who challenges my loyalty to the Confederacy during the war does it with the same hazard of his veracity as if he were to challenge my loyalty to the Union to-day.

Mr. President, this is not a pleasant task. I am sorry that the crippled soldier whom I wish to represent here has not some one abler than I to present his case, especially when it is antagonized by those under whom he served. I say to you again, they are the loyal element of the South to-day; and they would be the manly element, if they were here to-day, who would not endeavor to doctor a record in disparagement of a comrade. I say I represent them to-day, when they are so misrepresented by those who, when they go home, claim to be their best friends; those who plead patriotism here and talk Confederacy at home.

Mr. President, the Senator from Connecticut expressed congratulations to his Confederate friend. I have known the Confederate who is to-day the loyal man—not the brigadier or the major general, but the soldier—I have known him when that statesmanship which is impleaded here in his behalf asked him to surrender $5 of his Confederate money for what was $3 in a new issue of the same currency; which might as well have been drowned in the James River and Kanawha Canal. Those were the Confederate soldiers. That is the statesmanship which is extolled. What would the Union soldiers have done if they had been required to come back to Washington by that peculiar style of statesmanship, and required to give up $5 of their greenbacks for $3 of the same money, printed from the same plate? Yet the Senator from Connecticut says that he congratulates my colleague on the statesmanship which he represents here!

I am not here as a persistent patriot. I am not here to ask for any other terms than those which were accorded to me years ago; but I am here to answer every accusation of the kind that I find in this RECORD against men who were Confederates, and who have the courage of their convictions now. I should not have said this much if it had not been that this special RECORD needed some notice. I now again call attention to the bill. There are two provisions in it. One is protective of the Union soldier. I think I have, during my service here, shown my regard for him without vaunting it. The other provides that when your Civil Service Commission, or your civil service administration, shall go South the preference shall be given to the wounded or the disabled

Confederate as against that horde of hungry office-seekers whom you find in every hotel corridor in this city—whom the Union soldiers respect only for gentlemanly deportment when they so entitle themselves.

I can not understand how three Confederates and one Federal should oppose this bill. It is useless to tell me, with my experience and almost daily observation, that there are no Confederates, crippled and maimed, begging on the street. I should prefer to state the contrary. I live and work for them when I am at home; and no one of them has ever contributed a penny for any service I have performed for them.

But, sir, it is a fact, and I state to the Senator from South Carolina, that walking from my State to his are legless Confederate soldiers begging bread. I could furnish proof of it from every household in a thousand in the community in which I live. False pride would make some propound a statement which I prefer to have measured by a proper regard for the truth. We have in soldiers' homes alone a multitude to take care of. That will be brought into this arena of debate, no doubt; but who gets into these soldiers' homes? One who is now begging for bread would have about as much chance to get into these so-called homes as an iceberg would have to float through Florida.

I have specified to the Senate what my views are. I know I shall have to submit to criticism for what I have said.

Mr. BLAIR. Mr. President, I offered this bill after considerable and prolonged reflection, but I draughted it the afternoon I offered it in consequence of a conversation with a crippled Confederate soldier which I had with him on that day. That conversation was of a character which brought my attention to a focus upon the subject, and I prepared the bill, and it is here, and I stand by it in its present shape and in its consequences, whatever they may be.

The bill does not pave the way to pension for any man who was engaged in combat with the United States. Everybody knows that such a consequence is an impossibility. It is no entering-wedge to pensioning the Confederate soldier. It is simply a bill embodying in its terms an act of humanity, or, if you please, sir, of humanity blended with magnanimity, and is an act which this great nation may well perform. The bill provides—

That before persons shall be appointed to the civil service of the United States it shall be made to appear whether such persons were loyal to the Government of the United States during the war of the rebellion, if of lawful age at any time during said war; and whenever such persons not loyal to the United States during said war shall be appointed to office in the civil service, those not dishonorably discharged from the military or naval service of the so-called Confederate States, and now suffering from disability resulting from wounds or sickness incurred in said service, shall be preferred to other persons not shown to have been loyal in the war of the rebellion, provided they are found to possess the business capacity necessary to the proper discharge of such offices.

As the law now stands, only one class of citizens are preferred in the matter of appointments to the civil service, unless that preference is made upon capacity and fitness for the office. Section 1754 of the Revised Statutes provides:

SEC. 1754. Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty, shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices.

There then is a preference to the Union soldier above all others loyal to the Union for civil appointments, other conditions being equal. That law has been carried into effect, we all know, very largely; it has on the whole been carried out in its spirit, but with a great many exceptions in actual practice. But the point I wish to call the attention of the Senate particularly to here is this, that whether the preference be given or whether the preference be not given, there is nothing conferring any gratuity, there is nothing in the nature of pension, there is nothing in the nature of gift. The individual is to render a full consideration for that which he receives. The Government is supposed to be in want of service, civil service, and to pay for that service precisely as a private employer is expected to give compensation to those who render a full consideration for what they receive. It is a matter of equality upon the two sides; and the Government comes in and says that the wounded, disabled, maimed Union soldier shall have the preference above all other human beings, whether they be civilians who were never disloyal, whether they may be civilians who once were disloyal but who are now loyal, or those engaged in military service against the country.

This bill, like that provision of the statutes, proposes no gratuity; it merely proposes that as among disloyal persons, the same as among Union soldiers—that is, among disloyal persons who can render service at the present time—those who were in the Confederate army, and who were in that army during the war, and who were disabled in that service, shall have the preference above other then disloyal soldiers and civilians if they are otherwise competent to fulfill the duties required of the appointee to the office to be filled. That is the provision of this bill; no proposition for a gift, no proposition for a pension. We all know that it is almost impossible to get through a bill of any consequence that will secure pensions for the soldiers of the North, those who are preferred by this very statute now on our books; and when this bill was offered, so delicate is the sensitiveness on the subject, so great the apprehension, that to protect themselves from any charge the most remote of doing a thing that could inure to the benefit of disabled men Senators on this floor, themselves Confederate soldiers and disabled in the service of the Confederacy, have risen and said they did not want this bill. They could not offer this bill. We understand very well the embarrassments which might surround them in doing it, and therefore it is idle talk, it seems to me, to say that the passage of such a law as this can be an entering-wedge or an opening to any possible danger of the pensioning of those who were in arms against their country.

But let us look further. It has been stated here on the floor, it was stated by the honorable Senator from Massachusetts [Mr. HOAR], it was stated by the honorable Senator from Connecticut now in his seat [Mr. HAWLEY], that this was a proposition to give civil employment to these disabled men because they rendered service against the country. It does no such thing. It is not a proposition to put them in civil employment because they rendered service against the country. If it be a proposition to prefer them on any account, it is simply a proposition to prefer them because they were brave and ready to risk their lives, and did risk their lives and suffer injury in their persons in combat, for that which they believed to be right; and we would have conferred the same honor or distinction, if you call it that, which I do not—we would have selected them just exactly the same if they had exhibited those same qualities in foreign wars or in the conquest of foreign provinces which we had subjugated in a foreign war. We should have preferred them not because they shot the soldiers of the United States or made war against us as our enemy, but we might well have preferred them for reasons either of state policy or of magnanimity or of charity. We might well have given preference to them from any of these motives or other motives that might be suggested. But it is no preference to them because they had done injury to our country.

There is no principle of that kind in this bill, and no man can find a principle of that kind in it. Precisely the contrary is the idea inculcated in this bill. It provides not that the man who has rendered service against the country shall on that account receive an appointment; by no means. If that were the provision of the bill, instead of the men specifically provided for, those men who were most powerful in their opposition to the country, who contributed most to the injury that was done the United States in that great war, would be the men who would be selected, if that were the principle on which appointments were proposed to be made. But on the contrary, if Lee were still surviving, a Confederate soldier disabled and competent to perform the duties of the position would be selected under the provisions of the bill in preference to Lee. Why? Not to give him distinction and reward for the wrong and injury he had done the country, but for other reasons; for if that were the principle, the man who had done the most injury would be the man first selected, would be the man preferred. As between Stonewall Jackson, who was honest, who lost a limb, who was disabled, and Jefferson Davis, who rendered civil service, but far more hurtful and dangerous than that of any man whatever under arms against the Government—as against that civilian Davis, were his disabilities removed and he now loyal, Stonewall Jackson under the same circumstances would be preferred; but as against them both the poorest private of the Confederate army, if he were disabled and he could stand about these doors or perform the duties of a clerk in the postal service or in any Department here in Washington, would be the man who by the provisions of this bill would be preferred for the appointment.

So, Mr. President, it must be entirely clear that this bill is wholly free from the objections which some Senators have suggested to it, that it is an entering-wedge to pensioning the soldiers of the South, or that it is in any way conferring a distinction upon those who are proposed to be appointed under these provisions because they were enemies of the Union. It is not at all so. It is simply an example of magnanimity, and above all, it is simply, as I look at it, an act not of charity, because we receive all that we give; but it is that good, old-fashioned, ordinary preference, benevolent in its nature, which we give always and everywhere from the natural and spontaneous impulses of the human heart, the better opportunity to the man who needs it the most. That is all there is in this bill, and so far as its effects are concerned, as a question of public policy, I hope and believe we shall be justified by the event in doing it.

I have received since this matter came up many communications, showing that the soldiers of the South are in need of the relief (if it may be so called) such as would be given by allowing them the preference in these appointments. I will read only one or two as specimens. I have here a letter from County Line, N. C., March 20, 1888, addressed to myself, in which the writer says:

DEAR SIR: Allow me to thank you for the generous, magnanimous, and Christian-like spirit that you manifested in our behalf the other day, when you offered a bill showing a disposition to favor a little the unfortunate one-legged and one-armed soldiers of the South. Coming, as it does, from a Northern man and a Republican, it does look like healing the breach. You have struck the key-note that would tell if there were others who had the same soul you have. There are no pensions for us. We went at the call of our governor, just as we would have done had we lived in New Hampshire. Our arms and legs are moldering in Virginia and elsewhere. We had nothing whatever to do with bringing on the fight. Those who did, as a general thing, staid out.

Since you offered that bill I have taken a survey of the field around me. I know of 12 men, 2 Republicans and 10 Democrats, who lost arms and legs, and of the 12 not one of them was twenty-one years old when he entered the army. So you see we were not responsible for the trouble. Many have succeeded in doing well, others have not been so fortunate, and will be hard run in old age. I am a Democrat, have been all the while, but I say if the Republican party

would show the disposition that you have done, the sectional idea would be dissipated quicker than in any other way. The division in politics would then be on live issues, not on past misfortunes. I am glad that I can take any Union soldier by the hand and give him a good, hearty shake. The true soldiers could settle it all. The cowards make the fuss. I am glad to know and feel that when on the battle-field, when Union soldiers fell into my hands, I never failed to give them the contents of my haversack and canteen. I am glad of it now, for they are my countrymen. I do think your efforts in our behalf is a standing rebuke to many of own people, who have a disposition to put in young men to the exclusion of these poor crippled men. May God bless you.

From a crippled Confederate Soldier and Democrat.

P. S. Sentimentalism will say it is all right, but numbers of these men are having a hard time now, and the next ten years will be worse. Those who have professions, and who have been successful, are safe from it.

I shall not take the time of the Senate to read similar communications coming from Virginia and other States, but this is a letter which indicates, I think, to a reflecting mind that the real reconstruction of this country would be very easy to accomplish if there were wisdom, if there were a little inclination among those who could put forth generous offerings to contribute something of the emotions, if you please, that should satisfy the whole country that the masses of the people once more love one another.

I had a conversation only a day or two ago with a man who told me in regard to the young men of the South: "They are growing up, many of them, in the belief that the Northern people still hate them, and there is far too little communication between the two sections." They are growing up with that understanding, and they say that if there were trouble again the Northern heart would turn toward the South with the old feeling of hate. They do not seem to know that the masses of the Northern people, victorious as they have been, carry none of the feelings of the conqueror toward the conquered. They desire most heartily to be reunited, and, as this man suggests, upon the live issues of the day and not upon the misfortunes of the past.

As to the number of men to whom this bill might give relief at the South I have a word to say. In Mr. Spofford's American Almanac of 1888 I find, on page 23, that the number of soldiers in the Confederate service who died of wounds or disease was 133,821, and that is but a partial statement. I think it is ordinarily estimated that on battle-fields five times as many are wounded as are slain, and I suppose it would be an under rather than an over estimate to say that, if in the Confederacy 133,821 lives were lost during the progress of the war, there must have been surviving at the close at least half a million who were wounded. I make allowance for the great fatality among the wounded among the Confederate soldiers, which I am satisfied during the years since the war has been even greater than it has been among the Union soldiers. Making due allowance for that, I do not think there can be any doubt that there must be a quarter of a million at least surviving of the wounded of the Confederacy.

We know how impoverished, how desolate the South was left by the war; how hardly able even the strong were to get the ordinary necessaries of life; but I think there must be a quarter of a million or more of these wounded men. It seems to me not improbable that at least fifty or sixty thousand of them are without arms and without legs, maimed in that regard, and a great many more of the wounded, otherwise disabled from the vigorous prosecution of the ordinary avocations of life, are in needy circumstances. We can not pension those men. We can never do anything for them unless in some indirect manner. We do control the civil appointments. All the way from the war down we have been appointing Confederates when the Republicans controlled the Government, as well as since the Democracy have assumed that control. Grant appointed Ackerman and Mosby. Hayes appointed Postmaster-General Key. I do not know but Longstreet is the marshal of the State of Georgia to-day. He was a Republican appointee. These, one of them a civilian and three soldiers, were appointed by Republican administrations, and in preference over Union soldiers even, who by the law have the preference over everybody. Congress practically pardoned and gave citizenship to the great mass of those who were engaged in the Confederacy on taking the oath of allegiance, and during all the time since they have been loyal to the United States and are entitled to appointments and receive appointments under the laws of the United States, so that to-day I suppose of the appointments made from the lately Confederate States at least ninety-nine out of every one hundred are appointments of men who, if then of age, were loyal to the Confederacy and so disloyal to the Union, whether they served in the army of the Confederacy or in its civil service. It is too late for my Republican friends to say that there is any novel doctrine obtruded in debate or upon the attention of the Senate or of the country in the bill which I have offered.

No, Mr. President, I am not asking in the introduction of this bill that any new thing be done. I wonder if Lincoln, or Grant, or Sherman, or Sheridan, were they members of the Senate, would oppose this bill to-day? If so, upon what principle? Would they not be obliged to contradict every sentiment and every illustration and precedent which the Republican party has written upon the statute-book and upon its own platform in the past, so far as civil appointments are concerned?

I was speaking to this—I have been diverted from the point—that as a reasonable proposition there were probably sixty thousand of these disabled men, poor men, in the Confederate States to-day who served in the Confederate army. Some of these undoubtedly are in the successful prosecution of business, but a vast number of them are unquestionably in need. Consider how our own one-legged and maimed soldiers would have been situated in the North if they had been without assistance all these years. What would have been their condition even with the vast resources and great opportunities of the North? On the other hand, the South, greatly more impoverished than was the North by the war and a much larger proportion of her fighting men disabled and destroyed by it—what, I say, must have been the condition during all these years of those crippled Confederate soldiers, loyal as they are now and have been since the close of the war?

I find from an examination of the report of the Senator from Missouri [Mr. COCKRELL] that there are in the classified post-office service alone 94,000 appointments. How many of these are postmasters? How many are postmasters in the South? It is but fair to suppose that at least one-third of them are appointees in the Southern States.

Here are the Departments, and all the way throughout the tremendous operations of our Government there are to be found employés who come from the Confederate States, men who were in the Confederate civil and military service, men who are now loyal, and we are appointing them every day. If we had a law enabling our appointing officers to stand up against the importunities of the hungry people, the appeals of those men who are able to obtain favors—and we know something of them at the North—if they had a law which would enable them at the South to insist upon the patronage of the Federal Government at the South being applied in a way to give assistance to this class of appointees, the crippled Confederate soldiers, would they not be likely to get more of it than they now do?

Under the figures I have given in regard to the appointments that are within the disposition of the Federal Government, is it not clear that the appointments could be used with great effect in this beneficial way? In the Army are 28,000 and in the Navy 11,000 men, making almost 40,000 men. The total number of appointees, or those deriving salaries and pay from the United States, is 171,846, the total employés of the several branches of the civil service, 132,072. So I submit that if we had such a law as I have proposed in this bill we would be able to supply without any pension the necessities of crippled soldiers in the Southern part of our country.

I admit it may be said that they are no better than other men who are crippled; they do not need employment more than others who are equally poor and equally disabled; but I must confess to myself that I think it would be a wise public policy, that it would tend to the permanent reunion and the permanent endurance of the institutions of this country, if we would show a little magnanimity towards these impoverished, these crippled soldiers of the South. I think there is a wise public policy in doing it. We know how it is. Those States went out as a whole, and there does not seem to be any use whatever in undertaking to discriminate against them now since they have come back in a condition of loyalty to the United States. We can well give way to such motives of generosity, of magnanimity, of admiration for brave deeds as we may see fit and may think wise. It is with these views that I offer this bill.

THE WIND AND THE SUN.

A dispute once arose between the Wind and the Sun which was the stronger of the two, and they agreed to put the point upon this issue that whichever soonest made a traveler take off his cloak should be counted the more powerful. The Wind began and blew with all his might and main a blast, cold and fierce as a Thracian storm; but the stronger he blew the closer the traveler wrapped his cloak around him and the tighter he grasped it with his hands. Then broke out the Sun; with his welcome beams he dispersed the vapor and cold; the traveler felt the genial warmth, and as the Sun shone brighter and brighter he sat down, overcome with the heat, and cast his cloak on the ground.

Thus the Sun was declared the conqueror; and it has ever been deemed that persuasion is better than force, and that sunshine of a kind and gentle manner will sooner lay open a poor man's heart than all the threatenings and force of blustering authority.

This bill, introduced in the usual way, was objected to and went over to the second day, when I understood, as I think the RECORD will show, that I moved that it have its second reading and be referred to the committee. That was the motion which I intended to make. I am corrected by being told that the motion is to proceed to the second reading of the bill. If this bill should be read the second time, I will move its reference in the ordinary manner to the Committee on Civil Service and Retrenchment.

Now, Mr. President, I wish to remind the Senate that this debate has arisen in an unusual way; that it does not give a fair opportunity for the consideration of the bill upon its merits. A bill is in the nature of a petition, and it is understood by the universal practice, by the spirit of the law of petitions, that it should receive consideration in the usual way.

If this were a proposition to destroy the Government and subvert the Constitution, if it were full of treason, it might be well that it should not be received or entertained at all; but I can present my petition including every idea in this bill and remove every objection. I place it in the form of a bill and ask its reference, such as would usually be accorded to a petition. If the action of the committee shall be adverse, it will be simply the usual action in regard to three-quarters of the measures which are offered in the Senate and in the House. But why this bill, which embodies no wrongful idea—and if it does it is so difficult to detect that I am unable to see it—should be selected for objec-

tion on its second reading, when I do not recollect during the short period I have been in the Senate any such rejection, I am wholly at a loss to understand. I hope the Senate will give the usual hearing to the bill. I remember that when the Senator from Connecticut [Mr. PLATT] only a little while ago introduced a bill for the prohibition of the ordinary trade in intoxicating liquors in the District of Columbia, it was denounced from one end of the country to the other by a very large class of people as a violation of the great rights of personal property and personal liberty, but it went to the appropriate committee, as innumerable bills of the kind have gone to committees and are still in committee, as I understand. I do not know that a single member of the District Committee favors that bill, and no report has yet been made.

No more serious charge can be made against the bill I have offered here than has been made against the Senator's own bill, which I favored myself. I have stated my profound conviction that this is a wise bill to make into a law. If the Senate refuses to consider it, that may become a precedent that it will be very difficult for us to follow. I desire this bill, which embodies my sentiment, to go to a committee in the ordinary form, and I hope the Senate will hesitate before it denies that request.

Mr. EDMUNDS. Mr. President, as to the courtesy of this business, the rules of the Senate for now nearly one hundred years have provided that every bill should go through the very test that this one was going through before it should be read a second time. It is not usual here, it is true, that discussion upon the merits of a bill is had on the second reading, for reasons of convenience; but in most parliamentary assemblages in civilized countries the chief discussion upon the broad merits of bills is had on the question, "Shall the bill be read a second time?" There is, therefore, on a measure of this importance, no want of courtesy in taking the sense of the Senate on the propriety of reading this bill a second time.

Mr. BLAIR. Will the Senator allow me to ask him a question? In parliamentary procedure is it customary to discuss a bill on its merits in the body at large before its reference to a committee?

Mr. EDMUNDS. I think it is, most decidedly.

Mr. BLAIR. And refer it to a committee afterwards?

Mr. EDMUNDS. Depending on whether it gets through the second reading. We do not generally refer a bill if the parliamentary body refuse to read it a second time. When a measure is proposed that is so strange and so unique and so important as to attract attention upon its broad merits which do not need the detailed consideration of the body that it is brought before, then it is not only right, but it is wise that the principles of the bill should be considered, and if they are thought to be vicious, that it should be made an end of then because there is no need of an inquiry by a committee which can be better employed in doing something else, it is ended at once. So much for that.

Mr. President, this bill is either a bill which in terms confers a benefit upon a particular class of persons on account of the particular quality and relation that they occupy as described, or it is a mere sham and a humbug—one or the other. My friend from New Hampshire has shown that this bill would be undoubtedly a great benefit to the particular class of persons who are described in it. It is not, therefore, a sham and a humbug, but it has deep strength in it, and deep importance in it, and a great principle.

We have now on the statute-book the law that he has read, saying that a particular class of the citizens of the United States who have distinguished themselves in fighting for their country shall be preferred in a certain class of Government employments. This bill declares that a particular class of citizens of the United States who have distinguished themselves in fighting against their country shall be in like manner preferred, and for the same reason. That is the proposition.

Mr. BLAIR. That is not the proposition.

Mr. EDMUNDS. The Senator will pardon me. As I have only got four minutes, I will say my say and he will have an opportunity to reply.

If you take out of this bill the pivot and the key of it, that these citizens so named served against their country in trying to overthrow it, then you have got a bill of simple authority to persons who were maimed or wounded that they shall be employed in the public service. They exist in every part of the country, and always have, without regard to military service on either side, and always will.

All there is in this bill is exactly the reverse of and in the face of the proposition that now stands on the law that because certain other citizens of the United States fought for their country they shall be preferred, and this bill is based upon exactly the opposite principle, and no other, that it is because these gentlemen served against the country that they are to be preferred in public employment. I think it safe to say that no such proposition as this was ever made in a legislative body in the world before, and I wish I might say—although I am getting too old to be astonished at anything—that it is probable that no such proposition will ever again be made in any legislative body in the world, for it destroys all distinction in respect of patriotism and the reverse; and it would be equally true if these persons here named had been the subjects of a foreign prince who had fought in public war against the United States and had now come here and were citizens of it, and it should then be a proposition that those subjects of Her Majesty the Queen of Great Britain, Empress of India, etc., who in the last war had fought against the United States but were now here should be preferred on that account!

The proposition, I may say with great respect to my friend from New Hampshire, is to my humble comprehension a simple monstrosity. It destroys all distinction between upholding a government and overthrowing it. I am not now at all upon the question of the sincerity of these gentlemen or the intrinsic justice of their cause even, as many of them believed undoubtedly that there was intrinsic justice in it; that has nothing to do with the question. It is the question of whether you can put upon the legislative acts of a sovereign State a premium and a favor for and in behalf of the people who have served against it on that ground.

Nobody objects to Confederate soldiers or Confederate citizens sitting in this Chamber. They do not sit here because they were such. They sit here because the period of that hostility to the United States has gone by. They stand just like every other citizen, no better and no worse. That is where they stand. If that be so, the illustration of my friend that General Grant appointed men who had been Confederates, and that this Administration does it, and all that, has no bearing upon the question at all. General Grant did not appoint those men because they had been Confederates. He appointed them because they were useful and honorable and patriotic citizens of the United States when he appointed them; and so the States have appointed gentlemen whom I see here in the same way, and so the present Administration appoints people who were in the rebellion in the same way, not because they were in that, not because they have a right to be rewarded for it now either by administrative action or legislative authority, but because there is oblivion on that, and without regard to their previous history in that respect they are common and equal citizens, with equal rights with anybody else.

That is the distinction, and I hope, therefore, that the Senate will not take the fatal step of reading this bill a second time.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business of yesterday.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had yesterday approved and signed the act (S. 2494) to provide for the payment of the funeral expenses of the late Chief-Justice of the Supreme Court.

AMENDMENT TO A BILL.

Mr. JONES, of Nevada, submitted an amendment intended to be proposed by him to the bill (S. 2440) for the relief of the State of Oregon; which was referred to the Committee on Claims, and ordered to be printed.

FUNERAL OF CHIEF-JUSTICE WAITE.

Mr. SHERMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That a committee of five Senators be appointed by the Chair, whose duty it shall be to accompany the remains of the Chief-Justice to Toledo, in the State of Ohio, and attend the funeral there.

The PRESIDENT *pro tempore* subsequently announced as the committee authorized by the order of the Senate to accompany the remains of the late Chief-Justice and to attend the funeral at Toledo Messrs. SHERMAN, ALLISON, EVARTS, GEORGE, and GRAY.

Mr. SHERMAN. I move that the Senate meet at 11.30 o'clock a. m. to-morrow.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that when the Senate adjourns to-day it be to meet at 11.30 o'clock to-morrow morning.

The motion was agreed to.

PURCHASE OF BONDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5034) to provide for the purchase of United States bonds by the Secretary of the Treasury.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The pending question is on the amendment proposed by the Senator from Nevada [Mr. STEWART].

Mr. MCPHERSON. I ask that it be read.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. It is proposed to add to the bill as additional sections the following:

SEC. —. That any person may deposit at any mint or assay office of the United States either gold or silver bullion, or both, in quantities of not less than 5 ounces of gold or 80 ounces of silver, and demand and receive coin certificates therefor. The price to be paid for gold bullion, in exchange for certificates, shall be at the rate of $1 for 25.8 grains of gold nine-tenths fine; the price to be paid for silver bullion, in exchange for certificates, shall be stated by the Secretary of the Treasury on the first and fifteenth day of each calendar month, and when either of these days shall fall on Sunday, or any other holiday, such statement shall be made on the following secular day, and the price so stated shall be equal to the average quotations of silver in the New York City market during the fifteen days next preceding such statement: *Provided*, That the price stated by the Secretary of the Treasury shall not exceed $1 for 412½ grains of silver nine-tenths fine. Bullion below the standard value deposited under the

provisions of this section may be reduced to the required fineness at the several mints and assay offices of the United States, under regulations prescribed by the Secretary of the Treasury, at the same cost to the depositor as is now charged for reducing gold bullion to the standard required for coinage.

SEC. —. That the coin certificates issued under the provisions of this act shall be of such denominations as the Secretary of the Treasury shall prescribe: *Provided*, That they shall not be of less denomination than $1 or more than $1,000, and that one-half of the amount issued shall be of denominations less than $50, and shall be redeemable in gold or silver coin at the option of the United States. And the Secretary of the Treasury shall cause to be coined from time to time such portion of the bullion deposited under the provisions of this act as may be necessary to enable him to furnish coin for the redemption of such certificates. All coin certificates issued under the provisions of this act shall be a legal tender at their nominal value for all dues, public and private, except where otherwise expressly stipulated in contracts heretofore made.

Mr. TELLER Mr. President, the financial discussion which has been precipitated on this bill, it seems to me, might better perhaps have been deferred to another occasion. While I agree with the Senator from Nevada that silver should be accorded such usage as it is entitled to as a money metal, I doubt whether it is wise to put that measure on this bill, and I should much have preferred that the Senator from Nevada had reserved his amendment for another bill that is now pending, and upon which it might be put, it seems to me, with greater propriety. But I can not refrain from dissenting from some of the views expressed here yesterday by Senators who spoke on this bill, more particularly the Senator from Connecticut [Mr. PLATT], who then declared that the fall in silver had been produced by overproduction, and that nobody would deny it. I want to say that I do not believe there is a person whose judgment is entitled to any consideration whatever in this country, save and except those connected with the executive department of this Government, aside from the Senator from Connecticut, who will seriously make that statement.

I did say yesterday that I denied it when he said nobody would deny, and I said I would endeavor to show that it is not correct. I do not intend to be led into a general discussion of the silver question, but I do want to put on record my denial that the divergence between silver and gold is the result of an overproduction of silver, and to say that I do not believe, outside of the executive department of this Government and outside of the officials of the United States, there can be any man found whose judgment is worthy of attention or consideration who has not long since abandoned that view, if he ever entertained it. Silver has not fallen. I deny that silver has fallen. I know that it will not buy as much gold as it would buy in 1873, but, as the Senator from Nevada said yesterday to the Senator from Connecticut, it will buy more wheat, it will buy more corn, it will buy more land, it will buy more ships, it will buy more manufactures, and it will buy more of everything to-day than it would when it was exchangeable 15½ ounces of silver for 1 ounce of gold.

When I make that assertion I do not make it upon my judgment or upon proofs that I have collected, but I make it upon the judgment and the testimony of men who have made this a subject of life study. I said that we might find this charge made by the Executive of the United States, and we find it made by more than one Secretary of the Treasury and by more than one Treasurer and by more than one other public officer of the United States. But the opinion of the world everywhere where this matter has been studied and thought upon is that that is not the true cause of what is called the decline in silver.

I repeat, then, Mr. President, that there has been no fall in silver, but there has been a divergence between silver and gold. And now, not taking up perhaps in the order which I should do if I were entering upon an intelligent and thorough discussion of this question, but going directly to a statement made by the Senator from Connecticut that it was the overproduction of silver which caused its decline in value, let me inquire when did this overproduction commence? And let me inquire who is entitled to say how much silver the wants of mankind require? When silver was demonetized by the United States, when it was demonetized by Germany, had there been any great overproduction? There had been practically no increased production of silver, and the only increased production that there had been anywhere was the increased production in the United States. Practically silver had remained as to production unchangeable in all other parts of the world, and nobody will pretend that when silver was demonetized there was even the pretense in the mind of any man who claimed its demonetization that there was an overproduction. That was an afterthought that came in to justify the act, and was not the moving cause. I need not go into an argument to show why. I have done that before and it has been done by others, and it never has been met by those who claim that silver was not a fit money metal. It never has been claimed by anybody that the facts have not been fairly stated.

I need not go into all the minutiæ of it to show how this was done. Everybody knows that it was moved by the conference of 1867, when silver was worth as much as it had been for fifty years previously; and when that conference met and proposed a single coin it was not upon the theory that there was then or was likely to be an overproduction of silver. It was on an idea first initiated and started by doctrinaires, by men who thought it would be a fine thing to have all the coins of the world of one stamp, of one weight, of one fineness, and of one value. That idea was seized and pressed by the men who held the money of the world, because they saw that it would enrich them, because they saw that if they could destroy one-half of the money of the world as then recognized the effect would be to double the value of all they possessed. The men holding securities, the men holding bonds, the men holding debts against countries and against individuals were those who were interested in the demonetization of silver. It was not demonetized because silver was being poured into the markets of the world in excessive quantities; for up to the time it was demonetized there had been scarcely a perceptible advance in its production, as the Senator will see if he studies the reports on that subject. The Senator from Connecticut said:

I am going to stand by this until somebody shows me that I am wrong, that silver has declined because there has been more produced of it than could be coined under the demonetization of silver in Europe, under our laws for coinage, and than could be used in the arts and manufactures. In other words, more silver was produced than there was use for. I think that will not be denied.

I felt inclined to challenge the statement, and I said:

I will take occasion to deny it if I can get the floor, and I think I can show that there is not the slightest foundation for that statement.

Then the Senator said:

Mr. PLATT. Very well. If that be true, silver is different from any other commodity on earth. When there is a full demand for a commodity the price increases; when there is not a sufficient demand for the production the price decreases; and I shall look with interest to facts and figures which overthrow this universal law with regard to prices.

Nobody had assailed this "universal law;" nobody had asserted that this was not a "universal law" applied to commodities; and nobody had denied that it might be applied to silver. But while the proposition is practically true, it has no application to this case, because the demand was not allowed to exist. The contention between the Senator from Connecticut and myself is this: He says that silver has diverged from gold, and has now ceased to be as valuable when compared with gold as it formerly was, because there is too much of it. I say it has ceased to be as valuable when compared with gold as formerly, not because there is so much of it, but because the function which has made it valuable for the time has been taken from it by law; and that is the consensus of opinion of intelligent people of the world. The men who control the Bank of England and the men who carry on the great industries of that country are a unit on that point. I refer not to the men who own the debts, not to the men who live upon fixed annuities and fixed incomes, but the men who carry on the industrial enterprises of the world and who have studied this question months and years where anybody here has studied it an hour.

Mr. President, what is the value of silver? You may make teaspoons and table-spoons of it, and trays, and a few things of that character; but what is its chief value and what has been its chief value? It is to be used as money by men; it has been always uniformly the money of the people. It has been put into a shape to be transferred from one man to another in payment of debts. It is useful for its purchasing property. It has been the equal of gold on a ratio either fixed by the consent of the seller and purchaser, or fixed by the decree of the legislative mind; and when it had its principal use as money, when it was undisturbed by legislation as it had been undisturbed for many years, there was no question but what it performed its duty as money as readily as and even more readily than gold. To-day, notwithstanding its degradation, it is in the hands of more people discharging the money function than gold, three to one. It is the money of the common people, and it is the money of commerce as it has been for thousands of years.

I do not intend to rely upon my own statement; I propose to call the attention of the Senate for a few moments to some authorities. I do not intend, as I said, to make an extended speech on the subject, but I intend to call the attention of the Senate to the testimony before the royal commissioners in England where men of world-wide reputation were brought before that commission, men who testified that they had given this subject their attention, some of them forty and fifty years.

I think I shall prove without any very great waste of the time of the Senate that the opinion of men who are entitled to consideration before that commission was in favor of the statement I have made. I suppose I need not go into any explanation of the organization of this commission and the high character of the men who sat upon it, brought about by the dissatisfaction on the part of that class of men whom I have named who did not own securities but did the business of the world, that the commerce of Great Britain was being destroyed by the failure to use silver as money, not in Great Britain alone but all over the world.

Before that commission appeared various gentlemen invited by the commission, among whom was Mr. Sauerbeck, who testified as to his experience. He stated first the amount of silver and gold in the world and then was called upon for his opinion. He gave his views of why the divergence existed between silver and gold. He gave various reasons why it had been intensified and increased, amongst others that there had been a demand for new gold growing out of the fact that many countries like the United States which had been using paper, like Italy, which had been using paper, and other countries had called for and were calling for gold, $1,000,000,000 of gold that they did not need or did not use as money a short time before. He was asked this question:

I thought I understood you to say it had depreciated with regard to commodities, owing, no doubt, to change of currency in Germany and Italy?

This was silver. He answered:

I did not fully understand your question. It has fallen about 20 per cent. and commodities 28 per cent., which is very near.

Mr. Tidman was before the commission. He stated that the price of silver had fallen because of the demonetization, because it had been denied access to the mints of the world, and then was asked this question:

You said that the price of silver, I think, necessarily fell when the coinage of that metal was suspended in France and elsewhere in 1874.

He answered "Yes;" and his examination proceeded:

You are aware, no doubt, that in 1878 the coinage of the silver dollar in the United States, which had been suspended, was resumed under the Bland act?—Yes.

You are aware also that the market price of silver in 1878 was at the time of the resumption of the coinage of the dollars about 54*d.* per ounce in the London market?—Yes.

And you are also aware that it has fallen now to 47*d.*, notwithstanding the fact that the United States during the whole of that period has been coining almost £5,000,000 sterling a year in silver dollars?—Yes.

Then is it possible to say that the action of any State as regards coinage could affect the silver market in the way that you thought probable?

I think you will find that, allowing for the coinage of the $2,000,000 per month under the Bland act, and the amount of silver which had been coined by the Latin Union previously, there has been an enormous diminution of the amount of silver used for coinage in spite of the Bland bill operation.

* * * * * * *

Does it not strike you as curious that since the coinage of silver was absolutely increased by £5,000,000 sterling a year the price should have fallen, and fallen almost continuously ever since to 47*d.* per ounce?

Not unless you show that the amount of silver taken for the United States is far more than the diminution caused in the demand for it elsewhere.

Later on, in reference to this, the examination proceeded:

The CHAIRMAN. I do not think that you quite understand the question. All the causes that tended to produce the depreciation of silver came into operation in 1874; at any rate before 1878. There was one cause that tended in the opposite direction, and that came into operation in 1878—

Referring, of course, to our Bland bill—

do you not think it a remarkable fact that the chief fall in silver has taken place since the one cause that would tend to its appreciation has been operative?

I think that so far from all the causes of the depreciation of silver having been exhausted prior to 1878, they were more powerful after that period. Prior to 1878 the price of silver had been forced down by the sixty millions sold by Germany and the fear of a further unknown quantity being forced off. But during the five years up to 1878 the coinage of silver went on. In America it was eighteen and one-half millions, in Europe twenty-four millions, showing an annual consumption of eight and one-half millions—

That is during the five years preceding 1878—

Whereas in the past seven years, from 1878, no silver was coined by the Union, and the demand was limited to thirty-five millions in America and thirteen millions in Austria, reducing the annual demand to seven millions. Other causes were at work from 1878.

I have one or two more extracts to read upon this subject. It would be interesting to read pages of this testimony where these intelligent men give their opinion before the royal commission, I will read one or two more. Mr. Provand, a member of Parliament, was sworn:

Q. Have you formed any opinion as to whether this difference in exchange arises from what people ordinarily call, whether correctly or not, appreciation of gold, or from depreciation of silver?

A. Well, it would be more accurate to say that gold has appreciated because, although it is true that silver has fallen relatively to gold, it has not fallen relatively to everything else.

Then he proves it. Mr. Nicholson, who was a doctor of laws, and who was examined as to his qualifications to speak on this subject, testified. The chairman asks:

First of all, with regard to the fall in the gold price of silver, will you state what, in your opinion, has been the cause of that fall?

Mr. Nicholson answers:

Briefly expressed, I should say it was due to the demonetization of silver by several nations.

That is to say——

The chairman asks:

to a diminution of the demand?

A. Yes. I do not think, that is to say, that the change that has undoubtedly taken place in the supply would in itself have had any effect upon the ratio at all.

I wish to stop right here a moment and speak about the inconsequential amount of silver that has been produced. Up to 1873 there has been for fifty years on an average $50,000,000 of silver a year produced. That is the most liberal estimate made by our authorities, and in my judgment, and in the judgment of men better qualified to pass upon this question than I am, this estimate has always been in excess of the actual amount of production. It was not until 1881 that the production reached $96,000,000. What is an increase of $45,000,000 or $46,000,000 upon the $3,500,000,000 of silver in the world? Why, Mr. President, it is a mere nothing. It has no perceptible influence upon the great mass of silver, nor does $100,000,000 have.

Silver and gold are valuable as a circulating medium for money because it is impossible, in the nature of things, that there shall be an overproduction of either silver or gold. There is no danger of an overproduction, and there has been no danger of an overproduction. If there had been an honest administration of the finances of this country, as there ought to have been, there would not have been anywhere in the world the suggestion made that there was an overproduction of silver. I intend to show before I close that the sentiment which has pervaded some of the financial circles of the world to the effect that there is an overproduction of silver, has come from the declaration of American statesmen unsupported by facts.

In the discussion of this question we are not without authority upon this very point, showing that if there is an increase of silver from $50,000,000 to $150,000,000 it is not sufficient to make any impress upon the great store of silver. Gold jumped in a decade from $15,000,000 a year to $200,000,000; and did it destroy the usefulness of gold as money? It is true that men then holding the securities of the world, men who lived upon fixed annuities, men who held the debts of the world in their hands, and collected toll from all the industries of the world, got together and proposed to demonetize gold, just as they proposed afterward to demonetize silver, which they succeeded in demonetizing, and they did it for the express purpose of enhancing and increasing the value of their property.

Mr. FARWELL. May I ask the Senator a question?

Mr. TELLER. Certainly.

Mr. FARWELL. The Senator has stated that silver was demonetized in 1873 for the interest of the bondholders. Was it not the fact that at that time silver was worth 3 per cent. more than gold?

Mr. TELLER. I understand that that is true. I do not charge that it was done for the benefit of American bondholders. It was a movement as wide as the world. It was a movement among all civilized people. For years the moneyed interests, not of this country but of the world, had been moving for the purpose of destroying one-half of the money of the world, and they did not care which half. It was not on account of hostility to silver; it was because of no desire to beat down the white metal and put up the yellow, save as it put money in their pockets.

Mr. JONES, of Nevada. I should like to suggest, in reply to the Senator from Illinois [Mr. FARWELL], that the Government of the United States took good care at that time to exercise its option in paying its fixed indebtedness in the cheaper metal, which it has refused to do since.

Mr. TELLER. There was not a bondholder in the United States who would not have been glad to have taken then silver for his coupons and his bonds. He could have sold every silver dollar that he got for 3.42 cents more than he could have sold his gold dollar. So I do not charge it upon the bondholders alone; I charge it upon the moneyed men of the world. It was first started, as I said, by the doctrinaires, and the opportunity having been thus presented they seized it, and they have made themselves felt everywhere, as I have had occasion I think before to show, while the people whose interest was being thus destroyed were doing other things besides looking after legislation of this character. I repeat they were not particular which money they demonetized. The object was to put the business of the world upon a basis to be done with half the money with which it had hitherto been done.

In addition to what I have said on the increased production of gold, from $15,000,000 a year to $200,000,000 a year, not having destroyed the usefulness and value of gold because of the vast store of gold in the world, which was so great that the $200,000,000 annually had no perceptible influence upon it at all, I desire to call the attention of the Senate to a statement made by Mr. Nicholson, from whom I have just quoted in support of the allegation I made that the amount of silver which had been produced could not thus alone affect and create the divergence. Mr. Nicholson was asked this question:

But taking the statistics to which you have had access, do you come to the conclusion that you have expressed on account of the small extent of the increase of the supply?

And he answered:

No, not on that ground, but partly from theoretical reasons and partly by analogy from former times. For instance, in the sixteenth century the relative production of gold and silver was suddenly reversed, silver becoming much more abundant, and yet the disturbance in the ratio was only from 11 to 1 to 12 to 1, although there the difference in the production of silver and gold changed from about 1 to 3 to 3 to 1.

Here under no pretense has it changed anything relatively as much as that. I will read what Mr. Nicholson says again in answer to a question. The chairman asked:

Then I understand your view to be this, that the change in the supply in the direction of increase, though it has been much less than at the date you have mentioned, has produced a much greater effect, and therefore you do not think that the effect can be attributable to the increased supply?

Mr. Nicholson answered:

Yes, that is my position. In my paper on the effects of the great discoveries of the precious metals I have quoted the statistics on pages 46 and 47 of the production in the sixteenth century and in the nineteenth century. At page 46 I give the proportional amounts.

Then he quotes from it:

According to the latest and most carefully compiled statistics I have been able to obtain, in an essay by the celebrated economist, Professor Nosse, the facts of the case in the sixteenth century are broadly stated as follows: At the commencement of the sixteenth century the relative production of silver compared to gold was about 34.3 silver to 65.7 gold, and the relative values of the two metals were in a ratio of nearly 11 to 1, the highest computation for the value of silver being 10½ to 1—that is, 10½ to 11 ounces of silver were worth 1 ounce of gold. In the course of the century the proportion of the production of silver to gold rose to 78.6, as compared with 21.4 of gold, and the ratio of the the relative values became only by gradual stages 12 to 1, the relative positions of gold and silver, as regards the total production, changing in the mean time.

Among others was Mr. Grenfell, who appeared before this commission, a former director and I believe president of the Bank of England, a man who, unlike very many men who pass judgment upon this question, had devoted a life to its study. One of the members of the commission asked the following question:

You said just now that you thought the disturbance in the relative value of gold and silver was due mainly to the changes made in foreign mint regulations?

Mr. Grenfell answered:

Yes, or laws relating to "the standard."

The examination continued:

Q. But are there not also natural causes for such a disturbance in the amount of silver and gold which has been produced of late years?

A. What do you mean by natural causes?

Q. The amount of gold and silver which has been dug out of the earth.

A. As long as the mints were ready to coin either metal it did not matter how the production varied.

Q. Then you think that it would have made no difference if the foreign mint regulations had remained as they were; that the production of silver in the world has increased from the date of the great gold discoveries from £8,000,000 to £25,000,000 a year, while the production of gold has fallen from £30,000,000 a year to about £20,000,000?

A. Upon the figures you give me prices ought to have risen under the old arrangements. The variations of the supply in quantity of gold and silver between 1873 and 1884 have varied much less than they did during the time that prices did not change at all.

Mr. Smith, a member of Parliament, was asked this question:

But, except the monetary change in 1873, there has been no particular change since, has there, affecting the precious metals?

To that he answered:

Since 1873 there has been a great reduction in the amount of the precious metals available for money in Europe, a very large reduction indeed, and it has arisen from two causes; first of all, the mints of Europe have been virtually closed against silver since 1873 and 1874.

Mr. Smith, when asked in reference to the volume of money and the cause of depreciation or divergence between silver and gold, said:

Well, since 1873 that volume has been greatly restricted; the gold supplies have fallen off. They have only averaged about £20,000,000 a year. Silver has been demonetized, or at all events is no longer coined as money throughout Europe, and out of that £20,000,000 a year of gold one-half at least is consumed in the arts, and disappears altogether from use as money, and of the other £10,000,000 that remain India takes £4,000,000 upon the average, reducing the total amount available for Europe, America, and the colonies to £6,000,000 a year.

Or $30,000,000. I will read what he said afterwards, when he was asked the following question:

One question as to the future of silver: What do you apprehend is the future of silver likely to be, assuming that nothing is done to restore it to its former position?

He answered:

Well, the view I take is that we can not remain where we are; we are upon an inclined plane. Silver must either be a monetary metal, or else it will cease to be used altogether as money; and undoubtedly if this conference breaks up and pronounces an adverse judgment, I think that further demonetization of silver will take place within a few years, which will push it to a still lower level. I can see no limit, in fact, to the depreciation of silver if it ceases to be used as a monetary metal by the principal nations of the world.

This commission was not organized in the interest of the people who believed in silver. It was organized by the British Government in response to a demand from the public, not the producers of silver, not people who had any interest in keeping up silver, but people who had an interest in having money sufficient wherewith to do business and to keep the industries of that and every other country alive. I could read very much more. Mr. Gibbs, whose testimony I do not seem to have marked so that I can readily put my hand upon it, also a former president of the Bank of England, and a director of it at the time, testified to the same effect, that the depreciation of silver or the divergence between silver and gold was not caused by the overproduction of silver. Not a man who went before that commission suggested, so far as I can find in the record, that there had been an overproduction, while they all insisted that the demonetization, and that alone, was the cause of its divergence.

I said before that the principal use of silver is for money. Of course some of it is used for ornaments and some of it for table ware. A good deal of it of course is used in the arts. It is estimated that of the $160,000,000 produced from $30,000,000 to $35,000,000 are used for those purposes, $5,000,000 alone being used in the United States according to the very lowest estimate that anybody has made. The estimate has reached, by some officials, as high as $10,000,000 a year, but I find the people who ought to know upon this subject, whose testimony was taken by this commission, said that in the whole world the amount must be in the neighborhood of from $30,000,000 to $35,000,000.

How much silver has been produced at any time in one year? The most extravagant statement ever made by anybody is $120,000,000 a year. That probably is $20,000,000 more than ever was produced. But let us assume that $120,000,000 was produced in the whole world in one year; how much of it goes to India, where it disappears and is never again seen in the marts of commerce or trade? How much of it goes to China, how much of it goes to Turkey, and never reappears among civilized people? How much of it goes to the practically unknown regions of Asia, commercially speaking? Not less than from $20,000,000 to $25,000,000 of silver every year disappears from the regions of commerce and trade, as much so as if it were sunk in the depths of the sea.

Mr. JONES, of Nevada. I think $40,000,000.

Mr. TELLER. I put it at $20,000,000, and the Senator from Nevada says $40,000,000. I say $20,000,000 because nobody has ever put it at less than $20,000,000. Thirty-five million dollars more of silver has been used in the arts. There you have nearly one-half of the world's production. With all the increased commerce, with the opening up of new countries, with the increased production which requires always increased money to handle it, can it be said by anybody with any degree of truthfulness that there has been an overproduction of the white metal? Not at all, Mr. President. I repeat what I started out with saying, that the consensus of mankind outside of this limited region of ours has been that the fall in silver has not been because of overproduction, but because of the demonetization, and that alone.

I will admit that there has been in some sections of the world a fear of overproduction. I will admit that in some sections, in England, in France, in Germany, there has been a thought that there might be an overproduction, and it is said, you know, that capital is very timid and very scary, and the men who own the money of the world have been somewhat fearful that the money of the world would be cheapened. But what is the fact? Take the £60,000,000, or the $300,000,000, that Germany put on the market. If you had listened to the voices that I heard in this Chamber in 1878 you would have believed that Germany had a thousand million dollars of money ready to put on the market. She had already put $300,000,000 on the market, and she has put none on it since, notwithstanding I heard it reiterated over and over again that if we passed the Bland bill all the silver of the world would come here, and Germany would overwhelm us and all other regions with her surplus silver. How much surplus silver has Germany to-day? The best authorities put it at less than $200,000,000, and she could not spare a dollar of that if she should try. One hundred and seven million dollars of her $200,000,000 is coined at a rate that would lose her 7 per cent. if she should come here to our mints and coin it free of expense.

There has been some fright, as I say, with reference to the amount of silver that might be put upon the market; and the Senate has contributed more to that fright than any single agency except it be the President of the United States and his financial officer; and there is where it has come from, and there alone. We sent over to Europe a commission for the purpose of getting up an international agreement with reference to the use of silver, and we have sent those men there with a declaration which followed them every time they went, from the executive department of the Government and from voices in this Chamber, declaring that silver was to be overproduced and that we in this country had more silver than we could dispose of. We created the impression abroad that we were anxious for an international arrangement simply that we might dump our worthless silver upon those countries.

Mr. President, I do not intend to arraign this Administration for doing precisely what my own did, but I think that this Administration perhaps has intensified the conduct of former administrations in that particular. It has made a pretense which the others did not, of friendship to silver, a pretense so bald and so barren that nobody has been deceived by it in any portion of this country, and yet it has undoubtedly deceived some people in other portions of the world.

First we had Manton Marble sent abroad to make an arrangement by which silver should be reinstated in its old character, to make an arrangement by which the mints of the world should once more be opened to silver as they had been from the dawn of civilization, since mints had been known. Who was Manton Marble? Was he a friend of silver? Was he a man who believed that silver was a suitable metal for money? On the contrary, was he not one of the most pronounced opponents of the use of silver here and everywhere else that there was on this continent? Was it supposed that he, with his prejudices and hostilities, could go to Europe and convince the European world that he wanted the international conference in the interest of commerce and trade, and that alone? If you send a man to make a negotiation you want a man who wishes to have a negotiation made. If you send a man to accomplish a certain thing, you want to send a man who believes that the thing ought to be done. You do not send a man to make an agreement who believes that an agreement would be prejudicial to your interest. You do not send a man in good faith to help make an international agreement who believes that it would be wicked in a financial point of view to make such an agreement. Yet Mr. Marble went over to Europe and came back, and what did he do? He did not even deign to make a report of what he had done. The Secretary of State sent out a report, not that Mr. Marble had made, but one that somebody else had made.

Then we sent abroad another man in the interest of silver, a man who appeared before the committee of which the Senator from Nevada [Mr. JONES] was chairman, and who gave testimony before that committee which I think the Secretary of State and the President must have read before they sent him, a man who testified that silver would be produced in such quantities that it would be useless as a money metal, who stated that in many parts of the world they had built fires of cordwood against the cliffs and melted it out as you would melt your iron in Pennsylvania or West Virginia; and yet he went abroad as the agent of the Government of the United States to make an international arrangement by which silver should be used not only in Europe but here, to make an arrangement by which the mints should be opened every-

where to silver. He did not succeed. Did anybody expect that he would? Then he came back and told us that it was not worth while to make any further effort; that no considerable portion of the world was interested in silver except our own country; that there was no considerable interest felt in it anywhere except in the United States; and that statement was made in view of that royal commission sitting at the very time he was perambulating Europe in the interest, as was said, of an international agreement!

But, Mr. President, he gave us some good testimony, to which I propose to call the attention of the Senate for a moment. He is not without ability, as everybody knows, and he was able to determine some things, which he did. He says:

The most important point which I beg leave to present is this: I am convinced by my own observation, sustained by the judgment of others, citizens or officials of the United States, whom I have consulted, that it would be unwise and inexpedient for the United States again to take the initiative in promoting action for a general adoption of a bimetallic legal tender, coupled with the free coinage of silver, for the reason that such action is misconstrued and may tend to retard rather than to promote the object aimed at. It may also increase rather than diminish the discredit of silver.

Now, he gives his reason:

The reason is this: The general conviction among the financial men in Europe is that the United States Government is loaded with an excessive quantity of silver dollars which it can not get into circulation. These dollars are coined at a standard which is at variance with the silver money of any other country, to wit, at the ratio of 16 of silver to 1 of gold.

True, these dollars are worth 3 cents more than any other dollar in the world. Still it is said that they are dishonest dollars! He continues:

It is believed that the financial officers of the United States are convinced that the product of silver is excessive, and that the ratio of silver to gold, *i. e.*, its price as bullion, is liable to fall even lower than it is now; therefore any initiative by the United States is looked upon as an attempt to relieve itself of an unprofitable stock and to provide a market for the future product of silver. Any effort of the United States to promote a bimetallic treaty and to restore the free coinage of silver is not therefore regarded as a sincere effort to promote a better monetary system of which all nations may share the benefit, but rather as being induced by a desire to promote the special interest of the United States at the cost of whom it may concern.

It is utterly impossible for the thoroughly trained and intelligent statesmen of Europe, either bimetallists or monometallists, to comprehend why the United States should continue to coin dollars of the present standard of the ratio of 15.98, say 16 parts of silver to 1 of gold, which can not be adjusted by any treaty to the present standard of any silver coin in circulation in other countries without the recoinage of European and East Indian coins.

That is undoubtedly a truthful statement of the financial opinion in Europe of the conduct of the United States, and the United States stands before the world as engaged in a great fraud, under the plea of doing commerce good, of promoting the interests of all mankind in this country and everywhere, of desiring an international bimetallic association, in fact making an effort to dump upon Europe the silver it can not use here.

Mr. President, is it strange that that should be the opinion of the European people? Is it strange when you recollect that from the time we attempted the remonetization of silver, in 1878, to this hour there has never been a chief executive officer of the United States who did not declare that silver could not be made to circulate as money, and that it was unfit for money?

Although I of course know that the Senate has read these things before, I desire to call its attention to what has been said upon this subject. In the spring of 1885 the administration changed, and there were a great many men who were not in sympathy with the new administration who hoped that upon this question at least the methods would change. But before the time came for the inauguration of the new President we found him addressing a letter to members of the House of Representatives in which he declared that unless speedy action was taken by Congress there was danger that the Government of the United States would be in financial disgrace, and that it would be compelled to get upon a silver basis and to pay its indebtedness in silver. In what the disgrace would consist no intelligent man could say, when it was known (which appears to have been then unknown to the incoming Executive) that every obligation the Government had, big and little, was payable in silver by the very terms of the law. The President having sent this letter to Congress awaited its action. Congress did nothing. He was inaugurated, and he sent his first annual message to Congress in December, 1885, transmitting the report of the Secretary of the Treasury, in which the Secretary of the Treasury said, touching upon the silver question:

No prospective fall in the purchasing power of the metal can be so harassing to the Treasury as the perpetual inpour of a coin made full legal tender for its face, yet not worth its face, which the Treasury is expected to employ like gold as if it were worth its face.

While that statement, if you speak of silver as bullion, may be true, it was not true in any other sense, because the silver dollar was worth its face; it was worth as much as the gold dollar.

To stop the purchase of silver will thus arrest the growth of that standing shame in our finance, the Treasury surplus. It will put us in the way of abolishing the same altogether, not by cheating our creditors, shaving our pensioners, or crippling our wage-earners, but by enabling the Treasury to hold the silver dollar firmly in a local parity with the gold dollar until we can unite with the leading powers in restoring and establishing their permanent equivalence.

I have read what the Secretary of the Treasury said. I intended to read first the President's statement, but I took up the wrong book. However, it does not make very much difference which you take hold of; they all use the same language, from the Executive down to every man who is allowed to speak upon this subject when he becomes connected with the National Government in the shape of an executive financial officer. This is what the Executive himself said:

Since February, 1878, the Government has, under the compulsory provisions of law, purchased silver bullion and coined the same at the rate of more than $2,000,000 every month. By this process up to the present date 215,759,431 silver dollars have been coined.

A reasonable appreciation of a delegation of power to the General Government would limit its exercise without express restrictive words to the people's needs and the requirements of the public welfare.

Upon this theory the authority to "coin money" given to Congress by the Constitution, if it permits the purchase by the Government of bullion for coinage in any event, does not justify such purchase and coinage to an extent beyond the amount needed for a sufficient circulating medium.

The desire to utilize the silver product of the country should not lead to a misuse or the perversion of this power.

The necessity for such an addition to the silver currency of the nation as is compelled by the silver-coinage act is negatived by the fact that up to the present time only about fifty millions of the silver dollars so coined have actually found their way into circulation, leaving more than one hundred and sixty-five millions in the possession of the Government, the custody of which has entailed a considerable expense for the construction of vaults for its deposit. Against this latter amount there are outstanding silver certificates amounting to about $93,000,000.

Every month two millions of gold in the public Treasury are paid out for two millions or more of silver dollars, to be added to the idle mass already accumulated.

If continued long enough, this operation will result in the substitution of silver for all the gold the Government owns applicable to its general purposes. It will not do to rely upon the customs receipts of the Government to make good this drain of gold, because the silver thus coined having been made legal tender for all debts and dues, public and private, at times during the last six months 58 per cent. of the receipts for duties have been in silver or silver certificates, while the average within that period has been 20 per cent. The proportion of silver and its certificates received by the Government will probably increase as time goes on, for the reason that the nearer the period approaches when it will be obliged to offer silver in payment of its obligations the greater inducement there will be to hoard gold against depreciation in the value of silver, or for the purpose of speculating.

This hoarding of gold has already begun.

That message on this financial question appeared the next morning in London, in Hamburg, in Berlin, and in all the great moneyed centers of the world. The people there were notified that we were about to come to a silver basis.

The Secretary of the Treasury further said:

To stop the purchase and coinage of silver is for this our local trouble also the first and best step. To increase our stock is to increase the difficulties of the Treasury, illegitimate and abnormal difficulties, which ought never to be imposed upon the Treasury of any democratic government, and which ought not to be increased. Its mission is to coin the two metals into money for the public—as much as everybody asks.

I wish that had been the law. I wish the Government had been bound to coin these two metals as everybody asked. If it had been, there would have been no question then in my judgment about the relation of silver and gold. The Secretary of the Treasury continued:

It has no fitness for coining for itself and keeping the coinage. Its proper business as a fisc is to receive the people's revenue from taxes in good money which it has coined for them, and to expend that money as Congress bids, keeping no surplus at all beyond what insures punctual payments.

Then follows what I read before from the report of the Secretary of the Treasury.

With this declaration on the part of the President, with this declaration on the part of the financial officer of the Government, is it strange that in Europe the people should believe we were in danger of some great financial catastrophe? But we were not left alone with that. We had as a representative at Paris a gentleman of whom I will speak only in kind terms, who has since deceased, Mr. Walker. When Mr. Marble went over to Europe it seems that he turned his mission mainly over to Mr. Walker, and I will read what Mr. Walker said. Mr. Walker reported to the Secretary of State his mission in connection with Mr. Marble, and in speaking of an address that he made he said:

It will be observed that in this paper—

I have the paper referred to before me, from which I shall read—

It will be observed that in this paper I have aimed to avoid all academic discussion of the silver question, and have confined myself to a simple reference, first, to the dangerous position in which the United States finds itself as the sole coiner of silver among commercial nations, and, secondly, to the paralysis which has fallen upon the commerce of the world by the concurrent scarcity of gold and degradation of silver.

Let us see what he did say when he addressed the international conference at Paris, July 20, 1885. He said:

Mr. MINISTER AND GENTLEMEN: I come before you in conformity with the instructions of my Government, and with the assent of most of the powers represented in this conference. I am here for the purpose of explaining to you briefly the present attitude of the United States on the monetary question, as well as the policy which the President and his Cabinet intend to pursue in respect to it.

Of course nobody will pretend that he did not go there with authority. Nobody will pretend that he did not speak by the card. Nobody will pretend but that if he had spoken otherwise he would have been promptly recalled, and he was not. He continued:

I am instructed to say to you that the policy of the new American Government in respect to the continuance of silver coinage does not differ from that of its predecessors. The newly-elected President, Mr. Cleveland, on the 24th of February last, in reply to a letter addressed to him by certain members of the House of Representatives, before his assumption of office, declared his opinions very frankly on the silver question, and showed himself to be in perfect accord

with the Presidents who have preceded him on the essential question now under discussion in the United States—namely, the continuance of silver coinage under the Bland bill. He did not hesitate to avow that it was, in his opinion, the duty of Congress to suspend further coinage. He declared that a disastrous crisis was close at hand in which gold is likely to disappear from circulation and when we shall be reduced to silver alone; that under the operation of the silver-coinage law the flow of gold into the Federal Treasury had been steadily diminished, and that silver and silver certificates had displaced and were then displacing gold in the Treasury, and that the sum of gold available for the payment of the gold obligations of the United States and for the redemption of the circulating notes called "greenbacks," if not already encroached upon, was perilously near such an encroachment.

These being the facts of our present condition, our danger and our duty to avert the danger seemed to the President to be plain. To maintain and to continue in use the mass of our gold coin is possible by a present suspension of the purchase and coinage of silver, and the President affirmed that he was not aware that by any other method it is possible.

After some other remarks, which it is not necessary to read, he said:

The frank and forcible declarations of the new President explain the whole monetary question as it now presents itself to the eyes of a large part of my American countrymen. In the presence of a situation so threatening you can not doubt that the American Government will do its utmost to be extricated from it. If we are obliged to act alone, there is no other way open to us for averting the danger than by suspending silver coinage.

I am authorized to say to you on behalf of our Government that it will use its utmost endeavors to prevent the shifting upon our shoulders of the whole burden of depreciated silver. The sentiments of the new Congress, which is to convene in the month of December next, as well as those of the country, which are daily growing more emphatic, encourage us in the hope that before the end of the current year we shall be able to extricate ourselves from the state of isolation in which we now stand. When our situation shall be thus assimilated to that of Europe the field of discussion will be also simplified. The latest advices from New York indicate that the President's fears are being fast realized, and that the depletion of gold in the public Treasury has obliged the banks to tender to the Government a portion of their reserves in order to tide over the difficulty till Congress meets in December, and the New York clearing-house has adopted resolutions in that sense.

It is for you to judge how this state of things in America bears upon the silver question in Europe.

Mr. President, is it strange, is it wonderful that all Europe should consider that when we say we want an international arrangement we are only making preparation by which we may dump our silver into Europe which we can not use as money? I could read from the report of every Secretary of the Treasury since 1878 to show that it was stated that silver would not circulate as money, that it was not fit for money, and the promise was made that we would cease to use it as money, and that we would join the rest of the world in the total exclusion of it from our mints, as we had already joined the other countries in its partial exclusion. So, if Europe misconstrues our attitude, we alone are to blame.

I have heard a great many prophecies upon this subject since I have been a member of this body. I have listened to all the speeches which have been made; I think I have them all carefully preserved, and I occasionally turn to them, by the way, to see how people may be mistaken. When this question was before the Senate in 1878 the Finance Committee—not all of them, but a great many of them at least—were loud in their denunciations of the then pending bill and in their prophecies of the destruction of American credit and American honor in the event of its passage. We were told that if the Government of the United States attempted to coin silver money which should be payable on our bonds we could sell no more bonds at the interest at which we had been selling them. We were told that the high credit of the Government would be destroyed, that it would be in financial disgrace. And yet, in view of that, we were not deterred from giving to the people $2,000,000 a month, which has put in circulation since that time $189,000,000 of silver certificates and $60,000,000 of coined silver dollars.

Mr. PLATT. What is the whole coinage of the silver dollar under the law?

Mr. TELLER. The whole silver coinage was $290,285,575 on the 20th day of March; I have not the statements since then; but of course it is not very much more. That leaves in the Treasury of silver dollars not in circulation, not covered by certificates, a little over $41,000,000. We were told then, as we were told by the President in his message in 1885, as we had been told by his predecessors; we were told by the Secretary of the Treasury in 1885, as we had been told by his predecessors, and Mr. Walker being so instructed repeated it to all the world before the monetary conference, that we should presently be on a silver basis.

I have not the exact figures before me, but the silver and gold in this country to-day amount to more than $1,000,000,000, of which the silver is less than $350,000,000 all told. It is not, perhaps, inapt that I should inquire how much gold we have in the Treasury, this fleeting metal that was to be driven out of the country, that was to go abroad and hide itself somewhere and be supplanted by the worthless metal. How much have we of that in the Treasury? We had $310,421,803.63 of gold on the 20th day of this month. Of this amount $93,951,211 was covered by gold certificates, leaving net gold in the Treasury of the United States, $216,407,592.63. I say here to-day, with a full knowledge of what I utter, that all the combined powers of the world can not show in their coffers $300,000,000 of gold.

Mr. MCPHERSON. May I ask the Senator a question?

Mr. TELLER. Certainly.

Mr. MCPHERSON. Is not a part of the $200,000,000 of which he speaks held as a specific fund for a special purpose?

Mr. TELLER. It does not make any difference whether it is held as a specific fund or whether it is not. There is $216,000,000 of gold uncovered by certificates, which can be used for some purpose by the Government if it chooses to use it. It is owned by the Government; it is Government money subject to Government disposal, even though it might require, as the Senator would contend, which I deny, an act of Congress to dispose of $100,000,000 of it except in the payment of greenbacks or national notes.

Mr. MCPHERSON. The Senator will not fail to remember that we sold Government bonds, and we got for them $100,000,000 of gold, which is deposited in the Treasury for the purpose of the redemption of Treasury notes. In making the statement that there are $216,000,000 of gold in the Treasury outside of that, I think the Senator does not really mean to convey that impression.

Mr. TELLER. I am as familiar with the legislation upon this subject as the Senator from New Jersey. I know we sold about $90,000,000 of bonds to get ready for resumption, and the Senator, at least, belonged to a party which declared over and over again that $90,000,000 would not enable us to resume. I can not speak as to the Senator's personal view upon that subject, but I know I heard it repeated over and over again. I have not looked at the record, but I venture to say that since the 1st day of January, 1879, when we resumed gold payments, there has not been to exceed $25,000,000 of greenbacks presented to the Treasury Department for gold. There had been a much less amount than that presented the last time I ascertained, and I will venture to say that the amount now has not exceeded that sum. I know that this $100,000,000 was set apart, not by law but by the order of the Secretary of the Treasury, to be there held.

It was a prudent and a wise thing, I admit, to have it there when we resumed, for nobody knew exactly what would be the result; but I say that it has been demonstrated that there was less than a million dollars a month taken out, and for a year, in one twelvemonth, $11,000,000 were taken out to pay greenbacks, and I say it was unwise to keep that large amount of money there locked up, for the purpose, as it was said, of strengthening the credit of the Government of the United States.

Mr. MCPHERSON. Will the Senator yield to me for a question?

Mr. TELLER. I will yield for a question.

Mr. MCPHERSON. The Senator inveighs very loudly and very persistently, both in season and out of season, against the unfriendly action of the Treasury Department towards the coinage of the silver dollar. I should like to ask the Senator if he would find any fault with the Government or the people of this country if we had to-day in the Treasury instead of gold the silver dollar?

Mr. TELLER. I have not inveighed against the keeping of $100,000,000 in the Treasury because it was not silver. I have not inveighed against it because that action had anything to do with silver or silver money. I have inveighed against that in this Chamber for years because it was keeping locked up there money which ought to have been doing money duty in the country, which ought to have been paid out on Government debts, and with which we ought to have paid the interest that accumulated on the Government indebtedness. That might have been saved if this money had been paid out. It has no relation to silver in that sense, and I did not mention it in that connection. I mentioned the fact that we had this amount of gold to show that the prophecy so frequently made and so flippantly and so ignorantly made on this floor and elsewhere, that the Bland bill or any other bill of like character would drive gold from the country has not been realized, that gold has come to this country in quantities never before known, and to-day we stand the chief nation of the world, save one, with our gold. There is but one nation in the world that has as much gold as we have, and it is even doubtful whether we are not ahead of that nation. We have more gold than Great Britain, and we have, added to that as money metal, our silver besides.

Mr. MCPHERSON. Will the Senator yield for another question?

Mr. TELLER. Certainly.

Mr. MCPHERSON. If, on the other hand, the wishes of the Senator from Colorado and those who think with him upon the silver question had been carried out, which would have been to adopt the free coinage of silver, does the Senator believe that then we should have had as much gold in the Treasury as we have now?

Mr. TELLER. That is a mere matter of opinion. I put my opinion against the Senator's, who declared that if we adopted the Bland bill there would be no gold in the country. I said I did not believe it. I have been found to be correct, and the Senator now wants me to state what might have occurred if something else had taken place. I think I am entitled to as much credit as a prophet upon that subject as he, for he is found to be a false prophet upon this financial question. I have not any doubt if we had in 1878 fully remonetized silver, as ought to have been done, there would have been an end of the fall in silver, and other nations would have come to our relief. Other nations would have retraced their steps, and silver would long before now have been doing duty as money metal; and then the silver dollar would not have been coined in this country any more than it had been for the twenty-five years previous, because our ratio was too high, and we should have been on an absolute simple gold basis to-day, and using,

as we were before 1873, the cheapest money in the world, and that was gold.

It is said to-day that silver is not honest money and we can not pay our debts in silver. We paid our debts in gold or in paper; we never pretended to pay them in silver when silver was the most valuable money in the commerce of the world. Nobody then talked as though it was our duty to pay in the high-priced metal. It is the right of every Government to pay in the cheap metal, and a government is recreant to its great trust that does not pay its debts in the cheap metal. It ought to pay its debts in the cheap metal because it is a trustee for the people, and when it makes its contracts it covenants that it shall reserve to itself the right to pay its debts in the cheap metal. What executive officer has a right to say, "I give away the privilege, which you guaranteed in your contract, to pay in the cheap metal?" It is not dishonest except that it is dishonest to the citizen, and it robs him of just so much as the difference between the cheap metal and the dear metal. It has been the policy of governments everywhere to pay in the cheap metal, as it is the policy of every honest business man to pay in the cheap metal if he has the option by the contract. It will not do to say that it is dishonest to pay in the cheap metal.

I wish to say one word in regard to this international conference. It is said that we can not stand alone, and the fact is cited that we have attempted to stand alone by coining $2,000,000 a month of silver. It is said that has not brought up silver, and because it has not brought up silver we can not stand alone, and it will not do to open our mints, but we must cease this coinage or we must have an international agreement with other nations.

The Bland act was a degradation of silver. It was a denial to it of its money function and a denial by one of the greatest nations in the world, the richest nation on the earth. It was a denial of it by the nation producing nearly one-half of the silver of the world, and who, abroad, would not say that if a people as rich as we were, and as intelligent, and producing half of the silver money of the world, did not have confidence in it, it was because there was something lying back; that we had knowledge of the overproduction to come, or there was some reason why silver could not be used as money?

France might have demonetized silver; Germany might have demonetized silver; Spain might have demonetized silver; and they could not all three have struck the blow to silver that was struck when the Government of the United States demonetized it. Until we shall take the back track and plant ourselves squarely on the doctrines that silver is a money metal as much as gold and entitled to the same privileges and rights, we shall have little or no effect upon the financial conduct of other nations. When we have done that, in my judgment there will be no further question about the price of silver. The Senator from Connecticut spoke of the effect of the amendment which was adopted, which I repeat I would not have put upon the bill, and which I should like to amend before I finally vote for it, if I vote for it at all. He says with this amendment we shall be overwhelmed with silver.

Mr. PLATT. No, I said we should be overwhelmed with certificates.

Mr. TELLER. Very well; the Senator said we should be overwhelmed with certificates. The amendment provides that silver shall be bought at its market value. The Senator said that was 30 per cent. discount. Grant it, suppose it is, where does the Senator propose to find his silver that is to come here to get certificates which can only be used in this country, which can not be taken abroad, because if they are 30 per cent. discount, and they are payable in silver and silver is at a discount, does the Senator suppose they would circulate in Spain or Germany or France or England?

Mr. PLATT. They are payable in gold.

Mr. TELLER. No, they are not payable in gold; they are payable in silver or gold.

Mr. PLATT. They are "of denominations not less than $50, and redeemable in gold and silver coin at the option of the United States."

Mr. TELLER. Does the Senator suppose that there is somewhere in the world a great store-house of silver? If so, where is it? The Senator from Nevada [Mr. STEWART] said yesterday that there was not $5,000,000 of bullion in the United States and England together. There has not been a time, I suppose, in ten years when there has been $5,000,000 of bullion in the United States that could be purchased. Is there any in England? How much silver has England? Ninety-five or ninety-six million dollars of money coined at a ratio of 14.28. She can not bring her silver here and coin it into our certificates and lose at least 8 per cent. besides exchange and transportation and interest. Germany has not silver to exceed $190,000,000 to-day, and $107,000,000 of that is coined at 14.38. Germany has not any silver to sell; she could not part with her silver. France has somewhere between $800,000,000 and $1,000,000,000, and every dollar of it can be exchanged any day during the business hours of the day for a dollar in gold at 3 per cent. less than the silver value of our dollar.

Does anybody suppose that France can dispose of her surplus silver? Who owns the silver of France but the people of France? Some of it is held in the banks, I admit, but it is mainly in the hands of the people. Are they to send silver here for the purpose of exchanging it for our certificates? Not at all. That is as far-fetched as the statement made in 1878 that we were to be overwhelmed by silver, and as the statement made by the Executive when he declared that we had reached a silver basis and that gold had already begun to be hoarded.

I hold before me a sheet prepared by the Mint, and it shows the subsidiary coin of the world. The amount is over $562,000,000. Some of that money is coined as low as 13.33, some of it as low as 9.3, some of it at 14, none of it above 14.95, and that is in this country of our own. This is the table in full:

Statement exhibiting the estimated amount of subsidiary silver coin in circulation in the principal countries of the world and the ratio of gold to silver in such countries.

Countries.	Amount of limited-tender silver coins.	Ratio of gold to silver.
United States	$75,034,111	1 to 14.95
Great Britain and Ireland	95,000,000	1 to 14.28
Dominion of Canada, including Manitoba and Newfoundland	4,000,000	1 to 14.95
Australia, Tasmania, and New Zealand	6,000,000	1 to 14.28
France	40,000,000	1 to 14.38
Belgium	6,000,000	1 to 14.38
Switzerland	4,000,000	1 to 14.38
Italy	$31,000,000	1 to 14.38
Greece	2,000,000	1 to 14.38
Spain	25,000,000	1 to 14.38
Portugal, including Azores and Madeira	10,000,000	1 to 14.09
Germany	107,000,000	1 to 13.957
Austria-Hungary	15,000,000	1 to 9.3
Sweden and Norway	5,000,000	1 to 14.88
Danish Kingdom	5,000,000	1 to 14.88
Netherlands	10,000,000	1 to 15
Russia	70,000,000	1 to 15
Turkey	8,000,000	1 to 15.1
Argentine Republic	2,000,000	1 to 15.5
Colombia	4,000,000	
Brazil	15,000,000	1 to 14.95
Japan	20,000,000	1 to 13.33
Total	562,034,111	

We are told over and over again that the American laborer is compelled to take a dishonest dollar. In England there is $95,000,000 of silver coinage at a ratio of 14.28 as a legal tender up to $10, and I suppose the dishonesty of that transaction will be admitted if ours is dishonest, and I have never heard any gold man inveighing against the dishonesty of Great Britain.

I repeat that there is no place where silver can be got. If France should attempt to bring her silver here, the result would be that it would immediately put up the price of silver in Europe and the silver would return. Germany has none, England has none, Mexico has none. Somebody spoke of Mexico. The year before last Mexico exported $4,000,000 more than she produced, drawing upon her reserves, and she has practically none now. I challenge any man who studies this question to point to me a country anywhere that can spare $50,000,000 of silver, unless it be France.

There are many things that might be said on this subject that I have not said. I agree with the Senator from Connecticut that there has been prosperity in this country. I want to inquire of the Senator from Connecticut what there would be in this country but for the $250,000,000 of silver in use as a money metal? There is not the man living who is capable of judging between right and wrong who would dare to-day to take out of our circulating medium the $250,000,000 of silver. There is not a man who does not know it would destroy all values in this country and precipitate a panic such as has never been known. Where should we have been without these $250,000,000 of this despised silver doing duty equally with gold in every part of the land, exchangeable for all the commodities, for all the comforts, for all the luxuries, for everything that a gold dollar is received for? And this despite the prophesies of our friends on the other side who do not believe in silver. I do not think it is over modest when they tell us what will be the effect of this amendment or the other.

I will allude to one thing before I quit, and that is a statement made in 1878 repeatedly as to the operation of what was called the Gresham law. It was said that one thing which had entered into financial circles as a fixed fact was that where you had two kinds of money, one better than the other, the cheap money would always drive the other out.

The Gresham law had reference simply to the character of the money; that is to say, if there was a debased coin, a coin that had been worn and abraded and destroyed practically, that coin would go out of a man's pocket quicker than one fresh from the mint. That is true; but there is in this country no difference in the money. Therefore it can not be said that there is a cheap dollar or a dear dollar in this country. The dollars are alike; they all perform the same function; and there never was any danger while that was true that the one would drive the other out.

I have not the exact figures here now, but I venture to say that the increase of gold in this country since the passage of the silver bill of 1878 has been at least fourfold greater than it was at any other like time in the history of this country, and I think I may say that there is not in the history of finance anywhere a country that can show such a phenomenal increase of gold from abroad as we have been able to show within the last eight or ten years.

The Senator from South Carolina [Mr. BUTLER] hands me the report of the Director of the Mint for 1887, to which I will ask leave to refer. In 1873 the total gold coin and bullion in the United States was $135,000,000, and in 1887 it is put down at $654,520,335. In 1875 it is put down at $121,134,906; in 1877, just before we partially remonetized silver, it is put down at $167,501,472. So that since the passage of the silver bill it has increased to $654,520,335. I am obliged to the Senator from South Carolina for that, because I think it is better than my statement, and it will be seen that I did not overstate it when I said it was four times.

I want to say one word more with reference to the silver question. I disclaim that this has any special interest to me more than to my associates in this body. I disclaim that the State which I have the honor in part to represent has any more interest in it than the State of Massachusetts, represented by the Senator before me, or the State of Iowa, or any other State in the Union. Under this law of 1878 we have sold to the Government our bullion for exactly the price we could have sold it to anybody else.

The Government has not paid to the miner a dollar of subsidy or a dollar of bounty—not one. In the early days of this Administration I can show by an official report of the Secretary of the Treasury that when silver went up, when silver had an uprising, the Department of the Treasury waited a week to buy its stipend until silver should fall, and then we were told that by that great financial feat the Government had saved $7,000 in money! Silver has thus been kept down by the efforts of the Department that they might buy it cheap; and there stands to-day to the credit of the Treasury Department, after paying all expenses of coinage, more than $35,000,000 profit on the silver coinage. They bought what represents $300,000,000 for $35,000,000 less than they paid it out to the people. So we have no interest in it save and except that we have an interest in the general prosperity of the country—no more and no less. I admit that if I had not lived in a silver-producing State I might never have had my attention directed to this subject. I might have been willing, like some other men that I know, to accept the statements of doctrinaires and ill-informed people as to facts; but if my attention had been directed to it and I had studied it as I have studied it, I would have the same views if I lived in Connecticut that I have living in Colorado. This question is not one for Colorado, and it is not one for Connecticut, nor is it one for the United States. It is a question as wide as the human race, and it enters into and is a part and parcel of the interest of every man living in civilized society to-day. It is a question whether the business of the world shall be conducted with all the money metals God has given the people, or whether it shall be conducted with one-half; it is whether a few rich men, who have been fortunate in owning securities and annuities and have fixed incomes, shall control, and whether they shall compel the use of one-half the money of the world to enhance their property while they depreciate property of every other kind and of every other man.

Mr. President, I have detained the Senate longer than I meant to do. While I have on my table several memoranda to which I intended to refer I will not detain the Senate longer, but will take some other occasion, on some appropriate bill, to present my views further.

Mr. REAGAN. I ask unanimous consent to offer an amendment to the pending bill at this time, and I ask that it be printed for consideration hereafter.

The PRESIDENT *pro tempore*. The amendment will be received and printed.

Mr. ALLISON. I should like to hear it read.

The PRESIDENT *pro tempore*. It will be read if there be no objection.

The SECRETARY. The proposed amendment is to add to the bill the following as a new section:

"And the Secretary of the Treasury is hereby authorized and directed to purchase and cancel the interest-bearing bonds of the United States with the $100,000,000 of gold now reserved in the Treasury for the redemption of the legal-tender notes of the United States."

And that the following words be stricken out of section 3 of the act of January, 14, 1875, entitled "An act to provide for the resumption of specie payments," to wit:

"And on and after the 1st day of January, A. D. 1879, the Secretary of the Treasury shall redeem, in coin, the United States legal-tender notes then outstanding on their presentation for redemption at the office of the assistant treasurer of the United States in the city of New York in sums of not less than $50."

And that the following words be stricken out of section 12 of the act of July 12, 1882, entitled "An act to enable national banking associations to extend their corporate existence, and for other purposes," to wit:

"*Provided*, That the Secretary of the Treasury shall suspend the issue of such gold certificates whenever the amount of gold coin and gold bullion in the Treasury reserved for the redemption of United States notes falls below $100,000,000.

"And said provisions of the act of January 14, 1875, and of the act of July 12, 1882, be, and the same are hereby, repealed."

Mr. MANDERSON. Is that offered as an amendment to the pending bill?

Mr. REAGAN. I ask consent to have it printed; to be offered as an amendment at the proper time.

The PRESIDENT *pro tempore*. The proposed amendment will be printed.

Mr. BECK. If these matters are to be considered I shall move at the proper time, as a substitute for the proposition of the Senator from Nevada [Mr. STEWART], Senate bill No. 8, which I ask to have printed as an amendment to this bill.

The PRESIDENT *pro tempore*. Does the Senator desire to have it read?

Mr. BECK. It has been read several times, and I do not care about its being read now. I should be glad to have it appear in the RECORD.

The PRESIDENT *pro tempore*. It will be printed as an amendment proposed to be offered to the bill.

The amendment submitted by Mr. BECK is as follows:

SEC. —. That hereafter no United States note shall be issued of a denomination less than $10 nor more than $500, and the denominations higher than $50 shall not exceed in value one-fourth of the value of the total amount outstanding at any time, and not more than one-fourth in value of the amount of circulation issued to national banks outstanding at any time shall be of a less denomination than $10, and no national-bank note hereafter issued shall be of a higher denomination than $100. The Secretary of the Treasury is directed to make the changes in the denominations of the legal-tender notes and national-bank notes needed to comply with the provisions of this act whenever said notes are received at the Treasury for any purpose.

SEC. —. That in all issues of certificates hereafter, coin certificates shall be substituted for silver certificates and gold certificates, wherever either is authorized to be issued under existing laws: and all gold and silver certificates now outstanding shall be retired, when they are received for any purpose at the Treasury or any subtreasury of the United States, and coin certificates of the denominations hereby provided for, issued in their stead; and the Secretary of the Treasury is hereby authorized and required to issue coin certificates in such denominations not exceeding $20 as he sees fit, on all the surplus gold and silver coin and gold bullion held at any time by the United States in excess of $100,000,000 of gold coin, and pay out the same in discharge of all the obligations of the United States, except such as have been heretofore made payable expressly in gold and silver coin.

SEC. —. That any person or persons may deposit gold or silver coin of the United States in the sum of $10 or any multiple thereof, with the Treasurer of the United States, or with any assistant treasurer, at any United States subtreasury, and demand coin certificates of like amount therefor. It shall be the duty of the Treasurer of the United States, upon receipt of said money or of any original certificate of deposit issued by the United States assistant treasurer at any United States subtreasury, stating that there has been deposited therein by any person or corporation, gold coin or standard silver dollars of the United States in the sum of $10 or any multiple thereof, to order payment of a like amount in coin certificates, at the counter of any United States depository designated by the depositor, in such denominations as he may request in writing, of not less than $1 or not more than $500, subject to the limitations hereinafter provided, which shall be redeemable in gold or silver coin, at the option of the United States; and all the certificates hereby authorized, when received at the Treasury in any form or for any purpose, shall be reissued, or new certificates of the same denomination substituted for such as are returned because of being mutilated or defaced, as now provided by law in regard to the notes of the United States. No coin certificates shall be issued of a denomination greater than $500, and at least two-thirds in value of such certificates outstanding at any time shall be of denominations not exceeding $50.

SEC. —. That it shall be the duty of the Secretary of the Treasury to cause a sufficient number of coin certificates of the various denominations hereby authorized to be prepared and distributed among the United States depositories, to enable them to comply with the provisions of this act; and the sum of $50,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated, to enable him to prepare and distribute said certificates.

SEC. —. That this act shall take effect ninety days after its passage, except as to the $50,000 appropriated in section —; and as to that appropriation, it shall take effect on the passage of this act, and said sum shall be immediately available.

Mr. BUTLER. I move that the Senate proceed to the consideration of executive business.

Mr. FARWELL. I hope the Senator will withdraw that motion a minute.

Mr. BUTLER. Very well.

Mr. FARWELL. I desire to present to the Senate, and ask that it be printed in the RECORD, a statement of the national debt of the Government, made up in an intelligible form, so that anybody who reads it can understand it, showing the interest-bearing debt, liabilities, assets, and paper issued and in circulation in the country. I ask that it be published in the RECORD.

The PRESIDENT *pro tempore*. That order will be made, if there be no objection. The Chair hears none.

Mr. FARWELL. I also submit an amendment to the amendment offered by the Senator from Nevada [Mr. STEWART], striking out the words "four hundred and twelve and one-half grains," in the proviso in the first section of the amendment, and inserting "541 grains," the amount of silver which is now worth $1

Mr. HOAR. I desire to know what it is that is proposed to be printed in the RECORD.

The PRESIDENT *pro tempore*. The Senator from Illinois will state.

Mr. FARWELL. It is a short statement of the condition of the public debt of the country, showing the interest-bearing debt, liabilities, assets, and paper issued and in circulation in the country, made up in a form which will not require an expert to explain it.

The statement is as follows:

NATIONAL DEBT, MARCH 1, 1888.

INTEREST-BEARING DEBT.

Bonds at 4½ per cent	$230,544,600.00	
Bonds at 4 per cent	732,545,940.00	
Navy pension fund	14,000,000.00	
Interest due and not claimed	10,030,403.00	
Due (not claimed) principal	2,915,968.00	
		$990,086,911.00
Pacific railway bonds		64,623,512.00
Total		1,054,710,423.00

TREASURY.

Liabilities:		
United States notes	$346,681,016.00	
Less amount on hand	33,482,086.72	
		313,148,929.28
Old demand notes, 1861 and 1862		56,940.00
Gold certificates		96,697,913.00
Silver certificates		184,452,659.00
United States notes (certificates)		11,216,000.00
Interest due and unpaid		1,793,129.81
Accrued interest		7,547,549.67
Debt matured and interest		2,917,290.44
Pacific railroad bonds and interest due		689,675.08
Fund held for national-bank notes, failed, etc		105,099,942.35
Department accounts		45,838,221.15
		769,508,249.78
Assets:		
Gold coin and bullion, available for all purposes		309,567,826.88
Silver coin and bullion		231,603,623.37
Trade-dollar and bullion		6,649,022.82
National-bank notes		132,700.00
Deposits in national banks		61,546,008.78
Fractional currency, redeemed		1,321.48
Coupons, interest prepaid		33,860.36
National-bank notes in process of redemption		6,222,776.91
Minor coins		25,521,288.52
		641,278,429.12
Balance		128,229,820.66
		769,508,249.78

RECAPITULATION.

Liabilities:		
National debt, bearing interest	$1,054,710,423.00	
Debt, bearing no interest	769,508,249.78	
Total debt		1,824,218,672.78
Assets:		
Gold and silver coin, etc		641,278,429.12
Debt, balance		1,182,940,143.66

PAPER ISSUED AND IN CIRCULATION.

Treasury notes	346,681,016.00
Gold and silver currency certificates	292,365,572.00
Total Government issue	639,046,588.00
Less amount in the Treasury March 1	33,482,086.00
	605,564,502.00
National-bank notes in circulation	262,507,539.00
Total paper circulation March 1	868,072,041.00

Mr. PALMER. Will the Senator from South Carolina withhold his motion until I can make a motion?

Mr. SHERMAN. I wish to make a statement to Senators. If the committee that has been appointed and announced by the Chair leave the Senate to attend to their duties, as they will feel bound to do, I think it is due them and due to the subject-matter that this important bill involving our currency and all the financial questions of the day, should be postponed until next Monday. I do not wish to displace it in any way or have it lose its position, but I think it ought not to be taken up during the absence of Senators, especially when they are absent on such an errand.

Mr. PALMER. I hope the Senator from South Carolina will withhold his motion.

Mr. BUTLER. I suspended my motion for a moment in order to hear the statement of the Senator from Ohio.

Mr. SHERMAN. I should like to have my suggestion carried out.

Mr. PALMER. I ask the forbearance of the Senator from South Carolina while I make this motion: That this bill be recommitted to the Committee on Finance with all the amendments. It seems to me it is going to lead to an interminable discussion. They have sounded their way; they know partially what the Senate wants, but there seems to be such a conflict as to necessitate a long debate here, while I think the committee can bring in a bill that will be more acceptable to the Senate. I offer that motion subject to the Senator's right of way.

Mr. BUTLER. I have no control over the bill. The Senator from Vermont [Mr. MORRILL], I believe, has charge of it. Pending that motion, I renew my motion that the Senate proceed to the consideration of executive business.

Mr. MORRILL. I shall make no objection to the recommitment.

Mr. HOAR. I ask the Senator from South Carolina to withdraw his motion for one moment

Mr. BUTLER. Yes, sir.

Mr. HOAR. I ask consent to make a suggestion to the Senate.

It is well known, and Senators will all remember, that it was the intention of the Senate to spend the remaining days of the last week upon the Calendar when the public business was interrupted by the great national calamity which has occurred. Now five members of the Senate, very important members of the Senate, have been deputed to attend the funeral of the Chief-Justice at Toledo. They will be absent during the remainder of the week. It is quite unlikely that any legislative business will be done to-morrow after the funeral. I suppose the usual custom of the Senate would require us to adjourn on returning to our Chamber.

Friday of this week is a day held sacred, especially by members of the Catholic and Episcopal Churches, and for some years past the Senate has not transacted secular business on Good Friday. I therefore propose that unanimous consent be given that the remainder of this week, so far as we attend to legislative business, be spent upon the Calendar. It would be quite unjust to any Senator, under the circumstances I have named, to take up an important bill in his absence. There will really probably be but one legislative day during the remainder of this week.

Mr. BUTLER. That arrangement will be entirely agreeable to me.

Mr. HOAR. Therefore I suggest that for the remainder of this week the Calendar under Rule VIII be considered, with the modification made last week that a motion to take up a bill objected to shall not be in order.

Mr. BERRY. I gave notice this morning that I should ask to be heard on Thursday.

Mr. STEWART. This bill will remain as unfinished business.

Mr. BERRY. I gave notice that I should desire to address the Senate on Thursday of this week.

Mr. HOAR. I will except the courtesy of hearing my friend from Arkansas, as he has given notice.

Mr. STEWART. What is the proposition? How does the bill under consideration stand?

Mr. PALMER. I have moved that it be recommitted to the Committee on Finance.

Mr. STEWART. I do not consent to anything of that kind.

The PRESIDENT *pro tempore*. The Senator from Michigan [Mr. PALMER] moved that the bill be recommitted to the Committee on Finance, with the amendments, pending which the Senator from South Carolina [Mr. BUTLER] moved that the Senate proceed to the consideration of executive business, pending which the Senator from Massachusetts [Mr. HOAR] asks unanimous consent that after this day the order of last week concerning the consideration of the Calendar under Rule VIII be continued for the remainder of this week. Is there objection? [A pause.]

Mr. STEWART. I will object to that unless the Senator from Michigan withdraws his motion.

Mr. PALMER. I withdraw.

The PRESIDENT *pro tempore*. The motion of the Senator from Michigan [Mr. PALMER] to commit the bill with the amendments is withdrawn.

The Senator from South Carolina [Mr. BUTLER] moves that the Senate proceed to the consideration of executive business, pending which the Senator from Massachusetts [Mr. HOAR] asks unanimous consent that the order of last week concerning the consideration of the Calendar under Rule VIII be continued for the remainder of this week after to-day. Is there objection? The Chair hears none, and it is so ordered.

Mr. BUTLER. Now I renew my motion.

The PRESIDENT *pro tempore*. Before submitting that motion the Chair will lay before the Senate a message from the President of the United States.

SWINE DISEASES IN GERMANY AND FRANCE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from Hon. George H. Pendleton, our minister to Germany, dated January 30, 1888, from which it appears that trichinosis prevails to a considerable extent in certain parts of Germany, and that a number of persons have already died from the effects of eating the meat of diseased hogs which were grown in that country.

I also transmit a report from our consul at Marseilles, dated February 4, 1888, representing that for a number of months a highly contagious and fatal disease has prevailed among the swine of a large section of France, which disease is thought to be very similar to hog cholera by the Commissioner of Agriculture, whose statement is herewith submitted.

It is extremely doubtful if the law passed April 29, 1878, entitled "An act to prevent the introduction of contagious or infectious diseases into the United States," meets cases of this description.

In view of the danger to the health and lives of our people and the contagion that may be spread to the live stock of the country by the importation of swine or hog products from either of the countries named, I recommend the passage of a law prohibiting such importation, with proper regulations as to the continuance of such prohibition, and permitting such further prohibitions in other future cases of a like character as safety and prudence may require.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, March 27, 1888.

COMPILATION OF REPORTS OF COMMITTEES.

Mr. COCKRELL submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That the Joint Committee on Printing be, and they are hereby, directed to provide for a duplicate of the compilation of reports of committees provided for in public resolution No. 24, first session Forty-ninth Congress, approved July 29, 1886; said duplicate of House reports to be for the use of Senate committees.

PURCHASE OF BONDS.

The PRESIDENT *pro tempore*. The bill (H. R. 5034) to provide for the purchase of United States bonds by the Secretary of the Treasury is before the Senate as in Committee of the Whole.

Mr. PALMER. I renew my motion that the pending bill be committed to the Committee on Finance.

The PRESIDENT *pro tempore*. The Senator from South Carolina [Mr. BUTLER] moves that the Senate proceed to the consideration of executive business.

Mr. BUTLER. I have no objection to the motion of the Senator from Michigan, but it seems it can not be acted on without debate, and I therefore renew my motion.

Mr. PALMER. My motion has been made.

The PRESIDENT *pro tempore*. The motion of the Senator from Michigan is pending. The question is on the motion of the Senator from South Carolina.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 4 o'clock and 16 minutes p. m.) the Senate adjourned until to-morrow, March 28, 1888, at 11.30 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate the —— day of March, 1888.

POSTMASTER.

Henry Pape, sr., to be postmaster at Jacksonville, in the county of Jackson and State of Oregon, in the place of Max Muller, whose commission expires April 15, 1888.

MEDICAL DEPARTMENT.

Capt. Joseph B. Girard, assistant surgeon, to be surgeon with the rank of major, March 22, 1888, *vice* Spencer, deceased.

Ogden Rafferty, of New Jersey, to be assistant surgeon with the rank of first lieutenant, March 26, 1888, *vice* J. B. Girard, promoted.

FIRST REGIMENT OF CAVALRY.

First Lieut. Peter S. Bomus, to be captain, March 26, 1888, *vice* Garvey, dismissed.

Second Lieut. Frederick S. Foltz, to be first lieutenant, March 26, 1888, *vice* Bomus, promoted.

NINETEENTH REGIMENT OF INFANTRY.

First Lieut. Charles B. Hall, to be captain, March 24, 1888, *vice* Robinson, retired from active service.

Second Lieut. Francis H. French, to be first lieutenant, March 24, 1888, *vice* Hall, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 22, 1888.

RECEIVERS OF PUBLIC MONEYS.

David J. Wilcox, of New York, to be receiver of public moneys at Walla Walla, Wash.

Leonard B. Cornell, of New York, to be receiver of public moneys at Spokane Falls, Wash.

POSTMASTER.

John H. Winant, to be postmaster at Hackensack, in the county of Bergen and State of New Jersey.

Executive nominations confirmed by the Senate March 27, 1888.

UNITED STATES ATTORNEY.

George G. Sill, of Connecticut, to be attorney of the United States for the district of Connecticut.

POSTMASTER.

Warren Clark, to be postmaster at Concord, in the county of Merrimack and State of New Hampshire.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March* 27, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D., of Washington, D. C.

The Journal of yesterday's proceedings was read and approved.

IMPROVEMENTS, ARKANSAS RIVER.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting, in response to a resolution of the House, a letter from the Chief of Engineers, with reports and estimates of the proposed improvements of the Arkansas River; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

DAM AT POKEGAMA FALLS, MISSISSIPPI RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in response to a resolution of the House, with a letter from the Chief of Engineers, a report respecting the damage to lands by the dam at Pokegama Falls, on the Upper Mississippi River; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

PUBLIC LANDS FOR GRAZING PURPOSES.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, with accompanying papers, a report from the Acting Commissioner of the General Land Office, in response to a resolution of the House calling for information relative to the use of the public lands by cattle-grazing companies; which was referred to the Committee on the Public Lands, and ordered to be printed.

LAND SURVEYS, OREGON.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a communication from the district land office in Oregon, asking for appropriations for surveys of the public lands in Oregon for the fiscal year 1889; which was referred to the Committee on Appropriations, and ordered to be printed.

WILLIAM G. GALLOWAY.

The SPEAKER laid before the House the amendments of the Senate to the bill (H. R. 3508) for the relief of William G. Galloway, captain, United States Army.

Mr. STEELE. Mr. Speaker, the amendment of the Senate is simply to strike out, in line 1 of the bill, the words "President of the United States" and insert "Secretary of War" instead. It provides that the necessary papers in this case shall be issued by the Secretary of War, and I ask that the House concur in the Senate amendment.

There being no objection, the amendment of the Senate was concurred in.

REFERENCE OF BILLS.

The SPEAKER laid before the House the amendments of the Senate to the bill (H. R. 4327) regulating the construction of bridges over the Muskingum River, in Ohio; which, with the bill, were referred to the Committee on Commerce.

The SPEAKER also laid before the House bills of the Senate; which were severally read twice, and referred as follows, namely:

The bill (S. 1939) providing in certain cases for the forfeiture of wagon-road grants in the State of Oregon—to the Committee on the Public Lands.

The bill (S. 17) for the relief of Thomas Guinean—to the Committee on Claims.

The bill (S. 27) to prevent the obstruction of navigable waters and to protect public works against trespass or injury—to the Committee on Commerce.

The bill (S. 249) to prevent the manufacture or sale of adulterated food or drugs in the District of Columbia—to the Committee on the District of Columbia.

The bill (S. 525) for the relief of Samuel A. B. Woodford—to the Committee on Claims.

The bill (S. 622) to amend section 2805 of the Revised Statutes of the United States so as to allow oaths to be administered by notaries public—to the Committee on the Judiciary.

The bill (S. 899) for the relief of Mary M. Briggs—to the Committee on Invalid Pensions.

The bill (S. 901) for the relief of Sophia W. Wright—to the Committee on Invalid Pensions.

The bill (S. 1007) granting a pension to John S. Coleman—to the Committee on Pensions.

The bill (S. 1102) to aid the State of Colorado to support a school of mines—to the Committee on Education.

The bill (S. 1128) to create ports of entry at Tacoma and Seattle, in Washington Territory—to the Committee on Commerce.

The bill (S. 1248) to effect a rearrangement of the grades of office in the Subsistence Department of the Army—to the Committee on Military Affairs.

The bill (S. 1405) to authorize the construction of a bridge across the Mississippi River at or near the city of Oquawka, in the State of Illinois, and to establish it as a post-road—to the Committee on Commerce.

The bill (S. 1428) to authorize the appointment of a hydrographer and assistant hydrographer of the Navy—to the Committee on Naval Affairs.

The bill (S. 1484) to fix the status in the Navy of certain cadet engineers—to the Committee on Naval Affairs.

The bill (S. 1498) granting to the city of Grand Forks, Dak., the right to build two free bridges at said city across the Red River—to the Committee on Commerce.

The bill (S. 1524) to authorize the construction of a bridge over the Tennessee River, between Bridgeport and Sheffield, Ala.—to the Committee on Commerce.

The bill (S. 1525) to authorize the construction of a bride over the Cumberland River, between Burnside, Ky., and Carthage, Tenn., or the South Fork of said river, between Burnside and Tateville, Ky.—to the Committee on Commerce.

The bill (S. 1526) to authorize the construction of a bridge over the Caney Fork River, between Rock Island and Carthage, in Tennessee—to the Committee on Commerce.

The bill (S. 1701) authorizing the construction of a high wagon-bridge

across the Missouri River at or near Sioux City, Iowa—to the Committee on Commerce.

The bill (S. 2405) for the reduction of postage on seeds, cuttings, bulbs, scions, and so forth—to the Committee on the Post-Office and Post-Roads.

The bill (S. 372) to provide for a commission on the alcoholic liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

BRIDGES IN ARKANSAS.

The SPEAKER also laid before the House the bill (S. 1663) authorizing the Little Rock and Alexandria Railway Company to build certain bridges in the State of Arkansas.

Mr. McRAE. Mr. Speaker, this bill, relating to the Little Rock and Alexandria Railroad Company, is exactly like the House bill reported by the committee favorably with the approval of the Secretary of War; and I ask that the Senate bill be now taken up and considered.

There being no objection, the bill was read a first and second time, ordered to a third reading, and being read the third time, was passed.

Mr. McRAE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGES ACROSS CERTAIN RIVERS IN MISSISSIPPI.

The SPEAKER also laid before the House the bill (S. 2220) to correct an error in and to further amend "An act to authorize the Georgia Pacific Railroad Company to construct bridges across the Sunflower, Yazoo, and Tombigbee Rivers, in Mississippi," approved March 3, 1887.

Mr. CRISP. Mr. Speaker, the bill just read is merely to correct the name of the railroad company authorized to build the bridges, and add to it a limitation as to the time when the erection shall begin. I ask that the House concur in the Senate bill.

There being no objection, the bill was read three times, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MOFFITT, for ten days from March 27, on account of important business.

To Mr. WHITING, of Michigan, for five days, on account of important business.

To Mr. FISHER, for ten days, on account of important business.

To Mr. ANDERSON, of Mississippi, indefinitely, on account of sickness in his family.

GEORGE F. ROBERTS.

The SPEAKER also laid before the House the bill (S. 2001) for the relief of George F. Roberts, administrator, etc.

Mr. HOLMAN. I ask that the bill shall remain on the Speaker's table for the present.

There was no objection, and it was so ordered.

THE LATE CHIEF-JUSTICE WAITE.

The SPEAKER also laid before the House the following communication from the marshal of the Supreme Court of the United States; which was ordered to lie on the table:

SUPREME COURT OF THE UNITED STATES,
Washington, D. C., March 26, 1888.

SIR: I am directed by the justices of the Supreme Court of the United States to inform you that, in accordance with a resolution of the Supreme Court adopted March 26, 1888, the funeral ceremonies of the late Chief-Justice Waite will be held in the Hall of the House of Representatives on Wednesday, March 28, at 12 o'clock m.; and the members of the House are respectfully invited to attend on that occasion.

Very respectfully,

J. M. WRIGHT, *Marshal.*

Hon. JOHN G. CARLISLE,
Speaker of the House of Representatives.

ENROLLED BILLS SIGNED.

Mr. CARLTON, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A joint resolution (S. R. 65) to print Executive Document No. 51, first session Forty-ninth Congress, on the subject of cattle and dairy farming;

A bill (S. 309) for the relief of R. G. Huston & Co.;

A bill (S. 643) to construct a road to the national cemetery at Corinth, Miss.;

A bill (S. 660) for the relief of Charles Murphy; and

A bill (S. 1564) for the relief of importers of animals for breeding purposes in certain cases.

REPRINT OF BILL.

Mr. BLOUNT. I am instructed by the Committee on the Post-Office and Post-Roads to ask that the bill (H. R. 8627) to regulate the classification, compensation, and allowances of postmasters be reprinted, the present print having been exhausted.

There was no objection, and it was so ordered.

BUSINESS OF COMMERCE COMMITTEE.

Mr. CLARDY. I am instructed by the Committee on Commerce to ask unanimous consent for the consideration of the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That Thursday, the 5th, and Saturday, the 7th, day of April immediately after the hour for the consideration of bills by committees, be set apart for the consideration of bills and measures reported from the Committee on Commerce in such order as said committee shall designate; this order not to conflict with prior orders, revenue bills, and general appropriation bills.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. CANNON. I shall feel compelled to object unless the 3d and 4th of April can be given to the Judiciary Committee, or so much of those days as may be necessary, for the consideration of the direct-tax bill.

The SPEAKER. The gentleman from Illinois states that he objects to the resolution unless at the same time the 3d and 4th of April be set apart for the consideration of bills reported from the Committee on the Judiciary, or so much of those days as may be necessary, for the consideration of what is known as the direct-tax bill.

Mr. CLARDY. Let me ask the gentleman from Illinois not to interpose an objection to the consideration of this resolution. Let us consider it, and then let him offer his amendment. Unless three-fourths of the members of this House agree to this allotment of time I will not press the resolution.

Mr. CANNON. I suggest to the gentleman to modify his resolution by accepting my amendment.

Mr. CLARDY. I ask the gentleman from Illinois to withdraw his objection to the present consideration of the resolution. I have no objection to his amendment.

Mr. SPRINGER. I object to the amendment.

Mr. CLARDY. I ask the gentleman from Illinois [Mr. CANNON] not to insist on his amendment the objection to which will deprive us of the days named for the consideration of these public measures in which every member of the 325 members of this House is interested. We have lost to-morrow. We have substantially lost to-day. The House had given us these days. I respectfully ask my friend from Illinois not to interpose his objection.

Mr. CANNON. There are forty millions of people interested in the direct-tax bill.

Mr. CLARDY. Let us take a vote of this House, and if we do not get a vote of three-fourths of its members in favor of this resolution I will not press it.

The SPEAKER. The gentleman from Illinois [Mr. CANNON], as the Chair understands, insists on his objection to the resolution, unless two days be assigned to the Committee on the Judiciary, and the gentleman from Illinois [Mr. SPRINGER] objects to that modification of the resolution.

Mr. SPRINGER. I do not object to the resolution of the gentleman from Missouri [Mr. CLARDY].

Mr. CLARDY. I think the gentleman should not make an objection in the way he does.

Some time subsequently,

Mr. CLARDY said: I ask that the resolution be referred to the Committee on Rules.

The SPEAKER. It has been so referred.

BRIDGES OVER MUSKINGUM RIVER.

Mr. CRISP. The Senate has passed the bill (H. R. 4327) regulating the construction of bridges over the Muskingum River, in Ohio, with amendments, and requests a committee of conference. I ask that the amendments be read.

The amendments of the Senate were read.

Mr. CRISP. I ask unanimous consent that the Senate amendments be concurred in.

There being no objection, the amendments of the Senate were concurred in.

CONTESTED ELECTION—WORTHINGTON VS. POST.

Mr. O'FERRALL. Mr. Speaker, I rise to a question of high privilege.

The SPEAKER. The gentleman will state it.

Mr. O'FERRALL. I call up for present consideration the contested-election case of Nicholas E. Worthington against Philip Sidney Post, from the Tenth Congressional district of Illinois. I ask that the conclusions of the committee be read.

The Clerk read as follows:

1. *Resolved*, That Nicholas E. Worthington was not elected a Representative to the Fiftieth Congress of the United States from the Tenth Congressional district of Illinois.

2. *Resolved*, That Philip Sidney Post was duly elected a Representative to the Fiftieth Congress of the United States from the Tenth Congressional district of Illinois, and is entitled to a seat in the same.

Mr. O'FERRALL. Mr. Speaker, unless there is some desire on the part of the House to have the report of the committee read at length, I ask unanimous consent that it be considered as having been read and be printed in the RECORD.

There was no objection, and it was so ordered.

The report (by Mr. O'FERRALL) is as follows:

The Committee on Elections, to which was referred the contested-election case of Nicholas E. Worthington *vs.* Philip Sidney Post, from the Tenth Congressional district of the State of Illinois, respectfully submits the following report:

There were many charges and counter-charges made in the notice of the contestant and answer of the contestee, but the evidence and arguments of counsel were confined to mistakes in the count of the ballots upon which the returns were made, the question as to the regularity of a number of ballots which were not counted, and the legality of a large number of voters and the committee will take these points up in the order given.

MISTAKES IN THE COUNT.

It was conceded by both parties to the contest that a recount of the ballots which was had entitled the contestant to 11 votes more than were returned for him, and his returned vote should be increased to that extent.

IRREGULAR BALLOTS.

The contestant claimed that there were 24 ballots which were not counted for him either in the original count or recount to which he was entitled.

The statutes of Illinois provide that—

"If more persons are designated for any office than there are candidates to be elected * * * such part of the ballot shall not be counted for either of the candidates. (Ill. R. S., 1885, chap. 46, sec. 57.)"

The committee, construing this provision of the statutes of Illinois as mandatory, which construction is sustained by the decisions of the supreme court of that State, proceeded to examine the ballots referred to, 24 in number.

On some of these ballots, under the words "For Representative in Congress, Tenth district," there were two names, the name of the contestee printed, and the name of the contestant written with pencil. On others the name of the contestant was written under the words "For State superintendent of public instruction," and no name under the words "For Representative in Congress, Tenth district."

After a careful examination of all of these 24 ballots the committee found only 2 which, in its opinion, were legal.

One will be found on page 100 of the record, and is in the following form:

"DISTRICT.

"NICHOLAS E. WORTHINGTON."

The other will be found on page 104 of the record, and is in the following form:

"[In pencil] NICHOLAS E.

"For Representative in Congress, Tenth Congressional district.

"[In pencil] WORTHINGTON."

The committee thought that the intention of the voters was clearly indicated by these ballots, and counted the same for the contestant.

VOTERS ATTACKED BY CONTESTANT UPON VARIOUS GROUNDS.

After a very critical examination of the testimony in the case of every voter attacked, we find that the following were in our opinion illegal:

IN STARK COUNTY.

1. Samuel W. Hoptenstall, who had lost his residence in the State by removing therefrom, and had not been in the State since his return a sufficient length of time to re-establish himself as a voter.
2. Frank Rosier, who was not a voter for the same reason.
3. Charles F. Hixon, who lived in Marshall, and not in Stark County, where he voted.

IN PEORIA COUNTY.

1. J. L. Fahnestock and
2. William F. Fahnestock:

These men went to Kansas in March, 1886, pre-empted each 160 acres of land, proved up claim, lived on it for six months, and then returned. They were not legal voters.

FULTON COUNTY.

1. John Spencer: He was a convict, and had not been restored to citizenship.
2. John N. Pan: He had not been in the county ninety days, as required by statute.
3. L. H. Hoffer: He was not a resident of the county or State.
4. O. S. Markland: He had not been in the county ninety days, as required by statute.
5. John B. Thurman: He had lost his residence by removing to Iowa, and had not been back twelve months, as required by statute.
6. George Myers: He went to Kansas; pre-empted land; lived on it for six months, in 1885, and voted in Kansas, and had not been back twelve months.

KNOX COUNTY.

1. William H. Butterfield: He took up a homestead in Dakota, and claimed, according to his own evidence, his residence in Dakota as late as November 7, 1885, not twelve months before the Congressional election of November 2, 1886.
2. George W. Armstrong: He had lost his residence by removal from the State, and had not been back long enough to acquire a right to vote.
3. Isaac Burnsid: He voted in one election district when his permanent residence was in another.
4. John Schoonover: He had homesteaded land in Kansas in September, 1886.
5. John Swigart: Filed homestead in Kansas in April, 1886; did some preliminary work, and lived on claim until August, 1886.
6. H. E. Gowan: He had lost his residence by removing from the State, and had not been back the required twelve months.
7. Charles A. Hammerstrain: He was not a naturalized citizen.
8. Helly Doyle: He was not a resident of the county.
9. George Campbell: He was a minor.

These 20 votes, illegal for the reasons given, the committee has taken from the contestee's vote.

VOTERS ATTACKED BY THE CONTESTEE UPON THE GROUNDS STATED BELOW.

STARK COUNTY.

1. W. W. Jones: He was not a resident of the county.
2. William D. Headley: He had lost his residence by removing from the State, and had not been back the required time.
3. William A. Wright: He was a convict and had not been restored to citizenship. The contestant insisted in his brief that the entire record from the finding of the indictment down to the sentence must be produced. The contestee produced the judgment of the court, and the committee thought that was sufficient.

PEORIA COUNTY.

1. Birdsey Beach: He was not a resident of the election district in which he voted.
2. Henry Shafer: He was not a resident of the election district in which he voted. He commenced to prepare to move into the district on the 2d October, but did not actually move until the 4th, not thirty days before the election.
3. John Merrit: He was not a resident of the county.
4. John Becker: He was a foreigner, and came to this country when he was under eighteen years of age. No evidence that his father was ever naturalized; he had heard so, but knew nothing about it. His father lived in the same district and was not called.
5. Herman Voight: He was a minor. His step-father thought he was twenty-one, but his mother swore he would not be twenty-one until July, 1887.
6. John Schock: He was a convict, and not restored to citizenship until March, 1887.
7. W. W. Chambelin: He voted in the wrong election district.
8. George McAvoy:
9. Perry Londergren:
10. August Spitznagal:

These men were convicted of larceny, which disqualified them, under the statutes of Illinois, and they had not been restored to the rights of full citizenship.

FULTON COUNTY.

1. J. T. Dickey:
2. W. G. Dickey:

These men had not been in the election district thirty days before election. They did not move into the district until the 4th day of October, 1886. The contestant says that both the 4th day of October and the 2d day of November ought to be counted. Your committee differ with the contestant, and exclude one day, which will give only twenty-nine days in district before election.

3. William Brown: He had not been in election district thirty days. He moved into district first Wednesday in October, 1886.
4. George Hoffman: He was a minor. His father had a vague idea that he was born in September, 1865, but a lady testified that he was born on the 16th September, 1866; that she was a neighbor, and knew that he was born one week and a day before her son George was born. In the opinion of your committee he was only twenty years of age.
5. George W. Clarke: He was a minor, and in the spring of 1886 he was hunting work; said he would be twenty years old that month, and that his mother had sent him out to get work.
6. Maurice O'Donnell: He had been in Kansas between one and two years before the election, and had been back only about five weeks, returning, as your committee thinks, only to get his share in some property.
7. John Kitchen: He was not a resident of Fulton County; had been away for five or six years, and only returned in August, 1886, and left in December following.
8. Preston Sipes: He moved away in spring of 1886; said he was going to Arkansas; sold his wheat in the field, cow, and other personal property; loaded up his wagon; took his family, and said he never would be back. He returned in August, 1886; said he had been in Missouri, Arkansas, and the Indian Nation. Your committee does not think he was a legal voter in the State; but, in addition, if a resident, he voted in the wrong district.
9. John Colston: He was a convict, and had not been restored to citizenship. Your committee held in this, as in the former cases of this kind, that the record of conviction alone was sufficient.

KNOX COUNTY.

1. Henry B. Burton: He filed claim of homestead in Nebraska in June, 1886. On his examination he swore that he did not file the claim until November 24, 1886, after the election; but a copy of the record was afterwards filed by contestee showing that he had filed it in June, 1886.
2. Jessee Boynton: He was not a legal voter; had been in the West; voted while there, etc.
3. August Osterburg, and
4. Frederick Osterburg:

These men were foreign born; they came to this country when children; they were never naturalized, and there is no evidence their father was ever naturalized; their father came here in 1868, and died twelve or fifteen years before 1886; if fifteen years, he had not been here five years when he died.

5. Benoni Simpkins: He had not been a resident of the State and county for the time required by statute; his goods left De Witt, Nebr., on or about the 3d November, 1885; he and his family reached Maquon, where he voted, on the 14th; he was not examined as a witness, though living at Maquon.
6. Henry Maxwell: He had not been a resident of the township in which he voted for thirty days.
7. Sevastime Soper;
8. Thomas McClure; and
9. Robert McClure:

These men, who were foreigners, were never naturalized, according to their own statements.

10. Martin Crow: He was not a resident; his home was in Kansas; owned large body of land along with his brothers there.
11. Olof Head: Had not been in township where he voted for thirty days; moved into it October 20, 1886.
12. Edward Semple:
13. Charles Munson:

These men had taken a homestead in Kansas—proved up claim—one about nine months before the election, the other in August or September, 1885, and he had been back four months.

14. Edward Colgan: Unnaturalized foreigner; he had only declared his intention.
15. Charles Behm: He was foreign born, and came here before he was eighteen years of age; he was never naturalized; his father took out his second papers after he (Charles) was twenty-one years old.
16. Charles Stecko: He was foreign born, and came here after he was eighteen years old; only took out one paper.
17. Edward O'Leary: He was foreign born, and came to this country before he was eighteen years of age; his father lived in this country four years and returned to Ireland. (Of course the father was not naturalized.) Edward had never been naturalized.
18. Karl Messer: He was foreign-born; his parents came here with him when he was about thirteen years old, and after remaining here three years they returned to Ireland. Of course the father was never naturalized, and Karl has never been.
19. William McCoy: He was foreign-born; came here when he was more than eighteen years of age in 1863; he had taken out one paper in 1865 in Montana.
20. Oliver H. Darnell: He moved into the district in which he voted October 11, 1886, not thirty days before the election.

The illegality of the following votes was conceded by both parties:

VOTED FOR POST.	VOTED FOR WORTHINGTON.
1. Enos George Mack.	1. James Atwood.
2. James Anderson.	2. William Campbell.
3. Andrew Hertzel.	3. James Ennis.
4. Taylor Long.	4. Fred Bohl.
5. Andrew Andrews.	5. William C. McCormick.
6. George E. Dutton.	6. James Biggins.
7. Samuel F. Laird.	7. Eb. Tolle.
8. George H. Long.	8. Michael Conroy.
9. Eugene S. Norris.	9. James Eads.
10. George Ireland.	10. James McGann.
	11. James Holding.
	12. John W. Swartz.
	13. Henry Baden.
	14. James Swisher.
	15. Peter Ward.
	16. Luke Nolan.
	17. George E. Hastey.
	18. Thomas Mason.
	19. Simeon Trotter.
	20. Oscar Cox.
	21. Theodore Nailor.
	22. John Almquist.
	23. Robert Hobkirk.
	24. Dennis McCoy.

STUDENT VOTE.

There were 18 votes cast by students of Knox College and Lombard University, which were claimed by contestant to be illegal; 14 of these votes were cast for contestee and 4 for contestant.

The committee, in passing upon the legality of these votes, was of the opinion that where young men had entirely severed their connection with the home of their parents, and were relying upon their own resources, efforts, and means, and had no fixed determination as to their future place of abode, they were legal voters at the point where these colleges were located; that to hold differently would be to deprive many worthy young men of the right to vote, and disfranchise them during the years they might be engaged in their laudable efforts to secure an education. With this principle in view the committee made a careful examination of each individual vote, and found that the votes of three persons, whose names are included in the above list of conceded illegal votes for contestee, did not come within the principle laid down.

The contestant in his brief conceded that 4 votes cast for him by students were illegal, but he made this concession upon a construction of the law which is not in accordance with the views entertained by the committee, and the committee has, therefore, left them to his credit.

UNREGISTERED AND SWORN-IN VOTERS.

The qualifications of electors in Illinois are as follows:

"Who may vote.—Every person having resided in this State one year, in the county ninety days, and in the election district thirty days next preceding any election therein, who was an elector in this State on the 1st day of April, in the year of our Lord 1848, or obtained a certificate of naturalization, before any court of record in this State prior to the 1st day of January, in the year of our Lord 1870, or who shall be a male citizen of the United States, above the age of twenty-one years, shall be entitled to vote at such election." (Ill. Rev. Stat., chapter 46, section 65.)

There is a registration provision, and where a voter presents himself and his name is not on the registry-list and his vote is challenged, the statute provides that he may make and subscribe an affidavit in the following form, which shall be retained by the judges of election and returned by them with the poll-books:

"STATE OF ILLINOIS, *County of*——.

"I, —— ——, do solemnly swear (or affirm) that I am a citizen of the United States (or that I was an elector on the 1st day of April, A. D. 1848, or that I obtained a certificate of naturalization before a court of record in this State prior to the 1st day of January, A. D. 1870, as the case may be); that I have resided in this State one year, in the county ninety days, and in this election district thirty days next preceding this election; that I now reside at (here give the particular house or place of residence, and if in a town or city, the street and number), in this election district; that I am twenty-one years of age, and have not voted at this election; so help me God (or this I do solemnly and sincerely affirm, as the case may be).

"Subscribed and sworn to before me this —— day of ——, A. D. 18—.

"—— ——."

(Section 69, chapter 46.)

It is also provided that—

"In addition to such an affidavit, the person so challenged shall produce a witness personally known to the judges of election, and resident in the precinct (or district), or who shall be proved by some legal voter of such precinct or district, known to the judges to be such, who shall take the oath following, namely:

"'I do solemnly swear (or affirm) that I am a resident of this election precinct (or district), and entitled to vote at this election, and that I have been a resident of this State for one year last passed, and am well acquainted with this person whose vote is now offered; that he is an actual and bona fide resident of this election precinct (or district), and has resided herein for thirty days, as I verily believe, in this county ninety days, and in this State one year, next preceding this election.'"

(Starr & Curtis's Statutes of Illinois, section 70, chapter 46.)

Again:

"No vote shall be received at any State election in this State if the name of the person offering to vote be not in the said register, unless the person offering to vote shall furnish to the judges of the election his affidavit, in writing, stating therein that he is an inhabitant of said district and entitled to vote therein at such election, and prove by the oath of a householder and registered voter of the district in which he offers to vote that he knows such person to be an inhabitant of the district, and if in any city, giving the residence of such person when in said district." (Part of section 145, chapter 46.)

There were 27 votes attacked by the contestant, cast by parties who were not registered and who were sworn in, upon the ground that the affidavits were defective. Twenty of these votes were cast for the contestee and 7 for the contestant.

The committee, after a careful consideration of these affidavits, was of the opinion that all but 5 of them were substantially within the requirements of the law. It has deducted from the vote of the contestee the 5 votes cast upon the five defective affidavits—in fact, five blank affidavits.

Nothing remains now but to recapitulate the result of the investigation:

Returned vote of contestee		15,186
Deduct illegal votes as follows:		
In Stark County	3	
In Peoria County	2	
In Fulton County	6	
In Knox County	9	
Conceded, not embraced in above	10	
On defective affidavits not embraced in above	5	
		35
Contestee's true vote		15,151
Returned vote of contestant		15,157
Add gain on recount		11
Add gain on examination of ballots		2
		15,170
Deduct illegal votes as follows:		
In Stark County	3	
In Peoria County	10	
In Fulton County	9	
In Knox County	20	
Conceded, not embraced in above	24	
		66
Contestant's true vote		15,104

Take, then, contestee's true vote, 15,151; deduct contestant's true vote, 15,104, and the contestee's majority will be 47, or 18 more than his returned majority; and if all the unregistered voters claimed to have been illegal by reason of alleged defective affidavits are deducted, the majority of the contestee would be 39.

The committee recommend the adoption of the following resolutions:

"1. *Resolved*, That Nicholas E. Worthington was not elected a Representative to the Fiftieth Congress of the United States from the Tenth Congressional district of Illinois.

"2. *Resolved*, That Philip Sidney Post was duly elected a Representative to the Fiftieth Congress of the United States from the Tenth Congressional district of Illinois, and is entitled to a seat in the same."

The resolutions reported from the Committee on Elections were adopted.

Mr. O'FERRALL moved to reconsider the vote by which the resolutions were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of committees for reports.

BRIDGE NEAR LITTLE ROCK, ARK.

Mr. CRISP, from the Committee on Commerce, reported back with amendments the bill (H. R. 7790) to authorize the construction of a bridge across the Arkansas River at or near Little Rock, Ark.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RAILROAD BRIDGE, WINONA, DAK.

Mr. CRISP also, from the Committee on Commerce, reported back with amendments the bill (H. R. 7438) granting to the Aberdeen, Bismarck and Northwestern Railroad Company the right to construct and maintain a bridge across the Missouri River near Winona, Emmons County, Dakota; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS THE MISSOURI.

Mr. CRISP also, from the Committee on Commerce, reported back with amendments the bill (H. R. 3523) to authorize the construction of a bridge across the Missouri River, and to establish it as a post-road; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS THE MISSOURI RIVER.

Mr. CRISP also, from the Committee on Commerce, reported back with amendment the bill (H. R. 7776) to authorize the construction of a bridge across the Missouri River in the county of Monona, in the State of Iowa, and in the county of Burt, in the State of Nebraska, and to make the same a post-road; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS THE COLUMBIA.

Mr. CRISP also, from the Committee on Commerce, reported back with a favorable recommendation the bill (S. 23) to authorize Dalles City to construct a bridge across the Columbia River in the State of Oregon and Territory of Washington; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WAGON BRIDGE NEAR SIOUX CITY, IOWA.

Mr. CRISP, from the Committee on Commerce, reported, as a substitute for the bill H. R. 4469, a bill (H. R. 8946) authorizing the construction of a high wagon bridge across the Missouri at or near Sioux City, Iowa; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The original bill, H. R. 4469, was laid on the table.

FOURTH COLLECTION DISTRICT, VIRGINIA.

Mr. TARSNEY, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. 1890) to amend an act approved June 15, 1882, changing the boundaries of the fourth collection district of Virginia; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

By unanimous consent, leave was granted the minority of the committee to file their views, to be printed with the report.

LIMITS OF THE PORT OF MEMPHIS, TENN.

Mr. PHELAN, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. 5032) to extend the limits of the port of Memphis, Tenn.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE OVER THE MISSISSIPPI RIVER NEAR NATCHEZ.

Mr. PHELAN also, from the Committee on Commerce, reported back with amendments the bill (S. 1669) authorizing the Mississippi and Louisianna Bridge and Railroad Company of Natchez, Miss., to construct a bridge over the Mississippi River at or near Natchez, Miss.; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

OBSTRUCTIVE DEPOSITS, NEW YORK HARBOR.

Mr. BRYCE, from the Committee on Commerce, reported, in lieu of the bills H. R. 1662 and H. R. 5658, a bill (H. R. 8947) to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York City and Long Island Sound, by dumping or otherwise, and to punish and prevent such offenses; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The original bills, H. R. 5658 and H. R. 1662, were laid on the table.

PORT OF ENTRY, SUPERIOR, WIS.

Mr. WILSON, of Minnesota, from the Committee on Commerce, reported back adversely the bill (H. R. 5704) providing for the establishment of a port of entry at Superior, in the county of Douglas, in the State of Wisconsin; which was laid on the table, and the accompanying report ordered to be printed.

CUSTOMS COLLECTION DISTRICT, DULUTH, MINN.

Mr. WILSON, of Minnesota, also, from the Committee on Commerce, reported back favorably the bill (H. R. 8646) relating to the customs collection district of Duluth, Minn.; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

LIFE-SAVING STATION, NANTUCKET ISLAND, MASSACHUSETTS.

Mr. DAVIS, from the Committee on Commerce, reported back favorably the bill (H. R. 8752) providing for the establishment of an additional life-saving station on Nantucket Island, Massachusetts; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

JOHN W. REID.

Mr. CUTCHEON, from the Committee on Military Affairs, reported back adversely the bill (H. R. 4681) for the relief of John W. Reid; which was laid on the table, and the accompanying report ordered to be printed.

MAJ. DANIEL N. BASH.

Mr. STEELE, from the Committee on Military Affairs, reported back favorably the bill (S. 258) for the relief of Maj. Daniel N. Bash, paymaster, United States Army; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. STEELE. If it be now in order, I ask that this bill take the place of a House bill of similar purport now on the Private Calendar, and that the House bill lie on the table.

The SPEAKER. That can not be done now; it can be done by unanimous consent at some other time.

WILLIAM CLARK, DECEASED.

Mr. STEELE also, from the Committee on Military Affairs, reported back adversely the bill (S. 1118) to remove the charge of desertion from the military record of William Clark, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

GEORGE W. BOLTON.

Mr. STEELE also, from the Committee on Military Affairs, reported back adversely the bill (S. 547) for the relief of George W. Bolton, alias Charles W. Andrews; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

YORK HARBOR AND BEACH RAILROAD COMPANY.

Mr. MAISH, from the Committee on Military Affairs, reported back with amendment the bill (H. R. 7509) granting to the York Harbor and Beach Railroad Company a right of way; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MONUMENT TO VICTIMS OF PRISON-SHIPS.

Mr. MAISH also, from the Committee on Military Affairs, reported back with amendment the bill (H. R. 1687) for the erection and completion of a monument to the memory of the victims of prison-ships at Fort Greene, Brooklyn; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

FOURTH REGIMENT OF IOWA INFANTRY.

Mr. GEAR, from the Committee on Military Affairs, to which was referred with Senate amendments the bill (H. R. 1387) for the relief of the volunteers of the Fourth Regiment of Iowa Infantry, reported the same back with the recommendation that the Senate amendments be concurred in.

The bill, with the amendments, was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALLEN GUNTER.

Mr. FORD, from the Committee on Military Affairs, reported back with amendment the bill (H. R. 477) for the relief of Allen Gunter; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HARRY S. KELLOGG.

Mr. CAREY, from the Committee on Military Affairs, reported back with amendment the bill (H. R. 6080) for the relief of Harry S. Kellogg, administrator of the estate of Lyman W. Kellogg, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

STOCKBRIDGE AND MUNSEE INDIANS, WISCONSIN.

Mr. HUDD, from the Committee on Indian Affairs, reported back favorably the bill (H. R. 5043) for the relief of the Stockbridge and Munsee tribe of Indians in the State of Wisconsin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ARTESIAN WELLS IN MONTANA.

Mr. JOSEPH, from the Committee on the Territories, reported back with amendment the bill (H. R. 1964) to provide for the boring of artesian wells in the Territory of Montana; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ADDITIONAL TERRITORIAL JUDGES.

Mr. KILGORE, from the Committee on the Territories, reported back, as a substitute for House bill 6828, a bill (H. R. 8948) to provide additional justices of the supreme court of Dakota, Washington, Wyoming, Utah, Idaho, and Arizona Territories, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill 6828 was, by unanimous consent, laid on the table.

THE LAKES AND GULF WATER-WAY COMMISSION.

Mr. PLUMB, from the Committee on Railways and Canals, reported back the bill (H. R. 1995) to create the lakes and gulf water-way commission; which was laid on the table.

He also, from the same committee, reported a bill (H. R. 8949) to provide for ascertaining the propriety and feasibility of constructing the lakes and gulf water-way; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, LYNN, MASS.

Mr. SOWDEN, from the Committee on Public Buildings and Grounds, reported back the bill (H. R. 1533) for the erection of a public building at Lynn, Mass.; which was laid on the table.

He also, from the same committee, reported a bill (H. R. 8950) for the erection of a public building at Lynn, Mass.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, STAUNTON, VA.

Mr. SOWDEN also, from the Committee on Public Buildings and Grounds, reported back the bill for the erection of a public building at the city of Staunton, Va.; which was laid on the table.

He also, from the same committee, reported a bill (H. R. 8951) for the erection of a public building at Staunton, Va., which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, YORK, PA.

Mr. SOWDEN also, from the Committee on Public Buildings and Grounds, reported a bill for the erection of a public building at York, Pa.; which was laid on the table.

He also, from the same committee, reported a bill (H. R. 8952) for the erection of a public building at York, Pa.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, LOS ANGELES, CAL.

Mr. NEWTON, from the Committee on Public Buildings and Grounds, reported back with amendment the bill (H. R. 4926) for a supplemental appropriation for the erection of a public building at Los Angeles, Cal.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

DELILAH VANDEVENDER.

Mr. MATSON, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4831) granting a pension to Delilah Vandevender; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

DAVID GIBBONS.

Mr. MATSON also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 5756) granting a pension to David Gibbons; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM SCOTT.

Mr. MATSON also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7115) granting a pension to William Scott; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN KINNEY.

Mr. MATSON also, from the Committee on Invalid Pensions, reported back the bill (H. R. 7882) granting a pension to John Kinney; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

BENJAMIN F. BYERS.

Mr. MATSON also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 5574) granting a pension to Benjamin F. Byers; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORT.

Mr. MATSON also, from the Committee on Invalid Pensions, reported back the following cases adversely; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 3536) granting a pension to Simon [illegible]ines;
A bill (H. R. 3539) granting a pension to Michael C. Bricker;
A bill (H. R. 2098) for the relief of John G. Maughermar;
A bill (H. R. 7667) granting a pension to Elias Deveny;
A bill (H. R. 2135) granting a pension to David Gentry;
A bill (H. R. 6977) granting a pension to Hugh A. Brown; and
A bill (H. R. 2162) for the relief of Catharine K. Bailey.

FLETCHER S. DEWEY.

Mr. MATSON also, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 2115) granting a pension to Fletcher S. Dewey; which, on motion of Mr. HOLMAN, was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. GALLINGER, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 815) granting an increase of pension to Sarah F. Bridges; and
A bill (H. R. 5312) granting a pension to Reuben Spalding.

JAMES FERRIS.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 366) granting a pension to James Ferris; which, on motion of Mr. DINGLEY, was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARY A. WEST.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 7815) granting a pension to Mary A. West; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MISS CARRIE A. LUEY.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 6770) granting a pension to Miss Carrie A. Luey; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. LOVINA J. REEVES.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 813) granting a pension to Mrs. Lovina J. Reeves; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ELIZA MATHEWS.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back the bill (H. R. 6519) for the relief of Eliza Mathews; which was laid on the table.

He also, from the same committee, reported a bill (H. R. 8953) granting a pension to Eliza Mathews; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EDNA M. HILDRETH.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported with amendments a bill (H. R. 4103) granting a pension to Edna M. Hildreth; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

STEPHEN A. SEAVEY.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 7510) granting a pension to Stephen A. Seavey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HEMAN RANKINS.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7974) granting a pension to Heman Rankins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. ABBA E. JACKSON.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 8629) granting a pension to Mrs. Abba E. Jackson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS BENSON.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6070) granting an increase of pension to Thomas Benson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES ARNELL.

Mr. LANE, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 8101) for the relief of James Arnell, Company D, Fourteenth Ohio Volunteers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARQUIS D. DAVIS.

Mr. LANE also, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 722) for the relief of Marquis D. Davis; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES KELLEY.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 2074) granting a pension to James Kelley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SMITH V. CAMPBELL.

Mr. WALKER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 5429) to place the name of Smith V. Campbell on the pension-roll; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH WARD.

Mr. WALKER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6582) granting a pension to Elizabeth Ward; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SALLY B. WILSON.

Mr. WALKER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6583) granting a pension to Sally B. Wilson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ABIAL S. CHAMBERLAIN.

Mr. FRENCH, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 8489) granting a pension to Abial S. Chamberlain; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NETTIE ELLICOTT.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 8798) granting a pension to Nettie Ellicott; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CAROLINE PAUTEL.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7111) granting a pension to Caroline Pautel; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LYDIA BURRIDGE.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 8400) for the relief of Lydia Burridge; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FRANCIS DANIELS.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 2664) for the relief of Francis Daniels; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES W. HARRIMAN.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 618) granting a pension to James W. Harriman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY F. HARKINS.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 3016) granting a pension to Mary F. Harkins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LYDIA D. HOLTZ.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with an adverse recommendation the bill (S. 811) granting a pension to Lydia D. Holtz; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ELLEN SEXTON.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 8174) granting a pension to Ellen Sexton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH SMITH.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 6478) granting a pension to Elizabeth Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADA PIATT AND OTHERS.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 4743) granting pensions to Ada Piatt, Leota Piatt, and Jessie Piatt; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

ALBERT E. MAGOFFIN.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 8496) to increase the pension of Albert E. Magoffin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

SIDNEY W. WHITELOCK.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 7490) for the relief of Sidney W. Whitelock; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with adverse recommendations bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 6078) granting a pension to Alexander J. Phillips;
A bill (H. R. 6913) to increase the pension of Z. T. Crawford;
A bill (H. R. 225) granting a pension to S. J. Caldwell;
A bill (H. R. 2256) to increase the pension of William A. Hanger;
A bill (H. R. 6865) to increase the pension of John W. Baynum;
A bill (H. R. 7180) granting a pension to John Harlan;
A bill (H. R. 2254) pensioning Stephen Allen;
A bill (H. R. 3835) granting a pension to Jonathan Cope;
A bill (H. R. 3193) granting a pension to William S. Hall;
A bill (H. R. 3583) granting a pension to Thomas Dennis; and
A bill (H. R. 2255) increasing the pension of A. F. Fuller.

JOHN H. ROUNTREE.

Mr. SPOONER, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 5759) granting a pension to John H. Rountree; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

STEPHEN SINGLETON.

Mr. SPOONER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 860) granting a pension to Stephen Singleton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SALLIE T. WARD.

Mr. HUNTER, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 8574) granting a pension to Sallie T. Ward, widow of the late W. T. Ward; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LOUISE PAUL.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 749) granting a pension to Louise Paul; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FRANCES ANNE PYNE RICKETTS.

Mr. LYNCH, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 631) for the relief of Frances Anne Pyne Ricketts; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH M. CARROLL.

Mr. CHIPMAN, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 2499) increasing the pension of Miss Sarah Mary Carroll; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

MARY A. WELLS.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 5792) granting a pension to Mary A. Wells; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIAS SHAFER.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6904) granting an increase of pension to Elias Shafer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM S. KELLINGTON.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 8225) for the relief of William S. Kellington; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEWIS C. KECK.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7577) granting a pension to Lewis C. Keck; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FREDERICK BENO.

Mr. THOMPSON, of California, from the Committee on Invalid Pensions, reported back favorably the bill (S. 39) granting an increase of pension to Frederick Beno; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WINEMAH RIDDELL.

Mr. FINLEY. I am directed by the Committee on Pensions to re-

port back adversely the bill (H. R. 2804) to pension Winemah Riddell. Upon this bill the committee were evenly divided. I ask that the bill be referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

The SPEAKER *pro tempore*. That order will be made.

WILLIAM H. HESTER.

Mr. FINLEY also, from the Committee on Pensions, reported back favorably the bill (H. R. 8164) granting a pension to William H. Hester; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN R. WOOD, AND OTHERS.

Mr. BOWDEN, from the Committee on Claims, reported back favorably the bill (H. R. 6862) for the relief of John R. Wood, John T. Ballard, and John T. Belew; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SEMON BACHE & COMPANY.

Mr. TIMOTHY J. CAMPBELL, from the Committee on Claims, reported back favorably the bill (S. 576) for the relief of Semon Bache & Company; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. TIMOTHY J. CAMPBELL. Mr. Speaker, this bill is exactly similar in its provisions to a House bill which has been reported unanimously by the Committee on Claims and is now on the Private Calendar. I ask that this Senate bill be substituted for the House bill.

The SPEAKER *pro tempore* (Mr. SPRINGER). That request is not in order during this hour. It can be made when the bill is reached for consideration on the Private Calendar.

MARTHA J. RUMBAUGH.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported a bill (H. R. 8954) for the relief of Martha J. Rumbaugh, administratix of George H. Rumbaugh; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE W. QUICK.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back favorably the bill (H. R. 8176) for the relief of George W. Quick; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EDWARD FITZGERALD.

Mr. STONE, of Kentucky, also from the Committee on War Claims, reported as a substitute for House bill 58 a bill (H. R. 8955) for the relief of Edward Fitzgerald; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

House bill 58 was, by unanimous consent, laid on the table.

PROPERTY DESTROYED AT CYNTHIANA, KY., 1862.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back favorably the bill (H. R. 8640) to direct the Secretary of War to appoint a commission to ascertain and report the facts concerning the destruction of property at Cynthiana, Ky., on July 17, 1862; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HEIRS OF DAVID B. SANDERS.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back with amendment the bill (H. R. 6380) for the relief of the heirs of David B. Sanders, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

S. B. WEST, ADMINISTRATOR.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported a bill (H. R. 8956) for the relief of S. B. West, administrator of Thomas Becton, deceased; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

H. CLAY WOOD.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back favorably the bill (H. R. 7501) for the relief of H. Clay Wood; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ESTATE OF GEORGE W. LAWRENCE.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back favorably the bill (S. 879) for the relief of the administratrix of the estate of George W. Lawrence; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ESTATE OF THOMAS L. PRICE.

Mr. STONE, of Kentucky, also from the Committee on War Claims, reported back favorably the bill (S. 475) for the relief of the estate of Thomas L. Price, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WASHINGTON L. PARVIN AND HENRY A. GREENE.

Mr. STONE, of Kentucky, also from the Committee on War Claims, reported back favorably the bill (S. 180) for the relief of Washington L. Parvin and Henry A. Greene; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LUCINDA M'GUIRE.

Mr. STONE, of Kentucky, also from the Committee on War Claims, reported back favorably the bill (S. 102) for the relief of Lucinda McGuire; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN W. BLAKE.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back with a favorable recommendation the bill (S. 1376) for the relief of John W. Blake; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROBERT H. MONTGOMERY.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back with a favorable recommendation the bill (S. 939) for the relief of Robert H. Montgomery; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CLAIMS OF STATES AGAINST THE UNITED STATES.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back with a favorable recommendation the bill (S. 1057) to settle and adjust the claims of any State for expenses incurred by it in defense of the United States; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CLAIMS UNDER THE BOWMAN ACT.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported a bill (H. R. 8957) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY W. ARCHER, DECEASED.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported a bill (H. R. 8958) for the relief of the legal representatives of Henry W. Archer, deceased; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIAS B. MARTIN.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported a bill (H. R. 8959) for the relief of Elias B. Martin; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH E. E. PERINE.

Mr. THOMAS, of Wisconsin, from the Committee on War Claims, reported back with a favorable recommendation the bill (S. 396) for the relief of Sarah E. E. Perine, widow and administratrix of William Perine, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM TABB.

Mr. THOMAS, of Wisconsin, also, from the Committee on War Claims, reported back with a favorable recommendation the bill (S. 741) for the relief of William Tabb; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REUBEN A. HURLEY.

Mr. THOMAS, of Wisconsin, also, from the Committee on War Claims, reported a bill (H. R. 8960) for the relief of the heirs of Reuben A. Hurley, deceased; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE H. MELLEN, DECEASED.

Mr. THOMAS, of Wisconsin, also, from the Committee on War Claims, reported back with a favorable recommendationa the bill (H. R. 8300) for the relief of George H. Mellen, deceased; which was referred to the

Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CLAIMS FOR PROPERTY LOST IN THE MILITARY SERVICE.

Mr. THOMAS, of Wisconsin, also, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 1759) to extend the time for filing certain claims for compensation for horses and other property lost in the military service of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

HALLAM ELDRIDGE AND MARY ANN MONTGOMERY.

Mr. THOMAS, of Wisconsin, also, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 5386) for the relief of Hallam Eldridge and Mary Ann Montgomery, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM WHITEHOUSE.

Mr. THOMAS, of Wisconsin, also, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 2598) for the relief of William Whitehouse; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ISAAC N. ENLOE.

Mr. LAWLER, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 8636) for the relief of Isaac N. Enloe; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM B. PAYNE.

Mr. LAWLER also, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 7634) for the relief of William B. Payne; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WATERMAN CLIFT AND OTHERS.

Mr. GAINES, from the Committee on War Claims, reported a bill (H. R. 8961) for the relief of Waterman Clift, Robert May, and others; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NANCY G. ALEXANDER.

Mr. BROWER, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 6232) for the relief of Nancy G. Alexander; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DR. DAVID BELL.

Mr. BROWER also, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 8557) for the relief of Dr. David Bell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

A. L. WOODSON.

Mr. BROWER also, from the Committee on War Claims, reported back the bill (H. R. 4665) for the relief of Anthony L. Woodson; which was laid on the table.

He also, from the same committee, reported a bill (H. R. 8962) for the relief of Anthony L. Woodson, of Woodsonville, Ky.; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DUNCAN & MASON AND DUNCAN & DURRETT.

Mr. BROWER also, from the Committee on War Claims, reported back favorably the bill (H. R. 8688) for the relief of Duncan & Mason and Duncan & Durrett; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEVI HERZOG.

Mr. BROWER also, from the Committee on War Claims, reported back favorably the bill (H. R. 2432) for the relief of Levi Herzog; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIJAH GADDIE.

Mr. BROWER also, from the Committee on War Claims, reported back favorably the bill (H. R. 7704) for the relief of Elijah Gaddie; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN M. HIGGINS.

Mr. CROUSE, from the Committee on War Claims, reported back favorably the bill (H. R. 520) for the relief of John M. Higgins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES A. DANOLDS.

Mr. BLISS, from the Committee on War Claims, reported back favorably the bill (H. R. 2658) for the relief of Charles A. Danolds; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MATTHEW B. BERRYMAN.

Mr. BLISS also, from the Committee on War Claims, reported back favorably the bill (H. R. 925) for the relief of Matthew B. Berryman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHRISTIAN CHURCH, MARSHALL, MO.

Mr. O'NEILL, of Indiana, from the Committee on War Claims, reported back, as a substitute for the bill H. R. 6457, a resolution to refer the claim of the Christian Church of Marshall, Saline County, Missouri, together with all the papers and proofs in the case, to the Court of Claims, under the Bowman act; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

The bill (H. R. 6457) was laid on the table.

PUNISHMENT FOR BURNING WOODS, GRASS, ETC.

Mr. OATES, from the Committee on the Revision of the Laws, reported back favorably the bill (H. R. 3279) to define and punish the offense of setting fire to and burning the woods, grass, or forests on lands belonging to the United States; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

COMPENSATION OF CLERKS TO SENATORS AND REPRESENTATIVES.

Mr. OATES also, from the Committee on the Revision of the Laws, reported back with amendment the bill (H. R. 6095) to authorize the appointment and prescribe the compensation of clerks to Senators and Representatives who are not chairmen of committees; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ELECTION OF UNITED STATES SENATORS.

Mr. OATES also, from the Committee on the Revision of the Laws, reported back joint resolution (H. Res. 141) relating to the election of United States Senators; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. HOLMAN. I demand the regular order of business.

The SPEAKER. The hour for the reception of reports has expired.

Mr. BAYNE. There is one committee which has not yet been called.

The SPEAKER. But the hour has expired.

Mr. TOWNSHEND. I move the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Military Academy appropriation bill.

Mr. OUTHWAITE. The call in the morning hour rests with the Committee on the Pacific Railroads, and I hope this motion of the gentleman from Illinois will not prevail. That committee has very important business pending before the House. It has given way to other committees right along throughout the session, and I hope the motion will not now be pressed by the gentleman.

Mr. TOWNSHEND. I have no desire to deprive the House of the consideration of bills reported by that committee; and if the motion I have submitted can be considered as pending after the expiration of the hour I shall not press it now.

The SPEAKER. The motion is in order after the call or before.

Mr. TOWNSHEND. Then I shall not press the motion now, unless some other effort is made to antagonize it. I am willing to yield until after this hour has been consumed by the Committee on the Pacific Railroads.

Mr. HOLMAN. After the lapse of this hour I wish to state that I shall seek to antagonize the motion of the gentleman from Illinois by asking the House to take up for further consideration the bill in relation to the homestead and pre-emption laws.

Mr. TOWNSHEND. I give notice that I shall insist upon the motion to consider the general appropriation bill.

FUNERAL OF CHIEF-JUSTICE WAITE.

The SPEAKER. The Chair will direct the Clerk, with the consent of the House, to read for the information of members the arrangement which has been made with reference to the funeral of the Chief-Justice by the committee on arrangements.

The Clerk read as follows:

The space in the House and galleries, exclusive of the diplomatic and executive galleries, has been estimated and divided, and tickets will be issued and handed to each Member and Senator to-day before the adjournment. Each Member and Senator will have two tickets to the reserved gallery and one pass to the floor for such person as the member sees fit to give the pass to.

ORDER OF BUSINESS.

Mr. WEAVER. Mr. Speaker, I ask, as a parliamentary question, where the call of committees rests to-day?

The SPEAKER. If the Chair proceeded in the regular way the call would rest with the Committee on Patents; but the Committee on Pacific Railroads was passed over in its regular order with the understanding that it should be called whenever the committee desired. The gentleman from Ohio announces that the committee now desires to occupy the hour entitled to be occupied under the rule, and hence the call rests with that committee.

Mr. McADOO. Would it be in order to ask unanimous consent that the further call of committees be continued for reports until all the committees have been called?

The SPEAKER. The Chair thinks so.

Mr. OUTHWAITE. If consent to that arrangement would take the floor from the Committee on Pacific Railroads, I should have to object.

The SPEAKER. It would take no part of the hour to which the committee is entitled.

Mr. OUTHWAITE. Then I have no objection.

The remainder of the committees were then called in their order for reports.

REFORM IN THE CIVIL SERVICE.

Mr. STONE, of Missouri, from the Select Committee on Reform in the Civil Service, reported back, in lieu of bills H. R. 7791 and H. R. 8043, in relation to the civil service, a bill (H. R. 8963) to amend an act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bills H. R. 7791 and H. R. 8043 were laid on the table.

Mr. SPOONER. I ask consent of the House to file the views of the minority, to be printed with the report of the committee in that case.

There was no objection, and it was so ordered.

ADVERSE REPORT.

Mr. CLEMENTS, from the Select Committee on Reform in the Civil Service, reported back adversely the bill (H. R. 1536) to extend the operation of chapter 27 of the Statutes at Large, entitled "An act to regulate and improve the civil service of the United States;" which, on motion, was referred to the House Calendar, and, with the accompanying adverse report, ordered to be printed.

Mr. BAYNE, by unanimous consent, filed the views of the minority of the committee; which were ordered to be printed with the report of the committee on said bill.

GEORGE MAXWELL.

Mr. WILLIAMS, from the Select Committee on Indian Depredation Claims, reported back favorably the bill (H. R. 767) for the relief of George Maxwell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN JACKSON.

Mr. BIGGS, from the Select Committee on Indian Depredation Claims, reported back favorably the bill (H. R. 7977) for the relief of John Jackson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. KAULA.

Mr. BUNNELL, from the Select Committee on Indian Depredation Claims, reported back favorably the bill (H. R. 5194) for the relief of J. Kaula; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FORT OMAHA, NEBR.

Mr. LAIRD, from the Committee on Military Affairs, reported back favorably Senate bill 671 in lieu of the bill (H. R. 1618) to provide for the sale of the site of Fort Omaha, Nebr., the sale or the removal of the improvements thereof, and for a new site, and the construction of suitable buildings thereon; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

NAVAL APPRENTICES AS ENSIGNS.

Mr. McADOO, from the Committee on Naval Affairs, reported back, as a substitute for the bill H. R. 7089, the bill (H. R. 8964) providing for the annual commissioning as ensigns into the Navy of a certain number of naval apprentices; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. McADOO. I ask consent that the minority may have leave to file their views hereafter, to be printed with the report of the committee.

There was no objection, and it was so ordered.

NEW LAND DISTRICT, MISSISSIPPI.

Mr. STOCKDALE, from the Committee on the Public Lands, reported back favorably the bill (H. R. 7788) to establish a new land district in the State of Mississippi; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

GREAT SIOUX INDIAN RESERVATION.

Mr. PEEL. I am directed by the Committee on Indian Affairs to report back the bill (H. R. 7315) to divide the Great Sioux Indian reservation into several smaller reservations, and for other purposes, and to ask that the Senate amendments be non-concurred in, and that a committee of conference be requested.

The SPEAKER. That can only be done by unanimous consent.

Mr. PEEL. I ask unanimous consent.

There being no objection, the Senate amendments were non-concurred in; and it was ordered that a committee of conference be asked on the disagreeing votes of the two Houses.

The SPEAKER. The Chair will announce the managers of the conference on the part of the House during the day.

SECTION 3847, REVISED STATUTES.

Mr. MONTGOMERY, from the Committee on the Post-Office and Post-Roads, reported back with a favorable recommendation the bill (H. R. 4758) to amend section 3847 of the Revised Statutes of the United States (1878), Title XLVI, chapter 1; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MAIL ROUTE, NEW ORLEANS TO PORT EADS.

Mr. MONTGOMERY also, from the Committee on the Post-Office and Post-Roads, reported back, as a substitute for the bill H. R. 5148, the bill (H. R. 8965) for the relief of the mail contractor on route 30100, New Orleans to Port Eads; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SALARIES UNITED STATES JUDGES.

Mr. CASWELL, from the Committee on the Judiciary, reported, as a substitute for the bill H. R. 1928, a bill (H. R. 8966) fixing the salaries of the several judges of the United States courts; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The bill H. R. 1928 was laid on the table.

PLEASURE YACHTS.

Mr. CUMMINGS, from the Committee on Merchant Marine and Fisheries, reported back with an adverse recommendation the bill (H. R. 1992) to amend the United States Statutes in relation to pleasure yachts; which was laid on the table, and the accompanying report ordered to be printed.

SECTION 3477, REVISED STATUTES.

Mr. O'FERRALL, by unanimous consent, introduced a bill (H. R. 8967) to amend section 3477 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The hour for the consideration of bills called up by committees begins at nine minutes to 2 o'clock. The call rests with the Committee on Pacific Railroads.

Mr. OUTHWAITE. I call up for consideration the bill H. R. 8184.

Mr. ANDERSON, of Iowa. I ask unanimous consent to call up a bill from the Private Calendar.

The SPEAKER. That is not in order. The hour for the consideration of bills called up by committees has commenced. The gentleman from Ohio [Mr. OUTHWAITE] is entitled to the floor.

Mr. WEAVER. I wish to ask the gentleman from Ohio whether it is his intention to do anything more in this hour than to have the bill debated?

Mr. OUTHWAITE. I will say it is not the intention in this hour to do anything more than discuss the bill.

PACIFIC RAILROADS.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill, as follows:

A bill (H. R. 8184) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act, and to provide for a settlement of claims growing out of the issue of bonds to aid in the construction of certain of said railroads, and to secure to the United States the payment of all indebtedness of certain of the companies therein mentioned.

Mr. OUTHWAITE. I ask unanimous consent that the reading of the bill be dispensed with; that it be considered as having been read.

The SPEAKER. The gentleman from Ohio asks unanimous consent to dispense with the reading of the bill.

Mr. ANDERSON, of Iowa. I object.

Mr. OUTHWAITE. I desire to ask a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. OUTHWAITE. Is it necessary that the bill should be read at this time?

The SPEAKER. The Chair thinks that any gentleman on the floor has the right to have the bill read.

Mr. HATCH took the chair as Speaker *pro tempore*.

The Clerk proceeded to read the bill. Before he concluded the reading,

Mr. ANDERSON, of Iowa, said: I withdraw my objection to dispensing with the reading of the bill.

The SPEAKER *pro tempore*. Is there further objection?

There was no further objection.

Mr. OUTHWAITE. I desire the attention of the House to this bill, because it deals with one of the most important subjects that will come before this House during this Congress. It deals with an indebtedness to the Government of the United States to the amount of $60,000,000. In this bill alone is considered the question of the adjustment with the Union Pacific Railroad Company, including the Kansas Pacific Railroad Company, and the Central Branch Union Pacific Railroad Company, the indebtedness of which together at this time amounts to $60,000,000.

Other measures are before the Committee on Pacific Railroads, dealing with the indebtedness of the Central Pacific Railroad Company, including the Western, and of the Sioux City and Pacific, which will amount to about the same sum.

In these latter days we are not in the habit of regarding millions of dollars as amounting to very much; but when the attention of the House is fixed upon the fact that this bill in itself includes the adjustment of an indebtedness for an amount equal to the amounts appropriated to run this Government prior to 1860, there will come some appreciation of the immense sum involved.

The question for the House to consider is whether this bill deals wisely, deals prudently, deals fairly and honestly with the Government in what is here proposed. The question is, does the bill secure in a proper manner the amount to be paid to the Government?

It may be well for us to consider the origin of this debt and what preparations were made for its payment, or rather the failure of preparation that was made in the original act for the payment of the indebtedness; then to consider that the indebtedness is drawing near its maturity; then to consider the amount of security which the Government has for the payment of its debt if the companies should fail to pay at the date of maturity; then to consider what security in addition—if some arrangement is made with the companies—what security in addition these companies can give, so as to make the debt absolutely certain to be paid to the Government.

In 1862, when this country was upon the verge of dissolution, and it was important that every tie that could bind the separate parts together should be made use of by the Government; when there were whisperings and mutterings of the possibilities of the separation of the Pacific States from this Union, it was at that time the measure was projected which led to this indebtedness. And for the purpose of reaching out and binding the golden States to the other States of the Union, in a patriotic spirit and with good purposes, the Congress of the United States passed the first act. It is entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes." When that act was passed—a charter you might term it, for it was the charter of the Union Pacific Railroad Company—certain aid and assistance was proposed to be given to any railroad company that would build the line from the Missouri River to the Pacific. Large grants of land were given. The grant was five alternate sections of land per mile on each side of said railroad, within the limits of 10 miles on each side of the road. In addition to that grant the Government was to loan to the corporation which should build the road for a certain distance, the most easily built portion of the road, $16,000 per mile; for another portion, more difficult of construction, $32,000 per mile, and for another portion, still more difficult, $48,000 per mile. But that loan was not to be in money. The Government was a borrower then. There was no surplus in the Treasury. The loan, therefore, was to be in bonds, to be handed over by the Government to the corporation, and by the corporation to be sold, and from the money so realized the road was to be constructed.

That enactment rested without any action being taken under it for two years. Then Congress amended the act so as to double the amount of land granted to the railroad company and to shorten the sections from 40 miles to 20 miles; that is, these bonds were to be delivered to the railroad company as fast as each section of 20 miles had been completed by the company and accepted by three commissioners appointed by the President. Then the act provided that the railway company might put upon this road of theirs an additional mortgage, a first mortgage, equal in amount to the amount of the Government loan, to wit: $16,000 per mile for some mileage, $32,000 per mile for other mileage, and $48,000 per mile for another portion of the road. It was provided further that the lien of the Government should be subordinate to this. The lien of the Government was in itself to constitute a mortgage, but that it was to be in the nature of a second mortgage. Hence all of these bonds were issued under the provisions permitting the companies to issue first-mortgage bonds in the same amount per mile.

What provision was made at that time for the collection of the debt? Previous to this date the Government of the United States had paid in some years for the transportation of soldiers, munitions of war, mails, and stores of the United States of different kinds, to and fro between the East and the Pacific Ocean, as high as $7,000,000. For that reason it seemed plausible to the gentlemen then in Congress who were considering this measure that if the Government should take one-half of the compensation for transportation and 5 per cent. on the net earnings of the road it would be sufficient. The first enactment, that of 1862, provided for the taking of all the compensation due the company from the Government for transportation and 5 per cent. of the net earnings of the road. The second act cut the compensation in two, and said that the Government would be satisfied with retaining one-half the amount due for transportation and 5 per cent. of the net earnings of the road.

These two amounts were to constitute a sum to pay the interest and to provide a sinking fund which, it was supposed, would be sufficient at the end of the thirty years to pay the indebtedness. The roads at first had large earnings, but very soon their earnings began to fall away. Their charges against the Government for transportation were nothing to compare with the amounts which the Government had theretofore been compelled to pay, and consequently a very small return was made by the roads to the Government, either from the charge for transportation or the 5 per cent. of net earnings, and the debts of the companies accordingly kept growing. In 1878 the act called the Thurman act was passed. It provided that the Government should retain all of the charge for transportation, one half to go to the interest account and the other half into the sinking fund. Also, that the Government should receive 5 per cent. of the net earnings of the road, and further, that such a sum in addition should be paid as that these three amounts—or these two, if you choose to put the two halves of the transportation charge together—that these and the 5 per cent. should amount to 25 per cent. of the net earnings. This was done in the expectation that this amount would provide a fund which would nearly obliterate the debt by the time it should become due.

Now that act has financially failed. It has failed for two reasons. One is that the earnings of the roads have continually diminished, continually fallen off. Why have they fallen off? Because competition has come into their territory on both sides. On the north they have as competitors the Canadian Pacific road, which has taken a part of their traffic; the Northern Pacific road, which has taken a part of their traffic; the Chicago and Northwestern and the Chicago, Milwaukee and St. Paul roads, which have taken part of their traffic; the Chicago, Burlington and Quincy road, which has taken part of their traffic; the Rock Island road, which has taken part of their traffic—all have penetrated deep into their territory, especially into the territory of the Union Pacific Railroad.

You have on the south the Sante Fé, the Southern Pacific, and the Missouri Pacific, and other roads penetrating into some of their territory, so that the earnings of this road have diminished. Then, as to the sinking fund, it was required to be invested in Government bonds, a preference being given to 5 per cent. bonds. The enormous premiums to which these bonds ran up made the return for the sinking fund very small; and, strange to say, if the bonds in the sinking fund were sold to-day they would not realize for any of these companies the amount of money that they paid into the sinking fund. They have lost by the premium going up and then the diminution; and by sums of money lying uninvested in the sinking fund for periods of time they have suffered loss. This is the condition in which they now are. This condition is our misfortune—the misfortune of the Government, because there is not in the sinking fund such a sum to pay our debt as there should be; and the debt has been increasing, the payments on interest account also annually decreasing.

I call the attention of the House to the report of the committee. I ask members to take the time to look into this report and to examine the tables there. There are tables coming from the Commissioner of Railroads, from the actuary of the Treasury, from the report of the United States Pacific Railroad Commission, and other tables, all of which embrace facts and figures of interest concerning this question.

Two years ago, when this matter was taken up by others and myself, we had the figures given to us from the Treasury Department and the Interior Department as to the indebtedness of this company. That indebtedness in these two years has grown about $3,860,147. When is it due? As the bonds were issued to these roads in installments as each section of 20 miles was finished, and as the road was in process of construction from about the latter part of 1865 to the latter part of 1869, running through four years, this indebtedness comes due at different times in the years 1896, 1897, 1898, 1899, and the average date of maturity of the Union Pacific is July 10, 1897.

Members will have observed in the statement made of the provisions for the payment of the debt that they have proven to be entirely insufficient. The result has been that Congress has for some years been considering this question. It was considered in the Forty-eighth Congress and in the Forty-ninth Congress; and in this Congress we have had it placed before us in a peculiarly striking and strong manner. How was it?

In the Forty-ninth Congress a measure on this subject was introduced by the committee and considered by the House; but there was a great deal of uncertainty as to some of the questions connected with this subject—first, as to the value of the property or assets of the companies and their ability to pay their debts. Again, as to additional

security which companies could give, the value of the lien we have. And there were other questions. The Committee on Pacific Railroads was thus induced to report to the House a resolution providing for a commission to investigate these roads. That commission was sent forth, by the authority of Congress and by the appointment of the President, to investigate this subject; and it had a very good opportunity to do so from the adjournment of Congress on the 4th of March last until the meeting of Congress at the beginning of last December.

During this period the members of that commission traveled all over the territory traversed by these roads, and examined all the questions as thoroughly and completely as it would be possible for a commission to do in that length of time. That commission has come back and made its report to the President; the President has sent the report to Congress; the committee has taken up that report and considered it, and has presented its work to the House.

What was the recommendation of this commission? It was in the line of previous action in this House and previous recommendations of those who have been called upon to consider the subject. The recommendation was that there should be some extension, some adjustment and settlement of this debt; and the committee have, in the main, adopted the suggestion.

One of the requirements of the act creating the commission was that it should report to the House a bill of such a character as to secure payment to the Government.

Mr. BAYNE. That was the report of the majority.

Mr. OUTHWAITE. Yes, sir.

Mr. BAYNE. The minority recommended another course.

Mr. OUTHWAITE. Yes, sir. I may say very briefly that the minority recommended no bill; the minority commissioner made no suggestion as to securing the debt. His recommendation looked to forfeiting the charter, not to securing the debt.

This bill is in the line of the recommendations made by Commissioner Armstrong. The Commissioner of Railroads, before this Administration came in, recommended to Congress legislation of this character—recommended that we should depart from the idea of percentages upon net earnings, which seemed so uncertain, so difficult, and which had proved so unsatisfactory, and recommended entering upon a policy of fixed payments to be required from these roads, so that we would know exactly how much they would be called on to pay each year, and the Government should know just how much it should receive.

The bill provides that in the first place we shall arrive at the amount of the indebtedness of the company by adding to the principal of the bonds which were loaned the whole amount of the interest which has been paid by the Government of the United States and that which shall yet be paid in the nine years which those bonds have to run; then find what the present value of that amount, as of the 1st day of July, 1888. I wish the House to understand clearly it has been decided by the Supreme Court of the United States that this indebtedness and the interest on the bonds is not due and not collectible until maturity of the bonds. It has been decided by the Supreme Court that the Government can not collect any part of the percentage of net earnings on any portion of the roads except those miles of road for which bonds were issued. It has been decided, in fact, that our lien is only on the miles of the road for which the bonds were issued; that we have no claims on the earnings of any other portion of the road, and can not collect a cent other than provided for by the original contract, as modified by the Thurman law, by percentages until the debt has become due. Therefore, if we take the debt in its legal state, it should be taken as a debt due at nine years from now. According to the bill the Secretary of the Treasury shall find what it would be worth to-day—we find what sum would to-day, if put at simple interest, at 3 per cent., amount to the debt due July 10, 1897.

From that amount he shall deduct the payments which have been made on bonds and interest account—those payments by compensation and by cash; then deduct the sinking fund in the Treasury and apply it, at its present value, as a credit on the debt.

Some one may say that sinking fund was appropriated by the law which created it to the first-mortgage bonds. That is partly true. It is appropriated first to the payment of the first-mortgage bonds, and thereafter to the United States as equity shall require. In other words, if the roads were to be sold out and there should not be a sufficient sum to pay the first-mortgage indebtedness, this sinking fund would have to be applied to make up the deficit. We take that sinking fund and apply it as a credit on the Government debt, but we make provision which relieves that legal question of any force whatever as to these first-mortgage bonds.

And I wish to call the attention of the House to a table found in the report of the committee, part of which was made up by the actuary of the Treasury—on page 15 of the report—showing just what the condition of the debt would be on that application of the bill. We find the indebtedness on July 1, 1888, would be $52,950,000. This, of course, is an approximate amount.

The bill provides the company shall issue its mortgage for this sum, and shall give its bonds for this sum, each of $1,000, payable within fifty years, at 3 per cent. semi-annual interest.

It provides this mortgage shall be a mortgage on every mile of road, aided or unaided, which belongs to the company. Not only that, but it shall be a mortgage on every mile of road either of these companies operates or leases, so far as that company has any interest. Everything is to be included in the mortgage which the company owns.

Mr. HOPKINS, of Illinois. The first-mortgage lien.

Mr. OUTHWAITE. It can not be the first-mortgage lien, because there is a first mortgage before it upon almost all of the property, if not all.

Mr. HOPKINS, of Illinois. It is a second lien, then.

Mr. OUTHWAITE. It is extended over all the miles of road, all the branch lines, all the operated lines, all the lien which can be given by the company.

Mr. DOCKERY. How many additional miles of the road?

Mr. OUTHWAITE. Twenty-seven hundred and sixty-one miles additional in the branch lines and 385 miles of the main line.

Mr. ANDERSON, of Iowa. Give the practical extent of the liens.

Mr. OUTHWAITE. I will endeavor to give the extent of the liens which precede the lien the United States would have on these roads, if I have the time.

Mr. HOPKINS, of Illinois. I would like to have the gentleman explain what the result would be to the Government if the recommendation of the minority of the commission should be followed by the House.

Mr. OUTHWAITE. If I have time I will do so with pleasure.

Mr. Speaker, understand, then, this mortgage is to cover all of the property, of every kind and of every nature whatever, all the interest the companies have, whether much or little.

What do we have now? We have a lien on the road, beginning at no great city and ending at no great city, but ending away out in the prairie.

The SPEAKER. Does the gentleman from Ohio yield to an interruption?

Mr. OUTHWAITE. No, I can not yield further.

Mr. Speaker, I want to emphasize that statement. We have now a lien on a road commencing half a mile or more beyond Kansas City and running out into the prairies 394 miles west, and no farther; not on the terminals in Kansas City. We have a lien on a road commencing at Omaha, 3 or 4 miles out, and running to a point 5 miles west of Ogden. We do not have the least claim on the terminals in Omaha nor in Denver. We do not have the least claim on any of the branch lines. We do not have the least claim on 385 miles of the main line beyond those which are subsidized. The Supreme Court has virtually said so. When we take this additional lien we take into our hands a system of roads. We have this now, only a lien on a piece of road beginning nowhere and ending nowhere, which, if the United States were compelled to take upon a failure of the company to pay its debts, under existing law, would not be salable. The stockholders of the present company would be in the most advantageous position as buyers. That is the suggestion in the minority commissioner's report; that is to say, that the stockholders might buy it in and realize something upon it; but they are the only people who could use it to advantage. The Government could not use it to advantage, or to such advantage at least as to realize anything upon it.

To return to a consideration of the bill. Under the mortgage the company shall issue its bonds to the Government. These bonds are to be paid, how? By the requirements of the bill they are to be paid in series, you may say. They are to be numbered from one up to a number which will include the whole amount. The requirements are that the company shall begin immediately to pay a certain per cent. of the bonds, the principal of them at the end of six months. The company is to pay for five years, at the end of each six months, one-tenth of 1 per cent. of the indebtedness, $52,900,000. At the end of this period of five years this payment is to be increased to one-half of 1 per cent., to continue for a period of five years also. The payment then is to be increased to seven-tenths of 1 per cent., to be paid each six months for the next ten years; at the end of the second period of ten years the company is to pay for twenty years 1 per cent. of the whole debt each six months, and at the end of that period for the remaining ten years it shall pay 2 per cent. of the amount of the debt as found due July 1, 1888.

There is a table in the report which was prepared in the committee, and I have one also which was prepared at the office of the Commissioner of Railroads, which shows that this system of payments absolutely obliterates the debt in fifty years. It shows that there is no question of doubt in regard to that fact and no difficulty about the figures. There is no necessity for any mysterious question arising about the figures. It is a plain demonstration of fact. There is a column showing the payments on account of interest. Each period is given. There is another column showing the amount paid on the principal, and the third shows the total payment, summing up altogether for all of these periods to which I have referred, $105,508,650, being the amount of the indebtedness, principal and interest, for the fifty years. The following table shows the first semi-annual payments for each of the periods given in the bill; and of course the annual payment for the same year would be twice the same, less the interest on that part of the

principal paid in the first payment. The payments would diminish by this small sum until the end of the period, when an increase would be made as required, and as is shown in the table.

Date of the first payment in each year.	First semi-annual payment of interest in each period.	Semi-annual payment of principal, beginning of each period.	Total amount of each semi-annual payment at beginning of each period.
January 1, 1889	$794,250	$52,950	$847,200
1894	786,397	264,750	1,051,057
1899	746,595	370,650	1,117,245
1909	635,400	529,500	1,164,900
1929	317,700	1,059,000	1,376,700

The next table shows the total interest paid during each period given in the bill and the total principal paid during each period and the total amounts of both principal and interest in each period:

Periods.	Total interest paid during each period.	Total principal paid during each period.	Total amount, interest and principal, paid during each year.
First period:			
January 1, 1889, to July 1, 1893	$7,684,750	$529,500	$8,214,250
January 1, 1894, to July 1, 1898	6,076,120	2,647,500	8,723,620
First period, 10 years	13,760,870	3,177,000	16,937,870
Second period, 10 years	13,835,500	7,413,000	21,248,500
Third period, 20 years	19,220,460	21,180,000	40,400,460
Fourth period, 10 years	3,240,850	21,180,000	24,420,850
Total, 50 years	50,057,680	52,950,000	103,007,680

It clearly appears that the whole amount which the Union Pacific Company will pay under the requirements of the bill, in addition to the present payment of the sum in the sinking fund, namely, $7,734,083, will be, as shown above, $103,007,680, or a total of $110,741,763.

Mr. HOPKINS, of Illinois. I wish to ask a question in this very connection for information.

Mr. OUTHWAITE. Very well; ask the question.

Mr. HOPKINS, of Illinois. I wish to ask the gentleman what assurance he has that the railroad companies will live up to the provisions of this bill any more than they did to the provisions of the Thurman act?

Mr. OUTHWAITE. We have the assurance that the railroad companies are required to begin to pay large sums on the principal nine years before the debt is due. In the next place they are to place themselves in the hands of the Government under mortgage on all the property they own. There is in the bill a provision also that if they fail for ninety days in the payments during this whole period the entire indebtedness to the Government becomes due and the United States can take possession of all the property covered by the mortgage, can foreclose the mortgage upon everything the company owns and sell all they have. There are no such provisions in existing law. There is certainly some assurance in the large present and early payments which the Union Pacific Company shall pay.

It pays over $8,000,000 as a present payment by consenting to the appropriation of the sinking fund, and in the nine years before the indebtedness becomes due it pays over $22,000,000.

Mr. HOPKINS, of Illinois. Do I understand the gentleman to say that they have already consented or agreed or signified their willingness to agree to carry out the provisions of this bill if it be passed by Congress?

Mr. OUTHWAITE. I have not said anything of that kind, and am not authorized to say so.

Mr. HOPKINS, of Illinois. I ask the gentleman if he has assurance that they will comply with these conditions?

Mr. OUTHWAITE. These companies have appeared before the commission and before the committee and declared their willingness, I will say to the gentleman, to accept and endeavor to carry out any legislation of Congress which is deemed reasonable and just and proper to secure the indebtedness of the Government under their present circumstances. This company has, through its president and other officials, virtually signified its assent to the requirements of the bill. It has declared its intention to endeavor to adopt any course which is deemed by Congress to be reasonable and proper for the purpose of securing the indebtedness of the Government and settling the whole matter.

But there is another provision which I said was of importance. The company is authorized to extend the provisions of the first mortgage, but upon conditions. What conditions? First, that it shall reduce the interest to 4 per cent.; second, that it shall not extend beyond the fifty years; third, that the first mortgage shall be of no greater amount than the principal of the original indebtedness; and fourth, that the mortgage shall not be extended to any other property than it now includes. This provision we think certainly assures the Government that there will be no danger of any claim being set up by any one for the $8,000,000 placed in the sinking fund. After the refunding no one can.

There is also a provision in the bill that if the company shall fail to pay the interest upon the first-mortgage bonds the United States may pay it, and, having paid it, become subrogated to the rights of the persons who owned that indebtedness. All the indebtedness of the United States, in that event, becomes due. By cutting down the interest on the first-mortgage bonds from 6 to 4 per cent. there is saved by the company 2 per cent. of that indebtedness, which would amount to about $660,000 which enters into this adjustment as a security of the Government. There is another provision in the bill which I think tends to secure the money to the Government, that the company shall declare no dividend unless the dividend shall have been earned in the year preceding the date at which it is declared, and then the dividend shall not exceed 4 per cent.

If the company shall have funds so earned in the preceding year sufficent to declare a dividend of more than 4 per cent., before the declaration of the dividend is made the company must divide that surplus or dividend fund into two equal parts, and pay one-half of it upon the indebtedness to the Government, and not upon the first bonds, but upon the last bonds to become due. Then the companies are virtually to pledge their earnings from the Government or any Department thereof, being compensation for carrying the mails, munitions of war, troops, etc., of the United States, not only over their aided lines, but over their unaided lines and all of their branch lines. They are to draw no compensation for such service until the installment required by this bill has been paid at the end of each six months.

The gentleman from Illinois asked me awhile ago what assurance we have that the company will accept this bill. I have given one statement to him as a reasonable business man why I think the company will accept the bill. I give another: We provide in the bill that if the company does not accept this measure it shall pay into the Treasury, under the provisions of the Thurman act, 75 per cent. of its net earnings. We extend that provision of the Thurman law over the Kansas Pacific as well. That provision of the law will then require of these companies at least $2,000,000 per annum.

If the Union Pacific Railway Company fails to accept the provisions of this bill it will be required to pay more than $2,000,000, which is more than the average payment under the bill. The average payment under the bill is $2,110,000. This 75 per cent. of the net earnings of the company will amount to nearly $2,500,000 annually. If the bill becomes a law it will be for the companies to accept it or to accept something worse for them. Another provision of the same section is that if the payments required under this section of the law fall below the average amount provided for in the bill, then a receiver shall be appointed to take charge of the company, and to pay the indebtedness according to the order of the liens.

There is not any question about this bill binding the company that accepts it. There is not any question about this bill providing a business-like way of securing this debt. There is not any question whatever but it will secure the debt and it will secure it in a reasonable time.

Mark you, the debt is not due for nine years. If the company enters into the payment according to the provisions of the bill, it will pay by application of the sinking fund about $8,000,000. It will pay on the principal in the nine years yet to run two and one-half millions of dollars. That makes ten and one-half millions. It will pay on interest over twelve and one-half millions of dollars. That makes nearly $23,000,000 to be paid before the debt becomes due.

If you have a creditor who comes in and pays you before his debt is due in such a manner as this, is it not fair, is it not equitable, is it not his right to have considered upon the question of extension as much time or as many years on the other side of the due point? If he begin nine years before the debt is due to pay it, should he not have nine years on the other side? And in the nine years on this side he pays over $22,000,000.

Mr. HOPKINS, of Illinois. Will the gentleman yield to me again?

Mr. OUTHWAITE. Yes, sir.

Mr. HOPKINS, of Illinois. I am asking questions for information; if it interferes with the gentleman's line of argument I will not put them. But what I would like to know is this: If this sinking fund, which is set apart in the Thurman act, is to go in payment for the first-mortgage bonds, by what arrangement can you apply it for the payment of Government indebtedness under this bill?

Mr. OUTHWAITE. I explained that some moments ago when the gentleman was talking to another gentleman.

Mr. HOPKINS, of Illinois. I am glad to know that the gentleman has explained it. I will read his speech.

Mr. OUTHWAITE. You will find there is an explanation of how that question is disposed of.

Now as to the value of this security. There has been an engineer who has gone over the whole line and given his estimate of the security

and the value of the system. The estimate has been given upon the cost of reproduction, and has also been given based upon a consideration of the net earnings of the road and of all those elements that enter into and make up the value of a system of railway.

Mr. LONG. Who is that engineer?

Mr. OUTHWAITE. The engineer was a Mr. Morgan. I am not familiar with his reputation, but I have no doubt it was good or he would not have been chosen to such a position.

Mr. LONG. How was he chosen?

Mr. OUTHWAITE. He was chosen, I believe, by the commission. Mr. Morgan estimates the value of this system and the cost of reproduction. If you take the estimate he gives of the cost of reproduction of the system you will find that instead of having something with which to pay the Government debt when it becomes due, if it shall not be adjusted in some other manner, we have a very meager value applicable to that purpose. He gives the cost of the reproduction of the main line—that is, the subsidized portion of the Union Pacific, the portion of it on which the Government has its lien—as $27,857,500. He gives the cost of reproducing 394 miles of the Kansas Pacific—and that is all on which we have any lien—as $11,800,000. The total is $39,657,500. The first-mortgage indebtedness is $33,439,512; and that leaves the insignificant sum of $6,217,988 as a fund out of which the Government shall seek satisfaction for an indebtedness which will be, when due, over $60,000,000.

Mr. LONG. That is all you have now?

Mr. OUTHWAITE. That is all we have any lien upon now.

Mr. DOCKERY. Now give us the unencumbered value.

Mr. OUTHWAITE. Recently one of the railroad commissioners of Iowa, the original engineer of the Union Pacific road, has made an estimate of original cost of that line, which makes the total about $32,000,000, not sufficient to pay the first-mortgage indebtedness upon any sale. Taking the estimate of Mr. Morgan and the estimates made of the value of the roads as a producing property, it will be seen that the value as a producing property is very much greater than the value measured by the cost of reproduction—perhaps three times as large. It must be borne in mind that a railroad can be constructed through that country now for about one-half what this road cost, or what it ought to have cost—put it in either form you choose—at the time that it was constructed.

In Mr. Pattison's report we find the following table, which may well be considered in this connection:

	Cost of reproduction.	Valuation on basis of net earnings.	Liens prior to Government.	Margin for Government claim of $32,911,917 on basis of reproducing.	Margin for Government claim on basis of net earnings value for 1886.
Aided portion of Union Pacific Railway.....	$41,657,500	$102,000,000	$35,058,512	$6,598,988	$67,000,000
Unaided portion of Union Pacific Railway...	78,342,500	47,000,000	60,904,350	17,438,150	—13,900,000
	120,000,000	149,000,000	95,962,862	24,037,138	53,100,000

This statement as to liens prior to the Government is not sustained by the evidence, except as to the aided portion, and in that there seems to be a mistake of $2,000,000.

You see you must take the system together, because, although some of the branch lines may not be of any value in themselves, although they may be non-producing, or may even be debt-producing lines, yet they bring certain traffic to the main line which it would not otherwise have, and in that way they become of value.

I am now using the figures of Commissioner Pattison and his conclusions drawn from the testimony and from the estimate made by the engineer. The margin for the whole indebtedness is in the first instance—that is, as our lien now exists—six million dollars, and seventeen million dollars in addition may be gained by extending the lien. That is the case as its stands in its worst aspect. There is a table in the report to which I wish to call the attention of the House. It is open to criticism; I say that at the outset; it may be open to very serious criticism, and yet it is a fair way to present this subject. Let others draw their own conclusions if they choose; these are the conclusions that I think may fairly be drawn. Estimating by averaging the value of the unaided line from its cost of reproduction and from its earning capacity, we have a lien upon 1,430 miles only.

Taking that at $40,000 per mile, you have a valuation of $57,200,000. Taking the value of the unaided portion upon the same basis, we have an addition of $15,400,000. Everybody who has investigated the subject admits that the terminals, the large depots and shops, and the land which the road has at Omaha, at Kansas City, and at Denver are together worth $15,300,000, and that the Omaha bridge is worth $2,000,000; add the 2,761 miles of branch lines at $25,000 per mile, equals $69,000,000, and we have $158,900,000. This is the property which the engineer estimates could be reproduced for $120,000,000.

Then the companies have what they term land assets, unsold lands, and land contracts amounting to about $30,000,000. They have also stocks and bonds and various outside investments, which they claim cost them $20,000,000, but which are not worth more than half that amount, if so much. In making up your estimate you can put those assets in or leave them out, as you think best. I have put them in at $10,000,000, and these estimates give a total valuation for the Union Pacific system of $198,000,000.

Now, if you take the same figures, the same basis of valuation, you will find that upon the portion of the road on which the Government has a lien there would not be a sufficient amount to pay the indebtedness of the Government; there would be a deficit of about $29,000,000. Giving these valuations to the line of road upon which we have a lien, and taking the whole system upon which it is proposed that we shall have an additional lien if this adjustment is to be made, you have, to be deducted from this total valuation of $198,000,000, Union Pacific bonds valued at $49,575,000, including $4,423,000, collateral trust bonds secured by first mortgage or branch lines $5,975,000; Kansas Pacific Railroad bonds $26,813,927; Union Pacific Railroad Company, $4,858,000; branch line bonds afloat and stock afloat, $25,000,000, or a total of $106,346,927 to be deducted from the $198,600,000, leaving a value upon this estimate of $92,253,073 to secure the indebtedness of the Government.

The present value of the Government's indebtedness is about $53,000,000, which would leave about $39,000,000 of surplus; whereas taking the aided lines upon the same value we have a deficit of $29,000,000; in other words, the security is of more value to the Government than that which we now have to the extent of $68,000,000.

If you choose to adopt a lower valuation—if you say that this road ought not to be valued at $40,000 per mile, but only $30,000 per mile, nearly the same ratio will be observed throughout and the same result will be shown; that is, that the security we now have is not ample and the security we expect to get is ample.

The SPEAKER. The hour has expired.

ENROLLED BILL SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill (H. R. 3508) for the relief of William G. Galloway, late captain Fifteenth, United States Army.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills. My object is to reach the Military Academy appropriation bill.

Mr. HOLMAN. Inasmuch as the Committee on Military Affairs is anxious to take up now this bill, which is one of the regular appropriation bills, I wish to give notice that on Thursday next I shall ask the House to consider the homestead bill.

The motion of Mr. TOWNSHEND was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. BLOUNT in the chair.

Bills of the following titles, having been reached in their order on the Calendar, were, on motion of Mr. TOWNSHEND, by unanimous consent, passed over:

A bill (H. R. 5415) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1889; and

A bill (H. R. 6833) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1889, and for other purposes.

MILITARY ACADEMY APPROPRIATION BILL.

The Committee of the Whole House on the state of the Union proceeded to the consideration of the next bill, being the bill (H. R. 6894) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1889.

Mr. TOWNSHEND. I ask unanimous consent that the first reading of the bill be dispensed with.

There being no objection, it was ordered accordingly.

Mr. TOWNSHEND. There is no desire on the part of the committee to enter upon any general debate on this bill, as it is practically the same bill which was passed at the last session. I will therefore ask that the bill be now read by paragraphs for consideration under the five-minute rule.

The Clerk proceeded to read the bill.

The following was read:

For repairs and improvements, timber, planks, boards, joists, wall-strips, laths, shingles, slate, tin, sheet-lead, zinc, nails, screws, locks, hinges, glass, paints, turpentine, oils, varnish, brushes, stone, brick, flag, lime, cement, plaster, hair, sewer and drain pipe, blasting-powder, fuze, iron, steel, tools, mantels, and other similar materials, renewing roofs, and for pay of overseer and master builder and citizen mechanics and labor employed upon repairs and improvements that can not be done by enlisted men, $13,000.

Mr. TILLMAN. I am instructed by the Committee on Military Affairs to move the following amendment:

After the word "tools," in line 64, insert "machinery."

The amendment was agreed to.

The Clerk read as follows:

Printing: For printing and binding, type, materials for office, diplomas for graduates, annual registers, blanks, and monthly reports to parents and cadets, $1,000.

Mr. TILLMAN. I am instructed by the committee to move the following amendment:

After the word "office," in line 87, insert "including motor."

The amendment was agreed to.

The Clerk read as follows:

For the department of modern languages: For stationery, text-books, books of reference for the use of instructors, and for printing examination papers, $200; office furniture for section-rooms, $150; in all $350.

Mr. TILLMAN. By instruction of the committee I offer the following amendment:

After "section-rooms," in line 107, insert "including type-writer."

The amendment was agreed to.

The Clerk read as follows:

For renewing furniture (desks and benches) in section-rooms, and repairing the same, $500.

Mr. TILLMAN. By direction of the committee I offer the following amendment:

In line 272 strike out the words "desks and benches."

The amendment was agreed to.

The Clerk read as follows:

For contingent funds, to be expended under the direction of the academic board; for instruments, books, repairs to apparatus, and other incidental expenses not otherwise provided for, $1,000.

Mr. TILLMAN. I am directed by the Committee on Military Affairs to move to amend by inserting after the paragraph just read the following:

Provided, That all technical and scientific supplies shall be purchased by contract or otherwise, as the Secretary of War may deem best.

The amendment was agreed to.

The Clerk resumed and concluded the reading of the bill.

Mr. TILLMAN. I move *pro forma* to amend by striking out the last word in the last paragraph. I make this motion for the purpose of submitting to the House a short explanation of the details of this bill. As chairman of the subcommittee charged with the preparation of the bill I did not make to the House any detailed written report, allowing the bill to speak for itself, and following the precedents which were set in the last and preceding Congresses.

Those members who have a copy of the bill before them will observe by turning to page 15 that the expenditures proposed in the bill are about $105,000 less than those provided for in the bill passed at the last session. However, about $130,000 of the appropriations of last year was for the erection of permanent buildings and quarters on the Academy grounds. The committee, after full conference with the Superintendent of the Academy and correspondence with several of the professors, and after consultation with the Secretary of War, deemed it advisable to insert about $25,000 more of appropriation than was made by the bill of last year. The first of the items which go to make up this amount is $2,858 for field musicians. This, Mr. Chairman, is really no increase of expenditure. Heretofore these field musicians were carried on the Army appropriation bill, but the Secretary of War has insisted that, as said musicians were used at the Military Academy, they should be paid for out of the Military Academy appropriation fund, and not be longer carried on the Army roll.

The next most important item is an appropriation of $3,000 for repairs of buildings. That item was inserted in consequence of the Superintendent telling the committee that many buildings on the grounds had not been re-covered in the last forty years, and that the roofs of some of them were leaking and badly needed repairs. They asked that $5,000 should be appropriated for that purpose. We have given them only $3,000 now, and allowed them to wait for the other $2,000 until next year.

The next item is one of fifteen hundred dollars. It is in the department of philosophy. Some years ago a railroad company was permitted to cut a tunnel through the Academy grounds, and in doing so went so near the observatory as practically to destroy it. It had, therefore, to be removed to another site at the expense of the railroad company, and in putting it up anew the professor of astronomy thinks it indispensable the Government should have erected there two collimating piers, in order that astronomical observations may be taken with more accuracy and facility than can now be done.

The following letter will explain the matter fully:

UNITED STATES MILITARY ACADEMY,
West Point, February 6, 1888.

GENERAL: In explanation of the necessity of the appropriation applied for, for the construction of the collimating piers for the transit circle of the new observatory, I have the honor to say:

1. The transit room in the observatory building was originally constructed for the small transit instrument which had been in use in the old observatory for the past thirty years. Congress appropriated money several years ago for a transit circle, an instrument combining the functions of the mural circle and the transit, which is now mounted in the new observatory building. To use this valuable instrument with precision it must constantly be held in the meridian, and the piers necessary for this purpose must be erected north and south of the transit room. In the old observatory the transit was collimated by being directed on cross-marks cut on the mountains south and north of the observatory some 3 or 4 miles distant. Owing to the location of the new observatory these marks are no longer available, and a similar method of collimation is neither practicable nor desirable.

2. There is but a single officer on duty at the observatory, and having no assistants to aid him, all the labor must be done by himself. At every observation with the transit circle he has to make the adjustments, and the appropriation asked for is to enable him to accomplish the necessary preliminary work with facility and accuracy. If the appropriation be withheld another year, the use of this exceedingly valuable and important instrument is very much interfered with, and another application will have to be made next year. I am sure that a knowledge of the necessity and importance of this adjunct to the observatory on the part of Congress would result in favorable action. The appropriation asked for has been carefully considered and is the least amount that can be economically expended for the purpose.

Very respectfully, your obedient servant,

PETER S. MICHIE,
Professor of Philosophy.

General JOHN G. PARKE,
Superintendent United States Military Academy.

There are several smaller items, involving only a few hundred dollars, about which I will say nothing unless some gentleman desires to have any one of them explained. They are printed on pages 14 and 15 of the bill.

I will next comment briefly on two large items, one amounting to a little over $5,000 and the other to $6,150. The latter amount is intended to cover the expense of erecting a coal shed. It is a little singular, but the fact was vouched for by the Superintendent of the Academy, that they have not now and have never had any place to store coal in except such temporary sheds as could be devised for that purpose. The committee thought it a legitimate appropriation to insert in the bill.

The other item of about $5,000 is for a cadet laundry. It was recommended to the committee as necessary for washing machines and ironing machines and other machinery needed in the laundry. From the representations made the committee thought the additional laundry facilities ought to be provided, and accordingly have an appropriation for it.

Having completed what I had to say, if no gentleman desires further explanation in reference to the items covered by the bill, I will withdraw the *pro forma* amendment and move that the committee rise and report the bill to the House with the recommendation that it do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 6894) making an appropriation for the United States Military Academy for the fiscal year ending June 30, 1889, and had directed him to report the same back with sundry amendments, in which concurrence was requested.

The amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TOWNSHEND. I move to reconsider the vote by which the bill was passed, and also move to lay that motion on the table.

The latter motion was agreed to.

APPROVAL OF BILLS.

A message was received from the President, by Mr. PRUDEN, one of his secretaries, announcing approval of the following bills and joint resolution:

An act (H. R. 2457) to increase the pension of Hubert M. Potter;

An act (H. R. 221) increasing the pension of John C. Johnston;

An act (H. R. 2467) to amend chapter 191 of the private acts of the Forty-ninth Congress, passed at the second session thereof, concerning James H. Young;

An act (H. R. 363) granting a pension to Mrs. Eliza L. Mace;

An act (H. R. 365) granting a pension to John Humes;

An act (H. R. 880) granting a pension to Mary Everingham Brown;

An act (H. R. 440) granting a pension to Mary C. Knight;

An act (H. R. 5617) to provide for the leasing of premises for the Washington City post-office;

An act (H. R. 120) for the relief of Charlotte Caroline Hackleman; and

Joint resolution (H. Res. 117) to enable the Secretary of the Interior to utilize the hot water now running to waste on the permanent reservation at Hot Springs, Ark., and for other purposes.

ACTUAL SETTLERS ON PUBLIC LANDS.

Mr. HOLMAN. I now call up for consideration the bill (H. R. 7901) to secure to actual settlers the public lands adapted to agriculture, to protect the forests on the public domain, and for other purposes.

Mr. HOLMAN. Mr. Speaker, on some accounts it will be desirable that there should be a more extended discussion and possibly a further explanation of the pending bill; but the time of the House is becoming very valuable. This bill has been pending for a month, and its provisions are no doubt well understood by the members.

I ask unanimous consent, therefore, there being quite a large number of amendments pending, and it being understood that discussion to

the extent of fifteen minutes for and against may be had on each if desired, that general debate be dispensed with, and that the amendments be taken up and considered in the order in which they will appear in the bill if adopted; that is, in the order of the sections of the bill.

Mr. PAYSON. Mr. Speaker, let me make a parliamentary inquiry. On the last legislative day, when this bill was up for consideration, as I remember, unanimous consent was given and an order entered by which amendments were to be voted upon in the order in which they were presented. I desire now to ask if that order is in force?

The SPEAKER. That is the order made by the House.

Mr. HOLMAN. And I have requested that it be reversed.

Mr. PAYSON. I desire to suggest that, perhaps, it would be better to ask unanimous consent that the amendments be presented and voted upon in the order in which they would apply to the sections of the bill.

The SPEAKER. That is the gentleman's request, which the Chair will again submit to the House.

There being no objection, the amendments were ordered to be considered and voted upon in the order as suggested.

The SPEAKER. The Clerk will now report the first amendment.

The Clerk read as follows: Amendment proposed by Mr. CUTCHEON:

Insert in line 3, section 1, after the words "United States," the following: "Now belonging to the public domain, or which may hereafter be restored to the public domain, or lands heretofore granted to any State or corporation for the purpose of aiding in the construction of any railroad or other public improvement."

Mr. HOLMAN. Mr. Speaker, it occurs to me that the gentleman from Michigan can abbreviate that amendment very materially by making it apply to those lands now belonging to the public domain or which may be hereafter added to the public domain. Would not that be sufficient to cover the point to which he wishes to apply the amendment?

Mr. CUTCHEON. If the gentleman from Indiana will allow me a moment, the object of the amendment is simply this: This bill speaks in the present tense. A very large amount of land is now segregated from the public domain and held in abeyance for the promotion of railroads and other internal improvements. My amendment, offered out of abundance of caution, is that when these lands, or any of them, shall be restored to the public domain at any future time, they shall at once come under the operation of this bill. That is all. It may not be necessary, but it can do no harm to adopt it.

Mr. HOLMAN. I have no objection whatever to the object sought to be accomplished, and only suggested that I thought the amendment could be abbreviated somewhat. Perhaps the gentleman would be willing to insert after the words "United States" the words:

Now belonging to the public domain, or which may hereafter be added to the public domain.

Mr. CUTCHEON. I have no objection to that form, and modify the amendment accordingly.

The amendment as modified was adopted.

Mr. STONE, of Missouri. Can amendments still be offered to the bill?

The SPEAKER. Under the order of the House, amendments were sent up on the day when this bill was up for consideration, to be printed in the RECORD; but of course until the previons question is ordered, which would cut off all amendments except those pending at the time, other amendments would be in order in their proper time and place.

The Clerk will report the next amendment, offered by the gentleman from Kansas [Mr. PETERS].

The Clerk read as follows:

Amend section 1 by adding after the words "United States," in line 3, the words "including No Man's Land, or the neutral strip lying immediately south of Western Kansas and Eastern Colorado."

Mr. HOLMAN. I suggest to the gentleman from Kansas that that would be covered by the amendment just adopted.

Mr. PETERS. I think, sir, that it is covered by the amendment that has been made. My object in offering that was to provide that there should be no question as to this strip of land that has been apparently outside of the United States. But I think the amendment of the gentleman from Michigan virtually covers the purpose I had desired to accomplish, and hence I withdraw the amendment.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. JACKSON:

Amend section 2 by inserting in line 3, after the word "nickel," the words "fire-clay;" making it read:

"That all public lands, chiefly valuable for mineral deposits, namely, iron, coal, gold, silver, cinnabar, lead, copper, nickel, fire-clay and tin;" etc.

Mr. JACKSON. Mr. Speaker, I do not know to what extent the public lands of the United States may be valuable in this direction, but in my section of the country this is quite an important and valuable mineral deposit. I do not understand either that it is a mineral of very general distribution throughout the country; and I can well see how a deposit of this mineral substance now becoming so valuable, the manufacture of which is very extensive, and it is an extensive article of commerce, may become quite an important item in our public-land system to the extent that in a new part of the country the securing of land holding such a deposit under the operation of the homestead or other laws may be detrimental to the best interests of the community. The amendment is simply to add that one additional article to the enumeration embodied in the bill.

Mr. PETERS. Mr. Speaker, I do not believe that amendment ought to be adopted. I know it is the case in my country that we have some deposits of fire-clay upon lands that are agricultural lands. It seems to me that certainly ought not to be adopted unless there is some good reason given to sustain it.

Mr. HOLMAN. I wish to say but a word upon this point. It will be seen by an examination of the bill that the subject of mineral lands and all other subjects in the bill are made subordinate to the great principle of the homestead law, and it was not the opinion of the committee, I think, that the subject of fire-clay was of sufficient importance to take that plan out of the operation of the homestead provisions incorporated in the bill.

The SPEAKER. The question is on agreeing to the amendment of the gentleman from Pennsylvania [Mr. JACKSON].

The amendment was not agreed to.

The Clerk read the following amendment, offered by Mr. MACDONALD:

Strike out the word "contiguous," in third line of section 2, and insert the same in line 4, after the word "in" and before "legal."

Mr. MACDONALD. That is merely a verbal amendment.

The amendment was agreed to.

The Clerk read the following amendment, offered by Mr. SMITH, of Wisconsin:

Amend section 2 by striking out the word "coal," in said section, and all of the section after the word "provided," in the seventh line, and add at the end of the section:

"The title of all coal lands or any coal that may exist in the public lands shall from and after the passage of this act remain in the United States; but such lands shall be subject to a lease to any person, persons, or corporation at a price not less than 25 cents per net ton of 2,000 pounds, and such leases shall not exceed a term of ten years."

Mr. SMITH, of Wisconsin. I withdraw that amendment, and offer another in lieu of it, which I ask the Clerk to read.

The Clerk read as follows:

Amend by striking out all of the section after the word "provided" and inserting as follows:

"*Provided, however*, That all deposits of coal or iron on the lands of the United States are hereby reserved to the United States, and no future grant or patent from the United States shall be held to include such deposits: *Provided*, That nothing herein contained shall prevent the owner of any land acquired subject to the exceptions and reservations of this section from using such deposits for his own private use: *And provided further*, That neither the right of the Government of the United States to control and regulate the use and disposition of such deposits and working thereof, nor the right of said Government to enter upon the lands containing such deposits, either by its officers, agents, or lessees, shall ever be questioned, and the provisions of this section shall be expressed in all grants and patents for lands hereafter disposed of by the United States."

The SPEAKER. The question is on agreeing to the amendment.

Mr. PAYSON. I think some explanation ought to be given of that amendment. It works a very radical change in the title, as well as the right of settlers to iron and coal deposits hereafter.

Mr. SMITH, of Wisconsin. In answer to the gentleman from Illinois, I will state the object of the amendment is to reserve the title of coal and iron in the people. We have lately seen a spectacle in the Reading investigations that causes everybody to stagger at the audacity of the gentlemen who now control this product of nature that comes home to every man's household. My amendment is to the effect that the title thereof shall never be parted with by the Government; and that at any time whenever it is necessary for the welfare of the people the Government can step in and regulate its production, distribution, and compel its disposition at humane rates. One of the great economic questions of the day for two-thirds of the people of this country is fuel, and not only is this so for private use, but wherever steam is used to propel machinery and for other purposes it is of great import. Again, in our prairie States and Territories the question of fuel ranks next to bread.

Mr. HOLMAN. The purpose had in view by this proposed amendment undoubtedly is very desirable if practicable, inasmuch as the monopoly of the iron and coal lands is calculated to be a great evil. But as the vast body of the coal lands in this country are unsuitable for agriculture, it would seem to be almost entirely impracticable, with the present knowledge we have of our public lands and their quality, to make a provision of this kind unless you are willing to withdraw all lands adapted to agriculture as well as other lands from the market. And as the purpose of this bill is to secure the lands that are adapted to agriculture or may be made adapted to agriculture to homestead settlers, that mode of diffusing that form of public wealth is about as beneficial and effectual as any that can be resorted to.

It is impossible for a government of our extent to go into such details. The Government has never sought to adopt any such policy. Our gold and silver mines have been sold at nominal prices. From the beginning we have never attempted to adopt what has been the policy in some other countries, of the Government holding the mines and seeking to make a profit from the operations of mining. And I do not believe we would find it a very practicable method of dealing with our public lands now.

Mr. WEAVER. It can not be denied but that we are face to face in this country with a very serious problem—the question of fuel supply. The large cities, and in fact the whole country, is at the mercy of a

few coal barons, who are as void of mercy as midwinter is of warmth. We will have in the year 1910 in this country one hundred and twenty millions of people, it is estimated, and it does seem to me to be the proper thing to do now, in dealing with the remnant of the public domain, to make some provision or include some reservations that will give the Government the power hereafter to control the disposition of our great coal-beds.

Suppose this had been the policy from the commencement. Suppose such a reservation had been made of the great coal-fields of Pennsylvania, the spectacle which was recently presented in the Reading coal region never could have occurred, for the power would have remained in the Government to interpose and prevent it. We may lease the lands if that is thought to be the best method, but I quite agree with the gentleman from Indiana [Mr. HOLMAN] that it is not the province of a great government like ours to enter into the business of leasing mines or mineral lands. The reservation of the sovereign power to control is the main thing in this amendment offered by the gentleman from Wisconsin [Mr. SMITH]. It wisely reserves the coal and the iron deposits, and reserves to the Government the right to enter at any time and control them.

It in effect provides that the consumer shall not be imposed upon, and also that the product shall be disposed of under proper regulations. It seems to me to be a wise and humane amendment, and one which ought to be adopted. The experience that we have passed through thus far in the history of our country demonstrates the wisdom of some such provision. I hope the amendment will be adopted.

Mr. SMITH, of Wisconsin. I yield five minutes to the gentleman from Kansas [Mr. ANDERSON].

Mr. ANDERSON, of Kansas. Mr. Speaker, I desire to express the earnest belief that this amendment should be adopted. The experience of the Eastern States in the matter of coal lands, and more particularly in connection with the anthracite coal-fields, shows clearly that the usual rule is for such lands to be held at any time by but few individuals and ultimately by a few powerful railroad corporations. The same experience will be had in the West unless provision is made against it. This amendment will, if adopted, apply only to coal lands which have not yet been taken by individuals.

So far as such lands have been taken in the West, they have been taken, as a rule, either directly by the railroad companies or else by them indirectly through other corporations, in which the members of the railroad companies or their favored friends are corporators. So that up to this time in the settlement of the new country, wherever coal-fields are known to exist they have been taken and are controlled either directly or indirectly by the railroad companies. Certainly this indisputable fact only needs to be understood to enable every person to see that when the West is settled as densely as is the East to-day, or even less densely, the experience of the East will be repeated there.

I understand the gentleman in charge of the bill [Mr. HOLMAN] to say that as to coal and iron lands it was not deemed expedient by the Committee on Public Lands to make such provision as is proposed in this amendment, and yet the committee have made an exactly analogous provision as to timber lands. This bill as submitted by his committee does not give the title of timber lands to a purchaser. It simply gives to any one who may obtain a timber claim upon a particular tract of such land the right to cut the timber, but the title to the land itself, as I understand the bill, still continues and remains in the Government. That being the case, I can see no inconsistency whatever between that provision as to timber land and this proposed amendment as to coal land; but, on the other hand, I can see a very great necessity why, in seeking to secure to the people the benefit of the public domain, and to secure for the hundreds of millions who will inhabit this continent in the near future the benefit of cheap fuel, there should be some such policy adopted as is contemplated in the amendment of the gentleman from Wisconsin.

If gentlemen will cast their eyes forward fifty, forty, thirty, or even twenty years, they must see that by that time under the present system the great corporations will have absolute control over the coal lands of the West, and with that prospect in view I am sure they will see the very great propriety, the very great wisdom, and very urgent and universal necessity that we should, by our legislation to-day, provide some protection for the people in the future by the adoption of the amendment now before us.

[Here the hammer fell.]

Mr. HOLMAN. Mr. Speaker, I ask unanimous consent that this amendment be left pending, and that we proceed with the consideration of the remainder of the bill. It must be admitted that this is a very important proposition. Whether the House will find it practicable to adopt a measure which will accomplish the object in view is to my mind still doubtful; but the subject is certainly worthy of careful consideration, and I therefore ask unanimous consent that it be passed over for the present, while we proceed with the bill.

Mr. PAYSON. I think we may as well dispose of this now.

The SPEAKER. Does the gentleman from Illinois [Mr. PAYSON] object to the request of the gentleman from Indiana?

Mr. PAYSON. I do not care to object, but if I may make a suggestion to the chairman of the committee, I think we may as well conclude the consideration of this proposition now.

Mr. WEAVER. I wish the gentleman from Illinois [Mr. PAYSON] would consent to let it be passed over for the present, because other gentlemen desire to speak upon it.

Mr. PAYSON. Very well, then. I will not object.

The SPEAKER. Is there objection to the request of the gentleman from Illinois, that this amendment be passed over for the present?

There was no objection, and it was so ordered.

Mr. FELTON. I desire to offer an amendment, to insert, after the word "tin," in line 3, section 2, the words "or other valuable mineral deposits."

Mr. HOLMAN. I hope so broad a proposition as that will not be adopted.

Mr. MCRAE. I concur with the gentleman from Indiana [Mr. HOLMAN] in hoping that this amendment will not be adopted. If the distinguished gentleman from California [Mr. FELTON] is not able to specify by name the deposits which he wishes to have protected, he ought not to expect an honest, hard-working farmer, who knows nothing about minerals and mineral ores, to know whether the special mineral which the gentleman may have in view exists on a particular tract of land or not.

Mr. FELTON. I have no desire to interfere with the rights of the "honest farmer" or any other honest man. But in looking over this bill I observed that the committee had seen fit to change the corresponding section of the existing law by omitting these words, and I was unable to find in the bill any provision with reference to a certain class of deposits which are valuable, including oil, salt, sulphur, borax, and minerals of that kind which may be in deposit on these lands. Such provision is contained in the existing law; and I desire to know from the chairman of the committee whether it was omitted in this bill intentionally or for any good reason?

Mr. HOLMAN. It was omitted intentionally.

Mr. FELTON. I would like to hear the reason.

Mr. HOLMAN. The object of the committee was to restrict the term "mineral lands" as much as would be entirely safe. Mineral lands, after all, are sold at a nominal price; and the purpose of the committee in framing this bill has been to make the homestead feature the controlling feature. We have, therefore, simply excepted coal, iron, gold, silver, nickel, copper, and tin. As to all other minerals we propose to let them go with the land.

The homestead principle is, after all, the best and most effectual method we have ever adopted for diffusing the public wealth. It accomplishes the object much better than it could be accomplished under a mineral law. For these reasons, and perhaps many others, it was thought best to restrict the term "mineral lands" to lands containing the mineral deposits named. The present law, which enumerates all valuable mineral deposits, has, in many instances, created great uncertainty as to the rights of citizens who have undertaken to purchase homes.

Mr. FELTON. The gentleman is aware that under the existing law lands containing these minerals are sold at $5 per acre.

Mr. HOLMAN. Five dollars and $2.50 per acre.

Mr. FELTON. Five dollars is the price of the class I speak of.

Mr. HOLMAN. As to lode mines the price is $5, and placer mines $2.50.

Mr. FELTON. Mr. Speaker, there is no comparison in value between an acre of land containing these mineral deposits and an acre of arable land; and the question is whether in this disposition to diffuse the magnificent charities of the Government which are bestowed upon any man, though he may only yesterday have declared his intention to became a citizen, we shall give away at a nominal price lands which may be worth vastly more. Having called the attention of the House to this point, it is immaterial to me personally how the question may be decided.

Mr. HOLMAN. On that point I wish to say a single word. The committee has sought to eliminate from this bill the idea of making the public lands the source of profit, except as to lands which clearly ought not to be denominated agricultural lands. The whole idea of deriving revenue from the public lands adapted to agriculture is in this bill abandoned. The main object of the measure, I repeat, is to secure homes for our people.

Mr. FELTON. This is a very wide departure from the principles on which the Government has thus far disposed of the public lands—a very wide departure.

Mr. HOLMAN. Certainly.

Mr. FELTON. And it seems to me an unwise one. Undoubtedly the bill will be a great advantage to any one who, under its provisions, may obtain land at a nominal price per acre and discover upon it valuable mineral deposits. But in my opinion the Government in such a case should be well reimbursed for the land which it parts with. If the gentleman proposes to allow this class of lands to be taken up as homesteads, he ought, in justice to the general Treasury, in justice to the whole people, to put a price on the land commensurate with its value.

Mr. HOLMAN. Does the gentleman refer to farming lands?

Mr. FELTON. No, sir; these lands containing mineral deposits, which are now sold at $5 an acre. In this bill you propose that they shall be sold at $1.25 an acre.

Mr. HOLMAN. As I have said, $2.50 per acre is now the charge for placer-mining claims, and $5 an acre for lode mines. But is it not far better in disposing of the public wealth to look mainly at the idea of securing homes for our people rather than to opening up portions of those lands for speculation? You can not adopt any system by which you can prevent mining claims from being accumulated to an almost unlimited extent in the hands of a few persons; and the wealth that the Government might derive from them is a matter of no great moment in comparison with the other purpose, that of securing homesteads for our people. The homestead idea, as I have said, has been the leading one in the framing of this bill.

Mr. MORROW. How can a person obtain title under the homestead laws to these lands containing valuable mineral deposits? Take, for instance, the fields containing borax, located almost in a desert, where people go simply for the purpose of taking out the mineral deposits, not with any view to residence or settlement, the country being too inhospitable. How can a person obtain title to borax lands under the homestead law?

Mr. HOLMAN. I suppose these lands would be classed as desert lands, and would come under the provisions with reference to such lands.

Mr. MORROW. Does the gentleman mean they would have to be taken up by bringing water upon them?

Mr. HOLMAN. Yes, sir.

Mr. MORROW. No, sir; the borax lands are taken up by simply going upon them and taking out the borax.

Mr. HOLMAN. I am not sufficiently familiar with the subject of the borax lands to say anything about them; but if the gentleman thinks that borax lands especially should be excepted, I have no objection, so far as I am concerned, to an amendment of that kind, because it is a subject that I do not know anything about.

Mr. FELTON. That is the difficulty.

Mr. MORROW. I think such an amendment is very important.

Mr. HOLMAN. If the land is valueless for agriculture and has value as mineral land, I think the exception ought to be made.

Mr. FELTON. Lands containing these mineral deposits are in many cases utterly valueless for any purpose whatever except the taking out of those deposits. Where such deposits are found the country is frequently a desert for miles around, there not being a blade of grass or a particle of timber to be found.

Mr. HOLMAN. What mineral deposits would the gentleman name as desirable to be excepted?

Mr. MORROW. Borax, for one.

Mr. FELTON. Cinnabar and sulphur.

Mr. HOLMAN. Cinnabar is already in.

Mr. FELTON. And coal-oil.

Mr. HOLMAN. Coal-oil is found in various places throughout the country.

Mr. FELTON. There are petroleum lands in our part of the country which are good for nothing else.

Mr. HOLMAN. If it be desired that land containing deposits of borax shall be reserved—if gentlemen think that necessary—I shall have no objection to such an amendment, although I have no authority to express the views of the committee on the subject.

Mr. SYMES. Mr. Speaker, I desire to say a word in favor of the amendment of the gentleman from California. I concur in what has been said by the distinguished chairman of the committee [Mr. HOLMAN] as to the desirability of preserving the public lands, as far as possible, for homestead settlement. I am only surprised, Mr. Speaker, so many years have passed in this House and these gentleman, who have had this matter in charge, have not before provided for saving the lands for actual settlers.

Now, what I desire to say in regard to this amendment is this: I would not, for one, favor it if I thought it would take away from any agriculturist or actual settler any homestead which it was practical for him to locate and live upon anywhere in this country. But we all know that the different character of minerals mentioned in the amendments of my friend from California [Mr. FELTON]——

Mr. TAULBEE. I rise to a point of order. It is impossible to hear what is going on in the House.

The SPEAKER. Gentlemen will resume their seats, and the gentleman from Colorado will proceed.

Mr. SYMES. I might raise my voice so as to be heard in every portion of the House, but I do not desire to subject myself to the ridicule of gentlemen in the gallery by unnecessarily doing so.

Now, let me say that the public lands containing the different character of minerals which have been indicated in the amendment of the gentleman from California [Mr. FELTON], and also in the amendment of the gentleman from California [Mr. MORROW], are, as is known to everybody familiar with the parts of country where they are to be found, absolutely worth nothing for agricultural purposes. If the gentleman will only agree to insert they shall be excepted only where the lands can not be used or utilized by homestead settlers I would not object. If they could be used or utilized by actual settlers for agricultural purposes I would be entirely willing to leave the amendment out. If these lands could be occupied by homestead settlers for agricultural purposes, and they could live on them, and by boring into the earth should happen to strike a deposit of any of the minerals referred to and in that way secure a fortune, I should be glad of it.

But what I desire, Mr. Speaker, to impress on the House is the necessity of making some provision in reference to lands containing valuable mineral deposits, and which can not be utilized for agricultural purposes by which the Government may sell them and derive some revenue from them. I therefore hope the amendment will be adopted including these mineral lands which are indicated by the amendment, and bring them within the operation of this bill and allow them to be disposed of as other mineral lands are now disposed of under the general law.

Mr. HOLMAN. I would like to have my friend from Colorado indicate the minerals he would include. I believe the general law is too broad, and that the homestead settler should know exactly and precisely what lands are classified as mineral lands.

Mr. SYMES. It is exceedingly difficult, Mr. Speaker, to make the designation asked for by the gentleman from Indiana. There are deposits of petroleum, deposits of borax, deposits of salt and soda, and other deposits which I could indicate, but I would not undertake to include them all and properly classify them on the spur of the moment. This is legislation of too important a character not to consider it with care and have every provision indicated with accuracy.

I would except all lands containing valuable mineral deposits; that is, all lands which are more valuable for their mineral deposits than they are for agricultural purposes. If that amendment were included in the bill I do not think there would be any objection to it, but that, on the contrary, it would be explicit and satisfactory.

Now, let me say that where these mineral lands are found there will necessarily arise conflicts, and the conflicts will be all the greater where these mineral deposits are found to increase in value. Some conflicts are inevitable in the nature of things.

Mr. HOLMAN. Does it not make the uncertainty still greater by adopting general terms?

Mr. SYMES. No; I think not. If I thought there were any agricultural lands which actual settlers would be deprived of I would not agree to any such amendment, for I am as deeply interested in the welfare of the actual settlers as the gentleman from Indiana or any other member can be.

Mr. FELTON'S amendment and Mr. MORROW'S amendment were again read.

Mr. FELTON. If soda and petroleum could be added to the amendment of my colleague I would like to accept it as a modification of mine.

The question recurred on Mr. FELTON'S amendment.

The House divided; and there were—ayes 53, noes 37.

So the amendment was agreed to.

Mr. PAYSON. Since the amendment of the gentleman from California has been adopted it seems to me that the specification of all the minerals named in lines 2 and 3 ought to be stricken out, for it is scarcely necessary to retain them. I move, therefore, to strike out of lines 2 and 3 all after the word "deposits," in line 2, down to the word "and," in line 3.

Mr. HOLMAN. I hope my friend will not insist upon pressing that amendment. It does no harm as it is, and upon further reflection it may be found desirable to make these more specific by additional amendments hereafter.

Mr. PAYSON. But the language of the amendment of the gentleman from California specifies all mineral deposits. Why, then, is it necessary to retain the specific names of these minerals? The term used in his amendment would cover all.

Mr. PETERS. The reason why that should be retained is because it would have an effect upon the construction of the language put in by the gentleman from California.

The SPEAKER. The language of the amendment is "mineral or other deposits."

Mr. PAYSON. If it tends to any embarrassment I withdraw the amendment.

Mr. FELTON. It is precisely the language of the statute as it now exists.

Mr. PAYSON. Very well; I withdraw the amendment.

The Clerk read the next amendment, proposed by Mr. FELTON, as follows:

Strike out the words "or who has filed his declaration of intention to become such, as required by the naturalization laws," where they occur in lines 5 and 6, on page 2; lines 5, 6, and 7, on page 8; and lines 7, 8, and 9, on page 12.

Mr. ANDERSON, of Kansas. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON, of Kansas. I wish to inquire of the gentleman in charge of the bill whether, consent having been given, action should not be taken upon the amendment in regard to coal lands offered by the gentleman from Wisconsin, and, as this section 3 applies to these lands, whether he would not consent that the amendments now pending

and one other that I shall offer myself may be passed over for the present and be considered hereafter.

Mr. FELTON. That is satisfactory to me.

Mr. HOLMAN. I think we had better take a vote upon the amendments in their order.

Mr. NELSON. Mr. Speaker, I make the point of order on so much of this amendment just read as does not apply to the third section of the bill. Under the order of the House these amendments are to be considered in the order in which they apply to the bill.

The SPEAKER. The Chair sustains the point of order.

Mr. NELSON. I now desire to discuss the pending question. I ask the attention of the House for a moment, and shall briefly call its attention to the character of that amendment, which, as I understand it, relates to lines 5 and 6 of the third section of the bill. Under existing laws there are two entries, if I may use the expression, in reference to homestead settlements, the first being the preliminary entry made at the land office.

Under the law as it now exists and has existed for years native-born citizens or those who have declared their intention to become citizens of the United States have always been held competent to make the preliminary entry; but the final entry, made after the expiration of the five years of settlement, when the final proof is made and the man appears at the land office and says tha the has complied with the law—in that case, before he can make this final entry and obtain his title, he must be a fully naturalized citizen of the United States.

Mr. MCRAE. Let me interrupt the gentleman to say that section 3 provides for the sale of the lands at once, and there is no five years about it. He purchases the lands and takes the title at once.

Mr. NELSON. I understand that under the pre-emption law and under the cash-entry law, which existed for years, all persons who had declared their intention to become citizens of the United States have always been competent to make these entries; that is to say, the pre-emption and cash entries.

Now, I do not know what you people in the older States may think of this matter, but I have lived and grown up in two of the Western States. I have seen Wisconsin and Minnesota grow up from the wilderness by the aid of a laborious and extensive class of foreign emigrants who have settled in those States. They came to this country and declared their intention to become citizens of the United States, and have become good law-abiding citizens. They have occupied lands under the pre-emption and cash-entry laws, have improved them, have built up the country, and are amongst our best and most law-abiding citizens. I am sick and out of patience with that maudlin sentiment which has grown up in this country since a few anarchists made that little raid in Chicago.

Gentlemen ought to remember that the very policemen who were shot down and killed by these people during that riot were foreign-born themselves, and the very sheriff who put the rope around the necks and hung the anarchists in Chicago was a foreigner, who came over to this country on the same ship with myself. [Applause.] I repeat that I am tired and sick of this maudlin sentiment that would attach such odium to a large class of our best citizens and revolutionize our land laws, simply because a few crazy anarchists in Chicago took the course they did; and, Mr. Speaker, why did they take it? I will tell you the reason. Chicago had something worse than the anarchists themselves. It had Carter Harrison [laughter and applause], who had nursed them for years here, and got them to believe that they had come to this country to do anything under the sun except pay attention and be respectful to the flag of the United States.

We had better incorporate into the land laws that men like Carter Harrison should have no business in this country. This country needs that legislation more than protection against foreigners who come here and go into that wild western region and settle up the whole country, build up its improvements, and make it as good and valuable as any country in the United States.

I have lived in Minnesota since 1871, and have watched our foreign immigration into that State. Our public-school system is as good as any that is operating in this country to-day. It depends and has depended for its success on the energy, intelligence, and good-will of these people in the respective school districts.

I have gone into school districts in that State in which there is not a native-born citizen, and they have as good a set of common schools there as you have away down in your boasted New England. And these are the men you are to legislate against under this morbid system which has grown up since this matter at Chicago.

The bonanza nabobs, in their anxiety to get the "blarsted" Englishmen to sink their money in their mines and mining stock out West, have this session secured legislation in order that Englishmen may get into their big bonanza stock offices. They are perfectly willing that the Englishmen shall have a sink-hole in America in which to deposit their English guineas; but when poor fellows want a piece of land to cultivate you must refuse them and put a black mark on their foreheads! This country has grown in twenty-five years as no country under the sun has grown. And it is not the tariff that has caused this. It is the throwing open of our great free public lands and the great immigration which has been the agent that has built up this country, and not your tariff taxes. [Applause.]

Mr. TAULBEE. I ask unanimous consent that the time of the gentleman from Minnesota be extended.

The SPEAKER. The time of the gentleman from Minnesota has not expired.

Mr. NELSON. I do not desire to occupy the attention of the House any further. I have not been in the habit of taking much time in the discussion of public questions, but I have taken some interest in them. Under the very laws which these modern reformers propose to enact I would have been an outcast. In the year 1849 there was a poor widow and her boy six years old who landed at Castle Garden, and if these new rules of the modern reformers had been then in force we would have been shipped back, mother and I, to the country from which we had come. I do not know that we have done a great deal of good, but certainly we have not been dangerous people to this country.

Mr. Speaker, with these old laws and these old landmarks that we have had for the last forty years under the old pre-emption law from 1841 to the present day the country has grown and prospered. The best part of the foreign element consisted of those who went out West and entered the public lands under those laws. You have got the poorer class of the foreign element in the East, and are welcome to them. But give us our land laws as we have had them, and we will continue in the future as we have in the past, and get the best class of foreigners, and with them we can survive even a Carter Harrison or a high-tariff tax. [Laughter and applause.]

The question being taken on the amendment, it was not agreed to.

The SPEAKER. The Clerk will report the next amendment.

The next amendment, offered by Mr. SMITH, of Wisconsin, was read, as follows:

Amend section 3, in line 9, by striking out the words "or coal."

Mr. SMITH, of Wisconsin. I withdraw that amendment. Let it go with the other.

Mr. LIND. I desire to offer an amendment to the third section, to be added at the end of it.

The SPEAKER. The Clerk will proceed first with the amendments already pending to this section:

The next amendment, offered by Mr. NUTTING, was read, as follows:

Strike out the words "or who has declared his intention to become such," in lines 5 and 6, page 2.

Mr. MCRAE. I make the point of order that that has already been voted upon.

The SPEAKER. This is the same amendment which has just been voted upon. The Clerk will report the next amendment.

The next amendment, offered by Mr. ANDERSON, of Kansas, was as follows:

Amend by striking out the words, in lines 6 and 7 of section 3, "or any association of persons severally qualified as above;" and in lines 12 and 13 of section 3 the words "or 320 acres to such association."

Mr. HOLMAN. The Committee on Public Lands recommend that this should be adopted.

Mr. ANDERSON, of Kansas. I wish to call the attention of the gentleman from Indiana to the fact that there is now pending an amendment relating to coal lands, offered by the gentleman from Wisconsin [Mr. SMITH]. I ask that this amendment be considered in connection with that of the gentleman from Wisconsin.

There was no objection.

The Clerk read the following amendment, offered by Mr. LIND:

Add to section 3 the following:

"*Provided, however,* That Congress shall always have, and does hereby reserve, the power to regulate, by laws general in their provisions, the management and conduct of the business of mining coal on any of the lands entered under this act, and also the right to prevent any person or corporation engaged in operating or mining on such lands from charging an unreasonable price for the production thereof."

Mr. HOLMAN. I ask unanimous consent that that amendment be passed over, to be considered with the others which have been passed over.

There was no objection.

Mr. PAYSON. I offer an amendment which has been agreed to by the committee.

The Clerk read as follows:

At the end of section 3 add, "but no patent shall issue except to a citizen of the United States."

Mr. WEAVER. I understood the whole section was passed over.

The SPEAKER. Some amendments were passed over, but not the section.

Mr. NELSON. I make the point of order that the substance of that amendment has been acted on.

The SPEAKER. The Chair thinks the other amendment related to the entry, while this relates to the issue of the patent.

Mr. CUTCHEON. Let the amendment be again read.

The amendment was again read.

Mr. NELSON. I desire to say a word in reference to this amendment. A prior amendment referring to an entry made at the time has just been voted down. It is not an entry that presupposes any immediate settlement or cultivation.

It is made "immediate" at the land office, and the duplicate receipt is issued thereon. The House by its vote has said that it will allow not only citizens of the United States, but those who have declared their intention to become such, to enter these lands. The act is consummated when they go to the land office and make their entry and the duplicate receipt is issued. The local land officers make the return to the General Land Office, and, in the dilatory manner in which entries have been disposed of lately, it takes about two years; but we hope that under the new Secretary of the Interior it can be done inside of a year. In due course of proceeding at the Land Office the patent will issue. A man can declare his intention after he has been here six months and make his entry, and in the course of a year the Land Office is ready to issue the patent; but a man can not become a full citizen until he has been here five years, and the result of this amendment would be that he would have to wait five years before he could get his patent.

Mr. STRUBLE. Would not his land during that period remain untaxed?

Mr. NELSON. The general rule and the practice in the West is that whenever an entry is made at the land office, and before the patent is issued, the lands are assessed and taxed.

Mr. RYAN. I think the gentleman is mistaken about that.

Mr. DORSEY. The gentleman from Minnesota [Mr. NELSON] is right. That is the law of our State.

Mr. NELSON. As soon as the entry is made the land is taxable. Now you would keep a man's entry hanging between heaven and earth, which would be very unjust to him, and I think it would have been much more consistent to have adopted the amendment which I opposed awhile ago.

Mr. STRUBLE. In case of a homestead entry, does not the land remain untaxable?

Mr. DORSEY. Yes, a homestead entry does.

Mr. PAYSON. Mr. Speaker, I submit to the judgment of this House that this amendment should receive its approval. We are providing by this bill for the easy and cheap acquisition of the most valuable portions of the public lands, namely, those containing deposits of iron and coal, and I submit, sir, that we ought to provide in the statutes of the United States that no man may acquire 160 acres of coal or iron lands in this Union unless he will swear to support the Constitution and the laws thereof. In other words, whether it is a sentimental view or not, that no foreigner, by simply declaring his intention to become a citizen, an act which imposes upon him no obligation whatever, shall be allowed under the provisions of this bill to acquire a valuable portion of the public lands for a nominal consideration—that he shall not be allowed to acquire these lands unless he has assumed the duties and burdens of citizenship. That is my doctrine. If it is sentimental, it is the kind of sentiment that ought to appeal to the judgment of the Representatives of the American people in Congress assembled.

Further than that, let me say that no enactment has been passed here for a long time that has so commended itself to the judgment of the people all over the land as the bill passed in the last Congress prohibiting aliens from acquiring title to any land wherever the flag floats. This amendment ought to be adopted. It does not touch the idea which the gentleman from Minnesota [Mr. NELSON] has discussed here, that people coming from abroad who desire to settle upon homesteads, farm-lands, here and there, should have an opportunity of acquiring their homesteads while their citizenship is maturing under the general law. This applies only to coal and iron lands, and I submit again—and the submission of the proposition is the strongest argument which can be made for it—that no man should be allowed to acquire title to these mineral deposits unless he assumes the burdens as well as the privileges of citizenship.

Mr. LIND. Mr. Speaker, there is a practical question presented here which I believe the House ought to take into consideration before it votes upon this proposition. We all understand, as was remarked by a gentleman who spoke a few moments ago, that in the process of acquiring title to agricultural lands under the homestead law there are two steps. There is the preliminary entry or filing, as it is ordinarily denominated, and there is the final proof. A person of foreign birth, in order to be entitled to make a filing, is required to have declared his intention to become a citizen of the United States; but before he can make final proof and receive his patent he must, in the case of a homestead entry, have taken out his final papers as a citizen.

With reference to entries of coal or iron lands only one step is required. The party merely goes into the land office, makes application for a piece of coal land or iron land, pays the fee of $15, or whatever it may be, and gets his certificate. That is the sole act necessary for acquiring title to a piece of land of this character. Now, if you wish to give the immigrant, who has come here intending honestly and faithfully to become a citizen, the privilege of making this entry, why do you tell him in the next breath that the entry shall not be available for five years to come; that during this time his entry shall be of no use to him in the market; that it shall not benefit his heirs if he should die before the expiration of the five years? I see no sense in the discrimination which is thus made. Why do you not draw the line against the man who wants to till the soil as well as against the man who wishes to invest in mineral lands in the Territories of the West?

I am not here to discuss this question from any sentimental point of view; I am not in a position to appeal to feeling one way or the other; but I submit that the House should exercise good judgment and consistency in disposing of this question. If you wish to say to the immigrant that he shall till the soil and do nothing else, say so; but if you want him to assist in developing your coal or iron mines or other mineral wealth give him a decent show.

A gentleman suggests to me that this proposition does not prevent that. It does so in this manner: The immigrant is prevented from saying that he is the owner of the land until the lapse of five years, assuming that he makes entry as soon as he has declared his intention.

Mr. FELTON. But he has the use of the land.

Mr. LIND. He has the use of the land; but of what value is it to him so long as he has not the ownership of it?

Mr. FELTON. It might be very valuable to him.

A MEMBER. He may sell his coal or iron in the mean time.

Mr. KERR. I wish to ask the gentleman from Minnesota [Mr. LIND] whether the law does not give to any foreigner coming to this country the privilege of becoming a citizen after he has been here five years?

Mr. LIND. It does.

Mr. KERR. Well, then, the man who enters these mineral lands knows that he will get title as soon as he becomes a citizen.

Mr. LIND. But in the mean time he is deprived of using his property in the same manner that other persons entering similar lands can do.

Mr. CUTCHEON. He will have an equitable title all the while.

Mr. STRUBLE. I wish to ask the gentleman from Minnesota whether, for the sake of the immediate convenience and benefit of foreigners who may come here and wish to take up these mineral lands, he would sacrifice the principle advocated here of withholding titles from aliens settling on the public lands until they have become naturalized?

Mr. LIND. I would not. But, sir, I have grown up in Minnesota. I have resided in a county where there are perhaps as many foreign-born persons to the acre as in any county in the United States; and I never knew an instance where a man who had declared his intention to become a citizen of the United States proved disloyal to the country—never. Who can point to any instance in which a person who has come here and declared his intention to support this Government and the flag which waves there [pointing to the flag back of the Speaker's chair] has proved disloyal? Disloyalty does not come from men who have had the enterprise and courage and grit to cross the Atlantic in order to help make this country what it is. I do not propose to be disloyal; and I know that none of my kith or kin, none of the people that I live with, will ever become disloyal, whether they have at the present time simply declared their intention or have been fully naturalized.

Mr. MACDONALD. Mr. Speaker, I suppose it is necessary that Minnesota should be heard from on this side of the House. I wish to say that I agree with what my colleagues on the other side [Mr. NELSON and Mr. LIND] have said with reference to the first amendment, proposing to strike out the words with reference to declaration of intention, and therefore I voted against that amendment.

But I can not agree with the language of the last part of the proposition. I am in favor of extending all the liberality provided in the last part of it, so far as may be, to foreigners coming here and declaring their intention to become citizens of the United States. But, sir, it occurred to members of the committee, and it certainly does to me, that there need not be any sentiment of patriotism or love of country on the part of native American or naturalized citizens brought into the discussion of the bill. The important question here presented to the committee was whether we would allow foreigners or citizens or subjects of other countries to come into our midst and acquire title to our mineral lands. It was proposed that we should qualify it so it would not be easy to do so. The only means we could devise as a check was to agree that the amendment of the gentleman from Illinois should be added to the section, and that is the only reason for it. And I can not see any good reason, as a foreign-born citizen myself, why the amendment should not be adopted. When we allow any of these immigrants to come to this country and declare their intention to become citizens and to acquire title to land, there is nothing to prevent their disposing of their right which they have acquired whenever they may choose to do so.

Mr. LIND. Suppose a party declares his intention to become a citizen and makes entry and dies prior to the time when he would become a full citizen?

Mr. MACDONALD. I will answer the gentleman, so far as that is concerned, he can propose another amendment to cover that point, and move it to come in after the other amendment.

Mr. LIND. If there is anything done it should be done now in this regard, because the language of the bill does not cover it.

Mr. CAREY. Mr. Speaker, I should like to see the American Congress consistent in its action upon questions of this character. Any

foreigner who lands in New York City may go to one of the Territories of the United States, and by declaring his intention to become a citizen of the United States and by residing in such Territory three to six months qualify himself to vote and hold office. These privileges are guarantied by the laws of Congress and the laws of the Territories. (See sections 1859 and 1860 of the Revised Statutes of the United States.) Under these laws I have for nearly twenty years seen men of foreign birth go to my Territory, and though clothed with full citizenship so far as the right to vote and to hold office is concerned soon after their arrival, yet I have failed to see any evil come of it. We do not object to his voting and holding office. We should not object to his acquiring title to land.

Now, what do we have proposed by the amendments which are before the House? It is to debar any one before he has become a naturalized citizen from acquiring a patent to the lands he seeks under this provision of the bill.

The proposition will to this extent stop the settlement of the Western Territories. Such provisions of law will retard in a measure the building up of Western homes and the development of mines by the worthy immigrants who land upon our shores and declare their intention to become citizens of the United States.

Before such bills become laws I ask you to go to the growing empires of the West and see for yourselves what has already been accomplished by the beneficent policy under which we have heretofore lived. Go and see the great States which have grown up in the West under the existing wise land laws, and I do not believe this House will favor the kind of legislation proposed by the amendment.

Do we mean to say that those who are not native born in this country, and who come from other countries to live with us, shall not settle down and attach themselves to the soil; that they shall not be permitted to have the right to hold real estate until they have become full citizens of the United States? I believe the adoption of any such principle by Congress would be a great wrong to the Western States and Territories. It is opposed to the policy of the land legislation of the Government from its foundation to the present time.

Mr. MACDONALD. Is the gentleman in favor of foreigners coming in and acquiring titles to such lands?

Mr. CAREY. Yes, if they come to be citizens.

Mr. MACDONALD. Is the gentleman in favor of non-residents who do not intend to make this their home coming here and acquiring titles to these lands?

Mr. CAREY. I have not said or intimated anything of the kind; but what I did say was that foreigners who come to this country intending to make it their home and who declare their intention to become citizens of the United States should be permitted to acquire title to lands and to occupy them whether they are full-fledged citizens or not. Nor am I opposed to non-residents investing their money in the mineral lands of the United States. I have seen no evil grow out of the fact that foreigners have been permitted to come to this country and invest their money in our mineral lands.

I fail to discover any reason why they should be prohibited from purchasing and developing coal and iron lands. So far as I have been able to discover no monopoly of coal lands or mineral lands has resulted from the investment of non-resident capital in the development of these resources of the West. On the contrary, they have been of the greatest advantage to the Western people. In nine cases out of every ten where foreigners have come to the country to invest their money they have returned to their native land and left behind them not only the lands and mines which they had acquired, but also their capital.

It is true that many may come and engage in speculation, but it is also true, as I have stated, that 90 per cent. of the money invested in this country by foreigners in the development of mineral lands has been lost to the investors. The West needs the capital and has always striven eagerly to obtain it, and has reaped the benefit of the money.

I believe this class of legislation will put the Government in the place of a great monopolist. Why should the Government desire to hold on to these lands? If citizens of the United States, or aliens who have declared their intention to become citizens, desire the public lands and will develop them, it will assist in the growth of the country, and draw population from the overcrowded East and will increase the wealth and population of the sparsely-settled West.

If the experience of the country shows that the legislation for the disposition of the public lands has resulted to the disadvantage of the people of this country, then repeal the existing laws. If this legislation has been to the advantage of the people and the Government, why not leave the laws on the statute-books until some sufficient reason is seen on the part of Congress for making such radical changes as are proposed by this bill.

Mr. PAYSON. Will the gentleman permit a question?

Mr. CAREY. Certainly.

Mr. PAYSON. I wish to inquire of the gentleman, as the representative of one of the Territories, whether he approves of the policy announced in the alien land law as to the agricultural lands.

Mr. CAREY. I believe that the whole law has been wrong from its very inception.

Mr. PAYSON. Well, the gentleman has answered my question.

Mr. CAREY. Not only in reference to the mineral but to the agricultural lands.

Mr. PAYSON. Well, allow me another question: Does the gentleman think that it is an advantage to the State of Colorado that the Earl of Dunraven owns now the whole of that great tract known as Estes Park?

Mr. CAREY. If the Earl of Dunraven owns the park I suppose he acquired it through the United States by violating the land laws of the United States. I know nothing about it, but I will say they are a poor class of people in Colorado if they can not compel the owner to part title if the ownership is wrong or a material injury to the State; if in no other way, they can tax the land out of existence.

Mr. PAYSON. The gentleman evades the question. I ask if he thinks it an advantage to have a foreigner the owner of this vast body of land?

Mr. CAREY. Well, I do not know, to begin with, that he is the owner of it. I know nothing about it.

Mr. PAYSON. Then I assert it for the information of the gentleman as a fact.

Mr. CAREY. And I do not believe that the disadvantage, if it is a disadvantage to the people of Colorado, is near so great as the disadvantage which has arisen to the great interests of the Territories by reason of the placing of the alien law on the statute-books. The West demands that it be radically amended.

Mr. PAYSON. Well, the gentleman has answered my other question. Such, I think, is not the sentiment of the American people.

Mr. STRUBLE. Mr. Speaker, if there is a last word, I move to strike it out. [Laughter.]

This case has been well and most forcibly presented by the gentleman from Illinois [Mr. PAYSON], and I desire to add only a few words in the line of his remarks.

The point of the controversy as I appreciate it is this: Under this bill those who come here from foreign nations may at once, upon filing a declaration of their intention to become citizens, make an entry upon the mineral lands contemplated by this bill. They can not, under the law, acquire their full citizenship until the lapse of five years from the date of the declaration; but under the bill, or the law, if it were not for the naturalization statutes they might acquire title sooner.

Now, our friends who have spoken against this idea seem to think that the policy of the Government, as declared in the alien land bill, should be sacrificed, as I construe it, to the opinion that these people should have immediately the same right to acquire a full title that the American citizen has.

I do not think we can be charged in this country with the passage of illiberal statutes towards those who come here from abroad and locate among us and undertake to become a part of us. We have been exceedingly liberal in our legislation towards them; and I feel, upon this point, that we are not asking those gentlemen who may see proper to enter mineral lands under this bill to forego too much, or to assume too great a hardship, when we simply ask them, before they attain the title in full, that they shall be inducted into full citizenship in the United States.

Mr. MCADOO was recognized.

Mr. NELSON. I wish now to offer the following amendment.

The SPEAKER. The gentleman can send the amendment up and have it printed in the RECORD.

Mr. NELSON'S amendment is as follows:

Add to the amendment offered by Mr. PAYSON the words "or when he has declared his intention to become such."

Mr. ANDERSON, of Kansas, submitted the following amendment; which was also directed to be printed:

Amend section 3 by striking out all after the words "United States," in line 2, and insert the words "is hereby repealed."

Mr. HOLMAN. Inasmuch as it is now 5 o'clock, and the officers of the House will need time this evening to prepare the Hall for the funeral services of the Chief-Justice, I shall move an adjournment.

The SPEAKER. The gentleman from New Jersey has been recognized.

Mr. HOLMAN. Then after he has concluded I will submit the motion.

Mr. MCADOO. Mr. Speaker, I am surprised that any gentleman upon this floor should speak in opposition to the spirit that actuated the law-making power in passing the anti-alien bill in the Forty-ninth Congress. I do not suppose that the members of this House, especially those who come from the East, and have not investigated the subject, know of the evils that existed before the passage of that act. It is a well-known fact that under the law of England—the law of primogeniture—the younger sons of the land-hungry nobility are cut off from inheritance in the lands. Among others, these young embryo landlords invaded our public domain. It had grown to be a question of such magnitude that it called forth this repressive legislation. Against this measure severe strictures appeared in the London Times. The Tory journal rebuked us for preserving America for its own citizens and repelling the advances of British landlordism with its Pandora's box of evils.

This foreign speculation in American lands had gone on to such an

extent that the amount of lands that had been acquired by English, Scotch, and Irish cions of nobility, of the land-seeking and land-dominating brood, as well as their kind on the continent of Europe, was almost fabulous in amount. I find, sir, that there has been growing up a restless spirit in the Western Territories, especially in the mining and land-speculative centers, against this righteous and popular law.

It was shown in a debate in the other end of the Capitol that a desperate effort was to be made to secure the repeal of the existing law. Some of our Western friends seem to think that by the passage of this act they may be cut off from an opportunity of mining speculations with foreigners; that by means of this unhallowed and in the end to us unprofitable alliance a feverish speculative and unhealthy development may be stopped. As to this looking to the future I for one have no regret.

Mr. Speaker, the land of a country is its life, and its preservation in the hands of the small freeholder dwarfs all other issues, and no country can be really free unless the people who till the soil or who live upon it are the owners of it; and no land can in truth be called free—its people can only have a sham freedom—where the stability of its institutions and the material prosperity of its people, which rest on the land, are held in the hands of foreigners. Why, sir, Thomas Jefferson indignantly spurned the offer of a French company who volunteered in the early days of the Republic to come to the then unknown territory on the Ohio River for the purpose of locating unless they would become citizens of the Republic; and I shall for one, while I have a seat on this floor, protest by my voice and estop by my vote, as far as I can, any attempt to modify or repeal one of the most popular and beneficial acts that ever passed Congress—the anti-alien land-owning bill. We welcome to this land of ours the honest, liberty-loving man, whether he be Celt, Saxon, or Norseman, Sclav or Latin, so long as he comes here to obey our laws, uphold our institutions, and become of us and with us against all the world. But we reject the alien in heart who hates our country and would only make gain by his relations with us.

I think our Western friends are making a very great mistake. This country is developing rapidly enough. There is no difficulty in the United States about disposing of the surplus lands. The natural increase of our population is tremendous, and the phenomenal immigration which is pouring upon our shores makes it, in my opinion, the right policy that we should for the present rather stop and retard than advance the settlement of the public lands.

There is sufficient capital in these United States, sufficient American capital in the hands of Americans, to develop the mining resources of the West. Instead of appealing to the capitalists of London and other European cities to take up our mining and other lands and invest their money in them, we can do that with our own men and our own money, and our country will advance fast enough in mining as well as in agriculture if we cut off the foreigners who come here for the purpose of speculation from taking the life-blood out of the country. Hands out to the intelligent, industrious, freedom-seeking, law-abiding emigrant to our shores; bars up stiff and strong against the land-hungry, liberty-hating, landlording dukes, earls, and such like, and the anti-American land-grabbing speculator and his brood.

[Here the hammer fell.]

The following additional amendments were handed in at the Clerk's desk:

By Mr. VANDEVER:

Add the following proviso to the last line of the bill:

"*Provided*, That nothing in this act shall be construed to legalize assignments heretofore made by claimants under the desert-land act of the rights acquired by them as locators on these lands."

By Mr. SMITH, of Arizona:

At the end of section 4 add:

"*Provided, however*, That timber not of commercial value as sawed or hewed timber growing on public lands wholly unfit for cultivation shall be free to the domestic use of any bona fide resident of the Territory in which said timber on such land is found."

Mr. HOLMAN. I move that the House do now adjourn.

Pending the motion to adjourn,

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 907) to provide for the erection of a public building at Charlotte, N. C.; and

A bill (S. 2458) to amend an act to authorize the construction of a bridge across the Eastern Branch of the Potomac River at the foot of Pennsylvania avenue east.

ENROLLED BILL SIGNED.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 4327) regulating the construction of bridges over the Muskingum River, in Ohio.

TRICHINOSIS IN GERMANY, ETC.

The SPEAKER laid before the House the following message from the President of the United States; which, with the accompanying documents, was referred to the Committee on Commerce, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from Hon. George H. Pendleton, our minister to Germany, dated January 30, 1888, from which it appears that trichinosis prevails to a considerable extent in certain parts of Germany, and that a number of persons have already died from the effects of eating the meat of diseased hogs which were grown in that country.

I also transmit a report from our consul at Marseilles, dated February 4, 1888, representing that for a number of months a highly contagious and fatal disease has prevailed among the swine of a large section of France, which disease is thought to be very similar to hog cholera by the Commissioner of Agriculture, whose statement is herewith submitted.

It is extremely doubtful if the law passed April 29, 1878, entitled "An act to prevent the introduction of contagious or infectious diseases into the United States," meets cases of this description.

In view of the danger to the health and lives of our people and the contagion that may be spread to the live stock of the country by the importation of swine or hog products from either of the countries named, I recommend the passage of a law prohibiting such importation, with proper regulations as to the continuance of such prohibition, and permitting such further prohibitions in other future cases of a like character as safety and prudence may require.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March* 27, 1888.

THE LATE CHIEF-JUSTICE WAITE.

The SPEAKER. The Chair appoints on the committee to take action relating to the funeral of the late Chief-Justice Waite Mr. PLUMB, of Illinois, instead of Mr. CANNON, of Illinois, who is excused, and Mr. ROMEIS, of Ohio, instead of Mr. ANDERSON, of Iowa, excused.

The motion to adjourn was agreed to; and accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned until to-morrow at half past 11.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred as indicated below:

By Mr. CATCHINGS: A bill (H. R. 8968) for the relief of Jackson Briscoe—to the Committee on War Claims.

By Mr. CLEMENTS: A bill (H. R. 8969) for the relief of the heirs of James A. Stewart—to the Committee on War Claims.

By Mr. COMPTON: A bill (H. R. 8970) granting a pension to Catherine L. Chaney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8971) for the relief of Trinity Parish—to the Committee on the District of Columbia.

By Mr. GOFF: A bill (H. R. 8972) granting a pension to James Bryner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8973) to increase the pension of W. H. Morgan—to the Committee on Invalid Pensions.

By Mr. HOUK: A bill (H. R. 8974) for the relief of William Lillard—to the Committee on Military Affairs.

By Mr. MONTGOMERY: A bill (H. R. 8975) for the relief of Hardin W. Nelson—to the Committee on War Claims.

By Mr. MORRILL: A bill (H. R. 8976) for the relief of John W. Richardson—to the Committee on Pensions.

By Mr. NICHOLS: A bill (H. R. 8977) for the relief of Edwin Holleman—to the Committee on War Claims.

Also, a bill (H. R. 8978) for the relief of William R. Faucett—to the Committee on War Claims.

Also, a bill (H. R. 8979) for the relief of Mrs. Sallie H. Carrow—to the Committee on War Claims.

By Mr. NORWOOD: A bill (H. R. 8980) for the relief of the heirs of Joseph V. Connerat—to the Committee on Claims.

By Mr. PEEL: A bill (H. R. 8981) granting a pension to John M. Bailey—to the Committee on Pensions.

Also, a bill (H. R. 8982) granting a pension to Marion Mellsap—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8983) granting a pension to Ezekiel Rawlings—to the Committee on Pensions.

By Mr. C. A. RUSSELL: A bill (H. R. 8984) granting a pension to Griswold Rogers—to the Committee on Pensions.

By Mr. STONE, of Kentucky: A bill (H. R. 8985) for the relief of J. C. Glenn—to the Committee on War Claims.

By Mr. TRACEY: A bill (H. R. 8986) for the relief of Thomas C. Ellison—to the Committee on Claims.

By Mr. WARNER: A bill (H. R. 8987) for the relief of Samuel Mason—to the Committee on War Claims.

By Mr. WHEELER: A bill (H. R. 8988) to increase the pension of Mrs. Minerva Eagle—to the Committee on Pensions.

Changes in the reference of bills improperly referred were made in the following cases, namely:

A bill (H. R. 5940) for the relief of George Gallahue—from the Committee on Military Affairs to the Committee on Naval Affairs.

Also, a bill (H. R. 2613) for the relief of Moses Pendergrass—from the Committee on the Post-Office and Post-Roads to the Committee on Claims.

Also, a bill (H. R. 8527) for the relief of John S. Ellen—from the Committee on the Post-Office and Post-Roads to the Committee on Claims.

Also, a bill (H. R. 8409) for the relief of Herman D. Walbridge and

Reginald Fendall, trustees—from the Committee on the Post-Office and Post-Roads to the Committee on Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred, as follows:

By Mr. A. R. ANDERSON: Evidence in support of House bill for the relief of William D. Kinser—to the Committee on Invalid Pensions.

By Mr. ARNOLD (by request): Petition of citizens of Rhode Island, in favor of a duty on eggs—to the Committee on Ways and Means.

By Mr. ATKINSON: Petition of citizens of Mifflintown, Pa., for the retention of the Bureau of Animal Industry in the Department of Agriculture—to the Committee on Agriculture.

By Mr. BINGHAM: Petition of the Board of Trade of Philadelphia, Pa., for the passage of Senate bill 977, known as the undervaluation bill—to the Committee on Ways and Means.

By Mr. BUTLER: Petition of Margaret E. Johnson, for a pension—to the Committee on Pensions.

By Mr. CARUTH: Petition of the Kentucky Division of the Travelers' Protective Association, in favor of the James bill, regulating the sale of goods by sample—to the Committee on Commerce.

Also, petition of the same, for an amendment to the interstate-commerce law—to the Committee on Commerce.

Also, papers in relation to the claim of Theodore Schwartz, for relief—to the Committee on War Claims.

By Mr. CONGER: Memorial of the Friends of Iowa, for the settlement of differences between this country and Great Britian by arbitration—to the Committee on Foreign Affairs.

By Mr. DARLINGTON: Petition of 72 citizens of Pennsylvania, against the admission of Utah as a State with polygamy—to the Committee on the Territories.

By Mr. DIBBLE: Petition of A. M. Fabian and others, heirs of W. F. Fabian, of late firm of Slawson & Fabian, of Charleston, S. C., for reference of their claim to the Court of Claims—to the Committee on War Claims.

By Mr. FULLER: Petition of J. H. White and 100 others, citizens of Osage, Iowa, asking that no change be made in the tariff on flaxseed and linseed oil—to the Committee on Ways and Means.

By Mr. FUNSTON: Petition of citizens of Jonesburgh, Kans., asking that the duty on flaxseed and linseed-oil be not changed—to the Committee on Ways and Means.

By Mr. GALLINGER: Petition of J. S. Butler, of Hillsborough Bridge, and of E. P. Kimball & Son, of Troy, N. H., for quick mail transit between New England and the West—to the Committee on the Post-Office and Post-Roads.

By Mr. GIFFORD: Petition of 30 citizens of Delmage, Dak., for the reissue of fractional currency, etc.—to the Committee on Banking and Currency.

By Mr. GROUT: Memorial of W. E. Adams, of Montpelier, Vt., in behalf of improved mail facilities between New England and the West—to the Committee on the Post-Office and Post-Roads.

By Mr. HERBERT: Petition of Abner T. Fuller, of Crenshaw County, Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. S. T. HOPKINS: Petition of 713 laborers of Ulster County, New York, employed in the manufacture of cement, and others, praying that the present duty on cement be not disturbed—to the Committee on Ways and Means.

By Mr. HOUK: Petition of George W. Rice, for relief—to the Committee on Invalid Pensions.

By Mr. JOSEPH: Memorial of the governor of New Mexico, for the admission of said Territory as a State—to the Committee on the Territories.

By Mr. LAWLER: Resolutions of the Trades Assembly of Pittsburgh, Pa., in favor of Hon. S. S. Cox's bill (H. R. 5664) for the classification of clerks in the first-class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. MCADOO: Petition of the Bricklayers' and Masons' International Union, of Jersey City, N. J., for the appointment of a Library building superintendent—to the Committee on the Library.

Also, two petitions of numerous citizens of New Jersey, against the present method of menhaden fishing—to the Committee on Merchant Marine and Fisheries.

By Mr. MILLIKEN: Petition of Mrs. Sylvia Wardwell, for a pension—to the Committee on Invalid Pensions.

By Mr. NEAL: Petition of John Coppenger, and of William Darley, of Monroe County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. J. J. O'NEILL: Petition of W. M. Haynes, and 8 others, citizens of St. Louis, Mo., for better protection of women and girls—to the Committee on the Judiciary.

By Mr. POST: Petition of 90 citizens of Fulton County, Illinois, against the admission of Utah as a State with polygamy—to the Committee on the Territories.

By Mr. ROMEIS: Petition of Liberty Grange, No. 1047, Patrons of Husbandry, of Portage, Ohio, for more effectual protection to agriculture—to the Committee on Ways and Means.

By Mr. RUSK: Petition of Julie Stirzel, for a pension—to the Committee on Invalid Pensions.

By Mr. RYAN: Petition of citizens of White City, Kans., for the preservation of the forests of the Yellowstone Park—to the Committee on the Public Lands.

Also, petition of citizens of Latham, Kans., for amendment of the postal laws relating to fourth-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Chase County, Kansas, praying for fractional currency—to the Committee on Banking and Currency.

By Mr. SHAW: Petition of citizens of Westminster, Md., for reduction of postage on seeds, etc—to the Committee on the Post-Office and Post-Roads.

Also, memorial of the National Farmers' Alliance, for the establishment of a Department of Agriculture—to the Committee on Agriculture.

By Mr. SHIVELY: Petition of the National Farmers' Alliance, for a Department of Agriculture, with a Cabinet minister at its head—to the Committee on Agriculture.

By Mr. STAHLNECKER: Petition of Local Assembly, No. 3873, Knights of Labor, of Westchester County, New York, for the passage of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. SYMES: Petition of citizens of Colorado, against the reduction of the tariff on wool—to the Committee on Ways and Means.

By Mr. WARNER: Petition of Local Assembly, No. 3972, Knights of Labor, of Corder, Mo., in favor of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. WICKHAM: Papers to accompany House bill 6886—to the Committee on Invalid Pensions.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. J. R. BROWN: Of William Webb and others, of Laurel Fork, Carroll County; of John F. Pedego and others, of Greystone, Henry County; and of G. S. Cockram and others, of Cruise, Patrick County, Virginia.

By Mr. J. S. HENDERSON: Of G. F. Shepherd and 43 others, of John G. Colvert and 19 others, of Thomas B. Lemly and 43 others, of W. A. Mayhew and 32 others, of D. A. Barkley and 63 others, of J. W. F. Weaver and 47 others, of Frederick H. Pendleton and 29 others, of J. S. Lippard and 97 others, and of John Vaughn and 19 others, of Iredell County, North Carolina.

Also, of James A. Stone and 33 others, and of L. C. Stevenson and 17 others, of Iredell County, North Carolina.

By Mr. STONE, of Missouri: Of William Onstott and 34 others, citizens of Barton County, Missouri.

The following petitions, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, were severally referred to the Committee on Invalid Pensions:

By Mr. A. R. ANDERSON: Of Edward Kennedy and 38 others, ex-soldiers, of Nodaway, Adams County, Iowa.

By Mr. BELDEN: Of William Austin and 65 others, ex-Union soldiers and sailors, of Fayetteville, N. Y.

By Mr. BOUND: Of 20 soldiers, of Shamokin, Northumberland County, Pennsylvania.

By Mr. DINGLEY: Of Howard Dunbar Post, Grand Army of the Republic, of Newcastle, Me.

By Mr. FORD: Of Mark Brown and 50 others, citizens of Ionia, Mich.

By Mr. GIFFORD: Of S. F. Hammond and 16 others, ex-Union soldiers, of Ashton, Dak.

By Mr. HOUK: Of soldiers in the vicinity of Knoxville; of soldiers in the vicinity of Athens; of soldiers constituting Post 37, Grand Army of the Republic; of citizens residing in the vicinity of Rutledge; of soldiers in the vicinity of Tazewell; of soldiers in the vicinity of Adamsville; of soldiers in the vicinity of Culliman; of soldiers in the vicinity of Morristown; of soldiers in the vicinity of Witt's Foundry; of soldiers in the vicinity of Mossy Creek; of soldiers in the vicinity of Shelbyville; of soldiers in the vicinity of Van Hill; of soldiers in the vicinity of Oliver Springs; of soldiers in the vicinity of Concord; of citizens in the vicinity of Bull's Gap, and of soldiers in the vicinity of Coal Ceek, Tenn.

Also, of soldiers in the vicinity of Shady Grove, of soldiers in the vicinity of Greeneville, of soldiers in the vicinity of Fincastle, and of soldiers in the vicinity of Nashville, Tenn.

By Mr. HOWARD: Of ex-soldiers of Clark County, Indiana.

By Mr. NUTTING: Of W. E. Webster and 34 others, and of J. C. Shurner and others, ex-Union soldiers of Auburn, and of Orson Lund and 44 other ex-Union soldiers of Hannibal, N. Y.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. DE LANO: Of Mrs. C. A. Moore, president of the Woman's Christian Temperance Union of Mount Upton; of Mrs. B. G. Cooper, president of the Woman's Christian Temperance Union of Bainbridge; of Mrs. G. Taylor Brown, president of the Woman's Christian Temperance Union of Leonardsville; of Miss A. A. Palmer, president of the Woman's Christian Temperance Union of Earlville; and of Mrs. Samuel Hopkins, president of the Woman's Christian Temperance Union of Hamilton, N. Y.

SENATE.

WEDNESDAY, *March* 28, 1888.

The Senate met at 11 o'clock and 30 minutes a. m.

PRAYER.

The Chaplain, Rev. J. G. BUTLER, D. D., offered the following prayer:

Oh God, in whom is no darkness at all, we thank Thee for light from Thy throne upon the clouds and darkness, upon the conflict and turmoil that gather around our life. Oh Thou, who art the light of the world, we pray Thee give us grace to walk in Thy light, sitting at Thy feet, humbly and teachably, learning of Thee, who art meek and lowly in heart, that we may find rest for our souls—so walking in Thy steps through life self-forgetful, having God governing our hearts, constrained by divine love, that our lives may be made a benediction to men.

We thank Thee for the comfort that comes to us in the midst of life's bereavements. We bless Thee for the things that are real and substantial and abiding, for that world in which there is no darkness at all; and we pray Thee help us so to order ourselves here that when life's toilsome day is ended we may enter into rest.

Bless us each one to-day. Sanctify to us Thy providences. Teach us heavenly wisdom.

O God, our life is in Thy hand. We would use it for Thy glory in the service of men, laboring to keep our consciences right with God, praying for deliverance from all the power of darkness, passion, and sin; and so walking humbly and trustingly and lovingly before Thee, that the peace which God alone can give may keep our hearts and minds.

We ask these blessings, with guidance and grace and all else that we need, in the name of the great Intercessor, to whom, with Thee, O Father, and the ever blessed Spirit, be all the praise, world without end. Amen.

THE JOURNAL.

The Secretary proceeded to read the Journal of the proceedings of yesterday, when, on motion of Mr. EDMUNDS, and by unanimous consent, its further reading was dispensed with.

FUNERAL OF THE CHIEF-JUSTICE.

Mr. CLARK, the Clerk of the House of Representatives, appeared below the bar of the Senate and delivered the following message:

Mr. President, I am directed by the Speaker to inform the Senate that the House of Representatives is now in session and ready to receive the Senate.

The PRESIDENT *pro tempore*. Pursuant to order, the Senate will now proceed to the Hall of the House of Representatives, to attend the funeral of the Chief-Justice.

The Senate, preceded by its Sergeant-at-Arms, proceeded to the Hall of the House of Representatives.

At 12 o'clock and 51 minutes p. m. the Senate returned to its Chamber, and was called to order by the President *pro tempore*.

Mr. EDMUNDS. Mr. President, I move that the Senate do now adjourn.

The motion was agreed to; and (at 12 o'clock and 52 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 29, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March* 28, 1888.

The House met at 11.30 o'clock a. m.

The proceedings were opened with prayer by Rev. J. H. CUTHBERT, D. D., of Washington, D. C., as follows:

Our Holy Heavenly Father, in whom we live and move and have our being, draw nigh unto us as we attempt in our weak and imperfect way to draw nigh unto Thee. Again we would recognize Thy hand in the removal of Thy servant the late Chief-Justice of the United States. Again we thank Thee for that life, for its illustration of the eternal principles of righteousness and truth. The memory of the just is indeed blessed. We thank Thee for the peaceful close of that life. We believe that it was indeed well with him, that it was indeed better to be absent from the body of sin and of death and to be present with the Lord. The Lord's blessing rest upon his bereaved family, present or absent. Be a very present help unto them. Bless Thy servants before Thee, all of them, and whether we have ten talents or five or but one committed to our trust, merciful Father help us to be faithful to that trust, and take us at last to Thyself, for the sake of Jesus Christ our Lord. Amen.

The Clerk proceeded to read the Journal of the proceedings of yesterday.

Mr. GROSVENOR. Mr. Speaker, I move that the reading of the Journal be postponed until to-morrow.

There was no objection, and it was so ordered.

The SPEAKER. The Chair appoints as a member of the committee on the part of the House to take action in relation to the funeral of the late Chief-Justice the gentleman from Kentucky, Mr. MONTGOMERY, in place of the gentleman from Kentucky, Mr. BRECKINRIDGE, who is unable to serve.

The following was the order of proceedings agreed upon by the joint committee of the House and the Senate:

The ceremonies will be under the control of the Supreme Court. Bishop Paret, of the Protestant Episcopal Church, will conduct the religious ceremonies, and will be assisted by Rev. Dr. Leonard, of St. John's; Rev. Mr. Mott, of Epiphany, and Rev. Dr. William B. Bodine, president of Kenyon College, Ohio.

Both Houses of Congress will assemble at their Halls at 11.30 o'clock. On notice from the Speaker of the House of Representatives that they are ready, the Senate will proceed to the House in a body, and will be assigned seats on the west and right sides.

The diplomatic corps will assemble in the robing-room of the Supreme Court, and the President and Cabinet in the room of the House Committee on Military Affairs, and from there will join the procession.

The funeral cortege will arrive at the east front of the Capitol and enter through the east entrance of the Rotunda, and be met there by the joint committee of Congress. The procession will then be formed, under the direction of the marshal of the Supreme Court, in substantially the following order:

Officiating clergy.
Committees of both Houses of Congress.
Casket containing the remains.
The justices of the Supreme Court as pall-bearers, with messengers of Supreme Court as body-bearers.
Family and relatives of the Chief-Justice.
President of the United States and members of his Cabinet.
Lieutenant-General of the Army and Admiral of the Navy.
Diplomatic corps.
Court of Claims.
Supreme court of the District of Columbia.
Members of the Interstate Commerce Commission.
Regents of the Smithsonian Institution.
Commissioners of the District of Columbia.
Committee of ten, representing the bar of the United States Supreme Court.
Committee of ten, representing the Yale alumni.

On entering the Hall of the House of Representatives the different bodies will be conducted to the seats reserved for them. The casket will be placed directly in front of the Clerk's desk, and the family and the relatives will occupy seats on each side thereof and near thereto.

Members of the Senate and House will occupy the entire west and right of the Hall to the rear of the bar of the House.

The President of the Senate and Speaker of the House will occupy the Speaker's platform, and the officers of those bodies will be seated below and near them.

The officiating clergy will occupy the desk of the Clerk of the House.

The Justices of the Supreme Court of the United States and their families will occupy the space on the west and left of the Speaker, in front of the space allotted to the Senate and House.

The President and Cabinet, Lieutenant-General of the Army, and Admiral of the Navy will occupy the space on the right and east of the Speaker's desk, within the bar of the House.

The joint committee of the two Houses of Congress will occupy the area in front of the casket and within the bar of the House.

The diplomatic corps will occupy the front rows of seats on the right and east side of the House, and the other delegations and committees will be seated in the rear of them.

The choir will be stationed in the gallery alongside the clock and in front of the Speaker's desk.

The press gallery will be under the exclusive control of the press committee.

The Executive gallery will be reserved for persons having tickets calling for that gallery and indorsed by Col. Daniel S. Lamont.

The diplomatic gallery will be reserved exclusively for the families of members of that corps and having tickets calling therefor.

At forty minutes past 11 a. m. the Doorkeeper announced the Senate of the United States. The President of the Senate was escorted to a seat beside the Speaker's chair.

As the several invited bodies and individuals entered they took the seats assigned to them.

At ten minutes past 12 o'clock the casket was brought in, accompanied by the officiating clergymen.

The funeral service, which was conducted according to the ritual of the Protestant Episcopal Church by Bishop Paret and assistants, began at fifteen minutes past 12 o'clock.

At the conclusion of the service the casket was removed, preceded by the joint committee of the two Houses of Congress.

The several bodies and individuals named below then left the Hall in the following order:

The Justices of the Supreme Court.
The President and his Cabinet.
The Lieutenant-General of the Army and the Admiral of the Navy.
The members of the diplomatic corps.
The Senate.

The House then, on motion of Mr. BRECKINRIDGE, of Kentucky (at 1 o'clock and 15 minutes p. m.), adjourned.

SENATE.

THURSDAY, *March* 29, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

ADJOURNMENT OVER GOOD FRIDAY.

Mr. EDMUNDS. Mr. President, to-morrow being Good Friday, I move that when the Senate adjourn to-day it be to meet on Saturday next.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that when the Senate adjourn to-day it be to meet on Saturday next.

Mr. SAULSBURY. What is the motion? To adjourn to next Saturday?

The PRESIDENT *pro tempore*. The motion is that when the Senate adjourn to-day it be to meet on Saturday next.

Mr. EDMUNDS. If I may have unanimous consent I will state that it was thought by gentlemen on this side, all being willing to adjourn over Good Friday, that we might go on with the Calendar on Saturday and get through a considerable amount of the minor business of the Senate.

Mr. COCKRELL. I am willing for that.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont.

The motion was agreed to.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting in response to a resolution of March 7, 1888, an estimate of the cost involved in providing approaches and roadway to the Aqueduct bridge, Georgetown, D. C.; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the New York Yearly Meeting of the Religious Society of Friends, represented by its standing committee for philanthropic labor, officially signed, praying for the adoption of measures to provide for a permanent court of international arbitration; which was referred to the Committee on Foreign Relations.

He also presented the petition of Ludwig Eisinger, of Washington, D. C., praying for relief against wanton destruction of the architectural proportions of the Capitol building, and charging incompetency on the part of the Architect; which was referred to the Committee on the Library.

Mr. FARWELL presented a petition of citizens of Chicago, Ill., praying for the opening of the western portion of the Indian Territory to settlement; which was referred to the Committee on Territories.

He also presented a petition of citizens of the Seventh Congressional district of Illinois, praying for prohibition of the sale of alcoholic beverages in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of Local Assembly No. 2807, of Knights of Labor, of St. Clair County, Illinois, praying for the passage of the so-called tonnage bill, providing for the payment to all American vessels engaged in the foreign trade a certain amount per ton for every thousand miles traveled by the ship; which was referred to the Committee on Commerce.

He also presented a petition of citizens and voters of Oran, Logan County, Illinois, and a petition of citizens and voters of Magnolia, Putnam County, Illinois, praying that the work of the eradication of pleuro-pneumonia may be continued under the Bureau of Animal Industry, and that the bureau may remain in the Department of Agriculture, with a chief who shall be a competent veterinary surgeon; which were referred to the Committee on Agriculture and Forestry.

He also presented five petitions of ex-Union soldiers and sailors, citizens of Illinois, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. BLAIR. I present the petition of O. W. Whyteside and, I think, about 2,800 other citizens of North Carolina and other Southern States, praying for the passage of the school bill. That bill having already been passed by the Senate, I move that the petition lie on the table.

The motion was agreed to.

Mr. SPOONER presented two petitions of ex-Union soldiers and sailors, citizens of Richland County, Wisconsin, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. FRYE presented a petition of the Friends' Union for Philanthropic Labor, representing the New York, Baltimore, Ohio, Indiana, and Illinois Yearly Meetings of the Religious Society of Friends, officially signed, praying for the better legal protection of young girls in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. DANIEL presented the petition of F. P. White and other citizens of Montgomery County, Virginia; the petition of J. Q. Falls and other citizens of Bedford County, Virginia; the petition of John L. Dudley and other citizens of Montgomery County, Virginia; the petition of S. C. Showalter and other citizens of Botetourt County, Virginia; the petition of John A. Thaxton and other citizens of Bedford County, Virginia, and the petition of W. A. Seabury and other citizens of Lynchburgh, Va., praying for an increase of salary to fourth-class postmasters; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of John P. Hurley, late postmaster at Liberty, Va., praying to be paid earnings as computed under the act of 1854 in the office of the First Assistant Postmaster-General; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WILSON, of Iowa, presented a petition of ex-Union soldiers and sailors, citizens of the State of Iowa, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. WILSON, of Iowa. I present a petition of Algona Grange, No. 1684, of Algona, Iowa, praying for the abolition of postal-notes, the reduction of rates on money-orders, the creation of a department of agriculture the head of which to be a Cabinet officer, the preservation of the efficiency of the oleomargarine law, and various other measures in the interest of agriculture. I move that the petition be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. STOCKBRIDGE presented the petition of Mark Brown and other ex-Union soldiers and sailors, citizens of Ionia County, Michigan, and the petition of Edward McKenzie and other ex-Union soldiers and sailors, citizens of Michigan, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. BATE presented a petition of citizens of Knoxville, Tenn., praying for the passage of Senate bill 283, providing for the proper protection of the Yellowstone National Park; which was ordered to lie on the table.

Mr. STANFORD presented two petitions of ex-Union soldiers and sailors, citizens of Santa Cruz and Truckee, in the State of California, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented a petition of citizens of California, praying that the remainder of the public domain be reserved for the sole use of the children of American citizens; which was referred to the Committee on Public Lands.

He also presented a petition of citizens of San Diego, Cal., praying that the price of certain public lands be reduced to $1.25 per acre; which was referred to the Committee on Public Lands.

He also presented a petition of the Woman's Christian Temperance Union of Northern California, officially signed, praying for the submission to the States of a prohibitory amendment to the Constitution; which was referred to the Committee on Education and Labor.

He also presented a petition of 103 citizens of the Second and Third Congressional districts of California, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of 73 citizens of San Francisco, Cal., the petition of C. W. Breyfogle, mayor, and 209 other citizens of San José, Cal., and a petition of 30 citizens of El Modena, Cal., praying for better legal protection for women and girls within the Territorial, admiralty, and maritime jurisdiction of the United States; which were referred to the Committee on the Judiciary.

Mr. CAMERON presented a petition of citizens of Lecontes Mills, Clearfield County, Pennsylvania, and a petition of citizens of Clearfield County, Pennsylvania, praying that the work of the eradication of pleuro-pneumonia may be continued under the Bureau of Animal Industry, that the bureau may be allowed to remain in the Department of Agriculture, with a chief who shall be a competent veterinary surgeon; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of ex-Union soldiers and sailors, citizens of Union Dale, Pa., and vicinity, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. BUTLER. I present sundry telegrams from different parties in Greenville, S. C., remonstrating against the passage of what is known as the lard bill now before the Committee on Agriculture and Forestry.

The PRESIDENT *pro tempore*. The telegrams will be received as memorials, if there be no objection, and referred to the Committee on Agriculture and Forestry.

Mr. BUTLER. I present a letter from a very intelligent and respectable merchant of the town of Edgefield, S. C., where I live, with regard to the weight of clean oats. He seems to attach some importance to the subject, and I ask that the letter be referred to the Committee on Agriculture and Forestry. I request that that committee examine it as it is from a gentleman of character and position.

The PRESIDENT *pro tempore*. The communication will be received and referred to the Committee on Agriculture and Forestry.

Mr. DOLPH presented a petition of citizens of Salem, Oregon, praying that the Bureau of Animal Industry be continued as at present organized; which was referred to the Committee on Agriculture and Forestry.

Mr. CULLOM. I present a petition signed by all the clock manufact-

urers in the United States save one, praying for an amendment to the interstate-commerce act to prohibit underbilling and discrimination by means of misrepresentation as to the weight and character of goods. I move that the petition be referred to the Committee on Interstate Commerce.

The motion was agreed to.

Mr. CULLOM presented a petition of 23 ex-Union soldiers and sailors, citizens of Rosemond, Ill., praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of the Arkwright Club, of Boston, praying for the passage of House bill 1527, to make bills of lading conclusive evidence in certain cases; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Typographical Union No. 124, of Bloomington, Ill., and a petition of Typographical Union No. 230, of Danville, Ill., praying for the passage of the so-called Chace bill, providing for an international copyright; which were ordered to lie on the table.

Mr. HOAR. I desire to inquire whether certain resolutions of the city of Gloucester, in the State of Massachusetts, where the largest number of persons concerned in the fisheries have their headquarters, protesting against the ratification of the treaty now pending between the United States and Great Britain, should be presented in open session or in executive session.

The PRESIDENT *pro tempore*. The Chair would suppose that as the treaty is in executive session the memorials on the subject should be presented in executive session.

Mr. HOAR. I will withhold the resolutions for that purpose.

Mr. HISCOCK presented a petition of the New York Yearly Meeting of the Religious Society of Friends, represented by its standing committee for philanthropic labor, officially signed, praying that the age of legal protection for girlhood in the District of Columbia be extended to at least eighteen years; which was referred to the Committee on the District of Columbia.

He also presented a petition of 38 veterans of the State of New York, a petition of 182 veterans of the State of New York, and a petition of citizens of the State of New York, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented a petition of members of the Chautauqua Sportsmen's Association of the State of New York, praying for the proper protection of the Yellowstone National Park; which was ordered to lie on the table.

Mr. VEST presented a petition of citizens of Boone County, Missouri, and a petition of citizens of Caldwell County, Missouri, praying that the work for the eradication of pleuro-pneumonia may be continued under the Bureau of Animal Industry, and that the bureau be allowed to remain in the Department of Agriculture, with a chief at its head who shall be a competent veterinary surgeon; which were ordered to lie on the table.

Mr. WALTHALL. I present a petition of the Legislature of Mississippi, praying that the public lands in that State be reserved for homestead settlement. I have introduced a bill covering the prayer of the petition. I move the reference of the petition to the Committee on Public Lands.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 5639) for erecting a fire-proof workshop at the National Armory, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 967) for the relief or Edward T. Latta, reported adversely thereon; and the bill was postponed indefinitely.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (S. 1911) for the relief of Stephen O'Connor, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. FAULKNER, from the Committee on Claims, to whom was referred the bill (S. 94) for the relief of Perez Dickinson, surviving partner of the late firm of Cowan & Dickinson, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 97) for the relief of I. L. Cain and others, reported it with amendments, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 1657) for the relief of William Bayard, a citizen of the United States, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (H. R. 2805) granting a pension to Martha F. Woodrum, widow of James Woodrum, deceased, reported it with an amendment, and submitted a report thereon.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (S. 1501) for the relief of James Downing, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. SPOONER. I am also instructed by the Committee on Claims, to whom was referred the bill (S. 592) for the relief of Isaac O. Savage, to report it back with a recommendation that the committee be discharged from its further consideration, and that it be referred to the Committee on Military Affairs. I have prepared a favorable report on the bill. It appears to be a just bill in every way; but it seems to be fairly within the jurisdiction of the Military Committee.

The PRESIDENT *pro tempore*. If there be no objection, the Committee on Claims will be discharged from the further consideration of the bill, and it will be referred to the Committee on Military Affairs.

Mr. STANFORD, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1846) for the erection of a public building at New London, Conn., reported it back with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1200) for the erection of a public building in the city of Lansing, in the State of Michigan, reported it with an amendment, and submitted a report thereon.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. 839) for the relief of Daniel B. Washburn, reported it without amendment, and submitted a report thereon.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 2200) to amend paragraph 1 of section 4821, chapter 2, of the Revised Statutes, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. DANIEL, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2164) to provide for the erection of a public building in the city of Norfolk, in the State of Virginia, reported it with amendments, and submitted a report thereon.

MEMORIALS AS TO SABBATH OBSERVANCE.

Mr. CULLOM. During the present session at different times there have been quite a number of memorials presented by different Senators and referred to the Committee on Interstate Commerce, remonstrating against the running of interstate Sunday trains, mail trains, and against military drills, etc., on the Sabbath. That subject has for a number of years been under the control of the Committee on Education and Labor. I understand that committee has now the general question under consideration, and is having hearings upon it. Therefore, on behalf of the Interstate Commerce Committee, I ask leave to report these memorials back to the Senate, and move that they be referred to the Committee on Education and Labor.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

Mr. CALL. I object.

Mr. BLAIR. I present a memorial of 127 citizens of Litchfield, Ill., and a memorial of 70 citizens of the United States, on the same subject, which I ask may be referred to the Committee on Education and Labor.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Florida to object to the reference suggested by the Senator from Illinois.

Mr. CALL. I do object. The Committee on Education and Labor, I think, have nothing whatever to do with the laws to regulate the observance of the Sabbath. On the contrary, I hope that the Committee on Interstate Commerce, which does regulate the matter of interstate commerce and the running of trains on Sunday and other days, will be required to take jurisdiction of this subject.

The PRESIDENT *pro tempore*. The Committee on Interstate Commerce having reported back the memorials, it is for the Senate to decide whether they shall be referred, or lie on the table, or what disposition shall be made of them.

Mr. BLAIR. I ought to state that the first I knew of such memorials being sent to the Senate was at the last Congress, when they were sent in large numbers. They were then referred to the Committee on Education and Labor. They reached that committee late in the Congress, and there was no hearing upon the questions involved.

The subject-matter is the question of labor upon the Sabbath; and the labor organizations and churches and citizens of the country generally who are interested in these memorials discuss the subject mainly from the standpoint of labor, and I suppose the memorials should go to the Committee on Education and Labor. Some of these memorials have been referred to that committee at this Congress, and I am pressed by parties in various portions of the country to give hearings. It is necessary to know where the memorials are to finally locate in order that justice may be done to the memorialists.

Mr. CULLOM. I only desire to say that I asked this change of reference after conference with the chairman of the Committee on Education and Labor, and after having been informed that that committee is investigating the subject. The Committee on Interstate Commerce is not disposed to shirk any duty, but it is not in the interest of good legislation to divide up a question and have two or three committees in-

vestigating the same subject. That is the only reason why I reported the memorials back and asked that they be referred to the Committee on Education and Labor.

The PRESIDENT *pro tempore*. The Senator from Illinois, by direction of the Committee on Interstate Commerce, moves that the memorials be referred to the Committee on Education and Labor. The question is on agreeing to the motion.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 6894) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1889; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed an enrolled bill (H. R. 4327) regulating the construction of bridges over the Muskingum River, in Ohio; and it was thereupon signed by the President *pro tempore*.

BILLS INTRODUCED.

Mr. FRYE (by request) introduced a bill (S. 2539) to authorize and direct the purchase of part of a lot adjoining the Senate stables for their ventilation, and for other purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. DAWES introduced a bill (S. 2540) for the relief of Edward L. Keyes; which was read twice by its title, and, together with the papers on file in the case, referred to the Committee on Military Affairs.

He also introduced a bill (S. 2541) to establish courts for the Indians on the various reservations and to extend the protection of the laws of the States and Territories over all Indians, and for other purposes; which was read twice by its title.

Mr. DAWES. I desire to say in reference to this bill that it has been prepared by a committee of very able lawyers from Philadelphia, Boston, and New York, assisted by some gentlemen who have devoted very much time to what is needed for the care and protection of the Indians. I am entitled in no respect to any merit for what is in the bill, but the source from which it comes entitles the bill itself to the careful consideration of the Senate.

I am somewhat at a loss to know to what committee the bill ought to be referred. It proposes to treat the Indians under an entirely new policy, and therefore would naturally go to the Committee on Indian Affairs; but it proposes to do so by extending over them in a body all the laws of the States and Territories where they reside, and therefore would more naturally be referred to the Committee on Territories; but it proposes to do this by the establishment of a new system of judicature, and therefore one would think that it would be better considered by the Committee on the Judiciary.

To whatever committee it may be referred, it is possible there may be found some provisions in it that I could not myself support, and, therefore, I take the liberty to withhold my judgment upon the bill until after a report of such committee as the Senate shall conclude it had better go to shall be communicated to the Senate itself.

These remarks I felt were due to the high character of the gentlemen who invoke the judgment of the Senate upon the bill. I venture to move its reference to the Committee on Indian Affairs.

The motion was agreed to.

Mr. STEWART introduced a bill (S. 2542) to reimburse certain persons who expended moneys and furnished services and supplies in repelling invasions and suppressing Indian hostilities within the territorial limits of the present State of Nevada; which was read twice by its title, and referred to the Committee on Claims.

Mr. DAVIS introduced a bill (S. 2543) granting a pension to Seymour Saxton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FARWELL introduced a bill (S. 2544) authorizing and directing the President of the United States to make proclamation prohibiting the importation of products of foreign states in certain cases, and for other purposes; which was read twice by its title, and referred to the Committee on Foreign Relations.

He also introduced a bill (S. 2545) granting to Stephen H. Losee an honorable discharge from military service dating as from June 28, 1864; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CULLOM introduced a bill (S. 2546) to appropriate $12,000 for completing the public building at Peoria, Ill., and increasing the limit of cost of said building; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. CAMERON introduced a bill (S. 2547) to increase the pension of Mrs. Matilda Wilkins Emory; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BLAIR introduced a bill (S. 2548) for the relief of Patrick Larkin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. COCKRELL introduced a bill (S. 2549) for the relief of Belle R. Clements; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

CIVIL-SERVICE INVESTIGATION.

Mr. HALE submitted the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That the Select Committee to Investigate the Operations of the Civil Service be authorized to have printed for the use of the committee the testimony taken before it from time to time during the progress of the investigation.

MEETING OF WASHINGTON LEGISLATIVE ASSEMBLY.

Mr. MITCHELL submitted the following resolution; which was read:

Whereas it is provided in section 1846 of the Revised Statutes of the United States as follows:

"SEC. 1846. The legislative power in each Territory shall be vested in the governor and a legislative assembly. The legislative assembly shall consist of a council and house of representatives. The members of both branches of the legislative assembly shall have the qualifications of voters as herein prescribed. They shall be chosen for the term of two years, and the sessions of the respective legislative assemblies shall be biennial. Each legislative assembly shall fix by law the day of the commencement of its regular sessions. The members of the council and of the house of representatives shall reside in the district or county for which they are respectively elected."

And whereas the last biennial session of the Legislative Assembly of Washington Territory adjourned *sine die* in the month of February, 1888; and

Whereas on the 1st day of February, 1888, said Legislative Assembly of Washington Territory passed the following act, which was on February 2 approved by the governor of said Territory, to wit:

"An act to fix the times for the meeting of the Legislative Assembly of Washington Territory.

"*Be it enacted by the Legislative Assembly of the Territory of Washington*: SECTION 1. That the next session of the Legislative Assembly of Washington Territory shall begin on the second Monday of January, 1889, at 12 o'clock noon, and the Legislative Assembly shall meet at noon on the second Monday of January, and biennially thereafter.

"SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

"SEC. 3. This act shall take effect and be in force from and after its passage and approval.

"Passed the House February 1, 1888.

"W. M. CLARK,
"*Speaker of the House.*

"Passed the Council February 1, 1888.

"JOHN R. THOMPSON,
"*President of the Council.*

"Approved February 2, 1888.

"[SEAL.] EUGENE SEMPLE, *Governor.*"

Therefore,

Resolved, That the Committee on Territories be, and they are hereby, instructed to inquire into the validity of said act of the Legislative Assembly of Washington Territory, providing that the next session of such Legislative Assembly shall begin on the second Monday of January, 1889, at 12 o'clock noon, and to report by bill or otherwise.

Mr. JONES, of Arkansas. Let that resolution go over.

The PRESIDENT *pro tempore*. The resolution goes over under objection.

Mr. PLATT. I was about to ask that it might lie over so that I could examine it.

Mr. MITCHELL. I have no disposition to press the consideration of the resolution this morning. I ask that it may lie over.

The PRESIDENT *pro tempore*. The resolution lies over under the rules.

THE MAIL SERVICE.

Mr. PADDOCK. Some time since I entered a motion to reconsider the vote by which the Senate passed the resolution submitted by the Senator from Kansas [Mr. PLUMB] January 30, 1888, relative to the inefficiency of the postal service. I ask unanimous consent to withdraw that motion.

The PRESIDENT *pro tempore*. The Chair understands that the Senator from Maryland [Mr. WILSON] gave notice of his intention to speak on the resolution.

Mr. PADDOCK. The Senator from Maryland has indicated to me his willingness that the motion should be withdrawn.

The PRESIDENT *pro tempore*. The motion to reconsider the vote by which the resolution was passed will be withdrawn, if there be no objection. The Chair hears none, and it is so ordered.

HOUSE BILL REFERRED.

The bill (H. R. 6894) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1889, was read twice by its title, and referred to the Committee on Military Affairs.

CONSIDERATION OF THE CALENDAR.

Mr. HOAR. When the Senate the other day agreed that the constant business in order last week, the Calendar, should continue through the present week the reason was suggested among others that two members of the Finance Committee, the Senator from Ohio [Mr. SHERMAN] and the Senator from Iowa [Mr. ALLISON], would be absent, and also the Senator from New York [Mr. EVARTS], who had taken an active part in the discussion of the financial bill. That reason applies as well to the morning hour of course as to the time after 2 o'clock. I therefore ask unanimous consent that that understanding may apply to the time in the days this week after the conclusion of the morning business, of course reserving the right of the Senator from Arkansas [Mr. BERRY] to address the Senate to-day according to the notice he has previously given.

The PRESIDENT *pro tempore*. The Chair hears no objection, and such will be the order.

CONFERENCE WITH SOUTH AMERICAN COUNTRIES.

The PRESIDENT *pro tempore* appointed Mr. FRYE, Mr. DOLPH, and Mr. BROWN the conferees on the part of the Senate on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1473) authorizing the President of the United States to arrange a conference for the purpose of promoting arbitration and encouraging reciprocal commercial relations between the United States of America and the Republics of Mexico, Central and South America, and the Empire of Brazil.

PRESIDENT'S ANNUAL MESSAGE.

Mr. BERRY. I ask the unanimous consent of the Senate to call up the resolution of the Senator from Ohio [Mr. SHERMAN] to refer the President's message to the Committee on Finance, with a view of making some remarks upon the subject.

The PRESIDENT *pro tempore*. The Senator from Arkansas asks that the Senate now proceed to the consideration of a resolution, which will be read.

The Chief Clerk read the resolution submitted by Mr. SHERMAN December 19, 1887, as follows:

Resolved, That the President's annual message be referred to the Committee on Finance.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. BERRY Mr. President, I think it can be truthfully said that at no time since the close of the civil war have the people of the United States been so thoroughly interested in questions of Federal taxation, the manner in which such taxes are imposed, and the effect of their imposition upon the business affairs and the material prosperity of the country as we find them at the present. This interest is not confined to those who are commonly called politicians; it extends to all classes and excites the attention of those engaged in all pursuits. The manufacturer and the merchant, the mechanic and wage-worker of the North, the cotton-planter and the farmer and farm laborer of the South and West are all looking to Congress to ascertain, if possible, the probable legislation upon this the most important of all questions presented for our consideration. The almost universal interest excited by the message of the President of the United States, the attention it attracted, and the large number of persons who read and studied it, were due in part to the strong and vigorous language in which undisputed facts were presented and the bold and fearless manner in which the President discussed a great public question, but it was partly attributable to the fact that public attention was already turned to this subject, and many felt and believed that the time could not much longer be delayed when some change in our present system of taxation would be imperatively demanded.

To those who believe the present system is a wrong system, unfair and oppressive in its methods and in its details, this interest shown by the people is a cause for well-founded hope, for the reason that we believe if it is thoroughly canvassed and once fully understood, its injustice will become so apparent that the people will compel a complete change, or at least a decided modification of the present laws. Several causes have united in the last twenty-three years to prevent this question of taxation from becoming the leading question and leading issue in political contests. Prominent amongst these causes, and probably the principal one, was that from the close of the war until 1876 the people of all sections of the Union were kept in a continual state of excitement and alarm over questions growing out of the civil war; questions of reconstruction; questions arising from Congressional control of the local affairs of the Southern States; questions of the power of the General Government to disfranchise citizens, to dissolve legislatures, and to make and unmake governors. And the people of the South especially had neither the time nor the inclination to devote thought or study to a system of Federal taxation, however injurious to their permanent prosperity, while their property was being systematically confiscated by the payment of taxes to the State, county, and municipal governments for the benefit of those whom Congress had appointed to rule over them. The less and indirect wrong was unknown, ignored, or forgotten in their efforts to rid themselves of the greater one, with which they daily came in direct contact.

Their time was constantly occupied in a contest with poverty and with those who were seeking to force from them under the forms of law the little that the fortunes of war had left them, and when they finally obtained possession of their State governments it took years to repair the damages inflicted by eight years of misrule. Another cause that operated to prevent the question of Federal taxation from becoming the all important one was that however great the amount of revenue collected, the excess could be constantly applied to the payment of the public debt, and the attention of the people was not thoroughly attracted until the time came when there was no public debt to which it could be applied, and it became evident that a large surplus, probably $100,000,000 annually, must either accumulate in the Treasury, and thereby so contract the currency as to destroy the business of the country, or that the Secretary of the Treasury would be compelled to go upon the market and purchase bonds at such price as the holders of Government securities might demand; and then the people very naturally inquired why a system should be retained that produced such an excess of revenue—and although the questions presented in the President's message as to the manner of imposing taxes have been debated since the foundation of the Government, yet we now have for the first time in more than a quarter of a century a fair prospect of making a contest involving the election of the chief executive officer of the Government, with the tariff as the principal and most important issue. Both parties have often expressed a willingness to make the fight on this line, and I trust the issue may be fairly presented and squarely met without evasion or subterfuge.

Mr. President, I agree with those who believe a tariff should be imposed upon imported goods and taxes laid on domestic products for revenue purposes only, and that our present system of levying taxes on imported goods is utterly indefensible; that it is fundamentally wrong in principle and doubly wrong in its details. The power to lay and collect taxes is derived from the following clause in the Constitution of the United States:

The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States.

The only object and purpose that those who framed that clause had in view was to provide a way by which money could be collected from the citizens for the public purposes named in the clause of the Constitution which I have quoted; the object was to raise money and not to enhance or depreciate the price of any product or commodity. It was no part of their purpose that the power to collect taxes should be used when no money was needed for public purposes, nor that it should be used to compel one citizen to contribute a portion of his money or his labor to increase either the profits or wages of another citizen.

The principal issue, as I understand it, between the friends of revenue reform and the friends of a high protective tariff, when it is freed from all disguise and freed from the mystery and obscurity with which the friends of protection have surrounded and enveloped it, is simply this: whether a tariff or taxes shall be imposed only to obtain a revenue for public purposes, or whether the taxing power shall be used to confer benefits upon one class of citizens engaged in one pursuit at the expense of another class of citizens engaged in a different pursuit under the pretext of protecting American labor. I agree with some one who said that it is not within the power or ingenuity of man to frame laws that will take from one class of citizens a portion of the fruits of their labor and give it to another class of citizens without doing more injury to a greater number of the class from whom it is taken than it will be possible to confer benefits upon the class to whom it is given, and the power was never intended by the Constitution to be conferred upon Congress to make the attempt. Such is neither the language nor intent of the clause that I have quoted, and yet it is from this clause that the right is claimed to lay taxes and imposts where the sole purpose is protection.

The words therein used, "to provide for the common defence and general welfare," have no reference to the act of levying and collecting the taxes. This is never supposed to be for the welfare of any one, but these words refer solely to the manner of appropriating the money after it is collected; and whether this power of appropriation is unlimited or is confined to the objects enumerated in the Constitution is not material to this argument. The friends of protection claim, however, that the Government can lay and collect taxes not required for public purposes, in order that the price paid for manufactured goods by the consumer shall be increased, and they call this providing for the general welfare. When a sum sufficient for public purposes is obtained Congress has no right to go beyond that. Those who framed the Constitution did not so intend—and it is unfair and a discrimination without excuse to justify it—to force by governmental power taxes from one class of citizens not to be used for the common good of all, but for the purpose of increasing the profits or wages of another class, where both classes owe allegiance to the same government and are entitled to equal privileges and equal protection.

Nor can this wrong be excused or palliated by the fact that the result is accomplished by the indirect method of increasing the cost of an article which one class has for sale and the other class is compelled to buy. The friends of protection know that if it is admitted that such is the effect of the present tariff laws that they can not remain as they are; that the universal love of justice and fair play common to most men is such, that if it was fully understood they would not tolerate a system that enables the Government to force a laborer on a farm who receives $20 per month to pay $15 for a given amount of the necessaries of life which would otherwise cost him but $10 for the sole purpose of giving the manufacturer $5 additional profit, and hence they deny that such is the effect of the laws that impose taxes on imported goods. Many of them admit that the theory of protection is wrong, but insist that in practice it is highly beneficial, and constantly assert that all of the prosperity which the nation has enjoyed is attributable to protection, but say all of the difficulties encountered and the evils that have fallen upon us are attributable to some other cause, and they are driven to all manner of inconsistencies to sustain their position.

They constantly assert that any material reduction of the tariff will

so reduce the price of American goods that the manufacturer will be compelled to either reduce the wages of the laborer or quit the business; and they profess to be greatly concerned for the laborer, and say that prices must be kept up for his benefit; yet the same parties who make this argument as confidently assert that the tariff laws do not increase the price of American goods; that a reduction would not benefit the consumer, but, in fact, he would be compelled to pay more for his goods; and they argue themselves into the belief that a reduction of the tariff would compel the man who sells to receive less, while the man who buys would pay more for the same article. Just how they reconcile these two propositions is one of the mysteries pertaining to the subject that no ordinary man can understand. It is an impossibility that both propositions can be true, yet both are asserted and elaborately argued, and long tables of figures are presented to prove that both are true.

If those engaged in the manufacture of goods receive more for them by reason of the tariff laws some one pays this extra sum, and it is impossible to show that it is paid by any other human being except the consumer; and a large proportion of it unfortunately falls upon those engaged in agricultural pursuits—those who have no protection, and who have for years appealed to Congress for an even chance. The fact that a large amount of foreign goods are annually imported, paying the cost of transportation, paying the import duties, and are still sold in competition with American goods, is a complete answer to the assertion that manufactured goods can be purchased for as small a sum of money in the United States as in any foreign country. If the statement constantly made by the friends of protection that the tariff laws were not for the benefit of the manufacturer but for the laborers employed in these manufactories were true, it would be no justification.

There is no reason why one class of laborers should be protected when it imposes burdens on another class. The native-born citizens who work upon the farms of the South and West have the same rights, are entitled to the same privileges, and should receive the same consideration from the Government that is given to those who labor in any other field of industry. There is no reason why our sympathies should be enlisted for one class of laborers only, and when the power of the Government is used to increase the wages and resources of one class by decreasing the purchasing power of the wages paid to the men who labor on the farm from twelve to fourteen hours per day, it is an injustice that no pretended friendship for labor can conceal and no amount of false reasoning justify. It is not equality under the law; it is certainly not equality under equal laws. Laws that bear unequally upon the citizens are admitted by all to be unjust laws, and the people of a nation, however seemingly prosperous, will never be a happy and contented people when the Government interposes to secure advantages to one class of citizens and thereby deprives another class of an equal chance in the contest for wealth and power.

Mr. President, the present tax laws are not only wrong because they are based upon wrong principles, but in the methods and details by which these taxes are levied and collected they are peculiarly objectionable. They are so framed as to bear unequally upon the poorer classes—so framed as to take from those who are least able to pay and give to those who can best afford to be without it. They seem to have been framed upon the principle that it is the duty of the Government to take care of the rich and to trust to the generosity of the rich to take care of the poor. It was said by the Senator from Ohio that import duties were imposed mainly upon luxuries. I shall not attempt to go into the details of the manner in which they are levied at any length. Nor will I undertake to state the amount of capital invested in manufacturing, the value of the plant, the cost of labor and raw material, the wages paid to the laborer, or the profits of the manufacturer; but I will, with the consent of the Senate, insert a short table taken from the speech made by the Senator from North Carolina on the 13th of January last, with a few comments of that Senator:

IRON AND STEEL.

Amount imported in 1887	$50,618,985
Duty paid thereon	20,713,233

Being an average of 41 per cent.

JEWELRY AND PRECIOUS STONES.

Amount imported in 1887	$10,981,191
Duty paid thereon	1,162,300

Being a duty of 10½ per cent.

This shows, whatever be the excuse for it, that the iron and steel, without which no industry can move, and which are an absolute necessity of life, are made to pay four times as much as the adornments of the rich.

	Per cent.
Wool hats:	
Valued at 40 cents per pound and under	75.00
Valued at from 40 to 60 cents per pound	73.00
Valued at from 60 to 80 cents per pound	66.00
Valued at above 80 cents per pound	52.00
As the article rises in value it decreases in duty or tax.	
Knit goods:	
Worth not exceeding 30 cents per pound	88.33⅓
Worth from 30 to 40 cents per pound	65.20
Worth from 40 to 60 cents per pound	69.00
Valued at 80 cents per pound and upwards	62.00
Woolen shawls:	
Valued at 80 cents per pound and under	88.50
Valued above 80 cents per pound	65.50
Woolen goods, dress goods, etc.:	
Valued at 80 cents per pound or under	88.80
Worth over 80 cents per pound	64.46
Worsted, alpaca, and so on:	
Valued at 30 cents per pound or under	76.50
Worth from 30 to 40 cents per pound	69.33⅓
Worth from 40 to 60 cents per pound	68.25
Flannels:	
Cheapest, valued at 30 cents or under per pound	73.42
Valued from 30 to 40 cents per pound	66.20
Valued at above 60 cents and not exceeding 80 cents per pound	67.05
Women's and children's dress goods, Italian cloths, etc.:	
Worth 20 cents per square yard or under	67.89
All above 20 cents per square yard	59.00
All woolen goods or mixtures of alpaca and other material:	
Weighing 4 ounces or less per square yard	83.00
Weighing over 4 ounces per square yard	69.68
Blankets:	
Worth 30 cents per pound or under	79.66
Worth from 30 to 40 cents per pound	63.85
All worth above 80 cents per pound	70.00

Whilst the woolen shawl of the poor woman is taxed 88 per cent. the silk shawl of her wealthier sister is taxed only 50 per cent.

Whilst the cheap alpaca of the laborer's wife is taxed 83 per cent. the silk or velvet dress of his employer's wife and the laces and ribbons with which it is trimmed are taxed but 50 per cent.

Whilst the plow-boy's coarse wool hat is taxed 75 per cent the shining silk beaver of the dude is taxed only 50 per cent.

Files are taxed 56 per cent.; trace-chains, 47 per cent.; horseshoe-nails, 76 per cent.; whilst sporting fire-arms, pistols, etc., are taxed only 35 per cent., and iron rails continue to pay 93 per cent. and steel rails 84.

Window-glass:	
Cylinder, crown, and common window, unpolished, not exceeding 10 by 15 inches square	60.71
Above and not exceeding 16 by 24 square	93.11
Cylinder and crown, polished, unsilvered:	
10 by 15	7.28
Not exceeding 16 by 24	16.79
Plate-glass, rough:	
Not exceeding 10 by 15 inches square	14.16
Not exceeding 16 by 24 inches square	23.88
Plate-glass, polished, unsilvered:	
10 by 15 inches square	17.30
16 by 24 inches	20.15
Plate-glass, polished and silvered:	
10 by 15 inches square	10.85
16 by 24 inches square	18.44

These are only a few items showing the manner in which these taxes are levied, and how any one so thoroughly familiar with the whole subject as the Senator from Ohio can conclude that these taxes are levied mainly upon articles of luxury is another mystery that the friends of protection can alone explain. The heavy taxes placed upon iron, farming implements, cotton-ties, coarse blankets, and coarse woolens, and the comparatively light tax upon jewelry, plate-glass, silks, and velvets contradict the proposition and show that it is the reverse of true. The effect of this arrangement of duties is, whether intended or not, to compel the poor and laboring classes to pay not more taxes to the Government perhaps, because they purchase but few imported goods, but to pay to the manufacturers of American goods a sum far in excess of the entire sum collected by the Government upon imported goods over and above that which they would be compelled to pay for these necessaries if this duty was not imposed. And the amount paid the Government as a tariff upon imported goods is about $220,000,000 annually.

Mr. Calhoun argued more than fifty years ago, with a power and force of logic never surpassed, that such a system could produce but one result, and that it was only a question of time when the agricultural States would be impoverished and the manufacturing States grow rich; and the mortgages held by the citizens of Eastern States upon the fertile lands of Ohio, Indiana, Illinois, Kansas, and the cotton plantations of the South, and the fact that our foreign market for wheat and other farm products has been destroyed and that wheat commands less money to-day than at any time for one hundred years, prove that Mr. Calhoun more than any other statesman of his day was able to foresee the evils that would flow from a wrong system founded upon principles of injustice. Yet it has been said upon this floor that the farmer more than any other man is interested in retaining a protective tariff, and that the manufacturer has the least interest of all men in its preservation. If this is true, it is somewhat remarkable that both farmer and manufacturer are so ignorant of their true interest that the farmer as a rule is seeking to change or modify it, while the manufacturer is bending all of his energies to retain it, and, if possible, to increase it.

It is also remarkable that the representatives in Congress of the manufacturing States are its most earnest advocates, and the representatives of many of the farming States are equally earnest in their advocacy of a change of those laws; but I hardly think the Senator from Connecticut could have been serious when he said that the farmer, more than any other man, was most benefited by protection. The Senator from Colorado, I presume, takes a different view, as he said in effect—I do not pretend to quote him literally—that if the farmers of the South were not prosperous, they alone were to blame; that if farming did not pay, they should engage in manufacturing.

So, Mr. President, might the manager of a great railroad corporation say to the farmer who complains of excessive freight charges, "If you can not farm and pay these exorbitant charges, you had better quit farming and run a railroad." It is simply mockery to say to the farmers of the South, "Quit farming and engage in manufacturing," when they have neither the capital nor the skill for such an enterprise. It is but

saying to the man who complains of the wrong and the injustice of which he is the victim, "Your only chance is to join those engaged in perpetrating that wrong." It is but saying to the man who objects to being robbed under the forms of law, "Your only resource is to become one of those for whose benefit the robbery is committed."

The strong and convincing arguments made by the President in the message now under consideration in favor of a reduction of revenue and against the injustice and gross inequalities of our present system can not be answered by asserting that the message is approved by England or any other foreign nation. It is neither a strong nor a convincing argument against a proposition to say that it is approved by some one against whom we have a prejudice or with whom we are not in sympathy. It is wholly immaterial whether it is approved or disapproved by the English press. The question is, has the President stated facts, and can his argument, based upon those facts, be shown to be unsound or illogical? Nor can it be answered by misrepresenting his position, by applying to him the epithet of free-trader, or by placing him upon a platform different from the one he has chosen for himself.

The fact that his opponents have delivered long and elaborate arguments to show that the President was in favor of absolute free trade, when there is not one word in the message or in his public acts to justify such a conclusion, is an admission upon their part that they can not meet and refute the arguments that he has made, nor successfully assail the position that he has assumed; that is, that taxes imposed to meet the necessities of the Government in time of war can not be continued in time of peace without great danger to the prosperity of the country.

Mr. President, the amount of taxes annually collected from all sources is so much in excess of that which is required by the Government, the surplus is such a standing menace to all business interests, that all parties admit that some change and some reduction is an absolute necessity; but those who have so long been the beneficiaries of the tax levied upon imported goods, those who have for so many years constantly grown rich from the toil and labor of their less fortunate countrymen are unwilling to yield one inch of the advantages they now possess, and they turn to their only resource and say remove the "internal-revenue taxes;" take the tax from whisky, beer, tobacco, and cigars. Not all protectionists openly advocate this, but the Republican party is rapidly approaching this position.

Many of those who have heretofore claimed to be the especial friends of temperance and the sworn enemy of all intoxicating liquors, in order to save the tariff, say give us free whisky, free beer, free tobacco, and free cigars, rather than free farming implements, free clothing, and free food. They have suddenly discovered that it is a great crime, and a national disgrace, to collect taxes from whisky and beer, and it must therefore be made free and so cheap that a man of the most limited means can effectually ruin himself and family for a comparatively small sum of money. They assert that it is no crime to force the farmer to pay an increased price for his farming implements, for the clothing he wears and the blanket that protects him and his family from the cold, but decidedly wrong to increase the price of whisky and beer.

It would seem to me that taxes can be imposed upon whisky and beer with less injury to the deserving citizen than upon any other articles consumed by the human family, and so long as it is necessary to collect taxes for the use of the Government it is utterly indefensible to say that the tax shall be removed and the price of whisky and beer reduced while articles indispensable to every family shall bear an increased cost by reason of the tax imposed upon them.

Mr. President, the wrong and injury perpetrated upon the consumer, and especially upon the agricultural classes, is not the only evil that flows from a high protective tariff. It is the parent of many other evils. It has placed in the Treasury of the United States a sum of money largely in excess of the amount required for the legitimate expenses of Government. The effect of this surplus is to encourage a spirit of extravagance and reckless expenditure that will increase with increasing years, and will continue so long as the cause exists. Appropriations will be made for objects that otherwise would not receive consideration if the money was not already in the Treasury.

This surplus, I fear, has sometimes induced the friends of protection to favor appropriations of doubtful merit to prevent such accumulation as would injure the business of the country, or such an accumulation as would furnish an argument in favor of a reduction of the tariff; and that which is worse, the injustice of the protective system has sometimes induced those who are utterly opposed to its principles to favor appropriations of doubtful constitutionality and still more doubtful merit as the only hope of returning to their people a small portion of the money that it has so unjustly taken from them. The protective system has encouraged all monopolies, and enabled a few individuals to accumulate vast fortunes, and these few are now combining, forming pools, creating trusts, with the avowed purpose of dictating the price of the food, the fuel, and the clothing of the people. We have the iron trust, the sugar trust, the coal trust, and the coal-oil trust, and perhaps many others, and unless they are crushed or can be broken to pieces threaten to control all trade.

Protection has destroyed our ships, crippled our commerce, and so utterly ruined our carrying trade that scarcely an American flag is seen upon foreign seas. It has arrayed capital against labor, created dissension and dissatisfaction, which is constantly shown by lockouts and by strikes, which grow more threatening and dangerous to the peace of the country each succeeding year. It has encouraged a species of paternalism which threatens to destroy the power of the States, change the very frame-work of our institutions, and build up a strong consolidated government with unlimited power and without constitutional restraints. Its tendency is to destroy that independence and that self-reliance of the individual citizen which has been the chief strength of the Republic in the past, and it encourages him, instead of depending upon his own energy, his own labor, and own skill, to appeal to the Government for all manner of impossible benefits which the Government has no power to confer.

It has encouraged those who control large capital and who are interested in the sale of one article of food to appeal to Congress to impose a tax, which the Government does not need, upon another article of food much purer and by far more wholesome, for the sole reason that the one tends to reduce the price of the other; and this demand is earnestly made notwithstanding the fact that such legislation would inflict a serious and lasting injury upon the farmers of the South.

These are a few of the evils that flow from the attempt to give one class of citizens advantages and privileges under the law not accorded to all other citizens. And who can doubt that these evils will grow and multiply so long as the cause continues? And when a bill so meritorious, moderate, and conservative in its character as the one prepared by a majority of the Committee on Ways and Means of the House of Representatives is so bitterly assailed by the friends of protection we may expect that all the money, power, and influence that class legislation has enabled the manufacturers to acquire and accumulate will be brought to bear against any change of the present unjust laws. I hope, however, that the time will soon come when taxes will be imposed for the purpose of revenue only, and that no greater sum will be collected than will be required for the administration of public affairs, and that they may be collected from such articles as whisky, beer, and cigars—articles that but few are compelled to consume, and upon such imported goods as are used and consumed only by the wealthier classes, and not upon such necessities as the great mass of people are compelled to buy for their daily use. And in addition to these I would impose an income tax upon all incomes above three thousand dollars per annum, sufficient to produce, at least, the eighty millions of dollars annually required for the payment of pensions.

If such legislation as this could be secured and Congress would cease to control by legislative enactment the business of the country, and leave trade and commerce to flow in its natural channels, depending alone upon the law of supply and demand, it might not, and probably would not, cure all evils and secure perfect justice and equality. I do believe, however, that all general discontent would cease, and that an era of prosperity would follow, unequaled in the past, and the hopes of the founders of the Republic, that all citizens should be free and that equal rights should be secured to all and special privileges to none, would be to a large extent, if not fully, realized.

ORDER OF BUSINESS.

Mr. DANIEL. I ask leave to call up out of order Calendar No. 433, being the bill (S. 1211) for the completion of the monument to Mary, the mother of Washington, at Fredericksburgh, Va.

The PRESIDENT *pro tempore*. The Chair can not entertain that motion without unanimous consent of the Senate.

Mr. COCKRELL. I ask that we go to the Calendar. Unanimous consent was given that we should go to the Calendar this morning.

Mr. DANIEL. I was not present when that understanding was arrived at.

The PRESIDENT *pro tempore*. The first bill on the Calendar under Rule VIII will be stated.

EDWIN DE LEON.

The bill (S. 630) for the relief of Edwin De Leon was announced as first in order, and the Senate, as in Committee of the Whole, proceeded to consider it. It provides for the payment of $479.11 to Edwin De Leon, late consul-general of the United States in Egypt, being the balance found due him on adjustment of his official accounts by the First Comptroller of the Treasury.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANK BAKER.

The bill (H. R. 3749) for the relief of Frank Baker was considered as in Committee of the Whole. It provides for a credit to Capt. Frank Baker, Ordnance Department, United States Army, with $172.52, being a sum of money stolen from him while acting commissary of subsistence at Fort Fred. Steele, Wyo.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TREATY WITH GREAT BRITAIN.

The resolution submitted by Mr. RIDDLEBERGER January 31, 1888, to amend Rule XXXVII so as to allow treaty pending between Great

Britain and the United States to be considered in open Senate was announced as next in order.

Mr. COCKRELL. Let that resolution be passed over.

The PRESIDENT *pro tempore*. It will be passed over.

The resolution submitted by Mr. RIDDLEBERGER January 31, 1888, to consider treaty between the United States and Great Britain in open session was announced as next in order.

The PRESIDENT *pro tempore*. The same order will be made in regard to this resolution.

RAILROAD RECEIVERS.

The resolution submitted by Mr. CALL January 31, 1888, relative to the management of railroads by receivers appointed by United States courts was announced as next in order.

Mr. COCKRELL. Let that go over.

The PRESIDENT *pro tempore*. The resolution will be passed over.

LAND COURT.

The bill (S. 2042) to establish a United States land court, and to provide for the settlement of private-land claims in certain States and Territories, was announced as next in order.

Mr. CALL. I ask that that go over.

The PRESIDENT *pro tempore*. The bill will be passed over.

AMERICAN TRUST COMPANY.

The bill (S. 116) to incorporate the American Trust Company of the District of Columbia was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with amendments.

Mr. STEWART. I should like to hear an explanation of that bill.

Mr. CHACE. Let the amendments be first disposed of.

The first amendment reported by the Committee on the District of Columbia was, in section 2, line 15, after the words "appointment of," to strike out "executors" and insert "executor;" and after the word "or," at the end of line 15, to strike out "administrators" and insert "administrator;" so as to read:

Provided, That nothing herein contained shall authorize said company to engage in the business of banking; and the said company is hereby authorized to accept and execute trusts of any and every description which may be committed or transferred, with its consent, to it, by any person or persons whomsoever, bodies corporate or political, or by any court in the District of Columbia or in any one of the United States, and to accept the office and appointment of executor or administrator of any kind or nature whenever such appointment is conferred or made by any person or persons, or by any orphans' court or other court, either of the District of Columbia or of the United States.

The amendment was agreed to.

The next amendment was, in section 3, line 13, after the word "additional," to strike out "securities" and insert "security;" and in line 20, after the word "also," to strike out "if deemed necessary;" so as to read:

That the said court may, and shall if deemed necessary, require further additional security, and may from time to time, and at least once in every year, shall appoint suitable persons to investigate the affairs and management of said company, who shall report to said court the manner in which such investments are made and the security afforded to those for whom its engagements are held; and the expenses of such investigation shall be defrayed by such company; and the court may also examine the officers of said company, under oath or affirmation, as to the security aforesaid.

The amendment was agreed to.

The next amendment was, in section 5, line 2, after the word "each," to strike out "being $3,000;" in line 4, after the word "time," to strike out "to increase" and insert "of increasing;" and in line 5, after the word "any," to strike out "sum" and insert "amount;" so as to read:

SEC. 5. That the capital stock of said company shall consist of three thousand shares of $100 each, with the privilege from time to time of increasing the same, at an annual or special meeting, to any amount not exceeding in the aggregate $1,000,000; and the corporators, or a majority of them named in this act, shall have the power to accept such subscriptions as they may deem expedient.

The amendment was agreed to.

The next amendment was, in section 7, line 2, after the word "two," to strike out "papers" and insert "newspapers;" and in the same line, after the word "published," to insert "daily;" so as to make the section read:

SEC. 7. That ten days' notice shall be given, by publication in two newspapers published daily in the city of Washington, of the time and place of the annual election, which election shall be conducted by three stockholders, one of whom shall act as judge and the other two as inspectors.

The amendment was agreed to.

The next amendment was, after the word "stock," at the end of section 9, to insert:

Which individual liability shall be, first, a security for the faithful performance of the trust obligations, and, secondly, for the benefit of depositors, as provided in section 8.

So as to make the section read:

SEC. 9. That the stockholders of said company shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of said company to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such stock, which individual liability shall be, first, a security for the faithful performance of the trust obligations, and, secondly, for the benefit of depositors, as provided in section 8.

The amendment was agreed to.

Mr. CHACE. The Senator from Nevada [Mr. STEWART] asked for an explanation of the objects and purposes of this institution. It is not to do a banking business. This is a kind of institution that has now become common all over the country, and such corporations are very beneficent in their influence on the interests of the community. They are something in their functions between a bank of issue and a savings-bank.

The Senator will observe that there is oftentimes great difficulty in procuring proper persons as executors and administrators to take charge of various trusts, to act in a fiduciary capacity. The difficulty is dependent upon the uncertainty of human life. The difficulty is that persons will pass away, fail, or remove, and so be unable to act. Here is a corporate person which is continual, always ready to act.

There is also the additional security that the funds of this corporation are to be invested under the supervision of the Comptroller of the Currency, and the securities will be lodged in his hands, to be held as a guaranty for the faithful performance of the trusts provided for under the act of incorporation and as security for depositors.

I believe that covers the general scope of the bill. I wish to say, in reply to the inquiry of the Senator from Massachusetts [Mr. HOAR], who asks me in regard to the experience relative to these trust companies in the States, that institutions of this character are in existence all over the country in all the principal cities of the Union, and by common consent they are found to be among the most useful of our financial institutions.

Mr. HOAR. A measure of this general character—I have not compared the particular details of this bill with the former one—was before the Senate some years ago, and I believe it generally met the approbation of Senators; but it was thought best to wait before passing the measure here until there had been some more experience of the system in the States. So far as I know, there has been no complaint of the workings of the system as far as it has been established, and there is no reason, so far as I am concerned (though I had objection at that time), for delaying the legislation. There is no reason, if the bill has been carefully considered by the committee, why it should not become a law.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN MOORE.

Mr. COCKRELL. In regard to the next bill, Order of Business 366, being the bill (S. 766) granting an increase of pension to John Moore, the report does not show that any application has been made since 1883. The Pension Office has ample jurisdiction to consider the matter, and I object to the bill.

The PRESIDENT *pro tempore*. The bill will be passed over.

HOMESTEAD AND PRE-EMPTION ENTRIES.

The bill (S. 1588) to amend an act entitled "An act to provide additional regulations for homestead and pre-emption entries of public lands," approved March 3, 1879, was considered as in Committee of the Whole.

Mr. CALL. I ask whether there is a report accompanying the bill.

Mr. PADDOCK. There is no report with this bill. It was reported to the Senate by a unanimous vote of the Committee on Public Lands. Letters were sent from the Secretary of the Interior and the Commissioner of the General Land Office recommending the passage of the bill. All the new law there is in it, I will state to the Senator from Florida, is a proviso simply to give, in cases where accidents or unavoidable delays have prevented the applicant or witnesses from making proof on the date specified, a discretion to the local land officers to extend the time.

Mr. CALL. I have no objection.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SWAMP AND OVERFLOWED LAND GRANT.

The bill (S. 758) for the relief of purchasers and other grantees of the United States of certain swamp and overflowed lands, and to reimburse and indemnify certain States, was considered as in Committee of the Whole.

The Committee on Public Lands reported an amendment, to strike out all after the enacting clause and in lieu thereof to insert:

That it shall be the duty of the Secretary of the Interior to adjust the claims of any State against the United States for any lands which have been sold or otherwise disposed of by the United States that were included in any grant of swamp and overflowed lands to such State, and, in making the adjustment, the State shall have indemnity in cash to the full amount of the purchase-money received by the United States for all lands sold for cash; and for all such lands as have been otherwise disposed of by the United States, except by grants to such States or by homestead entries, for which indemnity has not been granted and allowed, such State shall have indemnity in cash at $1.25 per acre: *Provided*, That all claims under this act shall be presented with the necessary proofs to the Secretary of the Interior within three years from the approval of this act.

SEC. 2. That the Secretary of the Interior shall, when adjustments and allowances are made by him under this act, report the same to the Secretary of the Treasury, showing the amount ascertained to be due from the United States to such State on account of lands sold or otherwise disposed of, and together with a statement of the year in which the same was sold or otherwise disposed of; and the Secretary of the Treasury shall cause such State to be credited with the amount or amounts so reported by the Secretary of the Interior as of the last

day of the year in which it was received or the lands otherwise disposed of, as the case may be, and apply the same on the payment of any debt of the State to the United States, if any, but not on any tax the payment of which was not assumed by such State, and pay the balance, if any, over to the treasurer of said State.

SEC. 3. That the acceptance of any State of the indemnity provided for by this act shall be a relinquishment and waiver of all its right, title, and interest in and to all lands which have been disposed of by the United States and which were included in any grant of swamp lands to such State, and an acknowledgment and confirmation of the title thereto in the grantee or grantees of the United States.

SEC. 4. That all selections of lands heretofore made and all indemnity proofs heretofore taken in accordance with the rules of the Department, and not rejected, may be considered in making adjustments under this act.

SEC. 5. That on the surrender of any indemnity land scrip heretofore issued under the provisions of the act of 1855 which could not be satisfied by reason of there being no lands in the State to which the same was issued subject to location thereunder, the value of the same, at the rate of $1.25 per acre, shall be paid to the State so surrendering the same when accompanied by proof of ownership.

SEC. 6. That the provisions of the act entitled "An act to enable the State of Arkansas and other States to reclaim swamp lands within their limits," approved September 28, 1850, are hereby extended to the States admitted into the Union since the 17th day of March, 1860, and said States shall be entitled to indemnity under the provisions and limitations of this act for all swamp and overflowed lands within the meaning of said act of September 28, 1850, sold and disposed of by the United States since the admission of said States.

Mr. CALL. Let the bill be passed over.

The PRESIDENT *pro tempore*. The bill will be passed over.

Mr. WILSON, of Iowa. Let it retain its place on the Calendar.

The PRESIDENT *pro tempore*. That will be the order.

Mr. PADDOCK. I hope the Senator from Florida will not insist on his objection.

Mr. CALL. I can not withdraw it. The bill is one of very considerable importance.

The PRESIDENT *pro tempore*. The bill will be passed over, retaining its place on the Calendar.

DISTRICT TAX ARREARS.

The joint resolution (S. R. 42) extending the provisions of an act entitled "An act relating to arrears of taxes in the District of Columbia," approved March 3, 1887, was considered as in Committee of the Whole. It declares that the provisions of the act of Congress entitled "An act relating to arrears of taxes in the District of Columbia," approved March 3, 1887, shall be extended so as to apply to all general taxes in arrear on the 1st day of July, 1888, and to all special assessments due the District of Columbia, and which may be paid on or before the 1st day of July, 1888.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISPOSAL OF FORT WALLACE RESERVATION.

The bill (S. 2005) to provide for the disposal of the Fort Wallace military reservation in Kansas was considered as in Committee of the Whole.

Mr. PLUMB. I move to amend section 1 by inserting after the words "range 39," in line 12:

And also plots numbered 36, 44, 48, 49, 51, and 52 in the city of Wallace as known and designated on the map of said city.

Mr. CALL. I object to that. That is special legislation granting privileges to a town.

Mr. PLUMB. I do not hear the Senator.

Mr. CALL. I understand it is granting certain privileges to a town.

Mr. PLUMB. The Fort Wallace military reservation was a tract of land in Kansas which was reserved by executive order for military purposes in 1864, and has not been occupied by the Government for the last six or seven years. About three years ago it was turned over to the Interior Department under a law of Congress, not being longer needed for military purposes. The Union Pacific Railway Company was on this land, and in the progress of time and by reason of the settlement of the country it became desirable to have some facilities for the transaction of business there, and people went in and squatted on the land adjacent to the depot and have adapted themselves to regular formation of streets and avenues, with a town on the reservation, although having no title.

This bill authorizes the entry of about 200 acres for town purposes under the general town-site act, for the benefit of the occupants only. It authorizes the city of Wallace to take for cemetery purposes 40 acres now used for a cemetery, and in which some soldiers and many immigrants and others are buried, and it authorizes the remainder of the tract to be entered under the general land laws of the United States, giving to the Secretary of the Interior the right to restrict the amount which any one may acquire to 40 acres within a certain distance from the town-site.

The Senator from Massachusetts [Mr. DAWES] asks me if the Secretary of the Interior has not done anything with the land since it has been turned over to him; and I say he has not. There is no desire to use it for any purpose. On the contrary, the Department desire that it shall be made subject to the settlement laws. It is now occupied by forty or fifty families who have settled upon it.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT HELENA, MONT.

The bill (S. 1941) for the erection of a public building at Helena, Mont., was considered as in Committee of the Whole.

Mr. HARRIS. I suggest that on this call of the Calendar, where there are amendments reported, the first formal reading be dispensed with and the amendments reported be acted on as they are reached in the reading.

The PRESIDENT *pro tempore*. If there be no objection that order will be made, and amendments will be acted on as they are reached in the reading of the bill.

The bill was reported from the Committee on Public Buildings and Grounds with amendments, in line 4, after the word "site," to strike out "for" and insert "if necessary;" in line 9, before the word "Government," to insert "necessary;" and after the word "Government" to strike out "offices" and insert "uses;" and in line 13, before the word "thousand," to strike out "one hundred" and insert "eighty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site, if necessary, and cause to be erected thereon a suitable building, with fire-proof vaults therein, for the accommodation of the Legislature, the governor and secretary, United States courts, internal-revenue offices, post-office, United States marshal's office, and other necessary Government uses, at Helena, Mont. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed, for the site and building complete, the sum of $80,000, which said sum is hereby appropriated therefor: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN N. QUACKENBUSH.

Mr. RIDDLEBERGER. I appeal to the Senator from Florida [Mr. CALL.] I ask to call up the motion made by him to reconsider the vote by which the Senate passed the bill (S. 1226) touching the grade of commander in the Navy, and to correct an error in relation to an appointment therein. I have the record from the Secretary's desk showing that the bill has been returned from the House of Representatives, having been sent there, and is on the Calendar with a pending motion to reconsider. I ask now that that motion to reconsider shall be taken up, and I will not ask that the Senate go into a debate on the subject. I hope that will satisfy the Senator from Florida.

Mr. COCKRELL. Is that in order?

Mr. CALL. I have no objection to the motion to reconsider being called up. If the Senator wishes it to go on the Calendar I have no objection. But the unanimous consent under which we are proceeding is for the consideration of bills on the Calendar, I think. If the Senator will make his motion towards the close of the day I shall have no objection; indeed, I have none now, but other Senators wish to go on with the Calendar.

Mr. RIDDLEBERGER. I will not be an objector to considering the Calendar; but I can not see why we should not take up that motion to reconsider, and have a yea-and-nay vote upon it. I did not consent for one, and yet I did not object to any arrangement; but I did not know that any particular rule prevailed until this moment. I think when a motion to reconsider has lain upon the table it ought to have some proper consideration. You only give a Senator three days in which to make a motion for reconsideration, and certainly when the motion is made and has lain on the table, the matter should be settled.

The PRESIDENT *pro tempore*. The practice in regard to a motion to reconsider has been that it is regarded as to a certain extent a privileged motion, but not to affect the course of business. The rules, however, do not permit debate on it. The Chair would suppose that under the order which has been taken, the motion of the Senator from Virginia would not be strictly in order to-day, but the Chair has no authority to enforce a unanimous agreement.

Mr. RIDDLEBERGER. A mere motion to take up I know is not debatable; but can I not make a motion to take up the motion to reconsider?

The PRESIDENT *pro tempore*. The Senator from Virginia undoubtedly has the right under the rule to make the motion he does. In connection with that, however, the Chair would state that it would be in violation strictly of a unanimous agreement of the Senate that the consideration of cases on the Calendar under Rule VIII be continued for this day.

Mr. RIDDLEBERGER. I do not want to interfere with any proceeding ordered by the Senate. I was not here when the agreement was made to proceed with the Calendar. I shall not press the matter now, but will ask the Senate at the first opportunity to take up this motion to reconsider.

PETER MARCK, THOMAS J. WRIGHT, AND OTHERS.

The bill (H. R. 3597) for the relief of Peter March, Thomas J. Wright,

administrator, and others, was considered as in Committee of the Whole. It provides for the payment of certain amounts to persons named as compensation in full for time and commutation for rations while held as prisoners of war after being captured from the steam-boat Prima Donna, in 1864, as will appear in the findings of facts by the Court of Claims in Congressional case No. 123, certified to the committee by that court on the 18th of February, 1886 (Miscellaneous Document No. 126).

Mr. MANDERSON. The word "March," where it occurs in the fifteenth line, and in the title of the act, should be "Marck," and I ask that that amendment be made.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Peter Marck, Thomas J. Wright, administrator, and others."

EMMA H. FISH.

Mr. COCKRELL. The next order of business, the bill (S. 1445) for the relief of Emma H. Fish, is reported adversely.

The PRESIDENT *pro tempore*. It will be passed over.

SAMUEL STRONG.

The joint resolution (S. R. 26) to arbitrate and settle the questions at issue between the District of Columbia and Samuel Strong was considered as in Committee of the Whole.

The joint resolution was reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and insert:

That the matters in controversy, as shown by the pleadings, between the District of Columbia and Samuel Strong, known in the circuit court of the District of Columbia as causes at law numbered 14706 and 14736, be submitted to the arbitration of three persons to be appointed by the President of the United States, and the award of said arbitrators, or a majority of them, shall be final and conclusive as to the matters in issue between the parties under the pleadings in said causes, which award shall be filed in the papers of the said causes in the district court of the District of Columbia, and noted on the records of said court, and the Secretary of the Treasury is hereby directed, should the award be in favor of the said Samuel Strong, to pay said award, when duly certified to him by the clerk of said court, in the same manner that judgments against the District of Columbia are paid when rendered by the Court of Claims.

SEC. 2. That it shall be lawful for said arbitrators to consider any competent evidence heretofore taken either before any of the courts where said causes were pending, or before any of the referees heretofore appointed, including the evidence taken before William Penn Clark, Albert E. Payne, and Edward Clark, and if, in the judgment of said arbitrators, further evidence shall be deemed necessary, the same may be taken by them, under the rules now governing the taking of evidence, to be used before the courts of the District of Columbia.

SEC. 3. That before the President of the United States shall appoint the said arbitrators, the said Samuel Strong shall consent in writing to the selection of the said arbitrators as provided in this joint resolution, and, further, that any award made by them, or a majority of them, shall be final and conclusive as to matter in issue between the parties to these causes, which consent shall be entered of record in the court in which the cases are pending, and shall be certified by the clerk of said court to the President of the United States.

SEC. 4. That the said arbitrators in passing upon any questions of law involved in the pleadings in said causes shall be controlled and guided in making their award by any judgment or decision heretofore rendered in the said causes, or either of them, by the supreme court of the District of Columbia in general term, and in stating the account between the parties shall credit the District of Columbia with the face value of the certificates issued.

SEC. 5. That the compensation of said arbitrators shall not exceed the sum of $1,000 each.

Mr. FAULKNER. In line 3 of section 3 there is a typographical error which I desire to correct. In that line I move to strike out the word "selection" and insert "appointment;" so as to read:

The said Samuel Strong shall consent in writing to the appointment of the said arbitrators, etc.

The amendment to the amendment was agreed to.

Mr. FAULKNER. In line 3 of section 4 I move to strike out the words "be controlled" and insert "follow." This is merely a verbal correction. In the same line I move to strike out "guided" and insert "bound."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

BERNARD AND ANTHONY LAFFOND.

The bill (H. R. 4556) to confirm New Madrid location survey, No. 2889, and to provide for issue of patent therefor, was considered as in Committee of the Whole.

It proposes to confirm the action of the recorder of land titles of Missouri, in the case of Bernard and Anthony Laffond, under the act of Congress approved February 17, 1815, in pursuance of which survey numbered 2889 was made, and patent certificate issued by the recorder of land titles, numbered 367, as the same are now on file in the General Land Office of the United States. A patent is to issue therefor, as in other cases, according to the survey, any question of the regularity of the proceedings, in view of the absence of the relinquishment of one of the original owners, to the contrary notwithstanding.

Mr. WILSON, of Iowa. The last clause of this bill seems to present a question which I should like to have some explanation about. This directs a patent to be issued to the parties named in the bill. It says:

And patent shall issue therefor, as in other cases, according to said survey any question of the regularity of the proceedings, in view of the absence of the relinquishment of one of the original owners to the contrary notwithstanding.

That would seem to involve a judicial question, or a question of personal rights in connection with this land, and if so, we are to have it resolved by an act of Congress. I would like to have the Senator from Missouri [Mr. COCKRELL] explain that provision of the bill.

Mr. COCKRELL. I will explain it. The New Madrid law was passed in 1815, granting to certain persons whose lands were injured by the earthquake other lands in lieu. The recorder of land titles, created under one of the laws in regard to the disposal of the Louisiana purchase, was a judicial officer. He was not a mere register or receiver. This law declared that these sufferers by the earthquake should appear before the recorder, and should file their proof, and that he should seal a certificate of location, and then they should go and locate the land and report back to him, and then he was to direct the surveyor-general of the Territory of Missouri, as it was then, to make a survey of the land; and when the survey was returned to his office he issued what was called a patent certificate for the land.

In this case all this was complied with fully, but after the patent certificate was sent to the General Land Office the General Land Office made a rule that they would go back of the action of the recorder of land titles and inquire whether the sufferers by the earthquake had made a written relinquishment of their title to the injured land back to the Government. That is what the Land Office here required. They investigated whether the owners of the injured land had made a written conveyance back to the United States of the title to the injured land. The law said explicitly:

And provided also, That in every case where such location shall be made according to the provisions of this act, the title of the person or persons to the land injured as aforesaid shall revert to, and become absolutely vested in, the United States.

They made that requirement and went to the recorder's office of the county where the records had been destroyed, and they found that out of 300 arpents there was supposed to be an outstanding title, in some man, for 60 arpents, and they would not issue the patent in consequence of it. It is to remove that technical objection of the Department here that this bill has been presented. The parties have been in uninterrupted and unbroken possession of this land for sixty-three years. This man who is supposed to have some outstanding interest in 60 arpents of the 300 that were injured has never made any claim, directly or indirectly; and the recorder certified that he had evidence before him that these parties were the real owners of the injured land.

Mr. WILSON, of Iowa. If that is the only obstacle in the way of the issuance of this patent I shall not object to the passage of this bill, inasmuch as the issuance of the patent, under the operation of this bill, can not affect any right that the party referred to may have.

Mr. COCKRELL. Certainly not.

Mr. WILSON, of Iowa. Because that must be judicially determined, and the issuance of the patent under this act would bring about an earlier resolution of that than it would without. Therefore I shall not object.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATIONAL CEMETERY AT PINEVILLE, LA.

The bill (H. R. 1481) making an appropriation to construct a road and approaches from Pineville, La., to the national cemetery near that town was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KATE Q. DALZELL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1338) granting an increase of pension to Kate Q. Dalzell. It proposes to increase the pension of Kate Q. Dalzell, widow of James E. B. Dalzell, late adjutant of the Fourth Regiment of Pennsylvania Cavalry Volunteers, to $50 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE YELLOWSTONE NATIONAL PARK.

The bill (S. 283) to amend sections 2474 and 2475 of the Revised Statutes of the United States setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park was considered as in Committee of the Whole.

The bill was reported from the Committee on Territories with amendments.

Mr. MANDERSON. I understand that by unanimous consent the bill is being read with the amendments.

The PRESIDING OFFICER (Mr. DOLPH in the chair). The amendments will be stated as they are reached in the reading of the bill.

The Secretary proceeded to read the bill. The first amendment re-

ported by the Committee on Territories was, in section 2, line 1, after the word "hereafter," to strike out "be known as 'The National Park' and;" in line 9, after the word "district," to strike out "of" and insert "in which said park is hereby located in;" in line 10, after the word "the," to strike out "Territories" and insert "Territory;" and in the same line, after "Wyoming," to strike out "or Montana, in which the park or any part thereof is located;" so as to read:

SEC. 2. That the said park shall hereafter be under the sole and exclusive jurisdiction of the United States, and that all the laws applicable to places under the sole and exclusive jurisdiction of the United States, except so far as modified by this act, shall be in full force and effect in said park. That nothing in this act shall be construed to forbid the service in the park of any civil or criminal process of any court having jurisdiction in the county or district in which said park is hereby located in the Territory of Wyoming.

The amendment was agreed to.

The next amendment was, in section 2, line 30, before the word "committee," to strike out "felonies" and insert "indictable offenses;" so as to read:

All fugitives from justice taking refuge in said park shall be subjected to the same laws as refugees from justice found in the Territory of Wyoming; that until otherwise provided by the laws of Wyoming Territory, the said park, for all the purposes of this act, shall remain and constitute a part of the third judicial district of said Territory; and the district court of the said judicial district, when exercising the jurisdiction of a district or circuit court of the United States, shall have jurisdiction of all indictable offenses committed within said park.

The amendment was agreed to.

The next amendment was, in section 3, line 2, after the word "park," to strike out "shall be" and insert "is hereby;" after the word "park," at the end of line 4, to strike out "pleasure ground;" so as to make the section read:

SEC. 3. That all of the territory embraced within the limits of the park is hereby reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as a public park for the benefit and enjoyment of the people of the United States; and the territory so set apart shall be under the control of the Secretary of the Interior, and subject to all the provisions of sections numbered 2474 and 2475 of the Revised Statutes of the United States, except as herein otherwise provided.

The amendment was agreed to.

The next amendment was, in section 4, line 17, after the word "troops," to insert "to act as superintendent of the park under the instructions of the Secretary of the Interior and;" in line 18, after the word "to," to strike out "appoint" and insert "employ;" and in line 19, after the word "exceeding," to strike out "three" and insert "five;" so as to read:

SEC. 4. That the Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary and proper for the management and care of the park, especially for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonderful objects within said park, and for the protection of the animals and birds in the park to prevent their capture or destruction. He shall cause all persons trespassing upon the park to be removed therefrom, and shall take all measures which he may think necessary to carry out the purposes of this act; and the Secretary of War is hereby directed to make such detail of troops as the Secretary of the Interior, with the approval of the President, may require to preserve order, protect the game and objects of curiosity and interest and the public property, and enforce the rules and regulations for the government of the park. It shall also be the duty of the officer in command of such troops to act as superintendent of the park under the instructions of the Secretary of the Interior, and to employ not exceeding five persons from civil life to act as policemen and scouts within the park, who shall be familiar with the roads and trails and well acquainted with the different localities therein, and who shall receive not more than $900 each annually for their services.

The amendment was agreed to.

The next amendment was, in section 4, line 23, after the word "services," to strike out "to be paid from the Treasury upon certificate of such commanding officer, and the approval of the Secretary of the Interior indorsed thereon," and insert in lieu thereof:

And the Secretary of the Interior shall make annual estimates for the payment of the salaries of the said policemen and scouts, for their proper equipment and for other incidental expenses, and for the care and preservation of the park, the same to be disbursed according to the provisions of law by the officer in command of the troops charged with the protection of the park. All sums received by the Secretary of the Interior from rents in the park, or arising from fines or forfeitures for violation of the laws and regulations made for the government of said park, shall constitute a separate fund and be applied to the care and preservation of the park in its natural condition, and to provide for the convenience and safety of visitors; and the officer or officers collecting said forfeitures shall pay the same to the Secretary of the Interior for the purpose aforesaid.

The amendment was agreed to.

The next amendment was, in section 5, line 9, before the word "nets" to strike out "seins" and insert "seines;" in line 11, after the word "than," to strike out "twenty" and insert "fifty;" and in line 12, before the word "hundred," to strike out "one" and insert "two;" so as to read:

SEC. 5. That all hunting, or the killing, wounding, or capturing, at any time, of any wild animal or bird, except dangerous animals, when it is necessary to prevent them from destroying human life or inflicting an injury, is prohibited within the limits of said park; nor shall any fish be taken out of the waters of the park by means of seines, nets, traps, or by the use of drugs or any explosive substances or compounds, or in any other way than by hook and line. Any person willfully violating the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined for each offense not less than $50 nor more than $200, or by imprisonment for not more than three months, or by both such fine and imprisonment.

The amendment was agreed to.

The next amendment was, in section 5, line 29, after the words "in the name of the United States," to strike out:

The amount collected from the party offending to be paid into the Treasury of the United States;

So as to read:

Any person or persons, or stage, express, or railroad company receiving for transportation any of the said animals, birds, or fish shall be deemed guilty of a misdemeanor and shall forfeit and pay for every such offense the sum of $250, to be recovered by a proceeding in the nature of an information before any Territorial or United States district court within whose jurisdiction such offense was committed, or, when the offense is committed within the park, before the commissioner appointed under section 7 of this act; and it shall be the duty of the district attorney of the United States for such Territory or district to institute and prosecute said proceeding in the name of the United States.

The amendment was agreed to.

The next amendment was, in section 6, line 3, after the word "exceeding," to strike out "ten" and insert "twenty;" and in line 4, after the word "one," where it occurs the second time, to strike out "place" and insert "locality;" so as to read:

That the Secretary of the Interior may lease small portions of ground in the park, not exceeding 10 acres in extent for each tract, for a period not exceeding twenty years, to any one person or company at any one locality, on which may be erected hotels and out-houses and such other buildings as he may deem necessary for the use of the public.

The amendment was agreed to.

The next amendment was, in section 6, line 10, after the word "within," to strike out "one-quarter" and insert "one-eighth;" and in line 12, after the word "or," to strike out "within three hundred feet of;" so as to read:

But such lease shall not include any of the geysers or other objects of curiosity or interest in said park, or exclude the public from the free and convenient approach thereto, or include any ground within one-eighth of a mile of any of the geysers, the Yellowstone Falls, the Grand Cañon of the Yellowstone River, or the Mammoth Hot Spring; nor shall any hotel or other buildings be erected within the park until such lease shall be executed by the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, in section 6, line 15, after the words "Secretary of the Interior," to insert:

Provided, That such leases shall contain proper provisions for the forfeiture thereof in case of breach of any conditions or covenants therein contained: *And also provided*, That no such lease shall be assignable, nor shall said premises, or any part thereof, be sublet without the written consent of the Secretary of the Interior first had and obtained.

The amendment was agreed to.

The next amendment was, in section 7, line 10, after the word "any," to strike out "misdemeanor within the park" and insert "non-indictable offense, or with the violation of the rules and regulations, or with the violation of any provision of this act prescribed for the government of said park;" and in line 15, after the words "as in," to strike out "the next section" and insert "this statute;" so as to read:

That the President shall appoint, by and with the advice and consent of the Senate, a commissioner, who shall reside in said park, and who shall have jurisdiction to hear and act upon all complaints made of any and all violations of the law or of the rules and regulations made by the Secretary of the Interior for the government of the park and the protection of the game and objects of interest therein. He shall have the power, upon sworn information, to issue process, in the name of the United States, for the arrest of any person charged with the commission of any non-indictable offense, or with the violation of the rules and regulations, or with the violation of any provision of this act prescribed for the government of said park, and to try the person so charged, and, if found guilty, to fix the punishment as in this statute provided.

The amendment was agreed to.

The next amendment was, in section 7, line 18, after the word "any," to strike out "felony" and insert "indictable offense;" and in line 30, after the word "like," to strike out "felonies" and insert "offenses;" so as to read:

The said commissioner shall also have power to issue process, as hereinbefore provided, for the arrest of any person charged with the commission of any indictable offense within the park, and to summarily hear the evidence adduced; and if he shall determine that probable cause is shown for holding the person so charged for trial, he shall cause such person to be safely conveyed to a secure place of confinement within the jurisdiction of the district court having jurisdiction as provided by the first section of this act, and shall certify the record of his proceedings and a transcript of the testimony in the case to said court, which court shall have jurisdiction of the case and proceed therein as provided by law in chapter 18, Title XIII, and chapter 3, Title LXX, of the Revised Statutes of the United States, the punishment inflicted to be the same as prescribed in said chapters for like offenses.

The amendment was agreed to.

The next amendment was, in section 7, line 33, before the word "park," to strike out the word "said" where it twice occurs; and in the same line, before the word "therein," to strike out the word "police" and insert "policeman;" so as to read:

All process issued by the commissioner shall be directed to any sheriff or constable in the counties of Montana or Wyoming nearest to said park, or to the policeman therein, who shall have the same power to execute the same as is vested in the marshals and deputy marshals of the district courts of the United States for the execution of writs from said courts; but nothing herein contained shall be construed as preventing the arrest without process of any person taken in the act of violating the law or any regulation for the government of the park.

Mr. VEST. I see that the word "policeman" is in the singular. I think it ought to be in the plural—"policemen." There will be more than one policeman under this bill in the Yellowstone Park. It ought to be "policemen."

Mr. MANDERSON. Yes; it ought to be in the plural.

The PRESIDING OFFICER. If there be no objection, the amendment will be so modified. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

The next amendment of the Committee on Territories was, in section 7, line 46, after the word "Territories," to insert "and no other compensation, fee, or allowance;" so as to read:

The forms and proceedings had before said commissioner shall conform, as near as may be, to the forms and proceedings in criminal cases before commissioners appointed by the courts of the United States as now provided by law; and the said commissioner shall receive the annual salary of $2,000, to be paid quarterly, as in the case of judges of Territorial courts for the respective Territories, and no other compensation, fee, or allowance.

The amendment was agreed to.

The next amendment was, in section 8, line 4, after the words "Department of Justice," to strike out "and;" so as to read:

That all costs and expenses arising in cases under this act and properly chargeable to the United States, shall be certified by the commissioner to the Department of Justice; if approved by the proper officers of that Department, shall be paid by the marshal of the United States for the Territory of Wyoming as other such costs in the United States courts.

The amendment was agreed to.

The next amendment was, in section 8, line 7, before the word "violation," to insert the word "willful;" so as to read:

The willful violation of any regulation made and published by the Secretary of the Interior, etc.

Mr. VEST. I hope that amendment will not be agreed to. I think that is a very objectionable phrase to use in any enactment. It leaves a loophole for the escape of every offender. As a matter of course, unless the intent exists there can be no punishment; that is an axiomatic principle of law; but if you insert the word "willful" it opens the door to proof being admitted, and to the claim being asserted that unless the party did the act willfully, without knowing what the law was, for instance, he should not be punished. To my judgment it violates all the principles of law in quasi criminal proceedings.

Mr. MANDERSON. I quite agree with the Senator from Missouri in his suggestion, and as the one who reported the bill I hope the amendment will not be agreed to by the Senate.

The amendment was rejected.

The next amendment of the Committee on Territories was, in section 8, line 9, after the word "park," to strike out "and the protection of the animals, birds, fish;" and in line 11, after the words "declared to be," to strike out "a misdemeanor" and insert "an offense;" so as to read:

The violation of any regulation made and published by the Secretary of the Interior in regard to the control and management of the park and the property therein is hereby declared to be an offense, and the party convicted shall be punished for each offense by a fine of not more than $100, and be committed until such fine is paid, or by imprisonment for not more than three months, or by both such fine and imprisonment.

The amendment was agreed to.

The next amendment was, in section 10, line 2, after the word "engineers," to insert "who shall reside in the park at least three months in each year, and;" so as to read:

That the Secretary of War shall detail an officer from the Corps of Engineers, who shall reside in the park at least three months in each year, and whose duty it shall be to survey and lay out suitable roads in said park and select the proper location for bridges therein; and the Secretary of War shall, upon the report of said officer, make annual estimates for the cost of such improvements, and communicate the same to Congress.

The amendment was agreed to.

The next amendment was, in section 10, line 8, after the word "Congress," to strike out:

With such other recommendations in regard to the park as he may deem proper; and all sums received by the Secretary of the Interior from rents in the park, or arising from fines or forfeitures for violation of the laws and regulations made for the government of said park and protection of animals, birds, fish, and public property therein, shall constitute a separate fund and shall be applied to the improvements hereinbefore mentioned; and the officer or officers collecting said fines and forfeitures shall pay the same to the Secretary of the Interior for the purpose aforesaid.

The amendment was agreed to.

Mr. MANDERSON. That disposes of all the amendments proposed by the committee. I move, in section 7, line 31, after the word "to," to strike out the words "any sheriff or constable in the counties of Montana or Wyoming nearest to said park, or to the policemen therein," and to insert in lieu thereof, "the marshal of the United States for the Territories of Montana or Wyoming, or to the policemen herein provided for."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REV. CORYDON MILLARD.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 897) for the relief of Rev. Corydon Millard. It proposes to place on the pension-roll the name of Corydon Millard, late chaplain of the Fourth United States Heavy Artillery, at the rate of $20 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CORDELIA EMERY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1343) granting a pension to Cordelia Emery. It proposes to place on the pension-roll the name of Cordelia Emery, widow of Nahum Emery, late of Hampden, Me., a soldier in the war of 1812.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ALICE CROARKIN.

The bill (S. 900) for the relief of Mrs. Alice Croarkin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Alice Croarkin, widow of James Croarkin, late of Company C, Third Wisconsin Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. LOUISE SILVERS.

The bill (S. 896) for the relief of Mrs. Louise Silvers was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Louise Silvers, widow of Frank Silvers, late of Company F, Fourteenth Regiment Wisconsin Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANK OURADNIK.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 898) for the relief of Frank Oredsnick. It proposes to place on the pension-roll the name of Frank Oredsnick, late of Company F, Third Wisconsin Volunteers.

The PRESIDING OFFICER. The Secretary calls the attention of the Chair to the fact that the Senator from Wisconsin [Mr. SAWYER], who reported this bill, left an amendment changing the name, which he will now report.

The SECRETARY. In line 6 strike out "Oredsnick" and insert "Ouradnik."

Mr. DAVIS. That is undoubtedly right.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Frank Ouradnik."

JOHN M'KERNAN.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1325) for the relief of John McKernan. It proposes to place the name of John McKernan, of the Soldiers' Home, Washington, on the pension-roll, on account of disability contracted while in the service of the United States as a second-class private of ordnance in the Ordnance Department of the Army, at Benicia Arsenal, California.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT H. STURGESS.

The bill (S. 767) granting a pension to Robert H. Sturgess was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Robert H. Sturgess, late lieutenant-colonel of the Eighth Regiment Illinois Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH LEWIS.

The bill (S. 2084) to restore to the pension-roll the name of Joseph Lewis was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Joseph Lewis, late of Company I, Forty-second Indiana Volunteers, at $4 per month, his former rate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN FAGAN.

The bill (S. 781) granting a pension to John Fagan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Fagan, late of Company H, Seventh Regiment Pennsylvania Reserves.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMANDA F. DECK.

The bill (S. 470) granting a pension to Amanda F. Deck was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Amanda F. Deck, of Putnam County, Missouri, widow of William C. Deck, late a private in Company L, First Colorado Cavalry Volunteers, who was a pensioner at the time of his death.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BROADUS G. ROBERTS.

The bill (S. 468) granting a pension to Broadus G. Roberts was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Broadus G. Roberts, late of Company D, Sixtieth Regiment Enrolled Missouri Militia.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT GRAY.

The bill (S. 646) granting a pension to Robert Gray was considered as in Committee of the Whole. It proposes to place the name of Robert Gray, of Lucas, Iowa, late of Company A, Thirteenth Regiment West Virginia Infantry, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET M. COLLINS.

The bill (S. 1015) granting a pension to Margaret M. Collins was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Margaret M. Collins, mother of John B. Collins, deceased, late of Company D, Fourteenth Regiment of Kansas Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. SCHELL.

The bill (S. 625) granting a pension to George W. Schell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George W. Schell, late of Company D, Thirty-seventh Regiment of Iowa Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT TROY, N. Y.

The bill (S. 1646) to increase the appropriation for a public building at Troy, N. Y., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in section 1, line 8, after the word "sum," to insert the words "to wit, the sum of $200,000;" so as to read:

That the amount heretofore fixed as the limit of cost for the erection of a public building by the United States Government at Troy, N. Y., be, and the same is hereby, increased to $500,000, and that sum is hereby fixed as the limit of cost for the erection of said building and for the payment for the site thereof; and said additional sum, to wit, the sum of $200,000, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be used and expended for the purposes provided in this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING IN SAN FRANCISCO.

The bill (S. 1931) to increase the appropriation for the purchase of a site for a building for a post-office, court-house, and other offices in San Francisco, Cal., was considered as in Committee of the Whole.

It proposes to increase the amount heretofore fixed as a limit of the cost for the purchase of a site for a building for a post-office, court-house, and other offices by the United States Government, in San Francisco, Cal., to $850,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT HUDSON, N. Y.

The bill (S. 1549) for the erection of a public building at Hudson, N. Y., was considered as in Committee of the Whole.

The PRESIDING OFFICER. The Secretary calls the attention of the Chair to the word "when," which is duplicated at the beginning of line 10. The word will be stricken out, if there be no objection.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

PHILOMELIA L. DARTT.

The bill (S. 1827) granting a pension to Philomelia L. Dartt was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Philomelia L. Dartt, widow of Josiah R. Dartt, late captain of Company A, Fifth Regiment Minnesota Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANN VERNEUIL.

The bill (S. 1004) granting a pension to Ann Verneuil was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ann Verneuil, widow of Francis Verneuil, late of the Ordnance Department, United States Army.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JEPTHA A. JONES.

The bill (S. 1173) increasing the pension of Jeptha A. Jones was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jeptha A. Jones, late lieutenant and captain in the Eighty-fourth and One hundred and thirty-ninth New York Volunteers, and to increase the pension paid to him to $72 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH BAUER.

The bill (S. 981) granting a pension to Elizabeth Bauer was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth Bauer, widow of Michael Bauer, late a private of Company C, One hundred and sixth Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ERASTUS B. BURNHAM.

The bill (S. 1629) granting a pension to Erastus B. Burnham was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Erastus B. Burnham, late a member of Company F, Fifty-second Regiment Massachusetts Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARTIN N. KELLOGG.

The bill (S. 1556) granting a pension to Martin N. Kellogg was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Martin N. Kellogg, a Mexican war veteran, who served in Company H, Sixth Regiment United States Infantry, at $72 a month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DENVER AND RIO GRANDE RAILROAD COMPANY.

The bill (S. 1302) granting the right of way to the Denver and Rio Grande Railroad Company across the United States military reservation for the cantonment on the Uncompahgre River, in the State of Colorado, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHEYENNE STREET RAILROAD COMPANY.

The bill (S. 1804) to authorize the Cheyenne Street Railroad Company to build its road on and across the Fort D. A. Russell military reservation was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT SIOUX CITY, IOWA.

The bill (S. 288) for the erection of a public building at Sioux City, Iowa, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, in line 4, after the word "purchase," to insert the words "or acquire by condemnation;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase, or acquire by condemnation, a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the United States district and circuit courts, internal-revenue office, post-office, and other Government offices, at the city of Sioux City, Iowa.

The amendment was agreed to.

The next amendment was, in line 12, before the word "hundred," to strike out "one" and insert "two;" so as to read:

The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $250,000.

The amendment was agreed to.

The next amendment was, in line 21, before the word "hundred," to strike out "one" and insert "two;" and in the same line, after the word "hundred," to insert "and fifty;" so as to read:

And no purchase of site, nor plan for said building, shall be approved by the Secretary of the Treasury, involving an expenditure exceeding the said sum of $250,000.

The amendment was agreed to.

The next amendment was, in line 21, after the word "*Provided*," to insert:

That of said sum not exceeding $50,000 shall be expended for the acquisition of said site: *And provided further.*

The amendment was agreed to.

The next amendment was, in line 34, before the word "hundred," to strike out "one" and insert "two;" so as to read:

For the purpose of this act the sum of $250,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the same to be expended under the direction of the Secretary of the Treasury.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT CHEYENNE, WYO.

The bill (S. 1333) for the erection of a public building at Cheyenne, Wyo., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in line 4, after the word "purchase," to insert the words "or acquire by condemnation;" so as to make the bill read:

That the Secretary of the Treasury be, and he is hereby, authorized and di-

rected to purchase, or acquire by condemnation, a site for, and cause to be erected thereon a suitable building, with fire-proof vaults therein, for the accommodation of the post-office and other Government offices, at the city of Cheyenne, Wyo. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $80,000, which sum is hereby appropriated out of any moneys in the Treasury not otherwise appropriated: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY L. WILLIAMS.

The bill (S. 1716) granting a pension to Mary L. Williams was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary L. Williams, widow of Reuben Williams, late a private in Company C, One hundred and forty-seventh Regiment New York Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY E. BLACKMAN.

The bill (S. 1006) granting a pension to Mary E. Blackman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary E. Blackman, widow of Francis G. Blackman, late of Company G, Eighteenth Connecticut Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COLUMBIA RIVER BRIDGE.

The bill (S. 560) to authorize the Columbia River Bridge Company to construct and maintain a bridge across the Columbia River between the State of Oregon and the Territory of Washington, and to establish it as a post-road, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 6, line 3, after the word "whenever," to strike out the word "Congress" and insert the words "the Secretary of War;" so as to read:

That the right to alter, amend, or repeal this act, or to require any changes in such structure, or its entire removal at the expense of the owners thereof whenever the Secretary of War shall decide that the public interest requires it, and the right to prescribe such rules and regulations in regard to toll and otherwise, as may be deemed reasonable, are expressly reserved.

The amendment was agreed to.

The next amendment was to add as an additional section:

SEC. 7. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REPRESENTATIVES OF S. W. MARSTON.

The bill (S. 464) to authorize the Secretary of the Interior to settle the claims of the legal representatives of S. W. Marston, late United States Indian agent at Union agency, Indian Territory, for services and expenses was considered as in Committee of the Whole. It directs the Secretary of the Interior to cause to be examined and audited the claims of the legal representatives of S. W. Marston, late United States Indian agent at Union agency, Indian Territory, for services rendered and expenses incurred by him in the months of July, August, September, and October, 1878, which claims were transmitted to the office of Indian Affairs about November in that year, and to pay to his legal representatives whatever sum of money may be found to be justly due to him for such services and expenses, not exceeding in amount $448.10.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ST. LOUIS AND SAN FRANCISCO RAILWAY COMPANY.

The bill (S. 1697) to grant the right of way through the Indian Territory to the St. Louis and San Francisco Railway Company, for the purpose of constructing a railway, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, in section 1, line 13, after the word "river," to strike out "in the Chickasaw Nation," and insert "at or near said Denison;" so as to read:

That the St. Louis and San Francisco Railway Company, a corporation duly created and existing under and by virtue of the laws of the State of Missouri, be, and the same is hereby, authorized to survey, locate, construct, own, operate, and maintain a railway and telegraph and telephone line through the Indian Territory, beginning at a point on the St. Louis and San Francisco Railway, as now constructed, near Kosomo station, in Jacks Fork County, Choctaw Nation, Indian Territory, thence by the most practicable route southwestwardly in the general direction of Denison, in the State of Texas, to a point on Red River, at or near said Denison, the estimated length of said road being about 75 miles; with the right to construct, use, and maintain such tracks, turn-outs, and sidings as said company shall deem it to its interest to construct on and along the right of way and depot grounds hereby granted.

The amendment was agreed to.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Massachusetts [Mr. DAWES] to the suggestion of the Secretary, that in line 12 of section 6 the word "month" should be "months;" so as to read "within six months thereafter." The correction will be made, if there is no objection.

The next amendment of the Committee on Indian Affairs was, in section 9, line 3, before the word "years," to strike out "three" and insert "two," and after the word "act," in the same line, to insert "and the remainder thereof in one year thereafter;" so as to read:

That the said railway company shall build at least 25 miles of its said railway in said Territory within two years after the passage of this act, and the remainder therof in one year thereafter, or this grant shall be forfeited as to the portion not built; that said railway company shall construct and maintain continually all highway crossings wherever said highways may cross said railway's roadbed, or may be by the proper authorities laid out across the same.

The amendment was agreed to.

The next amendment was to add to section 10 the following additional proviso:

And provided further, That nothing in this act contained shall be construed to impair any rights granted by law to the Choctaw Coal and Railway Company.

Mr. WILSON, of Iowa. I desire to ask the Senator from Massachusetts what rights are covered by this second proviso at the close of section 10, which reads:

And provided further, That nothing in this act contained shall be construed to impair any rights granted by law to the Choctaw Coal and Railway Company.

Mr. DAWES. The Choctaw Coal and Railway Company is a corporation which we have previously authorized to go through that Territory in that vicinity. I think it is a useless provision, but still for the purpose of greater caution it was put in, so that the other company, which preceded this in constructing a railroad in that vicinity, might not be construed to have any rights it had cut off. No rights that I know of would be affected, but the provision was inserted in order to quiet all apprehension that either of them was authorized to go through there for the purpose of cutting the other out, and that each might have its rights.

Mr. WILSON, of Iowa. It seemed to me that there might be some difficulty growing out of this proviso in connection with the power of Congress over the legislation under which that company takes its rights, inasmuch as it expressly provides "that nothing in this act contained shall be construed to impair any rights granted by law to the Choctaw Coal and Railway Company," which would seem to except it from the operation of the last section of the bill, which provides "that Congress may at any time amend, add to, alter, or repeal this act."

Mr. DAWES. The same provision was in the other bill.

Mr. WILSON, of Iowa. That is what I wish to understand. Otherwise it might be held that this exemption in the second proviso of the tenth section would take that company out of the operation of the last section of this bill.

Mr. DAWES. I speak from memory, not having the other bill before me, but I know it has been the purpose of the committee to report no bill which has not that provision.

Mr. JONES, of Arkansas. The provision is identical.

Mr. DAWES. I think so.

Mr. WILSON, of Iowa. That is what I desired to be assured of.

Mr. JONES, of Arkansas. It is the very same.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The Chair will call the attention of the Senator from Massachusetts to the fact that there is a difference in the spelling of the name of a place in the first and second sections of the bill. In section 1 it is "Kosomo," and in section 2 it is "Kosoma."

Mr. DAWES. I do not know which is right. Perhaps for variety sake it might be left as it is. I do not know which is the right spelling of the name. If no Senator knows which way to spell it, I would leave both spellings as they are.

Mr. COCKRELL. In section 5, line 36, after the word "prohibit," the word "any" should be inserted. I move that amendment.

The amendment was agreed to.

Mr. COCKRELL. In line 8 of section 6 I move to strike out the words "aid of" and to insert "said;" so as to read: "shown by said maps."

The amendment was agreed to.

Mr. COCKRELL. In line 11 of the same section, after the words "herein provided for," I move to insert a comma.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BOUNDARIES OF KANSAS.

The bill (S. 1633) to extend the southern and western boundaries of the State of Kansas, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AGREEMENT WITH INDIANS IN MONTANA.

The bill (S. 1824) to ratify and confirm an agreement with the Gros Ventre, Piegan, Blood, Blackfeet, and River Crow Indians in Montana was announced as next in order on the Calendar.

Mr. DAWES. The Senator from Alabama [Mr. MORGAN] who reported this bill is absent, and at his request I ask unanimous consent to substitute for it in consideration Order of Business 674, a House bill on the same subject, and to consider that instead of Senate bill No. 1824.

The PRESIDING OFFICER. If there be no objection, the House bill will be considered.

The bill (H. R. 1956) to ratify and confirm an agreement with the Gros Ventre, Piegan, Blood, Blackfeet, and River Crow Indians in Montana was considered as in Committee of the Whole.

Mr. DAWES. I ask that by unanimous consent the long list of Indian names signed to the agreement be omitted in the reading of the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the reading of the names will be dispensed with.

The bill was reported from the Committee on Indian Affairs with an amendment to insert as an additional section the following:

SEC. 3. The lands to which the right of the Indians is extinguished under the foregoing agreement are a part of the public domain of the United States and are open to the operation of the laws regulating homestead entry, except section 2301 of the Revised Statutes, and to entry under the laws governing the disposal of coal lands and mineral lands; but are not open to entry under any other laws regulating the sale or disposal of the public domain.

The amendment was agreed to.

Mr. BOWEN. I offer several sections as an amendment.

The proposed amendment was read, as follows:

SEC. 4. That the Secretary of the Interior be, and he is hereby, authorized and required to appoint two commissioners who, with the agent of the Southern Ute Indians of Southwestern Colorado, shall constitute a commission, a majority of whom shall constitute a quorum, whose duty it shall be to negotiate an agreement with the Southern Ute Indians, for the removal of said Indians from their present reservation in Southwestern Colorado to such other place outside of said State as may be agreed upon by said commission and said Indians. The consent of two-thirds of the adult male Southern Ute Indians shall be necessary to the consummation of such agreement, which consent shall be made manifest in such manner as the Secretary of the Interior shall direct. When such agreement shall have been made and approved by the Secretary of the Interior, said Southern Ute Indians shall be removed from their present reservation, subject to the provisions set forth in this act: *Provided*, That if it shall be agreed to remove said Southern Ute Indians to the Uintah Valley reservation, in the Territory of Utah, instead of elsewhere, the consent of two-thirds of the adult male Indians of said Uintah Valley shall first be had, such consent to be made manifest in such manner as the Secretary of the Interior may direct. The reservation so selected, when agreed to by said commission and approved by the Secretary of the Interior, shall, upon the removal and settlement of said Indians thereon, constitute the reservation for the Southern Ute Indians, to be held by said Indians by the same title and tenure as they now hold the lands from which they may be removed: *Provided further*, That the President may, in his discretion, reduce the area of said reservation if in his judgment it shall be found to be out of proportion to the number of Indians settled thereon and greater than their actual needs require: *Provided further*, That all improvements heretofore made by any settler who has made settlement in person upon any lands that may be included in said reservation, and has inhabited and improved the same, and erected a dwelling thereon, with the intention of acquiring title to the lands so occupied by him, under the laws of the United States, shall be appraised by said commission, and the rightful owners thereof shall be paid the appraised value of their respective improvements, by the Secretary of the Interior, upon satisfactory proof of such bona fide settlement, residence, and improvement; and for that purpose the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated; and upon such payment being made all such settlers shall be required to remove from said reservation.

SEC. 5. That all improvements heretofore made by any Indian upon said present reservation shall be appraised by said commission, and shall, after such appraisement, be sold, for cash in hand, at public auction, at the city of Durango, county of La Plata, State of Colorado, by the agent for said Southern Ute Indians, to the highest bidder: *Provided*, That in no case shall such improvements be sold for less than such appraised value. That before said agent shall make such sales he shall give public notice thereof by publication in one or more weekly newspapers published in the city of Durango, aforesaid, and in one or more daily newspapers published in the city of Denver, Colo., for not less than six consecutive weeks, which notice shall state the time, place, and terms of such sales, and the name of each Indian whose improvements are to be sold. The improvements of each Indian shall be sold separately, and the proceeds of each sale shall be paid by said agent to the Indian whose improvements shall be so sold. That said agent shall give to each purchaser a receipt for the amount of money paid, which receipt shall entitle the holder thereof to the prior right to take possession of said improvements, and the land upon which the same may be situated, not exceeding 160 acres, and the right to perfect his title to said land under existing laws relating to homesteads and pre-emptions. The improvements so purchased shall, upon final proof, be treated and held to have been made by such purchaser.

SEC. 6. That all buildings and improvements at and about the present Southern Ute agency shall be sold as a whole, under the order and direction of the Secretary of the Interior, to the highest bidder, for cash, upon such public notice as he may prescribe, and the proceeds of such sale covered into the Treasury of the United States. The purchaser of such improvements shall be entitled to take possession of the same, and the land upon which the same may be situated, not exceeding 160 acres, and the prior right to settle on and perfect his title to said land under existing laws relating to homesteads and pre-emptions. The improvements so purchased shall, upon final proof, be treated and held to have been made by such purchaser

SEC. 7. That the lands embraced within the limits of the present Southern Ute reservation, in the southwestern part of the State of Colorado, shall, immediately after the removal of said Southern Ute Indians therefrom as provided for in this act, be held and deemed to be public lands of the United States, and subject to disposal under the homestead and mineral land laws of the United States providing for the disposal of the public lands under such laws, except that the lands taken under the homestead act shall be paid for at the rate of $1 per acre, and the proceeds arising from the disposal of such lands shall be set apart and held as a perpetual trust fund for the benefit of said Southern Ute Indians, to be paid and disposed of in such manner as is or may be hereafter provided by law: *Provided*, That the Government of the United States shall first be reimbursed from such fund for the expenses incurred and payments made under sections 1 and 11 of this bill.

SEC. 8. That the rights of the said Southern Ute Indians shall be the same after removal to their new reservation designated by this act as if no change of location had been made, and all treaties, agreements, and laws now in force affecting their interests and rights shall be deemed and held as unimpaired and unchanged.

SEC. 9. That the members of the commission who shall be appointed under the provisions of this act shall receive compensation for their services at the rate of $10 per diem while actually engaged in the performance of their duties, in addition to their actual traveling and other necessary expenses: *Provided*, That the agent of said Southern Utes shall receive no compensation except his regular salary and his necessary traveling and other expenses.

SEC. 10. That the Secretary of the Interior shall appoint a clerk for said commission, at a salary of $200 per month, in addition to his actual traveling and other necessary expenses, and who shall give bond in such amount and with such sureties as may be prescribed by the said Secretary of the Interior. Such clerk shall, in addition to his duties as such, act as disbursing officer for said commission.

SEC. 11. That said commission shall choose an interpreter, whose compensation shall be fixed by said commission, subject, however, to the approval of the Secretary of the Interior.

SEC. 12. That if any of the said band or tribe of Southern Ute Indians shall not desire to be removed to the new reservation, as provided for in this act, but desires to remain on the present reservation, he or she shall be permitted to select and settle upon lands in the said reservation now occupied by them, in accordance with the provisions of chapter 119, 24 Statutes at Large, approved February 8, 1887; and the selection and settlement upon any land in said reservation by any of the said Indians shall be in accordance with the provisions of the said act, and allotments shall be made to them as provided therein.

SEC. 13. That the Secretary of the Interior shall make all needful rules and regulations for carrying this act into effect.

SEC. 14. That for the purpose of carrying the provisions of this act into effect the following sums, or so much thereof as may be necessary, be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Interior as follows, namely: For the payment of the salary of the commissioners, the clerk, and the interpreter, and the necessary traveling and other expenses of said commission, said clerk, said interpreter, and said agent, the sum of $13,000; for the cost of removal and settlement of said Southern Ute Indians, defining the boundaries of their new reservation, building agency house and other necessary buildings and fences, $37,000.

SEC. 15. That after the removal of said Southern Ute Indians, as provided for in this act, the Secretary of the Interior may, at his discretion, if said Indians so desire, invest any or all money said Indians may be entitled to receive, from time to time, in sheep for their use, in lieu of cattle, horses, and agricultural implements.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from Colorado [Mr. BOWEN].

Mr. DAWES. I wish the Senator from Colorado would not offer that amendment to this bill. It is an independent subject-matter which has been considered by the Committee on Indian Affairs, and a bill substantially like that has been reported and is on the Calendar. This is a House bill, and it ought not to be encumbered, as it may be, with this matter. If the Senator insists on offering it, I shall propose an additional section. I shall be compelled to oppose very strongly the adoption of this amendment without the additional section which I offer.

The PRESIDING OFFICER. The amendment to the amendment, offered by the Senator from Massachusetts, will be read.

The Secretary read the proposed amendment to the amendment, as follows:

SEC. —. No action shall be taken under any agreement made with or concerning the Southern Ute Indians of Southwestern Colorado by authority of this act until such agreement shall have been reported to and ratified by Congress.

Mr. DAWES. I move that as an addition to the amendment of the Senator from Colorado.

The PRESIDING OFFICER. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Colorado as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The PRESIDING OFFICER. The question is on agreeing to the preamble.

The preamble was agreed to.

Mr. BOWEN. The title should be amended by adding "and for other purposes."

The amendment to the title was agreed to.

Mr. DAWES. I move that the Senate insist on its amendments and ask a conference with the House of Representatives on the disagreeing votes.

The motion was agreed to; and, by unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. DAWES, Mr. DANIEL, and Mr. STOCKBRIDGE were appointed.

The PRESIDING OFFICER (Mr. DOLPH in the chair). The bill (S. 1824) to ratify and confirm an agreement with the Gros Ventre, Piegan, Blood, Blackfeet, and River Crow Indians in Montana will be indefinitely postponed.

THOMAS G. CORBIN.

The bill (S. 1232) for the relief of Thomas G. Corbin was announced as next in order.

Mr. REAGAN. I object to the consideration of that bill.

Mr. CAMERON. I trust the Senator will withdraw his objection.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

Mr. CAMERON. I ask that the bill remain on the Calendar without prejudice, to be called up at some other time.

The PRESIDING OFFICER. The Chair hears no objection to that suggestion, and the bill will retain its place on the Calendar.

SWAMP AND OVERFLOWED LAND GRANTS.

Mr. PADDOCK. I should like to ask unanimous consent to return to Order of Business 368. The Senator from Florida [Mr. CALL] has indicated a disposition to withdraw his objection.

The PRESIDING OFFICER. The Senator from Nebraska asks to take up Order of Business 368, being Senate bill 758, which has been passed over.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 758) for the relief of purchasers and other grantees of the United States of certain swamp and overflowed lands, and to reimburse and indemnify certain States.

The PRESIDING OFFICER. The amendment reported by the Committee on Public Lands in the nature of a substitute has been read.

Mr. CALL. I have examined the bill, and make no objection to it as amended by the committee.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Public Lands.

Mr. CALL. I move to amend the amendment, in line 12 of section 1, after the word "or," by inserting the words "to railroad corporations in such State."

Mr. PADDOCK. I have no objection to that amendment. The committee thought that point had been covered by the phraseology.

The PRESIDING OFFICER. Will the Senator from Florida state his amendment again?

Mr. CALL. In line 12 of section 1 of the amendment, after the word "or," I propose to insert "to railroad corporations in such State."

The PRESIDING OFFICER. The amendment will be stated from the desk.

The CHIEF CLERK. In section 1 of the amendment, line 12, after the word "or," it is proposed to insert the words "to railroad corporations in such State;" so as to read:

And for all such lands as have been otherwise disposed of by the United States, except by grants to such States or to railroad corporations in such State, by homestead entries, etc.

Mr. COCKRELL. I ask what would be the effect of that amendment.

Mr. CALL. The effect of the amendment is very simple. The provision now is:

And for all such lands as have been otherwise disposed of by the United States except by grants to such States.

Now I propose to insert "or to railroad corporations in such State;" in other words, if the United States has made grants to States embraced within the swamp-land grants, which grants have been given by the State to railroad corporations in the State, they shall be treated in the same manner.

Mr. SPOONER. That is all there is of it.

The PRESIDENT *pro tempore*. Should the word "State" be singular or plural?

Mr. CALL. It should be "in such State."

Mr. COCKRELL. "Such States" perhaps would be better.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The Committee on Public Lands report an amendment to strike out the preamble. The amendment will be agreed to, if there be no objection, and the preamble will be stricken out.

The title of the bill was amended so as to read: "A bill to relieve purchasers of and to indemnify certain States for swamp and overflowed lands disposed of, and for other purposes."

EDWARD H. LEIB.

The bill (S. 119) for the relief of Edward H. Leib was considered as in Committee of the Whole.

The Committee on Military Affairs reported an amendment, in line 11, after the word "Army," to strike out "he would have held had he not been dismissed" and insert "held at the time of his dimissal;" so as to make the bill read:

Be it enacted, etc., That the provisions of law regulating appointments in the Army are hereby suspended for the purposes of this act, and only so far as they affect Edward H. Leib, late captain, Fifth United States Cavalry, and brevet lieutenant-colonel, United States Army; and the President of the United States is hereby authorized to nominate and, by and with the advice and consent of the Senate, appoint said Edward H. Leib, late captain, Fifth United States Cavalry, to the grade and rank in the Army held at the time of his dismissal; and on account of his disabilities, incurred in the line of duty, the said Leib shall be placed upon the retired-list of the Army without regard to the limit fixed by law: *Provided*, That the said Leib shall receive no pay except from the date of appointment under this act, nor any pension from and after his full retirement as provided herein.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN W. GUMMO.

The bill (S. 120) for the relief of John W. Gummo was considered as in Committee of the Whole. It proposes to pay to John W. Gummo, late of Company F, Twelfth Regiment Pennsylvania Volunteer Cavalry, $190, being the balance of bounty due him for services rendered the Government during the late war of the rebellion.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INCLOSURES AT GETTYSBURGH.

The joint resolution (S. R. 10) relating to the inclosure of certain points of especial interest on the battle-field of Gettysburgh, was considered as in Committee of the Whole. It provides that whenever the fence which now incloses Lafayette square, in the city of Washington is removed the Secretary of War shall deliver the same to the Gettysburgh Battle-field Memorial Association, at Gettysburgh, Pa., for the purpose of inclosing points of especial interest on the Gettysburgh battle-field.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WRECK OF STEAMER TALLAPOOSA.

The bill (S. 869) for the relief of the sufferers by the wreck of the United States steamer Tallapoosa was considered as in Committee of the Whole.

Mr. CHANDLER. At the end of section 2, on page 5, I move to add the following additional proviso:

And provided further, That there shall be deducted from the sums allowed each of the parties named in this act whatever amounts may have been paid them under the provisions of existing law.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS AT VALLEY FORGE.

The bill (S. 1803) in aid of the Centennial and Memorial Association of Valley Forge, and to secure the Washington headquarters mansion and grounds occupied by the Continental Army of 1877–'78, was considered as in Committee of the Whole. It proposes to appropriate $25,000 for the purpose of purchasing additional lands and improving and preserving them under the direction of the Centennial and Memorial Association of Valley Forge.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

EDWARD BRADEN AND JOB W. ANGUS.

The bill (S. 145) for the relief of Edward Braden and Job W. Angus was considered as in Committee of the Whole. It proposes to pay $2,006.17 to Edward Braden and Job W. Angus, that sum being found equitably due by the Court of Claims from the United States to Braden and Angus in the construction of quartermaster depot buildings at San Antonio, Tex., under contract of June 7, 1876, made between Braden and Angus and the Quartermaster-General.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

P. B. SINNOTT.

The bill (S. 570) for the relief of P. B. Sinnott, late Indian agent at Grande Ronde agency, State of Oregon, was considered as in Committee of the Whole.

The Committee on Claims reported the bill with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, directed to refund to P. B. Sinnott, late Indian agent at Grande Ronde agency, State of Oregon, out of any moneys in the Treasury not otherwise appropriated, the sum of $2,146.39, being the amount of two judgments recovered against him and his sureties on his official bonds as such agent by the United States, in the district court of the United States for the district of Oregon, on the 15th day of January, A. D. 1886, and which amount was subsequently paid to the United States by said Sinnott pending the consideration by Congress of a bill for his relief, and is now covered into the Treasury.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HEIR OF CATHERINE E. BABCOCK.

The bill (S. 1653) granting a pension to the heir of Catherine E. Babcock was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Catherine E. Babcock, widow of Maj. Charles P. Babcock, late of the Second Regiment Michigan Cavalry, at the rate of $40 a month, in lieu of the pension she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HEIR OF CONSTANTINO BRUMIDI.

The bill (S. 1764) for the relief of the heir of Constantino Brumidi was considered as in Committee of the Whole. It proposes to pay to Lawrence S. Brumidi, heir of the late Constantino Brumidi, $1,500, in five annual installments of $300 each, as payment in full for designs made by Constantino Brumidi for the embellishment of the belt of the Rotunda of the Capitol.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MONUMENT TO THE MOTHER OF WASHINGTON.

The bill (S. 1211) for the completion of the monument to Mary, the mother of Washington, at Fredericksburgh, Va., was considered as in Committee of the Whole. It proposes to appropriate $20,000, to be used in the completion of the unfinished monument to Mary, the mother of Washington, at Fredericksburgh, Va., and for grading and inclosing with stone curbing and iron fencing a space of 34 feet square around the base thereof, substantially in accordance with the recommendation of the Select Committee on the Washington National Monument in their report to the House of Representatives of June 1, 1874.

Mr. WILSON, of Iowa. I move to strike out section 2, as follows:

SEC. 2. That this act shall be in force from its passage,

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DUPLICATES OF MEDALS.

The joint resolution (S. R. 39) authorizing and requiring the Secretary of the Treasury to have struck copies of certain medals, and to deliver the same to certain Departments and to the various States and Territories, was considered as in Committee of the Whole.

The joint resolution was reported from the Committee on the Library with amendments.

The first amendment was, in line 16, after the word "Washington," to insert "and to the Library of Congress;" so as to read:

And the Secretary of the Treasury is hereby authorized and required to distribute these complete sets, when made, as follows:

One set in the original metal, as first issued, to all the Executive Departments of the United States Government at Washington, and to the Library of Congress.

The amendment was agreed to.

The next amendment was, in line 18, to strike out the duplicated word "and."

The amendment was agreed to.

The next amendment was, at the end of the joint resolution, to add:

And upon application to the superintendent of the mint at Philadelphia for a copy of any of the medals aforesaid, such copy shall be struck and furnished to such applicant upon his payment of the cost of the material and of the execution of such copy to be fixed by the superintendent of the mint.

The amendment was agreed to.

Mr. PLATT. I should like to hear the preamble read.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The preamble will be read.

The Chief Clerk read the preamble, as follows:

Whereas at various times, by order of the Congress of the United States, national medals have been issued in commemoration of great national events, deeds of valor of our naval and military heroes, important public services by citizens, and the administrations of our Presidents; and

Whereas it is believed that no complete set of these medals is in the possession of the United States Government, in the Mint or elsewhere; and

Whereas, in the interest of education and for historical reference, their careful preservation in some form accessible to all citizens is most important, as exact memorials of events and personages notable in our national history and to be remembered with patriotic pride: Therefore.

Mr. HAWLEY. I do not care to inquire particularly into the possible expense of this work, but it will be very considerable. I doubt whether it is possible to carry out the joint resolution and furnish copies of all the medals which have been issued by the Government. But another consideration occurs to me. Perhaps the committee are satisfied upon that point. Unless there be something to mark these as duplicates and reproductions they will inevitably get into the market as originals, and be the objects of speculation, as we are providing by the joint resolution that anybody may order them. I do not know that it is worth while to have "duplicate" or "reproduction" or anything of that kind stamped upon the medals, but I submit that to the consideration of the committee.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

BRIDGES IN GEORGIA AND FLORIDA.

The bill (H. R. 3470) to authorize the construction of bridges over the rivers Saint Mary's, Satilla, Little Satilla, and Crooked, in the States of Georgia and Florida, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, in section 10, line 4, after the word "whenever," to strike out "Congress" and insert "the Secretary of War;" so as to make the section read:

That the right to alter, amend, or repeal this act is hereby expressly reserved; and the right to require any changes in said structures, or their entire removal, at the expense of the owners thereof, whenever the Secretary of War shall decide that the public interest requires it, is also expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

REAR-ADMIRAL CARTER.

The bill (S. 71) for the relief of Rear-Admiral Carter was considered as in Committee of the Whole. It proposes to give Rear-Admiral Samuel P. Carter, of the United States Navy, the pay and compensation of a rear-admiral on the retired-list from and after the date of his promotion on the retired-list to the rank of rear-admiral.

Mr. EDMUNDS. I should like to hear the report read.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read the following report, submitted by Mr. BLACKBURN February 24, 1888:

The Committee on Naval Affairs, to whom was referred the bill for the relief of Rear-Admiral Carter, beg leave to submit the following report:

This is an anomalous case. Soon after the beginning of the late war (in July, 1861), S. P. Carter, then a lieutenant in the United States Navy and a citizen of Tennessee, was detached by the Secretary of the Navy and ordered to report to Hon. Simon Cameron, then Secretary of War, for special duty, and was by him directed to proceed to East Tennessee and organize and drill volunteers to be called into the service of the United States.

In September following he was made acting brigadier-general by General George H. Thomas, and was placed in command of the East Tennessee Brigade, which he (Lieutenant Carter) had organized.

On May 1, 1862, he was commissioned brigadier-general of United States Volunteers. He served during the war, being in command of brigades and divisions (infantry and cavalry), rising to the rank of major-general.

The records of the War and Navy Departments show that he performed his various duties with zeal and faithfulness. Early in 1866 he was honorably mustered out of the military service and returned to his duties in the Navy. In 1881 he was retired as commodore, and in the following year was nominated by the President, and confirmed by the Senate, as rear-admiral on the retired-list. During his service in the Army he, of course, lost all opportunity of being specially advanced in the Navy, as happened to numbers of his fellow-officers.

Believing, as the committee do, that this is an exceptional case and can not be considered as establishing any precedent for future action in such cases, because of the exceptionally distinguished and valuable services rendered by this officer, and believing, further, that it was not the intention of either the President or the Senate to confer a mere honor on this officer, whose whole record is so honorable, they, as an act of simple justice to him, recommend that this bill do pass.

Mr. EDMUNDS. I have considered this case heretofore, and with every good wish for this admiral, and every personal liking for him, I do not think the bill is right. I do not suppose that my opinion will affect the Senate, but I feel bound to say that much.

This gentleman received the promotions and honors that belong to service in the Army while his fellows were fighting and working in the Navy; and now for him to go up ahead of those who were following their legitimate duties I do not think is fair. I say it with regret, because I have the greatest possible friendship and good-will to Admiral Carter. That is all I have to say.

Mr. BLACKBURN. I simply desire to say that it is true Lieutenant Carter received promotion more than once during the period he served in the Army, but at the end of the war he went back to his place in the Navy without any advancement. Whatever promotion he received in the military service as a soldier brought him no benefit after the war closed, and he went back to his old grade in the Navy.

One point more I want to call the attention of the Senate to, and it is this: Admiral Carter never asked to be detached from the Navy and assigned to duty in the Army. That was done without his request, without his connivance, and, so far as the record shows, without his wish. Believing that it was to the best interests of the service to do it, the Secretary of the Navy detached him, unsolicited, and ordered him to report to the then Secretary of War, who assigned him to the duty of raising and organizing and disciplining land forces in his State of Tennessee. He was then a lieutenant in the Navy. He worked his way (and we are forced to conclude that he did it because of his efficient service) to a brevet major-general's place in the Army. When the war closed he was mustered out of the military service and ordered to report back to the Navy Department where he was assigned precisely where he was three or four years before when the order of detachment came.

Whatever temporary advantage he may have gotten by reason of well-earned promotion in the military service, it brought no results to him in the profession of his life, which was that of a sailor.

He was nominated by the President to the grade and rank of a rear-admiral, and the Senate did advise and consent to that promotion. This bill does not propose to give him any rank that he does not hold to-day. It simply proposes to make good, so far as his remuneration and pay are concerned, the act of the President, confirmed by the action of the Senate, in conferring upon him this additional grade in the Navy. That is the whole object of the bill, and the committee felt warranted in recommending its passage.

Mr. EDMUNDS. Did he not while he was in the military service get the pay that belonged to the respective promoted ranks that he held?

Mr. BLACKBURN. Certainly he did. I want to be fair about it. From 1861 to 1865, while he was detached from the Navy and in the Army, he did get the pay that attached to his promotions as they came to him one after the other; but after the war ended and he was ordered back to the Navy where he belonged, he went back shorn of all opportunities for promotion in the naval service, because he re-entered it in 1865 precisely where he left it in 1861. He lost all opportunity for promotion in the Navy, which was his life's profession.

This bill does not propose to give him any additional rank or promote him any further. The then President nominated him to the grade of rear-admiral, and the Senate advised and consented to that promotion. He holds that rank to-day. The only question presented by this bill, and the only point it seeks to accomplish, is to make this, not an empty honor conferred upon him by the President and Senate, but to give him the pay of a rear-admiral from the date that the Senate made him a rear-admiral in 1882.

Mr. EDMUNDS. Does he not get the pay of rear-admiral from the time the President and Senate made him a rear-admiral? I should be glad to know where the law is that prevented that.

Mr. BLACKBURN. Here is the bill; it is only five lines long:

That Rear-Admiral Samuel P. Carter, of the United States Navy, be paid, out of any money in the Treasury not otherwise appropriated, the pay and compensation of a rear-admiral on the retired-list from and after the date of his promotion on the retired-list to the rank of rear-admiral.

Mr. EDMUNDS. Was he made a rear-admiral under a law?

Mr. BLACKBURN. A special act?

Mr. EDMUNDS. Yes.

Mr. BLACKBURN. I can not answer. I have the report here before me. I can not say that it was by a special act.

Mr. VOORHEES. He ought to have pay from the time of his confirmation.

Mr. BLACKBURN. That is the only point covered by the bill.

Mr. EDMUNDS. It must be perfectly certain, unless there was a special act for a special individual under the circumstances as then supposed to be understood, that he got the pay of a rear-admiral on the retired-list from the time he became a rear-admiral on the retired-list, because that is the general law.

Mr. BLACKBURN. He only gets the pay of commodore.

Mr. HALE. A promotion on the retired-list of the Navy does not carry with it pay.

Mr. EDMUNDS. But this was not a promotion on the retired-list in the general course; but under some authority of law, special or general, this gentleman was made rear-admiral on the retired-list from a certain date.

Mr. HALE. That carries no pay. It requires specific legislation to carry pay for promotion on the retired-list.

Mr. EDMUNDS. But it was not a promotion on the retired-list, for he was not on the retired-list before; at least I so assume.

Mr. BLACKBURN. The Senator from Vermont is mistaken. He was on the retired-list as commodore, and this was a promotion.

Mr. EDMUNDS. Then leaving the Army he became a commodore on the retired-list with the pay of a commodore.

Mr. BLACKBURN. If the Senator will allow me, I will read, in answer to his suggestion, from the report:

Having passed through the grade of commander and captain, he was in 1878 promoted to commodore.

That was in 1878—

and in 1881 was retired in that grade.

He was retired in the grade of commodore. Then the promotion came to him on the retired-list, and under the law it carried no increase of pay.

Mr. EDMUNDS. When was he made a rear-admiral on the retired-list?

Mr. BLACKBURN. In 1882, but in 1878 he was made commodore, and in 1882 was retired as a commodore.

Mr. EDMUNDS. Then from the time he left the Army and came back to the Navy he had got to be from a lieutenant to commodore on the active-list.

Mr. BLACKBURN. He passed the grades of commander and captain.

Mr. EDMUNDS. And was receiving in 1882 the pay of commodore on the active-list. Then he was retired, and afterwards he was promoted on the retired-list from commodore to rear-admiral, the general law providing that promotions on the retired-list do not carry increased pay; and now he wants increased pay for the time between the period when he was promoted on the retired-list to this time.

Mr. BLACKBURN. The Senator states the case right.

Mr. EDMUNDS. Why should not every other officer have the same thing? That is what I should be glad to know.

Mr. BLACKBURN. The Senator states the case exactly.

Mr. CAMERON. If the Senator will permit me a moment——

Mr. BLACKBURN. Certainly.

Mr. CAMERON. I will say that this gentleman, Admiral Carter, when he was sent to Tennessee, was sent there because he was a native of that region. He performed a duty there that no other man could perform, and having performed that he was prevented from the advance which he would have received in the Navy, thereby losing the position of rear-admiral on the active-list. He only became a commodore because his time was taken from him in the naval service and he performed military service.

Mr. DAWES. If I understand the case, he now receives the pay of a retired commodore.

Mr. CAMERON. He was retired as commodore.

Mr. DAWES. And is receiving that pay now?

Mr. CAMERON. He receives pay of a retired commodore, and does not receive the pay of a retired rear-admiral, which rank he holds.

Mr. DAWES. This bill gives him the pay of a retired rear-admiral from the day he was made a rear-admiral?

Mr. CAMERON. Yes, sir; that is it.

Mr. BLACKBURN. I want the Senate to understand, and I desire the Senator from Vermont particularly to understand plainly, that this bill does not propose to give to this officer the pay of a rear-admiral from the date of his retirement as a commodore; not at all. This bill simply proposes to give him the difference between the pay of a commodore and the pay of a rear-admiral from the day he was made rear-admiral.

Mr. EDMUNDS. Yes.

Mr. BLACKBURN. Not from the date he was retired as a commodore, but from the date of his confirmation by the Senate as a rear-admiral. It proposes to give him the difference from that day till now between the pay of a commodore and the pay of a rear-admiral.

Mr. WALTHALL. What is the difference?

Mr. BLACKBURN. I do not know that I can answer accurately.

Mr. REAGAN. The pay of a commodore is $5,000 a year, and of a rear-admiral $6,000.

Mr. EDMUNDS. A thousand dollars a year difference.

Mr. BLACKBURN. The retired-pay is three-fourths of that.

Mr. EDMUNDS. It makes the same ratio exactly.

Mr. BLACKBURN. A difference of $750 per annum.

Mr. EDMUNDS. What I should like to know is, first, whether this gentleman lost any promotion in the Navy during the time he was detached and served in the Army. I am assured by a gentleman who knows about these things that, as he understands it, Mr. Carter did not, and that he was continued to be promoted on the active-list of the Navy according to his rank and station in the regular way, and was not jumped by anybody; and so it was that he came to be a commodore soon after he returned to the Navy, and was retired as a commodore.

If that be so, I do not see the justice of a special case being made to give him the pay of a rear-admiral on the retired-list, which all his fellows who were promoted to be rear-admirals in the same regular way do not get. I am perfectly willing to do everything fair to all people who served their country; but if I am informed correctly, he having received his regular promotions in the Navy during the time he was acting in the Army and so he came to be a commodore and was then by act of Congress retired as a rear-admiral on account of his conspicuous service as an honor, why he should wish to be singled out, I do not know. I am sure he does not, because he is a gentleman, a very nice person; and so it is with a certain friendly regret that I say anything of this kind, but I am bound to do my duty as a Senator. Why he should be singled out from all the men who have been promoted on the retired-list, having lost nothing, as I am now informed, by his service in the Army in the way of regular promotion, and being finally retired as a commodore and then as a special mark of distinction being advanced on the retired-list without pay—for that is the law, it is a mere honor—why now we should be called upon to tax the people to pay him this sum of money I can not quite understand. I wish I could.

Mr. BLACKBURN. I ask the Senator to let me in half a dozen sentences state this case as it presented itself to the committee.

This officer was not promoted during the war from grade to grade in the Navy. Whilst he was serving in the Army he got no promotion in the Navy. He did not get out of the military service until 1866, and then he went back to the same grade in the Navy that he left in 1861. He went back as lieutenant.

Mr. EDMUNDS. How did he get up to be commodore?

Mr. BLACKBURN. It was after the war that he passed through the intermediate grades of commander and captain, and he was made a commodore in 1878 and retired in 1882.

I submit to the Senator from Vermont whether it is fair to conclude

in regard to an officer with a record like this, detached from the naval service in the low grade of a lieutenant, assigned to military service on land, raising and organizing brigades and divisions, fighting his way (seaman as he was) in the land forces to the grade of brevet major-general of the United States Army—I ask whether it is fair to conclude that that man would not have moved up at least one grade during those four years of strife if he had been left in his place in the Navy, when the records are filled with officers of the Navy who were being jumped points and numbers over the heads of others because of conspicuous service or gallant conduct? Is it fair to conclude that this lieutenant would have staid in his place without promotion or advancement in the Navy when his case is marked as that of the only officer of the United States Government who ever showed conspicuous ability enough to leave the Navy in the position of a lieutenant and stand at the end of the war brevet major-general in command of a division in the field? It is fair to conclude that he would have had something like the same return in promotion, if he had remained in the Navy, as he received in the Army. Then he would have been retired before the close of the war as a rear-admiral.

But the committee believed and have instructed me to report to the Senate that, in its judgment, this is a unique case. It is a peculiar case. You can not show me another like it in the history of the war. There is not another instance in which a man was taken from the Army and assigned to the Navy, or taken from the Navy and assigned to the Army, without his request, that gained as much promotion and profited as little by it. That is the whole of this case.

Mr. WILSON, of Iowa. I desire to ask the Senator from Kentucky whether Rear-Admiral Carter has been receiving the pay of a commodore since 1882, the year in which he was promoted on the retired-list to the rank of rear-admiral?

Mr. BLACKBURN. I answer yes; three-fourths of the full pay.

Mr. WILSON, of Iowa. The pay of a retired officer of that grade?

Mr. BLACKBURN. Yes, sir.

Mr. WILSON, of Iowa. Is it the purpose of the committee to give him two salaries?

Mr. BLACKBURN. Oh, no.

Mr. WILSON, of Iowa. Will not this bill do it?

Mr. BLACKBURN. I think not. The committee did not mean that.

Mr. WILSON, of Iowa. This bill provides—

That Rear-Admiral Samuel P. Carter, of the United States Navy, be paid, out of any money in the Treasury not otherwise appropriated, the pay and compensation of a rear-admiral on the retired-list from and after the date of his promotion on the retired-list to the rank of rear-admiral.

That promotion was had in 1882. Since 1882 he has been receiving the pay of a commodore.

Mr. BLACKBURN. I see the point the Senator from Iowa makes.

Mr. WILSON, of Iowa. There is no provision in the bill that the pay which he has already received shall be taken from that which this bill provides he shall be paid; therefore, there would be the pay of a commodore on the retired-list since 1882, and added to that the pay of a rear-admiral on the retired-list since 1882.

Mr. BLACKBURN. I see the point made by the Senator from Iowa. I am sure the committee had no such purpose, and I am very willing, and I am sure the committee will agree, that the amendment suggested by the Senator from Iowa shall be incorporated in the bill. Let there be inserted the words "less the amount he has already received." The committee did not intend to go further than simply to give him the difference between the pay of a rear-admiral and the pay of a commodore from the time of his promotion to the grade of rear-admiral until now.

The PRESIDING OFFICER. Does the Senator from Kentucky move that amendment?

Mr. BLACKBURN. Yes, sir.

The PRESIDING OFFICER. The Senator from Kentucky will please state his amendment.

Mr. BLACKBURN. I move to add:

Less the amount received by him as the pay of a commodore on the retired-list during said period.

I offer that as an amendment to the bill, and then I will say but one word more.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. It is proposed to add to the bill "less the amount received by him as the pay of a commodore on the retired-list during said period."

Mr. BLACKBURN. Now, I will add but a word. I beg the Senate to remember that from 1866, when he was mustered out of the military service and went back to the naval service of the country, until this promotion came to him in 1878, he was serving in a grade and rank and receiving pay very much below what he had held and received during the war in the land forces of the country.

Mr. EDMUNDS. Mr. President, I should like now to state, if anybody cares anything about it—because this will be a precedent for a good many other things—exactly what the official Navy Register of the United States of the 1st of July, 1887, shows about the naval history of this gentleman. I will begin at the beginning.

Samuel P. Carter; present residence: Washington, D. C.; retirement and subsequent promotions: commodore, 6th August, 1881; rear-admiral, 16th May, 1882; sea service, seventeen years and nine months; shore or other duty, eighteen years and four months; unemployed, eleven years and three months; appointed from Tennessee. He was made a midshipman on February 14, 1840; on the 11th of July, 1846, he was a passed midshipman; on the 12th of September, 1854, he wa made a master; on the 18th of April, 1855, he was made a lieutenant. on the 16th of July, 1862, he was made a lieutenant-commander; on the 25th of June, 1865, he was made a commander; on the 28th of October, 1870, he was made a captain; on the 30th of November, 1878, he was made a commodore. Then came the special act of Congress, which I need not refer to, for that has been spoken of.

So it does appear from this official document that this gentleman, during his service in the land forces, and getting, as he deserved, I have no doubt, great honor and applause and promotion and pay, etc., continued to have his grade go up in the regular order in the Navy, step by step by promotions, so that he came to be a commodore in the due course of regular promotion, exactly as he would have done had he never served on land at all. He did lose the chance that my friend has referred to of having been jumped over some of his comrades for some conspicuous act of gallantry, or, like some others of his fellows, for some conspicuous capacity of getting Senators and Members of Congress interested to push him forward.

We then find him returning to the Navy without having lost a single day or hour of promotion or any of the honors or emoluments of the grade to which he belonged; but he had lost the chance by his service in the Army of having been jumped over some of his fellows. Thus he came to be a commodore, and being a commodore on the active-list he was retired. Then, by the special persuasions brought to bear on Congress, he was promoted to be a rear-admiral on the retired-list, without the additional pay attaching to that rank, just as everybody else in the regular course is promoted to be a rear-admiral on the retired-list; only he got it by special act of Congress, out of his regular line; and now the question is whether we shall still further decorate him with the pay which nobody else gets in the same rank.

Mr. DAWES. I wish to inquire of the Senator from Vermont whether, if while he was in the land service those who were behind him on the list in the Navy had gone up and when he came back he started where he left off, the Navy Register would show that?

Mr. EDMUNDS. It would. He is shown by this Navy Register to have gone on in the regular course.

Mr. DAWES. So he would have gone on in the regular course if anybody who had been next below him when he was in the land service had taken the promotion which he would have taken had he been there. Would it not have appeared just the same in the Register? I do not know how the fact is.

Mr. EDMUNDS. The fact is just this: It was impossible, according to law, for the President or the Secretary of the Navy to jump anybody over his head without a special act of Congress, for the reason that he was never off the Navy roll. There is where he stood all the time, and he took his regular promotion.

Mr. BLACKBURN. Will the Senator from Vermont let me call his attention to a date there, and I desire to call the attention of the Senate to it.

The Register from which the Senator reads shows that Carter, this officer, was a lieutenant in the Navy when he was detached in 1861 and sent to the land service. He never was made a commander until 1865, after the war was over, according to the date in the Naval Register; and of course it was subsequent to that that he was made a captain, and it was in 1878 that he was made a commodore. So I am not only substantially but literally correct when I say that at the end of the war he came back to the Navy with exactly the grade and rank in which he left it in 1861, and he was made a commander after the war closed in 1865, and he was made a captain subsequently to that.

Mr. EDMUNDS. As this Register shows and as I believe the truth is, this gentleman did not lose his place in number or in rank among his fellows at all; and if it happened that there were one hundred lieutenants above him who were fighting at sea while he was fighting on land or doing whatever he could, and who were moved up, he followed in his regular order of time, so that he lost no place or station in the Navy either in number or rank during the whole period that he was in the Army.

Mr. REAGAN. Mr. President, I desire to say a word about this bill. I will not discuss the merits of this particular case at all, but I have a word to say on another point.

I suppose it is hardly necessary for me to protest that I am against the idea of creating an American aristocracy or a privileged class, who are to live off the labor and earnings of other people because they happen to be more fortunate than others in getting high position under the Government and high salaries while in service. That being the case, when they are retired from service they expect to be supported off the earnings of other people. I have never been able to understand the reasons why this should be done.

It may be said that it is the duty of the Government to take care of

gentlemen who have served in the Army or in the Navy during their vigorous manhood. The salaries paid to the officers of the Army and Navy now are sufficient, with reasonable economy, to enable them not only to live well during their service, but to have the means of living comfortably during the years that follow their active service. If they choose to squander those means in dissipation, in extravagant living, they have no right to ask that other people, as good as they are, should labor for their support.

If we are to support the officers of the Army and of the Navy after their service, why should we not support the private soldiers and the private sailors whose services and sufferings have been greater? And why should we compel any citizen to pay for the support of another citizen in idleness under our system of government?

I can understand why under the British Government it is done, because the policy of that government is to keep up an aristocracy, privileged classes, to be supported off the earnings of their people. They give titles and privileges in order to establish and maintain privileged classes, on which their system of government rests; but under our system of government it is entirely different, and no such thing existed here for three-quarters of a century after the adoption of the Constitution. Men served in office and received their pay, much less in former years than now, and when they went out of the public service they took care of themselves. We had not then reached the point of establishing an American aristocracy and a privileged class receiving the fruits of the labor of other people and doing nothing themselves—that very class that is being retired from the Army and Navy, many of them men of wealth, many of them men of vigorous capacity, but yet calling on the Government to support them.

This officer perhaps is as meritorious as any other. I am saying nothing against the merits or services of the officer. The service he rendered may have been such as to have met the approbation of the Government and the thanks of the country. That does not justify taking the money of the people to give him a gratuity.

Our system of government rests upon a people equal before the law in their rights, where exclusive privileges are not allowed to any, and where titles of nobility can not be granted by the Federal Government or by the States. And yet we have now more than four hundred Army officers on the retired-list; and we have very many on the naval retired-list; I do not know how many hundred. The record shows many of them retired on account of moral and intellectual unfitness for the service. That is shown by the list drawn out by a resolution of the House of Representatives.

Then we have the marine service, and we have the judiciary retired-list. We are thus building up an American aristocracy; I do not care by what name you call it. I know that when men have served faithfully in the Army or the Navy or any other branch of service there is something to command our respect. We all understand this; and so the honest citizen at home who discharges all the duties of a citizen, who rears a family, who performs faithfully all the duties devolved upon him, is entitled to our respect and our sympathy, and yet we do not give him a living off the labor of other people, but tax him to support others who have been favored above him.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. REAGAN. I will only add that if I had been present when this bill was called up I should have objected to it, just as I objected to one like it a short time ago. I do not believe such bills ought to pass, and whenever it is in my power I propose to do anything I can do to impede their passage.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Kentucky [Mr. BLACKBURN].

Mr. HALE. Mr. President, I think the feature of this case which struck the Naval Committee of the Senate, and which ought to be stated, is the remarkable record which Admiral Carter made in the Army, thereby evincing his great capacity. His service during the war was a most picturesque service, and, as the Senator from Kentucky has said, it has no parallel.

Undoubtedly Admiral Carter now, General Carter then, lost those early, active, strenuous years in which promotion came rapidly in the Navy. Many men who entered the service as lieutenants or who were found as lieutenants when the war began left it with its highest rank at the close of the war or a few years afterwards. Gallant service did it. The interposition of Congress in many cases did it. They were the precious years, the golden years of the American Navy; and Admiral Carter lost the promotion that such a man, it may be presumed, would have got by being out of the naval service.

I will tell the Senate in a moment what the Register shows. How much he lost no man can tell. But the committee were struck with the fact—I know I was—that such a man as he lost considerable of what might have been expected as promotion. The Navy Register shows this as bearing upon what I am saying: Admiral Carter, leaving the Navy at the beginning of the war with the rank he held, first received his promotion after the war ended, as the Register shows, as a commander on the 25th day of June, 1865. That was the first promotion that he received after the war. The Senator from Vermont says it was the same promotion he would have received presumably if he had remained in the service, unless he had been selected for special merit and been put over others of like rank.

Mr. EDMUNDS. Received lawfully and regularly.

Mr. HALE. Now, bearing upon that point, if the Senator will look a little lower in the Register he will find the names of Admiral Calhoun, Admiral Baldwin, and Admiral Shufeldt, who entered the service as midshipmen within a few months of the same time that Admiral Carter entered the service—I hope the Senator from Kentucky will bear this in mind—receiving their promotion in the grade of commander on the 17th, 18th, and 19th days of November, 1862, three years before Admiral Carter got his promotion as commander.

The conclusion is irresistible that this man in some way lost advantage which those other men entering almost at the same time secured. They were gallant officers, but no more so than he; and they got their promotion as commander, which set them on the high road to further promotion in the end, as they all became rear-admirals regularly by due advancement and the requirement of the law without special favor of Congress; they received that further promotion and became rear-admirals because of the fact that they got their rank as commander three years before Carter got his, and they had entered the service within a few months of the time he did.

That is the significant fact that has struck me all the way through: in some way this man did lose what Admiral Calhoun and Admiral Shufeldt and Admiral Baldwin got.

Mr. EDMUNDS. How did they get it?

Mr. HALE. They got it in regular course. It is all given here.

Mr. EDMUNDS. Not in the regular course, but by special meritorious service.

Mr. HALE. Undoubtedly, but they got it by the regular course of law. They got the benefit; I do not care how they got it. They could not have rendered better service than Carter. They could not have been doing better work in the war than he. They became commanders three years before Carter. Is it not fair to suppose that such a man as this, rank in rank with them in the same service, would have received the same promotion at the same time that they did? Whether he would or not nobody can certainly tell, but his service was equally good.

The PRESIDING OFFICER. The Senator's time has expired. The question is on the amendment proposed by the Senator from Kentucky [Mr. BLACKBURN].

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. EDMUNDS. I inferred from what the Senator from Maine said that Admiral Shufeldt, for illustration, stood below this gentleman in the order of his coming into the naval service, and had got ahead of him.

Mr. HALE. The Senator mistook me. Admiral Shufeldt, Admiral Baldwin, and Admiral Calhoun entered the service within a few months—I think it is the difference between October and February—a little in advance, but within a few months of the same time.

Mr. EDMUNDS. That is very important, because then they have not been jumped over the head of this gentleman. They have had their regular promotion and he has had his, and they were retired in the regular order, and he was retired in the regular order.

Mr. HALE. But why should they have got their promotion to the rank of commander nearly three years ahead of Admiral Carter, when they only entered the service a few months before him? There is where the disparity is shown. There is where the gap comes in; there is where Admiral Carter's loss comes in.

Mr. EDMUNDS. Let us see. They did not get their promotion to the rank of commander by the course of the regular order of the standing law; they got it by force of either a special act of Congress or a discretion that was allowed to the President of the United States to promote people in the Navy for special and gallant and meritorious service, one or the other, because it is perfectly manifest that under the regular order of service those who have been referred to, Shufeldt and the others, came in before this gentleman, and they came to be commanders before he did during the war, not by force of a regular promotion, but on account of the special, gallant, and meritorious service that in some way they were supposed to have performed or persuaded Congress that they performed, which possibly may have been the case. I do not remember anything about it. They may have got a favor of Congress which put them ahead of him, but finally he came into his regular promotions in the whole line of the Navy, was retired as a commodore with the full pay of a commodore, a quarter off when retired like all the other commodores of the Navy, unless in special instances Congress has been persuaded or overpersuaded to make invidious and improper distinctions. I want to stop that sort of business if my vote can do it.

Mr. VOORHEES. Mr. President, this case presents, as is stated in the report of the committee, an anomalous state of affairs. Here is a lieutenant in the Navy taken from his field of service, put into the military service and in command of land forces, and in a period of three or four years that lieutenant of the Navy becomes a brevet major-general in handling troops, and loses all the opportunities in the branch of service for which he was educated to have distinguished himself, as his conduct in the Army shows he was capable of doing. He won

honor, distinction, and rank in the Army, all of which was surrendered and laid down when he went back into the Navy. Will anybody tell me that a man who has shown such ability as to be transferred to a branch of the service for which he was not educated would have come out of the war merely a lieutenant of the Navy, as he went in?

He was transferred from a field of service where he could have distinguished himself and won honors, as it was shown he did in "the tented field," and when the war closed the honors which he had won in the land service shriveled and perished; he had them not any longer; and he shrank back into the small rank of a lieutenant of the Navy, from which he had been taken and transferred to the land service. I repeat I do not believe any fair-minded man can doubt that he would have passed those three or four years in the naval service and emerged from it with more rank than when he went in. I know Admiral Carter. He would have won distinction alongside of other names that made our Navy immortal.

He gave up his chance; his opportunity was lost so far as any permanent aid to him in his old age was concerned; it was all lost to him. When he returned into the Navy, as I have remarked, he returned with the rank of lieutenant. As the Senator from Kentucky has said, he became a commander after the war closed. After he had got the rank of major-general in the Army he became a commander in the Navy, and then from 1866 to 1878, for twelve long years, he crept along the weary way of promotion from the rank of commander until he finally became a commodore, which he would have been before the war closed by every evidence he gave of capacity, courage, and fidelity. This bill makes him a meager compensation for the opportunity of which he was deprived by accepting service which brought him no permanent aid for his old age.

Now, a remark or two in reply to the Senator from Texas [Mr. REAGAN]. I believe I love the democratic class as much as anybody, and am as much opposed to aristocracy as any one can be; but when I find a man, as I do here, who has given forty-seven years of his life to his country's service I am led to inquire what opportunity he has had to make provision for himself and his family in his declining days, and I am led to repudiate the idea that he should be denied his salary in the latter years of his life. It is not the establishment of a privileged class. It is paying, and paying poorly and meagerly, for long distinguished service for his flag and for his country.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. EDMUNDS. I hope the Senator will be allowed to go on.

Mr. VOORHEES. I hope the bill will pass.

The PRESIDING OFFICER. The question is, Shall the bill be engrossed and read a third time?

The question being put, there were on a division—ayes 28, noes 12.

So the bill was ordered to be engrossed for a third reading; and it was read the third time.

Mr. REAGAN. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HAMPTON (when Mr. COLQUITT'S name was called). The junior Senator from Georgia [Mr. COLQUITT] has been detained at home by illness for several days, and he requested me to announce his pair with the Senator from Rhode Island [Mr. CHACE].

Mr. VEST (when his name was called). I am paired with the Senator from Kansas [Mr. PLUMB]. I should vote for the bill but for the pair.

The roll-call was concluded.

Mr. RANSOM (after having voted in the negative). I withdraw my vote. I am paired with the Senator from Iowa [Mr. ALLISON].

Mr. SABIN (after having voted in the affirmative). I am paired with the Senator from West Virginia [Mr. KENNA]. Not knowing how he would vote on this question if present, I withdraw my vote.

Mr. PADDOCK. I am paired with the Senator from Louisiana [Mr. EUSTIS]. I do not know how he would vote if present. I should vote "yea" if at liberty to do so.

Mr. CHACE. I am paired with the Senator from Georgia [Mr. COLQUITT].

Mr. CULLOM. I am generally paired with the Senator from Delaware [Mr. GRAY]. He is absent on committee duty, and, not knowing how he would vote, I decline to vote.

Mr. WALTHALL (after having voted in the affirmative). I ask whether the Senator from Wisconsin [Mr. SPOONER] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. WALTHALL. I am paired with him; and, not knowing how he would vote, if present, I withdraw my vote.

Mr. CALL. I announce the pair of my colleague [Mr. PASCO] with the Senator from Pennsylvania [Mr. QUAY].

Mr. WALTHALL. My colleague [Mr. GEORGE] is absent on duty, and is paired with the Senator from New Hampshire [Mr. BLAIR].

Mr. SABIN. Since the announcement of my pair I am informed that the Senator from West Virginia [Mr. KENNA] would vote "yea." I therefore feel at liberty to vote "yea."

Mr. CULLOM. I am informed that I am at liberty to vote, and I vote "nay."

The result was announced—yeas 29, nays 13; as follows:

YEAS—29.

Bate,	Dolph,	Ingalls,	Stanford,
Beck,	Farwell,	Manderson,	Stewart,
Blackburn,	Faulkner,	Mitchell,	Teller,
Blodgett,	Frye,	Palmer,	Turpie,
Call,	Hale,	Payne,	Voorhees.
Cameron,	Harris,	Pugh,	
Davis,	Hawley,	Riddleberger,	
Dawes,	Hoar,	Sabin,	

NAYS—13.

Berry,	Cullom,	Jones of Arkansas,	Wilson of Iowa.
Chandler,	Daniel,	Platt,	
Cockrell,	Edmunds,	Reagan,	
Coke,	Hampton,	Saulsbury,	

ABSENT—34.

Aldrich,	Evarts,	McPherson,	Sherman,
Allison,	George,	Morgan,	Spooner,
Blair,	Gibson,	Morrill,	Stockbridge,
Bowen,	Gorman,	Paddock,	Vance,
Brown,	Gray,	Pasco,	Vest,
Butler,	Hearst,	Plumb,	Walthall,
Chace,	Hiscock,	Quay,	Wilson of Md.
Colquitt,	Jones of Nevada,	Ransom,	
Eustis,	Kenna,	Sawyer,	

So the bill was passed.

JOHN N. QUACKENBUSH.

Mr. RIDDLEBERGER. I wish to call up the motion to reconsider the vote by which the Senate passed the bill (S. 1226) touching the grade of commander in the Navy, and to correct an error in relation to an appointment therein. The pending motion is that made by the Senator from Florida [Mr. CALL], which motion, I am instructed by the Presiding Officer of the Senate, if laid on the table, will cause the bill to be sent to the House of Representatives as passed by the Senate. I make the motion to lay the motion to reconsider on the table. It was understood this morning that I should call it up before the close of to-day's session. My purpose is to move to lay the motion to reconsider on the table.

The PRESIDING OFFICER. This bill was passed by the Senate some days since and went to the House of Representatives. The day of its passage or the next day the Senator from Florida moved that the bill be recalled from the House of Representatives, and entered a motion to reconsider the vote by which the bill was passed. The Senator from Virginia, the Chair now understands, moves to lay the motion to reconsider on the table.

Mr. VOORHEES. That is not debatable.

The PRESIDING OFFICER. That motion is not debatable. Is the Senate ready for the question?

Mr. EDMUNDS. Is the Senator from Florida here?

The PRESIDING OFFICER. The Senator from Florida is present.

Mr. RIDDLEBERGER. I may possibly misapprehend the rule, but I ask the Chair whether this motion, if successful, sends the bill back to the House of Representatives.

The PRESIDING OFFICER. If the motion to reconsider is laid on the table, the bill, as a matter of course, will go back to the House of Representatives as passed by the Senate.

The question is on the motion to lay on the table.

The motion was agreed to.

Mr. EDMUNDS. I move that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until Saturday, March 31, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March* 29, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D., of Washington, D. C.

The SPEAKER. The Journal of the last two days will be read.

Mr. NELSON. I move to dispense with the reading of so much of the Journal of Tuesday last as relates to the presentation of reports.

There being no objection, it was ordered accordingly.

The residue of the Journal was read and approved.

CIVILIAN ENGINEERS ON RIVERS AND HARBORS.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a list of the civilian engineers employed on river and harbor improvements, showing the time and place of employment and the compensation paid each; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

BRIDGE ACROSS EASTERN BRANCH OF POTOMAC.

The SPEAKER also laid before the House a bill (S. 2458) to amend an act authorizing the construction of a bridge across the Eastern Branch of the Potomac at the foot of Pennsylvania avenue east; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

PUBLIC BUILDING AT CHARLOTTE, N. C.

The SPEAKER also laid before the House a bill (S. 907) to provide for the erection of a public building at Charlotte, N. C.; which was read a first and second time.

The SPEAKER. This bill will be referred to the Committee on Public Buildings and Grounds.

Mr. ROWLAND. I ask unanimous consent that this bill be taken up and put on its passage now. A bill for the same object has been reported favorably by the Committee on Public Buildings and Grounds of the House; but as the House bill recommends an expenditure of $85,000 and the Senate bill $175,000, I will ask that the Senate bill be amended so as to make the appropriation conform to that in the House bill.

Mr DIBBLE. Does the Senate bill provide that the building shall be constructed on the site already owned by the Government?

The SPEAKER. The bill will be read. The gentleman from North Carolina [Mr. ROWLAND] asks unanimous consent for its consideration at this time. After the reading of the bill the Chair will submit the question whether there is objection.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DIBBLE. I will not object if the gentleman from North Carolina will consent that this Senate bill be amended by striking out all after the enacting clause and inserting the provisions of the House bill, which contemplate an expenditure of $85,000.

The SPEAKER. The gentleman from North Carolina has stated his purpose to move to strike out the amount appropriated in the Senate bill and insert the sum named in the House bill.

Mr. DIBBLE. But we prefer to incorporate in the measure the other provisions of the House bill, there being a difference in regard to the provision for the purchase of a site.

Mr. ROWLAND. I will assent to that.

Mr. BRECKINRIDGE, of Arkansas. I call for the regular order.

The SPEAKER. The regular order being called for, the bill will be referred to the Committee on Public Buildings and Grounds and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BOWDEN, for to-day, on account of important business.

To Mr. HIESTAND, for ten days, on account of important business.

To Mr. GUENTHER, for five days, on account of important business.

To Mr. KELLEY, until Monday next, on account of important business.

To Mr. RICHARDSON, indefinitely, on account of sickness.

POSTAL COMMUNICATION BETWEEN CANADA AND UNITED STATES.

Mr. ENLOE. I send to the desk a privileged report from the Committee on the Post-Office and Post-Roads, and ask its present consideration.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *March* 15, 1888.

Mr. WHITE, of New York, submitted the following resolution; which was referred to the Committee on the Post-Office and Post-Roads:

Resolved, That the Postmaster-General be, and he is hereby, requested to communicate to this House what instructions, if any, whether by circular letter or otherwise, have been given to subordinate officers of the Post-Office Department with reference to mail matter received from the Dominion of Canada, which instructions are intended to prohibit American citizens from using the United States mails upon the same terms with citizens of said Dominion living in the same vicinage and competing in the same branches of business with said American citizens.

2. That the said Postmaster-General be requested to inform this House whether any statute law prevents mailing in the Dominion of Canada seeds, plants, and bulbs grown by American citizens upon American soil, and if there is no provision of law prohibiting it, whether he has assumed to impose a penalty at the rate of $320 per ton upon seeds, plants, and bulbs lawfully mailed by American citizens in an attempt to compete with Canadian seedsmen, to whom the United States has, by a recent postal treaty, given an advantage over American seedsmen in the way of postage at the rate of $240 per ton.

3. In case the Postmaster-General shall show that orders have been given directing the examination of incoming Canadian mails for evidence of their use by American citizens, that he be further requested to inform the House by what provision of the recent postal treaty with the Dominion of Canada, or by what provision of law, the officers of the postal service of the United States are authorized to place an espionage on the said Canadian mail for the purpose of determining whether citizens of the United States are availing themselves of the beneficent provisions which are accorded to Canadians by said postal treaty.

The SPEAKER. Does any gentleman demand the reading of the report accompanying this resolution?

Mr. BUCHANAN. Yes, sir.

Mr. ENLOE. I presume it had better be read.

The Clerk read as follows:

The Committee on the Post-Office and Post-Roads, having considered House resolution calling on the Postmaster-General for certain information, report:

The resolution appears to be a demand upon the Postmaster-General for information touching his recently published order to prevent certain seedsmen in the United States from defrauding the Government of its postal revenues by mailing their products in Canada.

The resolution is so framed that it partakes more of the nature of a criticism of the existing law, a protest against its enforcement, and an arraignment of the Postmaster-General for the issuance of an order directing its enforcement, than it does of the nature of a proper resolution of inquiry.

The first inquiry in the first paragraph of the resolution is answered by the following published order of the Postmaster-General:

"NOTICE.

"POST-OFFICE DEPARTMENT. OFFICE OF POSTMASTER-GENERAL,
"*Washington, D. C., March* 13, 1888.

"Satisfactory evidence having been presented to this Department that certain dealers in the United States are shipping their goods to Canada to be mailed there, addressed to persons in this country, with the intent to evade the higher rate of postage applicable to said goods in the domestic mails of the United States, especially before the customs regulations for the collection of duty on such matter are thoroughly understood and in practice, postmasters at United States post-offices, authorized to exchange mails with Canada, are hereby ordered to rate up postage on said packages so sent to Canada and received in mails from Canada, for collection on delivery, at the rate applicable to similar packages mailed and addressed for delivery in this country; the forwarding of such packages from Canada being an "obvious error," the same being in contravention of the provisions of article 4 of the postal convention in force between the two countries.

"Similar articles contained in mails from Canada, under like state of facts, received by United States railway post-offices of exchange, shall be turned in to the nearest United States exchange post-office for treatment under this order.

"The provisions of this order shall apply to all packages mailed in Canada addressed for delivery in the United States, the indications upon the covers of which or other facts show that they have been sent from the United States to Canada for the purpose of mailing back to the United States.

"DON M. DICKINSON,
"*Postmaster-General.*"

Article 4 of the postal convention between the United States and Canada answers the second paragraph of the resolution. Said article reads as follows:

"In case any correspondence is tendered for mailing in either country obviously with the intention to evade the higher postage rates applicable to it in the other country, it shall be refused, unless payment be made of such higher rates."

The third and last paragraph of the resolution, which demands to know by what authority of law the officers of the United States place an "espionage" on the said Canadian mails, is answered by reference to section 4026 of the Revised Statutes of the United States, which section reads as follows:

"The Postmaster-General may, by a letter of authorization under his hand, to be filed among the records of his Department, empower any special agent or other officer of the Post-Office Establishment to make searches for mailable matter transported in violation of law; and the agent or officer so authorized may open and search any car or vehicle passing, or having lately before passed, from any place at which there is a post-office of the United States to any other such place, or any box, package, or packet, being, or having lately before been, in such car or vehicle, or any store or house, other than a dwelling-house, used or occupied by any common carrier or transportation company, in which such box, package, or packet may be contained, whenever such agent or officer has reason to believe that mailable matter, transported contrary to law, may therein be found."

The premises considered, the committee return the resolution to the House with the recommendation that it do lie on the table.

Mr. PEEL. Mr. Speaker, I rise to a parliamentary inquiry. On what ground is this report privileged?

The SPEAKER. It is a report upon a resolution of inquiry addressed to the head of a Department, which, under the rules of the House, is required to be returned within one week, and has always been held to be privileged when so reported from the committee.

Mr. ALLEN, of Massachusetts. I would like to inquire of the gentleman from Tennessee how much time is likely to be allowed for the discussion of this matter. There is a desire on the part of several members of the House to discuss the question, and we should like to come to some agreement as to the length of time before the debate begins.

Mr. ENLOE. How much time would the gentleman suggest?

Mr. ALLEN, of Massachusetts. I think we can agree, as far as this side of the House is concerned, that possibly an hour on each side would be ample.

Mr. ENLOE. Very well; that will be entirely satisfactory to this side of the House and to the committee.

Mr. SPRINGER. I understand that it is proposed that two hours is to be taken up by the discussion of this question.

The SPEAKER. The gentleman from Illinois has heard the statement. The debate can go on, of course, until the previous question has been ordered.

Mr. ROGERS. What is the pending proposition?

The SPEAKER. It has just been read.

Mr. ROGERS. I did not hear it.

The SPEAKER. It is a report from the Committee on the Post-Office and Post-Roads upon a resolution of inquiry, with the recommendation from the committee that the resolution lie on the table.

Mr. ROGERS. Is it a privileged report?

The SPEAKER. It is.

Mr. McCREARY. Will the gentleman from Tennessee be kind enough to state how long this will probably take?

Mr. ENLOE. I think I can answer the question of the gentleman from Kentucky, as well as the question of the gentleman from Illinois [Mr. SPRINGER], by stating that it will possibly take as long to dispose of this question as it ordinarily takes to dispose of matters from the Committee on Foreign Affairs and the Committee on the Territories. I do not know exactly how long I shall speak upon it myself, but certainly a very short time.

Mr. BLOUNT. I think the gentleman has agreed with the other side of the House that an hour on each would be sufficient.

Mr. ENLOE. That is the agreement. It is the desire of gentlemen to discuss the question, and perhaps it would be more interesting to gentlemen when they come to understand what question is really presented.

Mr. McCREARY. I will say to my friend from Tennessee that with reference to business from the Committee on Foreign Affairs it has consumed but very little time of the House at this session, and if he suc-

ceeds as well with this resolution as the Committee on Foreign Affairs has succeeded with its business before the House, he will probably not find it necessary to consume as much time as two hours.

Is it proposed to give one hour to the other and one to this side?

Mr. ENLOE. Yes, sir.

The SPEAKER. The Chair will state to the gentleman, if it is agreed that there are to be two hours consumed, one on each side, that the time is lapsing.

Mr. SPRINGER. If I heard the report correctly, it recommends that this resolution lie upon the table.

The SPEAKER. It does.

Mr. SPRINGER. Is that motion debatable?

The SPEAKER. There is no motion pending.

Mr. SPRINGER. What is before the House?

The SPEAKER. The report is before the House.

Mr. SPRINGER. But the recommendation is that the resolution lie upon the table. It seems to me at this late hour of the session that upon a motion to lay on the table, when business is so pressing, two hours ought not to be consumed in this manner.

Mr. REED. Perhaps it may not be laid upon the table.

Mr. PETERS. Besides, five or six members of the committee have signed a minority report.

Mr. BLOUNT. I think the gentleman from Illinois might allow the Committee on the Post-Office and Post-Roads to proceed with this matter. I think he will find that it is not time wasted.

Mr. ENLOE. I decline to yield further, Mr. Speaker.

Mr. SPRINGER. No agreement has been made as to the debate as I understand it.

The SPEAKER. Not by the House. The gentleman from Tennessee simply announced that, as far as he was concerned, one hour on each side would be satisfactory; but whenever the House chooses to order the previous question the debate will of course be stopped.

Mr. ENLOE. Mr. Speaker, in order that this question may be fully understood by the House, I will beg the attention of the House for a few moments while I state the subject of the inquiry presented to the committee and its action thereupon.

The resolution was introduced by the gentleman from New York [Mr. WHITE] and referred to the Committee on the Post-Office and Post-Roads, which purported to be a resolution of inquiry addressed to the Postmaster-General in regard to certain action which he had taken touching the mailing of certain articles in Canada for transmission to the United States in violation of the postal laws of the United States. The ground upon which the report proceeds is, first, that this is not in proper form for a resolution of inquiry; that it partakes more of the nature of a criticism upon the law as it exists and a protest against its enforcement, as well as a reflection upon the Postmaster-General for the action taken by him in attempting to enforce existing postal law and prevent the defrauding of that Department of the revenues to which it is entitled under the law, than it does of the nature of a resolution of inquiry.

The first paragraph of the resolution proceeds to protest against the action of the Department and to make an inquiry by what authority the Postmaster-General of the United States issued a certain order. I have the order here before me, which has been published in the newspapers, and was a matter of common information accessible to the gentleman from New York and every one else who had paid attention to the matter or who saw proper to go to the Department and make inquiry for the information. The order reads as follows:

NOTICE.

POST-OFFICE DEPARTMENT, OFFICE OF POSTMASTER-GENERAL,
Washington, D. C., March 13, 1888.

Satisfactory evidence having been presented to this Department that certain dealers in the United States are shipping their goods to Canada to be mailed there, addressed to persons in this country, with the intent to evade the higher rate of postage applicable to said goods in the domestic mails of the United States, especially before the customs regulations for the collection of duty on such matter are thoroughly understood and in practice, postmasters at United States post-offices authorized to exchange mails with Canada are hereby ordered to rate up postage on said packages so sent to Canada and received in mails from Canada, for collection on delivery, at the rate applicable to similar packages mailed, and addressed for delivery, in this country, the forwarding of such packages from Canada being an "obvious error," the same being in contravention of the provisions of article 4 of the postal convention in force between the two countries.

Similar articles contained in mails from Canada, under like state of facts, received by the United States railway post-offices of exchange, shall be turned into the nearest United States exchange post-office for treatment under this order.

The provisions of this order shall apply to all packages mailed in Canada addressed for delivery in the United States, the indications upon the covers of which or other facts show that they have been sent from the United States to Canada for the purpose of mailing back to the United States.

DON M. DICKINSON,
Postmaster-General.

This order was issued and made public upon receipt by the Postmaster-General of a letter from James Vick, a seedsman, of Rochester, N. Y., a copy of which was sent to me, and I presume to other members of the Committee on the Post-Office and Post-Roads, proposing to the Postmaster-General that he allow him to ship his matter direct to the Buffalo office and mail it there instead of going to Canada to mail it, whereby the Buffalo office would be saved the trouble and the labor of distributing. Mr. Vick would pay the Canadian rate of postage to Canada, and the United States Government would lose nothing in postal revenue, as it received nothing, so long as he was allowed the privilege of mailing matter in Canada. To give an idea of the true nature of this proposition I ask to have published a copy of the letter, which reads as follows:

ROCHESTER, N. Y., *March* 6, 1888.

DEAR SIR: Last week we commenced mailing plants and catalogues to parties in the United States via Canada. This is done to save 12 cents per pound on plants and 3 cents on each catalogue, less a very small expense of freight, etc. But the thought suggested itself to me that perhaps arrangements could be made whereby we could ship these packages of plants and catalogues, distributed and bagged, into States and mailing routes directly to Buffalo (the exchange office) instead of to Canada. This would save the Buffalo office the labor of distributing, as we could have them neatly put up in United States mail bags and labeled.

Of course we would put Canadian postage on each package, so the Canadian Government would not lose by this change, and the United States Government would receive the same compensation as at present (nothing), and would be the gainer in not throwing so much work on the Buffalo office.

Yours, etc.,

JAMES VICK.

Hon. DON M. DICKINSON,
Postmaster-General, Washington, D. C.

In addition to the order to postmasters at exchange offices directing them to rate up mailable matter sent to Canada for the purpose of evading the higher rate of postage in the United States, as before cited, the following letter was addressed to the postmaster-general of Canada, asking him to enforce the law according to the terms of the convention:

POST-OFFICE DEPARTMENT, OFFICE OF FOREIGN MAILS,
Washington, D. C., March 9, 1888.

SIR: I have the honor, by direction of the Postmaster-General, to inform you that, under date of the 6th instant, Mr. James Vick, seedsman of Rochester, N. Y., advised this Department as follows, namely:

"Last week we commenced mailing plants and catalogues to parties in the United States via Canada. This is done to save 12 cents per pound on plants and 3 cents on each catalogue, less a very small expense of freight, etc."

As the sender of the packages in question expressly states that the packages are sent to Canada to be mailed with intent to evade the higher postage rates applicable to them in the United States, I am directed to request that, in accordance with the provisions of article 4 of the postal convention, which went into operation on the 1st instant, you will instruct the proper Canadian postmasters to refuse to receive catalogues or packages of seed bearing the business card of James Vick, seedsman, of Rochester, N.Y., unless they are fully prepaid at the postage rate applicable to them in the United States, namely:

"For printed catalogues (third-class matter), 1 cent for each 2 ounces or fraction of 2 ounces.

"For seeds (fourth-class matter), 1 cent for each ounce or fraction of an ounce."

It may be well to add that Mr. Vick states that he forwards the packages in question to Canada by way of Buffalo, N. Y.

The Postmaster-General would thank you to advise him of your action in this matter.

I am, very respectfully, your obedient servant,

N. M. BROOKS,
Acting Superintendent Foreign Mails.

The POSTMASTER-GENERAL, ETC.,
Ottawa, Canada.

Upon receipt of this letter the postmaster-general of Canada complied with the terms of the treaty by issuing the necessary order, and hence this so-called resolution of inquiry.

The second paragraph of the resolution assumes a violation of the law in the issuance of the order, and intimates, if it does not directly charge, that the Postmaster-General has assumed to usurp the power to impose upon American seedsmen a penalty of $320 per ton on seeds "lawfully mailed by American citizens in an attempt to compete with Canadian seedsmen, to whom the United States has by a recent postal treaty given an advantage over American seedsmen, in the way of postage at the rate of $240 per ton."

The resolution assumes all the information which it pretends to seek, and under false pretense seeks to cast a reflection, not only on the Postmaster-General for enforcing the law, but upon the Administration for consenting to the treaty.

I want to say, however, as to the second paragraph, that the terms of the convention furnish the best answer to the charges made. The attempt is made to make it appear that there is no provision of law under which this order could be issued. But I call the attention of the House to the fact that in article 4 of this treaty there is the following provision:

In case any correspondence is tendered for mailing in either country obviously with the intention to evade the higher postage rates applicable to it in the other country, it shall be refused unless payment be made of such higher rates.

The term "correspondence" used here embraces every article mailable under the convention. The opponents of this view say that seeds, bulbs, and other matters embraced in this contention are not included under the term "correspondence." But I call attention to the letter of the Superintendent of Foreign Mails as to the construction given to the term "correspondence" in all treaties heretofore negotiated between the United States and foreign countries. I ask that this letter from the Superintendent of Foreign Mails be incorporated with my remarks in this connection.

It is as follows:

POST-OFFICE DEPARTMENT, OFFICE OF FOREIGN MAILS,
Washington, D. C., March 29, 1888.

SIR: Relative to the meaning of the word "correspondence" as used in postal conventions between countries, I have to call your attention to article 1 of the conventions between the United States of America and the following countries, namely: Belgium, of October 9, 1867; North German Union, of November 12,

1867; Kingdom of Italy, of November 8, 1867; the Netherlands, of the 26th of September, 1867; the Kingdom of Norway and Sweden, of May 25, 1873; and the Swiss Confederation, of the 11th of October, 1867, in which you will find the following language, namely:

"There shall be an exchange of correspondence between the United States of America and ——, by means of their respective post departments, and this correspondence shall embrace—

"1. Letters, ordinary and registered.

"2. Newspapers, book packets, prints of all kinds (comprising maps, plans, engravings, drawings, photographs, lithographs, and all other like productions of mechanical processes, sheets of music, etc.), and patterns or samples of merchandise, including grains and seeds.

"And such correspondence may be exchanged, whether originating in either of said countries and destined for the other, or originating in or destined for foreign countries to which these may respectively serve as intermediaries."

I am, very respectfully, your obedient servant,

NICHOLAS M. BELL,
Superintendent Foreign Mails.

Hon. B. A. ENLOE,
Chairman Subcommittee Post-Office and Post-Roads,
House of Representatives, Washington, D. C.

I call your attention to the terms of the treaties made with different countries, embracing the very articles mentioned in this controversy. The first is the convention between the United States of America and Belgium, which uses the terms "letters, newspapers, book packets, prints, etc., samples of merchandise, grains, and seeds."

The convention between the United States and the North German Union names the same articles under the term "correspondence."

The convention between Italy and the United States adheres to the same construction of the term.

Look at the convention with Italy, and we find the identical language found in the other conventions named.

The convention with New South Wales does not enumerate "grains and seeds" as embraced in the term "correspondence," but it embraces "printed matter of every kind, and samples of merchandise."

The convention with Sweden and Norway embraces under the term "correspondence" "grains and seeds."

The convention with the Swiss Confederation uses the terms "grains and seeds" under the term "correspondence."

So it appears that this term "correspondence," used in article 4 of the convention with Canada, under which the contracting Governments protect their postal revenue, has received a well-nigh universal construction, which was never questioned until it entered the mind of the author of this resolution to question it.

The third and last paragraph of the resolution demands to know "by what provision of the recent postal treaty with the Dominion of Canada, or by what provision of law the officers of the postal service of the United States are authorized to place an "espionage" on the said Canadian mail, etc.

The term "espionage" used in the resolution would seem to imply that the Postmaster-General had committed an odious act in issuing this order to prevent flagrant and boasted frauds upon the postal revenues of the United States, and that he had, in violation of law, and in violation of the rights of citizens of the United States, directed spies to pry into the inscrutable secrets of the mails, for the purpose of discriminating against her own citizens in the interest of foreigners. Under his oath of office he could have done nothing less than what he has done, and the feeble attempt to assail the merits of the convention through him falls to the ground.

As bearing upon this question, and furnishing a more complete answer to the pretended inquiry I quote section 4026 of the Revised Statutes, which reads as follows:

The Postmaster-General may, by a letter of authorization under his hand, to be filed among the records of his Department, empower any special agent or other officer of the Post-Office establishment to make searches for mailable matter transported in violation of law; and the agent or officer so authorized may open and search any car or vehicle passing, or having lately before passed, from any place at which there is a post-office of the United States to any other such place, or any box, package, or packet, being or having lately before been, in such car, or vehicle, or any store or house, other than a dwelling house, used or occupied by any common carrier or transportation company, in which such box, package, or packet may be contained, whenever such agent or officer has reason to believe that mailable matter transported contrary to law may be found therein.

It has been asserted in general terms that this was an unfortunate treaty which the United States has entered into with the Dominion of Canada. There was a desire on the part of the majority of the committee to withhold from publication such matter in reference to transactions between this Government and the Government of Canada as might in any way affect the future relations of the two countries as regards postal arrangements. But the minority assail the Administration for making this treaty, say it was an unwise thing to do, and they condemn it in unmeasured terms as injurious to the rights of American citizens. A similar convention was entered into with the Government of Mexico. There was no complaint of that convention.

This one was modeled after it. It simply opens up the mail system of the two countries, so as to allow matter that is mailable in one country to be mailed in the other, and to be transmitted to all parts of the two countries without either government proposing to collect anything extra from it, but giving to each government whatever proportion of the revenue arises from the mailing of matter on its own side of the line; and the statement that this is an unwise negotiation would stand or fall, I suppose, upon the question as to whether or not it was a good financial arrangement. I have here an exhibit prepared by me from a record kept by the Superintendent of Foreign Mails, which I will not undertake to read in full, but in connection with which I will make a statement.

This record is kept by the Superintendent of Foreign Mails in obedience to the requirements of the Universal Postal Union, which requires each country to keep a minute record of all the matter mailed for or received from any other country for each period of six months preceding the 1st day of April and the 1st day of October in each year. That record has been kept in the Post-Office Department, and from that record I have extracted some figures which I desire to incorporate in my remarks, and which show that from a financial standpoint the United States Government gets an advantage of about 40 per cent. over Canada under this arrangement. Therefore, I say that as a financial enterprise, as a financial investment, this convention made by the Department under the treaty-making power, does decidedly favor the people of the United States.

Mr. BAKER, of New York. Will the gentleman permit a question?

Mr. ENLOE. Yes, sir.

Mr. BAKER, of New York. Will you explain how it is that we get an advantage of 40 per cent. under this postal treaty?

Mr. ENLOE. Yes, I will, with pleasure. In answer to the gentleman from New York, I will state that this record which I have mentioned is kept accurately, showing the amount and character of mail matter mailed in this country for other countries, and the amount and character of mail matter received from other countries for each period of six months, and from that record I have a statement from which I will read some figures, covering the time from the 1st of October, 1880, to the 1st of October, 1887, a period of seven years. I will not read the whole table, but only the first and last items. At the beginning the amount of mail matter of the first class dispatched from the United States to Canada was 4,358,882 letters, while the number of letters mailed from Canada to the United States, during the same period, was 3,105,692. That is the first item. Now I pass to the last, taking the period ending October 1, 1887, which shows the amount of first class mail matter dispatched from the United States to Canada as 10,764,590 letters, while there were sent from Canada to the United States, during the same six months, 6,080,711 letters. Of course we get the postage on the letters mailed in the United States and the Canadians get the postage on the letters mailed in Canada, so that we get the advantage of the percentage which these figures show.

Mr. BAKER, of New York. That statement does not include magazines or pamphlets, I understand?

Mr. ENLOE. The complete statement embraces all classes of matter; but I did not take time to go over the entire record, because I thought it would be too cumbersome to present to the House. I have here a statement with regard to samples of merchandise, including seeds and grains received from Canada since 1880, and I will say in general terms that the figures show a like advantage to the United States to that which is shown in the case of the letters.

Mr. HERBERT. Would not the figures for the magazines show a much larger per cent. in our favor, because the circulation of our magazines is much larger than that of any published in Canada?

Mr. ENLOE. I have not the least doubt about that. It would have afforded me great pleasure to have gone over the whole list, but I thought that was not necessary. At all events, to maintain the general argument which I make, that this was a wise convention, it is sufficient to show that, so far as the general effect of it is concerned, it has been largely advantageous to the people of the United States. At the same time I will remark that I do not think it was in very good taste to force this statement from the Department in order to vindicate itself, and have the facts published here on the floor of the House, so that it will go back to Canada and appear that we are boasting that we have beaten them in the negotiation of a treaty in regard to international postal affairs.

The responsibility for the disclosure of facts which as a matter of public policy should not be disclosed must rest with those who make this assault. If it is wise, if it is patriotic, if it is sound public policy to publish these facts, let it be understood that they are only given as a vindication of the action of the Administration in the adoption of this convention.

Here are the figures, which speak for themselves, as to the balance of the mail business and to the advantages of this treaty, more eloquently than I can speak for them, and they might be made much more complete than time or opportunity has enabled me to make them.

The Postal Union Convention requires all the countries that are members of the union to make a statistical count of all matters exchanged through the mails on the first seven days of April and October of each year, giving in detail the number of letters, postal cards, printed matter and commercial papers, and samples of merchandise, and the amount of postage on mailable matter exchanged.

Number of letters dispatched to and received from Canada since 1880.

October, 1880:	
Dispatched	4,358,882
Received	3,105,692

April, 1881:	
Dispatched	4,595,460
Received	3,729,028
October, 1881:	
Dispatched	4,888,504
Received	3,797,446
April, 1882:	
Dispatched	5,259,488
Received	5,032,080
October, 1882:	
Dispatched	5,788,274
Received	4,463,502
April, 1883:	
Dispatched	6,139,538
Received	5,735,216
October, 1883:	
Dispatched	6,106,758
Received	5,563,648
April, 1884:	
Dispatched	7,367,012
Received	5,990,933
October, 1884:	
Dispatched	6,810,832
Received	5,720,693
April, 1885:	
Dispatched	7,518,095
Received	4,918,090
October, 1885:	
Dispatched	7,896,045
Received	5,174,468
April, 1886:	
Dispatched	8,444,856
Received	5,925,898
October, 1886:	
Dispatched	8,591,596
Received	5,906,376
April, 1887:	
Dispatched	9,384,778
Received	6,321,354
October, 1887:	
Dispatched	10,764,590
Received	6,080,714

Number of samples of merchandise, including seeds and grains, dispatched to and received from Canada since 1880.

October, 1880:	
Dispatched	31,668
Received	17,498
April, 1881:	
Dispatched	54,106
Received	32,844
October, 1881:	
Dispatched	30,184
Received	21,372
April, 1882:	
Dispatched	46,326
Received	19,232
October, 1882:	
Dispatched	49,720
Received	20,332
April, 1883:	
Dispatched	68,780
Received	40,872
October, 1883:	
Dispatched	62,920
Received	48,492
April, 1884:	
Dispatched	92,152
Received	28,848
October, 1884:	
Dispatched	59,410
Received	27,464
April, 1885:	
Dispatched	88,670
Received	43,966
October, 1885:	
Dispatched	78,976
Received	35,386
April, 1886:	
Dispatched	71,266
Received	38,724
October, 1886:	
Dispatched	69,840
Received	60,492
April, 1887:	
Dispatched	95,030
Received	52,130
October, 1887:	
Dispatched	80,908
Received	69,758

It is insisted by the gentleman from New York [Mr. WHITE], and will no doubt be insisted upon in this debate, that under any convention which the United States Government may have made or may hereafter make we should afford to our own people equal advantages with those given to the people of other countries using the United Sates mails.

I think, sir, that we are affording to our people as good mail facilities as the people of any country under the sun enjoy, and if we have to fix a sliding scale of postage, so that when Canada puts her rates up we must put ours up, and when Canada puts hers down we must put ours down, then our domestic rate of postage becomes something like mercury, which is acted upon by external influences and goes up or down as they dictate; and our postal revenues must rise and fall, not according to the judgment of Congress or the necessities of the country, but according to what some foreign government may do.

Now, if this rule is to apply as to seeds, bulbs, and plants, I say it should apply also as to letters. We have a letter-rate of 2 cents per ounce, and the Canadian rate is 3 cents, and, by parity of reasoning, if this position is tenable we ought to advance our postage on letters to 3 cents to correspond with the Canadian rate.

But, on the other hand, we have the difficulty of being obliged to contend with Mexico. She charges 5 cents postage on letters, and we charge only 2; so that an article corresponding with article 4 of the convention with Canada was inserted in the treaty with Mexico to protect her postal revenues and to keep people from crossing the border on the Rio Grande and mailing their correspondence on the American side, in order to save 3 cents on each letter.

I wish next to call attention to the argument as to merchandise. Taking the Canadian postal code, it will be seen that while Canada has the advantage of us in the simple matter of plants and scions only—not as to seeds—we have the advantage of her as to all other articles of merchandise, because her rate is 24 cents a pound on such matter, while our rate is 16 cents.

As to the argument for reduction, it is urged that we ought to put our rate down to the Canadian rate—4 cents. I say we ought not to do any such thing. No reason or argument has been adduced to satisfy my mind that we should proceed to reduce the rates of postage in the United States to conform to those of Canada upon seeds, etc., unless we deny to our people the advantages derived under the treaty in the shipment of other kinds of merchandise.

But the Government of the United States, as I understand, does not undertake to carry merchandise for the people of this country at a loss. The Department is established upon the principle that it can do the legitimate mail service for the people more cheaply and more efficiently than it can be done by private individuals; but the Government expects the parties who use the mails to defray the expense of handling matter which is carried through the mails. This being true, when we come down to handling the matter embraced in this controversy it can not be handled for less than 8 cents a pound without loss. The accompanying letter from the Postmaster-General, addressed to me as chairman of the subcommittee having in charge the consideration of the bill to reduce postage on seeds, bulbs, plants, and cions, shows that the seedsmen of the United States are amply protected under the bill reported from the Committee on the Post-Office and Post-Roads now pending before the House.

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., March 13, 1888.

DEAR SIR: In compliance with your oral request for certain information with regard to the rate of postage on seeds, bulbs, cuttings, etc., and the effect of the recent postal convention, I have the honor to state that the present tariff law, as construed by the Treasury Department, imposes rates of duty on goods of this character as follows:

First. On wheat, 20 cents a bushel.

Second. On rye, barley, oats, and Indian corn, 10 cents a bushel.

Third. On linseed or flaxseed, 20 cents a bushel of 56 pounds.

Fourth. On hempseed, rapeseed, and other oil seeds of like character, not including flaxseed, one-quarter of a cent a pound.

Fifth. On garden seeds (except seed of the sugar-beet), and on bulbs and bulbous roots, 20 per cent. ad valorem. The following have been decided to be garden seeds: Artichoke, asparagus, balm, beans (not edible), beets (not sugar-beet), borage, brocoli, Brussels sprouts, cabbage, carrot, cauliflower, celeriac, celery, chevil, chicory, chive, collard, coriander, corn-salad, cress, cucumber, dandelion, egg-plant, endive, hyssop, kale, kohl-rabi, lavender, leek, lettuce, marjoram, martynia, melon, mushroom spawn, nasturtium, okra, onion, parsley, parsnip, pease (not edible), pepper, radish, rhubarb, rosemary, rue, saffron, sage, salsify, savory, scorzonera, sea-kale, shallot, sorrel, spinach, squash, Swiss-chard, thyme, tomato, vegetable-marrow.

Sixth. On beans (edible), pease (edible), and lentils, 10 per cent. ad valorem.

Seventh. Flower, grass, mangel-wurzel, turnip, pumpkin, and hoarhound seed, and seed of the sugar-beet are free of duty; so also are buds, fruits, flowers, herbs, plants, trees, shrubs, and vines of all kinds.

It will be seen that in the mailing of garden seeds, the rate of duty on which is 20 per cent. ad valorem, the Canadian has very little advantage, if any, over the dealer in this country, even at the present fourth-class rate of postage. The advantage will be only on such seeds that have a commercial value of less than 60 cents per pound, as will be seen by the following calculation:

	Cents.
Postage on 1 pound of garden seeds mailed in the United States	16
Postage on same quantity mailed in Canada to United States	4
Twenty per cent. duty on same (value, 60 cents a pound)	12
	16

As, in fact, there are very few gardenseeds sold for less than 60 cents a pound, there need be no complaint of the present rates of postage, so far as concerns the question of competition with Canada.

Of course the same calculation would not apply to this class of matter of less value, but the suggested reduction of the American postage to 8 cents per pound would, as I have before stated, probably meet every difficulty.

I am advised by the Secretary of the Treasury that he has now issued instructions to the collectors of customs along the border for an inspection of mail matter of this description passing the border under the late postal convention for the collection of the duty.

I have to-day directed the Superintendent of the Foreign Mail Service to transmit to you a copy of an order recently made by me on the postal convention and other information in regard to its practical workings.

Referring again to your oral suggestion, at our interview this morning, that the balance of mail matter exchanged between Canada and the United States was in favor of Canada, I beg to state that you are in error, and the Superintendent of the Foreign Mails will be pleased to attend before the committee and furnish accurate statistics on this subject.

Very respectfully, your obedient servant,

DON M. DICKINSON,
Postmaster-General.

Hon. B. A. ENLOE, M. C.,
House of Representatives.

Maintaining the idea that it is not the policy of the Government to carry mail matter at a loss, except such matter as periodical publications which promote intelligence among the people and thereby in-

crease the revenues from first-class matter, I applied to the Third Assistant Postmaster-General for information as to the profit or loss in handling third-class matter, because it is the proposition of a majority of the committee to change the classification of seeds, plants, bulbs, and cions from the fourth to the third class. His response is here given, in order that all these matters may be clearly understood when the bill on the Calendar relating to this subject is brought forward for consideration.

POST-OFFICE DEPARTMENT,
OFFICE OF THIRD ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., March 17, 1888.

SIR: In reply to your verbal inquiry of this morning, I have the honor to inform you that it is the general opinion of experienced officers of this Department that the rate of postage on third-class matter—namely, 1 cent for every 2 ounces—affords no revenue to the Government in excess of the cost of transmission and handling; in other words, that the matter is carried at a loss. On fourth-class matter there is supposed to be a profit, but a very small one.

To reduce postage on any kind of fourth-class matter to 1 cent for 4 ounces would undoubtedly result in a loss to the postal revenues.

I regret that I have no statistics now on hand, and not sufficient time to get any for your use, in support of this opinion.

Yours, very respectfully,

H. R. HARRIS,
Third Assistant Postmaster-General.

Hon. B. A. ENLOE,
House of Representatives, Washington, D. C.

Mr. Speaker, I do not propose to go further into any general discussion of this matter than I have already gone. But I want to make this statement: There are demands coming up from all parts of the country upon the Post-Office Department for increased expenditures. Ever since we have been in session here the great West has been clamoring for increased mail facilities. The clerks in first and second class post-offices are demanding a reclassification and increased pay. The postmasters in second and third class post-offices are asking increased appropriations for rent, light, and fuel. Then we have representatives from the growing cities demanding an extension of the free-delivery system. We also have a demand from fifty-two thousand fourth-class postmasters that provision be made for increased compensation for this class of deserving officials, who are not compensated as they should be under the existing law.

We have also a demand coming up from the country (and it will not be long before the question is pressed upon Congress) that we shall reduce letter postage to 1 cent an ounce—cutting off at one blow $17,000,000 of the revenues of this Department. We have also a demand for the reduction of postage upon drop-letters at free-delivery offices. There are also urgent demands that money-orders in sums not exceeding $5 shall be issued for 3 cents. In this connection I will make the statement that it costs the Government a fraction over 10 cents to issue a money-order; the Government receives for such order a fee of 5 cents, and it looks to me as if the man who buys such an order ought to be satisfied if the Government transmits his money for less than one-half the cost of issuing and paying the order.

If these demands are to be met now or in the future, it can not be done by making the United States Government a common carrier, to carry merchandise at a loss to the Post-Office Department, unless Congress is prepared to take out of the revenues derived from taxation the necessary sum to make good the loss in handling the mails. To this policy I am not prepared to assent. I believe that the present Administration is conducting the affairs of this Department in pursuance of a wise and liberal policy, and I am unwilling to make distinctions in merchandise, aside from what may be done by classification, that will create a heavy deficiency to be met by taxation.

But, Mr. Speaker, it is insisted here that all of this clamor against this convention, which is made the pretext for demanding exceptional privileges for this class of matter through the mails, is prompted by sympathy for the agricultural classes, who pay the postage on seeds, bulbs, etc. I will call attention to the accompanying correspondence as evidence of the demands made upon Congress by this class of our citizens in reference to this matter. It was voluntarily addressed to me; at least so far as I am concerned and in view of the discussion of this matter it is important information.

Out of the great mass of correspondence addressed to me on the same subject, which seems to have proceeded from the United States Postal Improvement Convention, I will only present the communications of State and national organizations:

WEST RIVER, ANNE ARUNDEL COUNTY, MARYLAND,
February 11, 1888.

DEAR SIR: The Maryland State Grange indorses most heartily the action of the National Grange in regard to reduction of postage on plants and seeds.

Yours, truly,

H. M. MURRAY,
Master of Maryland State Grange.

Hon. BENJAMIN A. ENLOE.

SALEM, OREGON, *February* 9, 1888.

GENTLEMEN: I am requested to inform you of action relative to reduced horticultural postage taken by the State Grange of Oregon, and would say that that organization has not met since the question has been at issue. I have no doubt, however, but that the action, when it does meet, will be in accord with that of the National Grange.

Respectfully, yours,

R. P. BOISE,
Master of State Grange of Oregon.

Messrs. BENJAMIN A. ENLOE and JAMES H. BLOUNT,
Postal Committee, Washington, D. C.

INDIANA STATE GRANGE, OFFICE OF THE SECRETARY,
Adams, Ind., February 20, 1888.

DEAR SIR: I write you in behalf of several thousand farmers of our State who belong to the Order of Patrons, and would say that anything you or your committee may effect in the way of giving us lower rates of postage on seeds, plants, and bulbs will be gratefully acknowledged and duly appreciated.

We think 4 cents per pound sufficient postage on above-named articles, but will be satisfied with a reduction of one-half from present rates, if the committee think best to ask for no more.

Hoping your judgment in this matter may agree with those who favor lower postal rates, I am,

Very respectfully, yours,

J. H. WALKER,
Secretary Indiana State Grange.

Hon. BENJ. A. ENLOE,
Washington, D. C.

NEBRASKA STATE GRANGE, *Indianola, Nebr., February* 12, 1888.

DEAR SIRS: I received the within dispatch last night. I do not fully understand what is wanted of me. In regard to postage, the State Grange of Nebraska took no action whatever in regard to postage at its last session.

Respectfully and fraternally, yours,

L. C. ROOT,
Secretary State Grange of Nebraska.

BENJAMIN A. ENLOE and JAMES H. BLOUNT,
Washington.

"SPRINGFIELD, MASS., *February* 8, 1888.

"L. C. ROOT, *Indianola:*

"Please communicate instantly State grange action relative reduced postage; particulars to BENJAMIN ENLOE, JAMES H. BLOUNT, office House Postal Committee, Washington, if grange has not acted efficiently National Grange on seed postage.

"HERBERT MYRICK,
"*Agricultural Agent.*"

SOUTH WOODSTOCK, CONN., *February* 9, 1888.

DEAR SIR: Your attention is called to the fact that the National Grange, and some thirty State granges, and hundreds of local granges throughout the length and breadth of our country have taken a decided stand in favor of reduced rates of postage as pertaining to horticulture. We trust you will see the necessity of this reform, and use your utmost endeavor to bring about favorable action.

The four thousand members of the grange in Connecticut are unanimous in this matter, and look to you to aid them. Hoping you will labor earnestly in this matter,

I remain, yours, truly,

LEWIS J. WELLS,
Secretary Connecticut State Grange.

BENJAMIN A. ENLOE, Esq.

SOUTH GLASTONBURY, CONN., *February* 11, 1888.

DEAR SIR: The matter of reduced rates of postage on seeds, plants, etc., has been discussed before most of the subordinate granges of our State during the past year, and there is a strong feeling that the rural communities (many of them quite a distance from express offices) would be greatly benefited by a reduction of at least one-half in the present rate of 16 cents per pound, and that the increased business would compensate the Postal Department for this reduction. Our State grange at its annual meeting in December voted unanimously in favor of this reform, as did the National Grange at its last session, and I trust that your committee will see its way clear to recommend such reduction to Congress.

Respectfully, yours,

J. H. HALE,
Master Connecticut State Grange.

Hon. B. A. ENLOE.

MONTPELIER, VT., *February* 20, 1888.

DEAR SIR: I desire to say to your honorable committee that H. R. bill 3258, to reduce postage on fourth-class matter, is of vital importance to the farmers as a class, and its enactment will receive their hearty approval.

I send you by this mail a copy of the proceedings of the Vermont State Grange, which contains a resolution passed by that body. Hoping for a favorable report from your committee,

I remain, yours, truly,

[SEAL.] LEROY A. FLINT,
Secretary Vermont State Grange.

Hon. B. A. ENLOE,
Committee on Post-Office and Post-Roads.

OSYKA, MISS., *February* 11, 1888.

GENTLEMEN: I write to urge the reduction of postage on all horticultural matter, seeds, cuttings, etc., in the name of the Louisiana State Grange.

Being a farmer and horticulturist myself, I know that it is important and desirable to get the postage reduced to one-half cent per ounce on that class of matter.

Yours, very respectfully,

[SEAL.] H. W. L. LEWIS,
Secretary Louisiana State Grange, Patrons of Husbandry.

Hon. BENJAMIN A. ENLOE and JAMES H. BLOUNT,
Postal Committee.

POMARIA, NEWBERRY COUNTY, S. C., *February* 9, 1888.

GENTLEMEN: Our State Grange, at its last session, failed to take action on reduced horticultural postage. But I feel warranted in saying that the action of the National Grange, November, 1887, and on pages 102 and 103 of the proceedings of same, meets my most hearty approval, especially—

First. Reduced postage on seeds, plants, bulbs, and cions.

Second. The reissue of fractional currency for use in the mails.

Fourth. Issue of money-orders for $5 or less for a fee of 3 cents.

Very respectfully,

THOS. W. HOLLOWAY, *Secretary.*

To Messrs. BENJAMIN A. ENLOE and JAMES H. BLOUNT,
Postal Committee.

SALADO, TEX., *February* 10, 1888.

GENTLEMEN: In reply to request made by Herbert Myrick, secretary United States Postal Improvement Association, to inform you of the action of the Texas State Grange relative to the reduction of postage on seeds, etc., will say that our grange has not met since meeting of National Grange, but am gratified to be able to report that many of our subordinate and county granges have indorsed

the action of the National Grange on this question, found on pages of printed proceedings 102 and 103, and I am quite sure that the vote in Texas by our order and the farmers generally would be unanimous throughout the State.

Wishing you great success in this and all other legitimate work,

Yours, most truly,

A. J. ROSE,
Master Texas State Grange.

BENJAMIN A. ENLOE and JAMES H. BLOUNT,
Office House Postal Committee, Washington, D. C.

DELTA, OHIO, *February* 9, 1888.

The State Grange of Ohio and all members of the order in Ohio heartily indorse the resolution of the National Grange on seed postage.

Yours, truly,

J. H. BRIGHAM,
Master of Ohio State Grange.

Hon. B. A. ENLOE and JAMES H. BLOUNT.

EAST GREENWICH, R. I., *February* 11, 1888.

DEAR SIR: I am prompted to address you from the fact of your position as chairman of subcommittee on postal affairs and urge upon you the desires of all the subgranges, constituting this State grange, as well also as farmers and others generally throughout the State, for the reduction of postage upon seeds, etc., a better medium, other than the postal-note, for transmission through the mails, and the issuing of small money-orders at a lower fee, or any other reform which may tend to increase the postal service for public good, without incurring unwarrantable expense. Begging your attention upon the foregoing, believe me, sincerely and respectfully, yours,

NATHL. T. REYNOLDS.

Hon. BENJAMIN A. ENLOE,
Washington, D. C.

NEWTON, IOWA, *February* 9, 1888.

DEAR SIR AND BROTHER: The Iowa State Grange, Patrons of Husbandry, did not take official action on reduced horticulture postage as presented by your communication to National Grange meeting, held at Lansing, Mich., November, 1887, and its indorsement of the same by National Grange, as recorded on page 102 of published minutes. I am very sure that had the whole report been presented to our State grange it would have unanimously adopted every item in said report. I most cordially indorsed the action of National Grange.

Fraternally,

J. W. MURPHY, *Secretary.*

HERBERT MYRICK.

WOODSTOWN, N. J., *February* 10, 1888.

HONORABLE SIR: It was the unanimous sentiment of our members at the last meeting held in Trenton, and of our State board of agriculture, as well as of all of our agriculturists, that there be a law passed by your honorable body to secure a reduction of the postage on seeds, plants, bulbs, etc., and for the reissue of fractional currency for the use of the mails, the abolition of postal-notes, and for the issuing of money-orders for $5 and less for a fee of 3 cents. Our Government is not in need of the money arising from the sale of postal-notes, which is quite a tax on the people.

Please use your influence for the passage of such an act, and the agriculturists of our entire country will ever hold you in grateful remembrance.

Very respectfully, your humble servant,

M. D. DICKINSON, *Secretary.*

Hon. B. A. ENLOE, Esq.

MARLBOROUGH, MASS., *February* 11, 1888.

DEAR SIR: The grangers of Massachusetts earnestly desire improvement in the postal laws, securing (1) reduced postal rates on seeds, etc.; (2) our members living mostly in rural districts would find fractional currency most convenient to use in sending small sums of money through the mails, and desire a law causing its reissuing; (3) in that case postal-notes can and ought to be abolished; (4) we desire to have post-office money-orders issued in sums of $5 or less for a fee of 3 cents or less.

Yours, very respectfully,

A. A. BRIGHAM,
Master State Grange.

Hon. BENJAMIN A. ENLOE.

ROCHESTER, VT., *February* 13, 1888.

DEAR SIR: It is the earnest desire of the farmers of this State, repeatedly expressed in subordinate Pomona and State Grange, that there should be a reduction in horticultural postage. It is a matter of much importance to farmers, and we trust that your committee will carefully consider the matter and act wisely for the highest and best interests of the producing class of people in this country.

Very respectfully, yours,

A. MESSER.

Hon. BENJAMIN ENLOE, M. C.,
Washington, D. C.

RHODE ISLAND STATE GRANGE, *Kingston, R. I., February* 15, 1888.

Hon. BENJAMIN A. ENLOE, M. C.:

Please urge uncompromisingly reduced postage and fractional currency. The farmers need it; they want it.

J. G. PECKHAM,
Master State Grange.

DELAWARE STATE GRANGE, *Wyoming, Del., February* 9, 1888.

Hon. BENJAMIN A. ENLOE,
House of Representatives Postal Committee:

Delaware State Grange unanimously favors immediate reduction of postage on seeds, plants, and bulbs.

A. M. BROWN, *Master.*

SPRINGFIELD, MASS., *February* 8, 1888.

DEAR SIR: To show you the general demand that exists among farmers for reduction in the postage on seeds, plants, bulbs, and cions from 16 cents to 8 or 4 cents per pound, I have requested Hon. John F. Trimble, of 514 F street, Washington, D. C., secretary of the National Grange, to present you with a copy of the proceedings at the twenty-first session of that body at Lansing, in November, 1887. On page 96 you will find the following:

"Brother J. H. Hale, Connecticut, offered the following, and on motion it was adopted:

"Whereas the present rates of postage on seeds, plants, and bulbs has been increased from 8 cents per pound to 16 cents per pound; and

"Whereas by the present rate it only costs half as much to send a package of seeds or plants to Australia and other distant countries as it does to send the same package anywhere in our own country; and

"Whereas it thus being evident that this discrimination is to benefit the express companies, and manifestly against the interests of the farmer: Therefore,

"*Resolved*, That, in the judgment of this meeting, the grange, national, State, and subordinate, should, by petition to Congress and by all other lawful means, seek the reduction of the present rate and the restoration of the original rate of 8 cents per pound."

On page 102 you will find this, but still further emphasized by a committee report, as follows:

"WORTHY MASTER: Your committee, to whom was referred the communication from Brother Herbert Myrick, secretary of the United States Postal Improvement Association, have carefully considered the objects of this association, and, in view of the fact that the grange has already by resolution placed itself on record as favoring a reduction of postage on seeds, plants, and bulbs, and the other objects sought to be accomplished being right in the line of such postal improvement as will greatly benefit our rural communities, we would most respectfully recommend that this grange cordially approve of the object and purposes of this association, and would urge upon Congress to pass such laws as will secure—

"A reissue of fractional currency for use in the mails.

"Abolition of the present unsafe and inconvenient postal-notes.

"Provisions for the issuance of postal money-orders in sums of $5 or less for a fee of 3 cents."

I would also beg to call your attention to the general report of the committee on agriculture at this session of the National Grange, especially the second paragraph, on page 158 of the proceedings, which reads:

"The National Grange favors the further reduction of the rate of postage on articles of the fourth class, which covers agricultural seeds and productions, and asks that there should be such changes or reductions as will give to the farmers of the country the same cheap service as is employed by Canada and other nations."

You will observe that here are three committees whose reports were unanimously adopted after much discussion, showing conclusively the sentiments of the National Grange of the Patrons of Husbandry. You will notice that this organization is made up from the representatives of about thirty-five State granges, which claim to have an aggregate membership exceeding one million farmers. This matter has also received the official sanction and indorsement of many of the State granges at their sessions since the meeting of the National Grange, including the State granges of Colorado, Connecticut, Delaware, Georgia, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, Ohio, Oregon, Rhode Island, Vermont, and, I believe, of Mississippi, Pennsylvania, South Carolina, Virginia, and Wisconsin. I will request the secretaries of these respective State organizations to officially notify you of what action they have taken in the matter.

I would also state that many of the county and subordinate granges, whose representatives make up these respective State granges, have also discussed and indorsed the objects of the United States Postal Improvement Association.

I trust that your committee will not underrate the demand that exists for this reduced postage. The principal objection that can be urged against it seems to be the assumption that it will inure solely to the advantage of seedsmen. I think it was made plain at our hearing on February 3 that the rate of postage on seeds has practically nothing to do with their cost price. You will find by consulting most of the seed catalogues that the prices are given for all varieties, and then a note is added that to this price must be added 16 cents per pound for postage when sent by mail. The fact is, the consumers will get the benefit of this reduced postage, and, were it otherwise, I certainly could not, in my position, afford to advocate it. At the same time the seedsmen's interest in the reduction lies in the fact that it will increase their business, and therefore enable them to make more money, not by retaining to themselves a part of this reduction in postage, but by making an increased number of sales, which they expect to do when the public find that they can get fresh and reliable seeds without having to pay an excessive rate for transportation by mail.

Yours, very truly,

HERBERT MYRICK, *Secretary.*

Hon. BENJAMIN A. ENLOE,
House Committee on Post-Offices and Post-Roads, Washington, D. C.

OFFICE OF SECRETARY-TREASURER,
Dresden, Tenn., February 12, 1888.

DEAR SIR: "The Agricultural Wheel of the United States of America" demands of Congress through your committee that the postage on all seeds be reduced, as this burden bears heaviest on the laboring classes of the country, and we must look to Congress for relief.

Yours, truly,

A. E. GARDNER.

Hon. BENJAMIN A. ENLOE,
Washington, D. C.

MOULTON, APPANOOSE COUNTY, IOWA, *February* 11, 1888.

DEAR SIR: The National Farmers' Alliance of the United States, with a membership of 800,000, and the Iowa Farmers' Alliance, with a membership of 200,000, demand a reduction on seeds and plants.

On behalf of the alliances, I am, very truly,

AUGUST POST, *Secretary.*

Hon. BENJAMIN A. ENLOE,
House Postal Committee, Washington, D. C.

Mr. Speaker, in the beginning of this controversy, when I was asking for a reduction upon this class of matter from 16 to 8 cents a pound, I thought I was representing the great agricultural classes of the country; but I was somewhat surprised when we got into the discussion of the question that I was mistaken in that respect, as this interest appeared to be represented by the great granger from Wall street, the gentleman from New York [Mr. WHITE]. [Laughter.]

Having consumed as much time as I care to in the discussion of this matter, I yield the floor to the gentleman from Massachusetts [Mr. ALLEN], reserving the remainder of my time.

The SPEAKER. The gentleman has twenty-seven minutes of his time remaining.

Mr. ALLEN, of Massachusetts. Mr. Speaker, I have been for some time a member of this body, and during that period I have witnessed many strange transactions here, but the spectacle of a majority of a leading committee of this House coming before this body with an adverse report on a request for official information from the head of a great Department of this Government, and asking this House to sustain them in sending the minority to seek for information to the newspapers as

the official source of that information, is a spectacle, I take it, unequaled in Federal legislation.

This resolution, Mr. Speaker, simply calls for specific information from the head of the Post-Office Department respecting a certain order alleged to have been issued by that official, directing subordinate officers of that Department to mark up certain articles of postage, which have been mailed by citizens of the United States in Canada under the provisions of the postal treaty of 1888, when directed to inhabitants within the United States. That is all there is to it; and I imagine this House will not authorize any adverse report on any such request for that simple information, when the information to be derived will bear upon the interests of thousands of patient farmers and agriculturists all over this country, who are seeking to know what the Congress of the United States is going to do on this question.

Now, such a declination on the part of Congress to authorize the calling for this information would very properly be construed by the people, who have the right to know the reasons for the action of their Representatives on all such matters, as due to either one of two reasons: one a desire to completely ignore the wishes of the minority seeking for information, and this would be neither courteous nor just, or for the purpose of shielding some incompetent official by imitating the strategic arts of the ostrich [laughter]; and I doubt very much whether the majority cares to acknowledge either of these purposes. I can not believe the Committee on the Post-Office and Post-Roads, composed, as it is, of level-headed men, cares to withhold the full light, on any of the transactions of the Post-Office Department. Their evident desire to give to people everywhere, the largest possible extension of postal privileges is evidence against any such assumption as that; so that I am at a loss to understand how an adverse report of this sort gets from that committee to this House.

But, sir, there are reasons, and good reasons, why every member of this House should be put in possession of this information and should be in full possession of all the facts. Let me state a little more specifically what I mean by that. There is a large proportion of our people who are interested, in one way or another, in this matter of cheap postage. As far back as 1873, Congress recognized the wisdom of giving to the farmers of this land reduced postage on agricultural seeds and plants, bulbs and cuttings, and authorized the passage of an act in that year placing the rate of those articles at 1 cent for every 2 ounces. This was further recognized in the act of June, 1874, and the farmers enjoyed the reduced postage until the legislation of 1875, when the rate was put at 1 cent an ounce. From that time to this, there has been continual discussion over this question of reduced postage, but owing to the comparatively unorganized condition of the farmers, this remedial legislation has never been effected.

But last year this matter was taken in charge by the National Grange, and in November, by vote, it demanded a reduction.

This action has been followed by the State granges of Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and Wisconsin, at their annual meetings (since the National Grange)—twenty-eight States.

This reduced postage has been demanded also from the Farmers' Alliance of the Northwest, including Minnesota, Dakota, Iowa, Nebraska, with a large membership in adjoining States. The National Farmers' Alliance of Texas, Louisiana, Mississippi, Alabama, North Carolina, Georgia, Florida, and South Carolina have also joined in the movement. The National Agricultural Wheel, a powerful organization in Missouri, Arkansas, and Tennessee, has voiced similar sentiments through its head. The State boards of agriculture of New Jersey, Pennsylvania, Vermont, New Hampshire, Maine, and several other States, together with almost innumerable other State, county, and local horticultural and agricultural societies, farmers' clubs, granges, alliances, etc., have voted in favor of this object, and in so doing they have simply represented the wishes of the great body of people who make up their vast membership.

I state this, Mr. Speaker, to the House, to show that this desire for reduced postage does not come from the seedsmen, who are not to profit by that reduction, but from the people themselves, who make up in vast numbers the organizations of the character which I have mentioned, and who pay the postage, and these people will see to it, that they get the benefit of the reduction.

I do not propose to stand here at this time, sir, to discuss the merits of a bill for the reduction of postage on seeds, bulbs, and cuttings from the present rate to 4 cents a pound, but I trust that a measure of that importance and magnitude will receive at an early date favorable action in this body, and that the House may soon have an opportunity of voting upon it. I come now to the consideration of the question presented by the pending resolution itself.

Not long ago the honorable Postmaster-General of the United States, filled with a desire of signalizing his administration of that great Department in some notable way possibly, or feeling that perhaps his name would achieve a higher notoriety if it could be linked with some great treaty, which in its beneficial results would outlive the mere transitory fame which comes to the ordinary Cabinet officer, and being filled with a desire to emulate, if he could not excel, the example of his colleague the head of the Department of State, entered into negotiations with the English Government as represented in the Dominion of Canada, by which he was willing to make certain concessions to the people who dwell in that beautifully picturesque province, by which they were to enjoy certain postal privileges with the people of the United States which up to this time had been denied them. With this patriotic impulse in mind, the Vilas postal treaty with Canada was conceived.

The time of approaching labor drew near; the nurses and midwives of the Department were on hand; they may have lacked somewhat in experience, but were full of enthusiasm, and what they lacked in skill they made up in this quality; the approaching moment of labor was at hand; it drew nearer, and at last the supreme moment arrived, and amid general rejoicing the poor little postal treaty of the United States of America and the Dominion of Canada opened its little weak, watery eyes upon a cheerless and inquisitive world. [Laughter and applause.]

It was such a little one, Mr. Speaker, that it did not attract very much notice at the time, outside of the immediate family [laughter], and, unlike Mr. Dickens's famous character, it was not born with a caul; but it had a protocol, upon which was emblazoned in proper heraldic design the full genealogical tree. [Renewed laughter.]

This interesting event happened on the 26th day of January, 1888, and on the question of this treaty, hangs the whole story of this resolution.

Now, what were the terms of this most remarkable treaty, and what were the benefits the people of the United States were to gain from it? Well, now, briefly, the terms of the treaty were these: Any one could place in the domestic mails that were to be exchanged under this treaty, any article which was admitted to the domestic mails of either country. The postal rates on those articles were to be paid in the country of origin, and the rate of postage fixed in the country of origin. That is to say, each country was to have absolute control of all the postal revenues so collected; and there were to be no postal accounts kept as between the two countries on such matter. This convention went into effect on the 1st day of March—that is, the present month—of this year.

About that time many observant and shrewd business men of this country, knowing that the postage on seeds, bulbs, cuttings, etc., in this country was 16 cents a pound, while in Canada it was but 4 cents a pound—when it was ascertained that this treaty was going into effect I am credibly informed there were gathered on the Canadian borders a large amount of seeds, plants, bulbs, etc., which were promptly mailed in the Canadian post-offices, the postage paid, and the revenues went into the Canadian government, while the United States simply furnished the trains for their transportation through the United States, thus furnishing transportation and delivering them all over this country, wherever directed, for nothing.

The postal revenues were paid in Canada and belonged to Canada, while the United States were to carry these things under the terms of this treaty, for nothing. In the mean time the developments which might be expected out of this thing, seemed so large, that the Post-Office Department began to look into the matter, for there was another feature which removed it from of the nature of a postal treaty and placed it in the category of a commercial treaty in the widest sense; and o course there was no authority in the Postal Department to negotiate such a treaty.

These men engaged in this seed business issued illustrated catalogues. They could be transmitted to Canada, mailed there for 2 cents each, and then sent all over this country by our benevolent Government for nothing. Here was an opportunity for the development of business interests entirely unexpected by the Post-Office Department when this treaty was entered into. And not only this, but it brought about a loss of postal revenue here. While in this order of the Postmaster-General they are estopped from shipping through Canada, there remains this commercial right of going into Canada, employing there the printers, buying their paper in Canada, and employing Canadian labor, which is cheaper than American, in the printing, the binding, and illustrating of their catalogues and in putting them in packets and mailing them. And we lose not only the postal revenues, but we lose the entire business of preparing all that amount of advertising matter.

Now let me follow this with a little computation that we may see the practical effect of this Canadian treaty. There are already some one hundred and forty seedsmen now mailing from Canada, and it is fair to assume there are at least twenty enterprising seedsmen in our own country near enough to the border to establish branches in Canada who will take immediate advantage of this treaty; some have already done so.

I happen to have conveniently at hand the shipment made on Friday, March 16, by a fairly representative house, and the figures are accurate:

Shipped by mail, 4,368 pounds seeds, bulbs, etc.
Shipped by mail, 1,000 catalogues.

Now, supposing these one hundred and sixty seedsmen—to mention no more—ship an equal amount, and we have, for each day:

Daily shipment by mail, 698,880 pounds seeds, bulbs, etc.
Daily shipment by mail, 160,000 catalogues.

Which, at our rate of 16 cents per pound for the seeds and 4 cents each

for the catalogues, would aggregate $118,220.80 daily, and if the shipment averaged three months or ninety days in a year, would amount to the considerable sum of $10,639,872, or if the postage should be reduced to 4 cents per pound, $2,659,968. Thus we approach in a business way the "effect on the revenues." The principal effect being to turn over to the Canadian Government something like two or three millions of revenue, throw into the hands of the Canadian printers much of the vast advertising business of the large patent-medicine men of this country, with all the indirect benefits and profits which follow in the lead of these great enterprises. But not only that, there is this advantage to those seedsmen who avail themselves of the terms of this treaty. There is the disadvantage of the difference between 4 cents and 16 cents to those seedsmen who are so unfortunate as to be situated so far from the frontier that the cost of transportation and the establishment of a branch house on the other side of the border, would be an insurmountable obstacle.

Let me illustrate, to show how this treaty operates to the disadvantage of Americans and the advantage of Canadians. If I can give a practical illustration on this point, what I mean will be recognized better by those who honor me with their attention. It is a matter of fact that nearly all the garden peas sold in this country are raised in Canada. The United States duty is only 10 cents a bushel—simply nothing. The Canadian seedsman charges his customer, wherever he may be, 20 cents a quart for those pease. A quart is figured out as being equivalent to 2 pounds. He pays 8 cents postage; he delivers those peas, I will say, to my friend from New York [Mr. COX], who does me the honor to listen. That makes 28 cents. But the American seedsman also charges 20 cents a quart, and, under the terms of our postal arrangements, pays 16 cents a pound. On 2 pounds that is 32 cents. He wants to sell to my friend from New York [Mr. COX], who, as a shrewd man, will not pay 52 cents when he can get the same article at 28 cents. That gives the Canadian Government 24 cents advantage on every quart.

Now, sir, I do not understand what this can mean. Why this continual deference on the part of our Administration to the English Government? It can not be that they intend to deliver this people over, bound hand and foot, to that Government; especially after having started out with that blaze of red light and that fizz of pin-wheels as the curtain arose upon what we were led to believe was to be a real drama of "Jacksonian simplicity" and a true "business" administration. [Laughter.] Why, sir, I am afraid if we had one more session of an English commission in this city, we should find the members of this Administration abandoning their simple American habits, and dashing down the avenue in English drags behind bang-tailed thoroughbreds, or walking about in our streets with orchid blossoms in their button-holes and their trousers turned up at the bottoms as if they were just off Pall Mall, London, or sporting huge canes and bull terriers. [Laughter.]

But, Mr. Speaker, this is only a fanciful sketch, and we do not, of course, expect to see anything of the kind.

I am afraid, sir, that I have taken more time than I ought, for I have promised time to others, but what I wanted to emphasize is the fact that under any construction which you can put upon this postal treaty with Canada, it places our American seedsmen at a disadvantage compared with the seedsmen in that country—a disadvantage which, under the present condition of things, can not be stated in actual figures. And more than that, it opens the field to the great advertisers, the patent-medicine men, the dealers in articles that are widely advertised in cook-books, in calendars, in books of games, and various things which are used in advertising. If the owners of those enterprises can not have their books printed here, then, under the terms of this treaty, they can have it done in Canada and mail them from there at a saving of one-half the postage. The editions of works of that kind are simply enormous, and these men can go into Canada and have the work done there and give the Canadians the large profits which are made upon such work, and also the incidental profits which always follow in the train of those enterprises. They can do that, and there is no way to help it, except under the terms of the treaty itself our Government can have it abrogated after giving six months' notice. There is no other remedy unless this Government, in a spirit of fairness to its own citizens, will come into Congress with a bill to arrange postal rates which will put our people on a par with their competitors on the other side of the line, instead of leaving them in the position in which the Department—no doubt unwittingly—has placed them by this treaty.

Mr. LONG. You think they did not know any better?

Mr. ALLEN, of Massachusetts. I have no doubt that it has been done unwittingly, but these are the facts as I see them.

Mr. HATCH. Will the gentleman permit a question?

Mr. ALLEN, of Massachusetts. Certainly.

Mr. HATCH. Is there not a bill reported from the Committee on the Post-Office and Post-Roads, and on the Calendar, providing for this reduction?

Mr. ALLEN, of Massachusetts. There is a bill on the Calendar which provides for a reduction. Then there is a minority report accompanying that bill which recommends a still further reduction to a rate which would be probably fair and reasonable.

Mr. HATCH. But there is a bill pending that will give the House jurisdiction over the subject-matter and upon which we can act?

Mr. ALLEN, of Massachusetts. I think there is.

Mr. BOUTELLE. And we are getting a little information now, which will enable us to act intelligently.

Mr. ALLEN, of Massachusetts. Now, let me go back to the question suggested by the gentleman from Tennessee [Mr. ENLOE]. He claims that there is relief for all this in the treaty itself, and he quotes article 4, which states that in case any correspondence is tendered for mailing in either country, obviously with the intent of evading the higher postage rate applicable to it in the other country, it shall be refused unless payment is made of such higher rate. Now, I want to dwell on this point only for a moment, because I think the gentleman answered his own argument in reading from the treaties. If his reading meant anything at all, it meant that there was difficulty in determining what was included under the term "correspondence" unless the articles were specified, and in each of the treaties that he read, it was specified what were to be covered by the word "correspondence." Now, Mr. Speaker, the only thing for the House to do is to pass this resolution, ignoring the report of the majority of the committee, and thus giving the Department an opportunity to come in and put its own construction on this treaty, in order that the committee and the House may know just what the Department's construction is, and may be enabled to enact such legislation as will correct the evils arising under it.

It is the only fair thing to do, and it will tend to relieve the Administration of the charges, continually made, of a small, stingy, cheeseparing policy, which saves at the spigot while it lets waste run loose at the bung.

Mr. PERKINS. As I understand the gentleman, he holds that the effect of this arrangement is to give the revenue to the Canadian post-office department while it imposes the labor upon our own mail service.

Mr. ALLEN, of Massachusetts. There is not the slightest doubt about that, because it is expressly provided that the postage shall be paid and collected where the matter is mailed.

Mr. PERKINS. And that revenue amounts to about two million dollars.

Mr. ALLEN, of Massachusetts. At least.

Mr. LONG. Is my colleague satisfied that the term "correspondence" would not include seeds, bulbs, and plants?

Mr. ALLEN, of Massachusetts. I am willing to take the construction of the gentleman from Tennessee [Mr. ENLOE]. In those treaties which he quoted the term "correspondence" is construed to cover certain things which are specified by name, so that there may be no mistake.

Mr. ENLOE. The gentleman will find in Paragraph A, article 1, an enumeration of what may be embraced under the term "correspondence" as used in that treaty. I refer the gentleman to that provision. If he will read it, I will let him do so as an answer to himself; if not, I will ask to read it.

Mr. ALLEN, of Massachusetts. The gentleman from Tennessee can have it read at the desk.

Mr. ENLOE. I will read it myself.

Mr. ALLEN, of Massachusetts. Not in my time. Mr. Speaker, I reserve the balance of my time.

Mr. ENLOE. I will occupy only time enough to read from the article to which I have just referred. It provides that—

> Articles of every kind or nature admitted to the domestic mails of either country, except as herein prohibited, shall be admitted to the mails exchanged under this convention, subject, however, to such regulations as the postal administration of the country of destination may deem necessary to protect its customs revenues.

As an answer to the gentleman from Massachusetts, I call attention to this provision showing what is embraced under the term "correspondence" in this treaty.

Mr. ALLEN, of Massachusetts. I yield ten minutes to the gentleman from New York [Mr. WHITE].

Mr. WHITE, of New York. Mr. Speaker, if one-half the amount of activity had been displayed on the part of the committee and on the part of the Post-Office Department in doing this business and giving this information as has been displayed in finding a way not to do it, and finding a way not to give the information, we could have had this matter disposed of weeks ago and an act could have been passed in this House testifying that, in the estimation of the American Congress, an American citizen is as good as a Canadian if he behaves as well. There has been no end of information given to us here by the gentleman from Tennessee [Mr. ENLOE], which he managed, I suppose, to get from the office of the Postmaster-General through a favorable side entrance, but which this House can not get with the consent of the Post-Office Committee by a direct vote, simply because the Post-Office Committee, or the majority of that committee, prefer to dole out to this Congress such an amount of information as they deem it wholesome for the House to receive, while they and the Postmaster-General keep the great bulk of the information for private use.

Now, it has come to the knowledge of this House that a postal treaty has been entered into lately. It was described by my colleague on the committee, the gentleman from Massachusetts [Mr. ALLEN], as a

"weakling;" and there have been some Democratic newspapers which, in commenting upon it, have reflected severely upon the Republican Senate for having ratified a treaty of this kind. I will say for the benefit of such newspapers and for the benefit of the House that this is a matter exclusively within the jurisdiction of the Executive of this Government. It is a treaty which the laws have trusted the Administration with the power to make; and we thus find out what kind of a treaty they make when there is no supervision over them.

The treaty looked harmless enough; nobody seemed to suspect "it was loaded." But I once lived in a district in Illinois which was largely settled by a very worthy class of people from Tennessee, the State represented here in part by my colleague on the committee [Mr. ENLOE]. The settlers there were men who did not like to swear with a "great big D." Most of them were men belonging to the Baptist persuasion, yet there was such fervor belonging to the State from which they came that they did not want to be deprived of all expletives, and when they found a particularly hard noun that needed a qualifying adjective they used to speak of it as a "dog-on-ed thing." Now, phrasing the matter so that a brevet deacon [laughter] might properly speak of this treaty, I would say that when the Administration came to play with it a while "the dog-on-ed thing" began to explode [laughter], and I send to the Clerk's desk, to be read in full, a letter showing the first explosion which seems to have startled them. Bear in mind that the treaty went into effect on the 1st of March, 1888, and on the 6th of March the letter which I send to the desk was written and sent to the Post-Office Department.

The Clerk read as follows:

ROCHESTER, N. Y., *March* 6, 1888.

DEAR SIR: Last week we commenced mailing plants and catalogues to parties in the United States via Canada. This is done to save 12 cents per pound on plants and 3 cents on each catalogue, less a very small expense of freight, etc., but the thought suggested itself to me that perhaps arrangements could be made whereby we could ship these packages of plants and catalogues distributed and bagged into States and mailing routes directly to Buffalo (the exchange office), instead of to Canada. This would save the Buffalo office the labor of distributing, as we could have them neatly put up in United States mail bags and labeled.

Of course we would put Canadian postage on each package so the Canadian Government would not lose by this change, and the United States Government would receive the same compensation as at present (nothing), and would be the gainer in not throwing so much work on the Buffalo office.

Yours, etc.,

JAMES VICK.

Hon. DON M. DICKINSON,
Postmaster-General, Washington, D. C.

Mr. WHITE, of New York. Mr. Speaker, before proceeding with my argument, as some friends near me say they did not understand the remarks in regard to the ratification of the treaty, I wish to make that matter clear by saying that this treaty under the law did not require to be ratified by the Senate; it never was even before the Senate, being a matter exclusively between the Post-Office Departments of Canada and this country.

Mr. BINGHAM. It was negotiated "by and with the advice of the President."

Mr. WHITE, of New York. Yes, "by and with the advice of the President"—not "by and with the advice and consent of the Senate."

Now, Mr. Speaker, when I used in the committee this little figure about the matter being "loaded," my esteemed friend from Tennessee said that I had not found out yet which end was loaded; and he cited with evident gusto what he has stated here to-day—that the United States in dealing with Canada got the better of the Dominion by 40 per cent. Now let us look at that matter so that everybody may understand it. The United States Government in its official representative capacity, with a treasury so full at the present time that it is making the gentlemen of the Ways and Means Committee of this House turn white when they encounter it—the United States in its representative capacity got the benefit of 40 per cent. out of the pockets of the American people as individuals and the Dominion of Canada lost 40 per cent. which went into the pockets of our Canadian neighbors on the border as individuals.

That is the kind of beneficent Government which we have at this time. I should say in that regard there was 40 per cent. taken out of the pockets of the people where it is needed—from the agriculturist and horticulturist, who most of all our people in this country at this time require assistance when assistance may be legitimately given—and put into the Treasury where it is not needed. In the words of the Koran: Great is Grover Cleveland, and Mr. Vilas, the Postmaster-General, is his prophet!

There has been a charge made here that there was an attempt to assail this treaty. Not at all. Nothing of the kind can be found in the resolution or elsewhere to that effect. I am one of those highly satisfied with the treaty, provided the same advantage is extended to our people which is extended to the men over the border.

I wish to call attention to the resolution, in which it will be found I did not ask anything which could justly be considered as offensive. I merely asked for certain matters of information, and if there was no such information in the possession of the Department it was very easy for the Postmaster-General to say so. The resolution was a very simple matter to answer if there was no information in the possession of the Department of the character indicated. But let me read the resolution:

Resolved, That the Postmaster-General be, and he is hereby, requested to communicate to this House what instructions, if any, whether by circular, letter, or otherwise, have been given to subordinate officers of the Post-Office Department with reference to mail matter received from the Dominion of Canada, which instructions are intended to prohibit American citizens from using the United States mails upon the same terms with citizens of said Dominion living in the same vicinage and competing in the same branches of business with said American citizens.

That the said Postmaster-General be requested to inform this House whether any statute law prevents mailing in the Dominion of Canada seeds, plants, and bulbs grown by American citizens upon American soil, and if there is no provision of law prohibiting it, whether he has assumed to impose a penalty at the rate of $320 per ton upon seeds, plants, and bulbs lawfully mailed by American citizens in an attempt to compete with Canadian seedsmen, to whom the United States has, by a recent postal treaty, given an advantage over American seedsmen in the way of postage at the rate of $240 per ton.

In case the Postmaster-General shall show that orders have been given directing the examination of incoming Canadian mails for evidence of their use by American citizens, that he be further requested to inform the House by what provision of the recent postal treaty with the Dominion of Canada, or by what provision of law, the officers of the postal service of the United States are authorized to place an espionage on the said Canadian mail for the purpose of determining whether citizens of the United States are availing themselves of the beneficent provisions which are accorded to Canadians by said postal treaty.

Mr. Speaker, how easy it would have been for the Postmaster-General to have answered that if no such instructions of the character indicated had been given. But there lies the difficulty, and the people see readily why it is the Postmaster-General withholds the information sought for by the resolution. He does not wish to make the unpleasant acknowledgment that they have entered into a treaty with the Dominion of Canada by which a man on the other side of Rouse's Point is favored to the extent of $240 a ton, to the disadvantage of another man living but a few yards from him on our side of the line, at Rouse's Point in Vermont, so that the people on our side of the border would be handicapped to that extent. Why not in those localities allow both classes of citizens having these articles to send them through the mails under the same terms? Why, if there is to be any advantage or disadvantage to one side or the other, should we negotiate a treaty giving the advantage to the Dominion and imposing a disadvantage upon our own people? Why should not the man only a mile away on our side send the same character of goods through the mails at the same rate as the man who lives a block away over an imaginary line.

Members of the Committee on the Post-Office and Post-Roads may see some reason in this, but for one I can not do so. If they blundered into making a treaty which has had the effect of taking money unfairly out of the pockets of our own citizens and benefiting the people on the other side of the line in Canada to the disadvantage of American citizens, why not let us know it at once, and let us apply the remedy as soon as possible?

Now, I wish to comment upon the construction placed upon the two articles in the postal treaty by the circular. I refer to clause c, article 2, and to article 4 of the treaty. These are the only clauses referring to the imposition of additional postage.

Clause c, article 2, is in these words:

(c) Each insufficiently prepaid letter shall have stamped on its cover the capital letter T, and shall have indicated plainly thereon, in figures, on the upper left-hand corner of the address, by the postal officials of the country of origin, the amount of the deficient postage, and only the amount so indicated shall be collected of addressees on delivery, except in cases of obvious error.

Whatever argument may be made on the meaning of the word "correspondence," I apprehend there will be none about the word "letter," and hence that clause of the section can not be made to apply to seeds, plants, and bulbs.

Now, take the fourth article, which is in the following words:

In case any correspondence is tendered for mailing in either country obviously with the intention to evade the higher postage rates applicable to it in the other country, it shall be refused, unless payment be made of such higher rates.

If you concede that "correspondence" means "bulbs," then the country where the articles are mailed is alone charged with the duty of collecting, and keeping as well, of the higher rate of postage, and there is no authority of law under the treaty whereby the United States Government can collect postage once accepted as fully prepaid by the Canadian Government.

Hence when the Postmaster-General directed United States rates of postage on seeds coming from Canada to be collected by United States postmasters, he assumed to impose a penalty not given him by law and not authorized by the treaty, and it was as much a usurpation as though he had confiscated the goods.

[Here the hammer fell.]

Mr. BLOUNT. Mr. Speaker, while this resolution purports to ask for information, I undertake to say there is not a member of this House who has not the information which is asked for already in his possession. I undertake to say the gentleman from New York [Mr. WHITE] when he offered this resolution had every particle of information it calls for at the time he offered it. There is no difficulty on the part of the people of this country about this information in any way. Everything connected with it is notorious.

Now, before taking up the resolution let me say that an attempt has been made here to criticise the Post-Office Department in reference to catalogues, and it has been said that a vast amount has been gained by Canada and lost to the United States by catalogues under this treaty. I wish to say here the very terms in this treaty are the same as the provisions embodied in the treaty which was negotiated during

the last administration of General Grant. So that whatever there is in this is not chargeable alone to this Administration. And if the people of Canada were disposed to hold to the terms they had in this matter, why we are in no worse condition than we were before. So much for that.

Now, sir, with reference to the question of postage on seeds. But perhaps I may as well call attention here, and will ask to have published in full a letter from the Postmaster-General containing some information as to the rates on seeds, bulbs, etc., in which he says:

It will be seen that in the mailing of garden seeds, the rate of duty on which is 20 per cent. ad valorem, the Canadian has very little advantage——

Mr. REED. Is that letter addressed to the committee?

Mr. BLOUNT. No, sir. I want to say for the information of the House——

Mr. REED. I thought this information was all published.

Mr. BLOUNT. I decline to yield.

Mr. REED. Oh, I see.

Mr. BLOUNT. Mr. Speaker, I decline to be interrupted by the gentleman for any such language.

Mr. REED. Exactly.

Mr. BLOUNT. Yes, exactly; for the gentleman from Maine is in the habit of interjecting himself into everybody's speeches——

Mr. REED. Oh, no; you are only allowing your temper to get the better of your recollection.

Mr. BLOUNT. I will not be interrupted.

Mr. REED. I will interrupt the gentleman if he sees fit to use such language as that.

Mr. BLOUNT. I insist that I shall be allowed to proceed in order.

Mr. REED. I hope you will proceed in order.

Mr. BLOUNT. I shall do so without being deterred by the gentleman from Maine.

I wish to call the attention of the House again to this letter; it is as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., March 13, 1888.

DEAR SIR: In compliance with your oral request for certain information with regard to the rate of postage on seeds, bulbs, cuttings, etc., and the effect of the recent postal convention, I have the honor to state that the present tariff law, as construed by the Treasury Department, imposes rates of duty on goods of this character as follows:

First. On wheat, 20 cents a bushel.

Second. On rye, barley, oats, and Indian corn, 10 cents a bushel.

Third. On linseed or flaxseed, 20 cents a bushel of 56 pounds.

Fourth. On hempseed, rapeseed, and other oil seeds of like character, not including flaxseed, one quarter of a cent a pound.

Fifth. On garden seeds (except seed of the sugar-beet), and on bulbs and bulbous roots, 20 per cent. ad valorem. The following have been decided to be garden seeds: Artichoke, asparagus, balm, beans (not edible), beets (not sugar-beet), borage, broccoli, Brussels sprouts, cabbage, carrot, cauliflower, celeriac, celery, chevil, chicory, chives, collard, coriander, corn-salad, cress, cucumber, dandelion, egg-plant, endive, hyson, kale, kohl-rabi, lavender, leek, lettuce, marjoram, marlynia, melon, mushroom spawn, nasturtium, okra, onion, parsley, parsnip, pease (not edible), pepper, radish, rhubarb, rosemary, rue, saffron, sage, salsify, savory, scorzonera, sea-kale, shallot, sorrel, spinach, squash, Swiss-chard, thyme, tomato, vegetable-marrow.

Sixth. On beans (edible), pease (edible), and lentils, 10 per cent. ad valorem.

Seventh. Flower, grass, mangel-wurzel, turnip, pumpkin, and hoarhound seed, and seed of the sugar-beet are free of duty; so also are buds, fruits, flowers, plants, trees, herbs, shrubs, and vines of all kinds.

It will be seen that in the mailing of garden seeds, the rate of duty on which is 20 per cent. ad valorem, the Canadian has very little advantage, if any, over the dealer in this country, even at the present fourth-class rate of postage. The advantage will be only on such seeds as have a commercial value of less than 60 cents per pound, as will be seen by the following calculation:

	Cents.
Postage on 1 pound of garden seeds mailed in the United States	16
Postage on same quantity mailed in Canada to United States	4
Twenty per cent. duty on same (value, 60 cents a pound)	12
	— 16

As, in fact, there are very few garden seeds sold for less than 60 cents a pound, there need be no complaint of the present rates of postage, so far as concerns the question of competition with Canada.

Of course the same calculation would not apply to this class of matter of less value, but the suggested reduction of the American postage to 8 cents per pound would, as I have before stated, probably meet every difficulty.

I am advised by the Secretary of the Treasury that he has now issued instructions to the collectors of customs along the border for an inspection of mail matter of this description passing the border under the late postal convention, for the collection of the duty.

I have to-day directed the Superintendent of Foreign Mail Service to transmit to you a copy of an order recently made by me on the postal convention, and other information in regard to its practical workings.

Referring again to your oral suggestion, at our interview this morning, that the balance of mail matter exchanged between Canada and the United States was in favor of Canada, I beg to state that you are in error, and the Superintendent of the Foreign Mails will be pleased to attend before the committee and furnish accurate statistics on this subject.

Very respectfully, your obedient servant,

DON M. DICKINSON,
Postmaster-General.

Hon. B. A. ENLOE, M. C.,
House of Representatives.

I had not intended, nor do I regard it as germane to the resolution before the House, to take this up at this time. I have no desire to oppose any resolution of inquiry that comes in proper form.

Now, what are the facts? A treaty was negotiated with Canada, whether wise or unwise, by which the rate on seeds and bulbs in Canada was less from Canada into this country than in our own domestic intercourse. It was a treaty agreed to between the two governments, binding not alone upon the citizens but upon the governments of either country.

A gentleman named Vick, a dealer in seeds in Western New York, has carried over into Canada and put into the Canadian mails as an American citizen seeds for distribution in this country. His place of business is near the border. He thereby avoids the proper charges upon his own side. He thereby gets an advantage over the seedsmen all over this country by reason of that performance. He has no right to any such privilege. The Canadian authorities have no power to take into the mails the seeds of American citizens, thus defrauding the revenues of this country. The Canadian authorities as soon as their attention was called to it immediately directed an inspection of the mails and the issuance of proper instructions to their postal officials to prevent such fraudulent use of the mails. This person then takes great offense at this ruling of the Department. He writes a letter complaining that there is great advantage given to the Canadian producer over the American producer, and boasts of what he is doing; that he is gaining a great advantage by this attempt to defraud the Government. The treaty stipulations between the two countries are well understood, and to the effect that while this treaty affords certain privileges to the Government and to the citizens of one and the other country, there shall be no fraud practiced such as that illustrated by the action of this party.

Mr. MILLIKEN. Will the gentleman permit a question for information?

Mr. BLOUNT. Yes, sir.

Mr. MILLIKEN. Unless the Canadian has an advantage in the treaty, how does the American get the advantages the gentleman speaks of by going over to Canada and sending his seeds from there?

Mr. BLOUNT. There is more than one provision to the treaty, and my friend is drawing me off from what I was endeavoring to explain.

Now, sir, what does the Postmaster-General do? When he finds that a few of our citizens are adopting this method of getting cheaper postage, he calls the attention of the Canadian authorities to it. He directs the attention of the American postmasters at offices of exchange and other officers of the postal service to the terms of the treaty, and says that it must be complied with. That is all. Was there anything wrong about that?

It has been alleged and argued gravely here that the word "correspondence" does not cover seeds; that it means letters alone. Why, sir, that position is absolutely absurd, and it is excluded by the well-accepted, universally accepted understanding on the part of all nations upon the earth in every treaty communication with the other, the word "correspondence" was technical and covered whatever matter was transported through the mails from either country. The pretext here set up, then, was a mere play upon words before the people of this country, who, it was assumed, did not understand the significance of it.

There is express provision in this very treaty for the rating up of postage where there has been any fraud in the use of the mails; and the Canadian Government has accepted the signification given to the word "correspondence" by our Post-Office Department and is carrying out that construction by preventing these gentlemen from fraudulently passing seeds through the mails.

The complaint has been only on the part of two persons so far as the Post-Office Department knows; two persons engaged in carrying seed across the Canadian line, so as to get the Canadian rate to which they were not entitled and give them an enormous advantage over all the seedsmen in this country who were not so situated. That is the complaint, and what the Postmaster-General has done is known to everybody. It was simply to require that when those seeds, etc., were mailed in Canada the postal department of that government should exclude them from the mails until proper postage was paid.

It is not a question whether the treaty is a good one or a bad one. Whatever the treaty is, it is the duty of the Postmaster-General as an upright official to execute it. I deny that any person in this country ever gets into a position so exalted that he, in his own good pleasure, can set aside a treaty or a law of the land. No gentleman will rise in his place on this floor and state it as his opinion that it is in the power of the Postmaster-General to close his eyes to the plain provisions of the treaty.

Now, then, if he has done that, if he has been seeking only to enforce a treaty entered into between the Government of the United States and the government of Canada, I ask gentlemen on either side of this House if the language of this resolution is such as we would regard as parliamentary in dealing with each other on this floor; if it be such as would be accepted as short of an insult if it were communicated by the President of the United States to either branch of Congress; if such language would be tolerated in any intercourse between the Supreme Court of the United States and the executive or legislative department of this Government.

Resolved, That the Postmaster-General be, and he is hereby, requested to communicate to this House what instructions, if any, whether by circular letter or otherwise, have been given to subordinate officers of the Post-Office Department with reference to mail matter received from the Dominion of Canada, which instructions are intended—

I ask if it is courteous to the head of the Department to say that those instructions "are intended"—not the law, not the treaty, but the instructions—

are intended to prohibit American citizens from using the United States mails

upon the same terms with citizens of said Dominion living in the same vicinage and competing in the same branches of business with said American citizens.

I ask if the idea is not conveyed by this language that the Postmaster-General, false to the interests of his countrymen, was by a solemn order of the Department deliberately, willfully, intentionally issuing those orders for the purpose of putting his own countrymen at a disadvantage.

The resolution goes on:

2. That the said Postmaster-General be requested to inform this House whether any statute law prevents mailing in the Dominion of Canada seeds, plants, and bulbs grown by American citizens upon American soil, and if there is no provision of law prohibiting it, whether he has assumed to impose a penalty at the rate of $320 per ton upon seeds, plants, and bulbs lawfully mailed by American citizens in an attempt to compete with Canadian seedsmen, to whom the United States has, by a recent postal treaty, given an advantage over American seedsmen in the way of postage at the rate of $240 per ton.

I ask if it is courteous for this House to send to the Postmaster-General and inquire whether he has assumed to impose a penalty at the rate of $320 per ton upon said plants and bulbs lawfully mailed by American citizens.

The resolution proceeds:

3. In case the Postmaster-General shall show that orders have been given directing the examination of incoming Canadian mails for evidence of their use by American citizens, that he be further requested to inform the House by what provision of the recent postal treaty with the Dominion of Canada, or by what provision of law, the officers of the postal service of the United States are authorized to place an espionage on the said Canadian mail for the purpose of determining whether citizens of the United States are availing themselves of the beneficent provisions which are accorded to Canadians by said postal treaty.

I say the use of the word "espionage" was intended to convey the idea that the Postmaster-General was handling those mails to the disadvantage of American citizens, and that the language there used is designed to censure the Postmaster-General.

Now, Mr. Speaker, this is what there is in this resolution. It appeared to me, as it did to other gentlemen of the committee, that its object was not to obtain information, but for party purposes to formulate something in the form of a stump speech to arraign the Post-Office Department; and the Committee on the Post-Office and Post-Roads did not believe it was their duty to give sanction to discourtesy for an unfair purpose by recommending the passage of the resolution.

I wish to say, sir, that whenever the proposition is to ask for information of any kind from any Department in terms of courtesy such as are usually addressed to the Departments of the Government by the House and the Senate, the Committee on the Post-Office and Post-Roads will, I am sure, with one voice, assent to it, and the gentleman from Massachusetts [Mr. ALLEN] need not attempt to give out to the country the idea that there is a purpose to refuse information. The gentleman ought to well know he has been circumstanced so that he might have known that a resolution calling for this information in terms deferential to the head of a great Department of this Government would have met with the unanimous sanction of the committee.

Mr. STEELE. Then why did not your committee amend the resolution if it was not courteous enough?

Mr. BLOUNT. Mr. Speaker, we took it for what it was worth, in the discourteous terms in which it was framed, and we reported it back to this House for what it was worth in our judgment; and we are not to be thwarted by the suggestion which the gentleman makes, that we should report something else in courteous terms. The resolution itself was not courteous to the Department. If we are to argue anything from its language it does not seem to have been intended to be courteous, and it was not entitled, in my opinion, to the consideration that a courteous proposition would have been entitled to.

[Here the hammer fell.]

Mr. ALLEN, of Massachusetts. Mr. Speaker, how much time am I entitled to?

The SPEAKER *pro tempore*. The gentleman from Massachusetts has eighteen minutes remaining.

Mr. ALLEN, of Massachusetts. I yield five minutes to the gentleman from Maine [Mr. REED].

Mr. REED. Mr. Speaker, after the admirable speech made by the gentleman from Massachusetts [Mr. ALLEN], supplemented by the remarks made by the gentleman from New York [Mr. WHITE], it would be hardly necessary to address the House upon the subject, if it had not been for the remarks of the gentleman from Georgia [Mr. BLOUNT]. It is no discredit to him to say that his remarks have ably re-enforced the remarks made by the other gentlemen I have named, for there is no man upon that side abler than himself to make a forceful statement if the facts will enable him to do so, while such is the direct nature of his mind that there is no man so capable of thoroughly exposing the weakness of a bad position if he happens to occupy it. [Laughter.] The remarks of the gentleman from Massachusetts [Mr. ALLEN] have called the attention of the country to a serious and grave charge made against the Post-Office Department, which, if true, demands instant correction, either by legislation or by action similar to that which caused the blunder.

He shows that Canada, if it were to receive the rate of postage that is demanded of American citizens, would receive ten millions of dollars, and that to-day, upon her own diminished rate of postal charges, she is receiving in this way $2,000,000 every year, which she is enabled to collect by means of a treaty which is necessarily injurious to the interests of the business of citizens of the United States. That fact remains undisputed. Now, what is the reply of the gentleman from Georgia [Mr. BLOUNT]? His first reply is that we have all the information that is needed, and have had it for a long time. His next transaction is to produce a private letter from the Postmaster-General giving him private information, which he deems it important to communicate to this House, and that upon a question about which he tells us this House knew everything before this resolution was introduced! I do not wonder that the usually calm temper of the gentleman from Georgia [Mr. BLOUNT] was ruffled when I called his attention to this juxtaposition of a letter called for by the chairman of the Committee on the Post-Office and Post-Roads, presumably the best-informed man on this subject in the House, after his declaration here that everybody knew everything about the subject even before the resolution was introduced. But I can not pardon him one slight effect of his ill temper, which allowed him to wander into the region of exaggeration, not to give it any stronger term, when he said that I was in the habit of mingling in all the speeches of the House. I am in the habit of mingling in such speeches as he made just at such junctures, as I did then, because it seemed that a little interposition of recollection would be valuable to the House, if not to the member himself. [Laughter.]

What is his next answer? His next answer is a resort to the high and hallowed and noble device of abusing the advocate on the other side when you have not any case yourself. That has at least had the benefit of centuries of antiquity and of millions of examples of practice. Why, the gentleman says this resolution is not polite! Here is a resolution which states that the United States is injured to the extent of $2,000,000 in its revenues, and that the citizens of the United States are put at a disadvantage, as compared with the citizens of Canada, in the transaction of business the like of which we all live by.

Mr. ENLOE. Who makes that declaration?

Mr. REED. The declaration is made, and the reply is that the resolution is not polite.

[Here the hammer fell.]

Mr. ALLEN, of Massachusetts. I yield two minutes more to the gentleman from Maine.

Mr. REED. Under these circumstances, with these large national interests at stake, why did not these masters of polite speech frame a resolution which would give us the fact—give it in decorous form, give it to us in a manner that would suit the gentleman from Georgia and his colleagues? Mr. Speaker, I maintain that this resolution is properly conceived, that it is properly presented, that it is in suitable language, and if it does not contain in itself truths vital to the business interests of this country, nobody can better answer it than the head of the Post-Office Department. The Department should be glad of the opportunity in either of two aspects. First, to correct wrong statements if they have been made; and, second, to give, by the authority of the Post-Office Department, such weight to the facts as they exist as will induce Congress to redeem one large branch of business from the slough into which it has been cast by the misfortune of this treaty.

Mr. ALLEN, of Massachusetts. I yield eleven minutes to the gentleman from Pennsylvania [Mr. BINGHAM].

Mr. BINGHAM. Mr. Speaker, I desire to submit to the House, as well as to the honorable gentleman from Georgia [Mr. BLOUNT], who has referred to the administration of General Grant as one having entered into postal convention with Canada, that I trust this debate will not take a partisan drift or direction, but may be determined upon the direct question at issue, and in that connection, therefore, it will not be amiss to state that we have good Democratic precedents for conventional relations with the Dominion of Canada. Our first treaty was in 1851, again in 1856, 1873, 1875, and 1888, the date of convention now under discussion. Revised Statutes, section 398, reads as follows:

For the purpose of making better postal arrangements with foreign countries, or to counteract their adverse measures affecting our postal intercourse with them, the Postmaster-General, by and with the advice and consent of the President, may negotiate and conclude postal treaties or conventions, and may reduce or increase the rates of postage on mail matter conveyed between the United States and foreign countries.

Acting under this broad authority and in accordance with precedent the convention with Canada was concluded, and under date January 26, 1888, was ratified and approved by the President. The marked feature of this convention, and that which has specially provoked criticism and appeal for immediate protective legislation, relates to seeds, bulbs, plants, cions, etc. I telegraphed the Superintendent of Foreign Mails a few days since concerning the rates of postage on this class of mail matter prior to the date, March 1, 1888, when the present convention went into effect, and his answer is as follows:

Prior to the inauguration of the recent postal treaty between the United States and Canada the postage on grains, seeds, and bulbs was 10 cents for each package of 8 ounces, provided the article was not liable to customs duty; if so, it was excluded from the mails exchanged between the two countries.

NICHOLAS M. BELL,
Superintendent of Foreign Mails.

In other words, the old rate upon the class of merchandise under debate was 20 cents a pound; under the recent treaty it is 4 cents a pound. This illustrates the radical change.

Mr. ENLOE. Will the gentleman allow a question at this point?

Mr. BINGHAM. I have only a few minutes, and I prefer not to yield. As soon, Mr. Speaker, as the details of the treaty became known to the great agricultural interests of the country your Committee on the

Post-Office and Post-Roads, as well as all the members of the House, were literally deluged with appeals and petitions to change existing law, so that American seedsmen and the agricultural interests of the country could receive this merchandise from American houses at the same rate as the Canadian could send through the American mail. The appeal seemed reasonable, and your Committee on the Post-Office and Post-Roads acted with promptness, and there is now upon the Calendar of the House a bill favorably reported recommending legislation at the rate of 8 cents a pound in lieu of the existing rate, 16 cents a pound.

A minority report, however, is filed therein. My associates, Messrs. PETERS, of Kansas, ALLEN, of Massachusetts, WHITE, of New York, LIND, of Minnesota, and myself recommended a reduction to 4 cents a pound, the same as the Canadian rate.

Sir, the minority in that recommendation feel greatly strengthened by the fact that two days ago a bill was reported from the Senate to the House, declaring the unanimous judgment of that body that the rate of postage on this class of merchandise should be 4 cents a pound, and so self-evident was the justice and common sense of the proposition that not one word of debate followed the reading of the bill as reported by the Senate Committee on Post-Offices and Post-Roads.

That bill is now before this House, and I feel sure it will have an early consideration in order that the severe discrimination now prevailing will be either abridged or in some way equalized. But in the mean time, Mr. Speaker, our great seed industries are being injured. When I say great I feel there is no exaggeration in the term. I have pleasure in reading a letter received this morning from my friend, Hon. Mr. DINGLEY, a member of this House, and my purpose was that his figures might afford me an opportunity of comparing the great seed and plant producing industries of the country with the fisheries industry that has so recently been under discussion by joint commission and now before the Senate for ratification:

HOUSE OF REPRESENTATIVES, *Washington, D. C., March* 28, 1888.

MY DEAR MR. BINGHAM: I neglected to send you the fishery statistics which you desired, but forward them now—I hope not too late for your use.

In 1880 the fisheries of the United States employed 44,804 boats, 6,605 vessels, and 131,426 persons. Capital invested, $37,955,349, and value of product, $43,046,053. Twenty-nine States participated in the fisheries.

Sincerely, yours,

W. DINGLEY, JR.

I had hoped to obtain the figures of this agricultural industry, but have been unable to do so in time for this debate, but shall use them in remarks when we take up the legislation reducing postage. However, it is sufficient to state that if not as great as the fishery capital invested, it approaches it closely and is deserving of the greatest watchfulness, and in convention or treaty postal relations should have received a larger care than the present treaty accords.

The commercial phase of the power under the act of June 8, 1872, which allows these postal conventions, I shall refer to later in my remarks. Naturally apprehensive when millions of merchandise were held for sale, and especially when its transportation through the mails provided that the receiver or purchaser should pay the postage, the seed-distributing centers believed that they could avail themselves of the Canadian cheap rate, which would directly redound to the benefit of the consumer. I read a letter from Mr. James Vick, of Rochester, N. Y., being one of the many I have received:

OFFICE OF JAMES VICK, SEEDSMAN,
Rochester, N. Y., February 14, 1888.

DEAR SIR: I see by the international parcels post treaty, just signed, that after March 1st the Canadians (and Messrs. D. M. Ferry & Co., of Detroit, from their Windsor branch) can ship their seeds, plants, and bulbs into the United States at one-fourth the regular United States postage. Is there any justice in this? Must we submit, or will your committee help us out of our difficulty?

Yours, etc.,

JAMES VICK.

Hon. HENRY H. BINGHAM, *Washington, D. C.*

No legislation protecting the agricultural interests having been enacted by Congress, I received the following letter, the original having been mailed to the Postmaster-General:

OFFICE OF JAMES VICK, SEEDSMAN,
Rochester, N. Y., March 6, 1888.

DEAR SIR: Last week we commenced mailing plants and catalogues to parties in the United States via Canada. This is done to save 12 cents per pound on plants and 3 cents on each catalogue, less a very small expense of freight, etc., but the thought suggested itself to me that perhaps arrangements could be made whereby we could ship these packages of plants and catalogues distributed and bagged into States and mailing routes directly to Buffalo (the exchange office) instead of to Canada. This would save the Buffalo office the labor of distributing, as we could have them neatly put up in United States mail bags and labeled.

Of course we would put Canadian postage on each package so the Canadian government would not lose by this change, and the United States Government would receive the same compensation as at present (nothing), and would be the gainer in not throwing so much work on the Buffalo office.

Yours, etc.,

JAMES VICK.

Hon. DON M. DICKINSON, *Postmaster-General.*

This letter was an honest one, simply outlining the purpose of business interests forced to care for themselves and giving due notice to the Postmaster-General of their purpose.

Under date of March 13, 1888, the Postmaster-General issued the following order:

NOTICE.

POST-OFFICE DEPARTMENT, OFFICE OF POSTMASTER-GENERAL,
Washington, D. C., March 13, 1888.

Satisfactory evidence having been presented to this Department that certain dealers in the United States are shipping their goods to Canada to be mailed there, addressed to persons in this country, with the intent to evade the higher rate of postage applicable to said goods in the domestic mails of the United States, especially before the customs regulations for the collection of duty on such matter are thoroughly understood and in practice, postmasters at United States post-offices, authorized to exchange mails with Canada, are hereby ordered to rate up postage on said packages so sent to Canada and received in mails from Canada, for collection on delivery, at the rate applicable to similar packages mailed, and addressed for delivery, in this country; the forwarding of such packages from Canada being an "obvious error," the same being in contravention of the provisions of article 4 of the postal convention in force between the two countries.

Similar articles contained in mails from Canada, under like state of facts received by United States railway post-offices of exchange, shall be turned in to the nearest United States exchange post-office for treatment under this order.

The provisions of this order shall apply to all packages mailed in Canada addressed for delivery in the United States, the indications upon the covers of which or other facts show that they have been sent from the United States to Canada for the purpose of mailing back to the United States.

DON M. DICKINSON,
Postmaster-General.

Upon the promulgation of this order the gentleman from New York [Mr. WHITE] offered in the House of Representatives the following resolution:

Resolved, That the Postmaster-General be, and he is hereby, requested to communicate to this House what instructions, if any, whether by circular letter or otherwise, have been given to subordinate officers of the Post-Office Department with reference to mail matter received from the Dominion of Canada, which instructions are intended to prohibit American citizens from using the United States mails upon the same terms with citizens of said Dominion living in the same vicinage and competing in the same branches of business with said American citizens.

2. That the said Postmaster-General be requested to inform this House whether any statute law prevents mailing in the Dominion of Canada seeds, plants, and bulbs grown by American citizens upon American soil, and if there is no provision of law prohibiting it, whether he has assumed to impose a penalty at the rate of $320 per ton upon seeds, plants, and bulbs lawfully mailed by American citizens in an attempt to compete with Canadian seedsmen, to whom the United States has, by a recent postal treaty, given an advantage over American seedsmen in the way of postage at the rate of $240 per ton.

3. In case the Postmaster-General shall show that orders have been given directing the examination of incoming Canadian mails for evidence of their use by American citizens, that he be further requested to inform the House by what provision of the recent postal treaty with the Dominion of Canada, or by what provision of law, the officers of the postal service of the United States are authorized to place an espionage on the said Canadian mail for the purpose of determining whether citizens of the United States are availing themselves of the beneficent provisions which are accorded to Canadians by said postal treaty.

Through Hon. Mr. ENLOE these resolutions are to-day reported back to the House with an adverse recommendation, and gentlemen of the Committee on the Post-Office and Post-Roads attempt to justify the position of the Department in lieu of recommending the resolutions to the favorable action of the House, in order that the Postmaster-General might from his own standpoint of administrative knowledge, precedent, and reading of the statute say to the country why he has issued the order and certify his authority for the same. I am sure his defense would have carried to my mind at least the conviction that he had thoroughly examined the question and believed it his right, as well as duty, to issue the order upon which the gentleman from New York desires enlightenment. From my own reading of the statutes and the treaty specifications I am not, I am free to admit, clear in my conclusions, but am disposed to think that under section 4026 the order is warranted, and if it is not, then Congress, by a speedy enactment, should vest power somewhere to search the inter-foreign mail service where merchandise is being conveyed, and if in violation of either law, treaty, or convention, then a penalty in some form should follow. I will quote the statute (section 4026, Revised Statutes):

The Postmaster-General may, by a letter of authorization under his hand, to be filed among the records of his Department, empower any special agent or other officer of the post-office establishment to make searches for mailable matter transported in violation of law; and the agent or officer so authorized may open and search any car or vehicle passing, or having lately before passed, from any place at which there is a post-office of the United States to any other such place, or any box, package, or jacket, being, or having lately before been, in such car or vehicle, or any store or house other than a dwelling house, used or occupied by any common carrier or transportation company in which such box, package, or jacket may be contained, whenever such agent or officer has reason to believe that mailable matter, transported contrary to law, may therein be found.

Your Committee (or a majority of the same) on the Post-Office and Post-Roads declare, or rather assume, that the Postmaster-General based his circular notice upon this section of the statute. I again state that it is not clear to my mind that the statute covers the broad requirements of the circular, and I should like the Postmaster-General himself to state to this House the precedents, if there are any, governing his action and which have not been referred to in this debate. He makes no reference in his circular to the statute under which it is claimed he has acted, but places it upon not only "satisfactory evidence" and "before the customs regulations for the collection of duty on such matter are thoroughly understood and in practice," but also "article 4 of the postal convention in force between the two countries."

This article reads as follows:

In case any correspondence is tendered for mailing in either country obviously with the intention to evade the higher postage rates applicable to it in the other country, it shall be refused, unless payment be made of such higher rates.

If the authority does not rest upon section 4026, Revised Statutes, above quoted, to justify the circular, certainly there is some doubt upon the power conferred in article 4 of the convention, for it distinctly states that the mail matter "shall be refused."

The report of the majority of the committee is neither convincing

nor conclusive, and good judgment, as well as a disposition to intelligently legislate upon the postage question that will soon come before us, should send these resolutions to the Postmaster-General for the information requested. But we are confronted with the committee's statement that "the resolutions are of the nature of criticism of the existing law, a protest against its enforcement, and an arraignment of the Postmaster-General." This, as one of the minority, I deny, and the gentleman from New York makes denial also. We want information, and we want it from the only authority that can give it to us—not the majority of the committee, but the Postmaster-General. We have stood ready and now stand ready to modify the resolutions in all particulars that can be claimed as "an arraignment of the Postmaster-General."

If he is right, he deserves commendation. If the law does not fully cover a keeping in good faith of treaty obligations and conventions, then we can amend it. If the Postmaster-General has issued his circular without warrant of law, I am sure the chairman of the Committee on the Post-Office and Post-Roads, like myself, would demand its recall, and join in aiding the Postmaster-General to secure good legislation that this and all administrations require and are justly entitled to receive from Congress.

There is a commercial aspect in this convention with the Dominion of Canada which forcibly presents itself as an excellent illustration of the power vested in the Postmaster-General, by and with the advice of the President, to conclude postal treaties with foreign countries. (Revised Statutes, 398.)

Seeds, bulbs, plants, and other articles of agricultural merchandise can come into this country when upon the free-list or qualifiedly taxed at the tax and postal rate. The difference between 4 cents a pound, Canadian rate, and 16 cents a pound, United States rate, is great, and would to-day, if Congress failed to interfere by immediate legislation, destroy our home industry.

The Post-Office Department is gradually and directly moving in the line of larger convenience for the people in the interchange of commodities and articles of manufacture through the mails. I am not in any way opposed to the advance. I believe it to be required by the growing demands of the masses, and will hope to see the postal service so administered that fourth-class matter can come to us from abroad with the same facility, certainty, and dispatch that carries it in our domestic mails to every section of our vast territory.

The Superintendent of Foreign Mails thus submits, on page 1015, Postmaster-General, 1887:

The Post-Office Department has pending and in a few months will, it is expected, complete parcel-post conventions with several West India islands and South and Central American states, for the purpose of dispatching through the mails merchandise parcels of declared value, through which the Department will add a new avenue and obtain new facilities for increasing the trade relations with our South American neighbors.

The parcel-post system will be an important avenue for the extension of the commerce of the United States, and its use will be the cause of bringing to our merchants an acquaintance hitherto unknown to them, and by that acquaintance larger transactions will follow; and further, the kind of merchandise that will be purchased and conveyed in this way from our markets to the states of Central and South America is now largely purchased from European states, as will appear from the following tables, compiled from the report of the Chief of the Bureau of Statistics, Treasury Department, for the quarter ended September 30, 1886, showing the value of cotton and of woolen goods exported to the Spanish West Indies, Mexico, Central America, and the principal states of South America from the United States, Great Britain, France, and Spain, during the calendar year 1885, and from Germany during the calendar year 1884:

To—	From the United States.	From Great Britain.	From France.	From Germany.	From Spain.
MANUFACTURES OF COTTON.					
Spanish West Indies	$351,856	$2,670,180	$37,730	$60,452	$1,027,123
Mexico	998,929	1,982,890	274,090	155,176	.....
Central American states	287,514	2,276,140	152	.....	.....
United States of Colombia	339,620	1,378,057	206,466	.....	4,826
Venezuela	370,998	832,571	46,949	.....	9,395
Brazil	604,891	12,043,877	389,571	753,032	.....
Uruguay	77,968	1,924,063	116,095	.....	23,547
Argentine Republic	494,486	4,866,456	602,351	528,360	38,129
Chili	362,827	2,243,719	140,160	485,044	.....
Peru	78,200	1,336,823	77,837	194,684	.....
Total	3,967,289	31,554,776	1,891,401	2,176,748	1,103,020
MANUFACTURES OF WOOL.					
Spanish West Indies	3,255	151,918	.....	5,236	61,344
Mexico	27,749	467,836	.....	73,066	.....
Central American states	11,203	144,496	.....	.....	.....
United States of Colombia	29,244	187,268	51,455	.....	.....
Venezuela	3,577	103,486	.....	.....	.....
Brazil	1,029	1,468,262	.....	250,614	.....
Uruguay	4,754	923,199	.....	.....	.....
Argentine Republic	3,335	2,865,765	197,259	247,996	28,330
Chili	1,696	963,601	69,736	214,676	.....
Peru	447	737,353	32,727	81,634	.....
Total	86,289	8,013,184	351,177	873,222	89,774

PARCEL-POSTAGE CHARGES.

The question of parcel-post charges for postage is one of important concern. The competition for the conveyance of the domestic merchandise parcels comes from our own citizens, and does not enter into the question, to any very great extent, of the trade relation between different sections of the country. But the competition of our foreign parcel trade will come from nearly all of the European states, as most of them have an established parcel-post system with some of the South American states. In some cases we have an advantage in the time required for the completion of a merchandise order through the parcel post, while they have the advantage in many cases of a cheaper cost price for the articles of merchandise transported by their parcel-post system to the same destinations.

The following countries now belong to the International Parcel Post Union: Argentine Republic, Austria, Belgium, Brazil, Bulgaria, Chili, Denmark, Egypt, France, French colonies, Germany, Greece, Hungary, Italy, Luxemburg, Montenegro, Netherlands, Norway, Paraguay, Portugal, Portuguese colonies, Roumania, Servia, Spain, Sweden, Switzerland, Turkey, Uruguay, and Venezuela.

Great Britain does not belong to the International Parcel Post Union, but has special parcel-post conventions with Germany, Belgium, the Netherlands, Italy, and nearly all the British colonies. None of these conventions had been in operation for an entire year at the date (March 30, 1886) when the statistics given in the last British post-office report (1886) were closed.

My purpose, Mr. Speaker, will have been accomplished when I have invited the attention of the House to the growing demand in this country for the interchange of commodities and the extent to which it is carried by the nations of the world through the medium of the postal service, the advance being made by our own Post-Office Department. The recent convention with the United Mexican States, approved June 21, 1887, being almost identical with the Canadian convention, clearly proves that every information should be given this House upon a question and a proceeding that under the statute the Postmaster-General and the President may carry out, which, while I am not at this time and in this debate objecting, may affect the revenues of the Government, imperil industry, and threaten the employed and peaceful industries of labor.

Congress has ever been most watchful of its sole right to tax and raise revenue. Let us look carefully before we surrender the first step. Let the broad light of day shine upon this recent convention with Canada, and let these resolutions be referred to the only authority that is familiar with the question—the power that made the treaty under the law.

The SPEAKER *pro tempore*. The gentleman from Massachusetts [Mr. ALLEN] has three minutes of his time remaining.

Mr. ALLEN, of Massachusetts. I will yield one minute to the gentleman from Kansas [Mr. PETERS].

Mr. PETERS. Mr. Speaker, in order to take from the majority of this committee the last vestige of objection to the resolutions offered by the gentleman from New York [Mr. WHITE] I will submit the following amendments:

Strike out the words "assumed to," in the second paragraph, and change the word "impose" to "imposed." Strike out the words, in the third paragraph, "place an espionage on," and insert the word "examine;" so it will read:

Resolved, That the Postmaster-General be, and he is hereby, requested to communicate to this House what instructions, if any, whether by circular letter or otherwise, have been given to subordinate officers of the Post-Office Department with reference to mail matter received from the Dominion of Canada, which instructions are intended to prohibit American citizens from using the United States mails upon the same terms with citizens of said Dominion living in the same vicinage and competing in the same branches of business with said American citizens.

That the said Postmaster-General be requested to inform this House whether any statute law prevents mailing in the Dominion of Canada seeds, plants, and bulbs grown by American citizens upon American soil, and if there is no provision of law prohibiting it, whether he has imposed a penalty at the rate of $320 per ton upon seeds, plants, and bulbs lawfully mailed by American citizens in an attempt to compete with Canadian seedsmen, to whom the United States has, by a recent postal treaty, given an advantage over American seedsmen in the way of postage at the rate of $240 per ton.

In case the Postmaster-General shall show that orders have been given directing the examination of incoming Canadian mails for evidence of their use by American citizens, that he be further requested to inform the House by what provision of the recent postal treaty with the Dominion of Canada or by what provision of law the officers of the postal service of the United States are authorized to examine the said Canadian mail for the purpose of determining whether citizens of the United States are availing themselves of the beneficent provisions which are accorded to Canadians by said postal treaty.

That, Mr. Speaker, will take from the resolution all of the objectionable words to which the gentleman from Tennessee [Mr. ENLOE] and the gentleman from Georgia [Mr. BLOUNT] have called attention. With these emendations I have suggested the resolution will then pass, in my judgment, the most astute critic on the subject of courtesy and would take away the main objection alleged by the gentleman from Georgia and the gentleman from Tennessee.

The SPEAKER *pro tempore*. The gentleman's time has expired. The gentleman from Massachusetts has two minutes of his time remaining.

Mr. ALLEN, of Massachusetts. I will reserve that time.

The SPEAKER *pro tempore*. The gentleman from Tennessee [Mr. ENLOE] has six minutes of his time remaining.

Mr. ENLOE. Does the gentleman from Georgia [Mr. BLOUNT] desire any portion of that time?

Mr. BLOUNT. No, I will not take up the time of the House any further.

Mr. ENLOE. Mr. Speaker, so far as the statement made by the gentleman from Massachusetts [Mr. ALLEN], and quoted by the gentleman from Maine [Mr. REED], is concerned, to the effect that the operation of this treaty will reduce the revenues of the Post-Office Department to the extent of $2,000,000 per annum, the only answer I care to

make is this: that there are no facts or statistics upon which to base such an assertion, and that it rests upon no more substantial basis than the imagination of the gentleman from Massachusetts [Mr. ALLEN].

In reply to the gentleman from New York [Mr. WHITE], who intimates that I have exclusive sources of information in the Post-Office Department, I have only to say that he has had at his command precisely the same sources of information that were open to me, and if he had gone to the Post-Office Department he could have obtained all the information which has been accessible to me.

But rather than seek this information in the usual way he proposes to incorporate in a resolution which he asks this House to adopt a stump speech against the Post-Office Department in reference to the negotiation of this treaty, and it is to that proposition we object and against which we report adversely.

All this difficulty grows out of the fact that the gentleman from Massachusetts [Mr. ALLEN] is afraid that all those engaged in the business of advertising patent medicines will remove into Canada, while the gentleman from New York [Mr. WHITE] is afraid that one seedsman will move out of his State and dwell in Canada in order to secure the great advantage which he asserts that this treaty affords to foreigners. I have a telegram here from Mr. Vick, the seedsman, and also a letter sent to me at the request of Mr. Vick, both of which I will read to the House. The letter is as follows:

TORONTO, ONTARIO, *March* 23, 1888.

DEAR SIR: At the request of James Vick, seedsman, Rochester, N. Y., have forwarded you copy of latest issue of our illustrated seed catalogue. May mention that we have never attempted to do any mail-order business throughout United States, owing to your high protective tariff. The copies of catalogue sent you have been prepared entirely for the use of our Canadian customers.

Yours, truly,

STEELE BROS. & CO.

Hon. BENJAMIN A. ENLOE,
House of Representatives, Washington, D. C.

Mr. Vick, it seems, insists that the law should be changed to suit his views, in order to prevent him from going into Canada to transact his business with the people of the United States. Here we have the anomaly presented of a firm in Canada, in the same line of business with Mr. Vick, unable to do business in the United States on account of the discrimination under our laws in favor of American seedsmen, and a seedsman in the United States unable to compete with Canada because the Canadian, he asserts, has the advantage under the convention.

Mr. BAKER, of New York. Will the gentleman permit me to ask him one question?

Mr. ENLOE. Not to come out of my time.

Mr. BAKER. Does not the gentleman know the Detroit house has a branch house in Canada?

Mr. ENLOE. I have not time to answer irrelevant questions. I ask the Clerk now to read Mr. Vick's telegram.

The Clerk read as follows:

ROCHESTER, N. Y., *March* 22, 1888.

To Hon. B. A. ENLOE,
House of Representatives, Washington:

Judge Wallace granted order to show cause why injunction should not be issued. Will the Government take 4 cents or nothing on spring business?

JAS. VICK.

Mr. BAKER, of New York. That was before the treaty was made.

Mr. ENLOE. No, since. It appears that Mr. Vick imagines that he has the Government of the United States in his grip, and he is going to make the Government change the law in order to keep him from going out of the United States with his business or stop the collection of postage on his wares. The Canadian postmaster-general has issued an order requiring the parties mailing American seeds in Canada to pay 16 cents a pound, the United States rate of postage, and that is the occasion of all this fluttering along the border.

Mr. BOUTELLE. How about Canadian citizens?

Mr. ENLOE. The Canadians engaged in this business, according to this letter, are not able to compete under our present tariff laws; but the gentleman from New York [Mr. WHITE] says we are proposing to pass the Mills tariff bill, and therefore we should reduce postage on seeds, etc. If the gentleman from New York and his party friends will help us to pass that bill I will most cheerfully join in reducing the postage to meet the reduction in customs duties on seeds.

Furthermore, sir, if Mr. Vick wants to go to Canada with his business, he has a right to do so; but I do not think that he or any other seedsman will go to that side of the line to transact business with the people of this country, nor do I think that the seed interests on this side of the line will suffer under the operation of this treaty. But here we are confronted by the great seed "trust," asking a reduction of the rate of postage to 4 cents a pound on seeds, bulbs, plants, and cions, when the farmers of the country in their organized capacity are only asking for a reduction to 8 cents a pound.

Mr. PETERS. The gentleman is entirely mistaken. They ask a reduction to 4 cents, and the seedsmen are interested in keeping it up to 8.

Mr. ENLOE. I must decline to yield to these interruptions.

Mr. BOUTELLE. But will the gentleman state why he objects to our receiving the information called for in the resolution?

Mr. ENLOE. I have no objection when the request is couched in respectful language.

Mr. LAIRD. Does not your committee know enough to amend it if they do not like it?

Mr. ENLOE. Certainly. But you have received all the information here to-day that is demanded, and you might have obtained it any day.

Mr. BOUTELLE. How?

Mr. ENLOE. By reference to the publications of the Department and the statute law on the subject.

Mr. BOUTELLE. But is there objection, and, if so, what objection, to having this information from the Department?

Mr. BLOUNT. Offer a resolution in proper form, and we will report it back at once.

Mr. BOUTELLE. Why not amend this resolution, then, if you object to its form?

Mr. BLOUNT. We prefer to have the matter before us in proper shape in committee.

Mr. BOUTELLE. But you can not get the information by laying the resolution on the table.

Mr. ENLOE. Let me say further, Mr. Speaker, that the seedsman or seedsmen who are making this fight for 4 cents a pound have received from the consumers 16 cents a pound on the spring business, and if they get a reduction to 4 cents they make a clear gain of 12 cents off the consumer or planter, and the postal revenues, which justly belong to the Government, will go into the treasury of the great American seed trust. I have great respect for the gentleman from New York [Mr. WHITE], the representative of the grangers of Wall street; but I propose to speak and trust that I do speak in the interest of and in accord with the expressed will of the farmers of the whole country.

I now demand the previous question.

Mr. ALLEN, of Massachusetts. I believe I have two or three minutes.

The SPEAKER *pro tempore*. The gentleman has two minutes remaining.

Mr. BOUTELLE. Will the chairman of the committee, before the vote is taken on this report, inform the House what it is in the resolution that is objected to by his committee?

Mr. BLOUNT. I wish to say to the gentleman that I have already made a statement; but if the House will allow me the privilege of consuming a moment more to say so, I can only repeat that the gentleman from Maine or any other gentleman on this floor can offer a resolution in courteous terms, and I am satisfied we will report it back without delay; but we do not propose to deal in stump speeches.

Mr. BOUTELLE. Mr. Speaker, in all good faith I wish to get information upon this subject. I understand the chairman of the committee makes no objection to the proposed action of the House in requesting this information from the Department. He does not say that the information is not proper for the House to have and ought not properly to have, but objects to something in the form of the resolution itself. Now, if that be the case, would it not be a business-like, parliamentary, and common-sense procedure for the chairman of the committee or the majority of the committee to propose to modify this resolution so as to put it into a proper and respectful form, and in deferential language, if you please, such as may be necessary to address to a Democratic head of a Department?

Mr. BLOUNT. If I may be allowed to answer the gentleman, I would say that I would have no objection to doing anything of that sort; but there has never been an effort on the part of the gentleman having charge of the matter, so far as I know, to offer a resolution in respectful terms; and so far as the country knows the only information sought for was that which was attempted to be gathered by the resolution in the form submitted by him. That we regard as a disrespectful one, and we have treated it as we think such a resolution ought to be treated.

Mr. BOUTELLE. What is disrespectful about it?

Mr. BLOUNT. I can not undertake in this way to specify all the points in which I think it is disrespectful. I think the gentleman could readily see if he would read the resolution.

Mr. HATCH. Permit me to ask a question.

Mr. BLOUNT. I have not the floor except by consent of the House.

Mr. HATCH. I have heard the statement of the gentleman from Georgia that he objected to the language of this resolution. Now I desire to ask this question: If the gentleman from New York will now eliminate from his resolution the language that has been objected to by the Committee on the Post-Office and Post-Roads through its chairman, will the gentleman accept that as a modification and let us vote upon it in that form?

Mr. BLOUNT. I hope I will not be considered discourteous when I say that the Committee on the Post-Office and Post-Roads will make better recommendations to the House when they have considered in committee-room the proposition under discussion. [Cries of "Regular order!"]

The SPEAKER. The Chair understands the gentleman from Tennessee demanded the previous question.

Mr. ENLOE. I did.

Mr. BLOUNT. But this has been proceeding by unanimous consent, and I hope the same unanimous consent will allow me to respond to the inquiry just addressed to me. [Cries of "Go on!"]

I simply wish to say that we have reported this resolution back with this recommendation because we thought the terms made use of in it made it proper that we should do so.

Mr. WHITE, of New York. Will the gentleman allow me——

Mr. BLOUNT. In a moment.

Mr. Speaker, the better place to arrive at the information sought is in the committee-room; and a resolution might be offered at any time during this day and would be reported back promptly by the committee. I prefer, when we undertake to formulate or act upon that resolution, that we shall do it in the committee-room, and not here. I will not undertake here to say what is proper. [Cries of "Regular order!"]

The SPEAKER. The regular order is the demand for the previous question.

Mr. ALLEN, of Massachusetts. I have two minutes remaining, Mr. Speaker.

Mr. BAKER, of New York. I desire to ask a question for information.

Several members called for the regular order.

The SPEAKER. The gentleman from Massachusetts [Mr. ALLEN] claims that he is still entitled to two minutes.

Mr. ALLEN, of Massachusetts. During those two minutes I simply want to say that the question of the passage of this resolution is so interwoven with the question of cheap agricultural postage, that the people will find it difficu't to separate the two. I want, in a word, to warn the House to make no mistake in voting on this question lest the farmers, who are so profoundly interested, shall misconstrue its action.

I desire to offer, in my time, the amendments which were read in the time of the gentleman from Kansas [Mr. PETERS].

The Clerk read as follows:

Strike out the words "assumed to," in the second paragraph, and change the word "impose" to "imposed."

Strike out the words in the third paragraph "place an espionage on" and insert the word "examine."

Mr. ENLOE. I move to lay the resolution and pending amendments on the table.

Mr. REED, and Mr. ALLEN of Massachusetts, called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 126, nays 122, not voting 76; as follows:

YEAS—126.

Abbott,	Davidson, Fla.	Lane,	Russell, Mass.
Allen, Miss.	Dibble,	Lanham,	Rusk,
Anderson, Ill.	Dockery,	Lawler,	Sayers,
Bacon,	Dougherty,	Macdonald,	Scott,
Bankhead,	Dunn,	Mahoney,	Shaw,
Barnes,	Elliott,	Mansur,	Shively,
Biggs,	Enloe,	Martin,	Smith,
Bland,	Foran,	Matson,	Snyder,
Blount,	Ford,	McClammy,	Sowden,
Breckinridge, Ark.	Forney,	McCreary,	Springer,
Breckinridge, Ky.	French,	McMillin,	Stewart, Ga.
Bryce,	Gay,	McRae,	Stockdale,
Burnes,	Gibson,	Merriman,	Stone, Ky.
Bynum,	Glass,	Morgan,	Stone, Mo.
Campbell, F., N.Y.	Granger,	Neal,	Tarsney,
Campbell, Ohio	Grimes,	Newton,	Taulbee,
Campbell, T.J., N.Y.	Hail,	Norwood,	Thompson, Cal.
Candler,	Hare,	Oates,	Tillman,
Carlton,	Hemphill,	O'Ferrall,	Tracey,
Caruth,	Henderson, N. C.	O'Neall, Ind.	Townshend,
Catchings,	Herbert,	O'Neill, Mo.	Turner, Ga.
Clardy,	Hogg,	Outhwaite,	Vance,
Clements,	Holman,	Peel,	Walker,
Cockran,	Hooker,	Penington,	Washington,
Compton,	Howard,	Perry,	Weaver,
Cothran,	Hudd,	Phelan,	Wheeler,
Cox,	Hutton,	Pidcock,	Whitthorne,
Crain,	Johnston, N. C.	Randall,	Wilson, W. Va.
Crisp,	Kilgore,	Rayner,	Wise,
Culberson,	Laffoon,	Rice,	Yoder.
Dargan,	Lagan,	Rogers,	
Davidson, Ala.	Landes,	Rowland,	

NAYS—122.

Adams,	Cutcheon,	Kean,	Perkins,
Allen, Mass.	Dalzell,	Kerr,	Peters,
Anderson, Iowa	Davis,	Ketcham,	Phelps,
Anderson, Kans.	De Lano,	La Follette,	Post,
Atkinson,	Dingley,	Laidlaw,	Reed,
Baker, N. Y.	Dorsey,	Laird,	Ryan,
Baker, Ill.	Dunham,	Lehlbach,	Sawyer,
Bayne,	Farquhar,	Lind,	Scull,
Belden,	Felton,	Lodge,	Spooner,
Belmont,	Finley,	Long,	Steele,
Bingham,	Flood,	Lyman,	Struble,
Bliss,	Fuller,	Mason,	Symes,
Boothman,	Funston,	McComas,	Taylor, E. B., Ohio
Bound,	Gallinger,	McCormick,	Taylor, J. D., Ohio
Boutelle,	Gear,	McKenna,	Thomas, Ky.
Bowen,	Gest,	McKinley,	Thomas, Wis.
Browne, T. H. B., Va.	Goff,	McKinney,	Vandever,
Browne, Ind.	Grout,	McShane,	Wade,
Brown, Ohio	Harmer,	Milliken,	Warner,
Brown, J. R., Va.	Haugen,	Morrill,	Weber,
Buchanan,	Hayden,	Morrow,	White, Ind.
Bunnell,	Henderson, Iowa	Morse,	White, N. Y.
Burrows,	Henderson, Ill.	Nelson,	Whiting, Mass.
Butterworth,	Hermann,	Nutting,	Wickham,
Cannon,	Hitt,	O'Donnell,	Wilber,
Caswell,	Hopkins, Ill.	O'Neill, Pa.	Williams,
Cheadle,	Houk,	Osborne,	Woodburn,
Clark,	Hovey,	Owen,	Yardley,
Cogswell,	Hunter,	Parker,	Yost.
Conger,	Jackson,	Patton,	
Crouse,	Johnston, Ind.	Payson,	

NOT VOTING—76.

Allen, Mich.	Davenport,	Kennedy,	Rowell,
Anderson, Miss.	Ermentrout,	Latham,	Russell, Conn.
Arnold,	Fisher,	Lee,	Seney,
Barry,	Fitch,	Lynch,	Seymour,
Blanchard,	Gaines,	Maffett,	Sherman,
Bowden,	Glover,	Maish,	Simmons,
Brewer,	Greenman,	McAdoo,	Spinola,
Brower,	Grosvenor,	McCullogh,	Stahlnecker,
Brumm,	Guenther,	Mills,	Stephenson,
Buckalew,	Hatch,	Moffitt,	Stewart, Tex.
Burnett,	Hayes,	Montgomery,	Stewart, Vt.
Butler,	Heard,	Moore,	Thomas, Ill.
Chipman,	Hiestand,	Nichols,	Thompson, Ohio
Cobb,	Hires,	Plumb,	Turner, Kans.
Collins,	Holmes,	Pugsley,	West,
Cooper,	Hopkins, Va.	Richardson,	Whiting, Mich.
Cowles,	Hopkins, N. Y.	Robertson,	Wilkins,
Cummings,	Jones,	Rockwell,	Wilkinson,
Darlington,	Kelley,	Romeis,	Wilson, Minn.

So the resolution and amendments were laid on the table.

Mr. DARLINGTON. I desire to state if I were not paired I would vote "no."

On motion of Mr. ALLEN, of Massachusetts, the reading of the names was dispensed with by unanimous consent.

The following members were announced as paired on all political questions until further notice:

Mr. WILKINS with Mr. DAVENPORT.
Mr. BURNETT with Mr. KENNEDY.
Mr. MOORE with Mr. DARLINGTON.
Mr. SENEY with Mr. KELLEY.
Mr. RICHARDSON with Mr. STEWART, of Vermont.
Mr. ANDERSON, of Mississippi, with Mr. HIESTAND.
Mr. FISHER with Mr. BREWER.
Mr. WHITING, of Michigan, with Mr. ALLEN, of Michigan.
Mr. SIMMONS with Mr. WEST.
Mr. MILLS with Mr. BUTTERWORTH.
Mr. HOPKINS, of Virginia, with Mr. HIRES.
Mr. HEARD with Mr. ROWELL.
Mr. COWLES with Mr. THOMPSON, of Ohio.
Mr. LAGAN with Mr. STEPHENSON.
Mr. GLOVER with Mr. GUENTHER.
Mr. SPINOLA with Mr. THOMAS, of Illinois.

The following members were announced as paired for this day:

Mr. GREENMAN with Mr. SHERMAN.
Mr. ERMENTROUT with Mr. ROMEIS.
Mr. LATHAM with Mr. PLUMB.
Mr. STAHLNECKER with Mr. HOPKINS, of New York.
Mr. CUMMINGS with Mr. MOFFITT.
Mr. MONTGOMERY with Mr. RUSSELL, of Connecticut.
Mr. WILSON, of Minnesota, with Mr. ROCKWELL.
Mr. COBB with Mr. GROSVENOR.
Mr. CHIPMAN with Mr. GAINES.
Mr. MCADOO with Mr. BRUMM.
Mr. LEE with Mr. BOWDEN.

The result of the vote was then announced as above stated.

Mr. SOWDEN. I send to the desk a resolution for which I ask present consideration.

Mr. REED. I demand the regular order.

Mr. BLOUNT. I hope the resolution offered by the gentleman from Pennsylvania [Mr. SOWDEN] will be read.

Mr. REED. I have asked for the regular order.

Mr. RANDALL. I desire to enter a motion to reconsider the vote by which the resolution was laid on the table.

Mr. REED. And I ask that that question be taken by yeas and nays. Gentlemen have made their record; let them stick to it.

Mr. RANDALL. The object of my motion is that a respectful inquiry may be addressed to the Department.

Mr. REED. I demand the regular order, which is the call for the yeas and nays. I do not wonder that the brethren want to explain.

Mr. RANDALL. Mr. Speaker, I am on the floor now on my motion to reconsider.

The SPEAKER. The gentleman from Pennsylvania moves to reconsider the vote by which the resolution was laid on the table.

Mr. REED. It is too late. We are dividing.

The SPEAKER. Under the rules of the House a motion to reconsider a vote is not debatable, unless the original proposition itself was debatable, and the motion to lay on the table is not a debatable question. As many as are in favor of taking the vote by yeas and nays will rise and stand until counted. There is a sufficient number up, and the yeas and nays are ordered.

Mr. SPRINGER. Is it in order to move to lay the motion to reconsider on the table?

The SPEAKER. It is.

Mr. SPRINGER. I think we had better do that.

Mr. REED. We are dividing on the question.

The SPEAKER. The Chair has announced that there is a sufficient number to order the yeas and nays. The gentleman from Illinois moves to lay the motion to reconsider on the table, upon which motion the yeas and nays can be taken.

Mr. REED. Well, we will do that.

The SPEAKER. The gentleman from Maine [Mr. REED] demands the yeas and nays upon the motion to lay the motion to reconsider on the table.

Mr. SPRINGER. I will withdraw my motion, Mr. Speaker. I supposed we might save time in that way.

The SPEAKER. Then the yeas are ordered on the motion to reconsider the vote by which the resolution was laid on the table, and the Clerk will call the roll.

Mr. SPRINGER. Mr. Speaker, there seems to be some misapprehension as to the motion which I made———

The SPEAKER. The Chair has stated the motion, and the Clerk will proceed with the call.

The question was taken; and there were—yeas 123, nays 127, not voting 74; as follows:

YEAS—123.

Adams,	Crouse,	Jackson,	Phelps,
Allen, Mass.	Cutcheon,	Johnston, Ind.	Post,
Anderson, Iowa	Dalzell,	Kean,	Randall,
Anderson, Kans.	Davis,	Kerr,	Reed,
Arnold,	De Lano,	Ketcham,	Ryan,
Atkinson,	Dingley,	La Follette,	Sawyer,
Baker, N. Y.	Dorsey,	Laidlaw,	Scull,
Baker, Ill.	Dunham,	Laird,	Shaw,
Bayne,	Farquhar,	Lehlbach,	Sowden,
Belden,	Finley,	Lodge,	Spooner,
Bingham,	Flood,	Long,	Steele,
Boothman,	Fuller,	Lyman,	Struble,
Bound,	Funston,	Mason,	Symes,
Boutelle,	Gallinger,	McComas,	Taylor, E. B., Ohio
Bowen,	Gear,	McCormick,	Taylor, J. D., Ohio
Browne, T. H. B., Va.	Gest,	McKenna,	Thomas, Ky.
Browne, Ind.	Goff,	McKinley,	Thomas, Wis.
Brown, Ohio	Grout,	Milliken,	Turner, Kans.
Brown, J. R., Va.	Harmer,	Morrill,	Vandever,
Buchanan,	Haugen,	Morrow,	Wade,
Bunnell,	Hayden,	Nelson,	Warner,
Burrows,	Henderson, Iowa	Nutting,	Weber,
Butterworth,	Henderson, Ill.	O'Donnell,	White, Ind.
Cannon,	Hermann,	O'Neill, Pa.	White, N. Y.
Caswell,	Hires,	Osborne,	Whiting, Mass.
Cheadle,	Hitt,	Owen,	Wickham,
Clark,	Holmes,	Parker,	Wilber,
Cockran,	Hopkins, Ill.	Patton,	Williams,
Cogswell,	Houk,	Payson,	Yardley,
Conger,	Hovey,	Perkins,	Yost.
Cooper,	Hunter,	Peters,	

NAYS—127.

Abbott,	Dargan,	Kilgore,	Rayner,
Allen, Miss.	Davidson, Ala.	Laffoon,	Rice,
Anderson, Miss.	Davidson, Fla.	Landes,	Robertson,
Anderson, Ill.	Dibble,	Lane,	Rogers,
Bacon,	Dockery,	Lanham,	Rowland,
Bankhead,	Dougherty,	Lawler,	Russell, Mass.
Barnes,	Dunn,	Macdonald,	Sayers,
Belmont,	Elliott,	Mahoney,	Scott,
Biggs,	Enloe,	Mansur,	Shively,
Blanchard,	Foran,	Martin,	Smith,
Bland,	Ford,	Matson,	Snyder,
Blount,	Forney,	McClammy,	Springer,
Breckinridge, Ark.	French,	McCreary,	Stewart, Ga.
Breckinridge, Ky.	Gibson,	McKinney,	Stockdale,
Bryce,	Glass,	McMillin,	Stone, Ky.
Burnes,	Granger,	McRae,	Stone, Mo.
Bynum,	Grimes,	McShane,	Tarsney,
Campbell, F., N. Y.	Hall,	Merriman,	Taulbee,
Campbell, Ohio	Hare,	Morgan,	Thompson, Cal.
Candler,	Hatch,	Neal,	Tillman,
Carlton,	Hayes,	Newton,	Tracey,
Caruth,	Hemphill,	Norwood,	Townshend,
Catchings,	Henderson, N. C.	Oates,	Turner, Ga.
Clardy,	Herbert,	O'Ferrall,	Vance,
Clements,	Hogg,	O'Neall, Ind.	Walker,
Collins,	Holman,	O'Neill, Mo.	Weaver,
Compton,	Hooker,	Outhwaite,	Wheeler,
Cothran,	Hopkins, Va.	Peel,	Whitthorne,
Cox.	Howard,	Penington,	Wilkinson,
Crain,	Hudd,	Perry,	Wilson, W. Va.
Crisp,	Hutton,	Phelan,	Wise.
Culberson,	Johnston, N. C.	Pidcock,	

NOT VOTING—74.

Allen, Mich.	Fisher,	Maffett,	Seymour,
Barry,	Fitch,	Maish,	Sherman,
Bliss,	Gaines,	McAdoo,	Simmons,
Bowden,	Gay,	McCullogh,	Spinola,
Brewer,	Glover,	Mills,	Stahlnecker,
Brower,	Greenman,	Moffitt,	Stephenson,
Brumm,	Grosvenor,	Montgomery,	Stewart, Tex.
Buckalew,	Guenther,	Moore,	Stewart, Vt.
Burnett,	Heard,	Morse,	Thomas, Ill.
Butler,	Hiestand,	Nichols,	Thompson, Ohio
Campbell, T. J., N. Y.	Hopkins, N. Y.	Plumb,	Washington,
Chipman,	Jones,	Pugsley,	West.
Cobb,	Kelley,	Richardson,	Whiting, Mich.
Cowles,	Kennedy,	Rockwell,	Wilkins,
Cummings,	Lagan,	Romeis,	Wilson, Minn.
Darlington,	Latham,	Rowell,	Woodburn,
Davenport,	Lee,	Russell, Conn.	Yoder.
Ermentrout,	Lind,	Rusk,	
Felton,	Lynch,	Seney,	

So the motion was not agreed to.

On motion of Mr. WHITE, of New York, the reading of the names of members voting was dispensed with.

The following additional pairs were announced:

Mr. BIGGS with Mr. FELTON, on this vote.

Mr. RUSK with Mr. HIESTAND, for the remainder of this day.

The result of the vote was then announced as above recorded.

Mr. SOWDEN. Mr. Speaker——

Mr. REED. Regular order.

The SPEAKER. The regular order is demanded. The regular order is the call of committees for reports.

Mr. PEEL. I move to dispense with the regular call of committees.

The SPEAKER. That requires a two-thirds vote.

The question was taken on the motion of Mr. PEEL to dispense with the regular call of committees, and it was rejected.

The SPEAKER. The regular order is demanded, which is the call of committees for reports.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. CLEMENTS, from the Committee on Appropriations, reported a bill (H. R. 8966) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1889, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. DINGLEY. Mr. Speaker, I desire to reserve all points of order on that bill.

ORDER OF BUSINESS.

Mr. PERKINS. I ask unanimous consent that instead of having the committees called regularly, members having reports to make be allowed to file them with the Clerk. I make this motion to save time in order that we may take up the Indian appropriation bill.

The SPEAKER. Is there objection to the request of the gentleman from Kansas [Mr. PERKINS]?

Mr. OATES. I object.

REFUND OF DUTIES.

Mr. TURNER, of Georgia, from the Committee on Ways and Means, reported back with a favorable recommendation the bill (H. R. 2444) authorizing the refunding of duty on clock and chime of bells for St. Timothy's Church of Catonsville, Baltimore County, Maryland; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

COLORADO.

Mr. EZRA B. TAYLOR, from the Committee on the Judiciary, reported back favorably the bill (S. 761) to amend section 11 of an act entitled "An act to enable the people of Colorado to form a State constitution and State government, for the admission of the said State into the Union on equal footing with the original States;" which was referred to the House Calendar, and the accompanying report ordered to be printed.

AMENDMENT TO THE CONSTITUTION.

Mr. EZRA B. TAYLOR also, from the Committee on the Judiciary, reported back adversely the joint resolution (H. Res. 115) for amendment to Article II of the Constitution of the United States of America; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CORPORATIONS AS SURETIES.

Mr. OATES, from the Committee on the Judiciary, reported back with amendment the bill (H. R. 3380) to authorize certain corporations to become surety in cases within the jurisdiction of Federal courts and Departments; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

SCHOOL FARMS, BEAUFORT COUNTY, SOUTH CAROLINA.

Mr. CASWELL, from the Committee on the Judiciary, reported back favorably the bill (H. R. 8053) to extend the time for the redemption of school farms in Beaufort County, South Carolina; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CADET ENGINEERS IN THE NAVY.

Mr. HERBERT, from the Committee on Naval Affairs, reported back favorably the bill (S. 1484) to fix the status in the Navy of certain cadet engineers; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ASSIGNEES OF ADDISON C. FLETCHER.

Mr. VANCE, from the Committee on Patents, reported back favorably the bill (S. 395) for the relief of Hyland C. Kirk and others, assignees of Addison C. Fletcher; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

AUGUST LESCHINSKY.

Mr. SHAW, from the Committee on Claims, reported back with amendment the bill (H. R. 2043) for the relief of August Leschinsky; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE F. RIDER.

Mr. KERR, from the Committee on Claims, reported back favorably the bill (H. R. 3747) for the relief of George F. Rider; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HEIRS OF DR. NATHAN FLETCHER.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back favorably the bill (H. R. 34) for the relief of the heirs of Dr. Nathan Fletcher; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROCK CREEK BRIDGE, DISTRICT OF COLUMBIA.

Mr. HEMPHILL, from the Committee on the District of Columbia, to which was referred, with the amendment of the Senate, the bill (H. R. 1184) to authorize the construction of a bridge across Rock Creek at the Woodley Lane road, in the District of Columbia, reported the same back with the recommendation that the amendment be concurred in.

The bill was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

OWNERSHIP OF LANDS BY ALIENS.

Mr. OATES, from the Committee on the Revision of the Laws, reported back with amendment the bill (H. R. 4916) to prohibit aliens from acquiring title to, or owning, lands within the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

INDIAN DEPREDATION CLAIMS.

Mr. WHITTHORNE, from the Select Committee on Indian Depredation Claims, reported a bill (H. R. 8965) to provide for the adjudication and payment of claims arising from Indian depredations; which was read a first and second time, and, with the accompanying report, ordered to be printed and recommitted.

HUGO WEDELES.

Mr. SYMES, from the Select Committee on Indian Depredation Claims, reported back favorably the bill (H. R. 4568) for the relief of Hugo Wedeles; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The call of committees for reports was then concluded.

ORDER OF BUSINESS.

Mr. PEEL. I move that the second hour for the consideration of bills be dispensed with for to-day.

The SPEAKER. That can not be done by motion, but if the gentleman desires to go into the Committee of the Whole for the consideration of appropriation bills he can make that motion.

Mr. PEEL. I will move, then, that the House resolve itself into the Committee of the Whole on the state of the Union for the consideration of appropriation bills.

Mr. FORAN. I wish to give notice that I will call up for consideration on April 3 the pension appropriation bill.

Mr. HOLMAN. I think the remainder of this day should be given to the Committee on the Public Lands for the consideration of the homestead bill.

Mr. BELMONT. I wish to give notice to the House that after the pension appropriation bill has been disposed of I will ask to take up for consideration the diplomatic appropriation bill.

PRIVATE DIES FOR PRINTING REVENUE STAMPS.

On motion of Mr. SHAW, by unanimous consent, report numbered 1107, in relation to private dies for printing revenue stamps, was ordered to be reprinted.

PUBLIC BUILDING AT SAGINAW, MICH.

On motion of Mr. DIBBLE, by unanimous consent, the Committee of the Whole House on the state of the Union was discharged from the further consideration of the bill (H. R. 8593) for the erection of a public building at Saginaw, Mich., and the same was recommitted to the Committee on Public Buildings and Grounds.

APPROPRIATION BILLS.

Mr. PEEL. I insist on my motion that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of considering appropriation bills.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The first business on the Calendar is the bill (H. R. 5415) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1889, and for other purposes.

Mr. FORAN. Let that go over for the present.

The CHAIRMAN. There being no objection, the bill will be passed over.

The next business on the Calendar is the bill (H. R. 6833) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1889, and for other purposes.

Mr. BELMONT. Let that be passed over for the present.

There was no objection, and it was so ordered.

INDIAN APPROPRIATION BILL.

The CHAIRMAN. The next business on the Calendar is the bill (H. R. 8565) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1889, and for other purposes.

Mr. PEEL. I move that the first reading of the bill for information be dispensed with.

There was no objection, and it was so ordered.

Mr. PEEL. Mr. Chairman, in calling up this bill for consideration by the committee it is, I suppose, expected that I should say something on the Indian question, generally; I am sorry, however, to say that great press of business has prevented me from giving the question that thought and consideration that the subject deserves. The great Indian problem, as it is frequently styled, is not in my judgment a very serious or complicated matter. A great many good-meaning persons residing remote from the Indian Territory, and who have not had the experience of personal contact with Indians, frequently mistake their true character and indulge in more gush and sentiment than belongs to the question proper; and I am sorry to say that we have some on this floor who when questions come up before us for action touching the Indians, instead of considering it from a business and practical standpoint, go off into sentiment and stop the wheels of legislation by recounting the many real or imaginary wrongs done the Indians.

Now, Mr. Chairman, while it is true that in many instances they have been treated badly by the Government and the people, and while that is true, we could recount bloody deeds and outrages upon innocent, defenseless women and children by Indians—deeds and crimes that the very thought of would chill our blood and horrify our dreams. But, sir, these are things of the past, and it is but a waste of time to brood over them. As legislators we should deal with the question as we find it, and take hold of the question in earnest, looking to a final end of it. In doing so, Mr. Chairman, we should be just and charitable to the Indian and fair to the white man. We should adopt such measures as will at the earliest possible moment make each and all of them citizens of the United States, and self-sustaining; they should be taught to reverence the same flag, obey the same law, and worship the same God with the white man. When done the Indian question is ended only to live as a matter of history.

To reach this end we have a variety of methods. Some favor tribal relations and lands in common, and keep the white man out; others the reverse. In other words, they favor lands in severalty, break up tribal relations, and close contact with the white man. The latter system is evidently the true one, and the one that I favor. We learn, Mr. Chairman, from the earliest history of the Indians that they as a people have always recognized the superiority of the Anglo-Saxon blood, and being ambitious to produce great warriors and big chiefs they have reached out for the blood of the white man, and the greater the man in their imagination the more anxious they were to have him take an Indian wife; in fact, they would give him a dozen if he so desired.

This principle has had much to do with their demoralizing practice of polygamy. This unnatural, uncivilized, and, I might add, unchristian-like practice is confined to their greatest chiefs and head men. This should be discouraged; in fact, it ought to be absolutely prohibited. The idea of a mother selling her young and tender daughter to some old wicked Buck, who has already a dozen wives, for a few cheap burr-tailed ponies is revolting, demoralizing, and inhuman; yet it is quite common with many of our Indian tribes. Sir, it ought to be stopped, and stopped at once. Mr. Chairman, I lament to say that we have heard from indisputable authority that it is quite common for mothers and fathers to send word to their young and accomplished daughters, while receiving their education and Christian training at our Eastern Indian schools at the expense of the Government, to come home to be sold as a wife for ponies; sold to the arms and embrace of a blanket savage, not only to be a so-called wife, but a slave. Such a state of things is simply intolerable, and this Government should stop it immediately.

These people are the wards of the Government, and as such should have that guardian care that is due from guardian to ward or from parent to child. We owe them much, not only from principles of common humanity, and from the humane duty that the strong owe the weak, but we owe much from solemn treaty stipulations in express terms. We, as a great and noble Government, as brave and honest people, should discharge these duties in a manly way. Where we owe money we should pay; where we have promised duty we should perform it—in short, do our part, and then we can ask, not only ask, but require them to do their part. We should give them to plainly understand that we will deal fairly and honestly with them, but that when we secure each a home and learn him how to take care of his person and property; that he is to be no longer a ward but a man full-grown; that he must make his own living like other people, and that when the Government extends her fostering care over him, and by the strong arm of the law gives full and complete protection to his life, liberty, and property, in turn for this beneficent gift he must assume sovereignty and help sustain, protect, defend, and support the Government.

To reach this end, Mr. Chairman, we must place some kind of government over them. We must place amongst them teachers, farmers, and mechanics, give them plenty of common schools, and especially in-

dustrial schools, the paramount object being to learn all the children how to be cleanly, learn the girls how to wash, how to cook, how to keep house neatly and economically, how to cut and make their own clothes; learn them how to milk the cow, how to raise chickens, flowers, and vegetables; and, above all, learn them to be virtuous, and to be but one wife to one husband. The boys should be learned all kinds of farming in a plain, common-sense way; should be taught how to handle and care for farm-stock and farming-tools, how to plant and how to gather and house, how to breed and raise stock of all kinds; should be taught the use and value of property. Among the most important of all their education should be individual reliance and self-support. Another important fact should not be overlooked; they should be taught to hate guns, dogs, and ponies; they should be impressed that it is their religious duty to kill all the dogs in the tribe. Dogs, guns, and ponies are the emblems of the chase and war, and therefore should be suppressed. Where they own their lands in fee they should be encouraged to take their lands in severalty, and when any one family should so desire its share should be apportioned to it, and once commenced, one by one would take until the whole would soon be equally divided amongst them; not one inch of land should be taken from any tribe owning and holding the fee without their consent and just compensation.

Those upon reservations by right of occupancy only should be treated fairly; they should be given sufficient quantity of the best agricultural and grazing lands to secure ample homes for all and allot in severalty to them as soon as their condition would justify; the rest should be attached to the public domain for homes of our own homeless people and parceled out to them under the homestead law only. The Government should pay the Indians a fair compensation for it, their character of title being considered. In this connection, Mr. Chairman, I am proud to say to the House and to the country that the Committee on Indian Affairs, of which I have the honor to be chairman, have reported and passed within the last thirty days three bills that will restore to the public domain of this country over 30,000,000 acres of land, some of which is as fine as the world ever saw; all of which (if these bills become laws, of which I have no doubt) will be open to the poor man of this country. This large area will make thousands and thousands of happy homes for our homeless people. And at the same time, Mr. Chairman, there is ample left to provide each Indian with a magnificent home, and the proceeds of the lands so taken will enable the Government to educate and providefor them until they can and will be self-sustaining, and to that extent our annual appropriations, amounting to hundreds of thousands of dollars, to support these people in idleness and dirt will be stopped.

Our people, Mr. Chairman, are growing tired of being taxed and taxed almost out of existence to enrich a few manufactures in this country and to support these lazy Indians in dirt and idleness. They demand, and they have a right to demand that the race of life should be equal, and let each "root hog or die."

In the bill under consideration we have endeavored to shape in this direction. Upon examination of the various items it will be seen that we have decreased our appropriation over last year for supporting the different Indian tribes; which means to clothe and feed them. Our object in making this decrease is to learn them that we expect them with each year to produce more with their own hands upon which to live, and that ultimately it will all be withdrawn; and to enable them to produce more each year for themselves, we have increased the items for education, farming implements, seeds, etc., also for pay of teachers and farmers to learn them how. And, Mr. Chairman, we expect with each succeeding year to cut deeper and deeper until at some time in the near future each Indian will be an individual person, living with us as citizens of one common country, making his own support. An adverse or opposite policy means that this race shall forever be paupers and a tax upon our own people for generations to come.

Pursuing the line of our general policy, we have in a few instances of trust funds appropriated the entire amount due the parties, thereby stopping the interest and the expense of keeping accounts with them in such cases. We have been careful to know that the Indians to whom the money is going are capable of transacting their own business, and, Mr. Chairman, this policy should, in my judgment, be continued as rapidly as the condition of the Indians will bear until we, as a Government, are rid of the entire question.

The amount, Mr. Chairman, appropriated in this bill for the support and civilization of the Indians in Montana, receiving rations at the Fort Peck, Fort Belknap, and Blackfeet agencies, amounting to about $150,000, will not be expended—provided the bill we reported and which has passed the House, ratifying an agreement with them by which we acquire 17,500,000 acres of land, becomes a law—for the reason that the first installment on the payment for these lands will take its place, and all appropriations hereafter made for them will be out of their own money and no tax or expense on the Government. And, Mr. Chairman, should the bill reported by our committee, known as the Great Sioux reservation bill, become a law, of which there is but little doubt, as it has passed both Houses and but awaits the approval of the President, then, Mr. Chairman, besides opening up over 11,000,000 acres of splendid lands to homestead settlement, our present and former annual appropriation for those Indians, amounting to the enormous sum of one and a half million dollars directly out of the Treasury, will be forever ended, for the simple and plain reason that the money arising from the sale of this vast body of land at 50 cents per acre, as fixed in the bill, will produce a fund of over $5,000,000, which will be ample to place these Indians on a self-sustaining basis, and thereby stop that much more of our annual expenses on the Government.

Now, Mr. Chairman, a few words in regard to the Choctaws, Chickasaws, Creeks, Cherokees, and Seminoles in the Indian Territory, known as the five civilized tribes, and I am done. It is admitted that these people have made greater advancement in civilization and self-local government than any others. All of these tribes have separate local governments of their own, consisting of executive, legislative, and judicial branches, all formulated and patterned very much after that of the United States. These local governments, however, only bear and operate on their own people in matters between an Indian and a citizen of the United States, whether domiciled there or elsewhere. No matter how intelligent and capable the Indian, their government has no power or jurisdiction over them, and as the Government of the United States have none the larger part of their mercantile and other business transactions are at the will and pleasure of the contracting parties, there being no law under the sun by which and through which a right can be protected or a wrong redressed.

This, Mr. Chairman, is demoralizing, and leads to much outlawry and injustice both to white man and Indian. And, Mr. Chairman, the criminal jurisdiction exercised and extended over that country by the district court for the western district of Arkansas and the northern district of Texas and the southern district in Kansas, which takes jurisdiction and cognizance over offenses between Indian and white man, and the violations of the intercourse laws has, in my judgment, done more harm than good. This partial jurisdiction has kept up, to some extent, a conflict of authority, and owing to the great abuse of authority upon the part of deputy marshals and their posses in former days, which abuse consisted in hunting down and arresting persons for mere technical violations of the intercourse laws, and in order to make large bills of costs against the Government, frequently carted them around and around for hundreds of miles, and finally forcing them and many of their neighbors to attend the Federal court month after month and year after year, remote from their homes at great expense, and when tried turn out to be the selling or giving away a little whisky. This and similar transactions have alienated these people from the Government instead of teaching them to love and respect it besides.

Mr. Chairman, it causes bloodshed and death. No less than ten or fifteen officers of the Government have been shot down and murdered in this so-called civilized country within the last ten months. The Federal courts at Fort Smith, Ark., try, convict, and hang them by the score, until the hanging of eight or ten Indians at Fort Smith at one time fails to attract public attention, and yet the killing goes on. One thing, Mr. Chairman, I desire to say in justice to the later marshals of this court that they are not only good men themselves, but they endeavor to get good men, and do get many good men to serve as deputy marshals, but the seeds of hatred have long since been sown and will not down.

In view of these facts, Mr. Chairman, Congress should authorize these people to contract like other people in regard to personal property and the rendering of personal services, and when made to be binding. Courts should be located in their midst, with full criminal and civil jurisdiction, and by the strong arm of the law place perfect and complete protection over each man, woman, and child living or being there. Let them know that their rights could and would be protected, and their crimes punished and their contracts for and against them enforced. This in my judgment would in a few years turn their jealousy and hate into love and respect for the law and the Government.

They hold their lands in common, yet they own it in fee; hold patents from the Government for it, and therefore are the true owners of the soil. This Government can not rightfully take one foot of it from them. Not one acre, Mr. Chairman, should ever be taken from them by man or Government without their consent, and not then without just and fair compensation to be agreed upon. They should, however, be encouraged to take their lands in severalty, and for that purpose the United States courts established amongst them should be given jurisdiction in partition of their real estate, and when any adult becomes sufficiently advanced in civilization to understand the use and value of his or her landed estate he or she should be allowed to have his or her part set off by the court. This once commenced, the mystic ball would soon be unraveled and all who were capable would have their own homes and their full share of the land. For a better safeguard the title of at least 160 acres should be inalienable for a term of years; the remainder might be sold by the owner to any one he chose upon permission and order of the court.

One thing, Mr. Chairman, is all important to final and peaceable success of this question, and that is good faith and common honesty. We should pay them, and pay them promptly, every dollar we justly owe them. When we do our part we then can justly expect them to do theirs, and at the proper time submit to and gladly accept a territorial form of government, and finally become one of the proud States of this Union. In fact, Mr. Chairman, when we perform our part, it will be

their duty to become part and parcel of our civilization and assume the sovereignty of citizens; for, Mr. Chairman, when a government places its fostering hand and strong arm of protection around the citizen's life, liberty, and property, in turn for this beneficent gift he should put his shoulder to the wheel and do his full, equal share to protect, defend, and support that government.

Looking to this end these people should be represented on this floor; they should have a delegate here to look after their local and national interest, and for that purpose I have introduced a bill authorizing and allowing them to elect and send a Delegate to Congress. Sir, all the machinery of the Government—legislative, executive, and judicial—should be extended over these people as soon as possible. In short, we should have but one flag, one constitution, one civilization, and one law for all men in this country. Social matters are regulated by society, and will adjust themselves accordingly. And, Mr. Chairman, as much as has been said and written about these people, I candidly believe that if the question could be submitted to them to-morrow, and a fair expression had, that a majority would vote to become citizens of the United States, with all the words imply, if they felt certain that the Government would deal justly by them, pay them all that is due, and protect them in all their personal and property rights.

Oklahoma has become an important factor in the Indian question, and no part of it is less understood throughout the country. Oklahoma is a beautiful piece of territory lying west of the Creek and Cherokee Nations and between them and the Cheyenne and Arapahoe Indian reservation in the Indian Territory. The Creeks and Seminoles ceded this country to the United States for the purpose of settling other friendly Indians and freedmen on. This land being sold and bought for a specific purpose, the Government holds it in trust for that purpose and can not rightfully settle white people on it without the consent of the Indians from whom we purchased. In other words, it is our duty to carry out our contract unless they consent to a change; and for the purpose of settling this vexed question I have introduced a bill authorizing and directing the President to appoint a commission of three discreet persons to confer with these two tribes and, if possible, make a new contract, and extinguish this trust and allow it to be opened up to white settlement under the homestead law. The Indians do not need it; at least, in the condition it is in they can not use it, and the Government does not need it for the uses for which it was purchased. Therefore a just and reasonable compensation ought to be paid the Indians by the Government and let our own homeless people have it.

In conclusion, Mr. Chairman, this standstill policy should be abandoned and a new and aggressive policy that is just to all should be pursued, and in a few years there will be no Indian question over which to legislate.

MESSAGE FROM THE SENATE.

Here the committee informally rose, and Mr. CRISP took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House was requested:

A joint resolution (S. R. 42) extending the provisions of an act entitled "An act relating to arrears of taxes in the District of Columbia," approved March 3, 1887;

A bill (S. 116) to incorporate the American Trust Company of the District of Columbia;

A bill (S. 630) for the relief of Edwin DeLeon;

A bill (S. 1338) granting an increase of pension to Kate Q. Dalzell;

A bill (S. 1588) to amend an act entitled "An act to provide additional regulations for homestead and pre-emption entries of public lands," approved March 3, 1879;

A bill (S. 1941) for the erection of a public building at Helena, Mont.; and

A bill (S. 2005) to provide for the disposal of the Fort Wallace military reservation in Kansas.

The message also announced that the Senate had passed with amendments the bill (H. R. 1473) authorizing the President of the United States to arrange a conference for the purpose of promoting arbitration and encouraging reciprocal commercial relations between the United States of America and the Republics of Mexico, Central and South America, and the Empire of Brazil, requested a conference on the disagreeing votes of the two Houses, and had appointed Mr. FRYE, Mr. DOLPH, and Mr. BROWN as conferees on the part of the Senate.

The message also announced that the Senate had passed with an amendment, in which the concurrence of the House was requested, the bill (H. R. 3957) for the relief of Peter March, Thomas J. Wright, administrator, and others.

The message also announced that the Senate had passed without amendments bills of the House of the following titles:

A bill (H. R. 1481) making an appropriation to construct a road and approach from Pineville, La., to the national military cemetery near that town;

A bill (H. R. 3749) for the relief of Frank Baker; and

A bill (H. R. 4556) to confirm New Madrid location survey numbered 2889, and to provide for the issue of a patent therefor.

INDIAN APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. NELSON. Mr. Chairman, with a surplus of over $90,000,000, taken from the people by taxation, of which over $60,000,000 is now being kept and used, without any recompense or revenue, by certain national banks, termed Government depositories, and with this surplus steadily and ever increasing so that by the end of the fiscal year, unless legislative relief from taxation is given, there is certain to be a surplus of upwards of $160,000,000, it seems to me to be idle, uncalled for, and unfair to enter into any mere theorizing or platitudes on the advantages or disadvantages of free trade or protection. This seems to me to be too much like Nero holding high carnival while Rome was burning. This is not the practical issue now joined by the logic of events. Neither is it exactly relevant, while the country is in this state of overtaxation, to indulge in epithets or to call every honest friend of tariff-tax reduction a free-trader or an enemy of American labor. This style of argument is too much like that of Fagin's pupil when, having picked some one's pocket, he lustily shouted "Thief!" to draw attention away from himself, the real culprit.

You men who now practically oppose all form of tariff-tax reduction are not the only friends of American labor, nor have you a monopoly, nor are you the sole guardians of honest, fair, and reasonable protection to American industrial enterprises, nor can you set up a man of straw nor raise a false issue. The question of protection or free trade is not fairly involved in this controversy. The real questions are few and simple: Shall we get rid of our surplus by extravagant expenditures or by reducing taxation; and if by the latter method, shall we reduce tariff taxes or internal-revenue taxes? This is all there is in it.

While there are a few whose main suggestions for reducing the surplus consist in pointing out ways and means of expenditure, the great body of the American people are agreed that the surplus can be best and most justly reduced by reducing taxation.

It is only when we come to consider the mode of reducing taxes that we discover much disagreement and diversity of opinion. Those who are in favor of retaining the present high-tariff taxes intact, at all hazards and under all circumstances, believe and insist that the internal-revenue taxes on spirits and tobacco should be dispensed with and removed. Some of this class are a little more moderate and would be satisfied with the abolition of the tobacco tax and the tax on spirits used for mechanical purposes and in the arts. On the other hand, those who favor tariff-tax reduction are opposed to any change or abatement in the tax on spirits and tobacco. There are, however, in this class some who are more moderate and who would by way of compromise consent to a partial or even total removal of the tax on tobacco.

Aside from the small matter of fruit brandies there are but two classes who seriously ask for the repeal of the tax on spirits—the ultra-protectionists and the ultra-prohibitionists. Neither class is very numerous nor can be fairly regarded as representative in any enlarged or national sense. We may therefore dismiss the consideration of this tax as not a practical question, at least at this juncture, for neither the manufacturers nor the consumers are urgent for repeal.

In respect to the removal of the tobacco tax there may be said to be a broader and more enlarged diversity of opinion. Tobacco, until quite recently, has pretty generally not been considered one of the necessaries of life, but has, on the contrary, among all civilized nations in modern times, been almost universally regarded as a luxury, and one of the most legitimate and certain sources of taxation, and one that has been as cheerfully borne as any tax well can be.

In France, Spain, Italy, and Austria-Hungary the governments take the manufacture and sale of tobacco into their own hands and prohibit its importation by private persons.

In 1887 France, with a population of 38,000,000, derived from tobacco a revenue of $74,991,180, and Italy, with a population of 30,000,000, $51,100,000. Great Britain, with a population of 35,000,000, collected during the year ending March 31, 1887, from taxes on spirits-beer, and tobacco, $181,750,000—more than one-third of her entire revenue; from the tax on tobacco there was received $46,835,000.

The other nations of Europe obtain a large amount for the support of their respective governments from tobacco taxation.

The statesmen of all these countries, having considered this question of the taxation of tobacco, must have found good and justifiable grounds for taxing it, or they would not have so universally imposed such a tax.

It is to be observed in this connection, too, that aside from Great Britain and the Scandinavian countries the "protective" policy exists to a greater or less degree in all of those countries.

This is what that great statesman and political economist, Senator SHERMAN, said in 1882 about the tobacco tax, in speaking about the tax on spirits and tobacco:

> These taxes ought to be left as a part of our permanent system of taxation as long as any other taxes, internal or external, more oppressive, remain on the statute-books.
>
> * * * * * * *
>
> I do not hesitate to say that there is a general desire among all classes of our people, without regard to party, that the remnants of the internal system shall be swept away, except on whisky, tobacco, and beer.
>
> * * * * * * *
>
> This tobacco tax, of all others, is the easiest collected, the most certain, increas-

ing constantly from year to year, dependent upon an appetite that will be indulged no matter what may be the tax; a tax that has been more stable than any other. No amount of tax likely to be put upon tobacco will prevent its being chewed and smoked and snuffed. In all other countries where taxation prevails this is a favorite subject of taxation. * * * I say the tax on tobacco does not diminish the price to the farmer who raises it. * * * And I say we are throwing off a tax, which, by the judgment of all nations, is the best source of taxation.

Senator SHERMAN is entirely right; the tax "is certain and increasing from year to year," as the following table shows:

Comparative statement showing the receipts from the several objects of internal taxation in the United States, etc.

Objects of taxation.	Receipts during fiscal year ending June 30—		Increase.	Decrease.
	1886.	1887.		
TOBACCO.				
Cigars and cheroots	$10,532,804.05	$11,364,916.33	$832,112.28	
Cigarettes	655,569.55	792,279.60	136,710.05	
Snuff	493,283.80	524,942.26	31,658.46	
Tobacco, chewing and smoking	14,834,095.42	15,995,019.46	1,160,924.04	
Dealers in leaf-tobacco (special tax)	53,875.63	51,891.14		$1,984.49
Dealers in manufactured tobacco (special tax)	1,208,529.17	1,245,412.65	36,883.48	
Manufacturers of tobacco (special tax)	5,575.85	5,563.75		12.10
Manufacturers of cigars (special tax)	108,695.45	113,340.00	4,644.55	
Peddlers of tobacco (special tax)	14,933.61	14,701.94		231.67
Total	27,907,362.53	30,108,067.13	2,200,704.60	

Amount of revenue derived from, and expenses of collecting, internal revenue and customs revenue of the United States from 1858 *to* 1886, *inclusive.*

[Prepared in the office of the Register of the Treasury.]

Year ending June 30—	Internal revenue.			Customs revenue.		
	Revenue.	Expenses of collecting.	Expenses of collecting.	Revenue.	Expenses of collecting.	Expenses of collecting.
			Per cent.			*Per cent.*
1858	...No data...	...No data...	...No data...	$41,789,620.96	$2,903,336.89	6.94
1859	.....do.....	.....do.....	.....do.....	49,565,824.38	3,407,931.77	6.85
1860	.....do.....	.....do.....	.....do.....	53,187,511.87	3,337,188.15	6.27
1861	.....do.....	.....do.....	.....do.....	39,582,125.64	2,843,455.84	7.18
1862	.....do.....	.....do.....	.....do.....	49,056,397.62	3,276,560.39	6.67
1863	$37,640,787.95	$108,685.00	0.29	69,059,642.40	3,181,026.17	4.60
1864	109,741,134.10	253,372.99	0.23	102,316,152.99	4,192,582.43	4.09
1865	209,464,215.25	385,239.52	0.18	84,928,260.60	5,415,449.32	6.39
1866	309,226,813.42	5,783,128.77	1.87	179,046,651.58	5,342,469.99	2.98
1867	266,027,537.43	7,335,029.81	2.77	176,417,810.88	5,763,979.01	3.26
1868	191,087,589.41	8,705,366.36	4.55	164,464,599.56	7,641,116.68	4.65
1869	158,356,460.86	7,257,176.11	4.59	180,048,426.63	5,388,082.31	2.99
1870	184,899,756.49	7,253,439.81	3.92	194,538,374.44	6,233,747.68	3.20
1871	143,098,153.63	7,593,714.17	5.30	206,270,408.05	6,568,350.61	3.18
1872	130,642,177.72	5,694,116.86	4.36	216,370,286.77	6,950,173.88	3.21
1873	113,729,314.14	5,340,230.00	4.69	188,089,522.70	7,077,864.70	3.76
1874	102,409,784.90	4,509,976.05	4.40	163,103,833.69	7,321,469.94	4.49
1875	110,007,493.58	4,289,442.71	3.89	157,167,722.35	7,028,521.80	4.47
1876	116,700,732.03	3,942,613.72	3.38	148,071,984.61	6,704,858.09	4.53
1877	118,630,407.83	3,556,943.85	2.99	130,956,493.07	6,501,037.57	4.96
1878	110,581,624.74	3,280,162.22	2.96	130,170,680.20	5,826,974.32	4.47
1879	113,561,610.58	3,527,956.56	3.16	137,250,047.70	5,477,421.52	3.99
1880	124,009,373.92	3,657,105.10	2.95	186,522,064.60	6,023,253.53	3.23
1881	135,264,385.51	4,327,793.24	3.20	198,159,676.02	6,383,288.10	3.22
1882	146,497,595.45	4,097,241.34	2.80	220,410,730.25	6,506,359.26	2.95
1883	144,720,368.98	4,424,707.39	3.06	214,706,496.93	6,499,680.79	3.03
1884	121,586,072.50	4,216,847.26	3.47	195,067,489.76	6,709,485.76	3.44
1885	112,498,725.54	3,853,035.94	3.42	181,471,939.34	6,494,847.29	3.58
1886	116,805,936.48	3,578,679.42	3.06	192,905,023.44	6,427,612.67	3.33
1887	118,823,391.22	3,826,507.98	3.22	217,286,893.13	6,855,801.74	3.11
Average collection expense from 1863 to 1887, inclusive			3.15			3.80

Not only is this a certain and a growing tax, but it is on the whole more cheaply collected than our tariff taxes, as the above table of actual and comparative cost shows.

There is no serious nor general demand among the consumers nor among the manufacturers for the repeal of the tobacco tax. The clamor for repeal is either local or limited, and is partly natural and partly artificial, and comes from two classes, if we except those who would yield by way of compromise, namely: the tobacco farmers in two or three States and those who would eliminate the tax for the sake of retaining the tariff taxes with undiminished vigor.

This tobacco sentimentalism—for so I can not help denominating it—is an "ism" common to both political parties, and neither can claim any particular glory in spurning or propagating the "ism."

The distinction that some statesmen have drawn between this tax and a tariff tax, in that the former is a tax on a home product, while the tariff tax is laid on a foreign product, is unworthy of those gentlemen and a disparagement of popular intelligence; for the tax is ultimately and in every instance—and that is, after all, the vital point—paid by the American consumer—our own flesh and blood. Whether we pay a tax on a hogshead of Cuban sugar or Virginia tobacco makes little difference. In either case our surplus is reduced; in either case it is a tax, and we are the tax-payers.

And this notion that tobacco is one of the necessaries of life is neither the popular nor the philosophic idea. It is the newest of all new idiosyncrasies—the offspring of a fertile brain under high political stress, novel, but neither startling nor convincing.

But it is idle to debate this point while there are so many highly tariff-taxed necessaries of life—great food staples, such as sugar, rice, and molasses—about which there can be no debate as to their being among the chief necessaries of life.

And this, Mr. Speaker, brings me to a consideration of our tariff taxes. These taxes may properly be divided into two great heads, namely: Purely revenue taxes, such, for instance, as a tax on tea or coffee, and protective taxes, such as are laid on products common to this country. All tariff taxes not purely revenue taxes are, to some extent or in some degree, protective, except in those instances where nature has given us a practical monopoly, as in the case of petroleum, cotton, etc., or where there is a great overproduction dependent on export trade, as in the case of wheat.

Owing to the vast and varied resources of our country the items on which a purely revenue tariff could be levied are quite limited and to a large extent confined to the pure necessaries of life, and hence there are very few people indeed in this country who desire that our tariff taxes be limited to pure revenue items. So few, indeed, are these that it is not at all a question of practical moment. When we come to tariff taxes on products common to this country we enter the domain of "protection," and have reached a practical question. A tariff on a commodity we readily produce, where our production does not quite equal or exceed our consumption, is, as a rule and to the degree of the tariff tax laid, protective. Where the tariff is very low the protection will be slight and the revenue quite ample. Where the tariff is very high the duty will be more than protective; it will breed a monopoly, and yield no

revenue whatsoever. The primary object of a protective tariff is to enlarge and expand our field of production in those directions in which we are fairly open to expansion, for I do not believe a protective tariff is justified in those cases where nature has put a veto on the power of expansion, and where revenue rather than increased production seems to be the chief result, as in the case of sugar.

Coming to the question of the degree of protection that ought to be given in a case where protection is fairly warranted, it seems to me that only so high a duty should be laid as will fairly cover the difference in the cost of production here and abroad, be it in labor, raw material, or interest on capital. Such a tariff I call a low tariff as distinguished from a revenue tariff. Where a tariff tax exceeds in a material degree this measure I term it a high tariff. It then becomes more or less prohibitive, breeds monopolies, and works injury both to the consumer and the laboring man.

The price of labor is primarily governed by the law of supply and demand. The protected producer does not measure the wages he pays by the amount of protection he gets, but by the ease or difficulty with which he can procure labor, or by the fact whether labor is plenty or scarce. A protective tariff only helps labor indirectly by enlarging the demand for it. One of the secondary results of a very high tariff is overproduction, and this leads to stagnation and suspension, from which comes to the laaborer lower wages, lockouts, strikes, and untold miseries

It has been the fashion of certain economists to ascribe the marvelous growth of this country for the past twenty-five years wholly to our tariff laws. Statistics of growth in all conceivable forms have been paraded, accompanied with the exclamation, "Behold the tariff!" This is all pure exaggeration.

The tariff with a multitude of other causes have, all combined, produced the magnificent result. The chief factors, however, have been our abundant supply of the most fertile lands in the world, which we have freely given away under our homestead laws, together with the immense tide of immigration, with all its capital of money and muscle. This has produced our great home market. Our oceans of land, as free as water, and the development of the same have covered a multitude of sins, and, not least of all, some of the sins which lurk here and there in our tariff laws.

Our leading agricultural staples are breadstuffs and cotton. The latter is theoretically and the former practically, so far as our producers are concerned, free of duty. The home price of wheat is fixed by the export price, and the farmer of Minnesota has to compete, without any governmental aid direct or indirect, with the farmers of India in the markets of England. And it is in these great and unprotected agricultural industries that our growth has been the greatest and most pronounced. But for the great volume of export of our non-protected agricultural staples our foreign commerce would cut but a sorry figure and the balance of trade would be heavily against us all the time. During the last fiscal year our total imports amounted to $692,320,000, while our total exports amounted to $703,022,923, and of this total 74.41 per cent. were agricultural products, while only 19.45 per cent. were products of manufactures as the following table shows:

GENERAL FEATURES OF THE DOMESTIC EXPORT TRADE DURING 1887.

The values of our exports of domestic merchandise during the last fiscal year, classified by groups according to sources of production, were as follows:

Articles.	Values.	Per cent.
Products of agriculture	$523,073,798	74.41
Products of manufacture	136,735,105	19.45
Products of mining (including mineral oils)	11,758,662	1.67
Products of the forest	21,126,273	3.01
Products of the fisheries	5,155,775	.73
Other products	5,173,310	.73
Total	703,022,923	100.00

Against an aggregate of $692,320,000 of imports, our non-protected farmers can show an aggregate export of $523,073,798, while our protected manufacturers can only show a paltry export of $136,735,105. Let it be remembered, too, in this connection, that while our farmers thus proudly enter into the competitive markets of the entire world, the wages they pay the agricultural laborer are, as compared with the wages paid in any other country for such labor, relatively much higher than the wages paid by our manufacturers, as we shall hereafter point out more in detail.

If our export trade were limited to the products of our manufactures, our imports would soon necessarily reach the same level, and our foreign commerce would thus be but a bagatelle—a desideratum longed for perhaps and desired by some of our high protectionists. What our farmers have done for our export trade in 1887 they have done in all these years, more or less, since 1860, as the following table shows:

Table showing the values of exports of domestic merchandise to foreign countries during the years indicated, subdivided into products of agriculture, of manufacture, of mining, etc., and of the exports of specie, for 1860, 1870, *and from* 1875 *to* 1887.

Year ending June 30—	Exports of domestic merchandise.						Total.	Exports of domestic gold and silver.
	Products of agriculture.		Products of manufacture.		Products of mining, forestry, fisheries, etc.			
	Value.	Per cent.	Value.	Per cent.	Value.	Per cent.		
1860	$256,560,972	81.14	$45,658,873	14.43	$14,022,588	4.43	$316,242,423	$56,946,851
1870	361,188,483	79.34	47,921,154	10.53	46,098,704	10.13	455,208,341	43,883,803
1875	430,306,570	76.95	75,755,432	13.55	53,175,636	9.50	559,237,638	83,857,129
1876	456,113,515	76.67	81,374,077	13.68	57,430,123	9.65	594,917,715	50,028,691
1877	459,734,148	72.63	88,007,773	13.91	85,238,933	13.46	632,980,853	43,134,738
1878	536,192,873	77.07	91,416,576	13.14	68,140,481	9.79	695,749,930	27,061,885
1879	546,476,703	78.12	89,117,215	12.74	63,944,824	9.14	699,538,742	17,555,035
1880	685,961,091	83.25	79,510,447	9.65	58,474,815	7.10	823,946,353	9,347,893
1881	730,394,943	82.63	89,219,380	10.10	64,211,624	7.27	883,925,947	14,226,944
1882	552,219,819	75.31	103,132,481	14.08	77,887,432	10.61	733,239,732	43,480,271
1883	619,269,449	77.00	111,890,001	13.91	73,064,182	9.09	804,223,632	21,623,181
1884	536,315,318	73.98	111,330,242	15.35	77,319,293	10.67	724,964,852	50,225,635
1885	530,172,966	72.96	117,259,810	16.14	79,250,170	10.90	726,682,946	24,376,110
1886	484,954,595	72.82	106,419,692	15.98	74,590,242	11.20	665,964,529	51,924,117
1887	523,073,798	74.41	136,735,105	19.45	43,214,020	6.14	703,022,923	22,710,340

It will be observed, by reference to the following table, that our exports of the products of agriculture have consisted almost entirely of raw cotton, breadstuffs; provisions, including meats and dairy products, and leaf-tobacco; these products during the fiscal year 1887 comprising 94 per cent. of the total value of the exports of all products of agriculture.

Value of exports of the leading products of domestic agriculture from the United States from 1860 *to* 1887.

Year ending June 30—	Cotton, raw.	Breadstuffs.	Leaf-tobacco.	Provisions, comprising meat and dairy products.	Cattle, sheep, and hogs.	Total.
1860	$191,806,555	$24,422,310	$15,906,547	$16,934,363	$1,463,642	$250,533,418
1861	34,051,483	72,152,366	13,784,710	22,483,213	254,930	142,726,702
1862	1,180,113	84,183,754	12,325,356	37,198,672	255,181	135,143,076
1863	6,652,405	89,180,332	19,752,076	58,623,579	372,414	174,580,806
1864	9,895,854	63,400,606	22,845,936	51,379,801	243,665	147,765,862
1865	6,836,400	53,941,231	41,625,226	54,015,841	244,148	156,662,846
1866	281,385,223	41,249,054	29,456,145	29,653,730	426,305	382,770,457
1867	201,470,423	41,288,804	19,620,159	27,224,060	378,170	289,981,616
1868	152,820,733	69,024,059	22,898,823	31,078,598	432,566	276,254,779

Value of exports of the leading products of domestic agriculture, etc.—Continued.

Year ending June30—	Cotton, raw.	Breadstuffs.	Leaf-tobacco.	Provisions, comprising meat and dairy products.	Cattle, sheep, and hogs.	Total.
1869	162,633,052	53,724,154	20,552,943	30,326,781	(a)	267,236,930
1870	227,027,624	72,250,933	21,100,420	30,992,305	724,933	352,096,215
1871	218,327,109	79,381,187	19,908,797	39,748,796	551,769	357,917,658
1872	180,684,595	84,586,273	24,136,166	64,306,139	1,193,464	354,906,637
1873	227,243,069	93,743,151	22,689,135	82,911,660	1,591,057	433,178,072
1874	211,223,580	161,198,864	30,399,181	83,511,275	2,936,429	489,269,329
1875	180,638,625	111,458,265	25,241,549	83,100,065	2,026,198	412,464,702
1876	192,659,262	131,181,555	22,737,383	92,325,308	1,951,846	440,855,354
1877	171,118,508	117,806,476	28,825,521	118,579,676	2,526,740	438,856,921
1878	180,031,484	181,777,841	24,803,165	124,845,137	4,497,576	515,955,203
1879	162,304,250	210,355,528	25,157,364	119,857,692	10,162,400	527,837,234
1880	211,535,905	288,036,835	16,379,107	132,488,201	14,657,931	663,297,979
1881	247,695,746	270,332,519	18,737,043	156,809,840	15,639,173	709,514,321
1882	199,812,644	182,670,528	19,067,721	122,020,530	8,913,656	532,485,079
1883	247,328,721	208,040,850	19,438,066	109,217,119	9,768,803	593,793,559
1884	197,015,204	162,544,715	17,765,760	114,353,788	19,333,121	511,012,588
1885	201,962,458	160,370,821	22,025,786	107,332,456	13,998,441	505,689,962
1886	205,085,642	125,846,558	27,158,457	90,625,216	11,963,095	460,678,968
1887	206,222,057	165,768,662	25,948,277	92,783,296	9,991,614	560,713,906

a Animals not separately stated.

A comparison of the foregoing table with the following table will to some extent show by comparison the proportion which our agricultural exports during some of these years bore to our total exports:

Total values of exports of domestic merchandise.

[Values expressed in millions of dollars.]

For year—	Values.	For year—	Values.
1860	316.24	1884	724.96
1880	823.95	1885	726.68
1881	883.93	1886	665.96
1882	733.24	1887	703.02
1883	804.22		

The farmers of this country, paying as they do a tariff royalty to nearly every industry but their own, and paying relatively higher wages for labor than any other industry in this country, and having their home price fixed by the export price, are, notwithstanding all these disadvantages able to and, with head erect, do enter the markets of the world and compete not only with the so-called pauper labor of Europe but also with that great and uncounted horde of Asiatics in the valleys and plains of India.

As it has been the fashion to ascribe all our growth and prosperity to the tariff, so it has also been the fashion to ascribe the higher wages paid labor in this country over that of England wholly to a protective tariff. Figures have been paraded comparing wages here and over the sea, and then we have been gravely told that the tariff is the sole cause of all the difference in our favor. I am not a disbeliever in a just and fair protective tariff, but I abhor putting it on false grounds. Comparisons are worthless unless the conditions are similar, and in this instance the conclusions claimed prove too much.

England is called free trade; Austria, Germany, Italy, and France are as decidedly and as highly protective as this country. In respect to density of population, cost of living, interest on money, and cost of land, England is more on a par with those countries than our own, and yet in England the wages are much higher than on the continent. Here is what Senator FRYE, in his speech delivered at Boston before the Home Market Club on what he "saw in Europe," says:

But I am not going to weary your patience. I have spent enough of your time on the question of what wages are worth in Europe. I say, from all my observations made there, and they were made as carefully as I could make them, and in all honesty of purpose, there is only one country in Europe that comes within one-half of our wages, and that is Great Britain; that in Germany, France, Belgium, and Switzerland they are not one-third of our wages, and in Italy not one-quarter.

To see the true force of this statement, just imagine there were no such country as the United States in existence, and then by all the laws of inductive reasoning you would have the strongest kind of argument in favor of free-trade England as against the high protective-tariff countries of the continent on the question of wages. Senator FRYE has unconsciously but naively pricked his own bubble. But we can find a good illustration nearer home. The Minnesota and Dakota farmer is not directly protected in his farming operations in the sense in which the manufacturers of iron and steel and of cotton and woolen goods are, and yet the wages of agricultural laborers in Dakota and Minnesota are relatively higher as compared with agricultural laborers in Europe than in that of the directly protected industries mentioned, and much more certain and regular and far less subject to fluctuation.

But I want to call Senator FRYE'S attention, and I only do so in response to his Boston speech, to his own New England for a moment, for I think it is in this matter to some extent as in the missionary cause—one need not always go abroad in search of heathens. Less than a generation ago nearly all the mill hands and factory operatives of New England were her own children, the sons and daughters of New England farmers, mechanics, and tradesmen. And now I am told by reliable men, whose word I can not doubt, that all this is changed. Their mill hands and factory hands are now mostly foreigners—mainly Canadian-French—while their own sons and daughters, those who before constituted their labor force, all go West, so that one could almost without exaggeration say that in New England the tariff protects not American but Canadian labor. Now, if I were one of those wicked free-traders with whom it is the fashion to class every one who believes in any form of tariff reduction, I might say, "Your high tariff has driven the flower of your youth out West; behold how dangerous!"

But it has done nothing of the kind!

The selfish greed of the New England manufacturer has reached out for cheap Canadian labor, while the polar star of the great West, our boundless and free-for-all public lands, have drawn thither the growing cream of New England, the concentrated essence of the Pilgrim fathers, and I am glad of it, for there is no human being I so love and admire as the New England Yankee transplanted to our boundless and exuberant West. There they are all, like myself, believers in a just low tariff as I have defined it. And in proof of this, and by way of rejoinder to the copious clippings from English papers indulged in by some on the grave dangers threatening us from free-trade England, I beg leave to quote the following letter from a transplanted and most worthy son of the Granite State, who is and has been a life-long Republican—one of our leaders, in fact—and one of the leading business men and chief flour manufacturers of Minneapolis, Hon. Charles A. Pillsbury:

DEAR SIR: I have been meaning to write you for some time, saying I should be very sorry not to have you continue as member of House of Representatives from our State as long as the people in your district want you there, as they evidently do. Your course has met with the cordial approval of nearly all the people in this State, especially on the tariff question. I think safe to say that 90 per cent. of the Democrats and 75 per cent. of the Republicans agree with you. Whatever different opinion there may be as to the necessity of having a general reform of the tariff in order to promote the interest of our whole country (and I am quite sure that a material reduction in the tariff would help the country as a whole), there is certainly no chance for a difference in opinion but that the Northwest would be immensely benefited by a very material reduction of our tariff on almost every article.

I hope, whatever is done, that the duty on jute cloth will be removed. There is only one manufactory in the country that I know of that manufactures the jute cloth, and they make it direct into the seamless bags. It would be a good deal cheaper for the millers of the Northwest to buy out that institution, as under the present tariff we probably pay for it every year.

Yours, very truly,

CHAS. A. PILLSBURY.

Hon. KNUTE NELSON, M. C.

The truth is, and if a fair protective tariff is just, as I believe it is, it can afford to plant itself on the truth, that the main cause for lower wages in Europe is to be found in the greater density of population and in a far greater oversupply of labor than here. Senator FRYE again, in his Boston speech, unconsciously bears witness to this. This is what he says:

Step up to Belgium. Belgium is a perfect bee-hive. It is about one-third the size of the State of Maine in territory, and has 6,000,000 of people—more people to the square mile than any other country in Europe. And they seem to love to work. Why, the manufacturing of Belgium is perfectly amazing. Did you know she was frightening England to-day out of her boots?

Again, in another place in the same speech he says:

I was in Liverpool for ten days, and almost every day went to look over those docks. I could whistle Yankee Doodle almost all over Europe, but when I struck these docks I was silent. I do believe they beat anything in the United States or in the world. I was unusually attracted to them, and in the habit of going down there mornings and afternoons. I am safe in saying that I have seen five hundred able-bodied men, looking hungry as a hungry man looks, stalking about those docks and begging for a little work, not getting it; coming down—after dinner, I was going to say—coming down after the time men ordinarily eat dinner, their numbers augmented, and beseeching again for work, ten cents' worth, twenty cents' worth, "any work, for God's sake, and to feed my children." How can wages be high where that thing endures?

Yes, Mr. FRYE, with such an overplus of labor, how can wages be high where that thing endures?

The truth is, and it is time we looked it squarely in the face, that in spite of our tariff, in spite of the great boundless West, fast filling up but hitherto our great safety-valve, the labor problem is fast pressing us on all sides. Even here a committee of this House has been wrestling with one phase of it in the coal fields of Pennsylvania. When our great West is filled up, when the crowded East can no longer find ampler or better room in the West than at home, when we begin to approximate Europe in density of population, then our labor will get as little relief, by way of increase in wages, from a protective tariff as labor now gets in France, Austria, and Germany from such tariff. It will be like the picture on the Liverpool docks—a mere struggle for something to do. How illusory a high protective tariff is under such conditions, and how little aid it can really afford is attested to by United States Consul-General Jussen, of Vienna, in his report of April 13, 1887, found in Consular Report No. 83, for September last. Here is what he says:

THE EFFECT OF A PROTECTIVE TARIFF UPON AUSTRIAN INDUSTRIES.

The reasons which were given for this state of things in the report of this high commission are very interesting and quite remarkable, considering the source from whence they came. As the cause for this depression of trade and industry in Austria, the house of peers feels called upon to mention (1) the armed peace of Europe; (2) the industrial competition; and (3) the tariff war between the nations of Europe, a burden which, as these gentlemen admit, the nations of Europe can not possibly carry much longer. And what is more remarkable still is that not only the liberal press, but the semi-official and highly conservative organs, coincide in this view, and proceed to show that the protective tariff was principally instrumental in bringing about the present condition of things.

As a matter of course these journals claim that a highly protective tariff was at first, when the expenditures of the state began to increase, necessary in order to enable the people to carry the burden of internal taxation, but they admit that this tariff system led to the tariff wars under which Europe is laboring at present, and that as an inevitable consequence the industries of Austria find themselves suddenly cut off from foreign markets and confined to the demands of home consumption, and that home consumption decreases constantly, being affected by the same causes which curtailed the export trade, and that at last the industries of the Empire stand face to face with a commercial crisis.

For this dilemma, so freely admitted, the remedies of a universal tariff reduction and international tariff conventions are proposed, but together with this proposal the admission goes hand in hand that a concert of action of the nations of Europe in this direction is, under present circumstances, out of the question. And, finally, after all these arguments and considerations, the conclusion is reached that nothing is to be done except to leave things in *statu quo*.

This, too, illustrates how, under such conditions as Austria is in, a protective tariff can not only not protect labor, but also fails to help languishing and depressed industries.

When labor finds nothing to do, when industries find no market, the patient in either case has got beyond tariff relief.

But I will pursue the bearing of the tariff on the wage question no further. My object has been not to show that the tariff gave no relief to labor, but to point out truly and honestly just the extent to which the tariff can reach in fixing wages. While I am in favor of a fair and just protective tariff—a low tariff, as I call it—I am under all circumstances opposed to a tariff that reaches beyond this point—to what I

term a high tariff. The primary object of a tariff justly protective is, as I have already suggested, increased production. Where this result can not be fairly reached, or the tariff is too high, then there is no warrant for it, and there should be an abatement, and in any tariff tax or other tax abatement preference should always be given to the necessaries of life. I believe that there are many items in our tariff list that are either too highly taxed or are not fair objects for protection, or that, being among the supreme necessaries of life, should for that reason, under the present condition of our Treasury, be freed from tariff taxes. Under this belief I have introduced a bill putting sugar, molasses, rice, salt, coal, lumber, manila, jute, and sisal-grass, and twine from the same, on the free-list. The following table, based on the fiscal year ending June 30, 1887, shows the effect of such a policy:

	Amount imported.	Amount of duty.	Ad valorem rate (per cent.).
Sugar	$68,882,884	$56,507,496	82.04
Molasses	5,336,730	1,496,863	28.05
Rice	1,518,766	971,455	64.01
Salt	1,455,385	676,866	49.92
Coal	2,811,158	683,728	24.32
Wood and lumber	8,223,505	1,503,185	18.28
Manila, jute, etc	9,971,276	1,775,731	17.81
Total	98,199,704	63,615,324	*64.78

*Total average.

Sugar imported free under the Hawaiian treaty, $9,255,351; at 82.04 per cent., $7,592,989.

All the foregoing figures are for the fiscal year ending June 30, 1887.

The principal items in this list are sugar, and hemp, jute, manila, and sisal-grass collectively. The limit of sugar production is circumscribed by nature, and under any kind of fair protective duty no more than one-ninth to one-eighth of all the sugar consumed by our people could be made at home. As to hemp, jute, manila, and sisal-grass, from which our grain-binding twine is made, it is all, with the possible exception of a trifle of hemp, raised abroad. Practically then, as to $58,283,233, the bill does no real violence to so-called protective principles. And it seems to me our farmers need cheap twine, and all our people cheap sugar, rather than cheap tobacco and fortifications. The great food staples of the people are bread, meat, coffee, tea, and sugar. All of these except sugar are unaffected by any tariff taxes, and why should not sugar be, with an overflowing treasury?

Next to the sugar tax there is in this list no tax that so vitally affects our Northwestern farmer, especially now when wheat is so low, as the tax on jute, manila, and sisal-grass, and the twine made therefrom.

The effect of this tax is truly set forth in a recent article in the Chicago Tribune, which I beg leave to quote, and which is as follows:

One of the stupidest taxes in the tariff list is that on manila and sisal, materials needed in the manufacture of the cheap binder-twine used in harvesting-machines ever since wire was discarded. Wire proved a failure in the self-binders because it caused an injury to thrashing-machines and mills that ground the grain and was too dear; but inventive ingenuity solved the difficulty by substituting binder-twine. This twine is now used extensively throughout the western portions of the country. Being a cheap twine, only needed to hold sheaves together for a short time, hemp, which is much dearer, is not used in its manufacture, and the substitutes, sisal and manila, are found satisfactory. The duties on these materials last year (1886) amounted to $1,188,282, and the incidence of the tax, or the profits of manufacturers and middlemen on the tariff tax, to nearly as much more.

This tax protects no one, is not needed for revenue, and is an injury to every farmer it touches. The theory in taxing these substitutes was that such a levy was necessary to protect the hemp-growers of Kentucky and Missouri, but in fact nothing of the sort is done. Hemp is too costly for binder-twine, and it is cheaper to use sisal and manila with the duties added. The tax does the hemp-grower no good, and is a wholly unjustifiable levy on hundreds of thousands of farmers of the West. Unless the tax is increased to prohibition and made to keep out sisal and manila altogether, it can not operate to compel the use of hemp in making binder-twine for farmers. Why not repeal it outright? It is a benefit to no one, but an injury to all who are affected by it. To retain it is only to hold out a bribe for the organization of another trust to push up prices and bleed the farmers still harder.

The following letter from Mr. Brown, a leading Republican, a prominent farmer and banker of Crookston, the metropolis of the Red River Valley in Minnesota, shows the cost of such twine; and bear in mind that when the letter was written wheat was worth only 60 cents per bushel at Crookston.

Here is the letter:

DEAR SIR: Your valued favor 3d instant was duly received, for which please accept many thanks. From the most reliable information obtainable I find binding-twine has cost the consumers for the last six years on an average 16¾ cents per pound, and two pounds per acre is the average amount required, making it cost about 2 cents per bushel for the bands. This is a very large tax on wheat-raising. It would seem as though some relief should be afforded. We could enumerate many other things which we think should be free from duty; but we have confidence that you will do all that you can to remove these burdens. However, we must not expect immediate relief; it will take time and agitation.

Very truly, yours, etc.,

M. R. BROWN.

Hon. KNUTE NELSON, *Washington, D. C.*

But I will enter into no further details respecting the items in my bill. To show that I fairly represent in my bill the Republican tariff sentiment of my State, and as an offset to all the clippings from English newspapers indulged in by those who are opposed to all tariff-tax reduction, and who can see nothing else to relieve from taxes than spirits and tobacco, I beg leave to quote the following from one of our leading Republican papers in Minnesota, the home organ of ex-Senator Windom, the Winona Republican, of Wednesday evening, February 22, 1888:

As to the particular direction in which the reduction ought to take place, and the various details incidental thereto, there is, as was to have been expected, considerable diversity of opinion—partly because of conflicting local interests, perhaps, and still more because of a confessed inability without expert knowledge to deal intelligently with the subject in detail. Generally speaking, however, the drift of popular Republican sentiment, in so far as the local editorial judgment may be accepted as a trustworthy guide thereto, is pretty fairly reflected in the bill recently presented in the House by Mr. Nelson, of this State, to which, in the present issue of the Republican, Mr. Youmans admiringly invites attention. The proposition made in some quarters to remove the internal tax from whisky is universally deprecated. As regards the tax on tobacco, the objection to its removal is made contingent apparently on how far such removal might operate to perpetuate import duties on articles of prime necessity consumed at the West. Evidently the distiller and the tobacco-grower maintain no very strong grip on the Republican party of Minnesota.

I also beg leave to quote the following letters—not from "blarsted Englishmen"—but from living, active Republicans in the great West. Here is one:

WINONA, MINN., *February* 17, 1888.

DEAR SIR: I have just read in the St. Paul Pioneer-Press the bill introduced by you to remove the duty from sugar, rice, coal, salt, hemp, manila, jute, and sisal grass, lumber, etc.

As a lumber manufacturer, let me thank you for including that product in your bill; and as one of the largest wool-growers in the State, except that it might embarrass the measure, I would be glad to see wool included also. It gratifies my State pride that a member from Minnesota, and a Republican, too, honors himself, his State, and his party, by initiating legislation so momentous and so beneficent as this. Your bill may not be enacted into law at this session, but the agitation will not cease until these burdens are removed from the people. I must commend your judgment in the selection of only a few articles—and those such as everybody knows should never have been polluted by a tariff tax—on which to put members of Congress on record. It will require cheek to vote against your bill, and the member from the West who does it will find it difficult to justify himself to a constituency that is becoming educated upon this question.

Let the bill pass and it is the Waterloo of protection. It will be to us what the repeal of the corn laws was to England, and the onward progress of the reform will be rapid and easy.

Very truly, yours,

EARLE S. YOUMANS.

Hon. KNUTE NELSON, *Washington, D. C.*

And here is one:

CARMAN, MINN., *February* 10, 1888.

DEAR SIR: It seems to me our party leaders are making a great mistake that they do not make greater effort to redeem their pledge to "remove the inequalities of the tariff," when on all sides it is so universally agreed that it is full of defects and "irregularities."

Very truly, yours,

E. D. CHILDS.

Hon. K. NELSON, *Washington, D. C.*

And here is another:

DULUTH, MINN., *March* 3, 1888.

DEAR SIR: We write you at this time to urge you to do all you can to reduce the duty on window-glass to the smallest amount possible. We have been at the mercy of the Pittsburgh manufacturers long enough. You may not know that the duty on common window-glass is more than the cost of it in Antwerp, Belgium; but such is the fact.

Very truly, yours,

SCOTT & HOLSTON.

Hon. KNUTE NELSON, M. C., *Washington, D. C.*

And here is another:

MADISON, WIS., *February* 20, 1888.

MY DEAR SIR: Your amendment of the tariff, as published in the papers, is just the thing, as far as it goes; but, for God's sake, amend it by putting wool in the free-list. Don't be afraid of the bleating of sheep or their owners. They need no more protection than hogs and hens and their owners; and if there is anything in God's world that needs cheapening it is woolen goods in this cold country. God speed you.

O. PETERSON.

Hon. KNUTE NELSON.

But I will quote no more. I have an abundance of similar letters. These are only samples to show you how the people feel.

Not only is there a strong sentiment among the people in favor of tariff-tax reduction, but our national, and our State platforms in the Northwest, are pledged and committed to tariff reform and tariff reduction. The following are the national and State Republican tariff pledges. The last national platform says:

The Republican party pledges itself to correct the inequalities of the tariff and to reduce the surplus.

The Minnesota platform says:

We favor an early and judicious revision of the tariff, with a simplification and reduction of customs duties.

The Iowa platform says:

We believe the tariff should be revised and reduced.

And the Nebraska platform says:

As the business of the country now demands a revision of the tariff, the Republican party, alive to the demands of every material interest, will see to it that such revision shall be made at the earliest practicable day.

All this, Mr. Speaker, means something more than free whisky and free tobacco.

Surely these promises ought to be kept.

Senator JOHN SHERMAN, protectionist as he is, makes the following admission in his recent speech before the Home-Market Club in Boston. Here is what he said:

The tariff ought to be carefully revised with a view to correct any inequalities or incongruities that have grown out of the change of values since the passage of the act of 1883; every imported article which does not compete with our domestic industry and is essential to the comfort and wants of our people should be placed on the free-list; every raw material of industry which does not compete with our own productions should be specially selected for the free-list.

In the face of these platform pledges; in the face of these admissions from unwilling witnesses; in the face of the large, ever-growing, and threatening surplus, taken from the people by taxation, and used by certain banks without any consideration therefor; and in the face of the fact that so many of the barest necessaries of life are loaded down with the highest kind of tariff taxes, it makes me sick at heart to think that there are leading men on this side the Chamber who can find at this juncture, and under these circumstances, no other field for tax reduction than the internal-revenue taxes on spirits and tobacco. Surely these things are not the diet on which the poor laboring man keeps his family.

Worthier, better, and juster, it seems to my mind, would it be to give our people—the toiling masses—cheaper food, cheaper fuel, cheaper clothing, and cheaper shelter—cheaper because released from the heavy and unnecessary bondage of high-tariff taxes. I will put free sugar, free coal, free salt, and free lumber against free whisky and free tobacco under all circumstances, and so will the great mass of the American people.

Mr. FUNSTON. Now will the gentleman from Minnesota [Mr. NELSON] answer the question I asked him awhile ago—that is, why he did not include wheat in his free-list?

Mr. NELSON. You can have the floor yourself now.

Mr. FUNSTON. But I want to ask the gentleman a question. He has time and he ought to answer. My question is, why do you not propose to put wheat on the free-list?

Mr. WILLIAMS. Because that is a product of Minnesota.

Mr. FUNSTON (to Mr. NELSON). Now be civil about it. I am courteous to you. Why do you not answer my question? You can not do it. The reason is that wheat is produced in Minnesota, and if it were put on the free-list it would be your ox that would be gored.

Mr. DAVIS. Perhaps the gentleman from Minnesota [Mr. NELSON] will answer a question put by an Eastern man.

Mr. PEEL. Mr. Chairman, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, Mr. SPRINGER, from the Committee of the Whole, reported that they had had under consideration the Indian appropriation bill, and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. PEEL. Mr. Speaker, it has been suggested by members that it would be advisable to take a recess until 8 o'clock this evening and let debate on this bill go on. I feel inclined to obey the wish of the House on that subject, and in order to test the sense of the House I move that we now take a recess until 8 o'clock this evening, for the purpose of continuing general debate on the Indian appropriation bill.

Mr. DAVIS. Will the gentleman withdraw that motion for a moment? I rise to a question of privilege.

The SPEAKER *pro tempore*. The gentleman from Arkansas [Mr. PEEL] moves that the House take a recess until 8 o'clock this evening, the evening session to be devoted to debate only on the Indian appropriation bill.

Mr. PERKINS. I wish to suggest that if there is to be debate which does not pertain at all to this appropriation bill, it might be well to hold an evening session for that purpose; but if the debate is to be pertinent to the bill, it seems to me best to have it at a regular session of the House. For this reason I doubt the propriety of holding an evening session, as proposed.

The SPEAKER *pro tempore* (having put the question). In the opinion of the Chair the motion is not agreed to.

Mr. HOLMAN. I call for a division.

The question being again put, there were—ayes 60.

Mr. PEEL (before the negative vote was counted). I withdraw the motion for a recess, and move that the House adjourn.

The motion to adjourn was agreed to; and accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred as indicated below:

By Mr. G. A. ANDERSON: A bill (H. R. 8991) for the relief of William B. Ferguson—to the Committee on Military Affairs.

By Mr. ATKINSON: A bill (H. R. 8992) granting a pension to Ann Kelly—to the Committee on Invalid Pensions.

By Mr. BACON: A bill (H. R. 8993) for the relief of Shadrack W. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8994) for the relief of John N. Lambert—to the Committee on Invalid Pensions.

By Mr. BLISS: A bill (H. R. 8995) for the relief of Antonia Wiener—to the Committee on Invalid Pensions.

By Mr. W. C. P. BRECKINRIDGE: A bill (H. R. 8996) for the relief of W. S. McChesney—to the Committee on War Claims.

By Mr. C. E. BROWN: A bill (H. R. 8997) for the relief of John Swasey and others—to the Committee on War Claims.

By Mr. BURROWS: A bill (H. R. 8998) for the relief of Margaret Batt—to the Committee on Invalid Pensions.

By Mr. BUTTERWORTH: A bill (H. R. 8999) granting a pension to Elizabeth M. Tumy—to the Committee on Invalid Pensions.

By Mr. CARUTH: A bill (H. R. 9000) for the relief of Theodore Schwartz—to the Committee on War Claims.

Also, a bill (H. R. 9001) granting a pension to Silas M. Gray—to the Committee on Invalid Pensions.

By Mr. CLARDY: A bill (H. R. 9002) for the relief of John Schaefer—to the Committee on Invalid Pensions.

By Mr. CLEMENTS: A bill (H. R. 9003) for the relief of George Harlan—to the Committee on Pensions.

By Mr. COOPER: A bill (H. R. 9004) granting a pension to Rebecca L. Partridge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9005) granting a pension to Michael Blue—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9006) granting a pension to Mrs. R. A. Oden—to the Committee on Invalid Pensions.

By Mr. DAVIS: A bill (H. R. 9007) for the relief of William Baker—to the Committee on Pensions.

By Mr. DE LANO: A bill (H. R. 9008) granting a pension to Harvey J. Burchard—to the Committee on Invalid Pensions.

By Mr. FITCH: A bill (H. R. 9009) granting an increase of pension to Edward R. Duffy—to the Committee on Invalid Pensions.

By Mr. FORAN: A bill (H. R. 9010) granting a pension to Jonathan E. Carroll—to the Committee on Invalid Pensions.

By Mr. GIFFORD: A bill (H. R. 9011) granting a pension to G. W. Demorest—to the Committee on Invalid Pensions.

By Mr. HARMER: A bill (H. R. 9012) granting a pension to Charles Sturn—to the Committee on Invalid Pensions.

By Mr. HEMPHILL: A bill (H. R. 9013) for the relief of the heirs at law of R. L. Wortham—to the Committee on Claims.

By Mr. HOUK: A bill (H. R. 9014) for the relief of John T. Brown—to the Committee on War Claims.

By Mr. JOSEPH: A bill (H. R. 9015) for the relief of Spiegelberg Brothers—to the Committee on War Claims.

By Mr. LAFFOON: A bill (H. R. 9016) to remove the charge of desertion against Bedford Potts—to the Committee on Military Affairs.

By Mr. LYMAN: A bill (H. R. 9017) for the relief of Ludwig V. Williams—to the Committee on Invalid Pensions.

By Mr. MANSUR: A bill (H. R. 9018) for the relief of Mary E. and Lucien Gordon—to the Committee on War Claims.

By Mr. MILLIKEN: A bill (H. R. 9019) to provide for the erection of a monument to the memory of 48 Union soldiers buried at Augusta, Me.—to the Committee on Military Affairs.

By Mr. NEAL: A bill (H. R. 9020) for the relief of George W. Presley—to the Committee on Invalid Pensions.

By Mr. OSBORNE: A bill (H. R. 9021) to place the name of Peter Miller on the pension-roll—to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 9022) pensioning Andrew J. Freeman—to the Committee on Invalid Pensions.

By Mr. RANDALL: A bill (H. R. 9023) to increase the pension of Matilda Wilkins Emory—to the Committee on Invalid Pensions.

By Mr. SAYERS (by request): A bill (H. R. 9024) to reimburse Hamilton & Reilly—to the Committee on War Claims.

By Mr. J. D. TAYLOR: A bill (H. R. 9025) for the relief of George W. Chalfant—to the Committee on Invalid Pensions.

By Mr. STEELE: A bill (H. R. 9026) for the relief of George W. Keim—to the Committee on Invalid Pensions.

By Mr. J. D. TAYLOR: A bill (H. R. 9027) granting a pension to Sarah K. Suite—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9028) granting a pension to Sanford Glass—to the Committee on Invalid Pensions.

By Mr. G. M. THOMAS: A bill (H. R. 9029) for the relief of Marshall Burtram—to the Committee on Invalid Pensions.

By Mr. TOWNSHEND: A bill (H. R. 9030) for the relief of Abner Willis—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. H. ALLEN: Memorials of C. and W. Manard & Co., of G. W. Knowlton, of Charles C. Hutchinson, of Frank P. Haggett, of Middlesex & Co., of H. W. Johnson, of Frederick A. Buttrick, of Charles M. Williams, of Charles L. Hildreth, of H. G. Lausen, of George J. Carney, of W. M. Sawyer, of Samuel A. Chase, of O. H. Moulton, of William H. McDavitt, of J. F. Kimball, of F. F. Battles, and of Alvin

S. Lynn, business men and citizens of Lowell, Mass., for improved mail service between New York and New England—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Bricklayers and Masons' International Union of America, relative to the superintendent of the new Library building—to the Committee on the Library.

By Mr. C. L. ANDERSON: Petition of Mary Vance, widow and administratrix of James J. Vance, of Mississippi, for reference of her claim to the Court of Claims—to the Committee on War Claims.

Also (by request), petition of Harriet Merrell to be placed on the pension-rolls—to the Committee on Invalid Pensions.

By Mr. G. A. ANDERSON: Petition of 62 citizens of Quincy, Ill., protesting against the repeal of the internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

By Mr. ATKINSON: Petition of Donation Grange, No. 330, Patrons of Husbandry, against the manufacture and sale of adulterated lard and other food products—to the Committee on Agriculture.

Also, petition of same, for the continuance of the Bureau of Animal Industry—to the Committee on Agriculture.

Also, petition of the same, for the reduction of the rate of postage on seeds, bulbs, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. BACON: Petition of Shadrack W. Brown, for a pension—to the Committee on Invalid Pensions.

By Mr. BAYNE: Petition of Branch No. 5 of Allegheny (Pa.) Butchers' Protective Association, for the bill looking to the prevention of imitation lard—to the Committee on Agriculture.

Also, resolution of Globe Lodge of Amalgamated Association of Iron and Steel Workers of McKeesport, Pa., against the reduction of the tariff—to the Committee on Ways and Means.

By Mr. BELDEN: Joint resolution of the Legislature of New York, favoring the refunding of the tax on commercial travelers in the District of Columbia—to the Committee on Commerce.

By Mr. BELMONT: Petition of citizens of Baldwin, of Freeport, and of Brookhaven, N. Y., for increase of compensation for Life-Saving Service—to the Committee on Commerce.

By Mr. BIGGS: Resolutions of citizens of Plumas County, California, for the passage of House bill No. 1216, to investigate the mining-débris question in California—to the Committee on Mines and Mining.

By Mr. BOOTHMAN: Petition of Thomas Kern and 4 others, of Miller Chapman and 26 others, and of Mike Carrigan and 31 others, citizens of Wood County, Ohio, protesting against any reduction of duty on green and colored glass bottles—to the Committee on Ways and Means.

By Mr. BOUND: Memorial of Chillisquaque Grange, No. 277, of Northumberland County, Pennsylvania, favoring a law to prohibit the manufacture and sale of adulterated food products—to the Committee on Agriculture.

Also, memorial of the same, in favor of extending the Bureau of Animal Industry—to the Committee on Agriculture.

By Mr. BOUTELLE: Petition of Cherryfield Grange, Patrons of Husbandry, No. 250, of Maine, in favor of more adequate protection of agriculture—to the Committee on Ways and Means.

By Mr. BRUMM: Petition of A. H. Gessner and 65 others, citizens of Nuremberg, Pa., to prevent the landing of foreign criminals—to the Committee on Foreign Affairs.

By Mr. BURNETT: Petition M. S. Hutchinson, of Newton, Mass., for better mail facilities for the New England States—to the Committee on the Post-Office and Post-Roads.

Also, petition of Local Assemblies Nos. 4191 and 4327, Knights of Labor, of Massachusetts, in favor of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. BUTLER: Petition of John Talbott, by O. C. King, executor, of Hamblen County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. J. E. CAMPBELL: Petition of citizens of Fayetteville, Ohio, in favor of House bill 7389—to the Committee on the Post-Office and Post-Roads.

By Mr. CARUTH: Resolution of the Butcher's National Protective Association of Louisville, Ky., in favor of bill to prevent the adulteration of lard—to the Committee on Agriculture.

By Mr. CATCHINGS: Petition of Smith Brothers and 21 others, and of S. C. Rogers & Co. and 235 others, citizens of Mississippi, against the Butterworth and Dawes lard bills—to the Committee on Agriculture.

Also, petition of Mary T. Leake, of Warren County, Mississippi, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. CUTCHEON: Protest of manufacturers of salt and lumber, of Ludington, Mich., against the repeal of the duty on salt and lumber—to the Committee on Ways and Means.

By Mr. DALZELL: Petitions of green and colored glass bottle blowers and other citizens of the United States, protesting against reduction of tariff on common and colored glass bottles—to the Committee on Ways and Means.

By Mr. R. H. M. DAVIDSON: Memorial of the Tampa (Fla.) Board of Trade, to establish a customs collection district and to make Tampa a port of entry—to the Committee on Commerce.

By Mr. DUNHAM: Petition of August Steinel, secretary, and 85 other members of the Cigar-makers' Union, No. 14, of Chicago, protesting against the repeal of internal-revenue taxes on cigars and cheroots—to the Committee on Ways and Means.

By Mr. DUNN: Petition of 171 citizens of Helena, Ark., against the passage of the Butterworth and Dawes lard bills—to the Committee on Agriculture.

By Mr. ELLIOTT (by request): Petition of Amanda Porter, of South Carolina, formerly of Georgia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. ERMENTROUT: Petition of the International Copyright Association, for the passage of an international copyright act—to the Committee on Patents.

By Mr. FORD: Petition of Eva Bovee and many other ladies, of Northville, Mich., for laws to better protect women and girls—to the Committee on the Judiciary.

By Mr. FRENCH: Petition of J. W. Alsop and others, of Middletown, Conn., for protection of the Yellowstone Park—to the Committee on the Public Lands.

By Mr. GALLINGER: Petition of William G. Hall, of Keene, and of James R. Hill & Co., of Concord, N. H., in favor of quick mail transit between New York and the West and the New England States—to the Committee on the Post-Office and Post-Roads.

By Mr. GEST: Petition of Knights of Labor of Colchester, Ill., concerning the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. GLASS: Petition of Mary E. Ketcham, widow of James Ketcham, for relief—to the Committee on Claims.

By Mr. GROUT: Memorial of the International Copyright Association, in behalf of an international copyright law—to the Committee on Patents.

Also, memorial of A. D. Farwell, of Montpelier, Vt., for increased mail facilities between New England and the West—to the Committee on the Post-Office and Post-Roads.

By Mr. HARMER: Memorial of Charles Sturn, to accompany bill granting a pension—to the Committee on Invalid Pensions.

By Mr. HEMPHILL: Petition of 18 citizens of Camden, S. C., in favor of pure lard—to the Committee on Agriculture.

By Mr. D. B. HENDERSON: Petition of clerks of the Dubuque, Iowa, post-office and postal service, and of Trades Assembly of Western Pennsylvania, favoring House bill 5664—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Typographical Union, No. 22, of Dubuque, Iowa, favoring the Chace bill, for international copyright—to the Committee on Patents.

By Mr. HOUK: Petition of John De Armand, of Roane County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, petition of citizens of Knoxville, Tenn., for the preservation of the Yellowstone National Park—to the Committee on the Public Lands.

By Mr. T. D. JOHNSTON: Petition of B. B. Whitcomb and others, citizens of Cherokee County, North Carolina, for duty on marble—to the Committee on Ways and Means.

Also, petition of J. A. Carter and others, citizens of North Carolina, in favor of House bill 7389—to the Committee on the Post-Office and Post-Roads.

By Mr. JOSEPH: Petition of citizens of New Mexico, asking for the admission of the said Territory as a State—to the Committee on the Territories.

Also, papers in the claim of Spiegelberg Brothers, for relief—to the Committee on War Claims.

By Mr. LAFFOON: Petition to remove the charge of desertion against Bedford Potts—to the Committee on Military Affairs.

By Mr. LANDES: Petition of Henry Langnecker Post, Grand Army of the Republic, No. 171, for a service-pension bill—to the Committee on Invalid Pensions.

By Mr. LODGE: Petition of the city of Gloucester, Mass., against the ratification of the fishery treaty with Great Britain—to the Committee on Foreign Affairs.

By Mr. LONG: Petition of S. H. Kelly and 25 others, for more effectual protective duty on imported agricultural products—to the Committee on Ways and Means.

Also, resolution of Local Assembly No. 4526, Knights of Labor, of Taunton, Mass., in favor of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. LYMAN: Letter in support of the claim of Ludwig V. Williams—to the Committee on Invalid Pensions.

By Mr. McCLAMMY: Petition of the National Farmers' Alliance, for the establishment of a Department of Agriculture—to the Committee on Agriculture.

By Mr. MAISH: Petition of A. J. Swartz, administrator of Michael Swartz, of Adams County, Pennsylvania, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. MANSUR: Papers to accompany bill for relief of Mary and Lucien Gordon—to the Committee on War Claims.

By Mr. MORSE: Petition of citizens of Jamaica Plain, Mass., em-

ployed in the manufacture of flax, threads, and twines, protesting against the proposed reduction of duty on these articles as provided in the Mills tariff bill—to the Committee on Ways and Means.

By Mr. NEAL: Petition of J. M. Henley and 48 others, of J. M. Jones and 54 others, and of Trigg, Dobbs & Co. and 177 others, citizens of Chattanooga, Tenn., protesting against House bill 6138, to regulate the manufacture and sale of counterfeit lard, or similar bill—to the Committee on Agriculture.

By Mr. NEWTON: Petition of citizens of Concordia Parish, and of Tensas Parish, Louisiana, against the closing up of the mouth of the Atchafalaya River by dams, sills, or other obstructions—to the Committee on Rivers and Harbors.

By Mr. NUTTING: Petition of Eureka Grange, No. 46, Patrons of Husbandry, of Lyons, N. Y., in regard to the tariff—to the Committee on Ways and Means.

By Mr. J. J. O'NEILL: Petition of the Knights of Labor of St. Louis, Local Assemby, No. 4700, in favor of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

Also, petition to annul the internal-revenue tax on tobacco—to the Committee on Ways and Means.

Also, petition of T. A. Lonergan, in relation to establishing a military post at Globe, Arizona Territory—to the Committee on Military Affairs.

Also, petition of District Assembly, No. 97, Knights of Labor, and Federation of Labor, in favor of House bill 4414—to the Committee on Labor.

Also, protest against the bill prohibiting enlisted men from competing with civilian musicians—to the Committee on Labor.

Also, petition of Mozart Musical Club of Brooklyn, N. Y., in relation to United States bands, and prohibiting their competition with civilian musicians—to the Committee on Labor.

Also, petition of Musicians National League of Philadelphia, in relation to action of the Secretary of War in allowing the Cavalry Department Band, of Jefferson, Mo., to play during the Sængerfest at St. Louis—to the Committee on Labor.

By Mr. PARKER: Petition of Pomona Grange, of Jefferson County, New York, in favor of reducing the postage on seeds, bulbs, etc.—to the Committee on the Post-Office and Post-Roads.

Also, petition of the same, in favor of fractional paper currency and cheaper postal-orders—to the Committee on Banking and Currency.

Also, resolutions of the Legislature of New York, against taxing commercial travelers in the District of Columbia—to the Committee on the District of Columbia.

By Mr. PETERS: Resolutions of the Board of Trade of Wichita, Kans., favoring the opening of the Indian Territory—to the Committee on the Territories.

Also, affidavits of Daniel Jacobs, of John N. Wasson, and of William G. Bowman in support of House bill 8914—to the Committee on War Claims.

By Mr. RANDALL: Memorial of officers and representatives of Grange No. 367, of Armstrong County, Pennsylvania, to prohibit the manufacture and sale of adulterated lard and other food products—to the Committee on Agriculture.

Also, memorial of the same concerning the maintenance of the Bureau of Animal Industry—to the Committee on Agriculture.

Also, petition and papers filed by Matilda Wilkins Emory in support of bill to increase her pension—to the Committee on Invalid Pensions.

By Mr. RAYNER: Resolutions of the mayor and city council of Baltimore, for an act to give the present United States court-house to the city—to the Committee on Public Buildings and Grounds.

By Mr. REED: Petition of Joseph A. Hobbs and others, to equalize the pay of soldiers to gold values—to the Committee on War Claims.

By Mr. ROBERTSON: Papers in the claim of James H. Gibbons, of East Baton Rouge, La.—to the Committee on War Claims.

Also, petition of Heloise Hawkins, widow of Austin R. Hawkins, of Louisiana, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. ROWLAND: Petition of 595 citizens of Charlotte, N. C., in opposition to the bill proposing to tax or brand cotton-seed oil, and against any tax or brand on refined leaf-lard, and for other purposes—to the Committee on Agriculture.

Also, petition of 79 citizens of Wilmington, N. C., in opposition to the bills now pending to tax or brand cotton-seed oil, and for other purposes—to the Committee on Agriculture.

By Mr. SAYERS (by request): Petition of citizens of Austin, and of San Antonio, Tex., for an increase of salary of the United States district judge for the western district of Texas—to the Committee on the Judiciary.

By Mr. SHIVELY: Petition of Local Assembly No. 4842, Knights of Labor, of Elkhart, Ind., in favor of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. SNYDER: Petition of Cyrus Snuffer and William Ferguson, of Raleigh County, and of George H. Alderson, executor, of Nicholas County, West Virginia, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition of the estate of Mason Coleman, of Fayette County, West Virginia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. J. D. STEWART: Petition of 323 citizens, of 197 citizens, and of 178 citizens of Atlanta, Ga., in opposition to the bill proposing to tax cotton-seed oil—to the Committee on Agriculture.

By Mr. STONE, of Kentucky: Papers in the claim of Mary A. Gooch, of Noxubee County, Mississippi—to the Committee on War Claims.

By Mr. STRUBLE: Petition of M. U. Finney and 54 others, citizens of Plymouth County, Iowa, against any change in the present tariff on flaxseed and linseed oil—to the Committee on Ways and Means.

Also, petition of R. K. Daily and 25 others, citizens of Buena Vista County, Iowa, praying that there be no change made in the duty on flaxseed and linseed oil—to the Committee on Ways and Means.

By Mr. SYMES: Petition of citizens of Boston, Mass., against the sweeping ad valorem principle in dealing with the tariff—to the Committee on Ways and Means.

Also, petition of Local Assembly No. 3447, Knights of Labor, of Golden, Colo., in favor of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. O. B. THOMAS: Petition of Marshall Burbrune, for a pension—to the Committee on Invalid Pensions.

By Mr. TOOLE: Petition of certain wool-growers of Montana, protesting against putting wool on the free-list—to the Committee on Ways and Means.

By Mr. TOWNSHEND: Petition of the dairymen of Trenton, Clinton County, Illinois, for removal of the duty on foreign salt—to the Committee on Ways and Means.

By Mr. TRACEY: Petition of 400 members of Local Assembly No. 9708, Knights of Labor, of Albany, N. Y., favoring the tonnage bill—to the Committee on Merchant Marine and Fisheries.

Also, petition of the Cigar-makers' Union of Albany, N. Y., 53 members, for retention of internal-revenue duty on cigars—to the Committee on Ways and Means.

Also, petition of 81 members of Local Assembly No. 2791, Knights of Labor, of Albany, N. Y., for the passage of the tonnage bill—to the Committee on Commerce.

By Mr. VANDEVER: Protest of Congregational Club of Los Angeles, Cal., against the admission of Utah as a State—to the Committee on the Territories.

By Mr. WEBER: Petition of farmers of Erie County, New York, asking for protection on farm products—to the Committee on Ways and Means.

Also, petition to create navigable water between Lakes Erie and Ontario—to the Committee on Railways and Canals.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. MANSUR: Of 42 citizens of Missouri.

By Mr. SCOTT: Of citizens of Erie County, Pennsylvania.

The following petitions, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, were severally referred to the Committee on Invalid Pensions:

By Mr. BAYNE: Of Encampment No. 1, Union Veteran Legion, of Pittsburgh, Pa.

By Mr. BELDEN: Of V. J. Purington and 15 others, veteran soldiers of Syracuse, N. Y., and vicinity.

Also, of E. L. Walrath and 18 others, soldiers and sailors of Syracuse, N. Y.

By Mr. BUNNELL: Of soldiers and sailors of Thompson, Susquehanna County, Pennsylvania.

By Mr. J. E. CAMPBELL: Of William T. Glassford, Lloyd Stockman, and others, of Ohio.

By Mr. CUTCHEON: Of ex-soldiers of Charlevoix, Mich.

By Mr. DE LANO: Of W. A. Hare and 102 other citizens, of John Snell and 18 other soldiers, and of Mrs. Roxanna D. Huron and 41 other ladies, of Georgetown, N. Y.

By Mr. FULLER: Of George W. Fitch and 35 soldiers and citizens, of M. Gilbert and 25 soldiers, and of citizens of Fayette County, Iowa.

By Mr. GIFFORD: Of George R. Lanning and 32 other ex-Union soldiers of Egan, Dak.

By Mr. D. B. HENDERSON: Of old soldiers of Buchanan County, Iowa.

By Mr. LANE: Of 25 ex-soldiers, and of 13 ex-soldiers of Shelby County, Illinois.

By Mr. J. J. O'NEILL: Of the Per Diem Rated Service-Pension Association.

By Mr. OSBORNE: Of citizens, ex-Union soldiers, of Carbondale, Pa.

By Mr. OWEN: Of Henry Van Voorst and others.

By Mr. PATTON: Of 35 ex-soldiers, Clearfield County, Pennsylvania.

By Mr. E. B. TAYLOR: Of ex-soldiers of Lake County, and of citizens of Ashtabula County, Ohio.

Also, of citizens of Ashtabula County, of ex-soldiers of Trumbull County, and of 36 ex-soldiers of Andover, Ohio.

By Mr. O. B. THOMAS: Of 45 ex-soldiers, and of ex-soldiers of Richland County, Wisconsin.

Also, of George W. Bell Post, No. 53, Grand Army of the Republic, of Wisconsin.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. ATKINSON: Of the Methodist Episcopal and United Brethren churches of Orbisonia, Pa.

By Mr. DE LANO: Of the Woman's Christian Temperance Union, of Newark Valley, Tioga County, and of Oneida County, New York.

By Mr. DORSEY: Of citizens of Columbus, and of citizens of Creighton, Nebr.

By Mr. D. B. HENDERSON: Of 327 citizens of Butler County, Iowa.

By Mr. SHAW: Of Thomas W. Wells and 88 others, citizens of Hempstead, Md.

By Mr. STEELE: Of the Woman's Christian Temperance Union of Oakridge, Ind.

The following petitions, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia, were severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. ATKINSON: Of citizens of the Eighteenth district of Pennsylvania.

By Mr. BUCHANAN: Of 45 citizens and of 98 citizens of the Second district of New Jersey.

By Mr. DOCKERY: Of 75 citizens of the Third district of Missouri.

By Mr. WICKHAM: Of 81 citizens of the Fourteenth Congressional district of Ohio.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March* 30, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D., of Washington, D. C.

The Journal of yesterday's proceedings was read and approved.

DISPOSITION OF PUBLIC DOCUMENTS BY INTERIOR DEPARTMENT.

The SPEAKER laid before the House a letter from the Secretary of the Interior, transmitting a statement of the number and disposition of public documents received by that Department, also submitting a report relative to the sale and to the printing and disposition of public documents; which was referred to the Committee on Printing, and ordered to be printed.

ABSALOM RILEY VS. THE UNITED STATES.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of Absalom Riley *vs.* The United States; which was referred to the Committee on War Claims, and ordered to be printed.

ANDREW CATHEY VS. THE UNITED STATES.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of Andrew Cathey *vs.* The United States; which was referred to the Committee on War Claims, and ordered to be printed.

G. SILBERBERG AND OTHERS VS. THE UNITED STATES.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of G. Silberberg and others *vs.* The United States; which was referred to the Committee on War Claims, and ordered to be printed.

AMERICAN INTERNATIONAL CONFERENCE.

The SPEAKER also laid before the House a bill of the following title, returned from the Senate with amendments, and with the request for a conference with the House:

A bill (H. R. 1473) authorizing the President of the United States to arrange a conference for the purpose of promoting arbitration and encouraging reciprocal commercial relations between the United States of America and the Republics of Mexico, Central and South America, and the Empire of Brazil.

Mr. MCCREARY. I ask unanimous consent that the House nonconcur in the amendments of the Senate and agree to the conference requested.

The SPEAKER. Is the reading of the amendments demanded?

Mr. BRECKINRIDGE, of Arkansas. Let them be read.

The amendments were read.

The SPEAKER. The gentleman from Kentucky [Mr. MCCREARY] asks unanimous consent that the amendments just read be non-concurred in, and that the House agree to the conference asked by the Senate. The Chair hears no objection, and it is so ordered. The Chair will announce during the day the managers on the part of the House.

PETER MARCH AND OTHERS.

The SPEAKER also laid before the House a bill of the following title, returned from the Senate with amendments:

A bill (H. R. 3957) for the relief of Peter March, Thomas J. Wright, administrator, and others.

The SPEAKER. This bill merely corrects, in the body of the bill and in the title, the name of one of the parties.

The amendments of the Senate were read, as follows:

In line 13 of the bill strike out "March" and insert "Marck."

Amend the title by striking out "March" and inserting "Marck."

The SPEAKER. If there be no objection, these amendments will be concurred in.

There being no objection, it was ordered accordingly.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House Senate joint resolution and bills of the following titles; which were severally read twice, referred respectively as indicated, and ordered to be printed:

The joint resolution (S. R. 42) extending the provisions of an act entitled "An act relating to arrears of taxes in the District of Columbia," approved March 3, 1887—to the Committee on the District of Columbia.

The bill (S. 116) to incorporate the American Trust Company of the District of Columbia—to the Committee on the District of Columbia.

The bill (S. 630) for the relief of Edwin DeLeon—to the Committee on Claims.

The bill (S. 1338) granting an increase of pension to Kate Q. Dalzell—to the Committee on Invalid Pensions.

The bill (S. 1588) to amend an act entitled "An act to provide additional regulations for homestead and pre-emption entries of public lands," approved March 3, 1879—to the Committee on the Public Lands.

The bill (S. 1941) for the erection of a public building at Helena, Mont.—to the Committee on Public Buildings and Grounds.

The bill (S. 2005) to provide for the disposal of the Fort Wallace military reservation in Kansas—to the Committee on Military Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. RUSK, for this day, on account of business.

To Mr. O'NEILL, of Missouri, for ten days, on account of important business.

To Mr. DARLINGTON, for four days, on account of important business.

Leave of absence was also granted to the subcommittee of the Committee on Commerce, consisting of Mr. BRYCE, Mr. LAGAN, and Mr. THOMAS H. B. BROWNE, to visit the proposed bridge across Staten Island Sound, in company with a similar committee of the Senate.

ENROLLED BILLS SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same, namely:

A bill (S. 2220) to correct an error in and to further amend "An act to authorize the Georgia Pacific Railroad Company to construct bridges across the Sunflower, Yazoo, and Tombigbee Rivers in Mississippi," approved March 3, 1887;

A bill (S. 1663) authorizing the Little Rock and Alexandria Railway Company to build certain bridges in the State of Arkansas;

A bill (H. R. 1481) making an appropriation to construct a road and approaches from Pineville, La., to the national military cemetery near that town;

A bill (H. R. 3749) for the relief of Frank Baker; and

A bill (H. R. 4556) to confirm New Madrid location, survey No. 2889, and to provide for issue of patent therefor.

INTERNATIONAL EXPOSITION, BARCELONA, SPAIN.

Mr. RUSSELL, of Massachusetts. Mr. Speaker, I ask unanimous consent to report at this time a joint resolution from the Committee on Foreign Affairs, relating to the invitation of the Spanish Government to the Government of the United States to participate in the international exposition to be held at Barcelona, Spain, in April, 1888.

The SPEAKER. The joint resolution will be read, subject to objection.

The joint resolution (H. Res. 140) was read a first and second time. It is as follows:

Whereas the Spanish Government has extended to the Government of the United States an invitation to participate in the international exhibition which is to be held at Barcelona, Spain, commencing in the month of April, 1888:

Resolved, etc., That said invitation is accepted, and that there be, and hereby is, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $25,000, or so much thereof as may be necessary to effect the purpose of this resolution, to be expended in the discretion of the Secretary of State for the purpose of such representation at said exhibition.

SEC. 2. That it shall be the duty of the Secretary of State to transmit to Congress a detailed statement of the expenditures which may have been incurred under the provisions of this resolution, together with any reports which may be made by the representatives of this country at said exhibition.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. ALLEN, of Mississippi. I object.

Mr. MATSON. Regular order.

QUESTION OF PRIVILEGE.

Mr. DAVIS. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. DAVIS. I send to the desk and ask to have read an article from the New York Herald of yesterday.

The Clerk read as follows:

A MEMBER'S LITTLE PLAN—HE GETS A BILL PASSED TO MAKE A RAILROAD PAY HIS LOSSES.

[From our regular correspondent.]

WASHINGTON, *March* 28, 1888.

The Interstate Commerce Committee of the Senate at a recent hearing had up the question of the responsibility of railroads for bills of lading for cotton. It transpired that Mr. DAVIS, of Massachusetts, who had passed the bill through the House without opposition, was an owner of cotton mills at Fall River which had recently sustained a loss of about $100,000 through the burning of some Southern cotton presses.

The bill, as brought out by a question of Senator HISCOCK, was simply to make the railroads sustain the loss instead of the cotton mill advancing the money. The bill was adversely reported to the Senate with but one dissenting vote.

Mr. DAVIS. Mr. Speaker, if this statement were true, as it is not true, the provisions of the bill referred to would not relieve me in the slightest degree. It does not provide for compensation by any railroad to any person who may have suffered losses prior to the passage of the bill. It simply declares a principle of law respecting evidence, and applies only to cases occurring after its enactment. The statement that I attempted to secure the passage of this bill in order to compel a railroad company to pay losses that I had sustained is absolutely untrue.

I would ask the indulgence of the House a moment in order to show that this bill is not a private and personal one, but of a large and general character, by having read a preamble and resolution bearing upon the subject.

The Clerk read as follows:

BOSTON, *March* 21, 1888.

At a meeting of the Arkwright Club held this day the following preamble and resolution were adopted:

Whereas an act (H. R. 1527, Fiftieth Congress, first session) entitled "An act to make bills of lading conclusive evidence in certain cases," has passed the House of Representatives, has been read twice in the Senate, and referred to the Committee on Interstate Commerce; and

Whereas purchasers and manufacturers of cotton in various States have been subjected to large losses, delays, and expenses from the action of transportation companies, who are common carriers, in repudiating responsibility upon bills of lading duly signed by officers of said companies, thus jeopardizing commercial reliance in such bills of lading, and seriously affecting the marketing—including both the selling and purchasing interests—of the cotton crop; and

Whereas it is learned that transportation companies are opposing the passage of said bill; and

Whereas it is of the utmost importance that there should be absolute responsibility in a bill of lading for the merchandise thereby represented, or its equivalent, and that the business of the country can not be properly transacted otherwise: Therefore,

Resolved, That the Arkwright Club respectfully represent that the act above mentioned is necessary for the security of buyers of merchandise who pay for the same upon the evidence of bills of lading, issued by transportation companies, and urge that the said act be passed by the Senate.

CHARLES H. DALTON,
EUGENE H. SAMPSON,
GEORGE DEXTER,
T. JEFFERSON COOLIDGE,
Executive Committee.
HENRY F. COE, *Secretary.*

Mr. DAVIS. I will simply add, Mr. Speaker, that this club represents the great body of the cotton manufacturers of New England.

ORDER OF BUSINESS.

The SPEAKER. By order of the House the bills granting a pension to Mrs. Logan and Mrs. Blair are set for consideration on this day immediately after the reading of the Journal, the previous question having been ordered on the engrossment and third reading of the bills.

Mr. COX. If the gentleman from Indiana will allow me, I wish to ask unanimous consent to have printed a joint resolution of the Legislature of the State of New York.

Mr. MATSON. I will withdraw the demand for the regular order for that purpose, but specially in favor of the gentleman from Massachusetts [Mr. RUSSELL]. The matter that he has presented is one of public importance, and I did not demand the regular order a few moments ago as against its consideration.

TAX ON COMMERCIAL AGENTS, DISTRICT OF COLUMBIA.

Mr. COX. I now ask unanimous consent to have printed in the RECORD the paper I send to the desk, being concurrent resolutions of the Legislature of the State of New York in favor of the repayment of the illegal penalties imposed upon merchants and commercial travelers in the District of Columbia.

There being no objection, the resolutions were ordered to be printed in the RECORD, and referred to the Committee on Commerce.

They are as follows:

STATE OF NEW YORK, IN SENATE, *Albany, March* 22, 1888.

Whereas in the year 1871 the local authorities of the District of Columbia, under certain legislation enacted by them (apparently under the authority delegated to them by Congress), on or about August 23 of said year, among other provisions, declared that thereafter a license tax should be imposed upon commercial agents; and

Whereas said law was enforced under severe penalties of fine and imprisonment up to the month of May, 1887; and

Whereas on May 9, 1887, the supreme court of the District of Columbia, by its unanimous decision, four judges sitting, decided all the legislation of the local authorities in the District of Columbia imposing taxes upon persons soliciting sales for merchants outside the District was beyond any authority conferred by Congress on the District, and that Congress itself, as the legislative power for the District, would have had no authority to grant such delegated power to the District, nor itself to tax the commerce of non-resident citizens; and

Whereas a bill is now pending in Congress to refund to merchants and commercial agents in various parts of the country the taxes thus legally exacted:

Be it resolved (if the assembly concur), That the Senators and Representatives in Congress from the State of New York be, and they are hereby, respectfully requested to favor said bill.

And be it further resolved, That copies of these preambles and resolutions be forwarded to the respective Houses of Congress.

By order of the senate.

JOHN S. KENYON, *Clerk.*

IN ASSEMBLY, *March* 23, 1888.

Concurred in without amendment.
By order:

C. A. CHICKERING, *Clerk.*

INTERNATIONAL EXPOSITION, BARCELONA, SPAIN.

Mr. RUSSELL, of Massachusetts. Mr. Speaker, I now renew my request for unanimous consent to consider the joint resolution presented this morning from the Committee on Foreign Affairs, the gentleman from Mississippi [Mr. ALLEN] having withdrawn his objection to its consideration.

The SPEAKER. Is there further objection to the consideration of the resolution?

Mr. BURROWS. Let me ask when this exposition is to take place?

Mr. HOOKER. Within thirty days from the present time; and it is necessary that prompt action should be taken upon the invitation.

Mr. BURROWS. How many of these expositions have we now on hand?

Mr. RUSSELL, of Massachusetts. We have no other exposition under consideration this morning but this one to be held in Barcelona, in Spain.

Mr. BURROWS. How much is appropriated?

Mr. RUSSELL, of Massachusetts. The sum of $25,000 is asked. And allow me to say that is a mere bagatelle compared with what the Spanish Government did at our exposition. It appropriated $60,000, and sent a vessel of war and a royal commission and a corps of engineers, while here we only ask $25,000.

Mr. BURROWS. I think the gentleman misunderstands me. I do not propose to object to the consideration of the resolution, but I wish merely to call the attention of the House and the country to the fact that we are running this to an extreme.

The SPEAKER. The question is on ordering the resolution to be engrossed and read a third time.

The House divided; and there were—ayes 77, noes 16.

Mr. ANDERSON, of Iowa. No quorum.

The SPEAKER appointed as tellers Mr. ANDERSON, of Iowa, and Mr. RUSSELL, of Massachusetts.

The House again divided; and there were—ayes 131, noes 35.

So the joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is, Shall the resolution pass?

Mr. WEAVER. Upon that question I ask for the yeas and nays.

The yeas and nays were not ordered, only 14 members voting therefor.

The joint resolution was passed.

Mr. RUSSELL, of Massachusetts, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ANTHONY L. WOODSON.

Mr. FINLEY. I ask unanimous consent to call up from the Private Calendar for present consideration the bill (H. R. 4665) for the relief of Anthony L. Woodson.

The bill was read.

Mr. HOLMAN. I ask that the report may be read, subject to the right to object.

The report from the Committee on War Claims was read in part.

Mr. TAULBEE. There is so much confusion that members can not hear the reading. I think there is a probability of a misconstruction being put on the case.

The SPEAKER. The House will come to order.

The Clerk continued the reading of the report. Before he had concluded,

Mr. BURROWS said: Is the report being read subject to the right to object?

The SPEAKER. It is.

Mr. BURROWS. There is another matter of considerable importance to be taken up this morning. I am sure the bill called up by the gentleman from Kentucky will involve considerable debate. In view of that I object to the consideration of the bill at this time.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Indiana [Mr. MATSON] demands the regular order. The Clerk will report the title of the first bill ordered to be considered to-day after the reading of the Journal.

Mr. LANHAM. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. LANHAM. As is well known, Fridays are set apart by the standing rules of the House for the consideration of business upon the Private Calendar. Friday evenings, by a special order adopted at this session of Congress, have been set apart for the consideration of certain business, and the order involves, I think, a limitation upon the character of the business to be transacted at those evening sessions. On the 2d of March this resolution was adopted in the House:

Resolved, That, until further ordered, on each Friday at 5 o'clock p. m. the House shall take a recess until 7.30 p. m., and after the 15th day of April next until 8 p. m., at which evening sessions bills on the Private Calendar granting pensions, reported from the Committee on Invalid Pensions and the Committee on Pensions, and bills on the Private Calendar reported from the Committee on the Judiciary removing political disabilities, shall be considered, and no other business shall be transacted at such evening sessions, and the House shall adjourn on each of said evenings not later than 10.30 p. m.

On the evening of the 2d of March I find that when the bill (H. R. 3191) granting a pension to Mrs. Logan was reached on the Calendar this statement was made by the gentleman from Indiana [Mr. BYNUM]:

Mr. BYNUM. Mr. Chairman, without taking up time in having the report in this case read, I wish to say that the chairman of the Committee on Invalid Pensions could not remain here this evening on account of ill health, and he expressed a desire that this bill and the one next following it upon the Calendar should go over until another session, as he wishes to present some objections to them when they come before the House. I ask that these bills be passed over informally, retaining their places on the Calendar.

That order was made.

Then, on the evening of the 9th of March, as soon as the House had convened for the evening session, there was an order made by which it was agreed that this bill and also the bill granting a pension to Mrs. Blair should be assigned for Friday, two weeks from that day. This is the language of the request which was made by the gentleman from Iowa [Mr. MORRILL]:

Mr. MORRILL. The honored chairman of the Committee on Invalid Pensions [Mr. MATSON] was called away to his home in Indiana, and is unable to be here this evening. He has requested that House bill No. 3191, granting a pension to Mary S. Logan, and Senate bill No. 574, to increase the pension of Mrs. Apolline A. Blair, be passed over for a vote in the full House. In accordance with this request, I ask that the previous question be considered as ordered, and that the vote on these two bills be taken two weeks from to-day, with thirty minutes debate allowed on each question.

The order was made accordingly.

Now, Mr. Speaker, these bills were not considered in Committee of the Whole House. This order was made at an evening session when it was not contemplated or expected such an order would be adopted. It proposes to change a standing rule of the House and to interfere with the time specifically set apart for consideration of bills on the Private Calendar on Friday. I do not think it was competent and within the authority of the House at that evening session to make that order. Hence I make the point of order and insist that these bills should not be allowed to come up at this time.

Mr. MATSON addressed the Chair.

The SPEAKER. The Chair is ready to rule on the point of order raised by the gentleman from Texas.

The point has several times been made that the House at the Friday evening sessions could not by agreement assign a pension bill for consideration on another day assigned for the transaction of public business. But the point of order made even as against that has been overruled. That question does not arise in this instance. These are private pension bills and this day is assigned by the rules for the consideration of private bills.

Further, on last Friday during the day when the House was full this order was made by unanimous consent for this morning.

Mr. LANHAM. The order was continued in the same way in which it had been made.

The SPEAKER. The order was continued by the House itself in a day session. The Chair is constrained to overrule the point of order.

Mr. LANHAM. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LANHAM. Is it competent for me to antagonize the consideration of these bills to-day by moving that the House resolve itself into Committee of the Whole House for the consideration of business on the Private Calendar?

The SPEAKER. This is a special order which has to be disposed of before the House goes into Committee of the Whole; but the gentleman can raise the question of consideration. It is always in the power of the House to decide, if it so chooses, that it will not proceed to take up the consideration of any particular matter. The gentleman from Texas can raise that question.

Mr. REED. I suggest that raising the question of consideration will only consume time.

Mr. LANHAM. I do desire, Mr. Speaker, to raise the question of consideration.

The SPEAKER. That is a question which the gentleman has a right to raise under the rules of the House.

Mr. TARSNEY. Mr. Speaker, is not the motion to reconsider a privileged motion?

The SPEAKER. The question to reconsider is a privileged motion and comes up necessarily if the House determines to proceed with the subject at all, but the gentleman from Texas [Mr. LANHAM] raises the question of consideration. The question is, Will the House now proceed to consider the bill (H. R. 3191) granting a pension to Mary S. Logan?

The question was taken; and the Speaker declared that the ayes seemed to have it.

Mr. LANHAM called for a division, but before it could be completed said: Mr. Speaker, it is manifest that it is the desire of the House to consider this bill, so I withdraw the demand for a division.

So the House determined to consider the bill.

The SPEAKER. The first question is on the motion of the gentleman from Michigan [Mr. TARSNEY] to reconsider the vote by which the previous question was ordered.

Mr. TARSNEY. I think I can make a suggestion which will save time.

Mr. DINGLEY. Mr. Speaker, I reserve the point of order.

Mr. TARSNEY. I wish to make a suggestion to the distinguished gentlemen upon the other side who have charge of this bill. If the time for debate can be extended to one hour upon each of these bills, the bill to pension Mrs. Logan and the bill to pension Mrs. Blair, I think it will be agreeable to both sides of the House; it certainly will be to me; and I shall withdraw the motion to reconsider and agree that the House shall proceed immediately to the consideration of these bills.

The SPEAKER. The gentleman from Michigan [Mr. TARSNEY] asks unanimous consent that the time for debate upon the pending bill be extended so as to make it thirty minutes on each side. Is there objection?

Mr. TARSNEY. Thirty minutes on each side upon each of the two bills. I wish to add a further suggestion, Mr. Speaker. The two cases being so similar, if they can be consolidated, so far as the debate is concerned, and no vote be taken in either case until the two hours have expired, I think it will be an advantage in the consideration of the bills.

The SPEAKER. The gentleman from Michigan now asks unanimous consent that the two bills named be debated together and voted upon, of course, separately, at the end of the debate.

There was no objection, and it was so ordered.

Mr. TARSNEY. I withdraw the motion to reconsider in each case.

The SPEAKER. The motion to reconsider is withdrawn, and the gentleman from Indiana [Mr. MATSON] is entitled to the floor.

Mr. MATSON. Mr. Speaker, I yield to the gentleman from Kansas [Mr. MORRILL], who is in favor of the bill.

Mr. MORRILL. I yield five minutes to my colleague on the committee [Mr. GALLINGER].

Mr. BOUTELLE. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BOUTELLE. I would like to understand whether the whole two hours' debate is to be had before any vote is taken on either bill.

The SPEAKER. That was the request of the gentleman from Michigan, which was agreed to by the House. The Clerk will read the title of the first bill.

PENSIONS FOR MRS. LOGAN AND MRS. BLAIR.

The Clerk read as follows:

A bill (H. R. 3191) granting a pension to Mary S. Logan.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary S. Logan, widow of the late John A. Logan, a major-general of the United States Volunteers, in the late war for the Union, and to pay her a pension, from the passage of this act, for and during her natural life, at the rate of $2,000 per annum.

Mr. ENLOE. As these two bills are to be considered together, let the other one be read also.

The Clerk read as follows:

An act (S. 574) to increase the pension to Mrs. Apolline A. Blair.

Be it enacted, etc., That Apolline A. Blair, widow of the late Francis P. Blair, jr., a major-general of United States Volunteers in the late war for the Union, shall be paid, from the passage of this act, for and during her natural life, a pension of $2,000 per annum, in lieu of the pension of $50 per month now paid to her.

Mr. GALLINGER. Mr. Speaker, as a member of the Committee on Invalid Pensions, which committee reported the bill granting a pension to Mary S. Logan, I am glad of an opportunity to say a word and cast a vote in its behalf. The bill is in harmony with others which have passed Congress and become laws, and is, to my mind, as meritorious a private pension bill as any which we will be called to act upon in this Congress.

John A. Logan was a conspicuous type of the best and truest men that our country has produced. Voluntarily leaving this Hall to do service in the field, his distinguished career in the Union Army has been told too often to warrant repetition. Leonidas was no braver than he, and when the rebellion ended Logan returned to private life with a record second to that of no soldier, either of the regular or volunteer forces. His subsequent career in the Senate of the United States is familiar to the people of the nation, who are still in mourning for this distinguished citizen and patriot.

The claimant under this bill is the widow of General Logan; the loved

and loving companion of his great life work; the noble woman who was the greatest possible incentive and inspiration to him while in the field, as well as during his subsequent public career. Can it be possible that Congress will with hesitating voice or grudging hand grant to the widow of General Logan what it has given to others? The conscience of the loyal masses of the Republic has surely not reached a depth of such abject ingratitude as that.

I am aware that it is argued that these so-called large pensions are a discrimination against the widows of the private soldiers. But this is not so. The distinctions of rank and service have always and will always exist. It is right that it should be so. It is right that distinguished service should be recognized by the nation—that heroism and military skill such as Logan displayed should be singled out and rewarded. No true private soldier will object to this, for, as Logan was the idol of the common soldiery in camp and on the battle-field, so his name and fame are cherished by every brave man who fought in the ranks of that great Army which saved the Union from dissolution and our Government from overthrow. [Applause.]

The monument whose shadow almost reaches to this Capitol tells, in as eloquent language as marble or granite can speak, of the country's grateful remembrance of the heroic deeds of the immortal Washington. He saved the Republic in its first great struggle for life. Lincoln and Stanton, Grant and Thomas, Sherman and Sheridan, McPherson and Logan, Hancock and Blair, and the other great men whose names shed luster on the military achievements of the historic period of 1861–'65, likewise deserve to be enshrined in the hearts of all who love liberty, and who rejoice over the culmination of that great conflict of arms. Let it not be said that when Congress had an opportunity to express its gratitude for the valor and sacrifice of one of these great men that the nation's heart was petrified and the nation's conscience blunted and unresponsive.

Mr. Speaker, I can not but feel that this bill should pass without a dissenting vote, but if that can not be, at least let it be passed by a majority so large as to emphasize to the world the gratitude of the nation's Congress for the sublime services of one of the grandest heroes and purest statesmen of the American Republic. [Applause.]

Mr. MORRILL. I now yield ten minutes to the gentleman from Missouri [Mr. WARNER].

Mr. WARNER. Mr. Speaker, it is an honor to be able to aid by word and vote the passage of bills granting pensions to Mrs. Mary S. Logan and Mrs. Apolline A. Blair, the widows of two illustrious soldiers and distinguished statesmen—John Alexander Logan and Francis Preston Blair—representatives of the best type of American manhood. Each possessed the highest courage, physical and moral. Their methods were plain, direct, and aggressive. Each the fearless, uncompromising champion of the rights of the people, as "God gave him to see the right." They were the apostles of liberty and the implacable enemies of oppression. Their faith in the masses was sublime. They possessed the genius of leadership; they touched elbows with the people. They were recognized and followed by the people because they were never in masquerade. Upon Logan and Blair the immortal Lincoln, in the dark days of the war of the rebellion, leaned more than upon any others to learn the temper of the people. They were intense partisans—Logan, before the war, in Illinois, a Democrat; Blair, in Missouri, a Free-soiler. Each of strong convictions and prejudices, each fierce and combative in defense of that which his judgment approved.

In the heated and bitter political contests immediately preceding the war they were open and manly, never attacking the enemy from ambush or retreating behind breastworks to avoid assault. They fought no sham battles. In victory they were not arrogant, in defeat they were not suppliant. Those whose good fortune it was to know them best trusted them most. To be brought into personal contact and intimate relation with these great Americans was to heighten the respect and admiration for them. Each served with marked ability in the House and Senate; wise in council, strong in debate, they impressed themselves upon the legislation of the country. Physically, mentally, and morally they were peculiarly adapted to the high duties of legislators. Legislation and political discussions had for each a fascination greater than the practice of their profession, the law. But when the Union of the States, established by the fathers, was endangered, when the flag of the country was insulted, neither the ties of party, the friendships of a life, nor the fascinations of position caused them to hesitate. Duty called them to the tented field; they went. How well each discharged his duty, as regimental, brigade, division, and corps commander, history has recorded in letters of gold. The names of Logan and Blair are written high upon the roll of honor of the great volunteer soldiers of the war of the rebellion. Time, sir, will not permit me to trace further the parallel between these two patriots; the few minutes allotted will be given to the bill granting a pension to Mrs. Blair, the widow of the late General Frank P. Blair, jr., of the State of Missouri, without, I trust, saying a word that shall endanger one jot or tittle the passage of the bill granting a pension to the widow of that ideal volunteer soldier, General John A. Logan.

Frank Blair, a Kentuckian by birth, a Missourian by choice, and a Unionist from principle, was the central figure around whom Union men of his adopted State rallied in the dark days of 1861, when her governor and those in authority were plotting treason. At a time "that tried men's souls" his faith, his courage, his devotion to the Union inspired others to deeds of valor and heroism. His practical prescience enabled him, long before the firing upon Fort Sumter, to divine the purposes of Claib Jackson and his coconspirators to take Missouri out of the Union and into the vortex of secession. Blair realized the necessity of being ready to strike the first blow when the time was ripe, and thus save Missouri to the Union. Early in February, 1861, he organized a regiment, 1,000 strong, and, there being no money in the national Treasury, armed and uniformed them with his credit. It was thoroughly drilled and ready for action, yet its existence for weeks remained a secret to all save its members. The fate of Missouri trembled in the balance. Claib Jackson, her governor, a "wily, able, and energetic" man, was confident. He was in secret correspondence and in full sympathy with the leaders of the rebellion, having at his back a majority of those who controlled the wealth and property of the State. Amid all this, Blair stood calm, firm, and fearless. He was the "Horatius at the bridge." "In the brave days of old" he was the heart and soul of the Union men of St. Louis. He was the Mordecai sitting at the gate, whose influence the executive feared. "I am for peace, and so is everybody, except Lincoln and Frank Blair," wrote Governor Jackson in April, 1861.

Little did Jackson then think that he had linked the name of his bitterest political enemy—Frank Blair—with the greatest name in history—Abraham Lincoln. [Applause.] Jackson now knew that Blair was on guard, and that he and his followers must be crushed before Missouri could be taken out of the Union. He knew that the loyal Germans and Irish of St. Louis would follow wherever Blair led. He knew that Blair would inspire his followers with his courage and patriotism. Therefore, under the guise of peace, he was engaged in arming the State, thus hoping to throw Blair (liberty's sentinel in Missouri) off his guard. "I want a little time to arm the State," he wrote a friend; " * * * nothing should be said about the time or the manner in which Missouri should go out." Then added: "That she ought to go out and will go at the proper time, I have no doubt."

One week before, this same governor, speaking, as he claimed, the sentiments of the State, denounced as "illegal, unconstitutional, and revolutionary" the President's call on Missouri for four regiments to aid in the struggle for the life of the nation. He declared the purpose to send troops against the seceded States as "inhuman and diabolical." Then boastingly asserted "not one man will the State of Missouri furnish to carry on such an unholy crusade." These were perilous times for Missouri, when her executive could use such language in the face of danger that threatened to disrupt the Union and trample the national flag—the emblem of liberty—in the dust.

Blair was equal to the emergency. Four days after the governor had written this treasonable letter Frank Blair had organized, armed, uniformed, and mustered into the United States service four regiments of Missouri's loyal sons. In the mean time the governor was not idle. In order to obtain arms and munitions of war with which to force the State out of the Union he had seized and sacked the United States arsenal at Liberty, in the western part of the State, and was concentrating his forces at Camp Jackson for the purpose of capturing the arsenal at St. Louis. His movements were watched by Blair and that gallant soldier, Nathaniel Lyon. Illustrious names, Blair and Lyon, that are inseparably linked together! Names that will be gratefully remembered so long as the story of the struggle for the Union shall be told. The time had come to strike. Blair planned; Lyon, with unerring judgment, aided in the execution. Camp Jackson was captured. Forty days thereafter Claib Jackson and his followers were fugitives. Missouri was saved to the Union. Had Blair done nothing more he would be entitled to the nation's gratitude. His name would have been inscribed high on the roll of fame in loving letters. History would have made haste to record him as a wise statesman and unselfish patriot. The service he rendered the Union cause in keeping Missouri out of the ranks of secession can not be overestimated. That he saved the State to the Union none will question. The service he thus rendered his country has been equaled by but few. When the history of Missouri shall have been written, giving to each of her illustrious sons his due meed of praise for services rendered his State and nation, the name of Frank P. Blair will lead all the rest.

But he did not stop. He was destined to win greater honors as a soldier. He was in the forefront of the battle from Camp Jackson to Vicksburg, from Vicksburg to Missionary Ridge, from Missionary Ridge to Atlanta, from Atlanta to the sea. Peace restored, broken in health, he returned to his State, soon to appear as the champion in the political contests for the enfranchisement of those late in rebellion. He was as earnest to secure for them a full restoration to all political rights as he had been to defeat them on the field of battle. In this contest, as in all others, he was fearless, bold, and uncompromising. While many of his former comrades in arms and political associates doubted the wisdom of his course, none questioned the sincerity of his purpose. He by reason of that struggle became the candidate of the Democratic party for Vice-President in 1868. In 1875, at the age of fifty-four, he died, leaving to his widow and children no other legacy save a name made honorable by duty well performed.

When the nation's Treasury was bankrupt he spent his fortune in arming and uniforming soldiers to stand between the nation and those who would destroy it. He could truthfully say:

I do love my country's good with a respect more tender, more holy, and profound than mine own life.

The nation owes him a debt "which, with a bounteous hand, was kindly lent." He served his country in many positions of honor and trust, and died leaving a mere pittance to his widow. As Frank Blair was generous and patriotic in the days of the nation's extremity, let a grateful people provide for his widow in the day of the nation's prosperity. Let not the sun go down until this bill shall become a law. Let the lightning on eager wings convey the news to the widow's home. Then shall there come to her bleeding heart, out of the past, a voice of wondrous sweetness, saying:

Fear not; a grateful people will care for him who shall have borne the battle, and for his widow and orphans.

May the nation faithfully keep its promise to the least of its brave defenders. [Applause.]

Mr. MORRILL. Mr. Speaker, I reserve the balance of my time.

Mr. MATSON. How much time is there remaining, Mr. Speaker?

The SPEAKER. There are forty-five minutes remaining.

Mr. MATSON. I yield to the gentleman from Michigan [Mr. TARSNEY].

Mr. TARSNEY Mr. Speaker, I am aware that it is not a popular thing to do to stand upon this floor and oppose a pension bill brought in by a committee of the House, but I desire to state the reasons why I am opposing this bill. It has been said in and out of this Hall that the party of which I have the honor to be a humble member is opposed to the granting of pensions of all kinds. I desire to meet any such charge as that which has been or which may be made, and to define my position on this question and that of my Democratic colleagues, who, with me, oppose the passage of these bills. I propose, sir, before I get through, to demonstrate to this House and to the country that we, as Democrats, have quite as much interest in the general welfare of the Union soldiers of the late war as have our friends on the other side of the House. I likewise propose to demonstrate that under this Democratic Administration the ex-Union soldiers have been dealt with as fairly and liberally, ay, more fairly and liberally, than under any of the administrations that we have had in this Republic since the close of the war.

When it is said that we for partisan reasons, or for party purposes, oppose the granting of pensions, I call the attention of the House to the fact that we had in the war relatives, we had friends, we had neighbors belonging to our party as well as to the other. Let me give you some statistical information which will justify the position I take today. I hold in my hand a tabular statement of the votes of all parties in the various States of the Union at the election immediately preceding the breaking out of the rebellion. There were cast at that election 1,866,352 Republican votes; yet during the period between that time and 1864 there were furnished to the Federal Army 2,859,132 troops—nearly a million more soldiers in the Federal Army than there were Republican voters of all ages in the entire country when the war broke out.

I find by reference to these tables of statistics that four years later, in 1864, the Republican vote had increased from 1,866,352 to 2,216,067, making a total increase of 349,715, while there was a corresponding decrease in the opposition vote.

I have here the figures by States—a statement carefully prepared from official records. The State of Illinois, with 172,161 Republican votes, furnished 259,147 soldiers to the Union Army—an excess of 86,986 over the Republican vote. The State of Indiana, with 139,033 Republican votes, furnished 197,147 Union soldiers—an excess of 58,114 over the Republican vote. Iowa, with 70,409 Republican votes, furnished to the Union Army 76,309 soldiers—an excess of 5,900 over the Republican vote. Maine, with her 62,811 Republican votes, furnished 72,114 soldiers—an excess of 9,303. The State of Kentucky, which some people say was a rebel State (it was somewhat torn up), casting only 1,364 Republican votes, furnished to the Federal Army for the preservation of the Union 79,025 troops. Massachusetts furnished an excess of 45,515; Michigan, 892; Minnesota, 2,983. Missouri, with a Republican vote of 17,028, furnished 109,111 Union soldiers, or 92,083 more troops than there were Republican votes. In New Jersey the excess was 22,681; New York, 104,401; Ohio, 88,049; Pennsylvania, 98,079; Rhode Island, 11,455; Tennessee, which did not cast a Republican vote, furnished 31,092 troops to the Federal Army. In Wisconsin the excess of troops furnished over the Republican vote was 10,314. Virginia, consisting then of the entire territory of the present States of Virginia and West Virginia, gave 1,929 Republican votes; yet West Virginia alone furnished to the Federal Army 32,068 soldiers.

In view of these figures, I ask this House whether we Democrats have not quite as much interest in the welfare of the surviving soldiers as you Republicans have? Have we not as much interest in the welfare of our neighbors and our friends as you gentlemen on the other side have in yours?

I say, therefore, it can not be charged upon us that we are urging any factional or partisan opposition to pension measures. We are actuated by no prejudice against pensions, for I will demonstrate to you that we have been quite as liberal in our legislation in this direction as you have. I have here a tabular statement of the number of pension cases of all classes, the number now on file in the Pension Department and the amount of money appropriated year by year, from 1860 to the close of the last fiscal year. Look at these figures, commencing in 1881 with disbursements of, in round numbers, $50,000,000; then 1882, $54,000,000; 1883, $60,000,000; then 1884, $57,000,000; 1885, $65,000,000; then 1886, $64,000,000; and last year in this House we appropriated, and there was disbursed by the Pension Department nearly $75,000,000 (I do not stop to read the odd figures). Thus, year after year Democratic Congresses are making liberal and largely increasing appropriations for the payment of pensions. Year after year we have voted money in excess of the appropriations of preceding years, and we stand here to-day ready to vote pensions to any deserving soldier who lost his health or was wounded in the armies of the United States in the preservation of this Union.

Mr. LANHAM. The gentleman will allow me to suggest that the pension appropriation bill reported this session, appropriates for the payment of pensions $80,275,500.

Mr. TARSNEY. I thank the gentleman for the suggestion, which shows an increase of more than $5,000,000 in the appropriation bill of this year over the appropriations of the last year. It does not look, then, as though we who are Democrats are opposed to the granting of pensions. Why, sir, the number of pension claims allowed by the Commissioner of Pensions during this Administration exceeds by far, as I will show by and by, the number granted by any of his predecessors. More than that, we passed during the Forty-ninth Congress more private pension bills which became laws than you, my Republican friends, ever passed during any Republican Congress.

Mr. LAIRD. How many were vetoed?

Mr. TARSNEY. I am glad the gentleman has asked that question. More were vetoed than any of your Presidents ever vetoed; and I thank God that such was the fact; for though during the term of the present Executive more pension bills have become laws by the signature of the President of the United States than in any preceding administration, it has been demonstrated to the American people that no mistake was made when Grover Cleveland was called to the Executive chair [applause on the Democratic side]; for it has been demonstrated that we have at our helm in the executive department a man so careful, so prudent, so critical, that he examines all these bills for himself, approving those which are proper and just, and disapproving those which are not.

Why do I oppose these bills? For one reason—I can not find a parallel case to it in American history, although my friend from New Hampshire [Mr. GALLINGER] claims there is such a parallel. This is not a case like that of the widow of General Hancock; remember that Winfield Scott Hancock died a soldier. General Hancock remained in the service of the United States Army until the day of his death. John A. Logan and Frank P. Blair did not. God forbid any word should escape my lips that could be construed as at all derogatory of the eminent services, the ability, or the patriotism of these great soldiers and statesmen. I have as profound a regard for them as any gentleman who supports this bill; but, sir, when I find a volunteer officer leaving the service of the United States and assuming the rôle of an American statesman, and not that of an American soldier, pursuing that line and not the military line of the Government, then I say it is about time to call a halt when we are asked to pay out the people's money to pension the widow of a United States Senator and not of a general of the Army.

I am unalterably opposed to the establishment of a civil pension-list. Although we owe to these men the gratitude of our 60,000,000 of people, yet we likewise owe a debt of gratitude to the men whom John A. Logan and Frank P. Blair and other gentlemen commanded.

Take the 2,800,000 men that were in the ranks of the Army of the United States. They, too, were true American heroes; they, at the mere command of the Army officer, faced death and the rain of hell itself in order to preserve this Union. And yet, while we find many of our generals issuing their orders from afar, these men, in the smoke of battle, went down to death. When these faithful men are forgotten and a civil pension system is proposed to be established here, I for one, as a Democrat and a Northern man, declare it is time to call a halt.

Mr. Speaker, I saw in the corridors of this House the other day a poor, decrepit man from my State, with a gaping wound in his breast which had broken out afresh—a gunshot wound received by him at the battle of Gettysburgh. He was here in this city to obtain a special examination from the Pension Office. He was here under the dome of this Capitol begging for a morsel of bread. When I saw that man and talked with him I swore never until the 500,000 men whose claims are pending in the Pension Department, who were equally deserving with the officers—until their claims are adjusted, until their cases are disposed of, I would never vote for the consideration of any bill giving the widow of a civilian a pension.

Mr. FUNSTON. You have the department now, why do you not give pensions to them?

Mr. TARSNEY. You had the department for twenty years, during all of which time these men were suffering. Why did you not give them pensions?

Mr. Speaker, one word more and I am done. I wish to say, young as I appear to be, I remember well when the tocsin of war was sounded. I remember when the first proclamation of the martyred Lincoln was issued. I remember when our friends, our neighbors, aye, our own brothers responded to that call, when they went shoulder to shoulder to the mustering office and subscribed their names, Democrats and Republicans alike. But they did not go as Democrats, they did not go as Republicans; but Democrat and Republican alike sank his partisanship beneath the higher duty of citizenship. Shoulder to shoulder they went to the front as citizens and not as partisans.

It so happens that I belong to a family of Michigan Democrats which furnished five brothers to the Federal service during the war. One of them, or his mortal remains, now lies somewhere over yonder. The entry upon the books of the War Department reads, "Killed in the Wilderness." Another was for seventeen months and a half within the confines of a Confederate prison. Two others bear scars received in an honorable but mistaken conflict.

Now, the men who were commanded were not great generals, but they had true hearts and earnest patriotism. They went to death in the service of the United States because their officers commanded them. I appeal to the House and to the country, let us take care of the rank and file. Let us take care of the poor privates and non-commissioned officers, who served for $11 and $13 a month, and received in value not more than $6. Let us take care of these men. Let us take care of their children, and let us postpone these other measures until we have disposed of more meritorious measures for the benefit of the rank and file.

Now, where will this stop? What is to be the end of it? To-day it is a pension for Mrs. Blair and Mrs. Logan. To-morrow it may be for somebody else who is entitled, according to the precedent here established, to the same bounty on the part of the Government. There is not only one, but there are thousands who have an equal right to come here with as just claims to be provided for from the Treasury. The following tables will more fully elaborate my remarks so hastily made:

Popular vote of 1860.

	States.	A. Lincoln, Republican.		S. A. Douglass, Independent Democrat.		J. C. Breckinridge, Democrat.		John Bell, Constitutional Union.		Total.
		Vote.	Majority.	Vote.	Majority.	Vote.	Majority.	Vote.	Majority.	
1	Alabama	.....	.....	13,651	.....	48,831	7,355	27,825	.....	90,307
2	Arkansas	.....	.....	5,227	.....	28,732	3,411	20,094	.....	54,053
3	California	39,173	657	38,516	.....	34,334	.....	6,817	.....	118,840
4	Connecticut	43,692	10,238	15,522	.....	14,641	.....	3,291	.....	77,146
5	Delaware	3,815	.....	1,023	.....	7,347	3,483	3,864	.....	16,049
6	Florida	.....	.....	367	.....	8,543	2,739	5,437	.....	14,347
7	Georgia	.....	.....	11,590	.....	51,889	9,003	42,886	.....	106,365
8	Illinois	172,161	5,629	160,215	.....	2,404	.....	3,913	.....	338,693
9	Indiana	139,033	5,923	115,509	.....	12,295	.....	5,306	.....	272,143
10	Iowa	70,409	12,487	55,111	.....	1,048	.....	1,763	.....	128,331
11	Kentucky	1,364	.....	25,651	.....	53,143	.....	66,058	12,915	146,216
12	Louisiana	.....	.....	7,625	.....	22,681	2,477	20,204	.....	50,510
13	Maine	62,811	27,704	26,693	.....	6,368	.....	2,046	.....	97,918
14	Maryland	2,294	.....	5,966	.....	42,482	722	41,760	.....	92,502
15	Massachusetts	106,533	43,891	34,372	.....	5,939	.....	22,331	.....	169,175
16	Michigan	88,480	22,213	65,057	.....	805	.....	405	.....	154,747
17	Minnesota	22,069	9,339	11,920	.....	748	.....	62	.....	34,799
18	Mississippi	.....	.....	3,283	.....	40,797	12,474	25,040	.....	69,120
19	Missouri	17,028	.....	58,801	429	31,317	.....	58,372	.....	165,518
20	New Hampshire	37,519	9,085	25,881	.....	2,112	.....	441	.....	65,953
21	New Jersey	58,329	.....	62,801	4,477	.....	.....	.....	.....	121,125
22	New York	362,646	50,136	312,510	.....	.....	.....	.....	.....	675,156
23	North Carolina	.....	.....	2,701	.....	48,339	648	44,990	.....	96,030
24	Ohio	231,610	20,779	187,232	.....	11,405	.....	12,194	.....	442,441
25	Oregon	51,270	1,319	3,951	.....	3,006	.....	183	.....	12,410
26	Pennsylvania	268,030	59,618	16,765	.....	178,871	.....	12,776	.....	476,442
27	Rhode Island	12,244	4,537	7,707	.....	.....	.....	.....	.....	19,951
28	South Carolina (electors chosen by the legislature)	.....	.....	.....	.....	.....	.....	.....	.....	.....
29	Tennessee	.....	.....	11,350	.....	64,709	.....	69,274	4,565	145,333
30	Texas	.....	.....	.....	.....	47,548	32,110	15,438	.....	62,986
31	Vermont	33,808	24,772	6,849	.....	218	.....	1,969	.....	42,844
32	Virginia	1,929	.....	16,290	.....	74,323	.....	74,681	358	167,223
33	Wisconsin	86,110	20,040	65,021	.....	888	.....	161	.....	152,180
	Totals	1,866,352	326,391	1,375,157	4,477	845,763	58,737	589,581	.....	4,676,853

Lincoln's plurality, 491,195.

Popular vote of 1864.

	States.	Abraham Lincoln, Republican.		George B. McClellan, Democratic.		Total vote.
		Vote.	Majority.	Vote.	Majority.	
1	Alabama	.....	.....	.....	.....	.....
2	Arkansas	.....	.....	.....	.....	.....
3	California	62,134	18,293	43,841	.....	105,975
4	Connecticut	44,691	2,406	42,285	.....	86,976
5	Delaware	8,155	.....	8,767	612	16,922
6	Florida	.....	.....	.....	.....	.....
7	Georgia	.....	.....	.....	.....	.....
8	Illinois	189,496	30,766	158,730	.....	348,226
9	Indiana	150,422	20,189	130,233	.....	280,655
10	Iowa	89,075	39,479	49,596	.....	138,671
11	Kansas	16,441	12,750	3,691	.....	20,132
12	Kentucky	27,786	.....	64,301	36,515	92,087
13	Louisiana	.....	.....	.....	.....	.....
14	Maine	61,803	17,592	44,211	.....	106,014
15	Maryland	40,153	7,414	32,739	.....	72,892
16	Massachusetts	126,742	77,997	48,745	.....	175,487
17	Michigan	91,521	16,917	74,604	.....	166,125
18	Minnesota	25,060	7,685	17,375	.....	42,435
19	Mississippi	.....	.....	.....	.....	.....

Popular vote of 1864—Continued.

	States.	Abraham Lincoln, Republican.		George B. McClellan, Democratic.		Total vote.
		Vote.	Majority.	Vote.	Majority.	
20	Missouri	72,750	41,072	31,678	.....	104,428
21	Nevada	9,826	3,232	6,594	.....	16,420
22	New Hampshire	36,400	3,529	32,871	.....	69,271
23	New Jersey	60,723	.....	68,024	7,301	128,747
24	New York	368,735	6,749	361,986	.....	730,721
25	North Carolina	.....	.....	.....	.....	.....
26	Ohio	265,154	59,586	205,568	.....	470,722
27	Oregon	9,888	1,431	8,457	.....	18,345
28	Pennsylvania	296,391	20,075	276,316	.....	572,707
29	Rhode Island	13,692	5,222	8,470	.....	22,162
30	South Carolina	.....	.....	.....	.....	.....
31	Tennessee	.....	.....	.....	.....	.....
32	Texas	.....	.....	.....	.....	.....
33	Vermont	42,419	29,098	13,321	.....	55,740
34	Virginia	.....	.....	.....	.....	.....
35	West Virginia	23,152	12,714	10,438	.....	33,590
36	Wisconsin	83,458	17,574	65,884	.....	149,342
	Total	2,216,067	451,770	1,818,725	44,418	4,024,792

Lincoln's majority, 407,342.

Table exhibiting, by States, the aggregate of troops furnished to the Union Army, 1861'-65.

[Compiled and condensed from the Official Reports of the War Department.]

States and Territories.	Population in 1860.	Troops furnished 1861-'65.	Colored troops furnished 1861-'65.	Per cent. of troops to population.
Connecticut	460,147	57,379	1,764	12.4
Maine	628,279	72,114	104	11.5
Massachusetts	1,231,066	152,048	3,966	12.3
New Hampshire	326,073	34,629	125	10.6
Rhode Island	174,620	23,699	1,837	13.6
Vermont	315,098	35,262	120	11.2
New England States	3,135,283	375,131	7,916	12.0
New Jersey	672,035	81,010	1,185	12.0
New York	3,880,735	467,047	4,125	12.0
Pennsylvania	2,906,215	366,107	8,612	12.5
Middle States	7,458,985	914,164	13,922	12.2
Colorado	34,277	4,903	95	14.3
Dakota	4,837	206	.....	4.2
Illinois	1,711,951	259,147	1,811	15.1
Indiana	1,350,428	197,147	1,537	14.6
Iowa	674,913	76,309	440	11.3
Kansas	107,206	20,151	2,080	18.8
Michigan	749,113	89,372	1,387	11.9
Minnesota	172,023	25,052	104	14.5
Nebraska	28,841	3,157	.....	10.9
New Mexico	93,516	6,561	.....	7.0
Ohio	2,339,511	319,659	5,092	13.6
Wisconsin	775,881	96,424	165	12.4
Western States and Territories	8,042,497	1,098,088	12,711	13.6
California	379,994	15,725	.....	4.1
Nevada	6,857	1,080	.....	15.7
Oregon	52,465	1,810	.....	3.4
Washington Territory	11,594	964	.....	8.3
Pacific States	450,910	19,579	.....	4.3
Delaware	112,216	13,670	954	12.2
District of Columbia	75,080	16,872	3,269	22.4
Kentucky	1,155,684	79,025	23,703	6.8
Maryland	687,049	50,316	8,718	7.3
Missouri	1,182,012	109,111	8,344	9.2
West Virginia	393,234	32,068	196	8.1
Border States	3,605,275	301,062	45,184	8.3
Alabama	964,201	2,576	4,969	.2
Arkansas	435,450	8,289	5,526	1.9
Florida	140,424	1,290	1,044	.9
Georgia	1,057,286	.....	.....	.0
Louisiana	708,002	5,224	3,486	.7
Mississippi	791,305	545	17,869	.0
North Carolina	992,622	3,156	5,035	.3
South Carolina	703,708	.....	5,462	.0
Tennessee	1,109,801	31,092	20,133	2.8
Texas	604,215	1,965	47*	.3
Virginia	1,203,084	.....	.....	.0
Southern States	8,710,098	54,137	63,571	.6
Indian Nation	.....	3,530	.....	.....
Colored troops*	.....	93,441	.....	.....
Grand total	.....	†2,859,132	173,079	9.1
At large	.....	.....	733	.....
Not accounted for	.....	.....	5,083	.....
Officers	.....	.....	7,122	.....
			186,017	.....

* This gives colored troops enlisted in the States in rebellion; besides this there were 92,576 colored troops included (with the white soldiers) in the quotas of the several States; the third column gives the aggregate of colored, but many enlisted South were credited to Northern States.

† This is the aggregate of troops furnished for all periods of service—from three months to three years time. Reduced to a uniform three years standard, the whole number of troops enlisted amounted to 2,320,272.

Table showing the number of troops furnished by each State in excess of Republican vote of 1860.

State.	Republican vote, 1860.	Troops furnished.	Troops furnished in excess of Republican vote.
Illinois	172,161	259,147	86,986
Indiana	139,033	197,147	58,114
Iowa	70,409	76,309	5,900
Kentucky	1,364	79,025	77,661
Maine	62,811	72,114	9,303
Massachusetts	106,533	152,048	45,515
Michigan	88,480	89,372	892
Minnesota	22,069	25,052	2,983
Missouri	17,028	109,111	92,083
New Jersey	58,329	81,010	22,681
New York	362,646	467,047	104,401
Ohio	231,610	319,659	88,049

Table showing the number of troops furnished in each State in excess of Republican vote of 1860—Continued.

State.	Republican vote, 1860.	Troops furnished.	Troops furnished in excess of Republican vote.
Pennsylvania	268,030	366,107	98,077
Rhode Island	12,244	23,699	11,455
Tennessee	.....	31,092	31,092
Vermont	33,808	35,262	1,454
Wisconsin	86,110	96,424	10,314

NOTE.—The State of Virginia, including West Virginia (not then organized as a State), gave 1,929 Republican votes, and West Virginia furnished 32,068 troops.

Number of pension claims filed and allowed each year since July, 1861, and the number of pensioners on the roll at the close of each year, together with the annual amount paid on account of pensions since July 1, 1860.

Fiscal year ending June 30—	Army. Applications filed. Invalids.	Army. Applications filed. Widows, etc.	Navy. Applications filed. Invalids.	Navy. Applications filed. Widows, etc.	Army and Navy. Claims allowed. Invalids.	Army and Navy. Claims allowed. Widows, etc.
1861	.....	.....	.....	.....	.....	.....
1862	1,362	1,000	60	65	413	49
1863	26,380	22,377	230	285	4,121	3,763
1864	20,263	32,627	385	324	17,041	22,446
1865	27,299	44,464	455	466	15,212	24,959
1866	35,799	28,732	350	375	22,883	27,294
1867	15,905	20,265	250	333	16,589	19,893
1868	7,292	13,099	170	207	9,460	19,461
1869	11,635	14,496	200	245	7,292	15,904
1870	12,991	11,400	260	200	5,721	12,500
1871	8,837	8,985	190	142	7,934	8,399
1872	8,857	6,755	240	178	6,468	7,244
1873	8,728	6,427	248	120	6,551	4,073
1874	9,302	5,603	228	151	5,937	3,152
1875	11,926	5,294	310	178	5,760	4,736
1876	17,030	5,264	344	130	5,360	4,376
1877	16,532	5,269	271	97	7,282	3,861
1878	18,812	6,661	300	131	7,414	3,550
1879	36,835	9,767	599	215	7,242	3,379
1880	110,673	25,602	1,361	559	10,176	4,455
1881*	18,455	10,527	515	225	21,394	3,930
1882	29,004	10,349	472	211	22,946	3,999
1883	35,039	11,878	777	251	32,014	5,303
1884	28,962	11,289	671	234	27,414	6,366
1885	27,969	11,557	725	277	27,580	7,743
1886	35,202	13,238	862	265	31,937	8,610
1887	36,484	15,759	836	338	35,283	11,217
Total	616,963	358,684	11,309	6,202	367,424	240,662

Fiscal year ending June 30—	War of 1812. Applications filed. Survivors.	War of 1812. Applications filed. Widows.	War of 1812. Claims allowed. Survivors.	War of 1812. Claims allowed. Widows.	Total number of applications filed.	Total number of claims allowed.
1861	.....	.....	.....	.....	.....	.....
1862	.....	.....	.....	.....	2,487	462
1863	.....	.....	.....	.....	49,332	7,884
1864	.....	.....	.....	.....	53,599	39,487
1865	.....	.....	.....	.....	72,684	40,171
1866	.....	.....	.....	.....	65,256	50,177
1867	.....	.....	.....	.....	36,753	36,482
1868	.....	.....	.....	.....	20,768	28,921
1869	.....	.....	.....	.....	26,066	23,196
1870	.....	.....	.....	.....	24,851	18,221
1871	20,741	5,074	198	31	43,969	16,562
1872	6,546	3,815	17,504	3,117	26,391	34,333
1873	1,481	1,299	3,186	2,242	18,303	16,052
1874	737	713	563	810	16,734	10,462
1875	425	571	240	416	18,704	11,152
1876	319	436	73	168	23,523	9,977
1877	198	348	57	126	22,715	11,326
1878	2,786	15,897	817	181	44,587	11,962
1879	811	8,891	2,548	18,177	57,118	31,346
1880	295	2,976	284	4,630	141,466	19,545
1881	109	1,285	115	1,965	31,116	27,394
1882	85	818	26	693	40,939	27,664
1883	61	770	23	822	48,776	38,162
1884	52	567	24	388	41,785	34,192
1885	27	373	18	426	40,918	35,767
1886	24	304	5	305	49,895	40,857
1887	17	313	8	231	72,465	55,194
Total	34,714	44,450	25,689	34,728	1,091,200	676,948

Number of pension claims filed and allowed each year since July, 1861, and the number of pensioners on the roll, etc.—Continued.

Fiscal year ending June 30—	Number of pensioners on the roll.			Disbursements.
	Invalids.	Widows, etc.	Total.	
1861	4,337	4,299	8,636	$1,072,461.55
1862	4,341	3,818	8,159	790,384.76
1863	7,821	6,970	14,791	1,025,139.91
1864	23,479	27,656	51,135	4,504,616.92
1865	35,880	50,106	85,986	8,525,153.11
1866	55,652	71,070	126,722	13,459,996.43
1867	69,565	83,618	153,183	18,619,956.46
1868	75,957	93,686	169,643	24,010,981.99
1869	82,859	105,104	187,963	28,422,884.08
1870	87,521	111,165	198,686	27,780,811.81
1871	93,394	114,101	207,495	33,077,383.63
1872	113,954	118,275	232,229	30,169,341.00
1873	119,500	118,911	238,411	29,185,289.62
1874	121,628	114,613	236,241	30,593,742.56
1875	122,989	111,832	234,821	29,683,116.63
1876	124,239	107,898	232,137	28,351,599.69
1877	128,723	103,381	232,194	28,580,157.04
1878	137,649	92,349	223,998	26,844,415.18
1879	138,615	104,140	242,755	33,780,526.19
1880	145,410	105,392	250,802	57,240,540.14
1881	164,110	104,720	268,830	50,626,538.51
1882	182,633	103,064	285,697	54,296,280.54
1883	206,042	97,616	303,658	60,431,972.85
1884	225,470	97,286	322,756	57,273,536.74
1885	247,146	97,979	345,125	65,693,706.72
1886	270,346	95,437	365,783	64,584,270.45
1887	306,298	99,709	400,007	74,815,486.85
Total				883,440,298.36

In the total number of applications filed in 1887 are included 14,735 survivors and 3,983 widows of the war with Mexico. In the total number of claims allowed in 1887 are included 7,552 survivors and 933 widows of the war with Mexico. (See act of Congress approved January 29, 1887.)

In the number of pensioners on the roll under the heads of "Invalids" and "Widows, etc.," are included survivors and widows of the war of 1812 respectively, commencing with the year 1871. Survivors and widows of the war with Mexico are included in the number of pensioners on the roll June 30, 1887.

[Here the hammer fell.]

Mr. MATSON. I yield ten minutes to the gentleman from Kentucky [Mr. TAULBEE].

[Mr. TAULBEE withholds his remarks for revision. [See Appendix.]

Mr. MATSON. I yield the floor now to the gentlemen who support the bill.

Mr. MORRILL. I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. In the five minutes that I have I wish only to say that I shall vote for both of these bills, not only on the ground of the distinguished services of the deceased, both of whom left widows surviving them, but upon the broader ground of a sound public policy. In pursuance of this public policy from time to time the Congress of the United States, with the approval of the people, has granted pensions or aid to the widows of distinguished men who served their country during war, and in some instances to distinguished men who held positions of great responsibility and performed high services to the country even in civil life.

The widows of ex-Presidents of the United States are, by the action of Congress, upon the pension-rolls of the Government for $5,000 a year. And along in line with these two bills stand the acts for the widows of Thomas, of Hancock, and of Farragut. Ay, more, along in line with these two bills stands an act, and has stood for some time, granting a pension to the widow of the gallant General Shields of $100 a month. In addition to that, not two weeks ago this House, after full discussion under the lead of the gentleman from South Carolina [Mr. TILLMAN], substantially all of us voting for it, gave to the widow of Shields substantially $10,000 more, equal to a thousand-dollar pension for ten years in addition to the twelve-hundred-dollar pension which she had before.

This country relies, and it is our boast that we do, not on the regular Army but upon the citizen soldiery, and while the names of Thomas, Hancock, and Farragut stand out as names which all Americans are proud of for their magnificent services, along with them and equal with them stand the names of Logan and Blair.

No man lived in the United States who with greater certainty, in addition to his services in the war, could turn his glance inward and listen to his own heart-beats and thereby tell what were the patriotic emotions of all the people of the United States than John A. Logan. [Appause.] This was the secret of his leadership. I take pride also in voting for these bills, as we thereby show not only to the youth now growing up but to those who are to follow after, that he who serves his country unselfishly and ably in the tented field at a vital period will not only live in the hearts of his countrymen, but that the one who is nearest to him of all the world will be cared for by a grateful country when his voice is stilled in death.

[Here the hammer fell.]

Mr. MORRILL. I yield seven minutes to the gentleman from Missouri [Mr. CLARDY].

Mr. CLARDY. I will vote, and cheerfully vote, for the bill granting a pension to Mrs. Logan, as well as for the bill increasing the pension of Mrs. Blair, both of which, I understand, are now before us for consideration.

We were told by the gentleman from Michigan [Mr. TARSNEY] that there was no precedent for the proposed legislation. Unfortunately for our country, its history, replete with illustrious names, contains few that have added such luster to its pages as the names of John A. Logan and Francis P. Blair, jr. There is no precedent! Let us set a precedent that may be invoked in the years that are to come by other Congresses in behalf of the widows of other Logans and other Blairs, if unhappily our country should again become involved in war.

Logan and Blair did more for their country than their country can ever possibly do for their widows.

I have said that I would vote for both of the pending bills. This I am sure I should do uninfluenced by any consideration other than the military service of Logan and Blair.

But I may be pardoned if I briefly refer to the service rendered Missouri by General Blair after the war. And this I do in no partisan spirit, but solely that the House may understand why I manifest so much interest in the bill which proposes to do meager justice to his widow.

When General Blair returned to his home from the Army he found the people of Missouri under the weight of a horrible nightmare; some of his former friends were not allowed to practice law, others not permitted to teach school for a living, others again prohibited from ministering at God's holy altar, thousands and thousands of the men who had contributed to his political and professional success denied the right to vote and rendered incapable of becoming the depositaries of any public trust.

Mr. Speaker, I read but the other day a legend of Alaric, "the Scourge of God," which said that when that mighty chieftain was approaching his death he asked that the waters of Busento might be turned from their channel, his body deposited therein, and the waves rolled back upon it, that his body, and, as he foolishly thought, the remembrance of him, might be forever hidden from the people to come. I have sometimes thought that the inspirers of Missouri's constitution, which has its only rival in "the law of the suspected" of the French Revolution, might pray at a similar moment that some mighty stream of oblivion would sweep over them and bury their names from the execrations of after ages.

Mr. Speaker, amid this confusion, with tyranny in all its bitterness and all its infamy on every hand, the people of Missouri looked to General Blair as the only man who could bring order out of chaos and restore to them their lost rights. How cheerfully he responded to their call and how completely he wrought their restoration the history of that proud Western Commonwealth will attest. Frank Blair did for Missouri what John A. Logan would have done for Illinois if upon his return to that State he had found her people bound hand and foot. [Applause.]

Mr. Speaker, if I have any time remaining I yield it to my friend and colleague [Mr. DOCKERY].

Mr. MORRILL. I yield three minutes to the gentleman from Illinois [Mr. MASON].

Mr. MASON. Mr. Speaker, if the gentleman from Michigan [Mr. TARSNEY] thought that by his array of figures he could deteriorate this discussion into that of partisans, so far as I am concerned he will be disappointed.

These walls have too recently rung with eulogies of Logan. We stand too near an open grave. We should stand above the petty partisanship of the hour, and I shall not waste one second of my time in replying to the long array of figures which he adduces to convince the public that it was the Democratic party that furnished the main body of the Union Army. We disagree with him. It cuts no figure in this discussion, and I, for one, feel that the sacred precincts of this question should not be invaded by a partisan discussion as to what party did or did not do the most or the least for the preservation of the Union.

The gentleman says that General Hancock's case was different, because he died a soldier and never accepted a civil office. I call the gentleman's attention respectfully to the fact that that was not General Hancock's fault nor the fault of his party. [Laughter.] One of the best and bravest of men was General Hancock. He sought the civil office of Chief Executive of the nation, was supported by that party, and was honorably defeated. It neither adds to nor detracts from his merit as a soldier or as an American citizen. All honor to Hancock and to Logan. They were good and brave soldiers, and the fact that either of them had an honorable ambition to fill a civil office in the gift of the people can not detract from his merits in the minds of the American people. If the gentleman draws any consolation from the fact that General Logan retired from the Army when peace was restored to the country, he is welcome to it.

There was no need of soldiers after Appomattox. Can it be that gentlemen here would throw discredit upon Logan because he threw off the trappings of war, and made no effort to continue in the Army after the safety of the Union was assured? General Hancock was a professional soldier, made so at the expense of the Government. His duty he promptly and honorably performed. Logan left his seat here in the House and served as a private in the Second Michigan Volunteers at the battle of Bull Run. The southern part of our glorious Illinois was torn with dissension when Logan went down into Egypt, and with personal bravery and by the force of his genius saved the Union sentiment there.

Read his record as a soldier. Here it is:

Second lieutenant, Company H, First Illinois Volunteers, Mexican war.
Mustered June 8, 1847.
Acting adjutant and regimental quartermaster, on duty at Santa Fé, N. Mex.
Mustered out October 10, 1848.

Rebellion of 1861–'65.

Served as a private in Second Michigan Volunteers at the battle of Bull Run, Virginia, July 21, 1861.
Colonel of Thirty-first Illinois Volunteers, August 16, 1861.
First Brigade, First Division, Army of Tennessee, October 14, 1861.
Belmont, Mo., November 7.
Capture of Fort Henry, Tennessee, February 6, 1862.
Fort Donelson, February 13–15; wounded twice (shoulder and side).
Brigadier-general United States Volunteers, March 5; in command of first Brigade, First Division, reserve, Army of Tennessee, April, 1862.
Siege of Corinth, Miss., April 30, May 30.
In command of post at Jackson, Tenn., June to November, 1862, and Yocona expedition, December 5–22, 1862.
In command of Third Division, right wing, Army of Tennessee, November 1, 1862.
Major-general United States Volunteers, November 29, in command of the Third Division, Seventeenth Army Corps, January 11, 1863.
Operations on Lake Providence Canal, March–April, 1863.
Passage of the Mississippi River, May 1, 1863.
Port Gibson, May 1.
Operations on Bayou Pierre, May 2.
Ingram Heights, May 3.
Raymond, May 12.
Jackson, May 14.
Champion Hills, May 16.
Siege of Vicksburg, May 19 to July 4.
Assault on Vicksburg; struck by spent ball, slight wound in neck; May 19–22.
Fort Hill, June 25.
Military governor of Vicksburg, July to November, 1863.
Commanding Fifteenth Army Corps, December 11, 1863; September 23, 1864; January 25 to May 19, 1865.
Rocky-Faced Ridge, Georgia, May 5–9, 1864.
Snake Creek Gap, May 8.
Sugar Valley, May 10.
Camp Creek Hills, May 13 and 14.
Battle of Resaca, May 13–16.
Battle around Dallas, May 28 to June 4.
Wounded, May 28; arm, between elbow and shoulder.
Big Kenesaw Mountain, June 15.
Little Kenesaw Mountain, June 27–30.
Wounded, June 30.
Nickajack Creek and capture Marietta, July 4.
Before Atlanta, July 21 and 22 (Hood's first sortie).
Commanding Army and Department of Tennessee, July 22.
Ezra Chapel, July 28 (Hood's second sortie).
Seige of Atlanta, Ga., July 28 to September 2.
Utoy Creek, August 5 and 6.
Jonesborough, August 31 to September 1.
Fall of Atlanta, September 2.
Campaign of the Carolinas, January to May, 1865.
Combahee River, South Carolina, January 25.
Passage of Salkehatchie, February 3–9.
Congaree, February 15.
Columbia, February 16 and 17.
Lynche's and Black Creeks; Great Pee Dee River, March 5 and 6.
Battle of Bentonville, N. C., March 19–21.
Passage of Neuse River, April 10.
Surrender of Johnson, April 26.
In command of Army of Tennessee, May 19.
Grand review, Washington, D. C., May 24.
Resigned and honorably mustered out, August 17, 1865.
First suffered from rheumatism after exposure during the siege of Fort Donelson, and has periodically suffered from it ever since.

I call your attention to the further fact that he was offered his seat here while yet in the Army. He declined, saying "I will never sheathe my sword until the last armed enemy of my country has surrendered."

Talk about precedent! It can never be a precedent. There never was but one Logan. There can never be another. Illinois has given you other sons of whom we are proud. She gave you a Lincoln and a Grant, but no one ever stood closer to the great heart of the volunteer soldier than did John A. Logan.

But the gentleman says that until justice is done to all the applicants for pensions he will refuse justice in this case; until the day of the millennium shall come, when justice shall be free to all, he will refuse to every one that shall apply.

I want to make one additional suggestion. This bill is for the relief of Mary Logan. She is entitled to it on her own account. So far as General Logan is concerned, after you had consigned him to his last resting-place, you had done all that you could do for him. His strong hands, ever ready to strike for the right, are clasped over his still but honest heart. His lips, ever ready to speak or command for the Union, are closed in the eternal silence of death.

Mrs. Logan is an ideal American woman. It was at Belmont where her husband was first wounded; she was at Donelson, where he was dangerously wounded; she was at Shiloh, not alone with her husband, but in the hospitals there. Days and nights and weeks and months, without compensation, without one dollar of the Government money crossing her womanly hand, she stood beside the bed of the weak, the sick, the wounded, and the suffering. This bill is for Mary Logan, the wife of General Logan. The noble helpmate of a gallant husband, her whole life has been spent by her husband's side in loyal service to the defenders of her country; and that consideration, which has not heretofore been mentioned, should enter into the minds of gentlemen upon this floor in deciding which way they will vote upon the bill now pending. [Applause.]

Mr. MORRILL. I yield five minutes to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Speaker, this House has on a former occasion pronounced appropriate eulogies on the life, character, and public services of General Logan. In the Senate also there have been fitting tributes paid to his memory. We are here to-day for the purpose of doing the last act of justice to his memory by furnishing from the munificent Treasury of the Government a pension for the support of his widow. Gentlemen have been pleased to count the cost to the Treasury of the United States that such contributions will incur. To me the services of such men as Logan and Blair can not be sufficiently recognized by appropriations from the Treasury. The people owe to these dead soldiers a debt of gratitude that can never be discharged. The pending bills, in a feeble way, offer the nation's tribute to the memory of these departed heroes.

We have already voted a pension of $2,000 a year to the widow of General Hancock. We have already provided by general law that the widow of a President of the United States shall receive a pension of $5,000 a year. We have granted many pensions by special acts and by general laws. We have recognized more liberally the brave defenders of this country than was ever done by any other government in the previous history of the world. Are we to call a halt to-day when a proposition is before us to do justice to the widows of two of the greatest volunteer generals of the late war? I hope not. In passing these bills we will honor ourselves and at the same time do justice to the widows of these distinguished soldiers.

These pensions should be granted on account of military services. I speak more particularly in reference to the services of General Logan. He enlisted as a private soldier in the Mexican war, was chosen a lieutenant, assigned to duty as a staff officer, and was conspicuous for his bravery and military skill in this early period of his career. He resigned a seat in this House in 1861 and entered the Union Army as colonel of an Illinois regiment, and rapidly rose by successive promotions for gallant and meritorious conduct to the position of major-general. He participated in many of the hardest-fought battles of the war. He was at Fort Henry, at Donelson, at Belmont, at Port Gibson, at Champion Hills, at Vicksburg, at Kenesaw Mountain, and marched with General Sherman to the sea. In every campaign, in every engagement, he was distinguished for courage, for military skill, and fearless leadership.

During his eventful career as a legislator and commander of armies there were doubtless many opportunities presented to him for acquiring wealth. But he gave little heed to such matters. His whole time, talents, and energies were given to the public service. He died poor and in debt. The liberal contributions of his friends to Mrs. Logan after his death were principally absorbed in paying his indebtedness and in lifting the mortgage upon his residence in this city. But the contributions of his devoted friends ought not to be considered in discharging the debt which the country owes him, nor in discharging the obligations the nation is under to make suitable provisions for the support of his widow.

I hope, therefore, that both these bills will pass without opposition, that we may thus do whatever in our power lies to furnish a competency to those whose losses can never be measured by dollars and cents. I believe that when we shall have performed this act of justice we will have done that which is right in the sight of man and which will receive the approval of our constituents. If time permitted I might indulge in encomium upon the distinguished services which these gallant officers rendered to their country, but the Speaker's gavel admonishes me that my time has expired.

[Here the hammer fell.]

Mr. MORRILL. I yield five minutes to the gentleman from Illinois [Mr. HENDERSON].

Mr. HENDERSON, of Illinois. Mr. Speaker, there can not be, I think, in the mind of any member of this House who has read the testimony in this case a shadow of a doubt but that Mrs. Logan is fairly entitled, under the law as it now stands, to a pension. That General Logan died from a disease which was contracted in the service of his country I believe to be established beyond controversy. The only question, therefore, it seems to me, is as to the rate of pension which should be allowed his widow.

I would ask gentlemen who oppose these bills why the widow of a major-general should receive a larger pension than the widow of a brigadier-general? Why should the widow of a brigadier-general be al-

lowed a greater pension than the widow of a colonel? Or the widow of a colonel a higher pension than the widow of a captain?

Mr. MATSON. Let me correct the gentleman. The general law does not allow any more pension to the widow of a major-general than to the widow of a brigadier-general, nor any more pension to the widow of a brigadier-general than to the widow of a colonel. The widows or lieutenant-colonels and of all officers above that grade receive, under the general law, the same pension.

Mr. HENDERSON, of Illinois. But the law does allow to the widows of officers a larger pension than it does to the widows of private soldiers, and that is the only point I desired to make by my question. We allow the same pension to the widow which the husband would have been entitled to under the law if he died by reason of any wound, injury, or disease which originated in the service, and that gives widows of some officers $30 per month, of others less, and of privates only $12 per month. Then why this distinction if it is not in the service rendered?

It has been said here that the bills granting pensions to the widows of General Thomas and General Hancock are not a precedent for these bills; and why, Mr. Speaker? Because it is said they were in the military service at the time of their death. This is true; but is it not equally true that the pension of $2,000 was given to these widows because of the distinguished services of their husbands in the late war as officers and soldiers?

General Thomas and General Hancock were great officers and rendered invaluable services in the war of the rebellion for the preservation of the Republic, and a grateful people, in recognition of their services, after they had passed away, gave pensions of $2,000 each to their widows, and not because they were officers of the regular Army at the time of their death, after the war was over.

Mr. Speaker, are we to recognize in this country of ours the distinguished services of our volunteer soldiers? Gentlemen talk about the amount of our pension appropriations. That does not alarm me. We largely rely upon our volunteer officers and soldiers to defend the country in time of war, and are not subjected to the expense of maintaining a large standing army in time of peace. We can therefore afford to be liberal in paying pensions to those who in the hour of peril and danger served the country. In doing so we encourage patriotism, we encourage the youth of our land and hold out to them an inducement to distinguish themselves in the service of their country. Why, Mr. Speaker, this country has done nothing, comparatively, in its past history to recognize distinguished services.

Wellington, we are told, was made a marquis for his services in the Peninsula, and the British Parliament gave him a million of dollars. He was successively made a field marshal and duke and was given a pension of $50,000 a year. His share of the Waterloo prize-money was $300,000, and the British Government presented him with an estate costing over a million and a quarter of dollars. England has recognized the services of her distinguished soldiers, and so have other nations, but we have done little, comparatively little or nothing, to recognize ours.

John A. Logan was the great volunteer soldier of the late war. From the very hour the war began until its conclusion he was in the field and at the front, periling his life on many a battle-field, and now that he is dead, having died from disease which he contracted in his long and most illustrious service, it is fit and proper that we should honor his name and service by giving to his widow the pension provided in this bill. In doing so we give to her a pension equal to that which has been accorded to the widows of other officers who attained no higher rank and rendered no greater nor more illustrious service in the late war for the Union than did John A. Logan.

In passing this bill, Mr. Speaker, we shall not only honor the memory of John A. Logan, but will honor ourselves, and show to the world that republics are not ungrateful.

[Here the hammer fell.]

Mr. MACDONALD. I regret exceedingly that on account of the bad cold I am now laboring under I can not speak as I would wish; but I can not allow the occasion to pass without saying a few words in behalf of these two bills.

I will not attempt any lengthy eulogy of General Logan or General Blair. Their eulogies are written upon every page of the history of the late war. General Logan has been well named the "grand representative of the volunteer soldiers of the war," and he has been regarded by the veterans of that war as their personal representative, as well as champion. Were I to attempt to describe him, as he led his troops upon many a bloody field, insensible of any such feeling as fear, I would be but describing that which is familiar to all. Politically we did not admire him, but it is as the patriot-hero that we only think of him now; and I feel confident that many of the brave men sitting around me, who by their brave and stubborn defense of what they believed to be right made it possible for General Logan to reveal to the world the brave soldier that he was, will join with us in showing our appreciation of his services in behalf of our common country by voting with us for these bills.

The claims of General Francis P. Blair to grateful remembrance by his countrymen have been so ably and eloquently set forth by the honorable gentlemen from Missouri, that it were folly for me to attempt to add to what they have said.

But there is a view of this case presented to us which is more practical, or, some might say, more worldly, and to that I will address myself. It is urged—in fact this is the principal criticism—that the amount is too great; and the distinction is made in favor of the widows of Generals Thomas and Hancock that their husbands died in the service, while Generals Logan and Blair had returned to civil life before their deaths. It is a well-known fact that Generals Logan and Blair left but little property after them, and while this may be a large sum compared to what many receive, I am much mistaken in my estimate of our Union veterans if they do not unanimously indorse the passage of these bills. National gratitude has always been given expression in this substantial manner; and we all know from experience that this pension is not more than enough to support these widows of distinguished officers whom the country has always been ready to applaud and cheer.

To the argument—if such it may be called—that Generals Logan and Blair died out of the military service, I have but to answer that all veterans to whom pensions have recently been granted were out of the service, and hundreds of the widows of veterans who died out of the service have been granted pensions, and hundreds more will. I am fully committed to this principle and policy of pensioning widows without their furnishing proof of the cause of the death of their husband—a thing impossible to a majority of them, however meritorious may be the claim. I have introduced here a bill, which is now before the Committee on Invalid Pensions, which has for its purpose, in part, the allowance of pensions to widows without requiring them to furnish this proof. This being the case, there is no danger of my stultifying myself by opposing a measure of this kind. I believe this would be a just and humane change in the law of evidence in pension cases, and hope to see it made. [Applause.]

I do not agree with gentlemen who express fears as to this being made a precedent that will trouble us in the future or endanger the financial stability of the Government. There were many generals who distinguished themselves in the late war, and each case should be decided upon its own merits when brought up. While there were but few Logans, there were some; and so long as I occupy a seat on this floor an appeal in their behalf while living, or of soldiers of lower rank, or in behalf of their widows, will never be made to me in vain. [Applause.]

Mr. MORRILL. I will yield for ten minutes to the gentleman from Nebraska [Mr. LAIRD].

Mr. LAIRD. Mr. Speaker, the pensions that have been bestowed upon the survivors of volunteer officers and soldiers in the class of cases presented by this bill have, I take it, been so bestowed because it was esteemed becoming for the nation to protect those left helpless by the death of men who had rendered it distinguished services during war, and which services it thereby recognized.

The only objection, sir, which in my judgment can legitimately be taken to this class of legislation rests in the fact that the precedent here made may hereafter be invoked in cases of less merit. This is an appeal to the facts, and history makes the answer.

I could speak for both the names mentioned in the bill, but will confine myself to one.

Mr. Speaker, John A. Logan was unprecedented, and a precedent based upon his services can be filled by no man, dead or alive, whose merits are less than historic, if not immortal.

Logan was a prodigy of valor, audacity, and manhood. He was the lion of the North, the defender of her patriotic faith; he was one of the most masterful spirits with events and men that it has been the fate of any man in our time to see upon the fields of battle. Rude, strong, and inspiring, his soldiers clung to him as the particles of steel to the magnet. [Applause.]

He was the Union Jackson of the western fields, blazing on the front of battle like incarnate war, breaking resistance with a blow, and melting men to his heroic uses as burning metal is cast in a mold, all by the fire of his genius—and that genius was the love of country, freedom, and his fellow-men. Thus inspired he was invincible, and his stern and lofty convictions made slaughter holy! [Applause.]

Mr. Speaker, in the heroic days some doubted and debated from the start, casting lots with their conscience, and listening more for the call to office than to the call to duty. This man of the people, strong, steadfast, and headlong, took his place in the ranks with a musket, and fought, not for applause, but for his country and her mighty cause.

This man was sagacious, and was not deceived when the milk-and-water patriots cried for peace and song, addressing themselves to the imperiled State: "Sleep on, great land, in freedom, trusting your future safety to that marvelous patronage of circumstances which has borne you bravely through past danger;" and when thus they might have lulled us to our destruction and from our ruins sent freedom forth homeless upon the world, he saw the snare, knew the danger, and, with others, roused the nation from that false confidence toward which it seemed drifting, and which, more ruthless than war brooding over the land, might have exacted vengeance in a conquered people.

And so, Mr. Speaker, briefly reviewing this man's history, I for one would as soon have thought of deserting him upon the field of battle

as now I would think of deserting his cause here upon the floor of this House.

Sir, there has sometimes been manifest in the House this spirit: that is, to refuse deserved rewards to one because all who deserve can not share therein; to refuse deserved rewards to the officer or his survivors because all other officers and men could not participate in the relief—a cheap device, Mr. Speaker, behind which to escape the present responsibility and claim community with either side; a stale pretense, by which we surrender our vast suffrage into the hands of calculators, economists, and demagogues.

The case of the dead general is here; let us act upon it exactly as men of courage and conscience will act upon the case of his comrades when they come here singly or *en masse*.

But, it is answered, he was an officer. Ay, so he was; and he rose from the ranks, and he honored his office; and let this Congress do their duty by him and his fearlessly, as he did his duty by his country, and by that sign they who look, seeking something to condemn, will know that when they come they will also receive their dues according to the great law of merit.

And, Mr. Speaker, may I say, with due respect to gentlemen who, when they act upon this measure, are looking over their shoulders for votes, listening for the voice of approval of their opposition—may I say that I believe that they will find a better guidance for this hour's work in the voices that speak to us from the other side of silence than they will in the selfish clamor of the world? [Applause on the Republican side.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced the passage of the bill (H. R. 3470) to authorize the construction of bridges over the rivers St. Mary's, Satella, Little Satella, and Crooked, in the States of Georgia and Florida, with an amendment, in which concurrence was requested.

It further announced the return of the bill (S. 1226) touching the grade of commander in the Navy, and to correct an error in relation to an appointment therein.

It further announced the passage of bills and joint resolutions of the following titles; in which concurrence was requested:

A bill (S. 468) granting a pension to Broadus G. Roberts;
A bill (S. 470) granting a pension to Amanda F. Deck;
A bill (S. 625) granting a pension to George W. Schell;
A bill (S. 643) granting a pension to Robert Gray;
A bill (S. 767) granting a pension to Robert H. Sturgess;
A bill (S. 781) granting a pension to John Fagan;
A bill (S. 896) for the relief of Mrs. Louise Silvers;
A bill (S. 897) for the relief of Rev. Corydon Millard;
A bill (S. 898) for the relief of Frank Oredsnick;
A bill (S. 900) for the relief of Mrs. Alice Croarkin;
A bill (S. 981) granting a pension to Elizabeth Bauer;
A bill (S. 1004) granting a pension to Ann Vernueil;
A bill (S. 1006) granting a pension to Mary E. Blackman;
A bill (S. 1015) granting a pension to Margarett M. Collins;
A bill (S. 1173) increasing the pension of Jeptha A. Jones;
A bill (S. 1325) for the relief of John McKernan;
A bill (S. 1343) granting a pension to Cordelia Emery;
A bill (S. 1556) granting a pension to Martin N. Kellogg;
A bill (S. 1629) granting a pension to Erastus B. Burnham;
A bill (S. 1633) granting a pension to Catherine E. Babcock;
A bill (S. 1716) granting a pension to Mary L. Williams;
A bill (S. 1827) granting a pension to Philomelia L. Dartt;
A bill (S. 2084) to restore to the pension-roll the name of Joseph Lewis;
A bill (S. 1931) to increase the appropriation for the purchase of a site for a building for a post-office, court-house, and other offices at San Francisco, Cal.;
A bill (S. 1804) to authorize the Cheyenne Street Railway Company to build its road on and across the Fort D. A. Russell military reservation;
A bill (S. 1803) in aid of the Centennial and Memorial Association of Valley Forge, and to secure the Washington headquarters mansion and grounds occupied by the Continental Army of 1777'-78;
A bill (S. 1764) for the relief of the heirs of Constantino Brumidi;
A bill (S. 1646) to increase the appropriation for a public building at Troy, N. Y.;
A bill (S. 1633) to extend the southern and western boundaries of the State of Kansas, and for other purposes;
A bill (S. 1549) for the erection of a public building at Hudson, N. Y.;
A bill (S. 1333) for the erection of a public building at Cheyenne, Wyo.;
A bill (S. 1302) granting the right of way to the Denver and Rio Grande Railroad Company across the United States military reservation for the cantonment on the Uncompahgre River, in the State of Colorado;
A bill (S. 1211) for the completion of the monument to Mary, the mother of Washington, at Fredericksburgh, Va.;
A bill (S. 758) for the relief of purchasers and other grantees of the United States of certain swamp and overflowed lands, and to reimburse and indemnify certain States;
A bill (S. 570) for the relief of P. B. Sinnott, late Indian agent at Grande Ronde agency, State of Oregon;
A bill (S. 560) to authorize the Columbia Bridge Company to construct and maintain a bridge across the Columbia River between the State of Oregon and the Territory of Washington, and to establish it as a post-road;
A bill (S. 464) to authorize the Secretary of the Interior to settle the claims of the legal representatives of S. W. Marston, late United States agent at Union agency, Indian Territory, for services and expenses;
A bill (S. 288) for the erection of a public building at Sioux City, Iowa;
A bill (S. 145) for the relief of Edward Braden and Job W. Angus;
A bill (S. 120) for the relief of John W. Gummo;
A bill (S. 119) for the relief of Edward H. Leib;
A bill (S. 71) for the relief of Rear-Admiral Carter;
Joint resolution (S. R. 39) authorizing and requiring the Secretary of the Treasury to have struck copies of certain medals, and to deliver the same to certain Departments and to the various States and Territories;
Joint resolution (S. R. 26) to arbitrate and settle the question at issue between the District of Columbia and Samuel Strong; and
Joint resolution (S. R. 10) relating to the inclosure of certain points of especial interest on the battle-field of Gettysburgh.

PENSIONS TO MRS. GENERALS LOGAN AND BLAIR.

Mr. MATSON. I yield three minutes to the gentleman from Tennessee [Mr. ENLOE].

Mr. ENLOE. Mr. Speaker, I have been listening to this discussion with agreat deal of interest, with the view of trying to ascertain if possible upon what special ground this proposed legislation is based. I have been endeavoring to find some satisfactory reason why the distinction which is proposed to be made in the passage of these measures has been made; and while I have listened attentively to all that has been said in this discussion, I have been unable to hear any satisfactory reason advanced, satisfactory to my mind at least, why such a distinction should be made as to the widows of those distinguished generals over the widows of other equally brave and deserving officers, who are upon the pension-list to-day.

In order to ascertain the status of this class of cases for myself, I addressed a letter to the Commissioner of Pensions, and in his reply I find that there are sixty-two widows of brigadier-generals now on the pension-roll, thirty-eight of them receiving a pension of $30 a month; twenty-three, $50 a month, and one drawing a pension at the rate of $100 a month. I find that there are twenty-seven widows of major-generals now on the pension-rolls, nine of whom receive $30 a month; seventeen, $50 a month, and one $166.66 a month.

I submit the letter as a part of my remarks and ask to have it incorporated with them.

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, D. C., March 17, 1888.

SIR: I have the honor to acknowledge receipt of your communication of the 12th instant, in which you ask to be advised of the number of widows of officers who attained the rank of major-general in the United States Army are now on the pension-rolls, and at what rate they are pensioned; and,

Second, the number of widows of officers who had attained the rank of brigadier-general in the United States Army who are now on the pension-rolls and at what rate they are pensioned; and in reply I have to state that the records of this bureau show that there have been sixty-two widows of brigadier-generals pensioned; thirty-eight of them at $30 per month, twenty-three at $50 per month, and one at $100 per month. There have also been pensioned twenty-seven widows of major-generals; nine of them at $30 per month, seventeen at $50 per month, and one at $166.66 per month.

It is impossible to give the exact number of those widows who are now on the pension-rolls without calling upon the several United States pension agents for the information. I have not done this, as your letter indicates that you desire the information at once, and I trust that what I have furnished in this letter will be satisfactory.

Very respectfully,

WM. E. MCLEAN,
Acting Commissioner.

Hon. B. A. ENLOE, *House of Representatives.*

Now, Mr. Speaker, if there is any valid reason why this distinction should be made between the widows of officers of the same rank and of equal merit, that reason should be stated by the advocates of these bills. If there is any reason other than distinguished political or civil service for preferring these widows over the widows of all other officers of the same rank I have been unable to discover it. Is it not a little singular, Mr. Speaker, that it has just now been discovered that the case of Mrs. Blair is so much more meritorious than it ever was before? General Blair died July 8, 1875. It is not pretended that the widow is in greater need now than she was thirteen years ago. It appears that Mrs. Blair's case was not strong enough to pass a bill on its merits granting a pension to her of $2,000 per annum at any time in the past. The bill for the benefit of Mrs. Logan, I believe, was not strong enough to stand alone on its merits in the Forty-ninth Congress.

Then there seems to be no reason to doubt the fact that the new merit in Mrs. Blair's case grows out of the necessity of Mrs. Logan's case,

and that the two are combined in order that they may support each other.

I am unalterably opposed to this character of legislation, both as a matter of principle and as a matter of policy. It is in direct contravention of the very fundamental principles of our system of government, and is another step in the establishment of class distinctions, which, once firmly established, must inevitably destroy equality of rights and privileges among our people and undermine the only basis upon which a republican form of government can securely rest. These distinctions of class, without other than sentimental reasons, are not new in our legislation.

The best-paid people in this country, according to public judgment, for the service performed, are our public officials, yet so strong has this idea of distinctions, based upon official position, civil and military, become in legislation, that it may be truly said that the more money is paid to a man during his lifetime for public service, and the greater the opportunity given to him to make comfortable provision for his own, the greater disposition there is to heap benefits upon his family when he is dead. The growth of this idea of our official aristocracy has not been so rapid as it has been steady and sure.

We now have a retired-list for Army officers that costs the tax-payers $1,246,554.75 per annum.

The retired-list of the Navy costs the tax-payers $865,363 per annum.

The retired-list for our judges costs the tax-payers $40,675.47 per annum.

Congress, which is so willing to bestow the people's money on these favored classes, is not forgetful of its own.

It is a national calamity in one sense, if not in another, when a Member or a Senator dies during his term of service, though the calamity is enhanced if he dies during the session. If he dies before he takes his seat, one-half his salary for the term, or a little over—about $6,000, I believe—is given to his family. If he dies during his term, after taking his seat, he is buried at the expense of the tax-payers, at a cost which varies all the way from a few hundred dollars to several thousand dollars, and his salary for the remainder of his term is paid to his family, in addition to the salary paid to his successor.

And so it goes, Mr. Speaker; and this idea of an almost irresponsible use of public money for the benefit of the families of public officials does not stop here, but it extends to the deceased employés of the two Houses of Congress, whose families always receive an appropriation of a greater or a smaller sum according to the grade of the salary of the employé while living.

Class legislation has already made an aristocracy of wealth in this country that is growing richer and richer day by day out of the earnings of friendless and unprotected labor; and class legislation is year by year adding to an aristocracy of tax-consumers, who are helping to eat out the prosperity of those who earn the wealth of this land.

The evils which we are sowing in our Government by this sort of legislation will spring up in the future to curse the oppressed and the oppressor, and I for one will not see it done without lifting my voice against it.

The appeals for sympathy so eloquently uttered here are not strong enough nor loud enough to shut out the complaints and the cries of distress that come up from discontented labor in every part of this great country. When measures like these are brought before Congress my sympathies are aroused, not for the eminent and the rich and the distinguished; but, sir, they go out to the man and the woman in the crowded cities, in the quiet villages, in the fields, in the workshops, and in the mines, all over this country, who are toiling at barely living wages, while the money is wrung from their labor which is piling up in the Treasury that Congress may squander it in extravagant and reckless legislation of this character.

Legislation of the character proposed is all wrong, and the wrong in it is deep-seated, because it is subversive of the great principle of equality of rights before the law, and if I can read the signs of the times aright there will be a day of reckoning, a lightning-stroke of outraged public opinion at no distant day that will startle Congress worse than the bolt did that fell upon this Capitol a few days ago.

I shall vote against these bills, not in disparagement of the distinguished civil and military services of the eminent men whose widows are to be pensioned, but, sir, because I love justice and right, and the true principles of republican Government more than I love the memory of any man, however great he may have been in peace or in war.

Mr. MATSON. I now yield five minutes to the gentleman from Missouri, my colleague on the committee [Mr. WALKER].

Mr. WALKER. Mr. Speaker, it is at all times a difficult task to oppose a great error when that error is backed by a large measure of popularity. It is doubly so when sympathy is linked with popularity, as is the case with these two bills. Nothing but the sincerest convictions of duty, nothing but the truest loyalty to those convictions, and nothing but supreme love for the genius of our institutions, which is against the establishment of any privileged class, could prompt any Missourian to cast his vote against one of these bills at least. Blair and Logan are household words in Missouri and Illinois; names that stand now, and will stand for all time, as synonyms of public and private purity, splendid bravery, unselfish patriotism, and unsullied honor.

It has been said that the passage of these bills would prove an incentive to the youth of our land and cause them to make greater efforts to emulate the illustrious examples of these illustrious citizens, soldiers, and statesmen. Whose example did Logan follow? Whom did Blair take as his guide? Certainly no one will contend that the passage of large pension bills gave an incentive to either of these two distinguished citizens.

The purest patriotism is not aroused by pelf. Cassius had an itching palm, but his patriotism is not to be commended. Too great love of gain extinguishes rather than increases the patriotic passion in the human breast. What youth can read the historic lines where the unselfish, liberty-loving Washington, the greatest patriot of any age, declined to accept anything for his long services in the war of Independence as commanding general, except his expenses, without feeling his own pride, patriotism, and purity of purpose strengthened? It is true the American people admire statesmanship; it is true they idolize great military geniuses, and are willing to pay fair salaries to such as they demand services from or see fit to honor; but I insist, Mr. Speaker, that this carries with it no kind of obligation on the part of this great country to maintain the families of her distinguished civilians or soldiers in luxurious idleness or lordly ease. [Applause.]

It is not claimed that the distinguished recipients of these proposed pensions of $2,000 per year each are needy, destitute, or dependent; Mrs. Logan, I am informed, being worth something like $70,000 in her own right, and Mrs. Blair, possibly not having any capital, is at least drawing a pension of $600 a year at present. If these proposed measures and the few precedents placed on the statute-books heretofore are not class legislation, I would like for some gentleman to point out what would be.

It has been asserted that this is the same thing as erecting monuments to our distinguished dead. I deny it. One perpetuates the memory of our heroes and also of distinguished events in our history; the other establishes the one thing to be dreaded by all Americans—the privileged class. It may be that the country demands such legislation; it may be that the poor private soldier who slept under the stars or watched at some lonely picket-post while his general reclined at ease in his "guarded tent" demands that the wife of his general shall draw the splendid sum of $2,000 per year, while he or his widow is required to put up with the small sum of $12 per month, and even that on the condition that he shed his blood on the field of battle or died from disabilities incurred in the line of duty—I say there may be such a demand coming from the private soldiery and the common people, but it is difficult to hear it. Could the widow of any private soldier whose husband died under the exact conditions and circumstances which surrounded the death of General Logan establish her claim to a pension under the law as it now exists? I have known of stronger claims being rejected.

As a partial excuse for such legislation it has been stated that the generals suffered great intellectual strain, and had greater responsibilities resting upon them. I answer, they received much larger pay for the intellectual strain and monopolized the honors for the responsibilities.

Since I have had the honor to be a member of the Committee on Invalid Pensions I have given considerable study and attention to pension legislation, and have received many suggestions and many complaints and very many letters claiming, and justly, too, that the present pension laws have more of unfairness than fairness, more of injustice than justice, more of inequality than equality, and cause more dissatisfaction than satisfaction, more heart-burnings than heart-ease; hence, in my humble judgment, the whole system of pension legislation needs radical revision and equalization. [Applause.]

Mr. STONE, of Missouri. Mr. Speaker, as a Missourian, familiar with the stormy history of that State immediately succeeding the war, I have reason to remember General Blair with gratitude. Both Blair and Logan were men of large mold, and the services of both in military and civil life were distinguished. But that may be said with equal truth of hundreds of others. If I should follow a mere sentiment I would vote for these bills; but really I can see no good reason founded in law, right, or public policy for pensioning these widows. The people must pay these pensions. Every poor man in my district must contribute to them. I am opposed to granting these large pensions to rich widows who do not need them. What pensions we have to give I prefer to give to soldiers who, though more obscure than Generals Blair and Logan, were equally brave, and who, by reason of poverty and disease, deserve and need them. In this direction of pensioning deserving and needy soldiers I have gone and am willing to go to every reasonable length, but I can not agree to the increase of the civil pension-list which these bills propose to make. I say civil pension-list, because that is the purport of the pending proposition. We are proposing to give a pension of $2,000 to widows who do not need it, although their husbands were honored in every way after the war and died in civil life, and tax widows whose husbands were slain on the battle-field, and who receive only $12 per month, to pay them! It is a species of injustice and inequality I can not vote for.

Mr. MATSON. I now yield five minutes to the gentleman from Minnesota [Mr. WILSON].

Mr. WILSON, of Minnesota. Mr. Speaker, I have voted against all this class of pensions, and I intend to do so.

I am in favor of liberally pensioning soldiers for injuries or disabilities resulting from service in the war; but I am not in favor of pensioning any one, or his successors, merely for the reason that he was illustrious either in civil or military life.

I wish here to say that if I felt at liberty to accommodate my conduct in such cases to my personal feelings I would vote for the bill.

General Logan was one of the most illustrious of our citizens—illustrious both in civil and military life. His fame is a part of the heritage of our country that will grow brighter as the years roll on. And as to the proposed recipient of the bounty of this bill—the widow of General Logan—none speak of her but to praise. And she deserves all the praise bestowed upon her.

But every such bounty as a reward or recognition of eminence is undemocratic, and, as I believe, a precedent that our Government should not adopt or follow.

While General Logan and General Blair were brave soldiers and patriotic citizens, thousands and hundreds of thousands of others were equally brave, equally patriotic.

But it will be noticed that, while pensions of this class are becoming very frequent, they are almost always, if not always, given to the rich and the famous, who need not such bounties, while the poor, who have been equally brave, self-sacrificing, and patriotic, are unremembered. This is neither republicanism nor justice.

Unless we call a halt, we shall soon have as large a list of pensioners—pensioned simply because the pensioners are renowned in military or civil life—as any old-country monarchy. Where is this to stop? Are these not the incipient steps toward the building up of an aristocracy? I can not believe that this course is wise or that it accords with the spirit or genius of our Government.

I am sorry to hear the word "Democrat" or "Republican" used, in a party sense, in connection with this bill. This is a question of what is wise public policy; of our duty as legislators of a Government of the people, for the people—a Government that should regard and treat the rich and the poor, the famous and the humble, alike. [Applause.]

Mr. MATSON. I now yield three minutes to the gentleman from Missouri [Mr. HATCH].

Mr. HATCH. Mr. Speaker, in the short time allotted to me I will only have an opportunity to explain very briefly the reason for my vote upon the two bills now pending.

No gentleman upon this floor can say anything, however eloquent, in regard to the life and service of General Francis P. Blair that I can not most heartily and cordially indorse and approve. No grander personal theme was ever given to a Representative upon this floor than the life and character of General Blair. If anything could tempt me from the strict line of public duty which I have marked out for myself, to vote for a bill of this character, it would be to place the widow of General Blair upon the pension-roll at the rate of $2,000 per annum.

Unqualified admiration for his heroic and chivalrous nature, his peerless character and splendid achievements, added to a warm personal friendship extending over a period of many years, and an earnest desire to emphasize my appreciation of the heroic dead by adding to the comfort of his widow in her declining years, are strong inducements to vote for this bill.

But the money to pay it belongs to the people, and in the discharge of a public duty I do not propose to sacrifice principle upon the altar of my personal friendship or my personal admiration for General Blair as a soldier and citizen of my own State of Missouri.

That he was a soldier eminent in war is known to every gentleman upon the floor. That he was a citizen honored and trusted by his State of Missouri, the history of that State and the national legislation of this country attest. He died an officer of the State of Missouri. Missouri loved and honored him, but General Blair would have blushed could he have been present here to-day and heard some of the reasons given for supporting this bill. There is nothing in his life to justify the belief that anything would induce him, if living, to swerve from a great principle as a legislator or shrink from the performance of a public duty simply because of personal friendships for the living or admiration for the achievements of the dead. His grandest characteristic was unswerving, loyal, and heroic devotion to public duty and public trusts.

I vote against these bills as I voted against the bill to place the widow of General Hancock upon the pension-list at $2,000 per annum, because I believe the sum named is excessive and that it is an invidious distinction against the widows of hundreds and thousands of soldiers who lost their lives in that great struggle, and because I believe it is unjust to the millions of the living who have to pay these pensions as long as these ladies live. It is $2,000 now, but in a short time we will be asked to raise them all to $5,000.

It will grow in extent and in amount until there will be no limit to the privileged class which the hard-worked and tax-laden people of this country must support, whose average annual income is less than one-half of the amount of either one of the proposed pensions here called for; and therefore I can not get my own consent, however tempting it may be, to vote for bills like these and set the precedent that my vote would set by placing them upon the pension-list at $2,000 per year.

Mrs. Blair is already upon the pension-roll at $50 per month, by special act of Congress, which I most cordially supported. There are many widows of other major-generals who receive the same pension. The widow of the brave and gallant Canby, who lost his life, after his eminent services through the entire war, in the Indian outbreak through the treachery of the Modoc Indians, to-day, and since his death, has drawn the modest pension of $50 per month. There are widows of other officers brave and gallant whose pension has never been over $50 per month. And I see no reason why the widow of General Blair and the widow of General Logan should be taken out of this class and raised to $2,000 per annum when the average income of the people of the State of Missouri, who will pay their proportion of these pensions, is less than one-half of $2,000 per annum.

People who toil from the beginning to the end of the year make less than one-half of what we are asked to give to support the widows of great soldiers, but, as has been truly said, neither of whom died in the military service. They died in the civil service; one a United States Senator, and the other a State officer of the State of Missouri.

My colleague [Mr. CLARDY] has referred in most eloquent terms to the services rendered by General Blair after the close of the war.

I followed him in those political campaigns as a humble lieutenant, and no one had a higher admiration for him then or reveres his memory now more than I do. But Missouri has not been unmindful or ungrateful. She rewarded General Blair for his eminent services in those political campaigns, and made him first a United States Senator, and then a State officer, paying him the salary attaching to a State officer at the time of his death. [Applause.]

[Here the hammer fell.]

Mr. ENLOE. I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

Mr. MACDONALD. I ask unanimous consent that that permission be extended to all gentlemen who have spoken or who will speak in this debate.

There was no objection.

Mr. MORRILL. I ask that the same privilege be extended to gentlemen who have not spoken.

There was no objection.

Mr. MATSON. How much time remains?

The SPEAKER *pro tempore* (Mr. MCCREARY). The gentleman has eight minutes of his time remaining.

Mr. MATSON. I think there must be some mistake. I thought I had fourteen minutes left.

The SPEAKER *pro tempore*. The Chair corrects his former statement. Part of the time was taken up in receiving a message from the Senate.

Mr. MATSON. The bill granting a pension to Mrs. Logan is a House bill. The bill granting an increase of pension to Mrs. Blair is a Senate bill. The two propositions, however, were companion pieces of legislation, and originated in the Senate. The Senate bills came to the House, but the Committee on Invalid Pensions of the House found a necessity to amend the Logan bill, and so, out of compliment to the gentleman from Nebraska [Mr. MCSHANE], who was one of the largest contributors to the Logan fund, determined to report the House bill introduced by him, as their doing so would not in any way delay the enactment of the law.

I have deemed it necessary to make this explanation, and I wish to add to that the further statement that I have not sought, so far as I am concerned, in any way to delay the consideration of either of these bills. While I have felt that they involved propositions of very great importance to the people of this country, while I believe that this kind of legislation is the most vicious almost that could be proposed, I have sought, so far as I could, to be perfectly fair, and to enable the friends of these bills to reach an early consideration of them.

I believe, Mr. Speaker, that the passage of these bills means an immediate establishment of an aristocratic class in this country. I believe that if these two bills proposing to give pensions of $2,000 each to these good women become laws, it will not be more than a year until all of the widows of the hundreds of general officers of both the Army and the Navy will be pensioned at nearly a like sum.

Mr. HOVEY. Amen!

Mr. MATSON. I believe that will be the result, and therefore I am opposed to it; because I know, and every man who votes for these bills must know, that pensions will not go around at that sum even in proportion to the services rendered. It can not be done; and I say when a man votes for either of these bills, or propositions like them, he does so at the expense of other worthy persons who might otherwise get pensions adequate perhaps to the service they had rendered. But at the rate of $2,000 a year to the widows of major-generals the money, as I have said, will not go around, limitless as it is supposed to be by some gentlemen.

What reason is there, if these pensions are granted, why the same pension should not be given to the widow of Major-General Stannard, the

gallant and heroic soldier who came from the State of Vermont, in the late war? a very humble man, a man who served during four years of the time that I have served on the Committee on Invalid Pensions as the messenger of that committee at a salary of $1,200 a year; a man who lost one arm in the service and was wounded in the other, and who had five other wounds in his body. When the proposition was made by the Senate, after a disagreement between the two Houses and a conference report had been made, this House refused to give his widow even $75 a month, because they said they had established the rule of giving but $50, and they would not go beyond it.

What reason, I say, is there for giving these women any more than you would give the widow of that gallant man, although he may have been somewhat obscure in the latter part of his life? a man who was wounded within hand-shaking distance of General Hancock at Gettysburgh, both of them shot out of their saddles while resisting the desperate charge of Pickett's division. You refused to do that, and yet you propose to take up these two others who have no stronger claims, so far as military services are concerned, than that invalid widow of General Stannard, who has not been out of bed for ten years, as was shown in the discussion upon that bill. What reason is there why these two widows should have more than the widow of General Crocker, of Iowa? What reason is there why these widows should have more than the widow (if he should leave a widow) of that grand old man whose face I look into now, one of the favorite soldiers of the State of Indiana, my colleague, who gloriously earned his high rank, Maj. Gen. A. P. HOVEY?

What reason is there why these women should have more than the widow of General Robert Anderson, whose services were so eloquently described by my colleague [Mr. HOLMAN] recently in the debate when the House voted her a pension of $100 a month? What reason is there why any of these widows I have mentioned should have less than the widow of Major-General Logan and Major-General Blair? The widow of General Canby, who rendered distinguished services during the war and was afterwards murdered by the Modocs, receives $50 a month, and has a dependent sister to take care of. What reason is there why these two should have more than she receives? What reason is there why they should have more than the widow of General Hooker, if he left a widow? Or the widow of General Meade, if he left one? Or than the widow of General Phil. Kearny, who was killed upon the field of battle? Or than the widow (if he leaves a widow when he dies) of that grand man whom we all know, and who has served with us here, Major-General Slocum?

What reason is there for giving $2,000 a year to those women and not giving it to the widow of every one of those distinguished men around whose names the halo of glory rests, and will forever rest? So it will be said, and so it may be said of the widows of the hundreds of general officers of the Army and the Navy. Far be it from me to seek to take away one atom of the glory and the luster that surround their names; and those who oppose this bill have no disposition to say or to do anything that will detract in the least degree from the name and fame of either General Logan or General Blair, or from that of their very much esteemed widows. But, sir, since the Logan proposition was first mooted, I have received, I may safely say, hundreds of letters from people in the humbler walks of life, from soldiers' widows, some of whom draw no pension, others of whom draw pensions of $12 a month, widows of men who were killed upon the field of battle, widows who saw their husbands for the last time when they left them to go to the field.

These women write and say that they do not think it is just to make this distinction and to give the widow of General Logan $2,000 a year while they are left penniless or with a mere pittance, especially when it is a matter of public notoriety that she has a large income already, and that more than $60,000 was given to her by the generous people of this country. They do not believe it is right.

Mr. Speaker, wise men in this country have expressed concern of late because of the restless disposition of the laboring people of the country, the people in the humbler walks of life. God forbid that the time should ever come when anarchy and riot and bloodshed shall prevail; but it is apprehended, seriously apprehended, and if it ever does come those who bring it about will find in such legislation as this the best possible excuse for that kind of lawlessness.

Gentlemen have undertaken to justify this legislation on the ground that England would do it. England might, because her government is based upon a different idea from ours. There kingly power and the rule of noble blood prevail, but here in this free democracy of ours the grand underlying proposition is that of equal rights to all and exclusive privileges to none [applause], and gentlemen who vote for this bill vote in direct violation of that great underlying principle of free and equal government.

Mr. Speaker, there are many other reasons why this bill should not pass. It is said that there are precedents for this legislation. Precedents! and yet, sir, if you will turn to the record of what took place when any one of those bills was passed you will find that it was claimed by the friends of the bill that it would not be a precedent for anything. If you can find any case in which that was not so I will withdraw all my opposition to this bill. Every time a bill of this kind has been proposed to the House the friends of the bill have claimed and insisted that it was not and would not and could not be a precedent. "No two cases alike," says my eloquent friend from New York [Mr. COX], perhaps, in advocating a bill of this kind. "No two cases alike," says some one else. "This bill must stand by itself. I am in favor of making distinctions, so as to recognize distinguished services," says another, and so on. So in advocating bills heretofore it has been asserted they would not be precedents; but now we are met by the claim that they are precedents for the passage of this bill. The fact is, as I stated in the beginning, when bills of this character pass they not only become precedents, but they fix almost beyond the hope of reversal the principle of pensioning the widows of general officers at very extravagant rates. Why, sir, already since this proposition to give Mrs. Logan $2,000 a year was first advocated several bills have passed this House placing the widows of other general officers on the pension-roll at the rate of $100 a month. Bills of the same character have passed the Senate.

The widow of General Ricketts, a most estimable woman, has received increased pension on the ground that she herself rendered service, having been a nurse during the war. The widow of General Paul, a man who in an instant had both eyes plowed out by a minie-ball at Gettysburgh, has had her pension increased to the rate of $100 a month because of the extreme sufferings which her husband endured, perhaps about as strong a reason as could be given. I have already referred to the case of the widow of General Anderson. Several other propositions of the same kind are pending, and others are about to follow. The inevitable effect of the passage of these bills will be the increase of the pensions of the widows of all general officers. That is, to my mind, as clear as day.

[Here the hammer fell.]

Mr. MORRILL. I yield four minutes to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. Mr. Speaker, the bill under consideration for the relief of Mrs. Apolline A. Blair was introduced in the Senate by a distinguished Senator of my own State [Mr. VEST], and has my hearty and cordial approval. Among all the soldiers that Missouri gave to the Union Army, there was none more intrepid, none more magnanimous than Francis P. Blair, and but for his heroic efforts Missouri would probably have been swept from her moorings in the Union.

General Blair believed in the union of the States, and with unshaken firmness and patriotic devotion, never excelled in the history of any country he gave the best years of his life to preserve the Government and restore the national authority, and died a poor man. [Applause.]

General Blair never sheathed his sword while there was a Confederate in arms; but when the war was over and the old flag again floated unchallenged, he laid down his sword and sought diligently, with all the earnestness of his great heart, to re-establish, restore, and re-enthrone fraternal feeling between the different sections of our common country.

Sir, I give to this measure a most earnest support, because in my opinion the great services of General Blair, at a critical period in the history of the Government, and throughout the entire war, entitle his widow to the most generous consideration at the hands of the American people; but as a Missourian there is another reason impelling me to its support.

Mr. Speaker, I will not in this presence and at this hour venture to tread upon partisan ground; but having been to some extent an eye-witness, I can not forget the lofty courage in the presence of imminent personal danger which General Blair manifested in behalf of my people after the close of the war. [Applause.]

Sir, in those terrible days immediately succeeding that great struggle the most vicious elements of society in many parts of our State were in control of local affairs. Our people were prostrate, tax-ridden, and oppressed.

Confronted with this unhappy condition of affairs General Blair hesitated not a moment, but turning his back upon the paths which led to speedy political preferment, he fearlessly championed the cause of the weak, the oppressed, and the downtrodden.

Sir, remembering as I do his heroic conduct under those circumstances, it affords me peculiar pleasure to be able to support so worthy a measure in behalf of the widow of this knightly soldier.

Mr. Speaker, General Blair was one of two men who were peculiarly the representatives of the volunteer soldiery of the country.

Sir, I am for the bill because of the extraordinary services of General Blair to the Government, and for the additional reason stated, and I trust that the House will by a decisive vote grant this pension to the widow of the most illustrious soldier that Missouri gave to the armies of the United States. [Applause.]

Mr. MORRILL. I yield the residue of my time to the gentleman from New York [Mr. COCKRAN].

Mr. COCKRAN. Mr. Speaker, in watching the progress of this discussion I have observed that the distinguished character of the service rendered by Generals Logan and Blair to this country has been conceded fairly and generously by the opponents of these measures. There remains, therefore, but one objection to the passage of these bills—an objection which has been strongly urged and which deserves serious consideration—the objection which has been voiced by so many on this side, that legislation of this character is legislation in favor of a class.

Mr. Speaker, if there were foundation for this objection, I concede that it ought to be decisive of the fate of these measures. But it seems to me to be a self-evident fallacy to declare that this legislation is in favor of a class when it is avowedly based upon the illustrious services of two individuals.

And gentlemen who advance the objection that this is class legislation do so without fully considering the import of the terms which they use. Class legislation is that which is devised for a set of individuals, set apart or distinguished from the rest of the people, based on some reason extrinsic to their own merits. But legislation which recognizes individual eminence, which recognizes individual service, is legislation directly opposed to that which is generally denominated class legislation.

But when the illustrious service of these two generals has been considered, when the character of the deeds they wrought for the benefit of this Republic has been confessed, the argument is supplied which imposes upon this House the duty of providing for those whom they have left helpless to that country whose existence they and their comrades have preserved. [Applause.]

It has been said, Mr. Speaker, also, in opposition to this bill, that the widows and orphans of private soldiers and of subaltern officers are not properly provided for now by the pension legislation of the country. If that be true it is an argument for increased pensions to those persons, but it is no argument against the enactment of these measures. [Applause.]

I desire to say, Mr. Speaker, for my part, that when we reflect on the peculiar character of the services which were rendered by the leaders of our armies in the rebellion, we are confronted with an historical record which is not paralleled by anything recorded in those pages of the world's history devoted to recording the existence and experience of other nations. This was not a conflict to repel invasion. This Army of ours did not spring into existence in answer to a battle-cry which sounded throughout the country calling the people to arms to resist the invasion of a foreign foe. No foreign flag was sweeping over our shores. No ships of war belonging to a hereditary foe were parting with their prows the waters of our harbors.

But brethren were called to arms against brethren. It was civil strife, and the man who went into the field periled not only his life, but as a pledge of his loyalty offered up on the altar of his country his whole future prospect, staking all on the issue of the conflict. Suppose this civil war had terminated differently; suppose those who followed the Confederate flag had triumphed, who can tell what may have been the fate of the general officers who led the Union armies? Who can say that passion, fanned by years of resistance, triumphant at last, might not have doomed to outlawry, to exclusion from even professional life, to exclusion from all political privileges, those who had led the armies of the North?

Mr. OATES. What warrant has the gentleman for that statement?

Mr. COCKRAN. I am describing a hypothetical case.

Mr. OATES rose.

Mr. COCKRAN. Wait a moment.

Mr. OATES. No gentleman ever contemplated any such thing.

Mr. COCKRAN. I am describing what may be the outcome of any civil strife, but I am far from saying gentlemen sitting here who bore arms in the Confederacy, or the Confederacy itself, would actually have done that which I portray as the possible result of any civil war.

Mr. MARTIN. What do you mean by that?

Mr. COCKRAN. I am referring to that risk which every soldier takes who engages in civil strife. And I say, with all respect to the gentleman from Alabama [Mr. OATES] and to the gentleman from Texas [Mr. MARTIN], if we reject the legitimate and moderate claims of those who bore arms in defense of their country, who rendered services as illustrious as those rendered by General Logan and General Blair, if their widows and children are not to be considered the wards of the nation, we discourage the display of patriotic devotion whenever the nation shall again need heroic soldiers, skillful officers, and undaunted patriots. [Applause.]

[Here the hammer fell.]

The SPEAKER. The Clerk will report the title of the first bill on which the vote is to be taken.

The Clerk read as follows:

A bill (H. R. 3191) granting a pension to Mrs. Mary S. Logan.

The SPEAKER. The first question is on the amendment proposed by the committee, which the Clerk will read.

The Clerk read as follows:

In line 9 strike out the words "for and during her natural life."

The amendment was agreed to.

Mr. HOGG. I submit the following amendment:

Strike out all after the enacting clause.

The SPEAKER. But the previous question has been ordered upon this bill, and it is not subject to amendment.

The question is on ordering the bill as amended to be engrossed and read a third time.

The bill was engrossed and ordered to be read a third time, and was read the third time.

The question recurred on the passage of the bill.

Mr. MATSON. On that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 154, nays 96, not voting 74; as follows:

YEAS—154.

Adams,	Dingley,	Kean,	Post,
Allen, Mass.	Dockery,	Ketcham,	Pugsley,
Anderson, Iowa	Dorsey,	La Follette,	Randall,
Anderson, Ill.	Dunham,	Lagan,	Rayner,
Anderson, Kans.	Farquhar,	Laidlaw,	Reed,
Arnold,	Felton,	Laird,	Rice,
Atkinson,	Finley,	Lane,	Ryan,
Baker, N. Y.	Foran,	Lawler,	Sawyer,
Baker, Ill.	Ford,	Lehlbach,	Scull,
Bayne,	Fuller,	Lind,	Seymour,
Belden,	Funston,	Long,	Sowden,
Biggs,	Gallinger,	Lyman,	Spooner,
Bingham,	Gay,	Macdonald,	Springer,
Bliss,	Gear,	Mahoney,	Steele,
Bootham,	Gest,	Mansur,	Struble,
Bound,	Glover,	Mason,	Symes,
Boutelle,	Goff,	McAdoo,	Taylor, E. B., Ohio
Browne, Ind.	Grout,	McComas,	Taylor, J. D., Ohio
Brown, Ohio	Harmer,	McCullogh,	Thomas, Ky.
Buchanan,	Haugen,	McKenna,	Thomas, Wis.
Bunnell,	Hayden,	McKinley,	Townshend,
Burrows,	Hayes,	McShane,	Turner, Kans.
Butterworth,	Henderson, Iowa	Merriman,	Vance,
Campbell, T. J., N. Y.	Henderson, Ill.	Milliken,	Vandever,
Cannon,	Hermann,	Morrill,	Warner,
Caswell,	Hires,	Morrow,	Weaver,
Chipman,	Hitt,	Nelson,	Weber,
Clardy,	Holmes,	Nutting,	White, Ind.
Clark,	Hooker,	O'Donnell,	Whiting, Mass.
Cockran,	Hopkins, Ill.	O'Neill, Pa.	Wickham,
Cogswell,	Hopkins, Va.	Osborne,	Wilber,
Conger,	Hopkins, N. Y.	Outhwaite,	Wilkinson,
Cooper,	Houk,	Owen,	Williams,
Crain,	Hovey,	Parker,	Woodburn,
Crouse,	Howard,	Patton,	Yardley,
Cutcheon,	Hudd,	Payson,	Yoder,
Dalzell,	Hunter,	Perkins,	Yost.
Davis,	Jackson,	Peters,	
De Lano,	Johnston, Ind.	Phelps,	

NAYS—96.

Abbott,	Davidson, Fla.	Lanham,	Russell, Mass.
Allen, Miss.	Dibble,	Maish,	Sayers,
Anderson, Miss.	Dunn,	Martin,	Scott,
Bacon,	Elliott,	Matson,	Shaw,
Bankhead,	Enloe,	McClammy,	Shively,
Barnes,	Flood,	McCreary,	Smith,
Barry,	Forney,	McMillin,	Snyder,
Belmont,	Gibson,	McRae,	Stewart, Tex.
Blount,	Glass,	Moore,	Stewart, Ga.
Breckinridge, Ark.	Granger,	Morgan,	Stockdale,
Buckalew,	Grimes,	Newton,	Stone, Ky.
Burnes,	Hall,	Nichols,	Stone, Mo.
Bynum,	Hare,	Oates,	Tarsney,
Candler,	Hatch,	O'Ferrall,	Taulbee,
Carlton,	Hemphill,	O'Neall, Ind.	Thompson, Cal.
Caruth,	Henderson, N. C.	Peel,	Tillman,
Catchings,	Herbert,	Penington,	Tracey,
Cheadle,	Hogg,	Perry,	Turner, Ga.
Clements,	Holman,	Phelan,	Wade,
Compton,	Hutton,	Pidcock,	Walker,
Cothran,	Johnston, N. C.	Richardson,	Whitthorne,
Crisp,	Kilgore,	Robertson,	Wilson, Minn.
Culberson,	Laffoon,	Rogers,	Wilson, W. Va.
Davidson, Ala.	Landes,	Rowland,	Wise.

NOT VOTING—74.

Allen, Mich.	Cox,	Kerr,	Russell, Conn.
Blanchard,	Cummings,	Latham,	Rusk,
Bland,	Dargan,	Lee,	Seney,
Bowden,	Darlington,	Lodge,	Sherman,
Bowen,	Davenport,	Lynch,	Simmons,
Breckinridge, Ky.	Dougherty,	Maffett,	Spinola,
Brewer,	Ermentrout,	McCormick,	Stahlnecker,
Brower,	Fisher,	McKinney,	Stephenson,
Browne, T. H. B., Va.	Fitch,	Mills,	Stewart, Vt.
Brown, J. R., Va.	French,	Moffitt,	Thomas, Ill.
Brumm,	Gaines,	Montgomery,	Thompson, Ohio
Bryce,	Greenman,	Morse,	Washington,
Burnett,	Grosvenor,	Neal,	West,
Butler,	Guenther,	Norwood,	Wheeler,
Campbell, F., N. Y.	Heard,	O'Neill, Mo.	White, N. Y.
Campbell, Ohio	Hiestand,	Plumb,	Whiting, Mich.
Cobb,	Jones,	Rockwell,	Wilkins.
Collins,	Kelley,	Romeis,	
Cowles,	Kennedy,	Rowell,	

So the bill was passed.

On motion of Mr. GLOVER, by unanimous consent, the reading of the names was dispensed with.

Mr. WASHINGTON. Mr. Speaker, I wish to announce that I am paired with the gentleman from Pennsylvania [Mr. MCCORMICK]. If present, he would vote for the bill and I should vote against it.

Mr. LANHAM. My colleague [Mr. MILLS] is detained from the House in consequence of sickness. If present, he would vote "nay."

Mr. LATHAM. I am paired with the gentleman from Pennsylvania [Mr. DARLINGTON] on this bill.

The following pairs were announced on all political questions until further notice:

Mr. MILLS with Mr. HIESTAND.

Mr. BRYCE with Mr. GUENTHER.

Mr. KENNEDY with Mr. NEAL.

Mr. DARGAN with Mr. STEPHENSON.

Mr. GREENMAN with Mr. SHERMAN.
Mr. O'NEILL, of Missouri, with Mr. ROCKWELL.
Mr. WILKINS with Mr. DAVENPORT.
Mr. SENEY with Mr. KELLEY.
Mr. FISHER with Mr. BREWER.
Mr. WHITING, of Michigan, with Mr. ALLEN, of Michigan.
Mr. SIMMONS with Mr. WEST.
Mr. HEARD with Mr. ROWELL.
Mr. COWLES with Mr. THOMPSON, of Ohio.
Mr. SPINOLA with Mr. THOMAS, of Illinois.
Mr. CUMMINGS with Mr. MOFFITT on all political questions until Monday next.
Mr. WASHINGTON with Mr. MCCORMICK, on all political questions on Friday and Saturday of this week.
The following were announced as being paired for this day:
Mr. LATHAM with Mr. DARLINGTON.
Mr. ERMENTROUT with Mr. BOWDEN.
Mr. CAMPBELL, of Ohio, with Mr. PLUMB.
Mr. STAHLNECKER with Mr. GAINES.
Mr. FELIX CAMPBELL with Mr. BRUMM.
Mr. MONTGOMERY with Mr. STEWART, of Vermont.
Mr. COBB with Mr. ROMEIS.
Mr. RUSK with Mr. RUSSELL, of Connecticut.
Mr. FRENCH with Mr. KERR.
Mr. BRECKINRIDGE, of Kentucky, with Mr. FITCH on the pension bills. If present, Mr. BRECKINRIDGE, of Kentucky, would vote against the bills, and Mr. FITCH for them.
Mr. COX with Mr. BROWER on Mrs. Logan's pension bill. If present, Mr. COX would vote for the bill, Mr. BROWER against it.
Mr. WHEELER with Mr. LODGE on the Logan pension bill. If present, Mr. LODGE would vote for the bill, Mr. WHEELER against it.
Mr. BLAND with Mr. GROSVENOR on all political questions and on the Logan pension bill. If present, Mr. GROSVENOR would vote for the bill.
Mr. BLAND. I desire to state that had I not been paired I should vote against the bill.
The result of the vote was then announced as above recorded.
Mr. MORRILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.
The latter motion was agreed to.

AMERICAN INTERNATIONAL CONGRESS.

The SPEAKER announced the appointment of Mr. MCCREARY, Mr. RUSSELL of Massachusetts, and Mr. MORROW as managers on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. 1473) to authorize the President of the United States to arrange a conference for the purpose of promoting arbitration and encouraging reciprocal commercial relations between the United States of America and the Republics of Mexico, Central and South America, and the Empire of Brazil.

MRS. APOLLINE A. BLAIR.

The SPEAKER. The Clerk will report the title of the next bill.
The Clerk read as follows:
A bill (S. 574) to increase the pension of Mrs. Apolline A. Blair.
The Committee on Invalid Pensions recommend the following amendment:
Strike out the words "for and during her natural life."
The amendment was agreed to.
The bill as amended was ordered to a third reading, and it was accordingly read the third time.
The SPEAKER. The question is, Shall the bill pass?
Mr. MATSON. On that question I ask for the yeas and nays.
The yeas and nays were ordered.
The question was taken; and there were—yeas 148, nays 90, not voting 86; as follows:

YEAS—147.

Adams,	Caswell,	Glover,	Laidlaw,
Allen, Mass.	Chipman,	Goff,	Laird,
Anderson, Iowa	Clardy,	Grout,	Lane,
Anderson, Ill.	Clark,	Harmer,	Lawler,
Anderson, Kans.	Cockran,	Haugen,	Lehlbach,
Arnold,	Cogswell,	Hayden,	Lind,
Atkinson,	Cooper,	Henderson, Iowa	Long,
Baker, N. Y.	Crain,	Henderson, Ill.	Lyman,
Baker, Ill.	Crouse,	Hermann,	Macdonald,
Bayne,	Cutcheon,	Hires,	Mahoney,
Belden,	Dalzell,	Hitt,	Mansur,
Biggs,	De Lano,	Holmes,	Mason,
Bingham,	Dingley,	Hooker,	McAdoo,
Bliss,	Dockery,	Hopkins, Ill.	McComas,
Boothman,	Dorsey,	Hopkins, Va.	McCullogh,
Bound,	Dunham,	Houk,	McKenna,
Boutelle,	Farquhar,	Hovey,	McKinley,
Browne, Ind.	Felton,	Howard,	McShane,
Brown, Ohio	Finley,	Hudd,	Merriman,
Buchanan,	Ford,	Hunter,	Milliken,
Bunnell,	Fuller,	Jackson,	Morrill,
Burnes,	Funston,	Johnston, Ind.	Morrow,
Burrows,	Gallinger,	Kean,	Nelson,
Butterworth,	Gay,	Ketcham,	Nutting,
Campbell, T. J., N. Y.	Gear,	La Follette,	O'Donnell,
Cannon,	Gest,	Lagan,	Osborne,
Outhwaite,	Rayner,	Struble.	Weber,
Owen,	Reed,	Symes,	White, Ind.
Parker,	Rice,	Taylor, J. D., Ohio	Whiting, Mass.
Patton,	Ryan,	Thomas, Ky.	Wickham,
Payson,	Sawyer,	Thomas, Wis.	Wilber,
Perkins,	Scull,	Townshend,	Wilkinson,
Peters,	Seymour,	Turner, Kans.	Williams,
Phelps,	Sowden,	Vance,	Yardley,
Post,	Spooner,	Vandever,	Yoder,
Pugsley,	Springer,	Warner,	Yost.
Randall,	Steele,	Weaver,	

NAYS—91.

Abbott,	Dibble,	Martin,	Scott,
Allen, Miss.	Dunn,	Matson,	Shaw.
Anderson, Miss.	Elliott,	McClammy,	Shively,
Bacon,	Enloe,	McCreary,	Smith,
Bankhead,	Flood,	McMillin,	Snyder,
Barnes,	Forney,	McRae,	Stewart, Tex.
Barry,	Gibson,	Moore.	Stewart, Ga.
Belmont,	Glass.	Morgan.	Stockdale,
Blount,	Granger,	Newton,	Stone, Ky.
Breckinridge, Ark.	Grimes,	Nichols,	Stone, Mo.
Buckalew,	Hall,	O'Ferrall,	Tarsney,
Bynum,	Hare,	O'Neall, Ind.	Taulbee,
Candler,	Hatch,	Peel,	Thompson, Cal.
Carlton,	Hemphill,	Penington,	Tillman,
Caruth,	Henderson, N. C.	Perry,	Tracey,
Catchings,	Herbert,	Phelan,	Turner, Ga.
Cheadle,	Hogg,	Pidcock,	Wade,
Clements,	Holman,	Richardson,	Walker,
Cothran,	Hutton,	Robertson,	Wheeler,
Crisp,	Johnston, N. C.	Rogers,	Whitthorne,
Culberson,	Kilgore,	Rowland,	Wilson, W. Va.
Davidson, Ala.	Landes,	Russell, Mass.	Wise.
Davidson, Fla.	Lanham,	Sayers,	

NOT VOTING—86.

Allen, Mich.	Cummings,	Kerr,	Rowell,
Blanchard,	Dargan,	Laffoon,	Russell, Conn.
Bland,	Darlington,	Latham,	Rusk,
Bowden,	Davenport,	Lee,	Seney,
Bowen,	Davis,	Lodge,	Sherman,
Breckinridge, Ky.	Dougherty,	Lynch,	Simmons,
Brewer,	Ermentrout,	Maffett,	Spinola,
Brower,	Fisher,	Maish,	Stahlnecker,
Browne, T. H. B., Va.	Fitch,	McCormick,	Stephenson,
Brown, J. R., Va.	Foran,	McKinney,	Stewart, Vt.
Brumm,	French,	Mills,	Taylor, E. B., Ohio
Bryce,	Gaines,	Moffitt,	Thomas, Ill.
Burnett,	Greenman,	Montgomery,	Thompson, Ohio
Butler,	Grosvenor,	Morse,	Washington,
Campbell, F., N. Y.	Guenther,	Neal,	West,
Campbell, Ohio	Hayes,	Norwood,	White, N. Y.
Cobb,	Heard,	Oates,	Whiting, Mich.
Collins,	Hiestand,	O'Neill, Pa.	Wilkins,
Compton,	Hopkins, N. Y.	O'Neill, Mo.	Wilson, Minn.
Conger,	Jones,	Plumb,	Woodburn.
Cowles,	Kelley,	Rockwell,	
Cox,	Kennedy,	Romeis,	

So the bill was passed.
Mr. COWLES. I am paired with Mr. THOMPSON, of Ohio. If he were present he would vote "aye," and I should vote "no" on this bill.
I desire also to make the same announcement with reference to the bill for Mrs. Logan's pension.
Mr. MACDONALD. I ask unanimous consent to dispense with the reading of the names.
There was no objection.
The following additional pairs were announced:
Mr. WILSON, of Minnesota, with Mr. O'NEILL, of Pennsylvania, on this bill. If present, Mr. O'NEILL would vote for the bill and Mr. WILSON against it.
Mr. OATES with Mr. E. B. TAYLOR on this bill. If Mr. TAYLOR were present, he would vote for the bill and Mr. OATES would vote against it.
The result of the vote was then announced as above stated.
Mr. MORRILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.
The latter motion was agreed to.

ANTHONY L. WOODSON.

Mr. LANHAM. I move that the House do now adjourn.
Mr. BURROWS. I ask my friend to withhold that motion for the present to allow the gentleman from Kentucky [Mr. FINLEY] to call up the matter to which I objected in the morning. I have since examined it, and am satisfied the bill should pass.
Mr. LANHAM. I withhold the motion to adjourn for that purpose.
The SPEAKER. Is there objection to the consideration of the bill? The Chair hears none.
The bill was read, as follows:

A bill (H. R. 4665) for the relief of Anthony L. Woodson.

Be it enacted, etc., That the Secretary of the Treasury of the United States be, and he is hereby, directed to examine and settle the claim or claims of Anthony L. Woodson, of Hart County, Kentucky, for property taken and used by the Army of the United States during the late rebellion, and that he pay him therefor such sum as may be found due.

Mr. FINLEY. There is a substitute which I ask to have read.
The SPEAKER. The Clerk informs the Chair that the substitute has not yet come from the Printing Office.

Mr. FINLEY. Then I ask that the consideration of the bill stand over until to-morrow morning.

There was no objection.

ORDER OF BUSINESS.

Mr. MATSON. I move that the House take a recess until 7.30 p. m.

The SPEAKER. The gentleman from Texas had moved to adjourn.

Mr. LANHAM. We have had the day devoted to pension business and I think we should adjourn.

Mr. ANDERSON, of Kansas. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON, of Kansas. Did not the gentleman from Indiana [Mr. MATSON] move to take a recess?

The SPEAKER. Yes; but the gentleman from Texas had the motion to adjourn pending and yielded to the gentleman from Kentucky [Mr. FINLEY].

The motion to adjourn was not agreed to.

The SPEAKER. The question is on the motion of the gentleman from Indiana that the House take a recess until half past 7 o'clock, the business of the evening session to be under the special order.

The motion was agreed to; and accordingly (at 4 o'clock and 13 minutes p. m.) the House took a recess until 7.30 p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 7.30 p. m., and was called to order by Mr. MCMILLIN, as Speaker *pro tempore*, who directed the following letter to be read:

WASHINGTON, D. C., *March* 30, 1888.

SIR: Hon. BENTON MCMILLIN is designated to preside at the session of the House this evening.

JOHN G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK,
Clerk of the House of Representatives.

Mr. DOCKERY. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of bills under the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. DOCKERY in the chair.

The CHAIRMAN. The Clerk will report the first bill.

The Clerk read the title of the first pension bill on the Calendar, as follows:

A bill (H. R. 5246) granting a pension to John Godsen.

Mr. MATSON. That bill was introduced by the gentleman from New York [Mr. GREENMAN] and was reported by the Committee on Pensions. The gentleman from New York came to me and stated that he would be unable to be present this evening, but that he had investigated the case and was satisfied the bill should not be passed. He desired me to ask that it be reported back to the House with the recommendation that it lie on the table.

The bill was ordered to be reported back to the House with the recommendation that it be laid on the table.

WILLIAM B. JOHNSON.

The next pension bill on the Private Calendar was the bill (H. R. 428) granting a pension to William B. Johnson.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll, subject to the limitation of law, the name of William B. Johnson, late Company D, Thirty-ninth Regiment Iowa Volunteer Infantry.

The report (by Mr. MORRILL) was read as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 428), granting a pension to William B. Johnson, submit the following report:

The claimant in this case enlisted February 2, 1864, in Company D, Twenty-ninth Iowa Infantry, and was discharged July 12, 1865. In his application for a pension he alleges that in South Carolina, in February, 1865, he contracted cold, resulting in lung disease and lameness of left leg, from exposure while on Sherman's march to the sea. The claim was rejected in the Pension Office on the ground that there was no record of the disability and his failure to furnish satisfactory testimony. The records of the company show that he was sick and sent to Alexandria, Va., May 20, but the nature of the sickness is not stated. The hospital records of the organization are not on file in the War Department. Capt. W. T. Matthews, commanding the company, testifies that claimant left the company from sickness at Goldsborough, N. C., to return to the company at Alexandria, Va.

"I was also acquainted with him before he entered the service, and knew him to be a sound man at that time."

In an office letter, subsequently filed, Matthews says:

"Said soldier contracted disease about February or March, 1865, while on the march from Savannah, Ga., to Raleigh, N. C. It seemed to be an affection of the throat and lungs. His health was poor up to the time of his discharge, and he had bad health for ten years after he came home. Since that time I have not been personally acquainted with him."

The postmaster at Osceola, Iowa, speaks in the highest terms of Captain Matthews's reputation for truth and veracity. Henry V. Griffin, a member of the same company, testifies that claimant, while aiding and assisting division train in passing Salkehatchie Swamp, in South Carolina, caught cold, which settled on his lungs, and caused bronchial and lung affection.

"I have known claimant since his discharge and know that he has spent much for medicine."

Samuel A. Stacey testifies that he was well acquainted with the claimant from 1865 to 1878, seeing him at least once each week during that time; that he suffered almost continually from disease of the lungs.

Dr. B. T. Raiff testifies to treating him upon his return from the service for phthisis pulmonalis, and that he is still affected with the same disease; he also adds that he knew him before enlisting and he was a healthy boy.

Dr. J. W. Holland testifies to treating him from 1877 to 1881, and says:

"During the time I knew him he was suffering with cough and expectoration and pain in lungs; he was easily exhausted and short-winded."

W. B. Talmond, J. W. Clinker, Lafayette Rockley, and others testify to intimate acquaintance with claimant, and that he had continually suffered from disease of the lungs. The examining surgeon at Omaha, Nebr., certifies that he examined him September 27, 1881, and says:

"I find a great degree of inflammation of the bronchial tubes; the degree of disability above entitling him to a half pension."

While the evidence submitted in this case does not fully comply with the regulations of the Pension Office, your committee are satisfied that the claimant contracted the disability in the service; that it has existed ever since; and therefore recommend the passage of the bill.

Mr. LYMAN. I notice that the report in this case says that the claimant enlisted in Company D, Twenty-ninth Iowa Infantry. I think there must be some mistake. The Twenty-ninth Iowa Infantry was my own regiment, and we never served in South Carolina, North Carolina, or Virginia. Unless some explanation is given by the gentleman from Kansas [Mr. MORRILL], who reported the bill, I will ask that it be recommitted for further investigation.

The CHAIRMAN. The Chair will state to the gentleman from Iowa that while the report speaks of the claimant as having been in the Twenty-ninth Iowa Infantry, the bill says the Thirty-ninth Iowa Infantry.

Mr. LYMAN. That is probably correct.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

THEODORE GARDNER.

The next business on the Private Calendar was the bill (H. R. 5118) granting a pension to Theodore Gardner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Theodore Gardner, late sergeant First Battery Kansas Volunteers, at the rate of $17 per month, in lieu of the pension he now receives.

The report (by Mr. MORRILL) was read, as follows:

Claimant, who was a sergeant in First Kansas Battery, is now receiving a pension at rate of $8 per month, by virtue of a special act of Congress approved June 18, 1878, for double scrotal hernia. The rate having been fixed by the special act, the Pension Office declines to entertain any application for an increase. The soldier's right to a pension having been admitted by the passage of the special act, it would seem simple justice that he should receive the same pension as his comrades who are suffering from the same disabilities.

Your committee therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES H. ORR.

The next business on the Private Calendar was the bill (H. R. 6761) for the relief of James H. Orr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, instructed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James H. Orr, late private in Company D, Twenty-first Regiment Wisconsin Volunteers, and to pay him a pension from and after the passage of this act.

The report (by Mr. MORRILL) was read, as follows:

This soldier enlisted August 14, 1862, in Company D, Twenty-first Regiment Wisconsin Volunteers, and was discharged June 8, 1865, after a service of nearly three years. August 7, 1866, a little more than a year after his discharge, his guardian filed an application for pension in his behalf, alleging that "in the service and line of duty he became partially insane, and that after his return home to his family, consisting of a wife and one son, he was by the proper court adjudged insane."

The evidence as to the incurrence and continuance of the disability is absolutely complete. The hospital records show that he was taken to the hospital insane May 8, 1863; that he was retained in the convalescent camp until December 16, when he was returned to his company "sickly." It is clearly shown that afterwards in the service he was violently insane and had to be retained by force, and that he was not in his right mind when he returned home; was soon after sent to an insane asylum, where he now remains an incurable lunatic.

The application for a pension was rejected on the ground that "an abnormal mental condition existed prior to enlistment."

This case is a most singular one. The soldier was accepted into the service early in the war and was retained until after its close, and when an attempt was made to secure for him a pension this great Government pleads that "an abnormal mental condition existed prior to enlistment." After exhausting every possible resource they have succeeded in showing that before he enlisted he had a peculiar temperament; that he was penurious, easily angered, very excitable, and very timid; that he was unsocial and suspicious of those with whom he had dealings.

It is also shown that he was an unusually industrious and hard-working man. Several witnesses testify that they considered him not well balanced mentally, while others say that he was of ordinary mental capacity, but irritable and excitable, though never known to engage in personal quarrels.

Your committee are forced to the conclusion that no jury in the land would have adjudged the man insane at the time of his enlistment, and the fact that he became insane in the Army and has continued so since only proves that the hardships, privations, and dangers were more than he could endure. Had he possessed the mental strength of some of his more fortunate comrades he probably would not have lost his mind.

Is it not equally true that the thousands who are now receiving pensions on account of sickness contracted in the service would not have lost their health had they possessed the vigorous constitutions and the power of endurance of their more hardy comrades? Is it assuming too much to say that if this man had remained at his home, in the quiet Wisconsin village, with his wife and

child, he might have been spared to a life of comparative usefulness instead of being doomed to a living death? It is proper to add that there is no evidence of hereditary insanity in the family. Further comment is unnecessary.

Your committee recommend the passage of the bill with the following amendment: Strike out all after the word "pay," in line 7, and insert "to his legally constituted guardian the pension to which he will be entitled under this act."

The Committee on Invalid Pensions recommend an amendment, striking out from lines 7 and 8 the words "him a pension from and after the passage of this act" and inserting in lieu thereof the words "to his legally constituted guardian the pension to which he will be entitled under this act."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. HETTIE K. PAINTER.

The next business on the Private Calendar was the bill (H. R. 3839) granting a pension to Mrs. Hettie K. Painter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Hettie K. Painter, a volunteer nurse during the late war, and pay her a pension at the rate of $25 per month.

The report (by Mr. MORRILL) was read, as follows:

This bill grants a pension to Mrs. Hettie K. Painter for valuable services rendered as a nurse in the hospitals and on the battle-fields during the war of the rebellion. A similar bill passed the Senate during the Forty-ninth Congress, and was favorably reported by this committee. The report is hereto attached, and the passage of the bill recommended, with an amendment: Strike out the words "twenty-five," in line 7, and insert the word "twelve."

SENATE REPORT.

"This is a bill to pension Mrs. H. K. Painter, as a recognition of her valuable services as hospital and field nurse during the recent war. These services are, briefly stated, as follows:

"She nursed the sick and wounded after the first battle of Bull Run for three months, and until she lost the use of her right hand, when she returned to her home in New Jersey. General Philip Kearny asked her to return, and she did so, and her services are noticed in Foster's book, "New Jersey in the Rebellion," page 29, and in other works, and by Surgeon-General Barnes. She returned a second time from home, or Philadelphia hospital, on a telegram from Surgeon-General Barnes, after the second battle of Bull Run; took charge of the Georgetown College hospital; thence she went to Armory Square hospital. After the battle of Gettysburgh she joined the Army at Frederick, Md.; was ordered to visit Washington and report on the cause of complaints, and her report to the Surgeon-General was satisfactory.

"After the battle on Rapidan the Surgeon-General placed her in charge of hospital cars at Brandy Station. After General Grant took command of the Army of Virginia she was ordered to Aquia Creek and across to Fredericksburgh, thence, after a short time, to Washington hospital, and thence to City Point, where General Grant gave her passes to and from divisions and hospitals, thence back again to Washington hospitals until the war closed, and the closing of the hospitals. But for the death of Grant, Lincoln, Kearny, Mott, and others, she would have received their warm commendation. Since the war she has furnished evidence to many disabled soldiers whose hospital record was imperfect. She is indorsed by resolutions of the encampment of the Grand Army of the Republic of Nebraska.

"In corroboration of these statements the committee have the testimony of J. S. Ely, late assistant surgeon, United States Volunteers; Levi Fujon, late of Company I, New York Heavy Artillery; Samuel Read, quartermaster First Regiment New Jersey Volunteers, and others.

"Mrs. Painter was a graduate in medicine, a circumstance which made her services doubly valuable. From the ample testimony at the disposal of the committee they are satisfied not only that she deserves a pension, but that it has been too long delayed."

The amendment of the committee to strike out "twenty-five" and insert "twelve" was agreed to; and the bill as amended was reported to the House with the recommendation that it do pass.

MARGARET S. MURRAY.

The next business on the Private Calendar was the bill (S. 404) for the relief of Margaret S. Murray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, ordered to place on the pension-roll, subject to the provisions and limitations of the pensions laws, the name of Margaret S. Murray, of Worcester, widow of Henry Murray, and mother of T. Edward Murray, musician in Company C, Third Battalion Massachusetts Rifles, who died from disease contracted in the service, leaving no widow, child, or children, and upon whom said Margaret S. Murray was dependent.

The report (by Mr. MORRILL) was read, as follows:

The report of the Committee on Pensions in the Senate in this case sets forth fully and clearly the facts in this case, and is therefore adopted and made a part of this report.

"This claim was rejected by the Bureau of Pensions June 9, 1879, and again April 11, 1884, for the reason that the soldier's death was not the result of a disability contracted in the service.

"The deceased son enlisted April 19, 1861, for three months, and was discharged July 12, 1861, having been in hospital since June 12, 1861, for treatment for typhoid fever. He died of consumption September 12, 1876, never having filed any claim for a pension. The claimant is his mother and a widow; and the proofs as to her dependence on the deceased are, in the opinion of your committee, sufficient. The history of the deceased subsequently to his discharge appears by the following evidence:

"Dr. O. Newton testifies in March, 1879, that he was surgeon of the battalion of which deceased was private; that deceased was very sick with typhoid fever, and was sent home as soon as he was able to be moved; that when the fever left him he was afflicted with pustules filled with blood, which, when opened, could be stopped only by packing with lint saturated with Monsel's solution of iron. Deceased never came under affiant's treatment after leaving the Army, but affiant frequently saw him, and knows he never fully recovered; frequently saw him after consumption was manifest, which he believes was caused by malarial poisoning, and of which he has no doubt he died.

"Dr. P. E. Hubon testifies, March, 1879, that deceased came under his care in July, 1861, in an almost moribund condition from typhoid malarial fever of lowest grade liver apparently enlarged, and jaundiced and sickly appearance of skin. For days had to open rapidly formed abscesses on face and body, and his case seemed hopeless. Under treatment he slowly recovered sufficiently to do some business. From that time to 1873, when affiant went to Europe, he treated deceased for various complaints, sore throat, cough, etc. In all treatment had to combat the malarial poison in his system.

"Dr. F. J. NcNulty testifies, March, 1879, that he treated deceased from November, 1873, to September, 1876; that when he saw him in 1873 he was suffering from an acute attack of bronchitis, which soon developed into a chronic form; and about the latter part of 1874, or beginning of 1875, well marked symptoms of pulmonary phthisis presented themselves, which caused his death in 1876. In February, 1881, the same physician testifies that he attended deceased from early in 1873 until a short time before his death, February 12, 1876; that during this time affiant treated him for acute bronchitis; that the condition of his lungs during all this time was tuburculous, and he had frequent hemorrhages, and affiant's opinion is that he contracted his disease during the late war.

"James J. McLane, late captain Company E, First Massachusetts Cavalry, testifies April, 1880, that he was well acquainted with deceased, who was a sound man at his enlistment; that from exposure, etc., at Fort McHenry, Baltimore, was taken sick from a bad cold, which disabled him, and for which he was sent to hospital for treatment, where affiant frequently saw him suffering from hemorrhage and great weakness, which eventually caused his death. Affiant was with him during his service, and after his discharge until his death. Affiant saw deceased after his discharge in Little Washington, N. C., where he had a turn of bleeding, and afterward, in the fall of 1863, at Fort Washington, where he was so bad that affiant had him placed on a bed and carried to a hospital 'where I saw him several times bleeding from the lungs.' Affiant saw him again at Roanoke Island, in 1865, where he was employed in the quartermaster's department as clerk. He was then troubled with spitting blood from his lungs, and after his discharge from that service until his death, 'throwing blood from his lungs.'

"George P. Burt testifies that he saw the deceased the day after his discharge, when he appeared in a very sickly condition, suffering apparently from disease of some of his vital organs, and thereafter frequently saw him have hemorrhages until his death. In May, 1862, when troops were called for, he started for the seat of war, but was unable to go beyond Boston. In February, 1863, affiant called on deceased and found him bleeding from the lungs. In June, 1863, the deceased was appointed enrolling officer for the draft, but owing to his feeble condition was unable to accept. He soon after left for the front, where he remained until the spring of 1866, when he came home feeble and still suffering from frequent attacks of hemorrhage. He never rallied, but gradually failed from frequent attacks until his death.

"Eliza O. Regan testifies that when deceased came home he was very feeble, appearing like a person with consumption.

"Isaac Davis testifies that prior to deceased's enlistment he was a student in affiant's office, and to all appearance he was a strong, robust, healthy man, and free from any disease or bodily injury.

"Twenty of deceased's neighbors and townsmen testify that he was sound at enlistment and free from disease.

"In reference to the application for a rehearing of the case in 1881, a report on file in the Pension Office states:

"'Claim was rejected June 9, 1879, on the ground that the disease—phthisis—which caused soldier's death was not the result of his military service. In my opinion the additional evidence on which claim is readmitted is not sufficient on which to base a change of action. It now appears from the testimony of Dr. McNulty that he did not attend soldier up to the time of his death, so we have no medical testimony or record to show cause of death.'

"The testimony is uniform, however, that out of the fourteen or more years which elapsed between his discharge and demise only a fraction of a year, and that immediately preceding his death, is unaccounted for, and that during all this time he was under treatment for malarial and consumptive diseases or ailments allied to them. Evidence less pertinent and consecutive has in hundreds of cases convicted men of serious crimes; and your committee think it is not straining the point of evidence or mercy in favor of the widowed and paupered mother of the dead soldier to conclude that testimony which shows a sound condition of health at enlistment, serious and almost fatal illness during service, and a state of health from that time till death that required the regular attendance of physicians, whose concordant statements are continuous up to within the year and 'a short time before his death,' is sufficient and binding upon their judgment, and that it justifies a favorable report upon the subject under consideration."

Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH E. BRANSON.

The next business on the Private Calendar was the bill (S. 854) granting a pension to Sarah E. Branson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Branson, widow of Philip W. Branson, deceased, late of Company F, Fortieth Regiment of Illinois Volunteer Infantry.

Mr. MORRILL. Mr. Chairman, the report in this case is quite long, but the substance of it can be stated in a nut-shell, and, with the permission of the House, I will make a brief statement of the case. The question involved is rather a legal one than anything else. The Pension Office discovered, when the application was made for a pension, that Philip W. Branson, the deceased soldier, had a wife living at the time of his marriage with Sarah E. Branson. The evidence, however, shows that Sarah E. Branson knew nothing whatever of this at the time, and never did know of it until after his death. She bore him five children. The first wife was divorced a few years after the marriage with the second wife, and the whole case hangs upon the question whether the second marriage was a legal one. Senator DAVIS made a report upon the case in the Senate, and he goes into a long argument to prove that the marriage became legal on the granting of the divorce from the first wife. Your committee were unanimously of the opinion that this woman, who was deceived into the marriage, who knew nothing of the former marriage, and who had borne this man five children, should receive the pension. I have stated the only point in the case.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MAHALA DEXTER.

The next business on the Private Calendar was the bill (H. R. 4104) granting a pension to Mahala Dexter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mahala Dexter, dependent mother of Henry H. Dexter, late of Company M, Second Massachusetts Cavalry Volunteers.

The report (by Mr. GALLINGER) was read, as follows:

The House Committee on Invalid Pensions of the Forty-ninth Congress reported this claim favorably, but it was not reached on the Calendar. The facts are that claimant is the mother of Henry H. Dexter, a private in Company M, Second Massachusetts Cavalry, who enlisted March 7, 1863, and was killed in battle near Drainesville, Va., February 23, 1864. Claim was rejected on ground of non-dependence; that soldier did not render any assistance after 1860.

Soldier worked for his father on his farm in Barton, Vt., until 1860, when he went to California, and it does not appear that he made any substantial contributions to the family after that time. It is shown, however, that the parents are now in very feeble health and destitute circumstances. At the time of soldier's death they had a little property of something like $2,000 value, upon which there was a mortgage of $1,200. Claimant's husband has been at no time since 1864 able to perform any but light labor, being troubled with hernia of long standing and with an affection of the wrist.

The St. Johnsbury board of examining surgeons report him in 1882 as "a broken-down old man, and unfit from his age and infirmities to perform manual labor." He is now eighty-five years of age, and the claimant is also very advanced in years.

Your committee think that this aged and needy couple, whose son was killed in battle, are deserving of the bounty of the Government, and therefore report the bill back with a recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

STEPHEN D. REDFIELD.

The next business on the Private Calendar was the bill (S. 1785) granting a pension to Stephen D. Redfield.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Stephen D. Redfield, late a second lieutenant in Company A, Thirty-seventh Regiment Iowa Volunteers, and to pay him a pension of $17 a month, in lieu of the pension he is now receiving.

The report (by Mr. MORRILL) is as follows:

The report of the Pension Committee of the Senate is as follows:

"The claimant, Stephen D. Redfield, enlisted September 1, 1862, and served until March 24, 1865, as a second lieutenant in Company A, Thirty-seventh Regiment Iowa Volunteers. He is now drawing a pension of $7.50 a month for disease of the eyes, as the result of sunstroke; he applied for an increase, on the ground of lumbago, partial paralysis of left side, total deafness of left ear, and general prostration, but this application was rejected by the Pension Office March 24, 1886.

"John Hogendabler, captain of the company in which claimant served, testifies that claimant was sunstruck August 1, 1864, while in line of duty, near Memphis, Tenn.; that he was affected in his head; was unable to do any duty for several weeks, and, so far as he knows, has never recovered; and that when he entered the service claimant was a healthy, robust man. This testimony is corroborated by Dr. Joseph Orr, assistant regimental surgeon; by E. H. Stedman, first lieutenant of claimant's company, and by other comrades.

"Dr. J. P. Whitney testifies that he has known claimant for fifteen years, and that on examination he found him suffering from nervous prostration, deafness, partial paralysis of left extremity, and other disabilities. In his opinion claimant is almost totally incapacitated for the performance of manual labor. The testimony as to these disabilities is corroborated by that of Dr. William Flatt.

"This claimant is now over eighty-one years of age; is strictly temperate and industrious; has an aged wife to support, who is also crippled; and is so seriously disabled that he can not pursue his trade of shoemaker except at intervals, especially in summer-time or in a heated room. The testimony shows that he is a respected citizen in the community where he resides; that he has been mayor of his city (Vinton, Iowa), and that he has always been a 'public-spirited citizen and Christian gentleman.'"

Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH E. PRIBBLE.

The next business on the Private Calendar was the bill (H. R. 818) granting a pension to Sarah E. Pribble.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Pribble, widow of Charles M. Pribble, late a private of Company B, Eleventh Maine Volunteers.

The report (by Mr. GALLINGER) is as follows:

Charles M. Pribble enlisted on the 26th day of August, 1862, as a private in Company B, Eleventh Regiment Maine Volunteers, and served until August 14, 1864, when he has disabled at the battle of Deep Bottom, Virginia, by a severe gunshot wound in the foot. He applied for and received a pension, which continued until date of death, November 7, 1882. The claimant under this bill applied for widow's pension, but it was refused on the ground that death of soldier was not due to the disability for which he was pensioned, the cause of death being given as liver and stomach trouble.

The soldier's soundness at enlistment is unquestioned, and the fact that when he returned from the Army he was suffering from fever and ague is well established, although he did not ask pension for that disability. On this point Dr. John J. Jones, of Carmel, Me., testifies that immediately upon the soldier's return from the Army he was called upon to treat him for fever and ague, and that he continued to treat him from time to time for that disease, which was continuous upon him until the time of his death, during which time his liver and stomach were affected by reason of the fever and ague.

Dr. I. W. Tibbetts, of Stetson, Me., testifies as follows:

"I treated soldier for gunshot wound, and also for fever and ague and disease of the kidneys, contracted in the Army. The fever and ague was more or less continuous from the time I commenced to treat him, causing liver and stomach trouble, which was the immediate cause of his death, although I have no doubt the gunshot wound tended to produce the extremely emaciated condition and perhaps to affect the kidneys. These conditions I have no doubt were contracted in the Army, and I know that they have been continuous and finally resulted in his death."

The medical evidence shows conclusively that this man's death was due to a debilitated condition of the system, resulting from a gunshot wound, for which he was pensioned, and from fever and ague contracted in the service, but for which he had not asked pension.

The fact that he was treated for fever and ague immediately upon his return from the service proves that the disease was contracted in the Army, and his widow should not be deprived of her rights because he did not allege that disability.

Your committee report the bill back favorably, and recommend its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

STEPHEN THURSTON.

The next business on the Calendar was the bill (H. R. 6812) granting an increase of pension to Stephen Thurston.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to increase the pension of Stephen Thurston, of Belfast, Me., late a private in Company G, First Regiment of Maine Volunteers, at the rate of $45 per month.

The report (by Mr. GALLINGER) was read, as follows:

Claimant was a private in Company G, First Maine Heavy Artillery, and was wounded by two rifle-balls in the thigh at the battle of Petersburgh, Va., July 18, 1864. In consequence of the wound the leg became shriveled and entirely useless, and also gangrenous. From the time of his discharge he has been compelled to use two crutches. A medical examination on January 19, 1865, is as follows:

"Applicant is totally disabled by gunshot wound of right thigh; gangrene destroyed nearly all the fleshy part of the posterior portion of thigh; the leg is permanently flexed upon the thigh; he is much prostrated," etc.

Other medical examinations from time to time revealed the fact that the use of the leg was wholly and permanently lost.

The following recent medical certificates are filed with your committee:

"BELFAST, ME., *February* 14, 1888.

"This is to certify that I have this day examined Stephen Thurston, formerly Company G, First Maine Heavy Artillery, and find that the right leg is in such condition from wounds received while in the service of the United States as to place him upon the pension-list rated as an amputation at middle third of femur. The condition of the limb is such from the effects of gangrene that it is useless, and no suitable stump could be made for the support of an artificial limb. I consider his condition worse than one of amputation of the thigh. I am disinterested.

"HORATIO H. JOHNSON, M. D.

"STATE OF MAINE, *Waldo, ss:*

"Subscribed and sworn to before me February 18, 1888.

[SEAL.]

"WM. H. FOGLER,
"*Notary Public.*"

"This certifies that I have this day examined Stephen Thurston, formerly Company G, First Maine Heavy Artillery, and find his right leg useless from wounds received while in the service of the United States. The present condition of the limb is such, from the effects of gangrene, that no suitable stump could be made for the support of an artificial limb. In my opinion his condition is worse than amputation of the thigh. I have no interest in the claim.

"G. C. KILGORE, *M. D.*

"BELFAST, ME., *February* 17, 1888.

"STATE OF MAINE, *Waldo, ss:*

"Subscribed and sworn to before me February 18, 1888.

"[SEAL.]

"WM. H. FOGLER,
"*Notary Public.*"

In addition to the above, a petition signed by the county treasurer, the judge of probate, judge of police court, the collector of taxes, the editor of the local newspaper, and a large number of lawyers, merchants, manufacturers, and other business men, citizens of Belfast, Me., is in the hands of your committee, setting forth the merits of this case, and urging that the increase of pension be granted.

Claimant is now receiving a pension of $36 per month, which is the full amount that can be allowed under the pension laws; but it is evident that this case is one that Congress can properly take cognizance of. It is conclusively shown that the leg is utterly worthless, and that, even if amputation should be resorted to, the tissues have been so completely destroyed by gangrene that it would be impossible to wear an artificial limb. This fact makes the disability so clearly equal to that for which $45 is allowed under the general law, that your committee report the bill back favorably, and recommend its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS S. HOPKINS.

The next business on the Calendar was the bill (S. 450) for the relief of Thomas S. Hopkins, late of Company C, Sixteenth Maine Volunteers.

The bill was read, as follows:

Be it enacted, etc., That Thomas S. Hopkins, late a private in Company C, Sixteenth Maine Volunteers, now on the pension-roll, be, and he is hereby, exempted, by reason of mental incapacity, from the limitation prescribed in section 2 of the act of Congress approved March 3, 1879, entitled "An act making appropriations for the payment of the arrears of pensions granted by an act of Congress approved January 25, 1879, and for other purposes," and he shall be entitled to, and there shall be paid to him, the same rate of pension, and the same arrears thereof, as if his application for a pension had been filed with and allowed by the Commissioner of Pensions prior to June 16, 1880.

The report (by Mr. GALLINGER) was read.

Mr. ALLEN, of Mississippi. I shall have to object to the passage of this bill.

Mr. MORRILL. I will ask, then, unanimous consent that the bill be passed over. The gentleman from Maine [Mr. REED], who introduced the bill, is not present this evening.

Mr. MATSON. I shall object to passing the bill over. I think it

ought to be disposed of, or at least discussed until we can ascertain some reason for passing it over.

Mr. ALLEN, of Mississippi. I do not wish to enter into any protracted discussion about this matter. I believe that the general pension laws ought to be sufficient in the main for the determination of pension applications; but as there are some exceptional cases, we meet here on Friday nights to act upon bills of that sort.

In this case, as I understand, the applicant has been receiving a very fair pension since 1880; and I am opposed to all these bills which propose to go back for a period of years and by special enactment to give to particular individuals large amounts of money.

Gentlemen may discuss this bill if they see proper, but while I do not wish to interrupt the harmonious proceedings of the evening, I will say that unless I can see some good reason for changing my mind about the bill I do not think I shall be willing to see it passed. I am told that it will carry about $2,000 of pension, covering a considerable period back of 1880, when the applicant obtained the pension which he is now receiving. My present judgment is that I shall object to the passage of this bill with such an attendance as we have here to-night.

Mr. GALLINGER. The report in this case was prepared by myself; but the bill was introduced by the gentleman from Maine [Mr. REED], who is very much interested in the case. As the gentleman from Mississippi [Mr. ALLEN] has signified his purpose to demand a vote by a quorum, which would of course prevent the passage of the bill, I will renew the request that the bill, retaining its place on the Calendar, be passed over until next Friday evening, so that the gentleman from Mississippi may examine it, and that the gentleman who introduced the bill may be present to defend it.

The CHAIRMAN. Unanimous consent is asked that this bill be passed over, retaining its place on the Calendar. Is there objection? The Chair hears none, and it is so ordered.

WILLIAM C. WAIT.

The next business on the Calendar was the bill (S. 550) granting a pension to William C. Wait.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll the name of William C. Wait, late a private in Company C, of the Fifth Vermont Volunteers, at the rate of $8 per month.

Mr. GALLINGER. This is a Senate bill; but the report accompanying the bill when it came from the Senate was so brief, that I felt the facts ought to be somewhat elaborated; and unfortunately I wrote a report which is longer perhaps than was necessary. I will therefore ask permission to make a statement of the case, in lieu of the reading of the report. The bill is a thoroughly meritorious one.

Mr. MATSON. I shall insist on the reading of the report.

The report (by Mr. GALLINGER) was read, as follows:

Soldier enlisted originally September 16, 1861, in Company C, Fifth Vermont Volunteers, and was detached for service on the gunboat Mound City February 21, 1862. In the course of said service he was taken ill, and in being transferred from hospital to hospital was exposed on a stretcher on the deck of a vessel and contracted thereby a disease of the chest. He was treated in hospital from July 6, 1862, to July 10, 1862, for general debility, and from September 1, 1862, to October 15, 1862, for chronic bronchitis, and was discharged for disability from the United States steamship Clara Dolsen on January 31, 1863. He was pensioned January 31, 1871, at $8 per month from February 1, 1863, on account of disease of kidneys and lungs. His rating was subsequently increased to $15, and again to $18 per month, then reduced to $10, and after a special examination his name was dropped from the roll November 1, 1877, on the ground that the disability was not received in the service.

On June 10, 1882, an application for restoration was rejected on the same ground, the medical referee saying: "It is clearly shown that soldier suffered before enlistment with some disease of the air-passages, hence we can not hold that the bronchitis, of which there is a record, is due to the service."

The claim was again specially examined in 1885, and an adverse decision reached, the medical referee holding that "the fact that soldier suffered with asthma made him peculiarly susceptible to attacks of bronchitis," and gave it as his opinion that the asthma was the first great cause of the bronchitis.

In reviewing the mass of testimony on file we find an affidavit from Dr. O. A. Holcomb, of Peru, N. Y., who swears that he has known claimant for thirty years; that before the war he was a sound, healthy man, free from asthma or any lung disease. Dr. Holcomb's reliability is admitted by the special examiner.

Stephen T. Craft, of Beekmantown, N. Y., testifies that he intimately knew soldier from early boyhood, and never knew him to have asthma before enlistment.

Harman Butler testifies that he became acquainted with claimant in February, 1862; that claimant was a perfectly healthy man; that after the siege of Island No. 10 claimant became ill, but partially recovered; that at the naval engagement at Fort Pillow the steamer Mound City, on which claimant and affiant were then serving, was sunk by the rebel vessel Van Doren, and all hands were compelled to work in the water for several days, which occasioned a recurrence of claimant's disabilities, shortly after which he was sent to the hospital.

John D. Sheridan testifies that he was captain of Company C, Fifth Vermont Volunteers, and that claimant was carefully examined by surgeon Millard A. Childs, and declared to be sound and healthy; that claimant served in affiant's company to date of detail to Mississippi flotilla, during which time he was always strong and healthy, ready for any kind of duty, and that had he been unsound he would not have been selected for service in said flotilla.

Dr. Millard A. Childs testifies that he was assistant surgeon of the Fourth Vermont Volunteers, surgeon of the Tenth Vermont, and surgeon-in-chief of an Army Corps; that he carefully examined William C. Wait for muster, and knows that he was an able-bodied, healthy man, free from all physical defects and infirmities, and especially as regards lungs and kidneys.

Dr. Melvin J. Hyde gives similar testimony as to soldier's freedom from disease at time of enlistment.

Numerous other certificates are given bearing on the same point, and going to prove soldier's soundness prior to army service.

Six medical examinations were had, in all of which the opinion was expressed that the disabilities were incurred in the service.

In August, 1877, the case was sent to a special examiner. Several witnesses were examined, who swore, more or less definitely, that they knew claimant had suffered from asthma before enlistment. The most pronounced testimony was given by Henry C. Hill, of Isle La Motte, who swore that he had known claimant to suffer so severely from asthma as to be hardly able to rise from his chair or walk across the floor. Others put it more mildly. A significant circumstance is that no medical testimony was introduced to show that claimant was treated for the disease prior to enlistment, while several physicians testified to treating him shortly after his return from the war.

Claimant took the ground that those who testified against him did so through malice, but the Department did not accept that view of the case.

The special examiner accepted the evidence in the case as sufficient to warrant him in recommending that the name should be dropped from the rolls. In speaking of the claimant he says: "He is a man of more than ordinary intelligence, but, from all that I can learn, is unfortunate in being gifted with a faculty of making himself disagreeable and unpopular." On the strength of this report the pension was discontinued.

Another special examination was ordered in October, 1884, which was conducted very thoroughly. The first witness called was Henry C. Hill, who testified so strongly against claimant in the first special examination. His testimony on this occasion was much milder than before, yet the examiner says:

"I can not help thinking that Mr. Hill is very much prejudiced, an opinion shared by parties at Isle La Motte, who asked to be excused from testifying, on the ground that they were so much prejudiced that they did not feel that it would be proper to testify. Mr. Hill denounced the claim as fraudulent several years before the special examination in 1877, and his personal business and legal quarrels with claimant are known to all."

Other witnesses were called, most of whom testified that they believed soldier suffered from asthma prior to enlistment, but, as before, no medical testimony was introduced to show that claimant had been treated for the disease. The examiner closed his report in these words:

"As a layman I should say that the claimant should be restored to the roll, for I believe that his physical troubles were permanently aggravated by his service if they did not originate therein, but the medical authority of the office being against me, I am constrained to recommend rejection."

This case is one of more than ordinary interest, and a thorough examination of all the papers would seem to show that a great injustice has, doubtless unintentionally, been done to the soldier. It is clearly evident that the claimant's assertion that the testimony against him was malicious is borne out by the facts, for that of Henry C. Hill was so manifestly unfair that the second examiner finally excluded it from the case, although testimony from the same man, and of a much more violent character than that given in the second examination, entered into the case upon which the pensioner was dropped from the rolls.

It further appears that even if soldier had asthma prior to enlistment he did not have that disease at all while in the service. True, the medical officers of the Government claim that the bronchitis from which he suffered was the result of an old asthmatic trouble, but that at best is an unsupported assertion. It is certainly more reasonable to believe that the bronchitis was occasioned by soldier's exposure at one time on a stretcher on the deck of a vessel, and again by working several days in the water at a time when he was only partially convalescent from illness of another kind.

Again, it is significant that at neither special examination was any physician produced who treated him, or medical prescription shown that he used prior to enlistment, while it clearly appears upon the testimony of medical officers of the Government who examined him for muster that he was thoroughly sound at time of enlistment, especially as regarded kidneys and lungs, and also that ever since his return from the war he has been under medical treatment.

Claimant is suffering from incurable disease. Recently he has lost by fire what little personal effects he had, and is now utterly destitute.

Your committee has also had under consideration the bill (H. R. 4097) for the same purpose, which bill they report back with the recommendation that it lie on the table, and recommend that the Senate bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ABBIE S. HUTCHINSON.

The next business on the Calendar was the bill (S. 733) granting a pension to Abbie S. Hutchinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Abbie S. Hutchinson, widow of Charles F. Hutchinson, late private of Company I, Sixth New Hampshire Volunteers.

The report (by Mr. GALLINGER) was read, as follows:

The report made by the Senate Committee on Pensions in this case is as follows:

"[Senate Report No. 144, Fiftieth Congress, first session.]

"The Committee on Pensions, to whom was referred the bill (S. 733) granting a pension to Abbie S. Hutchinson, have examined the same, and report:

"Charles F. Hutchinson, private Company I, Sixth Regiment New Hampshire Volunteers, enlisted November 14, 1861, and was discharged January 24, 1863, because of umbilical hernia contracted in the service. He died of consumption April 20, 1873.

"The claimant is his widow, and filed her application for pension November 21, 1873, alleging that her husband died 'of disease caused by an injury and disease contracted while in the service.'

"Prescott Hall deposes, December 31, 1872, substantially as in his subsequent affidavits, stating that the deceased was kicked in the bowels and chest, causing a rupture and hemorrhage of the lungs. He also deposes, November 14, 1873, that he was 'late second lieutenant' of the regiment to which Hutchinson belonged; that 'on or about June 15, 1862,' while on board a transport going into New Berne, N. C., the deceased was kicked in the stomach and bowels by the colonel's horse, and was so seriously injured that he was sent to the hospital. The transport was small and crowded, and the soldiers had to stand close to each other and to the horse, which became frightened and set to kicking, and it was impossible for the soldier to get out of the way; that deceased was also ruptured at the time and from the same cause.

"Prescott Hall again deposes, March 26, 1875, that he was 'late second lieutenant of Company I, Sixth Regiment New Hampshire Volunteers;' that in April, 1862, Hutchinson was kicked in the stomach and chest by the colonel's horse and badly injured while on board a transport; that he immediately coughed up blood from his lungs to a considerable amount; was sent to hospital and never again returned to service; that the injury was the cause of his discharge; that there was so little room on the transport that some were obliged to stand near said horse, which became frightened and kicked. Previous to the injury Hutchinson was sound, healthy, and seldom excused from duty. Deponent knew him well before the war; lived in the same town.

"Dr. Wight deposes, November 11, 1873, that he was the family physician of

the deceased for more than twenty years; that he attended him professionally in February, 1863, soon after his return from the Army, and found him troubled with severe inflammation of the chest and abdomen; hemorrhage from the lungs ensued and continued at different times until it ended in tubercular consumption, of which he died April 20, 1873; that before going to the war deceased was entirely free from said disease.

"Dr. Wight again deposes, October 6, 1876, that he was called to treat the deceased the latter part of June or the first part of July, 1863, and found him suffering from great soreness of the left side. His breathing was difficult and painful. After some days he threw off from the lung from half a pint to a pint of pus, indicating vomica of the left lung, caused, as we had good reason to suppose, by injury which he received while in the United States service. He coughed more or less after his return from the Army until he died. 'So it is sure that the disease of which he died had its beginning while in the service of his country.' Claimant was able a small part of the time to do some work, but not so much as half a man's work at any time.

"Albert Smith and Henry E. Chapman, two comrades, testify to claimant's being kicked by a horse. Chapman says he was injured internally; was cramped and bent up, and was picked up and carried to the other end of the boat.

"Henry E. Marsh and his wife Mary jointly depose, April 13, 1882, in corroboration of the testimony as to the health and strength of the soldier before enlistment; had known him for many years, being familiar with his family; any statement that the fatal disease was brought on by improper habits is untrue and a slander upon the fame of the soldier.

"Cyrus Gilman, ex-representative and selectman; Stephen Dearborn, merchant; Zaccheus Painter, ex-selectman and ex-town treasurer; Josiah J. Renn, ex-postmaster, etc.; Alfred Prescott, ex-town clerk, etc., and several other citizens of Gilmanton, N. H., claimant's place of residence, jointly depose that up to the date of his enlistment he was a strong, healthy man. After his discharge he appeared feeble; that deponents were familiar with his habits; that he sometimes drank liquor, but not to drunkenness or to be called intemperate.

"Levi H. Mudgett, postmaster at Gilmanton, was applied to by letter from the Pension Office, July 18, 1878, as to whether deceased was sick when he came out of the Army, etc. Upon the back of this letter is indorsed the following:

"'I have made inquiries of Mr. H. E. Marsh, who was his nearest neighbor and is one of our selectmen and has filled the office for a number of years, and has employed him more than any other man. Mr. Hutchinson was married a short time before he enlisted, to a married woman, and she drew State aid for awhile from both her husbands, as they were both in the Army. For awhile after his discharge he complained of not being well, but soon went to work for Mr. Marsh and worked for him most of the time up to his last sickness, which was consumption, brought on by improper habits. Mr. Marsh don't think his health was permanently impaired by anything that was contracted in the Army. He was a cooper by trade, but worked for Mr. Marsh on farm work and stone work. He was married to his last wife since he left the service, and his first wife has since married her third husband.

"'LEVI M. MUDGETT,
"'*Postmaster.*'

"This same Mr. Mudgett, however, deposes April 5, 1882, that he was well acquainted with the deceased before he enlisted; that he was then a sound, healthy man; that on his return from the war he appeared to be in feeble health; that while at work for deponent, after his discharge, he had a hemorrhage of the lungs; that these attacks continued with more or less frequency while he lived; that his habits of life after his discharge were as good as men's in general; that he sometimes drank liquor, but not intemperately, and deponent does not think it injured his health or shortened his life.

"This witness explains his answer to the letter from the Pension Bureau by stating that 'if anything was contained in that against the habits of said Hutchinson, that related to his habits before he enlisted and not since his discharge.'

"Dr. Wright for the fourth time deposes substantially as in his former affidavits, adding that the deceased was born and brought up in the village where deponent has lived for fifty years; that deponent knew his habits of life; they were as good as men's in general; he sometimes drank liquor but never to drunkenness, and any assertion to the contrary is false.

"Your committee has set forth the above testimony as it appears from the records of the Pension Office with more fullness than is customary, for the reason that the rejection of the claim upon the facts by that bureau seems to have been without warrant, and the rejection was sustained by the Secretary of the Interior February 11, 1879, upon the testimony as it then stood.

"We therefore, after a careful consideration of all the evidence, recommend the passage of the bill."

Your committee adopt the above report as its own, and recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HANNAH R. LANGDON.

The next business on the Private Calendar was the bill (S. 549) granting a pension to Hannah R. Langdon.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Hannah R. Langdon, widow of Henry H. Langdon, late an assistant surgeon in the Seventh Regiment Vermont Volunteers in the war of the rebellion, and pay her at the rate of $20 per month from and after the passage of this act.

The report (by Mr. GALLINGER) is as follows:

A similar bill to this passed the Senate during the last Congress, and has again passed that body. The Senate report is as follows:

"That the petitioner is the widow of Dr. Henry H. Langdon, late an assistant surgeon in the Seventh Regiment Vermont Volunteers, war of the rebellion; that he enlisted in the Army October 7, 1862, and was discharged on surgeon's certificate of disability March 27, 1863; that at the time of his death, 24th September, 1881, he was receiving a pension of $8.50 per month for chronic diarrhea and piles, contracted at Pensacola and Santa Rosa Island, Florida, about January, 1863; that the petitioner filed a claim for pension December 5, 1881, which was rejected on the ground that it failed to appear in the papers in the case that the disease from which the officer died (consumption) was in any degree traceable to his military service.

"On this point the affidavits of Dr. A. P. Grinnell and Dr. H. H. Atwater, submitted to your committee, among other proofs and papers, would seem to be conclusive, which are as follows:

"'I, A. P. Grinnell, of the city of Burlington, Vt., of lawful age, on oath depose and say, that I am a practicing physician in Burlington, Vt., and have been for the last fourteen years; that I was acquainted with Dr. H. H. Langdon, and knew him and his family from boyhood, and also saw him quite frequently and advised with him often regarding the treatment of his disease, although I was not his regular professional attendant; that no history of consumption could be traced in his family; that I am acquainted with Hannah R. Langdon, and know that she is the widow of said Dr. H. H. Langdon, and has not married since his decease; that I have read her petition for a pension, and state that I have no doubt, from the facts set forth in said petition and from my personal knowledge of said Dr. Langdon's condition, that his lung trouble was the direct result of his chronic diarrhea, and that the chronic diarrhea was the cause of his death.

"'A. P. GRINNELL, *M. D.*

"'Subscribed and sworn to this 10th day of November, 1886, before me.

"'J. M. RUSSELL,
"'*Justice of the Peace.*'

"'I, Hiram H. Atwater, United States examining surgeon for pensions, do depose and say that, as a member of the board of examining surgeons, I examined Henry H. Langdon, assistant surgeon of the Seventh Vermont Regiment, December 1, 1880, who claimed a pension for chronic diarrhea and piles, and that upon the certificate of said examination said Langdon was granted a pension. I further state that said Langdon died 24th September, 1881; that I saw him and prescribed for him several times during his last sickness; that the immediate cause of his death was disease of the lungs, and that I believe this disease supervened upon and was associated with the chronic diarrhea for which he was pensioned, and that this latter disease was the remote cause of his death. I further state that I have read the petition of Mrs. Langdon, and that I believe reliance can be placed upon her statements.

"'H. H. ATWATER.

"'Personally appeared before me this 16th day of November, 1886, at Burlington, Vt., Dr. H. H. Atwater, and made oath to the above affidavit by him subscribed.

"'J. M. RUSSELL,
"'*Justice of the Peace.*'

"In view of the statements contained in these affidavits, the signers of which are gentlemen well known to be of the very highest standing in their profession and in the community where they and Dr. Langdon resided, your committee is of the opinion that the prayer of the petitioner should be granted; and therefore report the accompanying bill and recommend its passage."

This seems to be a very meritorious claim for widow's pension, but your committee see no good reason for granting a higher rate of pension than is allowed by general law, and therefore recommend that the bill be amended by striking out all after the word "rebellion," in the seventh line; and also by inserting, after the word "pension-roll," in the fourth line, the words "subject to the limitations and provisions of the pension laws," and with these amendments recommend its passage.

The amendments were adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

EMMA R. JOHNSON.

The next business on the Private Calendar was the bill (H. R. 7856) granting a pension to Emma R. Johnson.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-rolls, subject to the provisions and limitations of the pension laws, the name of Emma R. Johnson, minor child of William Johnson, late private in Company E, Seventh Regiment Wisconsin Volunteers.

The report (by Mr. SAWYER) is as follows:

Mary E. Carpenter, formerly widow of William Johnson, late private of Company E, Seventh Regiment Wisconsin Volunteers, applied for pension November 28, 1879, alleging that Johnson's death, from apoplexy, June 7, 1879, was due to an injury received by the concussion of a shell near Spottsylvania, Va., about May 10, 1864, and chronic diarrhea contracted in service.

The legal examiner, doubting the connection between the alleged injury and the fatal disease, the former having been shown by parol evidence only, submitted the case to the acting medical referee, Dr. Graham, who, under date of November 1, 1881, rendered the following opinion:

"If it can be shown that this man received concussion of the brain, or any injury to the brain, by the bursting of a shell while in the service, I believe then that it may be admitted that the apoplexy of which he died was a result of it."

The case was subsequently placed in the hands of special examiners and thoroughly examined as to its merits. That soldier was injured at the time and place and under the circumstances alleged is shown by the testimony of eyewitnesses to the injury. It is further shown by the reports of the several special examiners who had charge of the case at different times that ever after the injury soldier was suffering from spells of dizziness and weakness of spine. This condition was aggravated by chronic diarrhea, from which soldier suffered during, since, and at date of discharge, as shown by the records of the Surgeon-General.

Dr. Duley testifies that he formed the soldier's acquaintance soon after he came out of the service and knew him intimately until a few months of his death. His physical condition was frail; was suffering from prostration of the nervous system; complained of pains in head and palpitation of the heart.

Dr. Russell testifies that he found soldier in a comatose state just before his death; that he died of apoplexy, which in his opinion was caused by the concussion or the albuminous state of the urine.

Special Examiner Barrett, in his second report on the case, says:

"After handling this claim a second time, I am inclined to view it more favorably than I did at first. I think it is established that claimant's husband was physically sound when he enlisted, and that from discharge to death he suffered from symptoms of the disease which killed him. The evidence also seems to establish the fact that he suffered from a shell concussion in the Army."

The case was finally returned to the Pension Bureau with the recommendation for its admission, in accordance with the opinion of the acting medical referee heretofore referred to. But upon submission to the present medical referee the claim was rejected on the ground that soldier's fatal disease, apoplexy, was not a result of shell concussion or any other cause incident to his Army service.

Your committee are inclined, however, to believe that the fatal disease is chargeable to the soldier's military service, and that some relief should be granted to such of his pensionable heirs as under the present circumstances would be entitled under the general laws should the Pension Bureau concede origin in the service. The widow having remarried and all but one child having passed the pensionable age, the bill under consideration must be returned to the House without further consideration, but in lieu thereof the committee begs leave to submit a substitute in behalf of the yet pensionable minor, Emma R., and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY ROBINSON.

The next business on the Private Calendar was the bill (H. R. 6759) granting a pension to Mary Robinson.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, au-

thorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Robinson, dependent mother of Andrew J. Robinson, late a member of Company C, Eighth New York Cavalry.

The report (by Mr. SAWYER) is as follows:

Mary Robinson was the mother of Andrew J. Robinson, late a member of Company C, Eighth New York Cavalry.

The evidence shows that the son, Andrew, enlisted and was enrolled September 10, 1861, as a private in Company C, Eighth New York Cavalry, for three years. That he was killed in action near Amosville, Va., November 10, 1862, aged twenty years. The soldier was never married. He left surviving him his parents, Mary Robinson and Luther S. Robinson, her husband, who has since died.

Mrs. Robinson applied for a pension June 12, 1880, which was rejected on the ground only that the mother was not dependent upon her son at the time of his death. The evidence also shows that the son sent money to his parents while in the service.

It also appears that Mrs. Robinson is now and has been for years poor and without means for her support, and the committee believe that this comes clearly within the rule, that dependent mothers whose sons were killed in action, and who are now poor and needy, should receive this just acknowledgment of the sacrifices they have made, and do therefore recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. NUTTING. Mr. Chairman, I ask unanimous consent to call up for present consideration House bill 4580.

Mr. MATSON. I must demand the regular order.

Mr. NUTTING. I hope the gentleman will withdraw that objection, and permit a statement.

Mr. MATSON. I do not wish to be discourteous to the gentleman from New York, but in my opinion the regular order is absolutely necessary to the proper transaction of this business at these night sessions.

Mr. NUTTING. Allow me to explain. I have been for two evenings where my name has been first on the list——

Mr. MATSON. It is utterly useless, permit me to say to the gentleman, for I must insist upon the regular order.

Mr. NUTTING. Allow me to state this, that although my name has been first on the list to be recognized, I have yielded to other gentlemen, and when I did get an opportunity to secure the passage of the bill some of the committee objected.

The CHAIRMAN. The gentleman from Indiana has demanded the regular order, and the Clerk will report the next bill.

ANGERONE P. COLE.

The next business on the Private Calendar was the bill (S. 815) granting a pension to Angerone P. Cole, mother of George H. Cole, private Company B, Twenty-fourth Regiment Wisconsin Volunteers.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Angerone P. Cole, mother of George H. Cole, private Company B, Twenty-fourth Regiment Wisconsin Volunteers.

The report (by Mr. SAWYER) is as follows:

The Senate Committee on Pensions made the following report in the case, which your committee adopt as their own:

"The claimant asks for a pension as the dependent mother of George P. Cole, who was a sergeant in Company B, Twenty-fourth Regiment Wisconsin Volunteers, who was wounded and taken prisoner at the battle of Stone River, and died in hospital at Annapolis, Md., February 18, 1863.

"The relationship of the mother to the son and the non-marriage of the latter are satisfactorily proved. The ground of rejection is non-dependence; that the husband earned $700 in 1863, $936 in 1864, and that he owned a house valued at $1,200, which increased in value to $3,000. It is shown by good evidence that the son lived at home and aided in supporting his father and mother before he enlisted; that he contributed from his earnings to the purchase of their small cottage. This house, of course, gave them no revenue. Being in Milwaukee, it was heavily taxed, increasing in the assessed valuation until in 1884 the tax was $449.

"It also appears from the sworn statements of respectable witnesses that the father and mother were poor; that both were dependent upon the son, for the father was in broken health, physically incapacitated for manual labor; that when the son died the expense of taking his body to Milwaukee and the cost of burial were borne by neighbors and friends; that after the death of this son two other sons, who have since died, helped the old people.

"The witness who testifies to the father's earnings in 1863-'64 is Chauncey Simonds. He seems to be a candid witness, but his statements on this point are a little inconsistent. He says for these years he earned, respectively, $700 and $900, and to this he adds:

"'During these years Mr. Cole was confined to his house for several weeks by illness; in the year 1863 he was more or less disabled and laid up with rheumatism and neuralgia.'

"Valentine Zimmerman testifies that during these years the father was very ill, not expected to recover, and it is affiant's belief that his health the past twenty-three years prevented him to a greater or less extent from earning means of support.

"The inference is that there is a possible mistake in the computation of his earnings during those years, or else that his employer, from sympathy and kindness, and in view of the heavy tax on their home, was very liberal to him.

"Dr. Carlston, of Milwaukee, swears to have treated the father for fifteen years; has known him twenty, and that he has suffered from disqualifying ailments during all of this time.

"The witness Simonds, who employed him, speaking of his long absence from work, says, being a good man he was favored, and his place kept for him.

"The evidence amply substantiates the dependence of the mother. She is now seventy years old; not only dependent, but needy, and the committee regard her case as one in which it is not only proper, but the duty of the Government to extend the small relief she asks.

"The bill is reported favorably, with a recommendation that it do pass."

Present dependence having been accepted as good ground for special legislation in this class of cases by previous Congresses, your committee are of opinion that the relief asked for should be granted, and therefore report favorably on the accompanying bill and ask that it do pass.

Mr. STEELE. Mr. Chairman, I have no doubt that this is a meritorious bill, and that all of the bills reported to the House by this committee are meritorious; but I have waited here for eight years to have a bill reported from the Committee on Invalid Pensions that I have introduced. During the last six years the chairman of the Committee on Invalid Pensions, as I understand it—and if I am wrong I wish to be informed of the fact and will take it back—has had charge of the bills that I have introduced. Not one of them has been reported to this House either favorably or unfavorably.

Mr. MORSE. From Indiana?

Mr. STEELE. Yes, from Indiana. An inquiry addressed to many Republicans on this side of the House has developed the fact, from every one of them from whom I have heard, that not a single one of these bills has been reported, and every one has been placed in his hands.

I believe that this kind of legislation is wrong. The Committee on Military Affairs, of which I have the honor to be a member, has found in the investigation of its business a great many cases private in their nature, petitions for private relief, and instead of making a point on any given case we have reported general bills that now cover—or will when the bill now before the Senate passes—what we believe to be every meritorious case. Over six hundred bills have come to us at this session. We do not say that all of these are meritorious, but if they are meritorious the general law framed by us will provide a remedy for them, and the meritorious cases will be relieved. I believe that that should be the object of the Committee on Invalid Pensions.

Six years ago I introduced a bill asking that the soldier who went into the war alongside of his neighbor who was wounded, had an arm shot off for instance, while the first soldier served throughout the war and came out physically able to do the work that was necessary to maintain his family, but who after serving all through the war was poor and unable to get along on the wealth that was accumulated by his more fortunate neighbor who staid at home, but had to go to work, probably in a saw-mill, and the very first day he went there to work he accidentally falls and has his arm or leg sawed off, should have Government relief as well as the other. The soldier who was wounded in the first battle of the war, under the present law, is allowed to receive a pension from the date of his disability. His neighbor goes on and participates in twenty battles, serves to the end of the war, and comes out poor and dependent, and, as I have said, meets with some accident by which he is disabled, and becomes dependent upon his neighbors' help and the charity of the public, but receives no recognition from the Government because he did not happen to have his arm shot off in a battle during the war. Now, I believe that in such a case as that, a man who has served his country well and suffers such a misfortune, becoming disabled, is as much entitled to the care of the Government as one who had his arm or leg shot off or was otherwise disabled in the first battle of the war.

There is a bill now before that honorable committee looking to the care of such men. They have been sleeping on it now for four or six long weeks. Why do they not, instead of employing the four or five clerks they have on that committee on reports of these little private bills—why do they not take up that general bill and bring it before the House that we can vote upon it?

I believe every disabled soldier should be cared for. I believe further it would be a just measure to say to the soldiers and sailors of this country, "We will give you a pension according to the services you performed." That is not done.

I have sat here night after night while those gentlemen who were specially interested were asking for the passage of these private bills, and I have allowed them to go through. Meanwhile gentlemen shut their eyes and pay no attention to the necessity for general legislation, and I want to say to my colleague, who I may say is a very prominent candidate for the position of governor of my State, and the chances look favorably to his election——

A MEMBER. His nomination.

Mr. STEELE. Yes, his nomination. Thank God for the correction. [Laughter.] I want to say to my colleague that if he seeks to make his election sure, or if he wants to make it problematical even, he had better go into some of this general legislation.

I am not going to oppose this bill, but I tell you that in four weeks from now unless some general bills come from that committee, if there is not a quorum of this House present no private bill shall go through if my objection is strong enough to prevent it.

General legislation is what we want from this committee. Having said this much——

Mr. HENDERSON, of Illinois (in his seat). I waive all further objection. [Laughter].

Mr. STEELE. Yes; having said this much I waive all further objection.

Mr. MATSON. My colleague from Indiana is very much mistaken in several statements he has made. Some might be attributed to a lack of memory. He has undertaken to state the facts as to our experience

which has run together in this House for some seven years; and he says I have not reported any bills for him. The gentleman is mistaken about that. I think I can remind him of one case he pressed on my attention, only one. That was the case of a man who had had his arm shot off, William Boone by name. The bill passed the House and was vetoed by the President.

Mr. STEELE. Mr. Lowry's bill was taken up and mine left.

Mr. MATSON. While the bill of my colleague [Mr. STEELE] was the only bill pending I pressed it on the committee, and over my protest an adverse report was ordered in a previous Congress. I always believed that man was entitled to a pension. If the gentleman remembers having spoken to me with reference to bills of his which were in my hands I would be glad to have him remind me of the particular bill and give the circumstances. It ought to be known to every member of the House that with the number of bills in the hands of that committee it is impossible to report all of them. It is the rule—I will not say it is a rule without exception—not to report bills unless they are pressed by the members who introduced them. I think my colleague is well informed on that proposition.

That is the fact, as I understand, in relation to my colleague's bills. If he has any bills he desires to have pressed in the House and placed before the committee, and if he will come to me and state the case, I will say to my colleague if there is any shadow of ground on which a favorable report can be based he will have as much attention as any other gentleman has ever had. When he says his colleagues have informed him that their cases have not been reported, I beg to state to him that there are on the Calendar bills introduced by each one of his Republican colleagues, Mr. HOVEY, Mr. CHEADLE, and Mr. BROWNE. The first bill I reported in the last Congress was for General BROWNE. The first I reported in this Congress was in behalf of a person who lived in his district. Every one of those gentlemen has had his bills reported as impartially as any Democratic member of the House from Indiana.

Mr. STEELE. I stated every gentleman I had inquired of had so informed me. I alluded to Mr. OWEN, Mr. JOHNSTON, and Mr. WHITE.

Mr. MATSON. Mr. OWEN, I think, will bear me witness that I reported a bill for him this session, but adversely. It had no merit, and I could not report it any other way. I have tried to be as impartial as I could.

My colleague has spoken of the matter of general legislation, and says no general bills have been reported by the committee in this Congress. Mr. Chairman, we have reported a bill to increase the pension for deafness. We have reported a bill in relation to attorney's fees. We have reported a bill in relation to men wounded in battle who were enlisted in the militia force. Five different general bills have been reported.

Here is the Senate bill to pension men for disabilities not incurred in the service. That has been in our hands for about ten days; and during that time all the time the committee could devote to the consideration of that bill has been put in. The committee at its meeting to-day was occupied with the consideration of that bill. Important amendments have been made. The unanimous judgment of the committee was that some of the amendments were absolutely essential before the enactment of the law; and that if the bill had been enacted as the Senate provided there would have been a contradiction in terms that would have made it completely ineffective and inoperative.

The gentleman's complaint is not well founded. The Committee on Invalid Pensions is the hardest-worked committee in this House, and it has been quite as industrious as any member could demand that it should be. There has been no cessation of work. I repeat, the complaint of my colleague is not well founded. I apprehend that he perhaps belongs to the number of gentlemen who have come here to-night expecting to pass some particular bill—we know how that is; we know that we all have our preferences in reference to certain bills—and because he has not been able to reach it by an irregular operation, he has got a little miffed about it. If the gentleman wishes to disclaim it I yield to him for that purpose.

Mr. STEELE. If any gentleman, the chairman of the Committee on Invalid Pensions, or anybody else, will say that I have intimated that I want any particular bill passed, I will then say that I am mistaken. There is no bill that I know anything about on the Calendar; but I know that mine is not on the Calendar.

Mr. MATSON. Then, if the gentleman's bill is not on the Calendar, it is because he has never said a word to me about any bill.

Mr. STEELE. I supposed that introducing a bill in three Congresses in succession would entitle it to the attention of the committee without giving any special notice.

Mr. MATSON. Well, if the gentleman has been here so long and does not know that when a man has several hundred private bills on his hands he can hardly be expected to do justice to each particular bill within a limited time without having his attention called to it, he has been here to very little purpose.

Mr. STEELE. I supposed that when the bill had been introduced here for three successive Congresses that was sufficient evidence that there was a desire to have it taken up. I did not know that it was necessary to see the chairman or any member of the committee specially about it.

Mr. MATSON. I might retort upon my colleague in this way: I have introduced several bills which have been referred to the Committee on Military Affairs, of which he is a member, and none of them have ever been reported except one.

Mr. NUTTING. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. NUTTING. I would like to know what this discussion has to do with the subject before the House.

The CHAIRMAN. The gentleman's point of order may be very well taken as a matter of fact, but it is not in the power of the Chair to control the course of debate.

Mr. WHEELER. Mr. Chairman, I think it is a question of privilege. [Laughter.]

A MEMBER. Regular order.

Mr. WILLIAMS. I desire to ask the gentleman from Indiana, the chairman of the Committee on Invalid Pensions, a question.

Mr. STEELE. Mr. Chairman, so far as the Committee on Military Affairs is concerned, every bill that has been referred to me as a member of that committee has been reported.

Mr. NUTTING. Mr. Chairman, I desire to have my point of order decided. If I am right, I want to have it decided that I am right; if I am wrong, I want to have it decided that I am wrong. I say that it makes no difference whatever with reference to our business here to-night what the Military Committee has done or has failed to do. We are here for the purpose of considering the pension bills which are upon this Calendar, and not the action or non-action of any particular committee of this House about bills that are not on this Calendar.

Mr. WILLIAMS. I desire to ask the chairman of the Committee on Invalid Pensions a question.

The CHAIRMAN. Does the gentleman yield?

Mr. NUTTING. Mr. Chairman, I desire to have my point of order decided.

The CHAIRMAN. The Chair has decided that a gentleman when recognized has the right to discuss any proposition relating to pension questions. That has been the universal rule, so far as the Chair is advised, at these pension sessions. Of course, as to the propriety or impropriety, the expediency or inexpediency, of the discussion, the Chair must leave that to the judgment of members.

Mr. WILLIAMS. Mr. Chairman, I wish to ask the gentleman from Indiana [Mr. MATSON] a question.

Mr. FORD. Regular order, Mr. Chairman.

Mr. MATSON. Mr. Chairman, what I have said in reference to these matters has been said in response to the remarks of my colleague [Mr. STEELE]. I have no desire whatever to occupy the time in this way. I yield to the gentleman from Ohio [Mr. WILLIAMS] for a question.

Mr. WILLIAMS. I want to ask the chairman of the Committee on Invalid Pensions how many bills are now pending before that committee.

Mr. MATSON. I can not state definitely; but there are somewhere between three thousand and four thousand.

Mr. WILLIAMS. The old soldiers are getting somewhat impatient about these pension bills. I have no special remarks to make with regard to the diligence of the committee. I have no criticisms of that kind to offer. On the contrary, I believe they have been working hard, but the applicants for pensions can not conceive why it is that their bills are not acted upon, and for that reason I wanted to ask the gentleman this question, and get his answer into the RECORD, as some sort of excuse for the delay. I understand the gentleman to say there are between three thousand and four thousand bills pending before that committee.

Mr. MATSON. Yes. There have been between three hundred and four hundred reported, which is an average of about fifteen to each member of the committee. I know I have reported a large number myself, and I think every member of the committee has done his full share. I state the case very mildly when I say that between three hundred and four hundred have been reported.

Mr. GALLINGER. If the Chairman will permit me a remark, I think there are nearly two hundred general bills before the committee.

Mr. MATSON. About two hundred.

The CHAIRMAN. If there be no objection, this bill will be laid aside to be reported to the House with the recommendation that it do pass.

There was no objection, and it was so ordered.

BETSEY MANNSFIELD.

The next business on the Private Calendar was the bill (S. 809) granting a pension to Betsey Mannsfield.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Betsey Mannsfield, mother of Franklin J. Mannsfield, late a private in Company I of the Fifth Regiment of Wisconsin Volunteers.

The report (by Mr. SAWYER) was read, as follows:

The facts in the case are set forth in the report of Senate Committee on Pensions, which your committee desire to adopt as their own, in words as follows:

"The claimant is Betsey Mannsfield, mother of Franklin Mannsfield, a private in Company I, Fifth Wisconsin Infantry, who died at Fairfax, Va., November 14, 1861.

"From the evidence it appears that the soldier was a mere youth at the time of his enlistment; that he enlisted contrary to his father's wishes; that his death affected his father very seriously, and that he became and remained dissipated and reckless. It is also shown by the evidence that soon after his son's death he was seriously injured by a fall; that his mind was affected, wholly unfitting him for business or manual labor.

"The claim is rejected on the ground that he was the owner of considerable land, which was purchased at an early period, but it does not appear that it was productive or that much of it was improved. Immediately after his son's death he sold a horse belonging to the soldier, and which he had left at home. The price obtained was $50, and the money was used for their support. While felling timber, prior to 1861, he was struck on the head, and in addition to his other peculiarities he became deranged on the subject of religion and persisted in exciting discussions. It is affirmed by reputable witnesses that the net income in 1861 from his farm and shop did not exceed $150, and some years it was less.

"It is in evidence that prior to the son's enlistment the father was subject to temporary mental incapacity; that the claimant has earned her own living by toil and management. In 1883 their possessions were reduced to 40 acres, mortgaged to affiant, O. D. Bishop, for $600, two cows, and a pig. The father, years back, owned more land, but it had been sold from time to time to pay debts incurred in a reckless way and from which there was no escape. There is no contradictory evidence that is of any value, and it is apparent that the mother is very old, very needy; that she has bravely struggled to maintain herself, and that it is time she had relief.

"The bill is reported favorably with a recommendation that it do pass."

Concurring in the conclusions reached by the Senate committee, we respectfully return the accompanying bill and likewise ask that it do pass.

Mr. ALLEN, of Mississippi. Mr. Chairman, I listened with some interest to the complaints of the gentleman from Indiana [Mr. STEELE] here awhile ago about the neglect which the Committee on Invalid Pensions have shown towards the men who have lost their limbs in saw-mills. [Laughter.]

Now, Mr. Chairman, we have not got through with the regular Army crowd yet. It will be time enough to come to the saw-mill crowd when we get all those who have lost their arms or legs in the war fixed up. [Laughter.]

I do not think the gentleman from Indiana has any right to complain of anybody for neglecting to comply with his request about pension legislation here. He, sir, is the first and the only man in this House to whom I ever made application to help me with a pension case; and I have never heard of his raising his voice yet in behalf of that application, although he pretends to be one of my best friends, and, I believe, would be willing to see me elected governor of Mississippi. [Laughter.]

When I first came here, sir, I went to the gentleman from Indiana (and I heard him pressing the saw-mill question here then) and told him about one of my constituents who had lost an arm, not in the regular service it is true, but in a better service, I believe, than the saw-mill business; a man who, down in Mississippi, was performing on the night before the election the patriotic duty of firing the cannon to notify the colored people that we were going to have a fair election. [Laughter.] Now, Mr. Chairman, that has been two years ago; and although the gentleman gets angry here because the saw-mill people have never been taken care of, and although he has been pressing me, as a member of the Committee on Indian Affairs, to help him out with the Little Miamis down there in Indiana, yet who has ever heard him raise his voice here in behalf of that poor cripple down in Mississippi?

A MEMBER. The gun exploded?

Mr. ALLEN, of Mississippi. Yes, sir; the gun burst and blew off his arm.

Mr. STEELE. Let me interrupt you a minute. It was not the one-armed man you came to me about. Did you not state to me that a friend of yours who had been drafted was scared so badly that his health had been poorly ever since? [Laughter.]

Mr. ALLEN, of Mississippi. No, no; that was an Indiana man. [Renewed laughter.]

Mr. Chairman, if we could spare the chairman of the Committee on Invalid Pensions from this House (which we could not very well do), it would be very gratifying to us all to see him elected governor of Indiana.

But, sir, in all seriousness, is it not about time that we should cease to trade off the votes of this House and the money of the people of this country in political maneuverings to have people elected to any place? I do not think gentlemen ought to get up here and threaten members with what will be the result in elections if we do not come to time in certain pension legislation. Gentlemen ought not to get up on this floor and intimate, "If you come up all right on the subject of pensions, although your other politics may be bad, we might afford to elect you governor or Congressman, or something of that sort."

Now, if the gentleman from Indiana will just possess his soul in patience, let us pick up this Calendar and look to see whether the Committee on Invalid Pensions is doing its duty. Why, sir, as much interested as I am in this subject of pensions, I could get along with half the bills they are reporting here. [Laughter.]

The CHAIRMAN. If there be no objection, this bill will be laid aside to be reported to the House with the recommendation that it do pass.

There being no objection, it was ordered accordingly.

DELIA U. PECK.

The next business on the Calendar was the bill (S. 803) granting a pension to Delia U. Peck.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Delia U. Peck, widow of Thomas S. Peck, late private in Company (unassigned) of Twenty-second Regiment of Wisconsin Volunteers.

The report (by Mr. SAWYER) was read, as follows:

They are satisfied from an examination of the report of the Senate Committee on Pensions in this case, which they adopt as part of their report, that this is a meritorious case, and that when the Government by its strong arm, by means of the draft, forces a man into its service, after having had him examined by its own selected agents and pronounced sound and fit for military duty, ought to be estopped from subsequently claiming that any disability existed at the time he was forced into military service. They recommend the passage of the bill.

"[Senate Report No. 198, Fiftieth Congress, first session.]

"The Committee on Pensions, to whom was referred the bill (S. 803) granting a pension to Delia U. Peck, have examined the same, and report:

"The claimant is the widow of Thomas Peck. She filed her application in 1875. Her husband was a drafted private in the Twenty-second Wisconsin Infantry. He was drafted October 3, 1864; discharged May 17, 1865; died August 22, 1867. The widow's claim was rejected by the Pension Office, and also on appeal to the Secretary of the Interior. It is stated, and it appears to be a fact, that the man died from the internal discharge of an abscess. The ground of rejection is that the abscess existed before he was drafted; and, again, it is assumed that it originated after discharge.

"There is much that is contradictory and inconsistent in the decisions as compared with the facts. There have been several special examinations, in the report of one of which it is said:

"'The Government should not set up a claim of prior unsoundness, because the man did not palm himself off as sound to get in—he did not want to go in, but was taken against his will, was drafted, was examined by the Government's doctor and pronounced sound.'

"And the special examiner adds:

"'I believe the claim meritorious. The soldier went in sound, and was unsound when he was discharged, and remained so until he died.'

"The object appears to be to defeat the claim, first by assuming that the abscess existed before he was drafted, and then by claiming that it did not appear until after his discharge. In the opinion of the committee it is not material which of these two assumptions is the correct one. If the abscess existed when he was drafted, the Army doctors pronounced otherwise, put him at a soldier's hard duty, and precipitated a fatal ending. If it did not exist before he was drafted, it is inferably due to the service. The Government is too powerful an organization to resort to doubtful expedients to deprive a poor, suffering woman of a few dollars a month to keep her from the poorhouse.

"The bill is reported favorably with a recommendation that it do pass."

Mr. JOHNSTON, of Indiana. Mr. Chairman, I have no disposition to oppose this bill. I merely wish to say to my colleague [Mr. MATSON], the chairman of the Committee on Invalid Pensions, that I do not think he is right in taking the position that before bills shall be taken up by his committee the member who has introduced, perhaps, ten bills to pension ten different men, the cases being equally meritorious, shall come before the committee and select two or three of those bills and ask that they shall be acted on to the exclusion of the others. Bills which are introduced here ought to stand alike before that committee, and should be acted upon on their merits, without requiring Representatives here to select the case of this or that man, to the exclusion of others whose applications are perhaps equally meritorious.

Mr. SAWYER. Mr. Chairman, I desire to say a few words of explanation and self-vindication as a member of the Committee on Invalid Pensions. As an illustration of the manner in which bills are thrust before the faces of members of that committee, I want to mention one or two cases. A pension agent here in the city of Washington stuck under my nose three bills and asked me to get the papers in those cases and make a report upon them. I went to the gentleman who had introduced the bills and asked him whether he knew anything about those cases. He said he did not. I asked him whether he had ever examined the papers in those cases. He said he had not. I asked him whether he knew anything about the merits of those applications. He said he did not. Then I said to him: "If you will give me the number of any bill of yours which is in my hands as a member of that committee, I will send to the office and get the papers in that case; and at any time you may fix I will meet you in the committee-room, will sit down with you and examine the papers, and we will confer in regard to making a report. But," said I, "I give you notice now that I never will send for the papers in any case unless you have interest enough in it to call my attention to it.

Several MEMBERS. That is right.

Mr. SAWYER. This member had introduced those bills—there were several of them—upon the mere request of a pension agent here in the city of Washington, who comes to me and asks me to examine and report a bill when the man who has introduced it cares nothing for it, or at least does not care enough about it to inform himself as to whether there is any merit in the case.

In one instance, one of these pension agents not only called my attention to a bill which had been referred to me as a member of that committee, but he stuck under my nose the draught of a report which he or one of his clerks had prepared, and asked me to present it as the report of the committee. I want to say, as a member of the Committee on Invalid Pensions, that I am not the agent of any pension attorneys here in the city of Washington. They come to any one of the members of the House and request him to introduce their bill. The member knows nothing about it. He hands it to a page, and the page places it

in a box prepared for that purpose. He does not send for the papers, nor does he examine into the facts of the case.

Now, as one of the members of the Committee on Invalid Pensions, I will say that I have not time to do what ought to be done in reference to these cases by the members themselves. But I have been disposed to do the very best I could in complying with the requests of members. I have obliged one member in twenty-seven cases, two in seventeen each, one in twenty, and so on. It will be seen that if all the members were as prolific as those to whom I refer it would impose upon me the making of some two hundred reports.

I can not sit down and spend a week's time in examining a case when the member himself who introduced the bill does not attempt to know anything about the papers, nor does he seem to care anything about it. I am always willing to do what I can to oblige members in reference to bills which they may introduce when they are themselves disposed to sit down and give me the benefit of the knowledge they may have on the case they present.

There is no committee of this House which makes more reports on cases presented to it than this very Committee on Invalid Pensions. Every case presented to it with the papers is taken up and considered. But if there is any member upon the floor who thinks he can make more reports, I, for one, will be happy to resign my place to him and let him do it.

Mr. RANDALL. I do not think it is necessary for any member of the Committee on Invalid Pensions to stand up on the floor of this House and defend that committee. It is as well known to the members of the House as any fact can be that it is the hardest-worked committee in the House, and that its labor is of the most disinterested character, for it is uniformly in behalf of some individual who is not a resident of the district represented by the member of the committee to whom the case is referred.

I have had some experience in connection with pensions. I have appeared before the Committee on Invalid Pensions; and I do not think it is out of the way for any member when he introduces a bill to go to that committee and present the facts for the proper understanding of the case by the committee. I only rose to say I thought it altogether out of place for the members of that committee to defend themselves; they need no defense. [Applause.]

Mr. STEELE. I did not intend to say that the Committee on Invalid Pensions did not do a great deal of work. I know they do a great deal of work; and if I said anything to create any other impression, I take it back.

I merely meant to emphasize the fact that in my judgment we should have more general legislation, so as to avoid the necessity of having so many special bills coming here session after session.

So far as the introduction of bills by attorneys is concerned, I plead guilty to having introduced one bill presented to me by an attorney of this city. I did so after writing to the man whether he wished the bill to be introduced. I have had more than one hundred applications from attorneys asking me to introduce bills for them, but I have universally replied, with this one exception, that I was not an assistant attorney, and would only introduce bills for my constituents when they asked me to do so.

There was no objection, and the bill was laid aside to be reported to the House with the recommendation that it do pass.

IDA M. WELTON.

The next business on the Private Calendar was the bill (S. 1784) granting a pension to Ida M. Welton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ida M. Welton, only surviving child of George C. Welton, late a soldier in the Sixth Regiment Vermont Volunteers.

The amendment of the committee was read, as follows:

After the word "volunteer," in line 5, add the words "and pay her a pension of $18 per month."

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1784) granting a pension to Ida M. Welton, have had the same under consideration, and beg leave to submit the following report:

Accompanying the bill comes the report of the Senate Committee on Pensions thereon, which your committee take the privilege of adopting as their own.

[Senate Report No. 114, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the petition of Ida M. Welton, have examined the same, and report:

"A bill was reported at the last session of Congress for the relief of the petitioner, and passed a short time before its close. The following favorable report, which is adopted by the committee, accompanied the bill:

"'The petitioner is the only child of George C. Welton, who was a soldier in the Sixth Regiment of Vermont Volunteers in the late war. He died on the 25th day of December, 1865, leaving a widow and this child without any means of support. The widow drew a pension until the date of her remarriage, which was September 1, 1868, and $2 per month for her daughter until the latter was sixteen years of age. She is now twenty-nine years of age, and is in almost a totally helpless condition. Her affidavit and that of her physician and others are herewith appended, showing her condition.

"'Her step-father and mother are poor, and dependent upon their labor for their support.'

"Your committee think that this is a very worthy and just claim, and therefore report back the petition with an original bill.

"I, Ida M. Welton, of Groton, in the county of Caledonia and State of Vermont, on oath depose and say:

"That my father, George C. Welton, was a private soldier in the late war, Company C, Sixth Regiment Vermont Volunteers; he was discharged from the service March 31, A. D. 1863, and died December 25, A. D. 1865. I further say that I drew a pension from the time of my father's death till I was sixteen years old, and my mother drew a pension from the time of his death to the time of her remarriage, which was September 1, A. D. 1868.

"I further say that I am my father's only child, and was seven years old when he died, leaving me without means of support, except upon the daily labor of my mother. She subsequently married a poor man, upon whom I now rely for support. I was taken sick when I was sixteen years old, or the spring before I was sixteen, with scrofula. I kept gradually growing worse till six years ago, when I had the rheumatic fever, and have been unable to walk a step since, and have wholly lost the use of my fingers and elbows, and am unable to perform any labor for my support. Dr. Jackson, of Bane, Vt., prescribed for me, to whom the Pension Department is referred.

"I am now living with my step-father and mother, who is now fifty-four years old, and if she should be taken away I would be left wholly without a home, as I have no relatives on my father's side, and I can not even move from my chair without help.

"IDA M. WELTON.

"STATE OF VERMONT, *Caledonia County:*

"At Groton, this 20th day of November, A. D. 1886, personally appeared Ida Welton and subscribed the foregoing affidavit, and made oath that it contains the truth. I have no interest in the prosecution of this claim.

"Before me,

[SEAL.] "THOMAS B. HALL,
"*Notary Public.*"

"I, Seth N. Eastman, of Groton, in the County of Caledonia, and State of Vermont, on oath depose and say, that I am a regular practicing physician, and have been for the past seventeen years. Am Ida Welton's family physician; have known her all her life, and was well acquainted with her father; knew him before and after his enlistment. Said Ida Welton has been an invalid for the last ten or twelve years; her disease has been scrofula and rheumatism; has had two runs of inflammatory rheumatism, besides being in pain and distress with it most of the time. Has had ulcerations of the neck and axilla, and is at present very much out of shape from contractions and rigidity of the muscles in and around the affected parts.

"With the exception of the hip and shoulder joints, all the others are either anchylosed or entirely out of joint and useless. Fingers are in such a shape that she is unable to put on or take off her clothes or to hold the knife and fork steady, and it is with much difficulty that she feeds herself. Is totally unable to do any kind of work or to earn anything with which to support herself. She was left poor, and at present is without any means of support; but lives with her mother, who has, up to this time, taken care of her, but she is getting up in years and is also poor. If she should be taken away Miss Welton must go upon the town and become a pauper. She is a worthy person, and is in good standing in the church and respected by those who know her. I have no interest in this claim. My post-office address is Groton, Vt.

"SETH N. EASTMAN, M. D.

"Personally appears Seth N. Eastman, whom I believe to be worthy of belief, and made oath to the above affidavit. I have no interest in this claim.

"Before me,

"[SEAL.] THOMAS B. HALL,
"*Notary Public.*

"GROTON, VT., *November* 24, 1886."

"I, Manley Clark, of Groton, in the county of Caledonia and State of Vermont, on oath depose and say, that I am postmaster in the said town of Groton; I say that I knew George C. Welton, the father of Ida M. Welton, and knew that he was a soldier in the late war; I know he was a poor man and left no means of support for his daughter Ida to my knowledge; I further say that Ida M. Welton is at present living with her step-father, who is a poor man, and she relies upon him for support; I further say that I know that Ida M. Welton has been sick for a number of years and is helpless; to my knowledge, were it not for the home and support rendered Miss Ida M. Welton by her step-father she would be a subject of public charity.

"MANLEY CLARK, *Postmaster.*

"STATE OF VERMONT,
"*Caledonia County, ss:*

"At Groton, this 20th day of November, A. D. 1886, personally appeared the above-named Manley Clark, and made oath that the above affidavit by him subscribed contains the truth, and I say that I have no interest in the prosecution of this claim.

"Before me.

"[SEAL.] THOMAS B. HALL,
"*Notary Public.*"

"I hereby certify that I have known Miss Ida M. Welton for the last six years, during which time she has been an invalid, and for the last four or five years her recovery has seemed hopeless.

"For three years I was her pastor, and often saw her in extreme distress and great helplessness. I did not know her father, but have always understood that he was a poor man, and at his death left his family but little, if anything.

"Since I have known her Ida has lived with her step-father, Mr. Olney, and is dependent on him for support, and but for him must be a subject of public charity.

"Mr. Olney is also a poor man, having but little except what he gains by his daily labor.

"Any benefit which can be granted Miss Welton will, in my estimation, be most worthily bestowed.

"J. A. SHERBURN.

"PLAINFIELD, VT., *November* 16, 1886.

"J. A. Sherburn appeared before me this day and gave oath as to the correctness of the above statement.

"NATHANIEL C. LOMBARD,
"*Justice of the Peace.*

"STATE OF VERMONT,
"*Washington County Clerk's Office:*

"I, Melville E. Smilie, clerk of the said county and of the courts of record thereof, do hereby certify that Nathaniel C. Lombard, esq., whose name is subscribed, in his own proper handwriting, to the foregoing certificate, was at the date thereof an acting justice of the peace within and for the county aforesaid, dwelling therein, duly commissioned and qualified by the laws of the State to administer oaths for general purposes; to take depositions and acknowledgments of deeds and other written instruments; and that to his official acts and attestations full faith and credit are and ought to be given; that I am well acquainted with the handwriting of the said justice, and verily believe that the signature attached to the foregoing certificate is his genuine signature; and further, that the foregoing instrument is executed and acknowledged according to the laws of Vermont.

"In testimony whereof I have hereunto set my hand and affixed the seal of

the county court at Montpelier, in said county, this 24th day of November, A. D. 1886.

"[SEAL.] "MELVILLE E. SMILIE, *Clerk*.

"Rev. J. A. Sherburn was formerly a presiding elder of the Methodist Episcopal Church in Montpelier district of Vermont conference, and is now pastor of the Methodist Episcopal church at Plainfield, Vt. He is a man of high standing.

"GEORGE W. KENNEDY.

"The bill is reported with a recommendation that it do pass."

The case seems one of great merit, and following the established precedent in this class of cases, your committee likewise report favorably on the accompanying bill, and ask that it do pass; amended, however, by adding after the word "volunteer," in line 5, the words "and pay her a pension at the rate of $18 per month."

Mr. PETERS. I wish to take a moment, Mr. Chairman, to emphasize what has been brought out here to-night, and that is, that any soldier who writes to a pension agent in this city and asks that pension agent to present a bill to the member of Congress from his district for the purpose of having it introduced simply prejudices Congress against his bill. I wish to place that fact on record, so that soldiers, not only in my district, but throughout the United States may know that whenever they pay a dollar to a pension agent in the city of Washington to secure the passage of their bills they merely throw that much money away.

Mr. TAULBEE. Mr. Chairman, I think that is running the thing a little too far. I think it is quite well known to the soldiers throughout the country who apply for pensions that our laws recognize attorneys to prosecute such claims before the Pension Bureau, whether they live in Washington or elsewhere. I speak of the prosecution of claims before the Pension Bureau.

A MEMBER. Do not take up so much time.

Mr. TAULBEE. I think I have an hour. If members of Congress are willing that claimants should be prejudiced—if I understand the gentleman from Kansas [Mr. PETERS]—by the simple fact they have asked some attorney to prepare a bill and ask their member to present it for them, I think they do a great injustice to the claimant. If an attorney in Washington, in the neighborhood of where the claimant lives, has been instrumental in preparing a case for Congress or for the Pension Bureau, I do not think that is any good reason why any member of the House should vote against that bill if it has merit.

So far as the payment of fees to attorneys for the prosecution of pension claims before Congress is concerned, there is no law to authorize it that I know of; and if I knew of the existence of such a law I should be in favor of its immediate repeal. This House needs no attorneys to prosecute claims. If the attorney should make and file a brief, it does not facilitate the consideration of the claim.

But I see no good reason why a claim should be prejudiced because of the simple fact that a soldier has been in communication with an attorney in the prosecution of his claim before the House or the Department, and by reason of that fact is led into the belief that it would facilitate his case in Congress to ask the assistance of such an attorney; or that a member of the House ought therefore to oppose the bill, and vote against it, if, as I said before, it has real merit. I had intended to say this much on this point and no more.

Now, Mr. Chairman, in reference to the bill which has just been read, and the consideration of which we are about to enter upon, I desire to say that I am not in sympathy with that kind of legislation. I undertake to say it is a discrimination in favor of individual children of deceased soldiers that is not extended to their widows. We have a general law that gives to the widow of a soldier who lost his life in the service, or died as a consequence of it, a pension of $12 a month.

We rate their pensions arbitrarily, regardless of their physical or financial condition; and this bill is in the line of some other bills passed during this Congress. It undertakes to give to the children of the deceased soldier a greater pension than that given to the widows of soldiers under similar circumstances.

I believe it has been heretofore developed, in the discussion of these bills at the Friday evening sessions, that the Committee on Invalid Pensions have considered that this is fair and proper legislation. I would simply say, without intending to cast a reflection upon the committee, for I believe it is as fair, honest, and cautious a committee as could be organized, that if such is intended to be the course of legislation upon this subject, it should be made to give equal relief to all. And I think it quite appropriate, if this kind of legislation is to be carried out, to pass a general bill, authorizing the Commissioner of Pensions to place all such persons upon the roll at $18 a month. The children of all soldiers who died in the war, or as a consequence of their service, which children are now destitute of means of support and unable to labor, should have a pension of $18 a month if this character of legislation is to prevail.

Now, I think it is well known to all the members of the House that private pension bills are introduced only at the request of the claimants or their friends, when the attention of a member of Congress is called to the fact; and doubtless it will be conceded by all that throughout the whole country there are afflicted children of soldiers who properly come within the same line of legislation as this bill proposes, but who perhaps, in view of this precedent, may not hear of it for ten or twenty years.

They are in ignorance of the precedent the committee is now setting; and I say that because of their want of information in this direction they ought not to be discriminated against. Therefore it is rather in favor of that class that I make these suggestions than in opposition to this or any other bill.

These bills appeal to our sympathies very strongly; but I want whoever reported the bill to give us, if possible, some reason, if you please, why the widow of a soldier destitute of any other means than the pension she is receiving, and unable to labor for her own support and who is also helpless pecuniarily and physically—why she ought not to have a pension of $18 a month as well as the child of a deceased soldier who is entitled to a pension on the same ground.

Mr. SAWYER. Mr. Chairman, I made the report in this case, and I do not know that it is necessary that I should say a word. I do not wish to occupy the time of the House unless it is important to do so. I will, however, take the time of the committee to call attention to a single item of evidence contained in this case.

This soldier died, leaving a widow and this one child. Permit me now to describe the condition of that child, as appears from the evidence in this case, which is undisputed. This child drew a pension until she was sixteen years of age, and then, under our law, it was cut off. Dr. Eastman testifies:

I am Ida Welton's family physician; have known her all her life, and was well acquainted with her father; knew him before and after his enlistment. Said Ida Welton has been an invalid for the last ten or twelve years; her disease has been scrofula and rheumatism; has had two runs of inflammatory rheumatism, besides being in pain and distress with it most of the time. Has had ulceration of the glands of the neck and axilla, and is at present very much out of shape from contractions and rigidity of the muscles in and around the affected parts.

With the exception of the hip and shoulder joints, all the others are either anchylosed or entirely out of joint and useless. Fingers are in such a shape that she is unable to put on or take off her clothes or to hold the knife and fork steady, and it is with much difficulty that she feeds herself. Is totally unable to do any kind of work or to earn anything with which to support herself. She was left poor, and at present is without any means of support, but lives with her mother, who has, up to this time, taken care of her, but she is getting up in years and is also poor. If she should be taken away, Miss Welton must go upon the town and become a pauper. She is a worthy person, and is in good standing in the church and respected by those who know her.

Now, Mr. Chairman, it seems to me that in reference to the daughter and only child of a soldier who is in the condition described by that affidavit, lying upon her back perfectly helpless, a grateful country owes it to the memory of the soldier-father that the daughter should be provided for.

Mr. TAULBEE. I would like to ask the gentleman why it is that the committee has not provided for the granting of similar pensions to this to all children of soldiers under like conditions?

Mr. SAWYER. I can not answer except in this way: We have been trying—I have not had much experience in this House—but in the last House we did try, as the gentleman knows well, to secure some general legislation which would relieve the committee from much of this labor. We have a bill now pending on the Calendar of this House which will relieve the committee of one-half of this labor should it become a law, and I do not know why this has not been done before. All the evidence in this case of the poor unfortunate, bed-ridden daughter of a soldier appeals to the House of Representatives, representing the people of this country, for relief in her suffering. That is all I know, and I am in favor of answering her prayer.

Mr. MATSON. I will say, in reply to the gentleman from Kentucky [Mr. TAULBEE], that these bills apply to dependent insane and imbecile children over sixteen years of age, and there are not enough of them to justify making a general law. A general law would be subject to a good deal of abuse. All the relief necessary can be had by special legislation.

Mr. TAULBEE. I would like also, while the chairman of the committee is in that line, to have him answer, if he will, why it is there is not some provision had for grading the pensions of widows of soldiers who are afflicted. If we are to enter upon the theory of giving any relations of a soldier pensions in consequence of their affliction, then why discriminate against the widow of a soldier?

Mr. MATSON. I will answer the gentleman's question with pleasure and as briefly as possible. A widow of a soldier is pensioned according to the rank of her late husband. The widow of an enlisted soldier receives $12, of a second lieutenant $15, of a first lieutenant $18, and so on. The widow is pensioned because of her husband's death; it is on that account alone and not because of disability.

The $18 in this bill is an arbitrary rate fixed by the committee, and I remember why it was so fixed. Most of these cases, indeed I may say all of them, are those of children over sixteen years of age, invalids and afflicted by insanity, imbecility, etc., persons utterly unable to transact their own business and manage their own affairs. The $6 additional are put on to pay the expense of guardianship. I hope that explanation is satisfactory.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

ORDER OF BUSINESS.

Mr. ANDERSON, of Kansas. I desire to ask the chairman of the Committee on Invalid Pensions a question. It has been the usage for

several evenings, after the bills on the Calendar had been called in their order until nine or half-past nine, to permit members who were here to ask unanimous consent for the consideration of such bills as they might call up. Now, the inquiry I desire to make is this: Whether it is proposed that the opportunity of asking such unanimous consent shall not be allowed at any stage of the session, or whether this usage which has been followed heretofore may be continued?

Mr. MATSON. I will say to the gentleman from Kansas that the reason I objected to the irregular proceeding of calling up bills by unanimous consent is, first, because the officers of the House complain that that practice makes it very difficult for them to keep the record, and mistakes are more liable to follow in relation to the action of the House.

I regret my colleague on the committee, the gentleman from Kansas [Mr. MORRILL], is not present. I will state that it was agreed, at his suggestion, that on these evenings the committee itself would require the regular order to be followed, in order to obviate any complaints of gentlemen that they had not had bills called up. We agreed also that we would require the reports to be read. The gentleman from Kansas [Mr. MORRILL] and all the committee agreed to that.

More than that, it was the judgment of the committee that if twenty or twenty-five bills were considered in an evening that was fair work for one evening; that, on the other hand, when we came here and, if I may use the expression, railroaded bills through the House we were subjecting ourselves to criticism, and very just criticism.

That has been the action of the committee, not formally taken but agreed to all around; and I think we should adhere to that mode of conducting business. I believe it is better for the pensioners and better for the public service, and I do not think the House ought to subject itself to the criticism of passing these bills without proper consideration.

Mr. JOSEPH D. TAYLOR. I wish to ask the chairman of the Committee on Invalid Pensions a question.

The CHAIRMAN. The Chair will state that there is nothing before the committee; all this is proceeding by unanimous consent.

Mr. ANDERSON, of Kansas. I desire to ask the gentleman from Indiana another question.

Mr. KEAN. I call for the regular order.

FRANCES ANNE PYNE RICKETTS.

The Clerk read the title of the next pension bill on the Private Calendar, as follows:

A bill (S. 393) for the relief of Frances Anne Pyne Ricketts.

Mr. SAWYER. I have been directed by the Committee on Invalid Pensions to ask the House to have this bill referred back to the committee. I had no opportunity during the session of the House to-day to make that request. I now ask that this bill be reported back to the House with a recommendation that it be referred back to the committee. I understand the gentleman from Pennsylvania [Mr. RANDALL] desires to say something about it.

Mr. RANDALL. I dislike very much to make any suggestion contrary to the wish of the Committee on Invalid Pensions in relation to this matter, because I know the suggestion of the gentleman from New York [Mr. SAWYER] is of a friendly nature. But I think a word of explanation may obviate the purpose which the gentleman from New York has in view.

As early in the session as I was able to do so I introduced into this House a bill granting a pension to this lady. That bill went to the Committee on Invalid Pensions as soon as it was appointed, and in due course it came up and was fairly and fully considered. In the mean time a like bill had been introduced in the Senate by the Senator from New York [Mr. EVARTS].

That bill was passed by the Senate and came to this House. The Committee on Invalid Pensions of the House reported it back with an amendment reducing the amount. Subsequently I appeared before that committee and requested a rehearing of the case. The committee gave it a rehearing, and upon a review of the case the committee, acting on the bill which I had introduced, concurred with the substance of the Senate bill.

Now, if this bill is recommitted an injury will be done with reference to the priority of this claimant on the Calendar, and, in view of the concurrent action by the committees of the two Houses as to what should be done in the case, if this Senate bill should now be taken up and a motion made (I will make the motion) to non-concur in the first recommendation of the Committee on Invalid Pensions, the bill can be passed.

A MEMBER. We can vote that recommendation down.

Mr. MCMILLIN. The bill has not been read yet. It is not before the House.

Mr. SAWYER. So far as I am personally concerned, I have no objection to the course suggested by the gentleman from Pennsylvania [Mr. RANDALL]. I do not wish to delay the passage of the bill at all.

Mr. RANDALL. I would not object to the other course if this case could keep the place on the Calendar that it has now.

Mr. SAWYER. At the suggestion of the gentleman from Pennsylvania [Mr. RANDALL] I withdraw my request.

The CHAIRMAN. The Clerk will read the bill.

The bill was read. as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll of the United States the name of Frances Anne Pyne Ricketts, widow of James B. Ricketts, late a major-general in the United States Army, retired, and to pay her a pension of $100 per month, to take effect from and after the passage of this act, subject to the provisions and limitations of the pension laws.

The CHAIRMAN. The Chair would advise the committee that the report in this case is very long, so that it will not be possible to conclude the reading of it and get back into the House and pass the bills already disposed of by the committee by the hour fixed for adjournment—half past ten o'clock.

Mr. MATSON. I move that the committee now rise. So far as I can ascertain there is no pretense that Mrs. Ricketts is entitled to any pension at all. Her husband died retired, I believe. She is not pensionable.

Mr. RANDALL. She gets $30 a month now.

Mr. MATSON. She does?

Mr. RANDALL. Yes.

Mr. MATSON. This bill does not say so.

Mr. RANDALL. I know the fact, however.

Mr. MATSON. This bill proposes to put her on the pension-roll at $100 per month. I suggest that it be taken up the first thing at the next pension session. I think it is likely to produce some discussion.

Mr. RANDALL. I think not. The committees of both Houses have reported it favorably.

The question was taken on the motion that the committee rise; and the Chairman declared that the ayes seemed to have it.

A MEMBER. I call for a division.

Mr. RANDALL. If there is a persistent effort or a general desire to adjourn, I will not obstruct it. If there is any doubt in the mind of the gentleman [Mr. MATSON] as to whether this widow is on the pension-roll or not, inquiry will determine that.

Mr. MATSON. The Chair has stated that the report in this case can not be read and the pending bills passed within the time at our disposal this evening.

Mr. RANDALL. I do not wish to force this bill to-night.

The CHAIRMAN. A division was called for by a gentleman on the left. The question is on the motion that the committee do now rise.

Mr. PERKINS. If this bill is not passed can we not run on for fifteen minutes more?

Mr. MATSON. The Chair has stated that we can not finish by half past 10 o'clock.

Mr. PERKINS. That is, if we consider this bill.

A MEMBER. Regular order.

The question was taken on the motion that the committee rise; and it was rejected—ayes 12, noes 16.

The CHAIRMAN. The Clerk will read the report upon the pending bill.

The Clerk proceeded to read the report. After a portion of it had been read,

Mr. RANDALL. Mr. Chairman, in view of the hour fixed for adjournment, half past 10 o'clock, I fear the reading of this report in full at this time might delay a number of other pension cases, and I therefore move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and, Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole House had, according to order, had under consideration the pension bills on the Private Calendar, and had directed him to report to the House sundry bills, with various recommendations.

HOUSE BILLS PASSED.

House bills of the following titles, reported from the Committee of the Whole House without amendment, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 428) granting a pension to William B. Johnson;

A bill (H. R. 5118) granting a pension to Theodore Gardner;

A bill (H. R. 4104) granting a pension to Mahala Dexter;

A bill (H. R. 818) granting a pension to Sarah E. Pribble;

A bill (H. R. 6812) granting an increase of pension to Stephen Thurston;

A bill (H. R. 7856) granting a pension to Emma R. Johnson; and

A bill (H. R. 6759) granting a pension to Mary Robinson.

House bills of the following titles, reported from the Committee of the Whole House with amendments, were taken up, the amendments severally agreed to, the bills as amended ordered to be engrossed and read a third time; and being engrossed, they were respectively read the third time, and passed:

A bill (H. R. 6761) for the relief of James H. Orr; and

A bill (H. R. 3839) granting a pension to Mrs Hettie K. Painter.

SENATE BILLS PASSED.

Senate bills of the following titles, reported from the Committee of the Whole House without amendment, were severally ordered to a third reading, and were accordingly read the third time and passed:

A bill (S. 404) for the relief of Margaret S. Murray;

A bill (S. 854) granting a pension to Sarah E. Branson;

A bill (S. 1785) granting a pension to Stephen D. Redfield;

A bill (S. 550) granting a pension to William C. Wait;

A bill (S. 733) granting a pension to Abbie S. Hutchinson;

A bill (S. 815) granting a pension to Angerone P. Cole, mother of George H. Cole, private Company B, Twenty-fourth Regiment Wisconsin Volunteers;

A bill (S. 809) granting a pension to Betsey Mannsfield; and

A bill (S. 803) granting a pension to Delia U. Peck.

Senate bills of the following titles, reported from the Committee of the Whole House, with amendments, were taken up, the amendments agreed to, the bills as amended severally ordered to a third reading, read the third time, and passed:

A bill (S. 549) granting a pension to Hannah R. Langdon; and

A bill (S. 1784) granting a pension to Ida M. Welton.

JOHN GODSON.

The bill (H. R. 5246) granting a pension to John Godson (reported from the Committee of the Whole House with the recommendation that it lie upon the table) was laid upon the table.

Mr. MATSON moved to reconsider the various votes upon the disposition of bills reported from the Committee of the Whole House, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

An then, on motion of Mr. MATSON (at 10 o'clock and 15 minutes p. m.), the House adjourned.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred as indicated below:

By Mr. CAREY: A bill (H. R. 9031) granting a pension to Davis Foster—to the Committee on Invalid Pensions.

By Mr. CARUTH: A bill (H. R. 9032) to pension Margaret S. Fee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9033) for the relief of the estate of Michael Fellion, deceased—to the Committee on Claims.

By Mr. CHEADLE: A bill (H. R. 9034) granting a pension to Lydia A. Heiny—to the Committee on Invalid Pensions.

By Mr. DUNN: A bill (H. R. 9035) for the relief of W. W. Perry, administrator of E. E. Cooper—to the Committee on War Claims.

By Mr. HOWARD: A bill (H. R. 9036) granting a pension to Elizabeth Hollis—to the Committee on Invalid Pensions.

By Mr. NORWOOD: A bill (H. R. 9037) for the relief of Gordon J. Phillips—to the Committee on Invalid Pensions.

By Mr. OUTHWAITE: A bill (H. R. 9038) granting a pension to Lydia Ann Turner—to the Committee on Invalid Pensions.

By Mr. PHELAN: A bill (H. R. 9039) for the relief of William F. Gibson—to the Committee on War Claims.

By Mr. SEYMOUR: A bill (H. R. 9040) to confirm the homestead entry of Hugh Foster—to the Committee on the Public Lands.

By Mr. SMITH, of Arizona: A bill (H. R. 9041) for the relief of G. R. Montgomery—to the Committee on Claims.

Also, a bill (H. R. 9042) for the relief of Frederick Holbung—to the Committee on Claims.

By Mr. STONE, of Missouri: A bill (H. R. 9043) for the relief of Josiah McCary—to the Committee on Claims.

Also, a bill (H. R. 9044) for the relief of Mrs. W. C. Lucas—to the Committee on War Claims.

By Mr. STONE, of Kentucky: A bill (H. R. 9045) for the relief of Carr, Rogers & Co.—to the Committee on War Claims.

By Mr. TOWNSHEND: A bill (H. R. 9046) for the relief of William H. Blades—to the Committee on Naval Affairs.

By Mr. YOST: A bill (H. R. 9047) granting a pension to Mrs. Margaret Dunlap—to the Committee on Invalid Pensions.

Change in the reference of a bill improperly referred was made in the following case, namely:

A bill (H. R. 2468) for the relief of American Board of Commissioners for Foreign Missions, Rev. Worcester Willey, and Esther Smith—from the Committee on Foreign Affairs to the Committee on Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. L. ANDERSON: Memorial of L. Lippman and 242 others, citizens of Yazoo County, Mississippi, protesting against the taxing of refined lard, cotton-seed oil, or beef fat—to the Committee on Agriculture.

By Mr. BANKHEAD: Petition of U. L. Rudisill and 500 others, citizens of Birmingham, Ala., against the passage of the Butterworth lard bill—to the Committee on Agriculture.

By Mr. BARNES: Petition of citizens of Augusta, Ga., against the passage of the Butterworth and Dawes bills—to the Committee on Agriculture.

By Mr. BAYNE: Petition of workmen on Government building at Pittsburgh, Pa., for a law requiring contractors to pay their workmen every two weeks—to the Committee on Labor.

Also, petition of workmen of Allegheny County, Pennsylvania, in favor of the bills introduced by Mr. ROCKWELL and Mr. LODGE, regulating compensation of labor—to the Committee on Labor.

Also, resolution of Industrial Lodge of Amalgamated Association of Iron and Steel Workers of Allegheny, Pa., against reduction of the tariff—to the Committee on Ways and Means.

By Mr. BELMONT: Petition of citizens of College Point, N. Y., for increase of duty on rubber goods—to the Committee on Ways and Means.

By Mr. BLANCHARD: Petition of citizens of Caddo Parish, Louisiana, remonstrating against the passage of bills to prevent (so called) the adulteration of lard, etc.—to the Committee on Agriculture.

By Mr. BLOUNT: Petition of 206 citizens of Macon, Ga., against the passage of any bill proposing to tax refined lard—to the Committee on Agriculture.

Also, petition of 62 citizens of Macon, Ga., against the passage of the Butterworth and Dawes lard bills—to the Committee on Agriculture.

By Mr. T. J. CAMPBELL: Resolutions of the Legislature of New York, in favor of the passage of the bill to refund taxes to commercial agents—to the Committee on Commerce.

By Mr. CARUTH: Petition of Margaret S. Fee, for a pension—to the Committee on Invalid Pensions.

Also, protest of 183 citizens of Louisville, Ky., against the passage of the Butterworth and Dawes bills—to the Committee on Agriculture.

Also, petition of Eliza A. Hoffler, John Sebold, Elias Schaeffer, John Roque, David Standiford, Killian Sang, Leopold Fromhez, and Stanton W. Garr, of Jefferson County, Kentucky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. CLEMENTS: Petition of 152 citizens of Georgia, protesting against the passage of the bills known as the Butterworth and Dawes bills—to the Committee on Agriculture.

Also, petition of W. L. Connally, of Walker County; Wesley Rhodes, of Catoosa County; William D. Jones, of Floyd County; and L. E. Mayfield for Mary W. Carpenter, of Whitfield County, Georgia, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition of Richard Files and Isaac Blanton, of Walker County, Georgia, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. COLLINS: Papers in the pension claim of Margaret E. Foley—to the Committee on Invalid Pensions.

Also, petition and papers of Margaret E. Foley, daughter of John P. Foley—to the Committee on Invalid Pensions.

By Mr. CONGER: Papers to accompany House bill 157, for relief of Robert McNutt—to the Committee on Military Affairs.

By Mr. CRAIN: Memorial of the Texas Live Stock Association, protesting against the passage of the amended Palmer bill—to the Committee on Agriculture.

Also, protest from citizens of Corpus Christi, Tex., against the Butterworth and Dawes lard bills—to the Committee on Agriculture.

By Mr. CUTCHEON: Memorial of A. P. Frick, acting assistant surgeon, United States Army, in favor of House bill 5023—to the Committee on Military Affairs.

By Mr. DALZELL: Petition of green and colored glass bottle blowers and others, citizens of the United States, protesting against reduction of tariff on common and colored glass bottles—to the Committee on Ways and Means.

By Mr. A. C. DAVIDSON: Petitions against the passage of House bill No. 6138, to regulate the manufacture and sale of counterfeit compounded lard—to the Committee on Agriculture.

By Mr. DIBBLE: Petitions of 197 citizens of Charleston, S. C., protesting against taxing refined lard—to the Committee on Agriculture.

Also, petition of 104 mercantile firms of Charleston, S. C., as to legislation on lard, and against the Butterworth and Dawes lard bills—to the Committee on Agriculture.

By Mr. DUBOIS: Petition of Addie Hoyt, of Ida County, Territory of Idaho, for reference of his case to the Court of Claims—to the Committee on War Claims.

By Mr. ERMENTROUT: Petition of manufacturers of bone-black, urging that the duty on their product be not reduced—to the Committee on Ways and Means.

By Mr. FRENCH (by request): Petition of J. M. Vanbleck and other members of the faculty of Wesleyan University of Middletown, Conn., that classes of books be placed on the free-list—to the Committee on Ways and Means.

By Mr. GALLINGER: Petition of E. F. Folsom, of East Grafton, N. H., for rapid mail transit between New York and the West and New England—to the Committee on the Post-Office and Post-Roads.

By Mr. GROUT: Memorial of Acting Assistant Surgeon A. P. Frick, in behalf of House bill 5023, for the relief of acting assistant surgeons—to the Committee on Military Affairs.

By Mr. J. S. HENDERSON: Petition of G. A. Bingham & Co. and others, firms and citizens of Salisbury, N. C., in opposition to the Butterworth and Dawes bills, and against any taxation of cotton-seed oil—to the Committee on Agriculture.

By Mr. HITT: Memorial and affidavit of James M. Ryan, of Galena, Ill., relating to the testimony of W. G. Bartle before the Committee on Agriculture—to the Committee on Agriculture.

By Mr. S. T. HOPKINS: Petition of Local Assembly No. 4231, Knights of Labor, of Coxsackie, N. Y., in favor of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

Also, petition of District Assembly No. 186, Knights of Labor, of Rondout, and 405 citizens of Ulster County; of 263 citizens of High Falls; of 28 citizens of Catskill; of 155 citizens of Ulster County; and of 156 citizens of Ulster County, New York, praying that the duty on cement be not disturbed—to the Committee on Ways and Means.

By Mr. HOUK: Petition of Nicholas Lewis, Marcus L. Simpson, Henry McCall, William T. Smith, Oliver P. Stone, Elizabeth P. Boker, Ezekiel Holly, and estate of William Lord, of Knox County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition of Jeremiah Jaggers, of Hardin County, and William Tillett, of Jefferson County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. HOVEY (by request): Petition of Viele, Stockwell & Co. and 57 others, protesting against the passage of the Butterworth and Dawes lard bills—to the Committee on Agriculture.

By Mr. JACKSON: Petition of Council 140, Junior Order United American Mechanics, of Rochester, Pa., that February 22 be made a legal holiday—to the Committee on the Judiciary.

By Mr. KEAN: Petition of Local Assembly, No. 4337, of Elizabeth, N. J., for the passage of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

Also, petition of farmers of Union County, New Jersey, against any reduction of duties now imposed on imported agricultural products—to the Committee on Ways and Means.

By Mr. LANHAM: Petition of citizens of El Paso, Tex., against the Butterworth and Dawes lard bills, and in favor of cotton-seed oil—to the Committee on Agriculture.

By Mr. LEE (by request): Petition of Mrs. F. M. Humphrey and other heirs of Mrs. E. B. Hord, of Fauquier County, Virginia, for reference of their claim to the Court of Claims—to the Committee on War Claims.

By Mr. McRAE: Petition of 98 citizens of Texarkana, Ark., protesting against branding or taxing food products—to the Committee on Agriculture.

By Mr. MOORE: Petition of Carey Shaw and 184 others, and of H. Pfaefflin and 183 others, against any bill taxing lard mixed with cotton-seed oil—to the Committee on Agriculture.

By Mr. MORGAN: Petition of E. C. Foster, heir of John Foster, of La Fayette County, and of B. W. Borus and others, heirs of R. E. Lee, of Tallahatchie County, Mississippi, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. NELSON: Petition of the board of railroad commissioners of Minnesota, in relation to a uniform car-coupler—to the Committee on Commerce.

By Mr. OUTHWAITE: Petition of certain wool-growers in favor of restoration of the duties of 1867—to the Committee on Ways and Means.

By Mr. PATTON: Petition of Progress Grange, Pennsylvania, in favor of an agricultural department—to the Committee on Agriculture.

Also, petition of the same, in favor of reduction in postage on seeds, bulbs, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. PENINGTON: Petition for the improvement of Mispillion Creek, Delaware—to the Committee on Rivers and Harbors.

Also, memorial of third and fourth class postmasters, for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. PETERS: Petition of Hon. C. Reed and hundreds of others, citizens of Wichita, Kans., favoring the passage of the Oklahoma bill—to the Committee on the Territories.

By Mr. PHELAN: Petition of Paul T. Jones, of Hardeman County, and of heir of C. M. Swift, of Fayette County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. RICE: Resolution of Typographical Union, No. 42, of Minneapolis, Minn., for restoration of wages of printers in the Government Printing Office to the rates paid prior to March 3, 1887—to the Committee on Labor.

By Mr. ROGERS: Five petitions of citizens of Arkansas, protesting against taxing cotton-seed oil—to the Committee on Agriculture.

By Mr. RYAN: Petition of J. K. McLean, late postmaster at Florence, Kans., for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. SEYMOUR: Petition C. H. Palmer and 24 others, relating to the more effectual protection of agriculture—to the Committee on Ways and Means.

By Mr. STAHLNECKER: Petition of the common council of New York City, favoring the Harlem River improvement—to the Committee on Rivers and Harbors.

Also, resolutions of the Legislature of New York, favoring refunding the commercial agent's tax—to the Committee on Claims.

Also, resolutions of the Trades Assembly of Western Pennsylvania, favoring House bill 5664—to the Committee on the Post-Office and Post-Roads.

By Mr. STEELE: Memorial of A. P. Frick, acting assistant surgeon, United States Army, asking for the passage of House bill 5023, for the relief of his corps—to the Committee on Military Affairs.

By Mr. STONE, of Missouri: Papers to accompany bill for the relief of Josiah McCreary—to the Committee on Claims.

Also, affidavit of P. E. Sullivan to accompany bill for the relief of Mrs. M. C. Lucas—to the Committee on War Claims.

By Mr. TILLMAN: Petition of sundry citizens of Barnwell, S. C., against taxing lard—to the Committee on Agriculture.

By Mr. VOORHEES: Petition of 13 citizens of Washington Territory, and of the collector of the Puget Sound customs district, and 26 citizens of Washington Territory, for increase in the salary of keepers of the Life-Saving Service—to the Committee on Commerce.

Also, petition of 89 citizens of Washington Territory, praying for the protection of the wool interests of the United States—to the Committee on Ways and Means.

By Mr. WASHINGTON: Petition of 132 citizens of Nashville, Tenn., against the adulterated-lard bill—to the Committee on Agriculture.

Also, petition of the Tennessee Bar Association, for increased salaries to United States district judges—to the Committee on the Judiciary.

By Mr. J. B. WHITE: Petition of merchants of Fort Wayne, Ind., against change in the tariff on flaxseed—to the Committee on Ways and Means.

Also, petition of the Knights of Labor of the Twelfth district of Indiana in regard to the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. WHITTHORNE: Petition of E. H. Wilkes, of Maury County, Tennessee, for relief—to the Committee on War Claims.

By Mr. WISE: Two petitions of citizens of Virginia in relation to lard—to the Committee on Agriculture.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. J. R. BROWN: Of James W. Guthrie and others, citizens of Naff's, Franklin County, Virginia.

By Mr. J. S. HENDERSON: Of T. L. Jennings and 27 others, of Iredell County, North Carolina.

By Mr. HERMANN: Of citizens of Grass Valley, and of Macleay, Oregon.

The following petitions, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, were severally referred to the Committee on Invalid Pensions:

By Mr. BELDEN: Of F. M. Niles and 14 others, of Geddes, and of Frederick Oliver and 37 others, of Syracuse, N. Y., ex-Union soldiers.

By Mr. BELMONT: Of ex-soldiers of Orient, of Shelter Island, of Riverhead, and of Southold, Suffolk County; of Richmond County, and of Greenport, N. Y.

By Mr. FULLER: Of Ed. A. Kreamer and 12 ex-soldiers, and of B. W. Finch and 49 ex-soldiers and citizens of Fayette County, Iowa.

Also, of 250 veteran soldiers of Buchanan County, and of Abernethy Post, No. 48, Grand Army of the Republic of Iowa.

By Mr. NUTTING: Of S. M. Olmstead Post, No. 387, Grand Army of the Republic of Oswego County, and of A. S. Barker and 111 others, citizens of Oswego County, New York.

By Mr. E. B. TAYLOR: Of citizens of Ashtabula County, Ohio.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. JEHU BAKER: Of Mrs. H. Angie Weir, H. E. Fuller, M. D., and others, of Belleville, Ill.

By Mr. CASWELL: Of the Woman's Christian Temperance Union of Rock County, Wisconsin.

By Mr. DE LANO: Of the Woman's Christian Temperance Union of Owego, Tioga County, New York.

By Mr. HALL: Of 261 citizens of Butler County, Pennsylvania.

By Mr. PATTON: Of 93 citizens of Mifflin County, Pennsylvania.

The following petitions, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the

District of Columbia, were severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. ARNOLD: Of 67 citizens of the Second district of Rhode Island.

By Mr. BACON (by request): Of 58 citizens of the Fifteenth district of New York.

By Mr. BROWER: Of 81 citizens of the Fifth district of North Carolina.

By Mr. J. E. CAMPBELL: Of 69 citizens of the Seventh district of Ohio.

By Mr. CUTCHEON: Of 78 citizens of the Ninth district of Michigan.

By Mr. DAVIS: Of 58 citizens of the First district of Massachusetts.

By Mr. GALLINGER: Of 118 citizens of the Second district of New Hampshire.

By Mr. S. T. HOPKINS: Of 67 citizens of the Seventeenth district of New York.

By Mr. JOSEPH: Of 80 citizens of New Mexico.

By Mr. KETCHAM: Of 53 citizens of the Sixteenth district of New York.

By Mr. LODGE: Of Frank S. Adams and others, of Reading, Mass.

By Mr. PARKER: Of 78 citizens of the Twenty-second district of New York.

By Mr. RICE: Of 54 citizens of the Fourth district of Minnesota.

By Mr. J. E. RUSSELL: Of citizens of the Tenth district of Massachusetts.

By Mr. SAWYER: Of 134 citizens of the Thirty-first district of New York.

By Mr. SCULL: Of 101 citizens of the Seventeenth district of Pennsylvania.

By Mr. STONE, of Missouri: Of J. B. Carrico and 77 others, citizens of the Twelfth district of Missouri.

By Mr. VOORHEES: Of 82 citizens of Washington Territory.

By Mr. YARDLEY: Of 69 citizens of the Seventh District of Pennsylvania.

SENATE.

SATURDAY, *March* 31, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Thursday last was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of State, transmitting correspondence and reports relative to the purchase of historical documents; which, with the accompanying papers, was referred to the Committee on the Library, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of citizens and voters of the town of Upper Sandusky, Wyandot County, Ohio, praying that the work of the eradication of pleuro-pneumonia may be continued under the Bureau of Animal Industry as at present organized, and that it be allowed to remain in the Department of Agriculture, with a chief at its head who shall be a competent veterinary surgeon; which was ordered to lie on the table.

He also presented the petition of Stewart Sanderson, of Shelby, N. Y., praying that an appropriation be made for the construction of steel rams for the purpose of coast defense; which was referred to the Committee on Coast Defenses.

Mr. WALTHALL. I present a petition of the house of representatives of the State of Mississippi, praying Congress to assist the State board of health in establishing inspective quarantine service on Ship Island. As the petition relates to the disposition of public buildings, I move that it be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. WALTHALL presented a petition of the house of representatives of the Legislature of Mississippi, praying Congress to pass an act placing the naval reserve lands of the United States Government situated in Harrison County, in that State, on the market; which was referred to the Committee on Public Lands.

He also presented a petition of the house of representatives of the Legislature of Mississippi, praying for confirmation of titles to certain lands donated to that State by act of Congress passed September 28, 1850; which was referred to the Committee on Public Lands.

Mr. COCKRELL. I present a resolution adopted by the Medico-Chirurgical Society of St. Louis, Mo., urging upon Congress the propriety of the passage of a bill to provide suitable maritime protection for the whole country under the supervision of officers of the General Government, the necessary expenses to be defrayed from the national Treasury. I move that the petition be referred to the Committee on Epidemic Diseases.

The PRESIDENT *pro tempore*. A similar petition was just referred to the Committee on Public Buildings and Grounds.

Mr. HARRIS. The petition presented by the Senator from Mississippi [Mr. WALTHALL] was simply a request that certain buildings which belong to the United States be turned over to the State for inspection purposes. As I understand, the petition presented by the Senator from Missouri looks to the establishment or regulation of quarantine.

Mr. COCKRELL. That is it; and it should go to the Committee on Epidemic Diseases.

Mr. HARRIS. This petition should go to the Committee on Epidemic Diseases, while the other was properly referred to the Committee on Public Buildings and Grounds.

The PRESIDENT *pro tempore*. The petition will be so referred.

Mr. COCKRELL. I present a resolution adopted by the Medico-Chirurgical Society of St. Louis, Mo., urging upon Congress, in the event of the passage of a bill modifying the tariff, that the import duty be removed from all medicines, medical and surgical appliances, and from everything used in the treatment and diagnosis of disease in a full proportion, with a view to its future complete removal. I move the reference of the resolution to the Committee on Finance.

The motion was agreed to.

Mr. COCKRELL presented the petition of W. M. Haynes and 8 other male citizens of St. Louis, Mo., praying for better legal protection for women and girls within the territorial, admiralty, and maritime jurisdiction of the United States; which was referred to the Committee on the Judiciary.

Mr. MORRILL presented the petition of Lucius D. Savage and 11 other citizens of the county of Washington, Vermont, praying that Senate bill No. 548, granting pensions to widows and minor children of pensioners, may receive favorable action by the Senate; which was referred to the Committee on Pensions.

Mr. WILSON, of Iowa, presented a petition of the State board of railroad commissioners of the State of Iowa, in favor of action by Congress to have the Interstate Commerce Commission investigate and report to Congress conclusions arrived at in respect of what may be done to promote the safety of railroad employés, the proper heating of passenger cars, etc.; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Abernethy Post, No. 48, Grand Army of the Republic, of West Union, Iowa, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of Typographical Union, No. 68, of Keokuk, Iowa, praying for the passage of an international copyright law; which was ordered to lie on the table.

Mr. FARWELL presented a petition of citizens of Christian County, Illinois, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr, HOAR presented a petition of James M. Davis, Byron B. Floyd, George W. Wentworth, and 54 others, ex-Union soldiers and sailors, citizens of Haverhill, Mass., praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. HOAR. I present the petition of the Icelandic Educational Society, of Winnipeg, Dominion of Canada, praying for an appropriation by Congress for the thorough examination of the records in the Vatican and other Roman libraries of the discovery of America by the Icelanders, and also for a public recognition of Leif Ericsson as the first discoverer and colonist of America, according to the plan for a Viking Hall heretofore presented. I suppose that the petition should go to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Chair thinks the petition can not be received under the rule, it being from citizens or subjects of a foreign power.

Mr. HOAR. I supposed there was no human being from whom the Senate would not receive a respectful petition.

Mr. HARRIS. I think the express rule is that unless such a petition is communicated by the State Department or the President, it can not be received.

The PRESIDENT *pro tempore*. The Secretary will read the fourth clause of Rule VII.

The Chief Clerk read as follows:

> But no petition or memorial or other paper signed by citizens or subjects of a foreign power shall be received, unless the same be transmitted to the Senate by the President.

Mr. HOAR. I had forgotten that rule for the moment.

Mr. MANDERSON presented a petition numerously signed by exprisoners of war, citizens of Owen County, Indiana, praying for the passage of what is known as the prisoners-of-war pension bill; which was referred to the Committee on Pensions.

He also presented a petition numerously signed by citizens of Putnam County, Indiana, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Thomas County, Nebraska, praying for the establishment of United States courts at North Platte, Nebr.; which was referred to the Committee on the Judiciary.

Mr. SABIN presented the petition of Robert W. Simmons, late corporal in Company B, Second Regiment Pennsylvania Provisional Heavy Artillery, praying to be allowed an increase of pension; which was referred to the Committee on Pensions.

Mr. SHERMAN presented a petition of Junction Lodge No. 6, of

the Amalgamated Iron and Steel Workers of the United States, of Steubenville, Ohio, and a petition of Hubbard Lodge No. 9, of the Amalgamated Iron and Steel Workers of the United States, favoring a protective-tariff policy; which were referred to the Committee on Finance.

Mr. WILSON, of Maryland. I present the petition of George M. Upshur and 36 other members of the Maryland Legislature, praying for the continuance of the work of eradicating pleuro-pneumonia under the Bureau of Animal Industry, as now organized, by strengthening and not changing the present plan of operation, keeping such bureau in the Department of Agriculture, under a competent veterinary surgeon as chief, with no control of any board or commission over such bureau or its work. I also present two other petitions of a similar character, one from citizens of Carroll County, and another from citizens of Frederick County, in the State of Maryland. I move that the petitions lie on the table, as the bill on that subject has been reported and is on the Calendar.

The motion was agreed to.

Mr. BLACKBURN presented a petition of citizens of Eden, Martin County, Kentucky; a petition of citizens of America, Lee County, Kentucky, and a petition of citizens of Ballard County, Kentucky, praying that the work of the eradication of pleuro-pneumonia may be continued under the Bureau of Animal Industry as at present organized, and that the bureau may be allowed to remain in the Department of Agriculture, with a chief who shall be a competent veterinary surgeon; which were ordered to lie on the table.

Mr. CHACE presented petitions of citizens of Macon and Savannah, in the State of Georgia, praying for the passage of an international copyright law; which were ordered to lie on the table.

Mr. PLATT presented the petition of T. F. Bean and others, citizens of the District of Columbia, calling attention to the law as it exists in the District of Columbia relating to lunacy, and praying for legislation in relation thereto; which was referred to the Committee on the District of Columbia.

Mr. STANFORD presented a petition of the American Forestry Congress and other citizens of Auburn, Placer County, California, praying for the passage of additional laws for the preservation of forests on the public lands; which was referred to the Committee on Agriculture and Forestry.

Mr. FAULKNER presented the petition of Emery P. Myers and 18 other ex-Union soldiers, citizens of the State of West Virginia, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. MITCHELL presented a petition of citizens of Polk County, Oregon, praying that the work of the eradication of pleuro-pneumonia among cattle shall be continued under the Bureau of Animal Industry as at present organized; which was ordered to lie on the table.

Mr. HAWLEY presented a petition of members of the faculty of the Wesleyan University, of Middletown, Conn., praying that certain books therein enumerated may be imported free of duty; which was referred to the Committee on Finance.

Mr. BATE presented the petition of the Tennessee Bar Association, praying that increased compensation be allowed United States district judges; which was referred to the Committee on the Judiciary.

Mr. BATE. I present the petition of James W. Bowman, a citizen of Henderson County, Tennessee, praying for the passage of the bill granting him a pension, which I ask be placed on file with the papers accompanying the bill for his relief, the bill having been reported and being now on the Calendar.

The PRESIDENT *pro tempore*. It will be so ordered.

Mr. HISCOCK presented a petition of 450 ex-Union veterans, citizens of the State of New York, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. HOAR presented resolutions of the Legislature of Massachusetts; which were read, as follows:

Resolutions relating to freight-car and steam couplers and to freight-train brakes.

COMMONWEALTH OF MASSACHUSETTS, *In the year* 1888.

Resolved by the senate and house of representatives in General Court assembled:

Whereas thousands of railroad employés every year are killed or injured in coupling or uncoupling and in handling the brakes on freight cars used in interstate traffic, and most of these accidents can be avoided by the use of uniform automatic couplers and train brakes; and

Whereas the success and the growth of the system of heating cars by steam from the locomotive or other single source largely depends on the adoption in interstate traffic of an uniform steam coupler; and

Whereas these subjects are believed to be of pressing importance and within the proper scope of the powers of the Congress of the United States, while attempts on the part of the individual States to deal with them have resulted and must continue to result in conflicting regulations:

Resolved, That the senate and the house of representatives of the Commonwealth of Massachusetts in General Court assembled do most respectfully and earnestly urge upon Congress a consideration of the foregoing subjects with a view to the passage of a resolution instructing the Interstate Commerce Commission to consider what can be done to prevent the loss of life and limb in coupling and uncoupling freight cars used in interstate commerce, and in handling the brakes of such cars, and in what way the growth of the system of heating passenger cars from the locomotive or other single source can be promoted, to the end that said commission may make recommendations in the premises to the various railroads within its jurisdiction, and report its doings to Congress at an early date, with suggestions as to legislation on said subject as may seem to it necessary or expedient.

Resolved, That a copy of these resolutions be transmitted to the Congress of the United States and to each of our Senators and Representatives therein.

SENATE, *March* 22, 1888.

Adopted.
Sent down for concurrence.

E. HERBERT CLAPP, *Clerk.*

HOUSE OF REPRESENTATIVES, *March* 27, 1888.

Adopted in concurrence.

EDWARD A. McLAUGHLIN, *Clerk.*

A true copy.
Attest:

E. HERBERT CLAPP, *Clerk of the Senate.*

Mr. HOAR. I move that the resolutions be referred to the Committee on Interstate Commerce, and I ask the consent of the Senate to make one or two observations in regard to them.

These resolutions have been adopted by the Legislature of the Commonwealth of Massachusetts on the urgent recommendation of the railroad commissioners of that State, who compose the first board of the kind, I think, ever appointed in this country, and which board consists of gentlemen of very high authority and great experience in regard to all railroad matters. They called my attention to the subject some weeks ago and informed me that these resolutions would be here in due time.

The number of employés of railroads who are injured or killed on the railroads in this country in handling freight trains amounts to thousands every year; and the danger from the somewhat unmanageable trains of freight cars, especially in coupling and uncoupling them, is a very serious peril to life and limb.

The railroad commissioners of Massachusetts endeavored to establish some regulations for the government of the railroads of that State which would be sufficient to almost wholly remove this very great danger, but they found themselves embarrassed by the question of jurisdiction. Under the recent decisions of the Supreme Court it is quite obvious that they could make no regulation which would be applicable to railroads engaged in interstate commerce and apply certainly to trains conveying merchandise from State to State.

It becomes necessary, therefore, to have national action upon the subject, and the railroad commissioners of Massachusetts, with the concurrence and assent of the similar authorities of quite a number of other States of the Union, have desired that the Interstate Commerce Commission might be clothed with authority to deal with the subject and to establish suitable regulations.

The PRESIDENT *pro tempore*. The memorial will be referred to the Committee on Interstate Commerce.

Mr. BROWN presented the petition of the committee for philanthropic labor of the New York Yearly Meeting of the Religious Society of Friends, praying for the initiation and adoption of measures looking to the establishment, in conjunction with other nationalities, through treaty stipulations, of a permanent court of international arbitration for the amicable adjustment of the differences which may arise between our own and other countries; which was referred to the Committee on Foreign Relations.

He also presented the petition of the Cultivator Publishing Company, of Atlanta, Ga., praying for the passage of what is known as the fractional silver-certificate bill; which was referred to the Committee on Finance.

Mr. REAGAN presented a petition of 32 citizens of Mount Carmel, Tex., praying an increase of compensation for third and fourth class postmasters; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. EVARTS presented a concurrent resolution of the senate and assembly of the State of New York, urging the passage of the bill to refund to merchants and commercial agents the taxes exacted under certain legislation in 1871, by the local authorities of the District of Columbia, imposing a license tax upon commercial agents, which law was on May 9, 1887, declared by the supreme court of the District of Columbia beyond the bounds of any authority delegated to the District of Columbia by Congress; which was referred to the Committee on the District of Columbia.

He also presented a petition of the common council of the city of New York, requesting that the Congress of the United States appropriate the sum of $2,300,000, to be expended by the Secretary of War, for the improvement of Harlem River and Spuyten Duyvil Creek, in accordance with the plans and upon the route already approved and acquired therefor; which was referred to the Committee on Commerce.

He also presented a petition of 74 ex-Union soldiers and sailors, citizens of Walton, N. Y.; a petition of 11 ex-Union soldiers and sailors, citizens of Auburn, Cayuga County, New York; a petition of 16 ex-Union soldiers and sailors, citizens of East Homer, N. Y.; and a petition of 440 ex-Union soldiers and sailors, citizens of Albion, Orleans County, New York, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented a memorial of the Arkwright Club, of Boston, Mass., urging the passage of the bill (H. R. 1527) to make bills of lading conclusive evidence in certain cases; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. WILSON, of Maryland, from the Committee on Claims, to whom

was referred the bill (S. 1171) for the relief of the legal representatives of George McDougall, deceased, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 499) for the relief of William H. Crook, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. PLATT, from the Committee on Patents, to whom was referred the bill (S. 2501) for the relief of William M. Bryant, reported it without amendment.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (H. R. 6887) for the relief of Henry Brock, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the petition of Ernest Hodder, praying that his claim for pay be referred to the Court of Claims, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (S. 1426) for the relief of William H. Young, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 1323) to confer brevet promotion on officers of the United States Army particularly distinguished by heroic action in Indian warfare, and for other purposes, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2028) to authorize the President to confer brevet rank on officers of the Army for gallant services in Indian campaigns, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2021) to brevet officers of the Army on the active and retired lists, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. EVARTS, from the Committee on the Library reported a bill (S. 2564) authorizing and directing the Secretary of War to purchase from Miss Virginia Taylor Lewis a sword of Washington; which was read twice by its title.

Mr. BLAIR, from the Committee on Education and Labor, to whom was referred the bill (H. R. 1645) to limit the hours that letter-carriers in cities shall be employed per day, reported it with an amendment.

EXPENSES OF SENATE INVESTIGATIONS.

Mr. ALLISON. I am authorized by the Committee on Appropriations to report a bill appropriating $20,000 for expenses of special and select committees of the Senate, and I ask unanimous consent that it may be now considered.

The bill (S. 2550) appropriating $20,000 for expenses of special and select committees of the Senate was read twice, and considered as in Committee of the Whole.

Mr. ALLISON. If I may be permitted to say a word, I will state that there are four or five committees of the Senate now making investigations, and the appropriation for that purpose is almost entirely exhausted, or within a few dollars, which makes it necessary that this appriation should be made or that the investigations should not proceed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC-BUILDING EXPENDITURES.

Mr. STANFORD, from the Committee on Public Buildings and Grounds, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to furnish the Senate with a statement of appropriations and expenditures for public buildings from March 4, 1885, to the present time.

BILLS INTRODUCED.

Mr. DANIEL introduced a bill (S. 2551) to amend section 993 of the Revised Statutes of the United States for the District of Columbia so as to make inauguration day a holiday within said District; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PADDOCK (by request) introduced a bill (S. 2552) relating to postmasters at Presidential offices; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. WILSON, of Maryland (by request), introduced a bill (S. 2553) to incorporate the Washington and Western Maryland Railroad Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2554) for the relief of the heirs of Lieut. Commander Wilson McGunnigle, United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. SHERMAN introduced a bill (S. 2555) for the relief of James J. Johnston; which was read twice by its title, and referred to the Committee on Patents.

Mr. MANDERSON introduced a bill (S. 2556) for the relief of Charles B. Newton; which was read twice by its title.

Mr. MANDERSON. I am somewhat at a loss to know to what committee the bill should be referred. It proposes to reimburse Charles B. Newton, a boy nineteen years old, who was arrested on the charge of being a deserter from the Army of the United States, who was kept in confinement and very grossly abused and maltreated. It is a case of mistaken identity. Whether it should go to the Committee on the Judiciary, the Committee on Claims, or the Committee on Military Affairs, I am somewhat at a loss to know. I should like to get some suggestion from the Chair.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Military Affairs, if there be no objection.

Mr. VOORHEES (by request) introduced a bill (S. 2557) authorizing the issue of specie certificates, redeemable half in gold coin and half in silver bullion equal in value to the gold half; which was read twice by its title, and referred to the Committee on Finance.

Mr. DANIEL (by request) introduced a bill (S. 2558) changing the name of the Real Estate Title Insurance Company of the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HAWLEY introduced a bill (S. 2559) providing for the printing of Government publications upon private orders; which was read twice by its title, and referred to the Committee on Printing.

Mr. SABIN introduced a bill (S. 2560) to improve and encourage the cultivation and manufacture of flax and hemp; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. HISCOCK introduced a bill (S. 2561) to provide for the erection of a monument at Sackett's Harbor, in the State of New York; which was read twice by its title, and referred to the Committee on the Library.

Mr. GEORGE introduced a bill (S. 2562) to provide for the erection of a public building in Yazoo City, Miss.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. REAGAN introduced a bill (S. 2563) to compensate Mrs. Sarah L. Larimer for important services rendered the military authorities in 1864, at Deer Creek Station, Wyo., and for loss of property taken by Sioux Indians; which was read twice by its title, and referred to the Committee on Claims.

Mr. VOORHEES introduced a joint resolution (S. R. 67) authorizing and directing the Librarian of Congress to permit Dr. J. F. Jameson to cause to be made a copy of the records of the Virginia Company, and to cause the same to be published; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Library.

AMENDMENT TO A BILL.

Mr. MITCHELL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PURCHASE OF BONDS.

Mr. REAGAN. I offered an amendment the other day, and as there is a mistake about it, I desire to have it reprinted and printed correctly. It is the amendment submitted by me to the bill (H. R. 5034) to provide for the purchase of United States bonds by the Secretary of the Treasury.

The PRESIDENT *pro tempore*. The order to reprint will be made, if there be no objection.

WITHDRAWAL OF PAPERS.

On motion of Mr. HOAR, it was

Ordered, That leave be granted Nathaniel McKay to withdraw from the files of the Senate the papers in the case of Nathaniel McKay and the executors of Donald McKay.

PRINTING OF FISHERIES MAP.

On motion of Mr. HOAR, it was

Ordered, That the Senate Committee on Printing be directed to cause to be prepared and printed for the use of the Senate 500 reduced copies of the map now in the room of the Senate Committee on Foreign Relations showing the waters and shores frequented by American fishermen in the North Atlantic Ocean, colored so as to show the effect of the proposed treaty and the rights claimed in behalf of American fishermen.

FLORIDA LAND TITLES.

Mr. CALL submitted the following resolution; which was read:

Resolved, That a special committee of five Senators shall be appointed, to be selected by the President of the Senate, who shall inquire whether it is essential or advisable for the protection of actual settlers on the public land of the United States in the State of Florida, which has been heretofore patented or certified to other than actual settlers improvidently or without authority, that suits shall be brought by the United States to cancel such patents, the committee to report by bill or otherwise, and further report such other legislation as may be necessary for the protection of actual settlers on the public lands of the United States in the State of Florida and for the settlement of the title to the public lands in the possession of such settlers.

Mr. CALL. I ask for the present consideration of the resolution.

Mr. BECK. I should like to ask the Senator from Florida why the regular committee of the Senate can not do that work. We have just appropriated $20,000 this morning to pay the expenses of special committees, and it seems to me the regular committees of the Senate can do all the work they have before them. I should like to know why the regular committee can not do it.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. HOAR. I suggest that the resolution lie over until the chairman of the Committee on Public Lands comes in. I do not myself know anything about it, and I have no objection to it; but I think the members of that committee should be present when a special subject within their jurisdiction is referred to another committee.

Mr. MITCHELL. I was about to make the same suggestion. I understand that the chairman of the Committee on Public Lands will not be here to-day.

Mr. SHERMAN. The resolution had better go over until to-morrow.

Mr. HOAR. Let it go over.

The PRESIDENT *pro tempore*. The resolution lies over, under the rule.

Mr. CALL. I ask the Senator from Massachusetts to withdraw his objection.

Some two weeks since I addressed the Senate and was interrupted by the recurrence of the regular order in my remarks upon the subject of a resolution I had introduced, instructing the Committee on Public Lands to report a bill for canceling patents that had been unlawfully and improvidently issued by the Commissioner of the General Land Office. It was my desire to continue those remarks in order to present to the Senate a case which I think demands imperatively the action of the Senate for the protection of the rights of actual settlers who, under the laws of the United States, have a right to their homes. I had one case of very great and peculiar enormity, and I was interrupted in the presentation of that case.

It has been suggested to me by Senators that if I would confine the resolution to the State of Florida, and provide for a special committee to inquire into the subject, there would be no objection. I shall be obliged to let the resolution lie over, as objection is made; but I desire to say that there is a great necessity for this action on the part of the Senate.

Two years ago I presented a resolution asking for a special committee to investigate these cases, in order that actual settlers upon the public lands of Florida should have a hearing. The Committee on Public Lands of the Senate have a great amount of business before them constantly. They referred the resolution at that time to the Commissioner of the General Land Office and the Secretary of the Interior, who reported to them that the Department had ample means to conduct such an investigation. The committee had no objection to the special committee being raised—they were advised of the pressure of business before them—but upon the report of the Commissioner of the General Land Office my resolution for a special committee was indefinitely postponed.

Two years have elapsed. These people are being turned out of their homes. No investigation has been had. Hundreds of letters are in my possession, exhibiting cases of great wrong and injustice for the want of adequate legislation in this direction. I have a letter before me from Mr. P. B. Perry, of Sumter County, Florida, an old citizen, eighty years old, an old soldier of the United States, an excellent citizen, and an honest and good man—who has recently had one of his eyes extracted, and he writes me that he is almost blind in the other—who urges upon me in behalf of the poor people who have settled upon these lands and are unable to pay the prices asked for their homes by the people who make unlawful claim to them, that some investigation shall be had and some protection given to them in the rights which the law passed by Congress has given to them, and which the United States has pledged its faith shall belong to them.

I only ask for that investigation. For two years I have been asking for it. The Committee on Public Lands are overwhelmed with business, and this is a special subject to which a special committee may well give some attention. If Congress will not protect the people in their homes against violations of the law by executive officers, what will become of the country, and who will the people look to for protection? I print by leave of the Senate the letter of Mr. P. B. Perry:

WHITESVILLE, MARION COUNTY, FLORIDA, *March* 24, 1888.

HONORED FRIEND:—I see from your favor of your late speech that you are at your post, and fighting for the poor man. I am glad that we have a few honest men yet, even in Congress.

Say what you please, money makes the mare go. Judges, lawyers, legislators, all move to the sound of the money; that is, money will enlighten the majority, so that every time the decision is on the money side.

The pure, that money can not swerve from the right, are few and far between. I am proud that you belong to that small but honorable minority that "does not deserve justice" (Harris, of Osceola). That noble idea brings me to our Florida Railway and Navigation railroad land-grant matter that you have so long fought for the people, but it seems, as Harris said, "You did not deserve justice," as it seems to have gone the other way! That $6,000 money I guess held you back till some honorable (?) courts turned the railroad loose. To that end, not long ago, the road had its surveyor (?) camping in my settlement, riding over land, compass in pocket, taking its lands, counting horses' steps for chains, telling the settlers they were stealing his timbers, etc. Some of them talked impudent to him. The result: He went off and, according to his "survey," reported those he holds trespassing, and they have got letters offering to sell them the lands trespassed upon at $5 or $6 an acre.

Now there are some improvements and settlements on the odd sections made in hopes of a forfeiture bill, etc., expecting to get homesteads, but the poor fellows are not able to buy their own labor, so they are ruined.

One case: A school-house put on a 40-acre block, with a pond in it—it is not worth $10—their price is $109, but then, you see, the house.

But, friend CALL, I must close. Stick to the right. P. B. PERRY, SR

I do not know that you or your clerks can read this. I am old and nearly blind; had one eye taken out a week ago; but, oh! CALL, while I breathe let me encourage you in the right. Is there any hopes for those poor settlers?

P. B. P., SR.

Hon. Senator WILKINSON CALL,
United States Senate, Washington.

The PRESIDENT *pro tempore*. The resolution lies over under the rule.

PARIS INTERNATIONAL EXPOSITION.

Mr. SHERMAN. I propose to ask the unanimous consent of the Senate to pass a House joint resolution. I would not do it but for the fact that time is very important. It is a joint resolution accepting the invitation of the French Republic to take part in the international exposition to be held in Paris in 1889. Time is important because arrangements are being constantly made in regard to the exposition. I think the joint resolution will lead to no debate. If there be no objection, I should like to have it acted upon.

The PRESIDENT *pro tempore*. The Senator from Ohio asks the unanimous consent of the Senate to proceed to the consideration of the joint resolution (H. Res. 83) accepting the invitation of the French Republic to take part in an international exposition to be held in Paris in 1889.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution which was reported from the Committee on Foreign Relations with amendments.

Mr. PAYNE. I ask that the amendments of the committee be acted upon as they are reached in the reading of the joint resolution.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

The Secretary proceeded to read the joint resolution.

The first amendment of the Committee on Foreign Relations was, in section 2, line 10, after the word "commissioner-general," to insert the words "to act under the direction of the commissioner-general;" and in line 13, after the word "nine," to strike out the words "subcommissioners, and said subcommissioners shall be;" so as to read:

That the President, by and with the advice and consent of the Senate, shall appoint a commissioner-general to represent the United States in the proposed exposition, and, under the general direction of the Secretary of State, to make all needful rules and regulations in reference to the contributions from this country and to control the expenditures incident to the proper installation and exhibit thereof; the pay of jurors, and the preparation of the reports on the exposition and the general results thereof; and an assistant commissioner-general, to act under the direction of the commissioner-general, who shall perform the duties of commissioner-general in case of his death or disability; and that the President may also appoint nine scientific experts, corresponding to and specifically assigned to the nine groups into which the exposition will, under the official regulations, be divided.

The amendment was agreed to.

The next amendment was, in section 2, line 18, before the word "thousand," to strike out "five" and insert "ten;" so as to read:

That the allowance to said commissioner-general for salary and personal expenses shall not exceed $10,000 for his whole term of office.

The amendment was agreed to.

The next amendment was, in section 2, line 21, before the word "five," to strike out the word "twenty;" and after the word "five" to strike out the word "hundred" and insert the word "thousand;" so as to read:

That the allowance of said assistant commissioner-general for salary and personal expenses shall not exceed $5,000 for his term of office.

The amendment was agreed to.

The next amendment was, in section 2, line 22, after the word "nine," to strike out the word "subcommissioners" and insert "scientific experts;" and, in line 24, before the word "hundred," to strike out "twelve" and insert "fifteen;" so as to read:

And the allowance of the nine scientific experts for salary and personal expense each shall not exceed $1,500, not including such clerical service as may be allowed by the commissioner-general, which shall not exceed $15,000.

The amendment was agreed to.

The next amendment was, in section 2, line 26, after the word "dollars," to strike out the remainder of the section in the following words:

And the governors of the several States may nominate and the President appoint one honorary commissioner from each of the several States, and the President may appoint one honorary commissioner from each of the several Territories, which said honorary commissioners may report upon such special subjects as the commissioner-general may direct, and shall serve without pay or other expenses to the United States: *Provided*, That no person appointed by virtue of this resolution shall have any pecuniary interest directly or indirectly in any article exhibited for competition, or act as the agent for any exhibitor.

The amendment was agreed to.

The next amendment was to strike out section 3, in the following words:

SEC. 3. That the President be authorized, in his discretion, to assign one or more of the public vessels to transport to and from France, free of cost, under regulations to be prescribed by the commissioner-general, such articles as may be offered for exhibition by the citizens of the United States.

The amendment was agreed to.

The next amendment was, in section 3 [4], line 7, before the word "hundred," to strike out "two" and insert "three;" and in line 10, after the word "State," to strike out the words "and out of such amount;" so as to read:

That in order to defray the necessary expenses above authorized, and for the proper installation of the exhibition, and the expenditures of the commissioner-general made under the direction of the Secretary of State, and with his ap-

proval, and not otherwise, there be, and hereby is, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $300,000, or so much thereof as may be necessary for the purposes herein specified, which sum shall be expended under the direction of the Secretary of State.

The amendment was agreed to.

The next amendment was, in section 3 [4], line 12, after the word "prepare," to strike out the words "as far as practicable and with as little delay as possible;" and in line 15, after the word "exposition," to insert the words "the expense of the same to be paid out of said appropriation;" so as to read:

The Commissioner of Agriculture is hereby authorized to collect and prepare suitable specimens of the agricultural productions of the several States and Territories of the Union for exhibition at the Paris exposition, the expense of the same to be paid out of said appropriation.

The amendment was agreed to.

The next amendment was to strike out section 3 [4], from line 17 to line 35, inclusive, in the following words:

And the Commissioner of Agriculture is also authorized to prepare, for gratuitous distribution at said Paris exposition, a concise statement printed in English, French, and German, descriptive of swine raising in the United States and the methods used in this country in preparing pork for export, together with such information as he may possess as to the relative wholesomeness of pork raised in the United States and in other countries. And the said Commissioner of Agriculture, under the direction of the Secretary of State, is further authorized and directed to secure, if possible, as a part of said Paris exposition, a competitive inspection of pork raised in the United States and in the different countries of Europe, with the view of determining the relative wholesomeness of the pork products of the United States and of Europe, and for the purposes indicated in this paragraph the additional sum of $25,000, or so much thereof as is necessary, is hereby appropriated out of any money in the Treasury of the United States not otherwise appropriated.

The amendment was agreed to.

The reading of the joint resolution was concluded.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

The preamble was agreed to.

MEETING OF WASHINGTON LEGISLATIVE ASSEMBLY.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The resolution submitted by Mr. MITCHELL, March 29, 1888, was read, as follows:

Whereas it is provided in section 1846 of the Revised Statutes of the United States as follows:

"SEC. 1846. The legislative power in each Territory shall be vested in the governor and a legislative assembly. The legislative assembly shall consist of a council and house of representatives. The members of both branches of the legislative assembly shall have the qualifications of voters as herein prescribed. They shall be chosen for the term of two years, and the sessions of the respective legislative assemblies shall be biennial. Each legislative assembly shall fix by law the day of the commencement of its regular sessions. The members of the council and of the house of representatives shall reside in the district or county for which they are respectively elected."

And whereas the last biennial session of the Legislative Assembly of Washington Territory adjourned *sine die* in the month of February, 1888; and

Whereas on the 1st day of February, 1888, said Legislative Assembly of Washington Territory passed the following act, which was on February 2 approved by the governor of said Territory, to wit:

'An act to fix the times for the meeting of the Legislative Assembly of Washington Territory.

"*Be it enacted by the Legislative Assembly of the Territory of Washington*, That the next session of the Legislative Assembly of Washington Territory shall begin on the second Monday of January, 1889, at 12 o'clock noon, and the Legisative Assembly shall meet at noon on the second Monday of January, and biennially thereafter.

"SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

"SEC. 3. This act shall take effect and be in force from and after its passage and approval.

"Passed the house February 1, 1888.

"W. M. CLARK,
"*Speaker of the House.*

"Passed the council February 1, 1888.

"JOHN R. THOMPSON,
"*President of the Council.*

"Approved February 2, 1888.

"[SEAL.] EUGENE SEMPLE, *Governor.*"

Therefore

Resolved, That the Committee on Territories be, and they are hereby, instructed to inquire into the validity of said act of the Legislative Assembly of Washington Territory, providing that the next session of such Legislative Assembly shall begin on the second Monday of January, 1889, at 12 o'clock noon, and to report by bill or otherwise.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 428) granting a pension to William B. Johnson;
A bill (H. R. 818) granting a pension to Sarah E. Pribble;
A bill (H. R. 3191) granting a pension to Mary S. Logan;
A bill (H. R. 3839) granting a pension to Mrs. Hettie K. Painter;
A bill (H. R. 4104) granting a pension to Mahala Dexter;
A bill (H. R. 5118) granting a pension to Theodore Gardner;
A bill (H. R. 6759) granting a pension to Mary Robinson;
A bill (H. R. 6761) for the relief of James H. Orr;
A bill (H. R. 6812) granting an increase of pension to Stephen Thurston;
A bill (H. R. 7856) granting a pension to Emma R. Johnson; and
Joint resolution (H. Res. 140) appropriating $25,000 for the international exhibition in Barcelona, Spain.

The message further announced that the House had passed the following bills of the Senate with amendments, in which it requested the concurrence of the Senate:

A bill (S. 574) to increase the pension of Mrs. Apolline A. Blair;
A bill (S. 549) granting a pension to Hannah R. Langdon; and
A bill (S. 1784) granting a pension to Ida M. Welton.

The message also announced that the House had passed the following bills:

A bill (S. 404) for the relief of Margaret S. Murray;
A bill (S. 550) granting a pension to William C. Wait;
A bill (S. 733) granting a pension to Abbie S. Hutchinson;
A bill (S. 803) granting a pension to Delia U. Peck;
A bill (S. 809) granting a pension to Betsey Mannsfield;
A bill (S. 815) granting a pension to Angerone P. Cole, mother of George H. Cole, private Company B, Twenty-fourth Regiment Wisconsin Volunteers;
A bill (S. 854) granting a pension to Sarah E. Branson; and
A bill (S. 1785) granting a pension to Stephen D. Redfield.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 3957) for the relief of Peter March, Thomas J. Wright, administrator, and others.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 1473) authorizing the President of the United States to arrange a conference for the purpose of promoting arbitration and encouraging reciprocal commercial relations between the United States of America and the Republics of Mexico, Central and South America, and the Empire of Brazil; agreed to the conference asked by the Senate on the said bill and amendments, and had appointed Mr. MCCREARY, Mr. RUSSELL of Massachusetts, and Mr. MORROW as the conferees on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A (bill S. 2220) to correct an error in and to further amend "An act to authorize the Georgia Pacific Railroad Company to construct bridges across the Sunflower, Yazoo, and Tombigbee Rivers, in Mississippi," approved March 3, 1887;

A bill (S. 1663) authorizing the Little Rock and Alexandria Railway Company to build certain bridges in the State of Arkansas;

A bill (H. R. 1481) making an appropriation to construct a road and approaches from Pineville, La., to the national military cemetery near that town;

A bill (H. R. 3749) for the relief of Frank Baker; and

A bill (H. R. 4556) to confirm New Madrid location, survey No. 2889, and to provide for issue of patent therefor.

COMMITTEE ON THE JUDICIARY.

Mr. EDMUNDS. I ask that the Committee on the Judiciary may have leave to sit during the remainder of this session of Congress during the sessions of the Senate. Our business has so accumulated that that seems to be necessary.

The PRESIDENT *pro tempore*. The Judiciary Committee asks leave to sit during the sittings of the Senate for the remainder of the session. The Chair hears no objection, and that permission will be granted.

THE CALENDAR.

The PRESIDENT *pro tempore*. If there be no further morning business, that order is closed. The first bill on the Calendar under Rule VIII will be stated.

PUBLIC BUILDING AT ST. ALBANS, VT.

The bill (S. 1876) for the purchase of a site and erection of a custom-house and post-office at St. Albans, Vt., was announced as first in order.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, after the word "site," at the end of line 25, to insert "which shall be purchased at voluntary sale or by condemnation;" so as to read:

Provided, That no part of said sum shall be expended until a valid title to the said site, which shall be purchased at voluntary sale or by condemnation, shall be vested in the United States, nor until the State of Vermont shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEOPOLD MAYER.

The bill (S. 619) granting an increase of pension to Leopold Mayer was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Leopold Mayer, late captain of Company C, Twelfth Regiment Pennsylvania Volunteers, at the rate of $25 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT LOS ANGELES, CAL.

The bill (S. 1789) for an extension of appropriation for the erection of a public building at Los Angeles, Cal., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SOUTHERN UTE RESERVATION.

The bill (S. 1145) granting the right of way to the Durango, Cortez and Utah Railroad Company through the Southern Ute Indian reservation in Southwestern Colorado was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, in section 3, line 9, after the words "shall be," to strike out "filled" and insert "filed;" so as to read:

SEC. 3. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid the Indians for such right of way, and provide the time and manner for the payment thereof; but no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until plats thereof, made upon actual survey for the definite location of such railroad, and including the points for station buildings, depots, machine-shops, side-tracks, turn-outs, and water stations, shall be filed with and approved by the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, in section 3, line 18, after "United States," to strike out "may, in his discretion," and insert "shall;" so as to read:

Provided, That the President of the United States shall require that the consent of the Indians to said right of way shall be obtained by said railroad company, in such manner as he may prescribe, before any right under this act shall accrue to said company.

The amendment was agreed to.

Mr. BOWEN. In line 4 of section 1, where the word "railroad" occurs, I move to strike out that word and insert "railway;" so as to give the correct title.

The amendment was agreed to.

Mr. BOWEN. In the same line of section 1 I move to strike out "Durango, Cortez" and insert "Rio Grande;" so as to give the proper name of the corporation.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In line 4 of section 1 it is proposed to strike out "Durango, Cortez" and insert "Rio Grande;" so as to read:

That the right of way is hereby granted, as hereinafter set forth, to the Rio Grande and Utah Railway Company.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting the right of way to the Rio Grande and Utah Railway Company through the Southern Ute Indian reservation in Southwestern Colorado."

SWAMP AND OVERFLOWED LAND GRANTS.

Mr. STEWART. I enter a motion to reconsider the vote by which the Senate passed the bill (S. 758) for the relief of purchasers and other grantees of the United States of certain swamp and overflowed lands, and to reimburse and indemnify certain States, and I ask that a request be sent to the House of Representatives for the return of the bill.

The PRESIDENT *pro tempore*. The Senator from Nevada moves to reconsider the vote by which the bill named by him was passed, and that a message be sent to the House of Representatives requesting the return of the bill. That request will be sent to the House of Representatives, if there be no objection, and the motion to reconsider will be entered.

BETTING ON RACES, ETC.

The bill (H. R. 4964) to prevent any person or persons in the cities of Washington and Georgetown from making books and pools on the result of trotting or running races or boat races was considered as in Committee of the Whole.

Mr. SPOONER. What committee is that reported from?

The PRESIDENT *pro tempore*. The Committee on the District of Columbia.

Mr. SPOONER. I desire to offer an amendment to that bill, and I ask that it may go over without losing its place.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

E. B. CROZIER.

The bill (S. 73) for the relief of E. B. Crozier, executrix of the last will of Dr. C. W. Crozier, of Tennessee, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, filling the blank after the word "appropriated," in line 6, by inserting "one hundred and ninety-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to E. B. Crozier, executrix of the last will of Dr. C. W. Crozier, deceased, out of any money in the Treasury not otherwise appropriated, $195, for services rendered as surgeon in the United States Army hospital at Cuthbert, Ga., from June 15, 1865, to July 18, 1865, and for cost of transportation from Chattanooga, Tenn., to Clarksville, Tenn.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHAUNCEY M. LOCKWOOD.

The bill (S. 726) for the relief of Chauncey M. Lockwood or his legal representatives was considered as in Committee of the Whole.

The Committee on Post-Offices and Post-Roads reported an amendment, to strike out all after the enacting clause of the bill and in lieu to insert:

That J. W. Hodson, administrator of Chauncey M. Lockwood, be, and he is hereby, authorized to commence his suit in the Court of Claims of the United States for extra mail service on route No. 16637, extending from Salt Lake City, Utah, to The Dalles, Oregon, and the Court of Claims shall have jurisdiction to adjudicate the same upon the basis of justice and equity, and render a final judgment therein for the value of such extra mail service performed as aforesaid; and from any judgment that may be rendered in said cause either party thereto may appeal to the Supreme Court of the United States; and the bar of the statute of limitations shall not avail in such case.

Mr. MITCHELL. I move to amend the amendment, in lines 3 and 4, by striking out "J. W. Hodson, administrator of Chauncey M. Lockwood, be, and he is hereby, authorized to commence his" and insert "the legal representatives of Chauncey M. Lockwood be, and they are hereby, authorized to commence their."

The amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the legal representatives of Chauncey M. Lockwood."

ASSISTANTS TO NAVAL BUREAU CHIEFS.

The bill (S. 1438) to provide for the appointment of assistants to the chiefs of bureaus of the Navy Department was announced as next in order.

The bill was read. The Committee on Naval Affairs reported an amendment, to add to the bill the following proviso:

Provided, That the assistant to the Chief of the Bureau of Construction and Repair shall be selected from the Corps of Naval Constructors not below the relative rank of commander, and shall receive an extra compensation of $800 per annum in excess of his regular pay.

Mr. PLATT. I did not hear the bill read. I should like to know how many new officers it creates.

The PRESIDENT *pro tempore*. The bill was reported by the Senator from Pennsylvania [Mr. CAMERON].

Mr. PLATT. I ask for another reading of the bill.

The PRESIDENT *pro tempore*. The bill will be read.

The Chief Clerk read the bill.

Mr. PLATT. The Senator who reported the bill is not present; and while I do not wish to object to it, I should like to have some explanation of it. I therefore ask that it may be passed over, retaining its place on the Calendar, until he comes in.

The PRESIDENT *pro tempore*. It will be so ordered.

COMMISSIONS OF JUDICIAL OFFICERS.

The bill (S. 143) to provide for the issuing and recording of certain commissions in the Department of Justice was considered as in Committee of the Whole.

It provides that hereafter the commissions of all judicial officers, including marshals and attorneys of the United States, appointed by the President, by and with the advice and consent of the Senate, and all other commissions heretofore prepared at the Department of State upon the requisition of the Attorney-General, shall be made out and recorded in the Department of Justice, and shall be under the seal of that Department and countersigned by the Attorney-General; but the seal shall not be affixed to any such commission before it shall have been signed by the President of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRISON STATISTICS.

The bill (S. 356) to obtain prison statistics was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment, in line 12, after the word "States," to insert "and Territories;" so as to make the bill read:

Be it enacted, etc., That it shall be the duty of the Attorney-General to obtain a record of all United States prisoners, both before and after sentence, and to collect, compile, and present to Congress, in his annual report, complete and practical statistics showing where prisoners are confined, length of sentence,

age, nationality, illiteracy, sanitary condition, cost of support, and, so far as possible, the relation of convict labor to free labor. He shall also, in like manner, collect and arrange, as far as possible, tables setting forth the general criminal statistics of the several States and Territories of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MARIA SYPHAX.

The bill (H. R. 3441) declaratory of the meaning of the act entitled "An act for the relief of Maria Syphax" was considered as in Committee of the Whole. It declares that the act of June 12, 1866, "for the relief of Maria Syphax," releasing and confirming to her, her heirs and assigns, the title to a piece of land therein described, being part of the Arlington estate, in the county of Alexandria, Virginia, shall be construed to operate as a relinquishment to Maria Syphax, her heirs or devisees, of any outstanding title to the land which the United States may have acquired since the date of that act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NOTICE TO SURETIES.

The bill (S. 183) requiring notice of deficiency in accounts of principals to be given to sureties upon bonds of United States officials, and fixing a limitation of time within which suits shall be brought against said sureties upon said bonds, was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with amendments, in section 1, line 6, before the word "making," to strike out "auditing officer" and insert "accounting officers;" in line 7, after the words "notify the," to strike out "chief" and insert "head;" in line 9, after the word "said," to strike out "shortage" and insert "deficiency;" in line 10, after the word "said," to strike out "chief" and insert "head;" in line 11, after the word "all," to strike out "sureties" and insert "obligors;" in line 12, after the word "such," to strike out "shortage" and insert "deficiency;" in line 16, after the words "to the," to strike out "post-office" and insert "respective post-offices;" in line 17, before the word "may," to strike out "sureties" and insert "obligors;" and in line 18, after the word "discharge," to strike out "such" and insert "the;" so as to make the first section read:

That hereafter, whenever any deficiency shall be discovered in the accounts of any official of the United States, or of any officer disbursing or chargeable with public money, it shall be the duty of the accounting officers making such discovery to at once notify the head of the Department having control over the affairs of said officer of the nature and amount of said deficiency, and it shall be the immediate duty of said head of Department to at once notify all obligors upon the bond or bonds of such official of the nature of such deficiency and the amount thereof. Said notification shall be deemed sufficient if mailed at the post-office in the city of Washington, D. C., addressed to said sureties, respectively, and directed to the respective post-offices where said obligors may reside, if known; but a failure to give or mail such notice shall not discharge the surety or sureties upon such bond.

The amendment was agreed to.

The next amendment was, in section 2, line 1, after the words "upon the," to strike out "adjustment or settlement" and insert "statement;" in line 3, after the word "money," to insert "by the accounting officers of the Treasury;" in line 4, after the word "shall," to insert "thereby;" and in line 6, after the word "such," to strike out "settlement and adjustment" and insert "statement;" so as to make the section read:

SEC. 2. That if, upon the statement of the account of any official of the United States, or of any officer disbursing or chargeable with public money, by the accounting officers of the Treasury, it shall thereby appear that he is indebted to the United States, and suit therefor shall not be instituted within five years after such statement of said account, the sureties on his bond shall not be liable for such indebtedness.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC LANDS IN NEBRASKA AND IOWA.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. 55) abolishing the office of United States surveyor-general for the district of Nebraska and Iowa, and authorizing the Secretary of the Interior to proceed, under the provisions of sections 2218 and 2219 of the Revised Statutes of the United States, in the transfer of the field-notes, maps, records, and other papers to the States of Nebraska and Iowa.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

JOEL J. GOSS.

The bill (H. R. 2056) for the relief of Joel J. Goss was considered as in Committee of the Whole. By its terms all the right, title, and interest of the United States in and to certain described real estate in the eighteenth district of the county of Polk and State of Georgia are released, quitclaim granted, and conveyed to Joel J. Goss, his heirs and assigns forever.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ROAD TO NATIONAL CEMETERY NEAR STAUNTON, VA.

The bill (S. 1292) to construct a road from the city of Staunton to the national cemetery in the county of Augusta, in the State of Virginia, was considered as in Committee of the Whole.

The Committee on Military Affairs reported the bill with an amendment, in line 1, before the word "thousand," to strike out "ten" and insert "eleven;" so as to make the bill read:

Be it enacted, etc., That the sum of $11,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of constructing a macadamized road from the city of Staunton, in the State of Virginia, to the national cemetery in the county of Augusta, in said State, to be expended under the direction of the Secretary of War, or so much of the above-named sum as may be necessary for said purpose.

SEC. 2. That the Secretary of War is hereby directed to advertise and let the contract for the construction of said road to the lowest bidder, taking bond, with good security, from the contractor for the completion of said road.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

W. W. SCREWS.

The bill (H. R. 6562) for the relief of W. W. Screws was considered as in Committee of the Whole. It provides for the payment to W. W. Screws of $100.37, for advertising done by the direction of the Commissioner of the General Land Office in 1884 and 1885.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONSIDERATION OF APPROPRIATION BILLS.

The next business in order was the resolution submitted by Mr. BLACKBURN, from the Committee on Rules, February 27, 1888, adding an additional clause to Rule XIV, relating to appropriation bills, etc.

Mr. ALLISON. Let that be passed over in the absence of the Senator from Kentucky [Mr. BLACKBURN].

The PRESIDENT *pro tempore*. The proposed rule will be passed over, retaining its place.

NATIONAL-BANK NOTE REDEMPTION FUND.

The bill (S. 1216) providing for the investment of certain funds in the Treasury, was considered as in Committee of the Whole.

The bill was reported from the Committee on Finance with an amendment.

Mr. COCKRELL. Is there a report from the Secretary of the Treasury with this bill?

Mr. SHERMAN. There is a letter from the Secretary of the Treasury in regard to it. As the bill was originally drawn it was mandatory and required the investment to be made promptly. He objected to that and objected also to the word "directed" in the bill. He wished that stricken out. I feel bound to state that although the committee passed the bill as it is, using the language "authorized and directed from time to time," which does not compel the Secretary to do it at once; but I am not particular about that.

Mr. COCKRELL. Then I move to strike out, in lines 3 and 4, the words "and directed;" so as to read:

That the Secretary of the Treasury is hereby authorized from time to time,

Mr. SHERMAN. I make no objection. It throws on him the responsibility of neglecting to do what would be a plain duty; but I do not care about it.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The question is on the amendment of the Senator from Missouri [Mr. COCKRELL].

The amendment was agreed to.

Mr. TELLER. I move to strike out the words "and directed," in the third and fourth lines.

Mr. SHERMAN. They ought to be stricken out in two places.

The PRESIDING OFFICER. The amendment will be made, if there be no objection.

Mr. TELLER. I move, then, to insert "at his discretion;" so as read, "authorized at his discretion."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In line 11 it is moved, after the word "authorized," to strike out "and directed" and insert "at his discretion;" so as to read:

The Secretary of the Treasury is hereby authorized, at his discretion, from time to time to sell in open market any portion of the bonds purchased, etc.

The amendment was agreed to.

Mr. TELLER. I move to strike out, in line 4, the word "invest" and insert "expend." I do it with a view of making a further amendment in lines 8, 9, 10, 11, 12, 13, 14, and 15. I want that this money shall be expended, and then when the sum total is reduced to 20 or 30 per cent., as provided for in the latter part of the bill, that from any

other money in the Treasury unappropriated the Secretary may reinvest this sum or put in enough to leave it out.

I do not believe in having these bonds which are retired ever afterwards put on the market and sold. There has never been a time and there never will be a time when this money is reduced down from $100,000,000, when if there is a call for more the Government will not have unappropriated money in its Treasury so that it can keep on hand the $20,000,000 that are necessary, more or less, to redeem the notes as they come in. There is now in the Treasury, according to the last statement, $98,000,000, on this account; it was in the former statement $102,000,000. Ninety-eight million dollars are now held for the purpose of redeeming these national-bank notes as they come in. That money has been accumulating in the Treasury for many years. It stands against every note that has been lost or burned up which was formerly the property of any bank in liquidation or any bank that has failed. A large amount of this money will never be presented to the United States for redemption. Nobody can tell how much of it will be presented.. But it seems to me to be a great mistake to keep the money locked up in the Treasury for the purpose of meeting an emergency which, if it comes, will come by degrees, and may never come at all, or to meet a demand that comes by degrees, as it has heretofore, a little at a time. As the Secretary says, during the first year after a bank goes into liquidation there is not much of its circulation presented; the second year there is more, and the third year more, and perhaps the fourth year the notes may practically all come in.

It is entirely safe to rely upon the abundance of money that will always be in the Treasury, without giving the Secretary of the Treasury the authority after he has paid a bond to reissue it. I do not believe there will ever be a condition of affairs that will justify him in doing it, and perhaps it never will occur that he will do it; but I do not want to give him the opportunity. Therefore, I move to strike out the word "invest" and insert in its place the word "expend," with a view of moving a further amendment if that shall be adopted.

Mr. SHERMAN. This money is not the money of the Government. It is deposited by the banks, owned by the banks, but it is lying in the Treasury unexpended, thereby threatening danger to the financial condition of the country. The large amount now deposited is $100,000,000, which tends to contract the currency at a time when money is needed. But, after all, this is the money of the banks, not the money of the Government. It is deposited for a fixed purpose, to pay certain outstanding notes, and therefore we have no right to use that money except to invest it. The word "invest" means to apply to a particular purpose for some one's use. To "expend" means to pay it out for our own objects. The difference in those two words expresses the difference between the Senator from Colorado and myself.

This is not our money. We have no right to expend this money for our purposes, but we may use it as a trustee for the benefit of the *cestui que trust*. This money is the money of the banks, and it is to be invested for their benefit. It is true the Government takes the risk. There is really no risk in it. It is rather a profit to the Government, and it seems to me the Senate had better leave it alone, because the Government does not own these bonds that are held as security for bank circulation, held in trust, put away in a certain safe by themselves, as these bonds will be under this bill. I think the Senator had better allow the language to stand and let further legislation be had, if it be necessary, to enable the Government to deal with these bonds.

Mr. TELLER. The Government is not the trustee of these banks; the banks are absolutely discharged from any liability on these bills, and the Government has agreed that it will redeem the bills as it agrees to redeem the greenbacks, and it stands in exactly that position, not as trustee. It is an obligation, a debt that the Government owes, to stand responsible for the bank-notes as it does for the greenback when it comes in. This money is not held in trust, and it is not set apart; it simply goes into the great mass of money, and it can not be distinguished from the collections of every day. It simply stands as a liability of the Government, and that is all there is of it. There is no reason in the world why these bonds should not be put in the Treasury and then sold at another time, the United States having an abundant sum of money to meet the debt they represent. There is authority to take any money now in the Treasury. The Treasury does not take the identical money that the banks deposit; no one can tell where that particular money went. This is making it a special trust and changing the existing law in that particular. I do not think it ought to be done. It only makes it possible, in my judgment, to lock up an additional amount of money in the Treasury.

Mr. FARWELL. May I ask the Senator from Colorado, is not the provision of this bill entirely covered by the one which is now under discussion, authorizing the Secretary of the Treasury to use whatever surplus he has, including this?

Mr. TELLER. I think it is; but I think if this bill passes there will be a certain sum of money there, $98,000,000, that will be held as a fund specially set apart.

Mr. SHERMAN. This money is specially set aside—not, it is true, the identical bills, but that amount of money, so much—as a fund, called a fund for the redemption of the notes of banks in liquidation. We are not trustees for the banks, but trustees for the holders of bank-notes outstanding. The bonds are deposited for the purpose of being held in trust to redeem the notes. By existing law a particular amount is set aside for the payment of the notes to come in, just as $100,000,000 in gold are set aside for the payment of greenbacks.

Mr. TELLER. It is nothing more nor less than an obligation of $100,000,000 in the aggregate, and the money must be kept in the Treasury to meet that as to meet every other obligation. There is no doubt about it. It is not put away in a drawer or vault by itself. All there is to distinguish it from any other debt is that it is put among the liabilities, $100,000,000 to meet a certain debt. My theory is that we should strike out the word "invest" and put in the word "expend," and strike out all about selling bonds; and if the Senator wants to make that a special fund, to say there shall be a certain amount to meet it. Then he can provide for putting away $20,000,000 or $10,000,000, and not $100,000,000, as it now amounts to.

The PRESIDING OFFICER. It is a duty of the Chair to remind Senators that the rule limits debate to five minutes, and to one speech on a bill by each Senator.

Mr. TELLER. Then I will object to the bill unless we can have ample discussion. It is a question of considerable interest.

The PRESIDING OFFICER. Does the Senator desire to have the bill keep its place on the Calendar?

Mr. EDMUNDS. It is a bill that must be discussed at large.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

JOHN BLACK.

The bill (S. 1973) granting a pension to John Black was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Black, late of Company B, Thirty-eighth Regiment of Pennsylvania Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SARAH J. TOMPKINS.

The bill (S. 1967) granting a pension to Sarah J. Tompkins was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Sarah J. Tompkins, widow of C. C. Tompkins, late of Company G, Seventh Regiment Kansas Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

J. W. MEADOWS.

The bill (S. 1972) granting a pension to J. W. Meadows was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of J. W. Meadows, late of Company A, Eleventh Regiment Kansas Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT FOSS.

The bill (S. 887) granting a pension to Robert Foss was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Robert Foss, late a private in Company A, First Battalion Maine Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF PROCEEDING.

Mr. EDMUNDS. I wish to suggest whether it would not be wise to take up all the pension bills, leaving the others in their place.. As this is Saturday, and they ought to be got over to the House as early as possible, let us go through with the pension bills, not disturbing anything else. I ask unanimous consent that that may be done.

Mr. COCKRELL. I object. I think it would not be just to the other cases to do it now.

Mr. EDMUNDS. But we shall strike things that lead to debate, and we can get off the whole pension-list and have it done with in a few hours.

The PRESIDING OFFICER. The Senator from Vermont asks unanimous consent that the afternoon be devoted to pension bills until disposed of.

Mr. CHACE. Setting aside this order?

The PRESIDING OFFICER. Going on under this order, but considering only the pension bills until they are disposed of.

Mr. EDMUNDS. Pension bills first.

Mr. HARRIS. I think we should go on regularly.

Mr. SHERMAN. I think that would be taking advantage of a thin Senate under the order made by unanimous consent, and I doubt the propriety of it.

The PRESIDING OFFICER. It requires unanimous consent to change the order. Is there objection?

Mr. CHACE. I object.

The PRESIDING OFFICER. Objection is made.

KEZIAH E. STRONG.

The bill (S. 1142) granting a pension to Keziah E. Strong was considered as in Committee of the Whole. It proposes to place on the pen-

sion-roll the name of Keziah E. Strong, widow of the late David Strong, a private of Company F, Fifth Regiment Maine Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

VIRTUE SMITH.

The bill (S. 1957) granting a pension to Virtue Smith was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Virtue Smith, widow of David W. Smith, late a private in Company A, First Regiment Minnesota Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STEPHEN SCHIEDEL.

The bill (S. 1017) granting a pension to Stephen Schiedel was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Stephen Schiedel, late of Company D, First Regiment Missouri Light Artillery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZA A. TALBOTT.

The bill (S. 1968) granting a pension to Eliza A. Talbott was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Eliza A. Talbott, widow of B. W. Talbott, late of Company G, Fourth Regiment Iowa Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ZEPHANIAH H. BONES.

The bill (S. 1743) granting a pension to Zephaniah H. Bones was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Zephaniah H. Bones, late of Company H, Seventh Regiment Iowa Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY AYRES.

The bill (S. 1172) for the relief of Henry Ayres was considered as in Committee of the Whole. It provides for the payment to Henry Ayres, of Evansville, Ind., of $3,282.68, or such part thereof as he shall show to the satisfaction of the Commissioner of Internal Revenue was erroneously or illegally assessed or collected, or was collected on deficiencies in the production of spirits which resulted from unavoidable accidents or from misunderstanding of the requirements of the law or regulations.

Mr. EDMUNDS. Let us hear the report.

The PRESIDING OFFICER. There is no report.

Mr. VOORHEES. I reported that bill from the Committee on Finance. It was reported at a former Congress by the Senator from Kentucky [Mr. BECK], accompanied by a written report, and there is a report from a House committee. I thought they were both here. I had them here. I think they are filed with the bill as my report. I made no independent report. There is a House report in favor of it, and there is a former Senate report in favor of it, and I contented myself with filing those reports. It is a case which has been carefully considered by committees of both Houses, and I do not think there is any risk about passing it. It is merely giving discretion to the Secretary of the Treasury to do what is right on a showing made by the claimant.

Mr. EDMUNDS. Let it be passed over informally until we can get the paper.

The PRESIDING OFFICER. The papers are with the bill.

Mr. EDMUNDS. Very well, let us hear the former report.

The Chief Clerk read the following report submitted by Mr. BECK March 11, 1884:

The Committee on Finance, to whom was referred the bill (S. 530) for the relief of Henry Ayres, of Evansville, Ind., have considered the same, and respectfully report:

This is a claim for a refund of internal-revenue tax collected on deficiencies in the production of spirits. In view of the facts set forth in the letter of the Commissioner of Internal Revenue, appended hereto and made a part of this report, your committee recommend that the bill pass as amended.

TREASURY DEPARTMENT, *March* 6, 1884.

SIR: In response to your letter of the 21st ultimo, inclosing bill (S. 530) for the relief of Henry Ayres, I have the honor to transmit herewith a report of the Commissioner of Internal Revenue, dated March 4, 1884, in which he states the facts and suggests that the bill be amended by adding, after the word "cents," in line 6, the following:

"Or such part thereof as the said Ayres shall show to the satisfaction of the Commissioner of Internal Revenue was erroneously or illegally assessed or collected, or was collected on deficiencies in the production of spirits, which resulted from unavoidable accidents, or from misunderstanding of the requirements of the law or regulations."

In view of the facts reported, unless the committee has before it satisfactory evidence that Mr. Ayres is equitably entitled to the refunding of the entire sum of $3,282.68, appropriated by the terms of the bill, I would recommend that it be amended by striking out all after the word "cents," in line 6, and inserting in lieu thereof the above-recited words.

Very respectfully,

CHAS. J. FOLGER, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman Finance Committee, United States Senate.

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, March 4, 1884.

SIR: I have the honor to return herewith the letter (unsigned) dated February 21, 1884, from the Finance Committee, United States Senate, addressed to you and by you referred to me for report.

The writer incloses a copy of Senate bill No. 530, for the relief of Henry Ayres, and asks that you cause the proper officer of your Department to examine the same and submit a report thereon, together with his recommendation.

You refer the letter and inclosures to me for investigation and report as to the legislation proposed.

Senate bill No. 530 proposes to direct and require the Secretary of the Treasury "to pay to Henry Ayres, of Evansville, Ind., the sum of $3,282.68, out of any money not otherwise appropriated, on account of taxes unlawfully collected from him by James C. Veatch, collector of internal revenue for the first collection district of Indiana." So far as shown by the records and files of this office the facts are as follows: Henry Ayres was a distiller at Patoka, Ind., from March 1 to November 12, 1870, and prior thereto. He failed to produce 80 per cent. of the surveyed capacity of his distillery during each month from March to November, 1870, inclusive, except the month of August, and was assessed a tax of 50 cents per gallon upon the difference between his reported product and 80 per cent. of the producing capacity, as follows:

For March, 1870	$412.71
For April, 1870	99.85
For May, 1870	246.86
For June, 1870	356.48
For July, 1870	403.00
For September, 1870	171.48
For October, 1870	861.23
For November, 1870	731.07
Total	3,282.68

On the 8th of November, 1870, the distillery and other property belonging to Mr. Ayres was seized by the collector and subsequently sold, the proceeds of sale being applied to the payment of costs of distraint and sale, and to the payment of taxes due from Mr. Ayres, including $2,523.20 of the taxes above enumerated.

On the 31st of January, 1871, Mr. Ayres prepared a claim for the refunding of $427.78, including $356.48 assessed as a deficiency tax for June, 1870, and $71.30 assessed as barrel tax on 178.23 barrels of spirits.

In this claim there is no reason given for relief other than the statement that the deficiency resulted in part from the fact that he was compelled to use seven dry inches in his tubs when he was allowed but three, and in part from the fact that the weather was very warm and water was scarce. This claim was rejected May 4, 1871, for the reason that the assessment was in strict accordance with the survey, and was correct.

In December, 1882, Mr. Ayres forwarded other papers to this office relating to the fact that he had been assessed deficiency taxes aggregating $3,282.68, and asking, if this office could not grant relief, that the papers be turned over to Hon. William Heilman, M. C. As relief could not be granted the papers were sent to Mr. Heilman, but copies thereof were retained by this office. Among the papers was a certificate from Collector Veatch that the deficiency taxes assessed against Mr. Ayres on lists from March to November, 1870, aggregating $3,282.68, had been collected; an affidavit of Dr. George W. Yates showing that Henry Ayres was sick from October 3 to November 11, 1870, and an affidavit of John T. Crisp, book-keeper for Henry Ayres, to the effect that in the absence of Ayres he had charge of the distillery, and that between March and November, 1870, there were frequent interruptions, preventing the distillery from yielding 80 per cent. of its surveyed capacity, and that such interruptions were caused by tubs bursting, machinery giving way, and boilers getting out of repair.

I can find nothing upon the records or files of this office to show that the $3,282.68 paid by Mr. Ayres as deficiency taxes for the months named, or any portion thereof, was "unlawfully collected," as stated in the bill.

It is fair to assume that a portion, at least, of the deficiency resulted from unavoidable accidents, and that relief, to some extent, might have been granted under the act of March 1, 1879, section 6, but for the fact that said act limited such relief to assessments made subsequent to December 31, 1873.

I am unable, from the papers on file in this office, to say how much, if any, of the deficiencies resulted from unavoidable accidents. It may be that the honorable Finance Committee has evidence before it bearing upon this point.

With my present knowledge of the facts I could not recommend the passage of the bill as now worded.

Unless the committee has evidence before it showing that Mr. Ayres is equitably entitled to the refunding of the $3,282.68, I would suggest that the bill be amended by adding after the word "cents," in line 6, the following:

"Or such part thereof as the said Ayres shall show to the satisfaction of the Commissioner of Internal Revenue was erroneously or illegally assessed or collected, or was collected on deficiencies in the production of spirits which resulted from unavoidable accidents, or from misunderstanding of the requirements of the law or regulations."

Very respectfully,

WALTER EVANS,
Commissioner.

Hon. CHARLES J. FOLGER,
Secretary of the Treasury.

Mr. EDMUNDS. I move to amend the bill by striking out the last clause, which would seem to be rather too latitudinous. I think it would be right to allow the Secretary to make proper investigation; but those last words are so very vague that the claimant could get anything he wanted, almost.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. Strike out the last clause in the bill, as follows:

Or from misunderstanding of the requirements of the law or regulations.

Mr. EDMUNDS. Then read the bill as it would be without that clause, for I think it will be entirely satisfactory.

Mr. VOORHEES. Let the bill be read as it will stand if amended.

The Chief Clerk read as follows:

That the Secretary of the Treasury be, and he is hereby, directed and required to pay to Henry Ayres, of Evansville, Ind., the sum of $3,282.68, or such part thereof as the said Ayres shall show to the satisfaction of the Commissioner of Internal Revenue was erroneously or illegally assessed or collected, or was collected on deficiencies in the production of spirits which resulted from unavoidable accidents.

Mr. VOORHEES. That is all right.

Mr. EDMUNDS. I propose to strike out the last words, which

would relieve him from his own misunderstanding of the law, which would be a very dangerous precedent. I think with the amendment the bill is right.

Mr. VOORHEES. I have no objection to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CAROLINE MOTZ.

The bill (S. 654) granting a pension to Caroline Motz was considered as in Committee of the Whole. It was reported from the Committee on Pensions with an amendment, after the name "John Motz," in line 8, to strike out the words "to commence from the date of his death, 13th of November, 1867, and to continue during her widowhood."

So as to make the bill read:

Be it enacted, etc., That the Commissioner of Pensions be, and is hereby, authorized and directed to place on the pension-roll the name of Caroline Motz, widow of the late John Motz, deceased, who was a private in Company K, Ninety-eighth Regiment Pennsylvania Volunteers, for pension at the rate and rank of said John Motz.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY E. WOODWARD.

The bill (S. 2167) granting a pension to Mary E. Woodward was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary E. Woodward, widow of Dr. James B. Woodward, late surgeon of the Tenth Regiment Kansas Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANCIS MARION WALKER.

The bill (S. 2168) granting a pension to Francis Marion Walker was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Francis Marion Walker, late private in Company K, Sixty-first Regiment Illinois Volunteer Infantry, at $18 per month, in lieu of the pension at present received.

Mr. SPOONER. I am informed by the Senator from Illinois [Mr. CULLOM], who is absent with the Committee on Commerce, that there is an error in that bill, which the amendment I send to the desk is necessary to correct.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In line 6 it is proposed to strike out the words "Company K, Sixty-first," and insert "Company I, Sixteenth;" so as to read:

Late private in Company I, Sixteenth Regiment Illinois Volunteer Infantry.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ANNIE GIBSON YATES.

The bill (S. 1239) granting an increase of pension to Mrs. Annie Gibson Yates was considered as in Committee of the Whole. It was reported with an amendment from the Committee on Pensions, in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Annie Gibson Yates, widow of Capt. George W. Yates, late of the Seventh United States Cavalry, and pay her a pension at the rate of $40 per month, in lieu of the pension she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARTIN L. STOVER.

The bill (S. 415) granting a pension to Martin L. Stover was considered as in Committee of the Whole. It was reported from the Committee on Pensions with an amendment in line 9, after the word "officer," to insert "to wit, a first lieutenant; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martin L. Stover, late sergeant of Company G, Thirty-fifth Regiment Massachusetts Volunteers, and pay him a pension at the rate he would be entitled if he had been a commissioned officer, to wit, a first lieutenant, at the date of his disability.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. COCKRELL. Let the report be read.

The Secretary read the following report submitted by Mr. DAVIS, February 28, 1888.

The Committee on Pensions, to whom was referred the bill (S. 415) granting a pension to Martin L. Stover, have examined the same, and report:

Martin L. Stover enlisted in Company G, Thirty-fifth Regiment Massachusetts Volunteers; became a sergeant and was wounded in the right fore-arm at the battle of Antietam, on the 17th September, 1862. He was discharged for disability in December, 1862. For this disability Sergeant Stover received a pension, with successive applications for increase, as follows: From December 29, 1862, at $4 per month; from October 15, 1879, at $8; from July 21, 1886, at $10; and from May 25, 1887, at $12.

Sergeant Stover now petitions Congress for the passage of a bill for a pension at the rate he would be entitled to if he had been a commissioned officer at the date of his disability. He bases his claim in part on the creditable part he took in the battle of South Mountain, which is officially detailed in the following letter from Brigadier-General Sturgis, addressed to the governor of Massachusetts

"HEADQUARTERS SECOND DIVISION, NINTH ARMY CORPS,
"*Fredericksburgh, Va., November 25, 1862.*

"*To his excellency the governor of Massachusetts:*

"SIR: It gives me great pleasure to be able to call your excellency's attention to Sergt. Martin L. Stover, of the Thirty-fifth Massachusetts Regiment, and to recommend him for a commission.

"During the hotly-contested battle of South Mountain I found a considerable body of men, probably two companies, who appeared to have no leader and who did not appear to know what to do. It was very dark, and I called out to know if there was any one who would take charge of them and lead them into the fight. Sergeant Stover promptly stepped forward, and I gave him directions what to do, and I believe he did his work well. I told him in starting to lead them into the wood and do the best he could with them, and that if he would send me his name the next day I would endeavor to have him commissioned. Having received a wound at Antietam which rendered him incapable of writing to me, I never received a note from him until this evening, and I now hasten to comply with my promise and recommend him for promotion.

"Examples of this kind, I think, would have a good effect on others, and besides rewarding merit would have a beneficial effect on the service.

"I have the honor to be, very respectfully, your obedient servant,
"S. D. STURGIS,
"*Brigadier-General, United States Army.*"

It also appears that at the battle of Antietam he took command of the company after its officers had been disabled in the fight, and that he there received the wounds which constitute his disability.

A reference to Sergeant Stover's military record shows that he re-enlisted August 15, 1863, was commissioned first lieutenant, and remained in service under second enlistment until October 12, 1865, when he was discharged.

The Commissioner of Pensions, in his last report, page 19, states as follows respecting such cases as this:

"SUBSEQUENT PROMOTIONS TO PENSION SERVICES.

"I beg to call attention to the fact that during the last year the Secretary of the Interior presented to Congress a request for a modification of the law which declares that a pension shall be graded according to the rank of the claimant at the time that the injury was received, without regard to the fact that such claimant might subsequently have been promoted for meritorious services and in good faith. One instance will illustrate many: —— —— was a sergeant in the —— regiment. He contracted a malady which would have been at the time a sufficient reason for his discharge from the military service, but he waived this right given by his condition and served with gallantry and distinction, followed by his malady it is true, through more than four years of war. At the end of the war he was mustered out as full colonel and brevet brigadier-general, having won every step intermediate by honorable service. He died shortly after of the disorder which had followed him from the time of his first service.

"In allowing the pension, the claim being well established, the Commissioner was obliged to say to the widow, that under existing law the only pension that could be allowed her was that of the widow of a sergeant, and that all that her husband had since heroically performed availed nothing in determining her pecuniary rights. The suggestion of the Commissioner is that the rank, subsequently acquired bona fide, should be considered by the Commissioner in determining the amount of pension to be allowed."

The passage of the bill is recommended with the following amendments: Insert the words "to wit, a first lieutenant" after the word "officer" in line 9 of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. WELDEN.

The bill (S. 1457) granting a pension to George W. Welden was considered as in Committee of the Whole. It proposes to place the name of George W. Welden, late a private in Company A, Third Rhode Island Artillery, upon the pension-rolls at the rate allowed for the inability to perform any manual labor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. MARGARET GALLAGHER

The bill (S. 5) granting a pension to Mrs. Margaret Gallagher was considered as in the Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Margaret Gallagher, widow of Edward Gallagher, late private Company K, Forty-second Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY S. WELLS.

The bill (S. 2071) granting a pension to Mary S. Wells was announced as next in order.

Mr. DAVIS. I desire to call attention to the fact that a bill identical in terms with the one just announced has passed the House of Representatives, and is on the Calendar as Order of Business 728, on page 22 of the Calendar. I ask that the Senate consider the House bill instead of the Senate bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The bill (H. R. 6789) granting a pension to Mary S. Wells was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary S. Wells, widow of the late Rear-Admiral Clark H. Wells, of the United States Navy, at the rate of $50 per month in lieu of any pension she may now be receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. DAVIS. Now I move that the bill (S. 2071) granting a pension to Mary S. Wells be indefinitely postponed.

The motion was agreed to.

MRS. LOU GOBRIGHT M'FALLS.

A bill (S. 1757) granting an increase of pension to Mrs. Lou Gobright McFalls was considered as in Committee of the Whole. It proposes to increase the pension of $20 per month heretofore granted and now allowed to Mrs. Lou Gobright McFalls, widow of Capt. Thaddeus B. McFalls, to $40 per month.

Mr. HOAR. I should like to ask the Senator from Minnesota if "Lou" is a name or abbreviation? Is that an abbreviation or a full name?

Mr. DAVIS. I am not prepared to answer that question. I really do not know.

Mr. HOAR. It seems to be an abbreviation.

Mr. DAVIS. I have not the data by which to correct it if it is.

Mr. HOAR. If it was anything but a pension bill I would interpose, but being a pension bill I will not delay it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RHODA WILLIAMS.

The bill (S. 1045) granting a pension to Rhoda Williams was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Rhoda Williams, widow of John M. Williams, late of the First Iowa Battery Light Artillery Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOEL B. MORTON.

The bill (S. 432) for the relief of Joel B. Morton was considered as in Committee of the Whole. It proposes to place the name of Joel B. Morton, of Valentine, Cherry County, Nebraska, father of Calvin Morton, on the pension-roll, on account of the services of his son, Calvin Morton, in Company B, Sixteenth New York Volunteers, during the late war.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAPT. JOHN BURKHART.

The bill (H. R. 2112) for the relief of Capt. John Burkhart was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments, in line 7, after the word "emoluments," to strike out:

Of second lieutenant of said company from the 25th day of January, 1865, to the 1st day of March, 1865, and also the pay and emoluments.

And in line 12, after the words "to the," to strike out "1st day of August" and insert "23d day of June;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John Burkhart, late captain of Company F, One hundred and forty-sixth Regiment Indiana Volunteers, in the late war, out of any money not otherwise appropriated, the pay and emoluments of captain of said company from March 1, 1865, to June 23, 1865, and also the sum of $64, being money expended by him in the transportation of fifty-one enlisted men of said company from Brookville, Ind., to Sunman, Ind., by stage; deducting from the sum found due him as the pay and emoluments of second lieutenant and captain of said company for the periods above specified the sums of money that have been paid to the said John Burkhart for military service, either as a private or otherwise, rendered by him during the periods above specified.

The amendments were agreed to.

Mr. MANDERSON. I move to strike out the words "second lieutenant and," in line 18 of the bill; so as to read:

Deducting from the sum found due him as the pay and emoluments of captain of said company.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANDERSON. I move that the Senate insist on its amendments to this bill, and ask for a conference with the House of Representatives thereon.

The motion was agreed to; and, by unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. MANDERSON, Mr. DAVIS, and Mr. HAMPTON were appointed.

NATIONAL SAFE DEPOSIT COMPANY.

The bill (S. 690) to amend an act entitled "An act to incorporate the National Safe Deposit Company of Washington, in the District of Columbia," approved January 22, 1867, was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment to strike out sections 2, 3, 4, 5, 6, 7, and 8 of the bill, as follows:

SEC. 2. That the said National Safe Deposit and Trust Company be, and it is hereby, authorized, in addition to the corporate rights and powers now existing, to accept and execute trusts of any and every description which may be committed or transferred to it; and is further hereby authorized to accept the office and perform the duties of receiver, assignee, executor, administrator, guardian of the estates of minors and committee of the estates of idiots or lunatics whenever any trusteeship or any such office or appointment is committed or transferred to it, with its consent, by any person, body politic or corporate, or by any court in the District of Columbia or in any one of the States or Territories of the United States; and said National Safe Deposit and Trust Company is further hereby authorized to accept deposits of money upon such terms and to pay interest thereon at such rates as may be agreed upon from time to time with its depositors, and to act as agent for the purpose of issuing or countersigning the bonds or other obligations of any corporation, association, municipality, or State or other public authority, and to receive and manage any sinking fund on such terms as may be agreed upon. And in all cases in which application shall be made to any court in the District of Columbia, or wherever it becomes necessary or proper for said court to appoint a trustee, receiver, administrator, guardian of the estate of a minor or guardian of the estate of a lunatic, it shall and may be lawful for said court, if it shall think fit (but without prejudice to any preference in the order of any such appointments required by existing law), to appoint the said National Safe Deposit and Trust Company with its assent such trustee, receiver, administrator, guardian, or committee. The accounts of said company as such trustee, receiver, assignee, executor, administrator, guardian, or committee shall be regularly settled and adjusted in the usual mode or before the proper tribunal; and upon such settlement and adjustment all charges, costs, and expenses which are customary or proper to be allowed to any individual acting in either of such capacities shall be allowed to said company for its care and management of the trusts or estates aforesaid; and said company as such trustee, receiver, executor, administrator, guardian, or committee shall be subject to all orders or decrees made by the proper tribunal under the laws of the United States.

SEC. 3. Whenever the National Safe Deposit and Trust Company shall be appointed such trustee, executor, administrator, receiver, assignee, guardian, or committee as aforesaid, the president, vice-president, secretary, or treasurer of said company may make any oath or affirmation now required by law to be made by any trustee, executor, administrator, receiver, assignee, guardian, or committee.

SEC. 4. That when any court shall appoint the said company a trustee, receiver, administrator, or such guardian or committee, or shall order the deposit of money or other valuables with said company, or where any individual or corporation shall appoint said company a trustee, executor, assignee, or such guardian, the capital stock of said company subscribed for or taken, and all property owned by said company shall be taken and considered as the security required by law for the faithful performance of its duties, and shall be absolutely liable in case of any default whatever: *Provided*, That the supreme court of the District of Columbia may and shall, if deemed necessary, require additional security, and from time to time may, and, at least once during every year, shall, appoint suitable persons to investigate the affairs and management of said company, who shall report to said court the manner in which investments are made by it and the security afforded to those by or for whom its obligations are held; and the expenses of such investigation shall be defrayed by the said company; and the court may, also, if deemed necessary, examine the officers of said company, under oath or affirmation, as to the security aforesaid, and as to the affairs and management of said company.

SEC. 5. That the stockholders of said company shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of said company, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such stock.

SEC. 6. That the said company be, and it is hereby, authorized to increase its capital stock to an amount not exceeding $500,000; but before said company shall proceed to do any business under this act, $250,000 of said capital stock of said company shall be fully paid up; and no further certificate of stock shall be issued until the same be fully paid for.

SEC. 7. That each director and officer, when appointed or elected, shall take an oath that he will, so far as the duty devolves upon him, diligently and honestly administer the affairs of said company, and will not knowingly violate or willingly permit to be violated any of the provisions of this act.

SEC. 8. That in case of the violation of any order of court, or the breach of any trust on the part of the company, the officers of the company guilty of such violation of said order of court or breach of trust shall be liable to process of attachment for contempt or for such breach of trust in the same manner and to the same extent as would apply to individual trustees, executors, administrators, guardians, receivers, or committees in like cases.

And in lieu thereof to insert:

SEC. 2. That the said company is hereby authorized, in addition to the corporate rights and powers now existing, to receive and hold, on deposit and in trust, estate, real and personal, including the notes, bonds, obligations, and accounts of States and of individuals, and of companies and of corporations, and to receive upon deposit, for safe-keeping, jewelry, plate, stock, bonds, and valuable property of every kind, upon terms to be prescribed by the by-laws of the said company: *Provided*, That nothing herein contained shall authorize said company to engage in the business of banking; and the said company is hereby authorized to accept and execute trusts of any and every description which may be committed or transferred, with its consent, to it, by any person or persons whomsoever, bodies corporate or political, or by any court in the District of Columbia or in any one of the United States, and to accept the office and appointment of executor or administrator of any kind or nature whenever such appointment is conferred or made by any person or persons, or by any orphans' court or other court, either of the District of Columbia or of the United States; and that in all cases where application shall be made to any court of the District of Columbia for the appointment of any receiver, trustee, administrator, guardian of any minor, or committee of a lunatic, it shall and may be lawful for such court, without prejudice to preferences established by existing law, if it shall think fit, to appoint the American Trust Company of the District of Columbia, with its assent, such receiver, trustee, administrator, guardian, or committee; and the accounts of the said company as such receiver, trustee, executor, administrator, assignee, guardian, or committee shall be regularly settled and adjusted before the proper tribunal; and upon such settlement and adjustment all proper, legal, and customary charges, costs, and expenses shall be allowed to said company for its care and management of the trusts and estate aforesaid; and the said company, as such receiver, trustee, executor, administrator, assignee, guardian, or committee, shall be subject to all orders or decrees made by the proper tribunal under the laws of the United States.

SEC. 3. That when any court shall appoint the said company a receiver, trustee, administrator, guardian, or committee, or shall order the deposit of money or other valuables of any kind with said company, or whenever said company shall be appointed a receiver, trustee, executor, administrator, assignee, guard-

ian, committee, or to any fiduciary office, by any person or persons, or bodies corporate or public, the capital stock subscribed for or taken, and all property owned by said company shall be taken and considered as the security required by law for the faithful performance of its duties, and shall be absolutely liable in case of any default whatever: *Provided*, That the said court may, and shall, if deemed necessary, require further additional security, and may, from time to time, and at least once in every year shall, appoint suitable persons to investigate the affairs and management of said company, who shall report to said court the manner in which such investments are made and the security afforded to those for whom its engagements are held; and the expenses of such investigation shall be defrayed by such company; and the court may also, if deemed necessary, examine the officers of said company, under oath or affirmation, as to the security aforesaid.

SEC. 4. That the said company may also receive deposits of money upon such terms as to interest as may be agreed upon with the depositors, and may also act as agent for the purpose of issuing or countersigning the certificates of stock, bonds, or other obligations of any corporation, association, municipality, State, or public authority, and to receive and arrange any sinking fund on such terms as may be agreed upon.

SEC. 5. That the capital stock of said company shall consist of twenty-five hundred shares at $100 each, with the privilege from time to time of increasing the same, at an annual or special meeting, to any amount not exceeding in the aggregate $1,000,000; and the corporation shall have the power to accept such subscriptions as they may deem expedient; and when twenty-five hundred shares shall have been subscribed, and the par value thereof shall have been paid in, the directors of said company may, and they are hereby authorized and empowered to, make all necessary by-laws, and to have and to exercise, in the name and behalf of the said company, all the rights and privileges which are intended to be hereby given; and should the capital stock be at any time increased, the stockholders at the time of such increase shall be entitled to a pro rata share of such increase, upon the payment of the par value of such increase.

SEC. 8. That before the said company shall exercise any of the powers hereinbefore conferred, it shall deposit with the Comptroller of the Currency bonds of the United States Government, or any of the States thereof, or the District of Columbia, municipal, railroad, real estate, or other securities, to be approved by the Comptroller of the Currency, to the amount of one-half of its paid-in capital therefore subscribed for and paid in, which bonds shall be held by the Comptroller of the Currency of the United States as security, in the first instance, for the faithful performance by said company of all obligations incurred by it as executor, administrator, trustee, or in any fiduciary capacity, and, second, for the security of the depositors in said company and other creditors. The company is hereby authorized to withdraw any securities held by the Comptroller of the Currency and substitute any other securities which may be acceptable to the said Comptroller.

SEC. 9. That the stockholders of said company shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of said company, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such stock, which individual liability shall also be, first, a security for the faithful performance of the trust obligation, and, secondly, for the benefit of depositors, as provided in section 8.

SEC. 10. That all the directors shall be citizens of the United States and shall reside therein; and the office of the company shall be in the city of Washington, District of Columbia.

SEC. 11. That the stock of the company shall be transferable only on the books of the company.

SEC. 12. That Congress may at any time repeal, alter, or amend this act.

Mr. CHACE. I move to amend the amendment, on page 6, line 26 of section 2, by striking out the words "American Trust," before the word "Company," and inserting "said"—a mere verbal amendment.

The amendment to the amendment was agreed to.

Mr. CHACE. In the same line, after the word "Company," I move to strike out the words "of the District of Columbia."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WASHINGTON SAFE DEPOSIT AND TRUST COMPANY.

The bill (S. 606) to incorporate the Washington Safe Deposit and Trust Company was considered as in Committee of the Whole.

The Committee on the District of Columbia reported an amendment, to strike out all after the enacting clause of the bill and insert:

That the Washington Safe Deposit Company is hereby authorized to increase its capital stock to an amount not exceeding $500,000; and before said company shall proceed to do any business under this act one-half of said capital stock, namely, $250,000, shall be fully paid up; and no certificate of stock shall be issued until the same be fully paid for. That the name of said company shall be changed to the Washington Safe Deposit and Trust Company.

SEC. 2. That said company shall have power to receive upon deposit for safe-keeping jewelry, plate, furniture, pictures, bonds, and valuable property of every kind, upon terms to be prescribed by the by-laws of the company; and in addition to receiving the above deposits the said company shall have power to receive and hold on deposit and in trust, and as security, on such terms as may be agreed on between the contracting parties, estate, real and personal, and shall have power to dispose of the same according to the terms of such agreement.

SEC. 3. That the said Washington Safe Deposit Company be, and it is hereby, authorized to accept and execute trusts of any and every description which may be committed or transferred, with its consent, to it, by any person or persons whomsoever, bodies corporate or politic, or by any court in the District of Columbia or in any one of the United States, and to accept the office and appointment of executors and administrators of any kind or nature, whenever such appointment is conferred or made by any person or persons, or by any orphans' court or other court, either of the District of Columbia or of the United States; and that in all cases where application shall be made to any court of the District of Columbia for the appointment of any receiver, trustee, administrator, guardian of the estate of any minor, or committee of the estate of a lunatic, it shall and may be lawful for such court, without prejudice to preferences established by existing law, if it shall think fit, to appoint the Washington Safe Deposit Company of Washington, in the District of Columbia, with its assent, such receiver, trustee, administrator, assignee, guardian, or committee; and the accounts of the said company as such receiver, trustee, executor, administrator, assignee, guardian, or committee, in respect to property, shall be regularly settled and adjusted before the proper tribunal; and upon such settlement and adjustment all proper, legal, and customary charges, costs, and expenses shall be allowed to said company for its care and management of the trusts and estate aforesaid; and the said company, as such receiver, trustee, administrator, assignee, guardian, or committee, shall be subject to all orders or decrees made by the proper tribunal under the laws of the United States.

SEC. 4. That when any court shall appoint the said company a receiver, trustee, administrator, guardian, or committee, or shall order the deposit of money or other valuables of any kind with said company, the capital stock subscribed for or taken, and all property owned by said company shall be taken and considered as the security required by law for the faithful performance of its duties, and shall be absolutely liable in case of any default whatever: *Provided*, That the said court may, and shall, if deemed necessary, require further additional security, and may from time to time, and at least once during every year, shall appoint suitable persons to investigate the affairs and management of said company, who shall report to said court the manner in which such investments are made and the security afforded to those by or for whom its engagements are held; and the expenses of such investigation shall be defrayed by the said company; and the court may also, if deemed necessary, examine the officers of said company, under oath or affirmation, as to the security aforesaid.

SEC. 5. That the company may also pay interest upon deposits at such rate as may be agreed upon with the depositors, not exceeding, however, the rate of 3 per cent. per annum.

SEC. 6. That the stockholders of said company shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of said company, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such stock, which individual liability shall also be, first, a security for the faithful performance of the trust obligations; and, secondly, for the benefit of depositors.

SEC. 7. That each director and officer, when appointed or elected, shall take an oath that he will, so far as the duty devolves upon him, diligently and honestly administer the affairs of said company, and will not knowingly violate or willingly permit to be violated any of the provisions of this act.

SEC. 8. That in case of the violation of any order of court, or the breach of any trust on the part of the company, the officers of the company guilty of such violation of order of court or breach of trust shall be liable to process of attachment for contempt or such breach of trust in the same manner and to the same extent as would apply to individual executors, administrators, guardians, and other trustees in like cases.

SEC. 9. That before the said company shall exercise any of the powers hereinbefore conferred, it shall deposit with the Comptroller of the Currency bonds of the United States Government, or any of the States thereof, or the District of Columbia, municipal, railroad, real estate, or other securities, to be approved by the Comptroller of the Currency, to the amount of one-half of its paid-in capital theretofore subscribed for and paid in, which bonds shall be held by the Comptroller of the Currency of the United States as security, in the first instance, for the faithful performance by said company of all obligations incurred by it as executor, administrator, trustee, or in any fiduciary capacity; and second, for the security of the depositors in said company and other creditors. The company is hereby authorized to withdraw any securities held by the Comptroller of the Currency, and substitute any other securities which may be acceptable to the said Comptroller.

SEC. 10. That the stock of said company shall be transferable only on the books of the company.

SEC. 11. That all the directors shall be citizens of the United States and shall reside therein. The office of the company shall be in the city of Washington, in the District of Columbia.

SEC. 12. That Congress may at any time repeal, alter, or amend this act.

Mr. CHACE. I move to amend the title by inserting——

The PRESIDING OFFICER. That will come after the passage of the bill. The question is on the amendment of the Committee on the District of Columbia.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CHACE. I move to amend the title by inserting, before the word "to," the words "to amend an act entitled 'An act,'" and also to strike out the words "and trust;" so as to read:

A bill to amend an act entitled "An act to incorporate the Washington Safe Deposit Company."

The amendment to the title was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (H. R. 8962) for the relief of Anthony L. Woodson; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 2550) appropriating $20,000 for expenses of special and select committees of the Senate.

The message further announced that the House had concurred in the amendment of the Senate to the bill (H. R. 3470) to authorize the construction of bridges over the rivers St. Mary's, Satilla, Little Satilla, and Crooked, in the States of Georgia and Florida.

HARMON BUNN.

The bill (S. 1121) granting a pension to Harmon Bunn was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Harmon Bunn, of Peoria, Ill. (who served as a special agent for the eighth district of Illinois from September 20, 1864, to April 30, 1865, and was wounded while in that service and in the line of duty while arresting a deserter), at the rate to which he would be entitled by reason of that disability if he had been regularly enlisted in the military service.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

R. G. COMBS AND OTHERS.

The bill (S. 54) for the relief of R. G. Combs and others was announced as next in order.

Mr. SPOONER. I ask that that bill, which is Calendar No. 483, may be passed over without losing its place on the Calendar.

The PRESIDING OFFICER. That order will be made, if there be no objection.

FIRST NATIONAL BANK OF PORTLAND, OREGON.

The bill (S. 46) for the relief of the First National Bank of Portland, Oregon, was announced as next in order.

Mr. SPOONER. I ask that that bill be passed over without losing its place on the Calendar.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

ECKINGTON AND SOLDIERS' HOME RAILWAY COMPANY.

Mr. HARRIS. Some two or three days ago, while we were proceeding under this order, House bill 6899 was informally passed over because the Senator from Virginia [Mr. DANIEL] wanted to look into it. He is now ready to have the bill considered. I ask that it be considered at this time.

The PRESIDING OFFICER. If there be no objection the Senate will resume consideration of that bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6899) to incorporate the Eckington and Soldiers' Home Railway Company of the District of Columbia; which was reported from the Committee on the District of Columbia with amendments.

Mr. HARRIS. I ask that the amendments of the committee be acted on as they are reached in the reading of the bill.

The PRESIDING OFFICER. The Chair is informed that the bill has never been read.

Mr. HARRIS. Yes, it has been read. Let the amendments be now reported.

Mr. ALLISON. The committee amendments?

Mr. HARRIS. The amendments of the Committee on the District of Columbia.

The first amendment reported by the Committee on the District of Columbia was, in section 1, after the word "railway," at the end of line 35, to insert "but shall sell six tickets for twenty-five cents;" so as to read:

Said company shall receive a rate of fare not exceeding five cents per passenger for any distance between the termini of said main railway, or between the termini of its branch railway, or between either terminus of said main railway and the terminus of said branch railway, but shall sell six tickets for twenty-five cents.

The amendment was agreed to.

The next amendment was, in section 2, line 1, after the word "said," to strike out "Eckington and Soldiers' Home;" so as to read:

SEC. 2. That said railway company shall, on or before the 15th of January of each year, make a report to Congress of the names of all the stockholders therein and the amount of stock held by each, together with a detailed statement of the receipts and expenditures, from whatever source and on whatever account, for the preceding year ending December the 31st, which report shall be verified by affidavit of the president and secretary of said company.

The amendment was agreed to.

The next amendment was, in section 2, line 9, after the word "company," to insert:

And if said report is not made at the time specified, or within ten days thereafter, it shall be the duty of the commissioners to cause to be instituted judicial proceedings to forfeit this charter.

The amendment was agreed to.

The next amendment was, in section 2, line 13, after the word "taxes," to insert "upon personal property, including cars and motive power;" in line 14, after the word "for," to strike out "the next ensuing" and insert "each;" and after the word "earnings," at the end of line 15, to strike out "upon traffic for the preceding year, as shown by said verified statement;" so as to read:

And said company shall pay to the District of Columbia, in lieu of personal taxes upon personal property, including cars and motive power, for each year, 4 per cent. of its gross earnings, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are now due and payable, and subject to the same penalties on arrears.

The amendment was agreed to.

The next amendment was, in section 2, after the word "railway," in line 27, to strike out the following proviso:

Provided, That whenever the net receipts of said company from its business upon said road shall, for any years, exceed 10 per cent. of the actual cost of such road, then said company shall, under the direction of the said commissioners, reduce the rate of passenger fare to an amount, as near as the same can be approximated, so that the net receipts of said company from its business upon such road shall not exceed 10 per cent. of the actual cost for the construction thereof.

And in lieu thereof to insert:

Its real estate shall be taxed as other real estate in the District: *Provided*, That its tracks shall not be taxed as real estate.

The amendment was agreed to.

The next amendment was, in section 4, line 5, after the word "good," to strike out "order" and insert "repair;" and in line 9, after the word "good," to strike out "order" and insert "repair;" so as to make the section read:

SEC. 4. That the said corporation shall, at its own expense, keep said tracks within the city limits, and for the space of 2 feet beyond the outer rails thereof, and also the space between the rails and tracks, at all times well paved and in good repair, to be approved by the commissioners of the District; and beyond the limits of said city shall keep its tracks, and for the space of 2 feet beyond the outer rails thereof, and also the space between the rails and tracks, well graded or paved, and in good repair, so as to impede the general travel as little as possible.

The amendment was agreed to.

The next amendment was, in section 5, line 3, after the word "company," to insert "at its own expense;" so as to make the section read:

SEC. 5. In the event of a change of grade at any time of any of the streets, avenues, or roads occupied by the track of this corporation, it shall be the duty of said company, at its own expense, to change its said railroad so as to conform to such grade as may have been thus established.

The amendment was agreed to.

The next amendment was, in section 6, line 11, to strike out "engineer commissioner" and insert "commissioners of the District;" so as to read:

SEC. 6. That it shall be lawful for said corporation, its successors or assigns, with the approval of the commissioners of the District of Columbia, to make all needful and convenient trenches and excavations and sewer connections in any of said streets or places where said corporation may have the right to construct and operate its road, and place in such trenches and excavations all needful and convenient devices and machinery for operating said railroad in the manner and by the means aforesaid; and said sewer connections shall have such traps or other devices as may be required by the commissioners of the District.

The amendment was agreed to.

The next amendment was, in section 6, line 17, after the word "boiler-house," to insert "or houses."

The amendment was agreed to.

The next amendment was, in section 9, line 29, after the word "bidder," to insert "and the sale shall be conducted;" so as to read:

And if any stockholder shall refuse or neglect to pay any installment, as required by a resolution of the board of directors, after reasonable notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of his said stock as shall pay said installment (and the person who offers to purchase the least number of shares for the assessment due shall be taken as the highest bidder), and the sale shall be conducted under such general regulations as may be adopted in the by-laws of said company.

The amendment was agreed to.

The next amendment was, in section 12, after the word "public," in line 5, to strike out "at all reasonable hours of business" and insert "if such property remains unclaimed for one year the company shall sell the same;" so as to make the section read:

SEC. 12. That all articles of value that may be inadvertently left in any of the cars or other vehicles of the said company shall be taken to its principal depot and entered in a book of record of unclaimed goods, which book shall be open to the inspection of the public, and if said property remains unclaimed for one year the company shall sell the same.

The amendment was agreed to.

The next amendment was, in section 13, line 9, to strike out the word "two" and insert "five;" in line 11, after the word "in," to strike out "the" and insert "at least two;" and in line 21, after "any," to strike out "established banking house" and insert "national bank;" so as to make the section read:

SEC. 13. That within thirty days after the passage of this act the corporators named in the first section, or a majority of them, or if any refuse or neglect to act, then a majority of the remainder, shall cause books of subscription to the capital stock of said company to be opened and kept open, in some convenient and accessible place in the District of Columbia, from 9 o'clock in the forenoon till 5 o'clock in the afternoon, for a period to be fixed by said corporators, not less than five days (unless the whole stock shall be sooner subscribed for); and said corporators shall give public notice, by advertisement in at least two daily papers published in the city of Washington, of the time when and the place where said books shall be opened; and subscribers upon said books to the capital stock of the company shall be held to be the stockholders: *Provided*, That every subscriber shall pay, at the time of subscribing, 10 per cent. of the amount by him subscribed, to the treasurer appointed by the corporators, or his subscription shall be null and void: *Provided further*, That nothing shall be received in payment of the 10 per cent., at the time of subscribing, except lawful money or certified checks from any national bank. And when the books of subscription to the capital stock of said company shall be closed, the corporators named in the first section, or a majority of them, and in case any of them refuse or neglect to act, then a majority of the remainder shall, within twenty days thereafter, call the first meeting of the stockholders of said company, to meet within ten days thereafter, for the choice of directors, of which public notice shall be given for five days in two public newspapers published daily in the city of Washington, or by written personal notice to each stockholder by the clerk of the corporation; and in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.

The amendment was agreed to.

The next amendment was, in section 17, line 2, after the word "of," to strike out "their," and insert "its;" in the beginning of line 11 to strike out the words "to said company;" in line 12, after "liable," to insert the words "to said company," and in line 14, after the word "aforesaid," to insert "but unless suit shall be brought within sixty days the action shall be barred;" so as to make the section read:

SEC. 17. That said company shall have at all times the free and uninterrupted use of its roadway; and if any person or persons shall willfully, mischievously, and unnecessarily obstruct or impede the passage of the cars of said railway with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with passengers or operatives while in transit, or destroy or injure the cars of said railway, or depots, or other property belonging to said railway, the person or persons so offending shall forfeit and pay for each such offense not less than twenty-five nor more than one hundred dollars, to be recovered as other fines and penalties in said District, and shall also be liable to said company, in addition to said penalty, for any loss or damage occasioned by his or her or their act as aforesaid, but unless suit shall be brought within sixty days the action shall be barred.

The amendment was agreed to.

The next amendment was, in section 18, line 1, after the word "said,"

to strike out the words "Eckington and Soldiers' Home Railway," and in line 2, after the word "company," to strike out "of the District of Columbia;" so as to make the section read:

SEC. 18. That the said company shall have the right of way across such other railways as are now in operation within the limits of the lines granted by this act, and is hereby authorized to construct its said road across such other railways: *Provided*, That it shall not unnecessarily interrupt the travel of such other railways in such construction.

The amendment was agreed to.

The next amendment was, in section 19, to strike out the words "that no person shall be prohibited the right to travel on any part of said road or be ejected from the cars by the company's employés, for any other cause than that of being drunk, disorderly, unclean, or contagiously diseased, or refusing to pay the legal fare exacted, or to comply with the lawful regulations of the company. The," before the word "corporators," in line 6, to insert the word "said;" and in the beginning of line 7 to strike out the words "herein named, or the corporation hereby created;" so as to make the section read:

Said corporators shall not sell or assign any of the rights hereby conferred relating to the line of said road until after the main road hereby authorized shall have been constructed as herein provided, and then only after having obtained the written consent of the stockholders representing two-thirds in value of the capital stock.

The amendment was agreed to.

The next amendment was to strike out section 20, in the following words:

SEC. 20. That all acts and parts of acts heretofore passed, which are inconsistent with any of the provisions of this act, for the purposes of this act, are hereby repealed, so far as the same are inconsistent herewith.

The amendment was agreed to.

Mr. ALLISON. I have an amendment I desire to insert on page 2. I have shown it to the committee, and I believe it meets their approval. After the words "Fourth street," in section 1, line 19, I move to insert:

With the privilege of extending the same northwardly along Fourth street to the Bunker Hill road within one year after said Fourth street shall have been opened and graded.

Mr. HARRIS. The incorporators named in the bill are not opposed to the amendment suggested by the Senator from Iowa. I reported the bill from the committee, and as advised I see no objection to it. It is an amendment to the House bill not reported from the committee; but I see no objection to the amendment.

The amendment was agreed to.

Mr. HARRIS. Now, that amendment being agreed to, it becomes necessary that I should suggest two or three other amendments. In the original House bill, in section 8, line 1, after the word "railway," I move to strike out the word "company" and insert "except the Ivy City and Fourth street extensions."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In section 8, line 1, after the word "railway," it is proposed to strike out "company" and insert "except the Ivy City and Fourth street extensions;" so as to read:

SEC. 8. That the main line of said railway, except the Ivy City and Fourth street extensions, shall be commenced within three months, and completed within twelve months from the passage of this act; and the branch.

The amendment was agreed to.

Mr. HARRIS. Then in section 9, line 5, after the words "thirty-two thousand dollars," I move to insert:

And on the Fourth street extension, $40,000.

The amendment was agreed to.

Mr. HARRIS. In line 10 of section 9, after the words "Ivy City branch, $60,000," I move to insert:

And on the Fourth street extension, $75,000.

The amendment was agreed to.

Mr. HARRIS. Then in line 15 of the same section, after the words "Ivy City branch, $120,000," I move to insert:

And on the Fourth street extension, $150,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HARRIS. I move that the Senate insist on its amendments, and ask for a conference with the House of Representatives on the disagreeing votes.

The motion was agreed to; and by unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. HARRIS, Mr. SPOONER, and Mr. FARWELL were appointed.

LUTHER G. BILLINGS.

The bill (S. 1781) to authorize the President of the United States to place upon the retired-list of the Navy Pay Inspector Luther G. Billings was announced as the next in order on the Calendar.

Mr. BLODGETT. At the request of my colleague [Mr. MCPHERSON] I ask that this bill be passed over and retain its place on the Calendar.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). If there be no objection, it will be so ordered.

IRA HAWORTH.

The bill (S. 1971) to re-examine the homestead claim of Ira Haworth was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, in line 4, after the word "cause," to strike out "the Commissioner of the General Land Office;" in line 5, after the word "to," to strike out "reopen" and insert "be reopened," and after the word "and," in the same line, to strike out "re-examine" and insert "re-examined;" and in line 10, after the word "found," to strike out "by said Commissioner;" so as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be reopened and re-examined the homestead claim of Ira Haworth, embracing the west half of the northwest quarter and the southeast quarter of the northwest quarter of section 19, township 4 south, range 4 east, Concordia district, Kansas; and if, upon such re-examination, it is found that said entry was lawfully made, and that the same was improperly canceled under the laws as the same existed at the date of said entry.

The amendment was agreed to.

The next amendment was, in line 13, after the word "then," to strike out the remainder of the bill in the following words:

Said entry shall be reinstated on the records of the General Land Office, and patent shall issue thereon as in other cases under the homestead laws of the United States, upon proof of five years' residence and cultivation next succeeding the date of such entry; and in that event the Attorney-General of the United States shall cause suit to be brought in the proper court to set aside the patent issued to the St. Joseph and Denver City Railroad Company for said land subsequent to the date of said entry.

And in lieu thereof to insert:

The Secretary of the Interior shall cause to be paid to said Ira Haworth, his heirs or assigns, a sum equal to $3.50 per acre for the number of acres included in said entry, not exceeding, however, a total sum of more than $560.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MATTIE S. WHITNEY.

The bill (S. 2185) to carry out the findings of the Court of Claims in the case of Mattie S. Whitney as the administratrix of Franklin S. Whitney, deceased, heretofore referred to said court, was announced as next in order on the Calendar.

Mr. SPOONER. I ask that that bill may be passed over, retaining its place on the Calendar.

The PRESIDING OFFICER. It will be so ordered.

HENRIETTA M. SANDS.

The bill (S. 1089) for the relief of Henrietta M. Sands, widow of the late Rear-Admiral Benjamin F. Sands, United States Navy, was considered as in Committee of the Whole. It proposes to pay to Henrietta M. Sands, widow of the late Rear-Admiral Benjamin F. Sands $370.50, being the sum due to the decedent under the decisions of the Supreme Court of the United States in the Graham and Temple cases as the difference between actual traveling expenses allowed and the mileage due for travel performed by decedent upon duty under orders in June, 1861.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHINESE IMMIGRATION.

The bill (S. 2186) supplementary to and amendatory of "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882, as amended by an act approved July 5, 1884, was announced as next in order on the Calendar.

Mr. HOAR. Let that go over.

The PRESIDING OFFICER. Does the Senator desire to have it retain it place on the Calendar?

Mr. HOAR. I do not suppose it could be considered under the five-minute rule. Indeed, I suppose that what has lately happened would probably remove the necessity for the passage of the bill.

Mr. ALLISON. Let it be passed over without prejudice.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

SARAH A. ROBERTS.

The bill (S. 802) granting an increase of pension to Sarah A. Wilcox, now Roberts, was considered as in Committee of the Whole. It proposes to place on the pension-roll, at the rate of $12 per month, the name of Sarah A. Wilcox, now Roberts, who was a nurse in the United States hospitals during the late war, the pension to be in lieu of any pension heretofore granted her.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY WHIRRY.

The bill (S. 1194) granting a pension to Mary Whirry was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Whirry, dependent mother of George H. Whirry, late a private in Company D, Eighth Wisconsin Regiment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

L. J. M'GOFFIN.

The bill (S. 1146) granting a pension to L. J. McGoffin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of L. J. McGoffin, late a private in Company C, Sixth Regiment West Virginia Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MICHAEL LANE.

The bill (S. 1286) granting a pension to Michael Lane was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Michael Lane, late of Company H, Nineteenth Regiment Kansas State Militia.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES M'LAUGHLIN.

The bill (S. 1609) for the relief of James McLaughlin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James McLaughlin, late captain of Company I, Tenth Regiment Kansas State Militia.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT A. BRIDE, OR M'BRIDE.

The bill (S. 1607) granting a pension to Robert A. Bride, or McBride, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Robert A. Bride, or McBride, late of Company H, One hundred and eighty-third Regiment of Pennsylvania Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

W. A. HICKS.

The bill (S. 1742) granting a pension to W. A. Hicks was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of W. A. Hicks, late of Company M, Fifteenth Regiment Kansas Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN CHILD.

The bill (S. 1288) granting a pension to John Child, was considered as in Committee of the Whole. It proposes to place the name of John Child, late a private in Company D, Sixty-second New York Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ESTHER B. HAYFORD.

The bill (H. R. 369) granting a pension to Mrs. Esther B. Hayford was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Esther B. Hayford, widow of Orlando Hayford, deceased, late a private in Company G, First Regiment of Maine Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN R. WHEELOCK.

The bill (S. 1193) granting a pension to John R. Wheelock was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John R. Wheelock, dependent father of William H. H. Wheelock, late of Company E, Seventh Regiment Wisconsin Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JULIUS C. MONSON.

The bill (S. 808) granting a pension to Julius C. Monson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Julius C. Monson, late a sergeant in Company D, of the Fifteenth Regiment of Wisconsin Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH W. EUBANK.

The bill (S. 1018) granting a pension to Joseph W. Eubank was considered as in Committee of the Whole. It was reported from the Committee on Pensions with an amendment, after the word "name," in line 6, to strike out:

Of Joseph W. Eubank, for services rendered while with Company K, Second Regiment Arkansas Volunteers, and pay him a pension at the rate of $15 per month.

And in lieu thereof to insert:

Of Capt. Joseph W. Eubank, of Company K, Second Regiment Arkansas Volunteers, and pay him a pension at the rate allowed captains.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Capt. Joseph W. Eubank, of Company K, Second Regiment Arkansas Volunteers, and pay him a pension at the rate allowed captains.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN W. JANUARY.

The bill (S. 1124) to increase the pension of John W. January was considered as in Committee of the Whole. It was reported from the Committee on Pensions with an amendment, in line 6, to strike out the name "Minoak" and insert "Minonk;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John W. January, of Minonk, Ill., late of Company B, Fourteenth Regiment Illinois Volunteer Cavalry, and to pay him a pension at the rate of $100 per month, in lieu of the pension he is now receiving.

The amendment was agreed to.

Mr. HARRIS. Is there a report in that case?

The PRESIDENT *pro tempore*. There is. The report will be read.

The Chief Clerk read the following report, submitted by Mr. SAWYER February 29, 1888:

The Committee on Pensions, to whom was referred a bill to increase the pension of John W. January, have examined the same, and report:

The claimant was a member of Company B, Fourteenth Illinois Cavalry. He was pensioned first at the rate of $50 a month, and last at the rate of $72 a month, for loss of both legs. His case is one of peculiar and extraordinary interest. He was captured on Stoneman's raid, in July, 1864, and upon retreat from Macon was taken by six Confederate soldiers to Andersonville, and kept there until the fall of Atlanta made it necessary for the prisoners to be removed to prevent their falling into the hands of the Union forces. He thus tells his own story:

"I was taken to Charleston, S. C., with others, and placed by the enemy under fire of our own soldiers and gunboats; remained here ten days, and was taken to Florence, S. C., where we passed the winter of 1864-'65; and on or about February 15, I was stricken down by an attack of swamp fever, and for three weeks remained in a delirious condition. The fever abated and reason returned. I soon learned from the surgeon, after a hasty examination, that I was a victim of scurvy and gangrene, and was removed to the gangrene hospital. My feet and ankles, 5 inches above the joints, presented a livid, lifeless appearance, and soon the flesh began to slough off, and the surgeon, with a brutal oath, said I would die. But I was determined to live, and begged him to cut off my feet, telling him if he would that I could live. He still refused, and, believing that my life depended on the removal of my feet, I secured an old pocket-knife and cut through the decaying flesh, and severing the tendons, the feet were unjointed, leaving the bones protruding without a covering of flesh for 5 inches.

"At the close of the war I was taken to our lines at Wilmington, N. C., in April, 1865, and when weighed learned that I had been reduced from 165 pounds, my weight when captured, to 45 pounds. Six weeks after I was released, while on a boat *en route* to New York, the bones of my right limb broke off at the end of the flesh. Six weeks later, while in a hospital on David's Island, those of my left had become necrosed, and broke off similarly. One year after my release I was just able to sit up in bed, and was discharged. Twelve years after my limbs had healed over, and, strange to relate, no amputation was ever performed save the one I performed in prison. There is no record in the world similar to mine. My family consists of my aged parents, my wife, three sons, and three daughters."

This statement is vouched for by persons of the highest character.

Seventy-two dollars a month is the highest pension rate provided by law. In view of the agony, mental and physical, which this man endured while a prisoner, and for many years after, of his physical helplessness, and the inadequacy of his present rating to the support of his family, the committee are of the opinion that this is one of those rare instances in which Congress may extend relief.

The bill is reported favorably, with a recommendation that it do pass.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS A. OSBORN.

The bill (H. R. 2216) for the relief of Thomas A. Osborn was considered as in Committee of the Whole. It proposes to pay to Thomas A. Osborn, late United States marshal for the district of Kansas, $8,701.96, on account of the loss of that amount of public funds by the failure of the banking-house of E. H. Gruber & Co., on October 6, 1866, the loss being without neglect or fault on the part of Osborn.

The bill was reported from the Committee on Claims with an amendment, to strike out the following proviso at the end of the bill:

Provided, It shall be proven to the satisfaction of the Secretary of the Treasury that said money was lost without fault or negligence upon the part of said Osborn.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. SPOONER. I move that the Senate insist on its amendment to the bill, and ask for a conference on the disagreeing votes thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. SPOONER, Mr. HOAR, and Mr. FAULKNER were appointed.

WILLIAM S. BYERS AND OTHERS.

The bill (S. 37) authorizing the Secretary of the Interior to make sale of certain lands of the Umatilla Indian reservation, in Oregon, to William S. Byers and others, and to issue patent therefor, was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to have an amount of land, not to exceed 20 acres, upon the Umatilla Indian reservation, in Oregon, immediately adjoining on the east a tract of 640 acres, set apart as an additional town site for the town of Pendleton by an act of Congress approved August 5, 1882, surveyed by the surveyor-general of Oregon, in such shape as will best embrace and secure the mill-race and water-head of William S. Byers, Robert G. Thompson, and Jeremiah Barnhart, as the same is now located and used in connection with their mill in the town of Pendleton.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALFRED HEDBERG.

The bill (S. 1371) for the relief of Alfred Hedberg was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments, in line 5, after the word "appoint," to strike out "Albert" and insert "Alfred;" in line 7, after "States," to strike out the words "with his former rank and date of commission;" in line 10, after the word "service," to insert "with rank from the date of said assignment," and in line 13, to strike out "appointment" and insert "assignment;" so as to make the bill read:

That the President of the United States be, and he hereby is, authorized to nominate and, by and with the advice and consent of the Senate, appoint Alfred Hedberg (late a captain in the Fifteenth Infantry), a captain of infantry in the Army of the United States; and that he, the said Alfred Hedberg, shall be assigned to the first vacancy of his grade occurring in the infantry arm of the service, with rank from the date of said assignment: *Provided*, That said Alfred Hedberg shall receive no pay for the time he was out of service, but only from the date of his assignment under this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH H. MADDOX.

The bill (S. 2201) for the relief of Laura E. Maddox, widow and executrix, and Robert Morrison, executor, of Joseph H. Maddox, deceased, was announced as next in order on the Calendar.

Mr. MITCHELL. I ask that that bill may go over for the present and not lose its place.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

SAMUEL NOBLE.

The bill (S. 2202) for the relief of Samuel Noble was considered as in Committee of the Whole. It proposes to refer to the accounting officers of the Treasury Department for determination, upon the evidence taken and now on file, all matters in relation to the claim of Samuel Noble, formerly of Rome, Ga., but now a citizen of Anniston, Ala., relating to or growing out of his agreement made with H. A. Risley, the supervising agent of the Treasury, with the approval of the Secretary of the Treasury, and wherein he claims the net proceeds of sale of 802 bales of cotton alleged to have been captured by the United States military authorities at Savannah, Ga., in December, 1864.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAPRON COLLECTION OF JAPANESE WORKS OF ART.

The bill (S. 2215) providing for the purchase of "the Capron collection of Japanese works of art" was considered as in Committee of the Whole. It proposes to appropriate $14,675 for the purchase of "the Capron collection of Japanese works of art," now on temporary deposit in the National Museum, at Washington.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. VOORHEES. I notice on the twenty-fourth page of the Calendar a bill put down as Senate bill 1033, providing for the purchase of "the Capron collection of Japanese works of art." The bill was reported by the chairman of the Library Committee, and inasmuch as a similar bill has just been passed I call attention to that bill and ask that it may be stricken off the Calendar.

Mr. MANDERSON. I call the attention of the Senator from Indiana to the fact that these two bills state two different amounts according to my recollection.

Mr. VOORHEES. But it is a mistake in calendaring the bill, if I may use the word. There was a first bill and a different amount fixed, and Senate bill 2215 was reported as a substitute or in lieu thereof. The bill just passed was the only bill intended for consideration.

The PRESIDENT *pro tempore*. Senate bill 1033 will be indefinitely postponed, if there be no objection.

LAND PATENTS.

The resolution submitted by Mr. CALL February 29, 1888, directing the Committee on Public Lands to report a bill declaring all patents on the public lands of the United States issued without authority of law to be absolutely void, was announced as the next business on the Calendar.

Mr. SPOONER. As the Senator from Florida [Mr. CALL] is not in the Chamber, I ask that the resolution be passed over without losing its place.

The PRESIDENT *pro tempore*. The resolution will be passed over without prejudice, retaining its place on the Calendar.

PROBATE COURTS IN WYOMING.

The bill (S. 1351) to enlarge the jurisdiction of the probate courts in Wyoming Territory was considered as in Committee of the Whole.

The bill was reported from the Committee on Territories with amendments, in section 1, line 14, before the word "order," to insert "final;" in the same line, before the word "judgment," to strike out the word "or," and after the word "judgment" to insert "or decree;" and in line 15, after the word "court," to insert "in which such district court is held;" so as to make the section read:

That the probate courts of the Territory of Wyoming, in their respective counties, in addition to their probate jurisdiction, be, and they are hereby, authorized to hear and determine all civil causes wherein the damage or debt claimed does not exceed the sum of $500, exclusive of interest, and such criminal cases arising under the laws of the Territory as do not require the intervention of a grand jury: *Provided*, That they shall not have jurisdiction in any matter in controversy when the title, boundary, or right to the peaceable possession of land may be in dispute, or in chancery or divorce cases: *And provided further*, That in all cases an appeal may be taken from any final order, judgment, or decree of said probate courts to the district court in which such district court is held.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARTHA F. WOODRUM.

Mr. MITCHELL. In behalf of an old lady, who is totally blind and wholly dependent, I ask the unanimous consent of the Senate to take up Order of Business 856, a pension bill which has passed the other House. It will take but a moment.

The PRESIDENT *pro tempore*. The Senator from Oregon asks unanimous consent that the Senate now proceed to the consideration of the bill (H. R. 2805) granting a pension to Martha F. Woodrum, widow of James Woodrum, deceased.

Mr. DAWES. Is there not some unanimous agreement about the order of proceeding?

Mr. HARRIS. There is, but the Senator from Oregon has asked for unanimous consent.

Mr. VOORHEES. This is a House bill for the relief of a blind woman, and it ought to be passed.

Mr. MITCHELL. I ask unanimous consent that it may be considered.

Mr. DAWES. I have no objection.

Mr. EVARTS. The bill has passed the other House.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2805) granting a pension to Martha F. Woodrum, widow of James Woodrum, deceased.

The Committee on Pensions reported the bill with an amendment, in line 6, before the word "dollars," to strike out "twelve" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, at the rate of $50 per month, the name of Martha F. Woodrum, surviving widow of James Woodrum, deceased, late private of Company C, Ninth Regiment of Kansas Volunteer Cavalry.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

On motion of Mr. DAVIS, it was

Resolved, That the Senate insist on its amendment and request a conference on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. DAVIS, Mr. MITCHELL, and Mr. TURPIE as the conferees on the part of the Senate.

POSTAL TELEGRAPH SYSTEM.

The bill (S. 534) to provide for the establishment of a postal telegraphic system was announced as next in order.

Mr. MANDERSON. That was reported adversely.

The PRESIDENT *pro tempore*. Being adversely reported, the bill goes over. The same order will be made in regard to Order of Business 514, being the bill (S. 614) to provide for the establishment and operation of the United States postal telegraph, it having been adversely reported. The next Order of Business will be stated.

M. F. VANCE.

The bill (S. 2009) to restore the homestead right of M. F. Vance, of Akron, Colo., was considered as in Committee of the Whole.

The Committee on Public Lands reported an amendment, in line 5, after the word "under," to strike out "the act of May 20, 1862," and insert "sections 2289 to 2317, chapter 5, Title XXXII, of the Revised Statutes of the United States;" so as to make the bill read:

Be it enacted, etc., That the homestead right of M. F. Vance, of Akron, Colo., be restored, and that he be entitled to all the privileges accruing under sections 2289 to 2317, chapter 5, Title XXXII, of the Revised Statutes of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FLORENCE COURTNEY COCHNOWER.

The bill (S. 1459) granting a pension to Florence Courtney Cochnower was considered as in Committee of the Whole. It was reported from the Committee on Pensions with an amendment, in line 6, after the words "rate of," to strike "twenty-five" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Florence Courtney Cochnower, at the rate of $12 per month, for services in the field and as a nurse during the war of the rebellion.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LUTHERAN CHURCH CEMETERY LANDS.

The bill (S. 1727) to grant to the trustees of the German Lutheran Trinity Congregation of Washington, D. C., the right to sell a portion of their cemetery lands was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GROVENOR A. CURTICE.

The bill (H. R. 439) for the relief of Grovenor A. Curtice was considered as in Committee of the Whole. It proposes to pay to Grovenor A. Curtice, late a captain in the Seventh Regiment of New Hampshire Volunteer Infantry, the pay and allowances of a captain of infantry from January 3, 1865, the date at which he was assigned to duty under his commission, to May 1, 1865, the date of his muster as a captain, deducting therefrom the pay received by him as a first sergeant during that period.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM ENGLISH.

The bill (S. 1423) authorizing the President to appoint William English an officer in the regular Army of the United States was announced as next in order on the Calendar.

The PRESIDENT *pro tempore*. The bill having been adversely reported, it will be passed over.

ATLANTIC AND PACIFIC SHIP-RAILWAY.

The bill (S. 1755) to incorporate the Atlantic and Pacific Ship-Railway Company, and for other purposes, was announced as next in order on the Calendar.

Mr. VOORHEES. This is a bill of great importance. Perhaps it ought to be passed just in the form it is; I do not know. The Senator from Louisiana [Mr. GIBSON] reported it, and it is a bill introduced by the Senator from Missouri [Mr. VEST]. They are both absent, and whether we ought to go on and consider it in their absence is a very grave question. Perhaps they might want to make amendments to it. I suggest that the bill go over until the next call, not losing its place on the Calendar.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be passed over without prejudice.

FOURTEENTH KANSAS CAVALRY VOLUNTEERS.

The bill (S. 1306) to define the status and for the relief of the heirs or legal representatives of certain recruits for the Fourteenth Kansas Cavalry Volunteers who were killed at Lawrence, Kans., August 21, 1863, by guerrillas, was considered as in Committee of the Whole. It directs the Secretary of War to recognize certain named persons as unassigned recruits for the Fourteenth Kansas Cavalry Volunteers, from their respective dates of enrollment, as shown by enlistment papers filed in the War Department by the adjutant-general of the State of Kansas.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH CASSON.

The bill (H. R. 3613) for the relief of Joseph Casson was considered as in Committee of the Whole. It provides that the entry of Joseph Casson, under date of September 27, 1881, per certificate numbered 75, of the southeast quarter of the northwest quarter of section 34, township 12, range 14, in Shawnee County, Kansas, shall be ratified, confirmed, and declared valid, and directs the President to issue in due form a patent for the land to Casson.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MILITARY QUARTERS AT FORTS ROBINSON AND NIOBRARA.

The bill (S. 1561) to provide for the completion of quarters, barracks, and stables at Fort Robinson and at Fort Niobrara, in the State of Nebraska, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HEIRS OF CHARLES B. SMITH.

The bill (S. 1039) for the relief of the heirs of Charles B. Smith, deceased, was considered as in Committee of the Whole. It directs the proper accounting officers of the Treasury to readjust and close the subsistence and quartermaster's accounts, upon the books of the Treasury, of Charles B. Smith, deceased, late a first lieutenant in the Fifth Iowa Cavalry, and to pay to Julia A. Smith, his widow, the pay and allowances due him at the date of his death, notwithstanding the fact that they have heretofore been applied in the adjustment of his subsistence and quartermaster's accounts.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

JOHN M'FARLAND.

The bill (S. 2223) to remove the charge of desertion and of having enlisted in the Confederate service from the records of the War Department standing against John McFarland, and to grant him an honorable discharge, was considered as in Committee of the Whole.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. MANDERSON March 5, 1888:

The Committee on Military Affairs, to whom was referred the petition of John McFarland, late private Company E, Sixty-fourth Regiment Ohio Volunteer Infantry, and certain papers accompanying the same, praying that the petitioner might be granted an honorable discharge, and that the charge of desertion or enlistment in the Confederate service might be removed from the records, have given the subject-matter consideration and herewith return the petition and papers with a bill, the passage of which measure your committee recommends.

The facts as fairly established by the affidavits submitted to your committee, and on file with the Adjutant-General, United States Army, appear to be that John McFarland, of Lucas, Richland County, Ohio, enlisted, at the age of about seventeen years, on the 12th of October, 1861, for three years, in Company E, Sixty-fourth Ohio Volunteer Infantry. He was at that time a strong, healthy young man and seems to have remained such up to May, 1862, when he was taken sick. He rejoined his command in January, 1863, and was wounded at the battle of Chickamauga in the right leg and left hand on the 19th of September, 1863, where he was likewise taken prisoner by the Confederates, and thereafter confined at Andersonville, Libby, Danville, and Florence. This confinement extended over a period of fourteen months, and until about November 15, 1864, which was over one month after his full term of service had expired.

His sufferings were great and disease had brought him to the verge of frenzy.

If sworn statements of his comrades, Thomas Sexton, Peter Dillon, and Leander S. Marsh, are to be relied upon, McFarland's brain and weakened constitution rendered him a fit subject for an asylum at the time he took the oath to the Confederacy and to enlist on that side, which he evidently resorted to in order to escape death by slow process of starvation, and to gain the Union lines at the first opportunity, which he succeeded in doing four weeks after. Comrade Marsh says of McFarland that "he was hardly able to walk at the time; in fact, he was a moving skeleton." The others corroborate him in this statement. All three comrades say he informed them of his real object, which he put in force. These facts would appear to leave no possible doubt of McFarland's real intent in the premises.

The petitioner had four brothers who served in the Union Army, and the sworn evidence of neighbors, produced to your committee, who had known the McFarland family for years, is to the full effect that its members were loyal and patriotic beyond all doubt or cavil, and the enlistments and service of five brothers of one family would seem to be ample proof to sustain this theory.

Thomas R. Smith, of Newark, Ohio, swears that he was first lieutenant of Company E, Sixty-fourth Ohio Infantry; knew McFarland "ever since he was a child;" that McFarland was "among the best soldiers of my company, and never shirked a duty, and was loyal to the United States Government;" that he saw him after his captivity and return home, and that he "was then a complete wreck, physically and mentally;" that he "did not have control of his mental faculties."

David B. Leiter, of Lucas, Ohio, a comrade of McFarland, swears that he considers his mind "badly diseased and affected, and to such an extent that McFarland has not been capable of conducting or attending any business."

Joseph Fleming, a resident of Ohio, says that ever since McFarland's confinement in Confederate prisons "his mind has been unbalanced and very weak, and he is at times entirely *non compos mentis* and not responsible for his acts."

All these witnesses knew McFarland before the war, and swear that he was then a strong man mentally and physically.

McFarland's service was as follows: He was with his company and regiment from date of enlistment until the battle of Shiloh, four weeks after which he was stricken with typhoid fever and, partially recovering, he went home on

furlough, reporting for duty August 10, 1862, but was sent to Camp Chase, where he suffered a relapse, was sent to hospital, and some six or eight weeks after, upon his urgent solicitation, he was sent with convalescents to Louisville and put on parole guard, General Bragg then threatening that city. He reached his regiment after the battle at Stone River, did duty and drew pay down to the day of his capture at Chickamauga aforesaid.

The House report on the bill for his relief (No. 625) in the Forty-eighth Congress, says:

"During the time he was in the Confederate army he never fired a gun, and constantly watched an opportunity to escape. At the first opportunity he ran into the Federal lines at Egypt Station, on the Mobile and Ohio Railroad, and was taken from there to Alton, Ill., and on January 29, 1865, he was released."

Your committee are not unmindful of the fact that great care should be taken in cases of this character lest injustice be done to the living and to the memory of the patriotic dead, but the sworn statements in this case would seem to show that no danger of that character exists here, and to demand that justice should be done not only to McFarland, but to a loyal and patriotic family.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MISSISSIPPI BOTTOM LANDS.

The bill (S. 259) granting the title of the United States in certain lands to the county of Randolph and State of Illinois on certain conditions was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ENROLLMENT OF CIRCUIT COURT JURISDICTION ACT.

The bill (S. 783) to correct the enrollment of an act approved March 3, 1887, entitled "An act to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from the State courts, and for other purposes," approved March 3, 1875, was announced as next in order on the Calendar, and the Senate, as in Committee of the Whole, resumed its consideration.

Mr. WILSON, of Iowa. The bill has been read at length, and it need not be read again.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WIDOW OF JOHN A. S. TUTT.

The bill (H. R. 2595) for the relief of the widow of John A. S. Tutt, deceased, was considered as in Committee of the Whole. It proposes to pay $386, or so much thereof as shall be shown to the satisfaction of the Commissioner of Internal Revenue to have been paid by John A. S. Tutt, as tax upon his salary as a State officer, to the widow of John A. S. Tutt, deceased, of La Fayette County, Missouri, in full repayment to her of taxes erroneously assessed upon his salary as judge of the sixth judicial circuit of Missouri from the year 1862 to the year 1870, inclusive.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGETOWN BARGE, DOCK, AND RAILWAY COMPANY.

The bill (S. 2252) to incorporate the Georgetown Barge, Dock, and Railway Company was announced as next in order on the Calendar.

Mr. TELLER. That is a lengthy bill, and as the Senator who reported it is not here I should think it had better be passed over.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

Mr. TELLER. I do not desire to object, but I think perhaps we ought to let it stand over without prejudice.

The PRESIDENT *pro tempore*. The next bill on the Calendar will be announced.

MARGARET J. CASH.

The bill (S. 1384) granting a pension to Margaret J. Cash was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Margaret J. Cash, widow of Henry Cash, late of Company A, Ninety-eighth Regiment Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZA J. MAYDEN.

The bill (S. 1254) granting a pension to Eliza J. Mayden was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Eliza J. Mayden, of Centralia, Ill., as the widow of John L. Mayden, late a sergeant of Company K, Fifty-second Regiment Indiana Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADAM L. EPLEY.

The bill (S. 1137) for the relief of Adam L. Epley was considered as in Committee of the Whole. It proposes to pay to Adam L. Epley, the son and only heir of John D. Epley, deceased, late a private in Company F, One hundred and fifty-third Regiment Ohio Volunteers, the arrears of pension due or allowable at the time of his death, and heretofore authorized to be paid John D. Epley, now deceased.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY A. DOUD.

The bill (S. 1359) for the relief of Mary A. Doud was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary A. Doud, of the city, county, and State of New York.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANNA MERTZ.

The bill (S. 1237) granting a pension to Anna Mertz was considered as in Committee of the Whole. It was reported from the Committee on Pensions with an amendment, in line 7 to strike out the word "private" and insert "captain;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Anna Mertz, the widow, and the minor children of Charles A. Mertz, late a captain of Company K, Sixty-second Illinois Volunteers.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NOTES AND COIN CERTIFICATES.

The bill (S. 8) to provide for the retirement of United States legal-tender and national-bank notes of small denominations, and the issue of coin certificates in lieu of gold and silver certificates, and for other purposes, was announced as next in order on the Calendar.

Mr. BECK. Let that be passed over without prejudice.

The PRESIDENT *pro tempore*. The bill was reported adversely, and will be passed over without prejudice.

PURCHASE OF BONDS.

The bill (H. R. 5034) to provide for the purchase of United States bonds by the Secretary of the Treasury was announced as next in order on the Calendar.

Mr. BECK. Let that bill be passed over without prejudice.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

W. H. WARD.

The bill (S. 501) for the relief of W. H. Ward was considered as in Committee of the Whole.

The bill was reported from the Committee on Patents with an amendment, in line 7, after the word "court," to strike out the words "report the same to the Senate Committee on Patents, as provided by said act of March 3, 1883," and to insert "to render such judgment thereon as law and equity warrants without reference to the statutes of limitation;" so as to make the bill read:

That the Court of Claims be, and is hereby, authorized and empowered to examine all the claims of said Ward set forth in his said petition, notwithstanding the sections of the Revised Statutes referred to in the preamble of this act, and when the facts have been found by said court, to render such judgment thereon as law and equity warrants without reference to the statutes of limitations.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The Committee on Patents also report an amendment to the preamble, which will be stated.

The CHIEF CLERK. In the second paragraph of the preamble, after the word "and," it is proposed to insert the words "one of said claims by;" so as to read:

Whereas two of said claims are debarred judicial consideration by said court in consequence of existing statutes, to wit, section 1069 of the Revised Statutes of the United States, limiting the time within which claims are to be prosecuted before the Court of Claims, and one of said claims by section 3477, relating to the assignment of claims against the United States.

The amendment was agreed to.

The preamble as amended was agreed to.

CHILDREN OF MICHAEL A. MORAN.

The bill (S. 1037) granting a pension to the infant children of Michael A. Moran was considered as in Committee of the Whole. It proposes to place on the pension-roll the names of the infant children of Michael A. Moran, late of Company K, Seventeenth United States Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ENOCH G. ADAMS.

The bill (S. 692) granting an increase of pension to Enoch G. Adams was considered as in Committee of the Whole. It was reported from the Committee on Pensions with an amendment, in line 7, after the words "rate of," to strike out "seventy-two" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Enoch G. Adams, late captain of Company D, First Regiment United States Infantry, at the rate of $24 per month, in lieu of the pension he is now receiving, to commence from the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

M. J. FOGG.

The bill (S. 1928) granting a pension to M. J. Fogg was considered as in Committee of the Whole. It was reported from the Committee on Pensions with an amendment, in line 7, before the word "Virginia," to strike out "West;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of M. J. Fogg, late a second lieutenant in Battery E, First Virginia Light Artillery.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. MARGARET PICKERING-COPELAND.

The bill (S. 1678) granting a pension to Mrs. Margaret Pickering-Copeland was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Margaret Pickering-Copeland, widow of Capt. Lafayette Pickering, late of Company F, First Regiment Ohio Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DAVID HEINBACH.

The bill (S. 1219) granting a pension to David Heinbach was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of David Heinbach, Company G, One hundred and seventy-third Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY C. JOHNSTON.

The bill (S. 1504) granting a pension to Mary C. Johnston was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary C. Johnston, daughter of Eleazor Johnston, Company A, Sixty-fourth Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN W. REYNOLDS.

The bill (S. 1542) granting a pension to John W. Reynolds was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John W. Reynolds, late of the One hundred and fifty-seventh Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JUDSON KNIGHT.

The bill (S. 1192) granting a pension to Judson Knight was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Judson Knight, late chief of scouts at headquarters of the armies operating against Richmond, as though he had been regularly mustered into the United States Army, with the rank of captain of volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. AVIS J. HOCKEY.

The bill (S. 2253) granting a pension to Mrs. Avis J. Hockey was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Avis J. Hockey, widow of William Hockey, late a corporal in Company G, Eighteenth Illinois Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ELLA M. GROVER.

The bill (S. 2254) to increase the pension of Mrs. Ella M. Grover was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Ella M. Grover, widow of Cuvier Grover, late colonel of the First United States Cavalry, at the rate of $50 a month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMANDA W. BEACH.

The bill (S. 2255) granting a pension to Amanda W. Beach was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Amanda W. Beach, dependent mother of Henry H. Beach, late a private in Company D, Seventh Regiment of Massachusetts Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TITUS WILDER.

The bill (S. 2064) granting a pension to Titus Wilder was considered as in Committee of the Whole. It was reported from the Committee on Pensions with amendments, in line 6, after the word "Navy," to insert "as armorer;" and in line 9, before the word "dollars," to strike out "fifty" and insert "seventy-two;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Titus Wilder, who served in the United States Navy as armorer during the war with Mexico in 1846 and 1847, at the rate of $72 per month, in lieu of the pension he is now receiving.

Mr. COCKRELL. Let the report be read.

The Secretary read the following report, submitted by Mr. DAVIS March 6, 1888:

The Committee on Pensions, to whom was referred the bill (S. 2064) granting a pension to Titus Wilder, have examined the same, and report:

The record of the Pension Bureau shows that this claimant while in the United States service as armorer's mate upon the United States brig Lawrence lost his left eye while performing duty, and by an accident incident to that duty. He was forging a boat-hook, which slipped from the tongs and fell into a pail of water. The hot steam flew upwards, struck the left eye, destroyed the optic nerve and the sight of the left eye, and affected the right eye until the year 1887, when he became totally blind.

Upon this showing he was granted a pension of $8 per month June 17, 1887, under the act of January 29, 1887, commonly called the Mexican pensions act. By the terms of that statute no greater pension could have been allowed by the bureau.

No reason can be imagined why this man ought not to be pensionable in the same sum that he would be had he been a soldier in the late civil war and had his total blindness resulted from the same causes incident to the performance of duty therein.

Your committee has so held in the case of Martin Kellogg, another veteran of the Mexican war, upon whom the same affliction has fallen.

The passage of the bill is therefore recommended, with the following amendments:

Insert the words "as armorer's mate" after the word "Navy," in line 6.

Strike out the word "fifty," in line 8, and insert in lieu thereof the words "seventy-two."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH WIRTH.

The bill (S. 2033) granting a pension to Joseph Wirth was considered as in Committee of the Whole. It was reported by the Committee on Pensions with an amendment, in line 8, after the word "month," to strike out "and arrears at that rate from August 4, 1886," and insert "from and after the passage of this act;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Joseph Wirth, late quartermaster-sergeant in Company L, Third New Jersey Cavalry, and pay him at the rate of $30 per month from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN FOX.

The bill (S. 1919) granting a pension to John Fox was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Fox, late a member of Company H, Seventh Regiment Massachusetts Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARTHA F. WOODRUM.

The bill (S. 2166) granting a pension to Martha F. Woodrum was announced as next in order on the Calendar.

Mr. BECK. We passed a House bill similar to that a few minutes ago.

The PRESIDENT *pro tempore*. The House bill for the benefit of the same person having been passed, the Senate bill will be indefinitely postponed.

WILLIAM KNIGHT AND OTHERS.

The bill (S. 341) granting pensions to William Knight, Jacob Parrott, William Reddick, and John Whollam was considered as in Committee of the Whole. It was reported from the Committee on Pensions with an amendment, in line 9, to strike out the name "William Reddick;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the act approved July 7, 1884, entitled "An act granting pensions to Wilson W. Brown and others," the name of William Knight, late of Company E, Twenty-first Ohio Volunteer Infantry, and Jacob Parrott and John Whollam, late of the Thirty-third Ohio Volunteer Infantry.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting pensions to William Knight, Jacob Parrott, and John Whollam."

CAROLINE RUPPERT.

The bill (S. 996) granting a pension to Caroline Ruppert was considered as in Committee of the Whole. It proposes to place on the pension-rolls the name of Caroline Ruppert, widow of Christian Ruppert, late a private in Company F, Second Regiment of Michigan Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES WAGEMANN.

The bill (S. 1153) for the relief of Charles Wagemann was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Charles Wagemann, late a private in Company E, Seventh Missouri Cavalry, at the rate of $24 per month, in lieu of that which he now receives.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT BUFFALO.

The bill (H. R. 1678) to authorize the purchase of a site for a public building at Buffalo, N. Y., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE AT MEMPHIS.

The bill (H. R. 2927) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn., was announced as next in order on the Calendar.

Mr. TELLER. There seems to be a minority report in that case, and I suppose the bill will lead to some discussion.

Mr. HARRIS. I hope the Senator from Colorado will not object to the consideration of the bill. The people whom I have the honor to represent are exceedingly anxious and earnest in their desire to have this bill passed at the earliest moment possible.

Mr. TELLER. If there is any member of the minority here, I shall not object.

Mr. HARRIS. Here is one at my elbow.

Mr. TELLER. Then I shall not object.

The PRESIDENT *pro tempore*. There being no objection, the bill is before the Senate as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 3, line 2, after the word "spans," to strike out the words:

The two middle or channel spans thereof shall not be less than 600 feet in length in the clear, and no span shall be less than 450 feet in length in the clear.

And to insert:

Before approving the plans for said bridge, the Secretary of War shall order three engineer officers from the Engineer Bureau to be detailed to the duty of examining, by actual inspection, the locality where said bridge is to be built, and to report what shall be the length of the main channel span and of the other spans: *Provided*, That the main channel span shall in no event be less than 700 feet in length, or the other spans less than 600 feet each in length; and if the report of said officers shall be approved by the Secretary of War, the spans of said bridge shall be of the length so required.

The amendment was agreed to.

Mr. COKE. I feel that it is my duty to object to the consideration of the bill at this time. The entire membership of the Commerce Committee, from which the bill comes, is absent not only from the Senate but from the city. Several members of that committee feel a great interest in the bill and desire very much to be here when it is passed upon by the Senate. I am entirely willing that the bill shall retain its place on the Calendar, but I ask that it may go over.

Mr. HARRIS. Of course the objection carries the bill over despite anything I can do or say. Inasmuch as the Senator from Texas has objected, and by his objection carries it over, I take occasion now and here to give notice that at the moment, and the first moment, that the morning business of next Monday is concluded, if I can induce the Chair to recognize me, I shall invoke the aid of a majority of this body to enable me to have the bill considered.

Mr. PLATT. I shall have to object to it when that motion is made.

Mr. HARRIS. I should like to know why the Senator from Connecticut would object within the morning hour.

Mr. PLATT. Because——

The PRESIDENT *pro tempore*. Debate can only proceed by unanimous consent.

Mr. PLATT. Because, Mr. President, I have discovered that when a contested matter is taken up during the morning hour it invariably runs over past the hour of 2 o'clock, and thereby gets to be the unfinished business of the Senate, having precedence of other unfinished business, when the Senate does not intend to give it that operation.

Mr. HARRIS. I desire to say to my friend from Connecticut that the notice I gave was that I should move in the morning hour and ask a majority of the Senate to proceed to consider the bill. I did not say I would ask unanimous consent. The Senator may object, but it will take a majority of this body to make the objection effective.

The PRESIDENT *pro tempore*. The next bill on the Calendar will be announced.

STEPHEN C. LOBDILL.

The bill (S. 760) granting a pension to Stephen C. Lobdill was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Stephen C. Lobdill, late of Company G, Twenty-fourth Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLARISSA HARVEY.

The bill (H. R. 7237) granting a pension to Clarissa Harvey was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Clarissa Harvey, widow of Henry B. Harvey, late a private in Company C, Tenth Regiment Wisconsin Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK AUGUSTIN.

The bill (H. R. 5499) granting an increase of pension to Frederick Augustin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Frederick Augustin, late a private in Company I, Twenty-first Regiment Wisconsin Volunteer Infantry, at the rate of $36 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEIRS OF MARTIN KENOFSKY.

The bill (S. 1671) for the relief of the heirs of Martin Kenofsky was considered as in Committee of the Whole.

The bill was reported from the Committee on Foreign Relations with an amendment, in lines 6 and 7, to strike out "$8,861" and insert "$4,992.50;" so as to make the bill read:

That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to the heirs or legal representatives of Martin Kenofsky the sum of $4,992.50, in full of all demands for and on account of the claim of the said Kenofsky for the proceeds derived from the sale of $4,992.50 of gold coin belonging to him and used in the service of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 671) for the relief of the heirs of John S. Fillmore, deceased;

A bill (H. R. 2996) to confirm the title of the heirs or legal representatives of Henry Volcker, deceased, to a certain tract of land in the Territory of New Mexico;

A bill (H. R. 6394) for the relief of Hayem & Taylor; and

A bill (H. R. 6879) to authorize the Secretary of the Treasury to convey to Anson Rudd, of the State of Colorado, certain real estate in the county of Fremont, in said State.

MOBILE MARINE DOCK COMPANY.

The bill (S. 439) for the relief of the Mobile Marine Dock Company was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to the Mobile Marine Dock Company, or its authorized agent or attorney, the sum of $36,202.65, in full payment for the use and occupation of and damages to property taken of the company from the 16th of April to the 15th of November, 1865, inclusive.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PAY OF ACTING REAR-ADMIRALS.

The bill (S. 1510) allowing the pay of rear-admirals to commodores while acting as rear-admirals was announced as next in order.

Mr. COCKRELL. I should like to hear some reason for that.

The PRESIDENT *pro tempore*. The Senator reporting the bill [Mr. CHANDLER] is not in his seat.

Mr. COCKRELL. I think it had better be passed over, retaining its place on the Calendar.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

PAY OF ENSIGNS OF THE NAVY.

The bill (S. 881) to regulate the pay of ensigns of the United States Navy was considered as in Committee of the Whole.

The Committee on Naval Affairs reported an amendment, in line 5, after the word "dollars," to insert the words "per annum;" so as to make the bill read:

Be it enacted, etc., That from and after the passage of this act ensigns in the Navy shall receive $1,700 per annum when at sea, $1,400 per annum when on shore duty, and $1,000 per annum when on leave or waiting orders; and section 1556 of the Revised Statutes is hereby amended accordingly.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REV. WORCESTER WILLEY.

The bill (S. 1084) for the relief of the American Board of Commissioners for Foreign Missions, Rev. Worcester Willey, and Esther Smith, was considered as in Committee of the Whole.

The Committee on Claims reported the bill with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized to pay to Worcester Willey, out of any money in the Treasury not otherwise appropriated, the sum of $170; and that said sum be in full of the claim of Worcester Willey against the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Rev. Worcester Willey."

MARGARET KENNEDY.

The bill (S. 307) for the relief of Margaret Kennedy was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That the Quartermaster-General be, and he is hereby, authorized and directed to ascertain and state the value of all timber, fences, and fruit trees on the farm of John Kennedy, deceased, situated in the District of Columbia, upon which Fort Sedgwick was erected, taken and used for firewood by the Army of the United States, and also the value of all timber sold by the Government which had been taken from said farm and used in the construction of said fort. And the amount so stated shall be paid, out of any money in the Treasury not otherwise appropriated, to Margaret Kennedy, the widow and sole executrix of John Kennedy, deceased.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OREGON ORDNANCE STORES.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 29) to authorize the Secretary of War to credit the State of Oregon with the sum of $12,398.55, for ordnance and ordnance stores to be issued to the Territory of Washington on account of said State, in payment for ordnance and ordnance stores borrowed by said State of said Territory during the Nez Percé Indian war of 1877 and 1878, and for other purposes.

The bill was reported from the Committee on Military Affairs with amendments, after the word "cause," at the end of line 3, to strike out "the State of Oregon to be credited on its ordnance account with the sum of $12,398.50, and to issue, in accordance with the request of the governor of Oregon and on account of said State," and insert "to be issued;" in line 9, before the word "payment," to insert "full," and after "payment" to insert "and liquidation;" in line 10, after the word "State," to insert "of Oregon;" and after the word "cents," in line 13, to insert "and the said charge against Oregon of $12,398.55, on the books of the War Department, is hereby ordered to be canceled;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, directed to cause to be issued to the Territory of Washington, in full payment and liquidation of ordnance and ordnance stores borrowed by said State of Oregon of said Territory, and lost or rendered useless in service, ordnance and ordnance stores of the value of $12,398.55, and the said charge against Oregon of $12,398.55, on the books of the War Department, is hereby directed to be canceled.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The amendments reported by the Committee on Military Affairs to the preamble will now be stated.

The CHIEF CLERK. In the third clause of the preamble, line 1, after the word "accouterments," the committee report to strike out "necessary to properly equip her militia and" and insert "nor credit on her ordnance account sufficient to return said arms, etc., borrowed; and;" so as to make the clause read:

Whereas said State has not arms and accouterments nor credit on her ordnance account sufficient to return said arms, etc., borrowed; and.

The amendment was agreed to.

The next amendment was to strike out clauses 4 and 5 of the preamble, as follows:

Whereas the governor of said State has requested the Secretary of War to issue to the said Territory of Washington, on account of said State, ordnance and ordnance stores of the character and in the quantity so borrowed; and

Whereas the Secretary of War is unable to do so, because there is only at this time $10.90 to the credit of said State.

The amendment was agreed to.

The preamble as amended was agreed to.

The title was amended so as to read: "A bill to authorize the Secretary of War to issue ordnance and ordnance stores to the Territory of Washington in payment for ordnance and ordnance stores borrowed by the State of Oregon of said Territory during the Nez Percé Indian war of 1877 and 1878, and for other purposes."

JOHN H. MARION.

The bill (S. 1772) for the relief of John H. Marion was considered as in Committee of the Whole. It proposes to relieve John H. Marion, of Prescott, Ariz., from the payment of $1,042.45, claimed to be due from him to the Government of the United States on account of the nonfulfillment of a contract for hay made with the chief quartermaster, Department of Arizona, dated Whipple Barracks, May 15, 1884.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HEIRS OF FIDUS LIVERMORE.

The bill (H. R. 3758) for the relief of the legal heirs of Fidus Livermore, deceased, was considered as in Committee of the Whole. It provides for the payment to Sarah Livermore, widow and administratrix of the late Fidus Livermore, of Jackson, Mich., of $766.50, for services performed in his lifetime as commandant of camp of the Twentieth Regiment of Michigan Infantry ($210), and services as commandant of camp of the Twenty-sixth Michigan Infantry ($550), and for money expended ($41.50) for necessary expenses while discharging the duties of commandant of camp during the organization of the Twentieth and Twenty-sixth Michigan Regiments of Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES THOMAS.

The bill (S. 1178) for the relief of Capt. Charles Thomas, of the United States Navy, was considered as in Committee of the Whole.

The Committee on Naval Affairs reported an amendment in line 8, after the words "United States," to strike out "and that the transfer shall take effect from the same date as that of other officers of the same rank who were retired at the same time and for the same causes;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and empowered to transfer Capt. Charles Thomas, of the retired-list of the United States Navy, from furlough pay to the 75 per cent. pay of retired officers, under section 1588 of the Revised Statutes of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY PENFIELD.

The bill (H. R. 6071) for the relief of Mary Penfield was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Penfield, late a nurse in the United States Army, at the rate of $25 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY B. KIRBY.

The bill (H. R. 4626) for the relief of Mary B. Kirby was considered as in Committee of the Whole. It proposes to place on the pension-roll, at $50 per month, the name of Mary B. Kirby, widow of Reynold Marvin Kirby, major of the First Regiment of United States Artillery, who died at Fort Sullivan in the year 1842, while in the line of duty, from disease contracted in the service.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. Q. BARTON.

The joint resolution (H. Res. 68) in favor of J. Q. Barton, was considered as in Committee of the Whole. It authorizes Paymaster J. Q. Barton, of the Navy, to accept the decoration of the "Order of the Rising Sun," conferred upon him by the Emperor of Japan as evidence of his appreciation of services rendered by that officer to the Japanese Government.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FLORIDA G. CASEY.

The bill (S. 1843) granting increase of pension to Florida G. Casey was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Florida G. Casey, widow of Bvt. Brig. Gen. Silas Casey, of the Regular Army, at the rate of $100 per month in lieu of that which she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ELIZABETH B. DYER.

The PRESIDING OFFICER. The next order of business, the bill (S. 1348) granting a pension to Mrs. Elizabeth B. Dyer, being adversely reported, goes over.

CENTENNIAL OF THE CONSTITUTION.

The bill (S. 2292) to provide for a celebration at the national capital in 1889, in honor of the centennial of the Constitution of the United States, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES S. JOUETT.

The bill (S. 1387) authorizing the appointment of James S. Jouett to a first lieutenancy of cavalry in the United States Army was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to add to it the following proviso:

Provided, That said Jouett shall receive no pay or allowances of any kind for the period between the date of his dismissal and date of his appointment under the provision of this bill.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 2550) appropriating $20,000 for expenses of special and select committees of the Senate; and

A bill (H. R. 3957) for the relief of Peter Marck, Thomas J. Wright, administrator, and others.

AMENDMENT TO A BILL.

Mr. MITCHELL submitted an amendment intended to be proposed by him to the consular and diplomatic appropriations bill; which was referred to the Committee on Appropriations, and ordered to be printed.

JAMES H. REEVE.

Mr. PADDOCK. I ask unanimous consent of the Senate to take up House bill 3898, Order of Business 762, being a bill granting increase of pension to James H. Reeve.

Mr. COCKRELL. I ask for the regular order.

Mr. PADDOCK. I think if the Senator will hear my statement he will grant my request. This pensioner has undergone a re-examination; he is now in the extremity of death; and, under the circumstances, I think there will be no objection to passing the bill. It is a House bill.

Mr. COCKRELL. The are many House bills on the Calendar. Let us go on with the Calendar regularly.

Mr. HOAR. Perhaps we can reach that bill to-day.

The PRESIDENT *pro tempore*. The regular order will be reported.

ZEB WARD.

The bill (S. 321) for the relief of Zeb Ward, of Little Rock, Ark., was considered as in Committee of the Whole. It provides for the payment to Zeb Ward of $20,390.80, balance of account for the keeping of United States prisoners in the State penitentiary of Arkansas from April 1, 1876, to March 31, 1883, Ward having been the lessee of the penitentiary during that time.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. JONES, of Arkansas, subsequently said: The Senate a few moments age passed Order of Business 579. There was an amendment reported by the Committee on Claims which was overlooked. The bill passed by an oversight, and I move at the end of the bill an amendment for the purpose of making it as the committee recommend it.

The PRESIDENT *pro tempore*. The Chief Clerk will report the bill by title.

The CHIEF CLERK. A bill (S. 321) for the relief of Zeb Ward, of Little Rock, Ark.

Mr. JONES, of Arkansas. The committee recommend an amendment. There is a mistake in the print. The committee recommend striking out, in lines 6 and 7, the words "twenty thousand three hundred and ninety dollars and eighty cents" and inserting in lieu thereof "$19,615."

The PRESIDENT *pro tempore*. By unanimous consent the vote by which the bill was ordered to a third reading and passed will be considered as reconsidered for the purpose of making this amendment. The amendment will be reported.

Mr. SPOONER. That is a committee amendment?

Mr. JONES, of Arkansas. Yes, sir.

The CHIEF CLERK. In line 6, after the words "sum of," it is proposed to strike out "$20,390.80" and insert "$19,615."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM A. BEVENS.

The bill (S. 317) for the relief of William A. Bevens was considered as in Committee of the Whole.

The Committee on Claims reported the bill with an amendment, in section 1, line 10, after the words "sums as," to strike out "he shall be fairly entitled to" and insert "he was compelled by the State of Arkansas or other superior force to surrender, and with such other sums as in equity should be allowed;" so as to make the section read:

That the Secretary of the Treasury be, and he is hereby, authorized and required to open and restate the accounts between the United States and William A. Bevens as receiver of public moneys at Batesville, Ark. That in such restatement of said accounts the Secretary shall charge Bevens with all such sums of money as were in his hands at any time as receiver as aforesaid, and shall credit him with all such sums as he was compelled by the State of Arkansas or other superior force to surrender, and with such other sums as in equity should be allowed credit for, notwithstanding any previous rejection of such items by the Treasury Department or by any other tribunal.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY ANN DOUGHERTY.

The bill (S. 1547) granting a pension to Mary Ann Dougherty was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Ann Dougherty, at the rate of $12 a month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RACHEL A. SINKINSON.

The bill (S. 1101) granting a pension to Rachel A. Sinkinson was considered as in Committee of the Whole. It proposes to place the name of Rachel A. Sinkinson, widow of Robert Sinkinson, late a private in Company K, Eighty-eighth Regiment of Pennsylvania Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY PULSKY.

The bill (S. 702) granting a pension to Henry Pulsky was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Henry Pulsky, late a private in Company I, Second Massachusetts Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHEROKEE FREEDMEN.

The bill (S. 1494) to secure the Cherokee freedmen and others their proportion of certain proceeds of lands, under the act of March 3, 1883, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

CRIMES BY INDIANS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2004) to amend the ninth section of an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes," approved March 3, 1885.

It proposes to amend the section referred to so as to read:

SEC. 9. That immediately upon and after the date of the passage of this act all Indians committing against the person or property of another Indian or other person any of the following crimes, namely, murder, manslaughter, rape, assault with intent to kill, arson, burglary, or larceny, within any Territory of the United States, and either within or without an Indian reservation, shall be subject therefor to the laws of such Territory relating to said crimes, and shall be tried therefor in the same courts and in the same manner, and shall be subject to the same penalties, as are all other persons charged with the commission of said crimes, respectively; and the said courts are hereby given jurisdiction in all such cases: *Provided*, That in all cases where any of said crimes shall be committed against the person or property of another Indian, the judge of the court before which such Indian may be tried shall certify to the Attorney-General of the United States the cost of the apprehension and trial of such Indian, and the Attorney-General shall cause the same to be reimbursed to the Territory, or any county thereof, incurring the same, out of funds that may be available or appropriated for that purpose: *And provided further*, That the cost of the support and maintenance of Indians convicted of any of said crimes against the person or property of another Indian, and sentenced to imprisonment, shall be borne by the United States. And all Indians committing any of the above crimes against the person or property of another Indian or other person, within the boundaries of any State of the United States and within the limits of any Indian reservation, or within the limits of any portion of the Indian Territory not set apart for and occupied by the Cherokee, Creek, Choctaw, Chickasaw, or Seminole Indian tribes, shall be subject to the same laws, tried in the same courts and in the same manner, and be subject to the same penalties as are all other persons committing any of the above crimes within the exclusive jurisdiction of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RIGHT OF WAY OVER MINNESOTA INDIAN LANDS.

The bill (H. R. 1584) granting the right of way to the Duluth, Rainy Lake River and Southwestern Railway Company through certain In-

dian lands in the State of Minnesota was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, at the end of section 3, to add the following proviso:

Provided, That the consent of the Indians to said right of way shall be obtained by said railroad company, in such manner as the President may prescribe, before any right under this act shall accrue to said company.

The amendment was agreed to.

The next amendment was, in section 4, line 4, after the word "thereof," to insert:

And also to ascertain and fix the amount of compensation to be made to individual members of the several tribes or bands for damages sustained by them by reason of the construction of said road.

So as to read:

SEC. 4. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid the Indians for such right of way and lands, and provide the time and manner for the payment thereof, and also to ascertain and fix the amount of compensation to be made to individual members of the several tribes or bands for damages sustained by them by reason of the construction of said road.

The amendment was agreed to.

The next amendment was, in section 4, line 13, after the word "Interior," to insert "which approval shall be made in writing and be open for the inspection of any party interested therein;" and in line 18, after the words "regard for," to insert "the rights of;" so as to read:

But no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until plats thereof, made upon actual survey for the definite location of such railroads, and including the points for station buildings, depots, yards, machine-shops, side-tracks, turn-outs, and water-stations, shall be filed with and approved by the Secretary of the Interior, which approval shall be made in writing and be open for the inspection of any party interested therein; and until the compensation aforesaid has been fixed and paid; and the surveys and construction and operation of such railroad shall be conducted with due regard for the rights of the Indians, and in accordance with such rules and regulations as the Secretary of the Interior may make to carry out this provision.

The amendment was agreed to.

The next amendment was to strike out section 6, in the following words:

SEC. 6. This act shall take effect and be in force from and after its passage and publication.

And in lieu thereof to insert:

SEC. 6. That said railway company shall accept this right of way upon the express condition, binding upon itself, its successors and assigns, that it will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their lands, and will not attempt to secure from the Indian tribes any further grant of land, or its occupancy, than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

The amendment was agreed to.

The next amendment was to add as a new section the following:

SEC. 7. That Congress may at any time amend, add to, alter, or repeal this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. DAWES. I move that the Senate insist on its amendments, and ask for a conference with the House of Representatives on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. DAWES, Mr. HEARST, and Mr. BOWEN were appointed.

INDIAN INDUSTRIAL SCHOOL IN MICHIGAN.

The bill (S. 1869) to provide for the establishment and maintenance of an Indian industrial school in the State of Michigan was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, in section 1, line 5, after the word "lands," to insert "not less than 200 acres, which, in his opinion, are suitably located for that purpose;" so as to make the section read:

That the Secretary of the Interior be, and he hereby is, authorized to accept from the State of Michigan, or any corporation or person, any lands, not less than 200 acres, which, in his opinion, are suitably located for that purpose, which may be donated to the United States for the purpose of establishing an Indian industrial or training school, and also to receive from said State, or any corporation or person, any donation that may be made for the purposes of said school.

The amendment was agreed to.

The next amendment was to strike out section 3, in the following words:

SEC. 3. That the further sum of $10,000 be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of lands for the purpose specified in section 2 of this act, in case no satisfactory donation of land is made by said State, or any corporation or person.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

J. T. AND C. T. HULETT.

The bill (S. 113) for the relief of J. T. and C. T. Hulett was considered as in Committee of the Whole. It provides for paying to J. T. and C. T. Hulett, of Dixon, Wyo., or their legal representatives, $7,900, in full compensation for the depredation committed by the White River Ute Indians, September 13, 1879, at Routt County, Colorado; that amount having been recommended by the Secretary of the Interior to the House of Representatives for an appropriation February 20, 1884, there existing a treaty fund to pay it.

Mr. COCKRELL. I would ask the Senator from Colorado to accept an amendment in line 9, after the word "Colorado," to insert "out of their treaty fund;" so that the bill shall direct the payment to be made out of that fund.

Mr. TELLER. There can be no objection to that, I think.

The PRESIDENT *pro tempore*. The amendment will be stated from the desk.

The CHIEF CLERK. In line 9, after the word "Colorado," it is proposed to insert "out of their treaty fund."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CATALOGUE OF CONGRESSIONAL LIBRARY.

The bill (S. 2293) to provide for completing the catalogue of the Congressional Library was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COLUMN TO COMMEMORATE BATTLE OF TRENTON.

The bill (S. 599) in regard to a monumental column to commemorate the battle of Trenton, and appropriating $30,000, was considered as in Committee of the Whole.

The bill was reported from the Committee on the Library with amendments, in line 6, after the word "Trenton," to insert "in the State of New Jersey;" in line 10, after the word "raised," to insert "prior to the issue of said order," and in line 13, after the word "dollars," to insert "additional thereto;" so as to make the bill read:

Be it enacted, etc., That the sum of $30,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended by said association in erecting and completing on the battle-field of Trenton, in the State of New Jersey, a suitable monument, the money to be paid to the association aforesaid under the order of the Secretary of War: *Provided, however*, That the said The Trenton Battle Monument Association shall have raised, prior to the issue of said order, to be expended in the erection of said monument and in the purchase and improvement of the site, at least the sum of $30,000 additional thereto: *And provided further*, That the design for the said monument shall be approved by the Secretary of War; and the sum herein appropriated shall not be available until a contract is made to complete the work.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The title was amended so as to read: "A bill in regard to a monumental column to commemorate the battle of Trenton, in the State of New Jersey, and appropriating $30,000."

HOURS OF LABOR OF LETTER-CARRIERS.

The bill (S. 117) to extend to letter-carriers the advantages secured to other employés of the United States by section 3738 of the Revised Statutes, relating to the hours of labor, was announced as next in order on the Calendar.

Mr. BLAIR. That is a bill which was passed by the Senate in the last Congress, and has been again reported to the Senate favorably. Substantially the same bill has been passed in the House unanimously and has come to the Senate, and, having been referred to the Committee on Education and Labor, has been reported by me favorably to-day. I desire to move to take up the House bill instead of this, and then this may be indefinitely postponed.

The PRESIDENT *pro tempore*. The order can be made by unanimous consent.

The bill (H. R. 1645) to limit the hours that letter-carriers in cities shall be employed per day was read by its title.

Mr. REAGAN. I ask that that bill go over.

The PRESIDENT *pro tempore*. The Senator from Texas objecting, the bill goes over.

Mr. BLAIR. I hope the Senator will hear me a moment in regard to the matter.

Mr. COCKRELL. I ask that the rule be enforced.

The PRESIDENT *pro tempore*. Is there objection to the Senator from New Hampshire proceeding?

Mr. BLAIR. I do not think the Senator from Texas understands that this is a bill which has passed the House unanimously, and that in substance the Senate did pass it at the last session, and that it has been reported unanimously by the Committee on Education and Labor at this session; and I desire, and those interested desire, to have the matter disposed of. It will take but a moment.

Mr. REAGAN. There are thousands of bills that get through on the same old plea, that everybody in office wants something more than he has got, more time to himself, less time for work.

Several SENATORS. Regular order!

The PRESIDENT *pro tempore*. The next bill in order will be stated.

Mr. BLAIR. I ask that the last order remain in its place on the Calendar.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice, unless objection be made to that course.

ABRIDGMENTS OF LETTERS PATENT.

The bill (S. 2304) to provide for continuing the work of classified abridgments of letters patent granted by the United States was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISPOSITION OF DEPARTMENTAL PAPERS.

The bill (S. 2305) to authorize and provide for the disposition of useless papers in the Executive Departments was announced as next in order.

Mr. HOAR. Let that go over.

The PRESIDENT *pro tempore*. The bill will be passed over under objection.

Mr. HOAR. I have no objection to its keeping its place on the Calendar, but I wish to make a suggestion about it when there is time.

H. W. SHIPLEY.

The bill (S. 720) for the relief of H. W. Shipley was considered as in Committee of the Whole. It provides for the payment to H. W. Shipley of $2,487.38, in full compensation for work done and materials furnished by him in excess of that required of him by his agreement with the Indian Bureau in the construction of a grist-mill and saw-mill at the Nez Percé Indian agency, in the Territory of Idaho.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MINERAL LANDS.

The bill (S. 1888) to amend chapter 6 of Title XXXII, of the Revised Statutes, relating to mineral lands and mining resources, was announced as next in order.

Mr. STEWART. Let that go over without prejudice. There will be other amendments besides that reported by the committee.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

RECORDS OF THE DISTRICT OF COLUMBIA.

The bill (S. 2307) for the correction of the records of the District of Columbia in relation to certain real estate therein was considered as in Committee of the Whole. It is a direction to the commissioners of the District of Columbia to remove from the records of the District all evidence of indebtedness against lot G and part of lot F, in square 226, in the city of Washington, so far as that indebtedness relates to special assessment against those lots levied in the year 1870 for special improvements along Pennsylvania avenue northwest; the owners of the lots to give bond in double the sum of the assessment to indemnify the District against any loss.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALFRED PLEASONTON.

The bill (S. 682) authorizing the President to appoint and retire Alfred Pleasonton a major of cavalry in the Army of the United States was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment to add the following proviso:

Provided, That he shall receive no compensation prior to appointment under this act, and shall thereafter draw no pension.

Mr. REAGAN. Let that go over.

The PRESIDENT *pro tempore*. The bill will be passed over under objection.

JACOB ROHN.

The bill (S. 1336) for the removal of the charge of desertion from the military record of Jacob Rohn was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in section 1, line 8, after the word "July," to insert "first, eighteen hundred and sixty-five;" so as to make the section read:

That the Secretary of War be, and he is hereby, authorized and directed to cause the records to be so amended as to remove the charge of desertion from the military record of Jacob Rohn, late a member of Company A of the Eleventh Regiment Pennsylvania Volunteers, and that he give to the said Jacob Rohn an honorable discharge as of date July 1, 1865.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES L. BULLIS.

The bill (S. 1415) for the removal of the charge of desertion from the military record of Charles L. Bullis was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NAVAL RETIREMENTS.

The bill (S. 870) to provide for the retirement of a certain class of officers in the United States Navy was announced as next in order.

Mr. COCKRELL. Let that bill go over for the present.

The PRESIDENT *pro tempore*. The bill will be passed over under the rule.

Mr. HALE. Will the Senator consent——

Mr. COCKRELL. I do not want the bill to lose its place on the Calendar.

Mr. HALE. Will the Senator listen for a moment until I tell him what the bill covers?

Mr. COCKRELL. Of course, but I think that is contrary to the rule.

Mr. HALE. It is, if the Senator insists on his objection. The bill only applies to the case of one or two officers of the Navy. At the time an officer enters the Navy, under the rules of the Navy color-blindness is not a personal or physical disqualification. Afterwards during the service it is made so; and therefore he ought to have the benefit of retiring upon that as much as if he had been struck by lightning and thereby made color-blind. This bill is only to relieve such a case as that.

Mr. COCKRELL. I will examine it. It can retain its place upon the Calendar.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

Mr. COCKRELL subsequently said: Order of Business No. 601, being the bill (S. 870) to provide for the retirement of a certain class of officers in the United States Navy, is a little different bill from what I supposed, and I withdraw my objection.

Mr. REAGAN. I object. It is of the same class to which I have objected before.

PUBLIC PARK AT TACOMA, WASH.

The bill (S. 1870) granting certain lands in Pierce County, Washington Territory, to the city of Tacoma, for the purposes of a public park, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, line 4, after the word "Washington," to insert the words "the right to occupy, improve, and control;" in line 5, after the word "purposes," to strike out the words "hereinafter set forth" and insert "of a public park for the use and benefit of the citizens of the United States, and for no other purposes whatever;" so that the section will read:

That there is hereby granted to the city of Tacoma, in the county of Pierce, in the Territory of Washington, the right to occupy, improve, and control, for the purposes of a public park for the use and benefit of the citizens of the United States, and for no other purposes whatever, the following-described pieces or parcels of land, situate in the county of Pierce and Territory of Washington, and described as follows, namely: Lots 1, 2, 3, 4, 5, and 6, and the east half of the southeast quarter, and the northeast quarter of the northwest quarter, and the southwest quarter of the northeast quarter of section 15, township 21 north, of range 2 east; and lots 1, 2, and 3, and the south half of the southwest quarter of section 14, same township and range, and lots 1, 2, and 3 in section 10 of the same township and range, containing 635 acres, more or less.

The amendment was agreed to.

The next amendment was to strike out section 2, as follows:

SEC. 2. That said lands are hereby granted to the said city of Tacoma solely for the purposes of a public park for the use and benefit of the citizens thereof, and for no other purpose whatsoever, and shall remain forever inalienable by said city.

The amendment was agreed to.

The next amendment was to strike out section 3, as follows:

SEC. 3. That this grant is made upon the further condition that the said city of Tacoma pay into the depository of the Treasury of the United States, in the city of Portland, in the State of Oregon, within six months from the approval of this act, the maximum Government price, namely, $2.50 per acre.

The amendment was agreed to.

The next amendment was, in section 4, line 1, to strike out the words "Sec. 4. That said grant is made upon the further condition" and to insert the word "*Provided;*" in line 2, after the word "itself," to strike out the word "forever" and to insert "the fee and;" in line 3, after the word "right," to insert "forever;" in line 3, after the word "to," to strike out "use or appropriate" and insert "resume possession and occupy;" in line 5, after the word "of," to strike out "the proper officers of the Government" and insert "the President;" and in line 8, after the word "defense," to strike out "or welfare" and to insert the words "or for such other disposition as Congress may determine, with-

out any claim for compensation to said city for improvements thereon or damages on account thereof;" so as to read:

Provided, That the United States reserves to itself the fee and the right forever to resume possession and occupy any portion of said lands for naval or military purposes whenever in the judgment of the President the exigency arises that should require the use and appropriation of the same for the public defense, or for such other disposition as Congress may determine, without any claim for compensation to said city for improvements thereon or damages on account thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title of the bill was amended so as to read: "A bill granting the use of certain lands in Pierce County, Washington Territory, to the city of Tacoma, for the purposes of a public park."

SEACOAST DEFENSES.

The bill (S. 62) to provide for fortifications and other seacoast defenses was announced as next in order.

Mr. SPOONER. The Senator who reported that bill [Mr. DOLPH] is absent, and I ask that the bill be passed over, retaining its place on the Calendar. I do not suppose he wants it considered in his absence.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

RECORD OF WILLS IN THE DISTRICT OF COLUMBIA.

The bill (H. R. 1514) relating to the record of wills in the District of Columbia was considered as in Committee of the Whole.

Mr. SPOONER. I move to amend the bill by inserting, after the word "Columbia," in line 6, "or by the late orphans' court of said District." All wills, as I understand, prior to 1870, were probated before the orphans' court.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. SPOONER. I move that the Senate insist upon its amendment, and ask for a conference on the disagreeing votes with the House of Representatives.

The motion was agreed to; and, by unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. SPOONER, Mr. FARWELL, and Mr. HARRIS were appointed.

REFORM SCHOOL FOR GIRLS.

The bill (H. R. 1361) to incorporate the Reform School for Girls of the District of Columbia was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment, in section 2, line 3, after the word "Columbia," to insert "subject to the approval of the commissioners thereof;" so as to make the section read:

SEC. 2. That said corporation is hereby authorized and empowered to establish and maintain a reform school for girls at any place within the District of Columbia, subject to the approval of the commissioners thereof, and for that purpose may take and receive, by gift, grant, or devise, such real estate and personal property as may be necessary for the purposes of said corporation: *Provided*, That at the dissolution of said corporation, or if it should cease for the space of six months to maintain a reform school for girls, all the property, real and personal, of said corporation shall vest in the District of Columbia.

The amendment was agreed to.

Mr. HOAR. I desire to inquire of the Senator who reported this bill whether the public property held for District purposes in this District is vested in the District of Columbia as a corporate body, or in the United States?

Mr. SPOONER. I understand it is vested in the United States.

Mr. HOAR. Then should not this bill be further amended in lines 10 and 11 of section 2 by substituting "United States" for "District of Columbia?"

Mr. SPOONER. I have no objection to that amendment.

Mr. HOAR. I move to strike out "District of Columbia," in line 11 of section 2, and insert "United States."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. SPOONER. I move that the Senate insist upon its amendments and ask for a conference with the House of Representatives on the disagreeing votes.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. SPOONER, Mr. FARWELL, and Mr. HARRIS were appointed.

PUBLIC BUILDING AT PUEBLO, COLO.

The bill (S. 105) for the erection of a public building at Pueblo, Colo., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, in line 4, after the word "procure," to insert "by purchase or condemnation proceedings;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to procure, by purchase or condemnation proceedings, a proper site and cause to be erected thereon a suitable building, with fire-proof vaults, in the city of Pueblo, Colo., for the accommodation of the United States district court, post-office, land office, and other Government offices in said city, at a cost not exceeding $200,000, including cost of site, which site shall be such as will afford an open space between the building hereby authorized and any other building of not less than 40 feet.

The amendment was agreed to.

The next amendment was, in line 13, after the word "thousand," to insert "and seventy-five;" so as to read:

And the sum of $175,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose herein mentioned.

The amendment was agreed to.

The next amendment was to add to the bill the following proviso:

Provided, however, That it shall be the duty of the Secretary of the Treasury, after the site shall have been procured for said structure, to cause plans and specifications of said building to be prepared, and before the erection of said building shall be commenced the said plans and specifications, and full estimates for the same, shall be made and approved according to law, and shall not exceed, for site and building complete, the sum of $175,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT BAY CITY, MICH.

The bill (H. R. 7623) for the erection of a public building at Bay City, Mich., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with amendments, in line 4, after the words "purchase or," to strike out "otherwise provide" and insert "provide by purchase, condemnation proceedings, or otherwise;" in line 13, after the words "some of," to strike out "one hundred and fifty" and insert "two hundred;" and in line 23, after the words "sum of," to strike out "one hundred and fifty" and insert "two hundred;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase or provide by purchase, condemnation proceedings, or otherwise, a site, and cause to be erected thereon a substantial and commodious building, with fire-proof vaults, for the use and accommodation of the United States courts, post-office, customs office, internal-revenue office, and for other Government uses at Bay City, Mich. The site and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $200,000; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site nor plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $200,000 for site and building; and the site purchased shall leave the building unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, nor until the State of Michigan shall cede to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. SPOONER. I move that the Senate insist upon its amendments, and request a conference with the House of Representatives on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. SPOONER, Mr. STANFORD, and Mr. DANIEL were appointed.

L. A. MORRIS.

The bill (H. R. 76) for the relief of L. A. Morris was considered as in Committee of the Whole. It proposes to direct the Secretary of the Treasury to remit a judgment obtained in the Federal court of Fort Smith, Ark., against L. A. Morris, upon his bond as an Indian trader, for $5,000, in favor of the United States, upon the payment of all the costs accrued in the prosecution of the cause.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN K. LE BARON.

The bill (H. R. 2093) for the relief of John K. Le Baron was considered as in Committee of the Whole. It provides for the payment to

John K. Le Baron, ex-postmaster at Elgin, Kane County, Illinois, of $1,000, being the amount paid out by him for extra clerk hire prior to July 3, 1883, and not provided for by the Post-Office Department.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOSSES BY POSTMASTERS.

The bill (H. R. 1158) for the relief of Louis Jacobson was considered as in Committee of the Whole.

The bill was reported from the Committee on Post-Offices and Post-Roads with an amendment, to strike out all after the enacting clause and insert:

That the act entitled "An act authorizing the Postmaster-General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty," approved March 17, 1882, be, and the same is hereby, amended so as to read as follows:

"That the Postmaster-General be, and he is hereby, authorized to investigate all claims of postmasters for the loss of money-order funds, postal funds, postage-stamps, stamped envelopes, newspaper wrappers, and postal cards belonging to the United States in the hands of such postmasters, resulting from burglary, fire, or other unavoidable casualty, and if he shall determine that such loss resulted from no fault or negligence on the part of such postmasters, to pay to such postmasters, or credit them with the amount so ascertained to have been lost or destroyed, and also to credit postmasters with the amount of any remittance of money-order funds made by them, in compliance with the instructions of the Postmaster-General, which shall have been lost or stolen while in transit by mail from the office of the remitting postmaster to the office designated as his depository: *Provided*, That no claim exceeding the sum of $2,000 shall be paid or credited until after the facts shall have been ascertained by the Postmaster-General and reported to Congress, together with his recommendation thereon, and an appropriation made therefor: *And provided further*, That this act shall not embrace any claim for losses as aforesaid which accrued more than fifteen years prior to March 17, 1882; and all such claims must be presented to the Postmaster-General within six months from such latter date, excepting claims for loss of postal funds, which must be presented within six months after the taking effect of this act; and no claim for losses which may hereafter accrue shall be allowed unless presented within three months from the time the loss accrued."

SEC. 2. That it is hereby made the duty of the Postmaster-General to report his action herein to Congress annually, with his reasons therefor in each particular case.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to amend an act entitled 'An act authorizing the Postmaster-General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty,' approved March 17, 1882."

Mr. MITCHELL. I move that the Senate insist upon its amendments, and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. MITCHELL, Mr. SAWYER, and Mr. REAGAN were appointed.

PENNSYLVANIA STATE CLAIMS.

The bill (S. 2329) to authorize the Secretary of the Treasury to re-examine and reaudit the claim of the State of Pennsylvania for advances made and money advanced by said State to pay the militia called into the military service by the governor under the proclamation of the President of June 15, 1863, was announced as next in order on the Calendar.

Mr. HOAR. Let that case go over, as the Senator who has charge of it is absent.

The PRESIDENT *pro tempore*. The bill will be passed over, retaining its place on the Calendar.

MRS. WARD B. BURNETT.

The bill (S. 681) granting an increase of pension to Mrs. General Ward B. Burnett was considered as in Committee of the Whole. It was reported from the Committee on Pensions with an amendment, in line 6, after the word "hundred," to strike out "and twenty-two;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place the name of Hattie A. Burnett, widow of Maj. Gen. Ward Burnett, on the pension-roll and pay her her late husband's invalid pension of $100 per month in lieu of the pension she now receives.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM GALLAGHER.

The bill (S. 2330) granting an increase of pension to William Gallagher was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Gallagher, late of Company D, Twenty-eighth Kentucky Infantry, at $12 per month, in lieu of that which he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. CATHARINE WAGNER.

The bill (S. 1654) granting a pension to Mrs. Catharine Wagner was considered as in Committee of the Whole. It was reported from the Committee on Pensions with an amendment, in line 6, after the words "mother of," to fill the blank with the name "John;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the limitations and restrictions of the pension laws, the name of Mrs. Catharine Wagner, mother of John Wagner, late private Company D, Ninety-third Regiment Pennsylvania Volunteers.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONERS UNDER GUARDIANSHIP.

The bill (S. 1635) to regulate the payment of pensions to pensioners under guardianship was considered as in Committee of the Whole.

Mr. HOAR. I desire to suggest that there ought to be a provision in the bill that the Commissioner shall be satisfied that the guardian's official bond is enough to secure the interest of the ward.

Mr. PLATT. I ask that the bill may be passed over temporarily until I can see if it does not need some amendment to include those trustees whom we call conservators or overseers in Connecticut. I do not wish the bill to lose its place.

The PRESIDENT *pro tempore*. The bill will be passed over informally, without prejudice.

MRS. MARY JANE CASE.

The bill (H. R. 85) granting a pension to Mrs. Mary Jane Case was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Jane Case, widow of David Case, late a private in Company D, Third Regiment Connecticut Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MOSES F. JACKSON.

The bill (H. R. 3850) granting a pension to Moses F. Jackson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Moses F. Jackson, late a landsman in the United States Navy, at $18 per month, payable to his legally constituted guardian.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGET FOLEY.

The bill (S. 1447) granting a pension to Bridget Foley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Bridget Foley, widow of Joseph Foley, late private in Company K, Fifth Michigan Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY BAILEY.

The bill (H. R. 2617) granting a pension to Mary Bailey was considered as in Committee of the Whole. It proposes to place the name of Mary Bailey, widow of Bvt. Brig. Gen. Joseph Bailey, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS F. TOWNSEND.

The bill (H. R. 115) to increase the pension of Thomas F. Townsend was considered as in Committee of the Whole. It proposes to increase the pension of Thomas F. Townsend, late of Company B, Thirty-first Indiana Volunteers, to $45 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MALINDA VEST.

The bill (H. R. 863) granting a pension to Malinda Vest was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Malinda Vest, widow of William Vest, late a private in Company F, Seventh Regiment Provisional Enrolled Missouri Militia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

A. B. VAN CLEVE.

The bill (H. R. 771) granting a pension to A. B. Van Cleve was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of A. B. Van Cleve, late of Company E, Thirty-seventh Kentucky Mounted Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES A. BUCK.

The bill (H. R. 2218) to increase pension of James A. Buck was considered as in Committee of the Whole. It proposes to increase the

pension of James A. Buck, late private of Company E, One hundred and fifty-first Regiment of Illinois Volunteers, to $45 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. MILLER RAUB.

The bill (H. R. 2514) granting a pension to J. Miller Raub was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of J. Miller Raub, late of Company D, One hundred and twenty-second Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAIAH T. JOHNSON.

The bill (H. R. 2517) granting a pension to Isaiah T. Johnson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Isaiah T. Johnson, late a private in Company A, Fifty-first Regiment of Pennsylvania Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISS CAPITOLA V. HARSH.

The bill (H. R. 5766) granting a pension to Miss Capitola V. Harsh, daughter of Daniel Harsh, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Miss Capitola V. Harsh, daughter of Daniel Harsh, late of Company H, Fifty-eighth Regiment of Ohio Volunteer Infantry, at $18 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. AURELIA HILLYER.

The bill (S. 2151) granting a pension to Mrs. Aurelia Hillyer was considered as in Committee of the Whole. It proposes to place on the pension-rolls the name of Mrs. Aurelia Hillyer, mother of Lucius W. Hillyer, late a private in Company E, Fourth Regiment Wisconsin Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EMIL SCHATTLE.

The bill (S. 1435) granting a pension to Emil Schattle was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Emil Schattle, late of Company F, Ninth Iowa Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY MORFORD.

The bill (H. R. 806) for the relief of Mary Morford was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Morford, of Unionville, Tuscola County, Michigan, widow of Richard A. Morford, late of Company H, One hundred and forty-fifth Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY J. M'GREGOR.

The bill (S. 2331) granting a pension to Mary J. McGregor was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary J. McGregor, widow of William McGregor, late sergeant of ordnance, United States Army.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STEPHEN M. HONEYCUTT.

The bill (H. R. 481) for the relief of Stephen M. Honeycutt was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 6, after the name "Honeycutt," to insert "a private in Company E, Third Regiment North Carolina Volunteer Infantry;" so as to make the bill read:

Be it enacted, etc., That the Paymaster-General of the Army of the United States, out of any money in his hands for the payment of the Army, is hereby authorized and directed to pay to Stephen M. Honeycutt, a private in Company E, Third Regiment North Carolina Volunteer Infantry, an amount equal to the pay and allowances of a private soldier from the 25th day of March, 1864, until the 8th day of August, 1865.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PENSION DISABILITIES.

The bill (S. 1626) to amend the act of March 3, 1877, entitled "An act amending the pension law so as to remove the disability of those who, having participated in the rebellion, have, since its termination, enlisted in the Army of the United States and become disabled," was considered as in Committee of the Whole. It proposes to amend the act of March 3, 1877, so as to read:

That the law prohibiting the payment of any money on account of pensions to any person, or to the widow, children, or heirs of any deceased person, who in any manner engaged in or aided or abetted the late rebellion against the authority of the United States, shall not be construed to apply to such persons as afterward voluntarily enlisted in the Army or Navy of the United States, and who, while in such service, incurred disability from a wound or injury received or disease contracted in the line of duty.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. HAWLEY. I wish to submit to the Senate a proposition to continue acting under this rule on Monday immediately after the routine morning business.

Mr. PLATT. I am obliged to object.

Mr. HAWLEY. I was not aware that the proposition would be objectionable to my colleague.

Mr. HOAR. I hope we shall go on with the Calendar twenty minutes longer. These are all pension bills, and we can pass nearly all our pension bills at the rate of one a minute.

Mr. HAWLEY. I give notice that I shall soon move an executive session. There is a little executive business that I would very much like to have done.

Mr. PLATT. I do not want to seem ungracious in objecting to my colleague's proposition.

Mr. HAWLEY. I will withdraw it. I only asked for unanimous consent.

Mr. PLATT. We have been acting on unanimous reports, and the most important matters, which ought to have been disposed of weeks and months ago, are remaining untouched on the Calendar.

Mr. HOAR. The regular order.

The PRESIDENT *pro tempore*. The next bill on the Calendar will be announced.

OATHS IN PENSION CASES.

The bill (S. 1596) in relation to oaths in pension and other cases was considered as in Committee of the Whole. It provides that any and all affidavits and declarations to be hereafter made or used in any pension or bounty cases, or in claims against the Government for back pay or arrears or increase of pension, or for quarterly vouchers, or oath of allegiance, may be taken by any officer authorized to administer oaths for general purposes in the State, city, or county where the officer resides.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSION CLAIMS OF MILITIAMEN.

The bill (S. 1529) to amend paragraph 3 of section 4693 of the Revised Statutes, and for other purposes, was considered as in Committee of the Whole. It repeals so much of paragraph 3 of section 4693 of the Revised Statutes as provides that no claim of a State militiaman on account of disability from wounds or injuries received in battle with rebels or Indians, while temporarily rendering service, shall be valid unless prosecuted to a successful issue prior to the 4th of July, 1874.

The bill was reported from the Committee on Pensions with amendments.

The first amendment was, in section 2, line 4, after the word "service," to insert the words "this act shall include claimants wounded or disabled in any Indian war prior or subsequent to the passage of this act;" so as to make the section read:

That the claims of all such persons now pending, or which may be hereafter filed, shall be adjudicated in the same manner as claims of persons who have been regularly enlisted in the United States military service. This act shall include claimants wounded or disabled in any Indian war prior or subsequent to the passage of this act.

The amendment was agreed to.

The next amendment was to add the following as a new section:

SEC. 3. That all pensions granted under this act shall, in case of applications filed prior to its passage, begin from the passage hereof. In all other cases the pension shall begin from the date of the filing of the application under this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN LINSLEY.

The bill (S. 2332) granting a pension to John Linsley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Linsley, father of Robert Harrell, alias Harrid, deceased, late a private in Company E, Eighty-first Regiment of United States Colored Troops.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. MARY M'GEE.

The bill (S. 1495) granting a pension to Mrs. Cora McGee was considered as in Committee of the Whole. It was reported from the Com-

mittee on Pensions with an amendment, in line 6, to strike out "Cora" and insert "Mary;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Mary McGee, widow of Thomas McGee, late private Company I and Company B, Thirteenth Regiment Connecticut Volunteers.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Mrs. Mary McGee."

SARAH ANN WATERS.

The bill (S. 1258) granting a pension to Sarah Ann Waters was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah Ann Waters, mother of George Waters, deceased, late a private in Company G, Ninth Regiment of United States Colored Troops.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JULIETTE STONE.

The bill (H. R. 628) granting a pension to Juliette Stone was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Juliette Stone, and to pay her a pension as though she were the natural mother of Eliphas T. Stone, late of the United States Navy.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCES H. L. PRESCOTT.

The bill (S. 1144) granting a pension to Frances H. L. Prescott was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Frances H. L. Prescott, daughter of the late Capt. George W. Prescott, United States Army, at the rate of $20 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET BLADES.

The bill (S. 2073) granting a pension to Margaret Blades was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Margaret Blades, widow of William Blades, alias Blake, late of Company D, Sixteenth Maine Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN BUSH.

The bill (S. 2124) granting a pension to John Bush was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Bush, late a soldier in Company D, First United States Infantry, at $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THEODORE F. CASAMER.

The bill (S. 2157) granting increase of pension to Theodore F. Casamer was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Theodore F. Casamer, late of Company C, Tenth Michigan Volunteers, at $36 per month, in lieu of that which he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET STAFFORD WORTH.

The bill (S. 867) granting a pension to Margaret Stafford Worth was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Miss Margaret Stafford Worth, dependent daughter of Maj. Gen. William J. Worth, at $50 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANN ATKINSON.

The bill (S. 1844) granting an increase of pension to Ann Atkinson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ann Atkinson, late widow of Hopeful Toler, late a soldier in Capt. Henry St. George Tucker's company of Mounted Virginia Rifles, in the war of 1812, at $16 per month, in lieu of that which she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALBERT G. FIFIELD.

The bill (H. R. 443) granting an increase of pension to Albert G. Fifield was considered as in Committee of the Whole. It proposes to increase the pension of Albert G. Fifield, late a private in the Twelfth Regiment New Hampshire Volunteers, from $36 to $45 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAURA A. WRIGHT.

The bill (H. R. 445) granting a pension to Laura A. Wright was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Laura A. Wright, widow of Charles H. Wright, late of Company B, Fourteenth Regiment New Hampshire Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EVERARD FLYNN.

The bill (H. R. 4835) for the relief of Everard Flynn was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Everard Flynn, son of George C. Flynn, and pay to his legal guardian a pension at the rate of $18 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEGAL REPRESENTATIVES OF PETER LYLE.

The bill (S. 1353) for the relief of the legal representatives of Peter Lyle, deceased, was considered as in Committee of the Whole. It proposes to pay to Vincent P. Donnelly, administrator of Peter Lyle, deceased, $3,724.

Mr. PLATT. Let us hear the preamble read.

The Secretary read the preamble, as follows:

Whereas Peter Lyle, deceased, late colonel of the Ninetieth Pennsylvania Volunteers, was mustered out of the service of the United States, in the field in front of Petersburgh, Va., November 26, 1864, for wounds received in battle and which incapacitated him for further duty; and

Whereas a certificate of pension was, on account of his service and wounds received therein, issued to him on July 16, 1879; and

Whereas pending the adjudication of his pension claim he was solely by reason of his injuries wholly unable to labor or in any way earn his maintenance, and was supported from the private means of personal friends, whose advances he engaged and promised to refund out of the arrears of pensions due him when he should receive the same; and

Whereas his unimpeachable personal character was held as sufficient security that such debts of honor would unquestionably be so paid by him; and

Whereas he died on July 17, 1879, after years of great suffering, and after his clear right to pension was fully established and the amount of arrears due him had been definitely ascertained and ordered to be paid to him by the pension agent at Philadelphia; and

Whereas it was indubitably his intention and desire to apply such amount to the discharge of his debts thus incurred and predicated on such allowance, and for the payment of which his honor was pledged; and

Whereas he died intestate, unmarried, and without issue; and

Whereas letters of administration on his estate were duly granted by Vincent P. Donnelly, of Philadelphia, on November 5, 1879, the application for said letters being for the sole and express purpose of disbursing said arrears according to the wish and obligations of Colonel Lyle; and

Whereas the amount of said arrears, in the sum of $3,721, was unquestionably the property of Lyle as soon as his right and title thereto were certified by the Commissioner of Pensions, and would have been paid into his hands but for the accident of his death before the formal vouchers were presented for his signature; and

Whereas the official construction of the law interposes a technical bar to the payment of said money to said administrator; and

Whereas a just and equitable regard is due from the Government to the dying wishes of a brave, accomplished, and deserving officer, who not only gave his life to the service of his country but endured years of physical suffering, added to the years of torture to which his sensibilities were subjected by his enforced obligations incurred to friends for his daily bread and needs, and inability to offer them other security than the justice of his country when it might choose to recognize its obligations; and

Whereas a moral obligation was thereby bequeathed by him to his Government, which it is in equity and good conscience bound to discharge; and

Whereas the fact that the certificate was actually issued, and was practically in the nature of a warrant for payment, renders the equities in this case exceptionally perfect: Therefore, for the purpose of discharging the aforesaid obligations, the incurrence of which to the total of $3,909.86 have been incontestably shown and admitted, so far as the said arrears due at the date of Colonel Lyle's death pro rata may.

Mr. HAWLEY. Is it really necessary to cumber the statute-book with that long argument in the form of a preamble?

Mr. COCKRELL. It has been read now. Let it go in.

Mr. HAWLEY. The printing of it and the looks of it I care for.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

ACCOUNTS UNDER EIGHT-HOUR LAW.

Mr. COCKRELL. I ask that the next business on the Calendar, being the bill (S. 405) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law, be passed over. It will lead to discussion.

The PRESIDENT *pro tempore*. The bill will be passed over, retaining its place on the Calendar, if there be no objection.

Mr. JONES, of Arkansas. I move that the Senate adjourn.

Mr. HOAR. I wish the Senator from Arkansas would withhold the motion for eight or ten minutes more and let the pension cases be disposed of.

The PRESIDENT *pro tempore*. Does the Senator from Arkansas withdraw the motion?

Mr. JONES, of Arkansas. Very well; I withdraw the motion.

HEIRS OF FRANCIS I. WHEELER.

The bill (H. R. 5874) for the relief of the heirs of the late Francis I. Wheeler was considered as in Committee of the Whole. It proposes to pay to the heirs of Francis I. Wheeler, late of Carroll County, Maryland, $358, the amount advanced by him to Charles Benton and Hale Libby, late privates in the First Regiment of the Potomac Home Brigade, on their check-books in April, 1864.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBEMARLE AND CHESAPEAKE CANAL COMPANY.

The bill (S. 2039) for the relief of the Albemarle and Chesapeake Canal Company was announced as next in order.

Mr. HOAR. Let that go over. The Senator who reported the bill is not here.

The PRESIDENT *pro tempore*. The bill will go over without prejudice.

EMMA S. FREE.

The bill (S. 431) granting a pension to Emma S. Free, widow of Thomas S. Free, late major of the United States Army, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Emma S. Free, widow of Maj. Thomas S. Free, deceased, late a major of the Tenth Regiment of Volunteers of the United States Army, at the rate of $50 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JENNIE HART MULLANY.

The bill (S. 2346) granting an increase of pension to Jennie Hart Mullany was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jennie Hart Mullany, widow of J. R. Madison Mullany, late rear-admiral in the United States Navy, at the rate of $50, in lieu of that which she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LOAN OF SCIENTIFIC INSTRUMENTS.

The joint resolution (S. R. 24) authorizing the Secretary of the Navy to loan certain scientific instruments was announced as next in order.

Mr. SPOONER. As the Senator from Delaware [Mr. GRAY], who reported the joint resolution, is absent, I ask that it may go over without losing its place on the Calendar.

The PRESIDENT *pro tempore*. The joint resolution will be passed over without prejudice.

PUBLIC BUILDING AT LOWELL, MASS.

The bill (H. R. 7217) for the erection of a public building at Lowell, Mass., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES H. REEVE.

Mr. HAWLEY. I move that the Senate proceed to the consideration of executive business.

Mr. PADDOCK. I ask the Senator from Connecticut to withdraw the motion for one moment, to enable me to secure the passage of a pension bill.

Mr. HAWLEY. If it is only for one bill, I withdraw the motion.

Mr. PADDOCK. I called up awhile ago House bill 3898, to which the Senator from Missouri [Mr. COCKRELL] objected. He has no further objection to the bill.

Mr. COCKRELL. I withdraw the objection, having examined the case. I have no objection to it myself.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks that the Senate proceed to the consideration of Order of Business 762, being the bill (H. R. 3898) granting increase of pension to James H. Reeve.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension-roll the name of James H. Reeve, late a captain of Company H, and a brevet major of the Third New York Volunteers (infantry), at the rate of $45 per month, in lieu of the amount per month he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. HAWLEY. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until Monday, April 2, 1888, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 22, 1888.

MARSHAL.

John Myers, to be marshal of the United States for the district of Oregon.

POSTMASTER.

James B. Small, to be postmaster at York, Pa.

PROMOTIONS IN THE MARINE CORPS, TO DATE FROM MARCH 9, 1888.

Maj. Charles Heywood, to be a lieutenant colonel.

Capt. McLane Tilton, to be a major.

First Lieut. Henry H. Coston, to be a captain.

Second Lieut. Francis E. Sutton, to be a first lieutenant.

Executive nominations confirmed by the Senate March 31, 1888.

POSTMASTERS.

Albert J. Spencer, to be postmaster at South Manchester, in the county of Hartford and State of Connecticut.

Stephen J. Lyon, to be postmaster at Collinsville, in the county of Hartford and State of Connecticut.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March* 31, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D., of Washington, D. C.

The Journal of yesterday's proceedings was read and approved.

POSTAL APPROPRIATIONS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting revised estimates from the Postmaster-General of appropriations for the postal service for the fiscal year 1889; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

D. A. AND J. M. THOMAS VS. THE UNITED STATES.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of D. A. and J. M. Thomas *vs.* The United States; which was referred to the Committee on War Claims, and ordered to be printed.

STEPHEN BIRD, EXECUTOR, ETC., VS. THE UNITED STATES.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of Stephen Bird, executor, etc., *vs.* The United States; which was referred to the Committee on War Claims, and ordered to be printed.

FOREST CONDITION OF ROCKY MOUNTAINS.

The SPEAKER also laid before the House a letter from the Commissioner of Agriculture, transmitting, in response to a resolution of the House, statistics relating to the forest condition of the Rocky Mountains; which was referred to the Committee on Agriculture, and ordered to be printed.

BRIDGES IN GEORGIA AND FLORIDA.

The SPEAKER also laid before the House a bill of the following title, returned from the Senate with an amendment:

A bill (H. R. 3470) to authorize the construction of bridges over the rivers St. Mary's, Satilla, Little Satilla, and Crooked, in the States of Georgia and Florida.

Mr. CRISP. As the amendment of the Senate to this bill is merely verbal, I ask that it be now considered and concurred in.

The amendment was read, as follows:

In line 8 of page 4 strike out "Congress" and insert "the Secretary of War."

There being no objection, the amendment was considered and concurred in.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House Senate bills; which were severally read twice, and referred as follows:

The bill (S. 1226) touching the grade of commander of the Navy, and to correct an error in relation to appointment therein—to the Committee on Naval Affairs.

The bill (S. 464) to authorize the Secretary of the Interior to settle the claims of the legal representatives of S. W. Marston, late United States agent at Union agency, Indian Territory, for services and expenses—to the Committee on Claims.

PUBLIC BUILDING, SIOUX CITY, IOWA.

The SPEAKER also laid before the House the bill (S. 288) for the erection of a public building at Sioux City, Iowa; which was read a first and second time.

Mr. STRUBLE. I ask unanimous consent that this bill be now considered. The Committee on Public Buildings and Grounds have reported unanimously a bill of the same character, differing only in amount.

The SPEAKER. The bill will be read subject to objection.

The bill was read at length.

Mr. MCMILLIN. I think we had better have the regular order, so as to reach as soon as possible the appropriation bills, and prepare the way for the consideration of the revenue bill soon to come before the House.

Mr. STRUBLE. I hope my friend from Tennessee will not object. This, I think, will take but a minute. I am prepared to state very briefly the controlling reasons why this bill should pass, and if I can not have time for that, am willing to submit this bill upon the report of the House Committee on Public Buildings and Grounds, for, in my opinion, the bare facts presented will be sufficient to commend this bill as worthy of immediate consideration.

Mr. MCMILLIN. We are generally told that these bills will take

but a minute, but I find that the day, somehow or other, is usually consumed by them.

Mr. STRUBLE. This, I can assure the gentleman, will take but a short time.

Mr. McMILLIN. The appropriation bills are now further behind than ever before; and I think it is time that we should get them before the House and out of the way of the revenue bill soon to come before us.

Mr. STRUBLE. I am satisfied if the gentleman will permit a brief statement of the merits of this case he will withdraw his objection.

Mr. McMILLIN. I have no desire to antagonize the gentleman's wish; but I think it is time the public business of the country was having some hearing in this House, and therefore I ask that we proceed with the regular order of business.

The SPEAKER. The gentleman from Tennessee objects, and the bill will be referred to the Committee on Public Buildings and Grounds.

SOUTHERN AND WESTERN BOUNDARIES OF KANSAS.

The SPEAKER also laid before the House the bill (S. 1633) to extend the southern and western boundaries of the State of Kansas, and for other purposes; which was read a first and second time.

Mr. SPRINGER. That is to annex the unorganized portion of certain of the public lands to the State of Kansas for governmental purposes, and should go to the Committee on the Territories.

The SPEAKER. It does not take any portion of a Territory, but applies to the public lands; and it would seem from the title it should go to the Committee on the Public Lands.

Mr. SPRINGER. It is a part of the national domain.

The SPEAKER. Therefore it goes properly to the Committee on the Public Lands.

Mr. SPRINGER. But this provides for governmental purposes altogether.

The SPEAKER. It does not create a Territory, nor detach any portion of one Territory and attach it to another, or any part of one Territory and attach it to a State.

Mr. SPRINGER. No; but it includes a part of the public domain and annexes it to a State.

Mr. WEAVER. It is only a matter of government.

The SPEAKER. It simply extends the law, as the Chair understands it, over a part of the public domain.

Mr. HOLMAN. That certainly belongs to the Committee on the Public Lands.

Mr. SPRINGER. This is to extend the boundaries of a State, and to take in a portion of the public land not now in a State of the Union or any organized Territory of the Union.

Mr. WEAVER. It changes the boundaries of a State. That is the idea of this bill.

Mr. HOLMAN. Corresponding matters are all before the Committee on the Public Lands.

The SPEAKER. The Chair will read the bill.

The Chair is inclined to think, upon an examination of the bill, that it goes properly to the Committee on the Judiciary. It provides for the enlargement of the State of Kansas by adding to it the unoccupied territory lying south of it, and makes it, of course, upon condition that the State of Kansas accepts it. It makes no disposition of any of the public lands or of any of the territory belonging now to an organized Territory of the United States.

Mr. SPRINGER. But the unorganized portions of the public land, and laws relating to them, have always been referred to the Committee on the Territories just as bills relating to Alaska have been so referred; and there is a bill now pending before it for the government of this very land.

The SPEAKER. That may be so; and if this provided for the organization of the Territory, the Chair would have no doubt as to its reference. The gentleman, however, can move its reference to the Committee on the Territories.

Mr. SPRINGER. Then I make that motion.

The question was taken; and upon a division there were—ayes 67, noes 24.

So the bill was referred to the Committee on the Territories.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House bills and joint resolutions of the Senate; which were severally read twice, and referred as follows, namely:

The bill (S. 145) for the relief of Edward Braden and Job W. Angus—to the Committee on Claims.

The bill (S. 120) for the relief of John W. Gummo—to the Committee on War Claims.

The bill (S. 119) for the relief of Edward H. Lieb—to the Committee on Military Affairs.

The bill (S. 71) for the relief of Rear-Admiral Carter—to the Committee on Claims.

The joint resolution (S. R. 39) authorizing and requiring the Secretary of the Treasury to have struck copies of certain medals, and to deliver the same to certain Departments and to the various States and Territories—to the Committee on the Library.

The joint resolution (S. R. 26) to arbitrate and settle the question at issue between the District of Columbia and Samuel Strong—to the Committee on the District of Columbia.

The joint resolution (S. R. 10) relating to the inclosure of certain points of especial interest on the battle-field of Gettysburgh—to the Committee on Military Affairs.

The bill (S. 560) to authorize the Columbia Bridge Company to construct and maintain a bridge across the Columbia River between the State of Oregon and the Territory of Washington, and to establish it as a post-road—to the Committee on Commerce.

The bill (S. 570) for the relief of P. B. Sinnott, late Indian agent at Grande Ronde agency, State of Oregon—to the Committee on Claims.

The bill (S. 758) for the relief of purchasers and other grantees of the United States of certain swamp and overflowed lands, and to reimburse and indemnify certain States—to the Committee on the Public Lands.

The bill (S. 1211) for the completion of the monument to Mary, the mother of Washington, at Fredericksburgh, Va.—to the Committee on the Library.

The bill (S. 1302) granting the right of way to the Denver and Rio Grande Railroad Company across the United States military reservation for the cantonment on the Uncompahgre River, in the State of Colorado—to the Committee on Military Affairs.

The bill (S. 1333) for the erection of a public building at Cheyenne, Wyo.—to the Committee on Public Buildings and Grounds.

The bill (S. 1549) for the erection of a public building at Hudson, N. Y.—to the Committee on Public Buildings and Grouuds.

The bill (S. 1646) to increase the appropriation for a public building at Troy, N. Y.—to the Committee on Public Buildings and Grounds.

The bill (S. 1764) for the relief of the heirs of Constantino Brumidi—to the Committee on Claims.

The bill (S. 1803) in aid of the Centennial and Memorial Association of Valley Forge, and to secure the Washington headquarters mansion and grounds occupied by the Continental Army in 1777–'78—to the Committee on the Library.

The bill (S. 1804) to authorize the Cheyenne Street Railway Company to build its road on and across the Fort D. A. Russell military reservation—to the Committee on Military Affairs.

PUBLIC BUILDING, SAN FRANCISCO.

The SPEAKER also laid before the House the bill (S. 1931) to increase the appropriation for the purchase of a site for a building for a post-office, court-house, and other offices at San Francisco, Cal.

Mr. MORROW. Mr. Speaker, the necessity of the public business at San Francisco requires that this bill should be passed at once; and I hope there will be no objection to its consideration at this time.

The SPEAKER. The bill will be read subject to objection.

Mr. McMILLIN. I have heretofore this morning demanded the regular order for the purpose of getting at the public business.

Mr. MORROW. Let me say to the gentleman that this is a matter of much public necessity. It is a matter of public business interest, relating to affairs of importance in San Francisco, and is an appropriation bill of as much importance as any item in any of the bills pending before Congress.

The SPEAKER. The Chair understands the gentleman from Tennessee to insist upon the demand for the regular order.

Mr. McMILLIN. I do.

The SPEAKER. The bill will be referred to the Committee on Public Buildings and Grounds.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House Senate bills of the following titles; which were read a first and second time and referred to the committees indicated:

The bill (S. 468) granting a pension to Broadus G. Roberts—to the Committee on Invalid Pensions.

The bill (S. 470) granting a pension to Amanda F. Deck—to the Committee on Invalid Pensions.

The bill (S. 625) granting a pension to George W. Schell—to the Committee on Invalid Pensions.

The bill (S. 646) granting a pension to Robert Gray—to the Committee on Invalid Pensions.

The bill (S. 767) granting a pension to Robert H. Sturgess—to the Committee on Invalid Pensions.

The bill (S. 781) granting a pension to John Fagan—to the Committee on Invalid Pensions.

The bill (S. 896) for the relief of Mrs. Louise Silvers—to the Committee on Invalid Pensions.

The bill (S. 897) for the relief of Rev. Corydon Millard—to the Committee on Invalid Pensions.

The bill (S. 898) for the relief of Frank Oredsnick—to the Committee on Invalid Pensions.

The bill (S. 900) for the relief of Mrs. Alice Croarkin—to the Committee on Invalid Pensions.

The bill (S. 981) granting a pension to Elizabeth Bauer—to the Committee on Invalid Pensions.

The bill (S. 1004) granting a pension to Ann Vernueil—to the Committee on Pensions.

The bill (S. 1006) granting a pension to Mary E. Blackman—to the Committee on Invalid Pensions.

The bill (S. 1015) granting a pension to Margaret M. Collins—to the Committee on Invalid Pensions.

The bill (S. 1173) increasing the pension of Jeptha A. Jones—to the Committee on Invalid Pensions.

The bill (S. 1325) for the relief of John McKernan—to the Committee on Pensions.

The bill (S. 1343) granting a pension to Cordelia Emery—to the Committee on Pensions.

The bill (S. 1556) granting a pension to Martin N. Kellogg—to the Committee on Pensions.

The bill (S. 1629) granting a pension to Erastus B. Burnham—to the Committee on Invalid Pensions.

The bill (S. 1633) granting a pension to Catherine E. Babcock—to the Committee on Invalid Pensions.

The bill (S. 1716) granting a pension to Mary L. Williams—to the Committee on Invalid Pensions.

The bill (S. 1827) granting a pension to Philomelia L. Dartt—to the Committee on Invalid Pensions.

The bill (S. 2084) to restore to the pension-roll the name of Joseph Lewis—to the Committee on Invalid Pensions.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ATKINSON, for three days, on account of important business.

To Mr. SCULL, for five days, on account of important business.

To Mr. LODGE, for one week, on account of important business.

To Mr. YARDLEY, for four days, on account of important business.

To Mr. O'NEILL, of Missouri, for ten days, on account of important business.

WITHDRAWAL OF PAPERS.

On motion of Mr. STONE, of Kentucky, by unanimous consent, leave was given to withdraw from the files of the House the papers in the case of L. M. Northcut, certified copies thereof not to be left with the Clerk of the House, as required by Rule XXXIX.

ANTHONY L. WOODSON.

Mr. FINLEY. I now call up for consideration the bill (H. R. 8962) for the relief of Anthony L. Woodson.

The SPEAKER. On yesterday the gentleman from Kentucky [Mr. FINLEY] had unanimous consent for the consideration of the bill he now calls up. It appeared that the Committee on War Claims had reported a substitute for the original bill, which substitute had not been received from the Printing Office, and, by unanimous consent, the matter went over until this morning. The substitute will be read, after which the Chair will ask for objections, as it may be different from the original bill.

The bill (H. R. 8962) for the relief of Anthony L. Woodson, being a substitute for the bill H. R. 4665, was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated, is hereby authorized and directed to pay to Anthony L. Woodson, of Woodsonville, Ky., the sum of $3,666.20, being the value of quartermaster's stores taken from the said Woodson by the United States forces during the late war, and appropriated to their use; and the further sum of $2,300, being the value of engineer stores taken in the same way for the construction of forts, stockades, etc., at and near Munfordville, Ky.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLAND. The report had better be read.

The SPEAKER. The report was read yesterday morning.

Mr. FINLEY. If the gentleman, in place of calling for the reading of the report, which is of some length, will allow me, I desire to state that I have investigated the matter thoroughly. This is a unanimous report from the Committee on War Claims. I have made myself familiar with the facts. There is no question of loyalty. The committee first reported a sum of thirty-six hundred and odd dollars for quartermaster's stores taken from the claimant.

Since that report was made nine gentlemen of unquestioned reputation have come in and showed that this claimant is not only entitled to the amount the committee allowed him, but that in point of fact he is entitled to $12,000 and upwards.

Mr. BLAND. My object in desiring to have the report read was to ascertain whether any of these items were for destruction of property.

Mr. FINLEY. The facts are these: The claimant owned 400 acres of land on Green River, intersected by the Louisville and Nashville Railroad and turnpike, which were lines of communication for troops. The iron bridge of the Louisville and Nashville Railroad and two ponton bridges rested on claimant's land. It was considered a most important strategic point.

The Federal army took possession of the claimant's farm in 1862. They took his corn for food and his fencing for fuel. His barns, cribs, and stables were burned to prevent their use by the enemy. Five grave-yards were left on the farm, and several battles were fought on the land adjoining it. Besides this the troops in possession cut away 90 acres of timber for the purpose of building forts, etc. For this only one-half is charged of what the proof in the case shows.

The committee have done right in allowing this claim. The claimant is now eighty years of age, and he agrees to take this small amount rather than wait for the probability of getting something for the use of the farm, for which he is entitled to more than this bill gives him. There can be no question at all about the justice of the claim.

The SPEAKER. Is there objection to the present consideration of the bill? The Chair hears none.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FINLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THE BLAIR AND LOGAN BILLS.

Mr. PLUMB. I desire to make a statement. I was necessarily absent from the session of the House yesterday, as a member of the committee which visited Toledo to attend the funeral of the late Chief-Justice Waite. I therefore could not vote on the bills pensioning the widows of Generals Logan and Blair. If I had been present I would have voted "aye" on both bills.

EASTERN JUDICIAL DISTRICT, LOUISIANA.

Mr. ROGERS, from the Committee on the Judiciary, reported with amendments the bill (H. R. 7398) to subdivide the eastern judicial district of Louisiana, and to fix the time and place for holding terms of court therein; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ACTIONS ON BONDS OF PUBLIC OFFICERS.

Mr. CASWELL, from the Committee on the Judiciary, reported as a substitute for the bill H. R. 8369 a bill (H. R. 9048) to limit the time in which actions may be brought by the United States upon the bonds of public officers, their sureties or legal representatives; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The original bill, H. R. 8369, was laid on the table.

BRIDGE AT PONCA, NEBR.

Mr. DUNHAM, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. 2625) authorizing the erection of a bridge across the Missouri River at Ponca, Nebr.; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

QUARANTINE STATION, SAN FRANCISCO.

Mr. THOMAS H. B. BROWNE, from the Committee on Commerce, reported back with amendments the bill (H. R. 7727) to establish a quarantine station at the port of San Francisco; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, SAGINAW, MICH.

Mr. NEWTON, from the Committee on Public Buildings and Grounds, reported as a substitute for the bill H. R. 4976 a bill (H. R. 9049) to provide for the erection of a public building at the city of Saginaw, Mich.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The original bill, H. R. 4976, was laid on the table.

JOHN H. MARION.

Mr. TAULBEE, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 5327) for the relief of John H. Marion; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALEXANDER MOFFITT.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 6347) for the relief of Alexander Moffitt; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES A. GREGORY.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 261) for the relief of the heirs of James A. Gregory; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. CROUSE, from the Committee on War Claims, reported adversely the bill (H. R. 3438) for the relief of Mary E. Whitehead; which was laid on the table, and the accompanying report ordered to be printed.

CUMMINGS, DOYLE & CO.

Mr. PENINGTON, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 588) for the re-

lief of Cummings, Doyle & Co. and Doyle & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LA GRANGE SYNODICAL COLLEGE, TENNESSEE.

Mr. PENINGTON also, from the Committee on War Claims, reported back with amendments the bill (H. R. 6035) for the relief of the La Grange Synodical College, of La Grange, Tenn.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM H. GORDON.

Mr. PENINGTON also, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 577) for the relief of William H. Gordon; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of committees. The hour for the consideration of bills begins at seventeen minutes to 1 o'clock. The call rests with the Committee on Pacific Railroads.

Mr. STONE, of Kentucky. Mr. Speaker, I desire to ask unanimous consent to take up and pass a bill.

The SPEAKER. The gentleman from Tennessee [Mr. MCMILLIN] insists upon the regular order.

PACIFIC RAILROADS.

Mr. OUTHWAITE. Mr. Speaker, I yield to the gentleman from Iowa [Mr. ANDERSON], who desires to submit some remarks upon the pending Pacific railroad bill.

Mr. ANDERSON, of Iowa. Mr. Speaker, I desire to be recognized in opposition to the bill at present under consideration.

The SPEAKER. The gentleman is recognized.

Mr. ANDERSON, of Iowa. And I wish to state that there is an arrangement between the committee and at least a part of the opposition to this bill that I shall now occupy in opposing this bill not more than ten minutes, and that the rest of the hour be given to members of the committee for the purpose of discussion only. This course is pursued (on my part) for the purpose of indicating to this House that this measure is not to go through by default, and that when the proper time arrives I will ask to be heard at length in opposition to this bill.

This is one of the most important questions which have been presented to Congress, in my judgment, for many years, whether considered from a financial or from a moral standpoint. Twenty-eight years ago the construction of the system of Pacific railroads was regarded as of sufficient importance to be dignified by the two great political parties then in existence with a resolution favoring the project. These companies, in the construction and management of their roads, have had an active existence in this country since 1864; and I undertake to say that every point and period in the history of these organizations—sometimes as construction companies, sometimes as railroad companies, sometimes as credit mobilier companies, but always robbers—has been such as to put this matter before the country in 1888 in such a form and with such consequence that if this Congress shall not see fit to do what ought to be done, no longer with reference to the creation but in this day with reference to the regulation and control of these gigantic corporations, the political parties which this year do not feel it important enough to dignify the matter of the control of these corporations with resolutions in their platforms will not be entitled to and should not receive the confidence of the American people.

Mr. Speaker, the history of these railroad companies is a matter with which this country is entirely familiar. That the career of these companies has been criminal and that they have robbed the Treasury of the United States of hundreds of millions of money is conceded everywhere. By virtue of the position in which they have been placed by their charters granted at the hands of the Government they have absolutely dominated the entire western portion of this country and have extorted in the way of charges and rates above what were legitimate and in violation of specific law, such as they themselves have from time to time suggested, an amount of money more than equal to the amount that has been directly taken from the Treasury.

These companies, and especially the Union Pacific Railroad Company, which is the subject of the bill now under consideration, went on in this career until many years ago there was developed a scandal which absolutely appalled the country and carried into disgraceful oblivion some men who theretofore had been among the illustrious statesmen that had adorned the annals of our history. They went on in this career for many years, but there was not realized in their case what the experience of men has incorporated into a proverb, that "when rogues fall out honest men get their dues." In this case the "rogues fell out," but honest men did not get their dues, for I think it can be demonstrated, notwithstanding the parade which is made here in this House and before the country—I say this with all deference to the gentlemen who represent views opposed to mine—it can be demonstrated that, so far from there being now a new management of the Union Pacific Railroad Company, the direction of that road to-day is controlled by the old credit mobilier gang, and the same gang which as a construction company and as a credit mobilier company preyed upon the country in 1870, 1871, 1872, and 1873 are to-day preying upon the country in the guise of a reorganized and converted Union Pacific management.

It is susceptible of demonstration that a majority of the men who constitute the present management of the Union Pacific Railroad are either the identical men who were engaged in the great Credit Mobilier scandal, or their sons, or the direct legal representatives of the specific interests that were engaged in those great enterprises.

It can be demonstrated, I believe, that enough money has been taken wrongfully out of the Treasury by the men whose business it was to manage these railroads honestly to have paid the entire debt due the Government, including the first-mortgage bondholders, and to have left a net surplus in the Treasury to the credit of the stockholders. I think it can be demonstrated with reference to the Union Pacific Railroad Company that they not only had, over and above what it cost to construct their road, $142,813 in actual cash from the sale of the first-mortgage bonds and the Government bonds, and stock, land grant, and income bonds, making a net total profit of over $56,907,000, but that this same construction company, this same Credit Mobilier gang, this same combination and interest have received out of the diverted earnings of this railroad between $150,000,000 and $200,000,000; and when we consider the great difference that this management has constantly made between gross receipts and gross earnings, the diversion that has been made in the interest of "pools," the dividends which have been paid to stockholders on stock issued and held fraudulently, and for which the parties have never paid a dollar, the aggregation of these great sums will demonstrate the fact that, under an honest management of the Union Pacific Railroad Company, it would be competent for it with its present earnings under existing law to pay its debt in a comparatively short extension beyond the time already given it.

But I am told, Mr. Speaker, that this company has already been so fortified behind judicial determination that it is beyond the reach of the legislative arm of this Government. I undertake to say that it can be demonstrated by the record, and from the proofs which have been submitted here by a commission authorized by Congress to go forth and gather the evidence with reference to that distinct proposition. It can be demonstrated that, under existing law, this company, in the hands of honest management, can pay its indebtedness within a very reasonable time; and furthermore, that so far from being fortified by judicial decision there is substantially only one question which has been determined, and that is that neither the debt nor the interest is yet due.

This company has committed such wanton violation of law since the passage of the Thurman act, which provides that violation of existing law shall work a forfeiture of all the "rights, privileges, grants, and franchises," as to demand at the hands of the Government a policy that will place this road in the hands of a receiver, when, according to law, under direction of the court an honest management of its affairs can be had. It will be seen that a violation of law working a forfeiture of "rights, grants, privileges, and franchises," will forfeit the right and privilege of this company to have further time for the payment of its debt to the Government, and that the same is now due; but whether this view be conceded or not, such violations of law have occurred as to relieve Congress from any embarrassment in dealing with this matter, growing out of the decision of the United States Supreme Court, which held that no part of the Government debt was due until the last issue of bonds became due.

The difficulty has not been in the law, but in the management. Existing law is sufficient with honest management. The business of the country tributary to this road has grown faster than transportation facilities, and the capacity of the road to-day, while not as great as it would have been could it have prevented, as it tried, the construction of all competing lines, is greater than it was before competing lines were constructed.

This company has forfeited to the last degree the confidence of Congress and the country, and no amount of talk about this being a "practical business question," or indulgence in the line of glittering generalities as to the conception and construction of this great system of roads will obscure the fact that, considered as a practical business question, to be disposed of on business principles, this Congress can not afford to treat further with this combination of men who have been continuous and persistent breakers for twenty-five years of all laws made for their government and control.

Conceding the point and confessing the criminal career of the old company, the friends of this bill insist that since 1884 there has been a new and honest management of the affairs of this company. Unfortunately for this assertion, an examination of the names of the men who compose the board of direction, and who it is safe to presume represent a majority of the stockholders, discloses the fact that a majority of them are the same men, or their immediate representatives in the same interests, who were in control in the days when the greatest transgressions were committed.

Sidney Dillon, F. Gordon Dexter, Elisha Atkins, Ezra H. Baker, and Fred L. Ames are directors in the Union Pacific Railway Company at the present time, and constitute a majority of the executive committee of the board of directors, whose chairman is Charles Francis

Adams, jr. The country is familiar with these men, their connection with this company, and their methods of management.

Instead of Mr. Adams purging and purifying this management, the management has managed him as it has all its other affairs, as the history of the business affairs of those men in connection with this road as made by themselves will abundantly prove. The policy of building branch roads out of the earnings of the aided lines, of paying branch lines "constructive mileage," which is another way of misappropriating the earnings of the aided lines, and organizing various commercial corporations to take charge of the business of the entire country tributary to the Union Pacific system, is being plied now as vigorously and on as extended a scale as at any time under the old management, which our friends confess unfit to be further trusted.

President Adams, who stands alone for the new management, is, in connection with the Dillons and the Ameses, president and director, one or both, in from thirty to forty business corporations having for their object the control and domination of the business of the States and Territories dependent for rail transportation on this system of road, and these positions are held by these men by virtue of their positions as the managers of this road, with its Federal charter subject to Congressional control.

So I repeat that forfeiture should be enforced, this whole brood of corruptionists driven from the places of trust they have so long disgraced, and an honest management, under direction of the court, given control and the fact demonstrated that existing law, with slight amendment, is sufficient. And again I say that this question is large enough for a national issue, and that the party that does not this year declare itself in favor of an honest management of these roads will make a great mistake.

[Here the hammer fell.]

Mr. DALZELL. Mr. Speaker, on Tuesday of this week the chairman of the Committee on Pacific Railroads [Mr. OUTHWAITE] in a very clear and explicit manner explained to this House the scope and provisions of the bill reported by the committee. Following him so closely I do not propose to indulge in any review of the history of Pacific railways. Such review would necessitate a recurrence to that time when a railroad to connect our eastern with our western coast was nothing more than a dream thought to be incapable of realization.

I shall not stop to mark the progress of public sentiment and the growth of public faith, which at last, under the pressure of civil war, culminated in legislation authorizing the construction of transcontinental railways and giving to them powerful governmental aid.

I shall not undertake to follow the history of that construction and describe the marvelous engineering skill and audacious enterprise which contribute one of its most brilliant chapters to the story of man's triumph over nature; a skill and an enterprise which made fact of the great Missourian, Benton's, fancy—a train of cars steaming down the eastern slope of the Rocky Mountains bearing in transit the silks, the teas, and the spices of the Orient.

I shall not stop to indulge natural indignation and pour out justifiable invective against the grave commercial crimes which stain that history and make infamous the names of men who have been prominent in the public eye.

All these would furnish a field for rhetorical display; but our business to-day is not with rhetoric, but with figures. It is not history, nor theory, nor sentiment with which we have to deal, but business and business interests and business methods.

Mr. Speaker, at this point I would not be misunderstood. I do not mean to say that in this discussion we shall not have anything to do with the past. The problems of the present and the future can only successfully be solved in view of the past and within the reach of its shadow. Nor do I mean to assert that the questions presented are purely those of business. On the contrary they are, to a large extent, moral. And as custodians of the national honor as well as of the national treasury, of public morals as well as of the public credit, we have no right to ignore either factor in the problem which presents a twofold aspect.

But I want to call the attention of the House at this point to this fact: That the bill presented deals only with the Union Pacific system, and with the Central Branch Union Pacific Railroad Company. It does not undertake to deal with the Central Pacific Railroad Company, and what I have to say must be listened to with that fact in mind. What the questions may be when the Central Pacific Railroad problem is presented I do not now undertake to say. I do not wish with respect to them to be committed. I want to meet those questions unembarrassed when they come.

The text of what I propose to say is this: That the bill reported to the House deals in a manly and courageous and business-like way with both aspects of the problem presented, both the material aspect and the moral, and deals with them in the best possible way, in the judgment of your committee, that the circumstances surrounding the case admit of.

The significant facts with which we have to deal are these: The Union Pacific Railway Company and the Central Branch Union Pacific Railway Company owe the United States to-day in round numbers $53,000,000.

A MEMBER. Sixty millions of dollars.

Mr. DALZELL. Sixty millions of dollars my colleague suggests; the two together—and that is true if you make no allowance for the sinking fund. By the terms of the legislation which gave rise to that indebtedness, the principal thereof will not mature for almost a decade yet to come. By the decision of the Supreme Court of the United States, the interest will not be payable until the principal of the debt matures. Every scheme devised up to this time to secure the payment of that debt at maturity—and it will be $10,000,000 more then than it is now—has utterly and signally failed. It is conceded on all hands that the railroad companies will not be able to pay this debt at maturity, and the reason why they will not be able to pay it then is, because of scandalous transactions on the part of the builders and promoters of these roads whereby the corporations were robbed and the Government security depleted.

Under these circumstances the majority of the commission appointed by the President of the United States to inquire into matters connected with the Pacific railroad companies reports, as a remedy for existing evils between these companies and the Government, a scheme for the extension and ultimate payment of this debt, which scheme also includes a provision for inquiring into the alleged wrongs of wrongdoers. The minority of the commission, upon the other hand, advises a virtual abandonment of the entire debt, a forfeiture of the charters of the companies, which, at least to the extent advised, I undertake as a lawyer to say to any lawyer is a legal impossibility, and the punishment of nobody, save and except only the innocent stockholders.

Mr. OUTHWAITE. And the Government of the United States.

Mr. DALZELL. And the Government of the United States.

Now, just here I want to say that starting upon the examination of this question without prejudice of any kind, my mind a perfect blank with respect to the whole matter, my first impressions were in harmony with the suggestions embodied in the report of the minority of the commission. I still share in his indignation against wrongdoers and their colossal crimes, but my judgment refuses to accede to his method of reasoning as logical or fair, and to his conclusions as either practical or just.

The problem presented is how to collect the Government debt, and at the same time punish those, if any there be, who are deserving of punishment. Bearing this in mind—let me state it again—the problem presented is how to collect the Government debt and to punish wrongdoers, if wrongdoers there be.

I say, bearing this in mind, let me address myself now to the facts a little more in detail.

The indebtedness of the Union Pacific Railway Companies to the United States on the 1st day of November, 1887, was substantially as follows:

Union Pacific Railroad, debt	$27,236,512.00
Kansas Pacific Railway, debt	6,303,000.00
The Union Pacific Railroad, interest accrued but not due	32,039,343.53
Kansas Pacific Railway, interest accrued but not due	7,768,113.09
Total	73,343,968.62
The amount paid on interest account for both companies is	15,440,891.94
Balance of debt	57,903,076.68
If we could consider the amount in the sinking fund a credit, namely	7,343,084.32
We should have a balance standing against the company of	50,171,992.36

The account of the Central Branch Union Pacific, November 1, 1887, is as follows:

Debt owing to United States	$1,600,000.00
Interest accrued but not due	1,965,808.26
Total indebtedness	3,565,808.26
Amount paid on bond and interest account	316,124.12
Balance of obligation	3,249,684.14

If we give a credit to these companies of the amount of the sinking fund, to wit: $7,343,084.32, we have a balance standing against the Union Pacific and Kansas Pacific Railroad Companies of $50,171,992.36. Without going into the details, the figures in respect to the Central Branch Union Pacific Company, estimated upon the same basis, give us an indebtedness of $3,249,684.14. So that this debt, the actual amount thereof on the 1st day of November, 1887, aggregates $53,421,676.50, and if you do not credit to this indebtedness the sinking fund the total amounts to sixty millions of dollars and over. Those who have given this subject attention will understand that under the decisions of the Supreme Court the money in the sinking fund is still the money of these companies, and not of the United States Government.

Now, here is the first significant fact: These companies will owe this Government ten years from now this amount of money plus the accumulation in the mean time. It is conceded that they will not be able to pay, and therefore, the living, crying question for us is, Can the United States collect? Well, that depends upon an answer to the question as to whether or not the lien of the United States is commensurate with the debt; whether it is sufficient upon a forced sale to bring into the Treasury of the United States the amount of the obligations of the companies. With respect to that question, the most important thing to be borne in mind in the discussion and examination of this subject is this: In the case of the United States *vs.* The Kansas Pacific Railroad Company and the United States *vs.* The Denver Pacific Railroad Company,

both reported in the ninety-ninth of the United States, the Supreme Court of the United States held that the Government lien was coextensive only with the subsidized portions of the road, or, to use the language of the court:

Extended only to those miles of road in consideration of the construction of which the bonds were issued.

Now, these bonds were issued upon that portion of the road extending from Omaha, a distance of 3.97 miles west of the eastern terminus of the Union Pacific, to a point 5 miles west of Ogden, in the Territory of Utah. That is on the Union Pacific proper. The bonds were issued on the Kansas Pacific only from a point one-half mile west of Kansas City to a point 393.94 miles west of that point.

Now, I ought to emphasize this: The issue of the bonds of the Union Pacific Railroad Company begins at a point nearly 4 miles west of the eastern terminus of that road, and on the Kansas Pacific at a point one-half mile west of the eastern terminus, and as a consequence in both cases the lien of the United States is wholly excluded from the terminals of the roads at Council Bluffs and at Kansas City. And whereas the Kansas Pacific Railroad runs to Denver and thence up to Cheyenne, a distance of over 700 miles, the lien of the United States applies only to 393.94 miles.

I have shown thus far that the lien of the United States extends only to about 1,430 miles of the Union Pacific Railway system. I now call your attention to the fact that the Union Pacific Railway system is very largely in excess of what the lien applies to.

In the first place, we have the main line, 1,038.35 miles. Then there is the line from Kansas City to Denver, 639.2 miles. From Denver to Cheyenne, 106 miles; from Leavenworth to Lawrence, 31.30 miles; or in all 1,815.57 miles of railroad, upon only 1,430 of which does the Government lien attach.

But even then I have not half stated the case. In addition to that there is a very expensive bridge known as the Omaha bridge, 3.97 miles in length. There are in addition terminals at Omaha, terminals at Kansas City, and terminals at Denver. And then on top of all that the Union Pacific Railway system controls 2,761.95 miles of branch roads, from which a very large portion of its income is derived and upon which to a very large extent the prosperity of its future depends.

You will see, therefore, that apart from any question of money—if we should throw out of consideration altogether that question and value so many miles of road at so much, and the terminals at so much, and all that sort of thing, you will see that aside from any question of money the lien is insufficient in character. It is a lien upon a portion of a railroad. It is a lien upon a trunk without a head, without feet, without arms, and without hands. It is a lien which if enforced would invite no bidders to the sale. The property if bought would be shorn of that which is a necessary part of it, and would be absolutely and utterly useless.

But aside from the question of the insufficiency of the character of the lien, inasmuch as we have ascertained the amount of the debt, it is a very easy matter to compare the extensiveness of the lien with the debt, so as to ascertain so far as figures are concerned its money value.

Now, three methods have been suggested for placing a value on the subsidized portions of the Union Pacific Railroad system. It will be readily admitted they can not all be right, more especially since an examination and comparison of these three methods will result in a different conclusion in each case.

It has been suggested that the value of the system might be ascertained from the net earnings, and the minority commissioner, Governor Pattison, reports as the valuation on this basis the sum of $102,000,000. If we should accept that as a fair way of arriving at the value it would then appear that the lien is sufficient as far as mere dollars and cents are concerned, because the amount of the first mortgage and of the Government lien aggregates $86,482,000, and there would be an excess of $15,000,000 of value over the amount of the two liens.

But I need hardly suggest to any thinking man that this is no fair way to arrive at the value of a railroad, because if you apply this as a basis, the value this year might vary millions of dollars from the value next year or the year after, or from what was the value ten years back. Net earnings depend upon economy of management, the business affairs of the country, the amount expended for repairs, and all that sort of thing. So I dismiss that method as not a proper method to be used in arriving at what is a fair and proper arrangement between the United States and its debtor.

Another method suggested is to ascertain the value according to the cost of reproduction. I say that is an unfair method. According to the minority commissioner the cost of the reproduction of the main line of the Union Pacific Railroad would be $27,857,500; of the Kansas Pacific Railroad, 393.94 miles, $11,800,000; or, in other words, the subsidized portion of the system could be reproduced for $39,657,500.

Now, the present value of the Government debt is estimated, under the provisions of this bill at $52,950,000. The first mortgage, which precedes the Government lien, is $33,532,000; so that you have a total of first mortgage and Government debt amounting to $86,482,000; and to meet that debt according to the estimate of value by the cost of reproduction a road worth only $39,657,500, or in other words a road worth over $46.000.000 less than the first mortgage and the Government debt.

But I submit that there is a fair way, and a way which is recognized in business circles and in courts of law, to estimate the actual value of these subsidized portions of the road, and that is by taking into consideration net earnings, original cost, cost of reproduction, increase in value of terminals, increase in value of right-of-way, and then adding to all that the judgment and testimony of men whose business it is and has been to deal with such matters.

Colonel Morgan, an experienced engineer, who was employed by the commission, estimated the value of the entire system, outside, of course, of its investments, at $150,000,000, and it seems to me to be a fair inference from his estimate that the main lines of the Union Pacific and the Kansas Pacific are worth $40,000 a mile. Upon that basis your committee has made to you a report which shows, in fair terms as we think, the present value of the Government lien as compared with the value of the road upon which it rests.

Upon a fair valuation the existing security for the debt of the Union Pacific Railway Company to the United States appears in the following table:

Mileage of subsidized and unsubsidized parts of the Union Pacific Railway Company.

Mileage of Union Pacific Railway Company, branch lines and Omaha bridge excluded (see commissioners' report, p. 4)	1,815.57
Mileage of subsidized line on which the United States has a lien (see commissioners' report, pp. 5, 194, and 195), Omaha bridge excluded	1,430.11
Mileage of unsubsidized line, free from Government lien, Omaha bridge excluded	385.46

Estimated value of security now held by the Government as protection for debt to it.

Present value of debt to the Government as fixed by the bill	$52,950,000
Amount of bonds secured by first mortgages on 1,430.11 miles of subsidized railroad	33,532,000
Total indebtedness secured by first mortgages and Government lien on 1,430.11 miles of subsidized railroad	86,482,000
The subsidized line, at a low valuation, is worth $40,000 per mile (railroad, equipment, buildings, stations, yards, sidings, bridges, culverts, etc., included). The total value is, therefore, 1,430.11 × $40,000=$57,204,400, say	57,200,000
Balance—excess of indebtedness over present security	29,282,000

So that, making even this favorable showing for the value of the subsidized portion of the Union Pacific Railway, the fact is that it lacks by $29,282,000 of the value required to satisfy the first mortgage and the Government lien. If my facts are correct, I have demonstrated, then, with respect to this lien two things: first, that it is insufficient as to character; and, secondly, that it is insufficient in value. I have demonstrated further two significant facts in this connection: first, that the railway companies are unable to pay; and, second, that the United States Government is unable to collect.

We are, then, face to face with this question: Under these circumstances what is the best thing we can do? I answer—and I appeal to every man of affairs in this Chamber if he does not answer—"Get additional security if you can." Can we get additional security? My argument, if it has demonstrated anything thus far, has shown that the largest portion of value belonging to the Union Pacific Railway system is outside of the subsidized portions of the line, and therefore it follows that, unless the unsubsidized portion is subject to liens far in excess of its value, the Government would get additional security by getting a mortgage upon that portion of the system. I therefore call attention now to what it is that the Government would get a mortgage upon if the provisions of this bill became law and were accepted by the companies. The portion of the main line, 385.46 miles, which is unsubsidized, if it is of the value of $40,000 a mile, which we have assumed, is worth $15,400,000. The terminals at Omaha, Ogden, and Kansas City are valued in the commissioners' report at $15,300,000. The Omaha bridge is valued, in the same way, at $2,000,000. The branch lines, 2,761.95 miles, at $25,000 a mile, amount to $69,000,000; and outside investments, according to the report of the commission, represent $20,000,000. Your committee, however, have not taken them at their face value, but only at 50 per cent. of it. Put them in at $10,000,000 and you have as the value of the Union Pacific system, outside of what the Government has a lien upon, $141,400,000.

Now is this encumbered? I answer that the liens prior to any lien the Government would get amount, according to the minority commissioner, to $60,904,350. So that if this bill becomes a law and is accepted by these companies the Government gets additional security for the payment of its debt to the extent of $80,495,650.

Mr. ANDERSON, of Kansas. Does not the company own, as a corporation, this $80,000,000 worth of property to which the gentleman has referred as not covered by the Government bonds?

Mr. DALZELL. All except the branch lines, the ownership in which is represented by the ownership of the bonds and the stock.

Mr. ANDERSON, of Kansas. But the company owns those bonds and stock.

Mr. DALZELL. Yes, sir.

Mr. ANDERSON, of Kansas. Then the company owns those branch lines.

Mr. DALZELL. The company does not own all the bonds and stock.

Mr. ANDERSON, of Kansas. But to the extent to which it owns the bonds and stock, it owns those branch lines. Now, the question I

wanted to ask is this: If on foreclosure of the second mortgage it should be found that the property as to which the Government has a claim and on which it has a lien does not satisfy the mortgage, then under the law, as a matter of ordinary justice, would not the Government have recourse by proper action upon the $80,000,000 worth of property which it is proposed to put up as additional security?

Mr. DALZELL. As I understand the law, no.

Mr. ANDERSON, of Kansas. Why, not?

Mr. DALZELL. I expect to cover that point before I get through with my remarks.

Mr. ANDERSON, of Kansas. I did not wish to interrupt the course of the gentleman's argument.

Mr. DALZELL. I have already shown that on the present security the deficit amounts to $29,282,000. Therefore, if my figures are right, the benefit to be derived to the Government by getting this additional lien will amount to not only the value of the additional lien secured, but to the amount of deficit made up, $29,282,000, making a gain in security to the Government under the provisions of this bill of over $109,000,000.

Mr. McSHANE. I notice that in the commissioners' report the value of the Omaha bridge is fixed at $2,000,000.

Mr. DALZELL. Yes, sir.

Mr. McSHANE. What is the amount of the first mortgage on that bridge?

Mr. DALZELL. That I can not state; I have not the details here.

Mr. McSHANE. It is $2,500,000.

Mr. DALZELL. The gentleman will find the figures in the minority commissioner's statement.

Mr. OUTHWAITE. It is counted in the $60,000,000.

Mr. DALZELL. Yes, sir. I wish it to be understood that having added together what I understand to be the fair value of the unsubsidized portions of the Union Pacific system, I have taken from that ascertained value the aggregate amount of liens as I get them from Commissioner Pattison's report.

Mr. FELTON. Liens prior to the Government lien?

Mr. DALZELL. Yes, sir; prior to any lien the Government would have. The gentleman will find the statement on page 200 of the report of the commission, it is included in the report of Commissioner Pattison.

Mr. FELTON. If there is any lien on the bridge it would be included in that statement.

Mr. DALZELL. Certainly.

Now, if I am right in my view of this matter, then the passage of this bill, if accepted, will supply the lacking qualities, so far as security is concerned. It gives the Government a valuable and a sufficient security, and insures the ultimate payment of the debt. As time presses, I omit any minute description of the safeguards which are inserted in this bill to render entirely effective the security that the Government would have. I simply mention them briefly.

In the first place, the provisions of the bill must be accepted; and thereupon we stand on the basis of a contract with a new mortgage, not a statutory mortgage, but a contract mortgage, covering everything that the Union Pacific Railroad Company owns—railroad, terminals, stations, investments, earnings—everything that is capable of being applied to the payment of its debts. Furthermore, although, as I have said, it will be almost ten years before the Government debt accrues, yet, according to the provisions of this bill, payment commences at once, and upon default of any payment for ninety days, the mortgage may be foreclosed.

Furthermore, in order to provide against contingencies, the Government may pay prior liens, and be subrogated to the rights of the holders of such liens. In addition to that, the Government is not bound to pay to these roads a single dollar of the money to become due them for services rendered until payments have been faithfully made by the railroad companies under the terms of the mortgage.

Finally, if these companies do not see fit to accept this act, then the provisions of the Thurman act are extended over the Kansas Pacific Railroad, and payments are to be made which are largely in excess of those called for in the first period of five years under the terms and provisions of this bill.

Now, I take it that, looking at this matter from a business standpoint, only one other question remains for a business man to answer, and that is: Can the debtor comply with the terms of the agreement if it sees fit to accept them? With respect to that question I call attention to the last annual statement, showing the surplus earnings of the Union Pacific Railroad system. The net surplus for 1886 was $3,440,801.38. The first and second payments called for by the bill before the House—the first year's payments, in other words—amount to $1,694,400, leaving a surplus of $1,746,000 to the company for contingent expenses, dividends, or whatever it may see fit to apply it to.

And just at this point I need not argue to the House, to a House composed of men of business, that no scheme for the extension of a debt lasting through a period of fifty years would have any chance of success which would leave the stockholders in a position that during all that time they would receive no return on their investment. Under such circumstances it is not human to expect that the railroad would be run in the interest of its creditors, but rather in the interest of speculators and stock-jobbers.

Now, I said at the outset that there was not only a business question but a moral question involved, and I said also that this bill met both aspects of the question, both the business aspect and the moral; and I will address myself for a few minutes now to that second proposition.

Prior to 1873 the management of the Pacific railroads had been the subject of legislative investigation. At the third session of the Forty-second Congress a committee which is known in the literature of this subject as the Wilson committee made a report. That report reached conclusions of fact and conclusions of law, and I desire to call the attention of the House briefly to what those conclusions were, both of fact and law, as illustrating what interest there is on our part now in any vindication of justice.

According to the findings of fact as embodied in the commissioner's report the Union Pacific Railroad, from Omaha to Ogden, had been constructed under three contracts, known as the Hoxie contract, the Ames contract, and the Davis contract. It was further found during the investigation that assignments had been made of these contracts to a construction company known as the Credit Mobilier of America, whereby the profits derived from these contracts were secured to the promoters of the Union Pacific Railroad Company themselves. The persons who received the profits determined the amount thereof by their own votes.

It was further found that, by virtue of these contracts, there was a profit on the construction of the Union Pacific, on the subsidized portion of the railroad, amounting to $43,900,000. Nearly forty-four millions stolen from the stockholders of the Union Pacific Railroad Company and taken from the security of the United States! Such were the findings of fact; or, to state them in another way, the minority commissioner finds from the same Wilson committee report that, allowing for discount, the railroad was built for less than the proceeds of the first-mortgage bonds and the Government bonds, and the builders took as profit part of the proceeds of those bonds as well as the income bonds, the land-grant bonds, and the stock. The charge upon the books of the company as the cost of the construction is one hundred millions and odd hundred thousands of dollars. And I say to the gentleman who preceded me that he can not feel any more indignation than I feel, or than any honestly constructed man can feel, against the audacious robbery by which the lien of the Government was depleted and these corporations robbed of what belonged to them.

Mr. ANDERSON, of Iowa. Are not the men who constituted this construction company and who took the thirty-six millions of stock and paid only $218,000 of money, are they not the same men who manage this road to day?

Mr. DALZELL. I understand they are not.

Mr. ANDERSON, of Iowa. Will you say that they are not?

Mr. DALZELL. I say as the result of a very careful, and I believe conscientious, examination of this affair on my part, that they are not the same men.

Those are the conclusions of fact, and I beg the attention of the House now to what were the conclusions of law, because herein lies the answer, and I think, with all deference to my friend from Iowa [Mr. ANDERSON], an unanswerable answer to his position, that some other scheme than that of an extension ought to be adopted. I will go with him as far as the law will allow me to go in punishment of those deserving punishment, but I say to him that since 1873 no crimes have been committed which will at all compare with the crimes committed prior to 1873, and that against any attempt of the United States Government to punish these crimes there rises up as an impassable barrier the decision of the highest tribunal of this country.

Mr. ANDERSON, of Iowa. Let me ask the gentleman where in the catalogue he places the issuance of twenty-four millions of stock at the time of the consolidation between the Kansas City branch and the Union Pacific Railroad Company, which issuance of stock was in violation of the act of Congress approved March 3, 1873?

Mr. DALZELL. I will show the gentleman, if I have time, that that is covered by the decision in 98th United States.

In 1873, when these crimes were first investigated, when the country was indignant, and when these crimes had been made the subject of thorough and laborious investigation on the part of able men in this House, the conclusions of law were these, and I desire to call your attention to them.

The Wilson committee find, in the first place, that the facts would justify a judgment of forfeiture. But calling to mind the fact that a judgment of forfeiture upon a quo warranto gives nothing in America but the right to administer the assets of the corporation, and does not, as in England, forfeit the property to the Crown, they said as wise men that that would be a useless performance. They find further, as a matter of law, that under the acts of 1862 and 1864, incorporating these companies, the Government had the right to repeal the charters, but like wise men again they said, why kill the corporation simply for the sake of raising up an administrator to administer its assets? So they abandoned that remedy. They found as a further matter of fact that the United States occupy a dual or twofold relation with respect to these

corporations, namely, that of sovereign and that of creditor; and they concluded, as wise lawyers, I say, would, that as a creditor the United States had no standing in court.

[Here the hammer fell.]

Mr. OUTHWAITE. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania be permitted to continue, not to exceed ten minutes.

Mr. WEAVER. If you give us ten minutes also there will be no objection.

Mr. McCREARY. Is that all the time that will be asked?

Mr. OUTHWAITE. Ten minutes from now.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. DALZELL. Mr. Speaker, I say this committee concluded, as a matter of law, that the United States as a creditor had no standing in court; but it did conclude that by reason of the loan of the credit of the United States to these corporations to carry on a great public purpose they therefore—the corporations—became trustees, and the United States, as *cestui que* trust, had a right to go into court and call for an account.

Now, I beg you to remember that this committee decided as a matter of law that the United States had the one remedy and only one left, which was, to pursue these parties, the corporations, as trustees in a court of equity.

Upon the recommendation of the committee then this House passed the act of 1873, which instructed the Attorney-General to proceed against the Credit Mobilier, and the parties who organized it, and all those who had been robbing the Government and robbing the roads, in any circuit court of the United States. What was the result? I commend this to my friends who oppose the bill for the sake, as they say, of vindicating justice.

The result was that the United States Supreme Court declared, in terms unquestionable and not to be misunderstood, that the relation of trustee and *cestui que* trust, the whole ground on which this bill was based did not exist, and that until the maturity of the debt the United States had no standing in court; that it was the stockholders who had been robbed, that it was the corporation which had been wronged, that the United States had made its contract, had secured its lien, that its debt was not due, and that until it was due and unpaid it had no right to complain. And if my friends upon the other side of the question will point out to me any method or any remedy whereby the decision of the Supreme Court in the case of the United States against the Union Pacific Railroad Company in 98th United States can be avoided, I will cheerfully join hands with them in the prosecution of wrongdoers.

Now, with reference to the manner in which this bill meets that phase of the question, I call the attention of the House to section 12 of the bill, which provides that the acceptance of the provisions of this bill shall *per se* act as a continuing power of attorney to the Attorney-General of the United States to prosecute, either civilly or criminally, any person or persons who in the past have been or in the present are or in the future may be liable by reason of illegally appropriating or misappropriating the assets of this corporation; and not only that, but makes it incumbent upon the Attorney-General—makes it his duty, not his choice—to commence and continue such prosecutions until the money shall be, if possible, collected, to be then applied as a credit on the debts owing by these companies.

The passage of this bill and its acceptance by these companies will bring into the Treasury of the United States, to the relief of the taxpayers of this country, an ultimate sum amounting to $110,000,000—a princely sum, a more than imperial dowry; and I can not be persuaded that the intelligent masses of this country would not visit with condign punishment the members of a Congress who, with such a glittering possibility within their reach, should sacrifice it for a fanciful vindication of public justice at the expense of the public purse.

It brings in $25,000,000 before the debt is due. It condones no wrong. On the contrary, it points out the only feasible and practicable mode of punishing wrong-doers.

Mr. Speaker, I count it amongst the chief glories of the Republic, filled as its history is with great civil and military achievements, that, struggling in the throes of a great rebellion, while it reached out with one hand for union it reached out with the other for empire; that while it contributed with a generosity incapable of measurement men and money to the integrity of the Union and the subversion of rebellion it at the same time, through difficulties manifold, overcame the mountain barriers of nature, and bound with bands of steel our eastern to our western coast. And no sadder commentary, in my judgment, could be written on our lack of advancement than that history should say of us that we were less successful as legislators in time of peace in dealing with problems of business and finance than we were as soldiers on the tented field in solving the great problem of liberty, whereby there was secured for all time, let us hope, the integrity of a continent to a peaceful and prosperous career under the sacred folds of the old flag of our fathers. [Loud applause.]

CONFERENCE COMMITTEE APPOINTED.

The SPEAKER announced as managers on the part of the House of the conference on the disagreeing votes of the two Houses on the bill (H. R. 7316) to divide the Great Sioux reservation into separate smaller reservations, and for other purposes, Mr. PEEL, Mr. HUDD, and Mr. NELSON.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, informed the House that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 869) for the relief of the sufferers by the wreck of the United States steamer Tallapoosa;

A bill (S. 283) to amend sections 2474 and 2475 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park;

A bill (S. 1697) to grant the right of way through the Indian Territory to the St. Louis and San Francisco Railway Company for the purpose of constructing a railway, and for other purposes; and

A bill (S. 2550) appropriating $20,000 for the expenses of special and select committees of the Senate.

The message further announced that the Senate had passed the bill (H. R. 1956) to ratify and confirm an agreement with the Gros Ventre, Piegan, Blood, Blackfeet, and River Crow Indians in Montana, with amendments, requested a conference with the House on the bill and amendments, and had appointed as conferees on the part of the Senate Messrs. DAWES, STOCKBRIDGE, and DANIEL.

ORDER OF BUSINESS.

The SPEAKER. By special order of the House, this day, after the consideration hour, has been set apart for the consideration of bills and measures reported from the Committee on Private Land Claims. The chairman of the committee, the gentleman from Kentucky [Mr. McCREARY], is entitled to the floor.

EXPENSES OF SENATE INVESTIGATIONS.

Mr. BURNES. I desire to call up a bill which has just passed the Senate, appropriating a sum of money for certain Senatorial expenses.

Mr. McCREARY. The Chair has stated that I am entitled to the floor, but as the gentleman from Missouri informs me that the bill he has indicated will only take two or three minutes, and there will be no discussion, and that if any discussion shall arise he will withdraw the bill. I yield to him for that purpose.

The Clerk read the bill, as follows:

Be it enacted, etc., That there be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $20,000, to be immediately available, for the expenses of special and select committees and inquiries and investigations ordered by the Senate.

Mr. BURNES. I ask unanimous consent that the bill be taken from the Speaker's table and put upon its passage.

There being no objection the bill was read three times and passed.

Mr. BURNES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ANSON RUDD.

Mr. McCREARY. I call up for consideration the bill (H. R. 6879) which has been referred to the Committee of the Whole House.

The bill was read, as follows:

A bill (H. R. 6879) to authorize the Secretary of the Treasury to convey to Anson Rudd, of the State of Colorado, certain real estate in the county of Fremont, in said State.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized, without consideration, to make, execute, and deliver all needful instruments conveying and transferring all the right, title, and interests of the United States in and to a certain tract of land situate in the county of Fremont and State of Colorado to Anson Rudd, of Colorado; the tract of land above described being the same tract which Anson Rudd and Harriet Rudd, his wife, conveyed to the United States by general warranty deed, without consideration, dated March 20, 1868, described as follows, to wit: Beginning at the northwest corner of the northeast quarter of section 32, township 18 south, range 70 west; thence east 100 rods; thence south 40 rods; thence west 100 rods; thence north 40 rods, to beginning, containing 25 acres.

Mr. McCREARY. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of this bill and that it be now considered in the House.

There was no objection.

Mr. McCREARY. This bill embraces only 25 acres. It was introduced by the gentleman from Colorado [Mr. SYMES]. It seeks simply to convey this land back to the party who owned it and who conveyed it to the Secretary of the Treasury before Colorado was made into a State in order that a penitentiary might be erected thereon. If it is desired the report may be read. This bill simply authorizes the Secretary of the Treasury to convey back this tract of land of 25 acres which were originally conveyed for the erection of a penitentiary and were not used therefor.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McCREARY moved to reconsider the vote by which the bill was

passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HAYEM & TAYLOR.

Mr. McCREARY. I now call up for consideration the bill (H. R. 6394) for the relief of Hayern & Taylor:

The bill was read, as follows:

Be it enacted, etc., That all the right, title, claim, and interest of the United States to certain tracts of land in the parish of Iberia, in the State of Louisiana, and described as a tract of land near the town of New Iberia, in said State, and further described in the official maps of the General Land Office of the United States as section 13, township 11 south, range 6 east, late southwest district of Louisiana, containing 221.83 acres, be, and the same is hereby, granted and conveyed to Hayern & Taylor, successors of Hayern, Taylor & De Blanc, their successors, transferees, vendees, and assignees: *Provided*, That this shall have the effect only of a quit-claim of all the right, title, and interest of the United States therein, not to affect any valid adverse right or title to said land, nor create any liability on the part of the United States.

Mr. McCREARY. A bill similar to this was favorably reported in the Forty-eighth and Forty-ninth Congresses, but its consideration was not reached. This bill was introduced by the gentleman from Louisiana [Mr. GAY], and the land, which only embraces 221.83 acres, is situated in his district.

The bill only asks that the Government execute a quit-claim deed to the land named. And as the surveyor-general and the register of the land office have reported in favor of it, and as the committee is unanimously in favor of it, and as committees in two Congresses have recommended it, I hope the bill will pass.

I desire to have a verbal amendment made by substituting for "Hayern," wherever it occurs, the name "Hayem."

The amendment was agreed to.

Mr. BLOUNT. Has the Government been claiming any title?

Mr. McCREARY. I do not think the Government has ever set up any claim, but it has been thought best to remove any shadow that might possibly rest on this title.

Mr. GAY. The Government has no claim, but there is some ambiguity in the record which it is desired to have corrected.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The title was amended to conform to the bill.

Mr. McCREARY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN S. FILLMORE.

Mr. McCREARY. Mr. Speaker, I call up the bill (H. R. 671) for the relief of the heirs of John S. Fillmore, deceased.

The bill was read, as follows:

Whereas on the 14th day of December, A. D. 1864, John S. Fillmore, then of Denver, Colo., since deceased, conveyed to the United States of America lots numbered 28 and 29, in block numbered 46, in Denver City (east division), per survey of E. D. Boyd, in the then Territory of Colorado, for the purpose and upon the condition that the same should be occupied as a post-office site, which condition has never been in any part performed: Therefore,

Be it enacted, etc., That all the interest which the United States of America acquired by, through, or under the said deed to the said lots as above described be, and the same is hereby, relinquished to and vested in the persons who by the laws of Colorado would have been entitled thereto at the date of the death of said Fillmore had the said deed never been made, and to their heirs and assigns forever.

Mr. McCREARY. I move that the Committee of the Whole be discharged from the further consideration of this bill.

The motion was agreed to.

Mr. McCREARY. The report in this case was prepared by the gentleman from Tennessee [Mr. WASHINGTON], and I now yield him so much of my time as he may need to explain the bill to the House.

Mr. WASHINGTON. If gentlemen desire to hear the report I will send it to the Clerk's desk and have it read, but the case is one as to which I apprehend there will be no controversy. In the year 1859 a number of citizens of the United States settled on a portion of the public land at the point now known as the city of Denver. The town-site company, after dividing the land into lots and blocks and laying out streets and alleys, gave a certificate of title to certain of these lots to a man named Parkinson. He held the lots and made improvements thereon, and in 1863 he deeded two of them to Fillmore. Fillmore, for the purpose of inducing the Government to erect a post-office building at that point, made a conditional deed to the United States of two of the lots on condition the post-office should be erected thereon. When, however, the Government had got the property surveyed, a different site in another part of the town was selected for the post-office, and these lots have remained ever since unused and unoccupied, with the conditional title resting in the United States. This bill simply makes a reconveyance to Fillmore and his heirs of such title as he had at the time he made the conditional deed to the Government. That is the whole case, and the committee were unanimous in the recommendation that the bill should be passed.

Mr. McADOO. Does the Commissioner of the General Land Office recommend the passage of this bill?

Mr. WASHINGTON. Yes, sir; it has been submitted to the Land Office and we have their report upon it. The Government has no use for this ground.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WASHINGTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HENRY VOLCKER.

Mr. McCREARY. I call up the bill (H. R. 2996) to confirm the title of the heirs or legal representatives of Henry Volcker, deceased, to a certain tract of land in the Territory of New Mexico, and I move that the Committee of the Whole be discharged from the further consideration of the bill, and that it be now considered in the House.

The motion was agreed to.

The bill was read, as follows:

Be it enacted, etc., That the heirs, assigns, or legal representatives of Henry Volcker, deceased, be, and they are hereby, confirmed in their title to 640 acres of land situated in the Territory of New Mexico, being the tract of land located by virtue of a certificate numbered 169, of the second class, issued by the board of land commissioners for the county of Bexar and Republic of Texas to Simon Prado, and dated January 5, 1846, and more particularly described in the plat and field-notes accompanying survey numbered 38, in section numbered 15, situated on the table-land or plain between the Rio Grande and the Pecos River, now on file in the office of the commissioner of the general land office of the State of Texas.

SEC. 2. That the Commissioner of the General Land Office, upon the receipt of the proper plat and survey of the said tract of land, executed by the proper officer, shall issue a patent therefor to the said Henry Volcker: *Provided, however*, That such patent shall be construed into a relinquishment only of title on the part of the United States, and shall not affect the right of any third person.

Mr. McCREARY. The report in this case was prepared by the gentleman from Wisconsin [Mr. THOMAS], and I yield him so much of my time as he may require in connection with this bill.

Mr. THOMAS, of Wisconsin. Mr. Speaker, as this case can be more easily and briefly explained orally than by reading the report, I will, with the permission of the House, make a brief statement. By the laws of the Republic of Texas the head-right certificates for 640 acres of land were authorized to be issued to immigrants who had resided in the Territory a certain length of time, and those rights were confirmed by the State of Texas after it was admitted into the Union. All of these claims within the boundaries of the State have been confirmed as to their title, so far as to enter a patent and make the title perfect. In the case in question a certificate of the kind I have described was issued and the land located within the boundaries of the Republic of Texas; but after the State came into the Union, its boundaries extending to the Rio Grande, the United States purchased a large additional tract of land, for which it paid about $10,000,000, and it happened that this 640 acres was included in the tract purchased by the United States.

Mr. PAYSON. Does the gentleman mean the Gadsden purchase?

Mr. THOMAS, of Wisconsin. The Gadsden purchase. Of course, the State of Texas can not comply with its contract to issue a patent for this 640 acres, the tract being beyond its jurisdiction. It seems to me there is no equitable or legal right in the United States to claim this land, it having been actually given to this man under the laws of Texas, both as a republic and as a State, and he being in possession of the land and occupying it at the time the territory was sold to the United States. This bill simply provides that the United States shall relinquish what right it may have, in form, to this 640 acres of land, and does not interfere in any way with any conflicting rights that may have arisen between individuals or between any parties whatever except this claimant and the United States.

Mr. PAYSON. I wish to ask the gentleman whether the opinion of the Commissioner of the General Land Office has been taken with reference to the propriety of this proposed legislation?

Mr. THOMAS, of Wisconsin. I am not aware that his opinion has been asked at this session of Congress, but I do know that it was asked in the Forty-ninth Congress.

Mr. PAYSON. And did his opinion favor it?

Mr. THOMAS, of Wisconsin. It was favorable. The Committee on Private Land Claims in the Forty-ninth Congress reported the bill favorably, as it has been reported in this Congress.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. THOMAS, of Wisconsin, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNITED STATES COURT FOR PRIVATE LAND CLAIMS.

Mr. McCREARY. I call up for present consideration House bill No. 7643.

The Clerk read the title of the bill, as follows:

A bill to establish a United States land court, and to provide for a judicial investigation and settlement of private land claims in the Territories of Arizona, New Mexico, and in the State of Colorado.

Mr. PAYSON. I wish to make a parliamentary inquiry.

Mr. McCREARY. I am directed by the committee to send up some

amendments to this bill which I think will meet the difficulty upon which the gentleman from Illinois [Mr. PAYSON] proposes to raise a point of order.

Mr. PAYSON. Reserving whatever rights I may have, I wish to say this: There are several sections of this bill to which I think a point of order would be properly sustained. I am opposed to them, and I desire not to waive any right I may have to make a point of order at the proper time.

Mr. McCREARY. I understand that.

Mr. PAYSON. Assuming that any right I may have will be reserved, I have no objection to yielding in order to hear the amendments read.

Mr. McCREARY. That is understood.

Mr. HOLMAN. I observe that this bill involves an appropriation of money.

The SPEAKER. It does.

Mr. HOLMAN. And the gentleman from Kentucky, as I understand, desires to have it considered in the House.

Mr. McCREARY. The bill does involve the creation of an office, but does not appropriate any money.

Mr. HOLMAN. Still it is subject under the rules to a point of order which would send it to the Committee of the Whole. But if the gentleman from Kentucky desires to have the bill considered in the House, subject to the same rules as in Committee of the Whole, I shall not be inclined to object.

The SPEAKER. The bill is on the House Calendar, and unless a point of order is made it will of course remain in the House. The gentleman from Kentucky sends up certain amendments to be read for information.

The Clerk read as follows:

Amend by striking out section 3, section 4, and section 5.
Amend line 4, section 10, by inserting, after the word "Colorado," the words "notice of the passage of this act."
Amend section 13, line 22, by substituting the word "and" for the word "or."
Amend section 18, line 3, by inserting, after the word "lands," the following words: "Claimed in either of said Territories or States under or by virtue of any right, title, or authority derived from Spain or Mexico, or under the laws, usages, and customs thereof."

Mr. PAYSON. Mr. Speaker, the amendment proposed by the gentleman from Kentucky, to strike out the three sections named, meets the point I had intended to make; hence I have nothing further to say.

Mr. McCREARY. I move to dispense with the first reading of the bill.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to dispense with the reading of the bill at this time. Is there objection?

Mr. PAYSON. How is this bill to be considered? Is it not in the Committee of the Whole on the state of the Union?

The SPEAKER. The bill is on the House Calendar; and unless some other arrangement be made it will be considered under the rules usually prevailing in the House, subject, of course, to the calling of the previous question at any time.

Mr. PAYSON. I desire to make a point of order as to the position of the bill on the Calendar. The provisions of the bill necessitate an expenditure of about $30,000 of the public money annually. Hence, it seems to me that the bill, under the rules, is improperly on the House Calendar.

The SPEAKER. The Chair decided, a moment ago, that if the point were raised the bill must be considered in Committee of the Whole on the state of the Union. The gentleman from Indiana [Mr. HOLMAN] suggested that point, and then declined to insist upon it. Thereupon——

Mr. PAYSON. I make that point of order.

Mr. HOLMAN. I did not press the point of order because I supposed the gentleman from Kentucky intended to have the bill considered in the House as in Committee of the Whole.

The SPEAKER. The Chair did not hear that.

Mr. PAYSON. I do not desire any limitation upon the debate on the bill; but with the understanding that it is to be considered in the House as in Committee of the Whole, I will not press the point of order.

The SPEAKER. The gentleman from Illinois [Mr. PAYSON] states that he will not insist on the point of order if it be understood that the bill will be considered in the House as in Committee of the Whole on the state of the Union.

Mr. McCREARY. What does the gentleman mean by "as in Committee of the Whole?"

Mr. PAYSON. That it shall be considered without any limitation on the debate—that it be debated as in Committee of the Whole.

The SPEAKER. The Chair will state what would be the effect of an order that the bill be considered in the House as in the Committee of the Whole on the state of the Union. General debate would proceed subject, in the Committee of the Whole tc the right of the House by an order to close the debate, which right exists of course in the Committee of the Whole. The bill would then, after the closing of general debate, be considered by sections under the five-minute rule. In the Forty-eighth Congress the Chair submitted to the House the question whether or not, when a bill was being considered in the House as in Committee of the Whole, the House would close debate by the previous question or by an order; and the House decided that, by analogy to proceedings in Committee of the Whole, it would close it by an order. Since that time such has been the practice.

Mr. McCREARY. The previous question would be in order?

The SPEAKER. It would be in order, but would operate only on the amendment upon which it was moved, or upon that and a pending amendment.

Mr. PAYSON. I wish the gentleman from Kentucky to understand that I am not making any captious opposition, but merely insisting that we shall have the ordinary privileges of debate which under the rules are allowed in Committee of the Whole on bills of this character.

Mr. HOLMAN. There should be some understanding about the length to which this debate should be allowed to run. Of course, gentlemen representing the Territories and the State interested in the provisions of the bill will be heard, but it would be well, in my judgment, to fix some limit to the debate before it is commenced. Even if the bill is to be considered in the House as in the Committee of the Whole, we ought to fix the time which is to be allowed in the debate. Is an hour and a half sufficient? I would suggest two hours. Is there objection to that?

Mr. PAYSON. I think the debate should proceed in the regular way, and therefore I am inclined to insist on my point of order that the bill must have its first consideration in the Committee of the Whole.

Mr. McCREARY. It will be in order of course to discuss the bill under the five-minute rule, and in view of that fact I do not see why the general debate should not be closed in a shorter period than has been suggested.

Mr. PAYSON. I insist on my point of order.

The SPEAKER. The point being made, the bill must receive its first consideration in the Committee of the Whole.

Mr. McCREARY. I move that the House resolve itself into the Committee of the Whole for the purpose of considering the bill.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. BLOUNT in the chair.

Mr. McCREARY. I move that the first reading of the bill for information be dispensed with.

There was no objection, and it was ordered accordingly.

Mr. McCREARY. Mr. Chairman, the object of the bill under consideration is to provide for a judicial investigation and settlement of private land claims in the Territories of New Mexico and Arizona and in the State of Colorado, arising by virtue of any right, title, or authority derived from the Spanish or Mexican Governments which the Government of the United States should respect under the provisions of the treaty of Guadalupe Hidalgo, proclaimed July 4, 1848, or the treaty known as the Gadsden treaty with Mexico, concluded December 30, 1853, or under the laws, usages, or customs of Spain or Mexico concerning the disposal of lands.

The Committee on Private Land Claims, after careful consideration, agreed unanimously to report this bill with a favorable recommendation. It is believed that if it is passed and becomes a law private land claims in the Territories of New Mexico, Arizona, and in the State of Colorado, so long a source of vexation and harassment to the people, so long retarding progress and immigration and improvement, will be speedily settled.

The importance of this measure is shown by the number of acres of land the title to which is to be settled under its provisions. The Commissioner of the General Land Office states that there are now pending in Congress and awaiting confirmation reports of surveyors-general upon private land claims as follows:

	Acres.
In New Mexico, 107 claims, covering	8,704,785
In Arizona, 15 claims, covering	414,833
In Colorado, claims covering	229,814
Making a total of	9,349,432

The number of acres for which no claim has been filed and the number of acres for which claims have been filed but which are undecided are not included in these figures.

It is, however, estimated that the total number of acres claimed under private land grants and which are unsettled, in New Mexico, cover about 10,000,000 acres; in Arizona, about 6,000,000 acres; and in Colorado, about 1,500,000 acres, making altogether the enormous territory of 17,500,000 acres, being more than the combined area of the States of Massachusetts, Connecticut, and New Hampshire.

The bill proposes to speedily settle the title to this immense extent of territory.

The demand for a speedy settlement of these land claims comes from the people and from their Representatives in Congress, and from their most prominent officials.

Justice to the people of these sections where development and progress have been retarded for many years; justice to the Government of the United States, which is honorably bound by solemn treaty obligations, and proper respect for the progress of this age and the movement westward "of the Star of Empire," demand prompt and efficient legislation. Secretaries of the Interior and Commissioners of the General Land Office have repeatedly urged a speedy settlement of these land titles.

Mr. PAYSON. Will it interrupt the gentleman to ask a question?

Mr. McCREARY. No, sir.

Mr. PAYSON. Do we understand the gentleman to give us to infer by that statement that the Secretary of the Interior or the Commissioner of the General Land Office approves this present bill, or that any Secretary of the Interior or any Commissioner of the General Land Officer has ever approved a scheme like this?

Mr. McCREARY. This bill has not been referred to the Secretary of the Interior, because, as I understand it, the House of Representatives is competent to consider and adopt such measures as it thinks proper in connection with these matters, and I have not consulted the Secretary of the Interior about this bill.

Mr. PAYSON. But the gentleman stated, as I understood him—without desiring to interrupt his remarks—that the Secretary of the Interior and the Commissioner of the General Land Office had asked a speedy adjustment of these claims, and I thought the inference made on the House was that this had been the request of the present officials of the Department.

Mr. McCREARY. What I said was that the Commissioners of the General Land Office and the Secretaries of the Interior had urged a speedy settlement of the private land claims, and in support of that I will read some extracts.

The Secretary of the Interior said, in his annual report of 1880:

> Its operation has been a failure, amounting to denial of justice both to the claimants and to the United States.

The Commissioner of the General Land Office, in his report for the year 1886, said:

> A speedy and effective plan for the disposal of land claims in New Mexico and Arizona is demanded by the exigencies of the case.

The Commissioner of the Land Office, in his report for 1876, said:

> While these private land claims remain in their present unsettled condition it will continue to retard emigration to and settlement in said Territories, and until the titles thereto are ascertained and the land segregated from the public domain it will be impossible to determine which is public land, subject to appropriation and settlement under the public-land laws and which is not.

And the surveyor-general of New Mexico, in his last annual report, declares:

> What is wanted before all things is a speedy settlement of the titles so long left in painful uncertainty.

The faith of our Government is solemnly pledged by treaty stipulations to the ascertainment and settlement of these claims. The eighth article of the treaty of Guadalupe Hidalgo provides that—

> Mexicans now established in Territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican Republic, retaining the property which they possess in said Territories, or disposing thereof and removing the proceeds wherever they please, without their being subjected on this account to any contribution, tax, or charge whatever.
>
> Those who shall prefer to remain in the said Territories may either retain the title and rights of Mexican citizens, or acquire those of citizens of the United States. But they shall be under the obligation to make their election within one year from the date of the exchange of the ratifications of this treaty; and those who shall remain in said Territories after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States. In the said Territories property of every kind now belonging to Mexicans not established there shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract shall enjoy with respect to it guarantics equally ample as if the same belonged to citizens of the United States.

By the subsequent treaty with Mexico, concluded in 1853, known as the Gadsden treaty, the provisions of this article were made to apply to the territory then ceded to the United States by the Mexican Republic and to all the rights of persons and property, both civil and ecclesiastical, within the same as fully and as effectually as if the said article was again set forth.

In recognition of these treaty obligations, and to carry out in good faith their stipulations, Congress passed an act, approved July 22, 1854, the title of which is "An act to establish the office of surveyor-general of New Mexico, Kansas, and Nebraska, to grant donations to actual settlers therein, and for other purposes."

Section 8 of that act is as follows:

> *And be it further enacted*, That it shall be the duty of the surveyor-general, under such instructions as may be given by the Secretary of the Interior, to ascertain the origin, nature, character, and extent of all claims to lands under the laws, usages, and customs of Spain and Mexico, and for this purpose may issue notices, summon witnesses, administer oaths, and do and perform all other necessary acts in the premises. He shall make a full report on all such claims as originated before the cession of the territory to the United States by the treaty of Guadalupe Hidalgo, of 1848, denoting the various grades of title, with his decision as to the validity or invalidity of each of the same, under the laws, usages, and customs of the country before its cession to the United States; and shall also make a report in regard to all pueblos existing in the Territory, showing the extent and locality of each, stating the number of inhabitants in the said pueblos respectively, and the nature of their titles to the land. Such report to be made according to the form which may be prescribed by the Secretary of the Interior, which report shall be laid before Congress for such action thereon as may be deemed just and proper, with a view to confirm bona fide grants and give full effect to the treaty of 1848 between the United States and Mexico; and until the final action of Congress on such claims all lands covered thereby shall be reserved from sale or other disposal by the Government, and shall not be subject to the donations granted by the previous provisions of this act.

The provisions of this section were extended to Colorado by the act of February, 1861, and to Arizona by the act of July 15, 1870. This remedy has proved unsatisfactory and inadequate, and almost valueless to claimants. The report of the Land Commissioner of 1880 declares that after a lapse of nearly thirty years more than one thousand claims have been filed with the surveyors-general, of which less than one hundred and fifty have been reported to Congress, and of the number so reported Congress has finally acted on but seventy-one. I will file at the close of my remarks the written statement of the Commissioner of the General Land Office showing a list of confirmed private land claims in New Mexico and Colorado, and also a list of one hundred and twenty-three private land claims in New Mexico, Arizona, and Colorado now pending in Congress awaiting confirmation, and the papers of which claims are before the committee of which I have the honor to be chairman. The remarkable fact appears in the written statement of the Commissioner of the General Land Office that from 1860 to 1869 only five private land claims were confirmed, and from 1869 to 1879 only three were confirmed, and from 1879 to the present time, a period of nine years, not a single land claim has been confirmed.

Hon. W. A. J. Sparks, in his report of 1886, appropriately said:

> The very loose terms of the act of July 22, 1854, enable great bodies of land to be held in indefinite reservation upon the mere assertion of some claim that perhaps has no foundation, or if valid at all is valid only for a fraction of the claimed area. It is the public demand that whatever valid claims may exist to any such lands should be finally determined and the overplus of the reserved lands opened to settlement and entry.

Congress has been far more generous and attentive to private land claimants on all other lands acquired by purchase or treaty than to the claimants residing in New Mexico, Arizona, and Colorado. In 1803, under the Democratic administration of Mr. Jefferson, we acquired from France the Louisiana territory, about 757,000,000 acres—larger in extent than all the thirteen original States, embracing all of Louisiana, Arkansas, Mississippi, Iowa, Nebraska, Dakota, Idaho, Montana, with parts of Kansas, Minnesota, Colorado, Wyoming, and the Indian Territory.

In the same year Congress provided for two boards of commissioners to adjust titles in Mississippi Territory. Encouraged by the celerity of the appointments made, Congress, in 1807, provided for boards of commissioners to ascertain and settle claims in the whole of the Louisiana purchase.

Florida, containing 38,000,000 of acres, was acquired by the United States from Spain during the Democratic administration of Mr. Monroe by the treaty of February 22, 1819, and was surrendered to the United States July 17, 1821. Congress passed an act May 8, 1822, in less than one year, providing for a board of commissioners, and vested them with confirmatory powers of land claims.

In 1848, under the Democratic administration of Mr. Polk, by the treaty of Guadalupe Hidalgo, we acquired from Mexico 334,500,000 acres of land, being now California, Nevada, and large parts of Arizona, Colorado, Utah, and New Mexico. In 1853, under the Democratic administration of Mr. Pierce, we acquired by the Gadsden treaty about 30,000,000 acres of land from Mexico, being parts of Arizona and New Mexico. The act of Congress passed in 1854 applies to such parts of this land as are embraced in New Mexico, Arizona, and Colorado. Land claims in California were settled under the act of 1851.

Although forty years have elapsed since the treaty of Guadalupe Hidalgo was proclaimed, but little progress has been made in the settlement of land claims in the said Territories and States.

Many plans have been presented and a number of bills have been introduced for the purpose of speedily and justly settling these private land claims. A land commission has been suggested, but there are serious objections to this plan.

The act of Congress of 1851 providing such a commission for California was not a success, and Mr. Lamar, while Secretary of the Interior, in his annual report declared that—

> To the suggestion of a special commission, to sit at convenient times and places, to hear and dispose of these claims, equally vigorous objections are presented, and it is urged that the experience obtained from the California commission is of such a character as to make a tribunal of that kind least advantageous of all the methods proposed.

Several Commissioners of the General Land Office and several surveyors-general who have had good opportunities on account of their official duties to ascertain the most efficient means for the settlement of these claims have earnestly opposed that plan.

Speedy settlement of titles so long left in perplexing uncertainty is indispensably necessary, and the proposed legislation authorizing the appointment of a board of commissioners, with the right of appeal from their decision to the district courts of the Territories or States, and then to the Supreme Court of the United States, would, as these courts are already overburdened with work and several years behind, delay the settlement of land claims for many years. The present able and efficient governor (Ross) of New Mexico said, in his address before the Committee on Private Land Claims:

> To require settlement by a commission, as in the case of California, would be impracticable, as the lapse of time in this case has led to interminable complications and confusion, aggravated by perjury, fraud, and every conceivable form of ingenious rascality, to that extent that their circumvention is impossible except through rigid judicial investigation.
>
> What we especially desire as machinery for the adjudication of these matters

is a separate, independent judiciary, for the time-being disconnected in every way from the current courts of justice, a tribunal that shall devote its entire time and effort to this single purpose, and be in its fullest sense a court of equity, authorized and competent to take entire jurisdiction of all the complicated phases of this most extraordinary condition of affairs. No other tribunal can successfully grapple with it. Our courts as now constituted are already overwhelmed with the burden of litigation that is constantly coming before them in increasing volume. To add to their present duties the settlement of these titles would be to decree its indefinite postponement. The man is not born who would see the end.

There are also grave legal questions, involving the authority of commissioners to exercise judicial power, which increase the objections to this mode of settlement.

Another proposition is the reference of these claims for adjudication to the district courts of the respective Territories and States under whose jurisdiction the lands might be situated, with the right of either party to appeal from their decisions within six months to the supreme court of the Territory, and from the decision of that court to the Supreme Court of the United States within one year.

There are many objections to this plan, only one of which I will present. The dockets of the district judges of New Mexico, Arizona, and Colorado are already crowded with legitimate and indispensable business, and they could not undertake this additional work without almost totally abandoning their regular and necessary duties; and if this double duty should be imposed on them, and appeals from their decisions to the Supreme Court of the United States should be taken, as would certainly be done, there would be such interminable delav as would be almost a denial of justice.

A tribunal clothed with all the functions of a court, and authorized to judicially investigate and settle private land claims, it is now generally conceded, will furnish the relief desired. The bill under consideration establishes a United States land court, to consist of a chief-justice and two associate justices, appointed by the President, by and with the advice and consent of the Senate, and the Secretary of the Interior is required to provide suitable rooms in the city of Washington for the occupation and use of said court

The court is divided into three departments, to be known as departments No. 1, 2, and 3 of the United States land court, to each of which departments one of said justices shall be assigned by the chief-justice, and such departments may sit simultaneously, and the justice of each department shall have full power to examine, hear, and determine any cause coming before him in said department, and from time to time the justices are required to sit in banc for the determination of such causes as may be brought before them, and a competent attorney to represent the United States is authorized to be appointed by the President, by and with the advice and consent of the Senate.

In every case where it does not appear by evidence satisfactory to the court that the value of the property involved, with improvements thereon, exceeds the sum of $2,000, the decision of the justice rendered in department shall be final, and in every case where the value of the property involved, with improvements thereon, is shown to exceed the sum of $2,000, either party, not satisfied with the decision rendered, shall have the right of appeal to the court in banc, and in every case where it does not appear, by evidence satisfactory to the court, that the value of the property involved, with improvements thereon, exceeds the sum of $5,000, the decision of the court in banc shall be final, and where the value of the property involved, with the improvements thereon, exceeds the sum of $5,000, either party, not satisfied with the decision rendered, shall have the right to appeal to the Supreme Court of the United States in the same manner and upon the same conditions that is provided by law for the taking of appeals from decisions of the district courts of the United States.

It is also provided that the court, by one or more of its members, in the discretion of the chief-justice thereof, shall be in session at least six months in each and every year, at Santa Fé, in the Territory of New Mexico; at Tucson, in the Territory of Arizona, and at Denver, in the State of Colorado, until the business of said court is completed. The duration of the terms of said court at the respective places named shall be regulated by the chief-justice.

Many claims will have to be decided on the papers now in the General Land Office of the Interior Department at Washington, because in many instances the witnesses are dead or have disappeared.

Yet there are many cases where the witnesses of both the claimant and the Government would be hazarded by a tribunal sitting elsewhere than in the vicinity of the land, because many of these claims are not based on written titles, and because also of the perfectness with which fabricated grants are often supported by papers prepared for the occasion. One or more of the judges, therefore, in the discretion of the chief-justice, shall hold court in the capital of each of the Territories and States every year.

The surveyors-general of New Mexico and Arizona strenuously urge that Congress should pass a statute of limitation, fixing a time within which new claims shall be filed or thereafter be forever barred, and Commissioners of the General Land Office and Secretaries of the Interior have for years recommended that such a limitation be fixed.

The bill therefore provides that each and every person, corporation, or association claiming lands in either of said Territories or State under or by virtue of any right, title, or authority derived from the Spanish or Mexican governments, which right, title, or authority it is claimed the United States is bound to respect under the provisions of the treaty of Guadalupe Hidalgo, or the treaty known as the Gadsden treaty, with the Government of Mexico, or under the laws, usages, and customs of Spain and Mexico, in the disposal of lands, shall, within two years from the date of the approval of this act, present to the said court, or any justice thereof, a petition setting up the facts upon which claimant relies in support of said claim, or be forever barred, and all lands the claims to which shall be finally rejected by the said court or by the Supreme Court, and all lands claimed in either of said Territories or State under or by virtue of any right, title, or authority derived from Spain or Mexico, or under the laws, usages, and customs thereof, to which no claim is presented to the said court in two years from the approval of this act shall be deemed, held, and considered to be a part of the public domain of the United States.

The Commissioner of the General Land Office in his report of 1886 states that there are thousands of small land-holdings by the native inhabitants of New Mexico and Arizona who have no claim of special grant and are without record evidence or written title, but claim their possessions solely by right of occupancy and prescription under the laws and usages of Spain and Mexico. In many instances these ancestral homes have been handed down from sire to son and from generation to generation for more than a hundred years. Most of these occupants are poor but honest people, whose title the Spanish and Mexican governments would have respected, and whose title by occupancy according, to the usages and customs of Spain and Mexico, is recognized by the United States under the treaty of Guadalupe Hidalgo.

Justice and fairness therefore required that there should be a provision in the bill that where any claimant shall produce evidence to the satisfaction of said court of the continuous occupany and possession by himself, his ancestors, or grantors for forty years next preceding the date of the approval of this act of a tract of land in said Territories or State, not exceeding 160 acres in extent, no further evidence of title or ownership shall be necessary from such claimant, but he shall be entitled to confirmation of his title to such land.

Grants of agricultural land by Spain and Mexico did not convey to the grantees the minerals found therein, which consequently passed to the United States under our treaty with Mexico in 1848.

The policy of the Government should be defined and settled on this subject, and the bill provides:

That no allowance or confirmation of any claim shall confer any right or title to any gold, silver, or quicksilver mines, or minerals of the same, unless the grant claimed affected the donation or sale of such mines or minerals to the grantee, or unless such grantee has become otherwise entitled thereto, in law or in equity, but all such mines or minerals shall remain the property of the United States, with the right of working the same and authorizing the same to be worked, and every confirmation made and patent issued under this act shall be made and issued subject to the rights of the United States to authorize the lands included in such confirmation and patent to be entered upon by its citizens for the purpose of cession for locating and working gold, silver, and quicksilver mines, or minerals of the same, that may be found therein, and to pass such laws as shall procure such rights and make the same effectual, which shall be stated in any patents issued under this act.

Governor Ross, the present governor of New Mexico, says:

While it is undeniable that a large proportion of the number of Spanish and Mexican grants now on file and seeking confirmation are honest and valid in their inception, it is indisputable that in a preponderance of the acreage embraced in many of the larger grants the claim is absolutely fictitious and founded in fraud.

This condition of things has existed now more than thirty years, and instead of the situation being relieved by what has been done ostensibly to that end, it has year by year been growing worse, until several millions of acres of as good land as the sun shines upon is absolutely sealed up against settlement and development.

To illustrate the methods that have produced these complications—near the city of Santa Fé is a grant known as the Cornfield grant. Some one hundred and forty years ago a citizen of the locality petitioned the governor of the province for the concession of a piece of land large enough to keep a stipulated number of domestic animals and to raise a little corn for the support of his family. The concession was granted, and it is to be supposed that the petitioner was duly put in possession of his grant. In the mutations of time the petitioner and his family passed away and the land lapsed into a state of nature, and all evidence of the concession was apparently lost. But a few years ago the evidence of the concession, bearing the signature of the governor of a hundred and forty years ago, singularly came to light, accompanied by the application of the holder and claimant, for the approval of the grant by the then surveyor-general, embracing some 240,000 acres of land. The application was approved for 103,000 acres and forwarded to the then Secretary of the Interior for approval by Congress. Not long since this grant was surveyed by order of the present surveyor-general, in careful accordance with the natural objects specified in the concession, as near as it was possible to fix them, and found to contain a fraction less than 130 acres.

Another illustration was in what was known as the Uña de Gato grant, in one of the northern counties of the Territory. This concession, purported to have been made by the governor of New Mexico in 1839, and embraced some 300,000 acres; it was most carefully drawn and apparently perfect in every particular until it was discovered, after it had passed the approval of the then surveyor-general and been sent to Congress for confirmation, that the concession had been prepared long after the governor purporting to have executed it had gone out of office, and that it was, therefore, absolutely fictitious and fraudulent.

The Commissioner of the General Land Office, in his report for 1887, says there is a well-organized conspiracy on foot to endeavor to secure a reservation of five millions of acres of land in the garden district of Arizona, which is based on a manufactured claim that is wholly fraud-

ulent. Thus great areas of land, aggregating millions of acres, are sought to be filched from the public domain and from the people.

Hon. George W. Julian, surveyor-general of New Mexico, in his report for 1887, said of the Territory of New Mexico:

> Of the patented and unpatented lands I have referred to, aggregating 8,694,965 acres, I think it will be safe to estimate that at least one-half, namely, 4,337,482 acres, have been illegally devoted to private uses under invalid grants or unauthorized surveys. If to this sum I add the estimate before mentioned of about 4,000,000 acres unlawfully appropriated in cases pending before Congress, an approximate estimate will be reached covering from 8,000,000 to 9,000,000 acres of the public domain, which are now, and for many years past have been, in the grasp of men who have used and enjoyed the land for their own emolument, and whose earnest prayer is to be let alone in the possession of their ill-gotten gains.
>
> Equally noteworthy is the power of these claimants over the general fortunes of this Territory. They have brooded over it like a pestilence. For a quarter of a century prior to the inauguration of President Cleveland their ascendency over Federal and Territorial officials was practically unhindered.

It has been said, "To rob a man of his home, and take from him the shelter and support of his family, is a crime second only to murder." To filch from the nation its public domain, which should be held for actual settlers, is not only a crime against the poor who need homes, but it is an assault upon justice and law which should not be tolerated.

It is of the highest importance that our Government should ascertain without delay what lands belong to it, and it is in accordance with justice and our treaty obligations that we protect bona fide holders in their rights. Already many millions of acres of our public lands, nearly equal in extent to the thirteen original States, have been given away to railroad corporations, much of it rich as the valleys of the Nile or the Euphrates, and our once almost limitless public domain has been greatly reduced.

New and dangerous schemers are seeking, under the guise of private land claims, to still further rob the Government of land acquired by its treasure and by the blood and bravery of its sons.

Unless we call a halt, unless we say to the land-grabber and the homestead-wrecker, "Thus far thou shalt go, and no further; here shall thy proud course be staid," it will not be long before, in this great Republic, stretching from ocean to ocean and from the northern lakes to the Gulf of Mexico, and comprising over 4,000,000 square miles, there will no longer be any public land to be occupied as homes for honest settlers or to be coveted by land pirates and speculators as the basis of fortunes almost as fabulous and expanding as that of Monte Cristo.

New Mexico is approaching statehood. Legislation is now pending for her admission into the Union. Arizona will follow soon. Colorado is already a growing giant in the grand confederation of States. Over a thousand miles of railroad are projected in these Territories and in this State. From the deepest depth of the earth to the sky they seem to be blessed with attractions. Inexhaustible mines of gold and silver and copper demand development and defy competition. Illimitable coal deposits sufficient to supply the needs of the continent, agricultural lands equal in productiveness to the best in the West, and a climate as healthful and salubrious as any in the world invite the farmer, the laborer, the professional man, the miner, the merchant, and the manufacturer to come and locate and be happy and prosperous. The only shadow and the only blight in these marvelous attractions are the clouded titles of unsettled land claims, which are a perpetual menace to holders and a continued alarm to immigrants.

For over thirty years, or since the act of 1854 proved a failure and a burden, people in that part of our country have begged and their legislatures have memorialized Congress for relief.

Under existing law Congress alone has jurisdiction to settle private land claims, but it has been years since a bill has passed the House of Representatives confirming and settling a land claim in New Mexico, Arizona, or Colorado. We owe it to the people and our treaty obligations require that they should have a fair tribunal for the speedy adjustment of private land claims.

The bill under consideration provides a fair, comprehensive, and speedy plan for the settlement of these claims. The court which is created only lasts for four years, and it is believed in that time the relief so earnestly demanded will be granted.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 11, 1888.

SIR: I have prepared list and inclose it for your information.

It will be observed upon reference to said list that there has been confirmed by Congress private land claims in New Mexico, Arizona, and Colorado aggregating 9,668,468.13 acres. There are now pending in Congress reports of surveyors-general upon private land claims in said Territories and State as follows:

	Acres.
In New Mexico, 107 claims, covering	8,704,785.43
In Arizona, 15 claims, covering	414,833.52
In Colorado, 1 claim, covering	229,814.53
Making a total of 123 claims, covering	9,349,433.48

Very respectfully,

S. M. STOCKSLAGER,
Acting Commissioner.

Hon. JAMES B. MCCREARY,
Chairman Committee on Private Land Claims,
House of Representatives.

List of confirmed private land claims in New Mexico and Colorado.

Name of confirmee.	Name of grant.	Date of confirmation.	Area.
			Acres.
Indians of Pueblo	Pueblo de Tesuque	Dec. 22, 1858	17,471.12
Do	Pueblo de Pojoaque	do	13,520.38
Do	Pueblo de Nambe	do	13,586.33
Do	Pueblo de San Ildefonso	do	17,292.64
Do	Pueblo de Santa Clara	do	17,368.52
Do	Pueblo de San Juan	do	17,544.77
Do	Pueblo de Sicuris	do	17,460.69
Do	Pueblo de Taos	do	17,360.55
Do	Pueblo de Pecos	do	18,763.33
Do	Pueblo de Zia	do	17,514.63
Do	Pueblo de Jemez	do	17,510.45
Do	Pueblo de Cochiti	do	24,256.50
Do	Pueblo de Isleta	do	110,080.31
Do	Pueblo de Sandia	do	24,187.29
Do	Pueblo de San Domingo	do	74,743.11
Do	Pueblo de San Felipe	do	34,766.86
Inhabitants of town	Town of Tecolote	do	48,123.38
Do	Town of Tome	do	121,594.53
Do	Town of Belen	do	194,663.75
Do	Town of Chilita	do	41,481.00
Preston Beck	San Juan Baustita del Ojito del Rio de las Gallinas.	June 21, 1860	315,699.72
Inhabitants of town	Town of Las Vegas	do	496,446.96
Manuel Rivera and 36 men.	Anton Chico	do	378,537.50
Elisha Whittlesey *et al.*	Ortiz Mine	Mar. 1, 1861	69,458.33
E. W. Eaton	Rancho San Cristoval	June 21, 1860	81,632.67
Legal representatives of F. Trazilla *et al.*	Las Trigos	do	9,646.56
Luis M. Baca	Five locations	do	496,446.96
John Lany, bishop of New Mexico, in trust.	Nuestra Señor de la Luz.	do	16,546.85
José S. Ramirez	San Pedro	do	35,911.63
José Serafin Ramirez	Cañon del Agua	June 12, 1866	3,501.21
Inhabitants of town	Town of Mora	June 21, 1860	827,621.01
José L. Perea	Perea	do	17,712.00
Antonio Sandoval	Bosque del Apache	do	60,117.39
Pablo Montoya	Pablo Montoya grant	Mar. 3, 1869	655,468.07
Pedro Armendaris, heirs of.	Valverde and Fray Cristoval.	June 21, 1860	352,504.51
Do	Tract opposite Valverda.	do	95,030.67
Gervacio Nolan, heirs of	Nolan grant	July 1, 1870	48,778.25
Cornelio Vigil and Ceran St. Vrain.	Los Animas	June 21, 1860	97,650.96
Chas. Beaubien and Guadalupe Mirandae.	Maxwell grant	do	1,714,764.94
Charles Beaubien	Sangre de Cristo	June 21, 1860	998,780.46
Legal representative of Juan Estevan Sino *et al.*	Alexander Valle grant	do	574.34
José M. Garcia *et al.*	Cañon de San Diego	do	116,286.99
Juan de Arguello *et al.*	Los Tranipas	do	46,461.22
Legal representatives of S. Martin.	Sebastian Martin grant	do	51,387.80
Heirs and legal representatives of A. Ortiz.	Antonio Ortiz grant	Mar. 3, 1869	163,921.68
L. M. C. de Boca	Ojo del Espiritu Santo	do	113,141.15
Francisco Martinez	Tierra Amarilla	June 21, 1860	594,515.55
Pueblo of Santa Aña	Indian pueblo of Santa Ana.	Feb. 9, 1869	17,360.56
John Scolly *et al.*	Scolly grant	June 21, 1860	108,507.64
Inhabitants of town	Town of Cravoletta	Mar. 3, 1869	199,567.92
Indians of the pueblo	Pueblo of Acoma	Dec. 22, 1858	95,791.66
Do	Pueblo of Laguna	June 21, 1860	101,510.78
José Maria Perea *et al.*	Town of Casa Colorada	Dec. 22, 1858	131,779.87
M. G. Chaves *et al.*	Town of Tajique	June 1, 1860	7,185.55
A. Armenta and S. Sandoval.	Town of San Ysidro	do	11,476.68
J. M. Trujillo *et al.*	Town of Manzano	do	17,360.97
A. Trujillo	Town of Chamita	do	1,636.29
Inhabitants of town	Town of Tejon	do	12,801.46
R. Torres *et al.*	Town of Torreon	do	14,146.11
A. Sandoval	Aqua Negra	do	17,361.11
Representatives of P. Sanchez.	Ramon Vigil grant	do	31,802.92
P. V. de Santillano *et al.*	Los Luceros	Mar. 3, 1869	126,024.50
V. Duran y Armijo	Gaspar Ortiz grant	June 21, 1860	57.18
J. A. Garcia	Brazito	do	10,612.57
D. Romoro *et al.*	Mesita de Juana Lopez.	Jan. 28, 1879	42,022.85
Benjamin E. Edwards		June 6, 1878	626.79
Grand total			9,668,468.13

List of private land claims in New Mexico, Colorado, and Arizona pending in Congress.

Name of claimant.	Name of grant.	Area, ascertained and estimated.
NEW MEXICO.		*Acres.*
Indians of Pueblo	Pueblo of Laguna	123,225.18
Do	Pueblo Zia Santa Aña and Jemez.	382,849.00
Do	Pueblo Zuñi	17,581.25
José Sutton	Ojo del Añil	69,445.55
Heirs of Gervacio Nolan	Nolan grant	575,968.71
B. M. Montoya	Montoya grant	151,056.97
A. Sedillo	Cañada de los Apaches	88,079.78
N. A. Montoya	N. A. Montoya grant	3,546.06
Roque Lovato	Roque Lovato	1,619.86

List of private land claims—Continued.

Name of claimant.	Name of grant.	Area ascertained and estimated.
NEW MEXICO—continued.		Acres.
Lorenzo Marquez	Cañada de los Alamos	13,706.02
B. de Sena *et al*	Cuyamunque	4,000.00
J. B. Valdez	Encinas	6,583.29
J. D. Peña *et al*	Gotera	594.44
J. F. Baca y Terrus *et al*	J. F. Baca y Terrus	1,589.87
J. Mirabel *et al*	Rio Grande	109,043.80
J. M. de la Peña *et al*	Serillos	2,287.41
Y. Chavez *et al*	Town of Galisteo	9,000.00
J. C. Santistevan	Cebolla	17,159.57
J. Sanchez *et al*	Town of Cienequilla	43,961.54
N. Ortiz	Caja del Rio	62,343.01
J. de Gaboldon	Cajon del Rio de Tesuque	11,619.56
J. de Luna *et al*	San Joaquin del Nacimiento	131,725.87
A. De Sandoval y Manzanares	San Clemente	89,403.40
Luis Gold	Grant to Luis de Armenta	444.24
Juan Salas *et al*	Alamitos	436.41
Gervacio Nolan	Grant to A. Sandoval	415,036.56
F. Salazar *et al*	Cañon de Chama	472,736.95
V. Trajillo and J. L. Taylor	Ojo del Apache	45,000.00
P. Martin or P. Martin Terrans	Piedra Lumbre	48,336.12
A. Bustamenta and J. J. Martin	Grant to Marquez & Padilla	637.23
J. L. Ortiz	Sierra Mosca	33,250.39
R. Archuleta *et al*	Town of San Antonio del Rio Colorado	18,955.22
Luis Duran *et al*	Town of Ojo Caliente	38,590.20
B. Fernandez	San Miguel Springs tract	25,176.39
A. Chavez *et al*	Arroyo San Lorenzo	130,138.98
Juan de Mestus	Juan de Mestas	1,686.47
A. R. de Aguilar	Cuyamunque Pueblo	17,754.72
Salvador Gonzales	Cañada Ancha	103,959.31
F. Guiterres	Town of Bernalillo	11,674.37
J. J. Gallegos	Angostura	2,319.04
J. M. Costates *et al*	Doña Aña Bend Colony	19,323.57
Mesilla Colony	Messilla Colony	33,960.33
Legal representatives G. Ortez y Pais		14,000.00
Inhabitants of city	City of Santa Fé	17,361.11
Manuel Trujillo	Taylaya tract	1,003.55
Refugio Colony	Refugio Colony	26,130.19
F. Montes Vigil, for	Town of Alameda	108,274.87
I. de Rowàl *et al*, for	Town of Jacona	46,341.48
A. E. Armenta, for	Town of Cañon del Rio Colorado	42,939.21
S. Vernel and T. Lopez	Una de Gato	475,000.00
S. Gabaldon *et al*	Town of Cevilleta, or Joya	224,770.13
Ignacio Chaves	Grant to Ignacio Chaves	243,036.43
M. Joaquin	Grant to M. Joaquin *et al*	3,632.94
B. de M. y Pacheco *et al*	Cañada de los Alamos	148,862.94
F. Tafoya *et al*	Felipe Tafoya	22,578.12
M. Montoya and S. Montoya	M. and S. Montoya	3,253.09
A. Baca	Muestra Señores de la Laz de las Laguinitas	43,653.03
A. Urban	San Marcos Pueblo	1,890.62
Luis Jaramilla	Agua Salada	18,046.59
B. Baca & Sons	B. Baca & Sons	12,207.41
J. J. Martinez *et al*	Petaca	186,977.11
J. Otero	Ojo de la Cabra	4,340.26
Inhabitants of town	Town of Socorro	843,259.59
J. R. Zamora *et al*	Vallecito	114,400.54
F. A. Gijosa	Rancho de Taos	1,557.83
F. Garcia	Santa Teresa	9,681.29
J. Trujillo	Mesilla and Arroyo Seco	5,999.69
J. B. Valdez	Cañon Pedernales	256,000.00
V. Martin *et al*	Santa Barbara	18,489.23
F. de Onaga Almazgar	Cieneguillo	45,244.73
A. Martinez	Antonio Martinez	67,480.20
Representatives of Juan de Jesus	Orejos del Llano de las Aguages tract	48,825.48
N. A. Montoyo	Ojo de Boerego	60,214.13
L. Marquez	San Miguel del Bado	315,300.80
José Dominguez	Jose Dominguez	(*)
J. A. Garcia de Nonega	Cañon de San Diego	9,572.57
F. Sandoval	Rancho de Galvan	17,018.00
J. M. Vigil	Town of Peña Blanca	585.66
Representatives of Bartolome Baca	Bartolome Baca grant	1,250,000.00
Benjamin E. Edwards		626.79
Francisco Montes Vigil	Las Truchas	10,314.65
José Manuel Sanchez Baca	J. M. S. Baca grant	3,601.19
Ambrosio Armijo *et al*	Town of Albuquerque	17,361.06
Juan Pablo Martin	Polvadera	35,924.18
Antonio de Salazar	Rio Arriba	23,351.12
Antonio Rosa Lujan	Rito de Los Frijoles	23,022.28
Representatives of Santiago Duran y Chaves	San Mateo Spring grant	3,547.46
Antonio Lucero	Cañada de Cochiti grant	104,554.24
Harvey E. Easterday	Santiago Rameriz grant	6,165.90
Representatives of Sebastian de Vargas	Sebastian de Vargas grant	24,000.00
Indians of the pueblo of Santa Clara	Cañada de Santa Clara	90,000.00
Mariano Barela *et al*	Santa Tomas de Yturbide colony	8,877.36
J. M. C. Chavez *et al*	Town of Abiquin	10,980.00
Domingo Valdez, heirs of	Domingo Valdez grant	(*)
Indians of the Pueblos	Pueblos of Santo Domingo and San Felipe	1,145.00
Manuel Alvarez	Ocate	(*)
Andres Aragon *et al*	Las Huertas	(*)
Inhabitants of the town	Town of Atrisco	70,000.00
Diego Padilla	Las Padillas or El Tajo	24,889.92
José Antonio Lucero	J. A. Lucero grant	8.82
M. Bustos	Plaza Blanco	14,000.00
Rosalia Baldez *et al*	Plaza Colorado	18,240.00

* Can not be estimated.

List of private land claims—Continued.

Name of claimant.	Name of grant.	Area ascertained and estimated.
NEW MEXICO—continued.		Acres.
Juan Ignacio Tafoya	Cañon de Carnué	(*)
Joaquin Garcia	El Rito	51,840.00
P. A. Gallegos	Guadalupita	115,200.00
Pedro Gallego and Juan Miguel Maes, representatives of	Cieniguitas	1,400.00
Total acres in New Mexico		8,704,785.43
ARIZONA.		
Camon Brothers	Rancho San Rafael del Valle	17,360.76
E. B. Perrin *et al*	Rancho San Ignacio del Babacomori	34,722.02
F. Maish *et al*	Rancho San Ignacio de la Canoa	17,208.33
Colorado Commercial and Land Company	Rancho El Paso de los Algodones	22,193.40
C. P. Sykes *et al*	Rancho Tumacacori and Calabazas	52,007.95
Matias Alsua	Rancho San José de Sanoita	7,598.07
Ramon Romero *et al*	Rancho San Rafael de la Zanja	17,361.10
Charles D. Poston	Aribac	8,680.52
Janet G. Howard *et al*	Rancho San Juan de las Boguillas y Nogales	17,355.86
Camon Hermanos	Rancho los Nogales de Elias	10,638.68
Otero *et al*	Rancho de Otero and house lot	185.70
Sopori Land and Mining Company	El Sopori	160,000.00
Representatives of José Maria Martinez	Rancho de Martinez	74.17
Frederick Maish *et al*	Maria Santisima del Carmin, or Buena Vista	.5,060.16
George Hill Howard	Tres Alamos	44,386.80
Total acres in Arizona		414,833.52
COLORADO.		
A. M. Gomez *et al*	Medano Springs and Zapato grant	229,814.53

* Can not be estimated.

Mr. SMITH, of Arizona. Mr. Chairman, the Committee on Private Land Claims, in formulating the bill now under consideration, did not, I think, properly draw the distinction between the conditions existing in these several Territories. The Territory of Arizona, for instance, does not need this bill, and if it should unfortunately pass it will only prove another engine of oppression to those brave men who have borne all of hardships that man can bear, who have labored in and out of season in an honest effort to establish homes for themselves in a land which only a few short years ago was known as the great American desert, but which under their labor now blooms with such beauty as to attract the cupidity of the land sharks, and bring down upon them and their titles the cloud of a Mexican land grant.

Out of the fifteen land grants in the Territory of Arizona I doubt whether two are valid. Since the men whom I have described have gone into that unknown land, braving the dangers of the country and bearing with manly fortitude the sufferings incident to frontier life in order to establish for themselves homes, these claims heve been dug up from the musty dust of ages, and are now held by land speculators in New York, San Francisco, and other large cities, not one of whom, with but a single exception, has ever for one day made Arizona his home, or who has added in any way to her growth or prosperity.

The present bill may very justly apply to New Mexico and Colorado with reference to the conditions existing there; the bill may be exactly right. It is well enough for the Delegate from New Mexico, and my friend, the distinguished gentleman from Colorado [Mr. SYMES], to say that this measure suits their people. Then let them have it. We urge no objection.

The gentleman from Kentucky [Mr. MCCREARY] says:

A voice has come up declaring the bill is wanted by those sections of the country.

But a very different voice comes to you from the Territory which I have the honor to represent, as I will show you later on. In Arizona wherever land subject to irrigation is found a Mexican land grant has been dug up or created and spread out over it. For instance, there is one modest little claim of 4,800,000 acres held by a certain Reavis, who bears gracefully the modest title of the Baron of the Colorados. This same Reavis and satellites are now in Washington working before this Congress and working in every way for the confirmation of this enormous, this monstrous fraud.

That Peralto grant has been "put where it would do the most good" to claimant.

It embraces the Salt and Gila Rivers and has within its boundaries the city of Phœnix, the town of Florence, and Globe City, and many

other smaller settlements. Within it lie the majority of the farms in that great Territory. If this bill passes the claimant will file his petition, have process served on the occupants of these lands, which are probably already largely mortgaged, and force them at once into an expensive lawsuit, or else force them to give up their homes rather than undertake to hold possession at an expense equal if not superior to the actual value of the land. Such will be the immediate effect of the present measure.

At the appropriate time I shall move that Arizona be excluded from the operation of this bill, for such is the almost unanimous voice of my people, as expressed in letters, telegrams, and by resolutions of mass-meetings, and because my judgment sanctions this course. These people rightly urge that they have already suffered enough, and they ask, in the name of justice, that this great outrage be spared them.

The claim to which I have referred, resurrected from a period as remote as 1748, affects what is now a principality worth $50,000,000 even in its undeveloped state. Under this bill the man who claims title proposes to serve summons on each occupant of that body of land almost as large in extent as the State of Massachusetts. Under this condition the settler must give all he has either to the lawyer or the land-shark, and, whether successful or not, ruin meets him at the very threshold. That will be the effect so far as Arizona is concerned. In New Mexico the conditions, I learn, are somewhat different.

Mr. PAYSON. How is there any difference as to the proof of the validity of the claims?

Mr. SMITH, of Arizona. There is a difference in the character of the claims—not in the manner of proof. The difference is this: Arizona has not been settled as long as New Mexico. Great numbers of people living in New Mexico are settled on small holdings. The Mexicans, and their fathers before them, have lived there for years. There ought to be some easy and speedy and costless mode devised for settling the title to these small holdings of less than 160 acres. The condition of this class appeals to Congress, and should receive its attention; and I understand that the Delegate from New Mexico favors this bill largely on account of the relief to them which he sees in it.

But in Arizona there are none of these old and small holdings. The claims set up there are to large bodies of land on which are large and prosperous settlements of industrious people, holding patent from the United States. What might prove a great benefit to the small land-holder in New Mexico might prove a calamity to the small holder in Arizona. My protest comes from my desire and my purpose to see that the many farmers owning 160 acres shall not be blackmailed and robbed under the forms of law, in order that the hereditary owner of like tracts of land in New Mexico may secure title to his farm.

I fear the easy mode for New Mexico's small claimant may prove an equally easy mode for the land-thief in Arizona.

Mr. HOUK. How can fraud be practiced before the court which this bill proposes to establish?

Mr. SMITH, of Arizona. Easily enough. Parties go to Spain or Mexico and buy a title that never did exist. They will come with it properly certified for admission as evidence in court. They come with a duly certified copy of originals not found in the archives of Spain or Mexico. What chance, when the trial is on hand, has the poor settler to disprove these muniments of title.

Mr. HOUK. Does the gentleman think President Cleveland would appoint a court that would permit such frauds as that to pass?

Mr. SMITH, of Arizona. The fault does not lie with the judge on the bench. He is bound to administer justice according to evidence. The evidence being admissible and not disproved, the court must find in favor of the lie. I have no fear of any judge that the President may appoint. The man I fear is the land shark, who will by forgery and perjury impose on the court, and do it so well as to deceive even the elect.

Mr. HOUK. It struck me that this bill was so framed that probably it would stop the land thief.

Mr. SMITH, of Arizona. If I entertained such hope I would cheerfully give my cordial support to the measure. I do not entertain the hope that this bill will have that effect. The presence of Reavis here lobbying for its passage is evidence alone sufficient to determine my opposition. What he wants I do not want. He wants all Arizona. He shall not have it. If an equally fraudulent claim had not kept the baron off the San Pedro River we would find his lines running from the Lower San Pedro to the line of New Mexico. But in effect it makes very little difference whether the baron should claim the San Pedro, under his alleged grant, or whether equal frauds should claim it as they now do under the Tres Alamos title.

Do you wonder that my people view with just alarm any measure which may even tend to aid the land-grabber in his unholy work? Their conspiracies are so secret, their money so inexhaustible, their conscience so flexible, their purpose so settled, their ingenuity so cunning, and their design so damnable that as long as I am honored with a place on this floor I will never cease to denounce their conduct or oppose their schemes. [Applause.] I know that certain parties who have been trying to get title to this Peralto grant through the Department of the Interior—and luckily for us have failed—are now endeavoring to secure the passage of this bill.

For what purpose? Do they find it easier to impose on courts than on a Department unhampered by technical rules of evidence? Through the agency of our honored, able, honest, and incorruptible surveyor-general we have been enabled to block this piratical game, where men's homes were the stakes for which it was being played.

The Commissioner of the General Land Office has likewise been wide awake to the necessity of preserving these lands from spoliation. Brought at last to bay at every turn in the Department, they now seek the erection of a court in which to practice their fraud.

It would have been better for the people, more just to claimants of valid titles, and far more advantageous to the Government in the resulting prosperity of these Territories, if every acre of land claimed under Spanish or Mexican titles could have been at once appropriated to the public domain, and the claimants, in lieu of land occupied by those settlers who had redeemed the wilderness by their industry, be allowed an indemnity commensurate with the value of the land claimed at the date of the treaty. This course then would have insured tranquillity to titles and promoted the development of the Territories on the basis of modern civilization. The gentleman from Tennessee [Mr. HOUK], perhaps, does not understand how Mexican land-grant titles can be manufactured. Money enough can always buy Mexican title to American land.

Any man with $5,000 can take a trip into Mexico and bring back a title to any part of the public domain, and that same title will appear as nice on its face as anything you ever saw.

I instance in this very connection the Sopori land grant in Arizona, a bill for confirmation of which has been at this session introduced in the Senate. Also, the El Paso de los Agodones grant, in the same Territory, for the forfeiture of which I have introduced in this House the proper bill. There are others, also, in point, that for time I forbear now to mention.

Mr. MCCREARY. If frauds such as the gentleman mentions are attempted, how can we better settle these private land claims than by the establishment of a court or commission?

Mr. SMITH, of Arizona. I can show you very readily. Pass the bill which I have introduced on this very question of settling these land claims. I propose to introduce that bill as an amendment to this when I submit my proposed motion to exclude Arizona from the operation of this land court. I shall then propose my bill as a substitute for Arizona, and that my idea on this important question may be made known to the House I now send to the desk and ask the Clerk to read. The Clerk will wait till I catch the gentleman's question.

Mr. MCCREARY. Let me ask the gentleman, if he proposes to strike out Arizona, why he proposes an amendment with reference to New Mexico and Colorado?

Mr. SMITH, of Arizona. The amendment does not affect New Mexico or Colorado. I introduce it because I want it to apply to Arizona. I do not propose by it to interfere with any measure desired by the distinguished gentlemen from that State and Territory.

Mr. MCCREARY. Are you not willing that Arizona shall take your own amendment?

Mr. SMITH, of Arizona. If the gentleman will wait a few moments he will see the reason on which I base the distinction.

Mr. MCCREARY. But if the amendment is good enough for New Mexico it ought to be good enough for Arizona.

Mr. SMITH, of Arizona. It may be good enough for New Mexico if she wants it. I do not represent New Mexico, and, as I said before, my amendment applies only to Arizona. I can probably best discover to the House my position on this question by again asking the Clerk to read what I have just sent to the desk.

Mr. MCCREARY. It is, of course, Mr. Chairman, understood that I reserve any point of order which may be made against this amendment.

The CHAIRMAN. The Chair understands that it is only read for information at this time as a part of the gentleman's remarks.

The Clerk read as follows:

It is proposed to strike out "Arizona" wherever it occurs, and at the end of the bill add as follows:

"Private land claims in Arizona shall be settled in the following manner:

"That it is hereby declared that in assuming the obligations of Mexico to her citizens within the Territory of Arizona ceded to the United States, it was the intention of the United States, as expressed in the treaties of cession, and as required by the comity of nations, to assume such obligations, and none other, as were incumbent on the Mexican Government at the dates respectively mentioned in the treaties of cession; and it shall not be competent for any officer or tribunal of the United States to presume by inference, conjecture, or construction, in any case, an intention of Congress, by any statute passed in pursuance of treaty stipulations or acts of Congress thereunder, to make a grant *de novo* to any claimant in Arizona under a Spanish or Mexican grant, or to grant or confirm to any such claimant anything not individually possessed under Spanish or Mexican laws, or to confirm any claim for a quantity of land greater in any case than the quantity authorized to be granted and actually granted in that case under the laws of Spain or Mexico; nor shall any grant be respected or recognized which had not been located, and duly recorded in the archives of Mexico, and reduced to actual possession as private property at the date fixed by the respective treaties of cession for the recognition and acknowledgment of legitimate titles, nor shall mineral lands, nor lands occupied or reserved for public purposes or national defense, nor lands in the occupation of native Mexican or Indian inhabitants at the date of grant be held or deemed to have been included in any grant or concession by the Spanish or Mexican Governments, or to be embraced within the general terms of any confirmation by

the United States, in the absence of an express grant and confirmation of such particular lands; nor shall grants or concessions conferring a common right of occupation only be held or deemed to be a conveyance of the fee-simple title, or as vesting any individual right in or to such common lands.

"SEC. 2. That no claim under any alleged Spanish or Mexican land grant within the Territory of Arizona ceded by Mexico to the United States shall be entertained or recognized by any surveyor-general or other officer of the United States before the original evidences of grant, or duly certified copies thereof from the original records of the Government under which the grant is claimed, shall have been filed in the office of the surveyor-general, and the authenticity thereof satisfactorily established; nor shall any segregation survey be made or reservation created or hereafter maintained on account of any Spanish or Mexican private land claim until Congress shall have confirmed the same as a legitimate title under the laws of Mexico as the same existed at the date fixed by treaty of cession for the recognition of legitimate titles; nor shall any survey be made or reservation created or maintained, or patent issued for a greater quantity of land on account of any confirmed private land claim than the quantity expressly mentioned in the act of confirmation, nor, in case of confirmations heretofore made without express mention of quantity, shall any claim be surveyed or patented or lands reserved therefor for a greater quantity of land than the quantity lawfully granted and claimed and actually possessed as private property at the date of the treaty of cession; and all private land claims within the Territories mentioned exceeding in the area claimed the quantity of land which citizens of the United States are authorized to acquire under the homestead and pre-emption laws, and which have not heretofore been lawfully presented and *prima facie* established, and which shall not be presented to the surveyor-general authorized to receive the same within one year from the date of this act, with authentic evidences of grant and proofs of actual property possession at the date of the treaty of cession, shall be deemed definitively abandoned, and the same shall thereafter be forever barred.

"SEC. 3. That it shall be the duty of surveyors-general charged under existing laws with the investigation of private land claims to forthwith proceed, under the direction of the President of the United States, to make a thorough examination and investigation of all unconfirmed and unpatented claims which have heretofore been presented, or which hereafter may be presented as provided in this act; and the proper and necessary expenses of such examination and investigation shall be paid on the order of the President from any moneys in the Treasury not otherwise appropriated.

"SEC. 4. That the surveyor-general shall render a decision on each claim finally examined by him or above provided, and if his decision be in favor of the United States an appeal therefrom shall lie to the Commissioner of the General Land Office, and from the Commissioner of the General Land Office to the Secretary of the Interior; and final decisions of the Executive Department adverse to claimants shall be conclusive. If the decision of the surveyor-general be in favor of the claimant, the same shall be subject to review by the Commissioner of the General Land Office and the Secretary of the Interior, and all claims approved by the Secretary of the Interior upon such examination, investigation, and review shall be reported to Congress for its action with a view to the confirmation of just and bona fide claims as provided by treaty stipulation.

"SEC. 5. That all claims now pending before Congress upon reports of the surveyor-general recommending their rejection, where such recommendations have been concurred in by the Commissioner of the General Land office or the Secretary of the Interior, or not non-concurred in by either of said officers, be, and the same are hereby, finally rejected, and the lands embraced therein or heretofore reserved on account of such claims shall be open to homestead entry by actual inhabitants thereon from and after the passage of this act; and all other claims now pending before Congress are hereby remanded to the Secretary of the Interior for investigation and action as provided in this act.

"SEC. 6. That final reports upon all claims investigated and approved as provided in this act shall be made to Congress on or before the 1st day of January, 1890.

"SEC. 7. That all acts and parts of acts inconsistent with this act be, and the same are hereby, repealed."

Mr. SMITH, of Arizona. Now, Mr. Chairman, the object of that amendment is plainly seen by those gentlemen who have heard it read from the desk.

It not only aims at an early settlement of these claims, but designs to forever put a stop to a custom which very strangely grew in the land office several years ago, to which I direct your attention. The Department at the time referred to recommended to the Committee on Appropriations that necessity existed for an appropriation of money for survey of unconfirmed land grants. The appropriation was first made by Congress in response to that request, and worked great hardship, as will soon appear.

Under the act of 1854, there was no intention that surveys should be made of unconfirmed land grants.

That act requires first a confirmation of the grant by Congress, and the survey followed Congressional approval of the grant. Under this appropriation evil immediately sprang up and grew vigorously, for when the appropriation was exhausted the claimants to these large tracts would advance to the surveyors-general the requisite amount of money and have an official survey made and hold a claim on the Government for the amount advanced.

Now for the effect of this. Whenever a survey takes place under the act of 1854 the land by that very act becomes segregated from the public domain and can not be sold or settled upon, and it remains thus until Congress either confirms or rejects the grant. By obtaining such surveys and thus segregating much of the land from the public domain the land-grant claimants have placed New Mexico in the condition from which she very justly demands speedy relief. No one will settle on the land, because it is withdrawn from entry or settlement. The land thus withdrawn lies idle with no settlers upon it. In Arizona the case is very different.

Thanks to the new administration of affairs, no appropriation has been or will be asked for survey of unconfirmed land claims, and if asked I am sure will be recommended by committee or passed by the House.

In my Territory the people are upon the lands and no segregation survey has been made. They are not afraid of these frauds as long as Congress and an honest surveyor-general and an efficient, conscientious Commissioner have control of the situation. Why change this settlement to the judicial arm of the Government, which, from its very nature, is unable to unearth the fraud in all its dark and loathsome ramifications? This bill instead of relieving my people from embarrassment will only tend, if passed, to cast a cloud upon their titles and involve them in new and unnecessary difficulty. The filing of a suit becomes a *lis pendens* and at once puts a brake on the wheels of our rapidly advancing development.

It is apparent that the necessity which prompts New Mexico and Colorado to ask for the passage of this bill does not exist in Arizona, has no tendency to improve the condition of affairs there, and instead of remedying the existing evil only throws new difficulties in the way of the people whose courage and endurance have made it possible for the land thief to invade the soil. My people, Mr. Chairman, are on the lands now. They have lived upon them for years, and to the improvement of their homes have given long and wearily the burden and sweat of honest toil. They are confident of their title. No one is alarmed under present conditions except the speculator, as is shown by one of several resolutions adopted by mass meetings of citizens living on some of these alleged grants, which resolution I have temporarily mislaid, but will have it in a few moments, and which will show that we are not afraid of the crucial test to which Congress can submit these alleged claims, and which, in the very nature of things, courts can not properly investigate.

My people do fear bought testimony, perjured evidence, and forged title papers, and hence oppose this bill and favor my proposed amendment. Observe, if you please, the condition in which the present bill will place the settler. They will stand, at the summons of the land grabber, naked and helpless before the court. They have been afforded no opportunity to know on what the plaintiff relies to sustain his title. They have had no means of ascertaining the genuineness of the papers introduced in evidence. The Government has offered no facilities by which its own patent can be maintained against a fraud perpetrated under the solemn provisions of a national treaty. The Government has shirked in this particular a plain duty, as I may yet show before the final vote on this measure.

Another suggestion here presents itself. The official who under this bill may be appointed to hear the evidence in these cases will be a stranger among the people unless there should be a radical change of precedent. He must hear the evidence as presented and decide the law as it is. He can know nothing of the character of the witnesses, and $50,000,000 at stake will enlighten many a dormant memory in Arizona or anywhere else.

I am alarmed, and I think justly, at the probable consequences flowing or to flow from such conditions. I have not the time to amplify the idea here merely suggested, and must pass on.

The bill introduced by me some time ago may not solve wholly the difficult problem now confronting us, but I am free to say reaches a great distance in that direction, and with a proper amendment of the act of 1854 I have no doubt that our trouble may soon be solved and absolute justice done both to the claimant and the settler.

Mr. Chairman, I confess an abiding interest in and a deep sympathy for that man who, under adverse fortune, braves the hardship and danger of frontier life and manfully labors to better the condition of himself and those relying on him for subsistence. Such should receive what protection Government under our system can give. The more fortunate are generally quite able to take care of themselves.

As illustrating fully the reasons actuating Arizona's opposition to this bill, I pass to the desk and ask the Clerk to read the resolutions adopted by a mass meeting assembled on this same Peralto grant.

The Clerk read as follows:

Resolutions unanimously passed by the citizens of Salt River Valley in mass meeting assembled.

Whereas there has been introduced into the Senate and House of Representatives bills to create a commission for the settlement of the Spanish grants in Arizona, New Mexico, and Colorado; and

Whereas the intent of these bills is to transfer the adjudication of such claims from the political to the judicial arm of the Government; and

Whereas we regard the introduction of these bills as an attempt to create a commission similar to that which in early days opened wide the doors for fraud and rascality in the settlement of Spanish grants in California; and

Whereas the prosperity of Arizona is bound up in the honest settlement of the land grants situated therein, almost all of which are fraudulent and which cover in the aggregate about ten millions of acres of the best and most productive lands on the continent on which are erected millions of dollars of improvement: Therefore,

Resolved by the citizens of the Salt River Valley, Arizona, in mass meeting assembled, That the passage by Congress of either of the bills now pending before it is a menace to their prosperity inasmuch as it opens the door for litigation which a generation will not see settled; that we have bought our lands from the Government, entered upon and improved the same in the knowledge and belief that the political and not the judicial arm of the Government had the power to adjudicate the rights of claimants under Spanish or Mexican land grants, and that any attempt to transfer such power to a commission would be unwise, unjust, and impolitic; that claimants under Spanish land grants have all the protection required in presenting their claims to the Land Department, and in the final confirmation by Congress if their grants are valid; and that we, a people directly interested to the extent of our homes and possessions, are willing to trust to the honesty, fairness, and justice of representatives of the nation to deal equitably as between settler and claimant in the settlement of land titles in this Territory, and that as citizens of the United States without a direct voice in its government, we earnestly protest against the passage of any act changing any manner the law as it exists at present.

Resolved, That a copy of these resolutions be telegraphed by the chairman of this meeting to the Speaker of the House of Representatives and the President of the Senate of the United States to be laid before their respective bodies, as

the expression of the wishes and desires of the people of Maricopa County, whose every material interest is bound up in the proper solution of this land question.

The chairman then addressed a few remarks to the meeting, wherein he showed that some of the alleged land claims were now completely dead, but that the claimants were attempting to revive them by having this court of claims established.

Maj. J. W. Evans moved the adoption of the resolutions, which motion was seconded. The resolutions were then discussed by Mr. L. Fowler, H. H. Logan, Dr. L. H. Goodrich, W. J. Murphy, and others, and the resolutions were then unanimously adopted as read.

Mr. Farish offered the following resolution, which was unanimously adopted:

Resolved, That the chairman and secretary of this meeting send a copy of the resolutions adopted to our Delegate in Congress, MARCUS A. SMITH, and request him to use his influence to defeat any and all bills creating a land commission for the settlement of land grants.

Mr. BLAND. I desire to ask the gentleman from Arizona whether any suits have been brought in the United States courts with regard to these grants?

Mr. SMITH, of Arizona. None that I know of where the title was directly at issue. In one or two cases the question has come incidentally before the court and decision had thereon as to boundary and extent of certain grants.

Mr. BLAND. Is there anything to prevent these suits going to the courts?

Mr. SMITH, of Arizona. I thank the honorable gentleman from Missouri for the suggestion apparent in his question.

I do not know whether, under a strict construction of the act of 1854, it would be permissible or not. If not, and a court is to be insisted on, why not amend the act of 1854 so that our local courts can assume jurisdiction rather than to impose new and expensive courts on us? I would much prefer this to the mode prescribed by the bill under discussion. But the advocates of this bill claim that our local courts are already overcrowded with business. Congress seems to entertain a different opinion, for only a short time ago a bill introduced by me, asking the creation of a new judicial district in Arizona, was adversely reported to the House by the Committee on the Judiciary on the ground that our courts were not crowded with business. At all events, it would be much cheaper to create new districts and have these causes tried in a court and before a judge acquainted alike with the people and with the arts and devices of the land sharks.

There are only fifteen claims in Arizona as far as heard from, and three or four of these are confessedly fraudulent and have been abandoned by the claimants.

A MEMBER. How many are there behind yet?

Mr. SMITH, of Arizona. No one can tell that. But the amendment to be proposed by me will make these silent ones speak out or forever hold their peace, and that, too, very quickly.

In conclusion, Mr. Chairman, I have only this to say: A speedy, fair, and just way should be provided for the settlement of these grants. I do not think the present bill comprehends the emergency. Even as things now are a valid title can be easily confirmed; but the trouble is, the claimants can now hold back as long as they please, and like the dog in the manger, unable to eat the hay, insist on preventing those who like it from indulging. Congress is honest enough and fair enough to confirm a valid title. Then why do the claimants hesitate to seek speedy redress? The answer suggests itself to every member on this floor. If they have a title clean, straight, and honest, a title free from fraud, perjury, and forgery, a title recognized by the spirit animating the treaty, no difficulty stands in the way. Otherwise the crucial test of a committee's liberal examination will give great trouble.

As I before remarked, a court, from its very nature, is unable to cope with the far-reaching fraud on which many of these titles are erected. It is the duty of Congress, at the expense of the Government, to thoroughly examine these titles, and confirm the good and reject the spurious. Congress owes it to the people, and this long-neglected duty should be carefully yet speedily executed. The proper course, I trust, suggested itself to experienced legislators. Whether that course will be taken and that duty performed remains to be seen

At all events, the present bill will force a trial where the money is all on one side and the scattered poor and helpless people on the other. I most sincerely hope that Arizona will be excluded from the operation of this bill, and in the name of those people I here enter their solemn protest against it in its unamended form.

Mr. SYMES. If members of this House who have not had an opportunity to become familiar with the provisions of this bill had any doubt about the propriety of its passage, I guaranty that doubt has been removed by the speech of the gentleman from Arizona. He has assisted me in picturing so well and so clearly the reasons why this bill ought to become a law that it will not be necessary to occupy so much time as I had intended.

No one who has lived in the West will dispute the statement of the gentleman from Arizona, that there are fraudulent land-grant claims made for large tracts of land in Arizona, New Mexico, and Colorado; that those claims are made under the treaty of Guadalupe Hidalgo and the Gadsden treaty; that within the boundaries of these large land-grant claims there are settlements where the people have occupied tracts of land in many instances for over forty years and from that period up to one hundred years, having received them through their ancestors, grantors, or predecessors in interest; and that their little farms to-day which they have occupied in the way I have mentioned are endangered and rendered almost valueless. They can not sell them in the market. The people are afraid to improve them. Every one is afraid to buy and improve such farms by bringing an irrigating ditch or building a house. And why? For the reason the gentleman from Arizona has explained.

There are large land grants the exterior boundaries of which extend in such a way as to include all these little claims and farms.

What has been the result of thirty-four years of effort on the part of this Government in carrying out in good faith the treaty of Guadalupe Hidalgo and the Gadsden treaty and the rules of international law? Let us see. Under the act of July 2, 1854, referred to by the gentleman from Kentucky [Mr. MCCREARY], it was provided that the surveyor-general should survey these claims—these large and small grants—and attempt to fix the boundaries thereof, take the testimony that should be presented in support of them, and make his reports to the Secretary of the Interior or to the Land Department.

Under that act of 1854 the surveyor-general of Arizona has been proceeding since 1870 and the surveyor-general of New Mexico since 1854. What has been accomplished?

Mr. Chairman, it appears that during those thirty-four years one thousand claims have been presented, and one hundred and fifty of that thousand claims have been reported to Congress, and Congress has acted on seventy-one of them. Let me add, sir, that out of the seventy-one claims that have been acted upon by Congress there have been confirmed and patents have been issued for a number of claims which it is now conceded include millions of acres more than ought to have been included within their boundaries. But under the defective legislation of Congress, under the proceedings that I have referred to, the political department of the Government not being competent to adjudicate these matters and settle the rights of parties in matters where the cupidity of man has been incited to such an extent that subornation of perjury has cut an important figure, we find that patents have been issued for grants for millions of acres more than it is now known by public and general notoriety they ever ought to have included.

Who is responsible for it? Simply the defective system, simply the attempt to make a temporary surveyor-general of a Territory settle property rights under treaties that require a court of justice. If this bill had been passed in 1854, instead of that section of the act which I have referred to, these land titles would have been settled long ago. All these little claimants would have been confirmed in their rights, and the fortunate grantees—and we should not envy them their grants if they own them and they are legal—the possessors of grants from the Mexican and Spanish Governments of tracts containing from fifty to several hundred thousand acres, would have been confirmed in their rights, and their claims would have been eliminated from the public domain by a judicial proceeding—a judicial judgment that would be clear from the aspersions and charges of fraud, and every claim of any size that has been confirmed would not have been a matter of public scandal by charges and countercharges.

How can these evils be avoided is the question members of this House are called upon to-day to determine. I answer, sir, in the light of history; I answer in the light of personal experience, and I appeal to this House and to every member in it to state whether or not the evolutions of civilization in this century or any other have been able to mature and to affirmatively adopt and carry out any system of proceedings that will eliminate right from wrong and protect the weak and innocent from the strong and the poor from the rich, except the judicial investigation of a court of justice? I am not going to dwell upon this theme. I only call the attention of members of the House to it, because I have watched it and have felt ashamed of my country when I have been called upon in certain ways to investigate as a lawyer the proceedings for the confirmation of private land grants in and by and through the political department of the Government.

I have no doubt, sir, that Commissioners of the General Land Office and Secretaries of the Interior have been placed in that situation where Senators and Members of the House were going to them in behalf of a land-claim syndicate upon the one side, while other Senators and Representatives were going to them in behalf of their constituents upon the other, discussing the matter, pointing out the merits, ignoring the testimony; and the result has been that these claims have been tied up indefinitely, many of them for over thirty years, and those that have been confirmed by Congress and patented have been charged to be fraudulent, and applications, years thereafter, have been made to the Attorney-General to authorize bills in equity to be filed to set aside the patents. Why, sir, the United States Government has paid for special counsel, in suits attempting to set aside the patents issued on confirmations by Congress for the Maxwell and other land grants, to the amount of over $50,000 in the last few years. Will any gentleman say that if this bill had become a law in 1854 the means provided in it would not have resulted in confirming those titles for the proper amounts of land a great many years ago and rejecting the fraudulent claims?

So much by way of a general statement in reply to the argument of my friend from Arizona. I wish now to refer for a few moments to the

protection which this bill will give to that large class of claimants who, as Governor Ross says in his clear and logical argument before the Committee on Territories, occupy somewhat the position of squatters upon these lands.

Mr. Chairman, all through that country ceded to us by the treaty of Guadalupe Hidalgo, up and down the little valleys, and along the little creeks where irrigation has been practicable, without any great expense, we find Mexican settlements, settlements by men who were Mexican citizens. They came within the sovereignty of this Government under the treaties referred to. They have lived there, they and their ancestors, for generations. They have inherited their lands under what may be called a title by prescription, and to-day they are confronted with the difficulty which the gentleman from Arizona [Mr. SMITH] has pointed out, by finding their little farms within the exterior boundaries of some large land grants for which a paper title is claimed from the Mexican or the Spanish Government. As I have already said, this practically destroys the value of their lands.

Now, how does this bill propose to deal with this class of claimants? It provides that this land court shall be divided into three departments; that one of these justices shall sit at Denver, Colo., one at Santa Fé, N. Mex., and the other at Tucson, Ariz. It provides that these small claimants may come before any of these departments of the court and produce their proofs, and all that they are required under the provisions of this bill to prove is that they, their ancestors or grantors, have occupied their little farms for more than forty years.

Mr. SAYERS. Does not the gentleman think that forty years is too long? Would not ten years be long enough?

Mr. SYMES. I am inclined to think that forty years is too long. I am inclined, on the other hand, to think that ten years might be a little too short. Those who have settled within ten years or about that time are generally a class of people who had good opportunity for finding out whether they were settling within a grant or not, and wherever there is a just grant or a good paper title, which the good faith of this Government, under the treaties mentioned, demands should be confirmed, it would not be just to deprive the grantee of his rights simply because within the last ten or fifteen years somebody had settled upon the land.

Mr. SAYERS. The gentleman speaks of a grantee who has never taken a step in half a century to acquire possession.

Mr. SYMES. I say it would be unjust to deprive the grantee of his rights because the Government of the United States has failed to carry out in any ordinary and effective way the settlement of these rights and titles under the treaty of Guadalupe Hidalgo.

This is intended to establish title without further proof than occupancy of the owners—the people who settled there for a certain number of years, say from twenty to twenty-five. Could anything be more just?

Mr. SPRINGER. The titles which existed at the time of the cession are now forty years old. If they claim under those titles they must be at least that old. If they claim, however, under the homestead law, they need only prove occupancy for five years.

Mr. SYMES. Mr. Chairman, this bill makes no attempt to change the homestead or any other of the land laws of the United States. This bill, on the contrary, simply seeks to execute in good faith the provision of our treaties to all parties concerned in these private land claims.

A MEMBER. It is immaterial whether it was five or seven years, because, if Mexican and Spanish grants, they must be given to the parties concerned.

Mr. SYMES. On this branch of the subject I desire to say, in behalf of the hundreds and perhaps thousands of small claimants, that in my judgment no stronger obligation ever appealed to the Congress of the United States than the one now pending to confirm the titles of those who occupy small tracts of land, which are often embraced within the exterior boundaries of large paper estates, and which are included within the exterior boundaries of large grants, by which it is sought to take away these small holdings from those who have settled upon them and cultivated them for so many years.

Let me, Mr. Chairman, in that connection, suggest that I do not see how this bill could be improved in that particular. Of course there are gentlemen here who will claim that the Interior Department can carry out this object as well as a new court. They claim if you will only give the Interior Department power to appoint certain of these special agents to travel all over the Western country and look up titles and report to some agent, and that agent reports to the Commissioner, the Commissioner decides, parties can then appeal to the Secretary of the Interior; and the Secretary of the Interior will pass upon it, and finally, sir, having reached a conclusion, the claim is reported to Congress, a bill is reported to confirm it, that bill goes onto the Private Calendar of the House, and is never acted on. This has been the general result for thirty years. In that way I contend you will not be able to settle the title to these small claims, nor will you be able to settle satisfactorily the large ones.

I wish to add, Mr. Chairman, the adjudication of the large claims, if the lawyers in this House will think for a moment, is inseparably connected in this tribunal, or in any other, with the adjudication of these small claims. If A proceeds in this court with a paper title involving a grant of a million acres, the exterior boundaries may include a hundred small claims, each containing a few acres, and which have furnished a livelihood to their owners for a century, these claims held by the Mexican population or their ancestors at the time of the treaty of Guadalupe Hidalgo. I say you can not adjudicate any of these little claims for a few acres of ground without incidentally deciding paper-grant titles, the exterior boundaries of which include these small claims, except by this limitation of forty years.

Now, the court provided under this bill is directed, if these people shall file a petition making a claim for these holdings which they have occupied and proving they have occupied them for a certain number of years, not to require them to make further proof of title. Upon the presentation of that proof it is provided by this bill that their muniment of title shall be given to them by the court, regardless of the fact that the small grant may be included within the exterior boundaries of one of these large paper-title grants.

In reference to the large paper grants where they are valuable, after the decision in the court provided by this bill, they will, of course, be appealed to the Supreme Court of the United States, and there the title will be finally settled.

Mr. LIND. Will the gentleman allow me to ask him, why limit these small claims to 160 acres each? Gentlemen who know say many of them amount to 400 acres.

Mr. SYMES. I am not prepared to answer the question why, under the limitations of the bill, small claimants shall not exceed 160 acres. I am told that in the main these small farms do not exceed 160 acres. The governor of New Mexico is in favor of the bill, and the Delegate from that Territory on this floor also favors its passage; and it is to be assumed they know what is best for the interests of their constituents.

I wish now to address myself to the justice of the bill, and especially with reference to the large claims where the claimants hold them under paper titles. I do not desire to stand here simply for the purpose of indulging in cheap demagogy on this bill by invoking any rule of law, any rule of necessity which does not exist, in order to try and defeat large grants to which good titles are held under the treaties. I do not stand here to say this Congress has any right in justice and equity to defeat the grant of A, or to cut down its boundaries, if the grant comes within the guaranties of the treaty of Guadalupe Hidalgo or the Gadsden treaty.

But I do say there never was a greater dereliction of duty on the part of this Government than to allow these claims to remain unsettled, and to allow their boundaries to stand in a state of absolute uncertainty for the last thirty-five years, when it must have been apparent that under the present system they never would be settled.

Now, Mr. Chairman, there were a large number of these claims. The gentleman from Arizona [Mr. SMITH] says that this bill will not protect the Government, and will not protect the small claimants, nor will it protect the public domain from the ravages of these imaginary large grant claims.

I contend, Mr. Chairman, that the particular provisions of this bill will protect the Government, will protect the settlers upon the public domain, and will protect all parties interested. Why, sir, this tribunal is a land court. It is organized with three justices, and all of these large claimants will go before the court in banc when these claims are pending before this land court of three justices (who will be distinguished lawyers, no doubt), and the claims will have to rest upon legal and proper proofs.

There will be no Commissioner of the Land Office for men of great political influence to solicit and explain to about the merits or demerits of any particular claim.

There will be no delegations going to the judges of that court like they have in the past gone to the Secretary of the Interior, talking about political influence. I am sorry I have to make such comments. It does not reflect upon any living man, and I do not intend it as such.

It simply reflects upon the defective character of a system; and it reflects upon the comprehension, it seems to me, of any man who suggests that you can settle private-land claims between the Government and the claimants, or between the adverse claimants themselves, by a political department of the Government pulled upon one side or the other in the way we know they are by common custom. It does not reflect in one scintilla, sir, upon these men. It only reflects upon the idea that you can turn a political department of the Government into a court of justice for the adjudication of property rights.

Mr. Chairman, I wish to say but a word more upon this question of testimony or the character of testimony in this case. My friend from Arizona [Mr. SMITH] says this tribunal will be, I think he said, a good opening for fraudulent land claims. Sir, I think the history of litigation in the courts of this country will disabuse the minds of members of this House of any idea of danger in that regard.

Why, sir, if any adverse claimant comes into this court and says that he has reason to believe that these imaginary paper titles which exist and are referred to by my friend from Arizona are not bona fide, good titles, that the papers are forgeries, or that there is fraud in connection with them, what is the result?

Why, sir, if the court or the United States attorney is not satisfied

with investigation of the matter, it may refer it through the Secretary of State to the Government at Madrid, or the City of Mexico, and our representatives there are required to make an investigation into the character of the alleged paper title. They are required to go to the original archives of these governments and find out the true source of these paper titles to which my friend from Arizona has referred, and which he was afraid would walk into court in broad daylight carrying so much fraud upon them.

Why, Mr. Chairman, if that is the case, in the name of common sense and justice how will my friend eliminate these fraudulent titles in Arizona from the public domain and protect the people thereon? If my friend says that this does not offer the necessary machinery for the investigation of these claims, that it does not provide for an attorney of the United States skilled in this branch of the law, that the President is not likely to appoint judges skilled in this department of the law, that we can not send experts if necessary to the archives of Spain and Mexico to decide whether the original papers claimed as genuine are forgeries or not—when all that machinery is given this court with power of appeal to the Supreme Court of the United States—if, I say, under such circumstances you can not eliminate fraud, I ask my friend to suggest to this House how it can be done.

Sir, I hope this bill will pass. I hope we will take these questions of title into court, and thereby administer justice and the law.

ENROLLED BILLS SIGNED.

The committee informally rose, and the Speaker took the chair.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 3957) for the relief of Peter Marck, Thomas J. Wright, administrator, and others; and

A bill (S. 2550) appropriating $20,000 for the expenses of special and select committees of the Senate.

PRIVATE LAND CLAIMS.

The Committee of the Whole resumed its session.

Mr. McCREARY. I yield five minutes to the gentleman from New Mexi o [Mr. JOSEPH].

Mr. JOSEPH. Mr. Chairman, the object of this bill is to settle the titles to private land claims in New Mexico and in a part of Arizona and Colorado. The security of land titles is an absolute essential to the development of any country. No settler can be induced to occupy and improve land from which he is liable to be evicted by the assertion of a superior title. Persons in possession are deterred from making substantial improvements when there is a possibility that their lands and all their improvements may fall into the hands of others claiming by adverse title. The importance of this bill is shown by the number of acres of land the title to which is to be decided under its provisions. No exact figures are accessible, but partial estimates will exhibit the enormous extent of the territory. The report of the Commissioner of the General Land Office for 1881 (The Public Domain, page 406), shows that the land grants in New Mexico and Colorado, whose confirmation had been recommended on June 30, 1880, amounted to 4,294,672 acres. At the same date there had been 146,256 acres in Arizona recommended for confirmation, all under private land grants. These figures do not include the number of acres claimed under the same grants, all of which is reserved from settlement, the number of acres for which no claim has been filed, or the number of acres for which claims have been filed, but which have been rejected or not yet reported on.

The committee estimate in their report (House Report No. 675) that the total number of acres claimed under private land grants in New Mexico is about 10,000,000 acres; in Colorado, about 3,000,000 acres, and in Arizona, about 500,000 acres, making altogether the enormous territory of 13,500,000 acres, almost equal to the combined area of the States of Massachusetts, Connecticut, and New Hampshire. It is the title to this enormous extent of country which this bill proposes to settle. All the evils of unsettled titles have existed there for now nearly forty years, and this, too, in spite of the fact that nearly forty years ago the solemn pledge of the United States was given by treaty stipulation for their settlement. By the treaty between the United States and the Republic of Mexico, of February 2, 1848, known as the treaty of Guadalupe Hidalgo, the present Territory of New Mexico was ceded to the United States. This treaty provided that all property rights of Mexican citizens should be respected; and by the subsequent treaty of December 30, 1853, known as the "Gadsden treaty," this provision was confirmed. Its terms are as follows, (Article VIII, 9 Statutes at Large, page 115):

> Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican Republic, retaining the property which they possess in the said territories, or disposing thereof and removing the proceeds wherever they please, without their being subjected on this account to any contribution, tax, or charge whatever.

But the property rights thus confirmed could not be fully respected unless means were adopted by the United States to settle the boundaries between public and private domain. This obligation was necessarily inherent in the treaty stipulation, and was fully recognized by the passage of the act of July 22, 1854, entitled "An act to establish the office of surveyor-general of New Mexico, Kansas, and Nebraska, to grant donations to actual settlers therein, and for other purposes." By the eighth section of that act it was made the duty of the surveyor-general to investigate all claims to land in the Territory of New Mexico under the laws, usages, and customs of Spain and Mexico, and to report upon all such claims. The law further provided that the report should be laid before Congress for its action "with a view to confirm bona fide grants and give full effect to the treaty of 1848 between the United States and Mexico;" and in order that the rights guaranteed in this treaty should be in no manner infringed, it was further provided by the same act that "until the final action of Congress upon such claims, all lands covered thereby shall be reserved from sale or other disposal by the Government, and shall not be subject to the donation granted by the previous provisions of this act."

These provisions of law were extended to Colorado by the act of February 28, 1861 (12 Statutes at Large, page 176), and to Arizona by the act of July 15, 1870 (16 Statutes at Large, page 304). The purpose of Congress was to carry out the provisions of treaty stipulations; but, unfortunately, the means adopted were wholly ineffectual. The Secretary of the Interior, in his report for 1880 (page 32), says:

> After a lapse of nearly thirty years, more than one thousand claims have been filed with the surveyors-general, of which less than one hundred and fifty have been reported to Congress, and, of the number so reported, Congress has finally acted upon only seventy-one.

That number has not since then been increased. This act has now been in operation for thirty-four years, and but 7 per cent. of the claims filed under it have been disposed of. At the same rate of progress it must be several centuries before all these claims are acted upon under existing law. It is therefore not surprising that the same Secretary of the Interior says of this law (Report for 1880, page 32):

> Its operation has been a failure, amounting to a denial of justice both to the claimants and to the United States.

While the evils to the owners of valid claims are thus apparent, what is to be said of the great injury to the public in the reservation of enormous areas of land by the mere filing of a claim? Under the act of 1854 the whole tract claimed is by the mere fact of presentation of the claim reserved from disposition by the Government. The settlement and development of the country are wholly barred.

> The construction of railroads through New Mexico and Arizona, and the consequent influx of population into these Territories, renders it imperatively necessary that these claims should be finally settled with the least possible delay. (Report Secretary Interior, 1880.)

Year after year have successive Commissioners of the General Land Office and surveyors-general of New Mexico called attention to the necessity of some legislation to cure these evils, but Congress has turned a deaf ear to all complaints. On the one hand, Congress has refused to act upon the claims reported to it under the act of 1854 for confirmation, and, on the other hand, it has failed to create any tribunal to consider and decide the claims.

Every interest demands the promptest possible settlement; the owners of valid claims demand the fulfillment of treaty obligation, the people of the Territory in general demand the removal of this clog upon their progress, and the interest of the United States demands that lands to which no valid adverse title can be asserted should be recognized as a part of the national domain and furnish homes for bona fide settlers.

To determine what will be the most effective remedy for these pressing evils, regard must be had to all the circumstances. There is a prevailing impression in some directions that the land grants in New Mexico are generally of enormous size and for the greater part permeated with fraud. Many of them are for large tracts, and undoubtedly the chance of gaining possession of large areas has stimulated some fraudulent attempts against the Government. But probably 75 per cent. of the over one thousand claims already filed, and 95 per cent. of the claims which have never been filed are for less than 160 acres of land, and many of them for less than 80 acres, and this land is probably not generally worth over $2.50 per acre. It is therefore safe to say that the value of the land in controversy in more than four-fifths of all the cases of private land grants is not over $400. It is therefore apparent that any remedy proposed which involves expensive litigation for the assertion of title would be absolute confiscation of hundreds of homesteads. Any such remedy for existing evils would be a mockery, aiding the wealthy but absolutely ruining the poor. These small grants are ancestral homesteads, many of them in possession of the same families for over a century. There will be no dispute as to the title of these. Any tribunal upon the first examination will confirm the grants at once without hesitation. And these uncontested grants would outnumber ten to one the grants about which there could be any controversy.

The land covered by valid claims was never the property of the United States. The grants under which the present owners hold title were made, many of them, over a hundred years before the cession of the territory to the United States, and the object to be attained by the holders is not to get anything from the Government of the United States, but to free their own lands from the cloud upon the title caused by the failure of the United States to make provision for the proof of titles. To burden these homesteads with large bills of expense for an opportunity of establishing ownership would be an outrage. The treaty of 1848, too, in providing that citizens should retain their property

"without their being subjected on this account to any contribution, tax, or charge whatever," would seem to oblige the United States, in fixing the delimitations between the property of citizens and of the United States, to do so without charge to them. This view of the treaty obligations has long been held by them as well as by the United States surveyors-general. (See Reports of Commissioner of the General Land Office for 1869, page 319, and for 1873, page 102.)

Whatever remedy is proposed must not in any event burden the owners of undisputed land grants with heavy bills of costs.

The remedy must also be prompt. For forty years has settlement been withheld. When it is made it should be made without needless delays. The surveyor-general of New Mexico in 1874 strongly painted the existing state of affairs (Report Commissioner General Land Office, 1874, page 113):

For want of a feeling of security as to title, sales of land, either by Government or grant claimants, in such regions is practically closed out, and will so remain until some relief is afforded by Congress.

The Commissioner of the General Land Office in his report for 1876 used this language (page 27):

In addition to the foregoing, I might add, that while these private land claims remain in their present unsettled condition it will continue to retard emigration to and settlement in said Territories; for, until the titles thereto are ascertained, and the land segregated from the public domain, it will be impossible to determine which is public land subject to appropriation and settlement under the public-land laws and which is not.

The surveyor-general in the same year thus spoke of the increase of difficulty with lapse of time (Report Commissioner General Land Office, 1876, page 231):

The longer the investigation of these titles and adjustment of these claims are deferred the more difficult does it become to distinguish between the legitimate and the illegitimate grants, and the greater the opportunity for perpetrating frauds and imposing manufactured paper titles upon the Government.

It is also an injustice to the proper claimant who desires to perfect his title, as it becomes more difficult to prove up his case as time lapses, and should he desire to dispose of his estate, its real value is depreciated from the fact that he can not show a perfect title by reason of the non-action of Congress in confirming his right to the same.

And in 1881 he used this language (Report Commissioner General Land Office, 1881, page 781):

The land-grant question is becoming more serious in this Territory as time lapses.

In his report for 1883, the Commissioner of the General Land Office speaks of the increase of evils with the lapse of time (page 11):

There is a further liability of the assertion of claims heretofore unknown. The increasing value of land, owing to the increased facilities of communication and the general settlement of all the Territories, invites the assertion of such claims, and is an incentive to the manufacture of fraudulent titles. The lapse of time favors claims of a doubtful character and especially favors a broad expansion of original claims.

No remedy will be adequate which permits the present condition of affairs to continue from year to year for another decade, but it must be such as will close promptly all cases save those whose complexity and uncertainty and magnitude demand the thorough scrutiny of the highest judicial tribunal of the country.

Finally, any tribunal to which these cases are referred must be of such intelligence as to be able to discriminate between valid and invalid grants, and for this purpose it must be armed with full powers to investigate every avenue of information, and it must be afforded the most ample and favorable opportunities for personal intimacy with the subject-matter of the grants. Without these qualifications the tribunal can not properly perform its functions.

Two tribunals have been proposed in other bills for the settlement of these cases—a special commission, or the Territorial courts.

This bill proposes the creation of a special land court of three judges, which shall hold special sessions, for six months, at Santa Fé, N. Mex.; Tucson, Ariz., and Denver, Colo., by individual judges, and shall, during the remainder of the year, sit at Washington.

The bill (H. R. 1968) presented by me and reported by the Committee on Territories, proposed the creation of a special commission, with appeals to the Territorial courts and thence to the Supreme Court of the United States. Under that bill it was provided that the commission should sit in various places in New Mexico and Arizona, in the vicinity of the land in question, and that testimony should be given orally before the commission and transcribed.

While I believe that the remedy proposed in that bill is the best adapted to the circumstances and affords the most favorable opportunity to the claimants to smaller grants to prove title to their homes without being involved in expenses consuming the entire value of their lands, nevertheless I am not willing to oppose any measure which offers any solution to the existing evils, since almost any remedy is better than the present uncertain condition of these land titles. The bill now before the House avoids some of the difficulties of a commission bill, and is, I believe, the next best solution of the difficult problem to that offered in the commission bill presented by me. By dividing the land court of three judges created by this bill into three departments and permitting each judge to hold court separately, with the right of appeal to the court in banc, expedition in disposing of these cases is secured. The title in the smaller cases is so clear and undisputed that there can be appeals in no more than 10 per cent. of the cases decided by the different departments of the court.

By holding sessions at Santa Fé, Tucson, and Denver during six months of every year, this court will become thoroughly familiar with all matters pertaining to private land claims, the old records at Santa Fé will be easily accessible, and claimants are given an opportunity either to take their testimony in writing or to present themselves and witnesses for oral examination before the court at Santa Fé, Tucson, or Denver.

Experience has shown in the past that special courts or commissions created for like purposes as this can act expeditiously on matters before them. Land titles in Mississippi were settled by two commissions sitting under the act of March 3, 1823 (2 Statutes at Large, 229).

These two boards adjourned September 21, 1805. Allowing for delays in the organization of the boards, they were in operation only about two years, and during that time decided 2,152 claims. If the board of commissioners under the proposed bill could act as promptly they would dispose of all claims which have been filed within two years. Three boards organized to settle land titles within the Louisiana purchase under the acts of March 3, 1805, and March 3, 1807 (2 Stat., 324 and 440), disposed of 8,353 claims. Successive boards sitting for different periods, created by the acts of May 8, 1822 (3 Stat., 709), March 3, 1825 (4 Stat., 125), February 8, 1827 (4 Stat., 202), and May 23, 1828 (4 Stat., 284), to settle land titles in Florida, disposed of 1,739 claims. In the eight months extending from May 23, 1828, to January 20, 1829, a single board of two commissioners disposed of 379 claims. The California land grants were settled by the commission organized by the act of March 3, 1851 (9 Stat., 631); 836 claims were presented to that commission, and of these 624 were confirmed while 212 were rejected.

From these numerous precedents it is evident that no extended delays would occur through the operations of the commission proposed in this bill. While the larger grants would require the most extended investigation, the great boon of prompt settlement of 80 per cent. of all the grants would be conferred by the bill, and these grants would be those of that especially deserving class, the owners of small homestead tracts.

While the court will afford a prompt disposition of the questions of title, it will also possess the essential qualification of being well adapted to discriminate justly between the valid and invalid grants. The greater part of the business of the court will be private land grants.

Every judge, as well as the attorney for the United States, will devote more than half his time to the investigation of this one subject. In this way each will be entirely famili r with its history, with the Spanish and Mexican modes of procedure, with the forms of documents, and with the signatures of the principal officers authorized to make grants of land. They will all be experts in this class of cases. The decision of the simple, uncontested, and smaller cases can safely be intrusted to them, while their intelligent labors will be at the disposal of the Supreme Court of the United States, to which the more important, complicated, and larger cases will be appealed. The presence of the judges in New Mexico, Arizona, and Colorado will give them an intimate familiarity with these grants, while the representatives of the United States attached to the court will have favorable opportunities to scrutinize all claims and witnesses.

The number of the judges, fixed by the bill at three, will afford an opportunity for consultation and discussion in appealed cases and a settlement of general principles to guide the separate action of each—means of the greatest value in reaching wise conclusions.

Parties and witnesses may be required to appear and give testimony in person before the court, and thus their credibility can be most effectually tested. Special provision is also made for obtaining Spanish and Mexican records in certain cases. It is of great advantage, too, that the presentation of claims and the rules of evidence will be uniform. Many documents relied upon as evidence of grants or as proofs of authenticity of signatures will be of general applicability. In the hands of one court these can readily be applied to any case in which they are needed. If these grants were referred to the various Territorial courts, such papers would have to be transmitted from court to court at great risk and with serious delays to litigants.

The recommendation of experience is not wanting for this legislation. All French and Spanish titles in territory acquired by the United States have been settled by special tribunals. In Mississippi, in Louisiana, in Florida, and in California similar means have been adopted, and this bill has been framed in the light of experience under these tribunals.

Successive Commissioners of the General Land Office and surveyors-general of New Mexico have recommended the creation of a special tribunal to settle these titles. Eighteen years ago the surveyor-general said (Report Commissioner General Land Office, 1870, page 418):

A commission to settle and determine these claims, and a time fixed within which to present them, seems to be the most urgent want of the land system of New Mexico.

In his annual report for 1871 the Commissioner of the General Land Office used this language (page 64):

It is most important to the growth and prosperity of those Territories to which settlement is rapidly being attracted by the extension of railroads, that a separation be made at the earliest possible period between the public lands and those claimed under foreign titles.

It is respectfully suggested that the creation by Congress of a commission similar to that instituted under the act of March 3, 1851, for California would

best conduce to a speedy and just settlement of claims of this kind and promote the rapid growth of those young and enterprising Territories.

In his report for 1875 the Commissioner of the General Land Office made the following recommendation (page 45):

The remedy which I suggest for the correction of these evils is the repeal of the jurisdiction now vested in the surveyors-general and the appointment of three or more commissioners, with full power to hear and decide the validity of all grant claims within the limits of the territory acquired from Mexico, except in the State of California, and with appeal from their decision to the United States courts. By the selection of men specially qualified for and who can devote their time exclusively to these duties a more speedy and otherwise more satisfactory settlement will be obtained. It is believed that if the papers in each case be put in order and the record made up by these commissioners, more speed will be obtained than if the courts, with their other important duties, are given original jurisdiction over these claims.

In the report of the Commissioner of the General Land Office for 1883 he thus sums up his conclusions on the subject (page 13):

My best conclusion is that a commission should be appointed for each of the Territories named, the duties of which should embrace a thorough examination and investigation of the foundations of all alleged private land claims in these Territories, together with an actual investigation of boundaries and limits; and that all claims before Congress or this office, as well as those depending before the surveyors-general, should be remanded to such commission for examination and decision, with proper appeal for review upon errors of law.

Other recommendations by the Commissioner of the General Land Office or the surveyor-general of New Mexico will be found in the following reports of the Commissioner of the General Land Office: Surveyor-general, report for 1869, page 319; 1871, page 147; 1873, page 102; 1875, page 216. Commissioner, report for 1876, page 27; 1877, page 28. Surveyor-general, report for 1874, page 266; 1879, page 459; 1880, page 622; 1881, page 782; 1882, page 524; 1883, page 262; 1884, page 198. Commissioner, report for 1884, page 13. Surveyor-general, report for 1885, page 376.

The settlement of these long-unsettled titles is absolutely demanded by every interest of the Territory of New Mexico. Her development for the last forty years has been retarded by this harassing uncertainty. Thousands of acres of the public lands have been withdrawn from settlement and thousands of acres of private grants rendered unavailable for sale to actual settlers because Congress has neglected to carry out treaty stipulations. Improvements languish because no one knows what will be done with titles to land. New Mexico desires an opportunity for a free development of her great natural resources. Nothing will aid her more than the final settlement of her land titles.

The last House passed without opposition (CONGRESSIONAL RECORD, volume 17, part 5, pages 4370 to 4381) a bill designed to cure these long-existing evils. The bill now before the House is offered as a practicable solution of the question and promises a speedy settlement of the forty years' trouble and delay. The whole Territory of New Mexico awaits its passage with the utmost anxiety.

Mr. PAYSON. Mr. Chairman, I am opposed to the passage of this bill. I had not intended to submit any observations upon it until to-day, and what I may say with reference to it, being without proper preparation, will, doubtless, be somewhat fragmentary and without that regularity which I should wish.

The matters involved are of great importance, and deserve the most careful consideration by the committee and the House.

The questions presented are not new to me, for I had the honor to be a member of the Committee on Private Land Claims in the Forty-eighth Congress, and gave the subject a good deal of study, and trust I shall be able to shed a little light upon it in this discussion.

Mr. Chairman, a brief résumé of the situation, somewhat in detail, as I can glean the facts from memory and such documents as I have at hand, may not be unprofitable.

By the success of our arms in the war with Mexico we became possessed, under the treaty of Guadalupe Hidalgo in 1848, of the territory now known as California, Nevada, Utah, Western Colorado, part of Arizona and New Mexico; and by the second Mexican cession—the Gadsden purchase in 1853—and the Texas cession of 1850, the remainder of Arizona and New Mexico, as we now know them.

Prior to our acquisition of this vast territory grants and dispositions of lands of greater or less areas, under the authority of the Spanish and Mexican Governments, had been made, and when we succeeded as a conquering nation to the country by the well-known rules of international law we were bound to respect the rights of property of the subjects of the conquered territory situated therein.

Moreover, by the terms of the treaty, we agreed that "Mexicans now established in Territories previously belonging to Mexico, and which remain for the future in the limits of the United States as defined by this treaty shall be free to continue where they now reside, or to remove at any time to the Mexican Republic, retaining the property which they now possess in the said Territories, or disposing thereof, and removing the proceeds wherever they please, without their being subjected, on this account, to any contribution, tax, or charge whatever."

An examination of the details of the land grants under Spain and Mexico will show that while they were frequently prodigal, extravagant in area, they were based on orders, proclamations, and decrees, more or less regular, but pursuant to system, beginning in 1773 with directions from the Spanish viceroy to the military commandant at San Diego and Monterey granting lands to individuals near the missions and pueblos; later, lots of land to soldiers who should marry baptized Indian women; lands to colonists for cultivation, for the requirements of vessels in the East Indian trade, and to furnish supplies for the garrisons of the presidios.

Later in the history the governor was empowered to authorize captains of the military posts to grant lots of land within certain distances of the presidio squares.

After the establishment of the Republic of Mexico in 1824 the system was continued, and the political chiefs of the territories were authorized to make grants in certain cases, and under certain regulations provision was made for large grants for colonization purposes.

While the country was under Spanish and Mexican control, and indeed until a very recent period, the lands were very sparsely settled and regarded as sterile and infertile, and except on the borders of the streams, where a crude system of irrigation could be inexpensively adopted, were considered as of little value except as open ranges for grazing of stock. Therefore the lands were freely granted in large areas to those desirous of establishing ranches or colonies, and along the streams and in the neighborhood of the presidios or garrisons, in narrow lots on the water front, running back to the highlands. To this class I shall refer later.

As a rule none of these grants were surveyed under the former governments; the descriptions were generally vague and indefinite, and usually by reference to other grants equally indefinite, water-courses, mountain ranges, etc. So they come to us, and the difficulty has been to adopt some plan by which the rights of bona fide holders of these foreign titles should be protected in their rights and at the same time the Government shielded from robbery through fictitious claims either of title or boundary, for it is a matter well known to all who have been called upon to deal with this interesting subject that the modern manufacture of ancient muniments of title to these lands is an industry of no small magnitude. As to them, Mr. Chairman, the frauds are infinite in variety and detail, almost, and limited as to areas only by the amount which may be claimed.

The earlier method of settling these claims of titles was by commission, beginning under the treaty with Great Britain, September 3, 1783, down to the settlement of California titles under the act of 1851.

Still later, the act of 1854, so frequently referred to in this debate, was passed, and is the only existing law relating to the claims we are now considering. That act, in brief, authorizes the surveyor-general to ascertain the origin, nature, and extent of all claims originating before the treaty, with his decision on the same, and to report the same to the Secretary of the Interior, to be by him laid before Congress for its action; and until Congress shall act, the grant as surveyed and reported on by the surveyor-general shall be reserved from sale or other disposal by the Government.

It will be noticed, Mr. Chairman, that there is no decision or determination of any question under this act until Congress shall itself make the ultimate decision; and so often has Congress been imposed on by fraudulent titles, and a consequent hesitancy to act in pending cases, with the great mass of business it has to dispose of as well, these claims, so far as reported by the surveyor-general, remain unacted upon and unsettled.

Of course, this state of uncertainty and delay as to title to large areas of real estate seriously affect the prosperity of the Territories, and it goes without saying that some remedy should be provided which will tend to a settlement of the difficulty as speedily as may be, and yet not endanger the rights of the Government by permitting approval of fraudulent, fictitious titles.

My investigation of the subject, Mr. Chairman, has led me to conclude long ago that the best system, the one least expensive to the Government—indeed, comparatively inexpensive—which would be speedy in accomplishing results and protective to the Government, would be substantially this: To give the Department of the Interior jurisdiction to hear and determine all these cases, with a right to either party aggrieved to an appeal to the Supreme Court of the United States, and in substance to provide that the surveyor-general should proceed as now to investigate fully, with additional assistance, if deemed advisable, to expedite the business, and for open and public hearings, and on this to report to the Commissioner of the General Land Office, who should, if deemed advisable, order further investigation, and then, after a fair hearing, he to decide the case. An appeal to be allowed to the Secretary of the Interior, or in case no appeal is taken, the case to be certified to the Secretary for trial on the appeal, or examination and approval by him if no appeal is presented, and decision by him. By this all the records will be in his office, and readily accessible. From his decision, if desired, an appeal to the Supreme Court.

These provisions should apply, as I think, to all cases involving 11 square leagues or less, that being claimed to be the maximum amount allowed under the Mexican law to an individual. If the grant is claimed for more than that amount it should go to Congress for confirmation. Holders of small tracts by possession, less than 160 acres in area, for twenty years or more, by occupants or ancestors, should have their holdings ascertained, surveyed, and patented to them without cost, through the surveyor-general, or his force, and till that is done all applications to enter land in these localities should show and full proof

be made that no part of the lands sought to be entered is in possession of a person of Spanish or Mexican descent.

There should be a limitation of say two years within which all claims should be presented, and in all cases the written evidences of title, or copies thereof, should be filed with the claim, and also in every county where the land lies, and no paper received in evidence unless so filed and recorded in the real-estate records.

Abolish the system of survey and withdrawal on it, and provide that the recording shall be notice.

This in substance, sir, has been my idea for the settlement of these claims for years, and what I shall say will be in support of that plan and so against the pending bill.

I am opposed on principle to the establishment of special, subordinate, inferior tribunals, with limited jurisdiction, for special purposes, only dignifying them by the title of "courts," and with all the expense attending them, especially when the same results sought can be attained by existing machinery with no added expense.

This bill will require about $30,000 to $35,000 per year to run it, and, as I shall show, increase the list of office-holders without any necessary demand.

But before reaching that, the plans proposed, as noticed thus far in the debate, are, outside of the pending bill, only two: a commission, such as was formerly had, and an enlargement of the jurisdiction of the existing courts. The last named has never met with approval by either House, although often considered by members, and the experience with commissions has not been satisfactory, indeed is subject to the gravest objections.

Before proceeding with my argument I wish to say, now and here, Mr. Chairman, that Congress has not been inactive in attempting to provide some means for the settlement of these private land claims, made by Spain and Mexico before we acquired the territory, during all these years. For since I have been a member of this body, for the past eight years, there has always been, in one House or the other, some scheme or plan which was regarded as an improvement upon the existing conditions and the existing law for the settlement of the vexed question of claims for lands in the Territories named in this bill. There have been plans proposed at the other end of the Capitol for the organization of a court by what is known as the Edmunds bill. It is an old measure. When I first came to Congress bills for the establishment of local courts were pending in this House, and have been pending in it ever since I have been a member. Other plans have been proposed, but none of them have met the concurrent approval of the Senate and the House so as to change the plan provided by the act of 1854.

With reference to the presentation of this bill, I may be permitted to express my surprise that neither in the report on the bill nor in any of the speeches thus far made has any reference been made to the easy plan I have outlined. One would think from what has been said that the choice necessarily lay between a court or a commission and no third plan worthy of notice.

Let me suggest, also, Mr. Chairman, what struck me as surprising, that the committee deemed it beneath its dignity to ask the opinion of the Department of the Interior as to what might be proper legislation with reference to this subject. It has not yet been stated, at least within my hearing, that the Department of the Interior has had settled, and, as I believe, correct, views with reference to the settlement of this question, and that those views have been expressed more than once, officially, by the Secretary of the Interior and the Commissioner of the General Land Office; and, Mr. Chairman, no Secretary of the Interior, no Commissioner of the General Land Office, has ever approved the plan which is outlined by the bill we are now considering. But on the other hand, recognizing the gravity of the situation, and the necessity of some change of existing law, and the propriety of having some other plan by which the uncertainty that taints these titles may be speedily swept from the domain of doubt and be settled, they have made recommendations year after year which have not, up to this time, been deemed worthy of comment by any of the gentlemen who have had the attention of the committee.

The importance of the questions has been repeatedly pressed upon the attention of the late Secretary, and as frequently as he has had opportunity he has expressed his views. What does the Secretary of the Interior recommend? I can state it better by reading a few sentences from his official report than by undertaking to adapt my language to give expression to his idea.

PRIVATE GRANTS.

"Another subject which I would respectfully suggest demands immediate legislation is the matter of private grants claimed to be derived from the Spanish or Mexican Governments. This legislation, in my opinion, should be directed to two points: (1) to providing for a trial and final determination of such claims, subject only to appeal to the Supreme Court; (2) an act of limitations barring the presentation of new claims of this character within a stated period.

"By section 8 of the act of July 22, 1864 (10 Stats., 308), it is made the duty of the surveyor-general of New Mexico to "ascertain the origin, nature, character, and extent of all claims to lands under the laws, usages, and customs of Spain and Mexico." He is to make report of all such claims with his decision as to the validity or the invalidity of the same, which report shall be laid before Congress for action, and until final action of Congress on such claims all lands covered thereby shall be reserved from sale or other disposal by the Government. Under the provisions of this law, from time to time since its passage, many claims have been made and acted upon, whilst a number are yet pending before Congress unacted upon. The extent and number of the unconfirmed claims can not be accurately stated, as such claims are being continually made, and those heretofore presented seem to grow enormously in area with each passing year in the issuance of patents thereon. At the present time it is approximately estimated that the amount of public land actually reserved from entry and settlement because of such claims is a little short of 6,000,000 acres. Most of this land has been thus reserved for many years, used, enjoyed, or transferred, and sold as freely by the pretended claimants as though their title had been fully confirmed.

"In regard to the lands under Mexican or Spanish title thus held in reservation, this Department is powerless to act, as such reservations are established by act of Congress, and must continue perpetually until that body acts. The well-known fact that by means of such a claim possession can be readily obtained and retained of large bodies of land has very much to do with their continued increase. The claimant has but to pass the ordeal of the surveyor-general's office, where the examination is *ex parte*, often perfunctory, superficial, and possibly erroneous. A favorable report being obtained the law steps in, ousts the jurisdiction of the Land Department from the claimed territory, segregates it from the public domain, and the claimant under this most shadowy and often colorless pretense of title is installed and protected in the enjoyment of all he claims as fully as though possessed of an absolute right and title.

"Millions of acres of public lands are thus held by claimants, and have been held for many years, in some instances for more than thirty years, and in most instances the lands thus held are the best for many miles around. The claimant, being thus guarded and protected in his enjoyment until Congress acts, has no motive to follow up further action by Congress, after the report of the surveyor-general has been transmitted to that body, for whilst the report sleeps in the committee-room his possession and enjoyment of this vast estate remains undisturbed. I need not go further to show the inducements thus held out to the presentation of false claims resting on foundations so shadowy that under other circumstances no one would be tempted to rely upon them. And hence to-day, thirty-three years after the passage of the act, as is shown by the report from the General Land Office, there is but little abatement in either the number or extent of the claims being presented to the land officers.

"The surveyor-general of New Mexico states that during the past year examination has been made of a number of new claims and of old claims (heretofore favorably reported) yet pending before Congress unconfirmed, the area of which aggregates by estimation 4,000,000 of acres; whilst he thinks 200,000 acres will cover all legal and equitable rights thereunder. Nearly forty years have elapsed since the United States has assumed a solemn treaty obligation to perfect and confirm rights existing under these claims.

"As to what action is best to be taken in the premises, opinions differ, but that some action should be taken, and speedily taken, all who know anything about the subject agree. I confess the subject is somewhat difficult to agree with, but after the best consideration I am able to give it, together with my experience in relation to these private land claims, I am now of the opinion that the most desirable and effective manner of disposing of them would be through the Land Department. Provision should be made for an appeal to the Secretary of the Interior, whose decision should be final, unless an appeal be taken directly therefrom to the Supreme Court of the United States.

"As at present organized and equipped, with a slight increase of force, this Department is fully equal to dealing with and determining all legal questions arising under these grants. It has at its disposal legal talent, trained and familiar with questions of land law and in the habit of acting judicially in other cases. Representing the executive power of the Government, this Department must in any event be a large participant in any action in relation to these grants. The official documents, the archives, ancient and modern, relating to the public lands and foreign grants, are in its custody and must there remain. Even were laws enacted transferring entire jurisdiction in relation to these foreign grants to the courts, it would be almost impossible entirely to separate the private lands from the public land system without the interposition of this Department. In fact, now, where grants are confirmed by Congress, this Department has to supervise the surveys in order to carry them into patent.

"Under any plan suggested this Department must be an important factor in administering the law as to these grants; it would therefore seem to be the part of wisdom to confer upon it sufficient jurisdiction and power to fully adjudicate and adjust them, thus dispensing with the unnecessary operations of two machines, neither of which is complete in itself or capable of perfecting the work. The agents and officers of the Department visit or are located in every section where such claims may arise. If clothed with proper authority, the parol testimony desired could be taken before them; though in view of the lapse

of time very little testimony except that of record would be presented. That testimony is already on file among our records. Provision should be made for serving process and making the decision of the Commissioner of the General Land Office final, unless appeal be taken to the Secretary, and the decision of the latter officer final, subject to appeal, as before stated, to the Supreme Court of the United States. Such a plan, in my opinion, would be simple, inexpensive, and accomplish the settlement of these claims in a much more expeditious and satisfactory manner than any of those heretofore suggested.

"When a member of the Senate I favored the idea that the ordinary judicial tribunals of the country were best adapted to deal with the subject, as in other cases where the same rights are at stake, and more in accord with the spirit of our institutions; and, further, because whatever legislation may be enacted or executive action taken, sooner or later each and every grant finds its way into the courts and in some way receives a judicial construction. A larger experience has, however, brought me to realize the force of the objection urged in the reports of the surveyor-general of New Mexico, that the right of the National Government to lands can not be wisely left to the arbitrament of local tribunals, which are more or less under local influences and supposed to sympathize with the individual claimant as against the Government, and to be inclined to deal with his pretensions in a spirit of undue liberality without due regard to legal rights. That experience has shown that the subordinate officers of the Government who are charged with the protection of its interests at remote points become easy prey to the same influences, and the trial of such cases almost invariably degenerates into an *ex parte* hearing wherein the claimant is allowed and expected to make out his side of the case, if in his power, without opposition or resistance or a due regard to the rights of the defense. Further, it is stated that the dockets of the local courts in the Territories are already overburdened with causes which the judges find themselves utterly unable to dispose of as expeditiously as the proper administration of justice demands. Such cases would almost invariably be carried up to the United States Supreme Court, certainly as often as they would be if decided by the Department."

The indorsement of the plan I have outlined was given by the ex-Secretary in his report for the preceding year, and earnestly recommended by the surveyors-general of New Mexico and Arizona.

Mr. SYMES. If this Department is so well equipped with gentlemen learned in the law that it only needs an additional inspector and auditor or two to carry out the object of settling all these private land claims, why is it that after having been at it for thirty-four years they have accomplished practically nothing?

Mr. PAYSON. Mr. Chairman, I am utterly surprised that the gentleman from Colorado [Mr. SYMES] should ask that question, because it demonstrates (and I say it in the most respectful spirit to the gentleman from Colorado) his entire ignorance of the subject-matter that we are discussing. If he had read even cursorily, if he had read even once, the act of 1854, he would know that the Department of the Interior has no power to do other with reference to these claims than to report them to Congress. The Secretary may recommend to Congress to reject them if, in his judgment, they ought to be rejected, and so report them to Congress; but that is the extent of his power. Nothing can be decided under the act of 1854, except by Congress, and that is the defect of that act, that these officers can only report to Congress; they can not determine anything, and because they can not decide, and Congress will not, nothing is accomplished.

Am I understood?

Mr. SYMES. Certainly.

Mr. PAYSON. And there have been reports after reports of these cases, the dockets of this House are burdened with them—reports of rejected claims, passed upon as far as they could be passed upon by the Department of the Interior; but under existing law, as I have said, there is no determination of these claims until these reports come to Congress and are acted upon. And why has not that been done? This brings me to the consideration of the necessity of careful legislation with reference to this matter. The frauds which have been perpetrated under the law allowing private grants to be recognized are, as I have said, infinite in number and infinite in variety, but they have been circumscribed only by the area of the lands over which they could be floated. I have under my hand, and I regret that I have not the time to read them, reports showing millions and millions of acres of the public lands which have been claimed in this way, and which, by the vigilance of the officers who are denounced in no feeble terms by gentlemen upon this floor, have been saved to the people of this country.

Mr. SYMES. And I say——

Mr. PAYSON. I beg the gentleman not to interrupt me unless by addressing the Chair. Mr. Chairman, I have always followed the custom, and I shall not depart from it now, of yielding for a question to any gentleman who desires to ask it for information. I do not assume any pride of opinion in what I state here. It is simply my statement of what I believe, and I shall be happy to answer any question which may be asked me, giving my ideas to the gentleman and the committee, but I must beg the gentleman not to anticipate me or interrupt in the midst of a sentence.

But I have the figures and the reports of cases here under my hand, and I will insert them later, showing what has been done in the Interior Department in saving these lands for the people of this country as against the claims of public plunderers, the equals of whom have never been seen in the civilized world, and these lands have been saved for the people by the efforts of the men whom the gentleman from Colorado [Mr. SYMES] denounces here as special agents and twelve-hundred-dollar clerks in the General Land Office.

Mr. SYMES. Will the gentleman yield for a question?

Mr. PAYSON. With pleasure.

Mr. SYMES. The gentleman in reply to my question a while ago intimates that I am not familiar with this law. I do not wish to discuss that question, but the very statement he has made confirms what I have said——

Mr. PAYSON. I am yielding for a question.

Mr. SYMES. The gentleman's own statement confirms what I said a while ago, namely, that it was impracticable to get these honest claims through Congress, and that claims have gone through here, and patents have been issued to claimants for millions of acres more than they ought to have had.

Mr. PAYSON. Now, what is the gentleman's question? [Laughter.]

Mr. SYMES. If the Interior Department is so effieient, why have they not reported the cases to Congress?

Mr. PAYSON. They have been reported on, nearly all of them, and I have a list of them here which I will not stop to read, but insert. The report of the Commissioner shows that there have been confirmed by Congress claims aggregating 9,668,468 acres; that there are pending in Congress for action by it 123 claims covering 9,349,433 acres, as claimed. These are the lists:

List of confirmed private land claims in New Mexico and Colorado.

Name of confirmee.	Name of grant.	Date of confirmation.	Area.
			Acres.
Indians of Pueblo	Pueblo de Tesuque	Dec. 22, 1858.	17,471.12
Do	Pueblo de Pojoaque	do	13,520.38
Do	Pueble de Nambe	do	13,586.33
Do	Pueblo de San Ildefonso	do	17,292.64
Do	Pueblo de Santa Clara	do	17,368.52
Do	Pueblo de San Juan	do	17,544.77
Do	Pueblo de Sicuris	do	17,460.69
Do	Pueblo de Taos	do	17,360.55
Do	Pueblo de Pecos	do	18,763.33
Do	Pueblo de Zia	do	17,514.63
Do	Pueblo de Jemez	do	17,510.45
Do	Pueblo de Cochiti	do	24,256.50
Do	Pueblo de Isleta	do	110,080.31
Do	Pueblo de Sandia	do	24,187.29
Do	Pueblo de San Domingo	do	74,743.11
Do	Pueblo de San Felipe	do	34,766.86
Inhabitants of town	Town of Tecolote	do	48,123.38
Do	Town of Tome	do	121,594.53
Do	Town of Belen	do	194,663.75
Do	Town of Chilita	do	41,481.00
Preston Beck	San Juan Baustita del Ojito del Rio de las Gallinas.	June 21, 1860	318,699.72
Inhabitants of town	Town of Las Vegas	do	496,446.96
Manuel Rivera and 36 men	Anton Chico	do	378,537.50
Elisha Whittlesey *et al.*	Ortiz Mine	Mar. 1, 1861	69,458.33
E. W. Eaton	Rancho San Cristoval	June 21, 1860	81,632.67
Legal representatives of F. Trazilla *et al.*	Las Trigos	do	9,646.56
Luis M. Baca	Five locations	do	496,446.96
John Lany, bishop of New Mexico, in trust.	Nuestra Señor de la Luz.	do	16,546.85
José S. Ramirez	San Pedro	do	35,911.63
José Serafin Ramirez	Cañon del Agua	June 12, 1866	3,501.21
Inhabitants of town	Town of Mora	June 21, 1860	827,621.01
José L. Perea	Perea	do	17,712.00
Antonio Sandoval	Bosque del Apache	do	60,117.39
Pablo Montoya	Pablo Montoya grant	Mar. 3, 1869	655,468.07
Pedro Armendaris, heirs of.	Valverde and Fray Cristoval.	June 21, 1860	352,504.51
Do	Tract opposite Valverde.	do	95,020.67
Gervacio Nolan, heirs of	Nolan grant	July 1, 1870	48,778.25
Cornelio Vigil and Ceran St. Vrain.	Las Animas	June 21, 1860	97,650.96
Chas. Beaubien and Guadalupe Mirandae.	Maxwell grant	do	1,714,764.94
Charles Beaubien	Sangre de Cristo	do	998,780.46
Legal representative of Juan Estevan Sino *et al.*	Alexander Valle grant	do	574.34
José M. Garcia *et al.*	Cañon de San Diego	do	116,286.99
Juan de Arguello *et al.*	Los Tranipas	do	46,461.22
Legal representatives of S. Martin.	Sebastian Martin grant	do	51,387.80
Heirs and legal representatives of A. Ortiz.	Antonio Ortiz grant	Mar. 3, 1869	163,921.68
L. M. C. de Boca	Ojo del Espiritu Santo	do	113,141.15
Francisco Martinez	Tierra Amarilla	June 21, 1860	594,515.55
Pueblo of Santa Ana	Indian pueblo of Santa Ana.	Feb. 9, 1869	17,360.56
John Scolly *et al.*	Scolly grant	June 21, 1860	108,507.64
Inhabitants of town	Town of Crevoletta	Mar. 3, 1869	199,567.92
Indians of the pueblo	Pueblo of Acoma	Dec. 22, 1858	95,791.66
Do	Pueblo of Laguna	June 21, 1860	101,510.78
José Maria Perea *et al.*	Town of Casa Colorada	Dec. 22, 1858	131,779.87

List of confirmed private land claims—Continued.

Name of confirmee.	Name of grant.	Date of confirmation.	Area.
			Acres.
M. G. Chaves *et al*	Town of Tajique	June 1,1860	7,185.55
A. Armenta and S. Sandoval.	Town of San Ysidro	do	11,476.68
J. M. Trujillo *et al*	Town of Manzano	do	17,360.97
A. Trujillo	Town of Chamita	do	1,636.29
Inhabitants of town	Town of Tejon	do	12,801.46
R. Torres *et al*	Town of Torreon	do	14,146.11
A. Sandoval	Aqua Negra	do	17,361.11
Representatives of P. Sanchez.	Ramon Vigil grant	do	31,802.92
P. V. de Santillano *et al*	Los Luceros	Mar. 3, 1869	126,024.50
V. Duran y Armijo	Gaspar Ortiz grant	June 21, 1860	57.18
J. A. Garcia	Brazito	do	10,612.57
D. Romoro *et al*	Mesita de Juana Lopez	Jan. 28, 1879	42,022.85
Benjamin E. Edwards		June 6, 1878	626.79
Grand total			9,668,468.13

List of private land claims in New Mexico, Colorado, and Arizona pending in Congress.

Name of claimant.	Name of grant.	Area, ascertained and estimated.
NEW MEXICO.		
		Acres.
Indians of Pueblo	Pueblo of Laguna	125,225.18
Do	Pueblo Zia Santa Aña and Jemez.	382,849.00
Do	Pueblo Zuñi	17,581.25
José Sutton*	Ojo del Añil	69,445.55
Heirs of Gervacio Nolan	Nolan grant	575,968.71
B. M. Montoya*	Montoya grant	151,056.97
A. Sedillo*	Cañada de los Apaches	88,079.78
N. A. Montoya*	N. A. Montoya grant	3,546.06
Roque Lovato	Roque Lovato	1,619.86
Lorenzo Marquez	Cañada de los Alamos	13,706.02
B. de Sena *et al*	Cuyamunque	4,000.00
J. B. Valdez*	Encinas	6,583.29
J. D. Peña *et al*	Gotera	594.44
J. F. Baca y Terrus *et al*	J. F. Baca y Terrus	1,589.87
J. Mirabel *et al*	Rio Grande	109,043.80
J. M. de la Peña *et al*	Serillos	2,287.41
Y. Chavez *et al*	Town of Galisteo	9,000.00
J. C. Santistevan	Cebolla	17,159.57
J. Sanchez *et al**	Town of Cienequilla	43,961.54
N. Ortiz	Caja del Rio	62,343.01
J. de Gaboldon	Cajon del Rio de Tesuque	11,619.56
J. de Luna *et al**	San Joaquin del Nacimiento.	131,725.87
A. De Sandoval y Manzanares*	San Clemente	89,403.40
Luis Gold*	Grant to Luis de Armenta	444.24
Juan Salas *et al*	Alamitos	436.41
Gervacio Nolan*	Grant to A. Sandoval	415,036.56
F. Salazer *et al**	Cañon de Chama	472,736.95
V. Trajillo and J. L. Taylor	Ojo del Apache	45,000.00
P. Martin or P. Martin Terrans	Piedra Lumbre	48,336.12
A. Bustamenta and J. J. Martin	Grant to Marquez & Padilla	637.23
J. L. Ortiz*	Sierra Mosca	33,250.39
R. Archuleta *et al**	Town of San Antonio del Rio Colorado.	18,955.22
Luis Duran *et al*	Town of Ojo Caliente	38,590.20
B. Fernandez	San Miguel Springs tract	25,176.39
A. Chavez *et al**	Arroyo San Lorenzo	130,138.98
Juan de Mestus	Juan de Mestas	1,686.47
A. R. de Aguilar	Cuyamunque Pueblo	17,754.72
Salvador Gonzales*	Cañada Ancha	103,959.31
F. Guiterres	Town of Bernalillo	11,674.37
J. J. Gallegos	Angostura	2,319.04
J. M. Costates *et al*	Doña Aña Bend Colony	19,323.57
Mesilla Colony	Messilla Colony	33,960.33
Legal representatives G. Ortez y Pais.		14,000.00
Inhabitants of city	City of Santa Fé	17,361.11
Manuel Trujillo	Taylaya tract	1,003.55
Refugio Colony	Refugio Colony	26,130.19
F. Montes Vigil, for	Town of Alameda	108,274.87
I. de Rowàl *et al.* for	Town of Jacona	46,341.48
A. E. Armenta, for	Town of Cañon del Rio Colorado.	42,939.21
S. Vernel and T. Lopez	Una de Gato	475,000.00
S. Gabaldon *et al*	Town of Cevilleta, or Joya	224,770.13
Ignacio Chaves*	Grant to Ignacio Chaves	243,036.43
M. Joaquin	Grant to M. Joaquin *et al*	3,632.94
B. de M. y Pacheco *et al**	Cañada de los Alamos	148,862.94
F. Tafoya *et al*	Felipe Tafoya	22,578.12
M. Montoya and S. Montoya	M. and S. Montoya	3,253.09
A. Baca	Nuestra Señores de la Laz de las Laguinitas.	43,653.03
A. Urban	San Marcos Pueblo	1,890.62
Luis Jaramilla	Agua Salada	18,046.59
B. Baca & Sons	B. Baca & Sons	12,207.41
J. J. Martinez *et al**	Petaca	186,977.11
J. Otero*	Ojo de la Cabra	4,340.26
Inhabitants of town*	Town of Socorro	843,259.59
J. R. Zamora *et al**	Vallecito	114,400.54
F. A. Gijosa	Rancho de Taos	1,557.83
F. Garcia*	Santa Teresa	9,681.29
J. Trujillo	Mesilla and Arroyo Seco	5,999.69
J. B. Valdez*	Cañon Pedernales	256,000.00
V. Martin *et al*	Santa Barbara	18,489.23
F. de Onaga Almazgar*	Cieneguillo	45,244.73
A. Martinez	Antonio Martinez	67,480.20

List of private land claims in New Mexico, Colorado, and Arizona pending in Congress—Continued.

Name of claimant.	Name of grant.	Area, ascertained and estimated.
NEW MEXICO—continued.		
		Acres.
Representatives of Juan de Jesus	Orejos del Llano de las Aguages tract.	48,825.48
N. A. Montoyo	Ojo de Boerego	60,214.13
L. Marquez*	San Miguel del Bado	315,300.80
José Dominguez	Jose Dominguez	(†)
J. A. Garcia de Nonega	Cañon de San Diego	9,572.57
F. Sandoval	Rancho de Galvan	17,018.00
J. M. Vigil*	Town of Peña Blanca	585.66
Representatives of Bartolome Baca*	Bartolome Baca grant	1,250,000.00
Benjamin E. Edwards		626.79
Francisco Montes Vigil*	Las Truchas	10,314.65
José Manuel Sanchez Baca	J. M. S. Baca grant	3,601.19
Ambrosio Armijo *et al*	Town of Albuquerque	17,361.06
Juan Pablo Martin	Polvadera	35,924.18
Antonio de Salazar*	Rio Arriba	23,351.12
Antonio Rosa Lujan	Rito de Los Frijoles	23,022.28
Representatives of Santiago Duran y Chaves.	San Mateo Spring grant	3,547.46
Antonio Lucero*	Cañada de Cochiti grant	104,554.24
Harvey E. Easterday	Santiago Rameriz grant	6,165.90
Representatives of Sebastian de Vargas.*	Sebastian de Vargas grant	24,000.00
Indians of the pueblo of Santa Clara*	Cañada de Santa Clara	90,000.00
Mariana Barela *et al*	Santa Tomas de Yturbide colony.	8,877.36
J. M. C. Chavez *et al**	Town of Abiquiu	10,980.00
Domingo Valdez, heirs of*	Domingo Valdez grant	(†)
Indians of the Pueblos*	Pueblos of Santo Domingo and San Felipe.	1,145.00
Manuel Alvarez*	Ocate	(†)
Andrez Aragon *et al**	Las Huertas	(†)
Inhabitants of the town	Town of Atrisco	70,000.00
Diego Padilla*	Las Padillas or El Tajo	24,889.92
José Antonio Lucero*	J. A. Lucero grant	400.00
M. Bustos*	Plaza Blanco	14,000.00
Rosalia Baldez *et al*	Plaza Colorado	18,240.00
Juan Ignacio Tafoya	Cañon de Carnué	(†)
Joaquin Garcia	El Rito	51,840.00
P. A. Gallegos*	Guadalupita	115,200.00
Pedro Gallego and Juan Miguel Maes, representatives of.	Cieniguitas	1,400.00
Total acres in New Mexico		8,704,785.43
ARIZONA.		
Camon Brothers	Rancho San Rafael del Valle.	17,360.76
E. B. Perrin *et al*	Rancho San Ignacio del Babacomori.	34,722.02
F. Maish *et al*	Rancho San Ignacio de la Canoa.	17,208.33
Colorado Commercial and Land Company.	Rancho El Paso de los Algodones.	22,193.40
C. P. Sykes *et al*	Rancho Tumacacori and Calabazas.	52,007.95
Matias Alsua	Rancho San José de Sanoita.	7,598.07
Ramon Romero *et al*	Rancho San Rafael de la Zanja.	17,361.10
Charles D. Poston	Aribac	8,680.52
Janet G. Howard *et al*	Rancho San Juan de las Boguillas y Nogales.	17,355.86
Camon Hermanos	Rancho los Nogales de Elias.	10,638.68
Otero *et al*	Rancho de Otero and house lot.	185.70
Sopori Land and Mining Company	El Sopori	160,000.00
Representatives of José Maria Martinez.	Rancho de Martinez	74.17
Frederick Maish *et al*	Maria Santisima del Carmin, or Buena Vista.	5,060.16
George Hill Howard*	Tres Alamos	44,386.80
Total acres in Arizona		414,833.52
COLORADO.		
A. M. Gomez *et al*	Medano Springs and Zapato grant.	229,814.53

†Can not be estimated.

Those marked * are reported and recommended for rejection; except in a very few cases a small area is allowed. These claims have all been reported to Congress, and it may be as well here as anywhere to notice, Mr. Chairman, what the reports are with reference to some of them.

I have not been able to go through the list, but these are abstracts of the reports as to a large proportion of those pending here, and typical of them all as a class; and, as will be seen, a large proportion are reported for rejection because of a condition shown by these abstracts.

Arroyo de San Lorenzo, No. 79, New Mexico. Area claimed, 130,000 acres.

This is an individual grant claimed to have been made in 1825, and accordingly subject to the Mexican law of 1824, which limited grants of that character to one "sitio de gañado menor," or 1,813.32 acres. There was no evidence in this office of the authenticity of the documents upon which the claim of original grant was based, and none that the

conditions upon which such grants were made had been complied with by the grantee to an extent that would vest in him any property rights in the land under the laws of Mexico at date of transfer of jurisdiction, and the proceedings before the surveyor-general were, as usual, wholly *ex parte*. The claim now presented to Congress is for a quantity more than seventy times greater than that called for by the alleged original grant.

No. 49.—Bernabi M. Montano *et al.* Preliminary survey, 151,056.90 acres; area granted to 12 persons, 7 square leagues, or about 31,000 acres. Grant to this extent believed to be valid. Recommended for confirmation, to the extent of 7 square leagues, to the heirs and legal representatives of the 12 original grantees.

No. 50.—Antonio Sedillo; Cañada de los Apaches. Preliminary survey in 1877 for 88,079.78 acres. Claim recommended for rejection for want of compliance with conditions of grant. Preliminary survey pronounced fraudulent as to location and quantity, if grant were valid.

No. 51.—Ojo del Medio; Francisco Chaves, present claimant. Area claimed, 3,546.06 acres. Claimant fails to connect himself with the alleged grant. No valid grant made. No evidence that original claimed grantees ever occupied or in any way reduced to possession the tract claimed under the invalid grant. Claim recommended for rejection.

No. 55.—Encinas; José Luis Valdez *et al.*, claimants. Area claimed, 6,583.29 acres. Alleged boundaries too vague and indefinite to be located on the earth's surface. No evidence of grant. Recommended for rejection.

No. 62.—Town of Cieneguilla. Preliminary survey in 1877, 43,961.54 acres. No legal title shown, but equitable claim recognized from long possession. Actual area to be ascertained (town grants limited to 4 square leagues).

No. 66.—San Joaquin del Nacimiento; Joaquin de Luna, claimant. Preliminary survey, 131,725.87 acres. No evidence that present claimants are heirs or legal representatives of alleged grantees, nor that the land claimed is covered by the grant. Grant invalid for want of compliance with conditions prescribed. Preliminary survey clearly erroneous. "If any valid grant had been shown, under any view of the facts of the case that can be at all justified, the claim made is indefensible." Recommended for rejection.

No. 67.—San Clemente; Aña de Sandoval y Manzanares, claimant. Preliminary survey, 89,403.40 acres. No right or title shown in present claimants. Their averment of ownership wholly unsupported. Original grantee failed to comply with conditions of grant. The lands are occupied by some thousands of inhabitants whose rights, by long occupancy, or under the laws of the United States, would be sacrificed if this claim were confirmed. Claim recommended for rejection.

No. 68.—Luis de Armenta. Area claimed, 475 acres. Preliminary survey in 1879, 444.24 acres. Area granted, 8.82 acres. Confirmation recommended for amount granted.

No. 70.—Estancia; Antonio Sandoval *et al.* Preliminary survey, 415,036.56 acres. None of the proceedings necessary to make a valid preliminary concession were had in this case. The alleged preliminary concession was not approved by the Mexican Government. There was no authority for the alleged grant, which was never perfected, and there is no record of it. No right or title to the lands claimed was vested in the purported grantee, and his rights under the land laws of Mexico had been exhausted by a prior grant. Claim recommended for rejection.

No. 71.—Cañon de Chama; Francisco Salazar *et al.* Area estimated by original petitioners for confirmation, 184,320 acres. Preliminary survey in 1878 at instance of present claimants, 472,736.95 acres. Actual extent of grant, as recommended by alcalde, 4 square leagues, or 17,361.04 acres. Actual possession, 166.22 acres, given to thirty-five persons with common rights in the remainder of the 4 square leagues. Recommended for confirmation to the heirs and legal representatives of the thirty-five original grantees to the extent of 4 square leagues.

No. 75.—Sierra Masca; Juan Luis Ortiz. Area claimed, 115,200 acres. Preliminary survey in 1879, 33,250.39 acres. Claim a forgery. Recommended for rejection.

No. 76.—Town of San Antonio del Rio Colorado. Preliminary survey, 18,955.22 acres. Recommended for confirmation by surveyor-general in 1874, "to the inhabitants of the village." The present surveyor-general finds no legal title, but as the inhabitants were placed in possession by an officer of the Mexican Government, and have occupied, improved, and cultivated the land in good faith for more than thirty years, he recommends confirmation upon equitable grounds to the extent of lands actually occupied and improved under the proceedings by which they were placed in possession and within the boundaries therein specified, the quantity and precise location to be hereafter determined by evidence and a survey in the field.

No. 79.—Arroyo de San Lorenzo; Antonio Chaves. Preliminary survey in 1878, 130,138.98 acres. No evidence that grantee complied with the conditions of the laws under which the grant was made. Recommended for rejection.

No. 87.—Gaspar Ortiz. Preliminary survey, 42,000 acres. Claimed area unknown. Papers forgeries. Recommended for rejection.

No. 91.—Town of Alameda; representatives of Francisco Montez Vigil, claimants. Preliminary survey in 1878, 106,274.87 acres. No evidence that grantee ever entered into actual possession of the lands or complied with the conditions of the grant. The land claimed has notoriously been occupied by large numbers of people in villages and on ranches for many years, and was so occupied long before the American occupation of the country. A confirmation to grant claimants would dispossess these people of their valid rights under the laws of the United States, and give their homes and possessions to strangers who have no legal or equitable claim to the land. The Vigil claim is recommended for rejection.

No. 93.—Cañon del Rio Colorado; Antonio Elias Armenta *et al.*, claimed grantees. Area claimed, 42,939.21 acres. Claim rests upon a pretended preliminary concession by the town council, which, if made, was without authority under the Mexican laws and was never perfected into a grant under those laws. Claimants never entered into possession, and have failed to show either a legal or equitable claim. The party now claiming has failed to connect himself with the claim. There is nothing to show that original petitioners for preliminary concession are dead or alive, or that they left any legal representatives. The claim can not be located on the earth's surface under the terms of the petition and alleged concession. The lands claimed were occupied and cultivated by others previous and subsequent to the date of the pretended concession. Claim recommended for rejection.

No. 96.—Ignacio Chaves *et al.* Petitioners for grant asked for a tract one league and a half square, or 9,755 English acres. Ceremonial possession was given for a tract containing 4 square leagues and somewhat more, 4 square leagues being 17,360 acres. A preliminary survey of alleged boundaries was made in 1878, covering 243,036.43 acres, or more than ten times the quantity preliminarily granted. The grant was conditioned upon occupation and use, and there is no evidence that these conditions were in any manner complied with, or that grantees had any actual property interest in the land at date of cession to the United States. Claim recommended for rejection.

No. 99.—Nuestra Señora del Pilar; Diego Antonio Chaves *et al.* Preliminary survey, 22,578.12 acres. Quantity claimed largely in excess of alleged grant. Present claimants have failed to connect themselves in any manner with alleged grantees, and the evidence adduced fails to show either a legal title or equitable claim under said grant to any portion of the lands claimed. Recommended for rejection.

No. 103.—Luis Jaramillo, or Agua Salada. The preliminary concession is believed to be genuine and is for 1 square league. A survey made in 1879, in the interest of grant claimants, covers 18,046.59 acres, or more than 4 square leagues. There is no evidence that the express conditions of the grant were complied with, and present claimants are not identified as having any connection with original grantees; neither is there any evidence that grantees ever occupied the land or that they left any heirs or legal representatives. The surveyor-general states that no valid title, legal or equitable, is shown to the lands claimed, and the survey would be fraudulent if the grant were valid. Claim recommended for rejection.

No. 105.—Petaca; José Julian Martinez *et al.* Preliminary survey, 186,977.11 acres. The original concession was to thirty-six persons for a town grant. Such grants were limited to 4 square leagues. The grant in this case never became perfected into record title. The town of Petaca, containing about thirty families, is situated upon the land, and was in existence at date of transfer of jurisdiction. The survey is grossly excessive in quantity. Confirmation recommended on equitable grounds to the heirs and legal representatives of the thirty-six original grantees to the extent of the land actually occupied and cultivated by them.

No. 106.—Ojo de la Cabra; Juan Otero, original claimant. Area, 4,340.26 acres. Rejection recommended on ground that claimants have failed to show a title either in law or equity.

No. 107.—Town of Socorro. Claimed estimated area, 1,612,000 acres. Preliminary survey in 1878, 843,259.59 acres. No valid grant of record, but there were undoubtedly many inhabitants upon the lands prior to the treaty of 1848. The amount of land that could rightfully be claimed, would be small, as the towns upon it which contained the population formed a small group included in a few square leagues. Confirmation is recommended upon equitable grounds to the original settlers, their descendants and legal representatives, for the land actually occupied and used by them on the 2d day of February, 1848, its extent to be hereafter ascertained by evidence and a survey upon the ground, excluding mineral lands.

No. 108.—Vallecito de Lovato; José Rafael Zanora *et al.*, claimed grantees. Preliminary surveys in 1878, 114,400.54 acres. Area claimed by present claimants, 30,000 acres. Claim recommended for rejection, on the ground that no legal or equitable claim has been shown.

No. 111.—Santa Teresa; Francisco Garcia *et al.* Preliminary survey, 9,681.29 acres. The preliminary concession in this case was not perfected into grant at the date of the Gadsden treaty, and being for lands ceded by that treaty, is void under the provisions of the sixth article thereof. Rejection recommended.

No. 115.—Cieneguilla; Francisco de Anaya Alamazer. Grant alleged for a quantity of land amounting to 1,666⅔ varas, or about 500 acres. Preliminary survey, made in 1879, covers 45,244.73 acres. The surveyor-general reports no valid grant, but recommends an equitable

confirmation to the extent of about 500 acres, which is shown to have been in the possession of the representatives of the alleged grantee.

No. 119.—San Miguel del Bado; Lorenzo Marquez *et al.* Preliminary survey, 315,300.80 acres. The grant was made to fifty-two persons whose names are specified, and distribution was made in the act of juridical possession among fifty-eight heads of families. The surveyor-general finds the grant valid and recommends confirmation to the heirs and legal representatives of the persons named in the distribution. In reference to quantity, he states that it was not the practice of the Spanish Government to make grants of large tracts of land at the date of this concession. I find upon examining the allotments that the whole area to which title was given to the fifty-eight persons was 61 acres, being a house and garden lot for each. The cultivable and grazing lands were common. I have recommended confirmation to the extent only of the land reduced by grantees to their actual use and occupancy to be ascertained by additional evidence and survey.

No. 126.—Bartolome Baca. No survey has been made by the United States, and it is impracticable to estimate the area, as the boundaries can not be identified from official records.

The surveyor-general disapproves the claim, for the reason that claimants have failed to show either a legal title or an equitable claim.

No. 128.—Las Truchas; Francisco Montes Vigil. The grant was for a tract to be measured in a specified manner, and so measured would contain one square league, or 4,340.28 acres. Mineral lands expressly reserved. The preliminary survey covers 10,314.65 acres, evidently an excess of nearly 6,000 acres. There is nothing to show positively that grantees earned the land by complying with the conditions of the grant.

No. 132.—Antonio de Salazar *et al.* Preliminary survey, 23,351.12 acres. No title, but an equitable claim to a small portion of an area of 2,900 acres, mostly absorbed by the patented Indian pueblos of San Juan.

No. 137.—Sebastian de Vargas. Area estimated by claimants, 24,000 acres. Surveyor-General Pullen, in 1884, disapproves the claim, on the ground that claimants have not presented a *prima facie* case. Surveyor-General Julian recognizes an equitable claim to the extent of lands actually occupied and cultivated, to be determined by additional evidence and survey.

No. 138.—Pueblo of Santa Clara. Area unknown. Grant regarded valid, and confirmation recommended to the Indian or native inhabitants.

ORIGINAL EXAMINATIONS.

No. 140.—Town of Abiquiu. Estimated area, 10,980 acres. Confirmation recommended not to exceed that amount.

No. 141.—Domingo Valdez. Claimed area unknown. Claim recommended for rejection on the ground that claimants have failed to prove a legal title or equitable claim.

No. 142.—Pueblos, of Santo Domingo and San Felipe. Area unknown. Pueblo grants limited to 4 square leagues. Confirmation recommended.

No. 143.—Ocate. Claimed area unknown. Grantees failed to comply with conditions, and claim void for uncertainty of description. Rejection recommended.

No. 144.—Los Huertas. Claimed area unknown. No evidences that grant was ever made. Claim recommended for rejection.

No. 147.—José Antonio Lucero. Grant to the extent of 1 fanega of corn planting, or 8.82 acres. Regarded valid, and recommended for confirmation to that extent.

No. 148.—Plaza Blanca. Estimated area about 14,000 acres. Grant made for a fanega and a half of corn planting, or 13.23 acres. The larger area has been occupied for cultivation of grazing. The surveyor-general regards the grant as valid, and recommends confirmation. I have suggested that confirmation be limited to the extent of land actually granted.

No. 152.—Guadaloupita. Claimed area unknown. No evidences of grant. Claim recommended for rejection.

The grants and alleged grants embraced in the foregoing examinations and re-examinations include an ascertained claimed area of some 3,600,000 acres, with an unascertained area sufficient to swell the amount to upwards of 4,000,000 acres. In this amount the surveyor-general finds valid claims to the extent of some 100,000 acres of ascertained area, and there is possibly an equal amount embraced in his recommendations for an equitable confirmation of certain unascertained small areas. Not less than 90 per cent. of the area embraced in grants heretofore reported for confirmation are found by these examinations to be made up of invalid claims and fraudulent surveys.

In empowering surveyors-general to examine and report upon private land claims Congress failed to provide any means whatever for an investigation upon their merits, and the reports originally made are, therefore, in gross, merely reports of claimants' representations unchallenged, unverified, and uninvestigated. So-called preliminary surveys, made wholly at the instance of claimants, represent merely the greed of insatiable demands, and are no guide to either the location or extent of actual grants.

With this light before it Congress has hesitated, and members who have investigated these claims have felt assured that nine out of ten were as fraudulent and as false as perjury could make them. Nine out of ten of the claims that have been presented have been supported by manufactured titles. I speak advisedly when I say nine out of ten, for I have in my hands now the reports of the surveyors-general of New Mexico and of Arizona, and they both make that statement.

And, more than that, there have been many of these grants confirmed in the earlier days of Congress but none now; but why? I am glad to tell the gentleman. Because it has been only within a very recent period that the Congress of the United States has opened its eyes to the fact that the public lands of this nation were rapidly slipping away from the grasp of the General Government. Within my recollection—since I came into business life—the great West was thought to be illimitable. When I went to the State of Illinois people thought that the public land was inexhaustible. Whenever a corporation came to Congress asking for land the grant was made to it, limited only by the modesty of the request. The records of Congress will show that upwards of 200,000,000 acres of public land were given prodigally and lavishly to those who simply came and asked for them. It startles the mind to realize the extravagance and prodigality with which these grants were made, simply for the asking. I am not criticising now the men who did it. I would not have done it if I had been here; but it is done, and has gone into the domain of history.

The point I make now is that the public land was regarded as inexhaustible, and whoever came here making any kind of a specious claim or plausible request and holding out his hopper, had that hopper filled. Who does not know it? Thus there happened with reference to various claims coming before Congress what happened as many gentlemen believe in regard to the Maxwell claim from the gentleman's own State. Many persons believe, and I am one of the number, that legally not exceeding 98,000 acres were ever embraced in that claim originally. But it was enlarged to an area of 1,700,000 acres; and extended and enlarged surveys were made from mountain peak to mountain peak, instead of from foot-hill to foot-hill. And that grant was confirmed by Congress upon the demand of gentlemen who, honestly without doubt, believed at the time that those grantees were entitled to that land.

Looking back, however, now over our history, we find that the time has come when there must be a stop put to this kind of disposition of the public lands. About 1880 there was a halt called with reference to this policy of confirming because of the reports coming up such as that which I hold in my hand from surveyors-general here and there who had investigated these matters and who found that the experience which the General Government had in dealing with land claims in California was being repeated in Arizona, New Mexico, and Colorado. Who that has had occasion to examine the workings of the commission under the act of 1854 does not remember the condition of things about the city of San Francisco about the time Mr. Edwin M. Stanton, afterward Secretary of War, was sent out there as special agent to investigate these land frauds? What did he find about your city [addressing Mr. MORROW]? The fact is familiar to you that he found titles manufactured from the first line to the last; titles on which the great wax seals, three inches in diameter, were forged; proofs made that the original records had been destroyed and that these were duly authenticated copies, and later the fact developed that there never were records. Millions of acres of land, worth now hundreds of millions of dollars, were claimed under forged titles of that sort. Those things became well understood. The air was filled with them about this Capitol when I came here in 1880; and I agree that I absorbed at that time some of the spirit of suspicion in reference to these land claims. Hence, being placed on the Private Lands Committee in the Forty-eighth Congress, I took occasion to examine some of these claims, and I believe, from personal inspection of many of them, that the statements made by the surveyors-general of Arizona and New Mexico are absolutely true. And since that time, thank God and the honesty of an American Congress, not one of those grants has ever passed this House, and I predict that none ever will. [Applause.]

Mr. SYMES. I desire to ask the gentleman whether, in his opinion, a court of justice organized as proposed by this bill, with the right of appeal in important cases to the Supreme Court of the United States, would or would not be more liable to eliminate fraud than the process which has been going on under the act of 1854?

Mr. PAYSON. I will, at a later stage of my remarks, show why I think this bill ill-advised. I am now endeavoring to state the reasons why something ought to be done. I agree with everybody who has spoken here that the act of 1854 is not working out the results which ought to be obtained by the legislation of an American Congress. But I am going to put my observations with reference to that upon a somewhat different ground from that suggested by other gentlemen.

Mr. Chairman, the rights of the claimants of these great, immense grants of public land do not trouble me in the least. I have never seen the time when a man having an immense claim either to public land or any other matter of right was not able to look after his own interests. I am opposing this bill on the threshold because it does not, in my judgment, provide for the protection of those who most need protection—the holders of small areas of land, especially in New Mexico; there are not so many of them in Arizona. The gentleman from Colorado—and I beg him to understand that when I refer to him so frequently it is not because I am singling him out as against others to be

answered, but because in his discussion of the bill, unlike the remarks of other gentlemen, he has addressed himself to specific sections of it—the gentleman from Colorado says he "is thoroughly satisfied with the provisions of this bill with reference to the holders of these small grants."

I am not satisfied with them. The measure as to them, in my judgment, is wrong in principle and vicious in its enunciations. What class of people are intended to be benefited and protected by the provisions to which the gentleman has alluded and with which he says he is satisfied? How many gentlemen in this House have examined the situation of affairs in these two Territories and the relations which the people there bear to the General Government of the United States, so as to be able to vote understandingly on this question? Here is the exact situation. That country in the early days, we all know, belonged to Spain. With the extension of her boundaries and the establishment of military posts for the protection of her boundaries, military posts were established along the Rio Grande River and still farther to the north and west. Under the Spanish laws, power was given to the commandants of the different posts to farm out, as it were, to the people little pieces of land, upon which they might go and raise garden truck or vegetables and things of that kind. These were the usual camp and garrison followers, of whom we knew something in recent days, and these people settled down upon these small tracts of land granted by the commandants of the military posts. In that country crops are only raised by irrigation, and pieces of land are specially desirable only when they front upon the water. So, bordering upon the streams, and first along the Rio Grande River, these holdings with fronts sometimes as narrow as 50 feet and yet running back to the mesa or back to the mountains, these holdings were settled upon by these people.

I saw five years ago, when I went leisurely along that valley, settlements south of Albuquerque, where I was told there were 10,000 people living. Upon these little holdings they and their ancestors have been living for one hundred or two hundred years, running back to the Spanish conquest of what is now a portion of this Union. These poeple lived there. Their descendants followed after them. We agreed when we acquired possession of that territory by the treaty of Guadalupe Hidalgo to protect them in their holdings, and that whatever rights they had should be given to them without cost or expense.

Let anybody go among that people and tell them there is a question about their title to the land upon which they live, and you might as well deny the divinity of the Savior as to deny the title they have and claim by occupancy alone.

Mr. SYMES. That is the object of this bill.

Mr. PAYSON. If the gentleman will not anticipate me, I will come down to the point he has been trying to make.

Mr. SYMES. They have been trying to do that for thirty-five years, and have not yet succeeded.

Mr. PAYSON. We have not been at it within the last thirty-five years, and we have not been at it a minute in reference to this class of people. There has never been action by any surveyor-general in reference to any one of these small holdings or looking to validating that holding.

Mr. SYMES. That is what I say, and yet we have been running along for thirty-five years without having done anything.

Mr. PAYSON. Now, if the gentleman from Colorado will not anticipate me he will get at what I mean before I get through, whether he agrees with it or not. I have said to him that the Department was powerless to confirm title, and that was the defect of existing law, which my plan will rectify. I hope he understands me exactly.

Those people, Mr. Chairman, believe with the earnestness of a religious conviction that the title they have to these little holdings is absolute and indefeasible. They are harmless, quiet, and inoffensive people; innocent and ignorant; and this bill, what does it propose to do with them? Why is it brought to the attention of the law-makers there is necessity to do something for this class of people? The avarice of the American frontiersman, the man who goes out to gather in pieces of new land, is proverbial now; to the desire on the part of those who want to speculate in public lands these people open a fruitful field.

Here are people ignorant of their rights, except they have a holding which they believe to be secure without paper evidence of title, land becoming rapidly valuable in the market. There is the field for the cupidity of those going out to make claims under the general land law. So some enterprising citizen locates on a portion of land occupied by these people and enters that land in the local land office, and it goes into the General Land Office. This practice progressed so far we know that in 1879 an act of Congress was passed reserving from the public land certain valleys in Arizona and certain lands in New Mexico from the operation of the homestead and pre-emption laws in order to protect these people upon their holdings until something could be done for them.

The treaty made by the United States guaranties to them their title without cost to them. What does this bill propose? They are to present a formal petition to the court setting up their claim; the tenure under which it is held, and the evidence in support of it, the extent and boundaries of it, to be known only after expensive surveys; then, if after investigation they have been found in possession of it for forty years, the court may confirm their title to that land! They ask for bread and are given a stone! And then comes the bar of the limitations in the bill: "That all claims not presented under this bill within a period of two years from the date of its passage are hereby forever barred, and all lands not so presented are hereby restored to the public domain."

Mr. Chairman, doubtless the gentleman from Colorado and other gentlemen within the sound of my voice have been among those people living along in the localities I have described. If so I would gladly yield five minutes of my time now to any one of them who will rise and say in the presence of the House of Representatives that he believes he knows a single instance, or one in a hundred, in any one of these localities where any person affected in any manner by the provisions of this bill, will go into a court, go through the formality of hiring a lawyer, and present his case for adjudication to be passed upon by the tribunal suggested here.

Mr. MORGAN. How would they know the law had been passed?

Mr. PAYSON. That is a very happy inquiry by the gentleman from Mississippi. How would they know that such a law had been passed, or how many, even if it was brought to their attention, would be able to avail themselves of it?

Mr. SYMES. If the gentleman from Illinois will be as good as his word, I will occupy about a minute in making a response to his suggestion.

Mr. PAYSON. Very well.

Mr. SYMES. This bill provides for notice being published in the English and Spanish languages in the vicinity where these small claimants live; and when this court provided by the bill goes out there, I have no earthly doubt that when the facts are brought to their attention, the attorney who represents these people, or the people themselves if they do not employ an attorney, will see that their little claims are properly presented before that tribunal. All that is necessary is for them to come forward and make their proof that they have been in possession for forty years—I think twenty or twenty-five would be ample; but when that proof is made to the satisfaction of the court that they or their ancestors have occupied this land for forty years next preceding the approval of this bill, no further title or evidence of ownership is necessary. That settles the question. There is no appeal to the court in banc, and that is the end in favor of the small claimants. I submit that it is better than to have an agent traveling around with an attorney and telling them what their titles are worth.

Mr. KERR. Suppose the court decides against them, how can they appeal?

Mr. THOMAS, of Wisconsin. I wish to avail myself of the opportunity offered by the gentleman from Illinois to make a brief reply to the point made by him a few moments since. Now, the facts which the gentleman overlooks are that these land-grabbers, claiming millions of acres under the law of 1854, have in hundreds of cases in New Mexico and Colorado extended their lines so as to include hundreds, and I do not think I am above the point to say thousands, of these small claims, and claim by virtue of fictitious land grants; and I for one think that ought to be investigated by the court, and the right and title of these smaller farmers and small holders, who hold under a species of vassalage and at their mercy, ought to be settled.

Now, the object of this bill is to aid men of that kind, and they are the vast majority of these smaller holders in the Territory of New Mexico, Arizona and Colorado, who are at their mercy. Section 15 of the bill provides:

> That wherever any claimant shall produce evidence to the satisfaction of the said court of the continuous occupancy and possession, by himself, his ancestors, or grantors, for forty years next preceding the date of the approval of this act, of a piece or parcel of land in either of said Territories or State, not exceeding 160 acres in extent, and not included within the limits of any grant for the establishment of a city, town or village, no further evidence of title or ownership shall be necessary or required from such claimant, but he shall thereupon be entitled to confirmation of his title to such piece or parcel of land.

So that it will be seen no costs are required to be paid at all.

Mr. PAYSON. You have got to have a lawyer?

Mr. THOMAS, of Wisconsin. He may have to hire a lawyer; but it does not follow that he must do so. He may go into the court without a lawyer. A provision is made here, as will be seen, that he has no costs to pay to establish his title.

Mr. PAYSON. Will the gentleman tell me how one of these Mexicans, who has lived there himself, and his ancestors for two hundred and fifty years, who does not understand a word of our language, would go into the court without the help of a lawyer under that bill? Can he imagine how it is possible for him to do so?

Mr. THOMAS, of Wisconsin. In reply to that I can only say that when a man is in that condition, under the laws as they exist, by which he is virtually deprived of his property, this bill gives him a chance to come into the court and obtain his remedy.

Mr. PAYSON. But he is not deprived of his property under existing law. Under the law and the treaty between this country and Mexico, his title, if he is still in occupancy, is as good as any man's title. The only difficulty is that in cases where there is a desire to dispossess him, there is no title that he has which is deducible of record. That is the

only difficulty he rests under, except possibly in the case that his land may be grabbed by somebody, himself ousted, and the possession assumed by somebody else, while he is unable to resist the aggression. But I am suggesting this because I am showing what I think to be some of the features of this bill which are subject to criticism; and I propose to submit, at the proper time, what I have indicated as, in my judgment, a better scheme altogether. I am not here for the purpose of saying that the act of 1854 is the best enactment that could be made. I do not believe it is. I believe in a better one, as I have outlined it.

Mr. HOVEY. At the expense of the United States?

Mr. PAYSON. Yes; at the expense of the United States. And that the decision of the Secretary of the Interior, unless appealed from, in every grant that embraces less than 11 square leagues of land should be final and conclusive; and as to every grant including more than that, not one of them should ever be confirmed except by the joint action of the two Houses of Congress, with the approval of the President of the United States.

As regards the holders of these smaller areas of land, place it in the power and make it the duty of the surveyor-general of each of these Territories, with a corps of assistants subject to his disposal, to make surveys, to go wherever these people live and, without any expense to them, survey their land and certify the survey to the Commissioner of the General Land Office, and let him issue a patent in the mean time prohibiting settlement as against them.

I realize the difficulty of undertaking to prove titles back for forty years. We all know that forty years is more than the average of one generation. In every State of this Union, so far as I am advised, and I can speak absolutely as to my own State, open adverse possession for twenty years is deemed conclusive as to title. Possession for seven years under the claim and color of title is made good there. These lands on which these people have been living are of no great value to anybody except themselves or to one who goes there with a speculative idea.

Mr. SYMES. Will the gentleman permit me a suggestion in reference to what he was saying a moment ago?

Mr. PAYSON. Yes, sir.

Mr. SYMES. In a bill reported from the Committee on Territories, of which I am a member, and similar to a bill which passed the Forty-ninth Congress, it is provided that in proving up these small claims the expense of it should be paid by the Government.

Mr. PAYSON. And it ought to be.

Mr. SYMES. I agree with the gentleman from Illinois in that statement; and I should like to see this bill amended in that particular.

Mr. PAYSON. I said, in answer to the gentleman from Indiana and the gentleman from Mississippi a few minutes ago, that my plan contemplated that. In accordance with the treaty between this Government and Mexico, and even under the promptings of humanity alone, a great, rich nation like this, with a surplus running into hundreds of millions in the Treasury, is engaged in a paltry retail peanut business when it goes to quibbling with some poor, ignorant, harmless being as to who shall pay the cost of providing title for 15 or 20 acres of land when it has been assured to him by the greatest power in this country—the treaty-making power.

Mr. Chairman, let the Government do justice to these poor people. I remember with pleasure, ay, with pride, the fact of the enactment of the homestead law—that grand, beneficent enactment—which with its central idea of "free homes for free men" has been a rallying cry for years; an act signed by that great man from my own State, President Lincoln, and which has been one of the many stars in his crown of glory. I remember all this as I stand here clamoring for this legislation for these dependent poor, as I have for five years! [Applause.]

I think that plan ought to be adopted. Who can possibly be harmed by it? Let us commence at the lower round of the ladder and help the poor and needy first. Everybody who knows anything about these claimants knows that those who are asserting title to these great areas of land bought them for a song—a pittance was paid for what is to-day a principality.

I have the records in my desk in my own committee room of Public Lands of a transaction where a tract of land of 1,700,000 acres was bought with four mules. Then there is this great Peralta grant, involving 7,000,000 acres of land, covering with its dark and blighting shadow the southern half of Arizona, the southwest corner of Kansas, taking in the whole of No Man's Land, part of the Pan Handle of Texas, and part of the Indian Territory. What was the basis of that claim? Simply a voluntary agreement not reduced to writing to colonize a few immigrants on that territory. The papers in that case show that not a dollar of money was invested by the men who were engaged in that great enterprise; a transaction involving 7,000,000 acres of public lands; a territory that is almost one-quarter the size of the great, grand State in which I live, and not a dollar of money invested in it.

Let those men come to this body. The American people has yet a conscience and that conscience is and ought to be reflected here; and when a man has an honest claim, and it can be made to appear that it is honest, he will get it. Suppose it is deferred, he can afford to wait, well afford it.

It is better for men who have valid claims, the confirmation of which may be possible, to postpone them for a few years. They can better afford to permit themselves to be inconvenienced by that delay rather than future generations shall be deprived by the system of worse than robbery of hundreds of thousands, not to say millions of acres of land through hasty methods of adjustment. The inconvenience that can result to them is not to be compared to evils that always have resulted through haste.

I have spoken of limiting the jurisdiction of the Department to claims of 11 square leagues of land. I took that as the unit, and I make this statement for the benefit of those who have not investigated this question. There is a belief—I do not subscribe to it, nor do I deny it—that 11 leagues of land was the most that could be granted under the laws of Mexico in grants to individuals.

It is asserted by some of the best lawyers in the country that that is the extreme amount. I will assume that as a unit in the proposed legislation which I will offer as a substitute for this bill at the proper time. If a claim of that amount or less passes the ordeal of the surveyor-general, of the Commissioner of the General Land Office, and of the Secretary of the Interior, then, so far as the General Government is concerned, it can well afford to say that that shall be final. On the other hand, if the decision is against the claimant, he will have a right of appeal to the Supreme Court of the United States.

Mr. SYMES. Will the gentleman yield for a question?

Mr. PAYSON. Yes, sir.

Mr. SYMES. I had presented to me once as an attorney the immense claim which the gentleman has so eloquently described, and as to which he says the only consideration for 7,000,000 of acres was an agreement to colonize a few people on the land. I fully concur with him as to that claim. I told the parties that consulted me that the claim had no foundation which this Government would recognize, and that they had better abandon it. I told them that as a lawyer. But now I ask the gentleman if he cites that as a case such as would be in danger of passing through this land court, if it were created under the proposed bill.

Mr. COCKRAN. Will the gentleman yield to me for a question?

Mr. PAYSON. With pleasure.

Mr. COCKRAN. Do I understand the gentleman to suggest that the proper course would be to give an appeal from the Secretary of the Interior to the Supreme Court of the United States?

Mr. PAYSON. I do.

Mr. COCKRAN. Do you find any constitutional authority for that?

Mr. PAYSON. I think I understand the gentleman's point. I know that a question has been raised—and it is a question to which I have given some little thought—as to whether the Supreme Court of the United States, being a court of appellate jurisdiction only and having very limited original jurisdiction in civil cases, there might not be a difficulty in the way of allowing an appeal to that court from the Secretary of the Interior as a matter of practice. In answer to him, I have to say that if upon investigation it should be found that the obstacle suggested does exist—I do not commit myself on that point—there is a very easy way of getting around it by providing that the decision of the Secretary may be entered as a judgment *pro forma* in the supreme court of the District of Columbia and an appeal be taken from there to the Supreme Court of the United States. But that is only a question of detail, as I think the gentleman from New York will agree. Just how the practice would be regulated is a matter that could be settled hereafter. The principle is what I am after; details can easily be settled.

Mr. COCKRAN. Another question. Would there be any objection to establishing some tribunal, whatever it might be called, equipped with the power to ascertain the facts in any of these controversies, with an appeal from that tribunal direct to the Supreme Court of the United States?

Mr. PAYSON. I am coming to that later, as I said a moment ago to the gentleman from Colorado [Mr. SYMES], but I may as well state the objection now as at any other time. A good deal of surprise would be expressed by any lawyer here if an adequate statement could be made of the exhibitions of genius manifested by those who are claiming lands under fraudulent grants, in the preparation of their proofs before courts or commissions. I remember that when I read of what was done in California before the commission appointed under the act of 1854, it seemed not only to border upon, but to enter actually into, the realm of fancy and imagination. I did not believe that such things were possible. But I have seen the records covering hundreds and hundreds of pages (and in the reports from the General Land Office and the Department of Justice there are hundreds of pages with reference to these matters in California), records which were manufactured from the first line to the last and appeared to be duly authenticated. Seals were attached with all due formality. Signatures were counterfeited with astonishing accuracy. Affidavit upon affidavit was made that the originals from which these records came had been lost or destroyed, and all apparently perfectly regular, afterwards confessed forgeries, and made easy by the careless way in which archives were kept there.

When I was in New Mexico five years ago this summer, the register of the local land office pointed out to me in what was called the governor's palace, now occupied by our officers as a public building, an outhouse in which he stated there had been kept for months and months the paper evidences of the title to great areas of land in the Territory,

easy of access to any, kicked about as rubbish, put in places where neither of us would put a dog, regarded as valueless. Frequently forged papers are inserted in these masses, and then searched for, found, and certified as genuine. This was attempted with the Peralta grant. That these things have been done is beyond question. Now, we all know as lawyers that when you are trying a matter before a tribunal and the trial of the case actually begins, the procession begins to move; it has to be then and there tried to an end upon such material as is at hand. To make myself better understood, I will give an illustration. Suppose that I am attorney for the claimant in one of these land-grant claims and the gentleman from New York [Mr. COCKRAN] is the district attorney under this bill. I prepare my case. Of course the Government has nothing to do but to stand back and see what evidence the claimant has to show why the title should be confirmed.

I get up and offer to the court in the first place a certified copy of a grant made by the proper authorities of the Republic of Mexico away back in 1826 or 1830. By affidavit after affidavit I prove that there was an original of that grant which has been lost, and I produce the depositions of some persons who testify to what is known as juridical possession. These witnesses swear that in their boyhood they remember going with their fathers out upon this land; that their fathers picked up and threw into the air some spears of grass and shouted, "Long live the Republic," or "Long live the King;" that ceremony being equivalent under the Spanish law to seisin under the common law. This sort of proof, as regular as anything can be, is offered. That being the case, what would the gentleman from New York, as attorney for the Government under this bill, do?

Mr. THOMAS, of Wisconsin. Will the gentleman permit me to answer?

Mr. PAYSON. Yes, sir.

Mr. THOMAS, of Wisconsin. The gentleman from Illinois asks, what would the gentleman from New York do under this bill? I take the liberty of answering by simply reading from section 14 of the bill, which provides—

That whenever the Government, by its attorney, or any person, corporation, or association, shall deny the existence of the right, title, or grant from the Spanish or Mexican Government, under which any petitioner claims lands by petition before said court, or shall allege that the said right, title, claim, or grant was fraudulently obtained, or that there is good reason to believe that the papers or documents under which any such right, title, or grant is claimed are forgeries, then in any such case the petitioner or petitioners shall, upon the order of said court, exhibit to the court, at a time and in such order to be specified, the original papers or documents upon which any such right, title, claim, or grant is alleged to be founded, if the same are in possession of such petitioner or can be obtained by him; if such originals can not be produced by such petitioner, he shall exhibit and file in the office of said court, within such time as the court shall direct, duly authenticated copies of all papers upon which he depends to establish his claim; whereupon if the Government, by its attorney or any proper person, shall certify said court that there is doubt as to the validity of such claim, right, or grant, it shall be the duty of the court to transmit to the Secretary of State of the United States a request that the question in controversy be thoroughly investigated by the representative of the United States Government in Spain or Mexico, or any of the States thereof from which it is claimed any such right, title, or grant is derived.

And thereupon the necessary evidence is obtained.

Mr. PAYSON. There is nothing new in that; we have all read it in the bill. That does not meet the question at all.

Mr. BUCHANAN. The gentleman from Illinois will allow me to ask this question: Is it not likely that in such a case as he speaks of the Government, instead of being represented by a gentleman of the fine legal learning and acumen possessed by the gentleman from New York [Mr. COCKRAN], would be represented by some attorney who had no practice at home, who was not fit to have any practice at home, and who had been appointed as a legal representative of the Government because he had had political backing?

Mr. PAYSON. I would rather not answer that question.

Mr. COCKRAN. The gentleman from New Jersey [Mr. BUCHANAN] will permit me to decline the compliment which he pays me, and to assure him that it is properly due to the President of the United States, who, under this bill, will see that the Government is suitably represented.

Mr. PAYSON. But we propose at the next election to change the political character of the administration, and will see to it ourselves that suitable appointments are made.

Mr. COCKRAN. Even if such a change were made, I would still have confidence in the administration of justice by the duly-appointed representatives of the Government. [Laughter and applause.] But let me ask a question directly in point in this controversy: Assuming that this tribunal would be exposed to all the weaknesses and dangers which the gentleman suggests, what other tribunal can be devised which will not be exposed to similar influences?

Mr. PAYSON. I meet that question by referring the gentleman to the plan I outlined a moment ago. You have first the surveyor-general of the Territory, supposed to be an honest man; and in the case of New Mexico and Arizona, I know that the officers deserve that character. This remark is no more than is due to those gentlemen, whom I have known from boyhood, George W. Julian and John Hise. Two better men never lived.

Mr. SMITH, of Arizona. I can corroborate the gentleman as to the surveyor-general of Arizona.

Mr. PAYSON. Next comes the Commissioner of the General Land Office, an officer who is, presumably at least, a man of as much ability as the average lawyer who would be appointed to the position of judge under this bill. Next above him would come the Secretary of the Interior; and out of such material, very properly, as to intellect, judges of the Supreme Court are frequently made. Next above him comes the Supreme Court of the United States. I desire to be fully understood. I am not assuming that the judges to be appointed under this bill will be inferior in ability to others in like position, or that they will be lacking in integrity. I am not reflecting on the system by imputation as to either quality.

I am urging that they will be no better in either respect than the men called to act as Commissioner or Secretary, and that the Assistant Attorney-General for the Interior Department will probably be a man of larger experience and learning than the attorney to be appointed under the bill; but the point is that when the case is made up the case of the claimant is *ex parte*, the Government is not advised of it. The claimant presents only the evidence helping him, and the court must act on that which is presented to it. A court never, never sets on foot inquiries and investigations to be prosecuted outside to help either party on questions of fact. It must, as we all know, leave those matters to the litigants, but under my plan the officers could stop at any stage and make investigations as the proceeding developed occasion. In other words, the Department officials who deal with the evidence at first hand are not compelled to move execpt so far as they may deem it advisable to move, taking into account the best interests of the Government. Nor, I will say to the gentleman from New York, are they compelled to receive testimony as conclusive of a question, as a court would be compelled to do if the matter were on trial before it. If the gentleman will do himself the justice to read through the reports (tedious as some of them are), containing the history of the investigations of some of these private land claims based upon titles which afterward were confessed to be forgeries, he will see that it has been in the past a great safeguard to this nation that officers of the Government, who were called upon to pass on the validity of these claims, the regularity and authenticity of the papers evidencing the title, were not obliged to make a decision until they themselves had carried the investigation farther and in a line upon their own suggestion.

I do not believe, Mr. Chairman, that there is a necessity for this special tribunal at all. If the machinery of the executive department is sufficiently extensive, if there is a sufficiently large corps of employés to pass upon these questions as speedily as they ought to be passed upon, and the Secretary assures us of the sufficiency, then from motives of economy alone we ought to save the thirty-odd thousand dollars a year which it will cost to execute this bill.

Mr. COCKRAN. Will the gentleman permit me to interrupt him?

Mr. PAYSON. With pleasure.

Mr. COCKRAN. In view of the excellence of the present system, can the gentleman entirely reconcile that excellence with the fact these questions are undetermined and are before Congress asking for solution?

Mr. PAYSON. I will tell the gentleman. I do not assert the excellence in the present plan. Before the gentleman came in I had shown the defect of the present law in this, that it does not permit the Department to decide anything, only to report to Congress.

If it had the power to decide, all the long list of claims I have presented would have been decided years ago, unless pending in the Supreme Court on appeal.

Mr. COCKRAN. Then the only question is whether this is the best method of deciding them?

Mr. PAYSON. No; but what shall be substituted for the existing law, and I prefer rather than to have this bill adopted, which, in my judgment, would render it possible in the future to practice the frauds which have been practiced in the past; and if that is to be the result of its adoption I for one prefer the present delay, under which no possible frauds can be practiced.

Mr. Chairman, I hold in my hand a letter addressed to me by Mr. Julian, the surveyor-general of New Mexico, which I heartily indorse and will incorporate in my remarks, omitting the formal heading:

Several projects for the settlement of these titles have been urged. One of these is the creation of a commission, like that provided for California by the act of Congress of 1851. Another is the submission of these questions to the courts of New Mexico, according to the provisions of what is known as Mr. EDMUNDS's bill. Another is the organization of a land court, which shall hold its sessions either in Washington or in New Mexico, for the purpose of hearing these cases. In my opinion none of these legislative schemes are demanded by any necessity. Let me invite your attention to a few simple facts in elucidation of this view.

The act of Congress of July 22, 1854, makes it the duty of the surveyor-general to ascertain "the origin, nature, character, and extent" of these foreign grants, and make full report thereon to Congress with a view to the final action of that body. This work was begun in 1855, and is now substantially completed. The claims are on the files of the General Land Office and before the committees of Congress, including duly certified copies of the papers in each case, the evidence, both documentary and oral, the reports of the surveyor-general, and the supplementary reports recently submitted, all in their orderly connection, and printed. What is obviously wanted is a brief enactment of Congress referring all these cases to the Land Department for decision on the basis of action thus supplied. Congress refuses to adjudicate any more of them, but this certainly does not make nugatory the records thus prepared, but only necessitates their submission to another tribunal. That tribunal is at hand in the Department of the Interior.

In urging this plan of settlement, as I have done during the past two years, I am now supported by Secretary Lamar. In his late annual report he says

that "as at present organized and equipped, with a slight increase of force, that Department is fully equal to dealing with and determining all legal questions arising under these grants. It has at its disposal legal talents trained and familiar with questions of law and in the habit of acting judicially in other cases. Representing the executive power of the Government, this Department must, in any event, be a large participant in any action in relation to these grants. The official documents, the archives, ancient and modern, relating to the public lands and foreign grants, are in its custody, and must there remain.

Such a plan, in my opinion, would be simple, inexpensive, and accomplish the settlement of these claims in a much more expeditious and satisfactory manner than any of those heretofore suggested.

If these views are sound the expensive and dilatory machinery of a court or commission is wholly superfluous. Should any such tribunal be established it will be obliged to dispose of the cases on the papers on file in the General Land Office. No other method of proceeding is possible, since the witnesses are nearly all dead, and the record of their evidence must be received. In a few cases additional testimony might be desired, for which provision could readily be made in the act of Congress transferring them. A competent lawyer could decide them as well as a court or commission, for in either case the basis of judgment would be the same. The business would be done speedily, while I have shown in my last annual report that on the plan of a commission like that proposed in Mr. JOSEPH'S bill, or of a court such as the Edmunds bill of the last Congress provides for, the cases would not be settled in a quarter of a century.

That I am right in pleading for the summary method of settlement proposed will more clearly appear by referring to the amount and character of the work involved. In the recent address of Governor Ross before this committee he estimates the number of claims to Spanish grants in New Mexico at five or six thousand. The extravagance of this statement makes it simply ridiculous, and my respect for his official position obliges me to assume that he has been very unfortunately reported. Besides the few unsettled claims in Colorado and Arizona, there are two hundred on the files of the surveyor-general's office at Santa Fé. Forty-nine of these have been disposed of by Congress. Forty-odd additional cases are in such fragmentary and imperfect shape that no action on them is possible, while the claimants, who were notified over two years ago to amend and perfect their applications, have failed to do so. The fair assumption is that the cases have been abandoned. This leaves a residue of only a little over one hundred claims to be disposed of. A few straggling cases in the custody of private parties may yet make their appearance after the lapse of thirty-four years, but this is not probable, and it may reasonably be presumed that the cases now on file and exhibited on the official map of the Territory are all, or very nearly all, that will demand attention.

Nor is there anything difficult or intricate in their settlement. Governor Ross, as reported, tells you that "so intricate and tangled has become the woof and warp of this Spanish and Mexican grant business—so interdrawn the lights and shadows of good and evil intent in their manipulation—that only by the most careful judicial investigation by a tribunal clothed with ample authority to enforce testimony will it be possible to elicit the truth and establish justice." This is poetry, and needs to be translated into the plain prose of actual facts. Of the one hundred cases referred to, many involve very small tracts, like those of the group in the vicinity of Santa Fé. These can be readily disposed of, as they disclose little ground for controversy.

There are a good many colony and pueblo grants, about which there is no real dispute, and in which the grantees or their descendants will hold their lands by occupancy and prescription if the grants should be found technically invalid. Quite a number of other claims, as I have found, are so clearly valid, or else so manifestly invalid, as to preclude controversy, and make their disposition easy and merely formal, while comparatively few of them involve such controverted questions of law or fact as to require any elaborate investigation. There is nothing mysterious or occult about them. They involve none of the niceties of legal metaphysics. As a rule, the grant relied on by the claimant is found among the archives on file in the surveyor-general's office. Its genuineness is easily ascertained, and the cases of forged grants are very few. If it is shown by the archives that juridical delivery of possession was made, and the evidence proves that the conditions of the grant were complied with, a conclusion is readily reached.

The shocking and wholesale frauds that have been perpetrated in New Mexico in dealing with these claims have had their genesis in the brazen and defiant roguery of the claimants and not in the intricacy of the cases as presented. I have personaly examined nearly all the claims in New Mexico, and have no hesitation in saying that the whole batch of them could be disposed of in from one to two years by a competent lawyer who would industriously apply himself to the task, under the supervision of the Secretary of the Interior. There is, therefore, no necessity or even excuse for a court or commission in New Mexico to pass upon them, while "the right of the National Government to lands," as Secretary Lamar says, "can not be wisely left to the arbitrament of local tribunals, which are more or less under local influences and supposed to sympthize with the individual claimant as against the Government." The truth of this statement has been abundantly verified and shockingly illustrated by the action of the California commission, created by the act of Congress of 1851, which became the cat's-paw of land-stealing experts in their triumphant robbery of the public domain.

As to the numerous small landholders in New Mexico who claim no title under any grant and have no right to their little possessions except that of occupancy and prescription, I have been hearing their claims and forwarding their proofs to the General Land Office as in the case of grant claimants. These examinations involve no court charges, and this fact is a great relief to the parties concerned, who are too poor to defray the expenses of litigating their claims before a court or commission. Should the plan I am urging be adopted nothing will be wanting but the action of the Land Department upon their cases.

In urging these views I am decidedly opposed by the grant claimants, but I am sure I represent the rank and file of the people of New Mexico. The Government has left them in the wilderness for more than the third of a century and they now have a just right to a speedy deliverance.

I respectfully submit that this is only possible on the plan I propose, and that to turn them over to the tedious and dilatory machinery of the courts would be to prolong indefinitely the evils under which they have so long groaned.

Yours, truly,

GEO. W. JULIAN.

The CHAIRMAN. The gentleman's time has expired.

Mr. PAYSON. Mr. Chairman, I desire only a single word. At the proper time I shall offer the bill I have outlined as a substitute for the bill of the committee, and on it I invoke the favorable consideration of the House; and I thank gentlemen for the kind attention with which I have been complimented.

Mr. McCREARY. I have taken the floor, Mr. Chairman, for the purpose of suggesting a recess until Monday morning at 10 o'clock, for the purpose of continuing the consideration of the pending bill. I think there is a general desire on the part of the House to get through with this matter, and I will therefore now move the committee rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having taken the chair Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration a bill (H. R. 7643) to establish a United States land court and to provide for a judicial investigation and settlement of private land claims in the Territories of Arizona and New Mexico and in the State of Colorado, and had come to no resolution thereon.

Mr. McCREARY. I now move, Mr. Speaker, that the House take a recess until Monday morning at 10 o'clock.

Mr. SAYERS. I ask the gentleman to withdraw that for a moment until I can present two amendments to be printed in the RECORD.

Mr. McCREARY. Certainly.

Mr. SAYERS'S proposed amendments were read, as follows:

Strike out the word "forty," in line 4, section 15, and insert the word "ten;" so that it will read:

"SEC. 15. That wherever any claimant shall produce evidence to the satisfaction of the said court of the continuous occupancy and possession, by himself, his ancestors, or grantors, for ten years next preceding the date of the approval of this act, of a piece or parcel of land in either of said Territories or State."

Also, insert after the word "claims," in line 20, page 10, the following:

"And any instrument of writing and any assignment or indorsement thereof shall be regarded as fully proved unless some party to the suit shall deny in his plea that the same is genuine, and moreover, shall file with the papers in the cause an affidavit stating that he has good cause to believe, and does verily believe that such instrument of writing, assignment, or indorsement is forged."

RIVER AND HARBOR BILL.

Mr. BLANCHARD, from the Committee on Rivers and Harbors, reported a bill (H. R. 9050) for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union; and, with the accompanying report, ordered to be printed.

Mr. ANDERSON, of Kansas. I reserve all points of order on that bill.

Mr. BRECKINRIDGE, of Kentucky. I was going to do the same thing.

MAJ. DANIEL N. BASH.

Mr. DUNHAM. I move, by unanimous consent, to take up for consideration the bill (S. 258) for the relief of Maj. Daniel N. Bash, paymaster, United States Army.

The bill was read.

Mr. BLOUNT. Let us have the report in that case.

Mr. DUNHAM. I desire to state, in a moment, that the House bill was introduced by myself and received the unanimous report of the Committee on Military Affairs——

Mr. BLAND. I think we had better have the regular order.

Mr. McMILLIN. I move that the House do now adjourn.

Mr. McCREARY. I have not yielded the floor for such a motion.

Mr. McMILLIN. I do not desire to take the gentleman off the floor, and will yield to hear his statement.

Mr. McCREARY. I move that the House take a recess until 10 o'clock on Monday morning.

The SPEAKER *pro tempore*. If that motion is adopted the effect will be to continue the consideration of this bill.

Mr. RANDALL. And make Monday Saturday. There is no restriction; the House may be kept in session all day and the Monday session altogether lost.

Mr. McMILLIN. I will state a reason to the gentleman from Kentucky that would operate against his motion.

Committee meetings are to be held, and in view of the fact that members of the House are not excused from attendance because of their presence at committee meetings, it would prevent meetings of committees from being held on that day, and greatly inconvenience and retard the business.

Mr. McCREARY. Then I will ask unanimous consent that this bill, now under consideration, be taken up on next Saturday after the consideration hour.

Mr. RANDALL. I will have to object to that, as on next Saturday here will probably be an appropriation bill.

Mr. McCREARY. Then I will say, subject to appropriation or revenue bills.

Mr. HOLMAN. I will also have to insist upon an exception in favor of the general homestead law.

Mr. STEELE. Pending that, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred as indicated below:

By Mr. BURROWS: A bill (H. R. 9088) for the relief of James S. Smith—to the Committee on Invalid Pensions.

By Mr. HOUK: A bill (H. R. 9089) for the relief of Jacob Henry—to the Committee on War Claims.

By Mr. MILLIKEN: A bill (H. R. 9090) for the relief of Enoch S. Whitehouse—to the Committee on War Claims.

By Mr. PEEL (by request): A bill (H. R. 9091) for the relief of John L. Owen—to the Committee on Military Affairs.

Also, a bill (H. R. 9092) for the relief of George W. Glenn—to the Committee on Invalid Pensions.

By Mr. REED: A bill (H. R. 9093) for the relief of Lincoln W. Tibbetts—to the Committee on Claims.

By Mr. RICHARDSON: A bill (H. R. 9094) making an appropriation for the benefit of the Presbyterian Church at Smyrna, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 9095) to increase the pension of Charles Clark—to the Committee on Pensions.

Also, a bill (H. R. 9096) for the relief of John N. Smith—to the Committee on War Claims.

By Mr. ROBERTSON: A bill (H. R. 9097) for the relief of the Odd Fellows' Hall Association of New Orleans, La.—to the Committee on War Claims.

By Mr. STONE, of Kentucky: A bill (H. R. 9098) for the relief of the legal representatives of A. J. Beale, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9099) for the relief of M. G. Gilbert—to the Committee on War Claims.

Also, a bill (H. R. 9100) for the relief of C. J. McConnell—to the Committee on War Claims.

Also, a bill (H. R. 9001) to place the name of Granville Dunning on the muster-rolls of Company B, Thirteenth United States Colored Heavy Artillery—to the Committee on Military Affairs.

Change in the reference of a bill improperly referred was made in the following case, namely:

A bill (H. R. 5747) granting a pension to Emma Zimmerman—from the Committee on Invalid Pensions to the Committee on Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ADAMS: Memorial of 55 citizens of Chicago, Ill., against repeal of the internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

Also, resolutions of the Chicago Board of Trade, in relation to the Nicaragua Canal—to the Committee on Commerce.

By Mr. C. H. ALLEN: Petition of Barnet Rogers and 256 employés of the Smith & Dove Manufacturing Company, of Andover, Mass., protesting against any reduction of duties on flax or dressed lint—to the Committee on Ways and Means.

Also, memorial of William Oswald & Co., for better postal service between New York and New England—to the Committee on the Post-Office and Post-Roads.

By Mr. C. S. BAKER: Petition of Hon. B. F. Fenner and 198 others, citizens and business men of Penn Yan, Yates County, New York, in favor of the reduced rate of postage on letters—to the Committee on the Post-Office and Post-Roads.

By Mr. BIGGS: Petition of several thousand residents and miners of the gold belt of California, urging the passage of House bill 1216, for the survey of rivers and streams of the State affected by mining débris—to the Committee on Mines and Mining.

By Mr. BOOTHMAN: Petition of Pioneer Grange No. 136, Patrons of Husbandry, of Weston, Ohio, protesting against the reduction of the wool tariff—to the Committee on Ways and Means.

Also, petition of same, for the reduction of postage on plants, bulbs, and other fourth-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BOWEN: Petition of Robert R. Dors, of Craig County, Virginia, for payment of his war claim, with accompanying proofs—to the Committee on War Claims.

By Mr. C. R. BRECKINRIDGE: Petition of 80 citizens of Pine Bluff, Ark., protesting against the passage of the Butterworth and Dawes lard bills—to the Committee on Agriculture.

By Mr. BREWER: Protest of R. B. Caruss, N. T. Daniels, and 75 other farmers of Clinton County, Michigan, against putting wool on the free-list—to the Committee on Ways and Means.

By Mr. J. R. BROWN: Petition of B. Y. Fretwell and 27 others, citizens of Danville, Va., protesting against the passage of the Butterworth and Dawes lard bills—to the Committee on Agriculture.

By Mr. BUNNELL: Petition of workmen in glass manufactures, of Wayne County, Pennsylvania, against the reduction of duty on green and colored glass bottles—to the Committee on Ways and Means.

By Mr. CAREY: Memorial of the Legislative Assembly, praying for authority to lease school lands—to the Committee on the Public Lands.

Also, memorial of the Legislature of Wyoming, in reference to the Fort Bridger military reservation—to the Committee on the Public Lands.

Also, memorial of certain citizens of Wyoming Territory, praying the duty be not removed from window-glass—to the Committee on Ways and Means.

Also, memorial of the Board of Trade of Laramie City, Wyo., praying for the construction of reservoirs—to the Committee on the Public Lands.

By Mr. CONGER: Petition of the board of railroad commissioners of Iowa, for the passage of such legislation as will prevent the loss of life and limb in coupling cars and handling brakes and regulating the manner of heating cars—to the Committee on Commerce.

By Mr. CROUSE: Petition of W. S. Phillips and others, of Chagrin Falls, Cuyahoga County, Ohio, for more effectual protection to agriculture—to the Committee on Ways and Means.

By Mr. ERMENTROUT: Memorial of Richard T. Sullivan and Foss & Co., of Boston, Mass., asking retention of present tariff rates on wool, rags, shoddy wool, extracts, etc.—to the Committee on Ways and Means.

By Mr. FORNEY: Petition of W. T. Alexander, late postmaster at Jacksonville, Ala., for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. GALLINGER: Petition of Herbert Bailey, of Claremont, N. H., for quick mail transit between New England and the West—to the Committee on the Post-Office and Post-Roads.

Also, petition of the railroad commissioners of New Hampshire, in favor of uniform automatic couplers for freight-cars on interstate railroads—to the Committee on Railways and Canals.

By Mr. GIFFORD: Petition of M. M. Denison and 49 others, citizens of Hand County, Dakota, praying that flax and flax products may be protected by a high tariff—to the Committee on Ways and Means.

By Mr. GRANGER (by request): Petition of John Barris and others, and of J. S. Mead and others, in relation to the postage on seeds—to the Committee on the Post-Office and Post-Roads.

By Mr. D. B. HENDERSON: Affidavit of William Ryan & Son, pork-packers, of Dubuque, Iowa, contradicting statement of W. G. Bartle, of St. Louis, Mo.—to the Committee on Agriculture.

Also, petition of Branch No. 21, Butchers' National Protective Association, favoring the Butterworth bill for pure lard—to the Committee on Agriculture.

By Mr. T. J. HENDERSON: Resolution of the Sheffield Farmers' Alliance of Bureau County, Illinois, favoring placing lumber, salt, and wool on the free-list, reducing the tax on sugar, clothing, and other necessaries, and against the repeal of tax on tobacco and whisky—to the Committee on Ways and Means.

By Mr. HERMANN: Petition of Pomona Grange, Salem, Oregon, for creation of a department of agriculture with a Cabinet secretary—to the Committee on Agriculture.

Also, protest against reduction of tariff on wool, by the North Pacific Sheep and Wool Growers' Association of Oregon—to the Committee on Ways and Means.

By Mr. HITT: Memorial and affidavit of stock-shippers and pork-packers of Galena, Ill., touching statements of W. G. Bartel—to the Committee on Agriculture.

By Mr. S. I. HOPKINS: Petition of Robinson, Tate & Co., and 87 others, merchants of Lynchburgh, Va., against the Butterworth and Dawes lard bills—to the Committee on Agriculture.

Also, petition of George W. Hardwicke, for the payment of his claim—to the Committee on Claims.

By Mr. HOUK: Petition in behalf of William H. Kirk, for increase of pension—to the Committee on Invalid Pensions.

By Mr. HOVEY: Petition of Knights of Labor of Evansville, Ind., in favor of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. LAIDLAW: Petition of citizens of Allegany County, New York, for the more effectual protection of agriculture—to the Committee on Ways and Means.

By Mr. LONG: Petition of Local Assembly, No. 4286, Knights of Labor, of Plymouth, Mass., for the tonnage-tax bill—to the Committee on Merchant Marine and Fisheries.

By Mr. LYMAN: Memorial of the Board of Railroad Commissioners of Iowa, for legislation better to protect employés of railways engaged in coupling freight cars—to the Committee on Commerce.

By Mr. MASON: Petition of citizens of Illinois, against the repeal of the internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

By Mr. MILLIKEN: Petition of Geo. B. Safford, of R. B. Dunn, and of Dennison Walker, for quick mail transit for New England—to the Committee on War Claims.

By Mr. NICHOLS: Petition of Palmer Babcock, of Johnston County, North Carolina, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. PARKER: Petition of farmers of Adams, N. Y., for better protection by means of the tariff—to the Committee on Ways and Means.

By Mr. PENINGTON: Petition of sundry citizens of Milford, Del., for an appropriation for the improvement of Mispillian Creek—to the Committee on Rivers and Harbors.

By Mr. PERRY: Petition of citizens of Greenville, of Piedmont, of Simpsonville, of Reedy River Factory, of Columbia, and of Greenville, S. C., against the passage of the lard bill—to the Committee on Agriculture.

By Mr. PLUMB: Petition of 110 members of Local Assembly, No. 376, Knights of Labor, of Braidwood, Ill., for the passage of the tonnage bill—to the Committee on Commerce.

By Mr. RICE: Circular letter of the Board of Railroad Commissioners, of Minnesota, urging legislation for the better protection of brakemen in the employ of railroad companies, engaged in coupling and uncoupling cars—to the Committee on Commerce.

By Mr. ROBERTSON: Paper in the case of Rupert G. Hill—to the Committee on Military Affairs.

By Mr. SPRINGER: Petition of the Dakota Agricultural College, relative to certain university lands—to the Committee on Education.

By Mr. J. D. STEWART: Petition of Mary Boyd, of Clayton County, Georgia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. STONE, of Kentucky: Papers in the claim of Carr, Rogers & Co.—to the Committee on War Claims.

By Mr. J. D. TAYLOR: Petition of William Bundy and 32 others, of James A. Sheppard and 57 others, and of Silas Bailey and 17 others, for the adoption of the schedule of duties agreed upon by the wool-growers and wool manufacturers in January, 1888—to the Committee on Ways and Means.

By Mr. WEBER: Two petitions of farmers of Erie County, New York, for protection of farm products—to the Committee on Ways and Means.

By Mr. WILLIAM WHITING: Petition of Festus C. Currier, of Fitchburgh, and of Merchants' Association of Boston, Mass., for better mail facilities—to the Committee on the Post-Office and Post-Roads.

Also, petition of C. H. Hamlin and others, against the admission of Utah—to the Committee on the Territories.

Also, petition of John C. Green, of Fitchburgh, Mass., in favor of better postal facilities—to the Committee on the Post-Office and Post-Roads.

The following petitions, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, were severally referred to the Committee on Invalid Pensions:

By Mr. BELDEN: Of William Strong and 40 others, citizens of East Syracuse, and of Arthur E. Daniels and 22 others, citizens of Camillus and Belle Isle, N. Y., ex-soldiers and sailors.

By Mr. BUNNELL: Of soldiers and citizens of Susquehanna County; and of 150 soldiers and citizens of Ulster, Bradford County, Pennsylvania.

By Mr. GOFF: Of E. P. Meyers and others, of Marshall County, West Virginia.

The following petition for an increase of compensation of fourth-class postmasters was referred to the Committee on the Post-Office and Post-Roads:

By Mr. LEE: Of citizens of Verdiersville, Orange County, Virginia.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. BUNNELL: Of 265 citizens of Bradford County, Pennsylvania.

By Mr. ERMENTROUT: Of James Mitchell, of Atlanta, Ga.

By Mr. GALLINGER: Of James Mitchell, of Atlanta, Ga.

By Mr. LONG: Of 81 citizens of Plymouth County, Massachusetts.

By Mr. MILLIKEN: Of the Woman's Christian Temperance Union of Ellsworth, Me.

By Mr. NELSON: Of 99 citizens of St. Louis County, Minnesota.

By Mr. RICHARDSON: Of 134 citizens of Coffee County, Tennessee.

The following petitions, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia, were severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. BOOTHMAN: Of L. W. Brown and 73 others, citizens of Fulton County, Ohio.

By Mr. HAUGEN: Of 73 citizens of the Eighth district of Wisconsin.

By Mr. RUSK: Of 61 citizens of the Third district of Maryland.

By Mr. WEBER (by request): Of 80 citizens of the Thirty-third district of New York.

By Mr. WILLIAM WHITING: Of 63 citizens of the Eleventh district of Massachusetts.

By Mr. WILLIAMS: Petition of 73 citizens of the Third district of Ohio.

SENATE.

MONDAY, *April* 2, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Saturday last was read and approved.

HANNAH R. LANGDON.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 549) granting a pension to Hannah R. Langdon, which were, in line 4, after the word "pension-roll," to insert "subject to the limitations and provisions of the pension laws," and in line 8, after the word "rebellion," to strike out "and pay her at the rate of $20 per month from and after the passage of this act."

Mr. DAVIS. I move that the Senate concur in the amendments of the House of Representatives.

Mr. EDMUNDS. How will the bill read with the amendments agreed to?

The PRESIDENT *pro tempore*. The bill will be read as amended by the House of Representatives.

The Chief Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Hannah R. Langdon, widow of Henry H. Langdon, late an assistant surgeon in the Seventh Regiment Vermont Volunteers, in the war of the rebellion.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Minnesota to concur in the amendments of the House of Representatives.

The amendments were concurred in.

IDA M. WELTON.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 1784) granting a pension to Ida M. Welton; which was to add to the bill the words "and pay her a pension at the rate of $18 a month."

Mr. DAVIS. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

MRS. APOLLINE A. BLAIR.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 574) to increase the pension of Mrs. Apolline A. Blair, which was, in line 4, to strike out the words "for and during her natural life."

Mr. DAVIS. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills, heretofore received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 428) granting a pension to William B. Johnson;

A bill (H. R. 818) granting a pension to Sarah E. Pribble;

A bill (H. R. 3191) granting a pension to Mary S. Logan;

A bill (H. R. 3839) granting a pension to Mrs. Hettie K. Painter;

A bill (H. R. 4104) granting a pension to Mahala Dexter;

A bill (H. R. 5118) granting a pension to Theodore Gardner;

A bill (H. R. 6759) granting a pension to Mary Robinson;

A bill (H. R. 6761) for the relief of James Orr;

A bill (H. R. 6812) granting an increase of pension to Stephen Thurston; and

A bill (H. R. 7856) granting a pension to Emma R. Johnson.

The joint resolution (H. Res. 140) appropriating $25,000 for the International Exhibition in Barcelona, Spain, was read twice by its title, and referred to the Committee on Appropriations.

The bill (H. R. 8962) for the relief of Anthony L. Woodson was read twice by its title, and referred to the Committee on Claims.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

A bill (H. R. 671) for the relief of the heirs of John S. Fillmore, deceased;

A bill (H. R. 2996) to confirm the title of the heirs or legal representatives of Henry Volcker, deceased, to a certain tract of land in the Territory of New Mexico;

A bill (H. R. 6394) for the relief of Hayem & Taylor; and

A bill (H. R. 6879) to authorize the Secretary of the Treasury to convey to Anson Rudd, of the State of Colorado, certain real estate in the county of Frémont, in said State.

MARY S. LOGAN.

Mr. HOAR. I desire to inquire of the chairman of the Committee on Pensions what is the bill granting a pension to Mary S. Logan, which has just been read and referred?

Mr. DAVIS. It will be remembered that the Senate passed two bills, one for the relief of Mrs. Logan and the other for the relief of Mrs. Blair. The House passed the Senate bill for the relief of Mrs. Blair, and instead of passing the Senate bill for the relief of Mrs. Logan, it passed a bill of its own in the same terms. I now ask unanimous consent for the consideration of House bill 3191, granting a pension to Mary S. Logan.

The PRESIDENT *pro tempore*. The Senator from Minnesota asks unanimous consent that the Senate recall from the Committee on Pensions and proceed to the consideration of the bill (H. R. 3191) granting a pension to Mary S. Logan. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension-roll the name of Mary S. Logan, widow of the late John A. Logan, a major-general of the United States Volunteers in the late war for the Union, and to pay her a pension at the rate of $2,000 per annum.

The PRESIDENT *pro tempore*. Are there amendments to the bill in Committee of the Whole?

Mr. CULLOM. Was not the Senate bill the same?

The PRESIDENT *pro tempore*. But this is a bill from the House of Representatives.

Mr. CULLOM. I hope it will be passed at once.

The bill was reported to the Senate without amendment, ordered to a third reading, and was read the third time.

Mr. BERRY. I desire to state that, as a bill precisely the same as this passed the Senate with only seven votes in the negative, I recognize the fact that it would be useless to call for a division or for the yeas and nays. I wish it to go upon the record, however, that I am opposed to the bill, and I shall vote no.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass?

The bill was passed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented memorials from citizens of Wisconsin, West Virginia, Virginia, Utah Territory, Texas, Pennsylvania, Ohio, New York, New Jersey, Montana Territory, Mississippi, Missouri, Michigan, Maine, Kentucky, Kansas, Iowa, and Indiana, remonstrating against the Palmer pleuro-pneumonia bill; which were ordered to lie on the table.

He also presented two petitions of settlers on the New York Indian lands in Bourbon County, Kansas, praying for the passage of the bill (H. R. 1406) fixing the price of the land therein described at $2.50 per acre; which were ordered to lie on the table.

He also presented a petition of the Pressmen's Union No. 1, of Washington, D. C., praying for the passage of the international copyright bill; which was ordered to lie on the table.

He also presented resolutions adopted by the senate and house of representatives of Massachusetts, urging the passage of legislation to protect lives of train brakemen; which were referred to the Committee on Interstate Commerce.

Mr. CULLOM presented a petition of 19 ex-Union soldiers and sailors, citizens of Du Page County, Illinois, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of the district officers of the General Land Office in Utah Territory, praying for increased appropriations for surveying; which was referred to the Committee on Public Lands.

He also presented the petition of Smith, Hogg & Gardner, and 12 other firms of Boston, Mass., and the petition of Harding, Colby & Co., and 9 other firms of Boston, Mass., praying for the adoption of amendments to the interstate-commerce act to prevent discriminations by means of misrepresentation as to the weight and character of articles offered for shipment; which were referred to the Committee on Interstate Commerce.

Mr. FRYE presented the petition of Ira P. Gardner and other ex-Union soldiers and sailors, citizens of Maine, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. DAWES presented the petition of Rev. Joseph Cook and other citizens of Boston, Mass., praying for better legal protection for women and girls within the territorial, admiralty, and maritime jurisdiction of the United States; which was referred to the Committee on the Judiciary

Mr. DAWES. I present several petitions of citizens of different towns in Massachusetts; first, of A. C. Stoddard and others of North Brookfield. These petitions respectfully demand—

1. That the work of the eradication of pleuro-pneumonia shall be continued under the Bureau of Animal Industry as at present organized.

2. That the law establishing this bureau be strengthened without changing the plan of work now in operation.

3. That the Bureau of Animal Industry shall be allowed to remain in the Department of Agriculture, with a chief who shall be a competent veterinary surgeon, and who shall report to the Commissioner of Agriculture; and that no board or commission shall be given any authority or control over this bureau or the work which it is now performing.

I present a like petition from John Q. Evans and others, of Amesbury, in Essex County, Massachusetts, and of Isaac C. Duey and others, of West Boxford, in Essex County, Massachusetts. There is a bill already reported from the Committee on Agriculture and Forestry bearing upon this subject, though perhaps not in the strenuous and rigid demand of these constituents of mine, and perhaps these petitions had better lie on the table.

The PRESIDENT *pro tempore*. The petitions will lie on the table.

Mr. ALLISON. I present the petition of Justus Clark and other cattle-raisers, of Red Oak, Iowa, representing $10,000,000 worth of cattle, to the same effect as those presented by the Senator from Massachusetts [Mr. DAWES]. I move that the petition lie on the table.

The motion was agreed to.

Mr. ALLISON presented a petition of 33 ex-Union soldiers and sailors, citizens of Egan, Dak., praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of members of the faculty of Iowa College, at Grinnell, Iowa, praying for the speedy enactment of an international copyright law; which was ordered to lie on the table.

Mr. FARWELL presented a petition of ex-Union soldiers and sailors, citizens of Illinois, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. BUTLER. I present a memorial from the board of railroad commissioners for the State of South Carolina, signed by Milledge L. Bonham, D. P. Duncan, and Eugene P. Jervey, in regard to some action by Congress requiring railroad companies to adopt a uniform system of car-coupling in the interest of human life and the safety of passengers and employés of railroads. The memorialists have formulated their opinion in a resolution, which reads as follows:

Resolved, That the Interstate Commerce Commission are instructed to consider what can be done to prevent the loss of life and limb in coupling and uncoupling freight cars used in interstate commerce, and in handling the brakes of such cars, and in what way the growth of the system of heating passenger cars from the locomotive, or other single source, can be promoted, to the end that said commission may make recommendations in the premises to the various railroads within its jurisdiction, and report its doings to Congress, at an early date, with such suggestions as to legislation on said subjects as may seem to it necessary or expedient.

I move that the communication be referred to the Committee on Interstate Commerce.

The motion was agreed to.

Mr. HARRIS. I present a memorial of the governor of Tennessee and sundry citizens of the county of Greene, in that State, remonstrating against the passage of the animal-industry bill, which is now the special order. I move that the memorial lie on the table.

The motion was agreed to.

Mr. JONES, of Arkansas, presented the memorial of James Bowlin and 10 other citizens of Arkansas, remonstrating against the passage of the bill to authorize the building of a railroad bridge across the Arkansas River at Little Rock; which was referred to the Committee on Commerce.

Mr. COKE presented a memorial of the Northwest Texas Cattle-Raising Association, remonstrating against the passage of what is known as the Palmer pleuro-pneumonia bill; which was ordered to lie on the table.

He also presented a petition of citizens of Montague County, Texas, praying that some provision be made at this session of Congress to pay the Indian depredation claims which have been filed in the Indian Bureau of the Department of the Interior by the pioneers and early settlers on the frontier; which was referred to the Committee on Indian Affairs.

Mr. WILSON, of Maryland, presented a joint resolution of the Legislature of Maryland, recommending the continuance of the relations between the State Live-Stock Sanitary Board of Maryland and the Bureau of Animal Industry of the United States; which was ordered to lie on the table, and to be printed in the RECORD, as follows:

Joint resolution recommending the continuance of the relations between the State Live-Stock Sanitary Board of Maryland and the Bureau of Animal Industry of the United States.

Whereas the contagious disease known as pleuro-pneumonia exists to such an extent in portions of the United States as to greatly damage the animal industry; and

Whereas the existence of such disease is due in the first instance to the lack of proper quarantine regulations on the part of the Federal Government against known infected foreign countries: Therefore,

Resolved by the General Assembly of Maryland, That it is the duty of the Federal Government to defray the expense of extirpating such disease.

Resolved, That it is unwise and of doubtful constitutionality for the General Government to undertake alone to regulate within the limits of a State matters quarantine, and the numerous petty penalties connected therewith, elsewhere than at ports of entry, and in respect of imported or exported cattle.

Resolved further, That the present system of co-operation between the State Live-Stock Sanitary Board and the Federal authorities is the best and only practicable plan for eradicating and preventing such diseases; and the thanks of this body are hereby cordially tendered to the Commissioner of Agriculture and the Bureau of Animal Industry of the United States for their efficient co-operation with our State authorities in accomplishing these objects; and this General Assembly does heartily recommend the continuance of these relations, which have been productive of so much good.

Approved this 30th day of March, 1888.

GEORGE M. UPSHUR,
Speaker of the House of Delegates.
GEORGE PETER,
President of the Senate.

MARYLAND, *sct.*:

I, Spencer C. Jones, clerk of the court of appeals of Maryland, do hereby certify that the foregoing is a full and true copy of the joint resolution of the General Assembly of Maryland of which it purports to be a copy, as taken from the original joint resolution belonging to, and deposited in, the office of the clerk of the court of appeals of Maryland.

In testimony whereof, I have hereunto set my hand as clerk, and affixed the seal of the said court of appeals, this 31st day of March, A. D. 1888.

SPENCER C. JONES,
[SEAL.] *Clerk Court of Appeals of Maryland.*

Mr. STOCKBRIDGE presented the petition of Paul R. Baldy and 41 other ex-Union soldiers and sailors, citizens of Schoolcraft, Mich., and the petition of F. W. Bradley and 24 other ex-Union soldiers and sailors, citizens of Kalkaska County, Michigan, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented the petition of S. D. Upham and 23 other engineers, members of the Subordinate Association, No. 67, of the National Marine Engineer Beneficial Association, of Saugatuck, Mich., praying for the passage of certain bills to limit the hours of service of marine engineers; which was referred to the Committee on Education and Labor.

Mr. HOAR presented the petition of the board of railroad commissioners of Massachusetts, praying for the passage of a resolution directing the Interstate Commerce Commission to consider what can be done to lessen the loss of life and limb in coupling and heating freight-cars and in the handling of brakes; which was referred to the Committee on Interstate Commerce.

Mr. DAVIS presented a petition of the railroad commission of the State of Minnesota, praying that the Interstate Commerce Commission consider means to prevent personal injuries in coupling and uncoupling freight-cars; which was referred to the Committee on Interstate Commerce.

Mr. SAWYER presented two petitions of citizens of Milwaukee, Wis., praying that the work of eradicating pleuro-pneumonia shall be continued under the Bureau of Animal Industry; which were ordered to lie on the table.

He also presented a petition of ex-Union soldiers and sailors, citizens of Wisconsin, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. SHERMAN presented 14 petitions of 527 ex-Union soldiers and sailors, citizens of Ohio, praying for the passage of the per diem rated service-pension bill, as follows:

Five petitions of citizens of Ohio;

A petition of citizens of Lake County;

A petition of citizens of Oak Hill;

A petition of citizens of Oak Hill, Samsonville, and other towns;

A petition of citizens of Andover, Ashtabula County;

A petition of citizens of Red Lion, Carlisle, and other towns in Warren County;

A petition of citizens of Burghill, Kinsman, and other towns;

A petition of citizens of West Mecca;

A petition of citizens of Springborough and other towns in Warren County; and

A petition of citizens of Loveland, Goshen, and other towns in Clermont and Warren Counties.

The petitions were referred to the Committee on Pensions.

Mr. SHERMAN presented a petition of the Scioto (Ohio) Game Club, praying for the better protection of the Yellowstone National Park; which was ordered to lie on the table.

Mr. COCKRELL. I present resolutions adopted by the League for the Protection of Personal Liberty, in the city of St. Louis, Mo., protesting against the enactment of any laws which confer the right of expulsion of any inhabitants of this country, or which make the right of immigration to the United States dependent upon any new conditions; and also urging that the existing laws against the importation of contract labor, criminals, insane persons, or paupers be strictly enforced by the authorities.

I move the reference of the resolutions to the Committee on Education and Labor.

The motion was agreed to.

Mr. DANIEL presented a petition of the farmers' convention, assembled at Danville, Va., praying for the repeal of the internal-revenue laws; which was referred to the Committee on Finance.

He also presented the petition of Naurozine Grange, No. 126, Patrons of Husbandry, of Dinwiddie County, Virginia, praying for the passage of the strictest laws against the manufacture and sale of adulterated articles of food; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of B. S. Rich and other superintendents of the United States Life-Saving Service, praying for an adjustment of salaries in the first, second, fifth, and eighth life-saving districts; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. WILSON, of Iowa, from the Committee on the Judiciary, to whom was referred the bill (H. R. 6051) regulating the times for holding the terms of the United States courts in the northern district of Iowa, reported it with an amendment.

Mr. WILSON, of Iowa. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 1859) to provide an additional mode of taking depositions of witnesses in causes pending in the courts of the United States, to report it adversely. I will state that the report is adverse for the reason that the Senate has passed a bill on the same subject which is regarded by the committee as more comprehensive than the House bill. I move that the bill be postponed indefinitely.

The motion was agreed to.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 1841) granting a pension to Mariah Scales, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Anson S. McDonald, praying to be allowed a pension, submitted an adverse report thereon; which was agreed to, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 1539) to increase the pension of James E. Gott;

A bill (S. 1867) granting a pension to Mrs. Mary L. Ristine;

A bill (S. 645) granting a pension to Mrs. Margaret B. Todd;

A bill (H. R. 7891) for the relief of Cynthia J. Leroy;

A bill (H. R. 416) granting a pension to Thomas H. Aulls;

A bill (H. R. 97) granting a pension to Ida B. Linthicum;

A bill (H. R. 509) granting a pension to James A. Haley;

A bill (H. R. 3488) granting a pension to Mary Dull;

A bill (H. R. 6974) for the relief of Mary E. Hawn, widow of Emanuel R. Hawn, late surgeon of the Forty-ninth Regiment Indiana Volunteers, deceased;

A bill (H. R. 893) granting a pension to Julia Stokes;

A bill (H. R. 2456) for the relief of Judith Plummer;

A bill (H. R. 782) granting a pension to Marble H. Baird;

A bill (H. R. 150) granting an increase of pension to Henry B. Shaw; and

A bill (H. R. 2518) granting an increase of pension to John Rowe.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 655) granting an increase of pension to Mary Van Kusserow, reported it with an amendment, and submitted a report thereon.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (S. 1204) to provide for holding the circuit and district courts of the United States at Martinsburgh, in the district of West Virginia, reported it with amendments.

DOCUMENTS FOR STATE DEPARTMENT.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. Res. 77) to supply the Department of State with copies of bills and other documents, to report it without amendment, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It directs the Public Printer to furnish the Department of State, out of the usual number, with ten copies of each bill and joint resolution, and twenty copies of each executive document, miscellaneous document, and report of committee of either House of Congress.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7315) to divide the Great Sioux Indian reservation into separate smaller reservations, and for other purposes, agreed to the conference asked by the Senate on the said bill and amendments, and had appointed Mr. PEEL, Mr. HUDD, and Mr. NELSON managers at the conference on its part.

SIGNAL-OFFICE BUILDING.

Mr. SPOONER introduced a bill (S. 2565) to appropriate a sum of money sufficient to carry out the provisions of the act approved March 5, 1888, entitled "An act for the purchase of a site, including the building thereon, also for the erection of the necessary store-houses, for the use of the office of the Chief Signal Officer of the Army, at the city of Washington, D. C.;" which was read the first time by its title.

Mr. SPOONER. I ask unanimous consent that the bill may be considered at this time.

The PRESIDENT *pro tempore*. The bill will be read at length for information.

The bill was read the second time at length, as follows:

Be it enacted, etc., That there is hereby appropriated out of any moneys in the Treasury not otherwise appropriated a sum sufficient to carry out the provisions of an act entitled "An act for the purchase of a site, including the building thereon, also for the erection of the necessary store-houses, for the use of the office of the Chief Signal Officer of the Army, at the city of Washington, D. C.," approved March 5, 1888.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. SPOONER. I wish to make a word of explanation showing the necessity for this bill.

Congress passed an act, which was approved on the 5th of March last, authorizing and directing the Secretary of the Treasury to purchase a site in the city of Washington, including the building upon it, for the use of the Signal Service, the site and building not to cost over $112,000. It also authorized the erection upon the land of certain store-houses, the whole cost, including site, not to exceed $150,000. It was supposed that the act carried with it an appropriation. The Secretary of the Treasury submitted the question to the Attorney-General, who decided that notwithstanding the bill contained a direction that the property be purchased, it did not imply an appropriation.

It is the desire of the Treasury Department that the appropriation shall be made, and promptly made, because the negotiations for the purchase of the property are interrupted for want of the formal words of appropriation in the act.

Mr. COCKRELL. And this simply appropriates the sum?

Mr. SPOONER. That is all. It appropriates the money to carry out the provisions of that act.

Mr. HALE. Will the Senator allow me to state further that the Committee on Appropriations examined this subject-matter some years ago very thoroughly, and incorporated the appropriation upon one of the appropriation bills passed by the Senate, but it was struck out in conference? I hope that the bill may be passed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL INTRODUCED.

Mr. GEORGE introduced a bill (S. 2566) to provide for the erection of a public building in the city of Meridian, Miss.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 29th ultimo approved and signed the act (S. 1665) granting a pension to Theresa B. Hoffman.

The message also announced that the President had this day approved and signed the following acts and joint resolution:

An act (S. 2550) appropriating $20,000 for expenses of special and select committees of the Senate;

An act (S. 2220) to correct an error in and to further amend "An act to authorize the Georgia Pacific Railroad Company to construct bridges across the Sunflower, Yazoo, and Tombigbee Rivers, in Mississippi," approved March 3, 1887; and

A joint resolution (S. R. 65) to print Executive Document No. 51, first session of the Forty-ninth Congress, on the subject of cattle and dairy farming.

WOMAN SUFFRAGE HEARINGS.

Mr. COCKRELL submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Select Committee on Woman Suffrage be authorized to employ a stenographer for the purpose of reporting arguments before it, who shall be paid from the contingent fund of the Senate, and to have the arguments before it printed.

Mr. COCKRELL submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That the arguments before the Committee on Woman Suffrage April 2, 1888, be printed for the use of the Senate, and that extra copies be printed.

BILLINGS, CLARK'S FORK AND COOKE CITY RAILROAD.

Mr. JONES, of Arkansas. I give notice that to-morrow I shall ask the Senate to take up the bill (S. 325) granting to the Billings, Clark's Fork and Cooke City Railroad the right of way through the Crow Indian reservation.

FLORIDA LAND TITLES.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Chief Clerk read the resolution submitted by Mr. CALL March 31, 1888, as follows:

Resolved, That a special committee of five Senators shall be appointed, to be selected by the President of the Senate, who shall inquire whether it is essential or advisable for the protection of actual settlers on the public land of the United States in the State of Florida, which has been heretofore patented or certified to other than actual settlers improvidently or without authority, that suits shall be brought by the United States to cancel such patents, the committee to report by bill or otherwise, and further report such other legislation as may be necessary for the protection of actual settlers on the public lands of the United States in the State of Florida and for the settlement of the title to the public lands in the possession of such settlers.

Mr. CALL. I ask that the resolution may go over this morning in order that the members of the Committee on Public Lands may have some conference in regard to it. I hope they will agree to it, as I should prefer not to have them antagonize it.

The PRESIDENT *pro tempore*. The resolution will be passed over. The morning business is closed.

MISSISSIPPI RIVER BRIDGE AT MEMPHIS.

Mr. HARRIS. I move that the Senate proceed to the consideration of the bill (H. R. 2927) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which was reported from the Committee on Commerce with amendments.

Mr. HARRIS. I ask that the amendments be acted upon as they are reached in the reading of the bill.

The PRESIDENT *pro tempore*. That order will be followed, if there be no objection.

The Secretary proceeded to read the bill.

The first amendment was, in section 3, line 2, after the word "spans," to strike out the words:

The two middle or channel spans thereof shall not be less than 600 feet in length in the clear, and no span shall be less than 450 feet in length in the clear.

And to insert:

Before approving the plans for said bridge, the Secretary of War shall order three engineer officers from the Engineer Bureau to be detailed to the duty of examining, by actual inspection, the locality where said bridge is to be built, and to report what shall be the length of the main channel span and of the other spans: *Provided*, That the main channel span shall in no event be less than 700 feet in length, or the other spans less than 600 feet each in length; and if the report of said officers shall be approved by the Secretary of War, the spans of said bridge shall be of the length so required.

The amendment was agreed to.

The next amendment was, in section 3, line 17, before the word "feet," to strike out "sixty-five" and insert "seventy-five;" so as to read:

The lowest part of the superstructure of said bridge shall be at least 75 feet above extreme high-water mark, as understood at the point of location, and the bridge shall be at right angles to and its piers parallel with the current of the river.

The amendment was agreed to.

The next amendment was, in section 6, line 4, after the word "whenever," to strike out "Congress" and insert "Secretary of War;" so as to read:

That the right to alter, amend, or repeal this act is hereby expressly reserved, and the right to require any changes in said structure, or its entire removal, at the expense of the owners, whenever the Secretary of War shall decide that the public interests require it, is also expressly reserved.

The amendment was agreed to.

Mr. SHERMAN. Are the amendments being acted upon as they are reached?

The PRESIDENT *pro tempore*. As the bill is being read.

Mr. SHERMAN. One amendment has been passed which I desire to have left open—the amendment relating to the height of the bridge.

The PRESIDENT *pro tempore*. The Senate can return to it when the reading of the bill is completed.

The next amendment of the Committee on Commerce was to add to the bill the following additional section:

SEC. 9. That an act entitled "An act to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn.," approved February 26, 1885, be, and the same is hereby, repealed.

The amendment was agreed to.

Mr. SHERMAN. I move to reconsider the vote by which the amendment in line 17 of section 3, fixing the height of the bridge, was agreed to.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. In section 3, line 17, before the word "feet," strike out "sixty-five" and insert "seventy-five;" so as to read:

The lowest part of the superstructure of said bridge shall be at least 75 feet above extreme high-water mark.

The PRESIDENT *pro tempore*. The adoption of the amendment was purely informal, and the question on agreeing to it will be regarded as before the Senate, if there be no objection.

Mr. SHERMAN. Then I move to strike out "seventy-five" and insert "one hundred;" so as to fix the height at 100 feet.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Ohio to the amendment reported from the Committee on Commerce.

Mr. SHERMAN. I do not wish to prevent the passage of this bill, because I know that the Mississippi River, and all the rivers, must be bridged. I am not opposed to bridging the stream; but Congress some years ago adopted definitely the proposition that no bridge should be made across the Ohio River, the Mississippi River, or the Missouri River unless it either contained a draw or was elevated to 100 feet above low-water mark. This is the first departure, I believe. The Senator from Tennessee may tell me whether there is any bridge over the Mississippi of a less height than 100 feet.

Mr. HARRIS. I will inform the Senator from Ohio that a week or ten days since the Senate passed a bill authorizing the construction of a bridge across the Mississippi River at Natchez, 300 or 400 miles below Memphis, at a height of 75 feet. There is now on the statute-book an act passed in 1885 authorizing the construction of a bridge across the Mississippi River at Memphis, with a span not less than 550 feet in length, at the height of 65 feet above high-water mark.

Mr. SHERMAN. That is the act which it is proposed to repeal.

Mr. HARRIS. The last section of this bill proposes to repeal that act.

This bill not only provides that the bridge shall not be less than 75 feet, but by the amendment reported by the Committee on Commerce it is provided—I read section 3—

That the said bridge shall be made with unbroken and continuous spans. Before approving the plans for said bridge, the Secretary of War shall order three engineer officers from the Engineer Bureau to be detailed to the duty of examining, by actual inspection, the locality where said bridge is to be built, and to report what shall be the length of the main channel span and of the other spans: *Provided*, That the main channel span shall in no event be less than 700 feet in length, or the other spans less than 600 feet each in length; and if the report of said officers shall be approved by the Secretary of War, the spans of said bridge shall be of the length so required.

With the absolute requirement that no bridge shall be built until the Secretary of War approves the plan, with the absolute requirement that he shall send three engineers to the site of the bridge to inspect carefully the whole matter and determine upon what plans and the exact place at which the bridge is to be built, it seems to me that the rights of navigation have never been so well protected by any bridge bill that has ever been reported to either House of Congress from the beginning of the Government to this hour.

Mr. SAWYER. I will state to the Senator from Ohio that the Secretary of War recommends 75 feet. That is why we changed the bill from 65 to 75 feet. That is as high as any bridge that has been constructed since I have been on the committee.

Mr. SHERMAN. Has the Mississippi River been bridged with an altitude of only 75 feet above low-water mark where there was no draw?

Mr. HARRIS. Can the Senator from Wisconsin inform me as to the height of the St. Louis bridge?

Mr. SAWYER. I do not remember now, but it is not near as high as this.

Mr. HARRIS. Can the Senator from Missouri inform me as to the height of the St. Louis bridge?

Mr. JONES, of Arkansas. I suggest to the Senator from Ohio that Congress at the last session passed a bill authorizing the building of a bridge on the Mississippi River below St. Louis, the height of the principal span of which was 65 feet.

Mr. SHERMAN. Now, we have got information, most of which I already knew. I do not know, and do not believe now, unless Senators will so inform me who live on the Mississippi River, that Congress has ever authorized the construction of a bridge over the Mississippi, Ohio, or Missouri Rivers of a less altitude than 100 feet. If I am mistaken in this, I should like to know it.

Mr. PLUMB. Undoubtedly you are mistaken; there are fifty of them authorized.

Mr. SHERMAN. Where are they?

Mr. PLUMB. I will furnish them by the score in a few minutes.

Mr. SHERMAN. If the Senator will convince me that the Mississippi River has been bridged at a less altitude than that, I shall have nothing to say. I have received a great multitude of petitions and papers on this general subject, mainly from persons engaged in navigation at Louisville and on the Ohio River above; and I remember the sad experience we passed through here once, about fifteen years ago, in respect to a bridge at Cincinnati. Up to that time Congress had refused to allow the erection of any bridge across the Ohio River less than 100 feet altitude above low-water mark, but finally——

Mr. HARRIS. The Senator observes that this requirement is 75 feet above extreme high-water mark.

Mr. SHERMAN. That is what I wished to get at.

Then Congress did pass a bill at the urgent request of the Pennsylvania railroad system authorizing the construction of a bridge at Cincinnati of 70 feet altitude above low-water mark. There was a struggle over that, but it was finally passed. It was soon ascertained after the bridge had been partly finished, and when it was ready for the superstructure, that to put that superstructure on the piers as they stood, 70 feet above low-water mark, would endanger navigation; but Congress asserted its power and compelled that company to change its plans and to raise the bridge to an elevation of 100 feet. The Senator from Vermont, who is here [Mr. EDMUNDS], knows about that very well, because he took one view of it and I think I took another. The people of Ohio, who were interested in the construction of the bridge, insisted upon it that that bridge should be raised to 100 feet, and it was raised.

Mr. ALLISON. That much above low-water mark?

Mr. SHERMAN. One hundred feet above low water; and that bridge was raised at an enormous expense, which was paid by the company under a provision inserted in the bill. The claim was made that Congress had no right to compel this raising of the bridge; and it was provided that in case the Supreme Court should decide that Congress had no right to compel this at the expense of the company the Government should pay the expense, and if the decision should be against the railroad company the company should pay it. The Supreme Court decided that the power of Congress was supreme in the matter, that they had a right to judge and require the bridge to be raised at the expense of the company.

Mr. HARRIS. Will the Senator from Ohio allow me to make a suggestion to him? His suggestion, as I understand it, is that the bridge shall be raised 100 feet above low water.

Mr. SHERMAN. Yes.

Mr. HARRIS. As a matter of fact the difference between extreme low water and extreme high water at Memphis is 48 to 50 feet. This bill requires that the lowest part of the superstructure of the bridge shall be not less than 75 feet above extreme high water.

Mr. SHERMAN. If that be so, that falls within the rule I have been enunciating.

Mr. HARRIS. The bill even goes beyond the rule that the Senator has been insisting upon, because, as a matter of fact, there is a difference of between 40 and 50 feet between low and high water mark.

Mr. SHERMAN. I should like to have that clause of the bill read, for all I wish is to protect the interest of navigation on the Mississippi River. Read that section.

The Secretary read as follows:

SEC. 3. That the said bridge shall be made with unbroken and continuous spans. Before approving the plans for said bridge, the Secretary of War shall order three engineer officers from the Engineer Bureau to be detailed to the duty of examining, by actual inspection, the locality where said bridge is to be built, and to report what shall be the length of the main channel span and of the other spans: *Provided*, That the main channel span shall in no event be less than 700 feet in length or the other spans less than 600 feet in length; and if the report of said officers shall be approved by the Secretary of War, the spans of said bridge shall be of the length so required. The lowest part of the superstructure of said bridge shall be at least 75 feet above extreme high-water mark, as understood at the point of location, and the bridge shall be at right angles to and its piers parallel with the current of the river.

Mr. SHERMAN. With that provision I do not see that there ought to be any complaint made by the people along the river. All I ask is that the same provision in substance shall be applied to the Lower Mississippi River as was applied to the Ohio River.

Mr. SAWYER. This will be a much higher bridge than was required there.

Mr. SHERMAN. Then I am satisfied. I withdraw my amendment.

Mr. PLUMB. I wish to call the attention of the Senator from Ohio to the fact that in providing for a bridge to be built across the Missouri River at Louisiana 50 feet was established as the height above high water. That has been the rule.

Mr. SHERMAN. The Missouri River is a different stream from the Mississippi.

Mr. COCKRELL. That bridge at Louisiana, in Missouri, is across the Mississippi River.

Mr. PLUMB. I should have said the Mississippi River.

Mr. ALLISON. I desire to say one word in furtherance of the remarks made by the Senator from Kansas. At my own town there is a bridge which I believe is the highest bridge on the Mississippi River at this time.

Mr. SHERMAN. What is the height?

Mr. ALLISON. Fifty feet above high water. I believe it is satisfactory to the people who navigate the river.

Mr. SHERMAN. What is the rise of water there?

Mr. ALLISON. Between high and low water mark, where I live, the difference is 23 feet.

Mr. COKE. If in order, I move, in section 2, line 12, that the words "seven hundred" be stricken out and "one thousand" inserted.

The PRESIDENT *pro tempore*. The Chair will announce, if there be no objection, that the amendment that was informally reconsidered is agreed to. Now the Senator from Texas moves an amendment, which will be stated.

Mr. HARRIS. That is an amendment to an amendment of the committee already acted on.

The PRESIDENT *pro tempore*. That amendment will be open to amendment in the Senate.

Mr. COKE. Very well; I will reserve it.

Mr. BERRY. I move to amend, in section 1, line 12, by striking out after the word "and" down to and including the word "of," in line 14.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. In section 1, line 12, after the word "and," it is proposed to strike out "at the option of the corporation by which it may be built, may be used for the passage of;" so as to read:

Said bridge shall be constructed to provide for the passage of railway trains, and wagons and vehicles of all kinds.

Mr. BERRY. The object of the amendment is to make it obligatory upon the company to provide a passage-way for wagons and foot passengers. As the bill now reads it is left optional with the company whether or not they will make such a foot-passenger bridge. The object of my amendment is to require them to provide a bridge for passengers and vehicles. I think this is a proper amendment.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Arkansas.

Mr. HARRIS. My own judgment is that there ought to be a wagon-bridge, but having telegraphed to the president of the Merchant's Exchange and Cotton Exchange of the city of Memphis, somewhat to my surprise they say that a large proportion, perhaps the majority, of the people there think it unnecessary. Therefore, I am willing that the bill shall pass without such an amendment, though my own judgment was different.

Mr. BERRY. The people of Memphis are not the only persons interested in this bridge; but there are people in Arkansas, on the western side of the river, who live adjacent to Memphis, who have large interests and constant trade and commerce with Memphis. Their cotton finds a large market there; they go there to purchase supplies. The bridge ought to be made convenient for wagons and passengers on foot and on horseback. I happen to know that there are a number of persons in the city of Memphis who are anxious that the amendment should be adopted, and I know it is to the interest of the people on the western side of the river that it should be done. Therefore, I think, the mere fact that the president of the Board of Trade of Memphis is against it ought not to control the Senate when there are so many reasons to the contrary.

Mr. PLUMB. I have no doubt it would convenience the people on the western side to have a wagon-bridge; but if it is going to add infinitely to the expense, and thereby prevent the construction at all, the object in view will be defeated. It seems to me that is a question which ought to be left to be determined by the return that will probably be made, which will be settled, of course, by the parties who build the bridge, in favor of that form of expenditure if it is likely to result

in profit. If it is not, then to attach such a condition to the bill would be to prevent the building of a railroad bridge, and thus the existing impediment to commerce at that point would be continued.

Mr. EDMUNDS. I am opposed to any further stopping up or obstructing the great water-ways of the United States, which are about the only free thing, commercially considered, that is left to the people as against the corporations; but if these obstructions are to continue, then I am in favor of making them as liberal towards the common people who do not own a railroad as I possibly can, and make them as safe for navigation as I possibly can under the circumstances.

If these railway people can not build a bridge there which shall allow the passage of wagons and foot passengers, they had better not have the bridge at all. Memphis is a great city, and has a great trade on both sides of the Mississippi River; and when these railway people are to build a railway bridge they can, with a very slight additional expense, comparatively, provide for the convenience and comfort of the people of the United States who live on both sides of the river in that vicinity. If the parties who are interested in this railway project happen to own ferries there at present, I can readily see how they think the public would not want any provision made for the passage of a man or a horse and wagon; but we all perfectly well know that the additional expense of providing a footway or carriageway either above or alongside the railway bridge, when the whole structure is going on together, is a very small thing indeed comparatively. I hope, therefore, that the amendment of the Senator from Arkansas will be agreed to.

Mr. BERRY. I do not know by what authority it is said that requiring the company to add a passage-way for passengers and wagons will increase the expense largely. I am thoroughly in favor of the bill. The people of my State are in favor of the bill. I have supported it all the way through. But those people who live on the western side of the river desire that there shall be a passage for wagons, and, as was said by the Senator from Vermont, that with very little addition to the cost of the railway bridge the company can provide a way which will be a great convenience to parties who live on the western side of the river; and I do not think it will have any tendency whatever to defeat the passage of the bill, or prevent the construction of the bridge. I do think it is proper and right that Congress should provide in this way for the convenience of those people who reside near Memphis and trade with Memphis.

Mr. PLUMB. I did not say it would prevent the building of the bridge. I do not know that it will; it might even accelerate it; but what I meant was that as the purpose I had in view, and as I think the main purpose in securing this bridge, is to make uninterrupted communication between the interior of the country and the Atlantic seacoast by means of a railroad which will cross this bridge, it is not wise to take up the mere local trade and transit across the river at that point to the possible impediment of the more important part of this great natural highway. It may aid it, and if it would, then the option of the company to build the bridge in that way would be all that would be necessary.

Mr. BATE. As one of the representatives of Tennessee, I have been anxious, as has been my colleague, for the passage of the bill; and I believe before the committee no such suggestion as this amendment was made; but, notwithstanding that, I believe it will be to the interest of that people, especially to that city, to have this amendment made. Representing, in part, the wishes and interests of those people, not having been communicated with by the friends of either side, and wishing to do that which I believe will ultimately be to their interest, I shall vote for the amendment.

Every such bridge charter granted this session to railroad companies over a river in that State, as far as I know, has in it the substance of this amendment; and believing it necessary to have a bridge for the interests of Memphis as well as for the interests of Arkansas on the other side of that river, and there being no petition from the citizens against it, why should we make a distinction between this and any other bridge? It should be so made as to contribute to the convenience of the people on both sides. I favor the amendment proposed by the Senator from Arkansas, although there has been no petition here, so far as I am aware, affecting it one way or the other.

Mr. FRYE. I desire to ask the senior Senator from Tennessee if this is the contested Memphis bridge.

Mr. HARRIS. Yes.

Mr. FRYE. I desire to say to the Senator from Tennessee who has it practically in charge that the two Senators from Louisiana who represented an opposing interest are absent from the Senate, and I received this morning from the attorney who represents the interests that they favored a request that this bill should not be taken up and disposed of until the return of the Senators from Louisiana. I simply submit the request, having no desire myself in the premises.

Mr. HARRIS. I was aware of the fact that the two Senators from Louisiana were absent. I was aware of the fact that certain constituents of theirs now have the control of the charter granted in 1885. I was aware of the fact that the senior of these two Senators desired to be present. I was aware of the fact that he was here in the city for a week after this bill was reported to the Senate. He was confined to his house, however, by indisposition, and was not in the Senate. I informed him directly once, and indirectly through a messenger of his own two or three times, that I would delay asking the consideration of this bill a reasonably short time, but the anxiety of the people whom I represent, the anxiety of the people who propose to build this bridge to have the authority to do so, and to avail themselves of a suitable season of the year to commence the work of construction are such that I could not delay asking the Senate to consider it for the unreasonable time that would be covered by the absence of those two Senators looking after a canvass in Louisiana.

I would regret as much as any Senator on this floor even to seem to be wanting in courtesy to any Senator upon this floor, especially any absent Senator; but this is a matter of too much importance to the commerce of the country and the people whom I represent to allow me to delay longer the consideration of the Senate from whatever action the Senate may choose to take upon it. The Senator from Louisiana [Mr. GIBSON] had full notice before he left here that I would not wait, but would insist upon consideration.

Mr. FRYE. I simply desired to make known to the Senator the wish expressed to me this morning by the attorney, not indicating by my request any opposition to the opinions of the Senator from Tennessee, for I fully concur that the bridge bill ought to become a law.

Mr. HARRIS. I quite understand the motive and object of the Senator from Maine, and am obliged to him for the suggestion.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Senator from Arkansas [Mr. BERRY].

The amendment was agreed to.

Mr. EDMUNDS. On page 5, section 5, line 17, I move to insert, after the word "built," the words "or commenced." There will be no objection to that, I am sure.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. In section 5, line 17, after the word "built," it is proposed to insert "or commenced;" so as to read:

And until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built or commenced.

Mr. HARRIS. There can be no objection to that amendment that I can see.

The amendment was agreed to.

Mr. EDMUNDS. I move, with the same idea precisely which I suppose was intended in the bill, to add, after the word "War," in line 20, striking out the period and inserting a comma, the words:

And shall not be made or commenced until the same is so approved.

That is, if they change the plan they shall not go on with the work until the change is approved.

Mr. HARRIS. That is exactly on the line of the other amendment, and is unobjectionable.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. At the end of section 5 it is proposed to strike out the period and insert a comma, and add:

And shall not be made or commenced until the same is so approved.

So as to read:

And should any change be made in the plans of said bridge during the progress of construction, such change shall be subject to approval of the Secretary of War, and shall not be made or commenced until the same is so approved.

The amendment was agreed to.

Mr. EDMUNDS. In section 7, page 6, line 10, the top line, I move to add, after the word "establish," the words "and maintain."

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. In section 7, line 10, after the word "establish," it is proposed to insert "and maintain;" so as to read:

And on failure of the company or persons aforesaid to make and establish and maintain such additional structures within a reasonable time, the said Secretary shall proceed to cause the same to be built or made at the expense of the United States.

The amendment was agreed to.

Mr. EDMUNDS. Now I move, in line 12 of the same section, on the same page, to strike out the word "shall" and insert "may cause the said bridge to be removed at the expense of the owners thereof, or may."

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. In section 7, line 12, before the word "proceed," strike out "shall" and insert:

May cause the said bridge to be removed at the expense of the owner thereof, or may.

So as to read:

The said Secretary may cause the said bridge to be removed at the expense of the owners thereof, or may proceed to cause the same to be built or made at the expense, etc.

Mr. EDMUNDS. I will explain the object of that amendment. There is another very proper clause in the bill, that if this bridge turns out to be obstructive to navigation, etc., the Secretary of War may cause the thing to be entirely removed. Now, I am afraid that if they construct the bridge, the clause standing as it is in the printed bill, if the owners should not comply with the requirements of the Secretary of War in regard to the safeguards about approaches, etc., or doing the additional things requisite to make it as convenient for navigation as possible, in that case the Secretary would lose the power which is re-

served to him in the former section of requiring it to be removed altogether; and therefore I simply repeat what is a former provision of the bill.

The amendment was agreed to.

Mr. EDMUNDS. Then in line 13 of the same section I think there must be a misprint or a clerical mistake. The clause now reads that the Secretary of War may cause these additional things "to be built or made at the expense of the United States." All the preceding clauses very rightly, as I think, require all this to be done at the expense of the owners of the bridge, although done by the Secretary of War. Therefore I move to strike out "United States" and insert the words "owners of said bridge, and in that case;" so as to read:

The said Secretary may cause the said bridge to be removed at the expense of the owners thereof or may proceed to cause the same to be built or made at the expense of the owners thereof, and in that case shall refer the matter without delay to the Attorney-General of the United States.

Mr. HARRIS. That was what was intended by the original language.

Mr. FRYE. It is evidently a mistake.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. EDMUNDS. I wish to make one suggestion to the committee, and that is a mere matter of form and taste, to put section 6, the right to alter, amend, and repeal, at the end of the bill as the last section, where it ought to be. It is now in the middle of the bill.

Mr. HARRIS. I have no objection to that.

Mr. EDMUNDS. I move to transpose section 6 so that it will be the very last section in the bill.

The PRESIDENT *pro tempore*. That order will be made, if there be no objection.

Mr. COKE. I move, on page 3, section 3, line 12, that the words "seven hundred" be stricken out and "one thousand" inserted.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. In the amendment of the Committee of the Whole in section 3, line 12, before the word "feet," it is proposed to strike out "seven hundred" and insert "one thousand;" so as to read:

That the main channel span shall in no event be less than 1,000 feet in length.

Mr. COKE. There is a minority report which accompanies this bill from the Committee on Commerce, signed by Senators GIBSON, RANSOM, GORMAN, KENNA, and myself, in which we recommend that there shall be at least one span of not less than a thousand feet in width, and that the height of the bridge shall not be less than 85 feet. We predicate this recommendation upon the opinion of the Mississippi River Commission, composed of civilian and Army engineers, who say:

It is our opinion that if a bridge is permitted at Memphis it should have at least one channel span with a clear opening, at right angles with the current, of 1,000 feet; and that the lowest part of this span should be 75 feet above extreme high water.

That is the opinion of a commission of eminent engineers, both civilian and Army engineers, who, for eight years before the opinion was given, had been studying the Mississippi River, and especially the matter of a bridge at Memphis. I will send the minority report to the Secretary's desk and ask that it be read:

The PRESIDENT *pro tempore*. The paper will be read.

The Secretary read as follows:

VIEWS OF THE MINORITY.

Mr. GIBSON, from the Committee on Commerce, submitted the following minority report, to accompany bill H. R. 2927:

The undersigned, the minority of the Committee on Commerce, beg leave to report their dissent from the majority report of said committee on the following points:

They concur with the majority of the committee that a bridge should be constructed in the interest of railway transportation across the Mississippi River at or near Memphis, which has become a railway center. They would deny no reasonable facilities to accommodate railway traffic, but in their judgment, if a bridge can be constructed at Memphis which will afford ample facilities for communication with the trans-Mississippi country by railroad and highway at a cost proportionate to the amount of business to be done, and altogether reasonable, it should be erected, without interfering with the trade and commerce on the river, which, it must be remembered, already exceed in value our entire foreign commerce, and are constantly increasing with the development of the agricultural, mining, and manufacturing resources of the vast population inhabiting the great valley; and it must also be borne in mind that the function of the Mississippi River is to determine, within certain limitations, the rates of freight all over the country.

The Government of the United States, appreciating the importance of this great national highway, created a commission, by act approved June 29, 1879, composed of General Gillmore, General Comstock, Major Suter, distinguished engineers of the Army; Mr. Harrod, chief engineer of the State of Louisiana; Mr. Taylor, Mr. Ferguson, graduate of West Point and an Army officer, and likewise a distinguished engineer. The Government has also appropriated about $12,000,000 (not to speak of four and a half millions which were expended on the Eads jetties to secure deep water at the mouth of the river) for the improvement of the river from the Head of the Passes to St. Louis, and the plan adopted by them, at first held by many to be experimental, has produced the most beneficial results wherever it has been applied.

Every interest, therefore, of the people of the whole country requires that the proposed bridges should be erected without impairing the navigation of the Mississippi River, if it can be done at a reasonable cost and by the appliances and methods generally adopted throughout the world by engineers in constructing bridges.

We desire at the outset to call attention to an error which we find in the report of the majority. They say that the length of the span, 700 feet, concurs with the present judgment of the War Department, although the Board of Engineers now recommend a height of 70 feet. We find nothing in the report to justify this assumption. Now, what does the Chief of Engineers say on this matter? General Duane, in a letter addressed to Senator GIBSON March 3, 1888, says:

"Below Cairo to Natchez the Board of Engineers were divided as to the length of the channel span to be required, and recommended a clear headway of 70 feet above high water, with all other spans over channel way not less than 600 feet between piers. The Mississippi Commission recommended 1,000 feet for the channel span at Memphis, and not less than 750 feet at Natchez, the length of the span at these two places being determined by the existing local conditions, and the height at both was 75 feet clear headway above high water."

General Duane, Chief of Engineers, further says:

"This office approves the recommendations of the board so far as they apply to bridges for all portions of the river except below Cairo; for this portion it is of the opinion that no bridges should have less than 75 feet clear headway above high water, and that the length of the channel spans should be left for a Board of Engineers, provided for in the modified bill, to determine, with the approval of the Secretary of War; and that the length of such spans should be regulated by the physical features of the locality where it is proposed to erect the bridge and the requirements of navigation at that point."

It will be observed, therefore, that neither the Chief of Engineers nor the Board of Engineers have concurred in recommending that the central span should have a minimum length of 700 feet, but that the Chief of Engineers recommends only that a board should be provided to determine the question. Now, we think that a board consisting of the Army engineers and civil engineers on the Mississippi River Commission, which has been making an examination of the phenomena of this river for the last eight years (a complete and scientific survey of it in all respects), should have great weight as the very highest authority that can be found in the determination of a problem that vitally concerns the vast industries and interests depending upon the free navigation of the Mississippi River. They recommend that the minimum length of the central span of the bridge at Memphis, owing to the local conditions, should be 1,000 feet. We do not think this at all unreasonable. We know that the War Department has invariably adopted the minimum length of spans provided for by Congress, and we deemed it important, therefore, that the minimum, so far as the Mississippi River is concerned, should be made not less than 1,000 feet, and that the height should be not less than 85 feet.

We beg to refer to the testimony of the representatives of the steam-boat and barge lines plying on the river, from which it will be seen how rapidly the tonnage by the barge lines is increasing, and that the largest steam-boats require at least 85 feet headway.

These conditions may be very easily complied with in the construction of this bridge. Bridge building within the last few years has undergone a revolution by the application of the cantalever system, which is now adopted in the construction of nearly all important bridges. A few years ago, when Captain Eads proposed to build a bridge over the Mississippi River at St. Louis, it was held by engineers generally that a span of over 500 feet was impracticable. Now many bridges are being constructed with twice that length of span, and some with three times that length.

The first cantalever bridge built in this country was designed by Mr. C. Shaler Smith, and constructed over the Kentucky River. Since then a cantalever bridge has been built over the Niagara River, which has one span 170 feet above the water and 470 feet long, the total length of the cantalever being 910 feet. The cantalever bridge across the Hudson River at Poughkeepsie contains five spans each of from 500 to 521½ feet in length and from 130 to 160 feet in clear headway. The Kentucky and Indiana bridge across the Ohio River near Louisville has spans of 480 to 483 feet and a clearance of 109 feet above low water; and the proposed bridge over the East River, at Blackwell's Island, contains two spans of 810 feet each, with a clearance under the middle of the spans of 152 feet. And the bridge over the Frith of Forth, in Scotland, is about 1 mile long and contains four spans, two being of 1,700 feet in length and two of 675 feet in length, with a clear headway of 152 feet.

Now, the water-courses over which these bridges have been constructed can not be held to be more important than the Mississippi River, and we have no doubt that the promoters of this enterprise will find that a minimum length of 1,000 feet of the main span and a height of 85 feet are not unreasonable, and that engineers will be found competent to erect such a bridge. This has been admitted by the engineers.

There is one peculiarity about the Mississippi River, and especially about the local conditions at Memphis, which necessitates a wider span than on any other place on the river. The commerce is carried on now chiefly in barges, and as Capt. Smith S. Leach, of the Engineer Corps of the Army, and secretary of the Mississippi River Commission, says:

"A tow, for instance, of thirty-eight pieces, carrying 700,294 bushels of coal, would in length extend 900 feet, while its width would be 265 feet." Now, when such a tow meets a bend in the river the steamer begins backing to pull the upper end of the tow, and the tow itself, away from the concave bank. This operation is called 'flanking.' In this way in passing bends the axis of the tow becomes inclined to the axis of the river, and in case of sharp bends or swift currents may be at right angles to it. "Such is the case," he observes, "in tows passing Memphis." He also says that the tows have to retain the oblique position in passing nearly the whole of the Memphis front. "It must be remembered," he further observes, "that the channel on the west side of President's Island is the main channel, and is the one which requires the most flanking, and that in the progress of the improvement of the river it may be advisable to close the other." Hence we are to determine the necessities of the case by the length rather than by the width of the tows on the Mississippi River, so far as the Memphis front is concerned.

One source of the greatest expense in building bridges over the Mississippi River is the cost of the piers, for it is necessary to dig down it may be 75 feet in order to secure a firm foundation for them; but by increasing the length of the main span the number of piers may be diminished.

We believe that these suggestions are founded not only in the interest of the trade and the commerce on the Mississippi River, but in permanent advantage also to the railway bridge. For it must be considered that if a bridge should be constructed over that river which will materially obstruct the channel and impair its navigation, the people of the valley will insist that it shall be removed; and it will be removed. Hence we submit that the recommendations of the Board of Engineers, which have had charge of the improvements of this river for nearly ten long years and who can not be actuated by any bias, should be accepted.

We therefore propose that the bridge at Memphis should have one channel-span with a clear opening at right-angles to the current of at least 1,000 feet, and that the lowest part of this span should be at least 85 feet above extreme high water.

We beg leave to refer to the recommendations of the Board of Engineers and Chief of Engineers respecting bridges (marked document A); and the communication from Major Post relating to cantalever bridges (marked document C); and to the table showing the tonnage transported by the New Orleans barge line during the years 1868 to 1888 (marked document D); and to the other documents annexed to this report.

R. L. GIBSON.
M. W. RANSOM.
RICHARD COKE.
A. P. GORMAN.
J. E. KENNA.

The PRESIDENT *pro tempore*. Does the Senator desire the exhibits to be read?

Mr. COKE. No, sir.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Texas [Mr. COKE], which will be again read.

The SECRETARY. It is proposed to strike out of the committee's amendment, in section 3, line 12, before the word "feet," the words "seven hundred," and insert "1,000;" so as to read:

That the main channel span shall in no event be less than 1,000 feet in length.

Mr. SAWYER. I hope that amendment will not be adopted.

Mr. HARRIS. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. SAWYER. A span of 700 feet, it seems to me, is wide enough. It is over four times as wide as Pennsylvania avenue from building to building. That is only 160 feet, and four times that would be 640. I hope the amendment will not be adopted.

Mr. HARRIS. I will not consume the time of the Senate by asking that the report of the majority of the Committee on Commerce be read that favors the passage of this bill as reported from that committee, but I will ask that the Secretary read a communication which I hold in my hand from General George S. Field, who is the engineer and a member of the Union Bridge Company, which I understand to be the largest and most successful company of bridge-builders in America. This question was submitted to him by the friends of this measure, and I ask that the Secretary read his letter of response.

The PRESIDENT *pro tempore*. The paper will be read, if there be no objection.

The Secretary read as follows:

UNION BRIDGE COMPANY, *New York, March* 19, 1888.

GENTLEMEN: I have yours of 16th, asking difference in cost of Memphis bridge if built in accordance with the recommendations of the majority or minority report of the Senate Committe on Commerce.

The longer span and greater height, recommended by the minority, will increase the cost about $425,000. On page 5 of pamphlet containing the two reports you will find the following: "Now, many bridges are being constructed with twice that length of span (500 feet), and some with three times that length."

As far as the writer is aware no bridge has been built, for railway purposes, with spans longer than about 500 feet; and none are in course of construction, with the one exception of the bridge across the Firth of Forth, in Scotland, which is referred to, and which is such an enormously expensive structure that there is not traffic enough crossing any stream in this country, at any one point, which would pay 2 per cent. on its cost. As a matter of fact I believe the transfer of freight and passengers can now be made at Memphis by ferry at a less cost to the railroad companies than if they build a bridge costing not to exceed $2,000,000; and if conditions are imposed which will increase the cost much beyond that sum the scheme will not be inviting to capital. The reference in the minority report to the Niagara cantalever bridge may be misleading to persons not familiar with the subject. The clear span, between abutments, is about 470 feet (as stated), and not 910 feet, as some might suppose from reading the report. Nine hundred and ten feet is the distance from end to end of the bridge, including both shore-arms, which project over the land.

As a professional bridge engineer and builder it seems to me that the entire subject of length of spans and height above water is in perfectly safe hands, as far as the interests of navigation are concerned, when it is referred to the War Department.

On page 6 the minority report refers to reducing the cost by diminishing the number of piers. The number of piers will be the same in either case, four (two in the river proper and one at either end of the long spans) will have to go, practically, to the same depth, and will cost substantially the same, whichever plan is adopted.

Yours, truly,

GEO. S. FIELD.

Messrs. BRITTON & GRAY,
622 F street Northwest, Washington.

Mr. HARRIS. I desire simply to say that from General Field's letter it appears that the increase of length of the span and the height of the bridge as recommended by the minority of the Committee on Commerce will increase the cost $425,000, and in his opinion that increased cost would so add to the difficulties in the way that capital would not be justified in building the bridge.

Mr. FRYE. The Senator must not forget that since the bridge bill was referred to Mr. Field there has been an amendment adopted to-day in the Senate providing for additional bridge accommodations for foot-passengers and horses and carriages, etc., and if that additional weight is added to this span of a thousand feet the increase will be very much greater than $425,000.

Mr. HARRIS. Unquestionably. I have no exact estimate, but I think it is quite safe to state that the wagon way added to the railroad bridge will increase the cost certainly not less than $100,000.

Mr. FRYE. More than that.

Mr. SAWYER. I am told from the very best authority that the wagon bridge alone will increase it a half million dollars. Who would ever go over a bridge 75 feet high in a wagon?

Mr. HARRIS. I can not state what the additional cost of the wagon way would be, but certainly it would be over $100,000; possibly the full amount suggested by other Senators.

The commerce of the country needs and demands a railroad bridge across the Mississippi River at Memphis. Of course, residing as I do on the bank of the Mississippi River, I am about as much interested in protecting the navigation of that river as any other Senator on this floor can be; but there is a larger commerce, a very much larger commerce, crossing that river by rail than floats up and down it. It is the duty of Congress in regulating these matters to protect the interests of the river and the rail commerce, and where there is a conflict a fair and reasonable and just compromise between them must be worked out.

Under the provisions of this bill as it comes from the committee no one conclusion is more certain than that the rights of navigation will be protected without the amendment of the Senator from Texas. The bill fixes 700 feet as the minimum length of the channel span; but it also requires the Secretary of War to send three Army engineers to the ground to inspect it, to determine where the bridge shall be built, and determine how long and how high the spans shall be, and to report to him exactly how high and how long each span shall be; and when he receives that report the bill requires that no bridge shall be built until he approves the plan as to the length of span and height of bridge.

What better guard, what better protection, can the rights of navigation demand than is already incorporated in the bill in the amendments that the Committee on Commerce have reported and that the Senate has agreed to? I do not see any reason whatever why the amendment now proposed fixing a minimum of a thousand feet should be put into the bill. If that committee of engineers shall report that a thousand feet is necessary, that 1,200 feet is necessary, or that 1,500 feet is necessary, it will be the duty of the Secretary of War to require the plan to conform to that recommendation and give to navigation all the protection that navigation is entitled to. The rights of navigation could not be better protected by any possibility than they are protected by the bill as it stands amended. The minimum fixed by the amendment of the Senator from Texas is not only unnecessary, but it is fraught with this great evil: it may involve such a cost for building the bridge as to defeat the construction of a bridge altogether.

The New Orleans Barge Line, during the last year, according to the report of the minority, floated up and down the Mississippi River four hundred and some odd thousand tons of freight, while one single railroad, the Kansas City and Memphis, carried across that river at Memphis over 600,000 tons of freight within the same period. The commerce crossing the river is vastly more important in bulk, more important in tonnage, vastly more important in value than that passing up and down the Mississippi River; but all that I ask is that fair and equitable compromise between the interests of the land commerce and the interests of the river commerce which will give to each the highest, the fairest, and the most just measure of protection that we can give to secure a fair chance for the traffic of the country.

Mr. COKE. Mr. President, the report of the minority of the committee, as I remarked awhile ago, is predicated upon the opinion of the Mississippi River Commission, composed of the ablest engineers in this country, among them Captain Eads, Army engineers and civilian engineers. They say:

It is our opinion that if a bridge is permitted at Memphis it should have at least one channel span, with a clear opening at right angles with the current of 1,000 feet; and that the lowest part of this span should be 75 feet above extreme high water.

The opinion was delivered after this commission had for eight years been studying the phenomena of that river, appointed to make a scientific survey of it, which they did make, and to direct its improvement.

This great river should not be obstructed. It is true that a great deal of commerce crosses it, but it must be remembered that the Mississippi River is the great regulator of railroad freights in this country. The Mississippi River and its tributaries and the Great Lakes alone prevent the railroads from owning this country so far as transportation is concerned, and all these water-ways should be preserved open and free, and no obstruction should be permitted on one of them; and when able men like these—not men employed in the interest of railroads to deliver opinions, not gentlemen employed in the interest of the city of Memphis or the State of Tennessee or the State of Arkansas to give opinions, but gentlemen whose duty it is to supervise the improvement of the Mississippi River and do it in the most scientific manner—when such men, with only the interest of the Government and the people of the United States at heart, have expressed the opinion that a span not less than a thousand feet should be required on a bridge that crosses the Mississippi River at Memphis, why should we allow less?

Mr. PLUMB. Will the Senator allow me to ask him a question?

Mr. COKE. Yes, sir.

Mr. PLUMB. Is he a member of the Commerce Committee of the Senate?

Mr. COKE. I am.

Mr. PLUMB. Did he not consent to the passage through that committee and through the Senate of a bill for the bridging of the Mississippi River at Natchez, several hundred miles below Memphis, with a maximum span of 750 feet?

Mr. COKE. There is a difference, as stated by the commission, between bridging at Memphis and lower down the river.

Mr. PLUMB. Did not the Senator further consent to the passage of a bill through that committee and through Congress in 1885 which provided for a maximum span of 850 feet at Memphis?

Mr. COKE. Probably I did; but I say to the Senator that since that time I have learned something that I did not know then.

Mr. PLUMB. I am very sure the Senator did not then.

Mr. COKE. Here is the opinion of the Mississippi River Commission,

and upon that I stand. Congress can not afford to take the risk of putting an obstruction in the Mississippi River.

Mr. HARRIS. Will the Senator from Texas allow me to ask him if he is afraid to trust the Secretary of War upon the opinion of a committee of three Army engineers specially detailed to the duty of going upon the ground and carefully investigating every condition that should be considered in respect to the preservation and protection of the rights of navigation?

Mr. COKE. Well, that is a question which I hardly think is a fair one. It is simply a matter of judgment. The gentlemen who have expressed the opinion upon which I base my action are very able men, and I do not desire to sit in judgment on the relative merits of the Secretary of War and the Army engineers and these gentlemen. I simply say that I am satisfied with this opinion of the River Commission, and I do not believe that what they say would be an obstruction to the Mississippi River ought to be placed there by Congress, and they do say that a bridge with a span of less than a thousand feet at Memphis will be an obstruction in that great water way which they were detailed by the Government to survey scientifically and to superintend the improvement of. I hope, Mr. President, that my amendment will be adopted.

The PRESIDENT *pro tempore*. The hour of 2 o'clock has arrived, and the Chair lays before the Senate the unfinished business, which is the bill (H. R. 5034) to provide for the purchase of United States bonds by the Secretary of the Treasury.

Mr. HARRIS. I ask unanimous consent of the Senate that the unfinished business be informally laid aside. It can not take long, I am sure not an hour, to complete the consideration of the bridge bill, and I appeal to the Senate to allow it to proceed until it is finally disposed of.

The PRESIDING OFFICER (Mr. HALE in the chair). The Senator from Tennessee asks unanimous consent that the unfinished business be informally laid aside, and that the Senate continue the consideration of the bill which has been before it this morning. Is there objection?

Mr. PLATT. I should like very much to oblige the Senator from Tennessee; but I can not give my consent to have the other business which is now in order delayed by this bill.

Mr. HARRIS. I appeal to the Senator from Connecticut; and I will say that if the consideration of this bill shall extend beyond an hour I will uncomplainingly allow it to be laid aside and the unfinished business proceeded with; but I am exceedingly anxious to end this matter to-day. I ask its consideration for one hour, and one hour only. I think we can get through with it in twenty minutes.

Mr. PLATT. Do I understand that if the objection is withdrawn and this debate should run more than an hour, it would then be the order of the Senate that it be laid aside and the unfinished business be taken up?

Mr. HARRIS. I will consent to lay the bridge bill aside if it is not disposed of in an hour; I think we can dispose of it in twenty minutes.

Mr. PLATT. I withdraw my objection.

Mr. EDMUNDS. I wish it to be subject to a call for the regular order at any time.

Mr. HARRIS. Of course I have no objection to that.

The PRESIDING OFFICER. There being no objection the Senate continues the consideration of the bill (H. R. 2927) to authorize the construction of a bridge across the Mississippi River, at Memphis, Tenn. The question is on the amendment proposed by the Senator from Texas [Mr. COKE], on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. EDMUNDS (when his name was called). I have had a pair made for me with the Senator from Missouri [Mr. VEST], who I believe favors the bill as reported. I think I should vote for the widest span, if I were at liberty.

Mr. HARRIS. The Senator from Missouri I know would vote against this amendment if present.

Mr. EDMUNDS. So I do not vote.

Mr. SABIN (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA]. Not knowing how he would vote on this question if present, I withhold my vote. If he were here, I should vote "nay."

The roll-call was concluded.

Mr. COKE (after having voted in the affirmative). I withdraw my vote. I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. CALL. I announce the pair of my colleague [Mr. PASCO] with the Senator from Pennsylvania [Mr. QUAY].

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN], who is absent. I do not know how he would vote if present, and therefore abstain from voting.

Mr. PADDOCK. I am paired with the Senator from Louisiana [Mr. EUSTIS]. Not knowing how he would vote if present, I refrain from voting.

Mr. CULLOM. I announce the pair of the Senator from New Hampshire [Mr. CHANDLER] with the Senator from North Carolina [Mr. VANCE], and of the Senator from Vermont [Mr. MORRILL] with the Senator from Texas [Mr. COKE].

The result was announced—yeas 3, nays 43; as follows:

YEAS—3.

Call,	George,	Ransom.

NAYS—43.

Allison,	Daniel,	Hearst,	Riddleberger,
Bate,	Davis,	Hiscock,	Sawyer,
Beck,	Dawes,	Jones of Arkansas,	Sherman,
Berry,	Farwell,	McPherson,	Spooner,
Blair,	Faulkner,	Mitchell,	Stewart,
Blodgett,	Frye,	Palmer,	Teller,
Bowen,	Gray,	Payne,	Turpie,
Brown,	Hale,	Platt,	Voorhees,
Cockrell,	Hampton,	Plumb,	Walthall,
Colquitt,	Harris,	Pugh,	Wilson of Iowa.
Cullom,	Hawley,	Reagan,	

ABSENT—30.

Aldrich,	Edmunds,	Kenna,	Saulsbury,
Blackburn,	Eustis,	Manderson,	Stanford,
Butler,	Evarts,	Morgan,	Stockbridge,
Cameron,	Gibson,	Morrill,	Vance,
Chace,	Gorman,	Paddock,	Vest,
Chandler,	Hoar,	Pasco,	Wilson of Md.
Coke,	Ingalls,	Quay,	
Dolph,	Jones of Nevada,	Sabin,	

So the amendment was rejected.

Mr. EDMUNDS. I wish to call the attention of the Senator from Tennessee to section 4 in a mere matter of phraseology. In the first part of section 4 there is a provision for all railroad companies having equal rights over this bridge, as is very proper. Then at the end of the section is a provision that if they disagree about it "all matters at issue between them shall be decided by the Secretary of War, upon a hearing of the allegations and proofs of the parties." It has occurred to me that there is some very technical language, "at issue" for instance, and then "upon a hearing of the allegations and proofs of the parties."

The Secretary of War has no power under this bill or any other that we can possibly pass to compel any party to come forward and make his allegations and his proofs; and so in order to save any possible difficulty of that kind I move to amend section 4, in line 11, by striking out after the word "upon" the words "a hearing of the allegations and proofs of the parties," and inserting "reasonable notice to the parties in interest and upon consideration of such allegations and proofs as may be submitted to him."

Then a period; and then I wish to add the following to save all rights in case the Secretary of War does not decide.

But the last foregoing provision shall not be held to exclude the ordinary jurisdiction of the courts of the United States.

The PRESIDING OFFICER. The first question is on concurring in the amendments made as in Committee of the Whole.

Mr. EDMUNDS. The Chair is right. The pending question is on the amendments made as in Committee of the Whole.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole. Is a separate vote desired on any amendment?

Mr. SAWYER. I desire a separate vote on the amendment that would compel the company to build a foot and wagon-bridge.

The PRESIDING OFFICER. That amendment will be reserved. Will the Senate concur in the other amendments?

The unexcepted amendments were concurred in.

The PRESIDING OFFICER. The question will now be on concurring in the amendment reserved by the Senator from Wisconsin [Mr. SAWYER], which will be read.

The SECRETARY. In section 1, line 12, after the word "and," the Senate as in Committee of the Whole struck out "at the option of the corporation by which it may be built, may be used for the passage of;" so as to make the clause read:

Said bridge shall be constructed to provide for the passage of railway trains, and wagons and vehicles of all kinds, for the transit of animals, and for foot passengers, for such reasonable rates of toll as may be approved from time to time by the Secretary of War.

The PRESIDING OFFICER. The question is on concurring in this amendment made as in Committee of the Whole.

Mr. BERRY. I ask for the yeas and nays on that question.

The yeas and nays were ordered.

Mr. BERRY. I simply desire to call the attention of the Senate to the fact that this is the same amendment which was adopted in Committee of the Whole, which requires the company to provide a passageway for passengers on foot and in vehicles. As I stated then, it will not interfere with the building of the bridge, in my opinion, in any way whatever.

I think it is entirely proper that persons who reside on the west side of the river, who are in the habit of trading with Memphis, who go to Memphis for their supplies, ought to have the right to go across the bridge as well as the railroad company, and it would be no great hardship to the railroad company to provide a footway over the bridge. I think it is a proper and necessary requirement. I can not understand why privileges should be granted to railroad companies to which the people there are not equally entitled.

The statement made here that it would cost over $100,000, I do not believe. I do not see how it would be possible or why, if it should

cost $100,000, this convenience should not be made for those interested in the commerce there.

Mr. McPHERSON. I will ask the Senator from Arkansas if he knows how the cost of building this extra bridge is to be reimbursed to the railroad company?

Mr. BERRY. I would answer the Senator from New Jersey that the bill requires parties to pay toll to the company building the bridge. It authorizes the company to charge toll for the use of the bridge. The expenses for building the passage for vehicles and foot passengers is to be borne by the railroad company; but they are authorized to charge a reasonable toll, the amount to be determined by the Secretary of War.

Mr. SAWYER. The Senator from Arkansas says the company ought to have the right to build the bridge in this way. Of course they will if they deem it advisable; but what is proposed is to force the railroad company to build it to accommodate vehicles and foot passengers. If they want to build the bridge in that way, let them do it. I hope the amendment will not be adopted.

Mr. McPHERSON. I suppose there is no bridge on the Lower Mississippi farther down than Memphis. Here it is proposed to establish an important, expensive, and extensive bridge structure. It is proposed on the part of the Congress of the United States to give to a railroad company the power to build a bridge, with all the obstruction to navigation which any and every bridge imposes. Now, it is very evident that the people of that locality can neither be prevailed upon, nor the Government, to build a bridge suitable for the accommodation of the public unless a railroad company does it.

Mr. SAWYER. I think it is equally apparent that nobody will go in a wagon over a bridge 75 feet above high water when he can go by ferry.

Mr. McPHERSON. Very true. People may have the option to go by ferry; but at the city of New York there is a bridge across the East River and hundreds of thousands of persons cross it each day. At times of the year the ferry facilities are not adequate, and they are not at all times safe. In case of storms, in case of large quantities of ice floating down the river, certainly the ferry facilities are not such as the people of that locality want. Now, as I said, if the people there can not build this bridge, inasmuch as the Government proposes to permit a railroad company to build a bridge and persons are willing to pay toll for the accommodation they are to receive, at the same time not interfering with the railroad facilities at all, it seems to me Congress ought to be willing to grant that privilege and to impose that responsibility on the railroad company.

Mr. BATE. In all probability it will be many years before there will be a demand for another bridge over the Mississippi River in that locality. Memphis is a growing city, which is increasing in population, rapidly developing in business interests, and this is the only chance they will have for a number of years, in my opinion, to have a wagon or foot-path way over the Mississippi River at that point, and for the convenience of that locality and looking to the future this amendment should pass. A bridge will cost millions of dollars, and this addition can readily be made while it is being constructed, at such a small additional cost that it seems to me it can not be objected to. It ought to be done now, so as to secure for all time the advantages derived to all classes of citizens from such a bridge. In this matter we should look to the future as well as the present. I hope the amendment will prevail.

The Secretary proceeded to call the roll.

Mr. EDMUNDS (when his name was called). I am paired with the Senator from Missouri [Mr. VEST]. I understand that he would vote for the report of the committee just as it stood, if present, and therefore I withhold my vote. I should vote for the amendment if at liberty.

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS]. Not knowing how he would vote if present, I withhold my vote.

Mr. SABIN (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA]. Not knowing how he would vote on this question, I refrain from voting. If he were present, I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 30, nays 11; as follows:

YEAS—30.

Bate,	Daniel,	Hawley,	Ransom,
Berry,	Farwell,	Hearst,	Reagan,
Blair,	Faulkner,	Jones of Arkansas,	Teller,
Butler,	George,	McPherson,	Turpie,
Call,	Gorman,	Palmer,	Walthall,
Cockrell,	Gray,	Payne,	Wilson of Iowa.
Coke,	Hale,	Platt,	
Cullom,	Hampton,	Pugh,	

NAYS—11.

Brown,	Frye,	Mitchell,	Sherman,
Chace,	Harris,	Riddleberger,	Stewart.
Dawes,	Hiscock,	Sawyer,	

ABSENT—35.

Aldrich,	Blackburn,	Cameron,	Davis,
Allison,	Blodgett,	Chandler,	Dolph,
Beck,	Bowen,	Colquitt,	Edmunds,
Eustis,	Kenna,	Plumb,	Stockbridge,
Evarts,	Manderson,	Quay,	Vance,
Gibson,	Morgan,	Sabin,	Vest,
Hoar,	Morrill,	Saulsbury,	Voorhees,
Ingalls,	Paddock,	Spooner,	Wilson of Md.
Jones of Nevada,	Pasco,	Stanford,	

So the amendment was concurred in.

The PRESIDING OFFICER. The Senator from Vermont [Mr. EDMUNDS] offers an amendment, which will be stated.

The SECRETARY. In section 4, line 11, after the word "upon," strike out the remainder of the section in the following words:

A hearing of the allegations and proofs of the parties;

And insert:

Reasonable notice to the parties in interest, and upon consideration of such allegations and proofs as may be submitted to him; but the last foregoing provision shall not be held to exclude the ordinary jurisdiction of the courts of the United States in such cases.

Mr. HARRIS. I think that amendment improves the bill, Mr. President.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HARRIS. I move that the Senate insist upon its amendments and ask for a conference with the other House upon the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. SAWYER, Mr. VEST, and Mr. HARRIS were appointed.

CONSIDERATION OF THE FISHERIES TREATY.

Mr. RIDDLEBERGER. Mr. President, I take this opportunity to state that to-morrow during the morning hour I shall ask the Senate to take up for consideration the resolution before the Senate, which I think has the right of way in the morning hour, to suspend Rules XXXVI, XXXVII, and XXXVIII, so that the fisheries treaty may be considered in open session. I desire to give this notice so that there can be no more pleas of delay on the ground of absenteeism. I desire to give the notice, furthermore, so that those who are afraid to vote against the proposition may absent themselves.

AMENDMENT TO A BILL.

Mr. FARWELL submitted an amendment intended to be proposed by him to the bill (S. 163) to authorize the Secretary of the Treasury to apply the surplus money in the Treasury to the purchase of United States bonds or to prepayment of interest on the public debt; which was ordered to lie on the table, and be printed.

PURCHASE OF BONDS.

The PRESIDING OFFICER (Mr. HALE in the chair). The Senate resumes the consideration of the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5034) to provide for the purchase of United States bonds by the Secretary of the Treasury, the pending question being on the motion of Mr. PALMER to recommit the bill to the Committee on Finance.

Mr. STEWART. I propose some instructions to the committee. I move that the instructions which I send to the desk be added to the motion to recommit.

The PRESIDING OFFICER. The Senator from Nevada moves to amend the motion made by the Senator from Michigan by adding instructions, which will be read.

The Secretary read as follows:

And that the committee be instructed to report without delay a separate bill allowing owners of either gold or silver bullion, or both, to deposit the same in any mint or assay office of the United States, and receive coin certificates therefor at the market price of such bullion, such market price to be fixed by the Secretary of the Treasury on the 1st and 15th day of each calendar month, and when either of these days shall fall on Sunday, or any other holiday, such statement shall be made on the following secular day, and the price so stated shall be equal to the average quotations of such bullion in the New York City market during the fifteen days next preceding such statement: *Provided*, That the price stated by the Secretary of the Treasury for gold bullion shall not exceed $1 in such certificates for 25.8 grains, troy weight, of standard gold, nine-tenths fine, or $1 in like certificates for 412½ grains, troy weight, of silver, nine-tenths fine, and that bullion below the standard value shall be reduced to the required fineness at the several mints and assay offices of the United States, under regulations prescribed by the Secretary of the Treasury, at the same cost as is now charged for reducing gold bullion to the standard required for coinage.

That the coin certificates so issued shall be of such denominations as the Secretary of the Treasury shall prescribe: *Provided*, That they shall not be of less denomination than $1 or more than $1,000, and that one-half of the amount so issued shall be of denominations less than $50, and shall be redeemable in gold or silver coin at the option of the United States; that the Secretary of the Treasury shall cause to be coined from time to time such portion of the bullion so deposited as may be necessary to enable him to furnish coin for the redemption of such certificates; that all coin certificates so issued shall be a legal tender at their nominal value for all dues, public and private, except where otherwise expressly stipulated in contracts heretofore made.

Mr. EDMUNDS. I ask for a division of the question on the motion to recommit and on the instructions.

Mr. SHERMAN. I trust if the Senate recommit the bill to the Committee on Finance it will not send instructions with it. It is not ex-

actly fair to the committee, nor is it fair to the Senate. It is very unusual indeed to instruct a committee in advance upon a proposition which has been introduced for the first time. The Committee on Finance are so constituted that the Senator's colleague is a member of the committee, and he can present this question to the committee when the subject is there considered. To tie them down to a particular proposition would simply compel the committee to report back the proposition and take away from them the consideration of the question. If the Senate instructs the committee, as a matter of course all the committee can do is to report back the proposition, which has never been considered by the Committee on Finance. Such a course as that is unusual. It would be substantially reversing the whole policy and plan of the Senate, which organizes its committees to inquire into and submit propositions.

Here is a proposition of instruction requiring the Committee on Finance to report so and so. If the Senate are in favor of this proposition, let them adopt it; the committee will not be responsible. If these instructions are given, the committee will report back this very proposition without amendment or change, because the Senate having passed upon it, the committee, being a subordinate part of the Senate, would as a matter of course be bound to adopt the proposition without amendment.

This measure is suggested as a practical plan. There is no objection to the passage of what is called the bond bill with the authority to purchase bonds in some form. The law now on the statute-book is precisely the equivalent of the proposition reported by the Committee on Finance. There will be no additional power given to the Secretary of the Treasury by the passage of the original bill as reported. It was thought best, rather than to allow an executive officer to be in doubt as to his power, to pass the bill in this form, and it was so reported from the Committee on Finance, the committee unanimously agreeing that that is the substance of the present law; but to remove the doubt in the mind of the executive officer the Committee on Finance were willing to have the law re-enacted in somewhat different phraseology.

However, this is a different proposition. I trust that the Senate will act upon the question as to the extent of the power they will confer upon the Secretary of the Treasury, leaving these other questions to be referred afterwards to the Committee on Finance. If the Senate has made up its mind to deal with this financial question in its length and breadth, including the silver question and the reissue of United States notes, and all the difficult problems of finance which have been discussed in the last twenty-six years all over the country—if it is the desire that the Committee on Finance should take up these propositions and submit a report upon them and a bill, that is one thing. The vote the other day indicated that such is the purpose of the Senate. If so, let it be so; but that is no reason why we should delay action upon the bill reported by the Committee on Finance upon a totally different subject.

I was in hopes that the Senator from Nevada and the Senator from Kansas would allow these different propositions to go to the Committee on Finance with instructions not to report a particular proposition, a particular formula, but to report upon the subjects-matter; and I have no doubt the Committee on Finance would do the best it could to make such a report. Whether we should be able to agree or not, we certainly should obey the disposition or vote of the Senate, and regard the vote already taken as in the nature of an instruction to report some proposition upon the subject. I have no disposition to evade it or avoid it; but as practical legislators, it seems to me, we ought to deal with the question we have now before us, leaving these other questions to be matured more carefully by the Committee on Finance.

I shall, therefore, vote against any instructions to that committee. I shall vote against the recommittal of the bill to the committee. We have all considered the original proposition and reported it; and if any amendments are made to it, let them be made here. Nothing can be gained by recommitting the measure to the Committee on Finance. My impression is that it would be the better course for the Senate to act upon the original bill, amending it as they see proper, leaving these much more important questions to be considered by the Committee on Finance under instructions or without instructions.

Mr. STEWART. Mr. President, I do not wish to be understood as attempting to interfere with the action of the committee. It has been assumed that there is nothing in the original bill but what everybody agrees to; but under no circumstances could I vote for the original bill in the present stringency of the money market. In the last two years we have retired of national-bank circulation $160,000,000. The passage of the bill as it came from the other House would retire more, how much more can not be stated accurately. There are $67,000,000 of 4½ per cent. bonds on deposit as security for national-bank currency. It is very probable that if the United States goes into the market with $150,000,000 of money to buy bonds with and is forced to buy bonds, we shall buy those bonds at a high premium. If that is the only remedy which Congress suggests, the President would regard it as an instruction to buy bonds; and if the United States goes into the market with that amount of money to buy bonds we shall buy up that $67,000,000, and we may buy up a portion of the 4 percents deposited as a basis of national-bank circulation.

There are $115,000,000 of 4 per cent. bonds which are deposited for that currency and the withdrawal of which would inevitably produce a large amount of contraction if we authorize the President to go into the market with this vast amount of money to buy bonds, and if we pass a law which he would regard as mandatory, and justly so. On all hands it is agreed that he may do it now; but he has very properly said that the provision was in an appropriation act, and he was doubtful whether that was the policy of the Government. He hesitates as to the exercise of the power. There is no doubt about his power to do it, but he hesitates whether it is the policy of the Government, whether it is understood that it should be the permanent law, and he does not like to execute it; but if we pass a law like this now it will be regarded as mandatory to expend the surplus in purchasing bonds. That would produce a considerable amount of contraction, and it would enhance the value of the bonds.

I say that the bill ought not to pass, in my judgment, without providing some way of increasing the circulation. At all events, we should adopt some mode to keep the circulation as it now is and have it increase with the population.

My proposition is a very simple one, and I do not think that it can injure anybody. It certainly will produce no violent expansion, because it has behind it a permanent limitation, a limitation which has been used for two thousand years and which has never failed to be stringent enough—the extent of production. Such a limitation never produced inflation or injured any human being. The whole extent of the production of the two precious metals has never injured the world by inflation.

The Government only pays the market price for the bullion. We take it as it is. We take the price reduced now to 74. We take the price that has been fixed by legislation. By demonetizing silver we have reduced the price, and the Government would only pay the market price for the bullion and issue its certificate therefor. Those certificates would certainly be as well secured as we could desire. You talk about the security of national-bank notes, but it is nothing compared with that. You have no security for those notes but the credit of the Government.

You say you have the bonds of the Government deposited. Certainly you have; but would it not be just as good security for the Government to print the bonds and have the Treasury to stick them in a pigeon-hole, and hold them there, and save the interest, and put out greenbacks? You talk about security beyond the credit of the Government. The national-bank notes are nothing more; but when you have silver bullion, dollar for dollar, in the Treasury for the paper put out, you have then something which the world has regarded as security from time immemorial.

It seems to me that it is time to return to a specie basis and not invent any scheme of inflation or any scheme to put out any kind of money except what is based upon bullion or coin. When we do not get enough of that we can then invent other schemes of money.

It is said we are going to get too much of it. I do not think there is any danger in that direction. The proposition is a very simple one, and I should like to have an expression of the opinion of the Senate in regard to it. I want a vote on it. I want each Senator to express himself.

I am laboring under great difficulty in talking to-day on account of a cold, and I will merely say that I want a vote in some form in the Senate upon this question, for I believe the Senate and the country are in favor of using silver as a basis of circulation. I believe a majority of the Senate is inclined that way, and I should like to have an expression of the Senate upon the subject.

Mr. MCPHERSON. Mr. President, the question, briefly stated, is simply this: The President had expressed a doubt as to authority vested in him under the act of 1881 to invest the surplus in the Treasury in the high-premium bonds. The act of 1881, to which I allude, was passed as an amendment to an appropriation bill; and legislation in this way—of such import—has always been held to imply some urgent necessity at the time, which could and would be supplemented in a more formal manner at a more convenient time. Since this act passed the premium upon the bonds has largely increased, and the period of time within which it would be possible for the Government to redeem them at their face value very much nearer than when the act of 1881 was passed. No censure can attach to the President for deciding to await the advice and action of Congress, before taking so important a step, that does not with double force apply to Congress itself for not taking prompt action on this matter at the opening of the present session. Four months of valuable time since this session began has been practically wasted, the surplus during this time nearly doubled, and not a thing done to arrest it, notwithstanding we were early advised by the President that he desired speedily the action of Congress in respect of this subject.

The House of Representatives have passed a bill which has received the unanimous report of the Finance Committee of this body, which simply authorizes the President to invest the surplus in the Treasury in the bonds of the United States and thus place the surplus once more in circulation among the people. The members of both political parties in the House of Representatives in a wise and conservative spirit, without any attempt to change the financial policy of the Government, as is being done here, passed this bill.

Neither the President nor his financial secretary are to blame for a

congested Treasury. It was the duty of the last Congress, anticipating as it did this very condition of things, to have reduced the revenue.

It is charged, however, that the Secretary of the Treasury, without warrant of law and against public policy, has left large sums of the public moneys in the possession of the banks on pledge of Government bonds. If this has been done in violation of any law, I would like to see the law; if against public policy, go ask the people North, South, East, and West what they would gain if this vast sum were to-day tied up in the Treasury, instead of fructifying and assisting their industries.

Is this money any safer lodged in the subtreasuries without any security for its safety than are the security of the bonds pledged in the Treasury of the United States? It seems to me clearly not. Is there any danger of loss to the Government when we are willing to pay a much higher rate for the bonds than the pledged rate? Moreover, the present Secretary of the Treasury would hardly be able to obtain a patent upon this device for relieving the public necessities. Priority of invention could justly be claimed by a former administration, with this difference, however, that large sums are said to have been left in Wall street without any security whatever.

Mr. EDMUNDS. May I ask the Senator from New Jersey a question?

Mr. McPHERSON. Certainly.

Mr. EDMUNDS. I ask the Senator whether he thinks it would be a safer or wiser policy to allow a Secretary of the Treasury to select his particular pet banks to have the use of this money, to lend it out on interest, or whether if he were to distribute it among the banks at all it should not be upon an even and square footing to every one?

Mr. McPHERSON. If the Senator will name a single bank in the United States of America that was willing and able to and did offer an amount of security equal to a single day's deposit where the Secretary of the Treasury did not give that bank the same opportunity that he has given to others, then I will submit.

Mr. EDMUNDS. That is not precisely the question. I am speaking of the principle of the proposition, to leave it to the discretion of any chief financial officer of the Government, with $60,000,000 or $100,000,000 in his hands, to select at his discretion to whom he will intrust it, whether banks or private people, at any time of the year, whether it is a political year or any other. That is my question.

Mr. McPHERSON. The answer to that is simply this: The President of the United States conceived that it was an exercise of power that he ought not to take, to purchase the bonds in that way and relieve the congested condition of the Treasury. What, then, was there left for him to do? With almost a financial panic staring us in the face, with the currency needed in the affairs of the people, he proceeded to distribute the money to any bank that would give the necessary security. If you are going to leave any discretion with the Secretary of the Treasury at all, it must be such a discretion as will enable him to avail himself of all the securities offered, come from whatever source they may. That is my answer.

Mr. TELLER. Mr. President——

Mr. McPHERSON. If the Senator will bear with me a moment until I get through with a simple statement of the case, I will then try to answer any question he may ask me.

It is always dangerous to attempt to change the financial policy of a great government without some pressing necessity exists for such change. What the Treasury now requires, and all it requires by way of legislation, is the authority this bill gives to relieve it of the present surplus, and to prevent another surplus by reduction of taxes.

We have in circulation three hundred millions of standard silver dollars whose intrinsic worth is much less than the legal value decreed by Congress, that are kept for all the purposes of business on a par with gold. The Government creditor can go to the Treasury and exercise his own option as to the kind of money in which he shall be paid—gold or silver coin or their certificates, Treasury notes, or national-bank notes. Just so long as the Treasury is able to do this the infirm short-legged silver dollar will be as good as gold in all business transactions; but when the Treasury can no longer maintain the equality between the gold and silver coin then the public will begin to look out for themselves.

I am unalterably opposed to the amendment of the Senator from Nevada, which proposes in effect that we shall establish a Government pawn-shop for the relief of producers and holders of silver bullion. It proposes to issue coin certificates upon the market value of silver bullion. If upon silver bullion why not upon wheat or provisions, and in this way help the farmer as well as the silver producer? Why not issue a certificate upon old clothes, as they do in Chatham street, and give you a pawn certificate in return? You expect an increase in the market value of silver bullion under this policy?

But this is not all. You have the profits resulting from the use of the certificates; you make them a legal tender in the payment of debts, and thus force them into circulation as money. In short, you establish a bounty system based upon silver bullion without any of the taxes or restrictions you impose upon the national banks, and there is not a national bank in existence to-day that would not hasten to surrender circulation. This amendment means the free coinage of silver, pure and simple, with all that implies. Upon the authority of the producers of silver I fix the yield of silver for the past year at not over one hundred millions. Of this amount, some thirty-five millions have been used in the arts, and we have coined over thirty-two million of silver dollars—we have coined more than all the rest of the world combined for new coinage. It is true the silver coinage of most other nations is full, and many of them are restricting rather than increasing their silver coinage. The producers of silver here seem not to be satisfied with their own Government as long as it refuses to take the whole surplus silver of the world for coinage purposes.

Mr. STEWART. Will the Senator permit me to state what we propose to do? We propose to relieve the country from the stringency of the money market which is driving all enterprising people into bankruptcy. We propose to allow the farmers of the West to receive a higher price for their wheat and their corn, and we do not propose to destroy but to build up industries. We propose to return to the usages of the fathers, and have a sound currency. We do not propose to nurse and foster national banks or any banking institutions that are built up at the expense of the Government. There is no sense in the Government putting out its paper and paying interest on it, and have that same paper deposited in vaults and then issue to somebody else the money. We propose to stop all that, which we regard as unjust. We propose to allow the money of the country to be limited.

Mr. McPHERSON. If the Senator will finish his speech after I get through, I shall be very much obliged to him. The Senator from Nevada says that under my policy I propose to favor the national banks. Under the statement made by the Senator himself the national banks have become to-day practically useless so far as circulation is concerned. He says they have surrendered $160,000,000 of circulation. Under what sort of fostering process have the national banks surrendered $160,000,000 of circulation?

Mr. STEWART. I will tell you. By the gold basis you have raised the bonds and made them so high that they can make more money by selling the bonds at 130 than they can by using the money for any other purpose. You have raised the bonds by contraction so that you are almost killing your pets.

Mr. McPHERSON. You have raised the value of the bonds by the wise and conservative policy of this Government in maintaining the public faith and the public credit. I wish to say of the gentleman who sits on that side of the Senate, who was once the finance minister of this Government—I speak of the honorable Senator from Ohio [Mr. SHERMAN]—that this country is indebted to him very largely for maintaining the public credit and the public faith, until to-day the bonds of the Government can be sold in the public market at 2 per cent. interest. The burden of interest that was once weighing down this Government and this country has been removed by a wise, conservative, honest, and faithful policy, and I want it continued with no such innovations as are here proposed.

Mr. STEWART. I do not propose an innovation. I propose to lend it upon bullion. I propose to adhere to the wisdom of the fathers. I understand the Senator does not know the difference between wheat and gold or silver as a money basis. I draw a distinction between wheat and the gold and silver money that is used.

Mr. McPHERSON. Will the Senator wait long enough to consider that there has been no more fluctuation in the value of wheat during the past ten years than there has been in the value of silver? Why not, then, wheat as well as silver?

Mr. STEWART. The Senator is mistaken. There has been a greater fall by 8 per cent. in wheat than in silver. Silver has risen faster than wheat.

Mr. McPHERSON. I am equally opposed to the amendment offered by the Senator from Kansas [Mr. PLUMB]. If more currency is needed, I would much prefer an increase of the coinage of silver under the limitations of the act of 1878 to the amendment of the Senator from Kansas, which proposes to start anew the printing press and give us a new issue of Treasury notes, which is equivalent to borrowing so much more money or making so much more debt, when it is not debt but money that troubles us.

Let me suggest to the Senator from Kansas that it would be safer, wiser, and more business-like to apply, if needed, such portion of the special funds now lying idle in the Treasury to the object he has in view rather than the mode he proposes. The business interests of the country demand prompt action by Congress on this bill. It is not a political question, and any Senator who attempts to make it so assumes a grave responsibility.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The question is on agreeing to the amendment offered by the Senator from Nevada [Mr. STEWART] to the motion of the Senator from Michigan [Mr. PALMER], to recommit the bill to the Committee on Finance.

Mr. BUTLER. Mr. President, of course I have no idea of entering into a discussion of a question so broad and important as that which is presented by this amendment; but I desire to say that with many of the features of the amendment I very decidedly sympathize, and with some modifications I should be inclined to vote for it. But, as has been suggested by the Senator from New Jersey, the exigency which confronts the Treasury Department is such that I prefer to vote for the bill as it came from the other House, in order that the executive department may have the means and the power and authority to meet the exigency which is claimed, and which I suppose it is not denied by anybody, is upon the country. I therefore shall vote against the

amendment in this form, as I shall vote against all amendments to the bill; and in doing that I do not wish to be understood as committing myself against the principles involved in these amendments.

The pending amendment would be very far-reaching in its operations if it should become a law. As I stated a while ago, and as I said to the mover of the amendment, my inclination is to support it, and, with some modifications and restrictions, I shall support it at the proper time, upon a proper occasion, and in connection with a proper bill; but I do not believe this to be one of those conditions, and therefore I shall vote against this and almost all amendments, and trust that the bill may be allowed to pass as it has been reported, I am informed, by the unanimous approval of the Committee on Finance of this body.

With this statement, sir, I am prepared to vote on the amendment of the Senator from Nevada.

Mr. BECK. Mr. President, we seem to be in a tangle in regard to this measure, but I think we can all substantially agree if we can only get to understand each other. None of us want to contract the existing currency. The amendment of the Senator from Kansas [Mr. PLUMB] was designed, as he very properly said, for a single purpose, and that was to prevent any contraction of the currency growing out of the withdrawal of national-bank circulation, which is inevitable as we all know, and will be more rapid as the bonds on which it is based are purchased. All the 3 per cent. bonds are paid off. The sinking fund, as it now exists, requires the annual purchase of at least $50,000,000 of four-and-a-halfs or fours now, and by its provisions it must increase annually, and the bonds for the sinking fund must be bought at whatever premium the holders see fit to demand. The contraction of the national-bank circulation has been very great for the last three years, say $140,000,000, and upwards of $102,000,000 of greenbacks were deposited in the Treasury two months ago to take the place of the bonds which had been withdrawn to secure the payment of national-bank notes not yet returned, the bonds which originally secured the circulation having been paid off. Several propositions are pending to guard against the dangers of the contraction produced by this condition of things.

The Senator from Ohio [Mr. SHERMAN], from the Committee on Finance, reported a bill to use the legal-tender notes thus held in the purchase of bonds. Suggestions have been made to extend it to the $100,000,000 now held in the Treasury for the needless purpose, as I think, of guarding the legal-tender or greenback circulation. I assume that none of us desire to contract the currency by the authority we propose to give by the pending bill to purchase bonds. None of us desire to go into a general debate in regard to all the questions of finance that would greatly delay and perhaps defeat the bill. I therefore propose to offer at the proper time, as a substitute for the amendment of the Senator from Kansas, so as not to raise the question of unlimited silver coinage or the issuing more legal-tender notes on this measure, the following:

That whenever the circulation not in liquidation, or any portion thereof of any national bank shall be surrendered and the same is not taken up by other national banks within thirty days thereafter, the Secretary of the Treasury is hereby authorized and directed to purchase at the market price thereof an equivalent amount in silver bullion in excess of the minimum of $2,000,000 worth per month for coinage purposes, as provided in the act passed February 28, 1878, entitled "An act to authorize the coinage of the standard silver dollar and restore its legal-tender character."

Mr. STEWART. I will state that if that amendment can be substituted for the amendment of the Senator from Kansas, I will withdraw my amendment to the bill and allow the bill to pass with that amendment.

Mr. BECK. I am glad to hear it. It seems to me my proposition would avoid the danger of contraction, and establish no new principle; it could do no possible harm. It would insure a continuance of the existing currency and prevent the contraction that would otherwise follow by the withdrawal of the national-bank circulation, which will follow the purchase of the bonds with the surplus.

Mr. EDMUNDS. Allow me to suggest to the Senator from Kentucky that the difficulty with all this business is—I think it is obvious to more Senators than myself, and I try to pay attention to it as much as I can—that after hearing these propositions read, not sprung on the Senate with any improper purpose at all, it is impossible for me to understand (it may be for others perfectly possible) precisely what is the scope and effect of what is proposed. Why is it not more sensible to send this bill (which in itself is entirely unnecessary, in my humble judgment, a pure re-enactment of existing law) back to the committee with these various suggestions and let that committee consider and report precisely what, in view of all these suggestions, ought to be done?

Mr. BECK. The only answer I can make to that is, that the committee reported the bill as it came from the other House with some verbal amendments; it was entirely satisfactory to all the committee, but great differences in opinion have sprung up in the Senate. The amendment of the Senator from Kansas [Mr. PLUMB] was offered and inserted in the bill in Committee of the Whole, its sole object, as he avowed, and as I believe, being to guard against a contraction of the currency. My proposition which I will offer as a substitute does that to the same extent, while it guards against contraction by the use of one of the coins of the United States which is now recognized by law as unlimited legal tender and upon which certificates can be issued under the authority given last year in the sundry civil appropriation act. We thus avoid all question as to the policy of extending the legal-tender notes beyond their present limit.

Further answering the Senator from Vermont about the effect of the proposed measure, I will state that the moment we purchase bonds on an extended scale (and we are obliged to purchase them in order to get clear of the immense surplus now in the Treasury, as well as to get clear of the very bad condition of things which exists by deposits of over $60,000,000 in national banks), the President has said in his message that he regards that condition as very bad. He deprecates the necessity of having to deposit the public's money with national-bank depositories, and allow them to loan that money out to the people to whom it belongs at 6, 8, or 10 per cent., or whatever the laws of the State in which the national depository is located allow them to loan it at. It is only tolerated as being better than to lock it up in the Treasury. The moment we offer to buy bonds we have necessarily to purchase bonds held now by the national banks as the basis of existing circulation.

There are about $230,000,000 of 4½ percents left, and I think about $100,000,000 of them are held by the national banks as the basis of their circulation. I may be mistaken as to the amount so held. Nearly all their bonds are either 4 or 4½ percents, a large portion of them 4½ percents, which we have a right to pay at par two or three years from now. They are, as I said, bearing 4½ percent. interest. Perhaps the premium on them is 6 or 8 per cent. now. It will naturally diminish as the time for payment approaches, but the 4½ per cent. interest that we will save by their purchase at this time with the money we have, which is now idle, and perhaps I might say worse than idle, will more than equalize the premium in the course of the two years we would have to pay the interest which we can stop by the purchase.

Knowing, therefore, that the contraction of the national-bank circulation must go on as we purchase the bonds now held as the basis of what still remains, the proposition I now make is only to require the Secretary to do what he is now authorized to do; it simply directs the Secretary to supply the currency necessarily withdrawn under these conditions with coin, silver coin of the standard value of July 14, 1870, which under all the decisions of the courts we have a right to use. The Attorney-General has so held, and the opinion of the Senator from Vermont, I am happy to say, is as strong and as clear in that regard as my own or that of any other gentleman. He has more than once asserted that we have a right to pay all our debts, public and private, with silver coin of that standard value. I seek to direct the Secretary of the Treasury, as this contraction will necessarily go on, not to allow any contraction of the existing volume of the currency, but to substitute it to the extent of the contraction with coin of the standard value prescribed by law, by going beyond the minimum where by law he is compelled to coin $2,000,000 a month. Of course the contraction of national-bank circulation will not progress with sufficient rapidity to exceed the maximum. I only propose to keep up the present circulating currency by coining the standard silver dollar in lieu of notes upon which certificates can be issued.

I desire to correct my statement as to the four-and-a-halfs held by the banks now. The Senator from Missouri [Mr. COCKRELL] tells me that the amount of these bonds held as the basis of circulation and to secure deposits of Government funds is $85,000,000. Of course we will have to buy the great bulk or all of them before long, and all I desire is to furnish a substitute, so that there will be no contraction of the currency while this necessary process of buying bonds is going on.

Mr. EDMUNDS. It may be that the suggestion of the Senator from Kentucky may be exactly the happy issue out of all our afflictions; but I think a matter of so much importance, and that has so many different aspects to it, when it comes to be applied to the business affairs of the country, ought to be considered by a committee. That is the only point I make. I do not wish to contract the currency beyond the maximum that can possibly be used by legitimate business. I do not believe in having the currency so expanded that mere speculators and cranks, as you might say, in finance can borrow the surplus money of persons, or of banks, or of the United States, and go into speculations which are sure to turn out disastrously, because in the end it comes back on the laboring people of every country where that sort of thing goes on.

Therefore there is a point beyond which we ought not to go in having currency in circulation, in order to keep business steady, and to discourage unjust and mere kiting speculations. I suppose we all agree to that. We ought not to go below, in the quantity of our currency, the just and legitimate and generous needs of the business community of the United States, and by that I mean the whole body of its people who are honest and are willing to work in any kind of avocation. That is my proposition.

Now, that being so, a proposition of this character, which on the face of it may look very plausible indeed, may need to be considered in other aspects and bearings in such a way that it can not be considered until it is matured and reported upon by a committee. That is why we send bills to committees in the first instance, in order that the difficulties which may be suggested may be considered and a calm and sober judgment had of the subject under consideration.

Both the amendment of the Senator from Nevada and the suggestion of the Senator from Kentucky embody very broad and in a considerable degree complicated propositions, the bearing of which in all their

aspects can not be seen in a moment. My simple proposition is that all these matters should go to the Committee on Finance, of which the Senator from Kentucky is a member, in order that it may have time, briefly and diligently, to consider them and report a scheme which will relieve the difficulty that is said to exist, and relieve it in a way without any divisions by this aisle or any other divisions, and that we may all calmly agree to it as being a wise and prudent thing to do.

Mr. REAGAN. Mr. President, I approve the suggestion offered by the Senator from Kentucky, and I think it would be wise to base whatever additional circulation we want to issue upon coin rather than upon any other basis, because of its being less liable to fluctuation. I do not propose to discuss that question now, but to discuss briefly an amendment which I propose to offer to the bill when it comes up, and which has been printed.

The object of my amendment is to make provisions that the $100,000,000 of gold coin now in the Treasury shall be used for the purpose of the redemption of the interest-bearing bonds of the country. It seems to me that that amendment is pertinent to the bill which we are considering, for the object of it is to reduce the surplus in the Treasury, and at the same time to reduce the debts of the country and to reduce the volume of interest which the people are required to pay on the public debt.

I wish to take a brief view of the financial policy which has controlled the action of the Government for many years under both the present and past administrations, from some features of which I totally dissent. The $100,000,000 in the Treasury is set apart under the provisions of an act declaring that the legal-tender notes of the Government should be redeemed by taking up 80 per cent. of the amount of the national-bank notes within a particular time until January, 1879. At that time the whole of the outstanding legal-tender notes were to be redeemed in coin, canceled, and taken out of circulation, thus reducing the volume of the currency in that respect, doubtless intended to be supplied by the addition of national-bank currency.

From the time of the passage of the act of February 25, 1862 (Laws, volume 12, page 345, section 1), the notes of the United States were a legal tender for all taxes, internal duties, excises, debts, and demands of every kind due the United States, except duties on imports, and for all claims and demands against the United States, except for interest on the bonds and notes, which were to be paid in coin; and by that act they were made a legal tender for all debts, public and private, in the United States, except duties on imports and interest, as above stated. These provisions were re-enacted by the act of July 11, 1862 (section 1, Laws, volume 12, page 532); by the joint resolution of January 17, 1863 (Laws, volume 12, pages 822, 823), and by the act of March 3, 1863 (section 3, Laws, volume 12, pages 710, 711).

And the legal-tender quality of these notes as above specified has been upheld by numerous decisions of the Supreme Court of the United States. (See note to section 3588 of the Revised Statutes.) The gold coins and silver dollars of the United States were a legal tender for all sums and all debts and dues, public and private, down to the time of the passage of the act of February 12, 1873, "revising and amending the laws relative to mints, assay offices, and coinage of the United States." (Laws, volume 17, page 425.) The fifteenth section of that act provided for the coinage of trade dollars of 420 grains, and for the coinage of minor silver coins, and that they should be a legal tender for sums not exceeding $5. And the sixty-seventh section repealed all former coinage acts by which the coinage of the silver dollar was allowed in the mint.

By the second section of the act of June 14, 1875, "to provide for the resumption of specie payments," the charge of one-fifth of 1 per cent. for converting standard gold bullion into coin was repealed and the coinage of gold made free and unlimited. (Laws, volume 18, page 296.)

By the twenty-fifth section of the coinage act of February 12, 1873, the mints are to be paid for the preparation and coinage of silver whatever the Director of the Mint may regard as its just average cost. The Director of the Mint informs me that the cost of coining silver dollars at the New Orleans mint was for 1884 1.55 cents on the dollar and for 1885 was 1.49 cents per dollar, while the average cost of coinage at all the other mints per piece for those years was, respectively, 1.880 and 2.354 cents. But at these both gold and silver were coined.

By the act of February 12, 1873 (Laws, volume 17, page 425), gold was made the standard of values; and by the act of June 14, 1875, making the coinage of gold free, silver was placed at a discount as against gold of more than 1½ per cent; while by the act of February 12, 1873 (Laws, volume 17, page 425), about one-half the metal money of this country and of the world was by this law destroyed, the value of sureties about doubled, while the amount of property or labor necessary to pay a given debt was also about doubled. And thus the law of all the then subsisting contracts which involved credits was changed and violated for the benefit of the creditor and to the injury of the debtor.

By the act of March 18, 1869 (Laws, volume 16, page 1), "to strengthen the public credit," it was provided that—

> The faith of the United States is solemnly pledged to the payment in coin, or its equivalent, of all the obligations of the United States not bearing interest, known as United States notes, and of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of any such obligations has expressly provided that the same may be paid in lawful money or other currency than gold and silver.

At the time of the passage of that act the public debt amounted, or rather on the 1st of July, 1869, to $2,588,452,213.94. And when this debt was created, except as to the interest on bonds, it was payable in gold and silver coin and in legal-tender notes. The amount of legal-tender notes in circulation January 1, 1869, was $355,892,975, and the Government, by the law under which the bonded debt was created, had the right to issue other legal-tenders in payment of these bonds. It has been estimated by persons competent to form correct conclusions on the subject that this act, by reducing the volume and kinds of money with which these bonds could be paid, and by increasing the relative value of the bonds as compared with the property and labor out of which they were to be paid, increased the value of those securities and the cost of their payment more than $500,000,000; that it put that much of a burden on the people for the benefit of the holders of those bonds.

Then by the act of 1873, to which I have referred (Laws, volume 17, page 425), silver was demonetized, and, as I have said, half the metal money of the world rendered useless for the payment of these bonds, and the value of the bonds and the burdens of the people about doubled. The debt on the 1st of July, 1873, was $2,234,482,993.20.

I am speaking of the amount of the debt at these dates, and the amount of the outstanding legal-tender notes, so that we may see the extent of the public credits which were affected by the passage of the laws to which I have referred, as well as the vast volume of corporate and private indebtedness which would be in the same way affected by it.

By the act of January 14, 1875 (Laws, volume 18, page 296), "to provide for the resumption of specie payments," it was provided in section 3 that the legal-tender notes in excess of $300,000,000 should be redeemed to the amount of 80 per cent. of the increase of national-bank notes, and that on and after the 1st day of January, 1879, the remaining $300,000,000 of legal-tender notes should be redeemed with coin.

Now, it is to be remembered that all these disastrously repressive measures of the Republican party, adopted in the interest of bondholders and the national banks—that is, the law of 1869 that the bonds of the United States should be paid in coin alone, the law of 1873 for the demonetization of silver, and the law of 1875 for the redemption of the legal-tender notes—were adopted when specie did not circulate in the United States, and that specie payments were not resumed until the fall of 1878, nine years after the passage of the first and three years after the passage of the last of these disastrous measures, during a period when there was but little specie in the country, and when it may be said specie did not circulate to any considerable extent. This reveals the folly and wickedness of the Republican financial policy.

Thus every political move thus far made was in the interest of the money power and against the interests of the Government and the people. And it has been repeatedly charged, and I think the charge is fully sustained, that these measures were the result of the improper influence of the bondholders of Europe and the United States and of the national banks in this country.

These measures brought about the great financial disasters of 1872 to 1877. During this period property of all kinds went down in value, labor was poorly rewarded, business of all kinds was paralyzed, bankruptcies were numerous all over the country, and there was not money enough in the country to carry on its business. Vast amounts of property in all parts of the country were sold for taxes because there was not money enough in the country to enable the people to pay their taxes, and this extended alike through the States from Maine to California. This was called by Republican doctors of finance getting down to "hardpan," and "hardpan" was the panacea they prescribed at that time for all our financial ills.

In the Forty-fourth Congress the Democrats had a majority in the House of Representatives for the first time since the Thirty-sixth Congress, and during that Congress they commenced the struggle for the remonetization of silver, and for the repeal of the law requiring the redemption and cancellation of the outstanding legal-tender notes; and during the Forty-fifth Congress the act of February 28, 1878 (Laws, volume 2, page 25), was passed, authorizing the coinage of not less than two millions nor more than four millions of silver monthly, and making it a legal tender for all debts, public and private, except where otherwise expressly stipulated, and authorizing the issuance of silver certificates on the silver coin in the Treasury, and these certificates were made receivable for customs dues, taxes, and all public dues.

And the Secretary of the Treasury (now Senator SHERMAN), in his official report of December, 1878, stated in substance, if I remember rightly, that the resumption of the coinage of silver had enabled the Government to resume specie payments.

During the same session of Congress, by the act of May 28, 1878 (Laws, volume 20, page 87), the act forbidding the further retirement of legal-tender notes was passed, and something over $346,000,000 of legal-tender notes were preserved to the people as a part of the volume of the currency necessary to carry on the business of the country, instead of being retired and made a part of its interest-bearing bonded debt as under the policy of the Republican party.

These two wholesome acts were passed over the veto of President Hayes and in the face of the clamorous prediction of bondholders and national bankers that they would bankrupt and ruin the country, and in the face of the denunciations of a hired press, charging those who voted for them as silver lunatics, as favoring rag-baby money, as dem-

agogues, and by many other of the vilest epithets, and in the face of the threat of a panic which the banks tried to bring about as a means of defeating the passage of these measures by contracting the volume of the currency about $19,000,000 in a few weeks, and a panic would have been the result but for the fact that the Secretary of the Treasury put a considerable amount of money on the New York market for the purpose of buying up bonds and thus relieving the money market; so that the men controlling the national banks that had received so many favors from the Government and so many advantages for the benefit of the public as well as for themselves were willing to wreck the interests of this country in order to defeat a Government policy which they thought was not favorable to their own selfish interests.

I say that from the day they so acted, from the day they disregarded their duty to the public and defied the legislation of Congress, meant for the good of the people, in order to promote their own private gain, I have had a desire to see their charters expiring not renewed again. No set of institutions that have such power to expand or contract the volume of currency and that have displayed such a purpose as they have shown here at Washington and in their regular annual meetings to promote their selfish interests ought to be encouraged or sustained by the Government.

The result vindicated both the wisdom and the justice of the policy of the Democratic party in the restoration of a period of prosperity by the passage of these acts which still continues.

And that party, with the exception of a few misguided members of it, propose to secure a permanent continuance of prosperity which shall bless the people at large as well as benefit bankers, bondholders, and corporations in the end by preserving the volume of currency in some such plan as that indicated by the amendment of the Senator from Kansas [Mr. PLUMB] and by the free and unlimited coinage of silver in some such way as proposed by the amendment of the Senator from Nevada [Mr. STEWART] and by using the $100,000,000 of gold now locked up uselessly in the Treasury for the purchase and cancellation of 4 and 4½ per cent. bonds, and relieve the country of that much of the burden of debt and interest, and putting that large sum of money into active circulation to relieve the necessities of commerce, stimulate industry, and reward labor as proposed by my amendment, and by the substitution of coin certificates for gold certificates and silver certificates, as proposed by the Senator from Kentucky [Mr. BECK].

In relation to the $100,000,000 of gold in the Treasury, which has lain in the Treasury under the pretense that it was reserved to meet the legal-tender notes, I wish to make a further remark. By the act of 1878, which was passed over the veto of President Hayes, it was determined that the $346,000,000 of legal-tender notes then outstanding should form a part of the currency of the country, to aid in its business, and that it should not be taken up and canceled and converted into an interest-bearing bonded debt for the further oppression of the tax-payers of the country, and that that should not be done, as the national banks were acting in the bad faith then exhibited, so as to substitute their currency for the legal-tender notes. That act also prevented a contraction of the currency, which had been going on from 1869 down to that time, and which had involved the country for several years in apparently almost hopeless ruin.

In fact, the legal-tender notes were currency. It was the policy of Congress by the act of 1878 to support them as currency, and not treat them as a debt to be extinguished at the earliest opportunity by converting them into interest-bearing bonds. To-day they for commercial purposes are more valuable than the gold which is said to be held to redeem them. Nobody wants them to be redeemed, and I take it that everybody knows that it is an idle pretense to have that gold held in the Treasury for their redemption in view of the fact that the people prefer the notes to gold for commercial purposes, and having reference to the other fact that the receipts into the Treasury far exceed the expenditures, and the margin affords any reserve that might be necessary if we were disposed to regard this as a mere proposition for banking; for unfortunately, as it seems to me, for the country, we have become to regard the Treasury of the United States as a sort of banking institution for the general public, instead of one to furnish the means for the collection and disbursement of moneys necessary to carry on the Government.

If we wish to reduce the bonded debt, here is $100,000,000 of gold which may be expended in paying off the bonds and canceling them, and paying about $100,000,000 of the debt and saving us from the payment of 4 to 4½ per cent. interest a year; and the putting of that large amount of money in circulation to aid the business interests of the country would protect us securely against any threatened danger of financial panic. It would relieve us from that by placing the money in circulation, taking it from where it is useless, in the Treasury, and putting it in active use among the people.

Of all plans that have been suggested, it seems to me that this is the one which should be most readily accepted as the best means of reducing to that extent the bonded debt and of relieving the Treasury to that extent of a surplus. I know that this $100,000,000 is not regarded as part of the surplus, but it is as much a part of the surplus as any other money that lies useless in the Treasury. Until a government policy shall be adopted which shall determine that the legal-tenders are to be a bonded debt, this money can not be used as a reserve. No such reserve is necessary for the redemption of any greenbacks that may be brought in for redemption. Some of those notes may be brought in for redemption, but the amount is so small as to be entirely unimportant, and it can be met with other surplus revenues in the Treasury, and without interfering with public policy or endangering the security and value of the legal-tender notes.

I know a great deal has been said about the importance of preserving the credit and character of the Government securities. Mr. President, I desire to see the Government credit maintained; I desire to see its securities maintained at the highest standard; but I do not desire to see this done at the entire disregard of the interest of the people who by their labor and by their taxes have to support the Government. History will write it down that the policy of the Government from 1869 to now, so far as the executive department is concerned and so far as the laws were concerned up to 1878, have been distinctly a policy in the interest of the money lords of this country and of Europe, a policy distinctly at war with the best interests of the people of this country.

I know that the present Administration has taken up and maintained the policy of its Republican predecessors. I am a very good party man, but being a party man does not require me to sacrifice the interests of my country and be faithless to the duty I owe to those who sent me here. Remembering the duty I do owe so far as my action is concerned, without reference to what those in other and even higher places may do, I propose to stand by the interests of the people and insist upon their rights, and to insist that this Government shall be conducted in the interest of the people who support it, instead of in the interest of special classes who live by robbing both the Government and the people.

I have made these remarks more for the purpose and with the hope of calling attention to these acts and to their impolicy than in the hope of any present success in securing the adoption of my amendment. We are all perhaps sometimes led to forbear action by the chances of political success, which may depend on our yielding to the money power. If I had to acquire success by that means I think it would be my duty to retire from my present position. If I have to sacrifice the interests of the people for the benefit of men who have enjoyed special advantages and privileges of legislation, a policy so wrong as that to which I have alluded, I must say that I can not consent to follow such a policy. My hope is that the voice of the people may be heard, that the interests of the people may be considered, and that the policy which has so long prevailed may be reversed. And I say, Mr. President, so far as I am concerned as an individual, that I would rather be in a minority in the right, and be able to make a vigorous fight against the majority in the wrong, than to be in a divided party between right and wrong, apologizing for our position all the time.

Let the Democratic party strip itself for the fight and stand upon the rights of the people, not oppress any of them, not wrong any of them, not do injustice to any of them, whether bankers, bondholders, or others, but simply be just in the interest of the people, and let them know that that is its policy and its purpose, and I would venture the prediction of our sweeping the country in the next election by such a majority as has not been witnessed in this country in generations. The people desire party to represent them. I do not wish it to be understood that the great body of the Democracy do not represent the people, for it has been always the party of the people, but I do desire to be understood that there are members of it, and some of them in high position, who do not represent the interests of the people, who represent a policy at variance with their interests. I must speak the truth and not withhold it as a matter of policy. I propose to speak out the truth and to insist on a just policy, whatever the consequences may be to party or to persons.

Mr. BLAIR. Will the Senator allow me to ask him who it is in high position in the Democratic party that does not represent the interest of the people?

Mr. REAGAN. The Senator has been longer in the Senate than I have been. I do not propose to furnish a judgment for him which I suppose every man is capable of reaching himself.

Mr. BLAIR. Is the Senator willing to be specific?

Mr. REAGAN. I have been as specific as I think it is necessary to be when I state the principles of my action which I intend shall govern me, and when I have chosen to condemn those, whoever they may be, that do not stand by the interests of the people and of the Government, but do surrender to the money power from any fanciful notions or from moral cowardice. I wish, so far as I can, to direct public attention to this subject. I do not know that anything I may say will have much effect in that respect, but still I propose to do my duty in calling attention to what I believe to be a just policy in the interest of the people, and, so far as I am able to do so, to notify them that I propose to stand by their rights and by their interests and by the rights and interests of the Government of the United States as against the classes that have been permitted to use and plunder the Government and the people for the last fifteen or twenty years.

Mr. STEWART. I will withdraw my amendment to the motion to refer, and ask that the motion be voted down. I hope the bill will not be referred.

The PRESIDENT *pro tempore*. The Senator from Nevada withdraws his motion to instruct.

Mr. STEWART. I call for the yeas and nays on the motion to refer.

The PRESIDENT *pro tempore*. On the motion to refer the bill to the Committee on Finance the Senator from Nevada asks that the yeas and nays be entered on the Journal.

The yeas and nays were ordered.

Mr. MCPHERSON. It seems to me as though an agreement might be reached in the Senate simply to take the bill as reported from the Committee on Finance. I hope, therefore, that no amendment will be made.

Mr. TELLER. I inquire of the Senator what his side concede when that is done? Do they concede anything in voting for the bill as it came from the committee?

Mr. MCPHERSON. I do not suppose it is necessary to concede anything. It is a plain proposition.

Mr. TELLER. It can not be called an agreement then. We get nothing.

Mr. MCPHERSON. I took it for granted the Senator from Colorado and others were willing to vote for the bill as it came from the committee.

Mr. TELLER. I should like to inquire if the Senator will agree to the amendment offered by the Senator from Kentucky [Mr. BECK], if he will yield so much as to put that on?

Mr. EDMUNDS. You have one amendment on the bill already.

Mr. TELLER. That is different. We are going to put this amendment in place of the other. Will that suit the Senator from New Jersey?

Mr. MCPHERSON. I will answer the Senator by saying that I think the amendment offered by the Senator from Kentucky [Mr. BECK] is far less damaging, far less dangerous than that offered by the Senator from Nevada [Mr. STEWART], or the one which, as I understand, has become a part of the bill, offered by the Senator from Kansas [Mr. PLUMB]. I consider the amendment of the Senator from Kentucky better than either of the others, but I propose to stand on the report of the Committee on Finance, and simply vote for the bill as they reported it.

Mr. CALL. I should be very glad for one to have this question discussed at some length. It seems to me to be entirely clear that this proposition of the Committee on Finance to invest the $150,000,000 or perhaps $200,000,000 in a particular kind of property, in the purchase of the bonds in the public debt, may result in a very large addition to the amount to be paid by the tax-payers to that class of property-holders. I think it very clear that there ought to be an authority in the President or Secretary of the Treasury to purchase these bonds.

Whether or not it should be declared to be the policy of the Government to invest the whole surplus now in the Treasury and that which is to accrue, as fast as it accrues, in paying any premium that may be demanded on these bonds, is a very different question, whether or not that policy shall be declared by Congress to the bondholders as the established policy for the use of all the surplus money that shall be derived from taxation without any provision for the benefit of the tax-payers, and leaving to chance the distribution of this money in the channels of business, may be a question worthy of consideration.

I am not satisfied that there is not force in the suggestions made by the Senator from Nevada in regard to the basis of the currency of this country, whether or not the market value of the precious metals may not be made available as the basis of a sound currency and to what extent restrictions are necessary to be placed on the amount of circulation. Prophesies—bold assertions of consequences to accrue—are not arguments. I should like to hear something in the nature of argument in place of mere statements of opinion and the reiteration of inconsequential facts.

Mr. EDMUNDS. Would the Senator from Florida yield to me to move for an executive session? It is very desirable to have an executive session.

Mr. CALL. I yield with pleasure. I have no set speech to make.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive busines.

The PRESIDENT *pro tempore*. Does the Senator from Florida yield for that purpose?

Mr. CALL. Yes, sir.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate proceed to the consideration of executive business.

The motion was agreed to.

Mr. STEWART. I ask that the amendment proposed by the Senator from Kentucky be printed.

Mr. EDMUNDS. And also that of the Senator from Nevada.

The PRESIDENT *pro tempore*. That order will be made.

Mr. STEWART submitted the following amendment, intended to be proposed by him as additional sections; which was ordered to be printed:

SEC. —. That any person may deposit at any mint or assay office of the United States either gold or silver bullion, or both, in quantities of not less than 5 ounces of gold or 80 ounces of silver, and demand and receive coin certificates therefor. The price to be paid for such bullion, in exchange for certificates, shall be stated by the Secretary of the Treasury on the 1st and 15th day of each calendar month, and when either of these days shall fall on Sunday or any other holiday, such statement shall be made on the following secular day, and the price so stated shall be equal to the average quotations of such bullion in the New York City market during the fifteen days next preceding such statement: *Provided*, That the price stated by the Secretary of the Treasury shall not exceed $1 of such certificates for 25.8 grains, troy weight, of gold, nine-tenths fine, nor $1 of like certificates for 412½ grains, troy weight, of silver, nine-tenths fine. Bullion below the standard fineness deposited under the provisions of this section may be reduced to the required fineness at the several mints and assay offices of the United States, under regulations prescribed by the Secretary of the Treasury, at the same cost to the depositor as is now charged for reducing gold bullion to the standard required for coinage.

SEC. —. That the coin certificates issued under the provisions of this act shall be of such denominations as the Secretary of the Treasury shall prescribe: *Provided*, That they shall not be of less denomination than $1 or more than $1,000, and that one-half of the amount issued shall be of denominations less than $50, and shall be redeemable in gold or silver coin at the option of the United States. And the Secretary of the Treasury shall cause to be coined from time to time such portion of the bullion deposited under the provisions of this act as may be necessary to enable him to furnish coin for the redemption of such certificates. All coin certificates issued under the provisions of this act shall be a legal tender at their nominal value for all dues, public and private, except where otherwise expressly stipulated in contracts heretofore made.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened, and (at 4 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 3, at 12 m.

NOMINATIONS.

Executive nominations received by the Senate April 2, 1888.

MINISTER RESIDENT AND CONSUL-GENERAL.

Ezekiel E. Smith, of Fayetteville, N. C., to be minister resident and consul-general of the United States to Liberia, *vice* C. H. J. Taylor, resigned.

UNITED STATES ATTORNEY.

George J. Dennis, of California, to be attorney of the United States for the southern district of California, *vice* J. Marion Brooks, resigned.

(The nomination of J. Marion Brooks to the above-named office is this day withdrawn.)

POSTMASTERS.

Miss Julia H. Bronson, to be postmaster at Clinton, Oneida County, New York, *vice* Arthur W. Bronson, deceased.

Thomas Murphy, to be postmaster at Mechanicsville, Saratoga County, New York, *vice* Farrington L. Mead, resigned.

Patrick J. Langan, to be postmaster at Hawley, Wayne County, Pennsylvania, *vice* George Ammerman, commission expired.

Jacob W. Shrite, to be postmaster at Mount Joy, Lancaster County, Pennsylvania, *vice* William C. F. Reed, commission expired.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 27, 1888.

POSTMASTER.

J. E. Adams, to be postmaster at Franklin, Venango County, Pennsylvania.

Executive nominations confirmed by the Senate April 2, 1888.

TERRITORIAL JUDGE.

Micah C. Sanfley, of Kentucky, to be associate justice of the supreme court of the Territory of Wyoming.

SURGEON-GENERAL OF NAVY.

John M. Browne, medical director, to be Surgeon-General and Chief of the Bureau of Medicine and Surgery in the Department of the Navy.

HOUSE OF REPRESENTATIVES.

MONDAY, *April* 2, 1888.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of Saturday's proceedings was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. O'FERRALL, for two days, on account of important business.

To Mr. RICHARDSON, for this week, on account of sickness and important business.

TARIFF BILL.

Mr. MILLS, from the Committee on Ways and Means, reported a bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. MCKINLEY, by unanimous consent, submitted the views of the minority; which were ordered to be printed with the report of the committee.

Mr. MCMILLIN. After conference with members of the Ways and Means Committee I am requested to announce to the House that we will seek to take up for consideration the bill just reported on two weeks from to-morrow—Tuesday, the 17th instant. We have thus set the date forward for the purpose of enabling the Appropriation Committees to get their bills into the Senate as far as may be; and we trust that at that date the business of the House in this respect will be so disposed of that we can have an unobstructed way.

DUTIES PAID BY THE STATE OF NEW YORK.

Mr. TRACEY. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 1692) to refund duties paid by the State of New York on arms imported in 1863.

The SPEAKER. The bill will be read subject to objection.

The bill was read at length.

Mr. HOLMAN. Let the report be also read subject to the right to object.

The report was read at length.

Mr. SPRINGER. I do not rise for the purpose of objecting to the consideration of this bill; but if leave is given to consider it I desire to be heard for a moment.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. JOHNSTON, of Indiana. I object, unless we can have an opportunity to discuss it fully.

BRIG TALLY HO.

Mr. HAYDEN. I ask unanimous consent to take from the Private Calendar for present consideration the bill (H. R. 6757) to refer the claim of the owners of the brig Tally Ho to the Court of Claims.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McMILLIN. Let the report be read.

The report of the Committee on Claims was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McMILLIN. I should like to hear some explanation.

Mr. HAYDEN. This is a very simple matter. The United States steam-vessel of war Pinta, running off the coast of Massachusetts, ran into the sailing brig Tally Ho, and sunk her. On an examination ordered by the Navy Department the court of inquiry decided the naval officers were at fault; and the case was referred by the Secretary of the Navy to the Court of Claims. Under the decision of the Court of Claims in the Abbie Pitman case it was determined that in cases of collision the Court of Claims had no jurisdiction. Consequently the case would be dismissed from the Court of Claims. The testimony has been taken on both sides—on the part of the Government and on the part of the owners; and now we ask that the case may be permitted to be adjudicated in the Court of Claims, and that the testimony taken so far may be used in the case, so that no more expense shall be put on the owner.

It is a simple case of collision, in which a United States steam man-of-war ran into a sailing vessel.

Mr. McMILLIN. What has been the custom heretofore in cases of this kind?

Mr. HAYDEN. Such cases had to come to Congress and be sent by Congress to the Court of Claims. It was necessary to get permission from Congress in order that they might be sent there.

Mr. McMILLIN. As I understand, this is not like a case under the Bowman act, where the Court of Claims makes a return to Congress of the findings of fact, but the case is to go to the court for judgment.

Mr. HAYDEN. And why should it not go to judgment there? This is a case in which the Navy Department, a branch of the United States Government, confesses its agents were at fault. Now, if the Court of Claims decides that is true and the amount of loss is fixed, why should not the case go to final judgment there?

Mr. McMILLIN. Does not this involve the same question as was involved in the case of Bunton, on the Ohio River, of the responsibility of the Government for the acts of its officers?

Mr. HAYDEN. I do not know. I am not enough of a lawyer to answer that question.

Mr. McMILLIN. I should like time to look into the question.

Mr. HAYDEN. After judgment by the Court of Claims the case will come back here for an appropriation.

Mr. McMILLIN. It may come back for an appropriation, but Congress will then have no control over it. You do not, as under the Bowman act, reserve authority to Congress to give the final decision, but you give the Court of Claims absolute authority to render judgment in the premises.

Mr. HAYDEN. I ask the gentleman if there is any equity or justice in refusing to let the case go to the Court of Claims when the Navy authorities have recognized that they were liable in this matter and have confessed judgment as far as they can confess judgment, and ask to have the thing go into court and be decided? Why should it not be decided there in equity?

Mr. McMILLIN. The point I am trying to get at is whether this is the same question that was involved in the case of the Ohio River. If so, I can not give my consent to this case taking one step forward, because I think the course taken in the other case by Congress was wrong. For the present, until I see there is some merit in it, I will have to object.

The SPEAKER. Does the Chair understand the gentleman from Tennessee to object to the present consideration of the bill?

Mr. McMILLIN. I do.

SOUTHERN PACIFIC RAILROAD COMPANY.

Mr. OUTHWAITE. I desire to make a privileged report from the Committee on Pacific Railroads. I report back three bills with the recommendation that they be laid upon the table, and a substitute, which I ask to have printed and recommitted.

The substitute, a bill (H. R. 9052) to forfeit lands granted to the Southern Pacific Railroad Company, and for other purposes, was read a first and second time, recommitted to the Committee on Pacific Railroads, and, with the accompanying report, ordered to be printed.

The SPEAKER. There are three bills sent up.

Mr. OUTHWAITE. I desire them to lie on the table.

The SPEAKER. The other bill can not be a substitute for three bills. The gentleman can report an original bill in lieu of all these bills.

Mr. OUTHWAITE. That is what I desire to do.

The following bills were laid on the table:

A bill (H. R. 1302) forfeiting certain lands granted to the Southern Pacific Railroad Company of California by section 18 of the act of Congress approved January 27, 1866;

A bill (H. R. 1602) forfeiting certain lands granted to the Southern Pacific Railroad Company of California by section 18 of the act approved January 27, 1866; and

A bill (H. R. 2001) to forfeit certain lands granted to the Southern Pacific Railroad Company, and for other purposes.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order is the call of States and Territories for the introduction and reference of bills and resolutions.

HOUR FOR DAILY MEETING OF THE HOUSE.

Mr. WHEELER offered the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That on and after Monday, April 9, the House meet at 11 a. m.

RESERVOIRS FOR IRRIGATION.

Mr. SYMES introduced a bill (H. R. 9053) to aid in the construction of a system of reservoirs for the storage of water for irrigation; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

IRRIGATION.

Mr. SYMES also introduced a bill (H. R. 9054) for the development and utilization of the water resources of the arid region for the purpo e of irrigation; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

ROYAL ARCH PARK.

Mr. SYMES also introduced a bill (H. R. 9055) to establish a public park to be called and known as the Royal Arch Park; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

WITHDRAWN RAILROAD-GRANT LANDS.

Mr. SYMES also introduced a bill (H. R. 9056) to protect purchasers of lands lying in the vicinity of Denver, Colo., heretofore withdrawn by the executive department of the Government as lying within the limits of certain railroad grants and afterwards held to lie without such limits; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

NAVAL OFFICERS ON THE RETIRED-LIST.

Mr. PENINGTON introduced a bill (H. R. 9057) providing a remedy for the retention of officers of the Navy (not retired for age or length of service) on the retired-list after the disability for which they were placed there has ceased; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

PRINTING OF COMMITTEE REPORTS.

Mr. SPRINGER introduced a joint resolution (H. Res. 142) authorizing the printing of committee reports; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

LAURA E. SANDERSON.

Mr. BAKER, of Illinois, introduced a bill (H. R. 9058) providing for a pension for Laura E. Sanderson, widow of John Sanderson, late a private in Company L, First Regiment Missouri Cavalry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING, PEORIA, ILL.

Mr. POST introduced a bill (H. R. 9059) appropriating $12,000 for the completion of the public building at Peoria, Ill., and increasing the limit of the cost of said building; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

INTERSTATE COMMERCE.

Mr. LAWLER offered the following resolution; which was read, and referred to the Committee on Commerce:

Whereas the act approved February 4, 1887, entitled "An act to regulate commerce," was passed by Congress and approved by the President in deference to the demands of a large majority of the people, in order that they should be protected from the unequal and unjust exactions for passenger tolls and freight

rates imposed by common carriers engaged in the transportation of passengers and property from one State, Territory, or District of Columbia to any other State or Territory or District of Columbia; and

Whereas the commission created under said act has for some time past exercised the authority and functions conferred by the provisions of said act; and

Whereas it does not affirmatively appear that the said act has operated beneficially in affording adequate relief to the people in the manner and through the directions interposed by law: Therefore,

Be it resolved, That the Committee on Commerce be instructed and directed to make inquiry and report to the House of Representatives whether the said act has operated to prevent unjust discrimination in the matter of passenger tolls and freight rates demanded, collected, and received by such common carriers, and has been in all relations and provisions enforced and carried out touching its intendments; and, if not, to further report what additional legislation, if any, is necessary to afford needed protection to the people in the matter of such unjust discrimination in the transportation of passengers and property known as "interstate commerce."

RELIEF TO UNION SOLDIERS, ETC., FOR AMPUTATION OF LIMBS.

Mr. HOLMES introduced a bill (H. R. 9060) for the relief of Union soldiers and sailors who suffered the amputation of a limb; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SECTION 1404 REVISED STATUTES.

Mr. HENDERSON, of Iowa, introduced a bill (H. R. 9061) to amend paragraph 3 of section 4414 of the Revised Statutes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CLAIMS OF POSTMASTERS.

Mr. TURNER, of Kansas, offered a resolution asking the Postmaster-General to report upon claims of certain postmasters; which was referred to the Committee on the Post-Office and Post-Roads.

INDIAN LANDS IN SEVERALTY, ETC.

Mr. RYAN introduced a bill (H. R. 9062) to amend section 1 of an act entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," approved February 8, 1887; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

PUBLIC PARK, LOUISVILLE, KY.

Mr. CARUTH introduced a bill (H. R. 9063) to permit the city of Louisville to use certain grounds belonging to the United States, in said city as a public park; which was read a first and second time referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

IMPROVEMENTS ON UNITED STATES PROPERTY IN LOUISVILLE, KY.

Mr. CARUTH also introduced a bill (H. R. 9064) to provide for the payment of certain improvements on the property of the United States in the city of Louisville, in the State of Kentucky; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

PAY OF LIFE-SAVING CREWS.

Mr. CARUTH also presented resolutions of the General Assembly of Kentucky, in relation to the pay of the crews of life-saving stations; which were read, and referred to the Committee on Commerce.

Mr. CARUTH subsequently obtained unanimous consent that the resolutions be printed in the RECORD.

They are as follows:

Resolution in relation to life-saving stations.

Whereas the numerous acts of gallant heroism so often required and so frequently performed by members of the Life-Saving Service of the United States, no less on the coasts of America than around the Falls of the Ohio at Louisville, Ky., and elsewhere, have attracted the admiration and are entitled to that just recognition which a free and prosperous people is ever ready to award to those brave men whose duty it is to imperil their own lives that unfortunate others may be saved: Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky, That our Representatives in Congress, and Hon. SAMUEL J. RANDALL, of Pennsylvania, chairman of the House Committee on Appropriations, be, and they are hereby, respectfully requested and earnestly urged to use their best efforts in aid of the bill now before Congress asking for an increase in the salaries of keepers and surfmen and others employed in the Life-Saving Service of the United States, and that a copy of these resolutions be forwarded to each of our Senators and Representatives in Congress and to Hon. SAMUEL J. RANDALL.

BEN. JOHNSON,
Speaker of the House of Representatives.
J. W. BRYAN,
Speaker of the Senate.

Approved March 26, 1888.

S. B. BUCKNER.

By the governor:
GEO. M. ADAMS,
Secretary of State.

CAR COUPLINGS AND BRAKES.

Mr. MORSE presented resolutions of the senate and house of representatives of the Massachusetts Legislature, relating to freight-car and steam-couplers and to freight-train brakes; which were referred to the Committee on Commerce.

SAFETY ON RAILROADS.

Mr. COLLINS introduced a joint resolution (H. Res. 143) for the better protection of life and limb on interstate railroads; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

FEES IN COURTS OF THE DISTRICT OF COLUMBIA.

Mr. CHIPMAN introduced a bill (H. R. 9065) to fix and equalize certain fees in the courts of the District of Columbia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CLAIMS OF VOLUNTEER OFFICERS.

Mr. CUTCHEON introduced a joint resolution (H. Res. 144) to provide for the adjudication of claims of volunteer officers under the acts of June 3, 1884, and February 3, 1887; which was read a first and second time (the first reading being in full, upon request of Mr. CUTCHEON), referred to the Committee on Military Affairs, and ordered to be printed.

UNITED STATES COURTS, MERIDIAN, MISS.

Mr. ANDERSON, of Mississippi, introduced a bill (H. R. 9066) to provide for holding terms of the United States courts at Meridian, Miss.; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

IRON BRIDGE, FORTRESS MONROE.

Mr. LAIRD (by request) introduced a bill (H. R. 9067) for the construction of an iron bridge from the military reservation at Fortress Monroe to Elizabeth City County, Virginia; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. MCADOO introduced a bill (H. R. 9068) to amend sections 1195, 1196, 1197, 1198, 1199, and 1200 of the Revised Statutes of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

PUBLIC BUILDINGS.

Mr. MERRIMAN (by Mr. BLISS) submitted a resolution authorizing the Committee on Expenditures on Public Buildings to investigate the present condition and cost of public buildings of the United States; which was referred to the Committee on Expenditures on Public Buildings.

PENSIONS.

Mr. DE LANO introduced a bill (H. R. 9069) to grant pensions in accordance with the rank held at the time of discharge from service; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BOOK-PURCHASE FOR CONSULAR SERVICE.

Mr. COX introduced a joint resolution (H. Res. 145) authorizing and directing the Secretary of State to contract for purchase of copies of a publication entitled "The Manufactures of the United States for Domestic and Foreign Trade," for use in the United States consular service; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

RIFLE RANGE, ETC., MADISON BARRACKS, NEW YORK.

Mr. PARKER introduced a bill (H. R. 9070) to provide for the purchase of lands to be used as a rifle range, and for other purposes, in connection with Madison Barracks, New York; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DUTIES ON IMPORTS.

Mr. FLOOD introduced a bill (H. R. 9071) to levy certain duties on certain imported articles; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

REWARD FOR DISCOVERY OF HOG-CHOLERA REMEDY.

Mr. MCCLAMMY introduced a bill (H. R. 9072) to reward the discovery of a remedy and cure of hog-cholera; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

COMPULSORY EDUCATION OF INDIAN CHILDREN.

Mr. JOSEPH D. TAYLOR introduced a bill (H. R. 9073) to provide for the compulsory education of Indian children; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

MONUMENT TO JOHN GRAY.

Mr. JOSEPH D. TAYLOR also introduced a bill (H. R. 9074) to provide for the erection of a monument to John Gray, the last survivor of the Revolutionary war; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

PUBLIC BUILDING, XENIA, OHIO.

Mr. CAMPBELL, of Ohio, introduced a bill (H. R. 9075) for the erection of a public building at Xenia, Ohio; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUBLIC BUILDING, MIDDLETOWN, OHIO.

Mr. CAMPBELL, of Ohio, also introduced a bill (H. R. 9076) for the

erection of a public building at Middletown, Ohio; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

POSTAGE ON SEEDS, BULBS, ETC.

Mr. SOWDEN submitted the following resolution; which was read and referred to the Committee on the Post-Office and Post-Roads:

Resolved, That the Postmaster-General be requested to inform the House of Representatives what instructions, if any, have been given with reference to rates of postage on seeds, plants, bulbs, and printed circulars received from the Dominion of Canada; and whether existing postal laws, regulations, or treaties give any advantage to Canadian citizens over citizens of the United States engaged in similar business.

MONUMENT TO GENERAL WARREN.

Mr. OSBORNE introduced a bill (H. R. 9077) for the erection of a monument to the late Maj. Gen. Gouverneur K. Warren; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

OBSCENE MATTER IN THE MAILS.

Mr. DIBBLE introduced a bill (H. R. 9078) to amend section 3893 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Revision of the Laws, and ordered to be printed.

RECORDS OF THE VIRGINIA COMPANY.

Mr. PHELAN introduced a joint resolution (H. Res. 146) authorizing and directing the Librarian to permit Dr. J. F. Jamison, at his own expense, to cause to be made a copy of the records of the Virginia Company, and to cause the same to be published; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

BRIDGE ACROSS THE TENNESSEE RIVER AT KNOXVILLE.

Mr. HOUK introduced a bill (H. R. 9079) to authorize the construction of a bridge across the Tennessee River at or near Knoxville, Tenn.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CIRCUIT COURTS, VERMONT.

Mr. STEWART, of Vermont, introduced a bill (H. R. 9080) to regulate sessions of the circuit courts in the district of Vermont; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RIGHT OF WAY THROUGH THE ARLINGTON PROPERTY.

Mr. YOST introduced a joint resolution (H. Res. 147) granting the right of way through the Arlington property in Virginia; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AMERICAN REGISTER, STEAMER SCYTHIAN.

Mr. BOWDEN introduced a bill (H. R. 9081) to authorize an American register to be issued for the screw steel steamer Scythian; which was read a first and second time, referred to the Committee on Merchant Marine and Fisheries, and ordered to be printed.

PAWNBROKERS, DISTRICT OF COLUMBIA.

Mr. SMITH, of Wisconsin, introduced a bill (H. R. 9082) to regulate and license pawnbrokers in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

LABORATORY BUILDING, DEPARTMENT OF AGRICULTURE.

Mr. HATCH introduced a bill (H. R. 9083) for the erection of a laboratory building for scientific purposes of the Department of Agriculture in Washington; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

COURT OF PATENT APPEALS.

Mr. RAYNER introduced a bill (H. R. 9084) to establish a court of patent appeals of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

OFFICIAL FORCE, PATENT OFFICE.

Mr. RAYNER also introduced a bill (H. R. 9085) to amend sections 476 and 477 of the Revised Statutes relating to the Patent Office; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

BUSINESS OF COMMITTEE ON PRIVATE LAND CLAIMS.

Mr. McCREARY submitted the following resolution; which was read and referred to the Committee on Rules:

Resolved, That Saturday, April 14, 1888, immediately after the hour for the consideration of bills called up by committees, be set apart for the consideration of bills and measures reported from the Committee on Private Land Claims, in such order as may be designated by said committee; this order not to conflict with prior orders, nor with revenue bills, nor with general appropriation bills.

CONSTRUCTION OF CERTAIN BRIDGES IN GEORGIA.

Mr. CLEMENTS introduced a bill (H. R. 9086) to authorize the construction of a bridge across the Coosa River, or bridges across the Oostanaula and Etowah, at or near Rome, Ga.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BLAIR EDUCATIONAL BILL.

Mr. LONG. Mr. Speaker, I ask unanimous consent to submit at this time, and have printed in the RECORD, and appropriately referred, a petition signed by Miss Frances E. Willard and 59 others, representatives of the Woman's National Congress, in behalf of the BLAIR educational bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. ROGERS. What is the length of this petition?

Mr. LONG. It contains only about seventy words and some sixty signatures.

There being no objection, the memorial was ordered to be printed in the RECORD, and referred to the Committee on Education.

It is as follows:

WASHINGTON, D. C., *April* 2, 1888.

To the Members of the House of Representatives:

GENTLEMEN: We are earnestly watching the action of the House on the Blair educational bill, having followed its history from the beginning with unflagging solicitude and interest in this great and beneficent movement, which seeks so to provide for the education of the nation's youth that they may be prepared to be a blessing and not a curse as citizens.

We pray you each to use your utmost influence and to give your vote for this bill.

FRANCES WILLARD, *President National Woman's Christian Temperance Union.*
ELIZABETH CADY STANTON, *President National Woman Suffrage Association.*
SUSAN B. ANTHONY, *Vice-President at Large National Woman Suffrage Association.*
MARY A. LIVERMORE, *Massachusetts.*
MATILDA JOSLYN GAGE, *Vice-President at Large National Woman Suffrage Association.*
ISABELLA BEECHER HOOKER, *Connecticut.*
MARY H. HUNT, *Superintendent Scientific Temperance Instruction in National Woman's Christian Temperance Union.*
MARY T. LATHROP, *President Michigan Woman's Christian Temperance Union.*
CLARA C. HOFFMAN, *President Missouri Woman's Christian Temperance Union.*
CAROLINE E. MERRICK, *President Louisiana Woman's Christian Temperance Union.*
MARY LOWE DICKINSON, *New York City.*
RACHEL G. FOSTER, *Corresponding Secretary National Woman Suffrage Association.*
CLARA BEWICK COLBY, *Vice-President National Woman Suffrage Association for Nebraska.*
LITA BARNEY SAYLES, *Officer, Sociological Society of America.*
ZERILDA G. WALLACE, *Lecturer for National Woman's Christian Temperance Union.*
ANNIE H. SHAW, *Superintendent department of franchise in National Woman's Christian Temperance Union.*
ELIZABETH BOYNTON HERBERT, *Vice-President of National Woman Suffrage Association for Illinois.*
MARY GRANT CRAMER, *New Jersey.*
ADA M. BITTENBENDER, *Superintendent Legislative Work in National Woman's Christian Temperance Union.*
Mrs. J. P. NEWMAN, *Washington.*
CATHARINE A. F. STEBBINS, *Michigan.*
SUSAN H. BARNEY, *Superintendent Prison, Police, and Almshouse Work in National Woman's Christian Temperance Union.*
CLARA BARTON, *National President of the American Red Cross.*
Mme. DEMOREST, *New York City, Editor Magazine.*
CAROLINE GILKEY ROGERS, *New York.*
MARY SEYMOUR HOWELL, *New York.*
VIRGINIA L. MINOR, *Vice-President National Woman Suffrage Association for Missouri.*
LAURA M. JOHNS, *Vice-President National Woman Suffrage Association for Kansas.*
ANNA C. WAIT, *Kansas.*
PUNDITA RAMABAI, *Pennsylvania.*
ABBY MORTON DIAZ, *Massachusetts.*
RENA A. MICHAELS, Ph. D., *Dean of Woman's College, Northwestern University.*
ANGIE F. NEWMAN, *Superintendent of Work among Mormons, National Woman's Christian Temperance Union.*
SARA J. LIPPINCOTT (Grace Greenwood).
MATILDA B. CARSE, *President Woman's Temperance Publication Association.*
ANNA RANDALL DIEHL, *New York.*
JULIA A. AMES, *Associate Editor Union Signal, Illinois.*
SARAH M. PERKINS, *Ohio.*
ADA C. BOWLES, *Superintendent Work Among Foreigners, Massachusetts Woman's Christian Temperance Union.*
MARY E. McPHERSON, *Iowa.*
MRS. L. C. HOUK, *Tennessee.*
MRS. SALLIE C. JACKSON, *Indiana.*
JANE H. SPOFFORD, *Washington.*
MARY F. EASTMAN, *Massachusetts.*
PAULINE MORTON, *New York.*
ELIZABETH LYLE SAXON, *Lecturer National Woman's Christian Temperance Union, Tennessee.*
MRS. L. M. N. STEVENS, *President Maine Woman's Christian Temperance Union.*
PHEBE A. HANAFORD, *Connecticut.*
HARRIETTE R. SHATTUCK, *Vice-President National Woman Suffrage Association for Massachusetts.*
MARIA S. PORTER, *Massachusetts.*
MARY DYE, *Illinois.*
ANNIE L. DIGGS, *Kansas.*
ELIZABETH P. HALLY, *New York.*
ANNA A. GORDON, *Associate Superintendent Juvenile Work in National Woman's Christian Temperance Union.*
ELIZABETH P. GORDON, *Corresponding Secretary Massachusetts Woman's Christian Temperance Union.*
MARY WEEKS BURNETT, M. D., *Illinois, Founder of National Temperance Hospital, Chicago.*
LORELA HAGANS, *Treasurer Woman's Publication Association.*

PUBLIC BUILDING AT ISLAND POND, VT.

Mr. GROUT introduced a bill (H. R. 9087) for the erection of a public building at Island Pond, Vt.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

REBELLION RECORDS.

Mr. GROSVENOR submitted the following resolution; which was read and referred to the Committee on Military Affairs:

Resolved, That the Committee on Military Affairs be, and it is hereby, directed, in addition to the inquiry it is now prosecuting in relation to the publication of the Official Records of the War of the Rebellion, to inquire and report in regard to the feasibility and advisability of completing the publication of these records under the supervision and control of a joint committee of Congress.

RECIPROCITY WITH CANADA.

Mr. BAKER, of New York, submitted the following resolutions; which were referred to the Committee on Ways and Means, and ordered to be printed:

Whereas "Her Majesty, by and with the advice and consent of the senate and house of commons of Canada," did by due statutory enactment assented to May 15, 1879, provide that "any or all of the following articles, that is to say, animals of all kinds, green fruit, hay, straw, bran, seeds of all kinds, vegetables, including potatoes and other roots; plants, trees, and shrubs, coal and coke, salt, hops, wheat, peas and beans, barley, rye, oats, Indian corn, buckwheat, and all other grain; flour of wheat and flour of rye, Indian meal and oatmeal, and flour or meal of any other grain; butter, cheese, fish (salted or smoked), lard, tallow, meats (fresh, salted, or smoked), and lumber, may be imported into Canada free of duty, or at a less rate of duty than is provided by this act, upon proclamation of the governor in council, which may be issued whenever it appears to his satisfaction that similar articles from Canada may be imported into the United States free of duty, or at a rate of duty not exceeding that payable on the same under such proclamation when imported into Canada;" and

Whereas the Senate and House of Representatives of the United States of America in Congress assembled did, by act approved March 3, 1883, duly provide that plants, trees, shrubs, and vines of all kinds, and seeds of all kinds, fresh fish, fruits, green, ripe, or dried, eggs, and a large number of articles specifically named should be admitted into the United States free of duty; in consequence whereof it appears that large quantities of plants, trees, shrubs, vines, and seeds, eggs, aggregating in value in the year 1885 $1,831,000; in the year 1886, $1,728,000; in the year 1887, $1,827,060, and great quantities of fish and other products of the Dominion of Canada have been imported into the United States duty free, while that government has neglected, failed, and refused to keep or observe Her Majesty's standing offer of reciprocity, in respect of the articles specified, or of many of them, and have, as is alleged, exacted large sums by way of duty upon many of the articles specified, which have been imported into Canada from the United States; and have, as is alleged, levied and assessed ad valorem duties upon American goods at the actual retail price or value at which such goods are sold for home consumption even when shipped, imported, and sold in large quantities at wholesale prices notwithstanding and in disregard and violation of the spirit and letter of the Canadian statutes; and

Whereas it is claimed on the part of Canadian officials that the citizens of the United States can avail themselves of the privileges of reciprocity under the act first above quoted only after all the articles therein specified shall be admitted free of duty by United States laws: Therefore,

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to report as speedily as practicable to this House the kinds and quantities of goods and products imported into the United States from Canada free of duty during the past five years, and also the quantities of similar goods and products exported from the United States into Canada during the same period, together with a statement in detail, showing the amount of duties, specified and ad valorem paid thereon, to the end and purpose of ultimate recovery thereof, and of an adjustment of the differences resulting from such breach of faith on the part of the Canadian Government.

Resolved, further, That the Committee on Ways and Means report to the House within ten days a bill providing:

First. For an ad valorem duty of 25 per cent. upon all plants, trees, shrubs, and vines of all kinds imported into the United States from the Dominion of Canada.

Second. For a specific duty of 5 cents per dozen upon eggs so imported.

Third. For a specific duty of 1 cent a pound upon all fish so imported.

Fourth. That in all cases a duty shall be imposed upon all goods and products now on the free-list whenever similar goods and products are subject to duty under the laws of Canada, at a rate equal to that imposed thereunder.

Fifth. That ad valorem duties imposed by the laws of the United States on goods, wares, and merchandise imported from foreign countries shall be assessed upon the actual retail price or value at which such goods are sold for home consumption in the country of production or export, whenever in the country of such production or export ad valorem duties upon goods, wares, and merchandise imported into such country from the United States are assessed upon the retail price or value at which such goods are sold for home consumption in the United States.

TERMS OF PRESIDENT, MEMBERS OF CONGRESS, ETC.

Mr. CRAIN. I move that the rules be suspended and that the House pass the joint resolution (H. Res. 120) proposing amendments to the Constitution, changing the time for the commencement and limitation of the terms of the President, Vice-President, and members of Congress, and altering the date of the annual meeting of Congress.

Mr. ADAMS and Mr. BURROWS demanded a second.

Mr. CRAIN. I ask unanimous consent that a second be considered as ordered.

The SPEAKER *pro tempore* (Mr. HATCH). Before that question is submitted the Chair directs the Clerk to report the resolution.

The resolution was read, as follows:

Resolved, etc. (*two-thirds of each House concurring therein*), That the following articles be proposed to the Legislatures of the several States as amendments to the Constitution of the United States, namely:

ARTICLE —.

The term of office of the President shall continue until the 30th day of April, in the year 1889, at noon, and the 30th day of April, at noon, shall thereafter be substituted for the 4th day of March as the commencement and termination of the official term of the President and Vice-President.

The twelfth article of the amendments to the Constitution of the United States shall be amended by striking out the words "4th day of March," and substituting instead thereof the words "30th day in April, at noon."

ARTICLE —.

The 31st day of December, at noon, is substituted for the 4th day of March as the commencement and termination of the official term of the Senators and of the members of the House of Representatives.

The Congress in existence when the members of the first House of Representatives are elected after the ratification of this amendment shall hold no annual session after such election, and its term of office shall expire on the 31st day of the following December.

The Senators whose existing term would otherwise expire on the 4th day of March next succeeding the day on which the term of the first Congress shall commence after the ratification of this amendment, shall continue in office until their successors are appointed or elected.

Congress shall assemble at least once in each year, and such meeting shall be on the first Monday in January, unless Congress shall by law appoint a different day.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. ADAMS] demands a second. The gentleman from Texas asks unanimous consent that the second be considered as ordered.

Mr. BURROWS. On a proposition of so much importance as that of changing the Constitution in two particulars I prefer to take the sense of the House, whether the House proposes to dispose of this in thirty minutes. I therefore object to the second being considered as ordered.

The SPEAKER *pro tempore* appointed Mr. ADAMS and Mr. CRAIN as tellers.

The House divided; and there were—ayes 110, noes 57.

So the motion to suspend the rules was seconded.

The SPEAKER. Under the rules thirty minutes are allowed for debate, fifteen minutes in support of the proposition and fifteen minutes in opposition to it. The Chair recognizes the gentleman from Texas [Mr. CRAIN] to control the time in support of the motion, and the gentleman from Illinois [Mr. ADAMS] to control the time in opposition.

Mr. CRAIN. I yield two minutes to the gentleman from Massachusetts [Mr. COLLINS].

Mr. COLLINS. The House will remember that a few weeks ago a constitutional amendment in another form with regard to the terms of the President, Vice-President, and members of Congress was under discussion, and failed of securing the necessary two-thirds vote, partly because of the brilliant and vigorous opposition to it by the gentleman from Texas [Mr. CRAIN], and partly because a large number of the members of the House did not desire to extend for some two months their present term of office.

I contended for the passage of that resolution with what little ability I had, mainly because it met partly at least the present difficulties, and would in all probability, having passed the Senate, receive the ratification of the requisite number of States during this year and thus affect the Fifty-first Congress.

This amendment, I am bound to say, is not only in its essential features as good as that amendment as far as it goes, but is also much better, because broader. It provides the term of the President and Vice-President shall begin and end on the 30th of April once in four years. It provides that the terms of members of Congress, instead of ending on the 4th of March, shall end on the 31st of December; and in addition to that, that the Congress elected when this becomes a part of the organic law of the country shall take their seats early in the January succeeding the date of their election. Therefore I trust the amendment will receive the necessary two-thirds vote of the House.

[Here the hammer fell.]

Mr. CRAIN. I yield two minutes to the gentleman from New York [Mr. COX].

Mr. COX. I congratulate the gentleman from Texas and the gentleman from Massachusetts upon their harmony in producing a measure which in our last debate on this topic it was suggested might be done by a conference between these gentlemen, who then disagreed.

I favor this amendment to the Constitution. My reason is simple. It can be stated in less than my two minutes. I would have the Representative in touch with the people. The Representative is not, in fact, a representative, but is a mis-representative, unless he comes fresh from the people as the exponent of the popular sentiment and policy. Owing to the vicissitudes of our politics and its changes, even its whims and caprices, it is necessary in a republic that there should be a change made in the organic law, to be submitted, according to the constitutional provisions, to the States or to the people, so as to effectuate this representative nearness to the people. We are here the representatives of a democratic republic. It is a republic based on the will of the people as the last resort. The people are represented in this, the popular body, and I would forget all other considerations and ignore all other obstacles to secure this great end provided for in the amendment proposed by the gentleman.

Mr. CRAIN. I reserve the remainder of my time.

Mr. ADAMS. I yield five minutes to the gentleman from Michigan [Mr. BURROWS].

Mr. BURROWS. Thirty minutes is a very brief time to consider a proposition to amend the Constitution in two important particulars. Heretofore the term of the President has commenced on the 4th of March, and the term of a member of Congress has commenced at the same time. This was fixed by the Continental Congress at the beginning of the Government. It is now proposed to change this and have the Presidential term begin on the 30th day of April and the Congressional term on the first Monday in January; so that the day fixed in the beginning for the inauguration of the National Government shall be abandoned and another day substituted.

Let us consider for a moment the practical effect of this resolution if it be made a part of the Constitution.

To illustrate. Let us suppose that the proposed amendment is ratified by the requisite number of States during the coming summer, what will be the effect? The effect will be to make this the last session of the Fiftieth Congress, and no member of this body will be called upon to attend a December session, for there will be none. The Fifty-first Congress will come in on the first Monday in January next. This results in cutting off two months of membership in this Congress with the necessary loss of pay [laughter], while the Presidential term is to be extended from the 4th of March until the 30th of April. The gentleman from New York [Mr. COX] suggests that this is a wise provision, because if the party in power is repudiated at the November election, then the existing Congress ought not to hold another session, but the new Congress should come in as representing the recently expressed sentiment of the people.

But the joint resolution at the same time provides that the Presidential term shall be extended, although the people may have repudiated the President as well as Congress at the same election. The Representatives of the people are to meet in session immediately at the beginning of the new year, but the Presidential term is to be extended until the 30th day of April and the repudiated President remain in power. And this, forsooth, because the first President happened to be inaugurated on the 30th day of April, 1789, although all the other Presidents during a century have been inaugurated on the 4th day of March. It was a mere accident that Washington was inaugurated on the 30th of April, and I submit that we ought not to amend our Constitution to make it conform to what was an accident in the beginning and thus obliterate that historic day, the 4th of March, when the machinery of our National Government went into operation.

Another objection to this proposed amendment is that it gives us two long sessions of Congress instead of one short and one long one. For instance, if the Constitution should be amended in conformity with this resolution before the next November election, then the Fifty-first Congress will meet on the 1st of January, 1889, and the session will run necessarily until July or August. Then the second session will begin on the first Monday in the succeeding January, and that also will be a long session. Thus two long sessions will be held, which will be prolonged into the summer months, to the discomfort of every one. I submit, Mr. Speaker, that the reasons assigned for this proposed amendment ought not to prevail with the House. I can see no advantage to be derived from it. Some have suggested as a reason for the change that the 4th of March is an inclement season for the inauguration of a President. I have yet to learn of a single President who has declined to be inaugurated on that day on account of the weather. [Laughter.] With equal propriety you might as well propose to change the celebration of the 4th of July to some day in October because it would be a more comfortable season.

Mr. CRAIN. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Speaker, if this amendment is ratified it can not take effect to change the terms of the members of the Fiftieth Congress. It can only relate, even if promptly ratified, to the Congress to be elected next November.

A MEMBER. Why do you not put that in the joint resolution then?

Mr. SPRINGER. I say that in the very nature of things it can not be ratified until after the time of this Congress shall have expired. I have in my hands a list of the dates of the meetings of the Legislatures of the several States, from which it appears that it is impossible for this amendment to be ratified during the sessions which will be held in the beginning of the year 1889. It could be ratified only in the very improbable contingency of the governors of three-fourths of the States calling extra sessions of the State Legislatures for that purpose. So that, in the natural course of events in this country, this amendment, even if acceptable to three-fourths of the States, will apply only to the members of Congress who are elected in November next, and to the President who is elected at that time.

As a matter of comfort and convenience members will certainly agree, I think, that the weather on and about the 4th of March is apt to be very inclement. Certainly it would have been extremely inconvenient and disagreeable to have had an inauguration on that day this year.

[Here the hammer fell.]

Mr. ADAMS. I yield three minutes to the gentleman from Michigan [Mr. ALLEN].

Mr. ALLEN, of Michigan. Mr. Speaker, this seems to be largely a question of weather. I know of no one except the newspapers and people of this District who are asking for this change, and it is put expressly upon the ground of having better weather for inauguration. Now, as a matter of safety, the 4th of March is better than the 30th of April, because in this climate, where the weather changes twenty-four times in each twenty-four hours, people coming here for the inauguration on the 4th of March will come prepared for anything, but if it is put off until the 30th of April they will come wearing their thin clothing, and, as a result, two-thirds of them will probably die from exposure. [Laughter.] Hence, from that standpoint, I do not think it is safe to change the Constitution of the United States.

Again, Mr. Speaker, and seriously, the point made that a man coming here as a Representative should come fresh from the people is not a good one. A member coming to the Congress of the United States for the first time, if he has any due conception of the responsibilities of his position, needs, for his own sake and the country's, about thirteen months of good hard work preparing himself for the special work of the place to which the people have called him, and, as a matter of fact, our fathers were wiser than we shall be if we adopt this amendment when they arranged the matter so that before coming here and assuming the duties of a Representative of the people a member-elect should have time and opportunity to prepare himself for the new field.

It is one of the wisest arrangements in our system that the Representative is not allowed to come here and deliberate, act, and vote until he has had time to study up those questions that he ought to be familiar with, including the rules of order of this House, which it will take ten times thirteen months for any ordinary man to understand. [Laughter.]

Mr. CRAIN. I yield two minutes to the gentleman from Louisiana [Mr. BLANCHARD].

Mr. BLANCHARD. Mr. Speaker, the proposition embodied in the constitutional amendment now under discussion, establishing the time when the terms of Congress shall begin and end and when Congress shall meet, is by no means new.

In one form or another it has been advanced many times since the adoption of our Constitution, and has been the subject of much formal and informal discussion in and out of Congress, by legislators, by the press, and by students of our institutions of government.

During the second session of the Forty-seventh Congress, several years before my friend from Texas [Mr. CRAIN] was first elected to Congress, I myself introduced a bill relating thereto, known as H. R. 7376, Forty-seventh Congress, second session, and entitled "A bill establishing the time when the terms of Congress shall begin and end and when Congress shall meet." This bill was referred to the Committee on the Judiciary.

No action having been taken on it by that Congress, I reintroduced the bill, with the necessary changes as to dates, in the Forty-eighth Congress (H. R. 679). The Committee on the Judiciary, to which it was referred, appointed a subcommittee on the bill, composed of Messrs. Hammond, SENEY, and REED, but no definite action was had. I reintroduced it again, with the necessary change of dates, in the Forty-ninth Congress (H. R. 952), but that Congress, too, failed to take action.

I, thereupon, introduced it in the present Congress (H. R. 1478), again altering the dates to suit the later time.

The bill as introduced in this Congress is as follows:

Be it enacted, etc., That the time for holding elections for Representatives and Delegates to Congress shall remain as now fixed in section 25 of the Revised Statutes of the United States; but so much of said section 25 of said Revised Statutes as indicates when the Congress is to commence is hereby repealed.

SEC. 2. That the first regular meeting or session of the Fifty-first Congress shall commence on the 5th day of March, 1889, instead of on the first Monday in December, 1889, and no regular session of said Congress shall begin on said first Monday in December, 1891.

SEC. 3. That the second regular meeting or session of the Fifty-first Congress shall commence on the second Monday in January, 1890; and the term of said Fifty-first Congress shall end at 12 o'clock meridian on the 1st day of December, 1890.

SEC. 4. That the term of the Fifty-second Congress shall begin at 12 o'clock meridian on the first day in December, 1890, and end at 12 o'clock meridian on the first day in December, 1892; and thereafter, until otherwise directed by law, the term of each succeeding Congress shall begin at 12 o'clock meridian on the first day in December after each election for Representatives and Delegates in Congress, and end at the same hour on the first day of the second December after the beginning of the term aforesaid.

SEC. 5. That the first regular meeting or session of the Fifty-second Congress shall commence at 12 o'clock meridian on the first Monday in December, 1890, and the second at the same hour on the first Monday in December, 1891; and thereafter, until otherwise directed by law, the regular meeting or session of Congress shall commence at 12 o'clock meridian on the first Monday in each December.

SEC. 6. That all laws and parts of laws inconsistent herewith are hereby repealed.

It will be seen that this bill covers the ideas embodied in the constitutional amendment now under consideration (except as to the change of date for the inauguration of President), besides being much fuller in the elaboration of those ideas and in the provision of detail necessary to carry them into effect.

Whether it requires a constitutional amendment to give efficacy to the same is a mooted question. Lawyers, even on the Judiciary Committee of this House, differ as to that. The only doubt is as to the abridgment by statute of the term of a Congress. That a day different from "the first Monday in December" for the meeting of Congress may be appointed by law is not denied by any one. The authority is expressly given in the Constitution.

And on the proposition of the abridgment by law of the term of a Congress, without going into a legal or constitutional argument to sustain the same, or even insisting that it is sustainable, I will merely remark that the Constitution nowhere says directly that the term of Congress shall be for two years. It merely declares, on that point, that the "House of Representatives shall be composed of members chosen every second year by the people of the several States;" and it appears obviously true that the term of a Congress may be shortened and yet fulfill the constitutional requirement of election in the "second year."

But, Mr. Speaker, whether the object we have in mind, the end we have in view, in respect to this matter, may be better attained by constitutional amendment or by statute, is not what I rose to discuss.

My purpose was and is to add a few observations on the merits of the proposition. I heartily favor it. It should have been adopted long ago. It does away with an anomaly which exists in our institutions. It is the boast of Englishmen that their political system brings the government nearer to the people than ours. And there is, sir, some basis for the claim. With them Parliament meets very soon after the election of its members, and if the ministry, which represents the executive power, is not supported by Parliament, it resigns, or appeals to the country by a dissolution and new election.

It is obvious that in this way the popular will is executed with but little delay. But with us the anomaly, and, from the representative point of view, the absurdity, is often presented of Representatives or a political party beaten at the polls assembling to make laws for the country. "And," says a writer on this subject, "as the House of Representatives is elected in November and does not generally meet until a year from the following December, it may happen that a House may be discredited before it has entered upon its duties by the result of the State elections in the autumn following its own election." Thus it often occurs that what is accepted as true under our form of Government is actually false, namely, that the members of the lower House of Congress are the immediate representatives of the people. Instead of being "the popular branch," as it is wont to be termed, of the National Legislative Assembly it sometimes happens that it is "unpopular" in the sense that it represents the minority sentiment of the people as ascertained by the result of State elections subsequent to its own.

This peculiarity of our system is a great inconvenience, if not injury, to the public service. It is in the way of a prompt response of legislation to the changes of public sentiment. It is inconsistent with "the rule of the people" in the sense as embodied in the proud boast, so dear to all Americans, that ours is a government "of the people, for the people, and by the people," for the long delay now imposed between the election of a Congress and its induction into office tends to defeat the will of the majority. The zeal of members for issues which carried them into power is likely to abate somewhat in thirteen months, and this lapse gives the interested opponents of proposed reforms ample time to prepare for effective work. Experience has shown that there is nothing gained and much risked by the long delay between the election of a Representative and the beginning of his duties.

Besides, Mr. Speaker, our present time for the meeting of Congress leaves the country without an organized Congress—so far as relates to the House of Representatives—for nine months at a time every two years, making an aggregate of three-eighths of the time. The Speaker of the House of Representatives is a personage in the line of Presidential succession. It is not prudent to have this office vacated for nine months of every alternate year.

Again, sir, another sound reason for the proposed change is that it would enable each Congress to have two long sessions, instead of one long and one short session, as now. Our country has become so great, its people so numerous, its affairs so multitudinous, its concerns so varied, its interests so diversified, and these all the time increasing, that the time is not far distant when Congress must needs sit seven or eight months every year in order to the proper and seemly transaction of the legislative business of the country.

The measure under consideration addresses itself to the common sense of the people, and will, I have no doubt, receive their cordial approval and indorsement.

Mr. ADAMS. The pending resolution for an amendment to the Constitution contains two distinct articles. The first postpones the beginning of the Presidential term from March 4 to April 30. The second article relates to the Congressional term. It changes the date of the beginning of the term from March 4 to January 1, and provides that there shall be a meeting of Congress on the first day of the term.

As to the first article, relating to the beginning of the Presidential term, I shall have little to say. When this proposition came before the House a few weeks ago, coupled as it then was with a proposition to extend the Congressional term to the same date of the 30th of April, it had an esthetic and a sentimental side as well as a practical side. It postponed inauguration day till a pleasanter season of the year; that was esthetics. It postponed inauguration day to the day on which Washington happened to be inaugurated; that was the sentimental side of the proposition. It also added about two months to the short session of Congress; that was its practical side. As the proposition comes before us to-day it has lost the practical feature which it had before, and with it has lost, in my judgment, all claim to favorable consideration. There is perhaps some slight historical interest attached to the date of the 30th of April by reason of the fact that Washington happened to be inaugurated on that day. Washington did not choose the day, however. Doubtless he would have chosen an earlier date, for he was a prompt and orderly man of affairs, and he ought to have been and was ready to be inaugurated long before the 30th of April. Nor was the 30th of April selected by the deliberate judgment of Congress as the proper day for inaugurating the President. If the Senators and Members of the First Congress had been as diligent in the performance of public duty as Washington and Adams were, the electoral votes would have been counted on the 4th day of March, and the President and Vice-President would have been inaugurated soon afterwards.

But when the 4th of March arrived there was not a quorum present in either House of Congress. The House waited for a quorum till April 1, the Senate till April 6. Then the votes were counted, and special messengers were dispatched to inform Washington in Virginia and Adams in Massachusetts of their election as President and Vice-President. They started immediately for New York, then the seat of government. We are told that Washington was anxious to arrive as soon as possible in order that the new government might be set in operation with the least possible delay. He was delayed by the throngs of people who wished to do him homage by the way. He did not arrive till April 26. Adams had been sworn in as Vice-President some days before. Whatever historical interest may attach to the exceptional and accidental date of Washington's inauguration, it does not justify Congress in proposing to the Legislatures of the several States to change the Constitution in the manner proposed in this resolutions. If Washington were here in person to advise us, we know enough of his character to know what advice he would give us. He would doubtless say that the interval between the election of a President and his inauguration into office is long enough now and ought not to be extended for a merely sentimental reason. The President and the new Congress are elected on the same day; for the choice by the electoral college has come to be a mere ceremony. They should go into office on the same day. Both Houses of Congress should be in session on the 4th day of March. The President should deliver his inaugural address in the presence of the two Houses. His address should be immediately referred to the proper committees of each House for appropriate action. All parts of the new governmental machinery should be put in motion at the same time.

Such a ceremonial, simple and practical as it would be, though it might be less attractive to the sight-seers of Washington than the outdoor pageants of to-day, would be far more impressive to the right-thinking people of the United States.

But, Mr. Speaker, I desire to speak mainly of the second part of the pending proposition, which fixes January 1 instead of March 4 as the beginning of the terms of Senators and Members of Congress. That at least is its evident purpose. I think I can see some ambiguity in that part of the proposition which relates to existing terms of Senators. It provides that certain existing terms of Senators shall be extended till the election or appointment of their successors. According to this provision, taken by itself, the term of the successor would begin on the day of his election. It would run for six years from that day. Senators are not always elected on the same day of the year, and never, except by accident, on the 1st day of January, the day on which, according to another provision of the pending proposition, all Senatorial terms are to begin. There is, I think, a defect in the wording of the proposition which will require change. It may be said that the language can be amended in the Senate or in a conference committee, and so it can. But I think it unworthy of this House to send to the Senate a proposition for an amendment to the Constitution unless it expresses the deliberate judgment of this House as clearly as this House is capable of expressing it.

But, Mr. Speaker, I can not dwell on a mere question of expression. I will say, however, that we ought to refuse to suspend the rules and pass the resolution to-day, in order that it may come up again at a time when questions relating to the form as well as to the substance of the proposed amendment to the Constitution can be deliberately considered. To defeat the motion to suspend the rules and pass the resolution does not finally defeat the main proposition. It only postpones it till it can be duly considered and amended if need be.

Now I desire to speak to the main proposition, to amend the Constitution so as to provide that the Senatorial and Congressional term shall begin on the 1st day of January instead of the 4th day of March, and to state my objections to the proposed change. I will not notice, except in passing, the obvious inconsistency, already alluded to by the gentleman from Michigan [Mr. BURROWS], between the first and the second article, both of which we are now asked to submit to the State Legislatures by one and the same vote. It does seem to me surprising that when President and Congressmen are now elected at the same time and come into office on the same day, four months thereafter, we should be asked by one and the same vote to extend this interval in the case of the President and reduce it in the case of the Congressmen. It occurs to me that the same reasoning applies to both cases and that the arguments which are adduced in favor of the second proposition are valid arguments against the first. But I have not time to dwell on that.

I am opposed to amending the Constitution in order to change the beginning of the Congressional term from March 4 to January 1 for two reasons:

First, all, or nearly all, of the advantages which could result from adopting this amendment to the Constitution can be secured by an act of Congress without amending the Constitution at all.

Secondly, the proposed change is fraught with inconvenience, and, as I think, with danger in its bearing on the count of the electoral votes for President and Vice-President.

What are the existing evils which it is sought to cure by the proposed amendment of the Constitution?

First, there is the interval of thirteen months alluded to by the gentleman from New York [Mr. COX] between the election of a member of Congress and the day on which he actually enters on his legislative duties. We can cure this evil by an act of Congress.

Secondly, some gentlemen think it an evil that members of Congress are allowed to legislate after their successors are elected. I do not think it a serious evil; but if it is, we can cure this, too, by an act of Congress, without amending the Constitution.

Thirdly, some gentlemen think it an evil that the count of the electoral votes for President and Vice-President is intrusted to a Congress elected two years before instead of intrusting it to the newly-elected Congress. I admit that we can not change this without changing the Constitution; but far from regarding it as desirable, I believe that there would be serious danger in leaving the duty of counting the electoral votes to a Congress elected at the same time with the electors where votes are to be counted.

First, I say we can by an act of Congress reduce the long interval between the election of members of Congress and the beginning of their legislative duties. We can provide that Congress shall meet on the first day of its term; that is, on the 4th day of March. Congress thus assembled on the first day of its term could either sit for a few days to complete its organization, or it could proceed at once to its regular legislative work.

If Congress sat only for a day or two, just long enough to elect its Speaker and other officers, and then adjourned to the regular December session, a great advantage would have been gained. The Speaker could during the recess choose the standing committees of the House and announce them on the first day of the December session. This would save three or four weeks now wasted at the beginning of the long session.

If Congress were to sit for a few weeks after the 4th day of March, till the standing committees could be announced, and bills could be introduced and referred, a still further advantage would be gained. Each member, knowing beforehand what committee work he would be called on to perform at the long session, could prepare himself for that work during the recess. The House would go to work as a fully organized body on the first day of the December session, and could accomplish more by the 1st day of May than it now accomplishes by the 1st day of July. Congress could do more than this at the spring session. It could pass bills which had failed at the preceding Congress for lack of time. Instead of adjourning till December it could take a recess till October if the exigencies of public business required. It could then sit from October till May or from October till July if it chose, and could, by means of a short preliminary session at the beginning of its term, accomplish far more work with less inconvenience than can possibly be accomplished under the present system.

But, Mr. Speaker, in order to compare the sessions of Congress as they could be rearranged by an act of Congress without an amendment of the Constitution with the sessions as they would be rearranged under the proposed amendment, I will consider the first session, beginning on the first day of the term, as a regular session, lasting till July at least, in which the annual appropriation bills could be passed and the work of general legislation entered upon. What would be the difference between the two plans? What advantage would the plan which required an amendment of the Constitution have over the other plan? It would simply be a difference of two months. In the one case the session would begin January 1, in the other it would begin March 4; that is all. Surely it is not worth while to amend the Constitution to secure an advantage so slight as that. It will be observed that in making this comparison I leave out of view altogether the session at the end of the Congressional term, which we now know as the short session.

I do this because one of the objects of the proposed constitutional amendment is said to be to abolish that short session, held after the election for the succeeding House has been held. I see no necessity for abolishing the short session. The notion that a House of Representatives can not be trusted to legislate for the country after the succeeding House has been elected is a fanciful one. The new House is largely composed of the same members as the last. Members of Congress rarely fail of re-election because of neglect or incapacity. Some retire voluntarily. Some are retired for lack of personal popularity or because of the greater popularity of some one else. In the vast majority of cases members are as useful, as diligent, as trustworthy in their last session as in their first. The same rule would apply to executive officers as to members of a legislative body. Did Grant cease to be trustworthy from the day that Hayes was nominated? Did Arthur cease to be trustworthy on the day when his hopes of a nomination failed? If the present Executive were to-day or to-morrow to come across his letter of acceptance written four years ago, and were to decide that he could not consistently with that letter become a candidate again, would it follow that he would not hereafter execute to the best of his ability the duties of his office for the remainder of his term? [Laughter.]

But after all, if it is really necessary to abolish the short legislative session at the end of the term, we can do it by act of Congress without amending the Constitution. The Constitution provides that the annual meeting of Congress shall be on the first Monday in December, unless they shall by law appoint a different day. If we appoint by law the 4th day of March as the day for the annual meeting of Congress, the December session as we now know it would cease to exist. In that case Congress, adjourning *sine die* in July, at the end of the long session, would not come together at all after the fall elections, except once in four years, when, by force of section 142 of the Revised Statutes, it would be in session on the second Wednesday in February for the purpose of counting the electoral votes for President and Vice-President.

Congress would thus have two legislative sessions in each term: First, the short session at the beginning of the term and lasting as long as Congress chose to sit, and, secondly, the second session, beginning in October, November, December, or January, as each Congress might prefer, and terminating whenever the two Houses chose to adjourn *sine die*. Thus all of the substantial advantages promised by the proposed constitutional amendment could be secured by an act of Congress without amending the Constitution at all.

Now, Mr. Speaker, I come to the last and most serious objection to the proposed amendment of the Constitution. If that amendment were adopted, the electoral votes for President and Vice-President would be counted by a newly-elected House before the contested-election cases pending in it could possibly be decided. The average date of the general election of members of the House is the 5th of November. The State canvassing boards can hardly issue the certificates of election before the 25th day of the month. The existing law allows a contestant thirty days from the issue of the certificate to serve on the contestee the notice of contest, specifying the grounds on which the contest is made. The contestee has thirty days from the receipt of this notice to prepare his answer and serve it on the contestant. From the day on which the answer of the contestee is served on the contestant the parties have ninety days in which to take testimony, of which the first forty days belong to the contestant, the second forty days to the contestee in reply, and the remaining ten days to the contestant in rebuttal.

Now, consider what chance a contestant would have of getting his case decided before the two Houses proceeded to the count of the electoral votes. He learns on the 25th of November that the certificate has been issued to his competitor. He has till the 25th of December to serve the notice of contest. Suppose by great diligence he is able to serve it on the 15th of the month. Now the contestee has till the 15th day of January to serve his answer. He is not likely to waive this right. He has no motive to do so, and his party may have, as I will show, a strong motive to forbid him to waive it. The time for taking testimony would therefore expire on the 15th of April.

Now, even if the beginning of the Presidential term were postponed till the 30th of April and the beginning of the electoral count were postponed to a later date than the second Wednesday of February, even if the Committee on Elections were promptly to act upon the case and report it to the House and the House were with equal promptness to consider and decide it, what probability is there that it could be decided in time to allow the contestant, if successful, to take part in the counting of the electoral votes? It would be practically impossible. The result would be that the electoral votes would be counted by those who have received certificates of election whether in fact duly elected or not.

What difference would that make, it may be asked. I answer that if the Presidential election has gone with a great majority one way or the other it would make no difference whatever. But if the Presidential election is close or doubtful, and especially if there is a likelihood that the election of the President would devolve upon the House, the effect upon the confidence of the public in the integrity of the election returns would be serious. When the Presidential election is close the fact is known all over the country within twenty-four hours after the polls are closed. It is known long before any State canvassing board can issue certificates of election to members of the House. It is known even before the local canvassing boards in the several districts can canvass the votes. Long before the certificates are issued to members of the House by the State canvassing boards it may be known that the success of one party or the other in securing the certificates of election in a few Congressional districts will have an important bearing on the counting of the electoral votes.

The State canvassing boards are in most of the States political in character. They will be strongly tempted to give certificates to members of their own party, even though they may be sure that their action is likely to be reversed after the electoral count has been made. They know that it can not be reversed before that time. The Presidency with all its patronage may hang upon the result of their decision. The temptations would be almost irresistible. A man will do that for his party which he would not do for himself. The temptation will be re-enforced by the most plausible excuses. He may be told that the opposing party in other districts is straining the law and overriding facts to its own advantage. There are many who at such times are ready to insist on fighting the devil with fire. He will be told that even if he acts with scrupulous impartiality he will not get the credit of so doing. The result will be general suspicion throughout the country.

Charges of gross fraud will find ready credence. Contests would be made in almost every close Congressional district throughout the country. The country would stand face to face with a serious danger. It may be said that the contingency to which I allude is a remote one. I admit it. It is to guard against just such remote contingencies that we passed a bill in the last Congress. We can not afford to increase in the slightest degree the dangers which are involved in it when it does occur.

It may be said that canvassing boards are subject to the same temptations now, and that the danger would be only slightly greater if the electoral count were intrusted to a newly-elected House. It would be vastly greater. A few weeks ago this House decided a contested-election case from the State of Indiana. If the Democratic majority of this House had chosen to seat the contestant in that case, it would have destroyed the preponderance of the Republican party in the election of the President by the House if it devolved upon the House after the next election. Republican papers were free to charge that the Democratic majority would act upon this motive.

Having this in mind, the gentleman from New York [Mr. COCKRAN], speaking for the contestee, declared that although he would not believe that any member of the majority would be influenced by such consideration, yet if there were any such he begged him to remember that although the Democratic party might thus gain an advantage in a contingency as yet remote, yet, if in order to gain that remote and problematical advantage, the Democratic party offended the sense of justice in the American people it would lose more than it would gain. The November election would intervene. Any violation of justice and fair dealing by any political party would be punished at the polls. His argument was a logical one.

But, Mr. Speaker, what force would the argument have had if at the time the November election did not intervene? What force would it have had had the eloquent gentleman from New York been addressing a House which in a few weeks would proceed to count the electoral votes in a Presidential contest which had already occurred? It would have had no force at all. It is not wise to subject any political party whatever to the temptation which the adoption of this constitutional amendment would create.

I hope the resolution to suspend the rules will not be adopted. I hope the Constitution will never be amended merely to avoid an inconvenience. I hope the remedy for existing evils by a change of the Constitution will not be resorted to till the remedy by act of Congress has been tried and has failed.

I hope this House will never agree to add in the slightest degree to the danger of a disputed Presidential election.

Mr. CRAIN. I shall endeavor in the brief time left me to answer the objection raised by the gentleman from Illinois [Mr. ADAMS] before proceeding to discuss the questions raised by the gentleman from Michigan [Mr. BURROWS]. The objection which the gentleman from Illinois presents, that if this amendment should be adopted there would be danger of fraud in the giving of certificates of election to members of Congress, because the members receiving those certificates would participate in the count of the electoral vote, is not, in my judgment, a sound objection.

Up to the time Congress passed the general act in 1872 declaring that the election of members of the House of Representatives should take place all over the country on the same day, every State in the Union elected its Representatives whenever it deemed proper to do so. As a consequence during some sessions of Congress, I mean extra sessions, there were States unrepresented because under the existing State election laws no election was held in time to secure any representation of said States in the House of Representatives.

I hold in my hand a statement prepared by the Librarian of Congress, which discloses the fact that Delaware under these circumstances was unrepresented in the first session of the Thirteenth Congress, in 1818. Alabama, Arkansas, Illinois, Michigan, Mississippi, and Missouri were unrepresented in the first session of the Twenty-fourth Congress, in 1837. Alabama, Illinois, and Mississippi were unrepresented in the first session of the Twenty-seventh Congress, in 1841. At the first session of the Thirty-seventh Congress, in 1861, there was no representation from California or Oregon. At the first session of the Fortieth Congress, in 1867, there was no representation from California, Connecticut, New Hampshire, Oregon, Kentucky, Nebraska, or Rhode Island. At the extra session of the Fortieth Congress, in 1867, July 3, there was no representation from California, Connecticut, or Rhode Island. Nor was there any representation at the first session of the Forty-first Congress, in 1869, from Connecticut and New Hampshire. At the called session, in 1861, there was no representation from the State of Kentucky. There was a vacancy between the 4th of March and the first Monday of December, because the election day took place in August.

If, therefore, the objection of the gentleman from Illinois [Mr. ADAMS] is a good one, it would apply to the past as much as it would to the future. It has not applied in the past, and the danger which the gentleman fears is simply an imaginary one.

Mr. BLAND. Will the gentleman permit me to ask him a question?

Mr. CRAIN. Yes; if there be unanimous consent that it will no be taken out of my time.

Mr. BLAND. I hope it will not be taken out of the gentleman's time.

Mr. CRAIN. Very well.

Mr. BLAND. It is a serious objection, in my mind, to the adoption of this amendment.

Mr. CRAIN. If the gentleman has unanimous consent to ask the question, not to come out of my time, I do not object.

Mr. BLAND. The objection I wish the gentleman to answer is this: He assumes Congress, by the consent of the State Legislatures, can extend the term of the President for one month. If they can extend it for one month, why not for one year or for two years? If they have that power where is the limitation to it? Thus, if we confer the power, they would have the right to elect a President.

Mr. CRAIN. I answer that proposition—yes.

Mr. BLAND. Then you can not deny there is no limit to the power when it is once assumed to exist?

Mr. CRAIN. I say, through a constitutional amendment, the Congress of the United States, with the ratification of the necessary number of States, can make a President of the United States for life if they choose to do so, or establish a King in this country.

Mr. MORGAN. Will the gentleman permit me?

Mr. CRAIN. Yes; if by unanimous consent it does not come out of my time.

Mr. MORGAN. Have the people conferred any such power upon Congress?

Mr. CRAIN. Yes, sir; the Constitution itself provides for the manner of amendment of that instrument. It provides if two-thirds of both Houses of Congress shall adopt an amendment to the Constitution, and that amendment shall be ratified by three-fourths of the States of the Union, then it shall be incorporated into and become a part of the organic law of the land, and Congress, acting in its representative capacity on any proposition affecting the Government, by the ratification of three-fourths of the States, can make it a part of the organic law of the land. That is my answer to the gentleman.

Mr. BUCHANAN. Will the gentleman allow me to ask him a question?

Mr. CRAIN. Yes; if I get consent that it will not be taken out of my time.

Mr. BUCHANAN. It will not be taken out of the gentleman's time.

Mr. CRAIN. What is it?

Mr. BUCHANAN. Suppose this is ratified by the requisite number of States by the 1st day of December in 1889, would not a member elected in November next go out of office on the 30th of December, 1889?

Mr. CRAIN. Yes, 1890.

Mr. BUCHANAN. No, 1889.

Mr. CRAIN. In answering that I answer the objection raised by the gentleman from Michigan [Mr. BURROWS]—that is, by the proposed amendment we extend the term of President Cleveland. If this were a political amendment I would say to the gentleman that the people intend to do that whether we pass this amendment or not. [Laughter and applause.] But it is not a political question, and I do not propose to discuss it from a political standpoint.

Mr. BURROWS. Allow me a moment.

The SPEAKER. The House will come to order.

Mr. CRAIN. I will say in answer to the gentleman from New Jersey [Mr. BUCHANAN] that this amendment does extend the term of the President of the United States who is now the Chief Executive, but it does not apply to any Executive in the future; and I deny emphatically the statement made by the gentleman from Michigan if this amendment is ratified it affects this Congress, because it would be impossible in the nature of things to ratify the amendment so as to make it affect the Fiftieth Congress, as the official list supplied by the Librarian of Congress shows that a sufficient number of Legislatures will not meet between now and the first Monday of December next, unless the governors of the States should call them into extra session for that purpose, which is not likely to occur.

Mr. BURROWS. But I only assumed, if the amendment was adopted, that would be the effect; and I wish to say that I made not the slighest allusion to President Cleveland or any other President.

Mr. CRAIN. Of course, if the gentleman acts upon assumption that alters the case, and I have not a word to say.

Mr. BURROWS. But it illustrates a principle, and to that I was directing the attention of the House.

Mr. CRAIN. I repeat, it is impossible to ratify the amendment between now and the election day, or even the 31st of December, to make the amendment effective so as to affect the term of the Fiftieth Congress; and that is a bugbear in the imagination of gentlemen who have not prh aps fully considered the question as now presented.

Mr OATES. Will the gentleman allow me to suggest that the next Congress, when it is elected, would be elected in view of this change in the Constitution, and with a knowledge of the fact?

Mr. CRAIN. Certainly; and when men went into the canvass for election to the next Congress they would go with this fact staring them in the face, with the understanding that this constitutional amendment

would deprive the members of that Congress of about two months' time. But it can not, I repeat, in the very nature of things, happen that a sufficient number of the State Legislatures will meet in time to ratify the amendment so as to affect the present Congress, unless, as I have already said, the very improbable event should happen that the governors of the States would call the Legislatures of the States in extra session for that purpose. A sufficient number, however, will meet in time to ratify the amendment which relates to the extension of the time of the present incumbent of the executive chair, and which also fixes the beginning and the termination of the term of all his successors and of the Vice-Presidents.

The gentleman on the other side, from the State of Minnesota, I believe, said that this idea of Representatives coming fresh from the people is all nonsense. I desire to suggest to the gentleman that if he means that some of us come rather "fresh" from the people I would agree with him [laughter]; but what I mean is that the people, to use an English phrase, should be "in touch" with their Representatives, and instead of a man being elected thirteen months before he comes here and takes his seat, he should be here within sixty days after his election and legislate upon the questions which were vital issues before the people when he was elected and on which his election was based.

Mr. PETERS. Will the gentleman allow me to ask him a question?

Mr. CRAIN. If it does not come out of my time I will. [Cries of "Go on!"]

Mr. PETERS. I would like to ask the gentleman if there has ever been a Congress elected that has not been composed of two-thirds of the members of the preceding Congress?

Mr. CRAIN. Yes, sir.

Mr. PETERS. Which?

Mr. CRAIN. The first Congress of the United States. [Laughter.]

I think that this amendment should be adopted for another reason, which has not been suggested in this debate, and it is this: that under existing conditions the President of the United States is elected thirteen months before he submits his message to Congress, making such suggestions as he deems proper that Congress should act upon. If you adopt this amendment he will have a Congress organized and in session on the 30th day of April, ready to receive the message which he has to give to the country. Again, instead of the House being for nine months of the year after the election of a new Congress, as at present, without a presiding officer, within ten days, to say the least, after the expiration of the term of his predecessor a new Speaker would be chosen and would be presiding over the deliberations of the House.

This is the only country in the civilized world in which legislators are elected to settle issues that are dead when they come to act upon them thirteen months after their election. Representatives should be in their seats at work within a reasonable time after their election, not thirteen months afterwards, and they should not be forced to leave their posts of duty at the Capitol to go into their districts and contend for renomination in the midst of a busy session and before their record is made up. I hope the amendment will pass.

[Here the hammer fell.]

Mr. McCOMAS. I rise to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McCOMAS. This proposition is really two propositions. It proposes to lengthen the term of the President of the United States in one, and proposes at the same time to change the time of the assembling of Congress in the other. I happen to favor one of these propositions, and am opposed to the other. Now, until two-thirds have voted in favor of it I understand the rules are not suspended, and of course it requires two-thirds to pass an amendment to the Constitution through the House. My question, therefore, is this: If it should happen that a member desires to vote for one of these propositions and against the other, is it not proper that the question, if demanded, should be divided? In other words, is it not a divisible question? I find that Rule XXVIII three times uses the words "a proposition," any proposition, or some proposition, as I understand it; and my inquiry is, whether we can not have a separate vote on the two propositions embodied in this resolution.

The SPEAKER. The Chair thinks not. This is a motion to suspend that rule and all others as well; and every vote upon the proposition pending, which is to suspend the rules and pass the resolution, necessarily involves a proposition to suspend all rules ordinarily governing the House, and bring the House to a vote directly upon the proposition presented, which may embrace one or many items.

Mr. McCOMAS. But until the rules are suspended does not the custom of dividing a proposition prevail?

The SPEAKER. It does not. Other rules provide for debate, provide for amendment, provide for motions to lay on the table, etc.; but none of these are applicable to a motion to suspend the rules and pass a measure. The question now is on the motion to suspend the rules and pass the joint resolution.

Mr. BURROWS. I think we had better have the yeas and nays.

Mr. HOOKER. I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOOKER. I find that the joint resolution proposes two additional articles to the Constitution of the United States, and it seems to me, in view of that fact, that the point of order made by the gentleman from Maryland on my right must be correctly made; for when we come to vote on these propositions we must surely call for a division of the question and vote upon the first article proposed to the Constitution and separately upon the second.

The SPEAKER. No. The Chair thinks that if the rule to which the gentleman refers, of dividing this question, applied to this case, then all of the other rules would apply as well, and it would be subject to amendment, subject to motions to lie on the table, subject to motions to postpone, or a motion to commit, as well as all other parliamentary motions which prevail in the ordinary course of legislation. But the motion to suspend the rules and pass the proposition is an entire question in itself.

Mr. HOOKER. My inquiry is addressed to the fact, when we come to vote on the articles as amendments to the Constitution, whether or not the question is not properly divisible?

The SPEAKER. It is not. The single proposition is the pending motion to suspend the rules and adopt the resolution, which embodies both of the features to which the gentleman alludes.

The yeas and nays were ordered.

The question was taken; and there were—yeas 80, nays 154, not voting 90; as follows:

YEAS—80.

Abbott,	Cummings,	Maish,	Rowland,
Allen, Miss.	Dalzell,	Martin,	Russell, Mass.
Anderson, Miss.	Dougherty,	McAdoo,	Sayers,
Bacon,	Elliott,	McClammy,	Scott,
Baker, N. Y.	Foran,	McRae,	Shively,
Bayne,	Ford,	McShane,	Smith,
Blanchard,	French,	Moore,	Snyder,
Bliss,	Gallinger,	Morgan,	Springer,
Breckinridge, Ark.	Hare,	Morse,	Tarsney,
Browne, Ind.	Hogg,	Norwood,	Tracey,
Brown, Ohio	Howard,	Oates,	Townshend,
Bryce,	Hudd,	O'Neall, Ind.	Vance,
Burnes,	Kean,	Outhwaite,	Warner,
Candler,	Laffoon,	Parker,	Washington.
Caruth,	Lagan,	Peel,	Wheeler,
Cheadle,	Landes,	Penington,	Whiting, Mich.
Collins,	Lanham.	Perry,	Whitthorne,
Cothran,	Latham,	Phelan,	Wilkinson,
Cox,	Lawler,	Randall,	Wise,
Crain,	Lehlbach,	Rayner,	Woodburn.

NAYS—154.

Adams,	Dibble,	Hunter,	Peters,
Allen, Mass.	Dingley,	Hutton,	Pidcock,
Allen, Mich.	Dockery,	Johnston, Ind.	Plumb,
Anderson, Iowa	Dorsey.	Johnston, N. C.	Post
Anderson, Ill.	Dunham,	Kennedy,	Reed,
Anderson, Kans.	Farquhar,	Kerr,	Rogers,
Baker, Ill.	Finley,	Ketcham,	Russell, Conn.
Bankhead,	Flood,	Kilgore,	Ryan,
Barnes,	Forney,	La Follette,	Sawyer,
Belden,	Funston,	Laidlaw,	Seymour,
Bland,	Gay,	Laird,	Simmons,
Blount,	Gear,	Lane,	Sowden,
Boothman,	Gibson,	Lee,	Stahlnecker,
Bound,	Glass,	Lind,	Steele,
Boutelle,	Glover,	Long,	Stephenson,
Bowden,	Granger,	Lyman,	Stockdale,
Breckinridge, Ky.	Greenman,	Lynch,	Stone, Ky.
Brower,	Grosvenor,	Mason,	Stone, Mo.
Browne, T. H. B., Va.	Grout,	Matson,	Struble,
Brown, J. R., Va.	Hall,	McComas,	Taulbee,
Buchanan,	Harmer,	McCormick,	Taylor, E. B., Ohio
Bunnell,	Hatch,	McCreary,	Thomas, Ky.
Burrows,	Haugen,	McKenna,	Thomas, Wis.
Bynum,	Hayden,	McKinley,	Tillman,
Cannon,	Hayes,	McKinney,	Turner, Kans.
Carleton,	Henderson, Iowa	McMillin,	Turner, Ga.
Caswell,	Henderson, N. C.	Montgomery,	Vandever,
Chipman,	Henderson, Ill.	Morrill,	Wade,
Clark,	Herbert,	Neal,	Walker,
Clements,	Hermann,	Nelson,	Weber,
Cobb,	Hires,	Newton,	West,
Cogswell,	Holman,	Nichols,	Whiting, Mass.
Conger,	Holmes,	Nutting,	Wickham,
Crouse,	Hooker,	O'Neill, Pa.	Wilber,
Culberson,	Hopkins, Ill.	Osborne,	Williams,
Davidson, Ala.	Hopkins, Va.	Owen,	Wilson, Minn.
Davidson, Fla.	Hopkins, N. Y.	Patton,	Wilson, W. Va.
Davis,	Houk,	Payson,	
De Lano,	Hovey,	Perkins,	

NOT VOTING—90.

Arnold,	Cutcheon,	Lodge,	Scull,
Atkinson.	Dargan,	Macdonald,	Seney,
Barry,	Darlington,	Maffett,	Shaw,
Belmont,	Davenport,	Mahoney,	Sherman,
Biggs,	Dunn,	Mansur,	Spinola,
Bingham,	Enloe,	McCullogh,	Spooner,
Bowen,	Ermentrout,	Merriman,	Stewart, Tex.
Brewer,	Felton,	Milliken,	Stewart, Ga.
Brumm,	Fisher,	Mills,	Stewart, Vt.
Buckalew,	Fitch,	Moffitt,	Symes,
Burnett,	Fuller,	Morrow,	Taylor, J. D., Ohio
Butler,	Gaines,	O'Donnell,	Thomas, Ill.
Butterworth,	Gest,	O'Ferrall,	Thompson, Ohio
Campbell, F., N. Y.	Goff,	O'Neill, Mo.	Thompson, Cal.
Campbell, Ohio	Grimes,	Phelps,	Weaver,
Campbell, TJ., N. Y.	Guenther,	Pugsley.	White, Ind.
Catchings,	Heard,	Rice,	White, N. Y.
Clardy,	Hemphill,	Richardson,	Wilkins,
Cockran,	Hiestand,	Robertson,	Yardley,
Compton,	Hitt,	Rockwell,	Yoder,
Cooper,	Jackson,	Romeis,	Yost.
Cowles,	Jones,	Rowell,	
Crisp,	Kelley,	Rusk,	

So (two-thirds not having voted in favor thereof) the rules were not suspended.

Mr. BAKER, of New York. I ask unanimous consent to dispense with the reading of the names.

There was no objection.

The following pairs were announced:

Until further notice:

Mr. MOORE with Mr. DARLINGTON.
Mr. CUMMINGS with Mr. MOFFITT.
Mr. JONES with Mr. GOFF.
Mr. DARGAN with Mr. LODGE.
Mr. O'FERRALL with Mr. JACKSON.
Mr. FELIX CAMPBELL with Mr. ATKINSON.
Mr. MERRIMAN with Mr. YARDLEY.
Mr. ERMENTROUT with Mr. BINGHAM.
Mr. MILLS with Mr. BUTTERWORTH.
Mr. OUTHWAITE with Mr. COOPER.
Mr. O'NEILL, of Missouri, with Mr. ROCKWELL.
Mr. WILKINS with Mr. DAVENPORT.
Mr. SENEY with Mr. KELLEY.
Mr. FISHER with Mr. BREWER.
Mr. HEARD with Mr. ROWELL.
Mr. COWLES with Mr. THOMPSON, of Ohio.
Mr. SPINOLA with Mr. THOMAS, of Illinois.

For this day:

Mr. BURNETT with Mr. BRUMM.
Mr. ENLOE with Mr. GAINES.
Mr. YODER with Mr. ARNOLD.
Mr. COCKRAN with Mr. WHITE, of New York.
Mr. THOMPSON, of California, with Mr. HIESTAND.
Mr. BELMONT with Mr. SCULL.
Mr. SHAW with Mr. BOWEN.
Mr. RUSK with Mr. SHERMAN.
Mr. CLARDY with Mr. CUTCHEON.
Mr. BARRY with Mr. JOSEPH D. TAYLOR.
Mr. BUCKALEW with Mr. ROMEIS.
Mr. STONE, of Kentucky, with Mr. SPOONER.
Mr. CAMPBELL, of Ohio, with Mr. PHELPS.
Mr. MAHONEY with Mr. BIGGS, on this vote.

The result of the vote was then announced as above stated.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House, by Mr. PRUDEN, one of his secretaries, who also informed the House that the President had approved and signed bills of the following titles:

An act (H. R. 1611) for the erection of a public building at Springfield, Mo.;

An act (H. R. 6437) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1888, and for other purposes;

An act (H. R. 5373) to change the location of a certain alley in the city of Washington; and

An act (H. R. 1528) to reward the Esquimaux natives of the Asiatic coast of the Arctic Ocean for acts of humanity to shipwrecked seamen.

ASSIGNMENT OF BUSINESS.

Mr. RANDALL. I present a privileged report from the Committee on Rules.

The Clerk read the report, as follows:

The Committee on Rules has had under consideration various resolutions making special orders for the consideration of bills, and in lieu of all the propositions submitted to it begs leave to report the accompanying resolution with the recommendation that it do pass.

The committee found that the assignment of more than thirty days was asked for, and as it was manifestly impossible to interrupt the regular business for so great a length of time the committee has made as just an apportionment among the several committees as it was possible to agree upon, and now submits its action for the consideration of the House.

Resolved, That Tuesday and Wednesday, April 3 and 4, immediately after the reading of the Journal, be set apart for the consideration of Senate bill 139, to provide for refunding the direct tax levied in 1861, and after the consideration of said bill is completed the remainder of said time is set apart for the consideration of any other bill or bills designated by the Committee on the Judiciary.

That Thursday and Saturday, April 5 and 7, immediately after the reading of the Journal, be set apart for the consideration of bills reported from the Committee on Commerce in such order as said committee may designate.

That on Tuesday, April 3, and Thursday, April 5, the House shall take a recess at 5 o'clock p. m. until 8 o'clock p. m., the evening session to be devoted exclusively to the consideration of bills reported from the Committee on Military Affairs in such order as may be designated by said committee.

That Tuesday, April 10, immediately after the reading of the Journal, be set apart for the consideration of bills reported from the Committee on Pacific Railroads, in such order as said committee may designate.

That on Monday, April 9, the House shall take a recess at 5 p. m. until 8 p. m., the evening session to be devoted exclusively to debate upon House bill No. 8184, to amend the Thurman act.

That Wednesday, April 11, immediately after the reading of the Journal, be set apart for the consideration of bills reported from the Committee on Territories, in such order as said committee may designate.

That Thursday, April 12, immediately after the reading of the Journal, be set apart for the consideration of House bill No. 6897, reported from the Committee on Public Lands; and if the consideration of said bill shall be completed the remainder of said day be set apart for the consideration of any other bill or bills reported from said committee, in such order as it may designate.

That on Tuesday, the 10th of April, and Thursday, the 12th of April, the House shall take a recess at 5 o'clock p. m. until 8 o'clock p. m., the evening session to be devoted exclusively to the consideration of bills reported from the Committee on Territories, in such order as said committee may designate.

That on Wednesday, April 11, the House shall take a recess at 5 o'clock p. m. until 8 o'clock p. m., the evening session to be devoted exclusively to the consideration of bills reported from the Committee on Foreign Affairs, in such order as said committee may designate.

That Thursday, May 10, immediately after the reading of the Journal, be set apart for the consideration of bills reported from the Committee on Agriculture, in such order as may be designated by said committee.

That Tuesday, May 15 and June 19 and 26, immediately after the reading of the Journal, be set apart for the consideration of bills reported from the Committee on Public Buildings and Grounds, in such order as said committee may designate.

That none of the foregoing assignments of days shall interfere with the consideration of revenue or general appropriation bills, but the order assigning a day to the Committee on Agriculture shall be a continuing one until two days have been occupied in the consideration of bills reported by it, and on any of the days hereinbefore designated, immediately after the reading of the Journal, a motion shall be in order that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of revenue or general appropriation bills.

Mr. RANDALL. I do not know that I can add anything to the reading of the report which will further enlighten the House. I am advised that other gentlemen desire to qualify the report to some degree, and I am ready now to listen, along with the rest of the members of the House, to any proposition which may be made on the part of any member of the Judiciary Committee to strike out that part of the report which indicates the bill which shall be considered on to-morrow and the next day. I am ready also to yield for an amendment to strike out the like provision from the paragraph designating a day for the Committee on Public Lands, so as to leave it entirely with that committee to determine what business shall be called up on that day and the order of its introduction.

Mr. OATES. Mr. Speaker, I desire to submit a motion to strike out of the paragragh fixing the time for the consideration of business reported from the Committee on the Judiciary that portion of it which designates for consideration the Senate bill known as the bill for the refunding of the direct tax, so that the resolution may simply provide that the time mentioned is allotted to the Committee on the Judiciary for the consideration of bills reported from it in such order as the committee may designate. And now, Mr. Speaker, I desire to say a few words in support of this motion. It is but fair for me to state a fact which, if not generally known, I wish all gentlemen on this floor to know and understand, that I am very much—I may say unalterably—opposed to that bill; but my motion is predicated not upon any opposition to the bill, but upon the idea that it is not quite fair or respectful to the Committee on the Judiciary to tie it down to the consideration of one particular measure, and to say that no other business from that committee can be considered until that measure is disposed of, especially when it is well known that there is a division in the committee touching that particular bill.

I presume, however, that this proposition has its origin in the fact that when the Judiciary Committee a short time ago had two days assigned for the consideration of its measures, this particular bill was not brought forward. I will state why it was not. The resolution fixing those two days was offered by myself. The unanimous consent of the House was required to permit its consideration, and some members on this floor, gentlemen who are now present, called on me to ask whether that bill would be brought up for consideration during the two days if they should be assigned to the committee. I had to give those gentlemen an assurance, as I felt I had a right to do on behalf of the committee, that that bill would not be brought forward if the objection which would otherwise be made should be withheld and we should be allowed to have those two days. Now, why should this extraordinary proposition be put to the House when it is well known that a majority of the Committee on the Judiciary are in favor of this bill? It has been favorably reported and is on the Calendar, and the views of the minority are signed by only three members of the committee. I have no doubt that the same majority which reported the bill here will determine, if they are allowed to, the order in which and the time at which it shall be brought forward for consideration.

There are other very important measures, one of which has been already partly considered—I mean the bill reorganizing the district and circuit courts—and I submit it is utterly unfair to tie that committee down to this proposition. Let the committee decide, and if they say that this bill should be considered first I will submit to it; I may be compelled to submit to it anyway. But I would greatly prefer, Mr. Speaker, that this matter should be settled in the usual method. It is usual to allow a committee to determine what particular measures they will bring forward and in what order. And certainly the gentlemen on the Judiciary Committee who voted to report this bill favorably have the power to say in what order and at what time it shall be brought forward for consideration. I hope this amendment will be adopted; for its effect will be simply to leave it to the Judiciary Committee to determine the order in which the business of that committee shall be presented for consideration, and whether this particular bill shall be the first measure brought forward.

Mr. BAYNE. Is not the tax-refunding bill now in possession of the House?

Mr. OATES. Certainly; and so is every other bill that the committee could call up.

Mr. BAYNE. The bill being in the possession of the House, is it not

perfectly competent for the House to decide whether it will take it up on the days mentioned or not?

Mr. OATES. It is perfectly competent for the House to determine that matter; but why should this particular bill be singled out for first consideration, in preference to every other measure?

Mr. HENDERSON, of Iowa. Because there is such a strong sentiment in favor of it.

Mr. OATES. Does the gentleman distrust the majority of the Judiciary Committee that reported the bill? Will they not have the power, even if this amendment be adopted, to bring forward that measure?

Mr. HENDERSON, of Iowa. We gave the committee two days and this measure was not considered.

Mr. OATES. I have explained, so that the gentleman ought to understand, the reasons it was not considered; and no one knows better than the gentleman that I have correctly stated those reasons.

Mr. CANNON. Allow me a moment. I heard the request made in open House, and, as I understood, without qualification, for time for the consideration of business of the Judiciary Committee, and not being aware of any secret understanding between the gentleman from Alabama and other gentlemen I did not object. If I had known that there was in his mind a mental reservation which had been manifested to some gentlemen, but which did not go upon the Journal or the records of the House, I would have objected.

Mr. OATES. Mr. Speaker, in reply to the statement of the gentleman from Illinois [Mr. CANNON], I wish to say that gentlemen did rise here and object. I appeal to the gentleman from Georgia [Mr. TURNER], who sits before me, and who was one of those who made the inquiry, and to my colleague [Mr. HERBERT], who was another. To these gentlemen I gave the assurance—not in secret, but openly—that this bill would not be brought forward. The gentleman from Georgia [Mr. TURNER] says now that my statement is correct, that it was understood this bill would not be brought forward.

I now yield the floor to the gentleman from Ohio [Mr. EZRA B. TAYLOR].

Mr. RANDALL. How much time does the gentleman from Ohio [Mr. EZRA B. TAYLOR] want?

Mr. EZRA B. TAYLOR. Five or possibly ten minutes.

Mr. RANDALL. I yield to the gentleman ten minutes.

The SPEAKER. The Chair will state that the question is on the motion of the gentleman from Alabama [Mr. OATES] to strike out so much of the resolution as requires that on the days assigned to business of the Judiciary Committee the bill to refund the direct tax shall be first considered.

Mr. EZRA B. TAYLOR. Mr. Speaker, the bill just mentioned by you is one of great importance, and ought to be considered early if it is to be considered at all.

The friends of the bill have been trying to get the ear of the House upon propositions fixing time for the consideration of the bill, and they have been objected to. Finally we were obliged to have our proposition fixing a time for the consideration of the bill referred to the Committee on Rules. As the gentleman from Alabama [Mr. OATES] says, a majority of the Judiciary Committee are in favor of this bill, as shown by their report as well as by the statement of the gentleman. Three members of the committee have filed a minority report. Our resolution having been referred to the Committee on Rules, the bill being before the House and in its possession, this resolution has been reported. I venture to say (and here there is a matter of taste, and nothing else, between the gentleman from Alabama and myself) that the majority of the Committee on the Judiciary, who favor this bill, have no objection to this report of the Committee on Rules, but on the other hand warmly sustain it and wish it to be sustained by the House.

It may be true that the Judiciary Committee would again direct the consideration of the bill if a meeting of the committee should be held and a quorum attend. But to-morrow is the day fixed by the Committee on Rules in this resolution for the consideration of our business. The House has a right, it is the business of the House, to fix a time for the consideration of this bill, and a committee of the House has proposed to-morrow. Now, speaking on behalf of the majority of the Committee on the Judiciary, we insist that this report should be sustained by the House. I recognize this amendment as a part of the opposition to the bill, and for that reason I wish the report of the Committee on Rules to be sustained.

The bill is one involving the payment of about $16,000,000. It is a matter with which members of this House are thoroughly conversant. They know how this claim originated; they know its present standing; they know there ought to be some disposition of the question, which has appeared before us time and again. I would dislike exceedingly to have any amendment made to this resolution which would throw any uncertainty about the time when consideration is to be given to the bill. I hope the time as proposed by the Committee on Rules may be fixed, so that there may be abundant opportunity to consider the measure fairly and well.

I yield the residue of my ten minutes to the gentleman from Wisconsin [Mr. CASWELL], a member of the Judiciary Committee.

The SPEAKER. The gentleman from Wisconsin [Mr. CASWELL] has five minutes.

Mr. CASWELL. Mr. Speaker, I earnestly desire the attention of the House because this question affects every member present. Here is a proposition reported to fix to-morrow and the next day for the consideration of business of the Judiciary Committee, giving priority to the bill refunding the direct tax. The gentleman from Alabama moves to strike out that part of the resolution giving this bill priority, so as to leave the subject to the discretion of the Judiciary Committee. He asks why this bill should have precedence over other business of the committee. I will tell him why. As he has already stated, the House some days ago gave to our committee two days for the consideration of its bills. This bill was one of the first on the Calendar, and because there was some contention about its passage, some strong opposition to it in the committee, we passed it over for the time being, and I introduced a resolution before those days were reached, asking the House to fix two days in the future, so we might omit this bill from the assignment. That is the reason why it is given priority in the resolution now before the House.

Mr. Speaker, I wish to say to the members of this House, if you are in favor of passing the bill at this session you will oppose the amendment offered by the gentleman from Alabama [Mr. OATES] and support the report of the Committee on Rules. If you are opposed to the bill then you ought to vote for the proposition of the gentleman from Alabama [Mr. OATES]. As the gentleman from Ohio [Mr. EZRA B. TAYLOR] has stated, to-morrow is the first day of the assignment. Our committee has another meeting, it is true, to-morrow in the forenoon, at which we might settle this question. We might agree to take up this bill, but the probability is we will not settle it, and we will come here without any bill agreed upon for consideration. You all know how easy it would be for a committee meeting to-morrow to consume the entire hour for the consideration of the bill, or question before it, and when the hour of 12 o'clock is reached the committee would be dissolved, as we have no right to remain in session for a longer time. The time would be frittered away and we would come on the floor of the House without this question being settled.

Here is a proposition reported by the Committee on Rules which settles it and makes a certainty of the consideration of this bill to-morrow. The only way is to reject the amendment if we are in favor of the bill.

Mr. HENDERSON, of Iowa. You are in favor, then, of making this a test vote as to whether members are in favor of or hostile to this bill.

Mr. CASWELL. Yes, it necessarily involves that very question.

Mr. RANDALL. I will yield now for five minutes to the gentleman from Arkansas [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, the only objection which the gentleman from Wisconsin has urged on this occasion is that when the Committee on the Judiciary meets to-morrow for the purpose of determining the order of its business its time will be consumed by filibustering down the business for consideration. Now what warrant has my friend from Wisconsin to make any such charge as that against the minority of the committee which filed the minority report in this case? I think I may state without being called to order, there never has been any filibustering in that committee on that bill and never a particle of delay, with the exception of what was necessary for action on one or two amendments which we desired to offer.

There is no sort of desire—certainly none on my part—of any member of that committee to interfere with it in any manner like that.

Now, Mr. Speaker, why is it this measure has taken precedence over all the other business referred to that committee? Here we are in the midst of the consideration of a measure affecting the whole judicial system of our Government, partly debated, partly considered, and yet, under this resolution, that measure, of far more importance than this can be, is to be thrust aside and give way to this one.

There is the Utah amendment, looking to the crushing out of polygamy throughout the United States, and yet the amendment takes from the Judiciary Committee the power to say whether that shall have precedence or this bill shall have precedence.

I do not know what course shall be pursued, but I can say to these gentlemen, they will not have the power, even if they pass this resolution against our objection, to thrust it down our throats when it comes here. There is always a way to meet these measures and to meet them fairly and justly. If you propose to have this measure considered fairly and justly, you will do it with some little show of courtesy toward gentlemen who are opposed to it.

Mr. CASWELL. Will the gentleman allow me to ask him a question?

Mr. ROGERS. Certainly.

Mr. CASWELL. Let me ask the gentleman whether there is an organization already to filibuster against this bill when it comes up?

Mr. ROGERS. I know of no such organization.

Mr. CASWELL. Do you know that such is the intention?

Mr. ROGERS. That is a matter which belongs to individual members.

Mr. CASWELL. Very well.

Mr. ROGERS. If the intention exists it will exist as well without the resolution as with it.

Mr. CASWELL. I hope the gentleman will not charge the debate on this bill as a reason for what is intended to be done by them.

Mr. ROGERS. My friend from Ohio, I repeat, will not put a gag

in the mouth of our committee by passing this resolution. If there is such purpose on the part of the committee to defeat it it will not go through in three or five days if necessary to do it. I do not know what course will be pursued. I have not determined in my own mind what course I will pursue. But I tell you now when you come to thrust measures through and to bind the Judiciary Committee you will find that you are turning the hair the wrong way, instead of smoothing it down.

Mr. BAYNE. Does the gentleman mean to say he will set the example of filibustering?

Mr. ROGERS. I am not afraid to do what I consider to be right, here or anywhere else. I am opposed to this measure, and I am opposed to it because I consider it is absolutely revolutionary and the most pernicious doctrine which has ever found lodgment in the human brain.

[Here the hammer fell.]

Mr. RANDALL. I now yield to the gentleman from Maine [Mr. REED] so much time as he may desire, as a member of the Committee on Rules.

Mr. REED. Mr. Speaker, I think by this time the House must be quite well satisfied that it is very greatly pressed with business, and that the question of vital importance before it is what business shall be transacted. In order to give guidance to this, all these resolutions have been referred to the Committee on Rules, as has grown to be the custom of late years in the House.

That committee, composed of members of the Committee on Appropriations and on Ways and Means, which committees have the right of way under the rules of the House, is perhaps in a condition of as much disinterestedness as any committee of the House can be; and I think that their report, presented by the gentleman from Pennsylvania to-day, is a fair indication of their willingness to look over the whole field and take all the matters before the House fairly into consideration, for the only criticism that has thus far been invoked against the report has been on the part of some members of the Judiciary Committee. Now, I can assure those gentlemen that there is not the slightest disposition to do anything which shall in any way interfere with the dignity and standing of that committee on the floor. In fact, no action on our part, or on the part of the House, could do that. The reason why a particular bill was selected in that case was because of paramount considerations. The Committee on the Judiciary have already had two days at their disposal. They asked for two more. The Committee on Rules, believing that the House had a sincere desire to reach and pass the bill named in the resolution, have felt that it was their duty to yield to that wish.

For my part I am of opinion that in the great majority of cases the House, acting through its committees primarily, and subsequently through itself, should fix upon the measures to be considered rather than leave them to the committees. But there are a great number of minor measures desirable to pass, but which the country can get along without, which fact has given rise to the habit, which seems to be growing upon the House, of giving days to committees instead of days to measures; and I wish here and now to enter my protest against that as a system; for I believe that in time it will grow to be a trouble and a clog to the House, leaving it more under the control of its committees than it ought to be, or than it is now; and I think that the evil of committee control exclusively in these matters has become very apparent to the House in this last session of Congress.

But I wish to call the attention of the House to an important matter in this connection. I do not believe that the gentleman from Arkansas [Mr. ROGERS] is permitting himself consciously to get into that state of mind in regard to this bill which will justify actions on his part which are usually denominated filibustering; but I wish to assure him, from my knowledge of the workings of the human mind, that there is great danger of his doing so if he allows this to become a matter of feeling instead of judgment. But it will be noticed that the opposition here to this report of the Committee on Rules does not come from the majority of the Committee on the Judiciary.

Mr. HOPKINS, of Illinois. Nor from the chairman.

Mr. REED. The committee in itself does not feel aggrieved at anything which has been done. It is only gentlemen who are opposed to the bill in question who seem to feel that impulse. They have a perfect right to be opposed to it, but if the House is in favor of it, the House has a perfect right to facilitate its passage by all proper parliamentary means; and surely the gentleman from Arkansas would be the last man to oppose himself to the wishes of the House, manifested under proper forms and in a proper way.

The House being desirous of passing this bill, if I am right in supposing so, and the vote will disclose that fact—the House being desirous of passing this bill, does not wish the intervention of anybody to decide that matter for them. They are competent to decide and are willing to decide it, and they purpose to offer the matter in such fashion that there will be an incentive on all hands to bring the bill to immediate consideration. The desire for immediate consideration will exist on the part of the majority, because they desire to pass the bill; and it will exist on the part of the minority because, although they may be opposed to this bill, they are earnestly in favor of other matters of important legislation which can be attended to when this is disposed of. Therefore, I trust we shall have a harmonious House to-morrow for the passage of this bill, and that no unnecessary time will be consumed on it, but that a majority of the Representatives on this floor, representing the majority of the people, will do as they ought to do, reach the control of this legislation in the shortest time.

Mr. RANDALL. I now yield five minutes to the gentleman from Georgia [Mr. BLOUNT].

Mr. BLOUNT. Mr. Speaker, I favor the amendment of my friend from Alabama [Mr. OATES]. It seems to me that so far as the action of this committee relates to the conclusion that the Judiciary Committee may not determine the order in which its bills shall be taken up, but prescribes that before they will consider anything else they shall take up and consider a given bill, is entirely unprecedented.

The practice of the House, in the reference of resolutions assigning days for the consideration of bills reported by committees, was never intended to do more than to settle this condition of things; that without any one supervising control, one committee after another would come in with resolutions assigning days, and the House would not keep the various orders in mind or be in a condition to distribute the time to best advantage by reason of this lack of information.

The result was that the House rarely knew, or never knew, when a given proposition was up, what had been done with reference to other committees, and could not maintain proper regulation of its business. For that reason alone it has been the practice to refer to the Committee on Rules the question of assignment of days to committees. Beyond this it has never gone till now.

I take it it was never the purpose of the House to give to the Committee on Rules the power to determine what measures should be taken up. It would be a most unreasonable thing that it should have that power. A committee is the best judge of what measures should be taken up of those which have been committed to it. The rules of the House determine what subjects they shall consider, and leave to them the question of whether they shall be reported at all, and if they are reported the time for their consideration.

Mr. CANNON. Will the gentleman allow me?

Mr. BLOUNT. I have but five minutes. If the gentleman will secure me an extension of time I will yield to him.

Mr. CANNON. I merely wish to state that the resolution introduced by the gentleman from Wisconsin [Mr. CASWELL] and referred to the Committee on Rules specially provided for two days and asked for two days to consider this particular Senate bill.

Mr. BLOUNT. But the report goes further. It not only gives time for the consideration of that bill, but it prescribes that this House shall not consider any other bill from the Judiciary Committee until that one has been considered.

Mr. OATES. That resolution was introduced by the gentleman from Wisconsin [Mr. CASWELL] as a member of the House and not as representing the Judiciary Committee.

Mr. ROGERS. If the gentleman from Georgia will allow me, I will say that I understand there was another resolution offered by the chairman of the Committee on the Judiciary asking for the consideration of this measure.

Mr. BLOUNT. I care not whether that resolution was offered or not. The fact stands out that the Committee on Rules have determined this particular bill shall be considered in preference to others. I submit it never was designed that such power should be conferred upon them.

Mr. CASWELL. Will the gentleman from Georgia allow me?

Mr. BLOUNT. I have but five minutes, and unless my time is extended I can not yield to the gentleman.

Mr. CASWELL. The gentleman is mistaken in his statement.

Mr. BLOUNT. I decline to be corrected in this running debate when my time is limited.

That is the report of the Committee on Rules, that the Committee on the Judiciary may not elect as to this particular bill, but when that is disposed of they may as to every bill from that committee; but this shall be considered by the edict of the Committee on Rules. I say such procedure is violative of the good sense of this House and is unfair to the several committees of this House.

The gentleman from Ohio says that the majority of the Judiciary Committee are in favor of this and therefore it ought to be done. They like it, it is true, because they happen to want this very power exercised to further their own ends; not from any higher reason than that. I protest for one against the abuse, as I regard it, of the Committee on Rules forcing on this House a measure which is not impelled by any public exigency and which is expected to take from the Treasury $17,500,000.

[Here the hammer fell.]

Mr. RANDALL. I yield to the gentleman from Texas [Mr. CULBERSON.]

Mr. CULBERSON. I wish simply to state that I had knowledge of the fact that that resolution had been introduced by the gentleman from Wisconsin [Mr. CASWELL] and referred to the Committee on Rules for the purpose of obtaining a day or two days for the consideration of this bill. On last Monday I introduced an additional resolution, asking for another day for the consideration of the business of

that committee generally. This, I think, is all that it is necessary to state in relation to the introduction of the resolution. I introduced the resolution I offered in response to suggestions of the committee.

Mr. CASWELL. Will the gentleman from Pennsylvania yield to me for a moment?

Mr. RANDALL. Yes, sir.

Mr. CASWELL. I drew this resolution providing expressly for two days to be assigned for the consideration of this bill. The Committee on Rules simply say this, that after the disposition of the bill referred to in the resolution and for which time was asked, if there be any time remaining, it may be used in considering other bills. That is all the committee do in reference to this.

Mr. RANDALL. The Committee on Rules, in presenting this matter to the consideration of the House, are, I believe, absolutely without feeling. They acted upon one or two resolutions duly referred to that committee, as they were in duty bound, and they have remitted this question to this House practically in this form. If the House desires that this bill shall be considered, then the responsibility in that connection shall be taken by the House. If, on the other hand, a majority of this House do not want to consider that bill and prefer to consider other matters from the Judiciary Committee, then the two days remain and the matter is disposed of.

Now, I think we fully understand this question, and I demand the previous question on the amendment.

Mr. COX. I ask the gentleman to withhold his demand for the previous question and allow me a moment.

Mr. RANDALL. In that connection?

Mr. COX. Yes; in that connection.

Mr. RANDALL. I yield to the gentleman.

Mr. COX. I notice in the report of the committee that they have planned the business of the House in advance for nearly a month.

Mr. RANDALL. For two weeks.

Mr. COX. And I notice that in their resolution they provide always that after the reading of the Journal these various classes of business may come up for action. That cuts off not only the morning hour for reports of committees, which I suppose might be handed in at the Clerk's desk, or be otherwise made by unanimous consent, but it cuts off also the morning hour for the consideration of bills. That would operate inconveniently for one-half of the committees that have not had a chance to call up bills for consideration.

And I submit to the gentleman from Pennsylvania, and to the House, that there are other committees that have business which requires attention, one that I have an interest in and that I have been waiting for; but committees in the last part of the list have no show at all in this Congress if this system is to be kept up.

No doubt the committee have considered this matter with entire impartiality, and I will favor any proposition they may present for the dispatch of our business. Days must, of course, be set down either for special bills or for special committees, but I think this resolution which the gentleman from Pennsylvania has reported from the Committee on Rules might well be amended, so as to strike out the provision that these days shall be set apart for the business of these several committees "immediately after the reading of the Journal," and allow us the morning hour for the consideration of bills. That morning hour has been of great utility. It has been one of the best instruments for expediting the business of the House. I have been delighted and surprised to see how business has been floated through in that hour; but now, from the Committee on Rules—a committee appointed for the guardianship of the rules of this House—we have a report proposing to set aside the most valuable rule in the House for the purpose of giving special advantages to special bills and special committees.

Mr. RANDALL. I now ask the previous question on the amendment of the gentleman from Alabama [Mr. OATES].

Mr. COX. Will the gentleman permit me to move the amendment I have suggested?

Mr. RANDALL. Not now.

The previous question was ordered.

Mr. RANDALL moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The question is on the amendment of the gentleman from Alabama [Mr. OATES].

A MEMBER. What is the amendment?

Mr. RANDALL. The effect of the amendment is simply to give to the Judiciary Committee control of the business which shall be called up on these two days.

The SPEAKER. The amendment proposes to strike out so much of the resolution as provides that the bill in relation to the refund of the direct tax shall be first considered.

Mr. BUCHANAN. I call for the reading of the words proposed to be stricken out.

The Clerk read as follows:

Strike out the words "be set apart for the consideration of Senate bill 139, to provide for refunding the direct tax levied in 1861."

The question was taken on the amendment of Mr. OATES, and the Speaker declared that the ayes seemed to have it.

A division was called for.

The House divided; and there were—ayes 62, noes 98.

Mr. OATES. No quorum.

Mr. BROWNE, of Indiana, and Mr. DIBBLE demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 70, nays 161, not voting 93; as follows:

YEAS—70.

Abbott,	Davidson, Fla.	Laffoon,	Robertson,
Allen, Miss.	Dockery,	Landes,	Rogers,
Anderson, Miss.	Dunn,	Lanham,	Sayers,
Anderson, Ill.	Foran,	Lee,	Springer,
Bankhead,	Ford,	Mansur,	Stewart, Tex.
Blanchard,	Forney,	Martin,	Stockdale,
Bland,	Glass,	McClammy,	Stone, Ky.
Breckinridge, Ark.	Grimes,	McCreary,	Stone, Mo.
Breckinridge, Ky.	Hatch,	McKinney,	Tillman,
Buckalew,	Henderson, N. C.	McMillin,	Turner, Ga.
Burnes,	Herbert,	McRae,	Walker,
Candler,	Hogg,	Montgomery,	Washington,
Catchings,	Holman,	Moore,	Wheeler,
Clements,	Hooker,	Morgan,	Whitthorne.
Cothran,	Hopkins, Va.	Neal,	Wilson, Minn.
Cox,	Hutton,	Peel,	Wise.
Crisp,	Johnston, N. C.	Penington,	
Davidson, Ala.	Kilgore,	Phelan,	

NAYS—161.

Adams,	Farquhar,	Lyman,	Scott,
Allen, Mass.	Felton,	Lynch,	Seymour,
Allen, Mich.	Flood,	Macdonald,	Shively,
Anderson, Iowa	Fuller,	Mason,	Simmons,
Anderson, Kans.	Funston,	Matson,	Snyder,
Baker, N. Y.	Gallinger,	McAdoo,	Sowden,
Baker, Ill.	Gay,	McComas,	Stahlnecker,
Bayne,	Gear,	McCormick,	Steele,
Belden,	Glover,	McKenna,	Stephenson,
Biggs,	Greenman,	McKinley,	Stewart, Vt.
Boothman,	Grosvenor,	McShane,	Struble,
Bound,	Grout,	Morrill,	Symes,
Boutelle,	Guenther,	Morrow,	Tarsney,
Bowden,	Hall,	Nelson,	Taulbee,
Browne, T. H. B., Va.	Harmer,	Newton,	Taylor, E. B., Ohio,
Browne, Ind.	Haugen,	Nichols,	Thomas, Ky.
Brown, Ohio	Hayden,	Nutting,	Thomas, Wis.
Brown, J. R., Va.	Henderson, Iowa,	Oates,	Tracey,
Bryce,	Henderson, Ill.	O'Donnell,	Townshend,
Buchanan,	Hermann,	O'Neall, Ind.	Turner, Kans.
Bunnell,	Hires,	O'Neill, Pa.	Vandever,
Burrows,	Holmes,	Osborne,	Wade,
Bynum,	Hopkins, Ill.	Outhwaite,	Warner,
Campbell, Ohio	Houk,	Owen,	Weaver,
Cannon,	Hovey,	Parker,	Weber,
Caruth.	Howard,	Patton,	West,
Caswell,	Hudd,	Payson,	White, Ind.
Cheadle,	Hunter,	Perkins,	White, N. Y.
Chipman,	Johnston, Ind.	Perry,	Whiting, Mich.
Clark,	Kean,	Pidcock,	Whiting, Mass.
Cogswell,	Kennedy,	Plumb,	Wickham,
Conger,	Kerr,	Post,	Wilber,
Crouse,	Ketcham,	Randall,	Wilkinson,
Cummings,	La Follette,	Rayner,	Williams,
Dalzell,	Laidlaw,	Reed,	Wilson, W. Va.
Davis,	Laird,	Rice,	Woodburn,
De Lano,	Latham,	Rowland,	Yoder,
Dibble,	Lawler,	Russell, Mass.	Yost.
Dingley,	Lehlbach,	Rusk,	
Dorsey,	Lind,	Ryan,	
Dunham,	Long,	Sawyer,	

NOT VOTING—93.

Arnold,	Cooper,	Hemphill,	Pugsley,
Atkinson,	Cowles,	Hiestand,	Richardson,
Bacon,	Crain,	Hitt,	Rockwell,
Barnes,	Culberson,	Hopkins, N. Y.	Romeis,
Barry,	Cutcheon,	Jackson,	Rowell,
Belmont,	Dargan,	Jones,	Russell, Conn.
Bingham,	Darlington,	Kelley,	Scull,
Bliss,	Davenport,	Lagan,	Seney,
Blount,	Dougherty,	Lane,	Shaw,
Bowen,	Elliott,	Lodge,	Sherman,
Brewer,	Enloe,	Maffett,	Smith,
Brower,	Ermentrout,	Mahoney,	Spinola,
Brumm,	Finley,	Maish,	Spooner,
Burnett,	Fisher,	McCullogh,	Stewart, Ga.
Butler,	Fitch,	Merriman,	Taylor, J. D., Ohio,
Butterworth,	French,	Milliken,	Thomas, Ill.
Campbell, F., N. Y.	Gaines,	Mills,	Thompson, Ohio,
Campbell, T. J., N. Y.	Gest,	Moffitt,	Thompson, Cal.
Carlton,	Gibson,	Morse,	Vance,
Clardy,	Goff,	Norwood,	Wilkins,
Cobb,	Granger,	O'Ferrall,	Yardley.
Cockran,	Hare,	O'Neill, Mo.	
Collins,	Hayes,	Peters,	
Compton,	Heard,	Phelps,	

So the amendment was not agreed to.

Mr. TOWNSHEND moved to dispense with the reading of the names of members voting.

Mr. OATES. I object.

The Clerk then recapitulated the names.

The following additional pairs were announced:

Mr. FRENCH with Mr. ROMEIS, on all political questions, for the day.

Mr. GRANGER with Mr. PETERS.

Mr. HUTTON with Mr. FINLEY.

Mr. BARNES with Mr. PHELPS.

The result of the vote was then announced as above recorded.

Mr. RANDALL and Mr. OATES both moved to reconsider the vote by which the amendment was rejected; and the Speaker recognized

Mr. RANDALL who also moved to lay the motion to reconsider on the table.

The question was taken upon the motion to lay the motion to reconsider on the table; and there were—ayes 120, noes 24.

Mr. OATES. No quorum.

Mr. CANNON. We may as well have the yeas and nays on this question. It will save time.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 169, nays 38, not voting 117; as follows:

YEAS—169.

Adams,	Davis,	Latham,	Russell, Mass.
Allen, Mass.	De Lano,	Lehlbach,	Ryan,
Allen, Mich.	Dibble,	Long,	Sawyer,
Anderson, Iowa.	Dingley,	Lyman,	Scott,
Anderson, Ill.	Dockery,	Lynch,	Seymour,
Anderson, Kans.	Dorsey,	Macdonald,	Shively,
Bacon,	Dunham,	Maish,	Simmons,
Baker, N. Y.	Farquhar,	Mansur,	Snyder,
Baker, Ill.	Flood,	Mason,	Sowden,
Bayne,	Foran,	Matson,	Stahlnecker,
Belden,	Fuller,	McAdoo,	Steele,
Biggs,	Gallinger,	McComas,	Stephenson,
Bliss,	Gear,	McCormick,	Stewart, Vt.
Boothman,	Glass,	McKenna,	Struble,
Bound,	Glover,	McKinley,	Symes,
Boutelle,	Greenman,	McKinney,	Taulbee,
Bowden,	Grosvenor,	McShane,	Taylor, E. B., Ohio
Browne, T. H. B., Va.	Grout,	Montgomery,	Thomas, Ky.
Browne, Ind.	Guenther,	Morrill,	Thomas, Wis.
Brown, Ohio	Hall,	Morrow,	Tracey,
Brown, J. R., Va.	Harmer,	Nelson,	Townshend,
Bryce,	Haugen,	Newton,	Turner, Kans.
Buchanan,	Hayden,	Nichols,	Vance,
Buckalew,	Henderson, Iowa	Nutting,	Vandever,
Bunnell,	Henderson, Ill.	O'Donnell,	Wade,
Burrows,	Hermann,	O'Neall, Ind.	Walker,
Butterworth,	Hires,	O'Neill, Pa.	Warner,
Bynum,	Holmes,	Osborne,	Weaver,
Campbell, T. J., N. Y.	Hopkins, Ill.	Outhwaite,	Weber,
Cannon,	Hopkins, Va.	Owen,	West,
Caruth,	Houk,	Parker,	White, Ind.
Caswell,	Hovey,	Patton,	White, N. Y.
Cheadle,	Howard,	Payson,	Whiting, Mass.
Chipman,	Hudd,	Perkins,	Wickham,
Clark,	Hunter,	Perry,	Wilber,
Cogswell,	Johnston, Ind.	Pidcock,	Wilkinson.
Conger,	Kean,	Plumb,	Williams,
Cowles,	Kennedy,	Post,	Wilson, Minn.
Crouse,	Kerr,	Randall,	Woodburn,
Culberson,	Ketcham,	Reed,	Yoder.
Cummings,	La Follette,	Rice,	
Dalzell,	Laidlaw,	Rowland,	
Davidson, Fla.	Laird,	Russell, Conn.	

NAYS—38.

Abbott,	Henderson, N. C.	Morgan,	Stone, Ky.
Allen, Miss.	Herbert,	Neal,	Stone, Mo.
Anderson, Miss.	Holman,	Peel,	Tillman,
Cobb,	Johnston, N. C.	Penington,	Turner, Ga.
Cothran,	Laffoon,	Phelan,	Washington,
Dunn,	Lanham,	Rogers,	Wheeler,
Forney,	McClammy,	Sayers,	Whitthorne,
Gay,	McMillin,	Springer,	Wise.
Hatch,	McRae,	Stewart, Tex.	
Hayes,	Moore,	Stockdale,	

NOT VOTING—117.

Arnold,	Cox,	Hogg,	Phelps,
Atkinson,	Crain,	Hooker,	Pugsley,
Bankhead,	Crisp,	Hopkins, N. Y.	Rayner.
Barnes,	Cutcheon,	Hutton,	Richardson,
Barry,	Dargan,	Jackson,	Robertson,
Belmont,	Darlington,	Jones,	Rockwell,
Bingham,	Davenport,	Kelley,	Romeis,
Blanchard,	Davidson, Ala.	Kilgore,	Rowell,
Bland,	Dougherty,	Lagan,	Rusk,
Blount,	Elliott,	Landes,	Scull,
Bowen,	Enloe,	Lane,	Seney,
Breckinridge, Ark.	Ermentrout,	Lawler,	Shaw,
Breckinridge, Ky.	Felton,	Lee,	Sherman.
Brewer,	Finley,	Lind,	Smith,
Brower,	Fisher,	Lodge,	Spinola,
Brumm,	Fitch,	Maffett,	Spooner,
Burnes,	Ford,	Mahoney,	Stewart, Ga.
Burnett,	French,	Martin,	Tarsney,
Butler,	Funston,	McCreary,	Taylor, J. D., Ohio
Campbell, F., N. Y.	Gaines,	McCullogh,	Thomas, Ill.
Campbell, Ohio	Gest,	Merriman,	Thompson, Ohio
Candler,	Gibson,	Milliken,	Thompson, Cal.
Carlton,	Goff,	Mills,	Wilkins,
Catchings,	Granger,	Moffitt,	Wilson, W. Va.
Clardy,	Grimes,	Morse,	Whiting, Mich.
Clements,	Hare,	Norwood,	Yardley,
Cockran,	Heard,	Oates,	Yost.
Collins,	Hemphill,	O'Ferrall,	
Compton,	Hiestand,	O'Neill, Mo.	
Cooper,	Hitt,	Peters,	

So the motion to reconsider was laid on the table.

Mr. PAYSON asked unanimous consent to dispense with the reading of the names.

Mr. OATES objected.

Before the result of the vote was announced several members, present during the roll-call, whose votes had not been recorded, asked to vote.

The SPEAKER. The Chair will state the practice of the House in reference to this matter. When a gentleman rises and states that he was in the Hall during the roll-call and failed to hear his name called, he is entitled to vote.

Mr. BURROWS. Suppose a member is present and hears his name called, but does not vote?

The SPEAKER. In such a case, under the practice of the House, the member has no right to vote. If, when he hears his name, he withholds his vote purposely, the Chair thinks the member can not have his vote recorded after the conclusion of the second roll-call. Such at least has been the practice of the House. Gentleman, in asking after the conclusion of the roll-call that their names be recorded, must state that they were in the Hall but failed to hear their names called.

The following additional pairs were announced on all political questions for the rest of the day:

Mr. STEWART, of Georgia, with Mr. KERR.

Mr. HOGG with Mr. FUNSTON.

Mr. LAWLER with Mr. PHELPS.

The result of the vote was announced as above stated.

ENROLLED BILL SIGNED.

Pending the calling of the roll, Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill (H. R. 3470) to authorize the construction of bridges over the rivers St. Mary's, Satilla, Little Satilla, and Crooked, in the States of Georgia and Florida; when the Speaker signed the same.

AFFAIRS IN SAMOA.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

I transmit herewith a report from the Secretary of State, with its inclosures, in response to the resolution of the House of Representatives of the 8th ultimo, in relation to affairs in Samoa.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, April 2, 1888.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GILFRY, one of its clerks, announced that the Senate had passed with amendments, in which the concurrence of the House was requested, joint resolution and bill of the following titles:

Joint resolution (H. Res. 83) accepting the invitation of the French Republic to take part in an international exposition to be held in Paris in 1889; and

A bill (H. R. 481) for the relief of Stephen M. Honeycutt.

The message also announced that the Senate had passed with amendments bills of the following titles, asked a conference with the House on the bills and amendments, and had appointed on the part of the Senate, conferees, as indicated respectively:

A bill (H. R. 1158) for the relief of Louis Jacobson—conferees, Mr. MITCHELL, Mr. SAWYER, and Mr. REAGAN.

A bill (H. R. 1361) to incorporate the reform school for girls in the District of Columbia—conferees, Mr. SPOONER, Mr. FARWELL, and Mr. HARRIS.

A bill (H. R. 1514) relating to the record of wills in the District of Columbia—conferees, Mr. SPOONER, Mr. FARWELL, and Mr. HARRIS.

A bill (H. R. 1584) granting the right of way to the Duluth, Rainy Lake River and Southwestern Railway Company through certain Indian lands in the State of Minnesota—conferees, Mr. DAWES, Mr. HEARST, and Mr. BOWEN.

A bill (H. R. 2112) for the relief of Capt. John Burkhart—conferees, Mr. MANDERSON, Mr. DAVIS, and Mr. HAMPTON.

A bill (H. R. 2216) for the relief of Thomas A. Osborn—conferees, Mr. SPOONER, Mr. HOAR, and Mr. FAULKNER.

A bill (H. R. 2805) granting a pension to Martha T. Woodrum, widow of James Woodrum, deceased—conferees, Mr. DAVIS, Mr. MITCHELL, and Mr. TURPIE.

A bill (H. R. 6899) to incorporate the Eckington and Soldiers' Home Railway Company of the District of Columbia—conferees, Mr. HARRIS, Mr. SPOONER, and Mr. FARWELL.

A bill (H. R. 7263) for the erection of a public building at Bay City, Mich.—conferees, Mr. SPOONER, Mr. STANFORD, and Mr. DANIEL.

The message also announced that the Senate had passed without amendment House joint resolution and bills of the following titles:

A joint resolution (H. Res. 68) in favor of J. Q. Barton;

A bill (H. R. 76) for the relief of L. A. Morris;

A bill (H. R. 85) granting a pension to Mrs. Mary Jane Case;

A bill (H. R. 115) to increase the pension of Thomas F. Townsend;

A bill (H. R. 369) granting a pension to Mrs. Esther B. Hayford;

A bill (H. R. 439) for the relief of Grovenor A. Curtice;

A bill (H. R. 443) granting an increase of pension to Albert G. Fifield;

A bill (H. R. 445) granting a pension to Laura A. Wright;

A bill (H. R. 628) granting a pension to Juliette Stone;

A bill (H. R. 771) granting a pension to A. B. Van Cleve;

A bill (H. R. 806) for the relief of Mary Morford;

A bill (H. R. 863) granting a pension to Malinda Vest;

A bill (H. R. 1678) to authorize the purchase of a site for a public building at Buffalo, N. Y.;

A bill (H. R. 2056) for the relief of Joel J. Goss;
A bill (H. R. 2093) for the relief of John K. Le Baron;
A bill (H. R. 2218) to increase the pension of James A. Buck;
A bill (H. R. 2514) granting a pension to J. Miller Raub;
A bill (H. R. 2517) granting a pension to Isaiah T. Johnson;
A bill (H. R. 2595) for the relief of the widow of John A. S. Tutt, deceased;
A bill (H. R. 2617) granting a pension to Mary Bailey;
A bill (H. R. 3441) declaratory of the meaning of the act entitled "An act for the relief of Maria Syphax;"
A bill (H. R. 3613) for the relief of Joseph Cassom;
A bill (H. R. 3758) for the relief of the legal heirs of Fidus Livermore, deceased;
A bill (H. R. 3850) granting a pension to Moses F. Jackson;
A bill (H. R. 3898) granting an increase of pension to James H. Reeve;
A bill (H. R. 4626) for the relief of Mary B. Kirby;
A bill (H. R. 4835) for the relief of Everard Flynn;
A bill (H. R. 5499) granting an increase of pension to Frederick Augustin;
A bill (H. R. 5766) granting a pension to Miss Capitola V. Harsh, daughter of Daniel Harsh;
A bill (H. R. 5874) for the relief of the heirs of the late Francis I. Wheeler;
A bill (H. R. 6071) for the relief of Mary Penfield;
A bill (H. R. 6562) for the relief of W. W. Screws;
A bill (H. R. 6789) granting a pension to Mary S. Wells;
A bill (H. R. 7217) for the erection of a public building at Lowell, Mass.;
A bill (H. R. 7237) granting a pension to Clarissa Harvey;

The message also announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 5) granting a pension to Mrs. Margaret Gallagher;
A bill (S. 317) for the relief of William A. Bevens;
A bill (S. 341) granting pensions to William Knight, Jacob Parrott, and John Whollam;
A bill (S. 415) granting a pension to Martin L. Stover;
A bill (S. 431) granting a pension to Emma S. Free, widow of Thomas S. Free, late major of the United States Army;
A bill (S. 432) for the relief of Joel B. Morton;
A bill (S. 619) granting an increase of pension to Leopold Mayer;
A bill (S. 654) granting a pension to Caroline Motz;
A bill (S. 681) granting an increase of pension to Mrs. General Ward B. Burnett;
A bill (S. 692) granting an increase of pension to Enoch G. Adams;
A bill (S. 702) granting a pension to Henry Pulsky;
A bill (S. 760) granting a pension to Stephen C. Lobdill;
A bill (S. 802) granting an increase of pension to Sarah A. Wilcox, now Roberts;
A bill (S. 808) granting a pension to Julius C. Monson;
A bill (S. 867) granting a pension to Margaret Stafford Worth;
A bill (S. 887) granting a pension to Robert Foss;
A bill (S. 996) granting a pension to Caroline Ruppert;
A bill (S. 1017) granting a pension to Stephen Schiedel;
A bill (S. 1018) granting a pension to Joseph W. Eubank;
A bill (S. 1037) granting a pension to the infant children of Michael A. Moran;
A bill (S. 1045) granting a pension to Rhoda Williams;
A bill (S. 1101) granting a pension to Rachel A. Sinkinson;
A bill (S. 1121) granting a pension to Harmon Bunn;
A bill (S. 1124) to increase the pension of John W. January;
A bill (S. 1137) for the relief of Adam L. Epley;
A bill (S. 1142) granting a pension to Keziah E. Strong;
A bill (S. 1144) granting a pension to Frances H. L. Prescott;
A bill (S. 1146) granting a pension to L. J. McGoffin;
A bill (S. 1153) for the relief of Charles Wagemann;
A bill (S. 1192) granting a pension to Judson Knight;
A bill (S. 1193) granting a pension to John R. Wheelock;
A bill (S. 1194) granting a pension to Mary Whirry;
A bill (S. 1219) granting a pension to David Heinbach;
A bill (S. 1237) granting a pension to Anna Mertz:
A bill (S. 1239) granting an increase of pension to Mrs. Annie Gibson Yates;
A bill (S. 1254) granting a pension to Eliza J. Mayden;
A bill (S. 1258) granting a pension to Sarah Ann Waters;
A bill (S. 1286) granting a pension to Michael Lane;
A bill (S. 1288) granting a pension to John Child;
A bill (S. 1292) to construct a road from the city of Staunton to the national cemetery in the county of Augusta, in the State of Virginia;
A bill (S. 1384) granting a pension to Margaret J. Cash;
A bill (S. 1359) for the relief of Mary A. Doud;
A bill (S. 1435) granting a pension to Emil Schattle;
A bill (S. 1447) granting a pension to Bridget Foley;
A bill (S. 1457) granting a pension to George W. Welden;
A bill (S. 1459) granting a pension to Florence Courtney Cochnower;
A bill (S. 1495) granting a pension to Mrs. Mary McGee;
A bill (S. 1504) granting a pension to Mary C. Johnston;
A bill (S. 1542) granting a pension to John W. Reynolds;
A bill (S. 1547) granting a pension to Mary Ann Dougherty;
A bill (S. 1607) granting a pension to Robert A. Bride, or McBride;
A bill (S. 1609) for the relief of James McLaughlin;
A bill (S. 1626) to amend the act of March 3, 1877, entitled "An act amending the pension law so as to remove the disabilities of those who, having participated in the rebellion, have, since its termination, enlisted in the Army of the United States and become disabled;"
A bill (S. 1654) granting a pension to Mrs. Catherine Wagner;
A bill (S. 1678) granting a pension to Mrs. Margaret Pickering-Copeland;
A bill (S. 1742) granting a pension to W. A. Hicks;
A bill (S. 1743) granting a pension to Zephaniah H. Bones;
A bill (S. 1757) granting an increase of pension to Mrs. Lou Gobright McFalls;
A bill (S. 1843) granting an increase of pension to Florida G. Casey;
A bill (S. 1844) granting an increase of pension to Ann Atkinson;
A bill (S. 1876) for the purchase of a site and erection of a custom-house and post-office at St. Albans, Vt.;
A bill (S. 1919) granting a pension to John Fox;
A bill (S. 1928) granting a pension to M. J. Fogg;
A bill (S. 1857) granting a pension to Virtue Smith;
A bill (S. 1967) granting a pension to Sarah J. Tompkins;
A bill (S. 1968) granting a pension to Eliza A. Talbott;
A bill (S. 1971) to re-examine the homestead claim of Ira Haworth;
A bill (S. 1972) granting a pension to J. W. Meadows;
A bill (S. 1973) granting a pension to John Black;
A bill (S. 2033) granting a pension to Joseph Wirth;
A bill (S. 2064) granting a pension to Titus Wilder;
A bill (S. 2073) granting a pension to Margaret Blades;
A bill (S. 2124) granting a pension to John Bush;
A bill (S. 2151) granting a pension to Mrs. Aurelia Hillyer;
A bill (S. 2157) granting increase of pension to Theodore F. Casamer;
A bill (S. 2167) granting a pension to Mary E. Woodward;
A bill (S. 2168) granting a pension to Francis Marion Walker;
A bill (S. 2253) granting a pension to Mrs. Avis J. Hockey;
A bill (S. 2254) to increase the pension of Mrs. Ella M. Grover;
A bill (S. 2255) granting a pension to Amanda W. Beach;
A bill (S. 2330) granting increase of pension to William Gallagher;
A bill (S. 2331) granting a pension to Mary J. McGregor;
A bill (S. 2332) granting a pension to John Linsley;
A bill (S. 2346) granting increase of pension to Jennie Hart Mullany;
A bill (S. 29) to authorize the Secretary of War to issue ordnance and ordnance stores to the Territory of Washington in payment for ordnance and ordnance stores borrowed by the State of Oregon during the Nez Percé Indian war of 1877 and 1878, and for other purposes;
A bill (S. 37) authorizing the Secretary of the Interior to make sale of certain lands of the Umatilla Indian reservation in Oregon to William S. Byers and others, and to issue patent therefor;
A bill (S. 73) for the relief of E. B. Crozier, executrix of the last will of Dr. C. E. Crozier, of Tennessee;
A bill (S. 113) for the relief of J. T. and C. T. Hulett;
A bill (S. 143) to provide for the issuing and recording of certain commissions in the Department of Justice;
A bill (S. 183) requiring notice of deficiency in accounts of principals to be given to sureties upon bonds of United States officials, and fixing a limitation of time within which such suits shall be brought against said sureties upon said bonds;
A bill (S. 259) granting the title of the United States in certain lands to the county of Randolph and State of Illinois on certain conditions;
A bill (S. 307) for the relief of Margaret Kennedy;
A bill (S. 321) for the relief of Zeb. Ward, of Little Rock, Ark.;
A bill (S. 356) to obtain prison statistics;
A bill (S. 439) for the relief of the Mobile Marine Dock Company;
A bill (S. 501) for the relief of W. H. Ward;
A bill (S. 599) in regard to a monumental column to commemorate the battle of Trenton, in the State of New Jersey, and appropriating $30,000;
A bill (S. 606) to amend an act entitled "An act to incorporate the Washington Safe Deposit Company;"
A bill (S. 690) to amend an act entitled "An act to incorporate the National Safe Deposit Company of Washington, in the District of Columbia," approved January 22, 1867;
A bill (S. 720) for the relief of H. W. Shipley;
A bill (S. 726) for the relief of the legal representatives of Chauncey M. Lockwood;
A bill (S. 783) to correct the enrollment of an act approved March 3, 1887, entitled "An act to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from the State courts, and for other purposes," approved March 3, 1875;
A bill (S. 881) to regulate the pay of ensigns of the United States Navy;

A bill (S. 1039) for the relief of the heirs of Charles B. Smith, deceased;

A bill (S. 1084) for the relief of Rev. Worcester Willey;

A bill (S. 1089) for the relief of Henrietta M. Sands, widow of the late Rear-Admiral Benjamin F. Sands, United States Navy;

A bill (S. 1145) granting the right of way to the Rio Grande and Utah Railway Company through the Southern Ute Indian reservation in Southwestern Colorado;

A bill (S. 1172) for the relief of Henry Ayres;

A bill (S. 1371) for the relief of Alfred Hedberg;

A bill (S. 1178) for the relief of Capt. Charles Thomas, of the United States Navy;

A bill (S. 1306) to define the status, and for the relief of the heirs or legal representatives of certain recruits for the Fourteenth Kansas Volunteers who were killed at Lawrence, Kans., August 21, 1863, by guerrillas;

A bill (S. 1336) for the removal of the charge of desertion from the military record of Jacob Rohn;

A bill (S. 1351) to enlarge the jurisdiction of the probate courts in Wyoming Territory;

A bill (S. 1333) for the relief of the legal representatives of Peter Lyle, deceased;

A bill (S. 1387) authorizing the appointment of James S. Jouett to a first lieutenancy of cavalry in the United States Army;

A bill (S. 1415) for the removal of the charge of desertion from the military record of Charles L. Bullis;

A bill (S. 1494) to secure to the Cherokee freedmen and others their proportion of certain proceeds of lands, under the act of March 3, 1883;

A bill (S. 1529) to amend paragraph 3 of section 4693 of the Revised Statutes, and for other purposes;

A bill (S. 1561) to provide for the completion of quarters, barracks, and stables at Fort Robinson, and at Fort Niobrara, in the State of Nebraska;

A bill (S. 1596) in relation to oaths in pension and other cases;

A bill (S. 1671) for the relief of the heirs of Martin Kenofsky;

A bill (S. 1727) to grant to the trustees of the German Lutheran Trinity Congregation of Washington, D. C., the right to sell a portion of their cemetery lands;

A bill (S. 1772) for the relief of John H. Marion;

A bill (S. 1789) for an extension of appropriation for the erection of a public building at Los Angeles, Cal.;

A bill (S. 1869) to provide for the establishment and maintenance of an Indian industrial school in the State of Michigan;

A bill (S. 1870) granting the use of certain lands in Pierce County, Washington Territory, to the city of Tacoma, for the purposes of a public park;

A bill (S. 2004) to amend the ninth section of an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1886, and for other purposes," approved March 3, 1885;

A bill (S. 2009) to restore the homestead right of M. F. Vance, of Akron, Colo.;

A bill (S. 2202) for the relief of Samuel Noble;

A bill (S. 2215) providing for the purchase of "the Capron collection of Japanese works of art;"

A bill (S. 2223) to remove the charge of desertion and of having enlisted in the Confederate service from the records of the War Department standing against John McFarland, and to grant him an honorable discharge;

A bill (S. 2292) to provide for a celebration at the national capital in 1889, in honor of the centennial of the Constitution of the United States;

A bill (S. 2293) to provide for completing the catalogue of the Congressional Library;

A bill (S. 2304) to provide for continuing the work of classified abridgments of letters patent granted by the United States;

A bill (S. 2307) to correct the records of the District of Columbia relative to certain real estate therein; and

Joint resolution (S. R. 55) abolishing the office of the United States surveyor-general for the district of Nebraska and Iowa, and authorizing the Secretary of the Interior to proceed, under the provisions of sections 2218 and 2219 of the Revised Statutes of the United States, in the transfer of the field-notes, maps, records, and other papers to the States of Nebraska and Iowa.

ASSIGNMENT OF BUSINESS.

The House resumed the consideration of the resolution reported by Mr. RANDALL from the Committee on Rules.

Mr. RANDALL. I now yield to the gentleman from Indiana [Mr. HOLMAN].

Mr. OATES. I move that the House adjourn.

Mr. RANDALL. I hope that motion will not prevail.

The motion to adjourn was not agreed to; there being—ayes 16, noes 104.

Mr. RANDALL. I yield to the gentleman from Indiana [Mr. HOLMAN].

Mr. COX. Will the gentleman from Pennsylvania yield to me to have an amendment read?

Mr. RANDALL. Not now.

Mr. COX. When?

Mr. RANDALL. I can not fix a time.

Mr. HOLMAN. I ask that the portion of the pending resolution which relates to the consideration of business from the Committee on Public Lands be read.

Mr. OATES. I move that when the House adjourns it adjourn to meet on Wednesday next.

Mr. RANDALL. I have yielded the floor to the gentleman from Indiana [Mr. HOLMAN].

The SPEAKER. The gentleman from Indiana had possession of the floor and can not be taken off of it without his consent.

Mr. HOLMAN. I ask for the reading of the resolution relative to the business of the Committee on Public Lands.

The Clerk read as follows:

That Thursday, April 12, immediately after the reading of the Journal, be set apart for the consideration of House bill 6897, reported from the Committee on the Public Lands, and if the consideration of said bill shall be completed the remainder of said day be set apart for the consideration of any other bill or bills reported from said committee in such order as it may designate.

Mr. HOLMAN. I move to strike out all of that resolution in relation to bill 6897, and I wish to state a few facts for the information of the House.

Mr. TOWNSHEND. I rise to a parliamentary inquiry. Is the resolution open to amendment?

The SPEAKER. The gentleman from Pennsylvania yielded the floor to the gentleman from Indiana.

Mr. RANDALL. Under instructions of the Committee on Rules.

Mr. HOLMAN. I wish to state to the House that a month ago the Committee on the Public Lands reported to the House a bill for which I have sought every opportunity of a hearing, but which so far has had but an hour and a half some days ago. That is a bill for the purpose of securing the remaining public lands of the United States for the benefit of actual settlers.

That committee also prepared bills involving the forfeiture of land grants to railroad corporations to the extent of some thirty millions of acres. These bills are of great public moment as well as the one I have mentioned as the bill to secure the remaining public lands to actual settlers, now pending as unfinished business before the House. But the bill indicated in the amendment which I have had read at the Clerk's desk, that is, bill 6897, is simply a bill to adjust the accounts of swamp lands of the several States, the proposition being to pay to the several States at the rate of $1.25 an acre for lands which the United States disposed of since the grant was made in 1850.

It will be seen, Mr. Speaker, that bill is of no great public moment compared with the bill to forfeit land grants and to secure the remainder of the public lands for the benefit of actual settlers. Yet the Committee on Rules reports in favor of only a single day and gives this comparatively private bill priority.

Mr. DUNN. I wish to know of the gentleman from Indiana whether it is not a fact that the bills he has enumerated, other than the swamp-land bills, are not privileged bills——

Mr. HOLMAN. I can not yield further.

Mr. DUNN. And therefore it is necessary to give those bills a place, but it is not necessary——

Mr. HOLMAN. I do not yield any further. I am glad the gentleman has called attention to that fact. The House will see that all of the time for weeks to come is farmed out and bills of the highest public importance are almost indefinitely postponed.

Mr. DUNN. Not if they are privileged.

Mr. HOLMAN. Privilege amounts to nothing. When the time monopolized by other committees——

Mr. DUNN. That one bill would pass in one day.

Mr. HOLMAN. The important bills I have indicated are to be postponed and the day mentioned in the resolution is to be taken up in the consideration of bill 6897, which is of a private nature, compared with those other bills. It may involve a large amount of money, but it relates largely to private interests.

Mr. DUNN. Not a private interest involved in it, but all public.

Mr. HOLMAN. I hope there is not, but the bills I have referred to are bills of the highest public moment—bills providing for the forfeiture of railroad land grants to the extent of some 30,000,000 of acres and securing the remaining public lands for the benefit of actual settlers. I ask to strike out the bill indicated and to substitute therefor a provision allowing the Committee on Public Lands to determine what bills shall be brought before the House.

Mr. PARKER. Will the gentleman recognize any bills the committee may regard as privileged? I ask the question.

Mr. HOLMAN. I will answer it. There is no privilege about it, for the time is farmed out. The privilege under the rule is of no value if the time is covered by special orders.

Mr. PARKER. Answer my question so I may be able to vote intelligently.

Mr. HOLMAN. I do not speak for the committee in this respect,

but in my judgment the first they will bring forward, if they are permitted to do so, will be the bill to secure the remainder of the public lands to actual settlers. The next will be the bills declaring the forfeiture of railroad land grants to the extent of some 30,000,000 acres.

Mr. PARKER. Will the gentleman answer?

Mr. HOLMAN. The time is all farmed out now.

Mr. PARKER. Will the committee be permitted to bring forward the bills they may regard as privileged?

Mr. HOLMAN. I have said the committee will bring forward the general land bills. They will bring forward the homestead and forfeiture bills.

Mr. PARKER. What bill?

Mr. HOLMAN. All I ask is that it shall be left to the Committee on the Public Lands to determine what bills shall have precedence.

Mr. PARKER. That is satisfactory.

The SPEAKER. What motion does the gentleman make?

Mr. HOLMAN. To strike out all in regard to that particular bill; because to give a day to that committee to bring forward that bill only, or give it priority, would not be any benefit to the important public bills in relation to the public land and the forfeiture of the railroad land grants.

Mr. RANDALL. I yield five minutes to the gentleman from Arkansas (Mr. MCRAE) in opposition to the amendment.

Mr. ANDERSON, of Iowa. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON, of Iowa. I perceive from the reading of the resolution that the Committee on Rules have assigned the time, or largely disposed of the time, to several committees named, while one of the most important committees of this House, and before which is pending the greatest mass of legislation, is assigned no time. I rise now to ask if it is competent for me to move an amendment to strike out "Pacific Railroads" where it occurs in the resolution and insert in lieu thereof the words "Invalid Pensions?"

The SPEAKER. That would be in order if the gentleman could get the floor in his own right to offer the amendment, but the gentleman from Arkansas is now entitled to the floor.

Mr. MCRAE. Mr. Speaker, I am opposed to the amendment of the gentleman from Indiana, and hope the House will give me its attention for a few moments. The resolution that I introduced asking for the consideration of the bill H. R. 6897 was not presented on my own account, but had been adopted and authorized by the Committee on the Public Lands, of which my friend from Indiana is the distinguished chairman. I believe that he is the only member of the committee who does not favor the resolution giving consideration to the bill in question. The bill was favorably reported nearly two months ago, and the resolution asking for consideration adopted early in last month. I was greatly surprised when the gentleman offered the amendment, the adoption of which would tend to defeat the expressed wishes of his own committee. But his conduct in attempting to make the House believe that the Committee on Public Lands does not wish the bill considered astonished me. He neither spoke for the committee nor reflects its wishes upon this subject. I am authorized to speak for the committee and believe I voice the wishes of a large majority of them when I say the amendment should not be adopted. Since the committee has already voted to consider the bill why ask them to change it?

Mr. HOLMAN. I only expressed my belief, and said especially that I did not speak by authority of the committee.

Mr. MCRAE. You only speak for a minority of one of and against your own committee, but as you are the chairman and failed to tell the House that the resolution which gave the Committee on Rules jurisdiction had been authorized by your committee, at the same time passing the importance of other bills, the impression was made that the amendment came from the committee through you and not from you individually. You have never asked the House for time for any forfeiture bills. The truth is, Mr. Speaker, that all of the bills to which my friend has referred are privileged. They may be taken up at any time under the rules. I undertake to say that the committee and this House will take them up and consider them at an early date, but do not believe that either the Committee on Public Lands or the House will suffer them to be used to defeat other just and meritorious measures like the one under consideration. These privileges should be used to secure legislation and not to defeat bills.

Mr. HOLMAN. Is it not fair to leave to the committee to determine its own action with reference to the consideration of such matters?

Mr. MCRAE. The committee has already determined it. They authorized me to report the resolution. Why do you want to send it back to the committee for consideration again?

Mr. HOLMAN. I do not see that this would have that effect. The committee can determine what other bills to take up, and not be confined exclusively to the consideration of one.

Mr. MCRAE. They have agreed to this; and it is trifling with the committee and with the individual members of the committee interested in this bill, and who would like to have the matter adjusted, to offer such an amendment.

There is nothing, Mr. Speaker, in the bill that is objectionable to any man. It only provides for the adjustment of certain rights of the swamp-land States under grants made thirty years ago. It does not enlarge the grant, but provides for a settlement.

Mr. HOLMAN. My State is interested when the gentleman speaks of individual members being interested in this bill, and I know that State would not ask to have it taken up and given preference at this late date in the session to bills of great public concern.

Mr. MCRAE. I do not know what the State of Indiana may do, but I know that the majority of the committee want it considered. It can not be considered without time is given them either by this or some similar resolution. An opportunity is here presented in obedience to the instructions of the committee to consider it; yet the gentleman proposes to cut off the consideration to make way for privileged matters yet behind and not reported to the House, and thus defeat it. If that is the object he has in view I want him to disclose it. I want him to say that is the reason, meet the issue squarely and fairly. If he thinks the day named for this bill is the only one he can ever get, then let him join me in asking that the original resolution be passed and I will agree not to call up this bill on the 12th. All I want is consideration. I do not antagonize his bill. I want them all, but I also want this one.

Mr. HOLMAN. Does my friend believe that we have a chance to consider the bills reported by the committee of great national importance unless we can get a day for our general business?

Mr. MCRAE. I am willing to give the committee as many days as necessary. I have already said that I am willing to give the committee the day assigned here for this bill if we can get another day for the consideration of this measure. We want to antagonize no revenue or forfeiture bills nor any forfeiture bill, but we want consideration of this in obedience to the action of the committee. I think the House wants it considered, and I believe it to be unjust and unfair for the chairman of the committee to thus oppose it. I hope the amendment will be voted down.

Mr. RANDALL. I now ask the previous question upon the amendment.

Mr. COX. I wish to make a parliamentary inquiry. Do I understand my friend to call the previous question upon the pending amendments?

The SPEAKER. There is but one pending.

Mr. COX. I would like to offer mine and have it included in the previous question.

Mr. RANDALL. After we get through with this amendment I will make answer to that.

Mr. COX. But I am afraid that I will be left in the lurch then. [Laughter.]

The SPEAKER. The question is on ordering the previous question.

The House divided; and there were—ayes 105, noes 10.

Mr. OATES. No quorum.

Mr. OATES and Mr. CANNON were appointed tellers.

The House again divided; and the tellers reported—ayes 160, noes 4.

Mr. OATES. I ask for the yeas and nays on this question.

The yeas and nays were not ordered.

So the previous question was ordered.

Mr. OATES. I move that the House do now adjourn.

The question was taken; and on a division there were—ayes 38, noes 97.

So the House refused to adjourn.

Mr. HOLMAN. I now ask for the reading of that portion of the resolution to which the amendment applies, as it will stand if the amendment is adopted.

Mr. RANDALL. I will state that the effect will be simply to give to the Committee on the Public Lands their wish as to the order or consideration.

The SPEAKER. The Clerk will report the proposition as it will stand if amended.

The Clerk read as follows:

That Thursday, April 12, immediately after the reading of the Journal, be set apart for the consideration of bills reported from the Committee on the Public Lands in such order as said committee may designate.

The question was taken on the adoption of Mr. HOLMAN'S amendment; and on a division there were—ayes 34, noes 100.

Mr. OATES. No quorum.

The SPEAKER appointed as tellers Mr. OATES and Mr. CANNON.

The House again divided; and there were—ayes 27, noes 136.

So the amendment was not agreed to.

Mr. RANDALL. I move to suspend the rules and adopt the resolution reported by the Committee on Rules.

Mr. HOOKER. Will the gentleman from Pennsylvania yield to me for an amendment?

Mr. RANDALL. I do not yield.

Mr. OATES. I move that the House do now adjourn.

The question being put on the motion to adjourn, there were—ayes 27, noes 98.

Mr. OATES. I ask for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 18—not a sufficient number.

So the yeas and nays were not ordered, and the House refused to adjourn.

Mr. RANDALL. To save time, I ask for the yeas and nays on the motion to suspend the rules.

The SPEAKER. Is a second demanded?

Mr. OATES. I move that when the House adjourns to-day it be to meet on Wednesday next.

Mr. DIBBLE. I make the point that that motion is not in order.

The SPEAKER. The rule provides that when a motion to suspend the rules is pending only one motion to adjourn is in order. After the result of the vote on the motion to adjourn is announced, the rule provides that the Chair shall not entertain any other dilatory motion until the vote is taken on suspension.

Mr. OATES. I demand a second.

The SPEAKER appointed Mr. REED and Mr. OATES as tellers.

The House divided; and the tellers reported—ayes 156, noes 7.

So the motion to suspend the rules was seconded.

Mr. RANDALL. I now ask for the yeas and nays on the motion to suspend the rules.

The SPEAKER. Fifteen minutes are allowed for debate on each side, if gentlemen desire to avail themselves of that time. [Cries of "No!"] The question, then, is on the motion of the gentleman from Pennsylvania to suspend the rules and adopt the resolution, upon which the yeas and nays are asked.

The yeas and nays were ordered.

The question was taken; and there were—yeas 155, nays 44; not voting 125; as follows:

YEAS—155.

Adams,	Farquhar,	Maish,	Rusk,
Allen, Mass.	Flood,	Mansur,	Ryan,
Allen, Mich.	Ford,	Mason,	Sawyer,
Anderson, Ill.	Fuller,	Matson,	Scott,
Bacon,	Gallinger,	McAdoo,	Seymour,
Baker, N. Y.	Gear,	McClammy,	Shively,
Baker, Ill.	Gibson,	McCormick,	Snyder,
Bayne,	Glass,	McCreary,	Sowden,
Belden,	Greenman,	McKenna,	Springer,
Boothman,	Grosvenor,	McKinley,	Stahlnecker,
Bound,	Grout,	McKinney,	Steele,
Boutelle,	Guenther,	McRae,	Stephenson,
Browne, Ind.	Hare,	McShane,	Stewart, Vt.
Brown, Ohio	Harmer,	Moore,	Struble,
Brown, J. R., Va.	Haugen,	Morrill,	Symes,
Bryce,	Hayden,	Morrow,	Taulbee,
Buchanan,	Hayes,	Neal,	Thomas, Ky.
Bunnell,	Henderson, Iowa	Nelson,	Thomas, Wis.
Burrows,	Henderson, Ill.	Newton,	Tracey,
Butterworth,	Hermann,	Nutting,	Townshend,
Bynum,	Hires,	O'Donnell,	Turner, Kans.
Campbell, T. J., N. Y.	Holmes,	O'Neall, Ind.	Vance,
Cannon,	Hopkins, Ill.	O'Neill, Pa.	Vandever,
Caruth,	Hopkins, Va.	Osborne,	Wade,
Caswell,	Houk,	Outhwaite,	Warner,
Cheadle,	Hovey,	Parker,	Weber,
Clark,	Hunter,	Patton,	West,
Cogswell,	Johnston, Ind.	Payson,	White, Ind.
Conger,	Kean,	Peel,	White, N. Y.
Crain,	Kennedy,	Perkins,	Whiting, Mich.
Crouse,	La Follette,	Perry,	Whiting, Mass.
Culberson,	Laidlaw,	Plumb,	Whitthorne,
Dalzell,	Laird,	Post,	Wickham,
Davis,	Latham,	Randall,	Wilkinson,
De Lano,	Lehlbach,	Reed,	Williams,
Dibble,	Lind,	Rice,	Wilson, Minn.
Dingley,	Long,	Rowland,	Wilson, W. Va.
Dunham,	Lyman,	Russell, Conn.	Yoder.
Dunn,	Macdonald,	Russell, Mass.	

NAYS—44.

Allen, Miss.	Candler,	Holman,	Penington,
Anderson, Miss.	Carleton,	Hooker,	Sayers,
Anderson, Kans.	Catchings,	Johnston, N. C.	Stewart, Tex.
Bankhead,	Clements,	Ketcham,	Stockdale,
Barnes,	Cothran,	Lane,	Stone, Mo.
Biggs,	Crisp,	Lanham,	Tillman,
Blanchard,	Davidson, Ala.	Martin,	Turner, Ga.
Blount,	Davidson, Fla.	McMillin,	Walker,
Breckinridge, Ark.	Dockery,	Montgomery,	Washington,
Breckinridge, Ky.	Forney,	Morgan,	Weaver,
Buckalew,	Hatch,	Oates,	Wheeler.

NOT VOTING—125.

Abbott,	Cox,	Henderson, N. C.	Moffitt,
Anderson, Iowa	Cummings,	Herbert,	Morse,
Arnold,	Cutcheon,	Hiestand,	Nichols,
Atkinson,	Dargan,	Hitt,	Norwood,
Barry,	Darlington,	Hogg,	O'Ferrall,
Belmont,	Davenport,	Hopkins, N. Y.	O'Neill, Mo.
Bingham,	Dorsey,	Howard,	Owen,
Bland,	Dougherty,	Hudd,	Peters,
Bliss,	Elliott,	Hutton,	Phelan,
Bowden,	Enloe,	Jackson,	Phelps,
Bowen,	Ermentrout,	Jones,	Pidcock,
Brewer,	Felton,	Kelley,	Pugsley,
Brower,	Finley,	Kerr,	Rayner,
Browne, T. H. B., Va.	Fisher,	Kilgore,	Richardson,
Brumm,	Fitch,	Laffoon,	Robertson,
Burnes,	Foran,	Lagan,	Rockwell,
Burnett,	French,	Landes,	Rogers,
Butler,	Funston,	Lawler,	Romeis,
Campbell, F., N. Y.	Gaines,	Lee,	Rowell,
Campbell, Ohio	Gay,	Lodge,	Scull,
Chipman,	Gest,	Lynch,	Seney,
Clardy,	Glover,	Maffett,	Shaw,
Cobb,	Goff,	Mahoney,	Sherman,
Cockran,	Granger,	McComas,	Simmons,
Collins,	Grimes,	McCullogh,	Smith,
Compton,	Hall,	Merriman,	Spinola,
Cooper,	Heard,	Milliken,	Spooner,
Cowles,	Hemphill,	Mills,	Stewart, Ga.
Stone, Ky.	Thomas, Ill.	Wilkins,	Yost.
Tarsney,	Thompson, Ohio	Wise,	
Taylor, E. B., Ohio	Thompson, Cal.	Woodburn,	
Taylor, J. D., Ohio	Wilber,	Yardley,	

So (two-thirds having voted in the affirmative) the rules were suspended and the resolution was adopted.

Mr. DIBBLE. I ask unanimous consent to dispense with the reading of the names.

There was no objection.

The following pairs were announced for the remainder of the day:

Mr. ROGERS with Mr. MCCOMAS.

Mr. WISE with Mr. HITT.

Mr. ABBOTT with Mr. THOMAS H. B. BROWNE, of Virginia.

Mr. BLAND with Mr. EZRA B. TAYLOR.

Mr. HENDERSON, of North Carolina, with Mr. MILLIKEN.

The result of the vote was then announced as above stated.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its Clerks, informed the House that the Senate had passed a bill (H. R. 2927) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn., with amendments, had requested a conference with the House on the bill and amendments, and had appointed as conferees on the part of the Senate Mr. SAWYER, Mr. VEST, and Mr. HARRIS.

The message also announced that the Senate had passed an act (S. 2562) to appropriate a sum of money sufficient to carry out the provisions of the act approved March 5, 1888, entitled "An act for the purchase of a site, including the building thereon, also for the erection of the necessary store-houses for the use of the office of the Chief Signal Officer of the Army at the city of Washington, D. C.;" in which the concurrence of the House was requested.

The message further announced that the Senate had passed without amendment a bill and joint resolution of the following titles:

A bill (H. R. 3191) granting a pension to Mary S. Logan; and

Joint resolution (H. Res. 77) to supply the Department of State with copies of bills and other documents.

ALIEN OWNERSHIP OF LANDS.

Mr. DIBBLE. I ask leave for the minority of the Committee on Revision of the Laws to file their views on the bill (H. R. 4916) to prohibit aliens from acquiring title to or owning land within the United States of America.

There was no objection.

Mr. MCMILLIN. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 45 minutes p. m.) the House adjourned.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred as indicated below:

By Mr. J. A. ANDERSON: A bill (H. R. 9102) granting a pension to Mary S. Bates—to the Committee on Invalid Pensions.

By Mr. BLAND: A bill (H. R. 9103) for the relief of Edwin M. Bolton—to the Committee on War Claims.

By Mr. BURNES: A bill (H. R. 9104) for the relief of Stephen C. Collins—to the Committee on War Claims.

By Mr. CARUTH: A bill (H. R. 9105) for the relief of Caleb Maratta—to the Committee on War Claims.

Also, a bill (H. R. 9106) granting a pension to Peter Liner—to the Committee on Invalid Pensions.

By Mr. COLLINS: A bill (H. R. 9107) granting a pension to Ellen G. King—to the Committee on Invalid Pensions.

By Mr. DIBBLE: A bill (H. R. 9108) granting a pension to Mary G. Macnamara—to the Committee on Invalid Pensions.

By Mr. FINLEY: A bill (H. R. 9109) granting a pension to James Oliver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9110) granting a pension to Martha J. Warren—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9111) granting a pension to Cyrus Edwards—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9112) granting a pension to W. B. Scroggy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9113) granting a pension to Frank M. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9114) increasing the pension to Mrs. Martha Hays—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9115) for the relief of John W. Graves—to the Committee on Claims.

Also, a bill (H. R. 9116) for the relief of Suann Hutcherson—to the Committee on War Claims.

By Mr. GLOVER: A bill (H. R. 9117) granting a pension to Mrs. Adeline Couzins—to the Committee on Pensions.

By Mr. GREENMAN: A bill (H. R. 9118) for the relief of Emeline Rice—to the Committee on Invalid Pensions.

By Mr. GROUT: A bill (H. R. 9119) granting a pension to George C. Chase—to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 9120) granting a pension to Mary A. Darling—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9121) granting a pension to Margaret Mackin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9122) granting a pension to Solomon M. Busnach—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9123) granting a pension to Matthew Fleck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9124) to increase the pension of George R. Hooper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9125) to remove the charge of desertion from the military record of Robert Downing—to the Committee on Naval Affairs.

By Mr. HOUK: A bill (H. R. 9126) granting a pension to Mrs. Caroline G. Scyfforth—to the Committee on Invalid Pensions.

By Mr. LANE: A bill (H. R. 9127) for the relief of Chloe Fraily—to the Committee on Invalid Pensions.

By Mr. LAWLER: A bill (H. R. 9128) for the relief of Thomas Hickey—to the Committee on Military Affairs.

By Mr. MANSUR: A bill (H. R. 9129) granting a pension to Margaret J. Bennett—to the Committee on Invalid Pensions.

By Mr. MATSON: A bill (H. R. 9130) granting a pension to Susan Singleton—to the Committee on Invalid Pensions.

By Mr. McCREARY: A bill (H. R. 9131) granting a pension to Lewis E. Lloyd—to the Committee on Pensions.

Also, a bill (H. R. 9132) for the benefit of E. I. Baker—to the Committee on War Claims.

Also, a bill (H. R. 9133) for the relief of Granville Allen—to the Committee on War Claims.

Also, a bill (H. R. 9134) for the relief of S. W. Carrier—to the Committee on War Claims.

Also, a bill (H. R. 9135) for the relief of the estate of Elizabeth Layne—to the Committee on War Claims.

By Mr. McCULLOGH: A bill (H. R. 9136) for the relief of Edmund E. Schreiner—to the Committee on Claims.

By Mr. McSHANE: A bill (H. R. 9137) granting a pension to Eli H. Kiser—to the Committee on Invalid Pensions.

By Mr. NELSON: A bill (H. R. 9138) for the relief of Ramsay Crooks—to the Committee on Indian Affairs.

By Mr. OWEN: A bill (H. R. 9139) granting a pension to Bridget Tole—to the Committee on Invalid Pensions.

By Mr. HUNTER: A bill (H. R. 9140) for the relief of Daniel D. Duncan—to the Committee on War Claims.

By Mr. J. J. O'NEILL: A bill (H. R. 9141) to remove the charge of desertion from Lawrence Coffey—to the Committee on Military Affairs.

By Mr. RICE (by request): A bill (H. R. 9142) for the relief of Charles Thimons—to the Committee on War Claims.

Also, a bill (H. R. 9143) for the relief of the estate of Ramsey Crooks—to the Committee on Claims.

By Mr. J. D. TAYLOR: A bill (H. R 9144) for the relief of Alex. McNary—to the Committee on Claims.

By Mr. G. M. THOMAS: A bill (H. R. 9145) for the relief of Gabriel R. Bartley—to the Committee on Military Affairs.

By Mr. T. L. THOMPSON (by request): A bill (H. R. 9146) for the relief of the legal representatives of Rosario Aguilar—to the Committee on Private Land Claims.

By Mr. E. J. TURNER: A bill (H. R. 9147) for the relief of Isaac Clark—to the Committee on Military Affairs.

By Mr. WILKINSON: A bill (H. R. 9148) granting a pension to Jane Robinson—to the Committee on Invalid Pensions.

By Mr. WISE: A bill (H. R. 9149) for the relief of Samuel Worl—to the Committee on Invalid Pensions.

By Mr. T. L. THOMPSON: A bill (H. R. 9150) for the relief of the legal representatives of Luis Mesa—to the Committee on Private Land Claims.

Change in the reference of a bill improperly referred was made in the following case, namely:

A bill (H. R. 2417) granting a pension to John Ward—from the Committee on Invalid Pensions to the Committee on Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. H. ALLEN: Memorial of Bicknell Bros., of Lawrence, Mass., for better postal service between New York and New England—to the Committe on the Post-Office and Post-Roads.

By Mr. J. A. ANDERSON: Petition of citizens of Dickinson County, Kansas, for increase duties on wool—to the Committee on Ways and Means.

Also, petition of Assembly No. 3797, Knights of Labor, of Clay Centre, Kans., for the tonnage bill—to the Committee on Merchant Marine and Fisheries.

Also, petition of the Board of Trade of Junction City, Kans., for an appropriation for Fort Riley—to the Committee on Appropriations.

By Mr. BOUND: Petition of E. Kramer & Brother, and others, of Milton, Pa., for the abolition of all taxes on alcohol used in the arts, etc.—to the Committee on Ways and Means.

By Mr. BOWDEN: Petition of Etheridge & Moore and 199 others, business men of Norfolk, Va., against the passage of the Butterworth and Dawes lard bills—to the Committee on Agriculture.

Also, petition of John H. Nash, for heirs of Nathaniel Nash, of Norfolk County, Virginia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. BUNNELL: Petition of wool-growers of Susquehanna County, Pennsylvania, for speedy action to protect wool-growers and woolen manufacturers—to the Committee on Ways and Means.

Also, petition of Grange No. 257, Patrons of Husbandry, for legislation prohibiting the adulteration of lard and other food—to the Committee on Agriculture.

Also, petition of Grange No. 257, Patrons of Husbandry, for continuing the Bureau of Animal Industry of the Agricultural Department—to the Committee on Agriculture.

Also, petition of Columbia Grange No. 83, of Bradford County, Pennsylvania, for continuing the Bureau of Animal Industry, and that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

By Mr. CARUTH: Papers relating to the claim of Caleb Maratta—to the Committee on War Claims.

Also, papers relating to the claim of Peter Liner for a pension—to the Committee on Invalid Pensions.

By Mr. CHIPMAN: Petition of citizens of the District of Columbia relative to fees in the District courts—to the Committee on the Judiciary.

By Mr. CLARK: Petition of H. F. Clarke and others, of Green Lake County, Wisconsin, for more effectual protection of agriculture—to the Committee on Agriculture.

By Mr. CLEMENTS: Petition of Elijah Smith, of Bartow County, Georgia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. COLLINS: Petition of the New England Women's Press Association, in favor of an international copyright law—to the Committee on the Judiciary.

Also, resolutions of the Legislature of Massachusetts, for a resolution instructing the Interstate Commerce Commission to consider what can be done to prevent the loss of life and limb in coupling cars, handling brakes, and heating cars—to the Committee on Commerce.

By Mr. CRISP: Petition of S. H. Hawkins and others, of Americus, Ga., for increased appropriations for the Ocmulgee River, in Georgia—to the Committee on Rivers and Harbors.

By Mr. DALZELL: Petition of Monongahela Council, Junior Order United American Mechanics, that February 22 be made a holiday—to the Committee on the Judiciary.

By Mr. DAVIS: Petition of Gideon Bowley, jr., and 51 others, citizens of Provincetown, and of George H. Holmes and 72 others, citizens of Provincetown, Mass., in favor of increasing the compensation of keepers and surfmen of the Life-Saving Service—to the Committee on Commerce.

By Mr. ELLIOTT: Petition of William Fuller and others, of W. N. Jones and others, of Robert Henry, M. D., and others, of M. R. Clarke and others, and of B. C. Truluck and others, citizens of the Seventh district of South Carolina.

Also, (by request), petition of William M. Galt and others, for the closing of an alley in square No. 376, Washington, D. C.—to the Committee on the District of Columbia.

By Mr. FUNSTON: Petition of citizens of Brouson, Kans., against the removal of the duty on flaxseed and linseed-oil—to the Committee on Ways and Means.

By Mr. GALLINGER: Petition of E. J. Tenney, and of Sugar River Paper-Mill Company, and of Fred Colby, of Claremont; of Wyman Pattee, of E. B. Huse, of Enfield, and of Burleigh & Adams, of Plymouth, N. H., for quick mail transit between New England and the West—to the Committee on the Post-Office and Post-Roads.

By Mr. GEAR: Petition of J. H. Cole and sundry others, for a rigid boom to connect the canal at Keokuk with the pier of the Keokuk and Hamilton bridge—to the Committee on Rivers and Harbors.

Also, petition of James A. Mitchell and others, for a pension—to the Committee on Invalid Pensions.

By Mr. GIFFORD: Petition of George W. Wilcox and 85 others, of Brown County; of W. E. Whiting and 64 others, of Brookings County, and of J. C. Perry and 79 others, of Wessington, Beadle County, Dakota, for the retention of the duty on flax and flax products—to the Committee on Ways and Means.

By Mr. GROUT: Memorial of the railroad commissioners of Vermont, in behalf of improved method for heating and lighting cars, etc.—to the Committee on Commerce.

Also, resolution of the Merchants' Exchange of St. Louis, in favor of the Nicaragua canal—to the Committee on Commerce.

Also, appeal of the flax dressers of New York, for protection of manufactured flax—to the Committee on Ways and Means.

By Mr. HARE: Petition of sundry citizens of Montague and other

counties in Texas, asking that provision be made to pay Indian depredations—to the Select Committee on Indian Depredation Claims.

By Mr. HAYDEN: Petition of Albert Anderson and others, against the repeal of the internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

By Mr. D. B. HENDERSON: Petition of steam-boat men and shippers of the Upper Mississippi, asking for the removal of the Galena steam-boat inspectorship to Dubuque, Iowa—to the Committee on Commerce.

By Mr. HIRES: Petition of farmers of Camden County, New Jersey, for an increase of duty on agricultural products—to the Committee on Ways and Means.

Also, petition of General J. Madison Drake and others, of New Jersey, relative to pensioning ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. HOUK: Petition of John Harrison, of Jefferson County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. HUNTER: Petition of John W. Newman, for a pension—to the Committee on Invalid Pensions.

Also, papers in the claim of Daniel D. Duncan, of Logan County, Kentucky—to the Committee on War Claims.

By Mr. JOSEPH: Petition of citizens of New Mexico, for the admission of that Territory into the Union—to the Committee on the Territories.

By Mr. KERR: Petition of citizens of Benton County, Iowa, against any change of the tariff on flaxseed and linseed-oil—to the Committee on Ways and Means.

By Mr. LAGAN: Petition of merchants of New Orleans, La., against the Butterworth and Dawes lard bills—to the Committee on Agriculture.

Also, petition for the relief of William Weser—to the Committee on War Claims.

By Mr. LANHAM: Petition of Mrs. Margaret J. Read, of Erath County, Texas, for reference of her case to the Court of Claims—to the Committee on War Claims.

By Mr. LATHAM: Petition of citizens of North Carolina, for an appropriation for deepening and widening the Clubfoot and Harlowe Canal—to the Committee on Rivers and Harbors.

By Mr. LAWLER: Resolutions of the Irish American Council, favoring House bill No. 85 making appropriations for statues of Generals James Shields and John A. Logan—to the Committee on Military Affairs.

By Mr. LONG: Petition of railroad commissioners of Massachusetts, relative to railroad couplers and brakes, and resolutions of the Legislature of Massachusetts—to the Committee on Commerce.

By Mr. McCREARY: Petition of Granville Allen, of Rock Castle County, Kentucky, for relief—to the Committee on War Claims.

Also, petition of citizens of Laurel County, Kentucky, for a pension to Lewis E. Lloyd—to the Committee on Invalid Pensions.

Also, affidavits in the case of James M. Clamers—to the Committee on War Claims.

Also, petition of K. Hamm, widow of E. Hamm, for relief—to the Committee on Pensions.

Also, papers to accompany bill for the benefit of E. J. Baker, of Jackson County, Kentucky—to the Committee on War Claims.

By Mr. MATSON: Petition of Matthew P. Roper, of Company C, Sixth Indiana Volunteers, for increase of pension—to the Committee on Invalid Pensions.

By Mr. MORRILL: Petition of R. J. Brown and 45 others, of Leavenworth, and of L. C. Brunk and 63 others, of Meriden, Kans., asking that the tariff on flaxseed and linseed-oil be retained—to the Committee on Ways and Means.

By Mr. MORSE: Petition of Vashti H. Palmer, for relief—to the Committee on Invalid Pensions.

By Mr. NELSON: Petition of the Duluth (Minn.) Board of Trade, relative to restriction of immigration—to the Committee on Foreign Affairs.

By Mr. NUTTING: Petition of Dr. H. W. Caldwell and 49 others, for repeal of law cutting off from back pensions all who did not apply before July 1, 1880—to the Committee on Invalid Pensions.

By Mr. OATES: Petition of the railroad commissioners of Alabama, for an amendment of the interstate-commerce law so as to empower the interstate commissioners to require all railroad companies within their jurisdiction to use automatic couplers, train brakes, and cars to be heated from the engine, for the better protection of human life—to the Committee on Commerce.

By Mr. J. J. O'NEILL: Petition of H. S. La Tourette, of Missouri, together with request of Pensioners' Benevolent Union of Missouri, for increase of his pension—to the Committee on Invalid Pensions.

By Mr. OUTHWAITE: Petition of the Montana Mineral Land Association, relative to certain mineral lands in said Territory—to the Committee on the Public Lands.

By Mr. PATTON: Petition of Narrow Creek Grange, of Pennsylvania, for reduction of postage on seeds, etc.—to the Committee on the Post-Office and Post-Roads.

Also, petition of the same, for a law against the adulteration of lard—to the Committee on Agriculture.

Also, petition of the same, in reference to the Agricultural Department—to the Committee on Agriculture.

By Mr. PERKINS: Petition and evidence in support of bill for relief of A. J. Patchin, of Kansas—to the Committee on Invalid Pensions.

Also, petition of J. M. Mahr and others, citizens of McCune, Kans., for the passage of bill to pension Jacob Copes—to the Committee on Pensions.

By Mr. SIMMONS: Petition of 175 citizens of East North Carolina, protesting against the passage of the Butterworth and Dawes lard bills—to the Committee on Agriculture.

By Mr. J. W. STEWART: Petition of John Robinson and others, citizens of Bennington and Rutland Counties, Vermont, for a stated term of the circuit court at Bennington—to the Committee on the Judiciary.

By Mr. STRUBLE: Petition of T. P. Gere and 243 others, citizens of Woodbury County, Iowa, requesting that no change be made in the tariff on flaxseed and linseed-oil—to the Committee on Ways and Means.

By Mr. E. B. TAYLOR: Two petitions of citizens of Trumbull County, Ohio, for continuation of the tariff on wool—to the Committee on Ways and Means.

By Mr. G. M. THOMAS: Petition of Gabriel R. Bartley for relief—to the Committee on Military Affairs.

By Mr. TILLMAN: Memorial of the railroad commissioners of South Carolina, for legislation to promote the safety of travel and prevent accidents to brakemen—to the Committee on Commerce.

By Mr. TOOLE: Petition of citizens of Custer County, Montana, for forfeiture of the Northern Pacific Railroad land grant, and for other purposes—to the Committee on the Public Lands.

By Mr. TRACEY: Petition of the New York State Agricultural Society, asking that the work of suppressing contagious cattle diseases be placed in charge of the Commissioner of Agriculture—to the Committee on Agriculture.

By Mr. E. J. TURNER: Petition of Isaac Clark, for removal of charge of desertion—to the Committee on Military Affairs.

Also, petition of L. D. Cunningham and others, members of Scottsville Post, Grand Army of the Republic, of Kansas, for the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of E. W. Durkee, late postmaster at Russell, Kans., for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. H. G. TURNER: Petition of citizens of Albany, Ga., against the bill to tax refined lard—to the Committee on Agriculture.

Also, petition of citizens of Thomasville, Ga., against the passage of the Butterworth and Dawes lard bills—to the Committee on Agriculture.

By Mr. WASHINGTON: Petition of M. L. Fowlkes, of Humphreys County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WEBER: Petition of citizens of Lockport, N. Y., in favor of proper protection of the Yellowstone Park—to the Committee on the Public Lands.

Also, petition of farmers of Niagara County, New York, for protection to farm products—to the Committee on Agriculture.

By Mr. WICKHAM: Petition of 60 citizens of New London, Huron County, Ohio, praying that no change be made in the tariff on flaxseed and linseed-oil—to the Committee on Ways and Means.

By Mr. WILBER: Resolutions of the Legislature of New York, in favor of refunding to commercial agents the license tax—to the Committee on Commerce.

By Mr. WILKINSON: Petition of 45 and of 93 consumers of refined lard, of New Orleans, La., against the passage of any bill designed to brand or tax the products of certain lard refiners—to the Committee on Agriculture.

Also, petition of Mrs. W. Bokenfohr, one of the heirs of William Bokenfohr, of Orleans Parish, Louisiana, for reference of her claim to the Court of Claims—to the Committee on War Claims.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. COBB: Of J. S. Neatley and others, of Judson, Chambers County, and of W. A. Page, of Oakbowery, Ala.

By Mr. McCREARY: Of citizens of Laurel County, Kentucky.

The following petitions, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, were severally referred to the Committee on Invalid Pensions:

By Mr. J. A. ANDERSON: Of 40 ex-soldiers, of Wayne, and of 30 ex-soldiers, of Chapman, Kans.

By Mr. JEHU BAKER: Of John Glenn, Thomas Vaughn, and 8 other ex-soldiers, of Bond County, Illinois.

By Mr. BELDEN: Of ex-soldiers and sailors, of Syracuse, and of William H. Scott and 10 others, citizens of Geddes, N. Y.

By Mr. BOUTELLE: Of Daniel Scribner and others, of Patten, Me.
By Mr. BURROWS: Of ex-soldiers, of Schoolcraft, Mich.
By Mr. FISHER: Of 11 soldiers and sailors, of Fairview; of 8 soldiers and sailors, of Rymo, and of 14 soldiers and sailors, of Elmira, Mich.
By Mr. LYMAN: Of 312 ex-Union soldiers, of Council Bluffs, Iowa.
By Mr. NUTTING: Of Albert A. Rice and 55 others, and of Capt. C. A. Taylor and 64 others, of New York.
By Mr. PLUMB: Of Louis Schmidt and 18 other ex-Union soldiers, of Du Page County, Illinois.
By Mr. ROWLAND: Of citizens of New Hanover County, North Carolina.
By Mr. WEST: Of ex-soldiers and sailors, of Hamilton County, and of Farrell Post, Grand Army of the Republic, of Canajoharie, N. Y.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:
By Mr. J. A. ANDERSON: Of 13 citizens of Belleville, Kans.
By Mr. DALZELL: Of 170 citizens of Allegheny County, Pennsylvania.
By Mr. FUNSTON: Of 119 citizens of Anderson County, Kansas.
By Mr. D. B. HENDERSON: Of 77 citizens of Black Hawk County, Iowa.
By Mr. STEELE: Of Mrs. M. M. Sharp and 50 others, of Indiana.

The following petitions, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia, were severally referred to the Select Committee on the Alcoholic Liquor Traffic:
By Mr. BOUTELLE: Of Mrs. F. H. A. Paine and 53 others, citizens of Eastport, Me.
By Mr. CASWELL: Of 80 citizens of the First district of Wisconsin.
By Mr. CLARDY: Of citizens of the Tenth district of Missouri.
By Mr. FISHER: Of 84 citizens of the Tenth district of Michigan.
By Mr. HIRES: Of 63 citizens of the First district of New Jersey.
By Mr. MANSUR: Of 52 citizens of the Second district of Missouri.
By Mr. E. B. TAYLOR: Of 100 citizens of the Nineteenth district of Ohio.
By Mr. WASHINGTON (by request): Of 58 citizens of the Sixth district of Tennessee.

SENATE.

TUESDAY, *April* 3, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.
The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of February 13, 1888, reports from the Commissioner of the General Land Office and the Director of the Geological Survey concerning the desirability of authorizing the Geological Survey to segregate lands where irrigation is required, to lay out suitable places for reservoirs, and rights of way for ditches and canals, etc.; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of ex-Union soldiers and sailors, citizens of Kansas, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented the petition of David L. Evans, of New York City, praying that the Secretary of War be directed to send United States troops to Chicago to protect the lives and property of citizens against the socialists of Illinois and Iowa; which was referred to the Committee on Military Affairs.

Mr. EDMUNDS presented a petition of Henry M. Conry and 63 other ex-Union soldiers and sailors, citizens of Gaysville, Vt., praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. EDMUNDS. I present the petition of Archie Ferguson and 44 other residents of Montana Territory, praying for legislation preserving the mineral lands of that Territory to the citizens of the United States. I think a bill on that subject is on the Calendar, and I therefore move that the petition lie on the table.

The motion was agreed to.

Mr. PLATT. I present the petition of H. H. Barnes and other citizens of Montana, praying for legislation which shall preserve mineral lands for the citizens of the United States, and prevent the Northern Pacific Railroad from obtaining lands not included in its grant.

The PRESIDENT *pro tempore*. The petition will lie on the table, the bill having been reported.

Mr. PLATT. Has such a bill been reported?

Mr. EDMUNDS. I think it has been reported.

Mr. PLATT. I think not.

The PRESIDENT *pro tempore*. The Chair will ascertain, and have the proper reference made.

Mr. EDMUNDS. It has been reported, I am told.

Mr. PLATT. The object of this petition is to prevent the Northern Pacific Railroad Company from obtaining lands which are not mineral lands, which are said to be not included in its grant.

Mr. MITCHELL. I know nothing of a bill of that character having been reported, but I referred to another bill when I informed the Senator from Vermont it had been reported.

Mr. PLATT. I do not think any bill has been reported on the subject, and I ask the proper reference of the petition.

Mr. EDMUNDS. Both petitions should go to the Committee on Public Lands, then—the one I presented as well as that presented by the Senator from Connecticut.

The PRESIDENT *pro tempore*. The petitions will be referred to the Committee on Public Lands.

Mr. PLATT presented a petition of citizens of Arizona, praying for legislation for the protection and relief of live-stock owners and raisers in that Territory; which was referred to the Committee on Finance.

Mr. SAWYER presented the petition of H. H. Porter, chairman of the Duluth and Iron Range Railroad Company, praying that an appropriation be made in the river and harbor bill for the improvement of Agate Bay, in Minnesota; which was referred to the Committee on Commerce.

He also presented a petition of 60 ex-soldiers and sailors, citizens of Fond du Lac, Wis., praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of the board of railroad commissioners of Wisconsin, praying for legislation to promote the safety of employés and passengers on railroads; which was referred to the Committee on Interstate Commerce.

Mr. STOCKBRIDGE presented the petition of C. M. Danbar and 29 other ex-Union soldiers and sailors, citizens of Michigan, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. CAMERON presented a petition of Pressmen's Union No. 4, of Philadelphia, Pa., praying for the passage of the Chace international copyright bill; which was ordered to lie on the table.

He also presented a petition of Progress Grange, No. 96, Patrons of Husbandry, of Pennsylvania; a petition of Burrell Grange, No. 515, Patrons of Husbandry, of Armstrong County, Pennsylvania; a petition of citizens of Pine Creek, Jefferson County, Pennsylvania; a petition of citizens of Milton, Pa.; a petition of citizens of Advance, Pa.; a petition of citizens of Upper Augusta, Northumberland County, Pennsylvania; a petition of citizens of Richmond, Crawford County, Pennsylvania; a petition of citizens of Corry, Erie County, Pennsylvania; a petition of citizens of Asterbury, Bedford County, Pennsylvania; a petition of citizens of Shirley, Huntingdon County, Pennsylvania; a petition of citizens of Juniata County, Pennsylvania; a petition of citizens of Union Church, Pa.; a petition of citizens of Moreland, Lycoming County, Pennsylvania; a petition of citizens of Rural Valley, Armstrong County, Pennsylvania; a petition of citizens of Williamsburgh, Blair County, Pennsylvania; and a petition of Welcome Home Grange, No. 551, Patrons of Husbandry, of Berks County, Pennsylvania, praying that the Bureau of Animal Industry may not be separated from the Department of Agriculture, and that the work of the eradication of pleuro-pneumonia may be continued under that bureau without changing the plan of the work now in operation, with a chief who shall be a competent veterinary surgeon; which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of ex-Union soldiers and sailors, citizens of Academy Corners, Oxford, Forest City, Shamokin, and Lansing, in the State of Pennsylvania, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented a petition of Progress Grange, No. 96, Patrons of Husbandry, of the State of Pennsylvania, praying for the reduction of postage upon seeds, bulbs, and other fourth-class mail matter; which was ordered to lie on the table.

He also presented a petition of J. P. McCleery, M. D., and other citizens of Milton, Pa., praying for the repeal of that portion of the internal-revenue laws which classes druggists as liquor dealers, and also for the reduction of the tax on spirits; which was referred to the Committee on Finance.

He also presented a petition of Richmond Grange, Patrons of Husbandry, of Crawford County, Pennsylvania, and a petition of Bunnell Grange, No. 575, Patrons of Husbandry, of Armstrong County, Pennsylvania, praying for the enactment of such legislation as will prohibit the sale of adulterated lard and other adulterated food products; which were referred to the Committee on Agriculture and Forestry.

Mr. VEST presented a petition of the Medico-Chirurgical Society of St. Louis, Mo., praying for the removal of import duties on medicines and surgical instruments; which was referred to the Committee on Finance.

He also presented the petition of the Merchants' Exchange of St. Louis, Mo., in favor of the construction of the Nicaragua canal; which was ordered to lie on the table.

Mr. BLAIR. I present the draught of a constitutional amendment proposing to give the District of Columbia representation in both Houses of Congress. I ask that the proposed amendment, together with a short letter, be printed in the RECORD and referred to the Committee on the Judiciary.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks that the proposed amendment, with the accompanying paper, be printed in the RECORD. Is there objection? The Chair hears none, and it will be so ordered.

The papers are as follows:

PROPOSED AMENDMENT TO THE CONSTITUTION.

Whereas the people of the District of Columbia are subjected to taxation without representation, contrary to a fundamental principle of all free government: Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of both Houses concurring), That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid as part of the Constitution, namely:

ARTICLE XVI.

SECTION 1. The District of Columbia shall be entitled to representation in the Congress of the United States by one Senator, and by one or more Representatives, according to the rule of apportionment established by Article XIV of the Constitution. Said District shall also be entitled to as many electors for President and Vice-President of the United States as it has members of Congress.

SEC. 2. Congress shall provide by law the time and manner of choosing the Senator, the Representative or Representatives, and the electors authorized by this article.

WASHINGTON, D. C., *March* 19, 1888.

DEAR SIR: I inclose herewith a draught of an amendment to the Constitution of the United States conferring representation in Congress and in the electoral college upon the people of the District of Columbia.

It will be noticed that the proposed amendment does not touch the question of local government for the District, but leaves that matter, where it is now, with Congress. It simply aims to confer upon the people of the District some voice in the legislature which makes their laws and imposes their taxes, and in the election which determines who shall supervise the execution of these laws.

There is no good reason that I can see why the people of the District, now estimated at a quarter of a million in number, should be relieved of the common duties or denied the common rights of other citizens, but many why they should not. They are protected and taxed, go to war and conduct themselves in peace, like others; and who shall say they are not equally intelligent and patriotic? To excuse such a people from political duties and to hold them in political slavery is not only injurious to them, but to the whole people.

"From all the history of the European world since the later days of the Roman Republic," says Professor John Fiske in his article on "The Beginnings of the American Revolution," in the March number of the Atlantic, "there is no more important lesson to be learned than this, that it is impossible for a free people to govern a dependent people despotically without endangering its own freedom."

What is meant by governing despotically was stated at the beginning of the century by John Randolph:

"Political slavery," says Randolph, "has been well defined to be that state in which any community is divested of the power of self-government, and regulated by law to which its assent is not required and may not be given." And he adds, "This species of government is an experiment how far freemen can be reconciled to live without rights; an experiment dangerous to the liberties of these States."

According to general acceptation, slavery implies not only subjection, but that the superior power may appropriate the earnings of the enslaved without their consent. This is precisely what is done by taxation without representation. If a man or a body of men may levy a tax of 1 per cent. on other men's earnings without their consent, they may levy a tax of 10 per cent., or 50 per cent., or even 100 per cent. There is no limit. The governed are at the mercy of their governors.

This is despotism, pure and simple. Randolph declared such a state of things in the District to be dangerous to the liberties of the States themselves, and Professor Fiske says the teachings of history are against it. It is certainly a questionable example for a republic to set. It allows citizens to shirk their political duties. It teaches the young men of the District that they have no political responsibilities. When a District father now asks his son, fresh from the high school or the college, about his political rights and duties, he gets for answers, "What is that to me? I have no concern with such matters." Sometimes the answer is worse, indicating a feeling that political duties are somehow disreputable, if not actually degrading. They take notice of the ridicule heaped upon mistakes made in attempts to perform such duties. The changes are rung on "ward politicians" and "Willard Hall" meetings, until it has come to require some courage in the capital of the Republic for grown men even to confess that they favor a government of and by the people as well as for them. Every community has, no doubt, its turbulent classes and its cranks, but is that any reason why free government should be abandoned? Are the American people willing to have their capital made the center for fostering ideas adverse to their form of government? Is this the way that the exercise of despotism over a few people is to work out the overthrow of free government for the many? It looks like it.

But I did not intend, Mr. Senator, to argue the case in this letter, but desired only to submit a proposition to grant the rights of citizenship to the people of the national capital, with a view to its presentation to and consideration by the Senate.

Very respectfully,

APPLETON P. CLARK

Hon. H. W. BLAIR,
United States Senate.

Mr. BLAIR presented the petition of T. J. Deavitt, of Montpelier, Vt., praying for the passage of Senate bill 548, granting pensions to widows and minor children of pensioners; which was referred to the Committee on Pensions.

Mr. CULLOM presented a petition of Typographical Union No. 59, located at Quincy, Ill., praying for the passage of the Chace bill providing for an international copyright; which was ordered to lie on the table.

He also presented a memorial of the Chicago Drapers and Tailors' Exchange, officially signed, remonstrating against the unjust discrimination in the existing tariff in favor of foreign manufactured clothing, and in favor of a higher duty being imposed on such clothing; which was referred to the Committee on Finance.

Mr. SHERMAN presented a petition of 54 ex-Union soldiers and sailors, citizens of West Virginia, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. FRYE. I present the petition of Bishop Huntington, of Central New York, and other distinguished citizens of New York, praying for the better legal protection of girlhood in the District of Columbia. I move that the petition be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. PLUMB presented a petition of certain ex-Union soldiers, residing at Monument, Kans., praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. ALLISON presented a petition of Typographical Union No. 68, of Keokuk, Iowa, praying for the passage of the Chace bill for international copyright; which was ordered to lie on the table.

He also presented a petition of Branch No. 14, Butchers' National Protective Union, Davenport, Iowa, praying for the passage of a bill to prevent the manufacture and sale of impure lard; which was referred to the Committee on Agriculture and Forestry.

Mr. ALLISON. I present a petition of Algona Grange, Patrons of Husbandry, praying for reduced postage on seeds, bulbs, etc.; also, for the reissue of fractional currency for use in the mails; also, for the abolition of postal-notes and the issue of money-orders of $5 or less for a fee of 5 cents; also, for the creation of a department of agriculture with its head a member of the President's Cabinet; also, that nothing be done to interfere with the usefulness of the interstate-commerce or oleomargarine laws; also, praying for a revision of the present tariff; also, that the patent laws be amended; also, that United States Senators be elected by a direct vote of the people.

That is all in one petition. I think the majority of it relates to postal matters, and I move that the petition be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. ALLISON presented a petition of 309 ex-Union soldiers and sailors, citizens of Council Bluffs, Avoca, Shelby, and vicinity, in the State of Iowa; a petition of Abernethy Post, No. 48, Grand Army of the Republic, West Union, Iowa, and a petition of ex-Union soldiers and sailors, citizens of Independence, Iowa, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented a petition of the board of railroad commissioners for the State of Iowa, praying for legislation to prevent the loss of life and limb in coupling and uncoupling freight-cars, and also for a system of heating passenger-cars from locomotives or other sources; which was referred to the Committee on Interstate Commerce.

Mr. HISCOCK presented a petition of ex-Union soldiers and sailors, citizens of the State of New York, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. FAULKNER, from the Committee on Pensions, to whom was referred the petition of George Dillman, of Wythe County, Virginia, praying to be allowed a pension, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 1584) granting an increase of pension to Isaac Gibson;

A bill (S. 2205) granting a pension to Rachel J. Gormley;

A bill (S. 2145) granting a pension to John W. Yost; and

A bill (S. 2038) increasing the pension of Mary Minor Hoxey.

Mr. HARRIS, from the Committee on Finance, to whom was referred the bill (S. 2178) for the relief of Sarah A. Etchevarne, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (S. 2337) for the relief of Maria N. Abbey, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

He also, from the Committee on Pensions, to whom was referred the petition of Joseph F. Little, praying to be granted arrears of pension, submitted an adverse report thereon; which was agreed to, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 2184) granting a pension to Nicholas Goodale;

A bill (S. 700) granting a pension to Samuel T. Ulm, of Union, Oregon;

A bill (S. 1736) for the relief of John W. Benedict;
A bill (S. 1479) granting an increase of pension to Bingham M. Caswell; and
A bill (S. 1920) granting a pension to James S. Scoville.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:
A bill (S. 2419) granting a pension to Lemuel R. Rea; and
A bill (S. 1466) granting a pension to John Eckland.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:
A bill (S. 2118) granting a pension to Richard H. Van Dorin;
A bill (S. 1877) granting a pension to Harriet L. Vaughan;
A bill (S. 1942) granting a pension to Mrs. Ellen Courtney;
A bill (S. 1272) granting a pension to Helen A. Beebe;
A bill (H. R. 2694) granting a pension to Julia A. Griffen;
A bill (H. R. 4550) granting a pension to Chloe Quiggle, widow of Phillip Quiggle; and
A bill (H. R. 2416) granting a pension to Mrs. Hannah F. Brock.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 2272) granting increase of pension to William D. Hall, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:
A bill (S. 886) granting a pension to Sarah F. Jones;
A bill (S. 1760) to increase the pension of Mrs. Laura Hooper Denby;
A bill (S. 2138) granting an increase of pension to Ezra A. Miller;
A bill (H. R. 5176) granting a pension to Thomas J. Parker;
A bill (H. R. 5363) granting a pension to David Johnson;
A bill (H. R. 2259) to grant a pension to Joab M. Haley;
A bill (H. R. 2498) granting a pension to Alonzo Higley;
A bill (H. R. 6984) granting a pension to Margaret E. Graves;
A bill (H. R. 3870) granting a pension to Albert Nevin;
A bill (H. R. 3603) to increase the pension of Maxwell Carroll;
A bill (H. R. 3490) granting a pension to James M. Berry;
A bill (H. R. 5829) for the relief of Joseph Driskill;
A bill (H. R. 5388) granting a pension to Elizabeth Buffington; and
A bill (H. R. 3682) to pension Emily Goodall.

Mr. PADDOCK, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:
A bill (S. 2060) granting a pension to John R. Duey;
A bill (S. 2120) granting a pension to Stanley G. Bowron;
A bill (S. 1382) granting a pension to Mrs. Catharine Ferguson; and
A bill (S. 1759) granting a pension to Isaac C. Higgins.

Mr. PADDOCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:
A bill (S. 1997) granting a pension to Peter Thompson; and
A bill (S. 1267) granting a pension to J. B. Tingley.

Mr. PADDOCK, from the Committee on Pensions, to whom was referred the petition of the governor and other citizens of Nebraska, praying that a pension be granted to Mrs. Nancy Polock, submitted a report thereon, accompanied by a bill (S. 2567) granting a pension to Nancy Polock; which was read twice by its title.

Mr. TURPIE, from the Committee on Pensions, to whom was referred the bill (S. 1320) granting a pension to Catherine M. Lee, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:
A bill (S. 1895) granting an increase of pension to Mrs. Caroline M. Norton;
A bill (S. 2046) granting a pension to William H. Fletcher; and
A bill (S. 1075) for the relief of Elwin A. Scott.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:
A bill (H. R. 6586) granting a pension to Nancy O. Gray;
A bill (H. R. 816) granting a pension to Charlotte Broad; and
A bill (H. R. 4685) granting a pension to Lizzie F. Reed.

Mr. MITCHELL, from the Committee on Transportation Routes to the Seaboard, to whom was referred the bill (S. 566) making an appropriation for a final survey and estimates for and the commencement of the construction of a boat-railway around the obstructions to navigation at The Dalles and Celilo Falls, in the Columbia River, reported it with an amendment, and submitted a report thereon.

REPORT OF NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Mr. HAWLEY. I wish to make a report from the Committee on Printing. By some accident in printing the annual report of the Board of Managers of the National Home for Disabled Volunteer Soldiers the journal of the board, which is essential to the understanding of the report, was omitted. I ask an order to reprint the report with the journal inserted in the proper place, as indicated in the papers I submit. A thousand copies I ask be printed, which comes far within the rule of the Senate.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

BILLS INTRODUCED

Mr. RIDDLEBERGER introduced a bill (S. 2568) to incorporate the Potomac Electric Light and Power Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. DOLPH introduced a bill (S. 2569) granting a pension to Robert Theodore Howard; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DAVIS introduced a bill (S. 2570) for the relief of the estate of Ramsay Crooks; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 2571) granting a pension to Edwin E. Chase; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HARRIS (by request) introduced a bill (S. 2572) to amend sections 851, 856, 857, 858, 861, and 862 of the Revised Statutes of the United States relating to the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. SHERMAN introduced a bill (S. 2573) granting a pension to George H. Boyd; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PADDOCK introduced a bill (S. 2574) granting a pension to Mary Cox Higgins; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SAWYER introduced a bill (S. 2575) granting a pension to Elizabeth Dettis; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2576) granting a pension to Richard Hudson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 2577) granting a pension to John B. Ross; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2578) granting a pension to Nathan B. Rarick; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2579) granting a pension to Mrs. Maggie A. Weed, formerly Miss Maggie A. Egan; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2580) granting an increase of pension to Mary E. Moore; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2581) granting an increase of pension to Alfred A. Reed; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2582) for the relief of Elkanah Huddleston; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. ALLISON introduced a bill (S. 2583) for the relief of Mrs. Julia W. Jones, widow of Lieut. Rowland M. Jones; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SABIN introduced a bill (S. 2584) for the relief of the estate of Ramsay Crooks, deceased; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PADDOCK introduced a bill (S. 2585) to provide for the adjudication and payment of claims arising from Indian depredations; which was read twice by its title, and referred to the Committee on Claims.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HOAR, it was

Ordered, That the petition of John M. Payne praying for a pension, presented in the Forty-ninth Congress, first session, be taken from the files of the Senate and referred to the Committee on Pensions.

JOSEPH R. M'CREADY.

Mr. DOLPH. By request, I offer a resolution, which I ask may be referred to the Committee on Contingent Expenses of the Senate.

The PRESIDENT *pro tempore*. The resolution will be read.

The resolution was read, and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the Sergeant-at-Arms of the United States Senate be, and he is hereby, directed to appoint Joseph R. McCready, an employé of the Senate, a messenger, at a salary of $1,440 per annum, until further orders of the Senate; and that his salary be paid out of the miscellaneous items of the contingent fund of the Senate.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. SHERMAN. If there be no further morning business, I desire to move to take up Order of Business 69, which was passed over informally without losing its place. It is the bill (S. 1138) to reimburse the depositors of the Freedman's Savings and Trust Company for losses incurred by the failure of said company.

The PRESIDENT *pro tempore*. Is there further morning business? If there is none, that order is closed.

Mr. SHERMAN. I now move to proceed to the consideration of that bill.

The PRESIDENT *pro tempore*. If there be no further morning business, the Senator from Ohio moves——

Mr. RIDDLEBERGER. I ask for the consideration of the resolution of which I gave notice yesterday.

Mr. STEWART. Will the Senator yield to me to withdraw a motion?

Mr. RIDDLEBERGER. Certainly.

SWAMP AND OVERFLOWED LAND GRANT.

Mr. STEWART. I ask leave to withdraw the motion submitted by me to reconsider the vote by which the Senate passed the bill (S. 758) for the relief of purchasers and other grantees of the United States of certain swamp and overflowed lands, and to reimburse and indemnify certain States.

The PRESIDENT *pro tempore*. The Senator from Nevada asks unanimous consent to withdraw the motion he entered to reconsider the vote by which the bill named by him was passed. The Chair hears no objection, and the motion is withdrawn.

MRS. HETTIE K. PAINTER.

Mr. RIDDLEBERGER. I now ask——

Mr. PADDOCK. I rise to morning business.

The PRESIDENT *pro tempore*. Morning business will be received.

Mr. PADDOCK. From the Committee on Pensions, I am instructed to report the bill (H. R. 3839) granting a pension to Mrs. Hettie K. Painter with an amendment. I ask for its immediate consideration. It is amended to correspond with the Senate bill passed the other day.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks unanimous consent that the bill be now considered. Is there objection?

Mr. PLUMB. Let it be read.

Mr. RIDDLEBERGER. I rose to morning business, and morning business does not include the presentation of bills for immediate consideration. I first yielded to the Senator from Nevada [Mr. STEWART]. I gave notice yesterday that I should ask the Senate this morning to extend to me that courtesy which Senators extend one to the other, and to take up a resolution which relates to the consideration of the fisheries treaty.

The PRESIDENT *pro tempore*. Does the Senator from Virginia object to the request of the Senator from Nebraska?

Mr. RIDDLEBERGER. I will not object unless it takes time.

Mr. PADDOCK. It will take but a moment.

Mr. RIDDLEBERGER. I know the Senator does not mean to consume the time, but the Senator from Ohio has a bill pending, and I will ask the Senator if he will not allow the morning business to proceed in its regular course.

Mr. PADDOCK. I think if the Senator will hear me a moment he will withdraw his objection. This is a bill corresponding with a similar bill passed by the Senate the other day. It is the desire now to amend the House bill so as to correspond exactly in terms with the bill passed by the Senate. It will take but a moment. I think there will be no objection to it.

Mr. RIDDLEBERGER. I beg pardon of the Senator. I have not objected. I only stated that I did not want the morning hour consumed in the way in which it has been so frequently done. I want to insist upon taking up the resolution in relation to the fisheries treaty, which is before the Senate, and I shall ask for a yea-and-nay vote upon it. That is all I desire. I do not want to have the morning hour consumed. So far as the proposition the Senator makes is concerned, as I understand it now, I am neither in favor of it nor do I object to it; but I do not want to lose the opportunity of bringing before the Senate and having it pass this morning upon the resolution which provides that the fisheries treaty shall be considered in open session.

Mr. PADDOCK. I do not understand the Senator from Virginia to object to the consideration of the bill reported by me.

Mr. RIDDLEBERGER. I do not object.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar.

Mr. PADDOCK. The Senator from Virginia does not object to its consideration.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Virginia to object.

Mr. PADDOCK. No, sir; he does not.

Mr. RIDDLEBERGER. I do not object, with the understanding we have.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. COCKRELL. Let the bill be read for information.

The PRESIDENT *pro tempore*. It will be read for information, subject to objection.

The Chief Clerk read the bill.

Mr. COCKRELL. I object to the amendment of that bill in accordance with the bill the Senate passed.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

CONSIDERATION OF THE FISHERIES TREATY.

Mr. RIDDLEBERGER. I suppose I can now renew my motion?

The PRESIDENT *pro tempore*. The Chair would remind the Senator from Virginia that the resolution to which he refers is not morning business. It is on the Calendar, and can only be taken up by motion.

Mr. RIDDLEBERGER. I made the motion, but yielded twice. I yielded first to the Senator from Nevada [Mr. STEWART] to present some morning business. I make the motion now to take up the resolution which provides for the consideration of the fisheries treaty in open session.

Mr. PLUMB. Is that in order until the morning business is concluded?

The PRESIDENT *pro tempore*. The Senator from Virginia can not make the motion until the morning business is concluded. He can ask unanimous consent, the resolution being on the Calendar. If there be no further morning business that order is closed, and the Calendar under Rule VIII is in order.

Mr. SHERMAN. I move that the Senate proceed to the consideration of the bill (S. 1138) to reimburse the depositors of the Freedman's Savings and Trust Company for losses incurred by the failure of said company.

Mr. RIDDLEBERGER. Mr. President——

The PRESIDENT *pro tempore*. Pending which motion the Senator from Virginia [Mr. RIDDLEBERGER] moves that the Senate proceed to the consideration of the resolution submitted by him relative to the consideration of the fisheries treaty.

Mr. SHERMAN. After this bill is taken up I shall have no objection to the consideration of that resolution. Is the bill before the Senate?

The PRESIDENT *pro tempore*. It is not.

Mr. SHERMAN. Let the question be put on taking up the bill, and then I shall not object to give way to the resolution of the Senator from Virginia.

The PRESIDENT *pro tempore*. If there be no objection, the bill moved by the Senator from Ohio is before the Senate. No objection being made, that bill is before the Senate as in Committee of the Whole; and the Senator from Virginia now moves that the Senate proceed to the consideration of the resolution submitted by him relative to the consideration of the fisheries treaty. The resolution will be read.

Mr. HOAR. That requires unanimous consent, I suppose?

Mr. RIDDLEBERGER. I guess not, according to the ruling of the Chair awhile ago.

Mr. SHERMAN. Let the resolution be read.

The resolution submitted by Mr. RIDDLEBERGER March 22, 1888, was read, as follows:

Resolved, That so much of Rules XXXVI, XXXVII, and XXXVIII as provide for executive sessions be suspended during the consideration of the fisheries treaty when the same shall be reported to the Senate.

Mr. HOAR. I rise to a question of order. I desire to inquire how the resolution of the Senator from Virginia comes before the Senate except by unanimous consent, when the Senate has under consideration the bill called up by the Senator from Ohio.

The PRESIDENT *pro tempore*. Under Rule VIII the Chair thinks it is in order to move at any time to proceed to the consideration of any business on the Calendar.

Mr. HOAR. That displaces the order moved by the Senator from Ohio. It absolutely annuls the previous order.

The PRESIDENT *pro tempore*. A majority of the Senate can do that at any time under Rule VIII.

Mr. SHERMAN. I hope the Senator from Virginia will allow a vote to be taken upon the Freedman's Bank bill, and then I shall vote with him to take up the resolution, as it has been pending here some time, and I think it ought to be disposed of.

Mr. RIDDLEBERGER. After the morning hour I know it requires unanimous consent, but during the morning hour it does not.

Mr. HARRIS. Was the motion of the Senator from Ohio carried to proceed to the consideration of the bill indicated by him?

The PRESIDENT *pro tempore*. It was not formally submitted.

Mr. SHERMAN. The bill was taken up by unanimous consent.

Mr. HARRIS. My only question was whether it was before the Senate for consideration. If so, then I should think the motion of the Senator from Virginia was not in order.

Mr. SHERMAN. The Freedman's Bank bill was before the Senate by unanimous consent. The Chair put the question distinctly and it was taken up.

The PRESIDENT *pro tempore*. The Chair asked if there was objection, and none was stated. It was then announced that the bill was before the Senate, but there was no formal vote taken. The Chair has no doubt that the Senator from Virginia has a right to make his motion under the rule.

Mr. RIDDLEBERGER. I made the motion long ago. I do not propose to be dragooned in this Senate Chamber by anybody. I propose to make a statement right on this floor that I did not intend to make when I came here. It is this: That I have never understood this process of beating honest legislation by parallels. I know that after the morning hour has passed the silver bill comes up. I gave notice yesterday

that I would call up the resolution to-day, in order that those who were opposed to it might absent themselves and not draw upon the courage which they lack to vote for it.

Mr. President, this is not a proposition that should go into executive session. It is a resolution looking only to the abrogation of three rules—Rules XXXVI, XXXVII, and XXXVIII—during consideration of the fisheries treaty. I ask that the Senate shall vote upon it. I have deferred now for nearly two weeks. If I have not been as earnest during that time as other Senators, and if I shall be reminded of it by any Senator, I shall certainly defer.

This proposition has been beaten from time to time, as it has been for the five years I have been here, by just the same kind of parliamentary tactics that it is endeavored to methodize here now. If the Senate is prepared to say that it will not consider the fisheries treaty in open session, and says it at once, there is no one more ready to yield than I. I ask for nothing but a consideration of the resolution. I ask for nothing but a yea-and-nay vote upon it.

Four or five times I was asked to let this matter go over because the Senate was not, if I may so express it, full. So I gave the notice I did yesterday; and it seems to me that the chairman of the Committee on Foreign Relations, and especially the revered representative of the shore-fisheries of Massachusetts, should be ready to vote for this proposition or to vote against it. They have considered it, I have no doubt, more thoroughly than I; but I do not propose for one to defer one day to the Committee on Foreign Relations unless they shall show some deference to the Senate when they kept a proposition and did not report it back and defeated it by looking over the CONGRESSIONAL RECORD and bringing up something else. They have that treaty, and it is the right of the American people to know what their report is, and it is the right of the representatives of the American people here who pass upon treaties to consider it.

I ask for the yeas and nays on the motion to take up.

The PRESIDENT *pro tempore*. On this question the Senator from Virginia asks that the yeas and nays may be entered on the Journal.

Mr. TELLER. On the motion to take up?

The PRESIDENT *pro tempore*. On the adoption of the resolution.

Mr. EDMUNDS. Is the pending question on agreeing to the resolution?

The PRESIDENT *pro tempore*. On agreeing to the resolution.

Mr. EDMUNDS. And to suspend the rules. That being so, under the rule providing for that purpose, as I wish to submit some observations to the Senate and not to the public——

Mr. TELLER. We can not hear the Senator.

Mr. EDMUNDS. As the Chair states that the question is on agreeing to the resolution of the Senator from Virginia——

Mr. SHERMAN. I think, with due deference to my friend from Vermont, that that is an error. The motion was to take up the resolution.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Ohio to say that, if the bill to which he called attention were taken up, he was willing to yield for the purpose of the consideration of the resolution moved by the Senator from Virginia, and that resolution was then laid before the Senate. The Chair supposes that the question would be properly taken on agreeing to the resolution.

Mr. SHERMAN. I only wish to say that I merely agreed that the question should be brought before the Senate whether the Senate would proceed to consider it.

The PRESIDENT *pro tempore*. The Chair, then, will submit the question to the Senate.

Mr. EDMUNDS. The question being on agreeing to this resolution, I wish to submit some observations to the Senate which I do not desire to submit to Her Majesty's minister just at present. I therefore move that the doors be closed, if I can get a second.

Mr. HAWLEY. I second the motion.

The PRESIDENT *pro tempore*. It is moved and seconded that the doors of the Senate be closed. In pursuance of the rule on that subject, the Chair directs that the galleries of the Senate be cleared and the doors closed. The Sergeant-at-Arms will execute the order.

The Senate, with closed doors, proceeded to consider the resolution.

After two hours and seventeen minutes the doors were reopened.

ORDER OF BUSINESS.

Mr. SHERMAN. I offer for adoption the following resolution, and I ask for its present consideration:

Resolved, That, subject to the business of the morning hour, the order of business in the Senate shall be—

First. S. 2083, a bill to provide for the establishment of a Bureau of Animal Industry, and to facilitate the exportation of live-stock and their products, to extirpate contagious pleuro-pneumonia and other diseases among domestic animals, and for other purposes.

Second. S. 185, a bill to provide for the admission of the State of Dakota into the Union, and for the organization of the Territory of Lincoln.

Third. S. 1216, a bill providing for the investment of certain sums in the Treasury.

Mr. PLUMB. Let that lie over, Mr. President.

The PRESIDENT *pro tempore*. The resolution will lie over under the rule.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 1678) to authorize the purchase of a site for a public building at Buffalo, N. Y.;

A bill (H. R. 3191) granting a pension to Mary S. Logan;

A bill (H. R. 3470) to authorize the construction of bridges over the rivers St. Mary's, Satella, Little Satella, and Crooked, in the States of Georgia and Florida; and

Joint resolution (H. Res. 77) to supply the Department of State with copies of bills and other documents.

PURCHASE OF BONDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5034) to provide for the purchase of United States bonds by the Secretary of the Treasury.

The PRESIDENT *pro tempore*. The pending question is on the motion of the Senator from Michigan [Mr. PALMER] that the bill be recommitted to the Committee on Finance, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. PUGH (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS]. If he were present, he would vote "yea" and I should vote "nay."

Mr. RIDDLEBERGER (when his name was called). I beg leave to announce that I am paired on all political questions with the junior Senator from New Jersey [Mr. BLODGETT], and on all other questions the senior Senator from New Jersey [Mr. MCPHERSON] is to announce his colleague's pair or state how his colleague would vote, and I am to be governed by it.

Mr. MCPHERSON. I think my colleague would vote "yea" on this question if present.

Mr. RIDDLEBERGER. I should vote "nay," and I therefore refrain from voting.

Mr. RANSOM (when Mr. VANCE'S name was called). My colleague [Mr. VANCE] is paired with the Senator from New Hampshire [Mr. CHANDLER]. If my colleague were here, he would vote "nay."

Mr. WILSON, of Maryland (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE].

The roll-call was concluded.

Mr. HARRIS (after having voted in the negative). The Senator from Vermont [Mr. MORRILL] is absent from the Senate by reason of indisposition. I agreed yesterday with the Senator from Illinois [Mr. CULLOM] that I would take care of his pair. I voted "nay" on this question, feeling perfectly satisfied that that Senator would vote the same way if present. I will allow my vote to stand, but I announce the general pair.

Mr. BLACKBURN (after having voted in the negative). I have voted, but I remember that I am paired with the Senator from Nebraska [Mr. MANDERSON], and as I do not know how he would vote if present I withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from Kentucky withdraws his vote.

Mr. FRYE. My colleague [Mr. HALE] is absent with a committee of the Senate. Ordinarily he is paired with the Senator from Kentucky [Mr. BECK], but on this question he is paired with the Senator from Louisiana [Mr. GIBSON].

Mr. CULLOM. The Senator from Iowa [Mr. WILSON] is paired with the Senator from Missouri [Mr. COCKRELL].

Mr. STEWART. The Senator from Iowa [Mr. WILSON] is paired with my colleague [Mr. JONES, of Nevada], on this question.

Mr. CULLOM. The Senator from Iowa came to me and stated that he was paired with the Senator from Missouri [Mr. COCKRELL].

Mr. STEWART. Then he is paired with two.

Mr. COCKRELL. I could not hear what the Senator from Nevada said.

Mr. STEWART. The Senator from Iowa [Mr. WILSON] was paired with my colleague, the Senator from Nevada [Mr. JONES]. I made that pair for them on all questions involved in this bill.

Mr. CULLOM. I have no objection to that pair standing. I only want to be put right before the Senate myself.

Mr. COCKRELL. I am paired with the Senator from Iowa [Mr. WILSON] generally upon questions where his colleague [Mr. ALLISON] would say I should withhold my vote. On this question I vote "nay."

Mr. ALLISON. According to the statement of the Senator from Nevada [Mr. STEWART], of course my colleague is paired with the colleague of that Senator on this particular question, so that the Senator from Missouri is at liberty to vote.

Mr. COCKRELL. I have already voted.

Mr. BECK (after having voted in the negative). I am paired generally with the Senator from Maine [Mr. HALE]. He is necessarily absent on committee work of the Senate, but I am told the Senator from Louisiana [Mr. GIBSON] is not paired, and that he would vote "nay" on this proposition if present. Therefore, I pair him with the Senator from Maine [Mr. HALE], who would vote "yea," if present, and my vote will stand.

Mr. SABIN. I am paired with the Senator from West Virginia [Mr.

KENNA]. With the consent of his colleague I transfer the pair to the Senator from California [Mr. STANFORD], and vote "yea."

Mr. PADDOCK. I am paired with the Senator from Louisiana [Mr. EUSTIS]. If he were here, I should vote "nay." If he would vote the same way I should record my vote.

Mr. HARRIS. I stated a moment since that I was satisfied the Senator from Vermont [Mr. MORRILL] would vote the same way I had voted, if he were present. Since that time I have learned that the probabilities are he would vote the other way upon this motion. The Senator from Nevada [Mr. STEWART] informs me that the Senator from California [Mr. STANFORD] is absent, and had requested to be paired, and that the Senator from California if present would vote "nay." I therefore transfer the pair to the Senator from California, with the assent of the Senator from Nevada, and let my vote stand; otherwise I should withdraw it.

Mr. FAULKNER. The Senator from California [Mr. STANFORD] is paired with my colleague [Mr. KENNA].

Mr. HARRIS. That being the case, I withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from Tennessee withdraws his vote.

Mr. CALL. I wish to announce the pair of my colleague [Mr. PASCO] with the Senator from Pennsylvania [Mr. QUAY].

Mr. CULLOM. The Senator from New York [Mr. EVARTS] is absent, and I think generally is paired with the Senator from Alabama [Mr. MORGAN]. The Senator from Vermont [Mr. EDMUNDS] is absent, and I believe is generally paired with the Senator from Alabama [Mr. PUGH].

Mr. FAULKNER. I wish to state that I have transferred the pair of my colleague to the Senator from Vermont [Mr. MORRILL], so that both the Senator from California [Mr. STANFORD] and the Senator from Tennessee [Mr. HARRIS] can vote on this question.

Mr. HARRIS. I then record my vote "nay."

Mr. PADDOCK. I vote "nay."

The result was announced, yeas 20; nays 31, as follows:

YEAS—20.

Allison,	Dawes,	Hoar,	Sabin,
Blair,	Farwell,	Ingalls,	Sawyer,
Cameron,	Frye,	McPherson,	Sherman,
Cullom,	Hawley,	Palmer,	Spooner,
Davis,	Hiscock,	Platt,	Stockbridge.

NAYS—31.

Bate,	Coke,	Hearst,	Saulsbury,
Beck,	Colquitt,	Jones of Arkansas,	Stewart,
Berry,	Dolph,	Mitchell,	Teller,
Bowen,	Faulkner,	Paddock,	Turpie,
Brown,	George,	Payne,	Vest,
Butler,	Gray,	Plumb,	Voorhees,
Call,	Hampton,	Ransom,	Walthall.
Cockrell,	Harris,	Reagan,	

ABSENT—25.

Aldrich,	Eustis,	Manderson,	Stanford,
Blackburn,	Evarts,	Morgan,	Vance,
Blodgett,	Gibson,	Morrill,	Wilson of Iowa,
Chace,	Gorman,	Pasco,	Wilson of Md.
Chandler,	Hale,	Pugh,	
Daniel,	Jones of Nevada,	Quay,	
Edmunds,	Kenna,	Riddleberger,	

So the motion to recommit was not agreed to.

The PRESIDENT *pro tempore*. The pending amendment will be read.

The CHIEF CLERK. It is proposed to add the following as additional sections to the bill.

SEC. —. That any person may deposit at any mint or assay office of the United States, either gold or silver bullion, or both, in quantities of not less than 5 ounces of gold or 80 ounces of silver, and demand and receive coin certificates therefor. The price to be paid for gold bullion, in exchange for certificates, shall be at the rate of $1 for 25.8 grains of gold nine-tenths fine; the price to be paid for silver bullion, in exchange for certificates, shall be stated by the Secretary of the Treasury on the 1st and 15th day of each calendar month, and when either of these days shall fall on Sunday, or any other holiday, such statement shall be made on the following secular day, and the price so stated shall be equal to the average quotations of silver in the New York City market during the fifteen days next preceding such statement: *Provided*, That the price stated by the Secretary of the Treasury shall not exceed $1 for 412½ grains of silver nine-tenths fine. Bullion below the standard value deposited under the provisions of this section may be reduced to the required fineness at the several mints and assay offices of the United States, under regulations prescribed by the Secretary of the Treasury, at the same cost to the depositor as is now charged for reducing gold bullion to the standard required for coinage.

SEC. —. That the coin certificates issued under the provisions of this act shall be of such denominations as the Secretary of the Treasury shall prescribe: *Provided*, That they shall not be of less denomination than one dollar or more than one thousand dollars, and that one-half of the amount issued shall be of denominations less than fifty dollars, and shall be redeemable in gold or silver coin at the option of the United States. And the Secretary of the Treasury shall cause to be coined from time to time such portion of the bullion deposited under the provisions of this act as may be necessary to enable him to furnish coin for the redemption of such certificates. All coin certificates issued under the provisions of this act shall be a legal tender at their nominal value for all dues, public and private, except where otherwise expressly stipulated in contracts heretofore made.

Mr. PLATT. By whom was the amendment proposed?

The PRESIDENT *pro tempore*. It was proposed by the Senator from Nevada [Mr. STEWART].

Mr. PLATT. I thought he had an amendment pending——

Mr. STEWART. This is the only one. I substitute it for the former amendment.

Mr. PLATT. Is it the same amendment which was pending the other day?

The PRESIDENT *pro tempore*. This is the amendment proposed to the bill by the Senator from Nevada [Mr. STEWART], which is the pending question.

Mr. PLATT. Is it the exact amendment which he proposed at a former day?

Mr. STEWART. It is modified.

The PRESIDENT *pro tempore*. The Senator from Illinois [Mr. FARWELL] has proposed to amend the amendment. The amendment to the amendment will be read.

The CHIEF CLERK. In line 17 of the first section of the proposed amendment strike out the words "four hundred and twelve and one-half" and insert "five hundred and forty-one;" so as to read:

Provided, That the price stated by the Secretary of the Treasury shall not exceed $1 for 541 grains of silver nine-tenths fine.

Mr. HARRIS. Whose amendment is that?

The PRESIDENT *pro tempore*. It is the amendment proposed by the Senator from Illinois [Mr. FARWELL] to the amendment of the Senator from Nevada [Mr. STEWART].

Mr. BECK. Mr. President, so that we may not misunderstand this matter I desire to ask the Senator from Nevada, in accordance with suggestions made yesterday, whether he will not consent to allow his amendment to remain unacted upon until the bill is reported to the Senate, at which time I gave notice that I would offer an amendment in the nature of a substitute for the amendment already adopted, offered by the Senator from Kansas [Mr. PLUMB]. I can only offer my substitute in the Senate, the amendment having been adopted in Committee of the Whole; and if I offer that perhaps the Senator from Nevada may be willing either to withdraw for the time being his own amendment or modify it. He can offer it in the Senate just as well.

Mr. STEWART. The Senator from Illinois has offered an amendment to my amendment, and I do not know that I have the power to withdraw it.

Mr. COCKRELL. Yes, you have.

Mr. STEWART. When an amendment is pending to it?

Mr. HARRIS. Unmistakably.

Mr. BECK. Undoubtedly the Senator has the right to withdraw it.

Mr. HARRIS. I will state to the Senator from Nevada that he has a perfect right to offer his amendment in the Senate if he chooses to do so after the bill is reported, and he waives no right by withdrawing it now.

Mr. STEWART. With the permission of the Senate, I will withdraw my amendment temporarily with a view of offering it in the Senate or not, depending upon the condition of the bill after the Senate has further considered it. If the bill shall be satisfactory without it I will not offer it. I wish to state further in connection with it that I believe——

Mr. REAGAN. I have offered an amendment——

The PRESIDING OFFICER (Mr. PALMER in the chair). Will the Senator from Nevada yield to the Senator from Texas?

Mr. REAGAN. I thought the Senator from Nevada had withdrawn his amendment.

Mr. STEWART. I was on the floor and was about to make some remarks. I do not wish to withdraw my amendment unless we can have all the amendments withdrawn except the one that has been adopted. Let the bill be reported to the Senate at once, and then both the Senator from Texas and myself can judge whether we will offer any amendment or not. I suggest to the Senator from Texas to withdraw his amendment and I will withdraw mine, and let the bill be reported immediately to the Senate.

Mr. REAGAN. I withdraw my amendment for the present.

Mr. STEWART. Let the bill be reported immediately to the Senate. I wish to say that I believe my amendment is the best proposition that can be offered—it closes the whole financial question; but I am only one of the Senate, and I am always willing to agree with the majority of my friends. If they should put an amendment on the bill that seems to be a gain for silver, I would not embarrass them by offering further amendments to the bill, as there appears to be a disposition to get the bill through with as slight amendment as possible.

With the understanding that all amendments will be withdrawn I withdraw mine, and I hope that the bill will be reported to the Senate.

The PRESIDING OFFICER. The bill is still in Committee of the Whole, and open to amendment.

Mr. SPOONER. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Wisconsin will be stated.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and insert:

That section 2 of the "act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes," which is as follows: "That the Secretary of the Treasury may at any time apply the surplus money in the Treasury not otherwise appropriated, or so much thereof as he may consider proper, to the purchase or redemption of United States bonds: *Provided*, That the bonds so purchased or redeemed shall constitute no part of the sinking fund, but shall be canceled," was intended to be a permanent provision of law, and the same is hereby declared to have been since its enactment and to be now in full force and effect.

Mr. PLUMB. May I make a suggestion to the Senator as to his amendment? Let it read "was intended to be and was a permanent provision" of law.

Mr. SPOONER. To say "was intended to be" and has been and is now "in full force and effect" covers it entirely.

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the Senator from Wisconsin [Mr. SPOONER].

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. MCPHERSON. May I inquire what is the condition of the bill? Do I understand that the amendment of the Senator from Nevada has been withdrawn?

The PRESIDING OFFICER. It was withdrawn.

Mr. MCPHERSON. Have any other amendments been agreed to save the one proposed by the Senator from Kansas?

The PRESIDING OFFICER. The Chair understands not.

Mr. EDMUNDS. Yes; the amendment of the Senator from Wisconsin [Mr. SPOONER].

Mr. HARRIS. What was the vote on the amendment proposed by the Senator from Wisconsin?

The PRESIDING OFFICER. It was adopted. Everything was stricken out after the enacting clause, and the amendment of the Senator from Wisconsin was adopted.

Mr. HARRIS. As a substitute for the whole bill?

The PRESIDING OFFICER. So the Chair understands.

Mr. HARRIS. Let that amendment be read again, Mr. President.

The PRESIDING OFFICER. The Secretary will read the amendment.

The CHIEF CLERK. The amendment, made as in Committee of the Whole, was to strike out all after the enacting clause and insert:

That section 2 of the "act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes," which is as follows: "That the Secretary of the Treasury may at any time apply the surplus money in the Treasury not otherwise appropriated, or so much thereof as he may consider proper, to the purchase or redemption of United States bonds: *Provided*, That the bonds so purchased or redeemed shall constitute no part of the sinking fund, but shall be canceled," was intended to be a permanent provision of law, and the same is hereby declared to have been since its enactment and to be now in full force and effect.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The question is, Will the Senate concur in this amendment made as in Committee of the Whole?

Mr. TELLER. What is the question, Mr. President?

The PRESIDING OFFICER. Upon concurring in the amendment made as in Committee of the Whole, which amendment was a substitute for the original bill.

Mr. TELLER. I want to know, then, what has become of the amendments put on the original bill? They go with the bill, I suppose.

The PRESIDING OFFICER. All have been stricken out and the words just read inserted.

Mr. BECK. I propose to offer the following as an additional section——

The PRESIDING OFFICER. The first question to be taken is on concurring in the amendment made as in Committee of the Whole. The Chair begs leave to suggest that the question may as well be taken upon that, and then the Senator from Kentucky can offer his amendment.

Mr. BECK. I understood, and I think it was generally understood, though we were in the midst of confusion, that the proposition of the Senator from Wisconsin was in the nature of a substitute. I did not know, though, that it was a substitute for the whole bill as it had been amended, and I do not think anybody here knew it.

The PRESIDING OFFICER. The Senator's motion is in order as an amendment to this amendment. The first question is on the amendment offered by the Senator from Kentucky as an amendment to the amendment made as in Committee of the Whole, if he offers it in that form.

Mr. EDMUNDS. Let it be read.

The PRESIDING OFFICER. It will be read.

The CHIEF CLERK. It is proposed to add as a new section the following:

SEC. 2. That whenever the circulation, or any portion thereof, of any national bank, not in liquidation, shall be surrendered, and the same is not taken up by other national banks within thirty days thereafter, the Secretary of the Treasury is hereby authorized and directed to purchase, at the market price thereof, an equivalent amount in silver bullion in excess of the minimum of $2,000,000 worth per month for coinage purposes, which shall be coined and used as provided in the act passed February 28, 1878, entitled "An act to authorize the coinage of the standard silver dollar and restore its legal-tender character."

Mr. REAGAN. I ask the Senator if he will not let the question be taken on concurrence in the amendment of the Committee of the Whole before that amendment is offered?

Mr. BECK. I do not care how the question is taken. All I desire is to dispose of the original bill with the amendment adopted in Committee of the Whole, offered by the Senator from Kansas [Mr. PLUMB], and therefore instead of offering that as a substitute for the Plumb amendment, I now offer it as an additional section to the bill as it now stands.

Mr. HARRIS. It can be offered after the amendment made as in Committee of the Whole is acted upon.

Mr. BECK. It can be done now as well as at any other time, and I prefer to do it now.

The PRESIDING OFFICER. Is the Senate ready for the question?

Mr. CULLOM. What is the question?

The PRESIDING OFFICER. On the amendment offered by the Senator from Kentucky [Mr. BECK] to the amendment made as in Committee of the Whole. The main question before the Senate is on concurring with the Committee of the Whole in the amendment there made; and the Senator from Kentucky offers an amendment thereto. The first vote is on the amendment to the amendment.

Mr. CULLOM. I asked the question because I wanted to know whether the Senator was offering his amendment now or withholding it till we acted on the amendment made in committee.

The PRESIDING OFFICER. The Chair understands he prefers to offer it now.

Mr. STEWART. I desire to suggest to the Senator from Kentucky, to save all doubts about the matter, the following amendment to his amendment:

Provided, That nothing in this act shall alter or repeal said act of February 28, 1878.

Mr. EDMUNDS. There is an amendment in the second degree now.

Mr. STEWART. I should like to have this amendment added.

Mr. HARRIS. The Senator from Nevada will allow me to suggest to him that I see no reason why he may not offer his amendment after the action of the Senate upon the pending amendment.

Mr. STEWART. Perhaps the Senator from Kentucky will accept this as a modification of his amendment. I appeal to the Senator from Kentucky.

Mr. HARRIS. That he can do; but it is not in order to offer it as an amendment to an amendment to an amendment.

Mr. STEWART. Will the Senator from Kentucky modify his amendment by adding this?

Mr. BECK. I see no objection to that clause, but I see no use for it. I am willing to say it, because there is no intention to work the repeal of that act.

Mr. STEWART. It is only a matter of precaution. Will you accept it?

Mr. BECK. I will.

The PRESIDING OFFICER. The Senator from Kentucky accepts the proposition of the Senator from Nevada as part of his amendment. The addition proposed will be read.

Mr. CULLOM. Let it all be read.

The PRESIDING OFFICER. The whole amendment of the Senator from Kentucky, as it now stands, will be read.

The CHIEF CLERK. It is proposed to add the following proviso:

Provided, That nothing in this act shall alter or repeal said act of February 28, 1878.

So as to make the proposed amendment read:

SEC. 2. That whenever the circulation, or any portion thereof, of any national bank, not in liquidation, shall be surrendered, and the same is not taken up by other national banks within thirty days thereafter, the Secretary of the Treasury is hereby authorized and directed to purchase, at the market price thereof, an equivalent amount in silver bullion in excess of the minimum of two million dollars' worth per month for coinage purposes, which shall be coined and used as provided in the act passed February 28, 1878, entitled "An act to authorize the coinage of the standard silver dollar and restore its legal-tender character:" *Provided*, That nothing in this act shall alter or repeal said act of February 28, 1878.

Mr. EDMUNDS. I ask for the yeas and nays on that.

The yeas and nays were ordered.

Mr. SHERMAN. Mr. President, this is an important matter, and we should precisely understand the effect of the proposition before we vote upon it. As I understand, the proposition of the Senator from Wisconsin, which has already been adopted in Committee of the Whole, disposed of all the bill and the amendments then pending, whether adopted or not.

Mr. HARRIS. I can not hear the Senator from Ohio at all.

The PRESIDING OFFICER. There is so much confusion in the Chamber that both Senators and reporters, and the clerks also, complain.

Mr. SHERMAN. If that is the effect of it, I can see that the language used by the Senator from Wisconsin is much more clear and much more satisfactory probably to both sides of the Chamber than the language employed in the original bill as it came to us from the House of Representatives. It makes it clear and explicit that the Secretary of the Treasury has now, and has had since the passage of the act of March 3, 1881, the unqualified right to go into the market and buy bonds with any surplus revenue on hand. It states that proposition very clear, so that if it be adopted the doubts of the President will be removed, all hesitation on the part of the Secretary of the Treasury to exercise the power will be removed and his duty made clear and plain. Therefore, so far as that amendment is concerned, I heartily approve of it and believe that it is better than the original text of the bill.

But now the consideration comes up as to whether we should complicate that simple proposition, so important at this moment to the business interests of the country, and to the interest, I may say, of every workingman and of every citizen of the United States, that the power to invest the surplus money should be clearly provided for. Its

exercise must be beneficial to the United States. The power to purchase bonds at any reasonable price, if exercised judiciously by the Secretary of the Treasury at the present market rate, would be ample and sufficient to dispose of all the surplus revenue, and prevent the further accumulation of money in the Treasury. It seems to me that it is better simply to do that now, and to postpone the consideration of the question presented by the Senator from Kentucky [Mr. BECK] until a more convenient season.

To-day, as I supposed with the general assent of the Senate, though not with the unanimous consent of all, I proposed a rule which would enable the Senate within a week or ten days to take up and consider this proposition as well as any other of a financial character, in the third order of business provided in the resolution I offered. I think I can see some objections to the proposition of the Senator from Kentucky, although they may not occur to him, and probably he may not agree with me about them, but I think in the practical working of his amendment there will be some difficulty.

While I am not opposed to the principle of purchasing silver bullion at market price and making it a basis of silver certificates, yet it does involve two questions of very serious difficulty. Is it wise for us to continue to coin the silver bullion into dollars when purchased? I am very clearly of the opinion that it would not be wise. Assuming that it is wise to use a portion of the surplus money in the Treasury in the purchase of silver bullion and to issue certificates based upon that bullion, so as to take the place of the United States notes deposited in the Treasury upon the retirement of bank circulation, yet it does not seem to me wise to continue the coinage of the silver dollar, except as demanded by the public necessities and for public use.

We have now—I have not the exact figures before me—over $200,000,000 of the silver dollars in the Treasury and in the various depositories, mainly here, in San Francisco, and in the city of New York. We have $60,000,000 in addition in circulation. Experience has shown that with every effort made to circulate the silver dollar only a certain amount, from $50,000,000 to $60,000,000, has been taken by the people, because the people of the United States have become so accustomed to the use of paper representatives of silver and of gold that it is not worth while to coin in excess of the probable demand for circulation.

If the proposition of the Senator from Kentucky was stripped of that feature and the silver bullion was purchased and deposited in the Treasury, which can be done in a more convenient form, at less expense, occupying less space, with less danger in storage, that would remove one of the objections I have to the amendment of the Senator from Kentucky. When the silver bullion is received at the Treasury it is in the most portable form possible for storage and for use in coinage, if it be necessary to coin; but why coin it into silver dollars at an expense of 1½ cents on every dollar, which aggregates in the large sum that would be purchased under this bill more than $1,000,000? Why change the form from silver bullion, nine-tenths fine, ready at any time to be minted by the Treasury? Why convert it into silver dollars?

His proposition requires this bullion to be coined. If you add to the requirements now made upon the mints you might make it extremely difficult without a very great enlargement of the capacity of the mints to coin the money. It requires the full employment of all the force provided in the mints now to coin the $2,000,000 a month provided for by law, and the necessary subsidiary coin, although not much of that is coined, and the gold coin and the other minor coins. Why, therefore, convert the silver bullion into silver dollars? Will it strengthen the Treasury? Will it give silver any greater value? I say not. This bullion can be stored away instead of coin. It is cheaper for the Government to do that, more convenient in every respect, and it accomplishes the same object of getting out a substitute in the form of silver certificates in the place of the bank-notes retired. That feature of the amendment, it seems to me, ought to be considered.

There is another thing to be considered—the irregularity of these purchases. Sometimes the hoarding of United States notes by being deposited in lieu of bank-notes may be $1,000,000 a month, sometimes it may be $4,000,000 or $5,000,000. In the last two or three years it has sometimes been very large and sometimes very small. Why require the bullion purchased as security for these notes to be immediately coined into silver dollars? It makes a changeable and difficult problem.

Then, besides, here is another vital question that is presented by this amendment, which ought to be considered with the utmost care, and that is whether we should substitute in the place of silver certificates and gold certificates a single form of certificate called coin certificates. If this proposition is adopted it will present to every holder of a gold certificate the serious problem which he will decide according to his own interest, whether the coin certificate into which this bullion is put does not make a new kind of certificate different in intrinsic value from the present gold certificate. The great body of the holders of gold bullion will naturally deposit it and take for it a gold certificate, because, whether it is more valuable or not, it is thought to be more valuable. It is certainly more valuable in foreign exchanges.

Your silver certificate and your coin certificate will not go abroad except as the representative of so much silver, while gold certificates are now used in nearly all large transactions in New York. More than 69 per cent. of all the payments made for customs duties in the city of New York is made in gold certificates. Is it desirable to lessen the use of these gold certificates? Is it desirable to make it the interest of every holder of gold certificates to surrender them for gold coin, lest their value may be impaired? I think not.

It seems to me that as these two forms of certificates have been used for different purposes, but kept by the Treasury at par with each other, the gold certificates held largely for clearing-house payments and for customs payments in large sums—some being of the denomination of $10,000 in a single certificate—the result of this new issue might be to drive out the gold certificates. The holders of these certificates might present them for redemption, and thus withdraw from storage in the vaults of the Treasury the gold of the country and create alarm and distrust.

Now, sir, I am as much in favor of bimetallic money as any man in the United States. I believe that both silver and gold are absolutely necessary to carry on the exchanges of our country. We must know, in the present condition of the monetary affairs of the world, that gold certificates and gold only are the representatives of our foreign commerce, and unless we want to make a gap between the silver and the gold certificates it is better to maintain in circulation that form of certificates to which our business men have become accustomed, and let them both play their part side by side with each other.

As long as the Government of the United States maintains them at their relative value with each other, par for par, they will be taken in all commercial exchanges in our country; but if, on the other hand, you induce the surrender of the gold certificates and the withdrawal of gold to that extent from the Treasury of the United States, you tend to bring about a single silver standard, the very result that is feared, and has been feared by many wise business men, not only in this country but in other countries.

I had hoped we should adhere to the solution agreed upon by general understanding, as I thought, and postpone for a week or two the consideration of this important question, and see how far the proposition now submitted by the Senator from Kentucky should be modified or changed, so as not to disturb the monetary business of the country. I think, therefore, and I appeal to the Senate as a deliberative body, whether it is not better to let this bill now as it stands, unobjectionable in terms in every respect, go to the President of the United States to be approved, and let the Secretary of the Treasury at once then proceed to the duty invoked by the bill of buying bonds.

If that is done quietly and in the ordinary way in which it has been done in the past, without the sounding of timbrels or the announcement beforehand, he may go on and purchase bonds, so that there will be a very large saving in interest to the people of the United States. Let this simple bill take its course and have its effect. When you add to it the silver question, a proposition so important as this, without full consideration by the Finance Committee of the Senate of the United States, it seems to me you make embarrassment which may end in distrust and disaster and perhaps in overthrowing our bimetallic currency and landing us on the silver basis alone, with gold hoarded, or exported, or held at a premium in silver.

I do not intend to debate the subject further, although I am entirely prepared to go over the whole ground, if desired; but I appeal to Senators whether it is not better to leave this proposition, though plausible and designed for a good purpose, to prevent any further contraction of our currency by the retirement of bank-notes—whether it is not better to let it go to the Committee on Finance in the usual way?

There is a bill now on your table, reported unanimously from the Committee on Finance, and which, as modified, meets now, as I am told, the sanction of the Treasury Department and the executive officers, and that is that the Secretary of the Treasury may whenever the circumstances demand it invest what is called the fund deposited by national banks in liquidation, amounting to about $100,000,000. That bill is lying on your table reported, as I said, unanimously. It will present the financial question in a way that we can deal with it; and the proposition I have laid upon your table to-day will enable us within a week or ten days to take up that bill, and make such modifications and additions to it as may be necessary.

Meanwhile we can study over carefully the proposition of the Senator from Kentucky and the other propositions which have been made, and make such provisions as are desirable after full consideration. We may then pass a measure dealing with all these different questions and let it go to the House of Representatives, and it will be very likely to receive the considerate approval and judgment of the American people.

A grave proposition like this presented now, without consideration by any committee where at least two or three objections are pointed out, seems to me will only disturb rather than quiet the public apprehension. That is the only feeling that affects me. I have no desire to oppose the substance of the proposition of the Senator from Kentucky, to issue silver certificates upon silver bullion bought at market value, but I do think the form, the nature, the extent, and the limitations of that proposition ought to be very carefully studied over.

Mr. STEWART. Mr. President, I congratulate the country upon

the declaration of the Senator from Ohio, that he is favorable to silver, and I assure him that there will be plenty of opportunities to procure a silver bill which shall have the element of free coinage of silver without limitation other than the amount of production of silver and gold. There will be an opportunity to do that, and I expect from what the Senator from Ohio has said that he will help to accomplish that great end which I think entirely necessary to the prosperity of the country.

I am a little surprised, however, that he should be alarmed about the driving of gold out of the country. That is the old argument. That was the argument used by Chevalier and others against the use of gold, that it would drive silver out of France and out of England, particularly out of France. Chevalier wrote books for ten or fifteen years to show that the better metal, silver, would be driven out of the market by gold, and France would be the sufferer. The same ground will always be taken by monometallists. The particular metal that they choose as the standard, they will claim without argument is the better metal, that it is the only standard, and they assume broadly that the use of the other metal will drive the better metal out of the country.

That has not been verified here. But if it should be verified, if the gold should be driven out of the country, in case you brought prosperity in I do not think anybody would be materially harmed. Silver has been used through the ages as the leading basis of circulation. It has been prized more highly than gold and there are more countries that have had it. It has a better record, because it is a more stable production, more certain, less liable to fluctuation, and it is so held by all who have examined the subject so far as that is concerned.

Now, I am in favor of the free coinage of silver and I am in favor of sending with this bill, which has a good deal of poison in it, the poison of contraction, the antidote. The Senator from Kansas [Mr. PLUMB] very propetly made the suggestion that there should be an antidote, and he proposed legal-tender notes. He now is content that we shall have silver instead of legal-tender notes, which I think a very important change. The Senate by a large majority voted for his amendment, because they were unwilling to pass this bond bill and send the Administration into the market to buy up $150,000,000—for they will be driven to that—of outstanding bonds, thus putting up the price of bonds and thereby necessarily cause their withdrawal as a basis of circulation for the national banks without providing some means of preventing that inevitable contraction.

If we did not pass anything else than this bill without the antidote, if there was no means by which another bill could be passed if it became complicated with other measures, if an antidote like this did not go with it, serious consequences would very likely happen to the country. By putting in this antidote requiring the Secretary of the Treasury to purchase silver to supply this deficiency, we shall not interfere with silver legislation. It is only to prevent the evil effect which may necessarily follow from purchasing bonds to the extent of $150,000,000, that such a provision is insisted on here.

Within the last two years, as I have said before, $160,000,000 of national-bank notes have been retired, and the country is feeling it most keenly. The people of the Mississippi Valley, groaning under a load of mortgages to the extent of $1,200,000,000 as estimated by the best statistics, do not want a bill for contraction passed here unless the antidote goes with it; and when the Senator from Kentucky suggested that he would put that antidote in this bill, I agreed for the sake of harmony to withdraw all amendments, to strip the bill of everything but what was necessary to make it a harmless bill so far as the people are concerned, while it benefits the bondholders.

That is all there is in this amendment. Let this amendment go with the bill, and if there shall be further legislation, which I hope there will be, to give us free coinage of silver, we can mature it. This is certainly to supply a necessary gap. Otherwise we may pass no further legislation and be left to the tender mercies of contraction.

Mr. BECK. Mr. President, after the speech which has been made by the Senator from Ohio it may be necessary that I should say a few words in regard to the amendment I have offered. When the bill was reported from the Finance Committee I was content to vote for it in any shape, either as it came from the House of Representatives or with the verbal amendments proposed by the committee, believing that all other questions could be presented on other bills on the Calendar and be legitimately discussed; therefore I voted to lay the amendment of the Senator from Kansas [Mr. PLUMB] on the table, announcing that amendments which I had myself intended to offer should not be offered.

The record shows that I was not only willing but anxious to vote for the bill just as it came from the committee. But the proposition to lay the amendment of the Senator from Kansas on the table was rejected by the Senate; it was discussed on its merits, and was made part of the bill by a vote of 29 to 21.

The Senator from Nevada [Mr. STEWART] then offered a very sweeping amendment, presenting the question of the unlimited coinage of silver—indeed, going further, of unlimited paper issue on silver bullion. That proposition was discussed to some extent. If the amendment of the Senator from Kansas which has been adopted in Committee of the Whole should remain, and it surely will unless my substitute for it is adopted, and if the amendment of the Senator from Nevada should also become a part of it, and it is only withdrawn temporarily, as I understand it, and if the Senator from Texas [Mr. REAGAN] brings up his proposition for discussion, as he surely will if my substitute or amendment is not agreed to, and he may do so even if it is, gentlemen who complain of my amendment would have something real to complain of.

I do not want to discuss the question of issuing more legal-tender notes; that question involves serious considerations. I did not think it wise on this bill to go into the question of the unlimited coinage of silver, or the substitution of bullion for coin. These grave questions can well be deferred to another time; but as the Senate had decided that in making the transition from national-bank currency, which the purchase of bonds involved, to some other circulation which must be supplied, we ought not to allow any contraction of the currency. I thought the safest thing for us to do was to direct the Secretary of the Treasury to do what he has authority to do now—increase the coinage of the silver dollar of 412½ grains, which is to day an unlimited tender for all debts, public and private, to the extent of the contraction caused by the retirement of the national-bank circulation. I assured Senators on both sides that I would make that proposition if the others were withdrawn.

That course seemed to be agreeable to the Senator from Kansas and to the Senator from Nevada, and, so far as I can understand, to the gentlemen who advocated either of those measures. Therefore, in good faith, after they had said to me that my amendment or substitute would be satisfactory, I have submitted it for the consideration of the Senate, in order to get out of the dilemma which I thought the discussion of the great questions presented by the other amendments would involve us in. Of course, if it is rejected all the others will be again urged. Therefore I repeat, I offered this amendment believing it to be the safest way out of the difficulties we are in; and if it is passed it will not, in my opinion, embarrass or delay the passage of the bill.

It asserts no new principle. It only provides that the currency shall not be contracted below the point it is now by substituting for retired bank-notes the use of one of the coins of the country which our officials have the right now to coin up to $4,000,000 a month, and are today obliged to coin at the rate of $2,000,000 a month. It does not authorize the coinage of any additional amount if the national-bank currency is not contracted. It may not be; if not, none of the additional silver will be coined; but if the national-bank currency is contracted, to that extent it seeks to supply the people with an equivalent in a coin which the Secretary now has the right to coin. I think, therefore, it is a simple way to avoid all the complicated questions presented by the other proposed amendments. I have said that I would have been glad if the bill could have passed as it came from the committee. I showed my good faith in that regard by my votes; but when that could not be done, I offered an amendment which I think avoids all serious difficulty and all complications.

Now the Senator from Ohio, making a new departure, says why not use silver bullion and issue currency on it? The Senator from Nevada argued for that; I never expected to hear the Senator from Ohio do so. I do not care to go into that question now. I do not propose so far as I can influence legislation either on this bill or any other to make any difference between the two coin metals of the Government, giving one a fixed value and treating the other as merchandise. Gold can be coined free of charge for anybody who presents bullion at the mint today. Any man, citizen or alien, can take it to any of our mints and have it coined without charge.

The Senator from Ohio knows there is no law in existence by which anybody can have silver bullion coined on any terms, or by which a single certificate can be issued upon silver bullion. Therefore, if the Senate should change my amendment from coin to bullion, the bullion could not be used for any purpose, as no certificate could issue, either under the act of 1878 or under the sundry civil bill that passed last year. Neither act authorizes the issuing of a single certificate upon bullion. Therefore all the contraction that we are seeking to guard against by this amendment, by the withdrawal of bank notes, would go on, no matter how much silver bullion we had lying in the Treasury, the bullion itself not being a legal tender for anything, no circulation being allowed to be issued on it either under the act of 1878 or under the act of 1887.

Therefore that proposition is simply an adroit way of destroying the practical effect of the amendment by insisting that bullion would answer as well as coin, and thus save the coinage, when the bullion would be of no value, and not a dollar of currency could be issued upon it, as the laws now stand, if we have twenty or thirty or one hundred millions of it lying in the Treasury. Do not let us deceive ourselves, and do not let us be deceived by suggestions that this does not mean to give practical relief against contraction. The Senator from Ohio will not rise in his place now and say that a single certificate could be issued upon bullion, nor will he say that all the silver bullion that we saw fit to buy would be available for any purpose to prevent the contraction of the currency.

Mr. PLATT. The Senator from Kentucky will allow me to suggest that it could be done if it was provided for.

Mr. BECK. Of course you can pass laws to that effect if you please, but that is the very question we are now trying to avoid the consideration of. By the withdrawal of the amendment of the Senator from Ne-

vada we are seeking not to discuss the matter of issuing certificates upon silver bullion on this bill, as that brings up very grave questions, which we are all anxious to avoid. The suggestion of the Senator from Ohio that silver bullion would better answer the purpose than silver coin is simply an effort to defeat this amendment without offering any substitute for it.

It is the old struggle to ignore and degrade silver coin in the interest of the single standard of gold. The Senator from Ohio says that gold certificates are now valuable, and men will not part with them. They are of little or no use to the people as currency, however valuable they may be to hold by men of wealth. Of the $99,000,000 or $100,000,000—I do not know the precise amount outstanding at this moment—but out of, say $100,000,000 of gold certificates outstanding, over $50,000,000 are in denominations of $10,000 each or over. No gold certificate can be issued for less than $20. Of the whole amount I have no doubt over three-fourths are in denominations of over $500 each, and the balance is in large denominations. Of course the official tables show, but I do not want to go into that.

I only desire now to give the Secretary the unquestioned right to invest the surplus revenue from time to time in the purchase of bonds, and thus save interest and keep existing circulation in use, and if in making such purchases the national-bank currency is contracted below what it is now, I seek to furnish a substitute for it, so that the present volume of our currency shall not be contracted by the means we adopt to get what already exists into use. Unless that is secured we may find our currency destroyed by the very efforts we are making to get it into circulation.

I have a bill now on the Calendar, which I propose to press whenever I can get it up, and it will be in order as an amendment to Mr. SHERMAN'S bill under the order of business suggested this morning, which substitutes coin certificates for gold and silver certificates, and allows no certificate to issue of over $500, and provides that three-fourths of all certificates issued shall be in denominations of $50 or under, so that the people can have the benefit of them as circulating notes and not have them held, as gold certificates are held now by the United States, simply as the insurer of a few rich men who seek to get clear of insuring their own gold by depositing it with us and making us take care of it at our expense with no benefit to the Government or the people. We now simply give them certificates while we are insuring their gold for them without pay and storing it at our expense. That I am opposed to. We might as well have none of these gold certificates, so far as the currency of the country is concerned.

The silver certificates provided for in this amendment will be in denominations of one, two, five, ten, and twenty dollars, denominations substantially similar to the smallest notes now issued by the national banks; because with the silver thus coined any man has a right to go and demand certificates in any denominations he sees fit and receive paper for his coin from the Treasury or any subtreasury of the United States.

There can be no objection to this amendment unless gentlemen seek to contract the currency by the bond-purchasing process, and no man will venture to admit that he does. No new principle is established or asserted. It is only a direction to do what the Secretary of the Treasury now has authority to do, and what he ought to do if contraction follows his purchases, to coin silver and issue certificates similar in denominations to the notes withdrawn by the national banks, and we only ask it to the extent that they are withdrawn and the currency is thereby contracted; I therefore repeat, that while I was willing to postpone the discussion of this question until the bill of the Senator from Ohio comes up, in regard to purchasing bonds with the greenbacks now locked up to cover national-bank circulation, good faith to the Senate and to the Senators who postponed their amendments so that mine could be first considered required that I should offer this amendment, especially as the amendment of the Senator from Kansas had been adopted in Committee of the Whole, and after the Senator from Nevada had withdrawn his in order to avoid serious questions and complications, as he avowed on the floor yesterday that he only did so because he would be content if my amendment was adopted.

It does not lie in the mouth of the Senator from Ohio or anybody else to intimate that I do not desire to pass this bill as promptly as possible. I insist that there is nothing in my amendment which either the President or the Secretary of the Treasury, or anybody else, can object to. I am not seeking to create any sort of embarrassment or delay in the passage of the bill. On the contrary, every purpose I have had has been to get it through on the best terms possible, first without amendment, but as that was not possible and amendments had to be adopted, then to offer one that nobody can properly object to, and seek to exclude all such amendments as might produce delay or embarrassment.

Mr. MCPHERSON. Mr. President——

Mr. ALLISON. Will the Senator from New Jersey allow me to ask the Senator from Kentucky a question?

Mr. MCPHERSON. I yield for that purpose.

Mr. ALLISON. The Senator from Kentucky will notice that his amendment proposes:

That whenever the circulation, or any portion thereof, of any national bank, not in liquidation, shall be surrendered, and the same is not taken up, etc.

I suggest to the Senator that that phraseology is not as distinct as it should be. Therefore I will offer an amendment, if it be in order, after the word "surrendered," to insert "by the deposit of United States notes in the Treasury."

Mr. BECK. I followed the language of the Senator from Kansas, and believing that it means exactly that, I have no objection to the words suggested, because that is what we both mean.

Mr. ALLISON. I think that will make it more definite. Then, in line 3, I would suggest to change the phraseology to read "and the same or an equivalent amount is not taken by," instead of "not taken up."

Mr. BECK. They could not take the same notes. There must be an equivalent. "The same amount" would do.

Mr. ALLISON. "The same or an equivalent amount is not taken by other national banks."

Mr. BECK. I have no objection to those words, because we both meant to do just that.

Mr. ALLISON. Then I hope the Senator will have no objection to accepting these modifications, because I think these words I propose will make the sense much clearer. I ask the Senator if he will accept those modifications?

Mr. BECK. I do not object.

Mr. ALLISON. I can not offer them, I believe, at this stage.

Mr. BECK. I desire the Senator from Iowa to put them in writing, and I will accept them.

Mr. ALLISON. Then I will ask that they be inserted as I send the words to the desk. After the word "surrendered," in line 2, I wish to insert the words "by the deposit of United States notes in the Treasury;" and in line 3, after the word "same," insert "or an equivalent amount," and in the same line strike out the word "up;" so as to read:

That whenever the circulation, or any portion thereof, of any national bank, not in liquidation, shall be surrendered, by the deposit of United States notes in the Treasury, and the same, or an equivalent amount, is not taken by other national banks within thirty days thereafter, the Secretary of the Treasury is hereby authorized and directed to purchase, etc.

The PRESIDING OFFICER. The Chair understands that these amendments are accepted by the Senator from Kentucky.

Mr. BECK. Yes, sir.

Mr. MCPHERSON. If I understand the situation aright, the Senator from Kentucky has offered an amendment to the amendment offered by the Senator from Wisconsin. The Senator from Nevada proposes an amendment to the amendment offered by the Senator from Kentucky. I understand both those amendments are now pending, no action having been taken upon either.

Mr. BECK. The amendment of the Senator from Nevada has been withdrawn.

Mr. MCPHERSON. I was about to ask the Senator from Nevada to accept a substitute for his amendment, which I think will make it more satisfactory; but if it has been already withdrawn, of course there is no necessity for doing so.

Mr. STEWART. What is the modification?

Mr. MCPHERSON. I simply wish to restrict the coinage under this proposition to the $4,000,000 a month fixed as the maximum in the act of February 28, 1878.

Mr. STEWART. I should object to that.

Mr. MCPHERSON. Mr. President, yesterday I made the strongest appeal I could to the Senate to accept the bill as it came to the Senate from the Committee on Finance. I have been followed to-day by the Senator from Ohio [Mr. SHERMAN], making also an earnest appeal to the Senate not in any form to attempt to change the financial policy of the Government on a bill so important and so pressing as the one reported by the committee. I appeal now to the Senate not to add to this bill something which will result in a change of the entire financial policy of the Government.

It is said by the advocates of this amendment that the meaning of it is to prevent contraction; it is said that contraction of the currency must necessarily take place by reason of the application of the surplus in the Treasury to the purchase of bonds, and, as was said yesterday by the Senator from Kentucky, it was probable it would be applied first to the purchase of the 4½ per cent. bonds, they being of lower premium and therefore most likely to be purchased first. There are some $85,000,000 of the 4½ per cent. bonds held for the redemption of national-bank circulation. Under the amendment offered by the Senator from Kentucky, whatever currency shall be surrendered by the purchase of these bonds will be supplied by an issue of silver coinage, not alone by the purchase of silver bullion and the issue of certificates on that bullion, but the bullion shall be coined into standard silver dollars.

If there is any danger that this is to produce contraction the danger extends to this, that instead of $85,000,000 of national-bank circulation, behind which stand the 4½ per cent. bonds, you will have a new issue of silver coin to the extent of $85,000,000, perhaps within the first year; in other words, you disregard the limit fixed in the act of 1878, which was deemed the limit beyond which it was unsafe to go with respect to the coinage of the standard silver dollar, and even then the discretion was left to the Secretary of the Treasury not to go above the limit of $2,000,000 a month, but the act of 1878 permitted him to extend it to $4,000,000 a month. And now it is proposed to issue more

than $4,000,000 per month additional to that now coined. In other words, if the 4½ per cent. bonds should be surrendered and purchased by the Government, and $85,000,000 of currency, for which the 4½ per cent. bonds are held as security, should be redeemed, then 85,000,000 of silver dollars must immediately be coined in addition to those now required to be coined. I wish to say in relation to that, if the Treasury of the United States within sixty days after that is done is not upon a silver basis pure and simple, and if gold is not at a premium, then all financial instruction we have had in the past is at fault.

If the Senate of the United States in this unwise, ill-timed, ill-digested manner, is determined to add to a bill which simply authorizes the President to employ the surplus, a provision to force the country into such a condition of affairs as this, then I say I will be surprised. Certainly the Senator from Ohio has already advised the Senate that there is no pressing necessity for such action upon this bill. Upon another bill which he has reported to the Senate and which to-day was made an early special order all these amendments may be offered, and incorporated in that bill if you please, but let it first be done after the Committee on Finance have thoroughly studied and investigated the subjects and reported the bill back to the Senate.

Mr. BECK. Mr. President, I have no desire to prolong this debate, and I do not care to say anything more, except in reply to the Senator from New Jersey, who speaks of this amendment as upsetting and endangering all the financial schemes of the Government. He has failed to show wherein it can, by any possibility, do so. There are only about $69,000,000 of the 4½ per cent. bonds now held as a basis of national-bank circulation. Ninety per cent. of that is all that is issued in the form of circulation.

Mr. McPHERSON. I took the Senator's own statement of yesterday.

Mr. BECK. I said $85,000,000 of 4½ percents were held for national-bank circulation and as security for the deposits made in national depositaries, and it so appears in the RECORD this morning. Therefore the circulation thereby secured can not amount to over $60,000,000 at the outside, if they give up every dollar they have; and they are obliged to retain a certain portion of their circulation if they propose to hold their national-bank charters at all. So by no possibility will it amount to more than one-half what the Senator from New Jersey suggests it may possibly amount to, and they may not retire their circulation to any appreciable extent.

As to this amendment overthrowing all the systems of finance of the Government, and as to gold fleeing from the country and gold soon being at a premium, we have heard that sort of talk periodically from the Senator from New Jersey for the last ten years, as we have heard from him about Jay Cooke's pronunciamentos, which he has held up to us as the law of the land, when all the leading lawyers of the Senate, including the Attorney-General and the courts of the country, have decided against him over and over again. He talks as though we were dishonoring ourselves by paying standard silver dollars, which formed the basis of the contract demanded by the bondholder himself, so that we could not reduce the quantity of silver which was in the silver dollar at the time that we determined to issue the bonds.

I do not propose to be lectured on the floor of the Senate in that sort of way without showing that there is no foundation for the charges made. As to gold fleeing from the country, we have $175,000,000 more gold added to our coinage since 1878 than we have coined silver since 1878; and because we do not propose to have our present volume of currency contracted by the withdrawal of the national-bank notes or put ourselves at the mercy of a system which for a long time sought to dominate this country and control its currency, we are told by the Senator from New Jersey that we are upsetting all the financial policy of the Government.

The banks are going to surrender part of their circulation, no doubt, because they can not make as much money as they used to do. They will sell their bonds and their notes will be surrendered. Have we not a right to say that something else shall take the place of those notes, and that it shall be the silver coin of the country and paper issues based thereon as now regulated by law, that being the coin in which all the national-bank notes are payable? They are not compelled to pay a dollar in gold upon their own notes. With the aid of the Senator from New Jersey and his distinguished friend from Ohio, whom he lauds as being *par excellence* the only man whose opinion is worth anything, they almost succeeded in striking down the greenback. Failing in that they sought to take away its legal-tender quality.

The bank-notes are now payable in lawful money, legal-tender not being, as they contended, a necessary quality of lawful money. Now, when the national banks have proved failures as fiscal agents to furnish currency, and the Comptroller admits they are failures for that purpose, when we say the currency we have and need shall not be taken away without some substitute being provided to the people, we are told that we are upsetting all precedents, destroying all confidences, nullifying all that has been done heretofore in carrying out the financial system of the country. I deny it. There is nothing in this amendment that indicates that we are taking one step in that direction.

Mr. McPHERSON. I desire to offer an amendment to the bill. I understand the Senator from Kentucky has accepted the amendment offered by the Senator from Nevada, making it therefore a part of his own amendment, and I desire now to offer a further amendment.

Mr. HARRIS. The amendment of the Senator from Kentucky is an amendment to an amendment. I suggest to the Senator from New Jersey that his amendment is not now in order.

The PRESIDING OFFICER. It would be an amendment in the third degree, and is not in order.

Mr. BECK. I was about to ask the Senator from Iowa whether to his amendment, which reads "shall be surrendered by the deposit of United States notes in the Treasury," the words "or otherwise" ought not to be added?

Mr. ALLISON. I wish to ask the Senator from Kentucky whether he means that his amendment, or any part of it, relates to national-bank circulation still in existence, where the bank itself has already deposited United States notes?

Mr. BECK. I do not. It applies to the contraction which will take place hereafter.

Mr. ALLISON. I wish to get at the understanding of the Senator. That is to say, his amendment applies to national-bank circulation that may hereafter come into the Treasury by the surrender of greenbacks or other arrangements that may be made between the Treasury Department and the banks.

Mr. BECK. That is it.

Mr. ALLISON. It has no relation whatever to greenbacks on deposit in the Treasury, against which national-bank notes are now outstanding?

Mr. BECK. It has not; and I think the Senator from Iowa agrees with me in that.

Mr. ALLISON. With that understanding I have no objection to inserting the words "or otherwise," as proposed by the Senator from Kentucky.

The PRESIDING OFFICER. The suggested modification will be stated.

The CHIEF CLERK. In line 2 of the proposed amendment, after the word "surrendered," insert the words "by the deposit of United States notes in the Treasury, or otherwise;" in line 3, after the word "same," insert the words "or an equivalent amount;" and in the same line strike out the word "up," after the word "taken;" so as to read:

That whenever the circulation or any portion thereof of any national bank not in liquidation shall be surrendered by the deposit of United States notes in the Treasury, or otherwise, and the same, or an equivalent amount, is not taken by other national banks within thirty days thereafter, the Secretary of the Treasury is hereby authorized and directed to purchase, etc.

The PRESIDING OFFICER. The Chair understands that the Senator from Kentucky accepts these suggestions.

Mr. BECK. Yes, sir.

Mr. PLUMB. Mr. President, some progress has been made since this matter was under discussion a week ago. The Senator from Ohio is not so certain now that the proposition of the Senator from Kentucky is not germane to the bill as it came from the Finance Committee, and seems to be willing to discuss the question upon its merits. I think that progress is worth noting. I am very much gratified at it myself, and think a concession of that kind from, if not the titular head of the Finance Committee, at all events from one entitled to rank as such in fact, has been a powerful contribution in the right direction.

I had no pride of opinion in the amendment which I offered, and when it was suggested that the same result, to wit, the maintenance of the present volume of paper money outstanding, could be accomplished in another way, I very cheerfully yielded; and I shall, therefore, most cheerfully support the amendment of the Senator from Kentucky, as it has been amended by his suggestion and that of the Senator from Iowa.

If there were anything necessary besides what has been offered to show how very important this amendment is, I would ask Senators to turn to Senate bill 163, Calendar No. 736, reported from the Finance Committee, and which that committee has been talking about taking up to-day. I believe suggestions have been made that if anybody wanted to amend anything which came from that committee, he could amend that bill. Section 3 of that bill, as reported, reads as follows:

That when any national banking association shall deposit with the Treasurer of the United States, in the manner provided by law, the 2½ per cent. bonds authorized by this act, or any bonds of the United States bearing a higher rate of interest, as security for its circulating notes, the association making such deposit shall be entitled to receive circulating notes, in manner, form, and denominations authorized by law, not exceeding in amount the par value of the bonds so deposited, etc.

If that should become a law, national bonds of all denominations and rates of interest would be enormously appreciated in value. The Senator from New Jersey who sits facing me will remember the debate we had on a similar proposition in this body, I think two years ago, in which I said then in regard to a proposition which he introduced, and which the Senate finally, on his motion, passed, that if it became a law the result of it would be to add at least 5 per cent. to the value of every dollar of United States bonds outstanding.

Mr. SHERMAN. What is the number of the bill?

Mr. PLUMB. Senate bill 163. It might fairly be entitled "A bill to increase the premium on national bonds outstanding."

But while that is true, no one could tell what other effect might follow. Of course the primary design is not to increase the premium upon the bonds, but it is to induce the national banks to take out more circulation, and thereby increase the volume of national-bank notes outstanding. But it might have—it would undoubtedly have in some cases—precisely that effect, for the very moment that the bonds began to appreciate in value, as they would as soon as they began to be purchased for this purpose, there would be the temptation on the part of the banks to realize the excess of premium created by this very act and throw them upon the market.

As I said, no one can tell what the effect of that might be upon the volume of the currency. It might immensely reduce it. It undoubtedly would in some cases. There would be periods when the currency would go down and other periods perhaps when it would go up. It would induce a fluctuation of amount beyond anything that has been known under existing law. For the purpose of that stability which ought to be the principal object in all legislation concerning currency, such a proposition as the Senator from Kentucky has now made or the one similar to it which I made the other day, and which the Senate voted into the bill, ought undoubtedly to be the accompaniment of this legislation, or at all events of some legislation.

There has been another gain, too, by reason of this discussion. The Senator from Ohio is not now so solicitous that there shall not be silver certificates. He is willing to admit that there could be more without impropriety, and that is a great gain. But he wants to have them based not upon coin, but upon bullion, and there he has made no progress. He is willing that there shall be an unlimited amount of gold coin, and that certificates shall be based upon gold coin alone, not upon gold bullion; but he insists that there shall be a distinction between gold and silver, applicable whenever and wherever this question of the relative merit comes up, whereby one shall be stigmatized—one shall be placed in a relation inferior to that of the other; and that, I take it, will be the only outcome of his suggestion that the amendment shall be so modified as to require the issuance of certificates upon bullion and not upon coin.

It is true, Mr. President, as true of gold as it is of silver, that the people of the United States want neither for actual use as currency, for manual delivery in any of the processes of trade which require the use of money. I have before me the last report of the Secretary of the Treasury showing that $120,486,817 of gold certificates are outstanding, and $145,543,150 of silver certificates are outstanding. The excess of silver certificates is not great. This statement shows that the people of the United States do not want coin as a circulating medium, that for the purposes for which they use money they want paper. Whether it be the actual representative of coin or not, at all events it is to be paper. As applied to the uses made of gold and silver certificates, it is plain that the people of the United States do not want either gold or silver, but they want the paper representative of both, and in about equal amounts.

The Senator from New Jersey, repeating what he has said so often before, is fearful, and the Senator from Ohio the same way is fearful, that the more extended use of silver will operate to drive out gold. I well remember the debate which occurred on that proposition, as on all cognate ones, in 1878, when what is known as the silver bill was passed. Two months before the passage of the silver bill the total amount of gold coin in the United States was $167,501,472—$167,501,472 was the total amount of gold coin and bullion in the United States two months prior to the passage of that act. On the last day of January, 1887, the total amount in the United States of gold coin and bullion was $654,520,335, nearly four times the amount of gold coin and bullion in the United States after nine years of operation under the silver bill, and after the coinage meanwhile of 277,445,767 silver dollars. The gold coin and bullion in the United States had multiplied four times, and I am told that the last report of the Director of the Mint shows that the importation of gold into the United States during the last calendar year is two and a-half times greater than it was the preceding calendar year.

Whoever has the curiosity to observe the table which accompanies the last report of the Secretary of the Treasury will find that this is not spasmodic, but that in every single year since the passage of the silver bill the amount of gold coin and bullion in the United States has appreciably increased. The increase has not been regular, but it has been constant. The very first year after the passage of the bill the amount of gold coin had gone up from $167,000,000 to $213,000,000. The next year it went to $245,000,000; the next year to $351,000,000, an increase of a little over $100,000,000; the next year it went to $478,000,000; the next year to $506,000,000; the next year to $542,000,000; the next year to $545,000,000, and that was the smallest increase in any one year, being a little over $3,000,000; the next year it went to $588,000,000; the next year to $590,000,000, and the next year to $654,000,000.

So, if we are to be guided in our opinion as to what would be the result of the passage of this amendment, judging by what has been heretofore, we are bound to presume that not only will this addition to the silver certificates of the country not result in driving out gold, but it will result in a further enhancement of the stock of gold in our possession.

Mr. BUTLER. And the increased importation of gold.

Mr. PLUMB. Yes, and the increased importation of gold. In any view that can be taken of this measure, the amendment of the Senator from Kentucky is the most important part of it. No Senator on this floor has risen in his place to say that the President is not now amply authorized by law to do exactly what he could do if the bill had been passed as it came from the Finance Committee. That being the case, we are doing nothing by that bill but removing the slight doubt which the President of the United States seemed to have in regard to his authority under existing law.

Meanwhile the Senator from New Jersey himself enforces the necessity for this amendment by the suggestion that the national-bank circulation will be reduced during the coming year $85,000,000. He looks upon that with complacency, as do all those who stand for his school of finance. He regards that undoubtedly as desirable. He is here not only to assert that it is liable to happen, but he is here to assert that he will oppose to the bitterest anything designed to prevent it or to qualify it. No more significant utterance has been made than that we are in the face of a declining national-bank circulation to the amount of $85,000,000 during the coming year, and we are still bidden not to do anything to prevent it.

Mr. McPHERSON. Will the Senator yield to me for a question?

Mr. PLUMB. I will.

Mr. McPHERSON. Instead of increasing the coinage of the standard silver dollar and in that way, as I think, threatening and endangering the parity between the gold and silver coin which it is so necessary to maintain, would it not be better to release one or both of the two special funds now held in the Treasury, to wit, first, the one held in the Treasury in the shape of Treasury notes to redeem national-bank circulation, having a bill before us for that purpose, and, if you please to do it, substituting for the other special fund of $100,000,000 held in the Treasury the same bonds so purchased and release that fund? There are $170,000,000 in the Treasury which under the bills now pending before the Senate, other than this one, might easily be released, and in this way whatever deficiency in circulation there was by reason of the surrender could be made up from that source.

While I am on my feet, will the Senator let me go a step further and answer the criticism that he has made upon myself and others who did not believe with him in 1878 that it was unwise to resume the coinage of the silver dollar at that time? It will be remembered it was a period in the history of this country when other great nations were surrendering silver coinage. At that time I thought (perhaps I do not think so now to the same extent) that it would be better not, at that particular time, to resume the coinage of the silver dollar.

But the Senator will remember that the coinage of the silver dollar has been very limited. I say very limited. I speak in a comparative sense. We have coined but $2,000,000 of silver a month. The Government of the United States under the operation of the law has made it necessary for the Treasury to redeem the silver certificates every day. They are paid into the custom-house in New York, they come to the custom-house in the payment of dues, and come to the Treasury of the United States, the Treasury thus practically redeeming them. In short, all kinds of machinery have been set in motion through the operation of the law to keep the silver dollar up to par and to keep it in circulation.

The Senator will further observe that during this period of time, when we have been coining $2,000,000 per month, there has been a reduction of $150,000,000 of the national-bank circulation. All these agencies have been at work to assist the forced circulation of silver, the national banks surrendering and the Government, as I say, redeeming its silver certificates every day. But let the Senator remember that the Government never undertakes to redeem its coin. That is what you propose to do under the amendment offered by the Senator from Kentucky. It is to convert the silver bullion that you purchase under this proposed act into standard silver dollars.

Mr. TELLER. I should like to ask the Senator from New Jersey a question.

Mr. McPHERSON. In one moment; as soon as I get through with my statement.

I look upon this course as being far worse for the Government in the effort to maintain the parity of these two coins than it would have been to have simply left it in the form of bullion, to be from time to time converted, of course, into standard silver dollars as occasion might require and as it might be absorbed in the circulation. Certainly we could have issued certificates which would have gone into circulation for the purchase of the bullion, but when there are so many different methods by which funds are to-day tied up in the Treasury which might very easily be released without in any manner or shape changing the financial condition of the Government or its policy, I think it would be far better to do that than to adopt a policy here which no man can tell how far-reaching it will be in its results.

The corrected statement that I make now, having been misled on yesterday by the Senator from Kentucky, is that instead of $85,000,000 there are but $69,000,000 of the 4½ per cent. bonds held by the national banks as a basis for the circulation of their notes. Suppose that is all displaced within a single year, because, as I said before, those bonds

having the shortest time to run and paying least premium will probably first be offered for sale and first purchased. The result of it will be that $69,000,000 of silver coin must be added, if you please, the first year in addition to that now coined under existing law and made necessary by the act of 1878. Sixty-nine million dollars of new silver coin would be thrown into the Treasury or into circulation, when to-day it is almost impossible to absorb the amount of silver we have now, and there is a large amount of it in the Treasury difficult to get into circulation.

Mr. TELLER. I wanted to ask the Senator from New Jersey if he meant to state whether the Treasury Department were troubled with the amount of silver received for import duties, etc.

Mr. MCPHERSON. Not at all; but I wish to say to the Senator from Colorado that when the Congress of the United States made it necessary to receive silver certificates in payment of import dues those silver certificates were paid in by the merchants of New York, and they came back here to the Treasury the very next day.

Mr. TELLER. Are they not receivable for import duties now?

Mr. MCPHERSON. They are received now, but owing to the policy the Treasury has pursued, owing to the policy that the people of this country supposed we would continue to pursue, which was that there would be no increase of the limit of the coinage of the standard silver dollar, confidence has been restored, and merchants and bankers have parted with their gold as freely as their silver.

I have not taken the estimate since that time, but on the 8th day of March 77 per cent. of the payments into the Treasury for customs duties for the ten days preceding that date was paid in those certificates. The silver certificates being of smaller denominations, and required as a matter of course in the transaction of business, and being more convenient, were preferred by the banks for their customers. Hence it was that the gold came into the Treasury for the payment of duties; but if any other conditions had existed, if the confidence that the public has in the continued operations of the Treasury should have ceased, that very moment we would have had payments made in silver instead of gold.

Mr. PLUMB. Mr. President, it is very easy for the Senator from New Jersey to suggest some better plan of arriving at the result which I, in common with a majority of the Senate, have in view. Unfortunately, however, the Senator from New Jersey has never had the honor to propose anything here which was in that direction. For him to suggest now that something better might be done is simply to suggest a further postponement and to make it absolutely certain that nothing will be done in the presence of the great emergency which now exists. I agree with him, if I understand him aright to say that the hundred million dollars held in the Treasury for the redemption of the legal-tender notes ought to be paid out, and I am willing that the great bulk of them should be paid out without leaving bonds in their place to be sold in the case of an emergency which, as I believe, will never arise.

For the purpose of testing the Senator on that point, which may become important within a few days, I will ask him if he will vote to put out the hundred million dollars of gold in the Treasury, substituting for it bonds which may be sold at the option of the Secretary of the Treasury if it should become necessary to raise a fund to meet greenbacks to be presented?

Mr. MCPHERSON. The Senator from Kansas evidently wants an answer. I am not in the habit of making a jump before I reach the stile. When that matter comes before the Senate I will take it into careful consideration, provided, however, that the Senator does not supply all needed deficiencies which he thinks are now confronting us or which may hereafter confront us by the process that he now has before the Senate.

Mr. PLUMB. It is apparent, then, that this suggestion of other things which might be done was made for one sole purpose, and that only to defeat this proposition.

It is a little bit singular, if there is such great danger in the issue of silver certificates, and if they are for all practical purposes worth so much less, that they are not used for the payment of customs dues in New York. Why does not the New York importer, who is generally credited with being pretty smart, take the cheaper money to pay his customs dues with? Why does he pay 77 per cent. of all the dues upon the goods which he has imported, in gold certificates and not in silver certificates?

Mr. MCPHERSON. I will answer the Senator. It is because there is no cheaper money. All the money of this Government stands equal, owing entirely to the operations of the Treasury in maintaining the parity between the two metals. If the Senator from Kansas should go to the Treasury as a creditor of the Government and demand gold for his bill, the Treasury would give it to him. He may exercise his option. If the Senator from Ohio should go and demand silver, the Treasury would give it to him. Just so long as the Treasury is able to pay every creditor of the Government in just such money as he wants, just so long can there be no cheap money in this country.

While I am on my feet I will be more frank and fair with the Senator from Kansas in answer to his questions. I will answer his first question by saying that I intend to vote for the proposition of the Senator from Ohio to release this fund of $70,000,000 held for the redemption of national-bank notes. I will go further. If no legislation of this character is made, I will agree to deposit the bonds so purchased with that money and to put them into the Treasury as a substitution for the hundred million dollars, and let that fund become a surplus also to be used in the purchase of bonds.

The Senator thinks I am unwilling to do anything in the world that will prevent the contraction of the currency. I am willing to release this $170,000,000 of money, if needed, and give it to the country for their purposes, to be used in the transaction of business; but I am not in favor of this silver coinage which the Senator advocates.

Mr. PLUMB. The Senator is nearly as good a convert as Paul. He admits that there ought to be $170,000,000, or more, of additional money in circulation in the country. He admits that we ought to take out the $100,000,000 of gold held for the redemption of greenbacks and the $70,000,000 of money held for the redemption of national-bank notes, and put them in circulation. That is confession enough as the foundation, if the Senator from New Jersey may be regarded as authority, for a great deal more than I propose.

But I want something that can be had. I want something that is within sight. I want something that does not depend upon the chances of a bill running the rapids of the House of Representatives at this session of Congress. Here is something conservative, simply providing that whatever the volume of paper money outstanding now, it shall be maintained at, following precisely the example set in 1878, when we enacted that the greenbacks which were paid at the Treasury should be again paid out, and that the volume should not be diminished.

I believe that we should not only have legislation of this kind, but I believe that all the money in the Treasury which is not needed for current purposes, and which may not be needed for the redemption of the greenbacks, ought to be put into circulation. I believe that thereby the interests of the people of the United States would be greatly enhanced. I believe it would enhance the value of property. I believe it would quicken business in every part of the Republic. I believe it would give employment where now there is none, and life where there is stagnation. This does not represent anything like what I believe ought to be done, but I have chosen to propose and support that which is so conservative that I did not believe it would receive the opposition of any conscientious man, simply to arrest the contraction that is going on from day to day until we could, under the lead of the Finance Committee, or otherwise, devise some means whereby the currency should be increased in accordance with the increasing needs of the people.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. 481) for the relief of Stephen M. Honeycutt; and

A bill (H. R. 2112) for the relief of Capt. John Burkhart.

The message also announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 2927) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn., agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CRISP, Mr. PHELAN, and Mr. LAGAN the managers of the conference on the part of the House.

The message further announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 1584) granting the right of way to the Duluth, Rainy Lake River and Southwestern Railway Company through certain Indian lands in the State of Minnesota, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HUDD, Mr. MCSHANE, and Mr. NELSON the managers of the conference on the part of the House.

The message also announced that the House had non-concurred in the amendment of the Senate to the bill (H. R. 2216) for the relief of Thomas A. Osborn, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. TAULBEE, Mr. MANSUR, and Mr. KERR the managers of the conference on the part of the House.

The message further announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 1158) for the relief of Louis Jacobson, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LANHAM, Mr. BLOUNT, and Mr. LAIDLAW the managers of the conference on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 7217) for the erection of a public building at Lowell, Mass., and it was thereupon signed by the President *pro tempore*.

Mr. CAMERON. I move that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 4, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April* 3, 1888.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. WILLIAM H. MILBURN, D. D.

On motion of Mr. LONG, by unanimous consent, the reading of so much of the Journal of the proceedings of yesterday as related to the introduction of bills and resolutions was dispensed with. The remainder of the Journal was read and approved.

CONTINGENT EXPENSES OF THE WAR DEPARTMENT.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of War of deficiencies in the appropriation for contingent expenses of the War Department for the fiscal year 1888; which was referred to the Committee on Appropriations, and ordered to be printed.

REVENUE-CUTTER SERVICE.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, submitting a revised estimate of an appropriation for the revenue-cutter service for the fiscal year 1889; which was referred to the Committee on Appropriations, and ordered to be printed.

NATIONAL DEPOSITORIES.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, with accompanying schedules, in response to a resolution of the House calling for information relative to national banks designated as national depositories; which was referred to the Committee on Appropriations, and ordered to be printed.

LEGISLATION AS TO TIMBER LANDS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with a resolution of the House, the report of Special Agent Bowers relative to desirable legislation for the public timber lands; which was referred to the Committee on the Public Lands.

LIENS UPON OLD POST-OFFICE PROPERTY, NEW YORK.

The SPEAKER also laid before the House a letter from the Attorney-General in relation to certain liens upon the old post-office property, New York, for the payment of which an appropriation has been heretofore recommended; which was referred to the Committee on Appropriations, and ordered to be printed.

BRIDGE AT MEMPHIS.

The SPEAKER also laid before the House a bill (H. R. 2927) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn., with Senate amendments thereto.

Mr. CRISP. Mr. Speaker, the Senate requests a conference on that bill. Without having the Senate amendments reported, I ask unanimous consent that the House disagree to them and agree to a conference.

There was no objection, and it was so ordered.

The SPEAKER. The Chair will announce the managers on the part of the House during the day.

INTERNATIONAL EXPOSITION, PARIS, 1889.

The SPEAKER also laid before the House a joint resolution (H. Res. 83) accepting the invitation of the French Republic to take part in an international exposition to be held in Paris in 1889, with amendments of the Senate thereto; which was referred to the Committee on Foreign Affairs, and the amendments ordered to be printed.

STEPHEN M. HONEYCUTT.

The SPEAKER also laid before the House a bill (H. R. 481) for the relief of Stephen M. Honeycutt, with amendments of the Senate thereto.

On motion of Mr. JOHNSTON, of North Carolina, the amendment of the Senate was concurred in.

LOUIS JACOBSON.

The SPEAKER also laid before the House a bill (H. R. 1158) for the relief of Louis Jacobson, with an amendment of the Senate thereto.

Mr. LANHAM. Mr. Speaker, I ask unanimous consent that the House non-concur in the amendment of the Senate, and agree to the conference requested.

The SPEAKER. Does the gentleman desire to have the amendment reported?

Mr. LANHAM. No, sir.

The SPEAKER. The gentleman from Texas [Mr. LANHAM] asks unanimous consent that the House non-concur in the amendment of the Senate and agree to a conference. Is there objection?

Mr. HOLMAN. I hope the amendment will be reported.

Mr. LANHAM. Mr. Speaker, I can state very briefly what the amendment is, and thus save time.

This was a private bill for the relief of a postmaster in California in connection with certain postal funds which were lost. It was reported from the committee to the House and it went to the Senate. The Senate amended the bill by putting on an amendment to the general statute, authorizing the Postmaster-General to investigate such claims for losses by postmasters. Now, inasmuch as that partakes of the nature of general legislation which relates to the postal department, I ask that one of the conferees on the part of the House may be the chairman of the Committee on the Post-Office and Post-Roads, the gentleman from Georgia [Mr. BLOUNT].

The SPEAKER. The first question is, is there objection to the request of the gentleman from Texas that the House non-concur and agree to a conference?

There was no objection, and it was so ordered.

The SPEAKER. The Chair will announce the conferees on the part of the House during the day.

Mr. DUNN. What is that bill, Mr. Speaker?

The SPEAKER. It is a private bill for the relief of a postmaster, to which the Senate has added an amendment affecting the general law in relation to such claims.

REFORM SCHOOL FOR GIRLS, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House a bill (H. R. 1361) to incorporate the Reform School for Girls in the District of Columbia, with Senate amendments thereto; which was referred to the Committee on the District of Columbia.

LOUIS JACOBSON.

Mr. BLOUNT. Mr. Speaker, has that bill for the relief of a postmaster been disposed of?

The SPEAKER. The Senate amendment has been non-concurred in, and the request of the Senate for a conference agreed to.

Mr. BLOUNT. I was not present when that was done, and of course I can get no advantage from any objection at this time; but that is a private bill on which an amendment to the general law was ingrafted by the Senate. The result of that kind of legislation will be to take all postal legislation from the Committee on the Post-Office and Post-Roads and attach it to private bills, and I therefore give notice that hereafter I shall object to all such legislation.

The SPEAKER. The Chair will appoint the gentleman from Georgia [Mr. BLOUNT] as one of the managers of the conference on the part of the House.

Mr. LANHAM. I requested that the gentleman from Georgia should be appointed.

The SPEAKER. The gentleman from Texas [Mr. LANHAM] made that request.

Mr. DOCKERY. That does not relieve the case from its objectionable features.

RECORD OF WILLS, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 1514) relating to the record of wills in the District of Columbia; which were referred to the Committee on the District of Columbia.

DULUTH, RAINY LAKE RIVER, ETC., RAILWAY COMPANY.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 1584) granting the right of way to the Duluth, Rainy Lake River and Southwestern Railway Company through certain Indian lands in the State of Minnesota.

Mr. NELSON. Mr. Speaker, I ask unanimous consent to non-concur in the amendments of the Senate and agree to the conference asked for.

Mr. DUNHAM. Can we have the amendments read?

Mr. CULBERSON. If there is to be any discussion I shall have to object to the request.

Mr. PEEL. I hope the objection will be withdrawn, as I understand that these amendments are immaterial.

Mr. DUNHAM. If the gentleman from Texas objects on account of my asking to have the amendments read, I withdraw the request.

Mr. CULBERSON. I do not object to the request to non-concur.

The amendments were non-concurred in.

CAPT. JOHN BURKHART.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 2112) for the relief of Capt. John Burkhart.

Mr. HOLMAN. The amendments of the Senate to this bill simply reduce the amount the soldier will receive; and as it is perhaps the best he can obtain, I ask to concur in them.

The Senate amendments were concurred in.

THOMAS A. OSBORN.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 2216) for the relief of Thomas A. Osborn.

Mr. MORRILL. I ask unanimous consent to concur in the amendments of the Senate.

The SPEAKER. The Clerk will report the Senate amendments.

The Clerk read as follows:

Strike out all after the word "Osborn," in line 8, down to the end of the bill, as follows:

"*Provided*, It shall be proven to the satisfaction of the Secretary that said money was lost without fault or negligence upon part of said Osborn."

Mr. HOLMAN. We can not agree to that request.

Mr. SPRINGER. This had better go to the committee.

Mr. MORRILL. Then I ask unanimous consent to non-concur in the amendments of the Senate and agree to the conference asked for.

Mr. SPRINGER. To agree to this amendment would take away all the safeguards thrown around the bill.

Mr. MORRILL. This bill was reported by the gentleman from Kentucky. The committee report that they found this loss was without fault on the part of the claimant, and the amendment was made to the bill which the Senate thought entirely unnecessary, as it only made additional work for the Secretary without necessity.

Mr. WARNER. We reported it from our committee last year favorably.

Mr. TAULBEE. Let the bill be read and then I shall renew the request for concurrence.

The bill was read at length.

Mr. TAULBEE. I now renew the request to concur in the Senate amendments.

Mr. SPRINGER. I think we had better non-concur and let it go to conference.

Mr. RYAN. Very well; let that course be taken.

Mr. MORRILL. That is entirely satisfactory to me.

There being no objection, the amendments of the Senate were non-concurred in.

BILLS REFERRED.

The SPEAKER also laid before the House the amendments of the Senate to bills of the House; which were referred as follows, namely:

The bill (H. R. 2805) granting a pension to Martha T. Woodrum, widow of James Woodrum, deceased—to the Committee on Invalid Pensions;

The bill (H. R. 6899) to incorporate the Eckington and Soldiers' Home Railway Company of the District of Columbia—to the Committee on the District of Columbia; and

The bill (H. R. 7263) for the erection of a public building at Bay City, Mich.—to the Committee on Public Buildings and Grounds.

SENATE BILLS REFERRED.

The SPEAKER. If there be no objection the Chair will lay before the House, without causing their titles to be severally read, a number of Senate bills and have them entered upon the Journal and appropriately referred.

There was no objection, and it was so ordered.

The list of bills and their reference is as follows:

The bill (S. 5) granting a pension to Mrs. Margaret Gallagher—to the Committee on Invalid Pensions.

The bill (S. 317) for the relief of William A. Bevens—to the Committee on Invalid Pensions.

The bill (S. 341) granting pensions to William Knight, Jacob Parrott, and John Whollam—to the Committee on Invalid Pensions.

The bill (S. 415) granting a pension to Martin L. Stover—to the Committee on Invalid Pensions.

The bill (S. 431) granting a pension to Emma S. Free, widow of Thomas S. Free, late major of the United States Army—to the Committee on Invalid Pensions.

The bill (S. 432) for the relief of Joel B. Morton—to the Committee on Invalid Pensions.

The bill (S. 619) granting an increase of pension to Leopold Mayer—to the Committee on Invalid Pensions.

The bill (S. 654) granting a pension to Caroline Motz—to the Committee on Invalid Pensions.

The bill (S. 681) granting an increase of pension to Mrs. General Ward B. Burnett—to the Committee on Invalid Pensions.

The bill (S. 692) granting an increase of pension to Enoch G. Adams—to the Committee on Invalid Pensions.

The bill (S. 702) granting a pension to Henry Pulsky—to the Committee on Invalid Pensions.

The bill (S. 760) granting a pension to Stephen C. Lobdill—to the Committee on Invalid Pensions.

The bill (S. 802) granting an increase of pension to Sarah A. Wilcox, now Roberts—to the Committee on Invalid Pensions.

The bill (S. 808) granting a pension to Julius C. Monson—to the Committee on Invalid Pensions.

The bill (S. 867) granting a pension to Margaret Stafford Worth—to the Committee on Pensions.

The bill (S. 887) granting a pension to Robert Foss—to the Committee on Invalid Pensions.

The bill (S. 996) granting a pension to Caroline Ruppert—to the Committee on Invalid Pensions.

The bill (S. 1017) granting a pension to Stephen Schiedel—to the Committee on Invalid Pensions.

The bill (S. 1018) granting a pension to Joseph W. Eubank—to the Committee on Invalid Pensions.

The bill (S. 1037) granting a pension to the infant children of Michael A. Moran—to the Committee on Invalid Pensions.

The bill (S. 1045) granting a pension to Rhoda Williams—to the Committee on Invalid Pensions.

The bill (S. 1101) granting a pension to Rachel A. Sinkinson—to the Committee on Invalid Pensions.

The bill (S. 1121) granting a pension to Harmon Bunn—to the Committee on Invalid Pensions.

The bill (S. 1124) to increase the pension of John W. January—to the Committee on Invalid Pensions.

The bill (S. 1137) for the relief of Adam L. Epley—to the Committee on Invalid Pensions.

The bill (S. 1142) granting a pension to Keziah E. Strong—to the Committee on Invalid Pensions.

The bill (S. 1144) granting a pension to Frances H. L. Prescott—to the Committee on Invalid Pensions.

The bill (S. 1146) granting a pension to L. J. McGoffin—to the Committee on Invalid Pensions.

The bill (S. 1153) for the relief of Charles Wagemann—to the Committee on Invalid Pensions.

The bill (S. 1192) granting a pension to Judson Knight—to the Committee on Invalid Pensions.

The bill (S. 1193) granting a pension to John R. Wheelock—to the Committee on Invalid Pensions.

The bill (S. 1194) granting a pension to Mary Whirry—to the Committee on Invalid Pensions.

The bill (S. 1219) granting a pension to David Heinbach—to the Committee on Invalid Pensions.

The bill (S. 1237) granting a pension to Anna Mertz—to the Committee on Invalid Pensions.

The bill (S. 1239) granting an increase of pension to Mrs. Annie Gibson Yates—to the Committee on Invalid Pensions.

The bill (S. 1254) granting a pension to Eliza J. Mayden—to the Committee on Invalid Pensions.

The bill (S. 1258) granting a pension to Sarah Ann Waters—to the Committee on Invalid Pensions.

The bill (S. 1286) granting a pension to Michael Lane—to the Committee on Invalid Pensions.

The bill (S. 1288) granting a pension to John Child—to the Committee on Invalid Pensions.

The bill (S. 1292) to construct a road from the city of Staunton to the national cemetery in the county of Augusta, in the State of Virginia—to the Committee on Military Affairs.

The bill (S. 1384) granting a pension to Margaret J. Cash—to the Committee on Invalid Pensions.

The bill (S. 1359) for the relief of Mary A. Doud—to the Committee on Invalid Pensions.

The bill (S. 1435) granting a pension to Emil Schattle—to the Committee on Invalid Pensions.

The bill (S. 1447) granting a pension to Bridget Foley—to the Committee on Invalid Pensions.

The bill (S. 1457) granting a pension to George W. Welden—to the Committee on Invalid Pensions.

The bill (S. 1459) granting a pension to Florence Courtney Cochnower—to the Committee on Invalid Pensions.

The bill (S. 1495) granting a pension to Mrs. Mary McGee—to the Committee on Invalid Pensions.

The bill (S. 1504) granting a pension to Mary C. Johnston—to the Committee on Invalid Pensions.

The bill (S. 1542) granting a pension to John W. Reynolds—to the Committee on Invalid Pensions.

The bill (S. 1547) granting a pension to Mary Ann Dougherty—to the Committee on Invalid Pensions.

The bill (S. 1607) granting a pension to Robert A. Bride, or McBride—to the Committee on Invalid Pensions.

The bill (S. 1609) for the relief of James McLaughlin—to the Committee on Invalid Pensions.

The bill (S. 1626) to amend the act of March 3, 1877, entitled "An act amending the pension law so as to remove the disabilities of those who, having participated in the rebellion, have, since its termination, enlisted in the Army of the United States and become disabled"—to the Committee on Invalid Pensions.

The bill (S. 1654) granting a pension to Mrs. Catherine Wagner—to the Committee on Invalid Pensions.

The bill (S. 1678) granting a pension to Mrs. Margaret Pickering-Copeland—to the Committee on Invalid Pensions.

The bill (S. 1742) granting a pension to W. A. Hicks—to the Committee on Invalid Pensions.

The bill (S. 1743) granting a pension to Zephaniah H. Bones—to the Committee on Invalid Pensions.

The bill (S. 1757) granting an increase of pension to Mrs. Lou Gobright McFalls—to the Committee on Invalid Pensions.

The bill (S. 1843) granting an increase of pension to Florida G. Casey—to the Committee on Invalid Pensions.

The bill (S. 1844) granting an increase of pension to Ann Atkinson—to the Committee on Invalid Pensions.

The bill (S. 1876) for the purchase of a site and erection of a custom-house and post-office at St. Albans, Vt.—to the Committee on Public Buildings and Grounds.

The bill (S. 1919) granting a pension to John Fox—to the Committee on Invalid Pensions.

The bill (S. 1928) granting a pension to M. J. Fogg—to the Committee on Invalid Pensions.

The bill (S. 1857) granting a pension to Virtue Smith—to the Committee on Invalid Pensions.

The bill (S. 1967) granting a pension to Sarah J. Tompkins—to the Committee on Invalid Pensions.

The bill (S. 1968) granting a pension to Eliza A. Talbott—to the Committee on Invalid Pensions.

The bill (S. 1971) to re-examine the homestead claim of Ira Haworth—to the Committee on Private Land Claims.

The bill (S. 1972) granting a pension to J. W. Meadows—to the Committee on Invalid Pensions.

The bill (S. 1973) granting a pension to John Black—to the Committee on Invalid Pensions.

The bill (S. 2033) granting a pension to Joseph Wirth—to the Committee on Invalid Pensions.

The bill (S. 2064) granting a pension to Titus Wilder—to the Committee on Invalid Pensions.

The bill (S. 2073) granting a pension to Margaret Blades—to the Committee on Invalid Pensions.

The bill (S. 2124) granting a pension to John Bush—to the Committee on Invalid Pensions.

The bill (S. 2151) granting a pension to Mrs. Aurelia Hillyer—to the Committee on Invalid Pensions.

The bill (S. 2157) granting increase of pension to Theodore F. Casamer—to the Committee on Invalid Pensions.

The bill (S. 2167) granting a pension to Mary E. Woodward—to the Committee on Invalid Pensions.

The bill (S. 2168) granting a pension to Francis Marion Walker—to the Committee on Invalid Pensions.

The bill (S. 2253) granting a pension to Mrs. Avis J. Hockey—to the Committee on Invalid Pensions.

The bill (S. 2254) to increase the pension of Mrs. Ella M. Grover—to the Committee on Invalid Pensions.

The bill (S. 2255) granting a pension to Amanda W. Beach—to the Committee on Invalid Pensions.

The bill (S. 2330) granting increase of pension to William Gallagher—to the Committee on Invalid Pensions.

The bill (S. 2331) granting a pension to Mary J. McGregor—to the Committee on Invalid Pensions.

The bill (S. 2332) granting a pension to John Linsley—to the Committee on Invalid Pensions.

The bill (S. 2346) granting increase of pension to Jennie Hart Mullany—to the Committee on Invalid Pensions.

The bill (S. 29) to authorize the Secretary of War to issue ordnance and ordnance stores to the Territory of Washington in payment for ordnance and ordnance stores borrowed by the State of Oregon during the Nez Percé Indian war of 1877 and 1878, and for other purposes—to the Committee on Military Affairs.

The bill (S. 37) authorizing the Secretary of the Interior to make sale of certain lands of the Umatilla Indian reservation in Oregon to William S. Byers and others, and to issue patent therefor—to the Committee on Indian Affairs.

The bill (S. 73) for the relief of E. B. Crozier, executrix of the last will of Dr. C. E. Crozier, of Tennessee—to the Committee on War Claims.

The bill (S. 113) for the relief of J. T. and C. T. Hulett—to the Select Committee on Indian Depredation Claims.

The bill (S. 143) to provide for the issuing and recording of certain commissions in the Department of Justice—to the Committee on the Judiciary.

The bill (S. 183) requiring notice of deficiency in accounts of principals to be given to sureties upon bonds of United States officials, and fixing a limitation of time within which such suits shall be brought against said sureties upon said bonds—to the Committee on the Judiciary.

The bill (S. 259) granting the title of the United States in certain lands to the county of Randolph and State of Illinois on certain conditions—to the Committee on the Public Lands.

The bill (S. 307) for the relief of Margaret Kennedy—to the Committee on War Claims.

The bill (S. 321) for the relief of Zeb. Ward, of Little Rock, Ark.—to the Committee on Claims.

The bill (S. 356) to obtain prison statistics—to the Committee on Labor.

The bill (S. 439) for the relief of the Mobile Marine Dock Company—to the Committee on War Claims.

The bill (S. 501) for the relief of W. H. Ward—to the Committee on Claims.

The bill (S. 599) in regard to a monumental column to commemorate the battle of Trenton, in the State of New Jersey, and appropriating $30,000—to the Committee on the Library.

The bill (S. 606) to amend an act entitled "An act to incorporate the Washington Safe Deposit Company"—to the Committee on the District of Columbia.

The bill (S. 690) to amend an act entitled "An act to incorporate the National Safe Deposit Company of Washington, in the District of Columbia," approved January 22, 1867—to the Committee on the District of Columbia.

The bill (S. 720) for the relief of H. W. Shipley—to the Committee on Claims.

The bill (S. 726) for the relief of the legal representatives of Chauncey M. Lockwood—to the Committee on Claims.

The bill (S. 783) to correct the enrollment of an act approved March 3, 1887, entitled "An act to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from the State courts, and for other purposes," approved March 3, 1875—to the Committee on the Judiciary.

The bill (S. 881) to regulate the pay of ensigns of the United States Navy—to the Committee on Naval Affairs.

The bill (S. 1039) for the relief of the heirs of Charles B. Smith, deceased—to the Committee on War Claims.

The bill (S. 1084) for the relief of Rev. Worcester Willey—to the Committee on Claims.

The bill (S. 1089) for the relief of Henrietta M. Sands, widow of the late Rear-Admiral Benjamin F. Sands, United States Navy—to the Committee on Claims.

The bill (S. 1145) granting the right of way to the Rio Grande and Utah Railway Company through the Southern Ute Indian reservation in Southwestern Colorado—to the Committee on Indian Affairs.

The bill (S. 1172) for the relief of Henry Ayres—to the Committee on Claims.

The bill (S. 1371) for the relief of Alfred Hedberg—to the Committee on Military Affairs.

The bill (S. 1178) for the relief of Capt. Charles Thomas, of the United States Navy—to the Committee on Naval Affairs.

The bill (S. 1306) to define the status and for the relief of the heirs or legal representatives of certain recruits for the Fourteenth Kansas Volunteers who were killed at Lawrence, Kans., August 21, 1863, by guerrillas—to the Committee on War Claims.

The bill (S. 1336) for the removal of the charge of desertion from the military record of Jacob Rohn—to the Committee on Military Affairs.

The bill (S. 1351) to enlarge the jurisdiction of the probate courts in Wyoming Territory—to the Committee on the Territories.

The bill (S. 1333) for the relief of the legal representatives of Peter Lyle, deceased—to the Committee on War Claims.

The bill (S. 1387) authorizing the appointment of James S. Jouett to a first lieutenancy of cavalry in the United States Army—to the Committee on Military Affairs.

The bill (S. 1415) for the removal of the charge of desertion from the military record of Charles L. Bullis—to the Committee on Military Affairs.

The bill (S. 1494) to secure to the Cherokee freedmen and others their proportion of certain proceeds of lands under the act of March 3, 1883—to the Committee on Indian Affairs.

The bill (S. 1529) to amend paragraph 3 of section 4693 of the Revised Statutes, and for other purposes—to the Committee on Pensions.

The bill (S. 1561) to provide for the completion of quarters, barracks, and stables at Fort Robinson, and at Fort Niobrara, in the State of Nebraska—to the Committee on Military Affairs.

The bill (S. 1596) in relation to oaths in pension and other cases—to the Committee on Pensions.

The bill (S. 1671) for the relief of the heirs of Martin Kenofsky—to the Committee on Claims.

The bill (S. 1727) to grant to the trustees of the German Lutheran Trinity Congregation of Washington, D. C., the right to sell a portion of their cemetery lands—to the Committee on the District of Columbia.

The bill (S. 1772) for the relief of John H. Marion—to the Committee on Claims.

The bill (S. 1789) for an extension of appropriation for the erection of a public building at Los Angeles, Cal.—to the Committee on Public Buildings and Grounds.

The bill (S. 1869) to provide for the establishment and maintenance of an Indian industrial school in the State of Michigan—to the Committee on Indian Affairs.

The bill (S. 1870) granting the use of certain lands in Pierce County, Washington Territory, to the city of Tacoma, for the purposes of a public park—to the Committee on the Public Lands.

The bill (S. 2004) to amend the ninth section of an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1886, and for other purposes," approved March 3, 1885—to the Committee on Indian Affairs.

The bill (S. 2009) to restore the homestead right of M. F. Vance, of Akron, Colo.—to the Committee on Private Land Claims.

The bill (S. 2202) for the relief of Samuel Noble—to the Committee on War Claims.

The bill (S. 2215) providing for the purchase of "the Capron collection of Japanese works of art"—to the Committee on the Library.

The bill (S. 2223) to remove the charge of desertion and of having enlisted in the Confederate service from the records of the War Depart-

ment standing against John McFarland, and to grant him an honorable discharge—to the Committee on Military Affairs.

The bill (S. 2293) to provide for completing the catalogue of the Congressional Library—to the Committee on the Library.

The bill (S. 2304) to provide for continuing the work of classified abridgments of letters patent granted by the United States—to the Committee on Patents.

The bill (S. 2307) to correct the records of the District of Columbia relative to certain real estate therein—to the Committee on the District of Columbia.

Joint resolution (S. R. 55) abolishing the office of the United States surveyor-general for the district of Nebraska and Iowa, and authorizing the Secretary of the Interior to proceed, under the provisions of sections 2218 and 2219 of the Revised Statutes of the United States, in the transfer of the field-notes, maps, records, and other papers to the States of Nebraska and Iowa—to the Committee on the Public Lands.

RETURN OF A BILL TO THE SENATE.

The SPEAKER also laid before the House the request of the Senate for the return of the bill (S. 758) for the relief of purchasers and other grantees of the United States of certain swamp and overflowed lands, and to reimburse and indemnify certain States.

The SPEAKER. If there be no objection this request will be complied with, and the bill will be returned to the Senate.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BLAND, to attend the funeral of a relative in Missouri.

PRINTING TARIFF BILL.

Mr. McMILLIN. Mr. Speaker, I ask unanimous consent that 3,000 additional copies of the tariff bill be ordered to be printed for the use of the House.

Mr. BUCHANAN. I hope the number will be increased, as it will only give to each member some eight or nine copies, being totally inadequate.

Mr. McMILLIN. I did not feel justified in making a request for a larger number. What number would the gentleman suggest?

Mr. FARQUHAR. Say 5,000.

Mr. BUCHANAN. There ought to be at least 6,000.

Mr. DORSEY. I move to make it 10,000.

Mr. McMILLIN. I wish to state that this is the usual number under such circumstances, and it can be increased by a joint resolution at any time hereafter.

Mr. BUCHANAN. I move to make the number 6,000.

Mr. McMILLIN. I will modify the request, and ask that 5,000 copies be printed. I make the request this morning in order to prevent the necessity for a reprint, as the printing of the bill has not yet been done.

The SPEAKER. If there be no objection, the order will be made.

There was no objection, and it was so ordered.

ENROLLED BILLS SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 1678) to authorize the purchase of a site for a public building at Buffalo, N. Y.;

A bill (H. R. 3191) granting a pension to Mary S. Logan; and

Joint resolution (H. Res. 77) to supply the Department of State with copies of bills and other documents.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was given to Mr. DAVIDSON, of Alabama, until the 15th of April, on account of important business.

ORDER OF BUSINESS.

Mr. FORAN. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

Mr. CULBERSON. I call up the special order.

The SPEAKER. The gentleman from Ohio moves that the House resolve itself into Committee of the Whole House on the state of the Union, for the purpose of considering general appropriation bills. The gentleman from Texas antagonizes that by calling up the special order. But under the resolution adopted yesterday the question must first be upon the motion made by the gentleman from Ohio.

Mr. SPRINGER. What appropriation bill does the gentleman desire to have up?

Mr. FORAN. The pension appropriation bill.

Mr. CULBERSON. I would like to hear the resolution read.

Mr. RANDALL. I assure the gentleman from Texas that appropriation bills by the express terms of the order have preference.

The SPEAKER. The Clerk will read that portion of the resolution.

The Clerk read as follows:

That none of the foregoing assignments of days shall interfere with the consideration of revenue or general appropriation bills, but the order assigning a day to the Committee on Agriculture shall be a continuing one until two days have been occupied in the consideration of bills reported by it, and on any of the days hereinbefore designated, immediately after the reading of the Journal, a motion shall be in order that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of revenue or general appropriation bills.

Mr. REED. Let us have the regular order.

The SPEAKER. The question is on the motion made by the gentleman from Ohio.

Mr. CANNON. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANNON. If the House should resolve itself into Committee of the Whole House, would that antagonize and dispense with the special order made yesterday for the Judiciary Committee for the consideration of the direct-tax bill?

The SPEAKER. It would, during the time the House is in Committee of the Whole.

Mr. CANNON. Then if we do not desire to set that aside we shall vote against the motion to go into Committee of the Whole.

The question being taken on the motion that the House resolve itself into Committee of the Whole House on the state of the Union, the Speaker stated that the "noes" seemed to have it.

Mr. FORAN. I call for a division.

The House divided; and there were—ayes 61, noes 81.

Mr. FORAN. I call for the yeas and nays.

The yeas and nays were ordered—46 members voting therefor.

The question was taken; and there were—yeas 95, nays 144, not voting 85; as follows:

YEAS—95.

Abbott,	Clardy,	Johnston, N. C.	Rayner,
Allen, Miss.	Clements,	Laffoon,	Robertson,
Anderson, Iowa	Cobb,	Landes,	Rogers,
Anderson, Miss.	Compton,	Lane,	Rusk,
Anderson, Ill.	Cox,	Lanham,	Sayers,
Bacon,	Crisp,	Lee,	Scott,
Bankhead,	Dockery,	Lynch,	Shively,
Barnes,	Dunn,	Maish,	Snyder,
Barry,	Enloe,	Martin,	Springer,
Blanchard,	Foran,	McCreary,	Stahlnecker,
Bliss,	Forney,	McMillin,	Stone, Ky.
Blount,	French,	McRae,	Tillman,
Breckinridge, Ark.	Gay,	McShane,	Turner, Ga.
Breckinridge, Ky.	Glass,	Moore,	Vance,
Buckalew,	Granger,	Morgan,	Walker,
Burnes,	Hare,	Morse,	Washington,
Bynum,	Hatch,	Neal,	Weaver,
Campbell, F., N. Y.	Hayes,	Newton,	Whiting, Mich.
Campbell, Ohio	Henderson, N. C.	Norwood,	Whitthorne,
Campbell, T. J., N. Y.	Herbert,	Oates,	Wilson, Minn.
Candler,	Holman,	O'Neall, Ind.	Wilson, W. Va.
Carlton,	Hooker,	Peel,	Wise,
Caruth,	Howard,	Penington,	Yoder.
Catchings,	Hutton,	Randall,	

NAYS—144.

Allen, Mass.	Dingley	Kennedy,	Rice,
Allen, Mich.	Dorsey,	Kerr,	Ryan,
Anderson, Kans.	Dunham,	Ketcham,	Sawyer,
Baker, Ill.	Elliott,	La Follette,	Seymour,
Bayne,	Farquhar,	Laidlaw,	Shaw,
Belden,	Felton,	Laird,	Simmons,
Biggs,	Finley,	Latham,	Sowden,
Boothman,	Flood,	Lehlbach,	Steele,
Bound,	Ford,	Long,	Stephenson,
Boutelle,	Fuller,	Lyman,	Stewart, Tex.
Bowden,	Funston,	Mansur,	Stewart, Vt.
Brewer,	Gallinger,	Mason,	Stockdale,
Brower,	Gear,	Matson,	Symes,
Browne, Ind.	Gest,	McAdoo,	Tarsney,
Brown, Ohio.	Greenman,	McClammy,	Taulbee,
Brown, J. R., Va.	Grosvenor,	McCullogh,	Taylor, E. B., Ohio
Bryce,	Grout,	McKenna,	Thomas, Ky.
Buchanan,	Guenther,	McKinley,	Thomas, Wis.
Bunnell,	Harmer,	McKinney,	Thompson, Cal.
Burrows,	Haugen,	Milliken,	Tracey,
Butterworth,	Hayden,	Montgomery,	Townshend,
Cannon,	Heard,	Morrill,	Turner, Kans.
Caswell,	Hemphill,	Morrow,	Vandever,
Cheadle,	Henderson, Iowa	Nelson,	Wade,
Chipman,	Henderson, Ill.	Nichols,	Warner,
Clark,	Hires,	Nutting,	Weber,
Cogswell,	Holmes,	O'Donnell,	West,
Conger,	Hopkins, Ill.	Osborne,	Wheeler,
Crouse,	Houk,	Owen,	White, Ind.
Culberson,	Hovey,	Parker,	White, N. Y.
Cummings,	Hudd,	Patton,	Whiting, Mass.
Cutcheon,	Hunter,	Payson,	Wickham.
Dalzell,	Jackson,	Perry,	Wilkinson,
Davis,	Johnston, Ind.	Plumb,	Williams,
De Lano,	Kean,	Post,	Woodburn,
Dibble,	Kelley,	Reed,	Yost.

NOT VOTING—85.

Adams,	Cothran,	Goff,	Macdonald,
Arnold,	Cowles,	Grimes,	Maffett,
Atkinson,	Crain,	Hall,	Mahoney,
Baker, N. Y.	Dargan,	Hermann,	McComas,
Belmont,	Darlington,	Hiestand,	McCormick,
Bingham,	Davenport,	Hitt,	Merriman,
Bland,	Davidson, Ala.	Hogg,	Mills,
Bowen,	Davidson, Fla.	Hopkins, Va.	Moffitt,
Browne, T. H. B. Va.	Dougherty,	Hopkins, N. Y.	O'Ferrall,
Brumm,	Ermentrout,	Jones,	O'Neill, Pa.
Burnett,	Fisher,	Kilgore,	O'Neill, Mo.
Butler,	Fitch,	Lagan,	Outhwaite,
Cockran,	Gaines,	Lawler,	Perkins,
Collins,	Gibson,	Lind,	Peters,
Cooper,	Glover,	Lodge,	Phelan.

Phelps,	Rowland,	Spinola,	Thompson, Ohio
Pidcock,	Russell, Conn.	Spooner,	Wilbur,
Pugsley,	Russell, Mass.	Stewart, Ga.	Wilkins,
Richardson,	Scull,	Stone, Mo.	Yardley.
Rockwell,	Seney,	Struble,	
Romeis,	Sherman,	Taylor, J. D., Ohio	
Rowell,	Smith.	Thomas, Ill.	

So the motion that the House resolve itself into Committee of the Whole House on the state of the Union was not agreed to.

Mr. RYAN. I ask unanimous consent to dispense with the reading of the names.

Mr. WHEELER. I object.

Mr. ANDERSON, of Mississippi. I desire to vote.

The SPEAKER. Was the gentleman in his seat when his name was called?

Mr. ANDERSON, of Mississippi. I was, but did not respond.

The SPEAKER. The practice is, if a gentleman was in his seat or in the Hall when his name was called and failed to hear it, then he is allowed to vote.

Mr. CANNON. I challenge the vote of the gentleman from Mississippi, for the reason that he said he heard his name called but did not vote.

The SPEAKER. The Chair in the confusion failed to hear the explanation of the gentleman from Mississippi. He will please repeat it.

Mr. ANDERSON, of Mississippi. I heard my name called and before I had time to vote the Clerk had passed on to the next name. I vote "ay."

Mr. TAULBEE. I submit this question to the Chair. Is it not as competent for a member to vote after having heard his name called and failing to respond as it is to change his vote after the completion of the roll-call?

The SPEAKER. The Chair thinks not.

Mr. TAULBEE. Suppose a member does not desire to vote on the roll-call and afterwards changes his mind?

The SPEAKER. The Chair thinks that under those circumstances he has no right to vote. If a member sits in his seat and purposely refrains from voting when his name is called, he has no right to vote. The practice which has grown up in the House has been adopted in order that gentlemen may not be deprived of the right to vote who by reason of the confusion did not hear their names called.

The names of members voting were then read.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, informed the House that the Senate had agreed to the amendments of the House of Representatives to Senate bills of the following titles:

A bill (S. 549) granting a pension to Hannah R. Langdon;

A bill (S. 1784) granting a pension to Ida M. Welton; and

A bill (S. 574) to increase the pension of Mrs. Apolline A. Blair.

The message also withdrew the request of the Senate for the return of the bill (S. 758) for the relief of purchasers and other grantees of the United States of certain swamp and overflowed lands and to reimburse and indemnify certain States.

ORDER OF BUSINESS.

The following-named members were paired on all political questions until further notice:

Mr. BLAND with Mr. HIESTAND.
Mr. RICHARDSON with Mr. GALLINGER.
Mr. SENEY with Mr. PHELPS.
Mr. DAVIDSON, of Alabama, with Mr. CONGER.
Mr. FISHER with Mr. THOMAS H. B. BROWNE.
Mr. BURNETT with Mr. SHERMAN.
Mr. ERMENTROUT with Mr. BINGHAM.
Mr. JONES with Mr. GOFF.
Mr. CUMMINGS with Mr. MOFFITT.
Mr. MOORE with Mr. DARLINGTON.
Mr. WILKINS with Mr. DAVENPORT.
Mr. DARGAN with Mr. LODGE.
Mr. MERRIMAN with Mr. YARDLEY.
Mr. MILLS with Mr. BUTTERWORTH.
Mr. OUTHWAITE with Mr. COOPER.
Mr. O'NEILL, of Missouri, with Mr. ROCKWELL.
Mr. HEARD with Mr. ROWELL.
Mr. COWLES with Mr. THOMPSON, of Ohio.
Mr. SPINOLA with Mr. THOMAS, of Illinois.

The following were announced as paired on all political questions for this day:

Mr. COLLINS with Mr. STRUBLE.
Mr. MAHONEY with Mr. ATKINSON.
Mr. COCKRAN with Mr. HOPKINS, of New York.
Mr. HALL with Mr. ROMEIS.
Mr. GLOVER with Mr. ADAMS, of Illinois.
Mr. BELMONT with Mr. PETERS.
Mr. PIDCOCK with Mr. BOWEN.
Mr. O'FERRALL with Mr. JOSEPH D. TAYLOR.
Mr. DAVIDSON, of Florida, with Mr. SCULL.
Mr. RUSSELL, of Massachusetts, with Mr. BRUMM.

The following were announced as paired on this vote:

Mr. ROWLAND with Mr. O'NEILL, of Pennsylvania.
Mr. LAWLER with Mr. LIND.

Mr. HEARD. Mr. Speaker, I am paired with Mr. ROWELL, of Illinois, upon all political questions; but regarding this as in no sense a political question, I have voted, believing that if he were here he would vote the same way.

Mr. LAWLER. Mr. Speaker, I desire to have my name recorded.

The SPEAKER. Was the gentleman in the Hall during the roll-call?

Mr. LAWLER. No, sir.

The SPEAKER. Then the gentleman does not come within the rule.

Mr. BAKER, of New York. Mr. Speaker, how am I recorded?

The SPEAKER. The gentleman is not recorded.

Mr. BAKER, of New York. I desire to vote.

The SPEAKER. Was the gentleman in the Hall during the roll-call?

Mr. BAKER, of New York. I was not.

The SPEAKER. Then, under the rule, the Chair can not entertain the gentleman's request.

RIVER AND HARBOR BILL.

The SPEAKER. Before announcing the result of the vote, the Chair desires to submit a request of the gentleman from Louisiana, Mr. BLANCHARD, the chairman of the Committee on Rivers and Harbors, for unanimous consent that 1,000 extra copies of the bill H. R. 9050, known as the river and harbor bill, be printed.

There was no objection, and it was so ordered.

SWAMP AND OVERFLOWED LANDS.

The SPEAKER. The Chair desires also to lay before the House a communication from the Senate, which will be read.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *April* 3, 1888.

Ordered, That the Senate be directed to withdraw the request for the return of the bill of the Senate No. 758, for the relief of purchasers and other grantees of the United States of certain swamp and overflowed lands, and to reimburse and indemnify certain States.

The SPEAKER. This morning, in obedience to a request of the Senate, an order was made to return the bill named to that body. As the request is now withdrawn, if there be no objection the order will be set aside.

There was no objection, and it was so ordered.

Mr. PAYSON. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAYSON. I desire to ask what has been done with the Senate bill in relation to swamp and overflowed lands?

The SPEAKER. The Senate requested the House to return the bill, and that request was granted this morning. The request is now withdrawn, and unanimous consent has been given to set aside the order returning the bill to the Senate, so that the bill remains in the House.

Mr. PAYSON. And it will go to the Committee on Public Lands.

The SPEAKER. It will go there. The Chair will refer the bill properly.

The result of the vote was then announced as above recorded.

Mr. WHEELER. Mr. Speaker, I move to reconsider the vote by which the House refused to go into the Committee of the Whole.

Mr. REED. I move to lay that motion on the table.

Mr. WHEELER rose.

The question was taken on the motion of Mr. REED to lay the motion to reconsider on the table, and the Speaker declared that it was agreed to.

Mr. WHEELER. I called for a division, Mr. Speaker.

The SPEAKER. The gentleman from Alabama [Mr. WHEELER] rose and the Chair recognized him, but he made no motion, so the Chair announced the result.

Mr. HATCH. Mr. Speaker, a page stood right in front of the gentleman from Alabama, and may have prevented his request reaching the Chair, but he made it distinctly.

Mr. REED. The gentleman from Alabama was not too late, I saw him rise and make the request.

The SPEAKER. The Chair accepts the statement of course, but the Chair did not hear the gentleman.

The House divided on the motion of Mr. REED to lay the motion to reconsider on the table; and there were—ayes 71, noes 24.

Mr. WHEELER. No quorum.

The SPEAKER. The point being made that no quorum has voted, the Chair will appoint to act as tellers the gentleman from Alabama [Mr. WHEELER] and the gentleman from Maine [Mr. REED].

Mr. REED and Mr. BURROWS called for the yeas and nays; which were ordered.

The question was taken; and it was decided in the affirmative—yeas 157, nays 74, not voting 93; as follows:

YEAS—157.

Abbott,	De Lano,	Ketcham,	Russell, Mass.
Allen, Mass.	Dibble,	Kilgore,	Rusk,
Allen, Mich.	Dingley,	La Follette,	Ryan,
Anderson, Kans.	Dorsey,	Laidlaw,	Sawyer,
Bacon,	Dunham,	Laird,	Scott,
Baker, N. Y.	Elliott,	Latham,	Seymour,
Baker, Ill.	Farquhar,	Lehlbach,	Shaw,
Bayne,	Felton,	Long,	Simmons,
Belden,	Finley,	Lyman,	Snyder,
Biggs,	Flood,	Lynch,	Sowden.
Boothman,	Fuller,	Macdonald,	Steele,
Bound,	Funston,	Mansur,	Stephenson,
Boutelle,	Gallinger,	Mason,	Stewart, Tex.
Bowden,	Gear,	Matson,	Stewart, Vt.
Bowen,	Gest,	McClammy,	Symes,
Brewer,	Greenman,	McComas,	Tarsney,
Brower,	Grosvenor,	McCormick,	Taylor, E. B., Ohio
Brown, Ohio	Grout,	McKenna,	Thomas, Ky.
Brown, J. R., Va.	Guenther,	McKinley,	Thomas, Wis.
Bryce,	Harmer,	McKinney,	Thompson, Cal.
Buchanan,	Haugen,	Milliken,	Tracey,
Bunnell,	Hayden,	Montgomery,	Townshend,
Burrows,	Heard,	Morrill,	Turner, Kans.
Butterworth,	Hemphill,	Morrow,	Vandever.
Campbell, Ohio	Henderson, Iowa.	Nelson,	Wade,
Campbell, T. J., N. Y.	Henderson, N. C.	Nutting,	Warner,
Cannon,	Henderson, Ill.	O'Donnell,	Weber,
Caswell,	Hires,	O'Neill, Pa.	West,
Cheadle,	Holmes,	Osborne,	White, Ind.
Chipman,	Hopkins, Ill.	Owen,	White, N. Y.
Clark,	Houk,	Parker,	Whiting, Mass.
Cogswell,	Hovey,	Patton,	Wickham,
Conger,	Hudd,	Payson,	Wilber,
Cothran,	Hunter,	Perry,	Williams,
Crouse,	Jackson,	Plumb,	Wilson, W. Va.
Culberson,	Johnston, Ind.	Post,	Woodburn,
Cummings,	Kean,	Pugsley,	Yost.
Cutcheon,	Kelley,	Reed,	
Dalzell,	Kennedy,	Rice,	
Davis,	Kerr,	Rowland,	

NAYS—74.

Allen, Miss.	Cobb,	Johnston, N. C.	Sayers,
Anderson, Iowa	Compton,	Laffoon,	Shively,
Anderson, Miss.	Crain,	Lane,	Smith.
Anderson, Ill.	Dunn,	Lanham,	Springer,
Bankhead,	Enloe,	Lawler,	Stahlnecker,
Barnes,	Foran,	Martin,	Stone, Ky.
Barry,	Forney,	McCreary,	Stone, Mo.
Blanchard,	Gay,	McMillin,	Tillman,
Bliss,	Gibson,	McRae,	Turner, Ga.
Blount,	Glass,	McShane,	Vance,
Browne, Ind.	Granger,	Morgan,	Walker,
Buckalew,	Grimes,	Morse,	Washington,
Burnes,	Hare,	Neal,	Weaver,
Bynum,	Hatch,	Newton,	Wheeler,
Campbell, F., N. Y.	Herbert,	Norwood,	Whiting, Mich.
Candler,	Hogg,	Oates,	Whitthorne,
Carleton,	Holman,	Randall,	Wilkinson.
Caruth,	Hooker,	Rayner,	
Catchings,	Howard,	Robertson,	

NOT VOTING—93.

Adams,	Davidson, Fla.	Lodge,	Rogers,
Arnold,	Dockery,	Maffett,	Romeis,
Atkinson,	Dougherty,	Mahoney,	Rowell,
Belmont,	Ermentrout,	Maish,	Russell, Conn.
Bingham,	Fisher,	McAdoo,	Scull,
Bland,	Fitch,	McCullogh,	Seney,
Breckinridge, Ark.	Ford,	Merriman,	Sherman,
Breckinridge, Ky.	French,	Mills,	Spinola,
Browne, T. H. B., Va.	Gaines,	Moffitt,	Spooner,
Brumm,	Glover,	Moore,	Stewart, Ga.
Burnett,	Goff,	Nichols,	Stockdale,
Butler,	Hall,	O'Ferrall,	Struble,
Clardy,	Hayes,	O'Neall, Ind.	Taulbee,
Clements,	Hermann,	O'Neill, Mo.	Taylor, J. D., Ohio
Cockran,	Hiestand,	Outhwaite,	Thomas, Ill.
Collins,	Hitt,	Peel,	Thompson, Ohio
Cooper,	Hopkins, Va.	Penington,	Wilkins,
Cowles,	Hopkins, N. Y.	Perkins,	Wilson, Minn.
Cox,	Hutton,	Peters,	Wise,
Crisp,	Jones,	Phelan,	Yardley,
Dargan,	Lagan,	Phelps,	Yoder.
Darlington,	Landes,	Pidcock,	
Davenport,	Lee,	Richardson,	
Davidson, Ala.	Lind,	Rockwell,	

So the motion to reconsider was laid on the table.

Mr. MACDONALD. I ask unanimous consent that the reading of the names be dispensed with.

Mr. WASHINGTON. I object.

The following additional pairs were announced:

Mr. STOCKDALE with Mr. BRUMM, for the rest of the day.

Mr. ROGERS with Mr. HITT, for the rest of the day.

Mr. TAULBEE with Mr. BRECKINRIDGE, of Kentucky, on this vote.

OFFICIAL FORCE, PATENT OFFICE.

Mr. HUDD. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. HUDD. A bill introduced yesterday by the gentleman from Maryland [Mr. RAYNER] to amend sections 476 and 477 of the Revised Statutes, relating to the Patent Office, was referred to the Committee on Patents. As that bill provided for increase of salary in the Interior Department, it should have gone to the Committee on Expenditures in the Interior Department. I ask that the reference be changed.

The SPEAKER. If the gentleman will furnish to the Chair a memorandum of the number and title of the bill, the Chair will examine the question. The correction of an erroneous reference of a public bill is a matter of privilege.

Mr. WEAVER. I think the bill ought to go to the committee indicated by the gentleman from Wisconsin [Mr. HUDD].

The SPEAKER. The Chair will examine the question.

REFUND OF DIRECT TAX OF 1861.

Mr. CULBERSON. I now call up the special order, the bill (S. 139) to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861.

The Clerk proceeded to read the bill.

Mr. CULBERSON. This bill will have to be considered in the Committee of the Whole on the state of the Union.

The SPEAKER. The Chair discovers that the bill is on the Calendar of that committee.

Mr. CULBERSON. I move that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of considering this bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. HATCH in the chair) and proceeded to the consideration of Senate bill 139.

The bill was read, as follows:

Be it enacted, etc., That it shall be the duty of the Secretary of the Treasury to credit to each State and Territory of the United States and the District of Columbia a sum equal to all collections made from said States and Territories and the District of Columbia, or from any of the citizens or inhabitants thereof, or other persons, under the act of Congress approved August 5, 1861, and the amendatory acts thereto.

SEC. 2. That all moneys still due to the United States on the quota of direct tax apportioned by section 8 of the act of Congress approved August 5, 1861, are hereby remitted and relinquished.

SEC. 3. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to reimburse each State, Territory, and the District of Columbia for all money found due to them under the provisions of this act; and the Treasurer of the United States is hereby directed to pay the same to the governors of the States and Territories and to the commissioners of the District of Columbia: *Provided*, That where the sums, or any part thereof, credited to any State, Territory, or the District of Columbia, have been collected by the United States from the citizens or inhabitants thereof, or any other person, either directly or by sale of property, such sums shall be held in trust by such State, Territory, or the District of Columbia for the benefit of those persons or inhabitants from whom they were collected, or their legal representatives: *And provided further*, That no part of the money collected from individuals and to be held in trust as aforesaid shall be retained by the United States as a set-off against any indebtedness alleged to exist against the State, Territory, or District of Columbia in which such tax was collected: *And provided further*, That no part of the money hereby appropriated shall be paid out by the governor of any State or Territory, or any other person, to any attorney or agent under any contract for services now existing or heretofore made between the representative of any State or Territory and any attorney or agent. All claims under the trust hereby created shall be filed with the governor of such State or Territory and the commissioners of the District of Columbia, respectively, within six years next after the passage of this act, and all claims not so filed shall be forever barred, and the money attributable thereto shall belong to such State, Territory, or the District of Columbia, respectively, as the case may be.

The amendments reported by the Committee on the Judiciary were read, as follows:

After the word "collections," in line 5 of section 1, insert "by set-off or otherwise;" so as to read, "a sum equal to all collections by set-off or otherwise."

In the third section of the bill strike out the last proviso, beginning after the word "collected," in line 20.

Mr. CULBERSON. Mr. Chairman, as this bill was reported from the Committee on the Judiciary by the gentleman from Ohio [Mr. EZRA B. TAYLOR], I yield the floor to him for the management of the measure.

The CHAIRMAN. The gentleman from Ohio [Mr. EZRA B. TAYLOR] is recognized as entitled to the floor for one hour.

Mr. EZRA B. TAYLOR. Mr. Chairman, while this bill is important on account of the amount of money involved, the facts connected with the bill are so simple and few that it seems to me but little time need be occupied in its discussion. However, as there are strenuous objections urged to the bill on the part of some members, I desire to be as liberal as possible under the circumstances in allowing those gentlemen to be heard in presenting their objections.

Two amendments have been presented by the committee and are pending. The first is to amend the first section by adding, after the word "collections," in the third line, the words "by set-off or otherwise."

This amendment is in pursuance of a suggestion of the Commissioner of Internal Revenue to secure the repayment of any set-off credit to any State on account of direct tax, and to that extent possibly enlarges the word "collection."

The bill as it passed the Senate provides that no payment should be made of this money or any part of it by the governors of any of the States to agents under any contracts that had existed theretofore.

An amendment is suggested striking out that provision on this ground only, and it is for the House to say whether it should be done. It did not seem to us wise that the Government should compel in this form the State authorities to repudiate their own contracts, but if anything should be done let the States take the responsibility in that regard.

Now, Mr. Chairman, in the summer of 1861, after the organization

of the rebellion, and while things were in a state of uncertainty and the revenues of the country unequal to the demand then existing, a bill was passed by Congress and became a law, by which $20,000,000 were levied and apportioned amongst the people of the States. Subsequent to that enactment the machinery necessary to carry out that levy and secure the collection of that sum was enacted by Congress, part of it as late as the year 1862. Circumstances quickly arose which interfered with the collection of that tax in some of the States of the Union, and it was only in some parts of the Union partially collected. For the most part in amount, and perhaps in numbers, the State authorities, the Legislature, assumed to pay and did pay the General Government the whole amount apportioned among the people of that State, with the exception of the 15 per cent. offered to them, perhaps as an inducement to make that assumption of the tax.

It will be noticed this bill provides only for the repayment of the amount collected and does not include this 15 per cent. The amount of the debt which has been collected in one way and another is something over $15,000,000. The amount that remains uncollected altogether is $2,600,000. The credit to States which assumed the payment of the tax amounts to $2,227,000.

This proposition relinquishes the amount uncollected to surrender that claim, and provides for the repayment to States and individuals as far as may be who have paid any of this money. It is simply that and nothing more. The reason for it is this: The collection of this tax as to the States where the payment has not yet been made has been long ago abandoned, except the United States authorities have insisted until recently upon offsetting claims due from the United States Government to the various States without giving them credit on this tax. That has been resisted from time to time, and claims have been before Congress, even the present Congress, in favor of many States justly due, honestly due, and fully due; but they have been resisted by Congress because of the existence of this tax, which has been unpaid. There has been, under some sort of compulsion, many of these set-offs paid in the adjustment of accounts between the Government and the States, but the Supreme Court has decided that can not be done except in the cases where the debt has been assumed. By surrender to apportion under the Constitution it is not a State indebtedness, but an individual indebtedness, to be collected out of the private property of individuals of a State and all of them.

Now, it stands in this way. There is no way of collecting this debt without credits to be given where claims are presented and acknowledged to be just in favor of the States. It must either remain as it is, a portion of the States and individuals having paid their full proportion of this tax, and others having paid it partially, but not in full, and others not having paid any, or else the machinery still existing by law and still practicable and feasible must be carried on and this tax collected from the States where it has not been paid yet, or the plan adopted in this bill must be enforced, and that is to relinquish the claim so far as unpaid and to pay it back so far as it has been paid.

There is, Mr. Chairman, one inequality in this idea that the States which assumed this debt in 1862 in many cases borrowed the money, and in many instances are paying interest on it to this day, while in other cases they have been lying out of the use of their money from 1861 or 1862 until this time.

The amount has been doubled over and over again by reason of the accumulation of interest, and yet there is no expectation or purpose in this bill to have paid back anything but the simple amount of the first payment, even deducting the percentage for the cost of collection. There will be no equality in the cases then, but it will approach it far more nearly than it exists now, one State having paid its full share, another State paying only a part, and another paying none. Still there will be a settlement of the controversy, and it is believed that this affords the best and the only basis that can be attained. There are other difficulties that have arisen in connection with the matter. The State of Georgia has, for instance, *pro forma* assumed the indebtedness. Her Legislature has agreed to assume the indebtedness and pay the money. But she refuses to do it because now it is alleged that there was no authority on the part of the Legislature to pass the enactment. There is one of the troubles that arises. In the State of South Carolina perhaps the whole amount has been paid. It was not assumed by the State, but it was paid by the people of the State.

And right in this connection some of the gravest hardships that I know of growing out of the war exist. The town of Beaufort was taken and sold, and the adjoining lands in that immediate vicinity, bringing but a small amount at a forced sale under such circumstances. But the tax at all events of that State has been paid substantially.

These matters are all unadjusted; they are all at loose ends. There must be some system providing some way of adjusting the difficulty, and what plan more just and equitable can be devised than to relinquish the tax where it has not been paid, and pay it back without interest where it has been paid?

Mr. Chairman, this tax was not levied by a part of the country for the benefit of a part of the country. It was levied by the Congress of the United States under the Constitution of the United States that extends over all its territory. It applied to all its people legally, morally, rightfully, as much in one section as in the other. It was for the benefit of the whole people, as much those residing in one part of the country as in any other part. That is recognized now. It is understood that we are all together again; not reluctantly, but cheerfully, all of us accepting the situation and rejoicing in the present condition of things. This tax was seemingly essential. It was levied for the purpose of protecting the integrity of the Union. It was levied by competent authority. It was levied for an important purpose. It should be paid or it should be adjusted. I do not intend personally to take but little time in the discussion of this matter, and for the present I reserve the remainder of my time.

The CHAIRMAN. The gentleman has forty-five minutes of his time remaining, having consumed but fifteen minutes.

Mr. EZRA B. TAYLOR. I reserve that.

[Mr. OATES withholds his remarks for revision. [See Appendix.]

Mr. HEARD. Mr. Chairman, owing to the fact that only on yesterday was the pending bill set for discussion to-day, and therefore that it has been impossible for me to thoroughly arrange for presentation the views I now wish to submit thereupon, I ask the indulgence of the House if I find myself obliged to rely more or less on the manuscript material before me. I desire also to ask, in this connection, that in preparing my remarks for publication in the RECORD I may be permitted to incorporate therein some tables bearing upon the question at issue which I will not consume the time of the House now by reading in full, but merely allude to in passing.

In attempting, Mr. Chairman, to answer the argument of my distinguished friend from Alabama [Mr. OATES], for whose ability I have great respect, and whose frankness and honesty of expression always challenge my admiration, I shall not undertake to discuss all the points referred to by him as bearing collaterally upon the subject under consideration, and many of which, I think, should have no weight with us in determining our judgment as to the merits of the pending bill. The question of the distribution of the surplus then in the Treasury under the act of 1836, and that of refunding the "cotton tax," while always interesting to consider, can not, I think, justly be claimed to have any place in this discussion; and I shall therefore decline for the present to give to their consideration more than a passing notice while I invite the attention of the House to what I conceive to be the broad principle of common justice underlying the proposition contained in the measure before us, and give some reasons why I believe it should receive the cordial approval of Congress.

If this were a question, Mr. Chairman, of whether or not the Federal Government should now enforce the payment of the tax levied upon and yet unpaid by the States now in default, I should hesitate to record my vote in favor of such a proposition, and I would give good reasons why I should qualify my action in seeking justice for my own people so as to yet temper my demands with mercy for others. Missouri asks nothing of the people now in default which she is not willing to accord to the people of all the States of this Union. She is not here mendicant-like, hat in hand, asking for favors. She is not here a jobber asking for a divide in the result of the perpetration of a wrong on any section of this country. She is here as a State the people of which have complied with their just obligations as imposed by a law constitutionally enacted and binding upon all, and have complied with all its requirements as good citizens and put their money into the Treasury, which they now ask the consent of the people who have not so discharged their duty, to withdraw, not with accumulated interest for twenty-six years, for which she might in equity have permission to present a claim as against the delinquent States.

My distinguished friend from Alabama has collaterally discussed as pertinent to the consideration of the question at issue the attempt at distribution by the Federal Government in 1836, of the surplus then in the Treasury. Mr. Chairman, that is somewhat remote, it occurs to me, to be brought into the consideration of the question now at issue. But let me say to the gentleman from Alabama that when that question is presented as an issue on which the members of this House shall vote he will find me prepared to consider it, as I consider this, as a question of governmental policy, on which our conduct should be based on the eternal principle of justice to all the people, and prepared to vote in accordance with that line of policy which will, in my judgment, secure perfect justice to all concerned.

Alabama, he says, received some of that money; Minnesota and California none. Of course not. At that time they had not even the form of States. Alabama has received part; so she has; but has any one ever heard the voice of the member from Alabama or any of its citizens proposing to return that money to the Treasury for the common account and use? I apprehend not. Alabama, in that case, has received a part of what, under that law, if it were fully executed, she would be entitled to, as Alabama has in the case at bar received the benefit of her failure to meet the obligations imposed, as my friend concedes, under a proper application of the law-making powers of the Government exercised in consonance with the Constitution of the United States.

Now, Mr. Chairman, in whatever I may have to say about the good State of Alabama or any other State whose attitude with reference to this bill I am obliged to discuss in connection with this question, I beg to assure her members and this House that I have no desire to be of-

fensive in any sense, and I shall use such illustrations only so far as I may feel to be absolutely necessary to a proper presentation of my views of the case.

The distinguished gentleman from Alabama has discussed at some length the cotton tax. I do not propose to be diverted from the discussion of this question by any consideration of the cotton tax. Nor shall I enter into a discussion of any of the points which have been presented by him touching that subject, as I feel that however cogent they may be, in the abstract, they have no proper relation to the subject now under discussion. But this I pledge him, that in the consideration of that question when he presents it, as he proposes to do, I will try to be as just in every act of mine in that regard as I ask him and his people now to be just to those whom I represent. He says that owing to the changes in population of the different States perfect justice can not be done under the provisions of this bill. I apprehend that under no law enacted by human wisdom, and under no law enforced by human agencies can perfect and exact justice be done. This is presented, however, as the closest possible approximation to justice which is to be attained by legislative effort in the direction of a settlement of this vexed question.

Now, Mr. Chairman, I beg to present, in as good form as I have been able to prepare them, some reasons why this bill should become a law.

Mr. OATES. Will the gentleman permit a question?

Mr. HEARD. Yes, sir.

Mr. OATES. Do you know how much your State would receive if the cotton tax were refunded?

Mr. HEARD. I have no idea, because I have not considered that question as pertinent to this, nor have I had any occasion to consider it as an independent matter.

Mr. OATES. If the cotton tax were refunded, the gentleman's State would receive $592,098.36.

Mr. HEARD. I am obliged to the gentleman from Alabama for the information, and, with him, I join in the statement that whatever interest my State may have in that matter, it shall not influence my action in regard to the consideration of the question when proposed. I know my friend means that, because if there is an honest man on this floor or on the earth it is my friend from Alabama; but I beg him to permit me to call his attention to the attitude in which his people stand with relation to the people of my State, and of others similarly situated, and who, like them, were at the time this tax was laid amenable to the provisions of the Constitution and to the laws enacted in pursuance thereof. I ask him to consider that, and when he asks generosity of treatment for his people to accord justice to mine.

Mr. OATES. If the gentleman will permit me, the cotton-tax amendment which I offered would not take away from his State any portion of the direct tax proposed to be refunded.

Mr. HEARD. I understand that.

Mr. OATES. It would only add that much to the amount.

Mr. HEARD. I perfectly understand that.

Mr. OATES. And my proposition is that, while I am opposed to the bill for the refunding of the direct tax, yet, if it is to be passed, I want to couple the other with it, so as to make the raid one that will be worth considering.

Mr. HEARD. I perfectly understand the gentleman's theory and purpose, and whether it be regarded by him as complimentary or not, I will say that if there is any subject which he is perfectly competent to consider in connection with this proposition, it is the question of a "raid," for I submit that his State, which was assessed for her share of this tax as the other States were assessed, in a manner which the gentleman concedes was in consonance with the Constitution, and which State, under the decision of the Supreme Court, does not stand to-day as having paid a dollar of it—I say the State of Alabama stands in the position of being willing to "raid" the people of Missouri, who paid their $646,000 of this tax when a dollar was as precious to her people as it has ever been to the people of Alabama. I say the people of my State paid all that money, it being withheld from them in settlement by the Government for moneys which the State had advanced and which she had otherwise a right to recover.

But, Mr. Chairman, Missouri is unlike Alabama. Alabama may now go into the Court of Claims under the "Louisiana decision" and recover from the Government every penny withheld from her allowances, although she has never paid a dollar of the direct tax which the gentleman admits was constitutionally levied.

Mr. OATES. I want to interrupt my friend just there, if he will permit it.

The CHAIRMAN. Does the gentleman from Missouri yield?

Mr. HEARD. I do, most cheerfully.

Mr. OATES. I know the gentleman does not intend to misrepresent at all.

Mr. HEARD. Indeed I do not, and I am glad to be corrected if I am wrong.

Mr. OATES. The assessment of a direct tax like this is never a debt of the State until the State assumes it.

Mr. HEARD. I understand that perfectly.

Mr. OATES. Therefore, when the gentleman speaks of it he should not speak of it as a debt of the State of Alabama, but as an assessment against the people of Alabama—against the land-owners of that State.

Mr. HEARD. I thank the gentleman for the distinction, and I shall try to bear it in mind in the course of this discussion. Technically, I lost sight of it for a moment in making the application; but in fact it amounts to the same thing, because every citizen of Alabama is interested in the enforcement or non-enforcement of this act. Every citizen of Alabama is interested likewise in the withholding by your State of what she should pay under this law.

Now, Mr. Chairman, I proceed to present the reasons why I think this bill ought to pass.

This bill rests upon no issue or question of party politics. It is not in the interest of any section or class. It is an effort to equalize, as far as may be done, the inequalities, the hardships, and the injustice of the enforcement of the collection of the direct tax levied under the exigency which rested upon the General Government in 1861. The purposes of this bill have the indorsement and commendation of the present as well as of past administrations. No one favored it more earnestly than the lamented Secretary of the Treasury, the late Judge Folger, and the then First Comptroller. Of their published letters I shall again speak, but I desire now to invite your attention to the reasons for the legislation proposed by this bill.

Section 14 of the act to protect the revenue, etc., of July 28, 1866 (14 Stats., 331), suspended the further enforcement of the direct tax until January 1, 1868. And on July 23, 1868 (15 Stats., 260), this suspension was extended until January 1, 1869. In a special communication to the Secretary of the Treasury, dated May 3, 1880, the Commissioner of Internal Revenue forcibly pointed to the various inequalities which had arisen in the collection of the direct tax, and that large balances remained uncollected, and strenuously recommended that the collection of such balances be enforced, as such enforcement had been suspended merely until January 1, 1869, and that the period of legal suspension had expired.

The Commissioner of Internal Revenue was in the position of an officer commanded to do a certain thing, and the act of suspension which saved him from dereliction for the non-enforcement of the act according to its express terms had expired. He rested, then, under the responsibility of enforcing the law, and as to the proper methods of enforcement he properly called upon Congress for direction.

Similar recommendations were made in the regular annual reports. The justice and fairness of collecting these balances was apparent, as is conceded by my friend from Alabama; for he makes no point on that. Yet, Mr. Chairman, the inadvisibility of enforcing the collection when the money was really no longer needed was manifest.

At this point I hope my friend from Alabama will give me his attention for a moment. He suggests that according to the changes of population, etc., incident to the development of this country, some inequalities must exist in the application of the provisions of this bill should it become a law. States of this Union are here to-day asking for the payment by the Government of moneys advanced as far back as 1777, and in the last two Congresses much time was consumed on this floor in discussing the question as to whether or not we would give to the State of Georgia exemption from the application of the practice which had obtained in the Treasury Department with reference to settlements affected by this law in relation to the $35,000 allowed to her by Congress on account of expenditures made in 1777. Talk about inequalities on account of the shifting of population! Where are the representatives of those people of Georgia who contributed the taxes to pay this money in 1777?

Mr. OATES. Does the gentleman contend that that is a parallel case with this? That was money paid by the State of Georgia to some merchants who furnished supplies to the army during the siege of Savannah.

Mr. HEARD. I understand that thoroughly; and I will say to the gentleman that $646,000, withheld from the State of Missouri under this law, was money contributed by the State for the use of the Government in purchasing supplies used in the late war.

Mr. OATES. But has not Congress always the constitutional power to expend money for the common defense? That power is very clear. But where does the gentleman find constitutional power to repay a tax lawfully laid and collected?

Mr. HEARD. Let me answer that question by asking another. Where, within the limits of the Constitution, for which the gentleman has such reverence, and whose precepts at least he so thoroughly honors by his concessions in this discussion—where in that instrument does the gentleman find authority to levy a tax upon more than thirty States of the Union, collect it rigorously in possibly twenty, and leave it untouched in the residue of the States?

Mr. OATES. That is not a constitutional question at all.

Mr. HEARD. Ah, Mr. Chairman, the gentleman may find it is a constitutional question. He admits that this tax was constitutionally laid. He admits that the Constitution requires that all taxes shall be uniformly laid; and if the great men who framed the Constitution had not embodied that principle in the express language of that instrument itself, the laws of justice would have caused every legislator to the end of time to respect it.

Mr. OATES. Was not the tax laid constitutionally? It is within the power of Congress to collect that tax now.

Mr. HEARD. I did not quite understand the gentleman.

Mr. OATES. Was not this tax uniformly laid? My friend from Missouri certainly does not assert that it was not.

Mr. HEARD. I assert that it was uniformly laid; and I quote the gentleman from Alabama in support of the proposition.

Mr. OATES. Certainly; yet you maintain that it is not uniform because a part has not been collected.

Mr. HEARD. I assert, Mr. Chairman, most solemnly, and I challenge for the correctness of my position any common-sense criticism, that though a tax may be laid uniformly, yet when by the methods of collection you collect it only partially—that while in the framing of the act you observe the formal directions of the Constitution, you violate its spirit in the improper execution thereof.

Mr. OATES. Then, if I understand the gentleman's argument, he holds that this tax is unconstitutional simply because the Government has failed to collect some portion of it.

Mr. HEARD. Not by any means. On the contrary, I hold it is constitutional, and that as to the act of the Government which suspended the enforcement of the law, with all its hardships, those people who have been benefited by the extension of such clemency at the hands of the Government are, in God's name, the last that should ask to be heard in criticism of its conduct in such regard, or to assert that the States having already paid had forfeited any of their constitutional rights by reason of the delinquency of those still in default.

Mr. OATES. Is not that an argument altogether as to the policy of the measure, and not as to the question of power?

Mr. HEARD. Well, Mr. Chairman, the power the gentleman admits to be plenary.

Mr. OATES. The taxing power.

Mr. HEARD. The power to tax and to collect taxes.

Mr. OATES. Let me ask the gentleman one more question; I do not wish to interrupt him. Does he maintain that Congress can lay and collect taxes *ad infinitum* to refund taxes which have already been constitutionally laid and collected?

Mr. HEARD. Ah, Mr. Chairman, that is a different proposition.

Mr. OATES. That is what it results in.

Mr. HEARD. I say to the gentleman from Alabama that he well knows that to all intents and purposes, and necessarily in order to effectuate the ends of justice, the $646,000 collected by this tax from the State of Missouri, and which is authorized by this bill to be returned to her, must be considered as her money, although in the Treasury, until Alabama and other States in a like condition meet their obligations imposed by the provisions of the same law.

Mr. OATES. Does not the gentleman know it was expended, every dollar of it?

Mr. HEARD. No, I do not; and it is impossible for the gentleman from Alabama to know it.

Mr. OATES. Let me put it in this way. Suppose there was no money in the Treasury, would you agree to tax the people for the purpose of paying to the beneficiaries of this fund the sum of seventeen and a half millions of dollars?

Mr. HEARD. Yes, I would, unless I considered that equal justice to the States which had paid could better be secured by the enforcement of the law laying the tax. I do not intend to take refuge in any subterfuge from what I conceive to be a duty which I owe to the people of my State whose money the Government got. I do not intend to evade that duty simply because the enforcement or the carrying out of what is just to them, may be a scarecrow in some other quarters either as to matter or methods of taxation.

CONFEREES APPOINTED.

The committee informally rose, the Speaker taking the chair.

The SPEAKER. The Chair, in accordance with the understanding this morning, will announce the conferees appointed on the part of the House on bills of the following titles.

The Clerk read as follows:

On the bill (H. R. 1584) granting the right of way to the Duluth, Rainy Lake River and the Southwestern Railway Company through certain lands in the State of Minnesota—Mr. HUDD, Mr. MCSHANE, and Mr. NELSON.

On the bill (H. R. 1158) for the relief of Louis Jacobson—Mr. LANHAM, Mr. BLOUNT, and Mr. LAIDLAW.

On the bill (H. R. 2927) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn.—Mr. CRISP, Mr. PHELAN, and Mr. LAGAN.

On the bill (H. R. 2216) for the relief of Thomas A. Osborne—Mr. TAULBEE, Mr. MANSUR, and Mr. KERR.

RIVER AND HARBOR BILL.

On motion of Mr. BLANCHARD, by unanimous consent, it was ordered that in the number of copies of the river and harbor bill ordered to be reprinted this morning certain verbal corrections be made as he has indicated them.

ENROLLED BILL.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (H. R. 7217) for the erection of a public building at Lowell, Mass.; when the Speaker signed the same.

BILLS ORDERED TO BE REPRINTED.

On motion of Mr. HEMPHILL, by unanimous consent, it was ordered that bills of the following titles be reprinted:

A bill (S. 249) to prevent the manufacture or sale of adulterated food or drugs in the District of Columbia; and

A bill (S. 116) to incorporate the American Trust Company for the District of Columbia.

FORFEITURE OF LAND GRANTS, NORTHERN PACIFIC RAILROAD.

Mr. MCRAE. I rise for the purpose of submitting a privileged report. I am directed by the Committee on the Public Lands to report a bill (H. R. 9151) to forfeit lands granted to the Northern Pacific Railroad Company, and for other purposes; which was read a first and second time, and, with the accompanying report, ordered to be printed and recommitted.

Mr. HEARD. Mr. Chairman, without intending any discourtesy to my distinguished friend from Alabama, who has always been most courteous to me, or to other members upon the floor, I have to request that I may be permitted to pursue the line of remarks that I have mapped out for myself in part, and will then take much pleasure in answering, if I can, any inquiry which may be addressed to me in connection with the views I may have presented.

I resume now the reference I had already made, when interrupted, to the claims arising in some of the States on account of the war, and operations growing out of its prosecution. There were, as I have said, balances arising from the source I have mentioned and still unliquidated. But these uncollected balances for direct taxes had some years previously been charged up on the books of the Treasury as debts against the States respectively in their corporate and sovereign capacity. Many of the States had large claims against the Government for allowances for war material—that was the case with my own State—and as these claims were audited they were credited as against these direct-tax balances. Every dollar of assessment against my own State—$646,000 and more—was withheld on the settlement by the Government. Many States, regardless of the sides which they took in the late war, were entitled to sums of money on account of the 5 per cent. fund from sales of public lands and for swamp-land indemnities. Others had demands against the General Government for advances in the two wars with Great Britain and in various Indian wars, and as these demands were allowed by Congress, they have been similarly credited.

In short, all debts due by the General Government to any of the States on any account were, as soon as allowed, credited on these direct-tax balances as if they were debts against those States in their sovereign capacity, and this whether the States had assumed the payment of the direct tax or not.

The friction of these unadjusted and disputed accounts between the General Government and the States of the Union has been unremitting, and has been expensive, besides the constant irritation it has produced.

The Departments have been besieged ever since the ruling of First Comptroller Tayler that these balances were to be charged to the States, to have special allowances to the States exempted from the application of the rule. Applications have been made to the courts for mandamus on the First Comptroller and refused, because, however illegal the ruling of the official, his successor was prohibited by statute from reviewing it; and the court could not compel him by mandamus to do so.

Congress has been urged to adopt legislation to avoid the effect of this ruling as to credits. In one act to refund certain expenses to Georgia language was adopted providing that it should be *paid in money*. During the Forty-ninth Congress one of the first bills reported by the Judiciary Committtee was that a sum appropriated to Georgia should be paid instead of being credited. During its present term the Supreme Court, in the case of Louisiana *vs.* United States (123 U. S.), has expressly decided that this direct tax was not a debt of the States, and that sums due by the United States to the States on any account can not be set off against them, and that the Court of Claims can render judgment for all such sums, whether already credited or not. Under this decision Louisiana has recovered seventy-odd thousand dollars of the amount credited on the balance charged up against her, a very considerable part of said sum having been collected directly from her people.

That money so held by the Government as against the State of Louisiana was on account of what is known as the 5 per cent. fund, growing out of the donation of 5 per cent. of the sales of public land and from swamp-land indemnities. That money so held by the Government the court has decided was held as a trust fund, to be expended by the State in the proper execution of that trust. Now is not every citizen of that State interested in the return to that State of this $70,000, which goes into the common public fund of the State for the purposes specified in the trust? The funds withheld from Missouri are for moneys paid by her on account of war expenses. We can not recover in the Court of Claims or any other tribunal what has thus been withheld from us, while Louisiana and States similarly situated are allowed to

recover the fund which had been held against them for the payment of this same debt.

Under the same ruling the State of Mississippi has recovered the sum of $41,453.91, which was the only payment or credit on account of the assessment against that State of $413,084.67. Under this same ruling the State of Alabama has recovered the sum of $18,285.03, which was the only payment or credit on account of the assessment against that State of $529,313.33. And there can be no doubt that Georgia can, at any time within six years from March 3, 1883, go into the Court of Claims and recover the sum of $35,555.42, allowed by Congress for "money expended in local defense of the common cause of independence in 1777."

And then neither Mississippi, Alabama, nor Georgia will have paid one cent on account of the direct tax of $20,000,000, whereof seven-eighths has been paid by other States and Territories of the Union.

Then, Mr. Chairman, when these States shall have pursued their remedies under the law as declared by the Supreme Court of the United States, when they shall have, as Louisiana has done, enforced their demand recognized in that decision of the Supreme Court, they will not have paid a dollar into the Treasury in settlement of this tax which has been paid in full by my own State and by other States in response to an obligation of duty imposed upon all the States equally by the law.

This is one of the glaring inequalities of the situation which this bill is intended to remedy; but to remedy, not by enforcing unnecessarily upon Alabama, Mississippi, and Georgia the burden which the others have borne, but simply by returning to the other States the sums which they have paid, and releasing the delinquent States from their liability on account of this tax.

But there are other inequalities besides these, though not so great. These three States, and I refer to them simply for purposes of illustration, have practically paid nothing, but other States still owe balances.

The States of Colorado and Wisconsin, and the Territories of Washington and Utah each still owe small balances. I speak by the Treasury report of March 22, 1886.

The original direct-tax act, levying a tax of twenty millions annually, was passed on August 5, 1861. Said tax was apportioned among the several States and Territories and the District of Columbia, in accordance with the provisions of the Constitution, and has been adjudged by the Supreme Court to have been constitutional (O'Connor *vs.* Cooley, 12 Wall., 391; Detriville *vs.* Smalls, 98 United States, 517); but that tribunal has vacated proceedings under it for illegality in the manner of enforcing it. (Bennett *vs.* Hunter, 9 Wall., and Lee *vs.* United States.)

Even if I had not the high authority of my distinguished friend from Alabama to quote, I doubt if any man with the plain language of the Constitution before him could question the constitutionality of the law. The Supreme Court of the United States, however, has forever settled that question beyond all cavil, and placed it beyond the reach of controversy.

This act was passed under the pressing exigency of raising money to carry on the war. It was an expensive, undesirable, and cumbersome mode of taxation, and was really in the nature of an enforced loan to bridge over the pressing demands of the moment. It was discontinued after the first year. But on June 7, 1862, a special act was passed for enforcing the quotas of the first year against the States in insurrection. The Supreme Court has decided that these acts are to be construed as *in pari materia*, and as parts of a system. (Taylor *vs.* United States, 104; United States *vs.* Lawton, 110 U. S.)

Section 35 of the act of 1861 gave the States the option, respectively, of assuming the quota of the people of that State, and as an inducement to do so and secure the early use of the money, a deduction (15 per cent. if paid by June 30 and 10 per cent. if by September 30) is provided to be allowed as an offset to the expense saved the Government for collection. A number of the States assumed their respective quotas, and some of them, as Ohio, sold bonds to raise the money at once. Though the direct tax was discontinued after the first year, yet on June 7, 1862, as already stated, the act was passed for enforcing the original quotas of the twenty million on the "insurrectionary States," and they were not authorized to assume the tax. In the year 1866 the States of Georgia and Texas desired and by act of their respective Legislatures provided for the assumption and immediate payment by them, respectively, of their quotas, and Governors Jenkins and Throckmorton made application to the Secretary of the Treasury for permission to assume and pay these quotas, and were refused because the law did not authorize this to be done by the insurrectionary States.

I ask special attention to this part of the question. On the statute-books of the State of Georgia and of the State of Texas statutes were placed authorizing the assumption by those States, respectively, for the people of those States of these debts, and their governors, Throckmorton and Jenkins, came to the Federal Government offering to pay for their people and make their settlement; and it was not allowed because the Government held that the act of 1862 did not authorize such assumption by the insurrectionary States.

Moreover, the tax in those States by this act was fixed and assessed upon the land alone, and was not only made a lien upon the land but by section 4 the title to said land was declared to be forfeited to the United States.

At the beginning of this movement to have these inequalities in the enforcement and operation of this law equalized and adjusted in some way, the construction of the Treasury Department on this section 4 was that it operated as an absolute forfeiture, and that when lands were bought in at the direct-tax sales by the United States for sums ever so much in excess of the taxes, the Government was not liable to pay to the owner the surplus of such sales in excess of such bids.

The case of S. G. Lawton *vs.* United States was brought in the Court of Claims to recover the surplus proceeds of sale over the taxes and charges where the Government was the purchaser, and an examination of the case in 18 Court of Claims Report, 595, will show that it was rigorously defended on the express ground that the owners were not entitled to the surplus where the Government was the purchaser.

By section 14 of the act of July 28, 1866 (14 Stat. L., 331), as I have stated, the Secretary of the Treasury was "authorized to suspend the collection, in any of the States heretofore declared in insurrection, of the direct tax," etc., and this suspension was subsequently, by joint resolution, suspended until January, 1869. These uncollected balances, therefore, in these States still remain a specific lien on each and every tract of land wherever the tax has not been paid, and the enforcement of this lien is suspended merely.

The Secretary was authorized by law to suspend only, and to suspend until a definite, fixed date, to wit, January 1, 1869; so that beyond question it is the legal duty of the Secretary to enforce these liens and collect this tax, and no legislation for that purpose is needed on the subject.

But, Mr. Chairman, the money is not needed, and the enforcement of its collection would be attended with such hardship as necessarily to create great friction; but the question remains whether it is just and right, when the other States have paid seven-eighths of these taxes, that these States in default shall continue to withhold the balance of their quotas?

Ought not they to come and tender to the Government the amount of the original quotas assessed against their States, or else not contend against the equity of an enactment which would adjust the matter so as to give them a complete acquittance and return to us simply the dollars and cents that we paid into the Treasury?

Every dictate of reason and suggestion of fairness demands that either these balances should be collected or that the sums already paid shall be refunded.

Equality is equity, and one or the other of these alternative propositions will come nearer working equity than any which can be suggested; and nothing can be more unequal or unjust than the present situation of affairs relating to this business.

Mr. MCRAE. Will the gentleman allow me a question?

Mr. HEARD. I will yield, but I hope it will not be taken out of my time.

The CHAIRMAN. The Chair will state to the gentleman from Missouri that it will be taken out of his time.

Mr. HEARD. Then I must decline to yield.

Mr. MCRAE. I simply wanted to ask the gentleman this. I understood him to say that he believed this tax was a lien.

Mr. HEARD. I do.

Mr. MCRAE. What do you do with the clause which provides that it shall not be a lien after two years?

Mr. HEARD. There is no such provision in the supplementary act of 1862 applicable to the insurrectionary States.

Mr. MCRAE. Where is the conflict between the two acts?

Mr. HEARD. The limitation of two years, which is contained in the first act, is not repeated in the second, but it is made a lien without limitation and the title declared forfeited to the United States. I hope my friend will not interrupt me further at this time.

But, Mr. Chairman, great as has been the inequality in results as to the enforcement of this direct tax between the States of the Union, it has been exceeded by the hardships and inequality wrought in the manner of its enforcement in particular States. These facts of themselves present an irresistible argument for the passage of this bill, so as to equalize matters now as far as may possibly be done.

I ask every member who desires to be guided by the conceded principles of law buttressed upon the Constitution as conceded by the gentleman from Alabama [Mr. OATES] whether his course here observes the equities of the situation. I ask every man to consider the hardships which, unless we extend the benefits of this act, the law will have perpetrated upon some of the people of those States in which the tax was wrung from them, in some cases by virtual confiscation.

Take the State of Virginia. The quota assessed upon her entire real estate was $729,071.02, whereof there was collected by the Government commissioners $515,569.72, leaving a balance of $213,501.30, which, as we have seen, constitutes a lien and a cloud on the title of the real estate which has not paid the taxes. The commissioners charged with the execution of this law in Virginia, without any warrant of legal authority, ingrafted upon the statute by the adoption of a rule of practice a provision that the taxes could only be paid by the owner of the land in person. A friend or an agent was not permitted to pay it. In conse-

quence of this unlawful requirement, large quantities of land were unnecessarily as well as illegally sold to enforce the collection of the tax. Let it be said to-day, in justice to his memory, that James A. Garfield went before the Supreme Court of the United States and demonstrated the illegality of this rule and denounced this outrage, and that tribunal, in Bennett *vs.* Hunter (9 Wall., 314), placed the seal of its condemnation upon this part of the administration of these commissioners.

But the people whose lands had thus been confiscated have had no redress. How will they have redress? By proceeding to enforce the old law? Oh, no; but by returning to the States, as trustees for these people, the money which was thus taken from them, as this bill proposes.

Now, in the name of reason and justice I ask if there can be a fair objection raised to the return of this $515,509.72 to the individuals who paid it or their representatives, when the people of the great and prosperous States of Alabama, Mississippi, and Georgia have not paid the first dollar upon the quotas assessed upon them respectively.

Why should these three States, or others similarly situated, be found antagonizing this bill, when, under the law as it stands to-day upon your statute-book, unrepealed and unimpaired, they are not only liable for those quotas assessed upon them, but in addition thereto to a penalty of 50 per cent. and interest on the tax itself at the rate of 10 per cent. per annum from July 1, 1862, until paid—in other words, whilst those States not only owe their quotas but more than three times their original quotas, all of which is an enforceable lien on "each piece, parcel, and tract of land respectively" in those States?

Take the State of Arkansas. Her quota is $261,886, and if this bill becomes a law it will return $184,082.18 to her citizens which has been collected from them, very largely, by sales of their real estate at great sacrifice, and will not only release her from the balance of $77,803.82, but also from the penalty of 50 per cent. and some twenty-six years' interest at 10 per cent. per annum. (See section 7 of the act of June 7, 1862.)

What I have said as to Virginia and Arkansas is practically true as to Tennessee, Florida, and North Carolina, and in this connection I desire to call attention to the fact that the present Commissioner of Internal Revenue, in the discharge of his official duty, in view of the decision of the Supreme Court in the Louisiana case, and pointing out how it would affect the balances against Alabama, Georgia, Louisiana, and Mississippi, felt bound to make the following suggestion, to wit:

"I suggest that the question whether the United States has now any authority for the collection of the tax remaining unpaid be taken into consideration. If it is held that the tax can be collected, proper steps should be taken to collect it, unless there is some probability of legislative action authorizing further suspension."

The case of South Carolina, however, is even more extraordinary in in its peculiar hardships and inequalities, growing very largely out of the wholly illegal conduct of the commissioners.

We have already said that in the insurrectionary States the act of June 7, 1862, fixed the tax upon the real estate alone; and by the first section of that act each piece was to pay a tax in the proportion to the quota of the State that its assessed value bore to all the real estate of the State; and by the next section this tax is made a lien on this real estate; and by section 4 the title is declared to be forfeited to the United States. The first thing which these commissioners did was to assess a tax of $2 per $100 worth on the agricultural real estate of this State, and the Court of Claims (volume 21, page 39) has decided the rate should only have been $1.17 per $100 worth. To this sum penalty and interest were unlawfully added, and the lands were sold in large quantities upon this unlawfully assessed tax.

By the decisions of the same court it is apparent that whilst just after the war the real estate was in the hands of the military forces of the Union, the tax was enforced as a condition precedent to the restoration of the property, but adding interest at 10 per cent. per annum for between three and four years, which the Court of Claims held was illegal and unwarrantable. (19 Court of Claims Reports, Timms's case and Harrison's case.)

Time will not suffice to go into all of the inequalities in detail in the different States. I have only sought to mention a few of them for the purposes of illustration.

It is on account of the great injustice done by these inequalities that so many public officers of high position, who have been called on in the discharge of their public duties to deal with these questions, have recommended that something be done to equalize this tax, either by collecting the balances or else to remit the balances and return the sums collected to the States who have paid it. This bill provides for this, and provides that if the sums have been paid out of the common treasury of the State, then it should be returned to the States for public use. If it was paid by individuals or collected by the sale of the lands of individual citizens, then in that case it is paid to the States respectively in trust for the citizens who paid it. This is equitable, and the States can be trusted to deal honestly with their citizens, and I submit that sound statesmanship demands the passage of this bill as both a wise and a just measure.

Now, Mr. Chairman [Mr. HATCH in the chair], in conclusion, let me say I do not stand here to-day as a representative in part of our great State, prosperous and strong as she is, to demand the pound of flesh. I do not ask that this law be rigorously enforced and these people burdened with its enforcement, but I ask that those who have contributed nothing shall permit those States which, in obedience to their convictions of duty and in compliance with a law which is conceded to have been constitutionally enacted, paid the tax, to receive back the money which they thus paid into the Treasury. It takes nothing from the States which have not paid. Missouri asks nothing but justice from any State. Her people are able to meet all just demands upon them. But Missouri as a State has a right and, in the interest of her people, it is her duty to demand that the money which was contributed by them during the war, when they were making a heroic struggle for existence itself, shall be returned to them. We scorn any advantage. We ask those whom we have heretofore favored to now be just to us. We ask nothing more.

[Mr. WHEELER withholds his remarks for revision. [See Appendix.]

Mr. ELLIOTT. Mr. Chairman, the point to which I wish to direct my remarks is not covered by the bill now before the House, but is covered by the amendment I shall offer to the bill, and which I shall print as a part of my remarks:

That it shall be the duty of the Secretary of the Treasury to pay to such person as shall in each case apply therefor and furnish satisfactory evidence that such applicant was at the time of the sales hereinafter mentioned the legal owner, or is the heir at law or devisee of the legal owner of such lands as were sold in the parishes of St. Helena and St. Luke's, in the State of South Carolina, under the act of Congress entitled "An act to provide increased revenue from imposts, to pay interest on the public debt," approved August 5, 1861, and the acts amendatory thereto, the value of these said lands in the following manner, to wit:

To the owners of the lots in the town of Beaufort, the value assessed thereon for taxation by the United States direct-tax commissioners for South Carolina.

To the owners of lands which in the year 1860 were rated for taxation as being usually cultivated, or capable of cultivation, $15 per acre for each acre thereof returned on the proper tax-book.

To the owners of all other lands $3 per acre for each acre thereof returned on said tax-books: *Provided*, That in all cases where such owners, or persons claiming under them, have redeemed or purchased said lands, or any part thereof, from the United States they shall not receive compensation for such part so redeemed or purchased, but they shall receive whatever amounts were paid by them to the United States for such redemption or purchase: *And provided further*, That in all cases where said owners have heretofore received from the United States the surplus proceeds arising from the sale of their lands such sums shall be deducted from the sum which they are entitled to receive under this act.

SEC. 5. That in all cases where persons, while serving in the Army or Navy or Marine Corps of the United States, purchased any of said real estate under section 11 of the act of Congress approved June 7, 1862, and such lands afterward reverted to the United States, it shall be the duty of the Secretary of the Treasury to pay to such person as shall in each case apply therefor, or to their heirs at law, devisees, or grantees in good faith and for valuable consideration whatever sum was so paid to the United States in such case.

SEC. 6. That before paying any money under this act the Secretary of the Treasury shall require the person or persons entitled to receive the same to execute a release of all claims and demands of every kind and description whatever against the United States arising out of the execution of said acts, and also a release of all right, title, and interest in and to the said lands.

SEC. 7. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to pay the money directed by this act to be paid to said parties.

SEC. 8. That section 1063 of the Revised Statutes is hereby made applicable to claims of individuals arising under this act without limitation as to the amount involved in such claim.

The occasion for this legislation grows out of the enforcement of the direct-tax acts in that portion of South Carolina known as the parishes of St. Helena and St. Luke. In the year 1862, when that country was in the undisputed control of the United States troops, commissioners were sent there for the purpose of enforcing the act of 1861 and the supplemental act of 1862. They sold the entire town of Beaufort, and the whole of St. Helena Parish, consisting of 80,000 acres, as well as a large part of the parish of St. Luke, containing about 30,000 acres. So it has come about that that entire section of country, by reason of these direct-tax sales, passed out of the hands of the original owners, and today, with the exception of a few cases where the original owners have again come into the possession of their property, either by purchase or redemption—with those exceptions there is in this free country an entire community who have no home they can call their own and no place to lay their heads.

How was this law enforced? First, as to the assessment. What was the first thing the direct-tax commissioners did?

And I wish here to state that everything I will set forth in reference to this matter is based upon official information obtained from documents of the Government, and the one to which I shall now call attention and read is found in the report of the committee on this bill, being the result of a Treasury Department investigation two years ago.

For taxation the State was divided under State laws into the "upper division" and the "lower division," in the latter of which alone was the direct tax attempted to be levied and collected.

The commissioners fixed the entire taxable property of the State at $30,833,322.10⅘, and still imposed upon the several parishes and districts constituting the "lower division" of the State for taxation an aggregate assessed valuation of $33,750,000, or nearly $3,000,000 more than the entire estimate for the State, leaving unassessed the "upper division," which, under the State law, constituted more than one-fourth the taxable value of lands in the State and about three-fourths the State's area.

The commissioners imposed upon farming lands—all property not in towns, etc.—a tax of "$2 ad valorem for each $100 valuation," and "upon the city, town, village, and borough lots the sum of 80 cents ad valorem on each $100 of valuation." This has very recently been the subject of judicial inquiry before the Court of Claims, where it has been held that the assessment should have been

the same for all classes of property, and that any assessment in excess of such a levy is erroneous, and the amounts collected thereunder in excess of the proper sums should be refunded to the land-owners paying the same.

Further on the report proceeds:

The report of the comptroller-general of South Carolina for 1860, adding thereto the assessment for Union County for the next fiscal year, which is substantially correct, as no return for this county seems to have been received or incorporated in the first of the said reports, shows as taxable real estate in the entire State $41,924,074, of which $30,090,507 was in the "lower division." Then, if $41,924,074 should pay $363,570.67, the quota of the State, $30,090,507 should pay $260,948.53. But upon this lower division the commissioners levied $348,283.34, $87,334.81 more than its proportion. Should the rate of taxation have been uniform, each land-owner has been compelled to pay 33.8 per cent. more than could be imposed under the law.

The same figures will show that the assessment for this State should have been 80 cents (about) on each $100 valuation. Town property has, then, paid 6 cents too little and country property $1.14 too much on each $100 valuation.

It is probable that there will yet be presented numerous claims for refunding amounts erroneously collected, both here and in other States. Each sum refunded, and which was heretofore credited to the State on account of tax, will necessarily affect the amount due from the State. And hence the necessity of the observations upon this point.

That is from the report of the Treasury Department, and shows an extraordinary condition of things. It shows that the direct-tax levy upon the lands named in the parishes I have described was altogether excessive, and the appraised valuation of the lands for taxation was entirely disproportionate, a vast difference being made between the two classes of lands, to wit, country property and town lots.

Another great piece of injustice was in the fact that the tax was levied upon each piece of property without regard to the fact that the owner may have had several pieces, either of which would have been sufficient of itself to have paid the tax upon the whole.

I will mention a single instance, where the owner had 2,550 acres of land divided into four separate tracts, the total value of which was $62,750. He was also the owner of a lot in the town of Beaufort valued at $8,500, making a total of $72,250, and the whole of that property was sold to collect the sum of the tax levied against each piece, amounting in all to $296.

I wish further to state, Mr. Chairman, that when the commissioners advertised for sale the property in the town of Beaufort instead of adhering in their notice of sale to the original plat, which had been in existence for over one hundred years and was in their possession, they made a new plat of their own, and advertised the property according to that, entirely changing the designation by which the lands had previously for all this period been known. Lots had formerly been numbered from 1 to 500 without reference to the subdivision of blocks, but the commissioners arranged the town in a system of blocks, numbering the blocks and lettering the lots in each block, so that a lot formerly known, for example, as No. 20 under the old plat was advertised for sale as lot A, in block 10. Hence the owners, even if they had by chance seen the advertisements, would still have been unable to tell by any possible means that the property so advertised for sale was theirs.

But in point of fact the whole people of that town and that portion of the country had left upon the fall of Port Royal, and when the property was sold there was not a solitary owner of it present.

These sales took place in 1863, at a time when General Hunter was in command of that military department. Realizing the absurdity of having property sold under these conditions, he issued a peremptory order, addressed to the tax commissioners, forbidding them to proceed further. They nevertheless undertook to sell certain property, proceeding with the sale from day to day, until finally the matter culminated in an order which alone I shall have time now to read. It is as follows:

HEADQUARTERS UNITED STATES FORCES, PORT ROYAL ISLAND,
Beaufort, S. C., February 12, 1863.

SIR: I am instructed by the colonel commanding these forces to inform you that if you attempt to continue the sale of land, or sell another lot, without orders from the department headquarters, to arrest you and send you there under guard.

I am, sir, very respectfully, etc.,

S. S. STEPHENS,
Lieutenant Sixth Connecticut Volunteers, A. A. A. G.

Mr. A. D. SMITH,
Direct-Tax Commissioner.

Notwithstanding that, Mr. Chairman, they proceeded to sell the property. The Government needed some of the property for Government purposes, and a board of selection was organized consisting of these direct-tax commissioners and Generals Hunter and Saxton; and an order to select such property as the Government needed for Government purposes was issued. Under that order they bid in at the tax sale to which I have already referred, with the exception of three unimportant lots belonging to colored people, every one of the lots in the town of Beaufort, which had been assessed by them at $515,700 for the pitiful sum of $17,512, being about one-thirtieth of the assessed value placed upon it by the commissioners themselves.

They also selected 39,000 acres of land which were assessed at $115,000, but which were bid in at $13,000, the price realized being about 34 cents an acre. They also bid in some 19,500 acres for $10,000, the price paid being equal to 56 cents per acre; and the whole of this property, excepting that in St. Luke's Parish, was sacrificed for the purpose of collecting the sum of about $9,000. I wish to emphasize the fact that the whole town of Beaufort, valued by the commissioners themselves at $515,000, and all of these 70,000 acres of land were sold for the purpose of collecting $9,000 of taxes. Thus this property became vested in the United States. What was done with it?

Under what were called army and navy sales in 1864 all of this property was advertised for resale, or so much of it as the Government did not then want; and special privileges were given soldiers and sailors of the United States. It was provided that they should pay only one-fourth of the purchase-money and should have three years in which to pay the remainder. Those who had paid one-fourth finding themselves at the end of three years unable to pay the balance, the property was disposed of a third time, thereby placing in the Treasury further proceeds from the sale of this property.

One of the provisions of this bill is to refund to those soldiers and sailors the amount they paid, one-fourth cash.

Further, in the Freedmen's Bureau act the Government undertook to dispose of the plantation lands in small lots in order to provide homes for the colored people who had been residing on them; and under the law the price was fixed at $1.50 per acre, although they were then worth $25 to $30 per acre. No white man was allowed to bid and the colored purchasers could not pay more than the $1.50. I am not complaining of this disposition of the property. I am merely showing that the Government took it for the purpose of carrying out certain schemes, and in that way it did not yield so large a sum as it otherwise would have done.

Under a subsequent act of Congress there have been in all about 40,000 acres of land redeemed, and a large portion of the town of Beaufort has been reacquired by the former owners by redemption or purchase, so that a large amount of this property is eliminated from any scheme of settlement to be adopted.

I have described very briefly what was done and the numerous violations of law. I submit they represent a condition of things which demands that in some way a remedy should be given for the great sufferings imposed on this community so far exceeding those borne by the people of any other section. In one way and another the Government has derived from these sales, resales, and leases about $400,000, of which about $320,000 is now in the Treasury, and has been there for twenty years.

Many attacks have been made upon the legality of these proceedings apart from those to which I have referred. In Taylor's case, reported in 104 U. S., 216, the Supreme Court decided that the Government had no right to retain the surplus of the first sales over and above the tax, but that it should in each case be repaid to the persons whose property had produced it, and under this decision small sums have been paid from the Treasury in many cases.

The scheme of settlement provided by the amendment is to pay the former owners of the property some moderate compensation for their losses. In the town of Beaufort the value fixed upon the lots is that which was placed upon them by the tax commissioners for taxation. All other property is valued at about one-half its former value. A careful examination of the details of the amendment will show that the Government is fully protected from imposition.

[Here the hammer fell.]

Mr. OATES. I ask leave to extend my remarks in the RECORD, and to distribute the views of the minority in appropriate places.

There was no objection.

Mr. HEARD. I ask leave to extend my remarks in the RECORD.

There was no objection.

Mr. CASWELL. I reserve the remainder of my time.

Mr. EZRA B. TAYLOR. I yield ten minutes to the gentleman from New Jersey [Mr. BUCHANAN].

Mr. BUCHANAN. Mr. Chairman, the year 1861 will ever be memorable in the annals of American history. Men clad in a strange garb and following a strange flag seized the property of the Government, set up an insurgent government, marched upon the national capital, and, announcing their intention to utterly destroy that which our fathers had builded with so much care and cemented with their blood, sought by all the resources at their command to make good their boast.

This effort was met by the loyal States with indomitable courage and heroic sacrifice. Among the measures devised to provide for the national defense was the act of Congress entitled "An act to provide increased revenue from imports, to pay interest on the public debt, and for other purposes," approved August 5, 1861. Section 8 of that bill contained a provision which has, by the operations under it, given rise to the bill now before us for consideration. That section provides—

That a direct tax of $20,000,000 be, and is hereby, annually laid upon the United States, and the same shall be, and is hereby, apportioned to the States, respectively, in manner following.

And the apportionment to each State, Territory, and the District of Columbia then follows as the remainder of that section. The bill then goes on to provide the machinery for the collection of this tax. Section 53 provides that any State or Territory or the District of Columbia—

May lawfully assume, assess, collect, and pay into the Treasury of the United States the direct tax or its quota thereof imposed by this act upon the State, Territory, or the District of Columbia in its own way and manner, by and through its own officers, assessors, and collectors.

And then provides that in such case such State so assuming, collecting, and paying, and thus relieving the General Government of the ex-

pense of such collection, should be therefor entitled to a deduction of 15 per cent. for such collection. Amendments to these provisions were subsequently made, but the essential features of the legislation I have spoken of were not changed.

Under this statute some of the States assumed the collection and payment of their several quotas, and were allowed the 15 per cent. for so doing. Other States refused to collect and pay, and the Government agents enforced the collection in whole or in part, except as to Utah, which paid nothing, and from which nothing was at any time collected.

Although this tax was an annual tax, no attempt was made to levy or collect it beyond the first year. Other means of raising money were found, and this tax, so unequal in its operation, paid only by the loyal States, or enforced by seizure and sale in conquered territory, already impoverished by the misfortunes of war, was abandoned. By a report from Ros. A. Fish, Assistant Register of the Treasury, dated March 22, 1886, the amount levied upon the several States, the per cent. allowed for collection, the amount collected in each instance, and the balance remaining due, as appears by the books of the Treasury up to that date, is shown. As that report is in tabular form, and shows all this at a glance, I will take the liberty of incorporating it as a part of my remarks.

Statement of the condition of the direct-tax accounts of the several States and Territories and the District of Columbia, under acts of August 5, 1861, and June 7, 1862, as appears from the books of the Register of the Treasury to date.

15 per cent. allowance.	State or Territory.	Amount imposed.	Amount collected.	Balance due United States.
.....	Alabama	$529,313.33	$18,285.03	$511,028.30
.....	Arkansas	261,886.00	184,082.18	77,803.82
(*)	California	254,538.67	254,538.67	.....
.....	Colorado	22,905.33	22,189.96	715.37
$46,232.10	Connecticut	308,214.00	261,981.90	.....
.....	Dakota	3,241.33	3,241.33	.....
14,350.50	Delaware	74,683.33	70,332.83	.....
.....	District of Columbia	49,437.33	49,437.33	.....
.....	Florida	77,522.67	43,529.81	33,992.86
.....	Georigia	584,367.33	106,963.17	477,404.16
17,982.70	Illinois	1,146,551.33	974,568.63	.....
135,731.30	Indiana	904,875.33	769,144.03	.....
67,813.20	Iowa	452,088.00	384,274.80	.....
(*)	Kansas	71,743.33	71,743.33	.....
107,054.30	Kentucky	713,695.33	606,641.03	.....
.....	Louisiana	385,886.67	268,515.12	117,371.55
63,123.90	Maine	420,826.00	357,702.10	.....
65,523.50	Maryland	436,823.33	371,299.83	.....
123,687.19	Massachusetts	824,581.33	700,894.14	.....
75,264.50	Michigan	501,763.33	426,498.83	.....
16,278.60	Minnesota	108,524.00	92,245.40	.....
.....	Mississippi	413,084.67	101,717.04	311,367.63
114,169.10	Missouri	761,127.33	646,958.23	.....
.....	Nebraska‡	19,312.00	19,312.00	.....
(*)	Nevada	4,592.67	4,592.67	.....
32,761.00	New Hampshire	218,406.67	185,645.67	.....
67,519.17	New Jersey	450,134.00	382,614.83	.....
.....	New Mexico§	62,648.00	62,648.00	.....
390,587.81	New York	2,603,918.67	2,213,330.86	.....
.....	North Carolina	576,194.67	386,194.45	190,000.22
235,063.40	Ohio	1,567,089.33	1,332,025.93	.....
(*)	Oregon	35,140.67	35,140.67	.....
292,007 90	Pennsylvania	1,946,719.33	1,654,711.43	.....
17,544.56	Rhode Island	116,963.67	99,419.11	.....
.....	Tennessee	669,498.00	387,734.31	281,763.69
.....	Texas	355,106.67	130,008.06	225,098.61
.....	Utah	26,982.00	.....	26,982.00
31,660.20	Vermont	211,068.00	179,407.80	.....
.....	Virginia‖	729,071.02	515,569.72	213,501.30
27,172.72	West Virginia‖	208,479.65	181,306.93	.....
.....	Washington	7,755.33	4,268.16	3,487.17
39,346.43	Wisconsin	519,688.67	454,944.84	25,397.40
.....	South Carolina	363,570.67	377,961.30	(¶)

* Payments made on account, 15 per cent. allowance for cost of assuming collection, namely:

To California, September 10, 1884, deficiency act July 7, 1884	$31,583.26
To Kansas, August 23, 1882, deficiency act August 5, 1882	10,761.50
To Nevada, September 3, 1884, deficiency act July 7, 1884	688.90
To Oregon, September 16, 1884, deficiency act July 7, 1884	5,271.10

† In part on compromise.

‡ Nebraska:

Amount collected	4,281.60
Amount allowed by First Comptroller of Treasury, March 27, 1884, under act August 7, 1882	15,030.40
Total	19,312.00

§ New Mexico:

Amount allowed by First Comptroller of Treasury, March 27, 1884, under act July 1, 1862	62,648.00

‖ Section 1, J. R. February 25, 1867, authorized the Secretary of the Treasury to transfer $208,479.65 of the amount originally imposed on Virginia to the State of West Virginia.

¶ Balance due State.

ROS. A. FISH,
Assistant Register.

TREASURY DEPARTMENT,
Register's Office, March 22, 1886.

In transmitting this statement, however, to this House, Hon. C. S. Fairchild, Acting Secretary of the Treasury, calls attention to some matters which make some of the items in this table subject to qualification. He says:

From this statement it appears that no distinction has been made in the sums of money charged and collected as tax, as penalty, costs, and interest, or as surplus proceeds of direct-tax sales, which are now being refunded to original owners, but that the Register's books show the gross receipts under these several heads, additional to the respective, to have been credited to the tax quotas alone as the same have been received and covered into the Treasury. On the other hand, amounts covered in as received from the direct-tax commissioners are credited to them and not credited to the States they represent. It is therefore manifest that many of the amounts set forth as balances due to the United States from the States and Territories are not the amounts really due therefrom, some being much too small and others too large.

And he announces the appointment of a commission "to examine into and report upon direct-tax accounts, with a view to the early adjustment thereof;" and he transmits also the table of quotas charged, amounts credited, and amounts due, as revised by them, after making the proper readjustments. That table is as follows:

The amount of direct taxes which has been paid is not stated in any summary, but I have collected from the report the amount of taxes paid and the amount of credits allowed, or to be allowed, and the amount now due, which may be summarized as follows:

State.	Quota charged.	Amount credited.	Amount due.
Alabama	$529,313.33	$18,285.03	$511,028.30
Arkansas	261,886.00	154,701.18	107,184.82
California	254,538.67	254,538.67	.....
Colorado	22,905.33	22,189.96	715.37
Connecticut	308,214.00	308,214.00	.....
Dakota	3,241.33	3,241.33	.....
Delaware	74,683.33	74,683.33	.....
District of Columbia	49,437.33	49,437.33	.....
Florida	77,522.67	4,760.30	72,762.37
Georgia	584,367.33	117,982.89	466,384.44
Illinois	1,146,551.33	1,146,551.33	.....
Indiana	904,875.33	904,875.33	.....
Iowa	452,088.00	452,088.00	.....
Kansas	71,743.33	71,743.33	.....
Kentucky	713,695.33	713,695.33	.....
Louisiana	$385,886.67	$314,500.84	$71,385.83
Maine	420,826.00	420,826.00	.....
Maryland	436,823.33	436,823.33	.....
Massachusetts	824,581.33	824,581.33	.....
Michigan	501,763.33	501,763.33	.....
Minnesota	108,524.00	108,524.00	.....
Mississippi	413,084,67	111,038.46	302,046.21
Missouri	761,127.33	761,127.33	.....
Nebraska	19,312.00	19,312.00	.....
Nevada	4,592.67	4,592.67	.....
New Hampshire	218,406.67	218,406.67	.....
New Jersey	450,134.00	450,134.00	.....
New Mexico	62,648.00	62,648.00	.....
New York	2,603,918.67	2,603,918.67	.....
North Carolina	576,194.67	377,452.61	198,742.06
Ohio	1,567,089.33	1,567,089.33	.....
Oregon	35,140.67	35,140.67	.....
Pennsylvania	1,946,719.33	1,946,719.33	.....
Rhode Island	116,963.67	116,963.67	.....
South Carolina	363,570.67	222,396.36	141,174.31
Tennessee	669,498.00	392,004.48	277,493.52
Texas	355,106.67	180,841.51	174,265.16
Utah	26,982,00	.....	26,982.00
Vermont	211,068.00	211,068.00	.....
Virginia	729,071.02	442,408.09	286,662.93
West Virginia	208,479.65	208,479.65	.....
Washington	7,755.33	4,268.16	3,487.17
Wisconsin	519,688.67	519,688.67	.....
Total	20,000,000.00	17,359,685.51	2,640,314.49

Quota	$20,000,000.00
Paid or credited	17,359,685.51
Amount due	2,640,314.49

The second column includes taxes collected, amount of 15 per cent. deduction, and credits allowed.

By this table it will be observed that $2,640,314.49 remains uncollected from fourteen States and Territories, that $17,359,685.51 was paid by the States and Territories; and of these twenty-nine, each paid in full. This table is the strongest argument which can be presented showing the inequalities of this collection. For instance, while Alabama's quota was $529,313.33, she still owes $511,028.30; Wisconsin's quota was $519,688.67; she has paid it all. Tennessee's quota was $669,498; she still owes $277,493.52. Indiana's quota was $904,875.33. It was paid. Mississippi's quota was $413,084.67; she still owes $302,046.21. New Jersey's quota was $450,134; and every cent of it has been paid. To make things equal, this tax should be collected from all or refunded to all. This uncollected tax has been the subject of much controversy in the past between the Treasury officials and some of the States still in arrears. Some of these States, having claims against the General Government, have, upon their presentation, been met by the officials of the Treasury with their unpaid balance of this tax as a set-off.

This claim of set-off they have resisted, though it is a perfectly equitable one, and indeed the matter has gone so far that at the last Congress Mr. Hammond, then a Representative from Georgia, a State which, as will be seen, is still $466,384.44 in arrears, introduced and most persistently urged a bill forbidding the Government from present-

ing this unpaid tax bill as an offset to the claim of any State against the Government. The performances on this floor yesterday and to-day also are significant and merit notice. The persistent effort yesterday to defeat the proposition setting apart time for the consideration of this bill was led by a gentleman from Alabama, whose quota was by the above table $529,313.33, upon which is credited only $18,285.03, leaving due $511,028.30, and voting with him were almost exclusively gentlemen from the States yet in arrears, and it really seemed that the greater the arrears the more persistent the activity in opposition. Some notable exceptions to this were noticed among gentlemen who, although from such States, realize the justice and equity of the proposed measure.

What is the proposed measure? It is, shortly, this:

First. That the sum collected from each State by collection, set-off, or otherwise shall be credited to such State.

Second. That all moneys still due shall be remitted and relinquished.

Third. That the sums collected from each State shall be returned to it absolutely where the State paid it as a State, and where it was collected by the Government of individuals in a State, in trust, to repay to such individuals.

If the collection of this tax is not to be completed—and no one advocates that nor claims that it is needed—no fairer way, in my judgment, of correcting this inequality can be devised than the provision made by the bill before us.

Bitterly as this measure is being fought, even this falls far short of doing exact justice. Many of the States which assumed and paid this tax borrowed the money with which they paid it, and in some instances such States have paid interest on this money so borrowed from them until the present. My own State paid (with the 15 per cent. allowance) $450,134. She paid that money in 1861, now nearly twenty-seven years ago. She issued bonds for her war debt. Many of those bonds bore 7 per cent interest. But if we reckon interest on $450,134 for twenty-five years at 6 per cent. we have the sum of $675,201 for interest alone, which my State should be repaid to put her upon an equality with Utah, which paid nothing, or with Alabama, which has paid next to nothing.

Mr. Chairman, there is no "section" in this measure. There is no politics in it. There is one simple, straightforward proposition to do justice to all, so far as the principal paid is concerned, and I am amazed at the fierce opposition it encounters. From whence comes that opposition? Yesterday, upon the vote to fix a time for the consideration of this bill, the proceedings, as shown by the RECORD, were—

The SPEAKER. The question is on the amendment of the gentleman from Alabama [Mr. OATES].

A MEMBER. What is the amendment?

Mr. RANDALL. The effect of the amendment is simply to give to the Judiciary Committee control of the business which shall be called up on these two days.

The SPEAKER. The amendment proposes to strike out so much of the resolution as provides that the bill in relation to the refund of the direct tax shall be first considered.

Mr. BUCHANAN. I call for the reading of the words proposed to be stricken out.

The Clerk read as follows:

"Strike out the words 'be set apart for the consideration of Senate bill 139, to provide for refunding the direct tax levied in 1861.'"

The question was taken on the amendment of Mr. OATES, and the Speaker declared that the ayes seemed to have it.

A division was called for.

The House divided; and there were—ayes 62, noes 98.

Mr. OATES. No quorum.

Mr. BROWNE, of Indiana, and Mr. DIBBLE demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 70, nays 161; as follows:

YEAS—70.

Abbott, Tex.	Davidson, Fla.	Laffoon, Ky.	Robertson, La.
Allen, Miss.	Dockery, Mo.	Landes, Ill.	Rogers, Ark.
Anderson, Miss.	Dunn, Ark.	Lanham, Tex.	Sayers, Tex.
Anderson, Ill.	Foran, Ala.	Lee, Va.	Springer, Ill.
Bankhead, Ala.	Ford, Mich.	Mansur, Mo.	Stewart, Tex.
Blanchard, La.	Forney, Ala.	Martin, Tex.	Stockdale, Miss.
Bland, Mo.	Glass, Tenn.	McClammy, N. C.	Stone, Ky.
Breckinridge, Ark.	Grimes, Ga.	McCreary, Ky.	Stone, Mo.
Breckinridge, Ky.	Hatch, Mo.	McKinney, N. H.	Tillman, S. C.
Buckalew, Pa.	Henderson, N. C.	McMillin, Tenn.	Turner, Ga.
Burnes, Mo.	Herbert, Ala.	McRae, Ark.	Walker, Mo.
Candler, Ga.	Hogg, W. Va.	Montgomery, Ky.	Washington, Tenn.
Catchings, Miss.	Holman, Ind.	Moore, Tex.	Wheeler, Ala.
Clements, Ga.	Hooker, Miss.	Morgan, Ala.	Whitthorne, Tenn.
Cothran, S. C.	Hopkins, Va.	Neal, Tenn.	Wilson, Minn.
Cox, N. Y.	Hutton, Mo.	Peel, Ark.	Wise, Va.
Crisp, Ga.	Johnston, N. C.	Penington, Del.	
Davidson, Ala.	Kilgore, Tex.	Phelan, Tenn.	

NAYS—161.

Adams,	Brown, J. R., Va.	Dalzell,	Grosvenor,
Allen, Mass.	Bryce,	Davis,	Grout,
Allen, Mich.	Buchanan,	De Lano,	Guenther,
Anderson, Iowa	Bunnell,	Dibble,	Hall,
Anderson, Kans.	Burrows,	Dingley,	Harmer,
Baker, N. Y.	Bynum,	Dorsey,	Haugen,
Baker, Ill.	Campbell, Ohio	Dunham,	Hayden,
Bayne,	Cannon,	Farquhar,	Henderson, Iowa
Belden,	Caruth,	Felton,	Henderson, Ill.
Biggs,	Caswell,	Flood,	Hermann,
Boothman,	Cheadle,	Fuller,	Hires,
Bound,	Chipman,	Funston,	Holmes,
Boutelle,	Clark,	Gallinger,	Hopkins, Ill.
Bowden,	Cogswell,	Gay,	Houk,
Browne, T. H. B., Va.	Conger,	Gear,	Hovey,
Browne, Ind.	Crouse,	Glover,	Howard,
Brown, Ohio	Cummings,	Greenman,	Hudd,
Hunter,	McShane,	Reed,	Tracey,
Johnston, Ind.	Morrill,	Rice,	Townshend,
Kean,	Morrow,	Rowland,	Turner, Kans.
Kennedy,	Nelson,	Russell, Mass.	Vandever,
Kerr,	Newton,	Rusk,	Wade,
Ketcham,	Nichols,	Ryan,	Warner,
La Follette,	Nutting,	Sawyer,	Weaver,
Laidlaw,	Oates,	Scott,	Weber,
Laird,	O'Donnell,	Seymour,	West,
Latham,	O'Neall, Ind.	Shively,	White, Ind.
Lawler,	O'Neill, Pa.	Simmons,	White, N. Y.
Lehlbach,	Osborne,	Snider,	Whiting, Mich.
Lind,	Outhwaite,	Sowden,	Whiting, Mass.
Long,	Owen,	Stahlnecker,	Wickham,
Lyman,	Parker,	Steele,	Wilber,
Lynch,	Patton,	Stephenson,	Wilkinson,
Macdonald,	Payson,	Stewart, Vt.	Williams,
Mason,	Perkins,	Struble,	Wilson, W. Va.
Matson,	Perry,	Symes,	Woodburn,
McAdoo,	Pidcock,	Tarsney,	Yoder,
McComas,	Plumb,	Taulbee,	Yost.
McCormick,	Post,	Taylor, E. B., Ohio	
McKenna,	Randall,	Thomas, Ky.	
McKinley.	Rayner,	Thomas, Wis.	

An analysis of this vote shows the yeas are almost entirely from States in arrears, and it may not be entirely amiss to inquire whether these States are truly represented in sentiment by this attempt to defeat the consideration of a bill designed to do but equity and justice to those States which in the hour of trial stood by the Union not only with men, but with means.

Sir, we hear much of a reunited country. God hasten the day when it may be united truly in interest, sentiment, and heart. But, sir, the time has not yet come when the American Congress will impose a penalty upon patriotism or offer a premium upon its opposite.

Mr. HOPKINS, of Illinois. Mr. Chairman, the gentleman from Alabama [Mr. WHEELER], who spoke last, expressed some surprise that the friends of this bill did not unite with him in voting to take up the appropriation bill which he claims appropriates nearly eighty millions of money to disabled soldiers and sailors of the Federal Army and Navy. I can say to the gentleman, for one, and I think I speak the sentiments of many who voted with me, that in the varied and historic career which he has thus far had this new character in which he appeared was so surprising that I questioned somewhat the honesty of his motives.

But I say to him that I congratulate him upon the new light which he seems to have received and the new rôle in which he appears, and that from now on whenever he has occasion to pose as the friend of the Federal soldiers he will find that we on this side, and, I think, all the friends of this bill, will unite with him in taking up that measure or voting for any measure to give pensions to the honest and faithful soldiers who served this country.

Mr. Chairman, this bill under consideration has been made necessary, as was so ably and so clearly stated by the gentleman from Ohio [Mr. EZRA B. TAYLOR], by the passage of an act upon the 5th day of August, 1861, assessing a tax of $20,000,000 upon the United States and apportioning it among the several States and Territories and the District of Columbia. The condition of affairs in this country at that time is too well known to members of this House to make it necessary for me to dwell upon it.

A depleted Treasury was one of the problems that the Government had to contend with, and a direct tax was one of the modes that at that time was thought advisable to resort to in order to raise armies and a navy to maintain the integrity of this Union.

A direct tax has always been regarded with great disfavor by the people. While the power to levy such a tax is recognized in the Constitution, yet, during a period of one hundred years of national existence under that grand instrument, that mode of taxation has been resorted to but four times, and in every instance, Mr. Chairman, it has been found that it was not an efficient way of raising revenue, indeed that it was the worst possible manner of collecting money from the people; but the needs of the country at the time of the passage of the act of 1861 were such that Congress deemed it advisable to resort to that method of taxation, and as an inducement to the loyal States which were exerting themselves in every laudable and patriotic manner possible to maintain the integrity of the Union, it was provided that if any of those States would assume the amount of the tax which was apportioned to its citizens a commission of 15 per cent. would be allowed to the State for so doing. Under that provision the loyal and patriotic States at the North assumed the responsibility and paid out of their own treasuries this large amount of money, and, as has been stated by the gentleman from Ohio [Mr. EZRA B. TAYLOR] in opening this debate, in order to do that they were compelled, many of them, to borrow money, and several of them have now a large indebtedness which can be traced directly to their efforts at that time to sustain the arm of the Government in its hour of trial.

Not only that, Mr. Chairman, but the States that did not see fit to take advantage of this provision of the act have from time to time had collected from the citizens living within their territory sums of money ranging from a few thousand up to hundreds of thousands of dollars. Wherever the Government has sought to collect the unpaid balance of this twenty millions it has been found that individual hardships resulted, and to such an extent that the Congress of the United States by various acts suspended the operation of the law in the so-called Con-

federate States, and, as was stated by the gentleman from Alabama who opposes this bill [Mr. OATES], for nearly twenty years this law has remained practically a dead letter on the statute-book.

I appeal to members from that section of the country to state whether his opposition to this bill comes now with a very good grace. The people who represented the loyal States in preceding Congresses realized the forlorn condition of the Southern States at the close of the civil war, which has been so ably and eloquently pictured by the gentleman from Alabama in his argument here, and for that reason they suspended the operation of this law.

For a Representative of that portion of the country to contend now that the tax which was paid by the loyal States shall not be refunded is to exhibit an ingratitude as base as ever cursed the fate of King Lear.

Mr. OATES. Will the gentleman allow me a remark just there?

Mr. HOPKINS, of Illinois. Yes, sir.

Mr. OATES. My answer to that point is that in the cotton tax you got from us our two and one-half millions of this tax which we failed to pay, and sixty-two and one-half millions besides.

Mr. HOPKINS, of Illinois. I will answer the gentleman on that point when I come to deal with the cotton tax. The gentleman's answer is no answer so far as this tax is concerned. If it is wrong to enforce this direct tax against the people of the Southern States it is no answer to say that another alleged wrong should be pitted against this. If this was a tax proper to be enforced against the States of the North, there is no legal, moral, or equitable reason that can be urged against its enforcement in the Southern States. The reason for the raising of this tax was the rebellious and treasonable spirit then existing in the Southern States. The object for which that money was raised was to suppress the rebellion and to restore the integrity of the Union; a blessing to all, as these men themselves acknowledge to-day.

Now, Mr. Chairman, I, for one, am willing to say that the two million six hundred and odd thousand dollars that still remain uncollected of this tax shall be canceled, and that the people of those States that have not paid it shall not be required to pay it; but the same spirit which says that demands that the States of the North which have paid their fifteen or sixteen millions of money shall have that amount restored to them.

The State which I have the honor in part to represent responded promptly to the call of the General Government and raised $974,568.63 of this $20,000,000 by taxation from her people. That money, Mr. Chairman, which aggregates nearly a million of dollars, was used to arm and equip the soldiers which Illinois furnished to the Federal Army. Her money and the best blood of her people were freely given to preserve the heritage of our fathers and to maintain the Union and perpetuate free government on American soil. The citizens of that glorious Commonwealth, in responding to this call from our National Government, did not stop to inquire whether it was constitutional to pay this money. They saw one section of this great Republic in armed resistance to the national administration. They saw the Constitution, which is so sacred in the eyes of the gentlemen to-day who oppose this bill, trampled upon and disregarded. They saw defiance hurled at our flag and an attempt to create a Confederate government on the ruins of our glorious Union of States. This was enough for them. The time has now come when the National Government can restore this money to Illinois and the other States which so nobly responded to the call of country. In the discussion here to-day I put the question directly to the gentleman from Alabama, as to whether he favored the collection of the unpaid balance of the $20,000,000 from the people living in the once "insurrectionary territory?" His answer must have satisfied the House that he is as hostile to that as he is to the passage of the pending bill, and all, I suppose, on constitutional grounds.

As I take it, Mr. Chairman, this case is different from what it would be if this tax had been entirely collected. We admit that the Government had the right to levy this tax; we admit that it was constitutional; but what we claim is that the law as it stands to-day is unexecuted; that the strong arm of the Government has been stayed in the collection of this tax; and the same power that checks the arm of the Government in collecting that tax from the Southern portion of the country can say that the money already collected under this tax law from another portion of the country should be restored to those States. This is the position, as I understand, which was taken by Secretary Folger in his able letter to the Senate of the United States. It is the position which has been taken by every Secretary of the Treasury who has occupied that great position for the last fifteen years. It is the position which such Democratic leaders as Senator BECK, of Kentucky, and other men at the other end of the Capitol have taken when they voted to refund this money to loyal States of the North. I repeat, the case is different from what it would have been if the tax had been entirely collected.

The gentleman says the reason he does not desire that this tax should be collected from the Southern States is that $68,000,000 was collected under the cotton-tax act; and he has made an argument here this afternoon that that law is unconstitutional. There is one thing to which I wish to call the attention of the gentleman and other members of the House. It would be a little remarkable for this House to attempt to repeal upon the ground of unconstitutionality a law passed by a previous Congress when no court has decided that the law is unconstitutional. The place to test the unconstitutionality of acts passed by Congress is not in the Hall of this House, but in the courts provided for that purpose; and I say to these gentlemen who question the legality of the cotton tax, let them first go to the courts of the country; and when they can get the Supreme Court of the United States to say that law is unconstitutional, they will not find me or any other man who advocates the passage of the present bill voting against the repeal of that law or the refunding of the money collected thereunder. But it is unseemly to inject a matter of that kind, by amendment or otherwise, into legislation like the pending bill. All can see it is not to get consideration of the cotton-tax acts, but is one of the modes used to defeat this bill.

The gentleman from Alabama [Mr. OATES], in his argument this afternoon, said that he experienced no surprise that gentlemen on this side of the Chamber should vote for this measure, because they are "latitudinarians" in the construction of the Constitution; but he made a special appeal to members of the Democratic party to stand by him in the defeat of this measure. In doing so he claimed that he is a Jeffersonian Democrat, and stands by the principles of the Constitution as expounded by that great master. I would ask the gentleman what clause of the Constitution President Jefferson found to warrant his action in the purchase of the Louisiana Territory?

Mr. OATES. Will the gentleman yield for an answer?

Mr. HOPKINS, of Illinois. Yes, sir.

Mr. OATES. Does not the gentleman from Illinois know, has he not studied the Constitution enough to know, that that instrument operates only on the parties to its creation—only among and over the States? Let me say to the gentleman that it has been decided by the Supreme Court of the United States, in a case which came from the State of Florida, that in respect to the foreign policy of the Government the Constitution imposes no limitation; that the discretion of the President and Congress is the only limit upon the expenditure of money in connection with any measure of foreign policy, such questions being outside the province of the Constitution.

Mr. REED. Jefferson himself had grave doubts about the constitutionality of his action in that matter.

Mr. HOPKINS, of Illinois. Mr. Chairman, at the time of the purchase of that great territory which added an empire to this country, the very President who negotiated the purchase acknowledged that he could find no provision in the Constitution which would warrant it. But he was not trammeled by the dotting of i's or the crossing of t's. He looked to the greatness and glory of the country rather than to the technicalities of the Constitution. On the same principle I can say to the gentleman that whatever provision of the Constitution he may invoke, everybody knows that this is a just and equitable measure; everybody knows that it will tend to the general welfare of the people, will restore harmony of feeling and wipe out heart-burnings between the different sections of our country. The principles of that great instrument, the Constitution, which in the course of a hundred years has made us one of the greatest and most glorious nations that the sun has ever shone upon, warrant this measure as fully and completely as they warranted the purchase of that great empire by President Jefferson.

Mr. BRECKINRIDGE, of Kentucky. Will the gentleman allow me to make a suggestion upon the historical question?

Mr. HOPKINS, of Illinois. Yes, sir.

Mr. BRECKINRIDGE, of Kentucky. While it is true that Mr. Jefferson did not believe he had constitutional power to buy Louisiana, and while it is also true that he tried to get members of his party in the United States Senate to propose an amendment to the Constitution for the purpose of validating that purchase, the gentleman from Illinois, if he has read the history of that period, can not but remember that the Democratic party believed that the President and the Senate, under the treaty-making power, had ample authority to acquire territory; and on that ground the Democratic leaders in the Senate declined to introduce the constitutional amendment which Mr. Jefferson suggested.

Mr. OATES. The same considerations applied in the case of Florida, of which I have spoken; and the Supreme Court so held.

Mr. HOPKINS, of Illinois. At the same time, the leaders of the Democratic party claimed that the territory acquired by the Louisiana purchase was not a part of the United States in the same sense that the original thirteen colonies were; and President Jefferson himself at the time of the purchase doubted its constitutionality. But, as I have said, he looked to the greatness and glory of his country, and was not to be tied down by the pin-hook technicalities which have characterized the debate on the other side of this question here to-day.

Mr. MCMILLIN. Is it not the fact that President Jefferson's reluctance in regard to the Louisiana purchase arose from the fact that the appropriation made by Congress did not look to the purchase of the entire region, but only the city of New Orleans and some contiguous territory?

Mr. HOPKINS, of Illinois. No, sir; I say to the gentleman that the grave doubts of President Jefferson were as to his right to make the purchase at all. The question suggested by the gentleman from Tennessee was merely incidental.

Mr. MCMILLIN. Then I have not read the history of that period aright.

Mr. HOPKINS, of Illinois. I would recommend the gentleman to reread it.

Mr. MCMILLIN and Mr. BRECKINRIDGE, of Kentucky, rose.

Mr. HOPKINS, of Illinois. I can not yield further.

The CHAIRMAN. The gentleman from Illinois declines to yield further, and will proceed without interruption.

Mr. HOPKINS, of Illinois. This digression simply illustrates that these learned constitutional lawyers differ upon all these questions.

When I see, Mr. Chairman, there is no plain provision of that Constitution which is impugned, when I see the measure which is proposed will result to the general good of the people and has received the sanction of the best constitutional lawyers in this country, who are assembled in the Senate at the other end of the Capitol, I am willing to take their judgment and the general good to the people which will result and vote for this measure.

Now, Mr. Chairman, in closing I desire to call the attention of the members of this House to the position of the gentleman who wrote the minority report of the committee and made the leading argument this afternoon against the passage of this bill. In his argument he claimed that any member who is in favor of this measure is in favor of it because the section of the country from which he happens to come is to receive some benefit from it. For one I disclaim any such motive. But if that argument is to apply, I desire to call the attention of the House to the fact that the State from which he comes was assessed $529,000, or the inhabitants of that State were, under this direct-tax law, and not one dollar of it has ever been collected. He opposes the collection of that money from the inhabitants of his State while at the same time opposing the refunding of that portion of the tax paid by the loyal people of the North. No only that, but we find this gentleman, who is so patriotic and questions the motives of other men, is in favor of taking $68,000,000 out of the Treasury on the refunding of the cotton tax, because, as he claims, the bulk of that money goes to his own section of the country.

I would not have referred to this if he had not impugned the motives of the members of the House who favored this legislation.

Mr. OATES. The gentleman misrepresents me.

Mr. HOPKINS, of Illinois. I have merely called the attention of the House to these facts to show how the gentleman's patriotism is in harmony with the interests of his own State.

Mr. OATES. Where it can be done constitutionally, I am always in favor of the interests of my constituents.

Mr. HOPKINS, of Illinois. It requires no argument to satisfy the House of that.

Now, Mr. Chairman, the argument which was made by the gentleman from South Carolina [Mr. ELLIOTT] this afternoon illustrates the inequalities and hardships of this direct tax and the importance of the passage of this measure. I hope there is no man who properly considers the public interest of the entire people who will vote against it. It has received the sanction, as I have said, of an almost unanimous vote of the Senate. With these remarks I yield the balance of my time to the gentleman from Ohio [Mr. EZRA B. TAYLOR].

The CHAIRMAN. The gentleman from Illinois [Mr. HOPKINS] has but two minutes of his time remaining.

Mr. EZRA B. TAYLOR. Mr. Chairman, I rose simply for the purpose of announcing that I would early to-morrow endeavor to make some arrangement in reference to closing this debate. I will add, although I have time remaining to me, I do not propose to occupy it; and, so far as I understand, the time to be used hereafter will be occupied substantially by the opponents of the bill. I desire to have a vote, but the time for the House to take a recess has now nearly arrived. While I do not wish to give way, if by consent that time can be extended——

The CHAIRMAN. The Chair will state to the gentleman that the order of the House which fixes the recess at 5 o'clock until 8 o'clock can not be changed or modified in the committee.

Mr. EZRA B. TAYLOR. Then I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having taken the chair, Mr. HATCH reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (S. 139) in relation to the refunding of the direct tax, had come to no resolution thereon.

CHANGE OF REFERENCE.

On motion of Mr. RICE, the Committee on Claims was discharged from the further consideration of the bill (H. R. 9143) for the relief of the estate of Ramsay Crooks, and the same was referred to the Committee on Indian Affairs.

ORDER OF BUSINESS.

Mr. MCMILLIN. I move that the House now take the recess fixed by the special order.

Mr. SPRINGER. Let the order be read.

The SPEAKER. The Chair will state the order. The order fixed by the House assigns this evening at 8 o'clock exclusively for the consideration of business reported from the Committee on Military Affairs.

And then, the hour of 5 o'clock having arrived, the Speaker declared the House in recess until 8 o'clock.

EVENING SESSION.

The recess having expired, the House, at 8 o'clock p. m., was called to order by Mr. CULBERSON, who directed the reading of the following communication:

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 3, 1888.

I hereby designate Hon. D. B. CULBERSON to preside as Speaker *pro tempore* at the session of the House this evening.

JOHN G. CARLISLE,
Speaker.

Hon. JOHN B. CLARK,
Clerk, House of Representatives.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Clerk will read the order of business for to-night.

The Clerk read as follows:

Resolved, That on Tuesday, April 3, the House shall take a recess at 5 o'clock p. m. until 8 o'clock p. m., the session to be devoted exclusively to bills reported from the Committee on Military Affairs in such order as may be designated by said committee.

Mr. TOWNSHEND. Mr. Speaker, I will ask unanimous consent that the business to-night may be transacted in the House as in Committee of the Whole upon such bills as properly go to the Committee of the Whole.

Mr. HOLMAN. I think that should apply to each individual bill as it comes up.

Mr. TOWNSHEND. It would expediate the business very much if the gentleman would withdraw his objection.

Mr. HOLMAN. We do not know in advance what bills may be taken up. I have no information myself as to what bills are pending before the committee and would prefer that the regular order should be pursued.

ARSENAL AT COLUMBIA, TENN.

Mr. TOWNSHEND. Then I will ask that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 4365) to authorize the construction of an arsenal for the manufacture of ordnance and ordnance stores for the use of the Government of the United States, at Columbia, Tenn., and that the same be considered in the House as in Committee of the Whole.

There was no objection.

The SPEAKER *pro tempore*. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That for the purpose of establishing an arsenal at Columbia, Tenn., for the manufacture of ordnance and ordnance stores, the sum of $200,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated; and the construction and control of said arsenal shall be under the direction of the Secretary of War.

Mr. TOWNSHEND. Let the report be read.

The report (by Mr. MAISH) was read, as follows:

That pending the consideration of said bill by said committee, a proposition on behalf of said locality by the citizens thereof was submitted "to convey to the Government, without cost to it, the necessary ground for such arsenal," and that thereafter this committee submitted said bill and proposition to the Assistant Secretary of War, soliciting his views thereon, who replied as follows:

"WAR DEPARTMENT, *Washington City, March 3, 1888.*

"SIR: I have the honor to acknowledge the receipt of your letter of the 9th ultimo, inclosing for my views House bill 4365, Fiftieth Congress, first session to authorize the construction of an arsenal at Columbia, Tenn., together with a letter addressed to you by Hon. W. C. WHITTHORNE containing propositions in relation to the subject-matter of the bill.

"In reply I beg to invite attention to the remarks of the Chief of Ordnance, contained in his report on this subject, dated the 18th ultimo, copy herewith:

"'An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes,' approved March 3, 1875, provided:

"'And the Secretary of War is hereby directed to cause an examination to be made into the condition of the United States arsenals east of the Mississippi River, and report to the next Congress how many of the same can be sold without interfering with the necessities of the military service, together with an estimate of the amount that can probably be realized from the sale of each of the same whenever such sale shall be directed by Congress.'

"In pursuance of this act a board was appointed by the Secretary of War, who, after examination and consideration, reported and recommended as follows:

"'The present absolute needs of the service demand, in the judgment of the board, all the manufacturing facilities of the Springfield Armory, Frankford, Watervliet, Watertown, and Fort Monroe Arsenals for the production of warlike stores, and the remaining ones, Kennebec, New York, Washington, Augusta, Indianapolis, and Allegheny, are required for their present uses, to wit, care and preservation, issue and receipt, and repair of ordnance and ordnance stores.'

"Of these arsenals, Fort Monroe Arsenal has been reduced to one of deposit merely, and Washington Arsenal has been transferred to the uses of the line of the Army.

"At present the whole section from Augusta, Ga., to San Antonio, Tex., has no place for deposit of warlike stores. While the necessities of this section may not be urgent at this time, and while the conditions have changed in the last few years to a very wonderful extent, the extensive and rapid means of communication, growing with the growth of the country, the establishment of an arsenal in this particular section deserves the consideration of Congress.

"Very respectfully, your obedient servant,

"WILLIAM C. ENDICOTT,
"*Secretary of War.*

"Hon. LEVI MAISH,
"*Of Committee on Military Affairs. House of Representatives.*"

The Secretary of War forwards with his reply the report of the Chief of Ordnance, United States Army (General Benét), made upon a reference of said bill to him by the Secretary, which is as follows:

"ORDNANCE OFFICE,
"*Washington, February* 18, 1888.

"Respectfully returned to the Secretary of War.

"Columbia is located in the central basin, in what is known as the garden of the State of Tennessee, and in close proximity to the marvelous wealth of iron and other materials that reach south into other States. The recent development of the mineral resources of this section of the country renders this an opportune time for the Government to make provision for the gradual utilization of these products. The manufacture of steel, that now enters so largely into all army and navy manufactures, follows as a consequence, and all these natural facilities and productions seem to point to this section as a proper one for the location of a Government establishment.

"The Atlantic and Pacific coasts and the Mississippi Valley have each arsenal facilities for the manufacture, repair, storage, and distribution of war supplies, and it is well to take the first step towards supplying this want in this section with its new conditions, capabilities, and importance. It being a great railroad center, this location is well fitted for such an establishment, it being in direct connection with the other portions of the country. As the citizens offer to donate all the land necessary, which should not be less than 50 acres and conveniently located for the purpose in view, I recommend the passage of this bill.

"S. V. BENÉT,
"*Brigadier-General, Chief of Ordnance.*"

Columbia, the site of the proposed arsenal, is the center of one of the finest agricultural sections of the Union, and is a thriving, prosperous town of about 6,000 population; is a healthy location; in its hygienic history it has been fortunate in its exemption and escape from any and all of the fatal epidemics.

The grand trunk line of the Louisville and Nashville Railroad, in its track from the Ohio River to its Pensacola, Mobile, and New Orleans connections, passes through this town. From Columbia southeast railway connection is made through the Nashville and Chattanooga Railroad with Chattanooga, and thence by railroad with the railways of Georgia and South Carolina; and from Columbia by the Nashville and Florence Railroad running southwest connection is to be made with the Tennessee River and the Memphis and Charleston Railroad. This road will early have connections making communication with the States of Mississippi and Arkansas a question of but a few hours.

Its location in respect to the supply of material for the manufacture and repair of all kinds of ordnance is equally fortunate. It is in close proximity to the western iron belt of Tennessee. It is from this region that the famed "Tennessee" iron is made. It is about equidistant from the Warrior coal-fields of Alabama, the Cumberland coal-fields of Tennessee, and those of Southwestern Kentucky.

It is shown by the letter of the Secretary "that at present the whole section (of the Union) from Augusta, Ga., to San Antonio, Tex., has no place for deposit of warlike stores," and it is pertinently said by General Benét that—

"The recent development of the mineral resources of this section of the country renders this an opportune time for the Government to make provision for the gradual utilization of these products. The manufacture of steel, that now enters so largely into all army and navy manufactures, follows as a consequence, and all these natural facilities and productions seem to point to this section as a proper one for the location of a Government establishment.

"The Atlantic and Pacific coasts and the Mississippi Valley have each arsenal facilities for the manufacture, storage, and distribution of war supplies, and it is well to take the first step towards supplying this want in this section, with its new conditions, capabilities, and importance."

The committee concur in these views of the Secretary of War and the Chief of the Ordnance Bureau, and, suggesting that the bill be amended so as to conform thereto, they recommend first the following amendments:

In line 4 of the bill strike out the word "manufacture" and insert the following words, namely: "repair, storage, and distribution," and at end of section add the following words:

"*Provided*, That without cost to the United States, a sufficient quantity of land, accepted as suitable and adequate for such arsenal by the Secretary of War (and not less than 50 acres), is conveyed in fee to the United States: *And provided further*, That exclusive jurisdiction over said land by the United States Government is ceded by the State of Tennessee."

Title to be amended so as to read:

"To authorize the construction of an arsenal for the repair, storage, and distribution of ordnance and ordnance stores for the use of the Government of the United States at Columbia, Tenn."

The bill being so amended, the committee recommend its passage.

Mr. TOWNSHEND. This bill is reported unanimously by the Committee on Military Affairs, and I will yield to the gentleman from Tennessee [Mr. WHITTHORNE], who introduced the bill, such time as he may now desire.

Mr. WHITTHORNE. Mr. Speaker, naturally I would feel much interest in this bill, its fate and fortune, from the fact that it happens to be the location of my own home; but independently of any personal feeling or consideration, deeming that whenever the Government in the pursuit of a legitimate object can give encouragement to the enterprise, skill, industry, and progress of the people it should do so, I wish simply to remark for the consideration of the House that in reference to the advisability of this construction the Secretary of War states in his communication that from the point in Georgia where the arsenal is located, Augusta, to San Antonio there is no storage depot for ordnance, no place for distribution, and no place for repair.

Looking at this broad section of our common country, with its existing advantages and great promise in the future, I submit that the reflection made by the Chief of the Bureau of Ordnance that this is a wise step now on the part of the Government to take, with a view to utilizing the possibilities and capacity in this section of the country for the Government's advancement and progress, should have weight with this House; and trusting that the bill will receive the same favorable consideration by the House that it has had by the Secretary of War and from the Chief of the Bureau of Ordnance, as well as by the Committee on Military Affairs, I submit it for the action of the House without further comment.

Mr. HOLMAN. A single word as to this bill.

Mr. TOWNSHEND. How much time does the gentleman desire?

Mr. HOLMAN. I wish to take the floor in my own right.

Mr. TOWNSHEND. Then I reserve my time and let the gentleman from Indiana have the floor.

Mr. HOLMAN. It is not my purpose to oppose the passage of this bill, and yet I sincerely regret it is before the House. I had taken it for granted that all those depots for military supplies, like that at Indianapolis and many others that sprang up during the war period, would have long since been disposed of and sold out. There is absolutely no necessity for them. This is not supposed to be a manufacturing establishment, but simply a depot for military supplies. I look with regret upon every measure than tends to put this nation upon a military basis. I do not at all like the idea.

There are two or three important points upon the Atlantic coast, of course, which would be selected as points for the manufacture of arms. And here and there there should be a mere depository of arms. But instead of establishing a new depository for military supplies, it seems to me it would have been a gratifying thing to the whole House and to the whole country if these military appliances had been diminished instead of being enlarged.

I understand very well the gentleman from Tennessee [Mr. WHITTHORNE] feels very naturally an interest in having this arsenal established in his city. I appreciate that feeling; it is a commendable sentiment. I do not propose to throw obstacles in the way of the passage of the bill, but I wish to express my regret that the Military Committee, instead of enlarging the number of these military appliances, had not reported a bill to dispose of a large number of those which remain.

Mr. WHITTHORNE. I thank the gentleman from Indiana for his kind expressions

Mr. TOWNSHEND. I call for a vote.

The SPEAKER *pro tempore*. The question is on agreeing to the amendments recommended by the committee.

The amendments were agreed to.

The SPEAKER *pro tempore*. The question is on ordering the bill to be engrossed and read a third time.

Mr. HOLMAN. Before that question is put I wish to make an inquiry. I observe it is provided that the ground is to be furnished by the citizens of the locality where the arsenal is to be established. I suggest that when that is done the sum to be appropriated, $200,000, seems to be very large.

Mr. WHITTHORNE. That is the limit of expenditure.

Mr. HOLMAN. There never has been a public building erected yet within the limit. I ask the chairman of the committee if he thinks that that is a proper sum to be appropriated.

Mr. TOWNSHEND. I think that amount can be properly intrusted to the discretion of the War Department.

Mr. HOLMAN. There is no discretion of that kind exercised. The gentleman knows that whatever is appropriated will be expended.

Mr. CUTCHEON. I will remind the gentleman from Indiana that there will require to be some machinery placed in this building.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The title of the bill was amended so as to read: "A bill to authorize the construction of an arsenal for the repair, storage, and distribution of ordnance and ordnance stores for the use of the Government of the United States at Columbia, Tenn."

Mr. TOWNSHEND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PROMOTION OF ARMY OFFICERS.

Mr. TOWNSHEND. I yield to my colleague on the committee, the gentleman from Indiana [Mr. STEELE].

Mr. STEELE. I call up for consideration the bill (H. R. 8809) to provide for the promotion of officers of the Army after twenty years' continuous service in one grade. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill, and that it be considered in the House as in Committee of the Whole.

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That whenever any officer of the staff of the Army, in active service, below the rank of brigadier-general, shall have served continuously in one grade for a period of twenty years, he shall be promoted to the next higher grade: *Provided*, That this act shall not be construed to increase the number of officers now authorized by law.

SEC. 2. That whenever any officer of the line of the Army, in active service, below the rank of brigadier-general, shall have served continuously in one grade for a period of twenty years, he shall be entitled to the pay and allowances of the next higher grade.

Mr. CRAIN. I ask the chairman of the committee if it is intended that the provisions of this bill shall apply to surgeons and assistant surgeons?

Mr. TOWNSHEND. That is so intended.

Mr. STEELE. Let the report be read.

The report (by Mr. STEELE) was read, as follows:

The Committee on Military Affairs, to whom was referred House bills Nos. 1882, 3273, 5008, and 6442, have carefully considered the same, and report them back and recommend that they lie on the table, and report a substitute for the same, believing a general law covering the provisions expected to be covered

by the special bills would result in increasing the efficiency of the Army by removing the inequalities existing in certain branches of the service.

As an instance under the present arrangement attention is invited to the following case——

Mr. STEELE (interrupting the reading). I hope the House will listen to the part of the report which follows. It shows very forcibly one of the inequalities and applies to a great many other officers.

The Clerk concluded the reading of the report, as follows:

"As captain commissary of subsistence, February 9, 1863, Captain Cushing ranked every major now in the Adjutant-General's Department, every lieutenant-colonel and major in the Inspector-General's Department, and every officer now in the Judge-Advocate-General's Department. He ranked three of the lieutenant-colonels and all the majors but one now in the Quartermaster's Department, every major now in the Medical Department, and every major now in the Pay Department except three. He ranked every lieutenant-colonel and major now in the Corps of Engineers, every lieutenant-colonel and major now in the Ordnance Department, and every officer now in the Signal Corps.

"He ranked every major now in the cavalry except three, every major now in the artillery except four, and every major now in the infantry. In other words, under his present commission as captain commissary of subsistance he ranked many of the lieutenant-colonels and all but eleven of the majors now in the service outside the Subsistence Department. He has been a captain nearly twenty-six years, a captain in the Subsistence Department nearly twenty-five years, and for the past three years has been senior captain in the Army. His length of continuous service as a commissioned officer exceeds that of two hundred of the majors now in service, and in his present grade of captain he has seen more than two hundred officers who were his juniors both in relative rank and length of service promoted to the grade of major."

The Lieutenant-General of the Army, in a letter (December 27, 1887) concerning the Subsistence Department, and having the above case, among others, before him, says:

"It is unnecessary for me to say that the promotion of men who have stood in one grade for so many years, as is here shown, would benefit the service."

The Secretary of War, in forwarding the letter of General Sheridan to Congress, closes by saying:

"I beg the favorable and speedy consideration of the committee for this matter."

That is, the promotion of officers who had seen from twenty to twenty-five years' service.

There are in service to-day, as your committee finds by the Army Register of this year, one hundred and twenty-three officers below the rank of colonel who have had from twenty to twenty-five years' service under one commission. The increased cost would only be about $60,000 per annum, result in much good to the service, and will relieve Congress, it is hoped, from the continual importunities and complaints that have been made for years.

Mr. SOWDEN. I wish to ask the gentleman from Indiana, why was Captain Cushing kept so long from his promotion?

Mr. STEELE. Because he happened to be on the staff corps of the Army, where there are only ten officers above him. There are not so many above him as to allow promotions.

Mr. SOWDEN. If captains in these positions can not be promoted owing to the fact of so many majors still being alive, why should they be elevated so as to receive the majors' pay. Does not the bill provide that whenever any officer of the line of the Army below the rank of brigadier-general shall have served continuously in one grade for twenty years he shall be entitled to the pay and allowances of the next higher grade?

Mr. STEELE. If the gentleman will allow me I will say to him that this officer was in the staff and not in the line. He is captain commissary of subsistence.

Mr. SOWDEN. Then how does this bill affect line officers?

Mr. STEELE. Line officers, when they have served twenty years in one grade, can not be promoted to the next higher grade, because you can not have two captains of a company. There are no vacancies for them, but the bill provides that they shall get pay of the next higher grade.

Mr. SOWDEN. Why should they get the pay of major without actually doing service in the capacity of major?

Mr. STEELE. They can not do the service of a major; undoubtedly not. But they have been kept back from their promotion, and that they should be is a peculiar hardship in the service. This will not affect the majors.

Mr. FORD. When a man has served twenty years as captain he certainly should receive more pay.

Mr. McMILLIN. How many officers will be affected by the provisions of this bill?

Mr. STEELE. One hundred and twenty-three.

Mr. McMILLIN. What is the increase of expenditure?

Mr. STEELE. Sixty thousand dollars.

Mr. McMILLIN. Is it expected that the soldier's valor will be increased by his increase of rank?

Mr. STEELE. There ought to be something to increase their valor. [Laughter.]

The SPEAKER *pro tempore*. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

Mr. WHEELER. Mr. Speaker, is it in order to move now to amend the bill?

The SPEAKER *pro tempore*. The Chair thinks not. The question is on the passage of the bill.

The question was taken on the passage of the bill, and the Speaker *pro tempore* declared that the ayes seemed to have it.

Mr. SOWDEN. I call for a division.

The House divided; and there were—ayes 48, noes 1.

Mr. WHEELER. Mr. Speaker, I wish to state that I voted in the negative because I wished to move to reconsider, simply for the purpose of submitting some remarks which I wish to go into the RECORD.

Mr. TOWNSHEND. I am willing that the gentleman shall have his remarks printed.

The bill was passed.

The SPEAKER *pro tempore*. The gentleman from Alabama [Mr. WHEELER] asks unanimous consent to print certain remarks in the RECORD.

There was no objection, and it was so ordered.

Mr. WHEELER. Mr. Speaker, I desire to express myself as most emphatically in favor of the bill now before the House. I have heretofore taken the position that the stagnation which now pervades some departments of the Army is highly detrimental to its proper organization and efficiency.

The point I wish to make is, that notwithstanding its meritorious features this bill is in no wise a substitute for bill 3273, which I had the honor to introduce January 9, 1888, which I will read:

Be it enacted, etc., That the Subsistence Department of the Army shall consist of one Commissary-General of Subsistence, with the rank, pay, and emoluments of brigadier-general; three assistant commissaries-general of subsistence, with the rank, pay, and emoluments of colonel; six assistant commissaries-general, with the rank, pay, and emoluments of lieutenant-colonel; eight commissaries of subsistence, with the rank, pay, and emoluments of major; and eight commissaries of subsistence, with the rank, pay, and emoluments of captain of cavalry: *Provided*, That the vacancies created by this act shall be filled by the promotion by seniority of the officers now in the Subsistence Department.

The purpose of this bill was to secure an effective organization for this very important department of the Army. Every other staff corps and the cavalry and infantry arms of the line of the Army have been reorganized since the close of the war, while nothing whatever has been done to increase the efficiency of the Subsistence Department, the only law affecting it being one enacted in 1874, which reduced the corps by four captains and provided for the appointment of an addittional lieutenant-colonel, the result being a net decrease in the corps of three officers, the appointment referred to having been made principally to do honor to a very meritorious officer. As a consequence of the nonaction on the part of Congress with reference to this corps in this long period during which other corps were reorganized and increased, a great disparity in the rank of the officers of the Subsistence Department exists to-day as compared with other branches of the service.

To illustrate this I beg to read an official statement from the Secretary of War.

STATEMENT OF FACT TO ACCOMPANY THE PROJECT FOR AN ACT RELATIVE TO THE SUBSISTENCE DEPARTMENT OF THE ARMY.

WASHINGTON, D. C., *December* 17, 1887.

The senior lieutenant-colonel of the Subsistence Department is now, and has been for more than two years, the senior officer in the grade of lieutenant-colonel in the Army. The senior major of the Subsistence Department is now the senior officer in the grade of major in the Army. The senior captain of the Subsistence Department is now, and has been for more than three years, the senior captain in the Army. They are:

1. Lieut. Col. Amos Beckwith.
2. Maj. M. R. Morgan.
3. Capt. Samuel T. Cushing.

1. Lieutenant-Colonel Beckwith entered the service as lieutenant of artillery July 1, 1850; was appointed commissary of subsistence May 10, 1861; promoted to the rank of major September 29, 1861, and to that of lieutenant-colonel June 23, 1874. He has, therefore, served in the Subsistence Department twenty-six and one-half years and in the Army thirty-seven and one-half years. Not including officers of the Subsistence Department, his length of continuous commissioned service exceeds not only that of every lieutenant-colonel now in the Army, but that of all other officers now in the Army except twenty-eight. As major he ranked every officer now in the Adjutant-General's Department except General Drum. He ranked every officer now in the Inspector-General's, Judge-Advocate-General's, and Quartermaster's Departments. He ranked all officers now in the Medical Department except Colonels Baily and McParlin, and all officers now in the Pay Department except Colonel McClure. He ranked every officer now in the Corps of Engineers, the Ordnance Department, the Signal Corps, the cavalry, artillery, and infantry, except Colonel Andrews. In other words, as major he ranked (exclusive of the Subsistence Department) all the officers now above him in the Army except five.

The average time required to pass through the grades of major and lieutenant-colonel to the rank of colonel is shown by the Army Register to be about eighteen years. Lieutenant-Colonel Beckwith has already served twenty-six years in these grades.

2. Major Morgan entered the service as a lieutenant of artillery July 1, 1854; served seven years in the line, and was appointed captain of infantry May 14, 1861; commissary of subsistence with rank of captain August 3, 1861; and promoted to his present rank (major) November 17, 1865. He has, therefore, served as a commissioned officer thirty-three and one-half years, and in his present grade (major) more than twenty-two years. As major he ranked every officer now in the Inspector-General's Department except General Baird and Colonel Jones. He ranked every officer now in the Judge-Advocate-General's Department and every officer now in the Quartermaster's Department.

He ranked every officer now in the Pay Department except Col. Daniel McClure and Col. Rodney Smith. He ranked every lieutenant-colonel now in the Corps of Engineers. He ranked every officer now in the Ordnance Department, the Signal Corps, and the cavalry, except Colonels Dudley, Brackett, Carr, and Otis. He ranked every officer now in the artillery. He ranked every officer now in the infantry except Colonels Wheaton, Carlin, Mason, Dodge, Blunt, Black, and Andrews. As captain (of infantry, in 1861), he ranked all the colonels now in the infantry except eleven, and had he remained in that arm of the service he would long since have been a colonel by regular promotion.

The continuous commissioned service of Major Morgan (thirty-three and one-half years) exceeds that of seventy of the present ninety-one lieutenant-colonels in the Army, and in his present grade of major he has seen at least seventy officers who were his juniors, both in relative rank and length of service, promoted to the grade of lieutenant-colonel.

(3) Captain Cushing entered the service as a lieutenant of infantry July 1, 1860, in which he became a captain February 15, 1862, and was appointed commissary of subsistence with rank of captain February 9, 1863. As captain, February 15, 1862, he ranked all the majors now in the Adjutant-General's, the In-

spector-General's, the Judge-Advocate General's, the Quartermaster's, and the Medical Departments; all the majors now in the Pay Department except two; every lieutenant-colonel and major now in the Corps of Engineers and in the Ordnance Department; every officer now in the Signal Corps; all the majors but one now in the cavalry; all the majors but two now in the artillery; and all majors now in the infantry. In short, he ranked many of the lieutenant-colonels and every major except five now in the Army outside of the Subsistence Department. Had he remained in the infantry he would before now have been a lieutenant-colonel by regular promotion.

As captain commissary of subsistence, February 9, 1863, Captain Cushing ranked every major now in the Adjutant-General's Department, every lieutenant-colonel and major in the Inspector-General's Department, and every officer now in the Judge-Advocate-General's Department. He ranked three of the lieutenant-colonels and all the majors but one now in the Quartermaster's Department, every major now in the Medical Department, and every major now in the Pay Department except three. He ranked every lieutenant-colonel and major now in the Corps of Engineers, every lieutenant-colonel and major now in the Ordnance Department, and every officer now in the Signal Corps.

He ranked every major now in the cavalry except three, every major now in the artillery except four, and every major now in the infantry. In other words, under his present commission as captain commissary of subsistence he ranked many of the lieutenant-colonels and all but eleven of the majors now in the service outside of the Subsistence Department. He has been a captain nearly twenty-six years, a captain in the Subsistence Department nearly twenty-five years, and for the past three years has been senior captain in the Army. His length of continuous service as a commissioned officer exceeds that of two hundred of the majors now in service, and in his present grade of captain he has seen more than two hundred officers who were his juniors both in relative rank and length of service promoted to the grade of major.

To show that the slow promotion in this department (unparalleled in any other department or branch of the Army) is not confined to the three officers above named, take the cases of the three majors in the Subsistence Department next below Major Morgan. They are: J. P. Hawkins, M. P. Small, and T. C. Sullivan. They were appointed commissaries of subsistence on the same day as Major Morgan, namely, August 3, 1861. They have each served over twenty-six years in the department, and as commissioned officers respectively thirty-five, thirty-two, and thirty-one and one-half years.

The length of continuous commissioned service of Majors Small and Sullivan exceeds that of two-thirds of the lieutenant-colonels of the Army, and that of Major Hawkins exceeds that of all but three of the lieutenant-colonels now in the Army outside the Subsistence Department.

Take also the cases of the three captains in the Subsistence Department next below Captain Cushing. They are: W. A. Elderkin, C. B. Penrose, and W. H. Nash.

Captain Elderkin entered the service as a lieutenant of artillery May 6, 1861; was appointed captain commissary of subsistance July 4, 1864; and, next to Captain Cushing, is the senior captain in the Army. He has served twenty-three and one-half years continuously in his present grade of captain, and has seen more than one hundred and eighty officers who were his juniors in that grade promoted to a higher one. He has served twenty-six and one-half years as a commissioned officer, a period exceeding that of more than one hundred and eighty majors now in service.

Captains Penrose and Nash entered the volunteer service August 3, 1861, and November 26, 1862, respectively, and were appointed captains in the Subsistence Department of the Army May 13 and November 17, 1865, respectively. Their length of service as commissioned officers (including volunteer service) is twenty-six and five-twelfths and twenty-five and one-twelfth years, respectively. In the regular Army, under their present commissions and in their present grades, they have, as captains, served, respectively, twenty-two and two-thirds and twenty-two and one-twelfth years, and ranked more than half the majors now in service.

Of the officers who entered the Army in the same year as Lieutenant-Colonel Beckwith, he is the only one now in service below the rank of colonel.

Of the officers who entered the Army the same year as Major Morgan, he is the only one now in service below the rank of lieutenant-colonel.

Of the officers who entered the Army the same year as Captain Cushing, he is the only one now in service below the rank of major.

All the officers named herein have served more than twenty-five years, most of them more than thirty years, and two of them over thirty-five years; but only one of them has been advanced beyond the grade of major, four of them are still captains, and one has remained a captain more than a quarter of a century.

In the second session of the Forty-ninth Congress I had the honor to introduce a bill for the rearrangement of the grades and the increase of the efficiency of the Adjutant-General's Department. At that time Congress was strongly urged to enact the same provisions which are recited in the bill I have just read. It was suggested, however, that to insist upon this might jeopardize the passage of the bill for the improvement of the Adjutant-General's Department.

The officers of the Subsistence Department, who were in the city, very generously urged that, rather than endanger the measure for the benefit of their brother officers, the proposed amendment by which they were to profit should be withheld.

To my personal knowledge it was determined by high officials and by members of both Houses of Congress that efforts should be made to do justice to the officers of the Commissary Department during this session.

On December 22, General Macfeely, who is soon to be retired, and who certainly has no object in view except the efficiency of the Army, addressed a letter to General Sheridan, which I will read:

WAR DEPARTMENT,
OFFICE COMMISSARY-GENERAL OF SUBSISTENCE,
Washington, D. C., December 22, 1887.

GENERAL: I have the honor to inclose herewith the draught of a bill to effect a rearrangement of grades of office in the Subsistence Department of the Army, which it is proposed, with your approval, to submit to the Military Committees of the Senate and House of Representatives.

The proposed change has been carefully considered, and I believe it to be necessary for the best interests of the service. It is in exact keeping with the most recent changes in the organizations of the other staff departments made to meet the necessities of the service, and would greatly increase the efficiency of the Subsistence Department by giving it the organization required by the established system of military divisions, departments, and depots.

Unfortunately, when the other staff departments and the line of the Army were increased in 1866, no change was made in the Subsistence Department, the then Commissary-General being opposed to it, in the belief that the Army and the number of divisions and departments would soon be reduced, and any increase then made would be only temporary. Time has shown that this belief was erroneous. As well stated by the Adjutant-General, referring to the number of divisions and departments, in his letter of January last, submitting the draught of a bill, similar to this, for the reorganization of his department—

"The wisdom of the present territorial division of the country has been fully demonstrated by more than twenty years' experience, and leads to the conclusion that any departure from this system must be remote. In view of this, the underlying reason for the desired organization becomes apparent."

Besides the principal purchasing depots, involving great responsibility, and requiring officers of rank and experience, there are three military divisions and six military departments, each of which requires an officer of the Subsistence Department as chief commissary. There are not in the department, as at present organized, enough officers above the rank of captain to fill these positions. As a consequence, four captains are performing duty as chief commissaries, while, on the same staffs, the representatives of other departments have higher rank, often to the extent of two grades.

With the rearrangement of grades provided for in the proposed bill, the department, with the same number of officers as at present, would have a colonel for each military division, and a lieutenant-colonel or major for each department and principal purchasing depot.

For the efficiency of an army, a well-organized commissariat is second in importance to no other branch of army administration, and the duties of the officers of this department, whether at military headquarters or at large purchasing depots, demand ability, experience, and unremitting careful attention.

As chief commissaries of divisions and departments, they must have thorough knowledge of the details and customs of service, of the wants and necessities of troops, of the resources of the country, and of the laws and regulations relative to the procurement and distribution of army supplies. Not only are they, equally with officers of the general staff, responsible to the commanding general for the efficient service of their department within his command, but they are also, as disbursing officers, pecuniarily responsible that their acts are in accordance with law and regulations. Their rank evidently should be commensurate to the importance of their duties, and not inferior to that held by officers of other staff departments performing duties of like responsibility.

The impropriety and injustice of requiring officers of one department to serve with so much less rank than that of others, whose duties are no more important, will be manifest to any one who has ever served as an officer. The hardship to officers of this department will be still more apparent when their length of service is considered in comparison with that of those of the same rank in other branches of the service. It comes directly from the defective grading of its officers, which has caused in the department an extreme and unparalleled stagnation of promotion. To show clearly the extent of this a statement setting forth facts in detail is inclosed herewith, to which attention is specially invited.

I will merely add here that since 1865 only one officer besides myself has advanced more than one grade in the Subsistence Department, and that five of them are still serving in the same grade they held the year the war closed. Of the majors who would be promoted, should the proposed bill become a law, all have served continuously over thirty years, and of the captains who would be promoted all have served over twenty-five years, one of them in the same grade nearly twenty-six years. All officers now in the department, except the two junior captains, served in the Army during the war; one-half of them were officers in the Army before the war; and three-fourths of them are still serving in the grades of major and captain.

It is not too much to say that no officers in service have worked more intelligently, zealously, and faithfully than the officers of this department, although feeling keenly the fact that they were receiving less promotion than any other class of officers in the Army.

As the proposed measure will not increase the number of officers in the department, but will correct existing defects in its organization, do justice to most deserving men without injury or injustice to any one, and is in the line of improving the military service, I ask for it your favorable consideration and action.

I am, general, very respectfully, your obedient servant,

R. MACFEELY,
Commissary-General Subsistence.

Lieutenant-General P. H. SHERIDAN,
Commanding the Army.

This letter was forwarded by General Sheridan to the Secretary of War, with a letter of his own which I will read.

HEADQUARTERS OF THE ARMY, *Washington, December* 27, 1887.

SIR: I forward herewith a draught of an act to effect a rearrangement of grades in the Subsistence Department of the Army.

The officers of the Subsistence Department have suffered much loss of rank from faulty organization of their corps, and the proposed bill is intended to remedy this, by giving promotion to the intermediate grades.

The corps has not now a basis which gives its officers rank equivalent with others, as will be seen by reading the accompanying letter and papers from the Commissary-General, and this being the case, it is unnecessary for me to say that the promotion of men who have stood in one grade for so many years, as is here shown, would benefit the service. I therefore commend the proposed bill to your consideration, and respectfully ask its transmission to Congress in the hope that the Subsistence Department may be given an organization similar in scope with the other staff departments of the Army.

Very respectfully, your obedient servant,

P. H. SHERIDAN,
Lieutenant-General.

The SECRETARY OF WAR.

So impressed was the Secretary of War by the views of General Sheridan and General Macfeely as to the desirability if not absolute necessity of the improvement of this department contemplated in the proposed legislation, that he transmitted the letters to the President with a communication from himself, which I will read:

WAR DEPARTMENT, *Washington City, January* 7, 1888.

SIR: In accordance with the recommendation of the Lieutenant-General of the Army, contained in his inclosed letter of the 27th ultimo, I have the honor to transmit a letter, dated the 22d ultimo, from the Commissary-General of Subsistence, together with a draught of a proposed bill to effect a rearrangement of the grades of office in the Subsistence Department of the Army.

The action proposed is similar to that asked by the Adjutant-General for the department of which he is the head, and granted by Congress at its last session; and I trust that Congress will be pleased to consider this request favorably, having (as it has) in view the promotion of men who, as the record shows, are well entitled thereto by long and faithful service. Its object is, as the Commissary-General shows, the placing of a department whose services are most important to the well-being of the whole Army in a state of proper efficiency.

In view of the statements made by the Commissary-General of Subsistence, and the approval of the Lieutenant-General commanding the Army, I beg the favorable and speedy consideration of the committee for this matter.

Very respectfully, your obedient servant.

WILLIAM C. ENDICOTT,
Secretary of War.

The PRESIDENT *pro tempore United States Senate.*

I may be in error, Mr. Speaker, but it seems to me that the House of Representatives ought to consider well before they assume the responsibility of disregarding *in toto* the recommendations of such prominent and distinguished officials. Even if our attention had not been called to the condition of the Commissary-General's Department by these letters, I am inclined to think that the information we derive from the Army Register would of itself suffice to convince us of the necessity of such legislation as is suggested to us in these official documents. The Senate certainly took this view of the subject, and a few days since they passed a bill (S. 1248), which is identical in language with the bill introduced by myself on January 9, and that bill has been transmitted to this House for our consideration.

During the last twenty-three years our country has doubled in population, and possibly more than doubled in wealth and production. Our railroads have quadrupled in mileage, and I might add, in general efficiency and cheapness of transportation.

Development has been marvelous, legislation has been invoked and has kept pace with the wonderful strides in every civil vocation, and during all this time Congress has turned a deaf ear to recommendations indispensable to efficiency and economy in army administration. The general and head of this Department, the General-in-Chief of the Army, and the Secretary of War now tell us that the change they recommend is essential to place the officers of this department on a proper footing and to correct the defects in its present faulty organization.

The changed conditions of the country requires officers of fixed grades for certain duties, and we are plainly informed that efficiency can not be attained if legislation is allowed to stand which discriminates against the officers of one department. It is this adverse discrimination, of which the Subsistence Department has so long been the victim, which these distinguished officials now ask Congress to rectify.

If the law they recommend had been enacted at the time some of the other corps were reorganized, several of the captains of the Subsistence Corps would now be majors of twenty years' standing, and therefore would be eligible for promotion to the grade of lieutenant-colonel under the bill reported by the gentleman from Indiana [Mr. STEELE], and which we all agree is very good indeed, and, if supplemented by the bill which I have read, will go very far toward the establishment of equality and harmony.

My object in making these remarks is to call the attention of the House to that bill, and also to endeavor to show that the bill now under consideration does not meet the requirements of the service which were manifestly in the minds of the Secretary of War, General Sheridan, and General Macfeely when they wrote the letters I have read.

The bill now before the House does not make any permanent change in the organization of any part of the Army. Its only effect upon the Subsistence Department will be to give temporary relief to one major and four captains, but will utterly fail to give that department the more perfect organization which is so earnestly urged upon Congress.

I believe, Mr. Speaker, that the time has come when all needed and proper changes should be made in Army organization, and I believe that intelligent action of this character will secure much more economical administration and at the same time greatly increase the efficiency of the Army. Experience in the vast armies of Europe has demonstrated the fact that efficient organization always tends to the diminution of expense, and careful examination has convinced me that by pursuing the same course in our Army we can achieve the same results.

In closing my remarks, Mr. Speaker, I desire to emphasize the fact that the bill which I introduced and the similar bill which passed the Senate by a unanimous vote makes no addition whatever to the Army and is very much more economical than the bill which has been reported as a substitute. I have great respect for each and all the members of the Committee on Military Affairs, and feel certain they will give kind and careful consideration to these remarks.

Mr. TOWNSHEND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN B. READ.

Mr. TOWNSHEND. Mr. Speaker, I now yield the floor to the gentleman from South Carolina [Mr. TILLMAN].

Mr. TILLMAN. Mr. Speaker, I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the joint resolution S. R. 5, and that it be considered in the House as in Committee of the Whole.

The motion was agreed to.

The joint resolution was read, as follows:

Resolved, etc., That the Secretary of War be, and is hereby, authorized and directed to organize a board of officers, as stipulated in said Read's written contract with the War Department in 1856, such board to consist of not less than three officers, selecting the same from the ordnance and artillery arms of the United States service, who will examine all facts relative to the claim and patent of said Read, and ascertain whether the United States have made any use of any invention or discovery of said Read in projectiles; whether the same, if so used, were used under any contract, expressed or implied; whether he consented to the use of said projectiles by the Confederate government against the United States, or received any compensation therefor, and whether this invention was used by the United States; to what extent, if any, his invention or discovery was used, and whether such use was valuable, and whether such contract itself was advantageous to the United States; and if so, what sum, if any, under the circumstances of the use, the United States ought in justice to pay for the same. And that such board do make their report on the above case and claim, with all convenient speed, to the Secretary of War, to be by him transmitted to Congress for its action in the premises; and that such report be accompanied by a statement of all the proofs submitted to and considered by said board.

Mr. TILLMAN. I ask that the report be read.

The report (by Mr. FORD) was read, as follows:

The Committee on Military Affairs, to which was referred the resolution (S. R. 5) in relation to the claim of John B. Read, having considered the same, beg leave to report as follows:

In 1856 Dr. Read invented and patented a projectile for rifled ordnance. In the opinion of the committee he was the first to discover and demonstrate the feasibility of using hard metals for smooth expanding sabots of rifled projectiles, thereby forcing the sabot of the projectile into the grooves of the gun, thus giving that great degree of efficiency for which modern rifled ordnance is renowned.

Upon investigating Dr. Read's invention, the Secretary of War, on the 28th day of July, 1856, entered into a contract with Dr. Read, by which Read undertook and did assign to the United States the right to "forever use for all governmental purposes the improvements, inventions, and suggestions covered by" the patent of Read, "should they be deemed worthy of adoption," the consideration for which use, as stated in the contract, was to be "such compensation as may be awarded by the Secretary of War, upon the report of a board of Army officers to be designated by him."

Under this contract the United States proceeded to use the inventions of Read, and continued such use during the war of the rebellion, and are to-day using the smooth, cylindrical sabots driven into the grooves of the gun.

The joint resolution seeks to carry out the contract entered into in 1856, by authorizing the Secretary of War to appoint a board of officers, who shall investigate the whole subject-matter and report to Congress their conclusions.

A similar resolution was passed by the Forty-ninth Congress, but did not reach the President in time to receive his approval.

The committee recommend that the resolution do pass, and that House resolution No. 5 do lie upon the table.

Mr. TILLMAN. Mr. Speaker, I will say just a few words. This joint resolution is carefully guarded at every point. It only proposes to pay this inventor what the Government, as far back as 1856, agreed to pay him if, after thorough investigation by a board of officers appointed by the Secretary of War, anything should be found due him; and unless some gentleman wishes to ask some questions about it, I have nothing further to say.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. TILLMAN moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ROADS TO THE PRESIDIO, SAN FRANCISCO.

Mr. TOWNSHEND. I now yield the floor to the gentleman from Nebraska [Mr. LAIRD].

Mr. LAIRD. Mr. Speaker, I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill H. R. [6098, and that it be considered the House as in the Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the construction and repair of the roads and walks leading to the United States national cemetery on the reservation of the Presidio of San Francisco, planting trees and shrubs, and for the protection and fencing of the said roads and reservation in which the cemetery is situated, and also for the preservation of the same and its springs of water used for irrigating the post and cemetery from drifting sand, to be expended under the direction of the Secretary of War: *Provided*, That whenever called upon by the proper military authorities, the city of San Francisco shall be permitted to send any part of its police force to arrest trespassers, intruders, and disorderly persons upon said reservation.

The report (by Mr. LAIRD) was read, as follows:

Your committee, to whom was referred the bill (H. R. 6098) authorizing the construction and repair of the roads from the entrance to the reservation of the Presidio at San Francisco, Cal., to the national cemetery on the same, and the fencing and protection of the said reservation and the cemetery thereon, respectfully submit that it appears from the examination of the annexed report of the Secretary of War, the General of the Army, and the Quartermaster-General, that the money asked for in the accompanying bill is needed for immediate use in the preservation and protection of public property and in the construction and completion of roads through the United States military reservation at San Francisco, Cal.

The Presidio comprises something over 1,500 acres of land, worth several millions of dollars, and is necessary to the defense of the port of San Francisco, and the roads proposed to be constructed will be valuable for military purposes. The amount of work proposed to be done with the money asked is so agregately large in proportion to the appropriation asked that your committee take pleasure in recommending the passage of the bill, making the statements of the officers above referred to, and where the reasons for the expenditure are set out in detail, a part of their report.

One portion of the bill attracts the attention of your committee, namely, the proviso commencing in line 13, and providing for the arrest of trespassers, intruders, and disorderly persons upon the reservation by the police authorities of the city of San Francisco. It strikes your committee as worthy of remark that it is necessary to use civil officers to guard an army and the property belonging to it.

"WAR DEPARTMENT, *Washington City, February* 20, 1888.

"SIR: In reply to your request of the 7th instant for the views of this Department upon House bill 6098, Fiftieth Congress, first session, to appropriate $10,000 for the construction and repair of the roads leading to the national cemetery on the reservation of the Presidio of San Francisco, and the fencing and protection of the reservation and the cemetery thereon, I have the honor to invite attention to the inclosed report of the 14th instant, accompanied by a map of the Presidio reservation, from the Quartermaster-General, stating that the cemetery needs considerable enlargement, that the roads leading to it require extensive repairs, and that in view of the importance of the Presidio reservation as a defensive position the sum proposed to be appropriated is not too large.

"I also invite attention to the inclosed report of the 17th instant from the Lieutenant-General, who states that the reservation is of much value to the Government, but for lack of funds has not been kept in proper police and repair, and that the concluding provision of the bill is necessary owing to the proximity of the reservation to the city of San Francisco.

"The views of the Quartermaster-General and of the Lieutenant-General are concurred in by this Department.

"Very respectfully, your obedient servant,

"WILLIAM C. ENDICOTT,
"*Secretary of War.*

"Hon. R. W. TOWNSHEND,
"*Chairman Committee on Military Affairs,*
House of Representatives."

"HEADQUARTERS ARMY OF THE UNITED STATES,
"*Washington, D. C., February* 17, 1888.

"SIR: I have the honor to return herewith a bill (H. R. 6098, Fiftieth Congress, first session) for the construction of roads and fences at the Presidio at San Francisco, referred by you for my report, with the remark that I heartily approve of the proposed measure. This reservation is of much value to the Government, but for lack of funds has not been kept in proper police and repair. This amount, if appropriated, will put the grounds in good condition.

"The concluding proviso is also necessary, the reservation immediately adjoining the city of San Francisco and being often the resort of tramps and objectionable individuals.

"Very respectfully, your obedient servant,

"P. H. SHERIDAN,
"*Lieutenant-General, Commanding.*

"The SECRETARY OF WAR."

"WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
"*Washington, D. C., February* 14, 1888.

"SIR: In regard to the House bill No. 6098, referred to me for report, I have the honor to state:

"1. That the national cemetery situated on the reservation of the Presidio of San Francisco is the only one within the States and Territories upon the Pacific slope. Consequently it needs enlarging considerably to meet all the requirements of existing law, namely, that the Government shall furnish a place of burial for every deceased soldier, sailor, or marine that served in the late war for the Union.

"2. The roads leading to this cemetery need extensive repairs, and require to be kept in repair. The water used for its irrigation and for the military posts on the reservation requires protection for its springs and conduits, both of materials and by the police. The movements of the sand-drifts across the reservation can be suppressed only by attention, such as claying and seed-planting.

"3. The Presidio reservation itself contains about 1,520 acres. It extends along the seashore and the coast line of the entrance at the Golden Gate, along a part of the bay, and has one side and part of another abutting against the streets and blocks of the city of San Francisco. This reservation is said to contain the main positions for the defensive works to bar the entrance through the Golden Gate to the San Francisco Harbor.

"Therefore upon its integrity in a great measure must depend the safety of the largest and best harbor on the Pacific coast. It is a landed estate of great value, estimated at many millions of dollars.

"It needs fences, gate-keepers, guards, and at times the assistance of the police to break up the camps of tramps, hoodlums, and unlawful persons within its limits.

"For the expenditure necessary for the cemetery, and incidentally for the reservation upon which it is situated, the sum named, $10,000, is not too large, and it is safe to say that no money in the Treasury can be more usefully applied than this.

"Very respectfully, your obedient servant,

"S. B. HOLABIRD,
"*Quartermaster-General, United States Army.*

"The SECRETARY OF WAR."

Mr. LAIRD. Mr. Speaker, the report is so full and complete that unless some gentleman desires to ask a question, I move the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LAIRD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GENERAL ALFRED PLEASONTON.

Mr. TOWNSHEND. Mr. Speaker, I now yield the floor to the gentleman from Mississippi [Mr. HOOKER].

Mr. HOOKER. Mr. Speaker, I call up the bill (H. R. 2972) authorizing the President to appoint and retire General Pleasonton, and I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill, and that it be considered in the House as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That the laws regulating appointments in the Army be, and they are hereby, suspended, and suspended only for the purpose of this act; and the President is hereby authorized to nominate and, by and with the advice and consent of the Senate, appoint Alfred Pleasonton, late a major-general of volunteers in the Army of the United States, a brevet major-general in the Army of the United States, and thereupon to place him, the said Alfred Pleasonton, upon the retired-list of the Army as such brigadier-general, without regard and in addition to the number now authorized by law of said retired-list.

The Committee on Military Affairs recommended the following amendment:

Strike out, in lines 11 and 12, the words "as such brigadier-general" and insert in lieu therefor the words "with the rank and grade of colonel," and insert the following proviso after the last line, namely:

"*Provided*, That from and after the passage of this act no pension shall be paid to the said Alfred Pleasonton; but this proviso shall be no bar to any claim for pension that the widow or children or heirs of the said Alfred Pleasonton may have after his decease."

Mr. HOOKER. Mr. Speaker, the report on this bill is somewhat lengthy, but probably part of it, at least, had better be read by the Clerk, and if, during its progress, it should be the will of the committee, I will move that the reading be suspended. The report gives some idea of the military service rendered by General Pleasonton from the time he graduated from West Point, in 1844, serving almost immediately thereafter in the Mexican war with great distinction, and also in the more recent war. [Cries of "Vote!" "Vote!"]

Mr. HOLMAN. I think the report should be read, Mr. Speaker.

Mr. TOWNSHEND. The gentleman from Mississippi [Mr. HOOKER] has indicated the character of the bill. The report is rather long, and as time is very precious, I hope the gentleman from Indiana will not insist upon having it read now.

Mr. HOLMAN. This matter has been before the House on a previous occasion, I believe, but I do not distinctly remember the facts, and I think that at least enough of the report should be read to indicate the character of the bill.

Mr. LAIRD. Mr. Speaker, I ask unanimous consent that the gentleman who made the report be allowed to state its substance to the House.

Mr. HOLMAN. I wish particularly to know the circumstances under which General Pleasanton left the service.

Mr. LAIRD. General Pleasonton's services are a matter of history. The gentleman from Indiana [Mr. HOLMAN] must have knowledge of them.

Mr. HOOKER. Mr. Speaker, as is shown by this report, General Pleasonton entered the Military Academy at West Point in 1840, graduated in 1844, being at that time made a lieutenant in the Army—a second lieutenant, I think, and went almost immediately afterward into the Mexican war, which began in 1846. In that war he distinguished himself in more than one hotly-contested engagement, and was brevetted for gallantry on the field of battle. After the Mexican war he served for a number of years in that most difficult and thankless part of the military service of the country the service on the frontier, taking part in more than one Indian war, and acquitting himself at all times with distinguished gallantry and fidelity to the flag under which he drew his sword.

At the breaking out of the civil war between the States, General Pleasonton immediately went again into the field and rose with rapid distinction from one rank to another, until finally, when that war closed, he bore the rank of major-general of volunteers. All his comrades bear evidence to the fact that in every relation which he held in the Army his conduct was marked by distinguished ability and valor. On the floor of this House only a few years ago, when a proposition similar to the present was under consideration, that veteran of the Union Army, whom I had the pleasure of shaking by the hand here to-day—General Rosecrans—paid General Pleasonton the highest possible compliment, and all the other officers who served with him have given similar testimony.

I have been asked by the gentleman from Indiana what were the circumstances——

Mr. HOLMAN. I desire to know under what circumstances General Pleasonton left the Army.

Mr. HOOKER. I will tell the gentleman in a moment; but first, in justice to General Pleasonton, let me say that when the late war broke out there was one branch of the service of the Union Army that had not been brought to the perfection that characterized its infantry and artillery corps. I refer to the cavalry. The cavalry of the Union Army had to meet the distinguished men of the Confederate forces, coming from that region of country where men were brought up on horseback, as it were, and were soldiers from boyhood.

The cavalry forces of the Union had to encounter the distinguished cavalry leaders of Virginia—that portion of the country to which we are accustomed to look when we want to see statesmen and soldiers; and those of us who have ever stood upon her beautiful valleys and gazed upon her lofty mountains, sometimes lustrous with sunshine, sometimes covered with shadow, and sometimes the home of the storm god, have ceased to wonder that that country should breed heroes amongst its men and heroines amongst its women. To meet soldiers led by men from that country, General Pleasonton was called upon to organize the cavalry forces of the United States. He did organize them with distinguished ability; he led them with equally distinguished valor; and probably by breaking the line of the opposing forces he paved the way for the successes which finally crowned the Union flag when, at Appomattox and in North Carolina, the soldiers of the Confederacy laid down their arms.

No man in the Union Army, according to the testimony of his comrades, bore himself with more distinction than General Pleasonton. Yet, after all his services, rendered in the Mexican war and in the civil war, he found himself, when the latter conflict closed, still in the Army with no greater rank than that with which he had entered it. Consequently, when he found others promoted over him and felt that he had not been dealt with justly in that regard, he resigned his position. But, like all other officers, so far as I know, educated at West Point, he was not fit for any duties but those of a soldier.

He is now an old man. His early life, the prime of his manhood, and his ripened and more mature years having been given to his country, it is but justice he should now be retired. The bill, as originally introduced by my friend from Texas [Mr. CRAIN], proposed to retire

General Pleasonton as a brigadier-general. I believe he ought to be so retired, and I would have voted in favor of the measure in that form. But it was the judgment and will of the committee that he should be retired with only the rank and pay of a colonel. This is a tardy act of justice, Mr. Speaker, and I hope it will now be performed with a unanimity which shall be some compensation to this gallant old soldier for the delay in the discharge of this debt which the country owes him. [Applause.] [Cries of "Vote!" "Vote!"]

The SPEAKER *pro tempore*. The first question is on agreeing to the amendments reported by the Committee on Military Affairs.

The first amendment was read, as follows:

Strike out, in line 11, the words "as such brigadier-general" and insert "with the rank and grade of colonel."

The amendment was agreed to.

The next amendment was read, as follows:

Add to the bill the following:

Provided, That from and after the passage of this act no pension shall be paid to the said Alfred Pleasonton, but this proviso shall be no bar to any claim for pension that the widow or children or heirs of the said Alfred Pleasonton may have after his decease.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TOWNSHEND. I ask that the title of the bill be amended so as to conform to the body of the bill as it now stands.

The SPEAKER *pro tempore*. If there be no objection, that amendment will be made.

There was no objection.

Mr. HOOKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MUSTER AND PAY OF CERTAIN OFFICERS AND ENLISTED MEN.

Mr. TOWNSHEND. I yield the floor to the gentleman from Michigan [Mr. CUTCHEON].

Mr. CUTCHEON. Mr. Speaker, I call up House bill 1560, to extend the provisions of "An act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces," and move that the Committee of the Whole House be discharged from its further consideration, and that it be considered in the House as in Committee of the Whole.

There was no objection, and it was ordered accordingly.

The bill was read, as follows:

Be it enacted, etc., That the provisions of "An act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces," approved June 4, 1884, as amended by the act approved February 3, 1887, be, and the same are hereby, extended for a period of three years from the 3d day of June, 1887.

The amendments reported by the committee were read, as follows:

After the word "hereby" insert "revived and," and strike out the word "three" and insert "five;" so it will read:

And the same are hereby revived and extended for a period of five years from the 3d day of June, 1887.

Mr. HOLMAN. Let the report be read.

Mr. TOWNSHEND. I ask that the gentleman from Michigan [Mr. CUTCHEON] be permitted to make a statement explanatory of the bill, instead of having the report read.

Mr. HOLMAN. I do not object to that.

Mr. CUTCHEON. Mr. Speaker, by the act of June 4, 1884, it was provided that officers in the volunteer service should be considered as mustered into their respective rank and grade from the date of the actual issue of their commission by competent authority.

By the act amendatory thereof, which became a law February 3, 1887, it was provided that—

Any person who was duly appointed and commissioned, whether his commission was actually received by him or not, shall be considered as commissioned to the grade therein named from the date when his commission was actually issued by competent authority, and shall be entitled to all pay and emoluments as if actually mustered at that date.

The act of June 3, 1884, contained the following limitation:

SEC. 3. That all claims arising under this act shall be presented to and filed in the proper department within three years from and after the passage hereof, and all such claims not so presented and filed within said three years shall be forever barred and no allowance ever made thereon.

The act of February 3, 1887, was an amendment of section 1 of the act of June 3, 1884. It was held by the War Department that the limitation in the third section applied to the new act of February 3 as well as to the original act. By this construction it happened that the amended act was only in force from February 3 to June 3, 1887, a period of only four months, and so, before those intended to be benefited by the provisions of the act generally became aware of its existence, it was held to have expired, and the act failed to accomplish the justice designed.

I do not think it was ever designed by Congress to have so brief an existence. If it was right to enact the law, it was right that those to be benefited should have a reasonable length of time to become aware of their rights and prepare and file their claims.

The committee unanimously recommended this period be extended. The whole number of claims reported by the Secretary of the Treasury under this act of February 3, 1887, was 3,723. The number doubtless will be small and the amount will be small. It is an act of justice for services actually rendered.

The amendments were adopted.

Mr. HOLMAN. I have no objection to this amendment; but, on the contrary, it seems to be a proper measure.

I observe the limitation imposed on the presentation of claims of soldiers during the late war has produced a great many instances of hardship. It seems to me that the limitation should be opened up for at least one year more, and I therefore propose an additional section, providing it shall be suspended for a period of one year from and after the passage of this act.

Mr. STEELE. Make it three years.

Mr. HOLMAN. I have no objection.

Mr. CUTCHEON. I see no objection to the adoption of that amendment.

Mr. HOLMAN. I move the following amendment.

The Clerk read as follows:

SEC. 2. That the limitation heretofore imposed by law on the presentation of claims for the loss of horses and equipments by officers and soldiers in the military service during the late war is hereby suspended for the period of three years.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HOLMAN. I move to amend the title of the bill by adding the words "and for other purposes."

The amendment was agreed to.

Mr. CUTCHEON moved that the vote by which the bill was passed be reconsidered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MAJ. MICHAEL P. SMALL.

Mr. TOWNSHEND. I yield now to the gentleman from Pennsylvania [Mr. MAISH].

Mr. MAISH. I move that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 542) for the relief of Maj. Michael P. Small, and that the same be considered in the House as in Committee of the Whole.

There was no objection, and it was ordered accordingly.

The bill was read, as follows:

Be it enacted, etc., That there be paid to Maj. Michael P. Small, a commissary of subsistence in the United States Army, out of any money in the Treasury not otherwise appropriated, the sum of $3,783.87, being the amount of Government funds stolen or embezzled from him without his default at Chicago, Ill., in the years 1879 and 1880, and which was restored by him out of private funds.

The report (by Mr. CUTCHEON) was read, as follows:

The Committee on Military Affairs, to which was referred the bill (H. R. 542) for the relief of Maj. Michael P. Small, have considered the same and make the following report:

A bill having the same object as the present was reported favorably in both Houses of Congress in the Forty-ninth Congress, but was not reached for final action.

Since that time there has been some change in the status of affairs, by the payment by Major Small of the amount embezzled by his clerk to the Government out of his private funds. The present bill authorizes the repayment to him of the amount so exacted from him, $3,783.87. With this statement of this change of aspect the committee adopts the report made from this committee in the Forty-ninth Congress, as follows:

"[House Report No. 1150, Forty-ninth Congress, first session.]

"The Committee on Military Affairs to whom was referred the bill (H. R. 4616) for the relief of Maj. Michael P. Small, have considered the same, and submit the following report:

"The object of the bill is to relieve Maj. Michael P. Small from a charge of $3,780.63, standing against him on the books of the Treasury.

"The major, when stationed at Chicago in November, 1880, as purchasing and depot commissary, was robbed by his clerk, a Mr. George Davidson, of the above sum. The United States, by its attorney in the southern district of New York, brought its action against Davidson for the recovery of the amount stolen by him, and obtained judgment for the full amount. In its petition it is expressly alleged that the fraud was perpetrated by Davidson by interpolating in the abstract of purchase a false entry without the knowledge or consent of Major Small, and all the proof in the case acquits him of any dishonorable intent, while his memorial is full of the strongest testimonials from officers of the highest rank in the Army as to his intelligence, vigilance, and efficiency.

"The facts in the case are these: Davidson, while acting as confidential clerk of the major, in whose employ he had been in the same capacity for ten years, with the aid of a confederate in the office, who had been the trusted clerk of the present Commissary-General when he was acting as purchasing commissary at Chicago, managed to interpolate in a genuine voucher a false entry of a purchase of 7,200 5-pound packages of dried apples, for the purpose of covering up petty larcenies, which amounted to the value of the apples—say $3,600. This voucher was transmitted to Washington, but there was no such entry on the retained copy held by the major.

"Subsequently, on his purchasing 1,187 pounds of dried apples and accounting for the same at Washington, he was asked why he made such a purchase when his return of provisions indicated that he had on hand 7,197 pounds. Packages in the mean time had been changed into pounds, and a credit of 3 pounds of apples from an old account reduced the number of pounds from the corresponding number of packages, to wit, 7,200, to 7,197, as above stated. This question put the major on inquiry, however, and the result of his investigation was the disclosure which has already been mentioned.

"The clerk made a full confession of the details of the embezzlement. Judgment was obtained against him for the amount stolen, and he was placed under arrest. In the mean time the accounting officers of the Treasury held the ma-

jor responsible for the sum mentioned in the bill. It should be added that there were one or two other small defalcations concealed by forged vouchers, which bring the sum up to $3,780.63, instead of $3,600, the amount taken, to cover up which the apple entry was invented.

"The committee have carefully examined the facts of this case, and are inclined to adopt the opinion of the judge-advocate who assisted the United States district attorney in the prosecution of the suit, that the fraud perpetrated was ingeniously contrived and likely to deceive any one. At all events, they are very clearly of the opinion that Major Small is equitably entitled to the relief for which he asks, and they recommend, therefore, that the bill do pass."

Mr. HOLMAN. I wish to make this suggestion to the gentleman in charge of the bill: It does not appear from the face of this report whether the clerk was appointed by the officer who is the claimant in this case or not. I think a different rule has prevailed generally where the appointment in such cases was made not by the officer sustaining the loss, but without any control upon his part.

Mr. CUTCHEON. If the gentleman from Pennsylvania will yield to me for a moment——

Mr. MAISH. Certainly.

Mr. HOLMAN. I wish to ask, first, whether—as it does not appear from the report—this clerk was arrested, or whether he was prosecuted at all for the embezzlement?

Mr. CUTCHEON. He was convicted and died in prison.

Mr. MAISH. He was convicted and sentenced.

Mr. HOLMAN. It is not so stated in the report.

Mr. CUTCHEON. Mr. Speaker, I wish to state that the Committee on Military Affairs, who have prepared this report, made a thorough investigation of the matter not only during the present session of Congress, but with somewhat of the same care in the last Congress. The body of the present report was prepared by Hon. J. D. Findlay, from Baltimore, who was then a member of the Committee on Military Affairs; and, as the House will recollect, he was an able lawyer, and this matter was thoroughly and carefully investigated by him. A favorable report in both branches of Congress was made, but it was not reached for final action.

The action of the military authorities, of General Sheridan, upon whose staff he was, and other officers connected with the War Department, show that Major Smalls has been always regarded as not culpable in any degree for this loss, nor in any manner accountable, for the reason that the forgery or interpolation specified in the report was made in this voucher after his signature had been appended, made by his confidential clerk, and the first intimation he had of the interpolation was when his attention was called to the matter by the Commissary Department in Washington, as is fully explained in the report. It was discovered in this manner:

Subsequently to the date of this interpolation, of which he was innocent and ignorant, he filed a voucher for the purchase of a supply of dried apples, amongst other commissary stores, in the Department here, when his attention was called to the fact that but a very short time before he had filed a voucher for 7,200 packages, which was the first information he had of the fact; and by this means he discovered the forgery, for a prompt investigation showed that the original voucher had been changed after he had signed it. Upon the discovery of the forgery he did all that could be done to bring the offenders to justice. Davidson, the clerk, was arrested, tried, convicted, and sentenced, and died in prison.

I repeat, that the authorities never held Major Smalls in any manner liable, as is apparent from the fact that he is still in the service and is disbursing officer at Baltimore, and has never been disturbed in any manner in his official position. The accounting officers of the Treasury finally brought suit, and he paid the whole amount out of his private means. I do not think that any person who has ever investigated the matter has been able to say that Major Smalls was responsible in the slightest degree for this loss.

Mr. STEELE. Allow me to interrupt my colleague on the committee to state that I do not think the Department brought suit against him, but the amount was withheld from his pay.

Mr. CUTCHEON. The gentleman is correct in that; it was stopped out of his pay.

Mr. CASWELL. Whose appointee was this clerk?

Mr. CUTCHEON. I am not able to state, but I think he was a public-service official detailed for that duty, and was not appointed by Major Smalls.

Mr. HOLMAN. Mr. Speaker, I remember that some years back, as early as 1864, up to which period Congress had held public officers to a very close and strict accountability for the custody of public funds, the question arose with reference to relieving an officer for a defalcation which had occurred in the mint at Denver, amounting to some several thousand dollars. The clerk, in that instance, had been appointed by the Treasury Department; and after a very tedious consideration of that case, occupying several sessions of Congress, it was held that inasmuch as this officer was not responsible for the appointment of the clerk, he being appointed by the Treasury Department, and was not authorized to take a bond from him, that it was a proper case for relief. As far as my knowledge extends, that is the first instance where a public officer was granted relief for the embezzlement of public funds in his charge. The practice of Congress before that had been exceedingly strict and severe; as much so, in fact, as in any of our States.

Since then I do not understand that as a rule, liberal as we have gotten to be in regard to relieving public officers for the loss of public funds resulting by their own neglect or carelessness, that liberality goes to the extent of relieving an officer from loss where he might have protected himself against the loss, as in the case where he appoints his own clerk, and may impose upon him the same conditions that are usually imposed upon persons in civil life who are placed in a position where they have control or custody of the funds of others.

I do not purpose to oppose this bill; but I suggest simply to my friend from Michigan that we are adopting a loose practice in regard to the liability of public officers by granting relief in almost all cases that come before Congress for action.

Mr. WHEELER. If the gentleman from Pennsylvania will permit me a moment, I think the gentleman from Indiana is mistaken in regard to the decisions and rulings on questions of this character. The Court of Claims has decided in a number of cases——

Mr. HOLMAN. I was not speaking of the action of the Court of Claims, but of the line of policy adopted with regard to such cases by Congress.

Mr. WHEELER. I think the Court of Claims is a very safe guide and precedent for us in the consideration of such cases; and I recollect in examining some of the decisions of that court, several cases of that character—amongst them the Glenn case, the Whittlesey case, the Christian case, the Reynolds case, and several others where the court did not take the strict view suggested by the gentleman from Indiana, but held that where an officer had shown that he had taken all proper precautions, such as men take in the ordinary business transactions of life, it was fit and proper to give consideration to applications for relief.

Mr. HOLMAN. Oh, I trust that no such proposition as that has been laid down by any court. Ordinary care upon the part of a public officer intrusted with money—whether the officer be civil or military—would not be such care as should be taken to entitle him to relief. Such custody of public funds points to a much higher degree of care and responsibility than that suggested by the gentleman.

Mr. WHEELER. I fully concur with my friend from Indiana [Mr. HOLMAN] that the greatest care should be exacted from all officials, and I think the report in this case shows that every care was exercised which could reasonably have been expected; but I was referring to rules laid down by the courts.

I will not, however, occupy time, because it seems the House is prepared to pass the bill. I shall therefore withhold any further remarks which I might otherwise have been disposed to make.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MAISH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TELEGRAPH OPERATORS DURING THE WAR.

Mr. TOWNSHEND. I yield now to my colleague on the committee, the gentleman from Iowa [Mr. GEAR].

Mr. GEAR. I call up for consideration the bill (H. R. 8003) for the relief of telegraph operators during the war; and I ask that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill and that it be considered in the House as in Committee of the Whole.

The bill was read, as follows:

Whereas, except commissioned officers, those persons engaged in the military telegraph corps of the United States during the war of the rebellion, although performing strictly military duties, whereby some lost their lives and others were wounded or imprisoned, have received no official recognition for their fidelity, intelligence, bravery, and efficiency; and

Whereas, as an integral part of the Army, they ought to have been accorded a military status corresponding in rank to the service so meritoriously performed; and

Whereas, by reason of the death of many Army telegraphers, and other difficulties developed by the lapse of time, it is at this time inexpedient to confer actual military rank upon members of said corps: Therefore,

Be it enacted, etc., That all persons engaged in the operation and construction of military telegraph lines during the war of the rebellion are hereby declared to have been a part of the military telegraph corps of the Army of the United States; and the Secretary of War is hereby directed to prepare a roll of such persons, and to issue to each, upon application, unless it appears that his service was not creditably performed, a suitable certificate of honorable service in the military telegraph corps of the Army of the United States, reciting this act and the term and character of his service, as well as the relative rank of such person assimilated to that conferred by law upon commissioned officers of the Army receiving a monthly pay most nearly approximating that of such person at the time of his discharge: *Provided*, That this law shall not be construed to entitle the persons herein mentioned to any pay, allowance, bounty, or pension other than that heretofore received by them.

The SPEAKER *pro tempore*. The gentleman from Iowa asks that the Committee of the Whole House on the state of the Union be discharged from the further consideration of this bill.

Mr. STOCKDALE. Will the gentleman from Iowa state how much money is involved in this bill?

Mr. GEAR. The report is somewhat lengthy and I can give a brief explanation. This corps consisted of about 1,200 operators.

Mr. WARNER. The gentleman from Mississippi asked how much this bill will cost.

Mr. GEAR. It will not cost a cent.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Iowa?

Mr. STOCKDALE. I object.

Mr. GEAR. I ask the gentleman to withdraw his objection till I can explain the bill.

Mr. STOCKDALE. I do not think anybody is informed how much money it will cost.

Mr. GEAR. The bill itself provides that it shall not cost a cent.

The SPEAKER *pro tempore*. The bill is on the Calendar of the Committee of the Whole House on the state of the Union, and objection is made to its being considered in the House.

Mr. GEAR. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering this bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. MCMILLIN in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering the bill, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 8003) for the relief of telegraph operators during the war.

The CHAIRMAN. The Clerk will report the bill.

Mr. ANDERSON, of Kansas. I ask unanimous consent that as the bill has just been read in the House the reading of it in committee be dispensed with.

Mr. HOLMAN. There was a little confusion when the first part of the bill was being read. I prefer to have the bill read again, or at least the first portion of it.

The bill was again read.

Mr. GEAR. I will not occupy more than a moment in giving a brief explanation of the bill. There were some twelve hundred men of that class in the service who have never been recognized officially except a few officers. Of those twelve hundred men two hundred died from wounds; another one hundred died from other casualties; making 25 per cent. of the number who died in the service. These men come to Congress and ask the recognition of an honorable certificate of service.

Mr. LYMAN. Does the bill take a cent from the Treasury?

Mr. GEAR. Not a penny.

Mr. RYAN. The only effect is to give a certificate of honorable discharge?

Mr. GEAR. That is all.

Mr. TIMOTHY J. CAMPBELL. Does any patriotic citizen object? None.

Mr. HOLMAN. I hope the committee will consider that a new field is being opened up by this bill. The telegraph operators of course rendered valuable service during the war period. But on the other hand they were only civilians; they were not enrolled in the Army; they were not a part of the Army.

There was a very large body of civilians who occupied the same kind of relation to the public service as they occupied; the clerks of paymasters, of commissaries, of quartermasters, teamsters, a large body of men who were not recognized as part of the Army and yet were employed in connection with its operations.

I think it is easy to perceive that if Congress shall lay down a proposition in the form of a law declaring that these persons were in some sense connected with the military service, and were entitled to an honorable discharge, it, of course, implies their enlistment in the service. And that will not be the end of our legislation on the subject and ought not to be the end of it. If these gentlemen are entitled, any of the classes I have mentioned of civilians are entitled to be treated as having been of the Army, and entitled to a discharge from the Army——

Mr. WARNER. Will the gentleman yield to me?

Mr. HOLMAN. Let me finish my sentence. Then I submit that we should go further than that, and instead of now making the distinction we draw by this bill we should either not legislate for this class or treat all alike. I yield now to the gentleman from Missouri [Mr. WARNER].

Mr. WARNER. I wish to suggest to the gentleman from Indiana that this bill does not even propose to give these persons an honorable discharge from the Army. It proposes simply to give them a certificate of their service in the military telegraph corps if they were found to have performed honorable service. That is all. It does not even recognize them as a part of the Army. It simply gives them a certificate of discharge as a part of the military telegraph corps, provided their service was honorably rendered.

Mr. LAFFOON rose.

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Kentucky?

Mr. HOLMAN. Not at this moment. Will my friend tell me why the distinction should be made in favor of a particular class? Why not embrace all civilians who were in a quasi or partial sense connected with the Army? Why discriminate in favor of a particular class?

Mr. GEAR. Let me suggest that these men were in the advance. They were subject to military duty. Many of them were thrown into prison and suffered as great hardships as any that carried guns.

Mr. HOLMAN. Is not that true also of the others who were connected with the Army? Why discriminate in favor of a particular class? I admit they were of the most intelligent class connected with the Army who were not of the Army proper. But the clerks ought not to be omitted. Their services were just as great.

Mr. TIMOTHY J. CAMPBELL. Mr. Chairman, I would suggest to the gentleman from Indiana [Mr. HOLMAN] that he let this bill go through and afterwards bring in other legislation for those other persons of whom he speaks.

Mr. HOLMAN. That would be the easiest way of course. [Laughter.]

Mr. TIMOTHY J. CAMPBELL. Yes; that is it.

Mr. MACDONALD. Mr. Speaker, I wish to ask the gentleman in charge of this bill whether its provisions are limited to the number of operators he has mentioned.

Mr. GEAR. So I understand. The report from the War Department, which accompanies the bill, states that there were about 1,200 men in that service, and the bill is limited to that class.

Mr. MACDONALD. But is there anything in it which limits its provisions to telegraph operators who were serving at the front?

Mr. GEAR. It is limited exclusively to telegraph operators in the military service of the Government. I move, Mr. Speaker, that the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. HOLMAN. I wish to move to amend the bill, if the gentleman will permit, by inserting these words: "And others engaged in a civil capacity in connection with the operations of the Army."

Mr. GEAR. I hope that amendment will not be adopted.

Mr. HOLMAN. Why not?

Mr. GEAR. Simply for the reason that we do not know how far-reaching it may be. These men were a special class who rendered a special service and who simply ask a certificate of that service.

Mr. LAFFOON. Can the gentleman tell us what benefit such a certificate will be to them?

Mr. GEAR. What benefit? I can illustrate the benefit by the case of a gentleman who lives in my own town. In that town there is a man who is to-day the superintendent of the Western Union telegraph service for one or two States. He was in a Southern prison during the war. He was offered a position among our friends at the South if he would abandon his Government; but rather than do so he lay in prison until he nearly died. That man desires a certificate showing that he rendered honorable service to the Government.

Mr. LAFFOON. But what benefit will it be to him now?

Mr. GEAR. It will show that he served his Government faithfully.

Mr. LAFFOON. Just an empty honor.

Mr. GEAR. Empty to you, perhaps, but not to him who rendered the service. I yield now to the gentleman from Michigan [Mr. CUTCHEON].

Mr. CUTCHEON. Mr. Chairman, the question is asked: What does this bill confer? It may be answered: Nothing. It confers simply a certificate upon these men that they rendered honorable service to the Government of the United States in the military telegraph corps. It is expressly provided in the bill that there shall be no pecuniary emoluments of any kind. It simply puts in their hands a paper certificate of their service to their Government. That is all. The bill when it came to the committee provided for more than that, but we thought it was wiser to go to that extent and no further. I can see no possible objection to the passage of the bill.

Mr. GEAR. I move that the bill be laid aside to be reported favorably to the House.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I move to strike out the second and third clauses of the preamble and part of the twelfth, thirteenth, fourteenth, and fifteenth lines. I ask the Clerk to read the amendment, as I have indicated it.

The Clerk read as follows:

Strike out the words, "Whereas, as an integral part of the Army they ought to have been appointed to a military status corresponding in rank to the service so meritoriously performed; and whereas, by reason of the deaths of many army telegraphers, and other difficulties developed by the lapse of time, it is at this time inexpedient to confer actual military rank upon members of said corps: Therefore."

Also amend by striking out, after the word "service," in the twelfth line, the following:

"As well as the relative rank of such person assimilated to that conferred by law upon commissioned officers of the Army receiving a monthly pay most nearly approximating that of such person at the time of his discharge."

Mr. BRECKINRIDGE, of Kentucky. I also move to strike out, in the fourth, fifth, and sixth lines, the words, "are hereby declared to have been a part of the military telegraph corps of the Army of the United States," and to insert in lieu thereof the following: "shall be entered upon a roll to be kept in the War Department;" so that it will read:

That all persons engaged in the operation and construction of the military telegraph lines during the war shall be entered upon a roll to be kept in the War Department.

Mr. CARUTH. That the persons shall be entered, or their names?

Mr. BRECKINRIDGE, of Kentucky. Their names. I accept the amendment of my friend the critic from Louisville. [Laughter.] The object of this amendment is that a certificate, if it is desired, shall be

granted to each of these persons, but that they shall not be declared a part of the Army of the United States, nor receive a certificate that shall be in the nature of a commission. As the bill is drawn, these persons are made a part of the Army of the United States. They constitute the military telegraph corps, and it is declared that they ought to have received commissions, and the Secretary of War is ordered to issue to them what is called a certificate, which certificate, however, shall assimilate them to the rank of commissioned officers receiving pay nearest to that which these persons received during the war.

So that it is not a merely empty honor which is being conferred upon them, nor is it a mere honor that is conferred; but it is proposed that, by operation of law, they shall now become a part of the Army and shall receive what is not merely a quasi but a real commission. Of course, this is the beginning of a movement to give to these persons some pecuniary reward; for, while this bill expressly declares that they shall not receive any, the bill puts a class of persons in court with a standing to claim a pension as soldiers in the Army. Now, as to whether they are entitled to pensions or not, I have nothing to say at this time; but I object to putting it in this form. I think there ought to be always kept clear the distinction which was recognized during the war between the civilians who were employed in subsidiary and incidental service necessary to the Army and the soldiers of the Army who were actually mustered into the service, and even if the civilian employés deserve credit or payment, I think it would be unwise to obliterate that distinction which ought always to be maintained between the enlisted man or the commissioned officer and the civilian employé.

If these persons simply desire now, after twenty-three years from the end of the war, some recognition by the Government of their honorable and meritorious service, I have nothing to object to it; but I do not think it ought to be done in such a way as to obliterate the distinction of which I have spoken.

The object of the amendment which I have offered is to preserve that distinction while providing at the same time that a roll shall be kept upon which the names of these persons shall be recorded, and a certificate given to each of them that his name is to be found on the official roll.

Mr. WARNER. Mr. Chairman, I recognize fully the value of time at these evening sessions. I realize that we are here for business, not for talk. I wish to say simply a half dozen words upon this bill.

In the report are cited the testimonials of such men as General Grant, General Sherman, and General McClellan as to the honorable and valuable services rendered during the war by the military telegraph corps. This bill proposes simply to give to members of this corps certificates to that effect; and it is expressly provided that the certificate shall not be construed to carry bounty, pension, or pay other than what the men have already received. I trust that we may vote promptly on the amendments and upon the bill, so as to go on with other matters.

The CHAIRMAN. The Clerk will read the bill as proposed to be amended by the gentleman from Kentucky [Mr. BRECKINRIDGE].

The Clerk read as follows:

Be it enacted, etc., That the names of all persons engaged in the operation and construction of military telegraph lines during the war of the rebellion shall be entered upon a roll to be kept in the War Department; and the Secretary of War is hereby directed to prepare a roll of such persons, and to issue to each, upon application, unless it appears that his service was not creditably performed, a suitable certificate of honorable service in the military telegraph corps of the Army of the United States, reciting this act and the term and character of his service: *Provided*, That this law shall not be construed to entitle the persons herein mentioned to any pay, allowance, bounty, or pension other than that heretofore received by them.

The question being taken on the amendment of Mr. BRECKINRIDGE, of Kentucky, it was agreed to.

Mr. MACDONALD. I desire to offer an amendment to which I think no one will object, and which will improve the form of the bill. It is to insert, in line 4, after the words "military telegraph lines," the words "within the army lines."

Mr. WARNER. I have no objection to that amendment. Having introduced this bill, I wish to say that I desire to see it either withdrawn or passed promptly, so that the Military Committee can go on with their other business.

The amendment of Mr. MACDONALD was agreed to.

Mr. HOLMAN. I desire to press upon the attention of the committee the fact that this is only a partial act of justice. If it is proper to give these certificates of service to one class of civilians, it is equally right and just to give them to others.

I must say that I have always great reluctance to specifying in our legislation a single class of persons to the exclusion of others. I think there ought to be no objection to adding to this bill these words——

Mr. TOWNSHEND. If the gentleman will yield a moment I think I can end this matter. The Committee on Military Affairs has authorized me to withdraw any bill which would lead to protracted debate. I am satisfied from the course of some gentlemen here to-night that they do not wish this bill to pass in any form in which it may be put. I therefore feel it incumbent on me, as a matter of duty to my committee, to ask that the bill be withdrawn from the consideration of the Committee of the Whole. I move therefore that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. CULBERSON having resumed the chair as Speaker *pro tempore*, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 8003) for the relief of telegraph operators during the war, had come to no resolution thereon.

Mr. TOWNSHEND. I yield the floor to the gentleman from Louisiana [Mr. ROBERTSON].

ROAD TO NATIONAL CEMETERY, BATON ROUGE, LA.

Mr. ROBERTSON. I call up the bill (H. R. 5064) to construct a road to the national cemetery at Baton Rouge, La. I ask unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of this bill, and that it be considered in the House as in Committee of the Whole.

The SPEAKER *pro tempore*. If there be no objection, the Committee of the Whole will be discharged from the further consideration of this bill, and it will be considered in the House as in Committee of the Whole. The Chair hears no objection.

The bill was read, as follows:

Be it enacted, etc., That the sum of $10,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of constructing a macadamized road from the Mississippi River to the national cemetery at Baton Rouge, in the State of Louisiana: *Provided*, That said road shall be constructed under the supervision of the Secretary of War upon a contract let to the lowest bidder.

The amendments reported by the Committee on Military Affairs were read, as follows:

In line 3 strike out "ten" and insert "fifteen;" so as to make the appropriation $15,000.

At the end of the bill add:

"*And provided further*, That the city of Baton Rouge shall bind itself to keep the road in thorough repair and in good condition, and if necessary, to further bind itself to put in suitable curbs and gutters on each side of said road."

The amendments were agreed to.

Mr. ROBERTSON. On behalf of the committee I move to amend by striking out, in line 6, the word "macadamized" and inserting "graveled."

A MEMBER. What is the object of that?

Mr. ROBERTSON. It will decrease the cost of the road. The material for its construction can then be obtained in the immediate vicinity.

Mr. STEELE. I think it ought to be a macadamized road, if possible.

Mr. ROBERTSON. Such a road can not be built for the amount proposed to be appropriated. It was understood in the committee that this amendment should be made, but through inadvertence it was not included in the report.

The amendment of Mr. ROBERTSON was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ROBERTSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MONUMENT OF VICTIMS OF PRISON-SHIPS AT FORT GREENE.

Mr. TOWNSHEND. I yield to the gentleman from New York [Mr. FITCH].

Mr. FITCH. I move that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 1687) for the erection and completion of a monument to the memory of the victims of prison-ships at Fort Greene, Brooklyn, and that it be considered in the House as in Committee of the Whole House on the state of the Union.

Mr. BRECKINRIDGE, of Arkansas. Let the report of the committee be read, subject to objection.

Mr. MAISH. Does the gentleman from Arkansas insist on the whole report being read?

Mr. SOWDEN. I call for the reading of the bill.

The bill was read, as follows:

Be it enacted, etc., That the sum of $100,000 be, and the same is hereby, appropriated, or so much thereof as may be necessary, out of any money in the Treasury of the United States not otherwise appropriated, for the erection and completion of a monument to the memory of the victims of prison-ships, to be placed at Fort Greene, Brooklyn, State of New York.

The amendment reported by the committee was read, as follows:

Add to the bill the following:

"*Provided*, That the money appropriated as aforesaid shall be expended under the direction of the Secretary of War, and the plans, specifications, and design for such monument shall, before any of the money so appropriated is expended, be first approved by the Secretary of War."

Mr. BRECKINRIDGE, of Arkansas. I withdraw the demand for the reading of the report, but I object to the consideration of the bill unless in its regular order. The proposition of the gentleman from New York is that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER *pro tempore*. To that the gentleman objects.

Mr. BRECKINRIDGE, of Arkansas. I object to the gentleman's request.

Mr. TOWNSHEND. I desire to say the report is lengthy, but the gentleman can state the salient features of it, and if after hearing the

statement of the gentleman from New York the gentleman from Arkansas still insists on his objection, I will ask that the bill be withdrawn from the consideration of the House.

Mr. BRECKINRIDGE, of Arkansas. Let the gentleman from New York, then, make his statement.

The SPEAKER *pro tempore*. Does the gentleman withdraw his objection?

Mr. BRECKINRIDGE, of Arkansas. Yes, temporarily, until the gentleman from New York has made his statement.

Mr. FITCH. Mr. Speaker, the object of the bill is to provide a proper monument for the 11,500 Revolutionary soldiers who were starved to death in the British prison-ships in front of Brooklyn during the Revolution—soldiers whose services were recognized by the Congress of the United States over one hundred years ago, for whom a proper tomb has been built and park laid out; whose bones lie there without any monument erected over them; men who served without reward, who refused to enter the British army when they were offered promotion if they would accept service in that army; who received no pension and no reward of any kind whatever. Yet, after a hundred years, we come here from the State of New York, at the request of her Legislature, and ask the United States to place a monument over the graves of those Revolutionary soldiers who were starved to death in those British prison-ships; who, if they had accepted the terms which the British generals offered them, the British army would have been re-enforced by more men than General Washington had under him at that time, and the whole course of the Revolution might have been changed if their heroic self-sacrifice had not been carried out as it was.

The prisoners who died in those ships were from all the States of the Union. Congress protested over and over again, notably in 1781, against the manner in which they were being starved to death. They died at the rate of five per day under water in the holds of those British ships.

In view of what we have done for the soldiers of the Mexican war and for the soldiers of the civil war—to these soldiers from all the thirteen States—considering what the local authorities have done, and that we can not now give any other reward, it seems to me only proper and right this monument should be erected by Congress over their remains. [Applause.]

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from New York that this bill be considered in the House as in Committee of the Whole?

There was no objection.

Mr. CANNON. The services of these men over whose remains this monument is to be erected were rendered over a hundred years ago, and as to what is proposed being any recompense to them, I do not think there is much in it. The money can be better expended in providing for men who endured hardships as great in the late war, many of whom are not receiving one cent in the way of pension or otherwise, and who are to be found in all of the States of the Union.

I know it may seem ungracious and possibly I may be wrong in reference to the wisdom of this expenditure. Perhaps there is money enough in the Treasury to erect this monument and to do many other things, but I doubt very much the propriety of the whole thing. As the gentleman from Arkansas [Mr. BRECKINRIDGE] has withdrawn his objection I do not, however, feel like renewing it.

Mr. BRECKINRIDGE, of Arkansas. Let the amendment proposed by the committee be read.

The amendment was again reported.

The amendment of the committee was adopted.

Mr. BRECKINRIDGE, of Arkansas. I offer this amendment.

The Clerk read as follows:

Amend in line 1 by striking out the words "one hundred" and inserting "fifty," so that the appropriation will be $50,000.

Mr. FITCH. I accept the amendment.

The amendment was adopted.

Mr. HOLMAN. I do not wish to delay action on this bill; but it has been suggested to me that an amendment to the bill, which I will not offer if there is objection, would not be inappropriate, by inserting a provision making an appropriation for a monument in commemoration of the battle of the Thames. Mr. BROWN, of Ohio, has been seeking for several weeks past to put on its passage a bill introduced by him for that purpose. It is proposed in that bill to erect a monument, at a cost of $25,000, over the grave of General William Henry Harrison, commemorating his fame as well as the great event of his life, the battle of the Thames, in connection with the settlement of the Northwest country.

Mr. CANNON. Why not include Tippecanoe. I suggest to my friend that we ought to have a little of this out in our own country.

Mr. HOLMAN. The gentleman from Kentucky [Mr. BRECKINRIDGE], with myself, feels an interest in this bill, as well as General BROWN; and I am inclined to run the risk, if there is no objection, of the approval of the gentleman who offered the bill by submitting it as an amendment here to-night. If there be no objection, I will offer that bill as an amendment.

Mr. STEELE. I hope there will be no objection.

Mr. HOLMAN. Then I offer this amendment. I will state that the gentleman from Ohio, to whom I have referred, feels a very lively interest in this matter, as the location proposed is in his district.

The Clerk read as follows:

Add as additional sections as follows:

"SEC. 2. That there shall be erected at North Bend, Ohio, a granite monument, with appropriate inscriptions, to commemorate the illustrious public services of the late William Henry Harrison.

"SEC. 3. That a commission, to consist of three Senators, to be appointed by the President of the Senate, and three members of the House of Representatives, to be appointed by the Speaker of the House, are authorized to contract for said monument.

"SEC. 4. That said monument, when completed, shall be placed in the charge and keeping of the War Department.

"SEC. 5. That the sum of $20,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for this purpose: *Provided*, That no money shall be expended under this act until the title to the lot of ground upon which the monument is to be erected shall be vested, free of any cost to the Government, in the Secretary of War for the use of the United States."

Mr. HOLMAN. I would like to modify that amendment by inserting $25,000 instead of $20,000. I thought the original bill provided for $25,000.

Mr. LAFFOON. I make the point of order against the amendment that it is not germane to the bill.

Mr. HOLMAN. I trust my friend will not insist upon the point of order. It is germane to the general subject-matter—the commemoration of great historical events occurring in this country.

Mr. MCMILLIN. Then you could add a dozen or more as amendments to the bill.

Mr. HOLMAN. I will withdraw it if there is objection; but I hope there will be none.

Mr. MCMILLIN. I hope the gentleman will withdraw it. Let it stand upon its own merits.

Mr. HOLMAN. It is very appropriate on this bill; and I know if my friend will remember for a moment that this commemorates one of the most important events in the history of our Northwestern country he will not insist on the point.

Mr. LAFFOON. Legislation here ought to take its legitimate course; and I ask for a ruling on the point of order.

The SPEAKER *pro tempore*. The Chair thinks the point of order is well taken.

Mr. BRECKINRIDGE, of Kentucky. I was about to suggest to my colleague——

Mr. TOWNSHEND. I believe the point of order has been decided.

Mr. BRECKINRIDGE, of Kentucky. It has been; but probably it might expedite the gentleman's bill to allow a suggestion.

Mr. TOWNSHEND. Certainly.

Mr. BRECKINRIDGE, of Kentucky. I was going to suggest to my colleague from Kentucky who raises the point of order that if he will recollect General Harrison, when he fought the battle of the Thames, was a major-general in the service of the State of Kentucky. For the purpose of giving him command of the State troops of Kentucky the governor of the State—Governor Shelby at that time—issued to him a commission as major-general, and as commander-in-chief of the troops of that State served under him at that battle. And I thought if the gentleman from Kentucky would recall those facts it is possible that he would not insist upon the point of order, and thereby keep us from securing this commemoration of a general of the State of Kentucky who saved the great Northwest by his heroic actions in that battle.

Mr. MAISH. If the point of order is withdrawn I shall renew it.

Mr. LAFFOON. I do not withdraw it, because I think it is improper legislation, and I can not consent to it.

The bill was ordered to be engrossed and read a third time, and the question recurred upon its passage.

The House divided; and there were—ayes 49, noes 11.

Mr. ENLOE. No quorum.

Mr. TOWNSHEND. Mr. Speaker, of course we understand that when a question of no quorum is raised in reference to the consideration of any of these bills gentlemen can, if they desire it, block in that manner the legislation for the night. If, therefore, that point is insisted upon I shall withdraw the bill.

Mr. ENLOE. I do not want to stand in the way of the legislation of the evening, but I do not think that such legislation as this should pass. I am not in favor of it, and see no way to prevent it at these night sessions except by interposing an objection of that sort.

Mr. TOWNSHEND. Then I will give the gentleman credit for defeating the bill by asking that it be withdrawn from consideration.

The bill was withdrawn.

JAMES S. JOUETT.

Mr. TOWNSHEND. I now yield to my colleague on the committee, the gentleman from Michigan [Mr. FORD].

Mr. FORD. I call up the bill (H. R. 4777) in reference to restoration of James S. Jouett to military service in the Army of the United States. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill, and that it be considered in the House as in Committee of the Whole.

Mr. BRECKINRIDGE, of Arkansas. Let the bill be read subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the President be, and is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint James S. Jouett, late a first lieutenant of cavalry in the Army of the United States, to the position of first lieutenant of cavalry of the same grade and rank held by him April 30, 1885, the list of first lieutenants of the cavalry arm of the service being increased to that extent until a vacancy shall occur; and all laws and parts of laws in conflict herewith are suspended for this purpose only.

The SPEAKER *pro tempore*. Is there objection to the request that the bill be considered in the House as in Committee of the Whole? The Chair hears none.

Mr. FORD. As the report in this case is quite long, I think a brief statement from myself will explain the bill in less time than would be occupied in reading the report. Lieut. James S. Jouett was appointed from civil life as first lieutenant in the Tenth Cavalry. In 1884 his regiment was stationed at Fort Davis, Tex. He was there court-martialed for certain delinquencies—for not attending dress parade, etc.—which I shall pass over as too trivial to consider here, although the report considers them; but the main charge was that he was guilty of embezzlement under the following circumstances:

Fort Davis was situated some two or three hundred miles from San Antonio, Tex., the headquarters of the paymaster. It was customary for officers of the regiment to deposit their pay accounts in a San Antonio bank and check against them.

It seems it was the practice for the lieutenants to take charge turn about in acting as commissary of the post. Lieutenant Jouett's turn occurred in August, 1884. At the conclusion of his time of acting as post commissary, on the 30th of August, in turning over his accounts to his successor he was found to be $68 and some odd cents short, and he gave his check on the San Antonio bank for the amount. At that time he had $146 to his credit. If the check had been presented in due course by mail it would have been paid by the bank. It was given on the 30th August, 1884. It was not presented for payment at the bank until the 27th of September, nearly thirty days afterwards, and when it was presented the funds to his credit lacked $12 of satisfying the check.

The check went to protest. On his attention being called to it he at once made it good. On that state of facts he was court-martialed and dismissed from the United States Army. The court said they "find him guilty of embezzlement with no intent to embezzle." [Laughter.] They were something like the Irishman I once knew, who said to the court and jury, "Gentlemen, I am innocent of the crime that I committed." So the court found Lieutenant Jouett guilty of an offense which they say he was innocent of.

Although there were other charges—that he had missed attending dress parade, and two or three others—the main charge on which he was dismissed was that of embezzlement. His father, the gallant Admiral Jouett, was at that time at Colon, ordered there with a vessel for the discharge of some service. And here, I think, would be an opportunity for a criticism on the methods of jurisprudence of courts-martial, which, it has been suggested, are a hundred years behind the present state of civilization. The accused is tried, and his father at Colon knows nothing of it. The findings go to the Secretary of War, are approved by the President, and then for the first time he learns of it. While his father did not know he was under the charge, the order came from the President of the United States dismissing him from the service.

I have just learned that the same bill has passed the Senate to-day and lies on the Speaker's table. I ask that the Senate bill be substituted for the House bill.

Mr. DUNHAM. If the Senate only passed the bill to-day it is not here.

Mr. FORD. The bill reached the House to-day; it is exactly the same as the House bill, except that it provides—

That said Jouett shall receive no pay or allowances of any kind for the period between the date of his dismissal and date of his appointment under the provision of this bill.

I am informed that the bill passed the Senate on Saturday.

The SPEAKER *pro tempore*. Is there objection to the Senate bill being considered instead of the House bill?

There being no objection, the bill (S. 1387) authorizing the appointment of James S. Jouett to a first lieutenancy of cavalry in the United States Army was taken from the Speaker's table and read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to nominate, and, by and with the advice and consent of the Senate, to appoint James S. Jouett, late a first lieutenant of cavalry in the Army of the United States, to the position of first lieutenant of cavalry, of the same grade and rank held by him April 30, 1885, the list of first lieutenants of the cavalry arm of the service being increased to that extent until a vacancy shall occur, and all laws and parts of laws in conflict herewith are suspended for this purpose only: *Provided*, That said Jouett shall receive no pay or allowances of any kind for the period between the date of his dismissal and date of his appointment under the provision of this bill.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. FORD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The bill H. R. 4777 was laid on the table.

Mr. TOWNSHEND. I yield now to the gentleman from Ohio [Mr. YODER].

ALFRED HEDBERG.

Mr. YODER. Mr. Speaker, I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. 3435), reported with amendments, and that it be considered in the House as in Committee of the Whole.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Ohio?

Mr. BRECKINRIDGE, of Arkansas. Let the bill be read, subject to objection.

The bill was read.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Ohio?

Mr. MCMILLIN. I ask to have the report read.

Mr. YODER. Mr. Speaker, the Senate has passed a bill identical with this one, and I ask unanimous consent that it be substituted for the House bill.

There was no objection, and it was so ordered.

The Senate bill was read, as follows:

Be it enacted, etc., That the President of the United States be, and he hereby is, authorized to nominate and, by and with the advice and consent of the Senate, appoint Alfred Hedberg (late a captain in the Fifteenth Infantry), a captain of infantry in the Army of the United States, and that he, the said Alfred Hedberg, shall be assigned to the first vacancy of his grade occurring in the infantry arm of the service, with rank from the date of said assignment: *Provided*, That said Alfred Hedberg shall receive no pay for the time he was out of service, but only from the date of his assignment under this act.

Mr. MCMILLIN. Mr. Speaker, gentlemen who have examined this bill say that it is a meritorious bill and should pass, and therefore I shall not consume time by insisting upon the reading of the report.

The bill was ordered to a third reading, and it was accordingly read the third time, and passed.

Mr. YODER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MAJ. D. N. BASH.

Mr. TOWNSHEND. Mr. Speaker, I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill H. R. 2066, and that it be considered in the House as in Committee of the Whole.

The SPEAKER *pro tempore*. The Chair is informed that that bill is on the Private Calendar.

Mr. TOWNSHEND. Well, Mr. Speaker, in order to expedite business, I ask that the Senate bill, which is identical with the House bill, be read in lieu of it. In other words, I call up the Senate bill in order to avoid delay.

The Senate bill (S. 258) was read, as follows:

Be it enacted, etc., That the proper accounting officers, in settling and adjusting the accounts of Maj. Daniel N. Bash, paymaster, United States Army, are hereby directed to credit said Maj. Daniel N. Bash, paymaster, United States Army, with the sum of $7,350.93, Government funds, of which he was robbed at Antelope Springs, Wyoming Territory, March 18, 1887, without his default, while en route to pay the troops at Fort McKinney, Wyoming Territory, by one Charles Parker, since arrested and convicted of said robbery, and now imprisoned and serving his term in the penitentiary at Laramie City.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. TOWNSHEND] asks unanimous consent that this bill be considered in the House as in Committee of the Whole.

There was no objection, and it was so ordered.

Mr. TOWNSHEND. The report is somewhat lengthy, and I yield to my colleague [Mr. MASON], who will make a statement of the case.

Mr. MASON. Mr. Speaker, if the House will be patient with me I will not occupy more than two minutes in making the statement. Major Bash was a paymaster in the Army, and in 1887 he was robbed by a cowboy, through no fault of his own, while the money was left in charge of a sergeant appointed by the officer in command of the post.

The robbery was committed at a time when Major Bash was absent and when he supposed that the officer in charge had the money. He demanded a hearing and was acquitted of any neglect. The Senate committee find that there was no negligence on his part. The man who stole the money and the officer who went off and left it were the only men who were to blame for the robbery. That officer was court-martialed and dismissed from the Army. The man who stole the money, and for whose capture Major Bash spent about $2,000 of his own money, is now serving a ten years' sentence in the penitentiary. As a lawyer and as a Representative I state to gentlemen here that there is no just reason why this bill, which has received full examination by committees of the House and the Senate, should not pass.

Mr. CASWELL. It is recommended, I believe, by all the Army officers having knowledge of the circumstances.

Mr. MASON. Yes, sir; by General Sherman, General Terry, and others.

Mr. STEELE. Perhaps it ought to be stated that Major Bash, before starting on this expedition, applied for a safe, but could not get one. There was a safe, which was out of repair; and he was told it would be necessary to advertise in order to have it repaired. He of-

fered to pay the expense himself, if the repairing could be done, but was told that it could not be. Thus he was forced to go off without a safe. It was also proved in the investigation of the matter that the men who were assigned to be his guard were not competent.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

Mr. MASON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. If there be no objection, the House bill, corresponding in its provisions with the Senate bill just passed, will lie on the table.

There being no objection, it was ordered accordingly.

RIGHT OF WAY THROUGH MILITARY RESERVATION.

Mr. TOWNSHEND. I ask gentlemen to wait here a few moments longer. The gentleman from South Carolina [Mr. TILLMAN] has a bill which he desires to call up.

Mr. TILLMAN. I call up the bill (H. R. 1262) granting the right of way to the Denver and Rio Grande Railroad through the Fort Crawford military reservation. I ask unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of this bill, and that it be considered in the House.

The bill was read, as follows:

Be it enacted, etc., That the Denver and Rio Grande Railroad Company, a corporation organized under the laws of the State of Colorado, is hereby granted a right of way 100 feet wide across and through the Fort Crawford military reservation, located in the Uncompahgre Valley, in the State of Colorado, and an additional space, not exceeding 150 feet in width by 400 feet in length, for the location of a depot or station-house and switches, to be so located as not to interfere with any buildings or improvements thereon, and the location thereof to be subject to the approval of the Secretary of War.

The SPEAKER *pro tempore*. If there be no objection, the Committee of the Whole House on the Private Calendar will be discharged from the further consideration of this bill, and it will be considered in the House.

There was no objection.

Mr. BRECKINRIDGE, of Kentucky. What title will the company acquire in the land which is to be occupied as a depot?

Mr. TILLMAN. I will explain the bill in a very few words. I understand all the facts, and can give my assurance that they justify the passage of the bill. The Denver and Rio Grande Railroad, running from Denver to Utah, has a branch extending from a town called Montrose to another town, called Ouray, a distance of about 20 miles.

This branch road runs through the Fort Crawford military reservation. The Secretary of War granted the right of way for this branch road through that reservation, subject to revocation if Congress should fail to ratify the grant. The railroad has been built. The Government has a military encampment at Fort Crawford, where there are four or five companies of troops. This railroad is of great benefit to the public service in facilitating communication and cheapening freight. Both the Secretary of War and the Lieutenant-General of the Army have recommended the passage of the bill.

Mr. BRECKINRIDGE, of Kentucky. The only information I desired was as to the depot.

Mr. HOLMAN. The bill provides that the space for the depot shall not exceed 150 feet by 400.

Mr. TILLMAN. And it is stipulated that the depot shall not interfere with any of the buildings or improvements on the reservation.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TILLMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. TOWNSHEND. I move that the House adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 50 minutes p. m.) the House adjourned.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred as indicated below:

By Mr. BLISS (by request): A bill (H. R. 9152) to amend the act approved August 15, 1876, so as to allow artificial eyes to pensioners—to the Committee on Pensions.

Also (H. R. 9153) for the relief of Mary Donnelson—to the Committee on Invalid Pensions.

By Mr. BREWER: A bill (H. R. 9154) to incorporate the Potomac Electric Light and Power Company—to the Committee on the District of Columbia.

By Mr. CARUTH (by request): A bill (H. R. 9155) granting a pension to W. H. Richardson—to the Committee on Invalid Pensions.

By Mr. CLEMENTS: A bill (H. R. 9156) for the relief of the heirs at law of Ephraim Liles—to the Committee on War Claims.

By Mr. COMPTON: A bill (H. R. 9157) granting a pension to Catherine L. Chaney—to the Committee on Invalid Pensions.

By Mr. DORSEY: A bill (H. R. 9158) to increase the pension of James Rush—to the Committee on Invalid Pensions.

By Mr. FINLEY: A bill (H. R. 9159) granting a pension to W. A. Taylor—to the Committee on Invalid Pensions.

By Mr. GEST: A bill (H. R. 9160) to increase the pension of Francis Klein—to the Committee on Invalid Pensions.

By Mr. HATCH: A bill (H. R. 9161) for the relief of Emily S. Wheeler—to the Committee on Invalid Pensions.

By Mr. S. T. HOPKINS: A bill (H. R. 9162) granting a pension to Jacob Fister—to the Committee on Invalid Pensions.

By Mr. HUNTER: A bill (H. R. 9163) granting a pension to Eli Garrett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9164) granting a pension to John W. Newman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9165) granting a pension to John N. Holloway—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9166) granting a pension to Richard Gibbs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9167) granting a pension to Elisha Buhen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9168) granting a pension to Robert W. Casebien—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9169) granting a pension to Tempy M. Johnston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9170) granting a pension to James W. Poag—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9171) granting a pension to William D. Helsley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9172) granting a pension to William T. Underwood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9173) granting a pension to Mary I. Drake—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9174) granting a pension to Woodford M. Houchin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9175) granting a pension to George Wallen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9176) granting a pension to Charlotte Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9177) granting a pension to Philip Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9178) granting a pension to Jane Jackson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9179) granting a pension to W. B. Green—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9180) granting a pension to Samuel McIntire—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9181) granting a pension to Nancy T. Rihard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9182) granting a pension to Ransom Riley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9183) granting a pension to William P. Riddle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9184) granting a pension to William M. Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9185) granting a pension to Asa Gains—to the Committee on Invalid Pensions.

By Mr. LAIRD: A bill (H. R. 9186) granting a pension to Thomas M. Scott—to the Committee on Invalid Pensions.

By Mr. MANSUR: A bill (H. R. 9187) granting a pension to Mrs. Stacy E. Stanley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9188) granting a pension to John A. Phelps—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9189) granting a pension to Robert M. Ragsdale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9190) for the relief of Frank M. Lewis—to the Committee on War Claims.

By Mr. McKINLEY: A bill (H. R. 9191) to remove the charge of desertion against Levi Beer—to the Committee on Military Affairs.

By Mr. MILLIKEN: A bill (H. R. 9192) granting a pension to Mrs. Sylvia Wordwell—to the Committee on Pensions.

By Mr. NEAL: A bill (H. R. 9193) granting a pension to Robert Pearce—to the Committee on Invalid Pensions.

By Mr. OWEN: A bill (H. R. 9194) granting a pension to Alice Mullan and her minor children—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9195) granting a pension to Alice Newberry—to the Committee on Invalid Pensions.

By Mr. C. A. RUSSELL: A bill (H. R. 9196) for the relief of Maj. James Belger—to the Committee on Military Affairs.

By Mr. J. W. STEWART: A bill (H. R. 9197) granting an increase of pension to George S. Hawley—to the Committee on Invalid Pensions.

By Mr. STONE, of Missouri: A bill (H. R. 9198) to remove the charge of desertion from the military record of Isaac Bethurum—to the Committee on Military Affairs.

By Mr. VOORHEES: A bill (H. R. 9199) for the relief of William Gooch—to the Committee on Claims.

By Mr. WHITTHORNE: A bill (H. R. 9200) granting a pension to John F. Huckaba—to the Committee on Invalid Pensions.

By Mr. WILKINSON: A bill (H. R. 9201) for the relief of the heirs of Pierre Sauvé—to the Committee on Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. L. ANDERSON (by request): Petition of William H. Ritch, administrator of J. J. Ritch, of Scott County, Mississippi, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. BELDEN: Petition of Edward C. Fay and 22 others, citizens, ex-soldiers, and sailors of East Onondaga, and of Stephen Schermerhorn and 13 others, citizens, ex-soldiers, and sailors of Syracuse, N. Y.—to the Committee on Invalid Pensions.

By Mr. BOUND: Petition of certain druggists of Lykens, Dauphin County, Pennsylvania, in favor of removing the tax on alcohol used in the arts and medicines—to the Committee on Ways and Means.

By Mr. BOUTELLE: Letter of the Secretary of the Treasury and accompanying papers, in relation to aid in the construction of abutments to protect the Government property at Bangor, Me.—to the Committee on Appropriations.

By Mr. BOWEN: Petition of citizens of Pulaski County, Virginia, protesting against the reduction of duties on iron and coal—to the Committee on Ways and Means.

By Mr. BREWER: Petition of A. S. Warner, late postmaster at Orion, Mich., for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. J. R. BROWN: Petition of S. A. Williams and others, citizens of Grayson County, Virginia, for increased appropriations for New River, Virginia—to the Committee on Rivers and Harbors.

Also, petition of citizens of Pulaski County, Virginia, protesting against the reduction of duties on iron and coal—to the Committee on Ways and Means.

By Mr. CANNON: Petition of Alexander Jolly, for relief—to the Committee on Claims.

By Mr. COMPTON: Petition for an appropriation for deepening the channel of Piscataway Creek, Maryland—to the Committee on Rivers and Harbors.

By Mr. CONGER: Papers in the case of Theresa Guelick (H. R. 152)—to the Committee on Invalid Pensions.

By Mr. COWLES: Petition of Moses Hammond and 9 others, male citizens of Archdale, N. C., for better legal protection for women and girls—to the Committee on the Judiciary.

By Mr. DORSEY: Petition of 18 citizens of Nebraska, for payment of Indian depredation claims now pending—to the Select Committee on Indian Depredation Claims.

Also, petition of the board of railroad commissioners of Nebraska, relative to loss of life from coupling cars and heating passenger coaches—to the Committee on Commerce.

By Mr. DUNN: Petition of S. H. Holtzclaw, heir of Stephen Holtzclaw, of Phillips County, Arkansas, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. FINLEY: Petition of William Groves, of Pulaski County, Kentucky, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. FORNEY: Petition of Nancy C. Lawrence, administratrix of estate of George W. Lawrence, of Cherokee County, Alabama, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. FRENCH (by request): Petition of the board of railroad commissioners of Connecticut, for legislation to prevent the loss of life and limb in coupling and uncoupling cars, etc.—to the Committee on Commerce.

Also (by request), petition of the Church of Christ of Milford, Conn., for the passage of the Blair bill—to the Committee on Education.

By Mr. FULLER: Petition of the Iowa Railroad, for legislation to prevent the loss of life and limb in coupling and uncoupling freight cars, etc.—to the Committee on Commerce.

By Mr. GALLINGER: Petition of Kimball & Co., of Nashua, of Hon. Hiram A. Tuttle, of Pittsfield, and of C. M. Boynton, of Concord, N. H., for quick mail transit between New York and the New England States—to the Committee on the Post-Office and Post-Roads.

By Mr. GIFFORD: Petition of H. E. Eaton and 18 others, of Dakota, for an appropriation for surveys of public lands in the Black Hills country, Dakota—to the Committee on the Public Lands.

Also, petition of Howell Morgan and 56 others, of Brown County, Dakota, that the present tariff be retained on flax and flax products—to the Committee on Ways and Means.

By Mr. GROSVENOR: Petition of Samuel Warren and 100 others, of George H. Kerr and 17 others, of Thomas E. Person and 40 others, and of J. C. Bowen and 25 others, citizens of Ohio, for better protection of wool and woolen manufactures—to the Committee on Ways and Means.

By Mr. GROUT: Memorial of E. P. Carpenter, of Brattleborough, Vt., in favor of improved mail facilities between New England and the West—to the Committee on the Post-Office and Post-Roads.

Also, protest of the New York State Agricultural Society, against Senate bill No. 2083—to the Committee on Agriculture.

By Mr. GUENTHER: Petition of the railroad commissioners of Wisconsin, relative to loss of life and limb in coupling and uncoupling cars, etc.—to the Committee on Commerce.

Also, petition of members of the State Grange of Wisconsin, relative to charters of national banks—to the Committee on Banking and Currency.

Also, memorial of the National Farmers' Alliance for the establishment of a department of agriculture—to the Committee on Agriculture.

By Mr. HATCH: Petition of Scotland County, Mo., to have Bureau of Animal Industry continued under the control of Department of Agriculture—to the Committee on Agriculture.

Also, resolutions of the New York State Agricultural Society, against the passage of the Palmer pleuro-pneumonia bill—to the Committee on Agriculture.

By Mr. D. B. HENDERSON: Petition of the officers at Fort Worth, Tex., urging the passage of the chaplain bill—to the Committee on Military Affairs.

By Mr. HIRES: Petition of citizens of Cape May County, New Jersey, for increase of pay to $1,000 per year for keepers of the Life-Saving Service and the pay of surfmen to $75 per month—to the Committee on Commerce.

Also, petition of Samuel M. Robinson, of Company B, Tenth Regiment New Jersey Volunteers, for a pension—to the Committee on Invalid Pensions.

By Mr. S. T. HOPKINS: Petition of 182 citizens of Ulster County, and of Local Assembly No. 6255, Knights of Labor, of Rondout, N. Y., asking that the duty on cement be not disturbed—to the Committee on Ways and Means.

Also, petition of 20 farmers of Rock Valley, N. Y., for more effective protection of agriculture—to the Committee on Agriculture.

By Mr. JACKSON: Petition of the Junior Order of United American Mechanics of Monongahela City, Pa., that February 22 be declared a national holiday—to the Committee on the Judiciary.

Also, petition of 29 male citizens of Lawrence County, Pennsylvania, for better legal protection for women and girls—to the Committee on the Judiciary.

By Mr. KERR: Petition of Local Assembly No. 4574, Knights of Labor, Marshalltown, Iowa, for the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. LEE: Petition of John Price, of Loudoun County, and John Haislip, of Fairfax County, Virginia, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. LYMAN: Petition of 105 citizens of Audubon County, Iowa, for the establishment of a postal-telegraph system—to the Committee on the Post-Office and Post-Roads.

By Mr. McCREARY: Petition of estate of John L. Walker, John Tewmey, George C. Spears, George Sandifer, Elihu Jett, James F. Edwards, Elsworth Owsley, Reuben Gentry, Robert W. Gray, Robert Gray, Peter D. Harmond, N. C. Hamblin, and Nathaniel Harris, of Boyle County; Sallie A. Dunn and Francis M. Steger, of Garrard County; William Yates, John M. Elmore, Charles Wright, and Frances M. Taylor, of Lincoln County; William Watts and Thomas K. Letcher, of Jessamine County; Levi Smith, of Shelby County; estate of Marcus A. Wakefield, of Spencer County, Kentucky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. McCOMAS: Petition of the estate of Thomas H. Rabbitt, of Benjamin Duvall, of P. M. Smith, administrator of Nicholas Darby, and of Henry Young, of Maryland, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. McCORMICK: Petition of William P. J. Painter & Sons and others, of Lycoming County, Pennsylvania, for repeal of internal revenue laws requiring druggists to pay a liquor license of $25, etc.—to the Committee on Ways and Means.

By Mr. McKINLEY: Petition of 220 glass-blowers of the United States, protesting against the 25 per cent. reduction on green and colored bottles—to the Committee on Ways and Means.

By Mr. MAISH: Petition of Wentz C. Miller, late first lieutenant Fourth United States Cavalry, for restoration to the Army, and to be placed on the retired-list—to the Committee on Military Affairs.

Also, resolution of the faculty of Dickenson College, Pennsylvania, for the abolition of import duties on books—to the Committee on Ways and Means.

By Mr. MATSON: Petition of estate of Valentine Ault, of Brown County, Indiana, for reference of their claim to the Court of Claims—to the Committee on War Claims.

By Mr. MILLIKEN: Petition of Lewis Anderson & Co., for quick mail transit for New England—to the Committee on the Post-Office and Post-Roads.

By Mr. MORGAN: Petition of Nannie E. Bowles, widow of W. M. Bowles, of La Fayette County, Mississippi, for reference of her claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Aaron Royston, of Marshall County, Mississippi, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. MORRILL: Petition of M. H. Roller and 60 others, of Circleville, Kans., asking that the tax on flaxseed and linseed-oil be retained—to the Committee on Ways and Means.

By Mr. MORROW: Petition of citizens of San Francisco, Cal., against the repeal of the tariff on chrome iron—to the Committee on Ways and Means.

By Mr. MORSE: Petition of 23 citizens of Boston, Mass., for better mail facilities between Boston and New York, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. NEAL: Petition of J. A. Turley and 14 others, citizens of McMinn County, Tennessee, for a special-act pension to Robert Pearce, late a private in Company A, Tenth Regiment Tennessee Cavalry—to the Committee on Invalid Pensions.

By Mr. OSBORNE: Resolutions of the St. Louis Merchants' Exchange, in favor of the incorporation of the Nicaragua Canal Company—to the Committee on Railways and Canals.

By Mr. OWEN: Petition asking a pension for Alice Newbury, widow of James Newbury—to the Committee on Invalid Pensions.

By Mr. PEEL: Petition of William Fain, and of Mrs. M. E. Lacey, of Washington County, Arkansas, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, papers in the claim of William S. Pyeatt, of Washington County, Arkansas—to the Committee on War Claims.

By Mr. RANDALL: Resolutions of Philadelphia Typographical Union No. 2, indorsed by the Pressmen's Union No. 4, of Philadelphia, for an international copyright law—to the Committee on Patents.

By Mr. ROGERS: Petition of Sarah Marr, of Pulaski County, Arkansas, for reference of her claim to the Court of Claims—to the Committee on War Claims.

Also, protest of river men against the construction of a bridge at Little Rock, Ark.—to the Committee on Commerce.

By Mr. SIMMONS: A bill to provide for the survey of the Tar River from Tarborough to the railroad bridge at Rocky Mount, N. C.—to the Committee on Rivers and Harbors.

By Mr. STAHLNECKER: Petition of the New York State Agricultural Society against the Palmer Senate bill, and favoring the passage of a bill to place the same under charge of the Commissioner of Agriculture—to the Committee on Agriculture.

Also, resolutions of the Common Council of New York in favor of the bill to erect a monument to the prison-ship martyrs—to the Committee on the Library.

Also, memorial of mayor, aldermen, and commonalty of New York, for refunding of money raised by the city for military purposes—to the Committee on War Claims.

Also, concurrent resolution of the Legislature of New York, relative to compensation of letter-carriers and postal-clerks—to the Committee on the Post-Office and Post-Roads.

Also, concurrent resolution of the same, relative to the erection of a monument to the prison-ship martyrs—to the Committee on the Library.

By Mr. STEPHENSON: Memorial of the National Farmers' Alliance, to establish a Department of Agriculture—to the Committee on Agriculture.

Also, resolutions of the Turnverein of Milwaukee, Wis., relating to the laws affecting emigration—to the Committee on Foreign Affairs.

Also, petition of 22 citizens of Merrill, Lincoln County, Wisconsin, relative to the issue of fractional currency—to the Committee on Banking and Currency.

Also, petition of 23 citizens of Merrill, Lincoln County, Wisconsin, relative to the reduction of postage on seeds, etc.—to the Committee on the Post-Office and Post-Roads.

Also, petition of 82 iron-ore miners and laborers of the Germania Mining Company, and of 217 iron-ore miners and laborers of the Ashland Iron Mining Company, of Hurley, Wis., protesting against the reduction of duty on iron ore—to the Committee on Ways and Means.

Also, letter of the railroad commissioners of Wisconsin, relating to the loss of life and limb in coupling and uncoupling cars in the interstate commerce—to the Committee on Commerce.

By Mr. J. W. STEWART: Petition and papers in case of George S. Hawley, for increase of pension—to the Committee on Invalid Pensions.

By Mr. STONE, of Missouri: Petition of Isaac Bethurum, to accompany bill for his relief—to the Committee on Military Affairs.

By Mr. VOORHEES: Memorial of William Gooch, for the passage of a bill for his relief—to the Committee on Claims.

By Mr. WHEELER: Petition of estate of Richard L. Kirby, jr., estate of W. W. Mitchell, William Beckham, Abner D. Lamsden, Sarah E. Trousdale, Cain Leach, W. A. Rash and others, heirs of Laxon Rash; A. O. Williamson, and Mary A. De Graffenreid, of Alabama, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. W. L. WILSON: Petition of Livan Pond Grange of West Virginia, for amendment of postal laws, to reduce postage on seeds, bulbs, etc., to one-half cent per ounce—to the Committee on the Post-Office and Post-Roads.

Also, petition of James W. Snyder, Jefferson County, West Virginia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. BANKHEAD: Of J. L. Wright and others, of Webster County, Alabama.

By Mr. OATES: Of Thomas D. McGough and 27 others, citizens of Glennville, Ala.

The following petitions, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, were severally referred to the Committee on Invalid Pensions:

By Mr. S. T. HOPKINS: Of 72 soldiers of Walton, and of 17 soldiers of Cairo, Greene County, New York.

By Mr. KENNEDY: Of Asa W. Mitchell and 121 others, members of Clay Hay Post, No. 383, Grand Army of the Republic, of New Carlisle, Ohio.

By Mr. LAIRD: Of numerous ex-soldiers of Edgar, of Nelson, of Nuckolls County, of Minden, of Hardy, and other places in Nebraska, and of Rock, Minn.

By Mr. McCORMICK: Of 89 citizens of McKean County, and of M. V. Purple and 30 others, ex-soldiers of the Sixteenth district of Pennsylvania.

Also, of Anthony Bennett and 18 others, ex-soldiers of Tioga County, Pennsylvania.

By Mr. McCULLOGH: Of John Lauffer and others, and of J. D. McQuinn and others, ex-Union soldiers and sailors of Westmoreland County, Pennsylvania.

Also, of W. N. Fullerton and others, ex-soldiers and sailors of Westmoreland County, Pennsylvania.

By Mr. NUTTING: Of Samuel Nichols and 67 others, of Judson N. Hoyt, of James McDorcht and 61 others, and of W. J. Emens and 24 others, citizens of Oswego and Cayuga Counties, New York.

By Mr. OSBORNE: Of S. F. Wells and 17 others, citizens of Susquehanna County, Pennsylvania.

By Mr. PATTON: Of 60 ex-soldiers of Mifflin County, Pennsylvania.

By Mr. SEYMOUR: Of C. M. Dunbar and 29 others, ex-soldiers, of Michigan.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. FRENCH (by request): Of 119 citizens of Middlesex County, Connecticut.

By Mr. J. S. HENDERSON: Of women belonging to the International Council.

By Mr. MORROW: Of 67 citizens of San Francisco County, California.

By Mr. RYAN: Of 117 citizens of Butler County, Kansas.

By Mr. STEPHENSON: Of 112 citizens of Langlade County, Wisconsin.

The following petitions, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia, were severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. GROSVENOR: Of Rev. W. H. Day and 50 others, of the Fifteenth district of Ohio.

By Mr. McKINLEY: Of 50 citizens of the Eighteenth district of Ohio.

By Mr. STEPHENSON: Of 95 citizens of the Ninth district of Wisconsin.

By Mr. STOCKDALE: Of 76 citizens of the Sixth district of Mississippi.

By Mr. J. R. WHITING: Of 53 citizens of the Seventh district of Michigan.

SENATE.

WEDNESDAY, *April* 4, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a communication of J. M. Bradford, of Portland, Me., relating to the administration of the civil-service law in Portland; which was referred to the Select Committee to Examine into the Condition of the Civil Service.

He also presented a petition of the Woman's Christian Temperance Union of Meriden, Conn., and a petition of the Woman's Christian

Temperance Union of Baltimore, Md., praying for the repeal of the internal-revenue tax on alcoholic beverages; which were referred to the Committee on Finance.

Mr. PALMER presented a petition of Dwight May Post, No. 69, Grand Army of the Republic, Department of Michigan; a petition of C. M. Dunbar and 29 other surviving soldiers of the Union Army, residents of Calumet, Mich., and vicinity, and a petition of F. W. Bradley, E. Goodwin, and 24 other surviving soldiers of the Union Army, citizens of Kalkaska County, Michigan, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented the petition of Mrs. Eudocia S. Moffat, Mrs. E. B. Coolidge, Mrs. Morse Stewart, Mrs. Albert Miller, Mrs. T. T. Leete, and Miss Sara Palmer, officers of the Michigan Indian Association, praying for the establishment of a home and industrial training school for Indian children in Michigan; which was referred to the Committee on Indian Affairs.

He also presented a petition of the Hillsdale (Mich.) Pomona Grange, No. 10, Patrons of Husbandry, praying for an amendment of the patent laws so as to protect innocent persons in the use of patented articles; which was referred to the Committee on Patents.

Mr. CAMERON presented the petition of William P. I. Painter & Son, and other citizens of Muncy, Pa., and the petition of Ballier & Co., and other citizens of Lykens, Pa., praying for the repeal of that portion of the internal-revenue law which classes druggists as liquor dealers, and also for a reduction of the tax on spirits; which were referred to the Committee on Finance.

He also presented a petition of Encampment No. 1, Union Veteran Legion, of Pittsburgh, Pa., praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of officers of Grange No. 831, Patrons of Husbandry, of Wyoming County, Pennsylvania; a petition of citizens of Upper Providence, Montgomery County, Pennsylvania; a petition of citizens of Steuben, Crawford County, Pennsylvania; a petition of citizens of Centralia, Columbia County, Pennsylvania; a petition of citizens of Harrison, Bedford County, Pennsylvania; a petition of citizens of Fairmount, Luzerne County, Pennsylvania; and a petition of citizens of Cross Creek, Washington County, Pennsylvania, praying that the work of the eradication of pleuro-pneumonia may be continued under the Bureau of Animal Industry, and that it may remain in the Department of Agriculture, with a chief who shall be a competent veterinary surgeon; which were ordered to lie on the table.

Mr. STEWART presented the memorial of F. M. Smith, giving a history of the borax industry and remonstrating against the removal of the tariff on borax; which was referred to the Committee on Finance.

He also presented a petition of citizens of Montana praying for legislation to preserve the mineral lands of that Territory to citizens of the United States, and to prevent the Northern Pacific Railroad Company from acquiring any lands to which it is not clearly entitled under its grant; which was referred to the Committee on Public Lands.

Mr. PLUMB. I present a petition of settlers in the Des Moines Valley, Iowa, praying for a redress of grievances. The bill to which the petitioners refer having been reported by the appropriate committee, I move that the petition lie on the table.

The motion was agreed to.

Mr. PLUMB presented a petition of citizens of Montana, praying for the adoption of such legislation as will preserve the mineral lands of that Territory bearing precious metals to the citizens of the United States and prevent the Northern Pacific Railroad Company from acquiring any lands to which it is not clearly entitled under its grant; which was referred to the Committee on Public Lands.

He also presented a memorial of the New York State Agricultural Society, remonstrating against the passage of what is known as the Palmer bill, to establish a Bureau of Animal Industry, etc.; which was ordered to lie on the table.

He also presented a petition of a large number of citizens of Kansas, praying for the passage of what is known as the Dawes bill, in relation to the adulteration of lard, etc.; which was referred to the Committee on Agriculture and Forestry.

Mr. HARRIS presented a petition of officers of the Marine-Hospital Service, praying that the officers of that service be commissioned as are the medical officers of the Army and Navy; which was referred to the Committee on Military Affairs.

Mr. SABIN presented a petition of the Duluth (Minn.) Turnverein Society, remonstrating against the restriction of immigration under certain circumstances; which was referred to the Committee on Education and Labor.

He also presented a petition of Typographical Union No. 42, of Minneapolis, Minn., praying for a restoration of the rates paid at the Government Printing Office prior to March 3, 1877; which was referred to the Committee on Printing.

Mr. BLAIR presented two petitions of citizens of Pennsylvania, praying for prohibition in the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented two petitions of citizens of the United States, praying for the passage of legislation prohibiting the violation of the Sabbath by the running of Sunday trains, etc.; which were referred to the Committee on Education and Labor.

ANSON RUDD.

Mr. TELLER. The Committee on Public Lands have had under consideration the bill (H. R. 6879) to authorize the Secretary of the Treasury to convey to Anson Rudd, of the State of Colorado, certain real estate in the county of Fremont, in said State, and have directed me to report it to the Senate favorably without amendment.

I wish to state that the bill has passed the Senate in this form at least three times, and it has passed the Senate at this session. It proposes to restore to a citizen of Colorado some land deeded to the Government which the Government declined to use. If there is no objection, I ask to have the bill put on its passage now.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury, without consideration, to make, execute, and deliver all needful instruments conveying and transferring all the right, title, and interests of the United States in and to a certain tract of land situate in the county of Fremont and State of Colorado to Anson Rudd, of Colorado; the tract of land above described being the same tract which Anson Rudd and Harriet Rudd, his wife, conveyed to the United States by general warranty deed, without consideration, dated March 20, 1868.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. HOAR, from the Committee on Claims, to whom were referred the bill (S. 848) for the relief of the Union National Bank of Louisiana and the bill (S. 1670) for the relief of the Union National Bank of Louisiana, asked to be discharged from their further consideration, and that they be referred to the Committee on the Judiciary; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 399) for the relief of Henry Herman, asked to be discharged from its further consideration, and that it be referred to the Committee on Finance; which was agreed to.

Mr. FAULKNER, from the Committee on Claims, to whom was referred the bill (S. 1533) for the relief of Robert C. Murphy, reported it without amendment, and submitted a report thereon.

Mr. WALTHALL, from the Committee on Public Lands, to whom was referred the bill (S. 2511) to withdraw the public lands of the United States in Mississippi from sale at ordinary private entry, and to restrict disposals thereof under general statutes to homestead settlers, reported it with amendments.

Mr. COCKRELL. I desire to state as to the report made by the Senator from Mississippi [Mr. WALTHALL] from the Committee on Public Lands on Senate bill 2511, introduced by himself, in regard to public lands in Mississippi, and which was amended by direction of the committee, that I do not concur in that report. I think that it does great injustice to the people of Missouri, and I shall oppose the amendments proposed by the committee.

Mr. WALTHALL. It is understood that the Senator from Missouri is opposed to the amendments, but it is the report of a majority of the committee.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. PLUMB, from the Committee on Public Lands, to whom were referred the bill (H. R. 6394) for the relief of Hayem and Taylor, and the bill (H, R. 2996) to confirm the title of the heirs or legal representatives of Henry Volcker, deceased, to a certain tract of land in the Territory of New Mexico, asked to be discharged from their further consideration, and that they be referred to the Committee on Private Land Claims; which was agreed to.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (H. R. 7856) granting a pension to Emma R. Johnson, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 818) granting a pension to Sarah E. Pribble, reported it without amendment, and submitted a report thereon.

Mr. BOWEN, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 686) for the relief of B. F. Rockefellow, reported it without amendment, and submitted a report thereon.

Mr. COLQUITT, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 4557) for the relief of George F. Chilton, reported it without amendment.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the bill (H. R. 7319) for the relief of Emory R. Seward, reported it with an amendment, and submitted a report thereon.

Mr. MITCHELL. I am instructed by the Committee on Claims, to whom was referred the bill (S. 1706) for the relief of Charles Gallagher, of New York, to report it adversely. On behalf of some friends of the claimant I ask that the bill be placed on the Calendar with the adverse report.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. ALLISON. I am directed by the Committee on Appropriations, to whom was referred the joint resolution (H. Res. 140) appropriating $25,000 for the international exhibition in Barcelona, Spain, to ask to be discharged from its further consideration, and that it be referred to the Committee on Foreign Relations. That committee, I understand, has been considering the subject.

The report was agreed to.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 2100) granting a pension to Charles Tidmarsh, reported it without amendment, and submitted a report thereon.

Mr. BLACKBURN, from the Committee on Naval Affairs, to whom was referred the bill (S. 1914) for the relief of Mary E. Hopkins, reported it without amendment, and submitted a report thereon.

REPRINTING OF BILLS.

Mr. HAWLEY. The dependent pension bill having passed the Senate has not been reprinted in the other branch. The superintendent of the document-room informs me that there is a continual demand for it and recommends that it be reprinted. The Committee on Printing presents an order to print 500 additional copies for the use of the Senate.

The order was agreed to, as follows:

Ordered, That there be printed for the use of the Senate 500 copies of Senate bill 181, granting pensions to ex-soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to dependent relatives of deceased soldiers and sailors.

Mr. HAWLEY. I report a like order with regard to what is known as the Blair bill, the common-school bill. The supply is exhausted and the bill has not been printed elsewhere.

The order was agreed to, as follows:

Ordered, That there be printed 500 copies of Senate bill 371 to aid in the establishment and temporary support of common schools.

MRS. HETTIE K. PAINTER.

Mr. PADDOCK. Yesterday I asked the Senate to consider the bill (H. R. 3839) granting a pension to Mrs. Hettie K. Painter, which was reported by direction of the Committee on Pensions by myself with an amendment, with a view of having the amendment considered, and if possible adopted, to the end that a conference committee might be secured. I call the attention of the Senator from Missouri [Mr. COCKRELL] to the bill.

Mr. COCKRELL. I am listening to the Senator.

Mr. PLUMB. Has the morning business been concluded?

The PRESIDENT *pro tempore*. It has not yet been concluded.

Mr. PADDOCK. It will take but a moment to pass the bill.

Mr. PLUMB. I think we had better conclude the formal morning business before taking up anything else.

The PRESIDENT *pro tempore*. The Senator from Kansas calls for the regular order.

Mr. PLUMB. I wish to introduce some bills.

BILLS INTRODUCED.

Mr. PLUMB introduced a bill (S. 2586) for the relief of Thomas J. Whitman; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2587) granting an increase of pension to Gottlieb Spitzer; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2588) for the relief of Michael O'Brien; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 2589) for the relief of David Reynolds; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2590) granting a pension to George L. Sanders; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DAWES introduced a bill (S. 2591) for the relief of Cyrenius Beers or his personal representative, and also the personal representative of Vail & Robison; which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 2592) to extend time of payment to purchasers of land on Omaha Indian reservation, State of Nebraska, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PADDOCK introduced a bill (S. 2593) granting a pension to Mrs. Sarah McNamara; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CAMERON introduced a bill (S. 2594) granting a pension to Louisa Staley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2595) to increase the pension of Seth F. Myers; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2596) to increase the pension of John A. Doyle; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SAWYER introduced a bill (S. 2597) for a public building at Green Bay, Wis.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. PALMER (by request) introduced a bill (S. 2598) for the relief of Rev. Smith P. Gannage; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (by request) introduced a bill (S. 2599) to test and try the science of spelling, and to provide for establishing one hundred schools for this purpose; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. COCKRELL introduced a bill (S. 2600) to repeal an act entitled "An act to establish the boundary line of Doña Ana County," in the Territory of New Mexico; which was read twice by its title, and referred to the Committee on Territories.

IMPORTATION OF LEAD.

Mr. STEWART submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Treasury is hereby directed to report to the Senate what precautions have been taken to prevent the importation of lead and lead ores from Mexico and the Dominion of Canada into the United States in violation of the revenue laws, and what legislation, if any, is necessary to enable him to enforce the revenue laws against smugglers of lead and lead ores from both Mexico and the Dominion of Canada.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution coming over from a former day, which will be read.

The Chief Clerk read the resolution submitted yesterday by Mr. SHERMAN, as follows:

Resolved, That, subject to the business of the morning hour, the order of business in the Senate shall be—

First. S. 2083, a bill to provide for the establishment of a bureau of animal industry, and to facilitate the exportation of live-stock and their products, to extirpate contagious pleuro-pneumonia and other diseases among domestic animals, and for other purposes.

Second. S. 185, a bill to provide for the admission of the State of Dakota into the Union, and for the organization of the Territory of Lincoln.

Third. S. 1216, a bill providing for the investment of certain sums in the Treasury.

Mr. SHERMAN. Circumstances have occurred since the resolution was offered which practically defeat it for the present, and therefore I have nothing further to say about it except to let it go on the Calendar. As the understanding I had has not been kept, I have no desire to press it now.

The PRESIDENT *pro tempore*. The resolution will be placed on the Calendar.

PUBLIC BUILDING AT BUFFALO.

Mr. JONES, of Arkansas. I move that the Senate proceed to the consideration of the bill (S. 325) granting to the Billings, Clark's Fork and Cooke City Railroad Company the right of way through the Crow Indian reservation.

Mr. VEST. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Missouri rise to morning business?

Mr. VEST. No, sir; I rose to enter a motion to reconsider a bill passed on Saturday last.

Mr. SHERMAN. I understand that the Freedman's Bank bill comes over, not exactly as unfinished business, but it was taken up and put aside by the motion to close the doors yesterday.

The PRESIDENT *pro tempore*. There is no unfinished business of the morning hour.

Mr. JONES, of Arkansas. The consideration of this matter will take but a short time. I gave notice a few days ago that I should ask the Senate to consider the bill, and I should be glad to have the Senate take it up this morning.

The PRESIDENT *pro tempore*. The Chair will receive the motion of the Senator from Missouri to reconsider a bill.

Mr. VEST. Saturday, during my absence on committee business of the Senate, a bill was passed for the construction of a public building at Buffalo, N. Y. I intended to call the attention of some brother Senators to the fact that that bill might be reached upon the Calendar. I see from the RECORD that it was passed during my absence. I am in the possession of facts in connection with that bill which in my judgment necessitate its being sent back to the Committee on Public Buildings and Grounds, of which I am a member. These facts came to me after the passage of the bill, and I enter a motion to reconsider the vote by which the bill was passed.

Mr. HARRIS. Also ask that the bill be returned from the other House.

Mr. VEST. It is a House bill.

The PRESIDENT *pro tempore*. The Chair is informed that the bill to which the Senator from Missouri rose has been signed by the presiding officers of the two Houses, and sent to the President of the United States.

Mr. VEST. Then I would move that the President be requested to return it to the Senate. My object is to have the bill recommitted to the Committee on Public Buildings and Grounds.

Mr. HISCOCK. That motion I suppose is subject to objection. If so, I object.

Mr. HOAR. I understand that the Senator from Missouri is in order and is within the time in entering his motion to reconsider.

Mr. VEST. Unquestionably, within three days.

Mr. HOAR. But it will be necessary to add to that motion the introduction of a concurrent resolution requesting the President to return the bill to the House in which it originated. I suppose the Senate could do that with the concurrence of the other House, and that the voting down of such a resolution would be a disposition of the motion to reconsider. I do not see any difficulty in proposing to the other House this request to the President of the United States by a concurrent resolution.

Mr. VOORHEES. If the President were notified of a motion to reconsider the bill pending in the Senate he would withhold his signature unless it was already affixed, and then a concurrent resolution could be passed by the two branches to bring the bill back. I know not exactly how it should be done, but I would suggest that the President be notified of a motion now pending in the Senate to reconsider the bill.

Mr. HISCOCK. I object to the consideration of such a motion.

The PRESIDENT *pro tempore*. The Senator from Missouri has a right to make the motion.

Mr. VEST. I should think, without being any parliamentarian, that I had the right.

Mr. HISCOCK. Within what time must such a motion be made?

The PRESIDENT *pro tempore*. Within two legislative days.

Mr. VEST. The bill was passed on Saturday. If I have not that right I have none.

Mr. HISCOCK. Was the bill passed on Saturday or on Friday?

Mr. VEST. It was passed on Saturday.

Mr. HARRIS. The Senate was not in session on Friday.

Mr. VEST. I was absent from the city on Saturday on the committee which went to New York by direction of the Senate, or I should have objected to the passage of the bill. It was a neglect on my part. At what time was the bill passed?

The PRESIDENT *pro tempore*. The record will be referred to by the clerks. [A pause.] An inspection of the Journal shows that the bill passed the Senate on Saturday, the 31st of March. This being the 4th day of April, more than two legislative days have intervened, and the Chair would hold that the motion could not be entertained.

Mr. VEST. I suppose that is true.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 542) for the relief of Maj. Michael P. Small;

A bill (H. R. 1262) granting the right of way to the Denver and Rio Grande Railroad through the Fort Crawford military reservation;

A bill (H. R. 1560) to extend the provisions of "An act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces," and for other purposes;

A bill (H. R. 2972) authorizing the President to appoint and retire General Pleasonton with the rank and grade of colonel;

A bill (H. R. 4365) to authorize the construction of an arsenal for the repair, storage, and distribution of ordnance and ordnance stores for the use of the Government of the United States, at Columbia, Tenn.;

A bill (H. R. 5064) to construct a road to the national cemetery at Baton Rouge, La.;

A bill (H. R. 6098) authorizing the construction and repair of the roads from the entrance to the reservation of the Presidio at San Francisco, Cal., to the national cemetery on the same, and the fencing and protection of the said reservation and the cemetery thereon; and

A bill (H. R. 8809) to provide for the promotion of officers of the Army after twenty years' continuous service in one grade.

The message also announced that the House had passed the following bills and joint resolution:

A bill (S. 258) for the relief of Maj. Daniel N. Bash, paymaster, United States Army;

A bill (S. 1371) for the relief of Alfred Hedberg;

A bill (S. 1387) authorizing the appointment of James S. Jouett to a first lieutenancy of cavalry in the United States Army; and

Joint resolution (S. R. 5) in relation to the claim of John B. Read against the United States for the alleged use of projectiles for rifled ordnance, claimed as the invention of said Read, and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department in 1856, for which no compensation has been made.

BILLINGS, CLARK'S FORK AND COOKE CITY RAILROAD.

Mr. JONES, of Arkansas. I renew my motion.

The PRESIDENT *pro tempore*. The Senator from Arkansas moves that the Senate proceed to the consideration of the bill (S. 325) granting to the Billings, Clark's Fork and Cooke City Railroad Company the right of way through the Crow Indian reservation.

Mr. DAVIS. Mr. President——

The PRESIDENT *pro tempore*. The motion is not open to debate.

Mr. DAVIS. I simply desire to object to the present consideration of the bill if it will involve debate.

The PRESIDENT *pro tempore*. The motion is not open to debate. The question is on agreeing to the motion of the Senator from Arkansas [Mr. JONES].

The question being put, there were, on a division—ayes 25, noes 14.

Mr. VOORHEES. Let the title of the bill be read again, and then I shall ask for the yeas and nays, so that we may know what the Senate is entering upon.

The PRESIDENT *pro tempore*. The title of the bill will be again read.

The CHIEF CLERK. A bill (S. 325) granting to the Billings, Clark's Fork and Cooke City Railroad Company the right of way through the Crow Indian reservation.

The PRESIDENT *pro tempore*. Upon the question of proceeding to the consideration of this bill, the Senator from Indiana asks that the yeas and nays may be entered on the Journal. Are they desired by one-fifth of the Senators present?

The yeas and nays were ordered; and having been taken, the result was announced—yeas 34, nays 17, as follows:

YEAS—34.

Bate,	Farwell,	McPherson,	Sawyer,
Beck,	Faulkner,	Mitchell,	Stanford,
Berry,	George,	Paddock,	Stewart,
Brown,	Hampton,	Payne,	Teller,
Call,	Harris,	Platt,	Turpie,
Cockrell,	Hiscock,	Pugh,	Walthall,
Coke,	Ingalls,	Ransom,	Wilson of Md.
Colquitt,	Jones of Arkansas,	Reagan,	
Dawes,	Jones of Nevada,	Riddleberger,	

NAYS—17.

Allison,	Edmunds,	Plumb,	Voorhees,
Butler,	Hawley,	Sabin,	Wilson of Iowa.
Cameron,	Hearst,	Sherman,	
Cullom,	Hoar,	Spooner,	
Davis,	Palmer,	Vest,	

ABSENT—25.

Aldrich,	Daniel,	Gray,	Quay,
Blackburn,	Dolph,	Hale,	Saulsbury,
Blair,	Eustis,	Kenna,	Stockbridge,
Blodgett,	Evarts,	Manderson,	Vance.
Bowen,	Frye,	Morgan,	
Chace,	Gibson,	Morrill,	
Chandler,	Gorman,	Pasco,	

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. JONES, of Arkansas. I deem it necessary to say a word in relation to this bill. It is in the usual form of rights of way granted to railroad companies to build railroads across Indian reservations.

There is opposition to the passage of this bill, I understand, on the part of another railroad company, and, as I understand, there is opposition from no other quarter except a rival railroad company. The facts about this rival company, the Rocky Fork Company, and this company, the Billings, Clark's Fork and Cooke City Company, are these: In June, 1886, a bill was introduced giving the right of way to this railroad company. In January following a bill was introduced in the Senate of the United States giving the other railroad company, the one opposed to this, a right of way across the same reservation and on practically parallel lines. Both these bills were reported from the Senate Committee on Indian Affairs to the Senate and both passed this body at the last session of Congress; both went to the House of Representatives; both were reported favorably by the Committee on Indian Affairs of the House of Representatives, and both were on the Calendar of the House. On the last night of the last session of Congress the bill providing for the rival railroad, the one opposed to this, the Rocky Fork Railroad Company, passed the House of Representatives; and the bill giving the right of way to this company, which had been reported before the other bill in the House, which had passed this body before and which had been introduced into this body months before that, died on the Calendar and was not passed.

Now, after the Government of the United States has granted to the Rocky Fork Company the right to build their road, they come in at this session and object to the Government granting to the Billings Company exactly the same privileges they had at the hands of Congress last year, and can give no reason for it, as I understand, except that they say that they probably can not get the financial aid necessary to build their road if this Billings road is allowed to go through the reservation.

I know nothing whatever of these companies further than that both came here and represented that they were able to build their railroad lines, and one succeeded in getting a bill granting the right of way passed at the last session of Congress and has done some work on the line. This one failed to get through although it had been introduced some months before the Rocky Fork Company began their effort, and now these people come and object to the very same privilege being extended to the Billings Company that was extended at the last Congress to their own company. It seems to me that it does not look well for them to occupy this position.

The purpose of both these roads, I understand, is to reach certain coal, beds for the supply of coal to Montana and Wyoming and all that great

country in the Yellowstone Valley. I believe one railroad reaching these coal-beds is a good thing, but I believe that two railroads would be more than twice as good, and public policy requires that while the Rocky Fork road reaches the coal-beds we should allow the Billings Company to do the same thing, so that there may be some competition for the benefit of those who are in need of fuel in the cold winters of that rigorous climate.

These are the simple points at issue on this question, and I can not believe that the Congress of the United States, having given the right to the Rocky Fork Company to build their road to the coal-beds, will deny the same right to another company, which was organized months before the Rocky Fork Company; which came here six or eight months before they came; which passed their bill through this body before the other passed their bill at the last session, and had their bill reported by the Committee on Indian Affairs of the House last year before they passed theirs. Under these circumstances I am sure the Senate will say that this company, which was prior in organization and in application, shall not now be denied the right to build its line through this Indian territory. The company have located under the general laws their route over the public land outside of the Crow country. Out of the entire line there are about 40 miles going through the Crow reservation. The road goes through a part of the country that can occasion the Indians no inconvenience. The public interest, and the interests of all the people concerned in the development of the coal-fields, and everybody else, except those who would make a monopoly of the Rocky Fork grant of the right of way, are in favor of the passage of the bill as it is. I hope it will be passed.

Mr. GEORGE. Does the bill grant anything but a right of way?

Mr. JONES, of Arkansas. Nothing whatever except the naked right of way through this Indian territory.

Mr. GEORGE. Was there a rivalry at the last session of Congress between these companies, either opposing the other?

Mr. JONES, of Arkansas. Not a syllable from either one that came to my knowledge, and I reported both bills from the Committee on Indian Affairs, if I am not mistaken, and neither company said one word against granting the right of way to the other whilst these matters were pending before the Indian Committee.

Mr. DAVIS. Mr. President, it is perhaps unfortunate that the Committee on Indian Affairs has made no report of the history of this transaction, and especially of what has happened since the act of last winter, by which the company which I shall style the Rocky Forks company was authorized to go through this reservation. It is probable that the Senator from Arkansas has stated the facts of this case with substantial correctness.

As I understand them, they are about as follows: These two companies—it is immaterial when they were organized or when they first thought of building a railroad through an Indian reservation—were competitors before the Congress of the United States for legislation which authorized each of them to build a railroad through the Crow reservation to reach certain coal-mines beyond it. The result of it all was that, although the Senate passed a bill for both, when the matter came before the House of Representatives the Rocky Forks company was authorized to build its railroad through this reservation, and the company whose claims are now under consideration, either by an adverse vote or by their case never being reached in the House, never obtained that right.

The facts of the case are illustrated by a map which I hold in my hand, and which, of course, I shall have to describe, as I can not show it to the Senate.

These companies, as the Senator from Arkansas concedes, propose to run over substantially the same line. The starting-point is the town of Billings, on the Northern Pacific Railroad. From thence each line goes through a total wilderness, except so far as Indians are concerned, to its other terminal point. As I am informed, the located routes of both these companies show that the line of the company now under consideration lies parallel within a distance of a quarter of a mile of the Rocky Forks road for 24 miles, from Laurel to the mouth of Rocky Creek. There is a point of divergence when they get down farther into the wild country and beyond the reservation to a place called O'Hara, and from there this company parallels the Rocky Forks road to the final terminal point at Cooke City. In other words, out of a total mileage of 120 miles the road which now seeks privileges through that reservation parallels the road which was authorized to go through there last year for 86 miles.

Mr. EDMUNDS. How near?

Mr. DAVIS. For the first 24 miles within a quarter of a mile, and for the rest of the line it is represented to me through a cañon on lines identical.

Mr. President, the facts are that the road that now seeks the right to go through this Indian reservation has taken no steps beyond the agitation in Congress and perhaps the laying out of a paper route. The Rocky Forks road immediately on the passage of the act of last year proceeded in construction and graded and bridged 46 miles south from the Northern Pacific road at an expense of about $100,000, and now are negotiating for the money with which to buy the rails for that portion, and is met by the menace of this bill, which parallels and threatens it for 86 miles out of 120 of its entire course, and has been discredited in financial circles by the menace of this bill.

Now, who believes that in good faith this second railroad company is going to build a railroad of 120 miles south into that wilderness in competition with one which has already built, so far as grading and bridging are concerned, one-third of its entire line? Was it ever heard, where a right of way had been granted to a railroad through a reservation and confessedly for the uses of the public, that when the company that had obtained such a grant had gone on in good faith and expended its money, had bridged and graded a large portion of the line, another road would be authorized paralleling it within a quarter of a mile for 24 miles, and for the rest of the distance enough to make the parallelism 86 miles out of 120?

What would be said if this was a large transaction, the case of a continental road going from the Mississippi to the ocean? Would it be tolerated for a moment that under the guise of a right of way through the public lands or Indian reservations one railroad would be allowed to parallel another within a space so narrow as that, and especially when the road which had obtained the privilege had gone on and invested money, when men had put their means into it on the faith of Congressional action after a competitive struggle between these two companies, one of which had failed and now reappears here in the halls of legislation?

The Rocky Forks company was required by the terms of the act of last winter to obtain the consent of the Indians, which it did, and to make compensation to the Indions. That it did. It is required to build the road in two years; and now, within twelve months after they have obtained their right and by proceeding have assumed that obligation, this company, which entered into the competition with them one year ago and which for some reason or other did not get from Congress the similar right to that which it now claims, appears here with a bill which proposes substantially to parallel this route from initial point to terminal point. It is nothing but a menace at the financial standing of this company. It necessarily operates in that way. I am informed that the presence of this bill and the persistency with which it has been pushed is the obstacle which prevents these gentlemen who have put their money into construction from obtaining the funds with which to iron the 46 miles they have ready for completion.

I repeat, it is not to be tolerated. It seems to me, looking at this question judicially, that where the Government has induced a corporation to undertake the construction of a road 120 miles into a wilderness to develop the mineral resources of an unknown and unentered country, and it has gone on in good faith and expended its money as it has here in the reliance that to it there was a privilege, a right of way there, and a territorial right if you please, it does not consist with good faith to allow another company to come in the next year and receive precisely similar rights and conditions to menace, break down, and perhaps destroy entirely the enterprise on which so much money has been expended in good faith.

The bill was reported to the Senate without amendment.

Mr. DAVIS. I call for the yeas and nays.

The PRESIDENT *pro tempore*. On the passage of the bill?

Mr. DAVIS. Yes, sir.

The PRESIDENT *pro tempore*. The bill is still open to amendment.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT *pro tempore*. On the question, Shall the bill pass? the Senator from Minnesota asks that the yeas and nays may be entered on the Journal.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GRAY (when his name was called). I am paired with the Senator from Illinois [Mr. CULLOM].

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS]. Not knowing how he would vote on this question, I refrain from voting.

Mr. RANSOM (when his name was called). I am paired with the Senator from Michigan [Mr. STOCKBRIDGE] and will not vote on this bill. I do not know how he would vote, if present.

Mr. SABIN (when his name was called). I am generally paired with the Senator from West Virginia [Mr. KENNA] as a rule. But I suppose he would not regard the pair as extending to this bill, and I therefore vote "nay."

The roll-call was concluded.

Mr. WILSON, of Maryland. I am paired with the Senator from Rhode Island [Mr. CHACE].

Mr. HARRIS (after having voted in the affirmative). I voted in the affirmative not remembering at the moment that I was paired with the Senator from Vermont [Mr. MORRILL]. I do not know how the Senator from Vermont would vote if present, and I withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from Tennessee withdraws his vote.

Mr. SAULSBURY (after having voted in the affirmative). I withdraw my vote. I am paired with the Senator from Maine [Mr. FRYE].

Mr. CULLOM. I desire to announce the pair of the Senator from New Hampshire [Mr. CHANDLER] with the Senator from North Carolina [Mr. VANCE].

The result was announced—yeas 29, nays 15; as follows:

YEAS—29.

Bate,	Colquitt,	Ingalls,	Reagan,
Beck,	Dawes,	Jones of Arkansas,	Sawyer,
Berry,	Dolph,	Jones of Nevada,	Stewart,
Blair,	Faulkner,	McPherson,	Teller,
Brown,	George,	Mitchell,	Walthall.
Call,	Gorman,	Morgan,	
Cockrell,	Hearst,	Payne,	
Coke,	Hoar,	Pugh,	

NAYS—15.

Allison,	Edmunds,	Sabin,	Vest,
Butler,	Hampton,	Sherman,	Voorhees,
Cameron,	Hawley,	Spooner,	Wilson of Iowa.
Davis,	Palmer,	Stanford,	

ABSENT—32.

Aldrich,	Eustis,	Hiscock,	Quay,
Blackburn,	Evarts,	Kenna,	Ransom,
Blodgett,	Farwell,	Manderson,	Riddleberger,
Bowen,	Frye,	Morrill,	Saulsbury,
Chace,	Gibson,	Paddock,	Stockbridge,
Chandler,	Gray,	Pasco,	Turpie,
Cullom,	Hale,	Platt,	Vance,
Daniel,	Harris,	Plumb,	Wilson of Md.

So the bill was passed.

Mr. DAWES. Before the bill passes away from the Senate I desire to move a reconsideration of the vote by which the bill was passed.

The location of this road is so far outside of the Yellowstone Park that it was not deemed necessary to say a word about it, but I find in the other bill passed last year this phrase:

That no part of said line shall touch any portion of the National Park.

I ask unanimous consent that that phrase may be put in the fourth section of this bill, at the end of the fourth section, precisely where it is in the other, so that it will be impossible for them to change their line.

The PRESIDENT *pro tempore*. The proposed amendment will be stated.

The SECRETARY. At the end of section 4 it is proposed to add the following proviso:

And provided further, That no part of said line shall touch any portion of the National Park.

Mr. DAWES. The reason it was not put in is that the location filed with the committee went around the park entirely, but I should like to have that certain.

Mr. EDMUNDS. To journalize it correctly, there had better be a motion to reconsider.

The PRESIDENT *pro tempore*. The Journal will be so arranged that it shall state that the bill was amended and then read the third time and passed, the amendment being now made by unanimous consent. The Chair hears no objection, and it is so ordered.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 542) for the relief of Maj. Michael P. Small;

A bill (H. R. 1262) granting the right of way to the Denver and Rio Grande Railroad through the Fort Crawford military reservation;

A bill (H. R. 1560) to extend the provisions of "An act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces," and for other purposes;

A bill (H. R. 2972) authorizing the President to appoint and retire General Pleasonton with the rank and grade of colonel;

A bill (H. R. 4365) to authorize the construction of an arsenal for the repair, storage, and distribution of ordnance and ordnance stores for the use of the Government of the United States, at Columbia, Tenn.;

A bill (H. R. 5064) to construct a road to the national cemetery at Baton Rouge, La.;

A bill (H. R. 6098) authorizing the construction and repair of the roads from the entrance to the reservation of the Presidio at San Francisco, Cal., to the national cemetery on the same, and the fencing and protection of the said reservation and the cemetery thereon; and

A bill (H. R. 8809) to provide for the promotion of officers of the Army after twenty years' continuous service in one grade.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (S. 404) for the relief of Margaret S. Murray;

A bill (S. 549) granting a pension to Hannah R. Langdon;

A bill (S. 550) granting a pension to William C. Wait;

A bill (S. 574) to increase the pension of Mrs. Apolline A. Blair;

A bill (S. 733) granting a pension to Abbie S. Hutchinson;

A bill (S. 803) granting a pension to Delia U. Peck;

A bill (S. 809) granting a pension to Betsey Mannsfield;

A bill (S. 815) granting a pension to Angerone P. Cole, mother of George H. Cole, private Company B, Twenty-fourth Regiment Wisconsin Volunteers;

A bill (S. 854) granting a pension to Sarah E. Branson;

A bill (S. 1784) granting a pension to Ida M. Welton;

A bill (S. 1785) granting a pension to Stephen D. Redfield;

A bill (H. R. 76) for the relief of L. A. Morris;

A bill (H. R. 85) granting a pension to Mrs. Mary Jane Case;

A bill (H. R. 115) to increase the pension of Thomas F. Townsend;

A bill (H. R. 369) granting a pension to Mrs. Esther B. Hayford;

A bill (H. R. 439) for the relief of Grovenor A. Curtice;

A bill (H. R. 443) granting an increase of pension to Albert G. Fifield;

A bill (H. R. 445) granting a pension to Laura A. Wright;

A bill (H. R. 481) for the relief of Stephen M. Honeycutt;

A bill (H. R. 628) granting a pension to Juliette Stone;

A bill (H. R. 771) granting a pension to A. B. Van Cleve;

A bill (H. R. 806) for the relief of Mary Morford;

A bill (H. R. 863) granting a pension to Malinda Vest;

A bill (H. R. 2056) for the relief of Joel J. Goss;

A bill (H. R. 2093) for the relief of John K. Le Baron;

A bill (H. R. 2112) for the relief of Capt. John Burkhart;

A bill (H. R. 2218) to increase pension of James A. Buck;

A bill (H. R. 2514) granting a pension to J. Miller Raub;

A bill (H. R. 2517) granting a pension to Isaiah T. Johnson;

A bill (H. R. 2595) for the relief of the widow of John A. S. Tutt, deceased;

A bill (H. R. 2617) granting a pension to Mary Bailey;

A bill (H. R. 3441) declaratory of the meaning of the act entitled "An act for the relief of Maria Syphax;"

A bill (H. R. 3713) for the relief of Joseph Casson;

A bill (H. R. 3758) for the relief of the legal heirs of Fidus Livermore, deceased;

A bill (H. R. 3850) granting a pension to Moses F. Jackson;

A bill (H. R. 3898) granting increase of pension to James H. Reeve;

A bill (H. R. 4626) for the relief of Mary B. Kirby;

A bill (H. R. 4835) for the relief of Everard Flynn;

A bill (H. R. 5499) granting an increase of pension to Frederick Augustin;

A bill (H. R. 5766) granting a pension to Miss Capitola V. Harsh, daughter of Daniel Harsh;

A bill (H. R. 5874) for the relief of the heirs of the late Frances I. Wheeler;

A bill (H. R. 6071) for the relief of Mary Penfield;

A bill (H. R. 6562) for the relief of W. W. Screws;

A bill (H. R. 6789) granting a pension to Mary S. Wells;

A bill (H. R. 7237) granting a pension to Clarissa Harvey; and

A joint resolution (H. Res. 68) in favor of J. Q. Barton.

THE FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. SHERMAN. I now move that the Senate proceed to the consideration of Senate bill 1138, which was before the Senate yesterday.

The PRESIDENT *pro tempore*. The Calendar under Rule VIII being in order, the Senator from Ohio moves that the Senate proceed to the consideration of a bill.

Mr. WILSON, of Iowa. Before action is taken on that I desire to give notice that to-morrow, after the conclusion of the morning business, I will ask the Senate to take up the motion submitted by the Senator from Ohio [Mr. SHERMAN] to refer the message of the President to the Committee on Finance, for the purpose of submitting some remarks.

Mr. PALMER. Will that displace the special order?

Mr. WILSON, of Iowa. That is not my purpose.

Mr. COCKRELL. I understand the Senator from Iowa was giving some notice of what he intended to do to-morrow. I should like to hear what that was. I could not hear him.

The PRESIDENT *pro tempore*. The Senator from Iowa gave notice that he proposed to-morrow to submit some observations on the resolution submitted by the Senator from Ohio, to refer the message of the President of the United States to the Committee on Finance. The question recurs on the motion of the Senator from Ohio.

Mr. RIDDLEBERGER. I notice in the RECORD this morning that there was no objection offered yesterday to taking up this bill, and it could not have been taken up with an objection. I distinctly did object to taking up the bill, and I ask at this time the Senate to consider that I know several Senators around me concurred in making the objection. I made the objection, and therefore it can not come up as a bill unobjected to.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Ohio to proceed to the consideration of the bill (S. 1138) to reimburse the depositors of the Freedman's Savings and Trust Company for losses incurred by the failure of said company.

Mr. RIDDLEBERGER. Before the vote is taken——

The PRESIDENT *pro tempore*. The Senator from Virginia will observe that this motion must be decided without debate.

Mr. RIDDLEBERGER. On one objection, with a request that the RECORD be corrected to that extent.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Ohio.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1138) to reimburse the depositors of the Freedman's Savings and Trust Company for losses incurred by the failure of said company, the pending question being on the amendment of Mr. EVARTS, in line 10, before the word "representatives," to strike out "legal" and insert "personal."

Mr. SHERMAN. That is an amendment suggested by the Senator from New York. He thinks it is an improvement of the bill. I do not see the difference. I am perfectly willing to agree to it if it is thought to improve the bill, but I would rather have any language that may be suggested by any Senator that will confine the beneficiaries of this bill absolutely to the depositors, so that no assignment shall be effective, because, as a matter of course, there is no equity in favor of the assignee, this being a bounty of the Government. If the language is not strong enough in the bill, I should like very well to have an amendment that would make it stronger. I think either term "personal representatives" or "legal representatives" would be sufficient.

Mr. VEST. I concur with the Senator from Ohio that there ought to be no payment to any assignee.

Mr. VOORHEES. The bill has not yet been read. Let us hear it.

The PRESIDENT *pro tempore*. It was read at length when previously under consideration. It will be again reported.

Mr. VOORHEES. I want it read now, so that as we are to vote on it we may know what it is.

The PRESIDENT *pro tempore*. The bill will be read at length.

The Secretary read the bill.

Mr. COCKRELL. I would suggest that instead of "legal representatives" the words "widows and children" be inserted; so that these funds will only be payable to the claimant if living and if dead to his widow and children, and go no further.

Mr. SHERMAN. I am perfectly willing to agree to that amendment. This bill being reported from the Finance Committee and prepared by the Comptroller of the Currency and recommended by the Secretary of the Treasury, I do not feel disposed to accept any amendment, but I shall not object to the one proposed.

Mr. VOORHEES. Let me call the attention of the Senator from Ohio to one point. A depositor in the Freedman's Bank might have had a mother, now an aged woman, dependent upon him and upon getting back this money that was stolen away; or he might have had helpless brothers or sisters. I think the bill ought to be passed as it was reported. Plenty of these people who left no widow or children might have left others who had just as high a claim as a descendant would have. The bill has been carefully considered, as the Senator from Ohio knows better than I, by the Finance Committee, and I doubt if it can be improved. It was drawn by the Comptroller of the Currency and recommended by the President of the United States, and has had ample consideration.

Mr. DAWES. Does the bill exclude assignees?

Mr. VOORHEES. Yes; leaving the law in each State to determine where the money goes.

Mr. DAWES. If it excludes assignees it is right.

Mr. VOORHEES. It does.

Mr. SHERMAN. The bill contains this provision:

> But no part of the money hereby appropriated shall be paid to any assignee of any such depositors, and the benefit and relief provided by this act shall extend only to those depositors in whose favor such balances have been properly verified, and to their heirs and legal representatives.

Now, if the Senate wish to further qualify it by limiting it to only the parents or children of deceased depositors, I do not know but that it would be better.

Mr. VOORHEES. The bill is better as it is, in my judgment.

Mr. SHERMAN. Very well.

Mr. BUTLER. Will the Senator from Ohio inform the Senate what percentage of the deposits has been returned to the depositors of the Freedman's Bank?

Mr. SHERMAN. Sixty-three per cent., according to the report of the Comptroller.

Mr. BUTLER. Leaving 37 per cent. to be paid out under this bill.

Mr. SHERMAN. Yes, sir.

Mr. DAWES. The term "legal representatives" would include an administrator, who would get that money into his hands, and it would be assets to pay debts.

Mr. SHERMAN. It is proposed to insert "personal representatives;" but who are they?

Mr. DAWES. I only make the suggestion that I should be afraid that simply the words "legal representatives" would include an administrator, who would distribute the money to pay debts. If the Senator is certain it would not, very well.

Mr. SHERMAN. I can not say about that. I do not care which term is adopted, but it is difficult to draw the line. Is a father a personal representative?

Mr. DAWES. Suppose you limit it to heirs at law.

Mr. SHERMAN. That would hardly do, because it is pretty difficult for the great body of these people to know who are the heirs at law. This has been a subject of controversy. I think it ought to be confined to the parents and children, and if there are no parents or children living let it remain in the Treasury.

Mr. BUTLER. Can the Senator from Ohio inform the Senate how this money has been paid out by the Commissioner up to this time? I suppose some rule has been adopted in this matter.

Mr. SHERMAN. Here is the whole distribution of this money in a table which, if the Senator desires, may be transposed from the RECORD of a year ago, which gives the amount of each dividend, the total payments, and the payments made at the different branches, of which there were 25, I believe. The whole amount that has been paid from the assets of the company is $1,721,751.22, which, if I remember correctly, was 63 per cent., leaving 37 per cent. yet to be provided for, which is covered by this bill.

Mr. BUTLER. I take it for granted that money has been paid out from time to time by the Commissioner, under some rule which he has adopted, to the legal representatives or to the personal representatives of deceased depositors. So I can not see that there will be any great difficulty in managing the fund under the bill as it now stands.

Mr. SHERMAN. It is paid out to legal representatives.

Mr. BECK. The Comptroller of the Currency can pay out the money under this bill without any difficulty. He drew the bill, and can distribute the fund with perfect equity. I went there myself and saw how it had been done. There can be no difficulty about it if we take the bill as reported.

Mr. BUTLER. So I supposed, and therefore I suggest that the language of the bill be permitted to remain as it came from the committee, and the commissioner of the Freedman's Bank I think will guard it in every possible way that he can, as he has heretofore. There has been 63 per cent. of the money paid out, and I take it that he can pay the remainder.

Mr. DAWES. I am quite confident an administrator could compel it to be paid to him if the language of the law was simply "legal representatives." It would be so in my State. An administrator is a legal representative in my State.

Mr. HARRIS. The Senator from Massachusetts will allow me to suggest to him that I think it absolutely clear that if the bill requires the money to be paid to a legal representative or a personal representative, the commissioner would be bound, where there is an administrator or an executor, to pay it to such fiduciary character, and he would be bound to treat it as assets in his hands, subject to the payment of debts. I do not think there is any question about that.

The PRESIDING OFFICER (Mr. DOLPH in the chair). The question is on the amendment offered by the Senator from Missouri.

Mr. GEORGE. I should like to have this money paid out to the persons who are properly entitled to it; that is, to the depositors or to their heirs or to their executors or administrators. I fear—and I had that fear when the bill was up at the last session—that, under the terms of the bill, claim agents will find out the names of depositors, many of whom are ignorant persons, unaccustomed to business, and will go around, visit them, and get powers of attorney with large contingent fees, and in that way evade the provision of the statute which prevents the payment of this money to assignees.

I would be glad before the Government makes this reparation to that class of people, very much unaccustomed to business, that some provision should be put in the bill requiring the Government, at its own expense, to go around and pay this money into the identical hands which are entitled to receive it. I think there is the great defect of this bill. I think that under the cover of agency a large portion of this fund will never reach the persons who we intend shall have it.

Mr. COCKRELL. The suggestion of the Senator from Mississippi is very pertinent. There will be hundreds of these depositors, as there have been heretofore, who will not present claims for the dividends. Some gentleman through intelligence and cunning will suggest to some probate court in some State or other the death of this claimant; the probate judge will order letters of administration to be granted to him, and he will present those letters here to the Department and draw the money, and the Comptroller or any one else can not prevent his getting it. He can not go behind the letters of administration, and he becomes the legal representative; and no heir, no father, or mother, or grandchild, and no other relative of the deceased will ever get the benefit of a solitary cent of this money.

I have no doubt that many of the depositors' bank-books have been bought up. This bounty of the Government—for it is a bounty pure and simple and unadulterated—unless it is confined to the actual sufferers, had better be called a bounty to claim agents and sharks. They will get powers of attorney and they will present them here as representing the claimants themselves, and you cannot refuse or decline to recognize them, and they will get the lion's share of the money before it ever goes into the hands of the parties themselves.

This bill should be restricted so that the money should be paid to the parties themselves in person if living, and if dead then to a specified class. The bounties of the Government ought not to go to an administrator or to a legal representative of that kind. They should go either to the widow or children, or to the father, mother, brothers, and sisters. They should be definite, and if such persons are not in existence the tax-payers of this country ought not to be called upon to take

money out of their pockets and pay it to a mere cold administrator to divide between him and a claim agent; and therefore I insist upon an amendment that will restrict the payment to the parties themselves, or the widow, the children, the father, mother, brothers, or sisters if living, and that under no circumstances shall any payment be made to legal representative or to any attorney in law or in fact. That is the amendment I propose.

Mr. SHERMAN. How would the words "widow or next of kin" answer?

Mr. COCKRELL. I have no objection to that.

Mr. DAWES. That is only one individual.

Mr. SHERMAN. I think the more we examine it the more difficult we shall find it.

Mr. COCKRELL. There is an absolute necessity for an amendment. I move to strike out "to their legal representatives" and insert, "to the widow and children, and if no widow or children, then"—I would confine it to parents or brothers and sisters.

Mr. GEORGE. Will the Senator hear an amendment which I propose to offer at the proper time, a proviso to come in at the end of the bill?

Provided, That no payment shall be made under this act except to the parties entitled to it, and no agent or attorney shall, in any case, receive any part of such payment.

Mr. COCKRELL. That will not cover the whole point.

Mr. GEORGE. No, I know it will not.

Mr. COCKRELL. A draft will be issued and it will be handed over to agents, and then they will get the money and hold it under the power of attorney. I move to strike out the words "legal representatives" and insert:

The widow and children, if any, and if not, then to the father, mother, brothers, and sisters.

I would stop there.

The PRESIDING OFFICER. The Chair understands there is already one amendment pending to the bill. Does the Senator from Missouri who now has the floor propose to amend the pending amendment?

Mr. COCKRELL. Is there an amendment of my colleague [Mr. VEST]?

Mr. VEST. I offered no amendment to the bill. The Senator from New York did.

Mr. COCKRELL. I think I offered an amendment myself.

Mr. VEST. When the bill was pending before for consideration I suggested an amendment, and the Senator from New York [Mr. EVARTS] moved that the word "legal" be stricken out and the word "personal" inserted before "representatives."

The PRESIDING OFFICER. When the present occupant of the chair took the chair he was informed that there was an amendment pending offered by the Senator from Missouri. The Secretary has since informed me——

Mr. VEST. I would suggest to my colleague that I intended to offer this amendment:

No payment shall be made under the provisions of this act to any person without the commissioner being first satisfied that the person claiming is the original party entitled to the same under the provisions of this act, or the widow or heir of such party.

That would leave the question of who were the heirs to the laws of the respective States or the District of Columbia.

Mr. COCKRELL. Then I modify my amendment to strike out "legal representatives" and say——

The PRESIDING OFFICER. The Chair would call attention to the fact that the pending amendment must first be disposed of.

Mr. SHERMAN. That can be voted down.

The PRESIDING OFFICER. Is the Senate ready for the question on the pending amendment?

The amendment was rejected.

Mr. COCKRELL. Now I offer the amendment, in line 10, to strike out "legal representatives" and insert:

Or to the widows and heirs of the said depositors.

Mr. DAWES. I suggest to the Senator a different phraseology.

The PRESIDING OFFICER. The amendment of the Senator from Missouri will be read.

The CHIEF CLERK. In line 10, after the word "their," it is proposed to strike out "legal representatives" and insert "the widows or heirs."

Mr. BUTLER. I suggest to my friend this difficulty in regard to that amendment: Suppose the woman was not married; she could not then be a widow.

Mr. DAWES. What does "widow or heirs" mean? Does not that leave it optional?

Mr. SHERMAN. The first few lines of the bill contain the whole measure of its application, leaving it to the Secretary of the Treasury to prescribe regulations and the Comptroller to say how it shall be done. As for requiring the payments to be made to the individual depositors, it is utterly out of the question. There are many of these depositors whom the officers of the Government can never reach. They can not reach them all, but as a matter of course it is the business of the Treasury Department to see that this money gets into the hands of the beneficiaries, and you must leave a little latitude of regulation to the Government officers. I am willing to trust them, and it seems to me that gentlemen on the other side ought to be willing to trust them to get this money to the persons to whom it belongs without any further regulations in the bill.

Mr. HAWLEY. I do not quite agree with the Senator from Missouri, who says that this is a matter of benevolence and generosity. I think there is a degree of moral obligation on the Government. The poor people who deposited in this bank looked upon it as in reality the Government itself, and they are not to be wondered at for that. It did seem to them as virtually the Government, and I think that the nation is largely responsible for the mismanagement of that bank.

As to the amendments proposed, I agree entirely with the two or three Senators who have objected to them. Let us stand by the bill as it comes from the Treasury Department and comes from the Finance Committee; and as the fund has been hitherto administered it has been done without complaint, probably without serious injustice. We are told that payments were made to persons not entitled to them. That is likely to happen in any case where there are a multitude of small payments to be made to citizens. We are passing bills here every session whereby a catalogue of scores and hundreds of people are entitled to sums of money from $1 upwards, and it is not to be supposed that in every case every one of these payments is legitimately and properly made. There will be mistakes, but the Treasury Department and the commissioner I am satisfied have administered this trust as faithfully as possible, and probably quite as near to exact equity and justice as we shall get after a score of amendments.

Mr. COCKRELL. Mr. President, the statement of the Senator will not apply to this class of claims. They were paid as long as there was any money to pay them. That fund was exhausted and they have the evidences of their deposits. They are in small amounts. If the truth were known, probably one-fourth or more is in the hands of assignees to-day. These parties supposed they had got all they ever would get. They have been told that, by the proper authorities, "this is the last dividend you will get," and they have been willing to sell their claims for a song and transfer them, and it is that class of people who will be benefited by the bill and ought not to be benefited by it. Therefore I insist on confining it to the parties themselves, if living, and if not living then to their widows and children, and if there be no widows or children, then to the father, mother, brother, and sister. That is just as far as we ought to go.

Mr. SHERMAN. Let the amendment be read.

The PRESIDING OFFICER. The amendment will be stated.

Mr. COCKRELL. One moment. I will change the language of the amendment in a moment.

Mr. VEST. Here is an amendment I have drawn:

No payment shall be made under the provisions of this act to any person without the commissioner being first satisfied that the person claiming is the original party entitled to the same under the provisions of this act, or the widow and children, if there be any, and if not, the father and mother, and if not, the brothers and sisters, if any, and none others.

Mr. SHERMAN. Well, let that go in.

Mr. BUTLER. If the Senator from Missouri will yield to me for a moment I think I can suggest an amendment.

Mr. TELLER. We can not hear a word that is said in that part of the Chamber.

Mr. BUTLER. I can scarcely hear myself.

The PRESIDING OFFICER. Conversation must cease in the Senate Chamber.

Mr. BUTLER. I was going to propose an amendment which has been suggested to me by the Senator from Wisconsin [Mr. SPOONER]. After the word "prescribe," in the seventh line, insert:

And which shall be so framed as to secure the payment hereunder directly, as far as possible, to the parties interested.

So as to read:

That the commissioner of the Freedman's Savings and Trust Company, and his successors in office, be, and the same are hereby, authorized and directed to pay, or cause to be paid, under such regulations as said commissioner, with the approval of the Secretary of the Treasury, shall prescribe, and which shall be so framed as to secure the payment hereunder directly, as far as possible, to the parties interested.

There is great force in what has been said by the Senator from Missouri [Mr. COCKRELL] in regard to claim agents and sharks and so on. With that class of people I have no sympathy. But, as was suggested by the Senator from Connecticut [Mr. HAWLEY], there is more or less abuse in all matters of this kind, and it is impossible to frame any law which can anticipate and prevent every detail of that kind. All that the legislative department can do is to guard a fund like this as carefully as possible, and leave to the executive department the enforcement of the law. I have heard no complaint so far as to the manner in which this fund has been administered by the respective commissioners of the Freedman's Bank, and I am quite sure that the present commissioner, who I understand has framed this bill, will be especially vigilant and careful in scrutinizing the authority of everybody who comes to represent any of these poor people. It seems to me that the

bill as it came from the committee was quite sufficient; but in order "to make assurance double sure," and to put the commissioner upon notice that these claims may be represented by people who ought not to represent them, I suggest the language which I shall presently read.

I have heard no complaint about the manner in which these deposits have been paid out from time to time, and I do not apprehend there will be any great difficulty now. If we attempt to restrict it, as has been suggested by the Senator from Missouri, to the widows and children, the brothers and sisters and fathers and mothers, and nobody else, it might put many of these people to very great inconvenience.

Mr. COCKRELL. How?

Mr. BUTLER. The Senator from Missouri asks how. There are many of them who, I dare say, would not get more than a dollar; perhaps the deposits vary from $1 up to $25, or $30, or $40, or $50. Suppose one of my constituents should send to me, saying, "I am entitled to a dollar or two dollars"——

Mr. SHERMAN. The average amount will be about $25 to each depositor.

Mr. BUTLER. About $25. I should be precluded under this act, as proposed to be amended by the Senator from Missouri, from going to the commissioner and saying, "Here, give me a check for this amount, and let me send it to this poor woman or this poor man." The poor beneficiaries would not be able to employ attorneys.

I take it the commissioner will scrutinize carefully every person who represents these people, and will as far as possible protect them against fraud and imposition. So I do not apprehend so much trouble as seems to be in the minds of some Senators.

Mr. COCKRELL. Now I modify my amendment, to strike out the words "legal representatives" and insert:

To the widow and children, if any; if not, then to the father and mother, if living; and if not, then to the brothers and sisters.

The PRESIDING OFFICER. The Senator from Missouri modifies his amendment.

Mr. COCKRELL. I modify the amendment in that way.

The PRESIDING OFFICER. The amendment as modified will be stated.

Mr. REAGAN. Add "and none others."

Mr. HISCOCK. I suggest to the Senator from Missouri whether he would not like this amendment: Strike out the words, "their legal representatives" and insert in the place thereof:

To the widow and next of kin respectively of the depositors, according to the statutes of the State or Territory or District of Columbia, in which the depositors reside.

Of course, in personal property it is next of kin to whom it would pass. This is personal property.

Mr. COCKRELL. I think my amendment will be more specific and definite.

Mr. HISCOCK. Is there not a question under the Senator's provision whether the grandchildren would not be excluded?

Mr. COCKRELL. I think they would be excluded. By the payment of this sum we are making a reimbursement to the parties who were misled and not to remote beneficiaries.

Mr. HISCOCK. And why give it to the brothers and sisters of the depositor as against the immediate descendants?

Mr. COCKRELL. Senators have thought it ought to be extended that far, and I think that is far enough to go in that line.

Mr. HISCOCK. If the money is the property of the deceased, it certainly should go to his immediate representatives—I mean the next of kin. This amendment which I propose I will read again:

To be distributed to the widow and next of kin respectively of said depositors, according to the statutes of distribution of the State or Territory or the District of Columbia, as the case may be, in which the depositors reside.

The law itself settles that. The Senator from South Carolina knows precisely the proportions which his constituents will be entitled to.

The PRESIDING OFFICER. The proposed amendment will be read.

The CHIEF CLERK. In line 10, after the word "their," it is proposed to strike out the words "legal representatives" and insert:

Widow and children, if there be any; if not, to the father and mother, if any; and if not, to the brothers and sisters, if any, and none others.

Mr. VOORHEES. I want to inquire what is the matter with grandchildren? Why draw the line on them?

Mr. HISCOCK. I will say to the Senator from Indiana——

Mr. VOORHEES. I concur in the amendment suggested by the Senator from New York. That is right, and it is substantially what the bill now is; but I am perfectly willing, in order to make it clear and explicit, to vote for his amendment. I wish the Senator would send it to the desk and have it read.

Now, I may not be as patient in regard to the strictures on this bill as some others. Here is a case where the Government started a bank for these poor, ignorant people. They had faith to deposit their money, and there is a balance due them. It was under Government supervision. They have a right to demand that the Government shall make them good; and wherever their money would have gone in their hands and to whomsoever it would have descended had it remained there and they had not been plundered, it should go now. I think it ought to be provided for in this law.

I have no fear of claim agents. I do not see them. They do not haunt me. I know the present Comptroller of the Currency has a large discretion in regard to this matter; but I am willing to trust him. As the Senator from South Carolina well said, there are strictures offered to this bill that would make it impossible for some far-away, ignorant negro man or negro woman to get his or her money. She would have to come here in person or go without it. A friend of hers could not go and get it and send it to her. There is needless alarm upon these small questions. I believe the bill is right as it came from the Committee on Finance. I thought so in the committee; I think so now. I think it covers every one of these questions. "Legal representatives" or "heirs at law" are practically those to whom it should go, and that of course will be governed by the statutes of the place where the person lives.

The amendment offered by the Senator from New York makes it more plain; that is all the difference; and I am perfectly willing to vote for that amendment, but as to voting for an amendment that prescribes what kindred it shall go to and stops short of where the law stops, I will not vote for such an amendment. The man might have grandchildren to whom this money should descend as certainly as to anybody else, and the amendment offered by the Senator from Missouri would draw a line on their kinship. It is not correct, and I hope it will be voted down. While I do not see the absolute necessity, yet I am perfectly willing to vote for the amendment offered by the Senator from New York, because it makes plain what the meaning is.

The Senator from Kentucky [Mr. BECK] calls my attention to the fact, which I remembered not so clearly as I do now, as I have not read the bill since it was reported, that this language is used in the bill:

That the commissioner of the Freedman's Savings and Trust Company, and his successors in office—

That is, the Comptroller of the Currency—

be, and the same are hereby, authorized and directed to pay, or cause to be paid, under such regulations as said commissioner, with the approval of the Secretary of the Treasury, shall prescribe.

There is frightful danger of wrong, and of giving it to the claim agents under that in the estimation of some, but none according to my understanding. They have a discretion to prescribe regulations such as honest men intending to correct a great wrong would doubtless prescribe.

It is perfectly safe to support this bill as it came from the Finance Committee. At the same time, to meet the criticisms that may arise in some minds, I would be willing to take the amendment offered by the Senator from New York [Mr. HISCOCK], but not the amendment offered by the Senator from Missouri [Mr. COCKRELL].

The PRESIDING OFFICER. The Senator from New York did not state whether he offered his amendment as an amendment to the amendment or as a substitute.

Mr. HISCOCK. I offered it as a substitute.

Mr. RIDDLEBERGER. I am going to request of the Senate that these amendments be all printed in such a way as that we can understand them. There are a few Senators who have offered amendments to this bill who do not seem to understand that there were no marital relations in the slave States of the South among the negroes, and that widows and orphans are defrauded by this bill more than they were by the Freedman's Bank itself. There is no widowhood as of the day when the bank fell——

The PRESIDING OFFICER. The Senator from Virginia will suspend for a moment while the Chair lays before the Senate the unfinished business, the hour of 2 o'clock having arrived, being the bill (H. R. 5034) to provide for the purchase of United States bonds by the Secretary of the Treasury.

Mr. SHERMAN. I ask that the regular order be informally laid aside with a view to continue and close the pending matter. I think we can close it in a short time.

Mr. STEWART. I object, if debate is going to continue. We shall not get through with the bill in two hours, I fear.

Mr. SHERMAN. I submit the motion, at any rate.

Mr. RIDDLEBERGER. I was asked to suspend, and I did so, in deference to the Chair.

Mr. STEWART. I am willing the debate shall proceed by unanimous consent if we can have the liberty of interposing an objection hereafter, if the debate goes on at any considerable length.

Mr. SHERMAN. Let it go on by unanimous consent.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent that the unfinished business be informally laid aside.

Mr. HARRIS. Reserving the right, as I understand the Senator from Nevada, to call for the regular order whenever any Senator chooses.

The PRESIDING OFFICER. Reserving the right of the friends of the unfinished business to call for it at a future time. Is there objection? The Chair hears none, and it will be so ordered. The Senator from Virginia will proceed.

Mr. RIDDLEBERGER. I wish I could make some statement which, as I think, would represent the very element that seems to be under consideration, without being retarded in speech further than my phys-

ical condition requires me to be. I represent that element from the South. I am the only man on this floor from the South who does; and I am not afraid to represent it. I say that if the amendments which have been offered to the bill shall be put upon it, this measure will perpetrate a greater fraud upon the freedmen of the South than the bank itself. There are no widows among them; there are no legitimate children and no legitimate grandchildren among them. It is nonsense to legislate in the way proposed. You propose to put it in the power of some one to use a mere matter of legislation for a political purpose.

The Freedman's Bank was instituted to take care of the colored people, and the Government for the time being became their guardian. The Government itself defaulted when the bank defaulted, and the Government can not make good the money so far as the colored people of the South are concerned if it uses the term "wives, children, and grandchildren." A ten-line bill would answer all the purpose, to pay back the money to those who earned a living, and those only, for the others are not thinking of it.

As to the claim agent, if you take that provision out of the bill you destroy it so far as it can conserve any interest to the poor, uneducated freedman, for if the liberated slave is to get any benefit under the bill at all, if it shall become a law, he can not come here; he must have an agent. Fix it as you fix your pension bills. If a man shall charge more than a certain sum for procuring a pension, you punish him under your criminal laws. If you provide that because a man happens to be an attorney in the city of Washington he is to be tabooed and is not to be recognized at all, you simply say to the laboring, ignorant negro, who would get something under the bill if it means anything, that he shall not approach this capital unless he shall walk from his home here.

I ask that the Senate will print these amendments and allow us to see them, for if I mean anything in the action which I shall ask on this bill, it will be that those whom it is intended to benefit shall receive that which the Government ought, by such a law as this, to give them, and they will not receive it under the amendments offered.

The PRESIDING OFFICER. The question is on the substitution of the amendment offered by the Senator from New York for the amendment offered by the Senator from Missouri.

Mr. DANIEL. Mr. President, if any Senator desires time to consider the exact operation of any of the amendments which have been offered, I would not, of course, oppose the postponement of this measure until it could be a little more sedately considered. But I do not conceive that the objections which the Senator from Virginia has stated are altogether practical ones. It can not be said in reference to the State which I have the honor in part to represent upon this floor that the widowhood or the childhood or the right of inheritance of the colored people was not as thoroughly recognized by law as that of any other race.

The first Legislature of Virginia that assembled when the war had just ended, and before the days of reconstruction came, legitimated and recognized the relations *de facto* which had existed between different members of the colored race, and the decisions of the courts have sustained the legislative acts, which are but types of acts of the same character that were passed at different times throughout the Southern country.

I am aware that at this distance of time, after nearly a quarter of a century, there will be difficulty in tracing these relations. That would exist in any race where time, and casualty, and death, and removals had separated the individual members of a family. But if we propose to do justice we must approximate it by the best method that the law admits of. These practical difficulties that inhere in the very nature of human affairs are simply matters which can not be overcome, and must be surrendered to when the difficulties of tracing relationship become unsurmountable.

I think it would perhaps be best to let the bill go over to-day, so that the minds of those gentlemen who have addressed attention to apparent defects or insufficiencies in it might have time to dwell upon them and to perfect the amendments which they desire to offer.

As to the bill itself, it seems to me that it is a humane and just bill. It is true that the Government is not legally liable in a technical sense to pay any of the debts which were contracted by the Freedman's Bank, which came into being just after the war; but while this legal and technical liability does not exist, there is a moral liability resulting out of the very peculiar and extraordinary conditions of the colored race and the country at the time the Freedman's Bank was operating.

Mr. RIDDLEBERGER. Will my colleague allow me to interrupt him?.

The PRESIDING OFFICER. Does the Senator from Virginia yield to his colleague?

Mr. DANIEL. Certainly.

Mr. RIDDLEBERGER. There is no difference between my colleague and myself as to the legal aspect. I think we are both acquainted with the fact that the mother of Blind Tom (about whose maternal relationship there was no doubt, and all the doubt was on the other side) could not even recover her right to control him in a Virginia court, or in even a United States court. That is the point I endeavored to make. I beg pardon for interrupting my colleague.

Mr. DANIEL. I am not familiar with the litigation (except in a most general way) concerning Blind Tom, but I do know what has been the general course of adjudication in our State and what have been the acts of its Legislature. I do know the fact that the relations between the colored people which have been alluded to have been established in law and are recognized to relate back to former times, and to legitimate the *de facto* relations which then existed.

I was not attempting to answer any argument of the Senator from Virginia when I adverted to the general character of the bill. I was answering in that particular line the objections of other gentlemen who seem to think that this bill is not warranted because there is no legal liability upon the part of the Government to reimburse the depositors of the Freedman's Bank, and I was about to say when I yielded to his inquiry that the conditions under which these deposits were made were unprecedented conditions and conditions which can never transpire again. An ignorant race which had been under the domination of another had suddenly merged into freedom.

The Government was recognized by the colored people as assuming for the nonce and until established law should be settled all over the Southern country—as taking superintendence over their affairs in life. They were, in the parlance of the times, "the wards of the nation." Therefore when a band, a drum, a flag, came along, or anything that had on it the stamp of the United States under its laws was presented to those people, they did not look beyond its ostensible character to consider its real one. There was not one of them who deposited his money in the bank who did not feel that the faith and the pledge of the Government was behind the bank and that he was confiding his little property into its hands to be faithfully restored.

As this was the general and popular apprehension, and as the Government put forward the agencies which created that apprehension, while like other gentlemen I will not contend that there is a legal liability which could be enforced, or one which is legally binding, to be enforced, I yet also recognize that there is a moral responsibility about it which, in the fair dealings between man and man, Government and citizen, should incline the Government to restore to these poor people the little sums which they hoarded from their earnings and thought they were confiding to its care.

Every one of these depositors can not come here to get his or her money; for instance, it will be impossible for a colored man or woman in Mississippi or Louisiana or Texas to come *in propriâ personâ* to the Treasury and present his or her claim. It will be necessary that the usual agencies which are employed by men for the purpose of presenting and proving claims shall be employed by them. Instead of prohibiting this to be done, as some propose, it seems to me that the bill properly contemplates that rules and regulations shall be prepared by the head of the Treasury Department, which will put around the transaction all the safeguards which can occur to a man of intelligence looking to the faithful discharge of the trust committed to his hands.

Mr. COCKRELL. Will the Senator from Virginia allow me to interrupt him?

Mr. DANIEL. Certainly.

Mr. COCKRELL. Let me suggest that there is no trouble in the world with the Treasury Department paying the money directly to the parties through the postmasters at the various places. They are bonded officers, and the checks can be sent to them and the money can be paid out by them upon proof of identity, as the Government is doing to-day in other cases; so that there will be no inconvenience from that source.

Mr. DANIEL. I think the suggestion which has been made by the Senator from Missouri is one which relieves the pressure of some arguments which have been urged against this bill. The Government can employ all the known agencies with which it is familiar to prevent middlemen and claim agents from swallowing up and devouring the small sums which are intended for its beneficiaries. With such guards it seems to me that the bill ought to be enacted into a law and that justice—already too tardy—ought to be done this humble class of citizens who trusted in the faith of the Government and who have patiently awaited the day when it might be disposed to recognize and to pay their claims.

Mr. PLATT. Mr. President, can I call for the regular order at this time?

The PRESIDING OFFICER. The Senator can do so.

Mr. PLATT. I call for the regular order.

Mr. COCKRELL. I suggest that the amendment my colleague proposed be printed.

Mr. TELLER. Let all the amendments be printed.

Mr. ALLISON. I hope the Senator from Connecticut will withdraw the call for the regular order until the Senator from Ohio, who has charge of the bill which is under consideration, returns to the Chamber. He will be here in a moment.

Mr. STEWART. It will certainly take a long time to dispose of this bill.

The PRESIDING OFFICER. The unfinished business was passed over subject to objection, and the discussion upon the bill that was called up in the morning hour was continued by unanimous consent. The Chair understands the Senator from Connecticut now to call for the regular order.

Mr. PLATT. Yes, sir.

The PRESIDING OFFICER. That being in accordance with the unanimous agreement, the regular order will be laid before the Senate.

Mr. SHERMAN. I then move to proceed to the consideration of the Freedman's Bank bill.

Mr. TELLER and others. Do not do that.

Mr. SHERMAN. I want to get the bill out of the way.

Mr. COCKRELL. I suggest to the Senator from Ohio to let the bill lie over. It would probably save a good deal of discussion to take that course.

Mr. SHERMAN. I will never call the bill up again. It has passed the Senate twice unanimously; it has been reported by the Committee on Finance twice or three times. It has been upon the Calendar. It has been discussed and every word has been studied and conned over again and again. If it is met with amendments about legal heirs, legal representatives, and the question whether certain people were married regularly down South at certain times, it is hardly worth while to keep it up, it seems to me. We all want to pass it. There is not a member of the Senate——

Mr. COCKRELL. I beg the Senator not to include all Senators in his statement. There are some here who have just as independent views about this measure as the Senator from Ohio, and I am one of them. I think it is a great outrage upon the tax-payers of the United States that they should be called upon to reimburse this money, and I propose to give my views upon the question. I should think the men who traveled around through the South and represented that they were the Government of the United States could do no act to bind the tax-payers of this country.

Mr. SHERMAN. I do not want to press the bill against the pending business, but if the Senator from Missouri will get up and make his opposition to it, make his speeches ever so strong, and let us take a vote upon it, there will be an end of it. What is the proposition now, Mr. President?

The PRESIDING OFFICER. The regular order has been called for by the Senator from Connecticut.

Mr. PLATT. May I be permitted to say a word in explanation of my call for the regular order?

The PRESIDING OFFICER. If there be no objection, the Senator from Connecticut will be permitted to proceed.

Mr. PLATT. The regular business which was before the Senate yesterday, the important business which is the special order as soon as the unfinished business is disposed of, and further important business which I hope to have considered when these two subjects are disposed of, seem to justify me in asking that after 2 o'clock, at least, the Senate shall pay attention to the regular business which comes up at that time. I wish this bill to pass, but these important measures are being postponed from day to day just by the operation of taking up something in the morning hour, and then making it the unfinished business to the displacement of everything else, either actually or constructively; and I feel that I ought to insist upon the regular order.

Mr. SHERMAN. I ask the Senator from Missouri whether he desires further time in order to express his views?

Mr. COCKRELL. I intend to make a short speech on this question, and I think there will be others who will wish to do so. I think it will be an economy of time to let the bill go over.

Mr. PLATT. The bill can be taken up to-morrow morning.

Mr. SHERMAN. Then I shall not insist upon going on with the bill, although I do hope that the Senate will vote finally upon the bill when it comes up again.

The PRESIDING OFFICER. The Chair will lay the unfinished business before the Senate.

Mr. RIDDLEBERGER. May I inquire whether the amendments are to be printed? I made a motion to that effect.

The PRESIDING OFFICER. If there be no objection, the amendments will be printed.

Mr. RIDDLEBERGER. I want to vote for the bill if the amendments will conform to what I understand to be the object and purpose of the bill, and I hope to receive the assent of the Senate to print the amendments.

The PRESIDING OFFICER. It is so ordered.

Mr. VEST. If the bill goes over, I offer an amendment in order that it may be printed.

The PRESIDING OFFICER. The Senator from Missouri presents an amendment for the purpose of having it printed. It will be so ordered.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 2d instant approved and signed the following acts:

An act (S. 309) for the relief of R. G. Huston & Co.; and

An act (S. 643) to construct a road to the national cemetery at Corinth, Miss.

AMENDMENTS TO BILLS.

Mr. BLAIR submitted an amendment intended to be proposed by him to the bill (H. R. 8004) authorizing the issue of fractional silver certificates; which was referred to the Committee on Finance, and ordered to be printed.

Mr. RANSOM submitted an amendment intended to be proposed by him to the bill (H. R. 2952) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act; which was referred to the Committee on Claims, and ordered to be printed.

DENVER AND RIO GRANDE RAILROAD.

Mr. TELLER. This morning the bill (H. R. 1262) granting the right of way to the Denver and Rio Grande Railroad through the Fort Crawford military reservation, was referred to the Committee on Military Affairs. I desire to have that order vacated, and have the bill lie on the table.

The same bill has passed the Senate practically, and I shall call it up at some future time. It is not necessary to have the House bill referred.

The PRESIDING OFFICER. If there be no objection, the reference will be reconsidered, and the bill will lie on the table.

Mr. TELLER. I do not ask to take it up now.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 1956) to ratify and confirm an agreement with the Gros Ventre, Piegan, Blood, Blackfeet, and River Crow Indians in Montana, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PEEL, Mr. HARE, and Mr. LA FOLLETTE the managers of the conference on the part of the House.

The message also announced that the House had non-concurred in the amendments of the Senate to the joint resolution (H. Res. 81) to authorize the purchase of the lands necessary for the construction of locks and dams on the Cumberland River, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BLANCHARD, Mr. STEWART of Texas, and Mr. HENDERSON of North Carolina the managers at the conference on the part of the House.

PURCHASE OF BONDS.

The PRESIDING OFFICER. The unfinished business will be proceeded with.

The Senate resumed the consideration of the bill (H. R. 5034) to provide for the purchase of United States bonds by the Secretary of the Treasury.

The PRESIDING OFFICER. The pending question is on the adoption of the amendment proposed by the Senator from Kentucky [Mr. BECK] to the amendment made as in Committee of the Whole on the motion of the Senator from Wisconsin [Mr. SPOONER].

Mr. STEWART. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SAULSBURY. Let the amendment be read.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. It is proposed to add the following additional section:

SEC. 2. That whenever the circulation, or any portion thereof, of any national bank, not in liquidation, shall be surrendered, by the deposit of United States notes in the Treasury or otherwise, and the same, or an equivalent amount, is not taken by other national banks within thirty days thereafter, the Secretary of the Treasury is hereby authorized and directed to purchase, at the market price thereof, an equivalent amount in silver bullion in excess of the minimum of two million dollars' worth per month for coinage purposes, which shall be coined and used as provided in the act passed February 28, 1878, entitled "An act to authorize the coinage of the standard silver dollar and restore its legal-tender character:" *Provided*, That nothing in this act shall alter or repeal said act of February 28, 1878.

Mr. FRYE. I was necessarily absent yesterday part of the time when this matter was under consideration, and I have lost its status. The Senator from Wisconsin [Mr. SPOONER] was about to offer an amendment as I went out of the Chamber. Has that amendment been adopted?

The PRESIDING OFFICER. The amendment of the Senator from Wisconsin was adopted.

Mr. FRYE. It was adopted as a substitute for the original bill?

The PRESIDING OFFICER. The Chair understands that to have been the effect of the amendment.

Mr. FRYE. Then the pending amendment is an amendment to the substitute?

The PRESIDING OFFICER. That is the state of the case.

Mr. GEORGE. The amendment offered by the Senator from Wisconsin has not been agreed to by the Senate? It was only adopted as in Committee of the Whole?

The PRESIDING OFFICER. The bill is in the Senate, and the question is upon concurring in the amendment made as in Committee of the Whole, to which the Senator from Kentucky has offered an amendment, which is now before the Senate.

Mr. TELLER. Mr. President, yesterday when this bill was under discussion I find by looking at the RECORD a statement that I did not exactly hear at the time, because the general condition of the Senate is such that nobody hears anything unless he sits next to the speaker. That seems to have been for some time the normal condition of this

body. I find by looking at the RECORD that the Senator from New Jersey [Mr. MCPHERSON], in speaking upon this question, used the following language:

> And now it is proposed to issue more than $4,000,000 per month additional to that now coined. In other words, if the 4½ per cent. bonds should be surrendered and purchased by the Government, and $85,000,000 of currency, for which the 4½ per cent. bonds are held as security, should be redeemed, then 85,000,000 of silver dollars must immediately be coined in addition to those now required to be coined. I wish to say in relation to that, if the Treasury of the United States within sixty days after that is done is not upon a silver basis pure and simple, and if gold is not at a premium, then all financial instruction we have had in the past is at fault.

I suppose when the Senator from New Jersey spoke of the "financial instruction" that must be at fault he referred to the financial instruction that had come from the opponents of silver in the Senate.

Mr. MCPHERSON. Will the Senator let me correct the word now? I should have said "experience," but I sometimes use words very carelessly.

Mr. TELLER. I am not now acquainted with what the Senator has just said. I could not hear him.

Mr. MCPHERSON. If the Senator will bear with me, I find often that I am somewhat careless in the use of words when speaking extemporaneously in the Senate. Although I suppose my language was correctly reported, certainly the word "instruction" should have been "experience." The latter word would have been more fitting.

Mr. TELLER. So the Senator desires to change his statement and make it read, "then all financial experience we have had in the past is at fault." I will accept it in that way, and I think that I can show in a very few moments, not intending to take much of the time of the Senate, that our financial experience has been entirely different from what the Senator supposes.

I find also a statement made the day before by the Senator from New Jersey. In speaking of the coinage of silver he said: "We have coined more than all the rest of the world combined." I thought that probably the Senator had got that statement where he got the rest of his financial instruction, for it is equally faulty, as I shall show before I get through.

I understood the Senator also to complain the other day (and I endeavored to interrupt him without much success) that there was trouble with the import duties; that they come in silver certificates to such an extent as to embarrass the Department charged with the collection of the revenues of the country. I know that that has been charged repeatedly, but it is not true. I hold before me now a statement from the Treasury Department showing the percentage of gold and silver coin, of gold certificates, silver certificates, and United States notes received since the 1st day of January, 1887, monthly, from customs in New York, where, of course, the great bulk of our customs is collected. I find that at no time since that date have silver certificates been received in the payment of important duties in excess of 7 per cent. of the total amount collected—I mean on any one day or any two or three days' average. The average has been anywhere from 7 to 2 per cent., and 7 per cent. occurred only once in all the figures in that time. I find that on January 10, 1887, when there were 7 per cent. of silver coin certificates received, there were 69.3 per cent. of gold certificates received on the same day. I find that on the 31st day of March, 1888, there were 78.7 per cent. of gold certificates received and 4 per cent. of silver certificates, and the statement is that eleven days before, on the 20th of March, there were 79.1 per cent. of gold certificates received and 8 per cent. of silver certificates. At the same time, on the day I have mentioned, there was something over 11 per cent. received of greenbacks.

In other words, this statement shows that silver coin and silver certificates compose the least part of the import duties collected in the city of New York. Therefore it can not be said that the Department is embarrassed by the collection of import duties in either silver or silver certificates, for the amount received is inconsequential as to both silver certificates and silver coin.

The Senator from New Jersey said that the silver certificates went into the subtreasury at New York, and were immediately returned here. That is very proper. When they are sent out, why should they not come back? Thus they go back and forth. The silver certificate does only what the greenback does, but not to the same extent; it does not get into the Treasury for the payment of duties in an amount equal to the greenback.

The Senator from New Jersey said that if we pass this bill as now proposed to be amended we shall be on a silver basis within sixty days, for $85,000,000 would be coined in addition to the present coinage of silver. The Senator corrected himself yesterday, under the advice of the Senator from Kentucky, by saying that there could not be to exceed $69,000,000 coined under any circumstances if the entire surrender of that class of bonds should be made.

It can not be supposed by anybody that this surrender of bonds is to be made all at once. They are to come in gradually, and this money is to be paid out gradually. It is to be added to the circulating medium by degrees, and not in haste.

I repeat, there is not anything in the experience of this country or in the experience of the world that will justify any man in saying that $250,000,000 of silver in this country put on the market to-day would make any difference between the value of the silver dollar at present and the value of the silver dollar then. The Senator himself said in debate yesterday that there was no cheap dollar. He admitted that. We heard the silver dollar of 412½ grains for years called a cheap dollar, but the Senator admitted that it was not a cheap dollar. Why? Because it is exchangeable for everything that a gold dollar is exchangeable for in equal quantities.

When the Senator was discussing this question day before yesterday he talked about the silver dollar being intrinsically worth only 70 cents. It is intrinsically worth as much as the gold dollar. What does the Senator mean by the term "intrinsically worth?" Does he mean that it is not the value of the silver of itself or the gold of itself? "Intrinsically worth" means absolutely nothing in the theory of finance. When applied as it should be applied the term means that the article has the capability of being exchanged for something else, and when anything can be exchanged in equal quantities for another thing the two things are equal. Thus, when you can buy as much wheat or as much corn for a silver dollar as you can for a gold dollar, by a well-known rule that we learned when we were students at school, two things being equal to the same thing are equal to each other. They being capable of being exchanged for the same identical things, paying the same debts, discharging the same obligations, it can not be said that one is intrinsically less valuable than the other.

But, the Senator will say, you can not take your 412½ grains of silver and go to England and buy gold with it, as you once could. However, that can be done upon more than one-half of this great globe. You can go to India to-day with your silver and buy more or as many products in India as you could before the so-called fall. The intrinsic value of silver can not be thus measured. I know that in 1859, when silver was at a premium, you could buy corn in some of the Western States for 10 cents a bushel, and to-day corn in one of those same States and in the same town and in the same place is worth 60 cents a bushel. So silver could buy more corn then. Why? Because of the difference in price of the article with which it is to compete, and that is the only reason. The rupee will buy as much wheat in India to-day as it would buy in 1859. Therefore, if you give the proper definition to the term, "intrinsic value" means capability of being exchanged for something else, and you can not say because a coin will not buy just as much in this country as it did formerly that its intrinsic value is less than it was before.

Mr. STEWART. I should like to inquire of the Senator from Colorado if he recognizes the fact that there is such a thing as intrinsic value as applied to any commodity or to money?

Mr. TELLER. No, I do not; and that is the great fallacy of the whole argument.

Mr. STEWART. As I understand the term "value," as applied to money or any merchantable article, it consists not in intrinsic quality at all, but it depends upon the desire of man. That is the limitation.

Mr. TELLER. I agree with the Senator from Nevada. There can be no intrinsic value in money, whether it be gold or whether it be silver or whether it be paper. It might with some propriety be said that corn and wheat and oats and things that sustain human life might have intrinsic value, but that can not be said of gold and silver. It is a misuse of terms to speak of its intrinsic value. It has a value to correspond with its ability to absorb other things that people want. When a transaction is made between two people by which one man gets something that another one has, the buyer closes and limits that obligation by the tender of either silver or gold, if he has it, and if he has it not he tenders something else. It has no intrinsic value.

While silver to-day will not buy gold in equal quantities to what it did in 1859, yet, as I said the other day, and it is not to be questioned here or elsewhere, with rare exceptions (and those exceptions have nothing whatever to do with the character of the money) silver will buy as much as it ever would buy in the history of this country for the last hundred years. Its purchasing power is as great, compared with other things, as it ever has been, except as to gold, and the difference in the price, of which I might speak if I had time, is entirely owing to things outside of the question of the value of silver.

Mr. President, what has been the modern history of the world with reference to this question? The Senator from Kansas [Mr. PLUMB] yesterday showed us, as I had attempted to do on a former occasion, from the records of this Government, that we have four times as much money in this country now as we had in 1877, just previous to the passage of the Bland bill; and it was then that the Senator from New Jersey and the Senator from Ohio, the latter being at that time a Cabinet officer, and others of the same class, told us that if we remonetized silver even in that imperfect way, we should drive all the gold out of the country. We were pointed to England as the nation that should be our exemplar on all questions of finance. We were told that England had adopted the gold standard, and that therefore we ought to adopt it.

I have taken a little pains to see what Great Britain has been doing with reference to gold, and how she, under her monometallic gold system, has been accumulating money, the only money she recognizes except the token silver money. From 1858 to 1865 the net imports of gold into Great Britain were £29,658,000; from 1865 to 1875 they were

£50,108,000, or a total of £79,766,000. That was up to the time when this disturbance began about silver. In round numbers that would be $398,000,000. We may say that $398,000,000 had been the net import of gold into Great Britain in about seventeen years.

While we have been doubling up and quadrupling our gold, what has Great Britain been doing? Has she been adding to her hoard of gold? Has any country been adding to its hoard of gold except Germany, France, and the United States? From 1876 to 1885, including that year, the net exports of gold were £865,000; in 1886 they were £342,000. Thus from 1876 to 1886 England had lost £1,207,000, or $6,000,000 of gold, having $6,000,000 less gold now in her coffers and among her people than she had in 1875, while we have more than four times as much as we had in 1875.

Mr. PLATT. I should like to ask the Senator from Colorado whether he does not recognize the fact that the balance of trade may have something to do with the accumulation or the loss of gold?

Mr. TELLER. I have not any doubt about that. I have not any question about the balance of trade being decidedly in our favor and assisting us in bringing gold to this country; but that was not the point. The point was whether this financial policy would not destroy the balance of trade. That is what we were told. We were told it would render it impossible for us to do business in such a way as to bring from all the ends of the earth the gold that we had been bringing. We were told that if any money came here at all it would be silver, and silver alone, and we should be upon a silver basis. I will not say that anybody fixed the time then quite so soon as the Senator from New Jersey has now done; that is, within sixty days; but we were told that within a short time we should be upon a silver basis. All the prophets of this body and the banks and the boards of trade in the great cities made the same prophecy. This experience ought to be sufficient to demonstrate that our position then was right, and yet we hear in the Senate from the Senator from Ohio and from the Senator from New Jersey the same old stale story. Right from the people who demand, as they have a right to demand, simply that the circulating medium of this country shall be kept up, we are to be told if we do not submit we are to be upon a silver basis. I repeat there is nothing in the experience, if there has been in the instructions of which the Senator from New Jersey was supposed to speak, that justifies this statement.

The Senator from New Jersey made one other statement which shows how ill-advised he is upon this matter. I say with all due deference and with no desire to say that which will be considered harsh that the great trouble of the people who stand and threaten and prophesy is not that they lack honesty, but that they are ignorant. The men who have attempted to instruct the American people upon this subject for fifteen years have never studied the A B C of the science of finance. Whether that assertion is applied to the Executive or to the prophets on this floor, it is true. Men who gave not an hour's attention to it previous to their induction into office immediately assume to lecture men who have given a life-long study to the question, and tell them what would be the effect of this or that class of legislation. So I say, with no desire to injure any man's feelings or to be abrupt or cruel, the fact is that we are suffering from the ignorance of the self-constituted guardians of the finances of this country.

We are told that we have coined more than the rest of the world combined of silver coinage. There is not any doubt but that the Senator from New Jersey supposed that to be a correct statement, and yet if he had gone to the records of his own Government, if he had gone to the reports of the Secretary of the Treasury, to the reports of the Director of the Mint, or to the report of any official who deals with this subject, he would have found at least that there was an estimate that they put out as worthy of confidence and belief, showing that in 1881 there was $108,010,068 of silver money coined, and that in 1882 there was $110,785,934 of silver money coined.

Mr. MCPHERSON. Would it interfere with the Senator's argument if I should interrupt him?

Mr. TELLER. Not the slightest, if the Senator wishes to ask a question; but I do not care about the Senator making a speech in the middle of mine.

Mr. MCPHERSON. From the best information I can gain by conference with the Senator from Colorado and other gentlemen upon the floor who represent the silver interests and are supposed and known to be very much acquainted with the amount of silver which has been the product of the mines of the world during the past year, the amount is about $100,000,000.

Mr. STEWART. It is about $100,000,000.

Mr. MCPHERSON. That is now reiterated by the Senator from Nevada.

Mr. STEWART. I am aware that the reports make it a little more than that; but I am aware how the reports are obtained. The reports as to gold and silver, to my own personal knowledge, are exaggerated in almost every case.

Mr. MCPHERSON. I listened with a great deal of pleasure to the speech made the other day on the floor by the Senator from Colorado, in which he informed the Senate that we had coined during the past year thirty-three million of standard silver dollars. He proceeded further to state that the amount taken and used in the arts during the past year was about $35,000,000. The Senator in the same breath tells us that the entire product of the mines of the world is about $100,000,000. Certainly if those statements are all true it leaves but about $35,000,000 more for the coinage of all the rest of the world. The Senator knows full well that the silver coinage of most countries is full and has been for years. He knows that there is but little coinage of the equivalent of the silver dollar among other nations. Some of them have restricted it; others have absolutely abandoned the coinage of silver and closed their mints against it. According to the Senator's own statement and the information he has given me I wish to know now if I am very far wrong in that statement. Further than that, will the Senator make a computation of the entire silver coinage of the world during the year 1887, and then tell me whether he is correct or myself.

Mr. TELLER. I will come to that presently. I am not without the proper data. When I come to discuss this question I do not do it upon any outside statement that somebody makes to me; I look up the matter for myself. If I do not understand it, it is simply because I have not the capacity, for I have the facts before me.

I was proceeding to give the Senator the information that he wanted, or rather which I do not think he did want, and which I do not think any of those people want who are opposed to silver. I was trying to give him some cold facts. I would a good deal rather have cold facts than theories. I would a good deal rather have official statements than prophesies upon a question of this kind. I had given the silver coinage of 1882, and now I will give him the coinage of silver in 1883. The amount in 1883 was $109,306,705. That is the coinage of the world, remember. That includes some recoinage, of which I will speak further on. In 1884 the amount of silver coinage was $90,059,443. In 1885 the amount is variously estimated from $96,554,470 to $105,705,299. It is estimated at $105,000,000 by our officials here, and at $96,000,000 by some other authorities. In 1886 there was coined in the world, if the Director of the Mint is not incorrect, $124,000,000. I wish to say here that so correct has been the Director of the Mint that it was certified before the English commission that the United States statistics were the best and most reliable statistics in the world; that they could be relied upon with greater accuracy than the statistics of any other country. The Director of the Mint states that in 1886 there were $124,000,000 coined. Of that amount a little less than $14,000,000 was recoinage, showing an absolute coinage of new silver of $110,000,000. Nobody in the world that I have ever heard of, either here or elsewhere, has estimated the production of silver at more than $130,000,000 for the year 1886. There is no publication that I know of giving the coinage of 1887. That I might be fortified at least by the opinion of those who have examined this matter as to 1887, I telegraphed this morning to the Director of the Mint for estimates that he had made for 1887 for the coinage of the world. He replies:

No estimate has been made of world's coinage for 1887. Probably not materially different from that of 1886, for which year it amounted to $124,000,000 coining value.

I say to the Senator from New Jersey that he is not quite correct when he says that with our $34,000,000, including fractional coin, we have coined more than all the rest of the world. It will be seen that we have coined less than a third of all the coinage of the world.

Mr. President, these are not guesses. There is some issue of silver in Asia that can not be accounted for. It is difficult to say what the coinage may be in some of the half-civilized regions of the earth, but I have given the coinage of the nations that are engaged in commerce. This is the coinage of the commercial world, including India and other regions where silver is used. The three countries that have coined the most silver are the United States, Mexico, and India. Their coinage comprises the great bulk of it. In the report of the Director of the Mint, as transmitted by the Secretary of the Treasury, we have the coinage of all the countries given, the coinage of the United States, of Mexico, of Bolivia, of the Argentine Republic, and so on, running down through. I will not read the figures and thus encumber the RECORD with what is immaterial.

I will just call attention to what India coined in 1882. India coined more than $29,000,000. The United States coined nearly $28,000,000 that year. In 1883 India coined $25,000,000. The next year she coined but $14,000,000, and in 1885 she coined only about $20,000,000.

Not only can the Senator find in this report how much coinage there was in the world, but he can find an estimate made with great care of all the coinage that has been made in the different countries for nearly the last hundred years. So we are not left to guess where the silver is. When we talk about this question and say there is not enough silver in the world to overwhelm us, we are not making prophecies or guesses. We have the documents to prove our assertion, and documents that are recognized both in this country and in Europe as worthy of credence and belief.

The Senator from New Jersey inquires if there are only $130,000,000 of silver at the outside produced—and we say there is less—how this coinage can go on. There is always, to some small extent, a little gold or a little silver hid away that may come out when there is a demand for it, and so there will always be a little more or a little less coined each year; but the coinage will not depend upon the production; it will depend upon other circumstances.

I have thought it well in this connection to submit to the Senate, that it may go into the RECORD, a statement of the coinage of gold during the same time that I have given the coinage of silver.

In 1881 the world coined $147,015,275 of gold; in 1882, $99,697,170; in 1883, $104,845,114; in 1884, $99,459,240; in 1885, $94,573,328, and in 1886, $92,633,400. I will state to the Senate that there is no estimate yet made in this country, or anywhere else that I am aware of, as to the coinage of 1887.

The Senator from New Jersey asks me as to the amount of our own coinage last year, the data of which are of course accessible. The coinage of the fiscal year consists of so many pieces and value, etc. The gold coinage consists of various pieces of the value of $22,293,279. That is for the year. I think in the year 1881—my memorandum does not seem to be where I can put my hand on it—when the total gold coinage of the world was a little more than $100,000,000, we coined $96,000,000 of gold. Notwithstanding the Bland bill, notwithstanding we were to be on a silver basis, we coined almost the total coinage of the world, or over two-thirds of it, in the year I have given, and I think it was the year 1881, although I have mislaid the memorandum for the moment.

Now I will go back to the coinage of silver in 1887. The silver coinage consisted of so many pieces of the total value of $34,366,483.75, of which $33,226,831 were in silver dollars, executed principally at the mints of Philadelphia and New Orleans. If the Senator from New Jersey had been told in the beginning of the fiscal year 1887 that there was to be added somewhere in the neighborhood of $9,000,000 more than the smallest limit provided by the act of 1878, he would have thrown up his hands in horror and would have declared, "Why, if this is done you will be on a silver basis." Yet that was done quietly by the Department, without any fright on the part of anybody. What has been the result? I hold before me the last statement of the Treasury Department on this subject, showing the amount of gold on hand and the amount of silver and silver certificates. I find that there are $191,526,445 of silver certificates in this country issued upon silver dollars. There are one hundred and ninety-one million and a half dollars of silver certificates, and we were told that when we had got $75,000,000 of certificates we had reached the limit; that it was not safe to go further with reference to the finances of the country, and at all events if the finances survived the morality of the country would be destroyed by the issue of another dollar.

In addition to these silver certificates we have $59,318,515 of silver coin doing duty as money. While on the last day of July, 1886, we had $93,959,880 of silver money in the Treasury of the United States not covered by certificates, we now have only $40,510,000 of money of that kind. That is the number of silver dollars not covered by certificates. We started July 1, 1886, with almost $94,000,000. We have coined $2,000,000 a month every month since, and sometimes two and a half million dollars, and yet we have reduced the silver in the Treasury of the United States, and we have put out more silver than we have coined, and nobody, save he be a banker somewhere, has been heard to raise his voice against inflation by silver certificates or by silver dollars.

The other day, when I made some remarks on this subject, I called the attention of the Senate to the fact that we had then about $309,557,826 of gold in the Treasury. Now we have $310,772,202 in the Treasury, and the gold certificates, which were then $93,097,913, are now $91,953,949.

The last statement shows that the gold in the Treasury belonging to the United States and not covered by the certificates is $218,818,252.63; so from the 20th of March to the 31st day of March there accumulated in the Treasury the difference between $216,470, 592.63 and $218,818,253.63, or very nearly two millions and a half in ten days, and that, too, in the face of a coinage of two and a half millions a month and more of this despised silver dollar. And yet the Senator from New Jersey tells us that our experience must teach all men that the coinage of a million dollars (for that is the most that can be expected in addition to the present amount) will bring us to a silver basis in sixty days. I say again these repeated assertions are denied by the facts and by the history, and it is but charitable to suppose they are made on this floor in ignorance and not malevolently by men who do not study this question and who ought not to speak upon it unless they so do.

The people of the United States take their views on such questions by what is said on this floor and what is said by the Executive Department charged with these questions; and when these statements, without a particle of fact backing them, are made, it is not strange that people who have not time to investigate these questions should believe that they are true. Many and many a man in the United States, ignorant of what is his interest, stands with those who are in favor of destroying the very property that he owns in the interest not of the great masses, not in the interest of the people who toil, but in the interest of the men who have accumulated money and who live by taking toll from others.

This is a question that has been agitated and discussed not for a few years, but for many. The learning upon this subject is beyond the capacity of any man almost, and no man can profess to know what has been written and said about it unless he has given hours and weeks and months and years of study to it; and when you find that class of men, as you do in Europe, with rare exceptions they speak in the same tones as we do when we say that the interest of the whole commercial world is wrapped up in the use of the two money metals.

I propose to submit here, not caring to read it, what I find in the last report of the English royal commission, the statement put in by M. Emile de Laveleye, professor of political economy at the University of Liege. I will put his statement against any man living on this continent. I will venture that there is not a man who will stand up here and pretend that he has given the same thought, the same attention that this learned professor has to this question for many years, and I propose to put in the RECORD, if I am allowed to do so without reading, his statement upon this subject, both as to the rise and fall of silver and as to the necessity of its use as money in order that the business of the world may go on, and I suggest to some of the Senators, who speak upon this subject so readily that they read what he says. I will not read the statement unless there is objection to my putting it in the RECORD without reading.

The statement of Professor de Laveleye is as follows:

M. EMILE DE LAVELEYE, PROFESSOR OF POLITICAL ECONOMY AT THE UNIVERSITY OF LIEGE.

I. To what do you attribute the fall in the value of silver, as compared with gold, since 1874?

It is perfectly evident that the fall in the value of silver, as compared to gold, is entirely due to the legislative measures that have been adopted by different states, *i. e.*, firstly, the adoption of the gold instead of the silver standard by Germany and the Scandinavian states, and, secondly, the suspension of the coinage of silver by the Latin Union, to begin with, and afterwards by all other countries save India and the United States.

If the coinage of silver had not been abandoned this metal would not have lost in value through increase in its production. As all silver now produced finds ready employment, and no stock of it accumulates anywhere, is it not quite clear that had the mints of Germany, of the Latin Union, and of America been kept open they would very easily have absorbed the surplus production? As a kilogram of silver will always fetch 200 francs in standard money at the Paris mint, it is quite certain that the price of silver would have maintained itself at about 60½d. per ounce, precisely as during the time that the bimetallic system was in vigor in France.

II. What probability is there of a continuance of the fall?

Will the fall in the value of silver continue? That depends on America. If the Bland bill is repealed a fresh fall is inevitable.

III. To what do you attribute the fall in the wholesale prices of many commodities which has been in progress during the last ten or twelve years?

The fall of the price of certain commodities is due to the increase of their production, to improved facilities for transport, to the advance made in machinery, and to a general amelioration in all modes of fabrication and manufacture; but a universal fall in prices affecting all produce, even that which is in no way touched by the aforementioned causes, can only be explained by a general reason, and this general reason must necessarily be monetary contraction.

Indeed, simple common sense alone would solve the question. Between the years 1850 and 1870 all prices rose, and economists agree in attributing this rise to an increase in the production of gold. Since 1873 just the contrary has occurred. The production of gold has steadily diminished and silver is no longer allowed to make up the deficiency; a fact wholly without precedent in economic history. The coinage of moneys, so active formerly, has now almost ceased, while at the same time the exchanges effected are far more numerous than they used to be. All economists without exception teach that when cash diminishes, *cæteris paribus*, prices fall, and it is quite certain that since 1873 the stock of gold in Europe has immensely decreased, partly from the exports of gold to America and partly also because industry is ever absorbing a portion of the monetary stock.

The present production of gold is clearly insufficient. It is estimated to be about £18,000,000 or £19,000,000 annually. According to Burchard's and Soetbeer's very careful statistics, trade yearly absorbs about £12,000,000 in gold, due allowance being made for remelting. The extreme East has of late years taken about £4,000,000. The losses from wear and tear, shipwrecks, hidden treasures, and such like, amount to at least another £1,000,000. There remains, therefore, at most two millions sterling to face the fresh demand for coin which the immense increase in exchanges all over the world gives rise to.

As population and business steadily increase in the two principal gold-producing countries, the United States and Australia, these keep for themselves all the precious metal they produce. In England, between 1879 and 1884, the gold coined amounted to £7,922,830. During the same period the coinage of gold in Australia was £24,112,000, and in the United States $231,000,000 (£46,000,000). The coinage of gold in the States exceeded the production by $150,000,000, and this excess was of course supplied by gold from the outside world.

The consumption by trade, combined with the monetary requirements, more especially if the Bland bill were repealed, would absorb all the gold produced in America, and the more so that this demand would be ever steadily increasing owing to the rapid growth both of population and riches.

It would be the same in Australia and in the extreme East. Europe would, therefore, have only Russia to look to in the future for her provisions of gold.

At the present moment all European countries, with the sole exception of France, have not sufficient gold in circulation. In England, indeed, this scarcity is an acknowledged fact. "Ten years ago," says the Economist, "the disposal of the London stock exchange was estimated by a competent authority to be about £4,000,000. At the present time it is far below that; when a demand for a million of gold absolutely carries off this sum from the market, and detains it elsewhere, there is a sensible pressure on the exchange." (Economist, February 4, 1869.) This strange state of things to which the Economist here refers was again perceptible this autumn (1887), and is still felt while I write these lines.

Italy has already lost a considerable portion of the gold which she procured at such heavy cost when payments in cash were recommended there. Gold is everywhere at a premium, from 2 to 4 per thousand in Paris and in Belgium, even at 8 at this moment (October, 1887), from 2 to 3 per cent. in Spain, from 16 to 18 per cent. in Roumania. Holland, though a very rich country, has scarcely any gold in circulation, payments being effected in either silver or notes. Germany is lacking in gold to complete her monetary reforms, and Austria and Russia and all Eastern Europe have no gold in circulation. The scarcity of gold is indeed an undeniable fact, observable on all sides at the present time, and destined to become more and more apparent.

It may be objected that gold is not yet absolutely wanting; this is true to a certain extent, because as prices fall when gold becomes scarce the quantity of money always appears sufficient.

This is a special economic phenomenon. It may be maintained that there will always be a sufficient supply of gold, because all prices fall when the means of exchange are diminishing, and therefore a greater number of ex-

changes can be effected with a less supply of gold. Theoretically, cash might be reduced to a minimum, and it would still suffice, because prices would fall proportionately. And, indeed, the less plentiful it is, the more abundant would it appear, for, as the lowering prices would render all business slack, the non-employed capital would be deposited in banks. This has been the case during the last few years.

It is very easy to prove beyond a doubt that the marked and universal fall in prices is not due solely to an increase of production and to improved methods of transport. Between 1850 and 1870 the railway development and the application of steam made greater progress than during the last ten years; new inventions of all kinds in the industrial world rapidly succeeded each other, and yet during that time production immensely increased and prices rose. Between 1870 and 1885 economic progress was also considerable, but less than during the previous period, and nevertheless prices fell to a lower level than in 1850. How, then, can it be denied that monetary contraction was the cause of this? According to Mr. Sauerbeck, production in England between 1850 and 1870 increased 2¼ per annum, and between 1870 and 1885 1⅛ only, while prices rose during the first-mentioned period from 18 to 20 per cent. and fell during the second 30 per cent.

IV. Has it (the fall in prices) extended to (*a*) retail prices, (*b*) wages and other payments for services rendered, (*c*) land and houses?

The fall in prices has been general, but wages have not been so much affected for the motives already indicated by Adam Smith.

V. Has the fall resulted in any material prejudice to the commercial or general interests of the world?

In theory it is unimportant whether prices are high or low, but practically a fall affects all long-standing creditors, companies, shareholders, and holders of mortgages, and benefits people with fixed revenues; or, in other words, as Stuart Mill puts it, the active portion of society lose and the non-active are gainers; but the effects of the fall while it is actually taking place are still more serious. All transactions and enterprises payable at fixed terms are exposed to an inevitable loss, and this is most discouraging to public initiative. Hence the stagnation in business now observable. The capital put into the fresh undertakings started each year has diminished by one-half. The reverse takes place during a period of expansion; all prices rise; profits are therefore assured

Another serious drawback to the present situation is that as the ratio of value between gold and silver has become uncertain since the bimetallic system no longer exists in France, all commercial relations with countries where the silver standard is admitted are subjected to an *alea* which is most unfavorable to sound trade.

VI. Do you consider that the countries using the gold standard, or any of them, are suffering from an injurious contraction of the currency which might have been obviated or mitigated by an increase in the supply of gold?

Gold-standard countries also suffer to an equal degree from the evils hereabove referred to, and all this would have been avoided if silver had been allowed to fulfill, as formerly, the office of standard money. As gold alone has now to replace the two metals as far as coinage is concerned, all countries fight for it, and the total quantity existing is insufficient. Hence the struggle for gold now taking place. As M. Bismarck says, the blanket is not wide enough!

VII. To what extent and in what way are prices affected by the quantity of the metal or metals used as standards of value?

All economists agreed that price depends on the relation existing between the mass of articles to be exchanged and the amount of credit or metallic means of exchange, due allowance being made for the rapidity of circulation of these means.

VIII. What is the relation, if any, between the supply or quantity of the precious metals and the fluctuations of credit?

The amount of money does not determine the facility of credit. For instance, credit is more general in England than in France, although England has certainly one-half less than France; but taking into account the monetary situation of a country, the influx or exports of gold act momentarily on the rate of interest, because in order to maintain sufficient cash in hand banks must raise their rates of discount when gold is being absorbed elsewhere. For example, we know that the Bank of England regulates the rate of discount by the influx or drainage of gold, but the interest on capital is fixed by the abundance or scarcity of capital, not of money.

IX. Has there been during the last fifteen years any important development of the system of checks, bank credits, bills of exchange, or other means of economizing the use of the precious metals?

Mr. Robert Giffen is of opinion that during the last fifteen years there has been no great increase in the means of payment—checks, bank credits, and bank-notes, and I think he is right. The clearing-house operations have certainly diminished.

X. Do you consider that an international agreement could be made for the free coinage of gold and silver as legal-tender money at a fixed rate?

No one can question the possibility of an international agreement for the free coinage of gold and silver as legal-tender money at a fixed ratio.

XI. Is it in the power of governments to maintain such a ratio if agreed upon, and would the practice of the commercial world follow the law?

Governments would not impose the ratio they adopted, but the effect of their adoption of a certain ratio, let us say 15½ to 1, would be automatic and perfectly natural, and consequently it would impose itself upon the commercial world. If for one kilogram of silver nine-tenths fine I can obtain from the mints of the Latin Union 200 francs in standard coinage, and from the mints of all other states, England, Germany, and America, an equivalent amount, it is quite certain that I should not choose to sell it under this price. Silver would therefore maintain itself at its usual value of 60½ or 60⅞ per ounce, as during the seventy years when France alone had adopted bimetallism, without this country having once to attempt any interference as to its price or relative value. The self-acting result of the free coinage of the two metals is one of the least clearly understood sides of the problem.

XII. What would be the effect of such an agreement, if carried out, upon (*a*) prices, and (*b*) the production of the precious metals?

A treaty establishing international bimetallism would produce no immediate results on prices, for there is no great stock of gold or silver to flow into the mints; but it would stop their fall, and would insensibly be productive of a certain rise. As the price of silver would increase, its production would also increase a little.

XIII. Do you consider an international agreement, for bimetallism possible on any other ratio than 15½ to 1?

For the ratio between gold and silver it might, perhaps, be well to adopt the American 16 to 1, but the French 15½ has been in vigor so long that it seems almost to impose itself. It is the basis of all contracts between states of the Latin Union, and in Spain, Germany, and Holland, and all Eastern Europe. Besides, America would as readily adopt the 15½ ratio as the 16. And if the ratio were once established by international contract it would impose itself.

XIV. Failing an international bimetallic agreement, what measures could be adopted by the commercial nations of the world for giving increased stability to the relation between gold and silver?

Failing an international bimetallic agreement, I know of no measure which could give stability to the price of silver. If it can not be freely coined it becomes mere merchandise, subject like all other merchandise to varying and limitless changes in value.

XV. It is argued that, in the absence of bimetallism, the effect of any disturbance of the currency is limited to half the currencies of the world, and thereby increased in intensity. Do you consider this view correct? And, if so, do you think the evil a serious one?

The disturbances of the currency were produced by the proscription of silver, but they are not confined to certain countries. They affect all to a greater or less degree, because commercial relations are now such that the entire world forms one great market. The fall in prices has been universal, and has been productive everywhere of great suffering, ruin, and loss.

XVI. If the effect of such disturbances could be spread over all countries, would greater stability of the standard of value be secured thereby? If all the great commercial powers were to come to an international bimetallic agreement, sudden disturbances would no longer take place, and changes brought about by increased or diminished productions of the mines would be very gradual, almost insensible, as they would extend over such vast territory. After the year 1850 bimetallism in France, by assisting the absorption of about £260,000,000 in gold, prevented the too great depreciation of this metal and arrested the rise in prices. It acts like a parachute, and even such monometallists as Michel Chevalier and Jevons admit this.

Mr. President, I do not propose to detain the Senate with any further remarks upon this subject. I want simply to give notice that the question of silver does not cut any particular figure on this bill, and the amount of silver that will be coined under the Beck amendment, as it is called, will be insignificant, and will have perhaps very little or no influence on the value of silver in this country; but the adoption of the provision will show that the great silver-producing country of the world, the richest country in the world, is satisfied that it did not make a mistake when it partially remonetized silver, and that step by step it proposes to go on until there shall be a complete recognition of silver as a money metal equal in all respects with gold.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered on the amendment of the Senator from Kentucky to the amendment.

Mr. COCKRELL. What is the amendment?

The PRESIDENT *pro tempore*. It will be read.

The Chief Clerk read the amendment of Mr. BECK to the amendment made as in Committee of the Whole.

Mr. ALLISON. Mr. President, I move, in line 4 of the amendment, if in order, to strike out "thirty" and insert "sixty" before "days."

The PRESIDENT *pro tempore*. The amendment just read is an amendment in the second degree, and the motion of the Senator from Iowa, therefore, at this time is not in order.

Mr. ALLISON. After the pending amendment is adopted, will it then be in order to strike out and insert?

The PRESIDENT *pro tempore*. The bill was amended in Committee of the Whole, and after the bill was reported to the Senate the question was on agreeing in the Senate to the amendment made as in Committee of the Whole. The Senator from Kentucky [Mr. BECK] moved to amend the amendment by adding what has just been read, which was an amendment in the second degree, and upon which the yeas and nays have been ordered. The question now is, Whether the Senate will agree to the amendment proposed by the Senator from Kentucky to the amendment made as in Committee of the Whole.

Mr. ALLISON. Then I appeal to the Senator from Kentucky, if my amendment is not in order, that he insert "sixty" instead of "thirty," in line 4 of his amendment. Thirty days is a very brief time for the taking up of circulation which may be surrendered.

Mr. BECK. I do not see that that would make very much difference one way or the other.

Mr. ALLISON. I think it would relate very much to the convenience of the officers who will have the administration of the law.

Mr. SHERMAN. The amendment now proposed by the Senator from Kentucky is in a form that is not amendable. I do not think that is exactly fair legislation. It seems to me that he ought to let the vote be taken first on the amendment of the Senator from Wisconsin [Mr. SPOONER], let that be agreed to in the Senate, and then let the Senator from Kentucky offer his proposition so that it will be amendable. The reason—and I mention it in perfect good faith—is this: I should like to offer an amendment to carry out the idea I suggested in my remarks yesterday; that is, to allow the bullion to be purchased in the mode proposed by the Senator, but to allow that bullion to be placed in the Treasury without coinage, and certificates issued to the amount of the market value thereof. I can not offer that amendment now as the proposition stands. The Senator from Kentucky yesterday in his speech said that under the existing law the certificates can not issue upon bullion. I knew that, but I am not at liberty to offer an amendment to secure that, although I have an amendment prepared in five or six words that would enable me to present that question to the Senate.

Mr. BECK. The amendment of the Senator from Wisconsin, as it now stands, was of course offered fairly, but none of us here knew precisely what it was. We had been advised, not by him, but by others, that a joint resolution in that form would be offered by the Senator from Wisconsin, and I supposed at the time that it was a joint resolution or a concurrent resolution that he offered; and when it came in the form of an amendment to this bill we were quite taken by surprise, at least I was. Therefore, I moved to amend it as I have done, and I propose now, so far as I have any control over it, to ask the Senate to vote upon the amendment I have offered just as it stands, with the thirty days, without modifying it; and then if that is adopted, all well. If not, Senators can take what action they please.

Mr. PLUMB. I should like to inquire, suppose the amendment of

the Senator from Kentucky were not pending, if the Senate should concur in the amendment adopted in committee would that amendment then be amendable? I ask what the parliamentary condition would be as to the amendment if the amendment of the Senator from Kentucky was withdrawn and the Senate should agree to the amendment adopted yesterday as in Committee of the Whole. Would that be amendable?

The PRESIDENT *pro tempore*. The Chair holds that the bill would still be open to amendment in the Senate.

Mr. PLUMB. By amending the amendment?

The PRESIDENT *pro tempore*. By perfecting further amendments to the bill.

Mr. PLUMB. But the Chair will bear in mind that the bill consists of the amendment of the Senator from Wisconsin [Mr. SPOONER].

The PRESIDENT *pro tempore*. If the amendment is agreed to, it is no longer an amendment; it is the bill.

Mr. HARRIS. Has not the bill been reported to the Senate? My impression is that it has been, and if so, it is an amendment not concurred in yet, but an amendment to which an amendment is pending.

The PRESIDENT *pro tempore*. The inquiry of the Senator from Kansas was to another point.

Mr. PLUMB. Now I inquire a little further, if I may be permitted. Suppose the amendment of the Senator from Kentucky to the amendment should be adopted, and then the amendment of the Senator from Wisconsin should be concurred in as amended; would the bill then still be open to amendment?

The PRESIDENT *pro tempore*. It would.

Mr. ALLISON By adding to it, but not by striking out.

Mr. COCKRELL. As I understand, if the amendment of the Senator from Wisconsin is adopted you can not amend the text of that afterwards. You can add to it, but you can not change by any amendment the text of that amendment.

The PRESIDENT *pro tempore*. The Chair will decide all these questions when they arise.

Mr. FRYE. You can add new sections.

Mr. HARRIS. Sections may be added to the bill after the amendment of the Senator from Wisconsin is concurred in in the Senate, but you can not amend that language, as I understand it.

The PRESIDENT *pro tempore*. The roll-call will proceed.

Mr. BECK. What is the vote?

Mr. CULLOM. On your amendment.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Senator from Kentucky [Mr. BECK] to the amendment made as in Committee of the Whole upon the motion of the Senator from Wisconsin [Mr. SPOONER].

The Secretary proceeded to call the roll.

Mr. PLATT (when the name of Mr. EDMUNDS was called). The Senator from Vermont [Mr. EDMUNDS] is absent, and wished me to state that he was paired with the Senator from Texas [Mr. REAGAN]. If present, the Senator from Vermont would vote against this amendment.

Mr. FRYE (when Mr. HALE'S name was called). My colleague [Mr. HALE] is absent with a committee of the Senate. He is ordinarily paired with the Senator from Kentucky [Mr. BECK], but he is on this bill paired with the Senator from Louisana [Mr. GIBSON].

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. Being satisfied that if he were here he would vote against this amendment while I should vote for it, I am not at liberty to vote. I withhold my vote because of the pair.

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. EVARTS]. I would vote "yea" if he were present. I do not know what his vote would be.

Mr. PADDOCK (when his name was called). I am paired generally with the Senator from Louisiana [Mr. EUSTIS], but understanding that if he was here he would vote for this proposition, I vote "yea."

Mr. PASCO (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. RANSOM (when his name was called). I have a pair with the Senator from Michigan [Mr. STOCKBRIDGE], which is left to be determined by the Senator from Illinois [Mr. CULLOM].

Mr. CULLOM. I am not aware how the Senator from Michigan would vote.

Mr. RANSOM. I should vote "yea," if at liberty to do so.

Mr. REAGAN (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS]. If he were here I should vote "yea."

Mr. SABIN (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA]. Understanding that if he were present he would vote for this amendment, I vote in the affirmative.

The roll-call was concluded.

Mr. BLACKBURN. I am paired on all questions with the Senator from Nebraska [Mr. MANDERSON], who is absent under the order of the Senate, but his colleague has voted "yea" upon this question; and as I am assured by him that Mr. MANDERSON would vote the same way, I record my vote "yea."

Mr. HEARST. I have been temporarily paired with the Senator from Ohio [Mr. PAYNE]. If he were present, I should vote "yea."

Mr. WILSON, of Maryland. I am paired with the Senator from Rhode Island [Mr. CHACE].

The PRESIDENT *pro tempore*. Does the Chair understand the Senator from California to withdraw his vote? The Senator's vote is recorded. Does he desire it withdrawn?

Mr. HEARST. Yes, sir.

Mr. MCPHERSON. I desire to say that my colleague [Mr. BLODGETT] is paired with the Senator from Virginia [Mr. RIDDLEBERGER]. My colleague if present, would vote "nay."

The result was announced—yeas 38, nays 13; as follows:

YEAS—38.

Allison,	Cockrell,	Ingalls,	Stanford,
Bate,	Coke,	Jones of Arkansas,	Stewart,
Beck,	Colquitt,	Jones of Nevada,	Teller,
Berry,	Cullom,	Mitchell,	Turpie,
Blackburn,	Daniel,	Paddock,	Vest,
Bowen,	Davis,	Palmer,	Voorhees,
Brown,	Faulkner,	Plumb,	Walthall,
Butler,	George,	Pugh,	Wilson of Iowa.
Call,	Gorman,	Sabin,	
Cameron,	Hampton,	Saulsbury,	

NAYS—13.

Blair,	Gray,	McPherson,	Spooner.
Dawes,	Hawley,	Platt,	
Farwell,	Hiscock,	Sawyer,	
Frye,	Hoar,	Sherman,	

ABSENT—25.

Aldrich,	Evarts,	Morgan,	Riddleberger,
Blodgett,	Gibson,	Morrill,	Stockbridge,
Chace,	Hale,	Pasco,	Vance,
Chandler,	Harris,	Payne,	Wilson of Md.
Dolph,	Hearst,	Quay,	
Edmunds,	Kenna,	Ransom,	
Eustis,	Manderson,	Reagan,	

So the amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment as amended.

Mr. REAGAN. Is it in order to offer an amendment to the amendment? If it is, I offer an amendment.

The PRESIDENT *pro tempore*. The proposed amendment will be read.

The CHIEF CLERK. It is proposed to amend the amendment by adding as a new section the following:

And the Secretary of the Treasury is hereby authorized and directed to purchase and cancel the interest-bearing bonds of the United States with the $100,000,000 of gold now reserved in the Treasury for the redemption of the legal-tender notes of the United States.

And that the following words be stricken out of section 3 of the act of January 14, 1875, entitled "An act to provide for the resumption of specie payments," to wit: "And on and after the 1st day of January, A. D. 1879, the Secretary of the Treasury shall redeem in coin the United States legal-tender notes then outstanding, on their presentation for redemption at the office of the assistant treasurer of the United States, in the city of New York, in sums not exceeding $50."

And that the following words be stricken out of section 62 of the act of July 12, 1882, entitled "An act to enable national banking associations to extend their corporate existence, and for other purposes," to wit: "*Provided*, That the Secretary of the Treasury shall suspend the issue of such gold certificates whenever the amount of gold coin and gold bullion in the Treasury reserved for the redemption of United States notes falls below $100,000,000."

And said provisions of the act of January 14, 1875, and the act of July 12, 1882, be, and the same are hereby, repealed.

Mr. FARWELL said: I desire to ask the offerer of the amendment, the Senator from Texas, whether it is the purpose of his amendment to suspend specie payments? That is the way I understand it.

Mr. REAGAN. Mr. President, the House bill and the substitute for it which has been adopted by the Senate have for their object to reduce the surplus or unused money in the Treasury by applying it to the payment of the interest-bearing public debt, thus relieving the country to that extent of debt and of the payment of interest on the bonds that may be redeemed.

Mr. FARWELL. May I ask the Senator to answer my question, if he will.

Mr. REAGAN. My remarks will answer the Senator's question.

Mr. FARWELL. He can answer it in one word, "yes" or "no."

Mr. REAGAN. I prefer answering the question in my own way, if the Senator will allow me. The question in fact has no pertinency, as it seems to me, to the issue now presented.

Mr. President, if the object is as I have stated—and I suppose no one will doubt that that is the object of the proposed legislation—let me call attention to the fact that we have in the Treasury, held from year to year simply to fill a place in the column of assets and in the column of liabilities of the reports of the Secretaries of the Treasury, $100,000,000 of gold. It has remained there from year to year performing no other office than filling its place in the Treasury accounts, being held for the ostensible purpose of redeeming the $346,000,000 of outstanding legal-tender notes.

By the act of 1878, passed by Congress over the veto of President Hayes, it was determined that the law which had been previously passed requiring the redemption and cancellation of the legal-tender

notes by the Secretary of the Treasury should be repealed and that those notes should thenceforward become, not a debt against the Government, but currency to aid in the commerce and industrial interests of the country—that they should perform the office of currency instead of being converted, as they would have been under the previous policy, into an interest-bearing bonded debt, imposing that much greater burden on the people than they have had to bear in consequence of the repeal of that law.

There is no one, I take it, who will contend that there is a need for this money for the redemption of the notes that are not required by law to be redeemed, and that no one desires should be redeemed, for they are more valuable in the commerce of the country in general use and more desired than the gold coin, if the people have the option as to which they will take.

It is true that there might, by possibility, be a few of the legal-tender notes presented for redemption; but if there should be there is no need of holding this $100,000,000 of gold in reserve to redeem the very few that might possibly be presented, especially in view of the fact that the receipts of the Treasury are, month by month and year by year, largely in excess of the expenditures of the Government, thus affording a reserve more than sufficient for the redemption of any of these legal-tender notes which are likely to come into the Treasury for redemption.

The difference between the Senator from Illinois and myself is that he desires the legal-tenders to be made an interest-bearing debt, and I suppose he would follow the logic of his position by desiring that they should become, instead of currency to aid the commerce and business interests of the country, a bonded debt to further burden the people and thereby to contract the volume of currency still more.

Mr. FARWELL. Do you pretend to say that the legal-tender notes are not a debt? Do they not on their face say that the United States promises to pay?

Mr. REAGAN. Technically they are a debt, but practically they are money. Technically they are a debt, but they are not the form of debt that interest-bearing bonds would be, which can not circulate as money, and which only constitute a burden upon the already overburdened tax-payers of this country.

There stands $100,000,000 of gold that has lain there idle in the Treasury from year to year, performing no office for the public good, which may be used to redeem nearly an equal amount of 4 and 4½ per cent. bonds and relieve the people from the annual payment of four or four and a half million dollars of interest. No class of the people can be injured by the adoption of this policy, but every interest of the country will be benefited by it.

First, it will reduce the debt; second, it will avoid the liability to four or four and a half million dollars interest a year; third, it would reduce the surplus in the Treasury; and last, and what is of infinitely more consequence, we should enlarge the circulation of the money in the country and aid its business interests and render any financial disaster improbable. If there should be any danger of pecuniary embarrassment or financial disaster, here is the easiest, the most direct, and it seems to me the most feasible road open to accomplish the purpose of taking this gold out of the Treasury, where it is doing no good, where it is performing no office except, as I said, to occupy a place in the reports of the assets and the credits in the Treasury Department from year to year.

Mr. DAWES. May I ask the Senator a question?

Mr. REAGAN. Certainly.

Mr. DAWES. The Senator would have the greenback, which as issued has a promise to pay on the face of it, is never to be paid.

Mr. REAGAN. It is not necessary for me to answer a conundrum of that kind. My purpose is to deal with practical facts, with actualities, and not with speculative conundrums.

Mr. DAWES. Do you mean to say that you would deceive the public and defraud them; promise to pay and then never pay?

Mr. REAGAN. I do not mean that, Mr. President, but I mean very different from what the Senator from Massachusetts does. I mean that I would redeem the bonds, reduce the debt, relieve the people of the interest, and leave the greenbacks to be redeemed, if anybody chooses to send them in, by the use of the surplus in the Treasury. The Government is amply able to redeem them, amply able to redeem more than ten times all that are likely to be presented for redemption without touching the $100,000,000. So the Senator will see that his question is misleading.

If the Government had no other means for the redemption of legal-tender notes than this $100,000,000 in gold, then I admit the proposition I made would not be allowable; but there is a reserve, an increasing reserve, constantly accumulating from day to day and week to week and month to month throughout the year in the Treasury. If this Government should be placed in the position of a banking institution there would be a sufficient reserve. It seems to be the prevailing policy to so regard it, instead of regarding the Treasury as a place for collecting the revenues of the country and for the disbursement of what is necessary to carry on the Government. If we will regard it in the light of a banking institution requiring such a reserve, we have that reserve without this $100,000,000.

I know very well that so far as the bondholders and the national banks are concerned they desire to retain this $100,000,000 of gold in the Treasury and all the other gold they can put there. The bondholders desire to reduce the volume of currency in order to increase the value of their bonds when compared with the property and the labor out of which they are paid. The banks desire to reduce the volume of the currency, whether in the form of gold or silver or legal-tender notes, in order that they may get a profit upon the issue and circulation of their notes to supply this deficiency so created; and when gentlemen discuss this question without having reference to these facts they misunderstand the subject.

I repeat, as I said the other day, in substance, that from 1869, when the act was passed taking away from the people of this country the right to pay the public indebtedness in legal-tender notes, to the day when in 1873 by another act they were denied the privilege of paying the public indebtedness in silver coin, the policy of the banks and the bondholders was a policy of oppression and of fraud upon the people. I think it has been demonstrated in the other House and proved in this that the bonds were, by the law that was passed, redeemable at any time the Government might choose to redeem them within thirty years, that such was the proper interpretation of that law as it passed the two Houses of Congress, but by some means the word "after" was put in instead of "for," so that the bonds should not be redeemed for thirty years after they were issued. In this way, by fraud, by class legislation in the interest of the money classes and against the interests of the people and of the Government, by a series of acts and a persistency of policy calculated to enrich by millions the few and to impoverish the many, we have been brought to the condition in which the country finds itself.

Mr. DAWES. The Senator has alluded to what he says has been demonstrated in the other House and probably in this, that by a fraud a bill had been altered. He ought, in order to have the statement complete, to add to it that the Judiciary Committee of the other House, of which a Texas gentleman is chairman, have reported that no such thing was ever done.

Mr. REAGAN. If I have misstated the fact I will withdraw my statement with pleasure; but the statement of facts upon which my statement is predicated was made by a Senator on this floor, and by a Representative at the other end of the Capitol, giving a circumstantial statement of all the facts, and I did not know that their statements had been questioned, and I do not understand how it was that those who stated these facts could have been mistaken, but I take the Senator's word.

Mr. DAWES. The RECORD shows, I think, just what I have stated.

Mr. COCKRELL. The report shows that fact. The Senator from Massachusetts is correct. I have read the report of the Judiciary Committee of the House.

Mr. REAGAN. Very well, then, I withdraw the statement. If I am wrong I was misled by the statements I have just referred to; certainly in both Houses it was stated that the RECORD showed when the bill passed that the word "after" was not in it, and that there was a change in the enrolled bill in the archives which shows "for" was inserted there and afterwards stricken out.

I was nearly through with what I had to say when interrupted. There have been two distinct lines of policy in this country prevailing for a long time—one successful in running this Government distinctly in the interest of the classes at the expense of the prosperity of the mass of the American people, the other in favor of a Government that should protect and respect the rights of all alike, and give special privileges to none.

The Senator from Connecticut [Mr. PLATT] the other day spoke of the high condition of prosperity of this country at this time as being unexampled. Mr. President, if the Senator meant that the bondholders were prosperous, if he meant that the national banks were prosperous, if he meant that the railroad corporations that have had their hundred million of acres of land and as many millions of dollars of money as subsidy were prosperous, if he meant that the protected manufacturers were prosperous, if he meant that the large holders of money and dealers in bonds and public securities were prosperous, I confess that his statement was correct; but if he meant that that prosperity extended to the millions of people who toil for the support of their families and of this Government, the great mass of the people, I tell him that he has not mixed with them and has not known their condition, their feelings, and their hopes as I know them, because go where you will in any part of the country in which I have been, and you find the middle and lower classes of the people oppressed by debt, oppressed by poverty, and scarcely able to make their earnings meet their year's expenses, scarcely able to pay their ordinary accounts without anything being left to meet contingencies.

This is so, in my opinion, among those classes everywhere, so that if the Senator meant that the people enriched by the policy of the party to which he belongs prosper he is all right; but if he means that the people whose resources have been drawn from them for the enrichment of these classes, and who constitute the great body of the Democracy of this country, then I submit that he is grievously mistaken.

But leaving that I recur to the question before the Senate. If our

object is to reduce the surplus revenue in the Treasury, if our object is in doing this to extinguish as much as possible of the public debt, if our object is to relieve the people from the payment of interest, then the most easy, direct, and least injurious way in which we can do it, in my opinion, is by the adoption of the amendment which I have submitted to the Senate.

Mr. BECK. Mr. President, the bill as it now stands is a simple proposition to allow the Treasury Department to use the surplus money in the Treasury to buy bonds so as to restore that surplus to circulation and at the same time to take care that the present volume of currency is not contracted. The bill and the amendment provide that and nothing more. Now the Senator from Texas [Mr. REAGAN] presents an amendment in which a great many propositions are involved, and the Senator from Ohio [Mr. SHERMAN] has given notice that he will bring up a measure that may involve weeks at least of debate before it is disposed of.

Mr. SHERMAN. I hope the Senator will not fall into an error, because, so far as I am concerned, I am indifferent about the resolution introduced by me, because the Senate having determined to go into these financial measures on this bill, I will not press the resolution. With the understanding that the bill should pass as it came from the other House, I was willing to postpone discussion for a week or so until these questions were considered in the Senate.

Mr. BECK. Very well. I only desire to say that the bill being in a perfectly simple form, merely to give authority for the use of the surplus money in the Treasury and to provide for any contraction by the banks, I am requested by gentlemen all around me to shorten the matter as much as possible by asking the Senator from Texas if he will not allow this amendment of his to remain until the bill of the Senator from Ohio comes up, as it will very soon, when all these questions can be discussed and examined, and not interfere with the progress now sought to be made by this simple proposition. That it will be the third measure to be considered, I suppose—to be taken up directly after two others are disposed of. Very little harm can come from the delay, and the proposition of the Senator from Texas now may delay the passage of this bill for so long a time and perhaps defeat the measure altogether, that I think we had better get this much done.

Mr. REAGAN. I ask the Senator from Kentucky if he thinks this amendment would be germane to the bill to which he refers?

Mr. BECK. I have not a doubt of it. It would be germane beyond all question.

Mr. HARRIS. Clearly so.

Mr. BECK. If I did not think so I would not make the suggestion.

Mr. REAGAN. As gentlemen, feeling as I do on the subject of this amendment, think it is better to pass the bill as now amended, without putting anything else upon it, and not because it is in accordance with my own judgment, but deferring to the judgment of the Senator from Kentucky and other gentlemen who agree with me, I will consent to the withdrawal of the amendment for the present with a view to offering it when the bill referred to comes up.

The PRESIDENT *pro tempore*. The amendment is withdrawn.

Mr. SHERMAN. Mr. President, I have steadily voted against any amendment to this bill except the one proposed by the Senator from Wisconsin [Mr. SPOONER], which, in the opinion of the Senate, accomplished in a better form the object proposed by the House of Representatives. I am opposed to and voted against the amendment of the Senator from Kentucky [Mr. BECK] because, even from his own standpoint, it is faulty—faulty in this, that it provides, not directly for additional silver certificates, but only for an increase of the silver-dollar coinage beyond the amount which any Secretary of the Treasury of either party has thought proper to issue monthly. It is an extraneous question entirely, having no connection whatever with the purchase of bonds or the application of the surplus money in the Treasury. Therefore, although technically and in parliamentary law germane, it is not germane in the proper sense of the term to the bill now pending.

Besides, we have to take the amendment without the change of a word. It is not open to amendment. Whether so designed by the Senator from Kentucky or not, it is offered in a form where, and at a time when, it is not susceptible of amendment. For instance, I suggested (and I believe it met with the general concurrence of the Senate so far as I could see) that instead of coining more silver dollars, it would be better to place the bullion purchased under the operation of the Senator's amendment in the Treasury of the United States and issue silver certificates based upon the market value of that bullion. That was the proposition that I intended to submit and for which I would have voted; but as the bill now stands I can not under the rules of the Senate offer that amendment.

In order to test this I will submit my amendment.

The PRESIDENT *pro tempore*. The proposed amendment will be read.

The CHIEF CLERK. It is proposed to strike out the words "which shall be coined and used" and insert "and silver certificates shall be issued to an amount equal to the market value of such bullion;" so as to read:

That whenever the circulation, or any portion thereof, of any national bank not in liquidation shall be surrendered by the deposit of United States notes in the Treasury, or otherwise, and the same, or an equivalent amount, is not taken by other national banks within thirty days thereafter, the Secretary of the Treasury is hereby authorized and directed to purchase, at the market price thereof, an equivalent amount in silver bullion in excess of the minimum of two million dollars' worth per month for coinage purposes, *and silver certificates shall be issued to an amount equal to the market value of such bullion*, as provided in the act passed February 28, 1878, etc.

The PRESIDENT *pro tempore*. Does the Senator from Ohio propose that as an amendment to the amendment agreed to on motion of the Senator from Kentucky?

Mr. SHERMAN. I do.

The PRESIDENT *pro tempore*. The Chair holds that it can not be received.

Mr. BECK. I was about to raise that point.

The PRESIDENT *pro tempore*. The amendment having been agreed to by the Senate can not be further changed in the present parliamentary stage.

Mr. SHERMAN. I stated that; and I offered the amendment to show that we are now compelled to act on this grave matter upon a proposition drawn by the Senator from Kentucky, no doubt after casual conference with gentlemen on both sides of the Chamber, which has not yet been carefully examined by any committee of this body; an amendment that, in my judgment, will meet with great opposition among the business men of the country, and now I can not offer the amendment that I propose or any other because, forsooth, he offered his amendment at such a stage of the proceeding as to be unamendable. I was perfectly conscious of that.

Mr. President, I do not intend to debate the merits of a proposition not before the Senate, because I am not in the habit of doing that.

The Senator from Texas [Mr. REAGAN] made a statement awhile ago about the funding law providing for the issue of 4 per cent. bonds, which has already been stamped out by the Senator from Missouri [Mr. COCKRELL]. That statement was entirely unfounded. The statement first began with the whisperings around in the Capitol. The Senator from Iowa [Mr. ALLISON] and I then went and examined the original record, found the original bill, and found that the original proposition made in the House of Representatives was to issue 4 per cent. bonds payable after thirty years, and so the proposition continued until the end; but, finally, one of the engrossing clerks, in enrolling the bill from one of the reports of the committee of conference, instead of leaving in the words "redeemable at the pleasure of the United States after thirty years," inserted, by mistake no doubt—it could not have been otherwise, because there could be no motive for it—"for thirty years," instead of "after thirty years;" which would simply make them redeemable during the thirty years.

The idea of providing for a bond redeemable in the first thirty years and never redeemable afterwards, would not then or now receive the sanction of any man in the United States of America. It was simply an absurd proposition. It was found that the original bill as reported by General Schenck in the House of Representatives, he being then the chairman of the Committee on Ways and Means, provided for the payment of the bonds after thirty years at the pleasure of the United States, and so it went through until a clerk in making up the enrolled bill from a faulty copy of one of the reports of the committee of conference made this mistake, and out of this all this excitement grows. The House of Representatives, when it was called to their attention, properly examined into it, and, as I am informed—I have not seen the report—the Committee on the Judiciary of the House unanimously declared that it was a mistake in the enrolling clerk, which was immediately corrected before the bill was signed. These are the facts.

But the Senator from Texas said another thing in which there is some truth, that now there is a good deal of distress in this country. I do not deny it. There was no such distress before this Administration came into power, and I can trace many of these evils to the fact that we have an Administration in power that has not executed the law according to its plain letter and intent and according to the unanimous construction of the Senate of the United States.

Let us see how that was. When this Administration came into power we had $346,000,000 of greenback circulation in unchallenged credit in all the markets of the world. We had over $300,000,000 of national-bank notes absolutely secured beyond peradventure, and the system was going along smoothly and tranquilly. We had silver certificates based upon the silver dollars that had been issued. We had gold certificates amounting to one hundred and ninety-odd million dollars. We had a vast amount of currency of different kinds, and all perfectly well secured.

How is it now? The Democratic House of Representatives refused to make the change in the banking law proposed two or three years ago by the Finance Committee—reported by the Senator from New Jersey [Mr. MCPHERSON] and passed by the Senate. If that change had been agreed to by the House so that an amount of notes could have been issued by national banks to the full face value of the bonds deposited, none of the contraction complained of would have occurred.

You sometimes blame the banks. You have driven the banks to this position. You require them to file bonds of the United States of the value of $130 in order to get $90 of circulation. They could not afford to do it. The bond at that rate yielded but 2½ per cent.

interest. Therefore bank after bank was compelled by the stress of circumstances to withdraw their circulation. You called in the bonds that were held by the banks, and compelled them to go into the market and buy new bonds at this high premium in order to maintain their circulation, or else go out of existence; and they did surrender their circulation, and what has been the extent of it? Since this Administration came into power the bank currency has thus been reduced $160,000,000. Here it is in the last official statement before me. Here is the statement of the Comptroller of the Currency. On page 74 of the report of the Comptroller it is stated that the amount of bank circulation in 1883–'84 was $316,020,326, and in 1887 it was $169,215,067, and since that time the reduction has been going on. On the 1st of November last this reduction had reached the figures I have stated—$147,000,000—and since then it has been going on more and more.

This was the policy of the Democratic party. It was a partisan movement, and they refused to consider a proposition in the House of Representatives which would have saved the reduction of bank circulation.

That is not all. When the banks did commence to reduce their circulation the only way they could do it was by depositing in the United States Treasury greenbacks—United States notes. They did that to the extent of $102,000,000, and those $102,000,000 are now tied up there by reason of this faulty action of the House of Representatives. The law expressly required that those greenbacks should be held to redeem the outstanding bank circulation when presented. The result of this policy on the part of the Democratic party is to make a double contraction; first, by tying up the greenbacks in the Treasury under the operations of law, and, second, by reducing the bank circulation.

Mr. President, whose fault is that? Could we in the Senate have prevented it? Did we not try to do so? If the measure that had been passed by the Senate, moved by the Senator from New Jersey [Mr. MCPHERSON], had become a law by the concurrence of the House, there would have been no considerable contraction of bank circulation. The whole of this contraction has been brought about by the policy and by the movements of the Democratic party. If there is any distress in this country it is caused by this contraction of the currency. If we want to relieve the people of this country, Congress can do it very easily by continuing the present efficient banking system and giving the banks an opportunity to live. If we would now remove the restrictions imposed on the banks growing out of the advance of the bonds, they would maintain the circulation and increase it from time to time as the business of the country should demand; and yet, because they can not and will not make this onerous deposit, without any use to anybody, and will not buy bonds at 130 in order to obtain 90 per cent. of their face in circulating notes, you blame the national banks. The national banks are owned and governed by men of all parties. There are many Democrats in that system, and they have been compelled to do what all the others have done, to retire their circulation, not because they desired to do so, not because they wanted to contract the currency, but because you compelled them to do so.

The Senator from Texas [Mr. REAGAN] talks about the bondholders and the rich men of this country wishing to contract the currency. I say he is entirely mistaken about that. There is no such desire. There is no such interest in this country. There is nobody responsible for this condition of affairs except the Democratic party. I am almost tired of listening here to these tirades against bondholders, banks, etc., when, if there has been a contraction of the currency at all, it has been caused by the opposition of the Democratic party to all the great financial measures of the past.

Mr. REAGAN rose.

Mr. SHERMAN. Now do not interrupt me.

Mr. REAGAN. Allow me to ask a question.

Mr. SHERMAN. I will hear the Senator.

Mr. REAGAN. If the currency be contracted does not that necessarily increase the value of the bonds that are to be redeemed by increasing the difficulty of paying the money?

Mr. SHERMAN. I do not think it does. On the contrary, the bonds are intrinsically valuable, because they are known to be perfectly good. They secure a prompt return of 4 per cent., and a 4 per cent. annuity issued by the Government is equivalent in market value to a premium of near 30 per cent. The banks are the purchasers of the bonds and not the sellers unless called in by the Government.

The Senator talks about contraction. The only contraction is caused by the refusal of proper legislation to meet the advancing value of the bonds. Other forms of currency are increasing. There is more currency now in circulation in the United States than there ever has been before, notwithstanding the contracting of bank currency. The importation of gold coin and bullion causes a vast accumulation of coin, which added to gold certificates, silver certificates, United States notes, and the diminished volume of bank circulation is now greater in the aggregate than ever before.

Here, again, I may refer to the Comptroller's report, in which the amount of the actual circulation is given, not, it is true, entirely in greenbacks, but in gold and silver coin. I have a table before me in the report of the Director of the Mint—and I think the Senator from Colorado [Mr. TELLER] referred to it—which shows that we have now in the United States in general circulation, in the Treasury, and in the national banks, first $346,681,016 of greenbacks; we have still notes of national banks amounting to $163,624,000; we have in gold coin $574,927,873, and in silver coin of various kinds, subsidiary and full legal-tender, $352,868,343; we have of gold and silver coin $927,796,000; of silver certificates $205,619,000, and gold certificates $123,660,000; and this, added to the paper money in circulation, shows an aggregate of money in the United States of more than $1,800,000,000, or more than the entire national debt. This table shows that we had of metallic money and bullion in the United States July 1, 1887, $1,007,513,901, and paper or representative money $909,612,285. I will insert this table in my remarks.

Form and location of the moneys of the United States and the bullion awaiting coinage in the mints July 1, 1887.

[Exclusive of minor coin and minor-coinage metal.]

	In Treasury.	In national banks.*	In other banks and general circulation.	Total.
METALLIC.				
Gold bullion	$85,512,270			$85,512,270
Silver bullion	4,091,414			4,091,414
Silver bullion (melted trade-dollars	6,364,236			6,364,236
Gold coin	192,368,915	†$98,137,439	$278,501,711	569,008,065
Silver dollars	211,483,970	6,343,213	49,162,934	266,990,117
Subsidiary silver coin	26,977,493	2,813,138	45,757,168	75,547,799
Total	526,798,298	107,293,790	373,421,813	1,007,513,901
REPRESENTATIVE.				
Legal-tender notes	‡28,783,796	74,477,342	243,419,878	346,681,016
Old demand notes			57,130	57,130
Certificates of deposit	310,000	7,810,000	960,000	9,080,000
Gold certificates	30,261,380	54,274,940	36,950,497	121,486,817
Silver certificates	3,425,133	3,535,479	138,582,538	145,543,150
National-bank notes	197,046	22,962,737	256,058,005	279,217,788
Fractional paper currency	2,366	564,266	6,380,332	6,946,964
Total	62,979,721	163,624,764	682,408,380	909,012,865

*The statement of the amounts in national banks is of date August 1.
†Includes $24,044,000 clearing-house gold certificates.
‡Includes $8,770,000 held for the redemption of certificates of deposit for legal-tender notes under act June 8, 1872.

It has sometimes been said, and the question is asked by gentlemen around me, where did this gold come from? It is because the balance of trade has been in our favor for the last ten or twelve years. Ever since the resumption of specie payments gold has come into our country by the millions of dollars. It is easily shown by the official documents that this gold has come as the result of our sound industrial and financial system and having the balance of trade in our favor. Up to that time we had irredeemable paper money, such as the Senator from Texas would like to restore, and we had no such fountain of gold flowing upon us; but ever since that time gold has come here by the hundreds of millions, and now stays here, and adds to the volume of our currency. Most of the great transactions of this country are based on gold bullion and coin.

Mr. President, it seems to me that the better way would be to postpone all questions relating to our currency and all measures in regard to it for a little time, until we can have some opportunity for reflection and study. The Senator from Colorado [Mr. TELLER] truly says no man can talk on these subjects or know about them without the most careful study. No wise man will pass his opinion on a proposition involving $100,000,000 upon a mere cursory examination, a hurried preparation made by a single Senator, without it being examined by experienced business men.

Let us look a little further into the pending proposition. The national-banking system unquestionably by this amendment, and by the hostile legislation of the Democratic party is destined to its overthrow. I do not deny that. Who has done it? The Democratic party. If that is a feather in their cap, let it be so. But the national-banking system has proved to be the best that ever was adopted in the history of mankind. It is copied by other nations, and the principles upon which it was founded, though it was established in the midst of civil war, have grown stronger and stronger, and its whole life has been a vast benefit to the people of this country. It has furnished a local circulation in almost every town in the United States, and this circulation has fed the fountains of business at home. It is the means by which money has been made active, by which crops have been moved, by which trade and industries have been carried on, and I stand here to defend that system, although it is now insidiously attempted to be overthrown by these various propositions. Its benefits have been untold to the people of the United States. It should have been treated fairly even by its opponents; yet the effort has been made to undermine

it ever since the Democratic party came into power. I do not say this of the executive head of the Administration, but of the representatives who come mainly from the Southern States who seek to overthrow the system.

It is said that the national-banking system costs us something. Not one dollar. The national-banking system has cost the people of the United States not a single dollar. The banks buy the bonds of the United States and they give them increased value by making a large market for them. These bonds are deposited in the Treasury. They are paid for by the banks. The Government is at no expense whatever in the issuing of the bank-notes. Here a circulation has been furnished absolutely indisputable in credit, which travels all the world over, which is taken everywhere, and which is equal to gold or silver coin. It has been furnished free without a single shade of monopoly about it. Every man had the right to enter into the system, and the people did enter into it in every part of the country. It has furnished a circulation so absolutely safe that no living man has ever lost a dollar by it, and this has been without cost to the Government. Even the expense of redemption, the expense of printing, the expense of engraving, and every expense connected with the national-banking system has been paid by the banks themselves.

You propose to substitute a different policy, to buy silver bullion, not at its mint value, not at the old standard value, but at its market value, and under the operation of this system the price of silver has gone steadily down, notwithstanding the prophecies made in relation to it. You now propose to buy silver bullion and coin it, that is, to undergo an expense, in the first place, of 1½ per cent. to coin this extra silver to take the place of the national-bank notes. Then you issue the coined dollars, you transport them, you do everything to put them in circulation, all at the expense of the people of the United States, while the bank-notes cost you nothing, for the expenses were all paid by the banks themselves. Yet we are called on to substitute one for the other on this hurried movement. I say it is unwise, Senators. I can see that in the dim future, eight or ten or twelve or fifteen years hence, the national-banking system must disappear, because there is no security upon which national-bank notes can be based except the Government bonds, and Government bonds will disappear probably before fifteen years from this time.

They will disappear, and then these banks, from the necessity of the case, in due time will become mere banks of discount and deposit, and then the Government of the United States will be called on to provide some other form of paper money, whether in the shape of silver certificates, or coin certificates, or gold certificates, whether in the shape of gold, or silver coin, or greenbacks. The question would then properly come before us for decision, and so now we might make preparation for that event.

Sometimes it is said, and Senators near me seem to think, that I have been opposed to silver. I never have been. If the policy that I have always advocated had been adopted and acted upon silver never would have depreciated in market value as it has, so far as the Government of the United States, at least, was concerned; silver would have had an upward tendency. Its tendency by being demonetized in the great European states undoubtedly forced it downward; but the maintenance of silver as near as possible to the standard of gold on the present ratio is a wise effort of public policy. If we can not bring it up to that standard in market value we can approach it, and then by conventions with European nations we may probably establish a new ratio, and put gold and silver side by side as they have been in the past. But when in the markets they are rated at different values no power in the world, not even the United States, can bring them together. You may, by the line of policy you have been pursuing, reach finally the single silver basis, and place all your transactions on the same foundation as China and Japan and Mexico and South America, and thus detach yourselves from the great commercial nations of the world.

I desire to see these two metals put side by side with each other, of equal relative value upon a fixed ratio, but am opposed to this policy which has tended from the beginning to depreciate silver bullion.

What is the effect of this bill now? You increase the silver dollars in the Treasury and you issue your certificates upon them. You can not circulate those silver dollars, because two or three administrations have tried their utmost to get the dollars into full and active circulation, but the instincts and habits of our people are against either gold or silver coin in actual circulation. They should, however, be made the basis of circulation, and there can be no objection whatever to gold certificates issued upon gold bullion deposited in the Treasury at its market value. Its market value being fixed by the commercial nations is stable, 25.8 grains being the equivalent of the dollar according to our law, and similar amounts being equivalent to the standard of all European countries now.

What should we have done with silver? We should have done as France did, as France does, and as every Latin nation does. We should not have coined any more of it than was necessary for the ordinary transactions of business so that the people would absorb the coin, and on the balance of the silver bullion we should have issued silver certificates from the beginning, and we can do it now. There is no objection in the minds of the great body of financial men of this country to basing silver certificates upon silver bullion at its market value, and the certificates thus based, each representing its worth of silver, would be circulated freely without any change of the ratio, for I would not desire to see the ratio changed until it is changed by the consensus of the commercial nations of the world; and yet this proposition we are to act on without any examination! Let me go a little further.

We have seen a proposition here to issue more greenbacks, and it was adopted by the Senate, and the next morning the Senate evidently reconsidered that decision quietly and were disposed to recede. Who now would, in the light of the discussion we have had, open up again the question of the constitutional power of the United States to issue paper money except in time of war? Who would desire to have the question about the greenbacks opened, and to run the risk at certain times of excitement of a large issue of paper money which would fall below the standard of gold and silver coin? The good sense of the Senate sleeping over night induced the withdrawal of that proposition, and probably the good sense of the Senator from Kansas also induced him to withdraw it. It was done. One of the propositions disappeared.

Then another proposition was offered by my friend from Nevada, to buy substantially—because we were to purchase, though he said it was not a purchase—to buy substantially all the silver bullion that might be offered at a price that might be put up in fifteen days by half a dozen wealthy men, or put down. That was withdrawn, and what is left is the more simple and less harmless, but still dangerous, proposition of the Senator from Kentucky. But is it wise to consider any of these propositions until we consider them in their length and breadth?

I say that the United States notes can only be maintained at par in coin by the very reserve of money that the Senator from Texas would indiscriminately dissipate and expend. We had an irredeemable money and it continued irredeemable long after the war was over, long after the credit of the United States was restored, long after bonds had risen clear above par. In 1876 gold was quoted at a premium of about 15 per cent. Why did not our paper go up to par? Simply because there was no money behind it. The promise was outstanding, but there was no preparation to redeem it; but the very moment these preparations commenced the greenbacks went up steadily and steadily about 1 per cent. a month until they reached par in gold.

What did that? Was it done by the mere idle mandate of the resumption act? It was done by the accumulation of this very $100,000,000 of gold in the Treasury. Just exactly as that gold accumulated in the Treasury so those notes approached to par, and when the time was reached so that even a doubting Thomas or any man, banker, broker, or what not, could see that the Government of the United States had made preparations to fulfill their promise, just that moment the gold was not demanded. Dissipate that gold, scatter it among the nations of the world, drive it from your shores, drive it to be hoarded in banks or in the strong boxes of the moneyed men, and leave this great amount of $346,000,000 of greenbacks unprotected by this large reserve, and what then would happen? A single Black Friday, a panic in stocks, some sudden event not now foreseen—because such events can not be foreseen—would make a gap between this paper promise and the gold or silver coin.

Why, Mr. President, it seems to me idle to debate this question; it has been debated so long and so often. We have gone through one period of depression, the panic of 1873. We have gone through one time of stringency to bring our notes up to the standard of coin. Why disturb that? I do not see why. Therefore these various propositions made from time to time by gentlemen upon these most difficult and intricate questions of finance grate harshly upon me, I confess. As a conservative man I desire to see just as much money in circulation in this country as can be used by the people of the country, and I would rather have it too much than too little; but what I want is that it shall be good money, good in every market of the world, whether it may be the paper promises or gold or silver coin; that they shall be only so issued as to be maintained at par with each other in every market.

The silver dollar that has been coined, intrinsically now worth only 72 cents, cost the Government on an average about 86 cents on the dollar. I do not care anything about the loss, because that is small, comparatively. We can base our currency on these silver dollars, but the silver dollars can not be forced into circulation side by side with gold without making a gap between the two.

Mr. STEWART. Does the Senator say our silver dollar is only worth 72 cents?

Mr. SHERMAN. The bullion in it is only worth that.

Mr. TELLER. The Government pays them out at par.

Mr. SHERMAN. The Government pays them out at par and we receive them at par, and it is that fact which maintains them. It is because the fiat of the Government is behind them, but if that fiat was withdrawn and we satisfy the business men of this country that they must come down to the silver standard they will readily adapt themselves to that basis easily and without loss, but the people of the country generally will not and can not. They will not foresee it, and I trust the time will never come—and I believe in that the Senator from Colorado will agree with me—when the Government of the United States

will not maintain all these silver dollars and the silver certificates based upon them up to the standard of gold.

Mr. TELLER. That is what I desire.

Mr. SHERMAN. The Senator desires it. I am glad to hear him say so, and I am glad to co-operate with him; and to the extent that silver bullion or silver money can be used, I do not care whether a hundred millions or a thousand millions are issued. So long as it can be maintained by the power of the Government at par with gold coin I do not care how much is issued; but I fear that in some idle moment some hap-hazard movement may even without their aid and against their consent, probably, derange the relative value of the two metals, and make a gap between silver and gold, and then we shall see the result?

Mr. JONES, of Nevada. Suppose gold should continue to go up in purchasing power as it has for the last sixteen years, and become 20 per cent. more valuable than it is now, does the Senator want to make property correspondingly less valuable?

Mr. SHERMAN. I do not think that is a question that is at all involved in this matter. Is the Senator, on the other hand, willing to have silver alone as the standard of value in this country?

Mr. JONES, of Nevada. I should want some adequate amount of silver. I do not think there is near enough of it yet. We want more silver.

Mr. SHERMAN. The Senator from Nevada, who is a good business man, shrinks from the possibility of a gap between these two metals, and so do I.

Mr. TELLER. Nobody proposes a gap. Have we proposed it? Have we suggested it?

Mr. SHERMAN. You do not propose a gap, but it may come.

Mr. President, I have said enough on this subject. I am willing to do all that can be done to maintain silver, provided the Senators will stand by me in maintaining these two metals at par with each other until by the common consent of the nations of the world who control the money markets there may be a ratio more nearly approaching stability than the present one, for I shall be glad indeed to see silver advance above our ratio and reach the French standard, if it can be brought about. If any line of public policy can be devised that tends to advance our silver to the French standard of 15½ to 1 and make it conform to the standard of the Latin nations, that policy I will as cheerfully embrace and as cheerfully adopt as any other. Until then I prefer to go along meeting such difficulties as arise and postponing those that we can not solve until a more happy period.

These remarks have been drawn out by the remarks made by the Senator from Kansas [Mr. PLUMB] and by the Senator from Texas [Mr. REAGAN]. The Senator from Kansas held up as a bill of fearful proportions, of dangerous tendencies, one called the Aldrich bill. Every member of the Committee on Finance knows very well that I did not take any particular interest in that bill, although I was willing to have it reported. He quoted that as a bill which I was advocating, and the principle of the bill I do advocate. It contains two provisions only. One is that the Secretary of the Treasury be authorized—not directed—to so compound with the holders of the bonds as to reduce the rate of interest to 2½ per cent. and to pay the difference in money, based on the idea of saving to the United States interest at 3 per cent. compounded.

Everybody can see that such a transaction would be beneficial to the Government. Every one can see that at times when the demand for money is great and the bond market somewhat weak, the bondholders might be willing to exchange for the difference in ready money a bond bearing 4 per cent. interest for a bond bearing 2½ per cent. By the payment of a reasonable sum of money the Government would save more than one-half of the interest accruing before the bond becomes due. That transaction every business man can see would be a profitable one.

Then it provides further that the reduced bond at 2½ per cent. interest may be deposited with the Treasury, and upon that basis banking circulation may issue. There can be no doubt about the wisdom of that if the banking system is to endure until the debt is paid, but to issue notes to the face value of this bond would not be a wise provision. I intended when the bill came up to reduce the issue of notes, as it is now, to 90 per cent., and then it would be perfectly safe, because all the present bonds will mature in a few years and will be paid off. I can not now tell whether any provision can be then made whereby to continue in existence the national banks; but until then they are the safest depositories of the power of issuing paper money that I know of, unless the Government chooses to embark again in the policy of issuing greenbacks.

Take these bank-notes and the United States notes as now limited by law together with certificates based on the market value of gold and silver bullion, and you have a currency which you may compare with that of any nation of the world. It can not be taken away from you. It will not be exported, and it may even endure the current of a balance of trade against you. We must not forget that our exceptional prosperity and our exceptional condition now grow out of the prosperity of our people in all branches of industry. Although there may be and doubtless are low prices, and here and there distress, yet as a country compared with other countries ours is altogether the most prosperous of any in the world. It can compare with any other in public credit, in public faith, in public honor, in our currency, in our finances, in our large accruing revenue, and especially in the protective system which lies at the bottom of the great prosperity our people have enjoyed for the last twenty years.

With these remarks I am willing to take the vote on this bill.

Mr. ALLISON. Mr. President, I had hoped that we should get through with this bill without any lengthy debate upon questions relating to the currency, and I have declined thus far to express any views on that subject. I agree in the view of the Senator from Ohio that it would have been better to have passed this bill without amendment, and I desired that that should be done. Indeed, I would have preferred not to pass the bill, but it seemed to be necessary because the President of the United States had expressed some doubts of his power to buy bonds under the existing law. I know of nobody else who doubts that power.

After the adoption of the amendment of the Senator from Wisconsin in the nature of a substitute, which I think is an improvement upon the bill as proposed by the Finance Committee or as it came to us from the House of Representatives, the Senator from Kentucky saw proper to add to it his provision respecting silver. I voted for that proposition. I voted for it, having made such careful examination as I could during the intervening period between the time it was offered and the time the vote was taken, and I would not rise now to speak upon that amendment or to say one word respecting it except for a remark which I think inadvertently dropped from the Senator from Ohio, that the amendment in its effect and purpose will alarm the business interests of the country.

If I believed that there was any just cause of alarm in this amendment I would stand as firmly as the Senator from Ohio against it. But although this amendment looks to an additional coinage of silver as provided under the act of 1878, there is nothing in it that has a tendency which should in the slightest degree alarm the people of this country as respects silver coinage.

Why, Mr. President, this Administration, hostile as I believe it to be to silver, hostile as it has shown itself to be in its public utterances, whether in letters or in Presidential messages, during the past fiscal year, as shown by its own reports, has bought more than $2,000,000 worth of silver beyond what the law required it to buy. This administration of the Treasury Department coined during the last year $34,000,000 of silver dollars when it was not necessary for it to have coined more than about $30,000,000.

Now, it is necessary for us to see the result and effect of the amendment proposed by the Senator from Kentucky. That amendment when first shown me looked somewhat alarming, because I had some fear that under it there would be perhaps an excessive coinage of silver; but I hold in my hand a statement sent to me this afternoon, since this debate commenced, in response to a telegram from me, respecting the diminution of national-bank currency for the last eight months. I did not ask for the state of the national-bank currency during the period prior to the 1st of July, 1887, because during that period the banks were generally surrendering the 3 per cent. bonds and there was an abnormal condition of surrender.

I have this statement in my hand, which discloses that the net reduction of the national-bank notes during the last eight months has only been $6,560,000, in round numbers; to be exactly accurate, $6,560,295. That refers to notes of national banks having outstanding bonds against them. Of course I am not now speaking of national-bank notes that were surrendered against the greenbacks of which the Senator from Ohio spoke, about $102,000,000, as he said, although there should properly be made a great reduction from that amount.

It so happens that by the sixth section of the act of 1882, which I have before me, the banks may reorganize, and three years after that reorganization they are bound either to take up their old circulation or deposit in the Treasury of the United States greenback notes in order to take the place of that circulation; and when they take up their old circulation or deposit greenbacks they are entitled at once to take new circulation. So of the $103,000,000, which is in the Treasury as charged against national-bank circulation, $47,565,606 is bank circulation surrendered by means of lawful money under the sixth section of the act of 1882; and under that act national banks have taken actual circulation in place of it.

So then of this large amount which appears in the debt statement of the Treasury as respects national-bank circulation there is an apparent statement which is, in effect, false; and I hope the Senator from Illinois [Mr. FARWELL], who made such a clear and admirable exhibit, as reported in the RECORD the other day, of the existing condition of the Treasury, will take note of that situation of the national-bank notes in the next statement which he makes.

For the past eight months there has only been a reduction of $6,560,000 of national-bank notes. I venture the prediction, without of course having any accurate data, that during the next eight months there will not be as great an amount of national-bank notes surrendered as was surrendered during the last eight months, so that the ultimate effect——

Mr. PLATT. Then, if I understand the Senator, there has been no

absolute contraction of the currency during the last eight months, but an increase of the currency by reason of the silver coinage, and he thinks that during the next eight months there will also be an increase of the currency without any action here.

Mr. ALLISON. I have no doubt of that, and I can state further that during the very last month there was an increase of circulation by reason of the issue of silver certificates of more than $7,000,000; and it may as well be stated here and now whilst we are talking of expansion and contraction of the currency, that by the ordinary Treasury operations of our Government these expansions and contractions go on at the rate of from ten to twenty million dollars a month without exciting the slightest perturbation in business circles, and therefore it is that this is the mildest and gentlest and most harmless amendment as respects the expansion of circulation that could possibly be devised.

Now, I want to say another word in connection with this reduction of circulation. This reduction of bank circulation in the last six or eight months would scarcely have amounted to anything but for the fact that the Secretary of the Treasury in September last commenced depositing surplus money with national banks. He allowed national banks to receive deposits upon 4 per cent. bonds, which were worth in the market 125, at the rate of $1.10 for each dollar of the face of the bonds; and more than $5,000,000 of this surrender of national-bank circulation was surrendered by national banks in order that they might turn their bonds right over under this order of the Secretary of the Treasury, and instead of receiving 90 per cent. circulation receive 110 per cent. So the operation of the financial minister of this Government during the last four or five months was to make national banks surrender their circulation and put the very bonds that were held as security for that circulation up as security for the deposit of public money, whereby they received 110 instead of 90 per cent.

If that process had not gone on for the last six or eight months, the situation of the Treasury would be that there would have been practically no surrender and no decrease of national-bank circulation during that time. All this money was deposited without interest, but, of course, a national bank that had 4 per cent. bonds worth 125 in the market, receiving only 90 per cent. circulation for the face value, could surrender those bonds to the Secretary of the Treasury and turn them over at once to its deposit account and receive $1.10 in currency, thus making 20 per cent. by the operation.

I am glad to say that that process has been discontinued, as I understand, so that it goes on no longer. That being so, and the banks now being held down to their 90 per cent., will undoubtedly not continue to make these exchanges for their own advantage.

Mr. McPHERSON. Yet the Senator says that in eight long months only about $6,000,000 have been surrendered. Therefore, of what does he complain?

Mr. ALLISON. Mr. President, I am merely stating facts. I will leave the Senators on the other side of the Chamber to complain if they dislike that method of financiering as respects the national banks. It is not for me to complain or to sustain at this moment. I am merely stating the facts that but for this Treasury process there would have been no diminution practically of national-bank circulation during the last six months.

There is another provision, which is a limitation clearly upon this amendment of the Senator from Kentucky. By the law of 1882 it is not possible to surrender more than $3,000,000 per month for all purposes of national-bank circulation, unless the banks are forced into liquidation by the appointment of a receiver, and it is not probable that more than one-third of that amount will be from national banks that are surrendering a part of their circulation.

Mr. STEWART. Let me ask the Senator if they have bought any bonds during the past six months? Would it not have changed the condition if $100,000,000 had been used to buy bonds?

Mr. ALLISON. The Secretary of the Treasury in less than two months, during the quarter composed of September, October, and November, not only filled the sinking fund of last year, but bought a sufficient amount of bonds to cover the entire sinking fund of the year 1888.

Mr. STEWART. That was five months ago.

Mr. ALLISON. It was within the period of time referred to. I am showing that with all these extraordinary circumstances of the situation with respect to the bonds, without regard to the fact that the Secretary of the Treasury held out to the banks an inducement——

Mr. STEWART. How was it in the preceding eight months when he was buying bonds?

Mr. ALLISON. I am not speaking of that. Of course, during the preceding fiscal year there was a surrender of national-bank circulation to the extent of $75,000,000.

Mr. STEWART. Would not the purchase of bonds have a similar effect?

Mr. ALLISON. I think not, for the reason that no matter what the purchase of the bonds may be, the banks can only surrender $3,000,000 a month, so that the maximum under this bill that they can not possibly exceed is $36,000,000 of national-bank circulation in a year for all purposes, and it is not possible that more than one-half of that sum will be for the surrender of circulation which is contemplated in the amendment proposed by the Senator from Kentucky. Now, therefore, I want to say that there is no just or proper reason why anybody should be alarmed at the proposition of the Senator from Kentucky as I view it and as I understand it; and on that account mainly I desired to make this explanation in regard to it.

Mr. PLUMB. I wish to ask the Senator a question. He spoke about the Treasury having coined $34,000,000 of silver last year, as he says about $4,000,000 in excess of the amount required by law.

Mr. ALLISON. Two million dollars' worth in excess.

Mr. PLUMB. I ask him if he does not overlook the law providing for the redemption and recoinage of the trade-dollar?

Mr. ALLISON. No, sir; I am not only not overlooking it, but I have examined it with care. The trade-dollars, $6,690,000 of them, are stowed away in the vaults of the Treasury now, and they are not involved or included at all in the calculation which I have made.

Mr. PLUMB. Then, as I understand it, the Treasury Department have not recoined the trade-dollar, as required by law. Then, instead of there having been more coinage than the minimum required by law, there has been less, taking the two classes of coins together. I ask if that is not true?

Mr. ALLISON. I am not defending the Administration.

Mr. PLUMB. I want to ascertain what the fact is.

Mr. ALLISON. I will say to the Senator from Kansas that I have before me the report of the Director of the Mint, which shows the amount of bullion purchased. Of course that could not include trade-dollars.

Mr. PLUMB. I do not know whether it could or not.

Mr. ALLISON. They were put in without purchase.

Mr. PLUMB. No; the trade-dollars were purchased by the exchange of ordinary silver dollars.

Mr. ALLISON. They were redeemed at par. I will say to the Senator from Kansas that the report of the Director of the Mint shows the purchase of $26,000,000 worth of bullion.

Mr. PLUMB. Is there a separate report showing the operations of the law of February 19, 1887, providing for the redemption of the trade-dollar so as to make it certain that there has been no mixing of the two accounts in the Treasury Department?

Mr. ALLISON. There has been no mixing, because the trade-dollars have not been coined, with the exception of about a million and a half.

Mr. McPHERSON. Will the Senator from Iowa please answer the question whether the recoinage of the trade-dollar was left to the discretion of the Secretary of the Treasury under the law or whether it was an absolute requirement?

Mr. ALLISON. I have not the law before me. I will refer Senators to the statutes, because I do not propose to discuss the question of the trade-dollar.

Mr. McPHERSON. It was left to the discretion of the Secretary of the Treasury.

Mr. ALLISON. Very well; it was left to the discretion of the Secretary. I have not the statute before me.

Mr. BUTLER. Will the Senator from Iowa answer me a question, and that question is, Will he yield to a motion to adjourn?

Mr. ALLISON. I will only take a moment more.

Mr. PLUMB. I wish to ask the Senator from Iowa one further question. He speaks about the retirement of national-bank circulation during the past eight months. I ask him if he does not think a much larger retirement will be made, and if the Treasury will not be needing, for some time to come, national-bank notes to come in and thereby contract the currency still further?

Mr. ALLISON. I stated distinctly that this did not include the national-bank notes now offered to banks, to greenbacks, or money in the Treasury.

Mr. PLUMB. Can the Senator state the amount of contraction which is liable to occur during a short period of time by reason of the presentation of these bank-notes for redemption?

Mr. ALLISON. I can not, but I think it can not exceed $18,000,000. I did not rise to discuss that question. I only wanted to say that there was no justifiable ground for any business man to be alarmed at the vote of the Senate to-day. The Senator from Connecticut [Mr. PLATT] shows me that the trade-dollars have been melted and they are ready for coinage, but not yet coined.

Mr. President, I wish to say one word more in reply to the suggestions which were made by the Senator from Ohio. The Senator from Ohio stated that the silver act was a mistake from the beginning; that we have failed in the proper treatment of that question; and that we should have followed the example of France and other Latin nations as respects silver. I do not, at this moment, intend to enter upon an argument of that question. It is a sufficient answer for the present to say that in 1878 we had no silver and France had certainly $800,000,000 of it, two and a half times as much silver coin of five-franc pieces, having 3 per cent. less of bullion in them than our silver dollars of to-day. It may have been an unwise thing for us to coin silver, but I think, under the circumstances and situation that surrounded us, the legislation of 1878 has been fully and thoroughly justified.

Mr. PLUMB. We could not have resumed without it.

Mr. ALLISON. I thank the Senator for saying that, because I believe it would not have been possible to have maintained resumption without it. Therefore, whatever the defects in that legislation, I am

here ready to defend it on all occasions as necessary and proper legislation under our then circumstances and conditions.

I do not pretend, nor does anybody pretend, that the bullion value of silver to-day in our silver dollar, measured in gold, is equal to 25.8 grains of gold. Every man who has a grain of information upon this subject knows that when we coined silver by limitation of statute and by the purchase of bullion on account of the Government, that moment we made silver and gold part company, if they had not parted before, because we left our mints still open to the free and unlimited coinage of gold.

What is our silver coin to-day? It is nothing more nor less than a paper money having a local circulation in our country based upon silver coin. That is what it is, and that is what our gold coin is to a certain extent. It is a paper money having an absolute metal flavor certainly equal to 75 or 73 per cent. of its value in gold. Just how long that will continue without detriment to what is called the gold standard I am not here now to argue, although I have a belief respecting it.

But I wish to say to all the business men who may be alarmed lest we shall coin a million or two million more of silver this year than we ought, that it will be many years under the operation of existing laws as respects coinage before there will be any danger of an outflow of gold. I do not say what will happen if we shall so adjust our internal affairs by a change as respects our revenue laws as will affect the balance of trade and make it against us, because when that time comes, when we become a debtor nation instead of a creditor nation, as we are to-day, and when we are not able to settle those balances with bonds and securities or other arrangements, but are compelled to send metallic money to other countries, whether it be gold or silver, it will go there as bullion and be credited to us as bullion.

Whether our gold will not then go I am not prepared to say, but it is true that every single year from the passage of the act of 1878 to this moment we have imported more gold than we have exported, and in addition to that we have added the entire products of our mines, amounting on the average to $30,000,000 per annum.

So, whilst I would be as ready as any Senator to find just cause of alarm as respects the situation of our currency, I do not believe even with the amendment of the Senator from Kentucky that there is any reasonable danger that the additional coinage of silver which will result therefrom will amount to a single one-thousandth part of a cent per annum as respects the great measures of values which now adjust all our affairs, whether it be our cash transactions or our credit affairs.

I would not have said this much upon these questions but for the fact that I feared from a remark which inadvertently fell from the lips of the Senator from Ohio, that I might be called to account for the vote I have given, as a vote tending to disturb the business interests of the country.

Mr. PLUMB. I think we can now have a vote on the bill without any further delay, and have the matter finally disposed of. I hope the Senate will be so minded.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the amendment made to the bill as in Committee of the Whole as amended on the motion of the Senator from Kentucky.

Mr. STEWART. I ask for the yeas and nays.

Mr. MCPHERSON. Is the bill open to amendment?

The PRESIDENT *pro tempore*. It is in order to move to amend it.

Mr. MCPHERSON. At the end of the first section I move to insert the following proviso:

Provided, That nothing in this act contained shall authorize the Secretary of the Treasury to coin more than $4,000,000 worth per month, as fixed as the limit in the act of February 28, 1878.

Mr. STEWART. I move to lay the amendment on the table.

The PRESIDENT *pro tempore*. The Senator from Nevada moves to lay the amendment of the Senator from New Jersey on the table.

Mr. VOORHEES. I move that the Senate do now adjourn.

Mr. SAWYER. I wish to submit the report of a committee of conference.

Mr. VOORHEES. I withdraw my motion for that purpose.

MISSISSIPPI RIVER BRIDGE AT MEMPHIS.

Mr. SAWYER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2927) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Page 1, line 11, after the word "and," and before the word "for," insert the words "at the option of the corporation by which it may be built;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, and agree to the same.

PHILETUS SAWYER,
G. G. VEST,
ISHAM G. HARRIS,
Managers on the part of the Senate.
CHARLES F. CRISP,
JAMES PHELAN,
M. D. LAGAN,
Managers on the part of the House.

Mr. BERRY. There is some misunderstanding as to the effect of the agreement on the first amendment in regard to compelling the company to provide a passage for wagons, vehicles of all kinds, and foot passengers. I wish to be informed as to the effect of the agreement of the conferees.

Mr. HARRIS. I will answer the inquiry of the Senator from Arkansas. The bill as reported from the Committee on Commerce to the Senate left it optional with the bridge-builders to provide for a wagon and foot-passenger way upon the bridge. The amendment of the Senator from Arkansas [Mr. BERRY] made it imperative upon the bridge-builders to construct a wagon and foot way. The House conferees receded from their disagreement to the Senate amendment and agreed to the same with an amendment which amounts to exactly this: The bill as agreed upon by the conferees makes it the duty of the bridge-builders to construct a wagon way, and leaves it to the option of the builders to construct a foot-passenger way in addition thereto or not as they may choose; but the wagon-way they are compelled to construct.

Mr. BERRY. I will state that that explanation is satisfactory.

The PRESIDENT *pro tempore*. The question is on concurring in the report.

The report was concurred in.

Mr. VOORHEES. I renew my motion that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 14 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 5, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April* 4, 1888.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

PRINTING AND BINDING, POST-OFFICE DEPARTMENT.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a copy of a letter from the Postmaster-General submitting certain revised estimates for the postal service for printing and binding for the fiscal year ending June 30, 1889; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

MAIL-ROUTE LETTINGS.

The SPEAKER also laid before the House a letter from the Postmaster-General, transmitting supplemental report of offers received under miscellaneous advertisements for mail-routes issued January 24, 1887; which was referred to the Committee on the Post-Office and Post-Roads.

AGREEMENT WITH CERTAIN INDIAN TRIBES.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 1956) to ratify and confirm an agreement with the Gros Ventre, Piegan, Blood, Blackfeet, and River Crow Indians, in Montana.

Mr. PEEL. Inasmuch as the Senate asks a conference with the House on this bill, I ask unanimous consent that the House non-concur in the amendments of the Senate and agree to the conference asked for.

There was no objection, and it was so ordered.

SURVIVORS OF UNITED STATES STEAMER TALLAPOOSA.

The SPEAKER laid before the House the bill (S. 869) for the relief of the sufferers from the wreck of the United States steamer Tallapoosa; which was read a first and second time.

Mr. GALLINGER. At the close of the last session of Congress a bill had passed the Senate, and was then at the head of the Calendar of the House, identical in substance with this. This bill has now passed the Senate, and has been likewise unanimously reported by the Committee on Claims of the House, and is on the Calendar. I therefore ask unanimous consent to take up for present consideration the Senate bill.

Mr. EZRA B. TAYLOR. I must object, with a view to reaching the direct-tax bill.

The bill was referred to the Committee on Claims.

REPRINT OF TARIFF BILL AND REPORT.

Mr. MCMILLIN. Mr. Speaker, on yesterday morning I asked unanimous consent to have printed additional copies of the tariff bill, embracing also the report of the committee.

Mr. REED. Let that also include the views of the minority.

Mr. MCMILLIN. Also the views of the minority. The RECORD fails to show the request for printing the report.

The SPEAKER. That was the order directed to be made at the time, and the Journal shows that the report was ordered to be printed as well as the bill. This order will also include the views of the minority of the committee.

REPORT OF DEPARTMENT OF AGRICULTURE ON FORESTRY.

Mr. HATCH. Mr. Speaker, a resolution was reported back from the Committee on the Public Lands some time ago, asking the Commissioner of Agriculture for certain information, which was prepared and

addressed to the Speaker of the House in response to that resolution and submitted to the House, but by mistake was referred to the Committee on Agriculture. It should either be referred to the Committee on the Public Lands or to the Committee on Printing.

Mr. McRAE. I suggest that it had better be ordered to be printed for the use of the Committee on the Public Lands, or else that it should go direct to the Committee on Printing, as we have no use for it in that shape.

The SPEAKER. Without objection, it will be referred to the Committee on Printing.

There being no objection, it was so ordered.

Mr. ANDERSON, of Kansas. To what does the report relate?

Mr. HATCH. To the subject of forestry.

LOCKS AND DAMS ON THE CUMBERLAND RIVER.

Mr. BLANCHARD. Mr. Speaker, I am directed by the Committee on Rivers and Harbors to report back the joint resolution (H. Res. 81) to authorize the purchase of lands necessary for the construction of locks and dams on the Cumberland River, with the recommendation that the House disagree to the amendments of the Senate and agree to the conference asked by the Senate thereon.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to non-concur in the amendments of the Senate and agree to the conference. Without objection, this order will be made.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. OUTHWAITE, for three days, on account of important business.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (S. 404) for the relief of Margaret S. Murray;

A bill (S. 550) granting a pension to William C. Wall;

A bill (S. 574) to increase the pension of Mrs. Apolline A. Blair;

A bill (S. 803) granting a pension to Delia M. Peck;

A bill (S. 809) granting a pension to Betsy Mannsfield;

A bill (S. 815) granting a pension to Angerone P. Cole, mother of George H. Cole, private Company B, Twenty-fourth Regiment Wisconsin Volunteers;

A bill (S. 854) granting a pension to Sarah E. Branson;

A bill (S. 1784) granting a pension to Ida M. Welton;

A bill (S. 733) granting a pension to Abbie S. Hutchinson;

A bill (S. 549) granting a pension to Hannah R. Langdon;

A bill (S. 1785) granting a pension to Stephen D. Redfield;

A bill (H. R. 76) for the relief of L. A. Morris;

A bill (H. R. 85) granting a pension to Mrs. Mary Jane Case;

A bill (H. R. 115) to increase the pension of Thomas F. Townsend;

A bill (H. R. 369) granting a pension to Esther B. Hayford;

A bill (H. R. 439) for the relief of Grovenor A. Curtice;

A bill (H. R. 443) granting an increase of pension to Albert G. Fifield;

A bill (H. R. 445) granting a pension to Laura A. Wright;

A bill (H. R. 481) for the relief of Stephen M. Honeycutt;

A bill (H. R. 628) granting a pension to Juliette Stone;

A bill (H. R. 771) granting a pension to A. B. Van Cleve;

A bill (H. R. 806) for the relief of Mary Morford;

A bill (H. R. 863) granting a pension to Malinda Vest;

A bill (H. R. 2056) for the relief of Joel J. Goss;

A bill (H. R. 2093) for the relief of John K. Le Baron;

A bill (H. R. 2112) for the relief of Capt. John Burkhart;

A bill (H. R. 2218) to increase pension of James A. Buck;

A bill (H. R. 2514) granting a pension to J. Miller Raub;

A bill (H. R. 2517) granting a pension to Isaiah T. Johnson;

A bill (H. R. 2595) for the relief of the widow of John A. S. Tutt, deceased;

A bill (H. R. 2617) granting a pension to Mary Bailey;

A bill (H. R. 3441) declaratory of the meaning of the act entitled "An act for the relief of Maria Syphax;"

A bill (H. R. 3613) for the relief of Joseph Casson;

A bill (H. R. 3758) for the relief of the legal heirs of Fidus Livermore, deceased;

A bill (H. R. 3850) granting a pension to Moses F. Jackson;

A bill (H. R. 3898) granting increase of pension to James H. Reeve;

A bill (H. R. 4626) for the relief of Mary B. Kirby;

A bill (H. R. 4835) for the relief of Everard Flynn;

A bill (H. R. 5499) granting an increase of pension to Frederick Augustin;

A bill (H. R. 5766) granting a pension to Miss Capitola V. Hursh, daughter of Daniel Hursh;

A bill (H. R. 5874) for the relief of the heirs of the late Francis I. Wheeler;

A bill (H. R. 6071) for the relief of Mary Penfield;

A bill (H. R. 6562) for the relief of W. W. Screws;

A bill (H. R. 6789) granting a pension to Mary S. Wells;

A bill (H. R. 7237) granting a pension to Clarissa Harvey; and

Joint resolution (H. Res. 68) in favor of J. Q. Barton.

DISALLOWED POSTMASTERS' CLAIMS, KENTUCKY.

Mr. TAULBEE. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. TAULBEE. I send to the Clerk's desk the CONGRESSIONAL RECORD containing a resolution of inquiry which I introduced on the 19th of March, and which was referred to the Committee on the Post-Office and Post-Roads, in regard to the disallowance of pending claims of postmasters in Kentucky.

The Clerk read as follows:

Mr. TAULBEE submitted the following resolution; which was read, and referred to the Committee on the Post-Office and Post-Roads:

Resolved, That the Postmaster-General be requested to transmit to the House of Representatives a tabulated statement of the disallowed postmasters' claims presented from the State of Kentucky under the act of March 3, 1883, exhibiting all such claims as by an actual computation of commissions prescribed by the act of 1854, and entered upon claim jackets, show that the paid salaries are 10 per cent. or more less than such commissions. Such tabulated statement to show in each case: First, the name of the post-office; second, the name of the applicant; third, the period of service covered by the computation of commissions; fourth, the amount of the computed commissions; fifth, the amount of paid salary for the same term of service; sixth, the actual amount of commissions in excess of the paid salary.

Mr. TAULBEE. If the Committee on the Post-Office and Post-Roads could indicate any time within a reasonable period in the future that we could have assurance there would be a report on this resolution I have no desire to press the matter now or to occupy the time of the House in discussion.

Mr. DOCKERY. The chairman of the committee is now absent in the committee-room, that committee being engaged in the preparation of the Post-Office appropriation bill. Personally I do not know anything about the matter which the gentleman from Kentucky has called to the attention of the House, but I know that neither the Post-Office Committee nor any member of it has any desire to suppress any request for information.

Mr. BLOUNT (having just entered the Hall). I desire to say that the resolution of the gentleman from Kentucky has been referred to a subcommittee and will be acted on soon. There is no disposition to withhold the information. There are a number of matters before the committee, and this, like others, will be taken up and disposed of when it can be reached. The rules require that the appropriation bill shall be reported within thirty days of the commencement of a session; but the committees never report the bills within that time. We intend as soon as possible to make a report on the resolution to which the gentleman from Kentucky has called attention.

Mr. McCREARY. I ask the gentleman from Georgia what rule do we now have which requires an appropriation bill to be reported within the first thirty days of the session. I have been seeking to have a rule of that kind reported from the Committee on Rules, and I am not aware that there is any such rule now in existence.

The SPEAKER. What motion does the gentleman from Kentucky submit?

Mr. EZRA B. TAYLOR. Is this a privileged matter?

The SPEAKER. It is privileged if the gentleman from Kentucky submits a motion.

Mr. TAULBEE. I would not be understood as reflecting on the purposes of the committee in regard to reporting back this resolution; and as the gentleman from Missouri and the chairman of the committee have intimated that it will be reported within a reasonable time, I will not offer any motion.

REFUND OF DIRECT TAX OF 1861.

Mr. EZRA B. TAYLOR. I call for the regular order.

The SPEAKER. The regular order is the further consideration of the bill the title of which the Clerk will read.

The Clerk read as follows:

A bill (S. 139) to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861.

Mr. EZRA B. TAYLOR. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of that bill; and pending that motion I move that general debate be limited to one hour, and upon the latter motion I demand the previous question. But by the leave of the House I will state to the gentlemen who are opposing this bill that if they will fix any hour when, by unanimous consent, it can be considered that the previous question is ordered, I can probably agree with what they may suggest.

Mr. OATES. What is the motion of the gentleman from Ohio?

Mr. EZRA B. TAYLOR. I have moved to limit general debate to one hour, and I now suggest that if the opponents of the bill will fix any hour as satisfactory to them I may probably agree to it.

Mr. OATES. I have been endeavoring to ascertain the number of gentlemen who want to speak on this side and the length of time they would probably consume. They are gentlemen who have not yet spoken; and I think, from the inquiry I have made, it would take about three hours for all who want to speak to have an opportunity to do so. I think we can get through in three hours.

Mr. EZRA B. TAYLOR. Will it be understood that at the end of three hours we will take a vote?

Mr. OATES. I can only speak for myself as to that. I am not authorized to speak for other gentlemen.

Mr. EZRA B. TAYLOR. I am willing to agree to almost any time if it is understood that that will end the discussion. Otherwise I must insist on my motion.

Mr. OATES. I am satisfied that three hours is as much as all the gentlemen who want to speak on this side will seek to consume. If that time is allowed I think that will be the end of general debate.

Mr. EZRA B. TAYLOR. Then may I ask unanimous consent that at the end of three hours the previous question shall be ordered on the bill?

The SPEAKER. The bill is in the Committee of the Whole House on the state of the Union. The Chair understands the gentleman from Alabama [Mr. OATES] to say that three hours will be satisfactory to the gentlemen who desire to speak in opposition, and that general debate may then be closed. But the gentleman from Ohio will understand that unless there be an agreement to the contrary the bill will then be open to debate under the five-minute rule.

Mr. REED. It would be competent to agree that a vote shall be taken at 4 o'clock in the House. It is the desire on this side to allow ample opportunity for discussion, if after that we can have a vote upon the bill.

Mr. OATES. I feel authorized to say that the length of time indicated will be fully satisfactory as regards the general debate, but I am not authorized to go further than that.

Mr. REED. I ask unanimous consent that the previous question be considered as ordered at 4 o'clock, and that the vote be then taken upon the bill.

Mr. OATES. I could not consent to that, because that would cut off amendments.

Mr. REED. Will 5 o'clock suit the gentleman? That will give an hour and a half for amendments.

Mr. OATES. That may be sufficient, but I do not know what amendments may be offered.

Mr. REED. It is well to be perfectly frank, and we all know what we desire to do. There is no objection on the part of the friends of this bill to any discussion which can be deemed reasonable on the part of those who are opposed to it, if at the end of that time we can come to a vote. Of course we are limited to to-day so far as the present assignment is concerned, and if after that time there is no intention of using any obstructive measures, then we can come to an agreement; but if there is an intention to use obstructive measures, those who are in favor of the bill will be quite likely to consider the debate which is asked for as in the nature of occupying just so much time. That being understood—of course we all understand it—what we desire is to have an agreement which will cover the point wherein we are opposed. We on our part desire to give an opportunity for discussion to any extent which gentlemen may deem satisfactory within reasonable limits, but we desire also the passage of the bill, and we do not wish to have it obstructed by dilatory motions or maneuvers. Now, the gentlemen on the other side say that they are satisfied with three hours, and as I understand the gentleman from Ohio [Mr. EZRA B. TAYLOR] he is entirely willing that they shall have all the time to themselves except a few moments. That being the case, will the other side now agree that the vote shall be taken at, say, 5 o'clock upon the bill and amendments?

Mr. OATES. Mr. Speaker, I have been diligent to ascertain the wishes of the gentlemen who agree with me in opposition to this bill, and I can state that if three hours are allowed to this side for general debate nothing more will be asked as to general debate; but further than that I am unable to state. All that I ask for is that the bill may take the usual course. It may be understood now that general debate shall cease at the time indicated and that then there will be an opportunity to offer amendments, but I can not undertake to say when a vote shall be had.

Mr. REED. I think we understand each other, and we can very easily test the question. I ask the Speaker to put my request for unanimous consent that the Committee of the Whole be discharged from the further consideration of this bill and that the previous question be considered as ordered, and the vote taken on the passage of the bill at 5 o'clock.

Mr. DIBBLE. I would suggest to the gentleman from Maine that the previous question should be ordered on the bill and amendments.

Mr. REED. On the bill and amendments, of course.

Mr. McRAE. Mr. Speaker, that includes, of course, all amendments that may be offered when we come to offer amendments.

The SPEAKER. The Chair supposes that it would include all amendments pending at the time the Committee of the Whole is discharged.

Mr. REED. Yes. The proposition allows three hours for debate on the part of the opponents of the bill, it allows an hour for amendment, and it takes the vote on whatever is pending at the expiration of the time.

The SPEAKER. The gentleman from Maine [Mr. REED] asks unanimous consent that general debate be closed at the expiration of three hours after the House goes into Committee of the Whole on the state of the Union; that at 5 o'clock the Committee of the Whole be discharged from the further consideration of the bill and report the same back to the House with all pending amendments, including amendments which may be offered; and that the previous question be considered as ordered upon the adoption of the amendments and the passage of the bill. Is there objection?

Mr. BRECKINRIDGE, of Arkansas. I object.

Mr. OATES. The first part of the proposition, Mr. Speaker, I am perfectly willing to agree to, but——

Mr. REED. That is, the part you are in favor of you are willing to agree to, but the other part you are not. That is not business.

The SPEAKER. The gentleman from Ohio [Mr. EZRA B. TAYLOR] moves that the House now resolve itself into Committee of the Whole for the consideration of the special order, and pending that he moves that general debate be closed in one hour, and upon that motion he demands the previous question. The question is first on ordering the previous question.

The question was taken, and the Speaker declared that the ayes seemed to have it.

Mr. BRECKINRIDGE, of Arkansas. Division!

The House divided; and there were—ayes 77, noes 28.

Mr. OATES. No quorum.

Mr. EZRA B. TAYLOR. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 169, nays 28, not voting 127; as follows:

YEAS—169.

Allen, Mass.	Cutcheon,	Jackson,	Post,
Allen, Mich.	Dalzell,	Johnston, Ind.	Pugsley,
Anderson, Kans.	Darlington,	Kean,	Randall,
Atkinson,	Davis,	Kelley,	Reed,
Baker, N. Y.	Dibble,	Kennedy,	Rice,
Baker, Ill.	Dingley,	Kerr,	Romeis,
Bayne,	Dockery,	Ketcham,	Rowell,
Belden,	Dorsey,	La Follette,	Russell, Conn.
Belmont,	Dunham.	Laidlaw,	Russell, Mass.
Biggs,	Elliott,	Laird,	Ryan,
Boothman,	Ermentrout,	Latham,	Sawyer,
Bound,	Farquhar,	Lawler,	Scott,
Boutelle,	Finley,	Lee,	Seymour,
Bowden,	Fitch,	Lehlbach,	Simmons,
Bowen,	Flood,	Lind,	Stahlnecker,
Brewer,	Ford,	Lyman,	Steele,
Brower,	Fuller,	Mahoney,	Stephenson,
Browne, T. H. B., Va.	Funston,	Maish,	Stewart, Vt.
Browne, Ind.	Gallinger,	Mansur,	Struble,
Brown, Ohio	Gear,	Mason,	Symes,
Brown, J. R., Va.	Gest,	Matson,	Taulbee,
Brumm,	Glover,	McAdoo,	Taylor, E. B., Ohio
Bryce,	Greenman,	McComas,	Thomas, Ky.
Buchanan,	Grosvenor,	McCormick,	Thomas, Wis.
Bunnell,	Grout,	McKenna,	Tracey,
Burrows,	Guenther,	McKinley,	Townshend,
Butterworth,	Hall,	McKinney,	Turner, Kans.
Campbell, F., N. Y.	Hare,	Milliken,	Turner, Ga.
Campbell, Ohio	Harmer,	Montgomery,	Wade,
Campbell, T. J., N. Y.	Haugen,	Morrill,	Walker,
Cannon,	Heard,	Morrow,	Warner,
Caruth,	Henderson, Iowa	Morse,	Weber,
Caswell,	Henderson, Ill.	Nelson,	West,
Cheadle,	Hermann,	Nichols,	White, Ind.
Chipman,	Hires,	Nutting,	White, N. Y.
Clark,	Hitt,	O'Donnell,	Whiting, Mass.
Cogswell,	Holmes,	O'Ferrall,	Wickham,
Collins,	Hopkins, Ill.	Osborne,	Wise,
Compton,	Hopkins, Va.	Parker,	Yoder.
Conger,	Houk,	Patton,	Yost.
Cothran,	Hovey,	Perry,	
Crouse,	Hudd,	Pidcock,	
Culberson,	Hunter,	Plumb,	

NAYS—28.

Abbott,	Glass,	Laffoon,	Peel,
Anderson, Iowa	Hatch,	McCreary,	Rowland,
Blanchard,	Henderson, N. C.	McRae,	Springer,
Bynum,	Holman,	Moore,	Stewart, Tex.
Cummings,	Hutton,	Morgan,	Stone, Ky.
Dunn,	Johnston, N. C.	Neal,	Stone, Mo.
Gay,	Kilgore,	Norwood,	Whitthorne.

NOT VOTING—127.

Adams,	Davenport,	Lynch,	Seney,
Allen, Miss.	Davidson, Ala.	Macdonald,	Shaw,
Anderson, Miss.	Davidson, Fla.	Maffett,	Sherman,
Anderson, Ill.	De Lano,	Martin,	Shively,
Arnold,	Dougherty,	McClammy,	Smith,
Bacon,	Enloe,	McCullogh,	Snyder,
Bankhead,	Felton,	McMillin,	Sowden,
Barnes,	Fisher,	McShane,	Spinola,
Barry,	Foran,	Merriman,	Spooner,
Bingham,	Forney,	Mills,	Stewart, Ga.
Bland,	French,	Moffitt,	Stockdale,
Bliss,	Gaines,	Newton,	Tarsney,
Blount,	Gibson,	Oates,	Taylor, J. D., Ohio
Breckinridge, Ark.	Goff,	O'Neall, Ind.	Thomas, Ill.
Breckinridge, Ky.	Granger,	O'Neill, Pa.	Thompson, Ohio
Buckalew,	Grimes,	O'Neill, Mo.	Thompson, Cal.
Burnes,	Hayden,	Outhwaite,	Tillman,
Burnett,	Hayes,	Owen,	Vance,
Butler,	Hemphill,	Payson,	Vandever,
Candler,	Herbert,	Penington,	Washington,
Carlton,	Hiestand,	Perkins,	Weaver,
Catchings,	Hogg,	Peters,	Wheeler,
Clardy,	Hooker,	Phelan,	Whiting, Mich.
Clements,	Hopkins, N. Y.	Phelps,	Wilber,
Cobb,	Howard,	Rayner,	Wilkins,
Cockran,	Jones,	Richardson,	Wilkinson,
Cooper,	Lagan,	Robertson,	Williams.
Cowles,	Landes,	Rockwell,	Wilson, Minn.
Cox,	Lane,	Rogers,	Wilson, W. Va.
Crain,	Lanham,	Rusk,	Woodburn,
Crisp,	Lodge,	Sayers,	Yardley.
Dargan,	Long,	Scull,	

So the previous question was ordered.

Mr. O'NEALL, of Indiana. I desire to withdraw my vote. I voted under a misapprehension, as I am paired with the gentleman from Mississippi [Mr. ALLEN].

Mr. WHITE, of New York. I ask unanimous consent that the reading of the names be dispensed with.

Mr. BRECKINRIDGE, of Arkansas. I object.

The SPEAKER. The Clerk will announce the pairs.

The following-named members were announced as paired on all political questions until further notice:

Mr. RICHARDSON with Mr. GALLINGER.
Mr. WILKINS with Mr. DAVENPORT.
Mr. DARGAN with Mr. LODGE.
Mr. MERRIMAN with Mr. YARDLEY.
Mr. OUTHWAITE with Mr. COOPER.
Mr. O'NEILL, of Missouri, with Mr. ROCKWELL.
Mr. COWLES with Mr. THOMPSON, of Ohio.
Mr. SPINOLA with Mr. THOMAS, of Illinois.
Mr. BLAND with Mr. HIESTAND.
Mr. SENEY with Mr. PHELPS.
Mr. DAVIDSON, of Alabama, with Mr. CONGER.
Mr. BURNETT with Mr. SHERMAN.
Mr. JONES with Mr. GOFF.
Mr. CUMMINGS with Mr. MOFFITT.

The following-named members were announced as paired for this day:

Mr. MILLS with Mr. ADAMS.
Mr. COCKRAN with Mr. SCULL.
Mr. CLARDY with Mr. PERKINS.
Mr. FISHER with Mr. PETERS.
Mr. GRANGER with Mr. PAYSON.
Mr. MCCLAMMY with Mr. JOSEPH D. TAYLOR.
Mr. BLANCHARD with Mr. HENDERSON, of Illinois, on all political questions; also on the direct-tax bill. If present, Mr. HENDERSON would vote for the bill, Mr. BLANCHARD against it.
Mr. ROGERS with Mr. THOMPSON, of California, on this bill.
Mr. CRISP with Mr. HAYDEN, on this bill.

The result of the vote was announced as above stated.

Mr. TURNER, of Georgia. I move to reconsider the vote last taken.

Mr. EZRA B. TAYLOR. I move to lay that motion on the table.

Mr. TURNER, of Georgia. On the latter motion I demand the yeas and nays.

The yeas and nays were ordered, 40 voting in favor thereof.

The question was taken; and it was decided in the affirmative—yeas 164, nays 16, not voting 144; as follows:

YEAS—164.

Allen, Mass.	Culberson,	Houk,	Peel,
Allen, Mich.	Cutcheon,	Hovey,	Perry,
Anderson, Kans.	Dalzell,	Hudd,	Pidcock,
Atkinson,	Darlington,	Hunter,	Plumb,
Baker, N. Y.	Davis,	Hutton,	Post,
Baker, Ill.	De Lano,	Jackson,	Pugsley,
Bayne,	Dibble,	Johnston, Ind.	Randall,
Belden,	Dingley,	Kean,	Rice,
Biggs,	Dorsey,	Kelley,	Romeis,
Boothman,	Dunham,	Kennedy,	Rowell,
Bound,	Farquhar,	Kerr,	Rowland,
Boutelle,	Felton,	Ketcham,	Ryan,
Bowden,	Finley,	Laidlaw,	Sawyer,
Bowen,	Fitch,	Latham,	Seymour,
Brewer,	Flood,	Lawler,	Simmons,
Brower,	Foran,	Lehlbach,	Stahlnecker,
Browne, T.H.B., Va.	Ford,	Lind,	Steele,
Browne, Ind.	French,	Lyman,	Stephenson,
Brown, Ohio	Fuller,	Lynch,	Stewart, Vt.
Brown, J. R., Va.	Funston,	Macdonald,	Struble,
Brumm,	Gallinger,	Mahoney,	Symes,
Buchanan,	Gear,	Mansur,	Taylor, E. B., Ohio
Bunnell,	Gest,	Mason,	Thomas, Ky.
Burrows,	Glover,	Matson,	Thomas, Wis.
Butterworth,	Greenman,	McComas,	Tracey,
Bynum,	Grosvenor,	McCormick,	Turner, Kans.
Campbell, F., N. Y.	Grout,	McKenna,	Vandever,
Campbell, Ohio	Guenther,	McKinley,	Wade,
Campbell, T.J., N.Y.	Hall,	McKinney,	Walker,
Cannon,	Harmer,	Milliken,	Warner,
Caruth,	Haugen,	Montgomery,	Weber,
Caswell,	Hayes,	Morrill,	West,
Cheadle,	Heard,	Morrow,	White, Ind.
Chipman,	Henderson, Iowa	Nichols,	White, N. Y.
Clark,	Hermann,	Nutting,	Whiting, Mass.
Cogswell,	Hires,	O'Donnell,	Wilber,
Collins,	Hitt,	O'Ferrall,	Wilkinson,
Conger,	Holmes,	Osborne,	Williams,
Cothran,	Hopkins, Ill.	Owen,	Wise,
Cox,	Hopkins, Va.	Parker,	Yoder,
Crouse,	Hopkins, N. Y.	Patton,	Yost.

NAYS—16.

Abbott,	Dunn,	Hogg,	Neal,
Belmont,	Elliott,	Holman,	Stewart, Tex.
Bryce,	Hatch,	Johnston, N. C.	Stone, Ky.
Cummings,	Henderson, N. C.	McCreary,	Wheeler.

NOT VOTING—144.

Adams,	Arnold,	Bingham,	Breckinridge, Ark.
Allen, Miss.	Bacon,	Blanchard,	Breckinridge, Ky.
Anderson, Iowa	Bankhead,	Bland,	Buckalew,
Anderson, Miss.	Barnes,	Bliss,	Burnes,
Anderson, Ill.	Barry,	Blount,	Burnett,
Butler,	Hayden,	Moore,	Sherman,
Candler,	Hemphill,	Morgan,	Shively,
Carlton,	Henderson, Ill.	Morse,	Smith,
Catchings,	Herbert,	Nelson,	Snyder,
Clardy,	Hiestand,	Newton,	Sowden,
Clements,	Hooker,	Norwood,	Spinola,
Cobb,	Howard,	Oates,	Spooner,
Cockran,	Jones,	O'Neall, Ind.	Springer,
Compton,	Kilgore,	O'Neill, Pa.	Stewart, Ga.
Cooper,	Laffoon,	O'Neill, Mo.	Stockdale,
Cowles,	La Follette,	Outhwaite,	Stone, Mo.
Crain,	Lagan,	Payson,	Tarsney,
Crisp,	Laird,	Penington,	Taulbee,
Dargan,	Landes,	Perkins,	Taylor, J. D., Ohio
Davenport,	Lane,	Peters,	Thomas, Ill.
Davidson, Ala.	Lanham,	Phelan,	Thompson, Ohio
Davidson, Fla.	Lee,	Phelps,	Thompson, Cal.
Dockery,	Lodge,	Rayner,	Tillman,
Dougherty,	Long,	Reed,	Townshend,
Enloe,	Maffett,	Richardson,	Turner, Ga.
Ermentrout,	Maish,	Robertson,	Vance,
Fisher,	Martin,	Rockwell,	Washington,
Forney,	McAdoo,	Rogers,	Weaver,
Gaines,	McClammy,	Russell, Conn.	Whiting, Mich.
Gay.	McCullogh,	Russell, Mass.	Whitthorne,
Gibson,	McMillin,	Rusk,	Wickham,
Glass,	McRae,	Sayers,	Wilkins,
Goff,	McShane,	Scott,	Wilson, Minn.
Granger,	Merriman,	Scull,	Wilson, W. Va.
Grimes,	Mills,	Seney,	Woodburn,
Hare,	Moffitt,	Shaw,	Yardley.

So the motion to reconsider was laid on the table.

The following additional pairs were announced:

Mr. RUSK with Mr. GAINES, on all political questions, for this day.
Mr. ERMENTROUT with Mr. RUSSELL, of Connecticut, on this vote.
Mr. TOWNSHEND with Mr. WHITTHORNE, on this vote.

The result of the vote was announced as above stated.

The SPEAKER. The question is now on the motion of the gentleman from Ohio [Mr. EZRA B. TAYLOR] to limit general debate in Committee of the Whole on the direct-tax bill to one hour.

Mr. OATES. Pending that motion, I move that the House do now adjourn; and on that motion I ask for the yeas and nays.

The yeas and nays were ordered, 42 voting in favor thereof.

The question was taken; and there were—yeas 15, nays 165, not voting 144; as follows:

YEAS—15.

Allen, Miss.	Crisp,	Herbert,	Stockdale,
Anderson, Iowa	Forney,	Hooker,	Washington,
Breckinridge, Ark.	Grimes,	Lanham,	Wheeler.
Crain,	Hare,	Sayers,	

NAYS—165.

Allen, Mich.	De Lano,	Kelley,	Reed,
Anderson, Miss.	Dibble,	Kennedy,	Rice,
Anderson, Ill.	Dingley,	Kerr,	Romeis,
Anderson, Kans.	Dockery,	Ketcham,	Rowell,
Atkinson,	Elliott,	La Follette,	Rowland,
Baker, N. Y.	Ermentrout,	Laidlaw,	Russell, Mass.
Baker, Ill.	Farquhar,	Laird,	Sawyer,
Bayne,	Felton,	Landes,	Shaw,
Belden,	Finley,	Latham,	Shively,
Bliss,	Fitch,	Lee,	Simmons,
Boothman,	Flood,	Lehlbach,	Steele,
Bound,	Foran,	Lind,	Stewart, Vt.
Boutelle,	French,	Lyman,	Stone, Ky.
Bowden,	Funston,	Lynch,	Struble,
Bowen,	Gallinger,	Macdonald,	Symes,
Brower,	Gear,	Mahoney,	Taulbee,
Browne, T.H.B., Va.	Gest,	Martin,	Taylor, E. B., Ohio
Browne, Ind.	Greenman,	Mason,	Thomas, Ky.
Brown, Ohio	Grout,	Matson,	Thomas, Wis.
Brown, J. R., Va.	Guenther,	McCormick,	Tracey,
Brumm,	Hall,	McCreary,	Townshend,
Buchanan,	Harmer,	McKenna,	Turner, Kans.
Buckalew,	Hatch,	McKinley,	Vance,
Bunnell,	Haugen,	McKinney,	Vandever,
Burrows,	Heard,	McRae,	Wade,
Butterworth,	Henderson, Iowa	Milliken,	Walker,
Bynum,	Henderson, N. C.	Morrow,	Warner,
Campbell, T.J., N.Y.	Henderson, Ill.	Neal,	Weaver,
Cannon,	Hires,	Nelson,	Weber,
Caswell,	Hogg,	Newton,	West,
Chipman,	Holman,	Nichols,	White, Ind.
Clark,	Holmes,	Nutting,	Whiting, Mass.
Clements,	Hopkins, Ill.	O'Donnell,	Whitthorne,
Cogswell,	Hopkins, Va.	O'Ferrall,	Wickham,
Collins,	Hopkins, N. Y.	Osborne,	Wilber,
Conger,	Hovey,	Owen,	Williams,
Crouse,	Hudd,	Parker,	Wise,
Culberson,	Hunter,	Patton,	Yoder,
Cummings,	Jackson,	Plumb,	Yost.
Cutcheon,	Johnston, Ind.	Post,	
Dalzell,	Johnston, N. C.	Pugsley,	
Darlington,	Kean,	Randall,	

NOT VOTING—144.

Abbott,	Breckinridge, Ky.	Cobb,	Dunnam,
Adams,	Brewer,	Cockran,	Dunn,
Allen, Miss.	Bryce,	Compton,	Enloe,
Arnold,	Burnes,	Cooper,	Fisher,
Bacon,	Burnett,	Cothran,	Ford,
Bankhead,	Butler,	Cowles,	Fuller,
Barnes,	Campbell, F., N. Y.	Cox,	Gaines,
Barry,	Campbell, Ohio	Dargan,	Gay,
Belmont,	Candler,	Davenport,	Gibson,
Biggs,	Carlton,	Davidson, Ala.	Glass,
Bingham,	Caruth,	Davidson, Fla.	Glover,
Blanchard,	Catchings,	Davis,	Goff,
Bland,	Cheadle,	Dorsey,	Granger,
Blount,	Clardy,	Dougherty,	Grosvenor,

Hayden,	McComas,	Perry,	Spooner,
Hayes,	McCullogh,	Peters,	Springer,
Hemphill,	McMillin,	Phelan,	Stahlnecker,
Hermann,	McShane,	Phelps,	Stephenson,
Hiestand,	Merriman,	Pidcock,	Stewart, Tex.
Hitt,	Mills,	Rayner,	Stewart, Ga.
Houk,	Moffitt,	Richardson,	Stone, Mo.
Howard,	Montgomery,	Robertson,	Tarsney,
Hutton,	Moore,	Rockwell,	Taylor, J. D., Ohio
Jones,	Morgan,	Rogers,	Thomas, Ill.
Kilgore,	Morrill,	Russell, Conn.	Thompson, Ohio
Laffoon,	Morse,	Rusk,	Thompson, Cal.
Lagan,	Norwood,	Ryan,	Tillman,
Lane,	Oates,	Scott,	Turner, Ga.
Lawler,	O'Neall, Ind.	Scull,	White, N. Y.
Lodge,	O'Neill, Pa.	Seney,	Whiting, Mich.
Long,	O'Neill, Mo.	Seymour,	Wilkins,
Maffett,	Outhwaite,	Sherman,	Wilkinson,
Maish,	Payson,	Smith,	Wilson, Minn.
Mansur,	Peel,	Snyder,	Wilson, W. Va.
McAdoo,	Penington,	Sowden,	Woodburn,
McClammy,	Perkins,	Spinola,	Yardley.

So the motion to adjourn was rejected.

Mr. GLOVER. Mr. Speaker, I wish to record my vote on this question.

The SPEAKER. Was the gentleman in the Hall when his name was called?

Mr. GLOVER. My name was called just as I entered the Hall, but not knowing the question that was being taken I refrained from voting at the moment.

The SPEAKER. The Chair does not think the gentleman comes within the exception to the rule.

Mr. GLOVER. I should have voted "no" on this question.

The following additional pair was announced:

Mr. DUNN with Mr. BIGGS, on this bill.

The result of the vote was then announced as above recorded.

The SPEAKER. The question is on the motion of the gentleman from Ohio to limit debate to one hour.

Mr. OATES. Mr. Speaker——

The SPEAKER. What motion does the gentleman make?

Mr. OATES. I shall not submit a motion at this time.

The question was taken on the motion to limit debate; and on a division there were—ayes 79, noes 9.

Mr. OATES. No quorum.

Mr. EZRA B. TAYLOR. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 159, nays 23, not voting 142; as follows:

YEAS—159.

Allen, Mass.	Crouse,	Hovey,	Plumb,
Allen, Mich.	Culberson,	Howard,	Post,
Anderson, Miss.	Cutcheon,	Hudd,	Pugsley,
Anderson, Kans.	Dalzell,	Hunter,	Randall,
Atkinson,	Darlington,	Jackson,	Reed,
Baker, N. Y.	Davis,	Johnston, Ind.	Rice,
Baker, Ill.	De Lano,	Kean,	Romeis,
Bayne,	Dibble,	Kennedy,	Rowell,
Belden,	Dingley,	Kerr,	Russell, Conn.
Bliss,	Dorsey,	La Follette,	Russell, Mass.
Boothman,	Dunham,	Laidlaw,	Ryan,
Bound,	Elliott,	Laird,	Sawyer,
Boutelle,	Ermentrout,	Latham,	Seymour,
Bowden,	Farquhar,	Lawler,	Shaw,
Bowen,	Felton,	Lee,	Simmons,
Breckinridge, Ark.	Finley,	Lehlbach,	Sowden,
Brewer,	Flood,	Lyman,	Stahlnecker,
Browne, T. H. B., Va.	Ford,	Macdonald,	Steele,
Browne, Ind.	Funston,	Mahoney,	Stephenson,
Brown, Ohio	Gallinger,	Mason,	Struble,
Brown, J. R., Va.	Gear,	Matson,	Symes,
Brumm,	Gest,	McCormick,	Taylor, E. B., Ohio
Bryce,	Glover,	McCreary,	Thomas, Ky.
Buchanan,	Greenman,	McKenna,	Thomas, Wis.
Bunnell,	Grosvenor,	McKinley,	Tracey,
Burrows,	Grout,	McKinney,	Turner, Kans.
Bynum,	Guenther,	Milliken,	Vandever,
Campbell, F., N. Y.	Hall,	Montgomery,	Wade,
Campbell, T. J., N. Y.	Harmer,	Morrill,	Walker,
Cannon,	Heard,	Morrow,	Warner,
Caruth,	Hemphill,	Nelson,	Weber,
Caswell,	Henderson, Iowa	Nichols,	West,
Cheadle,	Henderson, Ill.	Nutting,	White, N. Y.
Chipman,	Hermann,	O'Donnell,	Whiting, Mass.
Clark,	Hitt,	O'Ferrall,	Wickham,
Cogswell,	Holmes,	Osborne,	Wilber,
Collins,	Hopkins, Ill.	Parker,	Williams,
Cooper,	Hopkins, Va.	Patton,	Wise,
Cothran,	Hopkins, N. Y.	Perry,	Yost.
Cox,	Houk,	Pidcock,	

NAYS—23.

Buckalew,	Hogg,	Newton,	Stockdale,
Crain,	Holman,	Peel,	Stone, Ky.
Cummings,	Johnston, N. C.	Rowland,	Washington,
Gay,	Laffoon,	Shively,	Wheeler,
Hatch,	Lynch,	Springer,	Wilson, Minn.
Henderson, N. C.	Neal,	Stewart, Tex.	

NOT VOTING—142.

Abbott,	Bacon,	Bingham,	Burnes,
Adams,	Bankhead,	Blanchard,	Burnett,
Allen, Miss.	Barnes,	Bland,	Butler,
Anderson, Iowa	Barry,	Blount,	Butterworth,
Anderson, Ill.	Belmont,	Breckinridge, Ky.	Campbell, Ohio
Arnold,	Biggs,	Brower,	Candler,
Carlton,	Hare,	McShane,	Sherman,
Catchings,	Haugen,	Merriman,	Smith,
Clardy,	Hayden,	Mills,	Snyder,
Clements,	Hayes,	Moffitt,	Spinola,
Cobb,	Herbert,	Moore,	Spooner,
Cockran,	Hiestand,	Morgan,	Stewart, Ga.
Compton,	Hires,	Morse,	Stewart, Vt.
Conger,	Hooker,	Norwood,	Stone, Mo.
Cowles,	Hutton,	Oates,	Tarsney,
Crisp,	Jones,	O'Neall, Ind.	Taulbee,
Dargan,	Kelley,	O'Neill, Pa.	Taylor, J. D., Ohio
Davenport,	Ketcham,	O'Neill, Mo.	Thomas, Ill.
Davidson, Ala.	Kilgore,	Outhwaite,	Thompson, Ohio
Davidson, Fla.	Lagan,	Owen,	Thompson, Cal.
Dockery,	Landes,	Payson,	Tillman,
Dougherty,	Lane,	Penington,	Townshend,
Dunn,	Lanham,	Perkins,	Turner, Ga.
Enloe,	Lind,	Peters,	Vance,
Fisher,	Lodge,	Phelan,	Weaver,
Fitch,	Long,	Phelps,	White, Ind.
Foran,	Maffett,	Rayner,	Whiting, Mich.
Forney,	Maish,	Richardson,	Whitthorne,
French,	Mansur,	Robertson,	Wilkins,
Fuller,	Martin,	Rockwell,	Wilkinson,
Gaines,	McAdoo,	Rogers,	Wilson, W. Va.
Gibson,	McClammy,	Rusk,	Woodburn,
Glass,	McComas,	Sayers,	Yardley,
Goff,	McCullogh,	Scott,	Yoder.
Granger,	McMillin,	Scull,	
Grimes,	McRae,	Seney,	

So the motion to limit debate to one hour was agreed to.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, I voted "no" on this question, but wish to ask if a quorum has voted?

The SPEAKER. A quorum has voted.

Mr. BRECKINRIDGE, of Arkansas. Then I change my vote from "no" to "ay."

The SPEAKER. The gentleman will be so recorded.

Mr. DORSEY. I ask unanimous consent to dispense with the reading of the names.

Mr. OATES. I object.

The Clerk then recapitulated the names of those voting.

The following additional pairs were announced:

Mr. TOWNSHEND with Mr. DUNHAM, on this vote.

Mr. GIBSON with Mr. KELLEY, on this vote.

The result of the vote was then announced as above recorded.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, in writing, was communicated to the House, by Mr. PRUDEN, one of his secretaries.

The message announced the approval of the following bills:

An act (H. R. 4327) regulating the construction of bridges over the Muskingum River, in Ohio; and

An act (H. R. 5723) to amend section 461 of the Revised Statutes, relating to fees for the exemplification of land-patents, and for other purposes.

REFUND OF DIRECT TAX OF 1861.

Mr. BRECKINRIDGE, of Arkansas. I move to reconsider the vote by which the motion to limit debate was agreed to.

Mr. EZRA B. TAYLOR. I move to lay that motion on the table.

Mr. WASHINGTON. Yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 159, nays 17, not voting 148; as follows:

YEAS—159.

Allen, Mass.	Culberson,	Hunter,	Pugsley,
Allen, Mich.	Cutcheon,	Hutton,	Randall,
Anderson, Kans.	Dalzell,	Johnston, Ind.	Romeis,
Atkinson,	Darlington,	Kean,	Rowell,
Baker, N. Y.	Davis,	Kennedy,	Rowland,
Baker, Ill.	De Lano,	Kerr,	Russell, Conn.
Bayne,	Dibble	Ketcham,	Russell, Mass.
Belden,	Dingley,	La Follette,	Rusk,
Belmont,	Dorsey,	Laidlaw,	Ryan,
Boothman,	Dunham,	Latham,	Sawyer,
Bound,	Elliott,	Lee,	Seymour,
Boutelle,	Ermentrout,	Lehlbach,	Shively,
Bowden,	Farquhar,	Long,	Simmons,
Bowen,	Finley,	Lyman,	Sowden,
Brewer,	Fitch,	Mahoney,	Springer,
Browne, T. H. B., Va.	Flood,	Maish,	Steele,
Browne, Ind.	Ford,	Mansur,	Stephenson,
Brown, Ohio	Fuller,	Mason,	Struble,
Brown, J. R., Va.	Funston,	Matson,	Symes,
Brumm,	Gallinger,	McComas,	Taulbee,
Bryce,	Gear,	McCormick,	Taylor, E. B., Ohio
Buchanan,	Gest,	McKenna,	Thomas, Ky.
Bunnell,	Glover,	McKinley,	Thomas, Wis.
Burrows,	Goff,	McKinney,	Tracey.
Butterworth,	Greenman,	Milliken,	Turner, Kans.
Bynum,	Grosvenor,	Montgomery,	Vandever,
Campbell, F., N. Y.	Grout,	Morrill,	Wade,
Campbell, T. J., N. Y.	Hall,	Morrow,	Walker,
Cannon,	Harmer,	Nelson,	Warner,
Caruth,	Haugen,	Nutting,	Weber,
Caswell,	Heard,	O'Donnell,	West,
Cheadle,	Hemphill,	O'Ferrall,	White, N. Y.
Chipman,	Henderson, Iowa	O'Neill, Pa.	Whiting, Mass.
Clark,	Henderson, Ill.	Osborne,	Wickham,
Cogswell,	Hermann,	Owen,	Wilber,
Conger,	Hitt,	Parker,	Wilkinson,
Cooper,	Holmes,	Patton,	Williams,
Cothran,	Hopkins, Ill.	Perry,	Yoder,
Cox,	Hopkins, N. Y.	Plumb.	Yost.
Crouse,	Houk,	Post,	

NAYS—17.

Abbott,	Hatch,	Lynch,	Wheeler,
Blanchard,	Henderson, N. C.	McCreary,	Wilson, W. Va.
Buckalew,	Hogg,	Neal,	
Crain,	Holman,	Snyder,	
Cummings,	Johnston, N. C.	Stone, Ky.	

NOT VOTING—148.

Adams,	Dockery,	Lawler,	Robertson,
Allen, Miss.	Dougherty,	Lind,	Rockwell,
Anderson, Iowa	Dunn,	Lodge,	Rogers,
Anderson, Miss.	Enloe,	Macdonald,	Sayers,
Anderson, Ill.	Felton,	Maffett,	Scott,
Arnold,	Fisher,	Martin,	Scull,
Bacon,	Foran,	McAdoo,	Seney,
Bankhead,	Forney,	McClammy,	Shaw,
Barnes,	French,	McCullogh,	Sherman,
Barry,	Gaines,	McMillin,	Smith,
Biggs,	Gay,	McRae,	Spinola,
Bingham,	Gibson,	McShane,	Spooner,
Bland,	Glass,	Merriman,	Stahlnecker,
Bliss,	Granger,	Mills,	Stewart, T. E.
Blount,	Grimes,	Moffitt,	Stewart, Va.
Breckinridge, Ark.	Guenther,	Moore,	Stewart, Vt.
Breckinridge, Ky.	Hare,	Morgan,	Stockdale,
Brower,	Hayden,	Morse,	Stone, Mo.
Burnes,	Hayes,	Newton,	Tarsney,
Burnett,	Herbert,	Nichols,	Taylor, J. D., Ohio
Butler,	Hiestand,	Norwood,	Thomas, Ill.
Campbell, Ohio	Hires,	Oates,	Thompson, Ohio
Candler,	Hooker,	O'Neall, Ind.	Thompson, Cal.
Carlton,	Hopkins, Va.	O'Neill, Mo.	Tillman,
Catchings,	Hovey,	Outhwaite,	Townshend,
Clardy,	Howard,	Payson,	Turner, Ga.
Clements,	Hudd,	Peel,	Vance,
Cobb,	Jackson,	Penington,	Washington,
Cockran,	Jones,	Perkins,	Weaver,
Collins,	Kelley,	Peters,	White, Ind.
Compton,	Kilgore,	Phelan,	Whiting, Mich.
Cowles,	Laffoon,	Phelps,	Whitthorne,
Crisp,	Lagan,	Pidcock,	Wilkins.
Dargan,	Laird,	Rayner,	Wilson, Minn.
Davenport,	Landes,	Reed,	Wise,
Davidson, Ala.	Lane,	Rice,	Woodburn,
Davidson, Fla.	Lanham,	Richardson,	Yardley.

So the motion to reconsider was laid on the table.

Mr. BLISS. I desire to vote.

The SPEAKER. Does the gentleman state he was within the Hall and failed to hear his name called?

Mr. BLISS. I was in the Hall during the first roll-call, but did not respond.

The SPEAKER. Was the gentleman in the Hall when his name was called on the second roll-call?

Mr. BLISS. No, sir.

The SPEAKER. The Chair does not think the gentleman comes within the rule.

The following additional pairs were announced:

Mr. TOWNSHEND with Mr. KELLEY, for the rest of the day.

Mr. FORAN with Mr. FELTON, for the rest of the day.

Mr. PIDCOCK with Mr. DAVIDSON, of Florida, on this bill.

The result of the vote was then announced as above stated.

VETO MESSAGE—N. M'KAY AND OTHERS.

The SPEAKER laid before the House the following message from the President of the United States; which was read:

To the House of Representatives:

I return herewith, without approval, House bill 2477, entitled "An act for the relief of Nathaniel McKay and the executors of Donald McKay."

It is proposed by this bill to allow the beneficiaries named therein to present to the Court of Claims for determination certain demands made by them against the Government on account of the construction of two iron-clad monitors called the Squando and the Nauset, and a side-wheel steamer called the Ashuelot.

The contracts for building these vessels were made early in 1863. It was agreed that they should be completed within six or eight months. It was also provided in these contracts that the Government "should have the privilege of making alterations and additions to the plans and specifications at any time during the progress of the work as it may deem necessary and proper," and that if said alterations and additions should cause extra expense to the contractors, the Government would "pay for the same at fair and reasonable rates."

It thus appears that the time allowed for the completion of these vessels was with the assent of the contractors made exceedingly short; that notwithstanding this fact they consented to permit such alterations of plans as must almost necessarily prolong the time, fixing no limit to such extension, and that in the same breath they fix their measure of compensation for such alterations and any extended time consequent thereon, at "a fair and reasonable rate" for the extra expense caused thereby.

Almost immediately upon the beginning of their work alterations and changes were made in the original plans for these vessels, and they were repeated and continued to such a degree that the completion of the vessels was delayed many months.

In the latter part of the year 1864 and early in the year 1865 payments in excess of the contract price were made by the Navy Department to the contractors, under the provisions of the contract above recited. The contract price for the Squando was $395,000. The contractors claimed extra compensation amounting to $337,329.46, and there was allowed $194,525.70. The contract price of the Nauset was $386,000, the extra compensation claimed was $314,768.93, and the amount allowed $192,110.98. The contract price of the side-wheel steamer Ashuelot was $275,000, the extra compensation claimed was $81,447.50, and the amount allowed was $22,415.92. The different sums as thus adjusted were received by the contractors in settlement of their claims for extra expense, and receipts in full were given by them to the Government.

A number of other contractors had done like work for the Government and claimed to have demands growing out of the same for extra compensation.

Evidently, with the view of investigating and settling these claims, on the 9th day of March, 1865, the Senate passed the following resolution:

"*Resolved*, That the Secretary of the Navy be requested to organize a board of not less than three persons, whose duty it shall be to inquire into and determine how much the vessels of war and steam machinery contracted for by the Department in the years 1862 and 1863 cost the contractors over and above the contract price and allowance for extra work, and report the same to the Senate at its next session; none but those that have given satisfaction to the Department to be considered."

This board was appointed by the Secretary of the Navy on the 25th day of May, 1865, and consisted of a commodore, a chief engineer, and a paymaster in the Navy. Its powers were broad and liberal, and comprehended an inquiry touching all things that made up "the cost to the contractors" of their work in excess of the contract price and allowances for extra work.

The board convened on the 6th day of June, 1865, and sat continuously until the 23d day of December following and made numerous awards to contractors. The parties mentioned in the bill now under consideration were notified on the 9th and 15th days of June, 1865, to prepare and submit testimony to the board in support of their claims, and they repeatedly signified their intention to do so.

Donald McKay was the contractor for the construction of the monitor Nauset and the steamer Ashuelot. The proceedings of the board show that on the 11th day of August, 1865, he notified the board that the only claim he made for loss was on the hull, boiler, and machinery, of the Ashuelot, which he would be prepared to present in about six weeks.

Neither of these parties presented any statement to the board, and no claim of theirs was passed upon.

On the 2d day of March, 1867, an act was passed directing the Secretary of the Navy to investigate the claims of all contractors for building vessels of war and steam machinery for the same, under contracts made after May 1, 1861, and before January 1, 1864. He was by said act required "to ascertain the additional cost which was necessarily incurred by each contractor in the completion of his work by reason of any changes or alterations in the plans and specifications required and delays in the prosecution of the work occasioned by the Government which were not provided for in the original contract." It was further provided that there should be reported to Congress a tabular statement of each case, which should contain "the name of the contractor, a description of the work, the contract price, the whole increased cost of the work over the contract price, and the amount of such increased cost caused by the delay and action of the Government as aforesaid, and the amount already paid the contractor over and above the contract price."

Under this act Commodore J. B. Marchand, Chief Engineer J. W. King, and Paymaster Edward Foster, of the Navy, were designated by the Secretary of the Navy to make the investigation required. These officers, on the 26th day of November, 1867, made a report of their proceedings, which was submitted to the Senate with a tabulated statement of all the claims examined by them and their findings thereon.

It appears by this report that the claims of the beneficiaries mentioned in the bill herewith returned were examined by the board, and that nothing was found due thereon under the terms of the law directing their examination.

These claims have frequently been before Congress since that time. They have been favorably reported and acted upon a number of times, and have also been more than once strongly condemned by committees to whom they were referred.

A resolution was passed in 1871 by the Congress referring these and other claims of a like character to the Court of Claims for adjudication, but it was vetoed by the President for reasons not necessarily affecting the merits of the claims.

The case of Chouteau *vs.* The United States, reported in 5th Otto, page 61, which arose out of the contract to build a vessel called the Etlah, appears to present the same features that belong to the claims here considered. It is stated in the report of the House committee on this bill that "the Squando and Nauset were identical in the original plans and the changes and alterations thereon with the Etlah and Shiloh, built in St. Louis;" and yet the Supreme Court of the United States distinctly decided in the Etlah case that the only pretext for further compensation should be sought for in the contract where the contractor had evidently been content to provide for all the remedy he desired.

It seems, then, that the contractors mentioned in this bill, after entering into contracts plainly indicating that changes of plans and consequent delay in their work were in their contemplation, availed themselves of the remedy which they themselves had provided, and thereupon received about 50 per cent. in the case of two of these vessels of the contract price for extra work, giving the Government a receipt in full. When soon thereafter opportunity was offered them to make further claim of as broad a nature as they could desire they failed to do so, and one of them disclaimed any right to recover on account of one of the vessels, though all are now included in the present bill. In 1867 the claims were fully examined under a law of Congress and rejected, and the Supreme Court in an exactly similar case finds neither law nor equity supporting them.

If it be claimed that no compensation has been yet allowed solely for the increase in the price of labor and material caused by delay in construction, it is no hardship to say that as the contractors made provision for change of plans and delay, they must be held to have taken the risk of such rise in price and be satisfied with the provision they have made against it. Besides, much of the increase in the price of labor and material is included in the extra cost which has already been reimbursed to them.

But the bill does not provide that these contractors shall be limited in the Court of Claims to a recovery solely for loss occasioned by increase of the cost of labor and material during the delay caused by the Government. By the terms of the proposed act the court is directed to ascertain the additional cost necessarily incurred in building the vessels by reason of any changes or alterations in the plans and specifications, and delays in the prosecution of the work. This, it seems to me, would enable these contractors to open the whole question of compensation for extra work.

It hardly seems fair to the Government to permit these claims to be presented after a lapse of twenty-three years since a settlement in full was made and receipts given after the opportunity which has been offered for establishing further claims if they existed, and when, as a consequence of the contractor's neglect, the Government would labor under great disadvantages in its defense.

I am of the opinion, in view of the history of these claims and the suspicion naturally excited as to their merit, that no injustice will be done if they are laid at rest instead of being given new life and vigor in the Court of Claims.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, April 4, 1888.

Mr. STONE, of Kentucky. I move that the message be referred to the Committee on War Claims, and that it be printed.

The motion was agreed to.

CONFERENCE COMMITTEES APPOINTED.

The Speaker announced as the managers on the part of the House of the conference on the disagreeing votes of the two Houses on the bill H. R. 1956 Mr. PEEL, Mr. HARE, and Mr. LA FOLLETTE; and on the joint resolution H. Res. 81 Mr. BLANCHARD, Mr. STEWART of Texas, and Mr. HENDERSON of Illinois.

CHANGE OF REFERENCE.

On motion of Mr. HUDD, by unanimous consent, the Committee on Patents was discharged from the further consideration of the bill (H. R. 9085) to amend sections 476 and 477 of the Revised Statutes, relating to patent fees, and it was referred to the Committee on Expenditures in the Interior Department.

REFUND OF DIRECT TAX OF 1861.

The SPEAKER. The question is now on the motion of the gentleman from Ohio [Mr. EZRA B. TAYLOR] that the House resolve itself into Committee of the Whole House on the state of the Union to resume the consideration of the special order.

Mr. OATES. I move that the House take a recess until 5 o'clock this evening.

Mr. WEAVER. I move to amend that motion by striking out "5 o'clock" and inserting "4 o'clock."

Mr. BRECKINRIDGE, of Arkansas. And I move an amendment to the amendment that the recess be taken until 4.30 o'clock.

Mr. WEAVER. Pending those motions I move that the House do now adjourn.

The question being put on the motion to adjourn, the Speaker stated that the "noes" seemed to have it.

Mr. OATES. I call for a division.

The House divided; and there were—ayes 14, noes 75.

Mr. OATES. I ask for the yeas and nays.

The yeas and nays were ordered, 36 members voting therefor.

The question was taken; and there were—yeas 6, nays 181, not voting 137; as follows:

YEAS—6.

Hooker,	Phelan,	Stockdale,	Symes.
Moore,	Snyder,		

NAYS—181.

Abbott,	Dibble,	Johnston, N. C.	Post,
Allen, Mass.	Dingley,	Kean,	Pugsley,
Allen, Mich.	Dockery,	Kelley,	Randall,
Anderson, Kans.	Dunham,	Kennedy,	Reed,
Atkinson,	Elliott,	Kerr,	Rice,
Baker, N. Y.	Ermentrout,	Ketcham,	Romeis,
Baker, Ill.	Farquhar,	Laidlaw,	Rowell,
Bayne,	Finley,	Latham,	Rowland,
Belmont,	Flood,	Lawler,	Russell, Conn.
Bliss,	Ford,	Lee,	Ryan,
Boothman,	Forney,	Lehlbach,	Sawyer,
Bound,	French,	Long,	Seymour,
Boutelle,	Fuller,	Lyman,	Sowden,
Bowden,	Funston,	Lynch,	Springer,
Brewer,	Gaines,	Macdonald,	Steele,
Browne, T.H.B., Va.	Gallinger,	Mahoney,	Stone, Ky.
Browne, Ind.	Gear,	Maish,	Struble,
Brown, Ohio	Gest,	Mansur,	Taulbee,
Brown, J. R., Va.	Glover,	Mason,	Taylor, E. B., Ohio
Brumm,	Goff,	Matson,	Thomas, Ky.
Bryce,	Greenman,	McClammy,	Thomas, Wis.
Buckalew,	Grosvenor,	McComas,	Tracey,
Buchanan,	Grout,	McCormick,	Turner, Kans.
Bunnell,	Guenther,	McCreary,	Vance,
Burrows,	Hall,	McKenna,	Vandever,
Butterworth,	Harmer,	McKinley,	Wade,
Bynum,	Hatch,	McKinney,	Walker,
Campbell, F., N.Y.	Haugen,	McRae,	Warner,
Campbell, Ohio	Hemphill,	Montgomery,	Washington,
Cannon,	Henderson, Iowa	Morgan,	Weber,
Caruth,	Henderson, N. C.	Morrill,	West,
Caswell,	Hermann,	Neal,	Wheeler,
Cheadle,	Hires,	Newton,	White, N. Y.
Chipman,	Hitt,	Nichols,	Whiting, Mich.
Clark,	Holman,	Nutting,	Whiting, Mass.
Conger,	Holmes,	Oates,	Wickham,
Cooper,	Hopkins, Ill.	O'Donnell,	Wilber,
Cothran,	Hopkins, Va.	O'Ferrall,	Wilkinson,
Crouse,	Hopkins, N.Y.	O'Neall, Ind.	Williams,
Culberson,	Hovey,	O'Neill, Pa.	Wilson, W. Va.
Cummings,	Howard,	Osborne,	Wise,
Cutcheon,	Hudd,	Owen,	Yoder,
Dalzell,	Hunter,	Parker,	Yost.
Darlington,	Hutton,	Perkins,	
Davis,	Jackson,	Perry,	
De Lano,	Johnston, Ind.	Plumb,	

NOT VOTING—137.

Adams,	Carlton,	Gay,	Maffett,
Allen, Miss.	Catchings,	Gibson,	Martin,
Anderson, Iowa	Clardy,	Glass,	McAdoo,
Anderson, Miss.	Clements,	Granger,	McCullogh,
Anderson, Ill.	Cobb,	Grimes,	McMillin,
Arnold,	Cockran,	Hare,	McShane,
Bacon,	Cogswell,	Hayden,	Merriman,
Bankhead,	Collins,	Hayes,	Milliken,
Barnes,	Compton,	Heard,	Mills,
Barry,	Cowles,	Henderson, Ill.	Moffitt,
Beldeshid,	Cox,	Herbert,	Morrow,
Biggs,	Crain,	Hiestand,	Morse,
Bingham,	Crisp,	Hogg,	Nelson,
Blanchard,	Dargan,	Houk,	Norwood,
Bland,	Davenport,	Jones,	O'Neill, Mo.
Blount,	Davidson, Ala.	Kilgore,	Outhwaite,
Bowen,	Davidson, Fla.	Laffoon,	Patton,
Breckinridge, Ark.	Dorsey,	La Follette,	Payson,
Breckinridge, Ky.	Dougherty,	Lagan,	Peel,
Brower,	Dunn,	Laird,	Penington,
Burnes,	Enloe,	Landes,	Peters,
Burnett,	Felton,	Lane,	Phelps,
Butler,	Fisher,	Lanham,	Pidcock,
Campbell, T.J., N.Y.	Fitch,	Lind,	Rayner,
Candler,	Foran,	Lodge,	Richardson,
Robertson,	Sherman,	Stewart, Vt.	Weaver,
Rockwell,	Shively,	Stone, Mo.	White, Ind.
Rogers,	Simmons,	Tarsney,	Whitthorne,
Russell, Mass.	Smith,	Taylor, J. D., Ohio	Wilkins,
Rusk,	Spinola,	Thomas, Ill.	Wilson, Minn.
Sayers,	Spooner,	Thompson, Ohio	Woodburn,
Scott,	Stahlnecker,	Thompson, Cal.	Yardley.
Scull,	Stephenson,	Tillman,	
Seney,	Stewart, Tex.	Townshend,	
Shaw,	Stewart, Ga.	Turner, Ga.	

So the House refused to adjourn.

The following additional pairs were announced:

Mr. TOWNSHEND with Mr. BELDEN, for the remainder of the day.

Mr. JONES with Mr. LA FOLLETTE, for the remainder of the day.

Mr. STAHLNECKER with Mr. HOUK, for the remainder of the day.

The result of the vote was then announced as above recorded.

Mr. OATES. Mr. Speaker, I move to reconsider the vote just taken.

The SPEAKER. Under a ruling heretofore made in the House, that motion is not in order. The point was made during the second session of the Forty-fifth Congress that a motion to reconsider a vote by which the House refused to adjourn was not in order, and the point was sustained by the Chair, and that has been the ruling ever since. The reason is that the motion to adjourn can be repeated again and again after other business has intervened. The question is on the amendment of the gentleman from Arkansas [Mr. BRECKINRIDGE] to the motion of the gentleman from Iowa [Mr. WEAVER], which is to take the recess until half-past 4 o'clock instead of until 4.

Mr. OATES. I move to lay that motion on the table.

The SPEAKER. A motion to lay an amendment on the table is not in order.

Mr. OATES. Then I ask for the yeas and nays upon it.

Mr. TAULBEE. I move to lay the motion and the amendments on the table.

The SPEAKER. That is not in order. It is not in order to move to lay a motion to adjourn or a motion for a recess upon the table. The question is upon the amendment proposed by the gentleman from Arkansas [Mr. BRECKINRIDGE].

The question was taken on the amendment of Mr. BRECKINRIDGE, and the Speaker declared that the ayes seemed to have it.

A division was called for.

The House divided; and there were—ayes 3, noes 62.

Mr. BRECKINRIDGE, of Arkansas. No quorum.

The SPEAKER. The point being made that no quorum has voted, the Chair will appoint the gentleman from Arkansas [Mr. BRECKINRIDGE] and the gentleman from Ohio [Mr. EZRA B. TAYLOR] to act as tellers.

Mr. EZRA B. TAYLOR. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 3, nays 177, not voting 144; as follows:

YEAS—3.

Abbott,	Herbert,	Wheeler.

NAYS—178.

Allen, Mass.	De Lano,	Kelley,	Randall,
Allen, Mich.	Dibble,	Kennedy,	Reed,
Anderson, Kans.	Dingley,	Kerr.	Rice,
Atkinson,	Dorsey,	Ketcham,	Romeis,
Baker, N. Y.	Dunham,	La Follette,	Rowell,
Baker, Ill.	Elliott,	Lagan,	Rowland,
Bayne,	Ermentrout,	Laidlaw,	Russell, Conn.
Belden,	Farquhar,	Latham,	Russell, Mass.
Bliss,	Finley,	Lawler,	Rusk,
Boothman,	Fitch,	Lee,	Ryan,
Bound,	Flood,	Lehlbach,	Sawyer,
Boutelle,	Fuller,	Long,	Seymour,
Bowden,	Funston,	Lyman,	Snyder,
Bowen,	Gallinger,	Macdonald,	Sowden,
Brewer,	Gay,	Mahoney,	Springer,
Browne, T.H.B., Va.	Gear,	Maish,	Stahlnecker,
Browne, Ind.	Gest,	Mansur,	Steele,
Brown, Ohio.	Glover,	Mason,	Stephenson,
Brown, J. R., Va.	Goff,	McClammy,	Stewart, Vt.
Brumm,	Greenman,	McCormick,	Stone, Ky.
Bryce,	Grosvenor,	McCreary,	Struble,
Buchanan,	Grout.	McKenna,	Taylor, E. B., Ohio.
Buckalew,	Guenther,	McKinley,	Thomas, Ky.
Bunnell,	Hall,	McKinney,	Thomas, Wis.
Burrows,	Harmer,	McRae,	Tracey,
Butterworth,	Haugen,	Milliken,	Turner, Kans.
Bynum,	Heard,	Montgomery,	Vandever,
Campbell, F., N. Y.	Hemphill,	Morrill,	Wade,
Campbell, Ohio.	Henderson, Iowa.	Morrow,	Walker,
Campbell, T.J., N.Y.	Henderson, N. C.	Neal,	Warner,
Cannon,	Hitt,	Nelson,	Washington,
Caruth,	Hogg,	Newton,	Weber,
Cheadle,	Holman,	Nichols,	West,
Chipman,	Holmes,	O'Ferrall,	White, N. Y.
Clark,	Hopkins, Va.	O'Neill, Penn.	Whiting, Mass.
Cogswell,	Hopkins, N. Y.	Osborne,	Wickham,
Conger,	Houk,	Owen,	Wilber,
Cooper,	Hovey,	Parker,	Wilkinson,
Cothran,	Hudd,	Patton,	Williams,
Crouse,	Hunter,	Peel,	Wise,
Cummings,	Hutton,	Perkins,	Yardley.
Cutcheon,	Jackson,	Perry,	Yoder,
Dalzell,	Johnston, Ind.	Plumb,	Yost.
Darlington,	Johnston, N. C.	Post,	
Davis,	Kean,	Pugsley,	

NOT VOTING—143.

Adams,	Culberson,	Lane,	Rogers,
Allen, Miss.	Dargan,	Lanham,	Sayers,
Anderson, Ill.	Davenport,	Lind,	Scott,
Anderson, Iowa.	Davidson, Ala.	Lodge,	Scull,
Anderson, Miss.	Davidson, Fla.	Lynch,	Seney,
Arnold,	Dockery,	Maffett,	Shaw,
Bacon,	Dougherty,	Martin,	Sherman,
Bankhead,	Dunn,	Matson,	Shively,
Barnes,	Enloe,	McAdoo,	Simmons,
Barry,	Felton,	McComas,	Smith,
Belmont,	Fisher,	McCullogh,	Spinola,
Biggs,	Foran,	McMillin,	Spooner,
Bingham,	Ford,	McShane,	Stewart, Tex.
Blanchard,	Forney,	Merriman,	Stewart, Ga.
Bland,	French,	Mills,	Stockdale,
Blount,	Gaines,	Moffitt,	Stone, Mo.
Breckinridge, Ark.	Gibson,	Moore,	Symes,
Breckinridge, Ky.	Glass,	Morgan,	Tarsney,
Brower,	Granger,	Morse,	Taulbee,
Burnes,	Grimes,	Norwood,	Taylor, J. D., Ohio.
Burnett,	Hare,	Nutting,	Thomas, Ill.
Butler,	Hatch,	Oates,	Thompson, Cal.
Candler,	Hayden,	O'Donnell,	Thompson, Ohio.
Carlton,	Hayes,	O'Neall, Ind.	Tillman,
Caswell,	Henderson, Ill.	O'Neill, Mo.	Townshend,
Catchings,	Hermann,	Outhwaite,	Turner, Ga.
Clardy,	Hiestand,	Payson,	Vance,
Clements,	Hires,	Penington,	Weaver,
Cobb,	Hooker,	Peters,	White, Ind.
Cockran,	Hopkins, Ill.	Phelan,	Whiting, Mich.
Collins,	Howard,	Phelps,	Whitthorne,
Compton,	Jones,	Pidcock,	Wilkins,
Cowles,	Kilgore,	Rayner,	Wilson, Minn.
Cox,	Laffoon,	Richardson,	Wilson, W. Va.
Crain,	Laird,	Robertson,	Woodburn.
Crisp,	Landes,	Rockwell.	

Mr. BURROWS. Mr. Speaker, I ask unanimous consent that the reading of the names of members voting be dispensed with.

Mr. OATES and Mr. HOUK objected.

The result of the vote was then announced as above recorded.

Mr. EZRA B. TAYLOR. I move to amend the pending motion by striking out "4 o'clock" and inserting "10 o'clock to-morrow morning;" and on that I call for the yeas and nays.

The SPEAKER stated the motion of Mr. EZRA B. TAYLOR.

Mr. EZRA B. TAYLOR. On my motion I demand the previous question.

Mr. BRECKINRIDGE, of Arkansas. I move that the House adjourn.

Mr. DIBBLE. On that I demand the yeas and nays.

Mr. OATES. I move that when the House adjourns to-day it be to meet on Friday next.

Mr. BAYNE. That is not in order.

The SPEAKER. Under the rules of the House, a motion to fix a day to which the House shall adjourn has priority over a motion to adjourn and over a motion to take a recess. The gentleman from Alabama moves that when the House adjourns to-day it adjourn to meet on Friday next.

Mr. BRECKINRIDGE, of Arkansas. I move to amend that motion by fixing Friday next at 10 o'clock.

The SPEAKER. That would involve a change of the rules, and would not be in order.

Mr. BRECKINRIDGE, of Arkansas. Then I move to amend the motion of the gentleman from Alabama by striking out "Friday" and inserting "Saturday."

The SPEAKER having put the question on the motion of Mr. BRECKINRIDGE, of Arkansas, it was declared not agreed to.

Mr. DIBBLE. I demand the yeas and nays.

The yeas and nays were ordered, 52 voting in favor thereof.

The question was taken; and it was decided in the negative, there being—yeas 1, nays 187; not voting, 136; as follows:

YEA—1.

Wheeler.

NAYS—187.

Abbott,	Burrows	Farquhar,	Hermann,
Allen, Mass.	Butterworth,	Finley,	Hires,
Allen, Mich.	Bynum,	Fitch,	Hitt,
Anderson, Ill.	Campbell, F., N. Y.	Flood,	Hogg,
Anderson, Kans.	Cannon,	Ford,	Holman,
Atkinson,	Caruth,	French,	Holmes,
Baker, N. Y.	Caswell,	Fuller,	Hopkins, Ill.
Baker, Ill.	Cheadle,	Funston,	Hopkins, N. Y.
Bayne,	Chipman,	Gaines,	Houk,
Belden,	Clark,	Gallinger,	Hovey,
Blanchard,	Cogswell,	Gear,	Hudd,
Boothman,	Compton,	Gest,	Hunter,
Bound,	Conger,	Glover,	Hutton,
Boutelle,	Cooper,	Goff,	Jackson,
Bowden,	Cothran,	Greenman,	Johnston, Ind.
Bowen,	Crouse,	Grosvenor,	Johnston, N. C.
Brewer,	Cummings,	Grout,	Kean,
Browne, T. H. B., Va.	Cutcheon,	Guenther,	Kelley,
Browne, Ind.	Dalzell,	Harmer,	Kennedy,
Brown, Ohio.	Darlington,	Hatch,	Kerr,
Brown, J. R., Va.	Davis,	Haugen,	Ketcham,
Brumm,	De Lano,	Heard,	La Follette,
Bryce,	Dibble,	Hemphill,	Laidlaw,
Buchanan,	Dingley,	Henderson, Iowa	Laird,
Buckalew,	Dorsey,	Henderson, N. C.	Landes,
Bunnell,	Dunham,	Henderson, Ill.	Latham,
Lawler,	Neal,	Rowland,	Thomas, Ky.
Lee,	Nelson,	Russell, Conn.	Thomas, Wis.
Lehlbach,	Newton,	Russell, Mass.	Tracey,
Lind,	Nichols,	Rusk,	Vandever,
Long,	Nutting,	Ryan,	Wade,
Lyman,	O'Donnell,	Sawyer,	Walker,
Macdonald,	O'Ferrall,	Seymour,	Warner,
Mahoney,	O'Neill, Pa.	Shaw,	Weber,
Mansur,	Osborne,	Shively,	West,
Mason,	Owen,	Simmons,	White, Ind.
Matson,	Parker,	Sowden,	White, N. Y.
McAdoo,	Patton,	Springer,	Whiting, Mass.
McClammy,	Perkins,	Stahlnecker,	Whitthorne,
McCormick,	Plumb,	Steele,	Wickham,
McKenna,	Post,	Stephenson,	Wilber,
McKinley,	Pugsley,	Stewart, Vt.	Wilkinson,
McRae,	Randall,	Stockdale,	Williams,
Milliken,	Reed,	Stone, Mo.	Wilson, Minn.
Montgomery,	Rice,	Struble,	Wise,
Morrill,	Romeis,	Taulbee,	Yost.
Morrow,	Rowell,	Taylor, E. B., Ohio	

NOT VOTING—136.

Adams,	Crisp,	Lane,	Robertson,
Allen, Miss.	Culberson,	Lanham,	Rockwell,
Anderson, Iowa	Dargan,	Lodge,	Rogers,
Anderson, Miss.	Davenport,	Lynch,	Sayers,
Arnold,	Davidson, Ala.	Maffett,	Scott,
Bacon,	Davidson, Fla.	Maish,	Scull,
Bankhead,	Dockery,	Martin,	Seney,
Barnes,	Dougherty,	McComas,	Sherman,
Barry,	Dunn,	McCreary,	Smith,
Belmont,	Elliott,	McCullogh,	Snyder,
Biggs,	Enloe,	McKinney,	Spinola,
Bingham,	Ermentrout,	McMillin,	Spooner,
Bland,	Felton,	McShane,	Stewart, Tex.
Bliss,	Fisher,	Merriman,	Stewart, Ga.
Blount,	Foran,	Mills,	Stone, Ky.
Breckinridge, Ark.	Forney,	Moffitt,	Symes,
Breckinridge, Ky.	Gay,	Moore,	Tarsney,
Brower,	Gibson,	Morgan,	Taylor, J. D., Ohio
Burnes,	Glass,	Morse,	Thomas, Ill.
Burnett,	Granger,	Norwood,	Thompson, Ohio
Butler,	Grimes,	Oates,	Thompson, Cal.
Campbell, Ohio	Hall,	O'Neall, Ind.	Tillman,
Campbell, T. J., N. Y.	Hare,	O'Neill, Mo.	Townshend,
Candler,	Hayden,	Outhwaite,	Turner, Kans.
Carlton,	Hayes,	Payson,	Turner, Ga.
Catchings,	Herbert,	Peel,	Vance,
Clardy,	Heistand,	Penington,	Washington,
Clements,	Hooker,	Perry,	Weaver,
Cobb,	Hopkins, Va.	Peters,	Whiting, Mich.
Cockran,	Howard,	Phelan,	Wilkins,
Collins,	Jones,	Phelps,	Wilson, W. Va.
Cowles,	Kilgore,	Pidcock,	Woodburn,
Cox,	Laffoon,	Rayner,	Yardley,
Crain,	Lagan,	Richardson,	Yoder.

So the amendment of Mr. BRECKINRIDGE, of Arkansas, to the motion of Mr. OATES was not agreed to.

Mr. WILLIAMS. I ask unanimous consent to dispense with the reading of the names.

Mr. BRECKINRIDGE, of Arkansas. I object.

The following additional pair was announced:

Mr. WILSON, of West Virginia, with Mr. MCCOMAS, for the rest of the day.

The result of the vote was announced as above stated.

The SPEAKER. The question now recurs upon the motion of the gentleman from Alabama [Mr. OATES] that when the House adjourns to-day it adjourn to meet on Friday next.

TARIFF ON WORSTED YARNS, ETC.

Mr. O'NEILL, of Pennsylvania. Before the question is taken on the pending motion, I would like unanimous consent to present a petition, signed by eleven thousand operatives employed throughout the United States in the manufacture of worsted yarns and goods containing worsted yarns, praying more effectual protection to establishments manufacturing or using such yarns. I desire that the body of the petition, without the names, be read, and printed in the RECORD.

The SPEAKER. Is there objection?

Mr. BRECKINRIDGE, of Arkansas. I object.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed without amendment the bill (H. R. 6879) to authorize the Secretary of the Treasury to convey to Anson Rudd, of the State of Colorado, certain real estate in the county of Fremont, in said State.

The message also announced that the Senate had passed the (S. 325) granting to the Billings, Clark's Fork and Cooke City Railroad Company the right of way through the Crow Indian reservation; in which the concurrence of the House was requested.

REFUND OF DIRECT TAX OF 1861.

The question being put on the motion of Mr. OATES, that when the House adjourns to-day it adjourn to meet on Friday next, there were—ayes 15, noes 75.

Mr. BRECKINRIDGE, of Arkansas, and Mr. OATES. No quorum.

Mr. EZRA B. TAYLOR. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 0, nays 140, not voting 148; as follows:

YEAS—0.

NAYS—176.

Adams,	De Lano,	Kelley,	Randall,
Allen, Mass.	Dibble,	Kennedy,	Reed,
Allen, Mich.	Dingley,	Kerr,	Rice,
Anderson, Kans.	Dockery,	La Follette,	Romeis,
Atkinson,	Dorsey,	Lagan,	Rowell,
Baker, N. Y.	Dunham,	Laidlaw,	Rowland,
Baker, Ill.	Elliott,	Latham,	Russell, Conn.
Bayne,	Ermentrout,	Lehlbach,	Rusk,
Belden,	Farquhar,	Lind,	Ryan,
Boothman,	Finley,	Long,	Sawyer,
Bound,	Flood,	Lyman,	Shaw,
Boutelle,	Fuller,	Lynch,	Shively,
Bowden,	Gaines,	Macdonald,	Simmons,
Bowen,	Gallinger,	Mahoney,	Sowden,
Brewer,	Gay,	Maish,	Springer,
Browne, T.H.B., Va.	Gear,	Mansur,	Stahlnecker,
Browne, Ind.	Gest,	Mason,	Steele,
Brown, Ohio	Glass,	Matson,	Stephenson,
Brown, J. R., Va.	Goff,	McAdoo,	Stewart, Vt.
Bryce,	Greenman,	McClammy,	Stockdale,
Buchanan,	Grosvenor,	McCormick,	Stone, Ky.
Buckalew,	Grout,	McKenna,	Stone, Mo.
Bunnell,	Guenther,	McKinley,	Struble,
Burrows,	Hall,	McRae,	Taylor, E. B., Ohio
Butterworth,	Haugen,	Milliken,	Thomas, Ky.
Bynum,	Hemphill,	Montgomery,	Thomas, Wis.
Campbell, F., N. Y.	Henderson, Iowa	Morrill,	Tracey,
Cannon,	Henderson, N. C.	Morrow,	Turner, Kans.
Caruth,	Henderson, Ill.	Neal,	Vance,
Caswell,	Herbert,	Nelson,	Vandever,
Cheadle,	Hermann,	Newton,	Wade,
Chipman,	Hitt,	Nichols,	Walker,
Clark,	Hogg,	Nutting,	Warner,
Cogswell,	Holman,	O'Donnell,	Weber,
Compton,	Holmes,	O'Ferrall,	West,
Conger,	Hopkins, Ill.	O'Neall, Ind.	White, Ind.
Cooper,	Hopkins, N. Y.	O'Neill, Pa.	Whiting, Mass.
Cothran,	Houk,	Osborne,	Wickham,
Crouse,	Hovey,	Parker,	Wilber,
Cummings,	Hudd,	Patton,	Wilkinson,
Cutcheon,	Jackson,	Perkins,	Williams,
Dalzell,	Johnston, Ind.	Perry,	Wise,
Darlington,	Johnston, N. C.	Plumb,	Yoder,
Davis,	Kean,	Post,	Yost.

NOT VOTING—148.

Abbott,	Crisp,	Laffoon,	Robertson,
Allen, Miss.	Culberson,	Laird,	Rockwell,
Anderson, Iowa.	Dargan,	Landes,	Rogers,
Anderson, Miss.	Davenport,	Lane,	Russell, Mass.
Anderson, Ill.	Davidson, Ala.	Lanham,	Sayers,
Arnold,	Davidson, Fla.	Lawler,	Scott,
Bacon,	Dougherty,	Lee,	Scull,
Bankhead,	Dunn,	Lodge,	Seney,
Barnes,	Enloe,	Maffett,	Seymour,
Barry,	Felton,	Martin,	Sherman,
Belmont,	Fisher,	McComas,	Smith,
Biggs,	Fitch,	McCreary,	Snyder,
Bingham,	Foran,	McCullogh,	Spinola,
Blanchard,	Ford,	McKinney,	Spooner,
Bland,	Forney,	McMillin,	Stewart, Tex.
Bliss,	French,	McShane,	Stewart, Ga.
Blount,	Funston,	Merriman,	Symes,
Breckinridge, Ark.	Gibson,	Mills,	Tarsney,
Breckinridge, Ky.	Glover,	Moffitt,	Taulbee,
Brower,	Granger,	Moore,	Taylor, J. D., Ohio
Brumm,	Grimes,	Morgan,	Thomas, Ill.
Burnes,	Hare,	Morse,	Thompson, Ohio
Burnett,	Harmer,	Norwood,	Thompson, Cal.
Butler,	Hatch,	Oates,	Tillman,
Campbell, Ohio.	Hayden,	O'Neill, Mo.	Townshend,
Campbell, T J., N.Y.	Hayes,	Outhwaite,	Turner, Ga.
Candler,	Heard,	Owen,	Washington,
Carlton,	Hiestand,	Payson,	Weaver,
Catchings,	Hires,	Peel,	Wheeler,
Clardy,	Hooker,	Penington,	White, N. Y.
Clements,	Hopkins, Va.	Peters,	Whiting, Mich.
Cobb,	Howard,	Phelan,	Whitthorne,
Cockran,	Hunter,	Phelps,	Wilkins,
Collins,	Hutton,	Pidcock,	Wilson, Minn.
Cowles,	Jones,	Pugsley,	Wilson, W. Va.
Cox,	Ketcham,	Rayner,	Woodburn,
Crain,	Kilgore,	Richardson,	Yardley.

So the House refused that when it adjourns to-day it will adjourn to meet on Friday next.

During the roll-call,

Mr. BAYNE moved to dispense with the reading of the names.

Mr. OATES objected.

The following additional pairs were announced:

Mr. TAULBEE with Mr. LANHAM, on this vote.

On all political questions for the rest of the day:

Mr. HATCH with Mr. FUNSTON.

Mr. GLOVER with Mr. WADE.

Mr. HUTTON with Mr. HARMER.

Mr. FORD with Mr. LAIRD.

Mr. SNYDER with Mr. WOODBURN.

Mr. WILSON with Mr. KETCHAM, on the direct-tax bill. If present, Mr. KETCHAM would vote for the bill and Mr. WILSON would vote against it.

The vote was then announced as above recorded.

Mr. OATES. I move the House do now adjourn.

The SPEAKER. That motion is pending. The gentleman moved that the House adjourn, and pending that the gentleman from Iowa [Mr. WEAVER] moved that when the House adjourns to-day it adjourn to meet on Friday next. The question now recurs on the motion to adjourn.

Mr. O'NEILL, of Pennsylvania. I ask the gentleman from Kentucky [Mr. BRECKINRIDGE] to withdraw his objection to the presentation of the petition of 11,000 operatives of woolen mills in the city of Philadelphia so it may be printed in the RECORD without the names.

Mr. BRECKINRIDGE, of Kentucky. I will say there will be no objection if I be allowed to have printed in the RECORD—I do not care about it being read—a petition of workingmen and of some Knights of Labor.

The SPEAKER. Is there objection to printing these petitions in the RECORD?

Mr. WHEELER. How long are they?

Mr. TAULBEE. I do not object to printing in the RECORD, but I do object to discussion.

The SPEAKER. The regular order is demanded by several gentlemen.

Mr. EZRA B. TAYLOR. There is no objection to printing in the RECORD, but we are too busy to have much reading. [Laughter.]

The SPEAKER. The question recurs on the motion to adjourn.

Mr. EZRA B. TAYLOR. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 47, nays 152, not voting 125; as follows:

YEAS—47.

Abbott,	Compton.	Lane,	Sayers,
Allen, Miss.	Cothran,	Lanham,	Springer,
Anderson, Miss.	Enloe,	Mahoney,	Stewart, Tex.
Anderson, Ill.	Forney,	Martin,	Stockdale,
Barry,	Grimes,	McMillin,	Stone, Ky.
Breckinridge, Ark.	Hare,	Morgan,	Stone, Mo.
Breckinridge, Ky.	Hemphill	Neal,	Turner, Ga.
Buckalew,	Herbert,	Norwood,	Vance,
Bynum,	Hermann,	O'Neall, Ind.	Walker,
Candler,	Hogg,	Peel,	Wheeler,
Carlton,	Hooker,	Robertson,	Whiting, Mich.
Catchings,	Landes,	Rowland,	

NAYS—152.

Allen, Mass.	Dibble,	Johnston, N. C.	Plumb,
Allen, Mich.	Dockery,	Kean,	Post,
Anderson, Kans.	Dorsey,	Kelley,	Pugsley,
Atkinson,	Dunham,	Kennedy,	Reed,
Baker, N. Y.	Elliott,	Kerr,	Rice,
Baker, Ill.	Ermentrout,	La Follette,	Romeis,
Bayne,	Farquhar,	Lagan,	Rowell,
Belden,	Finley,	Laidlaw,	Russell, Conn.
Boothman,	Flood,	Latham,	Russell, Mass.
Bound,	French,	Lehlback,	Rusk,
Boutelle,	Fuller,	Lind,	Ryan,
Bowden,	Gallinger	Long,	Sawyer,
Bowen,	Gay,	Lyman,	Seymour,
Brewer,	Gear,	Macdonald,	Shively,
Browne, T.H.B., Va.	Gest,	Maish,	Simmons,
Browne, Ind.	Goff,	Mansur,	Sowden,
Brown, Ohio,	Greenman,	Mason,	Steele,
Brown, J. R., Va.	Grosvenor,	Matson,	Stephenson,
Brumm,	Grout,	McAdoo,	Stewart, Vt.
Buchanan,	Guenther,	McClammy,	Struble,
Bunnell,	Haugen,	McCormick,	Taulbee,
Burrows,	Heard,	McCreary,	Taylor, E. B., Ohio
Butterworth,	Henderson, Iowa,	McKinley,	Thomas, Ky.
Campbell, F., N. Y.	Henderson, N. C.	Montgomery,	Thomas, Wis.
Caruth,	Henderson, Ill.	Morrill,	Turner, Kans.
Caswell,	Hires,	Morrow,	Vandever,
Cheadle,	Hitt,	Nelson,	Wade,
Chipman,	Holman,	Newton,	Warner,
Clark,	Holmes,	Nichols,	Weber,
Cogswell,	Hopkins, Ill.	Nutting,	White, Ind.
Conger,	Hopkins, Va.	O'Donnell,	White, N. Y.
Cooper,	Hopkins, N. Y.	O'Ferrall,	Whiting, Mass.
Crouse,	Houk,	O'Neill, Pa.	Wickham,
Cutcheon,	Hovey,	Osborne,	Wilber,
Dalzell,	Hudd,	Parker,	Wilkinson,
Darlington,	Hunter,	Patton,	Yardley,
Davis,	Jackson,	Perkins,	Yoder,
De Lano,	Johnston, Ind.	Perry,	Yost.

NOT VOTING—125.

Adams,	Cobb,	Gibson,	McCullogh,
Anderson, Iowa,	Cockran,	Glass,	McKenna,
Arnold,	Collins,	Glover,	McKinney,
Bacon,	Cowles,	Granger,	McRae,
Bankhead,	Cox,	Hall,	McShane,
Barnes,	Crain,	Harmer,	Merriman,
Belmont,	Crisp,	Hatch,	Milliken,
Biggs,	Culberson,	Hayden,	Mills,
Bingham,	Cummings,	Hayes,	Moffitt,
Blanchard,	Dargan,	Hiestand,	Moore,
Bland,	Davenport,	Howard,	Morse,
Bliss,	Davidson, Ala.	Hutton,	Oates,
Blount,	Davidson, Fla.	Jones,	O'Neill, Mo.
Brower,	Dingley,	Ketcham,	Outhwaite,
Bryce,	Dougherty,	Kilgore,	Owen,
Burnes,	Dunn,	Laffoon,	Payson,
Burnett,	Felton,	Laird,	Penington,
Butler,	Fisher,	Lawler,	Peters,
Campbell, Ohio,	Fitch,	Lee,	Phelan,
Campbell, T.J., N.Y.	Foran,	Lodge,	Phelps,
Cannon,	Ford,	Lynch,	Pidcock,
Clardy,	Funston,	Maffett,	Randall,
Clements,	Gaines,	McComas,	Rayner.

Richardson,	Snyder,	Thompson, Ohio.	Wilkins,
Rockwell,	Spinola,	Thompson, Cal.	Williams,
Rogers,	Spooner,	Tillman,	Wilson, Minn.
Scott,	Stahlnecker,	Tracey,	Wilson, W. Va.
Scull,	Stewart, Ga.	Townshend,	Wise,
Seney,	Symes,	Washington,	Woodburn.
Shaw,	Tarsney,	Weaver,	
Sherman,	Taylor, J. D., Ohio.	West,	
Smith,	Thomas, Ill.	Whitthorne,	

So the House refused to adjourn.

During the roll-call the following additional pairs were announced:

Mr. CULBERSON with Mr. MOORE, on this bill.

Mr. MCRAE with Mr. MCKENNA, for this day on this bill.

Mr. BRYCE with Mr. OWEN, for the rest of the day.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2927) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn.

REFUND OF DIRECT TAX OF 1861.

Mr. WEAVER. I move that when the House adjourns to-day it adjourn to meet on Monday next.

Mr. TAULBEE. Is not that too long?

Mr. WEAVER. No, it is not. It is only three legislative days.

Mr. TAULBEE. I make the point of order against that.

The SPEAKER. The gentleman will state it.

Mr. TAULBEE. It is more than three days.

The SPEAKER. It is exactly three legislative days—Thursday, Friday, and Saturday.

Mr. CANNON. But this is Wednesday, and you can not include the one and exclude the other.

The SPEAKER. The Chair will cause the clause of the Constitution to be read.

Mr. TAULBEE. My point of order is this: That if the House adjourns now to meet on Monday, this being Wednesday, that it is more than the three legislative days provided in the Constitution. It is necessarily four days if you count either to-day or Monday.

The SPEAKER. But the question is whether or not you can count either day.

Mr. TAULBEE. Well, that is simply a matter of taste. [Laughter.]

The SPEAKER. The Clerk will read the clause of the Constitution regulating this subject.

The Clerk read as follows:

Section 5, clause 4: Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

The SPEAKER. The language is for more than three days.

Mr. TAULBEE. My point, however, Mr. Speaker, is this, that if the House adjourns now to meet again to-morrow, that is an adjournment for one day. If we adjourn to meet on Friday, that is two days; and if to meet on Saturday, that is three days. That is as far as an adjournment can extend without the concurrence of the Senate under the clause of the Constitution which has been read.

The SPEAKER. The Chair thinks the motion is not in order at this time, for a different reason than that suggested by the gentleman from Kentucky.

The last vote preceding the one just taken was on a motion to adjourn over until Friday; and it has been decided, and has been the constant practice of the House since that decision that, although the motion to adjourn over may be repeated, some intervening business must have taken place before the motion can be again in order; and it has been held that the motion to adjourn is not such intervening business as makes a repetition of the motion to adjourn over in order. The only vote taken by the House since the motion to adjourn over was rejected was on the motion to adjourn which has just been taken. The Chair thinks the point of order——

Mr. TAULBEE. The Chair sustains my point of order, as I understand it.

The SPEAKER. The Chair does not think that it is necessary to decide upon the point urged by the gentleman, as there is another ground upon which the motion can not be entertained.

Mr. TAULBEE. That was my first point of order.

Mr. WEAVER. I move that the House now take a recess until 8 o'clock.

The SPEAKER. There is a motion for a recess pending and two amendments to the motion, which is the limit of amendments in that direction.

The first question is on the amendment of the gentleman from Ohio [Mr. EZRA B. TAYLOR] that when the House takes a recess to-day it be until 10 o'clock to-morrow morning.

Mr. OATES. Is it not amendable?

The SPEAKER. It is not, being now in the third degree—an amendment to the amendment.

Mr. REED. This is a final vote on that question.

The SPEAKER. The gentleman from Ohio had demanded the previous question upon the motion.

Mr. EZRA B. TAYLOR. I withdraw that demand.

Mr. MCMILLIN. I renew it.

Mr. REED. I make the point of order that it is not in order.

The SPEAKER. The Chair will hear the gentleman upon the point of order.

Mr. REED. The only object of the previous question is to limit debate. That is already limited by the rules of the House on this question.

The SPEAKER. There is no amendment that can be offered now.

Mr. TAULBEE. I ask unanimous consent that the previous question be considered as ordered, as gentlemen want it. [Cries of "Regular order!"] Now hold on, I am with you.

Mr. EZRA B. TAYLOR. I demand the yeas and nays on the pending motion.

Mr. REED. That is on the amendment of the gentleman.

Mr. MCMILLIN. But I have renewed the demand for the previous question.

Mr. REED. I make the point of order that it is not in order.

The SPEAKER. The Chair thinks it is in order.

Mr. REED. Will the Chair hear me for a moment?

The SPEAKER. The Chair will hear the gentleman.

Mr. REED. Under the rules of the House this question is to be decided without debate. The object of the previous question is to close debate and bring the House to a direct vote upon the pending proposition. If there can be no debate, how can there be a previous question?

The SPEAKER. That may be a good reason why the House should refuse to order the previous question, but the motion for the previous question is in order.

Mr. LONG. Is it not a well-established principle of parliamentary law that one of these subsidiary motions can not be applied to another? That, for instance, the previous question can not be applied to the motion to adjourn?

The SPEAKER. But the previous question can be applied to such motions as to commit or on a motion for a recess——

Mr. LONG. But not on a motion to adjourn.

Mr. REED. We are now on a motion that is not debatable.

The SPEAKER. The original motion for a recess is amendable; but the previous question, if ordered now, would operate upon the whole series of motions, first upon the pending amendments and then upon the original motion; so that when the amendment of the gentleman from Ohio is disposed of by a vote of the House, the House will be brought to a direct vote upon the main question, which would not then be subject to further amendment if the previous question is now ordered.

Mr. REED. Then, if the previous question covers such motions, I renew the demand. [Laughter.]

Mr. MCMILLIN. I withdraw the demand for the previous question.

Mr. REED and Mr. TAULBEE renewed the demand for the previous question.

Mr. BAKER, of New York. I desire to ask a question for information.

Mr. BRECKINRIDGE, of Arkansas. I move that the gentleman from Tennessee [Mr. MCMILLIN] be excused from voting on the pending question.

Mr. REED. I withdraw the motion for the previous question. I do not wish to embarrass those gentlemen.

The SPEAKER. The demand for the previous question being withdrawn, the question is on the amendment of the gentleman from Ohio [Mr. EZRA B. TAYLOR].

Mr. BRECKINRIDGE, of Arkansas. I made a privileged motion, that the gentleman from Tennessee be excused from voting on the pending question.

The SPEAKER. The gentleman from Arkansas asked to have a gentleman excused from voting on the pending question, which at that time was the demand for the previous question, but that was withdrawn.

Mr. BRECKINRIDGE, of Arkansas. My motion was that the gentleman from Tennessee be excused from voting on the pending question.

The SPEAKER. The question then pending was withdrawn. The question is now on the amendment of the gentleman from Ohio.

Mr. REED. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BRECKINRIDGE, of Arkansas. I now renew the motion that the gentleman from Tennessee [Mr. MCMILLIN] be excused from voting on the pending question.

The SPEAKER. The gentleman from Arkansas moves that the gentleman from Tennessee [Mr. MCMILLIN] be excused from voting on the pending question.

Mr. BAYNE. I object.

Mr. BRECKINRIDGE, of Arkansas. I make the motion under Rule VIII; it is not a request.

The SPEAKER. The gentleman from Arkansas moves that the gentleman from Tennessee be excused from voting.

The question being put on the motion of Mr. BRECKINRIDGE, of Arkansas, the Speaker stated that the "noes" seemed to have it.

Mr. BRECKINRIDGE, of Arkansas. I call for a division.

The House divided; and there were—ayes 16, noes 69.

Mr. BRECKINRIDGE, of Arkansas. No quorum.

The SPEAKER. The Chair appoints as tellers Mr. BRECKINRIDGE, of Arkansas, and Mr. MASON.

Before the count by tellers was completed,

Mr. CASWELL said: I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CASWELL. Is it in order to excuse a member from voting on a motion for a recess?

The SPEAKER. The Chair thinks it is in order to excuse a member from voting.

Mr. BLOUNT. Would it not be in order to ask that the gentleman from Tennessee be heard?

Mr. REED. I make the point of order.

The SPEAKER. If the point of order is made that the House is voting——

Mr. CASWELL. I make my point of order under Rule IX, which I shall read.

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of members individually in their representative capacity only, and shall have precedence of all other questions, except motions to fix the day to which the House shall adjourn, to adjourn, and for a recess.

The SPEAKER. But this is not a question of privilege.

Mr. CASWELL. Then how does it intervene at this time?

The SPEAKER. Because the rule directs that a member shall vote on each question put, unless he is excused by the House. And it is also provided that the motion to excuse him shall be made before division or the commencement of the roll-call. A motion to take a recess is not a question of privilege.

Mr. CASWELL. Is a motion to excuse a member from voting a privileged motion?

The SPEAKER. It is a motion under the rules of the House, and must be made at a certain time. The Chair thinks the motion of the gentleman from Arkansas is in order.

Mr. SOWDEN. I understand the gentleman from Tennessee [Mr. MCMILLIN] is paired, which of itself excuses him from voting.

Mr. BURROWS. I desire to call the attention of the Speaker to repeated decisions bearing upon this question. I will read the statement in the Digest of Parliamentary Law, which is very brief.

It is not in order to ask to be excused from voting on a motion to adjourn, or to adjourn over, nor after the main question is ordered, nor pending the demand for the previous question. If it were otherwise, motions might be made one after another, and the House might be voting upon repeated questions of motions to excuse, etc., when a majority of the House were in favor of adjourning.

Mr. REED. I made that point of order at the proper time.

The SPEAKER. This is not a motion to adjourn or a motion to adjourn over, but a motion for a recess; and the question is on an amendment to that motion. Upon that the gentleman from Arkansas asks that the gentleman from Tennessee be excused from voting.

Mr. REED. The same principle must govern.

Mr. BURROWS. If a motion to excuse a member from voting on a motion to adjourn is not in order, neither should it be in order for a motion to take a recess; for the reason that if admissible then it could be made to apply to every member in the House and arrest all business.

The SPEAKER. That may be an inconvenience resulting from the rule; but if the motion can be made under the rule it is in order.

Mr. REED. I have never known a motion of this kind to be entertained while I have been in the House.

Mr. GROSVENOR. It might be a very useful motion for the majority.

The SPEAKER. The Chair does not remember such a motion. Still the rules provide for it.

Mr. BURROWS. If it be true that a motion is in order to excuse a member from voting on a motion to take a recess, can not the motion to excuse be made with reference to every member of the House?

The SPEAKER. Certainly; and it could be upon any other question as well.

Mr. BURROWS. So that there could be brought about the very condition of things which, according to the decision I have read, can not be brought about.

The SPEAKER. The Chair will cause the Clerk to read the first paragraph of Rule VIII.

The Clerk read as follows:

Every member shall be present within the hall of the House during its sittings, unless excused or necessarily prevented; and shall vote on each question put, unless on motion made before division or the commencement of roll-call, and decided without debate, he shall be excused, or unless he has a direct personal or pecuniary interest in the event of such question.

The SPEAKER. Now, it has been held that this does not apply in the case of a motion to adjourn or to adjourn over or for a call of the House; and the reason seems to be that if the motion to excuse members from voting were entertained in such a case it might be in the power of a member to prevent the House from adjourning at all, or from compelling the attendance of members, and thus the House might be kept in session indefinitely or be destroyed as a legislative body. Those reasons do not apply on the question of taking a recess.

Mr. BURROWS. The admission of these motions indefinitely might prevent the House from taking a recess.

The SPEAKER. But the House is not prevented from adjourning and thereby terminating its sitting.

Mr. BURROWS. But the principle is the same.

The SPEAKER. The Chair thinks not. The ruling referred to by the gentleman has never been held except in the cases specified, and the rule itself is very broad. It does not make any exception. The decisions which the gentleman from Michigan cites are exceptions to the rule—exceptions which have never been carried beyond motions to adjourn and to adjourn over and for calls of the House.

Mr. BURROWS. It was so held in the case of adjournment over.

The SPEAKER. It was.

Mr. EZRA B. TAYLOR. I trust I may be allowed to make a suggestion to the Chair on this point of order.

The SPEAKER. The Chair will state, however, that the point of order in this case is made too late, because the House is actually voting upon the question; but if any further request should be made——

Mr. REED. I made the point of order before the count began.

The SPEAKER. The Chair did not so understand.

Mr. REED. Oh yes; I made it, and the Chair decided I was out of order.

The SPEAKER. The Chair will hear the gentleman from Ohio [Mr. EZRA B. TAYLOR].

Mr. EZRA B. TAYLOR. Under this same rule, which did not in terms exclude the question of voting on an adjournment, the Speaker held that, because of the reason of the thing, the rule could not apply to that sort of a case. This exception is not made in the wording of the rule. It is made by the construction which the Speaker gave to the rule as it now stands. Now, does not the very same reason in substance apply in the present case? Has the Speaker of this body less power in the construction of a rule than a court has in the construction of a law? In either case, must not the construction be based upon good sense and be in accordance with the intention of the body that framed the rule or the law? Are we bound hand and foot by a meaningless rule? Are we not at liberty to put a reasonable construction upon it? A Speaker of this House having adopted a principle of construction in one case now, when another case of like kind comes before the Chair, is not the precedent already established—one which the Speaker ought to respect?

Unless the principle of construction already adopted be applied in this case, what will be the result in regard to business of the House in regard to other measures which may come up? Is this the only bill before this House, or the only one that ever will be before it? These gentlemen who are pressing this matter may take notice that it is not.

Mr. REED. I beg to submit to the Speaker another suggestion.

Mr. GROSVENOR. One word upon the question of order. There are 145 members of the minority in this House. If it is to be held that on any question the House may be prevented from coming to a direct vote by proceedings of this kind, then there may be 650 roll-calls upon the primary question which can be made upon motions to excuse members of the House from voting, and would consume seventy days of five hours; and those motions may be indefinitely extended. And I give notice now that if this ruling is upheld, if God spares my life, and if I can get members of the minority to stand with me, this proceeding will be resorted to upon questions that will affect the majority most materially.

Mr. REED. Mr. Speaker, the gentleman from Tennessee [Mr. MCMILLIN] has not asked to be excused.

The SPEAKER. The gentleman from Arkansas [Mr. BRECKINRIDGE] moved to excuse the gentleman from Tennessee.

Mr. REED. Had he the right to do that? Is there any right for one gentleman to move to excuse another?

The SPEAKER. The Chair supposes a gentleman can make any proper parliamentary motion he desires.

Mr. REED. Can that be a proper parliamentary motion at this time?

The SPEAKER. It was when made.

Mr. REED. If the gentleman from Tennessee desires to be excused, he has always been credited with physical and mental capacity to make such a statement himself. I suppose that could be predicated of every member of the House, and the Chair is bound to take notice of a fact so patent as that. Surely it can not be in order for another gentleman to make the request, however the Chair might decide upon a request made by the gentleman himself.

The SPEAKER. The Chair can not go into those matters.

Mr. REED. The proposition to be excused from voting is a personal right or privilege, and it can not be that one gentleman can move to excuse another, apparently without his consent.

Mr. SOWDEN. I rise to a parliamentary inquiry. Has the Chair decided the question of order?

The SPEAKER. The Chair has indicated its opinion on the question.

Mr. SOWDEN. If the Chair has decided the question, I appeal from the decision.

The SPEAKER. The Chair would state, in response to the gentleman from Ohio [Mr. EZRA B. TAYLOR] that the argument made would of course apply not only to this case but to every case in which a mem-

ber might ask to be excused from voting. Now, in the case of a motion to adjourn the Chair decided to-day that the vote on such a motion could not be reconsidered, for the reason that the motion might be repeated again and again for an indefinite number of times, provided there had been intervening business. In other words, the reason of the rule which allows in general motions to reconsider did not apply. The motion to take a recess is one which may also be repeated; but when it is renewed a different time must be fixed. A motion to amend so as to take a recess until to-morrow morning at 10 o'clock, whether carried or rejected, could not be repeated, though other business may have intervened. So the motion to take a recess is not like a motion to adjourn. The House must at all times have it in its power to determine whether it will adjourn or not—whether it will adjourn from day to day or adjourn to a particular day in the future.

The exercise of this power might be defeated absolutely if during the pendency of such a motion the time of the House could be consumed by repeated motions to excuse members from voting. But the Chair does not see how that consideration can apply to a motion to take a recess any more than to any other ordinary question pending before the House. The Chair therefore overrules the point of order. The gentleman from Pennsylvania [Mr. SOWDEN] takes an appeal. The Chair will be very glad to have the judgment of the House upon the matter. The question is, Shall the decision of the Chair stand as the judgment of the House?

The question having been put,

The SPEAKER said: The noes seem to have it.

Mr. BRECKINRIDGE, of Arkansas. I call for a division.

The question being again taken, there were—ayes 60, noes 65.

Mr. MCCREARY. I ask for the yeas and nays.

Mr. REED. I make the point of order that we are voting on a question of yeas and nays.

The SPEAKER. Still there is an appeal taken.

Mr. REED. The yeas and nays have been ordered on another question.

The SPEAKER. But if the gentleman from Pennsylvania has the right to take an appeal, the House must have the right to vote on it in the usual way. The question is on ordering the yeas and nays.

The yeas and nays were ordered.

Mr. CANNON. Now, Mr. Speaker, I ask that the gentleman from Tennessee be excused from voting on this question.

The SPEAKER (having put the question) declared the motion of Mr. CANNON agreed to.

Several Members called for a division.

Mr. TAULBEE. I make the point of order that the call for a division was not made until after the result of the vote had been announced.

The SPEAKER. The Chair thinks that is the fact; at least the Chair did not hear the demand until after the announcement.

Mr. BRECKINRIDGE, of Arkansas. I rose to make the demand as the Chair was in the act of making the announcement.

Mr. OATES. So did I.

Mr. ALLEN, of Mississippi. I was on my feet for that purpose.

Mr. BLOUNT. I called for a division before the result was announced.

Mr. TAULBEE. As a matter of course, if any gentleman says he demanded a division before the announcement of the Chair, I agree that a division ought to be ordered; but until such statement is made I insist on my point of order.

The SPEAKER. The gentleman from Georgia [Mr. BLOUNT] has just stated that he made the demand, and two or three other gentlemen state that they were on their feet endeavoring to make the demand when the Chair announced the decision.

Mr. MCMILLIN. It is due to myself to state that I have not sought to be relieved by the interposition of the gentleman from Illinois.

Mr. SPRINGER. I rise to a parliamentary inquiry. If the House should vote to excuse the gentleman, can he claim the constitutional right to vote notwithstanding?

Mr. REED. I insist on the point which I have made, that the request, in order to be admissible, should have been made by the gentleman himself. I want to bring this point distinctly before the House and the Chair. I believe that the question which the gentleman from Illinois [Mr. SPRINGER] has just now asked is a very pertinent one—that is, if the House, upon the motion of one member, voted to excuse another member from an official act, whether it could have any effect as against the member's will. The foundation of such a request must be the wish and consent of the member himself.

The SPEAKER. But when a gentleman moves to excuse another member from voting, that gentleman being present in the Hall and not disclaiming that motion, the Chair of course proceeds on the assumption——

Mr. REED. We do not know whether he is present or not.

The SPEAKER. The presumption is that the gentleman desires to have the motion made.

Mr. REED. We do not know whether he is present or not. He has not shown himself. I submit to the Chair this is a grave question.

The SPEAKER. The gentleman from Tennessee was certainly present in his seat when the motion was made.

Mr. REED. All I desire, Mr. Speaker, is the question may be presented intelligently.

The SPEAKER. That is all the Chair desires. The Chair has no feeling in the matter, but desires the House to give its best judgment on the question without regard to any decision of the Chair. Does the gentleman from Arkansas insist on his motion to excuse the gentleman from Tennessee?

Mr. BRECKINRIDGE, of Arkansas. No, I do not.

Mr. MCCREARY. I should like to have the Clerk read clause 1 of Rule VIII.

The SPEAKER. It was read, but it will be read again if the gentleman desires it.

Mr. MCCREARY. I do.

The Clerk read as follows:

Every member shall be present within the Hall of the House during its sittings, unless excused or necessarily prevented; and shall vote on each question put, unless, on motion made before division or the commencement of the roll-call and decided without debate, he shall be excused, or unless he has a direct personal or pecuniary interest in the event of such question.

Mr. LONG. I understand, Mr. Speaker, that two points of order are pending. One is the motion to excuse is not in order, and the second is that one member has not the right to move another member shall be excused.

Several MEMBERS. We can not hear what is going on.

The SPEAKER. Members must resume their seats and preserve order.

Mr. LONG. I understand, Mr. Speaker, that two points of order are involved. The first is that the motion to excuse a member is not in order. The second is that one member has no right to move to excuse another member. The Chair has overruled both points of order. Under this appeal can there be a division of the question? For myself I will vote to sustain the Chair on the first point, but I will not vote to sustain the Chair on the second point. Can there be any division of the question?

The SPEAKER. The Chair does not see how there can be a division, because the point of order is one entire thing.

A MEMBER. One was made by Mr. BURROWS, of Michigan, and the other by Mr. REED.

Mr. REED. No, the original point was made by myself.

The SPEAKER. By the gentleman from Maine——

Mr. REED. I did it on one ground.

The SPEAKER. The point is one entire thing.

Mr. REED. Indivisible.

The SPEAKER. The point of the gentleman from Michigan was argument made in support of the point of order.

Mr. REED. That is all.

The SPEAKER. One reason may be good and the other bad.

Mr. BRECKINRIDGE, of Arkansas. Will the Chair state the point of order involved?

The SPEAKER. The question is, Shall the decision of the Chair stand as the judgment of the House?

Mr. BRECKINRIDGE, of Arkansas. Can we not have a statement of what is involved in the question?

The SPEAKER. The gentleman from Arkansas [Mr. BRECKINRIDGE] moved that the gentleman from Tennessee [Mr. MCMILLIN] be excused from voting on the motion for a recess. The point was made that it was not in order under the practice of the House to excuse a member from voting on a motion to take a recess. It was urged in support of that, in the first place, there had been a ruling by the House heretofore that it was not in order to excuse a member on a motion to adjourn or to adjourn over; and, secondly, that the motion was not in order because it was made by another member, and not by the member from Tennessee himself. The Chair overruled the point of order and an appeal was taken. It is only one entire question; the others are mere matters of argument

Mr. GROSVENOR. Is the appeal debatable?

The SPEAKER. Rule I, clause 4, provides "that no member shall speak more than once on an appeal from the decision of the Chair," which implies that it is debatable.

Mr. GROSVENOR. I wish to have five minutes.

The SPEAKER. The Chair will hear the gentleman.

Mr. GROSVENOR. Mr. Speaker, two questions are involved here. On one of these questions I am clear the Chair is right. The rules of this body must have an intelligent, straightforward, common-sense construction. And all questions of doubt ought to be decided so that the business of the House can proceed.

The SPEAKER. The gentleman can obviate the difficulty by consent of the House. The Chair can submit to the House the question whether it is competent for one member to move to excuse another member from voting.

Mr. LONG. Let that be done.

The SPEAKER. If that were done, the House would vote directly upon that one question.

Mr. GROSVENOR. Can that be done except by unanimous consent?

The SPEAKER. The Chair thinks it can be done, if the appeal is withdrawn.

Mr. REED. It can be of course submitted by the Speaker in that form.

The SPEAKER. The Chair thinks that it is not inconsistent with the practice of the House to submit questions of this character for the judgment and determination of the House; but in doing this the Chair wishes to state that there is no disposition on his part to avoid the effect of an appeal to the House, nor has the Chair any feeling as to what may be the decision of the House upon that appeal.

Mr. REED. We understand that; and this would avoid a difficulty that we all wish to avoid.

Mr. GROSVENOR. I object to being taken off the floor in that way.

The SPEAKER. The Chair does not desire to take the gentleman off the floor, but on the contrary has recognized him as entitled to the floor.

Mr. GROSVENOR. To my mind there is not anything plainer—it seems to me that it is so plain the man who runs can understand it—that if the Speaker is right in his first proposition——

Mr. SOWDEN. Mr. Speaker——

Mr. GROSVENOR. I have the floor, I believe.

Mr. SOWDEN. I want to withdraw the appeal.

Mr. GROSVENOR. But you can not take me off the floor in that way. It takes two men to do that, you and me both, and we are not operating together just now. [Laughter.] Not moving in the same direction, as it were.

If the Speaker has ruled rightly on the first proposition, that every member of this House may ask to be excused from voting on this question, then beyond all possibility of doubt the second question has been properly ruled by the Speaker. The language of the rule does not admit of a construction that repeals the language of the rule and substitutes other language in its stead. It declares expressly:

Unless, on motion, * * * he shall be excused.

Excused how? Not upon his own motion, but by the action of the House; and this is a simple attempt here to get out of a position that is absolutely absurd, for we are asked by it to admit that the first proposition is right and the second wrong. If the first position is correct, the last one is necessarily so. Because, Mr. Speaker, if every member of this House had a right to be excused by a vote of the House, then the language of that rule can not be substituted by undertaking to say that you will construe the language to mean that it is a personal privilege of a member. I have the right to ask for leave of absence for any member, and to ask that he be excused. The rule is absolutely plain in that respect, and can not be repealed by a construction like that. The member may be heard to ask that a member be granted leave of absence, or that he be excused from voting. Surely one member may state a question of privilege for another if the House is involved.

But a moment further. Is it possible that we have lived up to this time, almost one hundred years of legislative existence in this country, and have learned this in legislative matters now for the first time, that upon every question presented to this House I may be excused from voting, and if I can get one-fifth of the members of the House then present to sustain me in the demand for the yeas and nays can have 650 roll-calls of this House upon every question except the question to adjourn or to adjourn over? That is the far-reaching effect of this proposition.

I may make a motion that a particular member be excused from voting; I may renew that motion and include one by one the whole of the 325 members of the House, and if one-fifth of the members will sustain me we can have a roll-call upon each motion. On every single one of these motions I move to reconsider the vote, and that must be determined by a roll-call, if I can get the necessary number to sustain the demand, which makes 650 roll-calls, or nearly fifty days of six hours a day, and we are asked here to thus put a technical construction upon the rule of the House that will paralyze the legislation of this country and put into the hands of a minority of the House power to absolutely usurp its whole legislative functions and prevent for the whole life of a Congress any action whatever. I can not consent to such a construction.

The SPEAKER. But how does the gentleman from Ohio suppose that a member can be excused from voting? The rule evidently contemplates that he may be excused.

Mr. GROSVENOR. He can be excused upon his own motion; but he must state the reason.

The SPEAKER. But still there must be a vote upon that motion, if it is objected to.

Mr. GROSVENOR. I suppose that there must be; but my proposition goes to the point that the same principle which undertakes to declare that the House shall not be unreasonably kept in session by dilatory motions like that pending applies as well to the question of a recess as to an adjournment. They stand in that regard upon the same footing, in principle, and if the Speaker is invoked here to make a judicial ruling not in consonance with the spirit of the rule, the language of which may not be absolutely specific, then, surely, Mr. Speaker, there would be no argument stronger than that the rule would be absolutely nugatory under any other construction than that I have suggested. It is a question of construction, and the construction ought to be reasonable and in the direction of going forward and not backward. That is a canon of construction of all rules of parliamentary procedure.

Now, Mr. Speaker, we are making history here just now. We are putting weapons into the hands of a minority of this House absolutely destructive of the power of the people of this country to be represented in this Government at all. And I appeal to the Speaker of this House not to force the House either to overrule him—which none of us would like to do—or else to make a law for this House which will imperil every interest in the country. Such a ruling if made will perpetuate its evil consequences far along our future pathway.

The SPEAKER. The Chair has not expressed an opinion as to what the rule ought to be, but has simply stated what, in his judgment, the rule actually is.

Mr. GROSVENOR. Before the Chair proceeds let me say one word more. I can not imagine an exigency where a member of the House can properly and without any factious purpose be excused from voting on a question of a recess. The very spirit of this whole matter of excusing members goes back into the great parliamentary proposition that no member of a parliamentary body shall be permitted to vote on a question in which he has an interest. It might be remotely possible that a member might have an interest in an adjournment or a recess; but I can not conceive the makers of these rules ever contemplated that such a motion could be used for any other than merely dilatory purposes.

Mr. CRISP. Let me suggest, it is not the province of the Speaker to make rules, but to construe them.

Mr. GROSVENOR. But it is the province of the Speaker, as it is of courts, to construe rules in the spirit in which they were made, and to work out the legislative intent with which they were framed.

Mr. CRISP. From the necessity of the case, of course, as a lawyer the gentleman understands, there may arise cases when there must be a construction of what appears a plain rule. From the necessity of the case it has been held that this motion to excuse a member from voting could not be made upon a motion to adjourn or a motion to adjourn over. Why? Because if it could be then the House might never adjourn, and the necessity of the case demands that construction.

But is the same thing true in regard to a recess? Suppose the House never takes a recess, what is the harm done? The necessity, therefore, for construing the rule arises here. The gentleman invokes the Speaker to make a rule. I hold it is the duty of the Presiding Officer to construe the rules we have made. If they are wrong let us change them.

Mr. GROSVENOR. We have at least a right to protest against this ruling, although we may avail ourselves of it afterwards.

Mr. MCMILLIN. It is but just I should state I was present when the motion was made by the gentleman from Arkansas. It was not made without my consent. I was and am now paired with the gentleman from Kansas [Mr. ANDERSON] until a future hour of this session. I have tried to find the pair but could not, and I did not know whether it in terms leaves me the right to vote to make a quorum when the question that no quorum has voted is made or not. The question of no quorum voting was made, and the gentleman from Arkansas moved that I be excused from voting on the pending proposition. I will not go now, of course, into the merits of that discussion. Those are the facts, and I have thought it proper I should state them to the House.

Mr. SOWDEN. I withdraw the appeal from the ruling of the Chair in order to allow the Speaker to submit to the House the question whether a motion to excuse a member who is present from voting can be made by another member.

The SPEAKER. The Chair desires to submit to the House the question whether or not it is competent for one member to move that the House shall excuse another member from voting——

Mr. REED. Under the existing circumstances.

Mr. BOUTELLE. On a motion for a recess.

The SPEAKER. On a motion for a recess; and the Chair thinks it would apply to any other motion except those excluded by previous decisions. The rule is as follows:

Every member shall be present within the Hall of the House during its sittings, unless excused or necessarily prevented; and shall vote on each question put, unless, on motion made before division or the commencement of the roll-call and decided without debate, he shall be excused, or unless he has a direct personal or pecuniary interest in the event of such question.

Mr. BREWER. I ask the Chair also to read the note on page 478.

The SPEAKER. There is nothing on page 478 in the edition in the hands of the Chair relating to this question.

Mr. BREWER. I have in my hands the edition of last Congress. I send it up to the Chair.

The SPEAKER. What the gentleman from Michigan asks to be read is as follows:

On motions to adjourn, to fix the day to which the House shall adjourn, and for a call of the House, it has been held not to be in order to ask to be excused from voting; and for the obvious reason that nothing but a desire to consume time, and thereby delay legislation, or to prevent a majority adjourning, could possibly influence a member in making the request. (See Congressional Globe, first session Thirty-first Congress, page 376; Journals first session Thirty-first Congress, page 1538; first session Thirty-third Congress, pages 757, 765, 854, 1243; first session, Thirty-fifth Congress, page 866; Congressional Globe, first session Thirty-ninth Congress, page 945.)

Those are the cases to which the Chair alluded.

Mr. HERBERT. Does the Chair decide that the rule implies that

when a motion is made to excuse a member it must be made with his consent?

The SPEAKER. The Chair is not now making any decision. The question which the Chair has submitted is whether it is competent for one member to move to excuse another member from voting.

Mr. REED. Under the present circumstances?

Mr. CRISP. The gentleman from Tennessee is present and has assented to the motion being made.

The SPEAKER. The Chair is aware of that; but the Chair does not desire to go beyond the question which he submits to the House to decide.

Mr. BURROWS. I desire to inquire whether the Chair is to be understood as holding that upon a motion to take a recess a motion to excuse a member is in order?

The SPEAKER. The Chair did so hold. The Chair entertained the motion to excuse a member from voting upon a motion to take a recess, and entertained the motion made by a gentleman other than the one to be excused.

Mr. BUCKALEW. Mr. Speaker, it is understood that a motion to excuse a member is made only at his instance or at his request. Ordinarily a member rises and asks to be excused from voting. He never makes the motion to excuse himself. Who ever heard of such a thing? Some other member makes the motion. Now, the only point in this case about which there can be any cavil is that the gentleman did not rise in his place and request somebody else to make the motion to excuse him. He says he knew of it, and that it was made with his approbation. In all cases the motion to excuse is made by some one other than the member to be excused. Therefore there is nothing to be submitted to the House, unless we are to make a rule that a member desiring to be excused from voting must rise and request some other member to move that he be excused.

The SPEAKER. The Chair thinks the gentleman himself might make a motion to excuse himself.

Mr. BUCKALEW. But I speak of the practice.

Mr. DUNN. If it is the desire of our friends on the other side to change the rule, I suggest that it would be better to make a distinct rule and adopt it regularly, so that there may be no mistake about it. We have not even a hypothetical case to go upon. I presume nobody desires to say that no member shall under any circumstances move to excuse another member. Exigencies and emergencies might arise in which that must be done, necessarily and in good faith, and not for the mere purpose of delay. It would be much more decorous, therefore, to make a rule which would prohibit that, if such is the desire of the House, than to attempt to deal with the question in this way.

Mr. REED. Mr. Speaker, why would not a good way to get out of the difficulty be to withdraw the proposition at this time? We have stumbled upon it without preparation on the part of anybody, and there are no real rights waived by withdrawing it, because the filibustering motions—to use that language—are ample and abundant without resorting to this.

Mr. DUNN. I think so myself.

Mr. REED. In this way no rights will be lost and we shall be relieved from a question that we have come upon thus suddenly without having, perhaps, the necessary information to decide it properly. That is the spirit by which I am personally actuated in this matter. We all of us are interested, not merely in the momentary transactions which are going on here, but in preserving the discipline and good order of the House, and it is very undesirable that we should come into conflict upon such questions as this without more full and careful consideration. If we do we may get some decision which may plague us all. I feel myself, and I believe that I am speaking the sentiment of the majority of this House and, I hope, of all the members, that we should get out of this matter without establishing a precedent which may plague either the one side or the other, and, above all, interfere with the public business at some future time.

Mr. HERBERT. It seems to me that the gentleman from Maine [Mr. REED] is right; and I therefore suggest that he move an adjournment, so that we may all go home and study up this question and come back here prepared to decide it properly. [Laughter.]

Mr. REED. I did not intend to be facetious about the matter. Perhaps if I did, I might be as successful as the gentleman from Alabama.

Mr. McCREARY. I agree with the gentleman from Maine that we have come suddenly upon a very important proposition. The appeal taken by the gentleman from Pennsylvania [Mr. SOWDEN] has been withdrawn, and the regular business, perhaps, would be to go on and take a vote upon the motion made to excuse the gentleman from Tennessee [Mr. McMILLIN]; but as this is a very important question, one that I think is far-reaching and worthy of careful consideration, I feel that we ought to take time to consider it, and therefore I now move to adjourn. [Cries of "No!" "No!"]

Mr. REED. That is not the spirit in which to receive the proposition I have made.

The SPEAKER. The Chair thinks the appeal from its decision was withdrawn with the understanding that the Chair would submit the question to the House.

Mr. McCREARY. I withdraw the motion to adjourn.

Mr. WILSON, of Minnesota. I desire to occupy but a moment, for the time of the House is very valuable. In my judgment, the House can not overrule the ruling or suggestion of the Speaker in this case without arriving at an absurd conclusion. The first clause of the rule provides that—

> Every member shall be present within the Hall of the House during its sittings, unless excused or necessarily prevented—

The question is as to the meaning of this word "excused"—

> and shall vote on each question put, unless on motion made before division or the commencement of the roll-call and decided without debate, he shall be excused.

Now, I think every one must admit that the word "excused," as used in the second clause of this paragraph, has the same meaning as when used in the first clause. This position is in accordance with a well-known rule of construction. Now, if in construing the second clause, we arrive at the conclusion that a member can be excused only on his own motion, then we must decide that under the first clause he can be excused only on his own motion. So that a member not present could not be excused at all from attendance at the sittings of the House.

A MEMBER. Though he might be sick in bed.

Mr. WILSON, of Minnesota. I submit that according to any fair and reasonable construction of this rule the decision of the Speaker is correct. This is a matter which reaches beyond the present question—which does not terminate here; and we ought to decide it on principle.

Mr. MORGAN. When a member makes a motion in the interest of another member, it is not to be presumed that he does so at the other's request?

Mr. WILSON, of Minnesota. Of course.

Mr. MORGAN. And the rule applies—*qui facit per alium, facit per se.*

Mr. McMILLIN. Mr. Speaker, I have stated the circumstances under which the motion of the gentleman from Arkansas was made. I rise now for the purpose of requesting him to withdraw that motion, not because it was made without my consent or knowledge originally, but because I think it the quickest solution of the trouble, and because I think that he and I would regret if there should be established here any rule which might work impropriety in the future. The Speaker's ruling is beyond all question perfectly sound. No argument can override the plain rule. But in the present temper of the House, as the Speaker has indicated a purpose to submit the question to the House, it is possible an unsound decision might be made, and I am desirous that whatever rulings may be made here shall be the correct rules for the proper government of this body. The rule is plain, and can not be made clearer by construction. I have tried under all circumstances to recognize in my action here the rules of the House and the Constitution under which they are framed, and shall at all times continue to do so. I hope the gentleman from Arkansas will withdraw the motion.

Mr. GROSVENOR. There would be nothing gained by that. Nothing will be settled.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, of course my withdrawal of the motion can not alter the language of the rule or effect any permanent settlement of this question. I have no desire, however, to persist in any motion which may work any particular inconvenience. Of course gentlemen understand that I am frankly and positively opposed to the bill we have under consideration.

The rule declares its meaning in express terms. Nothing is dependent upon implication. It is equally clear that in the rulings of the various occupants of the Chair, beginning, I think, back in the Thirty-second Congress, no exception has been made upon this question, except where the rule seemed to conflict with the constitutional power of the House to adjourn. But as a measure bearing upon this moment, without having, so far as I can see, any permanent bearing, I withdraw the motion which I made that the gentleman from Tennessee be excused from voting. [Cries of "Regular order!"]

Mr. GROSVENOR. I rise to a parliamentary inquiry; and I want to be heard as fairly as the gentleman from Arkansas has been. I simply wish to inquire now of the Chair whether the ruling which the Chair has made, which, if unappealed from, becomes a rule of the House, is understood to stand, notwithstanding the withdrawal of the motion of the gentleman from Arkansas.

The SPEAKER. As the Chair supposes, all that has been said here will stand on record as a part of the proceedings of the House. So far as the present occupant of the Chair is concerned, he desires to say he would not hesitate to give this question a very thorough re-examination if it should be again presented. As has already been remarked, the question arose suddenly and unexpectedly. The Chair has given his best judgment from the examination made.

Mr. GROSVENOR. I only wanted to say——

Mr. RANDALL. I do not understand the Chair to have decided anything except that the mere motion was in order.

The SPEAKER. That is all that the Chair decided. The Chair entertained the motion.

Mr. RANDALL. Yes, sir.

[Cries of "Regular order!"]

The SPEAKER. The Clerk will proceed to call the roll upon the question of agreeing to the amendment of the gentleman from Ohio,

which is that the House take a recess until to-morrow morning at 10 o'clock.

Mr. BUCHANAN. I call for the enforcement of paragraph 7 of Rule XIV. If we are to stay here all night, we want to have the air of the Hall as pure as possible.

The SPEAKER. The gentleman from New Jersey, as the Chair understands, calls for the enforcement of the rule which prohibits smoking in the Hall. The officers of the House will enforce the rule.

Mr. McMILLIN. I move the House do now adjourn.

Mr. EZRA B. TAYLOR. Is that in order?

The SPEAKER. The House will please come to order, so the Chair can proceed regularly with the business.

It is in order. It has been frequently decided, as gentlemen will find by looking at the Digest, that ordering the yeas and nays on a pending proposition is itself sufficient intervening business to justify a repetition of the motion to adjourn.

Mr. BRECKINRIDGE, of Arkansas. Pending that, I move that when the House adjourns to-day, it adjourn to meet on Monday next.

Mr. REED. Is that in order pending the roll-call.

Mr. McMILLIN. I move to amend by inserting that when the House adjourns to-day, it adjourn to meet on Friday next.

Mr. ANDERSON, of Illinois. And I move to amend so that when the House adjourns to-day, it adjourn to meet on Saturday next.

Mr. REED. Is that in order during the call of the roll?

The SPEAKER. There has been no call of the roll.

Mr. REED. Is it in order to amend pending the call of the roll?

The SPEAKER. The Chair will refer to the decisions. The Clerk will read.

The Clerk read as follows:

A motion to adjourn may be repeated, although no question has been put and decided since the former motion—Journal, first session Twenty-third Congress, page 651—but there must be some intervening business. A motion to adjourn over can not be repeated unless there has been intervening business, and a motion to adjourn is not such business.

Mr. REED. Is it in order to move to adjourn over during a roll-call?

The SPEAKER. It has priority over a motion to adjourn.

Mr. LONG. Has not the House once already refused to adjourn over?

The SPEAKER. It has.

Mr. LONG. When the House has refused to adjourn over can that motion be repeated?

The SPEAKER. It has been decided frequently that the House has it always in its power to adjourn over just as it has to adjourn, and the same motion may be repeated.

Mr. LONG. It is stated in the Digest that a motion to postpone to a day certain being decided adversely, it shall not be repeated.

The SPEAKER. That is, a motion to postpone bills or other propositions. This is a motion to adjourn over to Saturday next.

Mr. REED. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 0, nays 142, not voting 182; as follows:

YEAS—0.

NAYS—142.

Allen, Mass.	Davis,	Kean,	Romeis,
Allen, Mich.	De Lano,	Kennedy,	Rowell,
Baker, N. Y.	Dibble,	Kerr,	Rowland,
Baker, Ill.	Dorsey,	La Follette,	Russell, Conn.
Bayne,	Dunham,	Laidlaw,	Sawyer,
Belden,	Elliott,	Latham,	Seymour,
Boothman,	Farquhar,	Lehlbach,	Shaw,
Bound,	Felton,	Lind,	Shively,
Boutelle,	Finley,	Long,	Simmons,
Bowden,	Fitch,	Macdonald,	Sowden,
Bowen,	Flood,	Maish,	Stahlnecker,
Brewer,	Fuller,	Mansur,	Steele,
Browne, T. H. B., Va.	Gallinger,	Mason,	Stewart, Vt.
Browne, Ind.	Gear,	McAdoo,	Stone, Ky.
Brown, Ohio.	Gest,	McClammy,	Stone, Mo.
Brown, J. R., Va.	Goff,	McCormick,	Symes,
Brumm,	Grosvenor,	McKenna,	Taulbee,
Bryce,	Grout,	McKinley,	Taylor, E. B., Ohio
Buchanan,	Guenther,	Milliken,	Thomas, Ky.
Bunnell,	Haugen,	Neal,	Thomas, Wis.
Butterworth,	Heard,	Nelson,	Tracey,
Cannon,	Hemphill,	Newton,	Turner, Kans.
Caruth,	Henderson, Iowa	Nichols,	Vandever,
Caswell,	Henderson, N. C.	Nutting,	Wade,
Cheadle,	Henderson, Ill.	O'Ferrall,	Walker,
Chipman,	Hires,	O'Neill, Pa.	Warner,
Clark,	Hogg,	Osborne,	Weber,
Cogswell,	Holman,	Parker,	West,
Compton,	Holmes,	Patton,	White, Ind.
Conger,	Hopkins, Ill.	Perry,	Whiting, Mass.
Cooper,	Hopkins, Va.	Plumb,	Wickham,
Cothran,	Houk,	Post,	Wilkinson,
Crouse,	Hovey,	Pugsley,	Williams,
Cummings,	Hunter,	Randall,	Yost.
Dalzell,	Jackson,	Reed,	
Darlington,	Johnston, Ind.	Rice,	

NOT VOTING—182.

Abbott,	Anderson, Miss.	Atkinson,	Barry,
Adams.	Anderson, Ill.	Bacon,	Belmont,
Allen, Miss.	Anderson, Kans.	Bankhead,	Biggs,
Anderson, Iowa	Arnold,	Barnes,	Bingham,
Blanchard,	Ford,	Lynch,	Rusk,
Bland,	Forney,	Maffett,	Ryan,
Bliss,	French,	Mahoney,	Sayers,
Blount,	Funston,	Martin,	Scott,
Breckinridge, Ark.	Gaines,	Matson,	Scull,
Breckinridge, Ky.	Gay,	McComas,	Seney,
Brower,	Gibson,	McCreary,	Sherman,
Buckalew,	Glass,	McCullogh,	Smith,
Burnes,	Glover,	McKinney,	Snyder,
Burnett,	Granger,	McMillin,	Spinola,
Burrows,	Greenman,	McRae,	Spooner,
Butler,	Grimes,	McShane,	Springer,
Bynum,	Hall,	Merriman,	Stephenson,
Campbell, F., N. Y.	Hare,	Mills,	Stewart, Tex.
Campbell, Ohio	Harmer,	Moffitt,	Stewart, Ga.
Campbell, T. J., N. Y.	Hatch,	Montgomery,	Stockdale,
Candler,	Hayden,	Moore,	Struble,
Carlton,	Hayes,	Morgan,	Tarsney,
Catchings,	Herbert,	Morrill,	Taylor, J. D., Ohio
Clardy,	Hermann,	Morrow,	Thomas, Ill.
Clements,	Hiestand,	Morse,	Thompson, Ohio
Cobb,	Hitt,	Norwood,	Thompson, Cal.
Cockran,	Hooker,	Oates,	Tillman,
Collins,	Hopkins, N. Y.	O'Donnell,	Townshend,
Cowles,	Howard,	O'Neall, Ind.	Turner, Ga.
Cox,	Hudd,	O'Neill, Mo.	Vance,
Crain,	Hutton,	Outhwaite,	Washington,
Crisp,	Johnston, N. C.	Owen,	Weaver,
Culberson,	Jones,	Payson,	Wheeler,
Cutcheon,	Kelley,	Peel,	White, N. Y.
Dargan,	Ketcham,	Penington,	Whiting, Mich.
Davenport,	Kilgore,	Perkins,	Whitthorne,
Davidson, Ala.	Laffoon,	Peters,	Wilber,
Davidson, Fla.	Lagan,	Phelan,	Wilkins,
Dingley,	Laird,	Phelps,	Wilson, Minn.
Dockery,	Landes,	Pidcock,	Wilson, W. Va.
Dougherty,	Lane,	Rayner,	Wise,
Dunn,	Lanham,	Richardson,	Woodburn,
Enloe,	Lawler,	Robertson,	Yardley,
Ermentrout,	Lee,	Rockwell,	Yoder.
Fisher,	Lodge,	Rogers,	
Foran,	Lyman,	Russell, Mass.	

No quorum voting. The following additional pairs were announced for this day:

Mr. LAFFOON with Mr. O'DONNELL.

Mr. PHELAN with Mr. BUTLER.

Mr. CLEMENTS with Mr. McADOO.

Mr. BURNES with Mr. MORRILL.

Mr. MAHONEY with Mr. HOPKINS, of New York.

Mr. NORWOOD with Mr. BURROWS.

Mr. GLASS with Mr. HOUK.

Mr. KILGORE with Mr. MORROW, on this bill.

Mr. WISE with Mr. ABBOTT, on this bill.

Mr. BYNUM with Mr. ANDERSON, of Illinois, on this vote.

Mr. RUSK with Mr. HERBERT, on this vote.

Mr. LYMAN with Mr. OWENS, on this vote.

Mr. STEWART, of Texas, with Mr. LATHAM, on this bill. Mr. STEWART would vote against the bill; Mr. LATHAM for it.

Mr. McMILLIN with Mr. ANDERSON, of Kansas, on the pending bill until 7 p. m., except on motions to adjourn.

Mr. HERMANN with Mr. DOCKERY, until 11 o'clock p. m.

The result of the vote was announced as above recorded.

The SPEAKER. No quorum has voted.

Mr. REED. I move a call of the House.

Mr. McMILLIN. I move that the House do now adjourn.

The SPEAKER. Those are the only motions in order.

The gentleman from Maine moves a call of the House, pending which the gentleman from Tennessee moves that the House do now adjourn. The question is first upon the motion to adjourn.

Several members demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 24, nays 111, not voting 189; as follows:

YEAS—24.

Allen, Miss.	Compton,	Howard,	Springer,
Anderson, Iowa	Cummings,	Lagan,	Stockdale,
Anderson, Miss.	Grimes,	McMillin,	Stone, Ky.
Barnes,	Hemphill,	Montgomery,	Walker,
Breckinridge, Ky.	Hogg,	Neal,	Wheeler,
Clements,	Holman,	Shively,	Whiting, Mich.

NAYS—111.

Allen, Mass.	Cheadle,	Greenman,	Long,
Allen, Mich.	Chipman,	Grosvenor,	Mahoney,
Anderson, Kans.	Clark,	Grout,	Mason,
Baker, N. Y.	Cogswell,	Guenther,	McClammy,
Baker, Ill.	Cooper,	Heard,	McCormick,
Bayne,	Crouse,	Henderson, Iowa	McCreary,
Bound,	Dalzell,	Henderson, N. C.	McKinley,
Boutelle,	Darlington,	Henderson, Ill.	Nelson,
Bowden,	De Lano,	Hires,	Nichols,
Bowen,	Dibble,	Holmes,	O'Ferrall,
Browne, T. H. B., Va.	Dorsey,	Hopkins, Ill.	O'Neill, Pa.
Browne, Ind.	Elliott,	Hopkins, Va.	Osborne,
Brown, J. R., Va.	Farquhar,	Hovey,	Parker,
Brumm,	Finley,	Jackson,	Patton,
Bryce,	Fitch,	Johnston, Ind.	Penington,
Buchanan,	Flood,	Johnston, N. C.	Plumb,
Bunnell,	Fuller,	Kean,	Post,
Campbell, F., N. Y.	Gallinger,	Kennedy,	Pugsley,
Cannon,	Gear,	Kerr,	Reed,
Caruth,	Gest,	Laidlaw,	Rice,
Caswell,	Goff,	Lehlbach,	Romeis,

Rowell,	Sowden,	Thomas, Ky.	White, Ind.
Rowland,	Stahlnecker,	Thomas, Wis.	White, N. Y.
Russell, Conn.	Steele,	Turner, Kans.	Whiting, Mass.
Ryan,	Stewart, Vt.	Vandever,	Wickham,
Sawyer,	Stone, Mo.	Wade,	Williams,
Seymour,	Symes,	Warner,	Yost.
Simmons,	Taylor, E. B., Ohio.	Weber,	

NOT VOTING—189.

Abbott,	Davidson, Fla.	Lanham,	Rayner,
Adams,	Davis,	Latham,	Richardson,
Anderson, Ill.	Dingley,	Lawler,	Robertson,
Arnold,	Dockery,	Lee,	Rockwell,
Atkinson,	Dougherty,	Lind,	Rogers,
Bacon,	Dunham,	Lodge,	Russell, Mass.
Bankhead,	Dunn,	Lyman,	Rusk,
Barry,	Enloe,	Lynch,	Sayers,
Belden,	Ermentrout,	Macdonald,	Scott,
Belmont,	Felton,	Maffett,	Scull,
Biggs,	Fisher,	Maish,	Seney,
Bingham,	Foran,	Mansur,	Shaw,
Blanchard,	Ford,	Martin,	Sherman,
Bland,	Forney,	Matson,	Smith,
Bliss,	French,	McAdoo,	Snyder,
Blount,	Funston,	McComas,	Spinola,
Boothman,	Gaines,	McCullogh,	Spooner,
Breckinridge, Ark.	Gay,	McKenna,	Stephenson,
Brewer,	Gibson,	McKinney,	Stewart, Tex.
Brower,	Glass,	McRae,	Stewart, Ga.
Brown, Ohio	Glover,	McShane,	Struble,
Buckalew,	Granger,	Merriman,	Tarsney,
Burnes,	Hall,	Milliken,	Taulbee,
Burnett,	Hare.	Mills,	Taylor, J. D., Ohio
Burrows,	Harmer,	Moffitt,	Thomas, Ill.
Butler,	Hatch,	Moore,	Thompson, Ohio
Butterworth,	Haugen,	Morgan,	Thompson, Cal.
Bynum,	Hayden,	Morrill,	Tillman,
Campbell, Ohio	Hayes,	Morrow,	Tracey,
Campbell, T. J., N. Y.	Herbert,	Morse,	Townshend,
Candler,	Hermann,	Newton,	Turner, Ga.
Carlton,	Hiestand,	Norwood,	Vance,
Catchings,	Hitt,	Nutting,	Washington,
Clardy,	Hooker,	Oates,	Weaver,
Cobb,	Hopkins, N. Y.	O'Donnell,	West,
Cockran,	Houk,	O'Neall, Ind.	Whitthorne,
Collins,	Hudd,	O'Neill, Mo.	Wilber,
Conger,	Hunter,	Outhwaite,	Wilkins,
Cothran,	Hutton,	Owen,	Wilkinson,
Cowles,	Jones,	Payson,	Wilson, Minn.
Cox,	Kelley,	Peel,	Wilson, W. Va.
Crain,	Ketcham,	Perkins,	Wise,
Crisp,	Kilgore,	Perry,	Woodburn,
Culberson,	Laffoon,	Peters,	Yardley,
Cutcheon,	La Follette,	Phelan,	Yoder.
Dargan,	Laird,	Phelps,	
Davenport,	Landes,	Pidcock,	
Davidson, Ala.	Lane,	Randall,	

So the motion was rejected.

The following additional pairs were announced:

Mr. MANSUR with Mr. LANHAM, until 8.30.

Mr. MCRAE with Mr. MCKENNA, until 9 o'clock p. m., except on dilatory motions.

Mr. HOOKER with Mr. RANDALL, on this vote.

Mr. TAULBEE with Mr. ALLEN, of Mississippi, on this bill. Mr. TAULBEE would vote for the bill, Mr. ALLEN, of Mississippi, against it.

The SPEAKER. The question now is upon ordering a call of the House, but pending that the Chair desires to lay before the House the following requests for leave:

Mr. FORAN asks to be excused for the remainder of this day, on account of illness; Mr. ROGERS, of Arkansas, on account of sickness, and Mr. KELLEY, also on account of sickness.

If there be no objection, these requests will be granted.

There was no objection, and it was so ordered.

Mr. MORGAN. Mr. Speaker, I desire leave of absence for this evening, on account of sickness. I have not been well since Saturday.

There was no objection, and leave was granted.

Mr. MCMILLIN. My colleague [Mr. GLASS] is in ill health, and has paired and gone home. It is very seldom that he has been able to attend night sessions. He requested me, if there was a call of the House, to make this statement, and ask that he be granted leave of absence from the night session.

Mr. CANNON. I do not think that is exactly fair. I have no objection to leave being granted to the gentleman himself, but his absence also takes one vote from this side of the House—the member who is paired with him.

Mr. MCMILLIN. The other man is also sick, and has gone home—my colleague, Mr. HOUK. [Laughter.]

Mr. GLASS was excused.

Mr. BRYCE. My colleague, Mr. COX, who is ill, requested me to ask that he be excused in case of a call of the House.

There was no objection.

Mr. BUCHANAN. My colleague, Mr. PHELPS, has been called home by the accidental burning of his residence; and I ask that he be excused.

There was no objection, and it was so ordered.

Mr. HOPKINS, of Illinois. I ask that my colleague, Mr. ADAMS, be excused on account of his absence in Chicago.

The SPEAKER. If the gentleman has leave of absence the request to excuse him is not necessary.

Mr. HOPKINS, of Illinois. I do not know that he has. He was called away suddenly.

The SPEAKER. Is there objection to excusing the gentleman from Illinois [Mr. ADAMS], he being absent from the city?

There was no objection.

Mr. LANHAM. I ask that my colleague, Mr. CULBERSON, be excused on account of illness. He went home this afternoon. I also ask an excuse for my colleague, Mr. MILLS, who is known to be sick.

There was no objection.

Mr. PEEL. I ask an excuse for my colleague, Mr. MCRAE, on account of illness in his family.

There was no objection.

Mr. O'NEILL, of Pennsylvania. I ask that Mr. ALLEN, of Mississippi, be excused on account of sickness.

Several MEMBERS. Mr. ALLEN is present.

Mr. OATES. I object.

The SPEAKER. The question is on ordering a call of the House.

The question being taken, the Speaker stated that the "ayes" seemed to have it.

Mr. OATES. I call for a division.

The House divided; and there were—ayes 65, noes 24.

Mr. OATES. I call for the yeas and nays.

The yeas and nays were ordered, 32 members voting therefor.

The question was taken; and there were—yeas 130, nays 13, not voting 181; as follows:

YEAS—130.

Allen, Mass.	Davis,	Jackson,	Plumb,
Allen, Mich.	Dibble,	Johnston, Ind.	Post,
Anderson, Iowa.	Dingley,	Kerr,	Pugsley,
Anderson, Kans.	Dorsey,	Ketcham,	Rice,
Baker, N. Y.	Elliott,	Laffoon,	Romeis,
Baker, Ill.	Enloe,	La Follette,	Rowell,
Bayne,	Farquhar,	Lagan,	Rowland,
Boothman,	Felton,	Laidlaw,	Russell, Conn.
Bound.	Finley,	Lehlbach,	Russell, Mass.
Boutelle,	Fitch,	Lind,	Ryan,
Bowden,	Flood,	Long,	Sawyer,
Bowen,	Fuller,	Macdonald,	Seymour,
Browne, T. H. B., Va.	Funston,	Mahoney,	Shively,
Browne, Ind.	Gallinger,	Maish,	Sowden,
Brown, Ohio	Gear,	Mason,	Springer,
Brown, J. R., Va.	Gest,	McAdoo,	Stahlnecker.
Brumm,	Goff,	McClammy,	Steele,
Bryce,	Greenman,	McCormick,	Stephenson,
Buchanan,	Grosvenor,	McCreary,	Stockdale,
Bunnell,	Grout,	McKinley,	Stone, Ky.,
Butterworth,	Guenther,	Montgomery,	Taylor, E. B., Ohio
Campbell, F., N. Y.	Haugen,	Morrow,	Thomas, Ky.
Cannon,	Heard,	Newton,	Thomas, Wis.
Caruth,	Henderson, Iowa	Nichols,	Vance,
Caswell,	Henderson, Ill.	Nutting,	Wade,
Cheadle,	Hogg,	O'Ferrall,	Warner,
Chipman,	Holmes,	O'Neill, Pa.	Weber,
Clark,	Hopkins, Ill.	Osborne,	White, N. Y.
Cogswell,	Hopkins, Va.	Parker,	Wickham,
Conger,	Hopkins, N. Y.	Patton,	Williams,
Cooper,	Hovey,	Payson,	Yost.
Crouse,	Howard,	Peel,	
Darlington,	Hunter,	Penington,	

NAYS—13.

Brower,	Grimes,	Lane,	Wilson, Minn.
Buckalew,	Hemphill,	Neal,	
Cummings,	Henderson, N. C.	Stone, Mo.	
French,	Johnston, N. C.	Walker,	

NOT VOTING—181.

Abbott,	Cothran,	Hitt,	Morse,
Adams,	Cowles,	Holman,	Nelson,
Allen, Miss.	Cox,	Hooker,	Norwood,
Anderson, Miss.	Crain,	Houk,	Oates,
Anderson, Ill.	Crisp,	Hudd,	O'Donnell,
Arnold,	Culberson,	Hutton,	O'Neall, Ind.
Atkinson,	Cutcheon,	Jones,	O'Neill, Mo.
Bacon,	Dalzell,	Kean,	Outhwaite,
Bankhead,	Dargan,	Kelley,	Owen,
Barnes,	Davenport,	Kennedy,	Perkins,
Barry,	Davidson, Ala.	Kilgore,	Perry,
Belden,	Davidson, Fla.	Laird,	Peters,
Belmont,	De Lano,	Landes,	Phelan,
Biggs,	Dockery,	Lanham,	Phelps,
Bingham,	Dougherty,	Latham,	Pidcock,
Blanchard,	Dunham,	Lawler,	Randall,
Bland,	Dunn,	Lee,	Rayner,
Bliss,	Ermentrout,	Lodge,	Reed,
Blount,	Fisher,	Lyman,	Richardson,
Breckinridge, Ark.	Foran,	Lynch,	Robertson,
Breckinridge, Ky.	Ford,	Maffett,	Rockwell,
Brewer,	Forney,	Mansur,	Rogers,
Burnes,	Gaines,	Martin,	Rusk,
Burnett,	Gay,	Matson,	Sayers,
Burrows,	Gibson,	McComas,	Scott,
Butler,	Glass,	McCullogh,	Scull,
Bynum,	Glover,	McKenna,	Seney,
Campbell, Ohio.	Granger,	McKinney,	Shaw,
Campbell, T. J., N. Y.	Hall,	McMillin,	Sherman,
Candler,	Hare,	McRae,	Simmons,
Carlton,	Harmer,	McShane,	Smith,
Catchings,	Hatch,	Merriman,	Snyder,
Clardy,	Hayden,	Milliken,	Spinola,
Clements,	Hayes,	Mills,	Spooner,
Cobb,	Herbert,	Moffitt,	Stewart, Tex.
Cockran,	Hermann,	Moore,	Stewart, Ga.
Collins,	Hiestand,	Morgan,	Stewart, Vt.
Compton,	Hires,	Morrill,	Struble,

Symes,	Tracey,	Wheeler,	Wilson, W. Va.
Tarsney,	Townshend,	White, Ind.	Wise,
Taulbee,	Turner, Ga.	Whiting, Mass.	Woodburn,
Taylor, J. D., Ohio	Turner, Kans.	Whiting, Mich.	Yardley,
Thomas, Ill.	Vandever,	Whitthorne,	Yoder.
Thompson, Ohio.	Washington,	Wilber,	
Thompson, Cal.	Weaver,	Wilkins,	
Tillman,	West,	Wilkinson,	

So a call of the House was ordered.

The SPEAKER. The Clerk will call the roll.

Mr. O'FERRALL. I ask that my colleague, Mr. LEE, may be excused on account of sickness.

The SPEAKER. The Chair will state that after the first call of the roll the names of gentlemen who failed to respond will be again called, and that will be the time to offer excuses. It will be done in better order at that time.

The Clerk proceeded to call the roll, when the following-named members failed to answer:

Adams,	Dargan,	Kelley,	Rayner,
Allen, Miss.	Davenport,	Laird,	Richardson,
Arnold,	Davidson, Ala.	Lawler,	Rockwell,
Atkinson,	Dockery,	Lee,	Rogers,
Bacon,	Dougherty,	Lodge,	Rusk,
Belmont,	Dunham,	Maffett,	Scott,
Biggs,	Dunn,	Matson,	Scull,
Bingham,	Fisher,	McComas,	Sherman,
Bland,	Foran,	McCullogh,	Snyder,
Bliss,	Ford,	McKinney,	Spinola,
Boutelle,	Gaines,	McShane,	Spooner,
Brower,	Gay,	Merriman,	Stewart, Tex.
Browne, Ind.	Gibson,	Milliken,	Stewart, Ga.
Buchanan,	Glass,	Mills,	Struble,
Burnes,	Glover,	Moffitt,	Taulbee,
Burnett,	Granger,	Morgan,	Taylor, J. D., Ohio
Butler,	Hall,	Morrill,	Thomas, Ill.
Campbell, Ohio	Harmer,	Morse,	Thompson, Ohio
Carlton,	Hatch,	Norwood,	Thompson, Cal.
Catchings,	Hayden,	O'Donnell,	Tracey.
Clardy,	Hayes,	O'Neall, Ind.	Townshend,
Cockran,	Hermann,	O'Neill, Mo.	West,
Collins,	Hiestand,	Outhwaite,	White, Ind.
Cothran,	Hitt,	Perkins,	Whitthorne,
Cox,	Holman,	Perry,	Wilber,
Crain,	Houk,	Peters,	Wilkins,
Culberson,	Hudd,	Phelps,	Wise.
Cutcheon,	Jones,	Pidcock,	Woodburn.

The SPEAKER. The Doorkeeper will close the doors of the Hall.

Mr. HOWARD. Mr. Speaker, I was present when my name was called, but failed to answer.

The SPEAKER. The Clerk will call the names of gentlemen who failed to respond on the first call. The Chair will state that it will be proper upon this roll-call for gentlemen, when their names are called, to offer excuses, if they have any, or to ask leave of absence for the evening.

The Clerk proceeded to call the roll of absentees, as follows:

Mr. ADAMS: Excused.

Mr. ALLEN, of Mississippi.

Mr. TURNER, of Georgia. Mr. Speaker, I ask that Mr. ALLEN, of Mississippi, be excused on account of illness.

Mr. OATES. When the request was made awhile ago that Mr. ALLEN, of Mississippi, should be excused, I objected; but subsequently I learned that he was really sick, and therefore I withdraw the objection.

There was no objection, and Mr. ALLEN, of Mississippi, was excused.

Mr. ARNOLD: No excuse offered.

Mr. ATKINSON: No excuse offered.

Mr. BACON: No excuse offered.

Mr. BELMONT: No excuse offered.

Mr. BIGGS.

Mr. MORROW. Mr. Speaker, my colleague, Mr. BIGGS, is suffering from indisposition, and I ask that he be excused.

There was no objection, and it was so ordered.

Mr. BINGHAM: No excuse offered.

Mr. BLAND: No excuse offered.

Mr. BLISS: No excuse offered.

Mr. BOUTELLE: No excuse offered.

Mr. BROWER: No excuse offered.

Mr. BROWNE, of Indiana: No excuse offered.

Mr. BUCHANAN: No excuse offered.

Mr. BURNES: No excuse offered.

Mr. BURNETT: No excuse offered.

Mr. BUTLER: No excuse offered.

Mr. CAMPBELL, of Ohio: No excuse offered.

Mr. CARLTON: No excuse offered.

Mr. CATCHINGS: No excuse offered.

Mr. CLARDY.

Mr. TARSNEY. Mr. Speaker, Mr. CLARDY left the House this afternoon feeling unwell, and I ask that he be excused.

There was no objection, and it was so ordered.

Mr. COCKRAN: No excuse offered.

Mr. COLLINS: No excuse offered.

Mr. COTHRAN: No excuse offered.

Mr. COX: Excused.

Mr. CRAIN: No excuse offered.

Mr. CULBERSON: Excused.

Mr. CUTCHEON.

Mr. GROSVENOR. Mr. Speaker, Mr. CUTCHEON was hardly able to be in the House to-day on account of illness, and I ask that he be excused.

There was no objection, and it was so ordered.

Mr. DARGAN: No excuse offered.

Mr. DAVENPORT: No excuse offered.

Mr. DAVIDSON, of Alabama. No excuse offered.

Mr. DOCKERY: No excuse offered.

Mr. DOUGHERTY: No excuse offered.

Mr. DUNHAM.

Mr. MASON. Mr. Speaker, I ask that Mr. ADAMS, Mr. DUNHAM, and Mr. LAWLER be excused on account of sickness in their families.

The SPEAKER. Mr. ADAMS has already been excused.

Mr. MASON. Then I ask that Mr. DUNHAM and Mr. LAWLER be excused.

There was no objection, and it was so ordered.

Mr. DUNN.

Mr. PEEL. I ask that my colleague, Mr. DUNN, be excused on account of ill health.

There was no objection, and it was so ordered.

Mr. FISHER.

Mr. MACDONALD. Mr. Speaker, I understand that Mr. FISHER has leave of absence.

The SPEAKER. Then he is excused under the rule.

Mr. FORAN: No excuse offered.

Mr. FORD: No excuse offered.

Mr. GAINES.

Mr. BOWDEN. My colleague, Mr. GAINES, has leave of absence. He could not be here this evening.

The SPEAKER. If the gentleman has leave of absence he is excused under the rule.

Mr. GAY.

Mr. LAGAN. Mr. Speaker, I ask that my colleague, Mr. GAY, be excused on account of indisposition.

There was no objection, and it was so ordered.

Mr. GIBSON.

Mr. SHAW. I ask that my colleague, Mr. GIBSON, be excused on account of indisposition. He has been unwell for several days.

There was no objection, and it was so ordered.

Mr. GLASS: Excused.

Mr. GLOVER: No excuse offered.

Mr. GRANGER.

Mr. VANCE. Mr. Speaker, I ask that my colleague, Mr. GRANGER, be excused on account of ill health. He had to leave the House on that account to-day.

There was no objection, and it was so ordered.

Mr. HALL: No excuse offered.

Mr. HARMER: No excuse offered.

Mr. HATCH: No excuse offered.

Mr. HAYDEN: No excuse offered.

Mr. HAYES.

Mr. ANDERSON, of Iowa. Mr. HAYES has gone home on account of sickness in his family. I ask that he be excused.

There was no objection, and it was so ordered.

Mr. HERMANN: No excuse offered.

Mr. HIESTAND: No excuse offered.

Mr. HITT.

Mr. WHEELER. Mr. Speaker, Mr. HITT, when leaving the Hall, requested me in case there should be a call of the House to ask that he be excused on account of sickness in his family.

There was no objection, and it was so ordered.

Mr. HOLMAN: No excuse offered.

Mr. HOUK: No excuse offered.

Mr. HUDD: No excuse offered.

Mr. JONES: No excuse offered.

Mr. KELLEY: Excused.

Mr. LAIRD: No excuse offered.

Mr. LEE

Mr. O'FERRALL. Mr. Speaker, my colleague, Mr. LEE, has been indisposed for some days, and I ask that he be excused.

There was no objection, and it was so ordered.

Mr. LODGE: No excuse offered.

Mr. MAFFETT: No excuse offered.

Mr. MATSON: No excuse offered.

Mr. MCCOMAS: No excuse offered.

Mr. MCCULLOGH: No excuse offered.

Mr. MCKINNEY: No excuse offered.

Mr. MCSHANE: No excuse offered.

Mr. MERRIMAN.

Mr. TIMOTHY J. CAMPBELL. Mr. Speaker, I was requested by Mr. MERRIMAN to state to the House that he was compelled to go to New York on very important business, and I ask that he be excused.

There was no objection, and it was so ordered.

Mr. MILLIKEN: No excuse offered.

Mr. MILLS: Excused.
Mr. MOFFITT.
Mr. CUMMINGS. Mr. Speaker, my colleague, Mr. MOFFITT, is absent from the city on important business, and I ask that he be excused.
Several MEMBERS. For what reason?
Mr. CUMMINGS. Because he was called away suddenly, and he is probably snowed up now in Franklin County, New York, or he would be here.
There was no objection, and it was so ordered.
Mr. MORGAN: No excuse offered.
Mr. MORRILL: No excuse offered.
Mr. MORSE: No excuse offered.
Mr. NORWOOD: No excuse offered.
Mr. O'DONNELL: No excuse offered.
Mr. O'NEALL, of Indiana: No excuse offered.
Mr. O'NEILL, of Missouri: No excuse offered.
Mr. OUTHWAITE.
Mr. YODER. My colleague, Mr. OUTHWAITE, has leave of absence.
The SPEAKER. The gentleman from Ohio [Mr. OUTHWAITE] has leave of absence.
Mr. PERKINS: No excuse offered.
Mr. PERRY: No excuse offered.
Mr. PETERS: No excuse offered.
Mr. PHELPS.
Mr. KEAN. Mr. Speaker, my colleague, Mr. PHELPS, has been called home, I am very sorry to say, on account of the destruction of his residence by fire. I ask that he may be excused.
The SPEAKER. The gentleman has been excused.
Mr. PIDCOCK: No excuse offered.
Mr. RAYNER: No excuse offered.
Mr. RICHARDSON: No excuse offered.
Mr. ROCKWELL: No excuse offered.
Mr. ROGERS: No excuse offered.
Mr. RUSK: No excuse offered.
Mr. SCOTT: No excuse offered.
Mr. SCULL: No excuse offered.
Mr. SHERMAN.
Mr. BAKER, of New York. I ask that my colleague, Mr. SHERMAN, be excused on account of sickness.
There being no objection, Mr. SHERMAN was excused.
Mr. SNYDER: No excuse offered.
Mr. SPINOLA: No excuse offered.
Mr. SPOONER: No excuse offered.
Mr. STEWART, of Texas.
Mr. LATHAM. I have been requested by the gentleman from Texas [Mr. STEWART] to ask that he be excused, on account of sickness in his family.
There being no objection, Mr. STEWART, of Texas, was excused.
Mr. STEWART, of Georgia.
Mr. CRISP. My colleague, Mr. STEWART, is absent by leave of the House.
Mr. STRUBLE: No excuse offered.
Mr. TAULBEE: No excuse offered.
Mr. JOSEPH D. TAYLOR: No excuse offered.
Mr. THOMAS, of Illinois.
Mr. HERBERT. Mr. Speaker, I ask that the gentleman from Illinois [Mr. THOMAS] be excused. He is not in health, and ought not to be here.
There being no objection, Mr. THOMAS, of Illinois, was excused.
Mr. THOMPSON, of Ohio: No excuse offered.
Mr. THOMPSON, of California: No excuse offered.
Mr. TRACEY: No excuse offered.
Mr. TOWNSHEND.
Mr. SPRINGER. I ask leave of absence for my colleague, Mr. TOWNSHEND, who, I understand, is detained at home on account of sickness.
There being no objection, leave was granted.
Mr. WEST: No excuse offered.
Mr. WHITE, of Indiana: No excuse offered.
Mr. WHITTHORNE: No excuse offered.
Mr. WILBER: No excuse offered.
Mr. WILKINS: No excuse offered.
Mr. WISE: No excuse offered.
Mr. WOODBURN.
Mr. MORROW. Mr. Speaker, I ask that the gentleman from Nevada [Mr. WOODBURN] be excused on account of sickness in his family.
There was no objection, and Mr. WOODBURN was excused.
Mr. WALKER. I ask that my colleague, Mr. BURNES, be excused on account of sickness.
There being no objection, Mr. BURNES was excused.
Mr. McCREARY. I ask that my colleague, Mr. TAULBEE, be excused.
Objection was made.
Mr. COGSWELL. I ask that my colleague, Mr. HAYDEN, be excused on account of sickness.
Objection was made.
Mr. ANDERSON, of Kansas. I ask that all absentees be excused on account of indisposition.
Several members objected.
Mr. WHITING, of Michigan. I ask that my colleague, Mr. FORD, be excused on account of sickness in his family.
Mr. BRUMM. I object.
Mr. REED. I move to dispense with further proceedings under the call.
The question being taken, there were—ayes 73, noes 16.
Mr. McMILLIN. No quorum.
The SPEAKER. A quorum is not necessary on this question.
Mr. OATES. I call for the yeas and nays.
The yeas and nays were ordered.
Mr. REED. Mr. Speaker, has the call developed the presence of a quorum?
The SPEAKER. Two hundred and sixteen members have responded to their names.
Mr. REED. Then a quorum is in attendance.
The question was taken; and it was decided in the affirmative—yeas 122, nays 38, not voting 164; as follows:

YEAS—122.

Allen, Mass.	Crouse,	Johnston, N. C.	Romeis,
Allen, Mich.	Dalzell,	Kean,	Russell, Conn.
Anderson, Iowa.	Darlington,	Kennedy,	Russell, Mass.
Anderson, Miss.	Davis,	Kerr,	Seymour,
Anderson, Kans.	Dibble,	Ketcham,	Simmons,
Atkinson,	Dorsey,	La Follette,	Sowden,
Baker, Ill.	Elliott,	Lagan,	Springer,
Blanchard,	Ermentrout,	Laidlaw,	Stahlnecker,
Boothman,	Farquhar,	Lehlbach,	Stephenson,
Bound,	Felton,	Long,	Stewart, Vt.
Boutelle,	Finley,	Macdonald,	Stockdale,
Bowden,	Flood,	Mahoney,	Stone, Mo.
Bowen,	French,	Mansur,	Struble,
Browne, T.H.B., Va.	Fuller,	Mason,	Symes,
Brown, Ohio	Funston,	McCreary,	Tarsney,
Brown, J. R., Va.	Gallinger,	McKenna,	Taylor, E. B., Ohio
Brumm,	Gear,	McRae,	Thomas, Ky.
Buckalew,	Gest,	Montgomery,	Thomas, Wis.
Bunnell,	Goff,	Nichols,	Turner, Kans.
Burrows,	Grout,	Nutting,	Vandever,
Bynum,	Guenther,	Oates,	Walker,
Campbell, T.J., N.Y.	Hare,	O'Ferrall,	Weber,
Caruth,	Heard,	O'Neill, Pa.	Wheeler,
Caswell,	Hemphill,	Owen,	White, N. Y.
Cheadle,	Henderson, Iowa	Parker,	Whiting, Mich.
Chipman,	Henderson, Ill.	Payson,	Wickham,
Clark,	Hogg,	Phelan,	Wilber,
Cogswell,	Hopkins, Ill.	Post,	Yardley,
Compton,	Hovey,	Pugsley,	Yoder.
Conger,	Howard,	Reed,	
Cooper,	Hunter,	Rice,	

NAYS—38.

Anderson, Ill.	Hires,	McClammy,	Ryan,
Belden,	Holmes,	McCormick,	Sawyer,
Brewer,	Hooker,	McKinley,	Shively,
Campbell, F., N. Y.	Hopkins, Va.	Morrow,	Smith,
Cummings,	Hopkins, N. Y.	Neal,	Stone, Ky.
De Lano,	Johnston, Ind.	Nelson,	Warner,
Grosvenor,	Laffoon,	Osborne,	Whiting, Mass.
Haugen,	Lind,	Patton,	Wilkinson.
Henderson, N. C.	Lyman,	Plumb,	
Herbert,	Lynch,	Rowland,	

NOT VOTING—164.

Abbott,	Culberson,	Laird,	Richardson,
Adams,	Cutcheon,	Landes,	Robertson,
Allen, Miss.	Dargan,	Lane,	Rockwell,
Arnold,	Davenport,	Lanham,	Rogers,
Bacon,	Davidson, Ala.	Latham,	Rowell,
Baker, N. Y.	Davidson, Fla.	Lawler,	Rusk,
Bankhead,	Dingley,	Lee,	Sayers,
Barnes,	Dockery,	Lodge,	Scott,
Barry,	Dougherty,	Maffett,	Scull,
Bayne,	Dunham,	Maish,	Seney,
Belmont,	Dunn,	Martin,	Shaw,
Biggs,	Enloe,	Matson,	Sherman,
Bingham,	Fisher,	McAdoo,	Snyder,
Bland,	Fitch,	McComas,	Spinola,
Bliss,	Foran,	McCullogh,	Spooner,
Blount,	Ford,	McKinney,	Steele,
Breckinridge, Ark.	Forney,	McMillin,	Stewart, Tex.
Breckinridge, Ky.	Gaines,	McShane,	Stewart, Ga.
Brower,	Gay,	Merriman,	Taulbee,
Browne, Ind.	Gibson,	Milliken,	Taylor, J. D., Ohio
Bryce,	Glass,	Mills,	Thomas, Ill.
Buchanan,	Glover,	Moffitt,	Thompson, Ohio
Burnes,	Granger,	Moore,	Thompson, Cal.
Burnett,	Greenman,	Morgan,	Tillman,
Butler,	Grimes,	Morrill,	Tracey,
Butterworth,	Hall,	Morse,	Townshend,
Campbell, Ohio	Harmer,	Newton,	Turner, Ga.
Candler,	Hatch,	Norwood,	Vance,
Cannon,	Hayden,	O'Donnell,	Wade,
Carlton,	Hayes,	O'Neall, Ind.	Washington,
Catchings,	Hermann,	O'Neill, Mo.	Weaver,
Clardy,	Hiestand,	Outhwaite,	West,
Clements,	Hitt,	Peel,	White, Ind.
Cobb,	Holman,	Penington,	Whitthorne,
Cockran,	Houk,	Perkins,	Wilkins,
Collins,	Hudd,	Perry,	Williams,
Cothran,	Hutton,	Peters,	Wilson, Minn.
Cowles,	Jackson,	Phelps,	Wilson, W. Va.
Cox,	Jones,	Pidcock,	Wise,
Crain,	Kelley,	Randall,	Woodburn,
Crisp,	Kilgore.	Rayner,	Yost.

So the motion to dispense with all further proceedings under the call was agreed to.

During the roll-call,

Mr. WILLIAMS said: Mr. Speaker, I came into the Hall as my name was called, and I ask leave to vote.

The SPEAKER. The Chair does not think the gentleman comes within the exception.

The following additional pairs were announced:

Mr. HOLMAN with Mr. BAYNE, on this vote.

Mr. TAULBEE with Mr. BAKER, of New York, on this vote.

Mr. PEEL with Mr. PERKINS, on this bill.

Mr. HERBERT with Mr. ELLIOTT, on this bill, until 10 o'clock p. m.

The vote was then announced as above recorded.

Mr. BURROWS. Mr. Speaker, has a quorum voted?

The SPEAKER. It has not.

Mr. OATES. I move to reconsider the vote by which all further proceedings under the call were dispensed with.

The House divided; and there were—ayes 15, noes 39.

Mr. OATES demanded the yeas and nays.

The House divided; and there were—ayes 31.

A MEMBER. Count the other side.

The other side was counted, and there were—noes 73.

So (one-fifth having voted in the affirmative) the yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 28, nays 130, not voting 166; as follows:

YEAS—28.

Belden,	Ermentrout,	Hutton,	McClammy,
Blanchard,	Felton,	Johnston, Ind.	Neal,
Buckalew,	Fitch,	Landes,	Owen,
Bynum,	Hayes,	Lane,	Springer,
Dalzell,	Holman,	Lyman,	Stone, Mo.
Davis,	Holmes,	Lynch,	Wheeler,
Delano,	Hopkins, N. Y.	Mansur,	Whiting, Mich.

NAYS—130.

Allen, Mass.	Farquhar,	Lehlbach,	Sawyer,
Allen, Mich.	Finley,	Lind,	Seymour,
Anderson, Kans.	Flood,	Long,	Shively,
Atkinson,	Ford,	Macdonald,	Simmons,
Baker, Ill.	French,	Mahoney,	Sowden,
Boothman,	Fuller,	Maish,	Stahlnecker,
Bound,	Funston,	Mason,	Steele,
Boutelle,	Gallinger,	McCormick,	Stewart, Vt.
Bowden,	Gear,	McCreary,	Stone, Ky.
Bowen,	Gest,	McKenna,	Struble,
Browne, T. H. B., Va.	Goff,	McKinley,	Symes,
Brown, Ohio	Greenman,	McKinney,	Tarsney,
Brown, J. R., Va.	Grosvenor,	Montgomery,	Taylor, E. B., Ohio
Brumm,	Grout,	Morrow,	Thomas, Ky.
Bryce,	Haugen,	Nelson,	Thomas, Wis.
Bunnell,	Heard,	Nichols,	Tracey,
Butterworth,	Hemphill,	O'Ferrall,	Turner, Kans.
Campbell, F., N. Y.	Henderson, N. C.	O'Neill, Pa.	Vandever,
Campbell, T. J., N. Y.	Henderson, Ill.	Osborne,	Wade.
Cannon,	Hires,	Parker,	Walker,
Caruth,	Hogg,	Patton,	Warner,
Caswell,	Hopkins, Ill.	Payson,	Weber,
Cheadle,	Hopkins, Va.	Plumb,	White, N. Y.
Chipman,	Hovey,	Post,	Whiting, Mass.
Clark,	Hunter,	Pugsley,	Wickham,
Cogswell,	Johnston, N. C.	Reed,	Wilber,
Conger,	Kean,	Rice,	Wilkinson,
Crouse,	Kennedy,	Romeis,	Williams,
Cummings,	Kerr,	Rowell,	Yardley,
Darlington,	Laffoon,	Rowland,	Yoder.
Dibble,	La Follette,	Russell, Conn.	Yost.
Dorsey,	Lagan,	Russell, Mass.	
Elliott,	Laird,	Ryan.	

NOT VOTING—166.

Abbott,	Cockran,	Hayden,	Morrill,
Adams,	Collins,	Henderson, Iowa	Morse,
Allen, Miss.	Compton,	Herbert,	Newton,
Anderson, Iowa	Cooper,	Hermann,	Norwood,
Anderson, Miss.	Cothran,	Hiestand,	Nutting,
Anderson, Ill.	Cowles,	Hitt,	Oates,
Arnold,	Cox,	Hooker,	O'Donnell,
Bacon,	Crain,	Houk,	O'Neall, Ind.
Baker, N. Y.	Crisp,	Howard,	O'Neill, Mo.
Bankhead,	Culberson,	Hudd,	Outhwaite,
Barnes,	Cutcheon,	Jackson,	Peel,
Barry,	Dargan,	Jones,	Penington,
Bayne,	Davenport,	Kelley,	Perkins,
Belmont,	Davidson, Ala.	Ketcham,	Perry,
Biggs,	Davidson, Fla.	Kilgore,	Peters,
Bingham,	Dingley,	Laidlaw,	Phelan,
Bland,	Dockery,	Lanham,	Phelps,
Bliss,	Dougherty,	Latham,	Pidcock,
Blount,	Dunham,	Lawler,	Randall,
Breckinridge, Ark.	Dunn,	Lee,	Rayner,
Breckinridge, Ky.	Enloe,	Lodge,	Richardson,
Brewer,	Fisher,	Maffett,	Robertson,
Brower,	Foran,	Martin,	Rockwell,
Browne, Ind.	Forney,	Matson,	Rogers,
Buchanan,	Gaines,	McAdoo,	Rusk,
Burnes,	Gay,	McComas,	Sayers,
Burnett,	Gibson,	McCullogh,	Scott,
Burrows,	Glass,	McMillin,	Scull,
Butler,	Glover,	McRae,	Seney,
Campbell, Ohio	Granger,	McShane,	Shaw,
Candler,	Grimes,	Merriman,	Sherman,
Carlton,	Guenther,	Milliken,	Smith,
Catchings,	Hall,	Mills,	Snyder.
Clardy,	Hare,	Moffitt,	Spinola,
Clements,	Harmer,	Moore,	Spooner,
Cobb,	Hatch,	Morgan,	Stephenson,
Stewart, Tex.	Thompson, Ohio	Washington,	Wilson, Minn.
Stewart, Ga.	Thompson, Cal.	Weaver,	Wilson, W. Va.
Stockdale,	Tillman,	West,	Wise,
Taulbee,	Townshend,	White, Ind.	Woodburn.
Taylor, J. D., Ohio	Turner, Ga.	Whitthorne,	
Thomas, Ill.	Vance,	Wilkins,	

So the motion to reconsider was not agreed to.

The Clerk recapitulated the names of those voting.

Mr. TAULBEE. Mr. Speaker, I desire to know if Mr. ALLEN, of Mississippi, has voted on this question?

The SPEAKER. The names have just been read; but the Chair thinks the gentleman from Mississippi did not vote.

Mr. TAULBEE. Then I wish to withdraw my vote, inasmuch as I am paired with him, unless the withdrawal breaks a quorum.

The SPEAKER. There is no quorum with the vote or without the vote of the gentleman.

The result of the vote was then announced as above recorded.

Mr. BRECKINRIDGE, of Arkansas. Does this last vote, announced by the Chair, indicate the presence of a quorum.

The SPEAKER. There is no quorum present.

Mr. BRECKINRIDGE, of Arkansas. I move that there be a call of the House.

Mr. DIBBLE. I make the point of order that that motion is not in order.

The SPEAKER. Will the gentleman state the reason?

The Chair understands that, according to the practice and the rules of the House, when the roll-call discloses the fact that no quorum is present, but two motions are in order—for a call of the House, and to adjourn. The Chair does not think it required a quorum to determine the last vote taken, but the roll-call disclosed the fact that no quorum is present.

Mr. REED. But we have just had a call of the House, which disclosed the fact that there were 216 members present.

The SPEAKER. That is true; but when a vote is taken by yeas and nays that shows no quorum to be present, the House must take cognizance of the fact.

Mr. DIBBLE. Mr. Speaker, in the Thirty-third Congress—and I quote from the Journal of the first session of that Congress—Mr. Ezra Washburn, jr., moved a call of the House. The Speaker decided that motion to be out of order on the ground that the House had already, since the demand for the previous question, which was still pending, refused a call, and thereby indicated a fixed purpose to vote upon the main question without a call.

That was after the refusal of the House to adjourn. It seems to me that the House having now suspended proceedings under the call, and having refused to reconsider that vote, it would not be in order to renew the motion for a call of the House.

The SPEAKER. But the Chair does not see how the House can, when the record of a vote shows that no quorum is present, transact any other business except to proceed to a call of the House or to adjourn.

The proceedings to which the gentleman refers are also different from these. There the House had just refused to order a call.

Mr. DIBBLE. The motion to adjourn would not be in order after it had just been voted down, and I do not see how you can repeat the motion for a call of the House under that ruling.

The SPEAKER. The Chair thinks that it is always and necessarily in the power of the House to compel the attendance of its absent members for the transaction of the public business. The last vote discloses the fact that no quorum is present, which fact the Chair thinks may be disclosed a dozen times during a legislative day, and yet it must be always in the power of the House, in the event of the absence of a quorum, to enforce the attendance of its members. To deprive the House of that power would destroy its functions as a legislative body.

Mr. BURROWS. May I ask to have the Clerk read upon this point an important decision for the information of the House?

The SPEAKER. The gentleman will send it to the desk.

Mr. BURROWS. And I would like to have the attention of the House while it is being read.

The Clerk read as follows:

It is the duty of the House, especially in times of difficulty, to compel the attendance of members by frequent calls, and not permit the indolence, inattention, or love of amusement on the part of any to leave the most important and interesting questions to be discussed and decided in Houses from which many are absent.

[Applause.]

Mr. BRECKINRIDGE, of Arkansas. Does the Chair hold the motion for a call of the House to be in order?

The SPEAKER. The Chair thinks it is in order. The House can not proceed to transact any other business in the absence of a quorum.

Mr. BRECKINRIDGE, of Arkansas. Then I submit that motion.

Mr. McMILLIN. Mr. Speaker, it is evident that we can not come to a conclusion upon this subject to-night; and I move that the House do now adjourn.

Mr. BURROWS. Is that motion not already pending?

The SPEAKER. It is pending in the House when a quorum is present; but, pending that motion, the gentleman from Arkansas moved that when the House adjourns it be to meet on Monday; the gentleman

from Tennessee moved to amend by adjourning until Friday, and the gentleman from Illinois to amend that so as to adjourn to Saturday. The vote was taken and disclosed the fact that only 140 members were present. Thereupon a call of the House was ordered. Now, the last vote discloses the fact that there is no quorum present, and there are but two motions before the House.

Mr. BURROWS. I did not know but that the motion of the gentleman from Tennessee was still pending.

The SPEAKER. It is pending at the time when there is a quorum in the House.

Mr. McMILLIN. And we will vote on it when there is a quorum present.

Mr. BURROWS. It does not require a quorum to adjourn.

The SPEAKER. It does not require a quorum to vote on the motion to adjourn, it is true; but the amendments fixing the day to which the House shall adjourn require a quorum, and the House can not come to a direct vote upon the original motion because of the fact that there was no quorum present upon the vote on the first amendment.

Mr. BURROWS. But that was a motion to adjourn, and we now have two motions to adjourn pending.

The SPEAKER. The House can not now vote on the questions which had priority, because they are questions the decision of which requires a majority of the House; and there is no majority of the House present according to the record. The question is on the motion to adjourn.

Mr. WILLIAMS. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 19, nays 138, not voting 167; as follows:

YEAS—19.

Clements,	Henderson, N. C.	Rowland,	Vance,
Forney,	Herbert,	Russell, Mass.	Walker,
Hare,	McClammy,	Springer,	Wheeler,
Hatch,	McKinney,	Stockdale,	Whiting, Mich.
Hemphill,	Neal,	Stone, Ky.	

NAYS—138.

Allen, Mass.	De Lano,	Hunter,	Randall,
Allen, Mich.	Dibble,	Jackson,	Reed,
Anderson, Iowa	Dorsey,	Johnston, Ind.	Rice,
Anderson, Kans.	Elliott,	Johnston, N. C.	Romeis,
Atkinson,	Ermentrout,	Kean,	Rowell,
Baker, Ill.	Farquhar,	Kennedy,	Russell, Conn.
Belden,	Felton,	Kerr,	Ryan,
Boothman,	Finley,	La Follette,	Sawyer,
Bound,	Fitch,	Lagan,	Seymour,
Boutelle,	Flood,	Laidlaw,	Shively,
Bowden,	Ford,	Laird,	Sowden,
Bowen,	French,	Lehlbach,	Stahlnecker,
Brewer,	Fuller,	Lind,	Steele,
Browne, T.H.B., Va.	Funston,	Long,	Stephenson,
Brown, Ohio	Gallinger,	Lyman,	Stewart, Vt.
Brown, J. R., Va.	Gear,	Macdonald,	Struble,
Brumm,	Gest,	Mahoney,	Symes,
Bryce,	Glover,	Maish,	Taulbee,
Bunnell,	Goff,	Mason,	Taylor, E. B., Ohio
Butterworth,	Greenman,	McAdoo,	Thomas, Ky.
Campbell, F., N. Y.	Grosvenor,	McCormick,	Thomas, Wis.
Campbell, T.J., N.Y.	Grout,	McKenna,	Tracey,
Cannon,	Guenther,	McKinley,	Wade,
Caruth,	Haugen,	Montgomery,	Warner,
Caswell,	Hayes,	Morrow,	Weber,
Cheadle,	Heard,	Nelson,	White, N. Y.
Chipman,	Henderson, Ill.	Nichols,	Whiting, Mass.
Clark,	Hires,	O'Ferrall,	Wickham,
Cogswell,	Holman,	O'Neill, Pa.	Wilber,
Compton,	Holmes,	Osborne,	Williams,
Conger,	Hopkins, Ill.	Owen,	Yardley,
Crouse,	Hopkins, Va.	Patton,	Yoder,
Dalzell,	Hopkins, N. Y.	Payson,	Yost.
Darlington,	Hovey,	Post,	
Davis,	Howard,	Pugsley,	

NOT VOTING—167.

Abbott,	Carlton,	Grimes,	McCullogh,
Adams,	Catchings,	Hall,	McMillin,
Allen, Miss.	Clardy,	Harmer,	McRae,
Anderson, Miss.	Cobb,	Hayden,	McShane,
Anderson, Ill.	Cockran,	Henderson, Iowa	Merriman,
Arnold,	Collins,	Hermann,	Milliken,
Bacon,	Cooper,	Hiestand,	Mills,
Baker, N. Y.	Cothran,	Hitt,	Moffitt,
Bankhead,	Cowles,	Hogg,	Moore,
Barnes,	Cox,	Hooker,	Morgan,
Barry,	Crain,	Houk,	Morrill,
Bayne,	Crisp,	Hudd,	Morse,
Belmont,	Culberson,	Hutton,	Newton,
Biggs,	Cummings,	Jones,	Norwood,
Bingham,	Cutcheon,	Kelley,	Nutting,
Blanchard,	Dargan,	Ketcham,	Oates,
Bland,	Davenport,	Kilgore,	O'Donnell,
Bliss,	Davidson, Ala.	Laffoon,	O'Neall, Ind.
Blount,	Davidson, Fla.	Landes,	O'Neill, Pa.
Breckinridge, Ark.	Dingley,	Lane,	Outhwaite,
Breckinridge, Ky.	Dockery,	Lanham,	Parker,
Brower,	Dougherty,	Latham,	Peel,
Browne, Ind.	Dunham,	Lawler,	Penington,
Buchanan,	Dunn,	Lee,	Perkins,
Buckalew,	Enloe,	Lodge,	Perry,
Burnes,	Fisher,	Lynch,	Peters,
Burnett,	Foran,	Maffett,	Phelan,
Burrows,	Gaines,	Mansur,	Phelps,
Butler,	Gay,	Martin,	Pidcock,
Bynum,	Gibson,	Matson,	Plumb,
Campbell, Ohio	Glass,	McComas,	Rayner,
Candler,	Granger,	McCreary,	Richardson,
Robertson,	Simmons,	Thomas, Ill.	West,
Rockwell,	Smith,	Thompson, Ohio	White, Ind.
Rogers,	Snyder,	Thompson, Cal.	Whitthorne,
Rusk,	Spinola,	Tillman,	Wilkins,
Sayers,	Spooner,	Townshend,	Wilkinson,
Scott,	Stewart, Tex.	Turner, Kans.	Wilson, Minn.
Scull,	Stewart, Ga.	Turner, Ga.	Wilson, W. Va.
Seney,	Stone, Mo.	Vandever,	Wise,
Shaw,	Tarsney,	Washington,	Woodburn.
Sherman,	Taylor, J. D., Ohio	Weaver,	

So the motion to adjourn was not agreed to.

Mr. GLOVER. I ask that the reading of the names be dispensed with.

Objection was made.

The result of the vote was announced as above stated.

Mr. HERBERT. I ask that my colleague, Judge COBB, be excused for the balance of the evening on account of ill health.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The SPEAKER. The question is now on the motion that there be a call of the House.

The question being taken, the Speaker stated that the "ayes" seemed to have it.

Mr. OATES. I call for a division.

The House divided; and there were—ayes 68, noes 9.

Mr. OATES. I call for the yeas and nays.

The yeas and nays were ordered, 41 members voting therefor.

The question was taken; and there were—yeas 140, nays 14, not voting 170; as follows:

YEAS—140.

Allen, Mass.	Davis,	Kean,	Romeis,
Allen, Mich.	De Lano,	Kennedy,	Rowell,
Anderson, Kans.	Dibble,	Kerr,	Rowland,
Atkinson,	Dorsey,	La Follette,	Russell, Conn.
Bacon,	Dunham,	Laidlaw,	Russell, Mass.
Baker, N. Y.	Elliott,	Laird,	Sawyer,
Baker, Ill.	Farquhar,	Lehlbach,	Seymour,
Bayne,	Felton,	Lind,	Shaw,
Belden,	Flood,	Long,	Shively,
Boothman,	Ford,	Lyman,	Sowden,
Bound,	French,	Lynch,	Springer,
Boutelle,	Fuller,	Macdonald,	Stahlnecker,
Bowden,	Gallinger,	Mahoney,	Steele,
Bowen,	Gear,	Maish,	Stephenson,
Browne, T.H.B., Va.	Gest,	Mason,	Stewart, Vt.
Brown, Ohio	Glover,	McAdoo,	Stockdale,
Brown, J.R., Va.	Goff,	McCormick,	Stone, Ky.
Brumm,	Greenman,	McCreary,	Struble,
Bryce,	Grosvenor,	McKenna,	Symes,
Bunnell,	Grout,	McKinley,	Taylor, E. B., Ohio
Butterworth,	Heard,	Montgomery,	Thomas, Ky.
Bynum,	Henderson, Iowa	Morrow,	Thomas, Wis.
Campbell, F., N. Y.	Henderson, N. C.	Nichols,	Tracey,
Campbell, T.J., N.Y.	Hires,	O'Ferrall,	Turner, Kans.
Caruth,	Hogg,	O'Neill, Pa.	Wade,
Caswell,	Holman,	Osborne,	Warner,
Cheadle,	Holmes,	Owen,	Weber,
Chipman,	Hopkins, Ill.	Parker,	Wheeler,
Clark,	Hopkins, Va.	Patton,	White, N. Y.
Cogswell,	Hopkins, N. Y.	Penington,	Whiting, Mass.
Collins,	Hovey,	Plumb,	Wickham,
Cooper,	Hunter,	Post,	Williams,
Crouse,	Jackson,	Pugsley,	Yardley,
Dalzell,	Johnston, Ind.	Reed,	Yoder,
Darlington,	Johnston, N. C.	Rice,	Yost.

NAYS—14.

Blanchard,	Hayes,	Neal,	Wilber,
Crain,	Hemphill,	Nelson,	Wilkinson.
Cummings,	Lagan,	Stone, Mo.	
Hatch,	McClammy,	Walker,	

NOT VOTING—170.

Abbott,	Clements,	Guenther,	McCullogh,
Adams,	Cobb,	Hall,	McKinney,
Allen, Miss.	Cockran,	Hare,	McMillin,
Anderson, Iowa	Compton,	Harmer,	McRae,
Anderson, Miss.	Conger,	Haugen,	McShane,
Anderson, Ill.	Cothran,	Hayden,	Merriman,
Arnold,	Cowles,	Henderson, Ill,	Milliken,
Bankhead,	Cox,	Herbert,	Mills,
Barnes,	Crisp,	Hermann,	Moffitt,
Barry,	Culberson,	Hiestand,	Moore,
Belmont,	Cutcheon,	Hitt,	Morgan,
Biggs,	Dargan,	Hooker,	Morrill,
Bingham,	Davenport,	Houk,	Morse,
Bland,	Davidson, Ala.	Howard,	Newton,
Bliss,	Davidson, Fla.	Hudd,	Norwood,
Blount,	Dingley,	Hutton,	Nutting,
Breckinridge, Ark.	Dockery,	Jones,	Oates,
Breckinridge, Ky.	Dougherty,	Kelley,	O'Donnell,
Brewer,	Dunn,	Ketcham,	O'Neall, Ind.
Brower,	Enloe,	Kilgore,	O'Neill, Mo.
Browne, Ind.	Ermentrout,	Laffoon,	Outhwaite,
Buchanan,	Finley,	Landes,	Payson,
Buckalew,	Fisher,	Lane,	Peel,
Burnes,	Fitch,	Lanham,	Perkins,
Burnett,	Foran,	Latham,	Perry.
Burrows,	Forney,	Lawler,	Peters,
Butler,	Funston,	Lee,	Phelan,
Campbell, Ohio	Gaines,	Lodge,	Phelps,
Candler,	Gay,	Maffett,	Pidcock,
Cannon,	Gibson,	Mansur,	Randall,
Carlton,	Glass,	Martin,	Rayner,
Catchings,	Granger,	Matson,	Richardson,
Clardy,	Grimes,	McComas,	Robertson,

Rockwell,	Smith,	Thompson, Ohio	White, Ind.
Rogers,	Snyder,	Thompson, Cal.	Whiting, Mich.
Rusk,	Spinola,	Tillman,	Whitthorne.
Ryan,	Spooner,	Townshend,	Wilkins,
Sayers,	Stewart, Tex.	Turner, Ga.	Wilson, Minn.
Scott,	Stewart, Ga.	Vance,	Wilson, W. Va.
Scull,	Tarsney,	Vandever,	Wise,
Seney,	Taulbee,	Washington,	Woodburn.
Sherman,	Taylor, J. D., Ohio	Weaver,	
Simmons,	Thomas, Ill.	West,	

So a call of the House was ordered.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent to dispense with the reading of the names of members voting. I make the request not for the sake of saving time, because we can fool away the time in some other way, but in the interest of the clerks, in order that they may have a little rest from reading.

Mr. OATES. I am very sorry, but I shall have to object.

The following additional pairs were announced:

Mr. MILLS with Mr. PAYSON, for the rest of the day.

Mr. GRANGER with Mr. ANDERSON, of Kansas, for the rest of the day.

The result of the vote was then announced as above recorded.

The SPEAKER. A call of the House is ordered, and the Clerk will call the roll. Gentlemen who are present will please answer to their names when called.

The Clerk proceeded to call the roll, when the following-named members failed to answer:

Adams,	Dingley,	Matson,	Rogers,
Allen, Miss.	Dockery,	McComas,	Rusk,
Anderson, Kans.	Dorsey,	McCullogh,	Scott,
Arnold,	Dougherty,	McShane,	Scull,
Belmont,	Dunn,	Merriman,	Sherman,
Biggs,	Ermentrout,	Milliken,	Simmons,
Bingham,	Fisher,	Mills,	Snyder,
Bland,	Foran,	Moffitt,	Spinola,
Bliss,	Gaines,	Morgan,	Spooner,
Brower,	Gay,	Morrill,	Stewart, Tex.
Browne, Ind.	Gibson,	Morse,	Stewart, Ga.
Buchanan,	Glass,	Norwood,	Taylor, J. D., Ohio
Burnes,	Granger,	Nutting,	Thomas, Ill.
Burnett,	Hall,	O'Neall, Ind.	Thompson, Ohio
Butler,	Harmer,	O'Neill, Mo.	Thompson, Cal.
Campbell, Ohio	Hayden,	Outhwaite,	Townshend,
Catching,	Hermann,	Patton,	Vandever,
Clardy,	Hiestand,	Payson,	West,
Cobb,	Hitt,	Peel,	White, Ind.
Cochran,	Hudd,	Perkins,	Whiting, Mass.
Compton,	Jones,	Perry,	Whitthorne,
Cothran,	Kelley,	Peters,	Wilkins,
Cox,	Ketcham,	Phelan,	Wilson, Minn.
Culberson,	Latham,	Phelps,	Wise,
Cutcheon,	Lawler,	Pidcock,	Woodburn.
Dargan,	Lee,	Rayner,	
Davenport,	Lodge,	Richardson,	
Davidson, Ala.	Maffett,	Rockwell,	

The SPEAKER *pro tempore*. The Doorkeeper will close the doors of the Hall, and the Clerk will call the names of the absentees. Upon this call excuses are in order.

The Clerk proceeded to call the absentees, as follows:

Mr. ADAMS: Excused.

Mr. ALLEN, of Mississippi: Excused.

Mr. ANDERSON, of Kansas: No excuse offered.

Mr. ARNOLD: No excuse offered.

Mr. BELMONT: No excuse offered.

Mr. BIGGS: Excused.

Mr. BINGHAM: No excuse offered.

Mr. BLAND: No excuse offered.

Mr. BLISS: No excuse offered.

Mr. BROWER: No excuse offered.

Mr. BROWNE, of Indiana.

Mr. BUTTERWORTH. Mr. BROWNE, of Indiana, is quite out of health, and I ask unanimous consent that he be excused.

There was no objection, and it was so ordered.

Mr. BUCHANAN: No excuse offered.

Mr. BURNES: No excuse offered.

Mr. BURNETT: No excuse offered.

Mr. BUTLER: No excuse offered.

Mr. CAMPBELL, of Ohio: No excuse offered.

Mr. CATCHINGS: No excuse offered.

Mr. CLARDY: Excused.

Mr. COBB: Excused.

Mr. COCKRAN: No excuse offered.

Mr. COMPTON.

Mr. SHAW. Mr. Speaker, I ask that my colleague, Mr. COMPTON, be excused. He is absent on account of illness.

Mr. EZRA B. TAYLOR. Mr. Speaker, if the gentleman knows of his own knowledge that that is so I shall have no objection, but I understand that quite a number of gentlemen who have been excused by the House to-night on account of sickness are at a dinner party, and quite a large number are at the theater.

Mr. SHAW. Mr. Speaker, in answer to the gentleman I would say that my colleague was here until half an hour ago, and he told me that he was suffering from a severe headache——

Mr. BELDEN. Then I object.

Mr. SHAW. Then I move that my colleague be excused.

The question was taken; and the motion was agreed to—ayes 70, noes 47.

Mr. COTHRAN: No excuse offered.

Mr. COX: Excused.

Mr. CULBERSON: Excused.

Mr. CUTCHEON: Excused.

Mr. DARGAN: No excuse offered.

Mr. DAVENPORT: No excuse offered.

Mr. DAVIDSON, of Alabama: No excuse offered.

Mr. DINGLEY: No excuse offered.

Mr. DOCKERY: No excuse offered.

Mr. DORSEY: No excuse offered.

Mr. DOUGHERTY: No excuse offered.

Mr. DUNN: Excused.

Mr. FISHER: Excused.

Mr. ERMANTROUT: No excuse offered.

Mr. FORAN: No excuse offered.

Mr. GAINES: Excused.

Mr. GAY: Excused.

Mr. GIBSON: Excused.

Mr. GLASS: Excused.

Mr. GRANGER: Excused.

Mr. HALL: No excuse offered.

Mr. HARMER: No excuse offered.

Mr. HAYDEN: No excuse offered.

Mr. HERMANN: No excuse offered.

Mr. HIESTAND: No excuse offered.

Mr. HITT: Excused.

Mr. HUDD: No excuse offered.

Mr. JONES: No excuse offered.

Mr. KELLEY: Excused.

Mr. KETCHAM: No excuse offered.

Mr. LATHAM: No excuse offered.

Mr. MAFFETT: No excuse offered.

Mr. MATSON: No excuse offered.

Mr. MCCOMAS: No excuse offered.

Mr. MCCULLOGH: No excuse offered.

Mr. MCSHANE: No excuse offered.

Mr. MILLIKEN: No excuse offered.

Mr. MORRILL: No excuse offered.

Mr. MORSE: No excuse offered.

Mr. NORWOOD: No excuse offered.

Mr. NUTTING: No excuse offered.

Mr. O'NEALL, of Indiana: No excuse offered.

Mr. PATTON.

Mr. MAISH. My colleague, Mr. PATTON, requested me to inform the House that he was absent on account of sickness in his family. I ask that he be excused.

There being no objection, Mr. PATTON was excused.

Mr. PAYSON.

Mr. MASON. My colleague, Mr. PAYSON, left the Hall just now, stating that he was called home on account of sickness in his family, and he requested me to ask that he be excused.

Mr. EZRA B. TAYLOR. I object.

The SPEAKER *pro tempore*. The Chair will put the question to the House. The gentleman from Illinois [Mr. MASON] moves that his colleague [Mr. PAYSON], who, he states, is absent on account of sickness in his family, be excused from further attendance.

Mr. EZRA B. TAYLOR. This illness is too intermittent.

The question being taken on the motion to excuse Mr. PAYSON, it was agreed to; there being—ayes 80, noes 53.

Mr. PEEL: No excuse offered.

Mr. PERKINS: No excuse offered.

Mr. PERRY: No excuse offered.

Mr. PETERS: No excuse offered.

Mr. PHELAN: No excuse offered.

Mr. PIDCOCK: No excuse offered.

Mr. RAYNER: No excuse offered.

Mr. ROCKWELL: No excuse offered.

Mr. RUSK: No excuse offered.

Mr. SCOTT: No excuse offered.

Mr. SIMMONS: No excuse offered.

Mr. SNYDER: No excuse offered.

Mr. SPINOLA: No excuse offered.

Mr. SPOONER: No excuse offered.

Mr. JOSEPH D. TAYLOR: No excuse offered.

Mr. THOMPSON, of Ohio: No excuse offered.

Mr. THOMPSON, of California.

Mr. FELTON. Mr. Speaker, my colleague, Mr. THOMPSON, told me this afternoon when he left the House that he was feeling exceedingly ill, and did not think he would be able to come back here. I ask that he be excused.

There being no objection, Mr. THOMPSON, of California, was excused.

Mr. VANDEVER.

Mr. MORROW. I ask, Mr. Speaker, my colleague, Mr. VANDEVER,

be excused. He was here this afternoon, but was compelled to leave the House on account of sickness.

There being no objection, Mr. VANDEVER was excused.

Mr. WEST: No excuse offered.

Mr. WHITE, of Indiana: No excuse offered.

Mr. WHITING, of Massachusetts: No excuse offered.

Mr. WHITTHORNE: No excuse offered.

Mr. WILKINS: No excuse offered.

Mr. WILSON, of Minnesota: No excuse offered.

Mr. WISE: No excuse offered.

Mr. REED. The call for excuses, as I understand, is now concluded; and I offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are now absent without the leave of the House.

The SPEAKER *pro tempore*. The resolution seems to be adopted.

Mr. OATES. Division.

The House divided; and there were—ayes 114, noes 11,

So the resolution was adopted.

Mr. LAFFOON. I move the House do now adjourn.

The SPEAKER *pro tempore*. The "noes" seem to have it.

Mr. LAFFOON. Division.

The House divided; and there were—ayes 47, noes 103.

Mr. LAFFOON. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 24, nays 128, not voting 172; as follows:

YEAS—24.

Anderson, Iowa	Forney,	Lane,	Stone, Ky.
Anderson, Miss.	Hare,	Lanham,	Stone, Mo.
Anderson, Ill.	Hatch,	McClammy,	Symes,
Bacon,	Hayes,	Neal,	Turner, Ga.
Buckalew,	Hogg,	Sayers,	Walker,
Bynum,	Laffoon,	Springer,	Wheeler.

NAYS—129.

Allen, Mich.	Elliott,	Kean,	Pugsley,
Baker, Ill.	Farquhar,	Kennedy,	Randall,
Belden,	Felton,	Kerr,	Reed,
Blanchard,	Finley,	La Follette,	Rice,
Boothman,	Fitch,	Lagan,	Romeis,
Bound,	Flood,	Laidlaw,	Rowell,
Boutelle,	Ford,	Laird,	Rowland,
Bowden,	French,	Lehlbach,	Russell, Conn.
Bowen,	Fuller,	Lind,	Sawyer,
Brewer,	Gallinger,	Long,	Seymour,
Browne, T.H.B., Va.	Gear,	Lyman,	Sowden,
Brown, Ohio	Gest,	Macdonald,	Stahlnecker,
Brown, J. R. Va.	Goff,	Maish,	Steele,
Brumm,	Greenman,	Mansur,	Stephenson,
Bryce,	Grosvenor,	Mason,	Struble,
Buchanan,	Grout,	McAdoo,	Taulbee,
Bunnell,	Guenther,	McCormick,	Taylor, E. B., Ohio
Butterworth,	Haugen,	McKenna,	Thomas, Ky.
Campbell, T. J., N.Y.	Heard,	McKinley,	Thomas, Wis.
Cannon,	Henphill,	Montgomery,	Tracey,
Caruth,	Henderson, N. C.	Morrow,	Turner, Kans.
Cheadle,	Hires,	Nelson,	Wade,
Chipman,	Holman,	Newton,	Warner,
Clark,	Holmes,	Nichols,	Weber,
Cogswell,	Hopkins, Ill.	O'Donnell,	White, N. Y.
Conger,	Hopkins, Va.	O'Ferrall,	Wickham,
Crouse,	Hopkins, N. Y.	O'Neill, Pa.	Wilber,
Dalzell,	Hovey,	Osborne,	Wilkinson,
Darlington,	Hunter,	Parker,	Williams,
Davis,	Jackson,	Penington,	Yardley,
De Lano,	Johnston, Ind.	Plumb,	Yoder,
Dibble,	Johnston, N. C.	Post,	Yost.
Dunham,			

NOT VOTING—171.

Abbott,	Cobb,	Hall,	McShane,
Adams,	Cockran,	Harmer,	Merriman,
Allen, Mass.	Collins,	Hayden,	Milliken,
Allen, Miss.	Compton,	Henderson, Iowa.	Mills,
Anderson, Kans.	Cooper,	Henderson, Ill.	Moffitt,
Arnold,	Cothran,	Herbert,	Moore,
Atkinson,	Cowles,	Hermann,	Morgan,
Baker, N. Y.	Cox,	Hiestand,	Morrill,
Bankhead,	Crain,	Hitt,	Morse,
Barnes,	Crisp,	Hooker,	Norwood,
Barry,	Culberson,	Houk,	Nutting,
Bayne,	Cummings,	Howard,	Oates,
Belmont,	Cutcheon,	Hudd,	O'Neall, Ind.
Biggs,	Dargan,	Hutton,	O'Neill, Mo.
Bingham,	Davenport,	Jones,	Outhwaite,
Bland,	Davidson, Ala.	Kelley,	Owen,
Bliss,	Davidson, Fla.	Ketcham,	Patton,
Blount,	Dingley,	Kilgore,	Payson,
Breckinridge, Ark.	Dockery,	Landes,	Peel,
Breckinridge, Ky.	Dorsey,	Latham,	Perkins,
Brower,	Dougherty,	Lawler,	Perry,
Browne, Ind.	Dunn,	Lee,	Peters,
Burnes,	Enloe,	Lodge,	Phelan,
Burnett,	Ermentrout,	Lynch,	Phelps,
Burrows,	Fisher,	Maffett,	Pidcock,
Butler,	Foran,	Mahoney,	Rayner,
Campbell, F., N. Y.	Funston,	Martin,	Richardson,
Campbell, Ohio	Gaines,	Matson,	Robertson,
Candler,	Gay,	McComas,	Rockwell,
Carlton,	Gibson,	McCreary,	Rogers,
Caswell,	Glass,	McCullogh,	Russell, Mass.
Catchings,	Glover,	McKinney,	Rusk,
Clardy,	Granger,	McMillin,	Ryan,
Clements,	Grimes,	McRae,	Scott,
Scull,	Spooner,	Thompson, Cal.	Whiting, Mich.
Seney,	Stewart, Tex.	Tillman,	Whiting, Mass.
Shaw,	Stewart, Ga.	Townshend,	Whitthorne,
Sherman,	Stewart, Vt.	Vance,	Wilkins,
Shively,	Stockdale,	Vandever,	Wilson, Minn.
Simmons,	Tarsney,	Washington,	Wilson, W. Va.
Smith,	Taylor, J. D., Ohio	Weaver,	Wise,
Snyder,	Thomas, Ill.	West,	Woodburn.
Spinola,	Thompson, Ohio	White, Ind.	

So the House refused to adjourn.

During the roll-call,

Mr. SOWDEN said: In the name of humanity, I move to dispense with the reading of the names.

The motion was agreed to.

The SPEAKER *pro tempore*. The Segeant-at-Arms will execute the order of the House.

Mr. LAFFOON. I move to dispense with further proceedings under the call.

The motion was disagreed to.

The SPEAKER *pro tempore*. The gentleman from Massachusetts [Mr. COLLINS] asks to be excused from further attendance upon this night's session on account of sickness.

Mr. GROSVENOR. I object. What is the ground for asking excuse?

The SPEAKER *pro tempore*. That he is not well enough to remain longer in the House.

Mr. STAHLNECKER. I move that the gentleman from Massachusetts be excused.

The motion was agreed to.

Mr. TARSNEY. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of taking up for consideration House bill 1439, in relation to the eight-hour law. [Laughter.]

Mr. BRECKINRIDGE, of Kentucky. Regular order.

Mr. DAVIS. I move that my colleague, Mr. WHITING, be excused from further attendance at this night's session.

Mr. GROSVENOR. I make the point of order that the time for excuses has passed and that these motions are not in order.

The SPEAKER *pro tempore*. It is always in the power of the House to excuse a member.

Mr. DAVIS. My colleague, Mr. WHITING, was too ill to remain in the Hall, and I advised him to go home.

Mr. GROSVENOR. I withdraw my objection.

Mr. DAVIS's motion was agreed to, and Mr. WHITING was excused.

Mr. GROSVENOR. There seems to be so much illness there ought to be some investigation to learn the cause of and provide some remedy against the present unhealthy condition of the members of the House. [Laughter.]

Mr. COWLES. I move that my colleague, Mr. ROWLAND, be excused from further attendance on this night's session. He has been sick for a month.

The motion was agreed to.

Mr. STEELE. I ask unanimous consent that the House take a recess until to-morrow at 11 o'clock.

A MEMBER. I object.

Mr. HATCH. I make the point that no gentleman has risen in his place to object.

Mr. TARSNEY. I object.

Mr. McCREARY. It will take some time to execute the order of the House, and I therefore move to take a recess for one hour. In addition, the clerks need rest.

A MEMBER. Make it 10 o'clock to-morrow.

Mr. TARSNEY. I object. I tried to get the House to proceed with the consideration of the eight-hour law and it was objected to.

The SPEAKER. If gentlemen will resume their seats the Chair will again submit the request of the gentleman from Indiana [Mr. STEELE] to the House, so it may be seen who objects to it.

Mr. TARSNEY. I object.

Mr. STEELE. I make the point of order that the gentleman is reported absent and is not supposed to be here for the purpose of objecting to anything. He made no excuse for his absence, as I understand, when the roll was called.

The SPEAKER. The Chair does not know, in the first place, that the gentleman was absent, and he answered to his name on the call of the roll, as the Clerk informs the Chair.

Mr. STEELE. Yes, but he was absent before that.

The SPEAKER. The gentleman from Kentucky [Mr. McCREARY] asks unanimous consent that a recess be taken for one hour.

Mr. REED. I object.

Mr. COWLES. I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COWLES. I would like to know if we are proceeding under the eight-hour law. [Laughter.] And if so, if this is a specimen of its operations?

Mr. SHAW. I ask unanimous consent that the House take a recess until to-morrow at 10 o'clock.

Mr. TARSNEY. I object, because to-morrow has been set apart for the consideration of business from the Committee on Commerce.

Mr. REED. But to-morrow will not come. It will be to-day under this arrangement. The gentleman is laboring under a misapprehension.

Mr. TARSNEY. I will withdraw any objection if the House will consider the regular order fixed for to-morrow after the reading of the Journal.

Mr. REED. There is no proposition of that sort.

Mr. GROSVENOR. Is it in order to inform the gentleman from Michigan that to-morrow will never come? There will be no to-morrow.

Mr. DE LANO. Pending this proceeding I ask unanimous consent to introduce a bill for reference.

The SPEAKER. That can not be done at this time.

Mr. ALLEN, of Michigan. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ALLEN, of Michigan. Do I understand that the House excused the gentleman from North Carolina?

The SPEAKER. Which gentleman?

Mr. ALLEN, of Michigan. Mr. ROWLAND.

The SPEAKER. The Chair thinks the gentleman was excused.

Mr. ALLEN, of Michigan. I would ask, then, if it would not be proper to excuse also the gentleman from South Carolina, and let them go out together. [Laughter.]

Mr. MASON. I make the point of order that neither is a "governor."

Mr. MACDONALD. I object to any more members being sick.

Mr. STRUBLE. I ask unanimous consent, while the House is waiting, to call up for present consideration the bill I send to the desk.

Mr. STEELE. But the gentleman is absent sick, and was excused this evening.

Mr. STRUBLE. The gentleman is mistaken. I have not been sick for a long while. [Cries of "Regular order!"] This is only a public-building bill, and I would like to be recognized for the purpose of getting it before the House for consideration. It is an important matter.

Mr. STEELE. I would like to see the record, to find out if the gentleman is not absent sick.

The SPEAKER. No business can be transacted during the call of the House.

Mr. ENLOE. Mr. Speaker, if in order, I ask unanimous consent that the gentleman from Kentucky [Mr. TAULBEE] be given one hour in which to address the House.

Mr. TAULBEE. Is that in order? [Cries of "Regular order!"]

Mr. TARSNEY. Mr. Speaker, if it be in order, I move that the further consideration of the pending bill be postponed until the 19th day of May, in order that we may proceed with the business from the Commerce Committee this day.

The SPEAKER. That is not in order pending the call of the House.

Mr. TARSNEY. Then I move that the House now adjourn.

Mr. GROSVENOR. I make the point of order that the motion is not now admissible.

The SPEAKER. The Chair sustains the point of order. The last vote taken by the House was on the motion to adjourn, and no business has intervened.

Mr. TARSNEY. I move to dispense with all further proceedings under the call.

The SPEAKER. That motion is in order.

The motion was rejected.

Mr. WHEELER (at 12 o'clock and 10 minutes a. m. Thursday). I move that all members of this House who have been in constant attendance since 12 o'clock to-day be excused for six hours. [Laughter.]

A MEMBER. That would excuse everybody present who has been here for ten minutes.

Mr. WHEELER. I will amend by saying all members who have been in attendance for twelve hours.

Mr. GROSVENOR. I make the point of order that the motion can not be entertained.

Mr. MASON. The eight-hour law does not apply here.

Mr. STEELE. I ask unanimous consent that the Committee on Commerce have the next day that is not already assigned by some special order in lieu of the day fixed, and that the House now take a recess until to-morrow at 11 o'clock.

Mr. TARSNEY. When is that day?

Mr. STEELE. The first day that is not occupied.

Mr. TARSNEY. I object to that. It is too indefinite. Give us next Friday, and I will consent.

Mr. TAULBEE. I shall object to assigning Friday in that way.

Mr. GUENTHER. Suppose we give you this day after this matter is disposed of?

Mr. TARSNEY. That day will come about next September, and I object to that arrangement.

Mr. STEELE. Then I ask unanimous consent that the Committee on Commerce be given Friday.

Mr. TAULBEE. I object.

Mr. DALZELL. I ask unanimous consent to discharge the Committee of the Whole House from the consideration of the House bill which I will send to the desk. I ask for its immediate consideration in the House. It is a purely local measure, and nobody is interested in it. [Laughter.] I think there will be no objection to it.

The SPEAKER. The request is not in order during a call of the House.

Mr. STRUBLE. I found that out a few moments ago.

Mr. SPRINGER. Let the bill be read for the information of the House.

Mr. DALZELL. I thought it might dignify the proceedings of the session if we were to do something.

Mr. MAISH. My colleague [Mr. ERMENTROUT] informs the Sergeant-at-Arms that he is ill. I move that he be excused from further attendance at this sitting of the House.

Objection was made.

Mr. MAISH. I move that my colleague be excused.

Mr. STRUBLE. Is the gentleman present?

Mr. MAISH. No, sir.

Mr. STRUBLE. How does the gentleman know that his colleague is sick?

Mr. MAISH. The Sergeant-at-Arms has reported that he was so informed.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania.

The motion was not agreed to.

The Deputy Sergeant-at Arms appeared at the bar having in his custody Mr. DOUGHERTY.

The SPEAKER. Mr. DOUGHERTY, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. DOUGHERTY. The excuse I have to offer is that for some weeks I have been suffering from malaria. [Laughter.]

A MEMBER. Who is your doctor?

Mr. DOUGHERTY. And, unlike most of these statesmen who are laughing, I did not get that malaria out of the bottle, either. I will say that last night I had a chill and I have not been feeling well all day.

Mr. BURROWS. How do you feel now?

Mr. DIBBLE. I move that the gentleman from Florida be excused.

Mr. HOPKINS, of Illinois. I ask, should not that motion be suspended until we get the explanation?

The SPEAKER. The Chair supposed the gentleman had completed his statement.

Mr. DOUGHERTY. I was asked the question by one of these gentlemen how I felt now; and I will state I probably feel better than he would if he had been through what I have. [Laughter.]

The SPEAKER. The gentleman from South Carolina moves that the gentleman from Florida be excused.

The motion was agreed to.

Mr. DOUGHERTY. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DOUGHERTY. Does that excuse by the House enable me to go back to my hotel?

Mr. TAULBEE. I move that the gentleman from Florida be excused from further attendance on the session of this day on account of the state of his health. I think we may dispense with levity in matters so grave.

The SPEAKER. The gentleman from Kentucky moves that the gentleman from Florida be excused from further attendance at this session of the House.

The question being put, the motion was agreed to—ayes 72, noes 2.

Mr. TARSNEY. I move that all further proceedings under the call be dispensed with.

The motion was not agreed to.

Some time subsequently,

Mr. LAFFOON moved to dispense with further proceedings under the call.

The motion was not agreed to.

The Sergeant-at-Arms appeared at the bar, having in his custody Mr. DOCKERY.

The SPEAKER. Mr. DOCKERY, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. DOCKERY. I have none, Mr. Speaker.

[Cries of "Louder!" "Louder!"]

The SPEAKER. The gentleman from Missouri says he has no excuse to offer.

Mr. WEBER. I move that the gentleman be excused; he is honest.

Mr. MANSUR. I move that he be excused for being absent; but that he be fined 1 cent for being caught.

Mr. TAULBEE. I move to amend that motion by providing that the fine be appropriated for refunding the direct tax.

Mr. GUENTHER. Would it be in order to move to amend by providing that the fine shall go to the State treasury of Kentucky?

Mr. TAULBEE. Is the motion debatable?

The SPEAKER. The motion is not in order, because the House has no power to make such an appropriation of the fine while it is sitting under a call of the House.

Mr. WHEELER. I move that the gentleman from Missouri be excused.

Mr. STRUBLE. I will agree to that on condition that he remain.

The question being put, the motion to excuse Mr. DOCKERY was agreed to—ayes 75, noes 8.

Mr. OATES. Mr. Speaker, overtures have been made by gentlemen on both sides of this question for a recess, and, so far as I am concerned, I do not object to it. I therefore ask unanimous consent that the House now take a recess until a quarter before 12 o'clock to-day.

The SPEAKER. It will be necessary to dispense with further proceedings under the call before the request can be put in that form, and, of course, if one part fails it will all fail. Taking a recess is the transaction of business.

Mr. REED. Make it 11 o'clock.

The SPEAKER. The gentleman from Alabama [Mr. OATES] asks unanimous consent that further proceedings under the call be dispensed with and a recess taken until a quarter before 12 o'clock. Is there objection?

Mr. EZRA B. TAYLOR. Mr. Speaker, I think that if the gentleman will propose a recess until 11 o'clock there will be no objection.

Mr. WHITE, of New York. Half past 11.

Mr. REED. Yes; make it 11.30.

Mr. OATES. Fifteen minutes before 12 o'clock is time enough.

Several MEMBERS. Make it half past 11.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. VANCE. I object.

Mr. NELSON. I ask unanimous consent to dispense with further proceedings under the call, and to take a recess until half past 11 o'clock this morning.

The SPEAKER. The gentleman from Minnesota [Mr. NELSON] asks unanimous consent that further proceedings under the call be dispensed with, and that the House take a recess until half past 11 o'clock.

Mr. VANCE and others objected.

Mr. McCREARY. Mr. Speaker, I move to dispense with further proceedings under the call; and I give notice that if that carries I will immediately move to take a recess until a quarter before 12 o'clock.

The SPEAKER. The gentleman is aware of the fact that that will require a quorum, and there is no quorum present. Objection is made, and the proposition is no more likely to prevail in that form than by unanimous consent. The Chair will put the question, however.

The question was taken, and the motion was not agreed to.

Mr. WHITE, of New York. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of New York. Is it in order at this time, inasmuch as certain delinquent members have been brought before the bar of the House, to have another call to determine whether there is a quorum present? If there is a quorum, then it is in order for the House to take a recess, and——

The SPEAKER. But the House can not take a recess with the call pending. It must first dispense with the proceedings under the call.

Mr. WHITE, of New York. I understand that; but if we first determine that we have a quorum here, we can then proceed to do whatever is necessary.

Mr. EZRA B. TAYLOR. Mr. Speaker, with the view of making some satisfactory arrangement of this matter, I propose that unanimous consent be given to dispense with further proceedings under the call, that a recess be taken until 11 o'clock to-day, that two hours be then allowed for general debate upon this bill, and two hours more for amendments and debate under the five-minute rule, and that at 3 o'clock the previous question be considered as ordered on the bill and amendments.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. EZRA B. TAYLOR]?

Mr. BRECKINRIDGE, of Arkansas. I object.

Mr. CRISP. Mr. Speaker, I ask unanimous consent that the roll be called to ascertain whether we have a quorum in the House.

Mr. SOWDEN. I object.

Several MEMBERS. Regular order.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. CRISP]?

Mr. SOWDEN. I object.

Mr. BRUMM. I object.

Mr. NELSON. Mr. Speaker, I ask unanimous consent to dispense with further proceedings under the call, and that the House take a recess until 11 o'clock.

Several members objected.

Mr. DIBBLE. Mr. Speaker, I ask unanimous consent that, without disturbing the status in any way, there be an informal call of the roll, simply to ascertain the number of members present.

The SPEAKER. That request has just been made and objected to.

Mr. DIBBLE. I do not think it was understood that the proceeding was to be informal and without disturbing the existing status.

The SPEAKER. The Chair will put it in that form. The gentleman from South Carolina asks unanimous consent that, without disturbing or dispensing with proceedings under the call, the roll be called for the purpose of ascertaining whether or not a quorum is present. Is there objection?

Mr. EZRA B. TAYLOR. I hope no objection will be made.

A MEMBER. What is the object?

The SPEAKER. Is there objection?

Mr. McMILLIN. Let us know what the object is.

Mr. DIBBLE. I think, if a quorum be present, members will almost unanimously consent to a vote or a proposition which will relieve us from the present embarrassing posture of affairs—a proposition for a recess to some of the hours which have been named.

A MEMBER. On what condition?

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

Mr. FITCH. I object.

Mr. SOWDEN. I ask that the rule in reference to smoking in the Hall be enforced.

The SPEAKER. The Doorkeeper will see that the rule is strictly enforced.

The Deputy Sergeant-at-Arms appeared at the bar, having in his custody Mr. LATHAM, Mr. SIMMONS, Mr. PERRY, and Mr. COTHRAN.

Mr. HENDERSON, of Iowa. I ask that these gentlemen be tried one at a time.

Mr. TAULBEE. I make the point that it is the prerogative of the defendants to sever the trial.

The SPEAKER. Mr. LATHAM, you have been absent from the sittings of the House without its leave. What excuse have you to offer?

Mr. LATHAM. Mr. Speaker, I desire to make an excuse.——

Mr. BOUTELLE. I rise to a point of order. There are so many gentlemen in the rear that we can not see the culprits. [Laughter.]

The SPEAKER. Gentlemen will resume their seats.

Mr. LATHAM. Mr. Speaker, by way of excuse, I have this to say, that I have been backing seed to my constituents.

The SPEAKER. Proceedings will be suspended until gentlemen take their seats and order is restored. [A pause.] The gentleman from North Carolina will proceed.

Mr. LATHAM. I have two excuses to make, Mr. Speaker. The first is that I have been engaged in the duties—— [Cries of "Louder!"]

Mr. TAULBEE. I make the point of order that two of those gentlemen are from South Carolina and two from North Carolina; and——

The SPEAKER. The gentleman from North Carolina will proceed with his statement.

Mr. LATHAM. I have been sending off seeds to my constituents. [Cries of "Louder!"]

The SPEAKER. If the House does not intend to deal with these gentlemen under the rules it might as well be so understood and the gentlemen be permitted to take their seats.

A MEMBER. Let them take their seats.

The SPEAKER. The rules require the Chair, when gentlemen are brought here by the Sergeant-at-Arms, to call upon them to state their excuses, if they have any, for their absence. The Chair thinks these gentlemen ought to have the right to make their excuses.

Mr. LATHAM. I was paired to-day with Mr. STEWART, of Texas. I did not know there would be any call of the House. I had other business for my constituents—to send off seed.

Mr. DAVIDSON, of Florida. I move that the gentleman from North Carolina be excused.

Mr. HENDERSON, of Iowa. I move to amend the motion by adding "upon payment of a fine of $5,000." [Laughter.]

Mr. LATHAM. I can not pay it.

The SPEAKER. The gentleman from Iowa moves that the gentleman from North Carolina be excused upon payment of a fine of $5,000.

The motion of Mr. HENDERSON, of Iowa, was not agreed to.

Mr. BELDEN. Make it $4,500.

The SPEAKER. What disposition will the House make of the gentleman's case?

Mr. DAVIDSON, of Florida. I ask a vote on my motion that the gentleman from North Carolina, who has rendered to us his excuse, having been so much engaged in looking after the interests of his constituents, be excused.

The motion of Mr. DAVIDSON, of Florida, was agreed to.

The SPEAKER. Mr. SIMMONS, you have also been absent from the sessions of the House without its leave. What excuse have you to offer?

Mr. SIMMONS. Mr. Speaker, I was tempted by my senior colleague from North Carolina—I being a much younger and less experienced man—to attend him for the purpose of backing seed also. [Laughter.] But very shortly after I got to my room, at his suggestion, we both retired and did not back the seed. [Laughter.] The seed are to be backed to-morrow or some other time, when the House is not in session.

Mr. CARUTH. I move that the gentleman be excused.

Mr. HENDERSON, of Iowa. I move to amend by providing that he pay a fine of $1,000.

Mr. BRECKINRIDGE, of Kentucky. Is it in order to ask a question?

The SPEAKER. It is.

Mr. BRECKINRIDGE, of Kentucky. I understood the gentleman to say he had been "tempted" by his "senior colleague."

Mr. SIMMONS. Yes, sir.

Mr. BRECKINRIDGE, of Kentucky. Was it a four-handed game? [Laughter.]

Mr. SIMMONS. As I lost, it does not make any difference.

The motion of Mr. CARUTH to excuse Mr. SIMMONS was agreed to.

The SPEAKER. Mr. PERRY, you have been absent from the sessions of the House without its leave. What excuse have you to offer?

Mr. PERRY. I do not know that I have any excuse to make. I throw myself on the mercy of the court.

Mr. DIBBLE. I move that the gentleman be excused.

The motion was agreed to.

The SPEAKER. Mr. COTHRAN, you have been absent from the sittings of the House without its leave. What excuse have you to offer?

Mr. COTHRAN. I left the House quite late, and feeling much fatigued, I went to bed and to sleep.

Mr. HENDERSON, of Iowa. Quite a sensible fellow. [Laughter.]

Mr. DIBBLE. I move that my colleague be excused.

The motion was agreed to.

Mr. OATES. The gentleman from Connecticut, who interposed an objection awhile ago to the proposition for which I asked unanimous consent informs me he is now willing to withdraw it.

Mr. VANCE. Yes; I withdraw my objection.

The SPEAKER. The gentleman from Alabama [Mr. OATES] moves, by unanimous consent, that the House take a recess until quarter to 12 m. Is there objection?

Mr. DALZELL. I object.

Mr. CANNON. I ask by unanimous consent to occupy two minutes of the time of the House in making some remarks.

Mr. RANDALL. I object, unless the gentleman states his object.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] withdraws his objection to the proposition of the gentleman from Alabama [Mr. OATES] that the House take a recess until a quarter to 12 o'clock to-morrow. Is there further objection?

Mr. DE LANO. I object.

The SPEAKER. Is there objection to granting the gentleman from Illinois two minutes of time for the purpose of making an explanation?

Mr. HOGG. I object.

Mr. STONE, of Kentucky. Mr. Speaker, I have not asked a favor of the House for some time. Indeed, it has been some time since I had an opportunity to ask for a favor. I think now we might vary these proceedings if I were permitted to ask, in behalf of my constituents, who need a railroad bridge very badly, to take up for consideration a Senate bill which is an exact copy of the bill, which has already passed the House, with the approval of the Secretary of War and the recommendation of the House committee. [Cries of "Regular order!"]

I thought perhaps it would help, too, to bridge this difficulty.

Mr. HOGG. Understanding the gentleman from Illinois [Mr. CANNON] desires to submit some remarks, I will withdraw my objection and listen to him with pleasure.

Mr. CANNON. I thank the gentleman, but the spirit does not move me now. [Laughter.]

Mr. HOGG. I move that the House do now adjourn.

The motion was rejected.

The Sergeant-at-Arms appeared at the bar of the House having in custody, in obedience to the order of the House, Mr. MORSE.

The SPEAKER. Mr. MORSE, you have been absent from the sittings of the House without its leave. What excuse have you to offer?

Mr. MORSE. I was not aware the House was in session.

Mr. DOCKERY. I move the gentleman from Massachusetts be excused.

The motion was agreed to.

Mr. EZRA B. TAYLOR. I think I am authorized, Mr. Speaker, to ask unanimous consent that the House take a recess until a quarter to 12 o'clock m. to-day.

Mr. DE LANO. I withdraw my objection.

Mr. FLOOD. I object.

Mr. BURROWS. I move, by unanimous consent, to dispense with all further proceedings under the call, and that the House take a recess until a quarter to 12 o'clock m. to-day.

There was no objection; and all further proceedings under the call were dispensed with, and the House (at 2.27 a. m.) took a recess until 11.45 a. m., Thursday, April 5, 1888.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred as indicated below:

By Mr. BAKER, of Illinois: A bill (H. R. 9202) granting a pension to Charles C. Roesch—to the Committee on Invalid Pensions.

By Mr. J. E. CAMPBELL: A bill (H. R. 9203) granting a pension to Daniel Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9204) for the relief of Edward B. Miller—to the Committee on Military Affairs.

By Mr. DUNHAM: A bill (H. R. 9205) granting a pension to Lizzie Koenigsberg—to the Committee on Invalid Pensions.

By Mr. FINLEY: A bill (H. R. 9206) granting a pension to Felix W. Harris—to the Committee on Invalid Pensions.

By Mr. GEST: A bill (H. R. 9207) to increase the pension of Louis M. Buford—to the Committee on Invalid Pensions.

By Mr. HIRES: A bill (H. R. 9208) granting a pension to Rachael D. Billings—to the Committee on Invalid Pensions.

By Mr. JACKSON: A bill (H. R. 9209) granting a pension to Thomas Waltz—to the Committee on Invalid Pensions.

By Mr. KETCHAM: A bill (H. R. 9210) to authorize and require the restoration and preservation of the ruins known as Fort Putnam—to the Committee on Military Affairs.

By Mr. LANE: A bill (H. R. 9211) for the relief of Jesse Durnell—to the Committee on Claims.

By Mr. MAISH: A bill (H. R. 9212) for the relief of John R. Turner—to the Committee on Claims.

By Mr. MCKINLEY: A bill (H. R. 9213) granting a pension to John C. Heacock—to the Committee on Invalid Pensions.

By Mr. O'FERRALL: A bill (H. R. 9214) for the relief of Albert Blaisdell—to the Committee on Claims.

By Mr. PERRY: A bill (H. R. 9215) for the relief of F. G. Fuller and J. A. Mitchell, executors of John O'Dell, deceased—to the Committee on Claims.

By Mr. RICE: A bill (H. R. 9216) granting a pension to Sarah McCool—to the Committee on Invalid Pensions.

By Mr. SENEY: A bill (H. R. 9217) to increase the pension of Charles W. Kridler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9218) for the relief of William McCormack—to the Committee on Military Affairs.

Also, a bill (H. R. 9219) granting a pension to Thomas J. Livers—to the Committee on Invalid Pensions.

By Mr. SEYMOUR: A bill (H. R. 9220) granting a pension to Jerome Bowen—to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 9221) for the relief of Garrett G. Moze—to the Committee on War Claims.

Also, a bill (H. R. 9222) granting a pension to Garrett G. Moze—to the Committee on Invalid Pensions.

By Mr. STONE, of Kentucky: A bill (H. R. 9223) for the relief of Nathaniel M. Rusten—to the Committee on Military Affairs.

Also, a bill (H. R. 9224) granting a pension to Belle M. Baker—to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 9225) to refer the claim against the United States of J. M. Huston to the Court of Claims—to the Committee on War Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. H. ALLEN: Petitions of Ira O. Lockwood, late postmaster at St. George, Vt., and of Robert Singleton, late postmaster at Granville, S. C., for relief—to the Committee on the Post-Office and Post-Roads.

Also, memorial of Daniel Crowley, for better mail service between New York and New England—to the Committee on the Post-Office and Post-Roads.

By Mr. BARRY: Petition of C. W. Geddes, for relief—to the Committee on Pensions.

By Mr. BELDEN: Petition of W. H. Porter and 9 others, ex-soldiers and sailors, of Syracuse, and of George M. Hammond and 24 others, ex-soldiers and sailors, of Fayetteville, N. Y.—to the Committee on Invalid Pensions.

By Mr. BLOUNT: Petition of John R. Shockley, late postmaster of Barnesville, Ga., for relief—to the Committee on Claims.

By Mr. BOUTELLE: Petition of C. A. Eaton and others, of Steuben, Me., for more effectual protection of agriculture—to the Committee on Agriculture.

By Mr. BRUMM: Petition of K. A. Hooper and 26 other citizens, and of F. M. Arthur and 23 others, citizens of Pennsylvania, that the minimum pay per diem of the Government be fixed at $2—to the Committee on Labor.

By Mr. BUCHANAN: Petition of 44 citizens of Tuckerton, N. J., for increased pay of persons employed in the Life-Saving Service—to the Committee on Commerce.

By Mr. BUNNELL: Petition of farmers of Susquehanna, Pa., that the duty be increased on farm products and for the better protection against the importation of cattle for alleged breeding purposes—to the Committee on Ways and Means.

Also, petition of Grange No. 806, of Susquehanna County, Pennsylvania, asking that the Bureau of Animal Industry be continued under the supervision of the Agricultural Department—to the Committee on Agriculture.

By Mr. BUTTERWORTH: Resolutions of the Cincinnati Board of Trade and Transportation, favoring bill to incorporate the Maritime Canal Company of Nicaragua—to the Committee on Commerce.

By Mr. COX: Memorial of George Matthew and 97 others, citizens of New York City, for the protection of the Yellowstone Park, etc.—to the Committee on the Public Lands.

By Mr. CRAIN: Petition and papers of Simeon Lewis, for a pension—to the Committee on Pensions.

By Mr. CUTCHEON: Petition of 608 citizens of Wexford County, Michigan, against House bill No. 7901—to the Committee on the Public Lands.

Also, petition of E. R. Clark and other citizens of Michigan, for more effectual protection of agriculture—to the Committee on Agriculture.

By Mr. DUNN: Petition and affidavits to accompany House bill 7124, for the relief of S. C. Sterling and others—to the Committee on War Claims.

By Mr. FARQUHAR: Petition of 51 citizens of Buffalo, N. Y., that no per diem employé of the Government shall receive less compensation than $2 per day—to the Committee on Labor.

By Mr. GLASS: Memorial of J. L. Butler, secretary of the Gibson County (Tenn.) Medical Society, asking that medical and surgical instruments be imported free of duty—to the Committee on Ways and Means.

By Mr. GREENMAN: Petition of 119 operatives in the employ of James Thompson & Co., of Valley Falls, N. Y., against the reduction of the present duty on flax, hemp, and jute twines—to the Committee on Ways and Means.

Also, petition of employers and employés of Lansingburgh, N. Y., and of 19 manufacturers of New York City and Brooklyn, against the reduction of the duty on brushes—to the Committee on Ways and Means.

By Mr. D. B. HENDERSON: Papers from the Iowa Railroad Commission relative to the loss of life in coupling and uncoupling freight-cars—to the Committee on Commerce.

By Mr. HIRES: Petition of farmers of Camden County, New Jersey, to increase duties on certain farm products—to the Committee on Ways and Means.

By Mr. HOOKER: Petition of Richard W. Meade, administrator of Richard W. Meade, deceased, for relief—to the Committee on Foreign Affairs.

Also, petition of Elias Nuger, of Mississippi, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. HUNTER: Petition of Jacob Duvall, of Joseph Wells, and of George W. Woosley, of Edmonson County; and of G. H. Leigh, of Wiley Y. Brown, of L. W. Kinchelor, and of Samuel M. Ross, of Muhlenberg County; and of M. D. Hightower, of D. D. Duncan, of P. H. Thurston, of Joel Stovall, of B. E. Warder, of John Riley, of Samuel B. Brown, of Marion Thurmond, of estate of Samuel Grinter, and of G. W. Gillum, of Logan County; and of Mrs. Lyda Goff, and of Wilson L. Jones, of Clinton County; and of estate of John Hoy, of J. S. Hall, of estate of H. J. Duncan, and of G. M. Morris, of Simpson County; and of H. M. Alexander, of J. D. Allen, and of W. J. Pace, of Cumberland County; and of J. T. C. Moore, of Martha E. Dycus, and of E. S. Stewart & Co., of Todd County; and of Algernon S. Walker, of Franklin Richards, of W. T. Anthony, of John H. Sear, of Moses M. Syles, of Daniel Streatt, and of Bradford Howell, of Allen County; and of W. E. Arnold, of Eliza B. Merrett (now Harden), of Nancy B. Herdman, of James F. Going, and of George Lehmans, of Warren County, Kentucky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. JACKSON: Petition of Rev. J. P. Anderson and 54 others, citizens of the Twenty-fourth district of Pennsylvania, against the admission of Utah as a State—to the Committee on the Territories.

By Mr. KEAN: Petition of citizens of Cranbury Station, Middlesex County, and of citizens of Matawan, Monmouth County, New Jersey, for the more effectual protection of agriculture—to the Committee on Ways and Means.

By Mr. KETCHAM: Petition of G. Hills and 181 others, citizens of Columbia County, New York, for the passage of Senate bill 283, for the better protection of Yellowstone Park—to the Committee on the Public Lands.

By Mr. LEE (by request): Petition of Charles W. Myers, of Jesse Piggott, and of Armistead M. Johnson, of Loudoun County, and of Ulam W. Barker, of Fairfax County, Virginia, for reference of their claim to the Court of Claims—to the Committee on War Claims.

By Mr. McKINLEY: Resolutions of the St. Louis (Mo.) Merchants' Exchange, in favor of the passage of the Nicaragua Canal bill—to the Committee on Railways and Canals.

By Mr. MAISH: Petition of John R. Turner, for relief—to the Committee on Claims.

By Mr. MANSUR: Petition of Frank M. Lewis, for relief—to the Committee on War Claims.

By Mr. MILLS: Petition for the relief of J. Y. Carpenter—to the Committee on Claims.

By Mr. MORRILL: Petition of Local Assembly No. 1369, Knights of Labor, of Atchison, Kans., for the passage of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. NUTTING: Petition of 74 citizens of South Butler, and of C. C. Thompson and 32 others, citizens of Wayne County, New York, to prevent the fraudulent importation of cattle, and for other purposes—to the Committee on Ways and Means.

By Mr. CHARLES O'NEILL: Petition of operatives employed in the manufacture of worsted yarns throughout the United States, for more effectual protection to worsted-yarn manufacturing establishments, etc.—to the Committee on Ways and Means.

By Mr. PARKER: Petition of farmers of Orleans, N. Y., for protection by tariff—to the Committee on Ways and Means.

By Mr. PHELPS: Petition of citizens of Monmouth County, New Jersey, against menhaden fishing off the New Jersey coast—to the Committee on Merchant Marine and Fisheries.

By Mr. PLUMB: Petition of 300 members of Local Assembly No. 1723, Knights of Labor, of Streator, Ill., for the passage of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. RANDALL: Petition of William H. Hiestand and Samuel W. Hunter, to repeal that portion of the internal-revenue laws which classes druggists as liquor dealers—to the Committee on Ways and Means.

By Mr. SAWYER: Petition of 120 citizens of Albion, N. Y., for reduction of postage—to the Committee on the Post-Office and Post-Roads.

By Mr. SENEY: Petition of Amos Taylor and 25 others, of E. Brown and 30 others, of David Morrell and 40 others, and of J. W. Leonard and 30 others, citizens of Marion County; and of J. R. Jury and 30 others, and of D. S. Bretz and 40 others, citizens of Wyandot County, Ohio, favoring the wool tariff agreed to by the Wool-Growers' and Woolen Manufacturers' Association—to the Committee on Ways and Means.

Also, appeal of the flax-dressers of New Jersey on tariff legislation—to the Committee on Ways and Means.

Also, memorial of Farmers' Alliance, for a department of agriculture—to the Committee on Agriculture.

Also, protest of Flax and Hemp Spinners' Association against changing the duties on flax and hemp—to the Committee on Ways and Means.

Also, memorial of James Mitchell, favoring national aid to education—to the Committee on Education.

By Mr. SHAW: Petition of James F. Rinker, late postmaster at Leesburgh, Va., for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. SIMMONS: Petition of 117 citizens of Eastern North Carolina for a light-house at Gull Shoals, in Pamlico Sound—to the Committee on Commerce.

By Mr. SPRINGER: Petition of W. S. Duncan and others, relative to the mineral lands of Montana Territory—to the Committee on the Public Lands.

By Mr. J. W. STEWART: Petition of George S. Hawley, for a pension—to the Committee on Invalid Pensions.

By Mr. STOCKDALE: Petition of James K. Hyman, of Adams County, Mississippi, for reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Patrick Foley, of Adams County, Mississippi, for payment of his war claim—to the Committee on War Claims.

By Mr. STONE, of Kentucky: Petition of Mrs. Fannie Bostwick, of Covington, Ky., for back pay and bounty due her former husband, Lieut. Martin B. Stroder, late assistant surgeon of the Seventy-fifth Ohio Volunteer Infantry—to the Committee on War Claims.

By Mr. STONE, of Missouri: Petition of S. Book and 108 others, citizens of Cass County, Missouri, against any change in the tariff on flaxseed and linseed-oil—to the Committee on Ways and Means.

By Mr. T. L. THOMPSON: Petition for the establishment of a quarantine station at the port of San Francisco, Cal.—to the Committee on Commerce.

Also, petition of citizens of California, against removal of the tariff on chrome iron-ore—to the Committee on Ways and Means.

By Mr. VANDEVER: Petition of John M. Cree and 18 other male citizens of San Jacinto, Cal., for better legal protection of women and girls—to the Committee on the Judiciary.

Also, petition for a quarantine station at San Francisco, Cal.—to the Committee on Commerce.

By Mr. WASHINGTON: Petition of James H. Jenkins, and of P. T. Roscoe, by W. A. Roscoe, administrator, of Davidson County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WEST: Petition of citizens of the Twentieth district of New York, for the passage of Senate bill 283, for the better protection of the Yellowstone Park—to the Committee on the Public Lands.

By Mr. WHEELER: Petition of Riley Ragan and others, relative to certain lands granted to the Coosa and Chattooga Railroad—to the Committee on the Public Lands.

Also, petition of William A. Rolonberry, of Limestone County; of James McPeters, of Lauderdale County, and of Vina Vaughn (formerly Gray), of Lawrence County, Alabama, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. WILLIAM WHITING: Petition of A. L. Williston, of Northampton; of Albee, Lyans & Co., and of Highland Mills, Huntington, Mass., for better mail facilities in New England—to the Committee on the Post-Office and Post-Roads.

By Mr. WHITTHORNE: Petition of Mrs. M. J. Thomason, of Tennessee, for relief—to the Committee on War Claims.

Also, petition of T. C. Smith, of Maury County, Tennessee, for payment of his war claim—to the Committee on War Claims.

Also, petition of William N. Edney, for a pension—to the Committee on Invalid Pensions.

The following petitions, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, were severally referred to the Committee on Invalid Pensions:

By Mr. JEHU BAKER: Of D. Wilkens and 30 other ex-soldiers of Bond County, Illinois.

By Mr. BUCHANAN: Of citizens of Atlantic County, New Jersey.

By Mr. BUNNELL: Of ex-soldiers and sailors of Wayne County, Pennsylvania.

By Mr. CUTCHEON: Of citizens of Kalkaska County, Michigan.

By Mr. HAUGEN: Of ex-soldiers and sailors of Knapp, Wis.

By Mr. HIRES: Of citizens of Vineland, N. J.

By Mr. KEAN: Of ex-Union soldiers of New York and other counties of New York.

By Mr. OSBORNE: Of ex-soldiers and sailors of New York.

By Mr. SENEY: Of C. H. David and others, of New York.

By Mr. E. B. TAYLOR: Of citizens of Ashtabula County, Ohio.

By Mr. J. R. WHITING: Of M. H. Potter and 26 other citizens, and of Rev. John Tree and 63 other citizens, of Lapeer County, Michigan.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. MCKINLEY: Of 171 citizens of Columbiana County, Ohio.

By Mr. PLUMB: Of 223 citizens of Grundy County, Illinois.

The following petitions, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia, were severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. JACKSON: Of Mrs. J. F. Hill and 25 others, citizens of Cannonsburgh, Pa.

By Mr. KELLEY: Of 69 citizens of the Fourth district of Pennsylvania.

SENATE.

THURSDAY, *April* 5, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of State transmitting a proposal from the Dominion of Canada for direct and immediate exchange of parliamentary publications with this Government; which, with the accompanying paper, was referred to the Committee on Printing, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, for the consideration of the Committee on Appropriations, letters from his Department to committees of Congress having reference to the restrictions imposed by law relative to the binding of books, etc., for the Department; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of members of the Washington Homeopathic Medical Society, praying for the repeal of the import duty on medical and surgical appliances; which was referred to the Committee on Finance.

Mr. COCKRELL. I present the petition of Hon. James Harding, William G. Downing, and J. B. Breathitt, constituting the Board of Railroad Commissioners of Missouri, praying Congress to adopt a resolution instructing the Interstate Commerce Commission to consider the casualties resulting from the coupling and uncoupling of freight cars to persons employed at that business, and to engineers and brakemen in consequence of defective brakes; also concerning the heating of cars. I move that the petition be referred to the Committee on Interstate Commerce.

The motion was agreed to.

Mr. SHERMAN presented a petition signed by all the members of the amateur sporting clubs of Wellsville, Ohio, and other citizens of that town, praying for the passage of Senate bill 283, for the protection of the Yellowstone National Park; which was ordered to lie on the table.

He also presented a petition of Typographical Union No. 5, of Columbus, Ohio, praying for the passage of an international copyright law; which was ordered to lie on the table.

Mr. FRYE presented the petition of Capt. Harrison Moulton, late captain First Cavalry, United States Army, praying to be reappointed to the Army, and placed upon the retired-list with the rank of captain of cavalry; which was referred to the Committee on Military Affairs.

Mr. CULLOM presented the memorial of Thomas Keady, secretary of the State Grange of Illinois, and other citizens of Peoria County, Illinois, and a memorial of 32 citizens of Hardin County, Illinois, remonstrating against the passage of the Palmer pleuro-pneumonia bill; which were ordered to lie on the table.

Mr. STOCKBRIDGE presented the petition of Francis Markle and 60 other ex-Union soldiers and sailors, citizens of Lapeer County, Michigan, and the petition of John G. Brown and 14 other ex-Union soldiers and sailors, citizens of Michigan, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. SAULSBURY presented the petition of John C. Pennewill and 300 other citizens of Delaware, praying that an appropriation be made for the improvement of the St. Jones River, in that State; which was referred to the Committee on Commerce.

Mr. MORGAN. I present some resolutions in the form of an address to the Senate and House of Representatives, of the national convention of the American Shipping and Industrial League, held at New Orleans on the 18th of February, and at their request I ask, as the address is very brief, that it may be printed in the RECORD.

The resolutions were referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

NATIONAL CONVENTION OF THE AMERICAN SHIPPING AND INDUSTRIAL LEAGUE,
New Orleans, La., February 16, 17, 18, 1888.

[Extract from minutes.]

Hon. S. R. Mallory, of Florida, chairman of the committee on resolutions, presented the following resolution to the convention:

Resolved, As representatives of the convention assembled in New Orleans, February 16, 17, and 18, 1888, recognizing the importance of immediate action of Congress in measures of relief to the farmer, the manufacturer, the merchant, the mechanic, and the laborer, whereby the surplus product of this country may find a steady market, and skilled and unskilled labor assurance of permanent employment, we believe this will be secured by the extension of foreign commerce, and that the best means to this end is an American merchant marine, fostered and encouraged by the United States Government, which is the unanimous opinion of this body, will be fully subserved by the following bill:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That on and after the passage of this act there shall be paid, out of any moneys in the Treasury of the United States not otherwise appropriated, to any vessel, whether sail or steam, built and owned wholly in the United States, engaged in the foreign trade, the sum of 30 cents per registered ton for each 1,000 miles sailed, and pro rata for any distance traveled less than 1,000 miles on any voyage or voyages between this and any foreign country or countries, and the measure of distance traveled, and the distance between ports or places in this country and ports or places in foreign countries, and between one foreign port or place and another foreign port or place, and from any designated point of longitude or latitude to any port or place in this country or any foreign country, shall be determined by measurements which shall be furnished by the United States Hydrographic Office to the Bureau of Navigation, and such payments to any vessel as aforesaid shall be paid on the vessel's arrival at a port of entry in the United States, in accordance with such regulations as the Secretary of the Treasury shall prepare and promulgate. The payment at the rate of 30 cents per ton for each 1,000 miles sailed, as herein provided to be paid to vessels engaged in the foreign trade, shall continue for the term of ten years, and thereafter for another term of nine years at a reduction of 3 cents per ton each year upon each 1,000 miles sailed, and pro rata for any less distances."

S. R. MALLORY, *of Florida, chairman.*
G. B. WEST, *of Alabama.*
JOEL P. WALKER, *of Mississippi.*
C. A. FRAME, *of Tennessee.*
W. H. DUNCAN, *of Georgia.*
FRANK BAKER, *of New York.*
G. W. CURTIS, *of Illinois.*
C. R. BOYD, *of Virginia.*
E. D. FENNER, *of Louisiana.*
W. H. MILLER, *of Missouri.*
J. T. C. JOHNSON, *of Texas.*
DANDRIDGE MCRAE, *of Arkansas.*
J. H. MURPHY, *of Iowa.*
B. D. WOOD, *of Pennsylvania.*
W. H. DUNCAN, *of South Carolina.*
W. H. H. JOHNSTON, *of Minnesota.*

Capt. A. K. Miller, of Louisiana, offered the following resolution, which was unanimously adopted:

Resolved, That the secretary be authorized to have printed immediately the resolution just passed, and that he be further requested to address a copy to the President of the United States, the members of the Cabinet, to each Senator and Representative in the United States Congress, and to the governor of each State and Territory in the Union; and further, that the secretary be instructed to request Hon. AMOS CUMMINGS, of New York, and Hon. JOHN T. MORGAN, of Alabama, to present this resolution to the United States House of Representatives and to the United States Senate respectively.

E. O. STANARD (of Missouri),
President of the Convention.

Official:
[SEAL.]
CHARLES S. HILL,
Secretary of the Convention.

Mr. WILSON, of Maryland, presented a memorial of 54 citizens of Baltimore County, Maryland, remonstrating against the passage of Senate bill 2083, for the establishment of a Bureau of Animal Industry, and for other purposes; which was ordered to lie on the table.

Mr. PADDOCK presented a memorial of the Agricultural Society of the State of New York, remonstrating against the passage of Senate

bill No. 2083, known as the Palmer pleuro-pneumonia bill; which was ordered to lie on the table.

Mr. PAYNE presented 15 petitions, signed by 509 ex-Union soldiers and sailors, citizens of Ohio, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. PALMER presented the petition of Francis Markle and 22 other citizens of Columbiaville, Mich., and the petition of J. C. Rush and 37 other citizens of Lapeer County, Michigan, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. CAMERON presented two petitions of ex-Union soldiers and sailors, citizens of Wayne and Luzerne Counties, Pennsylvania, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. BLAIR presented the petition of J. C. Loudon and other citizens of Statesville, N. C., praying for the passage of the Blair education bill; which was ordered to lie on the table.

Mr. BLAIR. I have here a large mass of many thousands of petitions for the passage of the bill providing pension for army nurses. These petitions are from the Grand Army and from the soldiers of the country, the Woman's Relief Corps, and other like sources; and I will ask, as a bill on that subject has been already reported, that they lie on the table and that the Secretary will take the trouble of making the proper enumeration of these several petitions without delaying the Senate by reading them.

I will, in order to give the contents of this great mass of petitions—they are substantially the same—read one of them. It is as follows:

PETITION FOR ARMY NURSES.

HEADQUARTERS PENSION COMMITTEE, WOMAN'S RELIEF CORPS,
AUXILIARY TO THE GRAND ARMY OF THE REPUBLIC,
7 Chestnut street, Malden, Mass., September 10, 1887.

The fourth national convention, held in San Francisco, Cal., August, 1886, upon recommendation of the committee on pensions, was instructed to prepare a petition to be circulated by the corps in the various departments for signature by members of the Woman's Relief Corps and Grand Army of the Republic, and friends of the soldiers. The petition is in support of bill prepared by pension committee in behalf of army nurses. It has received the indorsement of the national president, Woman's Relief Corps, and the hearty commendation of Comrades George S. Merrill, James Tanner, John C. Linnehan, and John S. Kountz, of the Grand Army of the Republic national pension committee. (See form of petition on back of this sheet.)

Department presidents will at once place the petition before the corps in their departments; and corps presidents will take prompt action to appoint committees to circulate petitions and obtain signatures of members of the order, comrades of the Grand Army of the Republic, and friends of the soldiers.

It is in support of the bill I have mentioned, which has been reported by the Committee on Pensions.

The PRESIDENT *pro tempore*. The petitions will be separately noted and lie on the table.

The petitions are as follows:

A petition of C. F. Chamberlin Corps, No. 110, Department of Ohio;

A petition of Ingle Corps, No. 43, Department of Ohio;

A petition of Charles G. Bacon Corps, No. 10, Department of Wisconsin;

A petition of Woman's Relief Corps, No. 37, Department of Wisconsin;

A petition of C. J. Powers Corps, No. 26, Department of New York;

A petition of Thomas G. Stevenson Corps, No. 63, Department of Massachusetts;

Three petitions of Oscéola Corps, No. 102, Department of Iowa;

Three petitions of William Bell Corps, Department of Michigan;

A petition of H. F. Wallace Corps, No. 75, Department of Michigan;

A petition of F. W. Walhe Corps, No. 99, Department of Michigan;

A petition of Silas Kimball Corps, Department of Ohio;

Three petitions of Colonel Emery Relief Corps, No. 20, Department of New Hampshire;

Two petitions of Prescott Jones Corps, No. 21, Department of New Hampshire;

A petition of W. K. Cobb Corps, No. 4, Department of New Hampshire;

A petition of the Woman's Relief Corps, No. 58, Downing, Wis.;

A petition of Major Jarvis Corps, No. 10, Department of New Hampshire;

A petition of O. W. Lull Corps, No. 5, Department of New Hampshire;

A petition of T. L. Sutphen Corps, No. 28, Department of Wisconsin;

A petition of C. H. Stevens Corps, No. 31, Department of Massachusetts;

Three petitions of Charles R. Lowell Corps, No. 28, Department of Massachusetts;

Three petition of Galen Orr Corps, No. 85, Department of Massachusetts;

Three petitions of Burbank Corps, No. 82, Department of Massachusetts;

Two petitions of H.V. Smith Corps, No. 28, Department of Massachusetts;

Two petitions of Francis Washburn Corps, No. 79, Department of Massachusetts;

Two petitions of Malden Corps, No. 6, Department of Massachusetts;

Three petitions of W. C. Kingsley Corps, No. 21, Department of Massachusetts;

A petition of General Lander Corps, No. 29, Department of Massachusetts;

Three petitions of Alanson Hamilton Corps, No. 86, Department of Massachusetts;

A petition of George S. Boutwell Corps, No. 49, Department of Massachusetts;

Three petitions of William Logan Rodman Corps, No. 53, Department of Massachusetts;

Three petitions of Isaac Davis Corps, No. 62, Department of Massachusetts;

A petition of F. P. H. Rogers Corps, No. 25, Department of Massachusetts;

A petition of A. W. Bartlett Corps, No. 26, Department of Massachusetts;

Three petitions of General James Appleton Corps, No. 42, Department of Massachusetts;

Three petitions of E. P. Carpenter Corps, No. 41, Department of Massachusetts;

A petition of Charles Beck Corps, No. 2, Department of Massachusetts;

A petition of E. K. Wilcox Corps, No. 14, Department of Massachusetts;

Two petitions of Charles Sumner Corps, No. 87, Department of Massachusetts;

A petition of John H. Chipman Corps, No. 30, Department of Massachusetts;

A petition of Woburn Corps, No. 83, Department of Massachusetts;

A petition of Dahlgren Woman's Corps, No. 20, Department of Massachusetts;

Three petitions of E. V. Sumner Corps, No. 1, Department of Massachusetts;

A petition of Corps No. 6, Department of Massachusetts;

Two petitions of E. Humphry Corps, No. 60, Department of Massachusetts;

A petition of George E. Sayles Woman's Relief Corps, No. 44, Department of Massachusetts;

A petition of Edwin E. Day Corps, No. 57, Department of Massachusetts;

Two petitions of George C. Strang Corps, No. 58, Department of Massachusetts;

Three petitions of Ozro Miller Corps, No. 56, Department of Massachusetts;

A petition of Charles Beck Corps, No. 2, Department of Massachusetts;

A petition of Theo. Winthrop Corps, No. 10, Department of Massachusetts;

A petition of Justice Davis Corps, No. 97, Department of Massachusetts;

A petition of John A. Hawes Corps, No. 3, Department of Massachusetts;

A petition of Lyon Relief Corps, No. 22, Department of Massachusetts;

Two petitions of H. S. Greenleaf Corps, No. 218, Department of Massachusetts;

A petition of D. Willard Robinson Corps, No. 13, Department of Massachusetts;

A petition of Corps No. 78, Department of Massachusetts;

A petition of L. L. Merrick Corps, No. 76, Department of Massachusetts;

A petition of Corps No. 35, Department of Massachusetts;

Two petitions of Phil. H. Sheridan Corps, No. 34, Department of Massachusetts;

Three petitions of J. C. Freeman Corps, No. 51, Department of Massachusetts;

A petition of General E. W. Hinks Corps, No. 46, Department of Massachusetts;

Two petitions of George E. Sayles Woman's Relief Corps, No. 44, Department of Massachusetts;

A petition of A. W. Bartlett Corps, No. 26, Department of Massachusetts;

A petition of F. P. H. Rogers Corps, No. 25, Department of Massachusetts;

Three petitions of Corps No. 52, Department of Massachusetts;

A petition of John A. Hawes Corps, No. 3, Department of Massachusetts;

A petition of E. K. Wilcox Corps, No. 14, Department of Massachusetts;

A petition of W. J. Brown Corps, Department of New Hampshire;

A petition of Col. E. E. Cross Corps, Department of New Hampshire;

Two petitions of Moses H. Collins Corps, Department of New Hampshire;

A petition of D. B. Dudley Corps, Department of New Hampshire;
Two petitions of John G. Foster Relief Corps, Department of New Hampshire;
A petition of Charles H. Hoitt Corps, Department of New Hampshire;
A petition of Charles D. Hall Corps, Department of New Hampshire;
A petition of Lyman Locke Corps, Department of New Hampshire;
Three petitions of John A. Logan Corps, Department of New Hampshire;
Two petitions of James R. Newell Woman's Relief Corps, Department of New Hampshire;
Two petitions of Nelson Corps, Department of New Hampshire;
Three petitions of Perkins Relief Corps, Department of New Hampshire;
Two petitions of A. M. Perkins Corps, Department of New Hampshire;
A petition of Colonel Putnam Corps, Department of New Hampshire;
Three petitions of E. E. Sturtevant Corps, Department of New Hampshire;
Two petitions of Marshall Sanders Corps, Department of New Hampshire;
Three petitions of Sampson Corps, Department of New Hampshire;
Three petitions of Sawyer Corps, Department of New Hampshire;
Three petitions of John Sedgwick Corps, Department of New Hampshire;
Three petitions of G. F. Sweatt Corps, Department of New Hampshire;
Three petitions of Adams K. Tilton Corps, Department of New Hampshire;
Two petitions of E. N. Taft Corps, Department of New Hampshire;
Two petitions of Eli Wentworth Corps, Department of New Hampshire;
A petition of C. W. Small Corps, No. 5, Department of New Hampshire;
A petition of Rochester Corps, No. 19, Department of Pennsylvania;
A petition of Woman's Relief Corps, Department of Wisconsin;
A petition of Woman's Relief Corps, Department of Iowa;
A petition of Woman's Relief Corps, Department of Missouri;
A petition of Lewis Bell Corps, No. 17, Department of New Hampshire;
Three petitions of the Woman's Relief Corps, No. 1, Department of New Hampshire;
A petition of Penniman Corps, No. 9, Department of New Hampshire;
A petition of T. L. Sutphen Corps, No. 28, Department of Wisconsin;
A petition of Corps No. 113, Department of Kansas;
Three petitions of John Rogers Corps, No. 61, Department of Massachusetts;
Five petitions of Tower Corps, No. 1, Department of Rhode Island;
Two petitions of Carlos Fletcher Corps, No. 16, Department of New Hampshire;
A petition of the O. W. Lull Corps, No. 5, Department of New Hampshire;
A petition of Louis Bell Corps, No. 17, Department of New Hampshire;
A petition of Prescott Jones Corps, No. 21, Department of New Hampshire;
A petition of Charles H. Phelps Corps, No. 13, Department of New Hampshire;
Two petitions of Carlton Corps, No. 18, Department of New Hampshire;
Two petitions of G. W. Shuster Corps, No. 108, Department of Ohio;
Two petitions of Tod Corps, No. 3, Department of Ohio;
A petition of Department of Ohio, No. 152;
A petition of Burnham Corps, No. 110, Department of Ohio;
A petition of George H. Hoyt Corps, No. 15, Department of New Hampshire;
A petition of Woman's Relief Corps, Department of Vermont;
Two petitions of Rochester Corps, No. 19, Department of Pennsylvania;
A petition of Everett Peabody Corps, No. 4, Department of Massachusetts;
A petition of Woman's Relief Corps, Department of Illinois, No. 77;
A petition of G. R. Smith Corps, No. 32, Department of Missouri;
A petition of George R. Taylor Relief Corps, No. 91, Department of Iowa;
A petition of Bucklin Post, No. 20, Grand Army of the Republic;
A petition of T. L. Sutphen Corps, No. 28, Department of Wisconsin;
Two petitions of Isaac B. Patten Corps, No. 59, Department of Massachusetts;
A petition of Woman's Relief Corps, Department of Maine;
A petition of Woman's Relief Corps, Department of Connecticut;
A petition of Woman's Relief Corps, Department of Colorado;
Two petitions of Budlong Corps, No. 2, Department of Rhode Island;
A petition of George R. Taylor Relief Corps, No. 91, Department of Iowa;
Three petitions of Ballou Relief Corps, No. 5, Department of Rhod Island;
Three petitions of C. E. Lawton Corps, No. 3, Providence, Department of Rhode Island;
Two petitions of Sedgwick Corps, No. 4, Department of Rhode Island;
A petition of Woman's Relief Corps, Department of Rhode Island, Grand Army of the Republic, and Slocum Post No. 10;
A petition of Woman's Relief Corps, Babbit Post, No. 15;
A petition of Woman's Relief Corps, McGregor Post, No. 14;
A petition of Woman's Relief Corps, Farragut Post, No. 8;
A petition of Woman's Relief Corps, Thomas Post, No. 11;
A petition of Woman's Relief Corps, J. C. Nichols Post, No. 19;
A petition of Carlos Fletcher Corps, No. 16, Department of New Hampshire;
A petition of Woman's Relief Corps, Department of Kansas, No. 113;
Three petitions of Fred Smyth Corps, No. 7, Department of New Hampshire;
Three petitions of O. W. Keyer Corps, No. 8, Department of New Hampshire;
Two petitions of James A. Garfield Corps, No. 33, Department of Massachusetts;
A petition of Fletcher Webster Corps, No. 7, Department of Massachusetts;
Two petitions of J. P. Gould Corps, No. 65, Department of Massachusetts;
A petition of Woman's Relief Corps, Department of Massachusetts;
A petition of Lyon Relief Corps, No. 22, Department of Massachusetts;
A petition of W. K. Cobb Corps, No. 4, Department of New Hampshire;
A petition of Silas Kimball Corps, No. 149, Department of Ohio;
Two petitions of New Albany Corps, No. 68, Department of Kansas;
Three petitions of Dahlgren Corps, No. 57, Department of Kansas;
A petition of Major Jarvis Corps, No. 10, Department of New Hampshire;
A petition of J. G. Blunt Corps, No. 101, Department of Kansas;
A petition of Everett Peabody Corps, No. 4, at Georgetown, Department of Massachusetts;
A petition of Natt Westgate Corps, No. 11, Department of New Hampshire;
A petition of Potomac Corps, Department of Potomac;
A petition of George H. Ward Corps, No. 11, Department of Massachusetts;
Two petitions of E. P. Wallace Corps, No. 19, Department of Massachusetts;
Two petitions of H. M. Warren Corps, No. 69, Department of Massachusetts;
A petition of W. W. Rockwell Corps, No. 87, Department of Massachusetts;
Three petitions of Kilpatrick Corps, No. 38, Department of Massachusetts;
Two petitions of Woman's Relief Corps, No. 11, Department of Massachusetts;
Three petitions of W. L. Baker Corps, No. 18, Department of Massachusetts;
A petition of P. T. Wyman Corps, No. 17, Department of Massachusetts;
A petition of E. K. Wilcox Corps, No. 14, Department of Massachusetts;
A petition of John Godwin Corps, No. 23, Department of Massachusetts;
Three petitions of George L. Stearns Corps, No. 9, Department of Massachusetts;
Three petitions of E. W. Pierce Corps, No. 8, Department of Massachusetts;
Three petitions of D. G. Farragut Corps, No. 90, Department of Massachusetts;
A petition of Benjamin Stone Corps, No. 68, Department of Massachusetts;
Two petitions of Malcolm Ammichus Corps, No. 71, Department of Massachusetts;
A petition of Brooklyn Corps, No. 167, Department of Ohio;
A petition of Woman's Relief Corps, No. 31, Department of Dakota;
A petition of Woman's Relief Corps, No. 42, Department of New Hampshire;
A petition of Charles H. Hoitt Corps, No. 43, Department of New Hampshire;
A petition of Woman's Relief Corps, Department of Indiana;
A petition of Woman's Relief Corps, No. 39, Department of Minnesota;
Two petitions of E. Brighham Piper Corps, No. 54, Department of Massachusetts;
A petition of Woman's Relief Corps, No. 8, Department of Maryland;
A petition of Woman's Relief Corps, No. 14, Department of Oregon;
A petition of Woman's Relief Corps, No. 163, Department of Kansas;

A petition of Woman's Relief Corps, No. 5, Department of Providence, R. I.;
A petition of Woman's Relief Corps, No. 10, Department of Washington Territory;
A petition of Woman's Relief Corps, Department of California;
A petition of Woman's Corps, No. 15, Department of New Jersey;
A petition of South Bend Division of the Woman's Relief Corps, No. 25, Department of Indiana;
A petition of Woman's Relief Corps, No. 84, Department of Illinois;
A petition of Lacon Corps, No. 26, Department of Illinois;
A petition of Ward Corps, No. 12, Department of Massachusetts;
A petition of Joe Johnson Corps, No. 73, Department of Massachusetts;
A petition of Lyon Relief Corps, No. 22, Department of Massachusetts;
Two petitions of D. W. Robinson Corps, No. 13, Department of Massachusetts;
A petition of Charles Chipman Corps, No. 91, Department of Massachusetts;
A petition of C. R. Mudge Corps, No. 24, District of Massachusetts;
Two petitions of Dahlgren Corps, No. 20, Department of Massachusetts;
Two petitions of Colonel Prescott Corps, No. 15, Department of Massachusetts;
Three petitions of U. S. Grant Corps, No. 16, Department of Massachusetts;
A petition of Armstrong Corps, No. 92, Department of Massachusetts;
A petition of Armstrong Corps, No. 150, Department of Massachusetts;
Three petitions of Horace Niles Corps, No. 89, Department of Massachusetts;
A petition of P. Stearns Davis Corps, No. 66, Department of Massachusetts;
Three petitions of Manton E. Taft Corps, No. 64, Department of Massachusetts;
Two petitions of Charles Chipman Corps, No. 91, District of Massachusetts;
Three petitions of James A. Perkins Corps, No. 40, District of Massachusetts;
Two petitions of G. H. Maintien Corps, No. 74, Department of Massachusetts;
Three petitions of Maj. E. F. Fletcher Corps, No. 72, Department of Massachusetts;
Two petitions of William H. Smart Corps, No. 27, Department of Massachusetts;
A petition of W. W. Rockwell Corps, No. 37, Department of Massachusetts;
Three petitions of E. A. Andrews Corps, No. 36, Department of Massachusetts; and
Two petitions of Fletcher Webster Corps, No. 7, Department of Massachusetts.

REPORTS OF COMMITTEES.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the proposed constitutional amendment to give certain rights of representation in the Senate and House of Representatives to the inhabitants of the District of Columbia, to ask to be discharged from the further consideration of the matter, and that the same be referred to the Committee on Privileges and Elections.

The PRESIDENT *pro tempore*. The proposed joint resolution having no indorsement or title, it will be read in full.

Mr. HOAR. I do not think it is necessary to read the resolution in full. It has no title, but I described it in my statement. It is a resolution proposing to confer on the citizens of the District of Columbia the privileges of representation in the Senate and House of Representatives. The Committee on the Judiciary ask to be discharged from its further consideration, and that the same be referred to the Committee on Privileges and Elections.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (S. 2110) granting the right of way for the construction of a railroad through the Hot Springs reservation, State of Arkansas, reported it with amendments.

Mr. SAWYER, from the Committee on Commerce, to whom were referred the bill (S. 2401) authorizing the construction of a railroad bridge across the Snake River by the Oregon Railway and Navigation Company, and the bill (S. 2400) authorizing the construction of a railroad bridge across the Clear Water River, in the Territory of Idaho, between its mouth and the boundary line of the Nez Percé Indian reservation by the Oregon Railway and Navigation Company, moved their indefinite postponement, which was agreed to; and he reported a bill (S. 2601) authorizing the construction of railroad bridges across the Snake River and across the Clear Water River by the Oregon Railway and Navigation Company; which was read twice by its title.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 8393) to protect lands belonging to Indians from unlawful grazing, and for other purposes, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. 8006) to amend section 5388 of the Revised Statutes of the United States, in relation to timber depredations, reported it without amendment.

Mr. HAWLEY, from the Committee on Military Affairs, to whom were referred the bill (S. 657) to amend the act entitled "An act more effectually to provide for the organization of the militia of the District of Columbia," passed March 3, 1803, and the bill (S. 2432) concerning the militia of the District of Columbia, reported adversely thereon, and asked that they be placed on the Calendar, which was agreed to; and he reported a bill (S. 2602) to amend sections 1195, 1196, 1197, 1198, 1199, and 1200 of the Revised Statutes of the District of Columbia; which was read twice by its title.

Mr. SPOONER, from the Committee on Claims, to whom was refered the bill (S. 1715) for the relief of the sureties of Dennis Murphy, reported it without amendment, and submitted a report thereon.

Mr. SPOONER. I am instructed by the Committee on Claims, to whom was referred the bill (S. 1010) for the relief of Samuel Ceas, of the District of Columbia, to report it adversely, and I ask that it may lie on the table. I wish to state in connection with the bill that in investigating it the committee find the subject is already pending by reference from the House of Representatives before the Court of Claims under the Bowman act. I desire that the bill may lie upon the table until a later date.

The PRESIDENT *pro tempore*. The adverse report will be agreed to and the bill will lie upon the table.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 327) for the erection of a public building at Stillwater, Minn., reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 956) for the erection of a public building at Boulder, Colo., reported it with amendments.

WILLIAM W. MACKALL.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary to report favorably without amendment the bill (H. R. 3) to remove the political disabilities of William W. Mackall, of Virginia, and, as usual in such cases, I ask for the immediate consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed, two-thirds of the Senators present voting in the affirmative.

COURTS IN MISSISSIPPI.

Mr. GEORGE. I am directed by the Committee on the Judiciary to report favorably without amendment the bill (H. R. 8808) to amend an act entitled "An act to provide for holding terms of United States courts at Vicksburg, Miss." It is a purely local bill, to detach two counties from one district and attach one to another. I ask unanimous consent to have the bill considered at this time.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. CALL introduced a bill (S. 2603) granting right of way across United States lands in St. Augustine, Fla.; which was read twice and referred to the Committee on Military Affairs.

Mr. CALL. I move that the bill be referred, with the accompanying papers, to the Committee on Military Affairs, and I beg leave to ask the committee to take immediate action upon it, inasmuch as it is a matter of very pressing importance.

The motion was agreed to.

Mr. CULLOM introduced a bill (S. 2604) granting a pension to Mrs. Loanda Sherman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 2605) relating to the anchorage of vessels in the port of New York; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SHERMAN introduced a bill (S. 2606) granting a pension to John B. Timberman; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2607) granting a pension to Frances Daum; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 2608) for the relief of Harrison Flora; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 2609) granting a pension to H. H. Russell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2610) granting a pension to Flora E. Shaver; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2611) granting a pension to Charles

Craft; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PALMER (by request) introduced a bill (S. 2612) for the relief of Daniel W. Perkins; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. FRYE (by request) introduced a bill (S. 2613) to amend an act approved June 15, 1882, changing the boundaries of the fourth collection district of Virginia; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. JONES, of Arkansas, introduced a bill (S. 2614) to authorize the Batesville and Brinkley Railroad to build a bridge across the Black River, in Arkansas; which was read twice by its title, and referred to the Committee on Commerce.

MRS. HETTIE K. PAINTER.

Mr. PADDOCK. If there is no further morning business, I should like to ask the Senate to take up the bill (H. R. 3839) granting a pension to Mrs. Hettie K. Painter.

The PRESIDENT *pro tempore*. Morning business is not yet concluded. Concurrent or other resolutions are next in order.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. SAWYER, it was

Ordered, That leave be granted for the withdrawal of the papers in the case of the legal representatives of Eliza M. Ferris, and that the same be transmitted to the Committee on Claims of the House of Representatives; no adverse report.

On motion of Mr. BLAIR, it was

Ordered, That the memorials against the collection and distribution of mails, etc., on the Sabbath day be taken from the files of the Senate and referred to the Committee on Education and Labor.

IMPROVEMENT OF OCRACOKE INLET.

Mr. RANSOM submitted the following resolution; which was referred to the Committee on Commerce:

Resolved, That the Secretary of War be instructed to inquire into the necessity and propriety of improving the inlet of Ocracoke, on the coast of North Carolina, and report to the Senate.

ORDER OF BUSINESS.

Mr. PLUMB. If there is no further morning business, I move that the Senate proceed to the consideration of the bill (S. 1430) to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes.

Mr. PADDOCK. I had already obtained the floor to ask the Senate to proceed to the consideration of a bill with a view to obtain a conference on the disagreeing votes of the two Houses.

Mr. PLUMB. I yield to the Senator from Nebraska.

Mr. WILSON, of Iowa. If the morning business is concluded, I desire to submit some observations to the Senate in pursuance of the notice I gave yesterday.

MRS. HETTIE K. PAINTER.

Mr. PADDOCK. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Nebraska rise to morning business?

Mr. PADDOCK. I desire to call up a House bill in order to secure the appointment of a conference committee on a disagreement between the two Houses. Substantially the same bill was passed by the Senate. There is an amendment reported by the Committee on Pensions which I should like to have agreed to, and then I will ask for a committee of conference on the disagreeing votes of the two Houses.

The PRESIDENT *pro tempore*. The Chair understands that the bill is on the Calendar.

Mr. PADDOCK. It is. I move that the Senate proceed to the consideration of the bill (H. R. 3839) granting a pension to Mrs. Hettie K. Painter.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "twelve" and insert "twenty-five;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Hettie K. Painter, a volunteer nurse during the late war, and pay her a pension at the rate of $25 per month.

The PRESIDENT *pro tempore*. The question is, Will the Senate agree to the amendment?

Mr. COCKRELL. This amendment raises the question as to whether these nurses shall receive $12 or $25 a month. I had hoped that the Senate committee would acquiesce in the action of the other House in fixing the rate uniformly at $12 a month, which is what widows receive. I am opposed to the amendment.

Mr. PADDOCK. The Senator from Missouri will recollect that when substantially the same bill was under consideration it was stated that this was an exceptional case, a case of special merit, and the Senate agreed to the report of the committee in fixing that sum. The only aim now is to secure a committee of conference, and bring about an agreement between the two Houses as to the rate to be fixed.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported from the Committee on Pensions.

The question being put, there were on a division—ayes 21, noes 17; not a quorum voting.

Mr. SHERMAN. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. PASCO (when his name was called). I am paired on all questions with the Senator from Pennsylvania [Mr. QUAY].

Mr. SABIN (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA]. Not being advised how he would vote, I refrain from voting. I should vote "yea" if he were present.

Mr. WILSON, of Maryland (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE].

The roll-call was concluded.

Mr. BLACKBURN. I am paired with the Senator from Nebraska [Mr. MANDERSON], who is absent under the orders of the Senate. If he were present, I should vote "nay."

Mr. HARRIS (after having voted in the negative). I am paired with the Senator from Vermont [Mr. MORRILL], and without thinking of it at the moment I voted in the negative.

I withdraw my vote, supposing that the Senator from Vermont would vote "yea."

Mr. MORGAN. I desire to state that I am paired with the Senator from New York [Mr. EVARTS]. If he were present, I should vote "nay."

Mr. FRYE. My colleague [Mr. HALE] is absent under the orders of the Senate, and is paired with the senior Senator from Louisiana [Mr. GIBSON]. If my colleague were present, he would vote "yea."

Mr. BROWN. I am paired on this question with the Senator from Illinois [Mr. FARWELL].

The result was announced—yeas 23, nays 17; as follows:

YEAS—23.

Allison,	Dawes,	Jones of Nevada,	Spooner,
Blair,	Dolph,	Mitchell,	Stewart,
Bowen,	Frye,	Paddock,	Stockbridge,
Cameron,	Hawley,	Plumb,	Teller,
Cullom,	Hiscock,	Sawyer,	Wilson of Iowa.
Davis,	Hoar,	Sherman,	

NAYS—17.

Bate,	Coke,	Hampton,	Vest,
Beck,	Colquitt,	Jones of Arkansas,	Walthall.
Berry,	Daniel,	Payne,	
Call,	George,	Pugh,	
Cockrell,	Gorman,	Saulsbury,	

ABSENT—36.

Aldrich,	Evarts,	Kenna,	Ransom,
Blackburn,	Farwell,	McPherson,	Reagan,
Blodgett,	Faulkner,	Manderson,	Riddleberger,
Brown,	Gibson,	Morgan,	Sabin,
Butler,	Gray,	Morrill,	Stanford,
Chace,	Hale,	Palmer,	Turpie,
Chandler,	Harris,	Pasco,	Vance,
Edmunds,	Hearst,	Platt,	Voorhees,
Eustis,	Ingalls,	Quay,	Wilson of Md.

So the amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was orded to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. PADDOCK. I move that the Senate insist on its amendment and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. PADDOCK, Mr. DAVIS, and Mr. TURPIE were appointed.

PRESIDENT'S ANNUAL MESSAGE.

Mr. FAULKNER. I move that the Senate proceed to the consideration of Senate bill 1204.

The PRESIDENT *pro tempore*. The Chair had previously recognized the Senator from Iowa [Mr. WILSON], who gave notice of his intention to make some observations on the resolution to refer the message of the President.

Mr. WILSON, of Iowa. In pursuance of the notice which I gave yesterday, I now move to take from the table the resolution submitted by the Senator from Ohio [Mr. SHERMAN] to refer the President's message to the Committee on Finance.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate proceed to the consideration of a resolution which will be read.

The Chief Clerk read the resolution submitted by Mr. SHERMAN December 19, 1887, as follows:

Resolved, That the President's annual message be referred to the Committee on Finance.

FORFEITURE OF UNEARNED RAILROAD LANDS.

Mr. PLUMB. Before the Senator from Iowa commences his speech I wish to state that to-morrow morning, at the conclusion of the morning business, I shall ask the Senate to proceed to the consideration of

the bill which I brought to the attention of the Senate a few moments ago, being the bill (S. 1430) to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes.

COURTS IN WEST VIRGINIA.

Mr. FAULKNER. I ask the Senator from Iowa to yield to me, so that I may call up Senate bill 1204, which is purely a local bill of only about five lines and can be passed, I am confident, within two minutes.

Mr. WILSON, of Iowa. I will yield if it is not going to occupy time.

Mr. FAULKNER. If it leads to any debate I shall withdraw the matter from the consideration of the Senate.

Mr. WILSON, of Iowa. Very well.

The PRESIDENT *pro tempore*. The Senator from Iowa yields for the purpose of permitting the Senator from West Virginia to move that the Senate proceed to the consideration of the bill (S. 1204) to provide for holding the circuit and district courts of the United States at Martinsburgh, in the district of West Virginia. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which was reported from the Committee on the Judiciary with amendments.

The first amendment was, in section 1, line 3, after the word "circuit," to strike out "court" and insert "and district courts;" in line 5, after the word "of," to insert "each of," and in line 6, after the word "said," to strike out "court" and insert "courts;" so as to read:

That, in addition to the terms of the circuit and district courts of the United States, now held in the district of West Virginia, there shall be held, in each year, one term of each of said courts, at Martinsburgh, in said district, on the first Tuesday in August.

The amendment was agreed to.

The next amendment was to strike out section 2, in the following words:

SEC. 2. That the judge of the district court of the United States for the district of West Virginia shall, in addition to the terms of said court now held in said district, hold one term of said court annually at Martinsburgh, in said district, on the 20th day of March.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 6879) to authorize the Secretary of the Treasury to convey to Anson Rudd, of the State of Colorado, certain real estate in the county of Fremont, in said State; and it was thereupon signed by the President *pro tempore*.

PUBLIC BUILDING AT HELENA.

Mr. BERRY. I ask the Senator from Iowa if he will yield to me to call up a local bill which I have been making an effort for some ten days to get up, and which I am especially interested in having passed? If it leads to any debate or any delay I shall withdraw it at once. I would not make the request but that I spoke to the Senator from Iowa about it this morning. Other matters have intervened up to this time, and if he will yield for that purpose I should be glad to call up that bill.

Mr. WILSON, of Iowa. With the understanding stated by him, I yield to the Senator from Arkansas.

Mr. BERRY. I move that the Senate proceed to the consideration of the bill (H. R. 4472) for a public building at Helena, Ark.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENNSYLVANIA STATE CLAIM.

Mr. EDMUNDS. Let us have the regular order now.

Mr. CAMERON. I ask the Senator from Iowa to give way to me for a moment.

Mr. EDMUNDS. Do not do that. It is not fair to the Senator from Iowa nor fair to the other cases on the Calendar.

Mr. CAMERON. That is for the Senator from Iowa to say, I think.

Mr. EDMUNDS. Then it is not fair to the other cases on the Calendar. I demand the regular order.

Mr. CAMERON. I wish to state, not to the Senator from Vermont particularly, but to the Senate, that the bill I propose to have taken up was passed over on Saturday last, when I was absent with the Committee on Commerce in New York, by the order of the Senate, and it is only fair that it should be considered now. I ask for a vote of the Senate, if the Senator from Iowa will give way to me for a moment, so as to test the feeling of the Senate on the question of taking it up.

The PRESIDENT *pro tempore*. Does the Senator from Iowa, who is entitled to the floor, yield for the purpose of enabling the Senator from Pennsylvania to make the motion?

Mr. WILSON, of Iowa. I should have no objection to yielding to the Senator from Pennsylvania, provided the bill he wishes to get up is not going to occupy much time.

Mr. CAMERON. If there is any debate upon it I will withdraw it, but I should like to have a vote of the Senate on taking it up now.

The PRESIDENT *pro tempore*. The Senator from Vermont objects, and, therefore, unanimous consent can not be given, and the question will have to be decided by the vote of a majority of the Senate.

Mr. CAMERON. I understand that.

Mr. EDMUNDS. If the Senator from Iowa chooses to give way, on the statement of the Senator from Pennsylvania, I do not make any objection.

Mr. CAMERON. Then I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 2329) to authorize the Secretary of the Treasury to re-examine and reaudit the claim of the State of Pennsylvania for advances made and money borrowed by said State to pay the militia called into the military service by the governor under the proclamation of the President of June 15, 1863.

The bill was read.

Mr. EDMUNDS. Is there any report, Mr. President?

The PRESIDENT *pro tempore*. There is a report.

Mr. CAMERON. There is a report, but I think I can explain the bill in less time than the reading of the report would occupy.

Mr. EDMUNDS. I should like to hear the report read. The bill involves the whole question of interest to all the States, millions and millions of dollars.

Mr. CAMERON. It is not anything of the kind. This was interest paid by the State.

Mr. EDMUNDS. I understand.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk began to read the report, submitted by Mr. CAMERON, from the Committee on Military Affairs, March 13, 1888.

Mr. WILSON, of Iowa. That seems to be a report of considerable length, and while I regret to withdraw the consent given to the Senator from Pennsylvania——

Mr. CAMERON. I do not want to interfere with the Senator.

Mr. WILSON, of Iowa. Then I shall resume the floor, Mr. President.

PRESIDENT'S ANNUAL MESSAGE.

The Senate resumed the consideration of the resolution submitted by Mr. SHERMAN December 19, 1887, to refer the President's annual message to the Committee on Finance.

Mr. WILSON, of Iowa. Mr. President, the Secretary of the Treasury, in his last annual report, estimated the revenues for the fiscal year ending June 30, 1889, at $383,000,000. His estimate of expenditures for the same period was $326,530,793.26. From these figures resulted his estimate for the same period of a surplus of $56,469,206.74. These are suggestive facts, and they definitely notify us that the Government under existing laws is collecting more money than is required to meet its expenditures.

In the same report it is stated that the receipts for the fiscal year ending June 30, 1887, were $371,403,277.66, and that the expenditures for the year were $315,835,428.12, leaving a surplus of receipts over expenditures of $55,567,849.54; that the receipts for the fiscal year ending June 30, 1888, actual and estimated, are $383,000,000, and the expenditures for the year $316,817,785.48, showing a surplus of $66,182,214.52. From these data it appears that the aggregate surplus for the three years amounts to $178,219,270.80, or an average per year of $59,406,423.60.

The result thus disclosed presents the limit within which Congress may move in the matter of effecting a reduction of the revenue. However much we may differ in respect of the methods of reduction, we doubtless will all agree that the annual revenue of the Government should be reduced. It is not wise nor just to collect more revenue than is needed for the proper purposes of the Government. We are doing this unwise and unjust thing. This ought not to continue. How can it be stopped? By amending the revenue laws. As a general proposition this answer is quite correct; but its indefiniteness leaves us in as great perplexity as though it had not been given. It is quite easy to say that a reduction of taxation will diminish the Government's revenue; but when we come to consider of how it shall be done we are at once confronted by such a multitude of possible results that we are forced to contemplate almost the entire office and scope of government. When we enter upon this duty we find on every hand warnings suggestive of great care in our movements and conservatism in our methods, and unless these warnings are heeded the results of inconsiderate action may be more harmful to the public interests than those which come from a surplus of revenue.

It is not often that nations are confronted by the exigency which now commands our attention. Surplus revenues do not frequently distress them. Deficiencies are usually the troublesome factors of their revenue systems. The principal worry of their statesmen is the devising of measures to enlarge their revenues. In this work they often become adepts. They become skilled in methods for the imposition of additional taxes. The application of this skill has been the constant attendant of the march of the nations, and the aggregates of debt and

taxation have increased with the years of their progress. The debts of the nations whose statistics in this regard are at public command now aggregate, in round numbers, $30,000,000,000, or, assuming the present population of the earth to be 1,500,000,000, some $20 for each man, woman, and child now living. Assuming that an average of five persons constitute the family the world over, we have $100 of the public debts resting upon each household. But our statistics are at fault in some respects. There are some national debts of which we have no accurate statements; and there are many millions of the world's inhabitants not included in the populations of nations having public debts. If we carry these two factors into the case it may safely be said that an approximately accurate distribution of the national debts to heads of families would assign to each about $150.

How is this burden of debt carried? By the imposition of taxes. Does this lighten it? To do this taxes should grow less as the years go on. Are the peoples of the earth experiencing this result? Far from it. Take the decade reaching from 1870 to 1880 as an illustration of how far otherwise the fact is. During the period named taxation in Great Britain increased 20.17 per cent.; in France, 36.13 per cent.; in Russia, 37.10 per cent.; in Sweden and Norway, 50.10 per cent.; in Germany, 57.81 per cent.; and taking into account the other governments, great and small, of Europe, we arrive at for all an average of 28.01 per cent. It would be useless to look to those countries for examples of legislative wisdom in the matter of devising ways and means for the reduction of the surplus which we find existing in the annual revenues of the United States. We must examine our own case and treat it as best we can, for we stand as an exception in the line of nations. In other countries debts are, almost without exception, increasing. The opposite condition exists in this country. In 1866 the public debt of the United States was $2,678,126,103.87. On the 1st of January, 1888, it was, less cash in the Treasury, $1,225,598,401.99, showing a reduction of $1,452,527,701 in the comparatively short period of twenty-two years. In other countries the percentage of taxation is increasing. As I have already shown, the average percentage of increase in European countries from 1870 to 1880 was 28.01. How was it in the United States for the same period? Why, taxation in this country decreased 9.15 per cent. Thus we find the financial condition of the United States most satisfactorily exceptional when compared with that of other nations. Our national debt is rapidly disappearing; our rate of taxation is diminishing; our revenue largely exceeds our expenditures; we have an annual surplus. This is our case. What are we to do with it?

Mr. President, before I venture any suggestions in response to this question I will indulge in a little retrospection. The most notable movements of this nation had their commencement in March, 1861, when the Republican party assumed control of its affairs. It is not my purpose at this time to enter into a statement of the details of the wondrous chapters in the history of this Republic in which are preserved the events which commenced with and succeeded the 4th day of March, 1861. It is only with results that I will now deal, and I will select these mainly from the financial field covered by those chapters in our history. Therein I will find all that my present purpose shall have use for. No like numbers of years in the history of any nation are so crowded with serviceable lessons for study by political economists as are those which commenced on the 4th day of March, 1861, and followed on down to the present time. No candid mind can review the events of those years without coming to the conclusion that the political party which entered upon the administration of the affairs of this country on that memorable day was one of dauntless courage and unbounded capacity. It was the Republican party that took upon itself the legislative, executive, and judicial powers of this Republic on that crucial day, and its subsequent course of action demonstrated that it possessed both of the essential qualities I have mentioned. Neither time nor changes of conditions nor partisan criticisms can disturb the fact I have stated. It is too firmly embedded in the history, the affairs, the success, the prosperity, the masterful position, the satisfactory results possessed by our people ever to be eliminated or seriously affected.

Had the Republican party been deficient in either courage or capacity it would have broken down in the first year of its administration of our national affairs. But it did not break down. It took up its great work, carried it on, and effected success as no other party in the history of nations had ever done. Supreme courage and boundless legislative and executive capacity were requisite to the work imposed on it by the startling and exceptional circumstances and exigencies which confronted it. The Government was without money and without credit. Both were essential not only to success, but also to continued existence. Both were created in volume so vast, that the consuming demands of one of the mightiest wars that ever preyed on a nation's endurance could not exhaust them. The total aggregate receipts of the Government, excluding loans, for the year 1861 was but $41,476,299. The net ordinary expenditures, including interest, was $66,650,213. The war was on, the Republican party was in power, and the first year of its legislation and administration gave evidence of its capacity to meet any emergency; for while the total ordinary receipts, excluding loans, for 1862 was only $51,919,261, the total net ordinary expenditures, including interest, was $469,570,241. Three years thereafter the net ordinary receipts, excluding loans, increased to $322,031,158, and the total ordinary expenditures, including interest, reached the vast sum of $1,295,099,289. In the matter of the public debt the figures for the years referred to are most instructive. In 1861 it amounted to $90,580,873.72. In 1865 it had risen to the vast sum of $2,680,647,869.74, and one year thereafter (1866) it reached the highest point, and was $2,773,236,173.69. From that time to the present it has steadily diminished. Step by step, year by year, the process of reduction has gone on, until now it is but $1,225,598,401.99.

What lesson do these facts present? What do they teach us? Why, that the Republican party had that practical capacity that could evolve a boundless credit for a Government that was bankrupt in both money and credit when it took charge of its affairs. We need but to consult the quotations representing the prices of the obligations of the United States in the public markets for the years 1860 and 1888 to learn how low the credit had gone in the first year and how high it ranks in the present. Then it was at a discount of about 12 per cent. for obligations bearing 6 per cent. interest, now it commands 26 per cent. premium for bonds bearing but 4 per cent. interest, and this result comes from no change in our financial system effected by the political party now in possession of the executive department of the Government and of that legislative body which, under our Constitution, alone can originate revenue bills.

Mr. President, the world's history in respect of political administration supplies no fitting companion-piece for the case which the courage and capacity of the Republican party wrought out during the twenty-four years in which it administered the affairs of this nation. No age, or time, or nation, or party, can match it. It stands alone in its strength and beauty. It is unique as a political creation in every respect. How it could have been created is a wonder which grows all the more perplexing to minds not trained in the school of political science which teaches that the mere carrying of elections and the winning of partisan successes are not the chief ends of government. Indeed, it perplexes many sturdy minds of honest purpose when they undertake to study the result by resorting to an examination of the details of the marvelous facts and events that are incased in those eventful years from 1861 to 1865, both included. The waste of war, the interruption of the ordinary occupations of men, the drain of money, the strain of credit, the want of development of national industries, the absence of a remunerative foreign commerce, the need of a sound financial system, were all present factors in the first of those years, and some of them continued through the entire series. These were not signs of promise. Rather were they portents of disaster and failure. But they did not daunt the courage nor dissipate the capacity of the Republican party. It took up its burden, looked its task in the face, and resolutely went its way to victory.

A few illustrations may not be out of place just here. What was the condition of our foreign trade as represented by the imports and exports of merchandise in 1860, the year preceding the accession of the Republican party to the control of our national affairs? Why, our imports were $353,616,119; our exports were $333,576,057, showing in this respect a balance of trade against us of $20,040,062. Now take the corresponding items in our foreign trade for the year 1884, which closed the term of Republican administration of our national affairs, and we will find a marked contrast in the result. Our corresponding exports for the year 1884 amounted to $740,513,609; the imports were $667,697,693. This shows a balance of foreign trade, in the respect named, in favor of the United States of $72,815,916.

The total valuation of real and personal property in the United States in 1860 was $16,159,616,068. In 1880 (the census year nearest the close of the Republican term) it was $43,642,000,000, showing an increase during the twenty intervening years of $27,482,383,932.

In 1860 the receipts of the Government were $56,054,000, and its expenditures were $63,200,875, and it was compelled to borrow, at the high rate of discount I have already stated, $7,146,875 to meet its expenses for the year. In 1884 the receipts were $384,519,870, and its expenditures were $244,126,244, thus having a surplus of $140,393,626, which it applied to the reduction of the funded debt, instead of being forced to increase the debt, as was the Democratic administration of 1860.

When the Democrats went out of power in 1861 they left the country in a most deplorable condition in respect of its money circulation. When it assumed power again in 1884 it found that the Republicans, during their twenty-four years of administration, had given to the country the best and most stable system of currency possessed by any nation on the earth.

Such illustrations as these might be multiplied almost without limit. They may be found in every department of our public affairs. They are found in every section of that broad field bounded by that expressive term, the general welfare. Select whatever subject we please, and we find apt and forceful illustrations. If we select that of internal improvements, of commerce, both foreign and domestic, of manufactures, the homes of the people, of education, of invention, of general progress, including the arts and sciences, we find that each and all of them have made wondrous advances and substantial improvements during all of the years which succeeded the inauguration of the first Republican national administration in 1861.

How have these things come to pass? Surely not by the operation of bad laws and unsound public policies. Such instrumentalities do not induce results like these. Practically all of the laws and public policies under and by force of which the superb conditions of this country have been evolved found their places in the statute-books of this nation since the year 1860. Indeed, about the only mistakes of serious consequences that the Republican party made during its twenty-four years of national administration resulted from its too close following in one or two respects of Democratic examples and practices originated prior to 1861. The most striking example of want of due caution in this regard is to be found in the action of the Republican party in following the lead of the Democratic party in making land grants to aid in the construction of railroads. When the Republicans came into power in 1861 they were asked to make grants of public lands for the purpose indicated. Both political parties had taken positions in their national platforms of 1860 in favor of the construction of a line of railroad to the Pacific Ocean. The people of the Western States and Territories were earnest in their demands for aid to be given, not only for the construction of that road, but of many others in their several sections. Memorials came to Congress from State and Territorial Legislatures praying for the granting of such aid. They were supplemented by thousands of petitions from the people. An examination of the precedents disclosed the fact that during Democratic and Whig administrations prior to 1861 forty-four different land grants, for the purpose named, had been enacted by Congress, embracing an aggregate of some 30,000,000 acres of land. Four of the acts making these grants had been approved by Whig Presidents and forty by Democratic occupants of the Presidential office. The example thus set was followed by the Republicans. The greater number of these acts were passed during the period covered by the war of the rebellion.

It would have been well had all of the Congresses engaged in the enactment of land-grant laws given more thought to the possibilities embraced within the policy which they established. Had this been done the country might have enjoyed the benefits which have resulted from the policy, and, at the same time, avoided the evils which all admit came from it. But the country was so wholly devoted to the one purpose of forcing development, by means of pushing railroad construction where both population and business were practically absent, that little care was taken to divine and study the conditions that would be induced when the one dominating object of the times should be realized. Upon this suggestive field of discussion it is not my purpose to enter now. For years we have been trying to remedy evils which might have been avoided had the Democratic party been more thoughtful and conservative when it established the policy of granting public lands to aid in the construction of railroads. This Democratic policy was in forceful activity when the Republican party entered upon the control of our national affairs in 1861. The condition of the country at that time will in large degree serve to excuse the mistake of the Republicans in following too closely the course pursued by the Democrats in the many preceding years in establishing and pushing the policy of making land grants to effect the construction of railroads. The capacity, the thought, the energy, the patriotism of the Republican party were devoted to a work which might well excuse it for not at once detecting the dangerous possibilities embraced in the Democratic land-grant policy.

The Republican party was not responsible for the war of the rebellion; but it was responsible for the maintenance of our institutions, the enforcement of our laws, and the unity of the Republic to the fullest extent of the intent expressed in the preamble to the Constitution of the United States. This responsibility it met and discharged. But in doing this it had to formulate and enforce policies in many respects untried in this country, and in other instances to the extremest tension of the powers of government. Vast armies were necessary to meet the exigencies present in the condition of the nation. Money and credit without limit had to be provided. In every respect the exacting demands of the times were met in manner and extent equal to the extremest requirements of the situation. But the actions of the Republican party were profoundly considered and wisely projected. They embraced more than the mere question of money supplies; they covered the considerations of the sources of supply and the means necessary for their augmentation. How to provide the supplies and at the same time promote prosperity of people and country was a problem presenting many difficulties to the operations of the processes of its solution. But it was solved; and the result was that the exactions of a great war and the consequent burdens went through the years hand in hand with surprising and exceptional general prosperity.

This statement, when tested by the experiences and beliefs of other nations, seems a paradox; but while they may say it is inconsistent and absurd, it is nevertheless true in fact. This is easily proved by the statistics supplied by the census reports of this country. Take as one of the elements of this test the aggregate value of manufactures produced in the United States in the years of the last three censuses of this nation, and see how fully the figures presented support the declaration I have made. In 1860 the aggregate values of manufactures produced in that year was $1,885,861,676; in 1870 the value was $4,232,325,442; in 1880 the value was $5,369,579,191. Was it the war of the rebellion and its attendant burdens that caused the increase in the value of manufactures of this country in 1860 to show an absolute increase in the twenty succeeding years, which brings us to 1880, of $3,483,517,515? These figures show an average annual increase of $174,175,875. Is this fact the result of depression and disaster? If so, let us cultivate these too-generally deplored factors in human affairs.

Mr. President, if we now place alongside of these figures, those which I have given in other parts of my remarks, do we not have before us a picture of national prosperity and progress that must have been the production of just laws and wise public policies. How else are we to account for our superb progression? Such things do not come by chance. Nations do not blunder into them. Such visitors do not present themselves without invitation. No such things ever transpired under the Democratic administrations prior to 1860. Why should they have at once asserted themselves on the retirement of those administrations? Why did not the war prevent them? Why did not burdensome taxation suppress them? Why did not the nation become poor and poverty-stricken instead of outstripping all other countries in the accumulation of wealth and in the surpassing improvement of its habitation? If we did not realize what was going on in these respects the people of other countries did. This is evidenced by the fact that immigration into the United States, exclusive of that from China, from 1860 to 1880 amounted to 5,095,078. Why was this? Was it because we were not prosperous? Was it because the wages of men who work were lower in this country than in those from which they came? Was it because the cost of living in this country, taking into consideration its character and the wages paid, was more expensive than that which they experienced in their fatherlands? Was it because it was more difficult for men to obtain homes for themselves and their families in this land than those from which they came? Was it because the individual had less chance to make his own way to forceful membership of society here than elsewhere? No, Mr. President, not for these reasons did these millions come unto us. They came for reasons just the opposite of these. They may not have known why these things were, but they saw them from their far-off fatherlands, and came here to possess them.

But, Mr. President, notwithstanding the universally admitted facts which I have presented, it is insisted by those who are opposed to the public policy which has induced them that the general statement of our national case is misleading. It is urged that many exceptions exist in it which greatly detract from its force and beauties; that while some industries have prospered others have been depressed; that while the many bear the burdens and pay the taxes the few reap the benefits; that the agricultural industry, which leads all others in the grand aggregate of usefulness and value, has been oppressed that others might prosper. If this be true, as stated, then we can not too speedily discover the cause and apply an adequate remedy. But is the statement true? Do not the great industries of this country go hand and hand whatever conditions attend them? Let us take ten of the leading agricultural States and test the case by the figures which are found in the census of 1860 and that of 1880. In order to do this I quote the following table from an address recently issued to the farmers of the United States, namely:

States.	Farms—acres improved land.		Manufactures—hands employed.	
	1880.	1860.	1880.	1860.
Ohio	18,081,091	12,625,394	183,609	75,602
Indiana	13,933,738	8,242,183	69,508	21,295
Michigan	8,296,862	3,476,296	77,591	23,190
Illinois	26,115,154	13,096,374	144,727	22,968
Wisconsin	9,162,528	3,746,167	57,109	15,414
Iowa	19,864,541	4,792,792	28,372	6,307
Minnesota	7,246,693	556,250	21,247	2,123
Nebraska	5,504,702	118,789	4,793	336
Kansas	10,736,566	405,468	12,062	1,735
Missouri	16,745,031	6,246,871	63,995	19,681
Ten States	135,691,906	52,306,584	663,013	188,651
	Increase 160 per cent.		Increase 251 per cent.	

States.	Manufactures—wages paid.		Manufactures—value materials used.	
	1880.	1860.	1880.	1860.
Ohio	$62,103,800	$22,302,989	$215,334,256	$69,800,270
Indiana	21,960,888	6,318,335	100,262,917	27,142,597
Michigan	23,313,682	6,735,047	92,900,269	17,635,611
Illinois	57,429,085	7,637,921	289,843,907	35,558,782
Wisconsin	18,814,917	4,628,708	85,796,178	17,137,334
Iowa	9,725,962	1,922,417	48,704,311	8,612,259
Minnesota	8,613,094	712,214	55,660,681	1,904,070
Nebraska	1,742,311	105,332	8,208,478	237,215
Kansas	3,995,010	880,346	21,453,141	8,612,259
Missouri	24,309,716	6,669,916	110,798,392	23,849,941
Ten States	232,008,465	57,553,225	1,028,962,530	210,490,338
	Increase 303 per cent.		Increase 389 per cent.	

The growth of manufactures in the ten States here named surely has wrought no hardship for imposition on agriculture. The increase of 303 per cent. in wages paid to the workers in the manufacturing establishments indicates how greatly the home markets for the food products of the farmer have increased, the 389 per cent. of increase of value in materials used shows how much more of the wools, the flax, the hemp, the straw, the woods are consumed in the localities of production, and the increase of 160 per cent. in the acreage of improved land proves how the two great industries go hand in hand and prosper together. It can result in no good to our progress to keep them apart or to hinder the sturdy growth of both in any part of the country. Let the two prosper in every State. The true policy is the one that will plant manufacturing establishments in every part of each agricultural State in the Union. If a reduction of prices at which manufactured articles may be bought is what we want, there is no surer road to its realization than the one which will lead to the distribution of manufacturing plants into all of the localities where agriculture produces cheap food and joins with the forests, the mines, and the quarries in supplying the raw materials needed. Our true interests must ever antagonize dependence for our manufactured goods of whatsoever kind on the centralized industries of foreign countries or of our own. Let us have an end of the policy which tends to centralize our manufacturing plants in the great cities, and establish in its stead one that will effect a distribution of them to all parts of our country. Our protective policy has, in spite of the obstacles it has encountered, most suggestive results in this regard, and these results have not all been absorbed by the manufacturing industries. Agriculture has gathered a part of the harvest to itself.

In the ten States embraced in the foregoing table one effect is made apparent by the statistics of the census of 1880, which should be studied by all, and especially by those engaged in agriculture. In all of those States there are counties in which manufacturing industries have been established, and others in which this result had not been realized. Taking the ten States together the average value per acre of land in the counties in which manufactures had been planted was $35.86. In the other counties the average value per acre was $22.41. This shows an average value per acre in favor of the counties in which manufacturing industries were present of $13.45. In a large majority of the counties embraced in the ten States named manufacturing industries did not exist. This suggests that the proper thing to do in the matter of promoting the interests of agriculture is to multiply manufacturing plants, and to induce a distribution of them amongst localities where they are not now present. This can not be done by applying the methods recommended by the President in his message. If we follow his suggestions and give effect to them we will not multiply manufacturing plants and distribute them to regions where they do not now exist. On the contrary, we will embarrass those now in operation and repress the tendency to invest capital in others.

Instead of emasculating our protective system, let our transportation regulations be invigorated by a thorough and yet considerate infusion of the elements of justice and equal rights for all localities and interests. This is what the true interests of the country needs rather than tariff tinkering. The people have understood this for a long time, and it was this that led them to make that resolute insistance which finally eventuated in the enactment of the present law for the regulation of interstate commerce. Imperfect as that law is, it has accomplished no little good, but its full office will not be discharged until it shall have been so amended that it can carry the doctrine, practice, and effect of assured equal rights to all sections and localities on which it can operate in the matter of the business and commerce in which they may be severally interested. Let this be done and the union of interests between agriculture and manufactures will need no strengthening through the medium of assaults on our revenue laws because of the protection they assure to the industries of this country.

But, Mr. President, however much we may discuss the questions to which I have given little more than passing notice, the well-defined fact will remain that we have an average annual surplus revenue of about $60,000,000. It is quite generally conceded that we should revise our revenue laws in order to avoid this surplus. This brings us to a consideration of methods. Here we enter upon a field in which opinions confront each other in sharp conflict. The general concession that something must be done has not evolved harmony in respect of the methods through which the end shall be reached. Almost as many different schemes have been proposed as there are interests to be affected. Many of these are closely allied to the principle of selfishness, so often dominant in the affairs of men. "Do what you please, so that you do not harm me," seems to be stamped on most of the packages of methods presented for the reduction of the revenue.

This indicates a narrow view of a great subject, and yet, in a certain sense, it is a proper one, for in the formulation of all public policies each distinct and proper interest should receive due and considerate attention. It is the general welfare that is involved, and this suggests that caution be observed in all efforts for its promotion. From failures to practice this rule in the enactment of laws come those inequalities which breed the frictions and discontents that so often injuriously affect the better conditions of society and government. Can we so closely follow the rule suggested as to avoid the results indicated and at the same time reduce our revenue to the extent of $60,000,000 a year? No other laws on our statute-books affect so many different interests of our people as do the revenue laws; hence changes therein should be made with a caution which will assure us a just comprehension of the results that will follow our action. What can be done in this regard that will be productive of the least harm? The right thing to be done will be that which a correct answer to this question shall present. Can it be found in any of the various schemes that have been urged upon our attention by the President and other opponents of our system of protection? Is there anything in their schemes that could produce such happy results as, in the short period of seven years, appeared in the cotton manufacturing industry of the Southern States under and because of our present system of protection? What these results are is very clearly shown by the following extract from an article recently published in the National Review, namely:

That the South is making rapid and commendable progress in the extension of this branch of her industries will be shown by the following figures. In 1880 there were in the Atlantic and Gulf Southern States mills distributed as follows:

States.	Mills.	Spindles.	Looms.	Average number spindles per mill.
	No.	*Number.*	*No.*	
Maryland	22	130,100	1,649	5,913
Virginia	10	52,134	1,511	5,213
North Carolina	51	98,382	1,701	1,929
South Carolina	20	94,326	1,955	4,716
Georgia	52	209,229	4,389	4,023
Alabama	19	56,390	813	2,967
Mississippi	8	22,028	616	2,753
Texas	2	6,269	128	3,130
Louisiana	5	9,374	113	1,871
Total	189	678,223	12,875	3,588

It will be seen there were in 1880 189 mills with a total capacity of 678,223 spindles, being about 7 per cent. only of all the spindles in the United States.

At the beginning of 1888, a period of seven years, these same States showed the following increase:

States.	Mills.	Spindles.	Looms.	Average number spindles per mill.
	No.	*Number.*	*No.*	
Maryland	20	175,550	2,963	8,777
Virginia	13	69,649	2,314	5,357
North Carolina	91	250,854	5,929	2,756
South Carolina	34	248,136	5,734	7,298
Georgia	58	390,440	9,007	6,731
Alabama	20	114,540	2,324	5,727
Mississippi	10	52,844	1,296	5,284
Louisiana	5	38,968	1,044	7,793
Texas	3	5,494	124	1,831
Total	254	1,346,475	30,735	5,301

In seven years the number of spindles in the nine States named has increased nearly 100 per cent.

This is good for the Southern States. It induces the investment of capital; it gives employment to their people; it increases the value of their farms and plantations. These results tend to the improvement of moral and political conditions. Nor have these things obstructed our presence in the foreign trade in manufactured cotton goods. In 1886 we exported 193,841,353 yards of cotton goods, and in 1887 204,601,487 yards. Of the amount exported in 1886, 12,046,746 yards went to Great Britain. Nor have we been kept out of the foreign markets with our manufactures from these cotton goods. During the time mentioned we exported $435,536 worth of cotton wearing-apparel and $1,144,137 worth of other cotton goods manufactured from our cotton cloths, a considerable percentage of which went to England, in successful competition with like goods produced by her cheap labor. And we all know that our own people never purchased cotton goods at lower average prices than now obtain. Like instances of increased production, reduction of prices, and exportation under our protective policy in many other fields of manufacture might be cited. It needs no argument to prove that no such results as these could have come to us had we been practicing the policy which the President in his message recommends to us. We have done well and are now doing well under the policy which he assails. Whatever of danger may now be confronting the business conditions of this country come from sources other than those embraced in our protective policy. That has given to us strength and prosperity. It has developed our resources; it has given employment to our people. These could not have come from free trade.

Mr. President, a great deal has been said about the repeal of the duties on sugar and molasses. These are articles used by all classes of our people. They properly take their position amongst the necessaries of life. From them the Government collected import duties in the fiscal year 1886–1887 to the amount of $58,004,358. They belong to that class of imports on which the consumers pay the entire duty. Why? Sim-

ply because the demand for consumption in this country so far exceeds the amount of domestic production that the element of competition between the domestic and foreign producers is wholly eliminated from the case. When this occurs the amount of duty paid follows the article into the possession of the consumer and becomes a part of its cost to him. During the year mentioned we imported 2,377,289,920 pounds of sugar and 36,477,626 gallons of molasses; and the domestic production was, of sugar 299,553,920 pounds, of molasses 21,508,732 gallons. These figures present an aggregate result in which the element of domestic production is quite insignificant, and the effect of the protective policy in respect of the development of the home manufacturer is almost unappreciable. Hence, to the superficial observer, this is an inviting field upon which to enter in our explorations for subjects from which to remove duties in order to dispense with our annual surplus revenue. We want to reduce our annual receipts from revenue about $60,000,000. We collect over $58,000,000 per year from sugar and molasses. This vast sum is added to the cost of these articles to the consumers. This, as I have already stated, results from the fact that the domestic production falls so far short of the demand for home consumption that the element of competition has disappeared from the case.

If we stop our investigation at this point we must conclude that the duty imposed on sugar is a burden to consumers void of justification or defense. But it is not well to stop an investigation of any subject until we can feel a reasonable assurance that it has been exhausted and that no further material facts may be ascertained. The correctness of this rule has a pertinent and forceful illustration in the sugar subject; for if we take the market prices of raw sugar in New York during the sixty-one years running from 1825 to 1886, the average lowest price appears to have been 7¼ cents per pound and the average highest price 10½ cents. For the year 1886 the lowest price was 4⅝ cents per pound and the highest 5½ cents. From this it appears that, notwithstanding the consumers have been paying the duty on the sugar used by them, the price of the article has become lower in spite of the tariff. This result, of course, has not come from the fact that the import duty was imposed, but because of the increased production and the changes that have transpired in the general conditions of the industry. But even these facts do not avoid the truth of the statement that the consumers of sugar in this country, in effect, pay the duty levied on it, for the reason, before stated, that the domestic production is not equal to the demand for home consumption; but it does avoid the complaint so often and thoughtlessly made that the duty has increased the market price of sugar.

What immediate effect the repeal of the duty would have on the price of sugar is immaterial for the purposes of my present discussion. For the purposes of the discussion, I may admit that the repeal of the duty would reduce the price to consumers to the full extent of the revenue now derived from it. Then why not by the simple process of repealing the duties on sugar and molasses effect that reduction of our annual revenue which seems to be the financial reform so generally demanded? By this simple and single act our annual surplus of about $60,000,000 would be reduced to about $2,000,000, and it could not require great effort to find the means for dispensing with this insignificant remainder. The case looks simple enough as we now have it before us. Why not put an end to our financial tribulations by at once wiping out the $58,000,000 of yearly collections from sugar and molasses? The President of the United States, in his last annual message to Congress, told us that—

> Our progress towards a wise conclusion will not be improved by dwelling u p theories of protection and free trade. This savors too much of bandying epithets. It is a condition which confronts us, not a theory.

Most true, and what is the condition? We are collecting about $60,000,000 more revenue each year than the expenditures of the Government require. How are we to rid ourselves of this condition? Of course by reducing the aggregate of taxation; and the President gave us a suggestion in his message of the proper line of policy to be pursued in effecting this reduction. He said:

> The taxation of luxuries presents no features of hardship; but the necessaries of life used and consumed by all the people, the duty upon which adds to the cost of living in every home, should be greatly cheapened.

Must he not have had sugar and molasses in mind when he placed that passage in his message? No articles are of more universal use and none are more generally placed in the list of necessaries. They are found in every home and are consumed by all of the people. Why not place them on the free-list? Let us not in giving answer to this question forget that the President informed us in his message that—

> Both of the great political parties now represented in the Government have, by repeated and authoritative declarations, condemned the condition of our laws which permit the collection from the people of unnecessary revenue, and have, in most solemn manner, promised its correction, and neither as citizens or partisans are our countrymen in a mood to condone the deliberate violation of these pledges.

This is well stated and all true. Can we give better response to this admonition than by placing sugar and molasses on the free-list? Answering for myself, I must say that I believe we can do better. I am content to aid in such reformation of our revenue laws as shall ultimate in these necessary articles getting into the free-list, but am not willing to place them there at once and unconditionally. This is a subject in respect of which we can safely make haste slowly.

The PRESIDING OFFICER (Mr. DOLPH in the chair). The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business of yesterday.

Mr. ALLISON. I hope that the unfinished business will be laid aside informally, in order that my colleague may proceed.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that the unfinished business be informally laid aside until the other Senator from Iowa concludes. Is there objection? The Chair hears none, and it is so ordered.

Mr. WILSON, of Iowa. Mr. President, during the last eight years the United States has furnished a market to the producers of foreign sugars and molasses in the aggregate amount of $746,268,983, being an annual average of $93,283,622. If our commercial conditions remain substantially as they now are this annual average will increase. But we do not, and quite certainly will not, need the revenue which these great importations will furnish. Can we dispense with the revenue and at the same time reap a substantial commercial advantage? It seems to me that we can, with a reasonable degree of rapidity that will give us a completed result in a short term of years. The President in his message reminded us that—

> We are in the midst of centennial celebrations, and with becoming pride we rejoice in American skill and ingenuity, in American energy and enterprise, and in the wonderful natural advantages and resources developed by a century's national growth.

Very true, and quite American, is this expression in respect of our centennial junctures. And now suppose we turn a little of this American skill, ingenuity, energy, and enterprise into the field I am discussing, and see what will come of the experiment? May not American legislative and executive skill, acting in conjunction, devise methods by aid of which American ingenuity, energy, and enterprise may open new commercial ways and markets, which shall bring most welcome returns to even the agricultural industry of our country about which the President said so much in his message and seems to know so little? This sugar question presents to us and to the executive department a splendid field for experimental commercial operations. It embraces a great volume of commercial capital. Can we make it of practical value? It seems to me that we can.

If Congress should enact a law declaring that sugar and molasses may be imported into the United States, free of duty, from all countries producing them, provided that such countries would refrain from imposing export duties thereon and agree to admit the products of this country into their ports duty free, would we not be quite sure to realize substantial benefit therefrom? Of course this could not all be effected at once. It would involve negotiations and treaty regulations between this country and those that might enter into the arrangements with us. While this is going on what shall be done with the revenue derived from the articles involved in the plan? We do not need the money. We can dispense with it all, and still have more than enough to meet our annual expenditures. Then let us adopt the practical business plan that has worked so well in European countries. Let us provide for paying a reasonable bounty for the production of sugar in the United States. The per capita consumption of sugar is steadily increasing in this country. In 1876 the consumption of sugar in the United States was 37.1 pounds for each person in our population. In 1885 this rate had increased to 51.4 pounds, and is still increasing.

In 1864 we produced 56 per cent. of all the sugar consumed in this country. In twenty years our production supplied only 9¾ per cent. of the total consumption, as this is the rate disclosed by the statistics of 1884. Why shall we not reverse this movement and begin a progress towards that other and better result which will give us sugar of domestic production in quantity equal to the demand for home consumption? Can we not safely enter upon an enterprise that is no longer experimental? May we not repeat what other countries have done, and expect to reap at least as favorable results as they have gathered? Let us study the results that have been induced in Europe in the manufacture of beet sugar and resolve them to our profit. In the sugar season of 1872 the total production was 873,000 tons. In 1884 this was increased to 2,305,000 tons. It is not many years since Germany did not produce sugar in quantity equal to the demand for home consumption, while now she manufactures over 1,000,000 tons, and of this 600,000 tons are exported. This is the work of the bounty system, and the agricultural industries of the European countries involved have been greatly promoted. I know that the term "bounty" is not one for which our people have an ardent love; but its practical usefulness in such a case as I am now treating will modify the prejudice that has so closely attended it.

The result is what we want. Place before that American skill and ingenuity, so warmly eulogized by the President in his message, the inducement which Germany offered to her agriculturists, and it will not be long before the farmers and planters of the United States, aided by the experiments of the Government, and by applying their energy and enterprise to the field of production which has proved so profitable in other countries, would assure to us even better results than those that have been realized abroad.

The Department of Agriculture has recently issued a bulletin in respect of the experiments made under the direction of the Commissioner during the year 1887, in the manufacture of sugar from sorghum and sugar canes, which presents a most encouraging view of the subject. The bulletin contains most interesting accounts of the progress that has been made in this experimental field. Magnus Swenson, who had charge of the experiments in the manufacture of sugar from sorghum at Fort Scott, Kans., concludes his report to the Commissioner as follows, namely:

In reviewing the work the most important point suggested is the complete success of the experiments in demonstrating the commercial practicability of manufacturing sugar from sorghum-cane.

2. That sugar was produced uniformly throughout the entire season.

3. That this was not due to any extraordinary content of sugar in the cane, but, on the contrary, the cane was much injured by severe drought and chinchbugs.

4. That the value of the sugar and molasses obtained this year per ton of sorghum-cane will compare favorably with the highest yields obtained in Louisiana from sugar-cane, and, taking into consideration the much greater cost of the sugar-cane, and that it has no equivalent to the 2 bushels of seed yielded per ton of sorghum-cane, also our much cheaper fuel, I say without hesitancy that sugar can be produced fully as cheaply in Kansas as in Louisiana.

The bulletin presents the report of E. B. Cowgill, who was appointed by the State board of agriculture of Kansas to make inspection of the manufacture of sugar in that State for the year 1887. His report is most thorough and interesting. It discusses every phase of the subject, and insists that sorghum is a more valuable crop for the Kansas farmer to cultivate than either of the leading cereals, and follows an exemplification in detail of this claim with the following general statement, namely:

Thus it will be seen that the sorghum yields to the farmer more than twice as much per acre as either of the leading cereals, and as a gross product of agriculture and manufacture on our own soil more than six times as much per acre as is usually realized from either of these standard crops.

And the report concludes in these words, namely:

Processes whereby sugar can be made at a profit from sorghum have been worked out. These are far from perfect, but present developments give promise of others in the near future, and will enable us to produce our own sugar on our soil with the labor of our people. Those who invest in the new industry will be cautious about experimenting with unknown conditions. Kansas is, therefore, likely to lead in the development and become the first Northern sugar State.

This is a good showing for the experimental stage of the sorghum-sugar industry in Kansas. But other sections of the country show results quite as promising of ultimate and profitable success. H. A. Hughes reports most encouragingly of the experiments of the Hughes Sugar-House Company, of Cape May County, New Jersey. He presents the following results, namely:

The yields of the farmers' crops varied widely, the maximum being 1,970 pounds of raw sugar and 120 gallons of molasses per acre. This was made from 17 tons and 675 pounds of field cane. The term "field cane" means neither stripped nor topped. The minimum was 540 pounds of sugar and 60 gallons of molasses. All the seed used by the farmers was the same. The variations in yield were caused by the difference in cultivation. Other yields were as follows per acre:

Products.	First.	Second.	Third.	Fourth.
Sugar.....pounds...	1,970	1,560	1,444	1,254
Molasses.....gallons...	120	120	80	116

The company grew this cane on shares, giving the farmers one-half the products, namely, sugar, molasses, and seed. The basis of settlement was for raw sugar 4 cents per pound and molasses at 25 cents per gallon. Consequently the four best acres yielded—reduced to a cash basis—as follows:

	Quantity.	Amount.	Total.
Ephraim Hildrith:			
Sugar, at 4 cents.....pounds...	1,970	$78.80	$108.80
Molasses, at 25 cents.....gallons...	120	30.00	
Joseph Richardson:			
Sugar, at 4 cents.....pounds...	1,560	62.40	92.40
Molasses, at 25 cents.....gallons...	120	30.00	
William Hollingshead:			
Sugar, at 4 cents.....pounds...	1,444	57.76	77.76
Molasses, at 25 cents.....gallons...	80	20.00	
John Brown:			
Sugar, at 4 cents.....pounds...	1,254	50.16	79.16
Molasses, at 25 cents.....gallons...	116	29.00	

This does not include the seed which has not been thrashed.

These extracts represent the progress that has been made in the manufacture of sugar from sorghum-cane. But the entire case does not yet appear. The American skill and ingenuity, accorded pleasant mention in the President's message, have been resolutely exercised in inventing the processes which have evolved the results presented to us in the bulletin from which I have quoted, and these processes are found to be quite as effective in the manufacture of sugar from the sugar-cane as they are in its production from sorghum. This is shown by the report of E. C. Barthelemy relative to the application of the processes to the manufacture of sugar from sugar-cane in Louisiana. I here present the condensed summing up of the case as found in that report, namely:

I do not think, therefore, that it is extravagant to believe that with the best culture and most economical methods of manufacture the yield per ton of cane in Louisiana may be brought up to 200 pounds. The introduction of diffusion means almost a complete rehabilitation of the average sugar-house. It would be unreasonable to expect that planters will have the money and the desire to undertake such a radical change, or at least to make it rapidly.

But it seems to me that the gradual introduction of diffusion, with its concomitant machinery, will work a great change in the sugar industry of the South, bringing success and prosperity where for years a hard struggle for existence has been going on.

The final result, I sincerely hope, will bring into cultivation the extensive areas of rich sugar lands now lying idle and increase the production of the State of Louisiana to 500,000 tons annually.

* * * * * * *

Finally, I will say that no one recognizes more fully than myself the many imperfections noticed during the progress of the experiments in the machinery and methods employed. I have endeavored not to conceal these, believing that in pointing them out a service is rendered the public only less valuable than that secured by complete success.

Mr. President, these facts give most hopeful promise of the ultimate success of the sugar industry of the United States. If it shall receive that proper encouragement at the hands of the Government that its importance to the country will justify, I doubt if more than ten years will have passed by when our farmers and planters, from their crops of sugar-cane, sorghum, amber, imphee, and other canes, and from their sugar-beets, will have changed the direction of the current of our sugar and molasses. Now that current pours in upon us from foreign countries a vast volume of these articles which we ought to produce for ourselves. Last year 2,781,158,645 pounds of sugar and 37,419,424 gallons of molasses came to us from abroad. This can be stopped by a proper system of encouragement to home production, and save to our people the expenditure of nearly $100,000,000 per annum which now goes to the maintenance of the industry in other countries; and while this would benefit all of our people in a general sense, it would be a definite and effective advantage to those who live upon and cultivate the farms and plantations of our common country; for to them would be assured a direct and profitable participation in what would speedily become one of the most considerable industries of the nation. But, Mr. President, let us not forget the sturdy character of the appeals that are made to the farmers to join the free-trade ranks in a common assault on the protective policy, which has carried our country so far into the front rank of manufacturing nations. The President, in his message, joined his appeal to the many others that have been addressed to the farmers in this respect. He would have them believe that to the price of everything they buy is added the full duty imposed by the tariff on the various articles of purchase. He appealed to them in these words:

The farmer and the agriculturist, who manufacture nothing, but who pay the increased price which the tariff imposes upon every agricultural implement, upon all he wears, and upon all he uses and owns, except the increase of his flocks and herds and such things as his husbandry produces from the soil, is invited to aid in maintaining the present situation; and he is told that a high duty on imported wool is necessary for the benefit of those who have sheep to shear, in order that the price of their wool may be increased. They of course are not reminded that the farmer who has no sheep is by this scheme obliged, in his purchases of clothing and woolen goods, to pay a tribute to his fellow farmer as well as to the manufacturer and merchant; nor is any mention made of the fact that the sheep-owners themselves and their households must wear clothing and use other articles manufactured from the wool they sell at tariff prices, and thus as consumers must return their share of this increased price to the tradesman.

This is the old free-trade story. The President has got it committed perfectly, and he tells it to us and to the country with all the seeming assurance of believing it to be true; and he proceeds to discuss it in that solemn manner always assumed by persons who do not fully comprehend the subjects of which they treat. It would seem that he has fully made up his mind that the farmer pays the increased price which the tariff imposes on every article that he owns, uses, and wears. But it does not seem to occur to him that if this be true it might be some relief to the farmers to have the products of their farms granted some of the effective benefits which he insists come from the imposition of tariff duties extended to them by giving our protective policy more of an agricultural direction in its tendencies to increase prices. If the tariff increases the price of the manufactured article, why may it not do the same for the products of the farm? But this does not seem to be in the line of Executive thought, for the President says that—

The radical reduction of the duties imposed upon raw material used in manufactures, or its free importation, is of course an important factor in any effort to reduce the price of these necessaries. It would not only relieve them from the increased cost caused by the tariff on such material, but the manufactured product being thus cheapened that part of the tariff now laid upon such product as a compensation to our manufacturers for the present price of raw material could be accordingly modified. Such reduction or free importation would serve largely to reduce the revenue. It is not apparent how such a change can have any injurious effect upon our manufacturers.

But, Mr. President, what about the farmers? They are not manufacturers; they are producers of raw material. Everything grown upon the farm is, in the true commercial sense, raw material. Would it not be well for the President and his supporters to give some thought to this feature of the case? If the farmers are now oppressed by operation of the tariff, how are they to get relief through the plan suggested by the President, and formulated by his supporters, in a revenue bill for the consideration of Congress? While he and they are appealing to the prejudices of the farmers would it not be well for them to preserve some little remnant of consistency in their mode of procedure? But this is a consideration of prudent caution, which they seem to have wholly neglected. The President pleads in behalf of the manufacturers that if

they only can get raw material free of duty they can stand a reduction of import duties and still maintain their profits, and that at the same time this plan of operation "would serve beside to largely reduce the revenue." He does not want to interfere with the profits of the manufacturers; but he does want to reduce the revenue. This can not be done without casting the burden on some other industry and the persons engaged therein. Where does he place it? On the producers of raw material. Can he name any article that is produced on the farm that is not raw material? Can he find anything in all of the long lists of things produced in this country, in respect of which labor represents so large a percentage of the gross cost of production, as in raw material? Every well-informed person knows that he can not. What conclusion does this enforce? Why, that the President's plan of tariff modification is to unload its resulting burdens from the manufacturing industries and place them on the farms and labor of the country. A policy more hostile to agriculture and labor has never been proposed to Congress than the one contained in the President's message.

Mr. President, am I mistaken in respect of the doctrines contained in the message now under consideration? I am sure that I do not mean to misconstrue the language of the document. Taken altogether it is quite bad enough in its un-American tendencies, and calls for none of the condemnatory aids of misconstruction. That I have resorted to none of these in the comments applied to it by me can be made indisputably apparent by further quotations from the message itself. Let this declaration be tested by the following extract from the message, namely:

I think it may be fairly assumed that a large proportion of the sheep owned by the farmers throughout the country are found in small flocks numbering from twenty-five to fifty. The duty on the grade of imported wool which these sheep yield is 10 cents each pound if of the value of 30 cents or less, and 12 cents if of the value of more than 30 cents. If the liberal estimate of 6 pounds be allowed for each fleece, the duty thereon would be 60 or 72 cents, and this may be taken as the utmost enhancement of its price to the farmer by reason of this duty. Eighteen dollars would thus represent the increased price of the wool from twenty-five sheep, and $36 that from the wool of fifty sheep; and at present values this addition would amount to about one-third of its price. If upon its sale the farmer receives this or a less tariff profit, the wool leaves his hands charged with precisely that sum, which in all its changes will adhere to it until it reaches the consumer. When manufactured into cloth and other goods and material for use, its cost is not only increased to the extent of the farmer's tariff profit, but a further sum has been added for the benefit of the manufacturer under the operation of other tariff laws.

What is this but a paraphrase of the extracts from the message which I have been commenting on? What is it but another way of stating the proposition contained in one of the former extracts, that, in order to reduce the revenue by a modification of the duties on manufactured articles, without interfering with the profits of the manufacturers, the producers of raw material must consent to have their products placed on the free-list? If the farmer wants to purchase woolen goods at cheaper prices he must consent to a repeal of the duty on wool in order that there may be a corresponding reduction on said goods. Why? Because this will preserve the profit of the manufacturer and at the same time enable him to reduce the price of his goods. But who pays the cost of this transaction? The farmer, of course. How? By selling his wool at a lower price. Why is this necessary? For the reason that a repeal of the duty on wool puts our farmers in competition with the products of foreign countries, depresses the price, and suppresses the industry in this country. How this result comes about, and what is the character of the effects induced, by modifications of the tariff on wool, is very well told in the address from which I have already quoted, and from it I give the following extract, namely:

The wool-growers have especial reasons at this time to appeal to their brother farmers for support. At a time when their industry is depressed as it hardly ever has been before by foreign competition, permitted by a reduction of duties in 1883, by Treasury rulings since, and by systematic frauds in foreign ports, the President proposes in his annual message the repeal of all duties on wool. In the two years before the change of duty, and in the past two years, the imports for consumption were as follows:

Year.	Quantities.	Duties.	Year.	Quantities.	Duties.
	Pounds.	*Cents.*		*Pounds.*	*Cents.*
1881	67,416,967	7.20	1886	107,910,549	4.75
1882	63,016,769	6.11	1887	114,404,174	5.16
Average	65,216,868	6.65	Average	111,157,361	4.95

Under efficient protection the production of wool rose from 60,000,000 pounds in 1860 to 308,000,000 pounds in 1884, the year after the change of duty. It has since declined to 285,000,000 pounds in 1888, and according to estimates of the Agricultural Bureau to 265,000,000 pounds in 1887. Meanwhile the stocks of domestic wool unsold at the close of 1887 are greatly increased; 31,974,000 pounds are on hand, an increase of 6,620,157 pounds, at Boston alone. To the mischief done by reduced duties there is added, first, the great fraudulent importation of Donskoi and other washed wool, under pretense that it is unwashed, a systematic fraud by which the United States consul at Odessa reports to the State Department that the Government has been defrauded for years, and of more than $15,000,000 in duties. Each pound of foreign wool thus fraudulently imported, already scoured and shrunken, takes the place of two to four pounds of American wool in natural condition.

How very different is this picture of the wool-growers and their interests from that drawn by the President in the extract last quoted from his message. Place his picture in whatever light you may, and none of the strong lines of the real subject and its true conditions appear. Who could infer from what he presents that the wool product of the United States had during any year amounted to 308,000,000 pounds, and that a reduction of the tariff duty could, in three years time, cause it to fall off 43,000,000 pounds? Or what is there in it to suggest that, owing to tariff tinkering, the importation of foreign wool had increased from 63,016,769 pounds in 1882, to 114,404,174 pounds in 1887? Here appears an increase in the quantity of foreign wool imported of 50,387,405 pounds; but this shade does not appear in the President's picture. Looking upon his subject as he presents it, one can but be impressed with the thought that the President is not a skillful economic artist. His conception is not bold. His hand is not cunning. He was treating a great subject; but his presentation of it on the canvas of his message was cold, dull, and flat. It is all foreground, with here and there a farmer with a little flock of sheep, "numbering from twenty-five to fifty." He did not comprehend those forceful lines of industrial and commercial perspective which belong to the subject he ventured to treat.

His vision was too contracted for the long-reaching vistas of the subject. Those who can follow the lines of these vistas as they stretch over the great expanse our country, and back into the years of the past, see aggregations of the President's little flocks of sheep very suggestive to those who have to formulate the economic legislation which should protect and promote the interests of all the industrial occupations of our people. Looking down the vista that stretches back to 1860, we see an aggregation of 22,471,275 sheep belonging to the farmers of the United States; the vista of 1870 increases this number to 28,477,951; that of 1880 to 35,192,074. These effects are all absent from the picture painted by the President. At no point in it can we see more than a few flocks of sheep, numbering from twenty-five to fifty; and the use to which he assigns them is to sacrifice the interest which the small holder has in the protection which the tariff on wool extends to him, in order to enable the manufacturer of woolen goods to sell his product at a little less price, and still maintain his present rate of profit.

Mr. President, the tendencies of the present time are too much in the direction of overlooking or neglecting the small factors which make up the magnificent aggregates of economic and industrial results in this country, and there is no interest known to the affairs of our people in respect of which this fact so universally obtains as that which is embraced in the agricultural industry. Had the President attempted to treat of the cattle-growing industry he doubtless would have said that "a large proportion of the cattle owned by the farmers throughout the country are found in small herds of from five to fifty," and the statement would be true; for while there are many herds numbering thousands, just as there are of flocks of sheep, still the factors which make up the large aggregate in greater part are represented by the small herds on the farms. Little thought is given to them; but in the grand national "round up" presented in the census of 1880 we brought the herds, both great and small, together and counted them. Then we found ourselves in possession of some splendid aggregates. We ascertained that we had of oxen, 993,841; of milch-cows, 12,443,120; of other cattle, 22,488,550, giving us a grand total of 35,925,519 head; and the milch-cows had, in the year represented, supplied us with 777,250,287 pounds of butter and 27,272,489 pounds of cheese; and the results of that census gave us interesting facts relative to what the small holdings of the individual farmers amount to when consolidated into grand totals.

In the field of live-stock, other than sheep and cattle, we found that our horses numbered 10,357,488; mules and asses, 1,812,808; swine, 47,681,700. But these were all held, like the cattle and the sheep, in small numbers by individual farmers, scattered all over our country. If the President had attempted to paint a picture from this group of facts, doubtless it would have been a fitting companion-piece to the one in which he presented the wool-growers and the wool industry of the country. Each individual factor would have been too insignificant to arrest the attention of the Executive mind, or to suggest to it the propriety of submitting to the consideration of Congress some proper and just recommendations for economic and protective legislation in respect of the general subject in which they are embraced.

Mr. President, let us consider some of the other features of American agriculture as presented by our last national census. It is shown that our farmers produced in the year represented therein 1,754,861,535 bushels of corn, 459,479,505 bushels of wheat, 407,858,999 bushels of oats, 44,113,495 bushels of barley, 19,113,495 bushels of rye, 11,817,327 bushels of buckwheat, 35,205,712 tons of hay, 26,546,378 pounds of hops, 110,131,373 pounds of rice, 169,458,539 bushels of potatoes, and 5,737,257 bales of cotton. None of these articles are sufficiently protected against the competition of foreign producers. These are all, in the proper commercial sense, raw materials, and in respect of which, as I have already remarked, labor constitutes the greater percentage of the cost of production. Why should any of these articles be imported? All of them can be produced in this country in quantities beyond the home demand; but, notwithstanding this fact, we imported them to the extent of about $15,000,000 in 1887. Of other products of our farms and plantations, exclusive of sugar, molasses, and tobacco, and in unmanufactured condition, we imported during said year over $50,000,000, making an aggregate of about $65,000,000. But we find no discussion of this feature of our industrial case in the President's message.

This is one of the hard facts of the farmer's side of the revenue case most "severely let alone" by the President and his supporters. Their plea to the farmer is, that at best he is only a "little fellow;" and if he will only be content to be stripped of the protection he now gets from the tariff he may be able to purchase some articles at a slightly reduced price and at the same time contribute to the maintenance of the present profit of the manufacturer, whatever that may be. And so we find no proposition from the President and his supporters to increase tariff protection to the farmer. What little he has must not be increased, but a part of what he now has must be taken from him. The foreign growers of wool want a free market in the United States for their product, and it is proposed to give it to them. Wool must go on the free-list; and the President and his supporters, utterly oblivious to the great aggregate of the interest involved, dodge the true issue and try to hide the un-American character of the scheme behind little flocks of sheep, "numbering from twenty-five to fifty." And this is all for the benefit of the farmers!

The farmers of the Western States have given considerable attention to the production of flax. Their annual product of seed amounts to about 12,000,000 bushels. This result has been induced by the tariff duty on the flaxseed. This protection against the cheaply raised seed of foreign countries, mainly Russia and British India, has assured to the Western farmers a fairly remunerative price for the product and has induced the erection of a large number of oil-mills in the Mississippi Valley; and in this particular industry we have a marked example of the advantages which follow the establishment of manufacturing plants in proximity with the production of the raw material. Before these mills were established the price of flaxseed-oil ranged from about 80 cents to $1 per gallon. The present price ranges from about 36 cents to 55 cents per gallon, and the farmers have the additional advantage of a considerable supply of the oil-meal at a reasonable price for feed for their stock. But while the duty on the seed has been sufficient to induce these results, the case is far from being satisfactory in some of its aspects. This is owing to the fact that the duties placed on many of the articles manufactured in whole or in part from the flax fiber have not been sufficient to induce the establishment of plants for their manufacture. Hence the foreign manufacturers of such articles have to a great extent control of the American market. This is a serious injury to the Western farmers who have turned their attention to the growing of flax.

They have no sufficient market for the flax-straw produced on their farms; and it is estimated that about 1,000,000 tons per annum of the straw goes to waste or is burned. It is estimated that this great waste could be converted into a gain of many millions of dollars by the presence of manufacturing plants to use the flax fiber. It is claimed that the amount of straw which now goes to waste annually could, by due preparation, be converted into an actual value of more than $20,000,000, and this would be a great help to the Western farmers. This is a problem in the economics of agriculture which can not be solved to the satisfaction of the farmers, who bear the burden of the loss, by abolishing or reducing the tariff duties on flaxseed, fiber and the products manufactured therefrom; but this is just what the President's message and the efforts of his supporters suggest shall be done. Far better would it be for the farmers to have the tariff so amended in respect of flax and the manufactures therefrom, that the waste to which they are now subjected could be converted into the millions of money of which it now deprives them. Of course I do not mean to say that all of the saving into which this waste could be converted by a proper adjustment of tariff duties would go into the pockets of the farmers, but they would get a great share of it, and the balance would pay the wages of thousands of workingmen employed in the preparation of the flax-straw into a valuable article of commerce ready for the machinery of the manufacturers. This would increase the home market for the other products of the farms, and thus give still further resultant advantage to the farmers; but no such door to a proper place in the tariff is opened to the farmers by the President's message.

His policy would eject them from their present lodgment in the tariff. His policy would not only deprive them in considerable degree of their present inadequate protection, but would also impose on them more than a fair proportion of the contribution necessary to be made to protect other industries from loss of profit. Surely the farmers of the United States will hesitate, reflect, and finally refuse to enter this Presidential trap.

Mr. President, must it not seem strange to the farmers of this country that we should be importing every year large quantities of beans, pease, potatoes, cabbage, eggs, hay, and other articles of food for man and beast? But this we do in spite of the fact we possess a surplus of these articles after supplying all demands for home consumption. The present tariff allows plants, trees, shrubs, vines of all kinds, seeds of all kinds, and eggs to be imported free of duty. Can not our farmers, nursery-men, and seedsmen supply all of these articles that we need? Of course they can. But do they do it? Why, from Canada alone there was sent into the United States of these articles in the year 1885 $1,831,000 worth; in 1886, $1,728,000; in 1887, $1,827,000; making an aggregate for the three years of $5,386,000.

And this was done while Canada was collecting customs duties on like articles sent into that country from the United States, notwithstanding she had agreed by the statute of May 15, 1879, that she would admit such products imported from this country on the same terms that we should admit those sent by her to us. And thus we see that it is not only the rights of American fishermen that Canada has been disregarding, but also those of our farmers, nursery-men, and seedsmen. And now the President and his supporters propose to enlarge our agricultural free-list, and thus allow Canada, as well as all other countries, to reap still greater advantages at the expense of our farmers. This is both unwise and unjust; and our farmers ought to resist it and demand that all articles produced by them be taken from the free-list and be subjected to reasonable or prohibitory duties. This is the true policy for the farmers to insist upon. It is the road which self-preservation has marked out for them in the economic march of the country. The home market is the best in the world for the American farmer. He should have his full share of protection in it; but even this is not enough. It should be enlarged, and he should help to accomplish this desirable result. He can do this by giving his earnest and effective support to the protective policy that has accomplished so much in the field of American industry.

We need greater diversity in our manufacturing industry, more widespread distribution of our manufacturing plants, more perfect contact of agriculture and manufactures, a more equal diffusion of the advantages that have been realized and are yet to come from our economic laws. The effort of all should be to build up rather than to tear down. This we have been doing for many years, not perfectly, but reasonably well. And as one grand result we now have the best paid, the best housed, the best clothed, the best fed population on the face of the earth. All this we have in possession, and if we are wise we will retain it.

Mr. President, we are still confronted with our annual surplus revenue of about $60,000,000. Is there no way by which we can get rid of it without disturbing our true industrial conditions? It seems to me that there is a way which is both short and clear. We have one public tax the gross yield per annum of which more than equals the reduction of revenue we are called on to make. The tax on intoxicating liquors is the one to which I refer. This is where I would make the reduction. I would not do this as a favor to those persons who are engaged in the manufacture and sale of intoxicating liquors, but for the public defense; for it seems to me that the true interests of our people demand that we shall so adjust our revenue system as to prevent the tax on intoxicating liquors becoming a fixed and necessary part of it. For the last fiscal year there was collected from spirits $65,829,321.71; from fermented liquors $21,922,187.49, making a total collection under the internal-revenue law on the several kinds of liquors and the traffic therein of $87,751,509.20. The total revenue collected for that year from customs duties, internal revenue, and all other sources was $371,403,277.66. Thus it appears that nearly one-fourth of our gross revenue was derived from the internal-revenue tax on intoxicating liquors.

If we take from this gross amount the suggested reduction of $60,000,000 in our revenue, then the tax derived from intoxicating liquors, if not interfered with, will amount to considerably more than one-fourth of the whole. Would it be wise to put our revenue in this condition? Our surplus would be gone, and we will be more likely to find occasion for increase in the future than for further reduction. But if the condition should remain stationary is it best to establish it? Those who manufacture and deal in intoxicating liquors all seem to favor the preservation of this tax. Why is this so? Persons do not often insist on the imposition of taxes on their business or property. The rule is quite to the contrary, and the removal of a tax is hailed with great satisfaction. Why should this case be so different from all others? Is it not because of the hope these persons have that the reduction of revenue in other directions would result in so firmly embedding the business of making and selling intoxicating liquors in our revenue system that it could never be disturbed? This is the position it occupies in the revenue system of Great Britain, and who ever hears of a proposition on the part of that government to reduce the taxes on intoxicating liquors? Every other business and interest in the kingdom has been, unconsciously it may be, made into an obstructive force to any reduction of the taxes on intoxicating liquors.

The proportion of revenue which Great Britain derives from intoxicating liquors amounts to something more than one-fourth of the gross revenue of the kingdom, and it has come to be regarded as a fixed and permanent part of the system. A chancellor of the exchequer would as soon think of interfering with the Crown itself as with the liquor taxes. Nor has this economic condition been without its effect on the purposes and habits of that people. The purposes all tend to maintain the traffic and the tax, and steadily but surely the habit of use has grown and the volume of consumption increased. A knowledge of these facts, doubtless, has induced the manufacturers of, and dealers in, intoxicating liquors in this country to take the stand they have of opposition to any interference with the internal-revenue taxes imposed on them. This fact of itself ought to arrest our attention and enforce most patient and thorough consideration of the subject. We are brought face to face with the most malign foe of organized human society. It is the one and only thing with which local communities, States, and

the nation have to contend, that subordinates every other interest to the promotion of its own ends. It has no religion, no morals, no politics, except such as it can debase to its own purposes. It has nothing in common with any of those elements and conditions that are essential to the prosperity and happiness of a people. Shall we give to it the enduring support by making it a necessary presence in our revenue system? This question is upon us now. We can not avoid it if we would.

In our consideration of this question we can afford for a time to omit the sentimentalities which crowd upon the mind at every mention of it. As a question affecting our economies and politics it is bad enough. It costs our people nearly $900,000,000 per year. This fact alone is a great economic disturber, for this vast expenditure is never accompanied by any counteracting good. It involves those habits of wastefulness which prevent the acquisition of homes and comforts by tens of thousands of our people who need both, and who could have them but for this enemy of correct habits and proper economies. It is the uncompromising enemy of the best type of manhood and citizenship. Whatever of good can be said of it, if such thing there be, can be offset by a multitude of evils. It has no conscience to stay its movements, no matter what calamity they portend.

But it is not worse in this respect than it is in politics. It is a forceful presence in this Republic; but it has no politics except its own, and no political conscience to restrain its action. No matter what of good may be moving in the political field, this malign presence never sees anything but its own purposes. It intermeddles, simply for its own purposes, in primaries and elections, and cares not what general political result may follow, provided it does not interfere with its insistence upon being let alone. Nor is it merely in political primaries and elections that it obtrudes itself. It is the active enemy of all laws that put restraints upon it. In one way and another it invades the magistrates' offices, the grand-jury rooms, the witness-stand, and sows the seeds of official disregard of duty, of perjury and subornation thereof. So constant are these practices, that the resulting demoralization too often obstructs the proper administration of justice, and unsettles the moral convictions of many persons connected therewith. A multitude of other hateful features stamped upon this enemy of economy, of politics, of individuals, of society might be mentioned as reasons why we should begin to tear down the revenue pillar which is now one of its most reliable supports; but this is not necessary, so thoroughly is the hatefulness of the thing understood by all.

Mr. President, I may not have my way of treating this subject approved by others. A disappointment of this kind will not be a new experience to me. Be this as it may, I shall deeply regret the passage of any bill by this body looking to a reduction of the revenue which shall not make a pronounced start towards the ultimate elimination of the liquor tax from our laws. It does not seem to me that I can properly discharge my public duty here in this regard except by insisting that the tax upon the manufacture of and traffic in intoxicating liquors shall not be permanently embedded in our revenue system. Let us take it out to the utmost dollar that we feel can be spared from our annual revenue. Let our revenue come from those sources that will promote our proper industries and maintain the wages of our working people. If there must be more protection in order to effect this result, let it be extended. There is abundant opportunity in our industrial field for us to practice this better policy. Let us encourage right and desirable industries, and so reform our revenue and transportation laws as will scatter manufacturing plants all over this country. This will promote the general welfare. But whatever we may or may not do, let us be sure that the great aggregate of revenue we get each year from the various taxes on intoxicating liquors shall not be made a permanent feature of the policy of this country. Let us not so intrench this great worker of evil in the necessities of our revenue system as to enable it to successfully resist the efforts now active in all parts of the country for its ultimate extinction. Let us give the moral forces of the country some chance of success in their conflict with this tireless promoter of evil.

REPRINT OF SENATE RULES.

Mr. HOAR. I ask unanimous consent to have the following order considered at this time:

Ordered, That the rules of the Senate now in force be reprinted for the use of the Senate.

I will state that it is impossible to get the little pamphlet copies of the rules for the use of Senators; they are very scarce.

The PRESIDING OFFICER. Does the Senator from Massachusetts ask for the present consideration of the order?

Mr. HARRIS. I shall ask for its present consideration if the Senator who offered it does not. The Senator from Massachusetts wishes to have it considered at present?

Mr. HOAR. I do.

The PRESIDING OFFICER. Is there objection to the present consideration of the order?

Mr. ALLISON. Let it be read.

Mr. HOAR. It is merely an order to reprint the pamphlet copy of the rules.

Mr. ALLISON. Very well.

The PRESIDING OFFICER. If there be no objection, the question is on agreeing to the order.

The order was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had yesterday approved and signed the following acts:

An act (S. 1564) for the relief of importers of animals for breeding purposes in certain cases; and

An act (S. 1663) authorizing the Little Rock and Alexandria Railway Company to build certain bridges in the State of Arkansas.

PURCHASE OF BONDS.

The Senate resumed the consideration of the bill (H. R. 5034) to provide for the purchase of United States bonds by the Secretary of the Treasury.

The PRESIDENT *pro tempore*. The pending question is on the motion of the Senator from Nevada [Mr. STEWART] to lay the amendment of the Senator from New Jersey [Mr. MCPHERSON] on the table.

Mr. STEWART. With the consent of the Senate I withdraw the motion to lay the amendment on the table.

The PRESIDENT *pro tempore*. The motion is withdrawn, and the question recurs on agreeing to the amendment offered by the Senator from New Jersey.

Mr. MCPHERSON. I wish to state that considering, as I must, the very pronounced vote of yesterday in the Senate upon the amendment offered by the Senator from Kentucky [Mr. BECK], and especially the expressions of opinion then made touching the coinage of the bullion which it is here proposed to purchase, I suppose it to be entirely unnecessary, perhaps, to press my amendment, as no result would be reached in the direction I wish to have reached.

I will, however, simply explain the purport of the amendment. It proposes to limit the coinage to the amount fixed in the act of 1878. If there should be a surrender of national-bank currency largely in excess, we will say, of the $24,000,000 per year which is provided for and which is now coined, my amendment would limit the coinage to the $2,000,000 per month, or about $24,000,000 per year. But I think, in consideration of the very pronounced vote upon the question, that opposition perhaps had better cease, and therefore I ask the privilege of withdrawing my amendment.

The PRESIDENT *pro tempore*. The amendment will be withdrawn, if there be no objection. The question recurs on concurring in the amendment made as in Committee of the Whole as amended upon the motion of the Senator from Kentucky [Mr. BECK].

Mr. HAWLEY. Were not the yeas and nays ordered?

Mr. HARRIS. Not on this question.

Mr. STEWART. I ask for the yeas and nays on the passage of the bill. ["No!" "No!"]

The PRESIDENT *pro tempore*. The amendment made as in Committee of the Whole, as amended, will be concurred in, if there be no objection. It is concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass? on which the Senator from Nevada [Mr. STEWART] demands the yeas and nays.

Mr. STEWART. I withdraw the demand.

The bill was passed.

Mr. HARRIS. The title ought to be amended by adding "and for other purposes."

The title was amended so as to read: "A bill to provide for the purchase of United States bonds by the Secretary of the Treasury, and for other purposes."

Mr. BECK. I move that the Senate insist upon its amendment to the bill and ask for a conference with the House of Representatives on the disagreeing votes thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. SHERMAN, Mr. ALLISON, and Mr. BECK were appointed.

BUREAU OF ANIMAL INDUSTRY.

The PRESIDENT *pro tempore*. The Secretary will report the special order.

The CHIEF CLERK. A bill (S. 2683) to provide for the establishment of a Bureau of Animal Industry, and to facilitate the exportation of live-stock and their products, to extirpate contagious pleuro-pneumonia and other diseases among domestic animals, and for other purposes.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The amendments reported by the Committee on Agriculture and Forestry will be stated.

The first amendment was, in section 1, lines 17 and 18, to strike out the words "persons, at least one of whom shall be a practical stock-

grower," and to insert the words "practical cattle-growers of known executive ability;" so as to read:

The board shall be composed of two practical cattle-growers of known executive ability and a competent veterinary surgeon, etc.

The amendment was agreed to.

The next amendment was, in section 2, line 8, after the word "diseases," to insert the words "or conditions which may convey diseases;" so that it will read:

It shall be the duty of the said board to investigate and report upon the condition of the domestic animals of the United States, their protection and use, and also inquire into and report the causes of contagious, infectious, and communicable diseases or conditions which may convey diseases among them, etc.

The amendment was agreed to.

The next amendment was, in the same section, line 14, after the word "diseases," to insert the words "and disease-conditions;" so as to read:

To examine and report upon the best means of treating, transporting, and caring for animals, and the best means for the suppression of the diseases and disease-conditions of live-stock, etc.

Mr. COKE. I ask the Senator from Michigan to explain what is meant by "disease-conditions." The bill speaks of "the best means for the suppression of the diseases of live-stock," and the amendment is to insert "and disease-conditions." I should like to know the meaning of that phrase.

Mr. PALMER. I should say that that was intended to apply to cars that had been improperly disinfected, that had the litter and the bedding and the blankets of animals that had been diseased. I should think anything that would communicate the contagion or the disease would be a disease-condition. It seems to me that there is no other definition to be applied to it.

Mr. COKE. Would not that be fully signified under the term "suppression of the diseases?"

Mr. PALMER. I do not understand the Senator.

Mr. COKE. The section reads:

To examine and report upon the best means of treating, transporting, and caring for animals, and the best means for the suppression of the diseases of live-stock.

Mr. PALMER. Where is the Senator reading?

Mr. COKE. At the bottom of page 2, section 2. The suggestion I make is that without the amendment the language used is sufficiently comprehensive.

Mr. PALMER. In other words, the Senator wants to leave out "conditions which may convey disease."

Mr. COKE. Yes.

Mr. PALMER. I think that is a very important amendment. If the conditions are sufficient to communicate disease, you might as well let the animals come in contact themselves.

Mr. COKE. But is not the "disease-condition" comprehended within the language used before "the best means for the suppression of the diseases of live-stock?"

Mr. PALMER. Possibly it is, but I suppose that it is better to have the phraseology of the bill so explicit that the man who runs may read, and that he can have no doubt as to what is intended.

The committee thought that was a very wise amendment; and while I generally defer to the judgment of the Senator from Texas, it seems to me that that can mean but one thing, and to amplify upon the statement which he says is sufficient can do no harm.

Mr. GEORGE. I should like to ask the Senator from Michigan something about this amendment. If I understood him correctly in answering the interrogatories propounded by the Senator from Texas, he said that "disease-conditions" referred to cars in which diseased stock had been transported. Am I right in understanding him in that way?

Mr. PALMER. That was the definition that I gave. It might be stated a good deal more minutely. The Senator from Mississippi I know understands what "disease-conditions" are as well as I do. It is any condition that will tend to the spread of the disease.

Mr. GEORGE. Is it a condition in the animal or in something else?

Mr. PALMER. I should think it was much broader than the mere condition of the animal itself. For instance, if I should say that I desired to remove the diseased-conditions from the gentleman's locality where he boarded, I should think that it meant to take care of the sewerage, to take care of the ventilation, to take care of the heating, and everything that could contribute to his welfare and to his physical well-being. That applies just as well in this bill in the treatment of animals. In the explanation of what are "disease-conditions" any condition that will tend to the inauguration of disease or its continuance is included.

Mr. GEORGE. Then I understand the Senator from Michigan to say that a movement to suppress "disease-conditions" here is a movement of a sanitary and hygienic character.

Mr. PALMER. Will the Senator speak a little more distinctly and a little louder?

Mr. GEORGE. The clause in which that first occurs is this——

Mr. PALMER. Give us the line.

Mr. GEORGE. Line 12, of section 2, speaking of the duty of the board—

to examine and report upon the best means of treating, transporting, and caring for animals, and the best means for the suppression of the diseases of live-stock,

I understand, then, that the meaning of that clause is that this board shall go into an investigation of the hygienic or sanitary conditions necessary for the health of live-stock.

Mr. PALMER. I think that that definition may be a little enlarged, but I think it is a fair interpretation.

Mr. GEORGE. And does not refer to any condition existing in the animal itself.

Mr. PALMER. I should say right there as the bill has been inspired and suggested by a disease which has brought great loss to this country and to Great Britain, as will appear later on, which I would have taken pains to explain if I had made a few preliminary remarks, still it may apply to everything that tends to the welfare of live-stock or domestic animals. Take it in the most enlarged sense. This commission is created for that purpose——

Mr. STEWART. Will the Senator allow me to ask him a question before he proceeds with his general statement?

Mr. PALMER. Yes, sir.

Mr. STEWART. There is a radical change here, and it seems to me that that point ought to be settled before the details of the bill are perfected. Undoubtedly we are all in favor of a bill on this subject if the present law is not sufficient, but this bill provides for the appointment of a new board, a board in addition to or independent of or under the Agricultural Bureau. What is the necessity for a special board? Can not this bureau attend to the matter?

Mr. PALMER. I would have stated that if I had not been anticipated by the remarks of the Senator from Texas in the opening.

Mr. STEWART. Let us settle the preliminaries, and then we can go on and perfect the bill.

Mr. PALMER. It has been found, or it is claimed, by the cattlemen of the United States that the present organization of the Bureau of Animal Industry is not effective. I take their word for it. They claim that this vast industry, representing $2,400,000,000 of property, $113,000,000 of our foreign commerce, and an infinite number of millions of our domestic and interstate commerce, should not have for its representative alone the head of the Agricultural Department and a veterinary surgeon and two chiefs in different parts of the country. They claim that the interest is so vital and so vast that they should have three representative men, one a scientific man and the other two cattle producers of reputation; that they should be appointed by the President; that they should have the whole control of the Bureau of Animal Industry, although the bill was inspired in the first place by the disease of pleuro-pneumonia, which has inflicted a loss of $500,000,000 on Great Britain, and which is inflicting a direct loss of $6,000,000 upon the United States annually, besides the indirect loss in interstate commerce and quarantine.

They claim that the head of the Department of Agriculture has too many things upon his hands to properly have the supervision of this matter. They claim that the scientific man at the head of the Bureau of Animal Industry, a gentleman for whom I have the highest respect, can not give it that time and inspection that three men, two representative cattle-growers and one scientific man, could. They claim that the disease instead of being stamped out is now spreading, or at most is held merely at bay; that they are merely picking the fruit as it ripens; that around Baltimore there are fifteen thousand cattle to-day and only seven thousand of them tagged. They claim that Maryland is thoroughly honeycombed with this disease; that until two or three years ago it did not spread beyond the Alleghenies, but that now it has got beyond the Alleghenies; that it has appeared in Illinois and bids fair to get across the Mississippi; that now it can be controlled, but if it gets beyond the Mississippi, upon those ranges where thousands and millions of cattle roam, the same fate will befall our herds in the valleys of the Mississippi and the Missouri that befell the herds in South Africa and in Australia, 80 per cent. of them dying, whole herds being swept out.

The reason why the disease has not progressed more rapidly has been because animals have been segregated on the farms this side of the Mississippi; but as quick as it gets among the herds on the other side they can bid farewell to every steer, but I doubt whether they will wipe their weeping eyes.

Is that sufficient for the Senator from Nevada?

Mr. STEWART. Not quite. I appreciate the force of all the remarks of the Senator from Michigan with regard to the extent of the difficulty and the necessity for a remedy; but my experience has been that too many heads in the management of any business is not a desirable thing. There can not be in this bureau, with this work added to it, near as much business as many other officers have to perform who are at the head of a Department; there can not be anything like the business the Treasury Department or other Departments have.

It seems to me that the suggestion of the Senator from Michigan would only lead to a dual control, so that each would interfere with the other, and thus you would accomplish nothing; and it rather emphasizes the necessity of giving the Commissioner more power, and allowing him to select such scientific men as may be necessary to make the work effective.

That is what I fear in the scheme proposed. If you create a board independent of the bureau, with independent functions, you will have

a conflict of jurisdiction; you will not have harmony of action, and you will not accomplish the purposes desired.

The Commissioner of Agriculture can act as the head and appoint and control his subordinates, and make them work as a unit on general principles much better than to have boards. Special boards in the Departments have generally clogged rather than facilitated operations of this kind.

It seems to me that the trouble about this new scheme is that it has too many heads, and will not be as effective as it would be to enlarge the powers of the Department, making the bill to apply to the Commissioner of Agriculture, and giving him such further assistance as may be necessary.

Mr. PALMER. I ask the Senator from Nevada if he has read the bill?

Mr. STEWART. Oh, yes. I have not read all the amendments. I read it as first proposed.

Mr. PALMER. Section 2 provides:

That the said board shall, under the general direction and approval of the Commissioner of Agriculture, exercise the following powers and discharge the following duties:

You see there is the head; but the Commissioner will have three men who are to be appointed by the President and confirmed by the Senate, and who will act under his direction. It seems to me that that makes a head with a three-pronged hand that will accomplish a great deal more than a single head without representative men of known character appointed by the President and confirmed by the Senate. Does that answer the Senator from Nevada?

Mr. STEWART. I do not see any necessity for the creation of such a board. There may be a necessity for further officers; but if we have a board under his general direction I think he can prescribe rules and regulations. I believe in having an executive head of every Department and holding him responsible. Give more power to the Commissioner of Agriculture to make rules and regulations and enforce his directions, and that will be the most effective. I believe that with more power conferred upon the Commissioner, giving him power to select his subordinates, your bill will be more effective than if you do what is proposed here. That is my general idea.

Mr. PALMER. That plan, I will suggest, has been tried and failed. The Department of Agriculture have appointed a veterinary surgeon, and he has two chiefs in the field, but they have not been adequate to the emergency. As I said before, the disease is not being arrested, let alone being extirpated.

I call upon the Secretary to read a letter from the Live-Stock Sanitary Board of Maryland; and after that my coadjutor on the right [Mr. PADDOCK] thinks the report of the committee had better be read. We were precipitated into the debate without the proper preliminaries.

The PRESIDENT *pro tempore*. The letter will be read.

Mr. PALMER. I hope the Secretary will read it as distinctly as possible, for it may make some converts.

Mr. CULLOM. I inquire what report that is.

Mr. PALMER. It is not the report of the committee.

Mr. CULLOM. I thought the Senator said he desired to have the report read. I supposed it was the report of the committee.

Mr. PALMER. It is a letter which is pertinent to the bill.

The PRESIDENT *pro tempore*. It is a letter of the Live-Stock Sanitary Board of Maryland, dated March 21, 1888. The reading will proceed.

Mr. PALMER. I ask the Chair to recommend to the Senator from Nevada that he give close attention to this letter.

Mr. STEWART. Did the Senator write it himself? If he did, it commands attention.

Mr. BUTLER. Is there any silver in the letter? [Laughter.]

The PRESIDENT *pro tempore*. The letter will be read.

The Chief Clerk read as follows:

LIVE-STOCK SANITARY BOARD OF MARYLAND,
No. 28 St. Paul street, Baltimore, March 21, 1888.

DEAR DOCTOR: Your letter of inquiry into the work of exterminating pleuro-pneumonia in Maryland, dated 19th instant, came to hand during a session of our board, to whom I immediately referred it, and by whom I am instructed to reply as follows:

First. We are of opinion that owing to the fact that pleuro-pneumonia has existed to a very considerable extent in Maryland for the past thirty to forty years, the dairy stables in the suburbs of Baltimore City have become impregnated, and a majority of the cattle in this territory (from the habit of grazing on the unfenced commons and highways) are either "chronic cases" or have been exposed; and owing also to the difficulty of procuring a sufficient number of qualified veterinarians, and the difficulty of properly controlling the movement of cattle without temporarily putting a stop to all cattle traffic, it will take years instead of months (with the present equipment) to entirely free the State from the contagion.

Second. Our board has always been of the opinion that the work, in such State at least, should be under the supervision and control of a thoroughly practical business man; and that he should not be a veterinarian, if for no other reason than that the services of a competent veterinarian is of infinitely more value in the field-work.

Third. We do not find that "the diagnosis and opinions of veterinarians, in indicating the sick animals of a herd," to be any more satisfactory or reliable than the same work of the M. D.'s in their human practice, but, owing probably to the greater difficulty of making such diagnosis, from a lack of responses to questions as to symptons, etc., are probably less satisfactory. It has not "infrequently happened that a good many more animals were found on slaughter" to be diseased than were indicated by the veterinarians' *ante mortem*, and in some instances tuberculosis has been mistaken for pleuro-pneumonia.

Fourth. It is true that many diseased herds with animals far advanced with the disease have been found in districts already "tagged." The discovery of these cases is probably due to the "tagging." These animals were "tagged" by non-professionals, and would have been discovered earlier probably if we had had a proper number of skilled veterinarians. With about fifteen thousand "tagged" animals, most of which were tagged in November and December, only about one-half have yet received a first inspection for the want of a proper force.

Fifth. As to whether or not the "disease has kept pace with the work of extermination," our board are of opinion that with our present equipment we are about able to gather the fruit as it ripens. There is an apparent decrease at present, but it is well understood by all persons who have studied the disease that there is always an increase in number of cases from May to November. A more minute reply to the question would require an extended examination of our records, which we can not give at this time.

Sixth. We consider the "great lack" in the present system to be: First, the withdrawal of the most competent of the few available inspectors from field-work and putting them in charge of office-work which could be done as well by non-professionals; and, second, by holding animals in quarantine for long periods, awaiting owners' consent for slaughter, instead of using States' power of condemnation and appraisement, which could easily be accomplished, in this State at least, by arranging to indemnify the State, instead of the individual, for the appraised value.

Seventh. Your seventh question is answered as fully as we are able in our second reply.

Eighth. We inclose, as requested, such amendments of the bill (S. 2083) as will, we think, make the bill meet the requirements of our State laws; and all we have said above applies to the condition of affairs in our State alone.

Yours, etc.,

T. ALEX. SETH, *Secretary.*

Dr. AZEL AMES,
Of Committee of the Consolidated Cattle Growers' Association.

Mr. BUTLER. May I inquire from whom that communication is?

Mr. HISCOCK. Would it be in order for me to send to the desk and have read a communication from the New York State Agricultural Society?

The PRESIDENT *pro tempore*. The Senator from New York will pause. The Senator from South Carolina has asked the name of the writer of the letter. It will be again stated.

The CHIEF CLERK. "T. Alexander Seth, secretary."

Mr. STEWART. I wish to make a remark in connection with that letter.

Mr. BUTLER. I simply want to get at what it is, first. Whom is it from?

The PRESIDENT *pro tempore*. The Secretary will read the official title at the head of the letter.

The CHIEF CLERK:

Live-Stock Sanitary Board of Maryland, No. 28 St. Paul street, Baltimore. Commissioners: Alex. M. Fulford, T. Alex. Seth, John Brady. Signed, T. Alexander Seth, secretary.

Mr. STEWART. I wish simply to remark that that is cumulative evidence showing that it is necessary to have a single head and not a divided responsibility. It shows further and further the serious character of this business and the danger of dividing responsibility. I believe in holding the head of a Department responsible, giving him power enough to execute the duties intrusted to the Department. This is a very serious business. The letter shows plainly that the Department needs a larger force, and they need thorough executive management; but to have a commission in the Department to quarrel for the next year about jurisdiction, with so great an evil as this impending, is, I think, unwise at this time.

Mr. HISCOCK. I desire to have read in this connection a communication from the State Agricultural Society of New York.

The PRESIDENT *pro tempore*. The Secretary will read the communication, if there be no objection.

The Chief Clerk read as follows:

NEW YORK STATE AGRICULTURAL SOCIETY.

Whereas it is of very great importance that any legislation that may be enacted by Congress for the suppression of contagious cattle diseases should be so framed as to accomplish its avowed purpose without serving any special interest or to the injury of others that are of greater importance; and

Whereas the bill now before the United States Senate, No. 2083, known as the Palmer bill, we believe to be framed in the interest of beef-growers and oleomargarine manufacturers, and to the injury of the great dairy interests of the country; and further,

Whereas it proposes to create a new and expensive organization for the work in view, which we believe can be better done by the present Department of Agriculture: Therefore,

Resolved, That we are opposed to the passage of the aforesaid bill, and respectfully petition Congress to substitute therefor such a measure as their wisdom may devise in accordance with the principles herein stated, and which will place the work in the charge of the Commissioner of Agriculture.

Resolved, That this society condemns the unwarranted use of its name in favor of this bill, which it believes inimical to the great dairy interests of the nation, and being unwilling even to seem to favor such a law, it rebukes the National Consolidated Cattle Growers' Association for using the influence derived from its membership therein in favor of the passage of this law, and withdraws from membership in that association.

Resolved, That the secretary transmit copies of these resolutions to the Representatives and Senators in Congress from this State, to the Commissioner of Agriculture, to the President of the United States, and also to the Committee on Agriculture in Congress, and to each member of the New York Legislature.

I certify the above to be a true copy of resolutions this day passed unanimously at a meeting of the executive board of the New York State Agricultural Society, all but one member (Hugh Duffy, of Cortland) being present.

J. S. WOODWARD, *Secretary.*

ALBANY, N. Y., *March* 23, 1888.

Mr. PADDOCK. I call now for the reading of the report that accompanies the bill.

The PRESIDENT *pro tempore*. The Chair is informed that there is no report accompanying the bill.

Mr. PALMER. There is a report.

Mr. PADDOCK. The report has been printed.

Mr. PALMER. And I think I can find one. I have one here.

Mr. REAGAN. The report is No. 596.

Mr. PALMER. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Nebraska has called for the reading of the report. The Secretary now has it.

Mr. COKE. I ask the Senator from Michigan if this is a unanimous report.

Mr. PALMER. No, sir. I think there were five for and three undecided, and one very positively against the bill on constitutional grounds, not on economic grounds. We shall come to that point later, I will say to the Senator from Texas. That will be the last act of the drama, I imagine.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. PALMER March 16, 1888:

The Committee on Agriculture and Forestry, to whom was referred the bill (S. 945) to extirpate contagious pleuro-pneumonia, foot-and-mouth disease, and rinderpest among cattle, etc., beg leave to report:

That they have carefully investigated the subject-matter of the bill (S. 945) referred to them, and after extended conference with those representing the vast interests at stake and due deliberation have prepared the amended bill herewith submitted (S. 2083).

Your committee have had before them the representatives of the consolidated cattle interests of the country, charged with the duty of urging upon the attention of Congress the necessity of relief for their great industry, which has $1,100,000,000 at stake; also leading stock growers, breeders, and agricultural editors from different parts of the country, together with the Commissioner of Agriculture and the Chief of the Bureau of Animal Industry.

Most of them agreed that there is a great and immediate necessity for legislation on the part of Congress that will provide efficient and permanent authority, machinery, and means for the suppression and extirpation of diseases among domestic food animals.

These diseases, especially the exotic disease contagious pleuro-pneumonia, have not only already cost the country a direct loss, it is safe to say, of $50,000,000, but their interference with interstate commerce and the restrictions they have brought upon our export trade in live cattle have occasioned a loss of many millions more.

Tuberculosis among cattle and cholera among swine have become not less important dangers to our food supply and our export trade. Their extensive spread and the grave results they portend make them matters of the most serious concern.

As indicating the importance of every possible protection to the live-stock industry of this country, it may be stated that it is shown that our meat supply holds the second place in importance in the food staples of the country and stands next to cotton in our export list (is likely soon to stand first) while the live-stock and their products furnish two-fifths of the transportation business of the country.

Our herds are rapidly lessening in proportion to our increase of population from natural causes alone, as, *e. g.*, the increased value of farm lands, the settling up of the public domain, the late unprofitableness of stock-raising, etc. Further decimation by disease can not be borne. We have now probably not more than 600 head of cattle to the 1,000 of population, as against 814 to the 1,000 in 1860.

It is significant, too, that Egypt, India, and Russia having measurably taken our wheat trade in the markets of western Europe, Russia our petroleum trade, and India (largely) our cotton trade, cattle, swine, and their products have become the principal export staples upon which we must rely to turn the balance of exchange in our favor.

Our export trade in live cattle and in hog products was a fast-growing and very remunerative line of traffic, as was also the foreign demand for our improved stock for breeding purposes, notably from China, Japan, and South America, until the presence of these diseases in this country caused foreign powers, partly in genuine alarm and partly as a pretext in favor of their own products, to place such embargoes and restrictions upon our exportation as to seriously cripple and, in some cases, practically destroy the business.

The exceedingly subtile and evasive character of some of these diseases, especially pleuro-pneumonia and swine plague, is such as to make the immediate destruction of all animals affected by or exposed thereto the only sure and safe method for their extirpation.

The evidence is ample that animals that have been affected with pleuro-pneumonia and are apparently recovered often have still encysted portions of the diseased lung, which under any hardship break down and relight the disease. If the animal has, meanwhile, being unsuspected, been conveyed to a new locality, it immediately becomes there a new center of disease.

The danger to the herds of the country, especially the great beef herds of the Western ranges, where no isolation and control are possible, is apparent, and the measures to protect them, in the interest of our food supply alone, from the decimation which a few years since overtook the herds of South Africa and Australia under the march of this disease, can not be too speedy or effective.

To restore our export trade in live-stock, swine products, and breeding animals, so highly important to us as a nation, it is necessary to speedily extinguish all possible pretexts for discrimination against these staples on the part of foreign governments.

There is no dissenting voice as to either the magnitude of the interests at stake, the gravity of the dangers which menace, the necessity for national legislation providing means and authority for extirpation, or as to the necessity for destruction of the diseased and exposed animals, to eradicate disease.

The agencies and powers best adapted for the accomplishment of the work have been the chief subjects of discussion and concern on the part of the committee.

The bill (S. 945) referred to them, proposing an independent commission of three, including the Commissioner of Agriculture *ex officio*, to be appointed by the President, and to exercise their functions when and as long only as he might deem requisite, was substantially the bill (S. 3025, second session Forty-ninth Congress), passed by the Senate at its last session, known as the "Miller bill," and has received very extensive indorsement by Legislatures, boards of agriculture, and agricultural and stock-growing organizations of all kinds, in all parts of the country.

It was especially urged by the great representative organization of the cattle industry, the Consolidated Cattle-Growers' Association of the United States.

Although carefully and intelligently drawn by able constitutional lawyers and practical stock-growers, and so strongly supported by the country, your committee feel that Senate bill 945 fails to recognize certain factors very desirable in such legislation; and with regard to these, while earnestly desirous of preserving all the features deemed essential by its friends and of securing to the country every possible protection, they believe a recast of the bill and a change in some of its features will best promote the end sought.

To this view the advocates of the original bill have given their cordial assent, and have transferred their entire support to the substitute herewith submitted by the committee.

Your committee hold primarily that all administration of affairs under authority of national legislation should, so far as practicable, be in and under the general control of established Executive Departments of the Government.

They believe, also, that the great and fundamental interests of agriculture and their representation in the executive branch of our Government should be steadfastly recognized. Therefore they hold that any authority and measures proposed by legislation upon matters so essentially within the domain of, and related to, agriculture as those sought for the protection of food animals should be (as far as practicable) within the general administration of the Department of Agriculture.

They have therefore thought it wise to provide that the agencies and powers desired by the country should reside within the general direction of this Department rather than in an independent commission.

At the same time they believe that, to promote the greatest possible efficiency, the existing organization of the present Bureau of Animal Industry should be discontinued, and that a new one, constituted as proposed in the bill submitted, should be created.

Upon this new bureau should devolve all the duties and powers appertaining to the present organization, with those other added powers, duties, and responsibilities prescribed in the bill. By this means the country secures all that it has enjoyed; the special necessities not now adequately met are provided for, an instrumentality which is demanded, comprising all possible elements of efficiency is created; an authority sufficiently ample to give general and even special oversight is obtained, and it is believed that economy will be greatly promoted.

Every element of advantage seems to be secured, while none of disadvantage, as compared with the present organization or of the independent commission plan suggested, present themselves.

Certain features of the bill, not previously existing in our legislation to these ends, and suggested by the practical experience of those who have dealt with these problems, have strongly commended themselves to your committee.

The Presidential appointment, by and with the advice and consent of the Senate, is a guaranty of the fitness and representative character of the membership of the proposed board. The requirement that the President of the United States shall approve the rules and regulations of the board affords assurance that their legal status and general soundness will be secured, and will contribute greatly to the respect they will command in execution. At the same time it is a guaranty to the authorities and citizens of the several States, that though great powers are conferred by the bill, as essential to successful administration, they will be exercised only under such carefully framed rules and regulat ons as the practical wisdom of the board and the guarded approval of the President and his law officers shall determine.

The sections of the bill which provide for promulgation (by rule of the board approved by the President) of existing localities of disease, and the Presidential proclamation of the extinction of disease in State or nation (the latter to be made known abroad), will meet the cordial approval, the committee believe, of the stock-grower, the transportation companies, and State authorities who have felt their want.

The careful recognition of the inalienable rights of the citizen in his property, and of the autonomy of the States, while at the same time the powers vested in Congress by the Constitution "to regulate commerce between the States" are availed of, the committee believe, can not but command general approval.

No man's property is taken from him without his consent, and it is fairly paid for when he consents to its destruction. The national police powers for the protection of interstate commerce are invoked only to the extent requisite for general welfare, and exercised in co-operation when possible.

It is become so evident that in the case of such a disease as pleuro-pneumonia a single cow having the disease in any State (perhaps contracted before coming into the State, even before importation), and never intended to be removed from the State, can yet unperceived infect other animals that are likely to be removed across State lines, as at a State fair, or *en route* to such fair, or in coming into the State may so infect cars, boats, etc., used in interstate commerce, though never herself crossing State boundaries, that such an animal is, may be, often has been, both a direct and indirect factor in the interstate spread of the disease.

Moreover, this is now so fully recognized that the simple knowledge of the fact that this single cow, sick with the disease, exists in any State is held to indicate danger of all the attaching possibilities in the traffic with that State, and immediately the executive of every other cattle State issues a proclamation against and sets up exacting and ruinous quarantine restrictions upon all cattle coming from that State. Thus at once interstate commerce receives a very decided check, as damaging almost as disease itself.

There can be no doubt that such conditions are so related to interstate traffic as to be proper subject-matter for law under the constitutional provisions and powers for the regulation of traffic between the States.

Although holding that the powers given in the bill are soundly based on both the "regulation of interstate-commerce" clause of the Constitution and upon the precedent established by the Forty-ninth Congress in the grant of power to the Commissioner of Agriculture quoted, the committee freely admit the desirability of co-operation between State and Federal authorities in the work of suppression whenever practicable.

To that end the bill provides (sec. 3) that "whenever the governor of a State or Territory, or other (State) officer duly authorized by law thereto, shall signify * his * assent or readiness to co-operate," etc., "the board (bureau) shall proceed in co-operation" with such authorities, etc.

It need not be said that, except as duly authorized thereto by legislative enactment, the governor of a State could not so commit his State; hence, however desirable it may be that co-operation shall be had, it can not be except as provided for in State law. This at present exists in but five States. The bill extends the fullest possible recognition to these, as to all other States, as fast as they shall (as they doubtless rapidly will) enact laws thus empowering their executives. More Congress could not do without stultifying itself, and law, courtesy, and comity, as well as good judgment and desire for results, forbid its doing less.

The committee commend to the attention of the Senate the printed report of the evidence given at their hearings upon the bill referred to them.

They recommend that the amended bill, as submitted herewith (S. 2083), be passed.

Mr. COKE. I ask leave to submit a memorial to Congress from the Northwest Texas Cattle-Raisers' Association, adopted at Gainesville, March 14, in reference to this bill, to be read and laid on the table.

The PRESIDENT *pro tempore*. The paper will be read.

The Chief Clerk read, as follows:

The following memorial to Congress was unanimously adopted at the regular meeting of the Northwest Texas Cattle-Raisers' Association at Gainesville

March 14, having previously received the indorsement of other important Texas associations:

MEMORIAL TO CONGRESS.

Whereas a bill is now pending before the Congress of the United States that has for its object the abolishment of the present Bureau of Animal Industry and the substitution of a board of three men; and

Whereas the bureau as at present constituted has rendered valuable service to the stock interests of the whole country in the matter of purging diseased centers and preventing the spread of bovine diseases of an infectious and contagious character; and

Whereas it is reasonable to suppose that after years of experience in the line of scientific investigation and practical work in the field, the forces already organized will do more effective work than a commission of new and inexperienced men; and

Whereas the existence of a scientific bureau at the national capital where all the diseases of our domestic animals may be investigated at the expense of the General Government, securing the full benefit of the information accessible through the channels of international reciprocity, is a necessity, in view of the fact that contagious diseases are common among the domestic animals of most of the nations with which the United States enjoys commercial intercourse; and

Whereas such a bureau should be under the control of scientific men, rather than temporary appointees, given place because of political influence; and

Whereas it is believed that some of the persons now engaged in the work of pushing the objectionable bill are actuated more by a desire to get control of the sanitary powers of the Government than by an honest conviction that the bill is best for the country; and

Whereas the above conclusion is a reasonable deduction, from the fact that the leading spirits engaged in the work of lobbying the bill through Congress are the same parties who, apparently for selfish purposes, secured the stoppage of the entire drive of Texas cattle on the trail near Camp Supply, in the Indian Territory, three years ago, on the pretext of disease, thereby inflicting serious loss upon cattle-owners in Texas, Colorado, and elsewhere; and

Whereas the introduction in Congress of the bill referred to, known as "amended Palmer bill," is a gross violation of pledges given, as will be seen by reading the following resolutions passed unanimously at the last annual meeting of the Consolidated Cattle-Growers' Association, held in Kansas City, Mo., last November.

"*Resolved*, That the legislative committee of the Consolidated Cattle-Growers' Association of the United States be, and is hereby, requested to labor for the passage of the bill known as the Miller-Carey bill, with the amendment that the Commissioner of Agriculture shall be a member of the commission and *ex-officio* its chairman.

"*Resolved*, That the thanks of this convention are hereby tendered to Norman J. Colman, United States Commissioner of Agriculture, and Dr. D. E. Salmon, Chief of the Bureau of Animal Industry, for the efficient work they have done in stamping out pleuro-pneumonia with the limited powers conferred upon them by existing legislation:" Therefore,

Be it resolved by the Northwestern Texas Cattle-Raisers' Association in annual meeting assembled this March 14, 1888, That the Congress of the United States be, and is hereby, most earnestly appealed to refuse to pass the said Palmer bill, and instead thereof to pass a bill that will retain the present Bureau of Animal Industry in power, strengthening its hands by such widening of powers as may seem best, and giving it an appropriation of $500,000 with which to continue the work of stamping out disease in accordance with the methods at present being so successfully employed.

Resolved, further, That the thanks of all the cattle-owners of the country are due to the Hon. Norman J. Colman, Commissioner of Agriculture, and his subordinates, for the good work they have already accomplished and the promises of results desired by the country.

Resolved, That the secretary of this association send copies of these resolutions to members of Congress from Texas, and request them in the name of the association to use their utmost endeavors to protect the live-stock interests of Texas by securing legislation in Congress as above indicated.

Mr. BECK. Mr. President, when this bill was first presented to the Senate, and the report on it was laid on our desks I read both with great care. Representing in part a people very largely interested in protecting the stock of the country against pleuro-pneumonia and kindred diseases, and having a good deal of difficulty in regard to the bill as presented, and desiring to know from the best authority what ought to be done, my colleague and myself, after conversation, wrote a letter to the Commissioner of Agriculture and received his reply, which I desire the Secretary to read, so that both may go upon the record.

The PRESIDENT *pro tempore*. The papers will be read, if there be no objection.

The Chief Clerk read as follows:

UNITED STATES SENATE, *Washington, D. C., March* 30, 1888.

DEAR SIR: Please find inclosed Senate bill No. 2083, with the report thereon, No. 596, laid before the Senate by the Senator from Michigan, Mr. PALMER, a few days ago, from the Committee on Agriculture. The proposed amendments, as you will observe, are inserted in italics. As pleuro-pneumonia is a disease in the extirpation of which the people of Kentucky are greatly interested, we desire you, after a careful examination, to advise us what you think about the bill. We have understood that the present law is working reasonably well, and we do not desire to make any experiments unless they are obviously beneficial. There are many radical changes of the existing law proposed in the bill we send you, especially in regard to the authority of a board of three persons to constitute a Bureau of Animal Industry in your Department who are, according to the amendment of the Senate committee, to be practical cattle-growers of known executive ability, with a veterinary surgeon, at salaries of $4,000 a year. We are afraid of divided authority, and unless there is some good reason why the change should be made, we do not feel disposed to favor the change without information. Some of the provisions of the bill stretch the constitutional authority of Congress very far; therefore we desire you, if you can consistently do so, to advise us how the present law is working, and whether the proposed changes would be beneficial or not, giving your reasons as far as you can for the views you entertain. We ask this, because we have not had the time nor the opportunity to make as thorough an investigation for ourselves as the importance of the subject requires, and as you are at the head of the Agricultural Department, we have no doubt your attention has been called to it and you have made a careful investigation for yourself. Your views, therefore, would be very useful to us, representing in part as large interests as Kentucky has in regard to the subject of pleuro-pneumonia, in determining what we ought to do.

Yours, truly,

J. B. BECK.
J. C. S. BLACKBURN.

Hon. NORMAN J. COLMAN,
Commissioner of Agriculture.

WASHINGTON, D. C., *March* 31, 1888.

GENTLEMEN: I have the honor to acknowledge the receipt of your favor of the 30th instant, asking of me my views as to Senate bill 2083, for the establishment of a Bureau of Animal Industry in my department, and I herewith comply with your request.

First, as to the existing legislation which this bill proposes to be a substitute for, and the work done and being done by the present Bureau of Animal Industry, especially as regards the eradication of contagious pleuro-pneumonia, I have this to say:

The Bureau of Animal Industry was organized under act of Congress, May 29, 1884, and the object of its establishment was, primarily, for the investigation of the condition of domestic animals, their protection and use; for the investigation as to the causes of contagious and infectious diseases among them, and the discovery of means for the prevention and cure of the same, and the collecting of such information on these subjects as would be of value to the industrial interests of the country; secondarily, for the establishment of rules and regulations for the suppression and extirpation of such contagious diseases.

The governing principle of the present law, in so far as it relates to the eradication of disease, is that this work should be done under the authority of State statutes. The Bureau of Animal Industry places in each State, whenever outbreaks occur, a force of well-trained and experienced veterinarians and other employés to eradicate the disease in accordance with the legislation provided by the State.

At an early date it was decided by the Comptroller of the Treasury that this department was not authorized to expend money for the eradication of diseased and that its appropriation was confined to disinfection and quarantine measures necessary to prevent the spread of disease from one State to another. Accordingly the work of the bureau was restricted to this extent, and no general plan or method could be adopted which would provide for the eradication of disease. Up to April, 1887, the bureau supplied the various States, when requested, with veterinarians for investigating the alleged existence of pleuro-pneumonia, and provided for the expense of maintaining quarantine measures and of disinfecting premises, the State authorities paying the cost of killing and destroying the exposed animals. Up to this date the bureau stamped out in this way outbreaks of disease in the States of Missouri, Ohio, Kentucky, and Delaware. On March 3, 1887, Congress gave to the bureau a large appropriation and provided for its expenditure in the eradication of pleuro-pneumonia.

This appropriation enabled us to establish a general system, covering the investigation of the disease in all parts of the United States, and a systematic method applicable to every State for its eradication. The necessary rules and regulations were prepared by me under the law and certified to the governors of the various States and Territories. These rules, a copy of which I inclose you, marked A, have been accepted by the governors of twenty-seven States and seven Territories. The Legislatures of seven States have provided by legislation for co-operation between the United States and their respective live-stock commissions. These States are Michigan, Kentucky, Delaware, Iowa, Kansas, Nebraska, and Tennessee. Six States have passed special statutes for co-operation, making the officers of the Bureau of Animal Industry State officers, and conferring upon them the power of investigation, quarantine, and condemnation of animals in their respective States. They are Virginia, Illinois, New York, Massachusetts, New Hampshire, and Rhode Island. In addition, special agreements of co-operation have been made with the authorities of the States of New Jersey, Maryland, and Pennsylvania.

During the past year the bureau has stamped out a serious outbreak that existed in Cook County, in the State of Illinois. It has also stamped out outbreaks in the counties of Delaware and Washington, in the State of New York. It has eradicated the disease from the counties of Howard, Carroll, and Prince George's, in the State of Maryland, and has likewise suppressed small outbreak in Elizabeth City County, Virginia, and Kent County, Maryland, which had been introduced by the importation of diseased cattle from the city of Baltimore, Md. The disease of pleuro-pneumonia has thus been confined by the bureau to three large centers, namely, Jersey City and vicinity, in the State of New Jersey; New York and vicinity, in the State of New York; and Baltimore and vicinity, in the State of Maryland. The three States in which these cities are respectively located have laws which, if properly enforced, are sufficient for stamping out what remains of the disease in this country. By means of co-operation the bureau is now at work in all of these places with a well-trained force, endowed with full authority as State officers to carry out the provisions of the State law. The counties of Westchester and New York, and the counties comprising Long Island and Staten Island are held in quarantine by proclamation of the governor of the State of New York, and this quarantine is being rigidly enforced. Not an animal of the bovine species can be introduced into, or taken out of, these districts without first being inspected by a veterinary inspector of this bureau and a permit being obtained for its movement. In addition to its own police force the bureau has the help and assistance of the constabulary of the various counties, the police force of the cities of New York and Brooklyn, together with all the aid and assistance that the boards of health of the counties enumerated can give. There are held in quarantine in the counties of Westchester and New York about 75,000 head of cattle and about 100,000 on the two islands. Of this number 55,000 head have already been tagged by the bureau and their history obtained, and the tagging is now progressing at the rate of from 800 to 1,000 animals per day. Diseased herds as soon as found are at once appraised and slaughtered and the premises disinfected.

The same condition of affairs exists in the county of Hudson, in which is located Jersey City, where there is to be found about 20,000 head of cattle. Similar conditions exist in the city of Baltimore, State of Maryland, where there have been tagged and are now held in quarantine about 15,000 head of cattle.

Much criticism has been passed upon the want of co-operation between the Department and the State of Pennsylvania. It has been alleged that the disease exists in the city of Philadelphia to a large extent and that it is a menace to the cattle trade. This Department has not been able to find any pleuro-pneumonia in Pennsylvania unknown to the State authorities. In order, however, to ascertain the extent of its existence in Philadelphia and to set at rest the rumors as to its prevailing, and relieve the fears of the cattle trade, co-operation has been agreed upon between the governor of Pennsylvania and this Department, and the governor has issued a proclamation quarantining the city of Philadelphia, which goes into effect on the 10th day of April, and the Bureau of Animal Industry will commence its work of extirpating the disease, if any is found, on that day in the State of Pennsylvania. I am of the belief that pleuro-pneumonia is now under complete control, and that there is very little danger, if any, that animals can escape from these quarantined centers so as to spread the disease to other portions of the country. I am satisfied that no bill can be devised which could more speedily or more effectually stamp out pleuro-pneumonia by any other plan than the one now in operation. I believe that, the work having reached this stage, it would be impolitic and ill-advised to make any change in the instrumentality by which it is being done. The State officers of the several States in which the work is being carried on are in hearty accord with the Bureau of Animal Industry and perfectly satisfied with the manner in which the work is being accomplished. To therefore disestablish this bureau and place in its stead a new body of men, necessarily inexperienced, would be, in my judgment, a grave mistake and one that might bring serious disaster upon the cattle industry. It would also be to throw away the results obtained by the expenditure of perhaps $500,000 and start anew to accomplish the same end.

The work so far done by the Bureau of Animal Industry has been done in a

conservative and economical way. The greatest care and every precaution has been taken not to interfere in any way with the commerce of cattle, except by such restrictions as are absolutely necessary to protect the cattle industry of the country. During the existence of the quarantine in Chicago the bureau obtained from the Union Stock-Yards an agreement that no cattle from the infected county of Cook should be admitted to its yards, and upon this understanding no restrictions were placed upon the movement of cattle through those stock-yards. In order that the bureau could be satisfied that this agreement was being kept, a guard was stationed at that place to see that there was no violation of the agreement. The same agreement has been made with the stock-yards in the city of Baltimore, and the same arrangement is to be made with the stock-yards in the city of Philadelphia. The cost of the work so far accomplished has been far less than was anticipated by those who for years have figured and made estimates upon the probable cost of stamping out this disease. It is more than probable that with another appropriation of the same amount as given to the bureau at the last session of Congress we will be enabled to properly extirpate this disease, provided the work is continued on the same plan and in the hands of the same force with which we have so far conducted the campaign. I have heretofore expressed similar views on this subject to the Senate committee in answer to a request from them, and I inclose herewith my letter to them on the subject and ask for it a careful perusal.

And now to the proposed bill before the Senate, known as the amended Palmer bill.

First. In my letter to the Senate committee I stated that I believed that it was preferable that the work of extirpating contagious diseases should be done by the Bureau of Animal Industry under State laws and not solely by national authority. The central principle of bill 2083 is the complete control of the subject-matter of contagious diseases by national authority as contradistinguished from State authority. Almost every State has already provided by legislation for contagious diseases among their domestic animals. Congress has admitted, or tacitly admitted, that the several States had this right to legislate for the protection of their animals and to provide the means and measures for the eradication of disease among them. In the law of May 29, 1884, Congress recognized that this power belonged rightly to the States and provided that the work of the national authorities should be done in co-operation with the State under State laws, the United States furnishing the necessary forces for its accomplishment for the general welfare of the country. While it is not in my province to call in question or comment on what may be constitutional rights, my duty being to enforce any law which Congress in its wisdom may think proper to pass, I believe it proper and that I am justified in stating as an objection to this measure that it would be ill-advised to substitute for a method of work which is of unquestioned constitutionality one that may be questioned, for the reason that in the enforcement of the law it would be a serious drawback to the work if resistance should be made by individuals whose cattle are being quarantined or killed or restriction placed upon their movement, who will take necessary steps to defend themselves and property by calling to their aid the powers of judicial proceedings, thereby impeding the successful accomplishment of the measures necessary to eradicate the disease.

Such judicial process being had they might result, possibly in putting a complete stop upon all work until the court of last resort can pass upon the constitutionality of the questions involved. It would also be almost impossible to secure a set of officers who would go upon premises to tag animals, and enforce the measures provided by the rules and regulations, if there was any doubt as to their power to do these things, for the reason that they would be personally responsible in damages for what might be determined by the courts to be unlawful acts. You will therefore see the necessity that exists that there should be no doubt or question as to the constitutionality of the law to be enforced, or as to the rights of the officers of the bureau to carry out the measures necessary to eradicate the disease.

Second. In my testimony before the Senate Committee on Agriculture, I expressed my opinion that no advantage would be gained by placing the work of the bureau in the hands of a commission. Obviously, the most important work of the Bureau of Animal Industry is of a scientific nature. To place the management, therefore, of scientific investigations in the hands of a commission, a majority of whom would be non-professionals, does not commend itself to my judgment. The decisions and conclusions arrived at by such a commission would not be acceptable to the people of the country, or have any weight as safe, sound, scientific principles. It is best that this work should be solely in the hands of scientific men. I think likewise that the plan of placing the executive work in the hands of a commission of doubtful propriety and not one that augurs success for its management. It has been almost universally admitted that executive work requires one head and one responsibility, and that when consultations and conferences are to be held, and differences of opinion as to how the work is to be carried on, are to be decided by a majority vote, it produces uncertainty as to action and a divided responsibility. The experience of the past has shown that the commission plan, whenever tried for executive work, has proved a failure, and I believe that it would be detrimental to the work contemplated in this measure.

I have some doubt as to the wisdom and propriety of selecting any one class of our people to place in charge of executing the laws. Representing, as I do, the head of the Agricultural Department, and the interests of all classes of agriculturists, of the stock-growers, of the dairymen, and of the general farmer, I do not approve that one class shall be favored as against another. I am not aware that the stock-growers' industry is more interested in the work of the Bureau of Animal Industry than are the other elements that compose the great agricultural class of this country. In fact, so far as pleuro-pneumonia is concerned, the history of the disease and where it is found, shows that the dairymen and the small farmer are the people who are most affected by the measures introduced to extirpate the disease. It is these men who are the sufferers, whose property is to some extent confiscated. So far the stock-growers of this country, the class from whom are to be selected the majority of this commission, have not yet felt the effects of this disease. Their industry has not yet been touched by the disease except by the fear that it might be introduced among their herds. Consequently if class legislation is to be inaugurated and if the interest which is most directly at stake is to be put in charge of this work, this commission should be composed of either dairymen or the small farmer. As to the advisability of establishing a precedent of this kind that a law of the United States is to be executed by a particular class, is a question for your consideration as Senators and legislators and not for mine, as an executive officer.

I pass by those provisions of the bill which invest the proposed commission and its agents with the right of visitation and search of the premises and among the animals of the farmers of this country for the purpose of finding disease or diseased conditions; also the provision that imposes a penalty of imprisonment or fine of $500, or both, for any resistance to these visitations and searches. I pass over, also, the provision delegating to this commission the making of laws and the fixing of penalties for their violation. It is a question for your judgment whether the legislative power conferred upon Congress to make laws and provide for penalties can be abdicated and delegated to any executive body, though it may be a commission composed of two practical stock-growers.

I am of the opinion that the proposed bill gives too much discretion as to the expenditure of the money appropriated for carrying out its provisions. You will observe that the bill provides for the extirpation of every disease that "animals are heir to." It leaves to the discretion of the commission which one or how many of these various diseases shall be eradicated at the same time. Under the circumstances it is possible for this discretion to be abused, and that the particular disease which Congress desires to be first eradicated may be passed by and another taken up. It seems to me advisable that Congress should define which diseases shall be stamped out, and appropriate money for those particular purposes, rather than that it should be left in this indefinite shape.

I feel obliged in my own self-defense, and in defense of the discipline and proper administration of my office, to call your attention to the fact that this bill purports to place this new bureau in the Department of Agriculture and under my control. A close analysis of the measure shows that this control by me is merely nominal, and that I have no effective check upon the work to be done by the commission. This bill provides that the rules and regulations for the carrying on of the work by the commission are to be made by them, and I have no voice in or control over their preparation. The bill also provides that this commission shall have the appointment of all the subordinates independent of my approval. I do not believe it is just to give out to the country that the Department of Agriculture is in charge of this work and that the Commissioner of Agriculture is responsible for its execution, when, in fact, the Commissioner has in reality no control over its performance. It places the Department in a false position. Under the present provisions of the bill it would be impossible for me to control this new commission. I trust that if the bill is to pass in any shape it will be so amended that my control over the bureau and the expenditure of the appropriation will be as complete and absolute as is my control over the other divisions in this Department.

In conclusion I can not refrain from calling your attention to the high standard of the scientific work accomplished by the present bureau and the position that it has attained in the scientific ranks of the world. From all parts of the country come acknowledgments expressive of the appreciation of the people in the discoveries that have been made and the results obtained in the scientific work of the bureau, and leading scientists have likewise given expression to their appreciation of the value of the service rendered by the bureau. The scientific departments of the various European governments are to-day watching with much interest the work of the bureau. They are following where the bureau now leads, and the results of their work are confirmatory of the results arrived at by the bureau. I take great pride in the high rank obtained by this division of the Agricultural Department, and I regret sincerely that any serious effort should be made to displace the present bureau that has so successfully accomplished results of so much value to the whole world, and in its place establish a bureau directed by non-professional men.

I am, very respectfully,

NORMAN J. COLMAN,
Commissioner of Agriculture.

Hons. J. B. BECK and J. C. S. BLACKBURN,
United States Senate.

Mr. BECK. Mr. President——

Mr. PALMER. Does the Senator from Kentucky wish to speak?

Mr. BECK. I only rise to say that I have no comments to make in regard to that paper. I approve very much of what the Commissioner says, and I thought it was proper it should go on the record so that the Senator from Michigan and other gentlemen could comment on it in the debate.

Mr. PALMER. I shall be very happy to review it some day hereafter, possibly. I am not at all astonished at that letter. I have no doubt it is an honest letter. It is a letter that any courageous, gamy man would write when he had been intrusted with a matter for three years with varying success and receiving from his agents cheering reports, expecting that he would overcome an evil that he was endeavoring to meet. I suppose the Commissioner thinks that he can compass it; but the fact remains that there is more pleuro-pneumonia in the country to-day than there ever has been, which I will try to show to-morrow.

At that time I may show some of what I consider the fallacies of the letter of the Commissioner, for whom I have the highest respect. I have no doubt that from his standpoint it appears to him just as he represents it, but I think that possibly there may be some exceptions taken to some of his conclusions.

Before we proceed further, Mr. President, I think it would be well to enlighten the Senate upon the distinctions made in the new bill between the proposed Bureau of Animal Industry and the one which now exists.

1. It discontinues the present organization and existence of the Bureau of Animal Industry and creates a new one with the same title, but enlarged powers and better machinery.

2. It puts a board of three persons in control of the new bureau, instead of a single veterinary chief.

3. It constitutes the board of two practical cattle-growers, of known executive ability, and a competent veterinary surgeon, as a substitute for and the more than equivalent of the present veterinary chief and the two practical agents provide for by the old law.

4. The new composition of the bureau elevates the practical and experience factors from the subordinate and purely advisory positions to which the present law assigns them, and places them in equal and associate authority with the scientific element.

5. The President appoints and the Senate confirms the board, instead of the Commissioner of Agriculture appointing the chief of the bureau, as at present.

6. The salaries of the members of the board are fixed at $4,000 per annum, instead of the $3,000 now paid the chief of the bureau and the $10 per diem paid the two agents respectively, so that the difference in the salaries will be merely nominal; that is, if these agents are kept as they ought to be kept, out all the while.

7. The board is required to make rules and regulations for its conduct, which must have the approval of the President of the United States before becoming operative, and is required to publish these rules and regulations and to record the same. All its work must be conducted under and be regulated by these rules.

These provisions for obtaining the President's sanction to rules and

regulations, their record and publication, do not exist in the present law.

8. It is made the duty of the board to ascertain the existence of contagious pleuro-pneumonia, foot-and-mouth disease, rinderpest, swine-plague, and other diseases and disease-conditions of live-stock. This is not specified in the present law.

9. For the above purpose it is authorized to enter and make search, investigation and inquiry, in person or by agent, any premises or places in which disease is supposed to exist. This is not included in the old law.

10. The publication for the benefit of the general public, by newspaper publication, of the existence of disease is authorized, in addition to the notification (only) of common carriers required, by writing or newspaper, in the present law.

11. The board is authorized and required to establish and maintain quarantine of animals, places, premises, or localities to prevent the spread of disease. This does not reside in the law creating the present bureau, but is included in part in the provisions of the agricultural appropriation bill of last year.

12. The board is authorized to cause the appraisal and destruction of and payment for diseased or exposed animals. Animals not to be destroyed, however, except owner assents and accepts appraisal, and not to be paid for except at certain rates, and under certain circumstances fully defined. Authority to proceed under State law, if feasible, is granted.

These powers are in part only granted by the organic act of the bureau, but are much more fully given by the appropriation act of last year, which soon expires.

And I would say here that the Commissioner speaks of the constitutionality of the proposed law and the law under which he acts. I do not believe that any acts, even with the co-operation of the States under the present bureau, have been constitutional, and I believe that individuals, if they considered themselves oppressed, could obtain relief in the courts. However, I leave that for the lawyers to discuss.

13. The board is authorized to co-operate with the executives of States or Territories whenever said executives are empowered by law to do so and signify their readiness. The only new feature of this as compared with the old law is that legal authority for the co-operation of the State executive shall exist, except that the whole basis of operation under the old law was by co-operation with State authorities, whether they were empowered by law or not, and in no other way.

14. No special provisions are made by the bill for Texas fever, or for the conduct of the work in the District of Columbia, as proposed by the organic law of the present bureau.

15. The bill especially and distinctly defines the acts that shall be held misdemeanors under the provisions of the bill and fixes penalties therefor, as contrasted with the general and penalty clauses of the old law. A few new offenses, growing out of the new provisions of the bill, are specified, such as (*a*) refusing permission to enter; (*b*) obstructing officers and agents; (*c*) preventing operations of same; (*d*) violating or evading quarantine; (*e*) concealing existence of disease; (*f*) failing to report disease; (*g*) delivering or receiving diseased animals for transportation, or (*h*) violating rules of the board willfully.

16. The bill provides that when diseases shall become extinguished in a State or Territory the President shall proclaim the fact, as also when the same shall be true of the United States, in which case the fact shall be made known through the proper consular officers. That is a very important clause, for our exported cattle now are required by the orders of the privy council in England to be slaughtered in ten days after they arrive in port, and it makes no difference what certificates of inspection they may take here they are not considered as amounting to anything on the other side. If any animals are infected in this country and the disease is not entirely extirpated from the whole of the States they will consider them all as infected. They do not understand our State quarantine and our State institutions in contradistinction to the national economy.

17. The bill requires the board to keep an office and make full records and report to the Commissioner of Agriculture, who is required to report the same to the President, and he in turn to transmit the same to Congress.

18. The bill provides for the appointment of all such employés by the Commissioner of Agriculture as the board may deem necessary, their compensation, etc., and the expenditure of moneys, somewhat specifically, as the old law does not.

It provides that in cases of emergency outside the District of Columbia the board shall employ and make expenditures temporarily. This, I think, is the clause that gives the most anxiety to the Commissioner of Agriculture—the idea that this board should have in case of emergency any positive power without consulting the head officer. I think that it is very essential that they should have; and any one who knows anything about the disease by experience, by observation, or by communication with cattle-men, knows that the first want is a blow and the next a blow.

19. Provision is made, not included in the present law, for investigation on lines of transportation, upon which live-stock are exported and imported, and authority, not previously granted, is given the Secretary of the Treasury to establish proper regulations concerning exportation and importation of animals. This is a very important clause; and now I will state of my own knowledge that whereas the quarantine for imported animals is only three months, it ought to be from eight to ten. In pleuro-pneumonia an exposed animal should be quarantined at least eight or ten months before the danger of communicating disease is done away with.

Now, I would suggest to gentlemen who propose to oppose the bill—and I see there is a disposition to obstruct and oppose it, no doubt honestly and conscientiously—that they permit the committee to go on and perfect the bill with their amendments, and then we will welcome the onslaught from every side, and if we can not pass the bill in its present shape we hope to pass it with amendments so that it will be agreeable to the majority of the Chamber.

Mr. BUTLER. It is quite obvious that this bill can not be completed this evening, and I move that the Senate do now adjourn.

Mr. HAWLEY. Mr. President——

Mr. BUTLER. If the Senator from Michigan will yield for the purpose of an adjournment I will make that motion.

Mr. HAWLEY. I have a small matter of business which I should like very much to have attended to, if the Senator from South Carolina will withdraw the motion until the time comes.

Mr. BUTLER. Of course; I will withdraw it for that purpose.

The PRESIDENT *pro tempore*. Has the Senator from Michigan yielded the floor?

Mr. PALMER. I have not. I think as it is only a little past half after four we have a good half hour of work in us yet.

Mr. BUTLER. I did not hear the Senator.

Mr. PALMER. I do not understand the Senator from South Carolina.

Mr. BUTLER. I simply ask the Senator from Michigan if he will yield for a motion to adjourn.

Mr. PALMER. I should dislike to do so, because I think we can have half an hour of good work before 5 o'clock. I shall be ready to yield at that time.

Mr. BUTLER. It is not possible to finish the bill this evening, and it is about the time we usually adjourn.

Mr. PALMER. We can act upon the committee amendments, and take no positive action beyond that.

Mr. BUTLER. Very well.

The PRESIDENT *pro tempore*. The pending amendment will be stated.

The CHIEF CLERK. In section 2, line 14, after the word "diseases," insert the words "and disease-conditions."

The amendment was agreed to.

Mr. EDMUNDS. The bill is now under consideration?

The PRESIDENT *pro tempore*. The bill is in Committee of the Whole, and the amendments proposed by the committee are being called for action.

Mr. EDMUNDS. Is this the first amendment?

The PRESIDENT *pro tempore*. The first three amendments proposed by the committee have been agreed to.

Mr. EDMUNDS. Already in Committee of the Whole?

The PRESIDENT *pro tempore*. In Committee of the Whole.

Mr. EDMUNDS. Then the Senate, as in Committee of the Whole, have agreed to make this new sanhedrim composed of practical stock-growers. That is one of the amendments agreed to. We will try to finish it out on the others.

Mr. PALMER. There are to be two practical stock-growers, I think.

The PRESIDENT *pro tempore*. The next amendment will be stated.

The CHIEF CLERK. In section 2, line 18, after the word "diseases," insert "or disease-conditions."

Mr. BUTLER. I do not quite understand just what that expression means. If it has been explained, I regret that I did not hear the explanation. I would be very glad to have the Senator from Michigan explain just what the term "disease-conditions" means.

Mr. PALMER. I think it is explained on page 2. I used my utmost endeavor to make it apparent before. I refer the Senator from South Carolina to line 8 of section 2, "or conditions which may convey disease." I think it will go a little further than that—conditions that might incite disease or induce disease.

Mr. HISCOCK. I ask the Senator from Michigan if he understands that it would mean a stable, the condition of a stable, the drainage from a stable, the yard in which cattle are kept, and all of those things surrounding a herd of cattle which might possibly promote disease?

Mr. PALMER. I think that that could fairly be so construed.

Mr. HISCOCK. It would include the ventilation of a barn?

Mr. PALMER. Although probably the committee will not go as far as that, except under certain circumstances.

Mr. HISCOCK. But the question is whether the law goes as far as that. My understanding of the meaning is that it does go as far as to take into account the construction of a barn, the ventilation of a barn, the drainage of the yard or place in which the cattle are located, and all of those things which might conspire to disease the cattle. In stating this I do not want it to be understood that I am not in favor of the bill.

Mr. PADDOCK. The description is a little too broad. It seems to

me that the idea intended to be conveyed is that if there shall have been diseased animals in such sheds or barns, and on that account the sheds or barns shall have been infected, this clause shall apply. This is a disease not produced from such causes as the Senator from New York has suggested. It is not at all such a disease.

Mr. PALMER. If the Senator from Nebraska will excuse me, I think that taking the sentence as a whole it is very apparent that the definition is much more limited. For instance, "their protection and use, and also inquire into and report the causes of contagious, infectious, and communicable diseases or conditions which may convey disease"—not which may originate disease, but "which may convey disease." I think that it would apply merely to infected cars and stables and implements which might convey disease. I think that is the fair construction.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the committee.

The question being put, it was declared that the "noes" appeared to prevail.

Mr. PALMER. I ask for the yeas and nays.

Mr. HISCOCK. I should like to make an inquiry. As I understand, we are going through the bill and acting on the amendments proposed by the committee.

The PRESIDENT *pro tempore*. We are acting first upon the committee amendments, in accordance with the usual custom of the Senate, after which the bill will be open to amendment.

Mr. HISCOCK. Will the propositions which have been inserted in the bill by amendment be subject to amendment?

The PRESIDENT *pro tempore*. Not in Committee of the Whole.

Mr. SHERMAN. But in the Senate.

The PRESIDENT *pro tempore*. Upon the pending amendment the Senator from Michigan asks that the yeas and nays may be entered on the Journal.

The yeas and nays were ordered.

Mr. HOAR. Let the pending amendment be stated.

The CHIEF CLERK. In section 2, line 18, after "diseases," insert the words "or disease-conditions."

Mr. GEORGE. It is a very important step for the Senate to take to insert that phrase in this bill when we have so much difficulty in ascertaining what it means. I desire to call the attention of the Senate to section 5, where it is made a criminal offense for any citizen to know of these disease-conditions and not report them to the board. If we are to pass the bill and make it criminal to do an act, it is certainly fair to the citizen that we should define the offense in such plain terms that he will know when he violates it.

In section 5 it is provided "that if any owner," etc., "shall knowingly conceal the existence of any case of any such diseases or disease-conditions, or the fact of exposure to said contagion, or conditions liable to communicate disease, and the location of said case or cases * * * he shall be guilty of a misdemeanor, and shall be punishable," etc.

I think when we attempt to pass a criminal law defining a crime for which a citizen may be punished, we ought to do it in such plain and unmistakable language that the citizen may understand when he is violating the law. As the phrase "disease-conditions" runs all the way through, being inserted by the committee, unless we can have in the act itself a fair and intelligible definition of what "disease-conditions" are, I think we had better not insert it in the bill.

Mr. PALMER. I do not think there can be any difficulty about construing the phrase "disease-conditions." The Senator from Mississippi refers to the amendment in line 10, section 5:

> Or any officer or agent charged with any duties under the provisions of this act, who shall knowingly conceal the existence of any case of any such diseases, or disease-conditions, etc.

How can that be construed in any other way than as a place where animals have been kept in cars, on steam-boats, or in stables which have not been disinfected, or some such exposure as that, where it was knowingly concealed? It seems to me fair to infer that that shall be construed to mean where he shall take pains to conceal.

Mr. GEORGE. Will the Senator allow me to interrupt him?

Mr. PALMER. Certainly; I always like to be interrupted.

Mr. GEORGE. When the Senator from Michigan was interrogated this evening as to the meaning of "disease-conditions" he included bad sewerage or any bad condition in the yard which might produce disease.

Mr. PALMER. Will the Senator permit me to interrupt him? Abstractly that is so. Concretely in this bill it can not be construed that way at all. If the Senator will read the bill I know he is too good a lawyer to say it could be seriously construed otherwise.

Mr. HOAR. Will the Senator from Mississippi permit me to suggest to him that the second section relates only to the matter of the investigation, and it can certainly do no harm to direct the board to investigate disease-conditions. Even if it be a somewhat vague term the board can very well interpret it; and the discussion which the Senator raises will come better when we get to the fifth section punishing the concealment. If more strict definition be required it can be inserted there. We had better go on and adopt this amendment and let the question come later.

Mr. GEORGE. I admit the force of what the Senator from Massachusetts says, but I supposed that if the Senate made a precedent by inserting this phrase where it first occurs it would be likely to insert it all the way through. I see no particular harm in the phrase in the exact condition which we are now considering.

Mr. PALMER. I will say to the Senator from Mississippi that if he will take the clause where it first occurs he will find the definition given. It is antecedent to the compound word "disease-conditions"—"diseases or conditions which may convey diseases."

The PRESIDENT *pro tempore*. The yeas and nays having been ordered on agreeing to the amendment, the Secretary will call the roll.

Mr. CULLOM. There ought to be a brief executive session, and I move that the Senate proceed to the consideration of executive business.

Mr. HAWLEY. I wish the Senator would wait a moment for a matter of unanimous consent.

Mr. CULLOM. Does the Senator from Connecticut wish to make a report?

Mr. HAWLEY. Yes.

The PRESIDENT *pro tempore*. Does the Senator from Illinois yield to the Senator from Connecticut?

Mr. CULLOM. I yield to the Senator from Connecticut for that purpose.

Mr. COKE. Before that is done I submit an amendment which I intend to propose to the pending bill, and I ask that it be printed.

The PRESIDENT *pro tempore*. The amendment will be printed.

JOSE ANDRES URTECHO.

Mr. HAWLEY. I report a joint resolution which I wish the Senate would immediately consider. If they will allow me to state very briefly the substance of it, I think there will be no objection.

The Government has several times permitted foreign governments to send cadets to West Point, they being at the whole expense. Nicaragua has had two there. One of them is there now, the son of the former President. The State Department sends a communication saying that Nicaragua has applied for permission to send another cadet there, and the Secretary of State prays that immediate action will be taken thereon, because the time is approaching for the beginning of the academic year. I present, in behalf of the Military Committee, the said joint resolution, and ask for its immediate consideration:

The joint resolution (S. R. 68) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point, José Andrés Urtecho, of Nicaragua, was read the first time by its title.

The PRESIDENT *pro tempore*. The joint resolution will be read the second time, at length.

The joint resolution was read the second time, at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he hereby is, authorized to permit José Andrés Urtecho, of Nicaragua, to receive instruction at the Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby: *And provided further*, That in the case of the said Urtecho the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

Mr. HAWLEY. Those two sections relate to the oath and the engagement to serve eight years, both of which the joint resolution suspends in this case.

The PRESIDENT *pro tempore*. The Senator from Connecticut asks that the joint resolution may be now considered.

By unanimous consent, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. CULLOM. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 3 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 6, 1888, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 5th day of April, 1888.

COLLECTORS OF CUSTOMS.

Thomas L. Harrison, of New York, to be collector of customs for the district of Oswegatchie, in the State of New York, to succeed William H. Daniels, whose term of office has expired by limitation.

J. Howard Manchester, of Rhode Island, to be collector of customs for the district of Bristol and Warren, in the State of Rhode Island, to succeed John Collins, whose term of office has expired by limitation.

John H. Thomas, of Maryland, to be collector of customs for the district of Annapolis, in the State of Maryland, to succeed Thomas Ireland, whose term of office has expired by limitation, John T. Hammond having died since his nomination was sent to the Senate. The nomination of John T. Hammond is hereby withdrawn.

PROMOTIONS IN THE ARMY.

Twenty-fifth Regiment of Infantry.

First Lieut. Harry Reade, to be captain, April 1, 1888, *vice* Schooley, retired from active service.

Second Lieut. George W. Webb, to be first lieutenant, April 1, 1888, *vice* Reade, promoted.

Fourth Regiment of Artillery.

Second Lieut. Alfred M. Hunter, Fifth Cavalry, to be second lieutenant Fourth Artillery, April 3, 1888, with rank in the artillery arm from December 31, 1887, *vice* Phillips, promoted.

PROMOTIONS IN THE NAVY.

Captain.

Commander Winfield Scott Schley, a resident of Maryland, to be a captain in the Navy, from March 3, 1888, *vice* Capt. S. L. Breese, retired.

Surgeon.

Passed Asst. Surg. George E. H. Harmon, a resident of Maryland, to be a surgeon in the Navy, from March 25, 1888, *vice* Surg. Hampton Aulick, deceased.

Chaplains.

Walter G. Isaacs, a resident of Alabama, and Charles Henry Parks, a resident of New York, to be chaplains in the Navy, to fill existing vacancies in that corps.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April* 4, 1888.

[CALENDAR DAY, *April* 5, 1888.]

AFTER THE RECESS.

The recess having expired the House (at 11 o'clock and 45 minutes a. m., Thursday April 5) resumed its session.

Mr. REED. Regular order.

The SPEAKER. The regular order is the question on the amendment proposed by the gentleman from Illinois [Mr. ANDERSON] to the amendment proposed by the gentleman from Tennessee [Mr. MCMILLIN].

The amendment pending is that when the House adjourns to-day it be to meet on Saturday next. Upon that a vote was taken by yeas and nays, which disclosed the absence of a quorum. The yeas and nays have been ordered, and the Clerk will call the roll.

The question was taken; and there were—yeas 2, nays 181, not voting 141; as follows:

YEAS—2.

Bacon,	Wheeler.

NAYS—181.

Abbott,	Dunham,	Kerr,	Rice,
Allen, Mass.	Dunn,	Laffoon,	Romeis,
Allen, Mich.	Elliott,	Laidlaw,	Rowell,
Baker, N. Y.	Ermentrout,	Laird,	Rowland,
Baker, Ill.	Farquhar,	Lanham,	Rusk,
Belden,	Finley,	Lehlbach,	Ryan,
Belmont,	Fitch,	Lind,	Sawyer,
Biggs,	Flood,	Long,	Scull,
Blanchard,	Foran,	Lyman,	Seymour,
Boothman,	French,	Lynch,	Shively,
Bound,	Fuller,	Macdonald,	Snyder,
Bowden,	Funston,	Mahoney,	Springer,
Bowen,	Gallinger,	Mason,	Stahlnecker,
Brewer,	Gear,	Matson,	Steele,
Brower,	Gest,	McClammy,	Stephenson,
Brown, Ohio	Goff,	McComas,	Stockdale,
Brown, J. R., Va.	Granger,	McCormick,	Stone, Ky.
Brumm,	Greenman,	McKenna,	Stone, Mo.
Bryce,	Grosvenor,	McKinley,	Struble,
Buchanan,	Guenther,	Meltac,	Symes,
Buckalew,	Hall,	Milliken,	Tarsney,
Bunnell,	Hare,	Montgomery,	Taylor, E. B., Ohio
Burrows,	Harmer,	Morrill,	Thomas, Ky.
Bynum,	Hatch,	Morrow,	Thomas, Wis.
Campbell, T. J., N. Y.	Haugen,	Neal,	Tracey,
Cannon,	Hayden,	Nelson,	Townshend,
Caruth,	Heard,	Newton,	Vance,
Caswell,	Henderson, Iowa	Nichols,	Vandever,
Cheadle,	Henderson, Ill.	Nutting,	Wade,
Chipman,	Hermann,	O'Donnell,	Walker,
Clark,	Hitt,	O'Ferrall,	Warner,
Cogswell,	Hogg,	O'Neall, Ind.	Weber,
Conger,	Holman,	O'Neill, Pa.	West,
Cooper,	Holmes,	Osborne,	White, Ind.
Cothran,	Hopkins, Ill.	Parker,	White, N. Y.
Cox,	Hopkins, Va.	Patton,	Whiting, Mass.
Crouse,	Hopkins, N. Y.	Payson,	Wickham,
Culberson,	Houk,	Peel,	Williams,
Cutcheon,	Hovey,	Perkins,	Wilson, W. Va.
Dalzell,	Hudd,	Perry,	Wise,
Darlington,	Hunter,	Plumb,	Woodburn,
Davis,	Jackson,	Post,	Yardley,
De Lano,	Johnston, Ind.	Pugsley,	Yost.
Dibble,	Kean,	Randall,	
Dingley,	Kelley,	Rayner,	
Dorsey,	Kennedy,	Reed,	

NOT VOTING—141.

Adams,	Cowles,	Lagan,	Rogers,
Allen, Miss.	Crain,	Landes,	Russell, Conn.
Anderson, Iowa	Crisp,	Lane,	Russell, Mass.
Anderson, Miss.	Cummings,	Latham,	Sayers,
Anderson, Ill.	Dargan,	Lawler,	Scott,
Anderson, Kans.	Davenport,	Lee,	Seney,
Arnold,	Davidson, Ala.	Lodge,	Shaw,
Atkinson,	Davidson, Fla.	Maffett,	Sherman,
Bankhead,	Dockery,	Maish,	Simmons,
Barnes,	Dougherty,	Mansur,	Smith,
Barry,	Enloe,	Martin,	Sowden,
Bayne,	Felton,	McAdoo,	Spinola,
Bingham,	Fisher,	McCreary,	Spooner,
Bland,	Ford,	McCullogh,	Stewart, Tex.
Bliss,	Forney,	McKinney,	Stewart, Ga.
Blount,	Gaines,	McMillin,	Stewart, Vt.
Boutelle,	Gay,	McShane,	Taulbee,
Breckinridge, Ark.	Gibson,	Merriman,	Taylor, J. D., Ohio
Breckinridge, Ky.	Glass,	Mills,	Thomas, Ill.
Browne, T. H. B., Va.	Glover,	Moffitt,	Thompson, Ohio
Browne, Ind.	Grimes,	Moore,	Thompson, Cal.
Burnes,	Grout,	Morgan,	Tillman,
Burnett,	Hayes,	Morse,	Turner, Kans.
Butler,	Hemphill,	Norwood,	Turner, Ga.
Butterworth,	Henderson, N. C.	Oates,	Washington,
Campbell, F., N. Y.	Herbert,	O'Neill, Mo.	Weaver,
Campbell, Ohio	Hiestand,	Outhwaite,	Whiting, Mich.
Candler,	Hires,	Owen,	Whitthorne,
Carlton,	Hooker,	Penington,	Wilber,
Catchings,	Howard,	Peters,	Wilkins,
Clardy,	Hutton,	Phelan,	Wilkinson,
Clements,	Johnston, N. C.	Phelps,	Wilson, Minn.
Cobb,	Jones,	Pidcock,	Yoder.
Cockran,	Ketcham,	Richardson,	
Collins,	Kilgore,	Robertson,	
Compton,	La Follette,	Rockwell,	

So the amendment was rejected.

The following additional pair was announced:

Mr. SCOTT with Mr. BAYNE, on this vote.

During the roll-call the following proceedings took place:

Mr. WEAVER. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. WEAVER. I make the point of order that in accordance with the special order, under which we are proceeding now, the hour of 12 o'clock having arrived, it is the duty of the Chair to have the Clerk read the Journal of the previous day, and thereupon the House will take order under the control of the Committee on Commerce.

The SPEAKER. The Chair can not do that without adjourning the House; and it is not competent for the Chair to adjourn the House.

Mr. WEAVER. Then I move that the House do now adjourn.

The SPEAKER. The Chair can not entertain that motion during the call of the roll. The Clerk will continue the call.

The roll-call was resumed, and completed.

The result of the vote was then announced as above recorded.

PRINTING AND BINDING FOR POST-OFFICE DEPARTMENT.

The SPEAKER. If there be no objection the Committee on the Post-Office and Post-Roads will be discharged from the further consideration of the letter of the Secretary of the Treasury, transmitting copy of a letter from the Postmaster-General submitting certain revised estimates for printing and binding for the Post-Office Department for the fiscal year ending June 30, 1889, and the same will be referred to the Committee on Appropriations.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

The SPEAKER. The question recurs on the amendment of the gentleman from Tennessee [Mr. MCMILLIN].

Mr. LANHAM. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. LANHAM. Mr. Speaker, I make the point of order that the time for the consideration of bills reported from the Judiciary Committee has expired by the terms of limitation in the order adopted by the House. It may be somewhat presumptuous, perhaps, in me to raise a point of order of this sort when the current of opinion seems to be antagonistic to the position which I shall assume——

I do not know whether the Chair hears me.

The SPEAKER. The Chair is listening to the gentleman.

Mr. LANHAM. I think, sir, that we ought to be governed in this high legislative body by principles of common sense, to say the least. We are supposed to be legislating for the great body of the American people, and we ought to be reasonably intelligent, practical, and sensible, I think, in all that we do.

Now, sir, the situation as I understand it is this——

Mr. HOPKINS, of Illinois (interrupting). That yesterday is to-day. [Laughter].

Mr. LANHAM (continuing). The session has advanced until the month of April. A number of committees of this House were pressing upon the attention of the Committee on Rules the necessity for assigning certain days for the consideration of bills reported from said committees. These different resolutions setting apart certain days for the consideration of such business went to the Committee on Rules. They carefully considered all these demands upon them for time——

Mr. REED. Mr. Speaker, how does this matter come before the House?

The SPEAKER. The gentleman makes a point of order.

Mr. REED. But is there not a motion pending upon which a vote is to be taken, that when the House adjourns it be to a day certain?

The SPEAKER. The gentleman makes the point of order that the time fixed for the consideration of business reported from the Committee on the Judiciary has expired.

Mr. REED. How is that apropos to the motion to fix a day to which the House shall adjourn?

The SPEAKER. The point of order the gentleman makes relates to the consideration of that motion, and is to the effect that under the special order the House must now discontinue action upon the business from the Committee on the Judiciary, because the time which was assigned to that committee for the consideration of its bills has expired, and that under another order of the House the House must proceed to the consideration of business assigned to another committee.

Mr. LANHAM. I hope the gentleman from Maine will allow me to air my parliamentary researches. Perhaps it may vary the monotony of these proceedings.

Mr. REED. But it is such a violent variation.

Mr. LANHAM. Mr. Speaker, can I proceed?

The SPEAKER. Certainly.

Mr. LANHAM. When these resolutions fixing days for the consideration of business went to the Committee on Rules they investigated them and submitted a report to the House, and the House acted upon it. We are proceeding now, and have been proceeding in the last two days, under the special order found on page 2740 of the RECORD, to certain portions of which I desire to invite attention, in order to ascertain what was the reason and spirit, the object and intention of that resolution. The committee in their report say this:

The committee found that the assignment of more than thirty days was asked for, and as it was manifestly impossible to interrupt the regular business of the House for so great a length of time—

For thirty days. What did that mean? Days of twenty-four hours, I think. Thirty calendar days in the midst of the session, evidently—

as it was manifestly impossible to interrupt the regular business for so great a length of time, the committee has made as just an apportionment among the several committees as it was possible to agree upon, and now submits its action for the consideration of the House.

Then they submit as their action the following resolution:

Resolved, That Tuesday and Wednesday—

Certain well-known days in chronology; certain well-known calendar days. But not only that—

Tuesday and Wednesday, April 3 and 4, immediately after the reading of the Journal, be set apart for the consideration of Senate bill 139, etc.

And after that is considered—

The remainder of said time is set apart for the consideration of any other bill or bills designated by the Committee on the Judiciary.

It was obviously the intention of the Committee on Rules and the intention of the House when it adopted the report to give two special calendar days, forty-eight hours I will say, to the Judiciary Committee for the consideration of that specific bill and then such other bills as might be called up by them after its consideration was completed. No other construction, it seems to me, can be given to it in view of the entire text of the report, the surrounding circumstances, and the statement made as to the pressure of time, etc.

Now, following that is this provision in the resolution:

That Thursday and Saturday, April 5 and 7—

Particular calendar days again—

immediately after the reading of the Journal, be set apart for the consideration of bills reported from the Committee on Commerce in such order as said committee may designate.

Further, on Thursday, April 5—

The House shall take a recess at 5 o'clock p. m.—

A particular hour. That is to-day. The great world understands that to-day is Thursday. I suppose there is no question of that fact anywhere else than in the technicality of this House. It was intended, sir, by the Committee on Rules and by the House, I think, that at 5 o'clock on this day the House should take a recess. How should we construe this resolution and this order? By well-known and usual rules of construction. How do we construe a will? The object, sir, is to ascertain the intention of the testator. How do we construe a deed or a grant? By the intention of the contracting parties. And what do we seek here to ascertain? The intention of the House of Representatives when they voted on this resolution.

What did they mean? Did they intend by giving two days for the consideration of this particular bill and other bills from the Committee on the Judiciary that a recess might be taken, that the time might be protracted *ad infinitum*, yea, even to the end of the session? That was not the intention of the House. It was not contemplated by the House at the time. No common-sense and ordinary construction of it would, it seems to me, logically reach such a conclusion.

Now I am met with the proposition that the legislative day of Wednesday has not expired, that technically and in legislative parlance this is not Thursday but is Wednesday, and I am referred to the rules. I find on page 266 of the Digest the following:

There must be an adjournment before the legislative day will terminate.

And a reference is made to the Journal of the first session of the Thirty-third Congress, page 804.

In order to understand the meaning of that reference—and there is here but a syllabus of the decision that was made—we have to go back to that Journal and see what was before the House. Every case stands upon and ought to be judged by its own particular circumstances. Let us see whether the same conditions obtained when that ruling was made that exist to-day. Was the House of Representatives then confronted by a similar order and surroundings to those under which we are now proceeding? I read further from the Rules:

And the adjournment does not take place by reason of the arrival of the time for the regular daily meeting of the House.

And a further reference is made to the same decision; and it proceeds:

And an adjournment does not necessarily take place at 12 a. m. on Sunday, nor is it against order for a majority to continue in session after the said hour, it being a question which must be left to be decided by the judgment and discretion of the House itself.

And a reference is made to the Journal of the first session of the Twenty-fourth Congress, pages 577 and 582.

Now, sir, in order to ascertain, if I could, the predicate for this legislative or parliamentary decision, I have gone back to those ancient Journals to find under just what circumstances these rulings were made. I hold in my hand the Journal of the Thirty-third Congress, on page 734 of which I find that Thursday, May 11, 1854, this proposition was pending before the House of Representatives:

Resolved, That all debate in the Committee of the Whole on the state of the Union on the bill of the House No. 236, to organize the Territories of Nebraska and Kansas, shall cease at 12 o'clock to-morrow (if the committee shall not sooner come to a conclusion upon the same), and the committee shall then proceed to vote on such amendments as may be pending or offered to the same, and shall then report it to the House with such amendments as may have been agreed to by the committee.

The House went on, with varied motions and dilatory proceedings, extending in the Journal from page 734 to 804, where I find the following:

The hour of 12 o'clock m. Friday having arrived, Mr. Dean rose and inquired whether, under the first rule, it was not now the duty of the Chair to cause the Journal of yesterday to be read.

That is the very same point in effect made a while ago by the gentleman from Iowa [Mr. WEAVER], and which, perhaps, as made, was properly overruled. Now, what did the Speaker hold? The Speaker held that the rule referred to required him "to take the chair precisely at the hour to which the House shall have adjourned on the preceding day," but, as there had been no adjournment, he thought there could be no new meeting of the House and that the legislative day which commenced "yesterday" at 12 o'clock m. would not terminate until an adjournment did take place. He consequently decided that the Journal could not be read. The decision was made on that specific point of order and under the particular resolution to which I have invited the attention of the honorable Speaker and of the House.

Now, I say that that order of business was different and not parallel with the order of business under which we are now proceeding. Circumstances alter cases.

I now turn, may it please the Speaker and gentlemen of the House, to the other reference made in the Manual and Digest which I have cited. The proceedings had were on Saturday, March 26, 1836, on a contested-election case, I believe. On page 577 of the Journal of the first session of the Twenty-fourth Congress, I find the following:

"The debate was resumed and continued until 12 o'clock at night, when Mr. Lawler"—I do not know whether it was the same gentleman from Chicago that we have with us now bearing the same name [laughter]—"Mr. Lawler rose to a question of order and inquired whether it was in order for the House to continue in session after 12 o'clock at night on Saturday night;" that is, to continue its session on the Sabbath day. That was the specific point of order made at that time. "The Speaker decided that as a question of order he had no power over the subject; that he could not adjourn the House against the sense of the House; that the rules invested him with no power to do so." Granted that he could not adjourn the House. "He stated the practice of the House at some preceding session, which, from the Journals, it appeared had been for the House occasionally to continue in session on Saturday night until after 12 o'clock. It was a question, he said, which must be left to be decided by the judgment and discretion of the House itself, which alone could determine upon the necessity or propriety of continuing its session, and adjourn or not as the majority should determine, and that he had no power to declare it to be against order to continue in session if the majority otherwise determined."

The Speaker could very appropriately hold the very same thing now without any violation of the rule stated in keeping with the particular circumstances under which that rule was announced.

I grant, sir, although I am no parliamentarian nor the son of a parliamentarian, that the Speaker has no authority to declare this House adjourned, but I maintain that the Speaker does have the authority to

declare that the hour or the period assigned for the consideration of business reported from the Judiciary Committee, under the common-sense construction and reasonable interpretation of the order itself, has expired by its own limitation, and that no longer is the consideration of this bill which we have been considering for the last two days in order. That is the point that I make, and I believe, sir, that to adopt any other construction is to do violence to what the Committee on Rules intended, and to what was the manifest intention and purpose of the House, and to involve us in confusion and inconsistency.

The SPEAKER. If the gentleman will allow the Chair to ask him a question——

Mr. LANHAM. If the Chair will permit me, I will say that I can not answer a parliamentary question very well. [Laughter.]

The SPEAKER. The Chair wishes to direct the attention of the gentleman to one point. The Chair understands the gentleman from Texas to concede that it is not within the power of the Chair to adjourn the House.

Mr. LANHAM. That seems to be the ruling, sir.

The SPEAKER. Then if the House is not adjourned, how can the Chair cause the Journal of the preceding day's business to be read?

Mr. LANHAM. I am not asking, Mr. Speaker, to have the Journal read; I am contending that the period fixed by the House for the consideration of this bill has expired, and that its consideration is no longer in order. I refer to the very terms of the special rule under which we are proceeding. We are acting under a given rule which does not mention, *eo nomine*, legislative days, but which in its plain construction and meaning refers to calendar days. I submit that in view of all the facts and surroundings of the case, such must be construed to have been the purpose of the Committee on Rules and of the House. The rule to which I refer is a special rule of the House—a special order. I respectfully submit the question to the Chair.

Mr. DIBBLE. I need not remind the Chair that the question now before the House is upon a proposition relative to adjourning over, so that there is no question immediately pending to which this point of order would be pertinent; therefore I submit that it is prematurely taken. It is not necessary to go into a discussion of the decisions which the gentleman from Texas [Mr. LANHAM] has cited. I merely rose to suggest this further consideration, that the special order to which the gentleman has alluded was, so far as the pending business is concerned, practically superseded by the unanimous consent given at about half past two o'clock this morning for a recess. That of itself, it seems to me, settles conclusively the question which the gentleman has submitted.

The SPEAKER. The Chair does not understand the gentleman from Texas to contend that ordinarily the legislative day does not continue until an adjournment; but he contends that under the peculiar phraseology of the order adopted the other day by the House it is the duty of the Chair, after a calendar day has expired, to declare that the business set specially for that day is terminated. And the gentleman contends for this proposition upon the ground that it was evidently the intention of the House when it made that order that the Committee on the Judiciary should have only two calendar days. Conceding that such was the intention of the House when it made the order, still it is very evident that the intention of the House has been changed, because it has declined to adjourn so as to permit that order to take effect; it has remained continuously in session, thus preventing the legislative day from terminating.

The strongest case, perhaps, that could be presented in support of the idea that the legislative day must terminate with the calendar day, is when the hour of 12 o'clock p. m. on the 3d of March arrives, at the expiration of a Congress; and more than once that question has been raised—once in this House, if the present occupant of the chair correctly remembers, by Mr. Benton, then a Representative from the State of Missouri, and once in the Senate by Mr. Cass, then a Senator from the State of Michigan. Those distinguished gentlemen contended that when the hour of 12 o'clock p. m. on the 3d of March arrived, the official terms of members themselves expired under the Constitution; that the presiding officer was no longer such; that the gentlemen sitting upon the floor were no longer members—in short, that there was no organized Congress in existence. Those gentlemen did not even ask that the House should be formally adjourned by order of the Speaker, but contended that it was the duty of the presiding officer to vacate his chair, because there was no Congress. Yet it has been invariably held that so long as the legislative day continued the terms of members continued. The Chair thinks there could not be a stronger case than that. It has been the universal practice of the House and the Senate since that time—and the Chair thinks before that time also—to remain in session on the legislative day of March 3 until 12 o'clock m. of March 4.

Mr. CASWELL. And I would remind the Chair of the precedent in the case of the electoral count in 1877.

The SPEAKER. And as suggested by the gentleman from Wisconsin [Mr. CASWELL], in February, 1877, during the pendency of the counting of the electoral vote, Congress remained continuously in session from February 1 to March 2, and this period constituted legally but one legislative day.

In the case cited by the gentleman from Texas, which was decided in the Thirty-third Congress, it was evidently the intention of the House, in ordering that the debate should be closed "at 12 o'clock to-morrow," that it should cease at 12 o'clock on the next calendar day; but the House afterward determined otherwise, and by remaining continuously in session preserved the legislative day and defeated the purpose which it had intended in the first place to carry out.

Now, the Chair can not adjourn the House; that is conceded. The Chair can not cause the Journal of the House to be read until there has been an adjournment; that is conceded. And under the order which the gentleman from Texas has read the business of the Committee on Commerce will not come up until after the reading of the Journal; so that, if the Chair were to sustain the gentleman's point, the Committee on Commerce would not now be able to call up its business, but the House would remain in session as of Wednesday until an adjournment should take place.

Mr. LANHAM. Wednesday, then, might last until next December.

Several MEMBERS. Yes.

The SPEAKER. Of course it might; it might last until the official terms of the present members of the House shall expire, if the House should see proper so to determine. The Chair overrules the point of order.

Mr. LANHAM. May I ask the Speaker just one question, in order to illustrate the point I make? Are we not proceeding and have we not been proceeding for the last two days under the special order adopted by the House assigning the business of certain committees to certain days?

The SPEAKER. And the House now by its action defeats that part of the order which assigns Thursday to the business of the Committee on Commerce, just as the House, if it had on last Monday adjourned over till Thursday, as it might have done, would have defeated the whole order giving two days to the Committee on the Judiciary, notwithstanding its original intention to give those two days.

Mr. REED. We are proceeding under that order as modified by subsequent events.

Mr. DUNN. Right there I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DUNN. If now, or later to-day, the House should simply adjourn, will the next legislative day be Thursday, the time allotted for business of the Commerce Committee?

The SPEAKER. It would not, the hour of 12 o'clock having passed.

Mr. DUNN. Under the usual practice in case of the prolongation of a legislative day, the House, when it adjourns, adjourns to meet on the next calendar day.

The SPEAKER. That is the usual practice.

Mr. DUNN. Then, if the House now simply adjourns, fixing no day to which it will adjourn, will not the next legislative day be the time allotted to the Committee on Commerce?

The SPEAKER. The Committee on Commerce was allowed two days by the order, but if the House should adjourn to-day——

Mr. DUNN. And they were the two legislative days next following the days given to the Judiciary Committee?

The SPEAKER. The Chair thinks that if the House should adjourn to-day, even without the order the gentleman suggests, when it adjourns it would be to meet on Friday. This, the Chair thinks, would result from the actual necessity of the situation under another order of the House, which provides that when the House shall adjourn it shall be, unless otherwise ordered, to meet at 12 o'clock on the next day; and Friday, the next day, being set apart for other business, the business of the Committee on Commerce could not come up for consideration under the order heretofore made.

Mr. MORGAN. Mr. Speaker, have not the rulings heretofore made with reference to this matter been based upon the fact that these Congressional proceedings and records in themselves import absolute verity, and can not be inquired into by any other tribunal?

The SPEAKER. Of course, and the Chair is governed absolutely by the records of the body over which he presides.

Mr. MORGAN. We are now engaged in making the record, and the facts assumed to be set forth by these records, which, as I have said, are understood to import absolute verity, and can not be inquired into by any other tribunal, should be the truth. The cases cited are good as precedents to establish that our records under certain conditions can not be inquired into, but not as a rule of conduct. We are the sole judges of our own proceedings, and no court or tribunal can inquire into them. We are the only tribunal to pass upon our own actions. Are we not, therefore, violating our duty in that regard as far as the accuracy of these records is concerned? Is is not the duty of the Speaker, when called on, to make the record speak the facts, unless overruled by the House?

The SPEAKER. The Chair thinks that is a question for the House and not for the Chair to determine.

Mr. MORGAN. Certainly our records, which import verity, should be what they profess to be. [Cries of "Regular order!"]

The SPEAKER. The Chair has overruled the point of order.

Mr. TAULBEE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TAULBEE. I wish to know if the House refuses to adjourn on

this legislative day of Wednesday, if that continues the business pending when we took the recess last night until that matter is disposed of?

The SPEAKER. It continues until the House adjourns.

Mr. TAULBEE. Then we will not adjourn. [Cries of "That's so!"]

Mr. WILSON, of Minnesota. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The Chair will hear the gentleman from Minnesota.

Mr. WILSON, of Minnesota. I wish to make one inquiry which has not been touched, as I understand, by the ruling of the Chair upon the point of order raised by the gentleman from Texas.

I understand that ruling very well; but the point I wish to make is this: The special order adopted by this House provides that at 5 o'clock on Thursday the House shall go into recess for the purpose of reassembling at 8 o'clock, at which evening session certain business, enumerated in the order for the recess, shall be taken up for consideration.

Now, if by this order of the House, by which we are bound and under which we are acting at this time, that day means a calendar day, then nothing that has been done hitherto can prevent the House, except by its own action, from carrying out that order for the recess. I wish to repeat this, Mr. Speaker, so that my point may be understood, that if the order under which we are proceeding in the House here to-day means the calendar day and not a legislative day, then there has been nothing hitherto done which is inconsistent with the order that the House at 5 o'clock shall take a recess until 8 o'clock to take up certain other business, to wit, reports from the Committee on Military Affairs. Nothing has been inconsistent with that.

That being the case, then we come right back to the point of the gentleman from Texas, that when we reach that hour to-day, 5 o'clock, the question arises, to wit: What is the meaning of the order; whether it applies to this as a calendar day or a legislative day? If it be a calendar day, then, without any other act of the House, when we reach the hour of 5 o'clock, by virtue of the order under which we are proceeding, it is the duty of the Speaker to declare the House in recess and for the business indicated.

The SPEAKER. The Chair supposes that the general proposition stated in deciding the point of order of the gentleman from Texas embraces also the point now suggested by the gentleman from Minnesota. That proposition was that the legislative day continues up to the date of an adjournment; that is to say, the legislative day of Wednesday, April 4, 1888, continues until the House adjourns.

Now, if that be correct, then if the Chair were to declare a recess at 5 o'clock, the record would show—and this is the only record by which the Chair can be governed—that the House had taken a recess on the legislative day of Wednesday, and not on Thursday, as the order to which the gentleman refers specifies.

Mr. WILSON, of Minnesota. But—I beg pardon of the Chair—let me call attention to the record there. The House, if the Speaker will recollect—which of course he does—met on Wednesday morning at 12 o'clock noon. After a lengthy proceeding we adjourned until 11.45 a. m., or took a recess, which, I care not. The House took a recess until 11.45 a. m. That is an impossibility unless it means 11.45 of the next day. Therefore, even if the record imports absolute verity and may not be contradicted, the record is with us, because we adjourned at an hour earlier than we had assembled on the same day, as shown by the same record.

The SPEAKER. We did not adjourn at all.

Mr. WILSON, of Minnesota. We took a recess, which is a physical impossibility if it be accounted the same day. You can not take a recess to an earlier hour than that in which we met on a previous day, unless it be to a subsequent day.

The SPEAKER. The gentleman is mistaken as to the fact. The House took a recess not only in the same legislative day, but in the same calendar day. It was taken at about half past 2 o'clock a. m. to 11.45 a. m., on the same calendar day and the same legislative day.

Mr. WILSON, of Minnesota. I think I have not made myself understood. If it be the same calendar day and the same legislative day, it must be the same day on which we met at 12 o'clock noon.

The SPEAKER. The Chair has decided the point of order. The question is now on the amendment of the gentleman from Tennessee [Mr. MCMILLIN], that when the House adjourns it be to meet on Friday next.

The question being put, there were—ayes 7, noes 71.

Mr. OATES. No quorum.

Mr. EZRA B. TAYLOR. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 2, nays 196, not voting 126; as follows:

YEAS—2.

Anderson, Iowa.	Neal,

NAYS—196.

Allen, Mass.	Baker, Ill.	Bliss,	Brewer,
Allen, Mich.	Bayne,	Boothman,	Browne, T. H. B., Va.
Anderson, Ill.	Belden,	Bound,	Brown, Ohio
Anderson, Kans.	Belmont,	Boutelle,	Brown, J. R., Va.
Atkinson,	Biggs,	Bowden,	Brumm,
Baker, N. Y.	Blanchard,	Bowen,	Buchanan,
Buckalew,	Gear,	Lind,	Russell, Conn.
Bunnell,	Gest,	Long,	Ryan,
Burrows,	Glass,	Lyman,	Scull,
Bynum,	Goff,	Lynch,	Seney,
Campbell, F., N. Y.	Granger,	Macdonald,	Seymour,
Campbell, T. J., N. Y.	Greenman,	Mahoney,	Shively,
Cannon,	Grosvenor,	Maish,	Sowden,
Caruth,	Grout,	Mansur,	Springer,
Caswell,	Guenther,	Mason,	Stahlnecker,
Cheadle,	Hall,	Matson,	Steele,
Chipman,	Harmer,	McClammy,	Stephenson,
Clardy,	Hatch,	McComas,	Stewart, Vt.
Clark,	Haugen,	McCormick,	Stockdale,
Cogswell,	Hayden,	McCreary,	Stone, Ky.
Conger,	Hemphill,	McKenna,	Stone, Mo.
Cooper,	Henderson, Iowa	McKinley,	Struble,
Cothran,	Henderson, N. C.	Milliken,	Symes,
Cox,	Henderson, Ill.	Montgomery,	Taulbee,
Crouse,	Hermann,	Morrill,	Taylor, E. B., Ohio
Cummings,	Hitt,	Morrow,	Thomas, Ky.
Cutcheon,	Hogg,	Newton,	Thomas, Wis.
Dalzell,	Holman,	Nichols,	Tracey,
Darlington,	Holmes,	Nutting,	Townshend,
Davenport,	Hopkins, Ill.	O'Donnell,	Turner, Kans.
Davis,	Hopkins, Va.	O'Ferrall,	Vandever,
De Lano,	Hopkins, N. Y.	O'Neill, Pa.	Wade,
Dibble,	Houk,	Osborne,	Walker,
Dockery,	Hovey,	Owen,	Warner,
Dorsey,	Hudd,	Parker,	Weaver,
Dunham,	Hunter,	Patton,	Weber,
Dunn,	Hutton,	Payson,	West,
Elliott,	Jackson,	Peel,	White, Ind.
Ermentrout,	Johnston, Ind.	Perkins,	White, N. Y.
Farquhar,	Johnston, N. C.	Perry,	Whiting, Mass.
Finley,	Kean,	Plumb,	Whitthorne,
Fitch,	Kelley,	Post,	Wickham,
Flood,	Kennedy,	Pugsley,	Wilber,
Foran,	Kerr,	Randall,	Wilkinson,
French,	Ketcham,	Rayner,	Williams,
Fuller,	La Follette,	Rice,	Wise,
Funston,	Laidlaw,	Romeis,	Woodburn,
Gallinger,	Lawler,	Rowell,	Yardley,
Gay,	Lehlbach,	Rowland,	Yost.

NOT VOTING—126.

Abbott,	Crisp,	Latham,	Rogers,
Adams,	Culberson,	Lee,	Russell, Mass.
Allen, Miss.	Dargan,	Lodge,	Rusk,
Anderson, Miss.	Davidson, Ala.	Maffett,	Sawyer,
Arnold,	Davidson, Fla.	Martin,	Sayers,
Bacon,	Dingley,	McAdoo,	Scott,
Bankhead,	Dougherty,	McCullogh,	Shaw,
Barnes,	Enloe,	McKinney,	Sherman,
Barry,	Felton,	McMillin,	Simmons,
Bingham,	Fisher,	McRae,	Smith,
Bland,	Ford,	McShane,	Snyder,
Blount,	Forney,	Merriman,	Spinola,
Breckinridge, Ark.	Gaines,	Mills,	Spooner,
Breckinridge, Ky.	Gibson,	Moffitt,	Stewart, Tex.
Brower,	Glover,	Moore,	Stewart, Ga.
Browne, Ind.	Grimes,	Morgan,	Tarsney,
Bryce,	Hare,	Morse,	Taylor, J. D., Ohio
Burnes,	Hayes,	Nelson,	Thomas, Ill.
Burnett,	Heard,	Norwood,	Thompson, Ohio
Butler,	Herbert,	Oates,	Thompson, Cal.
Butterworth,	Hiestand,	O'Neall, Ind.	Tillman,
Campbell, Ohio	Hires,	O'Neill, Mo.	Turner, Ga.
Candler,	Hooker,	Outhwaite,	Vance,
Carlton,	Howard,	Penington,	Washington,
Catchings,	Jones,	Peters,	Wheeler,
Clements,	Kilgore,	Phelan,	Whiting, Mich.
Cobb,	Laffoon,	Phelps,	Wilkins,
Cockran,	Lagan,	Pidcock,	Wilson, Minn.
Collins,	Laird,	Reed,	Wilson, W. Va.
Compton,	Landes,	Richardson,	Yoder.
Cowles,	Lane,	Robertson,	
Crain,	Lanham,	Rockwell,	

So the motion was not agreed to.

Mr. TAULBEE. I ask unanimous consent to dispense with the reading of the names.

Mr. OATES. I object.

The following additional pair was announced:

Mr. SCOTT with Mr. PHELPS, until further notice.

The result of the vote was announced as above stated.

Mr. WEAVER. I move to reconsider the vote just taken.

The SPEAKER. The Chair has decided that a motion to reconsider a vote by which the House refuses to adjourn over or refuses to adjourn is not in order.

Mr. WEAVER. I thought this was a motion to take a recess.

The SPEAKER. It was a motion to fix a day to which the House would adjourn. The Chair based that ruling on the ground that these are motions which, according to all previous decisions, can be repeated, and therefore it is not in order to move to reconsider.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. SCOTT, indefinitely.

To Mr. THOMPSON, of California, indefinitely, on account of sickness.

REPRINT OF REPORT.

The SPEAKER. The Chair submits the following request:

Mr. BELMONT, on behalf of the Committee on Foreign Affairs, asks that the report of that committee on the diplomatic and consular appropriation bill be reprinted, stating there is an error in it as printed.

There was no objection, and it was so ordered.

ENROLLED BILL SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that

the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 6879) to authorize the Secretary of the Treasury to convey to Anson Rudd, of the State of Colorado, certain real estate in the county of Fremont, in said State.

REFUND OF DIRECT TAX OF 1861.

The SPEAKER. The question is on the motion that when the House adjourns to-day it be to meet on Monday next.

The question being put, the Speaker stated that the "noes" seemed to have it.

Mr. OATES. I call for a division.

The House divided; and there were—ayes 5, noes 74.

Mr. OATES. No quorum.

Mr. EZRA B. TAYLOR. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. LONG. To save the clerks, I ask unanimous consent that a recess of thirty minutes be taken, that being about the time we would consume in calling the roll.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that instead of taking the yeas and nays a recess of thirty minutes be taken.

Mr. GLOVER. I object.

Mr. OATES. We are willing to adjourn, but not to take a recess.

The question was taken; and there were—yeas 5, nays 197, not voting 122; as follows:

YEAS—5.

Blanchard,	Lynch,	Neal,	Washington.
Hayes,			

NAYS—197.

Abbott,	De Lano,	Hutton,	Rayner,
Allen, Mass.	Dibble,	Jackson,	Reed,
Allen, Mich.	Dorsey,	Johnston, Ind.	Rice,
Anderson, Ill.	Dunham,	Johnston, N. C.	Romeis,
Anderson, Kans.	Elliott,	Kean,	Rowell,
Atkinson,	Ermentrout,	Kelley,	Rowland,
Baker, N. Y.	Farquhar,	Kennedy,	Russell, Conn.
Baker, Ill.	Felton,	Kerr,	Rusk,
Bayne,	Finley,	Ketcham,	Ryan,
Belden,	Fitch,	Kilgore,	Scull,
Biggs,	Flood,	Laffoon,	Seney,
Bliss,	Foran,	Laidlaw,	Seymour,
Boothman,	Ford,	Laird,	Shaw,
Bound,	French,	Landes,	Sowden,
Bowen,	Fuller,	Lane,	Springer,
Brewer,	Funston,	Lawler,	Stahlnecker,
Brower,	Gallinger,	Lehlbach,	Stephenson,
Browne, T. H. B., Va.	Gay,	Lind,	Stockdale,
Brown, Ohio	Gear,	Long,	Stone, Ky.
Brown, J. R., Va.	Gest,	Lyman,	Stone, Mo.
Brumm,	Glass,	Macdonald,	Struble,
Bryce,	Glover,	Mahoney,	Symes,
Buchanan,	Goff,	Mansur,	Taulbee,
Buckalew,	Granger,	Mason,	Taylor, E. B., Ohio
Bunnell,	Greenman,	Matson,	Thomas, Ky.
Burrows,	Grimes,	McClammy,	Thomas, Wis.
Bynum,	Grosvenor,	McComas,	Tracey,
Campbell, F., N. Y.	Grout,	McCormick,	Townshend,
Campbell, Ohio	Guenther,	McCreary,	Turner, Kans.
Campbell, T. J., N. Y.	Hall,	McKinley,	Vandever,
Cannon,	Harmer,	Milliken,	Wade,
Caruth,	Hatch,	Montgomery,	Walker,
Caswell,	Hayden,	Moore,	Warner,
Catchings,	Hemphill,	Morrill,	Weber,
Cheadle,	Henderson, Iowa	Morrow,	West,
Chipman,	Henderson, N. C.	Newton,	White, Ind.
Clardy,	Henderson, Ill.	Nichols,	White, N. Y.
Clark,	Hermann,	Nutting,	Whiting, Mich.
Cogswell,	Hires,	O'Donnell,	Whitthorne,
Conger,	Hogg,	O'Ferrall,	Wickham,
Cooper,	Holman,	O'Neall, Ind.	Wilber,
Cothran,	Holmes,	O'Neill, Pa.	Wilkinson,
Cox,	Hopkins, Ill.	Osborne,	Williams,
Culberson,	Hopkins, Va.	Patton,	Wise,
Cummings,	Hopkins, N. Y.	Penington,	Woodburn,
Cutcheon,	Houk,	Perkins,	Yardley,
Dalzell,	Hovey,	Perry,	Yost.
Darlington,	Howard,	Plumb,	
Davenport,	Hudd,	Post,	
Davis,	Hunter,	Pugsley,	

NOT VOTING—122.

Adams,	Cobb,	Hitt,	Norwood,
Allen, Miss.	Cockran,	Hooker,	Oates,
Anderson, Iowa	Collins,	Jones,	O'Neill, Mo.
Anderson, Miss.	Compton,	La Follette,	Outhwaite,
Arnold,	Cowles,	Lagan,	Owen,
Bacon,	Crain,	Lanham,	Parker,
Bankhead,	Crisp,	Latham,	Payson,
Barnes,	Crouse,	Lee,	Peel,
Barry,	Dargan,	Lodge,	Peters,
Belmont,	Davidson, Ala.	Maffett,	Phelan,
Bingham,	Davidson, Fla.	Maish,	Phelps,
Bland,	Dingley,	Martin,	Pidcock,
Blount,	Dockery,	McAdoo,	Randall,
Boutelle,	Dougherty,	McCullogh,	Richardson,
Bowden,	Dunn,	McKenna,	Robertson,
Breckinridge, Ark.	Enloe,	McKinney,	Rockwell,
Breckinridge, Ky.	Fisher,	McMillin,	Rogers,
Browne, Ind.	Forney,	McRae,	Russell, Mass.
Burnes,	Gaines,	McShane,	Sawyer,
Burnett,	Gibson,	Mefriman,	Sayers,
Butler,	Hare,	Mills,	Scott,
Butterworth,	Haugen,	Moffitt,	Sherman,
Candler,	Heard,	Morgan,	Shively,
Carlton,	Herbert,	Morse,	Simmons,
Clements,	Hiestand,	Nelson,	Smith,
Snyder,	Stewart, Vt.	Tillman,	Wilkins,
Spinola,	Tarsney,	Turner, Ga.	Wilson, Minn.
Spooner,	Taylor, J. D., Ohio	Vance,	Wilson, W. Va.
Steele,	Thomas, Ill.	Weaver,	Yoder.
Stewart, Tex.	Thompson, Ohio	Wheeler,	
Stewart, Ga.	Thompson, Cal.	Whiting, Mass.	

So the motion to adjourn until Monday next was not agreed to.

The following additional pair was announced:

Mr. SHIVELY with Mr. NELSON, on this vote.

The result of the vote was then announced as above recorded.

The SPEAKER. The question is now on the motion of the gentleman from Tennessee [Mr. MCMILLIN] that the House adjourn.

Mr. DIBBLE. On that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 4, nays 192, not voting 128; as follows:

YEAS—4.

Landes,	McRae,	Neal,	Whitthorne.

NAYS—192.

Allen, Mass.	Darlington,	Hopkins, Va.	Perkins,
Allen, Mich.	Davis,	Hopkins, N. Y.	Perry,
Anderson, Miss.	De Lano,	Houk,	Pugsley,
Anderson, Ill.	Dibble,	Hovey,	Randall,
Anderson, Kans.	Dockery,	Howard,	Reed,
Atkinson,	Dorsey,	Hudd,	Rice,
Baker, N. Y.	Dunham,	Hunter,	Romeis,
Baker, Ill.	Dunn,	Johnston, Ind.	Rowell,
Bayne,	Elliott,	Johnston, N. C.	Rowland,
Belden,	Ermentrout,	Kean,	Russell, Conn.
Belmont,	Farquhar,	Kennedy,	Rusk,
Biggs,	Felton,	Kerr,	Ryan,
Blanchard,	Finley,	Ketcham,	Sawyer,
Boothman,	Fitch,	La Follette,	Scull,
Bound,	Flood,	Laidlaw,	Seney,
Boutelle,	Foran,	Laird,	Shaw,
Bowden,	Ford,	Latham,	Sowden,
Bowen,	French,	Lawler,	Springer.
Breckinridge, Ky.	Fuller,	Lehlbach,	Stahlnecker,
Brewer,	Funston,	Lind,	Stephenson,
Brower,	Gallinger,	Long,	Stockdale,
Browne, T. H. B., Va.	Gay,	Lyman,	Stone, Ky.
Brown, Ohio	Gear,	Macdonald,	Stone, Mo.
Brown, J. R., Va.	Gest,	Mahoney,	Struble,
Brumm,	Glass,	Maish,	Symes,
Bryce,	Glover,	Mason,	Taulbee,
Buchanan,	Goff,	Matson,	Taylor, E. B., Ohio
Buckalew,	Granger,	McClammy,	Thomas, Ky.
Bunnell,	Greenman,	McComas,	Thomas, Wis.
Burrows,	Grosvenor,	McCormick,	Tracey,
Bynum,	Grout,	McCreary,	Turner, Kans.
Campbell, F., N. Y.	Guenther,	McKenna,	Vandever,
Campbell, T. J., N. Y.	Hall,	McKinley,	Wade,
Cannon,	Harmer,	Montgomery,	Walker,
Caruth,	Hatch,	Morrill,	Warner,
Caswell,	Haugen,	Morrow,	Weber,
Cheadle,	Hayden,	Nelson,	West,
Chipman,	Hemphill,	Nichols,	White, Ind.
Clark,	Henderson, Iowa	Nutting,	White, N. Y.
Cogswell,	Henderson, N. C.	O'Donnell,	Whiting, Mass.
Conger,	Henderson, Ill.	O'Ferrall,	Wickham,
Cooper,	Herbert,	O'Neall, Ind.	Wilber,
Cothran,	Hermann,	O'Neill, Pa.	Wilkinson,
Cox,	Hires,	Osborne,	Williams,
Crouse,	Hitt,	Owen,	Wise,
Cummings,	Holman,	Parker,	Woodburn,
Cutcheon,	Holmes,	Patton,	Yardley,
Dalzell,	Hopkins, Ill.	Payson,	Yost.

NOT VOTING—128.

Abbott,	Culberson,	Mansur,	Russell, Mass.
Adams,	Dargan,	Martin,	Sayers,
Allen, Miss.	Davenport,	McAdoo,	Scott,
Anderson, Iowa	Davidson, Ala.	McCullogh,	Seymour,
Arnold,	Davidson, Fla.	McKinney,	Sherman,
Bacon,	Dingley,	McMillin,	Shively,
Bankhead,	Dougherty,	McShane,	Simmons,
Barnes,	Enloe,	Merriman,	Smith,
Barry,	Fisher,	Milliken,	Snyder,
Bingham,	Forney,	Mills,	Spinola,
Bland,	Gaines,	Moffitt,	Spooner,
Bliss,	Gibson,	Moore,	Steele,
Blount,	Grimes,	Morgan,	Stewart, Tex.
Breckinridge, Ark.	Hare,	Morse,	Stewart, Ga.
Browne, Ind.	Hayes,	Newton,	Stewart, Vt.
Burnes,	Heard,	Norwood,	Tarsney,
Burnett,	Hiestand,	Oates,	Taylor, J. D., Ohio
Butler,	Hogg,	O'Neill, Mo.	Thomas, Ill.
Butterworth,	Hooker,	Outhwaite,	Thompson, Ohio
Campbell, Ohio	Hutton,	Peel,	Thompson, Cal.
Candler,	Jackson,	Penington,	Tillman,
Carlton,	Jones,	Peters,	Townshend,
Catchings,	Kelley,	Phelan,	Turner, Ga.
Clardy,	Kilgore,	Phelps,	Vance,
Clements,	Laffoon,	Pidcock,	Washington,
Cobb,	Lagan,	Plumb,	Weaver,
Cockran,	Lane,	Post,	Wheeler,
Collins,	Lanham,	Rayner,	Whiting, Mich.
Compton,	Lee,	Richardson,	Wilkins,
Cowles,	Lodge,	Robertson,	Wilson, Minn.
Crain,	Lynch,	Rockwell,	Wilson, W. Va.
Crisp,	Maffett,	Rogers,	Yoder.

So the motion of Mr. MCMILLIN was not agreed to.

The following additional pair was announced:

Mr. BARRY with Mr. HEARD, on this bill, until 4 o'clock p. m.

RAILROAD-CAR COUPLING AND HEATING.

Mr. HATCH. I ask unanimous consent to introduce a resolution simply for reference to the Committee on Commerce.

The SPEAKER. Without its being read?
Mr. HATCH. It is not necessary to read it.
Mr. DUNHAM. Let it be read, Mr. Speaker.
The resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring therein), That the Interstate Commerce Commission be instructed to consider what can be done to prevent the loss of life and limb in coupling and uncoupling freight-cars used in interstate commerce and in handling the brakes of such cars, and in what way the growth of the system of heating cars from the locomotive or other single source can be promoted; to the end that such commission may make recommendation in the premises to the various railroads within its jurisdiction, and report its doings to Congress at an early date, with such suggestions as to legislation on such subjects as may seem to it necessary and expedient.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. HATCH]?
There was no objection; and the resolution was referred to the Committee on Commerce.

INTERNATIONAL EXPOSITION, PARIS, FRANCE.

Mr. BELMONT. Mr. Speaker, I ask unanimous consent that the House non-concur in certain Senate amendments to the House joint resolution (No. 83) accepting the invitation of the French Republic to take part in an international exposition to be held in Paris in 1889.

REFUND OF DIRECT TAX OF 1861.

Mr. REED. I call for the regular order.
The SPEAKER. The regular order is demanded. The regular order is the question on the motion of the gentleman from Ohio [Mr. EZRA B. TAYLOR].
Mr. OATES. I move that the House now take a recess until 5 o'clock this afternoon.
Mr. WEAVER. I move to amend by inserting 4 o'clock instead of 5.
Mr. BRECKINRIDGE, of Arkansas. I move to amend the amendment by inserting half-past 4 instead of 4.
The SPEAKER. The question is on the amendment of the gentleman from Arkansas [Mr. BRECKINRIDGE] to the amendment proposed by the gentleman from Iowa [Mr. WEAVER].
The question was taken; and the Speaker declared that the "noes" seemed to have it.
A division was called for.
The House divided; and there were—ayes 5, noes 42.
Mr. OATES. No quorum.
The SPEAKER. The point being made that no quorum has voted, the Chair will appoint tellers.
Mr. EZRA B. TAYLOR. I demand the yeas and nays.
The yeas and nays were ordered.
The question was taken; and it was decided in the negative—yeas 7, nays 182, not voting 135; as follows:

YEAS—7.

Abbott,	Hayes,	Lynch,	Whiting, Mich.
Anderson, Iowa	Hutton,	McRae.	

NAYS—182.

Allen, Mass.	Davis,	Jackson,	Reed,
Allen, Mich.	De Lano,	Johnston, Ind.	Rice,
Anderson, Kans.	Dibble,	Johnston, N. C.	Romeis,
Atkinson,	Dorsey,	Kennedy,	Rowell,
Baker, N. Y.	Elliott,	Kerr,	Rowland,
Baker, Ill.	Farquhar,	Laffoon,	Russell, Conn.
Bayne,	Finley,	La Follette,	Rusk,
Belden,	Fitch,	Lagan,	Ryan,
Belmont,	Flood,	Laidlaw,	Sawyer,
Bliss,	Foran,	Laird,	Scull,
Boothman,	Ford,	Latham,	Seney,
Bound,	French,	Lehlbach,	Seymour,
Boutelle,	Fuller,	Lind,	Shaw,
Bowden,	Funston,	Long,	Sowden,
Bowen,	Gallinger,	Lyman,	Springer,
Brewer,	Gay,	Mahoney,	Stahlnecker,
Brower,	Gear,	Mason,	Steele,
Browne, T. H. B., Va.	Gest,	Matson,	Stone, Ky.
Brown, Ohio.	Glass,	McClammy,	Stone, Mo.
Brown, J. R., Va.	Goff,	McComas,	Struble,
Brumm,	Greenman,	McCormick,	Taylor, E. B., Ohio
Bryce,	Grout,	McCreary,	Thomas, Ky.
Buchanan,	Guenther,	McKenna,	Tracey,
Buckalew,	Hall,	McKinley,	Townshend,
Bunnell,	Harmer,	Milliken,	Turner, Kans.
Burrows,	Hatch,	Montgomery,	Vandever,
Butterworth,	Haugen,	Morrill,	Wade,
Bynum,	Hayden,	Morrow,	Walker,
Campbell, F., N. Y.	Hemphill,	Neal,	Warner,
Campbell, Ohio	Henderson, Iowa	Nichols,	Weber,
Cannon,	Henderson, N. C.	Nutting,	West,
Caruth,	Henderson, Ill.	O'Donnell,	White, Ind.
Caswell,	Hermann,	O'Ferrall,	White, N. Y.
Cheadle,	Hires,	O'Neall, Ind.	Whiting, Mass.
Chipman,	Hitt,	O'Neill, Pa.	Whitthorne,
Clark,	Hogg,	Osborne,	Wickham,
Cogswell,	Holman,	Owen,	Wilber,
Conger,	Holmes,	Parker,	Wilkinson,
Cooper,	Hopkins, Ill.	Patton,	Williams,
Cothran,	Hopkins, Va.	Payson,	Wilson, W. Va.
Cox,	Hopkins, N. Y.	Perkins,	Wise,
Crouse,	Houk,	Perry,	Woodburn.
Culberson,	Hovey,	Plumb,	Yardley,
Cummings,	Howard,	Post,	Yost.
Cutcheon,	Hudd,	Pugsley,	
Darlington,	Hunter,	Randall,	

NOT VOTING—135.

Adams,	Dargan,	Lee,	Rogers,
Allen, Miss.	Davenport,	Lodge,	Russell, Mass.
Anderson, Miss.	Davidson, Ala.	Macdonald,	Sayres,
Anderson, Ill.	Davidson, Fla.	Maffett,	Scott,
Arnold,	Dingley,	Maish,	Sherman,
Bacon,	Dockery,	Mansur,	Shively,
Bankhead,	Dougherty,	Martin,	Simmons,
Barnes,	Dunham,	McAdoo,	Smith,
Barry,	Dunn,	McCullogh,	Snyder,
Biggs,	Enloe,	McKinney,	Spinola,
Bingham,	Ermentrout,	McMillin,	Spooner,
Blanchard,	Felton,	McShane,	Stephenson,
Bland,	Fisher,	Merriman,	Stewart, Tex.
Blount,	Forney,	Mills,	Stewart, Ga.
Breckinridge, Ark.	Gaines,	Moffitt,	Stewart, Vt.
Breckinridge, Ky.	Gibson,	Moore,	Stockdale,
Browne, Ind.	Glover,	Morgan,	Symes,
Burnes,	Granger,	Morse,	Tarsney,
Burnett,	Grimes,	Nelson,	Taulbee,
Butler,	Grosvenor,	Newton,	Taylor, J. D., Ohio
Campbell, T. J., N. Y.	Hare,	Norwood,	Thomas, Ill.
Candler,	Heard,	Oates,	Thomas, Wis.
Carlton,	Herbert,	O'Neill, Mo.	Thompson, Ohio
Catchings,	Hiestand,	Outhwaite,	Thompson, Cal.
Clardy,	Hooker,	Peel,	Tillman,
Clements,	Jones,	Penington,	Turner, Ga.
Cobb,	Kean,	Peters,	Vance,
Cockran,	Kelley,	Phelan,	Washington,
Collins,	Ketcham,	Phelps,	Weaver,
Compton,	Kilgore,	Pidcock,	Wheeler,
Cowles,	Landes,	Rayner,	Wilkins,
Crain,	Lane,	Richardson,	Wilson, Minn.
Crisp,	Lanham,	Robertson,	Yoder.
Dalzell,	Lawler.	Rockwell,	

So the amendment of Mr. BRECKINRIDGE, of Arkansas, to fix four and a half o'clock as the hour to which a recess should be taken was rejected.
The following pair was announced:
Mr. STOCKDALE with Mr. NELSON, on this bill, until 4 o'clock p. m.
The result of the vote was announced as above stated.
The SPEAKER *pro tempore* (Mr. MCCREARY). The question is now on the amendment of the gentleman from Iowa [Mr. WEAVER], proposing to take a recess until 4 o'clock.
The question having been put,
The SPEAKER *pro tempore*. The "noes" seem to have it.
Mr. OATES. I call for a division.
The question being again taken, there were—ayes 2, noes 168.
Mr. OATES. I call for the yeas and nays.
The yeas and nays were ordered, 42 voting in favor thereof.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was communicated to the House by Mr. PRUDEN, one of his Secretaries, who also announced that the President had approved and signed joint resolution and bills of the following titles:
Joint resolution (H. Res. 77) to supply the Department of State with copies of bills and other documents;
An act (H. R. 1589) to provide for holding terms of the United States courts at Mississippi City;
An act (H. R. 3957) for the relief of Peter March, Thomas J. Wright, administrator, and others;
An act (H. R. 4487) to enable the Secretary of the Interior to pay certain creditors of the Pottawatomie Indians out of the funds of said Indians;
An act (H. R. 4556) to confirm New Madrid location survey, numbered 2889, and to provide for issue of patent therefor; and
An act (H. R. 5728) to amend the laws relating to navigation, and for other purposes.

REFUND OF DIRECT TAX OF 1861.

Mr. ANDERSON, of Kansas. Will the Chair please state the question on which the House is about to vote by yeas and nays.
The SPEAKER *pro tempore*. The gentleman from Alabama [Mr. OATES] moved that the House take a recess until 5 o'clock. The gentleman from Iowa [Mr. WEAVER] moved an amendment substituting 4 o'clock, and the gentleman from Arkansas [Mr. BRECKINRIDGE] moved a further amendment to name four and a half o'clock as the hour. The amendment of the gentleman from Arkansas has been voted down. The question is now on the amendment of the gentleman from Iowa fixing 4 o'clock as the hour to which the House will take a recess. The yeas and nays have been ordered, and the Clerk will call the roll.
The question was taken; and it was decided in the negative—yeas 3, nays 183, not voting 138; as follows:

YEAS—3.

Landes,	Lynch,	McRae.

NAYS—183.

Allen, Mass.	Belmont,	Browne, T. H. B., Va.	Bynum,
Allen, Mich.	Bliss,	Brown, Ohio	Campbell, F., N. Y.
Anderson, Ill.	Boothman,	Brown, J. R., Va.	Campbell, Ohio
Anderson, Kans.	Bound,	Brumm,	Campbell, T. J., N. Y.
Atkinson,	Boutelle,	Bryce,	Cannon,
Baker, N. Y.	Bowden,	Buchanan,	Caruth,
Baker, Ill.	Bowen,	Buckalew,	Caswell,
Bayne,	Brewer,	Bunnell,	Cheadle,
Belden,	Brower,	Burrows,	Chipman,

Clark,	Grout,	Lind,	Ryan,
Cogswell,	Guenther,	Long,	Sawyer,
Conger,	Hall,	Lyman,	Scull,
Cooper,	Harmer,	Macdonald,	Seymour,
Cothran,	Haugen,	Mahoney,	Simmons,
Cox,	Hayden,	Maish,	Sowden,
Crouse,	Hemphill,	Mason,	Springer,
Culberson,	Henderson, Iowa	McClammy,	Stahlnecker,
Cummings,	Henderson, N. C.	McCreary,	Steele,
Cutcheon,	Henderson, Ill.	McKenna,	Stephenson,
Dalzell,	Hermann,	McKinley,	Stone, Ky.
Darlington,	Hires,	Milliken,	Stone, Mo.
Davis,	Hitt,	Montgomery,	Struble,
De Lano,	Hogg,	Morrill,	Symes,
Dibble,	Holman,	Morrow,	Taulbee,
Dingley,	Holmes,	Neal,	Taylor, E. B., Ohio
Dorsey,	Hopkins, Ill.	Nelson,	Thomas, Ky.
Elliott,	Hopkins, Va.	Nutting,	Thomas, Wis.
Ermentrout,	Hopkins, N. Y.	O'Donnell,	Tracey,
Farquhar,	Hovey,	O'Ferrall,	Townshend,
Felton,	Hudd,	O'Neall, Ind.	Turner, Kans.
Finley,	Hunter,	O'Neill, Pa.	Vandever,
Fitch,	Hutton,	Osborne,	Wade,
Flood,	Jackson,	Owen,	Walker,
Foran,	Johnston, Ind.	Parker,	Warner,
Ford,	Johnston, N. C.	Patton,	Weber,
Fuller,	Kean,	Perkins,	West,
Funston,	Kelley,	Perry,	White, Ind.
Gallinger,	Kennedy,	Plumb,	White, N. Y.
Gay,	Kerr,	Pugsley,	Wickham,
Gear,	Ketcham,	Randall,	Wilber,
Gest,	Laffoon,	Reed,	Williams,
Glass,	La Follette,	Rice,	Wise,
Glover,	Lagan,	Romeis,	Woodburn,
Goff,	Laidlaw,	Rowell,	Yardley,
Greenman,	Latham,	Rowland,	Yost.
Grosvenor,	Lehlbach,	Russell, Conn.	

NOT VOTING—138.

Abbott,	Davenport,	Matson,	Sayers,
Adams,	Davidson, Ala.	McAdoo,	Scott,
Allen, Miss.	Davidson, Fla.	McComas,	Seney,
Anderson, Iowa	Dockery,	McCormick,	Shaw,
Anderson, Miss.	Dougherty,	McCullogh,	Sherman,
Arnold,	Dunham,	McKinney,	Shively,
Bacon,	Dunn,	McMillin,	Smith,
Bankhead,	Enloe,	McShane,	Snyder,
Barnes,	Fisher,	Merriman,	Spinola,
Barry,	Forney,	Mills,	Spooner,
Biggs,	French,	Moffitt,	Stewart, Tex.
Bingham,	Gaines,	Moore,	Stewart, Ga.
Blanchard,	Gibson,	Morgan,	Stewart, Vt.
Bland,	Granger,	Morse,	Stockdale,
Blount,	Grimes,	Newton,	Tarsney,
Breckinridge, Ark.	Hare,	Nichols,	Taylor, J. D., Ohio
Breckinridge, Ky.	Hatch,	Norwood,	Thomas, Ill.
Browne, Ind.	Hayes,	Oates,	Thompson, Ohio
Burnes,	Heard,	O'Neill, Mo.	Thompson, Cal.
Burnett,	Herbert,	Outhwaite,	Tillman,
Butler,	Hiestand,	Payson,	Turner, Ga.
Butterworth,	Hooker,	Peel,	Vance,
Candler,	Houk,	Penington,	Washington,
Carlton,	Howard,	Peters,	Weaver,
Catchings,	Jones,	Phelan,	Wheeler,
Clardy,	Kilgore,	Phelps,	Whiting, Mich.
Clements,	Laird,	Pidcock,	Whiting, Mass.
Cobb,	Lane,	Post,	Whitthorne,
Cockran,	Lanham,	Rayner,	Wilkins,
Collins,	Lawler,	Richardson,	Wilkinson,
Compton,	Lee,	Robertson,	Wilson, Minn.
Cowles,	Lodge,	Rockwell,	Wilson, W. Va.
Crain,	Maffett,	Rogers,	Yoder.
Crisp,	Mansur,	Russell, Mass.	
Dargan,	Martin,	Rusk,	

So the House refused to agree to Mr. WEAVER's amendment that the House take a recess until 4 o'clock.

During the roll-call the following additional pair was announced:

Mr. GLOVER with Mr. HOUK, for the rest of the day.

The vote was then announced as above recorded.

LEAVE OF ABSENCE.

Mr. FELTON, by unanimous consent, was granted indefinite leave of absence on account of business.

REVOCATION OF WITHDRAWAL OF LANDS TO CERTAIN RAILROADS.

The SPEAKER, by unanimous consent, laid before the House the following message from the President; which was referred to the Committee on the Public Lands, and ordered to be printed:

EXECUTIVE MANSION, *April* 5, 1888.

To the Senate and House of Representatives:

I transmit herewith a communication of the 3d instant from the Secretary of the Interior, submitting, with accompanying papers, a draught of a bill to provide for the revocation of the withdrawal of land made for the benefit of certain railroads, and for other purposes.

GROVER CLEVELAND.

REFUND OF DIRECT TAX OF 1861.

Mr. WEAVER. I move to amend by inserting "six o'clock" instead of "five o'clock," as the time to which a recess shall be taken.

Mr. BRECKINRIDGE, of Arkansas. I move to amend that amendment by making it half past six.

The SPEAKER. The "noes" seem to have it.

Mr. BRECKINRIDGE, of Arkansas. I demand a division.

The House divided; and there were—ayes 5, noes 65.

Mr. BRECKINRIDGE, of Arkansas. No quorum has voted.

The SPEAKER. The Chair will appoint tellers.

Mr. DIBBLE. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 1, nays 167, not voting 156; as follows:

YEA—1.

Neal.

NAYS—167.

Allen, Mass.	Davis,	Jackson,	Reed,
Allen, Mich.	Dibble,	Johnston, Ind.	Rice,
Anderson, Ill.	Dingley,	Johnston, N. C.	Romeis,
Anderson, Kans.	Dockery,	Kean,	Rowell,
Baker, N. Y.	Dorsey,	Kelley,	Rowland,
Baker, Ill.	Elliott,	Kennedy,	Russell, Conn.
Bayne,	Farquhar,	Kerr,	Rusk,
Belden,	Finley,	Ketcham,	Ryan,
Blanchard,	Flood,	Laidlaw,	Sawyer,
Boothman,	Foran,	Latham,	Scull,
Bound,	French,	Lawler,	Seney,
Boutelle,	Fuller,	Lehlbach,	Seymour,
Bowden,	Funston,	Lind,	Shaw,
Bowen,	Gallinger,	Long,	Sowden,
Brower,	Gay,	Lyman,	Springer,
Browne, T. H. B., Va.	Gear,	Mahoney,	Stahlnecker,
Brown, Ohio,	Gest,	Mansur,	Steele,
Brown, J. R., Va.	Glass,	Mason,	Stephenson,
Brumm,	Goff,	McClammy,	Stone, Ky.
Bryce,	Grosvenor,	McComas,	Struble,
Buchanan,	Grout,	McCormick,	Taulbee,
Buckalew,	Guenther,	McCreary,	Taylor, E. B., Ohio
Bunnell,	Harmer,	McKenna,	Thomas, Ky.
Burrows,	Haugen,	McKinley,	Thomas, Wis.
Bynum,	Hayden,	McRae,	Townshend,
Campbell, F., N. Y.	Hemphill,	Milliken,	Turner, Kans.
Campbell, Ohio	Henderson, Iowa	Montgomery,	Vance,
Campbell, T. J., N. Y.	Henderson, N. C.	Morrow,	Vandever,
Cannon,	Henderson, Ill.	Nichols,	Wade,
Caruth,	Hermann,	Nutting,	Walker,
Caswell,	Hires,	O'Donnell,	Warner,
Cheadle,	Hitt,	O'Ferrall,	Weber,
Clark,	Hogg,	O'Neill, Pa.	West,
Cogswell,	Holman,	Osborne,	White, Ind.
Cooper,	Holmes,	Parker,	White, N. Y.
Cothran,	Hopkins, Ill.	Patton,	Whiting, Mass.
Crouse,	Hopkins, Va.	Payson,	Wickham,
Culberson,	Hopkins, N. Y.	Perkins,	Wilkinson,
Cummings,	Hovey,	Perry,	Williams,
Cutcheon,	Howard,	Plumb,	Woodburn.
Dalzell,	Hudd,	Pugsley,	Yost.
Darlington,	Hunter,	Randall.	

NOT VOTING—156.

Abbott,	Crisp,	Lane,	Robertson,
Adams,	Dargan,	Lanham,	Rockwell,
Allen, Miss.	Davenport,	Lee,	Rogers,
Anderson, Iowa,	Davidson, Ala.	Lodge,	Russell, Mass.
Anderson, Miss.	Davidson, Fla.	Lynch,	Sayers,
Arnold,	De Lano,	Macdonald,	Scott,
Atkinson,	Dougherty,	Maffett,	Sherman,
Bacon,	Dunham,	Maish,	Shively,
Bankhead,	Dunn,	Martin,	Simmons,
Barnes,	Enloe,	Matson,	Smith,
Barry,	Ermentrout,	McAdoo,	Snyder,
Belmont,	Felton,	McCullogh,	Spinola,
Biggs,	Fisher,	McKinney,	Spooner,
Bingham,	Fitch,	McMillin,	Stewart, Tex.
Bland,	Ford,	McShane,	Stewart, Ga.
Bliss,	Forney,	Merriman,	Stewart, Vt.
Blount,	Gaines,	Mills,	Stockdale,
Breckinridge, Ark.	Gibson,	Moffitt,	Stone, Mo.
Breckinridge, Ky.	Glover,	Moore,	Symes,
Brewer,	Granger,	Morgan,	Tarsney,
Browne, Ind.	Greenman,	Morrill,	Taylor, J. D., Ohio
Burnes,	Grimes,	Morse,	Thomas, Ill.
Burnett,	Hall,	Nelson,	Thompson, Ohio
Butler,	Hare,	Newton,	Thompson, Cal.
Butterworth,	Hatch,	Norwood,	Tillman,
Candler,	Hayes,	Oates,	Tracey,
Carlton,	Heard,	O'Neall, Ind.	Turner, Ga.
Catchings,	Herbert,	O'Neill, Mo.	Washington,
Chipman,	Hiestand,	Outhwaite,	Weaver,
Clardy,	Hooker,	Owen,	Wheeler,
Clements,	Houk,	Peel,	Whiting, Mich.
Cobb,	Hutton,	Penington,	Whitthorne,
Cockran,	Jones,	Peters,	Wilber,
Collins,	Kilgore,	Phelan,	Wilkins,
Compton,	Laffoon,	Phelps,	Wilson, Minn.
Conger,	La Follette,	Pidcock,	Wilson, W. Va.
Cowles,	Lagan,	Post,	Wise,
Cox,	Laird,	Rayner,	Yardley,
Crain,	Landes,	Richardson,	Yoder.

So the House refused to agree to the motion of Mr. BRECKINRIDGE, of Arkansas, to take a recess until half past 6 o'clock.

The following additional pair was announced:

Mr. BREWER with Mr. WHITING, of Michigan, on this bill for this afternoon.

The SPEAKER *pro tempore* (Mr. SPRINGER in the chair). The question recurs on Mr. WEAVER's motion, that the House take a recess until 6 o'clock.

Mr. OATES. I demand a division.

Mr. REED. Let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 2, nays 164, not voting 158; as follows:

YEAS—2.

Anderson, Iowa Bryce.

NAYS—'64.

Allen, Mass.	Elliott,	Ketcham,	Romeis,
Allen, Mich.	Farquhar,	Laffoon,	Rowell,
Anderson, Kans.	Finley,	La Follette,	Rowland,
Baker, Ill.	Fitch,	Lagan,	Russell, Conn.
Bayne,	Flood,	Laidlaw,	Rusk,
Belden,	Foran,	Laird,	Ryan,
Bliss,	Fuller,	Lane,	Sawyer,
Boothman,	Funston,	Latham,	Scull.
Bound,	Gallinger,	Lawler,	Seney,
Boutelle,	Gay,	Lehlbach,	Seymour,
Bowden,	Gear,	Long,	Shaw,
Bowen,	Gest,	Lyman,	Simmons,
Browne, T.H.B., Va.	Glass,	Mahoney,	Sowden,
Brown, Ohio	Goff,	Mansur,	Springer,
Brown, J. R., Va.	Grosvenor,	Mason,	Stahlnecker,
Brumm,	Grout,	McClammy,	Stephenson,
Buchanan,	Guenther,	McComas,	Stone, Ky.
Buckalew,	Hall,	McCormick,	Struble,
Bunnell,	Harmer,	Milliken,	Taulbee,
Burrows,	Hatch,	Montgomery,	Taylor, E. B., Ohio
Butterworth,	Hayden,	Neal,	Thomas, Ky.
Bynum,	Henderson, Iowa	Nelson,	Thomas, Wis.
Campbell, F., N. Y.	Henderson, N. C.	Nichols,	Townshend,
Campbell, Ohio	Henderson, Ill.	Nutting,	Turner, Kans.
Campbell, T.J., N.Y.	Hermann,	O'Donnell,	Vance,
Cannon,	Hires,	O'Ferrall,	Wade,
Caruth,	Hitt,	O'Neall, Ind.	Walker,
Caswell,	Hogg,	O'Neill, Pa.	Warner,
Cheadle,	Holman,	Osborne,	Weber,
Clark,	Holmes,	Owen,	West,
Cooper,	Hopkins, Ill.	Parker,	White, Ind.
Cothran,	Hopkins, Va.	Patton,	White, N. Y.
Cox,	Hovey,	Payson,	Whiting, Mass.
Crouse,	Hudd,	Peel,	Whitthorne,
Cummings,	Hunter,	Perkins,	Wickham,
Cutcheon,	Hutton,	Perry,	Wilkinson,
Dalzell,	Johnston, Ind.	Plumb,	Williams,
Darlington,	Johnston, N. C.	Post,	Wilson, W. Va.
De Lano,	Kean,	Pugsley,	Woodburn,
Dibble,	Kelley,	Randall,	Yardley,
Dingley,	Kerr.	Rice,	Yost.

NOT VOTING—158.

Abbott,	Crisp,	Landes,	Richardson,
Adams,	Culberson,	Lanham,	Robertson,
Allen, Miss.	Dargan,	Lee,	Rockwell,
Anderson, Miss.	Davenport,	Lind,	Rogers,
Anderson, Ill.	Davidson, Ala.	Lodge,	Russell, Mass.
Arnold,	Davidson, Fla.	Lynch,	Sayers,
Atkinson,	Davis,	Macdonald,	Scott,
Bacon,	Dockery,	Maffett,	Sherman,
Baker, N. Y.	Dorsey.	Maish,	Shively,
Bankhead,	Dougherty,	Martin,	Smith,
Barnes,	Dunham,	Matson,	Snyder,
Barry,	Dunn,	McAdoo,	Spinola,
Belmont,	Enloe,	McCreary,	Spooner,
Biggs,	Ermentrout,	McCullogh,	Steele,
Bingham,	Felton,	McKenna,	Stewart Tex.
Blanchard,	Fisher,	McKinley,	Stewart, Ga.
Bland,	Ford,	McKinney,	Stewart, Vt.
Blount,	Forney,	McMillin,	Stockdale,
Breckinridge, Ark.	French,	McRae,	Stone, Mo.
Breckinridge, Ky.	Gaines,	McShane,	Symes,
Brewer,	Gibson,	Merriman,	Tarsney,
Brower.	Glover,	Mills,	Taylor, J. D., Ohio
Browne, Ind.	Granger,	Moffitt,	Thomas, Ill.
Burnes,	Greenman,	Moore,	Thompson, Ohio
Burnett,	Grimes,	Morgan,	Thompson, Cal.
Butler,	Hare,	Morrill,	Tillman,
Candler,	Haugen,	Morrow,	Tracey,
Carlton,	Hayes,	Morse,	Turner, Ga.
Catchings,	Heard,	Newton,	Vandever,
Chipman,	Hemphill,	Norwood,	Washington,
Clardy,	Herbert,	Oates,	Weaver,
Clements,	Hiestand,	O'Neill, Mo.	Wheeler,
Cobb,	Hooker,	Outhwaite,	Whiting, Mich.
Cockran,	Hopkins, N. Y.	Penington,	Wilber,
Cogswell,	Houk,	Peters,	Wilkins,
Collins,	Howard,	Phelan,	Wilson, Minn.
Compton,	Jackson,	Phelps,	Wise,
Conger,	Jones,	Pidcock,	Yoder.
Cowles,	Kennedy,	Rayner,	
Crain,	Kilgore,	Reed,	

So the motion to take a recess until 6 o'clock was rejected.

Mr. NELSON. I ask unanimous consent to dispense with the reading of the names.

Mr. OATES. I object.

The Clerk then recapitulated the names of those voting.

The following additional pairs were announced:

Mr. DOCKERY with Mr. FUNSTON, until 8 o'clock p. m. April 5, 1888.

Mr. GRANGER with Mr. DORSEY, on all political questions to-day.

Mr. WASHINGTON with Mr. BAKER, of New York, on this vote.

The result of the vote was then announced as above recorded.

The SPEAKER. The question recurs upon the motion of the gentleman from Alabama [Mr. OATES], that the House take a recess until 5 o'clock.

Mr. BRECKINRIDGE, of Kentucky. I move that the House adjourn. I do not think it would do any good to take a recess now.

Mr. MCMILLIN. I move that when the House adjourns to-day it be to meet on Saturday next.

Mr. OATES. Pending that motion I move that when the House adjourns to-day it be to meet on Monday next.

The SPEAKER. The question is on the motion of the gentleman from Alabama.

The House divided; and there were—ayes 13, noes 88.

Mr. OATES. No quorum.

Mr. EZRA B. TAYLOR. I demand the yeas and nays.

The yeas and nays were ordered.

The Clerk proceeded to call the roll.

Mr. ANDERSON, of Kansas. I ask leave of absence for the remainder of the day on account of physical indisposition.

There was no objection, and the leave was granted.

Mr. NELSON. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER *pro tempore* (Mr. SPRINGER in the chair). The gentleman will state it.

Mr. NELSON. This being the legislative day of yesterday, the former order, that the House is to take a recess at 5 o'clock on Thursday for a special evening session could not be operative in the present condition of the House, even if it were now 5 o'clock, could it? This is the legislative day of Wednesday, is it not, and that order can not become operative at 5 o'clock to day?

The SPEAKER *pro tempore*. The Chair can not entertain a point of order now that might result in an appeal from the decision of the Chair, the House being in the midst of a roll-call. [Laughter.]

The Clerk will continue the call.

The question was taken; and there were—yeas 2, nays 173, not voting 149; as follows:

YEAS—2.

Hayes,	Washington.

NAYS—173.

Allen, Mass.	Darlington,	Johnston, N. C.	Randall,
Allen, Mich.	De Lano,	Kean,	Reed,
Anderson, Ill.	Dibble,	Kelley,	Romeis,
Anderson, Kans.	Dingley,	Kennedy,	Rowell,
Atkinson,	Dunham,	Kerr,	Rowland,
Baker, N. Y.	Farquhar,	Laffoon,	Russell, Conn.
Baker, Ill.	Felton,	La Follette,	Russell, Mass.
Bayne,	Flood,	Lagan,	Rusk,
Belden,	Foran,	Laidlaw,	Ryan,
Blanchard,	French,	Laird,	Sawyer,
Boothman,	Fuller,	Landes,	Scull,
Bound,	Funston,	Lane,	Seney,
Boutelle,	Gallinger,	Latham,	Seymour,
Bowden,	Gay,	Lehlbach,	Shaw,
Bowen,	Gear,	Lind,	Sowden,
Browne, T.H.B., Va.	Glass,	Long,	Springer,
Brown, Ohio.	Goff,	Lyman,	Stahlnecker,
Brown, J. R., Va.	Greenman,	Macdonald,	Steele,
Brumm,	Grosvenor,	Maish,	Stephenson,
Bryce,	Grout,	Mason,	Stockdale,
Buchanan,	Guenther,	McClammy,	Stone, Ky.
Buckalew,	Harmer,	McCormick,	Stone, Mo.
Bunnell,	Hatch,	McKenna,	Struble,
Burrows,	Haugen,	McKinley,	Symes,
Butterworth,	Hayden,	Milliken,	Taulbee,
Bynum,	Hemphill,	Montgomery,	Taylor, E. B., Ohio
Campbell, F., N. Y.	Henderson, Iowa	Morrow,	Thomas, Ky.
Campbell, Ohio.	Henderson, N. C.	Neal,	Thomas, Wis.
Campbell, T.J., N.Y.	Henderson, Ill.	Nelson,	Tracey,
Cannon,	Hermann,	Newton,	Wade,
Caruth,	Hires,	Nichols,	Walker,
Caswell,	Hitt,	Nutting,	Warner,
Cheadle,	Hogg,	O'Donnell,	Weber,
Chipman,	Holman,	O'Ferrall,	West,
Clark,	Holmes,	O'Neall, Ind.	Whitthorne,
Cogswell,	Hopkins, Ill.	O'Neill, Pa.	Wickham,
Conger,	Houk,	Osborne,	Williams,
Cooper,	Hovey,	Owen,	Wilson, W. Va.
Cothran,	Howard,	Parker,	Yardley,
Cox,	Hudd,	Patton,	Yoder,
Crouse,	Hunter,	Perkins,	Yost.
Cummings,	Hutton,	Plumb,	
Cutcheon,	Jackson,	Post,	
Dalzell,	Johnston, Ind.	Pugsley,	

NOT VOTING—149.

Abbott,	Davenport,	Maffett,	Sayers,
Adams,	Davidson, Ala.	Mahoney,	Scott,
Allen, Miss.	Davidson, Fla.	Mansur,	Sherman,
Anderson, Iowa	Davis,	Martin,	Shively,
Anderson, Miss.	Dockery,	Matson,	Simmons,
Arnold,	Dorsey,	McAdoo,	Smith,
Bacon,	Dougherty,	McComas,	Snyder,
Bankhead,	Dunn,	McCreary,	Spinola,
Barnes,	Elliott,	McCullogh,	Spooner,
Barry,	Enloe,	McKinney,	Stewart, Tex.
Belmont,	Ermentrout,	McMillin,	Stewart, Ga.
Biggs,	Finley,	McRae,	Stewart, Vt.
Bingham,	Fisher,	McShane,	Tarsney,
Bland,	Fitch,	Merriman,	Taylor, J. D., Ohio
Bliss,	Ford,	Mills,	Thomas, Ill.
Blount,	Forney,	Moffitt,	Thompson, Ohio
Breckinridge, Ark.	Gaines,	Moore,	Thompson, Cal.
Breckinridge, Ky.	Gest,	Morgan,	Tillman,
Brewer,	Gibson,	Morrill,	Townshend,
Brower,	Glover,	Morse.	Turner, Kans.
Browne, Ind.	Granger,	Norwood,	Turner, Ga.
Burnes,	Grimes,	Oates,	Vance,
Burnett,	Hall,	O'Neill, Mo.	Vandever.
Butler,	Hare,	Outhwaite,	Weaver,
Candler,	Heard,	Payson,	Wheeler,
Carlton,	Herbert,	Peel,	White, Ind.
Catchings,	Hiestand,	Penington,	White, N. Y.
Clardy,	Hooker,	Perry,	Whiting, Mich.
Clements,	Hopkins, Va.	Peters,	Whiting, Mass.
Cobb,	Hopkins, N. Y.	Phelan,	Wilber,
Cockran,	Jones,	Phelps,	Wilkins,
Collins,	Ketcham,	Pidcock,	Wilkinson,
Compton,	Kilgore,	Rayner,	Wilson, Minn.
Cowles,	Lanham,	Rice.	Wise,
Crain,	Lawler,	Richardson,	Woodburn.
Crisp,	Lee,	Robertson,	
Culberson,	Lodge,	Rockwell,	
Dargan,	Lynch,	Rogers,	

So the motion to adjourn until Monday was rejected.

The following additional pairs were announced:

Mr. BYNUM with Mr. OWEN.

Mr. STONE, of Missouri, with Mr. HOPKINS, of New York, for the balance of the day.

Mr. GLASS with Mr. HOUK, until to-morrow morning.

The result of the vote was then announced as above recorded.

The SPEAKER. The question recurs upon the motion of the gentleman from Tennessee, that when the House adjourns to-day it be to meet on Saturday next; and pending that, if there be no objection, the Chair will submit to the House at this time some personal requests of members.

The gentleman from Louisiana [Mr. GAY] asks leave of absence from night sessions for one week, owing to indisposition; and the gentleman from Pennsylvania [Mr. KELLEY] requests that he be excused from evening sessions for the remainder of this session of Congress.

Is there objection to these requests?

There was no objection, and it was so ordered.

SENATE BILLS REFERRED.

The SPEAKER. If there be no objection, the Chair will also lay before the House for reference two Senate bills.

There was no objection.

The following bills of the Senate were read twice, and referred as follows:

The bill (S. 2292) to provide for a celebration at the national capital in 1889 in honor of the centennial of the Constitution of the United States—to the Committee on Foreign Affairs.

The bill (S. 325) granting to the Billings, Clark's Fork and Cooke City Railroad Company the right of way through the Crow Indian reservation—to the Committee on Indian Affairs.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed with amendments the bill (H. R. 5034) to provide for the purchase of United States bonds by the Secretary of the Treasury, and asked a conference with the House thereon; and had appointed Mr. SHERMAN, Mr. ALLISON, and Mr. BECK managers on the part of the Senate.

Also, that the Senate had passed with amendments the bill (H. R. 3839) granting a pension to Mrs. Hetty K. Painter, and asked a conference with the House thereon; and had appointed Mr. PADDOCK, Mr. DAVIS, and Mr. TURPIE as managers on the part of the Senate.

Also, that the Senate had passed without amendment bills of the following titles, namely:

A bill (H. R. 3) to remove the political disabilities of William W. Mackall, of Virginia;

A bill (H. R. 8808) to amend an act entitled "An act to provide for holding terms of the United States courts at Vicksburg, Miss.;" and

A bill (H. R. 4472) for a public building at Helena, Ark.

The message further announced that the Senate had passed a bill (S. 1204) to provide for holding the circuit and district courts of the United States at Martinsburgh, in the district of West Virginia; in which the concurrence of the House was requested.

REFUND OF DIRECT TAX OF 1861.

The House divided on the motion of Mr. MCMILLIN that when the House adjourns to-day it be to meet on Saturday; and there were—ayes 6, noes 68.

Mr. OATES. No quorum.

The SPEAKER. The Chair appoints as tellers the gentleman from Alabama [Mr. OATES] and the gentleman from Iowa [Mr. ANDERSON].

Before the tellers had completed their count the hour of 5 o'clock arrived.

Mr. WEAVER. I rise to a point of order. The hour of 5 o'clock on Thursday having arrived, I make the point of order that the Chair shall announce that the House takes a recess until 8 o'clock this evening under the special order.

The SPEAKER. The Chair has decided that the continuation of the legislative day which began yesterday at 12 o'clock defeated the execution of the special order, so far as it related to the business reported from the Committee on Commerce set for Thursday. Of course if that be correct it defeats the execution of the whole order. It could not defeat the execution of a part of the order without defeating the execution of the whole of it. One part related to the business of the Committee on Commerce. The remaining part was that at 5 o'clock the House should take a recess until 8 o'clock on Thursday evening, the evening session to be devoted exclusively to business reported by the Committee on Military Affairs. And if the continuation of the session of Wednesday defeats one part of the order it defeats the whole of it.

Mr. WEAVER. My object in raising the point was to have a definite ruling of the Chair, so that hereafter, when reports are made by the Committee on Rules fixing days for various committees, we may understand definitely what it means and what to depend upon.

Mr. TOWNSHEND. I ask unanimous consent that the House take a recess until 8 o'clock, and that the evening session shall be devoted to the consideration of reports from the Committee on Military Affairs.

Mr. REED. I object.

Mr. DUNHAM. I call for the regular order.

Mr. OATES. I withdraw the point of no quorum.

The SPEAKER. The "noes" have it, and the motion is not agreed to.

Mr. EZRA B. TAYLOR. I ask unanimous consent that the House take a recess until a quarter of 12 o'clock to-morrow.

Mr. TOWNSHEND. I ask unanimous consent to amend that proposition so that there shall be a recess until 8 o'clock, and that the evening session shall be devoted to the consideration of reports from the Military Committee. If that is done it will not prejudice any interest and will not terminate the legislative day.

The SPEAKER. The Chair does not see how the House can have two recesses, one to 8 o'clock this evening and another to 11.45 o'clock to-morrow.

Mr. TOWNSHEND. At the termination of the business of the evening session we can take a further recess until the hour named by the gentleman from Ohio.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the House take a recess until 8 o'clock, the evening session to be devoted exclusively to the consideration of reports from the Committee on Military Affairs, and that then a recess be taken until to-morrow at a quarter to 12.

Mr. REED. I object.

Mr. TAULBEE. I desire to make a parliamentary inquiry. If the request of the gentleman from Illinois should be granted——

The SPEAKER. It is objected to.

Mr. TAULBEE. Can I not make an inquiry?

The SPEAKER. The gentleman can make it, but the request of the gentleman from Illinois is not before the House. It has been objected to.

Mr. TAULBEE. My object in rising is to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TAULBEE. My question is this: If the request of the gentleman from Illinois should be granted, and the House should now take a recess until 8 o'clock this evening, would it not be competent for the House during the evening session to change that order and perpetuate the order now pending?

The SPEAKER. The Chair supposes it would be competent for a majority to do so.

Mr. OATES. After having conferred with as many as possible of the gentlemen on this side who are in accord with me in opposing the special order, I believe there is a concurrence of opinion that nothing could be accomplished by continuing in session during to-night. I hope, therefore, no gentleman will object to the proposition of the gentleman from Ohio [Mr. EZRA B. TAYLOR]. If objection be made, it only continues the session to-night, and does not give gentlemen to-morrow for the consideration of bills at all. That question can be raised as well to-morrow as now.

Mr. TOWNSHEND. I shall object unless the evening is reserved for the use of the Military Committee.

The SPEAKER. The gentleman from Illinois objects.

Mr. OATES. I move that the House take a recess until forty-five minutes past 11 to-morrow.

The SPEAKER. A motion to adjourn is pending. If that is withdrawn, then the motion of the gentleman from Alabama is in order.

Mr. REED. That can be withdrawn.

Mr. TAULBEE. If the motion to adjourn is withdrawn, I will renew it. If it is to be a question of endurance, we can fight it out now just as well as at any other time.

Mr. EZRA B. TAYLOR. I hope this will not be considered a question of endurance. I desire to have everybody use good judgment about the matter; and as no object can be gained by the objection of the gentleman from Illinois, I hope he will withdraw it. I renew my request for unanimous consent that the House take a recess until to-morrow at a quarter to 12.

The SPEAKER. The gentleman from Ohio renews his request. Is there objection?

There was no objection; and accordingly, at 5 o'clock and 5 minutes p. m. (Thursday, April 5), the House took a recess until 11.45 a. m. (Friday, April 6).

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred as indicated below:

By Mr. BLISS: A bill (H. R. 9226) to increase the pension of Mrs. Ann Eliza Davis—to the Committee on Pensions.

By Mr. CARLTON: A bill (H. R. 9227) for the relief of Mary Newon—to the Committee on Pensions.

Also, a bill (H. R. 9228) for the relief of Nathan Cook—to the Committee Pensions.

By Mr. CLARDY: A bill (H. R. 9229) for the relief of John L. Griffin—to the Committee on Military Affairs.

By Mr. DARLINGTON: A bill (H. R. 9230) granting a pension to Eli C. Baker—to the Committee on Invalid Pensions.

By Mr. GIFFORD: A bill (H. R. 9231) for the relief of Frank Aldrich—to the Select Committee on Indian Depredation Claims.

By Mr. HITT: A bill (H. R. 9232) for the relief of Mrs. John A. Davis—to the Committee on War Claims.

By Mr. MACDONALD: A bill (H. R. 9233) to pay Margaret Doyle—to the Committee on War Claims.

Also, a bill (H. R. 9234) for the relief of William Gaffer—to the Committee on the Public Lands.

By Mr. O'DONNELL: A bill (H. R. 9235) granting a pension to J. D. Hendrick—to the Committee on Invalid Pensions.

By Mr. SAYERS (by request): A bill (H. R. 9236) granting a pension to William L. Henschkel—to the Committee on Invalid Pensions.

By Mr. STONE, of Kentucky: A bill (H. R. 9237) for the relief of M. G. Gilbert—to the Committee on War Claims.

By Mr. E. J. TURNER: A bill (H. R. 9238) granting a pension to James H. Fox—to the Committee on Invalid Pensions.

By Mr. VOORHEES: A bill (H. R. 9239) for the relief of L. A. Davis—to the Committee on Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ABBOTT: Petition of B. K. Cobb, by S. D. Coble, administrator, of Tarrant County, Texas, for reference of his case to the Court of Claims—to the Committee on War Claims.

By Mr. ATKINSON: Petition of 250 citizens of Franklin County, Pennsylvania—to the Committee on Agriculture.

By Mr. BACON (by request): Petition of John H. Fulton and others, for the protection of agriculture—to the Committee on Ways and Means.

By Mr. BELDEN: Petition of Paul H. Shaffer and 25 other cigar-makers, and of John Fredberg and 30 other cigar-makers, of Syracuse, N. Y., against repeal of the internal-revenue duties on cigars and cheroots—to the Committee on Ways and Means.

By Mr. T. H. B. BROWNE: Petition of Willis Thompson, of Northampton County, Virginia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, protest of citizens of Pulaski County, Virginia, against free coal and ores—to the Committee on Ways and Means.

Also, petition of Typographical Union No. 32, of Norfolk, Va., for the passage of an international copyright law—to the Committee on Patents.

By Mr. BUNNELL: Petition of farmers of Vose, Wyoming County, Pennsylvania, for better protection from importation of cattle on the pretense they are for breeding purposes only, and for other purposes—to the Committee on Ways and Means.

By Mr. CASWELL: Petition of S. C. Carr and 20 others, citizens of Wisconsin, for laws protecting animal industry—to the Committee on Agriculture.

Also, petition of the same for the repeal of the internal tax on tobacco, and for other purposes—to the Committee on Ways and Means.

By Mr. CHEADLE: Petition of 30 citizens of Howard County, Indiana, that the Bureau of Animal Industry be continued under charge of the Agricultural Department—to the Committee on Agriculture.

By Mr. CLARDY: Petition for the relief of Moses Pendergrass—to the Committee on the Post-Office and Post-Roads.

By Mr. CLEMENTS: Petition of 37 members of Local Assembly of Knights of Labor, of Roswell, Ga., in favor of the tonnage bill—to the Committee on Commerce.

By Mr. COGSWELL: Petition of Hon. W. H. Currier and 92 others, citizens of Amesbury and Salisbury, Mass., for the establishment of a postal telegraph—to the Committee on the Post-Offices and Post-Roads.

By Mr. COOPER: Petition of Benjamam Beal and 57 other voters of Butler Township, Knox County, Ohio, for increase of duty on wool and other agricultural products—to the Committee on Ways and Means.

By Mr. COWLEY: Petition of Mary A. Livermore and 56 others, in favor of the educational bill—to the Committee on Education.

By Mr. DARLINGTON: Petition of Eli C. Baker, Company A, Eighth Maryland Volunteer Infantry, for a pension—to the Committee on Invalid Pensions.

By Mr. ERMENTROUT: Petition of Mary J. Fry, late postmaster at Columbia, Pa., for relief—to the Committee on Appropriations.

Also, memorial of W. E. Boise, for reduction of postage on seeds, plants, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. GALLINGER: Petition of George W. Randall and 22 others, citizens of Richmond, N. H., for the more effectual protection of agriculture—to the Committee on Ways and Means.

Also, petition of S. H. Edes, of Newport, N. H., for quick mail transit between New York and the New England States—to the Committee on the Post-Office and Post-Roads.

By Mr. GIFFORD: Petition of E. A. Rossett and 69 others, citizens of Ashton, Dak., for retention of tariff on flax and flax products—to the Committee on Ways and Means.

By Mr. GREENMAN: Petition of 155 operatives in the Cable Flax Mills, Schaghticoke, N. Y., against the reduction of duty on flax, hemp, and jute twine, yarn, and thread—to the Committee on Ways and Means.

By Mr. GROSVENOR: Petition of E. J. Hiatt and 50 others, of Chester Hill, Ohio, for additional protection to farm products—to the Committee on Ways and Means.

By Mr. GROUT: Petition of Ira Mudgett and 104 others, citizens of Tunbridge, Vt., in behalf of increased protection to agricultural products—to the Committee on Ways and Means.

By Mr. HARMER: Memorial of citizens of Pennsylvania, for repeal of provision of the internal-revenue laws which classes druggists as liquor-dealers—to the Committee on Ways and Means.

By Mr. HOOKER: Petition of Eliza Potter, widow of Nelson Potter, of Hinds County, Mississippi, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. S. T. HOPKINS: Petition of W. H. Nichol, commander Grand Army of the Republic Post No. 483, and 108 ex-Union soldiers of the Seventeenth district of New York, and of commanders of Grand Army posts and Veteran Associations of Kings, Queens, Suffolk, and Richmond Counties, New York.

By Mr. HOUK: Fifteen petitions praying for the passage of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. HOWARD: Petition of of John Schierling, administrator of Gallus Kerchner for relief—to the Committee on Claims.

By Mr. JACKSON: Petition of James Marshall, and 300 others, citizens of New Castle, Pa., protesting against the reduction of the tariff on window-glass—to the Committee on Ways and Means.

Also, petition of the Junior Order of United American Mechanics, of Burgettstown, Pa., for making February 22 a legal holiday—to the Committee on the Judiciary.

Also, petition of the Lawrence County (Pa.) Agricultural Society, opposing the Mills tariff bill—to the Committee on Ways and Means.

By Mr. LANDES: Petition of Lewis W. Brown and 75 others, ex-soldiers, in favor of House bill 5662 and Senate bill 1537—to the Committee on Invalid Pensions.

By Mr. McCLAMMY: Petition of William Thigpen, of Wayne County, North Carolina, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. McKINLEY: Petition of the Big Bass Club, the Recreation Camping Club, and the Amateur Sporting Club, of Wellsville, Ohio, in favor of Senate bill No. 283—to the Committee on the Territories.

By Mr. MILLIKEN: Petition of Joseph D. Eaton, for more effectual protection of agriculture—to the Committee on Ways and Means.

By Mr. MORSE (by request): Petition of Ensign Gilbert, United States Navy (retired), for promotion—to the Committee on Naval Affairs.

Also, petition of Samuel A. Waterman, late first sergeant Company D, Forty-second Regiment Massachusetts Volunteers, for relief—to the Committee on Military Affairs.

By Mr. NICHOLS: Petition of Wyatt J. Holleman, of Wake County, North Carolina, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. NUTTING: Resolution of New York State Senate in regard to tax on tobacco, cigars, etc.—to the Committee on Ways and Means.

By Mr. O'DONNELL: Petition of 30 citizens of Lacey, Mich., for a pension for Jacob D. Hendrick—to the Committee on Invalid Pensions.

By Mr. ROMEIS: Petition of 190 citizens of Lucas County, Ohio, to take the duty off of flaxseed and oil—to the Committee on Ways and Means.

By Mr. SAYERS: Petition of citizens of Austin, Tex., protesting against certain pending bills in reference to the tax on lard—to the Committee on Ways and Means.

By Mr. STAHLNECKER: Petition of citizens and tax-payers of New Rochelle, N. Y., regarding the improvement of New Rochelle Harbor—to the Committee on Rivers and Harbors.

Also, resolution of the Legislature of New York, regarding imposing of tax on wholesale and retail dealers in spirituous liquors, ale, etc.—to the Committee on Ways and Means.

By Mr. E. B. TAYLOR: Petition of citizens of Kirtland, Ohio, for better protection to farm products—to the Committee on Ways and Means.

By Mr. VOORHEES: Petition of L. A. Davis, for an appropriation of $14,844 to pay him for carrying the English mails in Washington Territory—to the Committee on Claims.

By Mr. WHEELER: Petition of Clayton C. Taylor, of Phillips County, Arkansas, and of Dr. William F. Sullivan, for heirs of M. H. Sullivan, of Madison County, and of Nancy Gilliam, of Jackson County, Alabama, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. J. R. WHITING: Petition of Andrew K. Burrows and 51 others, for increase of salaries in the Life-Saving Service—to the Committee on Commerce.

By Mr. YODER: Petition of citizens of Lima, Ohio, for the protection of the National Yellowstone Park—to the Committee on the Public Lands.

The following petitions, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, were severally referred to the Committee on Invalid Pensions:

By Mr. BACON (by request): Of James R. Calkin and others, of New York.

By Mr. BELMONT: Of ex-soldiers and sailors of Hempstead, of Garden City, and of Hyde Park, N. Y.

By Mr. BURROWS: Of citizens of Port Sanilac, Mich.

By Mr. CONGER: Of veterans, soldiers and sailors, of Story County, Iowa.

By Mr. CUTCHEON: Of ex-soldiers of Freesoil, Mich.

By Mr. DARLINGTON: Of soldiers of Pennsylvania.

By Mr. ERMENTROUT: Of Grand Army posts of New York, Kings, Queens, Suffolk, Richmond, and Westchester Counties, New York.

By Mr. FULLER: Of D. W. Rudling and 68 ex-soldiers, of Fayette County, Iowa.

By Mr. LEHLBACH: Of members of E. H. Wade Post, No. 96, Grand Army of the Republic, of New Jersey.

By Mr. NELSON: Of ex-soldiers of Matley, Minn.

By Mr. NUTTING: Of B. L. Avery and 43 others, of Frank Tolman and 9 others, and of R. R. Stilwell and 74 others, ex-soldiers, of Cayuga County, New York.

Also, of Charles H. Hardy and 16 others, and of Francis S. Horry and 9 others, ex-soldiers, of Cayuga County, and of L. D. Rulenson and 135 others, citizens of Oswego County, New York.

By Mr. O'DONNELL: Of 28 ex-soldiers of Barry, Calhoun, and Eaton Counties, Michigan.

By Mr. PERKINS: Of Jay Prescott, J. D. Evans and others, citizens of Kansas.

By Mr. PUGSLEY: Of 42 members of Silas D. Prather Post, Grand Army of the Republic, of Ross County, Ohio.

By Mr. STAHLNECKER: Of the Per Diem Rated Service-Pension Associations of the first five Congresssional districts of New York, and of the Association of the Fully Disabled Veterans.

Also, of the Grand Army posts of Westchester County, New York.

By Mr. STEPHENSON: Of Grand Army of the Republic posts of Kings, Queens, Suffolk, Richmond, and Westchester Counties, New York.

By Mr. E. B. TAYLOR: Of citizens and of ex-soldiers of Dorset, Ashtabula County, and of Kinsman, Ohio.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. DAVIS: Of 138 citizens of Barnstable County, Massachusetts.

By Mr. FULLER: Of 77 citizens of Winneshiek, Iowa.

By Mr. PAYSON: Of 239 citizens of Livingston County, Illinois.

The following petition for an increase of compensation of fourth-class postmasters was referred to the Committee on the Post-Office and Post-Roads:

By Mr. CLEMENTS: Of citizens of Paulding County and of Murray County, Georgia.

SENATE.

FRIDAY, *April* 6, 1888.

Prayer by Rev. W. F. CRAFTS, D. D., of New York City.

The Journal of yesterday's proceedings was read and approved.

REVOCATION OF WITHDRAWAL OF RAILROAD LANDS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Public Lands, and ordered to be printed:

EXECUTIVE MANSION, *April* 5, 1888.

To the Senate and House of Representatives:

I transmit herewith a communication of the 3d instant from the Secretary of the Interior, submitting, with accompanying papers, a draught of a bill to provide for the revocation of the withdrawal of lands made for the benefit of certain railroads, and for other purposes.

GROVER CLEVELAND.

ADJOURNMENT TO MONDAY.

On motion of Mr. BUTLER, it was

Ordered, That when the Senate adjourn to-day it be to meet on Monday next.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented a petition of citizens of Georgetown, D. C., adopted at a meeting held in Mount Zion African Methodist Episcopal Church, praying for the passage of the bill to refund money to depositors in the Freedman's Bank; which was ordered to lie on the table.

He also presented a petition of 142 citizens of Prospect, Marion County, Ohio, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. HISCOCK presented a petition of ex-Union soldiers and sailors, citizens of the State of New York, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of 35 citizens of Trumansburgh, N. Y., praying for the passage of Senate bill 283, for the protection of the Yellowstone National Park; which was ordered to lie on the table.

Mr. ALLISON presented a petition of 130 ex-Union soldiers and sailors, citizens of Sibley and vicinity, in the State of Iowa, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. TURPIE presented the petition of J. M. Cox and 63 other citizens of Grant County, Indiana, praying for the better protection of the Yellowstone National Park; which was ordered to lie on the table.

Mr. CULLOM presented a petition of 32 citizens of Macoupin County, Illinois, praying for the passage of Senate bill No. 283, for the better protection of the Yellowstone National Park; which was ordered to lie on the table.

He also presented a petition of Chicago Typographical Union No. 16, praying for the passage of the bill providing for an international copyright; which was ordered to lie on the table.

Mr. REAGAN presented a petition of citizens of Erath County, Texas, praying for certain legislation in regard to the eradication of pleuro-pneumonia and other contagious cattle diseases; which was ordered to lie on the table.

Mr. HARRIS presented a petition of Typographical Union No. 11, of Memphis, Tenn., praying for the passage of the international copyright bill; which was ordered to lie on the table.

Mr. WILSON, of Iowa, presented a petition of 22 ex-Union soldiers, citizens of Madison township, Buchanan County, Iowa, praying for the passage of the per diem rated pension bill; which was referred to the Committee on Pensions.

Mr. DANIEL presented a petition of H. G. Richardson and others, citizens of Smithville and vicinity, in the State of Virginia, praying for the passage of Senate bill 283, for the protection of the Yellowstone National Park; which was ordered to lie on the table.

He also presented the petition of S. P. Cooper and others, and the petition of D. S. Lewis and others, all settlers on the Black Bob Indian lands, praying for the passage of House bill 6364 relating to the appraisement and sale of those lands, with an amendment; which were referred to the Committee on Indian Affairs.

He also presented the petition of W. S. Cave and other settlers on the Black Bob Indian lands, praying for the passage of House bill 6364, relating to the appraisement and sale of those lands, and that an amendment be added to it that will mete out equal justice to all parties in interest; which was referred to the Committee on Indian Affairs.

He also presented a petition of members of the Miami tribe of Indians, praying for the passage of a bill giving them their lands in severalty with patents from the United States in fee-simple; which was referred to the Committee on Indian Affairs.

Mr. MITCHELL presented a petition of citizens and voters of Marion County, Oregon, praying for additional legislation for the eradication of pleuro-pneumonia among cattle; which was ordered to lie on the table.

Mr. CALL presented a petition of the Board of Trade of Jacksonville, Fla., praying that an appropriation be made for the improvement of the Ocklawaha River, in Florida; which was referred to the Committee on Commerce.

Mr. SPOONER presented the petition of C. P. Beard and others, of Dunn County, Wisconsin, praying the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. FRYE presented the petition of Nathaniel Hobbs, of North Berwick, Me., praying for the passage of the bill for the protection of the Yellowstone National Park; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. FARWELL, from the Committee on the District of Columbia, to whom the subject was referred, reported a bill (S. 2615) to authorize the Baltimore and Potomac Railroad Company to acquire and use real estate for railway purposes in the District of Columbia; which was read twice by its title.

BARCELONA INTERNATIONAL EXHIBITION.

Mr. PAYNE. I am instructed by the Committee on Foreign Relations, to whom was referred the joint resolution (H. Res. 140) appropriating $25,000 for the international exhibition in Barcelona, Spain, to report it favorably, without amendment, and I ask for the immediate consideration of the joint resolution.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

BILLS INTRODUCED.

Mr. PLUMB introduced a bill (S. 2616) granting a pension to James

E. Kabler; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2617) to grant the right of way through the Indian Territory to the McPherson, Texas and Gulf Railroad Company, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. ALLISON introduced a bill (S. 2618) to authorize the construction of a railroad bridge across the Missouri River at or near Decatur, Nebr.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. GRAY introduced a bill (S. 2619) authorizing United States district attorneys to swear witnesses and compel their attendance at certain places for the purpose of investigating the facts of a cause pending for trial; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. TELLER (by request) introduced a bill (S. 2620) for the relief of Jearum Atkins; which was read twice by its title, and referred to the Committee on Patents.

He also introduced a bill (S. 2621) to protect purchasers of lands lying in the vicinity of Denver, Colo., heretofore withdrawn by the executive department of the Government as lying within the limits of certain railroad grants, and afterward held to lie without such limits; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 2622) for the relief of P. B. Monell; which was read twice by its title, and referred to the Committee on Claims.

Mr. WILSON, of Iowa, introduced a bill (S. 2623) granting an increase of pension to James Patterson; which was read twice by its title, and, with the accompanying petition, referred to the Committee on Pensions.

Mr. DANIEL introduced a bill (S. 2624) to provide for the enlargement of the dimensions of the wharf at Fortress Monroe; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2625) to repeal section 1218 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FARWELL introduced a bill (S. 2626) granting a pension to Catlena Lyman; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PLUMB introduced a joint resolution (S. R. 69) for the relief of Capt. John Jackson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

ALIEN OWNERSHIP OF MINERAL LANDS.

The PRESIDENT *pro tempore*. If there be no other concurrent or other resolutions, the order of morning business is closed.

Mr. STEWART. I move that the Senate proceed to the consideration of Order of Business 333, being the bill (S. 1176) to authorize the sale to aliens of certain mineral lands.

The PRESIDENT *pro tempore*. The consideration of the Calendar under Rule VIII being in order, the Senator from Nevada moves that the Senate proceed to the consideration of the bill named by him.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1176) to authorize the sale to aliens of certain mineral lands.

The bill was reported from the Committee on Mines and Mining with an amendment, to strike out all after the enacting clause and insert:

That the act entitled "An act to restrict the ownership of real estate in the Territories to American citizens, and so forth," approved March 3, 1887, be, and the same is hereby, amended by inserting after section 4 of said act the following: "*Provided, however*, That this act shall not relate to, or in any manner affect, the title to mineral lands or mining claims in the Territories of the United States, which may be acquired or held under the mineral land laws of the United States, nor to mills or other reduction works or property used in the production of metals from said mineral lands or claims; but, as to all such mineral lands, mining claims, mills, reduction works, and other property, the laws of the United States and of the Territories shall be and remain the same as though this act had not passed."

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PLATT. I wish that the amendment might be again read. I did not hear it.

The Chief Clerk again read the amendment.

Mr. PLATT. Although the amendment was adopted, I should like to have the Senator from Nevada explain what is left in the law after this provision that it shall not apply to mineral lands in the Territories.

Mr. STEWART. The whole body of the law is left. The law was designed to prevent the monopoly of agricultural lands by aliens. The report on the subject, which was made at the last Congress, when the bill was passed, contained no reference to the mines. The bill then passed prohibited the purchase of mines by aliens by the question not having been called to the attention of Congress, I think from all the information I can get, because such a provision was not agreed to.

I do not wish to debate this question. The law as it will be when this bill shall pass is the same that it has always been. It simply restores the law that has been in existence for the last thirty years or more as applicable to mineral lands.

Mr. MITCHELL. And as it is in all the States now.

Mr. STEWART. And as it is in all the States now. The discrimination in the existing law against the Territories is unjust. It does no good. Every delegate, every representative in both Houses from the mining States and Territories is in favor of this bill, and all the people there are in favor of it. They want it because it restores the old law, which worked well and did no harm.

There is no possible danger of a monopoly of mineral lands by foreigners under our mineral land laws. They must work the mines. They buy them to work them. They spend their money in this country, and our laboring people receive the money. If there are occasional successes, they lay out a very large amount of money in the ordinary operations, and employ a great many men to get any profit whatever. Many of the mines produce no profit and some of them large profits. It is, I do not say a gambling business, but a hazardous business, more or less. No matter how the mines are managed, the laborers get the benefit in the locality where the mining is conducted; and to cut off the Territories from the same privileges enjoyed by all the States outside is unjust, and they have petitioned and implored Congress to restore the old law.

I do not wish to discuss the bill further.

Mr. FAULKNER. As a member of the Committee on Mines and Mining I was opposed to the bill in the committee, and announced that I intended to oppose it in the Senate. I have submitted an amendment which, in my judgment, would to some extent remedy the evil which would result from the passage of the bill if the Senate deem it proper to adopt it. That amendment has been pending for some time, and is in the possession of the clerks. But I received very sad information this morning of the death of a near relative of mine, which will require my absence from the Senate, and I ask the Senator who is pressing the bill that he will, if possible, let it go over until Monday, and let it retain its position, to be taken up then immediately after the morning business and during the morning hour. If that is not agreeable I will briefly state my objections to the bill at this time.

Mr. STEWART. I have not command of the morning hour on Monday. If the Senate will, by unanimous consent, agree that the bill may be taken up after the morning hour on Monday and be the order then, I shall not object; but I can not hope to have any agreement to that effect. There will then undoubtedly be other business that would antagonize the bill, and I could not get consent to take it up on Monday.

Mr. FAULKNER. I do not desire to embarrass the Senator who is pressing the bill. I will withdraw the request I made, and state very hurriedly a few objections to the bill.

Mr. SPOONER I am in favor of the bill——

The PRESIDENT *pro tempore*. The Chair has recognized the Senator from West Virginia [Mr. FAULKNER].

Mr. SPOONER. I ask the Senator from West Virginia to yield to me for a moment.

The PRESIDENT *pro tempore*. Does the Senator from West Virginia yield?

Mr. FAULKNER. Yes, sir.

Mr. SPOONER. I am in favor of the bill which is now before the Senate, and I appeal to the Senator from Nevada that the request made by the Senator from West Virginia ought to be acceded to. He is a member of the Committee on Mines and Mining. He desires to debate the pending bill, and he states to the Senate that under the pressure of a sudden personal affliction he feels it to be necessary that he should be absent from the Senate to-day. Under these circumstances it is certainly a request which common courtesy requires should be met with deference.

Mr. STEWART. I will ask unanimous consent that the bill may come up immediately after the morning business on Monday next.

Mr. SPOONER. Under the circumstances I hope no objection will be made to such an order.

The PRESIDENT *pro tempore*. The Senator from Nevada asks unanimous consent that the pending bill be taken up on Monday immediately after the completion of the formal morning business. Is there objection? The Chair hears none, and it is so ordered.

BRITISH RIGHTS IN VENEZUELA.

Mr. RIDDLEBERGER. I am not sure of the order of business under which the Senate is proceeding; but I desire, if not in advance of the proper time, to offer a resolution.

The PRESIDENT *pro tempore*. The morning business is closed, but the resolution can be received by unanimous consent.

Mr. RIDDLEBERGER submitted the following resolution:

Whereas it is stated that the British Government has made claim to a large portion of the territory of the Republic of Venezuela and the control of the River Orinoco, proceeding without legal or equitable right and in defiance of the protests of the Republic of Venezuela, who exercise dominion over the same:

Be it resolved, That the President of the United States be, and he is hereby, requested to send to the Senate of the United States all letters, documents, etc., in any way appertaining, if any there be, between our Government and the governments of Great Britain and Venezuela, or either of them, relating to the question of newly-acquired territory in Venezuela by Great Britain, or take such other and further action as may be compatible with the public interests.

The PRESIDENT *pro tempore*. The resolution will be received and lie on the table, under the rule.

Mr. RIDDLEBERGER. I suppose it goes to the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on Foreign Relations.

Mr. SHERMAN. Is it a call for information merely? I did not observe the reading.

Mr. RIDDLEBERGER. It is simply a call for information.

Mr. SHERMAN. Let it be passed; I have no objection to it. If it is a mere call for information from the executive department there is no necessity for its reference.

The PRESIDENT *pro tempore*. The resolution, then, will be agreed to, if there be no objection. It is so ordered.

Mr. SHERMAN subsequently said: The resolution regarding Venezuela contains a preamble which I think the Senate ought not to adopt, and therefore I think a reference to the Committee on Foreign Relations had better be made. I have no objection to the resolution itself being adopted.

Mr. RANSOM. It was referred to the Committee on Foreign Relations.

Mr. SHERMAN. It was afterwards passed.

The PRESIDENT *pro tempore*. The Chair has announced the reference to the Committee on Foreign Relations, and that order will stand, if there be no objection.

DENVER AND RIO GRANDE RAILROAD.

Mr. TELLER. On the 29th of March the Senate passed a bill granting the right of way for a railroad across a military reservation in the State of Colorado. The other House has passed substantially the same bill, which lies on the table. The bill has the approval of the War Department, and I ask the Senate to take it from the table and pass it. The bills are practically the same, although not in the same language.

The PRESIDENT *pro tempore*. The Senator from Colorado moves that the Senate proceed to the consideration of the bill (H. R. 1262) granting the right of way to the Denver and Rio Grande Railroad through the Fort Crawford military reservation.

Mr. EDMUNDS. Does that bill come from any committee?

Mr. TELLER. We have passed a bill for the same purpose, although in a little different language.

The PRESIDENT *pro tempore*. The Chair is informed that the bill came from the House of Representatives and was laid upon the table, and that it has not been referred to any committee.

Mr. EDMUNDS. I should like to look at that bill.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Colorado to proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. EDMUNDS. I suggest to my friend from Colorado that this is a perpetual grant and that there is no limitation as to the time within which this right shall be exercised. There ought to be, I think, a provision that the company shall avail itself of this grant and build its road within a reasonable time, three years or five years, I do not care how long so that the time is reasonable.

Mr. TELLER. I will state that the War Department consented to the building of this road across the reservation before the bill was passed by either House. The road has been built for some time.

Mr. EDMUNDS. How long?

Mr. TELLER. I should suppose eight months. It is completed and in operation. The arrangement made with the War Department was that if Congress did not at this session pass a bill, and if the company were required by the War Department, they would take up the road. But as this is only a temporary military reservation, which will ultimately be abandoned, and the road does not at all interfere with the use of it, there can be no reason why the right should not be granted.

Mr. EDMUNDS. That is a very good practical explanation. I should like to ask my friend from Colorado another question. Where did the Secretary of War get authority, without an act of Congress, to authorize the railroad to be laid down and run across that reservation?

Mr. TELLER. Of course he had no real authority, but here was a mining camp, and beyond it a military reservation that is only nominally such, being of no practical value, but still reserved as a military reservation. If it should be occupied as a military reservation it would be a great advantage to have the railroad go across it. Therefore the Department said, "We will keep our hands off if you will build across the reservation and apply to Congress for permission," and the company said, "If we do not get it, and if you say we shall take up the road, we will take it up." They entered into a contract of that kind.

Mr. EDMUNDS. That is to say, the Secretary of War and the commander-in-chief of the Armies of the United States thought they had a good temptation for violating the law, and we are now asked to approve it.

Mr. PLUMB. Let me say in regard to this matter that what was done in this case has not been entirely unusual. I remember a road was built through the Fort Bliss military reservation in Kansas and through another reservation in New Mexico by the tacit consent of the War Department. I presume that is what was given in this case.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FORFEITURE OF UNEARNED LANDS.

Mr. PLUMB. I gave notice yesterday that I should ask the Senate this morning to take up and consider and pass the bill (S. 1430) to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes. For some weeks this bill has been on the Calendar, and I have been designing almost every day to bring it up. I have postponed action upon it because of the fact that certain Senators were interested in an amendment which they designed to propose to the bill, and I have waited for them. They now ask me to wait until Monday. I give notice that on Monday I shall ask the Senate to proceed to the consideration of the bill without reference to the convenience of any one, except, of course, the convenience of the Senate as to its business.

CONSIDERATION OF PENSION BILLS.

Mr. CULLOM. I desire to call up the bill (S. 766) granting an increase of pension to John Moore, a bill which was passed over when I was out of the Senate.

The PRESIDENT *pro tempore*. The Calendar, under Rule VIII, being in order, the Senator from Illinois moves that the Senate proceed to the consideration of the bill (S. 766) granting an increase of pension to John Moore.

Mr. COCKRELL. I was going to suggest that we go to the Calendar, and this bill will then be in order, as it has its place on the Calendar.

Mr. CULLOM. If the Senator from Missouri will just let the bill be read, I think it can be passed in less than a minute.

Mr. EDMUNDS. I wish to ask unanimous consent to say a word, and that is to ask unanimous consent that we take up the pension bills that were passed over, not losing their place. I know of some bills away down on the Calendar for the relief of people who are in real distress and to whom it is a matter of great importance whether a bill should pass this week or a month hence.

Mr. COCKRELL. I have no objection to that course.

Mr. CULLOM. Neither have I.

Mr. EDMUNDS. I ask unanimous consent that we take up the pension bills, beginning with those not losing their place, and go through with them.

Mr. BLAIR. Does the Senator design to include general pension bills?

Mr. EDMUNDS. I mean personal pension bills.

Mr. SAWYER. I hope that order will be made.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent that the Senate proceed to the consideration of private pension bills on the Calendar, beginning with the first pension bill passed over without prejudice.

Mr. CULLOM. I consent to that if the Senator will allow this bill to pass, since it has been called up. There is no objection to it.

The PRESIDENT *pro tempore*. Is there objection to the request made by the Senator from Vermont? The Chair hears none. It is so ordered. The Chief Clerk will report the first private pension bill on the Calendar.

Mr. CULLOM. I think Senate bill 766 is the first; but I am not sure whether it is or not. The bill is on the second page of the Calendar.

Mr. EDMUNDS. It is the very first pension bill on the Calendar.

The PRESIDENT *pro tempore*. The Chief Clerk will state the first private pension bill on the Calendar under Rule VIII.

The CHIEF CLERK. Order of Business 669, House bill 5427.

Mr. CULLOM. As I understand it, the first bill on the Calendar is Order of Business 366, the bill I have been trying to get up.

Mr. COCKRELL. That bill ought to have retained its place on the Calendar under Rule VIII. I am the one who made the objection to it, and I asked that it might retain its place.

Mr. EDMUNDS. The understanding was to go back and take up those bills which had been passed over not losing their place, and that bill is one of them.

Mr. COCKRELL. The bill lost its place by an error.

The PRESIDENT *pro tempore*. It was passed over under objection and went to the Calendar under Rule IX. Is there objection to its consideration under Rule VIII? The Chair hears none.

JOHN MOORE.

The bill (S. 766) granting an increase of pension to John Moore was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Moore, late a private in Company A, Tenth Indiana Volunteers, at the rate of $24 a month, in lieu of the pension he is now receiving.

Mr. COCKRELL. I objected to the consideration of this bill when it was reached upon the Calendar and asked that it might retain its place. My objection was based upon the ground that the report did not disclose that application had been made to the Pension Office for an increase of pension, and that Congress ought not to be flooded with

these cases for an increase of pension until remedy had been exhausted in the Pension Office.

Mr. CULLOM. I have ascertained the fact to be that remedy had been exhausted, and I so stated to the Senator from Missouri.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. BRIMMER.

The bill (H. R. 5247) granting a pension to William H. Brimmer was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William H. Brimmer, of Stephentown, N. Y., late a private in Company K, Twenty-first Regiment of New York Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALONZO ALDEN.

The bill (H. R. 2663) for the relief of Alonzo Alden was considered as in Committee of the Whole. It proposes to increase the pension of Alonzo Alden, late colonel of the One hundred and sixty-ninth Regiment New York Volunteers and brevet brigadier-general, from $50 to $72 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY M. STRONG.

The bill (H. R. 2662) for the relief of Mary M. Strong was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary M. Strong, widow of Thomas J. Strong, late lieutenant-colonel of the Sixteenth Regiment New York Heavy Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SQUIRE ADMIRE.

The bill (H. R. 4812) to grant a pension to Squire Admire was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Squire Admire, late a private in the Third Regiment Indiana State Legion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JANE THOMAS.

The bill (H. R. 159) granting a pension to Jane Thomas was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Jane Thomas, of Dubuque, Iowa, an Army nurse, widow of Lewis A. Thomas, late quartermaster-sergeant of the Forty-sixth Regiment Iowa Infantry Volunteers, at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SELINA A. SIMS.

The bill (H. R. 2077) to place on the pension-roll the name of William S. Sims was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "pension-roll," to insert "subject to the limitations and provisions of the pension laws;" in the same line, after the words "name of," to insert "Selina A. Sims, widow of;" and in line 6, after the word "volunteers," to strike out the words "at a rating of $40 per month from the date of the approval of this act;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Selina A. Sims, widow of William S. Sims, late captain of Company F, Eighty-sixth Regiment Indiana Volunteers.

The amendments were agreed to.

Mr. COCKRELL. What is the order of business?

Mr. CULLOM. I can state to the Senator from Missouri that the fact is that the soldier died since the passage of the bill in the House, and the widow is substituted in his place.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to place on the pension-roll the name of Selina A. Sims, widow of William S. Sims."

MARY E. WALKER, M. D.

The bill (S. 1041) granting a pension to Mary E. Walker, M. D., was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "of," to strike out "fifty" and to insert "twenty-five;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Walker, M. D., late acting assistant surgeon in the United States Army, for the sum of $25 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVID H. LUTMAN.

The bill (S. 2206) granting a pension to David H. Lutman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of David H. Lutman, late a private in Company F, Second Maryland Regiment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELEANOR B. GOODFELLOW.

The bill (S. 1958) granting an increase of pension to Eleanor B. Goodfellow was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Eleanor B. Goodfellow, widow of Henry Goodfellow, late major and judge-advocate-general, United States Army, at the rate of $50 per month, in lieu of that which she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. JENNIE STONE.

The bill (S. 1161) granting a pension to Mrs Jennie Stone, widow of General Charles P. Stone, was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, in line 6, after the word "from," to strike out "January 24, 1887, the date of General Stone's death," and insert "and after the passage of this act;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Mrs. Jennie Stone, widow of General Charles P. Stone, a pension of $600 per annum, to take effect from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SIGMUND BAUER.

The bill (S. 1952) for the relief of Sigmund Bauer was considered as in Committee of the Whole. It proposes to direct the Secretary of the Interior to reopen the pension application of Sigmund Bauer, late a private in Company E, of the One hundred and forty-second Regiment New York Volunteers, and adjudicate the same in the same manner as if his declaration executed prior to the 1st of July, 1880, had been filed in the office of the Commissioner of Pensions before the 1st of July, 1880.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN BISBEY.

The bill (H. R. 2491) granting a pension to John Bisbey was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Bisbey, late a sergeant of Company B, Twenty-third Illinois Volunteers, at the rate of $36 a month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. BROKENSHAW.

The bill (H. R. 418) granting a pension to William H. Brokenshaw was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William H. Brokenshaw, late a private in Company H, Twenty-fourth Michigan Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. DELILAH AGARD.

The bill (H. R. 4516) granting a pension to Mrs. Delilah Agard was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Delilah Agard, widow of George Agard, late a private in Company B, One hundred and fourteenth Regiment New York Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY J. FRANCIS.

The bill (H. R. 4655) granting a pension to Mary J. Francis was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary J. Francis, widow of Eli C. Francis, late captain Company K, Fifty-fourth Regiment Ohio Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEORA E. GEAR.

The bill (H. R. 6732) granting a pension to Leora E. Gear was considered as in Committee of the Whole. It proposes to place on the pension-rolls the name of Mrs. Leora E. Gear, widow of Richard Gear, late a private in Company G, Twentieth Regiment Iowa Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRIET V. STOCKTON.

The bill (H. R. 3711) granting a pension to Harriet V. Stockton was considered as in Committee of the Whole. It proposes to place the name of Harriet V. Stockton on the pension-roll as the widow of John S. Stockton, deceased, as a soldier in Company C, First Kentucky Cavalry, in the war of 1861 to 1865.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JULIA A. DARRELL.

The bill (H. R. 122) for the relief of Julia A. Darrell was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Julia A. Darrell, the dependent mother of William Burr Darrell, late of the United States ship Albany, which sailed from New York in June, 1855, and was never heard from afterwards.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANCY RAINS.

The bill (H. R. 6343) to increase the pension of Nancy Rains, the oldest Revolutionary pensioner on the rolls, she being ninety-six years of age, was considered as in Committee of the Whole. It proposes to increase the pension of Nancy Rains, widow of John Rains, deceased, late a Revolutionary soldier, to $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMILY B. NEWELL.

The bill (H. R. 442) granting a pension to Emily B. Newell was considered as in Committee of the Whole. It proposes to place the name of Emily B. Newell, widow of Nathan F. Newell, late of Company A, Tenth Illinois Cavalry, on the pension-roll, at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM M. DAVIS.

The bill (S. 1744) granting a pension to William M. Davis was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, in line 7, after the word "Volunteers," to strike out "and that he be paid a pension at the rate of $8 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William M. Davis, late of Company F, Seventh Regiment Iowa Volunteers.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. FREDERICKA HAUSER.

The bill (S. 1110) granting a pension to Mrs. Fredericka Hauser was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Fredericka Hauser, widow of John F. Hauser, late of Company H, Sixth Wisconsin Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BENJAMIN M. FISHER.

The bill (S. 1314) granting an increase of pension to Benjamin M. Fisher was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, in line 4, after the words "directed to," to strike out "increase the amount allowed as" and insert "place on the;" in line 5, after the word "pension," to insert "roll;" and in the same line, after the name "Fisher," to insert "Fifth Battery Ohio Artillery;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll Benjamin M. Fisher, Fifth Battery Ohio Artillery, subject to the provisions and limitations of the pension laws.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JULIA B. M'COMB.

The bill (S. 2087) granting a pension to Julia B. McComb was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, after the word "bugler," at the end of line 6, to insert "Company I;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Julia B. McComb, widow of Lucas McComb, late bugler Company I, Twenty-seventh Ohio Volunteer Infantry.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RACHEL PLUMMER.

The bill (S. 2183) granting a pension to Rachel Plummer was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Rachel Plummer, mother of Charles Plummer, late a private of Company B, Seventh Regiment of Wisconsin Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MATTIE V. BOOTHE AND MARY M. BOOTHE.

The bill (S. 2088) granting a pension to Mattie V. Boothe and Mary M. Boothe was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, after the word "Volunteers," in line 8, to insert "at the rate of $6 per month each;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the names of Mattie V. Boothe and Mary M. Boothe, daughters of Charles Boothe, Company F, Twenty-sixth Regiment Missouri Volunteers, at the rate of $6 per month each.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN FARLOW.

The bill (S. 2014) granting a pension to John Farlow was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Farlow, late a private in Company K, Thirteenth New Jersey Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY J. GOSLEE.

The bill (S. 2447) granting a pension to Mary J. Goslee was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary J. Goslee, mother of George H. Goslee, late a private in Company D, Third Regiment Delaware Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CATHARINE M'QUADE.

The bill (S. 2448) granting a pension to Catharine McQuade was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Catharine McQuade, widow of Thomas McQuade, late a private in Company F, Sixty-ninth New York Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES W. BOWMAN.

The bill (S. 2449) granting a pension to James W. Bowman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James W. Bowman, late a corporal in Company C, Seventh Regiment Tennessee Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

J. ROCK WILLIAMSON.

The bill (S. 1687) to restore J. Rock Williamson to the pension-roll was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of J. Rock Williamson, late a private in Company G, One hundred and fifth Illinois Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WASHINGTON T. OTEY.

Mr. CULLOM. In relation to the bill (S. 1307) to increase the pension of Washington T. Otey, which was just passed over or not called because there was an adverse report, there has been additional evidence in the case presented, and I ask that the bill be recommitted to the Committee on Pensions.

The PRESIDENT *pro tempore*. It will be recommitted if there be no objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced the appointment of Mr. HENDERSON, of Illinois, as one of the managers of the conference on the part of the House on the joint resolution (H. Res. 81) to authorize the purchase of the lands necessary for the construction of locks and dams on the Cumberland River, in the place of Mr. HENDERSON, of North Carolina, the announcement of the appointment of Mr. HENDERSON, of North Carolina, having been an error.

Mr. DOLPH. I ask, if necessary, that an order be made for the correction of the Journal in that matter.

The PRESIDENT *pro tempore*. No order is necessary.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the act (S. 574) to increase the pension of Mrs. Apolline A. Blair.

J. W. M'MILLAN.

The bill (S. 1074) for the relief of J. W. McMillan was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment in line 7, before the word "dollars," to strike out "fifty" and insert "forty-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of J. W. McMillan, late of Company G, Twenty-fourth Regiment Michigan Volunteers, at the rate of $45 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SHELTON FLANINGAM.

The bill (S. 1266) granting a pension to Shelton Flannigan was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment in line 6, to change the name "Flannigan" to "Flaningam;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Shelton Flaningam, late a private in Company D, of the First Regiment of Nebraska Cavalry.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Shelton Flaningam."

WILLIAM COLLINSWORTH.

The bill (S. 1122) granting an increase of pension to William Collinsworth, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Collinsworth, late a private in Company G, One hundred and eleventh Regiment Illinois Infantry Volunteers, at the rate of $24 a month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THEODORE RAUTHE.

The bill (S. 2460) granting arrears of pension to Theodore Rauthe, was considered as in Committee of the Whole. It proposes to pay to Theodore Rauthe, late of Company K, Thirteenth New York Cavalry, arrears of pension, at the rate of $31.25 per month, from the 12th of September, 1878, to the 22d of July, 1882.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. MARY HEAP NICHOLSON.

The bill (S. 1831) granting a pension to Mrs. Mary Heap Nicholson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Heap Nicholson, widow of James W. A. Nicholson, late rear-admiral (retired) of the United States Navy, at the rate of $50 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM O. DOYEL.

The bill (S. 2067) granting a pension to William O. Doyel was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, which was, in line 8, after the word "Volunteers," to strike out the words "said pension to date from January 1, 1888," and to insert "and pay him a pension of $18 per month;" so that the bill will read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William O. Doyel, dependent son of Richard G. Doyel, late a private in Company C, Twenty-third Regiment of Kentucky Volunteers, and pay him a pension of $18 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LOUISA V. DE KILPATRICK.

The bill (S. 1488) granting an increase of pension to Louisa V. de Kilpatrick, widow of Maj. Gen. Judson Kilpatrick, United States Volunteers, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, after the word "of," to strike out the words "two thousand dollars per annum," and insert "one hundred dollars per month;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Louisa V. de Kilpatrick, widow of Maj. Gen. Judson Kilpatrick, United States Volunteers, and to pay her a pension from the passage of this act, for and during her natural life, at the rate of $100 per month, in lieu of the pension she may be receiving under any prior law.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THEODORE GARDNER.

The bill (S. 1737) granting a pension to Theodore Gardner was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Theodore Gardner, late sergeant First Battery Kansas Volunteers, at the rate of $17 per month, in lieu of the pension he now receives.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. SHIVERS.

The bill (S. 1658) granting a pension to William H. Shivers was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William H. Shivers, of Missouri, late a member of Company K, Sixtieth Regiment Enrolled Missouri Militia.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH M'GUCKIAN.

The bill (S. 2375) granting a pension to Joseph McGuckian was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Joseph McGuckian, late a sergeant in the general service of the United States Army.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY E. NOLL.

The bill (S. 2006) granting a pension to Mary E. Noll, widow of Philip Noll, was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Mary E. Noll, widow of Philip Noll, late private Company E, Ninth Regiment Missouri State Militia.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

D. P. HOUGLAND.

The bill (S. 2230) granting a pension to D. P. Hougland was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of D. P. Hougland, late of Company C, Second Battalion Missouri State Militia.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM N. CLINE.

The bill (S. 2231) granting a pension to William N. Cline was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William N. Cline, late of Company D, Eleventh Regiment Kansas Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. DE MOTTE.

The bill (S. 2108) granting a pension to George W. De Motte was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George W. De Motte, late of Company K, Fifty-third Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ELIZA B. ANDERSON.

The bill (H. R. 754) to increase the pension of Mrs. Eliza B. Anderson was considered as in Committee of the Whole. It proposes to pay to Eliza B. Anderson, widow of the late Robert Anderson, a brigadier-general of the United States Army, a pension of $100 per month in lieu of the pension now paid to her.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MINOR CHILDREN OF WILLIAM CLARK.

The bill (H. R. 183) granting a pension to minor children of William Clark was considered as in Committee of the Whole. It proposes to place on the pension-roll the minor children of William Clark, late a private in Company C, of the Fortieth Regiment of Indiana.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC DILLEY.

The bill (H. R. 7171) to restore to the pension-roll the name of Isaac Dilley was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of Isaac Dilley, late of Company H, One hundred and thirtieth Indiana Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLOTTE T. CLARK.

The bill (H. R. 2078) granting a pension to Charlotte T. Clark was considered as in Committee of the Whole. It proposes to place on the pension-rolls the name of Charlotte T. Clark, widow of Bela T. Clark, late captain of Company D, Forty-second Regiment Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MILES S. SCRIBNER.

The bill (H. R. 822) granting a pension to Miles S. Scribner was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Miles S. Scribner, late a private in Company H of the Second Maine Regiment of Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAIAH G. MAYO.

The bill (H. R. 824) granting a pension to Isaiah G. Mayo was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Isaiah G. Mayo, late of the United States Sanitary Commission service, the rating to be the same as allowed for similar disability to an enlisted man in the United States military service.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MORRIS T. MANTOR.

The bill (H. R. 4633) granting a pension to Morris T. Mantor was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Morris T. Mantor, late a private in Company F, of the Eighteenth Regiment Wisconsin Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WEALTHA YOUNG.

The bill (S. 1749) granting a pension to Wealtha Young was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Wealtha Young, widow of James B. Young, Company F, One hundred and seventh New York Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALPHONZO H. MELENDY.

The bill (S. 1159) granting a pension to Alphonzo H. Melendy was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Alphonzo H. Melendy, late a member of Company K, Thirty-sixth Massachusetts Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES WOODY.

The bill (H. R. 2806) to increase the pension of James Woody was considered as in Committee of the Whole. It proposes to increase the pension of James Woody, of Grant's Pass, Oregon, formerly of the Forty-third Regiment, regular Army, in the war of 1812, to $30 per month in lieu of what he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES HALE.

The bill (S. 734) granting a pension to James Hale was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James Hale, Company F, First New Hampshire Heavy Artillery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HELEN PLUNKETT.

The bill (S. 1515) granting a pension to Helen Plunkett was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Helen Plunkett, widow of Sergeant Thomas Plunkett, Company E, Twenty-first Massachusetts Volunteers, at the rate of $50 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOANNA W. TURNER.

The bill (S. 1702) granting a pension to Joanna W. Turner was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Joanna W. Turner, widow of William D. Turner, late surgeon Ninety-seventh Illinois Volunteers, at the rate of $50 per month, in lieu of the pension now received by her.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LAURA D. PIERCE.

The bill (H. R. 4107) granting a pension to Laura D. Pierce was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Laura D. Pierce, widow of Artemus Pierce, of Company E, Fifteenth Vermont Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HANNAH C. DE WITT.

The bill (H. R. 823) granting a pension to Hannah C. De Witt was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Hannah C. De Witt, mother of George E. De Witt, late a private in the Seventh Battery Maine Artillery, who died in the service November 9, 1864.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. MARTHA M. BAGLEY.

The bill (H. R. 3849) granting a pension to Mrs. Martha M. Bagley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Martha M. Bagley, widow of Charles M. Bagley, deceased, late of Company A, Fifteenth New Hampshire Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA J. CURRIER.

The bill (H. R. 441) granting a pension to Eliza J. Currier was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Eliza J. Currier, widow of Joseph H. Currier, late a private of Company B, Third Regiment New Hampshire Volunteers, at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY H. CASLER.

The bill (S. 1577) granting a pension to Mary H. Casler was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary H. Casler, widow of Marcus R. Casler, late captain of Company H, One hundred and twenty-first New York Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ADELINE COUZINS.

The bill (S. 2356) to provide a pension to Mrs. Adeline Couzins was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Adeline Couzins, at the rate of $50 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANDREW T. M'REYNOLDS.

The bill (S. 1935) for the relief of Andrew T. McReynolds was considered as in Committee of the Whole. The preamble recites that Andrew T. McReynolds served as a captain of Company K, Third Dragoons, United States Army, in Mexico, during the war with that Republic, and while acting in squadron with Captain (the late General) Phil. Kearny, the usual escort to the general-in-chief, was, on the 20th of August, 1847, disabled by a grape-shot wound in a charge at the gates of Mexico, by reason whereof he was placed on the pension-roll at the rate of $25 per month, which pension he continued to receive until the 15th of June, 1861, when he was mustered into the volunteer service as colonel of the First New York (Lincoln) Cavalry (the first volunteer cavalry regiment organized for the late civil war), and served as such until the 22d of August, 1864, when he received an honorable discharge, during all of which time his pension was withheld from him, amounting in all to $950, no part of which sum has since been received by him.

The bill therefore directs the Commissioner of Pensions to pay to McReynolds $950, taking his receipt therefor, in full discharge of the claim.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

ELVIRA COOPER.

The bill (H. R. 459) for the relief of Elvira Cooper was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elvira Cooper, foster-mother of Eugene H. Cooper, deceased, late of Company G, One hundred and forty-second New York Volunteers, and of Company B, One hundred and sixty-ninth New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KELSEY CURTIS.

The bill (H. R. 3183) for the relief of Kelsey Curtis was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Kelsey Curtis, formerly of Company H, Fourteenth Regiment Illinois Cavalry State Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAHALA ROBBINS.

The bill (H. R. 2177) granting a pension to Mahala Robbins was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mahala Robbins, of Keokuk, Iowa, dependent mother of Caleb Hamone, otherwise known as Caleb Hammond, deceased, late a private in Company H, Fifty-sixth Regiment of United States Colored Troops.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHARINE MAXWELL.

The bill (H. R. 499) granting a pension to Catharine Maxwell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Catharine Maxwell, mother of Charles Maxwell, late of Company B, Ninety-seventh Regiment of Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH J. HASCALL.

The bill (H. R. 5911) granting a pension to Elizabeth J. Hascall was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth J. Hascall, widow of Bailey Hascall, late acting assistant paymaster of the United States Navy during the late war of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. BURKHART.

The bill (H. R. 407) granting a pension to George W. Burkhart was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George W. Burkhart, late a sergeant of Company G, Tenth Regiment Ohio Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLARA M. FLANDERS.

The bill (H. R. 5228) granting a pension to Clara M. Flanders was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Clara M. Flanders, widow of Francis C. Flanders, late of Company M, First Regiment Heavy Artillery, Massachusetts Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM P. WITT.

The bill (H. R. 6908) granting a pension to William P. Witt was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William P. Witt, late of Company B, Seventeenth Regiment of Kansas Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY K. TAYLOR.

The bill (H. R. 5236) granting an increase of pension to Mary K. Taylor was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary K. Taylor, widow of George W. Taylor, late a brigadier-general in the United States Army, at the rate of $50 per month in lieu of the amount now received by her.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES WHITE.

The bill (S. 2520) granting a pension to James White was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James White, late a fifer in Company K, Second Regiment Iowa Volunteers, at the rate of $4 a month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANCIS M. YEARIAN.

The bill (S. 1126) granting a pension to Francis M. Yearian was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Francis M. Yearian, of Pocahontas, Ark.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY M. GIBSON.

The bill (S. 2129) to increase the pension of Mary A. Gibson, widow of Commander William Gibson, was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, in line 6, to change the name "Mary A. Gibson" to "Mary M. Gibson;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary M. Gibson, widow of Commander William Gibson, United States Navy, and pay her a pension of $50 per month from and after the passage of this act; and this pension shall be in lieu of that which she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to increase the pension of Mary M. Gibson, widow of Commander William Gibson."

MATILDA BLEUMNER.

The bill (S. 1906) granting a pension to Matilda Bleumner was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Matilda Bleumner, dependent mother of Charles McL. Bleumner, late a private of Company K, Eighth Regiment Kansas Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OSCAR K. ROGERS.

The bill (S. 1552) for an increase of pension to Oscar K. Rogers was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Oscar K. Rogers, late of Company B, Twenty-eighth Michigan Volunteers, at the rate of $50 per month, in lieu of the amount now received by him.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BENJAMIN A. BURTRAM.

The bill (S. 1762) granting a pension to Benjamin A. Burtram was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Benjamin A. Burtram.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES E. GOTT.

The bill (S. 1539) to increase the pension of James E. Gott was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James E. Gott, late a private in Company A, Fourteenth Maine Volunteers, at the rate of $50 per month, in lieu of his present pension.

Mr. COCKRELL. Let us hear the report in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. SAWYER April 2, 1888:

The Committee on Pensions, to whom was referred a bill to increase the pension of James E. Gott, have examined the same, and report:

The claimant was pensioned at the rate of $24 a month for abscess in left maxillary bone. He applied for increase, which was rejected October 21, 1887, as the Commissioner states in his letter of transmission, "because the disability resulting from the pensioned cause did not incapacitate him for the performance of any manual labor whatever."

The examining surgeon says that his disability is the result of gangrene from the effects of scurvy. Another surgeon, designated by the Pension Office, says: "He is sustained by the removal of two incisors, and draws fluid food through the aperture. It takes him a long time to eat; is poorly nourished. His condition is not the result of bad habits."

The board of examining surgeons who examined him in 1885 report that "his jaws are firmly bound together by a cicatrix; he is unable to perform any manual labor."

The claimant was a private in Company A, Fourteenth Maine Volunteers. A petition to Congress praying for increase, signed by 120 citizens of the town of Deer Isle, the home of the soldier, states on their personal knowledge that in consequence of the flesh on the inside of his mouth adhering or growing to the jaw he is unable to open his mouth or take any solid food; that he is a great sufferer, unable to labor, and requires the attendance of another person.

It is apparent to the committee, after a careful investigation of the case, that he is not only utterly incapacitated to perform any kind of labor, but that his emaciated condition, and the peculiarities of his case not only require the attendance of a person to take care of him, but make the occupation of his nurse a very unpleasant duty.

The committee does not undertake to reconcile the conclusions of the Pension Office with the very positive existence of the facts as shown by the surgeons appointed to examine him, as well as by his neighbors, who have daily opportunities to know whereof they testify.

With the evidence before us we have no doubt that this soldier is entirely disabled, and that his condition is such as to justify and demand a special act for his relief.

The bill is reported favorably, with a recommendation that it do pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. MARY L. RISTINE.

The bill (S. 1867) granting a pension to Mrs. Mary L. Ristine was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Mary L. Ristine, widow of Barnett E. Ristine, late a member of Company F, Third Regiment Iowa Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY VON KUSSEROW.

The bill (S. 655) granting an increase of pension to Mary Von Kusserow was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, after the word "late," in line 5, to strike out the following words:

Bvt. Col. Charles Von Kusserow, for pension at the rate of the rank of a brevet

colonel, to commence from the date of the death of said Bvt. Col. Charles Von Kusserow, 3d of February, 1879, and to continue during her widowhood, but that the sums heretofore received by her as pension shall be deducted from the back pension hereby granted, and this pension shall be subject to the provisions of the general pension law.

And in lieu thereof to insert:

Lieut. Col. Charles Von Kusserow, and pay her a pension at the rate corresponding with the rank of a lieutenant-colonel, in lieu of the pension she is now receiving.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mary Von Kusserow, widow of the late Lieut. Col. Charles Von Kusserow, and pay her a pension at the rate corresponding with the rank of a lieutenant-colonel, in lieu of the pension she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET B. TODD.

The bill (S. 645) granting a pension to Mrs. Margaret B. Todd was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Margaret B. Todd.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CYNTHIA J. LEROY.

The bill (H. R. 7891) for the relief of Cynthia J. Leroy was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Cynthia J. Leroy, the invalid daughter of Abraham Leroy, late a private of Company B, Sixth Regiment Illinois Volunteers, at $18 per month during her natural life.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS H. AULLS.

The bill (H. R. 416) granting a pension to Thomas H. Aulls was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Thomas H. Aulls, late a private in Company C, One hundred and eighty-ninth Regiment New York Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IDA B. LINTHICUM.

The bill (H. R. 97) granting a pension to Ida B. Linthicum was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ida B. Linthicum, of Quincy, Ill., daughter of John D. Linthicum, deceased, late a private in the One hundred and eighteenth Regiment Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES A. HALEY.

The bill (H. R. 509) granting a pension to James A. Haley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James A. Haley, late of Thomas Caldwell's Company of West Virginia Scouts, in the war of 1861.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY DULL.

The bill (H. R. 3488) granting a pension to Mary Dull was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Mrs. Mary Dull, late nurse of Ninety-seventh Regiment of Illinois Volunteers, at $16 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. HAWN.

The bill (H. R. 6974) for the relief of Mary E. Hawn, widow of Emanuel R. Hawn, late surgeon of the Forty-ninth Regiment Indiana Volunteers, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JULIA STOKES.

The bill (H. R. 893) granting a pension to Julia Stokes was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Julia Stokes, mother of Thomas J. Stokes, deceased, late of the United States ship Mohawk.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JUDITH PLUMMER.

The bill (H. R. 2456) for the relief of Judith Plummer was considered as in Committee of the Whole. It provides that the name of Judith Plummer, of Washington, D. C., who, during the late war, was a nurse under Dorothy Dix, shall be placed on the pension-roll of the United States at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARBLE H. BAIRD.

The bill (H. R. 782) granting a pension to Marble H. Baird was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Marble H. Baird, late of Company A, Eighth Regiment Illinois Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY B. SHAW.

The bill (H. R. 150) granting an increase of pension to Henry B. Shaw was considered as in Committee of the Whole. It proposes to increase the pension of Henry B. Shaw, late a member of Company I, Third Iowa Infantry, to $45 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN ROWE.

The bill (H. R. 2518) granting an increase of pension to John Rowe was considered as in Committee of the Whole. It proposes to increase the pension of John Rowe, late a private in Company G, Eleventh Wisconsin Volunteers, so as to include disability from kidney disease.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEMUEL R. REA.

The bill (S. 2419) granting a pension to Lemuel R. Rea was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, after the word "cavalry," in line 7, to insert "at the rate of $72 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lemuel R. Rea, late a private in Company I, Second Illinois Cavalry, at the rate of $72 a month.

Mr. BERRY. That bill was introduced by myself for the benefit of a person now residing in my State. I do not know the applicant personally; but I think he is entitled to a pension. He requested that the bill be introduced providing that he be placed on the pension-roll, and that the pension be rated according to law, and I introduced the bill in that way. The committee recommend that he be put on the roll at $72 a month. I do not know whether or not that is correct. I should prefer that the bill pass in the usual form and let the Commissioner of Pensions examine and determine what amount he is entitled to. I think that would be the better course, and I introduced the bill in that way. I request that the amendment be not adopted and the Commissioner of Pensions examine the case and fix the proper amount.

Mr. COCKRELL. Let the report be read in that case.

Mr. DAVIS. I can state the substance of the report. The beneficiary of this bill, Lemuel R. Rea, is totally blind and became so in consequence of his military service. For that condition the law rates the pension for the disability at $72 a month, and the committee accordingly amended the bill to give him by the bill the amount the law provides in such cases. Of course we have no objection to the Senator from Arkansas restoring the bill to its original condition if he prefers.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Committee on Pensions.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN ECKLAND.

The bill (S. 1466) granting a pension to John Eckland was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, after the word "while," at the end of line 8, to strike out "loading" and insert "unloading;" so as to make the bill read:

Be it enacted etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Eckland, late a Government laborer in the quartermaster's department of the army of General Thomas, who has become totally blind from an injury received while unloading a Government vessel with supplies, said injury being due to the unsafe and slippery condition of the gangway.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RICHARD H. VAN DORIN.

The bill (S. 2118) granting a pension to Richard H. Van Dorin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Richard H. Van Dorin, of Fairfield, Iowa, who served with the United States forces in the war with Mexico, and actually participated in the battle of Buena Vista and one other engagement, at $8 per month, as provided in section 2 of the act approved January 29, 1887, entitled "An act granting pensions to the soldiers and sailors of the Mexican war, and for other purposes."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HARRIET L. VAUGHAN.

The bill (S. 1877) granting a pension to Harriet L. Vaughan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Harriet L. Vaughan, widow of Orsemus S. Vaughan, late sergeant of Company F, Fourth Regiment of Rhode Island Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ELLEN COURTNEY.

The bill (S. 1942) granting a pension to Mrs. Ellen Courtney was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ellen Courtney, mother of Cornelius Courtney, deceased, late a member of Company M, Fifth Regiment Ohio Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HELEN A. BEEBE.

The bill (S. 1272) granting a pension to Helen A. Beebe was considered as in Committee of the Whole. It proposes to place on the pension-roll, at $30 per month, the name of Helen A. Beebe, formerly Helen A. Stow, late a volunteer nurse in the Medical Department, United States Army, during the war of the rebellion.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JULIA A. GRIFFEN.

The bill (H. R. 2694) granting a pension to Julia A. Griffen was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Julia A. Griffen, at $18 per month, for services as nurse in the late war of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHLOE QUIGGLE.

The bill (H. R. 4550) granting a pension to Chloe Quiggle, widow of Phillip Quiggle, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Chloe Quiggle, widow of Phillip Quiggle, late a private in Company I, First Minnesota Heavy Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. HANNAH F. BROCK.

The bill (H. R. 2416) granting a pension to Mrs. Hannah F. Brock was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Hannah F. Brock, dependent stepmother of John M. Brock, deceased, late a private in Company H, Thirteenth Regiment Massachusetts Infantry Volunteers, at $12 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH F. JONES.

The bill (S. 886) granting a pension to Sarah F. Jones was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah F. Jones, widow of Albert L. Jones, late of Company B, Sixth Maine Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. LAURA HOOPER DENBY.

The bill (S. 1760) to increase the pension of Mrs. Laura Hooper Denby was considered as in Committee of the Whole. It provides that the pension now granted to Mrs. Laura Hooper Denby, widow of Edwin R. Denby, late medical inspector in the United States Navy, shall be increased to $50 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EZRA A. MILLER.

The bill (S. 2138) granting an increase of pension to Ezra A. Miller was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ezra A. Miller, late a private in Company H, Twenty-sixth Iowa Volunteer Infantry, at the rate of $50 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS J. PARKER.

The bill (H. R. 5176) granting a pension to Thomas J. Parker was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Thomas J. Parker, late of Company A, Fourth Regiment Michigan Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID JOHNSON.

The bill (H. R. 5363) granting a pension to David Johnson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of David Johnson, of Virginia, Ill., late a member of Company C, First North Carolina Regiment of Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOAB M. HALEY.

The bill (H. R. 2259) to grant a pension to Joab M. Haley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Joab M. Haley, late a first lieutenant of Company E, Tenth Iowa Regiment of Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALONZO HIGLEY.

The bill (H. R. 2498) granting a pension to Alonzo Higley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Alonzo Higley, formerly of the Tenth Ohio Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET E. GRAVES.

The bill (H. R. 6984) granting a pension to Margaret E. Graves was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Margaret E. Graves, the dependent mother of Pliny A. Graves, late of Company F, Fifth New York Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERT NEVIN.

The bill (H. R. 3870) granting a pension to Albert Nevin was considered as in Committee of the Whole. It proposes to place the name of Albert Nevin, late a private in Company K, Ninety-second New York Volunteers, upon the pension-roll at the rate of $45 per month, in lieu of the $25 per month heretofore allowed him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAXWELL CARROLL.

The bill (H. R. 3603) to increase the pension of Maxwell Carroll was considered as in Committee of the Whole. It proposes to increase the pension of Maxwell Carroll, late first lieutenant of Company B, First Virginia Cavalry, from $24 per month to the amount allowed by law for the loss of a limb above the knee.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M. BERRY.

The bill (H. R. 3490) granting a pension to James M. Berry was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of James M. Berry, the father of John H. Berry, late of Company D, One hundred and twenty-sixth Regiment Illinois Infantry, and Robert L. Berry, late of Company C, One hundred and forty-third Regiment of Illinois Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH DRISKILL.

The bill (H. R. 5829) for the relief of Joseph Driskill was considered as in Committee of the Whole. It proposes to relieve Joseph Driskill, late a soldier in Company C, Fifty-fourth Regiment Ohio Volunteer Infantry, from all charges of desertion or of giving aid and comfort to the enemy during the late war of the rebellion, and to direct the Commissioner of Pensions to reopen the application of Driskill for pension, and ignore the charges of misconduct against Driskill, so that they be not used against him.

Mr. COCKRELL. I want the report read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report submitted by Mr. SAWYER April 3, 1888:

The Committee on Pensions, to whom was referred a bill for the relief of Joseph Driskill, have examined the same, and report:

This bill passed the House on the 9th of March. The House report is adopted, and is as follows:

"Joseph Driskill, now of Clinton County, Ohio, was a soldier during the late war, having enlisted on the 12th day of October, 1861, in Company C, Fifty-fourth Regiment Ohio Volunteer Infantry, for three years or during the war. He discharged his duties faithfully under many vicissitudes, having suffered much from sickness, but performed his duty whenever it was possible for him to do so. He was with his regiment in Sherman's campaign, which finally resulted in the capture of Atlanta, Ga.

"In the battle of July 22, 1864, in front of Atlanta, he was captured by the enemy and sent a prisoner to Andersonville, and he was kept a prisoner until April 22, 1865. The sufferings of the prisoners at that place have become a matter of history. Driskill was exposed to all the hardships the prisoners had to submit to, and besides being nearly starved he contracted a disease of the eyes. He believed that he would die there. He became desperate, and was willing to resort to anything which might promise him a chance to get back to his regiment and save his life. According to his own statement, which is no doubt truthful, he thought he saw an opportunity to get away when a Confederate recruiting officer came to the prison there to get recruits for the Confederate service. He says that he told them they might use his name, but he denies that he took any oath to support the Confederacy, or that he ever bore arms in the Confederate service. On the contrary, he says when they informed him that he must

either do that or go back to prison he attempted to make his escape, and actually jumped off a railroad car while in motion, but that in a few days afterwards he was recaptured by the Confederates and sent a prisoner to Macon, Ga., where he was held in custody until released by General Wilson, who captured the place and assigned him to duty with the Fifth Ohio Cavalry, where he continued until the close of the war, which was only a short time after, and was sent by way of Savannah and Hilton Head to New York, where he was mustered out of the service. This is the story substantially told by him, and there is nothing in the evidence or in the papers on file to contradict it.

"The records show that he was captured by the Confederates July 22, 1864. The reports on the muster-rolls, as given by the adjutant-general in his letters to the Pension Office of August 15, 1876, January 19, 1878, and March 2, 1878, evidently contain errors. The first one, that of August 15, 1876, gives the company muster-rolls for July and August, which report Driskill 'absent, taken prisoner before Atlanta;' while that for March and April, 1865, report 'present on detached service.'

"Adjutant-General's letter of January 19, 1878, reports Driskill on detached service in March and April, 1865; that July was the last report of the company, and reports him 'absent on detached service.'

"The Adjutant-General's letter of March 2, 1878, reports Driskill present March and April, 1865, with a remark, 'on detached service.' August 7, 1879, the Adjutant-General makes substantially the same statement, and also that Driskill was mustered out of the service in New York City September 8, 1865, with the remark, 'prisoner of war from July 22, 1864, to April 22, 1865.'

"The Confederate records of Andersonville report J. B. Driskill, Company I, Fifty-fourth Ohio, 'transferred to Colonel O'Niell January 23, 1865.'

"Now, it will be seen that there is great confusion in these reports. Driskill is reported captured July 22, 1864, and present with his company in March and April, 1865, but on detached service, while in truth and in fact he was a prisoner at Andersonville.

"There is nothing whatever to show that Driskill committed any disloyal act. He performed his duty as a soldier faithfully, and never deserted. There is no charge of desertion against him. There is no charge that he ever failed to do his duty while with his company and regiment, or any assigned duty with another company and another regiment. He was taken prisoner in one of the desperate battles at Atlanta, and he was found a prisoner when General Wilson captured Macon. During this time there is nothing whatever to show that he was anything else but a prisoner, or regarded in any other light except what he tells himself about his scheme to escape.

"Now, who can blame him? Who, with starvation, disease, and death staring him in the face would not have made an effort to get away from it? The effort he made was entirely justifiable, and the fact that he was willing at once to go to duty corroborates his statement that his purpose when he agreed to go with Colonel O'Niell was that he might make his escape and get back to his own command.

"The Confederate records report that he was transferred to Colonel O'Niell, but for what purpose is not stated, nor would it have been known perhaps had not the soldier honestly told all about the affair.

"He has, in consequence of the loss of his eye-sight, asked for a pension, but the Pension Office has refused it because of the fact of his effort to escape from a Confederate prison. There is no other charge against him, and there will be no other, and it would seem that this is rather straining the law to reject his application. He did not desert; he did not bear arms against his country; he did not in fact give aid and comfort to the enemy; but he did, for the purpose of getting back to his own people, pretend that he would go into the enemy's service, and then at the first opportunity deserted from them. Can any one imagine a stronger case of devotion? He had good reason to believe that if he remained at Andersonville he would lose his life. He devised a scheme by which he hoped to escape. This scheme was as justifiable as was that of the prisoners who burrowed out of the walls of Libby Prison in Richmond, or those who went out through a sewer from the prison at Columbus, Ohio. Such acts are always justifiable on the part of prisoners. The enemy who hold them as prisoners might punish them for their efforts to escape if caught, but certainly it is not for their own people to call them to account because they made the effort to get back to them.

"Driskill now asks Congress to remove this difficulty from the path of the Pension Office so that he may get a pension that may solace him in his old age. The hardships he endured while in the service caused him to lose the sight of one eye entirely and the other is very near gone, so much so that he requires some one to lead him about constantly. The rule of the Pension Office, as applied in his case, has been a very harsh one. He was a faithful soldier, and his only misfortune was that he made an effort to get back to his own army. Had he remained there perhaps he might have died, but had he not died there would have been no question raised against him by the Pension Office; but the very fact that he endeavored to get away and get back is construed into a crime.

"He earnestly and respectfully requests Congress to give him the necessary relief.

"After a careful consideration of the evidence in the case, your committee are of opinion that the relief asked for should be granted."

The bill is reported favorably, with a recommendation that it do pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH BUFFINGTON.

The bill (H. R. 5388) granting a pension to Elizabeth Buffington was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth Buffington, dependent mother of George Merrill, late of Company I, Twenty-first Regiment Ohio Volunteer Infantry, now deceased.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMILY GOODALL.

The bill (H. R. 3682) to pension Emily Goodall was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Emily Goodall, widow of Robert S. Goodall, who was pensioned by act of Congress approved February 26, 1881.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETER THOMPSON.

The bill (S. 1997) granting a pension to Peter Thompson was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, in line 6, before the word "Smith's," to insert "Jeremiah," and after "Smith's" to insert "company, Second;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, directed and required to place on the pension-rolls, subject to the laws and regulations, the name of Peter Thompson, late a private of Company —, of Jeremiah Smith's company, Second Regiment Illinois Mounted Militia, in Black Hawk war.

Mr. COCKRELL. I move to strike out the words "of company," at the beginning of line 6; so as to read.

Late a private of Jeremiah Smith's company, Second Regiment Illinois Mounted Militia, in Black Hawk war.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH B. TINGLEY.

The bill (S. 1267) granting a pension to J. B. Tingley was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, in line 4, to strike out the initials "J. B." and insert "Joseph B.;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be directed to place the name of Joseph B. Tingley, late a private in Company K, One hundred and sixty-ninth Pennsylvania Volunteers, on the pension-roll, subject to all the provisions and limitations of the pension laws.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Joseph B. Tingley."

NANCY POLOCK.

The bill (S. 2567) granting a pension to Nancy Polock was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Nancy Polock, widow of W. A. Polock, late of Company C, First Nebraska Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CATHERINE M. LEE.

The bill (S. 1320) granting a pension to Catherine M. Lee was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Catherine M. Lee, a volunteer nurse in the late war, giving her, during life, the sum of $25 a month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NANCY O. GRAY.

The bill (H. R. 6586) granting a pension to Nancy O. Gray was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Nancy O. Gray, widow of Wilson Gray, late of Company C, Eighteenth New Hampshire Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLOTTE BROAD.

The bill (H. R. 816) granting a pension to Charlotte Broad was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Charlotte Broad, of Troy, Me., foster-mother of Frederick H. Leary, late of Company I, Second Regiment of Maine Cavalry, at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIZZIE F. REED.

The bill (H. R. 4685) granting a pension to Lizzie F. Reed was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lizzie F. Reed, widow of Oliver H. Reed, late a private in Company A, Eighth Regiment New Hampshire Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMA R. JOHNSON.

The bill (H. R. 7856) granting a pension to Emma R. Johnson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Emma R. Johnson, minor child of William Johnson, late private in Company E, Seventh Regiment Wisconsin Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH E. PRIBBLE.

The bill (H. R. 818) granting a pension to Sarah E. Pribble was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah E. Pribble, widow of Charles M. Pribble, late a private of Company B, Eleventh Maine Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES TIDMARSH.

The bill (S. 2100) granting a pension to Charles Tidmarsh was con-

sidered as in Committee of the Whole. It proposes to place on the pension-roll the name of Charles Tidmarsh, late of Company C, First Kentucky Regiment Frankfort Battalion Capital Guards.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The order of the Senate in regard to pension bills is executed.

BRIDGES IN NORTH CAROLINA.

Mr. RANSOM. I move to take up Order of Business No. 668, being the bill (S. 2345) authorizing the construction of bridges across the Cape Fear River, Black River, and the Northeast River, in the State of North Carolina.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the unfinished business.

Mr. RANSOM. I ask that the bill which we have just taken up be concluded. It will not give rise to debate.

The PRESIDENT *pro tempore*. There being no objection, the unfinished business will be informally laid aside.

Mr. PALMER. Can that be done without displacing the unfinished business?

Mr. EDMUNDS. It can, by unanimous consent.

Mr. HARRIS. It will only take a few moments to finish the bill of the Senator from North Carolina.

Mr. PALMER. All right.

The PRESIDENT *pro tempore*. The Chair hears no objection; and the bill is before the Senate as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments. The first amendment was in section 5, after the word "and," to strike out "regu" and insert "regulations."

The amendment was agreed to.

The next amendment was to strike out section 7, as follows:

SEC. 7. That this act shall take effect and be in force from and after its passage.

And to insert in lieu thereof:

SEC. 7. That this act shall be null and void if actual construction of the bridges herein authorized be not commenced within one year and completed within three years from the approval of this act.

The amendment was agreed to.

Mr. EDMUNDS. I should like to ask the Senator from North Carolina how far above Wilmington the town of Fayetteville, on Cape Fear River, is?

Mr. RANSOM. About 125 miles.

Mr. EDMUNDS. And how far above Fayetteville is Cape Fear River navigable?

Mr. RANSOM. It is navigable below.

Mr. EDMUNDS. And not above?

Mr. RANSOM. Not above.

Mr. EDMUNDS. "Black River, in the county of Blayden." Whereabouts is that?

Mr. RANSOM. That is between Fayetteville and Wilmington.

Mr. EDMUNDS. Is Black River an affluent of Cape Fear River.

Mr. RANSOM. Yes, sir; and navigable.

Mr. EDMUNDS. And the same of Northeast River?

Mr. RANSOM. Yes, sir.

Mr. EDMUNDS. All right.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BUREAU OF ANIMAL INDUSTRY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2083) to provide for the establishment of a Bureau of Animal Industry, and to facilitate the exportation of live-stock and their products, to extirpate contagious pleuro-pneumonia and other diseases among domestic animals, and for other purposes, the pending question being on the amendment reported from the Committee on Agriculture and Forestry, in section 2, line 18, after the word "diseases," to insert the words "or disease-conditions."

The PRESIDENT *pro tempore*. On this amendment the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. GEORGE (after having voted in the negative). I am paired, and desire to withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from Mississippi withdraws his vote.

The roll-call was concluded.

Mr. PASCO. I am paired on all questions with the Senator from Pennsylvania [Mr. QUAY], but the pair has been transferred to the Senator from West Virginia [Mr. FAULKNER].

Mr. CULLOM. The Senator from New Hampshire [Mr. CHANDLER] is paired with the Senator from North Carolina [Mr. VANCE].

Mr. BUTLER (after having voted in the negative). I expect I ought to withdraw my vote. The Senator from Pennsylvania [Mr. CAMERON] is not in his seat. I do not know how he would vote on this amendment or on this bill, but I am paired with him and withdraw my vote.

Mr. PADDOCK. I am paired generally with the Senator from Louisiana [Mr. EUSTIS], and I do not know how he would vote on this bill.

Mr. HARRIS. I am paired generally with the Senator from Vermont [Mr. MORRILL], but I see his colleague [Mr. EDMUNDS] voted "nay" and I voted "nay," and I shall therefore allow my vote to stand.

Mr. EDMUNDS. I think you are quite safe in doing so.

The result was announced—yeas 13, nays 26; as follows:

YEAS—13.

Allison,	Dolph,	Palmer,	Wilson of Iowa.
Blair,	Evarts,	Platt,	
Cullom,	Farwell,	Sawyer,	
Davis,	Frye,	Sherman,	

NAYS—26.

Bate,	Edmunds,	Ingalls,	Spooner,
Berry,	Gorman,	McPherson,	Stewart,
Brown,	Gray,	Morgan,	Vest,
Call,	Hampton,	Pasco,	Voorhees,
Chace,	Harris,	Pugh,	Walthall.
Coke,	Hawley,	Ransom,	
Dawes,	Hearst,	Reagan,	

ABSENT—37.

Aldrich,	Daniel,	Kenna,	Saulsbury,
Beck,	Eustis,	Manderson,	Stanford,
Blackburn,	Faulkner,	Mitchell,	Stockbridge,
Blodgett,	George,	Morrill,	Teller,
Bowen,	Gibson,	Paddock,	Turpie,
Butler,	Hale,	Payne,	Vance,
Cameron,	Hiscock,	Plumb,	Wilson of Md.
Chandler,	Hoar,	Quay,	
Cockrell,	Jones of Arkansas,	Riddleberger,	
Colquitt,	Jones of Nevada,	Sabin,	

So the amendment was rejected.

Mr. MCPHERSON. I should like to inquire of the Chair if the amendments reported by the committee, in lines 8 and 9, and in line 14 of section 2, have been agreed to by the Senate?

The PRESIDENT *pro tempore*. Both of the amendments referred to have been agreed to. The Chair will state to the Senator from New Jersey, however, that they were informally agreed to. There was no actual vote taken; they were announced as agreed to by the Chair, there being no objection.

Mr. MCPHERSON. Certainly it seems to me that if there was any occasion for the amendments in lines 8 and 14, there is practically the same reason for the amendment in line 18 being agreed to, as the phrase employed at this particular place in the bill is employed further on in the bill. I should like to have the advice of the committee as to what they mean by the words "disease-conditions." I find that the Commissioner of Agriculture——

Mr. PALMER. Will the Senator from New Jersey permit me to interrupt him?

Mr. MCPHERSON. If the Senator will permit me to explain what I want an answer to, perhaps he will be able to explain it much more intelligently than he can now.

I find that in the enforcement of the existing law by the Commissioner of Agriculture, when in a locality pleuro-pneumonia is said to exist, it is declared to be an infected district, and from it no exportations of cattle can be made. In other words, cattle can not be removed from that district to a neighboring State without the consent of the Commissioner of Agriculture or such parts of that establishment as may be charged with the execution of the law.

Now, would the Senator call a disease-condition a condition in which pleuro-pneumonia or other infectious or contagious diseases were said to exist that would prevent the exportation of animals from that locality to other localities? Is this bill intended to mean that the animals, having been within the infected district and subject to the conditions of an infected, district, would be in a disease-condition? If so, there is great latitude to this bill.

Mr. PALMER. I thought I anticipated what the Senator desired, and I had prepared a definition for this rather vague but general expression, and now shall move the reconsideration of the vote by which the amendment in line 8, section 2, was adopted, inserting the words "or conditions which may convey disease."

I move that the Senate reconsider the vote by which the amendment of the committee was adopted in line 8 of section 2, inserting the words "or conditions which may convey disease."

The PRESIDING OFFICER (Mr. PUGH in the chair). That motion is in order.

The CHIEF CLERK. In section 2, line 8, after the word "diseases," the Senate, as in Committee of the Whole, inserted "or conditions which may convey disease."

Mr. PALMER. I will state that the purpose of the reconsideration of this vote is that I may make an amendment whereby this phrase "disease-conditions" can be explained, and as soon as this vote is taken I will [illegible] up an amendment of an explanatory character which I think will answer the query of the Senator from New Jersey.

The PRESIDING OFFICER. The question is on the motion to reconsider the vote adopting the amendment referred to.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The question now is on the amendment.

Mr. PALMER. I now offer the following amendment to the amendment. After the word "them," in line 9, insert:

On conditions likely to convey contagion, which for the purposes of this act shall be designated as "disease-conditions."

Mr. EDMUNDS. The pending question is on agreeing to the amendment, in lines 8 and 9, to insert the words "or conditions which may convey disease." If I understand the reading at the desk it is proposed by the Senator from Michigan to insert in the text, after the word "them," in line 9——

Mr. PALMER. That is the purpose.

Mr. EDMUNDS. That would not be in order. You want to disagree to the pending amendment first, and then if you want to move this amendment we shall all agree to it.

Mr. PALMER. I withdraw the amendment that I moved. I ask the Senate to disagree to the amendment of the committee in line 8.

Mr. McPHERSON. As I understand the action of the committee it has already reconsidered the vote by which the amendment made by the Senate in line 8 was inserted in the bill, and that leaves it practically without any amendment as reported from the committee. Do I understand the Senator from Michigan as moving another amendment?

Mr. PALMER. I wish to move an amendment in place of that amendment.

The PRESIDING OFFICER. The vote on agreeing to that amendment has been reconsidered, and the question now is, Will the Senate agree to the amendment?

Mr. SPOONER. The Senator from Michigan asks the Senate to vote down the committee amendment, and then he will move another in place of it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. PALMER. Now, in section 2, line 9, after the word "them," I move to insert the words "or conditions likely to convey contagion, which for the purposes of this act shall be designated as disease-conditions;" so as to read:

It shall be the duty of the said board to investigate and report upon the condition of the domestic animals of the United States, their protection and use, and also inquire into and report the causes of contagious, infectious, and communicable diseases among them, or conditions likely to convey contagion, which for the purposes of this act shall be designated as disease-conditions, and the means for the prevention and cure of the same, etc.

Mr. McPHERSON. I could reasonably see why it would be proper to insert the first part of the amendment, "or conditions likely to convey contagion," that animals which had been subjected to disease, or exposed to disease, and perhaps owing to the acute form of the disease, would necessarily convey it; but why say "which for the purposes of this act shall be designated as disease-conditions?"

Mr. PALMER. For the purpose of convenience.

Mr. McPHERSON. But it gives more latitude to the construction of the amendment the Senator himself proposes than I think he intends.

Mr. PALMER. No, I think not. I thought it was restrictive. I thought there was a definition of what was meant by "disease-conditions." I can not conceive any other interpretation put upon the last amendment than conditions likely to transmit contagion, which for the purposes of this act shall be called disease-conditions. It seems to me to be very plain. There is a definition to start out with, and we shall avoid a great deal of trouble if we adopt a definition in the start, because that term occurs frequently in the bill.

Mr. McPHERSON. Very well.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan. [Putting the question.] The noes seem to have it.

Mr. PALMER. I ask for the yeas and nays.

Mr. PADDOCK. Let the question be put again. I do not think it was understood.

The PRESIDING OFFICER. On this question the yeas and nays are demanded.

Mr. FRYE. Will the Chair kindly put the motion again before the call for the yeas and nays is asked?

The PRESIDING OFFICER. The Senate has heard the amendment of the Senator from Michigan. Senators in favor will say "ay," those opposed "no." [Putting the question.] The Chair is unable to decide.

Mr. GEORGE. After conference with some Senators on this side of the Chamber who like myself oppose the bill, and with one or two on the other side, I believe it will promote and facilitate the early disposition of the bill if we allow the Senator from Michigan, as the representative of the majority of the Committee on Agriculture and Forestry, to have his way about the shape he would put the bill and approve of the amendments recommended by the majority of the committee. Therefore, as an opponent of the bill, and speaking for several around me as well as some on the other side, I should be glad, and the others would be glad, if the Senate would allow the Senator from Michigan to have the amendments he desires incorporated in this bill, and also a confirmation by the approval of the Senate formally, now that we are in Committee of the Whole, of all the amendments proposed by the Committee on Agriculture and Forestry.

Mr. PALMER. I think the proposition of the Senator from Mississippi is eminently proper. It will expedite matters very much if we can be allowed to perfect the bill, and then let Senators oppose it from their convictions on constitutional grounds, or from their belief that it detracts from the dignity of the Department of Agriculture, or from their belief that the bill is not required by the exigencies of the case at the present time. I hope the Senate will permit the committee to complete its amendments and then organize their forces.

Mr. GEORGE. With a view of testing the sense of the Senate as to the propriety of the proposition which I have just made, I will move, having voted in the majority, to reconsider the vote taken a few minutes ago by which the amendment in line 14 of section 2 was disagreed to, so that it may be agreed to with all the other amendments.

Mr. SPOONER. I suggest to the Senator from Mississippi that the vote upon an amendment now pending is yet undetermined, and that must be decided before his motion can be made.

Mr. GEORGE. I made that proposition with a view of testing the sense of the Senate whether they would allow the Senator from Michigan to proceed without any further objection to the amendments of the committee.

The PRESIDING OFFICER. The Chair understands that the amendment referred to by the Senator from Mississippi was not disagreed to.

Mr. GEORGE. Then I withdraw the motion.

The PRESIDING OFFICER. The amendment referred to was agreed to. The Chair will again submit the question on agreeing to the amendment of the Senator from Michigan.

The amendment was agreed to.

Mr. McPHERSON. The Senator from Michigan has now inserted an amendment in line 9 which practically explains all of the following amendments where the term "disease-conditions" occurs; but in line 18 the Senate disagreed with the committee and struck it out.

Mr. GEORGE. That is the one I intended to move to reconsider. I move to reconsider the vote by which that amendment was rejected.

Mr. McPHERSON. If it is the purpose of the Senate, with the explanation made in line 9 by the new amendment offered by the Senator from Michigan, to let the bill be perfected, certainly we should agree to the amendment offered in line 18, to which the Senate gave an adverse action. As I understand the motion of the Senator from Mississippi, it is that the Senate reconsider the vote by which that amendment was rejected.

Mr. GEORGE. I move to reconsider the vote on that amendment.

The PRESIDING OFFICER. The Senator from Mississippi moves to reconsider the vote by which the amendment in line 18 of section 2 was disagreed to.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the committee inserting the words "or disease-conditions" in line 18 of section 2.

The amendment was agreed to.

Mr. McPHERSON. As I understand it, with the modification made by the last amendment offered by the Senator from Michigan, wherever the term "disease-conditions" occurs later in the bill, it is explained and modified by the amendment already incorporated.

Mr. PALMER. That is the intention. It relates to that first definition.

Mr. McPHERSON. Now let us proceed with the amendments of the committee.

The PRESIDING OFFICER. The next amendment of the Committee on Agriculture and Forestry will be stated.

The next amendment reported by the Committee on Agriculture and Forestry was, in section 2, line 24, before the word "exist," to insert "may," and in line 25, after the word "diseases," to insert "or disease-conditions;" so as to read:

To that end the said board is hereby authorized to enter, either in person or by their duly authorized and accredited agents, any premises or places, including stock-yards, cars, and vessels, within any State of the United States, the District of Columbia, or the Territories of the United States, in or at which they have reason to believe, and do believe, there may exist any of such diseases or disease-conditions, and to make search, investigation, and inquiry in regard to the existence thereof.

Mr. GEORGE. Would there be any impropriety in taking the vote on all the amendments proposed by the committee *en bloc*? It would save a good deal of time.

The PRESIDING OFFICER. By unanimous consent that could be done.

Mr. PALMER. I do not think we should save any time by taking the course the Senator from Mississippi suggests.

Mr. GEORGE. Very well.

Mr. PALMER. I think we had better take the amendments as they occur and vote on them, if we may be permitted to do so, without a division.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, in section 2, after the word "diseases," at the end of line 28, to insert "or disease-conditions;" in line 30, before the word "diseases," to strike out "or," and after the word "diseases" to insert "or disease-conditions;" and in line 36, before the word "diseases," to strike out "or," and after the word "diseases" to insert "or disease-conditions;" so as to read:

Upon the discovery of the existence of any of the said diseases, or disease-conditions the said board is hereby authorized to give notice, by publication, of the existence of such disease, diseases, or disease-conditions, and the locality thereof, in such newspapers as they may select, and to notify, in writing, the officials or agents of any railroad, steam-boat, or other transportation company, or any individual, or firm, engaged in transportation business, in or through such infected locality, of the existence of such disease, diseases, or disease-conditions.

The amendment was agreed to.

The next amendment was, in section 2, line 40, before the word "diseases," to strike out "or," and after the word "diseases" to insert "or disease-conditions;" and in line 42, after the word "diseases," to insert "or disease-conditions;" so as to read:

Said board is hereby authorized and required to establish and maintain such quarantine of animals, places, premises, or localities as they may deem necessary to prevent the spread of any such disease, diseases, or disease-conditions, and also to cause the appraisal of the animal or animals affected with, or that have been exposed to, the said diseases or disease-conditions, or either of them, in accordance with such rules and regulations as shall be established by them, as hereinafter authorized and provided, and also to cause the same to be destroyed, except as hereinafter provided, and to pay, in case of diseased animals, the owner or owners thereof three-fourths of their value, as determined upon the basis of health before infection, and the full appraised value in case of animals exposed to either of such diseases but not themselves actually diseased, out of any moneys appropriated by Congress for the purpose of this act.

The amendment was agreed to.

The next amendment was, in section 2, line 60, before the word "diseases," to strike out "or," and after "diseases" to insert "or disease-conditions;" so as to read:

Provided further, That in no case shall compensation be allowed for any animal destroyed under the provisions of this act which may have contracted or been exposed to such disease, diseases, or disease-conditions in a foreign country or on the high seas.

The amendment was agreed to.

The next amendment was, in section 2, line 62, before the word "agent," to strike out "by" and insert "whose," and after the word "agent" to insert "with the owner's connivance;" in line 64, before the word "diseases," to strike out "or," and after "diseases" to insert "or disease-conditions;" and in line 66, after the word "agent," to insert "as above;" so as to read:

Nor shall compensation be allowed to any owner who, in person or whose agent, with the owner's connivance, knowingly and willfully conceals the existence of any such disease, diseases, or disease-conditions, or the fact of exposure thereto in animals of which the person making such concealment, by himself or his agent, as above, is in whole or in part the owner.

The amendment was agreed to.

The next amendment was, in section 3, line 5, after the word "diseases," to insert "or disease-conditions;" in line 7, after the word "animals," to insert "or disease-conditions," and in line 9, after the words "contagious diseases," to insert "or conditions;" so as to read:

That the said board is hereby authorized and required to make, record, and publish rules and regulations providing for and regulating the agencies, methods, and manner of conducting and making the investigations aforesaid regarding the existence of said contagious diseases or disease-conditions; for ascertaining, entering, and searching places where such diseased animals or disease-conditions are supposed to exist; for ascertaining what animals are so diseased or have been exposed to such contagious diseases or conditions.

The amendment was agreed to.

The next amendment was, in section 3, line 21, after the word "diseases," to insert "or conditions;" so as to read:

Said board shall certify such rules and regulations as relate to the speedy and effectual suppression and extirpation of said diseases or conditions to the executive authority of each State and Territory, and invite said authorities to co-operate in the execution and enforcement of this act.

The amendment was agreed to.

The next amendment was, in section 3, line 28, after the words "communicable disease," to insert "or disease-conditions;" and in line 30, after the word "shall," to strike out "proceed in co-operation," and insert "co-operate;" so as to read:

Wherever the governor of a State or Territory, or other officer duly authorized by law thereto, shall signify the assent of said State or Territory to these rules and regulations, or their readiness to co-operate for the extinction of any contagious, infectious, or communicable disease or disease-conditions, in conformity with the provisions of this act, the said board shall co-operate with the proper authorities of said State or Territory for the extinction of such disease.

The amendment was agreed to.

The next amendment was, in section 4, line 10, after the word "upon," to insert "any of," and in line 11, after the word "premises," to strike out "and" and insert "or;" in line 12, before the word "diseases," to strike out "of said" and insert "of such," and after "diseases" to insert "or disease-conditions;" and in line 20, before the word "both," to insert "by;" so as to make the section read:

SEC. 4. That any person or persons who shall knowingly and willfully refuse permission to the members of said board, or to either of them, or to any duly authorized and accredited agent of said board, to make, or who knowingly and willfully obstructs said board or agents, or either of them, in making all necessary examinations of and as to animals supposed by said board or agents to be diseased, or to have been exposed as aforesaid, or in destroying the same, or who knowingly and willfully attempts to prevent said board or agents, or either of them, from entering upon any of the premises or other places hereinbefore specified where any of such diseases or disease-conditions are by said board or its agents supposed to exist, or any person who knowingly and willfully violates or evades, or so attempts to violate or evade, any quarantine established by said board under the authority of this act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, or of either of the acts in this section prohibited, shall be punished by fine not exceeding $500 or by imprisonment not exceeding one hundred days, or by both fine and imprisonment, at the discretion of the court.

The amendment was agreed to.

The next amendment was, in section 5, line 3, after the word "diseases," to strike out "named" and insert "referred to;" in line 9, after the words "case of," to strike out "the said" and insert "any such;" in line 10, after the word "diseases," to insert "or disease-conditions;" in line 11, after the word "contagion," to insert "or conditions liable to communicate disease;" in line 15, after the word "agents," to strike out "their" and insert "his;" in line 16, before the word "information," to strike out "their;" in the same line, after the words "location of," to strike out "said diseased animals, or of animals exposed as aforesaid" and insert "any such animal or conditions;" and in line 22, after the word "diseases," to strike out "named" and insert "or disease-conditions referred to;" so as to make the section read:

That any person who is the owner of, or who is possessed of any interest in, any animals affected with or which have been exposed to any of the diseases referred to in section 2 of this act, or any person who, as agent, common carrier, consignee, or otherwise, is charged with any duty in regard to any animal so diseased or exposed to the contagion of such disease or diseases, or any officer or agent charged with any duties under the provisions of this act who shall knowingly conceal the existence of any case of any such diseases, or disease-conditions, or the fact of exposure to said contagion, or conditions liable to communicate disease, and the location of said case or cases, and who shall fail, within a reasonable time, to report to the said board, or to some duly authorized and empowered agent thereof, or to some one or more of such officers or agents, his knowledge or information in regard to the existence and location of any such animal or conditions, or who shall transport, cause to be transported, or sell for transportation, out of any State or Territory or the District of Columbia, any animal affected with, or which has been exposed to, or which he has reason to believe is affected with or has been exposed to, any of the diseases or disease-conditions referred to in section 2 of this act, shall be deemed guilty of a misdemeanor, and shall be punishable as provided in section 4 of this act.

The amendment was agreed to.

The next amendment was, in section 6, line 7, after the words "as to," to strike out "the animals decided, as aforesaid, to be diseased or to have been exposed to any of said diseases" and insert "them;" and in line 9, after the word "and," to strike out "of" and insert "as to;" so as to make the section read:

That when the owner of animals which shall be decided by the proper authority, under the provisions of this act, to be diseased, or to have been exposed to said contagion, refuses to accept the sum authorized to be paid under the appraisement provided for in this act, such animals shall not be killed, but it shall be the duty of the board to declare and maintain a rigid quarantine as to them and as to the premises or places where said cattle may be found, according to rules and regulations to be prescribed by said board, approved by the President, and published as provided in the third section of this act.

The amendment was agreed to.

The next amendment was, in section 7, line 8, before the word "affected," to strike out "cattle" and insert "animal;" in line 9, after the word "diseases," to strike out "named" and insert "referred to;" in line 10, before the word "been," to strike out "have" and insert "has;" in the same line, after the words "exposed to," to insert "any of;" in the same line, after the word "diseases," to insert "or disease-conditions;" and in line 12, after the word "such," to strike out "cattle" and insert "animal," so as to read:

That no person or persons owning or operating any railroad, nor the owner or owners or master of any steam, sailing, or other vessel within the United States, shall receive for transportation or transport from one State or Territory to another State or Territory or to any foreign country, or from any State or Territory into the District of Columbia, or from the District of Columbia into any State or Territory or to any foreign country, any animal affected with any of the diseases referred to in section 2 of this act, or that has been exposed to any of such diseases or disease-conditions, especially the disease known as contagious pleuro-pneumonia, knowing such animal to be so affected or to have been so exposed.

The amendment was agreed to.

The next amendment was, in section 7, line 16, after the word "any," to strike out "cattle" and insert "animal;" in the same line, after the word "knowing," to strike out "then" and insert "it;" in line 17, after the word "any," to strike out "of the said" and insert "such;" in the same line, after the word "diseases," to insert "or conditions;" in line 22, before the word "knowing," to strike out "cattle" and insert "animal;" and in line 24, before the word "diseases," to strike out "of said" and insert "such," and after the word "diseases," to insert "or conditions;" so as to read:

Nor shall any person or persons, company or corporation, deliver for such transportation to any railroad company, or to the master or owner of any vessel, any animal, knowing it to be affected with or to have been exposed to any such diseases or conditions; nor shall any person or persons, company or corporation, drive on foot or transport in private conveyances from one State or Territory to another, or from any State or Territory into the District of Columbia, or from said District into any State or Territory, any animal, knowing the same to be affected with, or to have been exposed to, any such diseases or conditions.

The amendment was agreed to.

The next amendment was in section 8, line 6, before the word "diseases," to strike out "or," and after "diseases," to insert or "disease-conditions;" in line 8, after the words "movement of," to strike out

"cattle" and insert "animals;" and in line 9, before the word "part," to insert "such;" so as to make the section read:

That when the President of the United States shall be satisfied that the said contagious diseases, or any of them, no longer exist in any State or Territory, or any part thereof, previously declared infected, he shall, by proclamation, declare such State or Territory, or part thereof, free from such disease, diseases, or disease-conditions, and thereby remove all restrictions placed by this bureau upon the movement of animals to, in, and from said State or Territory, or such part thereof. When the President shall be satisfied that said diseases, or any of them, have been extirpated throughout the United States, he shall proclaim such fact, and cause the same to be made known to foreign governments through the proper diplomatic or consular officers.

The amendment was agreed to.

The next amendment was, in section 12, after the word "ports," at the end of line 7, to insert "to and;" in line 8, after the word "live-stock," to strike out "are" and insert "may be;" in the same line, after the word "exported," to insert "or imported;" and in line 11, after the word "exportation," to insert "importation;" so as to make the section read:

SEC. 12. That in order to promote the exportation of live-stock from the United States the bureau shall cause to be made special investigation as to the existence of pleuro-pneumonia or any contagious, infectious, or communicable disease of live-stock along the dividing lines between the United States and foreign countries, and along the lines of transportation from all parts of the United States to ports to and from which live-stock may be exported or imported, and make report of the results of such investigation to the Secretary of the Treasury, who shall from time to time establish such regulations concerning the exportation, importation, and transportation of live-stock as the results of said investigations may require.

The amendment was agreed to.

The next amendment was, in section 13, line 1, after the word "appropriated," to strike out "by" and insert "for the purposes of;" so as to make the section read:

That the moneys appropriated for the purposes of this act shall be paid over to the Commissioner of Agriculture from time to time as the same may be needed, upon requisition made by the said Commissioner, and shall be disbursed by him only upon vouchers approved by said board.

The amendment was agreed to.

The next amendment was, in section 15, line 3, before the word "punished," to strike out "by" and insert "be;" so as to make the section read:

That whoever shall knowingly and willfully violate any of the rules made by said board shall be adjudged guilty of a misdemeanor, and be punished by fine not exceeding $500, in the discretion of the court.

The amendment was agreed to.

The PRESIDING OFFICER. Those are all the amendments proposed by the committee. The bill is still as in Committee of the Whole and open to amendment.

Mr. FRYE. Mr. President——

Mr. PALMER. The committee are not through yet, I will inform the Senator from Maine. On page 2 I move to amend the bill by striking out of section 2, line 1, the words "SEC. 2. That" and by inserting, in line 4, before the word "it," the words "SEC. 2. That;" so as to read:

The salaries of the members of said board, respectively, shall be $4,000 per annum. The said board shall, under the general direction and approval of the Commissioner of Agriculture, exercise the following powers and discharge the following duties:

SEC. 2. That it shall be the duty of the said board to investigate and report, etc.

The object of this amendment is to put that general clause in section 1, so that it will apply to all the succeeding sections. It was thought by some that placed as it was originally it merely applied to section 2, and to avoid any ambiguity the amendment is proposed.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PALMER. There is another amendment on page 4. That is to be offered, however, by the Senator from Maryland [Mr. WILSON].

Mr. WILSON, of Maryland. I move to amend section 2 by inserting, after the word "willfully," in line 63, the words "exposes an apparently healthy animal to a diseased animal, or to disease-conditions, or;" so as to read:

Nor shall compensation be allowed to any owner who, in person or whose agent, with the owner's connivance, knowingly and willfully exposes any apparently healthy animal to a diseased animal, or to disease-conditions, or conceals the existence of any such disease, diseases, or disease-conditions, etc.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Maryland.

The amendment was agreed to.

Mr. WILSON, of Maryland. I move to amend section 3 by inserting, after the word "act," in the thirtieth line, the following:

Or shall satisfy the said board that the laws, rules, and regulations of the said State or Territory for the suppression of such diseases are such as would prove efficient in eradicating such diseases, and shall signify the assent of said State or Territory to co-operate for the extermination of such diseases.

Mr. EDMUNDS. I should like to hear the section read, beginning at line 24, and have the whole clause read consecutively, to show what the amendment means.

The PRESIDING OFFICER. The amendment will be so read.

The CHIEF CLERK. It is proposed to amend section 3 so as to read:

Whenever the governor of a State or Territory, or other officer duly authorized by law thereto, shall signify the assent of said State or Territory to these rules and regulations, or their readiness to co-operate for the extinction of any contagious, infectious, or communicable diseases, or disease-conditions, in conformity with the provisions of this act, or shall satisfy the said board that the laws, rules, and regulations of the said State or Territory for the suppression of such diseases are such as would prove efficient in eradicating such diseases, and shall signify the assent of said State or Territory to co-operate for the extermination of such diseases, the said board shall co-operate with the proper authorities of said State or Territory for the extinction of such disease.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Maryland.

Mr. MCPHERSON. As I understand the purport of the amendment, it practically leaves the matter where the amendment of the committee found it: that in case of a refusal or neglect of the authorities of the States or Territories to co-operate, the General Government may still proceed, under the provisions of this proposed law, to carry into effect its own policy. In other words, there is nothing left here under the power of the State or Territory to interpose any sort of obstruction to the policy of the Government, however radical it may be.

Mr. PALMER. If I understand the Senator's question aright, it is whether, in case the board can not approve the rules of any State, or its legislation, in regard to the extirpation of the disease, they may proceed without the co-operation of the State. The theory of the bill is to go with the New Testament in one hand and with a butcher-knife in the other. We propose to pay for the cattle, but propose to stamp out the disease; and I imagine the chief opposition will come from those who think that the rights of the State are invaded. The best way is to put that perfectly plain so that we can all understand it, and vote intelligently.

Mr. MCPHERSON. Let the amendment be again read. I was listening to see whether the amendment of the Senator from Maryland covered the point that the States and Territories must be consulted in this matter before any arbitrary movement can be made by the Government.

The PRESIDING OFFICER. The amendment will be again stated.

The CHIEF CLERK. It is proposed to amend section 3 by inserting after the word "act," in the thirtieth line, the words:

Or shall satisfy the said board that the laws, rules, and regulations of the said State or Territory for the suppression of such diseases are such as would prove efficient in eradicating such diseases, and shall signify the assent of said State or Territory to co-operate for the extermination of such diseases.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maryland. [Putting the question.] The "ayes" seem to have it.

Mr. COKE. I ask for the yeas and nays.

Mr. EDMUNDS. I suggest to the Senator from Texas that the Committee on Agriculture and Forestry be permitted, without objection and *pro forma*, to put this bill in Committee of the Whole into the condition that they think it ought to be and then let us have it all printed in the condition that they finally think it ought to be, and we shall see it all with our own eyes, and shall be ready, either in Committee of the Whole or when it comes into the Senate, to have an open discussion at large upon the whole measure and every part of it. I think it is fair to the committee to let them, in mere matters of phraseology, put the bill into the attitude that they think makes it best and most secure, and then let it be printed and we can see what it is.

Mr. COKE. I simply desired by calling for the yeas and nays to express my disapproval of the amendment. I am perfectly willing, as suggested by the Senator from Vermont, that the amendments shall be made, provided the bill is to be printed and we are to see it before any further debate or discussion arises over it.

Mr. EDMUNDS. I am sure the Senator from Michigan will be quite willing that should be done, for he has no object to gain that we have not all to gain, and that is, to do the best we have the power to do. I have allowed scores of amendments to go over that if I were not obliged instantly to vote upon I should have voted against, but I thought it was courteous to the committee to allow them to adjust the phraseology and the technicality of the bill, and put it into a shape where they thought it would be in the best condition, and then have the bill printed so that we may all see it. Everything will then be open.

Mr. COKE. I withdraw the call for the yeas and nays after the statement of the Senator from Vermont.

The PRESIDING OFFICER. The call for the yeas and nays being withdrawn, the amendment is agreed to.

Mr. WILSON, of Maryland. I have one more amendment to propose, which, like all the others I have offered, has been prepared by the Live-Stock Sanitary Board of the State of Maryland as a proper amendment suggested by their experience. I believe all I have proposed, and those I shall offer, fully meet the approval of the Committee on Agriculture and Forestry. I move to amend section 6 by adding the following proviso.

Mr. PALMER. I think the Senator from Maryland has omitted one amendment that he has, to add to section 3.

Mr. WILSON, of Maryland. That amendment was sent to the desk.

The PRESIDING OFFICER. The Clerks have the amendment referred to, and it will be stated.

The CHIEF CLERK. It is proposed to add to section 3:

And are authorized to adopt the laws, rules, and regulations of such State or Territory.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maryland.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment proposed by the Senator from Maryland will be stated.

The CHIEF CLERK. It is proposed to amend section 6 by adding the following proviso:

Provided, That if the laws of the State or Territory where such diseased animals or disease-conditions exist provide means for the condemnation, appraisement, and slaughter of such animals, and the proper officer of such State or Territory shall at the request of the said board or its agents condemn, appraise, and slaughter such diseased or exposed animals, the said board is authorized to pay to the treasurer of the said State or Territory the amount of such appraisement and the cost of making the same: *Provided*, The appraised value of the animal so slaughtered shall not exceed the maximum values respectively mentioned in the second section of this act, and shall appear reasonable to the said board.

The amendment was agreed to.

Mr. WILSON, of Maryland. I have another amendment to offer.

Mr. PALMER. Will the Senator from Maryland give way to me for a moment?

Mr. WILSON, of Maryland. Certainly.

Mr. PALMER. I move to amend line 9, of section 6, by striking out the word "cattle" and inserting the word "animals;" so as to read:

The premises or places where said animals may be found, etc.

The amendment was agreed to.

Mr. WILSON, of Maryland. I move to amend section 17 by adding the following proviso:

Provided, That all agreements for co-operation between the Bureau of Animal Industry and any State or Territory existing at the time of the passage of this act shall continue until the rules and regulations provided for in this act shall have been promulgated and become operative, and all employés of the said bureau shall continue until relieved by the said board.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maryland.

Mr. BLAIR. It seems that a vast amount of unintelligible matter is being put into the bill. I do not know anything about it, and I do not understand from the chairman whether this is to be accepted as committee work or not. We seem to be getting a great deal of it.

Mr. PALMER. This is an amendment agreed by the committee to be accepted. The Senator from New Hampshire having just come in is not aware of the fact that the bill with all its amendments will be printed for his inspection the next time it comes up.

Mr. BLAIR. I understand these are not offered as committee amendments but are to go into the bill.

Mr. PALMER. They are accepted by the committee.

Mr. BLAIR. We may have a bill in the end that the members of the committee will hardly feel like being very much bound by.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maryland.

The amendment was agreed to.

Mr. PALMER. I move to strike out section 11 of the bill and to insert in lieu thereof:

SEC. 11. That the said Commissioner of Agriculture shall have power, and is hereby authorized, to employ skilled veterinarians and such other agents and employés as the said board may deem necessary to carry into effect the provisions of this act, and to fix the compensation of the person or persons so employed, and to terminate such employment at his discretion. And he is authorized, out of any moneys appropriated for the purposes of this act, to make such expenditures as may be needed for the actual and necessary traveling expenses of the board and said employés, the payment of such employés, rent, office expenses, expenses of disinfecting premises, cars, vessels, and other places, tracing and destroying diseased and exposed animals, and paying for the same, and such other necessary expenses and expenditures as they may find to be actually necessary to properly carry into effect the intent of the provisions of this act: *Provided*, That in case of emergency arising outside of the District of Columbia any member of the board who is then present is hereby authorized and required, in the absence of the Commissioner of Agriculture, to temporarily employ veterinarians, agents, and employés mentioned in the beginning of this section, fix their compensation, and authorize needed expenditures as fully as is provided to be done by the Commissioner of Agriculture.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Michigan.

The amendment was agreed to.

Mr. PALMER. I move to amend section 12, in the seventh line, by striking out the word "from" and inserting in its stead the word "between;" so as to read "transportation between all parts," etc.; and in the same line by striking out the word "to," after "United States," and inserting in its stead the word "and;" so as to read "all parts of the United States and ports."

The amendment was agreed to.

Mr. PALMER. I think the Senator from Maryland has another amendment to offer.

Mr. WILSON, of Maryland. No, sir; I have offered all my amendments.

The PRESIDENT *pro tempore*. The amendments of the committee are concluded. Are there further amendments to the bill as in Committee of the Whole?

Mr. HISCOCK. Do I understand that the amendments as proposed by the committee are now completed?

The PRESIDENT *pro tempore*. The amendments proposed by the committee are concluded. The bill is now open to amendment as in Committee of the Whole.

Mr. HISCOCK Mr. President, the friends of the bill, as it is now proposed rely for its justification and the authority to pass it on that provision of the Constitution which gives Congress the right to "regulate commerce with foreign nations and among the several States." It creates a commission of three members, who shall constitute a bureau in a Department recognized as such by Congress. Notwithstanding the amendment which has just been made to the bill, providing for agents and veterinary surgeons under that name, it invests that bureau with a power to appoint officers, which power under the Constitution can only be conferred upon the heads of Departments.

I say "notwithstanding that amendment," because it makes a bureau in a Department the nominating power, and upon its nomination the Commissioner of Agriculture is to act in the appointment of these agents, it does not escape the provision of the Constitution; and the objection is not obviated because the appointees are called "agents." They are as much officers as others of that great army who depend for their official positions upon an appointment by a head of Department. The duties which they have to discharge are of the highest consequence and of the greatest importance.

The bill goes further, and it gives to the commission created by it and to the agents who may be appointed the right of search upon private property, into stables, stock-yards, and I do not know but the private residences of individuals, without warrant issued by any judicial power, and without proof that anything exists there which should be subject to their inspection. It confers powers which to-day do not exist in the police regulations of any State to search for the highest criminals that are known to our laws. Without judicial examination the search is to be continued, and whoever resists it resists it at the peril of committing an offense punishable by fine, if not by imprisonment.

The bill then goes a step further: it provides that these commissioners shall have the power to make rules and regulations that shall have the binding effect and force of statutes. The law-making power is delegated to them. That, sir, we may not do. More than that, violations of these rules and orders are made crimes for which men may be punished, and the whole criminal force of this Government is put in operation for their conviction.

Congress has not the power thus practically to delegate to inferior officers or boards the power to create crimes or define what crimes or misdemeanors may be; that rests with the high law-making power of the country, and can not be conferred by it elsewhere.

Under these rules, wherever the officials believe they discover diseased conditions they are to act; and certainly those conditions as now defined, and indicated by the chairman of the Committee on Agriculture yesterday, are conditions which may appertain to drainage or cleanliness of the yards in which cattle run, to the stables and their ventilation in which they are housed, and to the sanitary conditions of the stock-yards in which they are kept. If this bureau or its agents so determine they have the power under the bill, without giving to the parties interested any hearing whatever, and without notice to them, to advertise in the public press of the country that this or that man's premises are infected by disease or have been exposed to it; and his business may be ruined, his property may be destroyed, financial calamity may follow in the train of this public announcement through the press, and the man be left without any remedy. He has no day in court and may not have a judicial tribunal to investigate nor a jury of his peers to pass upon the question. Independent of the criminal questions involved, I may well say here that the force and effect that must be given to the rules made by the commissioners is hardly within the power of Congress to provide for by law, much less to confer upon a board of officers that may be created.

More than that, Mr. President, the bill provides wherever this bureau or its agents believe that domestic animals may be diseased or have been exposed to disease, even have been exposed to disease-conditions as now defined, they may appraise their value. Then the bill provides the measure of damages in such cases—concedes that the property is valuable, and lays down an arbitrary rule which shall guide the commission or the bureau or its agents in respect to those damages. Again, the man has no day in court; he has no hearing upon this question, and as to certain property, if exposed in a foreign land, if exposed under certain conditions—for which he may not be responsible, or if he knows it has been exposed and he suppresses that information; he shall have no award of damages for the destruction of the property. The bill provides that the officials shall destroy the cattle. Yet, as we look further, we find that they shall not destroy them unless the owner consents; and then it provides that if the owner refuses to consent, the commission or its agent may draw around the home, the stock-yard, the farm, the neighborhood, or the town where the cattle are a strict quarantine. Already they will have been permitted to advertise it in the newspapers. And then this police line is drawn around the home, and the man finds himself compelled to take the sum of money which shall be awarded for the cattle and suffer their destruction, or submit to a greater calamity. It is advertised to the

world, even if his cattle have been merely exposed to a diseased condition, which may be an ill-ventilated stable or an unclean yard in the opinion of the agents; the actual condition he can not have investigated by a court, and if he refuse to take the arbitrary sum allowed under the provisions of this bill, the police cordon is drawn around his home, his farm, his stock-yard, and his business is ruined.

Sir, we have a provision of the Constitution that no person shall be deprived of his property without due process of law; but this law provides that property of great value can be seized and the owner forced to accept an arbitrary and enforced compensation; the property is not destroyed as a public nuisance; it is not destroyed because it is poisonous so far as health is concerned; a nuisance is not to be abated under that general police power which gives the right to destroy in some cases because disease or death may follow if property is not destroyed, because of the stern necessities of the case; they do not propose to take property for the use of the public by the right of eminent domain, but to enforce by arbitrary law and rules a purchase for destruction. And do the gentlemen tell us that this is taking property by due process of law? When and how is there a trial provided by law to determine the condition of the animals as to whether they are diseased or not, or have even been exposed to disease? By what legal proceeding is the value of the animals determined, and what hearing upon the questions to be determined is provided the owner at which he may appear with his witnesses?

The chairman of the committee has told us that many millions are involved—a nation's wealth. A million dollars' worth may be involved in one seizure under the provisions of this bill if it becomes a law; perhaps not in the case of one particular man, but $10,000, $15,000, $20,000, or $100,000; and I know of cases in which that might be the amount involved, which may be fenced in by this police system, and the owner of the cattle be compelled to take the arbitrary sum fixed by the board or its agents; have it advertised to the country that his premises are infected by disease, and he be denied the right to have one of the cattle removed from his farm, and thus be compelled to take the arbitrary sum or appraisement, which may not be the true value of the cattle.

Whenever private property is taken by our Government it must be taken at its true value, and the values of property as between individuals and government are to be measured by judicial methods and in judicial proceedings. Here in this proposed statute, under an arbitrary rule as to value, which obviously is not the correct one, the assessment is made, and under pains and penalties the party who owns the domestic animals is compelled to accept it or be ruined in his business.

I said at the outset that the power to enact this bill into a law is supposed to be found in that provision of the Constitution of the United States giving Congress the power to regulate commerce with foreign nations and between the States.

Mr. DAWES. I should like to get a little insight into the provisions of the bill, if it will not interrupt the Senator.

Mr. HISCOCK. It will not.

Mr. DAWES. I see that the Senator from New York understands it very well, and I wish to make an inquiry of him. He has described the sad condition of things when the owner of a large herd of cattle has had his cattle surrounded by a quarantine because he would not take an arbitrary sum. I should like to inquire who is to maintain them while they are so quarantined.

Mr. HISCOCK. I suppose, as a matter of course, they are to be maintained by the owner of the property, as in all other cases of quarantined animals.

Mr. DAWES. For how long a time?

Mr. HISCOCK. I do not know that. It may be six months or a year. That adds to the seriousness of the proposition. The man's stock will be fenced in to be supported at his expense. It may be for a month, six months, or a year. All that is in the discretion of this board or its agents.

I think I have heard it said by very eminent authority in respect to this bill that the right to quarantine should exist for one year. I think I have heard an opinion expressed by some one upon the Agricultural Committee that no shorter period of time should be accepted.

But, as I was about to say, the provisions of this bill are sought to be maintained under that provision of the Constitution which gives to Congress the right to regulate commerce with foreign nations and between the States. Yet the bill is not limited in its operations to domestic animals that are the subject of barter and trade in interstate or foreign commerce. The provisions of the bill apply to a herd of cattle as to which the owner has not contemplated the disposition of them and their transfer to another State or country. They may be located hundreds of miles from the State line, and it may be absolutely foreign to the purpose of their owner to ever make them the subject of interstate commerce; and yet the right of search exists as to the man's premises, the right to quarantine exists as to the man's farm, the power exists to coerce him into taking the price that shall be fixed under the provisions of the bill by this commission or its agents, all that applies to him, and in addition to that, by proclamation printed in the public papers, it may be announced that his premises are infected.

The denial of all judicial rights and of an appeal to the courts applies to any and every individual in the country, whether engaged in interstate commerce or not. My argument is addressed to the feature that the property so far as the proprietor is concerned is not subject to interstate or foreign commercial regulations; the owner expects to hold and own or kill it, if you please, upon the farm on which he lives; it is clear to me that that provision of the Constitution is not intended as a warrant for the provisions contained in this bill I have discussed, and I am not forced to contest them as applying to interstate or foreign commerce.

Mr. President, I have gone through with the bill hastily and pointed out the prominent constitutional points involved in it. There are more, not, perhaps, as grave or as widespreading in their effects as those, but in my judgment serious and involving a construction of the provisions of our Constitution.

We have been told that there has been a popular clamor for the bill. It hardly seems to me that such can be the case when I turn to the admirable letter which has been read here, signed by the Commissioner of Agriculture, in which he declares that—

> The Legislatures of seven States have provided by legislation for co-operation between the United States and their respective live-stock commissions. These States are Michigan, Kentucky, Delaware, Iowa, Kansas, Nebraska, and Tennessee. Six States have passed special statutes for co-operation, making the officers of the Bureau of Animal Industry State officers, and conferring upon them the power of investigation, quarantine, and condemnation of animals in their respective States. They are Virginia, Illinois, New York, Massachusetts, New Hampshire, and Rhode Island. In addition, special agreements of co-operation have been made with the authorities of the States of New Jersey, Maryland, and Pennsylvania.

It is unnecessary for me to refer in this connection to the present provisions of national law which reach to the very limits of the constitutional power of Congress, in my opinion, now upon our statute-book. We are advised by this letter that the great States named under the provisions of that law are now co-operating with the Commissioner of Agriculture in stamping out disease among domestic animals. A little further on in the letter of the Commissioner I read this:

> During the past year the bureau has stamped out a serious outbreak that existed in Cook County, in the State of Illinois. It has also stamped out outbreaks in the counties of Delaware and Washington, in the State of New York. It has eradicated the disease from the counties of Howard, Carroll, and Prince George's, in the State of Maryland, and has likewise suppressed small outbreaks in Elizabeth City County, Virginia, and Kent County, Maryland, which had been introduced by the importation of diseased cattle from the city of Baltimore, Md. The disease of pleuro-pneumonia has thus been confined by the bureau to three large centers, namely, Jersey City and vicinity, in the State of New Jersey; New York and vicinity, in the State of New York; and Baltimore and vicinity, in the State of Maryland.

I have not heard a suggestion that the allegation in this letter, made by the Commissioner of Agriculture, is challenged anywhere; yet with all the States co-operating where the disease exists we are asked to pass this bill, in which are involved the great constitutional questions which I have briefly outlined, giving to the agents appointed by these commissioners vast inquisitorial and police powers and the power to enforce a purchase and destruction of property, and I may add to this, on the merits of the bill, by connivance and fraud to purchase all of the stock in the stock-yards in our large cities—in New York, Baltimore, Albany, Boston, Philadelphia, Chicago—under the pretext that it is diseased.

For some reason, which I do not understand, the bill gives to this bureau (not to the Commissioner of Agriculture, at the head of the department, for he is only made a consulting officer in respect to its duties) the responsibility of making officers. They are called "agents." The power of appointment is taken from the Commissioner; it is upon the nomination of this other board that they are to be appointed.

Mr. PLUMB. Will the Senator permit me to call his attention to section 476 of the Revised Statutes?

Mr. HISCOCK. Certainly.

Mr. PLUMB. It reads as follows:

> SEC. 476. There shall be in the Patent Office a Commissioner of Patents, one assistant commissioner, and three examiners-in-chief, who shall be appointed by the President, by and with the advice and consent of the Senate. All other officers, clerks, and employés authorized by law for the office shall be appointed by the Secretary of the Interior, upon the nomination of the Commissioner of Patents.

I refer to that simply to show that the proposition made in the bill has a parallel at all events in existing law, which I think has not been seriously questioned.

Mr. HISCOCK. Certainly it seems to have in that particular instance.

Mr. DAWES. I remember a similar provision was inserted in the civil-service act, and the President of the United States considered that as imperative, and sent his nominations to the Senate for approval.

Mr. HISCOCK. I have no doubt that there are many provisions of the statutes in reference to the creation of subordinate officers, placing the power of appointment where it does not rest under the Constitution, which have never been criticized. It is, however, time for criticism when a bureau is to be launched upon the country, as this is proposed to be, with its vast powers, and when such careful pains are taken to limit the authority of the Commissioner of Agriculture in reference to the appointment of its officers.

I may here allude to the fact, and I call the attention of the Senator from Kansas to it, as the bill came here from the Committee on Agriculture the power to appoint was vested in the new bureau—they to have it absolutely; and I am almost warranted in suggesting that to

bring the case within some statute which has been previously passed the amendment has been reported by the committee, which has been adopted as a committee amendment to-day.

I have not attempted to more than briefly point out the constitutional objections to the bill, and I have not attempted at any great length to discuss the merits of the bill. It seems to me that before a measure of this kind is discussed upon the merits it should be examined with reference to the constitutional questions which are involved in it. They are grave and serious, as will be conceded by every Senator present. Therefore I suggest that the bill be referred to the Committee on "The Judiciary," and before we proceed to discuss the merits of the bill let it come to us, with the opinion of that committee as to the constitutionality of the provisions to which I have briefly called the attention of the Senate, that we may have their report as our guide, after their examination of these grave questions.

I know, sir, that there is a constant disposition on the part of the law-making power, so far as many questions are involved, not to inquire too critically into the constitutional powers of Congress. They are passed over lightly. But here are presented questions than which in my judgment no more serious one has come before Congress for more than two decades, and upon them the Law Committee of the Senate should give its opinion. If that committee holds that these provisions are constitutional, then it will be time enough to discuss the bill on its merits. It seems to me that that high authority should be invoked in the examination of the bill. Therefore, sir, I move that this bill be referred to the Committee on "The Judiciary" with instructions to report upon the constitutional questions involved in it.

Mr. COKE. Mr. President, I rise for the purpose of suggesting to the Senator from Michigan, who has this bill in charge, that, in view of the fact that a great many amendments to it have been adopted, in order that the Senate may vote intelligently upon the motion of the Senator from New York the bill be passed over now and printed, and called up again on Monday for further consideration.

Mr. FRYE. Before the Senator's suggestion is acted upon I desire to offer an amendment.

The PRESIDENT *pro tempore*. The Chair will state the motions which have been made. The Senator from New York [Mr. HISCOCK] moves to commit the bill to the Committee on the Judiciary with instructions. The Senator from Texas [Mr. COKE] moves to postpone the further consideration of the bill until Monday.

Mr. COKE. And that it be printed as amended.

Mr. FRYE. I desire to offer one or two amendments to this bill; and in order to explain the amendments, I ask the Secretary to read the part of the letter that I have marked, which I send to the desk. It is a letter from Mr. Burleigh, of the State of Maine, who is one of the most intelligent, successful, and experienced cattle-raisers in the country. Let the Secretary read where I have marked.

The Chief Clerk read as follows:

The inclosed so-called "Palmer bill" I consider the best of anything that has as yet come before Congress for the better protection of our herds. But allow me to say that from my standpoint I do not consider it perfect. One of the most subtile, most insidious diseases known among our herds, one that causes the most loss, although so little known to veterinary science until within a very few years, is tuberculosis. It seems to me that this dreaded and incurable disease should have more prominence in the bill. You will recall to mind that no longer ago than April, 1886, the whole Maine State Agricultural College herd of fifty-one cattle were entirely destroyed by having this disease (tuberculosis), and every herd in the State where individual animals from this herd had been kept for any considerable length of time were found more or less affected with the disease.

Another instance was the "Hamilton herd," in Garland, Penobscot County, where thirty cattle contracted the disease from two Jersey cows brought from Massachusetts. It is estimated upon good authority that not less than fifty thousand innocent children are annually sent to their graves in American cities alone from the use of milk from tuberculosed cows, while the meat, as well as the milk of such animals, may also convey the disease to adults. It is my honest opinion, although the disease is not so contagious as pleuro-pneumonia, yet from the fact that it is so insidious in its nature, and certainty of heredity, the loss in money values alone in the herds of America are ten times as much as all other contagious diseases among the bovine race or so-called cattle, not including horses. This disease it not sectional, but national. Germs of the disease will be found where closely inbred cattle have been disseminated; more generally found among Jerseys and shorthorns, as they have been very largely inbred.

I think I have written enough to give you my idea on "tuberculosis," but think there should be included and named among the other diseases glanders in horses. It would surprise you to know the extent of this dreaded disease and loss thereby in our country. Horses afflicted with glanders are shipped from one State to another by unscrupulous men and sold to the unsuspecting, thereby spreading the disease broadcast over the land. Our State commissioners have met with a great deal of trouble from this source, entailing a loss of thousands of dollars to the State.

Mr. FRYE. The gentleman proposes three amendments to this bill, to which I desire to call the attention of the chairman of the committee. On page 2, section 1, line 11, after the word "pleuro-pneumonia," I move to insert "and tuberculosis."

Mr. PALMER. The chairman will accept that.

Mr. FRYE. On page 3, section 2, line 16, after "pleuro-pneumonia," I move to insert "tuberculosis."

Mr. PALMER. I accept that.

Mr. FRYE. And in section 2, line 17, after the word "rinderpest," I move to insert "glanders in horses."

Mr. PALMER. Accepted.

The PRESIDENT *pro tempore*. If there be no objection, these amendments will be regarded as agreed to. The Sena tor from Texas [Mr COKE] moves that the further consideration of the bill be postponed until Monday next.

Mr. PALMER. I will ask the Senator from Texas to make it the special order for Thursday next at 2 o'clock, if he will amend his motion.

Mr. COKE. I have no objection to that.

Mr. PALMER. That will give every one time to look over the bill, and possibly there will be further amendments.

Mr. COKE. I also asked that the bill as amended be printed.

The PRESIDENT *pro tempore*. Does the Senator from Texas accept the suggestion of the Senator from Michigan?

Mr. COKE. I do.

The PRESIDENT *pro tempore*. The Senator from Texas moves that the bill be printed as amended and made the special order for Thursday next at 2 o'clock.

The motion was agreed to, two-thirds of the Senators present voting in the affirmative.

Mr. PALMER. I should like to ask if the motion to reprint was included in the motion of the Senator from Texas.

The PRESIDENT *pro tempore*. That order has been made.

REPORTS OF COMMITTEES.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 2283) granting a pension to James Anderson, reported it without amendment, and submitted a report thereon.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (H. R. 4909) for the relief of the estate of C. M. Briggs, deceased, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. CALL introduced a bill (S. 2627) granting land warrants to soldiers and sailors in the United States service in the Seminole Indian war of 1856, their widows and orphans; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 2628) granting a pension to David Eells; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2629) to pension Bartola Thebant, a soldier in the Florida Seminole Indian war of 1849 and 1850; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BUTLER introduced a bill (S. 2630) granting a pension to N. H. Guyton; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 2631) granting a pension to Clarence Brown; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. TOWLES, Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 3) to remove the political disabilities of William W. Mackall, of Virginia;

A bill (H. R. 8808) to amend an act entitled "An act to provide for holding terms of United States courts of Vicksburg, Miss."; and

A bill (H. R. 4472) for a public building at Helena, Ark.

ADMISSION OF DAKOTA.

Mr. PLATT. I move that the Senate proceed to the consideration of Senate bill 185, Calendar No. 114, and I desire to say, this being the Dakota bill, that if it shall be taken up I do not wish this afternoon to interfere with any formal business other Senators may have.

Mr. BUTLER. I shall be very glad to aid the Senator from Connecticut in taking up the bill with the understanding that it is not to be proceeded with now.

Mr. PLATT. I do not care to proceed with the consideration of the bill to-day, but I want to make it the unfinished business.

Mr. BUTLER. After that bill is taken up I shall ask the Senate to proceed to the consideration of House bill 1805. I merely give the notice now.

Mr. CULLOM. I desire to move that House bill No. 742 be taken up either pending the motion of the Senator from Connecticut or after that motion is agreed to.

Mr. PLATT. Let my motion be put first.

The PRESIDENT *pro tempore*. The Chair will put the question on the motion of the Senator from Connecticut that the Senate now proceed to the consideration of the bill (S. 185) to provide for the admission of the State of Dakota into the Union and for the organization of the Territory of Lincoln.

The motion was agreed to.

The PRESIDENT *pro tempore*. The pending business will be informally laid aside, the Chair understands, by consent.

Mr. PLATT. I have no objection for this afternoon.

PUBLIC BUILDING AT GREENVILLE, S. C.

Mr. BUTLER. I ask that the Senate proceed to the consideration of

House bill No. 1805, Order of Business 817. It will merely involve the necessity of reading the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1805) for a public building at Greenville, S. C.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN F. CADWALLADER.

Mr. CULLOM. I move that the Senate proceed to the consideration of House bill 742.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 742) for the relief of John F. Cadwallader. It directs the Secretary of the Treasury to pay to John F. Cadwallader $462.75, for services rendered in writing up back records of the district court of the United States for the southern district of Illinois.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT TEXARKANA.

Mr. COKE. I move that the Senate take up for consideration Order of Business 696, House bill 7262.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7262) for the erection of a public building at Texarkana, situated on both sides of the line between the States of Arkansas and Texas.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NEW YORK HARBOR.

Mr. EDMUNDS and Mr. EVARTS addressed the Chair.

The PRESIDENT *pro tempore*. The Senator from Vermont.

Mr. EDMUNDS. I will yield to my friend from New York [Mr. EVARTS], who says that the bill he has in hand has been once up and was cut off by an accident. After that, I must call for the regular order, although I have a very important disability bill that I wish very much to report.

Mr. EVARTS. I ask that the Senate now proceed to the consideration of Order of Business 286, Senate bill 1241.

The PRESIDENT *pro tempore*. The Senator from New York asks unanimous consent that the Senate proceed to the consideration of a bill the title of which will be stated.

The CHIEF CLERK. A bill (S. 1241) to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York City, by dumping or otherwise, and to punish and prevent such offenses, and making other provisions in connection therewith.

The PRESIDENT *pro tempore*. The Chair hears no objection. This bill having been previously considered by the Senate in Committee of the Whole and the amendments agreed to, are there further amendments to the bill in Committee of the Whole?

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title of the bill was amended so as to read: "A bill to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York City, by dumping or otherwise, and to punish and prevent such offenses."

COMMITTEE ON EDUCATION AND LABOR.

Mr. BLAIR submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Education and Labor be authorized to employ a stenographer for the purpose of reporting the hearings before it upon Sunday-observance petitions and the proposed prohibition constitutional amendment, who shall be paid from the contingent fund of the Senate, and to have the reports of said hearings printed for the use of the Senate.

ORDER OF BUSINESS.

Mr. EDMUNDS. Now I call for the regular order.

Mr. DAWES. I should like to have the Senate, for a reason which seems to me to justify it, take up Order of Business No. 853, a House bill for the erection of a building at the armory in Springfield.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the Senate proceed to the consideration of the bill (H. R. 5639) for erection of a fire-proof workshop at the National Armory.

Mr. EDMUNDS. I ask for the regular order.

The PRESIDENT *pro tempore*. The regular order is demanded.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

RED RIVER BRIDGES.

Mr. VEST. Will the Senator from Illinois allow me to make a motion to have a bill recalled from the House of Representatives?

Mr. CULLOM. I will yield for that purpose.

Mr. VEST. I move that Senate bill No. 1498, which passed the Senate and went to the House of Representatives, be recalled. The House has passed another bill on the same subject and sent it to us.

The PRESIDENT *pro tempore*. Will the Senator state the title?

Mr. VEST. A bill (S. 1498) granting to the city of Grand Forks, Dak., the right to build two free bridges at said city across the Red River. I think it was passed about a week ago.

The PRESIDENT *pro tempore*. This bill passed the Senate on the 22d of March. The Senator from Missouri moves that it be recalled from the House of Representatives.

Mr. EDMUNDS. What is the title of the bill?

The PRESIDENT *pro tempore*. The title of the bill will be stated.

Mr. VEST. It is the bill (S. 1498) granting to the city of Grand Forks, Dak., the right to build two free bridges at said city across the Red River.

Mr. EDMUNDS. There is no objection to calling back the bill.

Mr. VEST. The House have passed a bill on the same subject.

The PRESIDENT *pro tempore*. If there be no objection an order recalling the bill will be made. The Chair hears no objection.

ADMISSION OF DAKOTA.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the unfinished business, which is the bill (S. 185) to provide for the admission of the State of Dakota into the Union, and for the organization of the Territory of Lincoln.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. PALMER. Will the Senator from Illinois withdraw his motion for a moment till I ask an order? I move that 500 extra copies of the bill (S. 2083) to provide for the establishment of a bureau of animal industry, and to facilitate the exportation of live-stock and their products, to extirpate contagious pleuro-pneumonia, and other diseases among domestic animals, and for other purposes, with the amendments, be printed.

The PRESIDENT *pro tempore*. That order will be made if there be no objection. The Senator from Illinois moves that the Senate now proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 4 o'clock and 10 minutes p. m.) the Senate adjourned until Monday, April 9, 1888, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate April 6, 1888.

APPOINTMENTS IN THE ARMY.

Major-General.

Brig. Gen. George Crook, April 6, 1888, *vice* Terry, retired from active service.

Brigadier-General.

Col. John R. Brooke, of the Third Infantry, April 6, 1888, *vice* Crook, appointed major-general.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 2, 1888.

COLLECTOR OF INTERNAL REVENUE.

Whitfield Walker, of Florida, to be collector of internal revenue for the district of Florida.

PROMOTIONS IN THE ARMY.

Medical Department.

Ogden Rafferty, of New Jersey, to be assistant surgeon with the rank of first lieutenant.

Capt. Joseph B. Girard, assistant surgeon, to be surgeon.

First Regiment of Cavalry.

First Lieut. Peter S. Bomus, to be captain.

Second Lieut. Frederick S. Foltz, to be first lieutenant.

Nineteenth Regiment of Infantry.

First Lieut. Charles B. Hall, to be captain.

Second Lieut. Francis H. French, to be first lieutenant.

POSTMASTERS.

John T. Williamson, to be postmaster at Columbia, in the county of Maury and State of Tennessee.

Frederick P. Carruth, to be postmaster at Orange, in the county of Franklin and State of Massachusetts.

Executive nominations confirmed by the Senate April 6, 1888.

RECEIVERS OF PUBLIC MONEYS.

E. Nelson Fitch, of Ludington, Mich., to be receiver of public moneys at Grayling (formerly Reed City), Mich.

Francis T. Anderson, of Del Norte, Colo., to be receiver of public moneys at Del Norte, Colo.

REGISTER OF LAND OFFICE.

Andrew D. Duff, of Phœnix, Ariz., to be register of the land office at Tucson, Ariz.

HOUSE OF REPRESENTATIVES.

WEDNESDAY *April* 4, 1888.

[CALENDAR DAY *April* 6, 1888.]

The recess having expired, the House (at 11 o'clock and 45 minutes a. m. Friday, April 6), resumed its session.

The SPEAKER called the House to order.

Mr. REED. Regular order, Mr. Speaker.

The SPEAKER. The Chair will lay before the House certain personal requests.

LEAVE OF ABSENCE.

Mr. JACKSON, by unanimous consent, obtained indefinite leave of absence on account of important business.

COMMITTEE PRINTING.

By unanimous consent, the Committee on Merchant Marine and Fisheries was given leave to have documents printed for the use of the committee upon the order of the chairman.

ORDER OF BUSINESS.

The SPEAKER. The question is upon the motion made by the gentleman from Tennessee [Mr. MCMILLIN], that when the House adjourns it adjourn to meet on Saturday next.

Mr. WEAVER. I move that the House take a recess until 4 o'clock this afternoon.

The SPEAKER. The motion to adjourn, or to fix the day to which the House will adjourn, has priority over the motion for a recess.

Mr. WEAVER. Does the pending motion fix the day?

The SPEAKER. It does.

Mr. WEAVER. What day is named?

The SPEAKER. The motion is that when the House adjourns it adjourn to meet on Saturday. Upon that motion——

Mr. OATES. Mr. Speaker, on Wednesday, when the gentleman in charge of this bill asked to have the debate limited, those who were in accord with myself in opposition to it asked for three hours for general debate on our side of the question, and we were met with a counter proposition, to the effect that if that were granted we must agree that the previous question should stand as ordered on the bill and amendments at 5 o'clock. To that we declined to assent, because it was in advance of the proper stage of the bill for such a proposition, because we did not think the point had been reached for the discussion of that question. Then the motion was made by the gentleman from Ohio [Mr. EZRA B. TAYLOR] to limit debate to one hour, which time might have been controlled by the gentleman or by the other friends of the bill; and then recourse was had to obstructive tactics. Now, in order that the House may proceed in the regular way, we propose that if the gentlemen on the other side will give us two hours of general debate in opposition to the bill it can proceed in the regular course, leaving the question of negotiation, if any is to be had, as to the future stages of it to be made or entered into when we reach those stages.

Mr. EZRA B. TAYLOR. Mr. Speaker, the friends of this measure only ask that at some proper time an assurance of a final vote upon it can be had. Any proposition which includes that will be accepted by us with liberality with regard to the time that shall be consumed; but any other proposition, any proposition that does not include an agreement as to a finality can not be accepted by me, or by those who feel as I feel.

Mr. OATES. Mr. Speaker, that proposition, it seems to me, is one which would commit those who oppose the bill to its final passage without regard to whether any amendments shall be adopted or not. We do not propose——

Mr. EZRA B. TAYLOR. Allow me to say right in that connection that that is not my intention nor our intention. Abundant opportunity will be given for discussion and amendment; but to say that we will proceed one step with the possibility of dilatory motions at a later stage as extensive as those which have been made here for some time is nonsense to us, and we can not accept it.

Mr. REED. Nonsense to the other side, too. Do not leave them out.

Mr. OATES. If the gentleman requires us to say now that a final vote shall be had at a particular time, when he knows that he has the power to vote down any amendment which we may offer, that is a proposition to tie the enemies of this bill so that we shall have no opportunity for compromise, and that is a buldozing proposition which we will not accede to.

Mr. REED. What compromise do you want? Is it the cotton tax? Is that what you are fighting for?

Mr. OATES. If you proceed in the regular course you will see what we are fighting for.

Mr. REED. Oh, well, everybody can see it now.

Several MEMBERS. Regular order.

Mr. OATES. Mr. Speaker, I move to amend the pending motion that when the House adjourns it be to Saturday, so as to make it Monday next instead of Saturday.

Mr. REED. Mr. Speaker, I want the gentleman from Alabama [Mr. OATES] distinctly to understand that this side is willing to allow any time for debate that any reasonable man can ask for on the other side, and every opportunity for amendment which the rules of this House will allow. All we ask is that after the matter has been thoroughly debated to the full satisfaction of everybody on the other side, and after every amendment has been offered which ingenuity or the good wishes of anybody can originate, that then we shall have a vote on the bill.

Mr. OATES. Why do you ask that we shall commit ourselves to that now?

Mr. REED. Because your conduct is such that it is necessary you should commit yourselves in order to give us the assurance.

Mr. OATES. You asked it before you saw any such conduct, and you ask us now to put ourselves in an attitude where you can vote down with impunity any amendment that may be offered.

Mr. REED. With impunity! Why, a majority of the House can always vote down any amendment with impunity.

Several MEMBERS. Regular order.

Mr. WEAVER. I move to amend the amendment of the gentleman from Alabama [Mr. OATES] by striking out Monday and inserting Tuesday.

The SPEAKER. In the opinion of the Chair no amendments are now in order, for the reason that a vote was being taken yesterday on the proposition that when the House adjourns it adjourn to meet on Saturday next, and no quorum voted. Tellers were appointed and were in their places making the count when, by unanimous consent, the House agreed to take a recess until this morning. After the count, pending at the time of taking the recess yesterday, is disposed of amendments will of course be in order. [A pause.] The recollection of the Chair is refreshed by the Journal Clerk, who states that the point of "no quorum" was withdrawn. The Chair will therefore state the result of the vote. The noes have it: and the motion is not agreed to. The question now recurs on the motion of the gentleman from Ohio [Mr. EZRA B. TAYLOR] that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. OATES. I move that the House take a recess until 5 o'clock this afternoon.

Mr. WEAVER. I move to amend that motion by striking out "5" and inserting "6."

Mr. BRECKINRIDGE, of Arkansas. I move to amend the amendment by striking out "6" and inserting "4."

The question being taken on the amendment of Mr. BRECKINRIDGE, of Arkansas, there were, on a division—ayes 7, noes 70.

Mr. OATES. No quorum.

Mr. DIBBLE. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 7, nays 185, not voting 132; as follows:

YEAS—7.

Enloe,	Landes,	Neal,	Wheeler.
Hayes,	Lynch,	Washington,	

NAYS—185.

Allen, Mass.	Dorsey.	Kerr,	Russell, Conn.
Allen, Mich.	Dunham,	Ketcham,	Russell, Mass.
Anderson, Ill.	Ermentrout,	Laffoon,	Ryan,
Atkinson,	Farquhar,	Lagan,	Sawyer,
Baker, N. Y.	Felton,	Laidlaw,	Scull,
Baker, Ill.	Finley,	Laird,	Seney,
Bayne,	Fitch,	Lane,	Seymour,
Belden,	Flood,	Lawler,	Shaw,
Blanchard,	Foran,	Lee,	Simmons,
Boothman,	Ford,	Lehlbach,	Snyder,
Bound,	Fuller,	Lind,	Sowden,
Boutelle,	Funston,	Long,	Springer,
Bowden,	Gallinger,	Lyman,	Stahlnecker,
Bowen,	Gear,	Macdonald,	Steele,
Brewer,	Gest,	Mahoney,	Stephenson,
Browne, T. H. B., Va.	Glass,	Mason,	Stewart, Vt.
Browne, Ind.	Glover,	Matson,	Stone, Ky.
Brown, Ohio	Goff,	McCormick,	Stone, Mo.
Brown, J. R., Va.	Greenman,	McCreary,	Symes,
Brumm,	Grosvenor,	McKenna,	Taulbee,
Bryce,	Grout,	McKinley,	Taylor, E. B., Ohio
Buchanan,	Hall,	McRae,	Thomas, Ky.
Buckalew,	Harmer,	Moffitt,	Thomas, Wis.
Bunnell,	Hatch,	Montgomery,	Tracey,
Burrows,	Haugen,	Morrill,	Townshend,
Campbell, Ohio	Hayden,	Morrow,	Vance,
Campbell, T. J., N. Y.	Hemphill,	Nelson,	Vandever,
Cannon,	Henderson, Iowa	Nichols,	Wade,
Caruth,	Henderson, N. C.	Nutting,	Walker,
Caswell,	Henderson, Ill.	O'Donnell,	Warner,
Cheadle,	Hermann,	O'Ferrall,	Weber,
Chipman,	Hitt,	O'Neill, Pa.	West,
Clark,	Hogg,	Osborne,	White, Ind.
Cogswell,	Holman,	Parker,	White, N. Y.
Conger,	Holmes,	Patton,	Whiting, Mich.
Cooper,	Hopkins, Ill.	Payson,	Whiting, Mass.
Cothran,	Hopkins, Va.	Perkins,	Wickham,
Cox,	Hopkins, N. Y.	Perry,	Wilber,
Crouse,	Houk,	Plumb,	Williams,
Culberson,	Hovey,	Post,	Wilson, W. Va.
Cummings,	Hudd,	Pugsley,	Woodburn,
Cutcheon,	Hunter,	Randall,	Yardley,
Dalzell,	Johnston, Ind.	Rayner,	Yoder,
Darlington,	Johnston, N. C.	Rice,	Yost.
De Lano,	Kean,	Romeis,	
Dibble,	Kelley,	Rowell,	
Dingley,	Kennedy,	Rowland,	

NOT VOTING—132.

Abbott,	Collins,	Kilgore,	Phelps,
Adams,	Compton,	La Follette,	Pidcock,
Allen, Miss.	Cowles,	Lanham,	Reed,
Anderson, Iowa	Crain,	Latham,	Richardson,
Anderson, Miss.	Crisp,	Lodge,	Robertson,
Anderson, Kans.	Dargan,	Maffett,	Rockwell,
Arnold,	Davenport,	Maish,	Rogers,
Bacon,	Davidson, Ala.	Mansur,	Rusk,
Bankhead,	Davidson, Fla.	Martin,	Sayers,
Barnes,	Davis,	McAdoo,	Scott,
Barry,	Dockery,	McClammy,	Sherman,
Belmont,	Dougherty,	McComas,	Shively,
Biggs,	Dunn,	McCullogh,	Smith,
Bingham,	Elliott,	McKinney,	Spinola,
Bland,	Fisher,	McMillin,	Spooner,
Bliss,	Forney,	McShane,	Stewart, Tex.
Blount,	French,	Merriman,	Stewart, Ga.
Breckinridge, Ark.	Gaines,	Milliken,	Stockdale,
Breckinridge, Ky.	Gay,	Mills,	Struble,
Brower,	Gibson,	Moore,	Tarsney,
Burnes,	Granger,	Morgan,	Taylor, J. D., Ohio
Burnett,	Grimes,	Morse,	Thomas, Ill.
Butler,	Guenther,	Newton,	Thompson, Ohio
Butterworth,	Hare,	Norwood,	Thompson, Cal.
Bynum,	Heard,	Oates,	Tillman,
Campbell, F., N.Y.	Herbert,	O'Neall, Ind.	Turner, Kans.
Candler,	Hiestand,	O'Neill, Mo.	Turner, Ga.
Carlton,	Hires,	Outhwaite,	Weaver,
Catchings,	Hooker,	Owen,	Whitthorne,
Clardy,	Howard,	Peel,	Wilkins,
Clements,	Hutton,	Penington,	Wilkinson,
Cobb,	Jackson,	Peters,	Wilson, Minn.
Cockran,	Jones,	Phelan,	Wise.

So the amendment of Mr. BRECKINRIDGE, of Arkansas, to fix 4 o'clock as the hour to which the House would take a recess, was rejected.

The following additional pairs were announced:

Mr. STOCKDALE with Mr. JACKSON, for this day.

Mr. HUTTON with Mr. ANDERSON of Kansas, for this day.

Mr. LATHAM with Mr. O'NEALL of Indiana, on this bill. Mr. LATHAM would vote for the bill.

Mr. COOPER. I wish to state that, while I am paired generally with my colleague [Mr. OUTHWAITE] I am voting upon these questions, because he is in favor of this bill, as I am. The pair does not apply to this bill.

The result of the vote was announced as above stated.

LOCKS AND DAMS ON CUMBERLAND RIVER.

The SPEAKER. Upon joint resolution (H. Res. 81) to authorize the purchase of lands necessary for the construction of locks and dams on the Cumberland River, the Chair appointed as managers on the part of the House in the conference with the Senate the gentleman from Louisiana [Mr. BLANCHARD], the gentleman from Texas [Mr. STEWART], and the gentleman from Illinois [Mr. HENDERSON]. By an error the Senate was notified that the gentleman from North Carolina [Mr. HENDERSON] had been appointed one of the managers. If there be no objection, the Clerk will be directed to correct the error in the message to the Senate. The Chair hears no objection; and it is so ordered.

LEAVE OF ABSENCE.

Mr. CUMMINGS, by unanimous consent, obtained leave of absence for one day on account of important business.

REFUND OF DIRECT TAX OF 1861.

The SPEAKER. The question now recurs upon the amendment of the gentleman from Iowa [Mr. WEAVER] to fix 6 o'clock this afternoon as the hour to which the House will take a recess.

Mr. MCMILLIN. I move to amend that amendment by inserting "four and a half o'clock."

The question having been put on agreeing to Mr. MCMILLIN'S amendment,

Mr. OATES called for a division.

Mr. EZRA B. TAYLOR. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 3, nays 180, not voting 141; as follows:

YEAS—3.

Hayes,	McMillin,	Neal.

NAYS—180.

Allen, Mich.	Bunnell,	Cummings,	Gallinger,
Atkinson,	Burrows,	Cutcheon,	Gear,
Baker, N. Y.	Butterworth,	Dalzell,	Gest,
Baker, Ill.	Campbell, F., N. Y.	Darlington,	Glass,
Bayne,	Campbell, Ohio	Davenport,	Glover,
Bliss,	Campbell, T. J., N. Y.	De Lano,	Goff,
Boothman,	Cannon,	Dibble,	Grosvenor,
Bound,	Caruth,	Dockery,	Grout,
Boutelle,	Caswell,	Dunham,	Guenther,
Bowden,	Cheadle,	Elliott,	Hall,
Bowen,	Chipman,	Ermentrout,	Harmer,
Brewer,	Clardy,	Farquhar,	Hatch,
Browne, T. H. B., Va.	Clark,	Finley,	Haugen,
Browne, Ind.	Cogswell,	Fitch,	Hayden,
Brown, Ohio	Conger,	Flood,	Hemphill,
Brown, J. R., Va.	Cooper,	Foran,	Henderson, Iowa
Brumm,	Cothran,	Ford,	Henderson, N. C.
Bryce,	Cox,	French,	Henderson, Ill.
Buchanan,	Crouse,	Fuller,	Hermann,
Buckalew,	Culberson,	Funston,	Hitt,
Hogg,	Long,	Parker,	Stephenson,
Holman,	Lyman,	Patton,	Stewart, Vt.
Holmes,	Lynch,	Payson,	Stone, Ky.
Hopkins, Ill.	Macdonald,	Peel,	Stone, Mo.
Hopkins, Va.	Mahoney,	Perkins,	Struble,
Hopkins, N. Y.	Mansur,	Perry,	Symes,
Houk,	Mason,	Plumb,	Taulbee,
Hovey,	McAdoo,	Post,	Taylor, E. B., Ohio
Hudd,	McCormick,	Pugsley,	Thomas, Ky.
Hunter,	McCreary,	Rayner,	Thomas, Wis.
Johnston, Ind.	McKenna,	Reed,	Tracey,
Johnston, N. C.	McKinley,	Rice,	Townshend,
Kean,	Merriman,	Romeis,	Vandever,
Kelley,	Moffitt,	Rowell,	Wade,
Kennedy,	Montgomery,	Rowland,	Walker,
Kerr,	Morgan,	Russell, Mass.	Warner,
Ketcham,	Morrill,	Sawyer,	Weber,
Laffoon,	Morrow,	Scull,	West,
La Follette,	Newton,	Seney,	White, N. Y.
Lagan,	Nichols,	Seymour,	Whiting, Mass.
Laidlaw,	Nutting,	Snyder,	Wickham,
Lawler,	O'Donnell,	Sowden,	Wilber,
Lee,	O'Ferrall,	Springer,	Wise,
Lehlbach,	O'Neill, Pa.	Stahlnecker,	Woodburn,
Lodge,	Osborne,	Steele,	Yost.

NOT VOTING—141.

Abbott,	Crain,	Lind,	Scott,
Adams,	Crisp,	Maffett,	Shaw,
Allen, Mass.	Dargan,	Maish,	Sherman,
Allen, Miss.	Davidson, Ala.	Martin,	Shively,
Anderson, Iowa.	Davidson, Fla.	Matson,	Simmons,
Anderson, Miss.	Davis,	McClammy,	Smith,
Anderson, Ill.	Dingley,	McComas,	Spinola,
Anderson, Kans.	Dorsey,	McCullogh,	Spooner,
Arnold,	Dougherty,	McKinney,	Stewart, Tex.
Bacon,	Dunn,	McRae,	Stewart, Ga.
Bankhead,	Enloe,	McShane,	Stockdale,
Barnes,	Felton,	Milliken,	Tarsney,
Barry,	Fisher,	Mills,	Taylor, J. D., Ohio
Belden,	Forney,	Moore,	Thomas, Ill.
Belmont,	Gaines,	Morse,	Thompson, Ohio
Biggs,	Gay,	Nelson,	Thompson, Cal.
Bingham,	Gibson,	Norwood,	Tillman,
Blanchard,	Granger,	Oates,	Turner, Kans.
Bland,	Greenman,	O'Neall, Ind.	Turner, Ga.
Blount,	Grimes,	O'Neill, Mo.	Vance,
Breckinridge, Ark.	Hare,	Outhwaite,	Washington,
Breckinridge, Ky.	Heard,	Owen,	Weaver,
Brower,	Herbert,	Penington,	Wheeler,
Burnes,	Hiestand,	Peters,	White, Ind.
Burnett,	Hires,	Phelan,	Whiting, Mich.
Butler,	Hooker,	Phelps,	Whitthorne,
Bynum,	Howard,	Pidcock,	Wilkins,
Candler,	Hutton,	Randall,	Wilkinson,
Carlton,	Jackson,	Richardson,	Williams,
Catchings,	Jones,	Robertson,	Wilson, Minn.
Clements,	Kilgore,	Rockwell,	Wilson, W. Va.
Cobb,	Laird,	Rogers,	Yardley,
Cockran,	Landes,	Russell, Conn.	Yoder.
Collins,	Lane,	Rusk,	
Compton,	Lanham,	Ryan,	
Cowles,	Latham,	Sayers,	

So the House refused to take a recess until 4 o'clock and 30 minutes p. m.

During the roll-call the following proceedings took place:

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendment the joint resolution (H. Res. 140) appropriating the sum of $25,000 for the international exhibition in Barcelona, Spain.

Also that the Senate had passed a joint resolution (S. R. 68) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point José Andrés Urtecho, of Nicaragua.

Mr. TOWNSHEND. Mr. Speaker, I ask unanimous consent that the joint resolution of the Senate, just received, be referred to the Committee on Military Affairs.

The SPEAKER *pro tempore* (Mr. MCCREARY in the chair). That can not be done during the roll-call.

REFUND OF DIRECT TAX OF 1861.

Mr. SOWDEN. I ask unanimous consent to dispense with the reading of the names on the last roll-call.

Mr. OATES and Mr. LANDES objected.

The Clerk recapitulated the names of those voting.

The result of the vote was then announced as above recorded.

The SPEAKER *pro tempore*. The question is on the amendment offered by the gentleman from Iowa [Mr. WEAVER], which is that the House now take a recess until 6 o'clock to-day.

Mr. OATES. I move to amend by making it 4 o'clock.

The SPEAKER. That has just been voted upon.

Mr. OATES. I move to make it 4 o'clock and 4 minutes.

The question was taken, and the House proceeded to divide.

Mr. REED. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 4, nays 181, not voting 139; as follows:

YEAS—4.

Anderson, Iowa	Landes,	Neal,	Stone, Mo.

NAYS—181.

Allen, Mass.	Dibble,	Hudd,	Reed,
Allen, Mich.	Dingley,	Johnston, Ind.	Romeis,
Atkinson,	Dockery,	Johnston, N. C.	Rowell,
Baker, N. Y.	Dorsey,	Kean,	Rowland,
Baker, Ill.	Dunham,	Kelley,	Russell, Conn.
Bayne,	Elliott,	Kennedy,	Rusk,
Belden,	Ermentrout,	Kerr,	Sawyer,
Bliss,	Farquhar,	Kilgore,	Scull,
Boothman,	Felton,	Lagan,	Seney,
Bound,	Finley,	Laidlaw,	Seymour,
Boutelle,	Fitch,	Lawler,	Shaw,
Bowden,	Flood,	Lee,	Shively,
Bowen,	Foran,	Lehlbach,	Simmons,
Brewer,	Ford,	Lind,	Snyder,
Brower,	French,	Lodge,	Sowden,
Browne, T.H.B., Va.	Fuller,	Long,	Springer,
Browne, Ind.	Funston,	Lyman,	Stahlnecker,
Brown, Ohio	Gallinger,	Lynch,	Steele,
Brown, J. R., Va.	Gay,	Macdonald,	Stewart, Vt.
Bryce,	Gear,	Mahoney,	Stone, Ky.
Buchanan,	Gest,	Mansur,	Struble,
Buckalew,	Glover,	Mason,	Symes,
Bunnell,	Goff,	Matson,	Taulbee,
Burrows,	Greenman,	McClammy,	Taylor, E. B., Ohio
Campbell, F., N. Y.	Grosvenor,	McComas,	Thomas, Ky.
Campbell, Ohio	Grout,	McCormick,	Thomas, Wis.
Campbell, T.J., N.Y.	Guenther,	McCreary,	Tracey,
Caruth,	Hall,	McKenna,	Townshend,
Caswell,	Harmer,	McKinley,	Turner, Kans.
Cheadle,	Haugen,	Moffitt,	Vance,
Chipman,	Hayden,	Montgomery,	Vandever,
Clark,	Hemphill,	Morrill,	Wade,
Cogswell,	Henderson, Iowa	Morrow,	Walker,
Conger,	Henderson, N. C.	Nichols,	Warner,
Cooper,	Henderson, Ill.	Nutting,	Weber,
Cothran,	Hermann,	O'Donnell,	West,
Cox,	Hires,	O'Ferrall,	White, N. Y.
Crouse,	Hitt,	O'Neill, Pa.	Whiting, Mass.
Culberson,	Hogg,	Osborne,	Wickham,
Cummings,	Holman,	Parker,	Wilber,
Cutcheon,	Holmes,	Patton,	Woodburn,
Dalzell,	Hopkins, Ill.	Payson,	Yardley,
Darlington,	Hopkins, Va.	Perkins,	Yoder.
Davenport,	Hopkins, N. Y.	Plumb,	
Davis,	Houk,	Post,	
De Lano,	Hovey,	Pugsley,	

NOT VOTING—139.

Abbott,	Cowles,	Maffett,	Rockwell,
Adams,	Crain,	Maish,	Rogers,
Allen, Miss.	Crisp,	Martin,	Russell, Mass.
Anderson, Miss.	Dargan,	McAdoo,	Ryan,
Anderson, Ill.	Davidson, Ala.	McCullogh,	Sayers,
Anderson, Kans.	Davidson, Fla.	McKinney,	Scott,
Arnold,	Dougherty,	McMillin,	Sherman,
Bacon,	Dunn,	McRae,	Smith,
Bankhead,	Enloe,	McShane,	Spinola,
Barnes,	Fisher,	Merriman,	Spooner,
Barry,	Forney,	Milliken,	Stephenson,
Belmont,	Gaines,	Mills,	Stewart, Tex.
Biggs,	Gibson,	Moore,	Stewart, Ga.
Bingham,	Glass,	Morgan,	Stockdale,
Blanchard,	Granger,	Morse,	Tarsney,
Bland,	Grimes,	Nelson,	Taylor, J. D., Ohio
Blount,	Hare,	Newton,	Thomas, Ill.
Breckinridge, Ark.	Hatch,	Norwood,	Thompson, Ohio
Breckinridge, Ky.	Hayes,	Oates,	Thompson, Cal.
Brumm,	Heard,	O'Neall, Ind.	Tillman,
Burnes,	Herbert,	O'Neill, Mo.	Turner, Ga.
Burnett,	Hiestand,	Outhwaite,	Washington,
Butler,	Hooker,	Owen,	Weaver,
Butterworth,	Howard,	Peel,	Wheeler,
Bynum,	Hunter,	Penington,	White, Ind.
Candler,	Hutton,	Perry,	Whiting, Mich.
Cannon,	Jackson,	Peters,	Whitthorne,
Carlton,	Jones,	Phelan,	Wilkins,
Catchings,	Ketcham,	Phelps,	Wilkinson,
Clardy,	Laffoon,	Pidcock,	Williams,
Clements,	La Follette,	Randall,	Wilson, Minn.
Cobb,	Laird,	Rayner,	Wilson, W. Va.
Cockran,	Lane,	Rice,	Wise,
Collins,	Lanham,	Richardson,	Yost.
Compton,	Latham,	Robertson,	

So the amendment of Mr. OATES was rejected.

The following additional pairs were announced:

Mr. DARGAN with Mr. ADAMS, until further notice.

Mr. WISE with Mr. MCRAE, on this bill.

The result of the vote was then announced as above recorded.

Mr. STONE, of Missouri. Would it be in order now to submit a proposition for unanimous consent?

Mr. BROWNE, of Indiana. Regular order.

The SPEAKER *pro tempore*. The regular order is the question on the amendment offered by the gentleman from Iowa, which is that the House take a recess until 6 o'clock.

Mr. OATES. Mr. Speaker, I move to amend that by making it 4 o'clock and 5 minutes.

Mr. HOPKINS, of New York, and Mr. BROWNE, of Indiana, demanded the yeas and nays.

The yeas and nays were ordered.

The SPEAKER *pro tempore*. Before the Clerk proceeds to call the roll the Chair desires to lay before the House certain requests for leave of absence.

The gentleman from New York, Mr. FITCH, asks leave of absence for two days, on account of important business, and the gentleman from Connecticut, Mr. VANCE, for the same length of time, on account of important business.

Without objection, these requests will be granted.

There was no objection, and it was so ordered.

The question was taken on the amendment of Mr. OATES; and there were--yeas 2, nays 157, not voting 165; as follows:

YEAS—2.

	Kilgore,	Neal.	

NAYS—157.

Allen, Mass.	Davenport,	Johnston, N. C.	Reed,
Allen, Mich.	De Lano,	Kean,	Romeis,
Anderson, Iowa	Dibble,	Kelley,	Rowell,
Atkinson,	Dingley,	Kennedy,	Rowland,
Baker, N. Y.	Dorsey,	Kerr,	Russell, Conn.
Baker, Ill.	Dunham,	Laffoon,	Sawyer,
Bayne,	Farquhar,	Laidlaw,	Scull,
Belden,	Foran,	Lehlbach,	Seney,
Blanchard,	French,	Lodge,	Seymour,
Bliss,	Fuller,	Long,	Shaw,
Boothman,	Gallinger,	Lyman,	Shively,
Bound,	Gay,	Lynch,	Snyder,
Boutelle,	Gear,	Macdonald,	Sowden,
Bowen,	Gest,	Maish,	Stahlnecker,
Brewer,	Glass,	Mason,	Steele,
Browne, T.H.B., Va.	Glover,	Matson,	Stewart, Vt.
Browne, Ind.	Goff,	McAdoo,	Stone, Ky.
Brown, Ohio	Greenman,	McClammy,	Stone, Mo.
Brown, J. R., Va.	Grosvenor,	McComas,	Struble,
Brumm,	Grout,	McCormick,	Taulbee,
Buckalew,	Hall,	McCreary,	Taylor, E. B., Ohio
Bunnell,	Harmer,	McKenna,	Thomas, Ky.
Butterworth,	Haugen,	McKinley,	Tracey,
Campbell, F., N. Y.	Hayden,	Milliken,	Turner, Kans.
Campbell, Ohio	Hemphill,	Moffitt,	Vance,
Caruth,	Henderson, Iowa	Montgomery,	Vandever,
Caswell,	Henderson, N. C.	Morrill,	Wade,
Cheadle,	Henderson, Ill.	Morrow,	Walker,
Chipman,	Hires,	Nichols,	Warner,
Clark,	Hitt,	Nutting,	Weber,
Cogswell,	Hogg,	O'Donnell,	West,
Compton,	Holman,	O'Ferrall,	Wickham,
Conger,	Holmes,	O'Neill, Pa.	Wilkinson,
Cooper,	Hopkins, Ill.	Osborne,	Wilson, W. Va.
Cothran,	Hopkins, Va.	Parker,	Yardley,
Crouse,	Hopkins, N. Y.	Patton,	Yoder,
Cummings,	Houk,	Perkins,	Yost.
Cutcheon,	Hovey,	Perry,	
Dalzell,	Hunter,	Post.	
Darlington,	Johnston, Ind.	Pugsley,	

NOT VOTING—165.

Abbott,	Dargan,	Lanham,	Russell, Mass.
Adams,	Davidson, Ala.	Latham,	Rusk,
Allen, Miss.	Davidson, Fla.	Lawler,	Ryan,
Anderson, Miss.	Davis,	Lee,	Sayers,
Anderson, Ill.	Dockery,	Lind,	Scott,
Anderson, Kans.	Dougherty,	Maffett,	Sherman,
Arnold,	Dunn,	Mahoney,	Simmons,
Bacon,	Elliott,	Mansur,	Smith,
Bankhead,	Enloe,	Martin,	Spinola,
Barnes,	Ermentrout,	McCullogh,	Spooner,
Barry,	Felton,	McKinney,	Springer,
Belmont,	Finley,	McMillin,	Stephenson,
Biggs,	Fisher,	McRae,	Stewart, Tex.
Bingham,	Fitch,	McShane,	Stewart, Ga.
Bland,	Flood,	Merriman,	Stockdale,
Blount,	Ford,	Mills,	Symes,
Bowden,	Forney,	Moore,	Tarsney,
Breckinridge, Ark.	Funston,	Morgan,	Taylor, J. D., Ohio
Breckinridge, Ky.	Gaines,	Morse,	Thomas, Ill.
Brower,	Gibson,	Nelson,	Thomas, Wis.
Bryce,	Granger,	Newton,	Thompson, Ohio
Buchanan,	Grimes,	Norwood,	Thompson, Cal.
Burnes,	Guenther,	Oates,	Tillman,
Burnett,	Hare,	O'Neall, Ind.	Townshend,
Burrows,	Hatch,	O'Neill, Mo.	Turner, Ga.
Butler,	Hayes,	Outhwaite,	Washington,
Bynum,	Heard,	Owen,	Weaver,
Campbell, T.J., N.Y.	Herbert,	Payson,	Wheeler,
Candler,	Hermann,	Peel,	White, Ind.
Cannon,	Hiestand,	Penington,	White, N. Y.
Carlton,	Hooker,	Peters,	Whiting, Mich.
Catchings,	Howard,	Phelan,	Whiting, Mass.
Clardy,	Hudd,	Phelps,	Whitthorne,
Clements,	Hutton,	Pidcock,	Wilber,
Cobb,	Jackson,	Plumb,	Wilkins,
Cockran,	Jones,	Randall,	Williams,
Collins,	Ketcham,	Rayner,	Wilson, Minn.
Cowles,	La Follette,	Rice,	Wise,
Cox,	Lagan,	Richardson,	Woodburn.
Crain,	Laird,	Robertson,	
Crisp,	Landes,	Rockwell,	
Culberson,	Lane,	Rogers,	

Mr. HENDERSON, of North Carolina. I desire to state that my colleague, Mr. BROWER, is absent on account of sickness.

The following additional pair was announced:

Mr. WHEELER with Mr. BUCHANAN, for this day.

The SPEAKER. On this vote the yeas are 2 and the nays 157.

Mr. OATES. No quorum.

Mr. CRAIN. I move that the House do now adjourn.

The question being put, the Speaker stated that the "noes" seemed to have it.

Mr. CRAIN. I call for a division.

Several members called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 14, nays 165, not voting 145; as follows:

YEAS—14.

Abbott,	Herbert,	Neal,	Washington,
Breckinridge, Ark.	Hooker,	Russell, Mass.	Wilson, W. Va.
Hatch,	Kilgore,	Shaw,	
Hayes,	Landes,	Snyder,	

NAYS—165.

Allen, Mass.	Elliott,	Lagan,	Reed,
Allen, Mich.	Farquhar,	Laidlaw,	Rice,
Atkinson,	Finley,	Laird,	Romeis,
Baker, N. Y.	Fitch,	Lee,	Rowell,
Baker, Ill.	Flood,	Lehlbach,	Rowland,
Bayne,	French,	Long,	Russell, Conn.
Blanchard,	Fuller,	Lyman,	Rusk,
Bliss,	Gallinger,	Lynch,	Ryan,
Boothman,	Gay,	Macdonald,	Sawyer,
Bound,	Gear,	Mahoney,	Scull,
Bowden,	Gest,	Mason,	Seney,
Bowen,	Gibson,	Matson,	Seymour,
Brewer,	Goff,	McAdoo,	Shively,
Browne, T. H. B., Va.	Greenman,	McClammy,	Sowden,
Browne, Ind.	Grosvenor,	McCormick,	Stahlnecker,
Brown, Ohio	Grout,	McCreary,	Steele,
Brown, J. R., Va.	Guenther,	McKenna,	Stephenson,
Brumm,	Hall,	McKinley,	Stone, Ky.
Bryce,	Harmer,	Milliken,	Struble,
Bunnell,	Haugen,	Moffitt,	Symes,
Butterworth,	Hayden,	Montgomery,	Taulbee,
Campbell, F., N. Y.	Hemphill,	Morrill,	Taylor, E. B., Ohio
Campbell, Ohio	Henderson, Iowa	Morrow,	Thomas, Ky.
Cannon,	Henderson, N. C.	Nelson,	Thomas, Wis.
Caruth,	Henderson, Ill.	Nichols,	Tracey,
Caswell,	Hermann,	Nutting,	Townshend,
Cheadle,	Hires,	O'Donnell,	Turner, Kans.
Chipman,	Hitt,	O'Ferrall,	Vandever,
Clark,	Hogg,	O'Neill, Pa.	Wade,
Cogswell,	Holman,	Osborne,	Walker,
Compton,	Hopkins, Ill.	Owen,	Warner,
Conger,	Hopkins, Va.	Parker,	Weber,
Cooper,	Hopkins, N. Y.	Patton,	West,
Cothran,	Houk,	Payson,	White, Ind.
Cox,	Hovey,	Peel,	Whiting, Mass.
Crouse,	Hunter,	Perkins,	Wickham,
Cummings,	Johnston, Ind.	Perry,	Williams,
Darlington,	Johnston, N. C.	Plumb,	Woodburn,
Davis,	Kennedy,	Post,	Yardley.
Dibble,	Kerr,	Pugsley,	
Dingley,	Laffoon,	Randall,	
Dorsey,	La Follette,	Rayner,	

NOT VOTING 145.

Adams,	Crain,	Kelley,	Rogers,
Allen, Miss.	Crisp,	Ketcham,	Sayers,
Anderson, Iowa	Culberson,	Lane,	Scott,
Anderson, Miss.	Cutcheon,	Lanham,	Sherman,
Anderson, Ill.	Dalzell,	Latham,	Simmons,
Anderson, Kans.	Dargan,	Lawler,	Smith,
Arnold,	Davenport,	Lind,	Spinola,
Bacon,	Davidson, Ala.	Lodge,	Spooner,
Bankhead,	Davidson, Fla.	Maffett,	Springer,
Barnes,	De Lano,	Maish,	Stewart, Tex.
Barry,	Dockery,	Mansur,	Stewart, Ga.
Belden,	Dougherty,	Martin,	Stewart, Vt.
Belmont,	Dunham,	McComas,	Stockdale,
Biggs,	Dunn,	McCullogh,	Stone, Mo.
Bingham,	Enloe,	McKinney,	Tarsney,
Bland,	Ermentrout,	McMillin,	Taylor, J. D., Ohio
Blount,	Felton,	McRae,	Thomas, Ill.
Boutelle,	Fisher,	McShane,	Thompson, Ohio
Breckinridge, Ky.	Foran,	Merriman,	Thompson, Cal.
Brower,	Ford,	Mills,	Tillman,
Buchanan,	Forney,	Moore,	Turner, Ga.
Buckalew,	Funston,	Morgan,	Vance,
Burnes,	Gaines,	Morse,	Weaver,
Burnett,	Glass,	Newton,	Wheeler,
Burrows,	Glover,	Norwood,	White, N. Y.
Butler,	Granger,	Oates,	Whiting, Mich.
Bynum,	Grimes,	O'Neall, Ind	Whitthorne,
Campbell, T. J., N. Y.	Hare,	O'Neill, Mo.	Wilber,
Candler,	Heard,	Outhwaite,	Wilkins,
Carlton,	Hiestand,	Penington,	Wilkinson,
Catchings,	Holmes,	Peters,	Wilson, Minn.
Clardy,	Howard,	Phelan,	Wise,
Clements,	Hudd,	Phelps,	Yoder,
Cobb,	Hutton,	Pidcock,	Yost.
Cockran,	Jackson,	Richardson,	
Collins,	Jones,	Robertson,	
Cowles,	Kean,	Rockwell,	

So the House refused to adjourn.

Mr. NELSON. I ask unanimous consent to dispense with the recapitulation of the names.

Mr. WEAVER. I object.

The names of members voting were read.

The result of the vote was announced as above stated.

EXECUTIVE COMMUNICATIONS.

The SPEAKER. There are on the table a number of executive communications which ought to go to committees. If there be no objection, the Chair will lay them before the House.

There was no objection.

COLLECTION OF CUSTOMS REVENUE.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, asking for an additional appropriation to pay for the collection of the revenue from customs for the fiscal year ending June 30, 1888; which was referred to the Committee on Appropriations, and ordered to be printed.

INTERCHANGE OF PARLIAMENTARY PUBLICATIONS.

The SPEAKER also laid before the House a letter from the Secretary of State, transmitting a copy of a note to that Department from the British minister, communicating a proposal from the Government of the Dominion of Canada for a direct exchange of parliamentary publications; which was referred to the Committee on the Library, and ordered to be printed.

BAR IN COLUMBIA RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting letters from the Chief of Engineers and commanding general of the Department of the Columbia, relative to a bar in the Columbia River; which was referred to the Committee on Rivers and Harbors.

BINDING FOR WAR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of War in relation to the binding of books, etc., for the War Department; which was referred to the Committee on Appropriations, and ordered to be printed.

HETTIE K. PAINTER.

The SPEAKER also laid before the House the bill (H. R. 3839) granting a pension to Hettie K. Painter, with Senate amendments, and a request for a conference; which was referred to the Committee on Invalid Pensions.

PURCHASE OF UNITED STATES BONDS.

The SPEAKER also laid before the House the bill (H. R. 5034) to provide for the purchase of United States bonds by the Secretary of the Treasury, with Senate amendments, and a request for a conference; which was referred to the Committee on Ways and Means.

SENATE RESOLUTION REFERRED.

The SPEAKER also laid before the House the joint resolution (S. R. 68) authorizing the Secretary to receive for instruction at the Military Academy at West Point José Andres Urtecho, of Nicaragua; which was referred to the Committee on Military Affairs.

ENROLLED BILLS SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 3) to remove the political disabilities of William W. Mackall, of Virginia;

A bill (H. R. 4472) for a public building at Helena, Ark.; and

A bill (H. R. 8808) to amend an act entitled "An act to provide for holding terms of United States courts at Vicksburg, Miss."

THE CENSUS.

Mr. COX, by unanimous consent, from the Committee on the Census, reported back with amendments the bill (H. R. 1659) to provide for taking the eleventh and subsequent censuses; which was referred to the Committee of the Whole House on the state of the Union, and, with the amendments and accompanying report, ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BROWER, indefinitely, on account of sickness.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, informed the House that the President had approved and signed bills of the following titles:

An act (H. R. 3508) for the relief of William G. Galloway, late captain Fifteenth, United States Army;

An act (H. R. 3749) for the relief of Frank Baker;

An act (H. R. 1481) making an appropriation to construct a road and approaches from Pineville, La., to the national military cemetery near that town;

An act (H. R. 1678) to authorize the purchase of a site for a public building at Buffalo, N. Y.; and

An act (H. R. 3191) granting a pension to Mary S. Logan.

REFUND OF DIRECT TAX OF 1861.

The SPEAKER. The question recurs on the motion of the gentleman from Alabama [Mr. OATES] that the House take a recess until five minutes after 4.

Mr. CRAIN. I move to amend so that the House shall take a recess until 4.15 p. m.

The SPEAKER. The Chair does not think that that amendment is in order, because a vote was taken on the amendment of the gentleman from Alabama and a quorum was not present. The vote on that amendment will now be again taken.

The question was taken; and there were—yeas 0, nays 166, not voting 158; as follows:

YEAS—0.

NAYS—166.

Allen, Mass.	De Lano,	Kerr,	Romeis,
Allen, Mich.	Dibble,	Ketcham,	Rowell,
Anderson, Iowa	Dingley,	Laffoon,	Rowland,
Atkinson,	Dunham,	La Follette,	Rusk,
Baker, N. Y.	Elliott,	Laidlaw,	Ryan,
Baker, Ill.	Farquhar,	Lehlbach,	Sawyer,
Bayne,	Finley,	Lodge,	Scull,
Bliss,	Fitch,	Long,	Seney,
Boothman,	Flood,	Lyman,	Seymour,
Bound,	Foran,	Lynch,	Shaw,
Boutelle,	Fuller,	Macdonald,	Shively,
Bowden,	Gallinger,	Mahoney,	Sowden,
Bowen,	Gay,	Mason,	Stahlnecker,
Brewer,	Gear,	Matson,	Steele,
Browne, T.H.B., Va.	Glass,	McClammy,	Stephenson,
Browne, Ind.	Glover,	McComas,	Stone, Ky.
Brown, Ohio	Goff,	McCormick,	Stone, Mo.
Brown, J. R., Va.	Greenman,	McKenna,	Struble,
Bryce,	Grosvenor,	McKinley,	Symes,
Buckalew,	Grout,	Milliken,	Tarsney,
Bunnell,	Hall,	Moffitt,	Taulbee,
Burnes,	Harmer,	Morrill,	Taylor, E. B., Ohio
Burrows,	Haugen,	Morrow,	Thomas, Ky.
Butterworth,	Hayden,	Neal,	Thomas, Wis.
Campbell, F., N. Y.	Hemphill,	Nelson,	Tracey,
Cannon,	Henderson, Iowa	Nichols,	Turner, Kans.
Caswell,	Henderson, N. C.	Nutting,	Vandever,
Cheadle,	Henderson, Ill.	O'Donnell,	Wade,
Chipman,	Hermann,	O'Ferrall,	Walker,
Clark,	Hires,	O'Neill, Pa.	Warner,
Compton,	Hitt,	Osborne,	Weber,
Conger,	Holman,	Parker,	West,
Cooper,	Holmes,	Patton,	White, Ind.
Cothran,	Hopkins, Ill.	Payson,	Whiting, Mass.
Cox,	Hopkins, Va.	Perkins,	Wickham,
Culberson,	Houk,	Perry,	Wilkinson,
Cummings,	Hovey,	Post,	Woodburn,
Cutcheon,	Hunter,	Pugsley,	Yardley,
Dalzell,	Johnston, Ind.	Randall,	Yoder,
Darlington,	Johnston, N. C.	Rayner,	Yost.
Davenport,	Kean,	Reed,	
Davis,	Kennedy,	Rice,	

NOT VOTING—158.

Abbott,	Crisp,	Laird,	Robertson,
Adams,	Crouse,	Landes,	Rockwell,
Allen, Miss.	Dargan,	Lane,	Rogers,
Anderson, Miss.	Davidson, Ala.	Lanham,	Russell, Conn.
Anderson, Ill.	Davidson, Fla.	Latham,	Russell, Mass.
Anderson, Kans.	Dockery,	Lawler,	Sayers,
Arnold,	Dorsey,	Lee,	Scott,
Bacon,	Dougherty,	Lind,	Sherman,
Bankhead,	Dunn,	Maffett,	Simmons,
Barnes,	Enloe,	Maish,	Smith,
Barry,	Ermentrout,	Mansur,	Snyder,
Belden,	Felton,	Martin,	Spinola,
Belmont,	Fisher,	McAdoo,	Spooner,
Biggs,	Ford,	McCreary,	Springer,
Bingham,	Forney,	McCullogh,	Stewart, Tex.
Blanchard,	French,	McKinney,	Stewart, Ga.
Bland,	Funston,	McMillin,	Stewart, Vt.
Blount,	Gaines,	McRae,	Stockdale,
Breckinridge, Ark.	Gest,	McShane,	Taylor, J. D., Ohio
Breckinridge, Ky.	Gibson,	Merriman,	Thomas, Ill.
Brower,	Granger,	Mills,	Thompson, Ohio
Brumm,	Grimes,	Montgomery,	Thompson, Cal.
Buchanan,	Guenther,	Moore,	Tillman,
Burnett,	Hare,	Morgan,	Townshend,
Butler,	Hatch,	Morse,	Turner, Ga.
Bynum,	Hayes,	Newton,	Vance,
Campbell, Ohio	Heard,	Norwood,	Washington,
Campbell, T. J., N. Y.	Herbert,	Oates,	Weaver,
Candler,	Hiestand,	O'Neall, Ind.	Wheeler,
Carlton,	Hogg,	O'Neill, Mo.	White, N. Y.
Caruth,	Hooker,	Outhwaite,	Whiting, Mich.
Catchings,	Hopkins, N. Y.	Owen,	Whitthorne,
Clardy,	Howard,	Peel,	Wilber,
Clements,	Hudd,	Penington,	Wilkins,
Cobb,	Hutton,	Peters,	Williams,
Cockran,	Jackson,	Phelan,	Wilson, Minn.
Cogswell,	Jones,	Phelps,	Wilson, W. Va.
Collins,	Kelley,	Pidcock,	Wise.
Cowles,	Kilgore,	Plumb,	
Crain,	Lagan,	Richardson,	

So the amendment was not agreed to.

The following additional pairs were announced:

Mr. MANSUR with Mr. LANHAM, on this bill.

Mr. VANCE with Mr. FITCH, until further notice.

The result of the vote was then announced as above recorded.

Mr. WEAVER. I move to amend so as to make the time 4 o'clock and 3 minutes.

The question was taken on the amendment; and there were—ayes 4, noes 62.

Mr. OATES. No quorum.

The SPEAKER. The point being made that no quorum has voted, the Chair will appoint to act as tellers the gentleman from Alabama, Mr. OATES, and the gentleman from Pennsylvania, Mr. BRUMM.

The House divided; and the tellers reported—ayes 1, noes 138.

Mr. TAULBEE. Mr. Speaker, I move a call of the House.

The motion was agreed to; and a call of the House was ordered.

The Clerk proceeded to call the roll; when the following-named members failed to answer:

Adams,	Dargan,	Maffett,	Scott,
Allen, Miss.	Davidson, Ala.	Maish,	Seney,
Anderson, Kans.	Dougherty,	Mansur,	Smith,
Arnold,	Ermentrout,	McCullogh,	Spinola,
Barry,	Felton,	McKinney,	Spooner,
Belmont,	Fisher,	Mills,	Stewart, Ga.
Bland,	Foran,	Morse,	Stockdale,
Brower,	Gaines,	O'Neill, Mo.	Taylor, J. D., Ohio
Buchanan,	Granger,	Outhwaite,	Thomas, Ill.
Burnett,	Hayden,	Peters,	Thompson, Ohio
Butler,	Heard,	Phelps,	Thompson, Cal.
Cockran,	Herbert,	Pidcock,	White, N. Y.
Collins,	Hiestand,	Richardson,	Wilkins.
Cox,	Jackson,	Rockwell,	
Cutcheon,	Jones,	Rogers,	

Mr. MCADOO and Mr. TARSNEY appeared subsequently, and under the rule were recorded as present.

The SPEAKER *pro tempore*. The Clerk will now call the names of the absentees. On this call excuses may be offered.

Mr. TAULBEE. Mr. Speaker, did the first call develop the presence of a quorum?

The SPEAKER *pro tempore*. The Chair is informed that 216 members have answered to their names.

Mr. TAULBEE. I move to dispense with all further proceedings under the call.

The motion was not agreed to.

The Clerk proceeded to call the names of absentees, as follows:

Mr. ADAMS: Excused.

Mr. ALLEN, of Mississippi.

Mr. MORGAN. I ask that my colleague from Mississippi [Mr. ALLEN] be excused. He is sick in bed.

The SPEAKER *pro tempore*. The Chair is informed by the Clerk that Mr. ALLEN, of Mississippi, has been excused.

Mr. ANDERSON, of Kansas.

Mr. MORRILL. I ask that my colleague from Kansas [Mr. ANDERSON] be excused on account of sickness.

The SPEAKER *pro tempore*. The Chair is informed that he has been excused.

Mr. ARNOLD: No excuse offered.

Mr. BARRY: No excuse offered.

Mr. BELMONT: No excuse offered.

Mr. BINGHAM: No excuse offered.

Mr. BLAND: No excuse offered.

Mr. BROWER: No excuse offered.

Mr. BUCHANAN: No excuse offered.

Mr. BURNETT: No excuse offered.

Mr. BUTLER: No excuse offered.

Mr. COCKRAN: No excuse offered.

Mr. COLLINS: No excuse offered.

Mr. COX: No excuse offered.

Mr. CUTCHEON.

Mr. GROSVENOR. I ask that the gentleman from Michigan [Mr. CUTCHEON] be excused on account of illness. He was here a couple of hours ago, but was not able to remain.

There being no objection, Mr. CUTCHEON was excused.

Mr. DARGAN: No excuse offered.

Mr. DAVIDSON, of Alabama: No excuse offered.

Mr. DOUGHERTY: Excused.

Mr. ERMENTROUT: No excuse offered.

Mr. FELTON: No excuse offered.

Mr. FISHER: No excuse offered.

Mr. FORAN: No excuse offered.

Mr. GAINES: No excuse offered.

Mr. GRANGER: No excuse offered.

Mr. HAYDEN: No excuse offered.

Mr. HEARD: No excuse offered. [Subsequently Mr. HEARD was excused.]

Mr. HERBERT: No excuse offered.

Mr. HIESTAND: No excuse offered.

Mr. JACKSON: No excuse offered.

Mr. JONES: No excuse offered.

Mr. MAFFETT: No excuse offered.

Mr. MAISH: No excuse offered.

Mr. MANSUR: No excuse offered.

Mr. MCCULLOGH: No excuse offered.

Mr. MCKINNEY: No excuse offered.

Mr. MILLS: Excused.

Mr. MORSE: No excuse offered.

Mr. O'NEILL, of Missouri: No excuse offered.

Mr. OUTHWAITE: No excuse offered.

Mr. PETERS: No excuse offered.

Mr. PHELPS: Excused.

Mr. PIDCOCK: No excuse offered.

Mr. RICHARDSON: No excuse offered.

Mr. ROCKWELL: No excuse offered.

Mr. ROGERS: Absent on leave.

Mr. SCOTT: No excuse offered.
Mr. SENEY: No excuse offered.
Mr. SMITH: No excuse offered.
Mr. SPINOLA: No excuse offered.
Mr. SPOONER: No excuse offered.
Mr. STEWART, of Georgia: No excuse offered.
Mr. STOCKDALE: No excuse offered.
Mr. JOSEPH D. TAYLOR: No excuse offered.
Mr. THOMAS, of Illinois: Excused.
Mr. THOMPSON, of Ohio: No excuse offered.
Mr. THOMPSON, of California: No excuse offered.

Mr. BIGGS. Mr. Speaker, I ask that my colleague, Mr. THOMPSON, be excused, as he is quite sick. He was excused the day before yesterday.

Mr. HATCH. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HATCH. Is it necessary for a gentleman who has been excused during this session to be excused again?

The SPEAKER *pro tempore*. The Chair is of opinion that if the gentleman was excused for the remainder of the day he need not be excused again, as the legislative day has not expired.

Mr. MCRAE. I suppose that applies to other gentlemen who have been excused, Mr. Speaker.

The SPEAKER *pro tempore*. The Chair so understands.

Mr. WHITE, of New York: No excuse offered.
Mr. WILKINS: No excuse offered.

Mr. EZRA B. TAYLOR. I move that the Sergeant-at-Arms be directed to bring to the bar of the House absentees on this call who have not been excused.

The SPEAKER *pro tempore* (Mr. CRISP). The Clerk will reduce the gentleman's motion to the form of a resolution. While that is being done the Chair will submit a personal request.

The Clerk read as follows:

Mr. HIRES desires leave of absence for five days, on account of important business.

The SPEAKER *pro tempore*. If there be no objection, this request will be granted.

Mr. EZRA B. TAYLOR objected, but subsequently withdrew his objection, and leave was granted.

The SPEAKER *pro tempore*. The Clerk will read the resolution of the gentleman from Ohio [Mr. EZRA B. TAYLOR].

The Clerk read as follows:

Resolved, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are now absent without the leave of the House.

Mr. MOORE. I ask that the gentleman from Mississippi, Mr. BARRY, be excused for to-day, on account of important business.

Mr. EZRA B. TAYLOR. I object.

The question being taken on the resolution of Mr. EZRA B. TAYLOR, it was agreed to, there being—ayes 127, noes 2.

Mr. JOHNSTON, of North Carolina. I ask that my colleague, Mr. SIMMONS, be excused. He is absent from the House upon important business at one of the Departments.

The SPEAKER *pro tempore*. The gentleman from North Carolina asks that his colleague, Mr. SIMMONS, who is out of the House on important business, be excused. Is there objection?

Mr. REED and others objected.

Mr. DOCKERY. I am advised by the gentleman from South Carolina [Mr. DIBBLE] that my colleague, Mr. HEARD, is detained from the House by sickness; and on that statement I ask that he be excused.

Mr. EZRA B. TAYLOR. Has any gentleman personal knowledge that Mr. HEARD is sick?

Mr. DIBBLE. Yesterday Mr. HEARD, being sick, left here upon medical advice, as he told me. That is the basis on which this request is made. I hope it will be granted.

There being no objection, Mr. HEARD was excused.

Mr. ALLEN, of Massachusetts. I ask that my colleague, Mr. HAYDEN, be excused on account of sickness.

Mr. EZRA B. TAYLOR. I have no objection to his being excused upon this call. I object to granting indefinite leave.

Mr. ALLEN, of Massachusetts. Then I ask that my colleague be excused on this call.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Massachusetts [Mr. ALLEN]. The Chair hears none, and Mr. HAYDEN is excused upon this call.

[Mr. HAYDEN subsequently appeared voluntarily, and under the rule was recorded as present.]

Mr. JOHNSTON, of North Carolina. I move that my colleague, Mr. SIMMONS, be excused.

The SPEAKER *pro tempore*. The gentleman from North Carolina [Mr. JOHNSTON] now puts his request in the form of a motion, and moves that his colleague, Mr. SIMMONS, be excused from attendance.

Mr. JOHNSTON, of North Carolina. On this call.

Mr. SOWDEN. On what ground?

The question being taken, the motion of Mr. JOHNSTON, of North Carolina, was not agreed to, there being—ayes 53, noes 69.

Several MEMBERS. No quorum.

Mr. DIBBLE. No quorum is necessary.

The SPEAKER *pro tempore*. Upon all questions incident to proceedings under a call the vote of a quorum is unnecessary.

[Mr. SIMMONS subsequently appeared voluntarily, and under the rule was recorded as present.]

Mr. BOWDEN. I ask that my colleague, Mr. GAINES, be excused. I have a telegram from him stating that he is detained unavoidably.

The SPEAKER *pro tempore*. The gentleman from Virginia [Mr. BOWDEN] asks that his colleague, Mr. GAINES, being now absent from the city, as the Chair understands, be excused.

Mr. EZRA B. TAYLOR. I object.

Mr. LANHAM. On last Wednesday night my colleague, Mr. MILLS, was excused from attendance upon the night session. I understand this is still Wednesday, although some people understand it to be Friday. I would like to know whether the excuse granted in the case of Mr. MILLS is still valid.

The SPEAKER *pro tempore*. The Chair is informed that Mr. MILLS has leave of absence.

Mr. REED. There would be no objection to excusing Mr. MILLS, as we all know he is not well.

Mr. LANHAM. I desired to ascertain whether the request was necessary.

Mr. EZRA B. TAYLOR. There is no objection to the application in the case of Mr. MILLS.

The SPEAKER *pro tempore*. The Chair is informed that the gentleman from Texas, Mr. MILLS, has leave of absence.

Mr. EZRA B. TAYLOR. I will inquire of the Chair whether it is not in order now to have the doors closed?

The SPEAKER *pro tempore*. The doors were closed at the end of the first roll-call.

Mr. EZRA B. TAYLOR. They do not seem to be closed now. Some gentlemen are passing out.

The SPEAKER *pro tempore*. The Doorkeeper informs the Chair that the outside doors are closed.

Mr. HOGG. I move that further proceedings under the call be dispensed with.

The question being taken on the motion of Mr. HOGG, there were—ayes 17, noes 95.

Mr. HOGG called for the yeas and nays.

The yeas and nays were not ordered.

So the motion of Mr. HOGG was not agreed to.

Mr. BACON. I ask that the gentleman from New Jersey [Mr. BUCHANAN], the gentleman from Indiana [Mr. BYNUM], and the gentleman from Wisconsin [Mr. SMITH] be excused on this roll-call, as they are in the room of the Committee on Manufactures, engaged in the examination of witnesses in an investigation ordered by the House.

The SPEAKER *pro tempore*. The Chair understands that the committee named has leave to sit during the sessions of the House.

Mr. BACON. If that excuses those gentlemen, all right.

The Sergeant-at-Arms appeared at the bar, having in custody, under the order of the House, Mr. WHITE of New York, Mr. MANSUR of Missouri, and Mr. ERMENTROUT of Pennsylvania.

The SPEAKER. Mr. WHITE, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. WHITE, of New York. Mr. Speaker, after a protracted fast I went out to get a lunch, and on my return I was arrested by the Sergeant-at-Arms inside of the Hall.

The SPEAKER. What action will the House take?

Mr. KEAN. I move that the gentleman from New York be excused.

The SPEAKER (after putting the question). The "noes" seem to have it. [Laughter.]

Mr. KEAN. I demand a division.

The SPEAKER (those in favor of excusing Mr. WHITE rising in the affirmative). The ayes evidently have it, and the gentleman is therefore excused. [Laughter.]

The SPEAKER. Mr. MANSUR, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. MANSUR. Well, sir, at half-past 2 [laughter and cries of "Louder!"] I thought the House could filibuster without as well as with me, and so I went to the Departments to look after matters in which my constituents were interested and which I did not have the opportunity to attend to previously. On my return to the House I was arrested by the Sergeant-at-Arms.

Mr. HATCH. I move that my colleague be excused.

The motion was agreed to.

The SPEAKER. Mr. ERMENTROUT, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. ERMENTROUT. I took advantage of the dead-lock to attend to some matters at the Departments for my constituents, and on my return was taken into custody by the Sergeant-at-Arms after I had reached the Hall.

Mr. HATCH. I make the point, Mr. Speaker, that under the amended rules the Sergeant-at-Arms had no right to arrest either one of these gentlemen, they having returned and were in the Hall or on their way to the Hall when they were taken into custody.

The SPEAKER. Under the amended rules members who voluntarily appear shall, unless otherwise directed by the House, be admitted, and shall report their names to the Clerk to be entered as present.

Mr. HATCH. These three gentlemen, my colleague, Mr. MANSUR, Mr. WHITE, and Mr. ERMENTROUT, were in the Hall or on their way to the House, and under the rules of course have the right to have their names entered; and the Sergeant-at-Arms had no right to arrest them.

The SPEAKER. The Chair does not know what the facts are.

Mr. HATCH. These gentlemen were on their way to the Hall or in the House when they were arrested.

The SPEAKER. They may have been on their way, but not within the Hall when their names were called.

Mr. HATCH. But they have the right under the amended rules to have their names entered, and the Sergeant-at-Arms had no right to arrest them. I move that the gentleman from Pennsylvania be excused.

The motion was agreed to, and Mr. ERMENTROUT was excused.

The Sergeant-at-Arms appeared at the bar having in custody under its order Mr. SENEY and Mr. FORAN.

The SPEAKER. Mr. SENEY, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. SENEY. The only excuse I have to offer is this [cries of "Louder!" and laughter]: Having been here during the entire day, I believe, and answered every roll-call, I thought it was about time I should go out and take something to eat.

A MEMBER. To eat? [Laughter.]

Mr. SENEY. Nor was I long away from the Capitol. That is the only excuse I have to offer for my absence.

Mr. YODER. I move that my colleague be excused.

Mr. TAULBEE. I move to amend by adding "on payment of $1.40 fine." [Laughter.] But I will not insist on the amendment.

Mr. YODER'S motion was agreed to, and Mr. SENEY was excused.

The SPEAKER. Mr. FORAN, you also have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. FORAN. I do not think, Mr. Speaker, I have any excuse to offer.

Le bruit est pour le fat, la plainte est pour le sot;
L'honnête homme trompé s'éloigne et ne dit mot.

[Laughter].

Mr. YODER. I move that my colleague be excused.

Mr. TAULBEE demanded a division.

The House divided; and there were—ayes 97, noes 2.

So the motion was agreed to, and Mr. FORAN was excused.

Mr. STONE, of Missouri. I move that all further proceedings under the call be dispensed with.

The SPEAKER (after putting the question to the House). The "noes" seem to have it. [Laughter.]

Mr. STONE, of Missouri. I demand a division.

The House divided; and there were—ayes 10, noes not counted.

So the motion was disagreed to.

Mr. FARQUHAR. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. While the House is operating under the order that there be a call of the House no business is in order except what pertains to that call.

Mr. FARQUHAR. It is precisely in reference to that point I wish to make an inquiry. Now, while the House is acting under a call can a committee, without permission, hold a session of that committee and transact business? In other words, during a dead-lock can any committee transact business without special permission of the House?

The SPEAKER. The Chair will state to the gentleman that under the rule a committee can not meet and transact business without the permission of the House. If, however, a committee meets during a recess and transacts business, and that business is reported to the House, the House might entertain it.

Mr. FARQUHAR. But the point I wish to make is that during a recess of the House, when the House is technically in session, no committee, without permission of the House, has the right to meet and transact business. Now, let me inquire further whether, where committees do meet without such permission of the House, can any one member object and prevent the transaction of business?

The SPEAKER. Under the rule of the House no committee can sit during the session of the House without its leave. The House, constructively at least, has been continuously in session since 12 o'clock on Wednesday.

Mr. FARQUHAR. So that any one member objecting can prevent the transaction of any business by any committee which has not received leave to sit during the sessions of the House.

Mr. CRAIN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CRAIN. Would it be in order, pending the call of the House, to ask unanimous consent upon any proposition?

The SPEAKER. It would not. The House can transact no business while the call is in progress.

Mr. CRAIN. Because if it were in order I had intended to ask unanimous consent for the subcommittee of the Committee on Education to sit during the session of the House and consider the Blair bill and other measures tending to deplete the Treasury; and I thought possibly it might be in order under these proceedings.

Mr. DIBBLE. Regular order.

Mr. SHAW. I move that all further proceedings under the call be suspended, and that the House now adjourn.

The SPEAKER. The Chair will state to the gentleman that these two motions can not be made together. If the House should adjourn it would necessarily suspend all further proceedings under the call.

Mr. SHAW. Then I move that the House do now adjourn.

The question was taken, and on a division there were—ayes 62, noes 105.

So the motion was not agreed to.

Mr. WHEELER. I voted in the affirmative, but withdraw my vote, as I am paired.

Mr. LAWLER. I make a motion to suspend all further proceedings under the call.

The motion was not agreed to.

Mr. MASON. Mr. Speaker——

The SPEAKER *pro tempore* (Mr. CRAIN in the chair). What motion does the gentleman make?

Mr. MASON. I want to know if it would be in order to ask unanimous consent to take up some other proposition.

The SPEAKER *pro tempore*. That depends entirely upon what the proposition is. [Laughter.]

Mr. MASON. I would like to ask unanimous consent——

The SPEAKER *pro tempore*. The Chair reserves the right to determine the propriety of allowing any other matter to come in.

Mr. HENDERSON, of Iowa. The Blair educational bill, for instance.

Mr. EZRA B. TAYLOR. Regular order.

The SPEAKER *pro tempore*. The gentleman will proceed if he desires to do so.

Mr. MASON. I yield the floor to the gentleman from Ohio. [Laughter.]

[The Speaker here resumed the chair.]

Mr. EZRA B. TAYLOR. Mr. Speaker, after consultation with the friends and opponents of this bill as extensively as I have been able to do, I would like to ask unanimous consent to dispense with further proceedings under the call, and that the House now take a recess until to-morrow at a quarter before 12 o'clock.

It has been suggested, however, by some of the opponents of this bill that it will be a matter of preference with them to have the recess until a quarter before 12 o'clock on Monday morning. They could then attend to Department work on Saturday. So far as I am concerned, I will yield my wishes to theirs in that regard.

Mr. OATES. I believe that the proposition to take a recess until Monday will meet the approval of a greater number of members on this side than the other.

Mr. EZRA B. TAYLOR. Then I ask unanimous consent, Mr. Speaker, that we dispense with further proceedings under the call, and that the House take a recess until Monday morning at a quarter before 12 o'clock.

Mr. BOUTELLE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BOUTELLE. I wish to ask whether there will be any parliamentary difference, as far as the status of the pending proposition is concerned, if we take a recess until an hour fixed to-morrow or until the same hour on Monday?

The SPEAKER. None whatever; the present status would be maintained.

Mr. BOUTELLE. Then this legislative day continues until this bill is passed.

Mr. LANHAM. I rise to a question of order. This being Friday, when the hour of 5 o'clock arrives, under an order of the House, it is the duty of the Chair to declare the House in recess until 7.30 o'clock, for the purpose of considering pension bills on the Private Calendar. It is now 5 o'clock——

The SPEAKER. The Chair has decided that point of order heretofore, and overruled it.

The gentleman from Ohio asks unanimous consent to dispense with all further proceedings under the call, and that the House now take a recess until forty-five minutes after 11 o'clock on Monday morning next. Is there objection?

Mr. HEMPHILL. Mr. Speaker, Monday next is the day set apart, under the rules of the House, for the District of Columbia Committee, and I would like to get the consent of the House that when we meet on Monday we will take up the business of that committee. [Laughter.]

Mr. MCMILLIN. We have no objection, I will say to the gentleman.

Mr. HEMPHILL. Unless that is agreed to, I do not see how I can agree to the proposition of the gentleman from Ohio. [Cries of "Regular order!"]

I will make, with the consent of the House, a brief word of explanation. If the House meets to-morrow we may all come together, and, after ascertaining the feelings and wishes of the members, testing each other's strength, may be able to arrive at some conclusion on the pending matter. While I dislike very much to interpose an objection, I do not think I could agree to adjourn over to-morrow unless it was understood that the Committee on the District of Columbia could have Monday.

Mr. OATES. I will give the gentleman notice that if he expects to reach the business of the District of Columbia otherwise than by an adjournment he is entirely mistaken.

Mr. HEMPHILL. I have been here a good many years, and I have heard people talk a good deal about what they would do—that they would stick until they died, and all that sort of thing; but nobody has ever yet done it. [Laughter.] And I think if we had staid here night and day we would have had an agreement upon this before now. I have not a particle of doubt about it. If the proposition is made to take a recess until to-morrow I do not object. But I object to the proposition to take a recess until Monday.

The SPEAKER. The gentleman from South Carolina objects.

Mr. EZRA B. TAYLOR. It is immaterial to me whether the recess is taken until to-morrow or until Monday. Still I hope the gentleman from South Carolina will withdraw his objection. If not, I ask unanimous consent that the House take a recess until to-morrow at a quarter to 12 o'clock.

The SPEAKER. The gentleman from Ohio asks unanimous consent to dispense with further proceedings under the call and that the House take a recess until 11.45 to-morrow.

Mr. SENEY. I object.

Mr. HOPKINS, of Illinois. I ask unanimous consent to extend in the RECORD my remarks on the pending bill.

The SPEAKER. As the House is now operating under a call no business is in order.

Mr. McMILLIN. I move that the House do now adjourn.

The question being put, the Speaker stated that the "noes" seemed to have it.

Mr. McMILLIN. I call for a division.

Mr. EZRA B. TAYLOR. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 67, nays 166, not voting 91; as follows:

YEAS—67.

Abbott,	Dockery,	Lagan,	Sayers,
Anderson, Miss.	Enloe,	Landes,	Shaw,
Anderson, Ill.	Foran,	Lane,	Snyder,
Bankhead,	Ford,	Lanham,	Springer,
Barnes,	Forney,	Lawler,	Stewart, Tex.
Barry,	Gay,	Lynch,	Stone, Mo.
Blanchard,	Glass,	Martin,	Tillman,
Blount,	Grimes,	McMillin,	Tracey,
Breckinridge, Ark.	Hall,	McRae,	Turner, Ga.
Breckinridge, Ky.	Hare,	Moore,	Walker,
Burnes,	Hayes,	Morgan,	Washington,
Candler,	Hemphill,	Neal,	Weaver,
Carlton,	Henderson, N. C.	Newton,	Whiting, Mich.
Catchings,	Hogg,	Oates,	Whitthorne,
Clements,	Hooker,	O'Neall, Ind.	Wilson, Minn.
Crain,	Howard,	Penington,	Wilson, W. Va.
Crisp,	Johnston, N. C.	Robertson,	

NAYS—166.

Allen, Mass.	Dorsey,	Laidlaw,	Rowell,
Allen, Mich.	Elliott,	Lee,	Rowland,
Anderson, Iowa	Ermentrout,	Lehlbach,	Russell, Conn.
Atkinson,	Farquhar,	Lind,	Ryan,
Baker, N. Y.	Finley,	Lodge,	Sawyer,
Baker, Ill.	Flood,	Long,	Scull,
Bayne,	French,	Lyman,	Seney,
Belden,	Fuller,	Macdonald,	Seymour,
Biggs,	Funston,	Mahoney,	Shively,
Bliss,	Gallinger,	Mansur,	Simmons,
Boothman,	Gear,	Mason,	Sowden,
Bound,	Gest,	McAdoo,	Stahlnecker,
Boutelle,	Gibson,	McClammy,	Steele,
Bowden,	Glover,	McCormick,	Stephenson,
Bowen,	Goff,	McCreary,	Stewart, Vt.
Brewer,	Greenman,	McKenna,	Stone, Ky.
Browne, T. H. B., Va.	Grosvenor,	McKinley,	Struble,
Browne, Ind.	Grout,	Merriman,	Symes,
Brown, Ohio	Guenther,	Milliken,	Taulbee,
Brown, J. R., Va.	Harmer,	Moffitt,	Taylor, E. B., Ohio
Bryce,	Haugen,	Montgomery,	Thomas, Ky.
Buckalew,	Hayden,	Morrill,	Thomas, Wis.
Bunnell,	Henderson, Iowa	Morrow,	Townshend,
Burrows,	Henderson, Ill.	Nelson,	Turner, Kans.
Butterworth,	Hermann,	Nichols,	Vandever,
Campbell, F., N. Y.	Hires,	Nutting,	Wade,
Campbell, Ohio	Hitt,	O'Ferrall,	Warner,
Caruth,	Holman,	O'Neill, Pa.	Weber,
Cheadle,	Holmes,	Osborne,	West,
Chipman,	Hopkins, Ill.	Parker,	White, Ind.
Clark,	Hopkins, Va.	Patton,	White, N. Y.
Cogswell,	Houk,	Payson,	Whiting, Mass.
Conger,	Hovey,	Perkins,	Wickham,
Cooper,	Hudd,	Perry,	Wilber,
Cothran,	Hunter,	Plumb,	Williams,
Crouse,	Johnston, Ind.	Post,	Wise,
Culberson,	Kean,	Pugsley,	Woodburn,
Dalzell,	Kelley,	Randall,	Yardley,
Darlington,	Kennedy,	Rayner,	Yoder,
Davis,	Kerr,	Reed,	Yost.
De Lano,	Ketcham,	Rice,	
Dibble,	La Follette,	Romeis,	

NOT VOTING—91.

Adams,	Cox,	Jones,	Pidcock,
Allen, Miss.	Cummings,	Kilgore,	Richardson,
Anderson, Kans.	Cutcheon,	Laffoon,	Rockwell,
Arnold,	Dargan,	Laird,	Rogers,
Bacon,	Davenport,	Latham,	Russell, Mass.
Belmont,	Davidson, Ala.	Maffett,	Rusk,
Bingham,	Davidson, Fla.	Maish,	Scott,
Bland,	Dingley,	Matson,	Sherman,
Brower,	Dougherty,	McComas,	Smith,
Brumm,	Dunham,	McCullogh,	Spinola,
Buchanan,	Dunn,	McKinney,	Spooner,
Burnett,	Felton,	McShane,	Stewart, Ga.
Butler,	Fisher,	Mills,	Stockdale,
Bynum,	Fitch,	Morse,	Tarsney,
Campbell, T. J., N. Y.	Gaines,	Norwood,	Taylor, J. D., Ohio
Cannon,	Granger,	O'Donnell,	Thomas, Ill.
Caswell,	Hatch,	O'Neill, Mo.	Thompson, Ohio
Clardy,	Heard,	Outhwaite,	Thompson, Cal.
Cobb,	Herbert,	Owen,	Vance,
Cockran,	Hiestand,	Peel,	Wheeler,
Collins,	Hopkins, N. Y.	Peters,	Wilkins,
Compton,	Hutton,	Phelan,	Wilkinson.
Cowles,	Jackson,	Phelps,	

So the House refused to adjourn.

Mr. EZRA B. TAYLOR. I ask unanimous consent to dispense with the reading of the names.

There was no objection.

Mr. DAVIDSON, of Florida. I am paired; otherwise I would vote "ay."

The following additional pair was announced:

Mr. HEARD with Mr. DUNN, on this vote.

The result of the vote was then announced as above stated.

Mr. CULBERSON. I ask unanimous consent to dispense with further proceedings under the call, and that the House take a recess until to-morrow at half past 11.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

And accordingly (at 5 o'clock and 32 minutes p. m., Friday, April 6) the House took a recess until 11.30 a. m., Saturday, April 7.

PRIVATE BILLS AND JOINT RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and joint resolutions of the following titles were introduced and referred as indicated below:

By Mr. BRYCE: A bill (H. R. 9240) granting a pension to John Dean—to the Committee on Invalid Pensions.

By Mr. BURNES: A bill (H. R. 9241) granting a pension to David Auer—to the Committee on Invalid Pensions.

By Mr. CARUTH: A bill (H. R. 9242) for the relief of Leopold Fromherz—to the Committee on War Claims.

By Mr. CASWELL: A bill (H. R. 9243) granting a pension to Maria Baxter—to the Committee on Invalid Pensions.

By Mr. CHIPMAN: A bill (H. R. 9244) granting a pension to Titus Wilder—to the Committee on Pensions.

By Mr. COMPTON: A bill (H. R. 9245) for the relief of the First Methodist Protestant Church of Washington, D. C.—to the Committee on the District of Columbia.

By Mr. DORSEY: A bill (H. R. 9246) for the relief of the Omaha tribe of Indians in Nebraska—to the Committee on Indian Affairs.

By Mr. GALLINGER: A bill (H. R. 9247) granting an increase of pension to Ann Atkinson—to the Committee on Pensions.

By Mr. HARMER: A bill (H. R. 9248) for the relief of Mrs. Mary Eshleman—to the Committee on Invalid Pensions.

By Mr. LAWLER: A bill (H. R. 9249) for the relief of George G. Eagle—to the Committee on Invalid Pensions.

By Mr. MACDONALD: A bill (H. R. 9250) granting a pension to Mrs. Christiana Frederika Zeutmeyer—to the Committee on Pensions.

Also, a bill (H. R. 9251) granting a pension to John Connolly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9252) granting a pension to Mrs. Catherine Baberick—to the Committee on Invalid Pensions.

By Mr. MATSON: A bill (H. R. 9253) granting an increase of pension to Richard Hogan—to the Committee on Pensions.

By Mr. MILLIKEN: A bill (H. R. 9254) for the relief of Samuel L. Robbins—to the Committee on Invalid Pensions.

By Mr. PUGSLEY: A bill (H. R. 9255) increasing the pension of Sarah Rains—to the Committee on Pensions.

By Mr. STONE, of Kentucky: A bill (H. R. 9256) for the relief of William Gardner—to the Committee on War Claims.

Also, a bill (H. R. 9257) for the relief of S. H. Purdom—to the Committee on War Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. S. BAKER: Petition in the matter of Emily McClure, mother of Thomas J. McClure, late first lieutenant Company L, Seventh Regiment New York Artillery Volunteers, for a pension—to the Committee on Invalid Pensions.

By Mr. BAYNE: Petition of the Jolly Hunting and Fishing Club, and of citizens of Creighton, Allegheny County, Pennsylvania, for the protection of the Yellowstone Park—to the Committee on the Public Lands.

Also (by request), papers in the case of Mollie B. Waldo, for relief—to the Committee on Claims.

By Mr. BELDEN: Petition of P. West and 20 others, cigar-makers of Syracuse, N. Y., against the repeal of internal-revenue duties on cigars and cheroots—to the Committee on Ways and Means.

By Mr. C. E. BROWN: Petition of Margaretha Spettel, and of Sophia Tirmyer, for pensions—to the Committee on Invalid Pensions.

By Mr. T. M. BROWNE: Petition of 20 citizens of Farmland, Ind., for legislation for the preservation of the Yellowstone National Park—to the Committee on the Territories.

By Mr. BRUMM: Petition of C. C. Hagenbuch and others, citizens of Schuylkill County, Pennsylvania, for repeal of revenue license for druggists—to the Committee on Ways and Means.

Also, petition of the authorities of Shenandoah, Pa., asking for a general appropriation for all public buildings—to the Committee on Public Buildings and Grounds.

By Mr. BRYCE: Papers relating to the pension claim of John Doan—to the Committee on Invalid Pensions.

By Mr. BURNES: Memorial of David Auer in support of his claim for a pension—to the Committee on Invalid Pensions.

By Mr. BURROWS: Petition for more effectual protection of agriculture—to the Committee on Ways and Means.

Also, petition for protection of the Yellowstone National Park—to the Committee on the Public Lands.

By Mr. CANNON: Memorial of Robert J. Williams, of Louisiana—to the Committee on Rules.

By Mr. CARUTH: Petition and papers relating to the claim of Leopold Fromherz, for relief—to the Committee on War Claims.

By Mr. DAVENPORT: Petition of the Seneca Lake Grape-Growers' Association of Penn Yan, New York, against placing raisins on the free-list—to the Committee on Ways and Means.

Also, petition of citizens of Penn Yan, N. Y., for reduction of letter postage—to the Committee on the Post-Office and Post-Roads.

By Mr. R. H. M. DAVIDSON: Petition of citizens of Manatee and Hillsborough Counties, Florida, for the improvement of the channel from Manatee River and Savasota Bay to Cassey's Pass, Florida—to the Committee on Rivers and Harbors.

By Mr. DUNHAM: Petition of Local Assembly No. 4505, of Hyde Park, Cook County, Illinois, favoring the passage of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

Also, petition of Typographical Union No. 6, of Chicago, favoring the Chace copyright bill—to the Committee on Patents.

By Mr. GALLINGER: Petition of H. D. Brown, of Pittsfield, N. H., for quick mail transit between New York and the New England States—to the Committee on the Post-Office and Post-Roads.

By Mr. GEAR: Petition of J. A. Hamilton and 54 others, citizens of Wapello County, Iowa, asking that there be no change in the tariff on flaxseed—to the Committee on Ways and Means.

Also, a bill declaring the Iowa River below Wapello an navigable stream, with petition of James S. Henley and others for same—to the Committee on Rivers and Harbors.

By Mr. GIFFORD: Petition of Martin Strate and 44 others, of Martin, Dak., that parties may take as additional homesteads any unoccupied land, and make application therefor through a duly authorized agent—to the Committee on the Public Lands.

Also, petition of Edward Moucher and Charles E. M. Oliver, of Gettysburgh, Dak., for the payment to all soldiers of the late war who lost a leg or arm the same rate now allowed, and to commence with disability—to the Committee on Invalid Pensions.

Also, petition of David A. Briggs and 75 others, residents of Pierce County, Dakota Territory, for a law providing that the governors of Territories may annex unorganized counties therein to judicial districts, and organize such counties—to the Committee on the Territories.

By Mr. GLASS: Petition of George B. Rust, of Gibson County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. GROUT: Memorial of certain manufacturing companies in Vermont, for better mail facilities between New England and the West—to the Committee on the Post-Office and Post-Roads.

By Mr. HARMER: Memorial of citizens of the Twenty-second ward of Philadelphia, for the repeal of that provision of the internal-revenue law which classes druggists as liquor dealers—to the Committee on Ways and Means.

By Mr. JOSEPH: Petition of citizens of New Mexico, for the establishment of the Lincoln Land in said Territory—to the Committee on the Public Lands.

By Mr. LEE: Petition of Gabriel A. Robey, of Fairfax County, Virginia, for relief—to the Committee on War Claims.

Also (by request), Petition of Mrs. E. M. Washington, of Prince William County, Virginia, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. McCOMAS. Petition of the Methodist Episcopal Church, of Berlin, Md., for payment of their war claim—to the Committee on War Claims.

By Mr. McKINLEY. Petition of 874 wool-growers of Ohio, asking for speedy action on the subject of protection to wool-growers and woolen manufacturing industries of the country, by enacting into law the schedule agreed upon by the wool-growers at their meeting in Washington, January 14, 1888—to the Committee on Ways and Means.

By Mr. MAHONEY: Concurrent resolution of the Legislature of New York, that whenever any State shall impose a tax upon wholesale and retail dealers in spirituous or malt liquors, ale or wine, in said State, to be paid into the treasury thereof for the use of the State, equal to the tax or license fee now imposed thereon by the United States Government, the said tax when so paid shall be in lieu of said United States tax or license fee, etc.—to the Committee on Ways and Means.

By Mr. O'DONNELL: Petition of 62 citizens of Calhoun County, Michigan, protesting that wool be not placed on the free-list, and praying Congress not to further cripple the wool industry of the country by reducing the tariff—to the Committee on Ways and Means.

By Mr. O'FERRALL: Petition of Margaret A. Manuel (formery Trussell), of Frederick County, and of Jacob Harshbarger, of Rockingham County, Virginia, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. PLUMB: Protest of B. A. Hattenhauer and 35 others, business men and glass-blowers, and of William F. Modes and 65 others, glass-blowers and manufacturers, of Streator; of Robert Kay and 24 others, of Emil Dietz and 79 others, and of John Nissen and 25 others, citizens, glass-blowers, and business men, of the Eighth district of Illinois, against the reduction of duty on green and colored glass bottles, as proposed in the Mills bill—to the Committee on Ways and Means.

By Mr. REED: Petition of 38 woolen manufacturers and manufacturing companies in Maine, for protection to the worsted industries—to the Committee on Ways and Means.

Also, petition of Hon. Nathaniel Hobbs, of North Berwick, Me., for the preservation of the Yellowstone Park—to the Committee on the Public Lands.

By Mr. ROMEIS: Memorial of 46 citizens of Berlin, Erie County, Ohio, for further protection to Yellowstone National Park—to the Committee on the Public Lands.

By Mr. RYAN: Resolutions of the Topeka (Kans.) Typographical Union, in favor of an international copyright law—to the Committee on Foreign Affairs.

By Mr. SHIVELY: Petition of D. S. Marsh and 28 others, citizens of South Bend, Ind., in favor of protection to the Yellowstone Park—to the Committee on the Public Lands.

By Mr. STAHLNECKER: Petition of citizens of Tarrytown, N. Y., urging immediate passage of Senate bill 283—to the Committee on the Territories.

By Mr. STEELE: Petition of Jay Price and 60 others, for favorable action on Senate bill 283, looking to the protection of the Yellowstone Park—to the Committee on the Public Lands.

By Mr. E. B. TAYLOR: Petition of citizens of Pierpont, Ohio, for protection to agricultural products—to the Committee on Ways and Means.

By Mr. WEST: Petition for more effectual protection of agriculture—to the Committee on Ways and Means.

By Mr. WICKHAM: Petition of soldiers of Ashland County, Ohio, for the passage of a law granting land warrants, or certificate of right to locate a homestead, to every soldier of the late war or his legal representative—to the Committee on the Public Lands.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. BRUMM: Of J. Hartman and others, citizens of Schuylkill County, Pennsylvania.

By Mr. CLEMENTS: Of citizens of Murray County, Georgia.

By Mr. CRISP: Of C. W. Scarborough and others, citizens of Georgia.

By Mr. R. H. M. DAVIDSON: Of W. C. Hendry and others, citizens of Concord, Fla.

The following petitions, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, were severally referred to the Committee on Invalid Pensions:

By Mr. JEHU BAKER: of William Meier, Anthony Parson, and 22 others, ex-soldiers of Illinois.

By Mr. BELDEN: Of Orson Coville.

By Mr. BOUND: Of Dr. George W. Mifflin and others, ex-soldiers of Paxinos, Pa.

By Mr. BOUTELLE: Of Isaac McGlauflin and others, of Maine.

By Mr. BRUMM: Of Davis M. Mellor and others, and of James Walsh and others, of Pennsylvania.

By Mr. DAVENPORT: Of ex-soldiers of Cohocton and of Rushville, N. Y.

Also, of soldiers and sailors of Corning, N. Y.

By Mr. GIFFORD: Of A. S. Frank and 24 others, ex-Union soldiers, of Moody County, Dakota.

By Mr. GOFF: Of Robert H. Singer and others, of John Shepherd and others, and of Edwin A. Barr and others, of Tyler County, West Virginia.

By Mr. D. B. HENDERSON: Of O. S. Fowler and 21 others, ex-Union soldiers, of Buchanan County, Iowa.

By Mr. HOVEY: Of 510 soldiers and citizens of Mount Vernon, Ind., and vicinity.

By Mr. McKINLEY: Of 168 ex-Union soldiers.

By Mr. NUTTING: Of Reuben J. Myers and 77 other Union soldiers, of Auburn, N. Y.

By Mr. STRUBLE: Of D. D. McCallum and 89 other ex-soldiers, of Osceola and other counties of Iowa.

By Mr. E. B. TAYLOR: Of citizens of Ashtabula County, Ohio.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. G. A. ANDERSON: Of 79 citizens of Cass County, Illinois.

By Mr. BOOTHMAN: Of 123 citizens of Fulton County, Ohio.

By Mr. T. M. BROWNE: Of 261 citizens of Delaware County, Indiana.

By Mr. FITCH: Of 137 citizens of New York City.

By Mr. LAIDLAW: Of citizens of Alfred Centre, N. Y.

By Mr. VANCE: Of 56 citizens of Tolland County, Connecticut.

By Mr. YODER: Of 103 citizens of Jefferson County, Ohio.

The following petitions, asking for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia, were severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. BUNNELL (by request): Of 64 citizens of the Seventh district of Massachusetts.

By Mr. DAVENPORT: Of citizens of Alfred Centre, N. Y.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April* 4, 1888.

[CALENDAR DAY, *April* 7, 1888.]

The recess having expired, the House (at 11 o'clock and 30 minutes a. m., Saturday, April 7) resumed its session.

The SPEAKER called the House to order.

Mr. REED. Regular order, Mr. Speaker.

ENROLLED BILLS SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

Joint resolution (H. Res. 140) appropriating $25,000 for the international exhibition at Barcelona, Spain;

Joint resolution (S. R. 5) in relation to the claim of John B. Read against the United States for the alleged use of projectiles for rifled ordnance claimed as the invention of the said Read and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department in 1856, for which no compensation has been made;

A bill (S. 258) for the relief of Maj. Daniel N. Bash, paymaster, of the United States Army;

A bill (S. 1371) for the relief of Alfred Hedberg; and

A bill (S. 1387) authorizing the appointment of James S. Jouett to a first lieutenancy of cavalry in the United States Army.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BRUMM, indefinitely, on account of sickness in his family.

To Mr. DARLINGTON, for this day, on account of important business.

LOCKS AND DAMS ON THE CUMBERLAND.

Mr. BLANCHARD. Mr. Speaker, I desire to present a privileged report from a committee of conference. I present the conference report on the joint resolution (H. Res. 81) relating to the purchase of lands necessary for the construction of locks and dams in the Cumberland River, together with the accompanying statement of the House conferees.

The SPEAKER. The Clerk will read the report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution of the House No. 81, to authorize the purchase of the lands necessary for the construction of locks and dams on the Cumberland River, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows:

In line 7 of the Senate amendment, before the word "prosecute," insert the words "maintain and operate or," and at the end of said Senate amendment add the following:

"*Provided further*, That the Secretary of War is hereby authorized to accept donations of land or material required for the maintenance or prosecution of such works."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

NEWTON C. BLANCHARD,
CHARLES STEWART,
THOMAS J. HENDERSON,
Managers on the part of the House.
JOSEPH N. DOLPH,
WILLIAM P. FRYE,
GEORGE G. VEST,
Managers on the part of the Senate.

The following is the statement, under the rule, accompanying the conference report:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., April 6, 1888.

The undersigned, managers on the part of the House, make the following statement in respect to the conference report on H. Res. 81, "to authorize the purchase of the lands necessary for the construction of locks and dams on the Cumberland River."

The Senate struck out all of the resolution and inserted a bill enacting a general statute relating to the acquisition by purchase or condemnation of lands, right of way, or material needed for carrying on works for the improvement of rivers and harbors, for which provision has been made by law. A similar provision was embodied in the river and harbor bill which passed both Houses at the second session of the Forty-ninth Congress, but which failed to receive the Executive signature.

The House joint resolution was special, in that it had reference only to the acquisition, by purchase or condemnation, of lands or material needed in the work of improvement of the Cumberland River.

The Senate bill, offered by way of amendment, is general, in that it applies to the purchase or condemnation, wherever needed, of lands, right of way, or material wanted for purposes of river and harbor improvement.

The House receded from its disagreement to this amendment and concurred in the same with amendments, to which the Senate agreed.

The House amendments to the Senate amendment were designed to enlarge the scope of the latter, as follows: The Senate amendment reads: "For the acquirement, by condemnation, of any lands, right of way, or material needed to enable him (the Secretary of War) to prosecute works for the improvement," etc.

The first of the House amendments inserts the words "maintain, operate, or," so as to make it read: "For the acquirement, by condemnation, of any lands, right of way, or material needed to enable him (the Secretary of War) to maintain, operate, or prosecute works for the improvement," etc.

The second House amendment adds a second proviso at the end of the Senate amendment, the effect of which is to authorize the Secretary of War to accept donations of land or materials required for the maintenance or prosecution of works of river and harbor improvement.

The second amendment of the Senate relates merely to the change of title.

NEWTON C. BLANCHARD.
CHAS. STEWART.
THOS. J. HENDERSON.

Mr. BLANCHARD. Mr. Speaker, I move the adoption of the report.

Mr. TAULBEE. Mr. Speaker, I would like to hear some explanation of this matter beyond that given in the statement of the conferees on the part of the House. If I caught the reading correctly, this joint resolution originally passed the House providing for the acquirement of certain property on the Cumberland River. During the pendency of that joint resolution the House had an opportunity to discuss the question and to understand it thoroughly, but the Senate have so amended the resolution as to provide for the purchase of property generally without regard to the matters pertaining specially to the Cumberland River, and I think that is rather an extraordinary way of getting such measures through.

Mr. BLANCHARD. I shall be glad to explain.

Mr. TAULBEE. I shall be glad to hear the explanation.

Mr. BLANCHARD. Mr. Speaker, the House adopted a joint resolution authorizing the Secretary of War to purchase lands and material which might be needed in the work of river improvement upon the Cumberland River in Tennessee. In the last river and harbor bill an appropriation was made for the improvement of the Cumberland, but the Secretary of War has been unable to expend that money in the improvement of the river, for the reason that no provision was made either in the river and harbor bill or in the general statutes of Congress, authorizing the acquisition, either by purchase or condemnation, of lands or materials needed in river or harbor improvement. To meet that case, so far as the Cumberland River was concerned, the gentleman from Tennessee [Mr. MCMILLIN] introduced a joint resolution, which was passed by this House, but when it went to the Senate it was considered by the Committee on Commerce of that body, and they decided that, inasmuch as we were legislating upon this question of the acquisition, either by condemnation or purchase, of lands and material needed for river and harbor improvement, it would be better to make the law general instead of passing a special joint resolution applying only to one particular locality. Therefore the Senate struck out the joint resolution and in lieu thereof substituted a bill enacting a general provision authorizing the Secretary of War, wherever needed for river and harbor improvement, to acquire, either by purchase or condemnation, lands and material required for such work.

In the river and harbor bill which was passed in the last session of the Forty-ninth Congress, but which failed to become a law by reason of not receiving the Executive signature, a general provision relating to this matter was embodied, precisely the law which we ask in this conference report to have adopted. There can be no doubt, Mr. Speaker, that legislation upon this subject is needed. I am informed by the Chief of Engineers that he is at present unable to acquire, either by

purchase, donation, or condemation, lands and material needed for river and harbor improvement, and it is to meet that want that the passage or this bill is recommended.

Mr. TAULBEE. Will the gentleman allow me a question?

Mr. BLANCHARD. Certainly.

Mr. TAULBEE. I wish to know whether or not under this bill the purchases to be made by the Secretary of War are confined to the appropriations included in the annual river and harbor bill, or is there to be an unlimited right given to purchase any property for such purposes which in the judgment of the Secretary of War is necessary? How is that?

Mr. BLANCHARD. The bill is limited to the purchase of lands or material needed in the river and harbor improvements provided for by appropriations in existing law; it is confined to that.

Mr. TAULBEE. That is satisfactory—to me, at least.

Mr. BLANCHARD. I yield to the gentleman from Pennsylvania [Mr. BAYNE] five or ten minutes, as he may desire.

Mr. BAYNE. Mr. Speaker, the proposition which has been reported by the conference committee, if it will have the effect intended, should become a law. There is no doubt whatever that the Government should have power to condemn lands and material for the purpose of improving the navigable water-ways of the country. The object of this measure is beyond all doubt proper, and the necessary legislation to accomplish that end should be enacted. But I am disposed to think that the bill as now presented is defective and will not reach the end in view. In my own State, and, I believe, in most of the States of the Union, under the provisions of law for the condemnation of property, it is necessary for the party seeking condemnation to give security for the loss which will be sustained, the expense which will be incurred—to indemnify in a general way the party whose property is to be taken for public use. The object of this bill, as I understand, is to carry out condemnation proceedings in the various States according to State law; but no provision whatever is made for giving security to cover the value of property that is to be condemned. The Government of the United States can not give a bond, or if it should do so, the bond would be *nudum pactum*, a voidable bond, because the Government of the United States, except with its own consent, is not suable.

The provision presented in this report for the consideration of the House will enable the Government to take certain steps toward the condemnation of property for public works, but the Government will be compelled to stop before reaching the end of the condemnation proceedings, because the State laws require certain things to be done which the Government of the United States is not enabled by this bill to do. In other words, I think that the bill, if enacted into a law, will be found to be a failure in most of the States of the Union—will not subserve the purposes contemplated. If the form of the bill is such as to make the measure practically efficient, I am perfectly satisfied; but I desire to put myself on record as not favoring the bill in its present form, although I shall vote for it, because it will do no harm if it will not do any good.

Mr. BLANCHARD. I yield two minutes to the gentleman from Tennessee [Mr. MCMILLIN].

Mr. MCMILLIN. Mr. Speaker, this bill is not in the form in which I originally introduced it. I hardly think, however, that the fears of the gentleman from Pennsylvania [Mr. BAYNE] will be realized. There was an appropriation made for the improvement of the Cumberland River. The river and harbor bill as reported to this House and passed by both Houses at the last session of Congress provided for the acquisition of the plant necessary to go forward with the work; but that bill, as is known to all, failed for want of the signature of the President, having reached the executive department of the Government at a late hour in the session.

The object, and the sole object, of this bill as now agreed on in conference is to enable the Government to go forward with works hitherto provided for by appropriations or that may hereafter be provided for by Congressional action. At present the Government has no authority even to accept title where parties propose to give lands to the Government for the purpose of locating locks and dams or continuing such works. The amendment proposed by the House conferees is intended to give not only the authority which was insisted upon by the Senate for purchase, but where individuals are willing for any reason to donate either material or sites for this class of work, this measure will allow the donation to be made and the title accepted. Some provision of this kind is most important with reference to the particular work for which I introduced this bill, because for more than a year an appropriation of $70,000 has been locked up, incapable of being expended, because the site on which the work was to be built could not be acquired.

[Here the hammer fell.]

Mr. BLANCHARD. I yield five minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, it may be well that the House should understand how it happens that after so many years of river and harbor improvement the Government finds itself without the power to acquire either by gifts, purchase, or condemnation real estate or material for the prosecution of public works. Hitherto it has been the practice, as far back as I can trace it, to put into the annual river and harbor bill a provision substantially the same as that now embodied in this conference report. In 1886 a provision in almost the identical words of this proposition was placed in the river and harbor bill by the House of Representatives, but for some reason, which we never understood, it was striken out by the Senate.

In the river and harbor bill of 1887 a similar provision was inserted and remained in the bill; but the whole measure failed for want of Executive approval. So that we find ourselves in this condition: The Government can not accept a donation of real estate for these purposes, nor can it condemn, nor can it purchase. No one, therefore, will deny that this is an important and proper measure. My colleague on the River and Harbor Committee, the gentleman from Pennsylvania [Mr. BAYNE], desired to put into this measure something more of detail than is embraced in the conference report; but while there was very much of good solid reason adduced by him in behalf of his proposition, the committee thought—certainly I for one thought—there was grave danger that, while seeking to enlarge the authority conferred by the bill, we might insert provisions which would in fact operate as a limitation rather than as an enlargement of authority. It often happens in a measure of this kind that language which you at first understand broadens the power really operates in practice as a limitation upon the power.

For one, it is my opinion that this law will have the effect, not to give to the Government of the United States the power to condemn, because the Government can not do that; it does not own the right or possess the right of eminent domain within the limits of the States of the country; but it will confer upon the Government through the Secretary of War certain powers by which the United States may become a party in the State courts upon the same terms as a citizen of the State. That is all there is of it. I do not think there will be found anywhere an important obstacle in State legislation. At any rate, in so far as I have examined the legislation of the States in this respect I do not find any, except possibly in the State of Pennsylvania; and there can be no doubt that the power in that respect is ample and complete. I think, therefore, that the objection urged by the gentleman from Pennsylvania [Mr. BAYNE] will not be found of vital importance.

Mr. TAULBEE. Will the gentleman from Ohio allow me to ask him a question?

Mr. GROSVENOR. Certainly.

Mr. TAULBEE. I wish to ask the gentleman if, under this bill, there is a power conferred upon the Secretary of War which gives to him as the representative of the Government the right to condemn property where there has been no cession upon the part of the State, through its Legislature, of the river to be improved? How is that?

Mr. GROSVENOR. The Government asks no cession of the State for such purpose. If the river is a navigable stream the United States has the right to improve it without the consent of the State.

And I want to answer also the question which the gentleman from Kentucky asked the chairman of the Committee on Rivers and Harbors a few moments ago. This bill looks to the condemnation of property which is necessary for river and harbor improvements. That is the language of the bill. Now, the word "necessary" implies that it is necessary for the purpose of using or making available an appropriation of money already made by the Congress. Because if there is no appropriation, no act of Congress to improve the river or harbor, then there can arise no necessity, and the failure of jurisdiction would manifest itself at once.

So that the limitation upon the Secretary of War, which I think would not be needed in point of fact, is perfect, because it confers upon him only power to condemn property that is needed for river and harbor improvements; and no river or harbor can be improved without the consent of Congress.

Mr. TAULBEE. I will state to the gentleman from Ohio that so far as the last portion of his remarks are concerned, that has been perfectly explained by the chairman of the committee, and is altogether satisfactory to me. But the question I asked the gentleman a few moments ago I do not think has been answered, at least as I understand it. I can better illustrate my question, perhaps, by reference to a particular instance in which the question may be involved. For instance, the State of Kentucky undertook to improve the Kentucky River by erecting various locks and dams and certain other improvements upon that river. After the works had been begun the State of Kentucky gave them to the General Government by the act of its Legislature. Now, this bill provides that the improvements and the perpetuation of the works themselves which have been already begun can be had under this bill; but I want to know if under the bill where a State has undertaken to improve a river, where the improvements are altogether within the State and the State has made no cession of the works or improvements to the General Government, the Secretary of War could, under the operation of this legislation, have the right to condemn by writ of *ad quod damnum* or other process of law, the property necessary to carry that improvement on or begin another system?

Mr. GROSVENOR. I desire to say in justice to the honorable chairman of the committee, before answering the gentleman from Kentucky, that I made the explanation I did in response to the question of the gentleman from Kentucky, not because the answer of the chairman had not been full and explicit and entirely satisfactory, but I thought I might be able to reach the hearing of members on this side of the Hall who had not heard his response amid this confusion.

Mr. TAULBEE. That is all right.

Mr. GROSVENOR. Now the practice of the Government has been always to ask from the State, under the circumstances assumed by the gentleman, a cession of these rights in the river. As a question of law I do not doubt that the General Government may take possession of any works on any navigable river in the country regardless of the wishes of the State; but the practice has been altogether the other way, and under this bill I do not think that the Secretary of War, without the consent of the State, could condemn any real right that a State may have—for I do not think it has any in the character of a franchise. But it clearly confers upon the Secretary of War power to condemn any property for the use of the Government improvements in the river or on shore, or anything in the way of material or land necessary for such improvements as the Government has projected and is carrying on. The bill is carefully drawn and ought to become a law.

[Here the hammer fell.]

Mr. TAULBEE rose.

The SPEAKER. The time of the gentleman from Ohio [Mr. GROSVENOR] has expired.

Mr. BLANCHARD. I wish to reiterate what I said in response to the first question propounded by the gentleman from Kentucky [Mr. TAULBEE], that this bill is confined entirely to the purchase and condemnation of lands and materials needed for river and harbor improvement, for which provision has been made by law. It does not authorize the condemnation of works placed upon a river by private enterprise or by State authority. The proposition has received, with the exception of the gentleman from Pennsylvania, the unanimous approval of the Committee on Rivers and Harbors of this House and of the Committee on Commerce of the Senate, and is a measure which is needed in the prosecution of the work of river and harbor improvement, and which should have been long since enacted into law. I ask the previous question on the adoption of the report.

Mr. TAULBEE. I would like to be heard for one moment in reference to this matter.

Mr. BLANCHARD. How much time does the gentleman desire?

Mr. TAULBEE. I ask the gentleman to give me five minutes.

Mr. BLANCHARD. The gentleman from Kentucky desires five minutes, and as I have no desire to cut off debate, I yield to him that time.

Mr. TAULBEE. I think the explanation given of this bill by the gentleman from Louisiana [Mr. BLANCHARD] and the gentleman from Ohio [Mr. GROSVENOR] is rather an indefinite one. I want to say I am in sympathy with the purposes of this bill as announced by the chairman of the committee [Mr. BLANCHARD]. I believe when provision is made for the purchase or condemnation of property and carrying on the improvement of rivers there ought to be a general law by which the Secretary of War could acquire title.

I regret, however, that this bill is not sufficient, as has been demonstrated by the suggestions of the gentleman from Pennsylvania [Mr. BAYNE], to carry on the process of condemnation in all the States. I readily see the difficulty that would arise. But the gentleman from Louisiana informs us that under this bill the Government of the United States could not condemn whatever franchise or rights the States may acquire by reason of their authority of eminent domain by the improvements they may put upon rivers.

If I caught the statement of the gentleman from Ohio correctly he said that they could not condemn this franchise because the State had no such right.

If the bill is to be construed in that light, denying the right of a State to improve the rivers entirely within its boundary, I think this bill is going entirely too far. It might be urged in justification of the bill that there is no right to condemn provided for in it, except where the appropriation bill provides for the improvement. I can not see how this provision of the bill would apply to cases where the Government attempted to acquire title by donation. In that case no provision for the purchase of property is necessary in the annual river and harbor appropriation bill.

I think I shall vote for the bill, but I should be very glad to see these objectionable features taken out of it, or some provision made for the proper proceeding in the various States.

Mr. BLANCHARD. Just one word. I desire to state that what the gentleman from Kentucky and the gentleman from Pennsylvania are pleased to term objectionable features in the bill were fully presented in the committee by the gentleman from Pennsylvania; and the Committee on Rivers and Harbors took a different view of this matter from what that gentleman took. I ask the previous question on the adoption of the report.

The SPEAKER. The question is on the adoption of the report of the committee of conference.

The report was agreed to.

Mr. BLANCHARD moved to reconsider the vote by which the conference report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

Mr. MCSHANE, by unanimous consent, was excused from further attendance for this day, on account of important business.

Mr. JONES, by unanimous consent, was granted indefinite leave of absence, on account of sickness.

Mr. EZRA B. TAYLOR. I demand the regular order.

Mr. ROGERS. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. ROGERS. On Wednesday last I was granted leave of absence on account of sickness. It appears on page 2715 of the RECORD. I find on examination that I am recorded repeatedly as absent without leave and without excuse. I hope the RECORD will be corrected in that regard and that the order excusing me will be permitted to stand until I am able to attend the sessions of the House regularly.

The SPEAKER. The Chair is unable to remember at this moment what were the terms of the order granting the gentleman from Arkansas leave of absence, whether it was indefinitely or for a certain period.

Mr. ROGERS. It appears from the statement on page 2715 of the RECORD that the leave of absence was indefinite. It was so intended, and at all events I am unable to attend the sittings of the House on account of sickness.

The SPEAKER. Does the gentleman ask leave of absence?

Mr. ROGERS. I do, unless it has been already granted.

The SPEAKER. The gentleman from Arkansas asks indefinite leave of absence on account of ill health. Is there objection?

There was no objection, and it was so ordered.

Mr. ROGERS. I hope the RECORD will show the facts.

The SPEAKER. The RECORD will contain the gentleman's statement.

RAILROAD LAND-GRANT FORFEITURE.

Mr. PAYSON. Mr. Speaker, I desire to present a privileged report simply to have it printed and recommitted to the Committee on Public Lands.

Mr. REED. If there are any others to be presented, Mr. Speaker, I must object.

The SPEAKER. The Chair will state now that with the exception of conference reports, which under the rules seem to have a peculiar privilege, the Chair thinks other privileged reports can not be presented for consideration, because that would displace the special order.

Mr. PAYSON. This is not being presented for consideration, but simply to be printed and recommitted to the committee.

The SPEAKER. The Clerk will read the title of the report.

The Clerk read as follows:

A bill (H. R. 1305) to declare forfeited to certain lands granted to the State of Michigan to aid in the construction of a railroad from Ontonagon to the Wisconsin line, etc.

The report was ordered to be printed, and recommitted to the Committee on the Public Lands.

ORDER OF BUSINESS.

The SPEAKER. The question is now on the motion of the gentleman from Ohio [Mr. EZRA B. TAYLOR], that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of the special order.

Mr. OATES. Mr. Speaker, I have heard no intimation from the other side that they are willing to give us two hours for general debate and proceed in the regular order, so I move that the House now take a recess until 5 o'clock this afternoon.

Mr. WEAVER. I move to amend by striking out 5 and inserting 4 o'clock.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, I move to amend the amendment by inserting 3 o'clock instead of 4.

The question was put on the amendment of Mr. BRECKINRIDGE, and the Speaker declared that the "noes" seemed to have it.

Mr. BRECKINRIDGE, of Arkansas. I ask for a division.

The House divided; and there were—ayes 7, noes 73.

Mr. OATES. No quorum.

Mr. EZRA B. TAYLOR. Let us have the yeas and nays, Mr. Speaker.

The yeas and nays were ordered, and the Clerk began to call the roll.

Mr. REED. Mr. Speaker, I hope it is distinctly understood on the other side that we are ready to give any amount of time for debate or amendment.

Mr. BRECKINRIDGE, of Arkansas. We accept that, and I hope the gentleman will neither withdraw it nor modify it.

Mr. OATES. Unconditionally?

Mr. REED. On condition that you perform your part, namely, that you behave yourselves.

The SPEAKER. The House will come to order. The Clerk is calling the roll.

The question was taken; and there were—yeas 5, nays 191, not voting 128; as follows:

YEAS—5.

Hayes,	Neal,	Wheeler,	Whitthorne.
Herbert,			

NAYS—191.

Allen, Mass.	Bliss,	Browne, Ind.	Campbell, F., N. Y.
Allen, Mich.	Boothman,	Brown, Ohio	Campbell, Ohio
Anderson, Iowa	Bound,	Brown, J. R., Va.	Campbell, T. J., N. Y.
Anderson, Ill.	Boutelle,	Bryce,	Cannon,
Baker, N. Y.	Bowden,	Buchanan,	Caruth,
Baker, Ill.	Bowen,	Bunnell,	Caswell,
Bayne,	Brewer,	Burrows,	Cheadle,
Biggs,	Browne, T. H. B., Va.	Butterworth,	Chipman,

Compton,	Henderson, Iowa	McCormick,	Shively,
Conger,	Henderson, N. C.	McCreary,	Simmons,
Cooper,	Henderson, Ill.	McKenna,	Sowden,
Cothran,	Hermann,	McKinley,	Spooner,
Cox,	Hitt,	McRae,	Stahlnecker,
Crouse,	Hogg,	Milliken,	Steele,
Culberson,	Holman,	Moffitt,	Stephenson,
Dalzell,	Holmes,	Montgomery,	Stewart, Vt.
Darlington,	Hopkins, Ill.	Morrill,	Stockdale,
Davis,	Hopkins, Va.	Morrow,	Stone, Ky.
De Lano,	Hopkins, N. Y.	Nelson,	Stone, Mo.
Dibble,	Houk,	Nichols,	Struble.
Dingley,	Hovey,	Nutting,	Symes,
Dockery,	Hunter,	O'Donnell,	Taulbee,
Dorsey,	Johnston, Ind.	O'Ferrall,	Taylor, E. B., Ohio
Elliott,	Johnston, N. C.	O'Neill, Pa.	Thomas, Ky.
Ermentrout,	Kean,	Osborne,	Thomas, Wis.
Farquhar,	Kelley,	Parker,	Tracey.
Felton,	Kennedy,	Patton,	Townshend,
Finley,	Kerr,	Payson,	Turner, Kans.
Flood,	Ketcham,	Peel,	Vandever,
Foran,	Laffoon,	Penington,	Wade,
Ford,	La Follette,	Perkins,	Walker,
French,	Laidlaw,	Peters,	Warner,
Fuller,	Laird,	Plumb,	Weber,
Funston,	Landes,	Post,	West,
Gallinger,	Lane,	Pugsley,	White, Ind.
Gear,	Lee,	Randall,	White, N. Y.
Gest,	Lehlbach,	Reed,	Whiting, Mass.
Glass,	Lind,	Rice,	Wickham,
Goff,	Long,	Romeis,	Wilber,
Greenman,	Lyman,	Rowell,	Wilkins,
Grosvenor,	Lynch,	Rowland,	Wilkinson,
Grout,	Macdonald,	Russell, Conn.	Williams,
Guenther,	Maish,	Russell, Mass.	Wilson, W. Va.
Hall,	Mansur,	Sawyer,	Wise.
Harmer,	Mason,	Scull,	Woodburn.
Haugen,	Matson,	Seney,	Yardley,
Hayden,	McAdoo,	Seymour,	Yost.
Hemphill,	McClammy,	Sherman,	

NOT VOTING—128.

Abbott,	Cobb,	Howard,	Phelan,
Adams,	Cockran,	Hudd,	Phelps,
Allen, Miss.	Cogswell,	Hutton,	Pidcock,
Anderson, Miss.	Collins,	Jackson,	Rayner,
Anderson, Kans.	Cowles,	Jones,	Richardson,
Arnold,	Crain,	Kilgore,	Robertson,
Atkinson,	Crisp,	Lagan,	Rockwell,
Bacon,	Cummings,	Lanham,	Rogers,
Bankhead,	Cutcheon,	Latham,	Rusk,
Barnes,	Dargan,	Lawler,	Ryan,
Barry,	Davenport,	Lodge,	Sayers,
Belden,	Davidson, Ala.	Maffett,	Scott,
Belmont,	Davidson, Fla.	Mahoney,	Shaw,
Bingham,	Dougherty,	Martin,	Smith,
Blanchard,	Dunham,	McComas,	Snyder,
Bland,	Dunn,	McCullogh,	Spinola,
Blount,	Enloe,	McKinney,	Springer,
Breckinridge, Ark.	Fisher,	McMillin,	Stewart, Tex.
Breckinridge, Ky.	Fitch,	McShane,	Stewart, Ga.
Brower,	Forney,	Merriman,	Tarsney,
Brumm,	Gaines,	Mills,	Taylor, J. D., Ohio
Buckalew,	Gay,	Moore,	Thomas, Ill.
Burnes,	Gibson,	Morgan,	Thompson, Ohio
Burnett,	Glover,	Morse,	Thompson, Cal.
Butler,	Granger,	Newton,	Tillman,
Bynum,	Grimes,	Norwood,	Turner, Ga.
Candler,	Hare,	Oates,	Vance,
Carlton,	Hatch,	O'Neall, Ind.	Washington,
Catchings,	Heard,	O'Neill, Mo.	Weaver,
Clardy,	Hiestand,	Outhwaite,	Whiting, Mich.
Clark,	Hires,	Owen,	Wilson, Minn.
Clements,	Hooker,	Perry,	Yoder.

So the House refused to take a recess until 3 o'clock.

During the roll-call the following additional pairs were announced:

Mr. VANCE with Mr. FITCH, on all political questions, until further notice.

Mr. DARGAN with Mr. ADAMS, until further notice.

Mr. SCOTT with Mr. PHELPS, until further notice.

Mr. JONES with Mr. CLARK, until further notice.

Mr. MILLS with Mr. CUTCHEON, until further notice.

Mr. BLOUNT with Mr. LIND, until Monday next.

Mr. MAHONEY with Mr. BRUMM, until Tuesday next.

Mr. PERRY with Mr. DARLINGTON, for this day.

Mr. O'NEALL, of Indiana. Mr. Speaker, Mr. LATHAM and I are paired on the pending question. I have not heard the pair announced.

The SPEAKER *pro tempore*. This is a continuation of the legislative day of Wednesday, and the Chair supposes that the pair has been announced heretofore.

The result of the vote was then announced as above recorded.

The SPEAKER *pro tempore*. The question now recurs on the amendment of the gentleman from Iowa [Mr. WEAVER].

Mr. OATES. Mr. Speaker, I desire to know if the proposition made by the gentleman from Maine [Mr. REED], for debate upon this bill and to proceed regularly, is made without conditions.

Mr. REED. Mr. Speaker, in order that the gentleman from Alabama [Mr. OATES] may understand, and I trust that everybody may understand, the position which is occupied by the friends of the bill, I will state it as I believe it to be. We are ready to grant any time which may be required—which the gentleman from Alabama may require—for full and complete debate. Then in Committee of the Whole any time for amendment and debate under the five-minute rule; requiring simply that at a determined hour the previous question shall be considered as ordered and a vote be taken on the bill and amendments, whatever amendments exist at that time, and the bill itself to be voted upon, and the filibustering opposition to cease.

Mr. OATES. When?

Mr. REED. At any definite time which you will agree upon. For instance, on Monday afternoon at 4 o'clock.

Mr. OATES. But you put that in as a part of your proposition now.

Mr. REED. I have stated the proposition as a whole.

Mr. OATES. Do you leave the time when the previous question shall be considered as ordered to be fixed hereafter?

Mr. REED. We do not. We finish it all up now, because this is one transaction.

Mr. OATES. Then this is substantially the same proposition which you have been making all the time?

Mr. REED. Substantially the same. I am happy to say that we have been always, from first to last, willing to do the perfectly reasonable thing, and we intend to continue so.

Mr. OATES. You are conscious of your power by force of numbers on this question to vote down any and every amendment we may offer——

Mr. REED. We are conscious that under the Constitution——

Mr. OATES. And then, when the time comes, to pass your bill, leaving us no opportunity of compromise whatever, when all legislation proceeds upon the idea that is matter of mutual concession and compromise——

Mr. REED. Oh, no.

Mr. OATES. And if we agree that the previous question shall stand ordered now, to take effect at a particular hour on the bill and pending amendments, all that you have to do, having the majority, is to sit still and vote down our amendments until that time arrives. In other words, you are asking the opposition to this bill to fix the hour at which they propose to strike their colors and surrender to you.

Mr. REED. Mr. Speaker, in reply to what the gentleman from Alabama [Mr. OATES] has so frankly said, I desire to say to him, as a matter of constitutional law so clear that I have no doubt he will receive it even from me, that under the Constitution of the United States the majority of the House of Representatives is competent, so far as the House is concerned, to decide what amendments it will adopt, what amendments it will reject, what bills it will pass, what bills it will refuse to pass, and my proposition, the proposition of gentlemen who are in favor of this bill, will simply execute that constitutional right. Under the Constitution legislation is the result of the action of a majority, not the result of a yielding of one hundred and sixty-six members of the House to sixty-two members upon a question which the House is perfectly competent to deal with. It seems to me this position is so clear that it can not be misunderstood. We are willing and eager to allow any amount of debate, to allow any number of amendments to be presented, to vote on them in accordance with the dictates of our judgment. If any of them shall be adopted, then the matter will go into conference; if none of them be adopted, then the bill will pass as it stands, and will pass by virtue of having a majority of the Representatives of the people of the United States in favor of it. [Applause].

Now, that is the Constitution of the United States as understood by everybody. There is nothing new in what I have stated, and it seems to me that the wayfaring man can comprehend it.

Mr. OATES. Mr. Speaker, in reply to the gentleman from Maine, it is perfectly clear that this House, under the Constitution, has the right to make its rules of procedure and has done so. Under those rules the regular course is that when general debate on a bill has been had (which it is perfectly competent, I concede, for the majority to limit), the bill is read paragraph by paragraph, and is open to amendment and debate under the five-minute rule; and whenever debate at any stage has proceeded as far as in the judgment of the majority of the House it ought to go, it is competent for them to come out of Committee of the Whole, go into the House, and limit debate, proceeding thus until they reach the point of perfecting their bill; and then, according to the rules, they can in the House order the previous question on the bill and amendments, and thus bring the measure to the question of final passage.

Instead of proceeding thus——

Mr. REED. Wait a moment.

Mr. OATES. The gentleman would require us to agree in advance that the previous question may be ordered at a particular time now——

Mr. REED. The proceeding which the gentleman just now described is precisely the way we are trying to proceed; and it is precisely that procedure which is now being interrupted by the gentleman from Alabama and his friends. We only ask an agreement on their part in consideration of one on our part.

Mr. OATES. Our position is simply this: We refuse to accede to your demand, which is not within the rules, and propose to meet every question regularly as it arises.

Mr. REED. If you will stop and allow the thing to proceed, there is no objection.

Mr. OATES. That is exactly what we propose to do.

Mr. REED. Now, then, the question is upon going into the Committee of the Whole. Let us see whether there is any opposition to it.

Mr. ANDERSON, of Illinois. I call for the regular order.

Mr. BURROWS. Allow me only a moment.

The SPEAKER *pro tempore*. The regular order is called for.

Mr. WILSON, of Minnesota. I would like to ask the gentleman from Maine one question.

The SPEAKER *pro tempore*. The question is upon the amendment of the gentleman from Iowa.

Mr. BURROWS. I desire to make a statement—a very brief one.

The SPEAKER *pro tempore*. Until the call for the regular order is withdrawn nothing is in order but the question on the amendment of the gentleman from Iowa.

Mr. WILSON, of Minnesota. I want to ask the gentleman from Maine one question.

Mr. REED. I would be glad to answer several.

The SPEAKER *pro tempore*. The question is on the amendment of the gentleman from Iowa, proposing to fix 4 o'clock as the hour to which the House will take a recess.

Mr. CHEADLE and others called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 5, nays 178, not voting 141; as follows:

YEAS—5.

Hayes,	Neal,	Washington,	Wheeler.
Kilgore,			

NAYS—178.

Allen, Mass,	Elliott,	Lane,	Sawyer,
Allen, Mich.	Ermentrout,	Lawler,	Scull,
Anderson, Iowa	Farquhar,	Lee,	Seney,
Anderson, Ill.	Finley,	Lehlbach,	Seymour,
Baker, N. Y.	Flood,	Long,	Sherman,
Baker, Ill.	Foran,	Lyman,	Snyder,
Bayne,	Fuller,	Lynch,	Sowden,
Belden,	Gallinger,	Macdonald,	Spooner,
Biggs,	Gear,	Mansur,	Springer,
Bliss,	Gest,	Mason,	Stahlnecker,
Boothman,	Glass,	Matson,	Steele,
Bound,	Glover,	McAdoo,	Stephenson,
Boutelle,	Goff,	McClammy,	Stockdale,
Bowden,	Greenman,	McCormick,	Stone, Ky.
Bowen,	Grosvenor,	McCreary,	Stone, Mo.
Brewer,	Grout,	McKenna,	Symes,
Browne, T.H.B., Va.	Hall,	McKinley,	Taulbee,
Browne, Ind.	Harmer,	McRae,	Taylor, E. B., Ohio
Brown, Ohio	Hatch,	Milliken,	Thomas, Ky.
Brown, J. R., Va.	Haugen,	Moffitt,	Thomas, Wis.
Bryce,	Hemphill,	Morrill,	Tracey,
Buckalew,	Henderson, Iowa	Morrow,	Townshend,
Bunnell,	Henderson, N. C.	Nutting,	Turner, Kans.
Burnett,	Henderson, Ill.	O'Donnell,	Vandever,
Burrows,	Hermann,	O'Ferrall,	Wade,
Butterworth,	Hitt,	O'Neill, Pa.	Walker,
Campbell, F., N. Y.	Hogg,	Osborne,	Warner,
Campbell, Ohio	Holman,	Parker,	Weber,
Cannon,	Holmes,	Patton,	West,
Caruth,	Hopkins, Ill.	Payson,	White, Ind.
Caswell,	Hopkins, Va.	Penington,	White, N. Y.
Cheadle,	Hopkins, N. Y.	Perkins,	Whiting, Mich.
Chipman,	Houk,	Peters,	Whiting, Mass.
Cogswell,	Hovey,	Plumb,	Wickham,
Compton,	Hudd,	Post,	Wilber,
Cooper,	Hunter,	Pugsley,	Wilkins,
Cothran,	Johnston, Ind.	Randall,	Wilkinson,
Cox,	Johnston, N. C.	Reed,	Williams,
Dalzell,	Kean,	Rice,	Wise,
Davis,	Kelley,	Romeis,	Woodburn,
DeLano,	Kennedy,	Rowell,	Yardley,
Dibble,	Kerr,	Rowland,	Yoder,
Dingley,	Ketcham,	Russell, Conn.	Yost.
Dockery,	Laidlaw,	Russell, Mass.	
Dorsey,	Laird,	Ryan,	

NOT VOTING—141.

Abbott,	Crain,	Hutton,	Perry,
Adams,	Crisp,	Jackson,	Phelan,
Allen, Miss.	Crouse,	Jones,	Phelps,
Anderson, Miss.	Culberson,	Laffoon,	Pidcock,
Anderson, Kans.	Cummings,	La Follette,	Rayner,
Arnold,	Cutcheon.	Lagan,	Richardson,
Atkinson,	Dargan,	Landes,	Robertson,
Bacon,	Darlington,	Lanham,	Rockwell,
Bankhead,	Davenport,	Latham,	Rogers,
Barnes,	Davidson, Ala.	Lind,	Rusk,
Barry,	Davidson, Fla.	Lodge,	Sayers,
Belmont,	Dougherty,	Maffett,	Scott,
Bingham,	Dunham,	Mahoney,	Shaw,
Blanchard,	Dunn,	Maish,	Shively,
Bland,	Enloe,	Martin,	Simmons,
Blount,	Felton,	McComas,	Smith,
Breckinridge, Ark.	Fisher,	McCullogh,	Spinola,
Breckinridge, Ky.	Fitch,	McKinney,	Stewart, Tex.
Brower,	Ford,	McMillin,	Stewart, Ga.
Brumm,	Forney,	McShane,	Stewart, Vt.
Buchanan,	French,	Merriman,	Struble,
Burnes,	Funston,	Mills,	Tarsney,
Butler,	Gaines,	Montgomery,	Taylor, J. D., Ohio
Bynum,	Gay,	Moore,	Thomas, Ill.
Campbell, T.J., N.Y.	Gibson,	Morgan,	Thompson, Ohio
Candler,	Granger,	Morse,	Thompson, Cal.
Carlton,	Grimes,	Nelson,	Tillman,
Catchings,	Guenther,	Newton,	Turner, Ga.
Clardy,	Hare,	Nichols,	Vance,
Clark,	Hayden,	Norwood,	Weaver,
Clements,	Heard,	Oates,	Whitthorne,
Cobb,	Herbert,	O'Neall, Ind.	Wilson, Minn.
Cockran,	Hiestand,	O'Neill, Mo.	Wilson, W. Va.
Collins,	Hires,	Outhwaite,	
Conger,	Hooker,	Owen,	
Cowles,	Howard,	Peel,	

So the House refused to take a recess until 4 o'clock.

During the roll-call the following additional pairs were announced:

Mr. SHIVELY with Mr. BROWER on this vote; and

Mr. HAYES with Mr. FELTON on all political questions, especially the tariff, until further notice.

The result of the vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. MCCOOK, its Secretary, announced the passage with amendments, in which concurrence was requested, of a bill (H. R. 2077) to place on the pension-roll the name of William S. Sims.

It further announced the passage of bills of the following titles, namely:

A bill (H. R. 742) for the relief of John F. Cadwallader;

A bill (H. R. 1805) for a public building at Greenville, S. C.;

A bill (H. R. 7262) for the erection of a public building at Texarkana, situated on both sides of the line between the States of Arkansas and Texas;

A bill (H. R. 1262) granting the right of way to the Denver and Rio Grande Railroad through the Fort Crawford military reservation;

A bill (H. R 97) granting a pension to Ida B. Linthicum;

A bill (H. R. 122) for the relief of Julia A. Darrell;

A bill (H. R. 150) granting an increase of pension to Henry B. Shaw;

A bill (H. R. 159) granting a pension to Jane Thomas;

A bill (H. R. 183) granting a pension to the minor children of William Clark;

A bill (H. R. 407) granting a pension to George W. Burkhart;

A bill (H. R. 416) granting a pension to Thomas H. Aulls;

A bill (H. R. 418) granting a pension to William H. Brokenshaw;

A bill (H. R. 441) granting a pension to Eliza J. Currier;

A bill (H. R. 442) granting a pension to Emily B. Newell;

A bill (H. R. 459) for the relief of Elvira Cooper;

A bill (H. R. 499) granting a pension to Catharine Maxwell;

A bill (H. R. 509) granting a pension to James A. Haley;

A bill (H. R. 754) to increase the pension of Mrs. Eliza B. Anderson;

A bill (H. R. 782) granting a pension to Marble H. Baird;

A bill (H. R. 816) granting a pension to Charlotte Broad;

A bill (H. R. 818) granting a pension to Sarah E. Pribble;

A bill (H. R. 822) granting a pension to Miles S. Scribner;

A bill (H. R. 823) granting a pension to Hannah C. De Witt;

A bill (H. R. 824) granting a pension to Isaiah G. Mayo;

A bill (H. R. 893) granting a pension to Julia Stokes;

A bill (H. R. 2078) granting a pension to Charlotte T. Clark;

A bill (H. R. 2177) granting a pension to Mahala Robbins;

A bill (H. R. 2259) to grant a pension to Joab M. Haley;

A bill (H. R. 2416) granting a pension to Mrs. Hannah F. Brock;

A bill (H. R. 2456) for the relief of Judith Plummer;

A bill (H. R. 2491) granting a pension to John Bisbey;

A bill (H. R. 2498) granting a pension to Alonzo Higley;

A bill (H. R. 2518) granting an increase of pension to John Rowe;

A bill (H. R. 2662) for the relief of Mary M. Strong;

A bill (H. R. 2663) for the relief of Alonzo Alden;

A bill (H. R. 2694) granting a pension to Julia A. Griffen;

A bill (H. R. 2806) to increase the pension to James Woody;

A bill (H. R. 3183) for the relief of Kelsey Curtis;

A bill (H. R. 3488) granting a pension to Mary Dull;

A bill (H. R. 3490) granting a pension to James M. Berry;

A bill (H. R. 3603) to increase the pension of Maxwell Carroll;

A bill (H. R. 3682) to pension Emily Goodall;

A bill (H. R. 3711) granting a pension to Harriet V. Stockton;

A bill (H. R. 3849) granting a pension to Mrs. Martha M. Bagley;

A bill (H. R. 3870) granting a pension to Albert Nevin;

A bill (H. R. 4107) granting a pension to Laura D. Pierce;

A bill (H. R. 4516) granting a pension to Mrs. Delilah Agard;

A bill (H. R. 4550) granting a pension to Chloe Quiggle, widow of Phillip Quiggle;

A bill (H. R. 4633) granting a pension to Morris T. Mantor;

A bill (H. R. 4655) granting a pension to Mary J. Francis;

A bill (H. R. 4685) granting a pension to Lizzie F. Reed;

A bill (H. R. 4812) to grant a pension to Squire Admire;

A bill (H. R. 5176) granting a pension to Thomas J. Parker;

A bill (H. R. 5228) granting a pension to Clara M. Flanders;

A bill (H. R. 5236) granting an increase of pension to Mary K. Taylor;

A bill (H. R. 5247) granting a pension to William H. Brimmer;

A bill (H. R. 5363) granting a pension to David Johnson;

A bill (H. R. 5388) granting a pension to Elizabeth Buffington;

A bill (H. R. 5829) for the relief of Joseph Driskill;

A bill (H. R. 5911) granting a pension to Elizabeth J. Hascall;

A bill (H. R. 6343) to increase the pension of Nancy Rains, the oldest Revolutionary pensioner on the rolls, she being ninety-six years of age;

A bill (H. R. 6586) granting a pension to Nancy O. Gray;

A bill (H. R. 6732) granting a pension to Leora E. Gear;

A bill (H. R. 6908) granting a pension to William P. Witt;

A bill (H. R. 6974) for the relief of Mary E. Hawn, widow of Emanuel R. Hawn, late sergeant of the Forty-ninth Regiment Indiana Volunteers, deceased;

A bill (H. R. 6984) granting a pension to Margaret E. Graves;
A bill (H. R. 7171) to restore to the pension-roll the name of Isaac Dilley;
A bill (H. R. 7856) granting a pension to Emma R. Johnson; and
A bill (H. R. 7891) for the relief of Cynthia J. Leroy.

It further announced the passage of bills of the following titles; in which concurrence was requested:

A bill (S. 1935) for the relief of Andrew T. McReynolds;
A bill (S. 2345) authorizing the construction of bridges across the Cape Fear River, Black River, and the Northeast River, in the State of North Carolina;
A bill (S. 1241) to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York City by dumping or otherwise, and to punish and prevent such offenses;
A bill (S. 645) granting a pension to Mrs. Margaret B. Todd;
A bill (S. 655) granting an increase of pension to Mary Von Kusserow;
A bill (S. 734) granting a pension to James Hale;
A bill (S. 766) granting an increase of pension to John Moore;
A bill (S. 886) granting a pension to Sarah F. Jones;
A bill (S. 1041) granting a pension to Mary E. Walker, M. D.;
A bill (S. 1074) for the relief of J. W. McMillan;
A bill (S. 1110) granting a pension to Mrs. Fredericka Hauser;
A bill (S. 1122) granting an increase of pension to William Collinsworth;
A bill (S. 1126) granting a pension to Francis M. Yearian;
A bill (S. 1159) granting a pension to Alphonzo H. Melendy;
A bill (S. 1161) granting a pension to Mrs. Jennie Stone, widow of General Charles P. Stone;
A bill (S. 1266) granting a pension to Shelton Flaningam;
A bill (S. 1267) granting a pension to Joseph B. Tingley;
A bill (S. 1272) granting a pension to Helen A. Beebe;
A bill (S. 1314) granting an increase of pension to Benjamin M. Fisher;
A bill (S. 1320) granting a pension to Catherine M. Lee;
A bill (S. 1466) granting a pension to John Eckland;
A bill (S. 1488) granting an increase of pension to Louisa V. de Kilpatrick, widow of Maj. Gen. Judson D. Kilpatrick, United States Volunteers;
A bill (S. 1515) granting a pension to Helen Plunkett;
A bill (S. 1539) to increase the pension of James E. Gott;
A bill (S. 1552) for an increase of pension to Oscar K. Rogers;
A bill (S. 1577) granting a pension to Mary H. Casler;
A bill (S. 1658) granting a pension to William H. Shivers;
A bill (S. 1687) to restore J. Rock Williamson to the pension-rolls;
A bill (S. 1702) granting a pension to Joanna W. Turner;
A bill (S. 1737) granting a pension to Theodore Gardner;
A bill (S. 1744) granting a pension to William M. Davis;
A bill (S. 1749) granting a pension to Wealtha Young;
A bill (S. 1760) to increase the pension of Mrs. Laura Hooper Denby;
A bill (S. 1762) granting a pension to Benjamin A. Burtram;
A bill (S. 1831) granting a pension to Mrs. Mary Heap Nicholson;
A bill (S. 1867) granting a pension to Mrs. Mary Lo. Ristine;
A bill (S. 1877) granting a pension to Harriet L. Vaughan;
A bill (S. 1906) granting a pension to Matilda Bleumner;
A bill (S. 1942) granting a pension to Mrs. Ellen Courtney;
A bill (S. 1952) for the relief of Sigismund Bauer;
A bill (S. 1958) granting an increase of pension to Eleanor B. Goodfellow;
A bill (S. 1997) granting a pension to Peter Thompson;
A bill (S. 2006) granting a pension to Mary E. Noll, widow of Philip Noll;
A bill (S. 2014) granting a pension to John Farlow;
A bill (S. 2067) granting a pension to William O. Doyel;
A bill (S. 2087) granting a pension to Julia B. McComb;
A bill (S. 2088) granting a pension to Mattie V. Boothe and Mary M. Boothe;
A bill (S. 2100) granting a pension to Charles Tidmarsh;
A bill (S. 2108) granting a pension to George W. De Motte;
A bill (S. 2118) granting a pension to Richard H. Van Dorin;
A bill (S. 2129) to increase the pension of Mary M. Gibson, widow of Commander William Gibson;
A bill (S. 2138) granting an increase of pension to Ezra A. Miller;
A bill (S. 2183) granting a pension to Rachael Plummer;
A bill (S. 2206) granting a pension to David H. Lutman;
A bill (S. 2230) granting a pension to D. P. Hougland;
A bill (S. 2231) granting a pension to William N. Cline;
A bill (S. 2356) to provide a pension for Mrs. Adeline Couzins;
A bill (S. 2375) granting a pension to Joseph McGuckin;
A bill (S. 2419) granting a pension to Lemuel R. Rea;
A bill (S. 2447) granting a pension to Mary J. Goslee;
A bill (S. 2448) granting a pension to Catharine McQuade;
A bill (S. 2449) granting a pension to James W. Bowman;
A bill (S. 2520) granting a pension to James White; and
A bill (S. 2567) granting a pension to Nancy Polock.

REFUND OF DIRECT TAX OF 1861.

Mr. WEAVER. I move to amend the proposition of the gentleman from Alabama so that the House shall take a recess until 4.20 p. m.

Mr. EZRA B. TAYLOR. I ask the indulgence of the House to hear a proposition from me. As the matter stands now, the main question is upon the question to go into Committee of the Whole House on the state of the Union for the consideration of the pending bill, the House having limited general debate to one hour. It has been submitted from the other side several times that that one hour be enlarged to two hours for general debate.

I now propose that the opponents of the bill may have the hour already ordered by the House lacking ten minutes; that then we proceed to debate the bill under the five-minute rule, as is usual in such cases; there being then no limitation by agreement, but the debate to go on the same as though we had proceeded without any obstruction. My proposition means just this, that of that one hour the gentlemen opposing the bill shall have fifty minutes and then we shall proceed under the five-minute rule to discuss amendments to the bill generally. I propose in this connection no limitation as to the vote, because there would be none naturally, and I only expect to accomplish in further proceedings what would result if my motion to go into Committee of the Whole was voted upon and carried, because then we would be subject to the order of the House afterwards. I have submitted this proposition in response to the proposition from the other side that there should be two hours for general debate, one hour on each side.

Mr. OATES. We asked two hours on our side. I will say in response to the proposition of the gentleman from Ohio that we will answer it a little later—an hour or so from now.

Mr. EZRA B. TAYLOR. If gentlemen on the other side prefer it, they may answer it on Monday. I ask, are they prepared at this moment by unanimous consent to have a recess until Monday?

Mr. OATES. I will let you know in a short time.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:
To Mr. PAYSON, indefinitely, on account of a death in his family.
To Mr. TRACEY, for ten days, on account of important business.
To Mr. PERRY, for one week, on account of important business.
To Mr. YARDLEY, for two days, on account of important business.

RETURN OF BILL TO THE SENATE.

The SPEAKER laid before the House a message from the Senate requesting the House of Representatives to return to the Senate the bill (S. 1498) granting to the city of Grand Forks, Dak., the right to build two free bridges at said city across the Red River.

There being no objection, the request was granted.

REFUND OF DIRECT TAX OF 1861.

The SPEAKER. If there be no objection, the Chair will suspend the call of the roll for a moment until gentlemen decide on the proposition just submitted.

Mr. TOWNSHEND. I ask unanimous consent that the House take a recess for thirty minutes.

Mr. REED. I object.

Mr. JOHNSTON, of North Carolina. I ask unanimous consent to make a report from the Committee on Public Buildings and Grounds.

Mr. BURROWS. I object.

The SPEAKER. The question is on the amendment of the gentleman from Iowa [Mr. WEAVER], that the House take a recess until 4.20 p. m.

Mr. CHEADLE. I call for the yeas and nays.

Mr. STONE, of Missouri. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STONE, of Missouri. Is a motion to indefinitely postpone in order?

The SPEAKER. It is not while a motion for a recess is pending. A motion for a recess has priority over a motion to postpone.

The yeas and nays were ordered.

The question was taken; and there were—yeas 4, nays 165, not voting 155; as follows:

YEAS—4.

Abbott,	Anderson, Ill.	Kilgore,	Neal.

NAYS—165.

Allen, Mass.	Bryce,	Crouse,	Glass,
Allen, Mich.	Buckalew,	Dalzell,	Goff,
Anderson, Iowa	Bunnell,	Davenport,	Greenman,
Baker, N. Y.	Burnett,	Davis,	Grosvenor,
Baker, Ill.	Burrows,	De Lano,	Grout,
Bayne,	Campbell, F., N. Y.	Dibble,	Hall,
Belden,	Campbell, T. J., N. Y.	Dingley,	Harmer,
Biggs,	Caruth,	Dorsey,	Hatch,
Boothman,	Caswell,	Elliott,	Haugen,
Bound,	Cheadle,	Farquhar,	Hayden,
Bowden,	Chipman,	Finley,	Hemphill,
Bowen,	Cogswell,	Flood,	Henderson, Iowa
Brewer,	Compton,	Fuller,	Henderson, N. C.
Browne, T. H. B., Va.	Conger,	Funston,	Hermann,
Browne, Ind.	Cooper,	Gallinger,	Hitt,
Brown, Ohio	Cothran,	Gear,	Holman,
Brown, J. R., Va.	Cox,	Gest,	Holmes,

Hopkins, Ill.	McClammy,	Romeis,	Taylor, E. B., Ohio
Hopkins, Va.	McCormick,	Rowell.	Thomas, Ky.
Hopkins, N. Y.	McKenna,	Rowland,	Thomas, Wis.
Houk,	McKinley,	Russell, Conn.	Tracey,
Hovey,	McRae,	Ryan,	Townshend,
Hudd,	Milliken,	Sawyer,	Turner, Kans.
Hunter,	Moffitt,	Scull,	Vandever,
Johnston, Ind.	Montgomery,	Seney,	Wade,
Johnston, N. C.	Morrill,	Seymour,	Walker,
Kean,	Morrow,	Sherman,	Warner,
Kelley,	Nichols,	Shively,	Weber,
Kennedy,	Nutting,	Simmons,	West,
Kerr,	O'Donnell,	Snyder,	White, N. Y.
Ketcham,	O'Ferrall,	Sowden,	Whiting, Mass.
La Follette,	O'Neill, Pa.	Spooner,	Wickham,
Laidlaw,	Osborne,	Stahlnecker,	Wilkins,
Lee,	Parker,	Steele,	Wilkinson,
Lehlbach,	Patton,	Stephenson,	Williams,
Long,	Penington,	Stewart, Vt.	Wise,
Lyman,	Peters,	Stockdale,	Woodburn,
Lynch,	Plumb,	Stone, Ky.	Yardley,
Maish,	Post,	Stone, Mo.	Yost.
Mason,	Pugsley,	Struble,	
Matson,	Rayner,	Symes,	
McAdoo,	Reed,	Taulbee,	

NOT VOTING—155.

Adams,	Crisp,	Jackson,	Perry,
Allen, Miss.	Culberson,	Jones,	Phelan,
Anderson, Miss.	Cummings,	Laffoon,	Phelps,
Anderson, Kans.	Cutcheon,	Lagan,	Pidcock,
Arnold,	Dargan,	Laird,	Randall,
Atkinson,	Darlington,	Landes,	Rice,
Bacon,	Davidson, Ala.	Lane,	Richardson,
Bankhead,	Davidson, Fla.	Lanham,	Robertson,
Barnes,	Dockery,	Latham,	Rockwell,
Barry,	Dougherty,	Lawler,	Rogers,
Belmont,	Dunham,	Lind,	Russell, Mass.
Bingham,	Dunn,	Lodge,	Rusk,
Blanchard,	Enloe,	Macdonald,	Sayers,
Bland,	Ermentrout,	Maffett,	Scott,
Bliss,	Felton,	Mahoney,	Shaw,
Blount,	Fisher,	Mansur,	Smith,
Boutelle,	Fitch,	Martin,	Spinola,
Breckinridge, Ark.	Foran,	McComas,	Springer,
Breckinridge, K	Ford,	McCreary,	Stewart, Tex.
Brower,	Forney,	McCullogh,	Stewart, Ga.
Brumm,	French,	McKinney,	Tarsney,
Buchanan,	Gaines,	McMillin,	Taylor, J. D., Ohio
Burnes,	Gay,	McShane,	Thomas, Ill.
Butler,	Gibson,	Merriman,	Thompson, Ohio
Butterworth,	Glover,	Mills,	Thompson, Cal.
Bynum,	Granger,	Moore,	Tillman,
Campbell, Ohio	Grimes,	Morgan,	Turner, Ga.
Candler,	Guenther,	Morse,	Vance,
Cannon,	Hare,	Nelson,	Washington,
Carlton,	Hayes,	Newton,	Weaver,
Catchings,	Heard,	Norwood,	Wheeler,
Clardy,	Henderson, Ill.	Oates,	White, Ind.
Clark,	Herbert,	O'Neall, Ind.	Whiting, Mich.
Clements,	Hiestand,	O'Neill, Mo.	Whitthorne,
Cobb,	Hires,	Outhwaite,	Wilber,
Cockran,	Hogg,	Ower,	Wilson, Minn.
Collins,	Hooker,	Payson,	Wilson, W. Va.
Cowles,	Howard,	Peel,	Yoder.
Crain,	Hutton,	Perkins,	

So the House refused to take a recess until 4 o'clock and 20 minutes.

During the roll-call,

Mr. GROSVENOR said: Mr. Speaker, I want to ask unanimous consent that at the close of each one of these roll-calls nothing be done for a period of five minutes, the time which it would take to read the names.

The SPEAKER *pro tempore*. The gentleman from Ohio can not interrupt the recapitulations of the names unless he has——

Mr. GROSVENOR. That is just what I am trying to do. If we were in a place where an ordinary man's voice could be heard the Chair would understand me. I am trying to relieve the clerks from the onerous burden of recapitulating these names after every roll-call, and as I do not wish to use up improperly any of the time which the gentlemen on the other side of this question want to destroy, my proposition is that we dispense with the reading of the names, and, at the end of each one of these roll-calls, do nothing for five minutes.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. GROSVENOR] asks unanimous consent to dispense with the reading of the names. In the absence of objection, it will be so ordered.

The following additional pairs were announced:

Mr. WHITTHORNE with Mr. HOUK, on all questions, until further notice.

Mr. ERMENTROUT with Mr. MCCOMAS, for this day.

Mr. HOGG with Mr. LAWLER, on this vote.

Mr. OATES. Mr. Speaker, I do not know whether I understood the gentleman from Ohio [Mr. GROSVENOR].

The SPEAKER *pro tempore*. It was to dispense with the reading of the names upon this call.

Mr. OATES. That is the way I understood it. I have no objection to that. I do not understand that there is any agreement about the ridiculous business of sitting silent here after every roll-call.

The SPEAKER *pro tempore*. There is none. The Chair did not put any such proposition to the House.

The result of the vote was then announced as above recorded.

Mr. EZRA B. TAYLOR. Mr. Speaker, I ask unanimous consent that the House take a recess until a quarter before 12 o'clock on Monday. I do this after consultation with several of the opponents of the bill, thinking that it may be a matter of some convenience to members, and feeling assured, from my knowledge of the feeling in the House this morning, that nothing will be accomplished by sitting here longer this afternoon.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. EZRA B. TAYLOR] asks unanimous consent that the House now take a recess until 11.45 a. m. on Monday.

Mr. OATES. Mr. Speaker, I have conferred on this question with as many of the gentlemen in accord with me as I could, and, this being Saturday and to-morrow Sunday, when, of course, no one desires to be in session here, I believe there is a unanimous opinion in favor of the proposition of the gentleman from Ohio.

The SPEAKER *pro tempore*. Is there objection?

Mr. HEMPHILL. Mr. Speaker, I do not purpose to make any captious objection. I would like to say, however, that I trust the gentlemen in charge of the opposite forces of this bill will so arrange matters between them as not to cut the Committee on the District of Columbia out of the day to which they are entitled. [Laughter.]

The SPEAKER *pro tempore*. The Chair hears no objection to the request of the gentleman from Ohio [Mr. EZRA B. TAYLOR].

Mr. TAULBEE. I object. Let us have an understanding about this.

The SPEAKER *pro tempore*. The Chair did not understand the gentleman from South Carolina [Mr. HEMPHILL] to object.

Mr. HEMPHILL. I did not object.

The SPEAKER *pro tempore*. The Chair understood the gentleman as not objecting. The Chair recognized the gentleman to make a statement, which he has made. Does the gentleman from Kentucky [Mr. TAULBEE] object to the request of the gentleman from Ohio [Mr. EZRA B. TAYLOR]?

Mr. TAULBEE. I do not object to taking a recess until a quarter before 12 o'clock on Monday; but I object to giving Monday to the Committee on the District of Columbia.

The SPEAKER *pro tempore*. There was nothing of that kind proposed.

Mr. TAULBEE. Well, if the Chair will indulge me, I did not catch distinctly the statement of the gentleman from South Carolina [Mr. HEMPHILL], and I thought there was an effort being made to bring up the bill to promote anatomical science, to which I was going to object. [Laughter.]

The SPEAKER *pro tempore*. The Chair hears no objection, and the House takes a recess until 11.45 a. m. on Monday next.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. W. C. P. BRECKINRIDGE: A bill (H. R. 9258) for the relief of Oldham County, Kentucky—to the Committee on War Claims.

Also, a bill (H. R. 9259) for the relief of the heirs or legal representatives of Martha C. Ball, deceased—to the Committee on War Claims.

By Mr. ROGERS: A bill (H. R. 9260) granting the right of way to the Fort Smith, Paris and Dardanelle Railway Company, to construct and operate a railroad, telegraph and telephone line from Fort Smith, Ark., through the Indian Territory, to or near Baxter Springs, in the State of Kansas, and authorizing said company to build a bridge across the Arkansas River, at or near the city of Fort Smith, Ark.—to the Committee on Indian Affairs.

Also, a bill (H. R. 9261) granting the right of way over the North and Hot Springs Mountains reservations, at Hot Springs, Ark.—to the Committee on Public Buildings and Grounds.

By Mr. VOORHEES: A bill (H. R. 9262) to place John Gordon on the retired-list of privates and non-commissioned officers—to the Committee on Military Affairs.

By Mr. T. L. THOMPSON: A bill (H. R. 9263) granting a pension to Abraham J. Buckles—to the Committee on Invalid Pensions.

By Mr. J. R. WHITING: A bill (H. R. 9264) for the relief of Mary Dockham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9265) for the relief of Nellie A. Baker—to the Committee on Invalid Pensions.

By Mr. WICKHAM: A bill (H. R. 9266) granting a pension to Mrs. Charlotte Buck—to the Committee on Invalid Pensions.

By Mr. MOFFITT: A bill (H. R. 9267) for the relief of John B. Rodden—to the Committee on Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. H. ALLEN: Petition of William Walker & Co., of Lowell, Mass., for better postal facilities between New York and New England—to the Committee on the Post-Office and Post-Roads.

By Mr. E. P. ALLEN: Petition of Roswell Hicks and 48 others, citizens of Lenawee County, Michigan, in favor of more effectual protection to agriculture—to the Committee on Ways and Means.

By Mr. G. A. ANDERSON: Petition of S. P. Bennett, late postmaster at Pittsfield; of Armstrong Temple, at New Salem; of A. C. Hollenbeck, at Barry; of E. W. Baxter, at Griggsville; of Seth Gard, at New Canton; of J. E. Whitewack, at Jerseyville; of W. E. Pitt, at Jerseyville; of John I. White, at Jerseyville; of S. D. Chapin, at White Hall; of S. G. Gardner, at Kane; of Thomas A. Weisner, at Greenfield; of J. M. Cox, at Carrollton; of T. A. Weisner, of Greenfield, and of William Stevenson, of Little Indian, Ill., for relief—to the Committee on Claims.

Also petition of D. S. Marcey, late postmaster at Chandlerville; of H. T. Foster, at Beadstown; of J. T. Chennoworth, at Versailles; of S. R. Glenn, at Ripley; of Joseph Robinson, at Mound Station; of C. W. Pettigrew, at Cooperstown; of Edward Price, at Woodville; of R. T. Edwards, at Payson; of William Real, at Payson; of H. E. Hawkins, of Coatsburgh; of William Real, at Payson; of Eli Lloyd, of Clayton; of S. E. March, of Naples, and of Jesse D. Wood, of Clayton, Ill., for relief—to the Committee on Claims.

By Mr. BELDEN: Petition of Gus Maier and 26 others, cigar-makers of Syracuse, N. Y., against the repeal of the internal-revenue duties on cigars and cheroots—to the Committee on Ways and Means.

By Mr. BREWER: Petition of S. R. Billings, A. A. Elmore, and 300 others, citizens of Davison, Mich., for the passage of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. T. M. BROWNE: Memorial of 123 farmers of Indiana, for increased duty on rye, potatoes, and other agricultural products—to the Committee on Ways and Means.

By Mr. BUCHANAN: Petition of citizens of Princeton, N. J., in favor of preserving the Yellowstone National Park—to the Committee on the Public Lands.

By Mr. BURNETT: Petition for improved mail service in New England—to the Committee on the Post-Office and Post-Roads.

Also, petition against reducing tariff on clothing, and against removal of tax on flax—to the Committee on Ways and Means.

By Mr. CONGER: Resolutions of Typographical Union No. 118, of Des Moines, Iowa, for the passage of the Chace international copyright bill—to the Committee on Patents.

By Mr. CROUSE: Petition of C. A. Campbell and 42 others, of Hudson, Summit County, Ohio, for more efficient protection to agriculture—to the Committee on Ways and Means.

By Mr. DAVENPORT: Petition of citizens of West Bloomfield, N. Y., for protection to agriculture—to the Committee on Ways and Means.

By Mr. DE LANO: Petition of Thomas Panker and 40 citizens of Triangle, and of P. H. Loomis and 32 others, citizens of West Bainbridge, N. Y., for more effectual protection of agriculture—to the Committee on Ways and Means.

By Mr. DORSEY: Petition of the widow of John D. Batchelder, late postmaster at Galesburgh, Mich., for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. FARQUHAR: Petition of Miss E. S. Harmon, for a pension—to the Committee on Pensions.

By Mr. FORD: Petition of M. G. Manting and others of Holland, Mich., for protection to the Yellowstone National Park—to the Committee on the Public Lands.

By Mr. GALLINGER: Petition of Richard P. Kent & Son, of Lancaster, and of Wilkinson & McGregor, of Keene, N. H., for quick mail transit between New York and New England—to the Committee on the Post-Office and Post-Roads.

By Mr. GREENMAN: Petition of 15 citizens of Sandy Hill, N. Y., for the more effectual protection of agriculture—to the Committee on Ways and Means.

By Mr. GROUT: Petition of S. S. Peach & Co., of Wells River, Vt., for improved mail facilities between New England and the West—to the Committee on the Post-Office and Post-Roads.

Also, petition of Henry M. Bemis and 36 others, citizens of Windham, Vt., in favor of increased protection to agricultural products—to the Committee on Ways and Means.

By Mr. HERBERT: Petition of the Board of Railroad Commissioners of Alabama, for a uniform automatic train coupler and train brake—to the Committee on Commerce.

By Mr. HOLMES: Petition of E. M. Parsons and 145 others, citizens of Carroll County, Iowa, against reduction of duty on flaxseed and linseed oil—to the Committee on Ways and Means.

By Mr. S. T. HOPKINS: Petition of 18 farmers of Wallkill, N. Y., for more effectual protection of agriculture—to the Committee on Ways and Means.

By Mr. LANHAM: Petition of 18 citizens of Parker County and of 40 citizens of Erath County, Texas, for payment of Indian depredation claims—to the Select Committee on Indian Depredation Claims.

By Mr. LEE: Petition of heir of Martha C. Ball, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. LONG: Petition of Isaac Farrar, M. D., and 14 others, of Boston, Mass., for the protection of the Yellowstone National Park—to the Committee on the Public Lands.

By Mr. MASON: Petition of James F. Gyles, of Chicago, Ill., for relief—to the Committee on Patents.

By Mr. NEWTON: Petition of citizens of Monroe, La., against the Butterworth and Dawes lard bills—to the Committee on Agriculture.

Also, petition of citizens of Bastrop, La., against the passage of any bill to tax cotton-seed oil, etc.—to the Committee on Agriculture.

By Mr. OUTHWAITE: Petition of Hon. J. B. Foraker and others, for the passage of Senate bill No. 283—to the Committee on the Territories.

By Mr. PARKER: Petition of citizens of Jefferson, N. Y., in favor of better protection of the Yellowstone Park—to the Committee on the Public Lands.

By Mr. PHELAN: Papers in the claim of Patrick G. Meatti, of Shelby County, Tennessee—to the Committee on War Claims.

By Mr. SHERMAN: Petition of Fox & Co. and 132 other citizens, and of John B. Cooper and 35 others, citizens of Oneida County, New York, praying that the tariff on glass be not reduced—to the Committee on Ways and Means.

By Mr. STRUBLE: Joint resolution of the General Assembly of Iowa, praying for a law providing that when the United States land office at Des Moines, Iowa, may be discontinued, the records thereof may be permitted to remain in said city, in the custody of the secretary of state—to the Committee on the Public Lands.

By Mr. VOORHEES: Petition of John Gordon, of Washington Territory, for the passage of a bill to place him on the retired-list—to the Committee on Military Affairs.

By Mr. WEST: Petition of citizens of White Lake and of Long Eddy, N. Y., for more effectual protection to agriculture—to the Committee on Ways and Means.

By Mr. WHITTHORNE: Petition of Stephen Jordan, administrator of Sarah T. Foster, of Maury County, and of Dr. Daniel German, heir of Elizabeth D. German, of Williamson County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition of John P. Kittrell, of Tennessee, for payment for loss of a horse in the Mexican war—to the Committee on War Claims.

By Mr. WICKHAM: Petition of Charlotte Bucks, for relief—to the Committee on Invalid Pensions.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. McCLAMMY: Of citizens of Lareta, Duplin County, North Carolina.

By Mr. NEWTON: Of citizens of Medwood, La.

By Mr. NICHOLS: Of B. B. Williams, M. D., and others, of Franklin County, North Carolina.

By Mr. O'FERRALL: Of citizens of Hamburgh, Shenandoah County, Virginia.

The following petitions, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, were severally referred to the Committee on Invalid Pensions:

By Mr. E. P. ALLEN: Of Isaac Biddlecomb and 61 others, ex-soldiers of Monroe and Wayne Counties, Michigan.

By Mr. BELDEN: Of John Beatty and 16 others, veteran soldiers of Homer, N. Y.

By Mr. BLISS: Of C. S. Hawkins and others, of New York.

By Mr. FORD: Of Orange C. Jubb and others, of Munica, Mich.

By Mr. HUNTER: Of ex-soldiers and sailors representing the Grand Army of the Republic posts and veteran organizations of New York, Kings, Queens, Suffolk, Richmond, and Westchester Counties, New York.

By Mr. McCORMICK: Of Allen M. Haight and 84 others, ex-soldiers of Tioga County, Pennsylvania.

By Mr. MILLIKEN: Of William Hamilton and others, of Vermont.

By Mr. PATTON: Of 92 soldiers of Clarion County, Pennsylvania.

By Mr. SENEY: Of Julius Bracher and 48 others, ex-Union soldiers of Crawford County, Ohio.

By Mr. E. B. TAYLOR: Of citizens of Lindenville, Ohio.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. COX: Of Henry C. Houghton and 155 others, citizens of New York City.

By Mr. HAYES: Of J. Ellen Foster and others, of Muscatine, Iowa.

By Mr. ROWELL: Of C. H. Love and 32 others, citizens of Piatt County, Illinois.

SENATE.

MONDAY, *April* 9, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Friday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War, submitting an estimate of appropriation in the sum of $100,000 for the erection of a gymnasium for cadets at the Military Academy, West Point, N. Y.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 4th instant, certain information in regard to the enforcement of the revenue laws against smuggling from Mexico and Canada; which was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of publishers and others, citizens doing business in New York City, praying for the passage of the House bill providing for the issue of fractional silver certificates in denominations of ten, fifteen, and twenty-five cents; which was referred to the Committee on Finance.

He also presented a petition signed by members of the Philadelphia Conference of Baptist Ministers, praying for the passage of a bill for the protection of girlhood in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Topeka (Kans.) Typographical Union, No. 121, praying for the passage of an international copyright law; which was ordered to lie on the table.

He also presented a petition of ex-Union soldiers and sailors, citizens of Kansas, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. BERRY presented the petition of J. R. Harris, president of the Springdale (Ark.) Canning Company and 40 other citizens of Springdale, Ark., praying that tin-plate be placed on the free-list; which was referred to the Committee on Finance.

Mr. WALTHALL presented the petition of W. L. Polk and 39 others, citizens of Warren County, Mississippi, praying for the better protection of the Yellowstone National Park; which was ordered to lie on the table.

Mr. COCKRELL presented two petitions of ex-Union soldiers and sailors, citizens of Xenia, Putnam County, Missouri, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. WILSON, of Iowa, presented the petition of Thomas L. Hoffman, of Fairfield, Iowa, praying for the passage of a bill to reimburse him for money paid by him for the United States as rent of post-office at that place in accordance with the terms of a lease held by the United States on the premises occupied by the office; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of 8 citizens of Peoria, Iowa, praying for the passage of a bill granting to every surviving soldier of the war of 1861, or to his legal representative, 160 acres of land; which was referred to the Committee on Public Lands.

He also presented a petition of 15 citizens of Murray, Iowa, praying that salt be placed on the free-list; which was referred to the Committee on Finance.

He also presented a petition of Typographical Union No. 118, of Des Moines, Iowa, praying for the passage of the Chace bill, providing for an international copyright; which was ordered to lie on the table.

Mr. SHERMAN presented ten petitions, signed by 782 ex-Union soldiers and sailors, citizens of Ohio, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions, as follows:

Two petitions of citizens of Harpersfield, Ashtabula County;
A petition of citizens of Sciota and Pike Counties;
A petition of citizens of Lindenville, Ashtabula County;
A petition of citizens of Ashtabula County;
Three petitions of citizens of Ohio;
A petition of citizens of Kinsman and Farmdale; and
A petition of citizens of Pemberville, Rochester, and other towns.

Mr. SHERMAN presented a petition of Typographical Union No. 3, of Cincinnati, Ohio, praying for the passage of the Chace international copyright bill; which was ordered to lie on the table.

Mr. PADDOCK presented a petition of ex-Union soldiers and sailors, citizens of Dawson County, Nebraska, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. STOCKBRIDGE presented the memorial of R. H. Emerson, of Jackson, Mich., remonstrating against the reduction of the duty on wood-pulp; which was referred to the Committee on Finance.

He also presented the petition of T. S. Cobb and 34 others, citizens of Kalamazoo, Mich., praying for the better protection of the Yellowstone National Park; which was ordered to lie on the table.

Mr. PALMER presented the petition of A. W. Bowen and 28 other ex-Union soldiers, citizens of Barry, Calhoun, and Gaston Counties, and the petition of John G. Brown and 18 other ex-Union soldiers, citizens of Farwell, all in the State of Michigan, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented a petition of Typographical Union No. 99, of Michigan, praying for the passage of what is known as the Chace international copyright bill; which was ordered to lie on the table.

He also presented the petition of A. B. George and 97 other citizens of Constantine, Mich., praying for the passage of Senate bill 283, for the better protection of the Yellowstone National Park; which was ordered to lie on the table.

Mr. DAVIS presented a petition of ex-Union soldiers and sailors, members of Maynard Post, Grand Army of the Republic, of Elysian, Minn., praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of members of the Civil Engineers' Society of St. Paul, Minn., praying for the passage of Senate bill 1448, for the establishment of a bureau to be known as the bureau of harbors and water-ways, and for other purposes; which was referred to the Committee on Commerce.

Mr. CAMERON presented a communication from the Secretary of the Navy, transmitting the memorial of Commander Joshua Bishop, United States Navy, remonstrating against the passage of Senate bill 2466, proposing to place him on the retired-list; which was referred, with the accompanying memorial, to the Committee on Naval Affairs.

He also presented a petition of ex-Union soldiers and sailors, citizens of Coatesville, and a petition of ex-Union soldiers and sailors, citizens of Shippensville and vicinity, all in the State of Pennsylvania, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented a petition of citizens of Franklin County, Pennsylvania; petition of citizens of Mount Pleasant, Pa., and two petitions of citizens of Pennsylvania, praying for the repeal of that portion of the internal-revenue law which classes druggists as wholesale liquor dealers, and praying for the reduction of the tax on distilled spirits; which were referred to the Committee on Finance.

He also presented a petition of Rush Grange, No. 797, Patrons of Husbandry, of Northumberland County, Pennsylvania, praying for the passage of a law for the eradication of pleuro-pneumonia among cattle, and for legislation relative to the Bureau of Animal Industry; which was ordered to lie on the table.

Mr. TELLER presented a petition of 12 citizens of New Mexico, praying Congress to provide for the payment of Indian depradations committed on the frontier; which was referred to the Committee on Claims.

Mr. MITCHELL presented a petition of citizens of Pennsylvania, praying for the repeal of that portion of the internal-revenue law which classes druggists as liquor dealers; also praying for the reduction of the tax on distilled spirits; which was referred to the Committee on Finance.

Mr. PLATT presented a memorial of citizens of Maricopa County, Arizona Territory, remonstrating against the passage of the Senate bill providing for a commission to settle land-grant claims in Arizona and New Mexico; which was ordered to lie on the table.

Mr. ALLISON presented the petition of Isaac Fowler, late a private in Company G, Twenty-sixth Regiment Kentucky Infantry Volunteers, praying to be allowed a pension of $8 a month; which was referred to the Committee on Pensions.

He also presented a petition of Typographical Union No. 118, of Des Moines, Iowa, praying for the passage of an international copyright law; which was ordered to lie on the table.

He also presented a petition of 23 ex-Union soldiers and sailors, citizens of Millersburgh, Iowa, and a petition of 22 ex-Union soldiers and sailors, citizens of Madison Township, Buchanan County, Iowa, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented the petition of the Gilmen Canning Company and 19 other citizens of Gilmen, Iowa, praying for the passage of a bill placing tin-plate on the free-list; which was referred to the Committee on Finance.

He also presented a joint resolution of the General Assembly of Iowa; which was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

Joint resolution No. 17, contemplating the permanent retention at the capital of the State of Iowa of the records of the Government land office in Des Moines.

Whereas it has been the practice of the General Government upon the discontinuance of all Government land offices in a State to remove the records of such offices to Washington, D. C.; and

Whereas the best interests of the people of the State of Iowa require that all records pertaining to said State shall be permanently retained at our State capital: Therefore,

Resolved by the General Assembly of the State of Iowa, That our Senators in Congress be instructed, and our Representatives requested, to procure, if possible,

the passage of an act providing for the permanent retention at the capital of the State of the records of the Government land office in Des Moines, Iowa, whenever the offices of register and receiver of said office shall be discontinued by the proper authorities, in pursuance of law, said records to be turned over to the State of Iowa and placed under the care and control of the secretary of state, who shall provide for their safe-keeping and proper arrangement as public records.

Approved March 31, 1888.

I hereby certify that the foregoing joint resolution passed the senate and the house of representatives of the Twenty-second General Assembly of the State of Iowa and was approved by the governor.

[SEAL.] FRANK D. JACKSON,
Secretary of State.

Mr. HARRIS presented a petition of the faculty of Central Tennessee College, at Nashville, Tenn., and a petition of Typographical Union, No. 20, of Nashville, Tenn., praying for the passage of the international copyright bill; which were ordered to lie on the table.

Mr. TURPIE presented a petition of ex-Union soldiers and sailors, citizens of White County, Indiana, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. PLUMB presented two petitions of citizens of Michigan, praying for the forfeiture of certain unearned land grants; which were ordered to lie on the table.

He also presented a petition of members of Resaca Post, No. 80, Grand Army of the Republic, of Williamsburgh, Department of Kansas, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of the Solomon Gun Club and Game Protection Association of Solomon City, Kans., praying for the better protection of the Yellowstone National Park; which was ordered to lie on the table.

Mr. SAWYER presented the petition of H. D. Fisher and 25 other citizens of Florence, Wis., praying for the passage of Senate bill 283, for the better protection of the Yellowstone National Park; which was ordered to lie on the table.

He also presented the petition of J. W. Ewing and 128 other ex-Union soldiers and sailors, citizens of Boaz, Wis., praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of 56 citizens of the First Congressional district of Wisconsin, and a petition of 122 citizens of the Second and Ninth Congressional districts of Wisconsin, praying for prohibition in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. CULLOM presented a petition of 99 citizens of Dwight, Ill., praying for the passage of Senate bill 283, for the better protection of the Yellowstone National Park; which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of the State of New York, officially signed, urging the adoption of amendments to the interstate-commerce act to prevent fraudulent practices on the part of dishonest shippers by misrepresentation of the true character and weight of goods offered for shipment; which was referred to the Committee on Interstate Commerce.

He also presented a petition of ex-Union soldiers and sailors, citizens of Franklin County, Illinois; a petition of 39 ex-Union soldiers and sailors, citizens of Cumberland County, Illinois, and a petition of 30 ex-Union soldiers and sailors, citizens of Hamilton County, Illinois, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. VEST presented a petition of ex-Union soldiers and sailors, citizens of Putnam County, Missouri, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of the railroad commissioners of the State of Missouri, praying that the Interstate Commerce Commission be instructed to inquire into the subject of car-coupling, the heating of cars, etc., with a view to reforms therein; which was referred to the Committee on Interstate Commerce.

Mr. FRYE presented the petition of Robert Dobson & Co. and others, manufacturers of woolen goods in the State of Maine, praying for the passage of a joint resolution authorizing and directing the Secretary of the Treasury to classify as woolen cloth all worsted cloths, whether known under the name of woolen cloth, worsteds, diagonals, or otherwise; which was referred to the Committee on Finance.

He also presented two petitions of Mrs. E. W. Clark and others, officers and members of the Philadelphia Branch of the Woman's Auxiliary Conference of Unitarian Churches; two petitions of Susan I. Lesley and others, citizens of Pennsylvania; two petitions of Fanny B. Ames and others, citizens of Pennsylvania; the petition of Mary T. Gawthrop and others, citizens of the United States; the petition of Anna Hallowell and others, citizens of the United States; the petition of John Marsellus and others, citizens of Syracuse, N. Y.; the petition of E. G. Thurber and others, citizens of New York; the petition of Mrs. S. G. Anderson and others, citizens of Syracuse, N. Y.; the petition of Mrs. Mary E. Bagg and others, citizens of Syracuse, N. Y.; the petition of Mrs. Caroline B. Martin and others, citizens of Syracuse, N. Y.; and the petition of Mrs. H. G. Merriman and others, citizens of New York, praying for the passage of a law raising the age of consent in woman to eighteen years; which were referred to the Committee on the Judiciary.

Mr. EVARTS presented a memorial of the curled hair manufacturers of the United States, remonstrating against the placing of curled hair for beds or mattresses upon the free-list; which was referred to the Committee on Finance.

He also presented the petition of W. N. Anderson and 12 other citizens of New York City; and the petition of B. D. Skinner and 19 other citizens, of Greenport, Suffolk County, New York, praying for the passage of Senate bill 283, providing proper protection and adequate Government protection for the Yellowstone National Park; which were ordered to lie on the table.

He also presented a petition of the Oswego (N. Y.) Board of Trade, and a petition of the common council of Ogdensburgh, N. Y., praying for the passage of House bill 8064, for the construction of a ship-canal around Niagara Falls in the State of New York; which were referred to the Committee on Commerce.

He also presented the memorial of Snow and Burgess, and 34 other business men and firms of New York City, remonstrating against the passage of Senate bill 1448, to create a national bureau of harbors and water-ways; which was referred to the Committee on Commerce.

He also presented a concurrent resolution of the senate and assembly of New York; which was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

STATE OF NEW YORK, IN SENATE,
Albany, February 28, 1888.

Resolved (if the assembly concur), That our Senators and Representatives in Congress from the State of New York be respectfully requested to secure the enactment of a law in effect as follows:

Whenever any State shall impose a tax upon the wholesale and retail dealers in spirituous or malt liquors, ale, or wine, in said State, to be paid into the treasury thereof, for the use of the State, equal to the tax or license fee now imposed thereon by the United States Government, the said tax, when so paid, shall be in lieu of the said United States tax or license fee: *Provided, however*, That such tax shall be in addition to any tax or license fee imposed by such State, and in force at the time of the enactment of the proposed United States law, and shall be maintained thereafter without diminution.

By order.

JOHN S. KENYON, *Clerk.*

IN ASSEMBLY, *March 27, 1888.*

Concurred in without amendment.
By order.

C. A. CHICKERING, *Clerk.*

Mr. EVARTS presented a petition of ex-Union soldiers and sailors, representing the Grand Army posts and veteran organizations of New York, Kings, Queens, Suffolk, Richmond, and Westchester Counties, New York; a petition of the Per Diem Rated Service-Pension Association of the State of New York; a petition of 673 ex-Union soldiers and sailors, citizens of Allegany County, New York; a petition of 75 ex-Union soldiers and sailors, citizens of Port Byron, Cayuga County, New York; a petition of 17 ex-Union soldiers and sailors, citizens of Auburn, Cayuga County, New York; a petition of 108 ex-Union soldiers and sailors, citizens of Delaware County, New York; a petition of 43 ex-Union soldiers and sailors, citizens of Geneva, Cayuga County, New York; a petition of 76 ex-Union soldiers and sailors, citizens of Weedsport, Cayuga County, New York; and a petition of 16 ex-Union soldiers and sailors, citizens of Cairo, Greene County, New York, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. GORMAN presented the petition of the trustees of the First Methodist Protestant Church of the District of Columbia, praying for the remission of certain taxes; which was referred to the Committee on the District of Columbia.

Mr. HALE presented the petition of John B. Redman and 83 others, citizens of Ellsworth, Me., praying for the passage of a bill granting arrears of pensions, at the rate of $8 per month, to Alden W. Treworgy, late of Company B, Sixth Regiment Maine Volunteer Infantry; which was referred to the Committee on Pensions.

He also presented the petition of D. D. Dana, formerly provost-marshal of the Third Brigade of the Twenty-second Army Corps, praying for relief on account of services performed in the capture of the assassins of President Lincoln; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. PADDOCK, from the Committee on Public Lands, to whom was referred the petition of citizens of Nebraska in favor of organizing a Territory out of Oklahoma, locating Indians on lands in the Indian Territory, and opening portions to settlement, etc., asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs; which was agreed to.

Mr. DAVIS, from the Committee on Military Affairs, to whom was referred the bill (S. 1401) to remove the charge of desertion from the military record of D. Thomas Andrews, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 193) for the relief of John H. Sayers, of Michigan, submitted an

adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 108) for the relief of John C. Weaver;

A bill (S. 304) to correct the military record of John Hinsmann;

A bill (S. 586) for the relief of Asher W. Foster;

A bill (S. 66) giving a military record to Thomas Miller; and

A bill (S. 587) for the relief of Christian Fredericksen.

Mr. ALLISON, from the Committee on Appropriations, to whom was referred the bill (H. R. 6984) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1889, reported it with amendments.

Mr. TELLER, from the Committee on Public Lands, to whom was referred the bill (S. 2427) to establish a public park to be called and known as the Royal Arch Park, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 671) for the relief of the heirs of John S. Fillmore, deceased, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2316) restoring the right of pre-emption to Jesse A. Corn, reported it without amendment, and submitted a report thereon.

Mr. GEORGE. The Committee on the Judiciary instruct me to report adversely the bill (S. 442) to extend the time for filing claims in the Court of Claims under the provisions of an act entitled "An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to July 31, 1801."

The PRESIDENT *pro tempore*. If there be no objection, the bill will be postponed indefinitely.

Mr. FRYE. I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar, if there be no objection, with the adverse report of the committee.

INTERNATIONAL EXHIBITION AT BRUSSELS.

Mr. PAYNE. The Committee on Foreign Relations, to which was referred a message of the President of the United States, transmitting a communication from the Secretary of State in relation to participating in the international exhibition at Brussels, instruct me to report a joint resolution appropriating $30,000 for the international exhibition at Brussels.

The joint resolution (S. R. 70) appropriating $30,000 for the international exhibition in Brussels, Belgium, was read the first time by its title.

Mr. PAYNE. In view of the very short time remaining before the opening of the exhibition, I have been instructed by the committee to ask for immediate action on the joint resolution.

By unanimous consent, the joint resolution was read the second time, and considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

VALIDITY OF PATENTS.

Mr. TELLER. I am instructed by the Committee on Patents, to whom was referred the bill (H. R. 5673) to give validity to certain patents for inventions which were irregularly executed, to report it favorably without amendment. The bill is to correct what it seems may be an error in the administration of the Interior Department, and it was brought in at the request of the Department. I ask unanimous consent that it may be passed. It is a House bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that all patents for inventions signed by David L. Hawkins, Second Assistant Secretary of the Interior, or any other Assistant Secretary of the Interior, shall have the same force, effect, and validity as though they had been signed by the Secretary of the Interior in person at the date on which they were respectively executed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COURTS IN MISSOURI.

Mr. VEST. I am instructed by the Committee on the Judiciary to report favorably without amendment the bill (H. R. 8044) to change the time of the sessions of the circuit and district courts of the northern division of the eastern district of Missouri. I ask for the present consideration of the bill. It is a mere local question in regard to the time of holding courts, and unless passed now the bill will be inoperative for the coming term of the courts.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAN JUAN COUNTY, NEW MEXICO.

Mr. BUTLER. I am instructed by the Committee on Territories to report favorably with an amendment the bill (H. R. 1983) to ratify an act entitled "An act creating the county of San Juan," in the Territory of New Mexico, and I ask for its immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. BUTLER. The committee report an amendment as a substitute for sections 2 and 3.

The PRESIDENT *pro tempore*. The amendment of the committee will be read.

The CHIEF CLERK. It is proposed to strike out sections 2 and 3, and to add to section 1 the following:

and Aztec, the place heretofore appointed by the supreme court of the said Territory for the transaction of judicial business, be, and the same is hereby, declared to be the county seat of said county of San Juan until otherwise provided by law.

SEC. 2. That nothing in the act approved July 30, 1886, entitled "An act to prohibit the passage of local or special laws in the Territories of the United States, to limit Territorial indebtedness, and for other purposes," shall be construed to prohibit the creation by Territorial Legislatures of new counties and the location of the county seats thereof.

So as to make the bill read:

That the act of the Legislative Assembly of the Territory of New Mexico, passed February 24, 1887, entitled "An act creating the county of San Juan," be, and the same is hereby, ratified and confirmed, and Aztec, the place heretofore appointed by the supreme court, etc.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. COCKRELL. I wish to ask the Senator from South Carolina in charge of the bill whether this proposed county interferes with the boundaries of either Lincoln County or Doña Ana County?

Mr. BUTLER. Not in the slightest, as I am informed; it has nothing whatever to do with those boundaries. The Committee on Territories have had the bill to which the Senator from Missouri refers under consideration, and it relates to an entirely separate and distinct matter.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. BUTLER. I move that the Senate insist on its amendment to the bill, and ask for a conference on the disagreeing votes between the two Houses.

The amendment was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. DAVIS, Mr. STEWART, and Mr. BUTLER were appointed.

ROBERT JOHNSTON.

Mr. PUGH. From the Committee on the Judiciary, I report favorably the bill (H. R. 4811) for the relief of Robert Johnston, of the State of New York, and ask for its present consideration.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. HARRIS. Let it be read.

The PRESIDENT *pro tempore*. The bill will be read for information.

The Chief Clerk read the bill, as follows:

Be it enacted etc. (*two-thirds of each House concurring therein*), That Robert Johnston, of the State of New York, is hereby relieved of all political disabilities imposed upon him by the third section of the fourteenth amendment to the Constitution of the United States.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. Having been read at length, a further reading will be waived, if there be no objection.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed, two-thirds of the Senators present voting in the affirmative.

HEARING BEFORE COMMITTEE ON POST-OFFICES AND POST-ROADS.

Mr. SAWYER. I am requested by the Committee on Post-Offices and Post-Roads to ask permission to have printed for the use of the committee the argument made before that committee this morning on House bill 4910, to amend section 14 of the act approved March 3, 1879, entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes," and relating to second-class mail matter.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

LETTER OF A. H. MARKLAND.

Mr. HAWLEY. Some time ago the Postmaster-General transmitted, in compliance with a Senate resolution of February 24, 1888, a letter of A. H. Markland, superintendent of railway mail service during the late war, which was laid on the table in order that I might make certain inquiries. I now ask that it be printed in the usual way.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

BILLS INTRODUCED.

Mr. MORGAN introduced a bill (S. 2632) to amend and enlarge the act approved June 18, 1878, entitled "An act to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico, concluded on the 4th day of July, 1868;" which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. FRYE introduced a bill (S. 2633) to regulate signal lights on sailing vessels at sea; which was read twice by its title, and referred to the Committee on Commerce.

Mr. ALLISON introduced a bill (S. 2634) to promote and perpetuate peace between the United States and Great Britain and France by the establishment of a permanent international court of arbitration to which all differences that may hereafter arise between these nations may be referred; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. CHANDLER introduced a bill (S. 2635) for the completion of the collection of the direct tax imposed by the act of August 5, 1861; which was read twice by its title, and referred to the Committee on Finance.

Mr. WILSON, of Iowa, introduced a bill (S. 2636) for the relief of Thomas L. Hoffman; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 2637) granting a pension to Mansfield Harrison; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2638) granting a pension to Mrs. Emma Dill; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PADDOCK introduced a bill (S. 2639) granting a pension to Mrs. Louisa Ward; which was read twice by its title, and referred to the Committee on Pensions.

Mr. EVARTS introduced a bill (S. 2640) authorizing the Postmaster-General to adopt a device for canceling postage-stamps; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 2641) for the relief of the sufferers by capture and destruction of the Hawaiian vessel Harvest by the Confederate vessel Shenandoah; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2642) extending the criminal jurisdiction of the circuit and district courts to the Great Lakes and their connecting waters; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. DOLPH introduced a bill (S. 2643) to provide for the payment of certain Indian depredation claims; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. BERRY introduced a bill (S. 2644) granting the right of way to the Fort Smith, Paris and Dardanelle Railway Company to construct and operate a railroad, telegraph, and telephone line from Fort Smith, Ark., through the Indian Territory, to or near Baxter Springs, in the State of Kansas, and authorizing said company to build a bridge across the Arkansas River at or near the city of Fort Smith, Ark.; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HALE introduced a bill (S. 2645) granting arrears of pension to Alden W. Treworgy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2646) granting a pension to Danville A. Ricker; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 2647) regulating the practice in certain cases in the Post-Office Department; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. DAVIS (by request) introduced a bill (S. 2648) to provide for the organization of the Territory of Alaska; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Territories.

He also introduced a bill (S. 2649) granting a pension to William Doan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GEORGE introduced a bill (S. 2650) to change the time of the meeting of the district court of the southern district of Mississippi, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MORGAN (by request) introduced a joint resolution (S. R. 71) providing for the ascertainment and report by the Secretary of State of the claim of the legal representatives of Walter H. Stevens, deceased; which was read twice by its title, and referred to the Committee on the Judiciary.

PUBLIC BUILDINGS NEEDED AT WASHINGTON.

Mr. RIDDLEBERGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Buildings and Grounds be directed to inquire and report what additional public buildings in the city of Washington are needed for the General Government to carry on properly its necessary business and protect the public records, the estimated cost thereof, and, in connection therewith, report the sums annually expended by the several Departments of the Government for rented buildings in the city of Washington.

LANDS IN KLAMATH COUNTY, OREGON.

Mr. MITCHELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to transmit to the Senate copies of all reports of Special Agent Shackleford touching lands in Klamath County, Oregon, claimed by the State of Oregon under the swamp-land grant.

PRESIDENT'S ANNUAL MESSAGE.

Mr. MORRILL. I desire to give notice that on Wednesday, immediately after the morning business, I shall seek the floor for the purpose of making some remarks upon the President's message.

Mr. COKE. I give notice that on Thursday next I shall ask the unanimous consent of the Senate to take from the table and consider the resolution submitted by the Senator from Ohio [Mr. SHERMAN] referring the President's message to the Committee on Finance, with a view of offering some remarks upon it.

RIVER AND HARBOR IMPROVEMENT WORKS.

Mr. DOLPH submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. Res. 81) to authorize the purchase of the lands necessary for the construction of locks and dams on the Cumberland River, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with amendments as follows:

In line 7 of the Senate amendment, before the word "prosecute," insert the words "maintain, operate, or," and at the end of said Senate amendment add the following:

"*And provided further*, That the Secretary of War is hereby authorized to accept donations of lands or materials required for the maintenance or prosecution of such works."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

J. N. DOLPH,
WILLIAM P. FRYE,
G. G. VEST,
Managers on the part of the Senate.
NEWTON C. BLANCHARD,
CHARLES STEWART,
THOMAS J. HENDERSON,
Managers on the part of the House.

The report was concurred in.

ORDER OF BUSINESS.

Mr. HARRIS. If there be no further morning business, I move that the Senate proceed to the consideration of Order of Business 699.

Mr. CALL. If in order, I desire to call up a resolution.

Mr. WILSON, of Iowa. I desire to ask the unanimous consent of the Senate to take up the bill (H. R. 6051) regulating the times for holding the terms of the United States courts in the northern district of Iowa.

The PRESIDENT *pro tempore*. The Senator from Tennessee [Mr. HARRIS] has previously moved the consideration of a bill.

Mr. STEWART. By unanimous consent, the alien land bill was set for this morning immediately after the morning business. It will take but a few moments to dispose of it, I think.

Mr. WILSON, of Iowa. The bill I wish to call up will take but a moment.

Mr. STEWART. I hope the alien land bill will not be displaced by anything else.

Mr. HARRIS. I will say to the Senator from Nevada that if the bill I ask the Senate now to consider shall lead to discussion or to the consumption of time, I shall not insist on continuing it. My opinion is that it will not take ten minutes to dispose of it. I do not think it will take five. The bill I move to consider is Order of Business 699.

The PRESIDENT *pro tempore*. The bill moved by the Senator from Tennessee will be stated.

The CHIEF CLERK. A bill (S. 1889) to authorize the Tennessee Midland Railway Company to construct a bridge across the Tennessee River.

Mr. CALL. Mr. President——

The PRESIDENT *pro tempore*. The Chair will direct the reading of an entry in the Journal of Friday last.

The Secretary read as follows:

On motion of Mr. STEWART, the Senate proceeded to consider, as in Committee of the Whole, the bill (S. 1176) to authorize the sale to aliens of certain mineral lands, and the reported amendment having been agreed to,

On motion of Mr. FAULKNER, and by unanimous consent,

Ordered, That the further consideration thereof be postponed until Monday next, and that the bill be taken up at the close of morning business.

Mr. HARRIS. In view of that entry I will withdraw my motion, and give notice that immediately upon the disposition of that bill I shall ask the Senate to consider the bill I have already indicated.

Mr. CALL. I ask as a question of order whether a resolution offered on a previous day is not to be laid before the Senate as the first business.

The PRESIDENT *pro tempore*. There are no resolutions on the table coming over from a previous day.

Mr. CALL. There is a resolution on the table coming over from a previous day, as I understand that term. It is a resolution instructing the Committee on Public Lands to report a bill declaring all patents on the public lands of the United States issued by the Secretary of the Interior without authority of law to be absolutely void, and requiring the Attorney-General of the United States to bring suit to vacate and set aside the same.

The PRESIDENT *pro tempore*. Under the operation of the rules of the Senate, that resolution was passed to the Calendar, and it can only be taken up on motion.

Mr. CALL. If the Senator from Nevada has no objection I should like to take up that resolution. I do not desire to occupy at any great length the time of the Senate, but if the Senator from Nevada will consent I will make a motion to take up the resolution.

Mr. STEWART. We have had the alien land bill up so much that I think we ought to dispose of it. It will take but a few minutes—less time than it will to discuss what we shall take up. I do not like to object to the Senator's request, but let the alien land bill be disposed of, which will take but a few moments, I think, and then we can go on with the Senator's resolution.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. Res. 81) to authorize the purchase of the lands necessary for the construction of locks and dams on the Cumberland River.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore:*

A bill (S. 258) for the relief of Maj. Daniel N. Bash, paymaster, United States Army;

A bill (S. 1371) for the relief of Alfred Hedberg;

A bill (S. 1387) authorizing the appointment of James S. Jouett to a first lieutenancy of cavalry in the United States Army;

Joint resolution (H. Res. 140) appropriating $25,000 for the international exhibition at Barcelona, Spain; and

Joint resolution (S. R. 5) in relation to the claim of John B. Read against the United States for the alleged use of projectiles for rifled ordnance claimed as the invention of the said Read and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department in 1856, for which no compensation has been made.

ALIEN OWNERSHIP OF MINERAL LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1176) to authorize the sale to aliens of certain mineral lands.

Mr. FAULKNER. Mr. President, remembering the courtesy the Senate has heretofore extended to me, I shall endeavor to show my appreciation of that courtesy by making my remarks very brief, and simply setting out my objections as a member of the Committee on Mines and Mining to the passage by the Senate of the bill now before it for consideration.

The bill does not seem on its face to be of very extensive operation; but when you take into consideration the condition of the law as it existed prior to the passage of the act of 1887, it strikes me that this bill is fraught with a great deal of danger to the country, and announces a new and revolutionary principle in reference to the holding of the title to land in the United States by aliens. As I understand it, the act of 1887 is the first that has been passed in this country by the Congress of the United States to affect the question of the holding of real estate by aliens. Prior to the passage of that act we had no law which applied to the Territories and to the District of Columbia in reference to this subject, except as to parties who were entitled to obtain patents from the Government for the public lands. Those patents were limited by the policy of the Government to citizens of the United States and those who had declared their intention to become citizens, and the act of 1887 excluded thereafter any alien from the right to acquire any of the public lands or any mining rights from the patentee or subsequent purchaser.

Therefore I say the act of 1887 was the first announcement by the legislative department of the American Government that hereafter all the real estate held in trust by that Government for the people of this Union, and more particularly for the people of the Territories in which it might be located, should be dedicated forever to the ownership of American citizens.

It was then, for the first time, that the United States announced the principle that they intended to control the alienation of real estate in the Territories, not only as to agricultural and grazing, but also as to mining rights. What was the condition of the law, as I understand it at least, prior to the passage of that act? My construction of the law prior to the passage of the act of 1887 is, not that the act of 1887 brought into our law a new principle, but that it was an affirmation of a well-settled principle of law existing prior to the adoption of that act, and the passage of this amendatory bill is now to announce a different policy from that proclaimed by this Government at the time of the enactment of that law.

I know of no country operating under the common law of England which gives to an alien the right to come in and purchase real estate, or to a foreign corporation owing its existence to a foreign government the right to come in and purchase real estate without legislative authority. The Supreme Court of the United States, in 13 Peters, laid down the rule that where a corporation created by the laws of one State was doing business or operating by the comity between the States in another State, that comity which existed between the States did not confer upon that corporation the right to hold real estate unless there was some legislative authority to do so from the State in which the land was located. That has been the recognized rule of construction by all departments of this Government, as I have always understood, up to the movement made by the Committee on Mines and Mining in the introduction of this bill.

Mr. MITCHELL. May I ask the Senator a question?

Mr. FAULKNER. Yes, sir.

Mr. MITCHELL. Does the Senator hold that in the absence of the alien land act aliens could not invest in mining property in the Territories of the United States?

Mr. FAULKNER. That is my judgment, with this limitation, that the Supreme Court of the United States, in a case decided in 101 United States Reports, admitted the principle by which the rights of parties may have been acquired, where it is said that if it is not against the declared policy of the State in which the corporation is doing business, then by reason of the peculiar comity existing in the relations between the States of this Union, the court would sustain the right of that corporation to hold land in the State where it was doing business, not being the State of its creation. That is the limitation there put upon the decision in 13 Peters. But the Senate will remember that in the discussion I have made so far, that limitation is only in reference to (and is distinctly stated and put upon that ground by the Supreme Court) the peculiar relations existing between the States of this Union under the form of government which binds them together. I know of no decision that would overrule these views; and if these views are true and the doctrine applied by the Supreme Court to corporations created by one State and operating in another could by analogy be held to extend to foreign corporations exercising their powers in some of our States to corporations organized by foreign powers, there is no necessity for this bill. The last decision to which I have referred was placed on the ground of the comity between the States of this Union on account of their relations to each other under our Constitution. That is the pith of the argument of the court in 13 Peters. Even if we draw no distinction between a corporation in one of our States and one in a foreign country doing business in another State, it strikes me that the principle is clear that unless there was a comity existing here which by some distinct act of the legislative department recognized the right of a foreign corporation to come here and purchase lands, the case would come under the original common-law doctrine that an alien or a foreign corporation can not go into another jurisdiction and hold lands without the consent of the sovereignty in which the lands are located.

Now, assuming that to be true, the question is whether there was any legislation by Congress prior to the act of 1887 that in any way affected that point. I am at a loss to find it if there has been. I find no declaration in any act of Congress under which the right of an alien or of a foreign corporation to come in and acquire land within the limits of a Territory or the District of Columbia can be claimed; and unless the Supreme Court of the United States should hold that by reason of the fact that there was no adverse legislation by Congress in this long period, therefore the comity of States would justify them in holding that it was against the declared policy of Congress to prevent aliens to hold real estate within the Territories, then I should say that under the decisions of that court they could not acquire any valid title within the Territories or the District of Columbia, and I think that that has been the general judgment, as shown by the actual results.

So far as I am able to learn from the statistics furnished by the Government, I can find no record in any Territory of any mining right owned by any foreign corporation, except in the Territory of Utah. In every other Territory such rights are guarded by local legislation, and foreigners are absolutely excluded by the very terms of the law itself. Then the act of Congress of 1887 steps in and declares that real estate shall not be held by aliens in the Territories of the United States, and shall only be owned by citizens of the United States and those who have declared their intentions to become such. That was the direct enunciation of an affirmative policy by Congress. Was that legislation unwise, ill-advised, against the interests of this Government? Was it not the calm, deliberate expression of the wisdom of the Senate and of the House of Representatives but one year ago? Has the legislative body so changed since that period, or have circumstances so developed the erroneous views held by the Senate and House of Representatives in the passage of that law as to show that they committed an error in policy which should be

reversed? If so, I have been unable to ascertain that that has been demonstrated.

Now, for myself I am unwilling, because this bill comes in as an amendment to that law prohibiting aliens from holding real estate in the Territories, to consent to this change of policy. The bill is drawn with great ingenuity. It does not appear on the face of it to announce some new principle, but it says that nothing in the act of 1887 shall be construed as affecting the rights of aliens to hold mining rights, mining claims, etc. What would necessarily be the legal construction by a court of the bill if passed by Congress? Congress passed a law that excluded aliens from holding agricultural and grazing lands and mineral lands, and the attention of Congress having been called by an act framed in this way to the fact that it did embrace mineral lands, it declares to the world that the law existing prior to the passage of the act of 1887, in its judgment and according to the policy the Government had been pursuing in reference to this subject, was not applicable to the subject of mines.

I think, sir, that the bill on its face does not meet the question with that squareness and fairness with which the Legislature should meet it. It refuses to declare in the face of the decisions of the Supreme Court that such was the policy of Congress prior to 1887; and I venture to assert that any such legislation will not be sustained by the Senate. If that is so, then bring in a fair bill that meets the question squarely and declares that the policy heretofore construed by the Supreme Court to be the law of this land shall be reversed, and that hereafter aliens shall be entitled to hold these rights.

That is the view I take of this bill. If you pass it, what is the result? You not only allow the alien individually to come here and procure these mining rights; you not only allow partnerships, which to some extent aggregate capital, composed of foreigners to purchase these mining rights and mining claims, but you also allow—and that is the real purpose of the bill as I shall be able to demonstrate to the Senate—corporations formed in England, Ireland, Scotland, France, Belgium, Germany, or anywhere, to come here, clothed with life simply by a foreign power, controlled in all their functions as corporations by a foreign authority, to acquire mining rights and mineral lands in our Territories. The Supreme Court has held that although you may recognize the existence of a foreign corporation within the State in which it is doing business, yet that it is absolutely under the control and power and dominion of the authority that gave to it its creation and breathed into it the breath of life; and so far has the court gone in the case in 109 United States Reports, to which I have alluded, that although the contract with the foreign corporation was made in the city of New York, and it was payable there and it received the money under its contract there, yet under the laws of the Dominion of Canada the contract made in New York was annulled; and the Supreme Court held that Canada had a right to do it, and that every one who transacted business with a foreign corporation must be aware of the legal principle that the law which created it governed as to the rights and remedies and as to the powers of that government to control it as well as to creditors as to individual stockholders. In that case an arrangement made by the Dominion of Canada through its parliament was sustained, and the court announced the principle of absolute control by a foreign power over its corporations.

Mr. President, I am opposed to investing a foreign creature, controlled by foreign capital, managed by foreign agencies, whose sympathies are alien to the sympathies of the people of this country—I am opposed to investing that creature, which has neither body nor soul, with the power to come into this country or its Territories and to purchase any number of tracts of mining lands that it may deem proper according to its own interest, led by its cupidity, its interest, or its policy, because there is no limitation in the laws of the Union to-day that controls the number of mining rights or claims that may be acquired by any particular corporation or individual. For that reason also I am opposed to this bill.

There is another view that I take of this matter, Mr. President. As I understand the law, Congress has the supreme legislative power over the Territories. We have created Territorial Legislatures and we assume that Territorial Legislatures announce the local sentiment of those Territories. Now, what is the corporation law of almost every Territory in this country?

Mr. STEWART. I should like to inquire of the Senator from West Virginia if there is any law in his State that prevents an alien from owning an interest in a mine?

Mr. FAULKNER. None that I know of.

Mr. STEWART. Nor is there in any other State.

Mr. FAULKNER. The Senator's question would be pertinent if this was a State legislative body, legislating in the interest and for the benefit of the citizens of that State. I am not giving my views of the state of things in a State; and that is not at all in point here. Whatever my views on this subject may be, they are applicable to the Territories. If the same state of facts existed in my State and I was a legislator in that State, I would enforce these views there as well as here.

Mr. REAGAN. If the Senator from West Virginia will allow me, I will state, in response to the inquiry of the Senator from Nevada, that I do not understand that there is a difference between acquiring an interest in mining property and other lands, and that while a foreigner may purchase land in the States and a quantity in the Territories also, he holds it subject to office found and can not take by inheritance. It has been generally the policy to prevent aliens holding real estate.

Mr. FAULKNER. We are the supreme legislative power over the Territories. I recognize that to be the fact. At the same time we have vested legislative authority in the local Legislatures of the Territories. I think the Legislatures of those Territories express the local public sentiment of their constituents when they enact laws for the benefit and guidance and direction of the people of the Territories under and within the scope of the authority derived from the General Government. Why is it, if they do not want to establish a policy, that in all their laws they require the charter members of corporations to be citizens of the United States and residents of the Territory? This is an indication of popular sentiment in the Territories that the parties who shall become corporators in the Territory shall be citizens of the United States and also residents of the Territory. That has been the law in almost every Territory.

Others go further and provide that a majority of the trustees or directors of every corporation in the Territory shall be American citizens. Why? Simply in order that the interests of the corporators shall be controlled and guided and protected by those who are identified in interest not only with the Territory, but also with the Government of the United States.

Now, sir, it need not be said that the fact that these limitations are put on the local laws does not exclude foreign corporations. I should hold, speaking only for myself, that the fact that these limitations were in the laws as to corporations was a declaration of a policy by the Legislatures of the Territories that foreign corporations should not come in there and have the rights and privileges of American corporations.

But I go further. In the Territory of Washington the law is express, clear, and explicit; it leaves no room for doubt. When it comes to mining it says in distinct terms that none but corporations formed within the States of the United States or in the Territories shall mine within the limits of that Territory. There is a declaration by the legislative agents elected by the people of that Territory as to their local sentiments and local interests in reference to this matter, and that has been the law.

It was not the impulse of a moment that created that act, because years after its passage, when they found it was necessary to allow foreign corporations created elsewhere than in their own Territory or in the United States, they went on and permitted a foreign corporation by express act of the Legislature to be created for the purpose of building railroads, tramways, bridges, etc., and limited and controlled the powers of any foreign corporation within the Territory of Washington to those particular functions authorized by that particular enactment.

I have not been able to find any decisions in that Territory or the others with reference to the construction of these laws, and yet they have been enacted in the full blaze of local criticism, liable to be overruled by a superior power; but in no instance has Congress interfered with any such Territorial legislation.

Mr. President, I am satisfied from what I have seen here that there is no reason for this bill under any view that can be taken of it. I say that anybody who will examine the statistics of our precious metals year by year will be satisfied that the mining industries of this country are being sufficiently developed now; and I am surprised that the Senator from Nevada, who is pressing this bill with such earnestness, has not realized the force of the argument he addressed to the Senate not long ago on the silver question. He then urged on us that by reason of the cry of an overproduction of the precious metals, especially silver, we had succeeded in demonetizing silver here and in other countries, and thereby created such a panic by these declarations of the overproduction that many were induced to vote for the demonetization of silver.

Mr. STEWART. The Senator misapprehended my argument. I endeavored to state that the object of demonetizing silver was to cause contraction, that the parties who originated it were indifferent whether it was silver or gold that was demonetized; their object was contraction.

Mr. FAULKNER. I am not questioning the proposition the gentleman laid down as the substance of his argument. He was clearly showing that, by reason of the panic created by the allegation of the great overproduction that had resulted and was about to result in America in the production of silver, many were induced to vote for the demonetization of silver who otherwise would not have been in favor of it. By examining the statistics year by year the Senator will see that the production of the precious metals in this country is rapidly increasing by the legitimate, natural development of the mines under the law as it now exists. But it may be claimed that we are doing this with foreign capital. Of course I do not propose to speak with any great degree of familiarity and knowledge of the Western Territories; in that respect I yield, of course, to the gentlemen who represent the States around them; but I must be permitted to say that I have a right to express an opinion based upon the authentic records of the Government of this country and the statistics which it furnishes for the information of the public.

As far as I have been able to ascertain, in the year 1880, when every-

thing was prosperous there in reference to this matter, there were 1,172 deep mines reported in active operation in those Territories and States. Of those 1,172 mines the report of the compilers of the census shows that but 17 were owned by foreigners; and when you come to find the locality of those 17 they were every one of them in States of the Union except 7 in the Territory of Utah. Gentlemen may get up and say "I know from personal information that that is not true;" but I am giving the facts shown by the record. When I speak of the deep mines, I refer to the mines that the census reports speak of as working mines and reported as being in operation. Of course there may be others. These are deep mines, and 17 out of 1,172 is but 1.45 per cent. of all the mines in operation owned by foreign capital. In reference to the placer mines the statistics show that not one of them is owned by foreign capital. I suppose one reason of that is that a great many of these mines, as I understand, are often worked before patents are issued under the present law or any law that has ever existed. But those are the statistics that I have been able to gather.

It seems to me, outside of the other views which I have presented, these figures should satisfy the Senate that this bill ought not to pass in this form, no matter what the views of Senators may be on the general subject. It is treating the question in an unfair way, and not meeting the issue raised by such a bill as they should desire to pass to secure the object they have in view.

Now, Mr. President, I offer an amendment, which I send to the desk and ask to have read.

The PRESIDING OFFICER (Mr. COCKRELL in the chair). The Senator from West Virginia offers an amendment, which will be stated.

The CHIEF CLERK. At the end of the amendment reported by the Committee on Mines and Mining, and already adopted, it is proposed to add:

Provided further, That when mining claims which have been patented are acquired by a partnership, a majority of the partners shall be citizens of the United States: *And provided further*, That where said claims are acquired by incorporated companies, the powers of the company shall be exercised by a board of trustees or directors who shall be stockholders in the said company, and a majority of said trustees or directors shall be citizens of the United States.

Mr. FAULKNER. I am opposed to the bill even if the amendment shall be attached to it, but I propose to test the sense of the Senate upon this proposition. The effect of the amendment, if the bill passes, would be to give the right to an individual alien to come in and acquire mining rights and interests in the Territories; it would also enable an alien to come in and join a partnership of American citizens for the purpose of acquiring mining rights and interests in the Territories, but it would require a majority of the partners to be American citizens; it would allow a corporation created by the laws of any State or Territory to be composed of foreigners and to use foreign capital simply, with a provision that a majority of the trustees or directors should be American citizens, so that American citizens should have control of the corporation. The only thing—and that is the proposition I want voted upon by the Senate—the only thing that it absolutely excludes from coming in and purchasing these mining rights is a corporation organized, formed, and owing its creation to a foreign government. If that amendment is adopted and the bill is passed it will exclude a foreign corporation created by a foreign government from coming in and acquiring mining rights to an unlimited extent.

Mr. GRAY. I understood the Senator from West Virginia to claim that the amendment excluded foreign corporations, that is, corporations created by a foreign government, from exercising any of the rights of ownership in mining claims in the Territories.

Mr. FAULKNER. I did not mean entirely that. Under the amendment I suppose a foreign government could create, if it would do so, a corporation, provided it would provide in its charter or its law that a majority of the directors or trustees of that corporation should be American citizens.

Mr. GRAY. That is just the point I wished to make.

Mr. FAULKNER. I do not fear that question, I will say to the Senator from Delaware, because you will never find a foreign government giving the control of a foreign corporation to American citizens.

Mr. GRAY. But you will nevertheless under your amendment allow foreign corporations, if they comply with the requirement of a majority of the trustees or directors being American citizens, to enter and own mining claims and do all things that a domestic corporation could do in regard to carrying on a business of that kind; and at the same time that foreign corporations would be exempt from the domestic control unless you made a condition which would subject them to the domestic control of the Territory or the State—a condition prescribed by the legislative authority that they should so subject themselves before they exercised the rights of ownership or transacted business of any kind, would you not?

Mr. FAULKNER. I fully agree with the Senator from Delaware. I think even with the amendment the bill would be so defective as to cause me to vote against it; and I only offered it to bring up the single question of excluding corporations formed entirely of foreign citizens by foreign governments from coming in and controlling the mines of our Territories.

Mr. GRAY. Could you control such a corporation, for instance, by a mandamus? Would there be the same protection as in the case of domestic corporations, that they should exercise their rights according to the policy of the Government? Could you control any such corporation by a writ of mandamus?

Mr. FAULKNER. You could control that or any other corporation by a mandamus provided you could get the corporation for the purpose of having service upon it within the jurisdiction of the court issuing the mandamus; but then that does not give the State the power to control the action of that corporation. Why? You must have the corporation before you in a mandamus before you can enforce the mandamus for a violation of the rule, and I doubt very much whether that could be done.

Mr. GRAY. You would not have the power under a *quo warranto?*

Mr. FAULKNER. *Quo warranto* would not lie, because the charter was not derived from the sovereignty in which the land was located, and no sovereignty could attach the corporation and take from it its charter rights but that country which created it and gave to it its charter rights.

Mr. GRAY. The Senator will pardon me. I do not wish to interrupt his remarks, but I was very much impressed with his argument in reference to the policy declared by this Government in regard to foreign corporations owning mining claims. He spoke of his amendment, and I called attention to it that it only provides that a foreign corporation shall have among its corporators a majority of members of American citizens, but the corporation may be created by a foreign government, subject to its control and such conditions as it may require.

Mr. FAULKNER. I think that is the construction of the amendment, and I announced that I would vote against the bill if amended.

I have spoken longer now than I intended or desired, and shall not longer detain the Senate.

Mr. STEWART. Mr. President, there is a total misapprehension in regard to this bill, and I will ask for the reading of the amendment offered by the committee.

The PRESIDING OFFICER. The amendment proposed by the committee will be read.

The Secretary read the amendment, which was to strike out all after the enacting clause of the bill and to insert:

That the act entitled "An act to restrict the ownership of real estate in the Territories to American citizens, and so forth," approved March 3, 1887, be, and the same is hereby, amended by inserting after section 4 of said act the following: "*Provided, however*, That this act shall not relate to, or in any manner affect, the title to mineral lands or mining claims in the Territories of the United States, which may be acquired or held, under the mineral-land laws of the United States, nor to mills or other reduction works or property used in the production of metals from said mineral lands or claims; but, as to all such mineral lands, mining claims, mills, reduction works, and other property, the laws of the United States and of the Territories shall be and remain the same as though this act had not passed."

Mr. STEWART. It will be observed that the last clause of the bill as amended leaves the law, so far as mining claims in the Territories are concerned, in the same condition that it would have been in if the act of 1887 had not passed.

Now, I undertake to say that the Senator himself has demonstrated that no evil resulted from the law as it then stood. He says very few foreigners were engaged in the business—only seventeen companies, I believe, in all the mines, over eleven hundred in number.

He has also put in a plea for local self-government, and that is the very thing that these Territories are seeking after. They want to be let alone in this respect. They had been let alone for nearly forty years in this respect, and no evil resulted. If there are any restrictions necessary they will make them. There is not a State in the Union that a foreign corporation or foreigners may not mine in. The evil aimed at under the law of 1887 was the monopoly of agricultural lands that were permanent. Mines of any kind are exhausted in time. A mine has no permanent foothold, and particularly gold and silver mines, the life of which is not over twenty years at the best. The average life of them would not be more than eight or ten years. So there is no permanent acquisition or absorption of the country. There is no danger in it. But foreigners do expend some money. They occasionally buy a mine in the Territories and develop it, as they do also in the States, and no harm has come from it. To deprive the Territories of the necessary local self-government in this respect seems to be an unwarranted interference with their rights.

The policy of the Government towards miners has been a liberal one. When the miners first went to that country, by reason of the non-action of the Government, they made their own rules and regulations, which prevented monopolies and secured the development of the country with great rapidity. Finally, after some seventeen or eighteen years had elapsed, Congress simply confirmed the local laws that the miners had made, confirmed them, and thereby encouraged the development of the country, and under that liberal policy the Territories have grown up and States have been formed. The mining law of the United States took its pattern from the local legislation of the people.

Now, there is not a State in the Union that excludes foreigners from engaging in mining or in building railroads, and why should this discrimination be made against the Territories? Their neighbors in the States are allowed to develop their resources; but Congress extended a law intended to prevent land monopoly to mining, without any recommendation in any report, without any discussion that I have been able to find, with no report favoring it and no report pointing out an evil

in that direction. Now every man from that region, of all parties, whether he be a representative in either House or whether he be a private citizen, asks that the old law may be restored.

Mr. MITCHELL. Allow me to say that no discussion took place in either House of Congress when that bill was under consideration which shows that it was ever intended to apply to mines, and there is much in the discussion in both Houses which shows that it was not so intended.

Mr. STEWART. That is true.

Now the Senator from West Virginia speaks of local legislation of the Territories. They can still have their local legislation under this measure. The amendment of the committee is carefully drawn with a view of restoring the old law, leaving things as they were before the passage of the act of 1887; and it is a great hardship to interfere with the business of those developing Territories, Montana and Idaho particularly. It is a great hardship to those people. I have not produced the letters here, but there has hardly been a day this winter that I have not received letters and petitions from citizens there asking for the passage of such a bill as this. The present condition of things interferes with their business, deprives them of local self-government. This measure introduces no evil. If this had been a monopoly and an evil, the Senator would not have been able to say that foreigners did not avail themselves of the privilege formerly accorded. The fact that they did not avail themselves of it there generally shows that there can be no abuse under it. But to deprive the people of these Territories of the right of obtaining money wherever they can get it to develop their mines is interfering with local self-government, and is a great hardship.

I will not prolong the discussion, because I want a vote. We have had the bill up many times, and I want a vote of the Senate upon it.

The PRESIDING OFFICER. The bill is now before the Senate as in Committee of the Whole. The amendment proposed by the Committee on Mines and Mining having been agreed to, the amendment proposed by the Senator from West Virginia [Mr. FAULKNER] is not now in order. It may be offered after the bill is reported to the Senate. Are there further amendments to be offered in Committee of the Whole?

Mr. EVARTS. Mr. President, I have no amendment to propose; but as to the situation now before the Senate in regard to the bill itself I have this to say, that in my judgment the whole subject of the encouragement or toleration of investments by foreigners in mining operations is a subject entirely apart and remote from the question of allowing the ownership of soil by foreigners here. Whatever may be the proper policy in regard to either of these heads, they do not fall within the same considerations or the same motives that should lead to the adoption of the one or of the other.

The bill which passed and became a law last year was intended to prevent foreigners from becoming owners of real estate in this country; and the principal interest at which this legislation was aimed was in regard to the breadth of agricultural ownership, for but little interest, I think, was ever felt in the question whether a foreigner should or should not be the owner of a house and lot or of a store and lot in one of the cities within the Territories where he was either to pursue his trade or to house his family.

With this legislation as covered by this intent and interest of excluding foreigners from becoming owners of our soil, it does not seem to me that the matter now in hand was ever purposely included within that legislation; and as the whole project now is to extricate from that unintended entanglement, I can see no reason for insisting upon it in its present place in that legislation unless by itself as a new matter of legislation we should think it was desirable and valuable to our policy and our citizens.

I think the matter of foreign capital and foreign owners of that capital being introduced into the development of mines and bringing out from the earth in its rocky beds commodity of service in trade and human use belongs really not to a question of real estate and of foreign participation in the ownership of the soil of a country, but falls within head of trade, and nothing but trade.

We all know that there is no considerable area of land involved in any of these mines—I think I am right in saying in all of them put together in these Territories or in the States themselves. They have not to do with the ownership and partition and distribution and sale of the soil of the country. It is nothing but an adventure in the nature of trade by capital and skill producing valuable results. That foreigners come here has no more to do with their becoming owners of our land than if we ourselves in the Eastern States put in capital of that kind in developing the mines in the Territories or in the Western States. Whatever it be, it is not inveighed against at all if exercised on the part of our citizens, I will agree; and it is the same operation for foreigners as it is for Eastern capitalists. They go there to aid in developing the industry and the wealth and the filling up of the population of the new Territories and of the Western States; that is what the foreigners do, and that is all that they do, and they do not enter into an exclusion of agriculture or a wide occupation of it by any of our citizens.

Neither is this ownership permanent. Being directed, as I have said, to the sole purpose of developing this industry, this investment and all share and participation by foreigners disappears when the mine is exhausted. All agree that the land, the *pedis possessio* for the purpose of carrying on this mere trading operation, the development of local interest, is all obliterated the moment that the mine is exhausted; nobody remains the owner of it, or cares further what is the possession or *pedis possessio* of the land. When your own States, holding the same position to developing their industries, filling up their population, enriching their communities, adopt, encourage, and invite from foreigners a complete and full enjoyment and so a complete and full enterprise and action within the State, am I not right in saying that in the Western Territories, where mines are to be developed and where there is much jealousy that agricultural land shall not be opened to monopoly by foreigners, we should allow them to encourage absolutely as their policy this acceptance and hospitality of foreign capital in developing their local interests? I believe I am right in saying that every State having the same relation to mining that the Territories have and that the United States has towards them in governing them well, as a State policy invites and desires a full development of these industries by capital from foreigners. Why is it, then, that the United States, under a fancied analogy, should be a meaner nursing mother of these local interests than the State governments are within their territory and dominion over the same subject? Why is it that in this period of nascent growth of the Territories this or that interest of the United States should step in and chill and check and thwart and denounce a local industry upon some mere wide and general theory of uniformity with regard to aversion to foreigners owning lands here?

Mr. FAULKNER. I would ask the Senator from New York to yield to a question.

Mr. EVARTS. Yes, sir.

Mr. FAULKNER. I ask the Senator from New York whether he does not know that the local law of one of the Territories expressly prohibits foreign corporations from coming in and having any of the rights or privileges of domestic corporations either formed in the States or in the Territories?

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, the Senate resumes the consideration of the unfinished business.

Mr. STEWART. I ask unanimous consent that the pending order may be laid aside temporarily to let us finish this bill, if we can, with the right to call for the unfinished business at any time when debate shall be protracted.

Mr. PLATT. I am very anxious to go on with the regular order, but I recognize the fact that the bill now under consideration has been several times before the Senate, and if I thought the vote would be reached in a short time I would have no objection to the arrangement proposed by the Senator from Nevada. I still, however, wish that it may be understood that the regular order can be called for at any time.

The PRESIDENT *pro tempore*. If the unfinished business is informally and temporarily laid aside, it will be subject to a call at any time for the regular order. Is there objection to the unfinished business being temporarily laid aside to allow the discussion upon the bill recently under consideration to proceed? The Chair hears none.

Mr. EVARTS. My answer to the question of the Senator from West Virginia [Mr. FAULKNER] is directly that I was not aware of the law to which he refers; but its existence does not affect at all the argument that I was addressing to the general subject, which was not limited to the discussion of the rights of corporations. I am discussing the general right, the prudence, and the value of foreign capital in developing local industries in the shape of mining properties.

There seems to be no answer to this proposition, that in the interval before the Territories are introduced into the sovereignty which belongs to States, over what is allotted to them the Territories should not have their growing industries of any kind checked and thwarted for this interval, when upon their arrival at the condition of statehood by introduction by Congress into that relation they will be under the same influences and the same motives with the existing States similarly situated to cherish and develop this same purpose.

Now I will say a word on the question of corporate organization of this capital, if that needs to be separately discussed. If the general proposition be true that private ownership of mining property and its development should be allowed to foreigners as persons, and they absolute owners and administrators therefore of that interest, I can see no distinction to be drawn between that accorded right and limiting foreign corporations in owning and administering that property, upon any division of argument or reason or policy that is peculiar to the ownership of land.

Is there then any reason why foreigners are to be allowed to develop with their capital these local industries in mines that an organization of them should not be allowed to conduct, irrespective of the question whether the stockholders are or are not foreigners? A line might undoubtedly be drawn between allowing a foreign corporation or requiring that foreigners should adopt here a domestic incorporation, but this requires that there shall be no such domestic incorporation unless a certain proportion of the owners as stockholders are citizens of the United States. The principal question is one worthy of attention, but I can not think that this discrimination between private foreign ownership and organized foreign ownership should make a difference, except under some general political theory hostile to corporate organization.

Mr. President, in this discussion with regard to a matter in which perhaps I have as little interest and my constituents, as little interest as any other State or any other Senator can feel, I have thought that I found what should be treated as an unintended incorporation of regulations of trading and developing our industries by foreign capital on a matter with which it had no concern, and that is the ownership by foreigners of the soil of the land.

Mr. CALL. Mr. President, I should be very glad to give my support to the bill of the Senator from Nevada, who feels a great interest in it. The bill opens to the absolute ownership of foreigners mineral lands in the Territories. I presume that the policy as to the ownership of the soil would determine the propriety of a law of this kind. Scarcely any one, I think, would want the entire soil of any State or Territory, whether mining or agricultural, to be held by foreigners, by absent landlords, with power to deny to American citizens the privilege of occupancy. I apprehend that no one would contend that the entire soil of a State, whether it be mineral or agricultural, should be owned by foreigners resident in a foreign land, people who are not citizens of our own country and the owners of the right of eminent domain to be at their will and pleasure as to the conditions of occupation, and yet that is the proposition of this bill—that the entire dominion of the soil, the ownership of the mining lands of this country may be acquired by foreigners and held by them without limitation.

It is very well for us to examine what the state of the law on that subject is. I refer to Blackstone. It never has been the law that the unrestricted ownership of real estate, whether mineral or agricultural, should be allowed to foreigners. It is always to be conceded that while in the interest of trade restriction of alien ownership of property should be done away with, and while in almost every State of the Union the disabilities of aliens have been removed in the interest of more liberal commercial relations, yet it is a principle of public policy in all governments that it shall not be an absolute and unrestricted right, but shall be subject to conditions to be imposed by the sovereign power. Blackstone says:

> An alien born may purchase lands or other estates, but not for his own use, for the king is thereupon entitled to them. If an alien could acquire a permanent property in lands he must owe an allegiance, equally permanent with that property, to the King of England, which would probably be inconsistent with that which he owes to his own natural liege lord; besides that, thereby the nation might in time be subject to foreign influence and feel many other inconveniences. Wherefore by the civil law such contracts were also made void; but the prince had no such advantage of forfeiture thereby as with us in England. Among other reasons which might be given for our constitution it seems to be intended by way of punishment for the alien's presumption in attempting to acquire any landed property: for the vendor is not affected by it, he having resigned his right and received an equivalent in exchange. Yet an alien may acquire a property in goods, money, and other personal estate, or may hire a house for his habitation; for personal estate is of a transitory and movable nature; and, besides, this indulgence to strangers is necessary for the advancement of trade.

That was certainly the state of the law in both the civil and the common law. The civil law in the Latin countries made a contract for the purchase of real estate by an alien absolutely void. The law of England forfeited it to the king. So that by the custom of England aliens held the land bought subject alone to the exercise of the right of forfeiture by the king, which was not usually done, but was always the condition upon which he held his right. He might by application to the Crown acquire the rights of a denizen, which were simply letters patent giving him the special right upon condition of holding real estate. Let us see how that law has progressed to the present time. In the notes to Blackstone we find:

> 5. The lands which aliens take, by deed or devise, they may hold as against all persons except the sovereign.

That is the interpretation of the law as held in our country under the alien laws of the different States.

> An alien has no inheritable blood through which title may be deduced, and consequently one can not take lands by descent who must claim by representation through an alien. (Jackson *vs.* Green, 7 Wend., 333; Levy *vs.* McCartee, 6 Pet., 102.) But one brother may inherit from another, notwithstanding the father is an alien, the descent as to the brothers being immediate. (Collingwood *vs.* Pace, Sid., 193.)
>
> Some of the American States have abolished the disability of aliens to hold lands, which, as to those States, rest upon no sound reasons.
>
> 6. By statute 7 and 8 Vic., c. 66, an alien friend may hold every species of personal property except chattels real, and may take and hold any lands, houses, and other tenements, for the purpose of residence or occupation, or for the purpose of any business, trade, or manufacture, for any term not exceeding twenty-one years.

That is the statute of England, according to these notes, at this time. There is not to-day in England the unrestricted right of the ownership of real estate by law, but it is limited to the period of twenty-one years and to chattels real. I am not one of those who think that it is wise to put restrictions on commercial relations between the different sovereignties in the world; but I think it is wise that the laws should look to the ownership and dominion of real estate substantially by the people of the country who render service to it and who are bound by its laws and reside within its boundaries; and it seems to me that it would be very well for the Senator from Nevada to have this bill recommitted and impose some conditions upon this unrestricted right of ownership, which may accomplish his purpose.

I think we may accomplish the purpose of inviting foreign capital and giving it proper protection in the operation of the mines, without opening the entire occupation of the mineral lands of the country to foreign ownership and foreign capital; and we have some reason to know that the acquisition of real estate, whether agricultural or mineral, in this country in large bodies by aliens, subjects of foreign governments, is not an imaginary evil. We are advised of the existence of the great Maxwell grant, which takes a territory large enough to comprise a State and vests the title of it in foreigners—non-residents—with the right to impose such terms of occupancy as they see fit, as may be of financial benefit to them, holding back, if they choose, the sale of these lands for a quarter of a century or longer, until density of population has rendered their occupation necessary and has rendered them extremely valuable. I think these are evils which a sound public policy may well look into; and while I should be very glad to aid the Senator from Nevada by my vote in accomplishing his purpose, I think this bill which he has here is entirely too broad in affirming the right to the absolute and unrestricted ownership of all the mineral lands in the country by foreign capital and by aliens. It might be so amended as to vest the power in the Territorial Legislatures to prescribe the conditions upon which sale might be made to aliens, in view of the fact that the States now exercise this power. This would prevent any hurtful discrimination against the Territories.

Mr. DOLPH. Mr. President, it seems to me that the Senator from Florida has mistaken the scope of this bill. The complaint which caused the enactment of the law that was passed during the last Congress to prevent the ownership of real estate by aliens was that large tracts of agricultural lands were held by aliens. Congress in attempting to provide against that evil I think went further than it ought to have gone. I was opposed to that bill as it was sent to the Committee on Public Lands, and if it had not been brought up for passage just before the adjournment of Congress I should have endeavored to have exempted mining claims and even buildings for residence and business purposes in cities from its operation, and restricted the bill to the ownership of agricultural lands.

The pending bill does not open the mines of the country to ownership by foreigners. It simply restores the condition of affairs that existed before the passage of the act of the last Congress. If the Territory of Washington or any other Territory has a law on the subject, that law remains intact. Congress stepped in and exercised authority and took away the right from the local Territorial governments to determine who should hold real estate by the enactment of the law of the last session. This bill simply repeals the prohibition of the act of last year so far as it prohibits aliens from owning mines. It leaves the Territories free to legislate, and if, as supposed by the Senator from West Virginia, the Territory of Washington has a law which prohibits foreign corporations from owning or working mining claims within the Territory, that law remains, and the people of all the Territories are at liberty to legislate on that subject, and their law stands until Congress shall annul and disapprove it. That is all there is of this bill.

Mr. STEWART. I hope we shall have a vote now.

The bill was reported to the Senate as amended.

Mr. COCKRELL. Now the Senator from West Virginia can offer his amendment.

Mr. FAULKNER. I now offer my amendment.

The PRESIDENT *pro tempore*. It will be read.

The CHIEF CLERK. It is proposed to add to the amendment made as in Committee of the Whole:

> *Provided further*, That where mining claims which have been patented are acquired by a partnership, a majority of the partners shall be citizens of the United States: *And provided further*, That where said claims are acquired by incorporated companies, the powers of the companies shall be exercised by a board of trustees or directors who shall be stockholders of said company, and a majority of such trustees or directors shall be citizens of the United States.

Mr. STEWART. I hope that will not be adopted. It will destroy the whole effect of the bill. Let the Territories exercise their legislative power.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from West Virginia to the amendment of the Committee of the Whole.

Mr. FAULKNER. On that I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MITCHELL (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS]. If he were here, I should vote "nay" and he would vote "yea."

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS]. Not knowing how he would vote, I refrain from voting.

Mr. WALTHALL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER]. If he were present, I would vote "yea."

The roll-call was concluded.

Mr. ALLISON. I am paired with the Senator from Delaware [Mr. SAULSBURY].

Mr. HALE. I am paired with the Senator from Kentucky [Mr. BECK].

Mr. BLACKBURN. I am paired generally with the Senator from

Nebraska [Mr. MANDERSON]. If he were present, I should vote "yea."

Mr. EVARTS. I am paired with the Senator from Alabama [Mr. MORGAN]. I am told that he would vote "yea," if present. I should vote "nay."

Mr. REAGAN (after having voted in the affirmative). I voted "yea," but I am paired, and did not at the moment remember it, with the Senator from New York [Mr. HISCOCK]. I withdraw my vote.

The result was announced—yeas 20, nays 17; as follows:

YEAS—20.

Bate,	Coke,	Harris,	Stewart,
Berry,	Daniel,	Kenna,	Turpie,
Butler,	Faulkner,	Pasco,	Vest,
Call,	George,	Plumb,	Wilson of Iowa,
Cockrell,	Gray,	Pugh,	Wilson of Md.

NAYS—17.

Chace,	Dolph,	Palmer,	Sherman,
Chandler,	Frye,	Payne,	Teller.
Colquitt,	Hearst,	Platt,	
Cullom,	Ingalls,	Sabin,	
Davis,	Jones of Nevada,	Sawyer,	

ABSENT—39.

Aldrich,	Edmunds,	Hoar,	Reagan,
Allison,	Eustis,	Jones of Arkansas,	Riddleberger,
Beck,	Evarts,	McPherson,	Saulsbury,
Blackburn,	Farwell,	Manderson,	Spooner,
Blair,	Gibson,	Mitchell,	Stanford,
Blodgett,	Gorman,	Morgan,	Stockbridge,
Bowen,	Hale,	Morrill,	Vance,
Brown,	Hampton,	Paddock,	Voorhees,
Cameron,	Hawley,	Quay,	Walthall.
Dawes,	Hiscock,	Ransom,	

The PRESIDENT *pro tempore*. A quorum has not voted. The Secretary will call the roll.

Mr. BROWN. Can I vote now?

The PRESIDENT *pro tempore*. The Senator's vote can not be received, the result having been announced.

The roll was called, and the following Senators answered to their names:

Allison,	Daniel,	Jones of Arkansas,	Sawyer,
Bate,	Davis,	Kenna,	Sherman,
Berry,	Dolph,	Mitchell,	Spooner,
Blackburn,	Evarts,	Paddock,	Stewart,
Brown,	Faulkner,	Palmer,	Stockbridge,
Butler,	Frye,	Pasco,	Teller,
Call,	George,	Platt,	Turpie,
Chace,	Gray,	Plumb,	Vest,
Chandler,	Hale,	Pugh,	Walthall,
Cockrell,	Harris,	Ransom,	Wilson of Iowa,
Coke,	Hearst,	Reagan,	Wilson of Md.
Cullom,	Ingalls,	Sabin,	

The PRESIDENT *pro tempore*. A quorum is present.

ADMISSION OF DAKOTA.

Mr. PLATT. I call for the regular order.

The PRESIDENT *pro tempore*. The Senator from Connecticut calls for the regular order, which is Senate bill 185.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 185) to provide for the admission of the State of Dakota into the Union, and for the organization of the Territory of Lincoln.

The Secretary proceeded to read the amendment reported by the Committee on Territories; which was to strike out all after the enacting clause of the bill and in lieu thereof to insert a substitute.

Mr. PLATT. I desire to make a few amendments which will not be objected to, I think, which are merely formal in their character, and for the purpose of perfecting the text I ask that the substitute may be read subject to amendment as it is read.

Mr. BUTLER. I have no objection to that.

The PRESIDENT *pro tempore*. If there be no objection that order will be observed, and the Senate will act upon the amendments as they are proposed while the reading of the amendment reported by the committee proceeds.

The Secretary resumed and continued the reading of the amendment to section 6.

Mr. PLATT. I move to amend by inserting after "United States," in line 2 of section 6, the words "within said State," which have been left out by some accident.

The amendment to the amendment was agreed to.

Mr. PLATT. After "United States," in line 5 of section 6, I move to insert "according to law."

The amendment to the amendment was agreed to.

The reading was resumed and continued to section 13.

Mr. PLATT. In lines 5, 6, and 7, of section 13, I move to strike out the words

Have by any means been appropriated to private or other uses, or in any way diverted from school purposes,

And insert:

Shall have been sold or otherwise disposed of by the United States according to law.

The amendment to the amendment was agreed to.

Mr. PLATT. I move to strike out in line 9, of section 13, before the word "number," the words "an equal" and insert "a;" and also in line 9, after the word "sections," to strike out "to those thus diverted" and to insert:

Equal to such mineral lands and the lands so sold or disposed of.

The amendment to the amendment was agreed to.

Mr. PLATT. In line 12 of the same section, before the word "other," I move to strike out the words "common school and" and insert after the word "other" the words "than common-school;" and in line 13, to add the letter "s" to the word "selection" so as to read "selections."

The amendment to the amendment was agreed to.

Mr. PLATT. I move to transpose section 22 so that it will come in between sections 17 and 18, and change the numbers of the other sections accordingly.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

Mr. PLATT. I also move to transpose sections 27 and 28 so that section 27 will become 28 and section 28 will become 27.

The PRESIDENT *pro tempore*. That change will be made unless there be objection.

The amendment reported by the Committee on Territories as amended is to strike out all after the enacting clause of the bill and insert:

That the State of South Dakota is hereby declared to be a State of the United States of America, and is hereby admitted into the Union on an equal footing with the original States in all respects whatever; and that the constitution which the people of South Dakota have formed for themselves be, and the same is hereby, accepted, ratified, and confirmed, subject, however, to the provisos hereinafter contained.

SEC. 2. That the following shall be the boundaries of the said State of South Dakota, to wit: Beginning at the point of intersection of the western boundary line of the State of Minnesota with the northern boundary line of the State of Iowa, and running thence northerly along the western boundary line of the State of Minnesota to its intersection with the seventh standard parallel, where in its easterly course it intersects said boundary line; thence west along the said seventh standard parallel to the easterly bank of the Missouri River at low-water mark; thence up the said Missouri River along the easterly bank thereof at low-water mark to the point of intersection with the forty-sixth parallel of north latitude; thence west along the forty-sixth parallel of north latitude to its intersection with the twenty-seventh meridian of longitude west from Washington; thence south on the twenty-seventh meridian of longitude west from Washington to its intersection with the northern boundary line of the State of Nebraska; thence easterly along the northern boundary line of the State of Nebraska to its intersection with the western boundary line of the State of Iowa; thence northerly along the western boundary line of the State of Iowa to its intersection with the northern boundary line of the State of Iowa; thence east along the northern boundary line of the State of Iowa to the place of beginning.

SEC. 3. That the said State of South Dakota shall have concurrent jurisdiction of the river Missouri and of every other river bordering on the said State of South Dakota, so far as the said rivers shall form a common boundary to the said State and any other State or States or Territory or Territories now or hereafter to be formed, said rivers to be common to both; and that the said river Missouri shall be a common highway, and forever free as well to the inhabitants of said State as all other citizens of the United States, without any tax, duty, impost, or toll imposed by said State of South Dakota therefor.

SEC. 4. That until the next census and apportionment shall be made the said State of South Dakota shall be entitled to two Representatives in the House of Representatives of the United States Congress.

SEC. 5. That to defray the expenses of the constitutional convention held by the people of said State, and of elections held therefor and thereunder, the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, to be paid to the treasurer of said State upon the requisition of the Legislature thereof, setting forth the items and particulars of such expenses so incurred.

SEC. 6. That sections 16 and 36 in every township of the public lands of the United States within said State, and where such sections, or any part thereof, shall be mineral lands, or shall have been sold or otherwise disposed of by the United States according to law, other lands equivalent thereto, in legal subdivisions of not less than one-quarter section, are hereby granted to the said State for the support of common schools; and such sections shall not be subject to pre-emption or entry, whether surveyed or unsurveyed, but shall be reserved for school purposes only.

SEC. 7. That thirty entire sections of the unappropriated public lands within said State, to be selected and located by direction of the Legislature thereof, with the approval of the President, shall be, and are hereby, granted, in legal subdivisions of not less than one-quarter section, to the said State for the purpose of erecting public buildings at the capital of said State for legislative and judicial purposes, in such manner as the Legislature shall prescribe. The lands may be selected out of the public lands within the boundaries of said State, whether surveyed or unsurveyed.

SEC. 8. That so much of seventy-two sections of land granted by the act of February 18, 1881, to the Territory of Dakota for the use of a university as lies within the said boundaries of the State of South Dakota is hereby granted and confirmed to said State for such purpose, and, in addition thereto, a sufficient number of sections to make a total of seventy-two. If any of the lands granted by said act of February 18, 1881, and lying within the boundaries of said State, have been sold under the provisions thereof, then the proceeds thereof shall go to the State in lieu of the land sold.

SEC. 9. That ninety sections of land, to be selected and located as provided in section 8 of this act, are hereby granted to said State for the use and support of an agricultural college in said State, and none of the lands granted by this act, or the proceeds thereof, shall be used for any other purpose than that for which the grant is specifically made whatever.

SEC. 10. That so much of the lands belonging to the United States as have been acquired and set apart for the purpose mentioned in "An act appropriating money for the erection of a penitentiary in the Territory of Dakota," approved March 2, 1881, together with the buildings thereon, be, and the same is hereby, granted, together with twenty sections more of the unappropriated public lands, to be selected as herein provided, to the State of South Dakota for the purpose aforesaid.

SEC. 11. That 5 per cent. of the net proceeds of sales of all public lands made by the United States within the limits of the said State, prior or subsequent to the passage of this act, after deducting all expenses incident to the same, be, and the same is hereby, granted to the said State of South Dakota for the support of public schools.

SEC. 12. That all mineral land shall be excepted from the grants provided for in this act.

SEC. 13. That immediately after the taking effect of this act the governor and the commissioner of school and public lands of said State shall proceed to ascertain the number of sections 16 and 36 within the limits of said State which are mineral lands, or which shall have been sold or otherwise disposed of by the United States according to law; and the said officers shall then proceed to select, from any unappropriated public lands in said State, a number of sections equal to such mineral lands and the lands so sold or disposed of, and said officers shall also, in addition thereto, select a number of sections equal in number to the total number of sections granted in this act for other than common-school purposes; and when such selections shall have thus been made said officers shall certify a list of the same to the Secretary of the Interior, and if the same shall be approved by him the title to the same shall vest in the said State of South Dakota.

SEC. 14. That all lands herein granted for common-school purposes shall be sold only at public sale, and at a price not less than $5 per acre, and in parcels not exceeding one-quarter section to any one person, the proceeds to constitute a permanent school fund, the interest of which only is to be expended in the support of common schools.

SEC. 15. That the State of South Dakota shall constitute one judicial district, which shall be called the district of South Dakota, and the circuit and district courts therefor shall be held at the capital of said State for the time being. The judge of said district shall receive a yearly salary of $5,000, payable in four equal installments, on the 1st day of January, April, July, and October of each year, and shall reside in his district. There shall be appointed clerks of said courts, who shall keep their offices at the capital of said State. There shall be appointed for said district one district judge, one United States attorney, and one United States marshal. The regular terms of said courts shall be held at the place aforesaid, on the first Monday in April and the first Monday in November in each year. For judicial purposes the district of South Dakota shall be attached to the eighth judicial circuit, and only one grand jury and one petit jury shall be summoned in both of said courts.

SEC. 16. That the circuit and district courts for the district of South Dakota, and the judges thereof, respectively, shall possess the same powers and jurisdiction and perform the same duties possessed and required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations.

SEC. 17. That the marshal, district attorney, and clerks of the circuit and district courts of the said district of South Dakota, and all other officers and other persons performing duty in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States, and shall, for the services they may perform, receive the fees and compensation allowed by law in the State of Nebraska to other similar officers and persons performing similar duties.

SEC. 18. That that portion of the Territory of Dakota not included within the boundaries of said State upon the admission of said State of South Dakota into the Union shall, until otherwise provided by act of Congress, continue as a Territory by the name of North Dakota; and all provisions of the acts of Congress and of the Legislative Assembly of said Territory of Dakota not locally inapplicable shall continue therein in full force and effect the same as though no portion of the Territory of Dakota had been admitted into the Union; and the governor, secretary, United States marshal, and district attorney of the present Territory of Dakota shall continue to hold and exercise their respective offices within and for said Territory of North Dakota; and the chief-justice and three of the associate justices, to be designated by the President, shall continue to hold and exercise their respective offices for and within said Territory of North Dakota; and temporarily, and until otherwise provided by the Legislative Assembly of said Territory of North Dakota, the governor, chief-justice, and secretary thereof may divide said Territory into judicial districts and assign the judges thereto, and into twenty council and fifty representative districts, and apportion the representation therein to which each district shall be entitled in the Legislative Assembly: *Provided, however*, That the act of Congress approved March 3, 1879, creating the fourth judicial district for the Territory of Dakota, shall not apply to the Territory of North Dakota.

SEC. 19. That all cases of appeal or writ of error heretofore prosecuted and now pending in the Supreme Court of the United States upon any record from the supreme court of the Territory of Dakota, or that may hereafter lawfully be prosecuted from said court, may be heard and determined by said Supreme Court of the United States; and the mandate of execution or of further proceedings shall be directed by the Supreme Court of the United States to the circuit or district court of the district of South Dakota, or to the supreme court of the State of South Dakota or to the supreme court of the Territory of North Dakota, as the nature of the case may require; and each of said last-mentioned courts, respectively, shall be the successor of the supreme court of the Territory of Dakota as to all such cases, with full power to proceed with the same and to award mesne or final process therein; and that from all judgment and decrees of the supreme court of the Territory of Dakota prior to the admission of said State the parties to such judgment shall have the same right to prosecute appeals and writs of error to the Supreme Court of the United States as they shall have had by law prior to the admission of said State into the Union.

SEC. 20. That in respect to all cases, proceedings, and matters pending in the supreme or district court of the Territory of Dakota at the time of the admission of said State into the Union, whereof the circuit or district courts by this act established might have had jurisdiction under the laws of the United States had such courts existed at the time of the commencement of such cases, the said circuit and district courts, respectively, shall be the successors of said supreme and district courts of said Territory; and in respect to all cases, proceedings, and matters arising within the limits of the Territory of North Dakota the courts of North Dakota Territory shall be the successors of the courts of the Territory of Dakota; and all the files, records, indictments, and proceedings relating thereto shall be transferred to said circuit, district, and Territorial courts, respectively, and the same shall be proceeded with therein in due course of law: *Provided, however*, That in all civil actions, causes, and proceedings in which the United States is not a party, such transfers shall not be made except upon the written request of one of the parties to such action or proceeding filed in the proper court.

SEC. 21. That the Legislature provided for in said constitution shall have the power to provide, by an act to that effect, for the transfer of all actions, cases, proceedings, and matters pending in the supreme or district courts of the Territory of Dakota at the time of the admission of the said State of South Dakota into the Union, arising within that part of the said Territory of Dakota herein prescribed as the proposed new State, and not included within the provisions of the foregoing sections, to such courts as shall be established under the constitution of said State; and no indictment, action, or proceeding shall abate by reason of any change in the courts, but shall be proceeded with in the State courts according to the laws thereof.

SEC. 22. That the following division of the public debt of the former Territory of Dakota is made: All the public indebtedness thereof which has been incurred for the purpose of public institutions within the limits of the State of South Dakota shall be assumed and paid by the said State of South Dakota. The said State of South Dakota shall make immediate provision for the settlement of said indebtedness. All the remaining funded indebtedness of the former Territory of Dakota shall be and remain a debt of the Territory which by this act is organized out of the remaining portion of said former Territory. The Legislature of said Territory shall make immediate provision for the settlement of said indebtedness. One-half of the funds remaining in the treasury of the Territory of Dakota at the passage of this act, and of all receipts from taxes imposed by former Legislatures thereof, less the expense of collecting, and after the payment of any unfunded indebtedness that may be a charge against the same, shall be paid by the treasurer of said Territory to the treasurer of the State of South Dakota. All archives and records of the former Territory of Dakota now in the custody of the secretary or governor of said Territory shall be turned over by said officers to the governor or the secretary of the said State of South Dakota: *Provided*, That the State of South Dakota shall furnish to the Territory of North Dakota full and accurate copies of all such archives and records at the cost of said State of South Dakota.

SEC. 23. That until otherwise provided by act of the Legislative Assembly of said Territory of North Dakota, the city of Bismarck shall be the place of holding the sessions of the Legislative Assembly therein, which place shall be the capital of said Territory until changed by such Legislative Assembly; and the governor thereof shall also have power to designate temporarily, and until otherwise provided by the laws of said Territory of North Dakota, the places in the first, second, and third judicial districts whereat the district courts shall exercise the jurisdiction of district and circuit courts of the United States.

SEC. 24. That in accordance with the stipulations contained in section 5 of article 13 of said constitution of said State of South Dakota, there is hereby apportioned to the State of South Dakota, and said State shall assume, be liable for, and pay, all the indebtedness of the Territory of Dakota incurred for public buildings of the Territory which are built and situated, or which are provided by law to be built, within the limits of said State; and the Territory of North Dakota shall assume and be liable for all the indebtedness of the Territory of Dakota incurred for public buildings of the Territory which are built and situated, or which are provided by law to be built, within the limits of said Territory of North Dakota.

SEC. 25. That there is hereby granted to the Territory of North Dakota so many sections of the unappropriated public lands lying within said Territory as will, with the other lands lying therein selected and set apart under the act of February 18, 1881, make the full amount of seventy-two sections, such additional sections to be selected and set apart under the provisions of said last-named act and for the use therein mentioned; and any other grants heretofore made by act of Congress to the Territory of Dakota, for any purpose, of lands lying within the limits of said Territory of North Dakota, are hereby confirmed to said Territory of North Dakota for the same uses and in the same manner as the same were granted to said Territory of Dakota.

SEC. 26. *Provided, however*, That inasmuch as by this act the name of the State which was adopted by the constitutional convention recited in the preamble hereto has been changed from that of the State of Dakota to the State of South Dakota, and the boundaries of said State have been modified in this act by the change thereof east of the Missouri River from the forty-sixth parallel of north latitude to the seventh standard parallel, before said State of South Dakota shall be admitted by her Representatives to the Congress of the United States or be entitled to the other rights and privileges of a State in the Union, there shall be submitted to a vote of the people of the proposed State of South Dakota the question of the acceptance or the rejection of said amended boundaries and name; and to that end an election is hereby ordered to be held by the qualified electors of said portion of said Territory of Dakota included within the boundaries of said proposed State on the 28th day of August, 1888, upon which day there shall be submitted to said electors the following propositions: First. Is the name of the State of South Dakota accepted? Second. Is the proposed change in boundaries east of the Missouri River to the seventh standard parallel accepted? The form of the ballots to be used shall be as follows: Change of name to South Dakota accepted. Yes. Or, change of name to South Dakota accepted. No. Change of boundaries to seventh standard parallel east of the Missouri River accepted. Yes. Or, change of boundaries to seventh standard parallel east of the Missouri River accepted. No.

SEC. 27. That at the time of the election herein provided for the people of said proposed State of South Dakota shall have submitted to them for their ratification or rejection the constitution heretofore in the preamble of this act stated as having been formed and adopted, together with each of the separate articles thereof, in conformity with the schedule of said constitution, not including the selection of the temporary seat of government.

SEC. 28. That said election shall be governed in all respects by the laws of the Territory of Dakota governing elections and the canvass and return of the votes thereof. Within twenty days after the day of said election, the respective officers and county canvassers having by the law of the Territory of Dakota such duties in charge, shall make returns of the votes so cast for and against each of said propositions to the governor of said Territory of Dakota. And within ten days thereafter, or sooner, if the returns are all received by him, the said governor, calling to his assistance the auditor and chief-justice of said Territory of Dakota, shall with them aggregate said vote, and immediately certify the result thereof to the President of the United States, who shall issue his proclamation announcing the result of said vote.

SEC. 29. That if a majority of the votes cast at said election shall be in favor of the acceptance of both the change of name and boundaries, and also for said constitution, regardless of the separate articles, then said State of South Dakota shall be deemed admitted into the Union of States on an equal footing with the original States in all respects whatever. And this act of admission shall then have full force and effect, and said constitution shall be deemed amended so as to conform to said changes. But if a majority of said votes so cast shall not be in favor of both of said propositions, and not in favor of the adoption of said constitution, then this act shall cease to have further force or effect.

The PRESIDENT *pro tempore*. The question is on the amendment reported by the Committee on Territories as amended.

Mr. PLATT. This, Mr. President, is one of four bills which have been reported by the Committee on Territories looking to the admission of new States into the Union. This bill provides for the admission of the southern part of Dakota as a State under a constitution already formed, which has been accepted by the people, and under which the officers necessary for a State government have been elected. The other three bills are enabling acts for the Territory of Washington, the Territory of Montana, and for the northern half of the present Territory of Dakota.

The history of the effort for the admission of the southern part of Dakota as a State is an interesting one; but to go no further back now than the holding of the convention which framed the constitution under which the southern portion of the Territory of Dakota asks for admission into the Union it is sufficient to say that a bill was passed by the Senate at the last session of Congress admitting all that portion of Dakota which lies south of the forty-sixth parallel of north latitude into the Union as a State under that constitution. The convention which framed the constitution was held in pursuance of an act of the

Territorial Legislature passed March 9, 1885, the Territorial Legislature of course being a Legislature for the whole Territory.

In the council the vote passing the act for the holding of a constitutional convention to frame a constitution for South Dakota was unanimous. In the house it passed by a vote of 33 to 7. The delegates to that convention, which assembled on the 8th of September, 1885, were 111 in number. The actual participants among the delegates were 95. The convention adjourned on the 25th day of September, 1885, and the constitution was submitted to the people and adopted on the Tuesday after the first Monday of November, 1885. It was submitted to the people residing in that portion of the Territory which it was proposed to admit as a State. The total vote was 31,791. For the constitution there were 25,226 votes; against it, 6,565; a majority of 18,561.

I think no complaint whatever is made as to the character of this constitution. In the discussion in the Senate last session no objections, I think, were made that the constitution was not in proper form; that it did not contain the proper provisions. There was no complaint but that it was a suitable and ample constitution for a State of the Union, nor was it claimed that anything was necessary to be added in order that Congress should discharge its obligation to guaranty to the new State a republican form of government. The compact with the United States in that constitution is the ordinary compact which is to be found in the constitutions of other States which have been recently admitted.

The bill which passed the Senate last year also organized the northern half of the Territory into a new Territory by the name of Lincoln. That bill as it passed the Senate last year was referred to the Committee on Territories at the present session without change, but in the mean time the constitution had been submitted again to a vote of the people of the whole Territory by act of the Territorial Legislature at an election held on the 8th of November, 1887. Then the total vote was 67,618: For the constitution, 37,784, against the constitution, 32,913; the majority for the constitution being 4,871 in an election held for the whole Territory. There was no general election held at the time the constitution was thus submitted to the vote of the electors of the whole Territory.

Since the passage of the bill last year by the Senate it has transpired that the people within that portion of the Territory which it is proposed to erect into a State desire some minor changes to be made in the constitution. The first is in the boundary, and the second is as to the name of the new Territory; and the Committee on Territories in considering it thought that the request of the people was reasonable and ought to be respected. That has therefore necessitated a change of the bill as referred to the committee, and the changes which have been made I will endeavor to explain.

First, as to the change of boundary. The northern boundary of the proposed State by the former bill was on the forty-sixth parallel of north latitude; but that boundary would cut a narrow strip off from the southern tier of counties remaining in the northern portion of the Territory not included within the boundaries of the new State. The counties as organized there are bounded south on the seventh standard parallel east of the Missouri River, about 4 or 5 miles south of the forty-sixth parallel of latitude. That is the southern boundary of the counties which would remain in the northern half of the Territory, and the northern boundary of the counties which would be included within the limits of the proposed State. So the bill as reported by the committee makes the northern boundary of the proposed State east of the Missouri River to be the seventh standard parallel instead of the forty-sixth parallel of north latitude.

Second, there is a proposed change of name of the new State. The name of the State proposed to be admitted by the bill passed last year was Dakota. The name of the State as proposed by this bill is South Dakota. The Territorial name proposed by the bill of last year was Lincoln. The Territorial name proposed by this bill is North Dakota; that is, the remaining portion of the Territory not admitted as a State is to be named North Dakota.

Right here perhaps I may as well notice a suggestion which has been made very often, that the names North and South Dakota are not good names to be applied to States which shall be admitted into the Union. Some people have a fancy for Indian names and others would be glad to name the new State, or the new States, after some of our prominent and distinguished men of earlier years. While I would be very glad to respect this sentiment, for I think it is after all nothing but a sentiment, the condition is such that the name of Dakota can not be taken away from either portion of the Territory without injustice and without doing violence to the wishes and feelings of, I believe, every inhabitant of the Territory. To now give some other name than Dakota to either half of that Territory would be very much like going into a family where the parents had named a child with some name which was not exactly suited to the fancy of the authorities of the town and insist upon it that the name should be changed.

The name of North and South Dakota has become established, as much so as the name of North and South Carolina, and to change the name would be doing just as much injustice and just as much violence to the inhabitants of that country as it would to insist now that the State of North Carolina should no longer have that name or the State of South Carolina should no longer have that name and that new names should be adopted for those States.

This of course changes the constitution and necessitates the acceptance by the people of the constitution as thus changed, which is provided for in the last four sections of the bill; and that being necessary, the committee have thought proper to provide that the whole constitution should be resubmitted to the people.

Another change is in giving to the new State two Representatives instead of one. The bill of last year provided for a single Representative in Congress, but the committee found that there were residing within the limits of the new proposed State nearly or quite 400,000 people, and they felt that if that people was to be admitted into the Union it was fairly entitled to Representatives in the same ratio as the other inhabitants of the United States. The ratio is, I believe, 151,900, perhaps 151,911, so that 300,000 people would entitle them to two Representatives in Congress, and it seemed but just that this change from the bill of last session should be made.

I do not think of any other change in the bill from the one passed by the Senate in the former Congress, except the machinery which is required to carry out these changes, and to provide for their being put into effectual operation.

The resubmission of the constitution to the people to determine whether they will accept these changes and whether they will accept the constitution as thus amended is to be held, by the bill, on the 28th day of August, 1888, and if the return of the votes at that election shall be in favor of the change of name and boundaries, and in favor of the constitution as thus amended, the votes are to be certified to the President of the United States, and he is to make his proclamation showing whether the vote is in favor of the constitution or against it, and if it be in favor of it, then the State thereby becomes a State in the Union.

The holding of the election as provided in the bill on the 28th day of August of this year looks to the introduction of the State into the Union prior to the next Presidential election. While I desire to discuss, and propose to discuss this measure for the introduction of the new State into the Union entirely without reference to partisanship, and upon higher grounds than political and partisan considerations, I deem it but just to say that I think the people of the southern part of Dakota Territory have a right to participate in the next Presidential election. They ought to have been admitted long ago. As I proceed with the statement which I am making I shall show the effort which they have made to become entitled to the privileges of other citizens of the United States to participate in our national elections as well as in the privileges of self-government and statehood, and that Congress has been derelict in its duty, that it has temporized with and postponed the creation of the State until now it has become 400,000 strong, and the fact that another Presidential election is approaching is, I think, no reason why they should now be denied admission into the Union as quickly as it can be done under the recognized forms of admission. That perhaps is all that I need say upon that question.

Mr. VEST. When the Senator uses the expression that the people of Southern Dakota have a right to admission into the Union, does he mean that they have any sort of a legal or a constitutional right without any action on the part of Congress?

Mr. PLATT. No.

Mr. VEST. I understand that claim has been asserted upon this question, and I wanted to know whether the Senator indorsed such a proposition.

Mr. PLATT. I do not claim that they can set up a State government for themselves independently of the action of Congress.

Mr. VEST. That is the point.

Mr. PLATT. But I do claim that they have a right to form a constitution, and that, that constitution being formed, both by the treaty of 1803 with France and by the compact of the ordinance for the government of the Territory Northwest of the Ohio River, they have a moral right to be admitted by Congress; and that Congress has no right to deny their admission. That it is in the power of Congress to do it, that there is power which the stronger has over the weaker I admit, but it is a duty and has been a duty these four years to provide in some way for the admission of South Dakota into the Union. That is what I mean when I say that her people have a right to participate in the next Presidential election.

Mr. VEST. If it will not interrupt the Senator——

Mr. PLATT. I do not think it will.

Mr. VEST. I should like to ask him another question, which he seems to have intentionally or unintentionally omitted from his argument in rehearsing the history of this case. He has laid great stress upon the will of the people in Southern Dakota, and I take it that he is willing to apply the same principle to the people of the whole Territory, north and south. I will ask him if it is not the fact that in an election held in the whole of Dakota Territory last fall, either in November or December—I think in December, possibly in November—Northern Dakota voted by 10,000 majority against dividing the Territory, and in Southern Dakota the majority was 13,398, leaving the narrow margin of 3,398 majority in the whole Territory, counting the votes of both North and South Dakota?

Mr. PLATT. If the Senator had been paying attention to what I said——

Mr. VEST. I did try to pay attention.

Mr. PLATT. He would have found that I did state that on the 8th of November last the constitution was submitted to the people of the whole Territory. I gave the vote and the official majority, which differs a little from the figures which the Senator has given. The official majority was 4,871. I have the governor's statement of the canvass and return of votes before me.

Mr. VEST. But the question which I asked the Senator——

Mr. PLATT. I will answer the Senator's question. It is true that in the northern portion of the Territory there was a vote against the constitution. It is also true that in the southern portion of the Territory there was a large vote for it.

Mr. BUTLER. May I ask the honorable Senator from Connecticut whether the question of the constitution was submitted to the people in that election, or was it simply the question of a division that was submitted to them?

Mr. VEST. It was the question of division, as I understand it.

Mr. BUTLER. That is all. I think the Senator from Connecticut will find that the sole question submitted in that election, so far as this discussion is concerned, was the one of division.

Mr. PLATT. It is true that in speaking extemporaneously I inadvertently spoke of the constitution being submitted to the people of the whole Territory, but it was the question of division or no division.

Mr. VEST. That was it.

Mr. PLATT. The Senators are right about that; but as I proceed I shall show why the people of North Dakota were not in favor of division. I may as well say now, although I shall recur to it again, that the people of Dakota, of Southern Dakota and of Northern Dakota, have been so perplexed, so delayed, so hindered, so unjustly hindered by Congress in the matter of the erection of a State or States for that Territory that they were despairing. My advices from that Territory are that if the people of the Territory of Dakota believed that within the next twelve months there could be, as there ought to be, two States erected out of that Territory, there would hardly be votes enough in the whole Territory against division to be counted.

Then there was this other matter of which I have spoken, and that was the taking away from the northern portion of the Territory the name of Dakota. The bill so proposed, and it was supposed that in any division the northern portion of the Territory of Dakota would lose its name and be called Lincoln, and it felt as a father would feel when his child's name was to be changed against his consent; it felt as a man would feel when his own name was to be changed against his consent.

My advices from the Territory are that those two causes, the fact that North Dakota, or, as it was to be called, Lincoln, would be denied statehood, would be hindered and postponed in its claims for statehood as the southern portion had been, and the fact that the people were losing the name which they had given to one of the great staples of the world in respect of wheat—Dakota wheat—operated to cause them to vote against the division in the northern portion. I have a firm belief that with any assurance that the northern portion of Dakota Territory can receive the privileges of statehood within a reasonable time there would be no considerable sentiment against division in that portion of the Territory.

This leaves, as it seems to me, two questions only for discussion. First, should the Territory be divided? second, should South Dakota be admitted now? To each of these questions the majority of the committee render a most unhesitating answer, yes. The Territory should be divided; and while I would respect the wishes of the inhabitants of the Territory to a great extent, I am so strongly convinced that the Territory ought to be divided, that even against the wishes of a large portion of its population I should feel that it ought to be divided for the benefit of the nation and for the future security of the rights of the other States in the Union.

It is too large for one State. It is larger than anybody ever thought of making a State, with two exceptions. It is larger than anybody ever thought of making an agricultural State, with one exception, and that is the State of Texas, to which I shall allude further on.

I imagine that Senators do not realize the extent of that Territory or the size of the State which would be framed by admitting the whole as a single State. When I say that it is 430 miles long from north to south and 400 miles from east to west we do not even then get an idea of what a vast area that gives. We can get it only by comparison.

The whole Territory of Dakota is very much larger, and aside from the commercial advantages to be derived from a seacoast, which it lacks, it is as capable of sustaining a population as England, Ireland, Scotland, and Wales. Those four countries comprising Great Britain have 122,157 square miles. The Territory of Dakota has by the Tenth Census 149,100 square miles, so that as one State it would embrace in round numbers 27,000 square miles more than the United Kingdom of England, Scotland, Ireland, and Wales. It is practically as large as New York, Pennsylvania, New Jersey, Maryland, and Virginia. Just think for a moment of putting those States into one State! Aside from the fact that it has no seacoast, it is as capable of supporting as large a population as those States.

It seems to me that when Senators seriously realize the area which this immense State would possess they can not but come to the conclusion that even if the sentiment of the people were adverse to it and the people had a dream of empire to grow out of the admission of such a great State, yet Congress, having reference to the physical equality of all the States, if I may use that term, ought not to think of admitting one State into the Union so capable of sustaining a dense population. It is larger than all of New England, New York, and New Jersey. It is larger than Ohio, Indiana, and Illinois combined. Ohio has 44,000 square miles, Indiana has 34,000, and Illinois has 55,000, making 133,000 square miles, while this Territory has 149,000 square miles. It is larger than the combined areas of Kentucky, Tennessee, and Alabama; Kentucky having 38,000 square miles, Tennessee 45,000, and Alabama 51,000, making 134,000 square miles, it is 15,000 square miles larger than those three States combined.

Take the proposed State of South Dakota and compare it with others. The proposed State of South Dakota would have 77,000 square miles. Now, compare it with its neighbors. Nebraska has 76,000 square miles, Missouri has 65,000, Iowa has 55,000, Wisconsin 54,000, Kansas 81,000, and Minnesota 83,000, giving the round numbers. All these States which I have named are similar in character, and but two of them, Kansas and Minnesota, would exceed the proposed territory of the State of South Dakota, and those would exceed it by a small fraction only. Compare it with the Middle States. South Dakota would have 77,000 square miles. Illinois has 55,000, Indiana 34,000, Ohio 40,000, Michigan 56,000, Arkansas 52,000, Kentucky 38,000, Tennessee 45,000, Alabama 51,000, Louisiana 41,000, Mississippi 47,000, Georgia 58,000, Florida 59,000, South Carolina 34,000, North Carolina 51,000, Virginia 38,000, and West Virginia 23,000. Not one of these States I have named would have a territory as large as the proposed new State of South Dakota, and not one of them is any more capable of supporting a dense population than the new State would be. Why should the Senators who come from those States insist upon it that a State with 77,000 square miles is not sufficiently large to be admitted into the Union, provided that the character of its soil is such that it can sustain a reasonably dense population?

There are some exceptional cases where larger States have been admitted. Oregon has 95,000 square miles, Colorado has 104,000, California has 189,000, Nevada has 104,000, and Texas has 274,000. These, with the States of Kansas and Minnesota, which are a trifle larger than the proposed new State, are the only exceptional cases.

With regard to Colorado it was not supposed to be an agricultural State purely. So with California and Oregon. It was not supposed that agriculture would be the leading industry in either Colorado, California, or Oregon, and consequently it was not thought that those States would be capable of supporting a dense population.

With regard to Texas, having in round numbers 274,000 square miles, it was stipulated when she came into the Union that four additional States might be made out of the Territory of Texas. Texas was agricultural in its character. Its people believed when it came in that it was too large for one State, and Congress assented that it was large enough for five States, making about 55,000 square miles each. I think this shows what was the idea of the earlier statesmen with regard to the convenient and proper size of new States to be admitted into the Union.

Southern Dakota has practically no waste land. With the exception of the Black Hills mining country it may be said to have no waste land whatever. I read from the memorial presented by the convention which framed the constitution:

> In all this vast area there are no mountain ranges, no waste or desert lands. All are susceptible of the highest cultivation and use, save an insignificant portion in the western part, termed buttes or peaks. With the exception of the extreme western part, including, say, 6,000 square miles of hilly country, this is one vast plain traversed by several considerable streams, the great Missouri River cutting it diagonally through the center from side to side. In the extreme western part the hill lands are usually rich in soil, and, wherever denuded of timber, capable of raising as fair crops of all the cereals and vegetables of this latitude as can be raised anywhere. In short, the entire of the proposed State will sustain as many people to the square mile as any one of the richest States in the Union. With an excellent soil, well watered by numerous rivers, lakes, and springs, a great navigable river traversing its entire width, a healthful climate, its yield of the precious and useful minerals in the western portion, with plenty of coal for fuel and manufacture and pine and other timber sufficient for home use, a doubt of its capacity to support its full share of the increasing millions with which the States of the Union are to be peopled in their future history need not be indulged in by any one against Dakota, and will not be for any just purpose.

I can not conceive that there would be a greater impropriety, except in degree, in consolidating all the eight Territories of the United States and admitting them as one State. Of course the impropriety would be greater in degree. I think a rule has been established by the admission of the agricultural States whose area I have given, if there be any rule as to what makes a State of convenient and proper size, by the action of former Congresses in carving out States from our territory and admitting them to the Union.

As so much of this controversy depends upon whether we shall have one State or two, I think I may be permitted to dwell upon some of the

other reasons why we should not admit a State with 150,000 square miles, every square mile of which is capable of cultivation and of being thickly populated.

The idea of proper self-government repels the notion that such a State would not be too large. It is impossible for the common people to take part in the concerns of the State in a State of that size. The expense of attending conventions of the State, the expense of travel from one portion of it to the other, from any portion of it to the capital, the expense of attending its Legislature, is so great that it practically shuts out the common and poor people from a participation in the privileges of government and from accepting the responsibilities and performing the duties of government. It has involved up to the present time the evil of proxy representation in all their political gatherings. No political convention of any party in the Territory has been generally conducted by the delegates who have been elected. A few nearest to the point where it was to be held, or having money to reach it from remote parts, or desiring to aid some particular purpose, have attended, but the great bulk of the delegation elected to such conventions has been represented by proxy. This is inevitable; and if any greater evil can be imagined in a popular government than proxy representation, made necessary by such an immense area, I can not conceive of it. I repeat that a State of that size practically ignores and denies the right of the common people to participate in the conduct of its affairs. It relegates the conduct of affairs to the rich or to the unscrupulous.

Another thing is a practical denial of the administration of justice in its courts. Poor people can not travel long distances to attend court; they must have their courts near at hand. Perhaps this evil would not be so greatly felt under the State government as it has been felt under the Territorial government. I shall allude to that further on. But a great wealthy State just as surely tends to the rule of corporations and monopolies as does a small State. If the State is too large, it is just as likely to be ruled by those great corporations which have ends to subserve as it is if it is so small that, in the popular language, it can be easily bought up.

The truth as to what size a State should be lies, like all other truths, between extremes. It should be neither great nor small; it should be of medium size, and that has been the principle on which the statesmen of this country have acted in the admission of States. Unless Minnesota, Kansas, and Nebraska are too small, the proposed State is large enough for its good, orderly, prudent, and honest government. Who will say that Minnesota, Nebraska, and Kansas are too small? And if they be not too small, a State which doubles their area and is of comparatively the same character as to soil and population will be too large. If you consider this question with reference to the national welfare, the Territory is too large for one State, and the proposed State is certainly large enough.

I wish to submit a few statistics bearing on the resources of the proposed State. Its area, as I have said, would be 77,000 square miles; its number of acres 42,280,000. Its population, by the best estimate which can be made, taking the census of 1885 as a basis and the land entries and the statistics of immigration and the vote for ascertaining the increase of population since 1885, can not be much short of 400,000. No authority puts it less than 382,000, and that was some time ago, while the population has been rapidly increasing, so that it may be said in round numbers to be 400,000. South Dakota has 2,770 schoolhouses. It has school property of the value of $2,046,000. It expended for public schools in 1887 $1,670,000. I wish to stop right there for a moment, for I think that shows somewhat the character of its population, whether there would be a good, orderly, law-abiding, moral, industrious, and honest population within the State. The Territory gets no benefit from the public lands for schools. The Territory can not tax the public land for schools, so that whatever is raised for schools while in a Territorial condition has to be raised by taxation of the people themselves, and yet by taxation they raised and appropriated for public schools during the last year the sum I have named, $1,670,000. It has 231 newspapers, and 200 banks with a banking capital of $5,700,000. The assessed value of all property in 1887, exclusive of railroads, and exclusive, of course, of the lands which have been entered upon but which have not been patented, was $85,452,000. Miles of railroad, 2,243; number of horses in 1887, 128,000; number of cattle, 734,000; number of sheep, 194,000; number of swine, 387,000; bushels of wheat raised in 1887 in Southern Dakota, 26,632,000; bushels of oats, 24,628,000; bushels of corn, 23,510,000; bushels of barley, 3,990,000; flax, 3,200,000. Value of buildings in South Dakota belonging to the Territory, $715,207; gold and silver produced in 1886, $3,125,000.

Who will say that an area of 77,000 square miles, having the population and the resources of Southern Dakota, is not large enough for a State? So far as the national welfare is concerned, we want no imperial State. I saw a dispatch from a Dakota newspaper sent from Washington to the effect that certain members of the Senate would vote to admit Dakota as a whole, and that dispatch was headed in the Dakota paper, "An imperial State," which suggested the term I have just used. We want no imperial State. We want no State so great or so strong as to glory in its comparative strength. We want equality, physical equality as well as legal equality, among the States. We do not want any State to be overshadowed by another State.

It may be said that this is an argument which is natural to a Senator coming from a small State; but what say the Senators coming from Ohio, Illinois, and Indiana? Will their rights be better maintained in the Union? Will their privileges be better maintained by the admission of a State which will double or treble their size, their population, and their wealth in the not very distant future? We do not need States so large that they feel they can go alone. Every State should be limited in size to such an area as would make her feel her dependence not upon herself alone, but upon the Union of the States.

The whole Territory of Dakota is as capable of sustaining population as Iowa. It is not exaggeration to say that, with the present prospects of settlement, with its capacity and its resources, the whole Territory of Dakota as one State would have a population in 1900 of 10,000,000 people, and there would be a great empire in the Northwest. We might be proud of her success; but the fear is that the day would come when she would feel that she was not dependent upon the Union or upon the other States, but was independent of all.

So those wise men who have heretofore carved out the States have felt that in the admission of States after the original thirteen States, whose boundaries were fixed and could not be changed, that new States should be made as nearly equal in physical characteristics and resources as it was possible to make them. Great, strong States are an element not of strength to the nation, but rather of weakness, and I may say a possible menace and danger.

Good statesmanship will avoid the creation of imperial States. I heard it said during the discussion last year that if we would divide Dakota and divide other Territories the Senate would become a mob. At most it could not have more than one hundred members if we admitted all the Territories, dividing Dakota, and, I think, splitting up Texas into five States besides; but it is better that the Senate should be so enlarged, that it should represent the popular will and feel the popular pulse, than that a State should be admitted which would have an abnormally large representation in the House of Representatives. It is to the danger, it is to the disadvantage of smaller States and medium-sized States that any State should have an abnormally large representation in the House of Representatives.

The people of Dakota Territory have never had any controversy on the subject of the division of the Territory, unless it has occurred very recently. I think I have given the explanation of it, but certainly in all its earlier stages clear down to the past twelve months the sentiment in that Territory has been almost universal for division. It commenced as early as 1871. A memorial to Congress was unanimously passed in both houses, and approved by the governor January 12, 1871, praying for the division of that Territory, and from that date until within the last twelve months there has been practically no anti-division sentiment in the Territory of Dakota. Bill after bill has been introduced looking to a division of the Territory, looking to an enabling act for the two States, and in every other possible way expressing the sentiment of the people of Dakota in favor of division.

But I will not dwell upon this point. I shall recur to it hereafter if it becomes necessay.

I wish to say, in corroboration of what I said awhile ago, that if Dakota could have assurance that two States would be made there within a reasonable time there would be practically no division of sentiment now; but they have been led to believe that in some way they can not have two States, and their intense desire and longing for statehood is such that many of the people voted at the last election, when the question of division was submitted to them, against the division of the Territory. But prominent men in the Territory who then voted against and counseled votes against division have told me that if there was a reasonable chance that within the near future South Dakota could be admitted as a State and the northern half organized into a Territorial government or admitted as a State by an enabling act, they would be in favor of division, as they had always been.

Is it difficult to understand the intensity of this desire, Mr. President? Neglected, baffled, denied, and suffering, the people have not known which way to turn. Their condition is simply intolerable, and Congress ought to know it, and Congress ought no longer to make this matter a foot-ball, kicked about between its two Houses. No other people asking to be a State were ever treated with similar indignity, unless in the case of the State of Kansas.

There are more people in South Dakota to-day than there were in any one of eight States by the census of 1885. Nevada had a population of 62,000; Rhode Island, 276,000; Vermont, 332,000; New Hampshire, 346,000; Colorado, 194,000; Delaware, 147,000; Florida, 270,000; Oregon, 174,000. Here are eight States in the Union whose people, except that they have the warrant of Congress, are no more entitled to participate in the privileges of this Government than are the people of South Dakota.

A Territorial government is a pledge of statehood, Mr. President. Chief-Justice Taney, in the Dred-Scott decision, said as much. I need hardly refer to it; it is familiar to Senators. He said Congress did not acquire territory to hold it in a colonial condition; that the organization of a Territorial government was a pledge to the people that when they had the sufficient population and resources they should be admitted to

participation in the privileges of the citizens of the other States. This is what Judge Taney said of a Territory:

The power to expand the United States by the admission of new States is plainly given; and in the construction of this power by all the departments of the Government, it has been held to authorize the acquisition of territory, not fit for admission at the time, but to be admitted as soon as its population and situation entitle it to admission. It is acquired to become a State, and not to be held as a colony and governed by Congress with absolute authority; and as the propriety of admitting a new State is committed to the sound discretion of Congress, the power to acquire territory for that purpose, to be held by the United States until it is in a suitable condition to become a State upon an equal footing with the other States, must rest upon the same discretion.

The Territory of Dakota was originally a part of the territory ceded by France to the United States under the treaty of April 30, 1803. The third article of the treaty is as follows:

ART. 3. The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess. (8 Stat. L., page 202.)

So these people have thus guarantied to them by that treaty the right to be admitted to the Union "as soon as possible, according to the principles of the Federal Constitution."

All the privileges of the ordinance of 1787 for the government of the territory northwest of the Ohio River were extended in 1834 by a public act to the territory which now constitutes the Territory of Dakota, and in the fifth article of the ordinance of 1787 it was provided:

And whenever any of the said States shall have 60,000 free inhabitants therein such State shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original States in all respects whatever, and shall be at liberty to form a permanent constitution and State government: *Provided*, The constitution and government so to be formed shall be republican and in conformity to the principles contained in these articles; and, so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period and when there may be a less number of free inhabitants in the State than 60,000.

So the people of Dakota Territory, both under the treaty with France and under the Northwest ordinance, have morally a right to be admitted to the Union, and that they had long ago.

The Territorial condition, aside from this question of right, is a condition of infancy, of pupilage, I was going to say of vassalage. If too long maintained it is a position of vassalage. It is true that while the Territory is weak it needs the sustaining and protecting authority of Government; it needs the support of Government. It is like the child while under the power of the parent. Society has fixed a limit when that must end. In the case of the child society says that it must end and the child must be an independent and free man at the age of twenty-one. So a Territory in its condition of infancy needs to be protected and supported by the Government. It needs the strong arm of the Government. It needs its advice, as the child needs the advice of the father. It needs its laws as the child needs the precept of the father. But it would be no more intolerable that the father should attempt to exercise his authority after the child arrived at the age when the common consent of mankind said that it was to be free and independent and to be emancipated from the power of the father than it is the Government to undertake to maintain the Territorial condition after the Territory has reached that point where it is entitled by all the rules and the history of this Government to admission into the Union. Whenever the Government compels a Territorial condition, after that period arrives it governs the Territory as it would govern a colony; it is not self-government any longer. It is abhorrent to the principles of our Government, which are that the people shall all have a voice in saying what the government of the people shall be.

But some Senator might ask me to specify and say, After all, what are the evils of Territorial government of which you speak? Why, is it not a pretty good thing that the Government should extend its protecting arm and its sustaining care over a great area of country, filled with people who have come from other States where they learned the dignity of responsibility and the duties of freemen?

There are a good many answers to that. One I have already made. It is not self-government. It is a shutting out of a certain portion of the people of this land from the privileges of self-government in holding a Territorial condition after the time has come when the common consent of the people of the country says, as it does in this case, they should be admitted to statehood. It is denying to them that principle which we insist upon as the right of man when we say that universal suffrage is to be the rule of this nation. It is taxation without representation. It is the same thing that the colonists fought against when we achieved our independence.

Do you tell me that the people of a Territory, 400,000 strong, many of whom followed the flag in the war of the rebellion and fought to preserve this country, all the adult males of whom have exercised the rights of citizens and electors in other States, are not entitled to this suffrage? That they are not entitled to say as much as I am who shall be the President who presides over the nation? That they may not say who shall be their governor, or their judges, and many other officers? That men are to be sent to them, put over them, and they are to be excluded from all right to say who they shall be? It is a violation of the basic principle of the Government of the United States.

Just think of it, Mr. President. They have no more to do with electing their own officers in Dakota than the people of Canada in the election of the governor-general of Canada or the——

Mr. SPOONER. Or in the removal of them.

Mr. PLATT. Or in the removal of them. The governor is sent to them as Great Britain sends a governor to Canada. They are a colony, not an integral part of the Union. It adds no dignity or luster to this Government to maintain people in such a condition. It takes away from our dignity and our standing.

I will not put it too strongly, for I do not counsel or advise anything but submission on the part of the people of the Territory of Dakota. It was said in a former debate that they had undertaken to set up a State government in fact, as Michigan did in her early period, and so I counsel nothing but submission; but I do not put it too strongly when I say that the American citizen has to restrain himself and withhold all the natural tendencies of his manhood when he submits to such a condition beyond the period when the Territory ought to be admitted as a State.

The governor of Dakota, a man sent to them from without the State, appoints one hundred and twenty-five Territorial officers, who expend all the money of the Territory. They are confirmed by the council it is true, but the very system tends to work corruption. I make no charges of corruption in that Territory. I simply say that this very Territorial system, when extended beyond the period of infancy and pupilage, tends directly and inevitably to a corrupt government and not a free government.

The Territorial condition gives a veto on all legislation to a man who is usually a stranger to the interests of the Territory. It has always been the case in the history of the world that where a governor held his position purely by appointment the tendency was to fraud and corruption. Wherever on the face of the globe colonial government exists or has existed, there you will hear the cry of dishonesty raised against the governor and the governing classes.

At the danger of wearying the Senate I wish to quote what Dr. Franklin said in the constitutional convention about the proprietary government of Pennsylvania, and while I make no practical application of it to Dakota, I say that he struck there the inevitable tendency of this kind of government. In the debates in the convention which framed the Constitution of the United States, in June 1787, speaking of the veto power which should be confided to the President—

Dr. Franklin said he was sorry to differ from his colleague, for whom he had a very great respect, on any occasion, but he could not help it on this. He had had some experience of this check in the executive on the Legislature, under the proprietary government of Pennsylvania. The negative of the governor was constantly made use of to extort money. No good law whatever could be passed without a private bargain with him. An increase of his salary, or some donation, was always made a condition; till at last it became the regular practice to have orders in his favor, on the treasury, presented along with the bills to be signed, so that he might actually receive the former before he should sign the latter. When the Indians were scalping the Western people, and notice of it arrived, the concurrence of the governor in the means of self-defense could not be got till it was agreed that his estate should be exempted from taxation; so that the people were to fight for the security of his property, whilst he was to bear no share of burden. (5 *Elliott's Debates*, 152.)

I do not say that any such thing exists in Dakota or in any of the Territories, and yet it is within the observation of every Senator here that the people of the Territories feel that when a governor comes to them from outside he comes there to make some money outside of the governmental salary, and that he makes conditions about the signing of bills which, if not putting money in his pocket, in some way conduces to the advancement of his private interest. So legislation and appointments come to be a matter of give and take in the Territories.

There is no constitutional or legal limit to taxation or appropriation or indebtedness in the Territory. The claim or pretense of self-government is a mockery where the executive or administrative officers are not elected by the people. The judicial system of Dakota as it is to-day is a practical denial of justice. There are six judges there for 600,000 people, and that is all beyond a justice of the peace who has a jurisdiction for $100. With the exception of justices of the peace, with their hundred-dollar jurisdiction, there are six judges only for 600,000 people, scattered over a Territory 430 miles long and 400 miles broad. There is the district of Yankton, with its 150,000 people, which has only a single judge. There are counties in which there has been no court in two years, and criminals lying in the jails awaiting trial for that length of time because there can be no court there. Men have been tried for penitentiary offenses there in which the argument of their attorney in their defense was by necessity limited by the judge to ten minutes; not an unusual thing!

I need not go on to enlarge upon the disabilities of Territorial government. The United States Government does not support the Territory any longer. It pays annually $24,500, and biennially, when the Legislature meets, $38,850 more; so that in one year it pays $24,500 for the support of the Territory, and every alternate year it pays $63,350 for the support of the Territory; and yet Southern Dakota expended for its public schools last year $1,670,000, raised from its own resources; and its taxes—I have not the figures here—raised for other purposes were about $500,000. It makes interest higher, it makes taxes higher, it retards development, it makes it impossible for the poor man to get along as well as he can in a State. It is within the knowledge of every

Senator here that if Dakota were to be admitted as a State, the whole or any portion of it, immigration would go there with a rush just as soon as that announcement was made to the public, because it would be felt then that there was to be a stable condition—not an unstable condition of things.

All that the Anglo-Saxon holds dear to him in government is wanting in a Territorial government, for until the Territory comes to that period when it is entitled to be admitted as a State it has no Magna Charta, no constitution, no election of executive or administrative officers. It is in vassalage, it is in a degraded condition. The wonder is that the people of this Territory have been so patient. Their very patience demonstrates their fitness for self-government.

Are these people to be taunted with too much anxiety to be admitted? Are they to be taunted with having framed a constitution before the Congress of the United States told them that they might frame a constitution? Are they to be held out of the Union because they have shown their anxiety to come in; to be clothed with all the privileges and dignity of other citizens; to stand here upright in their manhood, instead of bowing down in their vassalage, by adopting a constitution in advance of the permission of Congress?

Perhaps, Mr. President, it is hardly worth while to restate the argument that this forms no reason why they should not be admitted; and if I have demonstrated that South Dakota is large enough for a State, both considering the welfare of the State and the welfare of the nation, that its people are of that character who will conduct an orderly, stable, republican government, it is scarcely necessary for me to recur to the question as to whether they should be admitted under the constitution which they have formed. I will, however, for a few minutes allude to some of the precedents.

I make this proposition, that the admission by a constitution already formed without an enabling act passed by Congress, is, so far as the precedents are concerned, just as regular as admission by a constitution formed after the passage of an enabling act. It is too late in the history of this Government to say that there is anything irregular in the people of a Territory forming a constitution, establishing the boundaries of a new State, and asking to be admitted under such circumstances.

We have had twenty-five new States admitted. Three were formed out of old States, namely, Kentucky, Maine, and West Virginia. Kentucky had no constitution adopted when the vote was passed for her admission, and I think West Virginia had none. Vermont claiming independence was claimed by New York also, but she was admitted, and it can scarcely be said that she was admitted by being carved out of another State, because she claimed independence, and I think was fairly entitled to it; but there was no enabling act in that case.

None of the States which can be said to have been in any way embraced within the territory of the original thirteen States ever came into Congress under an enabling act passed by Congress. They came in with constitutions framed by themselves for themselves, and in some cases the act of admission was passed before even the constitution was framed, as in the case of Kentucky.

Texas was annexed as an independent republic. She was still contesting her right to independence with Mexico at the time she was annexed to the United States. She was soon after admitted, with a constitution already framed, with no enabling act by Congress. Twenty States have been organized out of the public domain, two from the territory ceded by Georgia and South Carolina, namely, Alabama and Mississippi. These each had an enabling act. One, Tennessee, out of territory ceded by North Carolina, was admitted without an enabling act; admitted with a constitution she framed for herself. One, Florida, was admitted from territory ceded by Spain, and there could be no claim in the case of Florida, as there was in the case of those States which came in under the treaty with France, that there was a guaranty which enabled her to form a constitution for herself, and yet Florida was admitted with a constitution already formed without an enabling act passed by Congress.

Two States were formed from territory ceded by the treaty of Guadalupe Hidalgo—California and Nevada. The last, Nevada, had an enabling act, but California had none. California had a constitution and a State government in operation before she was admitted into the Union, and without any act of Congress giving her even a Territorial organization. She carved her own boundaries out of the territory which was acquired by the treaty of Guadalupe Hidalgo. She was under a military government. She had no Territorial government. She had no authority of a Territorial Legislature to call a convention and frame a constitution. She had the assent and the consent of the military governor, and thereupon she proceeded. Out of the territory acquired from Mexico she selected a certain portion and established her boundaries, and then framed her constitution, and elected her officers. She set up her State government, and the military governor turned over all his power and authority into its hands; and then she came and was admitted to the Union by act of Congress.

That is the history of California's admission. Nevada had an enabling act.

Five States have been carved out of the territory ceded by Virginia known as the Northwest Territory—Ohio, Indiana, Illinois, Michigan, and Wisconsin. All of these had enabling acts but Michigan. Michigan had none. Michigan was like Dakota. She had been struggling for recognition; she asked for bread and received a stone; she had knocked at the door of Congress for admission, but Congress had turned a deaf ear to her, and thereupon she proceeded by act of the Territorial Legislature to call a constitutional convention. She thereupon framed a constitution; set up a State government; elected Senators and sent them here, and exercised the rights of State government, and then was admitted without an enabling act, under the constitution thus formed, when, if Dakota was doing the same thing it would be said it was in rebellion against the Government, setting up an independent government without authority of the General Government, and yet that is the way Michigan was admitted.

The Louisiana purchase has contributed nine States, including Oregon and Colorado, some portions of which may have been acquired otherwise. Those States are: Louisiana, Missouri, Arkansas, Iowa, Minnesota, Kansas, Nebraska, Colorado, and Oregon. Of these Arkansas, Iowa, and Oregon were admitted with constitutions already framed and formed and ratified by the people, without any enabling act on the part of Congress giving them permission to make such constitutions. So three of the nine States which have been carved out of the Louisiana purchase have been admitted without an enabling act and without a question of the propriety of thus admitting them.

Kansas was unique. She was admitted under the Wyandotte constitution, for which there was an enabling act, but she had been conditionally admitted under the Lecompton constitution, for which there was no enabling act. I think I do not misstate the circumstances of the admission of Kansas.

So, then, it is seen that when twenty States have been carved out of the public domain, seven of those States have been admitted without any enabling act or without any permission of Congress first given to form a constitution. It can no longer be said, as it was in the last debate, that there is any determination in Dakota to put this State in operation until after she is admitted. The people have been patient, waiting, with their constitution formed, begging for admission as other States have been admitted into the Union.

So I say, Mr. President, in conclusion, that South Dakota brings herself within the precedents under which States have been admitted. It is true she carved out her own boundaries, but so did California, so did Oregon, so did Iowa, so did Michigan, and possibly some other States; so that, whether it be in the matter of having framed a constitution without permission of Congress, or having carved out her boundaries, occupying for the State only a portion of what was embraced within the Territorial organization, it can not be said that she has done anything irregular.

Mr. President, why should not South Dakota be admitted, and admitted now? Why should her prayer be longer denied? Why should the United States turn a deaf ear to her prayer? Why should the Senate of the United States refuse to participate in that greatest and grandest act of legislation, the admission of a new State into the Union, and the addition thereby to the grandeur, the strength, the glory, and the renown of the American Republic?

Mr. BUTLER. Mr. President——

Mr. CHANDLER. Will the Senator yield to enable me to offer an amendment to the bill, to be printed.

The PRESIDENT *pro tempore*. The Senator from New Hampshire.

Mr. CHANDLER. I offer an amendment to the pending bill, to be printed and lie on the table for the present.

The PRESIDENT *pro tempore*. It will be received and printed.

Mr. FRYE. Does the Senator from South Carolina desire to proceed to-night?

Mr. BUTLER. I am indifferent about it.

Mr. FRYE. I gave notice that I should ask the Senate to proceed to the consideration of executive business at 4 o'clock to-day. I make that motion.

Mr. BUTLER. That will be agreeable to me, with the understanding that I have the floor to-morrow.

The PRESIDENT *pro tempore*. The Senator from South Carolina [Mr. BUTLER] retains the floor on the pending bill. The Chair lays before the Senate a message from the President of the United States.

FLORIDA SEMINOLE INDIANS.

The message was read, as follows:

To the Senate and House of Representatives:

I transmit herewith a communication of the 6th instant from the Secretary of the Interior, submitting, with accompanying papers, a draught of proposed legislation, prepared in the office of Indian Affairs, to authorize the use of certain funds therein specified in the purchase of lands in the State of Florida upon which to locate the Seminole Indians in that State.

The matter is presented for the favorable consideration of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April* 9, 1888.

The message was ordered to be printed and lie on the table.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. The Senator from Maine [Mr. FRYE] moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifty-six minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.)

the Senate adjourned until to-morrow, Tuesday, April 10, 1888, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate April 9, 1888.

RECEIVERS OF PUBLIC MONEYS.

Joseph J. Rogers, of Lisbon, Dak., to be receiver of public moneys at Grand Forks, Dak., *vice* William J. Anderson, term expired.

John Schleyer, of Hays City, Kans., to be receiver of public moneys at Wakeeney, Kans., *vice* William H. Pilkenton, resigned.

INDIAN AGENT.

Daniel W. Butler, of Wasco County, Oregon, to be agent for the Indians of the Warm Springs agency in Oregon, *vice* William W. Dougherty, resigned.

POSTMASTER.

Jasper N. Hammond, to be postmaster at Seneca Falls, Seneca County, New York, *vice* Stephen Weatherlow, term expired.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 5, 1888.

UNITED STATES ATTORNEY.

William E. Purcell, of Dakota, to be attorney of the United States for the Territory of Dakota.

POSTMASTERS.

Dwight N. Miller, to be postmaster at Homer, Cortland County, New York.

Paul W. Grierson, at Calumet, Houghton County, Michigan.

Atlen G. Sprankle, at Millersburgh, Holmes County, Ohio.

James Tiernan, at Fort Howard, Brown County, Wisconsin.

Executive nominations confirmed by the Senate April 9, 1888.

POSTMASTER.

Amos Cogswell, to be postmaster at Owatonna, Steele County, Minnesota.

REGISTER OF LAND-OFFICE.

Albert L. New, of Greenfield, Ind., to be register of the land-office at Evanston, Wyo.

JUSTICE OF THE PEACE.

John Evans, of the District of Columbia, to be a justice of the peace in and for the District of Columbia.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April* 4, 1888.

[CALENDAR DAY, *April* 9, 1888.]

The recess having expired, the House (at 11 o'clock and 45 minutes a. m., Monday, April 9) resumed its session.

ORDER OF BUSINESS.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, what is the pending proposition?

The SPEAKER. The question is upon the motion made by the gentleman from Ohio [Mr. EZRA B. TAYLOR] that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of the special order.

Mr. BRECKINRIDGE, of Arkansas. Pending that motion I move that the House take a recess for thirty minutes.

Mr. WEAVER. I move to amend that motion by striking out "thirty minutes" and inserting "two hours."

LEAVE OF ABSENCE.

The SPEAKER. Pending motion of the gentleman from Iowa [Mr. WEAVER] the Chair desires to lay before the House several personal requests.

By unanimous consent, leave of absence was granted as follows:

To Mr. GROSVENOR, indefinitely, on account of important professional business.

To Mr. GRANGER, indefinitely, on account of sickness.

To Mr. SIMMONS, for this day, on account of sickness.

FRAUDULENT USE OF THE MAILS.

Mr. SENEY, by unanimous consent, reported from the Committee on the Judiciary, as a substitute for House bill No. 4373, a bill (H. R. 9268) to punish dealers and pretended dealers in counterfeit money and other fraudulent devices for using the United States mails; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 4373 was, by unanimous consent, laid on the table.

ORDER OF BUSINESS.

Mr. JOHNSTON, of North Carolina. I ask unanimous consent to make a report from the Committee on Public Buildings and Grounds.

Mr. REED. I shall have to ask for the regular order.

The SPEAKER. The question is upon the amendment of the gentleman from Iowa to the motion of the gentleman from Arkansas. The amendment proposes that the House take a recess for two hours.

The question being put, there were—ayes 4, noes 58.

Mr. OATES. No quorum.

Mr. EZRA B. TAYLOR. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 9, nays 163, not voting 152; as follows:

YEAS—9.

Blanchard,	Hayes,	Richardson,	Wheeler.
Clardy,	Hutton,	Washington,	
Crain,	Neal,		

NAYS—163.

Allen, Mass.	Ermentrout,	Latham,	Russell, Mass.
Allen, Mich.	Farquhar,	Lee,	Ryan.
Anderson, Iowa	Finley,	Lehlbach,	Sawyer,
Anderson, Ill.	Flood,	Lind,	Scull,
Baker, Ill.	Foran,	Long,	Seney,
Bayne,	French,	Lyman,	Seymour,
Biggs,	Fuller,	Macdonald,	Sherman,
Bliss,	Funston,	Maish,	Shively,
Boothman,	Gallinger,	Mansur,	Snyder,
Bound,	Gear,	Mason,	Spooner,
Boutelle,	Gest,	Matson,	Springer,
Bowden,	Goff,	McClammy,	Stahlnecker,
Bowen,	Greenman,	McCormick,	Steele,
Browne, Ind.	Grout,	McCreary,	Stephenson,
Brown, Ohio	Guenther,	McKenna,	Stockdale,
Brown, J. R., Va.	Hall,	McKinley,	Stone, Mo.
Bunnell,	Harmer,	Milliken,	Struble,
Burrows,	Hatch,	Moffitt,	Symes,
Campbell, F., N. Y.	Haugen,	Montgomery,	Taulbee,
Campbell, T. J., N. Y.	Hayden,	Morrill,	Taylor, E. B., Ohio,
Cannon,	Hemphill,	Morrow,	Taylor, J. D., Ohio,
Caruth,	Henderson, Iowa,	Nichols,	Thomas, Ky.
Caswell,	Henderson, N. C.	Nutting,	Thomas, Wis.
Cheadle,	Henderson, Ill.	O'Donnell,	Townshend,
Chipman,	Hermann,	O'Neall, Ind.	Vandever,
Conger,	Hitt,	O'Neill, Pa.	Wade,
Cooper,	Hogg,	Osborne,	Walker,
Cothran,	Holman,	Outhwaite,	Warner,
Cox,	Hopkins, Ill.	Owen,	Weber,
Crouse,	Hopkins, Va.	Parker,	West,
Culberson,	Houk,	Patton,	White, Ind.
Cummings,	Hovey,	Penington,	White, N. Y.
Dalzell,	Hudd,	Peters,	Whiting, Mass.
Darlington,	Hunter,	Pidcock,	Whitthorne,
Davis,	Johnston, Ind.	Plumb,	Wickham,
De Lano,	Johnston, N. C.	Post,	Wilber,
Dibble,	Kean,	Reed,	Williams,
Dingley,	Kennedy,	Romeis,	Wilson, W. Va.
Dockery,	Kerr,	Rowell,	Woodburn,
Dorsey,	Lagan,	Rowland,	Yost.
Elliott,	Laidlaw,	Russell, Conn.	

NOT VOTING—152.

Abbott,	Cockran,	Jones,	Phelan,
Adams,	Cogswell,	Kelley,	Phelps,
Allen, Miss.	Collins,	Ketcham,	Pugsley,
Anderson, Miss.	Compton,	Kilgore,	Randall,
Anderson, Kans.	Cowles,	Laffoon,	Rayner,
Arnold,	Crisp,	La Follette,	Rice,
Atkinson,	Cutcheon,	Laird,	Robertson,
Bacon,	Dargan,	Landes,	Rockwell,
Baker, N. Y.	Davenport,	Lane,	Rogers,
Bankhead,	Davidson, Ala.	Lanham,	Rusk,
Barnes,	Davidson, Fla.	Lawler,	Sayers,
Barry,	Dougherty,	Lodge,	Scott,
Belden,	Dunham,	Lynch,	Shaw,
Belmont,	Dunn,	Maffett,	Simmons,
Bingham,	Enloe,	Mahoney,	Smith,
Bland,	Felton,	Martin,	Sowden,
Blount,	Fisher,	McAdoo,	Spinola,
Breckinridge, Ark.	Fitch,	McComas,	Stewart, Tex.
Breckinridge, Ky.	Ford,	McCullogh,	Stewart, Ga.
Brewer,	Forney,	McKinney,	Stewart, Vt.
Brower,	Gaines,	McMillin,	Stone, Ky.
Browne, T. H. B., Va.	Gay,	McRae,	Tarsney,
Brumm,	Gibson,	McShane,	Thomas, Ill.
Bryce,	Glass,	Merriman,	Thompson, Ohio,
Buchanan,	Glover,	Mills,	Thompson, Cal.
Buckalew,	Granger,	Moore,	Tillman,
Burnes,	Grimes,	Morgan,	Tracey,
Burnett,	Grosvenor,	Morse,	Turner, Kans.
Butler,	Hare,	Nelson,	Turner, Ga.
Butterworth,	Heard,	Newton,	Vance,
Bynum,	Herbert,	Norwood,	Weaver,
Campbell, Ohio	Hiestand,	Oates,	Whiting, Mich.
Candler,	Hires,	O'Ferrall,	Wilkins,
Carlton,	Holmes,	O'Neill, Mo.	Wilkinson,
Catchings,	Hooker,	Payson,	Wilson, Minn.
Clark,	Hopkins, N. Y.	Peel,	Wise.
Clements,	Howard,	Perkins,	Yardley,
Cobb,	Jackson,	Perry,	Yoder.

So the amendment of Mr. WEAVER, proposing a recess for two hours, was not agreed to.

Mr. BYNUM (before the result of the vote was announced). I was present during the roll-call and heard my name, but supposing then that I was paired I refrained from voting. I find now that I am not paired, and I desire to vote "no."

The SPEAKER. The statement of the gentleman does not entitle him to vote under the rule. The right to vote after the conclusion of the roll-call is only permitted where a gentleman, having been present during the roll-call and desiring to vote, has failed to hear his name called.

Mr. ENLOE. I would like to have my vote recorded.

The SPEAKER. Did the gentleman fail to hear his name called?

Mr. ENLOE. When I heard my name called I had just entered the Hall, and consequently did not understand what the question was. Therefore I did not vote.

The SPEAKER. The gentleman's statement does not bring him within the rule.

The following additional pairs were announced:

Mr. PERRY with Mr. KETCHAM, until further notice.

Mr. CATCHINGS with Mr. GROSVENOR, on all political questions until further notice; also on this bill. If present, Mr. GROSVENOR would vote for the bill and Mr. CATCHINGS against it.

Mr. YODER with Mr. LANE, on this question.

Mr. BURNETT with Mr. BAKER, of New York, on this vote.

Mr. SIMMONS with Mr. HOPKINS, of New York, on this day.

The following-named members were announced as paired for this day:

Mr. RANDALL with Mr. BINGHAM.

Mr. WILKINS with Mr. BROWER.

Mr. LYNCH with Mr. THOMAS H. B. BROWNE.

Mr. GRANGER with Mr. YARDLEY.

The result of the vote was announced as above stated.

The SPEAKER. The Chair desires to lay before the House the personal request of a member. The gentleman from Nebraska [Mr. DORSEY] asks to be excused for to-day, on account of sickness. Is there objection?

There was no objection.

Mr. WEAVER. I desire to amend the motion of the gentleman from Arkansas by making the recess extend to 3 o'clock.

The question was taken; and on a division there were—ayes 2, noes 65.

Mr. WEAVER. No quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. WEAVER and Mr. EZRA B. TAYLOR were appointed tellers.

Mr. EZRA B. TAYLOR. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 3, nays 172, not voting 149; as follows:

YEAS—3.

Hayes,	Kilgore,	Neal.

NAYS—172.

Allen, Mass.	Dorsey,	Kean,	Pidcock.
Allen, Mich.	Elliott,	Kelley,	Plumb,
Anderson, Iowa	Enloe,	Kennedy,	Post,
Anderson, Ill.	Ermentrout,	Kerr,	Pugsley,
Atkinson,	Farquhar,	Laffoon,	Rayner,
Baker, N. Y.	Finley,	Lagan,	Richardson,
Baker, Ill.	Flood,	Laidlaw,	Romeis,
Bayne,	Foran,	Latham,	Rowell,
Biggs,	French,	Lawler,	Rowland,
Bliss,	Fuller,	Lee,	Russell, Conn.
Boothman,	Funston,	Lehlbach,	Sawyer,
Bound,	Gallinger,	Lind,	Scull,
Boutelle,	Gear,	Lodge,	Seney,
Bowden,	Gest,	Long,	Seymour,
Bowen,	Glass,	Lyman,	Sherman,
Brewer,	Glover,	Macdonald,	Snyder,
Browne, Ind.	Goff,	Maish,	Spooner,
Brown, Ohio	Greenman,	Mason,	Stahlnecker,
Brown, J. R., Va.	Grout,	McAdoo,	Steele,
Bryce,	Guenther,	McClammy,	Stephenson,
Bunnell,	Hall,	McCormick,	Stone, Ky.
Burrows,	Harmer,	McCreary,	Struble,
Bynum,	Hatch,	McKenna,	Taulbee,
Campbell, F., N. Y.	Haugen,	McKinley,	Taylor, E. B., Ohio
Campbell, Ohio	Hayden,	McMillin,	Taylor, J. D., Ohio
Campbell, T. J., N. Y.	Henderson, Iowa	McRae,	Thomas, Ky.
Cannon,	Henderson, N. C.	Milliken,	Thomas, Wis.
Caruth,	Henderson, Ill.	Moffitt,	Townshend,
Caswell,	Hermann,	Montgomery,	Turner, Kans.
Cheadle,	Hitt,	Morrill,	Vandever,
Chipman,	Hogg,	Morrow,	Wade,
Compton,	Holman,	Nelson,	Walker,
Conger,	Holmes,	Nichols,	Warner,
Cooper,	Hopkins, Ill.	Nutting,	Weber,
Cothran,	Hopkins, Va.	O'Donnell,	West,
Cox,	Hopkins, N. Y.	O'Neill, Pa.	White, Ind.
Crouse,	Houk,	Osborne,	White, N. Y.
Cummings,	Hovey,	Owen,	Whiting, Mass.
Dalzell,	Hudd,	Parker,	Wickham,
Darlington,	Hunter,	Patton,	Williams,
De Lano,	Hutton,	Penington,	Wilson, W. Va.
Dibble,	Johnston, Ind.	Perkins,	Woodburn,
Dingley,	Johnston, N. C.	Peters,	Yost.

NOT VOTING—149.

Abbott,	Blount,	Clardy,	Davidson, Fla.
Adams,	Breckinridge, Ark.	Clark,	Davis,
Allen, Miss.	Breckinridge, Ky.	Clements,	Dockery,
Anderson, Kans.	Brower,	Cobb,	Dougherty,
Anderson, Miss.	Browne, T. H. B., Va.	Cockran,	Dunham,
Arnold,	Brumm,	Cogswell,	Dunn,
Bacon,	Buchanan,	Collins,	Felton,
Bankhead,	Buckalew,	Cowles,	Fisher,
Barnes,	Burnes,	Crain,	Fitch,
Barry,	Burnett,	Crisp,	Ford,
Belden,	Butler,	Culberson,	Forney,
Belmont,	Butterworth,	Cutcheon,	Gaines,
Bingham,	Candler,	Dargan,	Gay,
Blanchard,	Carlton,	Davenport,	Gibson,
Bland,	Catchings,	Davidson, Ala.	Granger,
Grimes,	Matson,	Reed,	Tarsney,
Grosvenor,	McComas,	Rice,	Thomas, Ill.
Hare,	McCullogh,	Robertson,	Thompson, Ohio
Heard,	McKinney,	Rockwell,	Thompson, Cal.
Hemphill,	McShane,	Rogers,	Tillman,
Herbert,	Merriman,	Russell, Mass.	Tracey,
Hiestand,	Mills,	Rusk,	Turner, Ga.
Hires,	Moore,	Ryan,	Vance,
Hooker,	Morgan,	Sayers,	Washington,
Howard,	Morse,	Scott,	Weaver,
Jackson,	Newton,	Shaw,	Wheeler,
Jones,	Norwood,	Shively,	Whiting, Mich.
Ketcham,	Oates,	Simmons,	Whitthorne,
La Follette,	O'Ferrall,	Smith,	Wilber,
Laird,	O'Neall, Ind.	Sowden,	Wilkins,
Landes,	O'Neill, Mo.	Spinola,	Wilkinson,
Lane,	Outhwaite,	Springer,	Wilson, Minn.
Lanham,	Payson,	Stewart, Tex.	Wise,
Lynch,	Peel,	Stewart, Ga.	Yardley,
Maffett,	Perry,	Stewart, Vt.	Yoder.
Mahoney,	Phelan,	Stockdale,	
Mansur,	Phelps,	Stone, Mo.	
Martin,	Randall,	Symes,	

So the amendment of Mr. WEAVER was rejected.

The following additional pairs were announced:

Mr. STOCKDALE with Mr. PAYSON, on all political questions, for to-day.

Mr. SIMMONS with Mr. DORSEY, for the rest of the day.

The result of the vote was then announced as above recorded.

Mr. BAYNE. Mr. Speaker, I ask unanimous consent to present a petition of 1,430 Knights of Labor for the establishment of a Government telegraph system——

Mr. WEAVER. Regular order.

Mr. BAYNE. I hope the gentleman will not insist upon that; I only desire to ask unanimous consent to present this petition and have it referred to the Committee on the Post-Office and Post-Roads.

Mr. WEAVER and others demanded the regular order.

The SPEAKER *pro tempore* (Mr. MCMILLIN in the chair). The question is on the motion of the gentleman from Arkansas, that the House take a recess for thirty minutes.

Mr. MCKINNEY. I move to strike out "thirty minutes" and insert "3 o'clock and 30 minutes p. m."

The SPEAKER *pro tempore*. The Chair will state that the amendment would not now be in order, the House having just voted upon it.

Mr. WEAVER. The Chair is mistaken in that. The question just taken was on the motion for a recess until 3 o'clock.

The SPEAKER *pro tempore*. The gentleman is correct; the question is on the motion of the gentleman from New Hampshire to strike out "thirty minutes" and insert "3 o'clock and 30 minutes p. m."

The question was taken; and on a division there were—ayes 3, noes 81.

Mr. WEAVER. No quorum.

Mr. DIBBLE. Let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 3, nays 173, not voting 148; as follows:

YEAS—3.

Neal,	Richardson,	Wheeler.

NAYS—173.

Abbott,	Enloe,	Latham,	Rowell,
Allen, Mass.	Ermentrout,	Lawler,	Rowland,
Allen, Mich.	Farquhar,	Lee,	Russell, Conn.
Anderson, Iowa	Flood,	Lehlbach,	Ryan,
Anderson, Ill.	Foran,	Lodge,	Sawyer,
Atkinson,	French,	Long,	Scull,
Baker, N. Y.	Fuller,	Lyman,	Seney,
Baker, Ill.	Funston,	Macdonald,	Seymour,
Bayne,	Gaines,	Maish,	Sherman,
Biggs,	Gallinger,	Mason,	Shively,
Bliss,	Gear,	Matson,	Snyder,
Boothman,	Gest,	McAdoo,	Sowden,
Bound,	Glass,	McClammy,	Spooner,
Boutelle,	Glover,	McCormick,	Springer,
Bowden,	Goff,	McCreary,	Stahlnecker,
Bowen,	Greenman,	McKenna,	Steele,
Browne, Ind.	Grout,	McKinley,	Stephenson,
Brown, Ohio	Guenther,	McRae,	Stone, Ky.
Brown, J. R., Va.	Hall,	Milliken,	Stone, Mo.
Bryce,	Harmer,	Moffitt,	Taulbee,
Bunnell,	Hatch,	Montgomery,	Taylor, E. B., Ohio
Burrows,	Hayden,	Morrill,	Taylor, J. D., Ohio
Bynum,	Hemphill,	Morrow,	Thomas, Ky.
Campbell, F., N. Y.	Henderson, Iowa	Nelson,	Thomas, Wis.
Campbell, Ohio	Henderson, N. C.	Nichols,	Turner, Kans.
Campbell, T. J., N. Y.	Henderson, Ill.	Nutting,	Vandever,
Cannon,	Hermann,	O'Donnell,	Wade,
Caruth,	Hitt,	O'Ferrall,	Walker,
Caswell,	Hogg,	O'Neall, Ind.	Warner,
Cheadle,	Holman,	O'Neill, Pa.	Weber,
Cogswell,	Holmes,	Osborne,	West,
Cooper,	Hopkins, Ill.	Owen,	White, Ind.
Cothran,	Hopkins, Va.	Parker,	White, N. Y.
Cox,	Hopkins, N. Y.	Patton,	Whitthorne,
Crouse,	Houk,	Perkins,	Wickham,
Cummings,	Hovey,	Peters,	Wilber,
Dalzell,	Johnston, Ind.	Pidcock,	Wilkinson.
Darlington,	Johnston, N. C.	Plumb,	Williams.
Davis,	Kean,	Post,	Wilson, W. Va.
De Lano,	Kelley,	Pugsley,	Wise,
Dibble,	Kennedy,	Rayner,	Yost.
Dingley,	Kerr,	Reed,	
Dockery,	Laidlaw,	Rice,	
Elliott,	Laird,	Romeis,	

NOT VOTING—148.

Adams,	Compton,	Hutton,	Phelps,
Allen, Miss.	Conger,	Jackson,	Randall,
Anderson, Miss.	Cowles,	Jones,	Robertson,
Anderson, Kans.	Crain,	Ketcham,	Rockwell,
Arnold,	Crisp,	Kilgore,	Rogers,
Bacon,	Culberson,	Laffoon,	Russell, Mass.
Bankhead,	Cutcheon,	La Follette,	Rusk,
Barnes,	Dargan,	Lagan,	Sayers,
Barry,	Davenport,	Landes,	Scott,
Belden,	Davidson, Ala.	Lane,	Shaw,
Belmont,	Davidson, Fla.	Lanham,	Simmons,
Bingham,	Dorsey,	Lind,	Smith,
Blanchard,	Dougherty,	Lynch,	Spinola,
Bland,	Dunham,	Maffett,	Stewart, Tex.
Blount,	Dunn,	Mahoney,	Stewart, Ga.
Breckinridge, Ark.	Felton,	Mansur,	Stewart, Vt.
Breckinridge, Ky.	Finley,	Martin,	Stockdale,
Brewer,	Fisher,	McComas,	Struble,
Brower,	Fitch,	McCullogh,	Symes,
Browne, T.H.B., Va.	Ford,	McKinney,	Tarsney,
Brumm,	Forney,	McMillin,	Thomas, Ill.
Buchanan,	Gay,	McShane,	Thompson, Ohio
Buckalew,	Gibson,	Merriman,	Thompson, Cal.
Burnes,	Granger,	Mills,	Tillman,
Burnett,	Grimes,	Moore,	Tracey,
Butler,	Grosvenor,	Morgan,	Townshend,
Butterworth,	Hare,	Morse,	Turner, Ga.
Candler,	Haugen,	Newton,	Vance,
Carlton,	Hayes,	Norwood,	Washington,
Catchings,	Heard,	Oates,	Weaver,
Chipman,	Herbert,	O'Neill, Mo.	Whiting, Mich.
Clardy,	Hiestand,	Outhwaite,	Whiting, Mass.
Clark,	Hires,	Payson,	Wilkins,
Clements,	Hooker,	Peel,	Wilson, Minn.
Cobb,	Howard,	Penington,	Woodburn,
Cockran,	Hudd,	Perry,	Yardley,
Collins,	Hunter,	Phelan,	Yoder.

So the motion was rejected.

Mr. WILLIAMS. I ask unanimous consent to dispense with the reading of the names.

Mr. WEAVER and Mr. LANDES objected.

The following additional pair was announced:

Mr. BURNETT with Mr. STRUBLE, on this vote.

The result of the vote was then announced as above recorded.

Mr. LANDES. I move to amend the pending motion by making it 3.35.

The question was taken; and on a division there were—ayes 10, noes 86.

Mr. LANDES. No quorum.

Mr. MACDONALD. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 5, nays 168; not voting 151; as follows:

YEAS—5.

Abbott,	Hayes,	Kilgore,	Landes.
Anderson, Ill.			

NAYS—168.

Allen, Mass.	Elliott,	Kerr,	Romeis,
Allen, Mich.	Ermentrout,	Laffoon,	Rowell,
Anderson, Iowa	Farquhar,	Lagan,	Rowland,
Atkinson,	Flood,	Laidlaw,	Russell, Conn.
Baker, N. Y.	Foran,	Latham,	Russell, Mass.
Baker, Ill.	Fuller,	Lawler,	Ryan,
Bayne,	Gaines,	Lehlbach,	Scull,
Belden,	Gallinger,	Lind,	Seney,
Blanchard,	Gay,	Lodge,	Seymour,
Bliss,	Gear,	Long,	Sherman,
Boothman,	Gest,	Lyman,	Shively,
Bound,	Glass,	Macdonald,	Sowden,
Boutelle,	Glover,	Maish,	Spooner,
Bowden,	Goff,	Mason,	Springer,
Bowen,	Greenman,	Matson,	Stahlnecker,
Brewer,	Grout,	McAdoo,	Steele,
Browne, Ind.	Guenther,	McClammy,	Stephenson,
Brown, Ohio	Hall,	McCormick,	Stone, Ky.
Brown, J. R., Va.	Harmer,	McCreary,	Stone, Mo.
Buckalew,	Haugen,	McKinley,	Struble,
Bunnell,	Hayden,	McMillin,	Taulbee,
Burnett,	Henderson, Iowa	McRae,	Taylor, E. B., Ohio
Burrows,	Henderson, N. C.	Milliken,	Taylor, J. D., Ohio
Butler,	Henderson, Ill.	Moffitt,	Thomas, Ky.
Bynum,	Hermann,	Montgomery,	Thomas, Wis.
Campbell, F., N. Y.	Hitt,	Morrill,	Townshend,
Campbell, T. J., N. Y.	Hogg,	Morrow,	Turner, Kans.
Caruth,	Holman,	Neal,	Vandever,
Caswell,	Holmes,	Nichols,	Walker,
Cheadle,	Hopkins, Ill.	Nutting,	Warner,
Compton,	Hopkins, Va.	O'Donnell,	Weber,
Conger,	Hopkins, N. Y.	O'Ferrall,	West,
Cooper,	Houk,	O'Neill, Pa.	White, Ind.
Cothran,	Hovey,	Osborne,	White, N. Y.
Cox,	Hudd,	Patton,	Whitthorne,
Crouse,	Hunter,	Perkins,	Wickham,
Dalzell,	Hutton,	Pidcock,	Wilber,
Darlington,	Johnston, Ind.	Plumb,	Wilkinson,
Davenport,	Johnston, N. C.	Post,	Williams,
De Lano,	Kean,	Pugsley,	Wise,
Dibble,	Kelley,	Rayner,	Woodburn,
Dingley,	Kennedy,	Rice,	Yost.

NOT VOTING—151.

Adams,	Bankhead,	Bland,	Brumm,
Allen, Miss.	Barnes,	Blount,	Bryce,
Anderson, Miss.	Barry,	Breckinridge, Ark.	Buchanan,
Anderson, Kans.	Belmont,	Breckinridge, Ky.	Burnes,
Arnold,	Biggs,	Brower,	Butterworth,
Bacon,	Bingham,	Browne, T. H. B., Va.	Campbell, Ohio
Candler,	Ford,	McKenna,	Sayers,
Cannon,	Forney,	McKinney,	Scott,
Carlton,	French,	McShane,	Shaw,
Catchings,	Funston,	Merriman,	Simmons,
Chipman,	Gibson,	Mills,	Smith,
Clardy,	Granger,	Moore,	Snyder,
Clark,	Grimes,	Morgan,	Spinola,
Clements,	Grosvenor,	Morse,	Stewart, Tex.
Cobb,	Hare,	Nelson,	Stewart, Ga.
Cockran,	Hatch,	Newton,	Stewart, Vt.
Cogswell,	Heard,	Norwood,	Stockdale,
Collins,	Hemphill,	Oates,	Symes,
Cowles,	Herbert,	O'Neall, Ind.	Tarsney,
Crain,	Hiestand,	O'Neill, Mo.	Thomas, Ill.
Crisp,	Hires,	Outhwaite,	Thompson, Ohio
Culberson,	Hooker,	Owen,	Thompson, Cal.
Cummings,	Howard,	Parker,	Tillman,
Cutcheon,	Jackson,	Payson,	Tracey,
Dargan,	Jones,	Peel,	Turner, Ga.
Davidson, Ala.	Ketcham,	Penington,	Vance,
Davidson, Fla.	La Follette,	Perry,	Wade,
Davis,	Laird,	Peters,	Washington,
Dockery,	Lane,	Phelan,	Weaver,
Dorsey,	Lanham,	Phelps,	Wheeler,
Dougherty,	Lee,	Randall,	Whiting, Mich.
Dunham,	Lynch,	Reed,	Whiting, Mass.
Dunn,	Maffett,	Richardson,	Wilkins,
Enloe,	Mahoney,	Robertson,	Wilson, Minn.
Felton,	Mansur,	Rockwell,	Wilson, W. Va.
Finley,	Martin,	Rogers,	Yardley,
Fisher,	McComas,	Rusk,	Yoder.
Fitch,	McCullogh,	Sawyer,	

So the amendment was not agreed to.

Mr. WEAVER. I move to amend the pending motion so that the House shall take a recess until 3.40 p. m.

Mr. EZRA B. TAYLOR. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yea 1, nays 136, not voting 187; as follows:

YEA—1.

Kilgore.

NAYS—136.

Abbott,	Dibble,	Kennedy,	Robertson,
Allen, Mass.	Dingley,	Kerr,	Russell, Mass.
Allen, Mich.	Elliott,	Latham,	Ryan,
Atkinson,	Enloe,	Lawler,	Sawyer,
Baker, N. Y.	Ermentrout,	Lehlbach,	Scull,
Baker, Ill.	Farquhar,	Lind,	Seney,
Bayne,	Flood,	Lodge,	Sherman,
Biggs,	Foran,	Long,	Shively,
Bliss,	French,	Lyman,	Snyder,
Boothman,	Gaines,	Macdonald,	Sowden,
Bound,	Gallinger,	Mason,	Springer,
Bowden,	Gay,	Matson,	Stahlnecker,
Bowen,	Gest,	McClammy,	Steele,
Brown, Ohio	Greenman,	McCreary,	Stephenson,
Brown, J. R., Va.	Guenther,	McKenna,	Stone, Ky.
Bryce,	Hall,	McRae,	Stone, Mo.
Buckalew,	Harmer,	Milliken,	Struble,
Bunnell,	Haugen,	Moffitt,	Taulbee,
Burnett,	Hayes,	Montgomery,	Taylor, J. D., Ohio
Campbell, F., N. Y.	Henderson, N. C.	Morrow,	Thomas, Ky.
Campbell, Ohio	Henderson, Ill.	Neal,	Thomas, Wis.
Cannon,	Hermann,	Newton,	Townshend,
Caruth,	Hitt,	Nichols,	Vandever,
Caswell,	Holman,	Nutting,	Walker,
Cheadle,	Holmes,	O'Donnell,	Warner,
Chipman,	Hopkins, Ill.	O'Ferrall,	Weber,
Clark,	Hopkins, Va.	O'Neill, Pa.	West,
Cogswell,	Hopkins, N. Y.	Osborne,	White, Ind.
Compton,	Houk,	Outhwaite,	Whiting, Mass.
Conger,	Hovey,	Parker,	Whitthorne,
Cooper,	Hutton,	Patton,	Wilbur,
Cothran,	Johnston, Ind.	Perkins,	Wilson, W. Va.
Darlington,	Johnston, N. C.	Peters,	Wise,
Davenport,	Kelley,	Plumb,	Woodburn.

NOT VOTING—187.

Adams,	Candler,	Forney,	Lagan,
Allen, Miss.	Carlton,	Fuller,	Laidlaw,
Anderson, Iowa	Catchings,	Funston,	Laird,
Anderson, Miss.	Clardy,	Gear,	Landes,
Anderson, Ill.	Clements,	Gibson,	Lane,
Anderson, Kans.	Cobb,	Glass,	Lanham,
Arnold,	Cockran,	Glover,	Lee,
Bacon,	Collins,	Goff,	Lynch,
Bankhead,	Cowles,	Granger,	Maffett,
Barnes,	Cox,	Grimes,	Mahoney,
Barry,	Crain,	Grosvenor,	Maish,
Belden,	Crisp,	Grout,	Mansur,
Belmont,	Crouse,	Hare,	Martin,
Bingham,	Culberson,	Hatch,	McAdoo,
Blanchard,	Cummings,	Hayden,	McComas,
Bland,	Cutcheon,	Heard,	McCormick,
Blount,	Dalzell,	Hemphill,	McCullogh,
Boutelle,	Dargan,	Henderson, Iowa	McKinley,
Breckinridge, Ark.	Davidson, Ala.	Herbert,	McKinney,
Breckinridge, Ky.	Davidson, Fla.	Hiestand,	McMillin,
Brewer,	Davis,	Hires,	McShane,
Brower,	De Lano,	Hogg,	Merriman,
Browne, T.H.B., Va	Dockery,	Hooker,	Mills,
Browne, Ind.	Dorsey,	Howard,	Moore,
Brumm,	Dougherty,	Hudd,	Morgan,
Buchanan,	Dunham,	Hunter,	Morrill,
Burnes,	Dunn,	Jackson,	Morse,
Burrows,	Felton,	Jones,	Nelson,
Butler,	Finley,	Kean,	Norwood,
Butterworth,	Fisher,	Ketcham,	Oates,
Bynum,	Fitch,	Laffoon,	O'Neall, Ind.
Campbell, T. J., N. Y	Ford,	La Follette,	O'Neill, Mo.

Owen,	Rockwell,	Stewart, Tex.	Wade,
Payson,	Rogers,	Stewart, Ga.	Washington,
Peel,	Romeis,	Stewart, Vt.	Weaver,
Penington,	Rowell,	Stockdale,	Wheeler,
Perry,	Rowland,	Symes,	White, N. Y.
Phelan,	Russell, Conn.	Tarsney,	Whiting, Mich.
Phelps,	Rusk,	Taylor, E. B., Ohio	Wickham,
Pidcock,	Sayers,	Thomas, Ill.	Wilkins,
Post,	Scott,	Thompson, Ohio	Wilkinson,
Pugsley,	Seymour,	Thompson, Cal.	Williams,
Randall,	Shaw,	Tillman,	Wilson, Minn.
Rayner,	Simmons,	Tracey,	Yardley,
Reed,	Smith,	Turner, Kans.	Yoder,
Rice,	Spinola,	Turner, Ga.	Yost.
Richardson,	Spooner,	Vance,	

Mr. BRECKINRIDGE, of Arkansas. I make the point that a quorum has not voted.

Mr. EZRA B. TAYLOR. I move a call of the House.

Mr. BRECKINRIDGE, of Arkansas. I move that the House do now adjourn.

Mr. EZRA B. TAYLOR. Upon that question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 80, nays 151, not voting 93; as follows:

YEAS—80.

Abbott,	Crain,	Lagan,	Rowland,
Allen, Miss.	Crisp,	Landes,	Russell, Mass.
Anderson, Miss.	Cummings,	Lanham,	Sayers,
Anderson, Ill.	Davidson, Fla.	Lawler,	Shively,
Bacon,	Enloe,	Maish,	Smith,
Bankhead,	Forney,	Mansur,	Snyder,
Barnes,	Gay,	Martin,	Springer,
Barry,	Glass,	McClammy,	Stockdale,
Blount,	Grimes,	McMillin,	Stone, Ky.
Breckinridge, Ark.	Hare,	McRae,	Stone, Mo.
Breckinridge, Ky.	Hatch,	McShane,	Tarsney,
Bryce,	Hayes,	Moore,	Townshend,
Buckalew,	Henderson, N. C.	Morgan,	Turner, Ga.
Burnes,	Herbert,	Neal,	Walker,
Bynum,	Hooker,	Oates,	Washington,
Candler,	Howard,	O'Neall, Ind.	Weaver,
Carlton,	Hutton,	Penington,	Wheeler,
Chipman,	Johnston, N. C.	Richardson,	Whitthorne,
Clements,	Kilgore,	Robertson,	Wilson, W. Va.
Cox,	Laffoon,	Rogers,	Wise.

NAYS—151.

Allen, Mass.	Dibble,	Kean,	Reed,
Allen, Mich.	Dingley,	Kelley,	Romeis,
Anderson, Iowa	Elliott,	Kennedy,	Rowell,
Atkinson,	Ermentrout,	Kerr,	Russell, Conn.
Baker, N. Y.	Farquhar,	Laidlaw,	Ryan,
Baker, Ill.	Finley,	Laird,	Sawyer,
Bayne,	Flood,	Latham,	Scull,
Biggs,	Fuller,	Lee,	Seney,
Bliss,	Funston,	Lehlbach,	Seymour,
Boothman,	Gaines,	Lind,	Sherman,
Bound,	Gallinger,	Long,	Sowden,
Boutelle,	Gear,	Lyman,	Spooner,
Bowden,	Gest,	Macdonald,	Stahlnecker,
Bowen,	Gibson,	Mason,	Steele,
Browne, Ind.	Glover,	Matson,	Stephenson,
Brown, Ohio	Goff,	McCormick,	Stewart, Vt.
Brown, J. R., Va.	Greenman,	McCreary,	Struble,
Bunnell,	Grout,	McKenna,	Symes,
Burrows,	Guenther,	McKinley,	Taulbee,
Butterworth,	Hall,	Milliken,	Taylor, E. B., Ohio
Campbell, F., N. Y.	Harmer,	Moffitt,	Taylor, J. D., Ohio
Campbell, Ohio	Haugen,	Montgomery,	Thomas, Ky.
Cannon,	Hayden,	Morrill,	Thomas, Wis.
Caruth,	Hemphill,	Morrow,	Vandever.
Caswell,	Henderson, Iowa.	Nichols,	Wade,
Cheadle,	Henderson, Ill.	Nutting,	Warner,
Cogswell,	Hermann,	O'Donnell,	Weber,
Compton,	Hitt,	O'Ferrall,	West,
Conger,	Holman,	O'Neill, Pa.	White, Ind.
Cooper,	Holmes,	Osborne,	Whiting, Mass.
Cothran,	Hopkins, Ill.	Parker,	Wickham,
Crouse,	Hopkins, Va.	Patton,	Wilber,
Culberson,	Hopkins, N. Y.	Perkins,	Wilkinson.
Dalzell,	Houk,	Peters,	Williams,
Darlington,	Hovey,	Pidcock,	Woodburn,
Davenport,	Hudd,	Plumb,	Yardley,
Davis,	Hunter,	Pugsley,	Yost.
De Lano,	Johnston, Ind.	Rayner,	

NOT VOTING—93.

Adams,	Dargan,	Lodge,	Rice,
Anderson, Kans.	Davidson, Ala.	Lynch,	Rockwell,
Arnold,	Dockery,	Maffett,	Rusk,
Belden,	Dorsey,	Mahoney,	Scott,
Belmont,	Dougherty,	McAdoo,	Shaw,
Bingham,	Dunham,	McComas,	Simmons,
Blanchard,	Dunn,	McCullogh,	Spinola,
Bland,	Felton,	McKinney,	Stewart, Tex.
Brewer,	Fisher,	Merriman,	Stewart, Ga.
Brower,	Fitch,	Mills,	Thomas, Ill.
Browne, T. H. B., Va.	Foran,	Morse,	Thompson, Ohio
Brumm,	Ford,	Nelson,	Thompson, Cal.
Buchanan,	French,	Newton,	Tillman,
Burnett,	Granger,	Norwood,	Tracey,
Butler,	Grosvenor,	O'Neill, Mo.	Turner, Kans.
Campbell, T. J., N. Y.	Heard,	Outhwaite,	Vance,
Catchings,	Hiestand,	Owen,	White, N. Y.
Clardy,	Hires,	Payson,	Whiting, Mich.
Clark,	Hogg,	Peel,	Wilkins,
Cobb,	Jackson,	Perry,	Wilson, Minn.
Cockran,	Jones,	Phelan,	Yoder.
Collins,	Ketcham,	Phelps,	
Cowles,	La Follette,	Post,	
Cutcheon,	Lane,	Randall,	

So the House refused to adjourn.

The following additional pairs were announced:

Mr. BURNETT with Mr. LODGE, for this day.

Mr. MAHONEY with Mr. PAYSON, for the rest of the day.

The result of the vote was announced as above stated.

The SPEAKER. The question now recurs on the motion of the gentleman from Ohio [Mr. EZRA B. TAYLOR], that there be a call of the House.

The question being put, the Speaker stated that the "ayes" seemed to have it.

Mr. OATES. I call for a division.

The House divided; and there were—ayes 85, noes 27.

So a call of the House was ordered.

MESSAGE FROM THE PRESIDENT.

Pending the call of the House a message, in writing, from the President of the United States was communicated to the House by Mr. O. L. PRUDEN, one of his secretaries.

ORDER OF BUSINESS.

The Clerk proceeded to call the roll, when the following-named members failed to answer:

Adams,	Davidson, Ala.	Lynch,	Shaw,
Anderson, Kans.	Dorsey,	Maffett,	Simmons,
Arnold,	Dunham,	Mahoney,	Spinola,
Belmont,	Enloe,	McComas,	Springer,
Bingham,	Felton,	McCullogh,	Stewart, Tex.
Bland,	Fisher,	McKinney,	Stewart, Ga.
Brower,	Fitch,	Mills,	Thomas, Ill.
Browne, T. H. B. Va.	Granger,	Morse,	Thompson, Ohio.
Brumm,	Grosvenor,	O'Neill, Mo.	Thompson, Cal.
Buchanan,	Heard,	Payson,	Tracey,
Burnett,	Hiestand,	Perry,	Vance,
Butler,	Hires,	Phelps,	Wilkins,
Cobb,	Jackson,	Randall,	Yoder.
Cockran,	Jones,	Rockwell,	
Collins,	Ketcham,	Russell, Mass.	
Cox,	La Follette,	Scott,	

The SPEAKER. The Doorkeeper will now close the doors of the Hall, and the Clerk will call the names of members who did not respond on the first call. Gentlemen who desire to offer excuses for themselves or others will please present them to the House as the names are called.

The Clerk proceeded to call the absentees, as follows:

Mr. ADAMS: Absent with leave.

Mr. ANDERSON, of Kansas: Absent with leave.

Mr. ARNOLD: No excuse offered.

Mr. BELDEN: No excuse offered.

Mr. BELMONT: No excuse offered.

Mr. BINGHAM: No excuse offered.

Mr. BLAND: Absent with leave.

Mr. BROWER: Absent with leave.

Mr. THOMAS H. B. BROWNE: No excuse offered.

Mr. BRUMM: No excuse offered.

Mr. CANNON: No excuse offered.

Mr. BURNETT: No excuse offered.

Mr. CLARK: No excuse offered.

Mr. COCKRAN: No excuse offered.

Mr. COLLINS: Absent with leave.

Mr. COX: No excuse offered.

Mr. CUMMINGS. I ask that my colleague, Mr. COX, be excused. He was feeling unwell, and left the House under the supposition that he had been already excused.

The SPEAKER. The Chair will state that the gentleman from New York, Mr. COX, was excused some time ago from further attendance during this legislative day; but since that time he has appeared in his seat.

Mr. REED. Unless the gentleman from New York is sick, I object to excusing him.

Mr. CUMMINGS. He was not feeling well. I asked him why he did not answer to his name, and he said he thought he was excused.

Mr. REED. If he is sick, there is no objection to excusing him.

Mr. CUMMINGS. He is not feeling well.

Mr. KERR. I ask unanimous consent that he be excused.

The SPEAKER. That is the request of the gentleman from New York [Mr. CUMMINGS].

Mr. BROWNE, of Indiana. I want to amend that request by asking unanimous consent to excuse every member who "feels badly."

Mr. EZRA B. TAYLOR. If any gentleman will say that he personally knows the gentleman from New York is sick, there will be no objection to excusing him.

Mr. CUMMINGS. I personally know that Mr. COX was feeling very badly while here. He so stated to me, and remarked that he did not answer to his name because he supposed, as he had been already excused, it was not necessary for him to respond.

The SPEAKER. Is there objection to the request made by the gentleman from New York [Mr. CUMMINGS], that his colleague, Mr. COX, be excused? The Chair hears none.

Mr. CUTCHEON: Absent with leave.

Mr. DARGAN: No excuse offered.

Mr. DAVIDSON, of Alabama: No excuse offered. [As will appear by subsequent proceedings, Mr. DAVIDSON had leave of absence.]

Mr. DORSEY: Absent with leave.
Mr. DUNHAM: No excuse offered.
Mr. ENLOE: Reported to the Clerk, under the rule, after the roll-call.
Mr. FELTON: Absent with leave.
Mr. FINLEY: No excuse offered.
Mr. FISHER: Absent with leave.
Mr. FITCH: Absent with leave.
Mr. GRANGER: Absent with leave.
Mr. GROSVENOR: Absent with leave.
Mr. HEARD: Absent with leave.
Mr. HIESTAND: Absent with leave.
Mr. HIRES: Absent with leave.
Mr. HOGG: No excuse offered.
Mr. KETCHAM: No excuse offered.
Mr. LA FOLLETTE: Absent with leave.
Mr. LYNCH: No excuse offered.
Mr. MAFFETT: No excuse offered.
Mr. MAHONEY.
Mr. FELIX CAMPBELL. Mr. Speaker, I ask unanimous consent that my colleague, Mr. MAHONEY, be excused for the day, as he has been called out of the city on important business.
Mr. REED. For the calendar day?
Mr. FELIX CAMPBELL. Yes.
Mr. EZRA B. TAYLOR. I have no objection to his being excused for the calendar day.
There was no objection, and it was so ordered.
Mr. MCCOMAS: No excuse offered.
Mr. MCCULLOGH: No excuse offered.
Mr. MILLS: Absent with leave.
Mr. MORSE: No excuse offered.
Mr. O'NEILL, of Missouri: Absent with leave.
Mr. PAYSON: Absent with leave.
Mr. PERRY: Absent with leave.
Mr. PHELPS: Absent with leave.
Mr. RANDALL.
Mr. SOWDEN. Mr. Speaker, I ask unanimous consent that my colleage, Mr. RANDALL, be excused for the remainder of the calendar day, as he is out of the city.
There was no objection, and it was so ordered.
Mr. ROCKWELL: No excuse offered.
Mr. RUSSELL, of Massachusetts: Reported to the Clerk, under the rule, after the roll-call.
Mr. SCOTT: Absent with leave.
Mr. SHAW: No excuse offered.
Mr. SIMMONS: Absent with leave.
Mr. SPINOLA: Absent with leave.
Mr. SPRINGER: Reported to the Clerk, under the rule, after the roll-call.
Mr. STEWART, of Texas: No excuse offered.
Mr. STEWART, of Georgia: No excuse offered.
Mr. THOMAS, of Illinois: Absent with leave.
Mr. THOMPSON, of Ohio: No excuse offered.
Mr. THOMPSON, of California: Absent with leave.
Mr. TRACEY: Absent with leave.
Mr. VANCE: Absent with leave.
Mr. WILKINS: No excuse offered.
Mr. WILSON, of Minnesota. Mr. Speaker, I ask unanimous consent that I be excused for the remainder of the legislative day.
There was no objection, and it was so ordered.
Mr. YODER: No excuse offered.
Mr. EZRA B. TAYLOR offers the following resolution:

Resolved, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are now absent without leave of the House.

The resolution was adopted.
Mr. EZRA B. TAYLOR moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider lie on the table.
The latter motion was agreed to.
After some time had elapsed,
The SPEAKER *pro tempore* (Mr. HATCH) said: The Chair will direct the Clerk to read a communication from the gentleman from Tennessee [Mr. GLASS].
The Clerk read as follows:

Being physically unable to endure an all-night session, I ask to be excused from attendance on night sessions of this legislative day.
Respectfully, P. T. GLASS.

The SPEAKER *pro tempore*. Without objection, the request of the gentleman from Tennessee will be granted.
There was no objection.
Some time subsequently,
The SPEAKER *pro tempore* directed the Clerk to read the following:

I beg to be excused for the remainder of this calendar day, owing to the fact of an important business engagement.
LLOYD S. BRYCE.

The SPEAKER *pro tempore*. If there be no objection, this request will be granted.
There was no objection.
Mr. TAULBEE. Mr. Speaker, it being now half past 4 o'clock, and I think perfectly apparent to every one that nothing can be accomplished by our remaining in session any longer this evening, I ask unanimous consent that the House take a recess until half past 11 o'clock to-morrow morning.
Several MEMBERS. Say 11.45.
Mr. TAULBEE. Very well; I will so modify my proposition.
The SPEAKER *pro tempore*. Is there objection?
Mr. COMPTON, Mr. WHITING of Michigan, and Mr. FORD objected.
Mr. TAULBEE. Then I move to dispense with further proceedings under the call.
Mr. EZRA B. TAYLOR. I hope the gentleman will not make that motion.
Mr. REED (to Mr. TAULBEE). Do not make that motion now.
Mr. TAULBEE. I withdraw the motion.
Mr. RAYNER. Mr. Speaker, what is the motion now pending with reference to a recess?
The SPEAKER *pro tempore*. A call of the House is proceeding.
Mr. RAYNER. I am aware of that fact, but my inquiry is with reference to the motion which was pending preceding the call.
The SPEAKER (having resumed the chair). A motion for a recess is pending, which the gentleman from Iowa moved to amend by striking out "4.30" and inserting "4.40."
Mr. RAYNER. I move to dispense with further proceedings under the call.
The motion was not agreed to, there being—ayes 46, noes 78.
Mr. MORROW. I ask that my colleague, Mr. BIGGS, be excused from further attendance during the present calendar day. He is not very well, and it would not be prudent for him to attend an evening session.
The SPEAKER. Is there objection to excusing the gentleman from California, Mr. BIGGS, for the remainder of this calendar day. The Chair hears none, and the gentleman is excused.
The SPEAKER *pro tempore* (Mr. MATSON in the chair). The gentleman from New York [Mr. WEST] asks to be excused from further attendance during this calendar day on account of illness. Is there objection?
There was no objection.
Mr. OATES. Mr. Speaker, I move that the House do now adjourn.
The question was taken; and on a division there were—ayes 67, noes 100.
So the motion to adjourn was not agreed to.
Mr. PARKER. I ask unanimous consent that we take a recess until a quarter before 12 o'clock to-morrow morning.
Several members objected.
Mr. OATES. Mr. Speaker, I ask unanimous consent to present a resolution for present consideration. [Cries of "Regular order!"]
The SPEAKER. The Chair will state that unless it relates to the call of the House, which is now progressing, or to proceedings under the call, it can not be considered. The House can transact no business pending that call.
Mr. OATES. I ask to have it read for the information of the House. [Cries of "Regular order!"]
The SPEAKER. The regular order has been demanded.
The Chair desires to lay before the House some requests for unanimous consent. The gentleman from Ohio [Mr. FORAN] asks leave of absence for the remainder of this calendar day on account of illness. Is there objection?
Mr. OATES. I shall object, unless I know that the gentleman is not able to attend.
The SPEAKER. The Chair has no information upon the subject except what has been stated in the request made by the Chair.
Mr. HENDERSON, of Iowa. I know that Mr. FORAN is in poor health.
Mr. MCKINLEY. And the gentleman from Ohio has stated as the reason for his request that he is not well.
There being no objection, Mr. FORAN was excused as requested.
The SPEAKER. The gentleman from Louisiana [Mr. GAY] asks to be excused for this day on account of indisposition. Is there objection?
There was no objection.
Mr. ANDERSON, of Illinois. I ask unanimous consent to dispense with further proceedings under the call, and that the House take a recess until 8 o'clock this evening.
Mr. RAYNER, Mr. MCSHANE, and others objected.
Mr. STOCKDALE. I ask leave of absence for one hour. I have broken my glasses, and I can not see throught his situation until I get another pair. [Laughter.]
A MEMBER. The gentleman certainly ought to be excused on that account.
Mr. MASON. Mr. Speaker, I ask unanimous consent to file in the petition-box some petitions that were sent to my colleague [Mr. DUNHAM], who is absent. He sent me word to have them filed.
Mr. COOPER. I object. [Laughter.]
Mr. MASON. I do not see why the right of petition should be hampered. I will call for a page and send them to the box. [Renewed laughter.]
Mr. MORGAN. Mr. Speaker, I desire to ask leave of absence for this

evening on account of sickness. I will state that I have been sick for several days—have chills and fever, and am taking medicine—quinine.

There was no objection, and Mr. MORGAN was excused.

Mr. WEAVER (at 6.45 p. m. Monday, April 9). I move that the House do now adjourn.

The question being put, the Speaker *pro tempore* (Mr. RICHARDSON) stated that the "noes" seemed to have it.

Mr. WEAVER. I call for a division.

The House divided; and there were—ayes 36, noes 77.

So the House refused to adjourn.

Mr. BAKER, of New York. I ask unanimous consent that we stand in recess until 11 o'clock to-morrow.

Mr. O'FERRALL. I object.

The SPEAKER *pro tempore*. The gentleman from Missouri [Mr. HUTTON] asks for leave of absence on account of sickness.

Mr. MASON. I object.

Mr. ALLEN, of Michigan. The gentleman from Missouri is at the same hotel with me and I know he is sick.

Mr. MASON. I withdraw the objection.

There being no further objection, leave of absence was granted to Mr. HUTTON.

Mr. TAULBEE. It is now 7 o'clock. It is perfectly apparent that we can *do* nothing, at least for a little while. [Cries of "Louder!"] I will not be surprised to hear these gentlemen responding in the same way when Gabriel blows his trumpet. [Laughter.] I want an hour to go home and get my dinner. I am hungry.

The SPEAKER *pro tempore*. The gentleman from Kentucky asks unanimous consent to be excused for one hour from attendance on the sitting of the House.

Mr. BAKER, of New York. I object.

Mr. WILBER. I ask unanimous consent to be excused until to-morrow morning. I have been unwell all the time. I thought I would perhaps be able to stay to-night, but I can not do it.

The SPEAKER *pro tempore*. The gentleman from New York [Mr. WILBER] asks unanimous consent to be excused from the sitting of the House until to-morrow, on account of sickness. The Chair hears no objection.

Mr. OATES. I object.

Mr. MASON. I make the point of order that the objection comes too late. The Chair had announced his decision, that the gentleman from New York had been excused.

The SPEAKER *pro tempore*. The gentleman from Alabama appeared to be addressing the Chair. If he says he objected in time the Chair will accept the gentleman's statement.

Mr. PARKER. I wish to say a word, if I can get the attention of the gentleman from Alabama [Mr. OATES]. It is well known to us on this side that for two or three weeks my colleague [Mr. WILBER] has been out of health, plainly and distinctly so. I am sure the gentleman would not object if he understood the fact.

Mr. OATES. After the statement of the gentleman from New York [Mr. PARKER] and others, I withdraw the objection.

There being no further objection, Mr. WILBER was excused from attendance on the sitting of the House until to-morrow morning.

Mr. ALLEN, of Mississippi. I ask consent to go home, on account of bona fide sickness.

Mr. MASON objected, but subsequently withdrew his objection.

The SPEAKER *pro tempore*. Is there further objection?

Mr. OATES. I desire to say in reference to the gentleman from Mississippi that I know he has been sick for several days.

Mr. ALLEN, of Michigan. I ask that that proposition be amended so as to include all the ALLENS of the House.

The SPEAKER *pro tempore*. The gentleman from Mississippi [Mr. ALLEN] asks unanimous consent that he be excused on account of sickness. The Chair understands the request to be for the balance of this calendar day. Is there objection?

There was no objection.

Mr. WHEELER. I ask to have the resolution read which I send to the desk.

The SPEAKER *pro tempore*. The resolution will be read, after which the Chair will ask for objections.

The Clerk read the resolution, as follows:

Resolved, That a committee of five members of this House be appointed to ascertain and report to the House what amount of the sum proposed to be paid out of the provisions of the bill under consideration will inure to the benefit of the people and how much is to be paid to claim agents.

The SPEAKER *pro tempore*. Is there objection?

Objection was made.

The Sergeant-at-Arms appeared at the bar, and stated that of the twenty-five members whom he had been directed to arrest and bring to the bar of the House twenty were out of the city, and for the remaining five, Mr. BURNETT, Mr. MOFFITT, Mr. MCCULLOGH, Mr. MCCOMAS, and Mr. MORSE, he had made diligent search and had been unable to find them.

Mr. PEEL. I move that the report of the Sergeant-at-Arms be accepted and that he be discharged from the further execution of the warrant.

Mr. STRUBLE. I ask that the names of the twenty members out of the city be reported.

Mr. LEHLBACH. I think there is a mistake as regards the gentleman from New York [Mr. MOFFITT]. Mr. MOFFITT was present when the roll was called and answered to his name.

The SPEAKER. The Chair understood the gentleman from New York [Mr. MOFFITT] was here at the roll-call and has been here all day.

Mr. STRUBLE. I ask that the names of those gentlemen who are absent from the city be read.

The SPEAKER. The name on the list of the Sergeant-at-Arms which was understood to be "MOFFITT" was perhaps intended for the name of the gentleman from Pennsylvania, Mr. MAFFETT. That gentleman had leave of absence; but, as the Chair is advised, the time mentioned in his leave had expired, and therefore perhaps his name was put on the list. The House knows the situation of that gentleman, and perhaps he will be excused.

Several MEMBERS. That is right.

The SPEAKER. If there be no objection, the gentleman from Pennsylvania, Mr. MAFFETT, will be excused.

There was no objection.

Mr. STRUBLE. I ask that the names of those gentlemen who are absent from the city be reported. If necessary, I make that motion.

The SPEAKER. The Clerk will report the names.

The Clerk read the following names:

Mr. BELMONT, Mr. BINGHAM, Mr. T. H. B. BROWNE, Mr. BRUMM, Mr. BUTLER, Mr. CLARK, Mr. COCKRAN, Mr. DARGAN, Mr. DAVIDSON of Alabama, Mr. DUNHAM, Mr. FITCH, Mr. HIESTAND, Mr. KETCHAM, Mr. LYNCH, Mr. ROCKWELL, Mr. SHAW, Mr. STEWART of Georgia, Mr. THOMPSON of Ohio, and Mr. WILKINS.

Mr. WHEELER. I understand that my colleague from Alabama, Mr. DAVIDSON, has leave of absence.

The SPEAKER. The gentleman from Alabama had leave of absence, but when a member remains absent after the expiration of the time named in his leave he is of course absent without leave.

Mr. BANKHEAD. I understand that Mr. DAVIDSON'S leave of absence will not expire until the 15th instant.

Mr. WHEELER. I believe the original leave of absence was extended to that time.

Mr. TURNER, of Georgia. I understand that the leave of my colleague from Georgia, Mr. STEWART, has not expired.

The SPEAKER. The Chair will cause the Journal to be examined to ascertain which, if any, of these gentlemen are now absent beyond the time for which they have leave.

Mr. TURNER, of Georgia. Mr. STEWART is out of the city, relying, I have no doubt, on his leave.

Mr. STRUBLE. I move that the Sergeant-at-Arms be instructed to renew his search for the five members reported as in the city.

The SPEAKER. It is the duty of the Sergeant-at-Arms, unless otherwise directed by the House, to continue the search for gentlemen who are in the city. [A pause.] The Chair is advised that the deputies of the Sergeant-at-Arms have gone out again to renew the search.

Mr. TIMOTHY J. CAMPBELL. Mr. Speaker, it is very evident from the condition of affairs here that nothing can be accomplished this evening. I move, therefore, that further proceedings under the call be dispensed with; and I do this with the view of asking that we take a recess until to-morrow morning at 11.45.

Mr. EZRA B. TAYLOR. I suggest that the gentleman put the two propositions together.

Mr. TIMOTHY J. CAMPBELL. Mr. Speaker, it is very proper that gentlemen of our age should be engaged in transacting the business of the public; but here we are acting like a lot of school children. It is about time that a halt should be called on these proceedings, and that we should give the senior members of this House, with their cooler heads, an opportunity to see whether it is not possible to adopt some arrangement by which we may occupy ourselves in proper legislation for the benefit of the country.

The SPEAKER. Does the gentleman move to dispense with further proceedings under the call, or does he ask unanimous consent for a recess?

Mr. EZRA B. TAYLOR. On account of the clerks, who should be relieved from any unnecessary labor, I suggest to the gentleman to ask unanimous consent in one proposition to dispense with further proceedings under the call, and to take a recess until to-morrow morning.

Mr. TIMOTHY J. CAMPBELL. Very well, I will make the proposition in that shape.

The SPEAKER. The gentleman from New York asks unanimous consent that further proceedings under the call be dispensed with, and that the House take a recess until to-morrow morning at a quarter before 12 o'clock.

Mr. GRIMES. I object.

Mr. TIMOTHY J. CAMPBELL. I renew my motion to dispense with further proceedings under the call.

The motion was not agreed to; there being—ayes 30, noes 65.

Mr. BANKHEAD. Mr. Speaker, I am informed that an examination of the Journal shows that my colleague [Mr. DAVIDSON, of Alabama] has leave of absence until the 15th of the month.

Mr. CLARDY. Mr. Speaker, I move that we dispense with all fur-

ther proceedings under the call, and that the House take a recess until 11.45 to-morrow morning.

Mr. O'FERRALL. I object.

After an interval,

Mr. PENINGTON said: Mr. Speaker, I move that all further proceedings under the call of the House be dispensed with, and that the House take a recess until 11.40 to-morrow morning.

Mr. O'FERRALL. I object.

Mr. COMPTON. I move to dispense with all further proceedings under the call. The clerks, I think, are rested now, and we may as well go on with business.

The SPEAKER *pro tempore*. The gentleman from Maryland [Mr. COMPTON] asks unanimous consent that all further proceedings under the call be dispensed with.

Mr. COMPTON. I made a motion, Mr. Speaker. It does not require unanimous consent.

The question was taken on the motion of Mr. COMPTON, and the Speaker *pro tempore* declared that the noes seemed to have it.

Mr. COMPTON. I ask for a division.

The House divided; and there were—ayes 103, noes 7.

So the motion was agreed to.

Mr. CLARDY. No quorum.

The SPEAKER *pro tempore*. A quorum is not required.

Mr. SHERMAN. I ask for the yeas and nays.

The SPEAKER *pro tempore*. All further proceedings under the call of the House are dispensed with. The Sergeant-at-Arms will open the doors and notify members.

Mr. STONE, of Missouri. I move that the House do now adjourn.

The question was taken on the motion of Mr. STONE, of Missouri, and the Speaker *pro tempore* declared that the noes seemed to have it.

Mr. STONE, of Missouri. I call for a division.

The House divided; and there were—ayes 61, noes 119.

So the motion to adjourn was not agreed to.

Mr. TIMOTHY J. CAMPBELL. I move that the House take a recess until to-morrow morning at 11.45 a. m., and on that I call for the yeas and nays.

Mr. BRECKINRIDGE, of Arkansas. I move to amend that motion by striking out 'until to-morrow morning at 11.45 a. m.," and inserting "for one hour."

Mr. OATES. I move to amend that by making it one hour and five minutes.

Mr. BURROWS. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman from Michigan will state his point of order.

Mr. BURROWS. Mr. Speaker, my recollection is that the original motion made by the gentleman from Arkansas [Mr. BRECKINRIDGE] was to take a recess for thirty minutes. An amendment to that motion was offered by the gentleman from Iowa [Mr. WEAVER], to take a recess till 3.40. The gentleman from New York [Mr. TIMOTHY J. CAMPBELL] now moves to amend the amendment so as to take a recess until to-morrow morning at 11.45. That can not be amended. It is the last stage of amendment, and the vote must be taken on that proposition.

Mr. OATES. The gentleman from Michigan [Mr. BURROWS] simply misapprehends the motion made by the gentleman from New York [Mr. TIMOTHY J. CAMPBELL]. The gentleman from New York did not move to amend the pending motion. He moved to take a recess until to-morrow morning at 11.45.

Mr. BURROWS. That motion is not in order as an original motion. He could only move it as an amendment to the pending amendment.

Several members addressed the Chair.

The SPEAKER *pro tempore*. The House will be in order. The Chair has consulted the Journal and will state the several motions that are pending. The Chair is informed by the Journal that a motion was made by the gentleman from Arkansas [Mr. BRECKINRIDGE] to take a recess for thirty minutes; upon which the gentleman from Iowa [Mr. WEAVER] moved to amend so as to take a recess until 3.40 p. m. When the House divided upon that motion, no quorum having voted, a call of the House was ordered. All further proceedings under the call have been dispensed with, and there are two motions now pending, and the gentleman from New York [Mr. TIMOTHY J. CAMPBELL] moves an amendment to the amendment of the gentleman from Iowa [Mr. WEAVER], by moving that the House take a recess until 11.45 o'clock a. m. to-morrow.

Mr. BRECKINRIDGE, of Arkansas. I rise to a point of order.

Mr. TIMOTHY J. CAMPBELL. I move that the House take a recess till 11.45 a. m. to-morrow as an amendment to the two pending motions.

The SPEAKER *pro tempore*. The question is upon the amendment of the gentleman from New York [Mr. TIMOTHY J. CAMPBELL], that the House take a recess till 11.45 to-morrow morning.

Mr. BRECKINRIDGE, of Arkansas. I rise to a point of order. My point is that the gentleman from New York [Mr. TIMOTHY J. CAMPBELL] made his motion not as an amendment but as an independent motion.

A MEMBER. He says he moved it as an amendment.

Mr. BRECKINRIDGE, of Arkansas. I do not understand the gentleman from New York [Mr. TIMOTHY J. CAMPBELL] to say that he did so, but only that he wants to do it now.

Mr. TIMOTHY J. CAMPBELL. I offered it as an amendment.

The SPEAKER *pro tempore*. The motion has not been acted upon by the House, and the gentleman from New York now modifies his motion. The Chair overrules the point of order. The question now is on the motion of the gentleman from New York [Mr. TIMOTHY J. CAMPBELL] as an amendment to the motion of the gentleman from Iowa [Mr. WEAVER].

Mr. TIMOTHY J. CAMPBELL. As an amendment to the two pending motions.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, I move that the gentleman from New Hampshire [Mr. MCKINNEY] be excused from voting.

The SPEAKER *pro tempore*. The Chair will state the question. The question is on the motion submitted by the gentleman from New York [Mr. TIMOTHY J. CAMPBELL] as modified by him, which is to amend the motion of the gentleman from Iowa [Mr. WEAVER] so as to provide that the House shall take a recess until forty-five minutes past 11 o'clock to-morrow.

Mr. TIMOTHY J. CAMPBELL. And on that I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BRECKINRIDGE, of Arkansas. Pending the taking of that vote, Mr. Speaker, I move that the gentleman from New Hampshire [Mr. MCKINNEY] be excused from voting on the pending proposition.

Mr. BURROWS. Against that motion I make the point of order that it is not in order for one member to move to excuse another; that to be excused from voting is a personal privilege belonging to the member, which no one but himself can ask a vote upon. Otherwise it would be possible for one member of the House to move that one after another the entire membership of this House be excused from voting, even though in each case the member in whose behalf the motion was made protested that he did not want to be excused. In other words, the right of a member to be excused from voting is a personal privilege which no one but himself can invoke.

Mr. DIBBLE was recognized.

Mr. ENLOE. I ask to be excused from voting on this question.

The SPEAKER *pro tempore* (Mr. HATCH). The gentleman from South Carolina is on the floor.

Mr. DIBBLE. I submit the further proposition that the privilege of a member to be excused is defensive in its character; and that it can not be in order unless some proceeding is instituted against the member to compel his vote, the disobedience of which would put him in contempt. That while the rule provides that every member shall vote unless he be excused by the House, or unless he is pecuniarily interested in the pending question, it seems to me that the rule only requires an excuse in cases where it is to be enforced by something which would compel the member to vote. That, the reason of the law ceasing, the law itself ceases. *Ratione cessante, cessat et ipsa lex.* [Laughter and applause.]

Mr. O'NEILL, of Pennsylvania. The gentleman's words ought to be taken down. [Laughter.]

Mr. GLOVER. I move that the gentleman's words be taken down. [Renewed laughter.]

The SPEAKER *pro tempore*. The Chair begs the House to be in order.

Mr. DIBBLE. I apologize to the House for the quotation. [Laughter.]

A MEMBER. That is all right.

The SPEAKER *pro tempore*. The gentleman from South Carolina is entitled to proceed without interruption.

Mr. DIBBLE. If the Chair will permit me to proceed——

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. DIBBLE. It would be unreasonable, Mr. Speaker, on a motion to take a recess, for a gentleman to rise and by such needless motions for excuse to prevent this House, even on an ordinary occasion, from taking a recess, or voting to take a recess; and there is really no necessity in the case of this motion for an excuse for the gentleman from New Hampshire to abstain from voting.

Mr. ENLOE. I ask to be excused from voting, and the gentleman can address himself to that point.

Mr. HOPKINS, of Illinois. If the gentleman does not want to vote he can go out.

Mr. ENLOE. I will exercise my judgment in that respect.

Mr. DIBBLE. Suppose the gentleman from New Hampshire should not vote on this call, is there any proceeding pending to bring him before the bar of the House for not voting?

According to the terms of the rule, in cases where a member is pecuniarily interested, under the very rule itself, he is not required to ask to be excused, because the rule says he must vote unless he is excused, or unless he be pecuniarily interested in the pending matter. Now, in every instance where a member does not vote on an ordinary call of the roll, the presumption is that he has, judging for himself, come to the conclusion that he has that kind of interest in the pending

matter which operates to suspend the operation of the rule as to himself, that he has some personal interest in the question. Because the presumption never would be that a member would willfully without some such reason desist when present from exercising the constitutional provision vested in him of voting on every question.

I therefore make that as an additional point of order.

Mr. OATES. Mr. Speaker, the argument of the gentleman from South Carolina is utterly worthless if precedent is entitled to any consideration in this matter. In the Thirty-third Congress, where there was a measure reported, a proposition pending, and a vote was being taken in the House, numbers of the members, one after another, moved to be excused or requested to be excused from voting, and there was no process to compel them to vote. It was just the ordinary proceeding, and objection was made to it, and vote after vote was taken on excusing members, as gentlemen will find, for whole pages of the RECORD are filled with the votes. It is the duty under the rule as it exists now for every member to vote on a pending proposition unless he be excused. If a member sees proper to ask to be excused, and objection be made, what is the difference between that and a motion that he be excused made by some one else? If he is present the presumption is that he desires the motion to be made and sanctions it, and if he does not sanction it, being present when the motion was made, he can negative it by denying the authority to make the motion. If one member desires to be excused and requests it, it is competent at any time for him or any one else to make the motion. That is but reasonable.

Suppose a member of this House was lying at a hotel utterly unable to get here and was absent without being excused by the House, under such circumstances, if a vote was proceeding, would it not be competent for a member—any member—to ask that he be excused from voting, or would it be held that he must be brought to the House upon a litter in order either to cast his vote or ask to be excused?

Mr. DIBBLE. I would ask the gentleman from Alabama whether the rule does not expressly apply to those who are present; for it has no reference, I contend, to absent members at all. It is only those persons who are present who are required to vote.

And there are two alternatives. He shall vote if present unless excused, or unless he has a personal or pecuniary interest; and, in the case of a personal or pecuniary interest, in the plain meaning of the words of the rule, he is not required to render an excuse.

Mr. OATES. If I can get hold of the volume to which I have referred—the first session of the Thirty-third Congress—I can furnish any number of precedents; for this motion is substantially the same.

Mr. HOPKINS, of Illinois. Does the gentleman from Alabama suppose that the question raised by the gentleman from South Carolina was raised in the cases to which he refers?

The SPEAKER *pro tempore* (Mr. HATCH). The Chair has no hesitation in deciding this point of order which has been passed upon so recently by the Speaker of the House. So far as the present occupant of the chair is advised, his own recollection of the rule is that as late as the Forty-seventh Congress, in which the same question was raised on a motion to adjourn, the Speaker, Mr. Keifer, held the motion was not in order because it was made on a motion to adjourn. In his ruling on that point he differed from any preceding Speaker and from the present Speaker of the House, because he included in his decision a motion to take a recess. But the Chair will cause to be read the decision of the Speaker made within the last few days on this very question. It was upon the same motion as this, to take a recess.

The Clerk read as follows:

The SPEAKER. The Chair would state, in response to the gentleman from Ohio [Mr. EZRA B. TAYLOR] that the argument would of course apply not only to this case but to every case in which a member might ask to be excused from voting. Now, in the case of a motion to adjourn the Chair decided to-day that the vote on such a motion could not be reconsidered, for the reason that the motion might be repeated again and again for an indefinite number of times, provided there had been intervening business. In other words, the reason of the rule which allows in general motions to reconsider did not apply.

The motion to take a recess is one which may also be repeated; but when it is renewed a different time must be fixed. A motion to amend so as to take a recess until to-morrow morning at 10 o'clock, whether carried or rejected, could not be repeated, though other business may have intervened. So the motion to take a recess is not like a motion to adjourn. The House must at all times have it in its power to determine whether it will adjourn or not—whether it will adjourn from day to day or adjourn to a particular day in the future.

The exercise of this power might be defeated absolutely if during the pendency of such a motion the time of the House could be consumed by repeated motions to excuse members from voting. But the Chair does not see how that consideration can apply to a motion to take a recess any more than to any other ordinary question pending before the House. The Chair therefore overrules the point of order. The gentleman from Pennsylvania [Mr. SOWDEN] takes an appeal. The Chair will be very glad to have the judgment of the House upon the matter. The question is, Shall the decision of the Chair stand as the judgment of the House?

The question having been put,

The SPEAKER said: The noes seem to have it.

Mr. BRECKINRIDGE, of Arkansas. I call for a division.

The question being again taken, there were—ayes 60, noes 65.

Mr. MCCREARY. I ask for the yeas and nays.

Mr. REED. I make the point of order that we are voting on a question of yeas and nays.

The SPEAKER. Still there is an appeal taken.

Mr. REED. The yeas and nays have been ordered on another question.

The SPEAKER. But if the gentleman from Pennsylvania has the right to take an appeal, the House must have the right to vote on it in the usual way. The question is on ordering the yeas and nays.

The yeas and nays were ordered.

The SPEAKER *pro tempore*. Subsequently, as the House will remember, the motion was withdrawn.

Mr. REED. I suggest to the Chair that that decision is not operative in any way. It was distinctly understood that the whole subject was dropped, so that we begin it again entirely anew. It seems to me the arguments of the gentleman from Michigan [Mr. BURROWS] and the gentleman from South Carolina [Mr. DIBBLE] are perfectly conclusive about this matter. The reasoning of the Speaker certainly covers the question of a recess.

The SPEAKER *pro tempore*. Pending the demand of the gentleman from New York [Mr. TIMOTHY J. CAMPBELL] for the yeas and nays on the motion to take a recess until 11.45 a. m. to-morrow the gentleman from Arkansas [Mr. BRECKINRIDGE] rose and moved that the gentleman from New Hampshire [Mr. MCKINNEY] be excused from voting on that question. The point of order was made upon that motion. The Chair overrules the point of order, and holds that the motion made by the gentleman from Arkansas is a proper motion.

Mr. BURROWS. May I be pardoned a word?

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. BURROWS. The Chair stated the decision made by the Speaker to be this, that on a motion to adjourn or a motion to adjourn over it would not be proper to excuse a member from voting, but that upon a motion to take a recess the motion to excuse a member from voting would be in order. But my point of order goes beyond that. It is that it is not in order for one member to ask that another member present be excused. It is a personal privilege which each member alone can invoke. And I would like a decision upon that point. Otherwise, allow me to say with regard to the gentlemen who have been engaged in dilatory proceedings here for some time, those who are in favor of the pending bill might move to excuse those gentlemen one by one until the entire body of them were excused from voting; and then they could not vote, because they would be in contempt of the House if they undertook to do it after the House had excused them from voting.

The SPEAKER *pro tempore*. The Chair takes notice, as the Speaker of the House did when a similar motion was made, that the gentleman whom it is proposed to excuse was present at the time the gentleman from Arkansas made the motion. The Chair takes it for granted the motion is made with his knowledge and consent. The Chair overrules the point of order.

Mr. BRECKINRIDGE, of Kentucky. I move that the House do now adjourn.

Mr. TIMOTHY J. CAMPBELL. Does the Chair decide that the gentleman from Arkansas has the right to move that the gentleman from New Hampshire be excused from voting?

The SPEAKER *pro tempore*. The Chair will repeat that he overrules the point of order made against the motion of the gentleman from Arkansas that the gentleman from New Hampshire be excused from voting on the pending question, which is on the motion of the gentleman from New York that the House take a recess until 11.45 a. m. to-morrow.

Mr. TIMOTHY J. CAMPBELL. The pending question, then, as I understand it, is on the motion that the House take a recess until to-morrow morning at 11.45. If so, I ask that the roll be called.

Mr. EZRA B. TAYLOR. I take an appeal from the decision of the Chair.

The SPEAKER *pro tempore*. The gentleman from Ohio takes an appeal from the decision of the Chair; but pending that the gentleman from Kentucky [Mr. BRECKINRIDGE] moves that the House adjourn.

Mr. WEAVER. And pending that motion, I move that when the House adjourns it be to meet on Wednesday next.

Mr. BRECKINRIDGE, of Arkansas. And pending that I move that when the House adjourns it be to meet on Thursday next.

Mr. SYMES. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. SYMES. I desire to know if it has not been the ruling of the Chair continually in this House, under all the precedents, that any gentleman, notwithstanding the ruling that has been commented upon here by gentlemen, may sit in his seat and refuse at any time to vote upon any question? And is it not true that there is no rule of parliamentary law which will force him to vote or punish him for contempt if he does not vote?

Am I not correct? I believe I am. Then I ask the Chair, in the name of common sense and common reason, why it is that the time of this House can be frittered away—— [Cries of "Regular order!"] Why it is—— [Renewed cries of "Regular order!"] Gentlemen, you will have a hard time to cry me down. I ask the Speaker why it is—— [Laughter and cries of "Regular order!"]

The SPEAKER *pro tempore*. The House will be in order.

Mr. SYMES. Mr. Speaker, I was proceeding to a parliamentary inquiry; and when my friends over there get through with their hilarity I will proceed.

Mr. OATES. I would like to know by what right the gentleman is indulging in debate.

The SPEAKER *pro tempore*. A member rising to a parliamentary inquiry can not discuss a proposition which has been decided by the Chair. The Chair has decided the point of order.

Mr. SYMES. But I am making a parliamentary inquiry.

The SPEAKER *pro tempore*. The Chair desires to be perfectly fair toward the gentleman, but if he has a question to put he must state it without argument.

Mr. SYMES. I was proceeding to state it when I was interrupted. I proceed now with my parliamentary inquiry. I want to know why it is, Mr. Speaker, that we can fritter away the time of the House—— [Cries of "Regular order!"]

Mr. OATES. I submit that is no parliamentary inquiry at all.

The SPEAKER *pro tempore*. The Chair desires to hear the gentleman from Colorado state his point.

Mr. SYMES. In the language of the great Samuel Johnson, the gentleman does not understand the question I am asking. I inquire again why it is—if I am not interrupted before I get through my sentence—why it is that we can fritter away the time of this House—— [Cries of "Regular order!"]

Mr. SYMES. Why it is——[Laughter.]

The SPEAKER *pro tempore*. The gentleman from Colorado will please suspend his remarks. The Chair will not recognize any gentleman until order is restored.

Mr. SYMES. When interrupted, Mr. Speaker, I had reached that part of my sentence in which I asked the Speaker why it is [laughter]—I will proceed whenever it is the desire of the Chair and after order is restored——

The SPEAKER *pro tempore*. The Chair again appeals to the House to perserve order.

Mr. SYMES. Why is a motion in order, Mr. Speaker, to excuse a member from doing that which no rule of the House, as the Chair has repeatedly decided, will require him to do?

The SPEAKER *pro tempore*. The Chair has already decided, and it has been held repeatedly, that a motion of the character of that made by the gentleman from Arkansas is in order.

Mr. FARQUHAR. Mr. Speaker, I wish to ask a parliamentary question.

Mr. SYMES. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. SYMES. Is it permissible to fritter away the time of this House? [Laughter.]

Mr. FARQUHAR. Mr. Speaker, as I understand the decision of the Chair, it is that, a member being present, another member—his colleague or any one else—may ask to have him excused from voting without stating that he does so at the member's request. I desire to ask how the Chair or the House can know that the request has been made at the instance of the member who is to be excused simply because the member making the motion assumes to act as a proxy. I desire to know whether there is any condition of membership that allows a proxy——

The SPEAKER *pro tempore*. The Chair has decided that question, and it is not necessary to pursue the inquiry further. The question is on the motion submitted by the gentleman from Arkansas, that when the House adjourns to-day it adjourn to meet on Thursday next.

Mr. BOUTELLE. Is that motion debatable?

The SPEAKER *pro tempore*. It is not.

Mr. BOUTELLE. Then let us have the regular order.

The question being put on the motion of Mr. BRECKINRIDGE, of Arkansas, there were—ayes 2, noes 117.

Mr. BRECKINRIDGE, of Arkansas. No quorum.

The SPEAKER *pro tempore*. The point of "no quorum" being made, the Chair will appoint tellers.

Mr. TAULBEE. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. TAULBEE. Mr. Speaker, in view of the constitutional provision that neither House shall adjourn for more than three days without the consent of the other, I wish to ask whether that provision refers to a calendar or legislative day.

The SPEAKER *pro tempore*. The Chair decides that question by declaring that the motion made by the gentleman from Arkansas is in the judgment of the Chair in order. This being Monday, the gentleman from Arkansas moves that when the House adjourns to-day it be to meet on Thursday next; and that is within the rule.

Mr. TAULBEE. If I caught the statement of the Chair, I do not think he understood my question.

The SPEAKER *pro tempore*. The Chair thinks he understood the question.

Mr. TAULBEE. Will the Chair indulge me while I restate it?

The SPEAKER *pro tempore*. The Chair will.

Mr. TAULBEE. I wish to know whether or not the provision of the rule——

Mr. WHEELER. The constitutional provision.

Mr. TAULBEE. Whether the provision limiting the period for which an adjournment may be taken relates to a calendar or a legislative day?

The SPEAKER *pro tempore*. The Chair holds that it relates to a calendar day.

Mr. EZRA B. TAYLOR. I call for the yeas and nays on the pending question.

The yeas and nays were ordered.

The question was taken; and there were—yeas 3, nays 171, not voting 150; as follows:

YEAS—3.

Hayes,	Neal,	Washington.

NAYS—171.

Allen, Mass.	Dibble,	Kerr,	Romeis,
Allen, Mich.	Dockery,	Lagan,	Rowell,
Anderson, Iowa	Elliott,	Laidlaw,	Rowland,
Atkinson,	Ermentrout,	Laird,	Russell, Conn.
Baker, N. Y.	Farquhar,	Latham,	Russell, Mass.
Baker, Ill.	Finley,	Lee,	Rusk,
Bayne,	Flood,	Lehlbach,	Sawyer,
Belden,	Ford,	Lind,	Scull,
Blanchard,	Fuller,	Lodge,	Seney,
Bliss,	Funston,	Long,	Seymour,
Boothman,	Gaines,	Lyman,	Sherman,
Bound,	Gallinger,	Macdonald,	Shively,
Boutelle,	Gear,	Maish,	Snyder,
Bowden,	Gest,	Mansur,	Spooner,
Bowen,	Gibson,	Mason,	Stahlnecker,
Brewer,	Glover,	McClammy,	Steele,
Browne, Ind.	Goff,	McComas,	Stephenson,
Brown, Ohio	Greenman,	McCormick,	Stockdale,
Brown, J. R., Va.	Grout,	McCreary,	Stone, Ky.
Buckalew,	Guenther,	McKenna,	Stone, Mo.
Bunnell,	Hall,	McKinley,	Struble,
Burrows,	Harmer,	Merriman,	Symes,
Butterworth,	Hatch,	Moffitt,	Taulbee,
Campbell, F., N. Y.	Haugen,	Montgomery,	Taylor, E. B., Ohio
Campbell, Ohio	Hayden,	Morrow,	Taylor, J. D., Ohio
Campbell, T. J., N. Y.	Hemphill,	Nelson,	Thomas, Ky.
Cannon,	Henderson, Iowa	Nichols,	Thomas, Wis.
Caruth,	Henderson, N. C.	Nutting,	Turner, Kans.
Caswell,	Henderson, Ill.	O'Donnell,	Vandever,
Cheadle,	Hermann,	O'Neill, Pa.	Wade,
Chipman,	Hitt,	Osborne,	Walker,
Clardy,	Holman,	Outhwaite,	Warner,
Cogswell,	Holmes,	Owen,	Weber,
Compton,	Hopkins, Ill.	Parker,	White, Ind.
Conger,	Hopkins, Va.	Patton,	White, N. Y.
Cooper,	Houk,	Penington,	Whiting, Mass.
Cothran,	Hovey,	Perkins,	Whitthorne,
Crouse,	Hudd,	Peters,	Wickham,
Cummings,	Hunter,	Post,	Wilkins,
Dalzell,	Johnston, Ind.	Pugsley,	Williams,
Darlington,	Johnston, N. C.	Rayner,	Yardley,
Davis,	Kean,	Reed,	Yost.
De Lano,	Kennedy,	Rice,	

NOT VOTING—150.

Abbott,	Crisp,	Kilgore,	Richardson,
Adams,	Culberson,	Laffoon,	Robertson,
Allen, Miss.	Cutcheon,	La Follette,	Rockwell,
Anderson, Miss.	Dargan,	Landes,	Rogers,
Anderson, Ill.	Davenport,	Lane,	Ryan,
Anderson, Kans.	Davidson, Ala.	Lanham,	Sayers,
Arnold,	Davidson, Fla.	Lawler,	Scott,
Bacon,	Dingley,	Lynch,	Shaw,
Bankhead,	Dorsey,	Maffett,	Simmons,
Barnes,	Dougherty,	Mahoney,	Smith,
Barry,	Dunham,	Martin,	Sowden,
Belmont,	Dunn,	Matson,	Spinola,
Biggs,	Enloe,	McAdoo,	Springer,
Bingham,	Felton,	McCullogh,	Stewart, Tex.
Bland,	Fisher,	McKinney,	Stewart, Ga.
Blount,	Fitch,	McMillin,	Stewart, Vt.
Breckinridge, Ark.	Foran,	McRae,	Tarsney,
Breckinridge, Ky.	Forney,	McShane,	Thomas, Ill.
Brower,	French,	Milliken,	Thompson, Ohio
Browne, T. H. B., Va.	Gay,	Mills,	Thompson, Cal.
Brumm,	Glass,	Moore,	Tillman,
Bryce,	Granger,	Morgan,	Tracey,
Buchanan,	Grimes,	Morrill,	Townshend,
Burnes,	Grosvenor,	Morse,	Turner, Ga.
Burnett,	Hare,	Newton,	Vance,
Butler,	Heard,	Norwood,	Weaver,
Bynum,	Herbert,	Oates,	West,
Candler,	Hiestand,	O'Ferrall,	Wheeler,
Carlton,	Hires,	O'Neall, Ind.	Whiting, Mich.
Catchings,	Hogg,	O'Neill, Mo.	Wilber,
Clark,	Hooker,	Payson,	Wilkinson,
Clements,	Hopkins, N. Y.	Peel,	Wilson, Minn.
Cobb,	Howard,	Perry,	Wilson, W. Va.
Cockran,	Hutton,	Phelan,	Wise,
Collins,	Jackson,	Phelps,	Woodburn,
Cowles,	Jones,	Pidcock,	Yoder.
Cox,	Kelley,	Plumb,	
Crain,	Ketcham,	Randall,	

So the motion of Mr. BRECKINRIDGE, of Arkansas, was not agreed to.

Pending the roll-call the following proceedings took place:

Mr. MACDONALD. Mr. Speaker, I rise to a point of order.

The SPEAKER *pro tempore* (Mr. HATCH). The gentleman will state it.

Mr. MACDONALD. My point is that under the rule members should be required to vote. They have not been excused, I believe.

The SPEAKER *pro tempore*. The Chair overrules the point of order. [Laughter.]

Mr. MACDONALD. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The Chair can not recognize the gentleman during the roll-call.

Mr. MACDONALD. I desire to make a parliamentary inquiry on the roll-call.

The SPEAKER *pro tempore*. The gentleman is not in order. The Clerk will proceed with the call.

The Clerk completed the call and proceeded to recapitulate the names of members voting.

Mr. OUTHWAITE. I ask unanimous consent that the reading of the names be dispensed with.

Several members objected.

Mr. WHEELER. Mr. Speaker, I voted inadvertently. I am paired, and I withdraw my vote.

The following additional pairs were announced:

Mr. BYNUM with Mr. ANDERSON, of Illinois.

Mr. STOCKDALE with Mr. HERMANN, for the remainder of the day.

Mr. RYAN with Mr. ALLEN, of Mississippi, on this vote.

Mr. BLOUNT with Mr. DINGLEY, for the remainder of the day.

Mr. WHEELER with Mr. WEST, for the remainder of the day.

Mr. WASHINGTON with Mr. BAKER, of New York, for this day.

Mr. WILSON, of Minnesota, with Mr. KELLEY, for the rest of the day.

Mr. BURNES with Mr. MORRILL, on this bill.

Mr. BIGGS with Mr. HUTTON, on this bill.

The result of the vote was then announced as above recorded.

LEAVE OF ABSENCE.

Mr. HEMPHILL, by unanimous consent, was granted leave of absence for one week from to-day (Monday), on account of important business.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The question now is on the amendment submitted by the gentleman from Iowa [Mr. WEAVER], that when the House adjourn to-day it be to meet on Tuesday next.

Mr. WEAVER. Wednesday.

The SPEAKER *pro tempore*. The gentleman modifies his motion, and moves that when the House adjourns to-day it be to meet on Wednesday next.

The question was taken; and there were—ayes 3, noes 79.

Mr. BRECKINRIDGE, of Arkansas. No quorum.

Mr. TAULBEE. I ask for the yeas and nays.

The question was taken on ordering the yeas and nays.

Pending the count,

Mr. TAULBEE. Mr. Speaker, I desire to withdraw the demand for the yeas and nays.

Mr. HOVEY. I demand the yeas and nays.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. HOVEY] renews the demand.

Mr. TAULBEE. Let the count be on his demand.

The SPEAKER *pro tempore* (having completed the count). More than a sufficient number, and the yeas and nays are ordered. The Clerk will call the roll.

Mr. TAULBEE. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. TAULBEE. Was it within my power to withdraw the demand for the yeas and nays?

The SPEAKER *pro tempore*. It was; but another gentleman renewed it before the gentleman from Kentucky [Mr. TAULBEE] had taken his seat.

Mr. TAULBEE. I desire to inquire whether the count was made on the demand which I made?

The SPEAKER *pro tempore*. On the demand of the gentleman from Indiana [Mr. HOVEY].

Mr. TAULBEE. Was the demand made before or after the count?

The SPEAKER *pro tempore*. The Clerk will call the roll.

The question was taken; and there were—yeas 3, nays 158, not voting 163; as follows:

YEAS—3.

Hayes,	Kilgore,	Neal.

NAYS—158.

Allen, Mass.	Compton,	Hayden,	Merriman,
Allen, Mich.	Conger,	Henderson, Iowa	Moffitt,
Atkinson,	Cooper,	Henderson, N. C.	Montgomery,
Baker, Ill.	Cothran,	Henderson, Ill.	Morrow,
Baker, N. Y.	Crouse,	Hitt,	Nichols,
Bayne,	Cummings,	Holman,	Nutting,
Belden,	Dalzell,	Holmes,	O'Donnell,
Bliss,	Darlington,	Hopkins, Ill.	O'Ferrall,
Boothman,	Davis,	Hopkins, Va.	O'Neill, Pa.
Bound,	De Lano,	Hovey,	Osborne,
Boutelle,	Dibble,	Hudd,	Outhwaite,
Bowden,	Elliott,	Hunter,	Owen,
Bowen,	Ermentrout,	Johnston, Ind.	Parker,
Brewer,	Farquhar,	Johnston, N. C.	Patton,
Browne, T. H. B., Va.	Finley,	Kean,	Penington,
Browne, Ind.	Flood,	Kennedy,	Perkins,
Brown, Ohio	Ford,	Kerr,	Peters,
Brown, J. R., Va.	French,	Laidlaw,	Post,
Buckalew,	Fuller,	Laird,	Pugsley,
Bunnell,	Funston,	Latham,	Rayner,
Burrows,	Gaines,	Lodge,	Reed,
Butterworth,	Gallinger,	Long,	Rice,
Campbell, F., N. Y.	Gear,	Lyman,	Romeis,
Campbell, Ohio	Gest,	Macdonald,	Rowell,
Campbell, T. J., N. Y.	Glover,	Mansur,	Rowland,
Cannon,	Goff,	Mason,	Russell, Conn.
Caruth,	Greenman,	McComas,	Russell, Mass.
Caswell,	Grout,	McCormick,	Rusk,
Cheadle,	Guenther,	McCreary,	Sawyer,
Chipman,	Hall,	McKenna,	Scull,
Clardy,	Harmer,	McKinley,	Seney,
Cogswell,	Hatch,	McKinney,	Seymour,
Sherman,	Stone, Mo.	Turner, Kans.	Whiting, Mass.
Shively,	Struble,	Vandever,	Wickham,
Snyder,	Symes,	Wade,	Wilkins,
Spooner,	Taulbee,	Walker,	Williams,
Stahlnecker,	Taylor, E. B., Ohio	Warner,	Yardley,
Steele,	Taylor, J. D., Ohio	Weber,	Yost.
Stephenson,	Thomas, Ky.	Wheeler,	
Stone, Ky.	Thomas, Wis.	White, N. Y.	

NOT VOTING—163.

Abbott,	Cutcheon,	Laffoon,	Randall,
Adams,	Dargan,	La Follette,	Richardson,
Allen, Miss.	Davenport,	Lagan,	Robertson,
Anderson, Iowa	Davidson, Ala.	Landes,	Rockwell,
Anderson, Miss.	Davidson, Fla.	Lane,	Rogers,
Anderson, Ill.	Dingley,	Lanham,	Ryan,
Anderson, Kans.	Dockery,	Lawler,	Sayers,
Arnold,	Dorsey,	Lee,	Scott,
Bacon,	Dougherty,	Lehlbach,	Shaw,
Bankhead,	Dunham,	Lind,	Simmons,
Barnes,	Dunn,	Lynch,	Smith,
Barry,	Enloe,	Maffett,	Sowden,
Belmont,	Felton,	Mahoney,	Spinola,
Biggs,	Fisher,	Maish,	Springer,
Bingham,	Fitch,	Martin,	Stewart, Tex.
Blanchard,	Foran,	Matson,	Stewart, Ga.
Bland,	Forney,	McAdoo,	Stewart, Vt.
Blount,	Gay,	McClammy,	Stockdale,
Breckinridge, Ark.	Gibson,	McCullogh,	Tarsney,
Breckinridge, Ky.	Glass,	McMillin,	Thomas, Ill.
Brower,	Granger,	McRae,	Thompson, Ohio
Brumm,	Grimes,	McShane,	Thompson, Cal.
Bryce,	Grosvenor,	Milliken,	Tillman,
Buchanan,	Hare,	Mills,	Tracey,
Burnes,	Haugen,	Moore,	Townshend,
Burnett,	Heard,	Morgan,	Turner, Ga.
Butler,	Hemphill,	Morrill,	Vance,
Bynum,	Herbert,	Morse,	Washington,
Candler,	Hermann,	Nelson,	Weaver,
Carlton,	Hiestand,	Newton,	West,
Catchings,	Hires,	Norwood,	White, Ind.
Clark,	Hogg,	Oates,	Whiting, Mich.
Clements,	Hooker,	O'Neall, Ind.	Whitthorne,
Cobb,	Hopkins, N. Y.	O'Neill, Mo.	Wilber,
Cockran,	Houk,	Payson,	Wilkinson,
Collins,	Howard,	Peel,	Wilson, Minn.
Cowles,	Hutton,	Perry,	Wilson, W. Va.
Cox,	Jackson,	Phelan,	Wise,
Crain,	Jones,	Phelps,	Woodburn,
Crisp,	Kelley,	Pidcock,	Yoder.
Culberson,	Ketcham,	Plumb,	

No quorum voting.

Mr. BOUTELLE. Mr. Speaker, may I ask if the gentleman from Arkansas [Mr. BRECKINRIDGE] has voted?

The SPEAKER *pro tempore*. The Clerk will recapitulate the names of those voting.

Mr. BOUTELLE. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BOUTELLE. I wish to know if the gentleman from Arkansas [Mr. BRECKINRIDGE] is recorded?

The SPEAKER *pro tempore*. The gentleman is not recorded.

Mr. BOUTELLE. Then I make the point of order before this vote is declared that the gentleman is required by the rules to record his vote.

The SPEAKER *pro tempore*. The Chair overrules the point of order.

Mr. BOUTELLE. I desire to state my point of order before it is passed upon.

The SPEAKER *pro tempore*. The Chair has heard the point of order and overrules it. There is no power in the Speaker to compel a member to vote.

Mr. BOUTELLE. But I desire to state the point of order and have a ruling of the Chair upon it. I respectfully ask the Chair to hear me state it.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BOUTELLE. The point of order I desire to make is that the rules of this House—the identical rule which has been invoked by the gentleman from Arkansas himself as warranting him to make the motion to excuse another member from voting—requires him not only to be present, but to vote on every question, unless he be excused. I quote the language of the rule in full:

> Every member shall be present within the Hall of the House during its sittings unless excused or necessarily prevented; and shall vote on each question put, unless, on motion made before division or the commencement of the roll-call, and decided without debate, he shall be excused, or unless he has a direct personal or pecuniary interest in the event of such question.

I make the point of order that the gentleman from Arkansas is required by this rule either to record his vote or to state that he has a direct personal or pecuniary interest in the pending question.

The SPEAKER *pro tempore*. The Chair overrules the point of order. The Clerk will recapitulate the names of those voting.

The Clerk recapitulated the names.

The following additional pairs were announced:

Mr. RYAN with Mr. ALLEN, of Mississippi, for this day.

Mr. CANDLER with Mr. ANDERSON, of Kansas, for the rest of the day.

Mr. COCHRAN with Mr. LA FOLLETTE, for the rest of the day.

Mr. COX with Mr. DUNHAM, for the rest of the day.

Mr. CULBERSON with Mr. BROWNE, of Indiana, for the rest of the day.

The result of the vote was then announced as above recorded.

Mr. WEAVER. No quorum.

Mr. EZRA B. TAYLOR. Mr. Speaker, in the interest of good nature, as well as in the interest of good health, I ask unanimous consent that the House take a recess until to-morrow morning at forty-five minutes after 11 o'clock.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Ohio? The Chair hears none.

And accordingly (at 10 o'clock and 15 minutes p. m.) the House took a recess until 11 o'clock and 45 minutes a. m. on Tuesday.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. G. A. ANDERSON: A bill (H. R. 9269) to remove the charge of desertion from the record of Richard H. Keith—to the Committee on Military Affairs.

By Mr. JEHU BAKER: A bill (H. R. 9270) granting a pension to Werner Lentz—to the Committee on Invalid Pensions.

By Mr. BUTTERWORTH: A bill (H. R. 9271) for the relief of James A. Stewart—to the Committee on War Claims.

By Mr. CROUSE: A bill (H. R. 9272) for the relief of George Teeple—to the Committee on Invalid Pensions.

By Mr. GEST (by request:) A bill (H. R. 9273) for the relief of Edward Leader and others—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 9274) for the relief of Overten Love—to the Select Committee on Indian Depredation Claims.

By Mr. HOWARD: A bill (H. R. 9275) for the relief of William A. Flinn—to the Committee on Military Affairs.

By Mr. HOUK: A bill (H. R. 9276) for the relief of J. C. Cawood—to the Committee on War Claims.

Also, a bill (H. R. 9277) to increase certain pensions named herein, and for other purposes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9278) granting a pension to W. A. McCaleb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9279) to restore Mrs. Martha Winningham to the pension-rolls—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9280) for the relief of William Carter—to the Committee on Military Affairs.

Also, a bill (H. R. 9281) for the relief of J. H. Qualls—to the Committee on War Claims.

Also, a bill (H. R. 9282) for the relief of Joel Lindsey—to the Committee on War Claims.

Also, a bill (H. R. 9283) for the relief of Isaac H. Diehl—to the Committee on War Claims.

By Mr. HUNTER: A bill (H. R. 9284) granting a pension to Webster C. Webb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9285) for the relief of Thomas H. Prewitt—to the Committee on the Post-Office and Post-Roads.

By Mr. HOGG: A bill (H. R. 9286) for the relief of Mrs. J. T. Strother—to the Committee on War Claims.

By Mr. MANSUR: A bill (H. R. 9287) granting a pension to John E. Carter—to the Committee on Invalid Pensions.

By Mr. MANSUR: A bill (H. R. 9288) to grant a pension to Salina Kirk—to the Committee on Invalid Pensions.

By Mr. McCREARY: A bill (H. R. 9289) granting a pension to Isaac Hays—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9290) granting a pension to David Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9291) for the benefit of Henry P. Battam—to the Committee on War Claims.

Also, a bill (H. R. 9292) for the benefit of John Burnside—to the Committee on War Claims.

Also, a bill (H. R. 9293) granting an increase of pension to Mary L. Cleveland—to the Committee on Pensions.

Also, a bill (H. R. 9294) granting a pension to Peterson Gibbs—to the Committee on Pensions.

Also, a bill (H. R. 9295) granting arrears of pension to Mary L. Cleveland—to the Committee on Pensions.

By Mr. MOFFITT: A bill (H. R. 9296) granting a pension to Bridget Carroll—to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 9297) for the relief of James Sims—to the Committee on War Claims.

By Mr. MORROW: A bill (H. R. 9298) releasing the estate of Asher R. Eddy, etc.—to the Committee on Military Affairs.

By Mr. PETERS: A bill (H. R. 9299) increasing the pension of Mathew Parrott—to the Committee on Invalid Pensions.

By Mr. PIDCOCK: A bill (H. R. 9300) granting a pension to Aaron S. Slack—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9301) for the relief of George Hartram—to the Committee on Military Affairs.

By Mr. POST: A bill (H. R. 9302) granting a pension to James A. Wilson—to the Committee on Invalid Pensions.

By Mr. ROGERS: A bill (H. R. 9303) granting a pension to Riley C. Roberts—to the Committee on Invalid Pensions.

By Mr. C. A. RUSSELL: A bill (H. R. 9304) granting a pension to Betsey A. Mower—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 9305) granting a pension to Norman F. Smith—to the Committee on Invalid Pensions.

By Mr. STEELE: A bill (H. R. 9306) for the relief of Gregorious Fastnacht—to the Committee on Military Affairs.

Also, a bill (H. R. 9307) for the relief of Lieut. Col. Charles G. Sawtelle, deputy quartermaster-general, United States Army—to the Committee on Military Affairs.

By Mr. STEPHENSON: A bill (H. R. 9308) granting a pension to Michael Wolf—to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 9309) for the relief of Nancy J. Watkins—to the Committee on Claims.

Also, a bill (H. R. 9310) granting a pension to Capt. William J. Duley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9311) for the relief of Milton Williams—to the Committee on War Claims.

By Mr. W. L. WILSON: A bill (H. R. 9312) granting a pension to David H. Lutman—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. H. ALLEN: Memorial of Byron, Truell & Co., of Lawrence, Mass., for better postal facilities between New York and New England—to the Committee on the Post-Office and Post-Roads.

By Mr. J. A. ANDERSON: Petition of citizens of Davis, Kans., against reduction of tariff on wool—to the Committee on Ways and Means.

By Mr. ATKINSON: Petition of citizens of Franklin County, Pennsylvania, for the repeal of the internal-revenue law which classes druggists as liquor dealers, etc.—to the Committee on Ways and Means.

By Mr. BELDEN: Petition of Peter Rogers and 13 others, cigarmakers, of Syracuse, N. Y., against the repeal of internal-revenue duties on cigars and cheroots—to the Committee on Ways and Means.

By Mr. BIGGS: Petition of certain citizens of Stanislaus and Merced Counties, California, for an appropriation of $10,000 for the improvement of the San Joaquin River, in said State—to the Committee on Rivers and Harbors.

By Mr. BOUND: Petition of Grange No. 797, of Rushtown, Pa., for the passage of a law to prevent the adulteration of lard and food products—to the Committee on Agriculture.

By Mr. BOWDEN: Petition of Jesse Williams and 48 veterans, in support of Senate bill 1537 and House bill 5662—to the Committee on Invalid Pensions.

By Mr. BOWEN: Petition of J. B. F. Mills and 46 others, citizens of Wise County, Virginia, for more effectual protection to agriculture—to the Committee on Ways and Means.

By Mr. BUNNELL: Petition of citizens of Pleasant Mount, Wayne County, Pennsylvania, for reduction in the internal-revenue tax—to the Committee on Ways and Means.

By Mr. BURROWS: Petition for the more effectual protection of agriculture—to the Committee on Ways and Means.

Also, petition for the protection of the Yellowstone Park—to the Committee on the Public Lands.

By Mr. BUTTERWORTH: Protest of Thomas Morrison and a large number of other pork-packers of Cincinnati, Ohio, in reference to the bill to regulate adulterations of lard—to the Committee on Agriculture.

By Mr. CAINE: Memorial of the Salt Lake City Chamber of Commerce, asking an appropriation for the erection of a public building at Salt Lake City, Utah—to the Committee on Public Buildings and Grounds.

By Mr. CANDLER: Petition of citizens of Georgia, against reduction of duty on marble—to the Committee on Ways and Means.

By Mr. CATCHINGS: Petition of S. Blumenthal and others, in favor of putting salt on the free-list—to the Committee on Ways and Means.

Also, petition of Warner & Searles and many others, with regard to the Yellowstone Park—to the Committee on the Public Lands.

By Mr. CLEMENTS: Petition of citizens of Washington County, for an appropriation to pave New York avenue from Seventh street to Boundary—to the Committee on Appropriations.

Also, petitions of merchants, capitalists, and business men of Atlanta, Ga., for an appropriation in aid of the National Colored Exposition, with accompanying papers—to the Committee on Appropriations.

By Mr. COOPER: Petition of G. L. Ralston and 45 others, citizens of Knox County, Ohio, for the protection of the Yellowstone Park—to the Committee on the Public Lands.

By Mr. CRISP: Petition of W. H. Griffin and others, citizens of Stewart County, Georgia, for increased appropriations to the Ocmulgee River, in Georgia—to the Committee on Rivers and Harbors.

By Mr. DAVENPORT: Petition of citizens of Hornellsville, N. Y., against the repeal of the internal-revenue tax on cigars and cigarettes—to the Committee on Ways and Means.

By Mr. R. H. M. DAVIDSON: Petition of officials of the customs

district of Pensacola, Fla., for the passage of a deficiency bill for the relief of the employés of the customs service of the United States—to the Committee on Appropriations.

By Mr. DAVIS: Petition of Isaac B. Tompkins, jr., and 93 others, citizens of New Bedford, Mass., for the protection of the National Yellowstone Park—to the Committee on the Public Lands.

Also, petition of Sylvanus E. Wainer and 33 others, citizens of Westport, Mass., for more effectual protection of agriculture—to the Committee on Agriculture.

Also, petition for the appointment of a board of examining surgeons in New Bedford, Mass.—to the Committee on Invalid Pensions.

By Mr. DE LANO: Petition of 15 citizens of Binghamton, N. Y., for proper protection of the Yellowstone Park—to the Committee on the Public Lands.

By Mr. DOCKERY: Petition of Mrs. Sarah Wright, for a pension—to the Committee on Invalid Pensions.

Also, petition for an appropriation to pay the employés in custom-house, Missouri—to the Committee on Appropriations.

By Mr. DORSEY: Petition of the Farmers' National Alliance, for the establishment of a department of agriculture—to the Committee on Agriculture.

By Mr. DUNN: Petition of Jesse F. Thompson, heir of John W. Crenshaw, of Lee County, Arkansas, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. ERMENTROUT: Memorial of John L. Whiting & Son and others, protesting against reduction of tariff on brushes of foreign manufacture—to the Committee on Ways and Means.

Also, memorial of M. J. Bender, of Millerstown, Pa., favoring a reduction of postage on seeds, bulbs, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. FARQUHAR: Petition of farmers of Harris Hill, N. Y., for more effective protection of agriculture—to the Committee on Agriculture.

By Mr. FLOOD: Petition of citizens of the Twenty-eighth district of New York, for the protection of the Yellowstone Park—to the Committee on the Public Lands.

Also, petitions of citizens of the Twenty-eighth district of New York, for increased duty on agricultural products—to the Committee on Ways and Means.

By Mr. FORD: Petition of C. D. Pease and 200 others, of Lowell, Mich., for better protection of the Yellowstone Park—to the Committee on the Public Lands.

By Mr. GALLINGER: Petition of Samuel Webber and 29 others, citizens of Charlestown, N. H., for the protection of the Yellowstone National Park—to the Committee on the Public Lands.

Also, petition of E. Lincoln, of Lebanon, N. H., for quick mail transit between New York and the New England States—to the Committee on the Post-Office and Post-Roads.

By Mr. GEAR: Petition of the Iowa railroad commissioners, in regard to coupling cars and heating them by steam—to the Committee on Commerce.

By Mr. GEST: Petition of Charles S. Willis and others, employés of the Government Printing Office, for relief under the joint resolution of February 28, 1867—to the Committee on Labor.

By Mr. GIFFORD: Petition of T. E. Peirce and 120 others, of Northville; of A. L. Dishrow and 50 others, of Alcester; of E. A. Lamont and 75 others, of Clarke, and of George Coon and 90 others, of Beadle County, Dak., for retention of the present tariff on flax and flax products—to the Committee on Ways and Means.

By Mr. GROUT: Petition of brush manufacturers of the United States against reduction of duty on brushes—to the Committee on Ways and Means.

Also, petition of Frank H. Sargent and 31 other farmers of Hartland, Vt., for restoration of tariff of 1867 on wool—to the Committee on Ways and Means.

Also, memorial of George A. Weston, of Bellows Falls, Vt., for better mail facilities between New York and New England—to the Committee on the Post-Office and Post-Roads.

By Mr. GUENTHER: Petition of John L. Whiting & Son and others, against reduction of duty on brushes—to the Committee on Ways and Means.

By Mr. HALL: Petition of the Independent Refiners' Association, of Titusville, Pa., for amendments to the act of February 4, 1887, to regulate commerce—to the Committee on Commerce.

By Mr. HARMER: Memorial of citizens of the Twenty-second ward of Philadelphia, in favor of the repeal of the internal-revenue law which classes druggists as liquor dealers—to the Committee on Ways and Means.

Also, memorial of American brush manufacturers, against reduction of duty on brushes—to the Committee on Ways and Means.

By Mr. HAYDEN: Petition of John L. Whiting and others, relating to the tariff on brushes—to the Committee on Ways and Means.

By Mr. HOUK: Petition of W. F. Morris, late postmaster at Pendleton, Ind., for relief—to the Committee on the Post-Office and Post-Roads.

Also, petition of certain citizens of Nashville, Tenn., in favor of international copyright law—to the Committee on Patents.

By Mr. LANDES: Petition of Grand Army of the Republic Post No. 257, of Greenup, Ill., for the passage of the dependent pension bill—to the Committee on Invalid Pensions.

By Mr. LANHAM: Petition of 18 citizens of Parker County, and of 18 citizens of Throckmorton County, Texas, for payment of Indian depredation claims on the frontier—to the Select Committee on Indian Depredation Claims.

By Mr. LEHLBACH: Petition of 2,170 hatters of the Sixth district of New Jersey, that the duty on manufactured or partly manufactured hats be increased from 30 to 50 per cent. ad valorem—to the Committee on Ways and Means.

By Mr. LIND: Memorial of the Civil Engineers' Society, of St. Paul, Minn., for the passage of House bill No. 4923—to the Committee on Expenditures in the War Department.

By Mr. LODGE: Petition against a reduction of the tariff on brushes—to the Committee on Ways and Means.

By Mr. LONG: Petition of William Thomas Abbot and 18 others of South Easton, Mass., for the protection of the Yellowstone National Park—to the Committee on the Public Lands.

Also, petition of the Boston Chamber of Commerce, for the Nicaragua Ship Canal—to the Committee on Commerce.

Also, memorial of the National Union Bank of Weymouth, Mass., for better postal service between New York and New England—to the Committee on the Post-Office and Post-Roads.

By Mr. McCREARY: Petition of Peterson Gibbs for a pension—to the Committee on Pensions.

Also, affidavit in the case of Ray Moss, of Jassamine County, Kentucky—to the Committee on War Claims.

Also, papers in the cases of Stephen U. Jackson and A. B. Jackson, of Madison County, Kentucky, for relief—to the Committee on Invalid Pensions.

Also, petition of Mary L. Cleveland for pension, with papers—to the Committee on Pensions.

By Mr. McRAE: Petition of the Gardeners' and Fruit-Growers' Club, of Malvern, Ark., for reduced postage on fourth-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Miller County, Arkansas, Alliance, relative to public lands, etc.—to the Committee on the Public Lands.

By Mr. MAISH: Petition for the protection of the Yellowstone National Park—to the Committee on the Public Lands.

Also, petition for the repeal of the law classing druggists as liquor dealers—to the Committee on Ways and Means.

Also, memorial of ex-prisoners of war, for the enactment of a law for their relief—to the Committee on War Claims.

Also, petition of R. R. Mathews, to remove the charge of desertion—to the Committee on Military Affairs.

By Mr. MOFFITT: Petition of S. Cannon and 68 others, citizens of Clinton County, New York, that agriculture may be more effectually protected—to the Committee on Ways and Means.

Also, petition of citizens of Glens Falls, N. Y., for the protection of the Yellowstone National Park—to the Committee on the Public Lands.

By Mr. NELSON: Petition of the Farmers' Alliance, of White Rock, Dak., for reduction of postage on seeds, etc.—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Civil Engineers' Society of St. Paul, Minn., for the bill creating a bureau of harbors and water-ways—to the Committee on Expenditures in the War Department.

By Mr. NORWOOD: Petition for the improvement of the Altamaha and Ogeechee Rivers, Georgia—to the Committee on Rivers and Harbors.

By Mr. O'FERRALL: Petition of John N. Davis, of Shenandoah County, Virginia, heir of Robert M. Mooney, of Goochland County, Virginia, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. PARKER: Petition of the Board of Underwriters of New York, in favor of needed improvements in New York Harbor—to the Committee on Rivers and Harbors.

Also, petition of farmers of Stockholm Depot, N. Y., in favor of more effectual protection by customs tariff—to the Committee on Ways and Means.

By Mr. POST: Petition of Local Assembly No. 3451, Knights of Labor, of Canton, Ill., for the passage of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. RAYNER: Joint resolution of the General Assembly of Maryland, for the bill to refund the license tax collected in the District of Columbia—to the Committee on Ways and Means.

By Mr. RICHARDSON: Petition of vice-chancellor of the University of the South, for the removal of the duty on imported books printed in foreign tongues—to the Committee on Ways and Means.

Also, petition of James Lipscomb, for relief—to the Committee on Military Affairs.

Also, petition of Ellamintie Kannady, of Coffee County; of Jesse Sykes, by Newton McClure, administrator, of Rutherford County, and

of Fidelia T. Martin, of Moore County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. SCULL: Memorial of druggists and physicians of Tyrone, Pa., for repeal of that part of the internal-revenue law that classes druggists as retail liquor dealers, etc.—to the Committee on Ways and Means.

By Mr. SHERMAN: Petition of the Central New York Farmers' Club, praying that the Bureau of Animal Industry remain in the Agricultural Department, etc.—to the Committee on Agriculture.

By Mr. SPOONER: Petition of Cornelius Bradley, of Ashaway, R. I., for more effectual protection of agriculture—to the Committee on Ways and Means.

By Mr. STAHLNECKER: Petition of citizens of Mt. Kisco, Westchester County, N. Y., for the immediate passage of Senate bill 283—to the Committee on the Territories.

Also, resolutions of the Chamber of Commerce of New York City, for increased appropriations for Gowanus Bay and Buttermilk Channels, New York Harbor—to the Committee on Rivers and Harbors.

By Mr. STEPHENSON: Resolutions of 25 citizens of Florence, Wis., for the protection of the Yellowstone Park—to the Committee on Public Lands.

Also, petition of 10 manufacturers of brushes, protesting against a further reduction of import duties on brushes of foreign manufacture—to the Committee on Ways and Means.

By Mr. E. B. TAYLOR: Petition of citizens of Champion, Ohio, for more effectual protection of agriculture—to the Committee on Ways and Means.

By Mr. O. B. THOMAS: Petition of the railroad commissioners of Wisconsin, for an act compelling railroads engaged in interstate commerce to use uniform automatic couplers on freight trains—to the Committee on Commerce.

Also, petition of 52 citizens of La Crosse, Wis., for the passage of Senate bill No. 283—to the Committee on the Public Lands.

By Mr. E. J. TURNER: Petition of Felix T. Gandy, mayor, and 107 others, citizens of Wallace, Kans., for early action upon bill No. 8310 to provide for the Wallace town site upon the Wallace reservation—to the Committee on the Public Lands.

By Mr. VANDEVER: Petition of Local Assembly No. 2405, Knights of Labor, of Los Angeles, Cal., in favor of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. WASHINGTON: Petition of heirs of Mrs. Fereby Johnson, widow of Josiah Johnson, of Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WEBER: Petitions of farmers of Erie County, New York, for protection of farm products—to the Committee on Ways and Means.

By Mr. WILLIAM WHITING: Petition of citizens of Charlton, of Hawley, and of Heath, Mass., for better protection of agriculture—to the Committee on Ways and Means.

Also, petition for the protection of the Yellowstone Park—to the Committee on the Public Lands.

By Mr. WILBER: Petition of W. Edmonston, and 34 others, citizens of New York, for the protection of farmers—to the Committee on Ways and Means.

By Mr. WILLIAMS: Petition for the more effectual protection of agriculture—to the Committee on Ways and Means.

The following petitions, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, were severally referred to the Committee on Invalid Pensions:

By Mr. J. A. ANDERSON: Of citizens of Barnes, Kans.

By Mr. JEHU BAKER: Of George James, Andrew Allen, and 23 others, ex-soldiers of Illinois.

By Mr. DARLINGTON: Of 90 soldiers of Pennsylvania.

By Mr. DOCKERY: Of 4 soldiers of Mercer County, Missouri.

By Mr. DORSEY: Of citizens of Cedar County, Nebraska.

By Mr. FORAN: Of W. A. Knowlton and 32 others, citizens of Bucksville, Ohio.

By Mr. HOUK: Of J. P. Edmondson and 107 others, ex-soldiers and sailors of Blount County, Tennessee.

By Mr. HOVEY: Of John Ferguson and 140 soldiers and citizens.

By Mr. T. D. JOHNSTON: Of E. W. Gurley and others, of R. F. Orr and others, of Henderson County, North Carolina.

By Mr. McKINLEY: Of soldiers and sailors of Stark County and of Summit County, Ohio.

By Mr. SAWYER: Of 482 soldiers of Orleans County, New York.

By Mr. E. B. TAYLOR: Of ex-soldiers and citizens of Cherry Valley and of Ashtabula County, Ohio.

By Mr. O. B. THOMAS: Of ex-soldiers of Soldiers' Home, Milwaukee, and of 150 citizens of Richland County, Wisconsin.

Also, of 200 citizens of Richland County, Wisconsin.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. CANDLER: Of citizens of White County, Georgia.

By Mr. HOLMES: Of 137 citizens of Boone County, Iowa.

By Mr. HOPKINS: Of 130 citizens of Boone County, Illinois.

By Mr. STEELE: Of 175 citizens of Jay County, Indiana.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. ABBOTT: Of citizens of Avalon, Ellis County, Texas.

By Mr. HUTTON: Of citizens of Spalding, Mo.

By Mr. PETERS: Of J. M. F. Andrew and others, citizens of Harper County, Kansas.

The following petitions praying for the enactment of a law to establish a system of telegraphy, to be owned and controlled by the Government of the United States, and operated in connection with the Post-Office Department, were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. FRENCH (by request): Of Charles McDoff and 702 others.

By Mr. DINGLEY: Of A. A. Allen and 1,480 others, residents of Second Congressional district of Maine.

By Mr. PERKINS: Of J. O. Leary and 2,860 others, residents of the Third Congressional district of Kansas.

By Mr. WICKHAM: Of James G. Brown and 703 others, citizens of the Fourteenth district of Ohio.

By Mr. WILKINSON: Of J. H. Lafaye and 1,084 others, residents of the State of Louisiana.

By Mr. CONGER: Of Paul Miller and 364 others, citizens of the Seventh Congressional district of Iowa.

By Mr. WILLIAMS: Of George W. Helmer and 1,325 citizens of the Third district of Ohio.

By Mr. E. B. TAYLOR: Of S. P. Saxton and 1,769 citizens of the Nineteenth Congressional district of Ohio.

By Mr. DALZELL: Of 1,431 citizens of the Twenty-second Congressional district of Pennsylvania.

By Mr. SCULL: Of L. A. Meyers and 3,250 others, residents of the Seventeenth Congressional district of Pennsylvania.

By Mr. GAY: Of Telica Bolonger and 2,314 others, residents of the Third Congressional district of Louisiana.

By Mr. BANKHEAD: Of Ernest Desfortes and 1,768 others, citizens of the Sixth district of Alabama.

By Mr. TARSNEY: Of Ed. M. Chesny and 1,950 others, of Eighth Congressional district of Michigan.

By Mr. HERBERT: Of M. E. Conway and others.

By Mr. STEELE: Of Charles H. Lawton and 1,222 others, of the Eleventh district of Indiana.

By Mr. SHIVELY: Of Richard McAuley and 1,769 others, citizens of the Thirteenth Indiana Congressional district.

By Mr. DORSEY: Of 1,768 members of order of Knights of Labor.

By Mr. RICE: Of J. P. McGaughey and 4,935 others, residents of the Fourth Congressional district of Minnesota.

By Mr. C. E. BROWN: Of Ed. Lemmon and 1,453 others, of the Second district of Ohio.

By Mr. HALL: Of Joseph A. Scott and 3,138 others, of the Twenty-sixth Congressional district of Pennsylvania.

By Mr. FUNSTON: Of 2,340 citizens of the Second district of Kansas.

By Mr. LANHAM: Of citizens of the Eleventh Congressional district of Texas.

By Mr. T. J. CAMPBELL: Of citizens of the Eighth Congressional district of New York.

By Mr. CHARLES STEWART: Of Charles J. Renne and 864 others, of Houston, Tex.

By Mr. CHEADLE: Of Oliver Gord and 676 others, voters and citizens of the Ninth Indiana district.

By Mr. WADE: Of John Wilson and 1,506 others, citizens of Thirteenth Congressional district of Missouri.

By Mr. McKENNA: Of 1,952 citizens of Third Congressional district of California.

By Mr. DUBOIS: Of William Fogarty and 832 others, residents of Idaho Territory.

By Mr. CLARDY: Of 1,715 citizens of the Tenth district of Missouri.

By Mr. HOGG: Of W. F. Wallace and 723 others, citizens of West Virginia.

By Mr. WILLIAM WHITING: Of P. L. Connor and 1,430 others, citizens of the Eleventh Congressional district of Massachusetts.

By Mr. HAUGEN: Of W. P. Noad and 1,821 others, citizens of the Eighth Congressional district of Wisconsin.

By Mr. COMPTON: Of 659 residents of the Fifth Congressional district of Maryland.

By Mr. DOCKERY: Of J. H. Brooking and 358 others, citizens of the Third Congressional district of Missouri.

By Mr. DE LANO: Of Paul Greiner and 1,300 others, residents of the Twenty-Sixth Congressional district of New York.

By Mr. WARNER: Of S. T. Smith and 998 others, citizens of the Fifth Congressional district of Missouri.

By Mr. LAGAN: Of J. W. Callahan and 1,482 residents of the Second Congressional district of Louisiana.

By Mr. LAIDLAW: Of T. H. Dowd and 1,456 other persons.

By Mr. McSHANE: Of Robert Galloway and 5,211 others, citizens of the Third Congressional district of Nebraska.

By Mr. A. J. HOPKINS: Of G. Crawford and 1,066 others, residents of the Fifth Congressional district of Illinois.

By Mr. DAVIS: Of Edward Radclyffe and 629 others, citizens of the First Congressional district of Massachusetts.

By Mr. GLASS: Of 130 citizens of the Ninth Congressional district of Tennessee.

By Mr. MORROW: Of P. J. Healey and 25 others, residents of the Fourth Congressional district of California.

By Mr. MACDONALD: Of 1,025 residents of the Third Congressional district of Minnesota.

By Mr. RUSK: Of 1,332 citizens of Third Congressional district of Maryland.

By Mr. KENNEDY: Of C. E. Thorne and 745 other citizens.

By Mr. HOLMES: Of F. J. Hale and 1,794 others, residents of the Tenth Congressional district of Iowa.

By Mr. CRAIN: Of John J. Dwatim and 1,066 others.

By Mr. GUENTHER: Of 364 citizens of Second Congressional district of Wisconsin.

By Mr. NORWOOD:

By Mr. SPOONER: Of William R. Brown and 516 others, citizens of the First Congressional district of Rhode Island.

By Mr. CANNON: Of Richard Welsh and 572 others, of the Fifteenth Congressional district of Illinois.

By Mr. FORNEY: Of George Mayfield and 2,252 others, citizens of the Seventh Congressional district of Alabama.

By Mr. WEAVER: Of A. Crosson and 2,609 others, residents of the Sixth Congressional district of Iowa.

By Mr. O. B. THOMAS: Of John C. Barnes and 520 others, citizens of the Seventh Congressional district of Wisconsin.

By Mr. GIFFORD: Of A. S. Kinyon and 1,404 others, of Dakota.

By Mr. J. W. STEWART: Of Edgar B. Moore and 2,332 others, residents of the First Congressional district of Vermont.

By Mr. GREENMAN: Of 1,852 citizens of Rensselaer and Washington Counties, New York.

By Mr. E. J. TURNER: Of J. C. Grigg and 1,768 others.

By C. H. ALLEN: Of John H. Clinton and 676 others.

By Mr. LODGE: Of John J. Sullivan and 2,262 others.

By Mr. DARLINGTON: Of 1,050 residents of Sixth Congressional district of Pennsylvania.

By JEHU BAKER: Of Fred Brockmeyer, W. G. Fisher, and 74 others, of the Twentieth Illinois Congressional district.

By Mr. MAISH: Of 236 residents of the Nineteenth Congressional district of Pennsylvania.

By Mr. ELLIOTT: Of David Whitelock and others, of Seventh South Carolina district.

By Mr. SAWYER: Of 78 citizens of Thirty-first district, New York.

By Mr. LYMAN: Of 2,860 residents of the Ninth Congressional district of Iowa.

By Mr. MOFFITT: Of John A. Hogan and 813 others, citizens of the Twenty-first Congressional district of New York.

By Mr. McKINLEY: Of Nicholas Clemens and 1,758 others, residents of the Eighteenth Ohio Congressional district.

By Mr. HOVEY: Of M. Jungling and 828 others, residents of First Congressional district of Indiana.

By Mr. GALLINGER: Of George E. Anderson and 517 others, residents of the Second Congressional district of New Hampshire.

By T. J. HENDERSON: Of J. F. McWilliams and several hundred other citizens of Bureau County, Illinois.

By Mr. SOWDEN: Of Henry M. Young and others, Knights of Labor, of Chapman's and other towns and townships in Northampton County, Pennsylvania.

By Mr. HUTTON: Of 496 citizens of the Seventh Congressional district of Missouri.

By Mr. LONG: Of J. F. Cunningham and 2,194 others, residents of the Second Congressional district of Massachusetts.

By Mr. NUTTING: Of H. B. Foy and 768 others, of the Twenty-seventh Congressional district of New York.

By Mr. C. A. RUSSELL: Of H. F. Wade and 984 others, residents of the Third Congressional district of Connecticut.

By Mr. COMPTON: Of 1,508 residents of the District of Columbia.

By J. B. WHITE: Of 1,768 residents of the Twelfth district of Indiana.

By Mr. LIND: Of Hon. M. J. Severance and 1,423 others, citizens of the Second district of Minnesota.

By Mr. STAHLNECKER: Of 520 Knights of Labor, residents of the Fourteenth Congressional district of New York.

By Mr. HEMPHILL: Of W. D. Johnston and others, citizens of the Fifth Congressional district of South Carolina.

By Mr. YOST: Of D. M. Strong and 676 others, citizens of the Tenth Congressional district of Virginia.

By Mr. COX: Of Valentine Theisen and 238 others, citizens of New York City.

By Mr. FORD: Of J. W. Rosenthal and 1,500 others, residents of Michigan.

By Mr. PENINGTON: Of Alfred Hanna and 311 others of the State of Delaware.

By Mr. HITT: Of S. L. Reynolds and 364 others, citizens of East Dubuque, Ill.

By Mr. BARNES: Of H. F. Shaw and others, of Tenth district of Georgia.

By Mr. SCULL: Of Anthony Anstead and 43 others, citizens of Altoona and Gallitzin, Pa.

By Mr. HENRY SMITH: Of C. N. Brott and 59 others, of Beniotville, Wis.

By Mr. COTHRAN: Of J. E. Brown and 108 others, citizens of the Third Congressional district of South Carolina.

By Mr. PIDCOCK: Of 728 citizens of Fourth district of New Jersey.

By Mr. HOOKER.

By Mr. ROMEIS: Of W. J. Carroll and 2,517 others, citizens of the Tenth district of Ohio.

By Mr. PLUMB: Of F. W. Spencer and 1,222 others, citizens of Eighth Congressional district of Illinois.

By Mr. STONE, of Missouri: Of O. D. Austin and 2,834 others, residents of Twelfth Congressional district of Missouri.

By Mr. TOWNSHEND: Of D. E. Kookendoffer and 780 others, residents of Nineteenth Congressional district of Illinois.

By Mr. TILLMAN: Of Thomas Edwards and 208 others, residents of the Second Congressional district of South Carolina.

By Mr. DIBBLE: Of William G. Fields and others, of Charleston, S. C.

By Mr. OWEN: Of Byron Wilson and 649 others, citizens of the Tenth district of Indiana.

By Mr. COGSWELL: Of W. A. Kine and 759 others, of the Seventh Massachusetts Congressional district.

By Mr. WALKER: Of 14 citizens of Willow Springs, Mo.

By Mr. STRUBLE: Of J. F. McClelland and 1,300 others, residents of the Eleventh Congressional district of Iowa.

By Mr. PETERS: Of L. B. Goddard and 2,449 others, residents of Seventh Congressional district of Kansas.

By Mr. C. R. BRECKINRIDGE: Of 720 citizens of the Second Congressional district of Arkansas.

By Mr. FARQUHAR: Of W. F. Rohloff and 587 residents of Thirty-second Congressional district of New York.

By Mr. BOUTELLE: Of Walter Allen and 521 others, of Maine.

By Mr. S. V. WHITE: Of Patrick Monaghan and 1,248 others.

By Mr. SYMES: Of 410 citizens of Colorado.

By Mr. HARE (by request): Of 3,195 citizens of the Fifth Congressional district of Texas.

By Mr. PATTON: Of Charles E. Rapp and 5,097 others, residents of the Twentieth district of Pennsylvania.

By Mr. W. L. WILSON: Of L. H. Ellis and 1,418 others, residents of the Second Congressional district of West Virginia.

By Mr. MORRILL: Of E. A. Rhea and 1,562 others, citizens of First Congressional district of Kansas.

By Mr. WALKER: Of 138 citizens of Willow Springs, Mo.

By Mr. CATCHINGS: Of W. F. Cummings, Louis Dubroc, Charles DeKnight and other citizens of Vicksburg, Miss..

By Mr. MASON.

By Mr. C. L. ANDERSON: Of citizens of the Fifth Congressional district of Mississippi.

By Mr. CARUTH: Of 2,242 citizens of Louisville and Jefferson County, Kentucky.

By Mr. MATSON: Of 350 citizens and Knights of Labor of the Fifth Congressional district of Indiana.

By Mr. MAFFETT: Of E. H. Haen and 2,056 other residents of the Twenty-fifth district of Pennsylvania.

By Mr. WEBER: Of citizens and residents of the Thirty-third Congressional district of New York.

By Mr. FITCH: Of C. H. Wheelock and 390 citizens of New York County.

By Mr. FLOOD: Of Wilson Ruggles and 936 others, citizens of the Twenty-eighth Congressional district of New York.

By Mr. McRAE: Of P. J. Ahern and 580 others.

By Mr. BUCKALEW: Of 4,038 citizens of Pennsylvania.

By Mr. WEST: Of F. C. Lynch and 523 others, citizens of the Twentieth district of New York.

By Mr. HOWARD: Of citizens of Indiana.

By Mr. J. T. JOHNSTON: Of S. M. Young and 3,921 others, residents of the Eighth Congressional district of the State of Indiana.

By Mr. McADOO: Of Henry Leighton and 2,017 others, citizens of Hudson County, New Jersey, Elizabeth and Paterson, N. J.

By Mr. GEST: Of 1,560 voters of Eleventh Congressional district of Illinois.

By Mr. PARKER: Of H. J. Welch and 1,438 others, citizens of the Twenty-second district of New York.

By Mr. BOWDEN: Of K. R. Griffin and 192 citizens of the Second district of Virginia.
By Mr. BUNNELL: Of G. H. Smith and 1,019 others, citizens of the Fifteenth Congressional district of Pennsylvania.
By Mr. FORAN: Of John O'Donnell and 4,615 others, citizens of the Twenty-first Ohio Congressional district.
By Mr. POST: Of Marcus R. Boash and 789 others, residents of the Tenth Congressional district of Illinois.
By Mr. W. C. P. BRECKINRIDGE: Of 2,570 citizens of the Seventh Congressional district of Kentucky.
By Mr. WALKER: Of 17 citizens of Missouri.
By Mr. HOUK: Of T. F. Gleason and 728 others, citizens of the Second Congressional district of Tennessee.
By Mr. MILLIKEN: Of Charles H. Haynes and 1,051 others.
By Mr. SHERMAN: Of J. E. Jones and 1,200 citizens of the Twenty-third Congressional district of New York.
By Mr. STONE, of Kentucky: Of J. A. Law and 546 others, residents of the First Congressional district of Kentucky.
By Mr. SPRINGER.
By Mr. LEHLBACH: Of N. Mitchell and 416 others.
By Mr. COOPER: Of B. F. Carter and 1,084 others, citizens of the Ninth Ohio Congressional district.
By Mr. DAVENPORT: Of George E. Thomas and 442 others.
By Mr. C. S. BAKER: Of Whitaker and 362 others, citizens of Monroe County, New York.
By Mr. BUTTERWORTH: Of Ed. Meyer and 1,653 others.
By Mr. WISE: Of Thomas Harries and 826 others.
By Mr. YARDLEY: Of B. F. Fries and 832 others, residents of the Seventh Congressional district of Pennsylvania.
By Mr. BOOTHMAN: Of D. H. Folan and 1,181 others, citizens and residents of the Sixth Congressional district of Ohio.
By Mr. THOMAS WILSON: Of 2,181 residents of the First Congressional district of Minnesota.
By Mr. O'DONNELL: Of 1,794 citizens of the Third Congressional district of Michigan.
By Mr. HAYDEN: Of E. F. Bradey and others.
By Mr. FULLER: Of J. H. Schrieker and 1,300 citizens of the Fourth Congressional district of Iowa.
By Mr. BURNES: Of B. F. Hardcastle and 1,092 others, citizens of the Fourth Congressional district of Missouri.
By Mr. G. A. ANDERSON: Of 3,000 citizens of the Twelfth district of Illinois.
By Mr. CHIPMAN: Of John D. Vierex and 1,768 others.
By Mr. KERR: Of 1,898 citizens of the Fifth district of Iowa.
By Mr. RYAN: Of Nelse Peterson and 2,340 others, citizens of the Fourth Congressional district of Kansas.
By Mr. GEAR: Of H. S. Stedge and 706 others, citizens of the First Congressional district of Iowa.
By Mr. ABBOTT: Of citizens of the Sixth Congressional district of the State of Texas.
By Mr. WOODBURN: Of 500 citizens of the State of Nevada.
By Mr. BYNUM: Of J. R. Buel and 806 others, of the Seventh district of Indiana.
By Mr. BIGGS: Of S. W. White and 168 others, citizens of the Second Congressional district of California.
By Mr. D. B. HENDERSON: Of C. W. Engle and 1,742 others, citizens of the Third Congressional district of Iowa.
By Mr. NEAL: Of J. B. Hawkins and 520 others, citizens of the Third Congressional district of Tennessee.
By Mr. J. H. O'NEALL: Of John Flinn and 130 others, citizens of the Second Congressional district of Indiana.
By Mr. SEYMOUR: Of E. P. Lott and 988 others, citizens of the Eleventh Congressional district of Michigan.
By Mr. BOUND: Of over 3,000 citizens of the Fourteenth Congressional district of Pennsylvania.
By Mr. BACON (by request): Of residents of the Fifteenth district of New York.
By Mr. HAYES: Of 629 citizens of the Second Congressional district of Iowa.
By Mr. CAINE: Of James P. Driscoll and 728 others, residents of Utah.
By Mr. HUDD: Of Charles Fraizer and 1,041 others, residents of the Fifth Congressional district of Wisconsin.
By Mr. CULBERSON: Of R. S. McFarlin, of Texarkana, Tex., and 305 others.
By Mr. CROUSE: Of Andrew Heffler and 1,348 others.
By Mr. JOSEPH: Of citizens of the Territory of New Mexico.
By Mr. WALKER: Of 52 citizens of Millenville, Mo.
By Mr. GOFF: Of John Gough and 883 others, residents of First West Virginia district.
By Mr. LANDES: Of E. D. Biddle and 156 others, citizens of Wabash County, Illinois.
By Mr. S. I. HOPKINS: Of James Johnson and 930 others, Knights of Labor, of the Sixth district of Virginia.
By Mr. T. M. BROWNE: Of 592 citizens of the Sixth Congressional district of Indiana.
By Mr. ROGERS: Of Knights of Labor and others.
By Mr. LAFFOON: Of 272 citizens of the Second Congressional district of Kentucky.
By Mr. MANSUR: Of James Mathews and 2,210 citizens of the Second Congressional district of Missouri.
By Mr. HUNTER: Of W. F. Gallaway and 104 others, residents of the Third district of Kentucky.
By Mr. KILGORE: Of J. W. Smithers and 1,378 others.
By Mr. BREWER: Of William Stepenson and 936 others, citizens of the Sixth Congressional district of Michigan.
By Mr. VANDEVER: Of Walter Bishop and 825 others.
By Mr. LAIRD: Of B. S. Beck and 2,340 others, residents of the Second Congressional district of Nebraska.
By Mr. C. H. ALLEN: Of J. J. Wood and 1,190 others.
By Mr. SENEY: Of N. M. Taylor and 749 others, citizens of Fifth Congressional district of Ohio.
By Mr. J. D. TAYLOR: Of William Skinner, of Bellaire, Ohio, and 906 others, citizens of the Seventeenth Congressional district of Ohio.
By Mr. KEAN: Of Harry G. Hall and 1,482 others, citizens of the Third Congressional district of New Jersey.
By Mr. FINLEY: Of S. V. D. Stout and 546 others of the Eleventh Congressional district of Kentucky.
By Mr. HENRY SMITH: Of Michael Smith and 1,378 others of the Fourth district of Wisconsin.
By Mr. J. A. ANDERSON: Of J. A. Nelson and 1,976 others.
By Mr. S. T. HOPKINS: Of P. Van Dewark and 1,108 other citizens of the Seventeenth Congressional district of New York.
By Mr. McKINLEY.
By Mr. A. C. THOMPSON.
By Mr. BINGHAM.

SENATE.

TUESDAY, *April* 10, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.
The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. EDMUNDS. I present the petition of Caleb Harrington and 30 or 40 other citizens of the State of Vermont, praying Congress to pass a bill now under consideration for the further and better protection of the forests in and in the neighborhood of the Yellowstone National Park. I do not know the state of the bill.
Mr. VEST. The bill has passed the Senate.
Mr. EDMUNDS. Then I move that the petition lie on the table.
The motion was agreed to.
Mr. CAMERON presented a petition of citizens of Hartleton, Pa., praying for the repeal of that portion of the internal-revenue law which classes druggists as liquor dealers, and also for a reduction of the tax on alcohol; which was referred to the Committee on Finance.
Mr. CULLOM presented resolutions adopted by the Independent Refiners' Association, of Titusville, Pa., urging the passage of amendments to the interstate-commerce act, providing that the transportation of oil by pipe lines shall be subject to the provisions of the act; that one-half the penalties provided for by the act shall be paid to the informer, and that provision be made for the immediate transportation of freight pending litigation as to rates; which were referred to the Committee on Interstate Commerce.
He also presented resolutions adopted by Typographical Union No. 107, located at Rock Island and Moline, Ill., urging the passage of the Chace bill for an international copyright; which were ordered to lie on the table.
Mr. BLAIR presented the petition of Rev. Dr. S. H. Willey, of Benicia, Cal., and other citizens of the Third Congressional district of that State, praying for the passage of the bill prohibiting the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia; which was referred to the Committee on the District of Columbia.
He also presented a petition of District Assembly No. 124, Knights of Labor, of Manchester, N. H., praying for the passage of a bill establishing a Government postal telegraph system; which was referred to the Committee on Post-Offices and Post-Roads.
He also presented the petition of Alex. Whilldin, president, Rev. T. A. Fernley, corresponding secretary, George A. Stuart, and others, members, of the Philadelphia (Pa.) Sabbath Association, praying for the passage of legislation prohibiting the running of mail trains and interstate trains and the drilling of United States troops on Sunday and other violations of the Sabbath; which was referred to the Committee on Education and Labor.
Mr. REAGAN presented a petition of 18 citizens of Throckmorton County, Texas, praying for the passage of a bill providing for the payment of Indian depredation claims; which was referred to the Committee on Claims.
Mr. WILSON, of Iowa, presented a petition of 25 ex-Union soldiers and sailors, citizens of Glenwood, Iowa, praying for the passage of the

per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. SHERMAN presented a petition of 90 citizens of the Eighth, Ninth, and Fifteenth Congressional districts of Ohio, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. HOAR presented a petition of the Boston Chamber of Commerce, signed by W. H. Pearson, secretary, praying for the opening of a Nicaragua ship-canal; which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of the city of Rochester, N. Y., signed by H. Painball, vice-president, and J. Y. McClintock, secretary, praying for a reduction of letter postage from 2 cents to 1 cent per ounce; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MANDERSON presented two petitions of ex-Union soldiers and sailors, citizens of White Rabbit, Dawson County, Nebraska, and citizens of Knox County, Nebraska, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. QUAY presented a petition of 229 citizens and 135 voters of Pennsylvania, and a petition of 623 citizens and 119 voters of Pennsylvania, praying for the passage of a law prohibiting the running of interstate Sunday trains and mail trains and the drilling of United States troops on the Sabbath; which were referred to the Committee on Education and Labor.

He also presented a petition of the Pennsylvania State Grange, Patrons of Husbandry, twelve petitions of Granges of Patrons of Husbandry, of Pennsylvania, and a petition of citizens of Northampton County, Pennsylvania, praying that the Bureau of Animal Industry may be continued under the control of the Commissioner of Agriculture, etc.; which were ordered to lie on the table.

He also presented a petition of the State Grange, Patrons of Husbandry, of Pennsylvania; a petition of Pomona Grange No. 6, Patrons of Husbandry, of Huntingdon County, Pennsylvania; nine petitions of Granges of Patrons of Husbandry, of Pennsylvania, and a petition of Grange No. 84, Patrons of Husbandry, of Pennsylvania, praying for the enactment of a law prohibiting the manufacture and sale of adulterated food products; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Trades Assembly of Western Pennsylvania, praying for the passage of House joint resolution No. 24, in reference to the employment of Army and Navy bands; which was referred to the Committee on Education and Labor.

He also presented a petition of Grange No. 83, Patrons of Husbandry, of Pennsylvania, praying that the Commissioner of Agriculture be made a Cabinet officer, etc.; which was referred to the Committee on Agriculture and Forestry.

He also presented two petitions of 235 citizens of the Sixth, Twelfth, Thirteenth, Sixteenth, Twenty-first, Twenty-fourth, and Twenty-sixth Congressional districts of Pennsylvania, praying for prohibition in the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented a petition of Pressmen's Union No. 4, of Philadelphia, Pa., and a petition of Typographical Union No. 2, of Pennsylvania, praying for the passage of the international copyright law; which were ordered to lie on the table.

He also presented a petition of citizens of Philadelphia; a petition of 8 druggists of Mahanoy City; and a petition of 4 druggists and 9 physicians of Tyrone, all in the State of Pennsylvania, praying for the repeal of the law which classes druggists as wholesale liquor dealers, etc.; which were referred to the Committee on Finance.

He also presented the petition of Edmund Shaw and 30 other male citizens of Altoona; the petition of W. M. Calkins and 17 other male citizens of New Castle; and a petition of 29 male citizens of Lawrence County, all in the State of Pennsylvania, praying for better legal protection for women and girls within the territorial, admiralty, and maritime jurisdiction of the United States; which were referred to the Committee on the Judiciary.

He also presented a memorial of Elk Lake Grange, Patrons of Husbandry, of Elk Lake City, Pa., remonstrating against the proposed repeal of the oleomargarine law; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of London Grove Grange, Patrons of Husbandry, of Chester County; a petition of Osterburgh Grange, Patrons of Husbandry, of Bedford County; a petition of citizens of Crawford County; and a petition of West Deer Grange, Patrons of Husbandry, of Allegheny County, all in the State of Pennsylvania; and a petition of the New Jersey State Board of Agriculture, praying for the reissue of fractional currency, etc.; which were referred to the Committee on Finance.

He also presented a petition of Progress Grange, Patrons of Husbandry, of Centre County; a petition of Osterburgh Grange, Patrons of Husbandry, of Bedford County; a petition of Valley Grange, Patrons of Husbandry, of Columbia County; and a petition of Spring Creek Grange, Patrons of Husbandry, of Warren County, all in the State of Pennsylvania, praying for the reduction of postage upon seeds, etc.; which were ordered to lie on the table.

He also presented a petition of the Homer City Council, Junior Order United American Mechanics, of Homer City, Pa., praying that February 22 may be made a national legal holiday; which was referred to the Committee on the Judiciary.

He also presented two petitions, numerously signed by ex-Union soldiers and sailors, citizens of Pennsylvania, and a petition of sons of soldiers of the late war, citizens of Crawford County, Pennsylvania, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented a memorial of the West Philadelphia Republican Club, remonstrating against the reduction of customs duties; which was referred to the Committee on Finance.

He also presented a petition of the Reformed Presbyterian Synod of the United States, praying that the evils of the liquor traffic be suppressed; which was referred to the Committee on Education and Labor.

He also presented a memorial of 23 lodges of the Amalgamated Association of Iron and Steel Workers of the United States, remonstrating against any legislation that would tend to the crippling of American industries; which was referred to the Committee on Finance.

He also presented a petition of citizens of Beaver, Pa., praying for the passage of Senate bill 283, for the better protection of the Yellowstone National Park; which was ordered to lie on the table.

He also presented a petition of the J. Aitken Meigs Medical Association of Pennsylvania, praying that all the duties be removed from all medicines and medical and surgical appliances; which was referred to the Committee on Finance.

He also presented a petition of citizens of Clarion County, Pennsylvania, praying for additional protection to the wool-growing and wool-manufacturing industries of the United Stafes; which was referred to the Committee on Finance.

He also presented a petition of Elk Grange, Patrons of Husbandry, of Pennsylvania, and a petition of Greenwood Grange, Patrons of Husbandry, of Pennsylvania, praying for the abolition of postal-notes, etc.; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT presented a petition of citizens of Guilford, Conn., praying for the better protection of the Yellowstone National Park; which was ordered to lie on the table.

Mr. EVARTS presented a petition of the Rochester (N. Y.) Chamber of Commerce, praying for the reduction of letter postage to 1 cent an ounce; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BROWN presented a petition of the Agricultural Society of the State of Georgia, adopted at the annual convention assembled at Waycross, Ga., praying for the improvement of the Altamaha, the Ocmulgee, and Oconee Rivers, in that State; which was referred to the Committee on Commerce.

Mr. COCKRELL presented additional papers to accompany the bill (S. 1152) granting a pension to Myra Freeman; which were referred to the Committee on Pensions.

THE YELLOWSTONE NATIONAL PARK.

Mr. PLUMB. I have heretofore presented some petitions headed "The protection of the Yellowstone National Park." They have been evidently gotten up by some central authority and circulated for signatures. I have now a letter from a gentleman living in Kansas, written at the foot of one of these petitions, which I will take the liberty of reading, in order that the matter may be understood:

CHANUTE, KANS., *April* 7, 1888.

Hon. P. B. PLUMB:

Above received from some unknown source. I do not know the provisions of Senate bill 283 referred to, but by a sojourn in the park last summer a different state of affairs presented itself than represented above as to the unprotected condition of the park and the dangers to its forests, game, and natural wonders. The strict rules of the Interior Department for the protection of the park and game appear to be rigidly adhered to, a conspicuous portion of the United States Army being suggestive of the advisability of doing so, if nothing else. As to danger to visitors from "lawless criminal acts," such a fear would scarcely occur to the most timid.

Yours, truly,

L. L. BAILEY.

The gentleman is entirely respectable and highly intelligent. I have no doubt that this movement for elaborate laws to regulate the Yellowstone National Park has had its foundation in some personal purpose. I ask that the petition which I present be referred.

The PRESIDENT *pro tempore*. The bill having been passed, the petition will lie on the table.

Mr. VEST. I wish to say a word in answer to the Senator from Kansas. He is mistaken. I was in the Yellowstone National Park, as were other Senators, last summer, and the bill which has passed the Senate simply meets a great necessity. It simply meets a condition of affairs which is anomalous and found nowhere else in this country.

Mr. CHACE. We can not hear the Senator from Missouri on this side. I am very desirous of hearing what he says.

Mr. VEST. I say that the bill which passed the Senate was simply intended to meet a great necessity, a necessity growing out of an anomalous condition of affairs in the Yellowstone National Park at this time.

There is one company of troops stationed in the park, sent there by the Secretary of War upon the request of the Secretary of the Interior. I was myself opposed to any military government in the park, and re-

sisted it to the full extent of my influence and power; but Congress deemed it proper not to adopt my view of the case, and the result has been the sending of a company of soldiers there to preserve peace and order.

I am happy to say here in the most public manner, as I have stated to the authorities before by written communication, that I was most agreeably disappointed to find that the park was in admirable condition so far as police regulation was concerned, growing in a large degree out of the fact that the present officer in command, Captain Harris, is singularly adapted to the duties of his position, and is a gentleman of intelligence and justice and high character.

But whilst the military are there for the purpose of preserving order, there is no civil law whatever administered in the park. It is not under the jurisdiction of Wyoming. There are no laws of the United States which protect property or life there. Murders have been committed in the park, criminals arrested and placed in the jails of Wyoming and Montana, but under habeas corpus they were turned loose by the courts because there could be no punishment for such crimes.

The bill which has passed the Senate simply provides for the appointment of a commissioner, whose duty it shall be, when information of crime having been committed is lodged with him, to act as an examining officer, whilst at the same time he has a small jurisdiction over misdemeanors, violations of the rules of the Secretary, and offenses of that class. Where a felony is committed, his only duty is to examine, and if he finds probable cause, as in the case of other examinations of that character, he sends the criminal on for trial to the courts of Wyoming Territory.

I do not know where the petition came from to which the Senator from Kansas refers; I do not know from what source it emanates, but I want distinctly to affirm, of my personal knowledge, that the bill which passed the Senate, and which I drew myself, but which was reported from the Committee on Territories, of which I am not a member, had no personal object, and could not possibly have had any.

Mr. PLUMB. It was not necessary for the Senator from Missouri to disclaim any personal purpose in drawing the bill, although I did not know at the moment that he was the author of it. I heard the authorship ascribed to the late Chief-Justice of the United States.

Mr. VEST. Oh, no; he had nothing to do with it. I wrote every line of it.

Mr. PLUMB. I do not know that the Chief-Justice himself, if he were alive, would care to make any pretension upon that subject; but what I referred to was the fact that printed petitions were sent all over the country, printed by somebody and presumably by somebody who had sufficient personal interest in it to warrant the expenditure of money, and I wanted to put opposite to and in contradistinction to those petitions, which I myself have presented when they have been sent to me, the statement of a thoroughly reliable and intelligent man in regard to the condition of things existing in the park.

I myself was not in favor of the legislation passed by the Senate, but I did not care to oppose it, because the disposition to get on to every subject about which we can legislate is too overwhelming; and to have a little principality up there which can only get its laws from the Federal Government, and whose every official must be appointed by the President of the United States, possesses undoubtedly very attractive features. They are not attractive to me, but I am speaking of the average legislator. We are seeking all the while, as I think, to get hold of objects of legislation of that kind, and I look upon this as substantially one of them.

I, of course, impute motives to nobody, but I have brought this matter to the attention of the Senate simply to say that there was somewhere in this country an interest sufficiently powerful to induce people to spend money and to print petitions and send them all over the country about a matter which I supposed was, and which ought to be, a public matter.

Mr. VEST. The Senator will permit me to make one observation and I am done as to a discussion of the matter of legislation. At any time in which that could occur, I have always been ready to discuss it with the Senator from Kansas or any one else, here or anywhere, but I want to say in regard to these petitions that I have no doubt they come from the most disinterested motives, from gun clubs and other sources of that sort throughout the country. I have received letters from persons whom I do not know at all, in which they express great interest in the park, and I think that any gentleman who has ever visited it will not be surprised that that interest exists.

Mr. DAWES. I should like to ask if the Senator from Kansas prefers or proposes to surrender that park to the public domain. If he does, that is a fair question and an issue which has been already decided and disposed of. If not, does he propose to keep it up and preserve it; and if he proposes to preserve it, does he propose to adopt such measures as will bring about that result? Two or three such questions as that answered will settle this matter.

So far as these petitions are concerned, I have a number of them in my committee-room from the towns of Massachusetts, and I am glad to know that all over this country there is an interest being awakened and preserved that will keep its eye upon this national park. For one, I am in favor of its preservation, and being in favor of its preservation, I am in favor of all such proper means and measures as will secure its preservation.

Mr. PLUMB. I did not know that my opinion was of any very great importance, but the Senator from Massachusetts seems to think the existence and maintenance of that park may depend upon my opinion on the subject. Therefore I am perfectly willing to say in this most solemn manner, befitting the solemn character of the interrogatories which have been propounded to me, that I am in favor of maintaining the park. This statement ought to settle that point at all events.

The PRESIDENT *pro tempore*. The petition will lie on the table.

JOHN RUTLEDGE.

Mr. EDMUNDS. I report, under instructions of the Committee on the Judiciary, an original bill to remove the political disabilities of John Rutledge, of South Carolina. He has filed a proper petition; it appears he is not indebted to the United States; and according to the custom I ask for the present consideration of the bill.

By unanimous consent the bill (S. 2651) to remove the political disabilities of John Rutledge, of South Carolina, was read three times and passed—two-thirds of the Senators present voting in the affirmative.

REPORTS OF COMMITTEES.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to, and the bills were postponed indefinitely:

A bill (S. 1966) granting an increase of pension to Conrad Schmidt; and

A bill (S. 1746) granting an increase of pension to John Wilson.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6759) granting a pension to Mary Robinson;

A bill (H. R. 5118) granting a pension to Theodore Gardner;

A bill (H. R. 6812) granting an increase of pension to Stephen Thurston;

A bill (S. 2233) granting a pension to William P. Madden;

A bill (S. 2008) granting a pension to Cyrus Tuttle;

A bill (S. 2106) granting a pension to William Kelsey;

A bill (S. 2089) for the relief of Elizabeth White;

A bill (S. 2137) for the relief of Rosaloo Sage;

A bill (S. 888) granting a pension to Mercy A. Cutts;

A bill (S. 2105) granting increase of pension to Joseph Verbisky; and

A bill (S. 1922) for the relief of Thaddeus S. Stewart.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 1912) granting an increase of pension to William Irving, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1933) granting a pension to Zenas T. Haines, reported it with an amendment, and submitted a report thereon.

Mr. BLODGETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5233) granting a pension to William F. Randolph;

A bill (S. 2091) granting a pension to Frances H. Plummer;

A bill (S. 1575) granting an increase of pension to William Wallace Young;

A bill (S. 2194) granting a pension to Annie Leonard; and

A bill (H. R. 4672) granting an increase of pension to Mrs. Emily M. Wyman.

Mr. BLODGETT, from the Committee on Pensions, to whom was referred the bill (S. 2012) granting increase of pension to Marcus D. Raymond, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2018) granting an increase of pension to Henry Sprague, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 1595) to increase the pension of Mrs. Rebecca A. Craw;

A bill (H. R. 1071) granting a pension to John Hancock; and

A bill (S. 2195) granting arrears of pension to Mrs. Mary R. Archer.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (S. 2589) for the relief of David Reynolds, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

He also, from the same committee, to whom was referred the petition of Mary Brown, widow of George W. Brown, late of Company B, Twelfth Ohio Cavalry, praying for arrears of pension, submitted an adverse report thereon; which was agreed to, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 1915) for the relief of P. J. Reuss;

A bill (S. 2247) for the relief of Ann Buckley; and

A bill (S. 2214) granting a pension to Calvin W. Smith.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2240) for the relief of George S. Thwing;

A bill (S. 2144) granting a pension to Rosalie Alex;

A bill (H. R. 4110) granting a pension to Mehitable Wheelock;

A bill (H. R. 807) for the relief of Horatio R. Maryman;

A bill (S. 2454) granting an increase of pension to Alfred Pearson;

A bill (H. R. 4106) granting a pension to Olive Wallace;

A bill (H. R. 4534) for the relief of Emily G. Mills; and

A bill (S. 2117) granting a pension to Ellen Miller.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the petition of Gustave E. Peters, praying to be allowed a pension, submitted a report thereon, accompanied by a bill (S. 2652) granting a pension to Gustave E. Peters; which was read twice by its title.

Mr. TURPIE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2069) granting a pension to Penrose Frank;

A bill (S. 2260) restoring the name of Wilhemina Hosband to the pension-roll; and

A bill (S. 1885) granting a pension to Margaret Tonkin.

Mr. TURPIE, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 2245) to increase the pension of John F. Spence;

A bill (S. 2295) granting a pension to Emanuel Brownmiller; and

A bill (S. 2070) to increase the pension of Peter Elser.

Mr. TURPIE, from the Committee on Pensions, to whom was referred the bill (S. 1819) granting arrears of pension to Col. D. M. Fox, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the petition of Robert B. Wheatley, praying to be allowed a pension, submitted an adverse report thereon, which was agreed to, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of Mariah Nash, praying to be allowed a pension, submitted an adverse report thereon, which was agreed to, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of Mary Curtin, praying to be allowed a pension, submitted a report thereon, accompanied by a bill (S. 2653) granting a pension to Mary Curtin; which was read twice by its title.

Mr. PALMER, from the Committee on Education and Labor, submitted a report to accompany the bill (S. 1156) to encourage the holding of a national industrial exposition of the arts, mechanics, and products of the colored race throughout the United States of America, to be held in the years 1888 and 1889; which was ordered to be printed.

Mr. DANIEL, from the Committee on the District of Columbia, to whom was referred the bill (S. 1612) to provide for the closing of parts of two alleys in square 132, in the city of Washington, D. C., and for the relief of Charles Early and Corbin Warwick, reported it without amendment, and submitted a report thereon.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. SHERMAN. I am directed by the Committee on Finance to ask that the bill (S. 1138) to reimburse the depositors of the Freedman's Savings and Trust Company for losses incurred by the failure of said company be recommitted to the Committee on Finance.

The PRESIDENT *pro tempore*. That order will be made, if there be no objection.

BILLS INTRODUCED.

Mr. BLACKBURN introduced a bill (S. 2654) referring the claims of John E. Williamson, administrator of the estate of John B. Thompson, deceased, and other citizens of Paducah, Ky., to the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2655) granting a pension to Lydia Hawkins; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2656) granting a pension to the widow and minor children of Patrick Frawley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. EDMUNDS introduced a bill (S. 2657) granting an increase of pension to Emily J. Stannard; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FAULKNER introduced a bill (S. 2658) to validate acknowledgments taken before the commissioners of the circuit courts of the United States, or the commissioners of the supreme court of the District of Columbia, of deeds to be recorded in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. DAVIS introduced a bill (S. 2659) granting a pension to Antony Schomacker; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 2660) granting a pension to Spencer West; which was read twice by its title, and, with the accompanying papers, referred to the Committee an Pensions.

Mr. MANDERSON (by request) introduced a bill (S. 2661) to amend the act approved March 1, 1887, concerning the pay of hospital stewards, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PADDOCK introduced a bill (S. 2662) for the erection of a public building at Salt Lake, Utah; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. EDMUNDS introduced a joint resolution (S. Res. 72) for the relief of Prof. Peter Collier; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CALL, it was

Ordered, That the papers in the case of Bartolo Thebaut, applicant for pension for disability incurred in the Seminole Indian war, be taken from the files and referred to the Committee on Pensions, subject to the rules.

INTERNATIONAL COPYRIGHT.

Mr. STEWART. Is the morning business over?

The PRESIDENT *pro tempore*. The morning business is not yet concluded. Resolutions, concurrent or other, are in order.

Mr. STEWART. As soon as that order is concluded I shall move to resume the consideration of the alien land bill.

Mr. CHACE. I move that the bill (S. 554) to amend Title LX, chapter 3, of the Revised Statutes of the United States, commonly known as the international copyright bill, be assigned for Thursday next at 3 o'clock, to follow the pleuro-pneumonia bill so called.

The PRESIDENT *pro tempore*. The Senator from Rhode Island moves that the bill (S. 554) to amend Title LX, chapter 3, of the Revised Statutes of the United States be made the special order for Thursday next at 3 o'clock in the afternoon.

Mr. BECK. I understand there are other orders standing ahead. Would this displace them?

The PRESIDENT *pro tempore*. It would not. The question is on agreeing to the motion of the Senator from Rhode Island. [Putting the question.] The motion is agreed to; two-thirds of the Senators present having voted in the affirmative.

ORDER OF BUSINESS.

Mr. CALL. If the Calendar of resolutions is in order now, I desire to move the consideration of a resolution.

The PRESIDENT *pro tempore*. The order of resolutions has not been concluded. Are there further resolutions, concurrent or other?

Mr. CALL. I move to proceed to the consideration of the resolution which I submitted some days ago——

The PRESIDENT *pro tempore*. The Senator from Nevada [Mr. STEWART] had previously risen to move the consideration of a bill. The resolution to which the Senator from Florida [Mr. CALL] refers is on the Calendar of General Orders, and can only be reached by a motion agreed to by a majority of the Senate.

Mr. STEWART. I move that the Senate proceed to the consideration of the bill (S. 1176) to authorize the sale to aliens of certain mineral lands.

Mr. WILSON, of Iowa. I desire to ask the Senator from Nevada to give way to me for a few minutes that I may ask the Senate to take up the bill (H. R. 6051) regulating the times for holding the terms of the United States courts in the northern district of Iowa. It will take but a moment to pass it.

Mr. STEWART. Let my bill be taken up and I will then give way.

Mr. WILSON, of Iowa. I have no objection to that course.

The PRESIDENT *pro tempore*. The consideration of the Calendar under Rule VIII being in order, the Senator from Nevada moves that the Senate proceed to the consideration of the bill (S. 1176) to authorize the sale to aliens of certain mineral lands.

The motion was agreed to.

COURTS IN IOWA.

Mr. WILSON, of Iowa. I ask that the alien land bill may be laid aside temporarily for the purpose of calling up House bill 6051.

The PRESIDENT *pro tempore*. Pending the consideration of the mineral-land bill, the Senator from Iowa asks unanimous consent that the Senate proceed to the consideration of the bill (H. R. 6051) regulating the times for holding the terms of the United States courts in the northern district of Iowa.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was reported from the Committee on the Judiciary with an amendment, to add a new section, as follows:

SEC. 2. That all writs, processes, pleas, recognizances, and bonds made or returnable to the terms of said courts as now provided by law shall be considered as taken and returnable to the terms established by this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ALIEN OWNERSHIP OF MINERAL LANDS.

The Senate resumed the consideration of the bill (S. 1176) to authorize the sale to aliens of certain mineral lands.

The PRESIDENT *pro tempore*. The bill was yesterday reported from the Committee of the Whole to the Senate, and the yeas and nays ordered upon the pending amendment, proposed by the Senator from West Virginia [Mr. FAULKNER]. Is the Senate ready for the question on agreeing to the amendment?

Mr. STEWART. If I am in order I offer as a substitute for the amendment of the Senator from West Virginia what I send to the desk.

The PRESIDENT *pro tempore*. It will be read for information.

The CHIEF CLERK. In lieu of the proposed amendment it is proposed to insert the following additional proviso:

Provided further, That nothing in this act shall alter or repeal any existing law passed by the Legislature of any Territory, and that the Legislatures of the several Territories shall have power to prohibit the acquisition of title to mines or mineral lands in the Territories of the United States by aliens or foreign corporations, or put any limitations on the acquisition of such titles as they may deem proper.

Mr. FAULKNER. I desire to ask the Chair for information whether this substitute to my amendment is now in order, the yeas and nays having been ordered on the amendment offered by myself.

The PRESIDENT *pro tempore*. The parliamentary motion is to strike out and insert, and the motion is in order.

Mr. FAULKNER. I suggest whether the motion to strike out and insert would be in order until after the vote on my amendment.

The PRESIDENT *pro tempore*. The Chair understands that the amendment reported from the Committee of the Whole to the Senate has been concurred in.

Mr. FAULKNER. The amendment offered by myself was not agreed to, as there was not a quorum voting.

The PRESIDENT *pro tempore*. The Chair holds that a motion to strike out and insert would be in order.

Mr. FAULKNER. Then do I understand the Chair to hold that the amendment offered by myself has been adopted?

The PRESIDENT *pro tempore*. It has not been adopted.

Mr. FAULKNER. Then, pending a vote upon the question, I submit that the substitute offered by the Senator from Nevada is not in order.

Mr. COCKRELL. I do not understand that the amendment made as in Committee of the Whole has been agreed to in the Senate.

The PRESIDENT *pro tempore*. The Chair so understands. The amendment adopted as in Committee of the Whole was reported to the Senate.

Mr. COCKRELL. It was reported to the Senate.

The PRESIDENT *pro tempore*. The question then was whether the Senate would concur in the amendment made as in Committee of the Whole, pending which the Senator from West Virginia moved an amendment to the amendment made as in Committee of the Whole, which was in order. The Senator from Nevada now moves to strike out and insert.

Mr. COCKRELL. Precisely——

Mr. STEWART. My amendment——

Mr. COCKRELL. I believe I have the floor for one moment. The Chair stated the question exactly right, and stated that the amendment made as in Committee of the Whole had not been concurred in in the Senate, because if it had been, then the amendment of the Senator from West Virginia would not have been in order. Now, the question pending is on concurring in the amendment made as in Committee of the Whole, to which the Senator from West Virginia has proposed an amendment.

The PRESIDENT *pro tempore*. The confusion arises from the fact that the present occupant of the chair was absent when the action referred to was taken. The Chair will have the Journal entries examined so that the attitude of the question may be stated.

Mr. HARRIS. I should like to be informed as to the character of the amendment of the Senator from Nevada; that is, as to whether it is in the nature of an amendment to the amendment made as in Committee of the Whole.

Mr. STEWART. It was intended as a substitute.

The PRESIDENT *pro tempore*. The proposed amendment will be read at the desk.

The CHIEF CLERK. In lieu of the amendment proposed by the Senator from West Virginia insert the following additional proviso:

Provided further, That nothing in this act shall alter or repeal any existing law passed by the Legislature of any Territory, and that the Legislatures of the several Territories shall have power to prohibit the acquisition of title to mines or mineral lands in the Territories of the United States by aliens or foreign corporations, or put any limitations on the acquisition of such titles as they may deem proper.

Mr. REAGAN. Has the attention of the Chair been called to the fact that the yeas and nays had been ordered on the amendment of the Senator from West Virginia?

The PRESIDENT *pro tempore*. That does not interfere, however, with the parliamentary state of the bill.

Mr. STEWART. Mr. President——

The PRESIDENT *pro tempore*. Will the Senator pause one moment while the Chair ascertains the parliamentary state of the bill?

Mr. STEWART. I think I can relieve the embarrassment if the Chair will hear me one moment. I will withdraw my amendment for the present, in order to save time.

The PRESIDENT *pro tempore*. The yeas and nays having been ordered on the amendment proposed by the Senator from West Virginia, the roll will be called.

Mr. STEWART. I hope that will be voted down.

Mr. BECK. Let it be read.

Mr. MCPHERSON. Yes, let the amendment be read.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from West Virginia [Mr. FAULKNER] will be read at the desk.

The CHIEF CLERK. It is proposed to add to the amendment made as in Committee of the Whole the following additional proviso:

Provided further, That where mining claims which have been patented are acquired by a partnership, a majority of the partners shall be citizens of the United States: *And provided further*, That where said claims are acquired by incorporated companies, the powers of the companies shall be exercised by a board of trustees or directors who shall be stockholders of said company, and a majority of such trustees or directors shall be citizens of the United States.

The Secretary proceeded to call the roll.

Mr. REAGAN (when Mr. COKE'S name was called). I am paired with the Senator from New York [Mr. HISCOCK], but I have transferred the pair to my colleague [Mr. COKE], who is absent.

Mr. WALTHALL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER].

The roll-call was concluded.

Mr. HARRIS (after having voted in the affirmative). I wish to know if the Senator from Vermont [Mr. MORRILL] is recorded as voting?

The PRESIDENT *pro tempore*. He is not.

Mr. HARRIS. Then I withdraw my vote. I do not know how the Senator from Vermont would vote on this amendment if present, and I have a general pair with him. I withdraw my vote.

Mr. KENNA (after having voted in the affirmative). Unless some Senator is aware of a Senator on the other side who is absent unpaired, I withdraw my vote, as I am paired with the Senator from Minnesota [Mr. SABIN], with the understanding that in his absence or the absence of any Senator on this side not paired I may transfer the pair. I withdraw my vote, and announce my pair with the Senator from Minnesota.

Mr. SAULSBURY (after having voted in the affirmative). I have a general pair with the Senator from Iowa [Mr. ALLISON], and withdraw my vote.

Mr. PADDOCK. I was paired with the Senator from Louisiana [Mr. EUSTIS], but I understand that pair has been transferred to the Senator from Colorado [Mr. TELLER], who is absent. I therefore vote "nay."

Mr. PUGH (after having voted in the affirmative). I announce my pair with the Senator from California [Mr. STANFORD], and withdraw my vote.

Mr. WALTHALL. The Senator from Wisconsin [Mr. SPOONER] has come in and voted. I vote "yea."

The result was announced—yeas 21, nays 31; as follows:

YEAS—21.

Bate,	Cockrell,	McPherson,	Vest,
Beck,	Edmunds,	Morgan,	Walthall,
Berry,	Faulkner,	Pasco,	Wilson of Md.
Blackburn,	George,	Plumb,	
Blodgett,	Gorman,	Reagan,	
Butler,	Gray,	Turpie,	

NAYS—31.

Allison,	Davis,	Jones of Arkansas,	Quay,
Blair,	Dolph,	Jones of Nevada,	Ransom,
Brown,	Evarts,	Manderson,	Sawyer,
Cameron,	Farwell,	Mitchell,	Sherman,
Chace,	Frye,	Paddock,	Spooner,
Chandler,	Hale,	Palmer,	Stewart,
Colquitt,	Hawley,	Payne,	Wilson of Iowa.
Cullom,	Hearst,	Platt,	

ABSENT—24.

Aldrich,	Eustis,	Ingalls,	Saulsbury,
Bowen,	Gibson,	Kenna,	Stanford,
Call,	Hampton,	Morrill,	Stockbridge,
Coke,	Harris,	Pugh,	Teller,
Daniel,	Hiscock,	Riddleberger,	Vance,
Dawes,	Hoar,	Sabin,	Voorhees,

So the amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the amendment made as in Committee of the Whole.

Mr. GRAY. Mr. President, the vice of the bill as it came to us from the committee who had it in charge is not only that it makes a declaration, as argued by the Senator from West Virginia [Mr. FAULKNER] yesterday, that the policy of the laws of the United States as well as the laws of the Territories in regard to alien ownership of lands and mining claims shall be the reverse of what it has been, but that there is room for construction that in the Territories the Territorial Legislatures will be shorn of the power they have heretofore possessed of declaring what the policy ought to be in regard to the transaction of business among them by foreigners and by foreign corporations.

It certainly would not seem to be expedient that a community rep-

resented by a Territorial Legislature should be prevented by any construction which may be put on the amendment coming from the committee from saying what their policy in regard to foreign corporations ought to be; and therefore I propose, if this is the parliamentary stage in which to offer an amendment, to amend the amendment of the committee, which will insure that the power heretofore existing in Territorial Legislatures to prescribe the conditions upon which foreign corporations shall come among them and carry on business and exercise their powers shall be within the control of the Territorial Legislatures. I therefore, if it be now in order, offer the following amendment to the amendment as it comes from the committee. Strike out all after the word "claims," of line 13 of the committee's amendment, as follows:

But as to all such mineral lands, mining claims, mills, reduction works, and other property, the laws of the United States and of the Territories shall be and remain the same as though this act had not passed.

And insert in lieu thereof:

But the Legislatures of the Territories may prescribe the conditions upon which mining claims, works, or property used in the production of metals from said mineral lands or claims may be owned, operated, or worked by corporations created in foreign countries or in any of the States of the United States.

Mr. MITCHELL. Mr. President, I think the Senator from Delaware misapprehends the effect of the proposed legislation. The Senator seems to think that if this bill as reported from the Committee on Mines and Mining should become a law, the effect of it would be to deprive the Territories of some right that they now possess in reference to the exclusion of foreign capital from the mines in those Territories. It has no such effect. Prior to the passage of the alien land act which this bill proposes to amend, it must be conceded by the Senator from Delaware, and by every other Senator, that the Territorial Legislature of each Territory had the right and the full power to control this matter for itself. The effect of the passage of the alien land act was to deprive the Territorial Legislatures of that power.

Mr. MCPHERSON. The Senator is speaking of the act of 1887?

Mr. MITCHELL. The act of 1887. The effect of that was to deprive the Legislatures of the Territories of the power which they had prior to that act of excluding foreign capital at their option.

Now, the purpose of the proposed bill as reported by the Senator from Nevada [Mr. STEWART] from the Committee on Mines and Mining is simply to repeal, abrogate, set aside that portion of the alien land act of 1887 that took away from the Territories, respectively, their right to control this matter. That is all there is in the legislation proposed. It takes away no right whatever that the Territories possessed prior to the passage of the alien land act.

Mr. JONES, of Arkansas. I should like to suggest to the Senator from Oregon in that connection that it not only does that, but the bill as it came from the committee does in direct and express terms say that the law shall remain just as it was before the passage of the act of 1887. The last clause is:

But as to all such mineral lands, mining claims, mills, reduction works, and other property the laws of the United States and of the Territories shall be and remain the same as though this act had not passed.

Mr. MITCHELL. That is just what I said, that the legislation shall be and remain, if this bill becomes a law, as though the alien land act of 1887 had never been passed. I am not certain that the amendment proposed by the Senator from Delaware will not very materially affect this bill, but I should like to have it reported again to see just what it is.

The PRESIDENT *pro tempore*. The amendment will be again read.

The Secretary read the amendment of Mr. GRAY.

Mr. MITCHELL. I think the effect of the amendment will be certainly to make the law uncertain, because if the bill should become a law as reported from the committee, without any amendment, then the Territorial Legislatures would have that power.

Mr. DOLPH. It seems to me, Mr. President, that the amendment offered by the Senator from Delaware is not only unnecessary, but is mischievous. Prior to the passage of the act of 1887, prohibiting aliens from holding real estate in the Territories, there was no act of Congress either authorizing or prohibiting such ownership. If aliens or foreign corporations could hold real estate or mining claims in the Territories lawfully, it was because there was some Territorial act that authorized it. Of course Congress can annul an act of a Territory, and by the act of Congress of 1887, so far as the laws of a Territory authorized the ownership of real estate by aliens, they were superseded and annulled. It is now proposed to amend the act of 1887 so that there shall be no law of Congress prohibiting the ownership in Territories of mines by aliens or foreign corporations, and by the same bill to restore the laws of the Territories as they existed before the passage of the act of 1887.

The Territories may legislate upon this subject or upon any subject unless there is an act of Congress, either the organic act of the Territory or some subsequent law, that prohibits legislation by the Territories upon a particular subject. Therefore the moment that the law of 1887 is amended so as not to apply to mining claims and prohibit the ownership of mining claims by foreign corporations or by aliens, that moment the right of the Territories to legislate on the subject is restored, and they may legislate on the subject and authorize the ownership of mining claims by aliens or by foreign corporations or prohibit it entirely, and the law of the Territory will stand until Congress takes action and annuls the Territorial legislation.

I can not myself see the necessity of providing that the Territories may legislate on the subject when every lawyer must know, if he considers for a moment, that when there is no prohibition on the part of Congress of such legislation by the Territories they may legislate.

Mr. MITCHELL. Mr. President, I agree, as I said before, that the effect of this amendment in my judgment is simply declaratory of the law. Now, I should like to ask my colleague if, in his judgment, it has any other effect? If it has any additional effect I should not like to vote for it.

Mr. DOLPH. Will my colleague state his question again?

Mr. MITCHELL. It is whether, in the judgment of my colleague, the effect of this amendment goes any further than simply to declare what the law should be.

Mr. DOLPH. I would like to know whether my colleague means the amendment reported by the committee.

Mr. MITCHELL. No; I mean the amendment of the Senator from Delaware [Mr. GRAY].

Mr. DOLPH. I fear it does. It is not in print, and I have not had an opportunity to examine it critically; but it is suggested now by the Senator from Wisconsin [Mr. SPOONER] that the amendment reported by the Committee on Mines and Mining Claims goes further than was intended—a suggestion which had not occurred to me—inasmuch as it provides that the laws of the Territories "shall be and remain" the same as though the act of 1887 had not been passed. That certainly was not the intention of the committee. If any one supposes that the amendment reported by the committee is a continuing prohibition against the Legislatures of the Territories changing existing laws, that is easily amended without the proviso or amendment offered by the Senator from Delaware.

I understand that the amendment was offered for fear the act of 1887 had repealed the Territorial laws by the action of Congress, and to restore the legislation of the Territories as it existed when they were annulled by the act of Congress. That certainly is all the committee intended to do.

I call the attention of the Senator from Nevada to a suggestion made by the Senator from Wisconsin that the language of the amendment reported from the committee which provides that the laws of the Territories when this act was passed shall be and remain the same as though this act had not been passed will, in effect, though not so intended, prohibit the Territories from hereafter changing the laws as they existed at the time the act of 1887 was passed. If there is any danger of that construction, I suggest to the Senator from Nevada that the bill be amended so as to carry out the intention of the committee and not be any limitation on the powers of the Territories to legislate.

Mr. HAWLEY. A simple repeal of the old law is all that is wanted.

Mr. GRAY. I merely want to say to the Senator from Oregon that the object of my amendment was to accomplish just the removal of the cause of the criticism the Senator is now making. Undoubtedly the word "remain" there would have the construction of leaving the laws of the United States and of the Territories in the condition in which they now are, without the power on the part of the Territorial Legislatures to modify or change them. My amendment strikes out that clause and affirmatively gives the Territorial Legislatures power to change the law.

Mr. STEWART. I think the amendment of the Senator from Delaware is right and accomplishes the purpose we are all aiming at.

Mr. DOLPH. Why not strike out the word "remain" from the committee's amendment, and not encumber the proposition with this additional phrase?

Mr. STEWART. I think the provision will make a very good law with the amendment of the Senator from Delaware.

Mr. MITCHELL. The amendment of the Senator from Delaware strikes out that portion of the committee amendment.

Mr. KENNA. I understand the amendment of the Senator from Delaware to strike out that whole clause.

Mr. HARRIS and others. Let the pending amendment be read.

The PRESIDENT *pro tempore*. The amendment of the Senator from Delaware will be read.

Mr. STEWART. I think it is all right, but I should like to have it read.

The Secretary read the amendment of Mr. GRAY.

Mr. DOLPH. That will not do at all, and I will show in a moment why it will not. The act of 1887 repealed the existing legislation in the Territories. If this amendment is carried, and the portion of the committee's amendment stricken out as proposed, then that legislation is not restored, and you simply have no law of Congress on the subject, and no law of the Territories on the subject, but you substitute for that the power of the Territories to legislate on the subject hereafter, which they would have if this portion were stricken out and no new words added, and until you get some act of the Territories you have no law on the subject. Instead of restoring the old law you simply substitute for that a provision that the Territories may enact a new law. That is all.

Mr. STEWART. There is no necessity for any act of the Territories with regard to aliens holding land. They have passed no law on that subject. It is governed by the act of Congress, and the Territories have not legislated on the question. This bill will involve no new legislation. It repeals no Territorial laws because none exist, and the old law repeals no Territorial laws. It simply was a prohibition against the acquisition of mines and lands by aliens.

Mr. DOLPH. I ask the Senator from Nevada if he does not want to restore the status as it was before the act of 1887 passed?

Mr. STEWART. I do.

Mr. DOLPH. This amendment of the Senator from Delaware does not do it. It leaves the full effect of the act of 1887, with the legislation of the Territories, to stand.

Mr. STEWART. But there was no act of the Territorial Legislatures in conflict with the law of 1887. They did not legislate on the subject.

Mr. DOLPH. There were acts of the Territorial Legislatures that provided for the exercise of this power by foreign corporations. I did not take issue with the Senator from West Virginia, but I think the law is different from what it was stated to be by him in regard to the Territory of Washington.

Mr. JONES, of Arkansas. If the Senator from Oregon will permit a suggestion, I desire to say that the act of 1887 does not affect any right in existence prior to the passage of that law, and this bill can not touch anything that has been done since the 3d of March, 1887. The amendment proposed by the Senator from Delaware certainly reserves to the Legislatures of the Territories the right to regulate this matter. They had that right before the act of 1887 was passed. It simply restores the condition of things exactly as it was before, with a declaration on the part of Congress that the Territorial Legislatures can regulate the ownership of mining property in the Territories by foreigners. That is all, it seems to me.

Mr. DOLPH. I am not talking about the vested rights acquired by aliens prior to the act of 1887. I am talking about the legislation of the Territories which was annulled by the act of 1887. The Senator from Nevada undertakes to provide that that legislation shall be revived and the legislation of the Territories be as it was before the passage of the act of Congress of 1887. I think that is right.

Now, I suggest that instead of striking out what the Senator from Delaware proposes to strike out, he simply add to the amendment coming from the Committee on Mines and Mining:

But nothing herein shall prevent the Territories from legislating as to the ownership of mining property within the Territories.

That will cover the point.

Mr. FAULKNER. May I ask the Senator a question?

Mr. DOLPH. With pleasure.

Mr. FAULKNER. I should like to ask the Senator from Oregon what law of any Legislature of any Territory was repealed by the act of Congress of 1887? If there has been any such law, I have not been able to find it in any Territory. There is nothing in the act of 1887 that effaces or repeals any law of a Territory. It simply overrules or overrides any law of a Territory which is in conflict with the act of 1887, and as far as I have been able to ascertain by examining the laws of the Territories I know of none that are in conflict with that act of Congress.

Mr. DOLPH. I will state to the Senator from West Virginia that it is a long time since I examined the statutes of Washington Territory; but my recollection is that any three persons—not any three citizens of Washington Territory—may form a corporation there and become incorporated for the purpose of carrying on mining business, and I am satisfied that the laws of that Territory permit aliens to hold real estate within the Territory. They allow foreign corporations to make loans and to purchase property which has been mortgaged for the satisfaction of their debts. They allow foreign corporations to transact business within the Territory by complying with certain regulations, as filing copies of their articles of incorporation, etc., in the Territory. Such is my recollection.

Now, so far as those laws relate to the ownership of real property in agricultural lands, or real property used for commercial purposes or mines, the act of 1887 would repeal that existing legislation. I think it would be a dangerous experiment upon the statement of any one who has examined the laws of the respective Territories casually for the purposes of this discussion, to enact a law which would leave no law on the subject either in the Territories or in the United States.

Mr. JONES, of Arkansas. Will the Senator from Oregon have the kindness to point out the repealing clause in the act of 1887 repealing any Territorial act?

Mr. DOLPH. If I said "repealed" I should have said "annulled," as I did at another time during this discussion. The law of Congress on the same subject overrules or overrides the law of the Territory.

Mr. MITCHELL. I would suggest to my colleague that the only thing that may have been overruled or abrogated or set aside by the act of Congress of 1887 was some law of some Territory permitting foreign capital. Now it is well settled that the repeal of the repealing law revives the original law.

Mr. DOLPH. I have some doubt about that. If I so believed that would be all I should desire, and it would be secured by the provisions of this bill. I believe my colleague is a member of the committee that reported the bill, and it reported an affirmative provision that the acts of the Territories should be continued in force. If I were satisfied of the proposition that that was the law affecting the status of such a case as this, that where a Territorial law had been annulled, a repeal of the act of Congress annulling it would restore the Territorial law I should be satisfied; but it must be remembered that this is not the same case as where a law of Congress is repealed by a subsequent act and then the repealing act is repealed. The same doctrine does not apply. Here is a law of a Territory which is annulled by an act of Congress, and it is sought to be put in force again by the repeal of the act of Congress which annulled it.

Mr. MITCHELL. One word. It seems to me that to strike out all that is proposed to be stricken out in the amendment of the committee by the amendment of the Senator from Delaware would be simply to repeal the act of 1887 so far as relates to mines in the Territories. The effect of repealing that repealing act, under a well-settled rule of legislation and of construction, would be to restore the act repealed. Now, by striking out the portion proposed to be stricken out and by inserting what the Senator from Delaware proposes to insert, it appears to me that the law as then passed would be precisely in effect and substance what it ought to be if this portion were stricken out and the amendment not adopted.

Mr. HAWLEY. I wish to make a suggestion in regard to this proposition of the committee. I submit, humbly and respectfully, that it is in bad form anyhow. It says:

That the act entitled "An act to restrict the ownership of real estate in the Territories to American citizens, etc.," approved March 3, 1887, be, and the same is hereby, amended by inserting after section 4 of said act the following.

Now, suppose we read the act of 1887 with this amendment. It then reads: That foreigners shall not hold, etc., any share whatever in the agricultural lands or the mining lands or claims in the Territories: *Provided, however*, That this shall not affect anybody's claims to mining lands. It makes the act very ridiculous. It goes on to describe in the original section that people shall not do such a thing and then the concluding proviso of the same act says they shall. Why not say now what the law shall be, and not attempt to tack a new provision onto an old law? For example, I suggest roughly this:

That the act entitled "An act to restrict the ownership of real estate of the Territories to American citizens, etc.," approved March 3, 1887, shall not relate to or in any manner affect title to mineral lands or mining claims in the Territories which may be acquired or held under the mineral-land laws of the United States, or to mills or other reduction works used in the production of metals from said mineral lands or claims, but, as to all such mineral lands, mining claims, mills, reduction works, etc., the laws of the United States and of the Territories are declared to be as they were before the passage of said act.

Mr. STEWART. Please state the amendment again.

Mr. HAWLEY. Strike out the words "be and the same is hereby amended by inserting after section 4 of said act the following," and declare just what you want. Say that the act of 1887 shall not relate to or affect the title to mineral lands or mining claims, etc., but the law as to such mining claims, etc., shall be the laws of the United States and the Territories as they were before the passage of the act.

Mr. McPHERSON. It seems to me that the proper course would be to recommit the bill to the committee, in order that some amendment may be suggested or that the bill may itself come here in proper form. Certainly it is impossible to see what effect this legislation is to have on the subsequent sections of the act of 1887 without examining that act carefully.

Mr. GRAY. Will the Senator from New Jersey allow me to interrupt him a moment in order to make a modification of my amendment?

Mr. McPHERSON. I do not yield the floor except for that purpose.

Mr. GRAY. The object aimed at by my amendment was to insure after the passage of this law the control of the Territorial Legislatures over the existence and operation of foreign corporations in the communities that they represent. It was written at the desk during the debate this morning, and I think that all that is intended to be accomplished may be accomplished in fewer words, by substituting for the amendment proposed by me the following, which I will offer as a modification: That after the word "be," in line 16, the rest of the amendment of the committee be stricken out and there be inserted in lieu thereof the words "until changed by act of Congress or an act of the Territorial Legislature."

Mr. STEWART. That is satisfactory.

Mr. DOLPH. Then strike out the word "remain."

The PRESIDENT *pro tempore*. The amendment as modified will be read from the desk.

The SECRETARY. It is proposed to strike out of the amendment adopted as in Committee of the Whole the words "and remain" and insert "until changed by act of Congress or an act of the Territorial Legislature;" so as to read:

But as to all such mineral lands, mining claims, mills, reduction works, and other property, the laws of the United States and of the Territories shall be, until changed by act of Congress or an act of the Territorial Legislature, the same as though this act had not passed.

Mr. GRAY. If I have the right to modify the amendment offered by me, I offer that modification.

The PRESIDENT *pro tempore*. The question now recurs on the pro-

posed amendment of the Senator from Delaware [Mr. GRAY] as last read, his previous amendment being withdrawn.

Mr. MCPHERSON. It is nowhere claimed, as I understand, that the act of Congress of 1887 did violence to anybody's interests. Aliens who held mining properties in the Territories were protected by that act in their property. Therefore the act of 1887 is not in its effect in any sense retroactive.

But, as I understand, the object of the friends of this measure is to simply change the act of 1887, to eliminate from it mining claims and mineral lands as distinguished from agricultural lands. In other words, it is to permit the mining interests of the country to be under the control of the Territorial Legislatures, making such rules as they please, and permitting all the other land laws in regard to alien ownership to be under the control of Congress. In short, there are to be two rules governing in this case, one to be a rule of Congress touching one kind of landed property and the other is to be a rule of the Territorial Legislatures touching another kind of landed property.

I can not consent to such a proposition. The Territories of the United States, numerous as they are, may and probably will each have a different set of laws governing the ownership of land in the Territory, and you will have as many different kinds of laws as you have Territories. In short, if to-day an alien holder of lands acquired even prior to the passage of the act of 1887 were to desire to sell his property, it would require him first to go to the Territorial Legislature and see what additional legislation they had made touching his interests and his rights. Instead of having one rule and one system of laws touching the disposition of all the land and property of the United States, where it is easy to go to the statutes of the United States and determine the status of every owner, you must go to the different Territorial governments to determine.

I can see no special reason why a system of laws which should govern the agricultural lands of this country should not also be a system of laws that would be fair for the mineral lands of the country. I know, however, that it has been claimed that it is necessary to secure foreign capital for the development of mineral properties in this country, and everybody knows that mining in this country, as it is in almost every other country, is practically a species of gambling, that it is an uncertain thing for a man to invest in mining property or to undertake to search for metals in the bowels of the earth. I do not know but that there is some complaint on the part of the mining industries of the West that they are too much restricted by the operation of the law with respect to procuring capital in foreign countries for the development of the mines. If that be so, and if that is a sufficient reason why the land laws should be changed in regard to the mineral class of lands, let it be understood that that is the reason. But is there any other good reason existing why all the lands of the United States should not be governed by a rule applying alike to all and that a rule of Congress? As I said before, there seems to be no complaint as to alien ownership in mining claims. It has been preserved by that act. I ask the Senator from Oregon what the object is?

Mr. MITCHELL. The act of 1887 by construction was made to apply to a subject which in my judgment was never intended by Congress when it passed the act. The only thing discussed when that act of 1887 was before Congress was the great evil which was supposed to have resulted to this country from foreigners coming in and gobbling up immense tracts of agricultural and grazing lands. That was the evil aimed at by that bill, and that was the only evil aimed at, and that was the question discussed by Congress; but the act, as finally passed, was so broad as to include mining claims which never were thought of and never discussed, and which Congress never intended to cover by the legislation. Now, the object of this bill is simply, as I understand, to repeal that act in so far as it included in its provisions restrictions and limitations on the mining property of the country.

I will state to the Senator from New Jersey that there is just as much opposition, so far as I am advised, among the Territories and the people of the Territories to foreign capital and foreigners coming in and controlling large extents of grazing country and of agricultural country as there is in the States among the people of the States; but they do not object to foreign capital coming to develop mines, because the money is expended there. If it turns out a good mine, there is that much wealth added to the country; if it turns out to be a bad mine, all the foreigner has is a hole in the ground and our people have the benefit of the money he expends.

Mr. MCPHERSON. Let me suggest to the friends of the measure that the bill be recommitted and that the committee report to the Senate some well-digested, well-constructed amendment that will meet the case, and not in this confused and not-understood manner adopt amendments. It can be done much more rapidly and much more satisfactorily in that way. I move, therefore, that the bill be recommitted to the Committee on Mines and Mining.

Mr. STEWART. I hope not.

Mr. EVARTS. Mr. President, I can not see why the amendment of the Senator from Delaware, as he has now put it in its final shape, should not be satisfactory to every member of the Senate. There was some criticism to be made as to the propriety of the mere substitution for the clause stricken out of the more explicit clause originally proposed by the Senator from Delaware; but it has now resolved itself into this, which I think we all understand, that the object of the bill, as we propose to pass it, is to restore the power over these questions to the Territories as it stood before the act of 1887 was passed; and I can not see but that the amendment of the Senator from Delaware fully accomplishes that and nothing more, and yet in a manner that all understand, and confines the act to that explicit purpose and result. I therefore hope that that amendment may be accepted as disposing of all the discussion and leading to the accomplishment of the purpose of the bill as reported by the committee.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New Jersey to recommit the bill to the Committee on Mines and Mining.

The motion was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Senator from Delaware to the amendment of the Committee of the Whole.

Mr. MITCHELL. Let it be read.

The SECRETARY. It is proposed to strike out of line 16 of the amendment adopted by the committee the words "and remain" and insert "until changed by act of Congress or an act of a Territorial Legislature."

Mr. HAWLEY. I propose to offer an amendment after that, which, if it should be adopted, would require "this act" to be "said act." I give notice that I shall offer an amendment if this be adopted, and I hope it will be, to strike out, beginning in line 5, after "1887," the words "be, and the same is hereby, amended by inserting after section 4 of said act the following: '*Provided, however*, That this act;'" so that we shall say that the act of 1887 "shall not relate to, or in any manner affect," etc., instead of merely putting a proviso into that act.

Mr. STEWART. I hope that amendment will be adopted. It will improve the bill.

Mr. HAWLEY. If that be done this should read "said act;" or it can be done by unanimous consent afterwards.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Delaware [Mr. GRAY] to the amendment made as in Committee of the Whole.

The amendment to the amendment was agreed to.

Mr. HAWLEY. Now I offer my amendment.

The PRESIDENT *pro tempore*. The amendment will be read.

The SECRETARY. It is proposed, in line 5 of the amendment adopted as in Committee of the Whole, after the date "1887," to strike out the words "be, and the same is hereby, amended, by inserting after section 4 of said act the following: '*Provided, however*, That this act;'" so as to read:

That the act entitled "An act to restrict the ownership of real estate in the Territories to American citizens," etc., approved March 3, 1887, shall not relate to or in any manner affect the title to mineral lands or mining claims in the Territories of the United States, etc.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Connecticut [Mr. HAWLEY] to the amendment made as in Committee of the Whole.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the amendment made as in Committee of the Whole as amended in the Senate.

The amendment as amended was concurred in.

The bill was ordered to be engrossed for a third reading.

Mr. HAWLEY. I neglected to ask unanimous consent that the word "this" be changed to "said," before "act," in the amendment inserted on the motion of the Senator from Delaware.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In line 16, before the word "act," it is proposed to strike out "this" and insert "said;" so as to read:

The laws of the United States and of the Territories shall be, until changed by act of Congress or an act of a Territorial Legislature, the same as though said act had not passed.

The PRESIDENT *pro tempore*. This will be agreed to if there be no objection. The Chair hears none.

The bill was read the third time.

The PRESIDENT *pro tempore*. Shall the bill pass?

Mr. FAULKNER. On the question of the passage of the bill I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. HAWLEY (when his name was called). I am paired with the Senator from Missouri [Mr. COCKRELL], who has been called out on business. If he were here, I should vote "yea."

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN]. I would suggest to the Senator from Connecticut that he and I transfer our pairs to the Senator from Missouri [Mr. COCKRELL] and the Senator from Minnesota [Mr. SABIN], and he and I can vote.

Mr. HAWLEY. That is satisfactory. I vote "yea."

Mr. KENNA. And I vote "nay."

Mr. MITCHELL (when his name was called). I am paired on this

subject with the Senator from Vermont [Mr. EDMUNDS]. I should vote "yea" if he were present, and he would vote "nay" if he were here.

Mr. PUGH (when his name was called). I am paired with the Senator from California [Mr. STANFORD].

Mr. REAGAN (when his name was called). I am paired with the Senator from New York [Mr. HISCOCK]. If he were here, I should vote "nay."

The roll-call was concluded.

Mr. BLACKBURN (after having voted in the negative). I am paired with the Senator from Nebraska [Mr. MANDERSON]. If he were present, I should vote "nay." I do not see him in the Chamber.

Mr. BOWEN. My colleague [Mr. TELLER] is paired with the Senator from Louisiana [Mr. EUSTIS].

The result was announced—yeas 31, nays 13; as follows:

YEAS—31.

Allison,	Chandler,	Hearst,	Platt,
Bate,	Cullom,	Hoar,	Quay,
Blair,	Daniel,	Ingalls,	Sawyer,
Bowen,	Davis,	Jones of Arkansas,	Spooner,
Brown,	Dolph,	Jones of Nevada,	Stewart,
Butler,	Evarts,	Paddock,	Vest,
Cameron,	Frye,	Palmer,	Wilson of Iowa.
Chace,	Hawley,	Payne,	

NAYS—13.

Berry,	George,	Morgan,	Wilson of Md.
Blodgett,	Gray,	Pasco,	
Coke,	Kenna,	Vance,	
Faulkner,	McPherson,	Walthall	

ABSENT—32.

Aldrich,	Eustis,	Manderson,	Sabin,
Beck,	Farwell,	Mitchell,	Saulsbury,
Blackburn,	Gibson,	Morrill,	Sherman,
Call,	Gorman,	Plumb,	Stanford,
Cockrell,	Hale,	Pugh,	Stockbridge,
Colquitt,	Hampton,	Ransom,	Teller,
Dawes,	Harris,	Reagan,	Turpie,
Edmunds,	Hiscock,	Riddleberger,	Voorhees.

So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2927) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn.

AMENDMENT TO A BILL.

Mr. GEORGE submitted an amendment intended to be proposed by him to the bill (H. R. 2952) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act; which was referred to the Committee on Claims, and ordered to be printed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had yesterday approved and signed the act (S. 660) for the relief of Charles Murphy.

ADMISSION OF DAKOTA.

Mr. BUTLER. Mr. President, before proceeding to the discussion of the question before the Senate, I ask that the bill presented by the minority of the Committee on Territories as an amendment to the pending bill be read.

The PRESIDENT *pro tempore*. The Senator from South Carolina moves that the Senate proceed to the consideration of the unfinished business.

Mr. ALLISON. Before that is done I wish to submit a request to the Senate.

Mr. BUTLER. I have declined two or three applications already. The morning hour is about out. I should like to oblige my friend, but I think we had better proceed with the regular order.

Mr. ALLISON. It will take but a moment to do what I wish to ask.

The PRESIDENT *pro tempore*. The Senator from South Carolina moves that the Senate proceed to the consideration of the unfinished business of yesterday.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 185) to provide for the admission of the State of Dakota into the Union, and for the organization of the Territory of Lincoln, the pending question being on the amendment reported by the Committee on Territories as amended as a substitute for the original bill.

Mr. BUTLER. Before proceeding with the discussion of the subject before the Senate, I ask that the amendment submitted by the minority of the Committee on Territories be read.

The PRESIDENT *pro tempore*. The proposed amendment will be read.

The Secretary proceeded to read the amendment submitted by Mr. BUTLER from the minority of the Committee on Territories.

Mr. BUTLER. I move to strike out the word "June," in line 21, section 2, and insert the word "August."

Mr. PLATT. I did not understand that the Senator had moved an amendment.

Mr. BUTLER. Yes, sir.

Mr. PLATT. And now the Senator desires to modify the amendment which he has moved?

Mr. BUTLER. Yes, sir.

Mr. PLATT. All right.

The PRESIDING OFFICER (Mr. DOLPH in the chair). If there be no objection, the modification will be made.

Mr. BUTLER. I move to strike out, in line 4, section 4, all after the word "elected" down to and including the word "elected," in line 6, in these words:

In voting for such delegates each qualified voter may vote for not exceeding two persons, and the candidates highest in votes shall be declared elected.

The PRESIDING OFFICER. The Senator has a right to modify his amendment. The change will be made.

Mr. BUTLER. Strike out the word "July," in line 3, section 6, and insert "September."

The PRESIDING OFFICER. The amendment will be so modified.

Mr. BUTLER. In line 15, I move to strike out all after the word "irrevocable" down to and including the word "States," in line 16, in these words: "without the consent of the United States and the people of said State."

The PRESIDING OFFICER. That modification will be made.

Mr. BUTLER. I move to strike out, in line 48, section 6, from the word "State" to and including "execution," in line 53.

The PRESIDING OFFICER. The Senator from South Carolina modifies his amendment as follows.

The SECRETARY. It is proposed to strike out all of section 6, from the word "State," in line 48, as follows:

Fourthly, that provision shall be made for the establishment and maintenance of a system of public schools, which shall be open to all the children of the State, and free from sectarian control; and, fifthly, that provision shall be made for the reasonable exemption of homesteads from sale under execution.

Mr. BUTLER. My reason for striking out that provision is this: I have no doubt the State will provide for a system of common schools, but I do not believe that the Congress of the United States has anything to do with that question or with the question of the exemption of homesteads. I therefore do not desire to impose on this Territory a condition-precedent which has not been imposed on others, and hence I strike out these words.

The PRESIDING OFFICER. The reading of the amendment will continue.

The Secretary resumed and concluded the reading of the amendment proposed by Mr. BUTLER on behalf of a minority of the Committee on Territories as modified, which is to strike out all after the first word, "That," in the amendment of the committee and insert:

The inhabitants of all that part of the area of the United States now constituting the Territory of Dakota, as at present described, may become the State of Dakota, as hereinafter provided.

SEC. 2. That all persons who shall have resided within the limits of said proposed State for sixty days, and are otherwise qualified by the laws of said Territory to vote for representatives to the Legislative Assembly thereof, are hereby authorized to vote for and choose delegates to form a convention in said Territory; and the qualifications for delegates to such conventions shall be such as by the laws of said Territory respectively persons are required to possess to be eligible to the Legislative Assembly thereof; and the aforesaid delegates to form said convention shall be apportioned among the several counties within the limits of the proposed State, in such districts as are hereinafter provided, in proportion to the population in each of said counties and districts, as near as may be, to be ascertained at the time of making said apportionment, by the persons hereinafter authorized to make the same, from the best information obtainable; that said apportionment shall be made by the governor, the secretary, and the United States attorney of said Territory; and the governor of said Territory shall, by proclamation, order an election of the delegates aforesaid to be held on the Tuesday next after the first Monday in August, 1888, which proclamation shall be issued at least thirty days prior to the time of said election; and such election shall be conducted, the returns made, the result ascertained, and the certificates to persons elected to such convention issued in the same manner as is prescribed by the laws of the said Territory regulating elections therein for Delegate to Congress. The number of delegates to said convention shall be 150; and all persons resident in said proposed State who are qualified voters of said Territory, as herein provided, shall be entitled to vote upon the election of delegates, and upon the ratification or rejection of the constitution, under such rules and regulations as said convention may prescribe, not in conflict with this act.

SEC. 3. That the said State of Dakota shall have concurrent jurisdiction of the river Missouri and of every other river bordering on the said State of Dakota, so far as the said rivers shall form a common boundary to the said State and any other State or States or Territory or Territories now or hereafter to be formed, said rivers to be common to both; and that the said river Missouri shall be a common highway, and forever free as well to the inhabitants of said State as all other citizens of the United States, without any tax, duty, impost, or toll imposed by said State of Dakota therefor.

SEC. 4. That the persons hereinbefore authorized shall divide said proposed State into fifty election districts, in each of which districts three delegates to the said constitutional convention shall be elected.

SEC. 5. That the districts in which delegates to the constitutional convention are to be elected shall be formed of contiguous and compact territory, bounded by county lines, as far as possible, and contain as nearly as practicable an equal number of inhabitants, according to the census of 1885, or the latest enumeration of the inhabitants thereof; but no district shall contain less than four-fifths of the ratio required for three delegates. Counties containing not less than the ratio and three-fourths may be divided into separate districts, and into as many districts as the population may require.

SEC. 6. That the delegates to the convention thus elected shall meet at the seat of government of said Territory on the third Tuesday of September, 1888, and,

after organization, shall declare, on behalf of the people of said proposed State, that they adopt the Constitution of the United States; whereupon the said convention shall be, and are hereby, authorized to form a constitution and State government for said proposed State: *Provided*, That the constitution shall be republican in form, and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence: *And provided further*, That said convention shall provide, by ordinances irrevocable, first, that perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship; secondly, that the people inhabiting said proposed State do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes; and that until the title thereto shall have been extinguished by the United States the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands belonging to the citizens of the United States residing without the said State shall never be taxed at a higher rate than the lands belonging to residents thereof; that no taxes shall be imposed by the State on lands or property therein belonging to or which may hereafter be purchased by the United States or reserved for its use: *Provided, however*, That nothing herein, or in the ordinances herein provided for, shall preclude the said State from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation; but said ordinance shall provide that all such lands shall be exempt from taxation by said State so long and to such extent as such act of Congress may prescribe; thirdly that the bonded debt of said Territory incurred for the erection of the public buildings of the Territory shall be assumed and paid by said State.

SEC. 7. That in case a constitution and State government shall be formed in compliance with the provisions of this act, said convention forming the same shall provide by ordinance for submitting said constitution to the people of said proposed State for their ratification or rejection, at an election to be held in said Territory on the first Tuesday after the first Monday of November, 1888, at which election the qualified voters of said proposed State shall vote directly for or against the proposed constitution and for or against any provisions separately submitted. The returns of said election shall be made to the secretary of said Territory, who, with the governor and chief-justice thereof, or any two of them, shall canvass the same; and if a majority of the legal votes cast shall be for the constitution, the governor shall certify the result to the President of the United States, together with a statement of the votes cast upon separate propositions, and a copy of said declaration, constitution, and ordinances.

SEC. 8. That until the next general census, or until otherwise provided by law, said proposed State shall be entitled to two Representatives in the House of Representatives of the United States, which Representatives, together with the governor and other officers provided for in said constitution, shall be elected on the same day of the election for the adoption of the constitution; and until said State officers are elected and qualified under the provisions of such constitution, and the State is admitted into the Union, the Territorial officers shall continue to discharge the duties of their respective offices in said Territory.

SEC. 9. That the counties of Grant, Roberts, Day, Brown, Walworth, Edmunds, Boreman, Hettinger, Bowman, and all that part of the proposed State of Dakota north thereof, shall constitute the First Congressional district, and that portion of the proposed State of Dakota lying south of said counties shall constitute the Second Congressional district of said State; and in each of said districts one Representative in Congress shall be elected until otherwise provided by law after the next decennial census of the United States, and at the time prescribed by general law for such elections in other States.

SEC. 10. That sections numbered 16 and 36 in every township of said proposed State of Dakota, and where such sections, or any subdivision thereof, have been sold or otherwise disposed of, by or under the authority of any act of Congress, other lands equivalent thereto, in legal subdivisions of not less than one quarter-section, and as contiguous as may be to the section in lieu of which the same is taken, are hereby granted to said proposed State for the support of common schools.

SEC. 11. That when the proposed State shall be admitted into the Union in accordance with the provisions of this act, two hundred and fifty entire sections of the unappropriated public lands within said State, to be selected and located by the direction of the Legislature thereof, and with the approval of the President, on or before the 1st day of January, 1890, shall be, and are hereby, granted, in legal subdivisions of not less than one quarter-section, to said State for the purpose of erecting public buildings at the capital of said State for legislative, executive, and judicial purposes, in such manner as the Legislature may prescribe.

SEC. 12. That so much of the lands belonging to the United States as has been acquired and set apart for the purpose mentioned in "An act appropriating money for the erection of a penitentiary in the Territory of Dakota," approved March 2, 1881, together with the buildings thereon, be, and the same is hereby, granted, together with any unexpended balances of the moneys appropriated therefor by said act, to said State for the purposes therein designated.

SEC. 13. That ninety sections of land, to be selected and located as provided in section 8 of this act, are hereby granted to said State for the use and support of an agricultural college in said State; and none of the lands granted by this act, or the proceeds thereof, shall be used for any other purpose than that for which the grant is specifically made whatever.

SEC. 14. That all salt springs within said State, not exceeding twelve in number, with six sections of land adjoining or as contiguous as may be to each, shall be granted to said State for its use, the said land to be selected by the governor of said State within two years after the admission of the State, and when so selected to be used and disposed of on such terms, conditions, and regulations as the Legislature shall direct; and the proceeds thereof shall be devoted exclusively to the support of the common schools of the said State: *Provided*, That no salt spring or lands the right whereof is now vested in any individual or individuals, or which hereafter shall be confirmed or adjudged to any individual or individuals, shall by this act be granted to said State.

SEC. 15. That 5 per cent. of the proceeds of the sales of public lands lying within said State which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to the said State, to be used as a permanent fund for the support of the common schools within said State.

SEC. 16. That all lands herein granted for educational purposes shall be disposed of only at public sale, and at a price not less than $10 per acre, the proceeds to constitute a permanent school-fund, the interest of which only is to be expended in the support of said schools. But said lands may, under such regulations as the Legislature shall prescribe, be leased for periods of not more than twenty-five years, in quantities not exceeding one section to any one person or company.

SEC. 17. That the lands granted to the Territory of Dakota by the act of February 18, 1881, entitled "An act to grant lands to Dakota, Montana, Idaho, and Wyoming for university purposes," so far as the same have been selected and located in said Territory of Dakota, shall, under the provisions and limitations of said act, be vested in the proposed State of Dakota: *Provided*, That none of said lands shall be sold for less than $10 per acre. And such portions of said lands as have been selected and located within the bounds of the Territory of Dakota shall be vested in said State of Dakota, subject also to the limitations of said act of February 18, 1881. And there is hereby granted to said State of Dakota so much of the public lands in said State selected under said act of February 18, 1881, as will give the full amount of seventy-two entire sections, all of which shall be held and used in accordance with the provisions of the act aforesaid. The section of land granted by the act of June 16, 1880, to the Territory of Dakota, for an asylum for the insane, shall, upon the admission of said State of Dakota into the Union, become the property of said State.

SEC. 18. That all mineral lands shall be exempted from the operation and grants of this act: *Provided*, That if sections 16 and 36 or any subdivision thereof, in any township, shall be found to be mineral lands, or to have been reserved, sold, or otherwise disposed of by the United States, the Legislature of said State is hereby authorized and empowered to select, with the approval of the President, any other unappropriated lands in said State in lieu thereof, for the use and benefit of the common schools of said State.

SEC. 19. That all cases of appeal or writ of error heretofore prosecuted and now pending in the Supreme Court of the United States upon any record from the supreme court of the Territory of Dakota, or that hereafter may be lawfully prosecuted from said court, may be heard and determined by the Supreme Court of the United States; and the mandate of execution or of further proceedings shall be directed by the Supreme Court of the United States to the circuit or district courts of the district of Dakota, which may hereafter be established, or to the supreme courts of said State, as the nature of the case may require; and each of said last-mentioned courts shall, as the case may require, be treated as the successor of the supreme court of the Territory of Dakota, as to all such cases, with full power to proceed with the same and to award mesne or final process therein; and that from all judgments and decrees of the supreme court of the said Territory, prior to their admission as a State, the parties to such judgments shall have the same right to prosecute appeals and writs of error to the Supreme Court of the United States as they had by law prior to the admission of said State into the Union.

SEC. 20. That the convention herein provided for shall have the power to provide, by ordinance, for the transfer of actions, cases, proceedings, and matters pending in the supreme or district courts of the Territory of Dakota, at the time of the admission of the said State into the Union, arising within said Territory, to such courts as shall be established under the constitution to be thus formed; and no indictment, action, or proceeding shall abate by reason of any change in the courts, but shall be proceeded with in the State courts according to the laws thereof.

SEC. 21. That the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to said Territory for defraying the expenses of the said convention, and for the payment of the members thereof, under the same rules and regulations, and at the same rates as are now provided by law for the payment of the Territorial Legislature: *Provided*, That any money hereby appropriated not necessary for such purpose shall be covered into the Treasury of the United States.

SEC. 22. That the State of Dakota shall constitute two judicial districts, which shall be called the northern and southern districts of Dakota, and the circuit courts therefor shall be held at the capital of said State for the time being. The judge of said district courts shall receive a yearly salary of $5,000, payable in four equal installments, on the first days of January, April, July, and October of each year. There shall be appointed clerks of said courts, who shall keep their offices at the places herein named where said courts are to be held. There shall be appointed for said districts one district judge, two United States attorneys, and two United States marshals. That the southern district shall consist of that part of the State of Dakota herein named as the Second Congressional district, and the district court shall be held in the city of Mitchell, Davidson County. The northern district shall consist of that part of the State of Dakota herein described as the First Congressional district, and the district court shall be held in the city of Fargo, Cass County. The regular terms of said courts shall be held at the places aforesaid for the southern district on the first Monday in April and December in each year, and for the northern district on the first Monday in May and October in each year. For judicial purposes the two districts of Dakota shall be attached to the eighth judicial circuit, and only one grand jury and one petit jury shall be summoned in both of said courts.

SEC. 23. That the circuit and district courts for the districts of Dakota, and the judge thereof, respectively, shall possess the same powers and jurisdiction and perform the same duties possessed and required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations.

SEC. 24. That the marshal, district attorney, and clerks of the circuit and district courts of the said district of Dakota, and all other officers and other persons performing duty in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States, and shall for the services they may perform receive the fees and compensation allowed by law in the State of Nebraska to other similar officers and persons performing similar duties.

SEC. 25. That in respect to all cases, proceedings, and matters pending in the supreme or district court of the Territory of Dakota at the time of the admission of the said State into the Union whereof the circuit or district courts by this act established might have had jurisdiction under the laws of the United States had such courts existed at the time of the commencement of such cases the said circuit and district courts, respectively, shall be the successors of said supreme and district courts of said Territory: *Provided, however*, That in all civil actions, causes, and proceedings in which the United States is not a party such transfers shall not be made except upon the written request of one of the parties to such action or proceeding filed in the proper court.

SEC. 26. That the constitutional convention may, by ordinance, provide for the election of a full State Government, including members of the Legislatures and Representatives in Congress; but said State government shall remain in abeyance until the constitution framed by said convention shall have been approved by Congress. In case the constitution of said proposed State shall be ratified by the people, but not otherwise, the Legislature thereof may assemble, organize, and elect two Senators of the United States; and the governor and secretary of state of said proposed State shall certify the election to Congress; and when the constitution so framed is approved by Congress and such State admitted into the Union by special act of Congress therefor the Senators and Representatives shall be admitted to seats in Congress, and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States; and the State government formed in pursuance of said constitution, as provided by the constitutional convention, shall proceed to exercise all the functions of State officers; and all laws in force made by said Territories at the time of their admission into the Union shall be in force in said State.

SEC. 27. That all acts or parts of acts in conflict with the provisions of this act, whether passed by the Legislature of said Territory or by Congress, are hereby repealed.

Mr. PADDOCK. If the Senator will yield to me a moment, I desire to make a correction of a statement made by the Senator from Connecticut [Mr. PLATT] yesterday in his very able speech upon this bill

in respect to the population of the State of Nebraska. He placed the population at 352,000, which was undoubtedly a clerical error in making up his statistics. The population of Nebraska, by the census of 1880, was 452,542. By the State census of 1885, a census taken under authority given by the act of Congress approved March 3, 1879, to provide for taking the tenth and subsequent censuses, the population was 740,645, and the best estimate of the population now is 1,100,000.

Mr. PLATT. I feel that I owe to the Senator from Nebraska, and through him to his State, an apology for the error into which I was inadvertently led by some statistics which were prepared for me. I had noticed it, and already corrected it in the permanent RECORD.

Mr. PADDOCK. I am very much obliged to the Senator.

Mr. BUTLER. Mr. President, it seems to me that this discussion has narrowed itself down to one single point, and that is whether the present Territory of Dakota shall be divided and dismembered. If that should be decided in the negative, as I think it ought to be and trust it will be, the way to the speedy admission of that Territory as a State into the American Union is open. I do not differ with the honorable Senator from Connecticut [Mr. PLATT] in much that he said yesterday in regard to that Territory. I do not take issue with him when he states that it has a population sufficient for statehood, that it has soil of sufficient productive capacity and resources to maintain a dense population. I do not take issue with him when he says that the condition of statehood is preferable to a Territorial condition. But, sir, when he goes a step further and claims, in effect at least, that the people of that Territory have an inherent right to be admitted into this Union as a a State because of this condition of things, I can not agree with him.

As I understand the rule on that subject, it is entirely and solely within the discretion of Congrass whether any Territorial community, any geographical area of this country, shall be admitted into the sisterhood of States. If any other doctrine should prevail I will ask the honorable Senator and those who agree with him why should not the Territory of Utah be admitted into this Union? Utah has a population sufficient; she has 200,000 population; they have a soil productive enough and resources sufficient to maintain a dense population; and if they present themselves in such form as not to be repugnant to the Constitution and laws of the United States, why should they not be entitled to admission, if the proposition of the Senator from Connecticut is the correct one?

If his proposition is correct, what would prevent two hundred thousand socialists, anarchists, nihilists, communists, taking refuge in some corner of Washington Territory, or of Arizona, or of Montana, and proceeding to form a constitution, marking out the lines of their proposed State, presenting themselves to Congress, and demanding the right to come into the Union, having conformed, upon the face of things at least, to all the requirements of the Constitution and laws of the United States? Why, sir, they would have just as much right, so far as right is concerned, to be admitted into the Union as the people of Dakota, or Washington, or Montana, or New Mexico.

I submit, Mr. President, that the Senator from Connecticut goes a step too far when he states that the people of Dakota Territory have a right to admission, and especially does he go too far when that right is asserted and a demand made, not by the people of the Territory or a majority of them, as I think I shall show before I have concluded, but the demand is made by a faction of politicians in that Territory who have contributed more than all else beside to prevent Dakota from being admitted into the Union.

I stated that to my mind there was but one single issue before the Senate, and that was whether the Territory of Dakota shall be divided and the south half admitted as a State. I assume that Congress will be governed, in a large measure at least, by the wishes of the people of that locality, although the Senator from Connecticut stated yesterday in his speech that so important and so urgent would he be for a division of the Territory, that in defiance and in despite of the wishes of a majority of its people he would advocate and urge and pass a bill dismembering and dividing it. I am not prepared to go to that extent. I repeat that I assume that the Senate will at least pay a respectful deference to the wishes of the people of that Territory.

And, Mr. President, what has been the last authoritative expression we have had on that subject, upon the subject of a division of the Territory? I suppose the Senator and those who agree with him will insist that the vote which was cast when the question of division was submitted in November last would be the last affirmative expression, but we have something later. On the 15th of December, 1887, a convention was held in the city of Aberdeen, in the Territory of Dakota, composed, as far as I have been able to learn, of leading citizens from all parts of that vast and immense domain. It was non-partisan in its constituency. It was called by fifteen thousand of the citizens of that Territory. The convention met in the city of Aberdeen on the 15th of December, 1887; and in order to put the Senate in possession of the history of that convention I will ask it to bear with me whilst I make copious extracts from a statement made by Mr. L. G. Johnson, of the southern part of the Territory of Dakota, who was a Union soldier, and I take it he will be allowed to speak for that element in Dakota. He is evidently a man of intelligence, I might say a man of ability, and he appears to be disinterested. He assured the committee that he was not an aspirant for any office, held no office, and expected none. This is his statement in regard to that convention at Aberdeen in December, 1887, which was made before the Committee on Territories:

With all the efforts which have been made to detract from the force of that convention, and notwithstanding that it has been charged that it was not a representative body, it was the outgrowth of this idea that enough foolishness had been indulged in by the warring factions of Dakota, and that it was time that a sensible course—a course that comported with the dignity of six hundred thousand people—should be adopted, and that those people, acting in their sovereign capacity, might, without the intervention of any representative element, petition as people, as inhabitants of a great Territory that was seeking to become a member of the Federal Union, to build a State; that as men they might ask in a decent and orderly manner the Congress of the United States to do something, recognizing the fact that never before in the history of Dakota Territory had a thing of that sort been done.

Then, in reply to a question by myself, when I asked him—

Has not a great deal of this confusion and foolishness (which I agree with you, entirely, has occurred) been the result of enmity—or I do not know that it rises to that—between northern and southern Dakota in regard to the location of the capital? Has not that been a very large element in these various propositions?

He said:

Mr. JOHNSON. It would take a book, Senator, to give all the facts and ideas presented, and the different notions, some sensible and some utterly foolish, that have emanated from different people in that Territory. This proposition is true; and, referring to the question of Senator PLATT, the chairman, when I stated that never before in the history of Dakota Territory had she come and asked for admission, I did not wish to be understood as saying that no portion or no faction had ever petitioned or that a few persons had not done so. There have been memorials passed by the Legislature for division, but never one for admission. A Legislature that was elected to make laws for the Territory with no idea, when elected, that the question of the division of the Territory or the admission of a portion of the Territory would come before that body for action, in the furtherance of some particular little scheme or some particular little movement of their own for the benefit of their locality or their places, have memorialized Congress for a division of the Territory.

Further on he says this in reply to a question from the Senator from Nevada:

Senator STEWART. I know it has not been asked to be done, but you said you had not had a chance to express yourselves. How does such a proposition as that strike you?

Mr. JOHNSON. It is true we never have. That would give us a show, but it would put off the time of admission for an indefinite period. And I want to say this further: that when this movement was agreed upon, a number of men from different parts of the Territory gathered together and thought, as the proper thing to do, that they would send out petitions into different parts of the Territory, into all parts of the Territory, so that if the people desired the admission of the Territory as a State they might meet and express that desire in a regularly delegated convention.

The meeting arranged, petitions were sent out, and over fifteen thousand signatures, from every county in Dakota Territory, were attached to this call—a call of the people for a delegate convention.

The call was then issued under the authority of the people, and in each county they were asked to send delegates to this convention, one delegate to each 500 inhabitants as ascertained by the last census.

The convention with an accredited delegation of nine hundred and some odd—968 accredited delegates, I think it was—met on the 15th of December last. Out of eighty-five organized counties seventy-six counties were represented. Of course I do not wish to be understood as saying that full delegations attended from each of those counties.

Then he states that of the—

nine hundred and sixty-eight accredited delegates there were 368 delegates present, and we had in the convention 670 votes. There was only one vote taken, and that was upon the method in which delegates should be selected to present the memorial to Congress.

The convention was "non-partisan entirely." I will refer to that in a moment.

It was composed of 362 men from all parts of the Territory, who came at their own expense to ask this Congress to give us an enabling act, that we might form a State government and eventually take our place as one of the States.

He further states:

The convention at Aberdeen was largely Republican. A large majority of the convention were men who have always been Republicans. Some of the men who stand highest in the councils of the Republican party were in attendance as delegates to this convention, and I believe that it is justice to accord to those men an entire honesty of purpose. In fact I know, from a personal acquaintance with many of them, that their interest is in good government for Dakota and in statehood; and while, possibly, for political reasons they might prefer a division, for the material interests of Dakota and for the future interests of Dakota they prefer to bury those ideas or those desires, and ask at your hands the admission of Dakota as one State.

So much for the movements that led up to the convention at Aberdeen. Now, I propose to read, first, a letter addressed to myself from the temporary chairman of that convention, dated Mitchell, Dak., January 30, 1888. It is as follows:

MITCHELL, DAK., *January* 30, 1888.

MY DEAR SIR: I venture the liberty of addressing you upon the question of the admission of Dakota. Until within the past six months I have been in favor of the division of the Territory and immediate admission of the southern half; but upon mature reflection, taking into consideration the political aspect of Congress, I have come to the belief that the subject of division and admission is not of sufficient importance to quarrel over, and by so doing keep the people of Dakota from becoming a State indefinitely.

At the "One State" convention at Aberdeen, in December last, upon being called to preside as temporary chairman, I expressed my views, and I have seen no good reason to change them. In fact, I am more convinced, if possible, that the best interests of our people require that we should accept such consistent measures as Congress may see fit to extend us, if it will only secure speedy admission.

At the recent meeting held by the old "constitutional convention," held by the divisionists at Huron, it seems that about the only thing done was to resolve, "that we are in favor of staying out of the Union indefinitely, rather than accept admission as a whole." Permit me to say that this is the issue now that these divisionists are attempting to force upon the people. I believe the masses of our people are not in favor of any such thing. I am candid in the be-

lief that if the people of Dakota, north and south, have an opportunity to express themselves by their votes, they would ratify no such proposition, accepting immediate statehood as one State in preference to remaining a Territory. Our business interests are seriously suffering.

I am as ardent a Republican as any one favoring division, but I can not see the necessity of this quarrel over mere boundary lines, and thus defeat our chances for speedy statehood.

The vote last fall, in reference to division and admission, means nothing. There was no real, live issue before our people; hence many gave it no attention whatever. Others voted as a mere expression of choice. But now to have these divisionists thrust at our people the statement that the vote so taken was the absolute will of the people, and thereby that our people have said that they prefer to remain out of the Union indefinitely than to accept a proposition of immediate statehood, as one State, is preposterous.

If the bill of Mr. SPRINGER, or a like one, or your proposed amendment to the Senate bill, shall pass Congress, so that our people can speedily vote upon the adoption of the one State constitution, it will carry by an overwhelming majority, and no such argument as staying out indefinitely will avail with the masses of our people.

I venture the opinion that the serious objection to division is not so much a sentiment of the "dear people" as it is of the politicians. If division can be reasonably assured, you will understand that there will be double the chances for office, while admission as a whole means to many that the old politicians, who came here with Federal commissions, have so thoroughly antagonized the people of Central and North Dakota that their political aspirations will forever be blasted.

Our people are suffering for admission, and although the rank divisionists have seen fit to say that it is preferable to remain a Territory than to accept one State, that this will not so far abuse your good judgment as to giving us an opportunity of settling that question by a vote of our people upon the ratification of a constitution preparatory to going into the Union as one State.

I give you my views candidly, as a young man who came to this Territory seven years ago to become one of her citizens, with no political ambition.

I am, very respectfully,

H. C. PRESTON.

Hon. M. C. BUTLER,
United States Senator, Washington, D. C.

I do not know the author of that letter, but he is evidently a man of intelligence. He is a Republican; he holds no office, and says he expects none. He states what I have no doubt every intelligent man in this country knows, that this division question is thrust upon the Senate, upon Congress, and upon the country by politicians who have either been elected to office under their so-called constitution or who expect to be.

What did that convention do? It met, as I have stated, on the 15th of December, 1887, and it met in pursuance of the call. I will read extracts from these proceedings at the risk of wearying the Senate, because I desire that the record shall be made up, and made up completely. This is the call:

To the voters of the Territory of Dakota:

Believing that the time has arrived when the claims of Dakota to statehood should be presented to Congress in a dignified, proper, and respectful manner, you are earnestly requested to assemble in county convention, at an early day, and select delegates to a convention of the people of Dakota, irrespective of political parties or affiliations, to be held in the city of Aberdeen, on the 15th day of December, 1887, at noon of that day.

All persons who favor the admission of Dakota as a whole, and without further unnecessary delay, are invited to take part in this convention. We believe that if Dakota's claims are fairly presented to the Congress of the United States about to assemble, that an enabling act will be passed, authorizing the holding of a constitutional convention for the whole Territory, and that as soon as the labors of that convention shall be ratified by the people of the Territory we will be admitted as a State.

As far as I can speak for those who agree with me, I undertake to say that the prediction expressed in that call will be verified if Congress is given an opportunity, and I will vote to-day for the admission of that Territory in accordance with the expressed wishes of a majority of her people, and permit her to take her position in the sisterhood of States of this Union. But, sir, I will never consent, and I will protest to the last against the insolent demands of a few self-seeking politicians who have brandished their insolence in the face of Congress and maligned and misrepresented every man in either House of Congress who has dared to take issue with them.

In pursuance of that call the convention met. It was called to order in the usual course of such proceedings, and Mr. Preston was chosen as temporary chairman. I ask leave to read freely from his address upon that occasion, because it throws a flood of light upon the condition of things in that Territory. He said:

I understand that we are here this day for no special purpose of personal aggrandizement. We come here as the representatives of 100,000 homes of this Territory, representing 600,000 people, to prepare a memorial to present, in proper and becoming manner, our wishes to the Senate and House of Representatives in Congress assembled, with a view of taking our place in the grand sisterhood of States.

What we shall do here to-day I am sure will be looked upon with much interest, not only by our own people, but from the people of this great Northwest, by those who have control of our national affairs at Washington, and from our old friends and neighbors in the East, whom some time ago we bid good-bye to come here to build up for ourselves our homes and future prosperity in this Western land.

We want to say to Congress—not in a dictative manner, not in any manner of command—but we want to simply petition Congress and show them, by a truthful, candid, and convincing argument, that we have all the requisites for immediate statehood, and therefore feel the moral right to ask at its hands to consider our merits, that we may become one of the States of the Union.

We are not here, I am sure, with any vindictive feelings. I believe that this convention will be able to accomplish its purpose with a much better and more friendly and harmonious feeling if, by our acts to-day, we show to Congress a convention marked by merit and proper action; that the people of this convention are not vindictive and insulting, but that they are in earnest.

We want to say to Congress we have all the requisites for statehood; we can show to her our 4,000 miles of railroads traversing this vast domain from east to west and north to south; tell Congress that we have here 4,000 public schools, the best evidence of our prosperity and future greatness, employing over 5,000 school-teachers in the instruction of our children; tell Congress that we have by direct taxation alone invested $3,000,000 in permanent school property, that last year alone we raised $2,000,000 more to support these schools; tell Congress that from these prairies we have garnered over 60,000,000 bushels of wheat of the crop of 1887, sufficient to fill the granaries of the world with a quality superior to that raised by our fathers, that spread the fame of Genesee, and not even equalled by the Odessa of the Old World.

Tell them that Dakota has produced over twenty-five millions of dollars of gold, sufficient to embellish the commercial industries of the world, with its mineral resources as yet undeveloped.

Say to her that over 350 newspapers are daily and weekly representing our interests, speaking our sentiments, and defending our rights.

Go tell Congress that all this and much more we thrust into the urn of justice, and humbly ask that she shall consider our merits.

Gentlemen of the convention, I hope and trust that what is done here to-day may be done, as I have already stated, moderately and with wisdom such as will be characteristic of the importance of this occasion. We are not here in the interests of any party considerations, neither Democratic or Republican, but upon a broader plain; we come here as "Dakotians."

I come here as a representative from the south part of the Territory. I will state that heretofore I have been in favor of the division of this Territory, and, without raising any issue, because it is entirely out of place, I may say that I always have been, and now am, a Republican, and if I had it exclusively in my power, for political reasons, I should divide this Territory, and see that North and South Dakota were at once admitted into the Union. But Dakota's interests, which are already suffering, are of more significance by far than mere partisan consideration.

Further on he says:

So far as the recent vote upon the question of division is concerned, in my judgment it amounts to nothing. I tell my people that if North Dakota was in favor of division, and had so expressed herself by a majority of her people, then indeed this would be a strong argument for division; but I am at a loss to see how it can be truly said that because South Dakota, having as she has a large majority of the population of the Territory, can say by her vote alone that we have no use for your people of the North. We outvote you; hence we will dismember you, and we will become a State and leave you to remain a Territory without name or notice. This I can not believe to be right.

I want to say that I believe ten years, nay less, after Congress shall have admitted this Territory into the Union as one grand glorious State, that no one will raise any objections because we are too large.

I am credibly informed that in the early history of Minnesota it was the desire of many that it might be divided, or that its boundaries might be differently arranged. I am sure there is not a citizen of that grand State to-day that would ask to have one jot or tittle taken from its boundaries. I understand that this was equally true of the early history of Wisconsin.

Then a committee of credentials appears to have been appointed and in the afternoon session they reported, and from the list of names and of the counties it would appear to have been not only a very large convention, but one of eminent respectability and character and talent.

I wish to read an extract from a letter of Hon. Granville G. Bennett, who I am informed was once judge of the supreme court of that Territory. He is a Republican in politics, a man of the highest character, representing what is known as the Black Hills section in Lawrence County. This letter is dated "Deadwood, Dak., December 12, 1887," and is addressed to the president of the Statehood Convention, Aberdeen, Dak. He says:

As one of the delegates named, I deeply regret that I can not be present to participate in the important deliberations of that body, which I trust may be harmonious, and which must be far-reaching in their results for good. This being an inclement season of the year and the journey a long one and somewhat tedious, it may be that our county will not be represented, but we are reconciled to our personal disappointment by the feeling of assurance that the work of the convention will be wisely and well done without our presence. But we are not willing to be thought careless or indifferent as to this most important and opportune movement. The resolutions which I have the honor to herewith transmit express the feeling and sentiment of the people of this county and of the entire Black Hills; and whatever measures your convention may prudently devise and wisely inaugurate, looking to the passage by Congress of an enabling act for the whole Territory, preliminary to admissionin to the Union, will receive our cordial, active, and sincere support.

All efforts for admission heretofore made have originated in and included only a portion of the Territory, and have rested on the question of division, have been fruitful of discord and dissension, and ended in miserable disappointment and failure, until the people are satisfied that, through that gate, they can never enter statehood, and are now convinced that it is best they should not. Now, for the first time, Dakota, not divided, but united in all her grand proportions and grander possibilities, stands at the door and knocks, and not with insolent arrogance demanding, but with lofty and dignified patriotism, and strong in the consciousness of her right, asks that it open to her. She presents her population of 600,000, her broad acres of cultivated land, her mines of precious metals yielding annually $4,000,000, her commerce, her banks, her railroads, her cities and villages, her thousands of peaceful and happy homes, her common schools, her colleges and universities, her asylums and penal institutions, her churches, general intelligence, obedience to law, and unswerving loyalty to the flag and Constitution of our common country, in all of which she stands far in advance of any former candidate for the honors of statehood. And so standing, with all the elements of true greatness and permanent prosperity, will she be turned away? Most assuredly not. Then, forgetting the past, with all its local, sectional, and personal embitterments, let us stand shoulder to shoulder, suffering nothing to swerve us from the one absorbing object and purpose, until Dakota shall take her place in the sisterhood, the peerless Empire State of the Northwest.

So united and so laboring we shall very soon see the desired result accomplished.

Then follows the address of the permanent president, Mr. George Rice, of Moody County, which I will ask to have printed without wearying the Senate with reading it.

The address referred to is as follows:

ADDRESS.

MR. PRESIDENT AND GENTLEMEN OF THIS CONVENTION: I thank you for the high honor you have conferred upon me in selecting me to act as your permanent chairman.

I regard this convention in many respects as the most important gathering that was ever held in the Territory of Dakota, it being the first time in the history of the Territory, now with something over 600,000 population, that the people have asked for self-government, when that question has been the most prominent of all other questions. Those who are in any way familiar with the

history of the settlement of Dakota know that the first settlements were made in the extreme north and extreme south. Ten years ago the most sanguine of the friends of Dakota never expected to live to see this vast region of Central Dakota, almost the garden spot of the world, settled as it now is, with railroads running in every direction. This, gentlemen, is the reason of the movements towards the admission of Dakota. They, however, have always asked for division first.

Almost from the time that the Territory of Dakota first organized, political conventions, legislative assemblies, and memorials to Congress for the division of the Territory have been made. The first real effort, however, that was made to secure the division of the Territory was made in January, 1882. A mass convention was held at Sioux Falls, largely attended by representative men. A committee of over one hundred men was selected to go to Washington to aid the Delegate in Congress in securing the division of Dakota and the admission of the south half. At that time the politicians of the Territory of Dakota—the admission party of the Territory—were in harmony with the Administration and with both Houses of Congress. This committee went to Washington, and they labored with the Delegate all winter; they were the very friends of the Territory of Dakota. They were able to accomplish nothing, however. This was upon the very eve of the Presidential election. This fact alone is sufficient to convince my mind that if the division of Dakota could have been accomplished it would have been accomplished at that time. In 1883 some of the ablest men in the Territory, men for whom I have the most profound respect, both as for their ability as lawyers and for their patriotism, said the people of Dakota have the right to self-government; the people within themselves have the right to form a State. A convention was accordingly called. They met at Huron, and an organization was effected and an election was called to elect delegates to a constitutional convention to assemble at the city of Sioux Falls.

This convention assembled, framed a constitution, submitted it to a vote of the people, and it was adopted by the people. A committee proceeded to Washington, asked Congress to pass an act authorizing the people to adopt this constitution and make it the constitution of South Dakota; but nothing came of this. Afterwards the same men said the people had the right to form a State government because an act of the Legislature of the Territory calling a constitutional convention authorizing this to be held, it will be held under the authority of the law. Let us adopt a constitution, elect members of Congress and State officers; in fact, let us form a State, leave nothing to be done but for the Congress of the United States to touch the spring and set the machinery of state in motion. When this is done Congress can not deny us admission. Accordingly an act of the Legislature was passed, an election was held, and a member of the constitutional convention elected to this convention assembled. They framed an entire constitution, and it was submitted and adopted by the people. Two members of the United States Senate and one member of the House of Representatives were elected. A governor and a State Legislature was elected, State judges and other judges were elected; in fact, everything done but for Congress to breathe into this move the breath of life.

But, gentlemen, what has become of the assertions of those gentlemen, the statesmen who say that Congress must act, and who maintained that we have a right to form a State? We have members of Congress, but they have no vote; we have a governor and a Legislature, and have had a Legislature assembled and a message, but, gentlemen, we have no laws and no vetoes; we have judges, but we have no courts. In spite of the assertions of these gentlemen, I say that Dakota is not a State, and yet the Government at Washington still lives. Gentlemen, it will not be denied that the American people have the right of self-government, but it is a right which they have no power to enforce. But, gentlemen, they have no right to fix the boundaries of our State. The people of other States have an equal right with the people of Dakota to say what the boundaries of Dakota shall be. If Dakota has the right by herself to divide and make two States—and two States are better than one—then Dakota has the right within and of herself to divide and form four States, and four States are better than two.

Gentlemen, allow me one word in regard to the election that has just been held. The friends of division claim that this question of division has been forever settled by a vote that has just been taken, and I might say that the friends of admission as one State believe the question has been settled also. Was this vote taken? Was it submitted to the friends of admission as one State? Was this election held to convince the people of Dakota that two States would be better than one? Not by any means. The vote purported, and the intention of the vote was, to show to Congress of the United States that all the people of Dakota wanted division. No campaign was made; no speeches made against division. The vote shows that out of eighty-six organized counties in Dakota, fifty gave a majority against division. If you take the vote by voting precincts you will find still a greater proportion against division.

The fact is, gentlemen, the majority for division came almost entirely from the counties which have been receiving the greatest benefit from the taxes paid into the Territorial treasury, from the counties that have been receiving $100 for every dollar of revenue they have paid, while all that region of Central Dakota that pays one-third of the taxes of the Territory and has never received one dollar back, gave a most unanimous vote against the proposition to divide Dakota. Taking the vote outside of the towns, taking the vote of the farmers, the men who are the real wealth producers and real tax-payers, the men who have made and who will make Dakota whatever she is, the men who have in all times and in all countries been the conservative and safe element of our Government, gave, in the last election, a large majority against division. I tell you, gentlemen, the men who had no selfish motives other than that of good government and low taxation gave their votes against division of Dakota.

Gentlemen, what is your further pleasure?

Mr. BUTLER. A committee was appointed to present a memorial to Congress, and the memorial is in these words:

To the Congress of the United States:

The people of Dakota Territory, assembled in a delegate convention, respectfully represent that they are desirous of the admission of the Territory of Dakota as a State into the Federal Union. We are possessed of the requisite population to entitle Dakota to representation in the House of Representatives in case of admission. We therefore earnestly petition for the passage by Congress of an enabling act authorizing the election of delegates to a convention for the purpose of preparing a constitution, republican in form, to the end that the constitution so framed may be submitted to a vote of the people of said Territory at the next general election for ratification, and, if ratified, that Dakota Territory be admitted into the Union as the "State of Dakota."

Submitted herewith is the proceedings of the convention of the people of Dakota, held at the city of Aberdeen, Dak., December 15, 1887; to all of which we earnestly invite your attention and pray for a favorable consideration.

The amendment which I had read this morning and took the liberty of amending is the bill prayed for in the memorial of that convention. It proposes to authorize the people of the entire Territory of Dakota to meet in convention and prepare a constitution and organize a State government, submit it to Congress, and upon its approval by Congress to be admitted as one of the States in the Union.

What is the proposition on the other side? It is expressed in the bill to which the Senator from Connecticut addressed himself yesterday, and can be judged of by the first section:

That the State of South Dakota is hereby declared to be a State of the United States of America, and is hereby admitted into the Union on an equal footing with the original States in all respects whatever; and that the constitution which the people of South Dakota have formed for themselves be, and the same is hereby, accepted, ratified, and confirmed, subject, however, to the provisos hereinafter contained.

In other words, the bill of the majority of the Committee on Territories proposes to ratify and confirm a so-called constitution adopted in South Dakota two years and a half ago. What would be the effect of that? The immediate effect, so far as the Senate is concerned, would be to seat upon this floor two gentlemen who claim to have been elected to the United States Senate under that so-called State organization.

Suppose we examine a little that so-called constitution. I will read again from the statement made by Mr. Johnson, in order to put the Senate in possession of the facts, so that the Senate and country may understand upon what ground this division and this admission of the south half of Dakota is asked of Congress:

At the election which elected delegates to this constitutional convention that framed this constitution under the Manderson bill, less than 12,000 votes were cast out of a voting population of 77,000 at that time in Southern Dakota, in that portion of the Territory south of the forty-sixth parallel of latitude. Twelve thousand votes were cast at the election that elected the delegates to this constitutional convention. It was regarded at that time, gentlemen, as a farcical proceeding by the business interests of the Territory, and from that time down to this, gentlemen, I state but the truth when I tell you that it has been growing less in the respect and confidence of the people.

Now, at that election, when they succeeded in getting 12,000 votes cast for members to this constitutional convention, in some of the most populous counties in South Dakota elections were not held for representatives in that convention.

Then he goes on to say:

But I take issue and I do find fault with the idea under which that organization was started and brought into existence as it was. And that was this proposition: They assumed that we, the people of South Dakota, were a State; that we had the absolute right to form a State constitution, to form a State government, to set that State government in motion, and demand of the Congress of the United States the admission of our Senators, the admission of our Representatives, and the recognition of that State government.

I say that was the cardinal idea upon which this scheme for the State of South Dakota was started and founded. And I say, in justice to the people who did not take part in it, that they did not take any stock in that sort of a proposition. In a great many of the counties they did not hold elections. The people did not recognize that sort of an idea.

Time went on. They held their constitutional convention; the interest in it throughout South Dakota had become less and less every day and was growing less. When they submitted that constitution to the vote of the people for ratification, it was stated in their debates, it was stated in open convention, that unless something was done to attract the attention of the people and get up an interest among the people in that convention and the election, that it would practically go by default.

What was the result of the vote upon that constitution? Says Mr. Johnson:

They submitted also the proposition of prohibition, and a minority representation, in hopes of catching the Democrats. With all the clap-trap that they resorted to (and I am stating the sound facts of history), and taking into consideration also the fact that they had a full set of State officers, from governor down to the least member of their State government and their Legislature, and that they expected to elect two United States Senators and two Congressmen, yet there were but 31,000 votes cast at that election out of a voting population of over 77,000.

That was two and a half years ago, and with all the sounding of gongs, as Mr. Johnson says, with all the clap-trap about prohibition and local option, and minority representation, they got but 31,000 votes for that so-called constitution out of 77,000 voters in South Dakota.

So much for that vote in South Dakota. That vote was cast south of the forty-sixth parallel of latitude. The population of the south half of Dakota at that time was 263,000, of North Dakota about 150,000, making in all about 400,000 in the whole Territory.

The Senator from Alabama [Mr. MORGAN] asks me if the 150,000 were heard from at all. I tell him no, not in that vote. North Dakota did not vote upon that proposition, but since the adoption of that constitution the population of South Dakota has increased to 400,000, or thereabouts, making about 150,000 people who have had no voice whatever in its adoption or rejection, and at least 50,000 of the population have been added to North Dakota who have had no voice whatever either in the constitution or the question of division.

Yet it is solemnly proposed by the majority of the Committee on Territories of this body that with that state of facts the Senate is to vote for a bill ratifying and confirming a constitution adopted in that form, the delegates to the convention which framed it receiving but 12,000 out of 77,000 votes, and the vote by which it is claimed that it was adopted being but 31,000 out of 77,000, with an addition since of at least 30,000 or 40,000 voters to the south half of Dakota.

If that is a reasonable respect, to say nothing of an entire respect, if it is a decent respect for the wishes of the people of that Territory, if it is a partial recognition of the doctrine of popular sovereignty, I say, Mr. President, we ought to ask Congress to spare any future Territory from the exercise of that discretion.

The majority of the committee have proposed, as I stated, that the Senate shall adopt the bill presented by them, the effect of which, in the language of Mr. Johnson, would be to put in motion, to breathe life into this thing called a State government in South Dakota organ-

ized as it has been, and to seat upon this floor two United States Senators.

I wish to acquit the honorable Senator from Connecticut and his political friends on that committee of any disposition to be governed in this matter by purely partisan principles and considerations, and it gives me pleasure to do so, because the conduct of the discussion of the question has been in such striking contrast with a similar discussion which took place in that committee in the last Congress. But, sir, the effect of it will be, in the face of the facts I have just stated, to seat upon this floor two Republican Senators, and settle, perhaps, for some time to come, the question of political supremacy in this body.

Can the Senate give its consent upon the state of facts I have presented, in the face of the overwhelming sentiment of that Territory against it, to seat upon this floor as full-fledged Senators, the equals of those of us who claim to represent sovereign States, two men who simply represent 12,000 votes out of 105,000 at the last vote of that Territory in its election of delegates to the lower house? That is the proposition, sir.

But the Senator from Connecticut is not himself satisfied that this division question, as it is called, meets the approbation of a majority of the people of that Territory, even of the south half of it, because he argues—he does not state facts, but he argues—in the majority report, page 4, as follows:

> If the result of the vote in the whole Territory seems to indicate a less unanimous sentiment in favor of division than has been supposed to exist, the reasons for it are quite obvious.

And then he proceeds to give them. Among them is that—

> The name Dakota is as dear to the people of North as of South Dakota. The residents of the northern section justly claim to have given that name to one of the principal productions of the Territory, and to have made "Dakota wheat" famous throughout the world. There is merit in the claim that they are as much entitled to the name "Dakota" as the residents in the southern half of the Territory.

Then the report goes on to say:

> The bill passed by the Senate at its last session gave the name Dakota to that portion of the Territory proposed to be admitted as a State, and organized the remainder of the Territory under the name of Lincoln. Division, therefore, seemed to North Dakota to imply the loss of the cherished name, and on this account many were induced to vote against division.

Has it come to this, in a Territory claimed to be filled by loyal citizens, Union soldiers, that the name of Lincoln is distasteful to them? I must think that that was, I will not say a pretext, but a notion, adopted by the Senator from Connecticut, who framed this report, to bolster up a bad cause, in saying that the name of Lincoln would be distasteful to these 200,000 American citizens, Union soldiers, and that that was one of the reasons why they voted against division. That name ought not to have and I believe it would not have that effect in any section of this great country. If I thought so, I should blush for shame. If I believed that it was an argument or a reason for voting against division, that it was to be named Lincoln and Dakota was dearer, I should feel ashamed of American citizenship.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. BUTLER. Certainly.

Mr. SPOONER. If the proposition were made to change the name of South Carolina to the State of Calhoun, and the people of that State should object to it, would the Senator say that that would afford evidence of want of reverence for the name of Calhoun?

Mr. BUTLER. In the first place, I believe if that proposition should be seriously made, it would not be objected to by the people of that State. I answer the Senator in that way; but the question has no pertinence whatever to what I was saying. South Carolina is a State in the Union, and North Dakota, in the language of the Senator from Connecticut, is in a state of vassalage; it is under the pupilage of the Government of the United States; it has no sovereign power. Therefore the question of the Senator from Wisconsin has no application whatever. But if——

Mr. SPOONER. I understand——

Mr. BUTLER. I will answer the Senator a little further. But if that proposition should be seriously made, and any good reason should be assigned for it, I should feel very sorry indeed, and I should blush for my own State, if I believed any reasonable number of people in that State should object to it, because the name of Calhoun is cherished and loved and honored by the people of that State as I supposed the name of Lincoln was by the people of Dakota.

The Senator from Connecticut and the majority of the committee admit that the sentiment for division is not unanimous, but he admits that it is very strong against it in both South and North Dakota by the very fact that he states.

Then the report makes another remarkable statement. Says the report, on page 3:

> To admit North Dakota and South Dakota as States would not add to their distinctive character. To admit them as one State would be an attempt to unite two peoples, heterogenous in interests, in associations, in characteristics, and in aspirations. If the welfare, the harmony, and the good of the people of the Territory are to be consulted, the argument in favor of two States instead of a single State seems overwhelming and conclusive. And they are to be consulted, unless interests of national concern require that they be treated as of secondary importance.

Then the Senator says, on page 4 of the report:

> It seems safe to assert that in no State or Territory can there be found so large a proportion of the people who fought the battles of the Union. Intelligent, enterprising, patriotic, why should 400,000 people be denied statehood under such circumstances?

Is there any good reason why the Union soldiers who fought the battles of the Union should be heterogeneous, should have conflicting aspirations and ambitions? There seems to be a contradiction in the terms. It is said that the Territory is largely settled up by ex-Union soldiers and yet they are heterogeneous. We had supposed that the population of that magnificent domain was homogeneous in character.

Something was said in a former debate in regard to the direction of the railroads of that Territory, that they ran east and west; that there was no communication north and south, and that therefore the Territory ought to be divided on the forty-sixth parallel of latitude. Mr. Johnson in this statement proves conclusively that since that time the railroads now permeate all sections of the Teritory, north and south and east and west, and that communication is as easy from the north to the south of the Territory as it was from the east to the west; so that that difficulty is obviated.

Another argument used against the admission of the whole Territory is that it is abnormally large. The Senator from Connecticut stated in his remarks yesterday, as he has done in his report, that the practice of admitting large States was a menace to the peace of the Republic and to the perpetuity of constitutional government; that he wanted no "imperial States;" that the delegations in the lower House of Congress being abnormally large threatened the smaller States, and, as he said, menaced the peace of the Republic. By way of illustrating his view upon that subject he said:

> The Territory of Dakota is larger in extent than the States of New York, Pennsylvania, New Jersey, Maryland, Delaware, and Virginia together. It is 430 miles from its northern to its southern boundary, and 400 miles from its eastern to its western boundary. Its area, as given by the Tenth Census, is 149,100 square miles.

That may be true, Mr. President. So Florida, with its 59,000 square miles, is as large as Connecticut, Rhode Island, New Hampshire, Massachusetts, Maine, and Delaware—six States; is larger than Maryland, Delaware, Rhode Island, Connecticut, New Hampshire, Massachusetts, New Jersey, and Vermont—eight States. California is larger than New York, Pennsylvania, Georgia, and South Carolina; as large as Georgia, South Carolina, North Carolina, Virginia, and Maryland. Kansas and Minnesota are as large as Maryland, Delaware, Pennsylvania, New Jersey, Vermont, and Connecticut; and Colorado is as large as all of New England and New York. Dakota, the Senator says, is as large in extent as New York, Pennsylvania, New Jersey, Maryland, and Virginia. What would have been thought of that as an argument against the admission of California or of Minnesota or of Kansas or of Florida or of Colorado? What would have been thought of the proposition that the admissions of those States with large geographical areas menaced the peace and quiet and order of this country? Why, Mr. President, does the delegation in the lower House of Congress of the great State of New York imperil any interests of this country? Does the large delegation from the great State so well represented by my honorable friend before me [Mr. CULLOM] menace any interests in this country—the State of Illinois? Does the large delegation of that aggressive, progressive, intelligent, pushing population of Ohio threaten any interests in this country? Does the delegation from the Empire State of the Southwest, represented by my friend on my left [Mr. COKE], menace or imperil or threaten any interests of this great country? Why, sir, the little State of Connecticut, so ably represented by my friend [Mr. PLATT], the chairman of the Committee on Territories, nestles under one corner, in absolute security, of that great Empire State of New York, overshadowing her in resources and territory and population as a great peak of Mount Mitchell in Western North Carolina overshadows the foot-hills at the base of it; and yet in the arrangement and architecture of the universe the foot-hills are as secure as the loftiest pyramid that overshadows them; and Connecticut is as safe and Rhode Island is as safe in the great structure of the American Union as the strongest and most powerful State. When we enter this door, Mr. President, the Senator from Connecticut and his colleague are the equals and peers not only in intellect and ability but in power in this Government of the Senators from the great State of New York or Illinois or Ohio or Texas; and it is that feature in the structure of the American Union, of the fabric of Government, which is the very security of its perpetuity.

If I were called upon to express an opinion as to the effect of those abnormally large delegations in the lower House of Congress, I would say that they are preferable to smaller delegations, for party interests and party considerations in those respective States preserve the equilibrium in which is to be found the safety of the Republic. Then, sir, the State of New Jersey, glorious in her development, her wealth, her intelligence, lies alongside of the great State of Pennsylvania with absolute safety and impunity. Then the little State of Rhode Island, which has been termed the gem of New England, scarcely a handful of earth

in comparison with her powerful neighbors, has not been swallowed up by the great States within reach of her. And so, Mr. President, it will be, I submit, in the case of this great "imperial State" of Dakota, when it shall become one, and the term "imperial State" has no terrors for me. Build your States, build their foundations deep and strong and powerful—imperial, if you please, in domain and wealth and influence—and the national structure will rest securely upon them as foundations.

There is but one form of imperialism in this country, and that is the imperialism of the sovereign people, moving forward in the fulfillment of a great destiny, in the enforcement of liberty regulated by law, and in the preservation of constitutional government and republican institutions, and to that imperialism I bow my obedience. Disjointed imperialism, if I may use the expression, of the States never imperiled the liberties of any people. It is the imperialism of a concentrated, consolidated national power, if it should ever come—and God forbid—which will threaten and destroy the liberties of this people. I say in advance for the people of this imperial domain of Dakota, when she does come into the Union, it will be with but one thought and one aspiration and one purpose, and that will be to maintain the dignity and the honor and the character of this great Government.

So, sir, I do not take much stock—if I may be pardoned the expression—in the apprehensions expressed by my honorable friend from Connecticut, when he says that it is against public policy to admit large States. I would say it would be against public policy to multiply States and multiply the representation in this body, to destroy its conservative characteristics; but it is too late for that argument. It has never obtained in the past, and it can never prevail in the future. Such a thing as the physical equality of the States, as suggested by the Senator from Connecticut, is absolutely out of the question. But behind and beyond and above all that, I believe enough in the doctrine of popular sovereignty, of squatter sovereignty, if you please, to carry out the behests and the wishes and the interests of the majority of the people of every section of this country applying for admission into the Union, and I believe that the best interest of this Territory is to be subserved and that the majority of her people so desire, and I can not get the approbation of my judgment to support the bill of the majority of the committee.

And now, sir, with a view of exemplifying somewhat the pith of this so-called South Dakota State movement, let me read brief extracts from a memorial signed by the so-called South Dakota statehood movement, by G. C. Moody, one of the Senators-elect, S. M. Booth, J. H. More, S. G. Updyke, George R. Laybourn, the memorial committee, John Cain, secretary constitutional convention, and A. J. Edgerton, president constitutional convention. We find behind this South Dakota movement wherever it appears the names of the two Senators-elect who are knocking for admission into this Chamber. What do they say?

Mr. PLATT. The Senator will permit me. I did not understand what he was proposing to read from.

Mr. BUTLER. A memorial sent to Congress by the constitutional convention people.

Mr. PLATT. At the last session?

Mr. BUTLER. November, 1887. In that they use this language:

> Without intending the shadow of disrespect, with the utmost loyalty, but with the manliness of a people seeking to become wholly free and no longer semi-vassals, we do declare that not during this generation of men and women will Dakota accept boundaries and area so distasteful as are involved in the admission of all of Dakota Territory as one State.

Not during this generation of men and women will we consent; if the remainder of the people of the country, speaking through their accredited representatives, say otherwise in Congress, we will not consent to submit to the consensus of public opinion, but we will defy you and keep up that state of vassalage and oppression which the Senator from Connecticut gave such a harrowing account of yesterday! That is the attitude of these gentlemen seeking admission into the Union, under the absolute control of Congress subject to its discretion, and yet brandishing in the face of Congress a threat!

But, sir, it is of a piece with the entire history of this movement, as was so well said by Mr. Preston, and Governor Pennington, and Mr. Johnson, and that array of disinterested and distinguished citizens of that Territory, to come forward and flaunt their defiance in the face of Congress and say "unless you come to our terms as to boundaries we will keep this Territory in that state which the Senator from Connecticut says is not fit for freemen to live under." Well, sir, that may be potential in some quarters, but it is not with me, and I do not believe it will be with the American people.

But I ask now whose will shall prevail in this controversy; the will of the few who expect to get offices by keeping up this agitation, or the will of the American people?

Now, sir, one word further on a subject that I intended to touch upon whilst I was dwelling upon it, but it escaped me, in regard to the alleged preponderance of opinion in favor of division. I have before me the very able report of the committee in another branch of Congress upon this question of division or not of the Territory, and I will read from it:

> In November, 1887, there was submitted to the people of the Territory, in pursuance of an act of the Legislature approved March, 1887, the question of division of the Territory. In that election there were cast upon the proposition of division 37,784 votes for division and 32,913 votes against division, making a majority in the whole Territory of 4,781 in favor of division. The official returns of that election by counties, as furnished by the governor of the Territory, are as follows:

Counties.	Whole number of votes cast—		
	Upon question of division.	For division.	Against division.
Aurora	.....	727	199
Barnes	1,238	274	944
Beadle	2,399	2,334	65
Benson	149	56	93
Billings	40	9	31
Bon Homme	1,219	856	363
Bottineau	304	129	175
Brookings	1,520	918	602
Brown	2,902	456	2,446
Brulé	999	722	277
Buffalo	95	69	26
Burleigh	64	42	22
Butte	97	37	60
Campbell	.....	57	152
Cass	3,954	1,327	2,627
Cavalier	642	29	613
Charles Mix	706	665	41
Clark	779	643	136
Clay	818	409	409
Coddington	1,342	977	361
Custer	389	158	231
Davison	1,192	1,013	179
Day	1,007	467	542
Deuel	622	269	353
Dickey	959	79	880
Douglas	755	645	110
Eddy	285	67	218
Edmunds	763	133	630
Emmons	257	7	250
Fall River	250	191	59
Faulk	968	836	74
Foster	252	99	153
Grand Forks	2,528	1,587	941
Grant	1,048	539	510
Griggs	553	100	453
Hamlin	505	228	277
Hand	1,069	809	260
Hanson	.....	504	205
Hughes	685	668	17
Hutchinson	785	703	82
Hyde	455	423	32
Jerauld	542	453	89
Kidder	326	63	263
Kingsbury	1,120	826	147
Lake	1,023	614	409
La Moure	514	155	359
Lawrence	1,695	1,054	641
Lincoln	1,181	689	491
Logan	43	4	39
Marshall	704	144	560
McCook	916	669	247
McHenry	95	45	50
McIntosh	.....	5	213
McLean	222	93	120
McPherson	130	15	115
Mercer	.....	12	56
Miner	840	640	180
Minnehaha	2,905	1,926	979
Moody	723	336	387
Morton	382	78	304
Nelson	.....	330	361
Oliver	42	6	36
Pembina	1,689	437	1,252
Pennington	846	373	473
Potter	.....	391	143
Ramsey	777	562	215
Ransom	839	282	553
Richland	1,782	96	1,686
Roberts	232	69	163
Rolette	122	40	82
Sanborn	856	744	95
Sargent	835	72	763
Spink	1,883	1,307	576
Stark	301	74	227
Steele	335	123	212
Stutsman	1,161	384	777
Sully	426	370	56
Towner	120	39	81
Traill	1,542	437	1,105
Turner	1,148	989	159
Union	877	587	290
Walsh	2,339	786	1,553
Walworth*	.....	.....	.....
Ward	532	365	167
Wells	119	43	76
Yankton	863	795	67
Total	67,618	37,784	32,913

*No election held.

There was submitted to the people at the same time a proposition in reference to local option, which was intended to have the effect of bringing out a large vote. But, notwithstanding the advocates of division of Dakota have asserted that there was great unanimity in Dakota in favor of division, it appears that only 37,784 voters in the whole Territory appeared at the polls in November last to record themselves in favor of that proposition.

There were undoubtedly more voters in the Territory in November, 1887, than there were in November, 1886, at the time of the election of a Delegate to Congress. At the election of 1886 on the choice of a Delegate there was an aggregate of 104,811 votes polled in the whole Territory. If we deduct from the whole number of votes in the Territory at that time the number voting for division in

1887 we find that 67,027 voters were either opposed to division or were indifferent as to the result—so indifferent as not to turn out and vote on the proposition. This would indicate that nearly 30,000 majority of the voters of Dakota were either opposed to division of the Territory or were indifferent upon this subject. If we are therefore to be guided in our course by the wishes of the people of that Territory, as expressed in the popular election in 1887 upon that question, we have a right to assume that a large majority of the people of that Territory do not desire division.

* * * * * * *

By an examination of the table herewith submitted of the vote cast at the election of 1877 upon the question of division, it will be seen that the counties to compose the proposed State of South Dakota cast a majority of 15,259 votes for division, while the counties to compose the proposed Territory of North Dakota cast a majority of 10,388 against division. In North Dakota every county, with two exceptions, gave a majority against division. Of the 83 counties in the Territory only 37 gave majorities in favor of division, and 46 counties gave majorities against division.

Now one other fact from this report bearing on the apprehensions which the Senator from Connecticut seems to have in regard to the abnormally large area of the Territory:

Another reason for opposing a division of Dakota, as provided in the pending bill, is found in the fact that there are in that Territory at this time nine Indian reservations, the jurisdiction over which is reserved to the United States, and excluded from the Territory and from the proposed State so long as the Indian titles exist. The State can not tax the lands in these reservations, or derive any advantages from them. These reservations comprise over 26,847,105 acres, or 41,984 square miles.

Mr. PLATT. Will the Senator permit me to interrupt him there to say that at this session the Senate has passed a bill diminishing one of those reservations, and giving to the public domain in South Dakota an area twice as large as the State of Massachusetts, if I am not mistaken.

Mr. BUTLER. That of course will be deducted from this statement, but I do not understand that that bill has become a law.

Mr. PLATT. It is in the hands of a conference committee, and will become a law very soon.

Mr. BUTLER. Let me finish this statement, and then I shall be glad to receive any correction.

The Great Sioux reservation itself contains over 21,000,000 acres of land. Nearly all of this reservation and several entire small reservations are comprised within the limits of South Dakota. At least 37,000 square miles of South Dakota are covered by Indian reservations. If you deduct this area from the 77,000 square miles comprised within South Dakota, it will leave an area upon which the government of South Dakota will operate of only 40,000 square miles.

I have a map here which shows that almost the entire vote cast for division was in one corner of South Dakota, south of the forty-sixth parallel of latiiude, but two counties north of that parallel voting for it.

Mr. PLATT. If the Senator is now through with his statement as to those two reservations——

Mr. BUTLER. Yes, sir.

Mr. PLATT. I think I do not say anything that I ought not to say when I mention that a bill will soon have passed Congress opening to settlement 11,000,000 acres of land. And it is not too much to suppose that in a year or two years from this time that land will have been taken up by actual settlers, thus increasing very largely the population in Southern Dakota.

Mr. BUTLER. Of course, when that happens the statement of the Senator will have some force; but I am now dealing with facts as they exist to-day, and I think they will not be denied, because they are taken from the record.

Mr. President, when this bill was under discussion in the Forty-ninth Congress it became my duty to address the Senate at some length upon it. At that time the Senate, by courtesy, permitted two gentlemen who were claiming seats to the privileges of the floor of the Senate. In referring to them, I used this language:

It has been my good fortune to serve on this floor with one of the gentlemen [Mr. Edgerton] now applying for a seat in this Chamber as a Senator from the so-called State of Dakota, and it gives me pleasure to bear willing testimony in this public manner to his high character. In his present attitude I regret I can not extend to him the assistance of my vote, as there is no man outside of my party friends I would more cordially welcome into this high forum. The other gentleman I do not know personally, but have been pleased to hear from his friends high encomiums upon his character.

By way of return for that act of courtesy on my part I beg to read an extract from a speech of Mr. Edgerton, delivered in November or December last at a convention in the city of Huron, Dak. After proceeding and making a rather complimentary reference to myself he said:

The speaker then went on to show that the Northwest, including Ohio, Michigan, Wisconsin, Minnesota, Iowa, and Dakota, were settled by men who had imbibed the notions of New England and New York, while the States of Mississippi, Arkansas, and Texas were peopled by men from South Carolina and Georgia, and represented different ideas of government, the one class believing in small farms and local government, the other in baronial estates and imperial governments.

The speaker then charged that this Texas idea was sought to be forced upon an unwilling people.

The typical Texan was a man armed with two revolvers and a bowie-knife, and the typical Dakotian was a descendant of Uncle Sam, armed with a spelling-book and a Bible.

Then he went on to say:

Such men have learned nothing and forgotten nothing, and seem to adhere to the notion that no free State should be admitted except with a slave State to preserve the just equilibrium between right and wrong.

* * * * * * *

I am constrained reluctantly to believe that in a great degree our friends in Congress, and those who are mustered out are the friends of those who mustered out from this side, and the enemies of division and admission are those or the friends of those who were paroled at Appomattox. And it may be a reflection worthy of attention whether the same spirit which actuated them in 1861 does not control their votes in Congress in many matters, and whether their motives and many of their acts are not as treasonable now as then, only characterized by less courage.

That is the language of a man to whom I extended the courtesy of expressing a kindly feeling when he was attempting to get a seat upon this floor. He is entitled to all the credit and to all the honor and to all the éclat and prestige which that character of language gives to him; but I may be permitted to say that if I had to select either as companion or citizen of a great country the stalking bandit or the reckless highwayman with the pistol and the bowie-knife in his hand, or the sneaking hypocrite and snarling pharisee who fires from the rear and takes cover under the shadow of his own meanness and malignity, I would select the former. He at least runs the hazard of an outraged, violated law, which he openly defies, whilst the other administers the poison of his venom and takes refuge behind his Bible and spelling-book, prostituting these two sacred instruments of peace and good-will and truth and intelligence as instruments for the gratification of disappointment and spleen.

If his spelling-book and his Bible inculcate such doctrines as these, such malignity, such unfairness, such injustice, such falsehood, may a merciful God spare us their further distribution and use anywhere in this country. Better have them made a bonfire of than to have them teach such language as that which I have just read, especially after the courtesy and kindness that had been shown to the author of that language. And I want to say now and repeat, that any intimation or suggestion that I am opposed in the remotest degree to the people of Dakota, to their admission into this Union as a State, is untrue, is unfounded, and can not be justified by any record that I have made upon that subject.

I repeat again and again, as I did upon a former occasion, that when she comes, after a fair expression of her progressive, enlightened people, knocking at the door in the form that I believe to be constitutional and regular, not only will I not oppose her, but I will exert my feeble efforts to see that she consummates her highest ambition in that respect and may be ranked among the States of the Union. And I want to say further that that having been accomplished, if her people deliberately, regularly, fairly, honestly present themselves for division into two States, whether as Lincoln and South Dakota, or as North and South Dakota, if I should occupy a seat upon this floor they shall have my cordial assistance and support to effect that division. But as long as I believe sincerely and honestly that the promoters of this division do not represent a majority of the people of that Territory or even of South Dakota, and as long as I believe that they are more influenced by self-seeking aggrandizement than the good of their country, I shall never vote for that division.

Mr. DAVIS. Mr. President, I desire to speak in favor of this bill, and to reply as far as I am able to the Senator from South Carolina, and take the floor for that purpose.

Mr. FRYE. Will the Senator yield to me for a motion that the Senate proceed to the consideration of executive business?

Mr. DAVIS. Yes, sir.

Mr. FRYE. I make that motion.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and fifty-five minutes spent in executive session the doors were reopened, and (at 6 o'clock p. m.) the Senate adjourned until to-morrow, Wednesday, April 11, 1888, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate April 10, 1888.

UNITED STATES MARSHAL.

Henry B. Lovering, of Massachusetts, to be marshal of the United States for the district of Massachusetts, *vice* Nathaniel P. Banks, whose term has expired.

INDIAN AGENTS.

Claude M. Johnson, of Lexington, Ky., to be agent for the Indians of the Pima agency, in Arizona, *vice* Elmer A. Howard, resigned.

John Blair, of Netawaka, Kans., to be agent for the Indians of the Pottawatomie and Great Nemaha agency, in Kansas, *vice* Charles H. Grover, removed.

Elmer A. Howard, of Iowa, to be agent for the Indians of the Kiowa, Comanche, and Wichita agency, in the Indian Territory, *vice* Jesse Lee Hall, suspended by an Indian inspector.

Thomas P. Smith, of Arizona, to be agent for the Indians of the Osage agency, in the Indian Territory, *vice* James I. David, resigned.

PROMOTION IN THE ARMY.

Corps of Engineers.

Lieut. Col. Cyrus B. Comstock, to be colonel, April 7, 1888, *vice* Gillmore, deceased.

Maj. Jared A. Smith, to be lieutenant-colonel, April 7, 1888, *vice* Comstock, promoted.

Member of the Mississippi River Commission.

Maj. Oswald H. Ernst, Corps of Engineers, United States Army, to be a member of the Mississippi River Commission, *vice* Gillmore, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 6, 1888.

POSTMASTERS.

Nicholas Morper, to be postmaster at South Evanston, Cook County, Illinois.

William A. Sterling, to be postmaster at Shamokin, Northumberland County, Pennsylvania.

Jacob W. Shrite, to be postmaster at Mount Joy, Lancaster County, Pennsylvania.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April* 4, 1888.

[CALENDAR DAY, *April* 11, 1888.]

The recess having expired, the House (at 11 o'clock and 45 minutes a. m. Tuesday, April 10) was called to order by Mr. HATCH, Speaker *pro tempore*.

ORDER OF BUSINESS.

Mr. REED. Regular order.

The SPEAKER *pro tempore*. The Chair is requested to lay before the House certain requests of members of a personal nature. The gentleman from Ohio, Mr. YODER, requests leave of absence for four days, on account of important business; and the gentleman from Ohio, Mr. WILLIAMS, also requests leave of absence for ten days, dating from April 11, on account of important business.

Mr. TIMOTHY J. CAMPBELL. Mr. Speaker, I wish to ask for leave of absence for my colleague.

The SPEAKER *pro tempore*. The Chair will first dispose of the pending requests. Without objection these requests will be granted.

There was no objection.

Mr. TIMOTHY J. CAMPBELL. Mr. Speaker, I am requested to ask unanimous consent that leave of absence be granted to my colleague, Mr. BOURKE COCKRAN, until Thursday. He is engaged in an important case in the city of New York, and it will be impossible for him to be here before the day named.

There being no objection, Mr. COCKRAN was excused.

Mr. JOHNSTON, of North Carolina. I am requested to ask unanimous consent that the gentleman from West Virginia, Mr. HOGG, be granted ten days' leave of absence on account of important business.

There was no objection.

Mr. O'FERRALL. Mr. Speaker, I ask unanimous consent that two days' leave of absence be granted to Mr. RAYNER, of Maryland, who is called home upon a matter of business imperatively demanding his attention.

There was no objection.

By unanimous consent, leave of absence was also granted Mr. HAYDEN indefinitely, on account of important business.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent that leave of absence be granted to my colleague, Mr. DE LANO, on account of important business.

The SPEAKER *pro tempore*. The Chair will state that the request of the gentleman from New York was sent to the Chair in writing last evening, just before the recess was taken, and was to have been submitted then but for the action of the House.

If there be no objection, the request will be granted.

There was no objection.

Mr. BLOUNT. Mr. Speaker, I ask unanimous consent to report from the Committee on the Post-Office and Post-Roads the Post-Office appropriation bill, with an accompanying report, and ask that it be printed and referred to the Committee of the Whole House on the state of the Union.

Mr. REED. I think we had better proceed with the regular order. I ask the regular order.

BRIDGE AT MEMPHIS, TENN.

Mr. PHELAN. I desire to submit a privileged report from a committe of conference.

The SPEAKER *pro tempore*. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2927) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Page 1, line 11, after the word "and" and before the word "for" insert the words "at the option of the corporation by which it may be built;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, and agree to the same.

CHARLES F. CRISP,
JAMES PHELAN,
M. D. LAGAN,
Managers on the part of the House.
PHILETUS SAWYER,
GEORGE G. VEST,
ISHAM G. HARRIS,
Managers on the part of the Senate.

The managers on the part of the House submit the following statement to accompany the conference report:

The conferees on the part of the House on the disagreeing vote of the two Houses on H. R. 2927 to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn., submit the following explanation of their report:

The amendments made by the Senate to H. R. 2927 were made in the interest of the navigation of the Mississippi River. The width of the two middle or channel spans in the House bill was fixed at a minimum of 600 feet, and the other spans at a minimum of 450 feet each. As 600 feet formed the minimum, it was supposed that the War Department, under the provisions of the bill, would feel at liberty to require such a width of span as the necessities of river commerce might demand. Since then a ruling of the War Department has been quoted which holds that the fixing of a minimum width of span or height by an act of Congress established a limitation not materially departed from by the War Department. The Senate amendment to section 3 was therefore adopted to meet the requirements of this Department.

By this the main channel span is to be established by a board of three engineers; but in addition to this, a minimum width of 700 feet has been fixed in the bill for the main channel span and 600 for the other spans. The minimum height of 65 feet was raised to 75 feet, in the interest of the very tall steam-boats. It is believed that these amendments meet all the demands of the river interests. A clause was also inserted repealing the outstanding charter for a bridge across the Mississippi River at Memphis. By some inadvertence no limitation of time for the commencement or completion of the bridge under that bill was established. After having had more than reasonable time to begin the construction of the bridge, and after having made sundry attempts to raise the capital necessary to begin the holders of the outstanding charter have signally failed to accomplish anything. The Mississippi River Commission recommend the building of but one bridge at this point, and the House conferees have thought it proper to agree to the amendment repealing the old charter. In the House bill the building of a wagon-way was left optional with the incorporators. This has been made imperative, as the time may come when a wagon and foot way may become necessary to the commerce of the adjoining country. The building of the foot-way is left optional, as the wagon-way can be used for this purpose and as the incorporators have expressed their willingness to construct the same. The other Senate amendments are of a legal and technical nature, and are chiefly designed to render more effective the remedies of those who may be inconvenienced or damaged by the building of this bridge. It is especially directed that the work upon the bridge shall not be begun until the plans have been approved by the Secretary of War.

CHARLES F. CRISP.
JAMES PHELAN.
M. D. LAGAN.

Mr. PHELAN. If no disposition exists to debate the report I shall ask the previous question on its adoption.

Mr. BAYNE. I do not wish to discuss this proposition, for I think it is just such as is desired by the navigation interests of that river; but I wish to ask a question: Whether the 700-foot span is the minimum fixed?

Mr. WARNER. That is the minimum.

Mr. BAYNE. The bill is all right. If the interests of navigation require it, can there be, under this bill, action on the part of the Secretary of War, if in his opinion it is necessary, to require a wider span?

Mr. PHELAN. Unquestionably. That has been fixed in the bill at the suggestion of the Chief Engineer.

Mr. BAYNE. This is a modification of the principle heretofore prevailing in the construction put upon it by the Secretary of War.

Mr. PHELAN. Not exactly a modification of the ruling of the War Department; but a change was made in the bill as first introduced for the purpose of meeting the requirements of the War Department regulations. The War Department holds that when the phrase "not less than 600 feet" is used it means practically 600 feet. The bill has been amended in accordance with the recommendations of the War Department so as to leave them the discretion as to the height and width which it was supposed were given in the original bill. The Chief of Engineers assured a distinguished Senator from Missouri that the bill as it now stands leaves it entirely optional to fix the width of channel span at as much more than 700 feet as the Department may deem advisable, although the minimum width can not be less that 700 feet. If no other gentleman desires to be heard I call the previous question.

The previous question was ordered, and under the operation thereof the report of the committee of conference was adopted.

Mr. PHELAN moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BLOUNT addressed the Chair.

Mr. REED. I demand the regular order.

Mr. BLOUNT. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BLOUNT. I am directed by the Committee on the Post-Office and Post-Roads to report the Post-Office appropriation bill, and I wish the opinion of the Chair whether or not I can report it at any time.

Mr. REED. I call for the regular order.

Mr. BLOUNT. I have asked the opinion of the Chair on the point I have submitted, and I trust the Chair will respond.

Mr. REED. This can not be a question of privilege while the House is taking a vote.

Mr. BLOUNT. I will take the opinion of the Chair if I can get it.

The SPEAKER *pro tempore*. The Chair will cause the rule to be read.

The Clerk read clause 50 of Rule XI, as follows:

The following-named committees shall have leave to report at any time on the matters herein stated, namely: The Committee on Elections on the right of a member to a seat; the Committee on Ways and Means, on bills raising revenue; the committees having jurisdiction of appropriations, the general appropriation bills.

Mr. REED addressed the Chair.

The SPEAKER *pro tempore*. The Chair is prepared to rule on the question of order. There is no question but the report which the gentleman from Georgia desires to make is a matter of privilege, and would have precedence over any other motion except a motion pending. There is a motion pending, and the Chair can not interpose to take that out of its regular order except by unanimous consent. The pending question is on the amendment offered by the gentleman from Iowa [Mr. WEAVER] that the House take a recess until 3.40 p. m.

Mr. WEAVER. I make the point of order that that motion has expired by lapse of time.

The SPEAKER *pro tempore*. The point of order is sustained.

Mr. TAULBEE. In connection with the point of order which the Chair has just decided, I wish to ask whether or not the motions made of the kind on which the Chair has ruled relate to a legislative or to a calendar day? I make that inquiry of the Chair in view of the point of order raised by the gentleman from Iowa. We seem to be getting these things of days a little mixed; and I wish to know what these motions relate to, whether to a calendar or a legislative day. I wish to know what we are to understand by the word "day" as used in these deliberations.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Kentucky that subsequently to the time when the gentleman from Iowa [Mr. WEAVER] made his motion for a recess until 3.40 p. m. the House by unanimous consent took a recess until 11.45 to-day. That of course supersedes the motion made by the gentleman from Iowa on yesterday that the House take a recess until some time in the afternoon of that day. The recess was taken at 10.15 p. m. on yesterday to 11.45 to-day, which is the calendar day of Tuesday.

Mr. TAULBEE. One other question if the Chair will indulge me. If that be the question, had not the pending motion, that offered by the gentleman from Iowa, expired by reason of limitation before the House took a recess?

The SPEAKER *pro tempore*. The Chair does not care to decide that question now, because a decision of it is not necessary to the proper order of business.

Mr. TAULBEE. If the Chair will permit me, I think a decision of that question is important, because like questions may arise during this calendar day.

The SPEAKER *pro tempore*. When such questions arise, if the present occupant of the chair shall then be in the chair, he will be prepared to decide them.

Mr. OATES. I move that the House take a recess for ten minutes.

Mr. EZRA B. TAYLOR. I believe there are three motions of that kind pending now.

The SPEAKER *pro tempore*. The Chair has stated that the motions pending prior to the recess of last evening have been superseded by the recess until 11.45 a. m. to-day.

Mr. EZRA B. TAYLOR. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. EZRA B. TAYLOR. In what position is my motion, made in the early hours of this legislative day and not yet acted upon, that the House resolve itself into Committee of the Whole.

The SPEAKER *pro tempore*. That is the pending motion when it is reached, and the Chair will then put it to the House.

Mr. EZRA B. TAYLOR. I wish it to be understood that that motion is still pending.

Mr. WEAVER. I move to amend the motion of the gentleman from Alabama by striking out "ten minutes" and inserting "fifteen minutes."

Mr. ROGERS. I move to amend the amendment by striking out "fifteen minutes" and inserting "twenty minutes."

Mr. ANDERSON, of Illinois. I move, as a substitute for the motion and the amendments thereto, that we take a recess for twenty-five minutes.

The SPEAKER *pro tempore*. Does the gentleman offer that as an amendment or as a substitute?

Mr. ANDERSON, of Illinois. As a substitute for the pending motion and amendments.

Mr. DIBBLE. I rise to make a point of order against the substitute, that it can not be entertained until the original motion is perfected.

The SPEAKER *pro tempore*. The question is on the amendment offered by the gentleman from Arkansas [Mr. ROGERS] to the amendment offered by the gentleman from Iowa [Mr. WEAVER].

Mr. OATES. I move that the House do now adjourn.

Mr. REED. All these motions show a great deal of divergent opinion on the other side.

Mr. WEAVER. Pending the motion to adjourn, I move that when the House adjourns it be to meet on Thursday next.

Mr. ANDERSON, of Illinois. I move to amend that so that when the House adjourns it be to meet on Friday next.

Mr. TARSNEY. I move to amend so that when the House adjourns it be to meet on Saturday next.

Mr. PERKINS. We have not heard yet from the gentleman from Arkansas [Mr. BRECKINRIDGE].

Mr. DIBBLE. I make the point of order against the last proposed amendment that the time named in it is more than the constitutional three days beyond which the House can not adjourn without the consent of the Senate.

The SPEAKER *pro tempore*. The point of order is well taken.

Mr. RICHARDSON. Mr. Speaker, I submit that on last Wednesday the gentleman from Kentucky [Mr. TAULBEE] moved that the House adjourn until the succeeding Monday, and upon that motion, which was identical in substance with the last motion now submitted, the Speaker ruled that it was in order.

The SPEAKER *pro tempore*. To-day is Tuesday; Wednesday, Thursday, and Friday are three days.

Mr. KELLEY. Mr. Speaker, I rise to a question of privilege.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. KELLEY. I desire that the rule prohibiting smoking on this floor be enforced. The practice seems to be indulged in largely this morning, and I wish to remain on the floor of the House; so I ask the enforcement of the rule.

The SPEAKER *pro tempore*. The Chair will have the rule read by the Clerk, and the present occupant of the Chair assures the gentleman from Pennsylvania that he will do everything in his power to see that the rule is enforced. The Chair takes this occasion to admonish the Sergeant-at-Arms and the Doorkeeper that the enforcement of this rule is made imperative upon the officers of the House, and the Chair will try to see that they perform their duty.

The Clerk read a portion of paragraph 7 of Rule XIV, as follows:

During the session of the House no member shall wear his hat, or remain by the Clerk's desk during the call of the roll, or smoke upon the floor of the House.

Mr. RICHARDSON. Mr. Speaker, the question which I have raised is one which involves a principle, and ought to be correctly settled. On last Wednesday the point of order was made against the motion which was made to adjourn over until the following Monday, that the time was more than three days.

Mr. DIBBLE. Mr. Speaker, I raise the point of order that the question on which the gentleman from Tennessee [Mr. RICHARDSON] is speaking has been decided by the Chair.

Mr. RICHARDSON. I ask the Chair to hear me for a moment on this point.

The SPEAKER *pro tempore*. The Chair will indulge the gentleman from Tennessee. The Chair will cause the RECORD to be examined for the ruling which the gentleman states was made by the Speaker on this point.

Mr. RICHARDSON. I ask the Chair to have the RECORD examined, and the Chair will find that I am correct. The Speaker held that a motion made on last Wednesday to adjourn until the Monday following was in order, although four days intervened, counting Sunday. He held that Sunday, not being a legislative day, could not be counted, and that the Constitution would permit an adjournment over three days—that is, until the fourth day. Therefore I think the last motion made is in order.

Mr. WEAVER. And for this reason, that the House was in session when the motion was made and would be in session on the fourth day—only three days intervening.

Mr. RICHARDSON. The Chair will find the ruling of the Speaker in the RECORD of last Wednesday.

Mr. TAULBEE. It is on page 2709 of the RECORD.

The SPEAKER *pro tempore*. The Chair will have the proceeding read by the Clerk.

The Clerk read as follows:

Mr. WEAVER. I move that when the House adjourns to-day it adjourn to meet on Monday next.

Mr. TAULBEE. Is not that too long?

Mr. WEAVER. No, it is not. It is only three legislative days.

Mr. TAULBEE. I make the point of order against that.

The SPEAKER. The gentleman will state it.

Mr. TAULBEE. It is more than three days.

The SPEAKER. It is exactly three legislative days—Thursday, Friday, and Saturday.

Mr. CANNON. But this is Wednesday, and you can not include the one and exclude the other.

The SPEAKER. The Chair will cause the clause of the Constitution to be read.

Mr. TAULBEE. My point of order is this: That if the House adjourns now to meet on Monday, this being Wednesday, that it is more than the three legislative days provided in the Constitution. It is necessarily four days if you count either to-day or Monday.

The SPEAKER. But the question is whether or not you can count either day.

Mr. TAULBEE. Well, that is simply a matter of taste. [Laughter.]

The SPEAKER. The Clerk will read the clause of the Constitution regulating this subject.

The Clerk read as follows:

"Section 5, clause 4: Neither House, during the session of Congress, shall,

without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting."

The SPEAKER. The language is for more than three days.

Mr. TAULBEE. My point, however, Mr. Speaker, is this, that if the House adjourns now to meet again to-morrow, that is an adjournment for one day. If we adjourn to meet on Friday, that is two days; and if to meet on Saturday, that is three days. That is as far as an adjournment can extend without the concurrence of the Senate under the clause of the Constitution which has been read.

The SPEAKER. The Chair thinks the motion is not in order at this time for a different reason than that suggested by the gentleman from Kentucky.

The last vote preceding the one just taken was on a motion to adjourn over until Friday; and it has been decided, and has been the constant practice of the House since that decision, that although the motion to adjourn over may be repeated, some intervening business must have taken place before the motion can be again in order; and it has been held that the motion to adjourn is not such intervening business as makes a repetition of the motion to adjourn over in order. The only vote taken by the House since the motion to adjourn over was rejected was on the motion to adjourn which has just been taken. The Chair thinks the point of order——

Mr. TAULBEE. The Chair sustains my point of order, as I understand it.

The SPEAKER. The Chair does not think that it is necessary to decide upon the point urged by the gentleman, as there is another ground upon which the motion can not be entertained.

Mr. TAULBEE. That was my first point of order.

Mr. WEAVER. I move that the House now take a recess until 8 o'clock.

The SPEAKER *pro tempore*. The House will see from what has been read by the Clerk that the point made by the gentleman from Kentucky [Mr. TAULBEE] was not decided by the Speaker; but, upon reflection and a count of the days, excluding to-day, the Chair thinks the point of order of the gentleman from South Carolina [Mr. DIBBLE] is not well taken, and that an adjournment from Tuesday until Saturday is in order, taking the three legislative days Wednesday, Thursday, and Friday as the recess, and meeting again on the succeeding day, which is Saturday. The Chair therefore overrules the point of order.

Mr. BAKER, of New York. I rise to ask a question for information. We have now five or six or seven motions pending, and what I desire to know is whether, after the Chair shall have stated them in succession they may not be bunched and voted upon all at once, and whether hereafter we may not proceed in the same manner and have one roll-call cover half a dozen motions. [Laughter.]

The SPEAKER *pro tempore*. The Chair knows of no rule or practice that would justify such a proceeding. The question is on the amendment of the gentleman from Michigan [Mr. TARSNEY], that when the House adjourns to-day it be to meet on Saturday next.

The question was taken on the motion of Mr. TARSNEY, and the Chair declared that the "noes" seemed to have it.

Several MEMBERS. "Division!"

The House divided; and there were—ayes 3, noes 75.

Mr. ROGERS. No quorum.

Mr. DIBBLE and Mr. EZRA B. TAYLOR. Yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

LEAVE OF ABSENCE.

Mr. COTHRAN, by unanimous consent, obtained leave of absence for ten days, on account of important business.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The question is on the amendment of the gentleman from Michigan [Mr. TARSNEY], naming Saturday next as the day to which the House will adjourn.

The question was taken; and it was decided in the negative—yeas 4, nays 173, not voting 147; as follows:

YEAS—4.

Abbott,	Hayes,	Kilgore,	Richardson.

NAYS—173.

Allen, Mass.	Cogswell,	Hitt,	McCreary,
Allen, Mich.	Conger,	Holman,	McKinley,
Anderson, Iowa	Cooper,	Holmes,	McKinney,
Anderson, Ill.	Crouse,	Hopkins, Ill.	Milliken,
Arnold,	Cummings,	Hopkins, Va.	Moffitt,
Atkinson.	Dalzell,	Houk,	Montgomery,
Baker, N. Y.	Darlington,	Hovey,	Morrill,
Baker, Ill.	Davis,	Hudd,	Morrow,
Bayne,	Dibble,	Johnston, Ind.	Neal,
Belden,	Elliott,	Johnston, N. C.	Nelson,
Blanchard,	Ermentrout,	Kean,	Newton,
Boothman,	Farquhar,	Kelley,	Nichols,
Bound,	Finley,	Kennedy,	Norwood,
Bowden,	Fitch,	Kerr,	Nutting,
Bowen,	Flood,	Laffoon,	O'Donnell,
Brewer,	Foran,	Laidlaw,	O'Ferrall,
Browne, T.H.B., Va.	French,	Lane,	O'Neall, Ind.
Browne, Ind.	Fuller,	Latham,	O'Neill, Pa.
Brown, Ohio	Gaines,	Lawler,	Osborne,
Brown, J. R., Va.	Gallinger,	Lee,	Outhwaite,
Brumm,	Gear,	Lehlbach,	Owen,
Bryce,	Gest,	Lind,	Parker,
Buchanan,	Glover,	Long,	Patton,
Bunnell,	Goff,	Lyman,	Perkins,
Burnett,	Greenman,	Mahoney,	Peters,
Burrows,	Grout,	Maish,	Plumb,
Campbell, F., N. Y.	Hall,	Mansur,	Post,
Campbell, Ohio	Harmer,	Mason,	Pugsley,
Campbell, T.J., N.Y.	Hatch,	Matson,	Randall,
Caruth,	Haugen,	McAdoo,	Rice,
Caswell,	Henderson, Iowa	McClammy,	Romeis,
Cheadle,	Henderson, N. C.	McComas,	Rowell,
Chipman,	Henderson, Ill.	McCormick,	Rowland,
Russell, Conn.	Spooner,	Thomas, Wis.	Wickham,
Russell, Mass.	Springer,	Townshend,	Wilber,
Ryan,	Stahlnecker,	Turner, Kans.	Wilkinson,
Sawyer,	Steele,	Vance,	Williams.
Scull,	Stephenson,	Vandever,	Wilson, W. Va.
Seney,	Stone, Ky.	Wade,	Woodburn,
Seymour,	Struble,	Walker,	Yardley,
Shaw,	Taulbee,	Warner,	Yost.
Sherman,	Taylor, E. B., Ohio	Weber,	
Shively,	Taylor, J. D., Ohio	West,	
Snyder,	Thomas, Ky.	Whitthorne,	

NOT VOTING—147.

Adams,	Crain,	Hooker,	Rayner,
Allen, Miss.	Crisp,	Hopkins, N. Y.	Reed,
Anderson, Miss.	Culberson,	Howard,	Robertson,
Anderson, Kans.	Cutcheon,	Hunter,	Rockwell,
Bacon,	Dargan,	Hutton,	Rogers,
Bankhead,	Davenport,	Jackson,	Rusk,
Barnes,	Davidson, Ala.	Jones,	Sayers,
Barry,	Davidson, Fla.	Ketcham,	Scott,
Belmont,	De Lano,	La Follette,	Simmons,
Biggs,	Dingley,	Lagan,	Smith,
Bingham,	Dockery,	Laird,	Sowden,
Bland,	Dorsey,	Landes,	Spinola,
Bliss,	Dougherty,	Lanham,	Stewart, Tex.
Blount,	Dunham,	Lodge,	Stewart, Ga.
Boutelle,	Dunn,	Lynch,	Stewart, Vt.
Breckinridge, Ark.	Enloe,	Macdonald,	Stockdale,
Breckinridge, Ky.	Felton,	Maffett,	Stone, Mo.
Brower,	Fisher,	Martin,	Symes,
Buckalew,	Ford,	McCullogh,	Tarsney,
Burnes,	Forney,	McKenna,	Thomas, Ill.
Butler,	Funston,	McMillin,	Thompson, Ohio
Butterworth,	Gay,	McRae,	Thompson, Cal.
Bynum,	Gibson,	McShane,	Tillman,
Candler,	Glass,	Merriman,	Tracey,
Cannon,	Granger,	Mills,	Turner, Ga.
Carlton,	Grimes,	Moore,	Washington,
Catchings,	Grosvenor,	Morgan,	Weaver,
Clardy,	Guenther,	Morse,	Wheeler,
Clark,	Hare,	Oates,	White, Ind.
Clements,	Hayden,	O'Neill, Mo.	White, N. Y.
Cobb,	Heard,	Payson,	Whiting, Mich.
Cockran,	Hemphill,	Peel,	Whiting, Mass.
Collins,	Herbert,	Penington,	Wilkins.
Compton,	Hermann,	Perry,	Wilson, Minn.
Cothran,	Hiestand,	Phelan,	Wise,
Cowles,	Hires,	Phelps,	Yoder,
Cox,	Hogg,	Pidcock,	

So the amendment of Mr. TARSNEY, naming Saturday next as the day to which the House will adjourn, was rejected.

The SPEAKER *pro tempore*. The Clerk will announce the additional pairs.

The following-named members were announced as paired on all political questions until further notice:

Mr. SIMMONS with Mr. BROWER.

Mr. YODER with Mr. DUNHAM.

Mr. HOGG with Mr. DE LANO.

Mr. LYNCH with Mr. BINGHAM.

Mr. RAYNER with Mr. ANDERSON, of Kansas.

Mr. HEMPHILL with Mr. PAYSON.

Mr. COTHRAN with Mr. LA FOLLETTE.

The following-named members were announced as paired for the day:

Mr. WISE with Mr. DINGLEY.

Mr. DUNN with Mr. STEWART, of Vermont.

Mr. BELMONT with Mr. HOPKINS, of New York.

Mr. STONE, of Missouri, was announced as paired on this vote with Mr. MCKENNA.

The result of the vote was announced as above stated.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SIMMONS, for one week, on account of sickness.

To Mr. FORNEY, for ten days, on account of important business.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The question recurs on the amendment offered by the gentleman from Illinois [Mr. ANDERSON] naming Friday next as the day to which the House will adjourn.

The question being taken, there were—ayes 4, noes 59.

Mr. OATES. No quorum.

Mr. EZRA B. TAYLOR. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 3, nays 154, not voting 167; as follows:

YEAS—3.

Hayes,	Kilgore,	Neal.

NAYS—154.

Allen, Mass.	Bowden,	Campbell, Ohio	Davis,
Allen, Mich.	Brewer,	Campbell, T.J., N.Y.	Dibble,
Anderson, Iowa	Browne, T.H.B., Va.	Caswell,	Elliott,
Anderson, Ill.	Browne, Ind.	Cheadle,	Ermentrout,
Arnold.	Brown, Ohio	Chipman,	Farquhar,
Baker, Ill.	Brown, J. R., Va.	Cogswell,	Finley,
Bayne,	Bryce,	Conger,	Fitch,
Belden,	Buchanan,	Cooper,	Flood,
Bingham,	Bunnell,	Crouse,	Fuller,
Boothman,	Burrows,	Cummings,	Gaines,
Bound,	Butterworth,	Dalzell,	Gallinger,
Boutelle,	Campbell, F., N. Y.	Darlington,	Gear,

Gest,	Latham,	Osborne,	Steele,
Goff,	Lawler,	Owen,	Stephenson,
Greenman,	Lehlbach,	Parker,	Stone, Ky.
Grout,	Lind,	Patton,	Struble,
Guenther,	Long,	Perkins,	Taylor, E. B., Ohio
Hall,	Lyman,	Peters,	Taylor, J. D., Ohio
Harmer,	Macdonald,	Plumb,	Thomas, Ky.
Hatch,	Mahoney,	Post,	Thomas, Wis.
Haugen,	Maish,	Pugsley,	Turner, Kans.
Henderson, Iowa	Matson,	Randall,	Vandever,
Henderson, N. C.	McAdoo,	Reed,	Wade,
Henderson, Ill.	McClammy,	Romeis,	Walker,
Hitt,	McCormick,	Rowell,	Warner,
Holman,	McCreary,	Rowland,	Weber,
Holmes,	McKinley,	Russell, Conn.	West,
Hopkins, Ill.	Milliken,	Russell, Mass.	Whitthorne,
Hopkins, Va.	Moffitt,	Ryan,	Wickham,
Houk,	Montgomery,	Sawyer,	Wilber,
Hovey,	Morrill,	Scull,	Wilkins,
Hudd,	Morrow,	Seney,	Wilkinson,
Johnston, Ind.	Nelson,	Seymour,	Williams.
Johnston, N. C.	Nichols,	Shaw,	Wilson, W. Va.
Kelley,	Nutting,	Sherman,	Woodburn,
Kennedy,	O'Donnell,	Shively,	Yardley,
Laffoon,	O'Ferrall,	Sowden,	Yost.
Lagan,	O'Neall, Ind.	Spooner,	
Laidlaw,	O'Neill, Pa.	Stahlnecker.	

NOT VOTING—167.

Abbott,	Crain,	Hunter,	Pidcock,
Adams,	Crisp,	Hutton,	Rayner,
Allen, Miss.	Culberson,	Jackson,	Rice,
Anderson, Miss.	Cutcheon,	Jones,	Richardson,
Anderson, Kans.	Dargan,	Kean,	Robertson,
Atkinson,	Davenport,	Kerr,	Rockwell,
Bacon,	Davidson, Ala.	Ketcham,	Rogers,
Baker, N. Y.	Davidson, Fla.	La Follette,	Rusk,
Bankhead,	De Lano,	Laird,	Sayers,
Barnes,	Dingley,	Landes,	Scott,
Barry,	Dockery,	Lane,	Simmons,
Belmont,	Dorsey,	Lanham,	Smith,
Biggs,	Dougherty,	Lee,	Snyder,
Blanchard,	Dunham,	Lodge,	Spinola,
Bland,	Dunn,	Lynch,	Springer,
Bliss,	Enloe,	Maffett,	Stewart, Tex.
Blount,	Felton,	Mansur,	Stewart, Ga.
Bowen,	Fisher,	Martin,	Stewart, Vt.
Breckinridge, Ark.	Foran,	Mason,	Stockdale,
Breckinridge, Ky.	Ford,	McComas,	Stone, Mo.
Brower,	Forney,	McCullogh,	Symes,
Brumm,	French,	McKenna,	Tarsney,
Buckalew,	Funston,	McKinney,	Taulbee,
Burnes,	Gay,	McMillin,	Thomas, Ill.
Burnett,	Gibson,	McRae,	Thompson, Ohio
Butler,	Glass,	McShane,	Thompson, Cal.
Bynum,	Glover,	Merriman,	Tillman,
Candler,	Granger,	Mills,	Tracey,
Cannon,	Grimes,	Moore,	Townshend,
Carlton,	Grosvenor,	Morgan,	Turner, Ga.
Caruth,	Hare,	Morse,	Vance,
Catchings,	Hayden,	Newton,	Washington,
Clardy,	Heard,	Norwood,	Weaver,
Clark,	Hemphill,	Oates,	Wheeler,
Clements,	Herbert,	O'Neill, Mo.	White, Ind.
Cobb,	Hermann,	Outhwaite,	White, N. Y.
Cockran,	Hiestand,	Payson,	Whiting, Mich.
Collins,	Hires,	Peel,	Whiting, Mass.
Compton,	Hogg,	Penington,	Wilson, Minn.
Cothran,	Hooker,	Perry,	Wise,
Cowles,	Hopkins, N. Y.	Phelan,	Yoder.
Cox,	Howard,	Phelps,	

The SPEAKER *pro tempore*. On this question the yeas are 3, the noes 154.

Mr. OATES. No quorum.

The SPEAKER *pro tempore*. The gentleman from Alabama makes the point that no quorum has voted.

Mr. EZRA B. TAYLOR. I move a call of the House.

Mr. TAULBEE. Mr. Speaker, is it in order to move a call of the House without reducing the proposition to writing?

The SPEAKER *pro tempore*. This is not a resolution which requires to be reduced to writing; it is a motion which can be made at any time after the fact is shown that no quorum has voted. The gentleman from Ohio [Mr. EZRA B. TAYLOR] does not offer a resolution to send for members, but simply moves a call of the House.

Mr. TAULBEE. Well, I desire to make the point that the motion for a call of the House should be reduced to writing.

Mr. DIBBLE. I think the gentleman from Kentucky [Mr. TAULBEE] ought to put his point in writing.

The SPEAKER *pro tempore*. The Chair overrules the point of order. The motion of the gentleman from Ohio is in order.

The question being taken on the motion for a call of the House, it was agreed to; there being—ayes 84, noes 7.

The Clerk proceeded to call the roll, when the following members failed to answer to their names:

Adams,	Cowles,	Felton,	Hooker,
Anderson, Miss.	Cox,	Finley,	Hopkins, N. Y.
Anderson, Kans.	Cutcheon,	Fisher,	Hunter,
Belmont,	Dargan,	Forney,	Hutton,
Biggs,	Davenport,	Funston,	Jackson,
Bland,	Davidson, Ala.	Granger,	Jones,
Brower,	De Lano,	Grosvenor,	Kean,
Buchanan,	Dingley,	Hayden,	Ketcham,
Clark,	Dorsey,	Heard,	La Follette,
Cobb,	Dougherty,	Hemphill,	Lane,
Cockran,	Dunham,	Heistand,	Lind,
Collins,	Dunn,	Hires,	Lynch,
Maffett,	Perry,	Simmons,	Tracey,
McComas,	Phelps,	Spinola,	White, N. Y.
McCullogh,	Pidcock,	Stewart, Ga.	Wilson, Minn.
Mills,	Rayner,	Thomas, Ill.	Wise,
O'Neill, Mo.	Rusk,	Thompson, Ohio	Yoder.
Payson,	Scott,	Thompson, Cal.	

The SPEAKER *pro tempore*. The Clerk will now proceed to call the names of gentlemen who did not respond on the first call, upon which call excuses are in order. The Doorkeeper will close the doors and notify members.

The names of the absentees were called, as follows:

Mr. ADAMS: No excuse offered.

Mr. ANDERSON, of Mississippi: Reported to the Clerk, under the rule, after the roll-call.

Mr. ANDERSON, of Kansas: Absent with leave.

Mr. BELMONT: No excuse offered.

Mr. BIGGS.

Mr. HARE. Mr. Speaker, the gentleman from California [Mr. BIGGS] requested me to ask that he be excused from attendance to-day on account of sickness.

The SPEAKER *pro tempore*. Is there objection?

There was no objection.

Mr. BLAND: Absent with leave.

Mr. BROWER: Absent with leave.

Mr. BUCHANAN reported to the Clerk, under the rule, after the roll-call.

Mr. CLARK: No excuse offered.

Mr. COBB: No excuse offered.

Mr. COCKRAN: Absent with leave.

Mr. COLLINS: Absent with leave.

Mr. COWLES.

Mr. HENDERSON, of North Carolina. My colleague, Mr. COWLES, is not well to-day, and I ask that he be excused.

There was no objection.

Mr. COX: Absent with leave.

Mr. CUTCHEON: Absent with leave.

Mr. DARGAN: No excuse offered.

Mr. DAVENPORT reported to the Clerk, under the rule, after the roll-call.

Mr. DAVIDSON, of Alabama: Absent with leave.

Mr. DE LANO: Absent with leave.

Mr. DINGLEY: No excuse offered.

Mr. DORSEY: Absent with leave.

Mr. DOUGHERTY: Absent with leave.

Mr. DUNHAM: No excuse offered.

Mr. DUNN reported to the Clerk, under the rule, after the roll-call.

Mr. FELTON: Absent with leave.

Mr. FINLEY.

Mr. THOMAS, of Kentucky. Mr. Speaker, I ask that Mr. FINLEY be excused from attendance to-day.

There was no objection.

Mr. FISHER: Absent with leave.

Mr. FORNEY: Absent with leave.

Mr. FUNSTON reported to the Clerk, under the rule, after the roll-call.

Mr. GRANGER: Absent with leave.

Mr. GROSVENOR: Absent with leave.

Mr. HAYDEN: Absent with leave.

Mr. HEARD.

Mr. BREWER. Mr. Speaker, I desire to request leave of absence for Mr. HEARD, of Missouri, for this day. He requested me yesterday afternoon when he left the House to get leave for him for the evening. I know myself that he has been out of health for the past week. I have a letter from him this morning saying that he is unable to get here at all to-day.

Mr. TAULBEE. I object. I would like first to know how long this leave is to be granted. I apprehend that we may find ourselves without a quorum if we permit this to continue much longer. I have no objection to an excuse for a reasonable length of time. How long does the gentleman ask?

The SPEAKER *pro tempore*. The gentleman from Michigan says that Mr. HEARD on yesterday evening stated to him that he was unwell; and further, that he had a note from him this morning stating that he was unable to get to the House to-day.

Mr. REED. I suggest that he be excused during the continuance of this call. We should confine our excuses to that.

Mr. TAULBEE. I do not object to excusing him for the calendar day.

Mr. BREWER. That is all I ask.

There was no objection, and Mr. HEARD was excused.

Mr. HEMPHILL: Absent with leave.

Mr. HIESTAND: No excuse offered.

Mr. HIRES: Absent with leave.

Mr. HOOKER: Absent with leave.

Mr. HOPKINS, of New York.

Mr. SHERMAN. Mr. Speaker, I ask that my colleague, Mr. HOPKINS, be excused for this day, as he has been called out of town by the dangerous illness of a near relative.

There was no objection.

Mr. HUNTER: Reported to the Clerk, under the rule, after the roll-call.
Mr. HUTTON: Absent with leave.
Mr. JACKSON: Absent with leave.
Mr. JONES: Absent with leave.
Mr. KEAN: Reported to the Clerk, under the rule, after the roll-call.
Mr. KETCHAM: No excuse offered.
Mr. LA FOLLETTE: Absent with leave.
Mr. LANE: Reported to the Clerk, under the rule, after the roll-call.
Mr. LIND: Reported to the Clerk, under the rule, after the roll-call.
Mr. LYNCH: No excuse offered.
Mr. MAFFETT: Absent sick.
Mr. MCCOMAS: Reported to the Clerk, under the rule, after the roll-call.
Mr. MCCULLOGH: No excuse offered.
Mr. MILLS: Absent with leave.
Mr. O'NEILL, of Missouri: Absent with leave.
Mr. PAYSON: Absent with leave.
Mr. PERRY: Absent with leave.
Mr. PHELPS: Reported to the Clerk, under the rule, after the roll-call.
Mr. PIDCOCK: Reported to the Clerk, under the rule, after the roll-call.
Mr. RAYNER: Absent with leave.
Mr. RUSK: No excuse offered.
Mr. SCOTT: Absent with leave.
Mr. SIMMONS: Absent with leave.
Mr. SPINOLA: Absent with leave.
Mr. STEWART, of Georgia: No excuse offered.
Mr. THOMAS, of Illinois: Absent with leave.
Mr. THOMPSON, of Ohio: No excuse offered.
Mr. THOMPSON, of California: Absent with leave.
Mr. TRACEY: Absent with leave.
Mr. WHITE, of New York: Reported to the Clerk, under the rule, after the roll-call.
Mr. WILSON, of Minnesota: Absent with leave.
Mr. WISE: Absent with leave.

Mr. LEE. Mr. Speaker, I think my colleague, Mr. WISE, was excused on yesterday for two days.

The SPEAKER *pro tempore*. If the gentleman is excused the record will show the fact.

Mr. YODER: Absent with leave.

Mr. EZRA B. TAYLOR. Mr. Speaker, I offer the resolution I send to the desk.

The Clerk read as follows:

Resolved, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are now absent without the leave of the House.

Mr. TAULBEE. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. TAULBEE. Does the call of the House show that a quorum is present?

Mr. EZRA B. TAYLOR. It has been held by the Speaker that even though the call of the House develops the fact that a quorum is present it is still in order to continue the call.

The SPEAKER *pro tempore*. The roll-call shows the fact that two hundred and fifty-three members have answered to their names.

The question being put on Mr. EZRA B. TAYLOR'S motion, there were—ayes 97, noes 41.

Mr. TAULBEE. I call for the yeas and nays.

The yeas and nays were ordered, 39 members voting therefor.

The question was taken; and there were—yeas 139, nays 38, not voting 147; as follows:

YEAS—139.

Allen, Mich.	Elliott,	Long,	Romeis,
Anderson, Iowa	Farquhar,	Lynch,	Rowell,
Arnold,	Fitch,	Mahoney,	Russell, Conn.
Atkinson,	Flood,	Maish,	Russell, Mass.
Baker, Ill.	Fuller,	Mansur,	Sawyer,
Bayne,	Gaines,	Mason,	Scull,
Belden,	Gallinger,	Matson,	Seney,
Bingham,	Gear,	McClammy,	Sherman,
Boothman,	Gest,	McComas,	Sowden,
Bound,	Goff,	McCormick,	Spooner,
Boutelle,	Greenman,	McCreary,	Springer,
Bowden,	Grout,	McKenna,	Stahlnecker,
Bowen,	Guenther,	McKinley,	Steele,
Brewer,	Hall,	Merriman,	Stephenson,
Browne, T. H. B., Va.	Harmer,	Milliken,	Stewart, Vt.
Browne, Ind.	Haugen,	Moffitt,	Struble,
Brown, Ohio	Hermann,	Montgomery,	Symes,
Brown, J. K., Va.	Hitt,	Morrow,	Taylor, E. B., Ohio
Brumm,	Holman,	Nelson,	Taylor, J. D., Ohio
Bunnell,	Holmes,	Nichols,	Thomas, Ky.
Burrows,	Hopkins, Ill.	Nutting,	Thomas, Wis.
Butler,	Hopkins, Va.	O'Donnell,	Turner, Kans.
Campbell, F., N. Y.	Hovey,	O'Ferrall,	Warner,
Campbell, Ohio	Johnston, Ind.	O'Neill, Pa.	Weber,
Caruth,	Kelley,	Osborne,	Wheeler,
Caswell,	Kennedy,	Outhwaite,	White, Ind.
Cogswell,	Kerr,	Patton,	White, N. Y.
Compton,	Ketcham,	Perkins,	Whiting, Mass.
Conger,	Kilgore,	Peters,	Wickham,
Cooper,	Laidlaw,	Pidcock,	Wilber,
Crouse,	Latham,	Plumb,	Williams,
Dalzell,	Lee,	Post,	Woodburn,
Darlington,	Lehlbach,	Pugsley,	Yardley,
Davis,	Lind,	Randall,	Yost.
Dibble,	Lodge,	Reed,	

NAYS—38.

Abbott,	Henderson, N. C.	Moore,	Snyder,
Anderson, Miss.	Hooker,	Morgan,	Stone, Mo.
Buckalew,	Johnston, N. C.	Neal,	Tarsney,
Chipman,	Laffoon,	Owen,	Taulbee,
Crain,	Lane,	Penington,	Tillman,
Cummings,	Lanham,	Rogers,	Townshend,
Dockery,	McKinney,	Rowland,	Walker,
Enloe,	McMillin,	Seymour,	Whiting, Mich.
Ermentrout,	McRae,	Shaw,	
Hayes,	McShane,	Shively,	

NOT VOTING—147.

Adams,	Cothran,	Henderson, Ill.	Phelan,
Allen, Mass.	Cowles,	Herbert,	Phelps,
Allen, Miss.	Cox,	Hiestand,	Rayner,
Anderson, Ill.	Crisp,	Hires,	Rice,
Anderson, Kans.	Culberson,	Hogg,	Richardson,
Bacon,	Cutcheon,	Hopkins, N. Y.	Robertson,
Baker, N. Y.	Dargan,	Houk,	Rockwell,
Bankhead,	Davenport,	Howard,	Rusk,
Barnes,	Davidson, Ala.	Hudd,	Ryan,
Barry,	Davidson, Fla.	Hunter,	Sayers,
Belmont,	De Lano,	Hutton,	Scott,
Biggs,	Dingley,	Jackson,	Simmons,
Blanchard,	Dorsey,	Jones,	Smith,
Bland,	Dougherty,	Kean,	Spinola,
Bliss,	Dunham,	La Follette,	Stewart, Tex.
Blount,	Dunn,	Lagan,	Stewart, Ga.
Breckinridge, Ark.	Felton,	Laird,	Stockdale,
Breckinridge, Ky.	Finley,	Landes,	Stone, Ky.
Brower,	Fisher,	Lawler,	Thomas, Ill.
Bryce,	Foran,	Lynch,	Thompson, Ohio
Buchanan,	Ford,	Macdonald,	Thompson, Cal.
Burnes,	Forney,	Maffett,	Tracey,
Burnett,	French,	Martin,	Turner, Ga.
Butterworth,	Funston,	McAdoo,	Vance,
Bynum,	Gay,	McCullogh,	Vandever,
Campbell, T. J., N. Y.	Gibson,	Mills,	Wade,
Candler,	Glass,	Morrill,	Washington,
Cannon,	Glover,	Morse,	Weaver,
Carlton,	Granger,	Newton,	West,
Catchings,	Grimes,	Norwood,	Whitthorne,
Cheadle,	Grosvenor,	Oates,	Wilkins.
Clardy,	Hare,	O'Neall, Ind.	Wilkinson,
Clark,	Hatch,	O'Neill, Mo.	Wilson, Minn.
Clements,	Hayden,	Parker,	Wilson, W. Va.
Cobb,	Heard,	Payson,	Wise,
Cockran,	Hemphill,	Peel,	Yoder.
Collins,	Henderson, Iowa	Perry,	

So the motion was agreed to.

Mr. EZRA B. TAYLOR. I ask unanimous consent to dispense with the reading of the names.

Mr. TAULBEE. I object.

The following additional pairs were announced:

Mr. WHITTHORNE with Mr. HOUK, from half past 1 to half past 3 to-day.

Mr. FINLEY with Mr. LAFFOON, for this day.

Mr. STONE, of Kentucky, with Mr. FUNSTON, on this bill until 4 p. m.

Mr. FORNEY with Mr. JACKSON, until further notice.

The result of the vote was then announced as above stated.

Mr. CASWELL. On yesterday leave of absence was granted to my colleague, Mr. LA FOLLETTE, on account of sickness. I do not find any record of it. I ask that he be excused for the remainder of the week.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Wisconsin?

Mr. TAULBEE. Does the gentleman know that his colleague is sick?

Mr. CASWELL. I do. He is under the doctor's care and in bed.

There being no objection, Mr. LA FOLLETTE was excused for the remainder of the week.

The SPEAKER *pro tempore*. The Clerk will furnish the Sergeant-at-Arms with a list of the absentees. The Chair lays before the House the request of Mr. WISE for leave of absence for this day, on account of important business.

Mr. TAULBEE. I object.

The SPEAKER *pro tempore*. The Chair lays before the House the request of Mr. BURNETT for leave of absence for the remainder of the day, on account of sickness.

Mr. TAULBEE. Unless some one is prepared to say that he knows the gentleman is sick, I will object.

The SPEAKER *pro tempore*. The gentleman from Massachusetts [Mr. BURNETT] stated to the present occupant of the chair that he was under the care of a dentist, and for five hours yesterday was in the dentist's chair.

Mr. TAULBEE. I withdraw my objection. I will also withdraw my objection as regards the gentleman from Virginia [Mr. WISE] if the excuse be merely for the remainder of this calendar day.

The SPEAKER *pro tempore*. It is for the remainder of the calendar day.

Mr. TAULBEE. Let that be inserted.

The SPEAKER *pro tempore*. The objection being withdrawn, the gentleman from Massachusetts [Mr. BURNETT] is excused. The Chair is informed that the gentleman from Virginia [Mr. WISE] was called from the Hall on important business. Is there objection to his being excused for the remainder of the calendar day?

There was no objection.

Mr. BAYNE. I ask unanimous consent for an indefinite leave of

absence for my colleague, Mr. MAFFETT. Mr. MAFFETT is very sick, so sick that he has been almost wholly unable to attend during this session of Congress.

The SPEAKER *pro tempore*. The Chair is informed that the gentleman from Pennsylvania [Mr. MAFFETT] is very ill. His colleague asks that he be excused indefinitely.

There was no objection.

MESSAGE FROM THE PRESIDENT.

The SPEAKER *pro tempore*. The Chair asks the unanimous consent of the House, pending the execution of the order to the Sergeant-at-Arms, to receive a message from the President.

Mr. TAULBEE. Does that disturb the status?

The SPEAKER *pro tempore*. It does not. The Chair hears no objection.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, informed the House that the President had approved bills and a joint resolution of the following titles:

An act (H. R. 3470) to authorize the construction of bridges over the rivers St. Mary's, Satilla, Little Satilla, and Crooked, in the States of Georgia and Florida;

An act (H. R. 7217) for the erection of a public building at Lowell, Mass.;

An act (H. R. 2093) for the relief of John K. Le Baron;

An act (H. R. 2595) for the relief of the widow of John A. S. Tutt, deceased;

An act (H. R. 2112) for the relief of Capt. John Burkhart;

An act (H. R. 439) for the relief of Grovenor A. Curtice;

An act (H. R. 3) to remove the political disabilities of William W. Mackall, of Virginia; and

Joint resolution (H. Res. 68) in favor of J. Q. Barton.

ORDER OF BUSINESS.

Mr. TAULBEE. Mr. Speaker, is it in order to demand the reading of the message?

The SPEAKER *pro tempore*. The Chair thinks not. The message simply announces the approval of certain bills, and it will be entered upon the Journal.

Mr. TAULBEE. I ask unanimous consent that the message be read.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Kentucky [Mr. TAULBEE] that it is a message announcing the approval of certain bills. Such messages are never read, but are entered upon the Journal by the Journal Clerk.

Mr. TAULBEE. But is it in order to ask unanimous consent that it be read?

The SPEAKER *pro tempore*. The Chair thinks not.

Mr. BOUTELLE. Mr. Speaker, I have just been informed that my colleague, Mr. DINGLEY, is quite ill and confined to the house. I therefore ask that he be excused for the remainder of this day.

Mr. TAULBEE. Does any one know that the gentleman from Maine [Mr. DINGLEY] is sick?

Mr. BOUTELLE. The report has just come from the hotel to the office of the Sergeant-at-Arms. My colleague sent word here this morning that he desired to be paired, as he would be unable to attend on account of illness, and I know that he would not send such word unless the illness was of a nature to prevent his attendance.

There being no objection, Mr. DINGLEY was excused for the remainder of the day.

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent that Mr. COBB, of Alabama, be excused for the remainder of this day. I know that he is quite sick and unable to be here.

Mr. TAULBEE. Mr. Speaker, does that mean the calendar day or the legislative day?

The SPEAKER *pro tempore*. It means the remainder of this calendar day.

There was no objection, and Mr. COBB was excused for the remainder of the day.

LEAVE OF ABSENCE.

Mr. DARGAN, by unanimous consent, obtained leave of absence for ten days, on account of important business.

The SPEAKER *pro tempore*. The Chair will lay before the House a communication just received from Mr. COBB, of Alabama, who has been excused from attendance for the remainder of this day.

The Clerk read as follows:

Mr. SPEAKER: I am actually unable, with justice to myself, to go to the House. I ask indefinite leave of absence, promising to be in my seat when it is prudent for me to be there.

J. E. COBB.

The SPEAKER *pro tempore*. If there be no objection, the leave of absence already granted to the gentleman from Alabama [Mr. COBB] will be extended in accordance with his request.

There was no objection, and it was so ordered.

The Sergeant-at-Arms submitted the following report:

OFFICE SERGEANT-AT-ARMS,
HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., April 10, 1888.

Mr. SPEAKER: In obedience to the order of the House this day issued and directed to me, I have made diligent search for Messrs. ADAMS, BELMONT, CLARK, DARGAN, DUNHAM, HIESTAND, KETCHAM, LYNCH, MCCULLOGH, RUSK, STEWART, of Georgia, and THOMPSON, of Ohio, and report from the best information obtainable that they are out of the city. The other members named in the order having reported or been excused by the House, I hereby return this writ.

J. P. LEEDOM,
Sergeant-at-Arms, House Representatives United States.

The following list accompanied the report of the Sergeant-at-Arms:

Mr. ADAMS: Out of the city.
Mr. BELMONT: Out of the city.
Mr. CLARK: Out of the city.
Mr. COBB: Excused.
Mr. DARGAN: Out of the city.
Mr. DAVENPORT: Reported.
Mr. DINGLEY: Excused.
Mr. DUNHAM: Out of the city.
Mr. DUNN: Reported.
Mr. HIESTAND: Out of the city.
Mr. HUNTER: Reported.
Mr. KETCHAM: Out of the city.
Mr. LIND: Reported.
Mr. LYNCH: Out of the city.
Mr. MCCULLOGH: Out of the city.
Mr. RUSK: In Baltimore.
Mr. STEWART, of Georgia: Out of the city.
Mr. THOMPSON, of Ohio: Out of the city.

Mr. BLOUNT. Mr. Speaker, my colleague, Mr. STEWART, left the city over a week ago, and my impression is that he is absent by leave of the House.

Mr. TAULBEE. Mr. Speaker, I ask unanimous consent to dispense with further proceedings under the call.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Kentucky [Mr. TAULBEE]?

Mr. MCRAE. I object.

Mr. TAULBEE. Then, Mr. Speaker, I move that all further proceedings under the call of the House be dispensed with.

The question being taken on the motion of Mr. TAULBEE, the Speaker declared that the "noes" seemed to have it.

Mr. TAULBEE. I ask for a division.

The House divided; and there were—ayes 17, noes 67.

So the motion was not agreed to.

Mr. TARSNEY. I move that the House do now adjourn.

Mr. COOPER (to Mr. TARSNEY). Withdraw that motion.

Mr. WEAVER. Yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 80, nays 146, not voting 98; as follows:

YEAS—80.

Abbott,	Davidson, Fla.	Lanham,	Rowland,
Allen, Miss.	Dockery,	Lawler,	Russell, Mass.
Anderson, Miss.	Dunn,	Maish,	Sayers,
Anderson, Ill.	Enloe,	Martin,	Shaw,
Bankhead,	Foran,	McClammy,	Shively,
Barnes,	Ford,	McKinney,	Snyder,
Barry,	Gay.	McMillin,	Springer,
Blount,	Glass,	McRae,	Stockdale,
Breckinridge, Ark.	Grimes,	McShane,	Stone, Ky.
Breckinridge, Ky.	Hare,	Moore,	Stone, Mo.
Buckalew,	Hatch,	Morgan,	Tarsney,
Burnes,	Hayes,	Neal,	Tillman,
Bynum,	Henderson, N. C.	Oates,	Townshend,
Candler,	Herbert,	O'Neall, Ind.	Turner, Ga.
Carlton,	Hooker,	Peel,	Vance,
Clardy,	Howard,	Penington,	Walker,
Clements,	Johnston, N. C.	Phelan,	Washington,
Crain,	Kilgore,	Richardson,	Weaver,
Crisp,	Lagan,	Robertson,	Wheeler,
Cummings,	Landes,	Rogers,	Whiting, Mich.

NAYS—146.

Allen, Mass.	Dalzell,	Lehlbach,	Rowell,
Allen, Mich.	Darlington,	Lind,	Russell, Conn.
Anderson, Iowa	Davenport,	Lodge,	Ryan,
Arnold,	Davis,	Long,	Scull,
Atkinson,	Dibble,	Lyman,	Seney,
Baker, N. Y.	Farquhar,	Macdonald,	Seymour,
Baker, Ill.	Fitch,	Mahoney,	Sherman,
Bayne,	Flood,	Mason,	Stahlnecker,
Belden,	Fuller,	McAdoo,	Steele,
Bingham,	Funston,	McComas,	Stephenson,
Boothman,	Gaines,	McCormick,	Stewart, Vt.
Bound,	Gear,	McKenna,	Struble,
Bowden,	Gest,	McKinley,	Symes,
Bowen,	Glover,	Milliken,	Taulbee,
Brewer,	Goff,	Moffitt,	Taylor, E. B., Ohio
Browne, T. H. B., Va.	Greenman,	Morrow,	Taylor, J. D., Ohio
Browne, Ind.	Grout,	Nichols,	Thomas, Ky.
Brown, Ohio	Guenther,	Nutting,	Thomas, Wis.
Brown, J. R., Va.	Hall,	O'Donnell,	Turner, Kans.
Brumm,	Harmer,	O'Ferrall,	Vandever,
Bryce,	Haugen,	O'Neill, Pa.	Wade,
Buchanan,	Henderson, Iowa	Osborne,	Warner,
Bunnell,	Henderson, Ill.	Outhwaite,	Weber,
Burrows,	Hermann,	Owen,	West,
Butler,	Hitt,	Parker,	White, Ind.
Butterworth,	Holman,	Patton,	White, N. Y.
Campbell, F., N. Y.	Holmes,	Perkins,	Whiting, Mass.
Campbell, Ohio	Hopkins, Ill.	Peters,	Wickham,
Campbell, T. J., N. Y.	Hopkins, Va.	Phelps,	Wilber,
Cannon,	Houk,	Plumb,	Wilkins,
Caruth,	Hovey,	Post,	Wilkinson,
Caswell,	Johnston, Ind.	Pugsley,	Williams,
Cheadle,	Kean,	Randall,	Woodburn,
Cogswell,	Kennedy,	Reed,	Yardley,
Conger,	Kerr,	Rice.	Yost.
Cooper,	Laidlaw,	Rockwell,	
Crouse,	Latham,	Romeis,	

NOT VOTING—98.

Adams,	De Lano,	Hutton,	Payson,
Anderson, Kans.	Dingley,	Jackson,	Perry,
Bacon,	Dorsey,	Jones,	Pidcock,
Belmont,	Dougherty,	Kelley,	Rayner,
Biggs,	Dunham,	Ketcham,	Rusk,
Blanchard,	Elliott,	Laffoon,	Sawyer,
Bland,	Ermentrout,	La Follette,	Scott,
Bliss,	Felton,	Laird,	Simmons,
Boutelle,	Finley,	Lane,	Smith,
Brower,	Fisher,	Lee,	Sowden,
Burnett,	Forney,	Lynch,	Spinola,
Catchings,	French,	Maffett,	Spooner,
Chipman,	Gallinger,	Mansur,	Stewart, Tex.
Clark,	Gibson,	Matson,	Stewart, Ga.
Cobb,	Granger,	McCreary,	Thomas, Ill.
Cockran,	Grosvenor,	McCullogh,	Thompson, Ohio
Collins,	Hayden,	Merriman,	Thompson, Cal.
Compton,	Heard,	Mills,	Tracey,
Cothran,	Hemphill,	Montgomery,	Whitthorne,
Cowles,	Hiestand,	Morrill,	Wilson, Minn.
Cox,	Hires,	Morse,	Wilson, W. Va.
Culberson,	Hogg,	Nelson,	Wise,
Cutcheon,	Hopkins, N. Y.	Newton,	Yoder.
Dargan,	Hudd,	Norwood,	
Davidson, Ala.	Hunter,	O'Neill, Mo.	

So the House refused to adjourn.

The following additional pair was announced:

Mr. O'NEILL, of Missouri, with Mr. HAYDEN, on all political questions, until further notice.

GOVERNMENT TELEGRAPH.

Mr. BRUMM. I ask unanimous consent at this time to have read and inserted in the RECORD the heading of a petition, which is very short, signed by 7,125 citizens of the county of Schuylkill, Pennsylvania, asking for the establishment of a governmental telegraph system.

The SPEAKER *pro tempore* (Mr. CRISP). The Chair will state to the gentleman from Pennsylvania that in the present condition of the House nothing is in order except a motion which has reference to the call of the House.

Mr. BRUMM. I supposed my request could be entertained by unanimous consent, and for that reason I submitted it.

The SPEAKER *pro tempore*. The present occupant of the Chair thinks that even by unanimous consent no business can be done now while the House is operating under the call.

Mr. BRUMM. Then I suppose I can put the petition in the petition-box.

LEAVE OF ABSENCE.

The SPEAKER *pro tempore*. The gentleman from New York, Mr. WEST, asks leave of absence for to-night, on account of sickness. Is there objection?

Mr. TAULBEE. Not if he is sick.

The SPEAKER *pro tempore*. The gentleman so states.

There being no objection, leave was granted.

ORDER OF BUSINESS.

Mr. MCCREARY (at 5 o'clock p. m.). I move to dispense with further proceedings under the call, and pending that motion I move that we take a recess until 11.45 to-morrow morning.

Mr. MCRAE. I make the point of order that the gentleman's motion is not in order.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Kentucky that there are pending motions for a recess.

Mr. MCCREARY. If there is objection to the latter part of my motion, I move simply to dispense with further proceedings under the call.

The motion was agreed to, there being—ayes 126, noes 24.

Mr. MCCREARY. I now move that we take a recess until to-morrow morning at 11.45.

Mr. WEAVER. I make the point of order that there are three motions now pending with reference to a recess and one or two in relation to adjourning.

The SPEAKER *pro tempore*. There is pending a motion of the gentleman from Alabama that the House take a recess for ten minutes; to that the gentleman from Iowa moved an amendment to take a recess for fifteen minutes; and to that the gentleman from Arkansas proposed an amendment to take a recess for twenty minutes.

Mr. MCCREARY. I make the point of order that that time has expired. [Laughter.]

The SPEAKER *pro tempore*. The question immediately pending is upon a motion of the gentleman from Illinois [Mr. ANDERSON] that when the House adjourns it will adjourn to meet on Friday next. On that question no quorum voted; and the vote upon that question is the first business in order.

Mr. MCCREARY. It is now 5 o'clock, the usual time for adjourning, and I ask unanimous consent that the House take a recess until to-morrow morning at 11.45.

Mr. MCRAE and Mr. WEAVER objected.

ENROLLED BILLS SIGNED.

The SPEAKER. If there be no objection, the Chair will at this time submit a report from the Committee on Enrolled Bills.

There was no objection.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same, namely:

A bill (H. R. 3603) to increase the pension of Maxwell Carroll;

A bill (H. R. 3849) granting a pension to Martha M. Bagley;

A bill (H. R. 3490) granting a pension to James M. Berry;

A bill (H. R. 2177) granting a pension to Mahala Robbins;

A bill (H. R. 2078) granting a pension to Charlotte T. Clark;

A bill (H. R. 893) granting a pension to Julia Stokes;

A bill (H. R. 824) granting a pension to Isaiah G. Mayo;

A bill (H. R. 7856) granting a pension to Emma R. Johnson;

A bill (H. R. 7171) to restore to the pension-roll the name of Isaac Dilley;

A bill (H. R. 6984) granting a pension to Margaret E. Graves;

A bill (H. R. 6974) for the relief of Mary E. Hawn, widow of Emanuel R. Hawn, late surgeon of the Forty-ninth Regiment Indiana Volunteers, deceased;

A bill (H. R. 6908) granting a pension to William P. Witt;

A bill (H. R. 6586) granting a pension to Nancy O. Gray;

A bill (H. R. 818) granting a pension to Sarah E. Pribble;

A bill (H. R. 816) granting a pension to Charlotte Broad;

A bill (H. R. 822) granting a pension to Miles S. Scribner;

A bill (H. R. 823) granting a pension to Hannah C. De Witt;

A bill (H. R. 5911) granting a pension to Elizabeth J. Hascall;

A bill (H. R. 4107) granting a pension to Laura D. Pierce;

A bill (H. R. 3711) granting a pension to Harriet V. Stockton;

A bill (H. R. 5228) granting a pension to Clara M. Flanders;

A bill (H. R. 5236) granting an increase of pension to Mary K. Taylor;

A bill (H. R. 5247) granting a pension to William M. Brimmer;

A bill (H. R. 3682) to pension Emily Goodall;

A bill (H. R. 1262) granting the right of way to the Denver and Rio Grande Railroad through the Fort Crawford military reservation;

A bill (H. R. 7891) for the relief of Cynthia J. Le Roy;

A bill (H. R. 4516) granting a pension to Mrs. Delilah Agard;

A bill (H. R. 2806) to increase the pension of James Woody;

A bill (H. R. 3183) for the relief of Kelsey Curtis;

A bill (H. R. 3488) granting a pension to Mary Dull;

A bill (H. R. 4685) granting a pension to Lizzie F. Reed;

A bill (H. R. 3870) granting a pension to Albert Nevin;

A bill (H. R. 5176) granting a pension to Thomas J. Parker;

A bill (H. R. 6343) to increase the pension of Namy Roins, the oldest Revolutionary pensioner on the rolls, she being nearly ninety-six years of age;

A bill (H. R. 5829) for the relief of Joseph Driskill;

A bill (H. R. 5388) granting a pension to Elizabeth Buffington;

A bill (H. R. 5363) granting a pension to David Johnson;

A bill (H. R. 97) granting a pension to Ida B. Linthicum;

A bill (H. R. 2518) granting an increase of pension to John Rowe;

A bill (H. R. 2662) for the relief of Mary M. Strong;

A bill (H. R. 2663) for the relief of Alonzo Alden;

A bill (H. R. 2694) granting a pension to Julia A. Griffen;

A bill (H. R. 4633) granting a pension to Morris T. Mantor;

A bill (H. R. 442) granting a pension to Emily B. Newell;

A bill (H. R. 459) for the relief of Elvira Cooper;

A bill (H. R. 499) granting a pension to Catharine Maxwell;

A bill (H. R. 122) for the relief of Julia A. Darrell;

A bill (H. R. 150) granting an increase of pension to Henry B. Shaw;

A bill (H. R. 159) granting a pension to Jane Thomas;

A bill (H. R. 7262) for the erection of a public building at Texarkana, situated on both sides of the line between the States of Arkansas and Texas;

A bill (H. R. 418) granting a pension to William H. Brokenshaw;

A bill (H. R. 416) granting a pension to Thomas H. Aulls;

A bill (H. R. 407) granting a pension to C. W. Burkhart;

A bill (H. R. 183) granting a pension to minor children of William Clark;

A bill (H. R. 441) granting a pension to Eliza J. Currier;

A bill (H. R. 2416) granting a pension to Mrs. Hannah F. Brock;

A bill (H. R. 2259) to grant a pension to Joab M. Haley;

A bill (H. R. 2491) granting a pension to John Bisbey;

A bill (H. R. 2456) for the relief of Judith Plummer;

A bill (H. R. 742) for the relief of John F. Cadwallader;

A bill (H. R. 509) granting a pension to James A. Haley;

A bill (H. R. 2498) granting a pension to Alonzo Higley;

A bill (H. R. 782) granting a pension to Marble H. Baird;

A bill (H. R. 754) to increase the pension to Eliza B. Anderson;

A bill (H. R. 4550) granting a pension to Chloe Quiggle, widow of Philip Quiggle;

A bill (H. R. 4655) granting a pension to Mary J. Francis; and

A bill (H. R. 4812) to grant a pension to Squire Admire.

ORDER OF BUSINESS.

The SPEAKER. The question is on the motion of the gentleman from Illinois [Mr. ANDERSON], that when the House adjourns to-day it be to meet on Friday next, upon which the yeas and nays were taken and no quorum voted.

The Clerk will call the roll.

The question was taken; and there were—yeas 8, nays 163, not voting 153; as follows:

YEAS—8.

Blanchard,	Hayes,	McKinney,	Walker,
Blount,	Maish,	Neal,	Whiting, Mich.

NAYS—163.

Allen, Mass.	Dalzell,	Laird,	Rowland,
Allen, Mich.	Darlington,	Lee,	Russell, Conn.
Anderson, Iowa	Davenport,	Lehlbach,	Russell, Mass.
Arnold,	Davis,	Lind,	Ryan,
Atkinson,	Elliott,	Lodge,	Sawyer,
Baker, N. Y.	Ermentrout,	Long,	Scull,
Baker, Ill.	Farquhar,	Lyman,	Seney,
Bayne,	Fitch,	Macdonald,	Seymour,
Belden,	Ford,	Mahoney,	Sherman,
Bingham,	Fuller,	Mason,	Shively,
Boothman,	Funston,	Matson,	Snyder,
Bound,	Gaines,	McClammy,	Sowden,
Boutelle,	Gallinger,	McCormick,	Spooner,
Bowden,	Gear,	McCreary,	Springer,
Bowen,	Gest,	McKenna,	Steele,
Brewer,	Glover,	McKinley,	Stephenson,
Browne, T.H.B., Va.	Goff,	Merriman,	Stewart, Vt.
Brown, Ohio	Greenman,	Moffitt,	Stockdale,
Brown, J. R., Va.	Guenther,	Montgomery,	Struble,
Brumm,	Hall,	Morrill,	Symes,
Bryce,	Harmer,	Morrow,	Taulbee,
Buchanan,	Haugen,	Nichols,	Taylor, E. B., Ohio
Buckalew,	Henderson, Iowa	Nutting,	Taylor, J. D., Ohio
Bunnell,	Henderson, Ill.	O'Donnell,	Thomas, Ky.
Burrows,	Hermann,	O'Ferrall,	Townshend,
Butler,	Hitt,	O'Neall, Ind.	Turner, Kans.
Butterworth,	Holman,	O'Neill, Pa.	Vandever,
Campbell, Ohio	Holmes,	Osborne,	Wade,
Campbell, T.J., N.Y.	Hopkins, Ill.	Outhwaite,	Warner,
Cannon,	Hopkins, Va.	Owen,	Weber,
Caruth,	Houk,	Parker,	White, Ind.
Caswell,	Hovey,	Patton,	White, N. Y.
Cheadle,	Hudd,	Perkins,	Whiting, Mass.
Chipman,	Hunter,	Peters,	Wickham,
Clardy,	Johnston, Ind.	Plumb,	Wilber,
Cogswell,	Johnston, N. C.	Post,	Wilkins,
Compton,	Kean,	Pugsley,	Wilkinson,
Conger,	Kennedy,	Reed,	Wilson, W. Va.
Cooper,	Kerr,	Rice,	Woodburn,
Crouse,	Laffoon,	Romeis,	Yardley.
Cummings,	Laidlaw,	Rowell,	

NOT VOTING—153.

Abbott,	Davidson, Fla.	Jones,	Rayner,
Adams,	De Lano,	Kelley,	Richardson,
Allen, Miss.	Dibble,	Ketcham,	Robertson,
Anderson, Miss.	Dingley,	Kilgore,	Rockwell,
Anderson, Ill.	Dockery,	La Follette,	Rogers,
Anderson, Kans.	Dorsey,	Lagan,	Rusk,
Bacon,	Dougherty,	Landes,	Sayers,
Bankhead,	Dunham,	Lane,	Scott,
Barnes,	Dunn,	Lanham,	Shaw,
Barry,	Enloe,	Latham,	Simmons,
Belmont,	Felton,	Lawler,	Smith,
Biggs,	Finley,	Lynch,	Spinola,
Bland,	Fisher,	Maffett,	Stahlnecker,
Bliss,	Flood,	Mansur,	Stewart, Tex.
Breckinridge, Ark.	Foran,	Martin,	Stewart, Ga.
Breckinridge, Ky.	Forney,	McAdoo,	Stone, Ky.
Brower,	French,	McComas,	Stone, Mo.
Browne, Ind.	Gay,	McCullogh,	Tarsney,
Burnes,	Gibson,	McMillin,	Thomas, Ill.
Burnett,	Glass,	McRae,	Thomas, Wis.
Bynum,	Granger,	McShane,	Thompson, Ohio
Campbell, F., N.Y.	Grimes,	Milliken,	Thompson, Cal.
Candler,	Grosvenor,	Mills,	Tillman,
Carlton,	Grout,	Moore,	Tracey,
Catchings,	Hare,	Morgan,	Turner, Ga.
Clark,	Hatch,	Morse,	Vance,
Clements,	Hayden,	Nelson,	Washington,
Cobb,	Heard,	Newton,	Weaver,
Cockran,	Hemphill,	Norwood,	West,
Collins,	Henderson, N. C.	Oates,	Wheeler,
Cothran,	Herbert,	O'Neill, Mo.	Whitthorne,
Cowles,	Hiestand,	Payson,	Williams,
Cox,	Hires,	Peel,	Wilson, Minn.
Crain,	Hogg,	Penington,	Wise,
Crisp,	Hooker,	Perry,	Yoder,
Culberson,	Hopkins, N.Y.	Phelan,	Yost.
Cutcheon,	Howard,	Phelps,	
Dargan,	Hutton,	Pidcock,	
Davidson, Ala.	Jackson,	Randall,	

So the motion was rejected.

During the call of the roll the following proceedings took place:

Mr. O'FERRALL. I desire to know whether a quorum has voted, as I am paired for one hour from 5 o'clock with the gentleman from Alabama [Mr. BANKHEAD], reserving, however, the right to vote to make a quorum or upon questions relating to a quorum.

The SPEAKER *pro tempore* (Mr. SPRINGER in the chair). The Clerk is tabulating the vote now; but the Chair is informed by the Clerk that a quorum has not voted.

The Clerk proceeded to recapitulate the names of those voting.

Mr. SOWDEN. I ask unanimous consent that the further reading of the names be dispensed with in the interest of the clerks.

Mr. OATES. I object.

The Clerk concluded reading the list of those voting.

The following additional pairs were announced:

Mr. LYNCH with Mr. MCCOMAS, for the rest of this day.

Mr. STEWART, of Georgia, with Mr. KELLEY, for the rest of the day.

Mr. CLARDY with Mr. BANKHEAD, on this bill until 7 o'clock.

Mr. MANSUR with Mr. STEWART, of Texas, on this bill, until 7 p. m.

Mr. CULBERSON with Mr. LANHAM, on this bill, until 8 o'clock p. m.

Mr. STONE, of Missouri, with Mr. WILLIAMS, until 8 o'clock p. m.

The SPEAKER *pro tempore*. The Chair is informed by the Clerk that a quorum has not voted; there being 8 in the affirmative and 153 in the negative.

Mr. WEAVER. No quorum.

The SPEAKER *pro tempore*. Pending that the Chair desires to lay before the House some personal requests of members.

Mr. BROWNE, of Indiana, asks leave of absence for ten days from to-morrow, on account of important business.

There was no objection.

Mr. PENINGTON asks leave of absence until Thursday next, on account of important business.

There was no objection.

Mr. MCCOMAS asks leave of absence for this day, on account of indisposition.

Mr. TAULBEE. Is that for the calendar or legislative day?

The SPEAKER *pro tempore*. The Chair thinks it will be for the remainder of the calendar day.

Mr. TAULBEE. I object if it relates to the legislative day; otherwise I have no objection.

The SPEAKER *pro tempore*. If the leave is granted, it will extend until noon to-morrow, in the opinion of the Chair.

Mr. TAULBEE. I have no objection to that.

Mr. WILBER. I ask leave of absence until to-morrow morning, on account of poor health.

There was no objection.

Mr. OUTHWAITE. I move a call of the House.

The question was taken; and on a division there were—ayes 110, noes 4.

So a call of the House was ordered.

The Clerk proceeded to call the roll, when the following-named members failed to answer:

Adams,	Dockery,	Kelley,	Rusk,
Allen, Miss.	Dorsey,	Ketcham,	Ryan,
Anderson, Kans.	Dougherty,	La Follette,	Scott,
Bankhead,	Dunham,	Lanham,	Shaw,
Belmont,	Felton,	Latham,	Simmons,
Biggs,	Finley,	Lawler,	Smith,
Bland,	Fisher,	Long,	Spinola,
Brower,	Flood,	Lynch,	Stewart, Tex.
Browne, Ind.	Forney,	Maffett,	Stewart, Ga.
Brumm,	Funston,	Mansur,	Stewart, Vt.
Burnett,	Gay,	Martin,	Stockdale,
Campbell, Ohio	Glass,	McAdoo,	Stone, Mo.
Caruth,	Granger,	McComas,	Struble,
Clark,	Grosvenor,	McCullogh,	Symes,
Clements,	Hare,	Mills,	Thomas, Ill.
Cobb,	Hatch,	Morrow,	Thompson, Ohio
Cockran,	Hayden,	Morse,	Thompson, Cal.
Collins,	Heard,	Nelson,	Tillman,
Cothran,	Hemphill,	O'Neill, Mo.	Tracey,
Cox,	Henderson, N. C.	Owen,	West,
Culberson,	Hiestand,	Payson,	Whiting, Mich.
Cutcheon,	Hires,	Penington,	Whitthorne,
Dargan,	Hogg,	Perry,	Williams,
Davidson, Ala.	Hopkins, N. Y.	Phelps,	Wilson, Minn.
Davidson, Fla.	Hutton,	Pidcock,	Wise,
De Lano,	Jackson,	Rayner,	Yoder,
Dingley,	Jones,	Rockwell,	Yost.

The SPEAKER *pro tempore* (Mr. SPRINGER). The Doorkeeper will now close the doors of the Hall, and the Clerk will call the names of members who did not respond on the first call.

The Clerk proceeded to call the absentees, as follows:

Mr. ADAMS: No excuse offered.

Mr. ALLEN, of Mississippi: No excuse offered.

Mr. ANDERSON, of Kansas: Absent on leave.

Mr. BANKHEAD: Reported to the Clerk, under the rule, after the roll-call.

Mr. BELMONT: No excuse offered.

Mr. BIGGS: Absent on leave.

Mr. BLAND: Absent on leave.

Mr. BROWER: Absent on leave.

Mr. BROWNE, of Indiana: Absent on leave.

Mr. BRUMM: Reported to the Clerk, under the rule, after the roll-call.

Mr. BURNETT: Absent on leave.

Mr. CAMPBELL, of Ohio: Reported to the Clerk, under the rule, after the roll-call.

Mr. CARUTH: Reported to the Clerk, under the rule, after the roll-call.

Mr. CLARK: No excuse offered.

Mr. CLEMENTS: Reported to the Clerk, under the rule, after the roll-call.

Mr. COBB: Absent on leave.

Mr. COCKRAN: Absent on leave.

Mr. COLLINS: Absent on leave.

Mr. COTHRAN: Absent on leave.

Mr. COX: Absent on leave.

Mr. CULBERSON: Reported to the Clerk, under the rule, after the roll-call.

Mr. CUTCHEON: No excuse offered.
Mr. DARGAN: Absent on leave.
Mr. DAVIDSON, of Alabama: Absent on leave.
Mr. DAVIDSON, of Florida: No excuse offered.
Mr. DE LANO: Absent on leave.
Mr. DINGLEY: Absent on leave.
Mr. DOCKERY: Reported to the Clerk, under the rule, after the roll-call.
Mr. DORSEY: Absent on leave.
Mr. DOUGHERTY: Absent on leave.
Mr. DUNHAM: No excuse offered.
Mr. FELTON: Absent on leave.
Mr. FINLEY: No excuse offered.
Mr. FISHER: Absent on leave.
Mr. FLOOD: No excuse offered.
Mr. FORNEY: No excuse offered.
Mr. FUNSTON: Reported to the Clerk, under the rule, after the roll-call.
Mr. GAY: No excuse offered.
Mr. GLASS: Absent on leave.
Mr. GRANGER: Absent on leave.
Mr. GROSVENOR: Absent on leave.
Mr. HARE: Reported to the Clerk, under the rule, after the roll-call.
Mr. HATCH: Reported to the Clerk, under the rule, after the roll-call.
Mr. HAYDEN: Absent on leave.
Mr. HEARD: Absent on leave.
Mr. HEMPHILL: Absent on leave.
Mr. HENDERSON, of North Carolina: Reported to the Clerk, under the rule, after the roll-call.
Mr. HIESTAND: No excuse offered.
Mr. HIRES: Absent on leave.
Mr. HOGG: Absent on leave.
Mr. HOPKINS, of New York: No excuse offered.
Mr. HUTTON: Absent on leave.
Mr. JACKSON: Absent on leave.
Mr. JONES: Absent on leave.
Mr. KELLEY: Absent on leave.
Mr. KETCHAM: No excuse offered.
Mr. LA FOLLETTE: Absent on leave.
Mr. LANHAM: Reported to the Clerk, under the rule, after the roll-call.
Mr. LATHAM: Reported to the Clerk, under the rule, after the roll-call.
Mr. LAWLER: No excuse offered.
Mr. LONG: Reported to the Clerk, under the rule, after the roll-call.
Mr. LYNCH: No excuse offered.
Mr. MAFFETT: Absent on leave.
Mr. MANSUR: Reported to the Clerk, under the rule, after the roll-call.
Mr. MARTIN: Reported to the Clerk, under the rule, after the roll-call.
Mr. MCADOO: Reported to the Clerk, under the rule, after the roll-call.
Mr. MCCOMAS: Absent on leave.
Mr. MCCULLOGH: No excuse offered.
Mr. MILLS: Absent on leave.
Mr. MORROW: Reported to the Clerk, under the rule, after the roll-call.
Mr. MORSE: No excuse offered.
Mr. NELSON: No excuse offered.
Mr. O'NEILL, of Missouri: Absent on leave.
Mr. OWEN: Reported to the Clerk, under the rule, after the roll-call.
Mr. PAYSON: Absent on leave.
Mr. PENINGTON: Absent on leave.
Mr. PERRY: Absent on leave.
Mr. PHELPS: No excuse offered.
Mr. PIDCOCK: No excuse offered.
Mr. RAYNER: Absent on leave.
Mr. ROCKWELL: Reported to the Clerk, under the rule, after the roll-call.
Mr. RUSK: No excuse offered.
Mr. RYAN: Reported to the Clerk, under the rule, after the roll-call.
Mr. SCOTT: Absent on leave.
Mr. SHAW: Reported to the Clerk, under the rule, after the roll-call.
Mr. SIMMONS: Absent on leave.
Mr. SMITH: Reported to the Clerk, under the rule, after the roll-call.
Mr. SPINOLA: Absent on leave.
Mr. STEWART, of Texas: Reported to the Clerk, under the rule, after the roll-call.
Mr. STEWART, of Georgia: No excuse offered.
Mr. STEWART, of Vermont: Reported to the Clerk, under the rule, after the roll-call.
Mr. STOCKDALE: Reported to the Clerk, under the rule, after the roll-call.
Mr. STONE, of Missouri: Reported to the Clerk, under the rule, after the roll-call.
Mr. STRUBLE: Reported to the Clerk, under the rule, after the roll-call.
Mr. SYMES: Reported to the Clerk, under the rule, after the roll-call.
Mr. THOMAS, of Illinois: Absent on leave.
Mr. THOMPSON, of Ohio: No excuse offered.
Mr. THOMPSON, of California: Absent on leave.
Mr. TILLMAN: Reported to the Clerk, under the rule, after the roll-call.
Mr. TRACEY: No excuse offered.
Mr. WEST: Absent on leave.
Mr. WHITING, of Michigan: Reported to the Clerk, under the rule, after the roll-call.
Mr. WHITTHORNE: No excuse offered.
Mr. WILLIAMS: Reported to the Clerk, under the rule, after the roll-call.
Mr. WILSON, of Minnesota: No excuse offered.
Mr. WISE: Absent on leave.
Mr. YODER: Absent on leave.
Mr. YOST: Reported to the Clerk, under the rule, after the roll-call.

The SPEAKER *pro tempore*. The gentleman from Maryland [Mr. GIBSON] asks leave of absence until to-morrow, on account of important business. Is there objection?

Mr. REED. I object.

Mr. OUTHWAITE offered the following resolution; which was adopted:

Resolved, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are now absent without the leave of the House.

Mr. MORGAN. Mr. Speaker, I ask that my colleague, Mr. ALLEN, of Mississippi, be excused on account of illness. He is quite unwell, to my knowledge.

There was no objection, and Mr. ALLEN, of Mississippi, was excused.

Mr. LEE. Mr. Speaker, I am compelled to ask to be excused. In the first place I have not been very well for two or three weeks, and my physician is opposed to my staying here even during the day sessions; and in the second place I am expected to perform a somewhat conspicuous part in a grand pageant that we are to have to-morrow, the opening of the bridge at Georgetown, and not being a born orator I shall be compelled to make some little preparation. I therefore ask the House to excuse me until to-morrow afternoon.

There was no objection, and it was so ordered.

The SPEAKER *pro tempore*. The Chair desires to announce to the House that on the last vote an error was made by the Clerk, and that on a recount it appears that the yeas were 8 and the nays 163 instead of 153, as announced. The Chair on making the announcement stated that no quorum had voted, but it now appears that a quorum did vote.

Mr. WHEELER. But there has been a call of the House since then.

The SPEAKER *pro tempore*. This error does not interfere with that at all. The Chair simply desires to have the count correct.

Mr. REED. What was the former announcement?

The SPEAKER *pro tempore*. The announcement was 153 in the negative. It should have been 163.

Mr. REED. When was this error discovered?

The SPEAKER *pro tempore*. Just this moment. When discovered it was immediately announced. The official reporter discovered the error and brought it to the attention of the Chair. If the gentleman desires to examine the record——

Mr. REED. Oh, I do not desire to examine the record; but I hope nothing will follow from the mistake.

Mr. HOLMAN. It does not affect the result.

The SPEAKER *pro tempore*. It does not affect the substantive proceedings. It was in order to move a call of the House, even though a quorum had voted.

Mr. MACDONALD. Mr. Speaker, I ask to be excused for the remainder of this evening on the ground of indisposition. I am troubled with rheumatism. I am paired for this day, so my absence will not make any difference.

There was no objection, and Mr. MACDONALD was excused.

Mr. GLOVER. Mr. Speaker, I move that the House take a recess until 8 o'clock.

Mr. MCRAE. I object.

Mr. OATES. I object.

Mr. TAULBEE. I ask unanimous consent that my colleague, Mr. LAFFOON, be excused for the remainder of this evening. He is sick, and says he is unable to be here in justice to himself.

Mr. RICHARDSON. The legislative evening or the calendar evening? [Laughter.]

Mr. TAULBEE. The calendar evening.

There was no objection, and Mr. LAFFOON was excused.

Mr. PARKER. Mr. Speaker, I rise to a parliamentary inquiry. When a few railroad men "go out," and thus throw large numbers out of employment and stop the wheels of business, Congress sends a com-

mittee out to inquire into the strike. What I wish to know is, whether it would not be well enough for the railroad men and the other business men of the country to appoint a committee to investigate the Congressional strike? [Laughter.]

The SPEAKER *pro tempore*. That is not a parliamentary inquiry. The Chair desires to lay before the House a personal request. The gentleman from New York [Mr. NUTTING] asks leave of absence until Monday next, on account of important business. [Laughter.] Is there objection?

Mr. RANDALL. I object.

Mr. PARKER. Before the gentleman from Pennsylvania [Mr. RANDALL] objects I trust that the gentleman from New York [Mr. NUTTING] will be given an opportunity to explain.

Mr. NUTTING. Mr. Speaker, if the gentleman will listen a moment I do not think he will object to my request.

Mr. RANDALL subsequently withdrew the objection.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. RANDALL] withdraws his objection. Is there further objection to the request of the gentleman from New York?

Mr. COMPTON. Mr. Speaker——

The SPEAKER *pro tempore*. Does the gentleman from Maryland object?

Mr. COMPTON. I wish to be heard for one moment. When my colleague, Mr. GIBSON, asked to be excused on account of important business, the gentleman from Maine [Mr. REED] objected. Now, if that objection is withdrawn I will not object in this case.

The SPEAKER *pro tempore*. Does the gentleman from Maryland object?

Mr. REED. I shall have to object, Mr. Speaker. Since the gentleman from Maryland [Mr. COMPTON] insists upon it, I object.

Mr. SOWDEN. Mr. Speaker, I ask unanimous consent that all further proceedings under the call be dispensed with, and that the House take a recess until 11.45 a. m. to-morrow.

The SPEAKER (having resumed the chair) put Mr. SOWDEN'S request to the House, when

Mr. BRECKINRIDGE of Arkansas, Mr. WEAVER, Mr. MCRAE, Mr. BAKER of New York, and several other members objected.

The Sergeant-at-Arms appeared at the bar of the House having in custody Mr. LAWLER.

The SPEAKER. Mr. LAWLER, you have been absent from the sessions of the House without its leave; what excuse have you to offer?

Mr. LAWLER. The only excuse that I have to offer, Mr. Speaker, is that I spend my nights at home answering correspondence, my letters having become so numerous as to require me to do so. I patiently waited here all day, as I do at every session of the House, and supposing the same state of affairs was going to continue here to-night, I went home to do my work. I can always be found at home by your messenger when he comes for me.

Mr. LANDES and Mr. SAYERS moved that Mr. LAWLER be excused.

Mr. BURROWS. It has been utterly impossible for us to hear what excuse the gentleman has rendered.

The SPEAKER. If members will resume their seats and preserve order the statements made to the House can be heard.

Mr. BURROWS. I would like to know what excuse the member has to render for this very grave offense. It is about time that we should stop fooling with this matter.

The SPEAKER. It is moved that the gentleman from Illinois be excused.

Mr. BURROWS. For what reason?

The SPEAKER. The gentleman has stated the reason.

Mr. O'NEILL, of Pennsylvania. And a very good reason.

Mr. BURROWS. As I have said, it was impossible to hear the reason the gentleman gave.

Mr. LAWLER. I stated, Mr. Speaker, that I have a great deal of work to do answering correspondence; that I do this work every night at my room; that I am in attendance here at every session of the House, and believing that this same condition of affairs would continue to-night, I went to my home, had my dinner, and had got down to work. I stated further that I can always be found there at night. [Laughter and applause.]

Mr. STAHLNECKER. I am informed the gentleman's address is not in the Congressional Directory. [Laughter.]

Mr. LAWLER. For all that your messenger had no trouble in finding me.

Mr. EZRA B. TAYLOR. I offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That Hon. Mr. LAWLER, a member of the House of Representatives, be excused for absence at the call of the House on payment of $10; and the Sergeant-at-Arms is hereby directed to deduct that sum from said member's monthly salary.

Mr. EZRA B. TAYLOR. Mr. Speaker, I have considered this matter of absenteeism with some considerable care; and I feel that the time has arrived when the House should assert its power to have its members here when they are needed, unless we are going to abandon our sessions altogether. I regret that the gentleman from Illinois is the member now before the bar of the House, because I do not think his offense is greater than that of others; but it does seem to me that a man who is elected a member of this honorable body has his business here in the House when the House is in session, and has no business of any kind anywhere else, unless previously excused by the House. I do protest against this idea, which seems to be prevalent on all hands, that the matter of being present while the House is in session is one of simple convenience, not of duty.

In this connection I protest most seriously against the manner in which the House has continually treated this offense of absenteeism by making light of it and being frivolous over the matter, as though it were an offense of no great magnitude.

I offer this resolution in the most perfect good faith. I do not wish to injure the feelings of any one; but I believe that a beginning should be made now toward punishing absenteeism; and if it continues to prevail the penalty should continually increase until absolute expulsion may become the final remedy.

Mr. LAWLER. I would like to ask the gentleman from Ohio before he sits down——

Mr. CARLTON. I move to amend the resolution by striking out "$10" and inserting "one barrel of apples."

Mr. EZRA B. TAYLOR. That is another one of those propositions which have made this House ridiculous in the eyes of the country, and which ought not to be indulged in. There should be no more of that sort of thing.

The SPEAKER. The gentleman from Illinois [Mr. LAWLER] asks unanimous consent to put a question to the gentleman from Ohio. Is there objection? The Chair hears none.

Mr. LAWLER. Being a little short of funds—— [Laughter].

Mr. EZRA B. TAYLOR. Mr. Speaker, to remedy that difficulty I will furnish the gentleman this evening the $10; I will do so very gladly.

Mr. LAWLER. I accept the donation. [Laughter].

Mr. STRUBLE. Mr. Speaker, I wish to remind members that the distinguished gentleman from Illinois has admitted in the presence of the House that he absented himself from it expecting that it would remain in session, and that the very condition of things which existed when he left would continue to prevail through the night. It seems to me that he has admittedly placed himself where he ought to be at least censured for his conduct.

Mr. ANDERSON, of Illinois. I would like to ask the gentleman whether the conduct of the gentleman from Illinois is not more honorable than to play sick?

Mr. STRUBLE. I think it is far more honorable than to "play sick." If the gentleman means to intimate that any one within my knowledge has "played sick," he commits an error.

Mr. WHEELER. I move to amend the resolution of the gentleman from Ohio by striking out that part of it which provides for imposing a fine.

The amendment of Mr. WHEELER was agreed to.

The SPEAKER. The Clerk will read the resolution as now amended.

The Clerk read as follows:

Resolved, That Hon. Mr. LAWLER, a member of the House of Representatives, be excused for absence at the call of the House.

The resolution as amended was adopted.

Mr. TAULBEE (at 9 o'clock and 17 minutes p. m.). I ask unanimous consent to dispense with further proceedings under the call.

Mr. BRECKINRIDGE, of Arkansas. I object.

Mr. TAULBEE. Very well; I will not press the matter, but withdraw the request.

The Sergeant-at-Arms appeared at the bar of the House, having in custody, in obedience to its orders, Mr. MORSE.

The SPEAKER. Mr. MORSE, you have been absent from the sitting of the House without leave. What excuse have you to offer?

Mr. MORSE. I had supposed, Mr. Speaker, when I left the House late this evening that the motion then pending to adjourn would prevail, and that the House was ready to adjourn. [Laughter.]

Mr. EZRA B. TAYLOR. I offer the resolution I send to the desk.

The Clerk read as follows:

Resolved, That Hon. LEOPOLD MORSE be excused for being absent from the call of the House on payment of $10; and the Sergeant-at-Arms is hereby directed to deduct said sum from said member's monthly salary.

Mr. EZRA B. TAYLOR. Mr. Speaker, I have nothing to say in addition to what I said on the other occasion a few moments ago. But I still desire that this matter should be seriously considered by the House. It is a duty we owe to ourselves and the country to see to it that gentlemen who are members of this House attend its sessions, and are present for the transaction of the public business in the House. The time has come when some action should be taken to break up this practice of members absenting themselves without leave, and when the House should not regard these proceedings in the light of a mere matter of joke and permit a member who has been absent to make his excuse, frivolous or otherwise, an excuse of any kind, and receive it as a matter of course. I understand, however—but I shall not refer to what I had intended saying.

The excuse of the gentleman is not sufficient, in my judgment, and

while I have no idea or wish to hurt anybody's feelings, yet in behalf of the dignity of this body, in behalf of the dignity of the country, the time has come now when this matter should end and every man should understand that his business is here when the House is in session unless he is excused by the action of the House.

Mr. CRISP. Will the gentleman permit me to ask him a question?

Mr. EZRA B. TAYLOR. Most assuredly.

Mr. CRISP. Does the gentleman believe that it is competent, by a mere resolution of this House, to change existing law as to the compensation of members, or the payment of their salaries? Does the gentleman believe it competent for the House by a mere resolution to retain any part of the salary due to a member of the House under the law?

Mr. EZRA B. TAYLOR. On the contrary, such has been the action of past Congresses in respect to this matter; and the Speakers have regarded this as no violation of any rule or any existing law. It is not a change of the law fixing the salary, but it is merely as to the manner of collecting a fine.

Mr. CRISP. As I understand it, the law prescribes—the law passed by both Houses and approved by the President—that a member of this House shall receive a stated salary, which shall be paid to him each month.

Mr. EZRA B. TAYLOR. This does not affect his salary.

Mr. CRISP. This is a proposition to direct an officer of the House, who is merely the agent of the member, not of the House, but of the member, to receive his salary from the Treasury, to retain a portion of it. He can not get a dollar of that salary without the receipt of the member, and it is to instruct him to retain a part of the salary due to the member.

Mr. EZRA B. TAYLOR. The Sergeant-at-Arms is an officer of the House, and is directed and required to collect a fine that has been levied by the House. This is a direction as to the manner of collecting that fine. There is no change of the law. It is the ordinary course.

Mr. CRISP. Whatever the course may be, it is entirely without warrant, and the gentleman has not suggested any reason for it.

Suppose, for the sake of argument, that the gentleman from Massachusetts, when the Sergeant-at-Arms comes to him with a receipt or certificate to sign to enable him to draw the coming month's salary, declines to sign it, how will the Sergeant-at-Arms get the money from the Treasury?

Mr. REED. Let us wait until we get to that point.

Mr. CRISP. That shows the absurdity of the proposition the gentleman from Ohio seriously insists upon; and that is the only object I had in calling attention to the matter.

Mr. REED. I do not think the gentleman from Massachusetts will act in that way.

Mr. WHEELER. I move to strike out all after the first line in the resolution—all that part relating to a fine.

Mr. EZRA B. TAYLOR. Mr. Speaker, there is a law in respect to deductions from the pay of members which is cited in the Digest on page 269:

Deduction from compensation for, and further deduction from compensation for, without leave. Revised Statutes, sections 40 and 41.

That is a law of Congress.

Mr. CRISP. If the gentleman will permit me, that is not when temporarily absent from the House.

Mr. WEAVER. It is not a fine.

Mr. CRISP. It is where he is not in attendance as a Representative at all; absenting himself and not returning during the session.

Mr. STRUBLE. Let me ask the gentleman from Georgia whether he thinks there is any danger of a fine being assessed in the present case?

Mr. CRISP. I should think, Mr. Speaker, that in this case there was hardly any danger of a fine being assessed. I think, in answer to my friend from Iowa, that the gentleman from Massachusetts had the right to suppose that after five or six days of continuous session——

Mr. STOCKDALE. Frittering away the time. [Laughter and applause.]

Mr. CRISP. I think he had a right to suppose that the time had come when the majority ought to recognize the impropriety of proceeding further in this course, obstructing public business, and adjourn the House.

Mr. REED. Nevertheless the gentleman knows that the gentleman from Massachusetts did not suppose so.

The SPEAKER. The gentleman from Alabama [Mr. WHEELER] moves to amend the resolution by striking out so much as proposes to impose a fine.

Mr. CUMMINGS. I move to amend the amendment of the gentleman from Alabama by striking out all of the resolution after that part which directs that the gentleman from Massachusetts be fined $10. I offer the amendment for this reason: It seems to me that there is an imputation cast upon the gentleman from Massachusetts to the effect that he is not able to pay $10 unless it is taken out of his salary by the Sergeant-at-Arms; and knowing as I do that Mr. MORSE entertains magnificently, not only intellectually but otherwise [laughter], I hope the gentleman from Alabama will accept my amendment, and will leave the resolution so that it shall direct that the gentleman from Massachusetts be fined $10.

The SPEAKER. The gentleman from New York [Mr. CUMMINGS] moves to amend the amendment, so as to strike out only that part which directs the Sergeant-at-Arms to deduct the fine from the salary of the gentleman from Massachusetts.

The amendment to the amendment was not agreed to.

Mr. ENLOE. I desire to make a parliamentary inquiry. I would like to know if the defendant is not entitled to have counsel assigned him if he is not able himself to employ them to defend him?

Mr. FARQUHAR. I desire to ask a question. Is it competent for the House to fine the gentleman from Massachusetts?

The SPEAKER. The Chair supposes so.

Mr. FARQUHAR. The second clause of Rule XV is as follows:

In the absence of a quorum, fifteen members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent members, and in all calls of the House the names of the members shall be called by the Clerk and the absentees noted; the doors shall then be closed, and those for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested, wherever they may be found, by officers to be appointed by the Sergeant-at-Arms for that purpose, and their attendance secured; and the House shall determine upon what condition they shall be discharged.

Mr. MCMILLIN. That settles it. There can be no question about it.

The SPEAKER. The motion is to discharge the gentleman from Massachusetts on the "condition" that he pays a fine.

Mr. FARQUHAR. The question was raised, as I understood, by the gentleman from Georgia [Mr. CRISP] whether it was competent to assess a fine.

The SPEAKER. The Chair understood the point made by the gentleman from Georgia to be whether it was competent to deduct the fine from the gentleman's salary or not. The question is on the amendment of the gentleman from Alabama [Mr. WHEELER].

The question being put, the amendment of Mr. WHEELER was agreed to.

The SPEAKER. The question recurs on agreeing to the resolution as amended.

Several MEMBERS. Let the resolution as amended be read.

The Clerk read as follows:

Resolved, That Hon. LEOPOLD MORSE be excused for being absent on a call of the House.

Mr. BURROWS. I wish to inquire as a matter of fact if this is not the second offense of the member.

A MEMBER. It is, the same day.

Mr. WHEELER. I call for the regular order.

The question being put, the Speaker stated that the "noes" seemed to have it.

Several members called for a division.

The House divided; and there were—ayes 75, noes 17.

So the resolution as amended was agreed to.

Mr. BRECKINRIDGE, of Kentucky. I move that the House do now adjourn.

Mr. MCMILLIN, and Mr. BRECKINRIDGE, of Kentucky, called for the yeas and nays on the motion to adjourn.

The yeas and nays were ordered.

The question was taken; and there were—yeas 68, nays 140, not voting 116; as follows:

YEAS—68.

Abbott,	Dockery,	McKinney,	Russell, Mass.
Anderson, Miss.	Dunn,	McMillin,	Sayers,
Anderson, Ill.	Enloe,	McRae,	Shaw,
Bacon,	Ford,	McShane,	Shively,
Bankhead,	Grimes,	Moore,	Smith,
Barnes,	Henderson, N. C.	Morgan,	Springer,
Barry,	Herbert,	Morse,	Stockdale,
Breckinridge, Ark.	Howard,	Neal,	Stone, Ky.
Breckinridge, Ky.	Johnston, N. C.	Norwood,	Tarsney,
Buckalew,	Kilgore,	Oates,	Tillman,
Bynum,	Landes,	O'Neall, Ind.	Turner, Ga.
Candler,	Lane,	Peel,	Vance,
Carlton,	Lanham,	Phelan,	Walker,
Clements,	Lawler,	Richardson,	Washington,
Cowles,	Maish,	Robertson,	Weaver,
Crisp,	Martin,	Rogers,	Wheeler,
Cummings,	McClammy,	Rowland,	Whiting, Mich.

NAYS—140.

Allen, Mass.	Buchanan,	Dibble,	Holman,
Allen, Mich.	Bunnell,	Ermentrout,	Holmes,
Anderson, Iowa	Burrows,	Farquhar,	Hopkins, Ill.
Arnold,	Butler,	Fitch,	Hopkins, Va.
Atkinson,	Butterworth,	Fuller,	Hovey,
Baker, N. Y.	Campbell, F., N. Y.	Funston,	Hudd,
Baker, Ill.	Campbell, Ohio	Gaines,	Hunter,
Bayne,	Campbell, T. J., N. Y.	Gallinger,	Kennedy,
Belden,	Cannon,	Gear,	Kerr,
Bingham,	Caruth,	Gest,	Laidlaw,
Bliss,	Caswell,	Glover,	Laird,
Boothman,	Cheadle,	Goff,	Latham,
Bound,	Chipman,	Grout,	Lehlbach,
Boutelle,	Cogswell,	Guenther,	Lind,
Bowden,	Compton,	Hall,	Lodge,
Bowen,	Conger,	Harmer,	Long,
Brewer,	Cooper,	Haugen,	Lyman,
Browne, T. H. B., Va.	Crouse,	Henderson, Iowa	Mahoney,
Brown, Ohio	Dalzell,	Henderson, Ill.	Mansur,
Brown, J. R., Va.	Darlington,	Hermann,	Mason,
Brumm,	Davis,	Hitt,	Matson,

McCormick,	Patton,	Seney,	Thomas, Ky.
McCreary,	Perkins,	Seymour,	Thomas, Wis.
McKenna,	Peters,	Sherman,	Townshend,
McKinley,	Post,	Sowden,	Turner, Kans.
Merriman,	Pugsley,	Spooner,	Wade,
Moffitt,	Randall,	Stahlnecker,	Warner,
Montgomery,	Reed,	Steele,	Weber,
Morrow,	Rice,	Stephenson,	White, Ind.
Nichols,	Rockwell,	Stewart, Vt.	Wickham,
O'Ferrall,	Romeis,	Struble,	Wilkins,
O'Neill, Pa.	Rowell,	Symes,	Williams,
Osborne,	Russell, Conn.	Taulbee,	Woodburn,
Owen,	Sawyer,	Taylor, E. B., Ohio	Yardley,
Parker,	Scull,	Taylor, J. D., Ohio	Yost.

NOT VOTING—116.

Adams,	Dingley,	Houk,	Perry,
Allen, Miss.	Dorsey,	Hutton,	Phelps,
Anderson, Kans.	Dougherty,	Jackson,	Pidcock,
Belmont,	Dunham,	Johnston, Ind.	Plumb,
Biggs,	Elliott,	Jones,	Rayner,
Blanchard,	Felton,	Kean,	Rusk,
Bland,	Finley,	Kelley,	Ryan,
Blount,	Fisher,	Ketcham,	Scott,
Brower,	Flood,	Laffoon,	Simmons,
Browne, Ind.	Foran,	La Follette,	Snyder,
Bryce,	Forney,	Lagan,	Spinola,
Burnes,	French,	Lee,	Stewart, Tex.
Burnett,	Gay,	Lynch,	Stewart, Ga.
Catchings,	Gibson,	Macdonald,	Stone, Mo.
Clardy,	Glass,	Maffett,	Thomas, Ill.
Clark,	Granger,	McAdoo,	Thompson, Ohio
Cobb,	Greenman,	McComas,	Thompson, Cal.
Cockran,	Grosvenor,	McCullogh,	Tracey,
Collins,	Hare,	Milliken,	Vandever,
Cothran,	Hatch,	Mills,	West,
Cox,	Hayden,	Morrill,	White, N. Y.
Crain,	Hayes,	Nelson,	Whiting, Mass.
Culberson,	Heard,	Newton,	Whitthorne,
Cutcheon,	Hemphill,	Nutting,	Wilber,
Dargan,	Hiestand,	O'Donnell,	Wilkinson,
Davenport,	Hires,	O'Neill, Mo.	Wilson, Minn.
Davidson, Ala.	Hogg,	Outhwaite,	Wilson, W. Va.
Davidson, Fla.	Hooker,	Payson,	Wise,
De Lano,	Hopkins, N. Y.	Penington,	Yoder.

So the motion to adjourn was not agreed to.

Mr. COWLES. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COWLES. On the 20th of March I was paired with the gentleman from Ohio, Mr. THOMPSON. The pair is in the usual form. It states that Mr. COWLES, and Mr. THOMPSON, of Ohio, are paired on all political questions, reserving the right to vote to make a quorum.

Now, sir, I wish to inquire whether, according to the custom of the House in such matters, the pair restricts me from voting on this bill.

The SPEAKER. That is not a parliamentary question which the Chair can answer. Each gentleman must determine for himself the question of his right to vote.

Mr. COWLES. I supposed there was some custom in the House in regard to such matters.

The SPEAKER. It is not a question for the Chair to decide.

Mr. STRUBLE. Does not the gentleman know that a good many of his Democratic friends are in favor of this bill?

Mr. COWLES. Yes, a good many are in favor of it and a good many are opposed to it.

Mr. STRUBLE. Then it can not be a political question.

Mr. COWLES. I have no desire to vote unless I have a right to do so. I desire to do only what is honorable and fair in the matter.

The Clerk proceeded to recapitulate the names of members voting.

Mr. TAULBEE. I ask unanimous consent that the reading of the names be dispensed with.

Mr. BOUTELLE objected, but subsequently withdrew his objection.

The SPEAKER. The gentleman from Maine withdraws his objection. Is there further objection to the request of the gentleman from Kentucky [Mr. TAULBEE]?

Mr. WASHINGTON. I object.

The following additional pairs were announced:

Mr. HATCH with Mr. DAVENPORT, on this bill, until noon to-morrow.

Mr. DOUGHERTY with Mr. MACDONALD, on this bill, for the rest of the day.

Mr. BROWNE, of Indiana, with Mr. HARE, for this day.

Mr. BLOUNT with Mr. WHITE, of New York, until 12 o'clock to-morrow.

Mr. RYAN with Mr. BURNES, for this day.

Mr. MORRILL with Mr. STONE, of Missouri, for this calendar day.

Mr. OUTHWAITE with Mr. FORAN, on this bill, for the rest of the day.

Mr. PENINGTON with Mr. WHITING, of Massachusetts, on this bill, until to-morrow.

Mr. HAYES with Mr. LEE, on this bill, until to-morrow afternoon.

Mr. OWEN. Mr. Speaker, I believe I am marked as not present. I am here and have been voting.

The SPEAKER. If the gentleman was not present at the roll-call, under the order for the call of the House he will appear among the absentees unless he afterwards came in and reported to the Clerk.

Mr. OWEN. That is just what I am seeking to do now, but I did not know the necessity of doing it until a few moments ago.

Mr. STONE, of Missouri. I desire to present a request for unanimous consent.

Mr. EZRA B. TAYLOR. I object. There is no business in order.

The SPEAKER *pro tempore* (Mr. DOCKERY). Objection is made.

Mr. GLOVER. I ask unanimous consent to dispense with further proceedings under the call and to take a recess until 11.45 to-morrow.

Mr. McRAE, Mr. OATES and, others objected.

Mr. TIMOTHY J. CAMPBELL. In the interest of peace and harmony and good-will to all, I ask unanimous consent that this House take a recess until to-morrow at 9.50 a. m.

Mr. BRECKINRIDGE, of Arkansas, and others objected.

Mr. TIMOTHY J. CAMPBELL. Mr. Speaker, I renew my request, making the time 11.45 instead of 9.50. I hope gentlemen will not object.

Mr. McRAE and Mr. OATES objected.

Mr. McMILLIN. Mr. Speaker, my colleague, General WHITTHORNE, has sent me word that he is too unwell to attend the session to-night, and has requested me to ask leave of absence for him during this calendar day.

Mr. EZRA B. TAYLOR. He is paired, I believe?

Mr. McMILLIN. Yes.

There was no objection, and Mr. WHITTHORNE was excused for this calendar day.

Mr. LAWLER. Mr. Speaker, I wish to say a word in the cause of humanity. Though it may be amusement to members to continue here in session, it is very hard to keep the employés of the House here. I believe that the House will accomplish nothing by remaining in session to-night. No doubt this thing is to be carried on; but in the interest of these employés, who came here early this morning, who have been here up to this hour of the night, and who must be here early to-morrow morning, I think we ought to agree to the motion I now make that we take a recess until 11 o'clock and 50 minutes to-morrow morning.

The SPEAKER *pro tempore* (Mr. RICHARDSON). The gentleman from Illinois [Mr. LAWLER] asks unanimous consent that further proceedings under the call be dispensed with, and——

A MEMBER. It was a motion.

The SPEAKER *pro tempore*. The gentleman can not now make a motion for a recess; it can only be put in the form of a request for unanimous consent. The gentleman from Illinois asks unanimous consent that the House dispense will all further proceedings under the call and take a recess until to-morrow morning at 11.45.

Mr. FORD and others objected.

Mr. REED. I hope our harmony of action will not be interrupted by any more of these requests.

Mr. LAWLER. My request was for a recess until 11.50. The Speaker stated the hour as 11.45.

Several members objected.

Mr. PERKINS. I ask unanimous consent that the clerks and other employés of the House be excused from duty until 11.45 to-morrow morning. Members can remain here if they wish.

The SPEAKER *pro tempore*. The gentleman from Kansas asks unanimous consent that the clerks and other employés of the House be excused from further attendance until 11.45 to-morrow morning.

Mr. REED. I object.

Some time subsequently,

Mr. ALLEN, of Michigan, said: I ask unanimous consent that the House take a recess for twelve hours.

Mr. McRAE and others objected.

Mr. McCLAMMY. I ask unanimous consent that the Sergeant-at-Arms and his deputies be excused for the remainder of this day.

Objection was made.

Mr. TAULBEE. Mr. Speaker, the conductors on the elevators of the House go on duty about 9 o'clock in the morning, and work hard all day.

A MEMBER. So do we.

Mr. TAULBEE. They are still on duty. I ask unanimous consent that they be excused until 9 o'clock to-morrow morning.

Mr. BOUTELLE. Another friend of the laboring man! [Laughter.]

Mr. REED. I object.

Mr. TAULBEE. I hope the good-natured gentleman from Maine will not object.

Mr. REED. The "good-natured gentleman from Maine" is not here.

The SPEAKER *pro tempore*. Objection is made.

Mr. FARQUHAR. I ask unanimous consent that the Sergeant-at-Arms be instructed to relieve the employés on the elevator until 9 o'clock to-morrow morning. I think that under the rules this is the proper way in which to relieve those employés.

The SPEAKER *pro tempore* (Mr. McMILLIN). Pending a call of the House, no business can be transacted except that designated by the rule as connected with the call.

Mr. TAULBEE. I ask unanimous consent that the conductors of the public elevator on the west side of the Capitol be relieved until 9 o'clock in the morning.

The SPEAKER *pro tempore*. The Chair stated a moment ago that no business of any kind is now in order.

Mr. TAULBEE. I thought the gentleman from New York [Mr. FARQUHAR] made a motion. My request was for unanimous consent.

The SPEAKER *pro tempore*. No business is in order except the matters designated by the rule as permissible pending a call of the House.

Mr. SOWDEN. I understand that my colleague [Mr. MAISH] is seriously indisposed; and I therefore ask that he be excused from further attendance on the session of the House during this calendar day.

There was no objection, and Mr. MAISH was excused.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. MONTGOMERY] asks unanimous consent to be excused from further attendance until 9 o'clock to-morrow (Wednesday) morning, on account of important business.

Several members objected.

Mr. LAWLER. I am earnestly requested to ask to have excused from further attendance to-night all married men who may be here now, the object being that they may retire to their families and homes.

Several members objected.

Mr. MCCREARY (at 12 o'clock and 20 minutes a. m. Wednesday). I move to dispense with further proceedings under the call.

The motion was not agreed to.

Mr. COMPTON. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. COMPTON. What are we here for? [Laughter.]

The SPEAKER *pro tempore* [Mr. MCMILLIN]. For the purpose of securing a quorum to transact the public business.

Mr. COMPTON. We do not seem to be making much progress in that direction.

Mr. SHIVELY. Mr. Speaker, if we are here to transact business, I ask unanimous consent to call up House bill 2197——

Mr. REED. I object.

The SPEAKER *pro tempore*. The Chair will state that such a request is not in order now, and the gentleman from Maine [Mr. REED] objects.

Mr. WILKINS. I move that all further proceedings under the call be dispensed with, with a view to taking a recess until to-morrow morning at 11.45 o'clock.

The question was taken; and on a division there were—ayes 35, noes 67.

Mr. WILKINS. I demand tellers.

The SPEAKER *pro tempore* proceeded to submit the question on the demand for tellers.

Mr. BOUTELLE. Pending that I move that the gentleman from Alabama [Mr. OATES], the gentleman from Kentucky [Mr. BRECKINRIDGE], the gentleman from Arkansas [Mr. BRECKINRIDGE], and the gentleman from Iowa [Mr. WEAVER] be excused from voting on this question. [Cries of "Regular order!"]

A MEMBER. I object.

Mr. BOUTELLE. I make the motion.

Mr. CRISP. I demand a division of the question.

Mr. OATES. Whenever I want the gentleman from Maine to do anything for me I will request it.

Mr. WILKINS. I raise the point of order that the motion of the gentleman is not in order. The House is dividing, and nothing is in order but that division.

Mr. BOUTELLE. I submit, Mr. Speaker, that the only time to make this motion is before the vote is taken. This is the proper time to make it, and no member can be excused under the rule unless he be excused in advance of the vote.

Mr. WILKINS. This is not a yea-and-nay vote.

Mr. BOUTELLE. I understand that.

The SPEAKER *pro tempore*. The fact that the vote is not by yea and nay would not affect the question, for the same rule would govern, the only difference being that a record is made in one case and not in the other.

Mr. WEAVER. The gentleman from Maine had no authority, so far as I am concerned, to make such a request.

Mr. BOUTELLE. Mr. Speaker——

[Cries of "Regular order!"]

Mr. TAULBEE. I make the point of order that the motion of the gentleman from Maine is not debatable, and demand the regular order.

Mr. BOUTELLE. I submit that my motion is in order and pending; and I desire to say that, under the rulings of the presiding officers of this House, I do not understand that it is at all necessary that I should be requested by the gentleman from Iowa or any other of the gentlemen named to make the motion I have made in order that it should come within the rule. It is, under the rulings to which I have referred, entirely proper for any member to make the motion, whether he be requested or not.

Mr. TAULBEE. I insist upon the regular order. This question is not debatable.

The SPEAKER *pro tempore*. The Chair sustains the point of order.

Mr. BOUTELLE. But I had the floor, Mr. Speaker, I believe, on my motion.

The SPEAKER *pro tempore*. But the gentleman from Kentucky makes the point of order that the motion is not debatable, and the Chair sustains the point.

Mr. CANNON. I submit that the gentleman from Maine can not be taken off the floor in that way. He had the floor and had commenced to occupy the hour to which he is entitled under the rule, and the point of order comes too late.

Mr. BOUTELLE. I submit that I was engaged in addressing the Chair, and the Chair was entertaining my remarks.

The SPEAKER *pro tempore*. But when a point of order is made that the motion to which the gentleman is addressing himself is not a debatable motion the Chair is bound to take cognizance of the point of order.

Mr. BOUTELLE. I would like the Chair to state how my motion is not in order.

The SPEAKER *pro tempore*. The Chair does not so state, but holds that the motion is not debatable.

Mr. BOUTELLE. But it is in order.

The SPEAKER *pro tempore*. The Chair thinks it is in order to move to excuse a member upon a pending vote.

Mr. WILKINS. I again raise the point of order that the House was dividing, and the Speaker had called upon those in favor of taking the vote by tellers to rise. The Speaker was taking the vote, and that vote can not be interrupted.

Mr. BOUTELLE. And I repeat, as I said before, that the only possible time for me to interpose and protect the gentlemen I have named from the necessity of voting is before the vote is taken. I am but following in the footsteps of the gentleman from Arkansas [Mr. BRECKINRIDGE] when he exercised the same humane care over the voting privilege of the gentleman from New Hampshire quite recently. [Laughter.]

Mr. TAULBEE. There is nothing before the House debatable, and the gentleman from Maine is out of order.

The SPEAKER *pro tempore*. The Chair understood the gentleman from Maine to rise to debate the point of order of the gentleman from Ohio.

Mr. TAULBEE. Do I understand the Chair to state that the gentleman from Ohio had stated a point of order to which the gentleman was addressing himself?

The SPEAKER *pro tempore*. The Chair so states.

Mr. BOUTELLE. Is not the point of order debatable?

The SPEAKER *pro tempore*. The Chair will state that the Chair was entertaining the remarks of the gentleman from Maine on the ground the Chair has discretion to hear members on a point of order.

Mr. BOUTELLE. So I understood; and to that I desire to address my remarks.

The SPEAKER *pro tempore*. But the merits of the question presented are not debatable.

Mr. BOUTELLE. Exactly, and I was about to address myself to the point of order.

The point I desired to enforce was that under the late rulings of the presiding officers of the House it is not necessary for the gentleman from Iowa or either of the other gentlemen named to ask me to request this relief for them, but it is entirely competent for me to make the request of my own volition, and the inference from the rulings to which I have alluded is that it would be out of order for them, or either of them, to interpose any objection to this request of mine. [Laughter.]

The SPEAKER *pro tempore*. The Chair knows of no ruling of the Chair which goes to the extent of holding that a member can, against the will of a fellow-member, move to have him excused from voting.

Mr. WEAVER. Mr. Speaker——

Mr. BOUTELLE. I would like to have a vote of the House upon that motion.

Mr. WEAVER. I move to amend, so as to excuse the gentleman from Maine [Mr. BOUTELLE] and the other members from the State of Maine. [Laughter.]

Mr. BOUTELLE. Is that an amendment?

Mr. WEAVER. That is an amendment.

Mr. PARKER. Mr. Speaker, this motion having been made in good faith to elucidate the rule, I wish to pursue it a little further, and upon this preliminary motion I move that the gentleman from Kentucky [Mr. TAULBEE] be excused from voting. [Laughter.]

Mr. TAULBEE. Mr. Speaker——

The SPEAKER *pro tempore*. There is a motion now pending before the House, and the motion of the gentleman from New York [Mr. PARKER] is not in order.

Mr. TAULBEE. I rise to a parliamentary question.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. TAULBEE. I want to know whether or not, if this motion prevail, it will then be in order for the member so excused to vote without putting himself in contempt.

Mr. BOUTELLE. That is a hypothetical question.

The SPEAKER *pro tempore*. That is not a parliamentary inquiry.

Mr. TAULBEE. I ask that question with a view to be enabled to vote intelligently upon the motion made by the gentleman from Maine [Mr. BOUTELLE.]

Mr. BOUTELLE. That is an impossibility. [Laughter.]

The SPEAKER *pro tempore*. Gentlemen must decide for themselves upon the propriety of voting upon any question. The Chair can not undertake to say when it will or will not be proper for a member to vote after any action that shall be taken by the House. That is a matter for the member himself.

Mr. BOUTELLE. I wish the Chair would kindly state the condition of the question as it now stands.

The SPEAKER *pro tempore*. The gentleman from Maine [Mr. BOUTELLE] moved to excuse the gentleman from Alabama [Mr. OATES], the gentleman from Iowa [Mr. WEAVER], the gentleman from Kentucky [Mr. BRECKINRIDGE], and the gentleman from Arkansas [Mr. BRECKINRIDGE], from voting. The gentleman from Georgia [Mr. CRISP] demanded a division of the question. Pending that the gentleman from Iowa [Mr. WEAVER] moved, as an amendment, to excuse the gentleman from Maine [Mr. BOUTELLE] himself from voting, and the question is on the amendment of the gentleman from Iowa [Mr. WEAVER].

The question was taken by a *viva voce* vote, and the Speaker *pro tempore* declared that the "ayes" had it, and the amendment was adopted. [Laughter.]

Mr. WILKINS. Regular order!

Mr. BOUTELLE. We would like to know now which gentleman is excused.

The SPEAKER *pro tempore*. The name of the gentleman who now has the floor [Mr. BOUTELLE] has been added to his motion to excuse others.

Mr. BOUTELLE. What becomes of my motion?

The SPEAKER *pro tempore*. The question recurs upon the motion as amended, and the gentleman from Georgia [Mr. CRISP] has demanded a division of the question.

Mr. CANNON. I rise to a privileged motion.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. CANNON. I desire to move that upon this motion I be excused from voting.

Mr. WEAVER. I object.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. CANNON] moves as an amendment to the motion of the gentleman from Maine [Mr. BOUTELLE] which has just been amended——

Mr. CANNON. No, no.

The SPEAKER *pro tempore*. Then the Chair will be obliged to the gentleman from Illinois if he will state his motion.

Mr. CANNON. My motion is that I be excused from voting upon the motion to excuse the gentleman from Kentucky from voting.

Mr. TAULBEE. There is no such motion pending. I have been lying in wait for such a motion.

The SPEAKER *pro tempore*. The Chair will state that there is no motion pending to excuse the gentleman from Kentucky [Mr. TAULBEE] from voting.

Mr. BOUTELLE. It is to excuse the other gentleman from Kentucky [Mr. BRECKINRIDGE].

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Maine——

Mr. CANNON. I rise to another privileged motion.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. CANNON. I move that I be excused from voting upon the motion to excuse whoever is proposed to be excused. [Laughter.]

The SPEAKER *pro tempore*. The Chair fears the gentleman's motion is too indefinite to be understood by anybody except himself.

Mr. CANNON. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. CANNON. What is the motion before the House?

The SPEAKER *pro tempore*. The motion before the House is the motion of the gentleman from Maine [Mr. BOUTELLE] to excuse the gentleman from Kentucky [Mr. BRECKINRIDGE], the gentleman from Iowa [Mr. WEAVER], the gentleman from Arkansas [Mr. BRECKINRIDGE], and the gentleman from Alabama [Mr. OATES] from voting; which motion has been amended by adding the gentleman from Maine, himself [Mr. BOUTELLE].

Mr. CANNON. Now, then——

Mr. TAULBEE. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. TAULBEE. If I caught the statement of the Chair correctly it was that the motion pending was to excuse "the gentleman from Kentucky," without designating particularly any of the members from Kentucky, all of whom I believe are present.

The SPEAKER *pro tempore*. The Chair has already indicated that the Chair did not understand that there was any motion pending to excuse from voting the gentleman from Kentucky who is directly in front of the Chair [Mr. TAULBEE].

Mr. CANNON. Then I rise to a privileged motion. That is, that the gentleman from Maine [Mr. BOUTELLE] be excused from voting upon the pending motion; and pending that I desire to give notice to the Chair that when that motion shall be stated——

The SPEAKER *pro tempore* (interposing). The Chair will take notice of events as they arise

Mr. CANNON. Well, I hope the Chair will.

The SPEAKER *pro tempore*. The question is upon the motion of the gentleman from Illinois [Mr. CANNON] that the gentleman from Maine be excused from voting——

Mr. BAYNE. I rise to a privileged motion.

The SPEAKER *pro tempore*. The Chair will not recognize any gentleman until the pending motion is stated to the House.

Mr. BAYNE. Mr. Speaker——

The SPEAKER *pro tempore*. The gentleman can not be recognized for any purpose until the question is stated to the House. The question is on the motion of the gentleman from Illinois [Mr. CANNON] that the gentleman from Maine be excused from voting.

Mr. REED. Mr. Speaker——

Mr. BAYNE. Mr. Speaker——

Mr. ROWELL. I rise to a parliamentary inquiry.

Mr. MONTGOMERY. Mr. Speaker, pending these motions, as there seems to be a disposition to do nothing but trifle with the rules, I move that the House do now adjourn.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. MONTGOMERY] moves that the House do now adjourn.

As many as are in favor of the motion will say ay; those opposed no.

The question was taken by a *viva voce* vote.

The SPEAKER *pro tempore*. The "noes" seem to have it, and the House refuses to adjourn.

While the question was being put, Mr. ROWELL and several others on the Republican side addressed the Chair and demanded the yeas and nays.

The SPEAKER *pro tempore*. Gentlemen will take their seats and the House will be in order; then the Chair will recognize gentlemen in order.

Mr. TAULBEE. I rise to a question of order.

The SPEAKER *pro tempore*. The House will be in order. Gentlemen will please resume their seats.

Mr. REED. I call for the yeas and nays on the motion to adjourn.

The SPEAKER *pro tempore*. The Chair will recognize no one till order is restored.

Mr. REED. I hold the floor for the purpose of calling for the yeas and nays.

The SPEAKER *pro tempore*. The House will be in order.

The Deputy Sergeant-at-Arms proceeded through the Hall, carrying the mace.

Mr. CANNON. I rise to a parliamentary inquiry.

Mr. REED. On the motion to adjourn I call for the yeas and nays.

The SPEAKER *pro tempore*. The Chair announced that on the motion to adjourn the "noes" seemed to have it, and upon that the gentleman from Maine demanded the yeas and nays. The question is on ordering the yeas and nays.

The yeas and nays were ordered.

The SPEAKER *pro tempore*. The Clerk will call the roll.

Mr. BURROWS. I rise to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BURROWS. The gentleman from Maine made a motion to be excused or for some one to be excused.

Mr. BOUTELLE. It was not for myself.

Mr. BURROWS. And I understood the gentleman from Illinois to move an amendment. Would not that be in order as an amendment to the previous motion?

The SPEAKER *pro tempore*. The Chair will state the question is upon the motion of the gentleman from Kentucky that the House adjourn, and upon that the yeas and nays have been ordered. The Clerk will call the roll.

Mr. BURROWS. I alluded to the previous motion.

The SPEAKER *pro tempore*. The Chair will decide as to that when it is before the House. It is not before the House pending the roll-call on the motion to adjourn.

Mr. BOUTELLE addressed the Chair.

[Cries of "Regular order!"]

Mr. BOUTELLE. This is the regular order. I understand the motion to adjourn having been interposed cuts off action upon the other motions.

The SPEAKER *pro tempore*. The motion to adjourn is the pending motion, on which the yeas and nays have been ordered. The Clerk will call the roll.

The question was taken; and there were—yeas 65, nays 122, not voting 137; as follows:

YEAS—65.

Abbott,	Caruth,	Kilgore,	Montgomery,
Anderson, Miss.	Clements,	Lagan,	Moore,
Anderson, Ill.	Cowles,	Landes,	Morgan,
Bacon,	Crain,	Lane,	Morse,
Bankhead,	Crisp,	Lanham,	Neal,
Barnes,	Cummings,	Lawler,	Norwood,
Barry,	Enloe,	Martin,	Oates,
Breckinridge, Ark.	Ford,	McClammy,	O'Neall, Ind.
Breckinridge, Ky.	Grimes,	McCreary,	Peel,
Buckalew,	Henderson, N. C.	McKinney,	Phelan,
Bynum,	Hooker,	McMillin,	Richardson,
Candler,	Howard,	McRae,	Robertson,
Carlton,	Johnston, N. C.	McShane,	Rogers,

Rowland,	Shively,	Tarsney,	Whiting, Mich.
Russell, Mass.	Stewart, Tex.	Tillman,	
Sayers,	Stockdale,	Walker,	
Shaw,	Stone, Ky.	Weaver,	

NAYS—122.

Allen, Mass.	Davis,	Laidlaw,	Sawyer,
Allen, Mich.	Dibble,	Latham,	Scull,
Anderson, Iowa.	Elliott,	Lehlbach,	Seney,
Arnold,	Farquhar,	Lind,	Seymour,
Baker, N. Y.	Fitch,	Lodge,	Sherman,
Baker, Ill.	Fuller,	Long,	Sowden,
Bayne,	Funston,	Lyman,	Spooner,
Belden,	Gaines,	Mansur,	Stahlnecker,
Bingham,	Gallinger,	Mason,	Steele,
Boothman,	Gear,	McAdoo,	Stephenson,
Bound,	Gest,	McCormick,	Stewart, Vt.
Boutelle,	Goff,	McKenna,	Struble,
Bowden,	Grout,	McKinley,	Symes,
Bowen,	Guenther,	Moffitt,	Taulbee,
Browne, T. H. B., Va.	Hall,	Morrow,	Taylor, E. B., Ohio.
Brown, J. R., Va.	Harmer,	Nichols,	Taylor, J. D., Ohio.
Bryce,	Haugen,	O'Ferrall,	Thomas, Ky.
Buchanan,	Henderson, Iowa.	O'Neill, Penn.	Thomas, Wis.
Bunnell,	Henderson, Ill.	Osborne,	Turner, Kans.
Burrows,	Hermann,	Parker,	Wade,
Butterworth,	Hitt,	Perkins,	Warner,
Cannon,	Holmes,	Peters,	Weber,
Caswell,	Hopkins, Ill.	Post,	White, Ind.
Cheadle,	Hopkins, Va.	Pugsley,	Wickham,
Chipman,	Houk,	Randall,	Wilkins,
Cogswell,	Hovey,	Reed,	Williams,
Conger,	Hunter,	Rice,	Woodburn,
Cooper,	Johnston, Ind.	Rockwell.	Yardley,
Crouse,	Kean,	Romeis,	Yost.
Dalzell,	Kennedy,	Rowell,	
Darlington,	Kerr,	Russell, Conn.	

NOT VOTING—137.

Adams,	Davidson, Fla.	Hudd,	Plumb,
Allen, Miss.	De Lano,	Hutton,	Rayner,
Anderson, Kans.	Dingley,	Jackson,	Rusk,
Atkinson,	Dockery,	Jones,	Ryan,
Belmont,	Dorsey,	Kelley,	Scott,
Biggs,	Dougherty,	Ketcham,	Simmons,
Blanchard,	Dunham,	Laffoon,	Smith,
Bland,	Dunn,	La Follette,	Snyder,
Bliss,	Ermentrout,	Laird,	Spinola,
Blount,	Felton,	Lee,	Springer,
Brewer,	Finley,	Lynch,	Stewart, Ga.
Brower,	Fisher,	Macdonald,	Stone, Mo.
Browne, Ind.	Flood,	Maffett,	Thomas, Ill.
Brown, Ohio.	Foran,	Mahoney,	Thompson, Ohio.
Brumm,	Forney,	Maish,	Thompson, Cal.
Burnes,	French,	Matson,	Tracey,
Burnett,	Gay,	McComas,	Townshend,
Butler,	Gibson,	McCullogh,	Turner, Ga.
Campbell, F., N. Y.	Glass,	Merriman,	Vance,
Campbell, Ohio.	Glover,	Milliken,	Vandever,
Campbell, T. J., N. Y.	Granger,	Mills,	Washington,
Catchings,	Greenman,	Morrill,	West,
Clardy,	Grosvenor,	Nelson,	Wheeler,
Clark,	Hare,	Newton,	White, N. Y.
Cobb,	Hatch,	Nutting,	Whiting, Mass.
Cockran,	Hayden,	O'Donnell,	Whitthorne,
Collins,	Hayes,	O'Neill, Mo.	Wilber,
Compton,	Heard,	Outhwaite,	Wilkinson,
Cothran,	Hemphill,	Owen,	Wilson, Minn.
Cox,	Herbert,	Patton,	Wilson, W. Va.
Culberson,	Hiestand,	Payson,	Wise,
Cutcheon,	Hires,	Penington,	Yoder.
Dargan,	Hogg,	Perry,	
Davenport,	Holman,	Phelps,	
Davidson, Ala.	Hopkins, N. Y.	Pidcock,	

So the House refused to adjourn.

Mr. SOWDEN. I ask unanimous consent that the reading of the names be dispensed with.

There was no objection.

The following additional pairs were announced:

Mr. DOCKERY with Mr. PATTON, until further notice.

Mr. WHITTHORNE with Mr. BUTLER, for the rest of the day.

Mr. TOWNSHEND with Mr. BROWN, of Ohio, for the rest of the day.

Mr. FISHER with Mr. BREWER, for the rest of the day.

Mr. CLARDY with Mr. LAIRD, for the rest of the day.

The result of the vote was then announced as above stated.

Mr. ALLEN, of Michigan. I ask unanimous consent that my colleague, Mr. BREWER, be excused until to-morrow at 9 o'clock. He has been obliged to go home, sick.

There was no objection.

Mr. EZRA B. TAYLOR. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The Chair desires the gentleman from Ohio to suspend for a moment. When the gentleman from Kentucky [Mr. MONTGOMERY] made the motion to adjourn, a motion was pending to excuse four gentlemen named from voting. That had been amended by including the gentleman from Maine [Mr. BOUTELLE]. Thereupon the gentleman from Illinois [Mr. CANNON] had risen and moved that another member, the gentleman from Maine [Mr. BOUTELLE], be excused from voting on that question of excusing the four gentlemen named, and the gentleman from Michigan [Mr. BURROWS] has made a parliamentary inquiry as to whether the motion of the gentleman from Illinois is in order.

The Chair thinks that the motion that the gentleman from Maine [Mr. BOUTELLE] be excused from voting on a motion to excuse another member from voting would not be in order, and will have read from the Clerk's desk a ruling on the subject in the Thirty-seventh Congress, when the same question came up, and it was decided by the then presiding officer, Mr. Grow, that it was not in order to excuse a member from voting on the question of excusing another member from voting.

The Clerk read as follows from the proceedings of the House of Representatives January 28, 1863:

Mr. COX. I ask to be excused from voting on this question. I believe this is part of a plot to drive the slave States out of the Union. [Cries of "Order!"]

The SPEAKER. Debate is not in order.

Mr. MALLORY. I demand the yeas and nays on excusing the gentleman from Ohio.

The yeas and nays were ordered.

Mr. VALLANDIGHAM. I ask to be excused from voting on the question of excusing my colleague.

The SPEAKER. The Chair can not receive that motion.

Mr. VALLANDIGHAM. Why not?

The SPEAKER. It has been decided heretofore that such a motion is not in order.

Mr. COX. I appeal from the decision of the Chair.

Mr. HOLMAN. I call for the yeas and nays on the appeal.

Mr. MAYNARD. I move to lay the appeal on the table.

Mr. CRAVENS. On that I call for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The gentleman from Ohio [Mr. COX] asked to be excused from voting on the proposition before the House, and on that the yeas and nays were demanded and ordered. The gentleman from Ohio on the right [Mr. Vallandigham] asks to be excused from voting on the request of his colleague.

The Chair decides that that motion can not be received, as the rules only contemplate that gentlemen shall be excused from voting on business before the House. The Chair recollects that in the Congress of which Mr. Orr was Speaker this question came up, and the Speaker, after he had once allowed such motions to be made and they had accumulated, finally decided that he would not entertain more than one motion to excuse a member from voting at a time. The Chair, in conformity with that precedent, decides the motion of the gentleman from Ohio [Mr. Vallandigham] to be out of order.

* * * * * * *

The question was then taken on Mr. Maynard's motion to lay upon the table the appeal from the decision of the Chair, and it was decided in the affirmative—yeas 121, nays 3; as follows:

* * * * * * *

So the appeal was laid upon the table.

The SPEAKER *pro tempore*. The Chair has no hesitancy in deciding the motion of the gentleman from Illinois out of order.

Mr. EZRA B. TAYLOR. Mr. Speaker, I desire to inquire what the pending proposition is?

The SPEAKER *pro tempore*. The pending question is on the motion of the gentleman from Maine [Mr. BOUTELLE] to excuse the gentleman from Ohio, the gentleman from Kentucky, the gentleman from Arkansas, and the gentleman from Alabama from voting.

Mr. OATES. The gentleman from Maine had no authority and no right to ask that I be excused from voting; and there is no ruling of this House which authorizes a member to make a motion to excuse another member in spite of his objection.

Mr. CANNON. Mr. Speaker, a single parliamentary inquiry. Was there a point of order made upon the motion I submitted?

The SPEAKER *pro tempore*. The Chair so understood.

Mr. CANNON. I think not.

The SPEAKER *pro tempore*. There was confusion in the Hall at the time, and the Chair may have misunderstood the point which was made. There were a number of points of order made; the Chair understood one of those points applied to the motion of the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. The Chair may have been correct.

Mr. TAULBEE. If I correctly understood the Chair, he stated the pending question was to excuse from voting a number of gentlemen, among whom was named "the gentleman from Kentucky." Inasmuch as it is well known that there are more gentlemen than one from Kentucky, I desire to know which gentleman is referred to.

The SPEAKER *pro tempore*. The Clerk informed the Chair that the gentleman from Kentucky [Mr. BRECKINRIDGE] was indicated.

Mr. BOUTELLE. As I understand the statement of the Chair, the pending question is on my motion.

The SPEAKER *pro tempore*. Yes, sir.

Mr. BOUTELLE. That motion is in order?

The SPEAKER *pro tempore*. The Chair so rules.

Mr. BOUTELLE. I presume the object of my motion was obvious; and the motion having been declared in order by the Chair, and the Chair being about to put the question, I now, at the suggestion of my friend from Ohio, and having accomplished the object for which I made the motion, withdraw it.

The SPEAKER *pro tempore*. The gentleman from Maine withdraws his motion.

Mr. TAULBEE. Is it competent for the gentleman to withdraw the motion? It has been amended. Is it not in the possession of the House and under consideration?

Mr. EZRA B. TAYLOR. I hope my friend from Kentucky will allow no question to arise on that matter. I trust that by consent the motion will be allowed to be withdrawn.

Mr. TAULBEE. I desire to state for the benefit of the gentleman from Ohio that I have no power to prevent such motions from arising when they naturally do arise. The question is already before the House; and I simply ask whether it is competent for the gentleman from Maine to withdraw from the consideration of the House a question upon the consideration of which the House has already entered.

The SPEAKER *pro tempore*. If objection is made the Chair must rule that the question is with the House, and the motion can not be withdrawn after amendment without the consent of the House. Is there objection?

Mr. TAULBEE. Yes, sir; I object.

Mr. EZRA B. TAYLOR. I rose to inquire whether there had been any amendment. There was an amendment offered, but the Chair ruled it out.

The SPEAKER *pro tempore*. The amendment which was offered was to add the name of the gentleman from Maine to his own proposition. The Chair would be compelled to hold that in order.

Mr. BUCKALEW. Mr. Speaker, I do not understand that the Speaker of this House on a former occasion ruled on any such question, or made any such decision, as has been stated on the floor, and I protest against the present occupant of the chair accepting a statement made upon the floor of the House as a decision of the regular Speaker of the House.

The SPEAKER *pro tempore*. What was the point made by the gentleman from Pennsylvania? The Chair was otherwise engaged for the moment, and will be thankful for another statement.

Mr. BUCKALEW. I was addressing myself to the question of order raised here. I understand the decision of the Speaker to have been this: That the Chair would presume that a gentleman who made a motion to excuse another member was authorized to do so by the member to be excused, unless the contrary was openly stated upon the floor by the member for whom the request was made.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Pennsylvania that the Chair did not indicate that the Chair would have any presumption about it. The gentleman is in error about that. But as a matter of fact, if the Chair was called upon to rule on the question at all, he would, in the absence of any recollection of a ruling to the contrary upon the question, be inclined to hold that one member would not have a right to have any member's privilege of voting upon any question submitted to the determination of the House against his consent.

Mr. OATES. If the Chair will permit me, the gentleman from Pennsylvania had reference, I think, to the ruling of the Speaker a few evenings since—not to the present ruling, but some evenings ago—where it was stated that the Chair entertained the motion because when it was made, and in the presence of the member to be excused, the presumption was that it was by his assent, which was the reason the Chair entertained it; evidently implying, as I understand my friend from Pennsylvania——

The SPEAKER *pro tempore*. The present occupant of the Chair simply stated, and desired to rule no further, the question not having been raised, that he would not entertain a motion to excuse a member from voting who rose and stated that he did not seek to be excused.

Mr. BUCKALEW. I raise the question of order that the pending motion, as presented, is entirely out of order. It is manifest that it is absurd for one member of this House to be permitted to make a motion to excuse another member from voting upon a question without his consent; and whenever the point is made upon the floor, when a motion of that character is presented, the Speaker should rule it out of order.

I make a motion, for instance, to excuse the gentleman from Alabama from voting, and the House acts upon that motion, sustaining it. Does that prevent him from voting? Does that cut him off from the exercise of his constitutional right? Has he not the privilege of voting notwithstanding such action? If it binds him, which I assume will not be held, then of course the House by a majority vote could prevent any member from exercising his constitutional prerogative. It is an absurdity.

As I stated the other day, as the usual and accepted practice of all deliberative bodies of which I have any personal knowledge, a member will rise and make some explanation of his position and follow it by a request substantially that he was not present when the matter was debated, and asks to be excused from voting. That is the usual manner when such questions are presented for the action of deliberative bodies. Then another member makes a formal motion that the member so requesting be excused from voting on the pending proposition. That has become so much a matter of course, that the Speaker even submits the motion on the request of a member without waiting for a formal motion; but in all cases the request must proceed from the member himself, because it is his personal privilege, and he has to state the reason for making the request. The House then proceeds to act upon the personal request of the member, relieving him from the position in which he may be placed, by absolving him from the necessity of voting upon the question.

Mr. REED. I think that is sound doctrine.

Mr. BUCKALEW. I protest against any member making a motion to excuse any other member without his express consent. It is his right to make the request himself, a right which belongs to him as a question of personal privilege, and does not rest in anybody else.

Mr. TAULBEE. With reference to the point of order made by the gentleman from Pennsylvania, I will simply suggest that, if it be well taken had it been made in time, it is now too late, because the House has proceeded to the consideration of the question. But to avoid further trouble I withdraw the objection to the request of the gentleman from Maine that he be allowed to withdraw his motion to excuse the members named.

The SPEAKER *pro tempore*. The Chair hears no further objection to the withdrawal of the request.

Mr. WILKINS. I now demand the regular order.

The SPEAKER *pro tempore*. The regular order is the demand for tellers on the motion to suspend further proceedings under the call of the House.

Mr. FARQUHAR. On that I ask the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 48, nays 121, not voting 154; as follows:

YEAS—48.

Abbott,	Crain,	Lane,	Rowland,
Anderson, Ill.	Crisp,	Lanham,	Sayers,
Bankhead,	Culberson,	Latham,	Shaw,
Breckinridge, Ark.	Cummings,	Lawler,	Shively,
Breckinridge, Ky.	Ford,	Martin,	Springer,
Buckalew,	Hall,	McClammy,	Stewart, Tex.
Bynum,	Henderson, N. C.	McCreary,	Stone, Ky.
Candler,	Hooker,	McKinney,	Tarsney,
Caruth,	Howard,	Morse,	Tillman,
Chipman,	Johnston, N. C.	Neal,	Walker,
Clements,	Kilgore,	O'Neall, Ind.	Wheeler,
Cowles,	Lagan,	Peel,	Whiting, Mich.

NAYS—121.

Allen, Mass.	Dibble,	Lind,	Sawyer,
Allen, Mich.	Enloe,	Lodge,	Scull,
Anderson, Iowa	Farquhar,	Long,	Seney,
Arnold,	Fitch,	Lyman,	Seymour,
Baker, N. Y.	Fuller,	Mansur,	Sherman,
Baker, Ill.	Funston,	Mason,	Sowden,
Barnes,	Gaines,	McAdoo,	Spooner,
Bayne,	Gallinger,	McCormick,	Stahlnecker,
Belden,	Gear,	McKinley,	Steele,
Bingham,	Gest,	McRae,	Stephenson,
Boothman,	Goff,	Moffitt,	Stewart, Vt.
Bound,	Grimes,	Montgomery,	Struble,
Boutelle,	Grout,	Nichols,	Symes,
Bowden,	Guenther,	O'Ferrall,	Taulbee,
Bowen,	Harmer,	O'Neill, Pa.	Taylor, E. B., Ohio
Browne, T. H. B., Va.	Haugen,	Osborne,	Thomas, Ky.
Brown, J. R., Va.	Henderson, Iowa	Parker,	Thomas, Wis.
Buchanan,	Hermann,	Perkins,	Turner, Kans.
Bunnell,	Hitt,	Peters,	Wade,
Burrows,	Holmes,	Phelan,	Warner,
Butterworth,	Hopkins, Ill.	Post,	Weber,
Cannon,	Hopkins, Va.	Pugsley,	White, Ind.
Caswell,	Houk,	Randall,	Wickham,
Cheadle,	Hovey,	Reed,	Wilkins,
Cogswell,	Hunter,	Rice,	Williams,
Conger,	Johnston, Ind.	Richardson,	Woodburn,
Cooper,	Kean,	Rogers,	Yardley,
Crouse,	Kennedy,	Romeis,	Yost.
Dalzell,	Kerr,	Rowell,	
Darlington,	Laidlaw,	Russell, Conn.	
Davis,	Lehlbach,	Russell, Mass.	

NOT VOTING—155.

Adams,	Davidson, Fla.	Jackson,	Perry,
Allen, Miss.	De Lano,	Jones,	Phelps,
Anderson, Miss.	Dingley,	Kelley,	Pidcock,
Anderson, Kans.	Dockery,	Ketcham,	Plumb,
Atkinson,	Dorsey,	Laffoon,	Rayner,
Bacon,	Dougherty,	La Follette,	Robertson,
Barry,	Dunham,	Laird,	Rockwell,
Belmont,	Dunn,	Landes,	Rusk,
Biggs,	Elliott,	Lee,	Ryan,
Blanchard,	Ermentrout,	Lynch,	Scott,
Bland,	Felton,	Macdonald,	Simmons,
Bliss,	Finley,	Maffett,	Smith,
Blount,	Fisher,	Mahoney,	Snyder,
Brewer,	Flood,	Maish,	Spinola,
Brower,	Foran,	Matson,	Stewart, Ga.
Browne, Ind.	Forney,	McComas,	Stockdale,
Brown, Ohio	French,	McCullogh,	Stone, Mo.
Brumm,	Gay,	McKenna,	Taylor, J. D., Ohio
Bryce,	Gibson,	McMillin,	Thomas, Ill.
Burnes,	Glass,	McShane,	Thompson, Ohio
Burnett,	Glover,	Merriman,	Thompson, Cal.
Butler,	Granger,	Milliken,	Tracey,
Campbell, F., N. Y.	Greenman,	Mills,	Townshend,
Campbell, Ohio.	Grosvenor,	Moore,	Turner, Ga.
Campbell, T J., N. Y.	Hare,	Morgan,	Vance,
Carlton,	Hatch,	Morrill,	Vandever,
Catchings,	Hayden,	Morrow,	Washington,
Clardy,	Hayes,	Nelson,	Weaver,
Clark,	Heard,	Newton,	West,
Cobb,	Hemphill,	Norwood,	White, N. Y.
Cockran,	Henderson, Ill.	Nutting,	Whiting, Mass.
Collins,	Herbert,	Oates,	Whitthorne,
Compton,	Hiestand,	O'Donnell,	Wilber,
Cothran,	Hires,	O'Neill, Mo.	Wilkinson,
Cox,	Hogg,	Outhwaite,	Wilson, Minn.
Cutcheon,	Holman,	Owen,	Wilson, W. Va.
Dargan,	Hopkins, N. Y.	Patton,	Wise,
Davenport,	Hudd,	Payson,	Yoder.
Davidson, Ala.	Hutton,	Penington,	

So the motion to dispense with further proceedings under the call was not agreed to.

Mr. WILKINS. I ask for unanimous consent to dispense with the recapitulation of the names.

There was no objection.

The result of the vote was announced as above stated.

Mr. MANSUR. I find myself within the last hour or two feeling very unwell, and I think in duty to myself I must ask to be excused.

The SPEAKER *pro tempore*. The gentleman from Missouri, Mr. MANSUR, asks unanimous consent to be excused from further attendance on this calendar day, on account of illness.

Mr. BRECKINRIDGE, of Kentucky. I dislike very much to object to my friend from Missouri being excused if sick; but at this time of the night we all feel like being excused, and if we excuse so handsome and healthy looking a gentleman as the gentleman from Missouri the granting of excuses should be made more general. I have no objection to the gentleman taking possession of a lounge somewhere.

The SPEAKER *pro tempore*. Does the gentleman from Kentucky object?

Mr. BRECKINRIDGE, of Kentucky (at 2 o'clock a. m. Wednesday, April 11). That there may be no reason for supposing that I am ungracious about it I move that the House adjourn, so that we may all be excused.

The SPEAKER *pro tempore*. The gentleman from Kentucky moves that the House adjourn.

Mr. REED. Upon that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 53, nays 119, not voting 152; as follows:

YEAS—53.

Anderson, Ill.	Ford,	McMillin,	Sayers,
Bacon,	Grimes,	Montgomery,	Shively,
Bankhead,	Henderson, N. C.	Moore,	Springer,
Barnes,	Hooker,	Morgan,	Stewart, Tex.
Breckinridge, Ark.	Howard,	Morse,	Stone, Ky.,
Breckinridge, Ky.	Johnston, N. C.	Neal,	Tarsney,
Buckalew,	Kilgore,	Oates,	Tillman,
Bynum,	Lane,	Peel,	Walker,
Candler,	Lanham,	Phelan,	Weaver,
Caruth,	Lawler,	Richardson,	Wheeler,
Cowles,	Martin,	Robertson,	Whiting, Mich.
Crain,	McClammy,	Rogers,	
Crisp,	McCreary,	Rowland,	
Enloe,	McKinney,	Russell, Mass.	

NAYS—119.

Abbott,	Darlington,	Laidlaw,	Russell, Conn.
Allen, Mass.	Davis,	Latham,	Sawyer,
Allen, Mich.	Dibble,	Lehlbach,	Scull,
Anderson, Iowa.	Farquhar,	Lind,	Seney,
Arnold,	Fitch,	Lodge,	Seymour,
Baker, N. Y.	Fuller,	Long,	Sherman,
Baker, Ill.	Funston,	Lyman,	Sowden,
Bayne,	Gaines,	Mansur,	Spooner,
Belden,	Gallinger,	Mason,	Stahlnecker,
Boothman,	Gear,	McAdoo,	Steele,
Bound,	Gest,	McCormick,	Stephenson,
Boutelle,	Goff,	McKenna,	Stewart, Vt.
Bowden,	Grout,	McKinley,	Struble,
Bowen,	Guenther,	Moffitt,	Symes,
Browne, T. H. B., Va.	Harmer,	Morrow,	Taulbee,
Brown, J. R., Va.	Haugen,	Nichols,	Taylor, E. B., Ohio
Bryce,	Henderson, Iowa	O'Ferrall,	Taylor, J. D., Ohio
Buchanan,	Henderson, Ill.	O'Neill, Pa.	Thomas, Ky.
Bunnell,	Hermann,	Osborne,	Thomas, Wis.
Burrows,	Hitt,	Parker,	Turner, Kans.
Butterworth,	Holmes,	Perkins,	Wade,
Cannon,	Hopkins, Ill.	Peters,	Warner,
Caswell,	Hopkins, Va.	Post,	Weber,
Cheadle,	Houk,	Pugsley,	White, Ind.
Chipman,	Hovey,	Randall,	Wickham,
Cogswell,	Hunter,	Reed,	Wilkinson,
Conger,	Johnston, Ind.	Rice,	Williams,
Cooper,	Kean,	Rockwell,	Yardley,
Crouse,	Kennedy,	Romeis,	Yost.
Dalzell,	Kerr,	Rowell.	

NOT VOTING—152.

Adams,	Dargan,	Holman,	Payson,
Allen, Miss.	Davenport,	Hopkins, N. Y.	Penington,
Anderson, Miss.	Davidson, Ala.	Hudd,	Perry,
Anderson, Kans.	Davidson, Fla.	Hutton,	Phelps,
Atkinson,	De Lano,	Jackson,	Pidcock,
Barry,	Dingley,	Jones,	Plumb,
Belmont,	Dockery,	Kelley,	Rayner,
Biggs,	Dorsey,	Ketcham,	Rusk,
Bingham,	Dougherty,	Laffoon,	Ryan,
Blanchard,	Dunham,	La Follette,	Scott,
Bland,	Dunn,	Lagan,	Shaw,
Bliss,	Elliott,	Laird,	Simmons,
Blount,	Ermentrout,	Landes,	Smith,
Brewer,	Felton,	Lee,	Snyder,
Brower,	Finley,	Lynch,	Spinola,
Browne, Ind.	Fisher,	Macdonald,	Stewart, Ga.
Brown, Ohio	Flood,	Maffett,	Stockdale,
Brumm,	Foran,	Mahoney,	Stone, Mo.
Burnes,	Forney,	Maish,	Thomas, Ill.
Burnett,	French,	Matson,	Thompson, Ohio.
Butler,	Gay,	McComas,	Thompson, Cal.
Campbell, F., N. Y.	Gibson,	McCullogh,	Tracey,
Campbell, Ohio.	Glass,	McRae,	Townshend,
Campbell, T. J., N. Y.	Glover,	McShane,	Turner, Ga.
Carlton,	Granger,	Merriman,	Vance,
Catchings,	Greenman,	Milliken,	Vandever,
Clardy,	Grosvenor,	Mills,	Washington,
Clark,	Hall,	Morrill,	West,
Clements,	Hare,	Nelson,	White, N. Y.
Cobb,	Hatch,	Newton,	Whiting, Mass.
Cockran,	Hayden,	Norwood,	Whitthorne,
Collins,	Hayes,	Nutting,	Wilber,
Compton,	Heard,	O'Donnell,	Wilkins,
Cothran,	Hemphill,	O'Neall, Ind.	Wilson, Minn.
Cox,	Herbert,	O'Neill, Mo.	Wilson, W. Va.
Culberson,	Hiestand,	Outhwaite,	Wise,
Cummings,	Hires,	Owen,	Woodburn,
Cutcheon,	Hogg,	Patton,	Yoder.

So the House refused to adjourn.

Mr. SOWDEN. I hope the rule against smoking will be rigidly enforced.

The SPEAKER *pro tempore*. The Clerk will read the rule.

The Clerk read clause 7 of Rule XIV, as follows:

While the Speaker is putting a question or addressing the House no member shall walk out or across the Hall, nor, when a member is speaking, pass between him and the Chair; and during the session of the House no member shall wear his hat, or remain by the Clerk's desk during the call of the roll or the counting of ballots, or smoke upon the floor of the House; and the Sergeant-at-Arms and Doorkeeper are charged with the strict enforcement of this clause.

The SPEAKER *pro tempore*. The Doorkeeper will enforce the rule.

Mr. WILLIAMS. I ask unanimous consent to dispense with the reading of the names.

There was no objection.

The result of the vote was then announced as above stated.

Mr. ALLEN, of Michigan. I am requested to ask leave of absence for Mr. HARE, of Texas, until Wednesday morning at 11 o'clock. He had to go home, sick. I told him I would call the attention of the House to that fact.

The SPEAKER *pro tempore*. The gentleman from Michigan asks unanimous consent to excuse the gentleman from Texas [Mr. HARE] from attendance until 11 o'clock on Wednesday, on account of sickness.

Mr. BRECKINRIDGE, of Kentucky. I object.

Mr. MANSUR. I desire to appeal from Cæsar to Rome. I move that I be excused until to-morrow, as I am not well enough to be here to-night.

The SPEAKER *pro tempore*. Is there objection to excusing the gentleman from Missouri [Mr. MANSUR]? The Chair hears none.

Mr. ALLEN, of Michigan. Was my request to excuse the gentleman from Texas [Mr. HARE] refused?

The SPEAKER *pro tempore*. Objection was made.

Mr. FARQUHAR. I renew the request that Mr. HARE be excused until 11 o'clock to-morrow.

The SPEAKER *pro tempore*. The gentleman from New York asks unanimous consent that the gentleman from Texas be excused until 11 o'clock to-morrow.

Mr. BRECKINRIDGE, of Kentucky. I object.

Mr. FARQUHAR. The gentleman went out of the Hall sick a few moments ago.

Mr. BRECKINRIDGE, of Kentucky. I do not propose to send for him. I do not want the hare hunted down, but I object to any more excuses.

Mr. STRUBLE. Mr. Speaker, my colleague, Mr. CONGER, is too hoarse to make the request himself, but he suggests that I ask unanimous consent that the House now take a recess until 11.45 a. m. this morning.

Several members objected.

Mr. STRUBLE. I expected that.

Mr. HERMANN. Mr. Speaker, I have observed the great magnanimity of this House in granting requests for unanimous consent; and I now ask unanimous consent to take up for consideration a little bill that I have in charge to provide for the construction of a public building in Salem, Oregon.

The SPEAKER *pro tempore*. The Chair will state to the gentleman that that is not in order at this time.

Mr. BYNUM (at 2.45 a. m.). Mr. Speaker, I move that the House do now adjourn.

Mr. BAKER, of Illinois, and Mr. BAKER, of New York, called for the yeas and nays.

The yeas and nays were ordered.

Mr. KERR. Mr. Speaker, was not the last motion before the House a motion to adjourn? I believe there has been no business transacted since, and I make the point of order against the motion of the gentleman from Indiana.

The SPEAKER *pro tempore*. Business has since intervened. The Chair thinks the motion of the gentleman from Indiana [Mr. BYNUM] is in order.

Mr. KERR. Will the Chair state what other business has intervened?

The SPEAKER *pro tempore*. Excuses of members.

Mr. RICHARDSON. And the gentleman from Oregon [Mr. HERMANN] has asked to have his bill considered since the last motion to adjourn.

The SPEAKER *pro tempore*. The yeas and nays are ordered, and the Clerk will call the roll.

The question was taken; and there were—yeas 56, nays 119, not voting 149; as follows:

YEAS—56.

Anderson, Ill.	Grimes,	McRae,	Russell, Mass.
Bankhead,	Henderson, N. C.	McShane,	Sayers,
Barnes,	Herbert,	Montgomery,	Shively,
Barry,	Hooker,	Morgan,	Smith,
Breckinridge, Ark.	Howard,	Morse,	Springer,
Breckinridge, Ky.	Kilgore,	Neal,	Stewart, Tex.
Buckalew,	Lagan,	Newton,	Stockdale,
Bynum,	Landes,	O'Neall, Ind.	Stone, Ky.
Candler,	Lane,	Peel,	Tarsney,
Carlton,	Lawler,	Phelan,	Tillman,
Cowles,	Martin,	Richardson,	Vance,
Crisp,	McClammy,	Robertson,	Walker,
Enloe,	McKinney,	Rogers,	Weaver,
Ford,	McMillin,	Rowland,	Whiting, Mich.

NAYS—119.

Abbott,	Crouse,	Johnston, Ind.	Rowell,
Allen, Mass.	Cummings,	Kean,	Russell, Conn.
Allen, Mich.	Dalzell,	Kerr,	Sawyer,
Anderson, Iowa	Darlington,	Laidlaw,	Scull,
Arnold,	Davis,	Latham,	Seney,
Baker, N. Y.	Dibble,	Lehlbach,	Seymour,
Baker, Ill.	Elliott,	Lind,	Sherman,
Bayne,	Farquhar,	Lodge,	Sowden,
Belden,	Fitch,	Long,	Spooner,
Bingham,	Fuller,	Lyman,	Stahlnecker,
Boothman,	Funston,	Mason,	Stephenson,
Bound,	Gaines,	McAdoo,	Stewart, Vt.
Boutelle,	Gallinger,	McCormick,	Struble,
Bowen,	Gear,	McKinley,	Symes,
Browne, T. H. B., Va.	Gest,	Moffitt,	Taulbee,
Brown, J. R., Va.	Goff,	Morrow,	Taylor, E. B., Ohio
Brumm,	Grout,	Nichols,	Taylor, J. D., Ohio
Bryce,	Guenther,	O'Ferrall,	Thomas, Ky.
Buchanan,	Harmer,	O'Neill, Pa.	Thomas, Wis.
Bunnell,	Haugen,	Osborne,	Turner, Kans.
Burrows,	Henderson, Iowa	Parker,	Wade,
Butterworth,	Henderson, Ill.	Perkins,	Warner,
Cannon,	Hermann,	Peters,	Weber,
Caswell,	Hitt,	Post,	White, Ind.
Cheadle,	Holmes,	Pugsley,	Wickham,
Chipman,	Hopkins, Ill.	Randall,	Williams,
Cogswell,	Hopkins, Va.	Reed,	Woodburn,
Compton,	Houk,	Rice,	Yardley,
Conger,	Hovey,	Rockwell,	Yost.
Cooper,	Hunter,	Romeis,	

NOT VOTING—149.

Adams,	Davidson, Ala.	Jackson,	Perry,
Allen, Miss.	Davidson, Fla.	Johnston, N. C.	Phelps,
Anderson, Miss.	De Lano,	Jones,	Pidcock,
Anderson, Kans.	Dingley,	Kelley,	Plumb,
Atkinson,	Dockery,	Kennedy,	Rayner,
Bacon,	Dorsey,	Ketcham,	Rusk,
Belmont,	Dougherty,	Laffoon,	Ryan,
Biggs,	Dunham,	La Follette,	Scott,
Blanchard,	Dunn,	Laird,	Shaw,
Bland,	Ermentrout,	Lanham,	Simmons,
Bliss,	Felton,	Lee,	Snyder,
Blount,	Finley,	Lynch,	Spinola,
Bowden,	Fisher,	Macdonald,	Steele,
Brewer,	Flood,	Maffett,	Stewart, Ga.
Brower,	Foran,	Mahoney,	Stone, Mo.
Browne, Ind.	Forney,	Maish,	Thomas, Ill.
Brown, Ohio.	French,	Mansur,	Thompson, Ohio
Burnes,	Gay,	Matson,	Thompson, Cal.
Burnett,	Gibson,	McComas,	Tracey,
Butler,	Glass,	McCreary,	Townshend,
Campbell, F., N. Y.	Glover,	McCullogh,	Turner, Ga.
Campbell, Ohio	Granger,	McKenna,	Vandever,
Campbell, T. J., N. Y.	Greenman,	Merriman,	Washington,
Caruth,	Grosvenor,	Milliken,	West,
Catchings,	Hall,	Mills,	Wheeler,
Clardy,	Hare.	Moore,	White, N. Y.
Clark,	Hatch,	Morrill,	Whiting, Mass.
Clements,	Hayden,	Nelson,	Whitthorne,
Cobb,	Hayes,	Norwood,	Wilber,
Cockran,	Heard,	Nutting,	Wilkins,
Collins,	Hemphill,	Oates,	Wilkinson,
Cothran,	Heistand,	O'Donnell,	Wilson, Minn.
Cox,	Hires,	O'Neill, Mo.	Wilson, W. Va.
Crain,	Hogg,	Outhwaite,	Wise,
Culberson,	Holman,	Owen,	Yoder.
Cutcheon,	Hopkins, N. Y.	Patton,	
Dargan,	Hudd,	Payson,	
Davenport,	Hutton,	Penington,	

So the House refused to adjourn.

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent that the House take a recess until 11.45 a. m. to-day.

Several members objected.

Mr. LAWLER. Mr. Speaker, I would like to make an inquiry on behalf of Mr. MORSE and myself. Now that we are here, we would like to know what we were brought here for. [Laughter.]

Mr. BRUMM. We have been wondering all the time what you were here for. [Laughter.]

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I move that all further proceedings under the call of the House be dispensed with.

The question was taken; and there were—ayes 36, noes 75.

So the motion of Mr. BRECKINRIDGE, of Kentucky, was not agreed to.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I move that the Sergeant-at-Arms be directed to actually close the doors to prevent gentlemen who are present from going out, and to arrest those gentlemen who were present when the call of the House was made and who since then have left the Hall without excuse.

The SPEAKER *pro tempore*. The officers of the House will see that the rule which prohibits members from leaving the Hall is enforced. The Chair will state to the gentleman from Kentucky [Mr. BRECKINRIDGE] that the Chair remembers one instance in which the object which he desires to accomplish was attained, but it was through a second roll-call; after which, if the Chair remembers correctly (not having referred to the matter since), members who had departed from the Hall after the call of the House before the second roll-call were ordered to be brought before the House.

Mr. BRECKINRIDGE, of Kentucky. Then, Mr. Speaker, I move that the roll be now called, and that those members who were present at the roll-call on the call of the House and are now absent without leave be arrested and brought to the bar of the House.

Mr. LAIDLAW. I second that motion.

The question was taken; and there were—ayes 45, noes 67.

Mr. FARQUHAR. I make the point of order that we are now proceeding under a call of the House, and that the motion of the gentleman from Kentucky [Mr. BRECKINRIDGE] is not in order.

The SPEAKER *pro tempore*. The House is actually voting upon the question, and the Chair thinks the gentleman's point comes too late. Besides, the Chair holds that the motion is in order.

Mr. BRECKINRIDGE, of Kentucky. I demand the yeas and nays.

Mr. BAKER, of New York. I rise to a parliamentary inquiry. I desire to know whether this is the first or the second morning hour.

The SPEAKER *pro tempore*. That is not a parliamentary inquiry, in the opinion of the Chair.

Mr. ALLEN, of Michigan. The cocks have not crowed yet, so it is "the first hour." [Laughter.]

The yeas and nays were ordered.

Mr. SOWDEN. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. SOWDEN. I understand that it requires unanimous consent to suspend the operation of a call of the House.

The SPEAKER *pro tempore*. The motion of the gentleman from Kentucky, however, was not to dispense with the call of the House, but to bring before the House those members who had departed since the last roll-call. The Chair knows of no other means by which that result could be accomplished, and is clearly of opinion that it is competent to accomplish it in this way.

Mr. HOPKINS, of Illinois. The Chair has no knowledge that any member has left.

The SPEAKER *pro tempore*. The object of the motion of the gentleman from Kentucky, as the Chair understands, is to ascertain this fact.

Mr. SOWDEN. How is that fact to be ascertained?

The SPEAKER *pro tempore*. It can only be ascertained by a call of the roll of the members of the House.

Mr. RANDALL. Is there not a call of the House now pending?

The SPEAKER *pro tempore*. A call of the House is pending.

Mr. RANDALL. What interrupts that call? Another motion?

The SPEAKER *pro tempore*. The Chair will state that the gentleman from Kentucky has made a motion which the Chair has entertained for a call of the roll, to see whether any who answered on the call of the House have gone without leave since. The Chair remembers, and the gentleman from Pennsylvania, on reflection, will probably remember such an instance. The question was made—the present occupant of the chair does not remember in what Congress—that there had been a departure of members of the House after the first call, which fact was developed upon a second call, and members who had departed were sent for, as is now proposed.

Mr. RANDALL. There is a call of the House now in progress. That call has to be executed. No motion is in order until it is executed or proceedings under the call have been dispensed with by a motion to that effect or by an adjournment.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Pennsylvania that this is a proceeding to bring before the House its absentees, and the Chair decides that it is in order to make the call proposed by the gentleman from Kentucky [Mr. BRECKINRIDGE].

Mr. RANDALL. It proposes to bring men here who are on record as being here.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Kentucky, on which the yeas and nays have been ordered. As many as are in favor of the motion will, when their names are called, say ay; contrary opinion no. The Clerk will call the roll.

The Clerk proceeded to call the roll.

When several names had been called,

Mr. KEAN said: Mr. Speaker, I wish to inquire what is the proper response on this call.

The SPEAKER *pro tempore*. Gentlemen must respond ay or no, according to their own judgment.

Mr. KEAN. What is the motion?

The SPEAKER *pro tempore*. The motion is for a call of the roll of the members of the House.

Mr. KEAN. There is already a call pending.

The SPEAKER *pro tempore*. The Clerk will call the roll.

The Clerk resumed the call of the roll.

Mr. PERKINS (interrupting the roll-call). I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The Chair will entertain the gentleman's inquiry after the conclusion of the roll-call.

Mr. PERKINS. My parliamentary inquiry is this: What would be the effect of a negative vote on this motion?

The SPEAKER *pro tempore*. To defeat the motion of the gentleman from Kentucky for a call of the roll.

Mr. PERKINS. Then would the call of the House already ordered be suspended by a negative vote on this motion?

The SPEAKER *pro tempore*. The Clerk will call the roll.

Mr. PERKINS. I appeal from the decision of the Chair. [Cries of "Too late!"]

The SPEAKER *pro tempore*. The Chair will state that nothing can interrupt the roll-call except by unanimous consent.

Mr. BRUMM. I do not rise for the purpose of making a motion.

The SPEAKER *pro tempore*. The Clerk will call the roll.

Mr. BRUMM. I want to know how I am to vote; and I think I have a right to know.

Mr. PERKINS. I think the House has the right to know the effect of its vote on this question, according to the interpretation of the Chair.

This is not an impertinent question. The question is asked in good faith. This House desires to know the effect of the vote on this question.

The Clerk proceeded with the roll-call.

Mr. BRUMM (interrupting the roll-call). Mr. Speaker, I insist that before I vote I have the right to know the effect of my vote.

The SPEAKER *pro tempore*. The Clerk will call the roll.

The Clerk resumed the roll-call.

Mr. BRUMM. Mr. Speaker, I rise to a question of order.

The SPEAKER *pro tempore*. The Clerk will call the roll.

Mr. BRUMM. A question of order, Mr. Speaker. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The Clerk will suspend the roll-call until gentlemen resume their seats and the House is in order.

Mr. PERKINS. Mr. Speaker, is it not fair to members of the House that we should know the effect of the votes we cast on this motion?

The SPEAKER *pro tempore*. No proposition will be entertained and no gentleman recognized until the House is in order.

Mr. PERKINS. I am not making a motion, Mr. Speaker; but I am asking for information, that I may know how to vote upon the pending motion.

The SPEAKER *pro tempore*. The gentleman will suspend until order is restored.

Mr. REED. I would suggest——

The SPEAKER *pro tempore*. The Chair will recognize no one until order is restored. [A pause.]

Mr. REED. I would suggest to the Chair that there is a misapprehension about this matter, and as soon as the House understands it there will be no difficulty. Perhaps it would be well to accommodate gentlemen by an informal statement from the Chair. Some gentlemen have the apprehension that a negative vote upon this motion will dispense with the regular call of the House, to which this is subsidiary. The Chair, I have no doubt, will explain that matter informally.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, the motion I made is a very simple one——

Mr. BRUMM. No doubt, very simple.

Mr. BRECKINRIDGE, of Kentucky. It was simple enough even for the comprefiension of the gentleman from Pennsylvania, and human language can be no stronger than that.

Mr. PERKINS. Mr. Speaker——

The SPEAKER *pro tempore*. Gentlemen will suspend a moment. The Chair will make a statement, with the indulgence of the House. The Chair, in justice to himself, was anxious to place before the House the status of the motion and its effect; and for this purpose he did what is very unusual—allowed the roll-call to be interrupted in response to inquiries in that direction.

The Chair will state again that the question is on the motion of the gentleman from Kentucky [Mr. BRECKINRIDGE], that there be a call of the roll of the members of the House for the purpose of ascertaining the members present, with a view, as the Chair understands the gentleman from Kentucky, of bringing before the House any of its members who may have departed since the call of the House. The object is not to dispense with proceedings under the former call, nor would that be the effect of the vote whether it be ay or no.

Mr. PERKINS. That is all the House desired to know.

The SPEAKER *pro tempore*. The Clerk will proceed with the call of the roll.

The question was taken; and there were—yeas 60, nays 116, not voting 148; as follows:

YEAS—60.

Abbott,	Cummings,	Lawler,	Rowland,
Anderson, Iowa	Enloe,	Martin,	Russell, Mass.
Anderson, Miss.	Ford,	McClammy,	Sayers,
Bacon,	French,	McKinney,	Shively,
Bankhead,	Gibson,	McMillin,	Springer,
Barnes,	Grimes,	McRae,	Stewart, Tex.
Barry,	Henderson, N. C.	McShane,	Stockdale,
Breckinridge, Ark.	Herbert,	Morgan,	Stone, Ky.
Breckinridge, Ky.	Hooker,	Morse,	Tarsney,
Bynum,	Hopkins, Va.	Neal,	Tillman,
Candler,	Kerr,	Peel,	Vance,
Chipman,	Lagan,	Phelan,	Walker,
Clements,	Landes,	Richardson,	Weaver,
Cowles,	Lane,	Robertson,	Wheeler,
Culberson,	Latham,	Rogers,	Whiting, Mich.

NAYS—116.

Allen, Mich.	Bowen,	Caswell,	Elliott,
Arnold,	Browne, T. H. B., Va.	Cheadle,	Farquhar,
Baker, N. Y.	Brown, J. R., Va.	Clardy,	Fuller,
Baker, Ill.	Brumm,	Cogswell,	Funston,
Bayne,	Bryce,	Conger,	Gaines,
Belden,	Buchanan,	Cooper,	Gallinger,
Bingham,	Buckalew,	Crouse,	Gear,
Boothman,	Bunnell,	Dalzell,	Gest,
Bound,	Burrows,	Darlington,	Goff,
Boutelle,	Butterworth,	Davis,	Guenther,
Bowden,	Cannon,	Dibble,	Hall,
Harmer,	Lodge,	Pugsley,	Stewart, Vt.
Haugen,	Long,	Randall,	Struble,
Henderson, Iowa	Lyman,	Reed,	Symes,
Hermann,	Mason,	Rice,	Taylor, E. B., Ohio
Hitt,	McAdoo,	Rockwell,	Taylor, J. D., Ohio
Holmes,	McCormick,	Romeis,	Thomas, Ky.
Hopkins, Ill.	McKenna,	Rowell,	Thomas, Wis.
Houk,	McKinley,	Russell, Conn.	Turner, Kans.
Hovey,	Moffitt,	Sawyer,	Wade,
Hunter,	Morrow,	Scull,	Warner,
Johnston, Ind.	Nichols,	Sency,	Weber,
Johnston, N. C.	O'Ferrall,	Seymour,	White, Ind.
Kean,	O'Neill, Pa.	Sherman,	Wickham,
Kennedy,	Osborne,	Sowden,	Wilkinson,
Kilgore,	Parker,	Spooner,	Williams,
Laidlaw,	Perkins,	Stahlnecker,	Woodburn,
Lehlbach,	Peters,	Steele,	Yardley,
Lind,	Post,	Stephenson,	Yost.

NOT VOTING—148.

Adams,	Davidson, Ala.	Hudd,	Patton,
Allen, Mass.	Davidson, Fla.	Hutton,	Payson,
Allen, Miss.	De Lano,	Jackson,	Penington,
Anderson, Ill.	Dingley,	Jones,	Perry,
Anderson, Kans.	Dockery,	Kelley,	Phelps,
Atkinson,	Dorsey,	Ketcham,	Pidcock,
Belmont,	Dougherty,	Laffoon,	Plumb,
Biggs,	Dunham,	La Follette,	Rayner,
Blanchard,	Dunn,	Laird,	Rusk,
Bland,	Ermentrout,	Lanham,	Ryan,
Bliss.	Felton,	Lee,	Scott,
Blount,	Finley,	Lynch,	Shaw,
Brewer,	Fisher,	Macdonald,	Simmons,
Brower,	Fitch,	Maffett,	Smith,
Browne, Ind.	Flood,	Mahoney,	Snyder,
Brown, Ohio	Foran,	Maish,	Spinola,
Burnes,	Forney,	Mansur,	Stewart, Ga.
Burnett,	Gay,	Matson,	Stone, Mo.
Butler,	Glass,	McComas,	Taulbee,
Campbell, F., N. Y.	Glover,	McCreary,	Thomas, Ill.
Campbell, Ohio	Granger,	McCullogh,	Thompson, Ohio
Campbell, T. J., N. Y.	Greenman,	Merriman,	Thompson, Cal.
Carlton,	Grosvenor,	Milliken,	Tracey,
Caruth,	Grout,	Mills,	Townshend,
Catchings,	Hare.	Montgomery,	Turner, Ga.
Clark,	Hatch,	Moore,	Vandever,
Cobb,	Hayden,	Morrill,	Washington,
Cockran,	Hayes,	Nelson,	West,
Collins,	Heard,	Newton,	White, N. Y.
Compton,	Hemphill,	Norwood,	Whiting, Mass.
Cothran,	Henderson, Ill.	Nutting,	Whitthorne,
Cox,	Hiestand,	Oates,	Wilber,
Crain,	Hires,	O'Donnell,	Wilkins.
Crisp,	Hogg,	O'Neall, Ind.	Wilson, Minn.
Cutcheon,	Holman,	O'Neill, Mo.	Wilson, W. Va.
Dargan,	Hopkins, N. Y.	Outhwaite,	Wise,
Davenport,	Howard,	Owen.	Yoder.

So the motion was rejected.

Before the result was announced the following proceedings took place:

Mr. GUENTHER. Mr. Speaker, I wish to ask how my vote is recorded?

The SPEAKER *pro tempore*. The Chair is informed that the gentlemen is recorded as voting in the negative.

Mr. GUENTHER. I want to change my vote from "no" to "here."

Mr. O'NEILL, of Pennsylvania. I ask unanimous consent to dispense with the reading of the names.

Mr. WEAVER, Mr. RICHARDSON, and others objected.

The Clerk then recapitulated the names of those voting.

Mr. GUENTHER. Mr. Speaker, on the recapitulation of the vote I did not hear my name recorded as I voted.

The SPEAKER *pro tempore*. The gentlemen is recorded in the negative.

Mr. GUENTHER. I did not vote that way. I voted "here." I wish to be recorded as I voted.

The SPEAKER *pro tempore*. The gentleman can only be recorded upon a question which is pending before the House.

Mr. GUENTHER. I understand that our former proceedings disclosed the fact that no quorum was present; and I find on page 455 of our Digest that where less than a quorum is present a motion to take a recess is not in order, and no motion is in order except for a call of the House or to adjourn. Now, I do not understand the motion to adjourn was voted down, and therefore I can only come to the conclusion that it was a call of the House, and answered to my name "here," when called, and I wish to be so recorded.

The SPEAKER *pro tempore*. The gentleman is recorded as voting in the negative; but his statement will go into the RECORD and stand there.

The result of the vote was then announced as above recorded.

The SPEAKER *pro tempore*. The Chair asks the indulgence of the House to have read the action taken heretofore in the Forty-eighth Congress on a motion similar to the one upon which the Chair ruled tonight, as there was doubt expressed about the question then. There was a call of the House ordered, after which it was stated that certain members had absented themselves from the Hall, and a call of the roll was moved in order to ascertain whether they had done so or not. It will be observed that the second roll-call disclosed the absence of members who had answered previously, and thereupon, on motion, they were sent for. The Clerk will read.

The Clerk read as follows:

[Journal, first session Forty-eighth Congress, February, 1884.]

Mr. Hardeman moved a call of the House; which said motion was agreed to.

The Clerk thereupon proceeded to call the roll, when the following-named members failed to answer to their names:

* * * * * * *

Mr. Hardeman submitted the following resolution; which was read, considered, and agreed to, namely:

Resolved, That the Sergeant-at-Arms take into custody and bring before the bar of the House such of its members as are now absent without leave of the House.

The doors were thereupon closed.

The Sergeant-at-Arms appeared with Mr. Neece, Mr. Pryor, and Mr. Henley, who were severally excused for non-attendance. * * *

Mr. Cobb, as a privileged question, moved that the roll be called for the purpose of ascertaining whether or not members who responded to their names on the first call of the roll had since absented themselves without the leave of the House; which said motion was agreed to.

The roll was thereupon called, when the following-named members failed to answer to their names:

* * * * * * *

By unanimous consent, Mr. BINGHAM and Mr. Eaton were excused for non-attendance.

Mr. Buchanan moved that Mr. SAMUEL S. COX be excused for non-attendance; which motion was disagreed to.

The Speaker stated that an examination of the roll-call disclosed the fact that Mr. SAMUEL S. COX and Mr. Buckner had absented themselves from the House without its leave since the roll was previously called.

Whereupon

Mr. Cobb submitted the following resolution; which was read, considered, and agreed to, namely:

Resolved, That the Sergeant-at-Arms take into custody and bring to the bar of the House the following-named members who have absented themselves without the leave of the House since the roll was called, namely: SAMUEL S. COX and Aylett H. Buckner. * * *

The Sergeant-at-Arms also appeared with Mr. BRUMM, who was absent from the House without its leave.

Mr. BAYNE moved that Mr. BRUMM be excused for non-attendance; which motion was disagreed to.

Mr. Lamb moved that Mr. BRUMM be fined $5 for non-attendence.

After debate thereon,

Mr. Lamb withdrew the said motion.

Mr. HISCOCK moved to reconsider the vote by which the House refused to excuse Mr. BRUMM; which motion was agreed to.

The question recurring on the motion to excuse Mr. BRUMM, and being put, the same was agreed to.

So the motion that Mr. BRUMM be excused was agreed to.

Mr. RICHARDSON. I do not understand from what authority the Clerk has been reading.

The SPEAKER *pro tempore*. From the Journal of the first session of the Forty-eighth Congress, pages 617 to 620, inclusive.

Mr. WHEELER. I wish to offer a resolution.

Mr. SOWDEN. I object.

Mr. WHEELER. I ask to have it read, subject to objection.

Mr. SOWDEN and other members objected. [Cries of "Regular order!"]

Mr. WHEELER. Then I ask consent to have it printed in the RECORD.

Mr. O'NEILL, of Pennsylvania. I object.

Mr. KEAN. Regular order; nothing is in order now but the direct-tax bill.

Mr. SOWDEN. I wish to make a parliamentary inquiry. What was the result of the last vote taken?

The SPEAKER *pro tempore*. The Chair announced the result of the vote. The motion of the gentleman from Kentucky was not agreed to

Mr. O'NEILL, of Pennsylvania. I withdraw my objection to the gentleman from Alabama [Mr. WHEELER] having his resolution read, and I ask unanimous consent that he may have it printed in the Washington Post.

Mr. REED. I object. I take the Post. [Laughter.]

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I move that the Clerk of the House be directed to deliver to the Sergeant-at-Arms a list of such members as were shown to be absent by failing to vote on the call of the roll just made and have not been excused from attendance upon the session of the House, and that the Sergeant-at-Arms take into custody and bring to the bar of the House said members.

Mr. REED. In order to have the sanction of the Chair, I make the point of order against that resolution.

The SPEAKER *pro tempore*. The Chair is of opinion that it would not be in order to adopt the order proposed by the gentleman from Kentucky, for the reason, if for no other, that the House declined to have the roll called for the purpose of ascertaining who was absent, and members might have failed to vote on the question that was pending and still not be in contempt of the House.

Mr. REED. I made the point of order, but of course I regret the decision of the Chair, because otherwise we might have had the aid of the gentleman from Kentucky [Mr. BRECKINRIDGE] on some future occasion.

Mr. BRECKINRIDGE, of Kentucky. I understand that the gentleman from Maine [Mr. REED] made the point of order.

Mr. REED. In order to get a ruling different from that which unfortunately I did get.

Mr. BRECKINRIDGE, of Kentucky. And the Chair sustains the point of order.

The SPEAKER *pro tempore*. The Chair sustains the point of order.

Mr. BRECKINRIDGE, of Kentucky. So that by the action of the gentleman from Maine it has been decided that it is in order for us to abstain from voting.

Mr. REED. By no means. Now, do not do injustice to a compatriot.

Mr. BRECKINRIDGE, of Kentucky. I am very glad always to count the gentleman from Maine [Mr. REED] as a compatriot, especially when I see that he does not intend that we shall do any business on the legislative day of Wednesday and will not let us adjourn to a new day, and also——

Mr. BOUTELLE. Regular order!

Mr. REED. I am very glad that I was providentially rescued from the remainder of that. [Laughter.]

Mr. WHEELER. Mr. Speaker, since I asked permission to print in the RECORD the resolution which I have in my hand several gentleman on the Republican side have asked me to read it.

Mr. SOWDEN. Regular order!

Mr. LAWLER. Mr. Speaker, I ask unanimous consent to have read a paper which I hold in my hand.

Mr. SOWDEN. I object.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, as the House has shown by the last roll-call that it does not intend to proceed to execute the call of the House, I move to dispense with further proceedings under the call.

Mr. SOWDEN. I move as an amendment that the House take a recess until——

The SPEAKER *pro tempore*. The motion is not amendable. Without a quorum a recess can not be taken.

The question was taken on the motion to dispense with further proceedings under the call, and the Speaker *pro tempore* declared that the "noes" seemed to have it.

Mr. BRECKINRIDGE, of Kentucky. A division.

The House divided; and there were—ayes 34, noes 74.

So the motion was rejected.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, as the House will neither execute the order for the call of the House nor dispense with further proceedings under the call, I move that the House do now adjourn.

Several members called for the yeas and nays; which were ordered.

The question was taken; and there were—yeas 50, nays 116, not voting 158; as follows:

YEAS—50.

Anderson, Miss.	Culberson,	Lanham,	Russell, Mass.
Anderson, Ill.	Cummings,	Lawler,	Sayers,
Bankhead,	Enloe,	McKinney,	Shaw,
Barnes,	Ford,	McMillin,	Shively,
Barry,	Grimes,	McRae,	Stewart, Tex.
Breckinridge, Ark.	Henderson, N. C.	McShane,	Stockdale,
Breckinridge, Ky.	Herbert,	Morgan,	Tarsney,
Buckalew,	Hooker,	Morse,	Vance,
Bynum,	Howard,	Neal,	Walker,
Candler,	Johnston, N. C.	Peel,	Weaver,
Carlton,	Lagan,	Richardson,	Wheeler.
Clements,	Landes,	Rogers,	
Cowles,	Lane,	Rowland,	

NAYS—116.

Allen, Mich.	Davis,	Kennedy,	Sawyer,
Arnold,	Dibble,	Kerr,	Scull,
Baker, N. Y.	Elliott,	Laidlaw,	Seney,
Baker, Ill.	Farquhar,	Lehlbach,	Seymour,
Bayne,	Fitch,	Lind,	Sherman,
Belden,	Fuller,	Lodge,	Sowden,
Bingham,	Funston,	Long,	Spooner,
Boothman,	Gaines,	Mason,	Stahlnecker,
Bound,	Gallinger,	McCormick,	Steele,
Boutelle,	Gear,	McKenna,	Stephenson,
Bowden,	Gest,	McKinley,	Stewart, Vt.
Bowen,	Goff,	Moffitt,	Struble,
Browne, T. H. B., Va.	Grout,	Morrow,	Symes,
Brown, J. R., Va.	Guenther,	Nichols,	Taulbee,
Brumm,	Hall,	O'Ferrall,	Taylor, E. B., Ohio
Buchanan,	Harmer,	O'Neill, Pa.	Taylor, J. D., Ohio
Bunnell,	Haugen,	Osborne,	Thomas, Ky.
Burrows,	Henderson, Iowa	Parker,	Thomas, Wis.
Butterworth,	Henderson, Ill.	Perkins,	Turner, Kans.
Cannon,	Hermann,	Peters,	Wade,
Caswell,	Hitt,	Post,	Warner,
Cheadle,	Holmes,	Pugsley,	Weber,
Chipman,	Hopkins, Ill.	Randall,	White, Ind.
Cogswell,	Hopkins, Va.	Reed,	Wickham,
Conger,	Houk,	Rice,	Wilkinson,
Cooper,	Hovey,	Rockwell,	Williams,
Crouse,	Hunter,	Romeis,	Woodburn,
Dalzell,	Johnston, Ind.	Rowell,	Yardley,
Darlington,	Kean,	Russell, Conn.	Yost.

NOT VOTING—158.

Abbott,	Brewer,	Clark,	De Lano,
Adams,	Brower,	Cobb,	Dingley,
Allen, Mass.	Browne, Ind.	Cockran,	Dockery,
Allen, Miss.	Brown, Ohio.	Collins,	Dorsey,
Anderson, Iowa	Bryce,	Compton,	Dougherty,
Anderson, Kans.	Burnes,	Cothran,	Dunham,
Atkinson,	Burnett,	Cox,	Dunn,
Bacon,	Butler,	Crain,	Ermentrout,
Belmont,	Campbell, F., N. Y.	Crisp,	Felton,
Biggs,	Campbell, Ohio	Cutcheon,	Finley,
Blanchard,	Campbell, T. J., N. Y.	Dargan,	Fisher,
Bland,	Caruth,	Davenport,	Flood,
Bliss,	Catchings,	Davidson, Ala.	Foran,
Blount,	Clardy,	Davidson, Fla.	Forney,

French,	Laffoon,	Newton,	Springer,
Gay,	La Follette,	Norwood,	Stewart, Ga.
Gibson,	Laird,	Nutting,	Stone, Ky.
Glass,	Latham,	Oates,	Stone, Mo.
Glover,	Lee,	O'Donnell,	Thomas, Ill.
Granger,	Lyman,	O'Neall, Ind.	Thompson, Ohio
Greenman,	Lynch,	O'Neill, Mo.	Thompson, Cal.
Grosvenor,	Macdonald,	Outhwaite,	Tillman,
Hare,	Maffett,	Owen,	Townshend,
Hatch,	Mahoney,	Patton,	Tracey,
Hayden,	Maish,	Payson,	Turner, Ga.
Hayes,	Mansur,	Penington,	Vandever,
Heard,	Martin,	Perry,	Washington,
Hemphill,	Matson,	Phelan,	West,
Hiestand,	McAdoo,	Phelps,	White, N. Y.
Hires,	McClammy,	Pidcock,	Whiting, Mich.
Hogg,	McComas,	Plumb,	Whiting, Mass.
Holman,	McCreary,	Rayner,	Whitthorne,
Hopkins, N. Y.	McCullogh,	Robertson,	Wilber,
Hudd,	Merriman,	Rusk,	Wilkins,
Hutton,	Milliken,	Ryan,	Wilson, Minn.
Jackson,	Mills,	Scott,	Wilson, W. Va.
Jones,	Montgomery,	Simmons,	Wise,
Kelley,	Moore,	Smith,	Yoder.
Ketcham,	Morrill,	Snyder,	
Kilgore,	Nelson,	Spinola,	

So the motion to adjourn was not agreed to.

Mr. BAKER, of New York. In behalf of the gentleman from Maine [Mr. REED], the gentleman from Illinois [Mr. MASON], my friend from Georgia [Mr. BARNES], and myself, I ask unanimous consent for a brief recess—say till 11 o'clock and 45 minutes this morning, so as to allow us to go home, get our breakfasts, and come back here.

Mr. FORD. I object.

Mr. TAULBEE (after an interval of some time). Mr. Speaker, it is now three minutes past 5 o'clock in the morning. We have been in session all night; nothing has been done; and there is no prospect or probability of our doing anything to-day. I ask unanimous consent that we take a recess for one hour in order to give the messengers an opportunity to sweep the floor of the Hall. It is not proper that we should go through the business of another day with the floor in the condition in which it is now, with these papers scattered all over it.

A MEMBER (to Mr. TAULBEE). Make it 11.45.

Mr. TAULBEE. I would request a recess until 11.45, but I know we can not get it. I have asked for what I hoped would not be objected to.

Several members objected.

The SPEAKER *pro tempore* (Mr. RICHARDSON). Objection is made.

Mr. TAULBEE. At the suggestion of several gentlemen, I ask consent for a recess until 9 o'clock this morning.

Several MEMBERS. Make it 11.45.

Mr. TAULBEE. Very well; I make that request.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Kentucky for unanimous consent that the House take a recess until 11.45?

Mr. BRECKINRIDGE, of Kentucky. I object.

The SPEAKER *pro tempore*. Objection is made.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I offer a resolution that the leaves of absence heretofore granted members of this House for the present legislative day be and they are hereby revoked, and the Sergeant-at-Arms is hereby instructed to notify them of this action of the House and to request their immediate attendance.

Mr. PERKINS. I make a point of order on that resolution.

Mr. BRECKINRIDGE, of Kentucky. I have offered this resolution in the same terms as one offered during a call of the House at the first session of the Forty-eighth Congress. I read from the Journal:

Mr. REED made the point of order that a quorum was required on the adoption of the said resolution.

The SPEAKER overruled the said point of order on the ground that it was a proceeding to secure attendance of absent members, on which a quorum was not required.

That was the ruling of Mr. Speaker CARLISLE in the Forty-eighth Congress.

Mr. KERR. I make the point of order that all the votes recently taken show that we have a quorum here.

The SPEAKER *pro tempore* (Mr. ROGERS). The gentleman from Kansas [Mr. PERKINS] did not state his point of order.

Mr. PERKINS. My point of order is that the rules are very specific, and no such motion as this is in order. We must either proceed with the call or we must adjourn, unless we act by unanimous consent.

Mr. BRECKINRIDGE, of Kentucky. As decided by the Speaker in the Forty-eighth Congress, this is a proceeding connected with the call of the House, its purpose being to obtain the presence of absent members. It proposes the exercise of the power of the House to revoke leaves of absence which have been granted. It proposes to obtain the presence of members whose absence is by leave of the House, and who therefore can not be arrested by warrant issued to the Sergeant-at-Arms. It will be found that the resolution was decided to be in order upon this ground and no appeal was taken.

Mr. REED. If this proceeding be adopted, I hope the Sergeant-at-Arms will be gifted with a little more power than he seems to have exhibited to-night.

Mr. PERKINS. If the Sergeant-at-Arms is executing the order of the House, this motion is certainly not necessary; and if not necessary, I make the point that it is not in order.

Mr. BOUTELLE. It is difficult to see how the Sergeant-at-Arms is any more likely to be able to find gentlemen who have been granted leave of absence than to find the large number of other gentlemen who are disclosed by the call as absent and who have not been granted leave.

Mr. BRECKINRIDGE, of Kentucky. Gentlemen who are absent on leave are properly absent, and they are protected by the leave of the House. Their presence therefore can not be demanded until the House shall revoke its leave of absence. This resolution in its first clause is a revocation of the leave of absence, and in the second a direction to the Sergeant-at-Arms to notify these gentlemen of this revocation and request their presence—not to arrest them, but to request their attendance upon the session of the House.

Mr. BOUTELLE. Let me ask the gentleman the object of having these members brought here?

Mr. BRECKINRIDGE, of Kentucky. The object is to execute the call of the House.

Mr. BOUTELLE. For what purpose?

Mr. BRECKINRIDGE, of Kentucky. To obtain a quorum.

Mr. BOUTELLE. We have had a quorum on every vote recently taken. The House is not without a quorum.

Mr. REED. The trouble is not lack of a quorum; it is lack of behavior.

Mr. BRECKINRIDGE, of Kentucky. I never contradict a gentleman who speaks of his own conduct; therefore I have no controversy with the gentleman upon his statement. [Laughter.]

Mr. REED. Oh, oh! And from Kentucky! [Laughter.]

Mr. BRECKINRIDGE, of Kentucky. The Sergeant-at-Arms is now constructively engaged in hunting up absentees———

Mr. REED. Just as the gentleman from Kentucky is constructively present.

Mr. BRECKINRIDGE, of Kentucky. I think I am actively present.

The SPEAKER *pro tempore*. What is the gentleman's motion?

Mr. BRECKINRIDGE, of Kentucky. I submit the resolution I send to the desk.

The SPEAKER *pro tempore* (Mr. ROGERS in the chair). The Chair thinks the resolution is in order. The Chair will have a similar resolution, to which reference has been made, read in support of the ruling.

The Clerk read as follows:

Resolved, That the leaves of absence heretofore granted to members of this House for the present legislative day be, and they are hereby, revoked; and the Sergeant-at-Arms is hereby instructed to notify them of this action of the House, and to request their immediate attendance.

Mr. SOWDEN. What members have leave of absence for the legislative day?

The SPEAKER *pro tempore*. The Chair does not know. The records of the House will show.

Mr. SOWDEN. I make the point of order———

The SPEAKER *pro tempore*. There are two points of order pending. The Chair thinks, however, the points of order are not well taken, and overrules them.

Mr. TAULBEE. Is the resolution debatable?

Mr. BRECKINRIDGE, of Arkansas. It is not debatable; it is a proceeding under a call of the House.

Mr. SOWDEN. This is not a call of the House.

Mr. BRECKINRIDGE, of Arkansas. But we are proceeding under a call of the House.

Mr. WHEELER. I make the point of order that it is not debatable.

Mr. TAULBEE. I trust the Chair will hear me on the point of order.

The SPEAKER *pro tempore*. The Chair is of opinion that it is not debatable; we are proceeding under a call of the House, and proceedings under a call are not subject to debate.

Mr. TAULBEE. As I understand it, the Chair holds that a resolution to reconsider the action of the House in matters of this kind is not debatable. Now, I understand this is a resolution offered regularly for present consideration. It relates to the business of the House.

The SPEAKER *pro tempore*. The Chair does not think that debate is in order, or anything else except that which may aid the House in enforcing the existing order, which is to secure the presence of its absent members.

Mr. PETERS. I make the further point of order that there are no members absent from the House who were excused for the legislative day.

Mr. SOWDEN. And I make the further point of order that nothing is in order but a motion to adjourn or to suspend further proceedings under the call.

The SPEAKER *pro tempore*. The Chair has already overruled that point of order.

Mr. SOWDEN. Then I appeal from the decision of the Chair.

Mr. TAULBEE. I hope the gentleman will not do that until the resolution is considered. I am sorry it is not debatable; but of course I defer to the ruling of the Chair. It ought to be understood that this is a most important matter and one that requires careful consideration.

Mr. SOWDEN. Did I understand the Chair correctly when the Chair announced that he had overruled the point of order that I made; that is, that nothing was in order now but a motion to adjourn or a motion to suspend the operation of the call?

The SPEAKER *pro tempore*. The Chair ruled that the resolution was in order. The effect of that would be to overrule the point of order made by the gentleman from Pennsylvania, and on the ground mainly that it is in aid of the enforcement of the order.

Mr. PETERS. But I have made an additional point of order.

The SPEAKER *pro tempore*. It is in order. The Chair will state if the gentleman from Pennsylvania desires to appeal from the decision of the Chair to do so now, and the Chair recognizes the gentleman for that purpose.

Mr. PETERS. The appeal was taken too late. I had made a point of order in the mean time.

Mr. TAULBEE. I make another point of order which I think has precedence. [Laughter.]

The SPEAKER *pro tempore*. The Chair will hear the gentleman's point of order.

Mr. TAULBEE. It is that the parliamentary construction of the rule upon which the Chair and the gentleman from Pennsylvania seem to differ, and upon which the gentleman from Pennsylvania has indicated his intention of appealing, does not relate to the business now pending before the House, and is therefore wholly out of order.

The SPEAKER *pro tempore*. The Chair is unable to apprehend the point of the gentleman from Kentucky.

Mr. TAULBEE. If the Chair will indulge me I will try to make myself understood.

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. TAULBEE. If I understand the point of order of the gentleman from Pennsylvania, it is that the House is at that stage of the proceedings where nothing is in order in connection with the call of the House but a motion to suspend the operation of the call or else a motion to adjourn. In that I take it that the gentleman is correct. But the Chair had theretofore decided that the resolution now under consideration was a part of the proceedings under the call of the House, and therefore could not be affected by the parliamentary inquiry made by the gentleman from Pennsylvania; and hence there is nothing for him to appeal from.

Mr. BOUTELLE. Therefore——

Mr. TAULBEE. These tears. [Laughter.]

Mr. PETERS. I make another point of order.

The SPEAKER *pro tempore*. The Chair thinks the gentleman from Kentucky has a first point of order pending.

Mr. PETERS. But I made the point of order that there were no members of the House excused for the legislative day, and I insist it is the duty of the Chair to ascertain whether that is the fact or not.

The SPEAKER *pro tempore*. The Journal Clerk advises the Chair that members are absent who have been excused for the legislative day.

Mr. PETERS. Some were excused but for the calendar day only, and not for the legislative day.

Mr. SOWDEN. What has become of my point of order?

The SPEAKER *pro tempore*. The Chair has already stated that the point of order of the gentleman from Kentucky would not take the gentleman from Pennsylvania off the floor, and he would have the right to appeal. Does the gentleman insist upon taking an appeal?

Mr. SOWDEN. I do not.

Mr. TAULBEE. I move to amend the pending resolution, then, by inserting after the word "legislative" the words "and calendar."

Mr. ENLOE. I make the point of order upon that.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ENLOE. That there has been no one excused for this calendar day. It is now Wednesday morning.

Mr. BRECKINRIDGE, of Kentucky. I am willing to accept the amendment of the gentleman from Kentucky not only to revoke leaves of absence for the calendar day, but all leaves of absence heretofore granted.

Mr. TAULBEE. I accept the amendment. [Laughter.]

With reference to the point of order of the gentleman from Tennessee, I have to say that I think he misapprehends what the House means by a calendar day. We reckon it, as I understand, for the purpose of the proceedings of this House, from 12 o'clock at noon on one day until 12 o'clock noon on the next day.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania has withdrawn his appeal from the decision of the Chair.

Mr. TAULBEE. I speak of the point of order made by the gentleman from Tennessee [Mr. ENLOE].

The SPEAKER *pro tempore*. If the House will pardon the Chair for one moment, the Journal Clerk informs the Chair that there are members excused for both the calendar and the legislative days. Now the Chair will hear the point of the gentleman from Tennessee.

Mr. ENLOE. Mr. Speaker, this being Wednesday, no member has been excused for the calendar day. There were a number of gentlemen excused yesterday for that calendar day. I do not know what kind of a calendar they have down in Kentucky, from which my friend [Mr. TAULBEE] comes to the conclusion that the calendar day begins at 12 o'clock on one day and ends at noon the next day.

Mr. TAULBEE. On that I desire to be heard, if the Chair will indulge me. [Laughter.]

Mr. WHEELER. I trust the gentleman will explain to us how they count the calendars in Kentucky.

The SPEAKER *pro tempore*. The Chair will state that there are members who have been excused for the present legislative day.

Mr. ENLOE. My point is as to the calendar day.

The SPEAKER *pro tempore*. There are some who are excused for this calendar day also.

Mr. PERKINS. Mr. Speaker, in connection with this point of order I wish to make an inquiry. If I understand the statement of the Chair it is that members of the House have been excused, and it seems to me that the effect of the motion made by the gentleman from Kentucky [Mr. BRECKINRIDGE] is to make the House reconsider its action in that particular. I desire to make the inquiry, in connection with the point of order, whether it is in order to make that motion.

The SPEAKER *pro tempore*. The Chair thinks it is, under the ruling made by Mr. Speaker CARLISLE in the Forty-eighth Congress, which has been read from the Clerk's desk.

Mr. PARKER. I rise to a point of order. Members of the House having asked to be excused, having been excused by the House, and having acted upon that authority and left, I wish to submit the question whether the transaction is not in the nature of a contract.

The SPEAKER *pro tempore*. The Chair does not think that is a parliamentary question.

The Chair will state that the gentlemen in question were excused, and that then, of course, they could not be arrested until notified to return, but they were notified under the order for a call of the House.

Mr. BOUTELLE. I rise to a parliamentary inquiry. I wish to inquire whether the Journal of the proceedings does not disclose the fact that this violation of the tacit pledge of the House to the absent members is not necessary in order to accomplish the object for which absent members are sent for by authority of the House, namely, to secure a quorum; there having been on the last roll-call 165 members present and voting——

The SPEAKER *pro tempore*. The Chair does not think that is a parliamentary inquiry.

Mr. TAULBEE. I make the point of order that this resolution is not debatable.

Mr. BOUTELLE. Then I throw this in as a stump speech.

The SPEAKER *pro tempore*. The point of order is well taken, and has been so ruled by the Chair.

Mr. BUCHANAN. I make the further point of order on this motion that it is an omnibus motion, revoking a number of different acts of the House taken at different times, and that the only way in which leaves of absence can be revoked is by reconsidering the action in each case.

Mr. MASON. And naming each member in the resolution?

Mr. BUCHANAN. The point is that these leaves of absence must be acted upon separately, and can not be acted upon in any other way.

The SPEAKER *pro tempore*. The Chair will cause the ruling to be read again, as there seems to be some misapprehension about it.

Mr. GEAR. I make the point of order, Mr. Speaker, that that resolution is not in writing, as is required by the rules.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, let me suggest that most of the gentlemen who have taken advantage of the leaves of absence have done it for the night sessions only, and will probably be here at 12 o'clock to-day.

Mr. GEAR. Mr. Speaker, the rules require all resolutions to be in writing. Now, my point is that you can not read from the Journal of a former Congress and offer that as a resolution.

Mr. O'NEILL, of Pennsylvania. In connection with what I have just said, I refer to the case of my colleague [Mr. KELLEY], who has leave of absence. He only takes that leave for the evening sessions, and he will be here to-day.

Mr. BUCHANAN. Mr. Speaker, I make my point of order in good faith.

The SPEAKER *pro tempore*. With reference to the point of order made by the gentleman from Iowa [Mr. GEAR], the Chair thinks that point is a substantial compliance with the rule; but if it is insisted upon, the Chair will have a technical compliance with the rule.

Mr. TAULBEE. Is not that point too late? Had not the House proceeded to the consideration of the resolution?

The SPEAKER *pro tempore*. The Chair has directed the Clerk to read the ruling.

The Clerk read as follows:

Mr. REED made the point of order that a quorum was required on the adoption of the said resolution.

The Speaker overruled the said point of order on the ground that it was a proceeding to secure the attendance of absent members, on which a quorum was not required.

Mr. Calkins moved to dispense with further proceedings under the call, which motion was disagreed to.

Mr. BUCHANAN. But it will be observed that the authority cited does not reach at all the point I make. My point is that this is an "omnibus" resolution, seeking to undo a number of different actions of the House taken at different times, and that these separate actions can only be revoked separately and by a motion to reconsider in each case.

The SPEAKER *pro tempore*. The Chair thinks the gentleman from New Jersey is in error. If this were a motion to reconsider, then the point made by the gentleman would be good; but it is not a motion to reconsider; it is simply a motion directing the Sergeant-at-Arms to notify these members that their attendance is desired.

Mr. BUCHANAN. I beg pardon of the Chair. The resolution says these leaves of absence shall be revoked——

Mr. BRECKINRIDGE, of Kentucky. Yes.

Mr. BOUTELLE. And that the members shall be arrested.

Mr. BRECKINRIDGE, of Kentucky. No, not that they shall be arrested; that the Sergeant-at-Arms be instructed to notify them of the action of the House and request their presence.

The SPEAKER *pro tempore*. The Chair thinks the point of order is not well taken.

Mr. MASON. I would like to be heard on that question for a moment. The point to which I wish to call the attention of the Chair is this: The House has acted upon the cases of various members who have asked for leave of absence. Now, if those leaves of absence are to be revoked, I have a right to have the question divided. I may be in favor of recalling some of these gentlemen; others I may know to be sick or not to be on the right side of this question [laughter]; and these gentlemen I may want to excuse. But it is proposed by a single resolution to put me in such a position that I may be compelled to bring in my opponents to put them in possession of the ground. I submit that the point raised by the gentleman from New Jersey [Mr. BUCHANAN] is sound, that we are entitled to a division of the question; and in revoking leaves of absence we have a right to demand that every action of the House shall be voted on separately, just as was done originally in granting the requests for leave of absence.

The SPEAKER *pro tempore*. The Chair has considered that point and has overruled it.

Mr. BOUTELLE. In support of the statement of the gentleman from Illinois [Mr. MASON] I wish to suggest that it has been ruled by a former Speaker of this House that a proposition to excuse a number of members at the same time was not in order; and that ruling of the Chair was based upon the same grounds stated by the gentleman from Illinois—that different members might present various excuses, might show various degrees of delinquency, so that the House might be in favor of excusing some and refusing to excuse others. It strikes me the spirit of that ruling would cover the resolution now under consideration, both propositions being proceedings under a call of the House.

The SPEAKER *pro tempore*. The Chair has given his best judgment to this question in view of the authority read at the desk, and no authority adverse to it is cited.

Mr. BOUTELLE. The authority to which I have alluded is directly adverse.

The SPEAKER *pro tempore*. The Chair does not know of any such authority.

Mr. BOUTELLE. I can not refer the Chair to the page, but I cite the ruling made by Mr. Speaker Blaine in the second session of the Forty-third Congress. I think that the gentleman from Pennsylvania [Mr. RANDALL] may be able possibly to give the exact reference. In that case it was decided by the Chair that a proposition to excuse a number of members by one resolution or motion was not in order, for the reason that the House must take cognizance of the cases individually.

Mr. BUCHANAN. That is common sense.

Mr. BOUTELLE. It strikes me that the same principle applies here.

The SPEAKER *pro tempore*. The Chair can only repeat the statement that in ruling upon this question he has used his best judgment, and he adheres to that ruling.

The question having been put on the resolution of Mr. BRECKINRIDGE, of Kentucky,

The SPEAKER *pro tempore*. On this question the ayes are 79, the noes 9.

Mr. MASON. No quorum.

The SPEAKER *pro tempore*. No quorum is required. The "ayes" have it.

Mr. TAULBEE. Mr. Speaker, I wish to inquire what has become of my amendment.

The SPEAKER *pro tempore*. There has been no disposition made of it so far as the Chair is aware. The Chair was not aware that the amendment was pending.

Mr. TAULBEE. The amendment was offered; and to it there was an amendment suggested by my colleague [Mr. BRECKINRIDGE], who indicated that with his amendment he would be willing to accept my amendment. I accepted his amendment to my amendment; and I understood him to accept my amendment as thus modified.

The SPEAKER *pro tempore*. The Chair did not understand that the amendment was accepted or offered. According to the recollection of the Chair, the gentleman from Kentucky [Mr. TAULBEE] was not recognized to offer it.

Mr. STRUBLE. What was the effect of those several acceptances and amendments?

Mr. TAULBEE. The effect of the amendment I offered—— [Cries of "Regular order!"]

Mr. TAULBEE. This is the regular order. I hope the Chair will indulge me while I answer the question of the gentleman, which relates to the proceedings of the House, and will tend to a proper understanding of the amendment which, as I understood, the Chair signified it was in order for me to offer.

The SPEAKER *pro tempore*. To what question does the gentleman rise?

Mr. TAULBEE. I rise to a parliamentary inquiry, apropos to the inquiry I made of the Chair as to what disposition had been made of my amendment to the resolution on which we have just voted. I understood the Chair to state that it was in order for me to offer the amendment. My inquiry is as to whether or not it is competent to amend a resolution which has been already passed.

The SPEAKER *pro tempore*. The Chair will state, as his best recollection, that the Chair was examining the question of parliamentary law submitted or sent up by the gentleman from Kentucky [Mr. BRECKINRIDGE], when a colloquy took place between the two gentlemen from Kentucky, during which time the gentleman who has just addressed the Chair suggested an amendment, but the Chair did not recognize him to offer the amendment at all.

Mr. EZRA B. TAYLOR. I ask unanimous consent that the House take a recess until 9 o'clock.

Mr. BRECKINRIDGE, of Kentucky. I object.

Mr. GUENTHER. What is the regular order?

The SPEAKER *pro tempore*. The enforcement of the order of the House by the Sergeant-at-Arms.

Mr. BUCKALEW. It is absolutely necessary that the officers of the House should have an opportunity to have the Hall cleaned and aired. I am therefore in favor of a reasonable recess for that purpose, and I ask unanimous consent that the House take a recess until 11 o'clock, to which I hope no gentleman will object. It is only a reasonable time.

Mr. HOLMES and others objected.

Mr. PARKER. I raise the point of order that no gentleman rose in his place and made objection. I hope all objections will be withdrawn.

Mr. HOLMES. I renew the objection if it is withdrawn.

Mr. TAULBEE. Regular order!

Mr. LONG. I ask unanimous consent that the House take a recess until 11 o'clock.

Mr. TAULBEE, Mr. FORD, and others objected.

Mr. ALLEN, of Michigan. I think, Mr. Speaker, that the objection to a recess arises more because of the hour named than any other cause.

Mr. TAULBEE. I think the gentleman is badly mistaken there.

Mr. ALLEN, of Michigan. I will ask unanimous consent, especially in behalf of the older gentlemen on both sides of the House, that a short recess be taken. There are many gentlemen here who are past sixty years of age, and if this is simply a question of physical endurance, we can probably kill them off. I therefore, in the interest of these gentlemen and in the interest of the clerks and others who have been at work here all night, to say nothing about ourselves, ask unanimous consent that we take a recess until 11 o'clock and 30 minutes this morning.

Mr. BRECKINRIDGE, of Kentucky, and Mr. BRECKINRIDGE, of Arkansas, objected.

The SPEAKER *pro tempore*. The gentleman from Kentucky and the gentleman from Arkansas object.

Mr. ALLEN, of Michigan. Allow me to explain my request. The gentleman from Kentucky has been sleeping all night, and my request was in the interest of the older men. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. Objection has been made to the request of the gentleman.

Mr. PERKINS. With a view that the House may be put in order for the day's business, and to enable members to have an opportunity of getting breakfast, I ask unanimous consent that the House take a recess for two hours.

Mr. TAULBEE, Mr. KERR, and others objected.

Mr. BRECKINRIDGE, of Kentucky. As there seems to be considerable objection on all sides to taking a recess, and as I do not want to kill off any of the "older members," that the gentleman from Michigan [Mr. ALLEN] speaks of, I move in their interest that the House do now adjourn.

Mr. REED, Mr. BAKER of Illinois, Mr. GOFF, and others demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 52, nays 116, not voting 156; as follows:

YEAS—52.

Abbott,	Cowles,	McKinney,	Rogers,
Anderson, Miss.	Enloe,	McMillin,	Rowland,
Anderson, Ill.	Ford,	McRae,	Sayers,
Bankhead,	Grimes,	McShane,	Shively,
Barnes,	Herbert,	Montgomery,	Smith,
Barry,	Hooker,	Morgan,	Springer,
Breckinridge, Ark.	Howard,	Neal,	Stewart, Tex.
Breckinridge, Ky	Johnston, N. C.	Newton,	Stockdale,
Buckalew,	Kilgore,	Oates,	Tillman,
Bynum,	Lane,	Peel,	Vance,
Candler,	Lanham,	Phelan,	Walker,
Carlton,	Martin,	Richardson,	Weaver,
Clements,	McClammy,	Robertson,	Whiting, Mich.

NAYS—116.

Allen, Mich.	Davis,	Kennedy,	Sawyer,
Anderson, Iowa,	Dibble,	Kerr,	Scull,
Arnold,	Elliott,	Laidlaw,	Seney,
Baker, N. Y.	Farquhar,	Lehlback,	Seymour,
Baker, Ill.	Fitch,	Lind,	Sherman,
Bayne,	Fuller,	Long,	Sowden,
Belden,	Funston,	Lyman,	Spooner,
Bingham,	Gaines,	Mason,	Stahlnecker,
Bliss,	Gallinger	McAdoo,	Steele,
Boothman,	Gear,	McCormick,	Stephenson,
Bound,	Gest,	McKenna,	Stewart, Vt.
Boutelle,	Goff,	McKinley,	Struble,
Bowden,	Grout,	Moffitt,	Symes,
Bowen,	Guenther,	Morrow,	Taulbee,
Browne, T. H. B., Va.	Hall,	Nichols,	Taylor, E. B., Ohio
Brown, J. R., Va.	Harmer,	O'Ferrall,	Taylor, J. D., Ohio
Brumm,	Haugen,	O'Neill, Pa.	Thomas, Ky.
Bryce,	Henderson, Iowa,	Osborne,	Thomas, Wis.
Buchanan,	Henderson, Ill.	Parker,	Turner, Kans.
Bunnell,	Hermann,	Perkins,	Warner,
Burrows,	Hitt,	Peters,	Weber,
Butterworth,	Holmes,	Post,	White, Ind.
Cannon,	Hopkins, Ill.	Pugsley,	Wickham,
Caswell,	Hopkins, Va.	Randall,	Wilkinson,
Cheadle,	Houk,	Reed,	Williams,
Conger,	Hovey,	Rice,	Wilson, W. Va.
Cooper,	Hunter,	Romeis,	Woodburn.
Crouse,	Johnston, Ind.	Rowell,	Yardley,
Darlington,	Kean,	Russell, Conn.	Yost.

NOT VOTING—156.

Adams,	Dargan,	Hutton,	Payson,
Allen, Mass.	Davenport,	Jackson,	Penington,
Allen, Miss.	Davidson, Ala.	Jones,	Perry,
Anderson, Kans.	Davidson, Fla.	Kelley,	Phelps,
Atkinson,	De Lano,	Ketcham,	Pidcock,
Bacon,	Dingley,	Laffoon,	Plumb,
Belmont,	Dockery,	La Follette,	Rayner,
Biggs,	Dorsey,	Lagan,	Rockwell,
Blanchard,	Dougherty,	Laird,	Russell, Mass.
Bland,	Dunham,	Landes,	Rusk,
Blount,	Dunn,	Latham,	Ryan,
Brewer,	Ermentrout,	Lawler,	Scott,
Brower,	Felton,	Lee,	Shaw,
Browne, Ind.	Finley,	Lodge,	Simmons,
Brown, Ohio,	Fisher,	Lynch,	Snyder,
Burnes,	Flood,	Macdonald,	Spinola,
Burnett,	Foran,	Maffett,	Stewart, Ga.
Butler,	Forney,	Mahoney,	Stone, Ky.
Campbell, F., N. Y.	French,	Maish,	Stone, Mo.
Campbell, Ohio,	Gay,	Mansur,	Tarsney,
Campbell, T. J., N. Y.	Gibson,	Matson,	Thomas, Ill.
Caruth,	Glass,	McComas,	Thompson, Ohio.
Catchings,	Glover,	McCreary,	Thompson, Cal.
Chipman,	Granger,	McCullogh,	Tracey,
Clardy,	Greenman,	Merriman,	Townshend,
Clark,	Grosvenor,	Milliken,	Turner, Ga.
Cobb,	Hare,	Mills,	Vandever,
Cockran,	Hatch,	Moore,	Wade,
Cogswell,	Hayden,	Morrill,	Washington,
Collins,	Hayes,	Morse,	West,
Compton.	Heard,	Nelson,	Wheeler,
Cothran,	Hemphill	Norwood,	White, N. Y.
Cox,	Henderson, N. C.	Nutting,	Whiting, Mass.
Crain,	Hiestand,	O'Donnell,	Whitthorne,
Crisp,	Hires,	O'Neall, Ind.	Wilber,
Culberson,	Hogg,	O'Neill, Mo.	Wilkins,
Cummings,	Holman,	Outhwaite,	Wilson, Minn.
Cutcheon,	Hopkins, N. Y.	Owen,	Wise,
Dalzell,	Hudd,	Patton,	Yoder.

So the motion to adjourn was not agreed to.

On motion of Mr. BRECKINRIDGE, of Kentucky, the reading of the names of members voting was dispensed with.

The following additional pairs were announced:

Mr. RUSSELL, of Massachusetts, with Mr. COGSWELL, until 5 o'clock p. m.

Mr. LAWLER with Mr. LODGE, until 12 o'clock to-day.

Mr. WADE with Mr. WHEELER, from 6 a. m. until 9 a. m. to-day.

The result of the vote was then announced as above recorded.

Mr. BOUTELLE. Mr. Speaker, the point of order in regard to revoking the leaves of absence has been ruled upon, and, so far as the question is concerned, it is *res adjudicata*. I desire to say, however——

Mr. TAULBEE. Well, Mr. Speaker, I object. Let us have the regular order.

Mr. BOUTELLE. I know the gentleman from Kentucky will not object.

Mr. TAULBEE. I know he will.

Mr. BOUTELLE. I ask the gentleman from Kentucky to withdraw his objection so as to let me give simply a reference to a citation.

Mr. TAULBEE. I have no objection at all to the gentleman having the privilege given him to print, but I am tired of so much talk. [Laughter.]

Mr. BOUTELLE. I simply desire to state the page and volume of a citation which I made.

Mr. TAULBEE. The gentleman can have it inserted in the RECORD, but I object to his stating it here. Let us have the regular order.

Mr. BOUTELLE. I now ask unanimous consent to state the page and volume of an authority which I have cited.

Mr. TAULBEE. I object. I insist that the gentleman is out of order, and I ask to have the regular order preserved and that the House proceed in order.

Mr. BOUTELLE. I rise to a question of privilege.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BOUTELLE. My point is that some time ago, in the discussion of a point of order, I undertook to cite certain rulings——

Mr. TAULBEE. I insist that the gentleman shall state his point of order, and I insist upon the regular order.

The SPEAKER *pro tempore*. The gentleman is stating his point of order. The gentleman from Maine rises to a question of privilege, and he has a right to state it. Otherwise the Chair will be unable to determine whether it is a question of privilege or not.

Mr. BOUTELLE. I desire to correct an error which appears in the RECORD, where I endeavored to make a citation and failed to give it correctly. I now desire to give it accurately. It is pages 1737–1738, volume 11, second session Forty-third Congress.

Mr. TAULBEE. I object, and I rise to a point of order. I make the point that the gentleman is out of order, and I ask to have his statement excluded from the RECORD, and the reporters directed not to put it in. My point is that the gentleman arose to ask unanimous consent to make certain statements that were out of order, which was objected to, and thereupon the gentleman attempted, under a pretext and a quibble, to accomplish that which he had no right to do under the rules of this House. [Cries of "Regular order!"]

Mr. HENDERSON, of Iowa. I rise to a point of order.

Mr. TAULBEE. I now insist that the remarks of the gentleman from Maine [Mr. BOUTELLE] shall be withheld from the RECORD.

Mr. HENDERSON, of Iowa. My point of order is that it is impossible to hear the gentleman from Kentucky [Mr. TAULBEE]. [Laughter.]

The SPEAKER *pro tempore*. The Chair does not sustain the point of order. [Laughter.]

Mr. WEAVER. I should like to have the gentleman from Maine [Mr. BOUTELLE] state what it was that the gentleman from Kentucky [Mr. TAULBEE] desired to have expunged from the RECORD. [Laughter.]

Mr. TAULBEE. Mr. Speaker, I object. I raise a point of order, and I insist that the gentleman from Iowa [Mr. WEAVER] is out of order. If we can proceed with the regular business in an orderly and decorous way I desire to have it done.

Mr. HENDERSON, of Iowa. We are frittering away the time of the House. [Laughter.]

Mr. SPRINGER. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. SPRINGER. I desire to ask what is the motion made by the gentleman from Kentucky [Mr. TAULBEE].

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. TAULBEE] first objected to the gentleman from Maine [Mr. BOUTELLE] stating a citation, and then made the point of order that the statement which the gentleman from Maine did make did not constitute a question of privilege.

Mr. WEAVER. I would like to know what it was that the gentleman from Kentucky [Mr. TAULBEE] desired to have expunged from the RECORD.

Mr. TAULBEE. I rise to a question of information [laughter], which I think is in order.

The SPEAKER *pro tempore*. The gentleman rises to a parliamentary inquiry.

Mr. TAULBEE. I wish to inquire what has become of the gentleman from Maine [Mr. BOUTELLE]. [Laughter.]

The SPEAKER *pro tempore*. That is not a parliamentary inquiry.

Mr. TAULBEE. I said that I rose to a question of information.

Several MEMBERS. Regular order.

After an interval of some time,

Mr. TAULBEE said: Mr. Speaker, it is now after 7 o'clock, and we have had no intermission of the session of the House since we assembled yesterday at quarter before 12. We have had no time to eat or sleep except as we did so in violation of the rules. I therefore ask unanimous consent that we now take a recess until 9 o'clock this morning, which is less than two hours.

The SPEAKER *pro tempore* (Mr. SPRINGER). The gentleman from Kentucky asks unanimous consent that further proceedings under the call be dispensed with and that the House take a recess until 9 o'clock this morning.

Mr. BRECKINRIDGE, of Arkansas, and Mr. SOWDEN objected.

After some time had elapsed,

Mr. SOWDEN said: I ask that one-half of the persons on the clerical force of the House be excused for an hour, in order to enable them to go home and get their breakfasts.

The SPEAKER *pro tempore*. The Chair thinks that the Clerk of the House will arrange matters of that kind.

Mr. SOWDEN. It is not a question what the Clerk will do. I have made a motion.

The SPEAKER *pro tempore*. Such a motion is not in order pending a call of the House.

Mr. SOWDEN. I ask unanimous consent.

The SPEAKER *pro tempore*. The gentleman asks unanimous consent that all proceedings under the call be dispensed with——

A MEMBER. That was not the proposition.

The SPEAKER *pro tempore*. There can be no business transacted pending the call of the House, except such as is incident to obtaining the presence of members. If the House desires to do any other business, it can only be done by dispensing with proceedings under the call. Is there objection?

Mr. BRECKINRIDGE, of Arkansas. I object.

Mr. SOWDEN. Mr. Speaker, I move that we proceed to a second call of the House, in order to ascertain how many gentlemen have absented themselves without leave since the last call.

The SPEAKER *pro tempore*. That motion is not in order. The gentleman may move to dispense with further proceedings under the call, and a yea-and-nay vote on that will disclose who are present.

Mr. SOWDEN. Does the Chair hold that this motion is out of order?

The SPEAKER *pro tempore*. The Chair so holds.

Mr. SOWDEN. It was held by the gentleman who a short time ago vacated the chair that such a motion was in order.

The SPEAKER *pro tempore*. The Chair holds that the only motion now in order is one relating to the attendance of members or to dispense with further proceedings under the call or to adjourn.

Mr. BUCHANAN. Does the Chair hold that a motion to call the roll to ascertain who have absented themselves since the last roll-call is out of order?

The SPEAKER *pro tempore*. The Chair is of opinion that that motion can not be entertained now.

Mr. BUCHANAN. That was my view at the time it was ruled otherwise.

Mr. SOWDEN. The gentleman who vacated the chair a short time ago decided just the reverse.

Mr. WEAVER. I move that the House adjourn.

Mr. BAKER, of Illinois. On that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 23, nays 76, not voting 225; as follows:

YEAS—23.

Breckinridge, Ark.	Enloe,	Martin,	Shively,
Bynum,	Grimes,	Norwood,	Springer,
Candler,	Johnston, N. C.	Oates,	Tillman,
Clements,	Kilgore,	Richardson,	Weaver,
Crisp,	Landes,	Robertson,	Wilson, W. Va.
Cummings,	Lane,	Rogers,	

NAYS—76.

Anderson, Iowa	Cooper,	Hopkins, Va.	Rice,
Arnold,	Crouse,	Hovey,	Romeis,
Baker, N. Y.	Dalzell,	Kean,	Scull,
Baker, Ill.	Darlington,	Kennedy,	Seymour,
Bayne,	Farquhar,	Kerr,	Sherman,
Belden,	Fuller,	Laidlaw,	Sowden,
Boothman,	Funston,	Latham,	Stahlnecker,
Bound,	Gaines,	Lyman,	Stephenson,
Bowen,	Gallinger,	Mason,	Struble,
Browne, T. H. B., Va.	Gear,	McAdoo,	Symes,
Brown, J. R., Va.	Goff,	McCormick,	Taulbee,
Brumm,	Guenther,	McKinley,	Taylor, E. B., Ohio
Buchanan,	Hall,	Moffitt,	Thomas, Wis.
Bunnell,	Haugen,	O'Neill, Pa.	Warner,
Butterworth,	Henderson, Iowa	Osborne,	Weber,
Cannon,	Hermann,	Parker,	Wickham,
Caswell,	Hitt,	Post,	Wilkinson,
Cheadle,	Holmes,	Pugsley,	Woodburn,
Conger,	Hopkins, Ill.	Randall,	Yardley.

NOT VOTING—225.

Abbott,	Boutelle,	Clardy,	Dingley,
Adams,	Bowden,	Clark,	Dockery,
Allen, Mass.	Breckinridge, Ky.	Cobb,	Dorsey,
Allen, Mich.	Brewer,	Cockran,	Dougherty,
Allen, Miss.	Brower,	Cogswell,	Dunham,
Anderson, Miss.	Browne, Ind.	Collins,	Dunn,
Anderson, Ill.	Brown, Ohio	Compton,	Elliott,
Anderson, Kans.	Bryce,	Cothran,	Ermentrout,
Atkinson,	Buckalew,	Cowles,	Felton,
Bacon,	Burnes,	Cox,	Finley,
Bankhead,	Burnett,	Crain,	Fisher,
Barnes,	Burrows,	Culberson,	Fitch,
Barry,	Butler,	Cutcheon,	Flood,
Belmont,	Campbell, F., N. Y.	Dargan,	Foran,
Biggs,	Campbell, Ohio	Davenport,	Ford,
Bingham,	Campbell, T. J., N. Y.	Davidson, Ala.	Forney,
Blanchard,	Carlton,	Davidson, Fla.	French,
Bland,	Caruth,	Davis,	Gay,
Bliss,	Catchings,	De Lano,	Gest,
Blount,	Chipman,	Dibble,	Gibson,
Glass,	Lawler,	O'Ferrall,	Stewart, Ga.
Glover,	Lee,	O'Neall, Ind.	Stewart, Vt.
Granger,	Lehlbach,	O'Neill, Mo.	Stockdale,
Greenman,	Lind,	Outhwaite,	Stone, Ky.
Grosvenor,	Lodge,	Owen,	Stone, Mo.
Grout,	Long,	Patton,	Tarsney,
Hare,	Lynch,	Payson,	Taylor, J. D., Ohio
Harmer,	Macdonald,	Peel,	Thomas, Ky.
Hatch,	Maffett,	Penington,	Thomas, Ill.
Hayden,	Mahoney,	Perkins,	Thompson, Ohio
Hayes,	Maish,	Perry,	Thompson, Cal.
Heard,	Mansur,	Peters,	Tracey,
Hemphill,	Matson,	Phelan,	Townshend,
Henderson, N. C.	McClammy,	Phelps,	Turner, Kans.
Henderson, Ill.	McComas,	Pidcock,	Turner, Ga.
Herbert,	McCreary,	Plumb,	Vance,
Hiestand,	McCullogh,	Rayner,	Vandever,
Hires,	McKenna,	Reed,	Wade,
Hogg,	McKinney,	Rockwell,	Walker,
Holman,	McMillin,	Rowell,	Washington,
Hooker,	McRae,	Rowland,	West,
Hopkins, N. Y.	McShane,	Russell, Conn.	Wheeler,
Houk,	Merriman,	Russell, Mass.	White, Ind.
Howard,	Milliken,	Rusk.	White, N. Y.
Hudd,	Mills,	Ryan,	Whiting, Mich.
Hunter,	Montgomery,	Sawyer.	Whiting, Mass.
Hutton,	Moore,	Sayers,	Whitthorne,
Jackson,	Morgan,	Scott,	Wilber,
Johnston, Ind.	Morrow,	Seney,	Wilkins,
Jones,	Morrill,	Shaw,	Williams,
Kelley,	Morse,	Simmons,	Wilson, Minn.
Ketcham,	Neal,	Smith,	Wise,
Laffoon,	Nelson,	Snyder,	Yoder,
La Follette,	Newton,	Spinola,	Yost.
Lagan,	Nichols,	Spooner,	
Laird,	Nutting,	Steele,	
Lanham,	O'Donnell,	Stewart, Tex.	

So the House refused to adjourn.

On motion of Mr. BRECKINRIDGE, of Arkansas, by unanimous consent, the reading of the names was dispensed with.

The following pairs were announced for this day:

Mr. BARNES with Mr. SPOONER, until 9 o'clock a. m.

Mr. WHITING, of Michigan, with Mr. RUSSELL, of Connecticut, until 12 o'clock to-day.

Mr. FORD with Mr. BURROWS, from 7 to 9 o'clock to-day.

Mr. MCSHANE with Mr. MORROW, until 10 o'clock a. m.

Mr. STEWART, of Texas, with Mr. STEWART, of Vermont, until 11.30 to-day.

Mr. STOCKDALE with Mr. JOSEPH D. TAYLOR, until 10 o'clock a. m.

Mr. LANHAM with Mr. BOWDEN, until 8.30 a. m. to-day.

Mr. HOOKER with Mr. HENDERSON, of Illinois, until 10 o'clock a. m.

Mr. BUCKALEW with Mr. HARMER, until 9.30 a. m.

Mr. MCCLAMMY with Mr. NICHOLS, until 11 o'clock a. m.

Mr. HOWARD with Mr. WHITE, of Indiana, until 11 o'clock a. m.

Mr. ANDERSON, of Illinois, with Mr. ROWELL, until 8.30 a. m.

Mr. ABBOTT with Mr. BOUTELLE, until 9 o'clock a. m.

Mr. MCKINNEY with Mr. ALLEN, of Michigan, until 8.30 a. m.

Mr. ROWLAND with Mr. YOST, until 9 o'clock a. m.

Mr. VANCE with Mr. SENEY, until 12 o'clock to-day.

Mr. STONE, of Kentucky, with Mr. THOMAS, of Kentucky, until 9 o'clock a. m.

Mr. MCRAE with Mr. MCKENNA, until 10 o'clock a. m.

Mr. BANKHEAD with Mr. DIBBLE, on this vote.

Mr. NEAL with Mr. HOUK, until 8.30 a. m.

Mr. COWLES with Mr. GIBSON, until 9.10 a. m.

Mr. ANDERSON, of Mississippi, with Mr. PETERS, until 10 o'clock a. m.

Mr. SHIVELY with Mr. WILLIAMS, until 8 o'clock a. m.

Mr. PEEL with Mr. PERKINS, until 11 o'clock a. m. If present, Mr. PEEL would vote to adjourn; Mr. PERKINS against it.

Mr. SAYERS. I desire to announce that I am paired with the gentleman from Massachusetts [Mr. LONG] until 9 o'clock this morning.

The result of the vote was then announced as above recorded.

The SPEAKER *pro tempore* (Mr. SPRINGER). The Chair desires to state that when the gentleman from Kentucky [Mr. TAULBEE] moved a few minutes ago to call the roll, in order to ascertain the names of those gentlemen then absent who had responded at the time the call of the House took place, the Chair announced that the motion was not then in order. The Chair has had his attention called to a decision upon a former occasion covering the point, and is of opinion that such motion, having in view the compelling of the attendance of members who have absented themselves since the former call of the House, is in order, and will entertain it.

Mr. LANHAM. I ask unanimous consent that my colleague, Mr. CULBERSON, be excused until 11 o'clock. He was here the whole night, and is not very well.

Mr. EZRA B. TAYLOR. I hope there will be no objection to that request.

Mr. LANHAM. He went home to get his breakfast, and I know he needs some rest.

Mr. BRECKINRIDGE, of Arkansas. I must object, Mr. Speaker.

Mr. LANHAM. I hope the gentleman will not do that.

Mr. EZRA B. TAYLOR. Whence comes the objection?

The SPEAKER *pro tempore*. The gentleman from Arkansas objects.

Mr. LANHAM. I appeal to the gentleman to withdraw his objec-

tion. I know that it is necessary that Mr. CULBERSON should be excused in consequence of his health.

Mr. BRECKINRIDGE, of Arkansas. I withdraw the objection on the statement made by the gentleman.

There being no further objection, Mr. CULBERSON was excused as requested.

The SPEAKER *pro tempore*. The Chair desires to state that the Sergeant-at-Arms is ready to report as to the action taken by him in response to the order of the House suspending the leaves of absence granted for this legislative day.

The Sergeant-at-Arms, having appeared at the bar of the House, announced that he had notified personally and in writing such members of the House as are absent for this legislative day by its leave, and had been informed by each of them that he would report immediately to the House in response to its request.

The SPEAKER *pro tempore*. The Clerk will report the names of the gentlemen who have thus been notified.

The Clerk read as follows:

Mr. ANDERSON, of Kansas;
Mr. COX;
Mr. DORSEY;
Mr. DOUGHERTY; and
Mr. WILSON, of Minnesota.

The SPEAKER *pro tempore*. This only relates to those gentlemen who have been excused for the legislative day.

Mr. TAULBEE. I move that the Clerk be directed to call the roll, that we may see what members are absent, in view of the high probability that some members may have absented themselves during the call of the House.

Mr. DOCKERY. If that requires unanimous consent, I object.

The SPEAKER *pro tempore* (Mr. RICHARDSON). The gentleman from Kentucky will please reduce his motion to writing.

Mr. DOCKERY. I ask unanimous consent that the Doorkeeper be directed to open the center door, that we may have some ventilation.

The SPEAKER *pro tempore*. The doors have been directed to be closed by order of the House. There is no rule by which they can be opened until the proceedings under the call are dispensed with.

The deputy sergeant-at-arms appeared before the bar, having in his custody Mr. BELMONT.

The SPEAKER *pro tempore* (Mr. MCMILLIN). Mr. BELMONT, you are charged with being absent from the House without its leave. What excuse have you to offer?

Mr. BELMONT. I was paired yesterday. I was compelled to be absent in New York on important business, and returned this morning.

Mr. FITCH and Mr. CRISP moved that Mr. BELMONT be excused.

Mr. WILLIAMS. We did not hear the excuse given by the gentleman from New York.

The SPEAKER *pro tempore*. The gentleman from New York states that he was compelled to be absent from the city, and returned this morning.

The question being taken on the motion to excuse Mr. BELMONT, the Speaker *pro tempore* stated that the "noes" seemed to have it.

Mr. FITCH. I call for a division.

The House divided; and there were—ayes 61, noes 3.

So the motion was agreed to; and Mr. BELMONT was excused.

Mr. DARLINGTON. I ask leave of absence for two hours, on account of important business.

There was no objection.

Mr. BURROWS. For the last eight hours or more this Hall has been closed. If there be no objection, I ask unanimous consent that so much of the order relating to the call as compels the closing of the doors be dispensed with. There seems to be no propriety in keeping ourselves closed in in this way.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. HOPKINS, of Illinois. I object to the opening of the door in the center of the Hall. I do not object to the opening of the others.

The SPEAKER. The Chair hears no objection to the request of the gentleman from Michigan as modified by the gentleman from Illinois [Mr. HOPKINS]. If the doorkeepers will see to the doors above being opened some relief would be given.

Mr. COWLES (at 10 o'clock and 55 minutes a. m. Wednesday, April 11). I move that the House do now adjourn, and upon that motion I demand the yeas and nays.

The yeas and nays were ordered—40 members voting therefor.

Mr. MASON. I rise to a question of order. I think that was the last motion we voted upon.

The SPEAKER. The Chair will ascertain whether that is so or not.

Mr. COWLES. I withdraw the motion to adjourn.

The SPEAKER. The Chair ascertains that there has been no intervening business since the last motion was entertained.

Mr. WEAVER (at 11 o'clock and 40 minutes a. m. Wednesday, April 11). I move to dispense with further proceedings under the call.

The question being put,

The SPEAKER *pro tempore* (Mr. STONE, of Kentucky) stated that the "noes" seemed to have it.

Mr. WEAVER. I call for a division.

Mr. EZRA B. TAYLOR. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 74, nays 138, not voting 112; as follows:

YEAS—74.

Anderson, Miss.	Culberson,	Latham,	Sayers,
Anderson, Ill.	Cummings,	Martin,	Shaw,
Bacon,	Davidson, Fla.	Matson,	Shively,
Barnes,	Dockery,	McClammy,	Springer,
Barry,	Dougherty,	McCreary,	Stockdale,
Belmont,	Dunn,	McKinney,	Stone, Ky.
Blount,	Enloe,	McMillin,	Stone, Mo.
Breckinridge, Ark.	Hatch,	McRae,	Taulbee,
Breckinridge, Ky.	Henderson, N. C.	McShane,	Tillman,
Buckalew,	Hooker,	Morgan,	Turner, Ga.
Burnes,	Howard,	Neal,	Walker,
Bynum,	Hudd,	Newton,	Washington,
Candler,	Hutton,	O'Neall, Ind.	Weaver,
Clardy,	Johnston, N. C.	Peel,	Whiting, Mich.
Clements,	Kilgore,	Phelan,	Wilson, Minn.
Compton,	Laffoon,	Richardson,	Wilson, W. Va.
Cox,	Lagan,	Robertson,	Wise.
Crain,	Landes,	Rogers,	
Crisp,	Lane,	Rowland,	

NAYS—138.

Adams,	Dibble,	Kean,	Pugsley,
Allen, Mass.	Dorsey,	Kelley,	Randall,
Allen, Mich.	Elliott,	Kennedy,	Rice,
Anderson, Iowa	Ermentrout,	Kerr,	Rockwell,
Anderson, Kans.	Farquhar,	Laidlaw,	Romeis,
Arnold,	Finley,	Laird,	Rowell,
Atkinson,	Fitch,	Lehlbach,	Russell, Conn.
Baker, N. Y.	Flood,	Lodge,	Rusk,
Baker, Ill.	French,	Long,	Ryan,
Bayne,	Fuller,	Lyman,	Sawyer,
Belden,	Funston,	Macdonald,	Scull,
Bingham,	Gaines,	Mahoney,	Seymour,
Bound,	Gallinger,	Mansur,	Sherman,
Boutelle,	Gear,	Mason,	Sowden,
Bowen,	Gest,	McAdoo,	Spooner,
Brewer,	Glass,	McCormick,	Stahlnecker,
Browne, T. H. B., Va.	Goff,	McKenna,	Stephenson,
Brown, Ohio	Greenman,	McKinley,	Struble,
Brown, J. R., Va.	Guenther,	Merriman,	Taylor, E. B., Ohio
Brumm,	Hall,	Moffitt,	Thomas, Ky.
Bryce,	Harmer,	Montgomery,	Thomas, Wis.
Buchanan,	Haugen,	Morrow,	Wade,
Bunnell,	Henderson, Iowa	Nelson,	Warner,
Burrows,	Henderson, Ill.	Nichols,	Weber,
Butler,	Hermann,	O'Donnell,	West,
Butterworth,	Hitt,	O'Ferrall,	White, N. Y.
Campbell, F., N. Y.	Holman,	O'Neill, Pa.	Whiting, Mass.
Cannon,	Holmes,	Osborne,	Wickham,
Caswell,	Hopkins, Ill.	Outhwaite,	Wilber,
Cheadle,	Hopkins, Va.	Patton,	Wilkins,
Chipman,	Hopkins, N. Y.	Perkins,	Williams,
Conger,	Houk,	Peters.	Yardley,
Cooper,	Hovey,	Pidcock,	Yost.
Crouse,	Hunter,	Plumb,	
Davenport,	Johnston, Ind.	Post,	

NOT VOTING—112.

Abbott,	Davidson, Ala.	Ketcham,	Russell, Mass.
Allen, Miss.	Davis,	La Follette,	Scott,
Bankhead,	De Lano,	Lanham,	Seney,
Biggs,	Dingley,	Lawler,	Simmons,
Blanchard,	Dunham,	Lee,	Smith,
Bland,	Felton,	Lind,	Snyder,
Bliss,	Fisher,	Lynch,	Spinola,
Boothman,	Foran,	Maffett,	Steele,
Bowden,	Ford,	Maish,	Stewart, Tex.
Brower,	Forney,	McComas,	Stewart, Ga.
Browne, Ind.	Gay,	McCullogh,	Stewart, Vt.
Burnett,	Gibson,	Milliken,	Symes,
Campbell, Ohio	Glover.	Mills,	Tarsney,
Campbell, T. J., N. Y.	Granger,	Moore,	Taylor, J. D., Ohio
Carlton,	Grimes,	Morrill,	Thomas, Ill.
Caruth,	Grosvenor,	Morse,	Thompson, Ohio
Catchings,	Grout,	Norwood,	Thompson, Cal.
Clark,	Hare,	Nutting,	Tracey,
Cobb,	Hayden,	Oates,	Townshend,
Cockran,	Hayes,	O'Neill, Mo.	Turner, Kans.
Cogswell,	Heard,	Owen,	Vance,
Collins,	Hemphill,	Parker,	Vandever,
Cothran,	Herbert,	Payson,	Wheeler,
Cowles,	Hiestand,	Penington,	White, Ind.
Cutcheon,	Hires,	Perry,	Whitthorne.
Dalzell,	Hogg,	Phelps,	Wilkinson,
Dargan,	Jackson,	Rayner,	Woodburn,
Darlington,	Jones,	Reed,	Yoder.

So the motion to dispense with further proceedings under the call of the House was not agreed to.

The Clerk proceeded to recapitulate the names of members voting.

Mr. WHITE, of New York, and Mr. SOWDEN asked unanimous consent that the reading of the names be dispensed with.

Mr. SYMES. Mr. Speaker, I desire to have my vote recorded. I was in the Hall when the last name was called.

Mr. WEAVER. Was the gentleman in when his own name was called?

Mr. SYMES. I was not. I was inside the door when the last name was called.

The SPEAKER *pro tempore*. Was the gentleman in the Hall when his name was called?

Mr. SYMES. Certainly not, or I would not be asking to have my vote recorded now.

The SPEAKER *pro tempore*. The Chair is of opinion that the gentleman does not come within the rule.

Mr. SYMES. If I had been present, I should have voted "no."

The SPEAKER *pro tempore*. Is there objection to the request for unanimous consent that the reading of the names of members voting be dispensed with?

There was no objection, and it was so ordered.

The SPEAKER *pro tempore*. The Clerk will announce the pairs.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I object to dispensing with the reading of the names.

Mr. SOWDEN. The objection is too late. The decision of the Chair has already been announced.

Mr. HOPKINS, of New York. Of course it is too late.

The SPEAKER *pro tempore*. The Chair thinks the objection is too late.

The following additional pairs were announced:

Mr. DARGAN with Mr. ROCKWELL, on all political questions, for this day.

Mr. MOORE with Mr. DARLINGTON, on this vote.

Mr. LANHAM with Mr. BOWDEN, on this bill, until 1 o'clock to-day.

Mr. CAMPBELL, of Ohio, with Mr. JOSEPH D. TAYLOR, on this vote.

Mr. SNYDER with Mr. NUTTING, for this day.

Mr. STEWART, of Georgia, with Mr. DINGLEY, for this day.

Mr. DAVIS. Mr. Speaker, I have been paired with Mr. TARSNEY from half past 6 this morning until now.

The result of the vote was then announced as above recorded.

Mr. CAMPBELL, of Ohio. Mr. Speaker, some members of the Committee on the District of Columbia have accepted invitations to take part in the Georgetown bridge celebration to-day. I am not one of them, but on their behalf I ask that such of them as desire to attend the celebration be excused until 5 o'clock p. m.

Mr. SOWDEN. I object.

Mr. COWLES. I move to amend so as to include such other members of the House as desire to attend the celebration.

The SPEAKER *pro tempore* put the request formally to the House, when

Mr. REED, Mr. EZRA B. TAYLOR, and Mr. SOWDEN objected.

EX-SENATOR CONKLING.

Mr. WHITE, of New York. I have here a special dispatch in relation to the health of ex-Senator Conkling, which is so encouraging that I would like to have it read from the Clerk's desk.

The SPEAKER *pro tempore*. If there is no objection, the dispatch will be read.

There was no objection.

The dispatch was read, as follows:

Official bulletin, 9 a. m., from Dr. Barker.

A marked change for the better has taken place in Mr. Conkling's condition during the night, and he is much better this morning. In fact, he is much better this morning than he has been for at least ten days, and enjoyed more refreshing sleep than he has any night for over ten days. Mr. Conkling is beginning to recover.

[Loud applause on both sides of the Hall.]

ORDER OF BUSINESS.

Mr. ANDERSON, of Illinois. I move that the House do now adjourn.

Mr. EZRA B. TAYLOR. I call for the yeas and nays.

Mr. TAULBEE. I hope the gentleman from Ohio will, for the time being at least, withdraw his request for the yeas and nays until the sense of the House can be taken by a division, which I think will be found so apparent in opposition to the motion to adjourn that the yeas and nays need not be taken.

Mr. EZRA B. TAYLOR. If my friend wishes it I will do so.

The SPEAKER *pro tempore*. Does the gentleman from Ohio withdraw the demand for the yeas and nays?

Mr. EZRA B. TAYLOR. For the time being.

Mr. REED. I ask for a division.

The House divided, and there were—ayes 56, noes 116.

So the motion to adjourn was rejected.

Mr. TAULBEE (at 2 o'clock and 45 minutes p. m.). Mr. Speaker, I desire to submit a request which I trust the House will hear patiently. In submitting this request I wish to disclaim any purpose whatever of taking any advantage of whatever courtesy the House may extend in allowing me to state briefly the reasons why I make it.

We find ourselves now at the end of the sixth day without an adjournment of this House, during the whole of which time there has been nothing whatever accomplished in the way of business. We have been in continuous session here for the past twenty-six hours, during which time I, as well as other members, have been in constant attendance upon the session of the House. We have been since about 6 o'clock yesterday evening operating under a call of the House, during which time nothing has been in order save the call of the House and motions to adjourn. In view of these facts and the utter impossibility of anything being accomplished, either by the friends of the bill to refund the direct tax or by its opponents, by continuing the House in session, and in view of the further fact that I think all will grant that there are important bills now on the Calendar and awaiting consideration—in view of these facts, I ask unanimous consent that the House now take a recess until 11 o'clock and 45 minutes before noon to-morrow, suspending the operation of the call for that purpose. After consulting with many members who have manifested a considerable interest both in favor of and in opposition to the bill——

Mr. LAIDLAW. I object now. [Laughter.]

Mr. TAULBEE. Well, I hope the gentleman from New York will allow me to finish my statement and request; and then, of course, it is his prerogative and privilege to take whatever course he may see proper.

As I was proceeding to say, after having consulted with many members on both sides of this controversy, I have, by their expressions of opinion with reference to the situation, and the probable effect both upon the pending legislation as well as upon the health and convenience of the members of the House, been led to hope that the request will not meet with any opposition. Of course we all know that one man can stop this matter, and perpetuate indefinitely the useless session of the House which we have had for the last twenty-six hours; but in the interest of good conscience, in the interest of the health and comfort of the members of this House, I earnestly request that this consent be granted now.

The SPEAKER *pro tempore*. The gentleman from Kentucky asks unanimous consent to dispense with further proceedings under the call, and that the House take a recess until 11 o'clock and 45 minutes a. m. to-morrow.

Mr. O'FERRALL. I object.

The SPEAKER. The Chair is requested to submit a request on behalf of the gentleman from Nebraska [Mr. DORSEY] for leave of absence during this calendar day on account of sickness, and also on behalf of the gentleman from Kentucky, Mr. THOMAS, for leave of absence until to-morrow, on account of sickness.

Without objection, the requests will be granted.

There was no objection.

The SPEAKER. The Chair is also requested to state that the gentleman from North Carolina, Mr. HENDERSON, is under treatment for his eyes, and was compelled to leave the House about an hour ago.

If there be no objection, the gentleman will be excused for the present.

There was no objection.

Mr. OATES (at 3 o'clock and 25 minutes p. m. Wednesday). I move that the House do now adjourn.

Mr. MASON. On that I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 76, nays 133, not voting 115; as follows:

YEAS—76.

Abbott,	Dunn,	Lanham,	Rogers,
Anderson, Miss.	Enloe,	Maish,	Rowland,
Bacon,	Foran,	Mansur,	Sayers,
Bankhead,	Ford,	Martin,	Shaw,
Blanchard,	Gay,	McClammy,	Smith,
Blount,	Glass,	McMillin,	Springer,
Breckinridge, Ark.	Grimes,	McRae,	Stockdale,
Breckinridge, Ky.	Hare,	McShane,	Stone, Ky.
Buckalew,	Hatch,	Montgomery,	Tarsney,
Burnes,	Herbert,	Moore,	Tillman,
Carlton,	Hooker,	Morgan,	Townshend,
Clements,	Hopkins, Va.	Neal,	Turner, Ga.
Cowles,	Howard,	Norwood,	Walker,
Cox,	Hutton,	Oates,	Washington,
Crisp,	Johnston, N. C.	O'Neall, Ind.	Weaver,
Culberson,	Kilgore,	Peel,	Wheeler,
Cummings,	Lagan,	Phelan,	Whiting, Mich.
Davidson, Fla.	Landes,	Richardson,	Wilson, Minn.
Dockery,	Lane,	Robertson,	Wilson, W. Va.

NAYS—133.

Adams,	Davenport,	Kerr,	Reed,
Allen, Mich.	Davis,	Laidlaw,	Rice,
Anderson, Iowa	Dibble,	Laird,	Romeis,
Anderson, Kans.	Dorsey,	Lind,	Rowell,
Arnold,	Elliott,	Lodge,	Rusk,
Baker, N. Y.	Ermentrout,	Long,	Ryan,
Baker, Ill.	Farquhar,	Lyman,	Sawyer,
Belden,	Fitch,	Macdonald,	Scull,
Bliss,	Fuller,	Mahoney,	Seney,
Boothman,	Funston,	Mason,	Seymour,
Bound,	Gaines,	McAdoo,	Sowden,
Bowden,	Gallinger,	McCormick,	Stahlnecker,
Bowen,	Gear,	McCreary,	Steele,
Brewer,	Goff,	McKenna,	Stephenson,
Browne, T. H. B., Va.	Grout,	McKinley,	Struble,
Brown, Ohio,	Guenther,	Merriman,	Symes,
Brown, J. R., Va.	Hall,	Moffitt,	Taulbee,
Brumm,	Harmer,	Morrow,	Taylor, E. B., Ohio
Bryce,	Haugen,	Nelson,	Taylor, J. D., Ohio
Buchanan,	Henderson, Iowa	Nichols,	Vandever,
Bunnell,	Henderson, Ill.	O'Donnell,	Wade,
Burrows,	Hermann,	O'Ferrall,	Warner,
Butler,	Hires,	O'Neill, Pa.	Weber,
Butterworth,	Hitt,	Osborne,	West,
Campbell, F., N. Y.	Holman,	Outhwaite,	White, N. Y.
Campbell, Ohio	Holmes,	Owen,	Whiting, Mass.
Caruth,	Hopkins, Ill.	Parker,	Wickham,
Caswell,	Hopkins, N. Y.	Patton,	Wilber,
Cheadle,	Hovey,	Perkins,	Wilkinson,
Conger,	Hudd,	Peters,	Williams,
Cooper,	Hunter,	Phelps,	Yardley.
Crouse,	Kean,	Plumb,	
Dalzell,	Kelley,	Post,	
Darlington,	Kennedy,	Randall,	

NOT VOTING—115.

Allen, Mass.	Crain,	Johnston, Ind.	Russell, Conn.
Allen, Miss.	Cutcheon,	Jones,	Russell, Mass.
Anderson, Ill.	Dargan,	Ketcham,	Scott,
Atkinson,	Davidson, Ala.	Laffoon,	Sherman,
Barnes,	De Lano,	La Follette,	Shively,
Barry,	Dingley,	Latham,	Simmons,
Bayne,	Dougherty,	Lawler,	Snyder,
Belmont,	Dunham,	Lee,	Spinola,
Biggs,	Felton,	Lehlbach,	Spooner,
Bingham,	Finley,	Lynch,	Stewart, Tex.
Bland,	Fisher,	Maffett,	Stewart, Ga.
Boutelle,	Flood,	Matson,	Stewart, Vt.
Brower,	Forney,	McComas,	Stone, Mo.
Browne, Ind.	French,	McCullogh,	Thomas, Ky.
Burnett,	Gest,	McKinney,	Thomas, Ill.
Bynum,	Gibson,	Milliken,	Thomas, Wis.
Campbell, T. J., N. Y.	Glover,	Mills,	Thompson, Ohio
Candler,	Granger,	Morrill,	Thompson, Cal.
Cannon,	Greenman,	Morse,	Tracey,
Catchings,	Grosvenor,	Newton,	Turner, Kans.
Chipman,	Hayden,	Nutting,	Vance,
Clardy,	Hayes,	O'Neill, Mo.	White, Ind.
Clark,	Heard,	Payson,	Whitthorne,
Cobb,	Hemphill,	Penington,	Wilkins,
Cockran,	Henderson, N. C.	Perry,	Wise,
Cogswell,	Hiestand,	Pidcock,	Woodburn,
Collins,	Hogg,	Pugsley,	Yoder,
Compton,	Houk,	Rayner,	Yost.
Cothran,	Jackson,	Rockwell,	

So the House refused to adjourn.

The following additional pairs were announced:

Mr. FISHER with Mr. MCCULLOGH, until further notice.

Mr. ALLEN, of Michigan, with Mr. PEEL, for one hour from 2.40 p. m.

Mr. LAFFOON with Mr. THOMAS, of Kentucky, on this bill, until to-morrow.

Mr. MCKINNEY with Mr. ALLEN, of Massachusetts, on this bill, for the rest of the day.

Mr. STONE, of Missouri, with Mr. MORRILL, on this bill, for the rest of this day.

Mr. WHITTHORNE with Mr. HOUK, for this day.

Mr. CANDLER with Mr. FINLEY, on this bill, until to-morrow.

Mr. BELMONT with Mr. SPOONER, until Thursday, April 12, at 11 a. m.

Mr. DOUGHERTY with Mr. WOODBURN, on this bill, until to-morrow.

Mr. BARNES with Mr. BOUTELLE, from half past 1 until 6 o'clock of this calendar day, Wednesday.

Mr. LAWLER with Mr. GEST, on any vote to adjourn, until 7 o'clock p. m.

Mr. ANDERSON, of Illinois, with Mr. YOST, on this bill, until 7 o'clock p. m.

Mr. BARRY with Mr. THOMAS, of Wisconsin, this day, until 8 o'clock p. m.

Mr. WALKER with Mr. WADE, on this bill, until 9 o'clock to-morrow.

Mr. ALLEN, of Mississippi, with Mr. JOHNSTON, of Indiana, on this bill, until 7 p. m.

Mr. HENDERSON, of North Carolina, with Mr. FLOOD, on this bill, for this calendar day.

Mr. MORSE with Mr. BINGHAM, on this bill, for one hour.

Mr. RUSSELL, of Massachusetts, with Mr. COGSWELL, on this bill, until 5 o'clock p. m.

Mr. CLARDY with Mr. BAYNE, on this bill, for this calendar day. If present, Mr. BAYNE would vote for the bill; Mr. CLARDY would vote against it.

The result of the vote was announced as above stated.

Mr. WADE. I ask that my colleague, Mr. WALKER, and myself be excused until to-morrow morning at 9 o'clock.

Mr. BRECKINRIDGE, of Kentucky. I object.

The SPEAKER. The Chair has received a communication from the gentleman from Missouri [Mr. HEARD], stating that he is sick and is strictly advised by his physicians not to attend the meetings of the House, and asking that his leave of absence be extended.

Mr. DOCKERY. I ask that my colleague, Mr. HEARD, be excused for the remainder of this calendar day.

Mr. BREWER. There is no doubt of his being sick.

The SPEAKER. If there be no objection, the leave of the gentleman from Missouri will be extended. The Chair hears none.

Mr. OATES. Expressing the sentiment of a number of gentlemen around me, I ask unanimous consent to dispense with all further proceedings under the call, and that the House take a recess until 11.45 to-morrow.

Mr. REED. I am requested by a gentleman who is unavoidably absent to object. I do so.

The SPEAKER *pro tempore* (Mr. MCMILLIN). Does the gentleman from Maine object?

Mr. REED. I do.

The SPEAKER *pro tempore*. The gentleman from Maine objects to the request of the gentleman from Alabama.

Mr. ALLEN, of Michigan. I rise to a question of privilege.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ALLEN, of Michigan. On yesterday the New York Herald gave a table of the sums to be paid to different agents for collecting or bringing about the passage of the bill known as the direct-tax bill, and, among other States, mentioned the State of Michigan.

Mr. OATES. I demand the regular order.

The SPEAKER *pro tempore*. This is the regular order. The gentleman from Michigan rises to a question of privilege.

Mr. ALLEN, of Michigan. And I am stating what it is, if gentlemen will listen.

The State of Michigan was mentioned as bound to pay about 40 per cent. of the amount that comes to her. I send to the Clerk's desk and ask to have read a telegram from the governor of Michigan.

Mr. BRECKINRIDGE, of Kentucky. I make the point of order that that presents no question of privilege.

The SPEAKER *pro tempore*. What the gentleman from Michigan has stated does not, in the opinion of the Chair, constitute a question of privilege.

Mr. BRECKINRIDGE, of Kentucky. I make the point of order that a question of privilege is not presented as to any telegram, unless the charge has been made against the character of the gentleman from Michigan that he is in some way connected with some agency, and that he does not pretend.

Mr. ALLEN, of Michigan. I am a younger man than the gentleman from Kentucky, but as he would do by his own State so I always have defended the honor of my State and always shall. I propose here and now to say——

The SPEAKER *pro tempore*. But the point of order having been made, the Chair has already said that what the gentleman has stated does not in the opinion of the Chair constitute a question of privilege. A defense of a State is not a matter that can be entered on upon the floor under the plea of privilege. The Chair sustains the point of order.

Mr. REED. Why should the gentleman make the point to prevent the reading of the telegram?

Mr. BRECKINRIDGE, of Kentucky. I make the point of order because when a resolution was offered to appoint a committee to investigate such charges it was objected to on the other side.

Mr. REED. No such resolution was offered.

Mr. ALLEN, of Michigan, addressed the Chair.

[Cries of "Regular order!"]

Mr. ALLEN, of Michigan. I rise to a question of personal privilege. The reflection in the article to which I have referred was on the honor and integrity of members of this House, and especially of the State of Michigan, who are virtually charged as undertaking to pass a bill through the House to pay money into the pockets of lobbyists. I wish the truth to go on record as stated in the telegram from the governor of the State of Michigan.

The SPEAKER resumed the chair, and said: Unless there is some reflection on the member in his legislative capacity this is not a question of privilege under the rules of the House. The former occupant of the chair has sustained the point of order The regular order is demanded, and there is nothing before the House.

Mr. ALLEN, of Michigan. I have risen to a question of privilege. Can I not be allowed to proceed without interruption?

The SPEAKER. The previous occupant of the chair has sustained the point of order. This is the end of the matter, unless the gentleman appeals from the decision of the Chair and that decision is overruled by the House.

Mr. ALLEN, of Michigan. I will not take an appeal under any circumstances; but I desire that this telegram may be made a part of my question of privilege—a telegram from the governor of Michigan.

Mr. BRECKINRIDGE, of Arkansas, and Mr. DORSEY objected.

Mr. ALLEN, of Michigan. As a part of my question of privilege which I desire to present——

The SPEAKER. But the Chair has decided that the gentleman does not present a question of privilege under the rules of the House. There must be an end at some time to these proceedings; and unless the gentleman appeals from the decision of the Chair, that period has been reached.

Mr. ALLEN, of Michigan. Then I simply wish to say that the statement in the paper, as far as Michigan is concerned, is absolutely false.

Mr. MCCREARY. Mr. Speaker, we have been acting under a call of the House for nearly twenty-four hours; and with the view of making a motion to take a recess——

Mr. REED. I call for the regular order. I have already given my reasons.

Mr. MCCREARY. I have not made a motion for a recess. I had remarked, Mr. Speaker, that we had been acting under a call of the House for nearly twenty-four hours; and therefore I move that we dispense with further proceedings under the call.

The Speaker was about to put the question, when

Mr. MCCREARY called for a division.

Mr. MOFFITT. On this question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 73, nays 120, not voting 131; as follows:

YEAS—73.

Abbott,	Cummings,	McComas,	Rowland,
Anderson, Miss.	Davidson, Fla.	McCreary,	Sayers,
Bacon,	De Lano,	McMillin,	Shaw,
Bankhead,	Dockery,	McRae,	Smith,
Blanchard,	Dunn,	McShane,	Springer,
Blount,	Enloe,	Montgomery,	Stockdale,
Breckinridge, Ark.	Ermentrout,	Moore,	Stone, Ky.
Breckinridge, Ky.	Ford,	Morgan,	Tarsney,
Bryce,	Gay,	Neal,	Taulbee,
Buckalew,	Gibson,	Newton,	Tillman,
Campbell, F., N. Y.	Glass,	Norwood,	Washington.
Campbell, Ohio	Grimes,	Oates,	Weaver,
Campbell, T. J., N. Y.	Hatch,	O'Neall, Ind.	Wheeler,
Carlton,	Johnston, N. C.	Owen,	Whiting, Mich.
Caruth,	Kilgore,	Peel,	Wilkinson,
Cowles,	Lagan,	Phelan,	Wise.
Cox,	Landes,	Richardson,	
Crisp,	Martin,	Robertson,	
Culberson,	McClammy,	Rogers,	

NAYS—120.

Allen, Mich.	Farquhar,	Long,	Rowell,
Anderson, Iowa	Fitch,	Lynch,	Russell, Conn.
Anderson, Kans.	Fuller,	Macdonald,	Rusk,
Arnold,	Gaines,	Mansur,	Ryan,
Baker, N. Y.	Gallinger,	Mason,	Sawyer,
Baker, Ill.	Gear,	McAdoo,	Scull,
Belden,	Goff,	McCormick,	Seney,
Boothman,	Greenman,	McKenna,	Seymour,
Bound,	Guenther,	Milliken,	Sherman,
Bowden,	Hall,	Moffitt,	Sowden,
Bowen,	Harmer,	Morrow,	Stahlnecker,
Brewer,	Haugen,	Nelson,	Steele,
Browne, T. H. B., Va.	Henderson, Iowa	Nichols,	Stephenson,
Brown, Ohio	Henderson, Ill.	O'Donnell,	Struble,
Brown, J. R., Va.	Hermann,	O'Ferrall,	Symes,
Brumm,	Hires,	O'Neill, Pa.	Taylor, E. B., Ohio
Buchanan,	Hitt,	Osborne,	Taylor, J. D., Ohio
Bunnell,	Holman,	Outhwaite,	Townshend,
Butler,	Holmes,	Parker,	Vandever,
Butterworth,	Hopkins, Ill.	Patton,	Warner,
Caswell,	Hopkins, N. Y.	Perkins,	Weber,
Cheadle,	Hovey,	Peters,	West,
Conger,	Howard,	Phelps,	White, Ind.
Cooper,	Hunter,	Plumb,	White, N. Y.
Crouse,	Kean,	Post,	Whiting, Mass.
Dalzell,	Kennedy,	Pugsley,	Wickham,
Darlington,	Kerr,	Randall,	Wilber,
Davenport,	Laird,	Reed,	Wilkins,
Dibble,	Lind,	Rice,	Williams,
Elliott,	Lodge,	Romeis,	Yardley.

NOT VOTING—131.

Adams,	Crain,	Houk,	Perry,
Allen, Mass.	Cutcheon,	Hudd,	Pidcock,
Allen, Miss.	Dargan,	Hutton,	Rayner,
Anderson, Ill.	Davidson, Ala.	Jackson,	Rockwell,
Atkinson,	Davis,	Johnston, Ind.	Russell, Mass.
Barnes,	Dingley,	Jones,	Scott,
Barry,	Dorsey,	Kelley,	Shively,
Bayne,	Dougherty,	Ketcham,	Simmons,
Belmont,	Dunham,	Laffoon,	Snyder,
Biggs,	Felton,	La Follette,	Spinola,
Bingham,	Finley,	Laidlaw,	Spooner,
Bland,	Fisher,	Lane,	Stewart, Tex.
Bliss,	Flood,	Lanham,	Stewart, Ga.
Boutelle,	Foran,	Latham,	Stewart, Vt.
Brower,	Forney,	Lawler,	Stone, Mo.
Browne, Ind.	French,	Lee,	Thomas, Ky.
Burnes,	Funston,	Lehlbach,	Thomas, Ill.
Burnett,	Gest,	Lyman,	Thomas, Wis.
Burrows,	Glover,	Maffett,	Thompson, Ohio
Bynum,	Granger,	Mahoney,	Thompson, Cal.
Candler,	Grosvenor,	Maish,	Tracey,
Cannon,	Grout,	Matson,	Turner, Kans.
Catchings,	Hare,	McCullogh,	Turner, Ga.
Chipman,	Hayden,	McKinley,	Vance,
Clardy,	Hayes,	McKinney,	Wade,
Clark,	Heard,	Merriman,	Walker,
Clements,	Hemphill,	Mills,	Whitthorne,
Cobb,	Henderson, N. C.	Morrill,	Wilson, Minn.
Cockran,	Herbert,	Morse,	Wilson, W. Va.
Cogswell,	Hiestand,	Nutting,	Woodburn,
Collins,	Hogg,	O'Neill, Mo.	Yoder,
Compton,	Hooker,	Payson,	Yost.
Cothran,	Hopkins, Va.	Penington,	

So the House refused to dispense with further proceedings under the call.

The following additional pairs were announced:

Mr. BURNES with Mr. MCCOMAS, for the rest of the day.

Mr. HUTTON with Mr. DORSEY, for the rest of the day.

Mr. FORAN with Mr. DAVIS, on this bill, until to-morrow.

Mr. LANHAM with Mr. MCKINLEY, on this vote.

Mr. MORSE with Mr. BINGHAM, on this vote.

The result of the vote was announced as above stated.

Mr. HATCH. I left on the Speaker's desk a request on behalf of my colleague, Mr. CLARDY, for leave of absence.

The SPEAKER. The Chair will lay the request before the House. The Clerk read as follows:

Mr. CLARDY requests leave of absence for ten days, on account of serious sickness in his family.

The SPEAKER. Leave of absence in this form can not be asked while a call of the House is pending. The Chair will submit the request at another time. The House, when acting under a call, can excuse a member from attendance at the session of the day, but it can not transact business by granting leave of absence for a future time.

Mr. HATCH. I ask unanimous consent that this leave of absence be granted.

The SPEAKER. The Chair thinks the House can not, even by unanimous consent, transact business now.

Mr. HATCH. Then I ask that my colleague may be excused from attendance this day, on account of serious illness in his family.

The SPEAKER. If there be no objection, the gentleman will be excused.

There was no objection.

Mr. COX. I respectfully ask unanimous consent to be excused from attending night sessions during this legislative day. I shall be here during the day sessions, but can not be here at night.

The SPEAKER. If there be no objection, the gentleman from New York will be excused from attendance at night sessions during this legislative day. The Chair hears no objection.

Mr. TIMOTHY J. CAMPBELL. I ask unanimous consent that my colleague, Mr. WEST, be excused. He is really unwell.

Mr. MCKINNEY. I object.

Mr. STEELE. I ask unanimous consent that my colleague, Mr. HOVEY, be excused for this day. He has gone home, sick.

Mr. BRECKINRIDGE, of Kentucky. I object.

Mr. EZRA B. TAYLOR. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. EZRA B. TAYLOR. It has been stated in the newspapers——

The SPEAKER. The Chair will state to the gentleman, however, that unless the question of privilege pertains to some proceeding under the call of the House it is not now in order.

Mr. EZRA B. TAYLOR. I think it does, sir; at least it has connection with the origin of this matter.

The SPEAKER. The gentleman will proceed.

Mr. EZRA B. TAYLOR. It is simply a denial of the statement—an absolute assertion from the governor of Ohio——.

Mr. MCMILLIN (interrupting). Mr. Speaker, I make the point of order that the gentleman does not present a question of privilege.

Mr. EZRA B. TAYLOR (continuing)—that the statement that any promise exists to pay any agent any commission, or any portion of the amount due the State under this bill, is an absolute lie.

Mr. MCMILLIN. That is not a question of privilege. I make the point of order that the gentleman is entirely out of order.

The SPEAKER. The Chair sustains the point of order.

Mr. EZRA B. TAYLOR. That is all, Mr. Speaker.

Mr. REED. It is in the RECORD, though.

Mr. LANHAM. I ask consent that I may be excused until 9 o'clock this evening.

Mr. REED. I shall be obliged to object. There is not the slightest necessity for it.

The SPEAKER *pro tempore* (Mr. DOCKERY in the chair). Is there objection to the request of the gentleman from Texas?

Mr. REED and Mr. BRECKINRIDGE, of Arkansas, objected.

Mr. LAGAN. I ask unanimous consent to be excused until to-morrow at 11.30 a. m.

Mr. BRECKINRIDGE, of Arkansas. I object.

Mr. COX. Mr. Speaker, at the request of a number of gentlemen, having had the courtesy of the House extended to me personally, I would ask unanimous consent that the House now take a recess until to-morrow at 11.45 a. m. I am sure we will all be better for it.

Mr. SOWDEN. I object.

Mr. COX. Would it be in order to move to suspend all further proceedings under the call and that the House take a recess?

The SPEAKER *pro tempore*. The Chair is in doubt.

Mr. REED. That motion could not be made.

The SPEAKER *pro tempore*. The Chair is inclined to believe that the motion to suspend further proceedings under the call must be first disposed of.

Mr. COX. Then I make that motion preliminary to the other.

Mr. BUCHANAN. That has just been voted upon. I make the point of order that it is not now in order to renew it.

The SPEAKER *pro tempore*. The Chair thinks it is in order.

The question was taken; and on a division there were—ayes 45, noes not counted.

Mr. REED. I call for the yeas and nays. I see gentlemen voting who I know are paired.

Mr. COX. I withdraw the motion if it be in order.

The SPEAKER *pro tempore*. It is in order.

Mr. WHEELER. Mr. Speaker, I send to the Clerk's desk a resolution which I would like to have read.

Mr. REED. General, do not disturb the harmony of the occasion; you have done that too much already. [Laughter.]

Mr. WHEELER. I respectfully ask that it be read, subject to objection

Mr. REED. We will object to it first.

Mr. WHEELER. My reason is that several gentlemen on that side of the House have asked to have it read.

Mr. REED. Just give it to them privately.

Mr. BRECKINRIDGE, of Kentucky. As everybody would like to go, I move that the House do now adjourn.

Mr. MOFFITT. Upon that I ask the yeas and nays.

The question was taken on ordering the yeas and nays, and

The SPEAKER *pro tempore* announced that 37 members had risen in support of the demand—a sufficient number.

Mr. BRECKINRIDGE, of Kentucky. How many members are recorded on the last vote?

The SPEAKER *pro tempore*. The Chair is informed that the vote was 74 to 119.

Mr. BRECKINRIDGE, of Kentucky. Has a sufficient number voted to call the yeas and nays?

Mr. DIBBLE. I demand a count of the other side.

Mr. BRECKINRIDGE, of Kentucky. Have they a right to call the other side? I make the point of order that it does not lie in their power to call the other side.

The SPEAKER *pro tempore*. The Chair is not advised as to anything in the rule which would prohibit any gentleman from demanding a count of the other side.

The Chair will state, however, that a sufficient number has declared in favor of the vote by yeas and nays; and the Clerk will call the roll.

The question was taken; and there were—yeas 13, nays 73, not voting 238; as follows:

YEAS—13.

Abbott,	Grimes,	Tarsney,	Whiting, Mich.
Breckinridge, Ark.	Martin,	Turner, Ga.	
Caruth,	O'Neall, Ind.	Vance,	
Dunn,	Stone, Ky.	Wheeler,	

NAYS—73.

Adams,	Dibble,	Macdonald,	Scull,
Allen, Mich.	Farquhar,	Mason,	Seney,
Anderson, Iowa	Finley,	McAdoo,	Seymour,
Atkinson,	Fuller,	McComas,	Sherman,
Baker, Ill.	Gear,	Merriman,	Sowden,
Bliss,	Goff,	Moffitt,	Stahlnecker,
Boothman,	Guenther,	O'Donnell,	Stephenson,
Bound,	Henderson, Iowa	O'Ferrall,	Struble,
Bowden,	Henderson, Ill.	O'Neill, Pa.	Taylor, E. B., Ohio
Bowen,	Hermann,	Parker,	Turner, Kans.
Brewer,	Hires,	Perkins,	Vandever,
Browne, T. H. B., Va.	Hitt,	Peters,	Warner,
Brown, Ohio	Holman,	Phelps,	White, Ind.
Brown, J. R., Va.	Hopkins, Va.	Post,	Whiting, Mass.
Bryce,	Hudd,	Reed,	Wickham,
Butler,	Hunter,	Rice,	Yardley.
Cheadle,	Kean,	Romeis,	
Cogswell,	Latham,	Rowell,	
Cooper,	Lind,	Sawyer,	

NOT VOTING—238.

Allen, Mass.	Crisp,	Hogg,	Morrill,
Allen, Miss.	Crouse,	Holmes,	Morrow,
Anderson, Miss.	Culberson,	Hooker,	Morse,
Anderson, Ill.	Cummings,	Hopkins, Ill.	Neal,
Anderson, Kans.	Cutcheon,	Hopkins, N. Y.	Nelson,
Arnold,	Dalzell,	Houk,	Newton,
Bacon,	Dargan,	Hovey,	Nichols,
Baker, N. Y.	Darlington,	Howard,	Norwood,
Bankhead,	Davenport,	Hutton,	Nutting,
Barnes,	Davidson, Ala.	Jackson,	Oates,
Barry,	Davidson, Fla.	Johnston, Ind.	O'Neill, Mo.
Bayne,	Davis,	Johnston, N. C.	Osborne,
Belden,	De Lano,	Jones,	Outhwaite,
Belmont,	Dingley,	Kelley,	Owen,
Biggs,	Dockery,	Kennedy,	Patton,
Bingham,	Dorsey,	Kerr,	Payson,
Blanchard,	Dougherty,	Ketcham,	Peel,
Bland,	Dunham,	Kilgore,	Penington,
Blount,	Elliott,	Laffoon,	Perry,
Boutelle,	Enloe,	La Follette,	Phelan,
Breckinridge, Ky.	Ermentrout,	Lagan,	Pidcock,
Brower,	Felton,	Laidlaw,	Plumb,
Browne, Ind.	Fisher,	Laird,	Pugsley,
Brumm,	Fitch,	Landes,	Randall,
Buchanan,	Flood,	Lane,	Rayner,
Buckalew,	Foran,	Lanham,	Richardson,
Bunnell,	Ford,	Lawler,	Robertson,
Burnes,	Forney,	Lee,	Rockwell,
Burnett,	French,	Lehlbach,	Rogers,
Burrows,	Funston,	Lodge,	Rowland,
Butterworth,	Gaines,	Long,	Russell, Conn.
Bynum,	Gallinger,	Lyman,	Russell, Mass.
Campbell, F., N. Y.	Gay,	Lynch,	Rusk,
Campbell, Ohio	Gest,	Maffett,	Ryan,
Campbell, T. J., N. Y.	Gibson,	Mahoney,	Sayers,
Candler,	Glass,	Maish,	Scott,
Cannon,	Glover,	Mansur,	Shaw,
Carlton,	Granger,	Matson,	Shively,
Caswell,	Greenman,	McClammy,	Simmons,
Catchings,	Grosvenor,	McCormick,	Smith,
Chipman,	Grout,	McCreary,	Snyder,
Clardy,	Hall,	McCullogh,	Spinola,
Clark,	Hare,	McKenna,	Spooner,
Clements,	Harmer,	McKinley,	Springer,
Cobb,	Hatch,	McKinney,	Steele,
Cockran,	Haugen,	McMillin,	Stewart, Tex.
Collins,	Hayden,	McRae,	Stewart, Ga.
Compton,	Hayes,	McShane,	Stewart, Vt.
Conger,	Heard,	Milliken,	Stockdale,
Cothran,	Hemphill,	Mills,	Stone, Mo.
Cowles,	Henderson, N. C.	Montgomery,	Symes,
Cox,	Herbert,	Moore,	Taulbee,
Crain,	Hiestand,	Morgan,	Taylor, J. D., Ohio.
Thomas, Ky.	Townshend,	White, N. Y.	Wilson, W. Va.
Thomas, Ill.	Wade,	Whitthorne,	Wise,
Thomas, Wis.	Walker,	Wilber,	Woodburn,
Thompson, Ohio	Washington,	Wilkins,	Yoder,
Thompson, Cal.	Weaver,	Wilkinson,	Yost.
Tillman,	Weber,	Williams,	
Tracey,	West,	Wilson, Minn.	

So the House refused to adjourn.

The following additional pairs were announced on the direct-tax bill:

Mr. WHITING, of Michigan, with Mr. CONGER, until 7 p. m. to-day.

Mr. JOHNSTON, of North Carolina, with Mr. LYMAN, until 7 p. m. to-day.

Mr. MONTGOMERY with Mr. PLUMB, until 7 p. m. to-day.

Mr. RICHARDSON with Mr. DE LANO, until 7 p. m. to-day.

Mr. BUCKALEW with Mr. HARMER, until 7 p. m. to-day.

Mr. CUMMINGS with Mr. BUCHANAN, until 7 p. m. to-day.

Mr. ELLIOTT with Mr. ROBERTSON, until 7 p. m. to-day.

Mr. NEWTON with Mr. MCCORMICK, until 7 p. m. to-day.

Mr. PEEL with Mr. RYAN, until 7 p. m. to-day.

Mr. WISE with Mr. KERR, until 8 p. m. to-day.

Mr. ROWLAND with Mr. BELDEN, until 8 p. m. to-day.

Mr. NEAL with Mr. KENNEDY, until 8 p. m. to-day.

Mr. MAISH with Mr. FITCH, until 8 p. m. to-day.

Mr. SAYERS with Mr. WEBER, until 8 p. m. to-day.

Mr. HATCH with Mr. PUGSLEY, until 8 p. m. to-day.

Mr. LONG with Mr. SPRINGER, until 8 p. m. to-day.

Mr. MANSUR with Mr. STOCKDALE, until 8 p. m. to-day.

Mr. MCCLAMMY with Mr. NICHOLS, until 8 p. m. to-day.

Mr. ERMENTROUT with Mr. ANDERSON, of Kansas, until 8 p. m. to-day.

Mr. BACON with Mr. BAKER, of New York, until 8 p. m. to-day.

Mr. WILKINS with Mr. HOWARD, until 8 p. m. to-day.

Mr. LANHAM with Mr. JOSEPH D. TAYLOR, until 8 p. m. to-day.

Mr. HERBERT with Mr. STEELE, until 10 a. m. to-morrow.

Mr. CARLTON with Mr. RUSSELL, of Connecticut, until 10 p. m. to-day.

Mr. MORGAN with Mr. MILLIKEN, until 11 a. m. to-morrow.

Mr. RUSSELL, of Massachusetts, with Mr. LODGE, until 11 p. m. to-day.

Mr. MCKENNA with Mr. MCRAE, until to-morrow.

Mr. CULBERSON with Mr. DAVENPORT, until to-morrow.

Mr. HOOKER with Mr. MORROW, until to-morrow.

Mr. TOWNSHEND with Mr. HOPKINS, of New York, until to-morrow.

Mr. LAGAN with Mr. WILBER, until to-morrow.

Mr. MORSE with Mr. BINGHAM, until to-morrow.

Mr. DAVIDSON with Mr. ANDERSON, of Iowa, until to-morrow.

Mr. BLOUNT with Mr. WHITE, of New York, until to-morrow.

Mr. SYMES with Mr. WILSON, of West Virginia, until 9 p. m. to-day.

Mr. DOCKERY with Mr. PATTON, until 8 p. m. to-day.

Mr. LANDES with Mr. WILLIAMS, for one hour.

Mr. CANNON with Mr. CLEMENTS, for to-day.

Mr. LANE with Mr. HOPKINS, of Illinois, for to-day.

Mr. MCSHANE with Mr. OUTHWAITE, for two hours.

Mr. CROUSE. Mr. Speaker, when the roll was called I had forgotten for the moment that I was paired on this bill until after dinner to-day. I therefore withdraw my vote.

Mr. TAULBEE. I desire to have a pair between Mr. PHELAN and myself announced. If voting, he would vote ay. I should vote no on this question.

The SPEAKER. The gentleman's statement will go into the RECORD.

Mr. MACDONALD. I ask unanimous consent that my colleague, Mr. RICE, be excused from attendance this evening, on account of his age. He is paired, and could not vote even if present.

There was no objection.

Mr. WILBER. I want to ask unanimous consent for leave of absence until to-morrow at a quarter before 11 o'clock, on account of poor health.

The SPEAKER. The Chair thinks that a leave of absence for this evening is as far as the House can go under present circumstances.

Mr. WILBER. Then I ask to be excused for this evening.

There was no objection.

Mr. TARSNEY. Mr. Speaker, it is evident that there is no quorum present, and I understand we are operating under a call of the House ordered some twenty-four hours ago. Since that time there has been ordered a supplemental call, if I may use that expression, to carry out the object of the first call. I now move a further call of the House for the purpose of bringing in the absentees of the House.

The SPEAKER. There is no such thing as a further call or supplemental call of the House, as the Chair understands it. But it has been decided, when it is alleged or becomes apparent that members who had responded on the call of the House had absented themselves, that a call of the roll might be had to determine that fact, and if, on such call, it is ascertained to be true, then such absent members may be sent for and required to appear at the bar of the House.

The gentleman from Michigan now moves that the roll be called for the purpose of ascertaining what members, if any, are absent who were heretofore present on the call of the House.

The motion was rejected.

Mr. ENLOE. When the roll was last called I inadvertently neglected to state that I had paired with the gentleman from Virginia [Mr. GAINES]. I therefore make the statement now.

Mr. MASON. I have just received from the gallery the communication which I hold in my hand. I would like to have it read for the information of the House.

Mr. WEAVER. I object.

Mr. REED. I understand it is only a denial of some charges that the papers have been making about the lobbyists.

Mr. WEAVER. If any denial is made I want to have an opportunity of telling the whole truth about it.

Mr. MASON. I withdraw the objection made by the gentleman from Iowa. [Laughter.]

Mr. WEAVER. I renew it.

Mr. MASON. I would like to have this communication printed in the RECORD as a part of my remarks.

Mr. WEAVER. I make the same objection.

The SPEAKER *pro tempore* (Mr. SENEY). The Chair submits the following request of the gentleman from Pennsylvania [Mr. MAISH]:

I am advised by my physician that it would not be advisable for me to remain here to-night. I therefore ask unanimous consent of the House to be excused for the night.

Mr. WEAVER. I object.

Some time subsequently,

Mr. TAULBEE said: I ask that the request of the gentleman from Pennsylvania be again read by the Clerk, and I renew the request that the gentleman from Pennsylvania have leave of absence.

The SPEAKER *pro tempore*. Is there objection to granting the request of the gentleman from Pennsylvania?

There was no objection.

Mr. TAULBEE. I renew my request for unanimous consent that further proceedings under the call be dispensed with, and that the House take a recess until 11.45 a. m. to-morrow.

Mr. SOWDEN and other members objected.

Mr. ENLOE. I desire that what I send to the desk shall be read.

Mr. EZRA B. TAYLOR. I object to the reading of anything unless I know what it is.

Mr. ENLOE. It is a request for leave of absence.

The SPEAKER *pro tempore*. The request will be read.

The Clerk read as follows:

I have not had an opportunity to consult my physician for the last thirty-six hours, but I am satisfied if I could see him he would prescribe a change of air. I therefore ask to be excused from attendance on the session of the House to-night.

Mr. REED. I object. I think a judicious physician would prescribe a change of conduct.

Mr. TAULBEE. I renew my request for unanimous consent that the House take a recess to 11.45 to-morrow.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that further proceedings under the call be dispensed with, and that the House take a recess until 11.45 to-morrow. Is there objection?

Mr. PHELAN objected, but subsequently withdrew his objection.

There being no other objection, further proceedings under the call were dispensed with, and at 6 o'clock and 55 minutes p. m. (Wednesday, April 11) the House took a recess until 11.45 a. m. Thursday, April 12.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. BINGHAM: A bill (H. R. 9313) granting a pension to Mary Percy Linton and Anna Creig Linton—to the Committee on Invalid Pensions.

By Mr. CARUTH: A bill (H. R. 9314) granting a pension to Mrs. Judith Deig—to the Committee on Invalid Pensions.

By Mr. CLARDY: A bill (H. R. 9315) for the relief of Mrs. E. A. McKinney—to the Committee on Pensions.

By Mr. COMPTON: A bill (H. R. 9316) to incorporate the Washington and Sandy Spring Narrow Gauge Railroad and Street Railway Company—to the Committee on the District of Columbia.

By Mr. DUBOIS: A bill (H. R. 9317) granting a pension to James Smith—to the Committee on Invalid Pensions.

By Mr. GALLINGER: A bill (H. R. 9318) granting a pension to Charles Jewett—to the Committee on Invalid Pensions.

By Mr. GLOVER: A bill (H. R. 9319) for the relief of C. E. Soest—to the Committee on Military Affairs.

By Mr. HOLMAN: A bill (H. R. 9320) for the relief of Levi S. Narth—to the Committee on War Claims.

Also, a bill (H. R. 9321) granting a pension to Ruth Ann Porter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9322) granting a pension to Jacob Siebenthaler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9323) granting a pension to Matilda Weed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9324) for the relief of Elisha Lunsford—to the Committee on Military Affairs.

By Mr. HOWARD: A bill (H. R. 9325) granting a pension to James R. Burcham—to the Committee on Invalid Pensions.

By Mr. KENNEDY: A bill (H. R. 9326) to amend the military record of Martin Barringer—to the Committee on Military Affairs.

By Mr. MAISH: A bill (H. R. 9327) for the relief of Rebecca Nickle—to the Committee on Invalid Pensions.

By Mr. ROMEIS: A bill (H. R. 9328) granting a pension to Capt. Holly Skinner—to the Committee on Invalid Pensions.

By Mr. STONE, of Kentucky: A bill (H. R. 9329) for the relief of S. F. Crider—to the Committee on War Claims.

Also, a bill (H. R. 9330) for the relief of R. W. Blanks—to the Committee on War Claims.

By Mr. CHIPMAN: A bill (H. R. 9331) for the relief of John Anthony Orleman and Mary Albina Coleman, children of William Coleman, deceased—to the Committee on Invalid Pensions.

By Mr. HARE: A bill (H. R. 9332) for the relief of Rachel Gilbert—to the Select Committee on Indian Depredation Claims.

By Mr. LAFFOON: A bill (H. R. 9333) for the relief of J. S. Stull—to the Committee on War Claims.

By Mr. MANSUR: A bill (H. R. 9334) to grant a pension to August Renne—to the Committee on Invalid Pensions.

By Mr. McCOMAS: A bill (H. R. 9335) granting a pension to Mrs. Elizabeth Burress—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9336) to remove charge of desertion from Ellery C. Folger—to the Committee on Military Affairs.

By Mr. MORROW: A bill (H. R. 9337) authorizing the President to appoint and retire John C. Fremont as a major-general in the United States Army—to the Committee on Military Affairs.

By Mr. STONE, of Kentucky: A bill (H. R. 9338) for the relief of the legal representatives of B. J. Grubbs, deceased—to the Committee on War Claims.

Change in the reference of a bill improperly referred was made in the following case, namely:

A bill (H. R. 7799) for the relief of the Albemarle and Chesapeake Canal Company—from the Committee on Claims to the Committee on War Claims.

A bill (H. R. 3017) granting a pension to Sarah E. Huntley—from the Committee on Invalid Pensions to the Committee on Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ADAMS: Petition for the international copyright bill—to the Committee on Patents.

By Mr. C. H. ALLEN: Memorial of W. Stuart & Co., for better mail facilities between New York and New England—to the Committee on the Post-Office and Post-Roads.

By Mr. C. L. ANDERSON: Petition of Polk Watkins, heir of E. S. Champion, of Mississippi, for reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, petition of 18 citizens of Kaufman County, Texas, for the payment of Indian depredations on the frontier—to the Select Committee on Indian Depredation Claims.

By Mr. G. A. ANDERSON: Petition of the representatives of James N. Allen, of Mount Sterling; of J. W. Evans, of Chandlerville; of A. J. Cine, of Arenzville; of Joseph Cockell, of Perry; of A. Campbell, of Virginia; of Samuel E. McBond, of Summer Hill; and of James Holmes, of Barry, Ill., for relief—to the Committee on Claims.

By Mr. BACON: Memorial relating to Buttermilk and Gowanus Bay Channels, New York Harbor—to the Committee on Rivers and Harbors.

By Mr. C. S. BAKER: Memorial of the Rochester (N. Y.) Chamber of Commerce, in favor of the bill to reduce letter postage—to the Committee on the Post-Office and Post-Roads.

By Mr. BELDEN: Petition of Harvey L. Rounds and 22 others, citizens of South Onondaga, N. Y., for more effectual protection of agriculture—to the Committee on Ways and Means.

By Mr. BOUTELLE: Petition of John Emery and others, citizens of Hollis, Me., for more adequate protection to agriculture—to the Committee on Ways and Means.

By Mr. BOWDEN: Petition of J. L. Jones, administrator of Isaac Jones, of Elizabeth City County, Virginia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, papers in the case of S. P. Bayly, for relief—to the Committee on Claims.

By Mr. C. R. BRECKINRIDGE: Petition of Blanche Dent, guardian heirs of Edwin Bancroft, and of Sallie B. Pursell, heir of Allen Woody, of Woodruff County, Arkansas, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. BREWER: Petition of William F. Potter and 56 others, citizens and soldiers of Laingsburgh, Mich., for the passage of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. J. R. BROWN: Protest of James Thompson & Co., of Valley Falls, N. Y., against passage of the Mills tariff bill—to the Committee on Ways and Means.

Also, resolutions of the Memphis Merchants' Exchange, for the passage of the bill to incorporate the Maritime Canal Company, of Nicaragua—to the Committee on Commerce.

Also, petition of B. F. Sharpe and others, of Ivanhoe Furnace, Wythe County, Virginia, for more effectual protection of agriculture—to the Committee on Ways and Means.

By Mr. T. H. B. BROWNE: Resolutions of the Memphis Merchants' Exchange, for an act to incorporate the Maritime Canal Company, of Nicaragua—to the Committee on Commerce.

By Mr. BUCHANAN: Petition of 18 citizens of New Jersey, for payment of Indian depredations on the frontier—to the Select Committee on Indian Depredation Claims.

By Mr. BUNNELL: Petition of S. W. Alvord, late postmaster at Towanda, Pa., for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. BURNETT: Two petitions for the protection of the Yellowstone Park—to the Committee on the Public Lands.

Also, petition against the reduction of duty on brushes—to the Committee on Ways and Means.

By Mr. CASWELL: Petition of S. D. Littlefield and 56 others, for the protection of the Yellowstone Park—to the Committee on the Public Lands.

By Mr. CATCHINGS: Papers in the claim of R. T. Rutledge, of Tishimingo County, Mississippi—to the Committee on War Claims.

By Mr. CLEMENTS: Petition of William J. Love, of Walker County, and of Elizabeth Long, widow of William R. Long, late of Whitfield County, Georgia, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition of James M. Hughey, of Gordon County, Georgia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. COOPER: Petition of W. Z. Davis and 32 others, citizens of Marion County, Ohio, for the protection of the Yellowstone Park—to the Committee on the Public Lands.

By Mr. COWLES: Petition of the mayor and board of health of San Francisco, for an act to establish a system of quarantine, etc.—to the Committee on Commerce.

By Mr. DAVENPORT: Petition of citizens of New York, for correction of the classification of worsteds—to the Committee on Ways and Means.

Also, citizens of Cohocton, N. Y., for protection of agriculture—to the Committee on Ways and Means.

Also, petition of people of Geneva, N. Y., relating to appropriations for public buildings—to the Committee on Public Buildings and Grounds.

By Mr. DORSEY: Petition of citizens of Wayne County, of Burt County, of Cedar County, of Dakota County, and of Dixon County, Nebraska, protesting against a change in duty on flaxseed and linseed-oil—to the Committee on Ways and Means.

By Mr. DUBOIS: Petition of Local Assembly No. 3810, Knights of Labor, of Idaho, for the passage of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

Also, petition of 18 citizens of Idaho, for the payment of Indian depredations on the frontier—to the Select Committee on Indian Depredation Claims.

By Mr. GAINES: Petition of J. C. Schoolfield and 45 others, and of E. Hargrave and 32 others, citizens of Petersburgh, Va., in reference to cotton-seed oil—to the Committee on Agriculture.

Also, petition of Davis & Co., and 69 others, citizens of Petersburgh, Va., against the passage of the Butterworth and Dawes lard bill—to the Committee on Agriculture.

Also, letter from the Richmond, Va., Whig, relating to the Mills tariff bill—to the Committee on Ways and Means.

Also, a petition of Thomas S. Smith, administrator of Thomas Smith, and of Thomas S. Smith, administrator of Samuel T. Smith, of Prince George County, and of George J. Clark, of Amelia County, Virginia, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. GALLINGER: Petition of Haywood & Co., of Claremont, N. H., for quick mail transit for the New England States—to the Committee on the Post-Office and Post-Roads.

Also, petition of Samuel B. Page and 21 others, citizens of New Hampshire, for the protection of the Yellowstone National Park—to the Committee on the Public Lands.

Also, petition of John F. W. Ham, of Dover, N. H., for quick mail transit between New York and New England—to the Committee on the Post-Office and Post-Roads.

By Mr. GEAR: Joint resolution of the Legislature of Iowa in regard to the records of the Government land office in that State—to the Committee on the Public Lands.

By Mr. GIFFORD: Petition of Henry A. Cadd and 114 others, of Peter Fortin and 17 others, of D. J. Riggs and 20 others, of J. H. Brown and 107 others, of W. F. Smith and 108 others, and of Richard Phillips and 30 others, citizens of Dakota, for the retention of the present duty on flax and flax products—to the Committee on Ways and Means.

By Mr. GROUT: Petition of Dr. J. H. Guild and others, of Rupert, Vt., in behalf of Senate bill No. 283—to the Committee on the Public Lands.

Also, proof in the claim of Moses L. Chase for a pension—to the Committee on Invalid Pensions.

By Mr. HARE: Petition of 40 citizens of Denton County, Texas, for payment of Indian depredations on the frontier—to the Select Committee on Indian Depredation Claims.

By Mr. HAUGEN: Petition of the Galesville Gun Club and others, of the Eighth district of Wisconsin, for protection of the Yellowstone Park—to the Committee on the Public Lands.

By Mr. HAYES: Petition of Camp No. 17, Sons of Veterans, for loan of condemned cannon to Army posts—to the Committee on Military Affairs.

By Mr. D. B. HENDERSON: Resolution of the Legislature of Iowa, urging the passage of a law permitting the records of the land office in Iowa to remain in that State—to the Committee on the Public Lands.

By Mr. HITT: Petition of Walter M. Braselton and 78 others, citizens of Parker County; and of J. H. Merick and 18 others, citizens of Parker County, Texas, for pay for Indian depredations—to the Select Committee on Indian Depredation Claims.

Also, petition of Ira Kinman and 23 others, citizens of Yellow Creek, Ill., for protection to farm products and repeal of the sugar duty—to the Committee on Ways and Means.

By Mr. HOGG: Petition of the Chamber of Commerce of Wheeling, W. Va., in favor of the James bill—to the Committee on Commerce.

Also, petition of the same, relative to railroad fares for commercial agents—to the Committee on Commerce.

By Mr. HOLMAN: Petition of Matilda Weed, for a pension—to the Committee on Invalid Pensions.

Also, petition of Levi S. North, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. HUDD: Petition of John Nagle and 52 others, sportsmen of Manitowoc, Wis., for the protection of the Yellowstone Park—to the Committee on the Public Lands.

By Mr. JONES: Petition of Caswell Garrett, for relief—to the Committee on Ways and Means.

Also, petition of citizens of Mobile, Ala., protesting against the passage of the Dawes lard bill—to the Committee on Agriculture.

By Mr. JOSEPH: Petition of 12 citizens of New Mexico, for the payment of Indian depredations on the frontier—to the Select Committee on Indian Depredation Claims.

By Mr. LEE (by request): Petition of L. B. Buckner, heir of Louisa H. Turner, of Fauquier County, Virginia, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. LONG: Petition of E. L. Sherman and 11 others, citizens of Attleborough, Mass., for the preservation of the Yellowstone National Park—to the Committee on the Public Lands.

Also, petition of C. H. Pratt and 75 others, citizens of Mansfield, Mass., for protection of the Yellowstone Park—to the Committee on the Public Lands.

By Mr. McCOMAS: Petition of William W. Moore, and of William Cook, for relief—to the Committee on Invalid Pensions.

Also, petition of William T. Need, and of F. O. Merley, of Frederick County, Maryland, for relief—to the Committee on War Claims.

By Mr. McCREARY: Petition in behalf of David Martin, for a pension—to the Committee on Invalid Pensions.

Also, papers in the claim of John Burnside—to the Committee on War Claims.

Also, papers in the case of Lewis E. Lloyd, for a pension—to the Committee on Invalid Pensions.

By Mr. McKINLEY: Petition of W. H. Adams and 37 citizens of Stark County, Ohio, for increased duties on farm products—to the Committee on Ways and Means.

Also, petition of A. H. Allen and 24 others, of Mahoning County, Ohio, for full protection to farm products—to the Committee on Ways and Means.

By Mr. McSHANE: Petition of citizens of Nebraska, for the organization of the Territory of Oklahoma—to the Committee on the Territories.

By Mr. MOFFITT: Petition of John Houghran and 20 others, citizens of Ellenborough Centre, Clinton County, New York—to the Committee on Ways and Means.

By Mr. MORROW: Memorial of the mayor, Board of Health, Chamber of Commerce, Board of Trade, and collector of the port of San Francisco, Cal., for the establishment of a national quarantine station at San Francisco—to the Committee on Commerce.

Also, resolutions of the San Francisco Typographical Union, No. 21, favoring legislation restoring the wages of employés in the Government Printing Office to what they were prior to March 3, 1877—to the Committee on Printing.

By Mr. NEAL: Petition of A. B. Billingsley, of Bledsoe County; of W. R. Henson, administrator of John Henson, of Sequatchie County, and of Peter Beddow, of Marion County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. NELSON: Petition for the protection of the Yellowstone Park—to the Committee on the Public Lands.

By Mr. CHARLES O'NEILL: Papers relating to bill 6084, for the relief of Charles D. Freeman—to the Committee on Claims.

By Mr. PATTON: Two petitions of physicians and druggists of the Twentieth district of Pennsylvania, for the repeal of the druggists' license—to the Committee on Ways and Means.

By Mr. PEEL: Petition of 41 citizens of Springdale, Ark., to put tin-plate on the free-list—to the Committee on Ways and Means.

By Mr. PERKINS: Petition of 93 citizens of Labette County, Kansas, for payment of Indian depredations on the frontier—to the Select Committee on Indian Depredation Claims.

By Mr. PETERS: Petition of 120 citizens of Sumner County, Kansas, for payment for Indian depredations on the frontier—to the Select Committee on Indian Depredation Claims.

Also, petition of W. H. Graham, of Chelsea, Iowa; of William M. Tate, of Bloomington, Ind., and of John H. Smith, of Middleburgh, Va., for relief—to the Committee on the Post-Office and Post-Roads.

Also, petition of J. F. Andrew and others, citizens of Harper County, Kansas, for reduction of postage on seeds, bulbs, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. PLUMB: Resolutions of the Methodist, Congregational, Wesleyan, and Baptist Churches of Wheaton, Ill., against the admission of Utah as a State—to the Committee on the Territories.

By Mr. PUGSLEY: Petition of citizens of Highland County, Ohio, for the protection of the Yellowstone Park—to the Committee on the Public Lands.

By Mr. RANDALL: Petition of L. W. Goodman and others, of John G. Maier and others, of Albert Mueller and others, and of Charles Krock and others, against the placing of books and pamphlets printed in other languages than English on the free-list—to the Committee on Ways and Means.

By Mr. REED: Petition of Grange No. 135, of Goodwin's Mills, Me., for further protection to agriculture—to the Committee on Ways and Means.

By Mr. RICHARDSON: Petition of Mary Hicks, and of heir of Nancy N. B. Bridges, of Rutherford County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. ROCKWELL: Petition of citizens of Blackinton and of West Stockbridge, Mass., for the protection of the Yellowstone Park—to the Committee on the Public Lands.

By Mr. C. A. RUSSELL: Petition of J. S. Root and others, of Hartford, Conn., for the protection of the Yellowstone Park—to the Committee on the Public Lands.

By Mr. SAWYER: Petition of 154 citizens of Carlton, Orleans County, New York, for increased duties on agricultural products—to the Committee on Ways and Means.

By Mr. SAYERS: Petition of 18 citizens of San Sola, and of 24 citizens of Mason County, Texas, for the payment of Indian depredations on the frontier—to the Select Committee on Indian Depredation Claims.

Also, petition of green and colored glass blowers relative to the tariff on glass bottles—to the Committee on Ways and Means.

By Mr. SCULL: Memorial of citizens of Johnstown, Pa., in favor of the passage of Senate bill 283—to the Committee on the Public Lands.

By Mr. SENEY: Petition of the Merchant Tailor's Exchange of Cincinnati, respecting tariff duties on clothing—to the Committee on Ways and Means.

Also, memorial of J. L. Whiting & Son, against reducing tariff on brushes—to the Committee on Ways and Means.

Also, petition of the Produce Exchange of Toledo, Ohio, against the adulteration of food—to the Committee on Agriculture.

By Mr. HENRY SMITH: Petition of Julius Bleyer and 26 others, citizens of Milwaukee, for the protection of the Yellowstone National Park—to the Committee on the Public Lands.

By Mr. STAHLNECKER: Petition of citizens of North Salem, N. Y., urging immediate passage of Senate bill No. 283—to the Committee on the Territories.

Also, letter from the Jessup & Moore Paper Company, of New York City, protesting against placing wood-pulp on the free-list—to the Committee on Ways and Means.

By Mr. STOCKDALE: Petition of James M. Watson, for relief—to the Committee on War Claims.

By Mr. STRUBLE: Petition of George O. Leonard and 75 others, citizens of Northwest Iowa, against any change in the duty on flax-seed and linseed-oil—to the Committee on Ways and Means.

Also, petition of Fred. P. Whiting and 61 others, citizens of Plymouth County, Iowa, for the better protection of the Yellowstone Park—to the Committee on the Public Lands.

By Mr. SYMES: Petition of W. D. Marlow, for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. TAULBEE (by request): Petition of Robert Coates and others, for an allowance of pay—to the Committee on Appropriations.

By Mr. E. B. TAYLOR: Petition of Norman B. Jenkins and others, citizens of Streetsborough, Ohio, for further protection to agriculture—to the Committee on Ways and Means.

Also, petition of citizens of the Nineteenth district of Ohio, for greater protection to agriculture—to the Committee on Ways and Means.

By Mr. J. D. TAYLOR: Petition of A. W. Cole and 46 others, for more effectual protection of agriculture—to the Committee on Ways and Means.

Also, petition of G. W. Farley and 81 others, citizens of Noble County, Ohio, for the schedule of duty on wool adopted by the wool-growers and manufacturers—to the Committee on Ways and Means.

Also, memorial of the Worsted Operatives' Protective Association, for a fair and just protection of worsted yarns and worsted goods—to the Committee on Ways and Means.

By Mr. TOOLE: Petition of the Montana Wool-Growers' Association, protesting against putting wool on the free-list—to the Committee on Ways and Means.

Also, petition of Montana Wool-Growers' Association, for liberal appropriations for the improvement of the Missouri River—to the Committee on Rivers and Harbors.

By Mr. VANDEVER: Petition for reduction of postage on seeds and small packages of merchandise—to the Committee on the Post-Office and Post-Roads.

By Mr. WEST: Petition of citizens of the Twentieth district of New York, for better protection of agriculture—to the Committee on Agriculture.

Also, petition of the Knights of Labor of St. Johnsville, N. Y., for the passage of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. WHEELER: Petition of Elizabeth C. Bibb, of Leroy P. Campbell, and of Margaret M. Ogden, administratrix of James Gaston, of Madison County; of Eliza Tenge, administratrix of Charles A. Tenge; of James T. Morgan, administrator of Sidney C. Posey; of S. J. Matthews, of Lauderdale County, and of Allen B. Launders, of Lawrence County, Alabama, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition of Henry C. Rice, of Morgan County; of James M. Thomason, of Colbert County; and of M. Jane Haden, widow of John T. Haden, of Madison County, Alabama, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. J. R. WHITING: Petition of Davis Leslie and 47 others, citizens of Sanilac County, Michigan, for the continuation of the present system of eradicating pleuro-pneumonia—to the Committee on Agriculture.

Also, petition of Davis Leslie and 48 others, against the reduction of duty on wool—to the Committee on Ways and Means.

By Mr. WILLIAM WHITING: Petition of Brown Bros., for better mail facilities in New England—to the Committee on the Post-Office and Post-Roads.

By Mr. WICKHAM: Petition of citizens of Huron County, Ohio, for better protection of agriculture—to the Committee on Ways and Means.

Also, petition of Charles W. Millen and 70 others, citizens of Huron County, Ohio, for the passage of Senate bill 283—to the Committee on Public Buildings and Grounds.

By Mr. WILBER: Petition of 39 citizens of Cooperstown, and of 24 citizens of Little Falls, N. Y., for protection of timber in the Yellowstone Park—to the Committee on the Public Lands.

By Mr. WILKINS: Petition of Philip Wickham and 100 others, citizens of Licking County, Ohio, for more effectual protection of agriculture—to the Committee on Ways and Means.

By Mr. YOST: Petition of John L. Whiting & Co. and others, against a reduction of duty on brushes—to the Committee on Ways and Means.

The following petitions, praying for the enactment of a law to establish a system of telegraphy, to be owned and controlled by the Government of the United States, and operated in connection with the Post-Office Department, were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. J. M. ALLEN: Of citizens of Mississippi.

By Mr. ARNOLD: Of citizens of Rhode Island.

By Mr. BARRY: Of citizens of Mississippi.

By Mr. BRUMM: Of 7,125 citizens of Schuylkill County, Pennsylvania.

By Mr. BURNETT: Of citizens of Massachusetts.

By Mr. J. E. CAMPBELL: Of 80 citizens of New Richmond, of 1,050 citizens of Hamilton, of 80 citizens of Middletown, and of 45 citizens of Xenia, Ohio.

By Mr. CANDLER: Of citizens of the Ninth district of Georgia.

By Mr. CASWELL: Of 313 citizens of Wisconsin.

By Mr. CLEMENTS: Of 740 citizens of the Seventh district of Georgia.

By Mr. COWLES: Of 963 citizens of the Eighth district of North Carolina.

By Mr. CUMMINGS: Of citizens of New York.

By Mr. DUNHAM: Of citizens of Illinois.

By Mr. DUNN: Of citizens of Arkansas.

By Mr. ERMENTROUT: Of D. F. Kelchner and others, citizens of Fleetwood, Berks County; of E. D. Weitzel and others, of George H. Reiff and others, of Jesse Simmon and others, of Joseph W. Keflen and others, and of Ed. P. Morris and others, of Reading, Pa.

By Mr. FELTON: Of citizens of California.
By Mr. HATCH: Of citizens of Missouri.
By Mr. HERMANN: Of citizens of Oregon.
By Mr. HOLMAN: Of F. W. White and 468 others, citizens of the Fourth district of Indiana.
By Mr. JACKSON: Of 2,112 citizens of the Twenty-fourth district of Pennsylvania.
By Mr. T. D. JOHNSTON: Of citizens of the Ninth district of North Carolina.
By Mr. LANE: Of 494 citizens of Illinois.
By Mr. LATHAM: Of citizens of the First district of North Carolina.
By Mr. LAWLER: Of citizens of the Second district of Illinois.
By Mr. LEE (by request): Of 101 citizens of the Eighth district of Virginia.
By Mr. McCREARY: Of 616 citizens of Kentucky.
By Mr. McCLAMMY: Of D. W. Riggs and 1,420 others, of North Carolina.
By Mr. McCOMAS: Of 3,000 citizens of the Sixth district of Maryland.
By Mr. MAHONEY (by request): Of citizens of New York.
By Mr. MONTGOMERY: Of 676 citizens of the Fourth district of Kentucky.
By Mr. MORSE: Of citizens of Massachusetts.
By Mr. NELSON: Of citizens of the Fifth district of Minnesota.
By Mr. NEWTON: Of citizens of the Fifth district of Louisiana.
By Mr. O'FERRALL: Of 37 citizens of Albemarle County, of 223 citizens of Frederick County, and of 126 citizens of Rockingham County, Virginia.
By Mr. OUTHWAITE: Of 3,082 citizens of the Thirteenth district of Ohio.
By Mr. PHELPS: Of 1,275 citizens of the Fifth district of New Jersey.
By Mr. RANDALL: Of D. Brown and 200 others, of Philadelphia, Pa.
By Mr. RAYNER: Of citizens of Maryland.
By Mr. ROBERTSON: Of 551 citizens of Louisiana.
By Mr. ROWLAND (by request): Of citizens of Charlotte, N. C.
By Mr. J. E. RUSSELL: Of 599 citizens of Massachusetts.
By Mr. SHAW: Of 1,145 citizens of the Second district of Maryland.
By Mr. SNYDER: Of citizens of the Third district of West Virginia.
By Mr. SPINOLA: Of citizens of New York.
By Mr. STOCKDALE: Of 2,683 citizens of the Sixth district of Mississippi.
By Mr. TOOLE: Of 1,145 citizens of Montana.
By Mr. VANCE: Of 729 citizens of the First district of Connecticut.
By Mr. VOORHEES: Of 4,707 citizens of Washington Territory.
By Mr. WASHINGTON: Of citizens of Tennessee.
By Mr. J. R. WHITING: Of 885 citizens of the Seventh district o Michigan.
By Mr. WILBER: Of citizens of New York.
By Mr. WOODBURN: Of citizens of Nevada.
By Mr. YODER: Of 721 citizens of the Fourth district of Ohio.

The following petitions, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, were severally referred to the Committee on Invalid Pensions:

By Mr. JEHU BAKER: Of Irving Carter and 19 others, ex-soldiers.
By Mr. BELDEN: Of Fernando C. Wiley and 22 others, citizens of Syracuse, N. Y.
Also, of George W. Manning and 42 others, and of Nelson Gilbert and 11 others, ex-soldiers and sailors, of Syracuse, N. Y.
By Mr. BUNNELL: Of soldiers of Wyalusing, Bradford County, Pennsylvania.
By Mr. BUTTERWORTH: Of Warren Hobart and 75 others, ex-soldiers of Ohio.
By Mr. CHIPMAN: Of A. F. Smith and others, ex-soldiers.
By Mr. DORSEY: Of ex-soldiers of Dawson County, Nebraska.
By Mr. FULLER: Of J. P. Baker and 28 others, of H. B. Shaw and 42 others, of J. S. Trigg and 28 others, of E. S. Bacon and 60 others, of William Hebard and 21 others, and of J. M. Becker and 28 others, ex-soldiers of Floyd County, and of C. D. Merriam and 61 others, ex-soldiers of Charles City, Iowa.
By Mr. GIFFORD: Of L. C. Day and 22 others, and of P. S. Douglass and 8 others, ex-soldiers of Dakota.
By Mr. LEHLBACH: Of 62 daughters of veterans.
By Mr. LYMAN: Of F. B. Morris and 22 others, and of S. H. Wireman and 23 others, ex-Union soldiers of Mills County, Iowa.
By Mr. McSHANE: Of ex-soldiers of the First Congressional district of Nebraska.
By Mr. NUTTING: Of William Anderson and 29 others, of Auburn, N. Y.
By Mr. OWEN: Of 371 ex-Union soldiers, of White County, Indiana.
By Mr. SHIVELY: Of Charles H. Davis and others.
By Mr. E. B. TAYLOR: Of citizens of Williamsfield, Ohio.
By Mr. J. D. TAYLOR: Of T. A. Welsh and 242 others, citizens of Belmont County, Ohio.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. CARUTH: Of 154 citizens of Louisville, Ky.
By Mr. DORSEY: Of 51 citizens of Colfax County, Nebraska.
By Mr. GEST: Of 93 citizens of Rock Island County, Illinois.
By Mr. O'FERRALL: Of 30 citizens of Page County, Virginia.
Also, of 143 citizens of Shenandoah County, Virginia.
By Mr. POST: Of 24 citizens of Fulton County, Illinois.
By Mr. STRUBLE: Of Wallar Post, Grand Army of the Republic, of Milford, Iowa.
By Mr. SYMES: Of 335 citizens of Larimer County, Colorado.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. J. R. BROWN: Of A. W. Matthews and others, of Sanson, Carroll County, Virginia.
By Mr. DOCKERY: Of citizens of Nettleton, Mo.
By Mr. TILLMAN: Of citizens of Merrill's Bridge, S. C.

SENATE.

WEDNESDAY, *April* 11, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.
The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of citizens of Kansas, praying for the passage of a bill providing for the payment of Indian depredation claims filed in the Indian Bureau; which was referred to the Committee on Claims.

Mr. MANDERSON presented petitions of members of the bar of Sherman, Dawson, Keith, Cheyenne, and Buffalo Counties, in the State of Nebraska, praying for the passage of the bill dividing that State into two judicial districts, and fixing additional places for holding the Federal courts; which were referred to the Committee on the Judiciary.

Mr. COKE presented a petition of 27 citizens of Palo Pinto County, Texas, and a petition of 19 citizens of Kaufman County, Texas, praying for the passage of a bill providing for the payment of Indian depredation claims filed in the Indian Bureau of the Department of the Interior; which were referred to the Committee on Claims.

Mr. BLAIR presented a petition adopted at a meeting of the State board of health of New Hampshire, held at Concord, N. H., praying for the establishment of a national board of health; which was referred to the Committee on Epidemic Diseases.

He also presented the petition of Mrs. E. H. Pearson and others, being the temperance committee of the Woman's Christian Temperance Union of Epping, N. H., praying for legislation restricting the liquor traffic; which was referred to the Committee on Education and Labor.

Mr. DAWES. I present the petition of H. Wilson Munson and quite a number of other citizens of Huntington, Mass., praying for the passage of a more efficient measure for the protection of the Yellowstone National Park. As the bill has been passed by the Senate, I move that the petition lie on the table.

The motion was agreed to.

Mr. CULLOM presented a petition of La Salle County Grange, of La Salle County, Illinois, officially signed, praying that the work of the eradication of pleuro-pneumonia be continued under the present Bureau of Animal Industry; which was ordered to lie on the table.

Mr. STOCKBRIDGE presented the petition of William Patten and 55 others, citizens of Laingsburgh, Mich., praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a memorial of the Detroit (Mich.) Board of Trade, remonstrating against the passage of the proposed bill to cut off railroad connections with Canadian railroads; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Typographical Union No. 99, of Philadelphia, and a petition of Typographical Union, No. 81 of Bay City, Mich., praying for the passage of the Chace international copyright bill; which were ordered to lie on the table.

Mr. SPOONER presented two petitions of ex-Union soldiers, citizens of Richland County, Wisconsin, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented a petition of members of the Galesville Gun Club and others, of Galesville, Wis., praying for the passage of Senate bill

283, for the better protection of the Yellowstone National Park; which was ordered to lie on the table.

Mr. SHERMAN presented a petition of 82 citizens of Bucyrus, Ohio, praying for the passage of Senate bill No. 283, providing for the better protection of the Yellowstone National Park; which was ordered to lie on the table.

He also presented the petition of Typographical Union No. 199, of Zanesville, Ohio, praying for the passage of the international copyright bill; which was ordered to lie on the table.

Mr. FRYE. I present the petition of S. W. Dana and other ministers of the Presbyterian Church of Philadelphia, and the petition of L. Leonard Goodrich and nearly all the female teachers of the city of Syracuse, N. Y., praying for the passage of the bill for the legal protection of girlhood in all places subject to the jurisdiction of the United States, and raising the age of consent to eighteen years. I move that the petition be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. PALMER presented a petition of J. C. Shone, William F. Potter, and 55 other ex-Union soldiers and sailors, citizens of Laingsburgh, Mich., and vicinity, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. COCKRELL. I present two petitions, praying for the passage of the international copyright law, signed by Dr. Benjamin St. James Fry, Logan D. Dameron, and other leading editors, publishers, and firms in St. Louis. I move that the petitions lie on the table.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. McPHERSON, from the Committee on Naval Affairs, to whom was referred the bill (S. 2049) to equalize the grades of officers of the Marine Corps, reported it with amendments, and submitted a report thereon.

Mr. FAULKNER, from the Committee on Claims, to whom was referred the bill (H. R. 4908) for the relief of the heirs of A. Gates Lee and heirs of B. P. Lee, deceased, reported it without amendment, and submitted a report thereon.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (H. R. 518) for the relief of T. J. Edwards, administrator of David Edwards, deceased, reported it without amendment, and submitted a report thereon.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (S. 1368) for the relief of the widow of Lieut. John F. Stewart, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

He also, from the Committee on Claims, to whom was referred the bill (S. 497) for the relief of the legal representatives of Egbert Thompson, deceased, asked to be discharged from its further consideration, and that it be referred to the Committee on Naval Affairs; which was agreed to.

Mr. SPOONER. I am also instructed by the Committee on Claims, to whom was referred the bill (S. 917) for the relief of Enoch Jacobs, to ask to be discharged from its further consideration, and that it be referred to the Committee on Foreign Relations, that committee having reported upon the bill at the last session of Congress.

The report was agreed to.

Mr. SHERMAN, from the Committee on Foreign Relations, to whom was referred a message from the President of the United States, transmitting reports relative to the prevalence of disease among animals in Europe, asked to be discharged from its further consideration, and that it be referred to the Committee on Finance; which was agreed to.

Mr. BROWN. I am instructed by the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. 59) authorizing Brig. Gen. Absalom Baird, United States Army, to accept from the President of the French Republic a diploma conferring the decoration of Commander of the National Order of the Legion of Honor, to report it without recommendation, as there was a tie in the committee. I ask that the joint resolution be placed on the Calendar.

The PRESIDENT *pro tempore*. The joint resolution will be placed on the Calendar.

Mr. BROWN. I am also instructed by the Committee on Foreign Relations, to whom was referred the bill (H. R. 639) to authorize Commander John W. Philip, United States Navy, to accept a silver pitcher from the Government of the United States of Colombia, to report it favorably, with a request on the part of the Senator from Vermont [Mr. EDMUNDS] to have it noted that he is opposed to the passage of the bill.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. BLACKBURN. I ask the consent of the Senate to withdraw the written report that I filed from the Committee on Naval Affairs on the 4th instant in relation to the bill (S. 1914) for the relief of Mary E. Hopkins. I do not desire to withdraw the bill nor to disturb its position on the Calendar, but simply to withdraw for correction the written report that accompanied the bill with a view of resubmitting it.

The PRESIDENT *pro tempore*. That order will be made, if there be no objection.

BRITISH RIGHTS IN VENEZUELA.

Mr. SHERMAN. I am directed by the Committee on Foreign Relations to report back the resolution submitted by the Senator from Virginia [Mr. RIDDLEBERGER] calling for information from the President in regard to Venezuela, with an amendment. I ask to have the resolution as proposed to be amended adopted, if there be no objection.

The PRESIDENT *pro tempore*. The original resolution will first be read.

The Chief Clerk read the resolution submitted by Mr. RIDDLEBERGER April 6, 1888, as follows:

Whereas it is stated that the British Government has made claim to a large portion of the territory of the Republic of Venezuela and the control of the River Orinoco, proceeding without legal or equitable right and in defiance of the protests of the Republic of Venezuela, who exercise dominion over the same:

Be it resolved, That the President of the United States be, and he is hereby, requested to send to the Senate of the United States all letters, documents, etc., in any way appertaining, if any there be, between our Government and the Governments of Great Britain and Venezuela or either of them, relating to the question of newly-acquired territory in Venezuela by Great Britain, or take such other and further action as may be compatible with the public interests.

The Committee on Foreign Relations propose to amend the resolution so as to make it read:

Resolved, That the President be requested to communicate to the Senate, if in his opinion not incompatible with public interests, any information in his possession relating to a dispute understood to exist between the Government of Venezuela and the Government of Great Britain concerning the boundaries between British Guiana and Venezuela.

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS INTRODUCED.

Mr. SAWYER introduced a bill (S. 2663) granting an increase of pension to Mrs. Mary M. Ord; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 2664) granting pensions to Annie D. and Annie Howard Rundlett; which was read twice by its title, and, with the accompanying petition and papers, referred to the Committee on Pensions.

Mr. BLAIR introduced a bill (S. 2665) granting a pension to Charles J. Esty; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MANDERSON introduced a bill (S. 2666) granting a pension to L. B. Skinner; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2667) to protect purchasers of land withdrawn by the executive department as lying within the limits of land grants to aid in the construction of railroads or patented to such railroads as indemnity lands; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. WILSON, of Iowa, introduced a bill (S. 2668) granting arrears of pension to Charles Long; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. VEST (by request) introduced a bill (S. 2669) for the relief of Joseph E. Montgomery; which was read twice by its title, and referred to the Committee on Claims.

Mr. SHERMAN introduced a bill (S. 2670) granting a pension to Holly Skinner; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 2671) to create and organize the county of Latah; which was read twice by its title, and referred to the Committee on Territories.

RETIRED OFFICERS.

Mr. REAGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury, respectively, be directed to furnish the following information, namely:

That the Secretary of War be directed to transmit to the Senate a full and complete list of the officers of the Army who have been put on the retired-list, with the date of the retirement of each, and if any have died, the date of such deaths, the rank of each and the rank from which he was promoted on being retired, the amount of his annual pay and allowances, if allowances are made, and any increase of pay since his being retired by reason of his longevity, and the reasons and cause for the retirement of each, the aggregate of their annual pay, and the aggregate of all the money which has been so paid.

That the Secretary of the Navy be directed to transmit to the Senate a full and complete list of the officers of the Navy and of the marine service who have been put on the retired-list, with the date of the retirement of each, and if any have died, the date of such deaths, the rank of each and the rank from which he was promoted on being retired, the amount of his annual pay and allowances, if any allowances are made, and any increase of pay since being retired by reason of his longevity, and the reasons and cause for the retirement of each, the aggregate of their annual pay, and the aggregate of all money which has been so paid.

And that the Secretary of the Treasury be directed to transmit to the Senate a full and complete list of all judicial officers who have been retired on pay, with the date of retirement of each, and if any have died, the date of such deaths, the office held by each, the amount of his annual pay, the aggregate of the annual pay of those so retired, and the aggregate of all money which has been so paid.

INDIAN DEPREDATION CLAIMS.

Mr. MITCHELL. I submit a resolution and ask that it be read, ordered to be printed, and laid on the table for the present; and I give notice that I shall call it up at an early day for consideration.

The resolution was read and ordered to lie on the table, as follows:

Resolved, That a select committee of seven Senators be appointed, to be designated by the President *pro tempore* of the Senate, for the purpose of taking jurisdiction of and inquiring into and reporting upon claims of individuals presented to the Senate for compensation and damages sustained on account of Indian depredations.

EXECUTIVE SESSION.

Mr. FRYE. I move that the Senate proceed to the consideration of executive business.

Mr. CALL. I ask the Senator from Maine to withhold that motion so that I may call up——

The PRESIDENT *pro tempore*. The motion is not debatable. The Senator from Maine moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eleven minutes spent in executive session the doors were reopened.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 742) for the relief of John F. Cadwallader;

A bill (H. R. 7262) for the erection of a public building at Texarkana, situated on both sides of the line between the States of Arkansas and Texas;

A bill (H. R. 1262) granting the right of way to the Denver and Rio Grande Railroad through the Fort Crawford military reservation;

A bill (H. R. 97) granting a pension to Ida B. Linthicum;

A bill (H. R. 122) for the relief of Julia A. Darrell;

A bill (H. R. 150) granting an increase of pension to Henry B. Shaw;

A bill (H. R. 159) granting a pension to Jane Thomas;

A bill (H. R. 183) granting a pension to minor children of William Clark;

A bill (H. R. 407) granting a pension to G. W. Burkhart;

A bill (H. R. 416) granting a pension to Thomas H. Aulls;

A bill (H. R. 418) granting a pension to William H. Brokenshaw;

A bill (H. R. 441) granting a pension to Eliza J. Currier;

A bill (H. R. 442) granting a pension to Emily B. Newell;

A bill (H. R. 459) for the relief of Elvira Cooper;

A bill (H. R. 499) granting a pension to Catharine Maxwell;

A bill (H. R. 509) granting a pension to James A. Haley;

A bill (H. R. 754) to increase the pension of Mrs. Eliza B. Anderson;

A bill (H. R. 782) granting a pension to Marble H. Baird;

A bill (H. R. 816) granting a pension to Charlotte Broad;

A bill (H. R. 818) granting a pension to Sarah E. Pribble;

A bill (H. R. 822) granting a pension to Miles S. Scribner;

A bill (H. R. 823) granting a pension to Hannah C. De Witt;

A bill (H. R. 824) granting a pension to Isiaah G. Mayo;

A bill (H. R. 893) granting a pension to Julia Stokes;

A bill (H. R. 2078) granting a pension to Charlotte T. Clark;

A bill (H. R. 2177) granting a pension to Mahala Robbins;

A bill (H. R. 2259) to grant a pension to Joab M. Haley;

A bill (H. R. 2416) granting a pension to Mrs. Hannah F. Brock;

A bill (H. R. 2456) for the relief of Judith Plummer;

A bill (H. R. 2491) granting a pension to John Bisbey;

A bill (H. R. 2498) granting a pension to Alonzo Higley;

A bill (H. R. 2518) granting an increase of pension to John Rowe;

A bill (H. R. 2662) for the relief of Mary M. Strong;

A bill (H. R. 2663) for the relief of Alonzo Alden;

A bill (H. R. 2694) granting a pension to Julia A. Griffen;

A bill (H. R. 2806) to increase the pension to James Woody;

A bill (H. R. 3183) for the relief of Kelsey Curtis;

A bill (H. R. 3488) granting a pension to Mary Dull;

A bill (H. R. 3490) granting a pension to James M. Berry;

A bill (H. R. 3603) to increase the pension of Maxwell Carroll;

A bill (H. R. 3682) to pension Emily Goodall;

A bill (H. R. 3611) granting a pension to Harriet V. Stockton;

A bill (H. R. 3849) granting a pension to Mrs. Martha M. Bagley;

A bill (H. R. 3870) granting a pension to Albert Nevin;

A bill (H. R. 4107) granting a pension to Laura D. Pierce;

A bill (H. R. 4516) granting a pension to Mrs. Delilah Agard;

A bill (H. R. 4550) granting a pension to Chloe Quiggle, widow of Phillip Quiggle;

A bill (H. R. 4633) granting a pension to Morris T. Mantor;

A bill (H. R. 4655) granting a pension to Mary J. Francis;

A bill (H. R. 4685) granting a pension to Lizzie F. Reed;

A bill (H. R. 4812) to grant a pension to Squire Admire;

A bill (H. R. 5176) granting a pension to Thomas J. Parker;

A bill (H. R. 5228) granting a pension to Clara M. Flanders;

A bill (H. R. 5236) granting an increase of pension to Mary K. Taylor;

A bill (H. R. 5247) granting a pension to William M. Brimmer;

A bill (H. R. 5363) granting a pension to David Johnson;

A bill (H. R. 5388) granting a pension to Elizabeth Buffington;

A bill (H. R. 5829) for the relief of Joseph Driskill;

A bill (H. R. 5911) granting a pension to Elizabeth J. Hascall;

A bill (H. R. 6343) to increase the pension of Nancy Rains, the oldest Revolutionary pensioner on the rolls, she being nearly ninety-six years of age;

A bill (H. R. 6586) granting a pension to Nancy O. Gray;

A bill (H. R. 6908) granting a pension to William P. Witt;

A bill (H. R. 6974) for the relief of Mary E. Hawn, widow of Emanuel R. Hawn, late sergeant of the Forty-ninth Regiment Indiana Volunteers, deceased;

A bill (H. R. 6984) granting a pension to Margaret E. Graves;

A bill (H. R. 7171) to restore to the pension-roll the name of Isaac Dilley;

A bill (H. R. 7856) granting a pension to Emma R. Johnson; and

A bill (H. R. 7891) for the relief of Cynthia J. Leroy.

ORDER OF BUSINESS.

Mr. HARRIS. I move that the Senate proceed to the consideration of the bill (S. 1889) to authorize the Tennessee Midland Railway Company to construct a bridge across the Tennessee River.

The PRESIDENT *pro tempore*. The Chair suggests to the Senator from Tennessee that the Senator from Vermont [Mr. MORRILL] had given notice of his intention to address the Senate this morning.

Mr. HARRIS. I was not aware of that, and if it is not agreeable to the Senator from Vermont I will withdraw the motion.

Mr. MORRILL. I should like to go on now.

Mr. HARRIS. I withdraw the motion. I had forgotten the notice given by the Senator from Vermont.

Mr. PUGH. I ask the Senate to indulge me for a few minutes that I may call up the bill (H. R. 5062) for the erection of a public building at Birmingham, Ala.

The PRESIDENT *pro tempore*. The Chair has recognized the Senator from Vermont, who gave notice of his intention to make some observations upon the resolution to refer the President's message.

Mr. PUGH. I only want about five minutes for the purpose I have indicated. I do not desire to interfere with the Senator from Vermont if it is not agreeable to him.

Mr. MORRILL. I hope the Senator from Alabama will not ask me to yield, because other Senators have asked me and I have declined to do so.

Mr. PUGH. Very well; I do not wish to press the request.

PRESIDENT'S ANNUAL MESSAGE.

The PRESIDENT *pro tempore*. The resolution submitted by the Senator from Ohio [Mr. SHERMAN] will be read.

The Chief Clerk read the resolution submitted by Mr. SHERMAN December 19, 1887, as follows:

Resolved, That the President's annual message be referred to the Committee on Finance.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. MORRILL. Mr. President, seldom, if ever, until the example of our present Chief Magistrate, has the annual message of the President of the United States been exclusively laden and stiffened with recommendations as to details of tariff duties, and no previous message has indulged in elaborate official special pleadings to induce the adoption by Congress of any measure by which duties on a particular article should be imposed or released; but all former Chief Magistrates appear to have been content with giving information as to the adequacy or inadequacy of the public revenue, and with assurances that whatever measures should be devised by the wisdom of Congress would receive their hearty cooperation and executive enforcement.

In the last annual message of Washington he said that—

Congress has repeatedly, and not without success, directed attention to the encouragement of manufactures. The object is of too much consequence not to insure a continuance of their efforts in every way which shall appear eligible.

The contrast in the tone and temper of this message of Washington, as to the encouragement of manufactures, with that of the extraordinarily unfriendly and denunciatory message recently transmitted to Congress by President Cleveland, I regret to say, is painfully revealed. To avoid all injustice let me quote from the latter these words:

But our present tariff laws, the vicious, inequitable, and illogical source of unnecessary taxation, ought to be at once revised and amended.

Subsequently to these bitter epithets applied to laws, the main features of which have for many years secured both great revenue and great prosperity to our country, much argumentation, based apparently on novel or newly-invented statistics, is presented to show that the "present tariff on wool is illusory." The statistics and the conclusions thereon are, however, likely to be unanimously rejected even by the farmers with "small flocks numbering from twenty-five to fifty;" but passing the manifest lack of sympathy for farmers with "small flocks" for the present, let me bring to notice another paragraph of the recent message, as follows:

Our scheme of taxation, by means of which this needless surplus is taken from the people and put into the public Treasury, consists of a tariff or duty levied upon importations from abroad and internal-revenue taxes upon the consumption of tobacco and spirituous and malt liquors. It must be conceded that none of the things subjected to internal-revenue taxation are, strictly speaking, necessaries; there appears to be no just complaint of this taxation by the consumers

of these articles, and there appears to be nothing so well able to bear the burden without hardship to any portion of the people.

It is thus that the "emphasis" of the recent message points to the plan of reducing the revenue on the tariff only. Now let me refer to the significant contrast of the second inaugural address of President Jefferson, March 4, 1805—a Democratic authority which will hardly be held as inferior to that of any of his successors. Jefferson appears to have exulted in the abandonment of all internal-revenue taxes, as follows:

The remaining revenue on the consumption of foreign articles is paid cheerfully by those who can afford to add foreign luxuries to domestic comforts. Being collected on our seaboard and frontiers only, and incorporated with the transactions of our mercantile citizens, it may be the pleasure and the pride of an American to ask what farmer, what mechanic, what laborer ever sees a tax-gatherer in the United States.

In his last message, of December, 1808, referring to manufactures, he said:

Little doubt remains that the establishments formed and forming will—under the auspices of cheaper materials and subsistence, the freedom of labor from taxation with us, and of protecting duties and prohibitions—become permanent.

In a letter to his friend, Colonel Humphreys, dated January 20, 1809, he says:

My idea is that we should encourage home manufactures to the extent of our own consumption of everything of which we raise the raw material.

Most certainly the statesmanship of Jefferson was pitched on a different key from that now current in some quarters; but do I hear any Democratic Senator say:

Rome, thou hast lost the breed of noble bloods.

Evidently the President, in his late message, would have preferred to make free trade smell sweeter by some other name, but his words and his arguments carry no other odor to the keen olfactories of the London Times or the London Punch. "The little dogs and all" of the British press, "Tray, Blanch, and Sweetheart," find the free-trade footsteps and trail of Adam Smith, Richard Cobden, and Robert Peel have been followed with signal fidelity.

It is calculated—

The Times says—

that, to give effect to Mr. Cleveland's policy, duties to the amount of some £16,000,000 a year, about two-fifths of the entire customs revenue, must be surrendered. This operation may not establish free trade in the strict sense of the term, but it will to a great extent make trade free.

It is noticeable that the expectancy of a much larger trade in British exports to the United States is universally founded on the message of the President.

But let us inquire whether or not there is an ultra free-trader in the United States who has not full confidence in the free-trade principles of the present Administration.

The Reverend Professor Perry, of Williams College, more anxious, perhaps, to be known as the free-trade leader of the Democratic party than for his college connection with the "dismal science of political economy," says:

Secretary Manning has done for free trade in the United States the past year more effective work than any other man in the country. Postmaster-General Vilas is an outspoken and an undoubted friend of a free commerce. President Cleveland will go as fast and far towards that goal as the people and Congress will permit him.

Henry George, just now conspicuous as a free-trade propagandist, is reported to have made this kind of comment on the new Democratic tariff bill, that it possesses, in common with Mr. Cleveland's message, this all-compensating virtue that, "while professing veneration for protection," it really aims a deadly blow "at the ugly fetich."

Mr. George is a supporter of the President only on the ground that he is striking a deadly blow at "protection," while "professing veneration" for it. A tariff for revenue only, the banner imposed by Kentucky upon the Democratic party, is a synonym for free trade, and when practically enforced produces like negative results by withdrawing all protection or encouragement for the creation or maintenance of any industry whatsoever.

In the face of the doctrines promulgated in the message of the President, what encouragement for the future have those farmers guilty of having made investments in sheep-husbandry and of having labored for years to acquire the knowledge and skill of good shepherds in the management of their flocks?

What encouragement does the message offer to any new or even old enterprises? Is there any growing city or town, any nook or corner in all of our broad country, which can have any hope of advancing prosperity upon the radical changes of the tariff as urged by the message of the President? What new fields of labor will be opened, or what old ones will show increased activity? Rather, which one among them all will not be slaughtered? With their occupations gone, where are the many thousands of discharged laborers to go?

The President appears to deprecate the discussion of protection and free trade, and with wonderful simplicity forthwith proposes to recommend absolute free trade in wool. He would by his measure cut the jugular of every sheep in the country, and proceeds to argue with the owners that they would be better off without them, or that they lose more than they gain by protection. He would have them to believe the dose he offers is nothing more than a bread pill that will not operate. But let me push the question as to how the admission of all classes of wool, including also, as the administration bill proposes, shoddy, woolen rags, and mungo, free of duty, would operate even in States where the cost of production is the lowest. Texas, from its rich soil and nearly winterless climate, is not limited to "small flocks of from twenty-five to fifty," and by the enterprise of its ambitious people has become the second wool-growing State of the Union, and has found it advantageous, with the duty of 10 cents per pound on unwashed clothing-wool, to dispose of the same, after transporting it to New York or Boston, for 14 to 16 cents per pound. No State can raise wool more cheaply. The President says the tariff laws "raise the price to consumers of all articles imported and subject to duty by precisely the sum paid for such duties." Now, deduct the protective duty imposed for the benefit of American wool of 10 cents per pound and the value of Texas wool in New York and Boston markets, even the President must admit, would suddenly drop to 4 or 6 cents per pound. Neither Texas nor any other State would continue to raise wool at that price, and wool-growing even in the Lone Star State, with an area greater than that of Germany, France, Spain, or Italy, would only be known as one of the lost arts. The prodigious loss to landed estates from an abandonment of sheep husbandry is a problem of difficult solution.

In our country the merchant who obtains credit by false pretenses becomes liable to criminal prosecution. The Democratic party sought public credit by fair promises, and included in its National Convention platform of 1884 the following declaration, that—

The system of direct taxation, known as the "internal revenue," is a war tax.

And that—

Sufficient revenue to pay all the expenses of the Federal Government economically administered, including pensions, interest, and principal of the public debt, can be got under our present system of taxation from custom-house taxes on fewer imported articles, heaviest on articles of luxury, and bearing lightest on articles of necessity.

Was this not an attempt to win popular support by declaring that the system of direct taxation was a war tax, and consequently to be abandoned in time of peace, and that custom-house taxes were sufficient for all Government expenses?

The Democratic party out of power solidly proclaims its policy; but having thereby got into power it prevaricates, and unblushingly and practically reverses its platform from end to end. It would now perpetuate war taxes and make custom-house revenues insufficient. Have not Virginia, North Carolina, Georgia, Tennessee, as well as New York, New Jersey, Connecticut, and many other States, a valid cause of complaint against the Democratic party for false pretenses? We shall see. The day-star of hope appears to have been rising in the "New South," lighting all her borders with flaming furnaces and decorating her war-wasted places with manufacturing towns and cities; but these bright evidences of better days, if the anti-tariff raid should be successful, would immediately sink out of sight and the fondest hopes of the "New South" would disappear forever.

That a Republican rather than a Democratic administration would be more likely to revise the revenue laws and reduce revenues to the requirements necessary for the support of the Government is demonstrated by the chronic failure of the House of Representatives, during the control of a Democratic majority of ten long years, to pass any bill reducing revenue. Judging by the past also, a Republican administration could be more surely trusted to practice greater economy in expenditures for the support of the Government than the party now in power. The net ordinary Republican expenditures for the four years ending in 1885 were $791,540,783, which contrasted with the Democratic net ordinary expenditures of $873,730,229 for the years 1886 and 1887, including their own estimate of their requirements for what remains of 1888 and for the year 1889, show an excess of $82,189,546 against a Democratic reform administration. I will not borrow the language of the President even to inquire whether or not this is "a culpable betrayal of American fairness," but surely it appears to be a betrayal of Democratic promises of reform.

Any change of our revenue laws will not relieve us of the burden of supporting the Government, and the ordinary expenditures for the year ending June 30, 1889, are estimated at $326,530,793.26. During the war of the rebellion extraordinary internal-revenue taxes were imposed to meet its extraordinary cost. The war is over, and now no more of these taxes should be perpetuated than are absolutely required to meet the increased burden imposed upon the country by the rebellion. It would seem, therefore, sound policy and in accordance with the past traditions of our people that Congress should first inquire what part and how much of this unusual war revenue can be properly relinquished.

I am earnestly in favor of any reasonable reduction of the public revenues and of retaining only such an amount that we may not be compelled to abandon all expenditures for the general welfare, nor be restricted wholly to the payment of salaries. The attempt to excite a panic in our financial affairs because of an expected annual surplus of $55,000,000, even if some natural distrust of the present custodians were to be admitted, is by no means so serious as would be an expected deficiency of a similar amount. If it be a calamity, there is no other nation that would not gladly accept of the infliction, and, like poor Oliver Twist, cry for "some more."

When, however, we remember that the nation still owes a public debt of $1,200,000,000, any part of which the Secretary of the Treasury is authorized by law to purchase and pay at any time, the artificial alarm about idly holding money from the channels of trade, or about financial convulsions, is a parade of the drapery of mourning where there are no tears visible. No overstrained or congested condition of the Treasury can occur, unless brought about by the willful refusal to diminish the public debt by the disbursement of the surplus, in payment of the public debt as now provided for by law. If, however, the opportunity of reduction comes to us, it will be gladly hailed, and there will be no opposition on this side of the Senate to any reduction of revenue that will not prostrate or ruin great industrial interests, and will not compel laboring men to submit to a curtailment of wages.

A diminution of our surplus revenue is the professed object sought by all parties. But that a simple reduction of the duties along the whole or any line of imported merchandise, closely competing with American products, would reduce the revenue is preposterous, as all must know that when millions of the same foreign merchandise have been imported under a higher rate of duties, many more millions will be sure to come in under a new and lower rate of duties. Innumerable examples may be cited to show that this has been our invariable experience. Take for instance the tariff reductions made in 1883, which were estimated at $45,000,000, but the reduction brought in such an excess of foreign importations that the revenue from customs in 1885 was only less by $33,000,000. To show that the estimate was based upon actual reductions let me give some examples.

The duty on copper ores was reduced one-half of 1 cent per pound in 1883, and the imports increased from 1,473,109 pounds in 1882, to 4,473,412 pounds in 1887, and the revenue was more than doubled, or increased from $44,193.27 to $103,735.32. The effect was similar upon coffee substitutes, where the duty was reduced 1 cent per pound, and the imports rose from 3,741 pounds to 110,746 pounds, increasing the revenue to ten times as much as it was prior to the tariff of 1883. Rice was very slightly reduced, ¼ cent per pound, or from 2½ cents to 2¼ cents per pound, and yet the importations were enlarged by over 22,000,000 pounds. Hemp-seed and rape-seed oil was reduced from 23 cents to 10 cents per gallon, and the imports increased from 25,692 gallons in 1882 to 141,762 gallons in 1887. The duty on spun silk was only changed 5 per cent., and the imports and revenue have risen to eight times the previous amounts. Ten per cent. was removed from the duty on silk handkerchiefs, and the imports increased from $70,777 in 1882 to $615,877, and the revenue from $42,466 to $307,938 in 1887. The reduction upon silk velvets of 10 per cent. was followed by an increased revenue of over $2,000,000. There was supposed to have been not less than 30 per cent. reduction of the duties on sugar, but the increased importations in 1887 yielded nearly ten millions of additional revenue. Clothing-wool and combing-wool were reduced from 10 cents per pound and 11 per cent. ad valorem to 10 cents per pound, and the result was a considerable increase of both importations and duties, although the actual tariff reduction amounted to no more than 1 cent and 9 mills per pound. On all carpets the duties were heavily reduced and the result has been an increase of all the importations, and has doubled those of Saxony, Wilton, and Tournay carpets. There was a reduction on woolens of every description, and yet there was an increase both of importations and of revenue amounting in 1887 to over $4,000,000.

These are stubborn facts, standing out in our latest revision of the tariff, which received the unmeasured criticism of those now demanding further tariff reduction, for not going far enough, for not cutting deep enough, and they conclusively refute the theory that indiscriminate reductions of duty will necessarily be followed by a reduction of revenue. It is evident such reductions must often transfer the employment of some considerable share of labor from America to foreign countries. Whereas an increase in 1883, by 5 per cent. only, of the duty on cotton laces, insertings, and lace window curtains, decreased the importations, and gave a better opportunity for additional work to Americans. It would seem, therefore, that earnest seekers after a diminution of government revenues should not confine their attention exclusively to the tariff.

There is another interest liable to be affected, of vital importance to us as a great commercial nation, and that is the maintenance of our bimetallic system of coinage and the preservation of a currency of both gold and silver. Were the rates of duties to be placed by any mistake merely a trifle in favor of foreign importations, an excess of imports over exports would soon appear, and turn the balance of trade against us. This could not continue long before gold would command a premium, and find its best market as a commodity to be shipped abroad. Our standard dollar, then unsupported by gold, would be practically based on silver alone, and represent only the commercial value of the metal. Obviously the derangement of business transactions would be serious. Our customs revenue would all be received in silver or silver certificates, and a practical reduction of tariff duties and of the wages of laboring men would instantly follow to the extent of the difference between the nominal and the intrinsic value of our silver coinage. Anything tending, therefore, in any way to depreciate the value of silver or the medium received for tariff duties, or for wages, should be earnestly avoided.

It is very remarkable that general disaster to all the business interests of the country has so inflexibly followed any sharp or excessive reduction of the duties upon imported foreign merchandise, and not less remarkable how notable seasons of industrial and commercial prosperity have responded to even moderate protective advancement of such duties. The changed conditions have been too swift and too frequent to deny the potential causes of the effects.

The Calhoun and Clay tariff of 1816 was intended to be protective, but, after the peace of Europe, it was soon found insufficient to resist the flood of foreign importations, which were ninefold greater in 1816 than in 1814–'15, and our infant manufactures, largely started during the war, were almost annihilated by British manufacturers enjoying the highest grade of British protective tariff and determined to crush American manufactures at whatever cost. But the increased tariff of 1824 and that of 1828 were more pronounced, and greatly stimulated the courage and enterprise of the American people. The epoch of nullification, however, was approaching, and yet the message of President Jackson of December 4, 1832, contained this remarkable admission:

> Our country presents on every side marks of prosperity and happiness, unequaled perhaps in any other portion of the world.

Notwithstanding this testimony, so creditable to the practical merits of protection, a year later, while General Jackson wanted to hang some of the nullifiers, being himself conspicuously on record in favor of protective tariffs, he yet wanted a "judicious" olive-branch of some concession to South Carolina, then in the throes of incipient hostility to the Union, and whose nullifying State ordinance, though passed, was suspended for a brief time at the solicitation of the State of Virginia. The tariff in some latitudes was denounced by epithets and with as many unfriendly adjectives as those now scattered broadcast by the present Administration, and the majority of the House of Representatives in 1833 were supporters of General Jackson, and eager to pass the force bill asked for. The position of his partisans was at that time poetically described as follows:

> I hate the tariff with all my heart,
> And in its support will take no part;
> But when Old Hickory calls for the Army and Navy,
> He shall have what he wants, or I'll go to Old Davy.

Under these circumstances the compromise tariff of 1833 was enacted, to which Henry Clay gave the sanction of his great name, with the distinct announcement that if the law proved insufficient Congress could at any time amend it. This compromise, for the moment, preserved existing protection, but retreated on an annual reduction of 10 per cent. of any excess of duties above the rate of 20 per cent. until 1842. The reductions proved calamitous; and seldom has the whole country suffered more severely than from 1837 until it righted itself by the political revolution of 1840.

Both the Senate and the House of Representatives in 1842 were ready to amend the compromise act and to return to a distinctively protective policy. The tariff of 1842, introduced in the House of Representatives by Millard Fillmore and supported in the Senate by Silas Wright, at once started an era of prosperity and new enterprises were almost numberless, but Silas Wright remained through life the foremost Democrat of New York, and no attempt was ever made to excommunicate the Senator from the Democratic party because he voted for a highly protective tariff.

The practical and prosperous results of the tariff of 1842 appear to have been unconsciously but truthfully acknowledged even by President Polk in his message of December 8, 1846, when he said:

> Labor in all its branches is receiving an ample reward, while education, science, and the arts are rapidly enlarging the means of social happiness.

The election of 1844 was notoriously carried under the banner of "Polk and Dallas and the tariff of 1842," and by the national greed for an extension of our boundary to the Rio Grande; but it was fatal to the tariff of 1842, and a Democratic tariff, supposed to have been wonderfully made by the help of a clerk of the New York customhouse (and history has lately been struggling to repeat itself), was enacted June 30, 1846. As an example of the work to be expected from the journeymen who claim to be the lineal descendants of the artificers of the tariff of 1846, it may be interesting to examine a few of the chief features of the so-called Walker tariff.

This was a scheme of ad valorem rates of duties in classes, running from 5 to 10, 15, 20, 25, 30, 40, 50, and 100 per cent. Raisins, figs, and currants were held worthy to be rated as luxuries at 40 per cent., while gold and silver watches, as necessaries of life, were subject only to 10 per cent. The duty on hemp was fixed at 30 per cent., and on cordage at only 25 per cent. On wool of all kinds the duty was placed at 30 per cent., with a duty on wool hats and blankets of 20 per cent., on flannels and on wool and worsted yarns of 25 per cent., and on velvet and Wilton carpets and all other woolen manufactures 30 per cent. On flax the duty was 15 per cent., and on linens, no matter how fine, only 20 per cent.

Plain cotton cloth was subjected to a duty of 25 per cent.; but on finer goods, like hosiery, shirts, drawers, mits, caps, and gloves, only 20 per cent. was levied. On common plain stoneware the rate was 30 per cent., and on decorated porcelain and chinaware the rate was no higher.

The rate on jute, unmanufactured, was 25 per cent., and on manufactures of jute 25 per cent. The duty on raw silk was 15 per cent., and on silk manufactures 25 per cent. The duty on pig and scrap iron was placed at 30 per cent., and no more on the most advanced shape of all manufactures of iron. Wood, unmanufactured, was rated at 30 per cent., timber at 20 per cent., and boards and plank also at 20 per cent. Coal was subject to a duty of 30 per cent. and copper to 5 per cent.

It is very apparent that free raw materials in 1846 were not so much in front with Democratic statesmen as in 1888. There is no one now who rises to do reverence to the tariff of 1846. The progress of our industries has consigned it to an unhonored oblivion. It left manufactures without encouragement or hope. The wages of labor were reduced and much capital was suddenly destroyed. The revenue was at first diminished, but as soon as foreigners became familiar with the elasticity of ad valorem duties large importations followed, and at length a small surplus was the result. The tariff was immensely unsatisfactory and arrayed the business men of the country stoutly against the administration, as was demonstrated by the popular victory in the election of General Taylor in 1848.

The war "by the act of Mexico" had then terminated, Texas had been "reannexed," and "the country, however bounded," was apparently contented. But the fugitive-slave law, the repeal of the Missouri compromise, the Dred Scott decision, and the Kansas and Nebraska bill submerged all other questions, and the tariff of 1846 was left untouched until 1857, when, in consequence of a temporary surplus of revenue, it underwent some further reductions, resulting in an insufficiency for the annual support of the Government. The condition of the country was graphically described by President Buchanan in his message of December 8, 1857, as follows:

> In the midst of unsurpassed plenty in all the productions and in all the elements of national wealth we find our manufactures suspended, our public works retarded, our private enterprises of different kinds abandoned, and thousands of useful laborers thrown out of employment and reduced to want.

It will also be remembered that, for the lack of a protective tariff, nearly the whole of the six hundred and forty millions of gold produced in California from 1849 to 1860 had to be at once exported to foreign lands, where it wonderfully developed and fertilized foreign industries instead of our own.

The financial revulsions of 1837, 1847, and 1857, and the general wreck of business affairs, fairly attributable to unwise reductions and botchery of the tariff by the party at the time in power, are as ineffaceably recorded in history as the political revolutions which followed in the overthrow and rout of the Democratic party; but their leaders seem never to heed the scriptural admonition that—

> He, that being often reproved hardeneth his neck, shall suddenly be destroyed, and that without remedy.

The tariff of 1861, largely specific in its methods, and approved by a Democratic President—unless it is assumed that the prosperity of the country, contrary to all human experience, was chiefly maintained and promoted by the havoc of a great internecine war—will vindicate the principles of tariff protection. That even those who were vanquished by superior force of arms are to-day in better condition, more remuneratively employed than ever before, illustrates the expediency of the national application and the wisdom of the protective legislation of 1861, a measure which then left, of all those willing to work for an adequate reward, the smallest number of the American people idle.

Prior to the adoption of our present Constitution the industries of the country had only the feeble protection of State laws, which were limited, often undefined, to State boundaries; but after its adoption, tariff protection was surrendered by the States, to be maintained by the General Government, and no United States Constitution could have found any favor if the power of protection or its exercise had been denied. Madison was the master-spirit and one of the leading champions of the Constitution, and to the last period of his illustrious life he was the defender of protective tariffs, even against the assaults upon that of 1828. The very first work of the First Congress appears to have been to establish by law, approved by Washington, "the protection and encouragement of manufactures," to which there was no opposition; and therefore we find the doctrine of protection was coeval with the Constitution. The mother country then had no other doctrine, and vigorously protected herself by prohibitory duties against all foreign importations, even against those of her own colonies, except such as she found indispensable to her own prosperity, as was the case when she extended a bounty of 6 pence per pound to indigo produced here by her American colonies.

But our protective tariff was originated, as it should now be maintained, by the far-sighted farmers and planters for their own special benefit, to create a constant and sure home market of consumers, to bring the manufacturer and the agriculturist together, and to enable the country to maintain two citizens where only one could otherwise find support.

It is sometimes said that Henry Clay only sought protection for "infant industries." At that time 15 per cent. would have been, perhaps, sufficient protection against the difference between wages here and wages abroad—we had not wholly escaped from the conditions engendered by colonial bondage—but wages here are to-day more than 100 per cent. higher than when the Kentucky statesman was the great leader of the tariff question, and the cost of transportation has been not only reduced to a mere fraction of former rates, but the time for ordering and receiving foreign merchandise has been so epitomized as to bring our country into direct rivalry with the markets and lowest scale of wages of the remotest parts of the world.

In the earlier days our manufacturing industries were limited to a very small number of staple products, and they were then all infant industries. In the aggregate they are now multitudinous, but many are of recent birth; some in the "New South" have not yet reached their "teens," or have by no means reached robust maturity nor passed beyond the time of solicitude and protection. New enterprises to give employment to larger numbers of increasing population, though subject to frequent martyrdom of capital, are being daily started. New inventions and important improvements, with changes of fashion, come forth abroad as well as here, rendering old methods and old machinery obsolete, and to keep in line with the best work of the age, Americans are forced to be alert with fresh capital and fresh skill. All manufactures must revolve in this repeated and never-ending face-to-face rivalry of human genius. It is the law of good work, and the law of good work at the lowest cost.

The marvelous increase of the wealth of our country within a score of years is an unfailing source of public felicitation, but I refer to it merely to say that even free-trade authorities concede that—

> In proportion to the increase of capital the relative share of the total product falling to the capitalist is diminished, while, on the contrary, the laborer's share is relatively increased.—*Bastiat.*

An additional fact may be stated that the deposits in savings-banks of no other country approach the aggregate deposits of the savings-banks of the United States, where they are chiefly made in monthly driblets by laboring men and women, and here, under a protective tariff, the amount in 1872, $669,329,917, had in 1886 increased to $1,235,736,069. While this was being accumulated $947,325,816 of the principal of the public debt was paid by our country up to March 1, 1888, besides a large sum of interest. Thus it appears that these laboring men and women have on deposit in these savings banks a sufficient amount to have paid on March 1, 1888, the whole of our national debt of $1,202,454,714 and still have thirty-three millions surplus.

This illustrates the great fact that while, under the operations of a protective tariff, domestic productions are largely increased, yet in the distribution the laborer's share, compared with that of the capitalist, is always relatively most increased.

The reckless assertion has sometimes been made that the cheaper cost of living in Great Britain fully compensates for the lower rate of free-trade wages. In the thirty-five years ending in 1887, 4,222,000 immigrants from the British Kingdom came into the United States, and their action brands the assertion as a colossal inveracity. The meaning of this is further accentuated by the fact that the total number of foreign-born residents in the United Kingdom at the last census was less than the half of 1 per cent. of the population. The British low-grade wages and living breed discontent at home, and attract no Americans, but expelled last year 281,487 of their own subjects, of whom 72 per cent. came to the United States, and all are swift witnesses against free-trade fabrications.

The wages of laboring men, beyond all dispute, are far greater in the United States than in any other country in the world, and the cost of subsistence here is only increased by its higher grade and more generous amount. Undoubtedly it is more difficult for our sixty-two million of people to find profitable employment in 1888 than it was for thirty-five or thirty-six million in 1861, and the difficulty would be greatly augmented should free trade or the policy of non-protection ever become dominant in tariff legislation.

The attacks on a protective tariff, however masked or disguised, are aimed at the wages of laboring men, and are not removed by the vain-glorious assumption of free-trade orators, destitute of all sympathy for manual labor, that Americans can do more work per day than the people of any other country. If it were true, then this extra wear and tear of human life should not go unrewarded; but it is not wholly true. Foreign workingmen not only work for less pay but more hours for a day's work than are required here. The output of a great part of manufactures is, moreover, inexorably regulated by machinery with fixed speed or revolutions for perfect work. The best machinery is eagerly sought after and quickly distributed throughout the world. It is the lower and unequal wages of foreign workmen alone with which Americans have to contend. We should not, however, for any consideration impair the superior physique of American workmen by compelling them to perform greater tasks than are allotted to any other people.

It can not be doubted that a protective tariff has vastly increased and diversified American manufactures and made their economical and multiform production a wide and profound study among the people of every State in the Union. It has excited the brain power of not merely the men of science, but the inborn inventive faculties of a great multitude of practical workingmen, and has promoted their happiness and

thrift. There is hardly a State now without the name of some prominent inventor deserving public gratitude and honorable remembrance.

The new inventions relating to manufactures and to agricultural machinery, in all their major and minor aspects, are identified with our industrial life; they are discoveries of genius not only for the benefit of the present, but also of future ages, and destined to give perennial fame to America as the most prolific land of their birth. They have diminished the hours of labor of workingmen and increased their wages. They have been and deserve to be encouraged by a proper protective tariff, as their encouragement is impossible where such protection finds no favor. The busy race of American inventors should not perish for lack of friendly care or by contemptuous neglect. To deduct the intellectual force of the authors of these many useful and wonderful labor-saving inventions from our history would leave the position and civilization of our people on the poor level of many inferior nations. They are not the least of the great levers of our prosperity, necessary in time of peace, but indispensable to our dignity and defense in time of war.

Saxton's metallic cartridge, Ericsson's Monitor, Colt's revolver, and Dr. Gatling's gun, or machine, rank high as American contributions to the destructive enginery of war; but there is no catalogue of the many examples in the arts of peace. These might fill an encyclopedia. They are, however, widely known, and we are all proud of them. Many American industries trace their origin to American inventors.

Nickel-plating is only a recent invention, but its great advantages having been at once comprehended by the manufacturers of stoves, it has grown so rapidly in favor, according to Carroll D. Wright, that 30,000 additional workers have found employment in the business without disturbing any others.

Files, prior to the tariff of 1861, were nearly all imported, and those of the ordinary size were sold at from six to seven dollars per dozen. Mr. Nicholson, of Rhode Island, invented a machine for their manufacture which proved a success, and to-day we have one hundred and fifty file-works established entirely due to a protective tariff, and find that files of equal merit are now sold at from $2 to $2.30 per dozen. Of files only to the amount of $40 were imported in 1887, but some thousands of American workmen now find employment in their manufacture.

The Simonds rolling machine, said to be "the grandest mechanical invention of the age," by Mr. Simonds, of Fitchburg, is described as a machine in which two flat surfaces, acting vertically or horizontally, and moving in opposite directions, with adjustable dies fixed upon them, roll in one motion a piece of metal of regular or irregular shape, and in almost any pattern desired. The work is quick and accurate, and by one movement a conical shot, or chair-screw, bolt, axle, or spindle is produced, and the machine is likely to supersede the lathe, the trip-hammer, and other methods of forging as to an immense number of useful articles.

The history of the Waltham Watch Company is typical of many American manufacturing enterprises. It started in 1857, when the duty on foreign watches was 8 per cent. only, and failed. The imports of watches from 1825 to 1858 amounted to $45,800,000. The duty was raised in 1861 to 15 per cent., soon afterwards to 25 per cent., and the company started again in 1862, with machinery of their own invention and construction, and now turn out daily 1,300 watch movements, 300 gold cases, and 600 silver cases, and employ 3,100 hands, with at least half as many more who furnish supplies. Including families and dependents, from ten to twelve thousand persons derive their support from the work of the company. The average daily wages paid to women is $1.40, and to men $2.60 to $2.90. In the United States there are now eighteen companies making watch movements and forty making watch-cases, one of which is in Covington, Ky. The estimated annual value of the product is $16,000,000, and the number of hands many thousands. In 1860 a good English silver lever-watch cost from $40 to $60. An equally good running watch can now be had at from $11 to $15, and excellent watches may be had at from $8 to $10 each. Many curious and expensive watches are still imported, but last year the watches exported to England alone amounted to $181,015. The Elgin (Ill.) Watch Company paid no dividends for many years, but is now prosperous. I have risked wearying the Senate with these details because many other manufactures have a similar history, by which the American people have been largely benefited.

These are representative specimens of a few of the minor enterprises which are rapidly decorating all parts of our country, and do not embrace the larger branches of manufactures to which so many cities and towns owe their prosperity and the bulk of their population.

In this diversity of employments, resulting from tariff protection, American women have been elevated and made much more independent. Largely participating in the world's useful work, they were never more charming than to-day. There is much fine and light work, often that connected with the manipulation of machinery, where their tact and aptitude has been found superior to that of men, and the wages of women for a week now often exceeds what was formerly paid for a month. Far more than men would the fortunes of women be adversely affected by any steps toward the British goal of free trade.

It appears that what really constitutes the tariff doctrine of the present Democratic Administration radically changes from year to year. The latest bill, which is said to have the approval of those in authority, not only reduces the nominal rate of duties but proposes to change the method of ascertaining the amount by an abandonment of the system of specific duties now so largely in force, and substituting therefor the old system of ad valorems, rejected everywhere, as far as practicable, by all enlightened nations. Obviously specific duties are uniform at all ports, require less numerous custom-house forces, and they are the only complete remedy against undervaluation. This was the opinion of Mr. Manning, the late Secretary of the Treasury, whose ability, once everywhere recognized, Democratic officials appear no longer to reverence. In his report on the revision of the tariff, February 16, 1886, he suggested and urged—

> A plan for the prudent enlargement of specific rates which will greatly promote the welfare of the Government and of the country, and as a matter of administration not work injustice to any class in the community.

The advantage is, he said, that under it—

> duties are levied by a positive test—

And—

> and according to a standard which is altogether national and domestic.

How could the Secretary have denounced the ad valorem system with more vigor than is shown in the following paragraph?

> Whatever successful contrivances are in operation to-day to evade the revenue by false invoices or by undervaluations, or by any other means, under an ad valorem system, will not cease even if the ad valorem rates shall have been largely reduced. They are incontestably, they are even notoriously inherent in that system.

It is evident that the authors of the administration tariff bill either were not profoundly read in the literature of the Treasury Department, or felt that the perpetrators of fraud, false invoices, and undervaluations, when mainly limited to the specific system, were too circumscribed, and that they should have the wide field of the ad valorem system, where false invoices and undervaluations, according to Mr. Manning, "are notoriously inherent." As a lesson in political economy, the change to ad valorems proposed is much more than an age too late, and by no means creditable to the intelligence of American statesmanship.

An examination of the new tariff bill—which is supposed to have been prepared by a Democratic syndicate in secret, all solemnly saying to one another

> Let not thy left hand know what thy right hand doeth—

will show that, were it to become a law, there is hardly any American manufacture named in it that would not be more or less crippled, and many that would be cut up, root and branch, or would force the wages of employés to be cut down much nearer to foreign standards. The rates of reductions proposed on manufactures of iron, wool, silk, and cotton would, by largely increasing importations of foreign merchandise, be likely to produce an increase of revenue rather than a reduction, as the authors of the bill must know, and the real purpose of the bill is, therefore, indicated to be hostility to the protection of manufactures and not hostility to surplus revenue.

While any free-trade blow at manufactures, in its rebound will prove not less detrimental to agriculture, as both never fail to flourish or languish together, yet this Democratic tariff bill directly, as well as indirectly, makes loud and radical demands upon farmers and calls upon them to place more numerous and costly sacrifices on the altar of free trade than any tariff reformer has ever before ventured to suggest. From the long list of articles upon which it is proposed by the administration now in power that all tariff duties shall be surrendered, I will select and call attention to some portion of the compulsory contribution to be made by American farmers; and the list will be found perhaps sufficiently extensive to console and reconcile our neighbors of the Canadian Dominion for their recent loss of a reciprocity treaty.

EXTRACTS FROM THE FREE-LIST OF THE DEMOCRATIC TARIFF BILL.

> Wool of all kinds; wool on the skin; woolen rags, shoddy, mungo, and waste; flax; flax-straw; flax hackled or dress-line; jute, jute-butts, sunn, sisal-grass, and other vegetable fibers; hemp; linseed or flaxseed; broom-corn; tallow; bristles; beans; pease; split pease; vegetables in their natural state or in salt or brine; grease; garden seeds; milk; beeswax; fruits; meats, game, and poultry; seeds; hemp and rape seed, and other oil seeds of like character.

Here is profuse magnanimity—the free surrender of all our border markets to those who will not permit our people to fish or cut bait within 3 miles of their shores.

In addition to the free-list the cultivators of the soil will also find the tariff is to be reduced on many other articles which seriously touch their interests. For instance, the rates on leaf-tobacco for wrappers, on rice and paddy, on sugar, and on corn, rice, and potato starch are all to be reduced. If farmers, however, should feel despondent in looking over this bill, the only relief offered appears to be, "Opium, crude, containing 9 per cent. and over of morphia," which, as well as wool, is to be free of duty.

The leading industrial interests of many States, South as well as North, on the Pacific coast as well as on the Atlantic, are threatened with ruin under pretense of reform, and a reform that is to confer benefits only upon the homes of foreigners and not our own.

If this so-called reform tariff bill shall ever reach the Senate, as it is very desirable that some revenue bill should reach us, I trust we may be able to amend and make it so much better that even its own god-fathers will be glad that it fell into our hands, and glad, also, that

after our revision, though it may take all summer, the tariff will be likely to be American and not British.

Very few of our people comprehend the large area of cultivated land which has been brought into recent competition with that of farmers throughout the world. Even in our own country the prodigious crops of the broad prairies of new States and Territories, grazed by immense herds or flocks, or cultivated upon a grand scale, with modern reapers, mowers, and steam-plows, have severely affected the balance-sheets of farmers in the older States, and the fruitful surplus of the great West, which ought to be, and soon will be, more largely consumed nearer at home, has too often been forced to seek and accept the terms of distant and foreign markets. Nearly all of our Western States, with their abundant coal-fields and with continued proper tariff protection, ought soon to have a more ample and satisfactory home demand for their beef, pork, wool, and agricultural products, and thus perpetuate their early triumphant progress. There is certainly little vantage ground elsewhere visible.

Australasia and the Argentine Republic, each almost as large as the United States, indicate a vast future by their present immense crops of wheat or corn, and especially by their sheep husbandry. Australia exported 455,470,000 pounds of wool in 1885–1886, and the number of sheep in the Argentine Republic was stated by a traveler in 1885 at 100,000,000 (see Harper's Magazine of November, 1886), producing nearly an equal quantity of wool, and both together perhaps as much as was produced in the whole world twenty-five years ago. In Buenos Ayres, one firm, in 1886, sold twelve hundred American reapers. The wheat-fields of India are expanding with great rapidity, and through the Suez Canal their wheat successfully competes in the markets of Great Britain. In Mexico, under the rule of a more stable government, large tracts of land are being sold to capitalists to be devoted, under the broadest systems of culture, to agricultural products and stock-raising. The Canadian Dominions, on our northern frontier, are also disposing of unlimited acres to bounty-paid immigrants, which are annually increasing such stock and farm products as they are striving to find a better market for in the United States. Even foreign-grown imported potatoes have been conspicuous during the past season in American markets. Already we appear to offer a steady market to the British Provinces for many farm products. For seven months, ending January 31, 1888, our total imports of potatoes were 2,922,677 bushels, part of which came from Scotland. Last year wheat from India, with the duty added, could have been delivered at New York for 95 cents per bushel. With improved transportation and increasing crops it is likely to become a formidable competitor, even in our home markets.

No industry has recently had to sustain, or will be called upon to sustain hereafter, more aggressive rivalry from new and unlooked-for fields of production than that of the farmer and husbandman. And shall the only protection hitherto possible be now begrudged and withdrawn? Foreign peoples are everywhere beginning to furnish themselves with bread and meat from their own resources, and the youngest nations in other hemispheres, blessed with virgin soils, are bringing forth abounding products for which they are struggling to find even a far-away market. Are we, while thus surrounded, to cripple or destroy the home market of American farmers, and the only market which they possess any inherent power to permanently retain?

In the ethics of nations all adhere to the principle that it is right and sound statecraft for each one to take care of itself, and no one supports any economic policy which is not claimed to be the best for its own people. Cotton is not raised to clothe or to aggrandize a foreign people, but for the profit of the producers. Wheat is not raised to make it cheap in foreign markets, but because it is found to be remunerative at home. Cuba does not bring her sugar here from cosmopolitan affection, but because sugar here obtains the best price. No other people seek our markets to confer favors upon Americans, but altogether for their own pecuniary benefit. These markets, in their wide extent and in the superior ability of the consumers, dwarf and surpass all other markets on the globe, and should be guarded by the utmost vigilance of the nation. In the world's history our diplomatic arrangements have not always contributed to the maintenance of these markets, and it would be an infinitely greater mistake, a more far-reaching mischief, if Congress should voluntarily, and as a free gift, surrender these golden home markets to those who do not care for us, or to that empire which, after their unconditional surrender, might well afford no longer to regret the loss of any American colonies.

Our people are united by fraternal blood, confident of their independence now and forever, fearless of any hostile aggression, and proud of their country that stretches from ocean to ocean, with more and better harbors than are found in all Europe, and more miles of railroad than in all the world besides. Producing more coal, iron, copper, wheat, corn, cattle, horses, hogs, and gold and silver than any other nation, shall we confess our incompetence to handle and protect these vast resources created by American labor and leave them to be captured as the lawful booty of the older and more adroit European statesmen? Having resolutely refused to copy foreign constitutional theories, shall we at last accept of an economical theory imported by the Cobden Club and dismiss all the traditions of an American policy of growth and development regardless of the fortunes of over sixty millions of our own citizens by the abandonment of all hope of reaching that "manifest destiny" of standing foremost among nations once so dear to the hearts of our forefathers?

> Breathes there the man, with soul so dead,
> Who never to himself hath said,
> This is my own, my native land?

TENNESSEE RIVER BRIDGE.

The PRESIDENT *pro tempore*. The Senate, as in Committee of the Whole, resumes the consideration of the unfinished business, which is the bill (S. 185) to provide for the admission of the State of Dakota into the Union, and for the organization of the Territory of Lincoln.

Mr. HARRIS. I ask the consent of the Senator from Connecticut [Mr. PLATT], and the unanimous consent of the Senate, to informally lay aside the unfinished business in order that the Senate may consider Senate bill 1889. If it leads to debate or the consumption of time I shall not insist upon going on with it; but I do not think it will take any time.

Mr. PLATT. Does the Senator expect any opposition to it whatever?

Mr. HARRIS. I have no idea that there will be any, and if it should lead to debate I shall not ask the indulgence of the Senate.

Mr. DAVIS. I have no objection.

The PRESIDENT *pro tempore*. The Senator from Minnesota [Mr. DAVIS] being entitled to the floor on the unfinished business, yields to the Senator from Tennessee to ask unanimous consent to proceed to the consideration of the bill (S. 1889) to authorize the Tennessee Midland Railway Company to construct a bridge across the Tennessee River.

Mr. HOAR. I should like to inquire of the Senator from Tennessee if this is the bill in which the Senator from Ohio [Mr. SHERMAN] took an interest.

Mr. HARRIS. Oh, no; that bill was passed and is now a law—at least it has gone to the President.

Mr. HOAR. This bill does not involve those questions?

Mr. HARRIS. This bill is for a bridge across the Tennessee River.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 9, after the word "company," to insert "may;" so as to read:

That the Tennessee Midland Railway Company, a corporation created and organized under the laws of the State of Tennessee, be, and is hereby, authorized to construct and maintain, for the purpose of running railway trains, a bridge and approaches thereto, over the Tennessee River, at any point on the line between the counties of Decatur and Perry, in the State of Tennessee, which said company may deem most acceptable.

The amendment was agreed to.

The next amendment was, in section 3, line 3, before the word "navigable," to insert "the best;" in line 7, after the words "to the," to strike out "bottom" and insert "lowest part of the superstructure;" in line 9, after the word "parallel," to strike out "with" and insert "to, and the bridge itself at right angles to;" in line 10, after the word "river," to insert "at the average stage of water;" and in line 11, at the end of the section, to insert the following proviso:

Provided, also, That in said bridge there shall be one span of not less than 300 feet in length in the clear.

So as to make the section read:

That the bridge built under this act shall be constructed as a pivot draw-bridge, with a draw over the main channel of the river at an accessible and the best navigable point, and with spans of not less than 160 feet in length in the clear on each side of the central or pivot pier of the draw, and said span shall be not less than 10 feet above extreme high-water mark, measuring to the lowest part of the superstructure of the bridge, and the piers of said bridge shall be parallel to, and the bridge itself at right angles to, the current of the river at the average stage of water where said bridge may be erected: *Provided, also*, That in said bridge there shall be one span of not less than 300 feet in length in the clear.

The amendment was agreed to.

The next amendment was, in section 4, line 1, after the word "said," to strike out "bridge" and insert "draw;" in line 3, after the word "boats," to insert "or vessels; and said corporation shall maintain, at its own expense, from sunset to sunrise, such lights or other signals as the Light-House Board shall prescribe;" and in line 19, after the word "in," to strike out "which" and insert "whose jurisdiction;" so as to make the section read:

That said draw shall be opened promptly by said company upon reasonable signal for the passage of boats or vessels; and said corporation shall maintain, at its own expense, from sunset to sunrise, such lights or other signals as the Light-House Board shall prescribe, and no bridge shall be erected or maintained under the authority of this act which shall at any time substantially or materially obstruct the free navigation of the river, and if any bridge erected under such authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and all such alterations shall be made and all such obstructions be removed at the expense of the owner or owners of said bridge. And in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, caused or alleged to be caused by said bridge, the case shall be brought in the district court of the United States of the State of Tennessee in whose jurisdiction any portion of said obstruction or bridge may be located.

The amendment was agreed to.

The next amendment was, in section 6, line 2, after the word "reserved," to insert "without any liability of the United States on ac-

count of the alteration, amendment, or repeal of this act;" so as to make the section read:

That the right to alter, amend, or repeal this act is hereby expressly reserved without any liability of the United States on account of the alteration, amendment, or repeal of this act.

The amendment was agreed to.

The next amendment was, to insert as a new section the following:

SEC. 7. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date of approval of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Tennessee Midland Railway Company to construct a bridge across the Tennessee River at any point on the line between the counties of Decatur and Perry, in the State of Tennessee, it may deem acceptable."

ADMISSION OF DAKOTA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 185) to provide for the admission of the State of Dakota into the Union, and for the organization of the Territory of Lincoln, the pending question being on the amendment proposed by Mr. BUTLER to the amendment reported by the Committee on Territories.

Mr. PLATT. Before the Senator from Minnesota commences he yields to me to say a word, and that is that I should like to dispose of this matter to-morrow if it be possible, and I hope that whatever discussion there may be upon it will be with a view to that point, that we may be able to dispose of the bill to-morrow.

Mr. DAVIS. Mr. President, of the important public questions which are demanding and which will demand the consideration of this body, I am clearly of the persuasion that the one under present consideration exceeds them all. It involves the creation of a new State, not by annexation, not by conquest, but by a process unknown to the functions of any other government on earth, calling it into existence from a state of dependence and pupilage to one of complete and, it is to be hoped, perpetual sovereignty.

I had hoped, Mr. President, that this debate upon so weighty a subject would be governed, at least in some degree, by the precedents which similar occasions have created. I deemed the subject so important, demanding strict statement of history and precedent, that in the remarks which I had anticipated making I had prepared myself with that view. I shall submit those remarks, but something more will be necessary. It will be my duty to review, as far as I am able, the remarks of the Senator from South Carolina [Mr. BUTLER], who was truly eloquent upon the immaterial points of this discussion; and if he was not conclusive upon all that was material it was not the fault of himself, but was by reason of the infirmity of his subject, as I shall endeavor to show. I shall therefore proceed, before making any reply to what he submitted to the Senate, to demonstrate upon grounds of precedent, historical and legal, the right of South Dakota to admission into the Union, and the injustice of the repeated denial of that right.

Mr. President, Dakota became a Territory on the 2d day of March, 1861, when States which have hitherto opposed her admission were seceding from the Union. Those States resumed their interrupted relations with little delay, but for years this great northern commonwealth, for purely party purposes, has been denied an equivalent justice. Her people reappear demanding rights which reason can not gainsay or pretext evade with decent plausibility; rights to which they are entitled by treaty stipulations between this nation and a foreign power, by compact between the original States, entered into before the Constitution was adopted, and which by many statutes has been since confirmed, applied, and extended as a guaranty of statehood over regions of the West, of the Southwest, and on the Pacific coast. From these domains States have come into being, and have been admitted in recognition and performance of both the treaty and the compact.

This commonwealth makes claim upon equities more imperative even than these legal rights, which will be indicated in the course of my remarks.

In the year 1803 Napoleon Bonaparte was First Consul of France and Thomas Jefferson was President of the United States. Each of these men was the child of democracy, and they were the most prescient statesmen of that time. Each had foreseen the world-grasping policy of England, and had foretold its persistent processes, which have ever since been and are now in course of fulfillment. The hollow truce which followed the treaty of Amiens was about to be broken by wars which eventually crushed France and applied the torch to the public buildings and archives of the capital of the United States.

In contemplation oft his struggle these chief magistrates of the only republics then existing negotiated a treaty by which the United States acquired from France more territory than the people of the colonies had wrested from Great Britain by the war of the Revolution. This domain is now Louisiana, Arkansas, Missouri, Iowa, all of Minnesota west of the Mississippi River, Kansas, Nebraska, the Indian Territory, part of Wyoming, and Dakota. To-day more than fourteen millions of people inhabit this area. Of these, nearly 600,000 are in Dakota, and not less than 350,000 constitute the population of the part of that Territory which now seeks admission as a State.

The treaty was more than a mere cession of territory to be ruled by the grantee as it should see fit or to be disposed of as it pleased. It undertook to shape the political destiny of that region for all time to come. It prescribed that the ceded province should become, as a State or States, part of that indissoluble federation, the United States. It was a perpetual compact between the powers for the benefit not only of the people who should inhabit and subdue that wilderness, but also of all the people of the Union.

The third article of the treaty is as follows:

The inhabitants of the ceded territory shall be incorporated into the Union of the United States and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.

This stipulation in the treaty accorded with a policy which this Government had previously adopted concerning its unoccupied and unorganized territory by an equally important charter. Some years before, and prior to the adoption of the Federal Constitution, certain of the States had ceded and relinquished to the United States all of their several claims to a vast region which lay northwest of the river Ohio. In order to govern this territory, and also to inevitably destine to admission into the Union the commonwealths which it was clearly seen would arise within it, the ordinance of 1787 was enacted. This revered instrument, like the Constitution which immediately followed it, was framed by statesmen who looked "into the seeds of time to see which grain would grow and which would not." It also provided in most explicit language of law and of inviolable compact that the communities thereafter to come into being in that territory should, under certain conditions, be entitled to enter the Union as it then was, without the formality of special precedent license.

The ordinance of 1887 provides as follows:

SEC. 13. And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions, are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments which forever hereafter shall be formed in the said territory; to provide also for the establishment of States, and permanent governments therein, and for their admission to a share in the Federal councils, on an equal footing with the original States, at as early periods as may be consistent with the general interests:

SEC. 14. It is hereby ordained and declared by the authority aforesaid that the following articles shall be considered as articles of compact between the original States and the people and the States in said Territory, and forever remain unalterable, except by common consent, to wit:

* * * * * * *

Whenever any of said States shall have 60,000 inhabitants therein, such State shall be admitted by its delegates into the Congress of the United States, on an equal footing with the original States in all respects whatever, and shall be at liberty to form a permanent constitution and State government.

While it is doubtless true that it was held by the Supreme Court of the United States in the cases of Pollard, Permoli, and Strader (3 How., 212; *Ib.*, 589; 10 How., 82) that this ordinance, as to matters of private right and domestic institutions, was superseded by the Federal Constitution adopted so soon afterwards, it was always more than questionable whether that instrument annihilated the political guaranties secured by its provisions.

But even this question is immaterial here, because the ordinance itself was by statutes over and over again extended, after the adoption of the Federal Constitution, to territory of which the region now comprised in the Territory of Dakota once formed a part, and to many other Territories which otherwise could have claimed none of its benefits.

By the act of March 26, 1804, the Louisiana purchase was divided into two Territories. That portion north of the thirty-third parallel of latitude was constituted the Territory of Orleans.

By the act of March 2, 1805, a Territorial government was instituted for this Territory, and it was ordained that the inhabitants thereof "shall be entitled to enjoy all the rights, privileges, and advantages secured by such ordinance" (1787) "and now enjoyed by the inhabitants of the Mississippi Territory."

This act further provided that—

The inhabitants of the Territory shall be authorized to form for themselves a constitution and State government, and be admitted into the Union upon the footing of the original States in all respects, conformably to the third article of the treaty of Paris. * * *Provided*, That the constitution shall be republican in form and not inconsistent with the ordinance of 1787, so far as the same is made applicable to the Territory of Orleans: *Provided*, That Congress shall be at liberty at any time prior to the admission of the inhabitants of the said Territory to the rights of a separate State, to alter the boundaries thereof as they shall judge proper, except only that no alteration shall be made which shall procrastinate the period for the admission of the inhabitants thereof to the rights of a State government according to the provisions of this act.

It will have been observed that the provisions of the ordinance of 1787 were extended to the Territory of Louisiana to the same extent that they were enjoyed by the inhabitants of the Territory of Mississippi.

The application of this ordinance to that Territory was by the act of April 7, 1798, and it provided that the people of the Territory of Mississippi—

shall be entitled to enjoy all and singular the rights, privileges, and advan-

tages granted to the people of the territory of the United States northwest of the river Ohio—

By the ordinance of 1787—

in as full and ample a manner as the same are possessed and enjoyed by the people of the last-mentioned Territory.

The Territory of Missouri was established by the act of June 4, 1812. By implication these rights were continued to the people of that Territory, the act repealing only the repugnant portions of the acts in reference to the Territory of Louisiana.

The present Territory of Dakota has been, in part, successively a part of the Territories of Missouri, Michigan, Wisconsin, Iowa, and Minnesota, and in part of the Louisiana purchase. By the act of June 28, 1834, all that region north of Missouri and east of the Missouri River and west of the Mississippi River and south of the northern boundary of the United States, was attached to the Territory of Michigan by an act which provided that—

The inhabitants therein shall be entitled to the same privileges and immunities, and be subject to the same laws, rules, and regulations, in all respects, as the other citizens of Michigan Territory.

By act of April 20, 1836, this region last described was transferred to the Territory of Wisconsin, and it was provided—

That the inhabitants of the said Territory shall be entitled to and enjoy all and singular the rights, privileges, and advantages granted and secured to the people of the territory of the United States northwest of the Ohio River, by the articles of the compact contained in the ordinance for the government of the said Territory, passed on the 13th day of July, 1787.

Iowa became a Territory by the act of June 12, 1838, and comprised all the Territory of Wisconsin west of the Mississippi River and west of a line drawn due north from its headwaters to the international boundary. This act provided that—

The inhabitants of the said Territory shall be entitled to all the rights, privileges, and immunities heretofore granted and secured to the Territory of Wisconsin and to its inhabitants.

All of the region in question had previously been part of the Territory of Michigan, under the statute enacted in 1834, which so extended the western boundary of that Territory as to comprise all of the territory between the northern line of Missouri and the northern international boundary lying east of the rivers Missouri and White Earth.

Michigan had been a Territory ever since 1805, by an act which declared that—

The inhabitants thereof shall be entitled to all and singular the rights, privileges, and advantages granted and secured to the people of the territory of the United States northwest of the Ohio River by the said ordinance—

Of 1787.

In 1849 the above portion of Dakota became part of the Territory of Minnesota, under an act for the Territorial government, which ordained that the inhabitants of the Territory—

shall be entitled to all the rights, privileges, and immunities granted and secured to the Territory of Wisconsin and its inhabitants—

Among which, as has been shown, were those conferred by the ordinance of 1787, both by the ordinance itself and by subsequent re-enactment of its terms.

It thus appears that Dakota stands upon the equities of both the ordinance and treaty. If other Territories have presented themselves with either of these as their muniments of admission, time after time, down to the date when Kansas and Nebraska came into the Union—have thus presented themselves without enabling acts; have often prescribed their own boundaries; have sometimes been admitted without any pretext having been advanced against their right to proceed as they did—if such pretexts, when advanced, have been refuted and disregarded by Congress, surely this commonwealth, upon both of these rights, is entitled to insist upon them until the moral sense of the people is convinced that duty has been evaded, rights denied, treaties violated, compacts set at naught, and equities overthrown.

What is the history of other Territories in these respects?

By the act of May 26, 1790, the ordinance of 1787 was extended to all of the territory south of the Ohio River. It constituted all of that region one district for the purposes of temporary government—

The inhabitants of which shall enjoy all the privileges, benefits, and advantages set forth in the ordinance of the late Congress for the government of the territory of the United States northwest of the river Ohio.

By the act of August 14, 1848, Oregon and its inhabitants were invested with "rights, privileges, and advantages" of the ordinance of 1787.

The preamble to the constitution of Arkansas, adopted in 1836, asserted—

the right of admission into the Union by virtue of the treaty of cession by France to the United States of the province of Louisiana.

In the case of Kansas, the preamble of the Topeka constitution asserted—

the right of admission into the Union by virtue of the treaty of cession by France to the United States of the province of Louisiana.

The same assertion of right under the treaty is found under the Lecompton constitution. It was also put forth in the Minneola or Leavenworth constitution.

Turning to another passage of our diplomatic history which records the acquisition of territory by treaty, it is found that the treaty with Spain, concluded in 1819, by which the United States acquired the Floridas, contains this article:

ART. 6. The inhabitants of the territories which his Catholic Majesty cedes to the United States by this treaty shall be incorporated in the Union of the United States as soon as may be consistent with the principles of the Federal Constitution, and admitted to the enjoyment of all privileges, rights, and immunities of the citizens of the United States.

Accordingly, in 1839, Florida adopted a constitution, the preamble of which declares that—

We, the people of the Territory of Florida, having and claiming the right of admission into the Union as one of the United States of America, consistent with the principles of the Federal Constitution, and by virtue of the treaty of amity, settlement, and limits between the United States of America and the King of Spain.

The treaties with France and Spain became, by constitutional mandate, the supreme laws of the land, and so remain to this day.

It is submitted that the objections to the admission of Dakota are mere pretexts, and that the history of the admission of new States fully warrants the action that these people have taken.

It has been seen that the ordinance of 1787 was extended on May 26, 1790, to the territory of the United States south of the Ohio River.

The case of Tennessee is of the first importance because it refutes conclusively by the earliest historical precedent on this subject many of the arguments used by the Senator from South Carolina. The case of Tennessee is of first importance. A convention, elected for preparing a State constitution, met at Knoxville, January 11, 1796, and the next day a committee of two from each county was appointed to prepare a constitution. A bill of rights was reported on the 15th, and a frame of government on the 27th, by Daniel Smith, chairman of this committee. Their labors being completed, on the 6th of February an engrossed copy was read and passed; on the 19th an engrossed copy was forwarded to the President, with a notification that on the 28th day of March, at which time the Legislature would meet to act on the constitution, the temporary government established by Congress would cease.

It seems that nearly one hundred years ago the people of the great State which is honored by your representation [Mr. HARRIS in the chair] took ground far in advance of the patient submission of the people of Dakota to-day, for in transmitting their constitution to Congress they distinctly notified the United States of the position they took. This notification, with accompanying documents, was received by the President February 28, and laid by him before Congress on the 8th of April. The claims of the new State for admission were not recognized by all, but after an energetic discussion the bill became a law on the 1st of June, 1796. The principal grounds of opposition were that the proceedings had not been authorized by an enabling act of Congress; that the census, being taken by those most interested in showing a large return, might be liable to error; and that it belonged to Congress to decide whether one or more States should be formed in the ceded Territory, and to establish the time and manner of organization.

President Washington laid this constitution before Congress by a message which I shall presently read.

The action of the people of Tennessee was revolutionary if the way of the people of Dakota deserves the diatribes of the Senator from South Carolina. Tennessee notified the United States that after a certain date the authority of the temporary government established by the United States should cease. The message of Washington was in the following most instructive language:

GENTLEMEN OF THE SENATE AND OF THE HOUSE OF REPRESENTATIVES: By an act of Congress passed on the 26th of May, 1790, it was declared that the inhabitants of the territory of the United States south of the river Ohio should enjoy all the privileges, benefits, and advantages set forth in the ordinance of Congress for the government of the territory of the United States northwest of the river Ohio; and that the government of said territory south of the Ohio should be similar to that which was then exercised in the territory northwest of the Ohio, except so far as was otherwise provided in the conditions expressed in an act of Congress passed the 2d of April, 1790, entitled "An act to accept a cession of the claims of the State of North Carolina to a certain district of western territory."

Among the privileges, benefits, and advantages thus secured to the inhabitants of the territory south of the river Ohio appear to be the right of forming a permanent constitution and State government, and of admission as a State, by its Delegates, into the Congress of the United States on an equal footing with the original States in all respects whatever when it should have therein 60,000 free inhabitants: *Provided*, The constitution and government so to be formed should be republican, and in conformity to the principles contained in the articles of the said ordinance.

As proofs of the several requisites to entitle the territory south of the river Ohio to be admitted as a State into the Union, Governor Blount has transmitted a return of the enumeration of its inhabitants, and a printed copy of the constitution and form of government on which they have agreed, which, with his letters accompanying the same, are herewith laid before Congress.

G. WASHINGTON.

UNITED STATES, *April* 8, 1796.

The debate which arose upon the objections which were then made to the regularity of procedure by which the people of the State of Tennessee approached and knocked at the door of the Union for admission is most instructive. It was participated in by men, notably Mr. Madison, who assisted in laying the foundations of this Government, and what they said distinctly repudiates every argument that has been advanced here and elsewhere against every step taken by the people of South Dakota in respect to admission.

The House, acting upon this message, passed a resolution declaring Tennessee to be one of the sixteen States of the Union. In the course

of the proceedings the following opinions were expressed by members, some of whom were so eminent in rearing the structure of this Republic that their names are emblazoned upon the fabric itself:

Mr. RUTHERFORD. They have erected a State government and wish to come into the Union, and to resist their claims would be out of character.

Mr. DEARBORN. As to passing a previous law recognizing the Territory as a State before it was admitted into the Union, he did not believe it to be necessary.

Mr. LYMAN. In his opinion, according to the ordinance they had a clear right to be admitted as a State into the Union, for it was then said that when they had 60,000 inhabitants they should be admitted.

Mr. SEDGWICK quotes Mr. Madison as saying that they, "the inhabitants, were in a degraded condition because controlled by laws which were made independent of them."

Mr. MACON. The question before the committee was on admitting the Territory to be a State of the Union. There appeared to him to be only two things necessary to be inquired into: First, was the new government republican? It appeared to him to be so. And secondly, were there 60,000 inhabitants in the Territory? It appeared to him there were; and if so, their admission as a State should not be considered as a gift, but as a right. To admit this Territory as a member of the Union appeared to him as a matter of course. It also seemed as if the Executive were of that opinion. The President having been duly informed from time to time of the proceedings of that Territory toward being admitted into the Union, if he had thought they had been doing wrong, he would have set them right.

I come now, Mr. President, to the opinions of one whose words upon everything connected with the Federal Constitution are of more than judicial authority, Mr. Madison. He said:

The gentleman from South Carolina seemed to think that the ordinance by which this State should be admitted into the Union required that the Territory should first be acknowledged as a State, and then have the inhabitants of it as such numbered under the authority of Congress. He thought this would be spinning a finer thread than was necessary, and would give the people reason to suppose that the General Government was disposed to keep them in their present condition as long as possible. If the Legislature of the United States should be convinced that the Territory contained a sufficient number of inhabitants to entitle them to admission into the Union, it was matter of form only how the census had been taken, or whether the Territory had been previously acknowledged as a State by Congress or not. The fact of population was the only necessary one, and would no evidence satisfy the gentleman but such as they themselves should direct? * * *

The inhabitants in that district of country were in a degraded situation at present; they were deprived of a right essential to freemen—the right of being represented in Congress. Laws were made without their consent, or by their consent in part only. An exterior power had authority over their laws; an exterior authority appointed their executive, which was not analogous to the other parts of the United States and not justified by anything but an obvious and imperious necessity. * * * He thought when there was doubt Congress ought to lean towards a decision which should give legal rights to every part of the American people.

Mr. Gallatin was of the opinion that the people of the Southwestern Territory became *ipso facto* a State the moment they amounted to 60,000 free inhabitants, and that it became the duty of Congress, as a part of the original compact, to recognize them as such and to admit them into the Union whenever they had satisfactory proof of the fact.

Mr. Colt said it is declared by the ordinance for the government of the Territory that when there should be 60,000 inhabitants in any one of the States there, they should be admitted into the Union. If, then, it is not in contemplation to divide the Territory into two States, he considered the right to be admitted was complete as soon as there was the requisite number within the whole Territory.

Mr. Kitchell proposed a resolution in the place of the one agreed to in the convention of the whole, as he thought some law should be passed by Congress recognizing the Territory as a State before they were admitted into the Union. It was negatived, and the original resolution was agreed to by a vote of 43 to 30.

Among the nays were James Madison, Albert Gallatin, William R. Giles, Wade Hampton, Robert Goodloe Harper, Nathaniel Macon.

The committee of the Senate reported against admission, because—

1. The Territory had not been laid out by Congress into a State or States, as provided by the ordinance of 1787.
2. The census had not been taken under authority of the United States.

And recommended a bill laying out the Territory into a State, and providing for an enumeration of its inhabitants. Such a bill passed the Senate and went to the House. The result finally was a report from Mr. Giles upon the bill as it came from the Senate, "which went to change the principle of the bill from the Senate."

The House contended that the proceedings of these people had been so far regular as to authorize the admission of them as a State into the Union; but by the bill sent from the Senate it was proposed to lay out this Territory into a State and order a census taken before it could be admitted. This report of the committee confirmed the bill to the opinion heretofore expressed in the House.

The bill thus conformed was adopted by a vote of 48 to 30. The House bill was disagreed to by the Senate; a committee of conference was appointed; the Senate finally receded from its plan and passed the House bill or resolution.

The same question arose when Michigan applied for admission in 1835.

The facts are stated in the following extract from the report of the Senate committee of the first session of the Forty-ninth Congress upon the question of the admission of Dakota:

The history of the formation of a State government in Michigan is very familiar. In the year 1833, and again in 1834, memorials were presented to Congress asking for the admission of the State. No action having been taken by Congress, the Territorial Legislature, January 26, 1835, passed an act authorizing the holding of a convention to form a State constitution. The convention assembled at Detroit on the second Monday of May following, and proceeded to frame a constitution, which was submitted to a popular vote in October of the same year, and ratified, and at the same time State officers were elected. The schedule attached to the constitution provided that a certified copy thereof, together with an abstract of a census which had been taken, and a copy of the act of the Legislature referred to, should be transmitted to the President. No memorial praying for the admission of the State was provided for or sent, nor was there, so far as we have seen, anything in the constitution staying the going into effect of the State government for any action of Congress thereon.

The communication to the President, which accompanied the copy of the constitution sent, was as follows:

"WASHINGTON, *December* 9, 1835.

"SIR: The undersigned, elected Senators and Representatives to Congress from the State of Michigan, have the honor to transmit to you, herewith, an additional authentic copy of the constitution adopted by the convention of Michigan on the 24th day of June, 1835, and ratified by the people of the same on the first Monday and the succeeding day in October, 1835.

"We have the honor to be, with the highest respect, your most obedient servants,

"JOHN NORVELL.
"LUCIUS LYON.
"ISAAC E. CRARY.

"The PRESIDENT OF THE UNITED STATES."

Andrew Jackson, then President of the United States, transmitted the documents to Congress, accompanied by the following message:

"WASHINGTON, *December* 9, 1835.

"*To the Senate and House of Representatives:*

"GENTLEMEN: By the act of the 11th of January, 1805, all that part of the Indiana Territory lying north of a line drawn due 'east from the southerly bend or extreme of Lake Michigan until it shall intersect Lake Erie, and east of a line drawn from the said southerly bend, through the middle of said lake, to its northern extremity, and thence due north to the northern boundary of the United States,' was erected into a separate Territory by the name of Michigan.

"The territory comprised within these limits, being part of the district of country described in the ordinance of the 13th of July, 1787, which provides that whenever any of the States into which the same should be divided should have 60,000 free inhabitants, each State should be admitted by its delegates 'into the Congress of the United States on an equal footing with the original States in all respects whatever, and shall be at liberty to form a permanent constitution and State government, provided the constitution and government so to be formed shall be republican and in conformity to the principles contained in these articles,' etc., the inhabitants thereof have, during the present year, in pursuance of the right secured by the ordinance, formed a constitution and State government. That instrument, together with various other documents connected therewith, has been transmitted to me for the purpose of being laid before Congress, to whom the power and duty of admitting new States into the Union exclusively appertains; and the whole are herewith communicated for your early decision.

"ANDREW JACKSON."

A dispute between Michigan on the one side and the States south of her on the other as to the boundary line complicated and delayed her admission as a State; but meantime the new State government was exercising the functions of government.

In the debates in Congress Michigan found many able defenders of her cause. Others denied her claim to be a State without some act of Congress authorizing or ratifying her proceedings. The result was the act of June 15, 1836, by which Congress ratified what Michigan had done and admitted the State into the Union upon the condition that her convention should consent to a change in the southern boundary.

In the proceedings of the Senate, on December 10, 1835, the following appears:

"Mr. Benton presented the credentials of Hon. Lucius Lyon and Hon. John Norvell, elected by the Legislature of Michigan Senators from that State; which were read. Mr. Benton then moved that seats be assigned to Mr. Lyon and Mr. Norvell on the floor of the Senate until the decision of the question of their admission as Senators This [Mr. B. said] had been done by courtesy in similar cases."

The remarks of Mr. Benton upon this subject, a few days afterwards, are of present interest, as they refer to his own experience when he first appeared as a Senator from Missouri. He said:

"When a gentleman brought a letter to him from a respectable source he at least asked him to take a seat until he read it; and here (said he) these gentlemen have brought a letter from a State, *de facto*, signed by a high official functionary, and we are to hesitate before we extend to them an act of common courtesy? * * * But it has been said that the adoption of the resolution would prejudge the case of the admission of Michigan into the Union; that the mere courtesy of asking the gentlemen to sit down was to commit the Senate as to their admission as Senators. Are we of such treacherous memories as not to recollect what took place with regard to the admission of Missouri into the Union? Were the Senators from Missouri not sent back after having had seats assigned them? Was there one single Senator influenced in the vote he gave on that occasion by the fact that seats had been assigned to the Missouri Senators pending the question of their admission? He [Mr. B.] was here as one of those Senators, and was told by that accomplished gentleman and amiable man who then filled the chair [Mr. Gaillard] to take his seat; and he [Mr. B.] had all the incidental privileges of a Senator extended to him. He had the right to frank documents to wher ever he pleased, and he had the privilege of using the stationery of the Senate, notwithstanding the question of right was decided against him and he was sent home. As to the question of the admission of Michigan he, for one, remained not only uncommitted but undecided as to the course he should take."

Afterwards Mr. Benton withdrew his resolution and offered another, which, on motion of Mr. Hendricks, of Indiana, was modified so as to extend to these gentlemen the same privileges on the floor of the Senate that were extended to members of the House, and in that form the resolution was adopted.

In the course of the debates in the Senate Mr. Buchanan said:

"I think their course is clearly justifiable, but if there is anything wrong or unusual in it, it is to be attributed to the neglect of Congress.

"For three years they have been rapping at your door and asking for the consent of Congress to form a constitution and for admission into the Union; but their petitions have not been heeded and have been treated with neglect. Not being able to be admitted in the way they have sought, they have been forced to take their own course and stand upon their rights—rights secured to them by the Constitution and a solemn irrepealable ordinance (of 1787).

"They have taken a census of the Territory; they have formed a constitution, elected their officers, and the whole machinery of a State government is ready to be put in operation; they are only awaiting your action. Having assumed this attitude they now demand admission as a matter of right; they demand it as an act of justice at your hands.

"Are they now to be repelled or to be told that they must retrace their steps and come into the Union in the way they first sought to do, but could not obtain the sanction of Congress?

"In fear of the consequences of such a decision, I tremble at an act of such injustice."

In the case of Arkansas there was no enabling act. Congress had refused to pass one. In 1836 the people adopted a constitution, the preamble of which asserted the right to admission by virtue of the articles of the treaty with France. The State was admitted June 15, 1836, by an act which recites the adopting of a constitution by a convention, and that the convention had on behalf of the people asked Congress to

admit the Territory into the Union as a State. From the fact that the act of admission prescribed the boundaries, there seems to have been some question upon that point. A supplementary act of June 23, 1836, submitted to the General Assembly "of the State of Arkansas" certain other conditions, as to schools, salt springs, 5 per cent. from sales of Government lands, five sections for public buildings, two townships for a seminary of learning, and on October 18, 1836, that Legislature accepted the required conditions.

Mr. Morris, of Ohio, justified the right of the people of a Territory, when amounting to 60,000, to meet and form their own constitution. He said:

I hold that any portion of American citizens, who may reside on a portion of the territory of the United States, whenever their numbers shall amount to that which would entitle them to a representation in the House of Representatives in Congress, have the right to provide for themselves a constitution and State government, and to be admitted into the Union whenever they shall so apply; and they are not bound to wait the action of Congress in the first instance, except there is some compact or agreement requiring them to do so. I place this right upon the broad, and, I consider, indisputable ground, that all persons living within the jurisdiction of the United States are entitled to equal privileges; and it ought to be a matter of high gratification to us here that, in every portion, even the most remote, of our country our people are anxious to obtain this high privilege at as early a day as possible. It furnishes clear proof that the Union is highly esteemed and has its foundation deep in the hearts of our fellow-citizens.

By the Constitution of the United States power is given to Congress to admit new States into the Union. It is in the character of a State that any portion of our citizens, inhabiting any part of the territory of the United States, must apply to be admitted into the Union; a State government and constitution must first be formed. It is not necessary for the power of Congress, and I doubt if Congress has such power, to prescribe the mode by which the people shall form a State constitution; and for this plain reason, that Congress would be entirely incompetent to the exercise of any coercive power to carry into effect the mode they might prescribe. I can not, therefore, vote against the admission of Arkansas into the Union on the ground that there was no previous act of Congress to authorize the holding of her convention. As a member of Congress, I will not look beyond the constitution that has been presented. I have no right to presume it was formed by incompetent persons, or that it does not fully express the opinions and wishes of the people of that country. It is true that the United States shall guaranty to every State in the Union a republican form of government, meaning, in my judgment, that Congress shall not permit any power to establish, in any State, a government without the assent of the people of such State; and it will not be amiss that we remember here, also, that that guaranty is to the State and not as to the formation of the government by the people of the State; but should it be admitted that Congress can look into the constitution of a State in order to ascertain its character, before such State is admitted into the Union, yet I contend that Congress can not object to it for the want of a republican form, if it contains the great principle that all power is inherent in the people and that the government draws all its just powers from the governed.

The people of the Territory of Arkansas having formed for themselves a State government, having presented their constitution for admission into the Union, and that constitution being republican in its form, and believing that the people who prepared and sent this constitution here are sufficiently numerous to entitle them to a Representative in Congress, and believing also that Congress has no right or power to regulate the system of police these people have established for themselves, and the ordinance of 1787 not operating on them, I can not, as a member of this body, refuse my vote to admit this State into the Union.

In the course of the debate in the House, John Quincy Adams yielded his profound convictions on the subject of slavery to his sense of other obligations, saying:

I can not, consistently with my sense of my obligations as a citizen of the United States, and bound by oath to support their Constitution—I can not object to the admission of Arkansas into the Union as a slave State; I can not propose or agree to make it a condition of her admission that a convention of her people shall expunge this article from her constitution. She is entitled to admission as a slave State, as Louisiana and Mississippi and Alabama and Missouri have been admitted, by virtue of that article in the treaty for the acquisition of Louisiana which secures to the inhabitants of the ceded Territories all the rights, privileges, and immunities of the original citizens of the United States; and stipulates for their admission, conformably to that principle, into the Union.

It has been shown that Florida adopted a constitution in 1839, and stood upon the right to be admitted under the terms of the treaty with Spain.

Iowa, assuming the right to take the action she did, adopted a constitution in 1844. There was no enabling act as to either of these Territories. The people of each had memorialized Congress repeatedly, but in vain, for admission, until March 3, 1845, when both were admitted by act of that date, with the following preamble:

Whereas the people of the Territory of Iowa did, on the 7th day of October, 1844, by a convention of delegates called and assembled for that purpose, form for themselves a constitution and State government; and whereas the people of the Territory of Florida did, in like manner, by their delegates, on the 11th day of January, 1839, form for themselves a constitution and State government, both of which said constitutions are republican; and said conventions having asked the admission of their respective Territories into the Union as States on an equal footing with the original States.

The act of Congress changed the boundaries of the State of Iowa, as defined in her constitution, and required the consent of the people to this change. This proposition was defeated at a popular election. A second convention, called by the Territorial Legislature, met and formed a new constitution in May, 1846, which was adopted by the people, and on December 28, 1846, an act of Congress admitting the State was passed.

In the case of Oregon the claim was made in behalf of the people of the right to originate a State government without authority of Congress under the ordinance of 1787, which had been extended to that Territory.

In December, 1856, the Territorial Legislature passed an act providing for a constitutional convention. The delegates were duly elected and the convention held. It met at Salem in August, 1857, and framed a constitution, which was ratified at a popular election. The boundaries, as provided for in that constitution, are the present boundaries of the State of Oregon, except that the territory lying north of the forty-sixth parallel of latitude and included between the Columbia and Snake Rivers, was, by the act of Congress admitting the State, taken from the State of Oregon and attached to the Territory of Washington. There was no enabling act, the movement for admission having originated wholly with the people. The State was admitted to the Union on the 14th day of February, 1859.

There was a debate in the House of Representatives upon the bill. The debate turned chiefly upon the question of population. In the English bill it had been provided in substance that if Kansas did not come in under the Lecompton constitution she should not be admitted until her population equaled the existing unit of representation in the House of Representatives, which was then 93,492. The Republicans insisted that if this principle was correct, as many of them admitted, it should also be applied to Oregon, and that it was an unjust discrimination against Kansas to hold her off until her population should reach 93,492 and admit Oregon, whose population was claimed to be very much short of that limit. In the House Mr. Stephens, of Georgia, reported a bill for the admission of Oregon, and after quoting the provisions of the ordinance of 1787, he said:

If there were any question as to whether there were 90,000 people there, if there were any question as to whether Oregon comes up to the ratio of representation, yet, sir, I hold that there is a solemn guaranty and a contract made with those people which we ought not to disregard. That there are more than 60,000 people there it seems to me no gentleman upon this floor can doubt.

Mr. Clark, of Missouri, also said, upon the same subject:

I claim that Oregon has a right to come in under the ordinance of 1787, and that it is the duty of Congress to admit her on the same principle and according to the same rule established in that ordinance for the Northwest Territory.

California applied for admission in a manner much more self-assertive than was that adopted by the other States.

The treaty of Guadalupe Hidalgo, properly construed, gave little warrant for the proceedings that were instituted.

Two fruitless efforts were made in 1848 in Congress to establish a Territorial government in California, and a bill which was introduced for her admission as a State came to naught.

In 1849 the military governor of that conquest called a constitutional convention by proclamation. This body adopted a constitution and elected State officers. The governor was inaugurated December 20, 1849. The military governor proclaimed the constitution to have been adopted, and delivered the government to the State thus organized.

President Taylor transmitted this constitution to Congress in a message which took no exception to the manner in which it had been formed.

Mr. Douglas presented to the Senate the memorial of the Senators and Representatives elect, praying the admission of California as a State.

The report of the conference committee of thirteen, made by Henry Clay, contains this passage:

There are various instances prior to the case of California of the admission of new States into the Union without any previous authorization by Congress. The sole condition required by the Constitution of the United States in respect to the admission of a new State is that its constitution shall be republican in form.

It was under these circumstances that California came into the Union by the act of September 9, 1850.

The territory which is now the State of Vermont was claimed by Massachusetts, New Hampshire, and New York. The people of Vermont adopted a constitution in 1777, and adopted another in 1781. Massachusetts assented to the independence of Vermont.

The claim of New Hampshire was relinquished in 1782 and that of New York in 1790. Vermont was admitted into the Union February 18, 1791, and in the long history of this effort of her people to become a State no pretense was ever made that she could not approach Congress as a claimant to the right of admission without the credentials of an enabling act.

So in the case of Maine. Massachusetts, by act passed June 19, 1819, submitted the question of separation to the people of Maine, who thereupon voted (17,091 to 7,132) in favor of forming a separate State. In 1820 a constitution was adopted by a convention and ratified by the people of Maine.

Massachusetts, by statute of February 25, 1820, enacted that Maine be formed into an independent State, "whenever the Congress of the United States shall give its consent thereto;" and provided that "if it shall not be known by the first Monday of April next that the Congress of the United States has given its consent, as aforesaid, the people of the said district of Maine shall elect provisionally a governor, senators and representatives, or other officers necessary to the organization thereof as a separate and independent State, according to the provisions of the constitution of government agreed to by the people of the said district."

Maine was admitted into the Union March 3, 1820, by an act which recites that the people of Maine, by consent of the Legislature of Massachusetts, have formed themselves into an independent State and established a constitution, agreeably to the provisions of the said act (of Massachusetts).

Enough, and more than enough, has been thus adduced on these questions, and it stands established:

1. That the ordinance of 1787, extended as it was after the adoption of the Federal Constitution over regions not originally affected by its provisions, and also re-enacted as to the territory first affected by it, has been regarded as conferring upon the people of a Territory the right to adopt a constitution and to apply for admission into the Union.

2. That the stipulations of the treaty with France have been regarded in several instances as conferring the same right, and that the treaty with Spain was so regarded in the case of Florida.

3. That many States have formed their constitutions and have been admitted without enabling acts, and that the objection that they thus proceeded was not perceived by Washington, was directly contrary to the opinion of Jackson, and was distinctly refuted by Madison, Macon, Benton, Clay, Buchanan, John Quincy Adams, and by many other statesmen scarcely less eminent.

4. That the people of some of these States have thus proceeded, after repeated denials of their petitions for the passage of enabling acts.

5. That in some instances the adoption of a constitution by popular vote has not been required, and that the question of boundaries has been adjusted as proposed by the present bill.

It follows from all this that there never was any consistent practice on this subject.

Mr. President, having thus, as I firmly believe, established upon technical and constitutional grounds the right of the people of South Dakota to claim, as a matter of right, admission into the Union, this is a proper time to consider some of the animadversions to which the Senator from South Carolina [Mr. BUTLER] has subjected this most important question.

He is of the opinion, if I understood him correctly, that it is entirely within the discretion of Congress whether a State shall be admitted. I deny that proposition. I deny it in the light of law, I deny it in the light of history, in all its length and breadth.

It was held by the Supreme Court of the United States in the case of Dred Scott *vs.* Sandford, Chief-Justice Taney speaking for the court, that the United States had no right to acquire territory except with the intention and as preparatory to its admission as a State.

When the States in the Union consent to the acquisition of territory, it is upon the implied, if not the explicit, promissory representation that when the inhabitants of the region thus acquired, or of any part thereof of proper dimensions, are sufficiently numerous and present the qualifications of integrity, patriotism, and virtue to entitle them to admission, such admission shall follow as a matter of duty performed and of right conferred.

It is not a matter of discretion, upon the grounds which I have already shown. The Territory of Dakota has been covered over and over again by the benefits of the ordinance of 1787, re-enacted time after time since the adoption of the Federal Constitution. She falls directly within the operation of the beneficent third article of the treaty with France, the very object of which, in the minds of those most eminent men who entered into that relation, was to erect and consolidate a power upon the western hemisphere against Great Britain, by ceding to the United States for that purpose territory which she could not alienate. It was something unusual in a treaty, but the treaty provided that from time to time, as soon as could be reasonably done, the inhabitants of that country should be entitled to come into the Union and enjoy the rights, privileges, and immunities of States of the Union.

That treaty is very old. The great Emperor went to the island of St. Helena and died in desolation; Thomas Jefferson died full of years and honor; but their works live after them. That treaty has never been abrogated or superseded by any law. It was made for the benefit of the people of the United States and for every person who should thereafter inhabit the ceded region, and it stands upon as firm a ground, in my opinion, as any right made under a treaty of the most recent times.

Mr. VEST. Will the Senator permit me to ask him a question, for I really desire information?

Mr. DAVIS. Certainly.

Mr. VEST. Do I understand his position to be that under the treaty by which the great Napoleon sold the Louisiana territory to the United States—and I will extend it further, under the ordinance of 1787—Congress is excluded from its discretion in regard to the admission of any Territory as a State if that State has the requisite population? Do I understand the Senator to mean that the only thing under that cession or under the ordinance of 1787 is the requisite population, and that discretion of Congress as to everything else is excluded?

Mr. DAVIS. Has the Senator concluded his question?

Mr. VEST. That is my question.

Mr. DAVIS. I understand it to be precisely this, that under the treaty and the ordinance of 1787, whenever there is the requisite population and the other requisites which I have mentioned——

Mr. VEST. What other requisites?

Mr. DAVIS. A republican form of government—nothing special which will warrant the Senator in interrupting me to define, for I mentioned those requisites a few moments ago—whenever there is the population, the qualifications of virtue, integrity, and patriotism, and republican institutions, a right accrues to the people of that region to be admitted as a State into the Union, and although Congress has the power to deny it, it has not the right to deny it in the rightful exercise of discretion.

I will say, in further answer to the Senator from Missouri, there are times when the exercise of discretion becomes something more than the mere yes or no of arbitrary will. There is such a thing as abuse of discretion. There is a time when the withholding of discretion and its exercise become criminal. Abuse of judicial discretion reverses judgments. Abuse of discretion impeaches judges. Abuse of such discretion as is appealed to by the Senator from South Carolina, in the majestic tribunal of public opinion, displaces administrations and reverses executive policies. You have power, and most cruelly has it been exercised, to exclude South Dakota; but that you have power to do this wrong in the exercise of your discretion and with abuse I do most fervently deny.

The Senator from South Carolina has presented, as an entire substitute for the measure reported by the committee to secure to that Territory that for which she has struggled so wearily and so long, an amendment which strikes out everything but the enacting clause, and proposes an enabling act for the admission of the whole of Dakota as one State; and he states that the path which he thus lays out for the admission of that people as one State is opened as an easy way. Now, let us see. I shall consider hereafter in a more proper connection the validity of the argument that the Territory ought to be admitted as one State. I propose now to examine the amendment and draw some contrasts between it and another measure which is before us for our consideration. The amendment in section 7 provides for an election, the formation of a constitution, and its submission to the people—

and if a majority of the legal votes cast shall be for the constitution, the governor shall certify the result to the President of the United States, together with a statement of the votes cast upon separate propositions, and a copy of said declaration, constitution, and ordinances.

That is all that the President has to do. He is to receive the result.

SEC. 26. That the constitutional convention may, by ordinance, provide for the election of a full State government, including members of the Legislatures and Representatives in Congress; but said State government shall remain in abeyance until the constitution framed by said convention shall have been approved by Congress. In case the constitution of said proposed State shall be ratified by the people, but not otherwise, the Legislature thereof may assemble, organize, and elect two Senators of the United States; and the governor and secretary of State of said proposed State shall certify the election to Congress; and when the constitution so framed is approved by Congress, and such State admitted into the Union by special act of Congress therefor, the Senators and Representatives shall be admitted to seats in Congress,

I ask, Mr. President, speaking with all courtesy, in the light of the history of the few years that are just past, does this amendment, which is described by the Senator from South Carolina as an easy path for the people of Dakota, place them in any better light or plight than they are in, knocking vainly at the doors of this Capitol to-day? They appear here as other States have done, with a constitution. When they have done all that this amendment requires, they will have progressed no further than they are to-day. They appear here, and they are met by cavil and pretext and excuse as the basis for denial.

If by any unworthy motive, such as party spirit, it should be in the interest of any party in the ascendant at that time to say, "they come here fully equipped with a constitution under this enabling act, so called, but we will keep them out year after year in the future as we have done year after year in the past," will it not be done? In what better plight would the people of Dakota be under this proposed substitute than they are to-day?

Mr. BUTLER. Mr. President——

The PRESIDING OFFICER (Mr. SPOONER in the chair). Does the Senator from Minnesota yield to the Senator from South Carolina?

Mr. DAVIS. Certainly.

Mr. BUTLER. I think in common fairness when the Senator is stating my position he ought to state it correctly. Of course I do not intimate that he desires to state it incorrectly, but he must remember that the provision of my amendment applies to the whole Territory of Dakota. The bill reported by the majority of the committee applies to the south half of it, so that I do not think he is exactly fair and just in stating that I and those who agree with me have denied the admission of this Territory into the Union.

Mr. DAVIS. In discussing the logical consequences of a great measure, however great my respect may be for a Senator, he becomes very impersonal. I am speaking of the effect of the amendment. I heard well what the Senator said yesterday, and I believe him as to what he personally would cheerfully do in the event of compliance with his proposition. As to his argument respecting the admission of Dakota as one State, I said a few moments ago that I would consider the Senator's argument in a more proper connection. But my objection to his amendment is that it has no reasonable tendency in the light of the times which have recently passed to place the people of Dakota in any better position than they were before. Indeed, it remits them to a condition far less advanced. This amendment which the Senator has brought within these walls is a wooden horse loaded with delusions, and it will be in vain if we are deluded into receiving it as something divine.

I have called the especial attention of the Senate to the fact that in the amendment proposed by the Senator from South Carolina a provision

which is not infrequently found in legislation of this character is omitted, namely, that the people of the Territory upon forming a constitution may be admitted by executive proclamation. That is omitted from the amendment in regard to Dakota. She is to be admitted by a special act of Congress. Whatever the design was, the manifest tendency is to keep these people out.

Has the Senator from South Carolina always upon this subject been the man he was and of the mind he was? I will not go back for years or months. It is only necessary to go back a few days to draw a most instructive contrast in what I am encouraged to think are his opinions, at least in regard to the precedents. He asked why Utah should not be admitted? He gave no answer himself. I will tell him.

Mr. BUTLER. No, Mr. President, I did not put that question in that form. I said that if the proposition advanced by the Senator from Connecticut, which I understand to be indorsed by the Senator from Minnesota now on the floor, be the correct one, there was no reason why Utah should not be admitted. That was the ground I took.

Mr. EDMUNDS. That does not follow at all.

Mr. BUTLER. The Senator from Vermont says that does not follow. Perhaps that is his opinion, but I have mine. I beg pardon for differing with so distinguished a Senator, but still I have given my opinion.

Mr. DAVIS. I listened to the Senator from South Carolina with interest and pleasure, and I do not remember anything in the speech of the Senator from Connecticut which justified that allusion by the Senator from South Carolina, but I will tell the Senator what are the qualifications to be placed upon the question. If Dakota ought to be admitted Utah ought not, upon the ground that there is a matter of principle.

Mr. BUTLER. He put it on the ground of right.

Mr. DAVIS. Utah is by no means to be brought into contrast with the people of that Christian community known as South Dakota. The condition of things is notoriously such in Utah that we take judicial notice of the fact that a republican form of government is impossible in that Territory, dominated and ruled in detail and in gross as it is by a polygamous hierarchy which is superior to all government.

Mr. BUTLER. Then I understand the Senator to admit that Congress has the right to exercise a discretion in the admission of Territories as States.

Mr. DAVIS. When Congress ascertains that the character of the people and their institutions is such that a republican form of government is impossible, then there is no discretion about it at all, but a plain obligation to carry out the imperative requirements of the Constitution.

No longer ago than the 16th day of March, 1888, the Senator from South Carolina introduced a bill into the Senate for the admission of Utah as a State into the Union. I have examined the bill carefully. I regret to say that it gives us much less promise of a republican form of government than the people who made the so-called constitution of that proposed State themselves submitted to us—a constitution which contained a provision defining polygamy as a felony, and by its terms making that provision unalterable without the consent of Congress. I find no word of censure or no word of condemnation in that bill—not one syllable of condemnation—against that surviving twin of barbarism. The only reference to it, and it is a peculiar one, is—

That no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship.

Mr. BUTLER. Will the Senator be kind enough to inform the Senate whether that provision has not been usual in bills for the admission of new States?

Mr. DAVIS. I am presenting the results of my examination.

Mr. BUTLER. I beg the Senator's pardon.

Mr. DAVIS. The provision is that they shall not be molested in person or property on account of his or her mode of religious worship. I had the curiosity to refresh my memory by turning to the Constitution of the United States for the equivalent phraseology or something like it, but it is not to be found. It is "the mode" that is protected, against which the United States can not prescribe by legislation.

But this is not all; and perhaps what I said a moment ago did not go far enough. I called the attention of the Senate to how difficult in fact was the easy way which the amendment of the Senator from South Carolina had made for the Republican Territory of Dakota, and I now propose to call attention to the easy way in fact which he has made for the people of the Democratic Territory of Utah.

It will be remembered that the constitution contemplated by his amendment as to Dakota provides that the State government and the constitution adopted shall remain in abeyance until confirmed and ratified and the State admitted by a special act of Congress. I supposed, of course, I should find the same provision in regard to the bill which he introduced less than three weeks ago respecting Utah; but what do we find? The power of Congress as to the admission of Utah, if this bill should pass and her people should form her constitution, is in express terms disposed of and exercised in advance, and all that the people of Utah have to do under the Senator's bill is to perform a condition-subsequent. I read from page 5, section 5, of the Utah bill:

The returns of said election shall be made to the secretary of the Territory, who, with the members of the Utah Commission, or any three of them, shall canvass the same; and if a majority of the legal votes cast shall be for said constitution, the commission shall certify the result to the President of the United States, together with a copy of said declaration, constitution, and ordinances; whereupon it shall be the duty of the President of the United States, if said declaration, constitution, and ordinances shall conform to the requirements of this act, to issue his proclamation declaring the State admitted into the Union on an equal footing with the original States, without any further action whatever on the part of Congress.

Compare it with the provision of his amendment in regard to Dakota, for I recur to it again for the purpose of emphasizing the different positions in which the Senator from South Carolina stands in respect to the exercise of the discretion, and the different procedure which he applies to these two distinct communities.

But said State government shall remain in abeyance until the constitution framed by said convention shall have been approved by Congress. In case the constitution of said proposed State shall be ratified by the people, but not otherwise, the Legislature thereof may assemble, organize, and elect two Senators of the United States; and the governor and secretary of state of said proposed State shall certify the election to Congress; and when the constitution so framed is approved by Congress and such State admitted into the Union by special act of Congress therefor the Senators and Representatives shall be admitted to seats in Congress, and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States; and the State government formed in pursuance of said constitution, as provided by the constitutional convention, shall proceed to exercise all the functions of State officers; and all laws in force made by said Territories at the time of their admission into the Union shall be in force in said State.

Utah is to come in by a proclamation which his bill makes the duty of the President to issue, while Dakota is to again and again depend upon a special act of Congress.

Mr. President, I proceed now to answer that branch of the argument of the Senator from South Carolina in which he endeavored to persuade the Senate that it is not the desire of the people of Dakota to come in under the constitution which has been presented here. Is it not strange, if, as he says, there was marked dissent on that question, that there are no petitions or memorials except the proceedings of that unique Aberdeen convention laid upon the table of the Secretary? Is it not strange that in all the years during which the people of South Dakota have been struggling for admission no such petition or dissent has been laid before the Senate?

The whole history of the Territory from the beginning shows that such has been the desire of the people. The Senator's own party in that Territory, in all its official action from the earliest time down to the present, has been unanimous in all official declarations for division and admission. I send to the desk and ask to have read from the Huron Herald, a Democratic paper, from which I understand an extract of the speech of Judge Edgerton was read yesterday, a statement as to the position of the Democratic party in regard to the division question.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The paper will be read.

The Chief Clerk read as follows:

RECORD OF THE DEMOCRATIC PARTY OF DAKOTA ON DIVISION—VOTES OF ALL THEIR CONVENTIONS—DIVISION AN ORIGINAL DEMOCRATIC MEASURE.

[From the Huron Herald-Democrat (Democratic).]

Inasmuch as the question of division of the Territory of Dakota is now before Congress, and as Ordway, Johnson, and other self-constituted leaders of the Democratic party here are endeavoring to make Congress believe that the Democrats are opposed to the division of the Territory, and in favor of admission as a whole, the Democrat proposes to give the attitude of this party upon this important question in the past, so that all may be informed on the subject.

At the Territorial Democratic convention which assembled at Bon Homme, July 18, 1872, and which nominated Moses K. Armstrong for Delegate in Congress, who was afterwards elected to his second term, the following resolution was adopted:

"*Resolved*, That a division of the Territory should be made, giving to the settlement of Dakota a separate and distinct Territorial government north of the forty-sixth parallel of north latitude."

At the Territorial Democratic convention held at Elk Point, August 20, 1874, in which W. A. Burleigh was nominated for Delegate in Congress, the following resolution was passed:

"*Resolved*, That we believe the best interests of the public demand the erection of a new Territory out of that portion of Dakota lying north of the forty-sixth parallel, and we pledge the influence of the Democratic party to secure the organization of such new Territory."

At the Territorial anti-monopoly convention held at the same time and place, and which also nominated Dr. Burleigh for Delegate, the following resolution was adopted:

"*Resolved*, That we are in favor of the organization of a new Territory out of the northern portion of Dakota at the earliest possible day."

The Territorial Democratic convention held at Yankton, July 6, 1876, which nominated Hon. S. L. Spink for Delegate in Congress, adopted the following resolution:

"*Resolved*, That we earnestly favor the organization of a new Territory out of the northern part of Dakota, and believe that such organization will largely tend to enhance the interests of the people of both sections."

In the Territorial convention which nominated Bartlett Tripp for Delegate in 1878 no expression upon the division question was made. In the convention of 1880, which nominated M. L. McCormack for Delegate, it is asserted by those who were present that a division resolution was passed, but the record is not available.

In 1882 the Democrats of Dakota assembled in Territorial convention at Mitchell, and after nominating W. E. Steele, of Deadwood, for Delegate, adopted the following resolution:

"*Resolved*, That we are in favor of the division of Dakota on the forty-sixth parallel and retaining the present name of Dakota for the south half."

In 1884, at Sioux Falls, where the Territorial Democracy in convention assembled nominated John R. Wilson, of Deadwood, for Delegate, the resolutions adopted embraced the following:

"*Resolved*, That we are in favor of the division of the Territory on the seventh standard parallel, and appeal to the Democratic members of Congress to favor such division."

At the last Democratic Territorial convention, held at Aberdeen September 30, 1885, in which Hon. M. H. Day was nominated for Delegate in Congress, plank No. 7 in the platform of principles adopted was as follows:

"That we favor the submission to a vote of the people of the whole Territory the question of the division of the Territory on the seventh standard parallel."

This is the consistent, outspoken attitude of the Democratic party of Dakota for fourteen years upon the question of division. This party has been the originator, fosterer, and promoter of division. The unselfish, thoughtful Democrats who have resided here for years, and who have studied the needs and wishes of the whole people of this Territory, have pronounced time and again for division. The last Democratic convention elected its chairman upon the issue of division, nominated its candidate for Delegate upon the same issue, and came very near electing him. Every man who attended the Aberdeen convention of September 30, 1886, remembers that W. I. Quigley was nominated by the one-State men for temporary chairman. The divisionists put up Hon. John R. Wilson, who was elected by an overwhelming majority. When it came to the selection of a candidate for Delegate the same question was presented. It was a trial of the strength of the divisionists and anti-divisionists. What was the result? On the informal ballot L. G. Johnson, who represented the one-State men, received 70 votes; M. H. Day, who represented the two-State men, received 204 votes; and D. W. Maratta received 69 votes. On the formal ballot Mr. Day received 228 votes, D. W. Maratta 76 votes, and L. G. Johnson 4 votes, most of the Johnson men voting for Maratta.

Thus it will be seen that every time this question has been before the Democratic party of this Territory, in whatever form, the party has pronounced emphatically for division.

When the resolution favoring the submission of the question to a vote of the people passed the Aberdeen convention every good and true Democrat was bound to stand by the result. And what was the result? In favor of division by nearly 5,000 majority.

If Mr. Johnson was a good Democrat he would submit to this verdict. But he does not, and hence forfeits his right to be called a Democrat. In fact, his course in this matter is in keeping with his past political record. Up to a very recent date Mr. Johnson was an active Republican. When the Territorial Republican convention assembled at Pierre in 1884 he was heading the Republican delegation from Brown County and assisted in nominating Judge Gifford, the present Republican Delegate, and in the same year he was a prominent member of the Territorial convention which met in Huron to select delegates to the national Republican convention at Chicago. If he has since been converted to Democracy his acts do not prove it.

The plain truth is, a large majority of the Democrats of this Territory are now, and have always been, in favor of division. And the Democrat is getting pretty tired of having a man with the political record of Mr. Johnson assuming to represent and reflect the sentiments of the Democracy of Dakota.

Mr. DAVIS. Mr. Johnson is the gentleman whose name was mentioned by the Senator from South Carolina yesterday and whose remarks before the committee were presented by that Senator. The description given of him in that article comes down to last December.

The Senator from South Carolina attributes a great deal to the action of the so-called Aberdeen convention. So far as any expression of the people of that Territory is concerned upon which we should act it is of no importance. The Aberdeen convention was held a few weeks after the election by which the people of the Territory cast a vote of 67,000 and decided in favor of division by a majority of 5,000. Time does not warrant me to state fully the manipulations which produced the convention at Aberdeen, but every Federal officer desirous of continuing in power, every office-seeker desirous of a Federal appointment, every county-seat speculator interested in struggles as to which should be the capital in case the Territory should become one State, was active in giving some pretext for laying some foundation for some such argument as we heard yesterday, to break down as far as possible the express will of the people to whom it was referred by an act of the Legislature of the whole Territory of Dakota to decide.

I beg leave to read to the Senate from the statement of Hon. O. S. GIFFORD, the Delegate in Congress of the Territory of Dakota, made before the House committee on the 1st of February, 1888, in regard to this Aberdeen convention:

In regard to the Aberdeen convention recently held, it is entitled to the consideration which might be given to the opinions of a like number of people who may assemble anywhere at any time from neighboring towns, with a few from distant parts of the Territory, and to no more consideration. The original call for the convention was an anonymous call, not signed by anybody, or perhaps by one person who purported to act as secretary of something.

Mr. STRUBLE. By whom was it signed as secretary?

Judge GIFFORD. I think it was signed by Mr. Brayton, if I am not mistaken, or if it was signed at all.

Mr. JOHNSON. No, it was not signed. It was prepared for the signatures of the people and mailed to them. Judge Gifford, a wholesale liquor-dealer (in this I mean no personal disrespect), canvassed thoroughly the lines of the Northwestern Railway to secure signers to the call after it was issued. No exposition, circus, ice or corn palace was ever advertised more thoroughly in our country. Special trains, rates, and all sorts of inducements were offered to get people to attend the convention.

Let us look at this call a moment and into some of the county conventions which selected the delegates. Now, after this call was issued and public signatures were secured to the call—and I see on this list the names of men who were appointed as officers, land officers, in the Territory, and who have not resided there longer than two years. There is the name of Hugh East, of Yankton, and the name of the receiver, I think, or is it the register, of Devil's Lake? Names of land-office clerks are upon this list. Mr. E. P. Calwell, whose name appears here upon this call from Beadle County, is not a resident of that county at all and has not been for years. I am told that from reliable authority.

Mr. JOHNSON. But he was an old resident of the Territory.

Judge GIFFORD. I have in my pocket a letter from which I desire to read a short extract, if you will allow me. It is from a reputable citizen of North Dakota, who is mayor of the city of Devil's Lake. This is dated Devil's Lake, Dak., December 26, 1887:

"Now that the Aberdeen convention is over and its purposes and principles are quite well understood, it is proper that a few facts relative to the mode and manner in which that gathering was assembled should be known. As you are well aware, there was nothing legitimate in this call. Half a dozen politicians set the ball rolling; a few sharp lightning-rod agents were employed and sent out over the Territory to see the non-divisionists and secure names for the cause. A man named Moore, who I learn is an old wire-puller, was sent to this county. He obtained the name of S. S. Smith, receiver of the land office; also the names of W. Noble and W. Y. Rumney, land-office clerks, and J. F. O'Brien, who was an applicant for the registership when Mr. Lord's time expires. From here Moore drove to Benson County, and then went south to Jamestown. He did not go into Towner or Rolette Counties, but contented himself with using the names of John Hardy and McDonald, two strong divisionists, and Editor Sibley, a strong Democrat. All three of these gentlemen repudiated the whole business, and Editor Sibley denominates it a forgery. This was at Towner County. In Rolette County Moore used the name of one person who favored the admission as a whole scheme, and added two fictitious names of persons that were never heard of in the county. I understand that this same system of forgery was carried out in different parts of the Territory which the conspirators did not have time to visit."

Now what inspired the convention to take the proceedings and come to the conclusion that it did? It was the utter despair of some of the people of South Dakota and of all the people of North Dakota, that whether divided or as one they could ever be admitted into the Union as long as the agitation for the admission of South Dakota continued. If South Dakota is to be admitted as one State the people of North Dakota greatly fear, and fear with reason, that they will tread the same long and weary way that their sister has been compelled to traverse. This, I say, conclusively appears from the speech of Mr. Preston, the president of the convention. On page 13 of the proceedings of the Aberdeen convention Mr. Preston is reported as saying:

I have some time since come to the conclusion that there is no prospect for the division of this Territory and the admission of the south half. I am, indeed, grateful to those people of South Dakota and all the people who have done so much for the division of this Territory, and I give them credit for being honest in all their puposes, although they have not accomplished their desired end; they have, nevertheless, kept Dakota's greatness before the public. But when their efforts fail, when they have done all they can do by their own personal efforts, aided by legislative appropriations, as has been done, I am indeed forced to admit, after mature deliberation, that it is useless to insist longer upon division and admission. No one will admit but what our business interests are suffering.

There is not a word in Mr. Preston's address, if I recollect it correctly, certainly not one word in that passage, which pronounced as unwise the admission of this Territory as two States. His language is the language of despair, of surrender, of being beaten out of the accomplishment of all that is desired and being forced to take the best that he can get.

But in order to be entirely regular in the opinion of this convention thus called together, it seemed to have been deemed necessary by the delegates who sat therein that they should move off under the guidance of some inspiring mind; that they should receive a message from somebody which should direct their work, guide their intelligence, and stimulate them in their desires, or cast down their hopes, if such were necessary to be cast down.

Accordingly (this convention being held on the 15th of December, 1887) it seems that on the 6th of December a letter was prepared by a very eminent personage to be read as a sort of an executive message to the convention at Aberdeen. It is dated "House of Representatives, United States, Washington, D. C., December 6, 1887;" and its writer is WILLIAM M. SPRINGER, the chairman of the Committee on Territories. It is a letter addressed to this same Mr. Johnson who has been paraded here as proving the intelligence, the probity, and truth-telling capacity of the people of Dakota.

Mr. PLATT. And the non-partisan.

Mr. DAVIS. And the non-partisan.

On page 30 of these proceedings Mr. L. G. Johnson, of Brown county, said:

While the chairman is engaged in making up his list of the committee, I desire that the Secretary read this letter from Hon. WILLIAM M. SPRINGER, of Illinois.

And it was accordingly read and spread upon the record. Mr. SPRINGER says:

This is the first concerted movement on the part of the people of Dakota for single statehood which has come to my knowledge.

And I think in that respect the letter is true.

Heretofore the organized efforts of your people have been in the direction of division of the Territory into two parts, while individuals, partisan localities, and newspapers of the Territory have opposed such efforts. These contending factions among your own people have had the inevitable result of preventing affirmative action whatever by Congress.

This is his pronunciamiento, the ukase and decree of a man in a certain respect absolutely powerful, or assumed to be so, over this question, prepared in advance to be submitted to these people in that convention.

Those who are wedded to the idea of division may well postpone the realization of their hopes until a more convenient season—

Referring, I suppose, to some time after the next Presidential election—

for I can assure them, from my knowledge of public sentiment here, that the division of Dakota at this time, and the erection of two States within her border, is utterly impossible.

He concludes as follows:

I therefore bid you Godspeed in the work of the convention of the 15th of December, and trust that its labor will result in the early admission of Dakota as a State in the Union.

Is it any wonder, Mr. President, with such a letter as that, prepared for this convention, sent to the gentleman who followed that convention here, who was not even a member of the committee appointed by that convention to come here and notify Congress of its proceedings, that the people who met there felt cowed, and like Mr. Preston, their chairman, who was always in favor of division before, abandoned the

hope of division, and made up their minds that in every way they would endeavor to procure the best they could get?

The Senator from South Carolina finds some fault with the vote cast for the delegates to the convention which formed the constitution under which Dakota is now seeking admission into the Union. He says the vote was but 12,000 out of 77,000 votes. He says that he bows his head to the imperialism of the sovereign people, and he asks if this application for admission is a decent respect for the wish of the sovereign people, or a partial respect for the doctrine of popular sovereignty.

We have reason to felicitate ourselves, Mr. President, in these times when public sentiment seems to be eaten with the canker of a long peace, that any Senator will rise in his place and call attention to any inadequacy or violation of the franchise in any part of this country. He spread before us a map of Dakota, of which I have a counterpart, wherein the counties which voted for division were noted in somber and mournful black. I thought another map might be unrolled of a region southwest of the Potomac, and of the electoral processes whereby a great party has been removed like a cottage from over twenty degrees of latitude and over 900,000 square miles.

This debate will not be without fruit, Mr. President, if we heed the remarks of the Senator from South Carolina, which demand that a vote shall be decently full at least to entitle people applying for admission to the exercise of discretion; and I wish the same sentiment might reach to Alabama, where, in the First Congressional district, at the last election, JAMES T. JONES, in six counties, was elected a member of Congress by 4,220 votes—no opposition. In the Second district, eight counties, the candidate was elected by 5,659 votes; no opposition. In the Third district, seven counties, W. C. OATES was elected by 4,660 votes—no opposition. In the Fifth district, nine counties, JAMES E. COBB was elected by 5,558 votes to 775 for Edwards, Republican, and that was all the opposition. These are great counties of a State which has been settled for scores of years.

If 12,000 votes are not sufficient to lay a warrant of title for a Representative from Dakota or for Senators upon this floor, what shall be said of such a record as that? So it runs through other States. In Arkansas, the First district, eighteen counties, POINDEXTER DUNN received 6,092 votes—no opposition. In the Fifth district, SAMUEL W. PEEL, 4,746 votes—no opposition.

In Georgia, First district, THOMAS M. NORWOOD, eighteen counties, 2,060 votes against 17 for Groover, Republican. Second district, seventeen counties, HENRY G. TURNER, 2,411 votes—no opposition. In the Third district, sixteen counties, C. F. CRISP, 1,704 votes—no opposition. In the Fourth district, eleven counties, T. W. GRIMES, 2,909 votes; Carmichael, Republican, 330 votes. In the Fifth district, eleven counties, JOHN D. STEWART, 2,999 votes—no opposition. In the Sixth district, eleven counties, the successful candidate, 1,722 votes—no opposition. In the Eighth district, twelve counties, H. H. CARLTON, 2,377 votes against 55 scattering. In the Ninth district, A. D. CANDLER, 2,355 votes against York, Republican, 11 votes. In the Tenth district, eleven counties, GEORGE T. BARNES, 1,944 votes—no opposition.

Louisiana, Fourth district, thirteen counties, N. C. BLANCHARD, 5,747 votes—no opposition.

Mississippi, First district, eight counties, JOHN M. ALLEN, 3,140 votes; 27 scattering. Fourth district, thirteen counties, F. G. BARRY, 2,964 votes; 122 votes scattering. Seventh district—that is the Copiah district—nine counties, CHARLES E. HOOKER, 4,908 votes, and 6 scattering.

South Carolina, First district, the Charleston district, SAMUEL DIBBLE, 3,315; 2 scattering. Second district, five counties, GEORGE D. TILLMAN, 5,212; 23 scattering. Third district, five counties, JAMES S. COTHRAN, 4,402 votes; 7 scattering. Fourth district, WILLIAM H. PERRY, 4,470 votes—no opposition. Fifth district, five counties, J. J. HEMPHILL, 4,696 votes; 5 scattering. Sixth district, GEORGE W. DARGAN, 4,411 votes; 58 scattering.

In the face of such a showing as that, any suggestion which will call the attention of the American people to the negligence or denial of the exercise of the right of popular sovereignty is to be welcomed and I rejoice that the Senator from South Carolina avows here that he bows his head to the imperialism of the sovereign will, and asks if this application, backed by only 12,000 votes out of 77,000, is a decent respect for the wish of the sovereign people and for popular sovereignty.

But these gentlemen from these other regions have assumed the duties of their office without question; no objection has been made to their doing so; the conscience of the people has hardly been stirred by it; and if such things can be in that region, why should the people of Dakota, if they choose not to cast more than 12,000 votes out of 77,000, be told that their action is one to be discredited and their plea for admission insolent?

But there is one thing here to which attention has not been called. Conceding that the vote for the election of delegates which formed that constitution was a comparatively light one, yet the people of the entire Territory by their legislative act authorized the election of last fall upon the question of division under that constitution, and the result of the vote on that subject in November last was 67,618. There were for division 37,784, against division 32,913; a majority for division of 4,871.

Mr. President, that is by far the largest vote that has ever been cast in any Territory of this Union on the subject of the adoption of a constitution or admission, and although I have not computed, I venture to say it is a larger vote than the entire aggregate of the votes from these Southern districts in the election of members of Congress which I have just read in the hearing of the Senate.

What other excuses remain for postponing this long-delayed act of justice? This course of evasion, quibbling, pretext, and denial has run so long that it has ceased to be a mere error. Never in the history of this Government has such a commonwealth knocked, and in vain, at the doors of the Union; never has the equity of any people been so shamefully down-trodden.

On account of grievances much the same our ancestors rebelled.

On account of grievances less than this, though much the same and committed by the same party and for the same purpose, the injustice done Kansas shocked the popular conscience and converged upon its perpetrators the condemnation of the world.

On account of oppressions much the same, for home government denied, for the imposition of rulers alien to the soil, who govern like proconsuls, we blame England, condole with Ireland, hold meetings, pass resolutions, and contribute money with self-sufficient hypocrisy, while we are full of the same offense.

I shall not, Mr. President, detail the history of this continuous and consistent injustice; it is known of all men. I shall content myself with presenting Dakota as she is to-day.

The entire Territory contains 600,000 people. Of these not less than 350,000 inhabit South Dakota. They began to subdue that marvelous region when Indians wars were raging before and behind them.

In the midst of our struggle for national existence, and long afterwards, before a railroad was built into that country, when civilization stood pausing on her Western outposts, then not 60 miles west of the Mississippi River, the forerunners of those hardy men and brave women dared the wilderness, the savage, and all the terrors of a season when nature at times attacks man with forces that have frozen armies as they marched.

These people came from every State and from foreign lands. There are there twenty thousand soldiers of the Union Army denied enfranchisement by the nation they helped to save. This people is in the maturity of age and of physical and intellectual vigor. Go into an assemblage in that Territory and you will see few gray heads. No one there is idle or superannuated. That people have reclaimed that domain; they have created a State. It is a gift from them to the United States, which enjoys the largess and spurns the giver. They have made the prairie yellow with harvests, and they reap therefrom each year more in value than is digged from all the mines of gold and silver in the country. They have also since 1877 extorted $33,000,000 of treasure "uphoarded in the womb of earth." They have built thousands of miles of railroads; they have endowed schools and universities; they have established reformatories, prisons, and asylums; they have created a State to which nothing is wanting of use, refinement, or luxury, and nothing wanting of political completeness except the right to govern itself as a State of the Union. They are to-day, in all that constitutes a State, more fully equipped than many States which have for years persistently denied them fellowship.

From a wealth of achievement so various as to make selection difficult, here are some of the results, at least one-half of which belong to South Dakota:

Population	600,000
Acres disposed of under general land laws	35,937,930
Acreage of wheat	3,899,389
Bushels of wheat in 1887	60,000,000
Bushels of corn in 1887	27,000,000
Value of live-stock in 1887	$12,828,338
Gold and silver mined since 1877, all in South Dakota	$33,770,000
Ungraded schools	3,856
Railroad mileage	4,207

In railroad mileage Dakota stands thirteenth in the list of forty-seven States and Territories. In 1887 more miles of railroad were built there than in any of the States excepting Kansas. Her total mileage is exceeded only by that of Pennsylvania, New York, Ohio, Texas, Kansas, Indiana, Michigan, Missouri, and Wisconsin. And this mileage, more than sufficient to span the continent, has been built without subsidy or land grant, excepting the main line of the Northern Pacific, from Fargo to Bismarck, about 300 miles.

It is insisted, in opposition to the present measure, that the whole Territory should be admitted as a State. There are many reasons why this should not be. The people of the Territory do not so desire. They have voted on this subject and declared decisively their wish to be otherwise. The sentiment in South Dakota is almost unanimous in favor of division, and it would be so in North Dakota but for the fear of its people that if they are continued in Territorial dependence they will for years to come be made to endure the same delays in their own efforts for admission. It has from the beginning been the one desire upon which the people of Dakota, throughout all of their contentions, have been agreed—that in time two States would be created from it. On this forecast the public buildings have been built in duplicate for each division, north and south.

The physical geography of that Territory bears upon this question

and furnishes another reason why it should be divided into two States—a reason so convincing that it has operated upon the political instinct of peoples in adjusting themselves to boundaries for ages before the principle was recognized as an element of political science. It is this: South Dakota lies mainly on the line of different productions and intercourse from that occupied by the region to the north. It lies in the latitude of Southern Minnesota and Iowa. Immigration, moving as it does in parallels, has largely gone into that region from States directly east and south. North Dakota has been populated by a much more diverse multitude; and it is generally accurate to state that a large majority of its inhabitants has gone there from regions lying nearly in the same latitude. The overflow from Minnesota has not been less than fifty thousand people. The Scandinavian population is not less than sixty thousand.

It is, perhaps, too much to say that there are now few points in common between the inhabitants of these two regions, but it is entirely correct to state that there are points of divergence between them from which an ever-widening process will inevitably go on. The products of each region will be different. North Dakota's principal staple will always be wheat. The products of South Dakota will ever be more various. Such difference, it is well known, has its effect upon the characteristics of communities, and from the beginning give rise to opposing interests and desires often irreconcilable, to different markets, to different commercial lines of intercourse, and to conflicting modes of thought and action.

The work of man in that Territory has already corroborated these assertions. Trade, like migrations, moves in parallels. South Dakota is tributary to Chicago, and reaches the seaboard through that city. North Dakota is bound commercially to St. Paul, Minneapolis, and Duluth, and its products find their way to the seaboard through those cities, thence by the way of Lake Superior during the season of navigation. The railroad recently completed through Northern Wisconsin and Michigan to the Sault Ste. Marie, and which there connects with the Canadian system of railways, furnishes a winter outlet and saves the necessity of the detour around the southern extremity of Lake Michigan.

The instinct of railroad builders has from the beginning acted under the impulse of these conceptions. The east and west lines of Chicago traverse South Dakota and are directed toward the Black Hills. Far to the north of them lie two other east and west systems, the Northern Pacific and the St. Paul, Minneapolis and Manitoba, each running into Duluth. The effect of this mandate of nature and of this obedience to it by man will be strikingly manifest twenty-five years from now, when each of these regions will contain more than two millions of people.

There is another convincing reason why the present Territory should not constitute a single State. It is too large, and will in time be too populous and powerful to subserve the equilibrium which ought to be maintained between the States. It contains 150,000 square miles. All New England can be included in it and still leave room for New York, Delaware, and Maryland. The distance from its northern to its southern boundary is equal to that between Washington and Ottawa, in Canada Divided, as proposed, it will give two States of 75,000 square miles. There is little waste land in this wide expanse. It will sustain millions of people. As one political body it will inevitably, and at no distant day, as time is measured in the life of nations, exercise an undue ascendency in political action.

This is an evil which we have only begun to experience, but it is felt to-day in the overpowering influence of great States and ever in that of great cities. It needs no prophetic gift to fear and see the power which Texas must at some time exert upon the affairs of Government, when her imperial domain, which no Texan will for this very reason consent shall be divided into new States, as was originally contemplated, becomes populous with millions of people, moving under the momentum of inordinate power, of common interest, and concentrated intelligence.

The present government is insufficient. It has for years been an anachronism. The Territorial system of administration is in theory, and ought always to be in practice, merely temporary and provisional for the short time during which the process of forming the State is gone through. The true enabling act, in principle, is the act establishing the Territory. How is it with this commonwealth, grown to full stature and exceeding beauty, standing a scorned suppliant without, while sister States, contemning her, are reveling in the great festival of power and national glory to which she has contributed so much?

The present governor is a sojourner from New York. His predecessor was a sojourner from Illinois, who was preceded by a sojourner from New Hampshire, who succeeded a sojourner from Michigan.

The Legislature is a council of twenty-four members and a house of representatives of forty-eight members. It meets biennially and its sessions are limited to sixty days. A statute of the United States prohibits legislation by special act upon many subjects which all experience has shown are best treated in that manner. Such a legislative system is utterly inadequate to the rapidly growing needs of such a people.

Any government in which public or private justice is delayed or made uncertain stands condemned by that single fact. The entire jurisdiction, original and appellate, of the courts of record of Dakota, both Federal, and Territorial, is vested in six judges. Justice delayed is justice denied. These magistrates hold several terms each year of the supreme court, and in the intervals go in eyre throughout the Territory, through many counties—as many as twenty-six to one of the judges—in the vain effort to keep down calendars of causes, necessarily leaving often hundreds of cases not reached for trial.

The collection of debts is thus deferred; private credit suffers; titles to land are assailed by pretexts barely sufficient to cloud them, and remain unsettled for years; administration of estates taken into these courts by appeal from probate tribunals is delayed until inheritances are devoured by costs of procedure; the trials of criminals are procrastinated until witnesses are become scattered, and the culprits at last go unpunished.

This is the cause of every Territory and not that of Dakota alone. Several of these ought at once to be admitted. As mere appanages to the Union they unquestionably add to its resources, but as States they increase its power many fold. We need them in the national councils. They stretch for 1,700 miles along the northern boundary of our rival. In case of war these people could seize the Canadian Pacific road and thus hold the very keys of that country in one week. Under similar conditions Great Britain would neglect no measure to establish a loyal and aggressive people on our frontier. But we, negligent of our Navy, of our merchant marine, of our coast defenses, of our duty to control interoceanic communication over Central America, of the rights of our fisheries, are negligent here also, in a matter of the highest importance, considered in reference to our relations with other powers.

Of all the causes which have contributed to the grandeur of the Republic, and made it the first power upon earth, the acquisition of regions which have been occupied by the most courageous of our people, have become Territories and then States, has been the most potent. We acquired Louisiana, a vast empire, watered by the largest navigable rivers in the world, rivers which run southward and afford the means of commercial intercourse and exchange of every product of many degrees of latitude, from the wheat of the extreme north to the sugar of the extreme south.

We acquired Florida, and the Gulf of Mexico became the Mediterranean of this nation. We acquired Texas, and look at the magnificent result. We acquired California, and it became at once the principal producer of precious metals, and stands now dominant upon the Pacific, destined to engross the commerce of Asia.

By a cowardly diplomacy we gave up unquestionable claims to part of Oregon and enabled Great Britain to share with us the most important military and naval position on the Pacific Coast from Cape Horn to Behring's Straits.

Why shall we not be at least meanly just—for generosity has long been out of the question—towards Dakota? Why delay longer this great act of national justice? Why shall we not be taught by the lessons of history, and understand that justice long deferred eventually works retribution in direct proportion to the obduracy of its denial?

Let us strip this question of every device, evasion, pretext, and sham, and plainly admit that this commonwealth has been denied admission into the Union for the sole reason that the party in power—the solid South and a few allied Northern States—do not intend that Dakota shall have any voice in the election of a President so long as the existing political ascendency can hope for continuance.

This is no new wrong. It has been perpetrated before by the same party, by the same alliance, and for the same purposes. When Kansas sought admission the same injustice was inflicted upon her. The prize in that game of chicane, injustice, and bloodshed was the continuance in power of the Democratic party. Many who were accessories to that offense had the excuse of believing that a great domestic institution was in danger. But here no such apology can be made. The admission of Dakota imperils no material interest. It will increase the power of the nation and impart benefactions to every community therein.

The party which proclaims that public office is a public trust, violates that trust; which boasts of its devotion to the principles of self-government and of civil-service reform, violates those principles in every particular by insisting that such a commonwealth shall remain under a Federal protectorate and be governed by foreign officers. The party which denies to hundreds of thousands of electors in the South a free ballot and a fair count, denies also, by a cunning which is more odious than force, the ballot, on national questions, to 70,000 white men in this portion of the North.

Mr. TURPIE. Mr. President——

Mr. VEST. The hour is late.

Mr. TURPIE. I take the floor for the purpose of taking part in the discussion.

Mr. VEST. If the Senator from Connecticut [Mr. PLATT] will allow me, I want to call up a bill for the action of the Senate.

Mr. PLATT. What did the Senator from Indiana say when asked if he wanted to go on?

Mr. VEST. He states he does not wish to go on this afternoon.

Mr. PLATT. I will not make a formal objection, but I desire that this matter shall be proceeded with as rapidly as possible, and I want to make a single observation about the procedure of the Senate in re-

gard to these matters of importance, which, under our rules, can not be taken up until 2 o'clock, and then somebody asks that a little time be carved out to pass some informal matter, and then after an hour and three-quarters or two hours' consideration somebody asks that something else shall be done; and so we get along very slowly. I will make no objection, however, this afternoon, as I desire to accommodate the Senator from Indiana, but I shall insist after to-day that we give our undivided attention to this bill. It will be economy of time. I understand the Senator from Texas [Mr. COKE] has given notice that he will in the morning hour to-morrow make some remarks on the President's message; otherwise I should move to take up this bill immediately after the morning business to-morrow; but I appeal to the Senate to go on with it as rapidly as possible after to-day.

Mr. VEST. I am willing to sit it out now, so far as I am concerned.

Mr. VOORHEES. If the bill is passed over informally, my colleague will take the floor at 2 o'clock to-morrow.

Mr. PLATT. Unless the Senator from Texas should conclude to change the time of making his speech. If he concludes not to make his speech to-morrow, I shall ask that this bill be taken up at the close of the morning business, or at the conclusion of his speech if that be earlier than 2 o'clock.

The PRESIDING OFFICER. The Senator from Indiana [Mr. TURPIE] has the floor, and the bill is laid aside informally.

GENERAL SHIELDS'S SWORDS.

Mr. VEST. I ask unanimous consent to take up a bill to purchase of the widow and children of the late General Shields, formerly a member of this body, certain swords. The measure passed the House some days ago for the benefit of his family. He left a farm in Missouri, and his widow is supporting herself and family on a small pension granted under a special act of Congress. His widow after struggling along for some years finds it necessary to sell the swords which were presented to her husband by two different States for his distinguished military services. The House of Representatives has passed the bill unanimously. It has come to the Senate and has been reported from the Committee on the Library, and I ask the Senate to take it up and pass it.

The PRESIDING OFFICER. What is the Calendar number?

Mr. VEST. It is Order of Business 689, being the bill (H. R. 3796) to purchase of the widow and children of the late General James Shields certain swords.

The PRESIDING OFFICER. The Senator from Missouri asks that the Senate proceed to the consideration of this bill. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3796) to purchase of the widow and children of the late General James Shields certain swords.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FIRST NATIONAL BANK OF MARION, IOWA.

Mr. ALLISON. Mr. President, I ask unanimous consent to call up Order of Business 661, being Senate bill No. 1795. It will take but one moment. It is a local bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1795) for the relief of the First National Bank of Marion, Iowa.

The bill was reported from the Committee on Finance with amendments, in line 7, to strike out "January" and insert "October;" in the same line, to strike out "eighty-one" and insert "eighty;" and in line 18, after the word "*Provided*," to insert "*however;*" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of $450 to the First National Bank of Marion, Iowa, as interest from October 1, 1880, to January 1, 1883, on United States 4 per cent. coupon bonds Nos. 205 and 22703, for $500 each, and Nos. 16847, 22136, 22138, and 5442, for $1,000 each, the coupons representing the interest of said bonds for the period above indicated having been destroyed while detached from the bonds and in the custody of the United States postal authorities: *Provided, however*, That a satisfactory bond of indemnity shall be filed with the Secretary of the Treasury before said payment shall be made.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MONUMENT TO GENERAL JOSEPH WARREN.

Mr. HOAR. I ask the consent of the Senate to proceed to the consideration of Order of Business 695, being Senate bill No. 2392.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2392) for the erection of a monument to the memory of General Joseph Warren, who fell at the battle of Bunker Hill.

Mr. HOAR. Mr. President, I desire to be permitted to say a word in regard to this bill.

I shall not undertake to repeat in this presence the pathetic and tender story of the life and death of General Warren. He was perhaps the most brilliant figure in that great group which comprised Otis and John and Samuel Adams, of the early Massachusetts patriots, in the era which preceded and accompanied the opening of the Revolutionary war. He graduated at Harvard College, a man of fine education, of a noble and inspiring eloquence, and of the very highest professional attainments. He threw himself with all the zeal of an ardent nature into the cause of the Colonies, and his influence was one of the chief forces which prepared the American people for the war of the Revolution.

He was engaged as a volunteer in the battle of Lexington and had received the commission of major-general from the Continental Congress. He was not dispatched by the commander-in-chief to take possession of Bunker Hill, but directly on hearing the prospect of an engagement he went there as a volunteer. Colonel Prescott, who was in command of a large part of the forces on that day, knowing the superior rank of Warren, tendered him on the ground the command. Warren declined, saying that he preferred to serve as a volunteer under Prescott. As he was on his way to the spot a friend who knew him well told him he never would leave the battle-field alive, to which Warren replied: "*Dulce et decorum est pro patria mori.* I go; if I do not return, so be it."

It is well known that he fell in the hottest of the engagement. His figure, spotless, noble, brave, has been a perpetual inspiration to the youth of the American Republic. Two years after his death the Continental Congress passed a vote to erect a monument to General Warren, which is recited in the preamble of the present bill. That vote has remained the sole monument to his memory. It has not been the custom of the people of Massachusetts to ask of the Congress of the United States aid in commemorating their heroic dead. The manuments on Bunker Hill and Lexington, the statues of the Adamses and of Otis, have been erected by the people of the State or of the town or of the neighborhood where those monuments are erected; but it has seemed to me that it would be almost putting ignominy on the country if after this resolution of the Continental Congress the monument to Warren should be erected without national aid.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

PUBLIC BUILDING AT BRIDGEPORT, CONN.

Mr. SPOONER. I move that the Senate proceed to the consideration of the bill (H. R. 7264) for the erection of a public building at Bridgeport, Conn.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was reported from the Committee on Public Buildings and Grounds with an amendment, in line 11, before the word "thousand," to insert "and fifty;" and in line 20, before the word "thousand," to insert "and fifty;" so as to make the bill read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase, or otherwise provide a site, and cause to be erected thereon a substantial and commodious building, with fire-proof vaults, for the use and accommodation of the post-office and for other Government uses, at Bridgeport, Conn. The site and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $150,000; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site, nor plan for said building, shall be approved by the Secretary of the Treasury involving the expenditure exceeding the said sum of $150,000 for site and building; and the site purchased shall leave the building unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, nor until the State of Connecticut shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. SPOONER. I move that the Senate insist on its amendment, and ask for a conference between the two Houses on the disagreeing votes thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. SPOONER, Mr. MORRILL, and Mr. PASCO were appointed.

PUBLIC BUILDING AT FORT WORTH.

Mr. COKE. I move that the Senate proceed to the consideration of the bill (S. 1974) for the erection of a public building at Fort Worth, Tex.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIFE-SAVING STATION.

Mr. SAULSBURY. I ask the Senate to proceed to the consideration of the bill (S. 1856) to establish a life-saving station on the Atlantic coast between Indian River Inlet, Delaware, and Ocean City, Md.

There being no objection, the bill was considerad as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT TALLAHASSEE.

Mr. PASCO. I move that the Senate proceed to the consideration of the bill (S. 1083) for the erection of a public building at Tallahassee, Fla.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in line 4, after the word "purchase," to insert "acquire by condemnation or otherwise provide;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase, acquire by condemnation, or otherwise provide a site for, and cause to be erected, a suitable building, with proper fire-proof vaults therein, for the accommodation of the courts of the United States, post-office, land office, internal-revenue offices, and other Government offices, at the city of Tallahassee, Fla. The site and building thereon, when completed, upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of $75,000, nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site nor plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the sum of $75,000 for site and building.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL ARMORY WORKSHOP.

Mr. DAWES. I ask the Senate to proceed to the consideration of the bill (H. R. 5639) for erecting of a fire-proof workshop at the National Armory.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT DETROIT.

Mr. PALMER. I ask for the consideration of the bill (S. 2442) to increase the appropriation for the public building at Detroit, Mich.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill. By it the amount heretofore fixed as the limit of cost for the erection of a public building by the United States Government at Detroit, Mich., is increased to $1,500,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT BIRMINGHAM, ALA.

Mr. MORGAN. I ask the Senate to proceed to the consideration of the bill (H. R. 5062) for the erection of a public building at Birmingham, Ala.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OREGON RAILWAY AND NAVIGATION COMPANY BRIDGES.

Mr. SAWYER. I ask for the consideration of the bill (S. 2601) authorizing the construction of railroad bridges across the Snake River and across the Clear Water River, by the Oregon Railway and Navigation Company.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FLORIDA LIGHT-HOUSE.

Mr. CALL. I ask the Senate to proceed to the consideration of the bill (S. 735) making an appropriation for the erection of a light-house on Dog Island, Florida.

By unanimous consent the bill was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, in line 6, to strike out the words "Dog Island" and insert "the high land (mainland) to the westward of Crooked River;" so as to make the bill read:

Be it enacted, etc., That the sum of $40,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the erection of a light-house on the high land (mainland) to the westward of Crooked River, in Franklin County, Florida, said amount to be expended under the direction of the Secretary of the Treasury.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CALL. The title should be amended.

The PRESIDENT *pro tempore*. The proposed amendment to the title will be reported.

Mr. FRYE. Was the committee's amendment adopted?

Mr. CALL. Yes; but the title should be amended.

Mr. FRYE. Very well; let the title be amended to follow the amendment that was made in the bill.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. The amendment, in line 6, was to strike out "Dog Island" and insert "the high land (mainland) to the westward of Crooked River."

Mr. FRYE. Let that be the title.

The title was amended so as to read: "A bill making an appropriation for the erection of a light-house on the high land (mainland) to the westward of Crooked River, Florida."

BESSIE S. GILMORE.

Mr. SHERMAN. I ask the Senate to proceed to the consideration of the bill (S. 352) for the relief of Bessie S. Gilmore.

By unanimous consent, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT *pro tempore*. The bill has been previously considered as in Committee of the Whole and read at length, and an amendment agreed to. Are there further amendments to the bill as in Committee of the Whole?

Mr. COCKRELL. Let the bill be read.

The PRESIDENT *pro tempore*. The bill will be read as amended.

The Chief Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby directed to redeem United States 5 per cent. coupon bond No. 38712, for $1,000, act of July 14, 1870, with interest thereon from the 1st day of August, 1876, to the 12th day of August, 1881; also one United States 5 per cent. coupon bond, No. 54191, for $500, act of July 14, 1870, with interest thereon from the 1st day of August, 1876, to the 21st day of May, 1881; also one United States 5 per cent. 10-40 coupon bond, No. 28253, for $500, act of March 3, 1864, with interest thereon from September 1, 1876, to July 18, 1879, in favor of Bessie S. Gilmore, who claims to have been the owner thereof on September 14, 1876, at which time it is alleged they were stolen from her, and who further claims they were afterward destroyed by the thief or thieves, upon the said Bessie S. Gilmore furnishing to the Treasury Department a bond of indemnity in double the amount of the face of said bonds, with good and sufficient sureties, subject to the approval of the Secretary of the Treasury, to secure the United States against loss or damage in consequence of the redemption of said bond.

Mr. COCKRELL. When the bill was up before the question was as to whether parties who owned United States coupon bonds which had been destroyed had the right to go into the Court of Claims to sue upon them. I still adhere to the opinion I expressed then, but there may be some doubt in regard to it. The doubt arises from the fact that Congress has provided that in the event of the loss or destruction of bonds certain proofs and a certain mode of procedure shall take place in the Treasury Department, and that may possibly be considered as an exclusive provision.

Mr. HOAR. I should like to call the attention of the Senator from Missouri to the fact that these bonds were lost some fifteen years ago. I suppose, therefore, the remedy in the Court of Claims must have long ago been barred.

Mr. SHERMAN. At any rate there is no remedy there. They have no right to sue.

Mr. HOAR. I am taking the theory of the Senator from Missouri.

Mr. COCKRELL. If six years have expired, I presume as a matter of course the remedy would not exist, because the limitation is six years after the right of action accrues.

Mr. HOAR. I suppose in a great many of these cases of loss of bonds Congress would not be willing to give a remedy so soon as six years, because the chances that the bonds would turn up would be very much greater.

Mr. COCKRELL. I make no further objection. I simply wanted to state the view that I take of the matter. I think there is no question but that a United States bond may be sued on in the Court of Claims, but there is a limitation upon it. As to destroyed bonds, I am not certain that that principle would hold; the other provision might exclude it.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MONUMENT TO GENERAL WILLIAM LEE DAVIDSON.

Mr. VANCE. I ask the Senate to proceed to the consideration of Order of Business 687, Senate bill 1097.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1097) to provide for the erection of a monument to the memory of Brig. Gen. William Lee Davidson.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

TENNESSEE RIVER BRIDGE AT CHATTANOOGA.

Mr. HARRIS. I ask the Senate to proceed at this time to the consideration of Order of Business 804, being House bill No. 1076.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1076) authorizing the construction of a bridge across the Tennessee River at Chattanooga, Tenn.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 3, line 29, to strike out "Secretary of War" and insert "Light-House Board;" so as to read:

Provided, That said draw shall be opened promptly upon reasonable signals for the passage of boats or vessels; and said corporation shall maintain at its own expense, from sunset to sunrise, such light or other signals as the Light-House Board shall prescribe.

The amendment was agreed to.

The next amendment was, in section 5, line 5, to strike out "Congress" and insert "the Secretary of War;" in line 6, after the word "act," to insert "or the entire removal thereof;" and in line 8, after the word "expense," to insert:

If any litigation shall be necessary for the purpose of enforcing the requirements of the War Department as to altering said bridge or removing the whole structure, the same shall be had in the circuit court of the United States within whose jurisdiction the bridge or any part thereof is located.

So as to make the section read:

SEC. 5. The right to alter, amend, or repeal this act so as to prevent or remove all material and substantial obstructions to the navigation of said river by the construction of said bridge is hereby expressly reserved; and any alteration or change that may be required by the Secretary of War in the bridge constructed under this act, or the entire removal thereof, shall be made by the corporation or party owning or controlling the same at its own expense. If any litigation shall be necessary for the purpose of enforcing the requirements of the War Department as to altering said bridge or removing the whole structure, the same shall be had in the circuit court of the United States within whose jurisdiction the bridge or any part thereof is located. If the construction of said bridge shall not be commenced within two and completed within four years after the passage of this act, all privileges conferred hereby, and this act, shall become null and void.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HARRIS. I move that the Senate insist on its amendments, and ask a conference with the House of Representatives on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. VEST, Mr. SAWYER, and Mr. HARRIS were appointed.

REVENUE-CUTTER FOR CHARLESTON.

Mr. FRYE. I move that the Senate proceed to the consideration of Order of Business 666, House bill 1818.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1818) for construction of a revenue-cutter for Charleston, South Carolina, in maintenance of the service, to replace the United States revenue-cutter McCulloch.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT C. MURPHY.

Mr. FAULKNER. I ask unanimous consent to take up Order of Business 918, Senate bill 1533.

By unanimous consent, the bill (S. 1533) for the relief of Robert C. Murphy was considered as in Committee of the Whole. It provides for the payment to Robert C. Murphy, late United States consul at the port of Shanghai, China, $490.68, the amount found due the United States from William Knapp, junior, late United States vice-consul at Shanghai, China, and charged to the account of Murphy in his final settlement as United States consul at that port.

Mr. SPOONER. At the time this bill was reported by the Committee on Claims the claimant was ill and was supposed to be dying with some cancerous affection. I am told by one of the clerks at the desk that he has seen some statement in a newspaper within a day or two of his death. I suggest that the bill go over, under the circumstances.

Mr. HOAR. The chairman will permit me to suggest that this is a very hard case, as our committee saw; and, instead of having any further delay, why not say "pay to him or his legal representatives?"

Mr. SPOONER. Very well; let the bill be amended by inserting the words "or his legal representatives."

Mr. FAULKNER. There is no doubt of his right to relief; but to make matters safe it is well to insert the amendment.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In line 4, after the name "Robert C. Murphy," it is proposed to insert "or his legal representatives;" so as to read:

That the Secretary of the Treasury is hereby authorized and directed to pay to Robert C. Murphy or his legal representatives, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Robert C. Murphy or his legal representatives."

DANIEL B. WASHBURN.

Mr. HOAR. I ask that the Senate proceed to the consideration of Order of Business 860, being Senate bill 839.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 839) for the relief of Daniel B. Washburn.

The preamble recites that Daniel B. Washburn, of Milford, Mass., received, in his capacity of administrator of the estate of William McFarland, late of Milford, from the assistant treasurer of the United States, the sum of $1,193.94, being the amount, on the 4th day of June, 1885, due to McFarland from the United States on pension certificate No. 304382; that Washburn in good faith paid out of that amount of money the sum of $1,055.50 in payment of the debts due from the estate, and expenses of administration of the same, and for a head-stone placed at the grave of McFarland; and that Washburn has since the payment been compelled to refund the $1,193.94 to the assistant treasurer of the United States. The bill, therefore, proposes to direct the Secretary of the Treasury to pay to Washburn $1,055.50.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. ALLISON. I move to take up House bill 6894, being the Military Academy appropriation bill.

Mr. PLATT. The Senator moves to take it up. I suppose he asks unanimous consent. He does not wish to leave it the unfinished business.

Mr. ALLISON. I ask unanimous consent.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6894) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1889.

Mr. ALLISON. I ask that the few amendments of the Committee on Appropriations be acted on as they are reached in the reading of the bill.

The PRESIDENT *pro tempore*. That will be the course if there be no objection.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, on page 2, in lines 27 and 29, to strike out the brackets inclosing the proviso.

Mr. ALLISON. The proviso there is inserted in brackets. The brackets should be struck out. The amendment is merely to strike them out.

The PRESIDENT *pro tempore*. That amendment will be agreed to, if there be no objection.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, after the word "blotting-pads," in line 82, to insert "and;" and in line 83, after the words "rubber bands," to strike out "and so forth;" so as to make the clause read:

For stationery, namely, blank-books, paper, envelopes, quills, steel pens, rubbers, erasers, pencils, mucilage, wax, wafers, folders, fasteners, rules, files, ink, inkstands, type-writers, pen-holders, tape, desk-knives, blotting-pads, and rubber bands, six hundred dollars.

The amendment was agreed to.

The next amendment was, in line 232, at the end of the clauses making appropriations for extra pay of enlisted men, to insert the following proviso:

Provided, That the extra pay provided for by the seven preceding paragraphs shall not be paid to any enlisted man who receives extra-duty pay under existing laws or Army regulations.

The amendment was agreed to.

The next amendment was, on page 11, line 238, after the word "For," to strike out "gas, coal," and insert "gas-coal;" so as to make the clause read:

For miscellaneous and incidental expenses: For gas-coal, oil, candles, lanterns, matches, chimneys, and wicking for lighting the Academy, chapel, library, cadet barracks, mess-hall, shops, hospital, offices, stables, and riding-hall, sidewalks, camp, and wharves, $3,500.

The amendment was agreed to.

The next amendment was, after the word "supplies," in line 281, to insert "for the departments of instruction of the Military Academy;" so as to make the clause read:

Provided, That all technical and scientific supplies for the departments of instruction of the Military Academy shall be purchased by contract or otherwise, as the Secretary of War may deem best.

The amendment was agreed to.

The reading of the bill was concluded.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

R. S. STANLEY.

Mr. WALTHALL. I ask the Senate to take up for consideration House bill 6291.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6291) for the relief of R. S. Stanley, postmaster at Booneville, Miss. It provides for the payment of $88 to R. S. Stanley, on account of money sent from the post-office at Booneville, Miss., in a registered-package envelope, to the postmaster at St. Louis, Mo., and which was burned *en route* from Booneville, Miss., to St. Louis, Mo.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PURCHASE OF A SWORD OF WASHINGTON.

Mr. EVARTS. I ask to call up Order of Business 866, being the bill (S. 2564) authorizing and directing the Secretary of War to purchase from Miss Virginia Tayloe Lewis a sword of Washington.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The preamble recites that General George Washington, by the provisions of his will, bequeathed to certain of his relatives the several swords of which he died possessed; and that among these is the sword which is of exceeding historic value, as that worn by him upon the occasion of resigning his commission at Annapolis and at his public receptions while President. The bill, therefore, proposes to direct the Secretary of War to purchase from Miss Virginia Tayloe Lewis, a direct descendant of George Lewis, the devisee under the will, she being the present owner, the sword for the sum of $20,000.

Mr. COCKRELL. I think that is a very expensive sword. Is there any identity of that sword absolutely?

Mr. EVARTS. It is a sword that was very useful to the United States in the time it was used by its former owner, and in that relation it has its value. As a matter of barter and sale it has not any very great value. It is one of the five swords mentioned by General Washington and bequeathed to various of his kindred. The first one is that which is said to have been presented to General Washington by Frederick the Great with the message that it was a present from the oldest general in the world to the greatest general in the world. That is owned by the State of New York, which purchased it, with some papers and items of consideration, for the sum of $20,000.

This is brought now to the attention of the United States, and the sum named in the bill is the price that was fixed by this representative of the legatee of the sword. Its authenticity and its relation to the great event of the surrender of Washington's commission and its use by him as President at his receptions is not disputed. It is represented in historical pictures.

The Committee on the Library did not feel at liberty to cheapen this sword. If anybody was to cheapen it, it was not to be done by the United States of America; and the only proposition that we lay before Congress is whether the United States shall become the owner of this sword. If we do not become its owner, it will be offered to such other patriotic organizations as may desire it, or to such lovers of signal and valuable relics as have abundant property to acquire it at this price. It is not to be had at any other price, and the single question for this committee was whether the United States should possess it, and should possess, if they could possess, it at the price at which it could be bought, and not cheapen it in reference to any of the acquisitions of other people.

Mr. COCKRELL. I understand the question to go a little further, and I hope the Senator will not insist on a vote upon this bill this evening. The Senate is not full, and I shall be compelled to call for the yeas and nays on it. I do not think it is right; I think it is an extravagant price.

Mr. HOAR. Will the Senator permit me to remind him that we have to-day agreed to purchase General Shields's swords for $10,000?

Mr. COCKRELL. I beg pardon, we have not passed any such bill to-day.

Mr. VEST. Will my colleague allow me to say that we provided that the cost to the United States should not exceed the actual cost of the swords.

Mr. HOAR. Which is $10,000.

Mr. VEST. I do not know that it is; but $10,000 is the maximum fixed.

Mr. COCKRELL. There is no pretense that the value of this sword is $100 even. If this had been such a sword as those of General Shields, and there had been a first cost which gave them intrinsic value, it would be a different matter.

Mr. EVARTS. Now, Mr. President, I would say to the Senator from Missouri and his colleague that nobody supposes that in buying the Shields swords we were buying them as salable swords, that we could realize by putting them in the market. The question of the brilliants upon them constitute no part of the desire or of the duty of the people of the United States to possess those swords any more than any other collection of brilliants; but as to this sword, it was mentioned to us that it might be sold to others when broken up into brilliants, and so realize its value.

Does any one wish to apply any test or measure to this sword of Washington? I have stated very distinctly that the owner of it, a descendant of the legatee, values this sword at this price. If we buy it we buy it because we desire to have the sword, not that we desire to give $20,000 or $10,000. Unless it is in a certain sense inestimable, we should not buy it at all. It has no relation of money to us. It is because it was the sword of Washington that we buy it, and we buy it of an owner who states the price at which we can buy it. It is not for the benefit of the vendor, nor because of any condition of hers respecting it. If we are to have it, we are to buy it at this price; if not, it is to find richer and more patriotic possessors than the United States.

Mr. VEST. As a matter of course we all know such swords have no commercial value. It is my duty to put myself on record, having favored the bill for the purchase of General Shields's swords, as I can not vote for the purchase of this sword at the price named. This sword is not known to have been used in action by General Washington. We have erected monuments which we hope will endure as long as time to the memory of Washington. We propose to erect a monument for his mother. We have also a proposition before us to construct an avenue to Mount Vernon to be named after him. In every sort of way the American people have tried to evidence their veneration, not to say respect, for the memory of Washington.

I do not see that we are called upon to do anything which would indicate that we have occasion for this sword at the price proposed. If the heirs want to make this sale, we do not propose to pay $20,000 for it. That is all.

Mr. VOORHEES. Mr. President, I would just as soon vote to pay $100,000 for this sword as any other sum. It is not a question of money. The Government is not here speculating or saving money. There is no question of price. This is the sword that General Washington wore upon his person when, after the close of such a career of glory as no other man had in the world, he surrendered his commission at Annapolis, and bowed his lofty head to the civil authorities of his Government. It is cheap at any price, I care not what price. To talk about drawing the line between $1,000 or $10,000 or $20,000 has no meaning to my mind. This is a plain, long blade of steel, with a plain silver handle and guard. I have not seen it; but it is hallowed with such associations as belong to no other man in human history. It was worn by the man to whom Frederick the Great sent his sword, inscribed "From the oldest soldier in Europe to the greatest general in the world"—a man who had not only achieved the liberties of his own country but set a pattern for mankind.

I deem it an honor and a privilege without question to vote for this appropriation, and the more so because this sword is in the hands of the lineal blood descending from Washington's veins.

I suppose, Mr. President, I stand in critical review all the time of the men who vote narrowly, and as they say economically, but as I say with mean parsimony, on questions of this kind. It has never occurred to me that there was extravagance in preserving the relics of those who have done more for human progress, for civil and religious liberty, than anybody else.

I was glad to concur in the purchase of the swords presented to General Shields. I knew General Shields well. He had fought with distinguished courage and capacity in two wars. I have stood at the head of the western stairway of this wing of the Capitol and talked with him by the hour about that picture of the battle of Chapultepec, where he stands with his arm in a sling, where Quitman rides up to him; and certainly while it would give me pleasure to vote in committee, when it comes from the committee of which I am a member, as well as a Senator, to pay his family for swords voted to him by two great States, the States of Illinois and South Carolina, it gives me more pleasure still to vote for a measure which gives to the ownership and custody of this Government that relic, combining the greater career and the obedience to civil authority which distinguished Washington's unapproachable and unparalleled name. I am astonished that there should be opposition to it.

As I said before, Mr. President, we are not speculating, nor are we drawing the lines upon prices. I have had some experience in purchasing pictures while a member of the Library Committee. I was at one time chairman of that committee. There is a historic value; intrinsic value there is none. Will it be said that I concurred in the purchase of the swords of General Shields because they had brilliants in the handles of them or because they had diamonds upon them, as I understand they have? I understand (whether well informed or not I do not know) that the sword voted to him from South Carolina cost $5,000 or $6,000. I care nothing about that. This Government is not a junk-shop. It is neither buying nor receiving in pawn things because of their value, but because of their associated glory in the cause of the Government in its progress and its honor.

I shall, without any hesitation, vote to sustain the report of the committee and pay the sum proposed for this most sacred relic that I know of coming down from Washington. We have his clothes, we have his camp-stools, we have his iron bedstead, but we lack at last that relic

which represents the very spirit of our Government, the union of military glory with obedience to civil law.

Mr. HOAR. Mr. President, the junior Senator from Missouri [Mr. VEST] spoke of the honor which has been already paid to Washington by the erection of a monument and to the proposed honor by the naming of an avenue to his dwelling-place after his name, but everybody knows that to a soldier the sword is the peculiar emblem of his personal glory and greatness. The loss of the sword in battle is regarded as the peculiar misfortune of a great soldier. It is a thing which he will give his life to save, even if he is saving nothing else. I suppose the sword of Washington is the one single relic on the face of this earth which all mankind would agree to prize as the most sacred and valuable——

Mr. COCKRELL. How many of them are there?

Mr. KENNA. Will the Senator from Massachusetts allow me to ask him a question in that connection?

Mr. HOAR. When I have got through I will answer the question. I would rather complete my statement first.

Mr. KENNA. Very well.

Mr. HOAR. I suppose that this sword which Washington wore upon his person in what is embodied as the greatest act of his life, in the laying down his military character which appears in historical paintings, is the one single relic on the face of this earth which all mankind would agree to recognize as the most valuable, sacred, and precious. Take the sword of the Black Prince, the sword of Napoleon, the crown of every emperor or king or queen who ever reigned, with the great Kohinoor diamond in its front, and bring them all together in a pile, let their money value be measured by millions upon millions, and they have not that sacredness, that true worth, in the hearts of the American people or the lovers of popular rights everywhere which this single relic that is offered to us now has.

We proposed to buy this afternoon the swords of General Shields for the sum of $10,000, or thereabouts. It is true we measured those two swords by their cost; we understood that was the value; but did it make a particle of difference in the vote of any Senator whether those two swords of that gallant warrior were adorned with brilliants and cost the States which presented them to him this large sum, or whether they were simply swords which could have been bought for two or three dollars apiece? I suggest to the Senator from Missouri to put his ideas about the value of this sword into a practical shape and to move to amend by striking out "$20,000" and inserting "seven dollars and a half" in the bill, which of course would be according to the logic of his speech.

Mr. KENNA. I do not want to disturb the Senator, but I should like to ask him a question.

Mr. HOAR. I will answer the Senator's question now.

Mr. KENNA. I wish to ask the Senator if it is not a fact that the battle-sword of General Washington, the sword which accompanied him in more active engagements, which followed him throughout the fortunes of the Revolution more than all other swords, came to this country as the gift of a citizen of my own State more than forty years ago, without price and without cost, and that it is now among the precious relics of the Government?

Mr. HOAR. There is another sword of Washington in the possession of the Government.

Mr. KENNA. And that was a gift in days of higher patriotism than those which demand cost for such relics.

Mr. HOAR. I suppose it was a gift, which was very proper. I suppose if any person owned this sword who could afford it he would be glad to make a similar gift to the country; but this is a case of a lady of near kindred and blood to George Washington, who is in straitened circumstances, who is not asking for charity, and the country would not permit her to give this sword to it as a gift. The relatives of Mr. Jefferson were persons in wealthy circumstances, and they presented us with the writing-desk on which he wrote his Declaration of Independence, and we celebrated its reception by a solemn ceremonial in this Chamber; but this is the important sword of Washington. It is the first sword in value of those which he left to his kindred.

If you talk about the money value, there are forty Barnums who would give twice the sum now proposed for this sword if this lady should offer it to them for sale. I suppose there are one hundred millionaires, men of wealth, in the principal cities of this country, who would buy it as a matter of ornament for their drawing-rooms or libraries at a larger price. The State of New York, it has been said, gave $20,000 for the Frederick the Great sword which they possess, accompanied, it is true, by other relics of value.

Mr. EVARTS. Not of nominal value.

Mr. HOAR. But those were not of nominal value. It seems to me that this sword is fixed at a moderate price, and that it would be a disgrace to the nation itself to let it pass into the market.

Mr. VEST. Mr. President, I had not the slightest idea of causing the bursts of eloquence we have heard in regard to this subject. I thought that I had distinctly said I would be willing to go to any reasonable extent to evidence my veneration and that of the people whom I represent for the memory of Washington.

But, sir, if there ever was an illustration of the truth of the Latin maxim *tempora mutantur* it is given in the lecture which I have received from the Senator from Massachusetts. Whenever Massachusetts rises to such illimitable heights of magnificent generosity as we have heard here this evening, it will change the estimate the people of this country have always had of the thriftiness and canniness of her people in the way of bargains.

I have never said one word here to justify the rebuke of the Senator from Massachusetts, that I should offer seven dollars and a half for this sword. I simply have said that this price was enormous. If we propose now, as both the Senator from Indiana and the Senator from Massachusetts have indicated, that in our action here we are to show our estimate of the services of George Washington to this country, let us make the price of this sword $10,000,000; yes, as the Senator from North Carolina [Mr. RANSOM] suggests to me, $100,000,000, and then the people of the United States could not in dollars and cents fix before the people of the world their estimate of his great character and achievements.

Who has brought this sword here as a matter of commerce? One of the heirs and descendants of Washington is willing to take money for this priceless relic, of which we have heard so much. When they enter into the domain of trade, when they come and ask us as the representatives of the people for so much money as the price of this article, what right have they or their advocates here to complain that we simply wish to fix a moderate and reasonable estimate upon what we are to pay for? That is all of it, and I do not propose to be driven by any lectures of this sort into voting $20,000 for what I conceive not to be worth that amount.

In the case of General Shields the amount was fixed at what the swords cost, not to exceed $10,000, to be given to his widow, who today is attempting to carry out his will, which requested the education of his children, and she is compelled, forced, coerced to sell these swords, which she has treasured as long as she could, in order to get money for that purpose, and that alone. This is all I care to say about the matter.

Mr. REAGAN. Mr. President, as we shall perhaps have a yea-and-nay vote on this subject, I prefer saying a word before the vote is taken.

The memory of General Washington is enshrined in every American heart. The American people have done everything that they could to testify their gratitude, their respect, and their veneration for him, and if there are other acts which they could do to testify their appreciation of his great character no doubt they would be prepared to perform them.

Now we are asked to add to the evidence of our respect and veneration for General Washington by making commerce of this sword of his. It is said that it is in the hands of his descendants, interested in his fame. They certainly ought to be as much interested as other American citizens. If they feel that proud interest in his fame which most American citizens should feel, they would never have asked money for that sword, but would have proudly tendered it, to be placed where it could be of most service as a relic and a memento of the past. But we are asked to testify our respect, our admiration, our veneration for the character of Washington by entering into a commercial dicker for one of his swords!

His principal sword we are advised has been for thirty or forty years in the possession of the Government. It seems to me that there is something in our Americanism that has changed very seriously in the last thirty or forty years. Once we knew how to testify our respect for men and to pay them honors without money. Now it seems that the measure of all honors to be bestowed has to be in dollars and cents. We have come down to vulgar materialism in everything, and we are asked to testify gratitude, respect, esteem, confidence by dollars and cents. The time was when noble, manly sentiments guided our respect, and when the expressions of respect and esteem and confidence counted for something more than filthy lucre.

Instead of giving $20,000 for this sword I regard it as not creditable to the descendants of General Washington to offer to sell it for a price in money, and I shall vote against the bill at whatever price proposed.

Mr. EVARTS. Mr. President, I think I have presented this matter in such a form as should at least have saved this lineal descendant of the legatee named by Washington as the possessor of this sword from the opprobrium that has been cast by the observations of the Senator from Texas. I stated distinctly that it was not a question of traffic, and when any one proposes to give the law of charity or of beneficence for other people, it is well to take into consideration the control of their own affairs that persons thus possessing it should have.

There is but one question, whether we will buy this sword at the price at which it is now offered to this Government. It can be disposed of, I have no doubt, in other directions; but it would miss its proper depositary and would pass over the preferred purchaser, as it seems to me.

When, therefore, it is said that one patriotic representative of one line of General Washington's collateral kindred has presented a sword, so much to their credit and so much for us that we accepted it and honored it enough to take care of it. Now, it is presented to us in a different point of view, and it is for us to say yes or no, whether we will not become the owner of this sword of General Washington. Otherwise we can not become the owner of it. If we now take it we do become its owner.

It is nothing to say that neither have we been ready to measure our admiration by any expenditures that we have made, nor that money can ever estimate or measure it, or that we are willing that money should estimate our homage and duty. It is simply a transaction of this kind, that this sword having been transmitted under circumstances of a family which permitted them to keep it they are no longer able to keep it, and they offer it to the Government for $20,000; and it is for us to say, by voting one way or the other, whether we will take the sword or not.

ADMISSION OF DAKOTA.

Mr. BROWN. I move that the Senate do now adjourn.

Mr. PLATT. Will the Chair lay before the Senate the unfinished business?

The PRESIDENT *pro tempore*. The unfinished business will be laid before the Senate.

The SECRETARY. "A bill (S. 185) to provide for the admission of the State of Dakota into the Union and for the organization of the Territory of Lincoln."

The PRESIDENT *pro tempore*. The Senator from Georgia moves that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 53 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 12, 1888, at 12 o'clock m.

SENATE.

THURSDAY, *April* 12, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting the supplementary report of the United States surveyor-general for New Mexico on the private land claim No. 116 in the name of Antonio Martinez; which, with the accompanying papers, was referred to the Committee on Private Land Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. WILSON, of Iowa, presented a memorial and joint resolution of the General Assembly of Iowa, in favor of an amendment to the Constitution of the United States limiting the ownership of land in this country to persons owing allegiance to the Government of the United States; which was referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

[Memorial and Joint Resolution No. 2.]

Whereas it is the first duty of governments to adopt such policies as will best promote the growth of national power and insure prosperity to the nation and its citizens; and

Whereas one of the means necessary to secure these results permanently is that the lands of a nation should be owned and possessed by its citizens exclusively, that the income therefrom may be added to the aggregate wealth of the nation; and

Whereas large amounts of the land of the nation are owned and controlled by citizens of foreign nations, who owe no allegiance to our Government, the income from such lands increasing the wealth of other nations, and the continuance of this evil will result in the introduction of foreign systems of landlordism, thereby oppressing the labor interests of our nation: Therefore, be it

Resolved by the house (the senate concurring), That the ownership of lands within the limits of any State or Territory of the nation by non-resident aliens is an evil threatening the prosperity of the nation, and vitally affecting the interests of the citizens.

Especially is this true of those who seek to secure homes on the public domain.

And we respectfully ask our Senators and Representatives in Congress to endeavor to have submitted to the States for their action thereon an amendment to the national Constitution providing that non-resident aliens shall not own, possess, or control, either individually or as a member of any company or corporation, any land or real estate within the limits of any State or Territory of the nation, and for the equitable extinguishment of all titles now held by non-resident aliens who shall continue to be such after the expiration of six years after the adoption of such amendment.

Resolved, That the secretary of state be instructed to transmit a certified copy of this preamble and resolution to each of our Senators and Representatives in Congress.

Approved April 3, 1888.

I hereby certify that the foregoing memorial and joint resolution passed the senate and the house of representatives of the Twenty-second General Assembly of the State of Iowa and was approved by the governor.

[SEAL.] FRANK D. JACKSON,
Secretary of State.

Mr. WILSON, of Iowa, presented the petition of the Typographical Union of Ottumwa, Iowa, praying for the passage of the Chace international copyright bill; which was ordered to lie on the table.

Mr. FAULKNER. I present the following memorials against the passage of Senate bill 2083, and in favor of continuing the Bureau of Animal Industry as at present organized, and to strengthen, without changing, the plan of the work; and opposed to the creation of a board of commissioners to control the work now intrusted to the Bureau of Animal Industry under the supervision of the Commissioner of Agriculture:

D. C. Hood and 43 other citizens of Alabama.
J. S. Appling and 52 other citizens of Arkansas.
L. G. Wilson and 83 other citizens of Dakota Territory.
H. J. Davis and 70 other citizens of Florida.
A. G. Gowen and 174 other citizens of Georgia.
A. B. Smith and 72 other citizens of Kentucky.
E. W. Pelton and 61 other citizens of Kansas.
W. L. Shaw and 59 other citizens of Louisiana.
Mason Smith and 105 other citizens of Michigan.
Calvin O. Allen and 145 other citizens of Missouri.
W. K. Green and 15 other citizens of Maine.
J. W. Grayson and 58 other citizens of Mississippi.
Caleb Bates and 43 other citizens of Massachusetts.
J. F. Talbott and 94 citizens of Maryland.
W. E. Kirsch and 53 other citizens of Minnesota.
David Witcher and 19 other citizens of New Hampshire.
S. W. Salmon and 180 other citizens of New Jersey.
C. G. Breed and 25 other citizens of New York.
E. N. Hodgin and 29 other citizens of North Carolina.
S. D. Kerr and 28 other citizens of Ohio.
John Brown and 170 other citizens of Oregon.
H. D. Taylor and 53 other citizens of Pennsylvania.
D. A. Stewart and 20 other citizens of Tennessee.
H. Black and 205 other citizens of Texas.
George S. Simpson and 87 other citizens of Utah Territory.
Henry Blake and 90 citizens of Vermont.
John Spears and 34 other citizens of Wisconsin.
W. T. Noll and 29 other citizens of West Virginia.

A bill on this subject being now before the Senate, I move that the memorials lie on the table.

The motion was agreed to.

Mr. FAULKNER. I also present the following petitions from citizens of the District of Columbia, in favor of the passage of Senate bill 1408, to authorize the Independent Automatic Portable Gas Works, of Washington, D. C., to construct gas-works, lay down pipes, manufacture and sell gas, and for other purposes;

The petition of John McDermott, Charles Mades, Hoadley & Page, J. J. Appich, John Fegan, and 110 others;

The petition of J. A. Smith, R. L. Main, W. W. Chambers, John F. Green, J. E. Sickles, and 100 others;

The petition of John W. Dyer, A. J. Sandford, J. W. Dickerson, J. A. Hagerty, E. J. Gibbons, A. G. Long, and 408 others;

The petition of James E. Horton, Schwing & Clark, Edward Kolb, John Sherman, jr., Gleason Brothers, and 212 others; and

The petition of George F. Vennum, L. D. Webb, C. W. Holl, and 42 others.

I move that these petitions be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. VEST. I present the memorial of Edwin Silver and others, members of the bar of the western judicial district of Missouri, remonstrating against the passage of House bill 1604, fixing a term of the United States circuit court for the western district of Missouri on the first Monday of March in each year. The bill is pending before the Committee on the Judiciary, and I move the reference of the memorial to that committee.

The motion was agreed to.

Mr. CULLOM presented the petition of Isaac N. Herold, late a private in Company A, Sixth Illinois Cavalry, praying that he be granted a pension; which was referred to the Committee on Pensions.

He also presented a petition of 44 citizens of Charleston, Ill., members of the Charleston Gun Club, and others, praying for the passage of Senate bill 283, for the better protection of the Yellowstone National Park; which was ordered to lie on the table.

He also presented the petition of Typographical Union No. 74, located at the Union Stock Yards, Chicago, Ill., praying for the passage of the Chace bill providing for an international copyright; which was ordered to lie on the table.

Mr. BUTLER. I present a letter from William Roach, president of the Charleston Port Society, inclosing a resolution passed by that society in regard to sending a training ship to Charleston Harbor. I move the reference of the communication and accompanying resolution to the Committee on Naval Affairs.

The motion was agreed to.

Mr. HALE presented a petition of ex-Union soldiers and sailors, citizens of Knox County, Maine, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. PADDOCK presented a petition of 19 citizens of Dakota County, Nebraska, and a petition of 19 citizens of Idaho Territory, praying for the passage of a bill providing payment for Indian depredations committed on the frontier; which were referred to the Committee on Claims.

Mr. SHERMAN presented the petition of George A. Taylor, Command No. 8, Union Veterans' Union, of Lima, Ohio, praying for the passage of House bill No. 5662, to grant pensions for service in the Army, Navy, and Marine Corps of the United States; which was referred to the Committee on Pensions.

Mr. WALTHALL presented the petition of S. T. Nicholson and 76

other citizens of Madison County, Mississippi, praying for an increase of the pay of fourth-class postmasters; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DAVIS presented a petition of citizens of St. Cloud, Minn., praying for the passage of Senate bill 283, for the better protection of the Yellowstone National Park; which was ordered to lie on the table.

He also presented a petition of citizens of Northfield, Vt., praying for the passage of Senate bill 548, to increase pensions of widows and minor children in certain cases; which was referred to the Committee on Pensions.

Mr. PALMER presented the petition of Hiram A. Burt, praying for the reference to the Committee on Claims of the papers in the matter of the claim of the heirs of William A. Burt, reported adversely in the Forty-ninth Congress, new evidence having been discovered; which was referred to the Committee on Claims.

He also presented the petition of Austin Burt and other heirs of the late William A. Burt, inventor of the solar compass, praying Congress to grant compensation to them for the use by the Government of that invention; which was referred to the Committee on Claims.

He also presented a petition of Typographical Union No. 81, of Bay City, Mich., praying for the passage of the Chace bill, providing for an international copyright; which was ordered to lie on the table.

Mr. SAWYER. I present various petitions from ex-Union soldiers and sailors of Wisconsin, numbering about 200, praying for the passage of the per diem rated service-pension bill. I move the reference of the petitions to the Committee on Pensions.

The motion was agreed to.

Mr. CAMERON presented a petition of citizens of Strasburgh, and a petition of T. D. Thomas, of Lehighton, all in Pennsylvania, praying for the repeal of that portion of the internal-revenue law which classes druggists as wholesale liquor dealers, and for the reduction of the tax on distilled spirits; which were referred to the Committee on Finance.

Mr. CHACE presented two petitions of printers and other employés in the Ledger office, Philadelphia, Pa., praying for the passage of the international copyright law; which were ordered to lie on the table.

Mr. PAYNE presented nine petitions, signed by 739 ex-Union soldiers and sailors, citizens of the State of Ohio, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. BROWN presented a petition of the Chamber of Commerce of the city of Atlanta, Ga., praying that an appropriation be made for the continuation of the work on the military post now being constructed near that city; which was referred to the Committee on Appropriations.

Mr. DANIEL presented additional papers to accompany the bill (S. 2673) for the relief of Elizabeth Gaskins; which were referred to the Committee on Claims.

Mr. EVARTS presented a memorial of the Chamber of Commerce of New York, requesting an adequate appropriation for the improvement of Buttermilk and Gowanus Bay Channels in the New York City Harbor; which was referred to the Committee on Commerce.

He also presented a petition of 30 ex-Union soldiers and sailors, citizens of Elbow, Warren County, New York, and a petition of 29 ex-Union soldiers and sailors, citizens of Auburn, Cayuga County, New York, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. COCKRELL. The Committee on Military Affairs, to which was referred the bill (S. 1151) to remove the charge of desertion now standing on the rolls of the War Department against John Miles, late of Company C, Fifteenth Regiment Michigan Volunteers, have instructed me to report the same back to the Senate, and recommend that the committee be discharged from its further consideration, as the Secretary of War has already granted the relief proposed in the bill.

The PRESIDENT *pro tempore*. The bill will be postponed indefinitely, if there be no objection.

Mr. COCKRELL. The Committee on Military Affairs, to which was referred the joint resolution (S. R. 58) donating useless cannon and muskets to the "Guilford Court-House Battle-Ground Association," of North Carolina, have instructed me to report it back adversely with a recommendation that it be indefinitely postponed. The Senator from North Carolina [Mr. VANCE] may possibly want it to go on the Calendar.

Mr. VANCE. Let it be placed on the Calendar.

The PRESIDENT *pro tempore*. The joint resolution will be placed on the Calendar with the adverse report of the committee.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 2016) for the relief of William Wolff, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (H. R. 4082) for the relief of the Agricultural and Mechanical College of Alabama, reported it without amendment, and submitted a report thereon.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 532) to repeal sections 1, 2, 3, 4, 5, 6, 7, and 9 of the act of Congress approved June 10, 1880, entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," asked to be discharged from its further consideration, and that it be referred to the Committee on Finance; which was agreed to.

Mr. FRYE. I am also directed by the Committee on Commerce, to whom was referred the bill (S. 1545) for the relief of captains, pilots, engineers, and mates of steam-vessels, to report it adversely.

Mr. COCKRELL. Is there a written report?

Mr. FRYE. There is not.

Mr. BATE. I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 2605) relating to the anchorage of vessels in the port of New York, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2506) for the establishment of a light-house, fog-signal, and day beacon in the vicinity of Goose Rocks, Fox Island Thoroughfare, Maine, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 2477) granting the right of way to the Mobile and Birmingham Railway Company, the successor to the Mobile and Alabama Grand Trunk Railroad Company, across the Mount Vernon Arsenal reservation, in Mobile County, Alabama, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (S. 1379) to increase the pay of chaplains in the United States Army, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2135) for the relief of Richard W. McMullin, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. DAVIS, from the Committee on Military Affairs, to whom were referred the following bills and joint resolution, submitted adverse reports thereon; which were agreed to, and the bills and joint resolution were postponed indefinitely:

A bill (S. 1461) to correct the military record of Michael Healy, late of Company C, Eighth New Hampshire Infantry Volunteers;

A bill (H. R. 166) for the relief of William Thompson;

A bill (S. 2279) to provide for supplying the national cemetery near Fort Scott, Kans., with water; and

Joint resolution (S. R. 64) authorizing the Secretary of War to sell and convey to the Minneapolis, Sault Ste. Marie and Atlantic Railway Company certain portions of the military reservation at Sault Ste. Marie, Mich.

Mr. CAMERON, from the Committee on Military Affairs, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 955) to amend the record of the Eleventh Regiment Rhode Island Volunteers in regard to the services of Capt. Amos C. Weeden;

A bill (S. 1201) to restore Chaplain C. M. Blake, United States Army, to rank and pay;

A bill (S. 1753) to muster Edward G. Pendleton as lieutenant of infantry into the service of the United States, and pay him for his services from August 31, 1861, to July 10, 1864, inclusive; and

A bill (H. R. 2465) for the relief the heirs of John F. Shorter.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 2199) authorizing the Little Rock and Alexandria Railway Company to maintain and construct a bridge across Bayou D'Arbonne, in Louisiana, reported it with amendments.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (S. 1363) for the relief of John A. Lynch, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

FOURTH VIRGINIA COLLECTION DISTRICT.

Mr. KENNA. I am instructed by the Committee on Commerce unanimously to report back the bill (S. 2613) to amend an act approved June 15, 1882, changing the boundaries of the fourth collection district of Virginia, and to ask that it have immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend the act of June 15, 1882, so that it shall read:

That the district of Newport News shall comprise all the waters and shores from the point forming the south shore of the mouth of the Rappahannock River, along the coast of the Chesapeake Bay, to Back River light-house; thence to a point south of Old Point Comfort midway in the channel of Hampton Roads; thence in a southwesterly direction to Pig Point light-house; thence along the south shore of the James River to a point on the peninsula formed by the James and York Rivers opposite Williamsburgh, and thence across said peninsula to the south bank of the York River, so as to embrace in said district, in addition to the ports heretofore included, Hampton and Newport News; in which Newport News shall be the port of entry and Yorktown a port of delivery.

SEC. 2. The district of Norfolk and Portsmouth to comprise all the waters and shores within the State of Virginia southward of the district of Newport News, as above described, and not included in the districts of Petersburgh and Rich-

mond; in which Norfolk and Portsmouth shall be the sole port of entry and Suffolk and Smithfield the ports of delivery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TAMPA COLLECTION DISTRICT.

Mr. FRYE. I am instructed by the Committee on Commerce, to whom was referred the bill (S. 1721) establishing a customs-collection district in Florida, to be known as the collection district of Tampa, and for other purposes, to report it with amendments.

Mr. CALL. I ask the Senate to proceed to the consideration of the bill just reported by the chairman of the Committee on Commerce. I think there will be no objection to it, and it is a matter of very great urgency in the public interest that it should be passed at an early day. There is a line of steamships trading there; there are extensive importations, and there are no proper conveniences for their business.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1721) establishing a customs-collection district in Florida, to be known as the collection district of Tampa, and for other purposes.

The bill was reported from the Committee on Commerce with amendments.

The amendments were, in section 2, line 4, to strike out the words "and below" and insert "to and north of;" in line 5, after the word "coast," to strike out "immediately below" and insert "north of;" and at the end of the section to add "and midway between Manatee Bay and Peace River and Charlotte Harbor;" so as to make the section read:

That said district shall include the territory south of a line immediately north of Anclothe Key light-house, running easterly across the peninsula to Indian River, and thence south to a point opposite to and north of Charlotte Harbor, and thence westerly across the peninsula to the coast north of Charlotte Harbor, and midway between Manatee Bay and Peace River and Charlotte Harbor.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

IMPROVEMENT OF BROAD CREEK, DELAWARE.

Mr. VEST. I am instructed by the Committee on Commerce, to whom was referred the bill (S. 2123) to authorize the removal of an obstruction to the navigation of Broad Creek, in the State of Delaware, to report it favorably with amendments.

Mr. SAULSBURY. I ask the unanimous consent of the Senate that that bill may be considered at the present time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 6, after the word "company," to strike out the word "or" and insert "and;" so as to read:

That the bridge over Broad Creek, a navigable stream upon which improvements have been made by appropriations authorized by Congress, erected and maintained by the Delaware Railroad Company and its lessee, near the town of Laurel, in the State of Delaware, is hereby declared to be an obstruction to the navigation of said Broad Creek and detrimental to the commerce thereof.

The amendment was agreed to.

The next amendment was, in section 2, line 2, after the word "company," to strike out "or" and insert "and;" and in line 15, after the word "company," to strike out "or" and insert "and;" so as to read:

That the Secretary of War is hereby directed to serve upon the said Delaware Railroad Company and its lessee, in the manner prescribed by the laws of the State of Delaware for the service of papers upon corporations, a notice in writing, requiring said company or its lessee, within three months from the time of such notice, to remove said obstruction by placing in said bridge and maintaining therein a draw of sufficient width and dimensions to admit the free and easy passage of all steam-boats and other vessels navigating said stream, and in case of refusal or neglect of said railroad company or its lessee to place in said bridge a suitable draw, as required by the aforesaid notice, the Secretary of War is hereby authorized and directed to cause a draw to be placed therein, and the cost and expense of such draw shall be a legal charge against the said railroad company and its lessee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OHIO CONNECTING RAILWAY COMPANY BRIDGE.

Mr. QUAY. I ask the unanimous consent of the Senate at the present time to take from the Calendar the bill (H. R. 3215) to authorize the construction of the Ohio Connecting Railway Company Bridge.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks unanimous consent for the present consideration of the bill indicated by him.

Mr. HARRIS. Is it a bill just reported or a bill on the Calendar?

The PRESIDENT *pro tempore*. It is on the Calendar.

Mr. HARRIS. The morning business is not yet concluded.

Mr. QUAY. I ask for unanimous consent, if there is no objection.

Mr. HARRIS. I do not propose to object, but I suggest to the Senator that to wait a few minutes until the morning business is concluded would be a little more orderly.

Mr. QUAY. If there is no objection, I should like to have the bill considered now.

Mr. HARRIS. I do not object.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill; which was read.

Mr. WILSON, of Iowa. I desire to inquire whether the bill contains the usual reservation of power in Congress to amend, alter, or repeal. I did not notice such a provision read at the desk.

The PRESIDENT *pro tempore*. The proviso to section 6 will be read.

The Chief Clerk read as follows:

Provided, That if the construction of said bridge shall not be commenced within one year, and completed within four years after the passage of this act, all privileges conferred hereby, and this act, shall become null and void.

Mr. WILSON, of Iowa. I think there should be an amendment of the bill.

Mr. QUAY. This is a House bill, and I would prefer not to have it amended.

Mr. WILSON, of Iowa. In all such bills there should be a provision that the power is hereby reserved to Congress to amend, alter, or repeal the act.

The PRESIDENT *pro tempore*. Does the Senator from Iowa propose an amendment?

Mr. WILSON, of Iowa. It is the uniform practice to incorporate such a provision in a bill of this character, and I think it ought to be put in this bill. I move to amend by adding as a new section the following:

SEC. 7. That Congress shall have power at any time to alter, amend, or repeal this act.

Mr. QUAY. I have no objection to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. QUAY. I move that the Senate insist on its amendment, and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Messrs. SAWYER, FRYE, and VEST were appointed.

BILLS INTRODUCED.

Mr. CALL introduced a bill (S. 2672) to enable the Secretary of the Interior to locate Indians in Florida upon lands in severalty; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. DANIEL (by request) introduced a bill (S. 2673) for the relief of Elizabeth Gaskins; which was read twice by its title, and referred to the Committee on Claims.

Mr. PADDOCK introduced a bill (S. 2674) authorizing the construction of a bridge across the Missouri River at or near the city of Nebraska City, Nebr., and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. FAULKNER introduced a bill (S. 2675) granting an increase of pension to Lieut. James R. Durham; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 2676) granting an increase of pension to Capt. Francis M. Work; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PALMER (by request) introduced a bill (S. 2677) granting a pension to Jane Reilly; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BUTLER introduced a bill (S. 2678) to divide into six classes the employés in the railway mail service, and to fix the salary of each class; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. FARWELL introduced a bill (S. 2679) granting a pension to Luman N. Judd; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 2680) releasing the estate of Asher R. Eddy, late lieutenant-colonel and quartermaster-general, United States Army, deceased, and George W. Gibbs and R. L. Ogden, sureties on his official bond; which was read twice by its title, and referred to the Committee on Claims.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. PALMER, it was

Ordered, That all papers referring to the claim of the heirs of William A. Burt now in the files of the Secretary of the Senate be withdrawn therefrom and referred to the Committee on Claims.

On motion of Mr. BLACKBURN, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of John F. Kranz, subject to the rules.

On motion of Mr. HARRIS, it was

Ordered, That the petition and papers of Collin Adams be taken from the files of the Senate and referred to the Committee on Claims on the conditions imposed by the rules.

JOHN FRUCHIER.

Mr. STEWART. I submit the following resolution, and ask for its present consideration:

Resolved, That the Secretary of State be directed to transmit to the Senate a copy of the correspondence in his Department in regard to the case of John Fruchier, an American citizen, who has been impressed into the military service of France, and also to inform the Senate what other cases of similar character have been called to the attention of his Department.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. STEWART. I wish to say that Fruchier is a citizen of my State. He is a native of France, who was naturalized in the United States, and he was impressed into the French military service some two years ago. I understand that there are other cases of this kind, and that the French Government takes the position that it will dispose of these cases through its judicial department, but does not dispose of them. I take this method of calling the attention of the Senate to it. The State Department has, I understand, called the attention of the French Government to several of these cases.

It seems to me that it is certainly a great hardship to our citizens when they visit the place of their nativity to be impressed into the military service after having been naturalized in this country. I see no reason why the French Government should do it, for there are very few Frenchmen who are naturalized in other countries and who return to France. It can not affect their military service materially, and it is certainly a matter that this Government ought to look after, and it ought to protect its citizens so far as possible.

My object in offering the resolution is to get the papers before the Senate so that they may be referred to the Committee on Foreign Relations, to see if anything can be done.

The resolution was agreed to.

ENGINEER IN CHARGE OF ELEVATORS.

Mr. CHANDLER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant-at-Arms be, and hereby is, authorized and directed to appoint an additional assistant engineer to be in charge of elevators; and that his salary be paid out of the miscellaneous items of the contingent fund of the Senate.

FLORIDA LAND TITLES.

Mr. CALL. I offer the following resolution, and ask for its present consideration:

Resolved, That it be referred to the Committee on Public Lands of the Senate to inquire whether it is essential or advisable for the protection of actual settlers on the public lands of the United States in the State of Florida, which have been heretofore patented or certified to others than actual settlers improvidently and without authority, that suits shall be brought by the United States to cancel such patents; the committee to report by bill or otherwise, and further report such other legislation as may be necessary for the protection of actual settlers on the public lands of the United States in the State of Florida, and for the settlement of the titles to the public lands in the possession of such settlers.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. COCKRELL. It is simply for reference, is it not? Let it be referred to the Committee on Public Lands.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on Public Lands, if there be no objection.

Mr. CALL. I ask for the adoption of the resolution, if there be no objection.

The PRESIDENT *pro tempore*. If there be no objection to the consideration of the resolution, the question is on agreeing to it.

Mr. CALL. Before that motion is put I desire to submit a very few observations upon it.

Mr. CAMERON. Is it in order to call up a bill now?

The PRESIDENT *pro tempore*. The Senator from Florida has the floor.

Mr. CALL. I will give way to morning business.

Mr. CAMERON. It is not morning business. It is a bill on the Calendar which I should like to have passed.

Mr. CALL. If the Senator will wait I shall be through in a short time.

Mr. CAMERON. All right.

Mr. CALL. Mr. President, I have heretofore addressed the Senate on the subject of this resolution, and I desire to make a very few remarks in order that the facts regarding it may be presented in proper form.

There are a great many cases of hardship in the State of Florida which have been reported to me. I suppose I have one hundred letters representing cases of poor people who are resident upon the public lands in the State of Florida, which have not been conveyed by any law of the United States, with a perfect right under the laws to their land, a homestead right, a right of entry. Some of these letters are from soldiers of the Union Army, and others are from citizens of the different States who have settled upon this land and improved it.

By various maladministrations of the Department and of the land laws these people are left without a remedy. It is true they can sue in the courts of the United States, but that is a practical denial of justice. No poor man can go into the courts for a little entry of 40, 80, or 160 acres of land. If he had the money he could not afford to pay the costs; and the only redress for him is in the proper execution of the laws by the Department, and in cases where they have decided adversely to him in a plain case, by a suit brought by the United States to set aside the error of the executive officer of the United States and his violation of the laws.

I have in my hand the papers in the case of a man named Durisoe, who lived for years upon a part of a naval reservation. My former colleague, Mr. Jones, secured the passage of a law allowing the settlers on that reservation to enter the lands occupied and claimed by them, giving them the preference in the right of entry, and then exposing the remainder of the reservation to public sale and to homestead settlement, reserving the right of entry for those who had improved the land and were in possession or occupancy of them.

In the case of Mr. Durisoe, he had filed, as these papers show, an application for a homestead entry. He had been upon this land for many years. He had grown a family of children there. He had expended his and his children's labor for years in making valuable improvements upon it. Notwithstanding the law securing to him the prior right of entry, notwithstanding it was passed for the purpose of protecting these people in their occupation and their improvements, this man was deprived, by a fraudulent sale of these lands in violation of the act of Congress, of his property and a patent issued in the last hours of the administration to an alleged purchaser of the property while his homestead application was pending. Surely there can be no two sound or even plausible opinions as to the right of this man under this law and under these facts either to homestead or enter by cash entry his home and his improvements.

I applied to the Interior Department to bring suit to cancel and set aside this manifestly void patent, and the reply was that the United States have no interest in this property; the title has passed to another person; it does not matter by what fraud, it does not matter by what violation of law or by what absence of law in an officer of the United States, they have no longer any interest in this property, and we can not advise a suit. That is the attitude of the Interior Department as disclosed in the letter which I shall ask leave to publish.

Now, I wish to say that that proposition is unreasonable, without any authority of law, and is an outrage and a robbery of this poor man, committed by the officers of the Government under color of law but without the authority of law. This is only one of hundreds of like cases, and I am almost persuaded that the poor citizen of the United States without the backing of wealth and influence is the victim of all Departments of the Government, and there are none where his rights can be protected.

I am asking now of this body that they will hear the complaints of these people, that they will investigate them, that they will provide such legislation as will enable the poor man to be protected in the rights that Congress has given him, whatever they are. They are unable to sustain the expense of a lawsuit for a small piece of land, and it is an effectual denial of justice to these hundreds of people of all parties, from all the States of the Union, who are settlers upon these fraudulent and void land grants and who are the owners of these lands although patents have been issued wrongfully to others and in violation of law. What shall Congress do in respect to these wrongs to the people who appeal to them for protection in their rights? What shall Congress do in reply to the appeals of these houseless and homeless men, with their families, when they are informed by them that the land given to them by the laws has been and is being taken away from them in the interests of claimants who have neither law nor pretense of law in their favor—nothing but an executive order made without authority of law? I insist that unless the legislative department of the Government has lost all its rightful authority and power, and has become the mere creature of executive will, it will assert its power and duty to protect these people in their rights.

The magnitude of this evil will be appreciated when I state that of the thirty-odd million acres of land in the State of Florida formerly belonging to the public domain there are but 7,000,000 left of the whole area, and these 7,000,000 acres are claimed, and perhaps a very large proportion of them will pass under the swamp and overflowed land-grant act of 1850 properly, but all the high and dry lands in the State have been selected, leaving the Everglades and the low lands outside. I make no complaint of this. I have no objection to make against the confirmatory act of 1857, nor of the reservations that have been heretofore made, except in the cases where they interfere with some actual settler, some family of poor people who have gone upon high and dry lands, never swamp and overflowed, and whose possessions and labor of a lifetime and whose homes have been taken away from them in violation of law and without the opportunity of redress on their part.

These are the people whom I seek to defend and protect in their homes and in whose behalf I ask Congress to take present and immediate action. I have here in my hand a map showing the line of the old Pensacola and Georgia Railroad, along the line of which a reservation was made without authority of the State in 1856. The railroad was never built, the charter was repealed, the corporation became defunct in 1869, and yet this reservation is retained by the Interior Department in favor of another railroad company, whose road, as this map shows, is built on another and different line; and the people continue to be deprived of their homes by this executive gift of the public domain. As an instance of this defiance of the authority of Congress I read the following notice:

LAND SALE.

The Florida Railway and Navigation Company, having completed their road to Plant City, are now offering for sale all their lands north of township 29 as fast as they can be graded. These lands are sold by order of the United States court, and deeds made by a commissioner appointed by that court.

For prices and terms apply to the undersigned agents of the company for Hillsborough and Polk Counties.

HEAD & YOUNG, *Plant City, Fla.*

MAY 28, 1887.

It seems almost incredible that there is no statute of the State of Florida and no word in any statute which gives any right to or any interest in this grant of 1856 to this railroad company, and that the internal-improvement act under which they pretend to claim has been repealed; yet these people openly sell the homes of the settlers and the land of the people of the United States.

Now, Mr. President, I shall not say any more upon this subject at this time. If there is no objection, I will insert in the RECORD a letter from the Senator from Vermont [Mr. EDMUNDS] disclosing some important facts in this case in regard to some settlers who applied to him, and I will print also the letter of the Department in reference to the case of Mr. Durisoe, and I ask now for the passage of the resolution.

The letters are as follows:

UNITED STATES SENATE, *Washington, D. C., November* 29, 1884.

DEAR SIR: A person named James Mooney, the brother-in-law of a young lady here who has taught French in my family, and for whose welfare in her hard struggle for the maintenance of herself and her family I feel an interest, removed last year to Florida with his wife, mother-in-law and a young child, on the alluring but deceitful representation of some land company that he was going to get a good title to some land to settle on for a very small price. Disappointed when he got there, in that he bought out a squatter's claim and established himself on the west half of the northeast quarter section 9, township 25 south, range 21 east, in Hernando County, where in the woods he has built himself a house and has lived ever since. He has been told by land sharks down there, who profess that some antique railroad grant is going to be revived and that it will cover this land, that he must now pay sundry large sums of money in advance in order to secure his claim to this land under what they claim to be the railroad right.

In this state of things I beg you to inform me—

First. Where is the land-office in Florida at which a homestead claim to this land should be filed?

Second. The name of the land officer to whom application should be made.

Third. I should be thankful in the interest of these poor people if you will send me, if you have them, a set of blanks and instructions for the proper and formal making of a homestead claim.

I suppose, of course, that if Congress should ever revive that old grant the claims of actual settlers will be provided for and respected, but it is evident that the railroad speculators intend to squeeze the settlers who have been enticed there if they get the opportunity, and I wish to devote myself so far as I can to preventing it.

Respectfully, yours,

GEO. F. EDMUNDS.

Hon. N. C. MCFARLAND,
Commissioner of the General Land Office, Interior Department.

SENATE CHAMBER, *Washington, April* 20, 1885.

SIR: I beg to inclose herewith duplicate letter of James Mooney, of Fort Dade, Hernando County, Florida, inclosed to me and addressed to you, on the subject of his claim of homestead entry in that county and as therein described, he appealing from the decision of the local land officers in refusing him his homestead entry, their point being that the lands are claimed by the Florida Railway Navigation Company or some of its successors.

I have had reason, as a matter of kindness and charity, to look into this matter and others of a like kind there, and I trust that some way can be found to protect the honest settlers on those lands. It is proper to say that Mr. Mooney took up this land in the first place under some kind of an understanding with people professing to represent the railway grant, and I have reason to suppose intends to keep faith with them, but the danger of its turning out that they have no title and other dangers connected with the complications of their affairs led me to advise him to make a regular and formal application under the homestead laws, which I understand he has done, and that the papers have been forwarded to the General Land Office on his appeal from the land officer's refusal.

What I beg now to request is that you will direct the Commissioner of the General Land Office to hold the question open on the appeal until my return in the fall, unless there is some urgent public interest otherwise. I will then endeavor to look after the matter.

Respectfully, yours,

GEO. F. EDMUNDS.

Hon. L. Q. C. LAMAR,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, March 10, 1888.

SIR: I have the honor to acknowledge the receipt of your letter of January 8, 1888, inclosing one from Mr. P. L. Durisoe, of Grahamsville, Fla., and requesting that recommendation be made to the Attorney-General to institute suit to secure the cancellation of a patent issued on March 3, 1885, to Julia Cessna, for lot 1, and south half of lot 2, section 24, township 14 south, range 23 east, Gainesville, Fla.

On July 11, 1885, you addressed a letter to this Department containing the same request as to the identical land. That letter was referred to the Commissioner of the General Land Office for report, and on September 5, 1885, a copy of the report of the Commissioner was sent to you, which contained a full history of the case from its inception to the issuing of the patent; and you were informed that, the United States being without interest in the controversy, this Department would decline to recommend the suit as requested. Notwithstanding this action your second letter and that of Mr. Durisoe were referred to the Commissioner of the General Land Office for report and recommendation; and I have the honor now to inclose a copy of the report of the Acting Commissioner, dated January 28, 1888, and also a copy of the former report of September 2, 1885.

On the matters disclosed by your letter, that of Mr. Durisoe and the two reports from the Land Office, I fail to see how the Government could obtain a standing in court in an effort to secure the cancellation of said patent. But it is plain that, if the matters as stated by Mr. Durisoe and detailed in your letter can be substantiated by proof—if the latter is rightfully entitled to the land by virtue of his alleged prior settlement, continued occupation thereof, improvement, and cultivation, and his claim made thereto under the settlement laws, but wrongfully rejected—then he needs no aid from the United States in the manner proposed in order to protect his rights, but would obtain full enjoyment of them whenever he may choose properly to assert them in court.

Entertaining these views, I must decline to make the recommendation asked for by you.

Very respectfully,

WM. F. VILAS, *Secretary.*

Hon. WILKINSON CALL,
United States Senate.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., September 2, 1885.

SIR: I am in receipt, through reference, for recommendation, of a letter from Hon. WILKINSON CALL, addressed to you, requesting that suit be instituted to set aside certain patents which issued upon entries by Julia Cessna for lot, 1 and south half of lot 2, section 24, township 14 south, range 23 east, Gainesville, Fla.

This land was part of a reservation for naval purposes made by executive proclamation of October 4, 1855.

The act of March 3, 1879, provided that the Secretary of the Navy should certify to the Secretary of the Interior all lands in Florida no longer required for naval purposes, and that thereupon said lands "shall be subject to entry and sale in the same manner and under the same conditions as other public lands," provided that persons who had theretofore improved said lands "shall be entitled to purchase the part or parts so occupied and improved by them within such reasonable time as may be fixed by the Secretary of the Interior."

On March 29, 1880, the Secretary of the Navy released said lands from reservation.

On July 12, 1880, P. L. Durisoe wrote to this office, stating that he had been living for a long time on "Navy land," which he desired to enter, and in reply he was advised by office letter of October 24, 1880, that the land was released from reservation, and was "subject to entry under the pre-emption or homestead laws."

On December 23, 1880, he filed D. S. No. 216 for said tracts, alleging settlement August 1, 1880.

On December 27, 1880, the President issued proclamation No. 864, ordering a sale of certain lands in Florida, including these tracts, on April 21, 1881, and the usual notice to pre-emption claimants was attached thereto, but no notice was given to occupants who were accorded a preference right of purchase under the aforesaid act of 1879.

On January 15, 1881, this office addressed the Department, recommending that the day of sale be also fixed as the limit of the time for payment by said occupants, and on January 28, 1881, the recommendation was approved, and this office directed to instruct the district officers accordingly.

By proclamation No. 865, dated February 8, 1881, the sale was postponed to May 24, 1881, "for the reason that causes which have since arisen render it impracticable to give the notice prescribed by law before the date fixed in the proclamation," and by office letter of March 18, 1881, the local officers were directed to receive all applications under the act of 1879 "where the proof is found satisfactory as to such bona fide occupancy and the purchase-money is paid on or before the day named in the proclamation, to wit, May 24, 1881."

At the time of sale Durisoe was not present, and on the third day of the sale Mrs. Cessna purchased lot 1, and on June 1 following made private cash entry of the south half of lot 2.

On July 9, 1881, Durisoe offered to prove up as a pre-emptor, and his application was rejected by the local officers.

On appeal this office, under date of June 9, 1882, held that he had forfeited his pre-emption right by failure to make proof and payment before the day of sale, but that by making a pre-emption claim he had not waived his right of purchase under the act of 1879 as an occupant, and as he had not been notified of the time fixed by the Secretary, as had been customary in such special cases, the sale of the tracts was irregular and voidable, and a hearing was ordered to determine whether he had occupied and improved the land, as contemplated in said act.

From the testimony taken at the hearing it appears that he has held these tracts, together with lot 14, same section, since 1868, by a purchase of the improvements found thereon, from Lafayette Hawthorn, for $1,050.

He appears to have exercised ownership over these tracts, and for several years rented the tracts under consideration to parties for a share of the crops, but did not reside thereon until after the sale to Mrs. Cessna, since which time he appears to have built a house and warehouse and resided upon the land.

At the hearing an attempt was made to show that Durisoe had knowledge of the sale and of his rights as an occupant, but the local officers excluded the same on the ground that it was beyond the scope of the hearing.

Under date of October 25, 1883, this office sustained Durisoe's right of purchase under the act of 1879, and held Mrs. Cessna's entries for cancellation.

Upon appeal the Department, under date of May 23, 1884, reversed the decision of this office, and on July 2, 1884, suspended operation under said decision for the reason that a motion for review of the same had been filed.

On March 2, 1885, the decision of May 23, 1884, was adhered to, and the order of July 2, 1884 revoked, and on March 3, 1885, patents issued upon the entries by Mrs. Cessna.

The matter seems to have been fully considered by the Department and an award made adverse to Durisoe, and a review of the same denied. I therefore see no reason why the name of the United States should be used to a suit to set aside patents issued in accordance with the rulings of the Department.

Inclosed find the letter forwarded.

Very respectfully,

WILLIAM WALKER,
Acting Commissioner.

Hon. L. Q. C. LAMAR,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 28, 1888.

SIR: I am in receipt, by reference from the Department and direction to "re-

port in duplicate and return papers with recommendation," of a letter from Hon. WILKINSON CALL, dated January 8, 1888, addressed to you, requesting that suit be instituted to set aside certain patents of lands in Florida, and inclosing letter of P. L. Durisoe dated Grahamsville, Fla., December 22, 1887. Both letters are returned herewith.

I would report that the lands in question are those described in private cash entries, as follows:

No. 1607, May 26, 1881, lot 1, section 24, township 14 south, range 23 east.

No. 1618, June 1, 1881, south half lot 2, section 24, township 14 south, range 23 east, as made by Julia Cessna, and that said entries were patented March 3, 1885.

Said entries were involved in contest of Durisoe vs. Cessna, and the whole history of said contest was set forth in letter of Acting Commissioner Walker, dated September 2, 1885, and addressed to Secretary Lamar, a copy of which is inclosed herewith. From said letter it appears that the same was in answer to a similar request of Hon. WILKINSON CALL, and it concludes with "I therefore see no reason why the name of the United States should be used to a suit to set aside patents issued in accordance with the rulings of the Department."

As it appears from the record, Secretary Teller, on May 23, 1884, reversed the decision of this office in said contest, and awarded the lands to Julia Cessna; on July 2, 1884, at the request of Senator Jones, of Florida, for review, he directed suspension of action and a return of the record to the Department, and on March 2, 1885, he adhered to his decision of July 2, 1884, revoked his order of suspension, and returned the record to this office. It is clear that the patents were issued in accordance with the rulings of the Department.

To so much of Senator CALL's letter of January 8, 1888 (above), as states, "Mr. Durisoe has remained in possession, contesting the right of these people, but during the expiring hours of the last administration, and unknown to Senator Jones or any one else, a patent was hastily issued and signed, giving the land to the purchasers at the sale," I would report that it is true that the patents were "hastily issued and signed;" there certainly was no time lost between the date of Secretary Teller's final action, March 2, 1885, and the patenting of the said entries. The only explanation of this, as shown by the records, appears in the following pencilings made on final certificates of each case:

On C. E. No. 1607, appears: "This case made special for patent under Secretary's decision of March 2, 1885, by Commissioner, March 3, 1885. Howes."

On C. E. No. 1618, appears: "This case made special for patent under Secretary's decision, March 2, 1885, by Commissioner. Howes."

From this and the briefing of the accompanying decision above referred to it is evident that Secretary Teller's decision of March 2, 1885, was received in General Land Office on March 3, 1885, and the entries were on same day sent from the pre-emption division ("G") to the division of public lands ("C"); were there approved, and sent to the recorder's division ("B"), where the patent was prepared and signed. While it is evident that unusual haste was displayed by this office in issuing said patents, I am not aware that it would bring any new element in the case that would cause any change of recommendation from that above referred to. I would add, however, that certified copies of the papers showing the briefing and penciling above mentioned could be furnished if deemed necessary by the Hon. WILKINSON CALL.

Respectfully,

S. M. STOCKSLAGER,
Acting Commissioner.

Hon. WILLIAM F. VILAS,
Secretary of the Interior.

Mr. President, I venture to say that the history of the world furnishes no instance of a more palpable violation of law than this correspondence, which quotes the statute "subject to entry and sale as other public lands," then alleges Durisoe's pre-emption "to be valid under the land laws," then alleges that a decision made after a sale pending this pre-emption entry that Durisoe's pre-emption was not good because although he had "occupied and improved" and cultivated and possessed the land, he had not slept upon it, but the sale to a person who had done neither in preference to him was a good sale, and upon this ruling delivers a patent to this third person, and then decides that the Government has no interest which will enable it to bring suit.

Mr. COKE. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator rise to object to the adoption of the resolution?

Mr. COKE. No, sir.

The PRESIDENT *pro tempore*. The question is on the resolution.

The resolution was agreed to.

PRESIDENT'S ANNUAL MESSAGE.

Mr. COKE. Mr. President——

Mr. CULLOM. Before the Senator proceeds I desire to inquire, in the absence of the chairman of the Committee on Territories [Mr. PLATT], who is not now able to be present, whether or not it is the understanding that immediately after the conclusion of the Senator's address the measure in relation to the Territory of Dakota will come before the Senate.

The PRESIDENT *pro tempore*. It will come before the Senate at 2 o'clock as the unfinished business.

Mr. CULLOM. But I apprehend the remarks of the Senator from Texas will extend beyond that time perhaps.

Mr. COKE I move that the Senate proceed to the consideration of the resolution of the Senator from Ohio to refer the message of the President.

The PRESIDENT *pro tempore*. The Senator from Texas moves that the Senate proceed to the consideration of the resolution of the Senator from Ohio, which will be read.

The Secretary read the resolution submitted by Mr. SHERMAN December 19, 1887, as follows:

Resolved, That the President's annual message be referred to the Committee on Finance.

The motion was agreed to; and the Senate resumed the consideration of the resolution.

Mr. COKE. Mr. President, we are informed in official reports that on the 1st day of December last a surplus of $55,281,701.19 was lying idle in the Treasury, and estimates in the same reports aver that on the 30th of June next, if present conditions remain, the excess, above all requirements of the Government, of revenue heaped in the Treasury will be $140,000,000. The causes which take this money, for which the Government has no need, from the pockets of the people and the channels of trade, to the enfeeblement of every branch of industry, are continuing and produce more aggravated results each successive year. The surplus in the Treasury on the 30th of June, 1885, was $17,859,735.84; on the 30th of June, 1886, it was $49,405,545.20, and for the year ending the 30th of June, 1887, was $55,567,894.54. It is easy to see that unless the causes producing these results are removed, or greatly modified, it is only a question of time when a calamity, fatally involving all the industrial interests of this country, must follow this withdrawal from the business of the country of so large a proportion of the circulating medium. In view of this emergency, so full of evil portent to the country, the President, in a message to Congress as bold and direct as it is wise and patriotic, urgently recommends such a revision of the tariff, and reduction of the rates of duty on foreign imports, as will reduce the revenue to the limit required for the support of the Government. Taxation for the support of the Government is a just exaction from the people, which they willingly bear. Each individual feels morally as well as legally bound to contribute his quota to the support of a Government which protects him in the enjoyment of life, liberty, and property. No people in the world are more patriotic in responding to the just demands of their Government, for revenue for its support, than are the American people.

While this is true, no people understand the limitations upon the powers of Government better than they, or resent more promptly a deliberate violation of fundamental principles. They do not need to be informed that the system which wrings from them and piles in the Treasury a vast surplus beyond the needs of the Government is confiscation, and not legitimate taxation. Their American reason and instinct tell them this, and the President in demanding a reduction of the tariff to a point where it will produce no more than enough of revenue for the support of the Government is simply voicing a demand which comes from the people of this whole country. A great surplus in the Treasury not required for any governmental purpose invites extravagance, jobbery, and corruption, while it is a standing advertisement of a willful and reckless abuse of the taxing power. No higher duty rests on this Congress than that of revising our tax system and reducing the revenues resulting therefrom to the amount indicated by the requirements of the Government. The surplus in the Treasury can no longer be used in the purchase of Government bonds, as all these have been bought and canceled which were subject to the call of the Government, and others not so subject can only be had by the payment of ruinous premiums. So no other alternative is left than that of so remodeling our tax laws as to prevent the flow into the Treasury of more money than can be paid out in the ordinary administration of the Government. This brings us face to face with the problem, how and in what way taxes shall be so reduced as to accomplish the desired end.

For the fiscal year of 1887 the receipts from customs amounted to $217,286,893.13 and the receipts from internal revenue were $118,823,391.22, the entire revenue of the Government from the sources named and other and miscellaneous sources being $371,403,277.66, while the total of the expenditures of the Government for the year amounted to $315,835,428.12. The receipts from internal revenue are derived from the tax on distilled spirits, malt liquors, and tobacco. These are luxuries, not necessaries. They do not enter into an estimate of things necessary for the support and living of a family. Those who consume them do so as a matter of choice, and not of necessity. The revenues collected from this source go directly into the Treasury, less a small per cent (3.40), which covers the cost of collection and represents the voluntary, unforced contribution of the consumers to the national Treasury. The internal-revenue tax is clear gain to the Treasury. It adds nothing to the cost of food, clothing, shelter, or to any other item of expense of living; on the contrary, helps largely to relieve these of the burdens of taxation, while it operates in some degree as a measure of repression upon the excessive and injurious use of the articles taxed.

What consumer of these products has ever been heard to complain of the tax? Not one that I have ever known. The consumers are willing to pay for the luxury of using these articles, and make no complaint. It is not strange, then, that the President recommends that the internal-revenue or excise tax be retained in undiminished vigor, and that the necessary reduction be made by cutting down and reducing the tariff tax, which is universally denounced by all except those who participate in its bounties as excessive and burdensome to oppressiveness. No article of American manufacture can be named, of the five thousand million of dollars' worth of products shown by the census of 1880 to be manufactured annually, at that time, in this country, and the aggregate is greater now, that is not protected against the competition of the foreign article of the same character, by a duty more or less prohibitory. Secretary Manning in his last report (1886) gives the average of the tariff tax on imported goods at 46.07 per cent. This tax is levied, according to the same report, on 4,182 different articles, embracing every known article of human manufacture.

While the duties collected in our custom-houses on foreign goods im-

ported into this country go into the Treasury, the price to our people of the same articles of domestic manufacture is increased nearly, or quite, to the extent of the duty on the foreign articles. The proportion of foreign goods imported into this country on which the tariff tax is collected and paid into the national Treasury, as compared with the goods of American manufacture consumed by our people, the prices of which are advanced to the extent of the duties imposed on the foreign goods, and which advance goes into the pockets of the domestic manufacturer, and not into the national Treasury, will be seen in the fact that the total value of the foreign goods imported into this country during the fiscal year of 1887, as shown by the report of the Secretary of the Treasury, was only $692,319,768, while, as before stated, as far back as 1880, the products of American manufacture aggregated the enormous total per annum of five thousand millions of dollars' worth. Upon the former sum the Government received the tariff duty at its custom-houses, amounting to a little more than 46 per cent. ad valorem, while upon the latter the duty was received by the manufacturers, who, by means of the tariff, were enabled to mark their goods 46 per cent. higher, before foreign goods would come in competition with them.

The aggregate value of American-manufactured products is estimated now to be $6,000,000,000 worth annually. If we throw off one-half of this amount and thereby reduce it to $3,000,000,000, and take off one-third from the average of the tariff, 46 per cent., bringing it down to 31 per cent.—and surely these deductions will more than cover all that can possibly be claimed should be, for any cause, deducted—it will be seen that while the Government is gathering through the tariff into the Treasury $217,286,893.13, the manufacturers are from the same source receiving $930,000,000, or nearly four times the amount received by the Government. That is to say, for every dollar which goes into the Treasury by the operation of the tariff, within a small fraction of four dollars go into the pockets of the manufacturers.

In round numbers it may safely be said that at the lowest calculation the tariff subjects the American people to a tax of one thousand million of dollars per annum for the benefit of private persons outside of and beyond the amount received into the national Treasury for public purposes. The President in his message, from which I read, states with great clearness and force, through the well-verified figures of the census report, who are the beneficiaries of the tax laid by the tariff upon the American people for purposes other than public or Governmental. He says:

> By the last census it is made to appear that of the 17,392,099 of our people engaged in all kinds of industries 7,670,493 are employed in agriculture, 4,074,238 in professional and personal service (2,934,876 of whom are domestic servants and laborers), while 1,810,256 are employed in trade and transportation, and 3,837,112 are classed as employed in manufacturing and mining. For present purposes, however, the last number given should be considerably reduced. Without attempting to enumerate all, it will be conceded that there should be deducted from those which it includes 375,143 carpenters and joiners, 285,401 milliners, dressmakers and seamstresses, 172,726 blacksmiths, 133,756 tailors and tailoresses, 102,473 masons, 76,241 butchers, 41,309 bakers, 22,083 plasterers, and 4,891 engaged in manufacturing agricultural implements, amounting in the aggregate to 1,214,023, leaving 2,623,089 persons employed in such manufacturing industries as are claimed to be benefited by a high tariff.

So that if these figures be correct, and no one has ever disputed them, out of 17,392,099 people in this country engaged in all forms of industry, only 2,623,089 are claimed to be benefited by the enormous tax of one thousand million of dollars annually imposed on the American people by the tariff, not one dollar of which goes into the national Treasury. In other words, six-sevenths of the people of the United States are made to pay a subsidy of one thousand millions of dollars annually to one-seventh. The total expense of the National Government for the last fiscal year, including interest on the public debt, provision for the sinking fund, pensions, everything, was $315,835,428.12, being less than one-third of the tribute levied upon the people of the United States for the benefit of the manufacturers.

It is estimated that we must reduce the revenues of the Government to the extent of $100,000,000 per annum to avoid the accumulation of a surplus. If this reduction shall be made in cutting down the tariff rather than the internal revenue, it follows conclusively from what has been said, that for every dollar of the stream of revenue now flowing into the national Treasury from the operations of the tariff that shall be cut off nearly four dollars of the tribute being paid by the people to the manufacturers will also be cut off.

While reducing the revenues which go into the Treasury from this source $100,000,000, we will necessarily reduce the burdens upon the people nearly $400,000,000, because for every dollar placed by the tariff in the national Treasury, almost four dollars is poured into the coffers of the manufacturers. The tariff out of which these results grow, and under which we have lived for twenty-five years, is the most monstrous system of taxation in its burdens upon the great mass of the people and its bounties to a small per cent. of the whole that this country in all its history—and I may add any other country in the world—has ever known. It was enacted to meet the exigencies for revenue of a stupendous war which ended more than twenty years ago, and was avowed by its authors at the time of its passage to be only temporary. The idea of saddling it upon the country as a permanent policy, as the debates of Congress show, was not dreamed of when it was passed. Vast revenues, the sinews of war, were needed, and this tariff was enacted to produce them. The change made in the tariff in 1883 was so slight as to amount to nothing, leaving it as it stands to-day, the war tariff. The times and occasion which produced it have passed away. The revenues produced by it are excessive, under changed conditions; yet its modification, its reduction, is resisted with all the power and skill at the command of those who have fattened upon it and are still being enriched by it. These demand protection from foreign competition without reference to revenue. They claim the right to protection *per se*, and make protection the object and purpose of impost duties, and revenue merely the incident. They claim that for their benefit, although constituting only one-seventh of the population, foreign goods should be virtually kept out of this country by taxation, and they permitted, without competition, to exact of the other six-sevenths of the people their own price for manufactured products. They speak loudly and arrogantly of "our home market," as if the people of this country were their slaves and had no right to buy except from them, and at such prices as they choose to establish. They are resisting at every step and along the entire line any reduction of the tariff, and consequently any diminution of the stream of revenue, not needed by the Government, flowing from the pockets of the people into the Treasury, and propose by extravagant appropriations to prevent its undue accumulation.

The pretext, the pretense, upon which these extraordinary claims and demands are founded is that a tariff with duties so high on foreign imports as to be mainly prohibitory is necessary for the protection of American labor against competition with the pauper labor of Europe. It is for the benefit of the American laborer, say the wealthy manufacturers and monopolists, that we spend money, flood the country with protection literature, and they might truthfully add, become ourselves millionaires, while the laborer grows poorer every day. Upon this proposition the changes are rung in infinite variety. It is not for themselves who are rich, and are every day becoming richer through the tariff, that they labor and lobby, but for the poor laborer, who must be protected against competition with the pauper labor of Europe. The high-tariff protection argument is universally based on the necessity of protecting American labor against European pauper competition. This is all there is of the protection argument, and no effort is made to place it on any other ground. A more false, heartless, and groundless pretext than this was never invented to justify or cover up a great wrong. A clearer case of stealing the livery of heaven to serve the devil in is not to be found in history.

Of the 17,392,099 of our people engaged in all kinds of industry, only 2,623,089 are employed "in such manufacturing industries as are claimed to be benefited by a high tariff." The farmers, persons employed in professional and personal service, domestic servants and laborers, merchants and tradesmen, carpenters and joiners, masons and bricklayers, blacksmiths, tailors, butchers, bakers, plasterers, milliners, and people engaged in railroading, and other forms of transportation, and in other miscellaneous occupations, numbering altogether 14,769,010, the people who perform six-sevenths of the labor done in this country, are thoroughly skinned and fleeced under the operation of the tariff. They are taxed in everything they eat, drink, and wear; in everything that enters into the construction of their houses; in their furniture; in their tools and implements; in everything they handle or touch while living, and in their coffins and grave clothes after their death, they, American laboring people, not engaged in any protected industry and not benefited by the tariff, are thus taxed in all they consume in the name of protection to American labor.

Six-sevenths of our American laborers, groaning and staggering under the burdens of a war tariff which enriches others but impoverishes them, after the war has been over for nearly twenty-five years, are solemnly informed that they must continue to bear the burden for the sake and good of American labor. The axioms of good government, which among other things demand such measures of policy as shall produce the greatest good for the greatest number, have been reversed in the tariff legislation, which taxes oppressively the great mass of the people in order that a few may become inordinately rich, and all is done in the name and is alleged to be for the benefit of the American workingman, who in fact suffers more than all others from it, while his employers, the lords of the loom, and of the foundries and furnaces, have become the richest people in America.

These self-constituted guardians of the laboring man, who have become so sleek and fat, while their wards, the laboring men, are thin and lean, the advocates of a high tariff from pure charity to the American workingman, as they would have us believe, inform the country that the sole purpose for which they desire a highly protective tariff is that they may be reimbursed the difference between the high wages paid American workingmen and the low wages paid European operatives. This, they say, is all they ask or desire. With the difference between American and European wages placed in the shape of a tariff tax on foreign goods brought into our markets, high protectionists tell us they have no fear of the competition of the foreign goods with their domestic products. Always and every time their argument centers in and is based wholly on the interests of the workingman. Capital desires nothing and receives nothing through the tariff, and the workingman gets all, says the protectionist. In order to show the utter falsity and groundlessness of this claim, I read a tabulated statement furnished me from the Bureau of Statistics, which throws a flood of light on this subject, as follows:

Table of specified manufactures, showing amount of capital, value of materials, amount of wages, and value of product, with the per cent. of material and wages, also the average ad valorem rate of duty, on similar importations for the fiscal year 1887.

[Compiled from the United States census of 1880.]

Manufactures.	Capital.	Value of materials.	Total amount paid in wages during the year.	Value of products.	Per cent. of—		Ad valorem rate of duty on imports, 1887.
					Materials.	Wages.	
							Per cent.
Cotton manufactures	$219,504,794	$113,765,537	$45,614,419	$210,950,383	53.93	21.62	40.17
Cotton manufactures (specific)	208,280,346	102,206,347	42,040,510	192,090,110	53.21	21.88	*45.49
Glass	19,844,699	8,028,621	9,144,100	21,154,571	37.95	47.95	59.14
Iron and steel manufactures	230,971,884	191,271,150	55,476,785	296,557,685	64.50	18.77	40.92
Hosiery and knit goods	15,579,591	15,210,951	6,701,475	29,167,227	52.15	22.97	†62.80 ‡39.37
Silk and silk goods	19,125,300	22,467,701	9,146,705	40,033,045	56.12	22.84	50.00
Woolen goods	96,095,564	100,845,611	25,836,392	160,606,721	62.79	16.08	67.21
Worsted goods	20,374,043	23,012,628	5,683,027	33,549,942	68.59	16.94	
Mixed textiles	37,996,057	37,227,741	13,316,753	66,221,703	56.22	20.11	§54.20
Woolen and worsted goods	116,469,607	123,858,239	31,519,419	194,156,663	63.79	16.23	67.21
Woolen goods and mixed materials	134,091,621	138,073,352	39,153,145	226,828,424	60.87	17.27	§50.70
Woolen goods, mixed materials, and worsted goods	154,465,664	161,085,980	44,936,172	266,378,366	60.47	16.87	§51.31

*Cotton cloths. †Woolen hoisery. ‡Cotton hosiery. §Estimated.

TREASURY DEPARTMENT, BUREAU OF STATISTICS, *January* 25, 1888.

WM. F. SWITZLER, *Chief of Bureau.*

HON. RICHARD COKE, *United States Senate, Washington City, D. C.*

The figures given in this table may be relied on as being as nearly perfect in their accuracy as they can be made. They are compiled from the census of 1880, which was taken by Republican officials under a Republican administration; and, as is well known, the reports of that census were, so far as manufacturers were concerned, furnished by the manufacturers themselves in the different branches of manufacture, just as experts in all other forms of industry furnished similar reports. The table embraces the leading articles in the principal manufacturing schedules, and fairly exemplifies the average operations of the tariff. What do these well-verified figures furnished by the manufacturers themselves show? By comparing the per cent. of wages in each of the specified articles of manufacture with the ad valorem rate of duty on similar articles of foreign manufacture, as exhibited in the two right-hand columns of the table, it will be seen that the per cent. of tariff tax or duty on the foreign article is from one and a half to four times as great as the per cent. of wages expended in the manufacture of the domestic product. If, as is unquestionably true, the duty on the foreign article is added to the price of the corresponding domestic product when sold to our people, then the capitalist, the manufacturer, the men who hire and employ labor realize through the tariff from one and a half to four times as much as the laborer receives. They become rich while the laborer remains poor.

Take the article of cotton cloth, the second item in the table just read—wages 21.88 per cent. and the tariff duty 45.49 per cent. A lot of cotton cloth of the prime cost of $100 would represent for the wages paid out in its manufacture $21.88, while the tariff duty on the corresponding foreign article would enable the owner to put the domestic product on the market at $145.49. Again, take iron and steel manufactures. As stated in the table, wages are 18.77 per cent.; duty on the foreign article 40.92 per cent. A lot of iron and steel, or either, of the prime cost of $100, would represent, according to these figures $18.77 for the wages paid out for its manufacture, while the tariff duty on the foreign article of the same quality would enable the manufacturer to sell the domestic product at $140.92.

So with woolen goods and worsted goods—per cent. of wages 16.08, tariff duty on foreign article 67.21. Woolen goods of the cost value of $100 would represent $16.08 of wages paid out for their manufacture, while the tariff duty on the foreign article would enable the owner of the domestic product to price it to customers at $167.21, and so on through the more than four thousand duty-paying articles on the tariff list we find the per cent. of duty on the foreign article, which fixes the price at which the corresponding domestic article is sold to our people, from one and a half to four times, running as high frequently as seven or eight times, as great as the per cent. of wages expended in the manufacture of the domestic product. I repeat that the figures from which these conclusions are drawn were furnished to the officials who took the last census by the manufacturers themselves, and can therefore not be charged to have come from an unfriendly source.

I have before me a table made in 1878 by Hon. H. C. Burchard, then a distinguished member of Congress from Illinois, and afterwards Director of the Mint, and a life-long Republican, which places the per cent. of wages paid out in the manufacture of the following products as follows:

Textiles, 19½; cottons, 22; woolens, 17⅞; silk, 16; steel, 17.

The table furnished from the Bureau of Statistics, which I have commented on, although compiled from the census reports of 1880, it will be seen is almost identical in its statements of the per cent. of wages in manufactured products with that of Mr. Burchard, made two years before the census of 1880 was taken, a fact thoroughly corroborative of its accuracy and correctness.

There is no rule of reason, no principle of right, no consideration of expediency which under any theory of government or political economy, without reference to the question of revenue, would justify, for protection of manufacturers, an average of tariff duties greater than the difference between the wages paid by American manufacturers and those paid by their leading principal competitors in Europe. And it is upon the proposition to so adjust the tariff duties as to enable the manufacturers to pay this difference that the high-tariff people have planted themselves in their discussions of the question before the country. Our first tariff law passed in 1789, with an average ad valorem duty of 8½ per cent., the average raised to 11 per cent. by an enactment of the following year, and in 1792 to 13½ per cent., was confessedly predicated upon the idea of simply making up to our manufacturers the difference between American and European wages, and the successive increases of the average from that day to this simply represent the success which organized greed always achieves through log-rolling processes in legislative bodies. When our early tariffs were passed, our industries were in their infancy. We had neither capital, machinery, nor skilled labor, and were surrounded by all the hard conditions which usually attend infant beginners, yet average duties of 8½, 11, and 13½ per cent. on foreign imports were considered amply protective of our then incipient industries in affording to our manufacturers abundant means of reimbursing themselves for the difference between the high American and low European wages.

Since that time all the conditions have changed. Our industries have grown into the most robust and vigorous maturity. In 1880 it was admitted by the London Times that the aggregate value of American manufactured products exceeded the aggregate of British manufactures by more than one thousand millions of dollars' worth, and the proportion must be much greater now. The concentration of capital in the United States is now confessedly as great as in England, and greater than in any other country in the world except England; and this means that the productive capacity of our people, that is of our labor, is the greatest of any country in the world, and while nominally higher wages may be paid here than elsewhere, that capital reaps a greater reward here than in any other country, because the labor is the most efficient and produces greater results than any other in the world.

In a letter written by Hon. WILLIAM M. EVARTS, then Secretary of State, and now a distinguished member of this body from New York, dated May 17, 1879, transmitting the reports of American consuls on the state of labor in Europe, the honorable Secretary, in an enumeration of his conclusions drawn from these reports, on page 36, says:

> 9. That the average American workman performs from one and a half to twice as much work as the average European workman. This is so important a point in connection with our ability to compete with the cheap manufactures of Europe, and it seems on first thought so strange, that I will trouble you with somewhat lengthy quotations from the reports in support thereof.

The honorable Secretary then proceeds to quote at length from the various consular reports in support of his proposition, and establishes it conclusively. The conclusion of the Secretary is broad and sweeping, and embraces every branch and character of industry. On the same line and in verification of the opinions of Secretary Evarts, I read from the letter of Hon. James G. Blaine, introductory to the report of consuls in Europe on the cotton-goods trade of the world, dated June 25, 1881, when Mr. Blaine was Secretary of State. He said, on page 95:

In commenting on the strikes then imminent in Manchester, Consul Shaw, in the report transmitting the foregoing table, says:

"The plea that the factory operatives are now receiving higher wages in proportion to the time they work than American operatives is urgently made by manufacturers here, and this, together with increasing financial distress among mill-owners, is gradually allaying the discontent among operatives."

Again the honorable Secretary says:

The hours of labor in the Lancashire mills are 56, in the Massachusetts mills 60 per week. The hours of labor in the mills in the other New England States, where the wages are generally less than in Massachusetts, are usually 66 to 69 per week.

Undoubtedly the inequalities in the wages of English and American operatives are more than equalized by the greater efficiency of the latter and their longer hours of labor. If this should prove to be a fact in practice, as it seems to be proven from official statistics, it would be a very important element in the establishment of our ability to compete with England for our share of the cotton-goods trade of the world.

In the two prime factors which may be said to form the basis of the cotton manufacturing industry, namely, raw material and labor, we hold the advantage over England in the first, and stand upon an equality with her in the second. Having the raw material at our doors, it follows that we should be able to convert it into manufactures, all things else being equal, with more economy and facility than can be done by England, which imports our cotton and then manufactures it in her mills. The expense of handling, transportation, and commission must be an important item in this regard as compared with our turning in the fiber from the cotton-fields to our mills and shipping it in the advanced form of manufactured goods. Add to this the secondary fact that it costs us no more to handle and manufacture the same than it costs in England, and we stand on an undoubted equality thus far in the race of competition.

These opinions of Mr. Blaine, as well as those of Mr. EVARTS, both high protectionists, are elaborated in letters exhaustively reviewing the statistics of labor in Europe, furnished by consular experts under their immediate supervision and control. It does seem that the testimony of these great Republican leaders, possessed of the highest and most authentic information, ought to be conclusive as to the point on which they speak. The superior intelligence, alertness, and efficiency of American labor are confessed frankly in Europe, and nobody, either in Europe or America, controverts the fact that in a given number of days' or hours' work the American laborer produces for his employer much greater results than the European laborer. This fact being borne in mind in determining the difference between European and American wages, it will be seen that in many instances the difference is in favor of the European wages. The instance given by Mr. Blaine, in the cotton-goods manufacture, is only one of hundreds that can be cited to the same effect, and it is the deliberate judgment of many thoughtful men who have given great study and investigation to this subject, that judged by its value in the products it turns out and the time for which it is paid, American labor, on an average, is no better paid than the English. Wages in England, whence comes the only competition feared by our manufacturers, are stated by Mr. David A. Wells, and the statement was indorsed as correct by General N. P. Banks, of Massachusetts, and Mr. Burchard, of Illinois, both distinguished Republicans and protectionists, to be lower than the wages paid in the United States by from 25 to 50 per cent.

While I believe this statement utterly disproved by the testimony already read of Secretaries Blaine and EVARTS, and much of other testimony that can be produced, and notably by that of Robert Howard, of Fall River, Mass., an expert of the highest character, intelligence, and experience, and that of William Mather, of Manchester, England, who was in this country on the authority of the royal commission on technical education prosecuting inquiries into the facilities of our people for industrial training, both of whom were examined by the Senate Committee on Education and Labor in 1885, and whose testimony may be found in the third volume of testimony published by that committee, I will for the purpose of this argument assume it to be true. Recurring to the table from the Bureau of Statistics, 21.62 per cent. of the entire cost of cotton manufactures represents the wages paid out for labor expended in the manufacture. If this sum is 50 per cent. greater than is paid in England for the manufacture of the same goods, then one-half of that sum, or, discarding fractions, 11 per cent. of the entire cost of the goods would pay the difference between the American and English wages.

By the same table 18.77 per cent. is represented to be the proportion of wages paid in the manufacture of iron and steel. If this proportion of wages exceeds the proportion of wages paid in England for the manufacture of iron and steel by 50 per cent., then one-half of that per cent., or, discarding fractions, 10 per cent., would pay the difference between American and English wages. The proportion of wages, as shown in the same table, to be paid out in the manufacture of woolen goods, being 16.08 per cent., one-half of that per cent., or 8 per cent. of the value of the goods, would pay the 50 per cent. difference between English and American wages, and so through the tariff-list. It is perfectly clear that a tariff averaging 10 per cent. would abundantly reimburse our manufacturers the alleged difference between American and European wages; a tariff of 15 per cent. average would be highly protective, while a tariff averaging 20 per cent. would pay back to the manufacturer every dollar he pays out for wages, and more, besides equalizing in the matter of interest American with English capital, if not already equal.

If the testimony of two such eminent ministers of State as were Mr. Blaine and Mr. EVARTS, both speaking against the interest of their party and against the policies which, as high protectionists, they advocated before and have advocated since, is worth anything, there can be no question that my conclusions are greatly more favorable to the manufacturers than they should be; and these show that of the 46 per cent. average tax paid by our people under our tariff the American laborer receives at the furthest only 10 per cent., while the manufacturer pockets the other 36 per cent. The laborer who consumes his wages in living, and never has anything left over at the end of the year, while he receives 10 per cent. of the tariff subsidy, finds the cost of his living increased 46 per cent. by the tariff.

It is not wonderful that under such inspiration the men of capital, the employers of labor, the lords of the loom, the factories, and the furnaces should show such ardent sympathy, such burning zeal for the interest of the poor laboring man, who is being cruelly used to pull their chestnuts out of the fire. These men crowd the lobbies of Congress in behalf of high-tariff duties, for the protection of their respective industries, alleging them to be national in their character and public in their nature, demanding the fostering care of the Government to the end that they may be able to pay high wages to American laborers, and after securing through the names and by the influence and for the supposed benefit of the American workingmen a system of tariff taxation which oppresses the whole people they turn insolently upon their dupes, the laboring people, and inform them that their business is their own private affair, that they pay such wages as they please, and if the working people do not like the terms of their employment they can leave; and if the workingmen combine and strike for better wages they are starved into submission. Nor are they less arrogant in dealing with the general mass of the people, other than their employés.

Promising the country that protection shall breed competition and a general cheapening of manufactured products, while giving steady employment and good wages to our working people, they, in defiance of common honesty and common decency, combine into "trusts," destroy competition, limit production, and keep up high prices, regardless of the fact that the working people, in whose name they acquired the power to do it, are the first to suffer by a diminution of wages resulting necessarily from diminution of production. Men who thus conspire against the common good and general welfare are enemies of society, seeking the overthrow of social and industrial order, pirates in trade and commerce, and should be clothed in stripes and conveyed to felons' cells.

Our laboring people combine and strike, but it is for bread; the men who form these "trusts," which are simply enormous monopolies, and are able to form them because the tariff fences out foreign goods, which if admitted would break the monopoly, are simply adding to their millions other millions of which they rob the country.

In estimating the difference between American and European wages, it must be borne in mind that only 4½ per cent. of our manufactured products are made by hand labor, the balance being made by steam and machinery. England is the only country in Europe making the same low per cent. by hand labor, while Austria makes 29 per cent., Italy 34 per cent., Spain 23 per cent., and Portugal 42 per cent. by hand labor.

It is admitted on all sides that we are twenty-five years ahead of the most advanced nations in Europe in mechanical appliances and labor-saving machinery, through which manufactures are so much cheapened. Nor must the fact be overlooked, adverted to a moment ago, that England is the only other country in the world possessing an equal concentration of capital with this. I read on this point from Wealth and Progress, by Mr. George Gunton, a recent publication of great ability and merit, as follows:

In this country and in England, where the concentration of capital is the greatest in the world, the productive capacity per capita is nearly two and a half times that of the average in continental countries, five times as large as that of Italy, Spain, and Portugal, and twelve times that of China and India, and the income per capita is about thirteen times as great as that of India and China, six times that of Italy, Spain, and Portugal, and more than twice that of the average on the European continent, and the general rate of wages in England is ten times that of Asia, and nearly double that of continental Europe, while in this country it is about fifteen times that of Asia, and within a fraction of three times that of the average on the Continent.

The same author says that in India, with wages at 60 to 70 cents a week, the capital invested in production is only about $35 per head of the population. In Russia, with wages at $3.60 per week, it is $190 per capita. In Austria, Italy, Spain, and Portugal, with wages at $3.76, it is $350 per capita. In Germany, with wages at $3.84, it is $540 per capita. In France, with wages at $5, the capital invested is about $1,010 per capita, and in England, with wages at $7.74 per week, it is $1,300 per capita. England lives under absolute free trade, pays the highest wages of any country in the world outside of the United States, and by reason of her concentration of capital and her machinery, in the first of which she is fully equaled and in the last greatly surpassed by the United States, instead of asking protection against the pauper labor of her neighbors, undersells them in their own markets.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Texas will please suspend for a moment until the Chair lays before the Senate the unfinished business of yesterday.

Mr. COCKRELL. I ask unanimous consent that the unfinished business be temporarily laid aside until the Senator from Texas concludes his remarks.

The PRESIDING OFFICER. The Senator from Missouri asks unanimous consent that the unfinished business be informally laid aside. Is there objection? The Chair hears none, and the Senator from Texas will proceed.

Mr. COKE. Mr. President, that high wages earned in the intelligent operation of machinery produce much cheaper goods and bring greatly larger returns to capital invested than low wages in hand-made goods or goods made with inferior machinery is one of the propositions demonstrated to be true by the facts I have just read and stated. The fact of payment of high wages is of itself conclusive evidence that the profits of capital are correspondingly high, not that they are made so by a protective tariff, for England has no protective tariff; on the contrary, free trade. England gathers the raw material for her factories from the four quarters of the earth, and buys bread and meat for her operatives from foreign countries, her home supplies being utterly inadequate, and standing in the midst of and surrounded by the pauper labor of Europe, pays wages from double to ten times as great as those paid by her competitors, and maintains in the markets of the world a magnificent supremacy for her manufactured products, while our manufacturers, with the cheapest food in the world at their doors, with raw material of every kind and description lying in marvelous profusion around their factories and furnaces, with machinery admitted to be the most perfect in the world, and laborers the most active, intelligent, and skillful to be found in any country, who accomplish from one and a half to twice as much as European laborers, with their home markets at the doors of their workshops and the protection of 3,000 miles of ocean between them and European labor and competition, cry aloud for protection for American labor against competition with the pauper labor of Europe.

A balder, barer, more transparent pretext than this was never invented to cover up a scheme of plunder and spoliation. The power of concentrated capital and machinery, and the influence of these factors over wages and competition, is illustrated in the difference in wages in the several States of our Union, as in Europe. Mr. David A. Wells on this subject says:

The difference in wages in the same industries in different sections of the United States is well illustrated in the following returns of wages in the iron industries of different States, made under the census of 1880: Unskilled labor in blast furnaces in Virginia, 82 cents per day; in Alabama, 98 cents; in Pennsylvania, $1.09, and in Missouri, $1.29. Skilled labor in iron rolling-mills in Alabama, $2.25 a day; in Massachusetts, $2.70; in Pennsylvania, $3.03; in Ohio, $3.87, and in Kentucky, $4.62. The yearly average wages in the aggregate iron industries of the different sections of the United States is reported as follows: Eastern States, $417; Western, $396; Pacific, $354; Southern, $304.

Mr. Nordhof compiled from the census reports the following tables of yearly earnings in the woolen and cotton industries in the States named:

Connecticut	$335	New York	$285
Maine	320	New Hampshire	280
Pennsylvania	300	Vermont	270
New Jersey	300	Indiana	230
Massachusetts	320	Ohio	196

In cotton industries they are as follows:

New Hampshire	$255	South Carolina	$190
Massachusetts	251	Maryland	188
Rhode Island	250	Georgia	180
Pennsylvania	250	Tennessee	160
Ohio	250	Alabama	160
Connecticut	242	Virginia	150
New York	281	North Carolina	135

The Eastern or manufacturing States of the Union, by reason of their great concentration of capital and machinery, occupy toward the agricultural Western and Southern States the position held by England toward the other states of Europe in the matter of wages and competition. Although paying wages running from 30 to 75 per cent. greater than are paid in the South and West, they scarcely feel at all the competition of these sections with their low wages. We thus see free-trade England and protection-walled America, surrounded by similar conditions as regards capital and machinery, exhibiting results industrially and financially which conclusively show that the influence of a protective tariff in fixing the amount of wages is infinitesimally small. Indeed, Mr. President, the overwhelming weight of testimony shows that if any benefit accrues to the workingman at all from the tariff, it is so small as to be overwhelmed and buried out of sight in the increased cost, by reason of the tariff, of all he and his family must have to live on. No people on earth have ever been so defrauded and humbugged by a delusion and false pretense as have the people of this country by manufacturing monopolists, who, in unbroken chorus for one hundred years, have been demanding high-tariff taxation for the benefit of the American workingman, which when received has been coolly pocketed by themselves, and the poor workingman left to take care of himself as best he may.

The organization of the workingmen into unions, through which they act with a force and power unknown to the disorganized mass, is the cause and secret of the little increase that has occurred in wages in the last thirty years. The concession is made to their power to take care of themselves and to resent injustice by inflicting damage on their employers. It is to their own efforts on this line and not to the tariff that any amelioration in their condition is due. I have before me a table furnished, at my request, by Hon. Carroll D. Wright, Chief of the Labor Bureau, giving a summary of labor strikes in the United States from 1881 to 1886, both inclusive, which shows for the period named 3,903 strikes, in which 22,336 establishments were involved and 13,443 temporarily closed.

It shows that the employés actually engaged in these strikes numbered 1,020,832, and that those actually engaged with others involved aggregate 1,324,402. It shows that the loss to laborers from these strikes amounted to $51,819,163 and to employers $30,731,653. The year 1887 is not included in the table, but the strikes during 1886 numbered 1,412. It shows 2,182 establishments in which lock-outs—that is, expulsion of employés by proprietors—occurred because of their refusal to comply with conditions they deemed oppressive, and 158,548 employés were locked out. These figures speak eloquently of the fierce struggle being made by the American workingman for fair living wages, and of the dogged obstinacy with which his demands are being resisted.

What a commentary they are upon the professions of those who contend for the war tariff, which produces $100,000,000 per annum more than the Government can spend, simply, as they say, to enable them to pay good wages to our laboring people. The profound discontent of which these figures, embracing more than half of all the people laboring in the protected industries, are conclusive evidence, could not exist except in consequence of a deeply exciting cause, and that cause can be no other than the inadequacy of the wages paid for the livelihood of the laborers. What better or more conclusive proof than that furnished by this condition of our laboring people of the utter falsity of the claim that our present high protective tariff is in the interest of American labor. Let Republican Senators who so eloquently describe the wretchedness of the pauper labor of Europe ponder well the condition of American labor as disclosed by the well-verified labor-strike figures I have given; and if still doubting let them turn to the three volumes of testimony on every Senator's table taken by the Senate Committee on Education and Labor in 1885, touching the relations of labor and capital.

They will find in this testimony taken by a committee presided over by a high protective Republican chairman (Mr. BLAIR, of New Hampshire), tales of destitution, misery, and wretchedness among American laborers rivaling in pathos any ever told of pauper labor in Europe. I can not refer at length to this testimony for want of time, but will read from the testimony of Thomas O'Donnell, of Fall River, Mass., commencing on page 451 of the third volume of testimony. I will ask that the Secretary read the paragraphs marked.

The PRESIDING OFFICER. The Secretary will read as requested.

The Chief Clerk read as follows:

Thomas O'Donnell examined.

* * * * * * *

LIFE OF A MULE-SPINNER.

Q. What is your business?

A. I am a mule-spinner by trade. I have worked at it since I have been in this country—eleven years.

Q. Are you a married man?

A. Yes, sir; I am a married man; have a wife and two children. I am not very well educated. I went to work when I was young, and have been working ever since in the cotton business; went to work when I was about eight or nine years old. I was going to state how I live. My children get along very well in summer time, on account of not having to buy fuel or shoes or one thing and another. I earn $1.50 a day and can't afford to pay very big house rent. I pay $1.50 a week rent, which comes to about $6 a month.

Q. That is, you pay this where you are at Fall River?

A. Yes, sir.

Q. Do you have work right along?

A. No, sir; since that strike we had down in Fall River about three years ago I have not worked much more than half the time, and that has brought my circumstances down very much.

Q. Why have you not worked more than half the time since then?

A. Well, at Fall River if a man has not got a boy to act as "back-boy" it is very hard for him to get along. In a great many cases they discharge men in that work and put in men who have boys.

Q. Men who have boys of their own?

A. Men who have boys of their own capable enough to work in a mill, to earn 30 or 40 cents a day.

* * * * * * *

ONE DOLLAR AND A HALF A DAY FOR NINE MONTHS TO SUPPORT SIX PEOPLE TWELVE MONTHS.

I have a brother who has four children, besides his wife and himself. All he earns is $1.50 a day. He works in the iron works at Fall River. He only works about nine months out of twelve. There is generally about three months of stoppage, taking the year right through, and his wife and his family all have to be supported for a year out of the wages of nine months—$1.50 a day for nine months out of the twelve to support six of them. It does not stand to reason that those children and he himself can have natural food or be naturally dressed. His children are often sick and he has to call in doctors. That is always hanging over him and is a great expense to him. And then if he does not pay the bill the trustee law comes on him. That is a thing that is not properly looked after. A man told me the other day that he was trusteed for $1.75, and I understood that there was a law in this State that a man could not be trusteed for less than $10. It seems to me there is something wrong in the Government somewhere; where it is I can't tell.

Q. How much money have you got?

A. I have not got a cent in the house; didn't have when I came out this morning.

Q. How much money have you had within three months?

A. I have had about $16 inside of three months.

Q. Is that all you have had within the last three months to live on?

A. Yes; $16.

SUPPORTING A FAMILY ON $133 A YEAR.

Q. How much have you had within a year?

A. Since Thanksgiving I happened to get work in the Crescent Mill and worked there exactly thirteen weeks. I got just $1.50 a day, with the exception of a few days that I lost—because in following up mule-spinning you are obliged to lose a day once in a while; you can't follow it up regularly.

Q. Thirteen weeks would be seventy-eight days, and, at $1.50 a day, that would make $117, less whatever time you lost.

A. Yes. I worked thirteen weeks there and ten days in another place, and then there was a dollar I got this week, Wednesday.

Q. Taking a full year back can you tell how much you have had?

A. That would be about fifteen weeks' work. Last winter, as I told you, I got in, and I worked up to about somewhere around Fast day, or may be New Year's day; anyway, Mr. Howard has it down on his record, if you wish to have an exact answer to that question; he can answer it better than I can, because we have a sort of union there to keep ourselves together.

Q. Do you think you have had $150 within a year?

A. No, sir.

Q. Have you had $125?

A. Well, I could figure it up if I had time. The thirteen weeks is all I have had.

Q. The thirteen weeks and the $16 you have mentioned?

A. Yes, sir.

Q. That would be somewhere about $133, if you have not lost any time?

A. Yes, sir.

Q. That is all you have had?

A. Yes, sir.

Q. To support yourself and wife and two children?

A. Yes, sir.

Q. Have you had any help from outside?

A. No, sir.

Q. Do you mean that yourself and wife and two children have had nothing but that for all this time?

A. That is all. I got a couple dollars' worth of coal last winter, and the wood I picked up myself. I goes around with a shovel and picks up clams and wood.

DIGGING CLAMS TO EKE OUT AN EXISTENCE.

Q. What do you do with the clams?

A. We eat them. I don't get them to sell, but just to eat, for the family. That is the way my brother lives, too, mostly. He lives close by us.

Q. How many live in that way down there?

A. I could not count them, they are so numerous. I suppose there are one thousand down there.

Q. A thousand that live on $150 a year?

A. They live on less.

Q. Less than that?

A. Yes; they live on less than I do.

Q. How long has that been so?

A. Mostly so since I have been married.

Q. How long is that?

A. Six years this month.

Q. Why do you not go West on a farm?

A. How could I go; walk it?

TOO POOR TO GO WEST.

Q. Well, I want to know why you do not go out West on a $2,000 farm, or take up a homestead and break it and work it up, and then have it for yourself and family?

A. I can't see how I could get out West. I have got nothing to go with.

Q. It would not cost you over $1,500.

A. Well, I never saw over a $20 bill, and that is when I have been getting a month's pay at once. If some one would give me $1,500 I will go.

Q. Is there any prospect that anybody will do that?

A. I don't know of anybody that would.

Q. You say you think there are a thousand men or so with their families that live in that way in Fall River?

A. Yes, sir; and I know many of them. They are around there by the score. You can see them every day; and I am sure of it, because men tell me.

Q. Are you a good workman?

A. Yes, sir.

Q. Were you ever turned off because of misconduct or incapacity or unfitness for work?

A. No, sir.

Q. Or because you did bad work?

A. No, sir.

Q. Or because you made trouble among the help?

A. No, sir.

Q. Did you ever have any personal trouble with an employer?

A. No, sir.

Q. You have not anything now, you say?

A. No, sir.

Q. How old are you?

A. About thirty.

Q. Is your health good?

A. Yes, sir.

Q. What would you work for if you could get work right along; if you could be sure to have it for five years, staying right where you are?

A. Well, if I was where my family could be with me, and I could have work every day, I would take $1.50 and be glad to.

Q. One dollar and fifty cents a day, with three hundred days to the year, would make more than you make now in three or four years, would it not?

ONLY A DOLLAR'S WORTH OF COAL IN TEN MONTHS.

A. Well I would have no opportunity then to pick up clams. I have had no coal except one dollar's worth since last Christmas.

Q. When do the clams give out?

A. They give out in winter.

Q. You spoke of fuel; what do you have for fuel?

A. Wood and coal.

Q. Where does the wood come from?

A. I pick it up around the shore, any old pieces I see around that are not good for anything. There are many more that do the same thing.

Q. Do you get meat to live on much?

A. Very seldom.

Q. What kinds of meat do you get for your family?

A. Well, once in awhile we gets a piece of pork and some clams and make a clam-chowder. That makes a very good meal. We sometimes get a piece of corn beef or something like that.

Q. Have you had any fresh beef within a month?

A. Yes; we had a piece of porksteak for four of us yesterday.

Q. Have you had any beef within a month?

A. No, sir; I was invited to a man's house on Sunday. He wanted me to go up to his house, and we had a dinner of roast pork.

Q. That was an invitation out; but I mean have you had any beefsteak in your own family, of your own purchase, within a month?

A. Yes; there was a half a pound or a pound one Sunday, I think it was.

Q. Have you had only a pound or half a pound on Sunday?

A. That is all

Q. A half pound of pork?

A. Yes. About 2 pounds of pork I guess we have had in the month to make clam-chowder with, and sometimes to fry a bit.

Q. And there are four of you in the family?

A. Yes, sir.

Q. How many pounds of beefsteak have you had in your family, that you bought for your own home consumption within this year that we have been speaking of?

A. I don't think there has been 5 pounds of beefsteak.

Q. You have had a little porksteak?

A. We had half a pound of porksteak yesterday; I don't know when we had any before.

Q. What other kinds of meat have you had within a year?

A. Well, we have had corn-beef twice, I think, that I can remember this year—on Sunday, for dinner.

Q. Twice is all that you can remember within a year?

A. Yes—and some cabbage.

Q. What have you eaten?

A. Well, bread mostly, when we could get it; we sometimes couldn't make out to get that, and have had to go without a meal.

Q. Has there been any day in the year that you have had to go without anything to eat?

A. Yes, sir; several days.

Q. More than one day at a time?

A. No.

Q. How about the children and your wife—did they go without anything to eat, too?

THE CHILDREN CRYING FOR FOOD.

A. My wife went out this morning and went to a neighbor's and got a loaf of bread and fetched it home, and when she got home the children were crying for something to eat.

Q. Have the children had anything to eat to-day except that, do you think?

A. They had that loaf of bread; I don't know what they have had since then, if they have had anything.

Q. Did you leave any money at home?

A. No, sir.

Q. If that loaf is gone, is there anything in the house?

A. No, sir; unless my wife goes out and gets something; I don't know who would mind the children while she goes out.

Q. Has she any money to get anything with?

A. No, sir.

Q. Have the children gone without a meal at any time during the year?

A. They have gone without bread some days, but we have sometimes got meal and made porridge of it.

Q. What kind of meal?

A. Sometimes Indian meal, and sometimes oatmeal.

Q. Meal stirred up in hot water?

A. Yes, sir.

Q. Is it cold weather down there now?

A. It is very cold now.

SCANT CLOTHING IN COLD WEATHER.

Q. What have the children got on in the way of clothing?

A. They have got along very nicely all summer, but now they are beginning to feel quite sickly. One has one shoe on, a very poor one, and a slipper that was picked up somewhere. The other has two odd shoes on, with the heel out. He has got cold and is sickly now.

Q. Have they any stockings?

A. He had got stockings, but his feet comes through them, for there is a hole in the bottom of the shoe.

Q. What have they got on the rest of their person?

A. Well, they have a little calico shirt—what should be a shirt; it is sewed up in some shape—and one little petticoat, and a kind of little dress.

Q. How many dresses has your wife got?

A. She has got one since she was married, and she hasn't worn that more than half a dozen times; she has worn it just going to church and coming back. She is very good in going to church, but when she comes back she takes it off, and it is pretty near as good now as when she bought it.

Q. She keeps that dress to go to church in?

A. Yes, sir.

Q. How many dresses aside from that has she?

A. Well, she got one here three months ago.

Q. What did it cost?

A. It cost $1 to make it, and I guess about a dollar for the stuff, as near as I can tell.

Q. The dress cost $2?

A. Yes.

Q. What else has she?

A. Well, she has an undershirt that she got given to her, and she has an old wrapper, which is about a mile too big for her; somebody gave it to her.

Q. She did not buy it?

A. No; that is all that I know that she has.

Q. You have had $1 or $2 worth of coal last winter?

A. I think it was a quarter of a ton, and I believe it was $2.25 worth.

Q. Is that all you have had?

A. That is all I had last winter. All the rest I picked up—wood.

Q. Did you try to get work?

A. I was working last winter.

Q. You say that a good many others are situated just like you are?

A. Yes, sir; I should say as many as a thousand down in Fall River are just in the same shape, if not worse; though they can't be much worse. I have heard many women say they would sooner be dead than living. I don't know what is wrong, but something is wrong. There is an overflow of labor in Fall River.

* * * * * * * *

Q. You live in a hired tenement?

A. Yes; but of course I can't pay a big rent. My rent is $6 a month. The man I am living under would come and put me right out and give me no notice either if I didn't pay my rent. He is a sheriff and auctioneer man. I don't know whether he has any authority to do it or not, but he does it with people.

Q. Do you see any way out of your troubles—what are you going to do for a living—or do you expect to have to stay right there?

A. Yes. I can't run around with my family.

Q. You have nowhere to go to, and no way of getting there if there was any place to go to?

A. No, sir; I have no means nor anything, so I am obliged to remain there and try to pick up something as I can.

Mr. COKE. Mr. President, thousands of operatives in Fall River City, says this witness, are in as bad and even in worse condition than himself, and all these are laborers in the so-called protected industries. And his family, six in number, have to exist on $133 per year. I now read from the first volume of testimony, taken by the same committee, commencing on page 1162, from the testimony of Mr. John Jarrett, a

citizen of Sharon, Pa., and at that time president of the Amalgamated Association of Iron and Steel Workers of the United States, as follows. I will ask the Secretary to read the part marked.

The PRESIDING OFFICER. The Secretary will read as indicated.

The Chief Clerk read as follows:

CONDITION OF THE PENNSYLVANIA COAL-MINES.

Q. Do you know anything about the condition of the workingmen in other trades than your own?

A. I have not given that subject one-tenth of the attention that I have given to the condition of the workers in my own trade.

Q. Do you know anything about the condition of the men who mine iron the?

A. I do, sir; did you say the coal-miners?

Q. The men who mine the iron and coal?

A. Well, coal-mining in Pennsylvania, in my opinion, is a more important interest than ore mining, and the condition of the coal-miners in the State of Pennsylvania is pitiable, miserable.

Q. How many of them do you think there are?

A. There must be at least ninety thousand coal-miners in Pennsylvania.

Q. Do you mean heads of families or workers altogether?

A. I would assume that there would be among them about sixty thousand heads of families.

Q. You say their condition is pitiable and miserable; how so, and how much is it?

A. It is because the wages of coal-miners are too low. They are ill-paid. Then, too, they suffer from the truck system. Under that system they pay 100 per cent. more for what they buy than our people do. Then the houses they live in are extremely miserable. If I feel particularly for any branch of labor in this country it is the poor coal-miner. He risks his life day after day for a mere pittance. Every time he departs from the light of day he does not know whether he will ever see it again. And while in some branches it does not require much skill to be a miner, in others it does, and I think the coal-miner ought to be better paid, better clothed, better housed, and better fed than he is.

THE ENGLISH MINERS BETTER OFF.

Q. Have you been among those miners?

A. Yes, sir; and from my experience among the coal-miners in England I may say that they are really better cared for there than are the coal-miners in the United States. I do not say that the English miner gets as much money for his labor, but he is better cared for.

Q. Do you mean that he has more comfort during the year?

A. Yes, sir. The government there has taken care to make very stringent laws for the protection of the miners. The colliery laws control all the mines there, and I think it is the duty of our Government here to make equally strict laws to apply to that subject.

By Mr. CALL:

Q. Of what nature are those laws?

A. Well, they constitute a general shield of protection thrown around the workingman, by which many of the evils to which he is subject in his calling are obviated.

Q. Give us some idea of the provisions of those laws.

A. Well, they have regular men that go to examine into the condition of the mines before the men can go to work; these examiners have to go in every morning immediately before the men go into the mines, to see that they are in fit condition. Then the truck system has been entirely wiped out there; the men get their money every week.

Mr. COKE. This is another sample of the condition of so-called tariff-protected American labor. Low as are the wages of the poor miners, they are made to pay at the store of their employers (for this is what is called the truck system) 100 per cent. more for what they have to buy than other people pay. I read now from a work on the protective tariff, recently issued from the press, by Mr. Herman Lieb, commencing on page 134, where the author quotes from certain leading newspapers.

The Chief Clerk read as follows:

On February 6, 1884, the Cleveland Herald—good protectionist authority—contained the following:

"For some time past all sorts of stories have been circulated in reference to the suffering of the miners and their families scattered along the Pennsylvania Railroad between this city and Allentown. These people have had their wages reduced from time to time, until they are now only getting from 60 to 70 cents per day, or an average of about 65 cents. These reports have excited considerable comment, and in order to verify them a Herald correspondent visited the mines.

"After arriving in Alburtus, Pa.," writes the correspondent, "I procured a sleigh and drove through the entire district, covering some 30 miles, and visited many homes of the miners, beside some forty-five mines in full operation. Alburtus has a population of nearly 600 people, and their true condition is probably expressed in the words of Isaac Bickel, proprietor of the American House, who said:

"'Never in the history of the town has there been so much suffering among the poor. The panic of 1873 is no comparison. The storekeepers have shut down on the men, and are now doing a strictly cash business throughout the ore district.'

"George Schrack, residing in a small log hut near Farmington, was called on in the evening.

* * * * * * *

"'Will you kindly give me an insight into your daily life, Mr. Schrack?'

"'Well, to tell you the truth, it is a tough one. I get up at 4 o'clock every morning, and leave here half an hour later in order to reach the works at 6 o'clock.'

"'What are your duties?'

"'I am a loader, and with the help of another man we load from sixty to seventy cars per day.'

"'What are you getting per day?'

"'Sixty-two cents.'

"'How do you manage to live with that amount?'

"'Oh, we manage to just hang together. We can't afford meat but once a week. Bread and molasses constitute our chief diet, with a few potatoes and corn-meal thrown in.'

"'How about your clothing, shoes, etc.?'

"'The children have no shoes, and really I can not afford to buy any for them.'

"'How much did you earn in January?'

"'Eleven dollars and thirty-eight cents. I made a little over eighteen days.'

"'How much does it cost you to live?'

"'My earnings did not quite cover the bills, and the grocer told me that hereafter none of the men would be allowed to exceed their earnings. I have not handled a cent since December the 1st.'

"'How's that?'

"'Why, you see, after the grocer is paid, nothing is left.'

"This is the story of a dozen or more, and with the exceptien of one or two cases, all tell the same story."

* * * * * * *

The Chicago Herald of July last contributes the following: "Newspaper correspondents have lately achieved the difficult task of exploring this beautiful region"—meaning the collieries of Hazelton, Pa.—"hitherto so severely ignored by the protectionist hair-raisers. With what commiseration for poor Ireland and benighted free-trade-ridden England, with what pride in the institutions of the land of his birth, must every American read of the recent evictions at Hazelton collieries, near Wilkes Barre!

"For brutality and consequent misery they surpass the most exaggerated horror yet reported from Ireland.

"Hazelton is a delightful village, nestling in the carboniferous hills near the Hazel Brook mines. Village and hills and collieries are the property of a firm named J. S. Wentz & Co. The firm will not sell or lease a foot of land to anybody, nor allow a man to build a house for himself. It compels every employé in the mines to rent from it at from $5 to $6 a month. The men are forced to sign a lease which places them absolutely at the company's mercy. They expressly waive every benefit or protection which they might have under the laws of the State. They agree that the moment they cease work for the company they must leave their homes, and can be ejected on ten days' notice; and they further have to sign what is termed an 'amicable suit of ejectment,' by which the company can at any moment issue a writ and evict them.

"This, mind you, is a strictly American and highly protected lease. Mark how it operates. Notices to quit were sent round to the strikers some weeks ago. On Saturday Deputy Sheriff Brockway, armed with the writs issued in 'amicable suit of ejectment,' and backed by a body of coal and iron police in the pay of the company, appeared in the village and began to evict. Six families, with all their goods and chattels, were thrown on the hillside; they were the families of Neal Gallagher, Daniel Nigan, Patrick Bowen, Barney Gallagher, Joseph McGonegal, and Patrick Dunlavy. Everthing the house contained was thrown pell-mell out of doors and windows, the women and children driven out, and the doors locked behind them. From their names it is apparent that these tenants came from the land of iron leases and heartless evictions, in the full hope, presumably, of finding relief in the land of the free.

"Their oppression did not stop here. Not only were they thus deprived of home and shelter, but not a soul in the village dared shelter them or their goods. The company had given notice that any tenant affording shelter to those evicted would be himself dispossessed. Mrs. Dunlavy was sick in bed when the officers entered the house, but she had to go, and her bed was put outside after her. It was with difficulty that she obtained permission to stop overnight at a neighbor's, nor were the evicted tenants able to remove their goods, for the company had prohibited any wagon from entering its lands for that purpose, and refused to grant the use of its own teams. Women and children were compelled to hunt miles in search of a place to spend the night, and some, unable to obtain shelter, were forced to sleep on the bare ground, without roof to cover them. Their goods are lying to-day just as they were thrown out, the people being unable to move them.

"It is not to be supposed that such things could happen without comment. On the contrary, the whole region was boiling over with indignation, though choking its impotent wrath through fear of incurring the horror themselves, for everybody thereabouts belongs to Wentz & Co. Even the press dared not make mention of what took place. 'What can we do?' a local editor demanded of the correspondent. 'The coal kings have the making of the postmasters, no matter which party is in power. If any paper dares to open its mouth about these outrages the postmasters get the wink and our paper is kicked upon the floor—its subscribers look in vain for it. One paper near here, at Freeland, has defied the autocrats and told the truth about them, and for years the editor has labored on the verge of bankruptcy. Oh, I tell you these men are above the law. We have submitted to them, and not until the metropolitan press take hold of the matter will justice ever be done here.

"The company store system is, of course, prevalent in this region, and not the least of the links in the chain of slavery. The Stone bill, passed in the Pennsylvania Legislature in 1884, makes this system illegal. But what of that? What is law to a protected coal baron? The miners are now compelled to trade at the company's stores, but if they don't do so—well, their services are no longer required. Then there is a doctor furnished by each company, and each miner with a family must pay 75 cents a month, whether sick or well, while each single man of twenty-one or more is docked 50 cents a month for the benefit of this pampered physician. Other doctors are not allowed. Hundreds of company doctors have made fortunes out of the business. Then each man pays 50 cents a month toward the support of a priest, but this is not insisted on. Four dollars is stopped for rent, and $1.90 for coal, with 65 cents added for delivery, and sometimes taxes are added upon the dwelling. Thus it results that the men very rarely draw more than $2 or $3 in money at the end of the month. Their slavery is complete. It is remarked that, under these conditions, the mining population grows sullen and dispirited, that the young men flee away to the cities as they grow up, leaving their places to be filled by cheap Slav labor imported for the purpose; that the young women take to a life of shame rather than live in the cursed atmosphere of their youth; that the children are joyless and ignorant. The houses are horrible; the saloons are better, and the company sells the liquor. Men take to dissipation from sheer despair. A strained, unnatural feeling of dread pervades the place, for every one knows that spies are about and he dare not speak."

Mr. COKE. Mr. President, want of time compels me to desist from a further illustration of the truth of my argument by quotations of testimony. Sufficient to say, Mr. President, that any amount of testimony of this character is in existence and of easy access. I have before me and will read briefly from the eighteenth annual report of the bureau of statistics of labor of the State of Massachusetts, published in December, 1887. On page 294 it says:

As the essential result of this investigation, it may be stated, then, that out of a total of 816,470 persons employed in gainful occupations in this State 241,589, or 29.59 per cent., were unemployed at their principal occupation, on an average, 4.11 months during the census year, the average unemployment for persons engaged in manufactures, pure and simple, being 3.90 months; in short, that about one-third of the total persons engaged in remunerative labor were unemployed at their principal occupation for about one-third of the working time.

This report verifies and corroborates the other testimony read. When the great State of Massachusetts, which leads the advance guard in all that pertains to a high social, moral, political, and industrial civilization, can make no better showing under a war tariff in respect to the elevation and ennoblement of American labor than is presented in the testimony of Thomas O'Donnell, of Fall River, and has to confess, through the report of one of her chief bureaus, that for the year 1887 one-third of her people employed in gainful occupations were unem-

ployed for one-third of the working time, I ask if it is not time that a halt was being called and some other method of protecting American labor at least experimented on. When we consider the deplorable and "pitiable" condition of 90,000 miners of Pennsylvania, as described by Mr. Jarrett, and by the Cleveland Herald, and the proceedings against them by the protected coal barons described by the Chicago Herald, when it said, "For brutality and consequent misery they surpass the most exaggerated horror yet reported from Ireland," I ask if it is not time for the protectionists themselves to pause and ask themselves if protection does not utterly fail to protect American labor. The people of the United States pay the tariff tax. Of this there is not the least particle of doubt. Somebody receives it.

The condition of our laboring people, and the struggle they are now and have for years been making for living wages, as evidenced by the labor strikes, prove most clearly that they are not the recipients of the benefits of the tariff tax. The employers of labor, the manufacturers, are the collectors of this tax in the increased price paid them for their products by the people who consume them. They are the beneficiaries of the tax, not the laborers. The financial condition of the manufacturers and of the manufacturing States prove this to be true. A table furnished by the Chief of the Bureau of Statistics, compiled from the report of the Comptroller of the Currency, and now before me, shows that the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania, the great manufacturing States, being nine in number, their aggregate population being 14,507,407, have an aggregate of active banking capital of $403,553,905, and deposits in banks to the amount of $2,355,507,999, while all the other States and Territories, including the District of Columbia, being thirty-eight in number, have together $412,731,150 of active banking capital, and $1,062,177,918 of deposits, and 35,648,376 population.

The nine manufacturing States lack only $9,177,245 of having as much active banking capital as all the other thirty-eight States and Territories, and the deposits of the former are more than double those of all the latter. The little State of Rhode Island, with a population of 276,531, has more banking capital and larger deposits than such great agricultural States as Iowa, Wisconsin, Indiana, Michigan, and Kansas, with populations averaging about 1,500,000 each. Missouri, with her two and a quarter millions of population, exceeds Rhode Island very slightly in banking capital and deposits, and is the only Southern State that is not greatly exceeded by Rhode Island in this regard. The great States of Illinois and Ohio, with populations of about three and a quarter millions each, do not double Rhode Island.

So with the remainder of the nine manufacturing States named; all, in nearly the same proportion, exceed in wealth per capita the other thirty-eight States and Territories. Nearly all the railroads in the United States are owned in the manufacturing States, and I hazard nothing in saying that two-thirds of the shipping of the United States engaged in the internal, external, and coasting trade is owned in the same States. I read here an extract from the St. Louis Republican, which estimates that the nine manufacturing States own in ten Western States farm mortgages to the amount of $3,422,000,000, as follows:

It would be instructive to have the exact figures showing farm mortgages in the United States. There is no Federal law nor general law in the States for collecting the statistics, and they can therefore only be estimated. A correspondent of the New York Times, writing from Gypsum City, Kans., taking for a basis the recent statement that one-half the farms in Michigan are mortgaged, makes the following estimate for the ten leading Western States:

In Ohio	$701,000,000
In Indiana	398,000,000
In Illinois	620,000,000
In Wisconsin	250,000,000
In Michigan	350,000,000
In Minnesota	175,000,000
In Iowa	351,000,000
In Nebraska	140,000,000
In Kansas	200,000,000
In Missouri	237,000,000
Total farm mortgages in the ten States	3,422,000,000

This aggregate is so enormous that we are inclined to think the respective sums in the States are overestimated. Still, it is a well-known fact that in the older and more prosperous States of the West, every fourth or third farm is mortgaged, and, in the newer ones, two out of three are in that condition, and the bulk of these claims is held in the prosperous and rich industrial States of the East. The insurance companies of the little city of Hartford, Conn., own $70,000,000 in western farm mortgages; and the loan companies of Boston hold $76,000,000 more. Here is $146,000,000 in two cities to begin with, and it is certain that if complete returns could be had from all the nine industrial States the aggregate would be immense, probably one-half the assessed value of western farms.

As the average annual net earnings of farming in the United States are only about 3½ per cent. on the capital invested, while the interest charged on these mortgages is 7 to 9 per cent., it is clear that the mass of farmers can not pay their debts, and that, sooner or later, their farms will fall into the hands of their creditors, and the great money-lending corporations of the rich manufacturing States will own full one-half the Western States.

The vast wealth concentrated in the nine manufacturing States, and the immense disproportion between their wealth and that of the agricultural States of the Union, indicate with unerring certainty who receives and where is located the vast subsidies which, through the operation of protective tariffs, have for nearly one hundred years been wrung from the people, not for any public purpose, but to build up and make greater the private fortunes of a few manufacturers. It does seem that the time has arrived when this wholesale robbery should cease. This abnormal congestion of wealth in a limited area and among so small a percentage of the population, produced by the protective tariff, the highest considerations of public policy require shall not be increased but, as far may be, diminished, and a more equal, just, and healthful distribution promoted. Confessedly the most powerful manufacturing people in the world, the plea for the development of our infant industries, under which the tariff was once justified, can no longer be made, and has been abandoned.

The protection of American labor against competition with the pauper labor of Europe is now the rallying cry. As the protectionists held on to the first pretext until its absurdity grew to be so transparent that they were forced to abandon it, so they will cling to the last until driven from it by a force they can not withstand. They have enjoyed a long career of success in enriching themselves by advocating protection to American labor, while at the same time crushing the spirit of the laborer by the poverty and inadequacy of the wages they have doled out to him, compared with the cost of living they have heaped upon him by means of the high tariff. Thanks to the enlightenment of the day, the increased intelligence of the people, and especially the laborers, the developments of the Tenth Census, and the statistics of the Labor Bureau, the investigations of Congressional committees, and the spirit of inquiry which is abroad in this country, the people are being awakened to the realization of the fact that they have in the name of humanity, philanthropy, and American patriotism, through which they have been appealed to in behalf of the American laborer, been fleeced and plundered by greedy capitalists intent alone upon their own enrichment.

To use a homely but expressive illustration, in the tariff milk-pail it is discovered that the cream rises to the top, when it is skimmed by the capitalist, who generously leaves the worthless swill which remains for the American laboring man.

Mr. President, the interests of the working people of the United States must always be a subject of controlling solicitude and importance, one which must receive a large share of attention from statesmen who control the affairs of government. It is now apparent that they have never received the benefits intended by the American people for them under protective tariffs, and as the execution of the tariff in respect to the working people rests exclusively in the hands of the manufacturers, who heretofore have deprived them of its benefits, while they are subject to all its burdens, some other system of taxation, as just to the people of the United States as protective tariffs have been unjust, must be resorted to for the general good.

Such plan must embrace within its beneficent operation all the working people of the United States, whether farmers, factory operatives, miners, or other working people. It must be equal upon all in its burdens, and as far as possible in its benefits. It should take from the people only so much of their earnings as is necessary for the economical support of the Government. In a word, Mr. President, we should go back to a strictly revenue tariff—a tariff for revenue only—such a tariff as we had from 1846 to 1860, under the administrations of Polk and Buchanan. It was of this period that Professor Sumner, of Yale College, in one of his learned lectures on "Protection in the United States," said:

The period from 1846 to 1860 was our period of comparative free trade. The subtreasury act of 1846 removed subjects of currency and banking from national legislation. Thus these two topics were for a time laid aside. For an industrial history of the United States no period presents greater interest than this. It was a period of very great and very solid prosperity. The tariff was bad and vexatious in many ways, if we regard it from the standpoint either of free trade or revenue tariff, but its rates were low and its effects limited. It was called "a revenue tariff with incidental protection." The manufactures which it had been said would perish, did not perish, and did not gain sudden and exorbitant profits. They made steady and genuine progress. The repeal of the English corn laws in 1846 opened a large market for American agricultural products, and took away the old argument which Niles and Carey had used with such force, that England wanted other countries to have free trade, but would not take their products. The effect on both countries was most happy. It seemed as if the old system was gone forever, and that these two great nations, with free industry and free trade, were to pour increased wealth upon each other.

The fierce dogmatism of protection and its deeply-rooted prejudices seemed to have undergone a fatal blow. Our shipping rapidly increased. Our cotton crop grew larger and larger. The discovery of gold in California added mightily to the expansion of prosperity. The States indeed repeated our old currency follies, and the panic of 1857 resulted, but it was only a stumble in a career of headlong prosperity. We recovered from it in a twelvemonth. Slavery agitation marked this period politically, and if people look back to it now they think most of that; but industrially and economically, and I will add also in the administration of the Government, the period from the Mexican to the civil war is our golden age, if we have any. There was simplicity, even to dullness, in national affairs. It was one of those happy periods when a nation has little history. As far as the balance of trade is concerned, it never was more regular and equal than in this period.

It was of the same years that Robert J. Walker, the great Secretary of the Treasury under Mr. Polk, in a letter to the people of the United States, spoke as follows:

A tariff for revenue, as experience has shown, instead of depressing improves all industrial pursuits, including manufactures, and vastly augments the wealth of the country. Under the tariff of 1846, as shown by the census, our wealth increased, from 1850 to 1860, 126.45 per cent.; whereas from 1840 to 1850 the increase was only 64 per cent.; from 1830 to 1840, 42 per cent., and from 1820 to 1830, 41 per cent. So, also, from 1850 to 1860 our agricultural products increased 95 per cent. and our manufactures 87 per cent., being in both cases nearly double any preceding ratio of increase. So, also, our exports, imports, and revenue nearly tripled in the same period of time, and our domestic trade rose nearly in the same ratio.

This augmented ratio is not the result of increase of population, which from 1850 to 1860 was less than 36 per cent. The Irish famine was supposed by my opponents to account for the increase the first year, although the decreased price paid abroad that year for our cotton nearly equaled the additional sum paid by England for our breadstuffs and provisions. But the next year and the next, before any gold had reached here from California, our exports and revenue went on augmenting in a corresponding ratio, rising in eight years from $22,000,000 under the tariff of 1842 to $64,000,000 under the tariff of 1846.

The cry for protecting bounties from the Government in these sixteen years after the "infant industries" had been weaned off from the public teat, was hushed in the presence of the palpable and notorious fact that the country had never been more prosperous, that the manufacturing interest had never rested on a more solid basis, and revenues for the Government had never been more abundant. A more complete refutation of the sophistry on which for nearly seventy-five years the people of this country have been taxed to build up and enrich a manufacturing class could not be desired than this simple recital of well authenticated facts. But the civil war came, great revenues were needed, the country thought of nothing but war and armies and navies, and how to raise the immense revenues necessary to maintain them.

Here was the opportunity to increase tariff duties to the highest possible degree, and well and thoroughly it was embraced and utilized. The "war tariff" acts were passed in rapid succession, each going beyond the other in piling up duties, until every conceivable article that could minister to human necessity, desire, convenience, or luxury was placed on the dutiable list. The object then was ostensibly revenue; nothing was heard of protection. The debates on these various acts discussed only the best methods of raising revenue so much needed. And here we are to-day with the same war tariff, for the reductions made since would not average 5 per cent. With machinery taxed, raw material taxed, and the finished product taxed, our manufactures, so far as prices are concerned, are on stilts, far more costly than those of any other country in the world. For this reason they can not be exported to foreign markets except at a loss.

Thus the high tariff, which fences out foreign goods, walls in our domestic products. The tremendous development of our manufacturing interest frequently gluts the home market, to which our goods are confined; and in order to keep up prices trusts and combinations are formed, production is diminished or stopped, and labor thrown out of employment, or, running on reduced time, of course with reduced wages, suffers.

Conditions like these account for the fact that one-third of the working people of Massachusetts were idle for one-third of the year covered by the report of the labor bureau of 1887. Excluded from foreign markets by the high prices fixed on our products by a tariff tax averaging 46 per cent. ad valorem, and the home market glutted whenever our mills and factories are run on full time, trusts and combinations to keep up prices by limiting or stopping production, as the country knows by sad experience, are inevitable, and destitution and suffering among the working people a natural consequence.

This is the legitimate outcome of "protection," so called, for American labor, which fattens the manufacturer and capitalist, while it reduces the workingman and his family to want and almost to starvation. The necessities of this country for great revenues will always, even under a tariff laid for revenue only, give abundant protection, incidentally and unavoidably, to American industries. As I have already shown a tariff averaging 10 per cent. would pay back to the manufacturer all the difference between American and European wages, and one averaging 20 per cent. would return to him every dollar of wages he pays out, besides whatever difference, if any, might exist between English and American rates of interest, and from 2½ to 5 per cent. more, in fact, while a strictly revenue tariff would incidentally be thoroughly protective. A tariff of 20 per cent. average duty, possibly of 25 per cent., is the lowest that could be relied on to produce the revenue needed by the Government. Under Mr. Polk's administration, in 1857, 19 per cent. was the average to which the tariff was reduced, and it produced abundant revenue.

While a much greater revenue is needed now than was then, it will be remembered that the population, the country, and its resources are much greater now than in 1857, and that the same per cent. average duty would produce correspondingly greater revenue. So, Mr. President, a reduction of the tariff to a revenue standard would still leave the average duty considerably above the point which would reimburse the manufacturer not only the difference between American and European wages, but all the money paid out for wages. If the manufacturer was sincere in claiming that he desires high-tariff duties for the benefit of the American laborer and to justify the payment to him of high wages, he would be satisfied with 20 per cent., for that amount will answer the purpose which he claims to have in view.

Besides, Mr. President, a reduction of the tariff to a strictly revenue standard will cheapen the cost of manufactured products, and to that extent diminish the cost of living and add to the wages of the laborer greater purchasing power, enabling him to buy more with the same money. It would open the markets of the world to the manufacturer, because our goods, being cheapened in cost, could compete in foreign markets with the manufactures of other countries, and of this the American laborer would, in common with all the people of the United States, have the full benefit. Secretary Evarts, in the letter before referred to, condenses the argument into a nutshell in what I now read. Says he:

Within the last fifteen years we have demonstrated our ability by the brilliant development of our own resources to exclude, by honest competition, foreign manufactures to a large extent from our shores. The question which now peremptorily challenges all thinking minds is, how to create a foreign demand for those which are left after supplying our home demands. We can not stand still, for the momentum of increase will soon become so great that it will push us outward anyway. To push us safely and profitably is of so much importance as to almost overtop all other public questions of the hour. This question appeals equally to the selfishness and patriotism of all our citizens, but to the laborer it appeals with tenfold force, for without work he can not live, and unless we can extend the markets for our manufactures he can not expect steady work, and unless our manufacturers can undersell foreign manufacturers we can not enlarge our foreign market.

The first great truth to be learned by our manufacturers and workingmen is, that the days of sudden fortunes and double wages are gone. We must realize the fact that ocean steam communication has annihilated distance and brought the nations face to face. This drawing together of the nations means equalization in trade, profits, wages, etc.; the advantage being with those who soonest accept the situation and show the most sensible continuity in the new paths of success.

This brief statement delineates with a pencil of light the true philosophy of the situation—that our manufacturers are able to stand alone and take care of themselves in honest competition with the world; that our extraordinary development with its present momentum will, in a very short time, compel us to seek foreign markets for our products, will burst through the bounds to which they are now confined by the tariff, and that we must be prepared to undersell foreign manufactures, or else our products will flow back upon an already glutted home market, bringing ruin and destruction.

Sir, greater or more vital truths were never uttered. And the man more interested than all others in their recognition and enforcement is the American workingman. The bottom and foundation on which this statement rests and is predicated is the necessity for cheapening American manufactures, so that they may go into foreign markets, and the most indispensable step for this purpose is to remove from them the burden of the tariff tax to the full extent that it can be done consistent with the requirements of the Government for revenue. Give us free, untaxed machinery and free raw material, such as coal, ore, wool, jute, and other textile products, these being the bases of all manufacture, a tariff devoted solely to raising revenue for the support of the Government will doubly protect the American workingman's wages, and send our cheapened goods without handicap into foreign markets to meet and defy the competition of the world. All the reasons for placing raw material on the free-list apply with twenty-fold power to the machinery which manufactures it.

Not one pound of machinery engaged in the manufacture of any article on the dutiable list, nor of raw material entering into any such article should pay a single penny of tariff tax. All incumbrances, every hindrance, every ounce of weight that can be removed from our products should be taken away, and American energy, resources, invention, skill, and genius given a fair opportunity of winning primacy in the commerce of the world. When this grand consummation shall occur, and occur it must, sooner or later, and the sooner the better, the products of the workingman's labor, no longer confined to the home market, as now, with its fitful seasons of high demand and glut, nor to the manipulations of "combines" and "trusts," will find steady sale in all the markets of the world, and thus will be insured steady employment to the labor which creates them.

The agricultural people of the United States whose exported products for the last fiscal year were 74 per cent. of the total of our exports, against 19 per cent. of manufactured products exported, who have maintained the balance of trade in favor of this country by sending out to foreign countries the products which alone bring gold, the profits of whose business scarcely average 3½ per cent. on the capital invested, as against 8 to 10, 12, 15, 20, 25. and in some instances as high as 40 per cent. paid in dividends by manufacturing enterprises; whose wheat and cotton are priced in Liverpool in direct competition with the wheat and cotton of India, and the wheat of Russia raised by human cattle on wages of from 6 to 10 cents per day, their wheat now run down to 73 cents per bushel and cotton to 8 cents per pound, while they, constituting more than half of all the labor of the United States, are being taxed an average of 46 per cent. on the entire cost of both living and dying under the existing tariff professedly for the protection of American labor against competition with the pauper labor of Europe, and who are not permitted to buy in the cheap market which fixes the prices of their products, but must buy at home at an advance of 46 per cent. over the foreign market—these agricultural people, upon whose necks the yoke of protective tariff bondage has rested heavily for seventy-five years, will hail with glad acclaim the day when, in a tariff laid only for the purpose of raising money to support their Government, and not for tribute to a manufacturing class, they are emancipated from their most oppressive burdens.

The farmers of this country live harder, wear plainer clothing, practice more rigid economy, have fewer of the luxuries of life, work harder and more constantly, and are more troubled to make both ends meet at the end of the year, and realize less on their labor and capital, than any other class of our people, and are the class upon which the protective tariff falls with the most crushing weight. The policy of ex-

clusion maintained by our high protective tariff toward foreign nations is a declaration and maintenance of commercial war against them, and is so regarded by them; and yet these same foreign nations are the sole dependence of the American farmers for a market for their surplus products, and absolutely fix and establish the prices of American wheat and cotton both at home and abroad.

England is the pet aversion of the average protectionist, and is denounced on all occasions; yet England buys and pays us for more than half of all the cotton raised in the United States and more than half of all our breadstuffs that are exported. In a spirit of retaliation for our hostile tariff legislation, American beef and pork, although greatly needed in Europe, on one pretext and another are excluded in some States, and in others admitted only on the most onerous conditions, while other nations, notably England, in self-defense and to be relieved of her dependence on the United States as far as possible for cotton and breadstuffs, for which she is not permitted to exchange her products on equal terms, has stimulated, and with great success, the production of cotton in India, Egypt, and Brazil, and with still greater success the production of wheat in India and the Dominion of Canada. The Western wheat-growers and the Southern cotton-producers are to-day and for a number of years past have been reaping in the extreme low prices of their products the bitter fruits of our tariff policy, and have learned to their great cost that so-called protection to American manufacturers against European competition means a premium for European competition with American farmers, for a destruction of the foreign market for American agricultural products.

Mr. President, with the ports of the United States wide open to the influx of foreign labor, which is pouring in daily in immense volume, and mingling in the fierce contention for living wages now going on, with our domestic manufactures walled in and foreign goods shut out by a high tariff, as is virtually the case now, manufacturing capital is the veritable master of labor, and with each day's accession to our laboring population from abroad becomes more and more absolute. Unlimited competition in labor and the competition of foreign manufacturing capital excluded by the tariff creating a monopoly for American capital, as thoroughly and completely enslaves American labor as it is possible for it to be done. Free trade in labor and a tariff for the protection of American capital against European competition is the result and legal effect of our protective legislation. The tariff invites labor to our shores with the delusive and deceptive promise of high wages, but takes care to admit no competition with capital. If the time has not already arrived it is not far off when the continued influx of foreign labor and the continued exclusion of the competition of foreign capital will utterly prostrate American labor under the feet of monopolistic American capital.

The Southern slave-owner was never more absolute in his dominion over his slaves than will the continued existence of present conditions make the manufacturing capitalist over American labor. There was a time when it was supposed that competition would come to the relief both of the laborer and of the consumers of manufactured products, but with the advent of "trusts" and "combines," invented for the purpose of destroying competition and thereby keeping up prices, that has become an exploded theory. We have now in existence the following "trusts," which I give with the per cent. of tariff duty protecting each subject of "trust:"

	Protected by duties averaging—		Protected by duties averaging—
	Per ct.		*Per ct.*
Salt trust	50	Tin trust	32
Earthenware trust	56	Lead trust	74
Bessemer-steel trust	84	Glass trust	55
Plow-steel trust	45	Soap trust	26
General steel trust	45	Linseed-oil trust	54
Nail trust	45	Rubber-shoe trust	25
General iron trust	45	Envelope trust	25
Copper trust	24	Paper-bag trust	35
Zinc trust	52	Cordage trust	25

Of course these "trust" combinations in order to carry out their purposes must stop or diminish production to keep up prices, and in doing that must throw labor out of employment and diminish wages; but does not the tariff for the protection of American labor enable them to do this, and are not they the people who demanded and lobbied through the tariff in the interest of the American workingman, and who are now flooding the country with literature to sustain it? The people who thus acquire power through false pretenses, and then turn on those who grant it, as these combinations are doing, are entitled to exactly the same consideration accorded to the highway robber who, finding his victim defenseless, orders him to stand and deliver. The wide range already covered by these "trusts" shows clearly the extent to which they will be carried under the protective policy, if continued, as our laboring population becomes denser.

The President recommends that wool be placed on the free-list, and much has been said in the debates about reducing or abolishing the duties on sugar. I read from a speech made by me in the Senate on the tariff in 1882 the views I then entertained as to these products and will observe that my opinions have undergone but little if any change. I then said:

But, it is said, there is protection in the tariff for the farmer's sugar, rice, and wool. This is true, but in an extremely limited sense, for the great bulk of the farmers raise neither of these commodities and are as heavily taxed for their use as any other class; but there is one mitigating feature about the duty on these articles, which does not exist in ninety-nine out of every hundred duty-paying articles on the tariff list: all three of these articles bring large revenues into the national Treasury.

The duty on sugar, as official figures show, produces more than one-fourth of all the revenue derived under the tariff. The duty on sugar is strictly a revenue duty, as its productiveness to the Treasury shows. There are six pounds of sugar imported from abroad, which pay duty into the Treasury, to one pound raised in the United States. The Government receives six dollars of revenue to one dollar received under the tariff by the producer of sugar in the United States. The proportion of domestic-raised wool to the imported article is about as two and a half to one. The report of the Bureau of Statistics gives only partially the number of pounds imported, but the amount of duty paid on raw or unmanufactured wool indicates the correctness of the estimate I make.

Wool and the manufactures thereof yielded, under the tariff for 1880, $27,285,624.78. Of this amount official returns show that unmanufactured wool produced $17,913,666.18. Unmanufactured wool pays into the Treasury more revenue by upward of seven millions of dollars than all the manufactures composed wholly or partially of wool imported from abroad. Next to sugar it is the best revenue-paying import on the tariff list, considering the quantity and value of importation. Wool and sugar together produce considerably more than one-third of all the revenue derived from the tariff, and if we take out iron and steel and manufactures thereof, silk manufactures, cotton manufactures, and flax and manufactures thereof, the revenue derived from sugar and wool is greater than from all the values of the two thousand articles on the tariff list together.

If the entire tariff list stood upon the same revenue basis with these commodities, our Treasury instead of the coffers of the manufacturers would overflow with revenue. The agricultural class is the chief prey and victim of tariff spoliation. The duty on these two items happens to redound to the benefit of a portion of that class. I am prepared and anxious to go into the work of readjusting the tariff and placing it on a purely revenue basis, excluding rigidly the idea of protection for any interest, whether it be iron or steel or wool or sugar, because all interests are entitled to stand equal before the law, and no one or more has a right to be subsidized at the expense of the balance. But if the principle of protection is forced into the construction of the tariff and adjustment of its duties, and is to remain the fixed policy of the Government, I propose to claim for these commodities the high duties to which their position as the best revenue-paying items on the tariff list and both "the revenue only" and "the protective" theories entitle them.

Wool ought to go on the free-list, just as all the bases of manufacture and all the machinery used in manufacturing should. Woolen clothing is as absolutely necessary to all the people of the United States, and made so by climatic and sanitary considerations, as quinine is in the malarial districts. Because it is recognized as a prime necessity in the treatment of diseases in many parts of the country, quinine was placed on the free-list. For infinitely stronger reasons woolen clothing ought to be cheapened to the lowest attainable point, and the first and most indispensable step in that direction is to put wool on the free-list. When it is placed on the free-list, however, it ought to be done in the interest of the consumer, not of the manufacturer. The consumer should have the benefit of the reduction, not the manufacturer. A duty of 8½ per cent. would pay back to the manufacturer the difference between English and American wages in woolen manufacture. A duty of 17 per cent. would return to the woolen manufacturer of the United States every dollar he pays out for wages in manufacturing wool. A duty of 20 per cent. would be highly protective of the manufacturer who uses untaxed wool. To allow the manufacturer of free, untaxed wool 30 or 40 or 50 per cent. protection for the manufactured article would, in my judgment, be an outrage on the consumer.

As I do not expect a bill passed which will meet my views, and do mean to accept what I can get in the way of tariff reduction, however far it may fall short of what I desire, I may be compelled to vote for a bill containing such an injustice; but if so, it will be against my most earnest protest, and after my best efforts to reform it. And so with reference to sugar. I believe that under a tariff framed with a view to revenue only, the only proper constitutional basis for a tax to raise money for the support of the Government, it being the best revenue-paying item on the tariff list, and one carrying along with it less of incidental burden than any other, that it would be wise to leave the duty on sugar where it now is, but will accept and support any reduction of the duty found necessary to the success of a bill reducing the tariff. I propose in my action to subordinate everything to the one paramount and controlling purpose of striking down, at least as far as it can be done, the monstrous injustice of the existing tariff by the passage of the best bill we can get.

Mr. President, the issue between the Republican and Democratic parties, made before the country by the President's message, is simply this: Shall our system of taxation be that which takes from the people only enough of their earnings to support the Government economically administered, or shall it continue to be a system which wrings from the people one thousand million dollars annually more than goes into the national Treasury for the enrichment of private individuals, the continued accumulation of an idle surplus in the Treasury with its attendant train of evils, or corrupt and extravagant appropriations in order to prevent it? That is the issue, and no amount of misrepresentation can conceal it, nor can the attention of the people be drawn off or diverted from it by the sectional bloody-shirt canvass already com-

menced by the Republican party, and to be vigorously prosecuted for the express purpose of blinding the people with passion, so that they may not see how and by whom they are being plundered. My faith in the intelligence of the people and their attachment to honest constitutional government banishes all fear of the result of the impending contest.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 11th instant approved and signed the joint resolution (S. R. 5) in relation to the claim of John B. Read against the United States for the alleged use of projectiles for rifled ordnance, claimed as the invention of said Read, and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department in 1856, for which no compensation has been made.

ADMISSION OF DAKOTA.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 185) to provide for the admission of the State of Dakota into the Union and for the organization of the Territory of Lincoln, the pending question being on the amendment proposed by Mr. BUTLER to the amendment reported by the Committee on Territories as amended.

Mr. TURPIE. Mr. President, I am heartily in favor of the admission of the Territory of Dakota as a State into the Union. We are met at the very threshold with the inquiry whether we can in more than a *pro forma* manner debate or consider the question of admissibility. A very large number of public documents and papers have been elaborately cited to show that the Territories, and especially the Territory of Dakota, have in some inconceivable manner acquired the right to admission, indefeasible and absolute. When the Senator from South Carolina [Mr. BUTLER] asserted the doctrine upon this floor that the admissibility of a State was ultimately left to the discretion of Congress, it was seriously controverted on the other side of the Chamber.

I do not know that it is material what particular construction may be given to the language of the treaties, the ordinances, and the different acts of Congress referred to by the Senators upon the other side in this debate. Those instruments are laws of the land, and being laws they are subject to the paramount law. The Constitution of the country must after all control their construction. We exercise this power under constitutional warranty, and the language of that warranty is "New States may be admitted by the Congress into this Union." The phrase "may be admitted" defines and describes the power as discretionary. The rule otherwise would be to hold that whether a State should be admitted does not depend upon the will and wish of the States and people already in the Union, but upon the action of the people of a Territory outside of it.

I believe it to be settled law that even in the case of an ordinary private partnership a new member may not be admitted to the firm without the consent of those who already are members. Is it possible that a less strict rule than this is to apply to the great national copartnership of the States?

The Senator from Minnesota [Mr. DAVIS] has talked about the abuse of Congressional discretion. He has said that Congressional discretion upon the question of admissibility might be abused. He has even gone so far as to charge in this instance that it has been abused. To charge a party or a legislative body with the abuse of a discretionary power is to admit their possession of it. The very charge made implies undeniably the existence and the possession of this discretion which the maker of it denies.

But it is asked, after all what is the reason of the delay of admission in the case of Dakota? I think the papers before us in this record show clearly the reason. It is because parties here and elsewhere have misdirected and wasted the energies of the people of this Territory upon the question of division, and have overlooked the question of admission.

The objection made to the admission of the Territory of Dakota under what I shall denominate without discourtesy, merely for the sake of brevity, the Platt bill, is not that the proceedings upon which the measure is based were taken without prior Congressional action. The objection is not made upon that ground. It has no such foundation. We may all admit that the people of a Territory have the right to petition for the admission of that Territory as a State into the Union. We may all admit, further, that the people of a portion of a Territory have the right to petition for its admission into the Union. We may go perhaps to the uttermost limit of allowance in this matter by saying that the people of all of one of the organized Territories of the Union might petition that a portion of such Territory should be admitted separately as a State. There has been, I think, no such instance. But that is not the case here. The case here is where the people of a portion of a Territory have petitioned Congress for the admission of that portion as a State, and as far as historical precedent and example are concerned, the petition in this case is utterly without right or authority.

The Senator from Connecticut and the Senator from Minnesota have both taken the trouble to cite the instances of Michigan, of Tennessee during the administration of Washington, and of Arkansas, and of several other States which have been admitted into the Union upon a constitution and State government prepared without prior Congressional action. No one has questioned these facts. These repeated assertions of plain historical facts remind us of—

> Old-fashioned folk not met with every day,
> Who say an undisputed thing in such a solemn way.

There is no doubt but that the States named, as well as others, were admitted to the Union without prior Congressional authority, without an enabling act, but what is needed for the exigency of this case of Dakota, what is needed for the exigency of this segment called Southern Dakota, is no such instance.

This is a petition by a part of the people of a Territory for the admission of a portion of the people of the Territory as a State, and it is the first instance in the history of the country in which such action has occurred or in which such a claim has been presented or even been considered. Have Senators on the other side cited any case where a part of the people of the Territory of Tennessee, of the Territory of Arkansas, or of the Territory of Michigan petitioned for the entrance into the Union of a portion of such Territory as a State? That is the claim made here.

The honorable Senator from Connecticut spoke of the carving out of States from public domain and their successive admission. It is submitted that this is a misconception of the history and of the growth of the Federal Union, of the law of its growth. States have not been carved out of the public domain. With three exceptions, Texas, California, West Virginia, no State, in modern times at least, has been admitted to the Union without having first passed through a period of Territorial tutelage. The order of growth has been in every other instance, first, a system of unorganized territory; next a Territory duly organized; and thereafter a State lawfully admitted. There is such a Territory as Dakota, very large, great, extensive; but South Dakota, the region mentioned by the Platt bill, is not a Territory. It is not an official division of the Union at all. It a mere geographical expression. The rights incident to a constitution and State government formed in anticipation by the people of a Territory duly organized for admission here are not incident to any of the measures placed before us by the supporters of the Platt bill.

Not only has this carving out been done in the first instance in the form of a Territory, but it has been uniformly done in pursuance of the original design of the construction of the Federal Union.

The Senator from Minnesota has alluded to the acquisition of territory from France during the presidency of Jefferson. It is very true, as that Senator said, that the territory so acquired was divided into two parts in a very short time after its acquisition. The southern part was denominated the Territory of Orleans, and the northern part, reaching to the northern limit of the present State of Oregon north and west indefinitely toward the Rocky Mountains, was called the District of Louisiana. A few years afterwards the Territory of Orleans was admitted as a State and was called the State of Louisiana. About the same time the name of the district to the north of it was changed to that of Missouri, and subsequently the Territory of Arkansas, the Territory of Missouri, the Territory of Iowa, the Territory of Nebraska, the Territory of Minnesota, and others, having been duly formed and established as Territories, were admitted as States with boundaries coterminous in every instance with those which they formerly had as Territories.

In the same manner the territory northwest of the Ohio was dealt with. The first law of Congress applicable to its government was the ordinance of 1787. That ordinance of 1787 provided, amongst other things, that there should be framed from the territory acquired by the generous cession of Virginia not less than three nor more than five States. In the text of the ordinance it was provided what the boundaries of those States should be, and subsequently Territories were carved out of this vast dominion, and the States were admitted with boundaries coterminous as before with those they had enjoyed as Territories under the express provision and in pursuance of the original design of the authors and framers of the ordinance of 1787, many of whom were also authors and makers of the Federal Constitution.

Now, I ask Senators on the other side, was there any provision in the act organizing the Territory of Dakota looking towards its division by the action of its own people into two or more States?

Mr. PLATT. Does the Senator wish me to reply?

Mr. TURPIE. There has not been a line of legislation——

Mr. PLATT. If the Senator wishes me to reply now, I will say to him that the provision was contained in the organic act.

Mr. TURPIE. I prefer to go on in regular order.

Mr. PLATT. I beg the Senator's pardon. I thought he was asking a question on a subject about which he would like to be informed.

Mr. TURPIE. I did not ask a question; I made a statement. I shall be very glad to receive such information, and also to learn that the action of the people of the Territory has been in accordance with the organic act. Then I think there will be some foundation for this most unexampled proceeding.

But I wish to say further that I do not think there has been a line of Federal legislation since the organization of the Territory of Dakota which looked to or contemplated in the remotest manner the dismem-

berment of that Territory or its division in any mode at all, and I am not here to admit that the people of an organized Territory have the sole right to pass upon the question of its division. The people of the Union, to whom the Territory owes its birth, its form, its creation, the whole people of this entire nationality have a right to be heard upon the policy and the propriety of such a division and to consider and determine upon it.

It is said by way of argument in favor of the admission of what is called "South Dakota," that it has a population of between 300,000 and 400,000—Dakota has much more; that it has an area of 77,000 square miles and millions of acres of tillable land—Dakota has much more. If these be arguments in favor of admission, then the argument in favor of the admission of Dakota as a whole is much greater than for the admission of a part thereof.

The Territory of Dakota was organized in 1861, twenty-seven years ago. At that time it had a population of about 50,000. Even at that early day it had largely attracted immigration. During the war the tide of immigration increased. At the close of the war it became enormous in numbers and in every other respect. There are hundreds of thousands of people living within that Territory who were born during the war, and at the time of the great flood of immigration thereto, who have attained maturity and majority as citizens of Dakota. These people have lived long enough together to acquire a homogeneous character. They have been almost the life-time of a generation subject to the same laws, the same usages, the same institutions, the same form of government; and we may imagine, may indeed presume, that under the plastic arts of civil society incident to so prolonged an association they have formed ties which ought not to be rudely torn asunder.

For myself I would as soon vote for the division of a State as for the division of a Territory under these circumstances; and yet the history of the country affords but one example of the division of a State. The State was a very large one, but it was not divided on account of its size, it was divided for very different reasons.

It is said, however, in excuse for this glaring innovation upon Federal usage and tradition, that the people of the Territory have desired and expressed a wish for division. Is that position justifiable or defensible? As a matter of fact the question of division has never been proposed at an election. I speak advisedly. The question of division has never been the subject of an election. I admit that it was the subject of a vote at an election—at an election covered all over, superimposed, by other questions more directly appealing to the local and personal interests of the people of this fragment of the Territory which is now seeking admission. That question in relation to division was proposed at the same time as the general election held for officers of the new State government, held for the Legislature which chose Senators to this body, held for the choice of Representatives in the other branch of Congress, held for the choice of a full staff of State officers in the new government. It is easy to conceive how large groups of voters were influenced in their ballot on the question of division in this part of the Territory, not with reference to their feelings or interests in respect to Territorial integrity, but with reference to the issues raised by the matters to which I have called the attention of the Senate. For instance, there would be at such an election held in a certain quarter a large group of voters subject to influence on account of the locality of the anticipated capital. Property in the neighborhood of such capital would be undoubtedly largely appreciated by the location of it. Another large group of voters would be controlled in their votes on the question of division by the views of their friends, eminent gentlemen who were to represent this fragment of Dakota upon the floor of the Senate, men very eminent, with large followings, with wide acquaintance. It is not to be presumed that they were silent or inactive upon the decision of this question. The same may be said of the State officers and of the Congressmen. Then it is not, indeed, too much to presume that an election, organized under these circumstances, was colored, tinted, not to say tainted, in the strongest hues by partisan feeling and by personal and local interests. If ever any attention is to be paid to the result of a popular election at all on the question of division of a Territory the very slightest weight ought to be given to a result obtained under such influences—a very meager majority for division, a very large majority of South Dakota in favor of division and almost as large a majority in North Dakota against it, this pretended vote for division being made up by the aggregate difference of the majorities between the separate votes of the two sections.

I do not think that gives any true expression of the popular will upon such a subject. If the people of Dakota really wish division we should have had a vote almost unanimous here in favor of such action years ago. We should not have been delayed with discussing the possibility of what their wishes were by any examination of as doubtful results as those which have been submitted to the committee in support of the Platt bill.

Moreover, we have a later expression of the will of the people of this Territory on this very subject. I allude now to the action of the convention held at the city of Aberdeen. That convention assembled on the 15th of last December, since the meeting of the present Congress. It was called on the personal request and the autograph signatures of fifteen thousand citizens of Dakota, residing in all the different counties of the whole Territory. That is a constituency three thousand larger than the vote polled for the Platt constitution. It is a constituency much more general and extensive in its character, composed of citizens of every county in the whole Territory.

I am speaking now of the call for the convention. When the convention met it was attended by delegates from nearly all the counties, and especially by a large delegation from the counties in Southern Dakota. The people of Southern Dakota seemed to have reconsidered their action on the question of division, and this convention, composed of over three hundred delegates selected from every county in the whole Territory, deliberately petitioned Congress for the passage of the enabling act provided for in the bill introduced by the honorable Senator from South Carolina [Mr. BUTLER]. There has been no counteraction against the determination of this convention. There has been no protest since it met. It is the latest, largest, undeniable expression of the people of Dakota upon this subject.

The honorable Senator from Minnesota called this convention a unique body, even a grotesque body. I do not think it is justly obnoxious to such epithets. What is there peculiar about it? The inhabitants of the Territory of Dakota, although not inhabitants of a State, had one right, indeed all the rights of citizens of the United States as such; and one of those rights, one of the primary, inalienable rights, is that of peaceably assembling and petitioning for the redress of grievances. That was the character of the convention at Aberdeen, and allow me to say, with all due respect to the learned and honorable Senator from Minnesota, that more than two-thirds of the States admitted into this Union have been admitted upon proceedings precisely analogous to those had by that convention held at Aberdeen in the Territory of Dakota in December last. There is nothing singular or extraordinary in the action of that people. On the contrary, it is the most formal, regular, and *de jure* expression of their sentiments which has been made upon the question of either division or admission. Upon both these questions its utterance is clear and emphatic. The people of the whole Territory are against division. The people of the whole Territory desire the passage of an enabling act as a step direct into the family of States.

I was about to ask, sir, what do the inhabitants of this semi-Territory, and demi-State, called South Dakota, propose to do with the remnant left outside? They propose to make a new Territory of it. That is their proposition.

You will recollect, Mr. President, for no man can fail to remember what an appalling picture of abject misery, despair, and wretchedness was drawn by the Senators who preceded me on that side, of a people living under a system of Territorial government. It made an impression on the hearer as one of the pages of Carlyle, descriptive of the reign of terror in the first French revolution. Now these people, these petitioners, propose in cold blood to consign 150,000 or 200,000 of their fellow-citizens to the tender mercies, to all the delays, the oppressions, the hardships, the injustice of Federal appointees, judges, and governors, who in the course of law must preside over this new Territory for an indefinite period. Is that proposition unique? It is something more. It seems to me that is a most ungracious proposal from their point of view, full of cruelty and atrocity.

Further, these inhabitants of this fragment, South Dakota, propose to name the new Territory Lincoln, after the name of one whose memory is canonized in the hearts of the American people for his love of freedom, his hatred of oppression, his all-enduring and all-embracing charity both in sentiment and in action. What evil spirit projected such a frightful misnomer? Name it Lincoln! The scene of this outrage, the very arena, the place and home of this continued tyranny and oppression, is to be named after this martyr of liberty, this advocate of social and political freedom! Is not this a travesty, unique and grotesque, upon a name so justly revered?

But it is said, what is the size of Dakota? The honorable Senator from Connecticut said it would prevent a poor man from participating in the government of the country to admit the State as the Territory is now constituted. Well, sir, I presume if this State were admitted that the capital would be located somewhere in the center. The State is a parallelogram. It is a little over 400 miles each way. The capital would be distant from the most distant Dakotian not more than 250 miles, perhaps not that. I do not think that is a distance which may not be overcome so as to render the capital easy of access.

As was shown before the committee, there are now in the Territory two lines of railroad from north to south and a third in process of construction. Transversely it is traversed already by four railroads at convenient distances from each other, so that I do not think there is an inhabitant of the whole Territory that is now not within a reasonable distance of where the capital is proposed to be in any manner located. I recollect very well in my own State, a time not very remote, when the mileage of senators and representatives by the most ordinary route of travel reached in many cases 250 and in several cases 300 miles. I have known the time in an adjoining State when a rise in the Sangamon and freshets in other rivers made the capital of that State so inaccessible as not to be reached except by a detour much longer than will ever

be undertaken by any inhabitant of Dakota to reach the seat of government. I recollect the time when even the western districts of Pennsylvania, Pittsburgh and the adjacent regions, were distant in time much farther from Harrisburg or from Philadelphia than any inhabitant of Dakota can be from his capital in the future. There was constant difficulty in many States in that respect before the completion of the present railroad system, which has done so much to facilitate intercourse; but in this Territory of Dakota there is no such barrier, there is no stream impassable, there is nothing to prevent, but there is everything to encourage the presumption that any man who wishes to participate in the government, by presence in the lobby for instance, at the new capital may go, and that the mileage of the members of the Legislature will not be excessive.

The size of the Territory is referred to very frequently. One would almost imagine that there is a physical, mechanical obstruction in the very size, and that having entered the doorway of the Union it would prevent future accessions and further entries. I assure Senators upon the other side that such imagination is entirely vain. We need not receive Dakota by piecemeal. We can take her whole without disturbing in the least the equilibrium of the Federal Union.

All the States admitted, in modern times at least, have been large States as compared with some of those which are called the smaller. South Carolina, New Jersey, Delaware, Rhode Island—these smaller States were never admitted into the Union; they have prescribed conditions for the admission of others. These were charter members of the grand lodge and order of American liberty.

Dakota, large as she is, with her millions of acres and her thousands of square miles, may be much aggrandized by admission into the Union upon an equal footing with the smallest, the least of the original members, the thirteen colonies who first declared and achieved national independence. If Dakota is large, the Union is yet larger. Dakota, with its present area, is not so great in comparison with the area of the whole country as either New York, Pennsylvania, or Virginia was to the area of the Union of the thirteen original States.

Sir, it has become the fashion, the mode, to admit large States and to admit no others. Nebraska, for instance, large enough to make two States the size of Indiana, was admitted just as she was; who proposed or thought of dividing it? Minnesota, large enough to make three States the size of South Carolina; who proposed its partition? Certainly not the distinguished Senator who represents it upon this floor, nor any of his illustrious predecessors.

I am not aware that the superficial area, the mere size of a State, has much to do with its fortunes, its power, its influence, or its character. Massachusetts might be accounted an undersized State; the truth is she is a large State, one of the very largest—large enough to hold the sites of Lexington, of Concord, of Bunker Hill—large enough to have been the home of the first bard, poet, and prophet of this vast region now in argument, this fertile Lapland of our Western zone, the land of the Dakotas. The poet foresaw the evil of this very day. He spoke of it in words of portentous warning—

> Then a dark and dreary vision
> Passed before me, vague and cloud like,
> I beheld our people *severed*,
> All forgetful of my counsels,
> Saw the remnants of our people
> Weakened, warring with each other.

Sir, this is not only a prediction, it is an exact and accurate description, of the political condition of the people of this Territory prior to the assemblage and action of the convention which met at the city of Aberdeen in December last. How may we restore peace, harmony, and unity to this great people already so prosperous? We may do it by maintaining, preserving, and securing the territorial integrity of Dakota.

Shall we, the special representatives of the States, who have always been the advocates of popular local autonomy, who have been for almost a century the guardians and protectors of the solidarity of peoples living under the form of Territorial government—shall we now, because certain spirits of discord and dissension have disagreed with respect to its future form, guidance, and management, whet the knife to cut this child in twain? That is no remedy for these evils.

To note, and I hope it will not be discourteous to note, what may not be so apparent, the honorable Senator from Connecticut who has introduced this bill for the admission of a portion of this Territory undoubtedly would like to connect his name—a very laudable ambition—with the entrance of a new State into the Union, to be considered the legislative founder and maker of a new member of this great family of States. But allow me to ask, why does he come here the representative of this segmentary fraction, of this dissevered portion of the people and soil of Dakota? Why may he not stand side by side with the Senator from South Carolina as co-sponsor for Dakota unbroken, with her magnificent domain undiminished, and with all her borders unmarred?

Mr. CULLOM. Mr. President, it is with some reluctance that I take the floor to occupy the time of the Senate, but being upon the Committee on Territories, and having had something to do with the report of the bill now under consideration, I think it proper that I should say a few words.

Divested of everything that does not really belong to the question, it seems to me that the pertinent inquiry of the Senate ought to be, Whether the proposed Territory, in the first place, has a right to form itself into a Territorial government, and then, if it has, whether it has the requisite population, wealth, and civilization to justify the Congress of the United States in admitting it into the Union?

Before I proceed to the discussion of any other feature of the subject, I may be allowed to refer to the honorable Senator from Indiana, who has just taken his seat, and who starts out upon the supposition that the portion of Dakota known as South Dakota has no legal right to come here and ask admission as a State in the Union.

I believe the honorable Senator asserted that there was nothing in any statute which looked in any degree to the division of the Territory of Dakota. I desire to call his attention in the outset to the statute passed in 1861, being "An act to provide a temporary government for the Territory of Dakota, and to create the office of surveyor-general therein," which contains this provision of law:

> *Provided further*, That nothing in this act contained shall be construed to inhibit the Government of the United States from dividing said Territory into two or more Territories in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion thereof to any other Territory or State.

I submit to the honorable Senator, notwithstanding his assertion that the people of South Dakota are and have been acting entirely outside of authority, whether they are not acting entirely and technically within the limits of the statute of the Congress of the United States passed in 1861? That statute expressly negatives the idea that the people of that Territory should not have the right to divide it into more States or Territories than one, or that the Congress of the United States should not have the right to divide it, or lop off a portion of the Territory if it chose and attach it to some other Territory or State of the Union. Yet we are told that these people have been doing an unwarranted act from the time they commenced their effort to get into the Union as a State with the boundaries that are known now as South Dakota.

The whole foundation of the Senator's speech—except the talk about the size of the proposed State and the convenience of travel in that country—is based on the assumption that no such thing as this was ever attempted anywhere else, or at any other time in the history of this Government. Yet when you go to the statutes you find when the State of Oregon was admitted—and I believe he referred to the State of Oregon—the people composing a certain territory organized themselves into a Territorial government, formed their constitution, came to the Congress of the United States with their constitution, with the boundaries fixed and prescribed in it, and the Congress of the United States without any enabling act whatever took hold of the subject and passed an act admitting the Territory of Oregon into the Union as a State; and instead of fixing the boundary as the people of the Territory had fixed it, they proceeded to add this provision of law when they admitted the Territory of Oregon into the Union:

> *And be it further enacted*, That until Congress shall otherwise direct, the residue of the Territory of Oregon shall be, and is hereby, incorporated into and made a part of the Territory of Washington.

Thereby, as I understand this statute, taking off a portion of the original limits fixed in the constitution and giving it to the Territory of Washington. If I am not right in that statement, the Senator from Oregon [Mr. DOLPH] will correct me.

Mr. DOLPH. I have not looked at it in many years, but I am inclined to think that the Senator is wrong. I think the constitution framed by the proposed State fixed the limit, but did not embrace all of the Territory of Oregon, and Congress simply provided in the act referred to that that part of the Territory of Oregon not embraced in the limits of the new State should be incorporated into and become a part of the Territory of Washington.

Mr. CULLOM. I stand corrected. That then is the meaning of the statute from which I have read. I have just had my attention called to it and have not had time to look at it carefully.

Mr. DOLPH. While I am on the floor I should like to state another historical fact, that Oregon sent her Senators and Representatives here and they were admitted, the Representatives in the House of Representatives and the Senators in the Senate, as soon as the act took effect, the very day that the act became a law.

Mr. CULLOM. So these propositions made by the honorable Senators on the other side of this Chamber in opposition to the admission of South Dakota because, as is alleged, there is no warrant of law for the action on the part of the people of South Dakota that they have taken, fall to the ground by reference to the statute in relation to Dakota and also to the statute in relation to the Territory of Oregon.

If that is so, what is there in this case? Everybody knows that there is population enough in the Territory of Dakota called South Dakota to justify its admission as a State. Everybody knows that the educational interests and all that make up a community worthy of the admission of that Territory into the Union as a State are existing there to-day, and have been for years.

Now let us see a little in relation to the history of this whole proceeding on the part of these people, wearied and worried in their efforts to get into the Union. Let us see what they have been doing in

hese years. The statute that I read was passed on the 2d of March, 1861, in which the clause is inserted which expressly negatives the idea that they shall not be prohibited from dividing the Territory if they should see proper to do so. What has occurred with reference to those people and the Congress of the United States? At the last session of the Forty-eighth Congress—and I have taken a little pains to run through the records and see what the record showed on that subject—the Senate Committee on Territories reported an enabling act for the admission of South Dakota. Let us see what has been going on on the part of those people in their efforts to get admitted as a State into the Union.

For many years the people of Dakota, through the Territorial Legislature, have petitioned Congress to divide the Territory upon the forty-sixth parallel of north latitude. In January, 1871, such a memorial, praying for a division and organization of two Territorial governments, was adopted unanimously by the Legislature of that Territory. In December, 1872, the Legislature of that Territory adopted another memorial asking for a division of the Territory. On this the vote was unanimous in the council and 21 to 4 in the house. In 1874 the Legislature again adopted a memorial praying for division and the organization of the north part into a Territory. On this the vote was unanimous in the house and 12 to 1 in the council. In January, 1877, a similar memorial was adopted by the Legislature without a dissenting vote in either branch. In 1879 a protest against the admission of the whole Territory as one State was passed.

The honorable Senators from South Carolina and Indiana seem to assume that whatever has been said or done by the people of Dakota looking to a division of this Territory and the admission of the south part into the Union as a State, has not been done by any portion of the people of that Territory participating in that movement except those living in the south part and belonging to South Dakota, but that the whole movement has been by the politicians, as the honorable Senator from South Carolina saw proper to characterize them, and was not a reflection or a declaration on the part of the people in favor of the division of the Territory, while the record shows that year after year, and year after year, through their Legislative Assemblies representing the whole Territory, one memorial after another was adopted by that Legislature in different years, and sent here to the Congress of the United States asking Congress to divide that Territory and make a State of the south part and a State of the north part as well.

And yet we are met to-day by gentlemen who are basing their opposition simply upon that Aberdeen convention, which had no legislative authority behind it, and for which there was no regular election called, but which was based simply upon town meetings, mass meetings getting together as they might, and sending delegates to the Aberdeen convention, asking the Congress of the United States to admit the whole Territory as one State into the Union. The movement on the part of those people from the beginning, except as to the Aberdeen convention, has been entirely regular, because every time they petitioned or memorialized Congress until they adopted the constitution of 1885, the action taken was the action of the Legislature of the Territory made up of members from every portion of it, and adopted almost unanimously in every instance and sent here, asking, pleading to be admitted as a State into the Union, first by an enabling act time and time again, and then, finally, receiving no encouragement at the hands of the Congress of the United States, or at least not very much, they adopted a constitution, fixed their boundaries, and are now before us asking for admission as a State without any enabling act. And yet these people are traduced, I may say, and it is charged that the men who took part in the movement in favor of the division of the Territory are simply a gang of politicians seeking office, and do not represent the masses of the people.

In 1881 a memorial praying for division into three Territories was passed with ten negative votes in the house and three in the council. I did not understand before why that memorial was passed, but I find that this provision of law was the provision perhaps that encouraged them to believe that they might get three States if they desired to ask for that many.

In 1883 a bill for a constitutional convention to frame a constitution for South Dakota was passed with practical unanimity, but the governor withheld his signature.

In 1885, with the same unanimity, the Legislature passed another act for a constitutional convention for South Dakota. This convention was held at Sioux Falls in September, 1885, and it framed a constitution which was ratified by a vote of 25,236 for to 6,565 against. In addition, this Legislature passed unanimously a memorial to Congress praying for the division of the Territory and the admission of the south part as a State. This Legislature also contained double the membership of former ones, and was elected after the question of division had been agitated in Congress and the Senate had passed an enabling act for South Dakota. Its unanimous petition surely must be assumed to represent the sentiment of the people of the whole Territory; and yet, I repeat, we are told by those who are unwilling to allow this Territory to be divided, that the sentiments of the people are not in favor of division, notwithstanding through this whole period from 1871 to 1885, when they adopted the constitution which is before Congress for consideration, there has been almost a unanimous vote of the whole Territory through its legislative body when the question was submitted to them for discussion; but still we are told that we ought not to consider that, but that we ought to take the Aberdeen convention as evidence that the people are not in favor of division.

From 1871 down to 1885, without, I believe, the omission of a single session, the people of the Territory, through their Legislature, have been memorializing Congress for a division of the Territory, and these Legislatures contained members from North as well as South Dakota; and yet in nearly every case the vote on these memorials was unanimous and in all cases practically so. The question of admission and division has been the most important one in the minds of the people of Dakota during all these years, and such unanimous action by their chosen representatives must certainly express the wish and desire of the people of that Territory.

Now, sir, what has Congress been doing? At the first session of the Forty-eighth Congress the Senate Committee on Territories reported an enabling act for the admission of South Dakota, Senate bill 1682, I believe it was. At the beginning of the second session of that Congress the Senate proceeded to the consideration of that bill. On December 9, 1884, Mr. Harrison moved to proceed with its consideration, whereupon Mr. VEST demanded the yeas and nays. The motion prevailed. Every Republican who was recorded voted in the affirmative, and every Democrat in the negative. So the RECORD will show that at every step which has been taken in Congress the Democratic representatives on this floor, for some reason or other, have opposed every movement that was made looking to the admission of South Dakota as a State.

Mr. BUTLER. Will it interrupt the Senator if I ask him a question?

Mr. CULLOM. I guess not.

Mr. BUTLER. I would call his attention to a historical fact that occurred in this body, that I think will to some extent modify his statement. The Senator has been giving a history of this legislation so conveniently as to omit one very important part of it—I presume it escaped his attention, however—that is that on February 5, 1886, a protest was presented to this body by the honorable Senator from Maine [Mr. HALE] against the admission.

Mr. PLATT. In 1886?

Mr. BUTLER. I do not know that the protest was presented in 1886, but the RECORD of February 5, 1886, contains it. I see that it was originally presented March 21, 1882. The honorable Senator from Maine then presented a protest to this body against the admission of the Territory of Dakota on the ground that they had repudiated——

Mr. SPOONER. It did not come from the Territory.

Mr. BUTLER. But that is not the point. The Senator from Illinois stated a moment ago that in every movement for the admission of the Territory, every Republican had voted for it and every Democrat against it. I simply wanted to correct the Senator and show him that that was not strictly and entirely correct.

Mr. CULLOM. Is that all?

Mr. BUTLER. All for the present.

Mr. CULLOM. Well, sir, so far as the Senator's interruption is concerned, and the suggestion he makes, in every vote that I have found in the RECORD upon the question of the admission of South Dakota—if the Senator himself will look at the votes actually recorded, I am inclined to think that he will find that the Republicans all voted for it and the Democrats all against it.

I will say further that so far as the protest referred to by the Senator from South Carolina is concerned, while I had not the honor of being a member of the Senate at that time, yet my recollection is that that was a protest coming from the outside involving the question of whether the Territory was acting honestly about its funded debt or something of that sort, or rather one particular county of it; and that the protest had no relation whatever to the question of the admission of South Dakota as a State.

Mr. BUTLER. The object of the protest was against the admission.

Mr. CULLOM. But the primary object of it on the part of the men who got it up was to see if they could not collect their debt, and it does not interfere with what I am stating that in the record of the Senate whenever the yeas and nays have been called in favor of proceeding with a bill for the admission of South Dakota, or upon a vote upon the passage of such a bill, you will find, unless I have overlooked some of the votes, that in every instance the Republicans have voted for it and the Democrats have voted against it.

Mr. BUTLER. How has it been when there was an opportunity to vote for the admission of the whole Territory?

Mr. CULLOM. The Republicans voted in favor of a division of the Territory because the people of the Territory were in favor of it and because the right in the premises was in favor of the division of the Territory, taking into account all the interests of the country and, as the Senator from Indiana has said, the question of size as well. Now, let me go on.

After a debate, in which the bill was opposed among others by Messrs. Garland, VEST, and MORGAN, the bill was passed December 16, 1884—yeas 34, nays 28. Every affirmative vote was cast by Republicans and every negative vote was cast by Democrats.

January 28, 1885, the bill was taken from the Speaker's table in the House of Representatives and referred to the Committee on Territories, which was the last ever heard of it in that distinguished Democratic body, if I may be allowed to refer to it.

Early in the first session of the last Congress, on January 11, 1886, the Senate Committee on Territories reported a bill for the admission of the State of Dakota and the organization of the Territory of Lincoln. Debate upon this measure began on January 27, 1886, the bill being opposed among others by Messrs. BUTLER, VEST, MORGAN, and BECK, and on February 5, 1886, the vote was taken on Mr. BUTLER'S amendment to admit the whole Territory, which was rejected—yeas 22, all Democrats, nays 33, all Republicans except Mr. VOORHEES. On the passage of the bill the vote was yeas 32, 31 Republicans and Mr. VOORHEES, nays 22, all Democrats.

On February 9 the House referred the bill to the Committee on Territories, which held it until May 25, when it was reported back adversely and no further action taken.

Mr. President, I have thus given you a brief outline or sketch of what has transpired in that Territory with reference to a division of the Territory and the admission of South Dakota, and of what has transpired in the Congress of the United States in relation to their appeals to Congress, knocking at the door for admission, and I submit after all that has been recited and which is upon the record, whether it is in good faith toward those people or whether it is fair to them that Senators shall stand upon this floor and denounce the efforts that have been made on their part and characterize their efforts as the eccentricity of a gang of ambitious politicians seeking for office, when the record shows by their constituted local authorities the whole Territory has spoken every time in favor of the division until you get to the Aberdeen convention. And the Senator from Minnesota says that they have been denounced as insolent also, which was the language of the honorable Senator from South Carolina. I am not sure that he has got it in the RECORD. As I read his speech to-day, it did not sound to me as it did when I heard it. While I am not making the statement that the Senator has changed the RECORD, yet his speech seems to me very much modified in tone from what it was as I heard it.

Mr. BUTLER. The Senator will find that I have not modified the language of my speech in the slightest.

Mr. CULLOM. In looking over it, I did not find the expression I had in my mind. I will read it, however:

> But, sir, I will never consent, and I will protest to the last against the insolent demands of a few self-seeking politicians who have brandished their insolence in the face of Congress and maligned and misrepresented every man in either House of Congress who has dared to take issue with them.

Who has been "taking issue with them?" I find it is there exactly as I had it down in my notes.

Mr. BUTLER. I have not modified my language. I am not in the habit of doing that.

Mr. CULLOM. I am not making any charges against the Senator; but it sounded differently from what appeared when I came to read it over quietly.

Mr. BUTLER. It sounds very well now.

Mr. CULLOM. The trouble with me is that I can not quite throw the intensity into these remarks with which they were uttered.

Mr. BUTLER. The Senator ought to borrow a little of the power of the Senator from Massachusetts on his left [Mr. HOAR], such as he displayed yesterday.

Mr. CULLOM. Now let us go further. What is the situation? I am not going into the general history of the admission of States into the Union, because it seems to be perfectly clear that so far as the Constitution is concerned there is no question but that the people of South Dakota have a right to come here as they have come, and ask at our hands admission as a State into the Union. Then let us see whether they are fit to be represented, and whether it is not in the interest of this Republic that this Territory should be divided.

It the first place, I admit that there is no special danger to the Republic in the fact that one State is smaller than another, that there is irregularity in the size of the States in territorial area. I do not realize that there is anything serious about that, because we have got along pretty well so far as that question has been concerned heretofore; but is it not better that the Congress of the United States, having this subject in its own control, so far as it can do so consistently, should attempt to make the States of the Union substantially of nearly the same territorial size? And that has been the history of the Government in a large degree.

Let us see how that is. Suppose we divide this Territory as the constitution before us proposes to divide it, and that we erect the State of South Dakota; it will have in it 77,000 square miles. Nebraska has 76,000; Missouri has 65,000; Iowa has 55,000; Wisconsin has 54,000; Kansas has 81,000; Minnesota, 83,000. Then take the Middle States. Illinois has 55,000 square miles and a little over; Indiana has 34,000; Ohio has 40,000; Michigan, 56,000; Arkansas, 52,000; Kentucky, 38,000; Tennessee, 45,000; Alabama. 51,000; Louisiana, 41,000; Mississippi, 47,000; Georgia, 58,000; Florida, 59,000; South Carolina, 34,000; North Carolina, 51,000; Virginia, 38,000; West Virginia, 23,000; Maryland, 11,000. Then take the more Northern States. Pennsylvania has 46,000 square miles; Delaware, 2,120; New Jersey, 8,320; New York, 47,000; Massachusetts, 7,800; Maine, 35,000; New Hampshire, 9,280; Connecticut, 4,750; Vermont, 10,212; Rhode Island, 1,306. Oregon has 95,000; Colorado, 104,000; California, 189,000; Nevada, 104,000; and Texas, 274,000.

Senators will see that in the main the great bulk of the States are smaller in territorial limits than this proposed State of South Dakota. There are only seven States in the Union that have a greater territorial extent than has the proposed State of South Dakota. While I recognize the fact that it is within the power of Congress to keep this Territory out as a whole or in part, yet upon the question of what is best, taking into account the proportions of other States that are in the Union, I submit whether it is not nearer in accord with the history of our country in the formation and admission of States to divide the Territory than it is to take it in as a whole, making it larger than any other State except two.

I say, then, of the opposition to this bill on the ground of a proposed division, if there is nothing in the Constitution that prevents us from dividing it, the division ought to be made in the interest of fairness, in the interest of the whole country. Then on the score of population, this Territory is knocking at the door of the Senate, and has been for years, with a population very much larger than that of almost any other State that has ever been admitted into the Union—I mean at the time of its admission.

Mr. PLATT. More than twice as many as the population of any other State admitted.

Mr. CULLOM. More than twice as many. Let me give you a few facts on this question; and we might as well come down to the merits of the case as to be pounding away on the admission of this Territory when there is something to support it. Let us see how the States have run. Let us take the States composing the great Northwest Territory, that has been celebrating the opening of that great country under the ordinance of 1787, which has been erected into five great States—Ohio, Indiana, Illinois, Wisconsin, and Michigan. Let us see what the record shows in reference to them at the time of their admission.

When Ohio, that great empire in population and wealth, was admitted into the Union it had but 45,365 inhabitants, and yet at the last census, in 1880—and it probably will number half a million more now—that great State numbered 3,198,062. This Territory of South Dakota, coming here with a population of nearly 400,000, has been knocking at the door of Congress for ten years and more, and is denied admission because, forsooth, it is proposed to erect two States there, either of them with 100,000 more population than either of the great States in the Northwest Territory had when they were admitted. They are denied the privilege of statehood for some unaccountable reason.

Take the Northwest Territory, which comprises these five States, and they only numbered altogether at the time they were admitted into the Union 388,882 persons. In 1880, according to the last census, they numbered 11,206,668 persons.

I desire to say here that I am indebted for the suggestion in reference to these figures to the honorable Senator from Massachusetts [Mr. HOAR], who has but recently been out in that Territory assisting in doing honor to the great people that inhabit those great States of the Union. When they were admitted into the Union, respectively, they had but a handful of population or anything else.

The Senator from Massachusetts [Mr. DAWES] suggests a contrast of the aggregate population with the population now of South Dakota. As the Senator from Connecticut says, South Dakota to-day numbers about 400,000. All five of these States at the time they were admitted only aggregated 388,882. The average population of these States when admitted was 77,776. That was the average of the five Territories, now the five great States that I have named. The average population in 1880 was 2,241,333.

Let me say that there is nothing, so far as our information goes, that does not warrant me in assuming that by the time South Dakota has lived as a State as long as either of these, it too will teem with its millions of people and its industries in the same proportion that exists with reference to the States to which I have referred.

Let us see a little further. As to rank in population Ohio is the third State in the Union; Indiana is the sixth; Illinois, the fourth; Michigan, the ninth; Wisconsin, the sixteenth. In manufactures—and I may be excused for referring to these statistics a little more at length than would appear to be exactly pertinent to the question before the Senate—in manufactures these are the figures:

Manufactures in 1880.

States.	No. of establishments.	Capital invested.	Hands employed.	Value of product.
Ohio	20,699	$188,939,614	183,609	$348,298,390
Indiana	11,198	65,742,962	69,508	148,006,411
Illinois	14,549	140,652,066	144,727	414,864,673
Michigan	8,873	92,930,959	77,591	150,715,025
Wisconsin	7,674	73,821,802	57,109	128,255,480

According to the census of 1880 the agricultural rank of these five States among the several States was: In number of farms Ohio stood second; Indiana, sixth; Illinois, first; Michigan, twelfth, and Wisconsin, sixteenth. In aggregate value of farms: Ohio, first; Indiana, fifth; Illinois, third; Michigan, seventh; Wisconsin, ninth. In aggregate value of agricultural products: Ohio, third; Indiana, sixth; Illinois, first; Michigan, eighth; Wisconsin, ninth. In number of establishments the relative standing of these States, as compared with all the States, was: Ohio, third; Indiana, sixth; Illinois, fourth; Michigan, seventh; Wisconsin, ninth. In capital invested in manufactures: Ohio, fourth; Illinois, fifth; Indiana, twelfth; Michigan, eighth; Wisconsin, tenth. In value of manufactured products: Ohio, fifth; Illinois, fourth; Indiana, tenth; Michigan, ninth; Wisconsin, eleventh.

I have referred to these figures, which may be a little tedious, for the purpose of showing that while these Territories, when they were admitted as States, were small in population and small in wealth, yet it required but a few decades to bring about a condition of wealth and population that would seem to be unprecedented in the period of time that was required to bring it about.

The Senator from South Carolina—and I desire his attention—was undertaking to show that the people of that Territory were not really in favor of this thing because, out of a voting population, as he said, of 77,000, only 12,000 votes were cast at a particular election—the election, perhaps, of the members to the constitutional convention. The fact is that the record does show that there were only about 61,000 votes then, but the Senator knows that at an election for members to a constitutional convention, when there is nothing else before the people to be voted upon, invariably, in our Northern States and in the Southern States as well, there is but very little interest taken, especially if there is not a sharp contest made on the question, and that was the truth in reference to that case.

But I want to refer to a vote that was referred to yesterday, and I want to put it a little more compactly than the honorable Senator from Minnesota did, because I think the Senate will see that there is a much worse state of thing in some of the States that the honorable Senators on that side of the Chamber represent than there was in the Territory of Dakota when only 12,000 votes were cast when there were 60,000 or 70,000 voters in the Territory.

Take, for instance, Alabama, which has eight Congressional districts. The total number of voters, according to the census of 1880, was 259,884; the total vote cast in 1886 for members of Congress was 86,657, and there were 173,227 votes not cast, or voters not voting, on the theory that all the people who were entitled to vote in 1880 were there still, and I take it for granted there were more, because the Senators from the South say that in their country their interests are growing and their population increasing.

Take the State of Arkansas, which has five Congressional districts. The total number of voters, according to the census of 1880, was 182,977. The total number of votes cast in 1886 for Representatives in Congress was 55,488. The total number of those who had the right to vote, according to the census of 1880, and did not vote, was 127,489.

The State of Georgia, with ten Congressional districts, had in 1880 a voting population of 321,438. The total vote cast for members of Congress in the year 1886 was 27,520. The total number of non-voting voters was 293,918. According to the Senator's theory the gentlemen who are in the House of Representatives, if I may be allowed to refer to that body, are a parcel of politicians, not here representing the mass of the voters of those States.

Take the State of Louisiana, with six Congressional districts. It had a voting population in 1880 of 216,787. The vote polled for Congressmen in 1886 was 84,763. The non-voting voters in that State were 132,024.

Take the State of Mississippi, which has seven Congressional districts, with a voting population in 1880 of 238,532. The total vote polled for members of Congress in 1886 was 45,354. The non-voting voters of that State, according to the census of 1880, amounted to 193,178.

Take the State of North Carolina, with nine members of Congress, and a total voting population in 1880 of 394,750; total vote polled in 1886, 197,214; the non-voting voters of the State, according to the census of 1880, 197,536.

Take the State represented so ably upon this floor by the honorable Senator from South Carolina, with seven Congressional districts. The voting population, according to the census of 1880, was 205,789; the total vote polled for members of Congress in 1886 was 39,072; the number of non-voting voters, according to that census, was 166,717.

The total number of districts is fifty-two, just about the number of members that have been obstructing legislation in another part of this Capitol for the last ten days; with a total voting population, according to the census of 1880, of 1,820,157. The number of votes cast for members of Congress in 1886 was 536,068. The total number of non-voting members, according to the census of 1880, was 1,284,089. The average number of votes cast in these fifty-two Congressional districts was 10,309. The average number of voters in these districts is 35,003.

The figures I have read are grouped together in the following table:

States.	Districts.	Total number voters.	Total vote 1886.	Number not voting.
Alabama	8	259,884	86,657	173,227
Arkansas	5	182,977	55,488	127,489
Georgia	10	321,438	27,520	293,918
Louisiana	6	216,787	84,763	132,024
Mississippi	7	238,532	45,354	193,178
North Carolina	9	394,750	197,214	197,536
South Carolina	7	205,789	39,072	166,717
Total	52	1,820,157	536,068	1,284,089

The average number of votes cast in these fifty-two Congressional districts was 10,309.

The average number of voters in these districts is 35,003.

I have given these figures not for the purpose of stirring up any political animosity, but as an answer to the suggestion of the honorable Senator that the fact that only 12,000 votes were cast in Dakota when there were 60,000 or 70,000 voters actually there was an evidence that it was not a reflection of the sentiment of that people in favor of a division of the Territory and its admission as a State.

I do not know that I ought to take up any more of the time of the Senate, but I am inclined to believe that there must be some explanation we have not yet heard for resisting this bill proposing to admit South Dakota into the Union as a State—some reason which has not been explained. I am inclined to think that a paragraph which I have here, from the Washington Post of this city, will indicate, perhaps, what is the matter with our friends on the other side of this Chamber when they refuse to admit this Territory. The Post said some little time ago, in an editorial:

> The Republicans have for two or three years past been insisting on the admission of Dakota into the family of States. The Democrats have not acceded to this demand for various reasons, one of which is that they have not thought it advisable to complicate the political situation until after the Presidential election of this year.

I am strongly of the opinion that if the honorable Senator from South Carolina, who is now smiling so benignantly upon me, would stand up and tell the honest truth he would admit that the whole opposition to the admission of this Territory as a State into the Union is based on the fact that he and his party associates do not want any further political complications thrust upon the country until after another Presidential election.

Mr. BUTLER. If the Senator will allow me just one moment. I hardly think it is fair to apply that to me when I have steadily voted, whenever there was an opportunity, to admit the whole Territory of Dakota, which is certainly Republican. I hardly think that would be good ground for me. I would do it now.

Mr. CULLOM. The Senator is always ready to do something that nobody else is for. This article goes on:

> No new State will be admitted during the first session of the present Congress, no matter what may be its political status. The figures of the electoral college will not be changed before 1892.

Mr. DAWES. What is that from?

Mr. CULLOM. This is from the Post, the organ of the Democratic party in this city. You do not propose to change the figures. Well, you may prevent us from changing the figures by the admission of South Dakota, giving us a few electoral votes thereby, but we intend to change the figures by the honest votes of the States already in the Union when the election comes on in November next.

I am strengthened in my belief by another little incident. I am not at all in the secrets of the Democratic party as represented in the Congress of the United States, but I think I am warranted in saying, from all that I have heard, that this subject has gotten to be the subject of a serious caucus convention by the Democrats of the two Houses of Congress. It, I suppose, has been decreed by the majority in the other branch, if I may be allowed to say it, and by the members of the Democratic party in the Senate, that no bill shall pass Congress admitting this Territory until after the next Presidential election.

Mr. BUTLER. I am sure that my friend will not require the votes of this Territory in the next election. I understand he has been announced as a candidate for the Presidency, and I am sure he will have quite enough without the vote of this Territory.

Mr. CULLOM. I think so, too. [Laughter.]

Mr. BUTLER. I have no doubt about it.

Mr. CULLOM. Still I should like to have this vote, too. [Laughter.]

Mr. BUTLER. Possibly our amiable friend from Iowa [Mr. ALLISON] might have something to say on that subject—I do not know—or the Senator from Vermont [Mr. EDMUNDS].

Mr. EDMUNDS. I shall have something to say on the subject before we get through.

Mr. CULLOM. Mr. President, I have concluded substantially what I desired to say, but I wish to refer again to my honorable friend from Indiana. He makes quite an argument upon the proposition that Illinois in its earlier days had its troubles in crossing the Sangamon, which is near my own city and in my own county, which became occasionally an obstruction to travel from one place to another when they had to cross. That is all true, and so it is of every other State in the Union that has got any water in it; and we have plenty of it there, and other things to match.

So far as that is concerned I recognize the fact that the Territory of Dakota, as a whole, is a somewhat level surface, the most of it, and probably not cut up by large streams, and possibly travel across from one part to the other is more easily done than it is in other portions of the country where they have not the advantage of bridges, etc. But that has nothing to do with the question. Here we present to you a Territory which asks admission, as large as any other State in the Union with the exception of seven, larger than most of them, with all capacities, with its 62,000,000 bushels of wheat raised during the year 1887, and I understand that great amount of wheat will be largely increased in quantity by the crop of 1888.

It has its wealth in agriculture, in mines, and in all that makes a great commonwealth. It has its universities, it has its school of mines, it has its school-houses, it has its churches, and it has a population as far along in the advancement of all that makes a people great and prosperous and wealthy as is the population of almost any State in the Union.

Mr. EDMUNDS. It has everything except barbaric politics.

Mr. CULLOM. The honorable Senator from Vermont on my right says it has everything except barbaric politics. I agree that that is so. That reminds me that the honorable Senator from South Carolina became very eloquent and indignant in his declarations against the provisions of the memorial presented by the convention which adopted the constitution because they were frank enough to say that they wanted nothing but a State of the Union as they had carved it out, and for which they had been waiting and waiting for ten years and more. It was only an outburst of that courage and manhood which belong to the people of the West, and which I do not blame them for, although perhaps it might have been a little indiscreet in view of the fact that they were going to meet opposition in this august body.

Mr. President, I shall not detain the Senate any longer.

Mr. JONES, of Arkansas. I move that when the Senate adjourn to-day it be to meet on Monday next.

Mr. SPOONER. I desire to address the Senate briefly in support of the pending bill If the Senator from Arkansas will allow me to take the floor I will yield for a motion to adjourn.

Mr. JONES, of Arkansas. I have no objection to that.

The PRESIDENT *pro tempore*. The Chair will recognize the Senator from Wisconsin [Mr. SPOONER] on the pending bill.

Mr. SPOONER. I yield for the motion of the Senator from Arkansas.

ADJOURNMENT TO MONDAY.

Mr. JONES, of Arkansas. I renew my motion.

The PRESIDENT *pro tempore*. The Senator from Arkansas [Mr. JONES] moves that when the Senate adjourn to-day it be to meet on Monday next.

Mr. DOLPH. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. EVARTS (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN]. I do not know how he would vote. So I can not vote.

The roll-call was concluded.

Mr. HARRIS (after having voted in the affirmative). I voted, but I am paired with the Senator from Vermont [Mr. MORRILL], who is absent on account of indisposition. I see that his colleague voted "nay," and I therefore withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from Tennessee withdraws his vote.

Mr. WILSON, of Maryland. I am paired with the Senator from Iowa [Mr. WILSON]. Not knowing how he would vote, I shall refrain from voting.

The result was announced—yeas 26, nays 20; as follows.

YEAS—26.

Bate,	Colquitt,	Palmer,	Spooner,
Bowen,	Faulkner,	Pasco,	Stewart,
Call,	George,	Payne,	Vance,
Cameron,	Gorman,	Pugh,	Vest,
Chandler,	Jones of Arkansas.	Quay,	Walthall.
Cockrell,	Mitchell,	Ransom,	
Coke,	Morgan,	Saulsbury,	

NAYS—20.

Aldrich,	Butler,	Edmunds,	Platt,
Allison,	Chace,	Farwell,	Reagan,
Berry,	Cullom,	Frye,	Sawyer,
Blair,	Dawes,	Hiscock,	Sherman,
Brown,	Dolph,	Hoar,	Stockbridge.

ABSENT—30.

Beck,	Gray,	Kenna,	Stanford,
Blackburn,	Hale,	McPherson,	Teller,
Blodgett,	Hampton,	Manderson,	Turpie,
Daniel,	Harris,	Morrill,	Voorhees,
Davis,	Hawley,	Paddock,	Wilson of Iowa,
Eustis,	Hearst,	Plumb,	Wilson of Md.
Evarts,	Ingalls,	Riddleberger,	
Gibson,	Jones of Nevada,	Sabin,	

So the motion was agreed to.

EXECUTIVE SESSION.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-two minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until Monday, April 16, 1888, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate, April 12, 1888.

CONSUL.

Thomas T. Tunstall, of Mobile, Ala., to be consul of the United States at San Salvador, *vice* L. J. Du Pré, resigned.

REVENUE SERVICE.

Herbert W. York, of New York, to be a second assistant engineer in the Revenue Service of the United States, *vice* Thomas B. Brown, promoted.

John R. Coyle, of Maine, to be a second assistant engineer in the Revenue Service of the United States, *vice* Charles F. Dyce, promoted.

Second Assistant Engineer Thomas B. Brown, of Pennsylvania, to be a first assistant engineer in the revenue service of the United States, to fill an original vacancy.

Second Assistant Engineer Charles F. Dyce, of Pennsylvania, to be a first assistant engineer in the revenue service of the United States, *vice* James Ogdin, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate, April 12, 1888.

TERRITORIAL ASSOCIATE JUSTICE.

John Lee Logan, of New York, to be associate justice of the supreme court of the Territory of Idaho.

PENSION AGENT.

Jacob Schenkelberger, of New York, to be pension agent at Syracuse, in the State of New York.

INDIAN AGENTS.

Thomas McCunniff, of Alamosa, Colo., to be agent for the Indians of the Southern Ute agency, in Colorado.

Joseph B. Lane, of East Portland, Oregon, to be agent for the Indians of the Siletz agency, in Oregon.

Enos Gheen, of Mount Pleasant, Iowa, to be agent for the Indians of the Sac and Fox agency, in Iowa.

REGISTERS OF LAND OFFICE.

Julien E. Pardee, of Quincy, Cal., to be register of the land office at Susanville, Cal.

H. H. Dickman, of Minnesota, to be register of the land office at Crookston, Minn.

J. H. Woodworth, of Waupaca, Wis., to be register of the land office at Menasha, Wis.

POSTMASTERS.

Miss Julia H. Bronson, to be postmaster at Clinton, Oneida County, New York.

Thomas Murphy, to be postmaster at Mechanicsville, Saratoga County, New York.

Henry Pape, sr., to be postmaster at Jacksonville, Jackson County, Oregon.

Thomas Francis Meagher, to be postmaster at Sprague, Lincoln County, Territory of Washington.

Barton J. Morrow, to be postmaster at Neosho, in the county of Newton and State of Missouri.

James C. Frost, to be postmaster at Anoka, in the county of Anoka and State of Minnesota.

John H. Andrick, to be postmaster at McGregor, in the county of Clayton and State of Iowa.

Stephen W. Coffman, to be postmaster at Watsonville, in the county of Santa Cruz and State of California.

William F. Jones, to be postmaster at Eaton, in the county of Preble and State of Ohio.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April* 4, 1888.

[CALENDAR DAY, *April* 11, 1888.]

AFTER RECESS.

The recess having expired, the House was called to order by the Speaker at 11.45 a. m. (Thursday, April 12).

Mr. REED. I call for the regular order.

Mr. RANDALL addressed the Chair.

The SPEAKER. The regular order is demanded.

Mr. RANDALL. I ask unanimous consent to submit the following——

Mr. REED. Regular order.

Mr. COX. I move that the House do now adjourn.

Mr. RANDALL. I hope the gentleman from New York will not insist on that motion at this moment.

Mr. COX. I yield to the gentleman from Pennsylvania.

Mr. REED. On the motion of the gentleman from New York [Mr. COX] I call for the yeas and nays.

Mr. RANDALL again addressed the Chair.

The SPEAKER. The gentleman from Maine calls for the regular order.

Mr. TOWNSHEND. I submit that the gentleman from Pennsylvania [Mr. RANDALL] has the right to state for what purpose he rises.

The SPEAKER. Does the gentleman from Pennsylvania ask unanimous consent to make a statement?

Mr. REED. I demand the regular order.

The SPEAKER. The gentleman from New York [Mr. COX] moves that the House do now adjourn; and upon that motion the gentleman from Maine [Mr. REED] asks for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 130, nays 133, not voting 62; as follows:

YEAS—130.

Abbott,	Cummings,	Lanham,	Rowland,
Anderson, Ill.	Davidson, Fla.	Lawler,	Russell, Mass.
Bacon,	Dibble,	Lee,	Rusk,
Bankhead,	Dockery,	Macdonald,	Sayers,
Barnes,	Dougherty,	Mahoney,	Seney,
Barry,	Dunn,	Maish,	Smith.
Belmont,	Elliott,	Mansur,	Snyder,
Biggs.	Enloe,	Martin,	Springer,
Blanchard,	Ermentrout,	McAdoo,	Stahlnecker,
Bliss,	Foran,	McClammy,	Stewart, Tex.
Blount,	Ford,	McCreary,	Stewart, Ga.
Breckinridge, Ark.	French,	McKinney,	Stockdale,
Breckinridge, Ky.	Gay,	McMillin,	Stone, Ky.
Bryce,	Glass,	McRae,	Stone, Mo.
Buckalew,	Greenman,	McShane,	Tarsney,
Burnes,	Grimes,	Montgomery,	Taulbee,
Burnett,	Hall,	Moore,	Townshend,
Bynum,	Hare,	Morgan,	Turner, Ga.
Campbell, F., N. Y.	Hatch,	Morse,	Vance,
Campbell, Ohio	Hayes,	Neal,	Walker,
Campbell, T. J., N. Y.	Henderson, N. C.	Newton,	Washington,
Candler,	Herbert,	Norwood,	Weaver,
Carlton,	Holman,	Oates,	Wheeler,
Caruth,	Hooker,	O'Ferrall,	Whiting, Mich.
Catchings,	Hopkins, Va.	O'Neall, Ind.	Whitthorne,
Chipman,	Howard,	Outhwaite,	Wilkins,
Clements,	Hudd,	Peel,	Wilkinson,
Compton,	Johnston, N. C.	Penington,	Wilson, Minn.
Cowles,	Jones,	Randall,	Wilson, W. Va.
Cox,	Kilgore,	Rayner,	Wise,
Crain,	Laffoon,	Rice,	Carlisle, Speaker.
Crisp,	Landes,	Richardson,	
Culberson,	Lane,	Robertson,	

NAYS—133.

Adams,	Darlington,	Kerr,	Russell, Conn.
Allen, Mass.	Davenport,	Laidlaw.	Ryan,
Allen, Mich.	Davis,	Laird,	Sawyer,
Anderson, Iowa	Dingley,	Lehlbach,	Scull,
Anderson, Kans.	Dorsey,	Lind,	Seymour,
Atkinson,	Farquhar,	Lodge,	Sherman,
Baker, N. Y.	Finley,	Long,	Sowden,
Baker, Ill.	Flood,	Lyman,	Spooner,
Bayne,	Fuller,	Mason,	Steele,
Belden,	Funston,	McComas,	Stephenson,
Boothman,	Gaines,	McCormick,	Stewart, Vt.
Bound,	Gallinger,	McKenna,	Struble,
Boutelle,	Gear,	McKinley,	Taylor, E. B., Ohio
Bowden,	Gest,	Moffitt,	Taylor, J. D., Ohio
Bowen,	Goff,	Morrill,	Thomas, Ky.
Brewer,	Grosvenor,	Morrow,	Thomas, Wis.
Brower,	Grout,	Nelson,	Turner, Kans.
Browne, T. H. B., Va.	Guenther,	Nichols,	Vandever,
Brown, Ohio	Harmer,	Nutting,	Wade,
Brown, J. R., Va.	Haugen,	O'Donnell,	Warner,
Brumm,	Henderson, Iowa	O'Neill, Pa.	Weber.
Buchanan,	Henderson, Ill.	Osborne,	West,
Bunnell,	Hermann,	Owen,	White, Ind.
Burrows,	Hires,	Parker,	White, N. Y.
Butler,	Hitt,	Patton,	Whiting, Mass.
Butterworth,	Holmes,	Perkins,	Wickham,
Cannon,	Hopkins, Ill.	Peters,	Wilber,
Caswell,	Hopkins, N. Y.	Phelps.	Williams.
Cheadle,	Houk,	Plumb,	Woodburn,
Cogswell,	Hovey,	Post,	Yardley,
Conger,	Hunter,	Pugsley,	Yost.
Cooper,	Johnston, Ind.	Reed,	
Crouse,	Kean,	Romeis,	
Dalzell,	Kennedy,	Rowell,	

NOT VOTING—62.

Allen, Miss.	Dunham,	Ketcham,	Rockwell,
Anderson, Miss.	Felton,	La Follette,	Rogers,
Arnold,	Fisher,	Lagan,	Scott,
Bingham,	Fitch,	Latham,	Shaw,
Bland,	Forney,	Lynch,	Shively,
Browne, Ind.	Gibson,	Maffett,	Simmons,
Clardy,	Glover,	Matson,	Spinola,
Clark,	Granger,	McCullogh,	Symes,
Cobb,	Hayden,	Merriman,	Thomas, Ill.
Cockran,	Heard,	Milliken,	Thompson, Ohio
Collins,	Hemphill,	Mills,	Thompson, Cal.
Cothran,	Hiestand,	O'Neill, Mo.	Tillman,
Cutcheon,	Hogg,	Payson,	Tracey,
Dargan,	Hutton,	Perry,	Yoder.
Davidson, Ala.	Jackson,	Phelan,	
De Lano,	Kelley,	Pidcock,	

So the House refused to adjourn.

After the roll-call the Speaker directed the Clerk to call his name, and he voted "ay."

Mr. COBB. I desire to vote. I learned when I came into the Hall that my name had just been called.

The SPEAKER. The Chair does not think that the statement of the gentleman from Alabama brings him within the exception of the rule. He can not vote unless he states that he was in the Hall and failed to hear his name called.

The following additional pairs were announced:

Mr. CLARDY with Mr. BROWNE, of Indiana, on all political questions, until further notice.

Mr. GLOVER with Mr. BINGHAM, on this vote.

Mr. MATSON with Mr. ROCKWELL.

The result of the vote was then announced as above stated. The announcement called forth loud applause from the Republican side of the House.

Mr. REED. Mr. Speaker, regular order.

Mr. MCMILLIN. Mr. Speaker—— [Cries of "Regular order!"]

The SPEAKER. The Chair will enforce the regular order as soon as order is restored.

Mr. MCMILLIN. I move that there be a call of the House.

[Cries of "Oh! oh!" from the Republican side.]

The SPEAKER. The gentleman from Tennessee moves a call of the House.

Mr. RANDALL. If I can have order——

The SPEAKER. The House will please come to order. It is impossible to transact business unless gentlemen will preserve order on the floor. Gentlemen will please take their seats and stop conversation.

Mr. TOWNSHEND. Can not the officers of the House restore order?

The SPEAKER. There is no necessity for the Sergeant-at-Arms to intervene if members themselves will preserve order. The Chair will not attempt to resume the business of the House until gentlemen are seated. [After an interval.] The gentleman from Tennessee [Mr. MCMILLIN] moves a call of the House.

Mr. REED. Is that motion in order?

The SPEAKER. It is.

Mr. REED. I call for the regular order.

The SPEAKER. The rule provides that after the previous question is ordered a call of the House shall not be in order unless it shall appear upon an actual count by the Speaker that a quorum is not present. But that does not apply here, as the previous question has not been ordered.

Mr. REED. I call for the regular order.

Mr. RANDALL. Pending the motion of the gentleman from Tennessee, I ask to have read for information——

Mr. REED. I call for the regular order.

The SPEAKER. The gentleman from Maine calls for the regular order, which cuts off all requests for unanimous consent.

Mr. RANDALL. I have a right to state——

Mr. REED and other members called for the regular order.

The SPEAKER put the question on the motion of Mr. MCMILLIN that there be a call of the House, and stated that the "noes" seemed to have it.

Several members called for a division.

Mr. SPRINGER. I withdraw the demand for a division.

Mr. STEELE. I renew it.

The SPEAKER. The gentleman from Indiana renews the demand for a division. As many as are in favor of the motion of the gentleman from Tennessee will rise and stand until they are counted.

A number of members having risen and having resumed their seats before being counted, there was loud derisive laughter on the Republican side of the House.

The SPEAKER rapped to order and said: This is the House of Representatives of the United States. This is not a public meeting in which such exhibitions may be proper.

Mr. TOWNSHEND. He laughs best who laughs last. [Renewed derisive laughter.]

A MEMBER. That is an old chestnut.

The vote having been counted, the Speaker announced it—ayes 10, noes 164.

So the motion for a call of the House was not agreed to.

Mr. COX. I move that the House do now adjourn.

Mr. TOWNSHEND and Mr. REED called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 147, nays 137, not voting 40; as follows:

YEAS—147.

Abbott,	Davidson, Fla.	Lane,	Robertson,
Allen, Miss.	Dibble,	Lanham,	Rogers,
Anderson, Miss.	Dockery,	Latham,	Rowland,
Anderson, Ill.	Dougherty,	Lawler,	Russell, Mass.
Bacon,	Dunn,	Lee,	Rusk,
Bankhead,	Elliott,	Macdonald,	Sayers,
Barnes,	Enloe,	Mahoney,	Seney,
Barry,	Ermentrout,	Maish,	Shaw,
Belmont,	Fisher,	Mansur,	Shively,
Biggs,	Foran,	Martin,	Simmons,
Blanchard,	Ford,	McAdoo,	Smith,
Bliss,	French,	McClammy,	Snyder,
Blount,	Gay,	McCreary,	Springer,
Breckinridge, Ark.	Gibson,	McKinney,	Stahlnecker,
Breckinridge, Ky.	Glass,	McMillin,	Stewart, Ga.
Bryce,	Glover,	McRae,	Stockdale,
Buckalew,	Granger,	McShane,	Stone, Ky.
Burnes,	Greenman,	Merriman,	Stone, Mo.
Burnett,	Grimes,	Montgomery,	Tarsney,
Bynum,	Hall,	Moore,	Taulbee,
Campbell, F., N. Y.	Hare,	Morgan,	Thompson, Cal.
Campbell, Ohio.	Hatch,	Morse,	Tillman,
Campbell, T. J., N. Y.	Hayes,	Neal,	Townshend,
Candler,	Heard,	Newton,	Turner, Ga.
Carlton,	Henderson, N. C.	Norwood,	Vance,
Caruth,	Herbert,	Oates,	Walker,
Catchings,	Holman,	O'Ferrall,	Washington,
Chipman,	Hooker,	O'Neall, Ind.	Weaver,
Clements,	Hopkins, Va.	Outhwaite,	Wheeler,
Cobb,	Howard,	Peel,	Whiting, Mich.
Compton,	Hudd,	Penington,	Whitthorne,
Cowles,	Hutton,	Phelan,	Wilkins,
Cox,	Johnston, N. C.	Pidcock,	Wilkinson,
Crain,	Jones,	Randall,	Wilson, Minn.
Crisp,	Kilgore,	Rayner,	Wilson, W. Va.
Culberson,	Laffoon,	Rice,	Wise.
Cummings,	Landes,	Richardson,	

NAYS—137.

Adams,	Darlington,	Kerr,	Russell, Conn.
Allen, Mass.	Davenport,	Laidlaw,	Ryan,
Allen, Mich.	Davis,	Laird,	Sawyer,
Anderson, Iowa	Dingley,	Lehlbach,	Scull,
Anderson, Kans.	Dorsey,	Lind,	Seymour,
Arnold,	Farquhar,	Lodge,	Sherman,
Atkinson,	Finley,	Long,	Sowden,
Baker, N. Y.	Flood,	Lyman,	Spooner,
Baker, Ill.	Fuller,	Mason,	Steele,
Bayne,	Funston,	McComas,	Stephenson,
Belden,	Gaines,	McCormick,	Stewart, Vt.
Bingham,	Gallinger,	McKenna,	Struble,
Boothman,	Gear,	McKinley,	Symes,
Bound,	Gest,	Milliken,	Taylor, E. B., Ohio
Boutelle,	Goff,	Moffitt,	Taylor, J. D., Ohio
Bowden,	Grosvenor,	Morrill,	Thomas, Ky.
Bowen,	Grout,	Morrow,	Thomas, Wis.
Brewer,	Guenther,	Nelson,	Turner, Kans.
Brower,	Harmer,	Nichols,	Vandever,
Browne, T. H. B., Va.	Haugen,	Nutting,	Wade,
Brown, Ohio.	Henderson, Iowa	O'Donnell,	Warner,
Brown, J. R., Va.	Henderson, Ill.	O'Neill, Pa.	Weber,
Brumm,	Hermann,	Osborne,	West,
Buchanan,	Hires,	Owen,	White, Ind.
Bunnell,	Hitt,	Parker,	White, N. Y.
Burrows,	Holmes,	Patton,	Whiting, Mass.
Butler,	Hopkins, Ill.	Perkins,	Wickham,
Butterworth,	Hopkins, N. Y.	Peters,	Wilber,
Cannon,	Houk,	Phelps,	Williams,
Caswell,	Hovey,	Plumb,	Woodburn,
Cheadle,	Hunter,	Post,	Yardley,
Cogswell,	Johnston, Ind.	Pugsley,	Yost.
Cooper,	Kean,	Reed,	
Crouse,	Kelley,	Romeis,	
Dalzell,	Kennedy,	Rowell,	

NOT VOTING—40.

Bland,	Davidson, Ala.	Jackson,	Payson,
Browne, Ind.	De Lano,	Ketcham,	Perry,
Clardy,	Dunham,	La Follette,	Rockwell,
Clark,	Felton,	Lagan,	Scott,
Cockran,	Fitch,	Lynch,	Spinola,
Collins,	Forney,	Maffett,	Stewart, Tex.
Conger,	Hayden,	Matson,	Thomas, Ill.
Cothran,	Hemphill,	McCullogh,	Thompson, Ohio
Cutcheon,	Hiestand,	Mills,	Tracey,
Dargan,	Hogg,	O'Neill, Mo.	Yoder.

So the motion was agreed to.

During the roll call the House received the following

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, informed the House that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 2601) authorizing the construction of railroad bridges across the Snake River and across Clearwater River by the Oregon Railway and Navigation Company;

A bill (S. 1097) to provide for the erection of a monument to the memory of Brig. Gen. William Lee Davidson;

A bill (S. 2442) to increase the appropriation for the public building at Detroit, Mich.;

A bill (S. 2392) for the erection of a monument to the memory of General Joseph Warren, who fell at the battle of Bunker Hill;

A bill (S. 1974) for the erection of a public building at Fort Worth, Tex.;

A bill (S. 1889) to authorize the Tennessee Midland Railway Company to construct a bridge across the Tennessee River at any point on the line between the counties of Decatur and Perry, in the State of Tennessee it may deem acceptable;

A bill (S. 1856) to establish a life-saving station on the Atlantic coast between Indian River Inlet, Delaware, and Ocean City, Md.;

A bill (S. 1795) for the relief of the First National Bank of Marion, Iowa;

A bill (S. 1533) for the relief of Robert C. Murphy or his legal representatives;

A bill (S. 1083) for the erection of a public building at Tallahassee, Fla.;

A bill (S. 839) for the relief of Daniel B. Washburn;

A bill (S. 735) making an appropriation for the erection of a lighthouse on the high land (mainland) to the westward of Crooked River, Fla.;

A bill (S. 352) for the relief of Bessie S. Gilmore;

A bill (S. 105) for the erection of a public building at Pueblo, Colo.;

A bill (S. 2651) to remove the political disabilities of John Rutledge, of South Carolina;

A bill (S. 1176) to authorize the sale to aliens of certain mineral lands; and

Joint resolution (S. R. 70) appropriating $30,000 for the international exhibition in Brussels, Belgium.

The message also announced that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. 1818) for the construction of a revenue-cutter for Charleston, South Carolina, in maintenance of the service to replace the United States revenue-cutter McCulloch;

A bill (H. R. 3796) to purchase of the widow and children of the late General James Shields certain swords;

A bill (H. R. 4811) for the relief of Robert Johnston, of the State of New York;

A bill (H. R. 5062) for the erection of a public building at Birmingham, Ala.;

A bill (H. R. 5639) for erection of a fireproof work shop at the National Armory;

A bill (H. R. 5673) to give validity to certain patents for inventions which were irregularly executed;

A bill (H. R. 6291) for the relief of R. S. Stanley, postmaster at Booneville, Miss.; and

A bill (H. R. 8044) to change the day of the sessions of the circuit and district courts of the northern division of the eastern district of Missouri.

The message also announced that the Senate had passed, with amendments, in which the concurrence of the House was requested, bills of the following titles:

A bill (H. R. 6051) regulating the times for holding the terms of the United States courts in the northern district of Iowa; and

A bill (H. R. 6894) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1889.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. Res. 81) to authorize the purchase of the lands necessary for the construction of the locks and dams on the Cumberland River.

The message further announced that the Senate had passed, with amendments, bills of the following titles, asked a conference with the House on the bills and amendments, and had appointed on the part of the Senate conferees as indicated below:

A bill (S. R. 1076) authorizing the construction of a bridge across the Tennessee River at Chattanooga, Tenn.—conferees, Mr. VEST, Mr. SAWYER, and Mr. HARRIS.

A bill (H. R. 7264) for the erection of a public building at Bridgeport, Conn.—conferees, Mr. SPOONER, Mr. MORRILL, and Mr. PASCO.

The result of the vote was then announced as above recorded.

[Loud cheering on the Democratic side and counter-cheers on the Republican side.]

The House accordingly Thursday, April 12, 1888 (at 12 o'clock and 50 minutes), adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. CONGER: A bill (H. R. 9339) granting a pension to Malinda S. Coe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9340) granting a pension to Mrs. Lucy A. Noel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9341) granting a pension to Mrs. Dulcena Noel—to the Committee on Invalid Pensions.

By Mr. HUNTER: A bill (H. R. 9342) granting a pension to Harriet Ewing—to the Committee on Invalid Pensions.

By Mr. E. J. TURNER: A bill (H. R. 9343) granting a pension to Leander Smith—to the Committee on Invalid Pensions.

By Mr. HUNTER: A bill (H. R. 9344) granting a pension to James C. White—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BIGGS: Three petitions of several hundred miners and citizens of the gold belt of California, asking the passage of House bill No. 1216, to investigate the mining-débris question in California—to the Committee on Mines and Mining.

By Mr. BUCHANAN: Petition of 24 citizens and of 10 citizens of Barnegat, N. J., in favor of increased pay for persons engaged in the Life-Saving Service—to the Committee on Commerce.

By Mr. BUNNELL: Petition of citizens of Ulster and of Litchfield, Bradford County, Pennsylvania, for increased duty on farm products, etc.—to the Committee on Ways and Means.

By Mr. CARUTH: Petition of the assistant United States district attorney of Kentucky, in regard to the salary of that office—to the Committee on Appropriations.

By Mr. CONGER: Paper to accompany House bill 152, for the relief of Theresa Gurlich—to the Committee on Invalid Pensions.

By Mr. DINGLEY: Petition of William H. Hilton and others, of Damariscotta, Me., for protection of the Yellowstone Park—to the Committee on the Public Lands.

By Mr. FORD: Remonstrance of Grand Rapids (Mich.) Brush Company and others, against a reduction of the tariff on brushes—to the Committee on Ways and Means.

By Mr. GAINES: Petition of G. R. Durand, J. D. Proctor, and others, of City Point, Va., for protection of the Yellowstone National Park—to the Committee on the Public Lands.

Also, petition of Dibbrel S. Clark, son of Benjamin Clark, of Amelia County, and of Indiana M. Tucker, heir of John A. Chappell, of Dinwiddie County, Virginia, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. GROUT: Petition of Hon. William P. Dillingham and 27 others, citizens of Waterbury, Vt., for the passage of Senate bill 283—to the Committee on the Judiciary.

By Mr. D. B. HENDERSON: Memorial and joint resolution of the General Assembly of Iowa for an amendment to the Constitution so that aliens can not hold lands in the United States—to the Committee on the Judiciary.

By Mr. S. T. HOPKINS: Petition of 50 citizens of South Rondout, N. Y., asking that the duty on cement be left undisturbed—to the Committee on Ways and Means.

By Mr. JOSEPH: Two petitions of citizens of New Mexico for the admission of said Territory into the Union as a State—to the Committee on the Territories.

By Mr. LAWLER: Resolutions of the Tued Seite Turn Gemeinde Society of Chicago, Ill., protesting against the passage of the bills to alter the present emigration laws—to the Committee on Foreign Affairs.

By Mr. NUTTING: Petition of S. E. Bacon and 41 others, citizens of Five Corners, Cayuga County, New York, for more effectual protection to farmers—to the Committee on Ways and Means.

Also, resolution of the Legislature of New York that muster-out rolls be furnished to each State—to the Committee on Military Affairs.

By Mr. PEEL: Petition of the Miami Indians of Indian Territory to have their moneys now in the United States Treasury paid over to them—to the Committee on Indian Affairs.

By Mr. RANDALL: Petition of Charles L. Hamilton and others connected with industries engaged in the production of books, favoring the passage of the international copyright bill of Senator CHACE—to the Committee on Patents.

By Mr. RICHARDSON: Petition of Mary M. King, wife of B. F. King, of Rutherford County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. SHERMAN: Petition of John R. Baxter and 12 others, and of John D. Collins and 36 others, citizens of Oneida County, New York, for protection to the Yellowstone Park—to the Committee on the Public Lands.

By Mr. STAHLNECKER: Petition of the New York State convention of county superintendents of the poor, for a law to prevent immigrants of the pauper and criminal classes coming to the United States—to the Committee on Commerce.

By Mr. STONE, of Kentucky: Petition of Nathan Joiner, and of Richard Knight, of Trigg County; and of W. J. Jennings, of Livingston county, Kentucky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. STRUBLE: Joint resolution of the General Assembly of Iowa, for a constitutional amendment to prohibit aliens from holding title to land in the United States—to the Committee on the Judiciary.

By Mr. E. B. TAYLOR: Petition of 45 farmers of Hartford, Ohio, for additional protection to agriculture—to the Committee on Ways and Means.

By Mr. J. D. TAYLOR: Petition of G. W. Sanborn and 35 others, of Charles Moore and 14 others, of John O. Walters and 12 others, of J. N. McMillen and 30 others, and of Joseph Little and 10 others, of Guernsey County, Ohio, for the re-enactment of the tariff of 1867 as applicable to wool—to the Committee on Ways and Means.

By Mr. WEBER: Petition of farmers of Niagara County and of Erie County, New York, for protection of farm products—to the Committee on Ways and Means.

By Mr. YOST: Petition of citizens of Amherst County, Virginia, for more effectual protection of agricultural products—to the Committee on Ways and Means.

The following petitions, praying for the enactment of a law to establish a system of telegraphy, to be owned and controlled by the Government of the United States, and operated in connection with the Post-Office Department, were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. BELDEN: Of M. H. Peek and 56 others, citizens of Homer, N. Y.

By Mr. BELMONT: Of citizens of the First district of New York.

By Mr. BROWER: Petition of Moses Ring and 858 others, citizens of North Carolina.

By Mr. GROSVENOR: Of John Welch and 300 others, citizens of Ohio; of W. V. Colton and 83 others, of Carbondale; of Y. C. Smith and 22 others, of P. J. Beckler and 25 others, of J. R. Ram and 24 others, of John Tolliver and 26 others, of George Nixon and 30 others, of Frank Smith and 25 others, and of Martin Grimodale and 17 others, citizens of Ohio.

Also, of W. Burger and 200 others, citizens of Marietta, Ohio.

By Mr. JONES: Of W. Kennedy and 8,651 others, citizens of Mobile, Ala.

By Mr. REED: Of citizens of Maine.

By Mr. ROCKWELL: Of citizens of Massachusetts.

By Mr. SAYERS: Of citizens of Austin, San Antonio, Lampasas, and other cities and towns of Texas.

By Mr. SIMMONS: Of A. W. Rivers and 4,380 others, citizens of the Second district of North Carolina.

By Mr. T. L. THOMPSON: Of Robert Douglas and 1,491 others, citizens of California.

By Mr. WHEELER: Of J. L. Davis and 312 others, of Alabama.

The following petitions, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, were severally referred to the Committee on Invalid Pensions:

By Mr. BELDEN: Of J. A. Barber and 25 other soldiers and sailors, of Mottville, N. Y.

By Mr. BUNNELL: Of 150 soldiers of Athens, Bradford County, Pennsylvania.

By Mr. S. T. HOPKINS: Of members of Bradford Post, No. 177, Department of New York, and 93 citizens of Sidney, Delaware County, New York.

By Mr. HUNTER: Of Harry L. Burnam and 80 others, of Bowling Green, Ky.

By Mr. MOFFITT: Of S. A. Ormsby and 29 others, citizens of Elbow, Warren County, New York.

Also, of S. A. Ormsby and 29 others, citizens of Elbow, Warren County, New York.

By Mr. SHERMAN: Of John H. Adams and 29 other ex-soldiers, of Oneida County, New York.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. BURNETT: Of citizens of the Ninth district of Massachusetts.

By Mr. FULLER: Of 21 citizens of Fayette County, Iowa.

By Mr. GIFFORD: Of 58 citizens of Burleigh County, and of 87 citizens of Clark County, Dakota.

By Mr. McKENNA: Of 48 citizens of Alameda County, California.

By Mr. MORRILL: Of 140 citizens of Leavenworth County, Kansas.

By Mr. J. D. TAYLOR: Of W. H. Boyd and 100 others, citizens of Belmont County, Ohio.

By Mr. WICKHAM: Of 172 citizens of Huron County, Ohio.

The following petition for an increase of compensation of fourth-class postmasters was referred to the Committee on the Post-Office and Post-Roads:

By Mr. COWLES: Of citizens of Beam's Mills, Cleveland County, and of York College Institute, Alexander County, North Carolina.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April* 13, 1888.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. WILLIAM H. MILBURN, D. D.

The Clerk proceeded to read the Journal of the proceedings of the legislative day of Wednesday, April 4.

Mr. DOCKERY. Mr. Speaker, I ask unanimous consent to dispense with the reading of the remainder of the Journal.

Mr. GROSVENOR and Mr. EZRA B. TAYLOR objected.

Mr. LANHAM. Mr. Speaker, is it in order to move that the reading of the Journal be dispensed with?

The SPEAKER. The Chair thinks not. The rules require that the Journal shall be read.

Mr. SPRINGER. I would state to the gentleman from Ohio that the Journal embraces about 90 pages and over 70 roll-calls.

Mr. GROSVENOR. All the better. I object, on the ground that it is very interesting reading.

The Clerk resumed the reading of the Journal.

Mr. MCMILLIN. Mr. Speaker, is it not in order to move that the Clerk be excused from the further reading?

The SPEAKER. The reading of the Journal can not be dispensed with except by unanimous consent. A request for that purpose has been made and objected to.

The Clerk resumed the reading.

Mr. LANHAM. I renew the request to dispense with the further reading of the Journal. If this request be granted, my object is to move that the House go into Committee of the Whole for the purpose of considering business on the Private Calendar.

Mr. REED. If it is the purpose to go on with the business of private-bill day, I do not think any one on this side will make objection.

Mr. LANHAM. That is my object.

Mr. REED. Well, is that the understanding?

Mr. LANHAM. So far as I know it is; I know nothing to the contrary.

Mr. REED. If nobody has any objection to that course——

Mr. MCMILLIN. I am not aware that there is any understanding on the subject. I do not know that the matter has been discussed. I think it should be left for the House to decide.

Mr. TAULBEE. I for one am in favor of going on with the Private Calendar.

Mr. MCMILLIN. So far as I am concerned, I think it is high time that some of the appropriation bills were disposed of.

Mr. REED. I wish you had thought so at any time during the last week.

Mr. MCMILLIN. I wish you had reflected on the subject and been less obstinate.

Mr. REED. I did reflect several nights.

Mr. NELSON. Why should we not go on with the Indian appropriation bill to-day?

Several MEMBERS. Oh, no; this is private-bill day.

Mr. STEELE. I call for the regular order.

The SPEAKER. The regular order being demanded, the Clerk will proceed with the reading of the Journal.

The reading of the Journal was resumed until the Clerk read the following:

Mr. BOUTELLE made the point of order that Mr. BRECKINRIDGE, of Arkansas, being present, had failed to vote on the preceding call, in violation of the rule, and that he should be required to record his vote or state that he had a pecuniary interest in the result of the vote.

Mr. BOUTELLE. Just at this point the Journal is not accurate in stating that I held that the gentleman from Arkansas should be required to record his vote. I think the RECORD will show the language used to have been that the rule required——

The SPEAKER. The Clerk will again read that part of the Journal.

The Clerk again read the paragraph already given.

Mr. BOUTELLE. That is inaccurate, Mr. Speaker. The official RECORD will show that I had the rule read and then made the point of order that the rule required the gentleman to vote or to state to the House that he had a personal or pecuniary interest in the question.

The SPEAKER. The Clerk will correct that portion of the Journal.

The reading of the Journal was resumed and (at 1 o'clock p. m.) concluded.

The SPEAKER. The Chair discovers from the reading of the Journal that in some instances where a motion was made to fix the day to which the House should adjourn, and an amendment offered striking out the day named and inserting another, the amendment, instead of being stated as such, is stated as an independent motion. If there be no objection, the Chair will cause those parts of the Journal to be corrected in accordance with the fact. The Chair hears no objection. If there be no further correction, the Journal will be approved as read.

LANDS FOR SEMINOLE INDIANS IN FLORIDA.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying documents, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 6th instant from the Secretary of the Interior, submitting, with accompanying papers, a draught of proposed legislation, prepared in the office of Indian Affairs, to authorize the use of certain funds therein specified in the purchase of lands in the State of Florida upon which to locate the Seminole Indians in that State. The matter is presented for the favorable consideration of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April* 9, 1888.

REPORT ON TONNAGE TAX.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting, in response to a resolution of the House, a statement showing the tonnage tax imposed in the United States from 1882 to 1887, inclusive, on American vessels, foreign vessels, sailing vessels, and steam-vessels, respectively, and the total tax collected; which was referred to the Committee on Merchant Marine and Fisheries, and ordered to be printed.

STEAM-TENDERS FOR LIGHT-HOUSE DISTRICTS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Light-House Board submitting an estimate for an appropriation of $85,000 for the construction of a new steam-tender for the eleventh light-house district; which was referred to the Committee on Appropriations, and ordered to be printed.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a copy of a communication from the Light-House Board submitting an estimate for an appropriation of $85,000 for the construction of a new steam-tender for the first light-house district; which was referred to the Committee on Appropriations, and ordered to be printed.

SUPPLY STEAMER FOR ATLANTIC AND GULF COASTS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a copy of a communication from the Light-House Board submitting an estimate for an appropriation of $32,500 for the construction of a supply steamer for the Atlantic and Gulf coasts; which was referred to the Committee on Appropriations, and ordered to be printed.

LOTS 11 AND 12, SQUARE 689, WASHINGTON, D. C.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting the report of three persons appointed to appraise lots 11 and 12, square 689, Washington, D. C., in compliance with the provisions contained in the sundry civil appropriation act of March 3, 1887; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CONTINGENT EXPENSES, MINT BUREAU.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting copy of a communication from the Director of the Mint requesting that the sum of $500 of the unexpended balance of the appropriations for the fiscal year ended June 30, 1887, be made available for the same object for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

PRINTING AND BINDING, STATE DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of State submitting an estimate of deficiency in appropriation for printing and binding for the Department of State; which was referred to the Committee on Appropriations, and ordered to be printed.

WATER SUPPLY, BUREAU OF ENGRAVING AND PRINTING.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting copy of a communication from the Chief of the Bureau of Engraving and Printing in relation to the inadequacy of the water supply for that bureau; which was referred to the Committee on Appropriations, and ordered to be printed.

STOWAWAYS ON INCOMING VESSELS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury in relation to stowaways on vessels bound to the port of New York from foreign countries, and suggesting an amendment to the act of August 3, 1882, entitled "An act to regulate emigration;" which was referred to the Committee on Commerce, and ordered to be printed.

CLERICAL FORCE, POST-OFFICE DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting copy of a communication from the Postmaster-General submitting estimates of appropriations for salaries and clerical force for the Post-Office Department for the fiscal year ending June 30, 1889, in addition to those heretofore submitted; which was referred to the Committee on Appropriations, and ordered to be printed.

CONSTRUCTION OF CERTAIN LIGHT-HOUSES.

The SPEAKER also laid before the House a letter from the Secre-

tary of the Treasury, transmitting copy of a communication from the Light-House Board relative to additional appropriations to complete the construction of light-houses at Lubec Narrows, Deer Island, and Crabtree Ledge; which was referred to the Committee on Appropriations, and ordered to be printed.

PRIVATE LAND CLAIMS, NEW MEXICO.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a supplementary report of the United States surveyor-general of New Mexico on private land claim No. 116, in the name of Antonio Martinez; which was referred to the Committee on Private Land Claims.

ADJUSTMENT OF PAY UNDER EIGHT-HOUR LAW.

The SPEAKER also laid before the House a letter from the Secretary of War, in response to a resolution of the House asking for information as to the probable cost of adjustments of the pay of laborers and mechanics under the provisions of House bill 1322, in regard to the eight-hour law; which was referred to the Committee on Labor.

UNITED STATES PENITENTIARY, BOISÉ CITY.

The SPEAKER also laid before the House a letter from the Attorney-General in relation to an appropriation to extend and repair the United States penitentiary at Boisé City, Idaho; which was referred to the Committee on Appropriations, and ordered to be printed.

SMITH WINDMILL, PETTEY'S ISLAND, DELAWARE RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a letter from the Chief of Engineers, with copy of a report of the Board of Engineers appointed to examine into Smith windmill at Pettey's Island, Delaware River; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

UNITED STATES COURTS, IOWA.

The SPEAKER also laid before the House the amendment of the Senate to the bill (H. R. 6051) to regulate the times for holding the terms of the United States courts in the northern district of Iowa.

Mr. HENDERSON, of Iowa. Mr. Speaker, there is but one amendment to this bill made by the Senate, which is not material, and I will ask that it be concurred in now. The bill is simply local, regulating the terms of the courts in that district of the State of Iowa.

The SPEAKER. The Clerk will report the amendment, after which the Chair will ask for objections.

The amendment of the Senate was read.

There being no objection, the Senate amendment was concurred in.

MILITARY ACADEMY APPROPRIATION BILL.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 6894) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1889; which were referred to the Committee on Military Affairs.

BRIDGE ACROSS THE TENNESSEE RIVER, CHATTANOOGA.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 1076) authorizing the construction of a bridge across the Tennessee River at Chattanooga, Tenn.

Mr. CRISP. Mr. Speaker, the Senate requests a conference with the House on this bill. There are but two or three amendments, and they are of a mere verbal character. I would therefore ask unanimous consent that the House concur in the amendments of the Senate.

The SPEAKER. The amendments of the Senate will be read, after which the Chair will ask for objections.

The amendments of the Senate were read.

There being no objection, the Senate amendments were concurred in.

PUBLIC BUILDING, BRIDGEPORT, CONN.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 7264) for the erection of a public building at Bridgeport, Conn.

Mr. DIBBLE. In this case the Senate also ask a conference with the House. I ask, therefore, that the House non-concur in the amendments of the Senate and agree to the conference asked for.

There was no objection, and it was so ordered.

Some time subsequently,

The SPEAKER announced as managers of the conference on the part of the House Mr. DIBBLE, Mr. SOWDEN, and Mr. LEHLBACH.

MONUMENT TO MEMORY OF GENERAL JOSEPH WARREN.

The SPEAKER also laid before the House the bill (S. 2392) for the erection of a monument to the memory of General Joseph Warren, who fell at the battle of Bunker Hill.

Mr. LONG. That bill has been considered by the Committee on the Library. I ask that it be put upon its passage.

Mr. McMILLIN. I think it is better that it should take its regular course.

The bill was read twice, and referred to the Committee on the Library.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House bills of the Senate of the following titles; which were read twice, and referred as follows:

The bill (S. 2601) authorizing the construction of railroad bridges across the Snake River and across Clearwater River by the Oregon Railway and Navigation Company—to the Committee on Commerce.

The bill (S. 1097) to provide for the erection of a monument to the memory of Brig. Gen. William Lee Davidson—to the Committee on the Library.

The bill (S. 2442) to increase the appropriation for the public building at Detroit, Mich.—to the Committee on Public Buildings and Grounds.

The bill (S. 1974) for the erection of a public building at Fort Worth, Tex.—to the Committee on Public Buildings and Grounds.

The bill (S. 1889) to authorize the Tennessee Midland Railway Company to construct a bridge across the Tennessee River at any point on the line between the counties of Decatur and Perry, in the State of Tennessee, it may deem acceptable—to the Committee on Commerce.

The bill (S. 1856) to establish a life-saving station on the Atlantic coast between Indian River Inlet, Delaware, and Ocean City, Md.—to the Committee on Commerce.

The bill (S. 1795) for the relief of the First National Bank of Marion, Iowa—to the Committee on Claims.

The bill (S. 1533) for the relief of Robert C. Murphy or his legal representatives—to the Committee on Claims.

The bill (S. 839) for the relief of Daniel B. Washburn—to the Committee on Claims.

The bill (S. 735) making an appropriation for the erection of a light-house on the high land (mainland) to the westward of Crooked River, Florida—to the Committee on Commerce.

The bill (S. 352) for the relief of Bessie S. Gilmore—to the Committee on Claims.

The bill (S. 2651) to remove the political disabilities of John Rutledge, of South Carolina—to the Committee on the Judiciary.

The bill (S. 1176) to authorize the sale to aliens of certain mineral lands—to the Committee on the Public Lands.

The bill (S. 1935) for the relief of Andrew T. McReynolds—to the Committee on Claims.

The bill (S. 1204) to provide for holding the district and circuit courts of the United States at Martinsburgh, in the district of West Virginia—to the Committee on the Judiciary.

The bill (S. 2345) authorizing the construction of bridges across the Cape Fear River, Black River, and the North East River, in the State of North Carolina—to the Committee on Commerce.

WILLIAM S. SIMS.

The SPEAKER also laid before the House the bill (H. R. 2077) to place on the pension-roll the name of William S. Sims, with amendments by the Senate; which was referred to the Committee on Invalid Pensions.

PENSION BILLS REFERRED.

The SPEAKER also laid before the House the following Senate bills granting pensions; which were read twice, and referred (without their titles being read) to the Committee on Invalid Pensions:

A bill (S. 645) granting a pension to Mrs. Margaret B. Todd;

A bill (S. 655) granting an increase of pension to Mary Von Kusserow;

A bill (S. 734) granting a pension to James Hale;

A bill (S. 766) granting an increase of pension to John Moore;

A bill (S. 886) granting a pension to Sarah F. Jones;

A bill (S. 1041) granting a pension to Mary E. Walker, M. D.;

A bill (S. 1122) granting an increase of pension to William Collinsworth;

A bill (S. 1126) granting a pension to Francis M. Yearian;

A bill (S. 1159) granting a pension to Alphonzo H. Melendy;

A bill (S. 1161) granting a pension to Mrs. Jennie Stone, widow of General Charles P. Stone;

A bill (S. 1074) for the relief of J. W. McMillan;

A bill (S. 1110) granting a pension to Mrs. Fredericka Hauser;

A bill (S. 1266) granting a pension to Shelton Flannigan;

A bill (S. 1267) granting a pension to Joseph B. Tingley;

A bill (S. 1272) granting a pension to Helen A. Beebe;

A bill (S. 1314) granting an increase of pension to Benjamin M. Fisher;

A bill (S. 1320) granting a pension to Catherine M. Lee;

A bill (S. 1466) granting a pension to John Eckland;

A bill (S. 1488) granting an increase of pension to Louisa V. de Kilpatrick, widow of Maj. Gen. Judson Kilpatrick, United States Volunteers;

A bill (S. 1515) granting a pension to Helen Plunkett;

A bill (S. 1539) to increase the pension of James E. Gott;

A bill (S. 1552) for an increase of pension to Oscar K. Rogers;

A bill (S. 1577) granting a pension to Mary H. Casler;

A bill (S. 1658) granting a pension to William H. Shivers;

A bill (S. 1687) to restore J. Rock Williamson to the pension-roll.

A bill (S. 1702) granting a pension to Joanna W. Turner;

A bill (S. 1737) granting a pension to Theodore Gardner;

A bill (S. 1744) granting a pension to William M. Davis;

A bill (S. 1749) granting a pension to Wealtha Young;

A bill (S. 1760) to increase the pension of Mrs. Laura Hooper Denby;

A bill (S. 1762) granting a pension to Benjamin A. Burtram;
A bill (S. 1831) granting a pension to Mrs. Mary Heap Nicholson;
A bill (S. 1867) granting a pension to Mrs. Mary L. Ristine;
A bill (S. 1877) granting a pension to Harriet L. Vaughan;
A bill (S. 1906) granting a pension to Matilda Bleumner;
A bill (S. 1942) granting a pension to Mrs. Ellen Courtney;
A bill (S. 1952) for the relief of Sigmund Bauer;
A bill (S. 1958) granting an increase of pension to Eleanor B. Goodfellow;
A bill (S. 1997) granting a pension to Peter Thompson;
A bill (S. 2006) granting a pension to Mary E. Noll, widow of Philip Noll;
A bill (S. 2014) granting a pension to John Farlow;
A bill (S. 2067) granting a pension to William O. Doyel;
A bill (S. 2087) granting a pension to Julia B. McComb;
A bill (S. 2088) granting a pension to Mattie V. Boothe and Mary M. Boothe;
A bill (S. 2100) granting a pension to Charles Tidmarsh;
A bill (S. 2108) granting a pension to George W. De Motte;
A bill (S. 2118) granting a pension to Richard H. Van Dorin;
A bill (S. 2129) to increase the pension of Mary M. Gibson, widow of Commander William Gibson;
A bill (S. 2138) granting an increase of pension to Ezra A. Miller;
A bill (S. 2183) granting a pension to Rachel Plummer;
A bill (S. 2206) granting a pension to David H. Lutman;
A bill (S. 2230) granting a pension to D. P. Houghland;
A bill (S. 2231) granting a pension to William N. Cline;
A bill (S. 2356) to provide a pension for Mrs. Adeline Couzins;
A bill (S. 2375) granting a pension to Joseph McGuckian;
A bill (S. 2419) granting a pension to Lemuel R. Rea;
A bill (S. 2447) granting a pension to Mary J. Goslee;
A bill (S. 2448) granting a pension to Catharine McQuade;
A bill (S. 2449) granting a pension to James W. Bowman;
A bill (S. 2520) granting a pension to James White; and
A bill (S. 2567) granting a pension to Nancy Polock.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:
To Mr. PATTON, for ten days, on account of important business.
To Mr. O'FERRALL, for four days, on account of important business.
To Mr. HENDERSON, of North Carolina, for one week, on account of important business.
To Mr. LATHAM, for one week, on account of the critical illness of a near relative.
To Mr. HAYES, indefinitely, on account of important business.
To Mr. CLARDY, on account of sickness in his family.
To Mr. WHITE, of New York, for ten days, on account of sickness in his family.
To Mr. PUGSLEY, indefinitely, on account of important business.
To Mr. TAULBEE, indefinitely, on account of sickness.
To Mr. BOOTHMAN, until Monday, April 23, on account of important business.
To Mr. FORAN, until Tuesday, April 17, on account of important business.
To Mr. HOLMES, indefinitely.
To Mr. MATSON, until the 30th instant, on account of important business; and
To Mr. COMPTON, for to-day, on account of important business.

SAMUEL A. B. WOODFORD.

The SPEAKER. The gentleman from Kentucky [Mr. TAULBEE], on behalf of the Committee on Claims, asks that that committee be discharged from the further consideration of the bill (S. 525) for the relief of Samuel A. B. Woodford, and that it be referred to the Committee on War Claims.

Mr. TAULBEE. I wish to state with reference to this bill that it was inadvertently referred to the Committee on Claims, of which I am a member. The Senate has passed this bill, and the Committee on War Claims have reported unanimously a bill similar in all its provisions. I ask unanimous consent that the bill be now considered. I think it is one to which no one will object. I ask that the Senate bill be substituted for the House bill.

The SPEAKER. The gentleman can ask for the passage of the Senate bill. The Clerk will read the bill, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, etc., That the claim of Samuel A. B. Woodford, of Clark County, Kentucky for the value of seventy-five barrels of whisky, taken from him by order of General Samuel D. Sturgis, in April, 1863, be referred to the Surgeon-General of the Army to find and determine whether or not, the United States received the benefit of said whisky, and whether or not said Woodford, during the late civil war, was loyal to the United States; and if he shall find that said whisky was taken for the benefit of the United States (and that said claimant was loyal to the United States during the late civil war), to determine and award to the claimant the value of the whisky so taken; and the Secretary of the Treasury be, and he is hereby, authorized and directed to pay the sum so awarded, if any, to said Woodford. And that a sufficient sum be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment thereof.

The SPEAKER. Is there objection?

Mr. HOLMAN. Let the report be read.

Mr. TAULBEE. Certainly, let it be read. It is very short. I wish to state also that both the House and the Senate committees reported this bill favorably in the last Congress.

The report upon the House bill was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 2359) for the relief of Samuel A. B. Woodford, report as follows:

The facts out of which this bill for relief arises will be found stated in Senate report from the Committee on Claims of the present Congress, a copy of which is hereto annexed for information.

Your committee adopt the said report as their own, and report back the bill, and recommend its passage, with the following amendments:

In line 7 strike out the words "Surgeon-General of the Army" and insert the words "Secretary of War."

Strike out line 9 and to the words "United States," in line 10, inclusive.

Strike out from the word "and," in line 11, to the word "war," in line 13, inclusive.

[Senate Report No. 272, Fiftieth Congress, first session.]

The claim of Samuel A. B. Woodford for compensation for whisky taken from him in 1863 by order of General S. D. Sturgis, United States Army, in Clark County, Kentucky, was before the last Congress, and favorable reports were made in both Houses, but no final action was taken before the adjournment. The present bill appears to have been drawn according to the report (No. 1652) upon the bill before the Senate at the second session of the Forty-ninth Congress.

The files of the War Department show conclusively that the whisky was taken under an order of General Sturgis, dated April —, 1863. A copy of the order, which is with the papers, shows that General Sturgis directed it to be seized and stored in Winchester "for the use of the medical department and for such other use as the proper authorities may direct."

It was accordingly stored in the court-house at Winchester under the charge of the provost-marshal there, and subsequently hauled away in Government wagons to Lexington, Ky.

Captain Linn, who acted as provost-marshal at Winchester, and had the whisky in his custody there, in a letter written to General Sturgis, March 2, 1886, stating what disposition he made of it, says:

"I am confident that there was a receipt for the whole from the medical department."

There is abundant testimony in the record that Mr. Woodford was a Union man, and that he had no sympathy with those who favored the secession movement, and that he never, directly or indirectly, aided the Confederate army or cause. There is but a single statement to the contrary, and that is made by an officer who first claimed to have captured the whisky before General Sturgis ordered its formal seizure. While his opinion is entitled to respect, it is supported by no evidence, and the statements to the contrary are supported by affidavits of many of those among whom Mr. Woodford had lived all his life, and who were themselves men of positive Union sentiments, whose loyalty is not questioned.

The bill proposes to refer the claim to the Surgeon-General of the Army, to find and determine whether or not the United States received the benefit of the whisky, and whether or not Woodford was loyal to the United States during the late civil war, and upon finding an affirmative to both questions to award him the value of the whisky.

The claimant is shown to have used due diligence in prosecuting his demand, and it is not his fault that the settlement has been so long delayed.

The committee, regarding the loyalty of the claimant as established by the evidence, do not consider a further examination of that question necessary. They think, too, that the Secretary of War should, as the head of his Department, ascertain whether or not the United States received the benefit of the whisky, and that the responsibility should not rest upon the Surgeon-General of the Army.

It is therefore recommended that the bill be passed, after being amended as follows:

In line 7, strike out "Surgeon-General of the Army" and insert "Secretary of War."

Strike out, after "whisky," in line 9, to "United States," in line 10, inclusive.

Strike out line 12 and to "war," in line 13, inclusive.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BUCHANAN. Were there not some amendments recommended by the committee?

The SPEAKER. The report that was read was the report on the House bill, and the amendments recommended were amendments to that bill. This is the Senate bill.

There being no objection, the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. TAULBEE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. LANHAM. I call for the regular order.

POSTAL TELEGRAPH.

Mr. BAYNE. Mr. Speaker, I rise to a privileged question.

The SPEAKER. The gentleman will state it.

Mr. BAYNE. Petitions are in the hands of nearly every member of the House, perhaps of every member, with reference to the establishment of a Government telegraph. There is a diversity of opinion as to what committee those petitions should be referred to. Some of them have been referred to the Committee on Commerce, others to the Committee on the Post-Office and Post-Roads, and still others, as I understand, to the Committee on Labor. I desire to ask for the reference of these petitions to the proper committee, and to have that question decided.

The SPEAKER. The Chair has examined some of the petitions, and presumes they are all substantially alike. They ask for the establishment of a telegraph as a part of the postal system, and the Chair thinks that under the rules of the House they ought properly to go to the Committee on the Post-Office and Post-Roads, but, under the rules, that is a matter which is left to the judgment of each individual member when he presents a petition.

Mr. RAYNER. Does the Chair make that ruling?

The SPEAKER. The Chair has made no ruling upon the subject, because it is not one upon which the Chair can officially make a ruling. The rules of the House provide that when a petition is presented by a member he shall indorse upon it such reference as he thinks proper and put it in the petition-box.

Mr. RAYNER. There is a bill now on the Calendar of the House on that subject.

The SPEAKER. The Chair does not know what that bill is. Any petition or bill which proposes to make the telegraph a part of the postal system should go, the Chair supposes, to the Committee on the Post-Office and Post-Roads.

Mr. RAYNER. There is a point of order being made on that. We claim that it should go to the Committee on Commerce.

SIGNAL-SERVICE BUILDINGS.

Mr. DIBBLE. Mr. Speaker, I ask unanimous consent to make an urgent report from the Committee on Public Buildings and Grounds appropriating the money necessary to complete a purchase already agreed upon, passed into a law, and approved by the President, a site for a building for the Signal Service here in Washington. The act authorizing the purchase of the site contains no appropriation, and the Department will save $1,000 a month by an immediate appropriation of the money so as to stop rentals and other outside expenses. Therefore, in the interest of economy, I ask unanimous consent to report the bill at this time. It is a Senate bill.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, etc., That there is hereby appropriated out of any moneys in the Treasury not otherwise appropriated a sum sufficient to carry out the provisions of an act entitled "An act for the purchase of a site, including the building thereon, also for the erection of the necessary store-houses, for the use of the office of the Chief Signal Officer of the Army, at the city of Washington, D. C," approved March 5, 1888.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. DIBBLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

Mr. BLOUNT, from the Committee on the Post-Office and Post-Roads, reported a bill (H. R. 9345) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1889; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. BURROWS. I reserve all points of order on that bill.

The SPEAKER. All points of order will be reserved.

AGREEMENT WITH INDIANS IN MONTANA.

Mr. PEEL. I rise to submit a privileged report—a report from a committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1956) "to ratify and confirm an agreement with the Gros Ventre, Piegan, Blood, Blackfeet, and River Crow Indians in Montana," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 2 and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Strike out line 6 of section 3 of said amendment and insert: "the town-site laws and the laws governing the disposal of coal lands, desert lands, and mineral lands."

Also strike out all after and including section 4 of said amendment and insert:

"SEC. 4. The Secretary of the Interior is hereby authorized to appoint a commission, consisting of three persons, with authority to negotiate with the band of Ute Indians of Southern Colorado for such modifications of their treaty and other rights, and such exchange of their reservation as may be deemed desirable by said Indians and the Secretary of the Interior; and said commission is also authorized, if the result of such negotiations shall make it necessary, to negotiate with any other tribes of Indians for such portion of their reservation as may be necessary for said band of Ute Indians of Southern Colorado, if said Indians shall determine to remove from their present location: the report of said commission to be made to and subject to ratification by Congress before taking effect; and for this purpose the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated, which shall be immediately available."

And the Senate agree to the same.

S. W. PEEL,
SILAS HARE,
Managers on the part of the House.
H. L. DAWES,
F. B. STOCKBRIDGE,
JOHN W. DANIEL,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

We, the undersigned, conferees on the part of the House on the disagreeing votes of the two Houses, have the honor to submit the following:

This bill simply ratifies an agreement between the United States and the Indians in Montana receiving rations at Fort Peck, Fort Belknap, and Blackfeet agencies, by which they cede to the United States 17,500,000 acres of land. The first amendment of the Senate, which is agreed to as amended, opens said land for disposal under the homestead law, except as to the provision of said law contained in section 2301 of Revised Statutes of the United States—coal, mineral, desert, and town-site lands of the United States only—thereby excluding it from disposal under the commuted homestead, pre-emption, and timber-culture acts. The second and only other amendment of the Senate provides for a commission to negotiate with the Southern Utes of the State of Colorado in regard to change of reservation by sale or otherwise, subject to the ratification of Congress.

All of which is respectfully submitted with recommendation that said amendments be adopted.

S. W. PEEL,
SILAS HARE,
Managers on the part of the House.

The conference report was adopted.

Mr. PEEL moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DIVISION OF GREAT SIOUX INDIAN RESERVATION.

Mr. PEEL. I desire to submit another conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7315) to divide the Great Sioux Indian reservation into smaller separate reservations, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 50, 51, 52, 54, 55, 56, 57, 58, 59, and 60, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Insert in said amendment, after "entitled," in line 3, the following: "To be paid out of the proceeds of lands relinquished under this act." Also strike out all of said amendment after "Interior," in line 4; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: Lines 12 and 13 of said amendment of the Senate, strike out "and the form and manner of executing such release shall also be prescribed by Congress;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Strike out "or," in said amendment, and insert "and;" and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: Line 7 of said amendment, after "facilities," insert "of and for said railways." Also, at the end of said amendment add "connected with said railways:" and the Senate agree to the same.

Amendment numbered 31: That the Senate recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Strike out all on page 13 of the bill after and including "and," in line 10, and insert:

"*And provided further*, That said railway companies and each of them shall, within nine months after this act takes effect, definitely locate their respective lines of road, including all station grounds and terminals, across and upon the lands of said reservation designated in said agreements, and shall also within the said period of nine months file with the Secretary of the Interior a map of such definite location, specifying clearly the line of road, the several station grounds, and the amount of land required for railroad purposes, as herein specified, of the said separate sections of land and said tracts of 188 acres and 75 acres; and the Secretary of the Interior shall, within three months after the filing of such map, designate the particular portions of said sections and of said tracts of land which the said railway companies respectively may take and hold under the provisions of this act for railway purposes. And the said railway companies and each of them shall, within three years after this act takes effect, construct, complete, and put in operation their said lines of road, and in case the said lines of road are not definitely located and maps of location filed within the period hereinbefore provided, or in case the said lines of road are not constructed, completed, and put in operation within the time herein provided, then and in either case the lands granted for right of way, station grounds, or other railway purposes, as in this act provided, shall without any further act or ceremony be declared by proclamation of the President forfeited, and shall, without entry or further action on the part of the United States, revert to the United States and be subject to entry under the other provisions of this act; and whenever such forfeiture occurs the Secretary of the Interior shall ascertain the fact and give due notice thereof to the local land officers, and thereupon the lands so forfeited shall be open to homestead entry under the provisions of this act."

And the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: Add, after the word "settlements," the following: "with intent to enter the same under the homestead or pre-emption laws of the United States;" and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: Page 20, line 9, of the bill, strike out "provisions of section 20 of this act" and insert "homestead or pre-emption laws of the United States," and, at the end of line 15, insert "*Provided*, That pre-emption claimants shall reside on their lands the same length of time before procuring title as homestead claimants under this act;" and the Senate agree to the same.

S. W. PEEL,
THOS. R. HUDD,
KNUTE NELSON,
Managers on the part of the House.
H. L. DAWES,
O. H. PLATT,
JAMES K. JONES,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers of the House appointed on the conference ordered on the disagreement of the House on the amendments offered by the Senate to House bill 7315, being a bill entitled "An act to divide the Great Sioux Indian reservation into separate smaller reservations, and for other purposes," herewith submit the joint report of the conferees of the Senate and the managers of the House, which was unanimously agreed to, and in explanation of the amendments made

and their effect, herewith submit the following detailed statement, all of which are recommended for adoption:

The general features of the bill with its principal aims and provisions have not been changed or modified in any manner so as to materially affect the bill.

Amendments 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 43, 44, 46, 47, 48, 53, 54, 55, 56, 57, 58, and 59, are all amendments changing phraseology and not provisions of bill, mostly changing the number of section merely so as to be numerical.

Amendment 5: Permits Flambeau Indians to buy lands on the Sisseton reservation instead of taking allotments on the Great Sioux reservation, using only the 50 cents an acre which their lands thus bring and buying only the amount allotted to them.

Amendment 14: Inserts a new section which only reaffirms the allotment law already passed.

Amendments 29, 30, and 31: Although 29 and 30 are somewhat immaterial as to phraseology, yet it is the railroad section, and is as the House passed it, except that it is more binding on the railroad company and gives them land only for railroad purposes strictly, and requires the railroad companies to select their right of way and depot grounds within nine months after the taking effect of this act, file maps thereof, and upon failure to build within three years of taking effect of this act to forfeit all without further legislation; President to issue proclamation thereof.

Amendments 39, 40, 41, and 42: Change school section, dispensing with superintendent, but building school-houses, just the same, under direction of the Secretary of the Interior.

Amendment 45: Provides for payment by the towns to the Indians if any of their improvements are on American, Farm, and Niobrara Islands.

Amendments 49, 50, 51, and 52: Provide that while protecting settlers on Crow Creek reservation in their claims taken in good faith between the two proclamations, one opening and the other closing land to settlement, that settlers must live on land, whether homestead or pre-emption, the same time that they do on other parts of the reservation.

Amendment 60: Simply changes title of bill—no difference in meaning.

All of which is unanimously agreed to by the undersigned managers on the part of the House.

S. W. PEEL,
THOS. R. HUDD,
KNUTE NELSON,
Managers on the part of the House.

The SPEAKER *pro tempore* (Mr. HATCH). The question is on the adoption of this report.

Mr. ADAMS. Mr. Speaker, if I am not mistaken, when the Senate amendments to this bill came to the House the gentleman from Arkansas [Mr. PEEL] asked unanimous consent to non-concur in the amendments and agree to a conference with the Senate thereupon. I always notice a request of that kind, feeling that it is my duty to get up and object, because the consequence is, as a rule, that the duty of legislating upon these subjects, which the House should undertake and perform for itself, is simply delegated by such process to the three members of the House who may be selected and to three members of the other body. But I dislike to object very much to such requests, and therefore I allowed the request in this instance to go through.

I simply desire now, sir, to call the attention of this House to the fact that an important bill, considered, it is true, in the first instance by this House, went to the other body, was amended there by the insertion of some sixty amendments, and these amendments, having been returned to this body, have never been considered by the House of Representatives at all. They have been considered by the conferees on the part of the House, and by them alone. They are intelligent gentlemen, I have no doubt. They are far more familiar with this subject in its details than I am. I do not profess any familiarity with it whatever; but I do wish to protest against this method of legislation, by which, for the purpose of avoiding a little delay or possible inconvenience, this House delegates the duty which it should perform and remits it to three members selected from each body. It seems to me that although many of these amendments may be merely clerical and of little importance, the conference report should be at least printed and lie over for one day, and we should have an opportunity of seeing it in print and going at least through the form of considering it, either approving or rejecting the amendments in detail. It is idle to say that we approve or reject them when for the sake of saving time we agree to the report of the conference committee, when not one man in ten can tell anything whatever about what the amendments are or what effect they will have upon the bill.

Mr. PEEL. Mr. Speaker, I desire only to say in response to the gentleman from Illinois that, as stated in the report submitted under the rule by the managers on the part of the House, the various amendments which have been suggested by the Senate and acted upon by the conference committee are clearly and distinctly set forth, and their effect upon the bill is given in detail as clearly and fully as language can accomplish such a purpose. All the amendments are set forth in the report and their effect stated.

The House will observe, if it has observed the reading of the report, that in nearly all of the amendments the changes suggested by the Senate were merely in phraseology, without changing any material section or item in the bill, and those that are material are clearly and distinctly set out in the report, so that every member who listened to the reading of the report can fully understand their purport.

And I will further state for the information of the House: It will be found that the most material change made from the bill of the House was in regard to the railroad clause, granting the right of way. The House committee reported the bill allowing these roads two years from the time the bill passed the House to complete the road. The House amended it by extending that period to three years. The Senate amendment was to fix the time at four years after the bill takes effect. The difference between the passage of the bill and the taking effect of the bill is that the bill must be ratified by three-fourths of the Indians before it becomes a law. The House conferees submitted an amendment on this point, which was agreed to by the Senate, to strike out the term fixed in that body—four years—and insert three years after the law takes effect, with a further amendment that the road be required to make a definite location of the right of way for all lands taken under the bill within nine months or forfeit its right, and the Secretary of the Interior must approve it within three months; and if they fail to do so, then they forfeit their right and all rights accorded to them under the bill. That is the only change of material importance in the bill. Therefore I should dislike very much to see the bill allowed to lie over any longer. It has been before the House for a long, long time, and I think is clearly understood in all of its parts.

Mr. ADAMS. Allow me to say to the gentleman from Arkansas it has not been before the House on the Senate amendments. I wish to say to him that although I noticed the amendment substituting four years for three years in the bill, I was not aware at that time that any railroad right-of-way interest was involved in the bill at all until I was subsequently informed of that fact.

Now, whether it be right or wrong, I ask the gentleman whether any particular public interest will suffer if the bill be allowed to lie over and be printed in the RECORD, so that we may go through the form at least of discharging our duty in connection with the consideration of the amendments?

Mr. PEEL. I do not know that any important public interest would suffer, but the only objection to any further delay is that this bill has been before Congress for eight or ten years, and I think it is well understood in all of its parts. The whole country is expecting the passage of the bill. They have been anxiously waiting for years for some such measure. The effect of the bill, as the gentleman is aware, is to open up a large amount of the public domain, from which settlers are now excluded, to settlement under the homestead law at 50 cents an acre, and confine the Indians to a very small reservation.

I will say further that I believe every Indian association ever organized and every element in this country that has given the subject consideration has had a chance to review and consider the provisions of the bill, and as it stands it meets the concurrence of all of them. Not an objection has been made by any of these Indian rights associations or by any persons interested in their welfare, and I do hope the gentleman will withdraw his objection and let the report be adopted.

Mr. ADAMS. If the gentleman will allow me one word further I will not trespass further upon the time of the House. I think the object I had in view is obvious; and the gentleman will take notice from what I said that my objection is as to the continuance of this practice in the House.

I have seen that practice growing ever since I came to Congress. During my term of service here I have thought time after time that it was my duty to rise and object. I did not care to do so while I was a new member. But I say it is a vicious practice and one which involves a question much larger than this bill. It may be this bill is entirely unexceptionable; it may be that every provision agreed upon by the committee of conference is correct; but I insist as a general principle it is a bad habit for the House to confirm a conference report without having the Senate amendments read so that the House can understand them.

Mr. PEEL. I appreciate the reasons given by the gentleman from Illinois for caution with reference to conference reports, but under the new rules of the House the managers of the conference are required to give a full and clear statement of the effect of all that has been agreed to by the committee of conference. I think that meets the objection of the gentleman from Illinois. I demand the previous question.

The previous question was ordered, and under the operation thereof the report was adopted.

Mr. PEEL moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 1818) for construction of a revenue-cutter for Charleston, S. C., in maintenance of the service, to replace the United States revenue-cutter McCulloch;

A bill (H. R. 3796) to purchase of the widow and children of the late General James Shields certain swords;

A bill (H. R. 4811) for the relief of Robert Johnston, of the State of New York;

A bill (H. R. 5062) for the erection of a public building at Birmingham, Ala.;

A bill (H. R. 5639) for erecting a fire-proof workshop at the National Armory;

A bill (H. R. 5673) to give validity to certain patents for inventions which were irregularly executed;

A bill (H. R. 6291) for the relief of R. S. Stanley, postmaster at Booneville, Miss.; and

A bill (H. R. 8044) to change the time of the sessions of the circuit and district courts of the northern division of the eastern district of Missouri.

EXHIBITION IN BRUSSELS.

The SPEAKER *pro tempore* laid before the House the joint resolution (S. R. 70) appropriating $30,000 for the international exhibition at Brussels, Belgium; which was read twice, and referred to the Committee on Foreign Affairs.

DULUTH AND SOUTHWESTERN RAILROAD.

Mr. McSHANE. I present the report of a committee of conference.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1584) granting the right of way to the Duluth, Rainy Lake River and Southwestern Railway Company through certain Indian lands in the State of Minnesota, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same.

THOMAS R. HUDD,
JOHN A. McSHANE,
KNUTE NELSON,
Managers on the part of the House.
H. L. DAWES,
GEORGE HEARST,
THOMAS M. BOWEN,
Managers on the part of the Senate.

The statement of the managers on the part of the House was read, as follows:

The managers on the part of the House upon the disagreeing votes of the two Houses upon the Senate amendments to the bill (H. R. 1584) "granting the right of way to the Duluth, Rainy Lake River and Southwestern Railway Company through certain Indian lands in the State of Minnesota," make the following detailed statement as to the effect of the several Senate amendments recommended for adoption:

The first amendment prescribes that the consent of the Indians to the right of way shall be obtained by the railway company in such manner as the President may direct.

The second amendment requires that the amount of compensation due individual Indians for damages sustained by the location of the road shall be fixed, ascertained, and paid in the like manner as compensation for damages sustained by the band or tribe as such.

The third amendment requires that the Secretary of the Interior's approval of the plots of definite location of line of road shall be in writing and open to the inspection of all interested parties.

The fourth amendment is merely to correct a verbal inaccuracy, substituting the phrase "due regard for the rights of the Indians" for the phrase "due regard for the Indians."

The fifth amendment strikes out section 6 of the original bill, which provides "that the act shall take effect from and after its passage and publication."

The sixth amendment makes an additional section, the effect of which is to prohibit the railway company from attempting or aiding in depriving the Indians of their title or interest in their reservation or any part thereof, and from opening up their reservation or any part thereof to settlement; and prescribes a total forfeiture of the right of way in case this prohibition is violated.

The seventh amendment makes an additional section, reserving to Congress the unlimited right of amendment or repeal.

THOS. R. HUDD,
JOHN A. McSHANE,
KNUTE NELSON,
Managers on the part of the House.

The report of the committee of conference was agreed to.

Mr. McSHANE moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. LANHAM. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is the call of committees for reports of bills of a private nature. The morning hour commences at six minutes to 2 o'clock.

Mr. TAULBEE. I ask unanimous consent to dispense with the morning hour and to allow reports to be filed at the Clerk's desk.

Mr. STEELE. I object.

EXPOSITION AT LOUISVILLE, KY.

Mr. BYNUM, from the Committee on Ways and Means, reported back with a favorable recommendation the bill (H. R. 4771) for the relief of the Southern Exposition at Louisville, Ky.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE OVER TENNESSEE RIVER.

Mr. CRISP, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. 8623) authorizing the construction of a bridge over the Tennessee River near Guntersville, and for other purposes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REGISTRY OF BARGES.

Mr. CRISP also, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. 6072) for the registry of the barges Alfred M., Condor, and Adelante; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGES IN NORTH CAROLINA.

Mr. CRISP also, from the Committee on Commerce, reported back with amendments the bill (H. R. 8492) authorizing the construction of bridges over the Northeast River, the Black River, and Cape Fear River, in the State of North Carolina; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

GEORGE W. DAVENPORT.

Mr. FORD, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 882) to correct the muster of and for the relief of George W. Davenport; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANDREW J. SMITH.

Mr. GEAR, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 2579) authorizing the President to appoint and retire Andrew J. Smith, late colonel of the Seventh United States Cavalry and a major-general of volunteers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALVIS BESHEARS.

Mr. GEAR, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 2948) to correct the military record of Alvis Beshears; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DAVID B. M'KIBBIN.

Mr. STEELE, from the Committee on Military Affairs, reported back with an amendment the bill (H. R. 5283) for the relief of David B. McKibbin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALFRED J. WORCESTER.

Mr. STEELE also, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 7470) for the relief of Alfred J. Worcester; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. STEELE also, from the Committee on Military Affairs, reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 8412) for the relief of Michael Needy;

A bill (H. R. 8457) to remove the charge of desertion from the record of James W. Byrd;

A bill (H. R. 8499) to remove the charge of desertion against Alfred G. Romine;

A bill (H. R. 8503) for the relief of Otis H. Gaylord;

A bill (H. R. 8536) for the relief of Benjamin M. Clark;

A bill (H. R. 8540) for the relief of Bernard Drinks;

A bill (H. R. 8551) for the relief of Ira Hann;

A bill (H. R. 8572) to correct the military record of George W. Camp;

A bill (H. R. 6604) for the relief of James S. Fausey;

A bill (H. R. 8584) for the relief of Elias Dutton, Inez, Martin County, Kentucky;

A bill (H. R. 940) to remove the charge of desertion from the record of Aquilla Mahan;

A bill (H. R. 8543) to remove the charge of desertion from the military record of Charles Richter;

A bill (H. R. 8681) to remove the charge of desertion against Henry Crangle;

A bill (H. R. 8445) for the relief of John T. Crownover;

A bill (H. R. 8408) for the relief of Thomas Lymaugh;

A bill (H. R. 8555) for the relief of Nicolas Dailey;

A bill (H. R. 8702) for the relief of John Pifher;

A bill (H. R. 8703) for the relief of Charles W. Creager;

A bill (H. R. 8708) for the removal of the charge of desertion from the record of George W. Dunlap;

A bill (H. R. 8803) for the relief of John Holt;

A bill (H. R. 8676) for the relief of David Hulburt;

A bill (H. R. 8766) to remove the charge of desertion from the military record of John Williams;

A bill (H. R. 8765) for the relief of William Kline;

A bill (H. R. 3436) for the relief of Richard Facion;

A bill (H. R. 8736) to remove the charge of desertion against John Young, and to place his name on the pension-roll;

A bill (H. R. 7906) for the relief of Alpheus P. Stephenson; and

A bill (H. R. 8535) for the relief of Thomas A. McLaughlin.

Mr. STEELE. Mr. Speaker, I ask that those bills lie on the table without prejudice, and that the accompanying report be printed.

The SPEAKER *pro tempore*. The report will be printed as a matter of course.

HENRY S. PRATT.

Mr. CUTCHEON, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 4692) for the relief of Capt. Henry S. Pratt; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANDREW R. G. SMITH.

Mr. CUTCHEON also, from the Committee on Military Affairs, reported back with an amendment the bill (H. R. 5156) for the relief of Andrew R. G. Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH K. M'LEAN.

Mr. ROBERTSON, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 3927) for the relief of Sarah K. McLean; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM GRAY.

Mr. HOOKER, from the Committee on Military Affairs, reported back favorably the (bill H. R. 422) for the relief of William Gray; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NATHANIEL CRANE.

Mr. LAIRD, from the Committee on Military Affairs, reported back favorably the bill (H. R. 3551) for the relief of Nathaniel Crane; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

TIMOTHY C. BARJEROW.

Mr. LAIRD also, from the Committee on Military Affairs, reported back favorably the bill (H. R. 6527) to remove the charge of desertion against Timothy C. Barjerow; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARTIN M'NAMARA.

Mr. LAIRD also, from the Committee on Military Affairs, reported back favorably the bill (H. R. 4843) for the relief of Martin McNamara, alias Martin Mack; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

G. W. M'CULLOUGH.

Mr. LAIRD also, from the Committee on Military Affairs, reported back favorably the bill (H. R. 1105) for the relief of G. W. McCullough; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY ISENBURG.

Mr. LAIRD also, from the Committee on Military Affairs, reported back favorably the bill (H. R. 6068) for the relief of Henry Isenburg; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANDREW BROWN.

Mr. LAIRD also, from the Committee on Military Affairs, reported back favorably the bill (H. R. 3974) to remove the charge of desertion from Andrew Brown; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RUSH CARLEY.

Mr. LAIRD also, from the Committee on Military Affairs, reported back favorably the bill (H. R. 2729) for the relief of Rush Carley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. LAIRD. I send to the desk several bills upon which the Committee on Military Affairs report with the recommendation that they be laid on the table without prejudice, the subject-matter being covered by other legislation referred to in the report.

The following bills reported by Mr. LAIRD were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 3226) for the relief of Jeremiah Fritts;

A bill (H. R. 5070) for the relief of Peter Crenshaw;

A bill (H. R. 6447) for the relief of Edward Marcum; and

A bill (H. R. 3967) to remove the charge of desertion from Michael Shannon.

GRADE OF COMMANDER IN THE NAVY.

Mr. ABBOTT, from the Committee on Naval Affairs, reported back adversely the bill (H. R. 4298) touching the grade of commander in the Navy, and to correct an error in relation to an appointment therein; which was referred to the Committee of the Whole House on the Private Calendar, upon the request of Mr. HOLMAN, and the accompanying report ordered to be printed.

RIGHT OF WAY THROUGH CROW INDIAN RESERVATION.

Mr. COBB, from the Committee on Indian Affairs, reported back favorably the bill (S. 325) granting to the Billings, Clark's Fork and Cooke City Railroad Company the right of way through the Crow Indian reservation; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. NELSON. I ask leave to file the views of a minority of the committee on this bill.

Mr. COBB. I thought it was understood between us that we would adopt the report and views of the minority made on the pending House bill on the same subject-matter as this bill.

Mr. NELSON. I prefer to file additional views of the minority.

Mr. COBB. Then I may wish to file an additional report.

There being no objection, leave to file the views of the minority and also an additional report of the committee was granted.

JOHN LITTLE AND HOBART WILLIAMS.

Mr. McSHANE, from the Committee on Indian Affairs, reported back favorably the bill (H. R. 2626) for the relief of John Little and Hobart Williams; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RIGHT OF WAY THROUGH PUBLIC LAND, ETC.

Mr. PERKINS, from the Committee on Indian Affairs, reported back with amendment the bill (H. R. 7223) to grant the right of way through the Public Land Strip and Indian Territory to the Montana, Kansas and Texas Railroad Company, and for other purposes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SUSAN JONES.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 3125) for the relief of Susan Jones; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANN V. FERGUSON.

Mr. MATSON also, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 7944) granting a pension to Ann V. Ferguson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WARREN OHAVER.

Mr. MATSON also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 2156) granting a pension to Warren Ohaver; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LIEUT. JAMES G. W. HARDY.

Mr. MATSON also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 8281) for the relief of Lieut. James G. W. Hardy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CULLEN W. GREEN.

Mr. MATSON also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 3537) granting a pension to Cullen W. Green; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOANNA BARRY.

Mr. MATSON also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4653) granting a pension to Joanna Barry; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ENOCH WEATHERS.

Mr. MATSON also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6973) for the relief of Enoch Weathers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN GLENNING.

Mr. MATSON also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7688) granting a pension to John Glenning; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY NEVELS.

Mr. MATSON also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7162) for the relief of Mary Nevels; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANNA M. THIELE.

Mr. MATSON also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6976) for the relief of Anna M. Thiele; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NANCY BALDWIN.

Mr. MATSON also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4504) for the relief of Nancy Baldwin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MATSON also, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were severally ordered to be laid upon the table, and the accompanying reports printed, namely:

A bill (H. R. 5530) for the relief of Thomas Harris;
A bill (H. R. 3540) granting a pension to Joseph Zimmerman;
A bill (H. R. 2163) for the relief of Jesse T. Battles;
A bill (H. R. 4657) granting a pension to Wilhelmine C. Druschel;
A bill (H. R. 4763) granting a pension to Joseph Van Arsdel;
A bill (H. R. 6852) for the relief of Albertina Eberlin;
A bill (H. R. 5356) granting a pension to Eliza Etnire;
A bill (H. R. 4761) granting a pension to Samuel Price;
A bill (H. R. 4656) for the relief of Joseph D. McClure;
A bill (H. R. 6502) for the relief of Joseph D. McClure;
A bill (H. R. 3528) for the relief of Samuel C. Fisher;
A bill (H. R. 7689) granting an increase of pension to George Bernhard;
A bill (H. R. 3538) granting a pension to John Slissler;
A bill (H. R. 3535) granting a pension to William H. Brewer; and
A bill (H. R. 8214) to increase the pension of Abraham Heilman.

MARY ANN LANG.

Mr. CHIPMAN, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7907) granting a pension to Mary Ann Lang; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MATTHEW H. REYNOLDS.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4774) granting a pension to Matthew H. Reynolds; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELLEN M. THIERS.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 5789) granting a pension to Ellen M. Thiers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN SHINE.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 5544) granting a pension to John Shine; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PLEMAN COOK.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 5177) granting a pension to Pleman Cook; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE W. CROOP.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 8256) granting a pension to George W. Croop; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADELAIDE L. JESSUP.

Mr. FRENCH, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 2475) granting a pension to Adelaide L. Jessup; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendment and accompanying report, ordered to be printed.

ISABELLA F. DYKE.

Mr. FRENCH also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 8694) granting a pension to Isabella F. Dyke; which was referred to the Committee of the Whole House on the Private Calendar, and, with accompanying report, ordered to be printed.

MRS. MARY M'GEE.

Mr. FRENCH also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 1495) granting a pension to Mrs. Mary McGee; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. MARGARET GALLAGHER.

Mr. FRENCH also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 5) granting a pension to Mrs. Margaret Gallagher; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SOPHIA SCHIMMELFENING.

Mr. LYNCH, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 5284) increasing pension of Sophia Schimmelfening, widow of Alexander Schimmelfening, late brigadier-general and major-general by brevet; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

LEAH ROORK.

Mr. WALKER, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 6531) to pension Leah Roork; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

AMANDA F. DECK.

Mr. WALKER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 470) granting a pension to Amanda F. Deck; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

TILLMAN FAUX.

Mr. PIDCOCK, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 5378) for the relief of Tillman Faux; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEVI LITTLE.

Mr. PIDCOCK also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 8794) granting a pension to Levi Little; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FRIEDERICKE RAFF.

Mr. PIDCOCK also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 927) for the relief of Friedericke Raff; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FRANKLIN LONG.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 5114) granting a pension to Franklin Long; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY FLORA.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 6006) granting a pension to Mary Flora; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BENJAMIN CONTEL.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 6302) granting a pension to Benjamin Contel; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendment and accompanying report, ordered to be printed.

ELLEN ST. CYR.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 2535) granting a pension to Ellen St. Cyr; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY P. ALEXANDER.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 2234) granting a pension to Henry P. Alexander; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WIDOW OF SAMUEL CLARY.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 7253)

granting a pension to the widow of Samuel Clary; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

STEPHEN SCHIEDEL.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 1017) granting a pension to Stephen Schiedel; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PHILOMELIA L. DARTT.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 1827) granting a pension to Philomelia L. Dartt; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE W. SCHELL.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 625) granting a pension to George W. Schell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MICHAEL LANE.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 1286) granting a pension to Michael Lane; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARGARET M. COLLINS.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 1015) granting a pension to Margaret M. Collins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

STEPHEN C. LOBDILL.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 760) granting a pension to Stephen C. Lobdill; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

L. J. M'GOFFIN.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 1146) granting a pension to L. J. McGoffin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MICHAEL A. MORAN.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 1037) granting a pension to the infant children of Michael A. Moran; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY E. WOODWARD.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 2167) granting a pension to Mary E. Woodward; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THEODORE F. CASAMER.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 2157) granting an increase of pension to Theodore F. Casamer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EMMA S. FREE.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with an amendment the bill (S. 431) granting a pension to Emma S. Free, widow of Thomas S. Free, late major United States Army; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HETTIE K. PAINTER.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with an amendment the bill (S. 434) granting a pension to Mrs. Hettie K. Painter; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JULIET G. HOWE.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with an amendment the bill (S. 300) granting a pension to Mrs. Juliet G. Howe; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE PARK.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 1299) granting a pension to George Park; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

VIRTUE SMITH.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 1957) granting a pension to Virtue Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN LINSLEY.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 2332) granting a pension to John Linsley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 3848) to restore to the pension-roll the name of Hiram G. D. Squire;

A bill (H. R. 8179) granting a pension to Henry P. Alexander;

A bill (H. R. 226) granting a pension to Oliver Bellamy;

A bill (H. R. 5806) granting a pension to William Frakes;

A bill (H. R. 3763) granting a pension to William H. Derking;

A bill (H. R. 2237) to grant a pension to Thomas Anderson;

A bill (H. R. 3601) granting a pension to William Dorman;

A bill (H. R. 8447) granting an increase of pension to Mrs. Belinda J. McLellan;

A bill (H. R. 2238) for the relief of Samuel Henry;

A bill (H. R. 2232) for the relief of Joseph Guy; and

A bill (H. R. 7563) granting a pension to John Beichley

CHARLES H. ORDWAY.

Mr. GALLINGER, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 8762) granting an increase of pension to Charles H. Ordway; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANNA BUTTERFIELD.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 8761) granting a pension to Mrs. Anna Butterfield; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY FOSTER.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 817) granting a pension to Mary Foster; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY E. FORREN.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 8677) granting a pension to Mary E. Forren; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARTHA B. PERRY.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 4100) granting a pension to Martha B. Perry; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FRANK H. REED.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported, as a substitute for the bill H. R. 674, a bill (H. R. 9346) granting a pension to Frank H. Reed; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The original bill, H. R. 674, was laid on the table.

WILLIAM H. H. BUCK.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported, as a substitute for the bill H. R. 5313, a bill (H. R. 9347) granting an increase of pension to William H. H. Buck; which was re-

ferred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The original bill, H. R. 5313, was laid on the table.

LUCIUS B. VARNEY.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 8607) to increase the pension of Lucius B. Varney; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HANNAH BABB HUTCHENS.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 5098) granting a pension to Hannah Babb Hutchens; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NATHANIEL D. CHASE.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 367) granting a pension to Nathaniel D. Chase; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JENNIE HART MULLANY.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back with amendment the bill (S. 2346) granting increase of pension to Jennie Hart Mullany; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARGARET BLADES.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2073) granting a pension to Margaret Blades; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROBERT FOSS.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 887) granting a pension to Robert Foss; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN CHILD.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1288) granting a pension to John Child; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANN M. THOMPSON.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 6403) granting a pension to Ann M. Thompson; which was laid on the table, and the accompanying report ordered to be printed.

WILLIAM H. S. RILEY.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 374) granting balance of pension to William H. S. Riley; which was laid on the table, and the acpanying report ordered to be printed.

CARTER W. TILLER.

Mr. HUNTER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 3681) granting a pension to Carter W. Tiller; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROBERT M'CLEAN.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 1069) granting a pension to Robert McClean; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

VAN BUREN BROWN.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6431) for the relief of Van Buren Brown; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ISAAC M. JOHNSON.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 5443) granting a pension to Isaac M. Johnson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GENERAL S. W. PRICE.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 433) granting an increase of pension to General S. W. Price; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY DICKINSON.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 8779) granting a pension to Mary Dickinson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN R. STILES.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 8673) to increase the pension of John R. Stiles, late a member of Company G, One hundred and forty-eighth Regiment New York Volunteers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

AUGUSTUS AXMACHER.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 2690) granting a pension to Augustus Axmacher; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

A. F. SAINT SURE LINDEFELT.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 3055) for the relief of A. F. Saint Sure Lindefelt; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. ALICE CROARKIN.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 900) for the relief of Mrs. Alice Croarkin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY WHIRRY.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1194) granting a pension to Mary Whirry; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SOPHIA W. WRIGHT.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with amendments the bill (S. 901) for the relief of Sophia W. Wright; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY A. DOUD.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1359) for the relief of Mary A. Doud; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN VERTESSY.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back adversely the bill (S. 821) granting a pension to John Vertessy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the adverse report, ordered to be printed.

MARY M. GIBSON.

Mr. BLISS, from the Committee on Pensions, reported back with amendments the bill (H. R. 7247) to increase the pension of Mary M. Gibson, widow of Commander William Gibson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANN GIBSON YATES.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 7708) to increase the pension of Ann Gibson Yates; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EDMUND ASHWORTH.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 231) granting a pension to Edmund Ashworth; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DANIEL CLARY.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 741) granting an increase of pension to Daniel Clary; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARIE A. SALISBURY AND ALMIRA MORGAN.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 469) granting a pension to Mary A. Salisbury and Almira Morgan, only children of Maj. Abner Morgan, of the Revolutionary war; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LAFAYETTE LAKIN.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 8211) granting a pension to Lafayette Lakin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JACOB KINTZ.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 1086) granting a pension to Jacob Kintz, alias John Walters; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY J. DAVIS.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (S. 1111) granting a pension to Mary J. Davis; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EMILY W. OGDEN.

Mr. BANKHEAD, from the Committee on Pensions, reported back with amendments the bill (H. R. 2641) granting a pension to Emily W. Ogden; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. SHAW, from the Committee on Claims, reported back adversely the bill (H. R. 4031) for the relief of Jabez Burchard; which was ordered to be laid upon the table and the accompanying report printed.

WILLIAM W. BURNS.

Mr. SHAW also, from the Committee on Claims, reported back favorably the bill (H. R. 72) for the relief of William W. Burns; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANNA SCHAAP.

Mr. SHAW also, from the Committee on Claims, reported back with amendments the bill (H. R. 2437) for the relief of Anna Schaap; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SELIGMAN AND STETTHEIMER.

Mr. SHAW also, from the Committee on Claims, reported back with amendments the bill (H. R. 2435) for the relief of Seligman and Stettheimer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JABEZ BURCHARD.

Mr. SHAW also, from the Committee on Claims, reported back favorably the bill (S. 131) for the relief of Jabez Burchard; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES ENTWISTLE.

Mr. TIMOTHY J. CAMPBELL, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 5409) for the relief of James Entwistle; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROBERT C. MURPHY.

Mr. TIMOTHY J. CAMPBELL also, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 473) for the relief of Robert C. Murphy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HEIRS OF JAMES W. SHAUMBURG.

Mr. TIMOTHY J. CAMPBELL also, from the Committee on Claims, reported back with a favorable recommendation the bill (S. 954) for the relief of the heirs, legal representatives, or legatees of James W. Shaumburg; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WRECK OF THE TALLAPOOSA.

Mr. TIMOTHY J. CAMPBELL also, from the Committee on Claims, reported back with a favorable recommendation the bill (S. 869) for the relief of the sufferers by the wreck of the United States steamer Tallapoosa; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRIETTA M. SANDS.

Mr. TIMOTHY J. CAMPBELL also, from the Committee on Claims, reported back with a favorable recommendation the bill (S. 1089) for the relief of Henrietta M. Sands, widow of the late Rear-Admiral Benjamin F. Sands, United States Navy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SIMEON WAGNER AND OTHERS.

Mr. SIMMONS, from the Committee on Claims, reported, as a substitute for the bill H. R. 8678, a bill (H. R. 9348) for the relief of Simeon Wagner and others; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill H. R. 8678 was laid on the table.

STUBBS & LACKEY.

Mr. SIMMONS also, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 6999) for the relief of Stubbs & Lackey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL B. SEAT.

Mr. SIMMONS also, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 573) for the relief of Samuel B. Seat, administrator of Christian Kropp, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

S. E. SCARBOROUGH.

Mr. SIMMONS also, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 2059) for the relief of S. E. Scarborough; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DAVID RYAN.

Mr. MASON, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 8356) to confer jurisdiction upon the Court of Claims to hear and determine the claim of David Ryan against the United States; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

D. K. PONDER.

Mr. WILKINSON, from the Committee on War Claims, reported back with amendments the bill (H. R. 6885) for the relief of D. K. Ponder, of Ripley County, Missouri; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

MRS. MARY SHANNON.

Mr. WILKINSON also, from the Committee on War Claims, reported, as a substitute for the bill H. R. 3718, a bill (H. R. 9349) for the relief of Mrs. Mary Shannon, widow and administratrix of the estate of Joseph R. Shannon, deceased, and to provide for payment of the loss of the steam-boat A. W. Quarrier; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill H. R. 3718 was laid on the table.

Mr. CROUSE presented the views of the minority; which were ordered to be printed with the report of the majority.

ANDREW LUTZ.

Mr. BLISS, from the Committee on War Claims, reported back with amendments the bill (H. R. 2697) for the relief of Andrew Lutz; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

CLAIMS REPORTED BY COURT OF CLAIMS.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported a bill (H. R. 9350) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DAVIDSON DICKSON.

Mr. O'NEALL, of Indiana, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 63) for the relief of Davidson Dickson and others; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The SPEAKER *pro tempore*. The hour for the presentation of reports has expired.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, informed the House that the Senate had passed with an amendment the bill of the House (H. R. 1983) to ratify an act entitled "An act creating the

county of San Juan, Territory of New Mexico," asked a conference on the bill and amendment, and had appointed as conferees on the part of the Senate Mr. DAVIS, Mr. STEWART, and Mr. BUTLER.

The message also announced that the Senate had passed with an amendment the bill of the House (H. R. 3215) to authorize the construction of the "Ohio Connecting Railway bridge," asked a conference with the House on the bill and amendment, and had appointed as conferees on the part of the Senate Mr. SAWYER, Mr. FRYE, and Mr. VEST.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 2123) to authorize the removal of an obstruction to the navigation of Broad Creek, in the State of Delaware;

A bill (S. 1721) establishing a customs district in the State of Florida, to be known as the collection district of Tampa, and for other purposes; and

A bill (S. 2613) to amend an act approved June 15, 1882, changing the boundaries of the fourth collection district of Virginia.

ORDER OF BUSINESS.

Mr. LANHAM. Mr. Speaker, I move that the House now resolve itself into the Committee of the Whole on the state of the Union for the purpose of considering bills on the Private Calendar.

Mr. PEEL. Mr. Speaker, I desire to raise the question of consideration. My object is to ask the House to go into Committee of the Whole to consider the appropriation bill reported from the Committee on Indian Affairs.

The SPEAKER *pro tempore*. There is no question of consideration that can be raised on the motion of the gentleman from Texas.

Mr. PEEL. I simply desire to give notice that if that motion is voted down I shall then ask the House to go into Committee of the Whole on the bill I have indicated.

The SPEAKER *pro tempore*. That will be in order if the motion of the gentleman from Texas [Mr. LANHAM] is voted down.

Mr. BIGGS. Mr. Speaker, I desire to present a report from a committee. We have not got through with the reports yet.

The SPEAKER *pro tempore*. But there is only an hour allowed for that business under the rule.

Mr. BIGGS. I understand that; but I ask unanimous consent that the time be extended.

A MEMBER. I object.

Mr. BIGGS. I ask unanimous consent to present a report which I have had in hand for some time.

There was no objection.

WILLIAM MIDKIFF.

Mr. BIGGS, from the Select Committee on Indian Depredation Claims, reported back with an amendment the bill (H. R. 7983) for the relief of William Midkiff; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE OVER MISSOURI RIVER AT OMAHA.

Mr. PHELAN, by unanimous consent, reported from the Committee on Commerce a bill (H. R. 6440) to authorize the construction of a bridge over the Missouri River at or near the city of Omaha, Nebr.; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The question was taken on the motion of Mr. LANHAM that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering bills on the Private Calendar, and the Speaker *pro tempore* declared that the ayes seemed to have it.

Mr. SPRINGER. I call for a division.

The House divided; and there were ayes 109.

Mr. PEEL. No further count is demanded.

The SPEAKER *pro tempore*. The motion of the gentleman from Texas [Mr. LANHAM] is agreed to. The House determines to resolve itself into Committee of the Whole, and the gentleman from Arkansas [Mr. ROGERS] will please take the chair.

The House accordingly resolved itself into Committee of the Whole (Mr. ROGERS in the chair).

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of bills on the Private Calendar. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 6348) for the relief of Mrs. Ellen P. Malloy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Ellen P. Malloy the sum of $700.

Mr. LANHAM. Mr. Chairman, I do not know who made the report on this bill, and unless some gentleman insists on its present consideration I shall ask that the bill be laid aside.

Mr. GLASS. Let the report be read.

The report (by Mr. LAWLER) was read, as follows:

The Committee on War Claims of the Forty-eighth Congress, not being fully and clearly advised of all the facts in the case, referred it to the Court of Claims for a finding of the facts under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883.

Said claim has been returned by said Court of Claims with the following findings of fact, filed June 7, 1886, which findings have been referred to the Committee on War Claims of the present Congress, to wit:

"[In the Court of Claims, Congressional case No. 108, Mrs. E. P. Molloy *vs.* The United States.]

"FINDINGS OF FACT.—FILED JUNE 7, 1886.

"The claim in the above-entitled suit having been transmitted to this court by the Committee on War Claims of the House of Representatives on the 22d day of May, 1884, and the Attorney-General having appeared for the defendants, and the suit having been brought to a hearing on the 22d day of April, 1886, the court, upon the proofs and evidence, and after hearing Gilbert Moyers, esq., of counsel for the claimant, and H. J. May, esq., of counsel for the defendants, finds the following facts:

"I.

"On the 12th November, 1864, the military authorities in Memphis, Tenn., took possession of the dwelling-house in that city known as No. 65 Union street, the separate estate and property of the claimant. The house was used and occupied as a portion of the military headquarters in that city for upwards of seven months. The fair and reasonable rent of such a house for the period named was $100 per month, amounting in the aggregate to $700, which has never been paid to the claimant.

"II.

"At the time the military authorities took possession of the said house, as set forth in the preceding finding, it contained the furniture of a private residence. A bureau of the quartermaster's department in Memphis, termed the rental office, at the time of occupancy, took a full inventory, with apparently great particularity and care, of every article of furniture in the house. The said inventory contained upward of sixty entries, and enumerated several hundred items. It was duly returned by the officer of the rental office to Col. R. E. Cleary, deputy quartermaster-general at Memphis, and was filed in his office. Of the furniture so inventoried a large part was removed by the quartermaster's department from the house, and articles of the value of $1,200 were never returned to the claimant, nor has she been compensated for them.

"III.

"So much of the claim as relates to the furniture was submitted to the Quartermaster-General, but was not paid.

"BY THE COURT.

"A true transcript of record.
"Test, this 8th day of June, A. D. 1886.
"[SEAL.]

"JOHN RANDOLPH,
"*Assistant Clerk Court of Claims.*"

Your committee therefore report a bill herewith providing for the payment of the amount found by said court for rent of said property, amounting to $700, and recommend that it do pass.

Mr. GLASS. Mr. Chairman, this case has been before two Congresses, and has been reported upon favorably in each. My colleague [Mr. RICHARDSON], who introduced the bill and has charge of it, is absent at this moment. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. GROSVENOR. Mr. Chairman, I do not intend to make a "crank" of myself in opposing appropriations of this character. I simply wish to point out that this is one of a class of claims which never have been paid, and the limitation to which, if we once begin to pay them, no computation can do justice to. If in every case where a military officer in the Southern States occupied a house overnight or for one month, or six months, compensation at this late day is to be given, it is not important that we should adopt any other measures for reducing the surplus revenue. I oppose every appropriation of this character.

Mr. SPRINGER. This bill is very short and I wish to have it read again. I do not think it corresponds with the report of the committee.

The bill was again read.

Mr. SPRINGER. This bill should state that the payment which it proposes to make is in full of all claims against the United States; for the report discloses that the same person is claiming a large amount for furniture destroyed at the same time. The bill should state that this payment is in full.

Mr. RICHARDSON. I do not think it is.

Mr. SPRINGER. I understand this to be an adjudication of all that is due the claimant, the whole case having been referred to the Court of Claims. Therefore, in order that another bill may not come in for the furniture, this bill should state that this payment is in full. I understand that the whole claim of the claimant has been referred to the Court of Claims, and that the court has found that this amount should be paid for rent, as it was found to be due by a board of Army officers appointed at the time to consider the question. This appropriation is made, I understand, to cover the claim which was adjudicated in that way at the time.

Mr. PERKINS. Why does not the gentleman offer an amendment?

Mr. SPRINGER. I do offer an amendment, to insert these words: "in full of all demands against the United States."

Mr. RICHARDSON. Mr. Chairman, having just come in, I have not heard all the debate on this question; but the gentleman from Illinois [Mr. SPRINGER] is mistaken in regard to the finding of the Court of Claims. If he will examine the finding he will see that the court found the facts to be as follows: That this woman was the owner of this property located in the city of Memphis; that it was taken possession of, used and occupied by the Army, and that this occupation continued for

seven months. The court finds that a reasonable rent is $100 per month for those seven months. But the gentleman is mistaken as to the furniture and personal property. The court finds that she had in the house $1,200 worth of personal property, which was also taken and used by the Army. Now, the court does not recommend, as the gentleman supposes, that the claimant be paid simply $700 as rent. The court does not make any recommendation, but simply finds the facts. The court does not say, as the gentleman seems to suppose, that the personal property ought not to be paid for, but that there was $1,200 worth of personal property taken and used by the Army.

Mr. McMILLIN. They report that as a fact?

Mr. RICHARDSON. They report that as a fact, just as they do in regard to the $700 for rent.

Mr. Chairman, the facts of this case are as I have stated them. But when the findings of the Court of Claims were before the Committee on War Claims in the last House that committee made a mistake in reporting merely an appropriation of $700 for rent or for use and occupation of this property. By all means they ought to have reported an appropriation of $1,200 as compensation for personal property taken and used. According to the custom and usages which have obtained in Congress payment ought to have been made for the property taken, rather than for use and occupation. I do not think I can be mistaken in that.

Mr. SPRINGER. The gentleman corrects me properly. I thought the recommendation read by the Clerk was that of the Court of Claims; I see now it is the recommendation of the committee. From merely listening to the reading I could not tell where the language of the court ceased and that of the committee began. By looking at the paper, however, I find the committee recommend that the amount of $700, found by the court as properly due for rent, be paid. The bill which went before the Committee on War Claims provided for paying the whole amount of this claimant's demand against the Government, covering rent and furniture; and the committee having adjudged, as I understand from the report, that the Government is liable only for the rent, and having reported in favor of paying that amount, the bill ought to show that such has been the finding in regard to the claimant's demand against the Government, so that this payment may be a finality. It was for this reason I suggested the amendment.

Mr. RICHARDSON rose.

Mr. BREWER. Will the gentleman yield for a question?

Mr. RICHARDSON. I will in a moment; but first I wish to make a statement. It occurs to me that instead of the amendment suggested by the gentleman from Illinois, an amendment should be adopted providing payment for the personal property, if we are going to pay for only one character of loss, because payment for personal property is in line with former acts of the Government. But my idea is that if we are going to pay for rent, we certainly ought to pay for the personal property taken. I have here the original list given by Col. R. E. Cleary, deputy quartermaster, who was the rental agent of the Federal Army. Here is the original inventory of these items of personal property taken and the original receipt, which any gentleman can examine, and which I will read in a moment.

It occurs to my mind that the Government ought to pay for the personal property taken rather than for the rent, although there is no question that we should pay for both; and my amendment which I shall offer will be to pay for both, instead of excluding her from this amount. I think the Committee on War Claims, as I have said, made a mistake in the last Congress in that respect.

Now I will yield to the gentleman from New Jersey, who wished to ask a question.

Mr. BREWER. Have you a memorandum of the personal property taken?

Mr. RICHARDSON. There is a receipt here which perhaps I had better read, as it will convey the information the gentleman seeks. I can not tell myself. I will read portions of this receipt and ask to have it incorporated as a part of my remarks. The receipt for this property is as follows:

RENTAL OFFICE, *Memphis, Tenn., November* 12, 1864.

The above and foregoing——

Referring to the inventory of property—

contains a true inventory of the furniture this day delivered to R. E. Cleary, deputy quartermaster-general, at Memphis, Tenn., and signed by L. R. Harbeck, lieutenant and acting assistant quartermaster-general, and approved by R. E. Cleary, deputy quartermaster-general, as being correct. Said furniture being in the possession of Charles Northrup, the occupant of the house known as the "Malloy house," on the south side of Union street, in the city of Memphis, Tenn.—the third house west of General Washburn's headquarters, said house and furniture having been seized by the military authorities of the United States.

Col. R. E. CLEARY,
Deputy Quartermaster-General.
Per L. S. LEONARD,
Rental Agent.

Here follows the list, which includes, as stated in the findings of the Court of Claims, over sixty different entries of articles, comprising some hundreds of items, consisting in part of carpets, chairs, tables, bedding, bed-clothes, bedsteads, and household articles generally.

Mr. SPRINGER. Will my friend from Tennessee yield to me for a moment, as I desire to read the heading of this paper to which he has referred?

Mr. RICHARDSON. Certainly I yield for that purpose.

Mr. SPRINGER. I read the caption, as follows:

List of furniture in the Malloy House, on the south side of Union street, the third house west of General Washburn's headquarters, now occupied by Charles Northrup; November 12, 1864.

Then follows the articles found in the house when the Army took possession.

Mr. BREWER. The list of property which is given there seems to be a list of what was found in the house when the Army entered the city and took possession.

Mr. SPRINGER. Yes, sir; this shows that it is a list of property that was found in the house when the Army took possession. A description is given of the property and its location in the house; for instance, there is a list of furniture in the front parlor, in the back parlor, bath-room, etc.

Mr. BURROWS. Did the Army carry it off?

Mr. SPRINGER. No; that is the furniture that was in the house when the Army took possession.

Mr. RICHARDSON. The finding of the Court of Claims is, as I stated to my friend from Michigan, that the property was taken possession of by the Government authorities, and an inventory of it was correctly made out; but the property itself was never returned to the owner. The finding of the Court of Claims says in regard to this receipt:

It was duly returned by the officer of the rent office to Col. R. E. Cleary, deputy quartermaster-general at Memphis, and was filed in his office. Of the furniture so inventoried a large part was removed by the quartermaster's department from the house, and articles of the value of $1,200 were never returned to the claimant, nor has she been compensated for them.

That is the finding of the Court of Claims; and it seems to me that the proper amendment, instead of saying that she shall be estopped from the collection of this amount, would be to include it in the appropriation for her benefit, making the total amount $1,900. If there should be a determination to pay but one of these claims, I should insist that it ought to be for the personal property rather than the amount of the rent.

Mr. BREWER. Is the gentleman from Tennessee a member of the committee which made this report?

Mr. RICHARDSON. I am not now a member of the committee. I was in the last Congress.

Mr. BREWER. Does the gentleman understand that the Court of Claims has made a favorable report for the use and occupation of premises occupied by the Union Army after they had conquered this territory from those in rebellion?

Mr. RICHARDSON. No, sir; I do not.

Mr. BREWER. Is this not just such a case?

Mr. RICHARDSON. No, sir; I think not. This is a case in which they needed such property, and one in which they made a contract for the rent.

Mr. BREWER. Where is the contract for the rent of the house?

Mr. RICHARDSON. I have not the contract, but that is found by the Court of Claims, as I understand.

Mr. KERR. Does the gentleman understand that these are quartermaster's supplies?

Mr. RICHARDSON. No, sir. Some were, I presume.

Mr. PERKINS. Does the gentleman from Tennessee understand that there is any mention whatever in the findings of the Court of Claims of any contract that had been made for this property?

Mr. RICHARDSON. I am not positive of that. There is, however, a rental contract.

Mr. PERKINS. Does the gentleman not find further that there is positively no finding whatever of loyalty by the Court of Claims?

Mr. RICHARDSON. No, sir.

Mr. PERKINS. There is no such finding.

Mr. RICHARDSON. No, sir; that is not the case. The findings of the Court of Claims may not so specify, but it is clearly demonstrated; because in all the arguments that have taken place heretofore on these claims it has been shown clearly, I think, that the court never takes jurisdiction of such cases until the question of loyalty was first found; because, under the Bowman act referring these cases to the Court of Claims, loyalty is a jurisdictional question, and the court can not, and it is understood does not, enter upon the consideration of the claim at all on its merits until the question of loyalty has been affirmatively ascertained. That I understand to be the practice.

Mr. PERKINS. That, perhaps, is logically correct, but it may not be practically correct, because we know as a matter of fact in most of the findings of the Court of Claims there is a distinct finding on the subject of loyalty. In this case there is not.

Mr. RICHARDSON. There is not that finding in all the cases.

Mr. PERKINS. In nearly all there is; but in this case there is an absence of finding on that subject. Then, as I understand, there is no finding that any contract had been entered into between the Government of the United States or its representative and this claimant.

Mr. RICHARDSON. The receipt is signed by the rental officer.

Mr. PERKINS. There is no such statement in the findings.

Mr. RICHARDSON. The findings do not set out all the facts, but only the conclusions.

Mr. DINGLEY. Is there not a statement that this house and property were seized?

Mr. RICHARDSON. They were occupied; not exactly seized.

Mr. LANHAM. The language is that the house was taken possession of. The first finding of the Court of Claims states this:

On the 12th November, 1864, the military authorities in Memphis, Tenn., took possession of the dwelling-house in that city known as No. 65 Union street, the separate estate and property of the claimant.

There is nothing said about any rental contract in the finding of the court.

Mr. PETERS. I would like to ask how the gentleman from Tennessee explains the fact that the bill is for $700.

Mr. RICHARDSON. I suppose the bill was drawn simply to cover the amount found to be due by the Committee on War Claims in the last House. I introduced the bill, not noticing the fact at the time that the finding of the Court of Claims placed the amount at $1,200. I introduced the bill for $700. If there be any mistake, I take the responsibility.

Mr. BREWER. I was very glad at the time the Bowman bill was passed, by which many of this class of claims were to go to the Court of Claims for the purpose of finding out the facts, and providing that the court should report the facts, together with the law, to this House; but during my experience at this session of Congress I have come to the conclusion that we have made a mistake.

During the Forty-fifth and Forty-sixth Congresses, in which I had the honor to serve in this House, claims similar to the one which is under consideration at the present time would not have met with the favorable consideration of the House, and they were, I think I can say, universally voted down.

So far as my experience goes during the present session these claims are favorably reported and have succeeded in getting through this House.

Now, what are the facts in this case, if we are to gather the facts from the statement of the gentleman who introduced the bill? The city of Memphis, as is well known, was for some time within hostile territory. It was for some time occupied by those who were in armed rebellion against the Government. The Union troops took possession of that city, and it became necessary—of course a military necessity—that they should occupy certain buildings, and they took possession of this building, and in the building there seems to have been some furniture.

Now, what is done? A list of that furniture is made out and a receipt given to the party perhaps who owned the premises in question. There is no contract that should bind the Government to return this property or that would make the Government an insurer of this property in any shape. There was no contract that the Government should be in any way responsible for the use and occupation of these premises; and I insist that we are establishing by our votes here to-day a precedent that we shall hereafter regret. The evidence fails to show that the furniture was at any time removed from the building.

Mr. RICHARDSON. What is the precedent of which the gentleman speaks?

Mr. BREWER. The precedent that we shall pay for the use and occupation of premises that were occupied by the Union forces in rebel territory.

Mr. RICHARDSON. Will the gentleman allow me a question?

Mr. BREWER. Certainly.

Mr. RICHARDSON. Does the gentleman claim that Memphis in 1864 was the seat of war?

Mr. BREWER. I do not suppose that at that time it was the seat of war, because it was then occupied by the Union forces, and it had been the seat of war. It had been taken by the Union Army from those who were in rebellion, and if the Government was liable in that case it is just as liable in the case of occupancy of property in New Orleans, Mobile, Atlanta, and Charleston, S. C., or in any other of the cities of the rebel States. Can there be any distinction?

Mr. RICHARDSON. Yes, sir.

Mr. BREWER. I will be glad to have the gentleman, when he has the floor, point out the distinction. If the Government is liable for the use and occupation of property in Memphis, why would it not be liable for the use and occupation of property in Charleston?

Mr. RICHARDSON. Will the gentleman yield to permit me to answer his question?

Mr. BREWER. I yield to the gentleman.

Mr. RICHARDSON. I read from the decision of the Court of Claims in the case of Thomas G. Neal *vs.* The United States. The opinion was delivered by Justice Nott, of that court, and I think it makes the distinction very clear. He says:

The military occupation of Tennessee began with the beginning of the year 1862, and the advance of the Union forces was continuous and rapid, extending through the most populous portion of the State to its extreme southwestern border. The permanent occupation of Nashville dates from the 25th of February, and that of Memphis from the 6th of June.

Before the military occupation of the State was complete a great number of refugees passed over into Kentucky and enlisted in Union regiments forming there. This number the adjutant-general of Tennessee, in his report for 1866, computes to be about 7,000. Within the State there were raised and organized thirty-two regiments of cavalry and infantry and five batteries of light artillery, containing, according to the rolls of the War Department, 31,092 white troops. We may therefore conclude that the number of white troops furnished by the State of Tennessee was, in round numbers, not far from 38,000.

Does the gentleman know how many Michigan furnished?

Mr. BREWER. Oh, yes.

Mr. RICHARDSON. How many?

Mr. BREWER. Something over ninety thousand.

Mr. RICHARDSON. There were a number of States, though, which furnished fewer troops than Tennessee; Vermont, for instance, and Kansas.

Mr. ROWELL. Vermont is not a very large State.

Mr. RICHARDSON. I understand that; but I am simply showing that we had loyal men in Tennessee. The court goes on to say "that the magnitude of Tennessee's contribution to the Union forces will be better appreciated by a comparison," and then it makes the comparison, which shows that Tennessee contributed more troops to the Union Army than either New Hampshire, West Virginia, or Vermont; nearly twice as many as Kansas, Rhode Island, or Minnesota; more than twice as many as either California or the District of Columbia; three times as many as Delaware; and four times as many as Arkansas.

Mr. BREWER. The gentleman rose to answer a question, but my question was not as to how many troops Tennessee had furnished to the Union Army.

Mr. RICHARDSON. If the gentleman will allow me, I do not care to read all of this opinion, but these facts appear in the opinion and the opinion answers his question. I will now read further from the opinion of the court, omitting so much of it as relates to the number of soldiers furnished. The court say:

If the aid which the State gave to the Union had begun earlier or later, it might not have received the extraordinary appreciation which was accorded to it, but its coming was during the disastrous campaign of 1862, when the resources of the Northern States were strained to the utmost, when the siege of Richmond was abandoned, and the State of Maryland was invaded, and the bloody fields of the seven days' battles, the second Bull Run, Shiloh, and Antietam lay fresh before the public gaze.

On the 22d day of September, 1862, the President issued the proclamation which announced that on the 1st January ensuing he would "by proclamation designate the States and parts of States, if any, in which the people thereof, respectively, shall then be in rebellion," and the proclamation likewise declared "that on the 1st day of January, in the year of our Lord 1863, 'all persons held as slaves within any State or designated part of any State the people whereof shall then be in rebellion' against the United States shall be then, thenceforward, and forever free."

On the 1st January, 1863, the President issued the proclamation of emancipation, wherein he receited the provisions above referred to of the preceding proclamation, and declared that in accordance with his purpose "publicly proclaimed for the full period of one hundred days," he did "order and designate as the States and parts of States wherein the people thereof, respectively, are this day in rebellion against the United States the following," and Tennessee was not one of them.

Such being the action of the executive concerning the State of Tennessee, we now pass to the legislative. It will be found set forth in the statutes enumerated in the case just decided (Heflebower). Briefly stated it was this. Congress by the act of 4th July, 1864, provided a remedy for the exclusive benefit of the loyal citizens of the loyal States, the language of the act being "States not in rebellion." By the act 28th July, 1866, Congress extended the benefits of the act 4th July, 1864, "to the loyal citizens of the State of Tennessee." From that moment, therefore, the citizens of Tennessee, loyal or disloyal, so far as claims for personal property were involved stood upon precisely the same footing as the citizens of States never in rebellion. In 1867 this action of the legislative branch of the Government was rendered still more expressive by a provision attached to the act 21st February, 1867 (14 Stat. L., 397), which forbade the settlement of claims that had "originated" in States or parts of States declared in rebellion by the proclamation 1st July, 1862, but which added the significant declaration "that nothing herein contained shall repeal or modify" the previous action of Congress in favor of the State of Tennessee. The purpose of the act 1867, therefore, was to restrict the benefits of the act 1864 to cases where both the claimant and the claim came from a loyal State, and the effect was to declare that a claim which had originated in the State of Tennessee should be regarded, so far as the act 1864 was involved, as a claim which had "originated" in a loyal State.

Now, Mr. Chairman, that answers the gentleman's question, and shows most conclusively to my mind that when this contract was made or when this occupation occurred, in November, 1864, it was immaterial whether it was in the State of Tennessee or in the State of Michigan.

Mr. BREWER. Mr. Chairman, the question which I propounded to the gentleman was a short one, but he has been a long time in answering it. I am glad to know that the State of Tennessee became a loyal State, as the gentleman says, previous to 1864; but in 1864, if I remember correctly, the city of Memphis, where this property was occupied, had no city government whatever, except that of the military power, and I may say until the close of the war the city of Memphis could be occupied by Union people only by reason of the protection which was given to them by the Union Army stationed there. It is said that the President issued a proclamation in which it appeared that Tennessee was withdrawn from the States said to be in rebellion. Let us see about that. At the very time when this claim originated the city of Nashville was occupied by the Union forces, and it was after that time, if I recollect correctly, that a battle was fought south of the city of Nashville, in which thousands and thousands of men were slain on the Union side in order that the Union armies might hold that city.

Yet my friend talks about the loyalty of the western portion of the State of Tennessee in 1864. The city of Memphis was as disloyal in 1864 as it was in 1862, when it was occupied by those in armed hos-

tility to the Government; and it is nonsense for gentlemen to stand here and say that this Government should treat that city as one which had always been loyal to the country. The Union Army had conquered that city; had driven from it those in armed rebellion against the Government; had taken possession of the city, and had occupied this house as a matter of military necessity, as it had the right to do. It had taken possession of this house, with household furniture in it, and a list was made of that furniture. Is it possible that twenty-five years after the close of the war gentlemen are to come here and demand compensation from this Government for the occupation of property which was conquered by force of arms? I do not believe this House is ready to vote in favor of any such proposition. I do not believe the people of this country will sustain any such action.

Mr. GROSVENOR. Mr. Chairman, the authority which has been read by my friend from Tennessee is an authority which undertook to define what were the limits of the territory in rebellion, what was an insurrectionary district at certain periods of the war history. My opposition to payment of this claim and kindred claims does not rest upon any question of that kind and is not affected by that decision in any respect whatever.

If this claim were for occupation of a house in Ohio or Massachusetts, the surrounding circumstances being the same other than the character of the inhabitants and their history with relation to the war, I should oppose the payment of the claim upon the very ground on which President Grant based two vetoes which became landmarks in the policy of the Government in dealing with these questions. In the first place, I may say—but this, however, is to my mind an unimportant objection as compared with my next objection.

I do not consent to the proposition of the gentleman from Tennessee that it must be assumed the Court of Claims found a certain fact affirmatively, otherwise it would not have proceeded to adjudicate upon this claim at all. As I understand his argument, it is that, inasmuch as the Court of Claims found certain facts to exist, they must have found another fact to have existed, or they would not have found the others. I know of no rule of logic, Mr. Chairman, which is as broad as that. In other words, inasmuch as the Court of Claims reported the existence of certain facts which it was incumbent it should find, is it to be conclusively presumed that it also found another fact? I can not consent to this doctrine.

To illustrate, five questions of fact are sent to a referee (and for the purposes of my argument and so far as concerns the law of the present case the Court of Claims is a referee) for a report of the facts and, if you please, the law. This referee finds upon four questions of fact and is silent as to the other. If this other fact is a jurisdictional one, it seems to me the report is fatal to the claim.

Now, the language of the Bowman act is very plain to my mind. It provides that whenever one of these claims is sent to the Court of Claims for the finding of facts, if it is for military or naval stores taken for the use of the Army or Navy in the suppression of the rebelllion, then, among other things, the court is to find whether or not the claimant was throughout the war loyal to the Government of the United States; and, in the words of the act, "the fact of such loyalty shall be a jurisdictional fact."

Now, will any lawyer say that silence on that question is an affirmation? The court itself has not acted upon that theory, for in almost all its reports it has been careful to find upon that fact. You remember, Mr. Chairman, that in the case we had before us a week or two ago—the claim of compensation for tobacco—the Court of Claims emphasized the fact that not only the wife but the husband had been loyal throughout the war. So, I may say with safety, the court has done generally. It has so understood its duty, and has usually discharged it by passing upon that question.

But I do not stand upon that branch of the case with the same confidence as I do upon the other. Here is an act of the Army which was a simple act of occupation, nothing more. It is not pretended here that there was any contract; it is not pretended that anybody agreed to pay. We take knowledge of how the thing was done. The Army moved in and took possession under the usages and laws of war. It had a right to take possession of all the property that was necessary for the comfort of the troops. It took possession of certain personal property, and, if you please, destroyed it. What was that act? I do not care whether the property was receipted for; I do not care whether the Army used it or burned it, or carried it home with them, or carried it forward and used it afterward in camp. The act had a single quality. It is classed as "ravages of war."

This property was not taken as quartermaster's stores; it could not have been so taken. It was taken as the "boys" on our side took possession of the houses in the South and occupied the beds and the furniture; it was taken as the "boys" on the other side rode through the lanes and roads of my State carrying the bed-clothes and cooking utensils of our citizens strung upon their horses and mules. The people of that State suffered therein the "ravages of war," and were bound to suffer without compensation under the laws of war, which are as well settled as the laws of contract.

Now, then, it is said that this authority read by my friend from Tennessee takes this case outside of that class of cases entirely. Why, Mr. Chairman, the very construction of this statute forbids such a conclusion as that. This statute provides that this court shall not take jurisdiction for the purpose of payment or adjudication of any claim for the occupation of real estate by any part of the military or naval forces of the United States in the operation of said forces during the war at the "seat of war," and I read from the third section of the act itself.

Mr. RICHARDSON. Will the gentleman allow me for a moment to read a part of this decision of the court to which I have referred? I did not conclude the reading.

Mr. GROSVENOR. If it is in the direction of what I am talking about I will yield to the gentleman.

Mr. RICHARDSON. I think it will satisfy the gentleman on that point.

Mr. GROSVENOR. Very well; I will yield to the gentleman.

Mr. RICHARDSON. The court say:

Upon this executive and legislative action and for the reason set forth in the Heflebower case (just decided), to which this is a sequel, the court bases its conclusion that on the 1st of January, 1863, the State of Tennessee ceased to be hostile territory, and from that time could not be regarded as the seat of war within the meaning of the third section of the Bowman act.

Mr. GROSVENOR. The gentleman need not read further.

Mr. RICHARDSON. That is all; I did not want to read further; that covers the case.

Mr. GROSVENOR. That has not the slightest application to my argument; and certainly I do not know whether I would do the gentleman from Tennessee a greater injury to say that he purposely does not understand the point in the case, or that he, from some disability, does not understand it.

I am not talking about the question of what territory was loyal at a given time. The language of the Bowman act was drawn for the express purpose of getting rid of the whole question. They do not say anything about an insurrectionary district. They do not say a word about any State being loyal or in rebellion; but the law expressly says that we shall never pay for the use or occupation of real estate at the "seat of war."

Mr. RICHARDSON. That is just the point of my argument. This was not at the seat of war.

Mr. GROSVENOR. Then what is the seat of war?

Mr. RICHARDSON. Are you willing that the Court of Claims shall decide that?

Mr. GROSVENOR. I do not think the Court of Claims is needed to settle the question of geography.

Mr. RICHARDSON. But this is a judicial decision of the Court of Claims.

Mr. GROSVENOR. For the purpose of my argument I might grant all you say. I do not know where the gentleman was on the 3d and 4th of July, 1863, but if he was in the neighborhood of Gettysburgh I imagine that he would have concluded there was a "seat of war" somewhere in that neighborhood about that time. The "seat of war" is where war is going on. If the territory is not insurrectionary, then *per se* it was not at a "seat of war." But if actual war is going on, then the rules of war apply, and by those rules the Army may occupy houses and not be liable for rent.

Mr. RICHARDSON. I do not want my friend from Ohio to get his geography mixed. Gettysburgh is not in the direction of Tennessee.

Mr. GROSVENOR. Is it not?

Mr. RICHARDSON. No, sir.

Mr. GROSVENOR. I am glad to hear you say so. I find you have studied the map of your country to some purpose.

Mr. Chairman, the point I make is that the principle applies wherever the Army of the United States was engaged in war; and that the payment for occupation of real estate at Gettysburgh by the United States troops was just as much barred under the Bowman act as though it had taken place in the heart of the then Southern Confederacy. That is my point. The "seat of war," to use the words of the statute—the seat of war excluded from the operation of these claims any place where the armies of the United States by the exigencies of war were carrying on the war and occupying real estate.

Why, Mr. Chairman, this law was not drawn blindly or hastily. It was drawn to get rid of these millions upon millions of dollars of claims to be presented in this manner. No matter where the Army was, that was the seat of war. The territory was not in insurrection. The territory was not the territory of the enemy; but it was the seat of war, and the Government has always claimed the right to occupy the houses, the farms, and the property of the citizen whenever in the exigency of war it was necessary that the Government should occupy them for the use of the Army during its operations when the country is in a state of war.

Mr. BRUMM. And whether the citizen be loyal or disloyal.

Mr. GROSVENOR. Whether loyal or disloyal.

It has been settled, as I said before, by the vetoes of General Grant. It has been settled by the consent of the American people, those who were loyal as well as those who were disloyal, and at this late day I stand here to protest against removing that landmark that we may turn over

to these claimants, or their successors, whoever they may be, an illimitable field of plunder from the Treasury of the United States. They may have been loyal. If so, they paid the price of loyalty.

They contributed in this way to the salvation of this magnificent Government. They may have been disloyal, and in that way have contributed to their own punishment; and the laws of war, the settled policy of this Government, forbids that in a case of a small sum of $700, a trifling claim, or in case of a large one, that we should enter the Treasury of the United States and open such a field as this, the end of which no man can see.

I was drawn into this, sir, and do not intend to make myself the champion of the opposition to this claimant; but I have placed upon the records of this country, at what I believe to be the threshold of this disastrous attack upon the Treasury of the United States, my opposition to the whole system.

The CHAIRMAN. Does the gentleman from Illinois insist on his amendment?

Mr. RICHARDSON. I withdraw any amendment which I have offered.

Mr. BOUTELLE. Do I understand this claim has been paid by the State of Tennessee?

Mr. RICHARDSON. No, sir.

Mr. BOUTELLE. Would it not be the more regular way for the State to pay this claim and then be credited with it on the $281,000 of direct tax which it owes the Government?

Mr. RICHARDSON. That might be; but I think the sight of the gentleman from Maine is as much blinded as the sight of the gentleman from Ohio.

Mr. MCMILLIN. Does the gentleman from Maine offer that as an amendment?

Mr. BOUTELLE. I offer it as a suggestion.

Mr. RICHARDSON. In regard to the position of the gentleman from Ohio [Mr. GROSVENOR], I do not want to discuss it further. It seems to me he does not attempt to answer the legal conclusion reached by the Court of Claims; that is, that from the date mentioned in this decision the State of Tennessee in 1863 was not the seat of war. The gentleman says I get confused upon this point, and he undertakes to attribute that to some quotation which he says he can not exactly understand. It seems to me if he had paid attention he would not have stood up here and made the bald argument which he has made in reference to the legal conclusion reached by the court.

Mr. KERR. Does he not answer that when he says that the court had no jurisdiction under the Bowman act?

Mr. RICHARDSON. The question of jurisdiction was the first question to which the Court of Claims addressed itself; and it is an insult to the intelligence of that court to say that it would assume jurisdiction of a case over which it had not jurisdiction by an express statute which referred the case to the court.

Mr. GROSVENOR. Will the gentleman allow me a question?

Mr. RICHARDSON. Yes, sir.

Mr. GROSVENOR. What is the character of the jurisdiction of that court? What would a lawyer call it? Is it not a court of limited jurisdiction?

Mr. RICHARDSON. Unquestionably.

Mr. GROSVENOR. Is it not a fundamental proposition that all courts of limited jurisdiction must find affirmatively that the statute confers the jurisdiction upon them in each case?

Mr. RICHARDSON. I take it the gentleman is not familiar with the proceedings of the Court of Claims under the Bowman act.

Mr. GROSVENOR. I am familiar with the general principles of law.

Mr. RICHARDSON. I want to say that before the Court of Claims takes jurisdiction of this case or any others there is a plea filed to the jurisdiction of the court. There are two trials. Not a solitary case comes here until after two investigations in that court. First, unlike the courts in the States, so far as my observation has extended, there is a trial upon the question of jurisdiction and there must be an affirmative finding in favor of the jurisdiction of the claim before the court takes a step. After trying the question of jurisdiction and finding that affirmatively, the court then remits the case to the rule docket as it would be called in a court of chancery, and then a trial is made as to the merits of the claim.

Mr. REED. But if they find that affirmatively, why does it not appear in their findings?

Mr. RICHARDSON. They do not set it forth in their findings.

Mr. REED. If they do not set it forth, does not that show that they did not find it?

Mr. MCMILLIN. Under the provisions of the Bowman act loyalty is made a jurisdictional fact, and if the court do not find that affirmatively they have no right to take up the case.

Mr. REED. But the question as to the seat of war is another proposition. Do they find this was not within the seat of war?

Mr. RICHARDSON. After the two trials to which I have referred, the court would not take jurisdiction until they found the jurisdictional question in favor of the claimant. Then I say they come to the merits of the claim, and the merits must be found affirmatively.

Now, as to the question of the location of this property, there is no question of fact involved that relates to the jurisdiction of the court.

Mr. GROSVENOR. Why not? Must it not be found affirmatively that this was not at the seat of war?

Mr. RICHARDSON. That is what I read from this opinion of the Court of Claims.

Mr. GROSVENOR. You read about some State that was not in rebellion, that was not the seat of war.

Mr. RICHARDSON. That is exactly what I did read. In the last sentence the court said:

> The seat of war under the Bowman act was not in Tennessee.

Tennessee was not the seat of war.

Mr. GROSVENOR. For the purposes of that case?

Mr. RICHARDSON. For the purposes of the language of the Bowman act. The whole State of Tennessee by that decision is taken out of the difficulty which the gentleman suggests.

They expressly decide that that was not the seat of war in the sense in which those words are used in the third section of the Bowman act.

Mr. REED. In the report in the case of Perez Dickinson, which is contained in House Report No. 982, the question of loyalty is affirmatively found; a fact which shows that the court understood that they were to find upon the question of loyalty and report it.

Mr. RICHARDSON. Yes; I commented upon that a few moments ago.

Mr. REED. I was not in the House.

Mr. RICHARDSON. In the "omnibus" bill which was passed here a few weeks ago it was found that in nearly every case, except three or four, the court did not set out affirmatively that the claimant was found to be loyal, but, as I then argued and as I argue now, inasmuch as the question of loyalty is made jurisdictional and as there have to be two trials of every case in the court, they could not find on the merits of any case until they had first found affirmatively on the question of loyalty. On one of these cases the gentleman from Missouri [Mr. WARNER] raised the question here in that discussion, and I then stated that while the finding of the court did not set forth affirmatively that the party was loyal, I would undertake before the evening closed to obtain from the Court of Claims a certificate that they had found upon that question, and in an hour we had here, under the seal of the court, the affirmative finding of the court on the question of loyalty, showing that they do not always set out in their report their finding on that question.

Mr. REED. They ought to do it if we are to act upon their decisions.

Mr. RICHARDSON. I agree with the gentleman that that would be a safer method; but when the question of loyalty is made a jurisdictional one, which the court can not get over, it does not seem to be absolutely necessary that it should be set out in the report, and gentlemen will remember that it is not necessary for the Attorney-General to file that plea. The court considers it filed. It is filed by the statute. The Attorney-General, however, in every case appears and represents the Government of the United States, and the claimant is represented by his attorney. In addition to all the facts in this case which I have stated, I am informed by my colleague from Tennessee [Mr. GLASS] that he knows the claimant in this case, and knows that she was loyal and that the finding of the court is to that effect.

Mr. ALLEN, of Michigan. Do I understand my friend from Tennessee to say that it has been judicially ascertained that the seat of war during 1864 did not include Tennessee?

Mr. RICHARDSON. I say that is the decision of the Court of Claims.

Mr. ALLEN, of Michigan. Well, I shall have to disagree with the court and with the gentleman.

Mr. RICHARDSON. That is what the gentleman from Ohio [Mr. GROSVENOR] has been doing. The gentleman has that right.

Mr. ALLEN, of Michigan. I was down there at that time, and if there was no war there, I know personally that at least there was very earnest playing at war. [Laughter.] I am inclined to think there is a mistake somewhere about this matter of Tennessee not having been at the seat of war. Now, if my friend from Tennessee will allow me another question——

Mr. RICHARDSON. The fact that Confederate troops raided into Tennessee in 1864, or came into occupation of territory there in some hurried way, would not make it the seat of war any more than the occupation of a portion of Ohio by Morgan's cavalry, or of Pennsylvania by General Lee's army, made that the seat of war. There was no permanent occupation of Tennessee by the Confederate troops after 1862.

Mr. ALLEN, of Michigan. If my friend from Tennessee [Mr. RICHARDSON], for whom I have the greatest respect and admiration, for I have known him long enough to ascertain that he is an honest man——

Mr. RICHARDSON. Thank you.

Mr. ALLEN, of Michigan. If my friend will allow me, I think I can suggest a solution of this question, and not only of this, but every such case that shall come after it. Our friends on the other side have decided two things; first, that they will not allow the loyal States to

receive back their share of the direct tax which they have paid, and secondly, that they will not pay their share.

Mr. RICHARDSON. I think the gentleman is doing us injustice in that.

Mr. ALLEN, of Michigan. Well, I am going to fix it up all right. [Laughter.]

Mr. RICHARDSON. If the gentleman will pardon me, I will remind him that we have fixed a time when he can get his bill passed, which he could not do before.

Mr. ALLEN, of Michigan. I make this suggestion: that from this time forward all claims of this sort against the Government shall be held as a set-off against the unpaid direct tax. [Laughter.]

A MEMBER. The direct-tax bill will come up in December.

Mr. ALLEN, of Michigan. Yes, but at that time it will be unnecessary to consider it, because when a new administration and a new House of Representatives come in on the 4th of March next we will fix these things up all right. [Laughter.]

Mr. RICHARDSON. If the gentleman thinks that is good, sound policy, why did his party in 1864 and in 1866 pass these laws allowing the loyal people of Tennessee to make these claims? Why did they not set them off against the direct tax when they had the power?

Mr. ALLEN, of Michigan. I had not the least idea in 1864 that Congress was doing anything of that kind. I was down there in Tennessee attending to business, and I liked the country very much indeed, but if there was not war there, I know, for one, that I do not want to see anything more like war. [Laughter.]

Mr. LANHAM. Mr. Chairman, I do hope that the time of the committee will not be "frittered away" [laughter] by a discussion of the direct-tax bill. Let us go ahead and consider these bills.

Mr. ALLEN, of Michigan. Let me say that the frittering away has not been done by this side of the House.

Mr. RICHARDSON. Mr. Chairman, I will not insist on the amendment. I withdraw it, and ask for a vote.

Mr. THOMAS, of Wisconsin. Mr. Chairman, it appears to me that there has been a misunderstanding of what is known as the Bowman act. I think, sir, it will be found in every case where supplies or stores have been furnished and a claim has been made and referred to the Court of Claims, not only that the law requires the court to determine but that the court has in every instance determined the question of loyalty or disloyalty of the claimant and reported upon that question in its finding. For instance, I hold in my hand the finding of the Court of Claims relating to stores and supplies in a case which is now on the docket and will soon come up, in which the court on preliminary inquiry found from the evidence that the claimant was loyal to the Government of the United States throughout the war. Now, the fourth section of the Bowman act expressly provides that the court, before it shall have jurisdiction, shall, on a preliminary inquiry, find that the person who furnished the supplies or stores, or from whom the same were taken, was loyal to the Government of the United States. The law provides that the court shall so find. Of course, the only way we have of knowing whether they find it is by a statement in their finding. But, sir, this does not apply, as I understand it, to rents of real estate. Section 3 reads as follows:

SEC. 3. The jurisdiction of said court shall not extend to or include any claim against the United States growing out of the destruction or damage to property by the Army or Navy during the war for the suppression of the rebellion, or for the use and occupation of real estate by any part of the military or naval forces of the United States in the operations of said forces during the said war at the seat of war; nor shall the said court have jurisdiction of any claim against the United States which is now barred by virtue of the provisions of any law of the United States.

So that in cases of rent for the use of real estate it is not required that the court shall first inquire into the loyalty of the claimant. Now, this claim has two elements in it: first, it is for rent of a building for seven months at $100 a month; second, for stores and supplies valued at $1,200. The court makes a finding on both branches of the case, but does not find the loyalty of the claimant; it is silent on that subject. The inference—and the only inference which can be made—is that the claimant was disloyal. But this circumstance does not necessarily, under the law, cut out the claim for rent.

There is another provision of the act which says that the finding of the Court of Claims shall not be conclusive, but shall require affirmative action on the part of Congress. Now, as I view the matter, the State of Tennessee was not included within "the seat of war." It has been so decided, I think, by every court which has had that question under consideration. It is, however, competent for Congress to say—and it has always stood, as I understand, upon that ground—that it is not good policy to pay out of the Treasury of the United States for the use or destruction of property of persons who were disloyal. It is not in conflict with the Bowman act to make compensation in such cases, if Congress so chooses; and in regard to the claim of $700 for rent the court was not required to find as to the loyalty of the claimant; but the court having neglected to find that the claimant was loyal, and there being a question in relation to personal property—stores and supplies—which made it necessary for the court to find the fact of loyalty affirmatively, the only conclusion is that the court could not so find, and that the finding in relation to the $700 for rent proceeded upon a finding that the claimant was disloyal. So that the question before Congress, as I look at it, is whether we shall consent to pay a disloyal claimant for the use of real estate in the State of Tennessee?

Mr. GROSVENOR. Or anywhere else.

Mr. THOMAS, of Wisconsin. Or anywhere else. I shall certainly not consent to that; and that is the question in this case.

Mr. RICHARDSON. Do I understand the gentleman to say that the finding of the Court of Claims recognizes a difference between the claim for $700 rent and the claim for personal property?

Mr. THOMAS, of Wisconsin. Certainly.

Mr. RICHARDSON. There is no difference.

Mr. THOMAS, of Wisconsin. I hold there is a difference.

Mr. RICHARDSON. Not a particle.

Mr. THOMAS, of Wisconsin. The third section of the Bowman act does not require a finding as to the fact of loyalty.

Mr. RICHARDSON. The finding of the Court of Claims is the same in both particulars, but I understood the gentleman to argue that the court found favorably on one item and unfavorably on the other.

Mr. THOMAS, of Wisconsin. But so far as the court has found favorably it has simply found the amount, has not recommended payment, and has neglected to make any finding as to the loyalty of the claimant.

Mr. RICHARDSON. The gentleman is proceeding upon the idea that the court recommended payment of one item. The court did not recommend payment of either.

Mr. THOMAS, of Wisconsin. The court found the facts. The law requires that in the case of claims for personal property or stores and supplies the court shall find affirmatively that the claimant was loyal. The court having failed so to find, the fair inference is that the court could not so find, and that the claimant is disloyal. If the gentleman will show me an instance of a claim involving stores and supplies alone in which the Court of Claims has failed to find affirmatively upon the question of the loyalty or disloyalty of the claimant, I will concede that my argument has no foundation. But so far as my research has extended the court in every case where stores and supplies alone were involved has determined affirmatively the question of loyalty.

Mr. RICHARDSON. If I understand the gentleman he states that the court in this case did not find the party loyal, and that therefore it is to be assumed they found that the claimant was disloyal. I say there is no evidence of that.

Mr. THOMAS, of Wisconsin. They report no finding on that point.

Mr. RICHARDSON. The gentleman does not state the matter correctly as I understand it. We have no evidence that the court failed to find the party loyal; they simply have not set it out in the finding.

Mr. THOMAS, of Wisconsin. The law says——

Mr. RICHARDSON. And it is not required that the question of loyalty shall be stated in the report.

Mr. THOMAS, of Wisconsin. I think it is. The statute says that they shall find as to this fact; and how are we to determine that they have so found unless it be set forth in the report?

Mr. RICHARDSON. But what I say is, they can not inquire into the merits of the case at all unless they do so find.

Mr. THOMAS, of Wisconsin. But in all other cases they state this fact.

Mr. RICHARDSON. No; there is just where the gentleman is mistaken. They do not so find.

Mr. SPRINGER. If the gentleman from Wisconsin will allow me, I think that I can explain this point as to why the court did not pass upon this question to the satisfaction of both gentlemen.

Mr. THOMAS, of Wisconsin. I will yield to the gentleman.

Mr. SPRINGER. I have before me the decision of the Court of Claims in a similar case, the case of Heflebower *vs.* The United States, in which the court gives a reason for not finding upon the question of loyalty. They say:

Now, the fourth section of the Bowman act relates to stores and supplies—to personal property; and it requires in such cases proof of loyalty. Furthermore, it declares that loyalty shall be a jurisdictional fact; furthermore, it requires that this jurisdictional fact of loyalty shall be found on a preliminary inquiry; furthermore, it prescribes that if loyalty be not found further proceedings shall be dismissed. And these provisions agree with all previous legislation on that subject, the only difference being that they are more particularly searching and stringent.

But while such has been the invariable legislation of Congress concerning personal property, that provision of the third section which relates exclusively to real property is absolutely silent as to the loyalty of the claimant, and imposes upon the right of action no condition of allegiance whatever.

Mr. THOMAS, of Wisconsin. That is what I say. I agree to that.

Mr. SPRINGER. So the court held that where the claim was for the use of real estate the question of loyalty was not material, and was not required by the act of Congress.

Mr. THOMAS, of Wisconsin. But that it does become material to the House when we come to appropriate the money to pay the claim.

Mr. SPRINGER. I merely cite this to show the reason the Court of Claims assigned for not finding upon the question of loyalty. It is an explanation which will be found on page 235 of this report, in the Heflebower case, as a reason why they did not investigate the question of loyalty. It will be seen that they put it upon the ground that

the third section of the Bowman act, which relates to claims for the use of real estate, and which were barred from consideration by that court where the claim arose and at the seat of war—that in such cases where they did not arise at the seat of war the question of allegiance was not necessary, and the court so state.

Now for myself I beg leave to differ with the Court of Claims upon that question. I think the court is mistaken in its ruling upon that point. But it explains why they did not find upon the question of loyalty in the pending case, and it was for the purpose of explaining the attitude of the court in that respect that I called attention to this extract.

Now as to whether Congress intended to make a distinction between the claims for the use and destruction of personal property and claims for the occupancy of real estate is another question. I am satisfied that Congress never intended to make any such distinction, and that the Bowman act does not contain any ground upon which the court was warranted in making such a distinction. The third section of the Bowman act was introduced, as you will remember, as an amendment to the original bill by the gentleman from Indiana [Mr. HOLMAN]——

Mr. HOLMAN. The third and fourth sections were so introduced.

Mr. SPRINGER. Yes, the third and fourth sections were both introduced as amendments, and it would be quite surprising, I am sure, to the gentleman from Indiana, who is now in his seat, to be informed by the Court of Claims that a provision which he introduced in Congress was one in which in the consideration of a pending claim for the occupancy of real estate the question of loyalty was immaterial, while it was a material feature to be taken into consideration in a claim for personal property. Congress never intended to make such a distinction, and in my judgment, I repeat, the Court of Claims is not warranted in its findings in that regard.

It seems to me, with all due deference to that court, that it is disposed to take jurisdiction of everything that comes before it. I have known of no single case referred to the court where it has disclaimed jurisdiction. It will take all cases that are offered.

Mr. RICHARDSON. Will the gentleman from Illinois permit me to ask him if he speaks advisedly in regard to that matter? Is the gentleman aware of the fact that a large number of cases have gone before the court in which it has not jurisdiction? He says they do not deny their jurisdiction in any case. Now, if he knows that to be a fact, I wish to state to him that in the Fiftieth Congress of over two thousand cases—to be exact two thousand and twenty-five cases—referred by Congress to the Court of Claims, less than 10 per cent. have been taken jurisdiction of by the court and favorable findings made.

If he does not know that fact, then he ought not to presume to pass judgment in ignorance of the fact.

Mr. SPRINGER. I think the gentleman is mistaken in one respect. I have no doubt that in the consideration of these cases upon their merits they have found less than 10 per cent. of them were meritorious.

Mr. GROSVENOR. Does the gentleman know how many Court of Claims decisions have been reversed by the Supreme Court?

Mr. MONTGOMERY. Mr. Chairman, I do not rise to make a speech; but I represent on this floor some constituents who are unfortunately in the same condition as the claimant whose claim is being now discussed—claimants whose claims are being defeated, not by a direct vote, but by the frittering away of the time of the House upon a discussion of a point which, to my knowledge, has been discussed over and over again on every private-claim day we have had since I have been a member of this House.

I represent a class of constituents who are good people, in my judgment, many of whom voted against me when I was elected to Congress, who were loyal men at the time of the civil war in a territory where, as it has been well said by a gentleman on this floor, it cost something to be loyal. I represent some of those people from the State of Kentucky who, like this claimant from Tennessee, are here asking at the end of twenty-five years—as some gentlemen have twitted us by saying—asking at the end of twenty-five years for some compensation on that class of claims which were paid to loyal men on the other side of the river immediately after their property was taken and used for the purpose of carrying on the war.

They were not only loyal then but are loyal now, many of them differing with me in politics. Many of them were then and are still Republicans. Yet, they are my constituents, and I feel interested that justice be done them. And whenever any man, who is as honorable as I believe the gentleman from Tennessee [Mr. GLASS] who represents this claim to be, comes upon this floor and says a constituent whom he represents or claimant whom he knows was loyal, as he has asserted in this case, we ought to be willing to vote for the claim. And I believe the gentlemen who are opposing this on this floor, if they knew the position those people occupied and the losses they suffered during the war, would certainly be willing to vote for a claim like this.

I do not believe that the quality of loyalty ought to be tested by the locality in which the party lived during the war. But if that test is to be applied I think those citizens who lived in Tennessee or Kentucky or in the territory which may be called the theater of war, ought, in respect to loyalty, be classed higher than those who lived where it was perfectly safe to be loyal. But, Mr. Chairman, I desire only to say to gentlemen who are opposing this claim that, while you may not defeat it, you have since this claim was up, by wasting time, defeated a half dozen other claimants who were unquestionably loyal during the war. I feel safe in saying that in the time occupied in the discussion of this bill you have defeated at least five or six other claims which ought to have been passed, especially when the Court of Claims, to which they were referred to ascertain the loyalty of the parties, have, by taking jurisdiction of them and finding the facts, determined that the claimants were loyal. On behalf of these claimants who have lost their property and who have been knocking at the doors of the Departments and of Congress for so many years to get their claims at least considered, I appeal to the House to proceed to vote upon this question without further discussion of the jurisdictional question which has been discussed on every day set apart during this session for the consideration of private claims. Let us determine by a vote whether we consider that these parties, who unfortunately live south of the Ohio River, have any claims which Congress will recognize as just. [Applause.]

Mr. KERR. The question now before the committee is whether it is proper to allow a claim such as this to pass without a finding by the Court of Claims on the question of the loyalty of the claimant? The loyalty of the claimant is not found in this case. In regard to one portion of the case the Court of Claims has found the facts; in regard to another portion of the case it has not found the fact; and the inference was clearly drawn by the gentleman from Wisconsin in regard to the reasons for that. Everything connected with the passage of the Bowman act shows that the object of the provision cited was to prevent an inquiry by the Court of Claims in exactly this kind of case. And yet the court has taken jurisdiction, and has found that Western Tennessee was not the seat of war in 1863 and 1864, when a reference to the facts shows there was no civil government organized in West Tennessee until 1865, except those established by the military authorities. The right of trial by jury did not exist there. The lines of the Union Army were drawn close around the city of Memphis. The picket-guards stood within 200 yards of each other in all that time. And yet the gentleman from Tennessee says that was not the seat of war, and the court so holds. It is an absurdity.

The Bowman act expressly says that if a claim is from the seat of war it shall not be considered by the Court of Claims; and yet in this case it has been considered. And the only ground for assuming that position is because in the President's proclamation excepting a certain portion of the country from the operation of the emancipation proclamation Tennessee was included. It was included because a large portion of East Tennessee was loyal and because they could not draw the exact line against exact localities of the State, and in order that loyal men might not suffer with regard to the particular class of claims growing out of the ownership of negro property the whole State was excluded from the effect of the proclamation for the benefit of those loyal men. The Court of Claims gives that proclamation as a reason why Tennessee should not be properly considered as coming within the exceptions of the Bowman act, and should not be considered the seat of war; an inference which I think is not warranted.

Mr. COBB. Mr. Chairman, I had not thought to enter into this discussion because I am not a very strenuous advocate for the payment of any of these so-called war claims; and I believe I would join very heartily with the gentleman from Ohio [Mr. GROSVENOR] to wipe them all out of existence and hear no more of them in this House hereafter, let them come from what quarter they may. But when we pretend to be proceeding under an act of Congress, it seems to me it is well for us to clearly understand the true purport and meaning of that act and give to it a proper legal construction.

Now, it has been asserted time and again during the course of this discussion that in this particular case the Court of Claims did not find that the claimant was loyal to the Government. I assert the reverse to be true; and I say that, in the very necessity of the case, if we will construe this act as all legislative acts ought to be construed, with reference to the great rules of construction that prevail everywhere, we are compelled to the conclusion that in this identical case now pending before the Committee of the Whole the Court of Claims has decided that the claimant was loyal.

I was astonished to hear one gentleman on the other side say that the fact of the declaration of claimant's loyalty not being contained here in the findings of the court was conclusive evidence of her disloyalty. It is simply with reference to this question of legal construction that I desire to say a word or two. There are certain well-defined, well-understood, clearly established rules of construction that prevail whenever a question like this is presented. Gentlemen say that the Court of Claims is a court of limited jurisdiction, and therefore, unless the finding of loyalty appears in the report made to this House, the conclusion is that such question was not passed upon by the court.

Now, Mr. Chairman, such an assumption violates a fundamental rule of construction, as I shall attempt to show. The Bowman act provides that the claimant shall file in the Court of Claims a petition when the claim goes there originally, and that before the case presented by the petition shall be heard the court shall ascertain, upon preliminary inquiry, whether or not the claimant was loyal.

When is it that this Court of Claims rightfully assumes jurisdiction?

What is the rule in a court of limited jurisdiction—as, for the purpose of the argument, I will concede this court to have been—not proposing to take issue upon that point at present, as it is not necessary so to do—as to the time when jurisdiction can be legally assumed? Mr. Chairman, the court has jurisdiction whenever a proper petition is filed before it. That is the point, so far as we are concerned, where the question of jurisdiction is determined. The act says that, before the court shall assume jurisdiction, the claimant shall file a petition, which petition shall contain certain averments of jurisdictional facts.

Now, under all the authorities, when the proper petition is filed, containing the jurisdictional averments, and the court goes on to decide the question submitted, the presumption is conclusive in favor of the court, nothing to the contrary appearing of record, that it did first ascertain the existence of the jurisdictional facts. This is the law as it has been decided in numerous cases.

Mr. BRUMM. Does the gentlemen mean to say that the court has no right to traverse the averments in the petition?

Mr. COBB. No, sir; I do not say that.

Mr. BRUMM. Then the question of jurisdiction is not finally settled until after the averments in the petition have been traversed and the facts established.

Mr. COBB. If the gentleman will wait a moment he will see my point. I say that whenever a petition contains a proper jurisdictional averment, and afterward the court goes on and acts under that petition, then, if in its record there is nothing said about jurisdiction except in the petition, the conclusion is that the court made preliminary inquiry and found the jurisdictional fact.

Mr. WICKHAM. Is there ever any presumption in favor of the finding of a court of limited jurisdiction?

Mr. COBB. Always; there is never any presumption upon the jurisdictional fact. If the petition is defective in not containing the proper averment, and the court goes on and acts under that petition, and the case comes up here petition and all, and the petition on its face discloses the fact that there is no jurisdictional averment, then it is a case of *coram non judice*, and the whole proceeding is void. But if the petition contains the averment necessary to give jurisdiction and the court acts, you never can raise the question of want of jurisdiction in a collateral attack; you can, possibly, upon a direct appeal.

Mr. WICKHAM. Does the gentleman hold that rule as applying to a court of limited jurisdiction?

Mr. COBB. Yes, sir; I can bring you good authorities on that point.

A MEMBER. Bring one.

Mr. COBB. I will; but I can not at this moment.

Let me illustrate this question by reference to a matter with which I am familiar and which presents a similar question. In the State of Alabama we have what is called a court of probate—a court of general jurisdiction for certain purposes. The Legislature of Alabama has conferred upon that court jurisdiction of other matters than those coming within its general jurisdiction, and with reference to these its jurisdiction is limited.

Now, the law prescribes what shall be necessary in order to give that court jurisdiction upon these special matters; and the supreme court of Alabama has decided in a dozen cases that wherever the petition filed before that court contains the averment prescribed by the law in order to give the court jurisdiction, then, no matter how many errors occur after the filing of the petition, the court will not notice one of them, but will uphold the judgment of the probate court against any collateral attack. It is true that the parties interested may take a direct appeal.

Mr. LAIDLAW. But the question here is as to providing means to pay this judgment.

Mr. COBB. Certainly.

Mr. LAIDLAW. Is that collateral?

Mr. COBB. I think it is collateral in a legal sense.

Mr. LAIDLAW. It does not so strike me.

Mr. COBB. It is true that the Bowman act says that there shall be no final judgment by the Court of Claims; but it prescribes that the court shall find certain facts. Now, certain facts are reported here—not to a court of appellate jurisdiction at all. This is not a court of appellate jurisdiction in any sense, and is not intended so to be. When the case comes here upon the finding of the court, whatever attack is made upon that finding is bound to be collateral, because we are not an appellate tribunal with power to revise, in a legal sense, the finding of the Court of Claims.

Mr. BRUMM. Have we not the power specifically by the terms of the act itself to revise the findings of fact as well as to review the law?

Mr. COBB. I was coming to that point directly; but I will answer the gentleman's question now. The action of the Court of Claims under the Bowman act is purely and simply advisory to this House; there is nothing binding upon us in its action. I concede that and have done so all the way through.

Mr. BRUMM. Then the power of the court is nothing more nor less than that of a master in chancery.

Mr. COBB. It is advisory, I admit.

Now, what was the intention of the Congress of the United States when this Bowman act was passed? Let us look at that for a moment. The Congress of the United States found itself pressed, overwhelmingly pressed, with a large number of claims from various quarters. These had accumulated to such an extent that it was evident Congress could not give them that fair and just consideration which the importance of the question merited. Now, in order to provide a tribunal where a fair, just, and equitable hearing could be had, the act was passed providing that all of these claims might go, under certain conditions, to the Court of Claims; and that the court, provided as it was with all of the machinery of a court of justice, should give them a reasonable hearing under rules to be prescribed by the court itself. And, mark you, this court—the United States being heard and the claimant being heard—was required to judicially determine and ascertain certain facts submitted to it.

What do you suppose was the purpose of Congress in passing that act? Evidently to relieve Congress of this overwhelming mass of private business; evidently with a view and purpose that the decisions of the Court of Claims should be accepted by the House and by Congress as final.

Mr. LAIDLAW. As far as they went.

Mr. COBB. Certainly, as far as they went, unless there were reasons appearing on the face of the record or clearly shown which would make it appear that the courts had not given just and fair consideration. Do you not agree to that?

Mr. LAIDLAW. Yes.

Mr. COBB. Now, is there not some sort of a moral obligation on the part of the House when these proceedings of the Court of Claims are brought before it to accept the findings as having at least some moral weight?

Mr. LAIDLAW. Yes; but the objection here is that there is one vital fact not established.

Mr. COBB. But I make the point that that vital fact to which the gentleman alludes is not necessary to appear in the findings of the court.

Mr. LAIDLAW. Then it is not important in your opinion?

Mr. COBB. It is important, but the presumption is that it has been found by the court.

Mr. LAIDLAW. The act under which these claims are submitted to the court makes that jurisdictional.

Mr. COBB. Yes.

Mr. RICHARDSON. But, as I understand the gentleman from New York, he claims that this must appear affirmatively as a part of the findings of the court. Now, I claim that the court would not take jurisdiction at all if it had not first ascertained that fact. I think it is a preliminary fact.

Mr. LAIDLAW. I think not. I think it should appear in the findings.

Mr. COBB. Mr. Chairman, there are two reasons why it is not necessary that these findings as to the question of loyalty should appear here. I have already alluded to one, but I will go over the same ground again. It is expressly stated in the act itself that this fact of loyalty should be a preliminary inquiry. It is stronger even than the Alabama cases to which I have alluded. The court must first determine the question of jurisdiction by an ascertainment of the fact of loyalty and if such fact is not established the case must be dismissed. So says the Bowman act.

But there is another rule of law which is equally strong, namely, that the presumption is a court of law has acted properly and legally within the meaning of the act establishing it, unless the contrary appears upon the face of its record. If, then, my argument is worth anything, it comes to this point, not that it is immaterial whether the jurisdictional fact is found, because it is highly material, but that in this particular case, and in all cases where the contrary does not appear, the conclusive presumption is the court investigated the facts which, under the act, were preliminary to the taking of jurisdiction in this case, the question of loyalty, and found them to exist. Having found that fact, they proceed to make the inquiry as to the facts on which the claim is based. Having found the facts establishing the claim, the presumption of law is that the court did its duty as to the prior jurisdictional fact.

Now, we find as a presumption of law that the court made a proper preliminary inquiry as to the question of jurisdiction; that it decided in favor of the claimant; and, having so decided, returns its findings of fact for the action of this House. Is it not then binding upon us morally? I claim that it is, because otherwise we repudiate the act by which the court was given this special jurisdiction.

We must accept the findings of that court as worth something, or we must declare that we do not regard them as worth anything in any case. There is no alternative.

But we are continually proceeding under this Bowman act. We do not choose to repudiate it. What have we here? The Court of Claims, acting upon the questions presented to them, and with full judicial authority to ascertain the facts, have returned their findings, and I claim that we are bound to accept, morally bound to accept—not legally—the facts so ascertained. We may repudiate them if we wish; but we are clearly bound to accept those findings of fact, unless, upon the face of the proceedings, something appears to show that the court acted in an erroneous manner.

Mr. STONE, of Kentucky. By order of the House a recess is to be taken at 5 o'clock, and as it is nearly that hour, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. HATCH having taken the chair as Speaker *pro tempore*, Mr. ROGERS reported that the Committee of the Whole House on the Private Calendar, having had under consideration the bill H. R. 9647, had arrived at no conclusion thereon.

H. CORTHS.

Mr. STONE, of Kentucky. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 285) for the relief of the legal representatives of H. Corths, deceased, and put it upon its passage.

I will say that the object of this act is to refer a claim to the Quartermaster-General and have it investigated.

The bill was read, as follows:

Be it enacted, etc., That the claim of the legal representatives of H. Corths, deceased, and late of Ballard County, State of Kentucky, for quartermaster's stores and commissary supplies, alleged to have been taken and used by the United States Army during the late war, from the farm of said Corths, in Ballard County, Kentucky, be referred to the Quartermaster-General, who shall investigate the justice and legality of said claim and report the amount and value of said stores and supplies taken and used by the Army of the United States; and that he report all the facts and evidence for the consideration of Congress.

Mr. GROSVENOR. Unless there is an amendment to the bill providing that there shall be also an ascertainment and report of the fact of loyalty of the claimant, I shall object.

Mr. STONE, of Kentucky. I am perfectly willing, if you insist upon the question of loyalty with regard to a fourteen-year-old girl.

Mr. GROSVENOR. I do not know anything about who the claimants are, but I insist that there shall also be an amendment providing that the Quartermaster-General shall report whether or not the present claimant was loyal during the war.

Mr. STONE, of Kentucky. I have no objection.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. STONE, of Kentucky, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHANGE OF REFERENCE.

On motion of Mr. RICE, by unanimous consent, the Committee on Rivers and Harbors was discharged from the further consideration of the bill introduced January 23, 1888, to authorize a survey to be made for a canal to connect Lake Superior with the St. Croix River, and the same was referred to the Committee on Railways and Canals.

The hour of 5 o'clock having arrived, the Speaker *pro tempore* (Mr. HATCH), under the special order, declared the House in recess until 7.30 p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 7.30 p. m., and was called to order by Mr. RICHARDSON, who directed the reading of the following communication from the Speaker:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., April 13, 1888.

Hon. J. D. RICHARDSON is designated to preside at the session of this evening as Speaker *pro tempore*.

J. G. CARLISLE, *Speaker.*

Hon. JNO. B. CLARK,
Clerk House of Representatives.

ORDER OF BUSINESS.

Mr. MORRILL. I move that the House resolve itself into Committee of the Whole House for the consideration of bills under the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is in Committee of the Whole under the special order for the sessions of Friday evening. The Clerk will report the first bill.

The Clerk read the title of the first pension bill on the Calendar, as follows:

A bill (S. 450) for the relief of Thomas S. Hopkins, late of Company C, Sixteenth Maine Volunteers.

Mr. MORRILL. I ask that that bill be laid over, retaining its place on the Calendar.

There was no objection.

Mr. MORRILL. I make the same request with reference to the next pension bill on the Calendar, the bill (S. 393) for the relief of Frances Anne Pyne Ricketts.

There was no objection.

GEORGE SCHNEIDER.

The next pension bill on the Private Calendar was the bill (H. R. 112) granting a pension to George Schneider, reported by Mr. BLISS from the Committee on Pensions.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George Schneider, late a private in Company G of the Third Regiment of United States Artillery.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 112) for the relief of George Schneider, beg leave to report that this soldier enlisted in Company G of the Third Regiment of United States Artillery on the 21st day of July, 1840, and was discharged from the service on the 21st day of July, 1845, by reason of expiration of term of service.

He alleges that he became afflicted with scurvy in March, 1841, while in the line of his duty as a soldier, and as the result of being compelled to eat unwholesome food. His military record shows that he was sick during the months of March and April, 1841, although the nature of the disease is not specified; but the other evidence in the case, being the testimony of the claimant himself, of Dr. G. H. Fuller, of Buda, Ill., and of neighbors of the claimant, satisfies your committee that this soldier is disabled in a pensionable degree; that the disability resulted from scurvy; that the disease (scurvy) was contracted by him in the line of his duty as a soldier, as alleged in his application for pension now on file in the Pension Office; and we therefore recommend that the bill do pass.

Mr. HENDERSON, of Illinois. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

ABBIE M. HAY.

The next pension bill on the Private Calendar was the bill (S. 172) granting a pension to Abbie M. Hay.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Abbie M. Hay, widow of Thomas H. Hay, late a captain in the United States Army.

The report (by Mr. SPOONER), was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 172) granting a pension to Abbie M. Hay, respectfully report:

They adopt the accompanying Senate report as their own, and recommend the passage of the bill.

"The Committee on Pensions, to whom was referred a bill (S. 172) granting a pension to Abbie M. Hay, have examined the same, and report:

"The soldier, Thomas H. Hay, was mustered into the service of the United States as first lieutenant Company H, Fifty-fourth Regiment New York Volunteers, December 1, 1862, and served until July 2, 1863, when he was wounded in the foot at the battle of Gettysburgh, where he had command of his regiment. It was found necessary to amputate his left leg just below the knee, and he remained in hospital from July, 1863, until May, 1864, when he was honorably discharged from the service on account of physical disability from wounds received in action.

"June 27, 1863, he was appointed a first lieutenant in the Veteran Reserve Corps, and remained in that service until March 31, 1867, at which time he was appointed first lieutenant in the Forty-second United States Infantry, which position he retained until December 3, 1870, when he was placed on the retired-list of the Army by a board of officers, who found him "unfit to discharge the active duties of his office in consequence of the loss of his left leg, resulting from a severe wound of his left ankle-joint received in the battle of Gettysburgh, on the 2d day of July, 1863," It appears that after his leg was amputated he was constantly troubled with severe pain in the knee, which affected his nervous system seriously, producing extreme sleeplessness and prostration. For relief he was obliged to resort to the use of anæsthetics, the improvident use of which resulted in his death December 8, 1881.

"Your committee recommend the passage of the bill."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY MARTIN.

The next pension bill on the Private Calendar was the bill (S. 174) granting a pension to Mary Martin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Martin, widow of Thomas Martin, late a private in Company C, Second Massachusetts Volunteers.

The report (by Mr. SPOONER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 174) granting a pension to Mary Martin, respectfully report:

A similar bill passed the Senate in the Forty-ninth Congress, and was favorably reported in the House, but was not reached for consideration.

Your committee adopt the accompanying Senate report as their own, and recommend the passage of the bill.

"The Committee on Pensions, to whom was referred the bill (S. 174) granting a pension to Mary Martin, have examined the same, and report:

"That Thomas J. Martin was a private in Battery B, First Rhode Island Light Artillery, from the 13th of August, 1861, to the 18th of December, 1861, when he was discharged for disability. He afterwards, on the 21st of August, 1862, enlisted as a private in Company C, Second Massachusetts Volunteers. While on his way to join his regiment it appears from the testimony that on the 31st of August, 1862, in the city of Fall River, Mass., he was accidentally knocked down, run over, and severely injured. He was taken to New York and to the New England rooms for treatment, and remained there a number of weeks. After leaving New York, and while searching on the south side of the Potomac for his regiment, he voluntarily joined Company B, Second Maine Volunteers, and was engaged with that company in an action on the 21st of September, as appears from the following certificate:

"ENCAMPMENT SECOND MAINE VOLUNTEERS,
"*September* 21, 1862.

"This is to certify that the bearer, Thomas J. Martin, who has lately left the hospital, is in search of his regiment, and not straggling about the country. That in the action yesterday in crossing the river he joined my company, picked up a musket, borrowed ammunition from my men, and done his duty like a soldier.

"W. S. MUDGETT,
"*Captain Company B, Second Maine Volunteers.*

"He finally succeeded in joining his regiment in the latter part of September,

1862, but was sent early in the following December to the general hospital at Frederick, Md., for treatment, and he remained continuously in various general hospitals until September 17, 1863, when he was transferred to Company C, Twenty-first Veteran Reserve Corps, by reason of injury to side and swollen limbs. He remained in the Veteran Reserve Corps until June 24, 1864, when he was mustered out.

"There is abundant testimony that Martin was a good soldier, and it appears from the evidence that he was a strong, healthy man prior to the time of enlistment, and from the evidence of neighbors it also appears that he was a continuous sufferer and disabled from working at his trade by reason of his condition, resulting from his injuries, up to the time of his death. The physicians who treated him during this time are dead, and there is no direct medical evidence of the cause of his death, but from a mass of collateral testimony your committee have no doubt that his death resulted from injuries received in the service and in the line of duty. They therefore recommend the passage of the accompanying bill."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY M'GRATH.

The next pension bill on the Private Calendar was the bill (H. R. 404) for the relief of Mary McGrath.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary McGrath, dependent mother of Peter McGrath, deceased, late of Company F, Twenty-seventh Regiment Michigan Volunteers.

The report (by Mr. CHIPMAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 404) for the relief of Mary McGrath, submit the following report:

The claimant is over eighty-four years of age. She is dependent on charity for support. She applied to the Commissioner of Pensions to be put on the pension-rolls as the dependent mother of Peter McGrath, deceased, of Company F, Twenty-seventh Regiment Michigan Volunteers. After many years of effort in support of her application it was finally rejected in 1885, on the ground that "the cause of the soldier's death was not the result of his services, and the claimant was not dependent upon him at his death."

The testimony in support of the claim certainly shows as plainly as a fact can be established that during all the time from 1847, when the McGrath family came to America from Ireland, up to his death he took the sole care of and maintained his mother. There is nothing in the record to contradict this, and every witness is certified, in response to inquiry by the commissioner by persons selected by him, to be veracious and of good character.

As to the origin of the disease of which the soldier died, Captain Baker, of his company and regiment, testifies that he knows he was "sound and healthy from the time of his enlistment to his capture, August 21, 1864."

Matthew Craven testifies that he was captured with the deceased at Weldon Railroad, Virginia; that deceased was healthy at that time, but that he contracted a severe cough, scurvy, and diarrhea in prison, and that affiant nursed him. He further testifies that the deceased never recovered his health, but got worse after he was released.

Patrick Leonard testifies to the deceased's good health before enlistment.

Other witnesses prove his death.

Terence and Susan Kelly testify to his death in St. Mary's Hospital, Detroit, Mich., of scurvy and consumption, and Sister Mary Francis, of that hospital, certifies the character of his malady.

The Adjutant-General's office certifies that the deceased was enlisted for three years; was captured near Petersburgh, Va., August 21, 1864; and was subsequently confined as a prisoner of war at Richmond and Salisbury, and returned to Richmond, and in the month of February, 1865, paroled, when he reported for duty and went into hospital at Annapolis, Md.; the records failing to show the cause, and that the regimental prescription book and hospital register, subsequent to April, 1864, are not on file.

There is no doubt that the cause of this soldier's death was consumption and scurvy; that he had no such diseases when he was taken prisoner; that he incurred them while in prison, and was never free from them until he died.

The claimant is a very old woman; she is a childless widow, and there is no one legally bound to support her.

We recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. D. B. WOODBURY.

The next pension bill on the Private Calendar was the bill (H. R. 5961) to increase the pension now paid to Mrs. D. B. Woodbury.

The bill was read.

The report was read in part.

Mr. CHEADLE (interrupting the reading). I object to the consideration of this bill. I desire to say that I shall demand a constitutional majority on a vote wherever a pension is granted to any one in excess of the amount that is allowed by law.

Mr. MORRILL. I ask that this bill be passed over, retaining its place on the Calendar.

There was no objection, and it was so ordered.

JOHN H. SAYERS.

The next pension bill on the Private Calendar was the bill (H. R. 3180) granting a pension to John H. Sayers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of John H. Sayers, late captain of Company H, Twenty-sixth Regiment of Michigan Volunteer Infantry, and that he be allowed and paid a pension according to his rank, as provided by law.

The report (by Mr. CHIPMAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3180) granting a pension to John H. Sayers, beg leave to report:

That said claimant enlisted in the military service on August 13, 1862, and took on said day the oath of allegiance, etc., in the usual form; that at the time of such enlistment it seems to have been understood by said Sayers that he should have a captaincy in the Twenty-sixth Michigan Infantry, then being raised and recruited; that said Sayers proceeded to recruit his company, and soon after went into camp at Jackson, Mich., that being the place of rendezvous designated by the governor of the State of Michigan, and he was then commissioned as captain of Company H of the Twenty-sixth Michigan Volunteer Infantry by the said governor, and afterwards and on the 25th day of September, 1862, he was duly mustered.

The evidence clearly shows that claimant, while in camp at Jackson, Mich., took a cold which settled in his head, causing neuralgia in the left side of his head, resulting in inflammation of the left eye, for which he received medical treatment, but which did not prevent his being mustered on September 25 as stated; that such disability, instead of decreasing, continued to increase until he was compelled, by reason of his disability, to resign from the service on January 7, 1863. The surgeon's certificate, which accompanied his resignation, and upon which he was honorably discharged, contains the following statement:

"This is to certify that Capt. J. H. Sayers has suffered from inflammation of the left eye and lids for the last two months, much of the time severely, and it is my opinion that in order to effect a cure it will become necessary for him to abandon camp duties for some considerable length of time."

The evidence does not clearly show whether the cold from which the disease sprung was contracted in camp before his muster or afterwards, but that the cold was contracted while in camp at Jackson and the disease manifested itself before the regiment was sent to the front we think there can be no reasonable doubt, and that the disability continued to increase until his discharge and afterwards, the evidence clearly shows, until the claimant, as the board of medical examiners state, has practically lost the sight of his left eye. On March 3, 1884, the claimant filed his application for pension in the Pension Office and established the facts, as your committee think, as given above, but his claim was rejected upon the ground that the Pension Office found, as a question of fact, that claimant had contracted the disability before muster, although after enlistment and while in the camp of rendezvous at Jackson, and held as a matter of law that he was not entitled to a pension.

As a legal proposition the ruling was probably correct; but we think the case one where special relief should be granted by Congress, and as a matter of equity and right we think that when claimant enlisted and was commissioned as captain of his company and went into camp with his company, as stated, if he contracted a disability, he is entitled to relief. He did not leave the service until he was actually compelled to do so by reason of his disability. For the reasons stated we report the bill back to the House and recommend that the same do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

NANCY F. JENNINGS.

The next pension bill on the Private Calendar was the bill (H. R. 5545) granting a pension to Nancy F. Jennings.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to put the name of Nancy F. Jennings, widow of William Jennings, late of Company D, Third Regiment Michigan Cavalry, on the pension-roll, subject to the limitations and provisions of the pension laws.

The bill was reported with the following amendment:

Strike out "D, Third," and insert "F, Thirteenth;" so that it will read "late of Company F, Thirteenth Regiment Michigan Cavalry."

The report (by Mr. CHIPMAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5545) granting a pension to Nancy F. Jennings, having had the same under consideration, beg leave to report as follows:

Nancy F. Jennings is the widow of William Jennings, who served in Company F, Thirteenth Regiment Michigan Volunteers, during the war of the rebellion. He enlisted October 29, 1861, and was discharged in 1862, and came home sick with chronic diarrhea. He died February 17, 1877, of cerebral apoplexy. His widow filed a declaration for a pension September 24, 1878. The claim was rejected on the ground that the soldier's "real disease, apoplexy, was not a result of his military service."

The evidence is overwhelming that he contracted chronic diarrhea in the service and in the line of duty; that he was discharged in 1862 and came home sick from that complaint. Abundant and convincing proof has been submitted that the soldier was in poor health, and that he suffered from the above-mentioned disease almost continually from the time he was discharged the service until he died, and that his physical condition from said complaint was such that he was incapacitated from performing manual labor.

Dr. Barnes, who attended him in his last sickness, testifies that "prior to his death the soldier suffered from chronic diarrhea, and that the apoplexy was probably caused by a sudden arrest of the diarrhea."

His widow is now in indigent circumstances, and the committee believe, from a fair consideration of the above, that her name ought to be placed on the pension-roll.

The committee recommend that the bill be amended by striking out, in line 5, the words "Company D, Third," and inserting in lieu thereof the words "Company F, Thirteenth," and that as thus amended the bill do pass.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ROYAL J. HIAR.

The next business on the Private Calendar was the bill (H. R. 879) granting a pension to Royal J. Hiar.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Royal J. Hiar, late of Company K, First Regiment Michigan Engineers and Mechanics Volunteers.

The report (by Mr. CHIPMAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 879) granting a pension to Royal J. Hiar, having considered the same, beg leave to submit the following report:

Hiar was a member of Company K, First Regiment Michigan Engineers and Mechanics, during the war of the rebellion. In 1876 he filed an application for a pension on the ground of injury to his right leg, received in the line of his duty. His claim was rejected November 22, 1884, on the ground "that there is no record of alleged disease of right side and hip, and claimant having failed to prove incurrence in the service of the United States and line of duty."

Claimant testifies that in March, 1862, he was detailed with others for service at Elizabethtown, Ky. That while repairing the hospital tent there he contracted a severe cold, but continued on duty until ordered to Nashville, Tenn., when he was taken with typhoid pneumonia, and was in the hospital there very sick. That soon after his discharge from the hospital he began to feel a lame-

ness in his right side, resulting from the disease, which has continued and increased until now his right leg is two inches shorter than the other.

Being on detached duty, and separated from his command when he contracted his illness, he is unable to furnish the testimony of but two persons as to origin, namely, Mark D. Mason and John Cahoon, both members of his company, whose affidavits fully corroborate the declaration of the claimant and clearly show the existence in the service of the disability.

The committee recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOSEPH PERRY.

The next business on the Private Calendar was the bill (H. R. 138) granting a pension to Joseph Perry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place the name of Joseph Perry, of Dearborn County, Indiana, late a private in Capt. Joseph H. Burkam's company, Twelfth Regiment of Indiana Militia, on the pension-roll, subject to the limitations of the pension laws, the said Joseph Perry having been disabled while in the line of duty in the military service in the late war.

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 138) granting a pension to Joseph Perry, have had the same under consideration, and now submit the following report:

It appears from the papers making application for pension now on file in the office of the Commissioner of Pensions that Joseph Perry enlisted in Company ——, Twelfth Indiana Militia, under Capt. Albert Kern, Col. Joseph H. Burkham commanding said regiment. The soldier was with his company and regiment, and the said regiment was in active service at South Vernon, being at said place to intercept the rebel John Morgan in his raid through Indiana, in the year 1863, and the said regiment being in line of battle, in the night-time, the said Joseph Perry was trampled down by a militia or independent cavalry company or regiment, and was knocked off the bank of the Muscatatuck River to the foot of the bank, a distance of about 30 feet; broke his leg, dislocated his knee, fractured his skull, and knocked out three of his teeth, leaving him a cripple for life.

It is stated as a fact, and it is undoubtedly true, that this Twelfth Regiment of Indiana Militia was raised and equipped in compliance with orders from the authorities at Indianapolis by telegraphic dispatch, and was disbanded by said authority by same method, and that all of said militiamen were duly sworn into the service of the United States and of the State of Indiana.

Joseph H. Burkham, colonel of said regiment, testifies that the statement of the manner of the wounding of the said Perry as related above is true, as he verily believes. He further says that he was in command as colonel of said Twelfth Regiment of Indiana Militia at the time and place stated, and that he knows that the said Perry was injured as set forth in his said affidavit.

Benjamin P. Huestis says that he was a private of said company and regiment, and was present at the time said Perry was wounded, and knows that he received the injuries as stated.

Appended to the statement of the said Perry as to the manner in which his injuries were received is the following:

"We, the undersigned citizens of Manchester township, certify to the above facts, we being present and in the same company with him, and were detailed to take care of him.

"JOHN ALEXANDER.	GEORGE CLARK.
"OWEN T. HAMLIN.	JOHN COLLIER.
"LAFAYETTE PLUMER.	JESSE H. MENDELL.
"DAVID H. CLARK.	EDWIN JACQUITH.
"T. B. CRIDER.	JOHN E. HUESTIS.
"ALBERT D. JACKSON.	S. T. P. SCHOOLEY."
"R. C. CLASPILL.	

The captain of said company makes affidavit that Joseph Perry was a private in his company, and that while in the service and in line of duty was injured by being knocked down a steep embankment in the night-time by some mounted troops of either the United States Army or in the service of the State of Indiana, but under and subject to the command of the United States commandant of the military forces of Indiana during the Morgan raid, and that he received the following injuries, namely: His right leg broken at the thigh, injury of knee of right leg, and fracture of skull on right side of head, and that said injuries were received at or near a place called South Vernon, in Jennings County, State of Indiana.

Dr. T. M. Kyle certifies as follows:

"I have examined Joseph Perry as to the extent of his injuries received while engaged as a volunteer soldier in the Twelfth Indiana Regiment. Right leg broken above the knee, 2 inches shorter and 'pronated,' causing considerable pain during walking. A depression about three-fourths of an inch in diameter in the right parietal bone, causing at times severe pains in his head."

From a letter on file, written by William H. Dowdell, esq., we make the following extract:

"Col. Joseph H. Burkham informed me that his regiment was ordered into the service at the time and place mentioned by order of General Wilcox, commanding in Indiana, and that General Wilcox was under General Burnside, then commandant of Cincinnati, Ohio. It would seen that at the time of the wounding of Joseph Perry his company and regiment were doing duty under command of General Wilcox, a United States Army officer. The claimant, Joseph Perry, is a poor man, but well esteemed by his neighbors. He is a cripple for life, one leg being about 2 inches shorter than the other, and a depression of the skull, that causes him a great deal of pain and expense in the way of medical treatment, and his ability to gain a livelihood and get on in the world greatly diminished."

The claim for pension was rejected by the Commissioner of Pensions on the ground "that there is no record of such organization as the Twelfth Indiana Volunteer Militia at the War Department."

In the opinion of the committee the evidence abundantly proves that the said Joseph Perry was in the service of the United States and in line of duty when he received the injuries for which he asks a pension, and that said soldier has produced sufficient evidence to prove that the injuries received justly entitle him to be placed upon the pension-roll. The soldier enlisted in obedience to a call for volunteers from a proper authority of the United States Army, to suppress the raid of the rebel general John Morgan, at a time when it was impossible to send regular troops to the scene of action, and the committee can see no good reason why a volunteer soldier, duly sworn into the service of the United States, and enrolled into the State militia, and who, while in the line of duty, received wounds which disable him from pursuing his usual avocation or earning a living by manual labor, should not be placed upon the same footing as the soldier who is recognized by the Government as regularly in the service of the United States.

The committee therefore submit a favorable report, and recommend the passage of the bill.

Mr. HOLMAN. Mr. Chairman, I move that that bill be laid aside to be reported to the House with the recommendation that it do pass.

There was no objection, and it was so ordered.

DAVID M. RENNOE.

The next business on the Private Calendar was a bill (H. R. 6379) to increase the pension of David M. Rennoe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of David M. Rennoe, late private in Company H, Twenty-ninth Regiment Indiana Volunteers, and pay him at the rate of $40 per month, in lieu of the pension now received, and which increase of pension shall be for disability resulting from wounds in left foot, neck, and hand.

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6379) to increase the pension of David M. Rennoe, having considered the same, submit the following report:

This claimant, David M. Rennoe, enlisted as a private in Company H, Twenty-ninth Indiana Volunteers, November 29, 1861, and was honorably discharged March 23, 1863, for gunshot wounds received at the battle of Murfreesborough, Tenn., December 31, 1862.

Claimant was pensioned December 28, 1863, at the rate of $8 per month, for loss of right foot, which was increased from time to time by the Pension Department until he received a pension for total third grade. At the session of the Forty-ninth Congress a special act was passed, June 4, 1886, increasing his pension to $30 per month, because of wounds of left foot, neck, and hand. Subsequent to the passage of the aforesaid act a general act of Congress was passed August 4, 1886, increasing the rate for total disability of right foot to $30 per month. Since the passage of the aforesaid act he continued to receive only $30 per month, or the rate for the disability of right foot, and nothing for the disabilities of left foot, neck, and hand. By the ruling of the Pension Bureau the special act for his relief, passed June 4, 1886, must govern, and therefore the general act of August 4, 1886, which increased the rate on his disability of right foot to $30 per month, is made to repeal the effect of the special act of June 4, 1886, which increased his pension from $24 to $30 per month because of wounds of left foot, neck, and hand, and this bill for an increase of pension is to secure what Congress by special act allowed him for the last-named disabilities, but which has not been permitted by the Pension Bureau since the approval of the general act of August 4, 1886.

The evidence now on file in this case discloses the following facts: Soldier was wounded at the battle of Murfreesborough, Tenn., December 31, 1862, the ball passing through the left foot, just in front of the astragalus and os calcis bones, and through the center of the os calcis of the right foot, fracturing the bone in many pieces. Three months after soldier was discharged from the service on account of said wounds. In discharge it is stated "gunshot wound, fracture of the right and left metatarsi; disability total."

In a short time after the arrival of soldier at home it became necessary to amputate the right foot to save his life. The board of examining surgeons at South Bend, Ind., make the following report upon examination:

"Pensioner's right foot is off about 18 inches above the ankle; left foot shot through below and a little forward of the ankle-joint. We find the foot tender, and he is not capable of walking or being on his left foot much on account of the lameness and soreness it produces; foot looks tender and red. The wounds of neck and hand are not painful, and, he says, do not trouble him. We find his disability as described above to be equal to and entitling him to total third grade for loss of right foot, and one-half total for wound of left foot."

The evidence of the examining surgeons and the citizens of his home clearly establish the fact that the soldier is now receiving a pension only for the amputation of right leg, and nothing on the wounds of the left foot, neck, or hand, and that soldier is unable for the performance of manual labor.

The committee, being unanimously of the opinion that claimant is entitled to the benefit of the general act of August 4, 1886, submit a favorable report, and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELLEN SHEA.

The next business on the Private Calendar was the bill (H. R. 3579) granting a pension to Ellen Shea.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Ellen Shea, mother of Michael Shea, late of Company A, Thirteenth Illinois Volunteers.

The report (by Mr. LANE) was read, as follows:

The accompanying bill (H. R. 3579) was introduced in the Senate in the first session of the Forty-ninth Congress, and the Committee of the Senate on Invalid Pensions made a favorable report thereon, which report your committee adopt as their own, and which report is as follows:

"The claimant filed her application on July 1, 1884, alleging that her son, Michael Shea, had contracted a fever in the Army, which resulted in insanity, and that, having wandered from home, he lost his life by reason of a snow-slide which occurred at Woodstock, Colo., on March 10, 1884.

"Mrs. Ellen Shea is a widow, seventy-six years of age, lives at Chicago, and is in poor circumstances.

"The deceased soldier, Michael Shea, enlisted on January 13, 1862, in Company A, Thirteenth Illinois Volunteers. He is reported sick in 1863, and sick on furlough, but the nature of the ailment does not appear. He returned to the service, and was discharged January 20, 1865.

"The physician who treated Michael Shea during his furlough testifies that he had brain fever; that he returned to the Army, but never after had the right use of his mind, and could not support himself.

"The claim was rejected by the Pension Department on the ground that the soldier's death was not a result of the service; but your committee are of the opinion that the cause of death may reasonably be traced to the insanity contracted in the service, and that therefore this claim for a pension may be properly allowed."

In view of the facts of this case your committee recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ALONZO B. CHATFIELD.

The next business on the Private Calendar was a bill (H. R. 2094) to increase the pension of Alonzo B. Chatfield.

The bill was read, as follows:

Be it enacted, etc., That the pension of Alonzo B. Chatfield, late of Company B, Thirty-third Regiment of Illinois Volunteer Infantry, be rerated and included as equal disability with that class of pensioners which have lost an arm at or above the elbow, and granted the same pension; and said pensioner shall receive the same increase of pension as has been or may be granted to the class in which he is rerated; and the Commissioner of Pensions is authorized hereby to continue said pensioner on the pension-rolls at the rate of said class as they may receive an increase of pension under any subsequent law of Congress.

The report (by Mr. LANE) was read, as follows:

The accompanying bill (H. R. 2094) was reported on favorably by the Forty-ninth Congress by the committee thereof on Invalid Pensions, and the committee now adopt said report as the report of this committee, which reads as follows:

"During the Forty-eighth Congress Alonzo B. Chatfield, the applicant for this increase, was, by special act, rerated and granted an increase of pension equal to the class who had lost an arm at or above the elbow. Said increase was given in consequence of the applicant's arm being amputated so close below the elbow as to practically create a disability equal to the class in which he was placed.

"Now, during the first session of the present Congress there was a further increase given that class of pensioners who had lost an arm at or above the elbow, by act approved August 4, 1886, but the said applicant was denied the benefit thereof, and it is therefore sought by renewing this act to grant him the increase under said act of August 4, 1886, and all benefits from subsequent acts, if any should occur, without further enactment declaring his status.

"It will be observed that by giving the said pensioner the increase from the time of the act of August 4, 1886, it will be applying and continuing the former rerating, and which it was supposed would be perpetual."

In view of the facts above stated the committee are of opinion that the relief asked for should be granted, and therefore report favorably, and ask that this bill do pass, with the amendment.

The committee recommended amendments substituting the word "rated" for the word "rerated," in lines 4 and 5, and striking out all after the words "same pension," in line 7.

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with a recommendation that it do pass.

THOMAS S. HOPKINS.

Mr. REED. Mr. Speaker, I ask unanimous consent to go back to page 37 of the Calendar, and take up the Senate bill (S. 450) for the relief of Thomas S. Hopkins, which was passed over informally earlier in the session.

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That Thomas S. Hopkins, late a private in Company C, Sixteenth Maine Volunteers, now on the pension-roll, be, and he is hereby, exempted by reason of mental incapacity from the limitation prescribed in section 2 of the act of Congress approved March 3, 1879, entitled "An act making appropriations for the payment of the arrears of pensions granted by an act of Congress approved January 25, 1879, and for other purposes," and he shall be entitled to, and there shall be paid to him, the same rate of pension, and the same arrears thereof, as if his application for a pension had been filed with and allowed by the Commissioner of Pensions prior to June 16, 1880.

The report (by Mr. GALLINGER) is as follows:

The Committee on Invalid Pensions, to whom was referred bill (S. 450) for the relief of Thomas S. Hopkins, having examined the same, report as follows:

A bill identical with this passed both Houses of the Forty-ninth Congress and was vetoed by the President. The Senate, with only seven dissenting votes, passed the bill over the veto, but it lacked a few votes of the necessary two-thirds in the House.

The probability is that the executive veto was based upon a misapprehension of the real facts in the case, which was largely due to a want of explicitness in the reports made by the committees of the Forty-ninth Congress, whereby the fact was not clearly shown that, under the general law, insane persons were expressly exempted from the limitation contained in the act of March, 1879. While it is not contended that claimant suffered from actual insanity, it is conclusively shown that he was suffering from disease of the brain and spinal cord in a very severe form, and hence was utterly unable to comply with the provisions of the law.

The Senate has again passed the bill, and as their report is very full and explicit, your committee adopt it as their own, which is as follows:

"[Senate Report No. 141, Fiftieth Congress, first session.]

"The Committee on Pensions, to whom was referred the bill (S. 450) for the relief of Thomas S. Hopkins, having examined the same, make the following report:

"A bill for the relief of this claimant was passed by the last Congress, and was vetoed by the President.

"By some oversight, when the bill was before the Senate at that time, the real ground of the claim was not set forth in the report of the committee, namely, that 'insane persons' and children were expressly exempted from the limitation contained in the act of March 3, 1879. It seems probable that this omission contributed largely towards, if it was not wholly the cause of, the Presidential veto. So clearly did this appear, that the Senate, after a full consideration of the facts, passed the bill notwithstanding the veto, there being but seven dissenting votes.

"The claimant seeks relief from the limitation in the arrears-of-pensions act of March 3, 1879, and the increase of his pension under the act of June 16, 1880, on the grounds—

"1. That from the date of the passage of the first-named act, and long before, down to some months after the limitation took effect (June 30, 1880), he was utterly unable, mentally and physically, by reason of the extreme severity of his illness (disease of the brain and spinal cord), to make any effort towards securing a pension.

"2. That with the very first return of mental strength, and before he could dictate more than the fragment of a brief letter, and before he could write at all himself, he applied for a pension (November 20, 1880), which was promptly granted him.

"3. That the true intent and meaning of the act in question, which exempts 'insane persons and children under sixteen years' from the limitation contained therein, was to exempt all persons who, by reason of mental incapacity, were prevented from taking advantage of its provisions, whether such mental weakness came within the strict technical definition of the term 'insanity' or not.

"4. That the extreme severity of his illness, which of itself ought to entitle him to the highest rate of pension, has in fact been the very means of debarring him from it, and preventing his participation in the benefits of the arrears act.'

"Had a soldier been totally unconscious during that period, or had he been completely paralyzed or beyond seas, he would not have been technically 'insane;' yet all will admit that each of these cases would come within the true spirit and intent of the act, and would call for relief by special acts of Congress.

"It seems so clear that the saving clause in the statute, which exempts 'insane persons' and children from the limitation, was intended to include all persons who were suffering from mental incapacity, that the only question requiring serious consideration appears to be whether or not the applicant, during the period of time involved, was, in fact, absolutely disqualified by reason of the 'disease of the brain and spinal cord,' from which he was suffering, from applying for a pension. With this end in view, the committee have examined the evidence with unusual care. The facts in the case as developed by the evidence are as follows:

"In the summer of 1878 the applicant was suddenly stricken down upon the street with nervous exhaustion (*neurasthenia*) of the severest character. This attack so seriously affected his mental as well as his physical powers as to render him wholly incompetent to attend to even the slightest details of business for more than two years thereafter. With the first return of mental strength, before he could read or write at all himself, and while he could dictate only a fragment of a brief letter at a time, he applied for a pension (November 20, 1880), which was promptly granted him. His attending physicians state that the effort he made in thus applying for a pension while his mind was in such a weak condition 'has seriously retarded his recovery.' (See affidavits of Dr. W. W. Johnston and Dr. H. D. Fry, accompanying claimant's memorial to Congress, dated December 27, 1881, and their joint affidavit of June 7, 1882.)

"The Pension Office diagnosed his case as 'disease of the brain and spinal cord from chronic diarrhea and malarial poisoning.' (Pension certificate No. 189988.)

"But the applicant's pension only dated from the time when his application was actually filed, so that he received no allowance for the two and one-third years during which his mind and body were so weakened by the extreme character of his illness as to prevent him from taking any steps towards securing a pension; and he also lost the increase of pension he would otherwise have been entitled to under the act of June 16, 1880.

"The proof as to the applicant's mental condition, from a date prior to the passage of the arrears act down to some months after the limitation expired, is absolutely conclusive. There is not the shadow of a doubt in regard to it. He has resided in this city ever since his discharge from the Army in 1865. He has been a practicing lawyer in good standing and of undoubted integrity. His case is well known to the court and bar of this District and to a large number of the citizens of Washington. The many peculiar features of the case, and the intensity and obstinate duration of the symptoms, appear to have excited the interest of the medical profession generally. The list of physicians who attended him during the period in question, and who certify to his complete prostration, contains the names of some of the most distinguished members of the profession in Washington, namely, Dr. W. W. Johnston, Dr. H. D. Fry, Dr. S. C. Busey, Dr. A. F. A. King, and Dr. W. V. Marmion. Dr. S. Weir Mitchell, the celebrated nervous specialist of Philadelphia, and other physicians outside of Washington, also testify as to the mental and physical condition of the applicant.

"'He could see or converse with no one but the members of his own family and his physicians, and even that intercourse was of the simplest and most limited character. He could not read or hear read a single line, or put forth the slightest mental effort without producing most distressing symptoms. He was so weak that he could not grasp a pen, lift a book, or feed himself.' (Certificate of Drs. Fry and Johnston, attached to applicant's memorial to Congress, dated December 27, 1881.)

"The effort to read 'for even a short time was impossible. The slightest exertion, whether of a physical or mental character, threw him into a condition of nervous depression and exhaustion.' (Dr. W. V. Marmion.)

"'He was completely bedridden * * * Muscular power almost *nil*. When asked to grasp your hand he could scarcely exert any appreciable force. He was unable to feed himself or make any voluntary effort to attend to his own wants.' (Dr. H. D. Fry's original affidavit.)

"'He was suffering from nervous exhaustion of extreme character, largely due to or connected with anæmia, of dangerous intensity.' (Affidavit of Dr. S. Weir Mitchell, of Philadelphia, who was called to Washington to see the applicant, in consultation with Dr. Johnston, in April, 1877.)

"The following extract from the joint affidavit of two of the Washington physicians, Drs. Johnston and Fry, who attended the applicant all through his illness, will show how clear and unequivocal the evidence is:

"'They have been the regular medical attendants of Thomas S. Hopkins during his long illness.

"'That his disease has been the severest case of nervous exhaustion which has ever come under their observation.

"'That from March 3, 1879, and for many months previous thereto, down to November, 1880, he was absolutely disqualified, both mentally and physically, from attending to the business of applying for a pension, or any other business, by reason of the intensity of his symptoms, and that there were no intervals, however short, during that period when he could have safely undertaken the work.

"'That the effort he made in applying at so early a date has seriously retarded his recovery.

"'That he is still confined to his bed, and requires the constant attendance of some one.

"'So near to death's door did this man lie in May, 1879, that in order to keep him alive it became necessary to give him liquid nourishment by means of rectal injections, administered five times a day; and this was continued for over a year. And he was during this period, or a portion of it, so weak that he could not repeat to himself a brief familiar prayer.' (Affidavit of C. W. Hopkins.)

"But this does not include all the evidence.

"The supreme court of this District, during this period, by a decree in equity, based upon evidence taken, which showed that the applicant, who was trustee under a deed of trust, was in feeble health, 'and totally unable to perform his duties as trustee, or to attend to any other business,' removed him from his office and substituted another trustee in his place. (Equity case No. 6809.) The bill was filed June 2, 1879, and the decree was made in the following September. A certified transcript is on file with the evidence in this case.

"'There was also on file affidavits of notaries public of this District, certifying that in 1879 and in 1880 they called at the applicant's residence, seeking to obtain his signature and acknowledgments to various deeds. These were mere formal acts on his part, but it was of great importance to the parties interested that the signatures and acknowledgments should be obtained. But none of the notaries were allowed even to enter his room because of his critical condition.' (Affidavits of Hon. Simon Wolf and Saml. C. Mills.)

"Prominent citizens of Washington, who were also numbered among his personal friends, testify as to his inability to see any one because of his mental condition. (See affidavits of B. H. Warner, president of National Bank of Columbia; M. Ashford, president Real Estate Title Insurance Company, and Col. George F. Schayer, late deputy recorder of deeds.)

"No man can read the direct and circumstantial evidence in this case and remain in doubt as to the condition of the applicant's mind from the passage of the arrears act until long after the expiration of the limitation contained in it. He was as mentally incompetent during that period as though he had been technically insane.

"Every principle of right and justice demands that he shall be allowed the

same standing before the Pension Office as he would have been entitled to had he, during these years, been competent to avail himself of his legal rights. Nothing more is asked. This bill contains no specific appropriation; it leaves the degree of disability and the periods during which it existed to be determined by the Commissioner of Pensions upon a consideration of all the evidence. The case clearly comes within the spirit, if not within the strict letter, of the act of March 3, 1879, and the claimant should also receive the increase allowed by the act of June 16, 1880, at which date he was laboring under absolute mental disability. This is not a case where Congress is asked to be generous. Justice only is invoked.

"The committee recommend the passage of the accompanying bill."

Believing that this is a thoroughly meritorious claim, and that its allowance will in no way establish a dangerous precedent, your committee report the bill back favorably and recommend its passage.

The CHAIRMAN. If there be no objection, this bill will be laid aside to be reported to the House with the recommendation that it do pass.

Mr. WALKER. I want to vote "no" on that bill.

Upon a vote, the bill was ordered to be laid aside to be reported to the House with the recommendation that it do pass, only one member, Mr. WALKER, voting in the negative.

SARAH E. M'CALEB.

The next business on the Private Calendar was the bill (H. R. 6609) for the relief of Sarah E. McCaleb.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to provisions and limitations of the pension laws, the name of Sarah E. McCaleb, widow of the late Hebert A. McCaleb, of Company I, Eleventh Illinois Infantry.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6609) for the relief of Sarah E. McCaleb, having considered the same, respectfully report:

The record shows that the soldier, Hebert A. McCaleb, enlisted August 20, 1861, and was discharged June 30, 1865, and died April 1, 1878. His wife, Sarah E. McCaleb, applied for pension in 1880, and the same was rejected on the ground that suicide, of which the soldier died, was not a result of wounds in the head nor of his military service.

William W. Laggart, lieutenant of the soldier's company, testifies in the record that the soldier received three gunshot wounds February 15, 1862, at the battle of Fort Donelson, Tennessee; one through his foot, one through his thigh, the other struck on top of his head about 1 inch back of forehead, but did not penetrate through the skull.

Dr. Robert M. McArthur, who knew soldier, testifies that soldier was suffering with insanity at the date of his death, and that insanity might be induced by wound in head; that the soldier after 1862 suffered with attacks of melancholy, which, at the time, the witness did not connect with the wound in the head, but since the soldier's death he is satisfied had more or less to do with his final taking off.

Dr. J. C. Colus testifies that he knew soldier; that he heard soldier complain of injuries in his head on various times; that the injury on soldier's head was plainly visible, there being a depression on the outer table of the skull.

Charles S. Miller and P. W. Stocksleger testify that the soldier was insane at the time of his death, and that the insanity had more or less to do with the wound in the head; and these facts are also sustained by James McManus and P. O. A. Oltann.

Claimant testifies that soldier died March 24, 1878, from suicide, while in a state of melancholy or insane from result of wound in head received in action. The soldier's mother and two brothers testify as to insanity from wound, and no insanity in family.

The testimony as a whole shows that the soldier when he entered the service was in good health and that after he received the wound in his head he was more or less affected with insanity and melancholy, and in a fit of melancholy committed suicide.

It is the most reasonable and certainly the most charitable view of the matter, in the opinion of your committee, that the soldier committed suicide as the result of his wound in the head, and they therefore recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. JEANNIE STONE.

The next business on the Private Calendar was the bill (H. R. 401) granting a pension to Mrs. Jeannie Stone.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Mrs. Jeannie Stone, widow of General Charles P. Stone, a pension of $600 per annum, to take effect from January 24, 1887, the date of General Stone's death.

The report (by Mr. FRENCH) is as follows:

The history of this case as given by Mrs. Stone in her appeal "to the Senate and House of Representatives" is as follows:

"I respectfully appeal to you, the Senate and House of Representatives in Congress assembled, for relief by granting me a pension. I am the widow of General Charles P. Stone, of Massachusetts, and late of the United States Army, and, with his children, am left without means of support.

"General Stone from July 1, 1845, the day he entered the service of the United States as an officer of the Army to the day of his death was a loyal citizen and servant of his country, devoting his labors while in commission to its interests, and often, when necessary, risking his life to protect its honor.

"By efficient service on General Scott's staff in Mexico he secured the everabiding confidence of General Scott, and won honorable mention in brevet commission 'for gallant and meritorious services in the battle of Molino del Rey,' and also 'in the capture of Chapultepec.' He was selected as chief of ordnance on the staff of the commanding general in California in 1851, and was charged at a time of threatening danger with the duty of putting the harbor of San Francisco in a state of defense, which duty was accomplished as far as practicable with the limited means at his disposal.

In the winter of 1860 and 1861 he was in Washington City, attending to important interests as chief of the commission for the survey and exploration of the public lands in the State of Sonora, Mexico. The safety of the capital was seriously threatened by efforts to dissolve the Union. Deeming his duty to his Government as overpowering his personal interests, he at once resigned that important position, and was the first person, during these serious threatenings, to volunteer his services to the Government. Assigned to the command of the District of Columbia Volunteers, he enrolled, organized, and disciplined them, and applied himself most successfully to the security of the capital by protecting the President during the inauguration. These services were appreciated by the Government, which recognized them by appointing him a colonel in the Army and brigadier-general of volunteers.

"During subsequent services in Maryland some of his acts were misconstrued, and other unfortunate acts of some of his command were incorrectly attributed to him. In consequence he was unjustly subjected to harsh and oppressive treatment, which, in connection with other severe treatment in Louisiana amid active and efficient duty, shattered his health and unsettled his mind. While in this mental and bodily condition, intensified by illness contracted during service in unhealthy localities of Louisiana, Illinois, and Virginia, he tendered his resignation under the expectation of an early death, and thereby severed his connection with the Army.

"For a long time he was a sufferer in his intellect, and in connection with the state of the public mind during the war, was prevented entering into commercial or other business, whereby he could lay by anything to maintain his family. Consequently for years he was compelled to accept position offered by the Pasha of Egypt. For the reason that he was thus led to resign from the Army, after having spent his substance and imperiled his life in the service of his country, I now respectfully appeal to you for aid, earnestly trusting the Government he loyally served will not permit his destitute family to be sufferers.

"Very respectfully,

"JEANNIE STONE.

"NEW YORK, *December* 26, 1887."

This petition is numerously signed, and the passage of the bill earnestly recommended by a large number of prominent citizens of Massachusetts, Connecticut, New York, and Pennsylvania, among whom are Abram S. Hewitt, mayor of New York; General H. W. Slocum, General William T. Sherman, General W. B. Frye, Henry Dowd, D. O. Mills, Robert G. Ingersoll, C. F. Tiffany, H. Villard, General Fitz John Porter, and many others.

The Adjutant-General of the Army, at the request of this committee, has furnished the following report of the services of General Stone:

"WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
"*Washington, February* 15, 1888.

"Statement of the military service of Charles P. Stone, late of the United States Army, compiled from the records of this office.

"REGULAR ARMY RECORD.

"He was a cadet at the United States Military Academy from July 1, 1841, to July 1, 1845, when graduated and appointed brevet second lieutenant of ordnance; promoted second lieutenant March 3, 1847; first lieutenant February 26, 1853; resigned, honorably, November 17, 1856.

"Appointed colonel Fourteenth Infantry May 14, 1861; resigned, honorably, September 13, 1864.

"He received the brevets of first lieutenant September 8, 1847, 'for gallant and meritorious conduct in the battle of Molino del Rey, Mexico,' and of captain September 13, 1847, 'for gallant and meritorious conduct in the battle of Chapultepec, Mexico.'

"He was on duty at the United States Military Academy from July 1, 1845, to January 13, 1846; at Watervliet Arsenal, New York, to May, 1846, and at Fort Monroe Arsenal, Virginia, to December, 1846; with siege train *en route* to and in Mexico to June, 1848; participating in the siege of Vera Cruz March 9 to 29, 1847; battle of Contreras, August 19, 1847; Molino del Rey, September 8, 1847; Chapultepec, September 13, 1847; and assault and capture of the City of Mexico, September 13, 14, 1847; in garrison in the City of Mexico, September 14, 1847, to June, 1848; *en route* to and on duty at Watervliet Arsenal, New York, to September 15, 1848; on leave of absence to visit Europe, 'for the purpose of improvement in his profession and the gaining of general information,' to May 13, 1850; on duty at Watervliet Arsenal from June 1 to July 20, 1850, and at Fort Monroe Arsenal to December 10, 1850, under orders of the Secretary of War, attending and embarking men and stores and conducting them to California, via Cape Horn, to August, 1851; in charge of construction and in command of Benicia Arsenal, and chief of ordnance, Division and Department of the Pacific, to January 27, 1856; on leave to November 17, 1856, upon which date he resigned.

"VOLUNTEER RECORD.

"He was appointed colonel and inspector-general, District of Columbia Militia, January 1, 1861, and Brigadier-General United States Volunteers May 17, 1861.

"He was mustered into service January 2, 1861, by special application of the general-in-chief, Lieutenant-General Scott, and was engaged under his orders disciplining the volunteers of the District of Columbia from January 2, 1861, to April 16, 1861, commanding District of Columbia volunteers in charge of all the outposts of Washington, and guarding the railroad between Washington and Annapolis Junction; was also in command of the advanced guard in the passage of the Potomac under 'such admirable arrangements (made by him) that he was enabled to take possession of the Virginia side of the Long Bridge before any alarm was given, thus preventing the rebels from firing it,' and taking of Alexandria, Va., May 24, 1861, which place he commanded for two days, when recalled, and he resumed command of the outposts of Washington, commanding Rockville expedition, and was engaged in the skirmishes of Edwards and Conrad's Ferry in June, and skirmish at Harper's Ferry, July 7, 1861; commanding First Brigade in General Patterson's operations in the Shenandoah Valley, July 8 to 23, 1861; commanding Corps of Observation, Army of the Potomac, from August 10, 1861, to February 9, 1862; was imprisoned at Fort Lafayette, New York, to August 16, 1862, when released (no charges having been preferred against him); awaiting orders to May 3, 1863, when he was ordered to report for duty to the commanding general, Department of the Gulf; he served in that department from May, 1863, to April 17, 1864, participating in the siege of Port Hudson, June and July, 1863, and was senior member of the commission for receiving the surrender of that place, July 8, 1863; was chief of staff to Major-General Banks, commanding Department of the Gulf, from July 25, 1863, to April 17, 1864, participating in the campaign of Bayou Teche, La., in October, 1863, the Red River campaign, March and April, 1864, battle of Sabine Cross-roads, April 8, 1864, and battle of Pleasant Hill, La., April 9, 1864.

"He was honorably mustered out as brigadier-general of volunteers, April 4, 1864. Awaiting orders from April, 1864 (when relieved from duty as brigadier-general of volunteers), to August 21, 1864, commanding First Brigade, Second Division, Fifth Corps, Army of the Potomac, to September 13, 1864, upon which date he resigned.

"R. C. DRUM, *Adjutant-General.*"

In view of all the facts in the case, and the high character of those whose names appear attached to the petition requesting the passage of the bill, the committee are of opinion that the same ought to pass; amended, however, by striking out all after the word "pension," in line 5, and inserting instead the words "subject to the provisions and limitations of the pension laws."

Mr. FORD. Is this the General Stone who was at one time in the employ of the Pasha of Egypt?

Mr. MORRILL. Yes. The bill is for the benefit of the widow of General Stone, who was a distinguished soldier, and I move that it be

laid aside to be reported to the House with the recommendation that it do pass.

An amendment reported from the Committee on Invalid Pensions, striking out all after the word "pension," in line 5 of the bill, and inserting in lieu thereof the words "subject to the provisions and limitations of the pension laws," was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARY SULLIVAN.

The next business on the Private Calendar was the bill (S. 838) granting a pension to Mary Sullivan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Sullivan, widow of Michael Sullivan, late a private in Company K, Ninety-third Regiment Illinois Volunteers.

The report (by Mr. FRENCH) was read, as follows:

The Senate Committee on Pensions have presented a report, based upon the report of the Committee on Invalid Pensions in the Forty-ninth Congress in the case, and as it contains the principal facts in the same, your committee adopts the same as its own, and likewise recommends the passage of the accompanying bill.

"That a careful examination convinces the committee that the House report made to the Forty-ninth Congress on this bill was a proper one, and therefore adopt it. The report is as follows:

"'Michael Sullivan, the husband of this claimant, was on the pension-roll at the time of his death for wounds received in the service.

"'The claim of the widow was rejected in the Pension Office on the ground that her husband died from apoplexy, and not from a disease or disability which originated in the service. The soldier died at the National Home for Disabled Soldiers at Milwaukee, Wis., on the 22d day of August, A. D. 1882, and it is true that the records of the Home show that he died from "apoplexy," and the surgeon of the Home, when called upon for his opinion, says that the apoplexy of which the soldier died was in no way produced by the gunshot wound of the bladder and rectum.

"'But from the evidence in the case it appears that the wound of this soldier was of a very aggravated character, he having been wounded by a gunshot which passed through the bladder and rectum; and from the testimony of a physician who knew him from the date of his discharge from the Army, and who treated him occasionally, it appears that none of his urine passed out of his bladder in the natural way, but passed out at two artificial openings, one just below the scrotum and one in the right thigh. Other physicians also corroborate the statement, and say that not only the urine, but the fæces passed out in the same unnatural way; and such was the condition of the soldier, suffering as he did, that he often required some one to assist in dressing and undressing him. He was for some years at the National Home for Disabled Soldiers at Milwaukee, Wis., where he finally died, and at one time while there was a patient in the Home hospital for seven months, when he was, at his own request, discharged from the Home.

"'And suffering as this soldier did from this aggravated wound, it is not, in the opinion of the committee, certain but that the wound, affecting the soldier in the way and manner it did, may have contributed to the death of the soldier; but however that may be, in view of the long suffering of this soldier, and the nature of his disability, and the constant care and attention of his wife to him, the committee think that his widow should be granted a pension. She well says in a statement found among the papers in the case, that—

"'"Widows that their husbands died or got killed in the war know nothing of the trouble it was to take care of them as I did. When my husband came home in 1865, at the close of the late war, from Camp Butler, near Springfield, Ill., he was as helpless as a child, so I had to feed him with a knife and fork, and had to care for him night and day—that in addition to a family of four small children—so my health has entirely failed, and leaves me dependent on his pension for my living. I have been steadily under the doctor's care for the past year."

"'Your committee therefore report the bill back and recommend its passage.'"

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZA SUMMERS.

The next business on the Private Calendar was a bill (S. 472) granting a pension to Eliza Summers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Eliza Summers, widow of Cornelius Summers, deceased, late a private of Company I, Seventy-first Regiment Missouri Enrolled Militia.

The report (by Mr. WALKER) was read, as follows:

The applicant is the widow of Cornelius Summers, who was a private in the Seventy-first Regiment Enrolled Missouri Militia, Company I. The regiment was not enrolled in the service of the United States, but in that of the State of Missouri. The evidence, both record and parol, shows the husband entered service August 12, 1862, and remained therein until September, 1862, when he was killed in battle by the enemy near Wellington, Mo. The marriage of claimant and deceased is shown conclusively by parol and by the record to have occurred the 28th day of January, 1855.

It is conceded that if the claim had been filed prior to July 14, 1874, or if the husband had been mustered into the service of the United States, the pension must have been granted under existing laws. This regiment of enrolled militia were acting under the orders of the Government at the time of the death. Though not technically in the service, the men were really part of the military forces of the Union, and employed against the public enemy. The claimant is a woman yet a widow, in needy circumstances, with three children at the time of her affliction dependent upon her for support. The widow's application was filed August 11, 1874, about a month too late.

We think this a case for legislative relief. It can make little real difference to the Government in whose service the husband was formally enrolled, where he lost his life in the service of the United States. We think a pension should be allowed at least to his widow.

Passage of the bill is recommended.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

OSCAR F. CARPENTER.

The next bill on the Private Calendar was the bill (S. 930) to grant a pension to Oscar F. Carpenter, Eleventh Independent Battery Ohio Light Artillery.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the restrictions and limitations of the pension laws, the name of Oscar F. Carpenter, late of the Eleventh Independent Battery of Ohio Light Artillery, for a wound of the right leg, accidentally inflicted in camp in December, 1862, by a pistol in the hands of a comrade.

The report (by Mr. WALKER) was read, as follows:

Your committee adopt the report of the Senate committee, which is as follows, and recommend the passage of the bill:

"The applicant was a private in the Eleventh Independent Battery, Ohio Light Artillery. He enlisted September 17, 1861, and was discharged November 5, 1864. On February 24, 1885, he filed an application for a pension, wherein he alleges that in December of 1862 he was sitting in his tent, when he was accidentally shot in the right leg by a pistol in the hands of a comrade. The ball was extracted by the battery surgeon. Of late years the applicant claims the wounded limb has given him much pain and interfered somewhat with his performance of manual labor. The board of examining surgeons gave him a one-fourth rating. His claim was rejected August 1, 1887, on the ground that the alleged pistol-shot wound was not received in the line of duty. The claimant appealed, alleging that a 'soldier is always either in line of duty or out of it. Certainly Carpenter was not out of it when shot. The rejection was affirmed.

"Your committee is of the opinion that an injury sustained by a soldier while in the service not the result of his own gross carelessness should be treated as though such injury was sustained while in the line of duty. We therefore recommend the passage of the bill."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES D. WHALEY.

The next business on the Private Calendar was the bill (S. 753) granting a pension to James D. Whaley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James D. Whaley, of Lawrence County, Missouri, late of Company H, Fourth Regiment Missouri State Militia Cavalry.

The report (by Mr. WALKER) is as follows:

The basis of this claim is an alleged disease of the bladder, stated to have been contracted in the line of duty.

It was rejected February 1, 1881, on the ground that there is no record of said disease, and the claimant's inability to furnish medical testimony showing the existence of the same in the service or at the date of discharge.

These assumptions are true.

And the question is whether upon the other proofs this claim can be sustained.

The claimant deposes that his disease first appeared some time in December, 1864, and that it was caused by long and continuous marching, night and day, and exposure to the weather during the Price raid in Missouri in October, 1864; that he was treated by Dr. Hunt, of Rose Hill, Mo., in 1867, who was called because claimant's water had stopped. Dr. Hunt died about 1869. Claimant has since been using his prescriptions and other remedies.

A. C. Davidson and Samuel Smith depose (August 25, 1879; January 24, 1879) that they have known claimant for twenty years; that when he enlisted he was in good bodily health and free from disease of the bladder.

The claimant states that he did not receive treatment while in the service for the reason that he did not think much of the disease, but that it continued to grow worse until discharge.

He can not, therefore, furnish medical testimony, nor that of any commissioned officer, because, as to the latter, after effort made, he has not been able to find any such officer knowing the facts.

The said Samuel Smith, after deposing as above to claimant's soundness prior to enlistment, states, in the same affidavit, that after claimant's discharge from the service, and on about April 1, 1865, he was complaining and suffering from disease of the bladder; has since such date seen claimant on an average of twelve times a year and worked with him part of the time, and that at no time since claimant's discharge has he been free from such disease, but has suffered therefrom continuously. Claimant is a farmer, and has lost about three-fourths of his time.

The deponent Davidson testifies to the same effect, except that his statements are more explicit.

Pleasant M. Smith, a comrade of claimant, deposes that claimant contracted disease of the bladder in October, 1864, while on the Price raid, in Missouri, by reason of hard marching and riding. This witness states that his knowledge is derived from personal observation, having been present at the time and place stated.

To the same effect is the affidavit of George M. Pruitt, February 5, 1880.

As above stated, this claim was rejected February 1, 1881. Since that date the following additional testimony has been submitted to the Bureau of Pensions, but has not been deemed sufficient to change the adverse decision:

William Rickman deposes, July 6, 1883, that he saw claimant about May 1, 1865; his condition was then very bad; was troubled with disease of the bladder; was under treatment of a physician; was able to be up sometimes, but at other times was confined; was unable to labor; has seen claimant not less than once a year since, and for the last five years as often as once a month; first year after discharge deponent lived in same neighborhood with the claimant; was with him in his efforts to work, and the claimant was unable to perform manual labor to amount to anything.

This statement is corroborated as respects dates and disability by the affidavit of William White, August 10, 1883, who worked on an adjoining farm.

Levi Smith, a comrade, deposes, February 8, 1884, that he was present on the Price raid, and that claimant was on that occasion disabled as claimed.

"When we returned he (claimant) complained of it, and I could see something was wrong, and I know that he is now bodily afflicted. The cause of the disability was hard riding and exposure. He seemed to grow worse and worse. It affected him when he went to urinate, and I have lived near him most of the time since he was discharged. I see he is badly afflicted and is gradually growing worse."

G. M. Pruitt again deposes, December 4, 1885, that he was claimant's bunk and mess-mate in said company and regiment. About six months before discharge he began complaining of misery in the back, low down, and great pain in discharge of urine, late in fall of 1864, after return from Price raid. From that time until discharge, in March, 1865, claimant continued to suffer much in the same manner, more severely at times than at other times. The same symptoms are present now and have been ever since his discharge.

Pleasant Smith again deposes, February 6, 1886, that he was a mess-mate of claimant in said company and regiment when the latter was discharged and

long prior, during which claimant complained of a great deal of pain in the lower part of his back and in making water; commenced complaining along towards the close of the Price raid in 1864. Claimant has been troubled with urinary disease ever since his discharge. Affiant has lived neighbor to him during greater portion of time since, and knows the facts of his own personal knowledge.

The claimant was examined by a board of examiners January 12, 1887, who report the existence of a stricture, extreme sensitiveness at stricture, a mucous discharge after urinating, and at intervals between urinating; great pain on pressure in lumbar region; the urine issues in a thready stream; can not find that claimant has ever had any venereal disease.

There is no contradiction to this body of testimony. The good character of the witness is duly attested.

Your committee are of the opinion that the claim is sustained by the proofs, and they recommend the passage of the bill.

The bill was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

DAVID L. PARTLOW.

The next business on the Private Calendar was the bill (H. R. 8185) granting a pension to David L. Partlow.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-rolls, subject to the provisions and limitations of the pension laws, the name of David L. Partlow, father of David S. Partlow, late of Company A, Fifth Regiment Minnesota Volunteers.

The report (by Mr. MORRILL) is as follows:

It appears from the papers on file in the Pension Office that David S. Partlow enlisted September 16, 1862, in Company A, Fifth Minnesota Volunteers. He died in the service, of disease, August 7, 1863. The soldier's sister went to Fort Snelling in summer of 1863 to help care for the sick, and while there was taken sick and died September 1, 1863. After the daughter was taken sick the mother went to take care of her, and was herself taken ill, and died September 22, 1863. Thus in less than fifty days this old man was deprived of his family. The Pension Office can afford no relief, because at the time of the soldier's death the father was not dependent upon him for support. In later years, by reason of old age, disease, and the loss of his property, he became, and now is, a subject of charity.

Your committee believe that the simple statement of this case is sufficient to secure the passage of a bill for the relief of this old man by a unanimous vote. They therefore recommend the passage of the accompanying bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

DAVID W. SEELY.

The next business on the Private Calendar was the bill (H. R. 5195) granting a pension to David W. Seely.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of David W. Seely on the pension-roll and pay him a pension of —— dollars per month during the period of his natural life.

The report (by Mr. MORRILL) is as follows:

The applicant in this case was a member of Lieut. R. Crandall's company of the Minnesota State Militia, called out to fight the Indians in 1865. In 1866 he filed an application in the Pension Office for pension, which was rejected on the ground that the injury was not received in actual engagement with the Indians.

It seems that while he was in pursuit of the Indians with his company, by the accidental discharge of his gun he was wounded in the left arm, rendering amputation necessary. The facts as herein set forth seem to be fully established. Had the wound been received in an actual engagement with the Indians, claimant would have been entitled to and would have received a pension under the general laws.

Your committee feel that the man was actually engaged in protecting the frontier from the hostile Indians and that the technicality ought to be waived, and therefore recommend the passage of the bill with an amendment, striking out all after "pension-roll" and inserting "subject to provisions and limitations of the pension laws."

The amendment recommended by the committee was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILSON C. MOLES.

The next business on the Private Calendar was the bill (H. R. 3844) granting an increase of pension to Wilson C. Moles.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the amount of pension paid to Wilson C. Moles, late of Company H, First Ohio Heavy Artillery, from $50 per month to the sum of $72 per month, subject to the provisions and limitations of the pension laws, on account of total disability and requiring the constant care of an attendant.

The report (by Mr. MORRILL) is as follows:

The claimant in this case was pensioned for partial paralysis, receiving $8 per month from March 3, 1864, $15 from May 1, 1869, $18 from June 4, 1872, $24 from August 9, 1880, and $50 from May 27, 1885. This is the highest rate that can be allowed in this case by the Pension Office, because the claimant does not come under the provisions of the act of June 16, 1880, not being on the pension-roll at that time for $50 per month.

The files in the Pension Office show that though comparatively a young man, having enlisted in the service when only a little more than sixteen years of age, he is a complete wreck.

The report of the examining board of surgeons at Marysville, Kans., after describing the disabilities, add:

"This man is certainly a pitiable subject, dependent upon the kindness of friends for everything. He requires the regular aid and attendance of another person."

Affidavits filed in the case show that from the effects of the paralysis the soldier has lost all control of his bowels and has to be cared for as an infant would be. His condition is certainly worse than that of a man who has lost the sight of both eyes, or of one who has lost both legs or both arms, and is otherwise in good health. The present pension is inadequate to provide for his comfortable support and to pay for necessary medical attendance. It is not possible for him to live many months, and your committee believe that it is the duty of the Government to make him as comfortable as possible for the short time he can live.

Your committee therefore report favorably and recommend the passage of the bill.

The committee recommended striking out all after the word "laws," in the eighth line.

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARY G. CROCKER.

The next business on the Private Calendar was the bill (H. R. 4579) granting a pension to Mary G. Crocker.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mary G. Crocker, widow of George W. Crocker, late of the Seventy-fifth Regiment New York Volunteers, subject to the provisions and limitations of the pension laws.

The report (by Mr. SAWYER) is as follows:

Mary G. Crocker is the widow of George W. Crocker, late a sergeant of Company A, Seventy-fifth Regiment New York Volunteers.

The papers in the Pension Office show that the soldier received a gunshot wound at Port Hudson, La., May 27, 1863. The examining surgeon, in his certificate describing the soldier's disability, states as follows:

"Musket-ball entered thorax at left superior margin of sternum; passed through right lung; emerged at anterior margin of right axilla, fracturing second rib and injuring pectoral muscle. Fracture of rib ununited; left shoulder atrophied and weak."

The soldier was drawing a pension at time of death, which occurred March 12, 1882.

The widow applied for a pension July 6, 1882, which was rejected on the ground that the disease, typhoid pneumonia, from which he died, was not the result of his military service.

The evidence shows that the soldier received a gunshot wound, the ball passing through the right lung, fracturing a rib, which remained ununited.

Dr. Lester, late surgeon of Fourteenth New York Cavalry, states in his affidavit:

"I saw him (the soldier) while a member of his regiment, in Louisiana, after he received his wound and before, many times.

"He was in good health previous to his injury, and his family were a long-lived race. After he was wounded and came home I frequently saw him, he living near my father's residence. He was emaciated and feeble; could not walk 10 rods without great difficulty of breathing and prostration. I saw him about a year before he died, and he walked up the street with me, and his shortness of breath and difficulty of breathing made it necessary for us to stop to let him get his wind, as he termed it. I believe that the wound he received so impaired his lungs by adhesion and contraction around the track of the bullet that he would be an easy victim to pneumonia, and I further believe that if he had received no injury of that kind he would have been living to-day."

Dr. Coleman, in his affidavit, speaking of the soldier, states:

"For some time previous to the attack of pneumonia which proved fatal he suffered from severe neuralgic pain in the region of the wound. His physical condition was not good, and his constitution so impaired as not to withstand the onset of the disease, as a healthy man would by reason of his ability."

When the case was pending in the Pension Office the case was referred to William M. Goodlove, medical examiner, for his opinion, who, in his report to the chief of the law division, states as follows:

"The condition of this soldier when living, as shown by the different boards of examining surgeons, was such, as shown, that the least exposure, however unavoidable, would reasonably result in pneumonia.

"But the Auburn (N. Y.) board of examining surgeons describe a wound (and its effects) to the chest so susceptible to the attack of pneumonia, that it must in pathology be accepted as a sequence not altogether uncommon, and in my opinion the case should be admitted as medically established."

This report was approved by the medical referee.

The committee can but agree in the opinion of the medical examiner, that it is medically established that the death of soldier was the result of the wound received while in the service of his country, and would therefore recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

FARNAREN BALL.

The next business on the Private Calendar was the bill (H. R. 4580) granting a pension to Farnaren Ball.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Farnaren Ball, mother of Augustus F. Coldecott, late private in Company F, Seventy-fifth Regiment New York Volunteers, war of the rebellion, subject to the provisions and limitations of the pension laws.

The report (by Mr. SAWYER) is as follows:

Farnaren Ball was the mother of Augustus F. Coldecott. The papers in the Pension Office show that the soldier entered the Army October 1, 1861, for three years, and re-enlisted in veteran service January 1, 1864; that while in the service he was taken prisoner, when he was confined about one month and paroled and mustered out in March, 1865. The soldier died June, 1872, leaving Mrs. Ball, his mother. He had never been married. At the time of his death he was drawing a pension for asthma and resulting disease of lungs.

Mrs. Ball applied for a pension in February, 1884, and the same was rejected for the reason that the soldier's death was not the result of his service.

The soldier died from an overdose of opium. The evidence as set forth in the papers on file in the Pension Office is as follows:

Dr. Benjamin Wilson states he knew soldier at time of his enlistment and since to his death. From frequent examinations and conversations learned he was suffering from consumption beyond recovery. Dr. Pasco testifies as to the consumption and its progress.

Emily B. Hendricks, who had known soldier since his childhood: that for a long time before his death he had become enfeebled, debilitated, a great sufferer, and died in her family, where he had lived much of the last three years; that he was in the habit of taking laudanum to relieve his suffering from spasms; that he regulated himself the doses he took; that the night before his death he had one of his distressed turns; that she believes he took laudanum, as usual, and was found insensible in morning and soon died in such condition; his feeble condition would not admit of his usual dose.

Dr. F. M. Pasco testified that he knew the soldier; that he treated him for consumption, and gives it as his opinion that it was a reasonable conclusion

that he may have become temporarily insane from the suffering and distress produced by the disease which he had.

Dr. Wilson testified that he was intimately acquainted with the soldier since before his enlistment; that the soldier had suffered greatly from frequent recurring attacks of asthma, which finally resulted in pulmonary consumption; that by reason of his suffering from pain and frequent attacks of difficult breathing so great as to indicate impending death, he, the soldier, sought relief in the use of laudanum; that the continued use was advised and prescribed by his physician as the only method of treatment possible in his case to relieve his sufferings; that it was imperative for him to take opiates to prolong his life and to relieve the symptoms of a fatal disease. It was the demand of physical relief that caused the fatal dose to be taken. The constant use of opium was advised by his physician with the desire of extending for a few months his life. He had not been accustomed to the use of opium, and after being obliged to use it he could not live without it, until his intensified sufferings compelled him to take a dose which proved too much for him in his enfeebled condition and rapid decline, but which he might have taken with impunity before. I do not believe he intended to commit suicide, but unwittingly, in his extremity, took an overdose.

Dr. J. B. C. Baxter, of the medical staff in the Pension Bureau, says:

"It is not impossible that from the character of his disease soldier contracted the opium habit from the use of this drug prescribed by his physician. It is a question whether he took an overdose by mistake or when temporarily insane. In either case I think the claim should be admitted, unless there is some legal objection. Opium is usually prescribed in such diseases as soldier had, and he could easily contract the opium habit before he was aware of it himself. If he was really insane, it would be safe, in my opinion, to admit it as a result of his disease, directly and indirectly."

The claim was rejected.

The fact that the mother is poor and that the soldier was a kind son, contributing to the mother's support, as far as he was able, is undisputed.

The committee are of the opinion that this is a case entitling the poor mother to the relief granted by this bill, and therefore recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. BETSY WINTERBOTTOM.

The next business on the Private Calendar was the bill (S. 895) for the relief of Mrs. Betsy Winterbottom.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the restrictions and limitations of the pension laws, the name of Mrs. Betsey Winterbottom, widow of John Winterbottom, late of Company A, Twenty-seventh Regiment Wisconsin Volunteers.

The report (by Mr. SAWYER) is as follows:

The Senate Committee on Pensions have made the following report in the case:

"The claimant is the widow of John Winterbottom, late of Company A, Twenty-seventh Wisconsin Volunteers. She claims that he was a strong and healthy man when he went into the service, and that he was wounded, and that his death is referable to his service. The Pension Office rejects, on the ground that his death was due to kidney disease, which existed prior to his enlistment. There is no evidence whatever to sustain this decision.

"The soldier was an engineer, and worked for years prior to his enlistment for an extensive lumber company at Kewaunee, Wis. It was a common thing in Wisconsin, when the war came, for men to abandon their employ and enlist in the service. It was so in this case. Winterbottom and a number of his co-laborers left their work and joined the Twenty-seventh Regiment. About a dozen of these men testify that they had intimate acquaintance with the soldier from two to five years before he enlisted. They worked with him, and know that he was an unusually strong and healthy man—never sick, never absent from his work. At least a dozen of his companions set forth this fact in affidavits, and the evidence is strong and should be satisfactory to show that he was sound when he enlisted. The Government not only accepted him, but was glad to get him, and certified to his soundness.

"His certificate of discharge is signed by the surgeon of the regiment, who says he has 'gravel, occurring upon slight exposure. The disease followed an injury received twenty years ago.'

"This statement is improbable on its face. It is not corroborated by any proof or pretense of proof. It is contradicted. It is contradicted by a round dozen of good, honest witnesses. It is inconsistent with any theory that is applicable in the case. He died after years of suffering that those who witnessed it say is indescribable, and he was obliged to endure it without any sympathy or aid from the country he had defended, and which was his only by adoption.

"His aged and helpless wife in asking recognition is told that her husband, upon whose strength and protection she could confidently depend before his enlistment, and who was never once able to raise a hand to help her after his discharge, was unsound before he volunteered.

"The bill is reported favorably, with a recommendation that it do pass."

The records of the War Department show that this soldier enlisted August 20, 1862, and that he was present with his command until August 21, 1863. Even were it true that he received an injury, as alleged, twenty years prior to his enlistment, it is self-evident that it did not develop into a disability sufficient to disqualify him for the duties of a soldier until he had undergone the hardships of an active campaign.

Having been accepted as sound, and subjected to exposure and hardship liable to cause permanent injury, your committee feel inclined to accept the evidence filed in support of prior soundness as sufficient to overcome the record heretofore referred to, and return the accompanying bill with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CHRISTOPHER WISEMILLER.

The next business on the Private Calendar was the bill (S. 819) granting a pension to Christopher Wisemiller.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Christopher Wisemiller, late private Company B, Third Regiment Wisconsin Cavalry Volunteers.

The report (by Mr. SAWYER) is as follows:

The Senate Committee on Pensions have made the following report:

"The claimant was a private in Company B, Third Regiment Wisconsin Cavalry. He enlisted December 27, 1861, and was mustered out July 29, 1865. He claims a pension for disease of the lungs contracted on board a steamer while exposed to a severe rain-storm in the spring of 1865.

"The report of the Surgeon-General shows that he was sick in different hospitals at different times during the last year of his service, and that he was discharged by order of the War Department July 29 of that year.

"Dr. R. H. Robinson, of Winneconne, Wis., testifies that he was called to treat the claimant in the fall of 1865, who was afflicted with lung disease and intermittent fever, which had afflicted him since his discharge; that after consulting with other neighboring physicians he treated him accordingly, and had him under his treatment until he removed from that place. He has been his family physician since the fall of 1865; that his case is rather a hopeless one, and he has no hope of his recovery. The Pension Office rating of this affiant is "creditably good." It is in order here to state that the claim was rejected by the Pension Office on the ground that the alleged disease of the lungs was the result of an attack of pneumonia had subsequent to his discharge, and was not due to his military service.

"It will be observed that he claims to have taken a severe cold by exposure on a steamer's deck in the spring of 1865; that he was mustered out or discharged in July, 1865, on account of disability; that in the fall of 1865 the doctor above named was called to treat him for lung disease. Added to this, it must be borne in mind that for months before he was discharged he was, as the Surgeon-General's report shows, sick in different hospitals; was sick in hospital when he was discharged. These facts show a very close connection between the disability and the service.

"There is testimony from physicians and other respectable sources to show that from his discharge down to the time of his application he has had continuous treatment for lung disease.

"E. F. Dunham, of Oshkosh, testifies that he was a very large, strong, robust man before he went into the service, and adds:

"'I have heard him and others talk that his health was broken down in the Army; that he was never as strong and able after he came out as he was before.'

"It is very clear from the testimony, which the committee has carefully examined, that this claimant has been a continuous sufferer from pulmonary disease contracted in the service, with intervals of relief, until he has become incapable of manual labor. He was a man accustomed to hard work, and he was faithful to his habit of industry when it was possible for him to engage in outdoor employment which was favorable to his condition. The fact that he tried to work, and was able at intervals to do something, is made a ground for rejection by the special examiner, who makes a very voluminous report, but which does not change the fact established by reliable testimony, that he contracted the disease in the service, and that its continuance has disqualified him for manual labor.

"The bill is reported favorably, with the recommendation that it do pass."

Your committee have carefully examined the evidence in the case, in particular the report of the special examiner.

The latter contains, among others, the depositions of Lieutenants Reed and Sharp, and Dr. Jaunce, claimant's comrade and neighbors Steiner and Rich, from which it appears that claimant's lungs became diseased as early as July, 1864; that he was treated therefor while in service, and that on the way home he could only speak in a whisper. These witnesses are shown by the special examiner as men of the highest character.

The attack of pneumonia shortly after discharge should, in the opinion of this committee, in no way prejudice the claimant's right to pension.

Believing the claim to be meritorious, we return the accompanying bill, and recommend that it do pass, amended, however, by striking out the word "Christopher" in the title and also in line 3, and inserting therein instead the word "Christian."

Mr. MORRILL. Mr. Chairman, this is a lengthy report, and I would like that it be printed in the RECORD without being read.

Mr. SHAW. I would like to ask the gentleman what is the object of that? This report has been already printed, and is accessible to any member who chooses to read it.

Mr. MORRILL. The report has been printed, but only in pamphlet form.

Mr. SHAW. But I ask why it is now requested to have it again printed in the RECORD.

Mr. MORRILL. So that the RECORD may show the basis of our action here in passing bills. Some objection has been made because the reports have not been printed in all these cases.

There being no objection, the reading of the report was dispensed with, and it was printed as above.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. LEPHA A. OSBORN.

Mr. WICKHAM. I ask consent to take from the Calendar the bill (H. R. 5966) granting a pension to Mrs. Lepha A. Osborn and put it upon its passage.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mrs. Lepha A. Osborn, widow of Henry A. Osborn, late corporal Company C, One hundred and eleventh Regiment Pennsylvania Volunteers, on the pension-roll, subject to the limitations and provisions of the general pension laws.

Mr. CHIPMAN. Is that on the Calendar?

Mr. WICKHAM. It is.

Mr. MORRILL. Is this a request for unanimous consent that the bill be taken up out of its order?

The CHAIRMAN. It is.

Mr. MORRILL. Then I give notice that I shall object for the present to any other unanimous consents. In this case I shall not make objection.

The CHAIRMAN. The report will be read.

The report (by Mr. THOMPSON, of Ohio) was read, as follows:

Lepha A. Osborn is the widow of Henry A. Osborn, who enlisted in Company C, One hundred and eleventh Regiment Pennsylvania Volunteers, on the 25th day of October, 1861, and was discharged from said service on November 7, 1862, on surgeon's certificate of disability on account of chronic diarrhea of six months' duration. He again enlisted in Company E, One hundred and twenty-eighth Regiment Ohio Volunteers, on the 18th day of December, 1863; was transferred to Company B, One hundred and twenty-eighth Ohio Volunteers, on March 31, 1865, and was discharged from the service at Camp Chase, Ohio, on July 13, 1865.

He died of consumption or hemorrhage of the lungs on the 26th day of July, 1869.

The soldier applied for a pension during his life-time on account of chronic diarrhea and heart disease.

His widow filed a claim for pension on May 13, 1875, alleging that his death was due to disease contracted during his military service.

Both claims have undergone a thorough special examination by a special examiner of the Pension Bureau. The special examiner, Mr. F. E. Brownell, submitted his report to the Commissioner of Pensions on September 29, 1884.

In this report he says:

* * * "From all the facts and the testimony in the case, giving the claimant (widow) the benefit of all doubts, I am of the opinion that the claims should be admitted."

On September 15, 1885, the soldier's claim, No. 4105, was allowed by the Commissioner of Pensions on account of chronic diarrhea at $8 per month from the date of his discharge from Company C, One hundred and eleventh Regiment Pennsylvania Volunteers, deducting his subsequent service to the date of his death, on July 26, 1869.

So much of the claim as relates to heart disease was rejected on the ground that said disease was not shown to have originated during his military service.

The widow's claim, No. 209301, was rejected "on the ground that the disease of lungs, which caused soldier's death, was not a result of chronic diarrhea which was contracted in the United States service, or otherwise chargeable to said service, but had its origin in the typhoid-pneumonia that soldier had in the winter of 1866-'67 or spring of 1867."

It appears from the evidence of comrades obtained during the special examination of this claim that the soldier suffered almost continuously during his service in the One hundred and twenty-eighth Regiment Ohio Volunteers with chronic diarrhea; that he had a "bad, hacking cough while in said service, and at times would expectorate blood."

It also appears from the evidence of neighbors that while at home on furlough from the One hundred and twenty-eighth Regiment Ohio Volunteers he was suffering with chronic diarrhea and lung disease, and had a bad, hacking cough.

It also appears from the evidence of doctors and neighbors that when the soldier returned from the Army in the year 1865 he was greatly emaciated and debilitated, suffering from chronic diarrhea and had a hacking cough; that he never recovered from these complaints, but, on the contrary, they continued to affect him and disable him, until his constitution was completely shattered.

It also appears from the evidence that the soldier did have an attack of "lung trouble," or typhoid pneumonia, in the year 1866 or 1867, but your committee are of the opinion that his condition at that time, in consequence of chronic diarrhea and lung disease, was such that his constitution was unable to resist the attack.

Dr. A. A. Cross, who treated the soldier immediately on his return home from the Army, states in his affidavit:

"Was called to treat the soldier immediately on his return home from the Army, the date of which he does not recollect: that he found him suffering from chronic diarrhea of an obstinate character. His blood was in a very low condition, with lungs strongly sympathizing with the disease in the stomach and alimentary canal, the lung trouble finally culminating in a severe cough of a spasmodic character, the blood being in a low condition, composed in a large proportion of serum and lacking red globules. The excitement in lungs during the spasmodic cough determined the blood to the lungs and brought on hæmoptesis, or hemorrhage of lungs.

"These conditions often recurring so prostrated the system that nature could not sustain itself nor even the best medical aid overcome the debility. Thus prostrated, ere long the vital spark had fled, and in all probability the exciting cause was chronic diarrhea contracted in the Army."

The committee, after considering all the evidence in the case are, of the opinion that it is a very just and meritorious case, and recommend the passage of the bill with the following amendment: After the word "volunteers," in line 7, insert "and of Company E, One hundred and twenty-eighth Ohio Infantry Volunteers."

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ROSANNA ROBEY.

The next business on the Private Calendar was the bill (H. R. 4491) granting a pension to Rosanna Robey.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Rosanna Robey, widow of Phineas S. Robey, deceased, late of Company L, Third Wisconsin Cavalry Volunteers.

The report (by Mr. THOMPSON, of California) was read, as follows:

Rosanna Robey is the widow of Phineas S. Robey, who served as private (unassigned) in the Third Regiment Wisconsin Cavalry, and died July 30, 1875. The soldier while in service received serious injuries while breaking in horses, for which he was pensioned. His disabilities for which he was pensioned are described as follows by the examining surgeon: "Left testicle disorganized and absorbed. The right testicle is hypertrophied and painful. Is obliged to wear a suspensory bandage night and day. The left knee was fractured. Has shortening of about an inch of left leg. Suffers constantly with chronic synovitis."

The widow's claim was rejected by the Pension Office on the ground that the soldier's fatal disease, typhoid fever, was not chargeable to his army service. This action was based upon the testimony of Dr. W. A. Hughson, who was called in the case but a short time before the soldier's death. He states that the disease at time of death was typhoid fever, which proved fatal from the utter lack of reactionary power in his system. In so far as his nervous power was concerned he was entirely paralyzed, it being utterly impossible to arouse any action, even with artificial aid. Knee of left limb deformed, the result of a violent bruise. Both testicles injured, especially the left. In the scrotum an abnormal excrescent growth necessitated the use of suspending apparatus. The brain and spinal cord were also so far injured that an impairment of intellect and a degree of general paralysis resulted. The type of the fever in the beginning was mild and should in an ordinary case have resulted in no evil, but was rendered fatal by the previous condition of the patient.

It is also shown that for some time before the fatal attack soldier became so entirely disabled, by reason of the injuries received in service, that he required the regular aid and attendance of another person.

While it may be true that the immediate cause of the soldier's death was typhoid fever, yet the wretched condition of the soldier, due to his military service, must necessarily have entered so largely into the fatal result, that it should not be ignored in the consideration of the widow's title to pension. He could have survived but a short time had not his already pitiable condition been complicated with this acute disease.

Believing that the relief asked for should be granted, your committee report favorably on accompanying bill and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CATHARINE BLACK.

The next business on the Private Calendar was the bill (H. R. 3554) granting a pension to Catharine Black.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Catharine Black, widow of Patrick W. Black, deceased, late a first lieutenant in Company F, Ninth Massachusetts Volunteers, also captain of Company B, Twenty-eighth Massachusetts Volunteers.

The report (by Mr. THOMPSON, of California) was read, as follows:

Claimant is the widow of Patrick W. Black, who died of disease of lungs November 7, 1881. The soldier entered the service as commissary-sergeant of the Ninth Regiment Massachusetts Volunteers June, 1861; was promoted to second lieutenant of Company B, same regiment, August 26, 1861; to captain, same company, October 20, 1862, and honorably discharged July 28, 1863. He again entered the service as private in Company I, Twenty-eighth Massachusetts Volunteers, March 29, 1864, and was promoted to second lieutenant April 10, 1864; to first lieutenant June 5, 1864, and to captain November 22, 1864; was finally mustered out July 22, 1865. For conspicuous gallantry in the engagement near Boydton Plank road, for efficient services on all subsequent occasions, and for particularly meritorious services during the campaign terminating with the surrender of Lee's army he was brevetted major by the President. He was a pensioner on account of gunshot wound of right hand.

The widow's claim has been rejected because, in the opinion of the Pension Office, the evidence is insufficient to connect the death cause with the service.

The evidence in the case shows beyond a doubt that after the officer's return from a four-months' confinement in a Southern prison, in 1862, he suffered from diarrhea and dyspepsia, and continued to suffer therefrom during the remainder of his service. It is also shown that in July, 1864, he received a contused wound in the region of the left kidney, on account of which he was granted leave of absence. From the testimony of fellow officers it appears that Captain Black was frequently under medical treatment by the regimental surgeon for malarial troubles, chronic diarrhea, and dyspepsia, and that he frequently became prostrated from the combined effects of these diseases during the campaigns of 1862 and 1863.

The physical condition of this officer, from date of discharge until 1871, is shown by lay testimony only, as the attending physician during that period is dead.

Dr. Wiley comes in the case in 1871. He testifies that he became the officer's family physician in that year, and continued to be such until his death, in 1881. Captain Black's health during that period was very poor. He suffered from chronic diarrhea, aggravated dyspepsia, and cough. This terminated in phthisis pulmonalis, of which he died.

The long and faithful services of Captain Black, together with the acknowledged incurrence of diseases in the Army, and the well-established connection between the same and the cause of his death, afford ample ground to your committee for the favorable consideration of the claim of his widow, who is without means and dependent upon her own effort for the support of herself and two minor children, and therefore return the accompanying bill with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HENRY H. STUTSMAN.

The next business on the Private Calendar was the bill (H. R. 680) granting a pension to Henry H. Stutsman.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henry H. Stutsman, late of Company F, Thirteenth Regiment Iowa Volunteers.

The report (by Mr. THOMPSON, of California) was read, as follows:

Stutsman enlisted in Company F, Thirteenth Iowa Volunteers, October 21, 1861, and was discharged June 11, 1862, for disability. He applied for pension May 2, 1878, on account of injury, or, as he terms it, rupture of left side. The claim has been rejected by the Pension Office because of the insufficiency of the evidence to show origin in the service.

Claimant alleges that while stationed at Jefferson City, Mo., about February 10, 1862, he was ruptured in left side while helping a sick man, who fainted and fell upon him.

In corroboration of this allegation there has been filed the following testimony:

Dr. Sylvester G. Matsen, of Anamosa, Iowa, testifies, in 1878, that he has been a practicing physician for forty-five years; has known the soldier from childhood, and was his father's family physician for many years. Considered soldier sound at enlistment; if otherwise, would have known it.

Dr. E. H. Lockwood testifies that he was intimately acquainted with the claimant for fifteen years prior to his enlistment were together most of the time, and knows that he was physically sound when he entered the Army.

Comrade Oliver Brundidge testifies that claimant was taking care of one of the sick, and while helping him to the door the man fainted and fell with claimant, the latter striking his left side upon a stick that was driven in the ground. Complained of his side and was shortly thereafter sent home on furlough. The record of the War Department does show that claimant was sent home on furlough February 10, 1862, to return March 12, 1862.

Neighbors testify that upon his return home on furlough claimant was suffering from an injury to left side, and came under treatment of Dr. Stone, now deceased.

Although the record shows that claimant was discharged on account of disability, there is no certificate of disability on file, and is, therefore, without fault on his part, deprived of what corroborative record evidence there should be available.

Medical examination shows a well-defined tumor about 3 inches in diameter, immediately above the anterior portion of crest of left ilium, which disappears when assuming a recumbent position, but reappears when erect. It is probably due to rupture of the abdominal muscles.

The witnesses in the case are shown to be competent and credible. There is nothing in the whole history of the case in any way inconsistent with claimant's allegations, and while the evidence may not be conclusive enough to warrant favorable action under the rules of the Pension Office, yet your committee believe that the claim is meritorious, and therefore report favorably on the accompanying bill and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HELEN M. RANDOLPH.

The next business on the Private Calendar was the bill (S. 1354) granting a pension to Helen Randolph.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Helen M. Randolph, widow of John Randolph, late of Company I, Thirty-fourth Regiment New York Volunteers, and of Company G, One hundred and eighty-ninth Regiment New York Volunteers.

The report (by Mr. THOMPSON, of California) was read, as follows:

The Senate Committee on Pensions have made the following report in the case:

"The claimant, Helen M. Randolph, is the widow of John S. Randolph, who enlisted June 15, 1861, in Company I, Thirty-fourth New York Volunteers, and served until June 30, 1863, and re-enlisted August 27, 1864, in Company G, One hundred and eighty-ninth New York Volunteers, serving until May 30, 1865. The soldier was allowed a pension of $4 a month for chronic diarrhea, and died January 3, 1883. The claim of Helen M. Randolph, as his widow, was rejected by the Pension Office on the ground that the cause of death (typhoid pneumonia) was not a result of his service.

"The official records of the War Department show that the soldier was admitted for hospital treatment November 23, 1862, on account of 'debility' and 'chronic diarrhea,' and continued in hospital until March 24, 1863.

"Edwin A. Draper, first lieutenant of the company to which Randolph was assigned at his second enlistment, testifies that Randolph, whom he knew well, about the 12th of December, 1864, at the time of the raid on the Weldon Railroad, took a severe cold, caused by wet and exposure and marching through water and sleet for several days, which settled on his lungs and induced a severe cough and soreness of the lungs. This condition became chronic and disabled him for duty a considerable portion of the time.

"Dr. S. R. Abram testifies that he knew Randolph from boyhood; that he was rosy-cheeked and healthy at enlistment, but that at his discharge he was thin and haggard and suffering from lung disease, and that whenever he talked with the soldier about his ill health Randolph always attributed it to the service. This evidence is corroborated by several other witnesses.

"Dr. Rogers, who attended Randolph during his last illness, says he thinks that the chronic diarrhea seriously complicated the case and contributed toward the fatal result.

"The soldier, until his death, was a respected preacher of the gospel, and he leaves a wife and six children. He enlisted early in the war, and served most of the time until the close, and was a good soldier. It is but a reasonable conclusion from the evidence that he died of disease contracted in that service."

It may be proper to add to the foregoing report that there is on file, in addition to the testimony therein set forth, the testimony of comrades and neighbors showing beyond any doubt that soldier's lungs became diseased in the service and that he was a constant sufferer therefrom until the fatal attack of pneumonia. The exact physical condition of the soldier prior thereto is not satisfactorily shown by medical evidence, as he was not examined by the Pension Office surgeons. The rate of pension for chronic diarrhea in the absence of such examination was necessarily an arbitrary one, as it must be under those circumstances.

Accepting the fact that the soldier was, in addition to chronic diarrhea, affected with disease of lungs of nearly twenty years' standing, your committee can readily see the connection between the fatal disease and the diseases originating in the service, and therefore report favorably in the case, and ask that the accompanying bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES COEY.

The next pension bill on the Private Calendar was the bill (S. 1413) to increase the pension of James Coey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized to increase the pension of James Coey, late major of the One hundred and forty-seventh Regiment of New York Volunteers, and pay him at the rate of $60 per month in lieu of the pension now paid to him.

The committee reported the bill with an amendment, striking out "$60" and inserting "$45."

The report (by Mr. THOMPSON, of Californi..) was read in part, and is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1413) to increase the pension of James Coey, have had the same under consideration, and beg leave to submit the following report:

The report of the Senate committee is as follows:

"The military record of James Coey shows that he enlisted August 21, 1862, in Company E, One hundred and forty-seventh Regiment, New York Volunteers; was commissioned first lieutenant October 4, 1862; captain, February 24, 1863; major, October 28, 1864; lieutenant-colonel, November 15, 1864, but not mustered, the regiment being below minimum; lieutenant-colonel by brevet, March 13, 1865, 'for conspicuous gallantry in the battles of the Wilderness and at Laurel Hill, Va.;' colonel by brevet April 9, 1865, 'for gallant and meritorious services during the war and in the recent campaigns terminating with the surrender of the insurgent army under General Robert E. Lee.' He was severely wounded in the leg at Laurel Hill, Va., and at Hatcher's Run, Va.; on February 6, 1865, he was terribly wounded in the head. It was on account of the last wound that he was pensioned from June 7, 1865, at $25 per month, which was increased to $30 per month from August, 1886, the increase being for the original disability and resulting diseases—total deafness of right ear, facial paralysis, and loss of sense of smell.

"The bill under consideration provides for an increase of pension to $60 per month. The claimant's disability, in substance corresponding with the technical medical description, is: gunshot wound through the head, the ball entering below the left eye near the nose, and passing out through the right side of the head, under the right ear. Subsequently a small piece of the ball passed out of the right ear. He has lost the use of hearing in the right ear entirely, and is suffering, and has been for the last four years, from a discharge from the right ear. Further, that he is suffering from paralysis of the entire right side of the face; the eyelid of right eye is completely paralyzed, and does not perform its usual function of protection to the eye, and thus the sight of the right eye is much impaired and is constantly growing weaker, and the sense of smell is entirely lost. Memory is also impaired, and capacity for mental labor.

"There is no question about the extent of disability as above stated; nor that it is permanent, and of a character that will increase with years; nor that the complication of troubles now affecting claimant is directly resultant from his wounds received in service.

"Your committee deem the case so plain and meritorious that they recommend the passage of the bill."

The pension now received by this officer, though all to which he is entitled under the general pension laws, is entirely inadequate with the degree of disability from the combined effect of the severe wounds received on the field of battle, and relief should be granted him by Congress. The amount of increase proposed in the bill is, however, above that granted in similar cases, and following a well-established rule of this committee we recommend that the bill be amended by striking out the word "sixty," in line 4, and inserting therein instead the words "forty-five," and thus amended ask that it do pass.

Mr. MORRILL. The report recommends an amendment making the pension $45 a month in place of $60.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

M. T. LINDSEY.

The next pension bill on the Private Calendar was the bill (S. 703) granting a pension to M. T. Lindsey, of Oregon.

Mr. MORRILL. In this case, although it does not so appear on the Calendar, there is an adverse report. I ask that the bill be reported back to the House with the recommendation that it be indefinitely postponed.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. CHIPMAN. I wish to say on behalf of the Committee on Invalid Pensions that we have no objection to unanimous consent being given to the gentlemen present who want to call up their bills.

GENERAL W. E. WOODRUFF.

Mr. CARUTH. I ask unanimous consent to call up for present consideration the bill (H R. 335) granting a pension to General W. E. Woodruff.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior, in recognition of meritorious service, is hereby authorized and directed to place the name of General W. E. Woodruff, of Kentucky, on the pension-roll, at the rate of $25 per month.

The report (by Mr. HUNTER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 335) granting a pension to General W. E. Woodruff, submit the following report:

The committee recommend the passage of this bill.

General W. E. Woodruff was a soldier in the Mexican war. He was one of the first Kentuckians to respond to President Lincoln's call for troops at the outbreak of the civil war. He was the organizer and drill-master of both the First and Second Kentucky Regiments, and rendered great service in keeping his State in the Union. He was captured early in the war, and was one of the first prisoners confined in the Libby prison at Richmond. He was one of the five Union officers who were held as hostages and sentenced to death in the event of the execution of certain Confederates who were confined at Philadelphia as pirates.

The gallows on which he was to be hung was constructed and was erected in sight of his window. He was thus held four months under death-sentence, in full view of the scaffold: until the United States Government agreed to treat the Philadelphia prisoners as prisoners of war. Whilst on duty in West Virginia he was thrown from his horse and suffered internal injuries from which he has never recovered. General Woodruff was a brave and gallant officer, and has suffered greatly for his devotion to the Union cause. He is now over sixty years of age, infirm, and without resources.

Your committee think the modest sum of $25 a month asked by him should be cheerfully allowed.

Mr. CARUTH. I desire to offer an amendment to the bill, to strike out "$25" and insert "$50."

Several MEMBERS. Oh, no!

Mr. CARUTH. I think the statement of the case as made by the committee in the report shows that General Woodruff deserves the amount I have named, and on consultation with some of the gentlemen present I offer that amendment.

Mr. MORRILL. Has General Woodruff ever applied to the Pension Office for this pension?

Mr. CARUTH. Not that I know of. The facts are set forth in the report.

Mr. MORRILL. It is a dangerous precedent to establish to put a man on the pension-roll at $50 a month who has never applied for a pension.

Mr. CARUTH. If members had paid attention to the reading of the report they would have learned the fact that this man lay for four months in sight of a gallows erected to hang him if certain persons in Philadelphia were executed. He was the second man of the Union officers to cross the threshold of Libby prison. I think, in view of the facts stated in the report, there is not a gentleman here who will object to my amendment.

General Woodruff is over sixty years of age. He is infirm and in destitute circumstances, as I personally know, and he ought to have this money from the Government, which should recognize meritorious services such as were rendered by him. The committee originally recommended a pension of $25 and have reported that amount, but after consultation with a number of members I offer this amendment to increase the pension to $50. I do not think you can pay such a man too large a pension.

A MEMBER. What was his rank?

Mr. CARUTH. He was a brigadier-general. He was one of the first

men from Kentucky to place himself in the Union Army. All the members from Kentucky know the facts which I have stated.

The amendment was agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM O. DOYEL.

Mr. HUNTER. I call up for consideration the bill (H. R. 7476) granting a pension to William O. Doyel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William O. Doyel, dependent son of Richard G. Doyel, late a private in Company C, Twenty-third Regiment of Kentucky Volunteers, said pension to date from January 1, 1888.

The committee reported the bill with the following amendment:

Strike out the words "said pension to date from January 1, 1888," and insert in lieu thereof "and pay him a pension of $18 per month."

The report (by Mr. HUNTER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7476) granting a pension to William O. Doyel, submit the following:

William O. Doyel is a resident of Mammoth Cave, Edmonson County, Kentucky, and is a son of Richard G. Doyel, late a private in Company C, Twenty-third Regiment of Kentucky Volunteers, who died in the Army during the year 1864.

The claimant was born in 1864, and has been a helpless cripple since his birth. He has lateral curvature of the spine, with complete paralysis of the lower extremities, and great wasting away of soft parts of the same, rendering him thereby helpless and necessitating the constant aid and attendance of another. He is a physical wreck, and his life under the circumstances can not be long. He is in destitute circumstances, and unless relief is obtained he must of necessity become a county charge.

The case appeals strongly to the generosity of Congress, and it is to be hoped that a prosperous Government, blessed with a plethoric Treasury, will not permit the son of a gallant soldier who fell in her defense to seek refuge in an almshouse or be found begging for bread.

The committee therefore make this favorable report, with the following amendment, and recommend the passage of the bill:

Strike out all after the word "volunteers," in the eighth line, and insert the words "and pay him a pension of $18 per month."

The amendment was agreed to.

Mr. HUNTER. I desire to substitute for the House bill the Senate bill, which is exactly the same.

There being no objection, the bill S. 2067, which was identical with the House bill as amended, was ordered to be reported to the House with the recommendation that it do pass; and the bill H. R. 7476 with the recommendation that it do lie on the table.

FRANCIS DANIELS.

Mr. GREENMAN. I call up for consideration the bill (H. R. 2664) for the relief of Francis Daniels.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Francis Daniels, of Cropseyville, N. Y., late a private in Company H, One hundred and twenty-fifth Regiment of New York Volunteers, at the rate of — per month commencing at the date of his discharge on the 11th day of May, 1863.

The committee recommended that the bill be amended by striking out all after the words "New York Volunteers."

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2664) for the relief of Francis Daniels, submit the following report:

That from the papers on file in the Pension Office it appears that the soldier enlisted August 14, 1862, at Troy, N. Y., and joined his company, then in Camp Halleck, near Troy aforesaid. That within a week or ten days after his enlistment he was taken sick in camp. Before the company started to the front he was permitted to return home on account of his sickness, where he remained until the following spring, April 13, 1863, when he rejoined his regiment, then at Alexandria, Va. He was absent at home when his company was mustered into service. The next day, April 14, 1863, he was sent to King Street General Hospital at Alexandria, with hypertrophy of heart, and discharged therefrom May 13, 1863. No records of the regiment on file bearing upon the case. His certificate of discharge, dated May 16, 1863, made by the assistant surgeon of the United States Army, states "disease developed before enlistment; has never done any duty; was enlisted for three years, but never mustered in service" and "incapable of performing the duties of a soldier because of valvular disease of heart and hypertrophy."

The soldier made application for pension June 12, 1880, claiming a pension for disabilities resulting from bilious fever, diarrhea, and heart disease, which was rejected on the ground that the disabilities did not arise in the service.

The fact that the soldier was sick during nearly his whole service and soon became totally unable to perform the duties of a soldier, and that he has since remained unable to perform manual labor seems to be undisputed.

A bill was introduced in the Forty-eighth Congress for his relief and an unfavorable report made thereon by the Committee on Invalid Pensions, but no further action was had thereon.

The point seems to be, when did the cause of the disability originate? The United States assistant surgeon states "disease developed before enlistment."

Then we have the facts concerning his being taken sick and the continuation thereof.

On the other side, we have the affidavit of Dr. William S. Cooper, who states that he was late surgeon of the One hundred and twenty-fifth Regiment New York Volunteers, the soldier's regiment:

"That on the 14th day of August, 1862, he examined Francis Daniels, private in Company H, One hundred and twenty-fifth New York Volunteers, and found him to be a sound man and free from heart disease. Further, if he had heart disease detectable by ordinary methods of diagnosis, affiant would have ascertained its existence."

The evidence of a number of witnesses shows that soldier's father carried on a saw-mill and turning shop, where the soldier worked before his enlistment, and there are on file the affidavits of several persons who had known the soldier from his boyhood down to his enlistment, and saw him with other boys running and jumping, lifting and carrying heavy logs and planks while at work, and that they never knew or heard of any heart difficulty or other disease or difficulty, but that they always regarded him as entirely sound and healthy.

The affidavits of his mother and brother are to the same effect.

There have been filed with the committee since the introduction of this bill the affidavits of four persons, whose character and credibility are fully indorsed, showing that the soldier, previously sound and healthy, was taken sick in the camp at Troy, N. Y., with the bilious fever, and was taken home and there remained until he had sufficiently recovered to rejoin his regiment, the mother stating that the soldier, up to the time of his enlistment, had never been sick or required the attendance of a physician.

The committee can but believe that while the soldier was extremely unfortunate in his military service, he was a sound and healthy man at the time of his enlistment, and for that reason entitled to the relief granted by this bill, and they therefore recommend that the bill do pass with an amendment striking out after the word "Volunteers," in the eighth line thereof.

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

NELLIE PALFREY GOODWIN.

Mr. GALLINGER, by unanimous consent, called up the bill (H. R. 7913) granting a pension to Nellie Palfrey Goodwin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Nellie Palfrey Goodwin, the invalid, dependent, and pauper daughter of William H. Goodwin, late of Company K, Second New Hampshire Volunteers, at the rate of $18 per month, payable to her legally constituted guardian.

Mr. GALLINGER. Mr. Chairman, as the report is pretty long, and as the case is one in the line of precedents that we have established, if the committee will bear with me I will make a brief statement covering all the essential points. The father of this girl was wounded twice at the first battle of Bull Run, and again, very severely, at the second battle of Bull Run. After leaving the service he had to use crutches to get about, and he died in consequence of the injuries received in that battle. He never applied for nor drew a pension. This child, at the age of two years, fell from a window and was injured so severely that ever since she has been partially paralyzed. She is without relatives able to support her, and for two years past she has been an inmate of the almshouse at Tewksbury, Mass. The bill simply provides that she shall be cared for as other children of soldiers have been cared for by Congress under like circumstances, and I think there will be no objection to it. I ask that the report be printed in the RECORD.

The report (by Mr. GALLINGER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7913) granting a pension to Nellie Palfrey Goodwin, having considered the same, beg leave to report as follows:

Nellie Palfrey Goodwin is the invalid and dependent daughter of William H. Goodwin, late of Company K, Second New Hampshire Volunteers. A petition, signed by Charles A. Currier, of Chelsea, Mass., and Margaret Sunderland Cooper, of Concord, N. H.; the certificates of A. D. Ayling, adjutant-general of the State of New Hampshire, and of Capt. William O. Sides, of Portsmouth, N. H., showing the military service of the soldier; and the certificate of C. Irving Fisher, M. D., superintendent of the State almshouse at Tewksbury, Mass., setting forth the fact that claimant is an inmate of that institution, show so clearly the status and justice of this claim that they are herewith appended:

"*To the honorable Senate and House of Representatives in Congress assembled:*

"The undersigned, your petitioners, respectfully represent that Nellie Palfrey Goodwin, a daughter of the late William H. Goodwin, formerly a private in Company H, Second New Hampshire Volunteer Infantry, is, and for a long time has been, an inmate of the State almshouse at Tewksbury, Mass.

"That she is about twenty-nine years of age, and in consequence of injuries received in infancy (by falling from a window at Portsmouth, N. H.), is physically incapacitated from obtaining a livelihood; that she has no relatives from whom she can claim support.

"That her father, the said William H. Goodwin, served in the above-named company and regiment, on the quota of Portsmouth, N. H.; that while in line of duty with his company and regiment, at Bull Run, Va., July 21, 1861, he received a slight wound, a particular description of which is unknown to your petitioners.

"That while in line of duty with his company and regiment, at Bull Run, Va., August 30, 1862, he suffered severe wounds of the ankle and hip, which ever afterward disqualified him for duty as a soldier; that the official record shows him to have been in consequence discharged on the 21st day May, 1863; that he was never afterward able to perform manual labor, and only with the greatest difficulty could he get about, even with the aid of crutches; that he never received from the Government a pension or other remuneration on account of his wounds received in line of duty as a soldier; that on or about the month of August, 1865, while sailing near Portsmouth, N. H., his boat was upset; that three persons who were with him at the time were able to save themselves, but having no use of his lower limbs, the said Goodwin was then and there drowned.

"We therefore respectfully petition that such legislation may be had as shall provide for the said Nellie Palfrey Goodwin a proper home outside the walls of a pauper institution, and as in duty bound will ever pray.

"CHAS. A. CURRIER,
"*Chelsea, Mass., late Captain Fortieth Massachusetts Volunteer Infantry.*
"MARGARET SUNDERLAND COOPER,
"*Concord, N. H., Widow of Lieut. Col. J. D. Cooper,*
"*Second New Hampshire Regiment.*

"BOSTON, MASS., *February* 24, 1888."

"STATE OF NEW HAMPSHIRE, ADJUTANT-GENERAL'S OFFICE,
"*Concord, January* 25, 1887.

"I certify that the official records of this office show that William H. Goodwin enlisted on the 21st day of May, 1861, and was mustered into the service of the United States as a private in Company K, Second Regiment Infantry, New Hampshire Volunteers, on the 8th day of June, 1861, for the period of three years.

"He is also officially reported as discharged May 21, 1863, Medical Department, Philadelphia, Pa.

"A. D. AYLING,
"*Adjutant-General.*"

"I William O. Sides, of Portsmouth, county of Rockingham, and State of New Hampshire, on oath depose, declare, and say that I enlisted William H. Goodwin as a private in Company K, Second Regiment New Hampshire Volunteers, and that he was mustered into the service of the United States on the 8th day of June, 1861.

"WILLIAM O. SIDES,
"*Late Captain Company K, Second Regiment New Hampshire Volunteers.*

"Sworn to before me this 21st January, 1887.

"JOHN ALBEE,
"*Justice Peace and Commissioner for New Hampshire.*

"STATE OF NEW HAMPSHIRE,
"*Rockingham, ss:*

"Then personally appeared before me the aforesaid William O. Sides and made oath that the said affidavit by him signed is the truth. I have no interest in the claim to which said affidavit pertains.

"[SEAL.] WILLIAM H. HACKETT,
"*Clerk Circuit Court United States, District of New Hampshire.*"

"STATE ALMSHOUSE, *Tewksbury, February 24*, 1888.

"*To whom it may concern:*

"This is to certify that Nellie Goodwin, twenty-seven years old, born in Portsmouth, N. H., was admitted to this institution from Chelsea, Mass., September 27, 1886, and is still an inmate here.

"C. IRVING FISHER, M. D.,
"*Superintendent.*"

Certain facts are indisputably shown in this case by the above documents and other papers filed with your committee. It conclusively appears that the soldier was severely wounded in the military service, and lost his life in direct consequence of his wounds; that the daughter, at the early age of two years, fell from a window and injured herself for life, partial paralysis resulting from the fall; that she is not only an orphan, but also without relatives who can care for her, and that for nearly two years she has been an inmate of the State almshouse, Tewksbury, Mass., clothed in the garb of the inmates of a pauper institution, most of her companions being representatives of the most degraded classes.

It is not necessary to argue this case. Surrounded with the blessings of peace secured at the sacrifice of so many of its sons, the Congress of the nation will not hesitate to throw the ægis of its protecting arms around this neglected and suffering child of a Union soldier, especially as there are many precedents for the beneficent legislation asked for in this case.

Your committee report the bill favorably, with a recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM SACKMAN.

Mr. WALKER, by unanimous consent, called up the bill (S. 465) granting a pension to William Sackman, sr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Sackman, sr., late a private in Company K, Fifth Regiment Missouri State Militia Cavalry.

Mr. WALKER. Mr. Chairman, as the report in this case is rather long, I suggest that its reading be dispensed with, and that it be printed in the RECORD. The bill has passed the Senate and the case is a good strong one. I trust there will be no objection to the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

The report (by Mr. WALKER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 465) granting a pension to William Sackman, sr., submit the following report:

Your committee adopt the report of the Senate committee, which is as follows, and recommend the passage of the bill:

"The claimant enlisted as a private in Company K, Fifth Regiment Missouri Militia Cavalry, on the 24th of December, 1861, to serve during the war in Missouri, and was discharged on the 29th of February, 1864. His declaration for a pension was filed July 1, 1881, claiming that 'at Fredericktown, Mo., about the 10th or 12th of April, 1863, he had three ribs broken by falling from his horse while surrounded by the guerrillas.'

"The claim was rejected by the Pension Bureau April 9, 1883, upon the ground 'that the record evidence shows that the alleged disability was not incurred in the line of duty.'

"The records of the Adjutant-General's Office show the petitioner present April 10, 1863. Absent sick at hospital until October 31, 1863. Present January and February, 1864. Nature of sickness not stated. No evidence by the record of the injury complained of.

"The discharge for disability shows—

"'Palpitation of the heart and defective lungs, the disability caused by falling off his horse near Fredericktown, Mo., while intoxicated, on detached service in the month of September, 1862. Not having done any duty since, a discharge would benefit the Government and himself.'

"The assistant and acting surgeon certifies the disability to consist of—

"'Hypertrophy with dilatation of left side of heart. The disease, in this case, has been produced by sexual indulgence and excessive use of intoxicating liquors.'

"The surgeon who attached the certificate to the discharge for disability, in reply to a letter from the Commissioner of Pensions, under date of November 21, 1885, says:

"'I have to state that I remember the case very distinctly. I made the examination in person, and was thoroughly acquainted with the case. I read the statement on which the application for discharge was based to the man, and he consented to have the papers forwarded as they read. The application for pension is fraudulent and should not be allowed. The excessive venery alluded to was in part masturbation.'

"Upon this evidence the Pension Bureau rejected the claim and declined to reconsider its decision, notwithstanding the affidavits filed by the petitioner, as follows:

"'Henry Markwort, on the 27th day of December, 1883, made oath that "he knew claimant, William Sackman, sr., in the year 1860, and also ever since, and knew him while he was a member of the above-named organization with affiant, and the said claimant was, during all that time, of sober habits and of virtuous disposition, and affiant never saw him in a state of intoxication, * * * and was never, to his knowledge, guilty of sexual indulgence, but that he was a good soldier and bore a good name for morality."'

"Frederick Lauderman, Christian Pape, Deiderich Klingman, Henry Thiessen, and John Haslauer, on the 26th day of September, 1883, made oath 'that they were members of the above-named organization, and that they well knew the claimant herein, William Sackman, sr., prior to his enlistment and during his service in said organization, and ever since he was discharged from the service of the United States, and that said William Sackman was a good soldier and bore a good character always for sobriety and moral habits, and that he was never guilty of the charge of being intoxicated or indulging in the excessive use of intoxicating liquors nor of sexual indulgence.'

"Henry Thiessen and William Braus, on the 11th day of June, 1883, made oath 'that they were members of the organization aforesaid, and that they well knew William Sackman, sr., the claimant herein, and that in the organization aforesaid in the line of duty, being on detached service at the time, the said Henry Thiessen being a corporal at that time in command of said detachment, and the said William Braus also a member of said detachment, and that while so detached for the purpose of guarding one of their company to his home, the horse claimant was riding took fright and ran off with him, thereby injuring said claimant so that he could not arise nor get on to his horse without assistance. That the post surgeon furnished a certificate to the said corporal in regard of the inability of said William Sackman, sr., to be carried back to his command.'

"William Wolfeckiller, on the 17th of September, 1883, made oath 'that the said petitioner, while on duty on the march from Pilot Knob to Cape Girardeau, in the year 1862 or 1863, was thrown from his horse and seriously injured; that he was not intoxicated at that time; that he served with the said petitioner in the same company about three years, and that the said petitioner was free from sexual indulgence and the excessive use of intoxicating liquors.'

"William Northropt, on the 17th day of September, 1883, made oath 'that he was first sergeant of Company D, Twelfth Regiment Missouri State Militia Cavalry, and knew petitioner to be a sober man and never saw him intoxicated or indulging in any bad habits. The record showing that the petitioner indulged in the excessive use of intoxicating liquors or sexual indulgence is false.'

"G. H. Cramer, mayor of Cape Girardeau, where the petitioner resides, on the 12th day of February, 1884, made oath as follows: 'I have known said petitioner and have been well acquainted with him ever since about the year 1854, while he was, as he is yet, a citizen of Cape Girardeau. I have never heard or seen anything derogatory to his moral character, and I believe he is considered generally as an honorable and virtuous man.'

"On June 28, 1882, Fred. B. Schultz, examining surgeon of the Pension Office, examined the petitioner and certified: 'The disability is a fracture of three ribs on the left side.'

"The evidence above quoted fully sustains that of the petitioner, that while in the service and in the line of duty he was thrown from his horse and seriously injured. This appears on the face of the certificate of discharge for disability. The records of the Adjutant-General's Department, as well as the Surgeon-General's, tends to sustain this view of the case. The certificate of the examing surgeon of the Pension Bureau confirms the claim of the petitioner in the declaration for a pension. Does the evidence justify the conclusion reached by the Pension Bureau that at the time of the injury he was not in the line of duty, or that it occurred while he was intoxicated, or that his disability at present is the result of excessive sexual indulgence or the improper use of stimulants?

"The committee is of opinion that the certificate of discharge and the evidence of his comrades conclusively show that the injury, happening to him by the falling from his horse, near Fredericktown, Mo., was while in the line of duty, and that at the time he was performing services under the orders of his superior officer.

"Was he intoxicated at the time the injury occurred?

"The only evidence to sustain that allegation is the statement embodied in the discharge for disability signed by his captain. This is contradicted by the oath of the petitioner, as well as the testimony of two of his comrades, who were present and had personal knowledge of the fact, and the corroborating evidence of a number of his comrades, who testify to his sober habits. This view is further strengthened by the affidavit of the mayor of the city in which he lives, who testifies to his moral character.

"Was his disability the result of sexual indulgence or the excessive use of liquor?

"The testimony upon these questions is full and satisfactory. The numerous affidavits filed overthrow even the suspicion that his disability is the result of either cause assigned; and the certificate of the examining surgeon of the Pension Bureau, that 'the disability is the result of the fracture of three ribs on the left side,' in the absence of all other evidence, should be conclusive on this point.

"In the opinion of the committee the claim of the petitioner for a pension should be sustained. The bill is therefore reported favorably, with the recommendation that it do pass."

ALOURED H. GREGORY.

Mr. GROUT, by unanimous consent, called up the bill (H. R. 5311) granting a pension to Aloured H. Gregory.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby directed to place upon the pension-roll, subject to the limitations and restrictions of the pension laws, the name of Aloured H. Gregory, of Company G, Fifteenth Regiment, Vermont Volunteers.

The Committee on Invalid Pensions recommended amendments striking out the name "Aloured," in line 5, and inserting "Alonzo," striking out "G," in line 6, and inserting "H," and amending the title so as to read; "A bill granting a pension to Alonzo H. Gregory."

The report (by Mr. GALLINGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R 5311) granting a pension to Aloured H. Gregory, having considered the same report as follows:

The substantial facts in this case, as gleaned from a mass of papers on file at the Pension Office, are that soldier alleges that on the 7th day of November, 1862, at Fairfax Seminary, Va., while at work on a fort, he sustained an injury which resulted in rupture of the right side. It appears that a few days after the alleged injury soldier was admitted to the regimental hospital, where he remained nearly two months, but the records are imperfect and do not show for what he was treated, and many years afterward the assistant surgeon certifies that he does not think claimant was treated for hernia at the time.

One comrade, who is certified to as a reliable and truthful witness, says:

"Said soldier incurred a rupture in the right groin while at work with me and other soldiers building a new fort. The rupture was incurred while soldier was lifting and pulling to get out some stumps to use in building the fort. I was with said Gregory at the time, and saw the rupture the same day, and know that he went to the hospital for treatment."

Dr. C. R. Keach swears that he knew soldier to be sound at enlistment, and was called to attend him for rupture immediately after he returned from the Army.

The claim was rejected on the ground of insufficient testimony. It appears to your committee, however, that it is made out that soldier was sound at enlistment and had a hernia at discharge, which is pretty conclusive proof that he must have incurred the disability while in the Army.

The bill is therefore reported back favorably, with a recommendation that it do pass, after being amended by substituting the word "Alonzo" for "Aloured" in the fifth line, and also "Company H" for "Company G" in the sixth line, and by substituting the word "Alonzo" for the word "Aloured" in the title of the bill.

The amendments recommended by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ELIZA SHREEVE.

Mr. SHAW, by unanimous consent, called up the bill (H. R. 3735) granting a pension to Eliza Shreeve.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Eliza Shreeve, widow of Alfred T. Shreeve, late of Company A, Sixth Regiment Maryland Volunteer Infantry.

The report (by Mr. LYNCH) is as follows:

Alfred F. Shreeve enlisted August 11, 1862, in Company A, Sixth Maryland Volunteers; was discharged May 14, 1865, on account of gunshot wound of left knee-joint, causing amputation of the thigh at its middle, for which disability he was pensioned at the rate of $24 per month until his death, and died October 24, 1883.

His widow, Eliza Shreeve, filed her declaration January 19, 1884, on the ground that soldier, her husband, died from the effects of the gunshot wound and final amputation of leg. The Pension Department rejected her claim, because there was no evidence on file as to origin of or treatment for consumption, the fatal disease, in service; no medical or other satisfactory evidence showing the existence of said disease at or soon after date of discharge, and none showing the connection between fatal disease and loss of limb, for which said soldier was pensioned.

In support of the client's declaration the following evidence is adduced, and there is none on file to the contrary:

Dr. Billingslea, a reputable physician of Westminster, Md., testifies:

"I was the attending physician upon Alfred F. Shreeve at the date of his death, which occurred October 24, 1883, and he died of consumption, and I believe that the consumption was due to soldier's loss of leg and the sedentary habits thereby enforced."

Dr. H. M. Wilson, of Baltimore, Md., testifies that—

"The presence of pulmonary phthisis, incited, as I think, by exposure during the war, and soldier's inability to take proper exercise by reason of the loss of one limb, were the causes of his death. When I was first consulted by soldier I made special inquiry as to his previous history, sickness, wounds, and general exposure during his military service. The lung sounds indicated incipient phthisis, and its steady development was in no sense a surprise to me. As to its origin I reasoned thus: A young man from an exceptionally healthy country, of good habits, and in robust health, with a good family record, enters the Army, serves in the peninsula, is fearfully wounded, contracts malaria, endures a long hospital confinement, and upon a recovery sufficient to enable him to return home commences to cough, and upon physical exploration the initial stage of consumption is recognized.

"While the loss of the limb of itself and alone did not occasion the lung trouble, it most certainly did enter as an element into the circumstances that lighted up the disease, and I think it was the most potent factor in its rapid progress, in so far as it prevented free exercise in the open air."

Your committee believe that the result arrived at by Dr. Wilson in his analysis of this case is entirely correct, and that the consumption from which the soldier died was the result indirectly of the amputation of his leg. Entertaining this opinion, they think favorably of the bill and recommend its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HOWARD S. ABBOTT.

Mr. PETERS, by unanimous consent, called up the bill (H. R. 3158) increasing the pension of Howard S. Abbott.

The bill was read, as follows:

Be it enacted, etc., That the pension of Howard S. Abbott, certificate 73522, late adjutant of the Seventy-eighth Ohio Volunteer Infantry, be increased from $17 to $30 per month, the same to be in lieu of the pension he is now receiving.

Mr. PETERS. As the report is somewhat lengthy, with the permission of the committee I will make a brief statement of the case. This soldier was wounded in the head at Champion Hill, and was left on the field for dead. The last examination by a medical board, which was in 1887, declared that the disability was equal to the loss of a hand or a foot, and the committee have reported the bill upon that basis. The case is a very meritorious one. I ask that the report be printed in the RECORD.

The report (by Mr. MORRILL) is as follows:

It appears from the record in this case that the soldier was enrolled on November 1, 1862, and mustered into the service the same day as lieutenant and adjutant Seventy-eighth Regiment of Ohio Volunteers to serve for three years, and was honorably discharged by special order of the War Department from October 14, 1863, on account of wound received at Champion Hill, Mississippi, and has received a pension from date of discharge at the rate of $17 per month. As indicating the severity of his wound your committee copy the report of Colonel Wiles, commanding his regiment, to the Adjutant-General, United States Army:

"HEADQUARTERS SEVENTY-EIGHTH O. V. I.,
"*Vicksburg, Miss., September* 26, 1863.

"SIR: In accordance with G. O. 100, series of 1862, I have the honor of reporting the name of First Lieut. and Adjt. Howard S. Abbott, Seventy-eighth Regiment Ohio Infantry Volunteers, as having been absent since May 16, 1863, on account of severe wound in head, received May 16, 1863, in engagement at Champion Hills, Mississippi. He has been 'absent with leave' since June 22, 1863, per S. O. 137, Sixteenth Corps Headquarters. There are few hopes of his recovery.

"Very respectfully,
"G. F. WILES,
"*Colonel, Commanding Seventy-eighth O. V. I.*

"Brig. Gen. L. THOMAS,
"*Adjutant-General, U. S. Army.*"

Claimant filed an application for increase of pension on March 24, 1887, describing his disability and claiming increase "on account of his rate now being unjustly low and disproportionate to his degree of disability." On May 4, 1887, claimant was examined by the board of medical examiners at Larned, Kans., and said board thus describe his injuries:

"The ball seems to have grazed the left temple, and passing downward and backward through the pima at upper margin of tragus and antitragus, and beneath the concha, entered the mastoid portion of the skull immediately back of the ear, and, continuing downward and backward, emerged about three-fourths of an inch from point of entrance back of ear. The bony structure of meatus auditorius externus was fractured, and canal almost entirely closed, making it impossible to explore internal ear. Left ear entirely deaf; can not hear the tick of a watch in close contact. Right normal. Claimant's eyes have a weak, dull, hazy appearance.

"The disability caused by disease of eyes is probably due to injury to optic nerve. Claimant is nervous, uneasy, and restless. Pulse abnormally frequent, quick and irregular. Sees Snellen's 100-foot test type at 30 feet; the 50-foot at 15, and the 30-foot at 9 to 10 feet distant; both eyes about equally affected; nervous system oversensitive; claimant easily startled. This condition due to wound. Tongue clean but pale; lungs, liver, stomach, kidneys, and bladder normal. The disability is equal to the loss of a hand or a foot."

This application for increase was rejected September 5, 1887, because of "no increase."

The bill under consideration proposes to increase claimant's pension to $30 per month. Your committee, accepting the report of the board of medical examiners, made less than a year ago, to be a true statement of claimant's injuries, and that his disability is equivalent "to the loss of a hand or foot," as stated in said report, report the bill back with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN KINNEY.

Mr. SHIVELY, by unanimous consent, called up the bill (H. R. 7882) granting a pension to John Kinney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of John Kinney, late private Company M, First Regiment Ohio Heavy Artillery, subject to the provisions and limitations of the pension laws.

The report by (Mr. MATSON) is as follows:

John Kinney was enrolled on the 5th day of July, 1863, in Company M, First Regiment Heavy Artillery Ohio Volunteers, and was honorably discharged July 25, 1865.

He applied for pension, alleging disability arising from typhoid fever, small-pox, and double rupture while in line of duty as a member of said company and regiment. The claim was rejected on the ground that there is no record and the best attainable evidence fails to establish origin of alleged double rupture in line of duty, or to show that claimant incurred typhoid fever and small-pox in the service, or that he has suffered since his discharge from any result of said fever or small-pox.

The board of medical examiners report that—

"The general health is good—no debility present. There is a complete inguinal hernia on left side; on right side the inguinal canal is obliterated, and there has evidently been a hernia, but there is none at present, the opening being closed. He wears a truss which retains the hernia perfectly. We find no disability from typhoid fever or small-pox. The rating is based solely on hernia on left side."

There is abundant proof that the claimant was free from rupture or hernia prior to and at the time of his enlistment. The rupture, as appears from the evidence of several comrades, members of the claimant's company, occurred about as follows: The soldier was sick at the time the rupture happened; was excused by the doctor from duty, as he was unable to do duty. Capt. Henry I. Bly wanted claimant to go on guard duty, but he refused to go, and the captain then ordered him lashed to a cannon. He was lashed down to the cannon with his back down and was kept tied in that position for two and three-quarter hours. All the evidence shows this to be the fact, except a letter written by Captain Bly, in which he denies the statement *in toto*. There is evidence that the captain was an untruthful, vicious, and unreliable man, capable of doing an inhuman act like that he caused to be inflicted on the soldier.

In the opinion of the committee there is not sufficient evidence to establish any disability from typhoid fever or small-pox. The only question before the committee, then, is, was the soldier in line of duty when he received the rupture as set forth? He had disobeyed orders in not going on detail as directed. According to military law he was subject to punishment, but the alleged rupture was not incurred during the interim of disobedience of orders, but was incident to the punishment consequent thereupon. The captain's punishment was inhuman, entirely uncalled-for, and your committee believe that any disability incurred by the claimant while undergoing that punishment is a pensionable disability.

Your committee believe that the claimant ought to receive a pension according to rating for rupture, and therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH WARD.

Mr. WADE, by unanimous consent, called up the bill (H. R. 6582) granting a pension to Elizabeth Ward.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Ward, wife of Joseph S. Ward, late a private in Company B, Seventy-second Enrolled Missouri Militia.

The report (by Mr. WALKER) is as follows:

Elizabeth Ward is the widow of Joseph S. Ward, late a private in Company B, Seventy-second Enrolled Missouri Militia. A certificate of the adjutant-general of the State of Missouri says:

"Joseph Ward, private Company B, Seventy-second Enrolled Missouri Militia, was enrolled July 30, 1862, and served two hundred and twelve days."

Henry Sullivan, late captain of Forty-sixth Missouri Cavalry, Company K, testifies as follows:

"I was engaged in a fight with rebel bushwhackers near James River, in Stone County, Missouri, November, 1863, I think the 17th day. Lieut. D. S. Pierce, of Company B, Seventy-second Enrolled Missouri Militia, was under my command at the time. I had a squad of five men, composed of men of the Forty-sixth Missouri Cavalry and Seventy-second Enrolled Missouri Militia. Lieutenant Pierce had a squad of nearly twenty men, composed of members of the

Forty-sixth Missouri Cavalry and the Seventy-second Enrolled Missouri Militia. During the fight Joseph Ward, of the Seventy-second Enrolled Missouri Militia, Company B, was instantly killed and his body taken home next day and buried."

Dr. Frazier testifies:

"I was practicing medicine in this neighborhood in 1863, and the day after the battle near James River, in Stone County, Missouri, I was sent for to go and attend professionally some of the wounded. After attending to the wounded I went out where the battle had been fought, and saw two men dead. One was Mr. Joseph S. Ward, husband of Elizabeth Ward. He was shot through the head. I think his remains were brought home and buried in the neighborhood. I have known his widow, Elizabeth Ward, and their children since the death of the husband. She still remains a widow, and has raised a family of five children."

Special Order No. 240, issued by Brigadier-General Sanborn, gives substantially the same facts related by Dr. Frazier. It is clear from the evidence before the committee that the soldier was in the service of the United States in line of duty when he lost his life, and that the relief asked for in the bill ought to be granted. Your committee therefore submit a favorable report, and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. THEODORA M. PIATT.

Mr. McCREARY. I ask consent for the consideration of the bill (H. R. 2282) to pension Mrs. Theodora M. Piatt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Theodora M. Piatt, widow of Benjamin M. Piatt, late a captain and assistant adjutant-general of United States volunteers.

Mr. PERKINS. The report in this case is long. Perhaps the gentleman from Kentucky [Mr. McCREARY] can make an explanation which will avoid the necessity for reading the report.

Mr. McCREARY. I ask that the first paragraph of the report be read, and that the whole report be printed in the RECORD.

The report (by Mr. HUNTER), a part of which was read, is as follows:

Benjamin M. Piatt, husband of Theodora M. Piatt, enlisted in the late war in 1861 as a volunteer, and was appointed assistant adjutant-general with rank of captain in the volunteer army on the 16th of May, 1862; promoted brevet major and major March 2, 1865, and honorably mustered out November 22, 1865. Entered the regular Army as second lieutenant in the Forty-fourth United States Infantry Veteran Reserve Corps, because not able to accept appointment of first lieutenant in the Twenty-fifth Regiment (active); promoted July 2, 1867, first lieutenant by brevet "for gallant and meritorious services in the battle of Chancellorsville," and to captain by brevet "for gallant and meritorious services in the battle of Gettysburgh." Major Piatt seems to have been a great sufferer from a lame leg and general ill-health, and was a great sufferer after he was retired, and finally his mind gave way and in a moment of mental aberration he committed suicide on the 17th day of April, 1885, leaving a large and helpless family.

The Cincinnati Commercial Gazette contained the following in regard to his death:

"Coroner Garrick yesterday returned the following verdict:

"Benjamin M. Piatt came to his death from a pistol-bullet through the brain, fired from a pistol in his own hand, with suicidal intent, while laboring under a fit of temporary insanity, caused by morbid sensitiveness of wasted opportunities, and constantly brooding over imaginary troubles and financial difficulties."

In his application for retirement we glean the following facts in regard to his disability. He says:

"I have had from my birth a slight lameness in my leg and foot. This lameness never materially disqualified me for active exercise of almost every sort, and until after a long, severe, and extremely debilitating sickness in 1862, my ankle-joint never had the weakness it now has. Upon entering the volunteer army I was able to walk 10 or 15 miles a day without the use or necessity of a cane or any sort of assistance, and I believe I could do the same to-day but for the effects of what I have suffered in the service. I walked at fourteen months old, and was employed in my father's business (farming) as long as I remained at home.

"In the month of July, 1862, at Winchester, Va., I was prostrated by a violent attack of fever, accompanied by severe rheumatism, and was ill from that time until the latter part of August, when, believing myself able to return to duty, and being very anxious to join my brigade commander at Bull Run, I left Alexandria, Va., with a regiment of infantry and a battery of artillery that were under orders to report to General A. S. Piatt, then commanding a brigade in General Sturgis's division. I went with these troops, I think, on the 1st of September, notwithstanding my great weakness and debility, as far as Fairfax Court House, where we met the Army. We remained near Fairfax that night, and I was for many hours exposed to terrible storm of rain that fell that night. The next morning I was very ill, but did not stop until I found General Piatt and reported to him the troops I was conducting. We then went to Fort Corcoran, or near it, and from there, after several days of severe illness and pain, I was sent away on sick leave on account of the relapse caused by the exposure to which I had been subjected in my weak condition.

"I was absent nearly a month and returned again to duty, but was still weak, and suffered much pain in my ankle and leg, and, in fact, in all of my limbs and body, but being a mounted officer I was able to perform the usual routine of duty pertaining to my position.

"At the battle of Gettysburgh my horse was shot under me, and I was considerably bruised by the fall, besides which I received several other slight injuries during the battle that I believe still affect me in the use of my foot. I remained on duty on the field, except as herein mentioned, through 1862, 1863, up to about the 1st of May, 1864, taking part during my field service in ten battles, of which the following is a list: Manassas Gap, Fredericksburgh, Chancellorsville, Beverly Ford, Gettysburgh, Wapping Heights, Auburn, Kelly's Ford, Locust Grove, and Mine Run.

"In the spring of 1864 I was relieved from duty in the Army of the Potomac and assigned to duty on staff of General Rosecrans, Department of Missouri. Having disposed of my horses before leaving the field, I had a good deal of walking to do after going to St. Louis, and instead of being able to walk as I had done before the war, I found the tendons of my leg and foot much contracted, and that I could not walk any considerable distance without both pain and fatigue, almost the entire weight being thrown forward and to one side upon the ball of the little toe, causing the foot to give way under me at every step, just as it does now, or nearly so. The contracting of the tendons and muscles is I think at least an inch.

"The leg has diminished considerably in circumference, and I can scarcely estimate the loss of strength or power; certainly it has not one-fourth the action and strength it had when I entered the volunteer Army, as at that time I could walk more than four times the distance without a cane that I can now with one, and in addition could walk then free from pain, whereas my foot now becomes tired and sore, and besides my leg and foot are both extremely sensitive to the cold, and when thoroughly chilled are almost as powerless as if in a state of paralysis. Believing that I have a just claim to be retired I have submitted this statement. I am now hopelessly lame for life, a condition I believe to be due to my sufferings and labors in the service of my country, in whose behalf I am ready, whenever the necessity may arrive, to lay down my life."

A. Sanders Piatt, late brigadier-general of volunteers, testifies that he has known Benjamin M. Piatt ever since he was seven years old and up to the time of his enlistment in the Army. Prior to that time he was able to walk 10 or 15 miles a day without difficulty, which he often did on hunting and other excursions. He believes the hardships and exposures of active service in the field have disabled and permanently injured the said Benjamin M. Piatt.

Benjamin R. Runkle, brevet colonel, United States Army, testifies to substantially the same state of facts, as does also H. C. Borden. Dr. M. H. Harding, the family physician of the soldier's father, says he has known Major Piatt for twenty-five years, and although always slightly lame from an early period, he was comparatively active in the discharge of his father's business, and before the war of 1861 never used or seemed to need the use of a cane in walking.

F. W. Egan, colonel Fortieth New York State Volunteers, in concluding his report of the battle of Gettysburgh, says of Major Piatt:

"Too much can not be said of this brave and gallant officer; always cool under the most trying circumstances, and by his courage and example he afforded services that were of infinite value in restoring order to my command. When his horse was shot under him he still remained in the van, always by my side, greatly distinguishing himself by noble conduct."

There are a large number of letters from Army officers, generals, colonels, etc., all showing that the soldier was an exceptionally brave and efficient officer.

The following is an extract from official Army Register for January, 1885:

"Retired from active service, Piatt, Benjamin M., 2d July, 1867. Bvt. Capt. July 2, 1867, Disability in line of duty (act August 3, 1861)."

Miss Bell F. Hopkins testifies as follows:

"I have resided in the family of the late Maj. Benjamin M. Piatt for the last ten years or more. He was during all that time an exemplary husband and father, with a heart full of kindly impulses for everybody. He lived one of the purest lives, his habits being without the least irregularity and remote as could be from intemperance in every form. His right leg from hip to foot was perishing away, weakening this limb to such a degree that it was very difficult for him to get about upon it. He could walk but a short distance, say five or six squares, without becoming so fatigued as to be obliged to take a car or other vehicle. The limb was very sensitive, and at times quite painful, and was the source of much annoyance to him, frequently disturbing his usually amiable temper and causing some irritability of speech and mind.

"In the latter part of the year 1884, in passing down one of the stairs at the Gibson House, Cincinnati, he tripped and fell to the bottom, a distance of several feet, striking his forehead, over one of his eyes, on the marble floor. He remained unconscious from about 7 p. m. of that day until the next morning. The fall was a heavy one, as the major weighed over 220 pounds, and the forehead, face, and eye were black. From the effects of the fall he never entirely recovered. The side of his face on which he fell was withering away as a result of the fall, and he showed evident signs of softening of the brain. In my opinion, the fall, which was due to the enfeebled and sensitive limb, striking as he did upon his head, did more to cause the condition of mind which resulted in his death than any or all other causes or agencies. After this fall, and up to the time of his death, he complained of being dizzy and light-headed."

The affidavits of a large number of his neighbors who knew him long and well are to the effect that the major was a man of the highest order of morals, that his conduct was exemplary and strictly temperate, and that he was an ardent advocate of temperance.

He was on the retired-list and had not applied for a pension at the time of his death, and no application to the Pension Office has since been made by his widow, as, owing to the manner of his death, she had no hope that an application would be favorably acted upon, and she therefore appeals directly to Congress for the relief she thinks she is justly entitled to.

After a careful consideration of the case, the committee are of the opinion that the death of the major may reasonably be considered to have been the result of the injuries to his limb received while serving in the Army, and in line of duty. In view of the long and valuable services the deceased soldier rendered the Government in its hour of need, the fact that he was retired for disabilities incurred in the Army, the needy condition of his family, and all the incidents leading up to the tragic end of the distinguished soldier, the committee are of the opinion that the relief asked for in the bill ought to be granted.

We therefore submit a favorable report and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

PETER CLARK, JR.

Mr. MORRILL. I desire to call up the bill (H. R. 6971) to pension Peter Clark, jr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll the name of Peter Clark, jr., of Atchison, Kans., late of Company H, Second Illinois Light Artillery, subject to the provisions of the general pension laws.

Mr. MORRILL. I ask that the reading of the report in this case be dispensed with, and that it be printed in the RECORD.

There being no objection, it was ordered accordingly.

The report (by Mr. MORRILL) is as follows:

Peter Clark, jr., was mustered into the service as a private on the 31st day of December, 1861, at Springfield, Ill., in Company H, Second Regiment of Illinois Light Artillery Volunteers. On the muster-roll of Company H of that regiment for the months of July and August, 1862, he is reported, "corporal, sick in post hospital, Columbus, Ky." Return of said company for March, 1863, reports him "absent sick since August 25, 1862; was left by the company in hospital at Columbus, Ky." He was honorably discharged September 18, 1862, at Columbus, Ky., "by reason of general disability resulting from camp fever," as appears from the discharge papers on file.

In his declaration for pension, filed February 4, 1873, he alleges that while at Columbus, Ky., in July, 1862, he was ruptured while assisting in removing artillery for two or three weeks, at which time he became very tired and stupid and unable to do duty, and was sent to the hospital last of July, 1862. The claim was rejected August 25, 1887, on the ground, as stated, "of no record in the War Department of alleged hernia, and of the declared inability of the soldier to furnish the necessary evidence to establish the origin of hernia in the service and line of duty."

There is abundant proof that the soldier was a sound, healthy man, entirely free from hernia when he entered the service, and there is no evidence whatever

to the contrary; therefore it may be assumed as a fact that if hernia exists, as is alleged, it must have occurred during the soldier's services in the Army or after his discharge.

Dr. Westfall, the soldier's father's family physician, testifies that he did not examine or treat him after his return from the Army, that he can recollect. Not long after he returned from the service he says he was compelled to wear a truss, but can not say just how long it was.

Dugald Clark, brother of the soldier, testifies that he learned that his brother was completely prostrated and confined in a hospital at Columbus, Ky. He went at once to his assistance, and on his arrival there found him very sick and unable to travel. He continues: "He (the affiant) waited about three weeks for the said invalid to gain sufficient strength to be carried home, and at the end of the time, three weeks, he (the affiant) started with the said Peter Clark, jr., and with great care and difficulty succeeded in getting him home." The affiant further declares that his brother was a mere skeleton and a complete physical wreck, and upon his arrival home and upon becoming better acquainted with the nature of his sickness in detail, he discovered that the claimant was badly ruptured, and he saw him at various times attempt to replace the protuberance. He further declares that up to the present time he has not recovered and is growing worse. His knowledge is derived from the fact that his relations were of the closest kind, acting as a nurse and caring for him.

Andrew Steubeck, late captain of Company H, Second Illinois Light Artillery, testifies "that he is very well acquainted with Peter Clark, who was a member of the same company; that said Peter Clark assisted in hauling artillery up the bluff at Columbus, Ky., on or about the 10th or 15th days of July, 1862. The weather was very warm, the men were very much fatigued, and the said Peter Clark contracted diarrhea and fever, and was sent to post hospital at Columbus. He also claimed to have been ruptured at the same time. This affiant further declares that said Peter Clark was an excellent soldier, and always ready for duty."

William Geer testifies as follows: "That he is well acquainted with the claimant, and was a member of the same company and regiment in the war of 1861; that in the spring of 1862, at Columbus, Ky., while prying up out of the mud the cannons that the rebels had dismounted, the claimant had hold of a skid which slipped and went down, and the claimant was injured in some way by the fall, and was sent to the hospital and remained there until discharged from the service. Affiant states that he was present when claimant received said injury, but he can not now remember the exact manner in which it was received, nor the exact character of the injury, but that he has personal knowledge of the fact as above stated."

The said William Geer, in reply to a letter of inquiry from Commissioner Black, says: "The surgeon, Dr. Ransom, who treated Peter Clark's injuries, is dead."

Alexander Jones and Isidor Walter, both members of Company H, Second Illinois Light Artillery, testify that they are well acquainted with Peter Clark, jr., who was a member of said company and regiment; that while at Columbus, Ky., they, with the said Clark, were employed at Columbus, Ky., for over three weeks removing artillery, some time in the latter part of July, 1862; that said Clark was rendered unable to do military duty and sent to hospital at Columbus, Ky.; that they have no knowledge of the particular disease, but from the case as it has since developed itself have no doubt but what the said Clark was ruptured removing said artillery.

Henry H. Ross makes affidavit that he was acquainted with the said Peter Clark, and that he examined him a few days after his return home from the hospital, or about the last part of the month of September, 1862, and found him suffering from hernia and sold him a truss, and also told him that would be all that could be done in the way of help, and thought the truss might help and perhaps cure it.

James Clark testifies that he "saw him after coming home from the Army, and he was nothing but a skeleton, and was also told that he was ruptured."

Edgar L. Phillips, George W. Foot, and Lee S. Lambert, examining surgeons, say: "We find a large inguinal hernia of left side, disability one-half of total, or $4 per month."

The committee, having carefully examined all the papers on file in this case, believe that the relief asked for in this bill ought to be granted. We are of the opinion that the soldier has established the fact beyond a reasonable doubt that the hernia for which he asked to be pensioned was contracted in the Army while in line of duty, and so believing we submit a favorable report and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES M. M'KEEHAN.

Mr. FINLEY. I ask consent for the consideration of the bill (H. R. 6576) for the relief of James M. McKuhan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to all the limitations and provisions of the pension laws of the United States, the name of James M. McKuhan, late private in Company G, Seventh Kentucky Volunteer Infantry.

Mr. FINLEY. The name in this bill is incorrectly printed, and should be "McKeehan" instead of "McKuhan." I move that amendment in the body of the bill and the title.

The amendment was agreed to.

Mr. FINLEY. I know personally this applicant for a pension, and I know the history of his case. His application was rejected at the Pension Office upon the ground that he had defective eyes when he entered the service. The proof abundantly shows that he was near-sighted when he enlisted, but his eyes had no other defect. After entering the service he took a severe cold, and in consequence of the sickness which followed he became totally blind. He is dependent upon charity for support. I hope the reading of the report will not be insisted upon, but that it may be printed in the RECORD.

The report (by Mr. HUNTER) is as follows:

James M. McKeehan was enrolled on the 20th day of August, 1861, in Company G, of the Seventh Regiment of Kentucky Volunteers. In his original application the soldier states that while in the service and in line of duty at the ford of Cumberland, in the State of Kentucky, in March, 1862, he, from exposure incident to the service, contracted severe cold which settled in the eyes, affecting them to such an extent as to cause the total loss of sight. Affiant being totally blind is therefore rendered helpless and unable to perform the duties required by the only business he is at all acquainted with, and must depend upon the charities of others for support.

His application for pension was rejected by the Department on the ground that the disease of the eyes had probably existed before enlistment. On special examination several of his neighbors testified that they had known him before and since the war, that he was "near-sighted," but that was all the disease of the eyes they had any knowledge of.

James D. Foster, examining surgeon, says:

"In my opinion the said applicant is total first grade incapacitated for obtaining his subsistence by manual labor from the cause above stated. Judging from his present condition and from the evidence before me it is my belief that the said disability did reasonably originate in the service aforesaid, in the line of duty, and that the disability is permanent."

The surgeon further adds:

"This man, James M. McKeehan, is totally blind. His pupils are dilated; he has amaurosis, with a perfect destruction of the nervous structure of the retina. He is totally and eternally blind, and should always have an attendant to keep him out of danger."

All the evidence goes to show that the soldier had weak eyes, but that the severe cold, the result of exposure while in the Army and in line of duty, hastened, if it was not the direct cause of producing, total blindness. He was a good and faithful soldier so long as he remained in the Army. And while the evidence is not conclusive that blindness was the result of exposure in line of duty, the committee are inclined to give him the benefit of the doubt, and therefore submit a favorable report and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM H. HESTER.

Mr. PERKINS. I ask for the present consideration of the bill (H. R. 8164) granting a pension to William H. Hester.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William H. Hester, late of Company M, Nineteenth Kansas Cavalry.

Mr. PERKINS. The report in this case is very long, and with the permission of the House I will make a brief statement, which I think will obviate the necessity for reading the report.

This man is totally blind. He has a wife, and I believe three children. He is an object of charity—is maintained by the Grand Army post of the village where he resides. He enlisted three times as a soldier—first as a boy of seventeen. He was wounded and taken prisoner at Richmond, Ky., and was subsequently discharged from the service upon a writ of habeas corpus, granted on his father's application. He afterward re-enlisted. After the war he removed to Kansas, and during the Indian outbreak there in 1868 he joined the Kansas organization raised for the purpose of fighting the Indians. While engaged in that service he contracted a very severe cold, which settled in his eyes, and he became totally blind.

He employed some pension agents at Eureka Springs, Ark., to prosecute his application for pension. It seems from the developments that they secured some forged affidavits to establish the claim, which, because of this fraud, was rejected at the Pension Office. But the evidence clearly shows that the claimant was not a party to the fraud. I ask that the report be printed without being read.

The report (by Mr. FINLEY) is as follows:

William H. Heister (not Heisler) first enlisted in the Union Army under the name of William Hester on August 10, 1862, for three years, in Company C, Sixty-ninth Indiana Volunteers, when, from the evidence in the case bearing upon his age, he was seventeen years old.

A report from the office of the Assistant Adjutant-General, under date of February 13, 1884, shows that he was on the muster-rolls to October 31, 1862; was wounded in battle near Richmond, Ky., August 30, 1862, at which place and date, as shown by said report, his company was in action. On September 2, 1862, same report shows him home on furlough, having been paroled. Rolls for November and December, 1862, show him to have been discharged by writ of habeas corpus November 20, 1862, at Indianapolis, Ind.

Prisoner-of-war records show him paroled at Richmond, Ky., 1862; date of capture not given. From an examination of claimant held by Special Examiner M. H. Parks, at Eureka Springs, Ark., December 18, 1882, it appears from his evidence that claimant enlisted in the Sixty-ninth Indiana Volunteers some time in August or September, 1862; was wounded and taken prisoner at Richmond, Ky., and having enlisted under age, his father instituted habeas corpus proceedings, which resulted in his discharge.

He enlisted on March 25, 1864, in Company H, One hundredth Indiana Volunteers, as appears from the report of the Assistant Adjutant-General of date April 10, 1882, which report represents him present as to May and June, 1864, same report as to April 30, 1865 (the last roll on file). He was transferred (date not given) to Company G, Forty-eighth Indiana Volunteers, and was discharged with his company July 25, 1865.

On October 30, 1868, at Topeka, Kans., he enlisted in Company M, Nineteenth Kansas Cavalry, to serve for six months. The same report from the Assistant Adjutant-General last above named shows him present October 31, 1868; name not borne on returns for December, 1868, or January, 1869; mustered out with company April 18, 1869, at Fort Hays, Kansas, as a private.

On August 29, 1881, claimant filed his application for a pension, alleging that at Fort Dodge, Kans., on January 1, 1869, he contracted sore eyes, from which he never recovered, and which continued to grow worse, causing total blindness. On February 7, 1882, he was examined by the medical examining board in this city (Washington), who, to quote the exact language, reported him "practically totally blind," and that he required the constant aid and assistance of another person.

In an affidavit filed July 14, 1882, claimant alleges that on the 15th day of January, 1869, while in the service and line of duty and while on guard at night (guarding the horses) at Fort Dodge, Kans., there prevailed a very strong bleak wind, which carried with it dust and sand; that he took a severe cold, and the next morning his eyes were badly inflamed; that it was nearly a month before he was able to perform any duty again, and then only on company guard for two hours, but was never thereafter able to go on picket or regimental guard; that his eyes continued to grow worse from that date; that the captain of the company frequently requested affiant to go to the hospital, but he preferred to and was permitted to remain with his company, but was relieved from duty; and that at the expiration of his service he was discharged with the company. From the claimant's evidence, which is satisfactorily corroborated, he became blind in the fall of 1880.

The claimant employed one H. F. Hill, of Eureka Springs, Ark., as his agent to prepare his original application and prosecute his claim; another agent at same place named Charles H. Miller, also one William F. Burch, a brother-in-law of the claimant, became interested in the prosecution of the claim.

The whole three were a set of scoundrels, and in 1882 Hill and Miller were

both in the penitentiary, having been convicted by the United States district court at Fort Smith, Ark., for fraudulent practices in connection with certain pension cases. It does not clearly appear that Burch, who in 1882 was a fugitive from justice, was operating with Hill and Miller generally, but he took a hand with them in efforts to supply certain affidavits deemed by them essential to success, and among them, by joint action as it seems, the affidavits of the captain of the company in which claimant last served (who was at the time dead) and those of two comrades were forged and filed in the cause. In the course of the progress of the claim suspicion was aroused at the Pension Office that fraud was being attempted, and the case was referred to special examiners in the field, who were directed to make thorough examination, which was done, and the frauds clearly shown.

From a careful consideration of all the evidence your committee are confident that the claimant was not a party to the frauds of Hill, Miller, and Burch. The claimant at the time was totally blind and in very dependent circumstances, with a wife and three children to be supported by friends and charity. Miller (acting, no doubt, for himself and Hill) procured of claimant a promise to pay him one-third of the amount of pension recovered, and then proceeded to do the business according to methods then in practice by him. That these men kept their villainous schemes to themselves, and did not acquaint claimant with them, is evident from a number of points in the evidence, to recite all of which would require much time and space.

They procured of claimant the names and last known addresses of the captain of the company and two comrades, proceeded to draught the necessary affidavits, not disclosing the post-office addresses of the respective witnesses, and, after a time, informed claimant that they had procured them, and handed them to him, and he turned them over to Miller, who finally brought claimant to Washington to have the business completed by an examination, etc. Later, upon calling upon claimant, who had returned home, for the post-office addresses of the parties whose affidavits had been forged, he replied with frankness, giving the addresses surmised when Hill, Miller, and Burch applied to him, and as to which they later confirmed his impressions.

This led at once to the special examinations, not only of such of the three witnesses as were alive, but of a large number of others; and while there are some points as to which conflicts of evidence exist, yet a review and careful analysis of all the evidence has satisfied your committee that when claimant enlisted in the Nineteenth Kansas Cavalry he was free from disease of the eyes; that he incurred disease of the eyes in the service; had sore eyes at discharge, which continued to gradually grow worse, until, in the fall of 1880, he became totally blind.

The claimant enlisted three times as a soldier between the years 1862 and 1869, and while nothing affirmatively appears as to medical examinations upon enlistment the presumption is he was each time carefully examined by competent surgeons. The reports from the Adjutant-General's Office, while exhibiting considerable in his favor, show not the least suspicion of disease to eyes at either enlistment. Men for whom he worked on farms, both immediately before enlistment and after discharge, give clear evidence as to prior soundness and subsequent diseased condition, and in most cases these witnesses are vouched for by the respective special examiners who took evidence in the cause as being of good reputation, while of the claimant himself Special Examiner M. H. Parks declared in his report as follows:

"The claimant is a clear-headed, intelligent man, and the manner in which he told his story and the satisfactory answers he gave to the questions I put to him left the impression that he was telling the truth."

The examination of claimant by Parks was lengthy and thorough and skillfully conducted, and in the opinion of your committee the result justified the impressions of claimant on the part of the examiner as expressed in the above quotation from his report. The claimant in an affidavit filed with the papers declares that he had no knowledge of the attempt of Miller, Hill, and Burch to commit a fraud on the Pension Office.

In conclusion, while the attempt to commit an infamous fraud upon the Pension Office was well calculated to arouse a strong prejudice against claimant, and while some features of the evidence taken in examinations, if credited and not carefully analyzed and compared with other well-sustained proof, may have justified the Pension Department in rejecting the claim and adhering thereto, your committee, notwithstanding an original sense of prejudice, have concluded that the claimant is not chargeable with the attempted frauds, that he is innocent of any complicity therein, and that the evidence as a whole sustains his right to a pension at the hands of Congress.

In view of the foregoing, the committee recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARTHA GRAY.

Mr. ADAMS. I desire to call up the bill (H. R. 2071) for the relief of Martha Gray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martha Gray, widow of Charles Gray, deceased, formerly of Company A, Fourth Illinois Cavalry.

The report was partly read, when—

Mr. ADAMS said: Mr. Speaker, there is no question that this soldier was wounded and never recovered from his wound. There is no question that his widow supports herself and her children by washing and scrubbing. A considerable part of the report is taken up with testimony of a physician as to the connection between the soldier's final disease and the disability incurred in the service. I believe this is one of those cases in which the House is disposed to adopt a liberal construction of the evidence. I ask that the report be printed in the RECORD, and the bill be laid aside to be reported favorably to the House.

The reading of the report was called for.

The report (by Mr. LANE) was read, as follows:

Claimant is the widow of Charles Gray, deceased, late private Company A, Twenty-fourth Illinois Cavalry.

The soldier enlisted September 13, 1861, for three years, and was discharged on account of disability January 30, 1864, for gunshot wound of right leg, for which he was pensioned by certificate 207342.

Soldier had a running sore on the right leg when discharged, and subsequently dropsical effusion, which extended to his abdomen, chest, and heart, and caused his death February 27, 1883

Soldier left surviving him a widow, Martha Gray, and two minor children. The widow, Martha Gray, applied for pension December, 1883, No. 311797, for herself and children. Her claim was rejected August 5, 1886, on the ground that the disease which it is alleged was the cause of the soldier's death, namely, "valvular disease of the heart," was not due to his military services.

Dr. O. W. Newell, of Chicago, Ill., testified that he was called to see soldier February 24, 1883, and found him suffering with dropsical effusion and also, as near as he could determine, "valvular disease of the heart." He also learned that soldier had been wounded in the leg, which wound had produced a fracture that had troubled him more or less ever since; that for about eight years he had not been able to do any work; that he had spent considerable time in the hospital, and also nearly one year in the Soldiers' Home in Milwaukee, Wis.

He also had open, running sores on his leg, which he said had discharged continuously since his hurt. The doctor says that he saw him again on Sunday, February 25, that he was unable to lie down, and died February 27, 1883. The doctor adds:

"All I know further is hearsay; still I think from all the information that I can get that his death was caused indirectly by the wound of his leg, which had nearly unfitted him for business for the last years of his life."

The widow supports herself and children by washing and scrubbing.

A liberal construction of the testimony warrants the conclusion that the soldier died from the wounds received in action, and the committee therefore recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE P. STONE.

Mr. CHIPMAN. I ask unanimous consent to take up for present consideration the bill (H. R. 6453) granting a pension to George P. Stone.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pensions laws, the name of George P. Stone, late captain of Company C, Thirty-seventh Regiment of Kentucky Volunteers, at the rate of $20 per month.

The report (by Mr. HUNTER) was read, as follows:

The records of the War Department show that George P. Stone entered the military service of the United States on the 25th day of September, 1861, as a private in Company A, Ninth Regiment of Kentucky Volunteers, and was discharged therefrom on surgeon's certificate of disability on the 23d day of May, 1862, while in regimental hospital at Corinth, Miss.; that he again entered the Army on the 17th day of September, 1863, as captain of Company C, Thirty-seventh Regiment of Kentucky Volunteers, from which he was honorably discharged on the 29th day of December, 1864, by reason of expiration of term of service.

The records of the Pension Office show that while he was serving in the last-named regiment, and while said command was stationed at Glasgow, Ky., in January, 1864, claimant had a severe attack of typhoid pneumonia; that before his complete recovery therefrom he was compelled to undergo some exposure incident to the service, which caused a relapse and resulting inflammatory rheumatism.

Dr. R. W. Haselwood, of Pittman, Taylor County, Kentucky, who was assistant surgeon of the regiment, swears:

"That he treated claimant for typhoid pneumonia in January, 1864, for two or three weeks; that he then went on duty, but was soon attacked with inflammatory rheumatism, for which affiant treated him during the remainder of his term of service; that he has a distinct recollection of this man, and makes this statement from personal knowledge."

Dr. F. M. Stone, of Fountain Run, Monroe County, Kentucky, states:

"That he is a brother of claimant, and visited him while he was sick at Glasgow, Ky., in January, 1864; that he had pneumonia, and has been hardly fit for anything since."

Charles A. McCue, of Flippin, Monroe County, Kentucky, who was a lieutenant in claimant's command, swears:

"That the claimant, at Glasgow, Ky., had an attack of pneumonia, fever, and rheumatism about January, 1864, and that the disability has continued ever since."

Dr. D. R. Haggard, of Burkesville, Cumberland County, Kentucky, swears:

"That in the winter of 1865, at the United States Hotel, Louisville, Ky., he treated the claimant for a severe attack of inflammatory rheumatism."

Dr. James R. Duncan, of Newton, Harvey County, Kansas, who was surgeon of claimant's regiment, states:

"That so far as he knows claimant was physically sound at date of enlistment."

Dr. E. G. Williams, of Rocky Hill Station, Edmonson County, Kentucky, states:

"That he was well acquainted with the claimant, and knows that he was free from rheumatism and pneumonia when he entered the Army, and has heard him complain of rheumatism since his discharge."

W. P. Gibson and C. H. Austin, good, reputable citizens of Fountain Run, Monroe County, Kentucky, and neighbors of claimant, state:

"That Captain Stone was apparently free from rheumatism and in good health at enlistment."

Dr. W. R. Shapard, United States examining surgeon at Scottsville, Allen County, Kentucky, made an official examination of claimant, and states:

"That left lung by percussion reveals a dull sound over upper third. By auscultation a cracking sound, with labored breathing; heart beating rapidly. The joints of fingers and toes seem stiff."

The proof shows and claimant admits the existence of chorea prior to enlistment.

Claimant made application for a pension in the usual way on account of rheumatism and the effects of pneumonia, but the claim was rejected by the Pension Office on the ground that the alleged rheumatism, which was of a neuralgic character, existed prior to enlistment, and that it was due directly or indirectly to the chorea.

That claimant was free from rheumatism and lung trouble at the date of enlistment; that he had an attack of typhoid pneumonia and inflammatory rheumatism while in the service, from the effects of which he has suffered since his discharge, is abundantly proven by the proof above cited, and which is but a small portion of the evidence on file in the case; and why the Pension Office should see proper to reject the claim on the ground that the rheumatism was due directly or indirectly to the chorea is beyond the comprehension of this committee, for it is a well-known medical fact that these two diseases have no pathological connection whatever.

Your committee therefore submit a favorable report and recommend the passage of the bill.

The bill was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

GEORGIA A. STRICKLETT.

Mr. THOMAS, of Kentucky. I ask unanimous consent to take up the bill (H. R. 7715) for the relief of Georgia A. Stricklett.

The bill was read as, follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and

limitations of the pension laws, the name of Georgia A. Stricklett, widow of P. M. Stricklett, late second lieutenant in Company A, Forty-fifth Kentucky Mounted Infantry Volunteers, in the war of 1861.

The report (by Mr. HUNTER) was read, as follows:

Pleasant M. Stricklett was second lieutenant Company A, Forty-fifth Kentucky Infantry. Capt. Joseph W. Cottingham, captain of said company, testifies that while in the recruiting service in Lewis County, Kentucky, in company with said Lieutenant Stricklett, the latter was shot by a bushwhacker and very badly wounded with buckshot July 23, 1863. The said Cottingham was at the time riding beside said Stricklett and was also wounded badly by the same discharge. The said Stricklett was so disabled as to do little duty with his company during the remainder of 1863. He was immediately removed to his father's house in Clarksburgh, where he remained during his entire convalescence, treated by Drs. Barber, Taylor, and Jones. He did not return to his command during all of this period, and was not treated by the regimental surgeon.

After his recovery said Stricklett joined his company and served out his time, and was honorably discharged. The said Cottingham applied for and received a pension for wounds received at the same time Stricklett was wounded. Stricklett did not apply for a pension.

Dr. L. A. Grimes testifies:

"That for twenty-one years he has been a regular practicing physician in Concord, Lewis County, Kentucky; that he was for some time prior and at the time of said Lieutenant Stricklett's death his regular family physician, and was present when the said Stricklett died, July 21, 1873. The affiant, Grimes, made an examination of the body after death, and to the best of his knowledge the same was caused partially by epilepsy; that he had frequently expressed the opinion to said Stricklett and family that epilepsy would be the cause of his death, and advised him to arrange his worldly affairs, being of the opinion that Stricklett would not live long. The epilepsy was caused from said wound about the face and head received during his service during the war."

That is, from the wounds inflicted July 23, 1863, as detailed by Capt. Joseph W. Cottingham.

Dr. C. Honaker testifies that—

"He is a regular practicing physician; age, fifty-three [when testimony was given, January 27, 1885]. Has practiced medicine twenty-five years. Knew said P. M. Stricklett prior to, during, and since the war. In 1868 said Stricklett applied to said Honaker for treatment. His disability was the development of confirmed epilepsy, which resisted all and any treatment affiant could give him, which grew worse day by day, month after month, until his mind was weakened and he was fast giving way mentally and physically, and had he lived to die a natural death he certainly would have died an insane epileptic, for he was a mental and physical wreck at the time of his death."

The said Honaker gives as "his deliberate judgment the opinion that the epilepsy was due to one of the buckshot received, as described by Captain Cottingham, and that said epilepsy was inevitably fatal in the end, as he would have died an insane epileptic."

Georgia A. Stricklett, the widow of said Lieutenant Stricklett, applied for a pension, and filed her application April 21, 1883, alleging that while in service on July 23, 1863, her husband received a gunshot wound of the head and left cheek. The claim was rejected on the ground that the wound did not cause the soldier's death.

The application of said widow is No. 303612. The proof is conclusive that the soldier was badly wounded while in the service, recruiting; that as soon as he recovered he returned to his company and served out his time, and the proof is clear that said wounds so received by said soldier while in the service caused an attack of epilepsy, from which he never recovered, and at the time of his death, by an accidental shot, said soldier was a mental and physical wreck and could have lived but a short time. Dr. Grimes, an eminent and honorable physician, testifies that he was the soldier's family physician, and was present at his death, and says that his death was caused partly by epilepsy.

Dr. Honaker, another eminent and celebrated physician, says that the soldier was a mental and physical wreck at and some time before his death, and that his death was inevitable in a short time from said attack of epilepsy.

Your committee is of opinion that this is a very meritorious case, clearly made out. They therefore recommend the passage of the bill.

The bill was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. CHIPMAN. Mr. Chairman, I move that the committee do now rise.

Mr. FINLEY. I hope the gentleman will withhold that motion for a moment. I will not be here on next Friday night, and I have a bill that I am satisfied it will not take a minute to pass, granting a pension to a hopeless, friendless soldier.

Mr. CHIPMAN. I have no objection if we have time.

Mr. MORRILL. I would call the attention of the Chairman to the time.

The CHAIRMAN. It will be manifestly impossible to pass the bills acted upon in committee to-night unless the committee shall now rise.

The question is on the motion of the gentleman from Michigan.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole, having had under consideration pension bills on the Private Calendar, had directed him to report sundry bills with various recommendations.

BILLS PASSED.

The following House bills, reported from the Committee of the Whole without amendments, were severally considered, ordered to be engrossed for a third reading, and being engrossed were accordingly read the third time and passed, namely:

A bill (H. R. 112) granting a pension to George Schneider;
A bill (H. R. 404) for the relief of Mary McGrath;
A bill (H. R. 3180) granting a pension to John H. Sayers;
A bill (H. R. 879) granting a pension to Royal J. Hiar;
A bill (H. R. 138) granting a pension to Joseph Perry;
A bill (H. R. 6379) to increase the pension of David M. Rennoe;
A bill (H. R. 3579) granting a pension to Ellen Shea;
A bill (H. R. 6609) for the relief of Sarah E. McCaleb;
A bill (H. R. 8185) granting a pension to David L. Bartlow;
A bill (H. R. 4579) granting a pension to Mary J. Crocker;
A bill (H. R. 4580) granting a pension to Farnaren Ball;
A bill (H. R. 4491) granting a pension to Rosanna Robey;
A bill (H. R. 3554) granting a pension to Catharine Black;
A bill (H. R. 680) granting a pension to Henry H. Stuttsman;
A bill (H. R. 7913) granting a pension to Nellie Palfrey Goodwin;
A bill (H. R. 3735) granting a pension to Eliza Shreeve;
A bill (H. R. 3158) increasing the pension to Howard S. Abbott;
A bill (H. R. 7882) granting a pension to John Kinney;
A bill (H. R. 6582) granting a pension to Elizabeth Ward;
A bill (H. R. 2282) to pension Mrs. Theodora M. Piatt;
A bill (H. R. 6971) to pension Peter Clark, jr.;
A bill (H. R. 8164) granting a pension to William H. Hester;
A bill (H. R. 2071) for the relief of Martha Gray;
A bill (H. R. 6453) granting a pension to George P. Stone; and
A bill (H. R. 7715) for the relief of Georgia A. Stricklett.

Bills of the following titles, reported from the Committee of the Whole with amendments, were severally considered, the amendments concurred in, and the bills as amended ordered to be engrossed for a third reading; and being engrossed, were accordingly read the third time, and passed, namely:

A bill (H. R. 5545) granting a pension to Nancy F. Jennings;
A bill (H. R. 2094) to increase the pension of Alonzo B. Chatfield;
A bill (H. R. 401) granting a pension to Mrs. Jeannie Stone;
A bill (H. R. 5195) granting a pension to David W. Seely;
A bill (H. R. 3844) granting an increase of pension to Wilson C. Moles;
A bill (H. R. 5966) granting a pension to Mrs. Lepha A. Osborn;
A bill (H. R. 335) granting a pension to General W. E. Woodruff; and
A bill (H. R. 2664) for the relief of Francis Daniels.

The bills (H. R. 5311) granting a pension to Alonzo H. Gregory and (H. R. 6576) for the relief of Thomas M. McKeehan were severally considered, the amendments concurred in, and the bills as amended ordered to be engrossed for a third reading; and being engrossed, were accordingly read the third time, and passed.

The titles were amended to conform to the amendments to the bills.

The bill (H. R. 7476) granting a pension to William O. Doyel was ordered to be laid on the table.

Senate bills of the following titles, reported from the Committee of the Whole, were severally considered, ordered to a third reading, and passed, namely:

A bill (S. 172) granting a pension to Abbie M. Hay;
A bill (S. 174) granting a pension to Mary Martin;
A bill (S. 450) for the relief of Thomas S. Hopkins;
A bill (S. 838) granting a pension to Mary Sullivan;
A bill (S. 472) granting a pension to Eliza Summers;
A bill (S. 930) to pension Oscar F. Carpenter;
A bill (S. 753) granting a pension to James D. Whaley;
A bill (S. 895) for the relief of Mrs. Betsey Winterbottom;
A bill (S. 819) granting a pension to Christopher Wisemiller;
A bill (S. 1354) granting a pension to Helen M. Randolph;
A bill (S. 2067) granting a pension to William O. Doyel; and
A bill (S. 465) granting a pension to William Jackman, sr.

The bill (S. 1413) to increase the pension of James Cary, reported from the Committee of the Whole with amendments, was considered, the amendments concurred in, and the bill as amended ordered to a third reading, and being read the third time, was passed.

The bill (S. 703) granting a pension to M. T. Lindsay, of Oregon, was considered, and the recommendation of the Committee of the Whole that it be indefinitely postponed concurred in.

The SPEAKER *pro tempore*. If there be no objection, the several votes just taken will be reconsidered, and the motion to reconsider be laid upon the table.

There was no objection, and it was so ordered.

And then (the hour of 10 o'clock and 30 minutes p. m. having arrived) the Speaker *pro tempore* declared the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. G. A. ANDERSON: A bill (H. R. 9351) for the relief of Mrs. Elizabeth Leebrick—to the Committee on War Claims.

By Mr. A. R. ANDERSON: A bill (H. R. 9352) for the relief of George F. Bowers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9353) for the relief of Thomas J. Graham—to the Committee on Invalid Pensions.

By Mr. BACON (by request): A bill (H. R. 9354) for the relief of James I. Demarest—to the Committee on Invalid Pensions.

By Mr. BIGGS: A bill (H. R. 9355) for the relief of Joanna Barry—to the Select Committee on Indian Depredation Claims.

By Mr. BLISS: A bill (H. R. 9356) granting an increase of pension to John Ericsson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9357) granting an increase of pension to Emery Brown—to the Committee on Invalid Pensions.

By Mr. CARUTH: A bill (H. R. 9358) to increase the pension of Rosalie O'Sullivan—to the Committee on Pensions.

By Mr. CHEADLE: A bill (H. R. 9359) granting a pension to Margaret T. Johnson—to the Committee on Invalid Pensions.

By Mr. FISHER: A bill (H. R. 9360) for the relief of Sarah Spaulding—to the Committee on the Public Lands.

By Mr. HEARD: A bill (H. R. 9361) granting a pension to Nancy Hughes—to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 9362) restoring the name of David Briggs to the pension-roll—to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 9363) granting a pension to Edwin J. Godfrey—to the Committee on Invalid Pensions.

By Mr. MORRILL: A bill (H. R. 9364) granting a pension to John Bush—to the Committee on Pensions.

By Mr. RANDALL: A bill (H. R. 9365) granting a pension to Sarah Hays—to the Committee on Invalid Pensions.

By Mr. C. A. RUSSELL: A bill (H. R. 9366) granting a pension to Andrew J. Lepard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9367) to remove the charge of desertion against James H. Gay—to the Committee on Military Affairs.

By Mr. J. E. RUSSELL: A bill (H. R. 9368) for the relief of George K. Otis—to the Committee on the Post-Office and Post-Roads.

By Mr. SENEY: A bill (H. R. 9369) to increase the pension of Michael Kopf—to the Committee on Invalid Pensions.

By Mr. SEYMOUR (by request): A bill (H. R. 9370) granting a pension to Mrs. Susan Bates—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9371) granting a pension to Betsey Williams—to the Committee on Invalid Pensions.

By Mr. SPINOLA: A bill (H. R. 9372) granting a pension to John Dean—to the Committee on Invalid Pensions.

By Mr. VANDEVER: A bill (H. R. 9373) for the relief of the First National Bank of Los Angeles, Cal.—to the Committee on Claims.

By Mr. WADE: A bill (H. R. 9374) granting a pension to William Hurse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9375) granting a pension to George Solomon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9376) granting a pension to James Wise—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. A. R. ANDERSON: Petition of James Valentine and 14 others of Murray, Iowa, asking that salt be placed on the free-list—to the Committee on Ways and Means.

By Mr. C. L. ANDERSON: Petition of W. W. George and 434 others, citizens of East Mississippi, for the holding of terms of the United States courts at Meridian, Miss.—to the Committee on the Judiciary.

By Mr. BACON (by request): Petition of James I. Demarest, father of Henry W. W. Demarest, late private Company F, Thirteenth Regiment New York Cavalry, for a special-act pension—to the Committee on Invalid Pensions.

Also, petition of 173 citizens against reduction of duty on green and colored glass bottles—to the Committee on Ways and Means.

By Mr. C. S. BAKER: Petition of Joseph O'Connor and other citizens of Rochester, N. Y., in favor of Senate bill 283—to the Committee on the Public Lands.

By Mr. BAYNE: Petition of Adolph Schmidt and others, druggists, of Allegheny County, Pennsylvania, for repeal of a certain portion of the internal-revenue law—to the Committee on Ways and Means.

By Mr. BELDEN: Petition of P. H. Hays and 30 others, cigar-makers of Syracuse, N. Y., for repeal of revenue duties on cigars and cheroots—to the Committee on Ways and Means.

By Mr. BELMONT: Petition of citizens of Suffolk County, of Queens County, and of Richmond County, New York, for protection of the Yellowstone Park—to the Committee on the Public Lands.

By Mr. BINGHAM: Petition to repeal that portion of the internal-revenue law classing druggists as liquor dealers—to the Committee on Ways and Means.

By Mr. BOUND: Petition of Samuel Weiss, jr., M. D., and others of Lebanon and Annville, Pa., for the repeal of all taxes on alcohol to be used in medicine and the arts—to the Committee on Ways and Means.

By Mr. BURNES: Memorial of Ferd. Garesche and other officials in the customs service in St. Louis, Mo., for additional appropriation for said service—to the Committee on Appropriations.

By Mr. BURNETT: Petition for improvement in mail service in New England—to the Committee on the Post-Office and Post-Roads.

Also, petition for the protection of the Yellowstone Park—to the Committee on the Public Lands.

By Mr. BUTLER: Petition of sundry citizens of Sullivan County, Tennessee, for compensation for postmasters for fuel, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. FELIX CAMPBELL: Joint resolution of the Legislature of New York, in favor of House bill 8857—to the Committee on Military Affairs.

By Mr. CANNON: Petition of Otto Weiss and others, of Charleston, Ill., for the protection of the Yellowstone Park—to the Committee on the Territories.

By Mr. CARUTH: Papers in the pension claim of Rosalie O'Sullivan—to the Committee on Pensions.

By Mr. CONGER: Paper to accompany House bill 152, for relief of of Mrs. Theresa Gurlich—to the Committee on Invalid Pensions.

By Mr. CUTCHEON: Petition of citizens of Antrim County, Michigan, in favor of better protection of the Yellowstone Park—to the Committee on the Territories.

Also, memorial of the Board of Trade of Detroit, Mich., in regard to Canadian railroads as channels of interstate commerce—to the Committee on Commerce.

By Mr. DALZELL: Petition of citizens of Pennsylvania, for repeal of the internal-revenue law classing druggists as liquor dealers, etc.—to the Committee on Ways and Means.

By Mr. R. H. M. DAVIDSON: Petition of citizens of Pensacola, Fla., against the passage of the Butterworth and Dawes lard bills—to the Committee on Agriculture.

By Mr. DIBBLE (by request): Petition of the Woman's Christian Temperance Union of South Carolina, for the repeal of the internal-revenue tax on all alcoholic liquors—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. DORSEY: Petition of citizens of Nebraska, for the organization of Oklahoma—to the Committee on the Territories.

By Mr. ERMENTROUT: Memorial of the merchant tailors of Philadelphia, in reference to unjust discrimination in duty on woolens—to the Committee on Ways and Means.

By Mr. FISHER: Petition of G. Rutson and 32 others, and of George F. Buchanan and 23 others, for increase of pay of keepers and surfmen of the Life-Saving Service—to the Committee on Commerce.

Also, petition of 72 soldiers and sailors, and 167 citizens of Ogemaw County, Michigan, indorsing House bill 5662 and Senate bill 1537—to the Committee on Invalid Pensions.

By Mr. FORD: Remonstrance of E. A. Dopper and many others, against the passage of House bill 7901—to the Committee on the Public Lands.

By Mr. FUNSTON: Petition of citizens of Kansas City, Kans., for the passage of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. GEAR: Resolutions of the General Assembly of Iowa, for an amendment to the Constitution forbidding non-resident aliens to own land in the United States—to the Committee on the Judiciary.

Also, petition of W. H. Carpenter and 32 other citizens, praying that workmen on Government contracts shall be paid once in two weeks—to the Committee on Labor.

Also, petition of S. S. Daniels, of Tipton, Iowa, for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. GIFFORD: Petition of O. W. Sheldon and 38 others, of Brown County, Dakota, that the present tariff on flax and flax products be retained—to the Committee on Ways and Means.

Also, petition of Mrs. Anna Aldrich, of Plankinton, Dak., for the repeal of the internal-revenue tax on alcoholic liquors—to the Committee on Ways and Means.

By Mr. GRANGER (by request): Petition of J. A. Lockwood and others, for an appropriation for the improvement of Cos Cob and Mianus Harbor, Connecticut—to the Committee on Rivers and Harbors.

Also, petition of F. A. Perkins and others, and of H. C. Dudd and others, for protection of the Yellowstone Park—to the Committee on the Public Lands.

By Mr. GROUT: Memorial of James Thompson & Co., of Valley Falls, N. Y., for increase of duty on flax, hemp, and jute—to the Committee on Ways and Means.

Also, memorial of George K. Russell, of Bellows Falls, Vt., against putting wood-pulp on the free-list—to the Committee on Ways and Means.

Also, petition of E. J. Linker, of Beebe Plains, Vt., for better mail facilities between New England and the West—to the Committee on the Post-Office and Post-Roads.

By Mr. GUENTHER: Petition of Gerhard Mockley, of Holy Cross, Wis., for relief—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Bartlett Clinical Club, of Milwaukee, Wis., for removal of tariff on medicines, medical and surgical appliances, etc.—to the Committee on Ways and Means.

By Mr. HARE: Three petitions of sundry citizens of Denton County, Texas, to make provision to pay Indian depredation claims—to the Select Committee on Indian Depredation Claims.

By Mr. HOOKER: Petition of K. D. Wright, heir of Lucy Cordell, of Hinds County, Mississippi, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. HOUK: Petition of Knights of Labor, of Knoxville, Tenn., in behalf of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. KETCHAM: Petition of John D. Kellogg and 21 others, citizens of North Salem, N. Y., for the protection of the Yellowstone Park—to the Committee on the Public Lands.

By Mr. LAIDLAW: Two petitions of citizens of Jamestown, N. Y., for the protection of the Yellowstone Park—to the Committee on the Public Lands.

By Mr. LEE: Petition of Angus McD. Green, administrator of Mrs. Mary Guinn, of Culpeper County, Virginia, for reference of claim to the Court of Claims—to the Committee on War Claims.

By Mr. LONG: Petition of Eliza Ewer, of Boston, Mass., for increase of pension—to the Committee on Invalid Pensions.

Also, memorial of the Central Labor Union, of Quincy, Mass., against the withdrawal of protection on dressed stone—to the Committee on Ways and Means.

By Mr. McCORMICK: Petition of Wilson Nevel and 75 others, citizens of Lycoming County, Pennsylvania, for the passage of Senate bill No. 283—to the Committee on the Public Lands.

Also, petition of Milton Huber and others, druggists, of Williamsport, Pa., for repeal of statute classifying druggists as liquor dealers—to the Committee on Ways and Means.

By Mr. McKINLEY: Petition of farmers of Stark County, Ohio, protesting against the passage of the Mills tariff bill—to the Committee on Ways and Means.

By Mr. MORGAN: Petition of Madison Ledbetter, of Marshall County, Mississippi, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. MORROW: Petition of employés of the customs service at San Francisco, Cal., for appropriation to supply a deficiency for the year ending June 30, 1888—to the Committee on Appropriations.

By Mr. NEAL: Petition of Samuel Ray, of James County, Tennessee, for payment of his war claim—to the Committee on War Claims.

By Mr. NUTTING: Petition of W. L. Hearlet and 30 others, citizens of Auburn, N. Y., for the protection of the Yellowstone Park—to the Committee on the Public Lands.

By Mr. —— O'NEILL: Petition and papers of Mrs. Sophia Schimmelfinnig, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. PARKER: Resolution of the Assembly of New York, in favor of the muster-roll bill—to the Committee on Military Affairs.

By Mr. ROMEIS: Memorial of 27 citizens of Fremont, Ohio, for protection of the Yellowstone Park—to the Committee on the Public Lands.

By Mr. RUSK: Petition for a pension for Mrs. M. A. Parnell—to the Committee on Invalid Pensions.

By Mr. SCULL: Memorial of citizens of Everett and Bedford, Pa., for repeal of that part of the internal revenue classing druggists as liquor dealers, etc.—to the Committee on Ways and Means.

By Mr. SENEY: Petition of W. H. Darrah and 14 others, citizens of Bucyrus, Ohio, for the passage of Senate bill 283—to the Commit-tee on the Public Lands.

Also, paper of James Thompson & Co., respecting the tariff duty on flax and hemp—to the Committee on Ways and Means.

By Mr. SHIVELY: Petition of Typographical Union No. 128, of South Bend, Ind., in favor of the Chace copyright bill—to the Committee on Patents.

By Mr. SPOONER: Petition of A. B. Chace and 22 others, citizens of Rhode Island, for the protection of the Yellowstone Park—to the Committee on the Public Lands.

By Mr. STAHLNECKER: Petition of Hon. E. B. Pond, mayor of San Francisco, Cal., and others, for an act to establish a quarantine station at that port—to the Committee on Commerce.

Also, joint resolution of the New York Legislature, favoring House bill No. 8857—to the Committee on Military Affairs.

By Mr. J. W. STEWART: Petition of C. J. Wright and others, and of J. H. Guild and others, of Vermont, for protection of the Yellowstone Park—to the Committee on the Public Lands.

By Mr. E. B. TAYLOR: Petition of citizens of Lordstown, Ohio, for additional protection to agriculture—to the Committee on Ways and Means.

By Mr. G. M. THOMAS: Petition of Elizabeth Hull, widow of William Hull, late private Company D, Seventh Kentucky Cavalry, for relief—to the Committee on Military Affairs.

Also, petition for a pension for Jacob Libber—to the Committee on Invalid Pensions.

By Mr. WADE: Petition of the president and professors of Drury College, Springfield, Mo., for an international copyright law—to the Committee on Patents.

Also, petition of citizens of McDonald County, Missouri, for an amendment of the homestead law—to the Committee on the Public Lands.

By Mr. WASHINGTON: Petition of N. W. Baldridge, of Davidson County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. J. R. WHITING: Petition of Richard Pearson and 25 others, and of Jefferson Tardice and 76 others, citizens of Greenleaf, Mich., against a reduction of duty on wool and woolens—to the Committee on Ways and Means.

Also, petition of Hugh McAlpin and 95 others, and of Richard Pearson and 25 others, of Sanilac County, Michigan, for the pleuro-pneumonia bill—to the Committee on Agriculture.

By Mr. WILLIAM WHITING: Petition of C. C. Hitchcock and others, citizens of Ware, and of W. L. Granger and others, citizens of Westfield, Mass., for protection of the Yellowstone Park—to the Committee on the Public Lands.

Also, petition of Stratton Bros., of Gardner, Mass., for better mail facilities in New England—to the Committee on the Post-Office and Post-Roads.

The following petitions for the more effectual protection of agriculture, by means of certain import duties, were received and severally referred to the Committee on Ways and Means:

By Mr. CANNON: Of F. T. Banker and 150 others, of Zif, Ill.

By Mr. CUTCHEON: Of citizens of Osceola County and of Mason County, Michigan.

By Mr. KEAN: Of John H. Denise and others, citizens of Freehold, N. J.

By Mr. KETCHAM: Of 20 farmers of Fremont Centre, N. Y.

By Mr. PARKER: Of citizens of Pierpont, N. Y., and of T. F. Dana and others, of New York.

By Mr. SAWYER: Of citizens of Linwood, N. Y.

By Mr. WICKHAM: Of 49 citizens of Lorain County, Ohio.

The following petitions, praying for the enactment of a law to establish a system of telegraphy, to be owned and controlled by the Government of the United States and operated in connection with the Post-Office Department, were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. A. R. ANDERSON: Of R. M. Carson and 2,210 others, citizens of the Eighth district of Iowa.

By Mr. JEHU BAKER: Of John Huegle and 106 others, citizens of the Twentieth district of Illinois.

By Mr. BAYNE: Of T. B. Walker and 1,430 others, citizens of the Twenty-third and Twenty-fourth districts of Pennsylvania.

By Mr. BELDEN: Of W. A. Hill and 125 others, Knights of Labor of Syracuse, N. Y.

By Mr. CUTCHEON: Of citizens of Michigan.

By Mr. R. H. M. DAVIDSON: Of J. B. Hill and 1,668 others, citizens of the First district of Florida.

By Mr. FISHER: Of John Maxwell and 2,496 others, citizens of Michigan.

By Mr. GRANGER (by request): Of A. A. Curtis and others, citizens of Connecticut.

By Mr. HEARD: Of citizens of the Sixth district of Missouri.

By Mr. HIRES: Of numerous citizens of the First district of New Jersey.

By Mr. KETCHAM: Of John McNulty and 208 others, citizens of the Sixteenth district of New York.

By Mr. LYNCH: Petition of John J. Barrett and 6,760 others, citizens of the Twelfth district of Pennsylvania.

By Mr. ROWELL: Of T. J. Butler and 853 others, citizens of the Fourteenth district of Illinois.

By Mr. ROWLAND: Of certain citizens of Robeson County, North Carolina.

By Mr. M. A. SMITH: Of E. B. Gage and 100 others, citizens of Arizona.

By Mr. J. R. THOMAS: Of J. W. Coleman and 1,642 others, citizens of the Twentieth district of Illinois.

The following petitions, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, were severally referred to the Committee on Invalid Pensions:

By Mr. A. R. ANDERSON: Of James Humeston and 35 other members of Davenport Post, Grand Army of the Republic, of Woodburn, Iowa, and of George Phillips and 83 other ex-soldiers, of Woodburn, Iowa.

By Mr. BRUMM: Of J. M. Wetherill and 44 others, citizens of Schuylkill County, Pennsylvania.

By Mr. BURNES: Of John Galbreath and other ex-soldiers, of Fillmore, Mo.

By Mr. BURROWS: Of ex-soldiers and sailors of Michigan.

By Mr. CUTCHEON: Of sundry citizens and soldiers of Newaygo County, Michigan.

By Mr. FISHER: Of 9 soldiers and sailors of Odessa; of 20 soldiers and sailors, of 14 soldiers and sailors, and of 16 soldiers and sailors, of Luzerne and Farwell, Mich.

By Mr. FUNSTON: Of members of Grand Army of the Republic post, of Williamsburgh, Kans.

By Mr. GIFFORD: Of James Crosby and 47 others, of Woonsocket; of E. Huntington and 23 others, of Webster, Dak.

By Mr. KETCHAM: Of Wallace Payntor and 68 others, ex-soldiers and sailors of Fishkill, N. Y.

By Mr. LANE: Of Post No. 354, Grand Army of the Republic of Illinois.

By Mr. McKINLEY: Of citizens of East Liverpool, Ohio.

By Mr. OSBORNE: Of John Shafer and 41 others, ex-soldiers of Luzerne County, Pennsylvania.

By Mr. SENEY: Of N. W. Jenkins and 182 others, citizens of Hancock County, Ohio.

By Mr. SPOONER: Of C. B. Harbach and others, soldiers of Barrington, R. I.

By Mr. O. B. THOMAS: Of 75 citizens, of 34 ex-soldiers, and of 125 citizens of Richland County, Wisconsin.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. PARKER: Of 96 citizens of St. Lawrence County, New York.

By Mr. E. B. TAYLOR: Of citizens of Ashtabula County, Ohio.

By Mr. WALKER: Of 68 citizens of Butler County, Missouri.

By Mr. WEAVER: Of 164 citizens of Monroe County, Iowa.

By Mr. WEBER: Of 29 citizens of Niagara County, New York.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. R. H. M. DAVIDSON: Of citizens of Cerro Gordo, Fla.

By Mr. HEARD: Of citizens of Camden County, Missouri.

By Mr. HOUK: Of citizens of Morgan County, Tennessee.

By Mr. McCLAMMY: Of Lewis Mills and 50 others, citizens of Onslow County, North Carolina.

By Mr. McCORMICK: Of H. H. Ogden and 13 others, citizens of Tioga County, Pennsylvania.

By Mr. McRAE: Of citizens of Fairland, Ark.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April* 14, 1888.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. WILLIAM H. MILBURN, D. D.

The Clerk proceeded to read the Journal of yesterday's proceedings.

Mr. McMILLIN. I ask unanimous consent to dispense with the reading of that portion of the Journal which relates to the presentation of reports. It is somewhat lengthy.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The reading of the Journal was completed with the exception of the portion referred to, and was approved as read.

FINDINGS OF COURT OF CLAIMS.

The SPEAKER laid before the House letters from the assistant clerk of the Court of Claims, transmitting copies of the findings of fact in the following cases, and they were referred to the Committee on War Claims:

In the case of Caroline Hedges against the United States;

In the case of James W. Johnston, administrator, against the United States;

In the case of Thomas M. Brown and others against the United States;

In the case of Joseph Lowe and others against the United States;

In the case of Thomas H. Wysong against the United States;

In the case of George Cooper against the United States; and

In the case of Ebenezer Cunningham against the United States.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of Philip C. Rowe against the United States; which was referred to the Committee on Patents.

OHIO CONNECTING RAILWAY BRIDGE.

The SPEAKER also laid before the House the bill (H. R. 3215) to authorize the construction of the Ohio Connecting Railway bridge; which was referred to the Committee on Commerce.

COUNTY OF SAN JUAN IN NEW MEXICO.

The SPEAKER also laid before the House the bill (H. R. 1983) to ratify an act entitled "An act creating the county of San Juan in the Territory of New Mexico," with amendments by the Senate.

Mr. SPRINGER. There was a committee of conference asked on that bill.

The SPEAKER. That does not give it any preference.

Mr. SPRINGER. I am aware of that; but I ask unanimous consent to non-concur in the Senate amendments and agree to the request for a committee of conference.

Mr. ADAMS. What is the bill?

The SPEAKER. It is a bill to create the county of San Juan in the Territory of New Mexico.

Mr. DINGLEY. Has this bill reached the conference stage?

The SPEAKER. It has not. The Senate has asked a conference.

Mr. DINGLEY. That does not make it privileged.

The SPEAKER. It does not. The gentleman from Illinois [Mr. SPRINGER] asks unanimous consent that the House non-concur in the Senate amendments and agree to the request for a committee of conference. Is there objection? The Chair hears none, and will appoint the managers during the day.

PUBLIC BUILDING AT TALLAHASSEE, FLA.

The SPEAKER also laid before the House the bill (S. 1083) for the erection of a public building at Tallahassee, Fla.

Mr. DAVIDSON, of Florida. I ask unanimous consent that that bill be considered now; and with the indulgence of the House I will give a word of explanation. The bill provides for the erection of a public building at Tallahassee, Fla. This is a Senate bill. A similar bill has been considered favorably by the Committee on Public Buildings and Grounds. I ask the House to pass it now. The amount involved is $75,000.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

Mr. BRECKINRIDGE, of Arkansas. I regret to have to object, but I will do so after the reading of the bill, and I may as well do so now.

The bill was read twice, and was referred to the Committee on Public Buildings and Grounds.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House bills of the Senate of the following titles; which were severally read twice, and referred to committees as indicated:

The bill (S. 2123) to authorize the removal of an obstruction to the navigation of Broad Creek, in the State of Delaware—to the Committee on Commerce.

The bill (S. 1721) establishing a customs collection district in Florida, to be known as the collection district of Tampa, and for other purposes—to the Committee on Commerce.

The bill (S. 2613) to amend an act approved June 15, 1882, changing the boundaries of the fourth collection district of Virginia—to the Committee on Commerce.

The bill (S. 2392) for the erection of a monument to the memory of General Joseph Warren, who fell at the battle of Bunker Hill—to the Committee on the Library.

The bill (S. 1241) to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York City by dumping or otherwise, and to punish and prevent such offenses—to the Committee on Commerce.

CHANGE OF REFERENCE.

The SPEAKER. The Chair also lays before the House the bill (S. 2202) for the relief of Samuel Noble. This bill is before the Committee on War Claims. They ask to be discharged from its further consideration and that it be referred to the Committee on the Judiciary.

Mr. OATES. A bill precisely the same as this for the relief of Samuel Noble has been reported favorably from the Judiciary Committee and is on the House Calendar now. I ask that if this bill is to be referred it shall go to the same committee.

The SPEAKER. The bill was received some time since and was referred to the Committee on War Claims. The chairman of that committee has sent it to the desk with the request that it be referred to the Committee on the Judiciary. It can only be so referred by unanimous consent of the House.

Mr. OATES. A bill has been before the Judiciary Committee relating to this particular case, both last Congress and this, and upon an examination of the bill there is found a good reason for its being there, because there are some legal questions involved that are unusual in cases of this character. The bill seeks an adjudication of the claim by the Court of Claims, where the case once was in a different form from that which is sought now.

The SPEAKER. The gentleman from Alabama [Mr. OATES] asks unanimous consent that the Committee on War Claims be discharged from the further consideration of this bill, and that it be referred to the Committee on the Judiciary.

Mr. BRECKINRIDGE, of Arkansas. Is it proposed to put the bill upon its passage, or merely to refer it?

The SPEAKER. To refer it; to change the reference.

Mr. BRECKINRIDGE, of Arkansas. I have no objection to that.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HUTTON for two weeks, on account of important business.

To Mr. BACON indefinitely, on account of important business.

To Mr. LANE indefinitely, on account of important business.

To Mr. CUTCHEON indefinitely, on account of ill health.

LEGISLATIVE, JUDICIAL, AND EXECUTIVE APPROPRIATION BILL.

Mr. RANDALL. Mr. Speaker, in the absence of Mr. FORNEY, by direction of the Committee on Appropriations, I report the bill (H. R. 9377) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes.

The bill was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying reports, ordered to be printed.

Mr. BURROWS. I reserve all points of order.

Mr. McMILLIN. Mr. Speaker, I reserve all points of order on that bill.

ORDER OF BUSINESS.

Mr. BROWN, of Ohio. Mr. Speaker, I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of House bill No. 1740, and that it be put upon its passage.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

Mr. BRECKINRIDGE, of Arkansas. Regular order.

The SPEAKER. The regular order is demanded, which cuts off all requests for unanimous consent.

Mr. HOLMAN. I move that the morning hour be dispensed with, for the purpose of moving to take up and complete, if possible, what is known as the "homestead bill." I do not think it will occupy more than a single sitting of the House; and I trust there will be no objection to the course which I propose.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] moves to dispense with the morning hour for the call of committees; which requires a vote of two-thirds.

Mr. BURROWS. Mr. Speaker, I understand that the gentleman from Illinois [Mr. PAYSON] has been called home by reason of a death in his family, and I think that the bill to which the gentleman from Indiana [Mr. HOLMAN] refers ought not to be taken up in his absence. Mr. PAYSON is very familiar with it, and has participated in the debate attending its consideration so far, and I think he ought to be present when we proceed with its consideration.

Mr. HOLMAN. Judge PAYSON is in perfect harmony with the provisions of the bill. He has an amendment pending, but he is in perfect harmony with the bill; in fact it is to a very large extent the work of Judge PAYSON and a subcommittee.

Mr. BURROWS. It may be that he is in perfect harmony with the bill, and yet my friend from Indiana will permit me to say that Judge PAYSON's suggestions would be found very valuable in the consideration of the bill.

Mr. HOLMAN. Judge PAYSON would desire the consideration of the bill to proceed. He is very anxious to have it disposed of.

Mr. PERKINS. Is the bill to which the gentleman from Indiana [Mr. HOLMAN] refers the bill revising the entire land system of the Government?

Mr. HOLMAN. Yes; the homestead bill.

The question was taken on the motion of Mr. HOLMAN to dispense with the morning hour, and the Speaker declared that the noes seemed to have it.

Mr. SPRINGER. Perhaps the gentleman's motion would not meet any opposition if it was understood that members having reports to present could hand them to the Clerk.

Mr. REED. No; let us go along the regular way.

The House divided on the motion of Mr. HOLMAN; and there were ayes 48.

Mr. HOLMAN. I withdraw the motion.

The SPEAKER. The motion is withdrawn, and the regular order is demanded.

Mr. COX. Mr. Speaker, among the Senate bills submitted to the House was a bill in relation to the harbor of New York, which my colleague, Mr. BRYCE, desires to ask unanimous consent to have considered at this time. It is almost exactly the same bill that the Committee on Commerce reported to the House in relation to the dumping of refuse matter into New York Harbor. Such a bill passed the House several years ago, and this comes from the Senate now with the general consent of the Representatives of New York and New Jersey.

Mr. HOLMAN. Mr. Speaker, I hope there will be no debate about the matter.

Mr. EZRA B. TAYLOR. Mr. Speaker, I hope there will be no objection to the consideration of that bill.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, I can not withdraw the demand for the regular order.

Mr. COX. It is the same old bill that my friend from Arkansas [Mr. BRECKINRIDGE] once reported to the House.

Mr. BRECKINRIDGE, of Arkansas. There is no objection to the bill, but I must insist on the regular order.

The SPEAKER. The regular order is the call of committees for reports.

CHANGE OF REFERENCE.

Mr. CASWELL, from the Committee on the Judiciary, reported back the bill (H. R. 4407) to amend Title XXXIII of the Revised Statutes as amended by chapter 121 of the laws, approved March 3, 1883, with the recommendation that the Committee on the Judiciary be discharged from its further consideration, and that it be referred to the Committee on Ways and Means.

There was no objection, and it was so ordered.

Mr. HATCH. Mr. Speaker, I suggest that the morning hour expired yesterday before the committees had been called through.

The SPEAKER. That call was for private bills only; this call is for both public and private bills.

RELIEF OF SOLDIERS AND SAILORS.

Mr. ROBERTSON, from the Committee on Military Affairs, reported back favorably the bill (S. 1295) for the relief of soldiers and sailors who enlisted or served under assumed names, while minors or otherwise, in the Army or Navy during the war of the rebellion; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

DETAILS OF ARMY AND NAVY OFFICERS.

Mr. FORD, from the Committee on Military Affairs, reported back with amendment the bill (S. 186) to amend section 1225 of the Revised Statutes concerning details of officers of the Army and Navy to educational institutions, etc.; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

FORT LOWELL MILITARY RESERVATION, ARIZONA.

Mr. MAISH, from the Committee on Military Affairs, reported back favorably the bill (H. R. 3060) granting right of way to the Pima Land and Water Company across Fort Lowell military reservation, in Arizona, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. MAISH also, from the Committee on Military Affairs, reported back with amendment the bill (H. R. 1938) to reduce the Fort Lowell military reservation, in Arizona; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

COL. DANIEL M'CLURE.

Mr. MAISH also, from the Committee on Military Affairs, reported, as a substitute for House bill 124, a bill (H. R. 9377) for the relief of Col. Daniel McClure; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

House bill 124 was, by unanimous consent, laid on the table.

PAY OF ENSIGNS IN THE NAVY.

Mr. HERBERT submitted the views of a minority of the Committee on Naval Affairs upon House bill 4465, relative to the pay of ensigns of the United States Navy; which were ordered to be printed with the report of the majority.

ROAD TO NATIONAL CEMETERY NEAR MEMPHIS.

Mr. HOOKER, from the Committee on Military Affairs, reported back with amendment the bill (H. R. 4372) to provide for the construction of a macadamized road from the city of Memphis, in the State of Tennessee, to the national cemetery near said city; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SWAMP AND OVERFLOWED LANDS.

Mr. McRAE, from the Committee on the Public Lands, reported back with amendment the bill (S. 758) to relieve purchasers of, and to indemnify certain States for, swamp and overflowed lands disposed of, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

HUGH FOSTER.

Mr. LAFFOON, from the Committee on the Public Lands, reported back favorably the bill (H. R. 9040) to confirm the homestead entry of Hugh Foster; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PATENTS FOR DONATION CLAIMS.

Mr. HERMANN, from the Committee on the Public Lands, reported back favorably the bill (S. 1709) to provide for the issue of patents to certain persons for donation claims under the act approved September 27, 1850, commonly known as the donation law; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT CHARLOTTE, N. C.

Mr. JOHNSTON, of North Carolina, from the Committee on Public Buildings and Grounds, reported back with amendment the bill (H. R. 907) to provide for the erection of a public building at Charlotte, N. C.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, STOCKTON, CAL.

Mr. NEWTON, from the Committee on Public Buildings and Grounds, reported, as a substitute for House bill 5606, a bill (H. R. 9378) for the erection of a public building at Stockton, Cal.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The bill H. R. 5606 was ordered to be laid on the table.

PUBLIC BUILDING, FREMONT, NEBR.

Mr. NEAL, from the Committee on Public Buildings and Grounds, reported back with amendments the bill (H. R. 1613) for the erection of a public building at Fremont, Nebr.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, ELMIRA, N. Y.

Mr. NEAL also, from the Committee on Public Buildings and Grounds, reported as a substitute for House bill 6713 a bill (H. R. 9379) for the erection of a public building in the city of Elmira, N. Y.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The bill H. R. 6713 was ordered to be laid on the table.

MOTION TO RECONSIDER.

Mr. GROSVENOR. Mr. Speaker, I rise to submit a privileged motion.

The SPEAKER. The gentleman will state it.

Mr. GROSVENOR. I move to reconsider the vote by which the bill H. R. 285 was passed on yesterday by the House.

The SPEAKER. The motion will be entered.

Mr. GROSVENOR. I do not care to press the matter at this time.

The SPEAKER. The gentleman's motion will come up on private-bill day.

JOHN M. HUTCHINS.

Mr. LANE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6042) granting a pension to John M. Hutchins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHLOE FRAILY.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 9127) for the relief of Chloe Fraily; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EDWARD HEALEY.

Mr. LANE also, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 6057) to place on the pension-roll the name of Edward Healey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES T. BOURLAND.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 8428) granting a pension to James T. Bourland; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HARRIET E. COOPER.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 8807) granting a pension to Harriet E. Cooper; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANSON WARD.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 5740) granting a pension to Anson Ward; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORISON S. BALDWIN.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 8076) granting a pension to the minor children of Orison S. Baldwin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

M. J. FOGG.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1928) granting a pension to M. J. Fogg; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARGARET J. CASH.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1384) granting a pension to Margaret J. Cash; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANN MERTZ.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1237) granting a pension to Ann Mertz; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HERMAN BUNN.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1121) granting a pension to Herman Bunn; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN W. JANUARY.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 1124) to increase the pension of John W. January; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PENSION FOR LOSS OF BOTH HANDS.

Mr. GALLINGER, from the Committee on Invalid Pensions, reported back with amendments the bill (S. 379) to allow soldiers and sailors of the United States service who have lost both hands an increased pension; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PENSIONS TO EX-SOLDIERS, ETC., AND DEPENDENT RELATIVES.

Mr. BYNUM. On behalf of my colleague, Mr. MATSON, I desire to submit a report from the Committee on Invalid Pensions upon Senate bill 181, granting pensions to ex-soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to dependent relatives of soldiers and sailors. The bill is reported with amendments.

The SPEAKER. The bill will be referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. GALLINGER. I desire consent to submit the views of the minority of the committee to accompany that bill.

There was no objection.

MOBILE MARINE DOCK COMPANY.

Mr. STOCKDALE, from the Committee on War Claims, reported back with a favorable recommendation the bill (S. 439) for the relief of the Mobile Marine Dock Company; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. STOCKDALE. My colleague on the committee, the gentleman from Wisconsin [Mr. THOMAS], whom I do not now see in his seat, desires to have leave to present the views of the minority on this bill.

There was no objection.

INDIAN DEPREDATIONS.

Mr. WHITTHORNE, from the Select Committee on Indian Depredation Claims, reported back with amendments the bill (H. R. 8990) to provide for the adjudication and payment of claims arising from Indian depredations; which was referred to the Committee of the Whole House on the state of the Union, and, with the amendments and accompanying report, ordered to be printed.

JOSÉ ANDRES URTECHO.

Mr. TOWNSHEND, from the Committee on Military Affairs, reported back with a favorable recommendation the joint resolution (S. R. 68) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point José Andres Urtecho, of Nicaragua; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

COUNTY OF LAHTO.

Mr. MANSUR, from the Committee on the Territories, reported back with amendments the bill (H. R. 8663) to create and organize the county of Lahto; which was referred to the House Calendar, and, with the amendments and accompanying report, ordered to be printed.

IOWA RIVER.

Mr. BAYNE, from the Committee on Rivers and Harbors, reported a bill (H. R. 9380) declaring the Iowa River below Wapello an unnavigable stream; which was read a first and second time, referred to the House Calendar, and ordered to be printed.

AGRICULTURAL STATIONS.

Mr. HATCH, from the Committee on Agriculture, reported back with amendments the bill (H. R. 7222) to amend the act entitled "An act to establish agricultural stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the act supplementary thereto;" which was referred to the House Calendar, and, with the amendments and accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

Mr. RANDALL, from the Committee on Appropriations, reported back the bill (H. R. 6125) to regulate the salaries of watchmen in the Departments of the Government; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Expenditures in the War Department.

The motion was agreed to.

J. G. FELL AND OTHERS.

Mr. SHIVELY, from the Select Committee on Indian Depredation Claims, reported, as a substitute for the bill H. R. 52, a bill (H. R. 9381) for the relief of J. G. Fell, Edward Hoopes, and George Burnham; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill H. R. 52 was laid on the table.

CLAIM OF E. JOHN ELLIS.

Mr. PEEL, from the Committee on Indian Affairs, presented an adverse report on the House resolution in regard to the claim of E. John Ellis *vs.* The Pottawatomie Indians.

The resolution was laid on the table, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of committees for reports.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. GEAR until Tuesday next, on account of sickness in his family.

LEAVE TO PRINT.

By unanimous consent, Mr. CASWELL was granted leave to print in the RECORD some remarks on the bill to refund the direct tax. [See APPENDIX.]

ORDER OF BUSINESS.

Mr. HOLMAN. I now move that the House take up for consideration the unfinished business, being what is known as the homestead bill.

The SPEAKER. The gentleman from Indiana calls up the privileged unfinished business.

Mr. PERKINS. I would like to ask the gentleman from Arkansas [Mr. PEEL] if his committee is ready to proceed with the consideration of the Indian appropriation bill to-day. If so, I think it would be better to consider that bill to-day rather than the bill suggested by the gentleman from Indiana.

Mr. PEEL. I will say to the gentleman from Kansas that I am ready, as a matter of course, to go on with the consideration of the Indian appropriation bill. But I regard the bill called up by the gentleman from Indiana as of very great importance, and I think it is proper the House should decide which bill it will consider.

Mr. CANNON. Why not let the Indian appropriation bill take the time to-day which the bill called up by the gentleman from Indiana [Mr. HOLMAN] would take?

Mr. HOLMAN. As yet, it has only been discussed for an hour and a half.

Mr. CANNON. It has got to pass in the end.

Mr. HOLMAN. No doubt it will pass.

Mr. WEAVER. I believe that in the consideration hour the call rests with the Committee on Patents.

The SPEAKER. It does.

Mr. WEAVER. And that there has been no proposition to dispense with that hour.

The SPEAKER. It can not be dispensed with except by unanimous consent.

Mr. WEAVER. The Committee on Patents has one or two small bills which it should like to have considered. But I am willing the consideration hour should be passed over if that committee does not lose its place.

The SPEAKER. The gentleman asks unanimous consent to dispense with the hour for the consideration of bills called up by committees.

Mr. DINGLEY. I object.

The SPEAKER. The call rests with the Committee on Patents. The hour for the consideration of bills begins at 10 minutes to 1 o'clock.

HYLAND C. KIRK AND OTHERS.

Mr. WEAVER. I yield to the gentleman from Connecticut [Mr. VANCE].

Mr. VANCE. I call up for consideration the bill (S. 395) for the relief of Hyland C. Kirk and others, assignees of Addison C. Fletcher and others.

The SPEAKER. This bill is in Committee of the Whole House.

Mr. VANCE. I move that the House resolve itself into Committee of the Whole for the purpose of considering this bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. HATCH in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering the bill which the Clerk will read.

The bill was read.

Mr. SPRINGER. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SPRINGER. This hour is set apart for the consideration of public bills. This bill is either on the Private Calendar or should be there. It belongs there and is not a public bill. Another point of order I make is this, that this bill has undoubtedly been referred to the Committee on Patents through the petition-box.

Mr. WEAVER. Oh, no; it is a Senate bill.

Mr. SPRINGER. Under our rules all bills of this character must go to the Committee on Claims or the Committee on War Claims, unless by unanimous consent the House shall otherwise direct. I do not know how the bill got to the Committee on Patents. Being simply a private claim, it should have gone to the Committee on Claims.

It was before the Committee on Claims during the last Congress and it was at that time that I became somewhat familiar with the case. I did not know it was the same case until I heard the bill read, and I at once recognized it as one that had been before the Committee on Claims at the last session. I make the point of order that this hour is for public business, and private bills can not be considered.

Mr. WEAVER. Mr. Speaker, in reply to the gentleman I wish to say that this bill was referred to the Committee on Patents in the regular course of business of the House, was considered by that committee, was reported back to the House, and was placed on the Calendar. It is a Senate bill. It has been passed by the Senate and referred to the House; and it is too late now to make the point of order, the House having gone into Committee of the Whole for the consideration of the bill.

Mr. SPRINGER. I could not make the point of order until I heard the bill read. Immediately upon the reading of the bill I did make the point.

The CHAIRMAN. The Chair will cause to be read by the Clerk a portion of paragraph 5 of Rule XXIV.

Mr. WEAVER. Let me add, Mr. Chairman, that the bill involves the infringement of a patent.

The Clerk read as follows:

Paragraph 5 of Rule XXIV: "After the morning hour shall have been devoted to reports from committees (or the call completed), the Speaker shall again call the committees in regular order for one hour, upon which call each committee, on being named, shall have the right to call up for consideration any bill reported by it on a previous day, on either the House or Union Calendar."

The CHAIRMAN. The Clerk will now read the Calendar upon which this bill appears to be.

The Clerk read as follows:

Private Calendar, page 62, Senate bill 395, with Report 1476: A bill for the relief of Hyland C. Kirk and others, assignees of Addison C. Fletcher.

The CHAIRMAN. The Chair thinks there is no room for any but one interpretation or construction of the rule. The bill is neither on the House Calendar nor on the Union Calendar, and the rule that has been read must be construed strictly. The Chair, therefore, sustains the point of order. This bill can not be considered in this hour.

Mr. WEAVER. There is an additional point of order that the point made by the gentleman from Illinois [Mr. SPRINGER] came too late.

The CHAIRMAN. The Chair does not think the point could be made until the bill was read, so that members might know what it was.

Mr. WEAVER. The bill was read by its title in the House, and the motion was made to go into the Committee of the Whole to consider it.

The CHAIRMAN. The Chair thinks that the point of order was made at the proper time, as soon as the bill was read at length in the Committee of the Whole.

Mr. WEAVER. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HATCH, from the Committee of the Whole, reported that they had had under consideration the bill S. 395, and that a point of order having been raised against it, the Chair sustained the point of order, whereupon the committee rose.

The SPEAKER. The Chair did not observe the character of this bill when it was read, his attention having been otherwise attracted at the moment; but under the rule private bills can not be considered in this hour.

ORDER OF BUSINESS.

Mr. HOLMAN. Mr. Speaker, I now call up the unfinished business, the "homestead bill."

Mr. DINGLEY. Have we not entered upon the execution of the morning hour, Mr. Speaker?

The SPEAKER. We have. The hour has not expired.

Mr. DINGLEY. I ask for the regular order.

The SPEAKER. The regular order is demanded. The Clerk will call the next committee.

Mr. MORRILL (when the Committee on Invalid Pensions was called). I ask unanimous consent that the Committee on Invalid Pensions be passed over on this call without losing its place.

Mr. MCMILLIN. What is the gentleman's object?

Mr. MORRILL. The reason is that the chairman is absent and there are only one or two members of the committee present.

There was no objection, and it was so ordered.

Mr. LANHAM (when the Committee on Claims was called). I call up for consideration House bill No. 3255, to authorize the Secretary of the Treasury to settle and pay the claim of the State of Florida for expenses incurred in suppressing Indian hostilities, and for other purposes. I do not, however, see the gentleman from Florida [Mr. DOUGHERTY] in his seat at this moment, and therefore I will ask the consent of the House that the Committee on Claims be passed over for the present, not losing its place in the call.

A MEMBER. Is not this a private bill?

The SPEAKER. Bills to reimburse States are always treated as public bills, and go to the Committee of the Whole on the state of the Union.

Mr. TURNER, of Georgia. The gentleman from Florida [Mr. DAVIDSON] has been in attendance this morning, and will probably return very soon.

Mr. LANHAM. Then, with that understanding, Mr. Speaker, I ask the House to proceed with the consideration of the bill.

The SPEAKER. The bill is in Committee of the Whole on the state of the Union.

Mr. LANHAM. I move that the House now resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the bill which I have indicated.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union (Mr. McCREARY in the chair) and proceeded to the consideration of the bill (H. R. 3255) to authorize the Secretary of the Treasury to settle and pay the claim of the State of Florida on account of expenditures made in suppressing Indian hostilities, and for other purposes.

The bill was read, as follows:

Whereas under the joint resolution of Congress approved March 3, 1881, directing the Secretary of War to investigate the claim of the State of Florida against the United States for the suppression of Indian hostilities, between the years 1855 and 1860, the said Secretary of War did investigate said claim and ascertain the amount due to the said State to be $224,648.09, as returned to Congress in the letter of the Secretary of War, dated May 22, 1882, in Executive Document No. 203; and

Whereas there were certain items in said State claim which the Judge-Advocate of the United States Army deemed best to "be passed upon by the accounting officers of the Treasury under proper equitable rules provided by legislation in that behalf;" and

Whereas there is now held by the Treasury of the United States, in trust for the Indian trust fund, certain bonds of the State of Florida aggregating the sum of $132,000; and

Whereas there has been credited upon the account of said bonds of the State of Florida certain moneys due said State under the act approved March 3, 1845, entitled "An act supplemental to the act for the admission of Florida and Iowa into the Union, and for other purposes;" and

Whereas certain other moneys are due said State under the act approved March 2, 1855, entitled "An act for the relief of purchasers of swamp and overflowed lands:" Now, therefore,

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to settle and adjust the claim of the said State of Florida as found and reported in said letter of the Secretary of War, dated March 22, 1882, and under the acts above cited, and to pay to the said State such sum of money as he may find to be due the said State (under the aforesaid letter and acts, and also any further sum that may be found to be due the said State on any other account), and in making such settlement he shall retain the whole, or so much thereof as may be necessary, of said allowance or settlement and apply the same to the payment of the principal and interest, or either, of said bonds of the State of Florida, held as aforesaid, or to the reimbursement of the United States of moneys advanced by the United States on account of interest due on such bonds, and shall demand of said State, and allow to it, upon said claim or claims for the purpose of such settlement, the rate of interest stipulated in said bonds.

SEC. 2. That the Secretary of the Treasury shall allow said State to file such further evidence as the State may have to establish the right of the State to demand of the United States the payment of the items of said claim disallowed or suspended by the Secretary of War in the said report of the Judge-Advocate of the United States Army, and to include in such evidence all other payments made by said State for services, and shall settle and adjust the claim of the State therefor, and shall pay such sum as may be ascertained to be due the State thereon; and there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, a sum sufficient to enable the Secretary of the Treasury to carry out the provisions of this act: *Provided*, That the balance remaining due of the direct tax under the act of August 5, 1861, be held and treated as a proper set-off against the claims of the State of Florida, in the adjustment herein required, unless Congress shall otherwise provide by general law, releasing all claims for said direct tax or for refunding all payments of such tax heretofore paid.

SEC. 3. That this act shall take effect immediately upon its passage.

The amendments reported by the committee were read, as follows:

In lines 10 and 11 strike out the words "and also any further sum that may be found to be due the said State on any other account."

At the end of section 2 add these words: "*And provided further*, That no portion of any claim heretofore paid said State under any appropriation by Congress shall be considered in said settlement."

Mr. LANHAM obtained the floor.

Mr. KEAN. Mr. Chairman, would it be in order to move that this bill be reported to the House with the recommendation that it be postponed until the 6th day of December next?

The CHAIRMAN. The gentleman from Texas [Mr. LANHAM] has the floor, and has not yielded it.

Mr. LANHAM. Mr. Chairman, this bill was favorably reported from the Committee on Claims in the last Congress, was considered by the House and passed here—perhaps unanimously—at least there was no yea-and-nay vote, I believe, taken upon it; and no serious opposition was then urged to the bill. The gentleman from Florida [Mr. DAVIDSON] introduced the bill; and it was reported by his colleague [Mr. DOUGHERTY] from the Committee on Claims. I now yield the floor to the gentleman from Florida [Mr. DAVIDSON], who will take charge of the bill.

Mr. ANDERSON, of Kansas. Has the report been read?

Mr. DAVIDSON, of Florida. It has not been read. I ask that it be read, or so much as may be necessary.

The Clerk proceeded to read the report, but was interrupted by

Mr. KEAN, who said: Mr. Chairman, I think it would be better to postpone the consideration of this bill until the 6th of December, rather than occupy time by reading this long report.

Mr. DAVIDSON, of Florida. The gentleman has not the floor to make that motion.

Mr. KEAN. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KEAN. Would it be in order now to move that this bill be reported to the House with the recommendation that its further consideration be postponed until the 6th day of next December?

The CHAIRMAN. The gentleman from Florida had the floor and is having the report read in the time allowed him.

Mr. KEAN. I thought perhaps we might save the time of the House by the course I suggested.

The CHAIRMAN. The Clerk will continue the reading of the report.

The Clerk resumed and concluded the reading of the following report (by Mr. DOUGHERTY):

The Committee on Claims, to whom was referred the bill (H. R. 3255) to authorize the Secretary of the Treasury to settle and pay the claim of the State of Florida on account of expenditures made in suppressing Indian hostilities, and for other purposes, beg leave to submit the following report:

A bill identical with the one under consideration passed the House of Representatives during the second session of the Forty-ninth Congress, the same having been reported from the Committee on Claims.

The facts are substantially set forth in the House Report 803, Forty-ninth Congress, first session.

In accordance with the requirements of the joint resolution of Congress approved March 3, 1881, the Secretary of War has investigated, audited, and made a report to Congress, May 23, 1882, of the amount of the claim of the State of Florida for expenditures made in suppressing Indian hostilities in that State between the 1st day of December, 1855, and the 1st day of January, 1860. (Ex. Doc. 203, Forty-seventh Congress, first session. See Appendix.)

The conclusion of this report is as follows:

"The amounts to be reported to Congress, in the view taken by me of the provisions of the joint resolution of March 3, 1881, are as follows:

Abstract A	$154,623.66
Abstract B	7,890.92
Abstract C	34,669.74
Abstract D	17,247.39
Abstract E	98.59
Abstract F	395.16
Abstract G	187.90
Abstract H	9,015.81
Abstract I	10.10
Abstract K	501.32
Account of J. H. Cooper	7.50
Total	224,648.09

"An amount less by $54,985.58 than that of the claim as submitted by the State; $11,316.91 of this is for payment of troops for service in 1849, and $6,270.37 for the payment of two companies in cases where both muster and pay rolls are missing and referred to specifically in this report in consideration of Abstract A. The reasons for the failure to include the remainder have been hereinbefore set forth.

"Very respectfully, your obedient servant,

"THOMAS F. BARR,
"*Judge-Advocate, United States Army.*

"The SECRETARY OF WAR."

The expenditures grew out of the Seminole war of 1855, 1856, and 1857, the State authorities being compelled, in the presence of an anticipated and subsequently actual outbreak of the Indians, to call forth the militia of the State, the force of United States troops then on duty being inadequate to the protection of the people. The report of the Secretary of War (Ex. Doc. 203) fully sets forth in detail the items of expenditure allowed and disallowed. The total amount of the claim found to be due is $224,648.09.

All of the facts are set forth in letter from the Secretary of War heretofore appended, together with copies of documents which establish the necessity for the use of the troops.

From the records cited in said letter it clearly appears that the use of the troops was approved by the authorities, namely, President of the United States through the Secretary of War, and that orders were issued to have them mustered in and out of the service of the United States, so that they might be paid as other United States troops were paid.

It also appears that the orders for such mustering in and out of the service did not reach the seat of war in said State in time, and the State was left to pay the troops.

Upon this subject the following statement and letters seem conclusive:

"On the 8th of May, 1857, the governor of Florida addressed a communication to the Secretary of War, setting forth at considerable length his action in calling for troops, the service in which they were employed for the protection of the citizens, and the faithful manner in which they acquitted themselves. He called special attention to the fact that these forces had acted in effective co-operation with the United States troops; and to emphasize the necessity of the course he pursued, he alluded to the circumstance that when Brigadier-General Harney was subsequently ordered to the command in Florida he felt it necessary, in addition to a greatly increased regular force, to make requisition for ten mounted and five foot companies of volunteers, 'being,' as the governor remarks, 'a much larger volunteer force than had, at any previous time since this last outbreak occurred, been employed by the Federal and State authorities combined, thus fully indorsing and vindicating the action of the State in this matter.' The governor concluded his letter by asking the Secretary of War, in behalf of the United States, 'to approve and adopt the service.'

"Upon this letter of Governor Broome's are indorsements of the Paymaster-General and Adjutant-General, reciting that, according to the precedents, it was only necessary for the President to recognize the troops as having been in the service of the United States, and direct that they be mustered in and out of service, when they could be paid upon an appropriation therefor being made by Congress. The Adjutant-General recommended that 'an officer be sent as soon as possible to muster them in and out of the service of the United States,' which recommendation was approved by the Secretary of War, who notified the governor as follows:

"WAR DEPARTMENT, *Washington, D. C., May* 21, 1857.

"SIR: I have the honor to acknowledge the receipt of your letter of the 8th instant, asking an approval of the services of certain volunteers called out by you, and in reply to inform you that the explanation as to the necessity of their services is satisfactory, and orders have been issued to the officer commanding in Florida to muster them in and out of the service of the United States.

"Very respectfully, your obedient servant,

"JOHN B. FLOYD,
"*Secretary of War.*

"His excellency JAMES E. BROOME,
"*Governor of Florida, Washington.*"

"WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
"*Washington, D. C., May* 21, 1857.

"SIR: I have the honor to transmit a copy of a letter addressed by the governor of Florida, under date of May 3, 1857, to the Secretary of War, respecting volunteers called out by the former to suppress Indian hostilities in Florida, but never regularly mustered into the service of the United States.

"The services of these volunteers having been recognized and approved by the President, the Secretary of War directs that you cause one of the officers of your command to muster into and out of the service of the United States, as soon as practicable, the troops indicated by Governor Broome, to the end that they may be paid whenever Congress shall make the necessary appropriation for the purpose. A supply of blank muster-rolls will at once be sent to your address.

"I am, sir, very respectfully, your obedient servant,

"S. COOPER, *Adjutant-General.*

"COMMANDING OFFICER, DEPARTMENT OF FLORIDA,
"*Tampa, Fla.*

"On the 7th of July following the governor wrote to the Secretary of War, stating that it had been found to be impracticable to muster in those troops, as directed by the Secretary, they having long since been disbanded, and it being impossible again to assemble them at any one point. The governor suggested that the muster be made from the properly certified rolls of the State. To this the Secretary replied that no officer could make a constructive muster, as suggested, but that to certify the rolls he must have mustered the troops present. The Secretary adds:

"'Under the circumstances the only course left for the Department is to receive as official the State rolls, duly certified by the State authorities, and to base upon them a recommendation to Congress for the appropriation necessary to pay off the troops. This course will obviate the difficulties mentioned by you on account of the disbandment of the volunteers in question.' (See muster-rolls in appendix.)"

Congress having directed the Secretary of War to ascertain the amount of the claim of Florida, and that Department having reported the amount of the claim of the State to be $224,648.09, there is no difficulty presented as to the amount.

The grounds for the claim being clearly set forth, the question arises, is it the duty of the Government to pay said claim?

The Constitution, the laws, and the precedents in similar cases establish this liability.

Article 4, section 4, of the Constitution expressly enjoins upon the United States the duty to "protect them (the States) against invasions." The act of February 28, 1795, was passed to effectuate that provision of the Constitution, and its section 1642 Revised Statutes included "invasion of Indian tribes" as one of the kind of invasions against which the United States shall guaranty the States.

The question of authority on the part of the President in such cases is no longer an open one, but has been decided by the Supreme Court in Luther *vs.* Burden (7 Howard, 45) that the President was the sole and exclusive judge of the fact as to when an emergency calling for Federal aid to repel invasion had arisen, and that "the State itself must determine what degree of force the crisis demands." The same was also held in Martin *vs.* Mott (12 Wheaton, 29).

In the case of Florida the State did determine that the employment of the State troops was necessary, and the Secretary of War, whose official acts are those of the President (Wilcox *vs.* McConnell, 13 Peters, 513), did decide in May, 1857, that the State troops maintained and paid by Florida were essential to the security of the State, and approved and adopted their service, and ordered that they be "mustered in and out of the United States service," that they might be paid.

Under these authorities quoted above the decision of the President was final and conclusive upon all parties, and can not be disturbed or inquired into by Congress or the courts.

The President decided that an emergency had arisen calling for Federal aid in protecting Florida. The governor decided that additional force was needed and the President approved his decision, and these troops were employed and paid by the State. Congress directs the War Department to ascertain what amount was so paid by Florida, and he ascertains and reports the sum.

A line of unbroken precedents setting forth the action of the Government in similar cases establishes the liability of the Government to pay the claim and to reimburse the State for money expended.

Such a basis of settlement introduces in this case the question of interest.

It is established that the funds at the command of the executive of the State of Florida in the years referred to were insufficient to equip, supply, and pay the troops in the field, and, relying upon the approval given by the President of the United States, through the Secretary of War, on the 21st day of May, 1857, of the services of these volunteers, the State Legislature, in order to provide their equipment and maintenance, authorized the issue of 7 per cent. bonds.

A portion of the bonds, amounting to $132,000, was sold by the governor to the Indian trust fund of the United States, and the proceeds of such sale were disbursed by the treasurer of the State for the "expenses of Indian hostilities," as appears from his report to the Legislature for the year ending October 31, 1857 (Ex. Doc. 203, Forty-seventh Congress, first session). Another portion was hypothecated to the banks of South Carolina and Georgia as security for a loan of $222,015, and $192,331 of this loan was disbursed directly by a disbursing agent of the State in payment of "expenses of Indian hostilities," including pay of volunteers (Ex. Doc. 203, Forty-seventh Congress, first session, hereto appended).

The Government has uniformly paid interest in cases where the States have borrowed money expended in its behalf, upon which they themselves have paid interest.

We cite the cases where interest has been allowed and paid for moneys advanced during the war of 1812-'15, as follows:

"Virginia, act March 3, 1825 (4 Stat. at Large, page 132).
"Maryland, act May 13, 1826 (4 Stat. at Large, page 161).
"Delaware, act May 20, 1826 (4 Stat. at Large, page 175).
"New York, act May 22, 1826 (4 Stat. at Large, page 192).
"Pennsylvania, act March 3, 1827 (4 Stat. at Large, page 241).
"South Carolina, act March 22, 1832 (4 Stat. at Large, page 499).
"Massachusetts, act July 8, 1870 (16 Stat. at Large, page 198)."

For advances for Indian and other wars the same rule has been observed in the following cases:

"Alabama, act January 26, 1849 (4 Stat. at Large, page 344).
"Georgia, act March 31, 1851 (9 Stat. at Large, page 626).
"Georgia, act March 3, 1879 (20 Stat. at Large, page 385).
"Washington Territory, act March 3, 1859 (11 Stat. at Large, page 429).
"New Hampshire, act January 27, 1852 (10 Stat. at Large, page 1)."

In addition to the citations above, there seems nowhere any conflict of authorities upon these points.

Following the same line will be found the reports of the Senate Committee on Claims, No. 2, Forty-ninth Congress, first session, and No. 1,900, Forty-ninth Congress, second session, respectively.

The opinion of Attorney-General Wirt on an analogous case, is as follows:

"The expenditure thus incurred forms a debt against the United States which they are bound to reimburse. If the expenditures made for such purpose are supplied from the treasury of the State, the United States reimburse the principal without interest; but if, being unable itself, from the condition of its own finances, to meet the emergency, such State has been obliged to borrow money for the purpose, and thus to incur a debt on which she herself has had to pay interest, such debt is essentially a debt due by the United States, and both the principal and interest are to be paid by the United States." (See Opinions of Attorneys-General, volume 1, page 174.)

In addition, the opinion of Attorney-General Crittenden, who says:

"The act of 27th of February, 1851, is intended to indemnify the State against loss or damage. Reimbursing means repairing the loss or expenses by an equivalent. If the State of Florida has contracted obligations bearing interest, or has paid money with interest, for the use and benefit, in necessary and proper supplies for the troops called into service in 1849, to refund to the State of Florida the principal sum only, without the interest, would not reimburse the State, would not save the State from loss and damage, would not be an equivalent for the expense the State has incurred for the United States. There is no public policy, no saving to the public Treasury, no virtue, no laudable end consulted in order to cut down the claims of the several States in opposition to the intention of Congress and the good faith of the Government."

Also of Attorney-General Brewster in case of the State of New York, dated July 23, 1883:

"Undoubtedly the interest paid by the State of New York on money borrowed and applied to the objects specified in the act of July 27, 1861, forms a part of the burden borne by that State for the general public defense, and constitutes a just charge against the United States, and the obligation to reimburse for payments of that kind, made under similar circumstances, has frequently been recognized by Congress, as appears by statutes above cited."

Upon the facts as presented by the official records of the State of Florida, by those of the War Department as set forth in letter of Secretary appended hereto, and from the law and precedents, your committee arrive at the following conclusions:

1. That the services were rendered by the troops of the State of Florida in connection with the Army of the United States.

2. These services were recognized and approved by the President and Secretary of War, and the Secretary of War issued orders that the troops be mustered in and out of the service of the United States for the purpose of paying for such service in the usual and regular way.

3. That before the orders for mustering in and out of service reached Florida, the State troops had been disbanded, and they could not be actually mustered, and the officers of the Army decided that there could not be a constructive muster, which was right and proper, and which brought the claim to Congress.

4. The report of the Secretary of War excludes all claims and charges except those usually allowed to the regular Army under similar circumstances.

5. The amendments recommended continue to shut out these claims and claims heretofore allowed or disallowed under other appropriations.

6. The law has been decided to be that where a State pays interest on disbursements for the United States, that in allowing the claim interest shall be allowed.

The case is further strengthened, in the opinion of the committee, by the fact that a committee of the Senate has twice reported a bill to pay the State of Florida the sum of $92,000, and a bill to that effect passed the Senate on June 9, 1886. (See CONGRESSIONAL RECORD, first session Forty-ninth Congress.)

A bill identical with this, as has been stated, passed the House of Representatives, second session Forty-ninth Congress, the only difference between the two bills being the amount of the appropriation.

Therefore, the passage of the bill with the following amendments is recommended:

Strike out in lines 10 and 11 the words "and also any further sum that may be found to be due the said State on any other account."

In line 14, section 2, after the words "direct tax," insert the words "under the."

In line 20, after the word "paid," insert "*And provided further*, That no portion of any claim heretofore paid said State under any appropriation by Congress shall be considered in said settlement."

Mr. DAVIDSON, of Florida. Mr. Chairman——

Mr. BURROWS. The gentleman will pardon me a moment. Was it the intention to have the entire report read?

Mr. DAVIDSON, of Florida. The appendix embracing various exhibits is not properly a part of the report, and it is not necessary to read it.

Mr. BURROWS. I see that the report, as already read, makes constant reference to certain exhibits, which it strikes me ought to be read in order that the House may have a clear understanding of the matter.

Mr. DAVIDSON, of Florida. If necessary, those exhibits can be read, but not in my time.

Mr. Chairman, the gentleman from Missouri [Mr. MANSUR] was a member of the subcommittee of the Committee on Claims which considered this bill. I yield to him such time as he may desire.

Mr. MANSUR. Mr. Chairman, when the subcommittees of the Committee on Claims were appointed this claim was the first one brought to the attention of the subcommittee of which I was a member by the gentleman from Florida [Mr. DOUGHERTY]; and it occupied the time of the subcommittee during some three or four meetings. Although it was very vigorously urged by the gentleman from Florida [Mr. DOUGHERTY], I for a time hesitated to lend my sanction to its favorable report to the full committee; but after as careful an investigation of the whole claim as our time would permit, I recognized it as an honest and just claim, one which the Government ought to have allowed and paid long ago.

The difficulty in regard to this claim arises from the fact that at one time the then Secretary of War, Mr. Jefferson Davis, had refused to accept more than five companies of volunteer troops on the part of Florida in defense of the citizens of that State from the uprising and insurrection of the Indians within its borders. But finally, hostilities breaking out very suddenly, by which a lieutenant and a number of men were killed, the governor of the State, Mr. Broome, felt himself called upon to take the necessary steps in defense of the citizens of the State. The report being made to the Secretary of War, Mr. Davis, he at once changed his former instructions, as will be noticed from a letter on page 20 of the report sent to Capt. John C. Casey. In this letter the Secretary of War remarks:

The occurrence of actual hostilities commenced by the Seminole Indians suspends all the instructions heretofore given you with a view to effect the peaceable removal of those Indians.

Turning to page 17 of the report, we find a letter of Governor Broome, addressed to the Senate and House of Representatives, under date of November 24, 1856. In this letter he says:

In December last the contingency occurred upon the happening of which the executive was required to carry the law into execution. The Indians commenced

actual hostilities by attacking a detachment of United States troops commanded by Lieutenant Hartsuff. This attack was entirely unexpected, and found our frontier population in an unprotected condition. The officer in command of the United States forces was not able to give promptly the protection required for such a line of frontier, and the citizens naturally and properly called upon the State government to protect them in the enjoyment of their lives and property. Before, however, the decision of the executive could be obtained, many men from the counties of Manatee, Hillsborough, and Hernando, moved by patriotic impulses, had organized themselves into companies, elected officers, armed, equipped, and rationed themselves, and had marched to the frontier. These companies I promptly recognized as in the service of the State, and instructed them to give efficient protection to the frontier population, and prevent, if possible, the breaking up and abandonment of the settlements.

I immediately tendered to the Secretary of War such portion of the brigade as had been raised, and offered to raise the balance at the earliest practicable period. He declined, however, to receive more than five companies, three of mounted men and two of infantry—the latter of which I could only procure to the extent of one detachment.

The three mounted companies of volunteers, numbering, rank and file, about two hundred and sixty men, were all the force of that description that I was advised the Government designed using for frontier protection. This, to my mind, was quite insufficient for the reasonable protection of the country, to say nothing of furnishing pursuing parties when the Indians should make their appearance in the settlements.

Further down on page 18, near the second break, it will be observed that Governor Broome says further:

That the Secretary of War did honestly determine to remove the Indians I entertain no doubt, but that he made a mistake in reference to the kind and extent of force necessary for that purpose is now manifest.

Again, on page 19, near the close of the letter, the governor says:

Should the United States call for no additional mounted volunteer force for the present campaign and make no other provision for cavalry, it will in my judgment be unsafe to discharge any part of the mounted force now employed by the State.

I have read these extracts, Mr. Chairman, for the purpose of calling the attention of this committee to the fact that there was at that time a difference of opinion, at least between the Federal Government and the State authorities, as to the amount of force necessary to protect the citizens of Florida against the uprising on the part of the Seminole Indians, the Federal Government no doubt at that time honestly thinking that it had called for sufficient troops to suppress the uprising, while in the opinion of the governor of Florida, who was in a position to better determine the necessities of the occasion, there were not enough troops to meet the actual necessities of the occasion, and hence the need of these additional troops. This bill seeks, then, as will be observed, by calling the attention of the committee to the letter of Mr. Jefferson Davis, which will be found on page 20 of the report, where he revokes all former instructions with regard to the peaceable removal of the Indians, and also by reference to exhibit 7 on the same page, being the order issued by Colonel Monroe, major of the Second Regiment of Artillery, commanding the troops on the peninsula of Florida, in which he makes requisition, under authority of the War Department, upon the government of the State for the following volunteer forces to provide for the protection of the frontier and to co-operate with the United States troops in enforcing the removal of the Indians remaining in the State:

One company of mounted volunteers, to be mustered into service, say, in the neighborhood of Fort Gatlin.

One company of mounted volunteers, to be mustered into service, say, in the neighborhood of Heecheepoksasa, and one company of mounted volunteers, to be mustered into service, say, in the neighborhood of Fort Meade.

Two companies of foot, to be composed exclusively of good woodsmen, familiar with the habits of Indians, to be employed as hunters and trailers in the swamps and morasses, where horsemen can not go, and where alone Indians are to be found and overcome.

I also call attention to the first paragraph of Exhibit No. 8, being the report of Colonel Monroe, major and brevet-colonel, commanding the troops in Florida, in which he transmits a return to the War Department of his requisition on the governor of Florida, and uses the following language:

Doubting whether foot troops could be readily raised, if at all, of a suitable character, my call has been for the maximum number of mounted men authorized, believing it to be the only course which would keep the mass of the frontier settlers at their homes, which they would otherwise abandon, thereby subjecting themselves to much suffering.

With this statement from the official documents in the record I call the attention of the House to the further fact that the difficulty in this claim originated from a difference of opinion between the Federal authorities on the one side, and the State authorities, or rather the executive of the State of Florida, on the other, as to the number of troops necessary for the purpose of removing these Indians. The executive of Florida, determining to protect his people at the first outbreak of the Indians, called into existence and recognized as State troops these troops the payment of which is now in dispute.

They did co-operate for two or three years, more or less—I can not state exactly the time now—with the Federal forces, and were then suffered to be disbanded and sent home. The Government in the mean time having become thoroughly convinced of their necessity, issued an order, bearing date May 21, 1857, and addressed to the governor of the State of Florida. It reads as follows:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., May 21, 1857.

SIR: I have the honor to transmit a copy of a letter addressed by the governor of Florida, under date of May 3, 1857, to the Secretary of War, respecting volunteers called out by the former to suppress Indian hostilities in Florida, but never regularly mustered into the service of the United States.

The services of these volunteers having been recognized and approved by the President, the Secretary of War directs that you cause one of the officers of your command to muster into and out of the service of the United States, as soon as practicable, the troops indicated by Governor Broome, to the end that they may be paid whenever Congress shall make the necessary appropriation for the purpose. A supply of blank muster-rolls will at once be sent to your address.

I am, sir, very respectfully, your obedient servant,
S. COOPER, *Adjutant-General.*

COMMANDING OFFICER, DEPARTMENT OF FLORIDA,
Tampa, Fla.

On page 2 will also be found a statement where Brigadier-General Harney, afterwards in command there, recognized the necessity for these troops and ordered the increase of the command by these five companies to be raised to assist in the protection of the citizens of the State.

From these facts, Mr. Chairman, it is evident that at that time—in 1857, May the 21st—the Government actually recognized the necessity for these troops in the defense of the citizens of the State, and had reached the determination to pay them, but when the officer went down to Florida for the purpose of mustering them in, and to prepare the muster-rolls, he found that the troops had been disbanded and returned home, and it became utterly impracticable to obtain the muster-rolls. The Government then decided that in view of this fact there was no way to have the matter adjusted except to come to Congress and rely upon certified copies of the State rolls as furnishing the data on which to adjust the claim. Three or four years ago the Secretary of War was authorized to investigate this claim and report the exact amount due to the State, originating in the expense incurred by the State in the support and maintenance of these troops; and the Secretary of War, after a careful determination, reported the amount due at $224,648.09.

Thus we see that the amount is fixed, and that probably there is nothing in this case that ought to suspend the judgment of any gentleman upon this floor for a moment, when he is familiar with all the facts upon which it is based. It takes quite a time to look them all over and become familiar with the claim; but on a careful examination of the claim I am satisfied that it is just, and I trust that I have in this very imperfect manner called to the attention of the committee at least the salient points upon which gentlemen may be able to found a correct conclusion when they come to vote upon the question presented.

Mr. DAVIDSON, of Florida. I yield part of my time to my colleague [Mr. DOUGHERTY].

Mr. DOUGHERTY. During the second session of the Forty-ninth Congress, when this bill passed the House, I then made a statement to the House of the facts in this case. It is probably due to the House to state, what all gentlemen here may not know, that when a bill identical with this, having passed the House at the last session of Congress, went to the Senate it met in that body with an adverse report. That adverse report, however, was not a unanimous report. The views of the minority were submitted at that time by a gentleman then a Senator from Tennessee, now a member of this House, and those views as expressed by him, in my judgment, put the gist of the case before the Senate.

The report of the Senate committee was adverse principally upon the ground that there was no emergency calling for the use of these troops. There is no proof anywhere that these troops were not called into service by the governor of Florida. All of the records, both of the Government and of the State, go to show that those troops were used in connection with United States troops and under the command of United States officers. In addition to that the records will show indisputably that the use of those troops was approved by the President of the United States through the Secretary of War.

[Here the hammer fell.]

The CHAIRMAN. The hour for the consideration of bills has expired. The gentleman from Florida [Mr. DOUGHERTY] will be entitled to the floor when the consideration of the bill is resumed. The committee will rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MCCREARY reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill H. R. 3255, had come to no conclusion thereon.

CORRECTION OF A CONFERENCE REPORT.

Mr. HOLMAN rose.

Mr. PEEL. Will the gentleman from Indiana yield to me for a moment?

Mr. HOLMAN. Yes, sir.

Mr. PEEL. In the conference report I made yesterday on the bill for the division of the Sioux reservation, the clerk omitted two amendments. The effect of this omission was, in the first place, to derange the numerical order of the balance of the amendments as set forth in the conference report. One of those omissions is No. 43, on page 17, line 12, only changing the number of the section. The other omission is No. 44, page 18, line 20, which was to insert, after the word "State," the words "to be disposed of by future legislation only." That referred to a couple of islands—American and Farm Islands—in the Missouri River, donated to the cities of Chamberlain and Pierre for a park on

condition they accept them within twelve months and make improvements; and on their failure those islands revert to the Government to be disposed of by it. That is the only change. I ask that the report which I now send to the desk be substituted, by unanimous consent, for the report presented yesterday.

The SPEAKER. Does the Chair understand that the omission was by the clerk of the committee?

Mr. PEEL. Yes, sir.

The SPEAKER. The gentleman from Arkansas calls attention to two errors in the report of the committee of conference which he presented yesterday, and asks that they be corrected. The one, the Chair understands, is merely in the numbering of the sections. That is only a clerical error, and the clerk can give the proper numbers. If there be no objection, the other error will be corrected and the corrected report will be substituted for the erroneous one.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. HOLMAN. I now call up for consideration, as unfinished business, the bill H. R. 7901, known as the homestead bill.

Mr. CANNON. It is evident the consideration of that bill can not be finished to-day, as my colleague [Mr. PAYSON], whom we follow on this side in this legislation, and who helped to prepare the bill, is absent under circumstances known to the gentleman from Indiana. I will be very glad if we can go on with the consideration of the Indian appropriation bill, a future day being fixed for considering this bill. I hope the gentleman will accept that proposition.

Mr. HOLMAN. I should be exceedingly glad to do so if a time could be fixed for the future consideration of this bill. I very much regret the absence of Judge PAYSON, who is very familiar with the bill, and who was very prominently identified with its preparation in all its parts. I regret his absence; but I know that, although he has been compelled to leave the House under the circumstances which called him home, he would still desire that that bill be proceeded with at once. I hope there will be no opposition to the consideration of the bill to-day, unless a definite time can be fixed for proceeding with it.

Mr. CANNON. Say two or three weeks from to-day.

Mr. HOLMAN. Do not put it off so far as that.

Mr. CANNON. Well, say next Saturday.

Mr. HOLMAN. If next Saturday is set apart for the consideration of the bill, I will be very glad to consent to its postponement.

A MEMBER. After the reading of the Journal.

The SPEAKER. The gentleman from Indiana asks unanimous consent that next Saturday, a week from to-day, immediately after the reading of the Journal, be set apart for the further consideration of the unfinished business reported from the Committee on the Public Lands. Is there objection?

Mr. HERMANN. With this understanding, that the assignment shall include such local measures or private bills as have been agreed on and reported by the same committee.

Mr. HOLMAN. I would have to insist on preference for this bill.

Mr. HERMANN. But after the completion of this bill?

Mr. HOLMAN. Certainly, after the completion of the bill.

The SPEAKER. With that modification the Chair hears no objection to the request of the gentleman from Indiana.

Mr. BRECKINRIDGE, of Arkansas. I object to any assignment of time.

A MEMBER. Too late.

The SPEAKER. The gentleman was on his feet, but the Chair did not know for what purpose when the Chair announced that he heard no objection.

Mr. HOLMAN. I trust the gentleman from Arkansas will not insist on his objection.

Mr. MCMILLIN. Let it go over for the present, and after consultation we will see on Monday if we can not come to an agreement.

Mr. KEAN. I move that the House do now adjourn.

Mr. HOLMAN. I trust that motion will not be put at this moment.

Mr. KEAN. I withdraw it.

Mr. HOLMAN. And I trust that my friend from Arkansas [Mr. BRECKINRIDGE] will withdraw his objection.

Mr. BRECKINRIDGE, of Arkansas. I can not withdraw it.

Mr. HOLMAN. Then, Mr. Speaker, I move to postpone the further consideration of this bill until next Saturday.

The SPEAKER. The gentleman from Indiana calls up the bill indicated by him, and moves that its further consideration be postponed until Saturday next. That motion is in order.

The motion was agreed to.

COUNTY OF SAN JUAN, NEW MEXICO.

The SPEAKER announced as conferees on the part of the House on the bill (H. R. 1983) to ratify an act entitled "An act creating the county of San Juan, Territory of New Mexico," Mr. KILGORE, Mr. SPRINGER, and Mr. WARNER.

INDIAN APPROPRIATION BILL.

Mr. PEEL. Mr. Speaker, I now move that the House resolve itself into Committee of the Whole for the purpose of considering general appropriation bills, with the view of completing the Indian appropriation bill; and pending that I move that general debate be limited to one hour and a half.

Mr. CANNON. Will the gentleman permit me to ask whether he expects to finish his bill to-day?

Mr PEEL. I hope to do so. Of course I can not tell.

Mr. CANNON. He can hardly expect to finish it to-day if the general debate is to occupy an hour and a half.

Several MEMBERS to Mr. PEEL. Make it half an hour.

Mr. PEEL. I have no objection myself, but other members of the committee desire to be heard.

Mr. CANNON. I am a little selfish about the matter. I would like to see the bill finished to-day, so that we may proceed to other business.

Mr. PEEL. Then, Mr. Speaker, if there is any objection I will modify my motion by moving that general debate be limited to half an hour.

Mr. PERKINS. I move to amend that by making the time one hour.

Mr. PEEL. I accept that.

The amendment was agreed to.

The motion of Mr. PEEL as amended was then agreed to.

The SPEAKER. The question now is on the motion of the gentleman from Arkansas [Mr. PEEL], that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. MCCREARY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of continuing the consideration of the bill, the title of which the Clerk will read:

The Clerk read as follows:

A bill (H. R. 8565) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1889, and for other purposes.

Mr. PEEL. I now yield thirty minutes to my colleague on the committee, the gentleman from Kansas [Mr. PERKINS].

Mr. PERKINS. Mr. Chairman, this bill has, I think, with a single exception, no new provision. It makes the annual appropriation for the Indian service and for the Indian Bureau and follows the liberal precedent that for a few years has been observed in Congress in providing for the education of the Indians. It has, however, a provision for the payment of what is known as the Choctaw and Chickasaw judgment. That is a large item and is likely to provoke some discussion. It was the judgment of the committee that that claim against the Government of the United States should be provided for, and hence the appropriation has been inserted in the bill.

As is known to the members of this House, that is a claim of long standing, arising under treaty obligations and an act of Congress sending the demand of the Indians to the Court of Claims for adjudication, with directions that if a judgment was rendered against the Government of the United States an appeal should be taken to the Supreme Court by the Attorney-General of the United States. Judgment was rendered in the Court of Claims against the Government, and an appeal was taken. The judgment of the Court of Claims was affirmed by the Supreme Court and increased in amount, and was returned to the Court of Claims for final judgment. This judgment was rendered and now draws 5 per cent. interest, and aggregates $2,800,000 and more. This is a solemn adjudication against the Government by the court of last resort under an act of Congress, and I see no defense or relief for the Government from it except it be repudiation. That was the feeling of the committee, and believing this great Government is able to pay its obligations, and should do so, even where the claimants are Indians, it has provided that this judgment shall be paid in full.

[Mr. PERKINS withholds his remarks for revision. See APPENDIX.]

Mr. PEEL. Not only has the tariff been introduced in this debate, but the Confederacy has been resurrected in connection with this Indian appropriation bill. Some day, no doubt, the Indians will understand the tariff, and when they read the speech of the gentleman from Minnesota [Mr. NELSON] they will all be Democrats. I yield twenty-five minutes to the gentleman from Mississippi [Mr. ALLEN].

[Mr. ALLEN, of Mississippi, withholds his remarks for revision. See APPENDIX.]

Mr. PEEL. I yield the remainder of the time allowed for general debate to the gentleman from New Mexico [Mr. JOSEPH].

Mr. JOSEPH. Mr. Chairman, it is necessary that I should avail myself of the opportunity offered for general debate on this bill for the purpose of making fitting response to the reflections and unwarranted charges made by the minority report of the Committee on Territories against the character of my constituency.

Mr. Chairman, local pride and national patriotism alike inspire my advocacy of the passage of the bill "to provide for the formation and admission into the Union of the Territory of New Mexico."

Passing for the present the patent fact of her right by requisite population for such admittance, I desire to call the attention of both sides of this House to the natural policy of any government, and to the pecul-

iar idea of this, to stretch the stakes thereof and increase its power by every legal accommodation to the people who pioneer its prairies and plains, open the else barren portion of its territory, and cause its wildernesses to blossom as the rose.

If, sir, the people of New Mexico were asking any stretch to the limits of your Constitution, or any romantic expression to the sentiment of its framers to "increase and multiply;" if they were not deserving, and if it were not for the best interests of the whole Union, I should not ask, my people would not desire, to become a partner actively responsible therein.

The bloodshed, the sacrifices, the unwritten but understood sufferings of our colonial fathers were not alone for the Atlantic strip of country whose soil their blood had enriched. The great eye who watched the interests of the colonists had, from the savage shores of the Ohio, telescopically scanned a more promised land than Moses viewed, and prophetically saw the coming hordes of European sufferers and colonial children peopling the grand wastes to the great Gulf and to the Pacific, and Washington carried that idea throughout the Revolutionary strife, nerving him for the struggles of his mission; he inoculated his first Congress with it, grafted it firmly into the statesmanship of his generation, until the conception became fruition in the settled policy of our fathers.

No pent-up Utica contracts our powers,
But the whole boundless continent is ours.

We, sir, and the passing generation have witnessed the remarkable fulfillment of the prophetic-ken of Washington and his co-statesmen in the incessant march of immigration beyond the Ohio, the filling up of waste territories, the formation of new States, adding more rapidly than we can hardly realize, not asteroids, but grand stars to the galaxy of our glorious Union. We have grasped the continent with iron and copper and silver and golden bands, binding indissolubly the Union from the Atlantic to the Pacific. Thus has been followed the never-forgotten, never-neglected policy of our country. Only asking for loyalty and the constitutional numerical strength, we have favored the growth, encouraged the immigration, fostered embryotic conditions, and admitted States until has been made of this, geographically as well as politically, a nation of material wealth and prosperity unsurpassed in modern, unrivaled in ancient history.

But, sir, in the anxious searching of the restless immigration for a profitable rest, the golden halo of the Pacific Coast outblazed the silver sheen of the midway Eurekas, like Colorado and New Mexico; and our peopling has been comparatively slow, but nevertheless sure and steady; so that to-day, and for years, New Mexico offers her application for membership in the grand sisterhood of States, with a people of energetic industry, unquestioned loyalty, and far beyond the requisite number for statehood.

POPULATION.

From 1850 to 1860 her population increased from 61,547 to 93,516, nearly 50 per cent. Intelligent observers of the history of our great Western States will not forget to credit New Mexico with her loss of many (9,000) thousands to create the Territory of Arizona, and more (15,000) thousands sliced off to help out Colorado. Notwithstanding these drains the increase of population in 1870 was shown to be by the United States census about 35 per cent.; this, too, in an interior where Indian wars had decimated her people and paralyzed her every industry, and with not a railroad nearer to her boarders than a thousand miles. This was the slowest era of her growth—1860 to 1870—when Indian wars not only decimated population, but retarded immigration; when a thousand miles intervened between her and the civilized world; when the idea of a Territory suggested to Eastern people lawlessness, no protection to property or life; no society that was desirable, only disorder, disaster, and discontent. Against these and other odds she grew 35 per cent. numerically; and, sir, during that decade let us look at the growth of older States. In Alabama, Connecticut, Georgia, Arkansas, Delaware, Indiana, Kentucky, Louisiana, Maine, Massachusetts, Mississippi, New Hampshire, New York, North and South Carolina, Ohio, Pennsylvania, Rhode Island, and Tennessee the increase was only 20 per cent. True, during this crucial period these States were passing through the fires of fratricidal war. So, too, was New Mexico; yet, and with her added detriments to which they were strangers, she increased in population 35 per cent. to their 20.

In 1885 the population of the Territory, in its thirteen counties, was as follows:

County.	Population.	County.	Population.
Colfax	6,279	Socorro	2,315
Taos	9,775	Sierra	2,438
Rio Arriba	11,764	Lincoln	4,777
Mora	10,015	Doña Ana	7,921
San Miguel	21,435	Grant	7,397
Santa Fé	10,455		
Bernalillo	20,061	Total	124,641
Valencia	9,509		

Sparsely settled districts were not visited, hence not enumerated which by authentic calculation would add 40,000 to the above.

Non-citizenized Indians (although civilized and among the most industrious, frugal, and prosperous citizens) number 25,000. So that the entire actual population of New Mexico to-day is 189,000.

The present Delegate was elected by a vote of 16,235, against 12,347 for his opponent, making a total vote of 28,582. About 10,000 legal voters are known to have been absent from the polls. It is, therefore, a reasonable assumption that New Mexico's Delegate represents in the present Congress approximating 40,000 voters. Now, sir, let us glance over this House for a comparative representation, and we find from Alabama a gentleman representing 4,220 voters of his own and all opposing parties; one from Arkansas representing 29,100; one from California representing 29,000; the same number represented from Connecticut; one from Delaware represents 22,000; one from Georgia represents 1,700; Illinois, one representing 29,000; Indiana sends one man to represent 35,000; Iowa, one to 26,000; Kansas, one to 30,000; Kentucky, one to 18,000; Louisiana, one to 13,000; Maine, one to 36,000; New York, one to present the interests of 23,000; North Carolina, one for 14,000; Ohio, one for 28,000; Pennsylvania, one for 26,000; Rhode Island, one for 6,000; South Carolina, one for 3,000; Tennessee, one for 20,000; Texas, one for 5,000; Vermont, one for 21,000; Virginia, one for 21,000; West Virginia, one for 28,000; Wisconsin, one for 27,000.

Yet, let me repeat, Mr. Chairman, New Mexico's Delegate on this floor to-day represents 40,000 voters, and I may add that the official lists show that every Delegate from that Territory since 1872 received more votes than were cast for Representatives in many districts in the States.

Now, Mr. Chairman, the census of the Territory for 1885 shows by actual count nearly 125,000 inhabitants. Almost as authentic reports show at least 40,000 more in the sparsely settled districts which were not visited, and the non-citizenized civilized Indians increase the population, as I have said, 25,000 more. Then New Mexico asks admittance as a State with 189,000 people. In later as in former years at least fifteen States have been admitted with less than half that number, namely:

States.	Admitted.	Population.
Nebraska	1866	60,000
Nevada	1864	40,000
Oregon	1849	52,465
Iowa	1846	81,920
Florida	1845	54,447
Arkansas	1836	52,240
Missouri	1821	66,586
Illinois	1818	34,620
Mississippi	1817	75,512
Indiana	1816	63,805
Louisiana	1812	76,556
Ohio	1802	41,915
Tennessee	1796	77,202
Kentucky	1792	73,077
Vermont	1791	85,339

Here are fifteen States which were admitted with not one of them containing one-half the people New Mexico holds to-day. Their aggregate gives an average to each of about 62,000 inhabitants, or one-third of the present population of New Mexico.

But the question of population does not all come from the Constitution or any statute. The custom has been to admit as a State any Territory having the constitutional number of people to entitle them to one Representative in Congress. The Constitution simply says, "New States may be admitted by the Congress into this Union."

That word "may" gives the authority so explicitly that no question thereof has ever arisen; gives Congress the power to admit States without the semblance of limitation based upon population. And it is a settled maxim that a given power to act presupposes the action to be a duty. And, sir, it is the duty of the American Congress to admit to full representation any body of American people who may have become a local community of sufficient numerical strength to compose a State. And the exercise of that duty I have already shown has been the settled policy of this Government.

True, it is left discretionary with the Congress. It may refuse admittance to a Territory, but never with propriety when such Territory offers for admission properly prepared. The discretion does not vest a power to hold a Territory in colonial vassalage according to the whim of Congress; but devolves the duty to admit as soon as the people ask and show capacity to support a State government. As a Virginia Senator in the Forty-fourth Congress expressed it more forcibly:

And even this power is subject to control. Whenever a Territory is sufficiently large and its population sufficiently numerous, your discretion ceases, and the obligation becomes imperious that you forthwith admit; for I hold that, according to the spirit of the Constitution, the people thus circumstanced are entitled to the privilege of self-government.

Mr. Chairman, New Mexico has been forty years in the Union; her pupilage has passed, her infancy ended long ago; fitness for self-government has been long evident. Political partisanship manifested in Congressional power has enslaved her in the dependency of Territorial

vassalage and denied her vote in the government of herself. But, sir, law, justice, and the genius of our institutions declare the exercise of that power an injustice.

WHY HAS NEW MEXICO NOT BEEN ADMITTED?

In 1850 the people of New Mexico, confiding in the terms of the treaty by which they became a portion of the United States, called a convention, and that body framed a constitution, United States Senators were elected, and Congress was memorialized to admit them to statehood. Greatly to the surprise of that people their request was refused. Why? Never was it said because of any lack of the requisite qualifications on the part of New Mexico. But, sir, the ominous signs and signals of the slavery agitation was the sole cause for refusal. The pro-slavery element in the other Chamber of this Congress was deemed to be already too great, and the probability that the two new Senators from New Mexico might be of the same political hue settled her case adversely.

To-day, sir, that question is dead, buried with the fallen heroes whose life-blood washed it from among the vexed questions on our country's calendar.

Appeals have been made to every Congress since, memorials and petitions have burdened your proceedings, and still New Mexico, with her nearly 200,000 people, stands knocking at the door for entrance. Why? A lack of population has not been hinted for years, because the figures I have given are too universally known; no public man dares to appear ignorant by raising that objection.

Twenty years ago the charge was made of a paucity of educational advantages, and a consequent illiteracy among her people was one of the reasons given for non-admission. Whatever may have been the fact in that unfortunate period of her history, when Indian wars, meager communication facilities between her own people or with the outside world, a widely-scattered population, vast regions traversed by hostile savages, and other untoward circumstances rendered schools almost an impossibility, to-day New Mexico compares more than favorably as to education and educational facilities with one-third of the present States of the Union, and not unfavorably with all. In 1871 she adopted the

PUBLIC-SCHOOL SYSTEM.

The report of the Territorial auditor dated February 28, 1888, containing a consolidation for publication of the reports of the county superintendents of schools for the year ending December 31, 1887, has the following synoptical exhibit:

EXHIBIT A.—*Public schools in* 1887.

Counties.	Children of school age (5 to 20 years).			Number of pupils enrolled.		
	Males.	Females.	Total.	Males.	Females.	Total.
Bernalillo	3,490	1,187	4,677	.....	.....	.....
Colfax	1,185	1,027	2,212	572	621	1,193
Doña Aña	1,250	1,038	2,288	371	353	724
Grant	.....	.....	1,443	226	154	380
Lincoln	.....	.....	1,967	576	389	965
Mora	.....	.....	3,112	.....	.....	.....
Rio Arriba	641	317	958	2,270	1,604	3,874
San Juan	270	217	493	.....	.....	.....
San Miguel	3,979	3,448	7,427	2,091	1,106	3,197
Santa Fé	1,675	1,619	2,694	802	556	1,358
Sierra	501	411	911	152	128	280
Socorro	1,727	1,273	3,000	.....	.....	.....
Taos	.....	.....	2,247	.....	.....	.....
Valencia	.....	.....	3,006	765	400	1,165
Totals	14,718	9,937	36,435	7,825	5,311	13,136

Counties.	Average daily attendance.			Teachers employed.			No. of months taught.	No. districts in county.
	Males.	Females.	Total.	Females.	Males.	Total.		
Bernalillo	1,745	593	2,338	.....	.....	.....	.....	36
Colfax	431	501	942	29	11	40	152	27
Doña Aña	243	268	511	10	7	17	67½	16
Grant	.....	.....	291	.....	.....	25	82	20
Lincoln	.....	.....	644	31	12	43	107	37
Mora	596	284	880	.....	.....	62	106	34
Rio Arriba	641	317	958	36	.....	36	.....	34
San Juan	.....	.....	.....	6	4	10	.....	10
San Miguel	1,527½	733½	2,261	61	9	70	220	63
Santa Fé	743	527	1,270	22	10	32	76½	16
Sierra	509	420	929	7	6	13	47½	9
Socorro	.....	.....	.....	25	15	40	.....	.....
Taos	.....	.....	.....	.....	.....	.....	.....	.....
Valencia	.....	.....	.....	.....	.....	26	.....	.....
Totals	6,435½	3,643½	11,024	227	74	414	858½	302

EXHIBIT A.—*Public schools in* 1887—Continued.

Counties.	No. of schools in report.	Amount on hand at beginning of school year, balance December 1, 1886.	From county.	Total amount received.	Amount collected and paid to the treasurer.	Total receipts.
Bernalillo	.....	.....	.....	.....	.....	.....
Colfax	.....	.....	.....	$16,788.78	.....	$18,055.70
Doña Aña	.....	$682.54	$1,983.90	2,587.88	.....	.....
Grant	.....	.....	6,049.53	.....	.....	.....
Lincoln	.....	.....	.....	.....	.....	.....
Mora	54	.....	7,304.15	.....	.....	.....
Rio Arriba	.....	115.40	1,470.00	.....	.....	.....
San Juan	.....	.....	.....	.....	.....	.....
San Miguel	68	1,751.33	13,710.40	16,857.06	.....	.....
Santa Fé	.....	1,178.50½	5,480.00	6,658.50½	.....	.....
Sierra	.....	.....	.....	.....	$2,793.36	.....
Socorro	.....	1,139.85	9,150.00	10,189.85	4,953.24	.....
Taos	24	.....	.....	.....	.....	.....
Valencia	.....	.....	.....	.....	.....	.....
Totals	146	4,867.62½	45,147.98	53,082.07½	7,746.60	18,055.70

Counties.	Salaries paid to teachers.			Amount paid for blanks, rent, fuel, stationery.
	Highest salary.	Lowest salary.	Total paid to teachers.	
Bernalillo	.....	.....	.....	.....
Colfax	.....	.....	$11,465.60	$1,109.05
Doña Aña	.....	.....	1,662.70	155.46
Grant	.....	.....	.....	.....
Lincoln	.....	.....	.....	.....
Mora	$60.00	$15.00	1,109.00	.....
Rio Arriba	.....	.....	.....	.....
San Juan	.....	.....	.....	.....
San Miguel	.....	.....	11,650.55	3,017.07
Santa Fé	.....	.....	4,436.50	595.00
Sierra	100.00	25.00	3,048.50	747.79
Socorro	.....	.....	.....	.....
Taos	25.00	15.00	.....	.....
Valencia	.....	.....	.....	.....
Totals	.....	.....	33,312.85	5,624.37

Counties.	Amount paid school-houses, sites, other purposes, expenditures.	Total expended during the year.	Balance on hand December 31, 1887.	Value of school buildings.	Number of school buildings.
Bernalillo	.....	.....	$9,275.92	.....	.....
Colfax	$3,386.61	$15,663.80	1,634.99	$26,875.00	19
Doña Aña	.....	.....	804.70	100.00	1
Grant	.....	.....	.....	10,350.00	7
Lincoln	.....	8,081.20	1,046.51	.....	.....
Mora	.....	4,637.90	2,066.40	.....	.....
Rio Arriba	.....	3,244.20	1,182.20	.....	.....
San Juan	.....	.....	.....	1,000.00	4
San Miguel	291.90	.....	1,987.54	.....	.....
Santa Fé	359.98	5,390.98	1,267.52½	27,100.00	6
Sierra	850.47	.....	73.31	2,779.12	3
Socorro	.....	.....	.....	.....	1
Taos	.....	.....	.....	.....	.....
Valencia	.....	.....	.....	.....	.....
Totals	4,798.96	37,018.08	19,939.09½	68,204.12	41

From this it will be observed that over $53,000 were received in the hands of the proper officers in New Mexico for school purposes during 1887, and that at the end of 1887 there was on hand some $20,000.

Her law provides for a general levy of 3 mills on the dollar for school purposes, makes convenient school districts in every county, and provides for the organization of more whenever ten or more heads of families ask therefor, creates superintendents and directors for each county and district, and makes compulsory attendance between the ages of five and twenty. The curriculum is the same as the public schools of Massachusetts or other States. And the zeal of the people in fostering the school system and crowding the school-houses with their children is sufficient refutation of the charge of illiteracy. She has now in successful operation over one hundred and fifty public schools, and appropriates to their support a larger share of her taxes than any other State or Territory in the Union. Besides her public schools there are quite a number of colleges and high schools in the Territory. The pupils, whether the descendants of the natives or the children of Eastern immigrants, are taught everything in English, and it is said with no little degree of pride that there is little if any intellectual superiority in the Eastern pupils over their native fellows.

COMMERCIAL FACILITIES.

Commercial facilities are increasing as rapidly as the increasing wants

of the people and the demands of trade. It was years ago one of the so-called reasons for denying New Mexico admittance that she was entirely isolated from the commercial world because of not having a railway within her boundaries. To-day the trains of the Atchison, Topeka and Santa Fé Railroad traverse the Territory from the northeast to the southwest corner; the Rio Grande and Utah Railroad is opening the northwest corner; the Atlantic and Pacific Railway, entering from midwest, pierces the center of the Territory; the Southern Pacific has opened the southwest portion from Texas to Arizona; the Silver City and Deming and other branch railways are developing the unrivaled wealth of her mining regions; the Denver and Rio Grande and Texas, Santa Fé and Northern has pierced her north center to Santa Fé, the Territorial capital, and connected her silver mines with those of Colorado. Every one of her rapidly-growing cities and towns offers either railway facilities for travel or stage lines over roadways not excelled in the Union in grades or condition.

Caste is the last and least and weakest objection urged against admitting New Mexico into the sisterhood of States. The objectors argue that her population consists of a people who speak a foreign tongue, with meager American literature, and consequently ignorant of the political and social institutions of the United States. This may have been in a measure true forty years ago, when she first became a portion of the Union. But the same was true of Louisiana when in 1812 she was given the full broad seal of statehood, with only 76,500 inhabitants, nearly all of whom were foreigners or the children of French and Spanish parents. Southern California and other States might have been kept out for the same reason. But what is the truth in this regard of New Mexico? For twenty years her immigration has been altogether from the East, so that to-day the majority of her people are English-speaking citizens of native or American birth. Of the minority the younger portion of the native element have become entirely Americanized, speaking and transacting business in English, and all have made themselves more or less familiar with our customs, laws, and institutions. Some of the descendants of those natives have been the honorable occupants of seats in this Chamber, but without a vote—an empty honor so far as the rights of their constituents were concerned.

Mr. Chairman, I will not be the first member of this House to define the demarkation of American citizenship by language or blood or wealth. Indeed, sir, if we look over the whole Union endeavoring to find the best blood, we are forced to the conclusion that the mixture of races and blood to be found in the people of the United States has made her what she is, in grandeur *par excellence* of the world. New Mexico has a like admixture of foreign and native blood; but all, or so nearly all as to admit the expression, speaking the English language.

Why, then, Mr. Chairman, has New Mexico so long been denied admittance as a State? With so nearly 200,000 people, no public debt worthy of mention, with public schools liberally supported and fully patronized, with wealth and commerce, with abundant agricultural and mineral resources—why, with all these facts in her favor, has she been so long kept in the vassalage of Territorial government?

It was once asked, "What good is it to the people of a Territory to be a State?" It might be answered that a Territory has no vote, and suffers taxation without representation; it has no power, and the arm of your Government is too short to reach and control remote sections, to guard the people's rights and foster their interests; and, further, history proves that States flourish and increase more rapidly than Territories. The idea of a Territory suggests to the Eastern man want of society, lack of law, and hence emigration thereto is retarded and capital slowly invested, while a State gives promise of power and dignity, and consequently the more attracts immigration. It is "good" to enact their own laws by their own selected legislators and execute them by their own appointed officers instead of stranger aliens placed over them by the National Government.

It is also "good" for the whole Union, for statehood releases the expense of Territorial machinery, thus greatly reducing your annual appropriations; and more, of the few arguments left to State rights none is more potent than that State power will best prevent further bloodshed—in this: a centralized government wields power from center to circumference. To do this in a Territory 300 miles wide is an impossibility without a standing army to enforce the dignity of law and preserve the peaceful protection of the people, and a standing army is repugnant to our institutions. From Washington to Alaska or the Gulf is too great a distance for the arm of the law to extend. State authority and State power relieves the General Government of that task, and does control its people, whether remote from or adjacent to the nation's head. And may not this be really the key to the time-honored policy of this Government to admit the Territories into statehood as rapidly as possible?

But that is not a question of good to the Territory or to the Government. It is a matter of right, if not a constitutional right. It has become the unwritten law by Congressional action for so long a period as to be as firmly one of your institutions as any demand in your grand charter. New Mexico has thrice the population demanded by that action; she has the resources and capacity for State government. It was the agreement in the treaty by which her people became a portion of the United States, and she now stands in your Congressional Halls and demands, not only as good to herself and good to the nation, but as a right inalienable that she be admitted to the honor and dignity and power of a State.

It is strange, Mr. Chairman, in our day, when steam and electricity have canceled distance, when four days' travel introduces us to every mile of our continent, and half-hour telegrams whisper from ocean to ocean, when our bureaus give us the climatic diagnosis of every area and monthly statements of every crop, when New Mexico is as near to you practically as is New York—I say it is strange in our day to find such want of information as is printed in a Congressional paper on this very question of admitting New Mexico as a State. I quote:

> There is claimed for it (New Mexico) an excellence of soil and climate which, however, is substantially, or in great degree, refuted by official and other reports on that region.

"Region!" Were they considering the Congo country? Is New Mexico—midway of your continent—as unknown as the mazy geography of the Nile? Is a Territory of this Government so remote that this same paper must further say:

> A general belief exists that much mineral wealth may be found in the otherwise forbidding country.

There is no excuse in our day of printing-presses for such feigned ignorance of the agricultural and mineral wealth of New Mexico. What are the facts?

New Mexico, lying south of Colorado and east of Arizona, embraces an area of 122,000 square miles, or about 78,000,000 acres of land. The Territory is three times as large as Ohio, thrice as large as all New England. The country is well watered by the Rio Grande, Pecos, San Juan, Red, Taos, Mora, and the Puerco Rivers, besides many other smaller streams. The valleys on both sides of every river have rich alluvial soil as deep and as fertile as the world can show. The statistical reports show that her arable lands yield from 27 to 35 bushels of wheat, of corn 60 to 85 bushels per acre, and the other cereals in like proportion; vineyards show a yield of 1,360 gallons of best wine to the acre. But to be more particular, let me quote from one of the authentic publications of the Territory for last year, the Bulletin, which gives the average grain production in one of New Mexico's valleys:

Corn	bushels per acre	75 to 100
Wheat	do	30 to 60
Oats	do	50 to 75
Barley	do	40 to 50
Rye	do	30 to 45
Pease	do	25 to 35
Alfalfa, 2 tons per cutting tri-annually.		
Potatoes, sweet	bushels per acre	75 to 100
Parsnips	do	175 to 275
Mangoes (weighing 30 to 40 pounds each)	do	500 to 800
Beets	do	175 to 400
Carrots	do	175 to 300
Cabbages	weighing pounds per head	5 to 30
Tomatoes	weighing pounds each	½ to 1
Cucumbers	do	1 to 6
Squash (hubbard)	do	10 to 25
Squash (marrowfat)	do	30 to 75
Pumpkins	do	10 to 25

Besides these, New Mexico valleys raise cotton, flax, hemp, tobacco, sorghum, rice, chilli, egg-plant, beans, and other garden vegetables, with excellent hops; and, more yet, after harvesting her crop of wheat, oats, barley, or pease, she plows anew, and the same year secures a crop of corn, cabbage, beets, or turnips.

In fruits, her apples, pears, peaches, apricots, plums, cherries, gages, quinces, equal those of any State in the Union; while her almonds, chestnuts, English walnuts, and filberts will bear successful competition with the nut-growers of the world. Her vineyards have for ten years stood equal with any in America in product, flavor, and wine yield; her melons have, so far, met with no superiors on the continent; while her small fruits, such as strawberries, gooseberries, raspberries, currants, etc., with asparagus, celery, spinach, radishes, and peanuts are unrivaled, and your Agricultural Department will tell you her onions beat the world.

Her plains now, and for years past, have been dotted with profitable ranches crowded with cattle, sheep, and horses, with more favorable round-ups and less percentage of loss than any cattle country of the West can show, and with her beef, mutton, wool, and horses standing on the first grade in Chicago and Eastern marts. The most nutritious grasses cover the broad plateaus of New Mexico, which will continue for years to grow, to offer the best grazing facilities of any cattle country in the United States. The cost of beef-raising is nominal, as stock need never to be housed or fed. The high and dry climate precludes almost the possibility of disease among sheep or cattle. At least half the lands of New Mexico are especially adapted to grazing purposes; and even if future improvement tempted agriculture, stock-raising would always be more profitable. So that New Mexico will forever be one of the main supplies of the beef-caters of the world.

Governor Arny said of New Mexico: "For the profitable raising of horses, mules, cattle, goats, and sheep, and on the most extensive scale, no portion of the world can rival this district. Its mild climate presents no rigors, while its mountain slopes, valleys, and plains are unlimited extents of pasturage."

Her mountains and high table-lands offer immense forests of pine

and spruce, enough for ample supply of lumber to her growing population and rapidly building cities.

I might be more explicit with regard to her capacity as a wine-producing country. The Rio Grande and Pecos River valleys produce grapes in wild profusion, whose wines are ranked for table use and compare favorably with Rhine wines. Fair estimates, from practicable sources, give the value of an acre of land well set with vines at from three to five hundred dollars. As early as 1804 Baron Humboldt said of the El Paso country: "The vineyards produce excellent wines, which are preferred even to the wines of Parras and New Biscay." Almost any of the side hills offer excellent vineyard sites, but especially wealthy in this respect is the Rio Grande valley, extending a distance of 350 miles in New Mexico.

HER MINERAL RESOURCES.

It has been stated, and I believe is true, that "the knowledge of the mineral wealth of New Mexico had caused it for a long time previous to its acquisition, in 1846, to be looked upon by the United States as a most desirable addition to the Union."

Early after 1846 rumors of its still fabulous wealth, added to the historical mineral riches it had given for years to Old Mexico, induced hardy pioneers to test its richness, and during that period (from 1846 to 1880), not withstanding its isolation and its then total lack of transportation, notwithstanding the difficulty of obtaining tools or supplies, notwithstanding the miners had to work with arms and ammunition at hand to meet the persistent attacks of hordes of savages—in spite of such almost insurmountable obstacles, in those few years your mint statistics show that those brave delvers dug from the plethoric bowels of New Mexico $13,972,000 in ore, of which $10,350,000 was gold and $3,622,000 silver.

The succeeding five years, from 1881 to 1886, the production of the Territory was:

Years.	Gold.	Silver.	Total.
1882	$691,000	$1,985,000	$2,676,000
1883	700,000	3,376,000	4,076,000
1884	709,000	3,700,000	4,409,000
1885	911,000	4,381,000	5,292,000
1886	797,000	5,671,000	6,468,000
Total	3,808,000	19,113,000	22,921,000

This does not include many valuable shipments of ore sent to other States for reduction. Nor does it make allowance for copper ingot, ore, and matte from the Territory, amounting in that five years to several millions. But the figures demonstrate that the product of the precious metals increased rapidly every year.

Gold has been found in nearly every county in the Territory, either in the river or creek beds as placers, or in the mountain ranges in veins or lodes as quartz.

Lead and smelting ores abound in nearly every portion of the Territory, comprising gold and silver ores, which, being allied to the baser metals, as lead, zinc, sulphur, etc., can not be profitably reduced except by smelting.

Silver, in the form of native, ruby, or vitreous silver, is found in richly paying quantity in many districts of the Territory. Copper has been found in many districts in largely profitable veins, but the depressed condition of that market and the high rate of railroad transportation during the past two years have prevented its extensive working.

Lead, iron, mica, cement, gypsum, fire-clay in inexhaustible amounts, excellent marble, turquoise of purest blue—but, sir, I would weary the House and myself to enumerate the extent and variety of the authentically recorded minerals of this Territory, and I close with a brief allusion to her coal, the mining of which, though in its infancy, has already become an important factor in the resources of the Territory. The United States Geological Survey report gives some instructive facts and figures, as published by your Interior Department. It says:

In New Mexico coal is found in seven counties in beds from 1 to 14 feet thick. The quality ranges through all varieties, from brown to anthracite. The most important fields yet opened are those in Colfax County, and embrace an area of 600,000 acres, the product being a lignite, which varies greatly in quality. The following analyses were made from specimens taken near the surface:

Constituents.	Top of vein.	Middle.	Bottom.
	Per cent.	*Per cent.*	*Per cent.*
Moisture	2.00	3.10	2.60
Volatile matter	37.10	35.00	34.30
Fixed carbon	51.60	51.50	47.50
Ash	9.30	10.40	15.60
Total	100.00	100.00	100.00

The report further says of the coal mined from the Los Cerillos beds:

The coal is hard, dense, and of a brilliant luster, and is said to be, so far as application for all practical purposes is concerned, fully equal to the best Pennsylvania anthracite.

It also gives minute reports of bituminous coal-beds in other portions of the Territory, and closes generally with the following:

The New Mexico coals compare favorably with those found farther north. The production of the Territory since 1881 has been:

	Raton.	Gallup.	Monero.	Cerillos.	San Pedro.	Total.
1882	91,798	33,373	12,000	3,600	16,321	157,092
1883	112,089	42,000	17,240	3,000	37,018	211,347
1884	102,513	62,802	11,203	3,000	41,039	220,557
1885	135,833	97,755	14,958	1,000	56,656	306,202
1886						271,285
Grand total						1,116,483

And continues:

Placing the value of these coals at $5 per ton (which is a fair average for the entire period), the value of the product of the Territory during the past five years is, in total, $5,832,415.

It is surely not necessary, Mr. Chairman, that this intelligent House should be burdened with further citations to prove the capacity of New Mexico for State government and her promise in native resources for enriching all the myriads of industrious people who will eventually crowd her borders, and for adding one of the most lustrous to the galaxy of States that glorify this Union.

It is enough, sir, to say that New Mexico offers population sufficient, resources adequate, wealth enough to make and keep her statehood. She has made the same offer for years, and for years she has been refused admittance as a State.

MINORITY REPORT.

The minority report evidences on its face that only by a stretch of the imagination and an unwarranted attack on the morals and religion of our Mexican citizens do they expect to defeat this measure looking for the admission of New Mexico.

In their report appear the following statements and quotations:

NEW MEXICO.

New Mexico was organized as a Territory on March 9, 1850, with a population numbering about 80,000 people of Spanish-Mexican descent. In 1885 the population was 134,141, and is now estimated by the governor of the Territory to be nearly 160,000. While the minority of your committee have felt a hesitancy and delicacy about presenting facts that may appear otherwise than flattering to the people of that Territory, as well as to the country at large, yet believing this Territory not now sufficiently advanced in material respects, as well as in civilization and education, to entitle her people to admission into the Union at this time, and being charged with the duty of either assenting or dissenting to that proposition, we feel that, in the face of the surprising and unjustifiable attempt on the part of the majority of the committee to have Congress pass an enabling act for the people of New Mexico, thus recommending her admission into the Union, the actual facts relating to the fitness of her people for intelligent statehood, in so far as we are able to gather them, should be presented to the House.

In so doing we assert most earnestly our desire that this Territory may continue upon its present improved course of development, which affords ground to believe that, in course of time, her population, by immigration, advancement in agriculture, manufactures, the arts, and, above all, by education and the more general dissemination of knowledge among her people, will have attained such condition as to justify her admission into the Union. That it can not reasonably be anticipated her people will very soon become of equal intelligence with those inhabiting other Territories now seeking admission into the Union, a brief glance at her history, the social, moral, intellectual, and political conditions heretofore and now existing, we think fully substantiates.

This part of the present domain of the Republic was settled more than three centuries ago by Spaniards, who, together with the Indians then inhabiting that section, are the ancestors of the present people. Its civilization has been, and is largely now, Spanish-Mexican. We acquired New Mexico by cession from Mexico, part by the treaty of Guadalupe Hidalgo and the remainder by the Gadsden purchase.

It was organized into a Territory in 1850. It then had 61,547 inhabitants; in 1860, 93,516; 1870, 91,874; 1880, 119,565; and in 1885, 134,141.

Governor Ross, of that Territory, estimates the present population at above 150,000. We think this number large. The population is composed of about 35,000 to 40,000 white people, 9,000 Indians included within the population estimate, and 100,000 Mexicans.

Clarence Pullen, a resident of the Territory, in a paper written in 1887 for the American Geographical Society, and published by that society in its quarterly Bulletin, volume 19, No. 1, 1887, on the point of population says:

"The proportion of the elements composing the population of 131,985 given New Mexico by the census of 1885 is about as follows: 100,000 people of Mexican descent, 9,200 Pueblo Indians, and 22,785 Americans not of Mexican descent and persons of other nationalities.

"While there are among its people many educated citizens well fitted and competent for intelligent self-government, candor compels us to say that the large majority of the people are uneducated and unfamiliar with either our language, customs, or system of government. That we may not be subject to the criticism of inaccuracy, we beg to submit our authority for the statements we have made in regard to the condition of this people."

* * * * * * *

In order to present to the House the condition of the people of New Mexico and to impart accurate information upon the subject, we deem it proper to cite authority relating to the manners, customs, morals, and intelligence of the Mexican people soon after a Territorial government was established in 1850, and follow this with more recent data on the same subject, together with evidence of their present condition, all of which we believe will serve to assist members of the House in arriving at a correct judgment of the questions involved in the substitute proposed by the majority of the Committee on the Territories in so far as it concerns New Mexico.

We now quote at considerable length from a volume entitled El Gringo, by W. W. H. Davis, who, for two and a half years prior to 1856, was United States district attorney for New Mexico, as to the condition of the Mexican people in that day, and will follow with a reference to other and later authorities, some of which present facts indicating the gratifying improvement now taking place among this people.

"NATIONAL COSTUMES, CUSTOMS, ETC.

"The national costume of the Mexicans is fast disappearing among the better classes, who are learning to adopt the American style of dress. The females conform themselves to the fashions of Paris and New York with greater facility than the men, but they are so far removed from the world of dress as to be a year or two behind the times. The bonnet they discard entirely, and wear instead the *rebozo*, which appears to be a fixture in the toilet of a New Mexican lady. It consists of a long scarf, made of silk or cotton, according to the taste of the wearer, which is worn over the head with one end thrown across the left shoulder. A lady is never seen in the street without her *rebozo*, and it is rarely laid aside within doors, when it is drawn loosely around the person. When promenading the face is so much muffled up that not more than one eye is visible, and it is almost impossible to recognize your most intimate friend in the street.

"The dress of the peasant women seldom consists of more than a chemise and *enaguas*, or petticoat of home-made flannel, generally of bright colors. They usually go barefooted, and wear the *rebozo* upon the head. The common people have also improved in their style of dress since the Americans have had possession of the country. A few years ago the *serape*, or blanket, was universally worn, and that which served for a bed at night made a suit of clothes during the day. The head is thrust through a hole in the middle, and the whole person is enveloped in its ample folds. This article of clothing is gradually disappearing, and its place is being supplied with shirts and coats. A large proportion of the peasantry in the country still dress in tanned deer-skin, and wear moccasins upon the feet. Among all classes the females are extremely fond of jewelry, and when they appear in public they wear a profusion of ornaments, if they can obtain them. In dress they like bright colors, and are more fond of making a show than a neat and genteel appearance; and those who can afford it wear the most expensive articles of dress, but display little or no taste in the adornment of their persons.

"The standard of education in New Mexico is at a very low ebb, and there is a larger number of persons who can not read and write than in any other Territory in the Union. The census of 1850 shows a population of 61,547 inhabitants, of whom 25,089 are returned as being unable to read and write. I feel confident that this ratio is too low, and that the number may safely be set down at one-half the whole population who can not read their catechisms and write their names. The number attending school is given as 460, which is about 1 scholar to every 125 inhabitants. This exhibits a fearful amount of ignorance among the people, and is enough to make us question the propriety of intrusting them with the power to make their own laws. It was always the policy of Spain and Mexico to keep her people in ignorance, and so far as New Mexico was concerned they seem to have carried out the system with singular faithfulness; and in no country in the world that lays the least claim to civilization has general education and a cultivation of the arts been so entirely neglected. The few who received any education at all, except those destined for the church, and the sons of some of the *ricos*, who were sent into Southern Mexico, had to be content with the simplest rudiments, and if they were able to read and write and had a smattering of arithmetic they were considered learned. There is not a native physician in the country, nor am I aware that there has ever been one.

"The education of the females has, if anything, been more neglected than that of the males, and the number of them who can not read and write is greater. Gregg, who wrote ten years ago, in speaking of female education in New Mexico, says: 'Indeed, until very recently, to be able to read and write on the part of a woman was considered an indication of very extraordinary talent; and the fair damsel who could pen a billet-doux to her lover was looked upon as almost a prodigy.' This picture is a little overdrawn, but, at the same time, except among the few wealthy families, it is a rare thing to see a woman who possesses these useful accomplishments. Those who have received any education at all have been taught in the most superficial manner, and it proves of little benefit to either head or heart.

"A slight change for the better has taken place, in an educational point of view, since the country fell into the hands of the United States. The boarding and day schools at Santa Fé, under the care of Bishop Lamy, will, in time, produce a good effect in the Territory. The pupils come from various sections of the country, who, when they shall return to their families and friends, will carry with them enlarged ideas, and be the means of disseminating to some extent a knowledge of our country and institutions. They will make a new generation of youth of both sexes, and, if so disposed, can do much toward the regeneration of New Mexico. The American missionaries who have come into the country have also taken an interest in the cause of education, and wherever stationed have endeavored to establish schools. In some instances they have been able to gather together a few scholars, but the opposition of the priesthood to the children being educated in Protestant schools is so great that they could not accomplish much.

"MORALS.

"I regret that I am not able to speak more favorably of the morals of New Mexico, but in this particular the truth must be told. Probably there is no other country in the world, claiming to be civilized, where vice is more prevalent among all classes of the inhabitants. Their ancestors were governed in this matter by the standard of morality that prevailed in Southern Europe and along the shores of the Mediterranean, where morals were never deemed an essential to respectability and good standing in society, and laches in this respect had no visible effect upon their social position. The people of New Mexico have inherited all the vices of their ancestors, which they have continued to practice to this day. They have never received any moral training in the American sense of the word, and have been allowed to grow up from infancy to manhood without being taught that it is wrong to indulge in vicious habits. The standard of female chastity is deplorably low and the virtuous are far outnumbered by the vicious. Prostitution is carried to a fearful extent, and it is quite common for parents to sell their own daughters for money to gratify the lust of the purchaser, thus making a profit from their own and their children's shame.

"It is almost a universal practice for men and women to live together as husband and wife and rear a family of children without having been married. One thing which has greatly conduced to this condition of life in times gone by was the high price of the marriage fee. The peasantry could not afford to be married according to the rites of the church, and as no other ceremony was legal, they were, in a measure, driven into this unlawful and sinful intercourse. This irregular mode of life is also encouraged by the matrimonial system practiced, which results in illy-advised matches, which in a large number of instances drives the parties to a separation, when one or both assume an illicit connection.

"It is the custom for married men to support a wife and mistress at the same time, and but too frequently the wife also has her male friend. A gentleman of many years' residence in the country, and who has a thorough acquaintance with the people, assured me that such practices are indulged in by three-fourths of the married population. The marriage vow is held sacred by a very few, and the ceremony is more a matter of convenience than anything else. The custom of keeping mistresses appears to be part of the social system, and the feelings of society are in no manner outraged by it, because the public opinion of the country sanctions it; and what seems to argue an exceedingly liberal code of morals is the fact that the standing of neither party is injured in the community in which they live, but they seemed to maintain the same degree of respectability as though they did not thus violate the rules of propriety and decency. This mode of life is practiced openly and without shame. The parties keep up a regular domestic establishment, receive their friends, and appear together in public as though their union was sanctioned by the holy rites of marriage and blessed by the laws of God and man.

"There are two or three causes for the almost universal looseness of morals among the native population, the principal of which is the entire absence of that necessary moral training which children receive in the States. In times gone by the church conduced much to this state of things; a majority of the priests themselves lived in open prostitution, and the most abandoned characters retained their standing in the church if they were regular at the confessional and paid the customary dues without fail. The organization of society is such that a large number are driven into this mode of life by sheer poverty. There are no employments to which indigent females can resort to make a respectable living as in the States. All domestic labor is performed by Indian slaves, and women can find no occupation in housework for their own maintenance. Thus, when their parents die, and they are thrown upon their own resources for support, they have but the alternative of starving or adopting this degraded mode of life, which, not being considered in the least disreputable, neither driving them from society nor injuring their prospect of a subsequent marriage, is most generally embraced.

"In other respects society is not as refined as would be desirable. I have already mentioned that gambling is almost universal and is considered a gentlemanly and respectable calling. The practice of carrying deadly weapons is nearly as common, and most of the inhabitants go armed at all times; they wear knives or pistols girded around them during the day, and sleep with them under the head at night. The merchant behind the counter waits upon his customer with a six-shooter or a big knife at his side; and when the lawyer goes into court to try a cause he, too, is armed to the teeth. These 'peace-makers' also accompany the owner to the ball-room and the evening party; and even when they enter the house of God on the Sabbath they go better prepared to resist assassins than to worship their Maker. There is some necessity to wear arms, but not to the extent practiced, and the consequence is that many unfortunate affrays take place.

"SUPERSTITION.

"As a race, the people of New Mexico are extremely superstitious, and which prevails to a greater or less degree among all classes, the intelligent as well as the most ignorant. They have an abiding faith in saints and images, and with the mass of the inhabitants their worship appears no more than a blind adoration of these insensible objects. Some of the most intelligent of the better class look upon these bits of wood as all-powerful in every emergency, and upon the occasion of a fire in Santa Fé a few years ago a prominent Mexican gentleman was anxious that one of the wooden saints should be brought from the church to quench the flames. The second summer of my residence there there was a severe hail-storm in the month of June, when the people, in order to protect their crops, stuck up crosses in their fields; and it is no uncommon thing for them to have their fields blessed by a priest after the seed is put into the ground, in order that they may bring forth good crops.

"Upon one occasion, when visiting a family, a member of which was quite ill, a number of friends came in with a small image of a favorite saint, altar, and other necessary apparatus. They were placed in the middle of the room, when a few coals of fire were brought from the kitchen and put in the vessel that contained the incense, which ignited and filled the room with its odor, the whole party the while performing some ceremony that I did not understand. I left them in the midst of their semi-heathen incantations, neither being able to appreciate the service nor being willing longer to witness what I look upon as a senseless and unmeaning performance. The sick man recovered, and I have no doubt another miraculous cure was placed to the credit of the dingy little image. The number of saints in the religious calendar makes up a long array, and to all the leading ones particular days are devoted, and observed with appropriate ceremonies. The Virgin of Guadalupe, who heads the list, appears to be the keystone of the whole system of worship in Mexico.

"As another evidence of the superstition of the people, I need only mention their general belief in witchcraft and every other kind of sorcery, which is not confined alone to the most ignorant portion of the community. In the year 1853 a man was arrested in Taos for this imagined offense, and bound over by an alcalde to answer at the next term of the United States district court. When the cause came up for trial it was at once dismissed and the prosecutor was made to understand that there were no such offenses under our laws. Subsequently two Indians of Nambé were put to death for a similar offense. These facts exhibit a fearful amount of superstition in the middle of the nineteenth century, when knowledge in every department of learning is making such rapid strides toward universal intelligence."

To all we quote from this writer it may be urged that he wrote of a condition of things existing more than thirty years ago, to which we answer that a race of people residing for many years immediately adjacent to the American Republic, whose ancestry inhabited that country long prior to the landing of the Pilgrims, and who for more than thirty years have been a part and parcel of the territory of the United States and under their care and control, and yet among whom so little advancement in education and the common arts of civilization has been made, can not reasonably be expected to have greatly changed for the better, nor that the most rapid progress will be made in the future. As corroborative of District Attorney Davis, and as showing somewhat the condition of things in the Territory at that time, we now quote from "New Mexico," by Professor Charles R. Bliss, written in 1879, and from pages 8, 9, and 10; it will be noticed that nearly a quarter of a century had passed since Davis pictured the people, their customs, etc. Here is what Professor Bliss says:

"NEW MEXICO—THE PEOPLE.

"These are of several races—the Americans, the Indians, and the Mexicans. Of Americans there are about ten thousand, engaged in grazing and mining and in conducting the general business of the Territory.

"The Indians number about twenty thousand; half of them are nomadic. A few years ago they were restless and fierce, but of late they have become satisfied with their reservations and occasion no trouble. The most advanced of these nomadic Indians are the Navajoes, numbering about eight thousand, who possess the art of dyeing wool and weaving fine blankets. They have large flocks, and are pursuing the business of grazing with much skill and success.

"The Pueblo Indians are considerably higher in the scale of civilization than the nomadic tribes. They are descendants of the old Aztecs, though some of them are supposed to be descended from the Toltecs, a still older race. They retain many of the characteristics of the people whom Cortez conquered. They live in large structures, four or five stories high, made of sun-dried bricks, and capable, sometimes, of sheltering more than two hundred people. Acoma, a cut of which is given on the cover of this pamphlet, is one of the most interesting of their towns. It is built on a plain 69 acres in extent, upon the top of a sandstone rock 200 feet high, and is approached by a winding stairway cut in the rock. It was founded before the Spanish occupation, and, if captured, was left to itself, and is to-day inhabited by the race that have possessed it at least three hundred years. The Taos Pueblo is of almost equal interest. A building, not wanting in symmetry, five stories high and perhaps two centuries old, serves as their principal dwelling.

"The Pueblo Indians cultivate the soil, sustain themselves without the aid of Government, and have been declared by judicial authority to be citizens. They speak the Spanish language, and also an Indian tongue which they are not willing to impart to others. They are apparently fervent Catholics, but be-

neath their Catholic faith they retain the old beliefs of sun-worshippers. When they yielded to the invader they took the religion that was imposed upon them, but retained their own. Romish missionaries in New Mexico, as in many other places, did not deem it necessary to eradicate errors, provided their converts adopted Romish forms. Humboldt says: 'I have seen them masked, and, adorned with tinkling bells, perform savage dances around the altar, while a monk of St. Francis elevated the host.' The emblems of heathen idolatry are seen in the homes of these fellow-countrymen of ours to-day, and utter as loud a call for missionary aid as reaches our churches from any other quarter.

"The Mexicans are by far the most numerous portion of the population, reaching 100,000. Varying in blood from nearly pure Castilian to nearly pure Indian, they possess qualities of great diversity. Some have all the alertness and acuteness of the Spaniard; others, all the stolidity and grossness of the Indian. A few are well educated, shrewd, and successful in business, and intelligent upon current affairs; while the great mass are ignorant, superstitious, and, so far as fitness to discharge the duties of American citizenship is concerned, probably lower in the scale than any other class upon whom such duties have been imposed. They speak a foreign tongue, and are actuated by a foreign spirit. Their arts of life belong to the sixteenth rather than the nineteenth century, and to mediæval Europe rather than modern America. Their methods and implements of agriculture, the structure of their dwellings, and their means of intercommunication are of a very rude and primitive type.

"Their beliefs are like those generally entertained in Christendom three centuries ago. Fables, that the rest of the world has outgrown, are current among them; and monkish practices, which ceased among civilized men long ago, are in full vigor there. The Penitentes, an order widely diffused among them, believe that the sins of the soul may be atoned for by lacerating the body; and, at a fixed time in spring, they assemble at a church or in some desolate cañon, and, armed each with a scourge, made of cactus or thorns, or whatever else is fitted to tear the flesh, they inflict the severest cruelties upon themselves. They then form a procession, headed by a man bearing a heavy cross, and, arriving at an appointed spot, they halt, bind the bearer of the cross upon it, and raise him from the ground, in imitation of the closing act in the life of Christ. The crucifixion not unfrequently ends in death. In 1877 four young men are reported to have ended life in this way in Southern Colorado."

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It remains to be said, in truth, however, that the cause of general education is yet in its infancy, and the present situation in this regard may be thus accurately summarized:

A Territory containing 122,580 square miles, subdivided into fourteen counties, its population more than two-thirds Spanish-Mexican, with the language, customs, and ignorance of that people largely unchanged, save as it has been slightly modified and improved in recent years by the influence of American language, customs, and educational system.

A Territorial school system, first established in 1871, resulted, after about eight years' experience, as shown by the census of 1880, in exhibiting a school population between the ages of six to fourteen of about 29,255, with an enrollment of 4,755; daily average attendance, 3,115; number of teachers, 164; total receipts for school purposes, $32,171; total expenditure for same purposes, $28,973; Indian schools maintained by Government, 16; Indian school population, 10,512; average attendance, 541; number of children of school age in 1880 who could not read, 52,991; number of such in same year who could not write, 57,156; number in 1887 who could not read, 42,091; number in 1887 who could not write, 44,890.

* * * * * * *

We are aware that the last Territorial Assembly, as well as some prior ones, was Republican, but a knowledge of this fact, and an impression that upon a vote of the people if a State were organized it might be carried by electors of that political party, have not deterred us from presenting our views as adverse to the organization of a State, either this session or during the Fiftieth Congress, nor, indeed, until by immigration, education, and general development it is apparent that American civilization, which we hope may rapidly extend, becomes permanently dominant over that old and inferior condition to a large extent still prevalent among the people. We have the impression that the more intelligent class of Mexican people in this Territory are doing what they reasonably can to hasten this result.

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All of which is respectfully submitted.

I. S. STRUBLE.
CHAS. S. BAKER.
WM. WARNER.
GEO. W. E. DORSEY.

I concur with the foregoing minority report, except that I put my opposition to the admission of New Mexico on the ground that her governor, Delegate in Congress, or her people have not in any way asked for admission at this time.

G. G. SYMES.

The majority report, recommending the admission of this Territory as a State, is signed by all the Democratic members of the committee, while all the members of the committee who have signed this minority report, so abusive of the people of New Mexico, are members of the same Republican party which voted in 1874, fourteen years ago, by a two-thirds majority in favor of an enabling act, like this to which they now so strenuously object, to admit New Mexico into the Union as a State.

The report of the minority contains a compendium of all the slanders and scandalous misrepresentations about our New Mexican citizens that its advocates could collate from all sources running over a period of some forty years last past, and I can not sit in this Chamber and permit this unwarranted wholesale abuse of my constituents to pass without an emphatic protest; it shall not go before this House and the world unrebuked.

An imputation is cast against their religion and mine, against their forms, habits and customs, the chastity of their wives and daughters is questioned, and they are characterized as an ignorant, depraved people, and this in the present House of Representatives of the greatest nation, the most progressive, the most liberal, the wisest on the face of the earth. For shame, that men assuming to be advised of the history of their country should resort to such a subterfuge to do injustice to a worthy people now asking admission as a State, in order to defeat them in their just demands. For shame, that men belonging to a political organization claiming to be liberal in its ideas, and truthful in principle, should stoop to base slander to gain a temporary advantage over a now comparatively defenseless people, who are remediless to call them to an accounting. The language of the Las Vegas Optic, a Republican newspaper of New Mexico, referring to this report, is opportunely appropriate in this connection:

A SLANDER THAT CRIES FOR REDRESS.

When any one slanders an individual the law gives ample redress to the maligned man, but when one slanders a community or a people there is no redress but in the contempt and execration to which such an one sinks in public esteem when his ignorance or malice becomes generally known. It is the design of the Optic to contribute its part towards covering with deserved infamy the members of the Congressional Committee on Territories who brought in the minority report, wherein New Mexico is slandered to an extent heretofore unknown even in the slums of American demagogery.

Probably 60 per cent. of the population of New Mexico are members of the Catholic Church, and I do not blush, sir, when I say with pride that I am a member of the same church and a believer in the sacred doctrines; the forms, customs, and teachings of our church are the same as in the progressive cities of the Eastern States. Our priests are men of education and good moral purity; they teach our people education and progress. I defy an opponent of New Mexico on the floor of this House, or elsewhere, to point to a church or organization that has done more in the establishment of schools and in the interest of education within their means than the Catholic clergy of New Mexico. Sectarian lines are not as closely drawn there as in many Eastern States. Catholic and Protestant attend the same church, join hand in hand in the same enterprises looking to the education and advancement of the people, contribute liberally to the erection and maintenance of the same school. All Protestant organizations are received with open arms and given every aid and facility for the carrying out of their laudable objects. They, too, have done wonders in New Mexico, and I am happy to say are daily progressing and increasing in numbers.

The women of New Mexico are not wanting in virtue; they are not idle or lazy. If the members of this House had seen them, sir, as I have—plowing in the fields with their own hands, gathering the grain, caring vigilantly for their little ones at night, watching over and protecting them day after day and month after month while their husbands and fathers were absent battling with savage Indians to save their defenseless homes, which the faith of a great nation was pledged to protect and then failed them in the hour of peril—you would not have the heart to accuse them; if you had seen them as I have leading their little children to their church each day at sunrise and, kneeling down, offer up a fervent prayer for their absent husbands and fathers, for their protection and safe return, for victory, and "God bless the Government of the United States," you would not accuse them.

I assert without fear of successful contradiction that the percentage of Mexican prostitutes in proportion to the whole number of citizens in New Mexico is less than in any other State or Territory, and I defy the minority to show the contrary, and challenge them to prove the statements contained in their report reflecting on the women of New Mexico.

There are no more loyal or patriotic people in the United States than the Mexican citizens of my Territory. They are by nature mild and sympathetic, their hearts are as tender as that of a child, but in the hour of peril brave as lions. For the past forty years, when necessity has required it, they have defended themselves against constantly recurring incursions of hostile Indians. History testifies that they were always the first to rally around the standard of the new country of their adoption in defense of its honor and sovereignty. They have spent during that period in their own defense over $1,000,000 on account of organized militia, and sustained losses on account of Indian depredations aggregating some $5,000,000.

During the late rebellion, true to their natural instincts, they were loyal to the Union and fought most bravely to drive out invaders, as the bleaching bones of their dead soldiers in the scorching sands of Valverde, Glorieta, and Canoncito to this day bear unimpeachable testimony.

I appeal to every member of this House who has at heart the best interests of this nation to cast his vote in favor of the admission of New Mexico as a State, and I pledge you that when organized as such you will all be proud of us.

I ask to have printed in this connection some newspaper extracts bearing upon the question, and a memorial from the governor of the Territory of New Mexico.

There was no objection.

The extracts and memorial are as follows:

RESOLUTIONS TO THE POINT.

The Santa Fé Presbytery, of the Presbyterian Church in New Mexico, yesterday passed the following resolutions, which speak for themselves:

"Whereas in a recent report of the minority of the Committee on Territories of the House of Representatives, in the Congress of the United States, upon a bill pending in favor of the admission of New Mexico as a State, there were inserted the following and many other kindred statements and charges against the people of the Territory of New Mexico, to wit: First, 'that the people of New Mexico have retained all the vices and none of the virtues of their ancestors; second, that the practice of the two sexes living together out of wedlock, and raising families in this unholy connection, is the almost universal custom; third, that the custom of carrying fire-arms is so common that when the people repair to the house of God they go better prepared to resist the assassin than to worship their Maker;' and

"Whereas the above statements have been printed and published officially in the records of Congress, and also by a large part of the public press of the United States: Therefore,

"*Resolved*, That we, the Presbytery of Santa Fé, of the Presbyterian Church,

representing the entire Territory of New Mexico, and composed of ministers, evangelists, and ruling elders from all parts thereof, and being now in session at Las Vegas, N. Mex., do hereby express our sincere regret that such untruthful and slanderous statements should be used by our Congressmen and be officially published by them and the public press, to the great injury of the fair name of our Territory and her citizens and the cause of Christ in the Territory.

"*Resolved*, That we solemnly declare that such a state of affairs, or anything approaching it, does not exist in our Territory now, nor do we believe that such a state of affairs ever did exist in said Territory since its organization, unless, possibly, in small and isolated spots, and, in our opinion, such statements originated in the fertile but sensational brain of some person who was probably never nearer the Territory of New Mexico than his statements are to the truth.

"*Resolved*, That as a refutation of such statements, we, as a presbytery, declare that the Presbyterian Church is making rapid progress in said Territory. Churches have been and are being erected in all parts of the Territory, and the membership rapidly increasing, both from our American and native population; that it is our belief that other denominations of the church are making rapid progress also; so that all Christians coming to said Territory can find a home in the Church of Christ, and be as free from harm or molestation as in any State in the Union; that the cause of education is making rapid progress everywhere, and that the majority of our people will compare favorably in point of morals with those of any other Territory, and many, if not all, of the States.

"*Resolved*, That we declare the statement to be false that it is the custom of our people to carry fire-arms to church; but, on the contrary, we point to the fact that we have on our statute-books a rigid law against the carrying of deadly weapons at any time; so rigid, indeed, that a stranger or other person carrying a concealed weapon to a village or town must disarm himself within fifteen minutes after his arrival therein, which law is in advance of the laws of the States. And further, we believe that the Territory of New Mexico is about if not the only Territory or State in the Union that punishes train robbery with death.

"*Resolved*, That we call upon our people and all Christians, as well as the public press, both sacred and secular, to denounce publicly such false and injurious statements, and in that way set us right before our countrymen and Christians everywhere, as far as can be done in this way, since it is justice we ask and nothing more.

"*Resolved*, That if the author of said statements is still living, we desire to call vividly before him the sad case of Ananias, and also express the hope that God may have mercy on his soul.

"J. McGAUGHEY, *Stated Clerk*."

IMPORTANT PUBLIC MEETING.

To the Citizens of San Miguel County:

A public meeting will be held on Saturday evening, the 7th instant, at the hour of 8 o'clock, at the court-house, for the purpose of considering the report of the minority Committee on Territories. As in that report the inhabitants of this Territory are willfully and maliciously insulted, it is hoped that every man who has regard for his family and hearth will attend.

LORENZO LOPEZ.	F. A. MANZANARES.
BENIGNO ROMERO.	FELIX MARTINEZ.
HILARIO ROMERO.	L. P. BROWNE.
CHAS. BLANCHARD.	W. J. MILLS.
J. RAYNOLDS.	MIGUEL SALAZAR.
J. M. TAFOYA.	W. R. TIPTON.
EUGENIO ROMERO.	

JUSTICE DEMANDED—ONE OF THE MOST ENTHUSIASTIC MEETINGS EVER HELD IN LAS VEGAS, IN WHICH ALL CLASSES ARE REPRESENTED.

The call for an indignation meeting to consider the minority report by the Congressional Committee on Territories was largely attended on Saturday night at the court-house. The leading people of both East and West Las Vegas, and of both nationalities, were present in large numbers.

Maj. M. Salazar called the meeting to order, and nominated L. P. Browne for permanent chairman. The nomination was carried unanimously. Capt. W. M. Eads, Hon. Lorenza Lopez, Jefferson Reynolds, Judge Lee, and Sheriff Eugenio Romero were elected vice-presidents. Capt. F. A. Blake and Juan Ortes were elected secretary and assistant secretary.

A letter was filed with the secretary from Hon. F. A. Manzanares, stating that while family affliction prevented his presence, he heartly sympathized with the purpose of the meeting and would approve of any action which might be taken.

Captain Eads was then called upon to state the object of the meeting, which he did in an able speech, full of eloquent indignation. Dr. George T. Gould was then called for, and addressed the crowd along the line of the same thought, denouncing the slanders placed upon the people of New Mexico, and demanding that we vindicate ourselves, and that we call on Congress to vindicate us.

Major M. Salazar interpreted for Captain Eads, but before Dr. Gould addressed the audience, Hon. Felix Martinez was appointed the interpreter of the evening. Don Aniceto Abeytia, of Santa Fé, addressed the meeting in Spanish, in a firm and eloquent strain, which frequently brought down the house.

Mr. Jefferson Raynolds moved that a committee be appointed to draft resolutions expressive of the sentiment of the meeting. This motion was seconded. Judge Lee, seconded by Captain Eads, offered as an amendment, that the committee be given till Tuesday or Wednesday to make their report to an adjourned meeting and that statistics be adduced showing the falsity of the charges. Both the judge and the captain made arguments in support of their resolution. The motion was opposed by Aniceto Abeytia, Judge O'Bryan, Dr. Gould, and Rafael E. Salazar. The general feeling seemed to be that when a man calls you a "son of a bitch," what you want to do is not to get statistics and prove to him by the parson or the padre that your father and mother were married, and by the doctor or midwife who attended the delivery that you were the child born in wedlock, but the demands of the moment are simply to knock him down; so the demands of the present occasion were not to attempt to prove to the minority of the Congressional committee that they were mistaken in their charges against the people of New Mexico, but to tell them in very plain words that they had simply lied.

The motion for a future report was withdrawn, and Captain Eads, Judge Lorenzo Lopez, Judge Lee, Major Salazar, and Dr. Gould were appointed a committee on resolutions. The committee withdrew.

The following preamble and resolutions were prepared, presented, and adopted with much enthusiasm:

Whereas the minority report of the Committee on Territories, of the House of Representatives in Congress assembled, does most foully, falsely, and maliciously traduce and slander the good people of New Mexico, in that it charges them with unblushing licentiousness, open lasciviousness, and shameless debauchery; and

Whereas this charge is not confined to the few, such as may be found in every city and State in the Union, but is made to apply to the great body of the people of our Territory, with a reckless disregard of fact and a daring violation of truth which is absolutely phenomenal in its audacity; and

Whereas the charge of violence and bloodshed is added to the imputation of immorality, and is set forth with an elaboration which is ridiculous and with a want of truth which is disgusting; and

Whereas, not content with traducing our hearths and our homes by statements which, if true, would cover them with lewdness, and place the stigma of shame upon our parents and our children, these slanderers of an entire people have even dared to whet the tongue of their malice against the fair fame of the church of God, and to cast upon her the filth of their falsehoods, though she had gathered her flocks in this wilderness even before Virginia received a settler or ever the pilgrims landed in Massachusetts; though she was a comfort, a counselor, and a guide to the inhabitants of these valleys in all the long ages of their isolation, and though to-day she merits the approval of the good and the wise of the earth for her patience and persistence as well as for her eminent success in training the people in the practice of virtue and in the knowledge of God; and

Whereas this unprovoked and unmitigated assault upon the character of the inhabitants of New Mexico has come from a source which will give it much weight and influence in the minds of the uninformed, to the damage of our reputation as a people and to the detriment of the material development of the Territory; and

Whereas the law gives no redress to a vilified community, leaving it to seek its vindication at the bar of public opinion: Therefore,

Be it resolved, That we, children or New Mexico by birth or adoption, citizens of San Miguel County, in public meeting assembled, regardless of national descent and political bias, do pronounce the assertions in the said minority report, touching the morals and good behavior of the people of this Territory, to be false, slanderous, and without foundation, other than the salacious imagination of the infamous defamer who originally penned the charges and the prurient propensities of the demagogues who adopted and promulgated them.

Resolved, That from our own observation in the States and in this Territory, and from the testimony of hundreds of others who have had varied and extensive opportunities for a similar observation, we do assert, without the possibility of truthful contradiction, that for morality and virtue, for security of life and property, for the absence of violence and the scarcity of crime, New Mexico will compare favorably with any other portion of the United States, while the record of the great mass of our people for the practice of domestic virtue and the purity of their social intercourse, will put to shame the records of the very men by whom they have been so maliciously traduced.

Resolved, That we have ascertained the names of those who have perpetrated this outrage upon our feelings and our fame, and we will teach them to our children to be held in perpetual detestation, as more abhorrent than the thief who filches our purse or the murderer who attempts our life; for they, with dastardly design, would impeach the honor of our fathers and cast opprobrium upon the virtue of our mothers and sisters, our daughters and wives, and we call upon the American people everywhere, who love truth and hate falsehood, who pity the slandered and abhor the slanderer, who uphold with their sympathy and approval those who defend the sanctity of their firesides and chastise the traducer of the chastity of their women—we call upon these to unite with us in heaping the punishment of merited rebuke upon the heads of the authors of the minority report.

Resolved, That these resolutions be given the utmost publicity to which they can reach through the press of this city, of the Territory, and of the country at large.

Resolved, That copies of these resolutions be sent to Hon. A. JOSEPH, New Mexico's Delegate to Congress, and that he be requested to present our protest upon the floor of the National Legislature, so that the very halls which heard the foul and slanderous falsehoods heaped upon us shall also hear our indignant denials, and our true and fearless denunciation of the contemptible demagogues who, for the paltry purposes of party or other ends, could so befoul the entire people of a large and important part of the great American commonwealth; and we call upon those Congressmen who have been in New Mexico to stand by the side of our Delegate and aid him in doing justice to the citizens of this Territory as a virtuous, moral, and law-abiding people.

Resolved finally, That our Delegate be instructed to obtain the expunging from the records of Congress of these slanders against which we now protest.

W. M. EADS.
W. D. LEE.
LORENZO LOPEZ.
GEO. T. GOULD.
MIGUEL SALAZAR.

MEMORIAL FROM THE GOVERNOR OF NEW MEXICO.

WASHINGTON, D. C., *March* 26, 1888.

To the honorable the President of the United States
and the Senate and House of Representatives in Congress assembled:

The undersigned, speaking in behalf of the admission of the Territory of New Mexico as a State in the Union, has the honor to represent:

That the region of country now comprising the Territory of New Mexico was acquired from the Republic of Mexico by the treaty with that republic in 1848, in which treaty the admission of New Mexico as a State in the Union was guaranteed.

As a precedent condition thereto, New Mexico was organized as a Territory of the United States by act of Congress approved August 9, 1850, and a full Territorial government provided.

Since that date two distinct efforts to secure admission have been made by the people of that Territory—in 1874 and in 1876. In 1874 a bill was passed by a three-fourths vote in each House, but failed for lack of agreement between the Houses in a matter of mere detail in the process of admission on the expiration of that Congress.

The second attempt at admission, in 1876, failed for want of action by the House, the bill having previously passed the Senate by a large majority.

The population of New Mexico in 1880, not counting Indians, was 119,000. In 1885 it had increased to over 134,000, an increase of 15,000 in five years. From reliable data it is estimated that the increase since that time, nearly three years, has been fully as great as during the preceding five years, or 15,000 to 16,000 more, making an aggregate of 160,000 people as the present population of the Territory. Particularly during the past two years has immigration into the Territory been noticeably active, and in nearly all parts, especially in the eastern, southeastern, and southwestern counties.

In the southeast—Lincoln County—bordering on the State of Texas, the influx has been very large. The excellent condition of the New Mexico cattle ranges, and the great extent of comparatively unoccupied lands in that county, embracing an area of some 16,000,000 acres, constitute an attraction to the cattlemen and farmers of Western Texas, and a region that three years ago was practically uninhabited and considered to a degree uninhabitable is now dotted over in every direction with farms and ranches and embryo towns and cities. It is estimated that six to seven thousand people have settled and made permanent homes in that county alone in the time stated.

A railroad has been constructed across the east end of Colfax County, in the northeast, during the past year, which has attracted a considerable immigration to that section of the Territory, and rapid improvement and development is there also taking place, as also in eastern San Miguel, along the Texas border, across which two transcontinental lines of railway have been surveyed and located and construction measurably certain during the current year.

In the Southwest, too, the increase has been quite as marked. The permanent suppression of Indian hostilities in that section two years ago made it safe for prospecting, and the active development of mining and ranching properties to a degree that had never been known and could never have been known so

long as those hostilities continued. Several thousand people have been added to the population of that region since the restoration of peace there.

In the Northwest, also, there have been during the same time considerable additions from special causes and sources, while in the central portions there have been the usual accretions from the usual ordinary causes of growth in a new country.

A conspicuous feature of this gratifying increase of population is that it is largely composed of agriculturists—people who have come to till the soil and develop the productive energy of the land, and to add to the substantial wealth of the Territory.

A potent reason for the growth in the localities specially mentioned is that there are in those localities few or no grants. Those lands are almost entirely of the public domain, and there is consequently no fear on the part of the locator and homesteader, isolated as he is in the four corners of the Territory, far removed from the seats of the early Spanish settlements, and the remarkable attractions of the country unknown till developed by these settlers, that a Spanish grant might any day obscure his title and absorb his improvements.

While all portions of the Territory are growing in population much the largest gain has been in these hitherto comparatively unoccupied regions of the public domain, and mainly since the taking of the semi-decennial census of 1885.

That census shows that 100,000 of the population is of Spanish origin. The balance, 60,000, are of the Anglo-Saxon race. Among the former the voting strength is as 1 to 5, among all others 1 to 3, which would give a voting strength of 40,000. So that the estimate of 160,000 as the present population of the Territory is entirely within bounds, a population so near the basis of representation established at the last national census, and very much larger than that of many of the Territories at the time of their admission and now among the great States of the Union, that it is sufficient to warrant admission now, and especially so in view of the increase of population and development now well established, with every indication that the measure of that development must increase rather than diminish, and in view, too, of the possession of extensive railroad facilities, embracing four great railroad corporations and eleven hundred miles of rail now in operation, to a degree never before possessed by any Territory prior to admission.

It is my judgment that a considerable majority of the people of New Mexico favor admission, and that that sentiment will materially strengthen as the proposition is discussed. The certainty of the extension of railroads throughout the Territory, the introduction of American methods of business and of American social and economic ideas generally, has in the last few years very greatly stimulated the sentiment for statehood. There is a general and growing ambition on the part of the native people to fit themselves for competition with their neighbors; to do business as they do; to adopt their social ideas and customs, their system of cultivation and general farming; to encourage immigration, and in all general ways to conform to the changed and changing conditions that they have come to regard as inevitable.

As to the physical resources of New Mexico, they are fully equal in all respects and vastly superior in some, and equally developed, to those of any of the existing States at the date of their passage from a Territorial condition to statehood; equal to any in agricultural possibilities, and far beyond all in extent of coal and mineral resources. There are 60,000,000 tillable acres of land in that Territory, mainly of the public domain, sufficient to furnish homes of a quarter-section each for nearly 400,000 heads of families, or an aggregate of 2,000,000 people engaged in and dependent upon rural pursuits, not to speak of an equally vast population of the cities, towns, and villages, dependent upon manufacturing, merchandising, the trades, and all the vocations peculiar to urban communities, certain, in the order of nature and of business, to keep pace with those engaged in agricultural production.

It is certainly logical and safe to say that the very marked growth and development that invariably followed admission to statehood in the case of all the Western Territories, may be expected in the case of New Mexico, especially in view of the vast array of splendid possibilities there presented.

It is the part of wise statesmanship to so order affairs as to afford opportunity and scope for the free exercise of the genius of the people for speculation and development. Of that development comes wealth and power and national grandeur. As the Territorial dependencies, as they become, one by one, integral parts of the great Confederation, a new dignity and consequence is added to the whole, new life is given to the spirit of improvement, new avenues are opened to exploitation by American enterprise, the aggressive forces which in less than a hundred years have added twenty-five States to the Union with vastly more than corresponding millions of people and a wealth almost beyond computation, is illustrative of the wisdom of early and effective encouragement of statehood for the Territories.

Notwithstanding the foregoing facts as to the conditions prevailing in New Mexico contrasting favorably, as they do, with the conditions prevailing in all the Territories heretofore admitted into the Union, and notwithstanding the fact of record that the House years ago passed one and the Senate two separate bills for the admission of that Territory, and by very large majorities, the proposition to admit New Mexico now is confronted with adverse views of the minority of the House committee having the proposition in charge.

It would be a mild characterization of that minority report to say that it is a wanton, unprovoked, and positively untruthful assault upon the character and good name and all the interests of an entire community of American citizens.

That report quotes extensively from the statements, as a rule, of mere adventurers in New Mexico, who went there with commissions in their pockets, and without thought of permanent residence—who failed in their purposes and schemes, whatever they might be, and returned whence they came, and under the sting of disappointment sat down deliberately to publicly malign that people and their country.

Much the larger portion of the views of the minority relating to New Mexico is devoted to the reproduction of these slanderous statements, of which the following extracts are but a sample:

"The standard of female chastity is deplorably low, and the virtuous are far outnumbered by the vicious. Prostitution is carried to a fearful extent, and it is quite common for parents to sell their own daughters to gratify the lust of the purchasers, thus making a profit from their own and their children's shame. * * * It is the custom for married men to support a wife and mistress at the same time; and but too frequently the wife has also her male friend. * * * The marriage vow is held sacred by a very few, and the ceremony is more a matter of convenience than anything else. The custom of keeping mistresses appears to be part of the social system, and the feelings of society are in no manner outraged by it, because the public opinion of the country sustains it. * * * This mode of life is practiced openly and without shame. * * * Such practices are indulged in by three-fourths of the married population. * * * The people of New Mexico are extremely superstitious, and which prevails to a greater or less degree among all classes, the intelligent as well as the most ignorant. * * * A majority of the priests themselves lived in open prostitution, and the most abandoned characters retained their standing in the church if they were regular at the confessional and paid the customary dues without fail."

The foregoing is not only a sample of the argument used, but practically the only reason assigned for the denial of statehood to New Mexico—with apparently the studied intent to misrepresent that Territory to its disadvantage, and with a motive which the report vainly seeks to conceal.

To illustrate the vicious animus of this minority report, it proceeds to add insult to injury by declaring that among these people, since these slanderous statements were first published, thirty years ago, "so little advancement in education and the common arts of civilization has been made" that they "can not reasonably be expected to have greatly changed for the better, nor that the most rapid progress will be made in the future," thus saying, in effect, that the people of New Mexico are, as a community, now ignorant, licentious, and brutish, and therefore unfit for statehood.

So intent appears the report of the minority upon the establishment of a belief of the lowest possible condition of degradation among the native people of New Mexico of to-day that it even goes into Colorado to find a case of Penetential crucifixion to charge to them that is "reported" to have occurred in that State eleven years ago.

Since the annexation of New Mexico her people have been, till within the past three years, in a condition of constant warfare in self-protection. They have been hemmed in on all sides by a cordon of almost impenetrable savagery. For much the greater part of forty years the protection afforded them by the Government was so insufficient that large portions of the Territory were practically abandoned, except in so far as the people were able to defend themselves, notwithstanding the solemn guaranty of treaty for their protection against Indian hostilities. It was a constant fight for life against the wiliest and most brutal of savage foes, in which every house was at times converted into a castle and every village and hamlet a garrison. On every cross-road and highway are still the marks of that prolonged and desperate struggle in which, from first to last, thousands of the native people of New Mexico went to their graves. It was a struggle unsurpassed in fortitude, personal bravery, and heroic endurance by even the history of the early colonists of the Atlantic seaboard.

Yet now, because they are for the fourth time asking a performance of the guaranty of the treaty of annexation that they should in due time be admitted to the honors and the dignity of statehood, as have been seven other Territories since the organization of Territorial government in New Mexico, after they had for more than a generation, almost single-handed, with but insufficient support from the Government, whose flag they had carried and fought for and loved, in victory and in defeat, sustained themselves as patriotic citizens of the Republic, and sealed with the blood of thousands of their people their right to the highest walks of American citizenship, they are sneeringly told that they are "greasers," and an "ignorant, depraved, and licentious people," and unfit for political association with the States of the American Union, and their religion, represented by the most powerful of all the Christian churches, is assailed as the potent cause of that condition.

If they failed in the demands of the age to provide the facilities for education usual to the American youth during that fearful period, it was their misfortune, but the fault of the Government that failed in its duties of protection against the savage foe that environed them and made any effective or general system of public education impossible.

However, that is all changed now, whatever may have been the laches of the past in this regard. During the five years preceding the taking of the semi-decennial census of 1885 it is shown by that census that the rate of illiteracy was reduced 20 per cent., while careful inquiry and observation warrants the conclusion that quite as great an improvement has occurred during the nearly three years that have since elapsed. In no community have more persistent or successful efforts been inaugurated, by both church and public, for the promotion of public education than has been the case in New Mexico during that time.

Since the establishment of Territorial government in New Mexico seven Territories have been admitted to statehood, but one of them possessing more than two-thirds the population of New Mexico, none of them possessing the vast range of natural resources of wealth and possibilities of developments and none of them better equipped for the satisfactory discharge of the responsibilities of statehood in any particular than is New Mexico to-day.

California was admitted in 1850, with 92,597 people; Minnesota in 1858, with 120,000; Oregon in 1859, with 50,000; Kansas in 1861, with 107,000; Nevada in 1864, with 40,000; Nebraska in 1867, with 100,000, and Colorado in 1876, with 100,000; while New Mexico has 160,000, 60,000 of whom are natives of the various States of the Union, mainly of the West and Southwest, and as thoroughly equipped as any people on earth for the successful establishment and maintenance of independent self-government.

The native people are eminently and emphatically loyal and patriotic. They not only obey the law, but insist upon its rigid enforcement upon all offenders, irrespective of race or religion. They compose at least a half of all the juries in the courts, and the results of jury trials in all grades of offenses demonstrate that with them there is no race discrimination in the administration of justice. The records of the courts and of our penal institutions show that the requirements of the law are quite as fully and promptly met by native as by other jurymen, and, moreover, quite as rigidly and intelligently applied in New Mexico as in any other State or Territory.

The economic provisions of the pending bill for admission are peculiarly favorable to the stimulation of development in New Mexico. The appropriation of a quarter of a million acres of land for the establishment of permanent water reservoirs for purposes of irrigation is one of the wisest possible of the economic features of the bill, as the lands so set apart, if the trust shall be judiciously administered, will lead to the early establishment of a comprehensive and effective system of irrigation. There are not to exceed 10,000,000 acres out of the aggregate of 78,000,000 acres of land in that Territory that can not be irrigated.

While it is reasonably certain that practically the entire acreage of New Mexico will eventually become tillable by the natural rainfall, as the once arid plains of Kansas and Nebraska have become in the past thirty years, yet the absolute certainty of crop and the increased yield secured by irrigation makes it actually cheaper to cultivate by irrigation than to depend upon the clouds, and therefore unadvisable ever to dispense with that method of cultivation.

This bill puts it in the power of the State to provide for the establishment of such a system at once, and entirely without cost to the State.

This, in connection with the settlement of titles to Spanish and Mexican land grants, bills for which are now pending, with every prospect of reasonably early passage, will at once establish and stimulate an era and strength of immigration, investment, and development that alone, if there were no other reasons therefor, would be sufficient to justify the immediate admission of that Territory to statehood.

Respectfully submitted.

EDMUND G. ROSS,
Governor New Mexico.

The CHAIRMAN. The time for general debate has expired. The Clerk will report the first section of the bill.

The Clerk read as follows:

For pay of 59 agents of Indian affairs at the following-named agencies, at the rates respectively indicated, namely:

Mr. ADAMS. I move to strike out lines 9, 10, and 11.

I make that amendment, Mr. Chairman, to point out what I regard to have been an error in the mind of the gentleman from Mississipp, [Mr. ALLEN] in his estimate of the motive of the gentlemen from Kansas in referring to the constitution of the late Confederate States. The gentleman from Kansas was making a speech on the tariff. It was proper and legitimate for him to point out that the character of that bill was based upon the principle of free trade. It is known to all that

in the North that bill is misrepresented from end to end as being a bill for tariff reform. We ought to distinguish between these ideas; they are horizon-wide apart, and the object of the gentleman from Kansas was not to awaken the bitter memories of the war, but to show that the gentlemen who reported the bill do, or rather did, believe, and the section from which they came believes almost unanimously, in the principle of free trade.

What was there objectionable and offensive in saying that that was the prevailing notion in the section from which those gentlemen come? The answer, the logical answer would have been that the Southern or the late Confederate States have changed their minds in that particular. That answer was not made.

The gentleman from Mississippi [Mr. ALLEN] simply reproached my friend from Kansas for reviving the bitter memories of the war. That was not the idea. His idea was to point out the fact that the principle underlying this bill is not the false pretense under which it will be pushed in many of the manufacturing States of the North; but it is the principle of free trade, pure and simple, which was a prevailing notion of the States of the South.

I do not believe that my friend from Kansas had any other motive than that, and I can not see how any other answer can be made to that than one of two answers: either to say that the bill is not a bill for tariff reform, but is really based on the principle of free trade, or else to say whatever the notions prevailing in their sections of the country twenty-five years ago they have been educated into a different frame of thought.

I withdraw the amendment.

Mr. PEEL. I ask unanimous consent that gentlemen have leave to print remarks on the bill.

There was no objection.

The Clerk read the following paragraph:

At the Osage agency, at $1,600.

Mr. PEEL. I am instructed by the committee to ask unanimous consent to strike out "$1,600," and insert "$2,200." I hold in my hand a letter from the Commissioner of Indian Affairs saying he had been totally unable to procure an agent for this agency from the fact that the salary was so low that he could not get a man to accept the agency at that rate. This is an amendment offered by the committee. Being subject to the point of order I ask unanimous consent to offer it. It is the only agency we increase. It is an agency in the Indian Territory.

Mr. CANNON. Is it not true that in the last two or three appropriation bills there has been a considerable increase in the salaries of Indian agents?

Mr. PEEL. No, sir; the Department has given estimates and recommended increases, but there has been no increase in the appropriation bills.

Mr. CANNON. Since when?

Mr. PEEL. Since the Committee on Indian Affairs has had charge of this bill. Since then the Secretary has sent in estimates increasing the amount, but they have not been adopted.

Mr. CANNON. How much is it proposed to increase this salary?

Mr. PEEL. By this amendment we propose to strike out $1,600 and insert $2,200. The Department informs us they had to detail an Army officer there for several years, because they can not get a man to take the agency for that salary and give the bond which is required, of $75,000. The agent has to give that bond because of the fact that he has to disburse as much as a quarter of a million of dollars, and it was the sense of the committee that in the interest of the Indian service the salary ought to be increased.

Mr. RYAN. About the only duty is to pay the annuities to these Indians, of whom there are only 1,500 altogether.

Mr. JOSEPH D. TAYLOR. Can the gentleman from Arkansas [Mr. PEEL] inform me why it was that Mr. Davids, who was appointed a year or two ago as agent at the Osage agency, did not continue in his office?

Mr. PEEL. I know of no reason except that assigned by the Department, that he could not afford to retain the agency at that salary.

Mr. JOSEPH D. TAYLOR. Then you do not know the reason?

Mr. PEEL. We are informed by the Indian Office that that is the reason they can not get an agent.

Mr. JOSEPH D. TAYLOR. I saw him there and he made no complaint about his salary, but he made serious complaint about other things.

Mr. PEEL. He may have had good cause to complain; but I do not know as to that.

Mr. WHITE, of Indiana. For one I should feel like opposing any such amendment as that proposed by the gentleman from Arkansas. The appropriations as made in the bill, it seems to me, are perfectly proper, and I am willing to vote for them as they come along. But why an amendment should be brought in at this moment to increase the salary at this particular agency I do not understand. If the Secretary of the Interior is at a loss to find a good man to fill that position let him write to me and I will find a dozen good men in my State, not outside of my own county, who would be glad to undertake this duty at the salary named, and who would furnish a bond for a million dollars if necessary.

It is true it may embarrass him very much to find a man for that position, but I will relieve him of the embarrassment, and I think there is not a member on this floor who would not be willing to undertake to do the same thing.

Mr. GROSVENOR. What would be the politics of your man?

Mr. WHITE, of Indiana. My man would be a good, sound Republican; but if necessary I would furnish him a good Democrat. There are plenty of them, good men; there is no trouble about finding them.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

In line 92, "At the Osage agency, at $1,600," strike out "one thousand six hundred" and insert "twenty-two hundred."

Mr. HOLMAN. I hope my friend from Arkansas [Mr. PEEL] will not press that amendment.

Mr. PEEL. I am instructed by the committee to offer the amendment.

Mr. BLOUNT. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLOUNT. Is the point of order waived?

The CHAIRMAN. No one has made a point of order upon the amendment.

Mr. HOLMAN. The point was not made because the discussion began; attention was directed to it.

Mr. BLOUNT. The gentleman asked unanimous consent, thus assuming that the amendment was subject to the point of order.

Mr. RYAN. I do not think it is subject to the point of order.

Mr. HOLMAN. Oh, yes. These salaries are all fixed by law.

Mr. BLOUNT. I make that suggestion because I do not see any use in spending time here discussing the merits of the matter if the point of order is to be made.

Mr. PEEL. It is too late to make the point of order now. I would not insist upon the amendment but for the instruction of the committee.

Mr. HOLMAN. That is not a very important agency.

Mr. PEEL. There is a large amount of money disbursed there annually.

Mr. HOLMAN. I know there is a good deal of money disbursed there, but it seems to me that we ought not to increase any of these salaries, and I hope my friend will not press the amendment.

Mr. PEEL. I ask for a vote.

The amendment was agreed to.

The Clerk read as follows:

At the Mackinac agency, at $1,000.

Mr. ALLEN, of Michigan. Mr. Chairman, I am directed by the committee to ask unanimous consent to offer an amendment increasing the salary of the agent at the Mackinac agency from $1,000 to $1,500.

Mr. HOLMAN. I make the point of order that that salary is fixed by law, and therefore the amendment is not in order.

The CHAIRMAN. The gentleman from Michigan [Mr. ALLEN] asks unanimous consent to offer the amendment indicated by him, and the gentleman from Indiana [Mr. HOLMAN] objects.

Mr. HOLMAN. I will withhold the objection to allow the gentleman to make a statement, but I hope he will bear in mind the fact that the Indians over whom this agency extends are citizens of his State, and voters.

Mr. ALLEN, of Michigan. Mr. Chairman, I am quite familiar with the Indians of Michigan. I had charge of that agency until circumstances over which I had no control appointed my successor. [Laughter.] When I was appointed agent at Mackinaw the salary was $1,200 a year, but it was cut down here on a motion made, I believe, by the gentleman from Indiana [Mr. HOLMAN]. [Laughter.] The gentleman did not know me at that time. If he had known me as well as he does now he never would have done it. [Renewed laughter.] Mr. Chairman, the State of Michigan has about six thousand Indians. Of these probably about four thousand are under the control of the Government in one way or another. While they are citizens, still they are the wards of the nation in regard to lands, money, and schools. The Indians of Michigan are not only numerous, but they are scattered over every part of the State.

You will find them in the midst of the high civilization of Calhoun County, in the southern part of the State, and you will find them on Lake Superior, where they dwell by themselves. The agent is obliged to travel from one end of the State to the other to visit them all. There are six different Indian schools which he is obliged to look after. The work takes the entire time of a very competent man, and from the time I was appointed up to the present we have always had men of that kind. [Laughter.] The agent must see to the allotment of lands and to the schools. He must likewise look after depredations committed upon the lands of the Indians, who are constantly annoyed by persons stealing their timber, and the agent is really obliged to give his entire time to the work, as I understand the present agent is doing. Now, a competent man will not and can not do that work for $1,000 a year. I should have resigned myself only that I expected to come to Congress and have the matter righted. [Laughter.]

Fifteen hundred dollars is certainly little enough compensation for the agent there, because, as I have said, not only does he have to travel over the entire State of Michigan, but he must give his constant attention to the duties of his office. The Commissioner of Indian Affairs, who has, of course, investigated this question, reports strongly in favor of increasing the salary of the agent at Mackinaw, and I speak what I know when I say that an honest, conscientious, industrious Indian agent is worthy of his hire. The Indian agencies ought never to be made political machines. The position ought to be occupied by men who can appreciate the wants and the conditions of the Indians, and who have the conscience and the manhood to stand up for them.

Mr. RYAN obtained the floor, and yielded his time to Mr. ALLEN, of Michigan.

Mr. ALLEN, of Michigan. Mr. Chairman, Indian agents have been accused of being politicians. My friend from Indiana [Mr. HOLMAN] once, when I was Indian agent in Michigan, had the hardihood to say on this floor that the office was filled by a first-class politician, who gave more attention to politics than anything else. While I was agent for the Indians of Michigan, Mr. Chairman, I neither spoke to them myself upon political questions nor allowed any one else to do so; and if I were President of the United States I would remove a man who undertook to interfere with the politics of the Indians, if they had any, more quickly than for any other one cause. Such interference with politics is not the business of an Indian agent, and my friend from Indiana never would have made that charge against me had he known the facts.

Mr. NELSON. Or the man.

Mr. ALLEN, of Michigan. Yes, or the man. [Laughter.] The present agent there, I am satisfied, is working faithfully to do his duty, and I believe it is but a matter of justice to give him a salary something near what the duties of the office demand. My own salary was cut down without inquiry, upon assertions which were not true, although I know the honorable gentleman from Indiana would not state anything knowing it to be untrue; but he was misinformed. The circumstances connected with this agency do not justify the continuance of so meager a salary as $1,000 a year, and I hope this Democratic House will consent to give that Democratic official who is serving as Indian agent there a salary of $1,500. I am not afraid to vote to pay men properly for their services where they are in positions to earn their salaries, as is the case of the man who has charge of the Mackinac agency.

Mr. RYAN. Will the gentleman be kind enough to state how many Indians are under the control of that agency?

Mr. ALLEN, of Michigan. There are two reservations in Michigan, and about forty-five hundred Indians under the control to a greater or less extent of the agent. The agency is very large. The duties connected with the distribution of lands and money and the supervision of the six Indian schools make that a very important position; and it has never, so far as I know, been a political place.

Mr. RYAN. What is the amount of money and property distributed annually there?

Mr. ALLEN, of Michigan. To one band of Indians, a remnant of the Pottawatomies, there is a perpetual annuity of $400; to another band there is distributed $2,200 a year; but this is distributed not in cash but in goods which are purchased by the agent. In addition to these matters, the agent has charge of the Indian schools, the allotments of lands, and the protection of these lands from trespassers, which is a very important item. When I was agent there I paid attention more particularly to the education of the Indians. The present agent has given more attention to the prevention of trespassing upon the Indian lands than I did. He has done his duty in that respect, and I give him credit for it. I think he ought to have the salary I now propose. If I live long enough, I expect to compel the Government of the United States to pay me what it agreed to pay me when I took charge of that agency; and I expect my friend from Indiana to help me in bringing about that result. The Government owes me about $500. [Laughter.]

Mr. HOLMAN. Mr. Chairman, I think the fact that my friend from Michigan [Mr. ALLEN] held the office now under consideration at a salary less than he now proposes to pay——

Mr. ALLEN, of Michigan. Allow me a moment. The salary of the office when I took it was not less. It was cut down after I got in.

Mr. HOLMAN. While the gentleman occupied the office Congress, not knowing how well the position was filled, reduced the salary. I agree with my friend from Michigan, that if we had known at that time that he held the office and how well he filled it no such effort at reduction would have been made. Yet there is compensation in all this. My friend from that office comes here to Congress and receives a much better salary.

A MEMBER. The Indian agency was a stepping-stone.

Mr. HOLMAN. The inducement for holding an office of this kind should not be a purely mercenary one. The motive for taking the position should be not so much the salary, but such a motive as influenced my friend from Michigan. I hope he will bear in mind that these offices ought all to be held from a motive of that kind, for the benefit of these "wards of the nation," as they are called. These positions which involve the care of the Indians should be held by benevolent, kind-hearted gentlemen, who sympathize with the unfortunate condition of these remnants of once powerful tribes—gentlemen who feel an earnest interest in the education of the Indian children and want to protect the Indians from the rapacity and injustice of the white men. It is this class of men who should hold these offices; and now, since I have come to know the gentleman from Michigan, I can bear testimony that he came fully up to the qualifications requisite for an Indian agent.

I do not wish to see a motive held out to seek these positions for the purpose of making money. On the contrary, these offices should be held by men who feel interested in this work—clergymen, for instance—though I believe my friend from Michigan is not a clergyman. There can be found, however, all over the country clergymen who would be glad to spend their lives as missionaries to the Indians, doing everything possible for their welfare, and desiring as a general thing nothing more in the way of compensation than the payment of their current expenses.

Mr. JOSEPH D. TAYLOR. Does the gentleman know how much the Indian traders usually make?

Mr. HOLMAN. I do not.

Mr. JOSEPH D. TAYLOR. Do they not usually make about $20,000 a year?

Mr. HOLMAN. I am very sorry if such a thing is permitted.

Mr. JOSEPH D. TAYLOR. Would it not be proper to secure some reduction in that direction?

Mr. ALLEN, of Michigan. We have no Indian traders in Michigan.

Mr. JOSEPH D. TAYLOR. No; I suppose not.

Mr. HOLMAN. I think the salary provided in the bill for this office is ample.

The gentleman from Michigan some years ago tried to get the compensation of this agent increased to $1,200, but this side of the House, very properly, in my judgment, refused to increase the amount, and now that this office is held by a Democrat, as I am informed, certainly that should make no difference to induce the House to change its action.

I trust my friend from Arkansas [Mr. PEEL] will see to it that when the House refused to increase this salary on the motion of the gentleman from Michigan to $1,200 at a time when this office was held by a gentleman belonging to a different political party, that he will not now subject himself and his committee to the charge of permitting the increase to be made when the office is held by a member of his own political party. I do not think that politics should enter into such appointments at all, but certainly unless better reasons are given than those which have been assigned the increase should not be made.

Mr. KERR. It would be well, perhaps, for the gentleman to move to reconsider the former action of the House.

The CHAIRMAN. The Chair understands the gentleman from Indiana as objecting, and the amendment is not before the committee.

Mr. PEEL. I hope the gentleman from Indiana will not insist upon the point of order, but let the committee determine the matter by a direct vote.

Mr. HOLMAN. I strenuously opposed the increase of this salary when the proposition was made here by my friend from Michigan himself, and I see no reason to change the opinion that I then expressed.

Mr. ALLEN, of Michigan. I move a *pro forma* amendment, which I believe is the proper way to get the floor at this stage of the bill.

I want to say to my friend from Indiana that when he moved in this House to reduce the salary of that agency he certainly must have been unaware of the importance of the work that is to be done there. Now, as a matter of fact, it has been generally held and believed that the Mackinaw agency was simply a sinecure for some played-out politician; but I wish to assure the gentleman that it never has been such. It has been and is one of the most important agencies in the United States. It is not necessary that an agency, in order to be important, shall be one where the Indians are all grouped together.

Indeed, I think it takes more ability, or a higher order of ability, to oversee an agency where the Indians are scattered as they are over the State of Michigan, and do them justice, than is required at Standing Rock agency, for instance, where there is a great aggregation of Indians; and I say to him and to the committee, honestly and sincerely, that I believe the agent at this point ought to have more money. I know that a man can not do the work there and do it well unless he is a man of ability.

I know further that a thousand dollars is a mere bagatelle to a man who will conscientiously and honestly attend to his duties as Indian agent at the Mackinaw agency. There is no reason whatever for cutting the salary down.

It was cut down once because of some misunderstanding as to what the agent had to do. But that is a mistake that ought not to be repeated. Now, the mistake having been made, let us do what is right in order to rectify it. If we did a wrong before, we are now able to repair the injury and set the wrong right.

I want to say further to my friend from Indiana that I believe that he is actuated from the very highest motives in opposing the amendment. I believe that every objection he raises here is from an honest and sincere heart; and I am glad he is here, because we need just such

clogs upon the enthusiasm and extravagance of the House; but when my friend has his eyes opened as I have endeavored to open them to-day, I beg him not to continue that injustice which has been done at this agency the past five years.

Mr. HOLMAN. Mr. Chairman, if I had the excuse that my friend from Michigan thinks I have, that is not understanding the subject at the time this reduction was made, I would have no hesitation in complying with his appeal, but I am compelled to make the admission that he is mistaken. I have had somewhat of experience amongst the Indians of Michigan. I have seen some of them around the Mackinaw agency. I know something of them, their schools, their present condition, and their progress in a general way; and having insisted that $1,000 was a sufficient compensation for the agency there, which opinion was based upon some knowledge of the conditions, and especially when the office was held by a Republican, I can not, as a Democrat, consent to the increase of that salary when the office is held by one of my own political party. I can not consent to the increase.

Another thing: There is no branch of the public service, Mr. Chairman, where the tendency to extravagance is greater than just here in connection with these small offices. The tendency is always to increase, and you can not increase the salary of the agent at the Mackinaw agency without the result being felt all along the line. That is the way you create a precedent and make the basis upon which increase after increase of compensation is asked.

Mr. BLOUNT. Mr. Chairman, I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLOUNT. Is there anything before the committee?

The CHAIRMAN. The *pro forma* amendment of the gentleman from Michigan is pending.

Mr. BREWER. I would like to ask the gentleman from Indiana a question before he takes his seat.

Mr. HOLMAN. Certainly.

Mr. BREWER. I wish to ask the gentleman if he expects to apply that rule to all Republican officials during this Administration?

Mr. HOLMAN. I hope it will be so applied strictly.

Mr. BREWER. And to all Democrats.

Mr. HOLMAN. I see no excuse for the increase of any salaries now paid by the Government. In the Public Land Office there has been a different policy from that in any other bureau of the Government; but even there I could not myself consent to any material increase of any appropriation, although all of the salaries there are below the averages paid in other bureaus. I wish to add if I could consistently withdraw this objection I would with pleasure, for I appreciate highly the motive which actuates the gentleman from Michigan [Mr. ALLEN].

The Clerk read the following paragraph:

Necessary traveling expenses of one Indian school inspector, including incidental expenses of inspection and investigation, $1,500: *Provided*, That he shall be allowed $3 per day for traveling expenses when actually on duty in the field, exclusive of cost of transportation and sleeping-car fare.

Mr. HOLMAN. I ask the gentleman from Arkansas if that is a part of the appropriation bill of last year?

Mr. PEEL. With the consent of the committee I would like to go back to the appropriation for the agencies, so that the aggregate may be changed to fit the amendment.

The CHAIRMAN. That will be done by the Clerk.

Mr. HOLMAN. Is the paragraph just read the same as in the appropriation bill for the current year?

The CHAIRMAN. Does the gentleman from Indiana move an amendment?

Mr. HOLMAN. I move to strike out the last word.

Mr. PEEL. I will state that the last appropriation for this purpose was $1,000. The Department asked for $2,000, but in the bill we make it $1,500.

Mr. HOLMAN. I inquire whether or no this inspector of schools can not be with great propriety entirely dispensed with? We have five inspectors, and they are, as far as I am aware, and have been for years, men of fair ability and are paid large salaries. They are visiting of course these agencies all the time, and they are brought into contact with the schools constantly, almost every one within the limits of the Indian reservation. Nearly all the schools are at the agencies and are brought directly under the eyes of the inspectors. We have five inspectors traveling over the country constantly. We make appropriations sufficient to keep them traveling all the time. Does my friend think there is any necessity for this particular inspectorship, inasmuch as the duty of inspecting the Indian children at school is necessarily performed by those five inspectors? When the inspector visits an agency he has the Indian school right under his eye. It occurred to me there was no necessity for this particular inspector—that this only made the number six instead of five.

Mr. PEEL. I see what is perhaps misleading the gentleman from Indiana. In the last appropriation bill, and for several years preceding it, this officer was termed superintendent of Indian schools. But the committee found the law creating the office styled him "inspector," and there is no such office known to the law as superintendent. We have changed the phraseology to comply with the law, which denominates him "inspector." That is the proper name for him under the law creating the office. And I will say to my friend from Indiana that what makes it more necessary that this amount be appropriated for traveling expenses is that we require in this change of phraseology to make it the duty of this officer to visit each Indian school at least once in two years. His duty in that respect is clearly defined in the preceding paragraph.

Mr. HOLMAN. He might visit every Indian school in the United States in six months.

Mr. PEEL. I am satisfied the gentleman from Indiana did not understand my first statement, as he was engaged in conversation when I made it. The appropriation for inspector is not new; the former appropriation bills made the appropriation for a superintendent, and there is no such office. We found this officer was an inspector and we call him inspector, and appropriate for him and require him, in the preceding clause, to visit the Indian schools at least once in two years. And this particular item for his traveling expenses is a necessary one.

Mr. HOLMAN. Was there any such appropriation for the superintendent?

Mr. PEEL. Yes, sir.

Mr. HOLMAN. Of the same amount?

Mr. PEEL. Yes; but his duties were not defined.

Mr. BLOUNT. If my friend will allow me, I will call his attention to the language here used:

Necessary traveling expenses of one Indian school inspector, including incidental expenses of inspection and investigation.

Now, several appropriation bills have designated this officer as superintendent; but as such his duties went further than inspection and investigation. He had a general supervision of the schools, which, I suppose, in the opinion of the Indian Office, was of great advantage. I ask the gentleman from Arkansas if there is any objection to designating this officer according to the character of the duties he has been performing for many years?

Mr. NELSON. Will the gentleman allow me to read the law creating the office?

Mr. BLOUNT. I am not objecting to the law; but it is competent for my friend from Arkansas, as no question of order has been raised, to designate this officer from the duties properly assigned to him.

Mr. PEEL. I do not see any good reason for that.

Mr. BLOUNT. This paragraph directs him to inspect and designate; but he not only does that, but he is superintendent of the schools.

Mr. RYAN. I think the suggestion of my friend from Georgia is a good one. The duties of this officer are not those of an inspector merely. The office was created to make a head of the Indian schools that would give them superintendence and supervision and take charge of them as such head, and it seems to me the designation of superintendent is far more appropriate than that of inspector.

It seems to me that the designation of superintendent is far more appropriate than that of inspector.

Mr. PEEL. I will say to my friend from Kansas [Mr. RYAN] and to my friend from Georgia [Mr. BLOUNT] that I do not see that any change of duty would result from changing the style of the officer. The officer is styled in the bill what the existing law styles him, which I think is the better way.

Mr. NELSON. If the gentleman will permit me, I will have the law read.

The Clerk read as follows:

The President is authorized to appoint a person to inspect all Indian schools, who is hereby required to report a plan for carrying into effect in the most economical and efficient manner all existing treaty stipulations for the education of Indians, with careful estimates of the cost thereof; also a plan and estimates for educating all Indian youths for whom no such provision now exists, and estimates of what sums can be saved from existing expenditures for Indian support by the adoption of such plan, whose compensation shall not exceed $3,000, which sum is hereby appropriated for that purpose, and also a further sum of $1,500 for his necessary traveling expenses.

Mr. BLOUNT. It seems to me that the purpose of that statute has been effectuated. So far as the language goes, it assumes that plans are expected from that official which have probably been presented long ago, and it does not seem to apply at all to this inspection service.

Mr. PERKINS. Perhaps it will be satisfactory to the gentleman from Georgia [Mr. BLOUNT] to understand that the committee have reported a bill designating this officer as superintendent of schools and defining his duties.

Mr. BLOUNT. It appears that the duties contemplated in this paragraph of the bill are not at all the same that were contemplated in the law which has been read. Where is that law found? Is it in an appropriation bill?

Mr. NELSON. Yes; it is in the appropriation act of 1882.

Mr. BLOUNT. Then it stands upon no higher footing than the subsequent act providing for an Indian inspector at a salary.

Mr. NELSON. The difference is this: In the act which has been read the President is directed to appoint such an officer, but there is no such direction in any subsequent act.

Mr. HOLMAN. But this was quite manifestly intended as a temporary office at the time.

Mr. BLOUNT. It is quite obvious from the language of the provision that the officer there contemplated was expected to report plans

and make suggestions, which work it is to be presumed has been accomplished long ago.

Mr. NELSON. Then there is no permanent appropriation existing for the office of superintendent of Indian schools. There is no such office, technically.

Mr. BLOUNT. That may be very true, but my point is this: You have this provision in this bill; you have a purpose to subserve; practically you are using this officer for other purposes than as an inspector. Therefore why not allow the correction to be made here and designate him as superintendent instead of as inspector?

Mr. PERKINS. If there be no objection, it may be possible for the chairman of the committee to offer as an amendment, in the line of the suggestion of the gentleman from Georgia, the bill which we have reported from the committee creating the office of superintendent. That bill enlarges his powers and duties somewhat.

Mr. BLOUNT. I want to know of my friend if he does not desire to use the person provided for in this bill for the work of superintending the schools.

Mr. PERKINS. Yes, I understand that that is what he is for.

Mr. BLOUNT. Then why not allow him to be so designated?

Mr. PERKINS. I see no objection to it.

Mr. BLOUNT. I submit that no one on reading the bill would suppose that this man had anything to do with the control of the Indian schools. The inspector has limited duties, and in this case they are especially limited, and I do not see how you can charge this person with the additional duties unless you give him the proper designation.

Mr. RYAN. As a mere inspector he is not necessary.

Mr. BLOUNT. Not at all.

Mr. PEEL. If the House desires now to do anything in a permanent way about this matter we might, by consent, take this course. The Senate has passed a bill creating the office of Indian school superintendent. It is a well-draughted bill. It was referred to the Committee on Indian Affairs and was reported to the House by that committee unanimously and is now on the Calendar. It creates the office of Indian school superintendent, and I will say to the House that it is a bill in which the President and the Secretary of the Interior take a great interest, so that if the House desires to create that office and establish it as a permanent matter this is a very good time to do it.

Mr. BLOUNT. Are you not using this person now for this very purpose?

Mr. PEEL. We have styled him in this bill exactly what the law styles him, and the only change we have made from the phraseology of the last bill is in defining his duties, that he should visit each school once in two years. The remainder of the provision is precisely as it was. Now, why we should call him superintendent, when there is no such office known to the law, I do not see.

Mr. RYAN. I suppose this officer is doing that very duty.

Mr. PEEL. Certainly; he is doing what the law requires him to do.

Mr. BLOUNT. What law does the gentleman refer to?

Mr. PEEL. The law which was read awhile ago.

Mr. BLOUNT. It did not refer to him at all.

Mr. PEEL. It referred to an inspector.

Mr. BLOUNT. It referred to an inspector with certain specified duties; not to this official at all.

Mr. NELSON. Will the gentleman agree that the bill which has passed the Senate, and which we have reported favorably here, may be incorporated in this bill?

Mr. BLOUNT. If it was left to me I would have no objection. I have not offered any amendment; I have simply made a suggestion.

Mr. ROGERS. Mr. Chairman, I suggest to the gentleman in charge of the bill that he ask consent to pass from this section, with the privilege of returning to it, and that hereafter he return and offer as an amendment the Senate bill, which prescribes this officer's duties, gives him a proper name, and gives him a salary.

Mr. PEEL. I think the suggestion is a good one, and I will accept it.

Mr. BLOUNT. I hope my friend will allow an inquiry before we pass from this section. I find here a provision that this officer is to be allowed $3 per day for traveling expenses, exclusive of cost of transportation and sleeping-car fare. I wish to know whether the gentleman does not think that $3 per day is ample for traveling expenses of all sorts?

Mr. PEEL. We have followed the last appropriation bill.

Mr. BLOUNT. The gentleman says they have followed the last appropriation bill, but I ask him whether he does not think $3 per day sufficient for traveling expenses?

Mr. PEEL. In some localities it may be and in others it may not.

Mr. NELSON. It would not pay his railroad fare.

Mr. RYAN. The Departments which employ traveling agents usually make the allowance contained in the bill.

Mr. BLOUNT. I think my friend is mistaken.

Mr. PEEL. Let me say to the gentleman [Mr. BLOUNT] that I was in error when I said that this was the allowance heretofore made. It was $4 a day, and the committee cut it down to $3.

The request of Mr. PEEL, that this paragraph should be passed over temporarily, was agreed to.

The Clerk read as follows:

For subsistence and civilization of two thousand Yankton Sioux, heretofore provided for in appropriations under "Fulfilling treaty with Sioux of different tribes," $35,000; in all, $60,000.

Mr. MACDONALD. I have an amendment to offer which has been approved unanimously by the Committee on Indian Affairs, but was not incorporated in the bill because the correspondence with the Department on this subject did not reach the committee in time. I ask that the amendment be read.

The Clerk read as follows:

Insert after the paragraph just read the following:

"For the support of the full-blood Indians in Minnesota, belonging to the Medwakanton band of Sioux Indians, who have resided in said State since the 20th day of May, A. D. 1886, and severed their tribal relations, $20,000, to be expended by the Secretary of the Interior in the purchase, in such manner as in his judgment he may deem best, of agricultural implements, cattle, horses, and lands, and in making improvements thereon: *Provided*, That of this amount the Secretary, if he deems it for the best interest of said Indians, may cause to be erected for the use of said Indians at the most suitable location, a school-house, at a cost not exceeding $2,000: *And provided also*, That he may appoint a suitable person to make the above-mentioned expenditures under his direction, the expense of the same to be paid out of this appropriation."

Mr. MACDONALD. Mr. Chairman, I think it is proper I should submit a few words in explanation of this amendment. It has been prepared by the Indian Department, and is submitted by me, because I represent the district of country directly interested; and I might say that nearly all of these Indians are located in the district which I represent.

In the month of August, 1862, our State was the scene of one of the most bloody and destructive Indian wars recorded in the history of our country. Almost the entire tribe of Sioux Indians, then resident within the borders of our State, rose up in arms and made war upon our settlers without a moment's warning along the entire frontier of our State upon which they could operate, a distance of nearly 200 miles, without a day or a moment's warning to our frontier settlers. I will not attempt to describe the scenes of horror that followed the general onslaught. I must leave that to be imagined. Only those who were there can form any idea of the awful scenes and tragedies that were enacted. It has been well said that the fiends of hell could not invent more fearful atrocities than were perpetrated by the savages upon their victims; that the bullet, the tomahawk, and the scalping-knife spared neither age nor sex, and that but few prisoners were taken except the young women, and a few children. Of the young women, it is needless to say that they would have been fortunate to have met instant death rather than to have had to endure the agonies and tortures to which they were subjected.

In the short space of thirty-six hours from the beginning of the outbreak nearly one thousand whites were cruelly slain, and for nights that entire frontier was lit up by the flames of burning dwellings, barns, stacks of grain and hay, and other property to which these ruthless savages applied the torch. The character of this war and the confidence with which these Indians made the onslaught may be judged from the fact that they attacked in force Fort Ridgely, one of our strongest military posts, and also, in broad daylight, assailed the town of New Ulm.

Our State was then comparatively weak in population and had sent one-half of its fighting men to the Union armies in the South, and the Indians had come to the conclusion that in consequence of this fact they could recover possession of our State by putting to death or driving out of it all our people. We talk of the horrors of war and its scenes of blood and carnage, but nothing that was ever enacted in civilized warfare can be compared to the horrible and atrocious conduct of these bloodthirsty savages.

Now, when I tell you that all the Sioux Indians did not prove fiends in human form, but that on the contrary a few of them remained friendly to the whites and became their trusted allies and defenders, and that a number of them did valuable service in protecting our people and their property, and in saving many lives, you can understand how grateful we must feel to those true and tried Indians who did us such valuable service. They have ever since had claims upon not only our gratitude but that of the nation at large, which ought long ago to have been recognized and partially, at least, compensated for their invaluable services.

But I am sorry to say, sir, that this has not been the case, and that the story of the treatment of these friendly Indians is, in a measure, but history repeating itself. At the time this outbreak occurred these Indians were what we term treaty Indians, located upon the Sioux Indian reservation, in our State, and were entitled to annuities in money and goods and provisions, and had an annual allowance for educational purposes, together with a sum for agricultural and general civilization purposes. By the act of Congress, entitled "An act for the relief of persons for damages sustained by reason of depredations by certain bands of Sioux Indians," approved February 16, 1863, all treaties with the Sisseton, Wahpeton, Medewakanton, and Wahpakoota bands were declared to be abrogated and annulled, and all the lands, annuities, and claims previously accorded to said Indians were declared to be forfeited to the United States; said forfeiture being made, as stated in said act, in consequence of the war waged by said bands against the white settlers of

Minnesota. I am almost ashamed to say it, but the fact is that no exception was made, even in favor of these friendly Indians.

The Indians who are to be the beneficiaries of this appropriation are, as my amendment indicates, members of the Medawakanton band. After this outbreak was suppressed by force of arms and the most guilty punished with the aid of these Indians, in whose behalf I am appealing, they were placed by the Government upon a reservation set apart for them, but these were unable to remain there. Some, in fact, never went upon that reservation, deeming it unsafe for them to do so. By aiding and defending our white settlers they had incurred the hatred and relentless hostility of the "hostiles," and their lives were not safe while they were together. The result has been that these friendly Indians have nearly all long ago severed their tribal relations and taken up their residence among the whites, nearly all of them being located in the district I have the honor to represent.

I should have said that the amount and value of the land and annuities of this band of Indians, which was so confiscated and covered into the United States Treasury, was about $1,000,000. It will, therefore, be seen that if these Indians secured their share of this money they would receive annually more than this sum proposed by me and be able to support themselves. Naturally enough they do not feel that justice has been done them; for they are fully aware of the facts just stated by me in relation to the confiscation and sale of their reservation and similar disposition of their annuities. In proof of this fact I will have read a letter from "Good Thunder," of whom I will let Bishop Whipple—whom you all know—speak hereafter. Before coming here to attend this session, the leading men of these Indians came to see me, and among them "Good Thunder." He pleaded that justice be done his people in this matter, and I advised him, upon his return home, to call upon his missionary (for he is a Christian as well as a hero) or some other friend, and have him write me a letter to submit to the Department in support of an appeal for justice in behalf of his people. He has done so, and I submit it to the candid, thoughtful consideration of the House.

BIRCH COOLEY, RENVILLE COUNTY, MINNESOTA, *February* 20, 1888.

DEAR SIR: In the matter of the claim of the Medawakanton Sioux, residing in the State of Minnesota, to a pro rata share of the fund arising from the sale of the Sioux Indian reservations in that State, under the authority of the act of Congress of 1863, we desire to make the following statement of fact, as it appears to us, for your information and advice.

If you shall consider that our claim is well grounded and that the facts and the law are favorable to our view of the matter, we respectfully ask you to again lay it before the honorable Commissioner of Indian Affairs, and, if he be not convinced hereby, to push the matter to an ultimate decision by appeal to the honorable Secretary of the Interior or otherwise, as you shall deem best for our interest.

We desire the matter finally and speedily settled, as it is a constant source of anxiety and bad feeling among our people, who feel that they are being shut out from their hereditary rights, and that their money is being paid out to others in excess of their just claims, and to some who have no right and claim to any benefit arising therefrom.

If the sum were a small one, or if we were in comfortable circumstances, we might remain silent or feel little interest. But the sum in bulk is a large one (nearly if not quite a million dollars), and our own pro rata share would be enough, if expended for land, to make us comfortable for life.

And our needy circumstances are not of our fault or choice. We are the people who, when our tribes revolted or were seduced into war against the United States, were friendly to the whites and fought for them and rescued many prisoners and served until the frontier was cleared of the enemy, as scouts and pickets on the whole western border of Minnesota. All of us, or our fathers, were in such service. On this account we were unable to go to the reservations set apart for various of our bands, or having attempted it, to remain on such reservations. The people, though of our own blood, were hostile to us, and destroyed the property and threatened the lives of such of us as attempted to make residence among them.

We think these things in themselves constitute an apparent and just ground for our claim to our share of the moneys arising from the sale of our own homes.

But beyond this, we think the law and the manner in which it has been administered lie in our favor, and on this ground we make our demand.

The law of 1863, confiscating our annuities and ordering the sale of our lands and homes for our benefit, says that the moneys arising from this sale shall be expended for the benefit of these "Indians in their new homes." If it had said new reservations it might have meant to limit its benefits to reservation Indians, and thus exclude such as did not return to tribal life and so all these friendly soldiers and scouts. But it is not so worded; it says in their "new homes," not reservations.

Again, it has in one instance at least been interpreted by the Department in accordance with our views. The Indians living near Flandreau, Moody County, Dakota Territory, do not now live and never have lived there on a reservation. They, like us, have renounced their tribal allegiance and become citizens, and have acquired title to their lands under the homestead laws of the United States as citizens, and yet they have been allowed to participate in the distribution of the moneys arising from the sale of the Minnesota reservation. Moreover, some of them having, as citizens, mortgaged their homesteads, they have been provided money to clear these mortgages by the Indian Office, and they are still applicants for further aid from this reservation fund. The Santees, living in Nebraska, are also living on homesteads, and are citizens of the State, and yet have received large sums from this fund, and are still applying for further grants.

These facts not only appear, but we consider that the fund has been unjustly administered, not through fault of the law of 1863, but by the interpretation of it in the Indian Office. The parceling out of the fund is the administrative act of the Indian Office, and if error has been made may be corrected in that office.

The reservation in Minnesota was 120 miles long by 10 in width, on the south side of the Minnesota River. Of this land one-half, extending from Rock Creek to the Yellow Medicine River, belonged to the Medawakanton wan Sioux and to the Wahpekutes, both these tribes being now known as Santees, and the upper half of the reservation, extending from the Yellow Medicine River to the Dakota line, belonged to the Sisseton and Wahpeton Sioux. Yet in the distribution of the fund the latter have been allowed more than one-half of the moneys. Moreover, the Santee lands were better lands, and were first sold and brought better prices, and yet no advantage was allowed to accrue to them from these facts.

At Devil's Lake are settled a large number of Cut-heads and other James River Dakota Territory Indians, who had no treaty with the Government, who never lived in Minnesota, and had no rights or interest in and to the Minnesota reservation, and yet they also have been enumerated together with the Sissetons residing there, and been allowed to participate in the benefits of this fund.

Further, the Minnesota Indians had an individual interest in their late reservation, and had under the treaty 80-acre tracts assigned to each family and houses and other improvements. The distribution of this fund should have been equitable as between individuals, every one receiving, in some way, his own proper part and share. It has not been so administered. Certain men and families have received benefits to the amount of hundreds of dollars and others have received nothing. If the record of the office is inspected, it will be seen that large gifts have been made to certain families, say Frazier, Ross, and Hake-waste, and to others nothing at all.

But this is of the past and under another administration of affairs. For the present we claim that the balance of the fund yet unexpended belongs fairly and of right to the Minnesota Sioux, whose new homes are here, and who have been the faithful allies and friends of the Government. We can not rightly be deprived of our interest in the fund arising from the sale of our old homes and farms. And if the Commissioner shall order a hearing or grant us this fund we want it expended only for lands and improvements.

Will you kindly present our cause as forcibly as you can and push it to a final decision. If you need further information or substantiation of our claim we are prepared to furnish it forthwith.

Respectfully,

GOOD-THUNDER, his × mark.

Hon. J. L. MACDONALD, M. C., *Washington, D. C.*

While this letter is couched in the language of an educated person, I know that it is but the substance of what this Indian would say if he were here, and that he tells his story about as he tells it in the Dakota tongue. There is a sadness that is truly pathetic in this appeal of "Good Thunder" in behalf of his people as well as himself. It will be seen that this letter was not intended for Congress, but for the Indian Department, and is a dignified protest against the fact that their fidelity and loyalty to the whites have been ignored, and that no exception was made in their behalf when the confiscation of the land and annuities of their tribe was made, as was already stated.

I can submit no more eloquent appeal in behalf of these friendly Indians, or more influential testimony as to the character of "Good Thunder," than is to be found in the letter of their warm friend and advocate, Bishop H. B. Whipple:

FARIBAULT, MINN., *December* 9, 1887.

MY DEAR MR. MACDONALD: I write to ask your kind interest in behalf of the scattered Sioux of our State. You know these men are homeless largely on account of their devotion to us during the Sioux war. Their annuities were confiscated and they thrust out of home, while their friendship for us made them afraid to go to the mission. Congress has made appropriations for them twice—the first in money, which was of no use beyond their temporary support. The second was used in part to buy lands, etc., near Shakopee, Red Wing, and Wabasha, where they secured poor land and had no one to guide them.

Good Thunder, the Christian hero, who was chief of scouts under Sibley, purchased land near their old home. He gave 20 acres for a mission-house, and I have built a mission house, with a room attached, large enough for worship. There are twenty-three families here, and all are industrious and doing well, although some who have only 5 or 10 acres of land ought to have more. The land is good, plenty of timber, and a few miles away grass-land can be had cheap. I believe that if Congress will appropriate $20,000 for the purchase of land, agricultural implements, and to build a school-house not to cost over $1,000, with furniture, books, etc., we can remove all of these scattered Sioux and have a model Christian village.

The missionary I have paid myself from my deep love for men who showed such heroism in the war. Will you show this to Judge WILSON, RICE, and other members, and if you will secure this I shall give you all my life-long gratitude. You all know my devotion to this poor people. Many of the infirmities which have made me an old man before my time have been earned in their service. I do honestly believe that these friendly Sioux deserve, as no others, the kindness of the Government. Please all of you try to get this, and our Heavenly Father, who never forgets a deed of love to His poor children, will repay. With kind regards to my friends, Mr. RICE and Judge WILSON, Mr. NELSON, and Mr. LIND.

Your friend,

H. B. WHIPPLE,
Bishop of Minnesota.

In a letter dated January 13, 1878, General Sibley said in relation to this confiscation of the lands and annuities of these Indians:

I have always regarded the sweeping act of confiscation referred to as grossly unjust to the many who remained faithful to the Government, and whose lives were threatened and their property destroyed as a result of that fidelity.

Having been in command of the forces which suppressed the outbreak, and punished the participators in it, I became necessarily well informed as to the conduct of the bands and the individuals who took part for or against the Government during the progress of the war, and I have repeatedly, in my official dispatches, called the attention of the Government to the great injustice done the former class by including them in the legislation which deprived them of their annuities.

Very respectfully yours,

H. H. SIBLEY,
Brevet Major-General United States Volunteers.

As evidence in support of the fact that this appropriation is recommended by the proper Department of the Government, I submit the following letters relating thereto:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., March 16, 1888.

SIR: I have the honor to inclose herewith copy of a letter from Hon. JOHN L. MACDONALD, member of Congress from Minnesota, together with copy of a letter from Bishop Whipple, in relation to a band of Medawakanton Sioux residing in Minnesota, and respectfully recommend that the inclosed item of appropriation be transmitted to the chairman of the Committee on Indian Affairs of the House, and of the Committee on Appropriations in the Senate, with your favorable recommendation, to be added to the Indian appropriation bill now before the House committee.

Very respectfully, J. D. C. ATKINS, *Commissioner.*

The SECRETARY OF THE INTERIOR.

[Indorsement.]

DEPARTMENT OF THE INTERIOR, *March* 17, 1888.

Respectfully forwarded to the honorable Secretary of the Treasury, for transmission to and for the favorable consideration of Congress.

WM. F. VILAS, *Secretary.*

In obedience to similar appeals Congress last year appropriated $10,000, which was to be used in the purchase of lands and farming implements for these Indians, but because of a failure on the part of the person chosen to expend it to attend to the matter, nearly one-half of it was not used and remains in the Treasury. Consequently, a portion of them did not receive the lands intended to be thereby secured for them, and the Indians did not have the benefit of but little more than half of that appropriation. The object of this appropriation is to further aid these Indians in becoming self-sustaining and adopting the habits and customs of our civilization.

In explanation of the fact that the amendment is presented in this way, I wish to say, in justice to myself and all parties concerned, that I had an understanding with my friend, the chairman of the Committee on Indian Affairs, that I should be notified in time to call upon the Department for the correspondence on this subject, in order to submit it to the committee, but in the press of business the matter was overlooked and the bill reported without this provision.

Mr. BLOUNT. Is it not true that the Indians who were engaged in the hostilities referred to are under later treaties getting annuities now?

Mr. MACDONALD. That is the fact, although these friendly Indians are not receiving their annuities.

Mr. BLOUNT. So I understand; and that makes the case a stronger one for the gentleman's proposition.

Mr. MACDONALD. Yes; it makes it stronger.

Mr. RYAN. Are these Indians under the control of any agency?

Mr. MACDONALD. No, sir; they are nearly all of them located in my district. By an appropriation heretofore made land has been purchased for the majority of them——

Mr. RYAN. Are they engaged in agriculture?

Mr. MACDONALD. Yes, sir; and this money is designed to buy horses, cattle, seed, and implements to be used by them in their occupations, which we hope may be the means of their becoming fully civilized. I will state that the money forfeited, which belonged to the tribe of which these Indians were members, amounts to about $1,000,000.

Mr. BLOUNT. They get nothing under treaty.

Mr. MACDONALD. Not a dollar.

The amendment was agreed to.

The Clerk resumed and continued the reading of the bill until the appropriations on page 32, for "miscellaneous supports," had been reached.

Mr. PEEL. I ask now that we go back to consider the matter of the Sioux superintendent. A Senate bill on this subject has received favorable action at the hands of our committee; and I do not think there will be any objection to incorporating in this appropriation bill the measure which is to be offered as an amendment.

Mr. HOLMAN. I think there will be no objection if it be understood that there is to be no increase of the present salary. The duties will be substantially the same as at present—will require no more time for their performance.

The CHAIRMAN. Permission has been given to return to page 6 of the bill. The Clerk will read the amendment when it is sent up.

Mr. NELSON. I now send up to the desk the following amendments for the purpose of having them acted upon as a whole. The first amendment changes the phraseology of the bill as to the title of this inspector of Indian schools and prescribes his duties and compensation; and the latter part of the amendment is offered as a new section 8, and changes the number of the present section 8 to section 9.

I call attention to what I have corrected in the printed bill as the first amendment.

The CHAIRMAN. The latter amendment could not be entertained now.

Mr. NELSON. It is offered as a whole by an understanding already had, and I ask unanimous consent to offer the amendments as an entirety. Unless unanimous consent is given for that purpose I shall not offer them at all.

Mr. HOLMAN. Let the amendments be read, subject to the point of order.

The Clerk read as follows:

Amend line 126, page 6, of the bill, to read:

"Pay of one superintendent of Indian schools, $3,000."

Strike out the remainder of lines 127, 128, 129, and 130.

Amend lines 131 and 132 to read as follows:

"Traveling expenses of one superintendent of Indian schools, including incidental expenses of inspection and investigation, $1,500."

SEC. 8. That there shall be appointed by the President, by and with the advice and consent of the Senate, a person of knowledge and experience in the management, training, and education of Indian children, to be superintendent of Indian schools.

That it shall be the duty of the superintendent of Indian schools to visit, from time to time, and as often as the nature of his duties will permit, the schools where Indians are taught, in whole or in part, by appropriations from the United States Treasury, and, under the direction of the Secretary of the Interior, to report annually to Congress the condition and progress of said schools; what, in his judgment, are the defects, if any, in any of them in system, in administration, or in means for the most effective advancement of the children in them toward civilization and self-support; and what changes are needed to remedy such defects as may exist.

It shall be the duty of said superintendent, subject to the approval of the Secretary of the Interior, to employ and discharge superintendents, teachers, and any other person connected with such schools, and to make such rules and regulations for the conduct of the schools as in his judgment the good of such schools may require. He shall embody in detail his doings under this section, with the reasons for his action in each case, in his annual report to Congress.

The said superintendent shall be allowed and paid a salary of $3,000 per annum, and, in addition thereto, his actual and necessary traveling expenses incurred while in the discharge of the duties prescribed by this act, such expenses to be allowed and paid on vouchers approved by the Secretary of the Interior.

The Secretary of the Interior shall cause to be detailed from the employés of his Department such assistants and shall furnish such facilities as shall be necessary to carry out the provisions of this act.

Mr. HOLMAN. I still retain the point of order.

Mr. NELSON. I understood the point of order was not to be made.

Mr. MCMILLIN. These amendments were only read for the information of the committee.

Mr. BLOUNT Not at all. The gentleman from Minnesota asked unanimous consent some time ago to offer this amendment; and the gentleman from Indiana [Mr. HOLMAN] said that he would object unless the compensation of the superintendent was reduced to $3,000, and if the gentleman modified it he would not object.

Mr. MCMILLIN. But no further request for objection was made by the Chair, and that action of the gentleman from Indiana can not be taken as an estoppel of the committee.

The CHAIRMAN. The right to object has not been waived.

Mr. HOLMAN. I think that there is but one further objection to this——

Mr. BLOUNT. The gentleman from Minnesota asked to submit these amendments in their proper place, and on objection being made the question was submitted to the committee. I insist that it is now too late to raise the objection after the amendment has been modified as agreed upon by the committee.

Mr. NELSON. The salary has been fixed, as will be seen by the amendment, at $3,000.

Mr. HOLMAN. I wish to call the attention of my friend to this fact: That on hastily looking at the amendment I had but one objection, which was as to the $4,000 salary. I objected because the duties were precisely the same as those of the predecessor of this official, and the sum heretofore appropriated was $3,000. But on reading the amendment still further I find there is no such limitation as has been heretofore imposed ever since 1882—that is, as to the expenditures, the per diem, and traveling expenses; and the appropriation heretofore made was fixed upon that basis; that is to say, that there is to be so much per diem in addition to the traveling expenses.

Now, I think that language ought to be retained in the amendment. In all other respects I am satisfied with it.

Mr. NELSON. I desire briefly to explain the amendment, hoping that we may agree upon the general plan of it, and then perfect the matter after it is before the committee. I simply ask that the amendments be considered by unanimous consent at this time, and then we can determine if it will be necessary to modify or change them.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

Mr. MCMILLIN. I prefer, Mr. Chairman, that my friend shall put this upon its own merits as an independent proposition.

Permit me to state that I favor such appropriations as are required by treaty stipulations; but I doubt very seriously the propriety of going beyond the treaty stipulations in this provision of the bill.

Mr. RYAN. Perhaps my friend does not understand this, that we have already made provision in the bill for such an officer and fixed the pay at $3,000? Now this simply designates the officer by another name, and provides how he shall be appointed, and prescribes his duties. It seems to me that the legislation is very proper in connection with this provision. If you are to have the officer at all, you ought to have a law providing how he shall be appointed and what his annual salary shall be, as well as the duties.

Mr. MCMILLIN. My friend and I differ only in this: I should oppose the appointment by the Government of any officer in connection with those schools except such as are required by treaty stipulation with the Indians.

Mr. BLOUNT. The duty of making those appointments grows out of the treaty stipulations. Those funds belong to the Indians and are used for their improvement, and among other things schools are an important agency for the improvement of the Indians.

Mr. NELSON. I desire to explain the reasons for this amendment. We have by law technically no authority for a superintendent of schools. But by the law found in volume 22, Statutes at Large, page 70, the office of inspector of schools was established; and this is the only warrant we have for an official of this kind.

Mr. MCMILLIN. That is what I am complaining of, that we are letting a system grow up outside of our treaty stipulations.

Mr. NELSON. This was a bill which passed the Senate, came over here, and was unanimously recommended by the Committee on Indian Affairs. It creates the office which has been practically in existence since the appropriation bill of 1882. We have made year by year an appropriation of $3,000 for a superintendent of Indian schools, when

technically there was no such office. Now, this is to put it on a proper legal basis. The great virtue of this amendment is that it makes the inspector of schools an independent officer under the Secretary of the Interior. It segregates the office from the Commissioner of Indian Affairs and establishes it under the Secretary of the Interior. But as now amended, it does not increase or change the salary that will be paid to the inspector of Indian schools. The same salary has been allowed in every appropriation bill since 1882.

Mr. McMILLIN. It is the old experience. You first put in an appropriation bill a temporary appropriation for an officer, and the first thing you know he is a permanent officer of the Government; and frequently he buds into a bureau, as is proposed here; and you have that fastened on the Government forever. I am prepared to carry out every treaty stipulation which the Government of the United States has made with the Indians. I am in favor of adhering closely to those stipulations; but I am opposed to the Government of the United States going beyond the treaty stipulations in making appropriations of money for schools.

Mr. BLOUNT. I do not think this is exactly the old story, as my friend from Tennessee wishes us to believe. So far as the Indians themselves are concerned, the Government having taken their lands at a nominal value for homesteads for its own citizens, this is a mere bagatelle out of the public Treasury compared with the vast domains we have taken by treaties, fraudulent in their nature, made in a manner which is a disgrace to the people of this country.

Mr. McMILLIN. The time of the ratification of those treaties would be more properly the occasion for remedying any wrong.

Mr. BLOUNT. If the gentleman will allow me to proceed, I will say that so far as regards decent conduct to the Indians the proper time is whenever we have occasion to discharge our duties to them. We have by virtue of treaties acquired these lands, and a large part of the funds out of which these appropriations are made are the funds of the Indians. They are rightfully theirs. The money which is used for the purpose of helping them to farm, for giving them agricultural implements, for the purchase of stock, for the education of their children, receives the high-sounding term of appropriations out of the public Treasury, but is really out of the funds of the Indians themselves. And in taking control of their funds what is more proper than that we should, in providing for their education, appoint some competent person to superintend their schools and properly systematize an intelligent use of the funds and make an intelligent report to Congress of such facts as it may need in order to legislate in reference thereto?

There is no question here of wasting the public treasure for the benefit of the Indians. What has been done is to take their treasure and put it into the common Treasury of the people of the United States.

I trust that my friend from Tennessee will see fit to allow a sufficient sum to be provided to have an efficient superintendent.

Mr. HOLMAN. I ask my friend from Georgia this: He understands the duties which have been performed heretofore and which will be performed hereafter by this officer; whether you call him superintendent or inspector, he will visit all the schools, will have a general supervision of them, and will direct their progress and advancement.

Heretofore this officer has been simply an officer of the Indian Bureau, and the duties, so far as I am aware, have been well performed. Professor Oberly, now occupying a different office, was a very efficient superintendent. He performed the duties with entire satisfaction heretofore as a part of the Indian Office. I presume this officer will perform in the future the same duties as those I have indicated. But the effect of this amendment is to make this a new bureau, putting it on the same footing as the Bureau of Education or the Bureau of Indian Affairs.

Now, I ask the gentleman from Georgia [Mr. BLOUNT], after all he has said upon this subject of new bureaus—and we all know how they grow and how rapidly their employés increase—I ask him, after all he has said on that subject, can he consent to create this new bureau in the Interior Department? If any gentleman can suggest to me how, in any degree, this superintendent will be more efficient as an independent bureau than he would be as an officer of the Indian Office, I will yield the point.

Mr. BLOUNT. My friend puts to me a very simple proposition, if I accept his premises. It is about equivalent to this: Do I believe I am telling the truth? I say I do; but I do not concede all the facts which my friend alleges.

Mr. HOLMAN. What more can this officer do as superintendent than he has done heretofore?

Mr. BLOUNT. The point to which the gentleman is objecting is not about this officer's duties. It is about the independent bureau.

Now, I simply want to say that I do not claim absolute knowledge as to what is best to do in this connection. I concede to my friend from Indiana [Mr. HOLMAN] a large amount of knowledge on this subject, but I likewise understand that the Secretary of the Interior, who is charged by Congress with, among other things, the supervision of the Indian service, does believe that it will advance that service to make this officer independent of the Commissioner of Indian Affairs and have him report directly to the Secretary.

Mr. HOLMAN. What objection has my friend to give all the efficiency that the provision can give, but at the same time provide that this bureau shall still remain a part of the Indian Office? Call this officer a superintendent, if you please, because I have no objection to the name, but after all let the officer continue to be a part of the Indian Office instead of creating him a new bureau.

Mr. BLOUNT. I do not see that there is anything about a new bureau in it at all.

Mr. HOLMAN. In terms you make this a new bureau.

Mr. BLOUNT. I take it that the officers of the Interior Department, who have made this matter a study, are more persuasive in their authority than any gentleman who casually takes the matter up, however great his knowledge may be.

Mr. HOLMAN. Is this change recommended by the Commissioner of Indian Affairs.

Mr. BLOUNT. It is recommended by the Secretary of the Interior.

Mr. HOLMAN. Yes, I know; but is it recommended by those gentlemen who have made the subject a special study for years?

Mr. BLOUNT. I can not say as to that. I have no doubt that the head of this great Department has availed himself of the counsel of those around him and of the information in that Department. He is quite capable of making a recommendation on this subject.

Mr. HOLMAN. I concede his ability and general experience; but no person can be so familiar with the current duties to be performed by this superintendent as the head of the Indian Office. What I am objecting to is the establishment of a new bureau, when the same efficiency in the performance of the duties could be secured in connection with the present bureau.

Mr. BLOUNT. I have no idea that the Commissioner of Indian Affairs has much to do now with the superintendent of these schools. My friend knows that in the Departments there are recognized by law many nominal heads who know but little of various matters coming within their jurisdiction. I do not think any harm is to come from creating this office of commissioner of education with the limited duties proposed.

Mr. HOLMAN. I am not objecting to that.

Mr. BLOUNT. These Indians are not numerous and the schools will necessarily not be large. I can not see why we must constantly be told the old story about the evils of creating new bureaus.

The CHAIRMAN. There is nothing before the committee. The gentleman from Tennessee has objected to the amendment.

Mr. NELSON. I understood he withdrew his point of order.

The CHAIRMAN. Is the objection to the consideration of the amendment withdrawn?

Mr. McMILLIN. I do not withdraw it.

Mr. BLOUNT. I hope my friend from Tennessee will allow the Committee of the Whole to consider the matter.

The CHAIRMAN. As this amendment proposes to create a new and independent office, it can not be considered if the point of order is insisted upon. The Clerk will proceed with the reading of the bill.

The Clerk resumed the reading.

The following was read:

Surveying and allotting Indian reservations (reimbursable): For pay of special agents, and necessary expenses to carry out the provisions of section 3 of the act approved February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," $25,000.

Mr. PEEL. I offer the amendment which I send to the desk, an amendment, however, which does not come from the committee.

The Clerk read as follows:

In line 1011 strike out the words "twenty-five thousand dollars" and insert "$35,000, $10,000 of which sum shall be immediately available."

Mr. PEEL. The reason for offering this amendment is that in the present state of the finances of the Department no money is available for the purpose of continuing this allotment. Some time must elapse before the money appropriated in this bill will be available. Hence the necessity for this amendment.

Mr. RYAN. Is this appropriation for the purpose of carrying out the severalty act?

Mr. PEEL. Yes, sir.

Mr. HOOKER. Mr. Chairman, I desire to obtain some information in reference to the portion of the bill upon page 42. The amendment now offered by the gentleman from Arkansas [Mr. PEEL] proposes to increase the appropriation provided in line 1011 from $25,000 to $35,000. A prior paragraph of the bill, it will be observed, is in this language:

For survey and subdivision of Indian reservations and of lands to be allotted to Indians, and to make allotments in severalty, to be expended by the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, $25,000.

Then comes the provision:

Surveying and allotting of Indian reservations (reimbursable).

I suppose this means that the money is to be paid back to the Government out of the proceeds of lands which may be ceded under this allotment of the Indian lands—

For pay of special agents and necessary expenses to carry out the provisions of section 3 of the act approved February 8, 1887, etc.—

That is the act known as the allotment act—

twenty-five thousand dollars.

This appropriation the gentleman's amendment proposes to increase to $35,000. Then follows this further provision:

For surveys and resurveys under the provisions of the act of Congress approved February 8, 1887, to be repaid proportionately out of the proceeds of the sales of such lands as may be acquired from the Indians under the provisions of said act, $75,000.

These appropriations, as provided in the bill, make in the aggregate $125,000; and the amendment of the chairman of the Committee on Indian Affairs will increase the aggregate to $135,000. In other words, the bill in these provisions for the allotment of lands among the Indians proposes to appropriate, with the amendment now pending, $135,000. I submit that this amount is excessive; that the sum provided in the bill is certainly sufficient, if not too much, for all necessary purposes. Indeed, when the chairman of the committee rose, I was just about to offer an amendment to cut down this appropriation from the very large amount of $125,000 to something which, in my view, would be reasonable.

As I understand, under this allotment act, the surveys are to be made at the expense of the Government, to be reimbursed from the lands which it is supposed will be acquired by the Government as these allotments are made and the Indian reservations cut down. My friend from Alabama has introduced only to-day a proposition, which will come before this committee for consideration, to amend the act of 1887 providing for this allotment of land among the Indians. And, sir, when you consider either the rights of the Indians or the rights of the Government, it is a very doubtful question whether that allotment act was founded in legislative wisdom with reference either to the interests of the United States or the interests of the Indians.

These allotments in severalty—and it was announced here to-day that the proposition is to bring all of the Indian tribes under that system as citizens of the Government under the control and provisions of its laws; and yet it is a remarkable fact that in all of the bills which have been introduced in the Congress of the United States upon this subject there never has been a proposition, and probably never will come one from the Indian Committee, proposing to apply this principle of allotment to those Indians who have attained the highest degree of civilization, to wit, the five semi-civilized tribes of the Indian Territory; and why, Mr. Chairman?

If it should not be applied to them, why should it be applied to the more ignorant and savage Indians? The five semi-civilized tribes probably hold their lands by a somewhat different tenure under their treaties from that of the savage tribes upon the plains; but no proposition has been made, either through the Indian Committee or elsewhere before the Congress of the United States, to allot the lands in severalty to them.

Mr. RYAN. Is that not due to the fact that the power is not delegated to Congress by the treaties except under a certain condition?

Mr. HOOKER. The Congress has no right under the treaties to compel the Indians to hold their lands in any other way than as they now hold them; and as long as the Indian holds his own intelligence and understands his own treaty interests, and I think the five semi-civilized tribes do understand their interests, they will be found bitterly opposed, as I have asserted heretofore, to the principle of allotments in severalty, because it presages by such an act the termination of their existence as a people. They understand that fact, and hence there has never been a demand on the part of that people for such action on the part of the Government.

Now it is proposed, either at the expense of the Government or the Indians, to apply it to certain tribes of Indians upon the plains—the wilder tribes—and enter upon this system in regard to them, the Government assuming in the first instance the expense and claiming to be reimbursed out of the proceeds of the sale of lands. I think, Mr. Chairman, that so far from the amendments having been founded in reason, with all due respect to the committee, that the amount appropriated by the bill should rather be cut down; and I hope the amendment will not prevail

Mr. PEEL. I regret that my friend from Mississippi is not in accord with the administration of the Indian Bureau, and I believe with the Executive himself, in regard to this doctrine of allotment of lands in severalty. Yet it is the law, and we are now dealing simply with the money of the Government to execute the law.

My reason for offering the amendment was, as I stated before, that in the appropriation for the last fiscal year there is no money now available to carry on the work.

Mr. HOLMAN. Why not take the $10,000 out of the $25,000?

Mr. PEEL. I have no objection to that, but inasmuch as the committee appropriates $25,000 for the next fiscal year, and that does not become available until after the 1st of July, it was supposed that the whole amount would be needed in the next fiscal year; and hence the $10,000 was added by way of amendment to carry it on from now until that sum becomes available.

But if the committee think the $25,000 appropriated in the bill is enough, and will make $10,000 of it available now to carry on this work up to the first of the next fiscal year, and then that the other $15,000 shall be available for the next year, I have no objection, and I presume it will be agreeable to the committee.

Now, a word as to the five semi-civilized tribes in regard to which the gentleman from Mississippi has spoken. I regret very much that the treaties existing with them are of such a character as to prohibit the application of a general allotment bill to them. If gentlemen will go back to the treaties between the Government and these tribes they will discover that the Government has no power to allot the lands in severalty to them until the application is made through their national council to the Government; but unfortunately such a state of political affairs exists there that the national council is very careful not to call upon the Government for that purpose, for reasons that they understand and the country around them understands pretty well. It is to be regretted that the treaties are of such a character that they are excepted from the operation of that law; and I hope the time will come when we will see a way out of it.

I have made some efforts myself to have a court established there and give to that court jurisdiction to partition the lands, giving to the Indians there, or any one of them who shall desire to have his undivided allotment, the right to his land in that manner, lands which are now improperly used by others who are able to prevent the allotments and division.

Mr. DUBOIS. Mr. Chairman, I hope the amendment just read will be adopted. There are quite a large number of Indians living on reservations who have signified their desire to take their lands in severalty. There is one tribe, the Nez Percé Indians, in my Territory who are anxious to have their lands allotted to them, and they are about as highly civilized, I imagine, as any Indians in the country outside, perhaps, of the five semi-civilized tribes of the Indian Territory. It is their great desire to have their lands in severalty, so that they can have homes of their own. The work of allotting the lands has been stopped because no money is available for the purpose. The Indians and the Indian Department have agreed to it, and they are simply waiting for the Department to survey the lands. That of course can not be done unless the appropriation is made.

I am satisfied that it would be to the great advantage of a number of Indians on reservations in the West to have their lands allotted in severalty. They are of the same opinion. An appropriation of $35,000 for this purpose could not be too much, and that portion of the amendment which provides that $10,000 shall be immediately available, I think is necessary in justice to the Indians.

If you put it off until after the 1st of July, and the season of cold and snows comes on, the delay practically stops the work for a year. If the money is made available now they can go on with the work during the summer months.

Mr. HOOKER. Mr. Chairman, I am more impressed with the propriety of my opposition to the pending provision by what has fallen from my friend from Arkansas [Mr. PEEL]. I am struck with another fact, that the remark which fell from my distinguished friend as chairman of the committee ought to be, and I doubt not will be, considered a note of warning that the reason why the Committee on Indian Affairs and nobody else has ever proposed to apply the doctrine of allotment to the five semi-civilized tribes was simply the want of power.

The gentleman from Arkansas expressed the hope that the time will come when through the instrumentality of judicial tribunals established in the Indian Territory he may be able to apply the doctrine of allotment and division to the five semi-civilized tribes. I say that when that thing shall be done you will have, according to the gentleman's own confession, to override the solemn treaties of the Government with these five semi-civilized tribes. And if that can not be done by an open act of legislation I pity the judicial tribunal which will lend itself to the accomplishment of the purpose by an adjudication which does not respect the solemn treaties made with these people and the patents given to them. We have too often violated them with impunity. But I say they ought to be respected in the spirit and temper with which those lands were given them.

In this bill you have a tardy act of justice performed by the Government to the Choctaw Nation, which for fifty years has been knocking at the doors of the Government for what is justly due them. When they ceded the land owned by them on the east side of the Mississippi River you gave them the territory on the west side in common with the five semi-civilized tribes, declaring it to be theirs; using a beautiful figure of their own, "as long as water flows and grass grows." You did it by treaty. You obligated yourselves by every form of obligation that it should be theirs; not for you to divide; not for you to allot, that your citizens may be enabled to possess these lands; but it is theirs to hold—whether in community or severalty they are the best judges.

The principle on which the intelligent men who control the affairs of the five civilized tribes claim that their land shall be held in community, rather than in severalty, is that that is a condition which is necessary to their being preserved in that peace and plenty which they are now enjoying. I assert that in a financial point of view no agricultural portion of the people of our country are in a better position than that of the five semi-civilized tribes. They know their rights and their interests, and they have always been opposed to this allotment. I trust the time hoped for by the chairman of the Committee on Indian Affairs will be very remote when there shall come from his committee or any individual member of the Legislature of the United States a proposition to take from these Indians the lands given them, not only by the solem-

nity of treaties, but by patents to these tribes. I do not, therefore, share the anxiety of my friend about the rapid execution of the allotment act. Perhaps it would be better for the Indians if it never should be executed, and that is certainly true in regard to the Indians belonging to the semi-civilized tribes.

I am almost tempted to make a proposition to strike out the whole section making an appropriation to carry out what I regard as a part of the policy now being urged. It may be my misfortune to differ with the Secretary of the Interior, and perhaps with the Executive, but I do so because I believe it is the duty of the Congress of the United States to respect these rights. If a policy is adopted by the head of the Interior Department or by the Executive which looks to the violation of any of the treaty rights of these Indians, or should permit them to peddle those rights, I am opposed to it, whoever may attempt to carry out such a policy.

Mr. PEEL. I hope this discussion will now close; but I desire for a very few moments to be permitted to reply to my distinguished friend from Mississippi [Mr. HOOKER] in regard to the five semi-civilized tribes. I think he has not examined the treaties with these people as minutely as I allow his ability would have enabled him to do. It is guarantied that the Government shall protect those Indians; and I ask the gentleman whether it is proper to protect a few nabobs who have amassed fortunes in that country and have monopolized the property of 90 per cent. of the people of that country?

If my friend will pass through the five civilized tribes and become acquainted with those people he will find that he is mistaken in stating that they are opposed to holding their lands in severalty. They are crying out now on that subject. They have to stand by and see their common property used by these nabobs to their exclusion; and they are so weak politically that they are powerless to wrench from the politicians of the Territories the control of the legislative bodies through which and by which only they can have their lands divided.

Mr. HOOKER. I will ask the gentleman if there is an Indian among the five civilized tribes who has not a home. Is there a pauper among them?

Mr. PEEL. Yes, the Indian has a home, so called, located at the back of some landlord's farm in a little hut, working on his own land as a day laborer for a man who has inclosed all the land around him. Under the local laws of those "nations" any citizen may fence in all the land he pleases, provided it is not occupied by any other citizen, even if it is 10,000 acres. At an early day advantage was taken of this law to fence in large farms of from 5,000 to 10,000 acres, upon which the owners of the land are employed as simple day laborers. That is the condition of the Indians, and if we are going to protect them, I say that while we guaranty by treaty to protect them in the title to their lands we should also devise some means of protecting them in their individual rights. It is a principle not only of equity but of common sense and justice that if a citizen has a property in common with some one else, and if he is capable of managing his own affairs, he shall have the right to go to the Government or to the courts and have his individual rights set off to him, in order that he may be independent; and we ought to make the Indian independent of those who hold him down under the yoke of political despotism. That is my view of the subject.

Mr. CANNON. Let me ask the gentleman if it is not also notorious that the most powerful of the five civilized tribes is practically dominated by the cattle syndicates upon the Cherokee Outlet?

Mr. PEEL. Very likely that is true.

Mr. CANNON. And is it not true also that much of the talk, which is no doubt honestly believed in by well-meaning people not fully informed—much of the talk that is heard about the hardships that are feared by these Indians from the change is promoted or originated by these men, who have got possession of the five or six millions acres of that outlet and want to hold on to it in defiance of law and public policy?

Mr. PEEL. Very likely.

Mr. HOOKER. The question is whether the remedy for existing evils is to open up the lands to white settlers.

The amendment was agreed to.

The Clerk read as follows:

For surveys and resurveys under the provisions of the act of Congress approved February 8, 1887, to be repaid proportionately out of the proceeds of the sales of such lands as may be acquired from the Indians under the provisions of said act, $75,000; in all, $100,000.

For continuing the investigation and examination of certain Indian depredation claims, originally authorized, and in the manner therein provided for, by the Indian appropriation acts approved March 3, 1885, and March 2, 1887, $20,000.

Mr. PEEL. Mr. Chairman, I have an amendment which I offer on behalf of the committee, to come in on page 43 of the bill, after line 1023.

The amendment was read, as follows:

To pay Nimrod Jarrett Smith, chief and delegate of the Eastern band of Cherokee Indians in North Carolina, for services rendered to such band from ——, 1882, to April 15, 1887, as delegate to Washington, D. C., $3,571.66; the same to be paid out of any funds belonging to said Indians in the Treasury, to be immediately available.

Mr. PEEL. I simply desire to say to the committee that this gentleman presented before our committee resolutions and an act of their own council approving his account and authorizing it to be paid.

Mr. BLOUNT. I wish to reserve the point of order on that amendment.

Mr. PEEL. The committee, therefore, thought it was just and right that provision should be made for this item, inasmuch as the Indian council had passed upon the account, and had come to the conclusion that the services had been rendered and that the bill should be paid.

Mr. BLOUNT. Mr. Chairman, I desire to reserve the point of order on the amendment; not with any view of antagonizing the committee, but because I think the practice is a bad one. This is a bill to provide for the annual expenditures of the Indian service, but this amendment has no relation at all to the general Indian service; it is an amendment providing for the payment of a claim which the Committee on Indian Affairs have examined. Such claims have always been allowed heretofore, when allowed at all, upon deficiency bills, and such an amendment seems to me not to be in order here.

The CHAIRMAN. The Chair understands that this amendment provides that the money is to be paid out of any Indian funds that may be available in the Treasury, and not out of the funds of the United States.

Mr. BLOUNT. I take it that that is true. That is true also in reference to all such claims that have been audited heretofore and provided for in deficiency bills.

Mr. PEEL. I will say to my friend from Georgia that this money is, of course, to be paid out of the fund of the Indians themselves. From the accounts and papers presented before our committee it appeared that the matter had been very fully and fairly adjusted by their council, all proper credits and charges being made, and that this amount had been found to be due.

Mr. HOOKER. The Cherokee council have recommended this payment?

Mr. PEEL. Yes, sir; they recommend it; and, as the appropriation is to come out of the funds of the Indians to whom the services were rendered, as the council that employed this man may be assumed to know what his services were worth and have audited and adjusted the accounts, it was thought by us that this appropriation might properly be made.

A MEMBER. Who audited the claim?

Mr. PEEL. The council of the Indians themselves.

Mr. BLOUNT. If this were merely a personal matter between my friend from Arkansas and myself, I would gladly waive any objection on my part; but the question presented goes far beyond anything of that kind. I have never understood it to be the province of any committee charged with the subject of appropriations to examine a claim of this kind—to allow persons to come before the committee——

Mr. PEEL. Of course the gentleman does not intend to mislead the House. We have not put this appropriation on the bill.

Mr. BLOUNT. Of course I do not intend to mislead the House. We are discussing the question here in the face of everybody; and I presume members are intelligent enough to understand the situation. But I understand my friend to state that the Committee on Indian Affairs have taken up a claim of a certain Indian, have examined all the facts, and have concluded that it is a good claim and are moving to insert it in a general appropriation bill. I say that this is unprecedented in the legislation of this House. Such a practice is calculated to bring about all manner of abuses. I can not consent to the proposition that any committee of this House has such facility for the examination of claims as would justify the House in departing from its rules and allowing matters of this kind to go on a general appropriation bill.

There are claims of a certain class which are examined and audited by a Department; and after such examination, made with proper instrumentalities for reaching the truth, such claims have been put on a deficiency bill.

So far as concerns the suggestion that this money is to be paid out of the Indian fund, I can not understand that as entering properly into the consideration of the question. But as that suggestion has been thrown out I will make this observation——

Mr. PEEL. The gentleman will allow me to say that we did not audit the claim ourselves. I did not say that. I said that the Cherokee council of North Carolina had audited it, that the papers presented before the committee showed that the council had pronounced the claim correct, and that an order of the council had directed that it be paid. Therefore we saw no objection to offering this as an amendment, though we did not put it in the bill, because we believed it would be subject to a point of order. That is all there is of it.

Mr. BLOUNT. I can not countenance the idea that because a council down in North Carolina, not responsible to the Government in any way, have examined a claim of this kind, we are to accept their auditing of the account, or to be controlled by it in any manner when it is proposed to insert the appropriation in this bill.

The CHAIRMAN. What point of order does the gentleman from Georgia make?

Mr. BLOUNT. My point of order is that here is a claim which it is proposed to pay out of one of the Indian funds to a person claiming that certain Indians are indebted to him for a certain amount of money. It is not an appropriation authorized by law at all; and we are asked to provide for this payment on a general appropriation bill upon the mere recommendation of an Indian council in North Carolina. These

being the facts, as I understand them, the proposition is not in order on this bill, and coming in this form would not be in order on any general appropriation bill. I do not understand my friend from Arkansas as claiming that it is in order.

Mr. PEEL. I said that our committee had not incorporated it in the bill, because we did not know that it could be properly reported in a bill of this character. That was simply our judgment.

Mr. BLOUNT. That concedes the whole question.

Mr. PEEL. Let us have the question disposed of.

The CHAIRMAN. The Chair does not feel sufficiently advised to decide whether this amendment is out of order or not. So far as the Chair is aware, it may be provided by treaty stipulations between the United States and this tribe of Indians that the Indians should be allowed to determine what shall be considered a proper expenditure of their own money.

It appears that they have money in the Treasury of the United States, and that they desire a portion of that money to be applied, according to the statement of the chairman of the Committee on Indian Affairs, for the purpose contemplated in this amendment—for the payment of one of their own agents who has represented their business in Washington. If the Indians have the right to control the expenditure of their own money lying in the Treasury of the United States, the Chair would be inclined to consider this a proper method of appropriating the money for their benefit.

Mr. RYAN. But there is the difficulty. It is to be presumed the money is in the Treasury for specific purposes prescribed by law——

The CHAIRMAN. The Chair is not sufficiently advised on that subject.

Mr. RYAN. And that this money can not be taken from the Treasury except for specific purposes. The object named in this amendment is evidently not one of those purposes. The amendment may be entirely just, and I would hardly feel at liberty to resist its adoption if in order; but I can not see that it is in order, for this expenditure does not appear to be authorized by any law.

Mr. BLOUNT. My only object is to preserve the character of these bills, according to the rules and practice of the House.

The CHAIRMAN. This does not appear to be an ordinary claim. The amendment provides for the payment of an agent selected by these Indians to represent their business at Washington. If, as suggested by the chairman of the committee, these Indians have no way of paying their agent except by an appropriation of this kind from their fund, the Chair thinks this is not to be classed as an ordinary claim which should be presented in the form of a private bill, but as a matter which must come here in this form if it comes in at all.

Mr. BLOUNT. Then, without authority of Congress, these Indians can make any sort of contract they please in reference to the expenditure of this fund, and a provision for payment in accordance with such agreement is in order here on a general appropriation bill?

Mr. CANNON. Allow me to make a single suggestion. Whatever the provision of the treaty may be, after all it looks to me that this is within the spirit of Rule XXI. The Government, in fact, now has to look out for itself and the Indians too; and all through this bill, without any treaty stipulation, provision is made for taking care of the Indians, providing for their education, etc., and it strikes me that it takes money out of the Treasury of the United States and is within the spirit of the rule. The moral obligation as well as the legal obligation of the Government is to provide for the treaty stipulations, and it does not make much difference whether it is the specific money of the Eastern Cherokees that is appropriated or not, the same principle applies. They receive about so much money each year, and the Government has to protect them as well as itself.

Mr. RYAN. It strikes me that this is a part of their school money.

Mr. PEEL. I am not advised as to that. I asked the gentleman from Indiana [Mr. JOHNSTON], representing the district, and he said that there was some act setting apart some portion of that fund for school purposes; but whether this is that fund or not I am not able to say.

Mr. RYAN. It is my opinion that it is the same fund.

Mr. PEEL. And whether that fund is in such condition that the council of the tribe, having audited the claim and directed its payment, can bring it within the scope of the bill, or so that it can go upon an appropriation bill, is a question. In my opinion——

The CHAIRMAN. The Chair would suggest that if there is any question about this matter, the amendment had better lie over until the next session of the committee.

Mr. PEEL. I move that the committee rise.

Mr. CANNON. I hope the gentleman will allow me, before submitting that motion, to offer an amendment, as I shall not be here at the next meeting of the committee.

Mr. PEEL. I understand my friend from Illinois will not be here on Monday, and I will not insist upon the motion now.

Mr. CANNON. I desire to submit an amendment to come in on page 45 of the bill.

The CHAIRMAN. If there be no objection, the committee will return to this amendment at its next meeting.

There was no objection.

Mr. CANNON. I now yield to the gentleman from Indiana [Mr. JOHNSTON].

Mr. JOHNSTON, of Indiana, rose.

Mr. RYAN. I understand my friend wishes to propose an amendment on page 45.

Mr. CANNON. Yes.

Mr. RYAN. That is in advance of the reading of the bill. I have no objection to the gentleman offering his amendment if there be an understanding that when we meet again we shall commence the reading at this point in the bill.

Mr. STEELE. If we read the bill instead of talking we will get through, and I call for the regular order.

The CHAIRMAN. The Clerk will read the bill; it will take but a short time.

Mr. PEEL. I ask unanimous consent that the gentleman from Illinois be allowed to offer his amendment at this time.

The CHAIRMAN. Is there objection?

Mr. STEELE. I shall be compelled to object unless I can also have an opportunity to offer an amendment, as I shall probably not be here myself at the next meeting.

The CHAIRMAN. The Chair will again submit the request of the gentleman from Illinois for unanimous consent to offer an amendment now with the understanding that when the committee again meets we return to this part of the bill.

Is there objection?

There was no objection.

Mr. JOHNSTON, of Indiana. I send the amendment to the desk.

The Clerk read as follows:

Insert after line 1090:

"For the support of 80 pupils at the Cherokee Training School, at Cherokee, N. C., at $150 per annum each, $12,000."

Mr. CANNON. I take it that there is no objection to that amendment.

Mr. PEEL. I desire to retain the point of order until I know the object of this.

Mr. CANNON. I will explain briefly.

Mr. McMILLIN. Is the point of order reserved?

Mr. PEEL. It has been reserved.

I will state that we increased an item that had been heretofore appropriated for these schools—I believe, $61,000 for schools of which this was one—for the purpose of enabling them to take these pupils, the appropriation for that purpose being taken from another item, so that the Department may give to such schools as this more per capita than they had heretofore. Now, if this amendment comes in as an independent proposition, then, of course, it ought to be deducted from the total amount given for this purpose.

Mr. CANNON. I think there will be no objection to that.

Mr. JOHNSTON, of North Carolina. This applies to a school in the district which I represent, and I do not know by what authority it is offered. As I understand it, Mr. Chairman, the school there is run by contract; that is, that the children are educated at so much per head. I do not know whether this school is a permanent institution or not, or whether appropriations can be made for it in this manner or not. But my understanding is that the Commissioner of Indian Affairs has been in the habit of letting out the education of the children there to the lowest bidder, and that the payment comes out of the general fund. I do not know how that may be and should like to have some explanation of it before this amendment is acted upon.

Mr. CANNON rose.

Mr. PERKINS. Let the point of order be reserved until we can hear from the gentleman from Illinois upon the merits.

Mr. JOHNSTON, of North Carolina. Very well.

Mr. CANNON. Mr. Chairman, to start with, I do not think that this provision is subject to the point of order; but I do not care to discuss that point now.

If the gentleman from North Carolina will notice the clause immediately preceding this in the bill he will see that provision is made for one hundred and fifty pupils at St. Ignatius Mission school, on the Jocko reservation, in Montana Territory, where the appropriation at the rate of $150 per annum each is fixed, and the sum total of $22,500 is given. Again, just after that is a provision for the education and support of one hundred Chippewa Indian boys and girls at St. John's University and at St. Benedict's Academy, in the State of Minnesota, at $150 per annum each, and so on.

Now, the effect of this provision is this: At this school, at Cherokee, N. C., the Government owns the building. The Society of Friends, under the control of the Western Indiana yearly meetings, have charge of all the schools of the Eastern Cherokees, and have had for some years.

I will read from the report of Robert L. Leatherwood, United States Indian agent, Eastern Cherokee agency:

I will next take up the educational work, which has been under the supervision of the Society of Friends for the last five years. There are five schools at this agency. The Cherokee training-school, which is located at Cherokee, N. C., is in a flourishing condition. This school is carried on by the Government. The other four schools are run by the interest of the trust fund belonging to the eastern band of Cherokees, the Society of Friends having control of the entire educational work. It affords me much pleasure to say that the progress in these schools has been wonderful.

The Cherokee training school is carried on ten months in the year, and the four other schools seven months in the year. There are twenty boys and twenty girls in attendance at the Cherokee training school. This number ought to be increased to seventy or eighty, as the facilities are such that eighty could be accommodated. The Government in 1885 completed a large building at this place for educational purposes; this building is known as "the boys' home." There are also two other large buildings at this place used for educational purposes. I am confident that this is the place to educate the Indian. The superintendent of these schools, Professor Spray, is a man of unquestioned ability, a devoted Christian, and has had much experience in the educational work. The teachers have all been educated in the best institutions of the country and are thoroughly competent to impart knowedge to these pupils. Every selfish interest is laid aside and nothing but the interest of the Indians enters the minds of the teachers. If the schools progress as they have in the past there is a glorious future, a bright and happy destiny for the Indians of the Eastern Cherokee agency.

The intellect of the Indian is apparently bright, the students showing a wonderful power of acquisition; very small children have learned to speak, read, and write the English language. Some of the older students will soon be prepared to make good teachers. I hope this work may go on as it has in the past, and if so the time is not far distant when the Indians of this agency will be competent to assert their own rights and protect their own industries.

The Society of Friends giving this instruction and having charge of this education are allowed by the Department, on the ground of a short appropriation $125 for each scholar; whereas at Carlisle and at Hampton and at the other Government schools it costs the Government in round numbers $187 a pupil, as shown by the reports. Professor Hobbs, formerly a superintendent of public instruction in Indiana and an eminent member of the Society of Friends, has given much attention to the status of the Eastern Cherokees, and states that the $125 allowed for each pupil will not enable them to carry on this training school. And it is but fair this training school should be on all-fours with the institution among the Flatheads and the institutions in Minnesota, where $150 per capita is appropriated.

Mr. McMILLIN. May I ask the gentleman from Illinois a question?

Mr. CANNON. Certainly.

Mr. McMILLIN. Does this come out of the trust funds?

Mr. PERKINS. No; it is a direct appropriation.

Mr. CANNON. It is like the direct appropriation made for the support of Indian children at the St. Ignatius institution, where the care the children receive is first-class, but no better than at Cherokee.

Mr. McMILLIN. I shall insist upon the point of order against any provision which makes an appropriation otherwise than in pursuance of treaty stipulations.

Mr. CANNON. If the point of order is good against this it should be good against all the appropriations made for the purposes of education among the Indians, because there is not one of these to which it would not apply; to the Lincoln institution, to the Carlisle institution, to any of the Catholic or Episcopal institutions which are named on page 44 of the bill, and it would apply to the $85,000 recommended in a lump sum on the same page, which Congress has made for years to carry out the policy which is dear to the hearts of the people who believe in advancing the interests of the Indians by education and by training. Every such appropriation would be subject to the same point of order.

Mr. McMILLIN. The trouble about the point of order as to them is that the appropriations are made under existing law.

Mr. CANNON. Ah! so is this. The Government of the United States owns the building of the Eastern Cherokees in North Carolina. It erected the building.

Mr. STEELE. You will take up the whole time on this amendment.

Mr. CANNON. I am entitled to take up enough time to present some of the merits of this amendment.

Mr. PERKINS. Will the gentleman from Tennessee [Mr. McMILLIN] permit a suggestion?

The CHAIRMAN. The Chair is prepared to rule on the point of order. The Chair is of opinion that this amendment is in order under clause 3 of Rule XXI, which permits an appropriation "in continuation of appropriations for such public works and objects as are already in progress."

Mr. PERKINS. I suggest that this school is already maintained at the Government expense. This simply changes the form of appropriation.

The CHAIRMAN. It is for the education of Indians, an object which the Government has been engaged in for many years. The Chair decides that the amendment is in order.

Mr. JOHNSTON, of North Carolina. I offer an amendment to the amendment, which I send to the desk.

The Clerk read as follows:

Add to the amendment as follows:

"To be paid out to such persons as may be employed by the Commissioner of Indian Affairs to superintend said school."

Mr. PERKINS. That, as I understand the amendment of the gentleman from North Carolina, would give it all as compensation to the superintendent, and that is not the object of this appropriation. It goes to the board of the scholars and other purposes. That amendment should not prevail.

Mr. JOHNSTON, of North Carolina. I agree to insert the words "to conduct the said schools."

Mr. RYAN. I suggest to the gentleman that a good deal of the money goes to other purposes.

Mr. JOHNSTON, of North Carolina. Then let it simply read—

To be paid out to said persons as may be employed by the Commissioner of Indian Affairs.

This society undertakes the work by contract, and why should they be paid $150 for a pupil when they have agreed to do it for $125?

Mr. McMILLIN. Is that the situation?

Mr. JOHNSTON, of North Carolina. It is.

Mr. CANNON. I beg the gentleman's pardon; this appropriation is for the next fiscal year.

Mr. JOHNSTON, of North Carolina. I know; but they are now receiving but $125 a scholar.

Mr. McMILLIN. The point which the gentleman from North Carolina [Mr. JOHNSTON] makes, and, as it seems to me, makes with justice, is that you are now proposing to give by appropriation, before the next fiscal year begins, an amount far in excess of what it now costs to run the school. You destroy competition.

Mr. CANNON. Not at all. It has nothing to do with competition. The school, as I understand it, is not under competition.

Mr. JOHNSTON, of North Carolina. It is under competition.

Mr. PEEL. If you want to control the superintendent, just say:

Provided, That the superintendent shall be employed by the Interior Department.

Mr. CANNON. He is now.

Mr. JOHNSTON, of North Carolina. No, he is not. The school is let out by contract, and by reason of the fact that these people are backed up by the Society of Friends the matter is left entirely in their hands, because nobody in my country can compete with them in conducting the school; but I want to put it in the control of the Commissioner of Indian Affairs, so that he can employ whomsoever he pleases down there.

Mr. JOHNSTON, of Indiana. Can not he do that now?

Mr. JOHNSTON, of North Carolina. No, he can not. It is let out by contract under some law; I do not know what it is.

Mr. CANNON. I think the gentleman had better inform himself about the law. If the appropriation is made of $150 for each pupil, the Commissioner of Indian Affairs, in the exercise of a sound discretion, can contract at that price with whom he pleases for the next year.

Mr. JOHNSTON, of North Carolina. Well, I have tried to, and I have got the law from the Commissioner of Indian Affairs, to whom I would much rather go for law on this subject than to the gentleman from Illinois.

Mr. CANNON. But the gentleman from North Carolina does not appear to be ready to point out the law.

Mr. JOHNSTON, of North Carolina. No. But the Commissioner of Indian Affairs has told me that that is the law. I know that men down in my country have tried to get that school, but these people were backed up by their churches and by their society, so that my people could not compete with them because of the low price. Now, if they go down there as a matter of charity, as they say they do, to educate the Indians, then, being backed by their society, they are presumably able to conduct those schools at a hundred dollars a head for each pupil, or even at $75 a head, because they do it as a matter of charity; but if it becomes a matter to be paid for out of the Government money, then I want my people to have some of the benefit of it.

Mr. McMILLIN. What is the purpose of the gentleman from Illinois [Mr. CANNON] in proposing to make the rate for each student greater than is now required to carry on the work?

Mr. CANNON. The reason is this: When you pick up the report of the Commissioner of Indian Affairs you find that where the Government furnishes everything, at Carlisle and at Hampton, the cost for each student is $187. When you pick up this bill you find that the Catholic institutions and the Episcopalian institutions receive from $150 to $157 per student——

Mr. JOHNSTON, of North Carolina. Let me ask the gentleman right there——

Mr. CANNON. Let me finish my answer first. Now, at Cherokee there is a building erected by the Government. The Friends are in charge of the school and of the day schools, as is stated in this report, but owing to an insufficient appropriation it was found in distributing the money for the current fiscal year that the Commissioner of Indian Affairs was unable to pay them more than $125 per head, and they say that they can not run that school for $125 per head, and as proof of that statement I say the Government is paying for like service elsewhere at the rate of from $150 to $187 per student elsewhere, and with no better service than is had at Cherokee.

Mr. BLOUNT. Will the gentleman allow me to ask him a question for information?

Mr. CANNON. Certainly.

Mr. BLOUNT. I wish to ask the gentleman if he knows that it is not true that this school is let out by competitive bidding?

Mr. CANNON. I do not understand that it is.

Mr. JOHNSTON, of North Carolina. I think I can vouch for that.

Mr. CANNON. Let that be as it may, if this amendment is adopted $150 per capita will be the price next year, and good service can not be had for less.

Mr. MCMILLIN. I suggest to the gentleman from Illinois [Mr. CANNON] that he had better let this amendment go over, as there is a difference between the friends of the amendment and the gentleman who represents the district in which the school is situated as to the facts of the case.

Mr. JOHNSTON, of North Carolina. I have no objection to the price being increased, but I want my people put upon the same footing with reference to this matter as these other gentlemen.

Mr. CANNON. If the gentleman will listen to the reading of the amendment, I think he will find that it includes everything he desires.

The amendment was again read.

Mr. CANNON. Now, Mr. Chairman, if the gentleman has noticed the amendment, he must have seen that it does not mention the Society of Friends, it does not mention any Catholic society, or any other society; it provides for the support of that training school $150 per pupil, and it is left in the power of the Commissioner of Indian Affairs to employ any competent person or persons he pleases.

Mr. JOHNSTON, of North Carolina. Then what is the objection to my amendment?

Mr. CANNON. The objection is that your amendment gives the appropriation to the superintendent, while the amendment gives it for the support of the school, the nurture and maintenance of the pupils.

Mr. PEEL. I will say to the gentleman from North Carolina that the phraseology proposed here is exactly like that of all these appropriations for the schools in different localities. We appropriate so much to the support of the school at Carlisle, so much to the Lincoln Institute, etc., naming the rate per pupil in each case.

Mr. JOHNSTON, of North Carolina. The object which I wish to attain by my amendment is that this money shall be disbursed by the Commissioner of Indian Affairs to whatever persons he may employ for the purpose of conducting these schools.

Mr. RYAN. Then just add a proviso that the money shall be expended under the direction of the Commissioner of Indian Affairs.

Mr. CANNON. There is no objection to that, but it is the law now.

Mr. HOLMAN. I move to amend by adding the words "for the support of such schools."

Mr. PERKINS. That is all right.

Mr. JOHNSTON, of North Carolina. Is it understood that this proposition gives the Commissioner of Indian Affairs control, so that he may employ whomsoever he may select?

Mr. RYAN. Certainly.

Mr. MCMILLIN. I suggest that the amendment be modified so as to fix the rate per pupil at the sum now paid.

Mr. CANNON. Not at all. The very object of the amendment is to give $150 for the support of each pupil of that training school in place of $125 per capita, so that the competent and worthy people now in control, or some other worthy people, may receive $25 per capita more than is now paid.

Mr. MCMILLIN. The amendment of my friend does not enable "other worthy people" to get this sum, but only those particular "worthy people" for whom he wants us specially to legislate.

Mr. BLOUNT. Will my friend from Illinois agree to a provision in the amendment that the expenditure shall not exceed $150 per scholar?

Mr. CANNON. One hundred and fifty dollars will be satisfactory. I want this tribe of Indians put on the same basis that is adopted in the case of the other tribes specifically appropriated for in this bill, notably at the Catholic and Episcopal institutions.

Mr. MCMILLIN. Trouble must arise whenever the Government of the United States, entering into the educational business, undertakes to establish or maintain anything like denominational schools.

Mr. JOHNSTON, of North Carolina. At Carlisle and the other schools referred to, are the teachers paid by special contract, or is there a law directing the amount that shall be paid?

Mr. CANNON. The provision applying in those cases is the same as that which applies here. I assure my friend that the Commissioner of Indian Affairs has full control of the matter.

Mr. JOHNSTON, of North Carolina. As I understand, this appropriation is confined to one training school. But there is another settlement about 50 or 60 miles from this training school. Hence, I would like to insert language which will make the provision apply not only to this training school, but to such others as may be established.

Mr. RYAN. Let a separate appropriation be made for the others.

The CHAIRMAN. The question is on the amendment of the gentleman from North Carolina [Mr. JOHNSTON], as modified by him. The Clerk will read it.

The Clerk read as follows:

To be paid out to such persons as may be employed by the Commissioner of Indian Affairs to superintend said schools, and for the support of said schools.

Mr. CANNON. That will not do. It does not even require these persons who may be employed to give bond.

I have no doubt the best way from every standpoint is for the Commissioner to continue to do as he does now, to contract for the support, education, and training of these children; and at this school, under the amendment, he can contract with whom he pleases and the price will be $150 per pupil for the next fiscal year.

The question being taken on the amendment, there were—ayes 10, noes 11.

Mr. JOHNSTON, of North Carolina. I raise the point that no quorum has voted.

Mr. BLOUNT. As there seems to be a disagreement on this matter, I suggest that the committee had better rise.

Mr. JOHNSTON, of North Carolina. I would like time, at any rate, to consult with the committee on this matter.

Mr. BUCKALEW. This matter is too important to be voted upon when there is no quorum in attendance. One question involved is whether the same sum should be allowed by law for the education of Indian youth in different parts of the country, or whether there should be one price paid in North Carolina, another in Pennsylvania, and a third, perhaps, in some other State. My objection to this, as to similar propositions, is that the measure does not come from that department of the Government which is charged with making contracts or arrangements for these schools. I object to making provision outside of the regular administration of the department in favor of a special institution under the care of the Friends, or the Methodists, or the Catholics, or any other particular denomination.

The danger in opening this field for the education of Indian children all over the country is that we may create a sharp competition among the different religious societies for the patronage of the Government. That is where we are likely to land, especially when persons outside the practical administration of the Indian Department are permitted to determine the prices to be paid, and when one denominational school is perhaps to be pitted against another.

If this measure is to be gravely considered apart from the report of the committee charged with the preparation of the bill, I demand that it be considered when there is a quorum present, not by a body of some twenty or thirty gentlemen who happen to be here and who are incompetent to transact business if objection is raised.

Mr. JOHNSTON, of North Carolina. I renew the point of order of no quorum simply to enable me to look into this matter by the time the House meets again on Monday.

The CHAIRMAN. The point of order being made, the Chair will appoint tellers.

Mr. PEEL. I move that the committee do now rise.

Mr. STEELE. I understood that I was to be allowed to offer an amendment.

Mr. HOLMAN. Regular order.

Mr. PEEL. A point of order that no quorum voted is pending.

Mr. STEELE. The point of order was withdrawn.

Mr. HOLMAN. No; it is pending.

The motion of Mr. PEEL was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration the Indian appropriation bill had come to no resolution thereon.

REPRINT OF REPORT ON POST-OFFICE APPROPRIATION BILL.

Mr. BLOUNT. I ask unanimous consent to have reprinted the report on the Post-Office appropriation bill, which I find contains some two or three clerical errors.

There was no objection, and it was so ordered.

SALARY, CHIEF CLERK DEPARTMENT OF JUSTICE.

Mr. ROGERS, by unanimous consent, introduced a bill (H. R. 9401) to amend so much of section 351 of the Revised Statutes of the United States as fixes the salary of the chief clerk of the Department of Justice; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ORDER OF BUSINESS.

Mr. ROBERTSON. I ask unanimous consent to take from the Private Calendar the bill H. R. 8965——

Mr. STEELE. Regular order.

I do not believe though, Mr. Speaker, that I ought to make the point on the gentleman's bill because I was treated badly. There was a distinct understanding in committee that I was to have an opportunity to offer a certain amendment, which was not carried out. I withdraw the objection.

Mr. ADAMS. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 6 o'clock and 10 minutes p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. BRUMM: A bill (H. R. 9384) granting a pension to Henry V. Yeager—to the Committee on Invalid Pensions.

By Mr. CHIPMAN: A bill (H. R. 9385) for the relief of Christian Kunzie—to the Committee on Invalid Pensions.

By Mr. COMPTON: A bill (H. R. 9386) for the relief of Samuel Queen—to the Committee on War Claims.

By Mr. FISHER: A bill (H. R. 9387) for the relief of Emanuel H. Custer—to the Committee on Invalid Pensions.

By Mr. GROUT: A bill (H. R. 9388) to increase the pension of Joseph Holmes—to the Committee on Invalid Pensions.

By Mr. HARMER: A bill (H. R. 9389) granting a pension to Charles Gebler—to the Committee on Invalid Pensions.

By Mr. S. T. HOPKINS: A bill (H. R. 9390) granting a pension to John Gunner—to the Committee on Pensions.

By Mr. LAFFOON: A bill (H. R. 9391) for the relief of Simon Oberdorfer—to the Committee on War Claims.

Also, a bill (H. R. 9392) for the relief of Benjamin F. Bruner—to the Committee on Invalid Pensions.

By Mr. MANSUR: A bill (H. R. 9393) granting a pension to Casper Snook—to the Committee on Invalid Pensions.

By Mr. MASON: A bill (H. R. 9394) for the relief of Catharine Quigley—to the Committee on Invalid Pensions.

By Mr. NORWOOD: A bill (H. R. 9395) for the relief of Joseph White—to the Committee on War Claims.

By Mr. TOWNSHEND: A bill (H. R. 9396) for the relief of General William F. Smith—to the Committee on Military Affairs.

By Mr. VANDEVER: A bill (H. R. 9397) granting a pension to Mrs. Maggie A. Auter—to the Committee on Invalid Pensions.

By Mr. WICKHAM: A bill (H. R. 3998) granting a pension to Mrs. Lana Loder—to the Committee on Invalid Pensions.

By Mr. G. M. THOMAS: A bill (H. R. 9399) granting a pension to Albert O. Robb—to the Committee on Invalid Pensions.

By Mr. BLISS: A bill (H. R. 9400) granting a pension to Margaret Z. Austin—to the Committee on Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ADAMS: Petition against laws restricting immigration—to the Committee on Foreign Affairs.

By Mr. A. R. ANDERSON: Petition of the Board of Railroad Commissioners of Iowa, relative to the use of car-couplers on freight trains—to the Committee on Commerce.

By Mr. BOUTELLE: Petition of Morrill Sprague and others, of Dexter, Me., in favor of the protection of the Yellowstone Park—to the Committee on the Public Lands.

By Mr. BOWDEN: Petition of 482 mechanics and laborers, for the passage of the eight-hour bill—to the Committee on Labor.

By Mr. C. R. BRECKINRIDGE: Petition of Harmony Agricultural Wheel, of Centre Hill, Ark., against the Blair bill—to the Committee on Education.

Also, petition of John R. Murphy, of Woodruff County, Arkansas, for reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Wolford and others, citizens of Harrison County, Kentucky, to protect the Yellowstone Park—to the Committee on the Public Lands.

By Mr. CANDLER: Petition of Mary Hensolt, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. COMPTON: Petition of H. F. Wood and others, for the passage of House bill 3343—to the Committee on War Claims.

By Mr. CONGER: Papers to accompany House bill 152—to the Committee on Invalid Pensions.

By Mr. CRISP: Petition of citizens of Wilcox County, Georgia, for increased appropriation for the Ocmulgee River, Georgia—to the Committee on Rivers and Harbors.

Also, petition of J. T. Clark and others, of Montgomery County, Georgia, for amendment of the postal law, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. DINGLEY: Petition of H. C. Stanley and others, for protection of the Yellowstone Park—to the Committee on the Public Lands.

By Mr. DORSEY: Petition of citizens of Dixon County, Nebraska, asking that no reduction be made in the duty on flaxseed and linseed oil—to the Committee on Ways and Means.

By Mr. ERMENTROUT: Petition of John B. Raser, McCurdy & Durham, and others, druggists, of Reading, Pa., for repeal of the internal-revenue law which requires them to take out license and pay annually the sum of $25, etc.—to the Committee on Ways and Means.

By Mr. FULLER (by request). Petition of Dr. George Henderson and others, for the purchase of Athletic Park, Washington, D. C., to be used by the General Government as a public park—to the Committee on the District of Columbia.

Also, memorial and resolutions of the General Assembly of Iowa, against non-resident aliens holding land in the United States—to the Committee on the Judiciary.

Also, resolution of the General Assembly of Iowa, for the permanent retention of the records of the General Land Office at the capital of the State—to the Committee on the Public Lands.

By Mr. GOFF: Petition of Thomas A. Maulsby, for an increase of pension—to the Committee on Invalid Pensions.

Also, petition of R. R. Carpenter and others, of Brookings County, Dakota, that the present tariff be retained on flax and flax products—to the Committee on Ways and Means.

By Mr. GROUT: Petition of F. K. Barrows, of Brattleborough, Vt., for better mail facilities between New England and the West—to the Committee on the Post-Office and Post-Roads.

By Mr. HALL: Petition of druggists of Mercer and of Sharon, Pa., for repeal of that portion of the internal-revenue law requiring them to take out license and pay $25 annually therefor—to the Committee on Ways and Means.

By Mr. HAUGEN: Memorial of the railroad commissioners of Wisconsin, relative to House bill No. 8367—to the Committee on Commerce.

By Mr. HUNTER: Resolution of the Kentucky Legislature, for a bill granting pensions to soldiers and widows of soldiers of the Mexican war equal to that now paid soldiers and widows of soldiers of the late war—to the Committee on Pensions.

By Mr. JONES: Petition of the Mobile and Birmingham Railroad Company, for right of way, etc., through Mount Vernon military reservation—to the Committee on Military Affairs.

By Mr. LAFFOON: Petition of Dr. James Rodman and others, citizens of Hopkinsville, Ky., for the protection of the Yellowstone National Park—to the Committee on the Public Lands.

By Mr. LANHAM: Petition of citizens of Palo Pinto, County, Texas, relative to Indian depredations—to the Select Committee on Indian Depredation Claims.

By Mr. MORGAN: Papers in the claim of Mrs. Judith Wilson, of La Fayette County, Mississippi—to the Committee on War Claims.

By Mr. NEAL: Petition of G. D. Taylor, to be placed on the pension-roll—to the Committee on Invalid Pensions.

By Mr. NELSON: Resolutions of the Board of Trade of Minneapolis, Minn., for a ship-canal around Niagara Falls—to the Committee on Railways and Canals.

By Mr. NEWTON: Petition of citizens of Madison Parish, Louisiana, against tax on cotton-seed oil—to the Committee on Agriculture.

By Mr. NORWOOD: Petition of William B. Adams, and of Eva Strauss, widow of Peter Strauss, of Chatham County, Georgia, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. J. J. O'NEILL: Memorial of the board of railroad commissioners of Missouri, in favor of legislation to protect life and limb in coupling and uncoupling cars—to the Committee on Commerce.

By Mr. PETERS: Petition of Local Assembly, No. 3306, Knights of Labor, of Wichita, Kans., favoring the tonnage bill—to the Committee on Merchant-Marine and Fisheries.

Also, medical evidence in support of bill increasing the pension of Martha Parrott—to the Committee on Invalid Pensions.

By Mr. ROMEIS: Memorial of M. J. Enright and others, manufacturers of brushes, against reduction of duty on same—to the Committee on Ways and Means.

By Mr. C. A. RUSSELL: Petition of the board of railroad commissioners of Connecticut, for law to promote the safety of employés and passengers on railroads—to the Committee on Commerce.

By Mr. STRUBLE: Petition of H. V. Sheet and 97 others, citizens of Buena Vista County, Iowa, that the duty on flaxseed and linseed-oil be not changed—to the Committee on Ways and Means.

Also, memorial of the National Farmers' Alliance, for the establishment of a department of agriculture—to the Committee on Agriculture.

By Mr. E. B. TAYLOR: Petition of A. H. Tidball and others, citizens of Garrettsville, Ohio, for protection to Yellowstone Park—to the Committee on the Public Lands.

By Mr. WHEELER: Petition of Thomas O. Gill and of Martha Rountree, widow of William Rountree, of Madison County; of John Hurst, of Colbert County, and of D. A. Yarborough, heir of James D. Coffman, of Limestone County, Alabama, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. J. R. WHITING: Petition of Albert W. Wheeler and 59 others, citizens of Sanilac County, and of Peter Doe and 48 others, citizens of Huron County, Michigan, against reduction of duty on wool, but for reduction of duty on woolens—to the Committee on Ways and Means.

Also, petition of J. J. Babcock and 59 others, and of A. W. Wheeler and 69 others, of Sanilac County, Michigan, asking that the eradication of pleuro-pneumonia be continued by the Bureau of Animal Industry, etc.—to the Committee on Agriculture.

By Mr. WHITTHORNE: Petition of heir of William Mayfield, of Williamson County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

The following petitions for the more effectual protection of agriculture, by means of certain import duties, were received and severally referred to the Committee on Ways and Means:

By Mr. BOUND: Of many citizens of Middleton County, Pennsylvania.

By Mr. BOUTELLE: Of David Varney and others, citizens of Fort Fairfield, Me.

By Mr. GOFF: Of B. M. Wolverton and others, of Doddridge County, and of James B. Meyers and others, of Preston County, West Virginia.

By Mr. NICHOLS: Of citizens of Orange County, North Carolina.
By Mr. NUTTING: Of Abram W. Brooks and 42 others, citizens of Locke, N. Y.
By Mr. REED: Of citizens of York County, Maine.
By Mr. C. A. RUSSELL: Of James M. Cook and others, farmers, of New London County, Connecticut.
By Mr. WEBER: Of farmers of Niagara County, New York.

The following petitions, praying for the enactment of a law to establish a system of telegraphy, to be owned and controlled by the Government of the United States and operated in connection with the Post-Office Department, were severally referred to the Committee on the Post-Office and Post-Roads.

By Mr. ADAMS: Of W. J. Ryan and 1,574 others, citizens of the Fourth district of Illinois.
By Mr. BELDEN: Of M. P. Cleary and 20 others, Knights of Labor, of Cortland, and of Charles Hurst and 53 others, Knights of Labor, of Syracuse, N. Y.
By Mr. BLAND: Of 988 citizens of the Eleventh district of Missouri.
By Mr. GROUT: Of William Clifford and 12 others, citizens of Bellows Falls, Vt.
By Mr. HITT: Of 163 citizens of Rockford, Ill.
By Mr. NICHOLS: Of J. W. Cooper and 1,600 others, citizens of the Fourth district of North Carolina.

The following petitions, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, were severally referred to the Committee on Invalid Pensions:

By Mr. BUNNELL: Of George M. Wood and other soldiers of Wayne County, Pennsylvania.
By Mr. HATCH: Of ex-soldiers of Shelby County, Missouri.
By Mr. OUTHWAITE: Of 45 soldiers of Thornville, and of 22 soldiers of Columbus, Ohio.
By Mr. E. J. TURNER: Of J. W. Benjamin and others.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. BOUTELLE: Of 139 citizens of Washington County, Maine.
By Mr. HATCH: Of 173 citizens of Marion County, Missouri.
By Mr. HAUGEN: Of 96 citizens of Eau Claire County, Wisconsin.
By Mr. ROWLAND: Of 37 citizens of Mecklenburg County, North Carolina.
By Mr. WEAVER: Of 146 citizens of Mahaska and Wapello Counties, Iowa.

The following petition for an increase of compensation of fourth-class postmasters was referred to the Committee on the Post-Office and Post-Roads:

By Mr. BLOUNT: Of J. W. Scarborough and others, citizens of Colquitt County, Georgia.

SENATE.

MONDAY, *April* 16, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Thursday last was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of March 26, 1888, a report from the officer in charge of public buildings and grounds respecting a comprehensive system of underground wires for telegraph and telephone service to connect the several Departments and bureaus of the Government in Washington City; which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds.

DISTRICT TELEGRAPH AND TELEPHONE WIRES.

The PRESIDENT *pro tempore* laid before the Senate a communication from the board of commissioners of the District of Columbia, transmitting, in response to a resolution of March 26, 1888, a report upon a system of underground telegraph and telephone wires for the service of the District; which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of ex-Union soldiers and sailors, citizens of Kansas, and a petition of ex-Union soldiers and sailors, citizens of Dakota Territory, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. SHERMAN presented a petition of the Cleveland (Ohio) Board of Industry and Improvement, praying that an appropriation of $150,000 be made for building the Cleveland breakwater; which was referred to the Committee on Commerce.

He also presented five petitions of citizens of Ashtabula County, Ohio, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented a petition of Typographical Union No. 57, praying for the passage of the so-called Chace international copyright bill; which was ordered to lie on the table.

He also presented a petition of 70 citizens of Coshocton, Ohio, praying for the better protection of the Yellowstone National Park; which was ordered to lie on the table.

He also presented the petition of James Crutchett, of Washington, D. C., praying to be allowed the balance of the amount awarded him by experts on account of damage caused his property by change of the grade fronting his lots in Washington City; which was referred to the Committee on the District of Columbia.

Mr. WILSON, of Iowa, presented a petition of 79 ex-soldiers of the Union Army, members of W. W. Warren Post, No. 46, Grand Army of the Republic, of Fayette, Iowa, and a petition of 20 ex-soldiers of the Union Army, members of John Knight Post, No. 295, Grand Army of the Republic, of Castalia, Iowa, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented the petition of Erastus T. Roland, late postmaster at Eldon, Wapello County, Iowa, praying to be paid earnings as computed under the act of 1854 in the office of the First Assistant Postmaster-General; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MITCHELL presented a memorial of the Board of Trade of Portland, Oregon, urging the passage of the Negley or bounty bill looking to the recuperation of the ship-building industry in this country; which was referred to the Committee on Commerce.

He also presented a petition of 26 citizens of Wyoming Territory, praying that Congress provide for the payment of Indian depredations committed on the frontier; which was referred to the Committee on Claims.

Mr. SAWYER presented a petition of the Eldorado Gun Club, citizens of Ripon, Wis., praying for the better protection of the Yellowstone National Park; which was ordered to lie on the table.

Mr. HALE presented a petition of citizens of Dexter, Me., praying for the passage of Senate bill 283, for the better protection of the Yellowstone National Park; which was ordered to lie on the table.

He also presented a petition of the state board of health of Maine, praying for the passage of House bill 1526, to prevent the introduction of contagious and infectious diseases into the United States, and to establish a bureau of public health; which was referred to the Committee on Epidemic Diseases.

Mr. CAMERON presented petitions of ex-Union soldiers and sailors, citizens of Freeland and Smicksburgh, in the State of Pennsylvania, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented petitions of citizens of Reading, McKeesport, and Marietta, in the State of Pennsylvania, praying for the repeal of that portion of the internal-revenue law which classes druggists as wholesale liquor dealers, and praying for the reduction of the tax on spirits; which were referred to the Committee on Finance.

He also presented a petition of citizens of Proctor, Lycoming County, Pennsylvania, praying for the passage of Senate bill No. 283, providing for the better protection of the Yellowstone National Park; which was ordered to lie on the table.

Mr. MANDERSON presented a petition of citizens of Nebraska, a petition of citizens of Oakland, Nebr., and the petition of A. L. Ross, of Elwood, Nebr., praying for a repeal of that portion of the revenue law requiring druggists to pay liquor dealers' license; also, that the tax on alcohol may be reduced; which were referred to the Committee on Finance.

He also presented petitions of citizens of Blair and Columbus, in the State of Nebraska, praying for the passage of Senate bill 283, for the better protection of the Yellowstone National Park; which were ordered to lie on the table.

He also presented a petition of citizens of the United States, praying for the reduction of duty on glass bottles; which was referred to the Committee on Finance.

Mr. MANDERSON. I present sundry papers, affidavits, petitions, etc., pertaining to Senate bill 2663, introduced by the Senator from Wisconsin [Mr. SAWYER], granting an increase of pension to Mrs. Mary Ord, widow of General E. O. C. Ord. I move that they be referred to the Committee on Pensions.

The motion was agreed to.

Mr. DAVIS presented a petition of ex-Union soldiers and sailors, citizens of Wadena and other counties in Minnesota, and a petition of ex-Union soldiers and sailors, citizens of Verndale, Minn., praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. QUAY presented a petition of physicians and druggists of Penn-

sylvania; a petition of citizens of Lebanon County, Pennsylvania; a petition of citizens of Mercer, Pa.; a petition of citizens of Bedford County, Pennsylvania; a petition of citizens of Centre County, Pennsylvania; a petition of citizens of Uniontown, Pa.; two petitions of citizens of Pennsylvania; a petition of citizens of Washington County, Pennsylvania; a petition of citizens of Sharon, Pa.; a petition of citizens of Fayette County, Pennsylvania, and a petition of citizens of Stoneborough, Pa., praying for the repeal of that portion of the internal-revenue law which classes druggists as liquor dealers, and that the tax on alcohol may be reduced; which were referred to the Committee on Finance.

He also presented a petition of Typographical Union, No. 14, of Harrisburg, Pa., praying for the passage of an international copyright law; which was ordered to lie on the table.

He also presented a petition of the mayor and councils of Erie, Pa., praying for the retention of the United States Signal Service station in that city; which was referred to the Committee on Military Affairs.

He also presented a petition of Grange No. 606, Patrons of Husbandry, of Montgomery County, Pennsylvania, praying that increased duties be laid upon certain agricultural products, etc.; which was referred to the Committee on Finance.

He also presented a petition of Murphy Grange, Patrons of Husbandry, of Clarion County, Pennsylvania, praying for legislation to prohibit the manufacture and sale of adulterated food products, and for the continuance of the Bureau of Animal Industry under the control of the Commissioner of Agriculture; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Beavertown Grange, Patrons of Husbandry, of Pennsylvania, praying for the reissue of fractional currency, etc.; which was referred to the Committee on Finance.

He also presented a petition of citizens of Pittsburgh and Allegheny, Pa., and a petition of citizens of Clearfield County, Pennsylvania, praying for the passage of Senate bill 283 for the better protection of the Yellowstone National Park; which were ordered to lie on the table.

He also presented a petition of ex-Union soldiers and sailors, citizens of Pennsylvania, and a petition of ex-Union soldiers and sailors, citizens of Luzerne County, Pennsylvania, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. BLAIR. I present two petitions of the Woman's International Council lately held in this city, there being several hundred individual signatures of members of the council from different parts of the country, praying for the enactment of the House bill now before the Senate for the legal protection of girlhood in the District of Columbia, first amending the same so that the age of consent shall be fixed at eighteen instead of fourteen years. I move the reference of the petition to the Committee on the District of Columbia.

The motion was agreed to.

Mr. BLAIR. I present a petition signed by many hundred members of the International Council of Women, praying for the enactment of a like bill now pending before the Committee on the Judiciary extending its provisions to all parts of the country. I move the reference of the petition to the Committee on the Judiciary.

The motion was agreed to.

Mr. BLAIR. I present a petition of letter-carriers of the city of New York, numerously signed, in which they pray for the enactment of the bill passed for their relief by the House of Representatives, and now pending in the Senate, extending to letter-carriers the benefits of the eight-hour law. They pray for early action. The petition is signed by a very large number of these citizens. I move that it lie on the table, as the bill is now on the Calendar.

The motion was agreed to.

Mr. BLAIR. I present two petitions of Mary T. Lathrop Jackson, president, and other officers of the Woman's Christian Temperance Union, representing more than eight thousand members of that order in the State of Michigan, praying for an amendment to the Constitution of the United States, which, when ratified, will prohibit henceforth the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage in the United States, and in every place subject to their jurisdiction. I move that the petitions be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. BLAIR presented two petitions of Mary T. Lathrop Jackson, president, and other officers of the Woman's Christian Temperance Union, of Michigan, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which were referred to the Committee on Education and Labor.

Mr. COKE presented a petition of 30 citizens of Young County, Texas, praying that some provision be made at the present session of Congress to pay the Indian depredation claims which have been filed in the Indian Bureau of the Department of the Interior; which was referred to the Committee on Claims.

Mr. CALL. I present the petition of William P. Baya, of Florida, praying for an investigation into the circumstances connected with his being dropped as a naval cadet at his examination in February last.

In presenting this petition I desire to say that I hope a full and entire investigation will be given by the Committee on Naval Affairs into the circumstances of this case. If there shall be found any proper foundation in the charges which are contained in the petition, I hope that some action may be taken by Congress to protect even the humblest citizen of the United States against the exercise of the autocratic power that is now conferred upon the academic board at Annapolis. Certainly the rights of every American citizen ought to be respected, and he should have a fair, equal, and just opportunity in the public institutions supported by the Government.

This petition states, as I understand it, that this young cadet stood higher in mathematics than either of the three lowest cadets that were retained at the examination at which he was dropped; that he was equal in his record of good behavior and inferior only in studies which are not tests of superior intellectual excellence nor of anything like the same difficulty of attainment as excellence in mathematics. The study of mathematics and superior standing in it is a test of excellence, and in all fairness and everywhere should give better standing than a slight superiority in studies requiring inferior capacity and a smaller degree of application. If, therefore, it shall be found on a just examination that the facts warrant a conclusion that the trust reposed in this board of giving an intelligent and truthful judgment as to the merits of the young men has been abused or misused, I shall ask of the Senate such action as will assert its power and duty in the premises.

I move that the petition be referred to the Committee on Naval Affairs.

The motion was agreed to.

Mr. PLUMB. I present a petition of certain citizens of Wellington, Kans., praying that provision be made for the payment of Indian depredation claims.

I wish to state in connection with this petition that several years ago a provision was inserted in an Indian appropriation bill which required the Commissioner of Indian Affairs to investigate all pending claims for Indian depredations and report to Congress. That investigation has been going on, under ample appropriations, for several years, and I had hoped that it would have been concluded before this time, and I think it perhaps ought to have been. At all events, it is in progress, and I believe that within a short time Congress will have before it all the facts necessary to act upon this very important question.

I move that the petition be referred to the Committee on Indian Affairs.

Mr. DAWES. Allow me in this connection to state that at the commencement of the present session of Congress the attention of Congress itself by the Executive was called to the subject of Indian depredation claims, and at the suggestion of the Commissioner of Indian Affairs a special committee of the House of Representatives was appointed to take that matter under consideration. In view of that fact the Committee on Indian Affairs of the Senate has been awaiting action in the other branch upon the subject.

In the mean time a large body of these claims had been sent to the Committee on Claims. The Committee on Claims, as I understand, or the Senator from Oregon [Mr. MITCHELL] speaking for the Committee on Claims, reported a resolution a few days since, which is on the table, looking to the appointment of a special committee of the Senate upon the subject. The consideration of these measures has been the reason why there has been no report from the Committee on Indian Affairs upon any of these claims.

I quite appreciate with the Senator from Kansas the importance of some definite action with regard to those claims, as well on account of the great magnitude of the claims in the aggregate as because of the justice of the claims on the part of many of the individual claimants.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Indian Affairs.

Mr. PLUMB presented a petition of citizens of Neosha Falls, Kans., praying for the passage of Senate bill 283, for the better protection of the Yellowstone National Park; which was ordered to lie on the table.

He also presented a petition of ex-Union soldiers and sailors, citizens of Kansas, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. CULLOM presented a petition of La Salle County Grange, No. 61, Patrons of Husbandry, of Ottawa, Ill., praying that the Government protect the industry of mining silver by purchasing all the silver mined at $1 for 412½ grains of pure silver, and coining the same; which was referred to the Committee on Finance.

He also presented the petition of La Salle County Grange, No. 61, of Ottawa, Ill., praying for the repeal of the tax on alcoholic liquors; which was referred to the Committee on Finance.

He also presented a petition of 30 ex-Union soldiers and sailors, citizens of Bath, Ill., and a petition of citizens of Foxville, Marion County, Illinois, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented the petition of Albertia Shipman, wife and conservator of Josephus Shipman (insane), late a private in Company B, Fifty-fifth Illinois Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. PASCO presented a petition of the Board of Trade of the city of Fernandina, Fla., praying that the entrance to Cumberland Sound

receive such consideration as its importance demands in the appropriations for rivers and harbors; which was referred to the Committee on Commerce.

Mr. HISCOCK presented a petition of 1,100 veterans, citizens of the State of New York, and a petition of veterans of the State of New York, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented a petition of citizens of the counties of Westminster and Jefferson, New York, and the petition of Charles E. Kerr and 34 other citizens of Auburn, N. Y., praying for the passage of Senate bill 283, for the better protection of the Yellowstone National Park; which were ordered to lie on the table.

Mr. SPOONER presented a petition of citizens of Madison, Wis., praying for the passage of Senate bill 283, for the better protection of the Yellowstone National Park; which was ordered to lie on the table.

He also presented two petitions of ex-Union soldiers and sailors, citizens of Richland County, Wisconsin, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. ALDRICH presented a petition of citizens of Rhode Island, and a petition of citizens of North Kingston, R. I., praying that the salary of the keepers of the Life-Saving Service may be increased to $1,000 a year and the pay of surfmen of that service to $75 a month; which were referred to the Committee on Commerce.

He also presented a petition of citizens of Rhode Island, praying for the passage of the bill for the better protection of the Yellowstone National Park; which was ordered to lie on the table.

He also presented a petition of ex-Union soldiers and sailors, citizens of Barrington, R. I., praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. BLACKBURN presented a joint resolution of the Legislature of Kentucky, favoring the passage of a bill granting a pension to the surviving soldiers of the Mexican war, and to the surviving widows of such as have died, equal to that now granted to the widows of soldiers of the late civil war; which was referred to the Committee on Pensions.

Mr. FAULKNER presented the petition of Frank Hume, Lansburgh & Co., O. G. Staples, T. E. Roessle, W. B. Moses & Son, Eugene Carusi, Woodward & Lothrop, Hooe Brothers & Co., J. J. Williams, H. O. Claughton, and 400 other citizens of Washington, D. C.; the petition of C. W. Spofford, Walter D. Davidge, C. C. Lancaster, W. W. Wilshire, and 412 other citizens of Washington, D. C.; the petition of Henry McShane & Co., Thomas Somerville, Pettit & Dripps, F. N. Belt, Dr. G. G. Beresford, F. C. Padgett, and 281 other citizens of Washington, D. C.; and the petition of Will H. Way, G. W. Drew, Pohndorff & Co., Stuart & Prichard, Edward L. Dent, and 74 other citizens of Washington, D. C., praying for the passage of House bill 5314 and Senate bill 1408, authorizing the formation of the Independent Automatic Portable Gas Works of Washington, D. C.; which were referred to the Committee on the District of Columbia.

He also presented a petition of ex-Union soldiers and sailors, citizens of Harrison County, West Virginia, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. REAGAN presented petitions of citizens of Parker and Mason Counties, in the State of Texas, praying that provision be made for the payment of Indian depredation claims; which were referred to the Committee on Claims.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 112) granting a pension to George Schneider;
A bill (H. R. 138) granting a pension to Joseph Perry;
A bill (H. R. 285) for the relief of the legal representatives of H. Corths, deceased;
A bill (H. R. 335) granting a pension to General W. E. Woodruff;
A bill (H. R. 401) granting a pension to Mrs. Jeannie Stone;
A bill (H. R. 404) for the relief of Mary McGrath;
A bill (H. R. 680) granting a pension to Henry H. Stuttsman;
A bill (H. R. 879) granting a pension to Royal J. Hiar;
A bill (H. R. 2071) for the relief of Martha Gray;
A bill (H. R. 2094) to increase the pension of Alonzo B. Chatfield;
A bill (H. R. 2282) to pension Mrs. Theodora M. Piatt;
A bill (H. R. 2664) for the relief of Francis Daniels;
A bill (H. R. 3158) increasing the pension to Howard S. Abbott;
A bill (H. R. 3180) granting a pension to John H. Sayers;
A bill (H. R. 3554) granting a pension to Catharine Black;
A bill (H. R. 3579) granting a pension to Ellen Shea;
A bill (H. R. 3735) granting a pension to Eliza Shreeve;
A bill (H. R. 3844) granting an increase of pension to Wilson C. Moles;
A bill (H. R. 4491) granting a pension to Rosanna Robey;
A bill (H. R. 4579) granting a pension to Mary G. Crocker;
A bill (H. R. 4580) granting a pension to Farnaren Ball;
A bill (H. R. 5195) granting a pension to David W. Seely;
A bill (H. R. 5311) granting a pension to Alonzo H. Gregory;
A bill (H. R. 5545) granting a pension to Nancy F. Jennings;
A bill (H. R. 5966) granting a pension to Mrs. Lepha A. Osborn;
A bill (H. R. 6379) to increase the pension of David M. Rennoe;
A bill (H. R. 6453) granting a pension to George P. Stone;
A bill (H. R. 6576) for the relief of James M. McKeehan;
A bill (H. R. 6582) granting a pension to Elizabeth Ward;
A bill (H. R. 6609) for the relief of Sarah E. McCaleb;
A bill (H. R. 6971) to pension Peter Clark, jr.;
A bill (H. R. 7715) for the relief of Georgia A. Stricklett;
A bill (H. R. 7882) granting a pension to John Kinney;
A bill (H. R. 7913) granting a pension to Nellie Palfrey Goodwin;
A bill (H. R. 8184) granting a pension to William H. Hester; and
A bill (H. R. 8185) granting a pension to David L. Partlow.

The message also announced that the House had passed the following bills:

A bill (S. 172) granting a pension to Abbie M. Hay;
A bill (S. 174) granting a pension to Mary Martin;
A bill (S. 450) for the relief of Thomas S. Hopkins, late of Company C, Sixteenth Maine Volunteers;
A bill (S. 465) granting a pension to William Sackman, sr.;
A bill (S. 472) granting a pension to Eliza Summers;
A bill (S. 525) for the relief of Samuel A. B. Woodford;
A bill (S. 753) granting a pension to James D. Whaley;
A bill (S. 819) granting a pension to Christopher Wisemiller;
A bill (S. 838) granting a pension to Mary Sullivan;
A bill (S. 895) for the relief of Mrs. Betsey Winterbottom;
A bill (S. 930) to grant pension to Oscar F. Carpenter, Eleventh Independent Battery of Ohio Light Artillery;
A bill (S. 1354) granting a pension to Helen M. Randolph;
A bill (S. 2067) granting a pension to William O. Doyel; and
A bill (S. 2565) to appropriate a sum of money sufficient to carry out the provisions of the act approved March 5, 1888, entitled "An act for the purchase of a site, including the building thereon, also for the erection of the necessary store-houses, for the use of the office of the Chief Signal Officer of the Army, at the city of Washington, D. C."

The message further announced that the House had receded from its disagreement to the amendments of the Senate to the bill (H. R. 1584) granting the right of way to the Duluth, Rainy Lake River and Southwestern Railway Company through certain Indian lands in the State of Minnesota, and agreed to the same.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 1076) authorizing the construction of a bridge across the Tennessee River at Chattanooga, Tenn.; and
A bill (H. R. 6051) regulating the times for holding the terms of the United States courts in the northern district of Iowa.

The message further announced that the House had agreed to the reports of the respective committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

A bill (H. R. 1956) to ratify and confirm an agreement with the Gros Ventre, Piegan, Blood, Blackfeet, and River Crow Indians in Montana; and
A bill (H. R. 7315) to divide the Great Sioux Indian reservation into separate smaller reservations, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7264) for the erection of a public building at Bridgeport, Conn., agreed to the conference asked by the Senate on the said bill and the amendments thereto, and had appointed Mr. DIBBLE, Mr. SOWDEN, and Mr. LEHLBACH managers at the conference on its part.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 1983) to ratify an act entitled "An act creating the county of San Juan, in the Territory of New Mexico," agreed to the conference asked by the Senate on the bill and the amendments thereto, and had appointed Mr. KILGORE, Mr. SPRINGER, and Mr. WARNER managers at the conference on its part.

The message also announced that the House had passed the bill (S. 1413) to increase the pension of James Coey, with an amendment in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 3796) to purchase of the widow and children of the late General James Shields certain swords;
A bill (H. R. 4811) for the relief of Robert Johnston, of the State of New York;
A bill (H. R. 5062) for the erection of a public building at Birmingham, Ala.;
A bill (H. R. 5639) for erecting a fire-proof workshop at the National Armory;
A bill (H. R. 5673) to give validity to certain patents for inventions which were irregularly executed;

A bill (H. R. 6291) for the relief of R. S. Stanley, postmaster at Booneville, Miss.;

A bill (H. R. 8044) to change the time of the sessions of the circuit and district courts of the northern division of the eastern district of Missouri;

A bill (H. R. 1076) authorizing the construction of a bridge across the Tennessee River at Chattanooga, Tenn.;

A bill (H. R. 1584) granting the right of way to the Duluth, Rainy Lake River and Southwestern Railway Company through certain Indian lands in the State of Minnesota;

A bill (H. R. 1818) for the construction of a revenue-cutter for Charleston, S. C., in maintenance of the service, to replace the United States revenue-cutter McCulloch;

A bill (H. R. 2927) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn;

A bill (H. R. 6732) granting a pension to Mrs. Leora Gear; and

A bill (H. R. 6051) regulating the times for holding the terms of the United States courts in the northern district of Iowa.

REPORTS OF COMMITTEES.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 5683) to authorize the commissioners of the District of Columbia to complete a contract for the sale of certain real estate to Job Barnard, reported it without amendment, and submitted a report thereon.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 1070) for the relief of J. A. Wilson, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 577) for the relief of the American Grocer Association of the city of New York, reported it without amendment, and submitted a report thereon.

Mr. VEST, from the Committee on the Judiciary, to whom was referred the bill (H. R. 1204) conferring civil jurisdiction in certain cases arising in the Indian Territory on the United States courts which now or may hereafter exercise criminal jurisdiction over said Territory, reported adversely thereon, and the bill was postponed indefinitely.

Mr. VEST. I am also instructed by the Committee on the Judiciary to report back the bill (H. R. 1874) to change the eastern and northern judicial districts of Texas, and for other purposes, with an amendment by way of substitute to strike out all after the enacting clause and insert the bill (S. 270) to establish a United States court in the Indian Territory, and for other purposes, which is a general order now upon the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 4920) for the protection of the officials of the United States in the Indian Territory, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. 8394) to authorize United States marshals to arrest offenders and fugitives from justice in Indian Territory, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 2213) for the relief of John McBean, of Umatilla County, Oregon, reported it with amendments.

Mr. STEWART, from the Committee on Territories, to whom was referred the bill (S. 2671) to created an organize the county of Latah, reported it without amendment.

He also, from the Committee on Claims, to whom was referred the bill (S. 2542) to reimburse certain persons who expended moneys and furnished services and supplies in repelling invasions and suppressing Indian hostilities within the territorial limits of the present State of Nevada, reported it with an amendment, and submitted a report thereon.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the bill (S. 1031) for the payment of Sewell Coulson, and Porter, Harrison and Fishback for legal services, reported it without amendment, and submitted a report thereon.

Mr. HEARST, from the Committee on Indian Affairs, to whom was referred the bill (S. 1503) for the relief of Mrs. S. B. Duvall, widow of the late Rev. W. P. Duvall, deceased, reported it with an amendment, and submitted a report thereon.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (S. 1927) for the relief of Caroline T. Bancroft, executrix and trustee of William S. Bancroft, deceased, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. BLACKBURN. I ask leave to file a supplemental report on the bill (S. 1914) for the relief of Mary E. Hopkins in lieu of the one I presented to the Senate and withdrew for a correction the other day, and ask that this be substituted for the former report which was withdrawn.

The PRESIDING OFFICER (Mr. PALMER in the chair). The substitution will be made, if there is no objection.

MISSOURI JUDICIAL DISTRICTS.

Mr. VEST. I am directed by the Committee on the Judiciary to report with an amendment the bill (H. R. 6831) to detach the county of Audrain, in the State of Missouri, from the eastern, and attach it to the western, judicial district of said State. It is a mere local measure, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment reported from the Committee on the Judiciary was to strike out section 2, in the following words:

SEC. 2. That the provisions of this act shall not be construed so as to affect suits and prosecutions which may be pending.

And in lieu thereof to insert:

SEC. 2. That all civil and criminal causes or proceedings pending in the eastern district of Missouri, which originated in said county of Audrain, shall remain within the jurisdiction of the United States court for said eastern district for final disposition, and all offenses committed in said county against the laws of the United States before the passage of this act shall also be cognizable in the United States court for the said eastern district until final disposition of the same.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. VEST. I move that the Senate insist on its amendment and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. VEST, Mr. HOAR, and Mr. WILSON of Iowa were appointed.

CHANGE OF REFERENCE.

Mr. QUAY. I ask unanimous consent of the Senate to discharge the Committee on Foreign Relations from the consideration of the bill (S. 1937) to amend "An act to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia," and that it be referred to the Committee on Education and Labor. It was referred to the Committee on Foreign Relations by mistake.

The motion was agreed to, and the Committee on Foreign Relations were discharged from the further consideration of the bill, and it was referred to the Committee on Education and Labor.

BILLS INTRODUCED.

Mr. PLUMB introduced a bill (S. 2681) for the relief of Jane Boller; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2682) granting a pension to Wilford White; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2683) granting a pension to Andrew J. Foust; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2684) granting a pension to Mary L. Page; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2685) to amend the pension laws; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SAWYER introduced a bill (S. 2686) granting a pension to Pliny Jewett; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CAMERON introduced a bill (S. 2687) granting a pension to Joseph Blanchard; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. STEWART introduced a bill (S. 2688) granting a pension to Amelia C. Waite; which was read twice by its title.

Mr. STEWART. I wish to remark in connection with this bill that I introduce it entirely on my own responsibility. I have conversed with no person in regard to it, but it seems to me that the widow of the late Chief-Justice should be placed on the same footing as the widows of ex-Presidents of the United States. I move that the bill be referred to the Committee on Pensions.

The motion was agreed to.

Mr. SHERMAN introduced a bill (S. 2689) granting a pension to Mrs. Sadie Scott; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PASCO introduced a bill (S. 2690) granting a pension to John Gallagher; which was read twice by its title, and, with the accompanying petition, referred to the Committee on Pensions.

Mr. HARRIS introduced a bill (S. 2691) to provide for the settlement of accounts with certain railway companies; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. SPOONER introduced a bill (S. 2692) to extend the benefits of section 4 of the act making appropriations for the support of the Army for the year ending June 30, 1866, approved March 3, 1865, and of the act amendatory thereto, approved July 13, 1866, to certain officers of volunteers; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PALMER (by request) introduced a bill (S. 2693) to increase the pension of Mary A. Ripley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GORMAN introduced a bill (S. 2694) granting a pension to Rev. Henry N. Greninger; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. VEST introduced a bill (S. 2695) for the relief of Lafayette Dawson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. SAULSBURY (by request) introduced a bill (S. 2696) granting a pension to Rosa K. Slicer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MORGAN introduced a bill (S. 2697) for the relief of A. A. Winston; which was read twice by its title, and referred to the Committee on Claims.

Mr. DAVIS introduced a bill (S. 2698) granting a pension to Martha Allen and the minor children of Robert Allen; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 2699) granting a pension to George W. Francis; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2700) granting increase of pension to Allen Blethen; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2701) granting increase of pension to Samuel F. Birdsall; which was read twice by its title, and referred to the Committee on Pensions.

Mr. JONES, of Arkansas, introduced a bill (S. 2702) to amend so much of section 351 of the Revised Statutes as fixes the salary of the chief clerk of the Department of Justice; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. ALDRICH introduced a bill (S. 2703) granting a pension to Anna A. Tallman; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2704) granting a pension to James Hope Arthur; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2705) granting a pension to Ellen Smith; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2706) granting an increase of pension to Deborah C. Sayles; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 2707) granting a pension to Samuel Miller; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 2708) granting a pension to Albertia Shipman; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 2709) for the relief of Hugh O'Neil; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PAYNE introduced a bill (S. 2710) granting a pension to the widow of John Schafer; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2711) restoring Phebe McLaughlin to the pension-rolls; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CALL introduced a bill (S. 2712) to donate to the town of Tampa, in Florida, the Fort Brooke military reservation, for the benefit of free schools and other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

COB POINT BAR LIGHT-HOUSE.

Mr. PALMER. I move that the bill (H. R. 1523) for the establishment of a light-house at Cob Point Bar, at the mouth of Wicomico River, in the State of Maryland, be recommitted to the Committee on Commerce.

The motion was agreed to.

SUGAR IMPORTATIONS.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Select Committee to Investigate the Operations in the Civil Service be directed to inquire and report whether there has within two years been any fraud or maladministration in the New York custom-house in regard to the importation of sugar, and, if so, to report the facts and circumstances connected therewith.

CONSIDERATION OF THE FISHERIES TREATY.

Mr. RIDDLEBERGER. I offer the following resolution, and ask for its present consideration:

Resolved, That so much of Rules XXXVI, XXXVII, and XXXVIII as provides for executive sessions be suspended during the consideration of the fisheries treaty when the same shall be reported to the Senate.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. COCKRELL. Let it go over and be printed.

Mr. SHERMAN. A resolution I believe in the same words is now before the Committee on Foreign Relations and it will be reported, for or against, I do not know which, but it will be reported before the fisheries treaty is reported. That assurance has already been given to the Senator from Virginia. I do not think it would be wise to precipitate any debate on the subject, because I assure him that before the fisheries treaty is reported for or against, the resolution will be reported. I shall have to object to the resolution to-day, but I assure the Senator that the question will come up long before the fisheries treaty.

Mr. DAWES. If the present consideration of the resolution is objected to, I wish to submit a conference report.

The PRESIDENT *pro tempore*. The resolution being objected to, it will go over.

Mr. RIDDLEBERGER. I understand the Senator from Ohio to object to the present consideration of the resolution.

Mr. SHERMAN. For to-day.

Mr. RIDDLEBERGER. And I understand that the resolution is still in the committee of which he is chairman.

Mr. SHERMAN. If the Senator desires, this resolution may be referred, or it may lie on the table.

Mr. RIDDLEBERGER. No, sir; I do not want another one referred to a graveyard. I want it to come up to-morrow.

DIVISION OF GREAT SIOUX RESERVATION.

Mr. DAWES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7315) to divide the Great Sioux Indian reservation into separate, smaller reservations, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 52, 53, 54, 56, 57, 58, 59, 60, 61, and 62, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Insert in said amendment, after "entitled," in line 3, the following: "To be paid out of the proceeds of lands relinquished under this act." Also strike out all of said amendment after "Interior," in line 4; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: Lines 12 and 13 of said amendment of the Senate, strike out "and the form and manner of executing said release shall also be prescribed by Congress;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Strike out "or," in said amendment, and insert "and;" and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: Line 7 of said amendment, after "facilities," insert "of and for said railways." Also, at the end of said amendment, add "connected with said railways;" and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Strike out all on page 13 of the bill after and including "and," in line 10, and insert:

"*And provided further*, That said railway companies and each of them shall, within nine months after this act takes effect, definitely locate their respective lines of road, including all station grounds and terminals across and upon the lands of said reservation designated in said agreements, and shall also within the said period of nine months file with the Secretary of the Interior a map of such definite location, specifying clearly the line of road, the several station grounds, and the amount of land required for railway purposes, as herein specified, of the said separate sections of land and said tracts of 188 acres and 75 acres; and the Secretary of the Interior shall, within three months after the filing of such map, designate the particular portions of said sections and of said tracts of land which the said railway companies respectively may take and hold under the provisions of this act for railway purposes. And the said railway companies and each of them shall, within three years after this act takes effect, construct, complete, and put in operation their said lines of road, and in case the said lines of road are not definitely located and maps of location filed within the period hereinbefore provided, or in case the said lines of road are not constructed, completed, and put in operation within the time herein provided, then and in either case the lands granted for right of way, station grounds, or other railway purposes, as in this act provided, shall without any further act or ceremony be declared by proclamation of the President forfeited, and shall, without entry or further action on the part of the United States, revert to the United States and be subject to entry under the other provisions of this act; and whenever such forfeiture occurs the Secretary of the Interior shall ascertain the fact and give due notice thereof to the local land officers, and thereupon the lands so forfeited shall be open to homestead entry under the provisions of this act."

And the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: Add, after the word "settlements," the following: "with intent to enter the same under the homestead or pre-emption laws of the United States;" and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: Page 20, line 9, of the bill, strike out "provisions of section 20 of this act," and insert "homestead or pre-emption laws of the United States," and, at the end of line 15, insert, "*Provided*, That pre-emption claimants shall reside on their lands the same length of time before procuring title as homestead claimants under this act;" and the Senate agree to the same.

H. L. DAWES,
O. H. PLATT,
JAMES K. JONES,
Managers on the part of the Senate.

S. W. PEEL,
THOS. R. HUDD,
KNUTE NELSON,
Managers on the part of the House.

The report was concurred in.

AGREEMENT WITH INDIANS IN MONTANA.

Mr. DAWES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1956) "to ratify and confirm an agreement with the Gros Ventre, Piegan, Blood, Blackfeet, and River Crow Indians in Montana," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Strike out line 6 of section 3 of said amendment and insert: "the town-site laws and the laws governing the disposal of coal lands, desert lands, and mineral lands."

Also strike out all after and including section 4 of said amendment and insert:

"SEC. 4. The Secretary of the Interior is hereby authorized to appoint a commission consisting of three persons, with authority to negotiate with the band of Ute Indians of Southern Colorado for such modifications of their treaty and other rights, and such exchange of their reservation as may be deemed desirable by said Indians and the Secretary of the Interior; and said commission is also authorized, if the result of such negotiations shall make it necessary, to negotiate with any other tribes of Indians for such portion of their reservation as may be necessary for said band of Ute Indians of Southern Colorado, if said Indians shall determine to remove from their present location, the report of said commission to be made to and subject to ratification by Congress before taking effect; and for this purpose the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated, which shall be immediately available."

And the Senate agree to the same.

H. L. DAWES,
F. B. STOCKBRIDGE,
JOHN W. DANIEL,
Managers on the part of the Senate.
S. W. PEEL,
SILAS HARE,
Managers on the part of the House.

The report was concurred in.

JOHN F. SHORTER.

Mr. HOAR. I move to reconsider the vote by which the Senate, on Thursday last, indefinitely postponed the bill (H. R. 2465) for the relief of the heirs of John F. Shorter, which was reported from the Committee on Military Affairs by the Senator from Pennsylvania [Mr. CAMERON]. I move that that vote be now reconsidered and the bill placed on the Calendar. I have the consent of the Senator who made the report.

The PRESIDING OFFICER (Mr. PALMER in the chair). The question is on the motion of the Senator from Massachusetts.

The motion was agreed to.

The PRESIDING OFFICER. The bill will be placed on the Calendar with the adverse report.

NATIONAL BANK NOTE REDEMPTION FUND.

Mr. FARWELL. I move to take up the bill (S. 1216) providing for the investment of certain funds in the Treasury for the purpose of offering some amendments thereto and of making a few observations thereon.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill; which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed, from time to time, to invest not exceeding 80 per cent. of the fund held in the Treasury for redemption of notes of national banks "failed," "in liquidation," and "reducing circulation," by the purchase in open market of any bonds of the United States bearing interest. That whenever the money on hand to the credit of said fund shall fall below 20 per cent. of the fund deposited, the Secretary of the Treasury is hereby authorized and directed, from time to time, to sell in open market any portion of the bonds purchased for said fund as may be necessary, in his opinion, to enable him to pay as presented any notes of national banks for the redemption of which said fund is held. The purpose of this section being to maintain in the Treasury for such redemption not less than 20 per cent. and not exceeding 30 per cent. of the money deposited.

Mr. FARWELL. Mr. President, the financial question in my judgment is the most important, and legislation upon the subject, the whole subject, is more needed than upon any other at this time. The Finance Committee I had hoped would have reported something which would have cured the financial ills which now afflict the country, but, for some good reason I suppose, nothing yet has been reported to the Senate which will adequately accomplish the desired end.

Impressed with the absolute needs of the situation, Mr. President, I submit two amendments to the bill now under consideration, upon which I will ask a vote of the Senate at the proper time. The first will accomplish all that I desire if the surplus shall not be permitted to accumulate.

The second will be inoperative and unnecessary if the public debt be not further reduced. I ask the Secretary to read the amendments, which I shall offer at the proper time.

The Chief Clerk read as follows:

That the Secretary of the Treasury be, and he hereby is, authorized and directed to issue and sell, to national banking associations heretofore organized, or that may hereafter be organized, at par for United States notes, coupon, or registered bonds of the United States redeemable after fifty years from the date of their issue, bearing interest, payable semi-annually, at the rate of 2½ per cent. per annum, to be used by them as security for their circulating notes. Such bonds shall be exempt from taxation by or under State or municipal authority. Said banking associations are hereby authorized to issue circulating notes to the amount of 100 per cent. of the par value of said bonds.

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to invest the surplus funds held in the Treasury, including the money received for said bonds (not otherwise appropriated), in the purchase, in open market, of any United States bonds.

SEC. 3. That all laws and parts of laws relating to the establishment of a sinking fund for the payment of the public debt be, and the same are hereby, repealed.

To enable the national banks to maintain their circulation and to increase the same, and to prevent the ultimate destruction of said banks, by the payment or purchase of the national debt, the Treasurer of the United States is hereby authorized to receive from them, to secure their circulating notes, an amount equal in value to the coupon or registered bonds so purchased, canceled, and destroyed, any State, county, or municipal bonds (of the United States) upon which interest has been heretofore promptly paid, and whose market value is equal to or greater than their par value, bearing interest at a rate of not less than 4 per cent. per annum: *Provided*, That the Treasurer of the United States shall not receive such State, county, or municipal bonds at more than 75 per cent. of their par value: *Provided further*, That the Treasurer of the United States shall not receive such State, county, or municipal bonds until such bonds shall have indorsed upon them the approval of the Secretary of the Treasury, the Treasurer of the United States, and the Comptroller of the Currency.

Mr. FARWELL. Mr. President, I would, if I could, so amend the financial legislation of the country that our national banking system, which is the best that has ever been devised among men, should be continued. The amendments which I offer at this time will enable them to use the present debt of the United States as a basis of their circulation; and if this debt could be continued at its present volume then the legislation proposed by the first amendment would be adequate to the maintenance of the system. But I recognize the fact that the American people are anxious and are determined to pay this debt.

The original idea in making the national debt the basis for bank circulation was not the security it offered, but the necessity for finding a market for the bonds. The security having proven so satisfactory, it is now confounded with the original necessity.

We must abandon all idea of security on the basis of the national debt; the country would not tolerate the idea of the continuance of this debt for the purpose of preserving a bank circulation.

I am in favor of the largest possible bank circulation which is redeemable in gold on demand; and no circulation could be too large which is redeemable in this manner. The rapid decrease of national-bank circulation is due to the fact of the very large premium which our national bonds are selling for in the market and their near maturity. The banks can not afford to hold them with the absolute certainty of losing this large premium. Therefore they take them up with United States notes and release themselves from the obligations of redeeming their notes. For this reason, since 1882, the national-bank circulation has been reduced from $359,000,000 to about $160,000,000; and I need not inform the Senate that the banks will be compelled to retire the balance of their circulation in a very short time, unless something is done which will prevent it. We can not afford to destroy the best banking system ever devised. Under these amendments the banks will have a new lease of life, and will be enabled to furnish the country with all the circulating medium required, limited only by the amount of the national debt; and if it is desired that their permanent existence shall be secured, and the necessary volume of currency be furnished to the country through them, then authority should be given to them to furnish other bonds for a basis of their circulation, as the national debt is from time to time reduced and retired. Authority of this kind would make it possible to maintain the volume of the circulating medium, to the amount as stated, of the national debt. Without this authority, as the national debt is paid the banks would be compelled to give up the circulation secured thereby, and when fully paid they, of course, would be destroyed.

"The real trouble is in the want of legislation as affecting the circulation—the forcing of all the commercial interests of the country to base its medium of exchange on the national debt, and the retirement of this debt without the substitution of some other basis.

"In order to demonstrate the proposition that a bank circulation is a necessity and can not be replaced without detriment to trade by any fixed governmental issue, in period or quantity, it will be necessary to consider by what means the operations of trade are carried on, the connection of banking with these operations, and to show that the Government, being outside of and disconnected with the commercial requirements of the country, can not assume one of the functions of banking with advantage to trade unless it assumes all.

"In all civilized countries the great bulk of trade and commerce is carried on by means of credit. Credit indeed may be called the cornerstone on which civilization is erected. Every check drawn by an individual, every draft made by a bank, every bond issued by a nation, State, municipality, railroad, or corporation, every promise to pay of any description, whether on demand or in the future, is pure credit.

"Banks and bankers are dealers in credits; they handle money as well, but the operations in credits form such a large proportion of the business of banking that it is strictly accurate to say they are dealers in credits, the money handled being only the reserve or foundation on which the business is conducted.

"What is classified in a bank statement as 'deposits' does not necessarily mean money therein deposited. On the contrary, a very small proportion of 'deposits' represents money deposited. A deposit often is, and usually arises from, a mere exchange of credits. This exchange may be by checks or drafts on some other banker, or it may be in the nature of a discount, as when the banker takes the 'promise to pay' of his customer, which he lists among his assets as 'bills discounted,' and gives in exchange therefor his 'promise to pay,' which he classes

among his liabilities as 'deposits.' The result is the exchange of one credit payable in the future for another payable on demand. This 'promise to pay,' or credit or deposit, when put into negotiable form so as to pass by delivery without indorsement, is called bank circulation.

"The Government has assumed control of this form of credit in negotiable form—the circulation—and has placed such restrictions around its issue as to make it impossible for the banks to avail of this most important and necessary function for the business interests of the country. It has legislated out of existence all bank circulation which supplied the medium of exchange prior to the passage of the national-bank act, and has thrown around the national-bank circulation such conditions that the volume is insufficient to meet the requirements of trade. These conditions were not felt by the business community when the Government debt was sufficient in form and amount to afford a satisfactory basis for the bank circulation, so that it might keep pace with the other forms of credit, which the increasing business interests of the country required, but now, with the payment of this debt and consequently the withdrawal of this basis, it becomes necessary either to repeal the legislation which destroyed the bank circulation or else to provide some other mode by which this circulation may be continued.

"A bank circulation is a necessity, unless the Government undertakes, either through a Government bank or by some other mode yet to be ascertained, to grant commercial credits. The relation between the circulation and commercial credits is so intimate that if the Government assumes such control of one as to practically prohibit its issue it necessarily limits the other. No other nation has attempted to separate the two. England, France, and Germany each control their respective circulations; but only through their government banks, and these same banks grant credits—they have some connection with the commercial world. Every one of them regulates and assists commercial credit irrespective of its form by raising or lowering the rate of discount, while under our system, with the best security, even the obligation of the Government itself, no assistance can be rendered the commercial world in the way of credit at any rate of discount, no matter what the necessity may be."

The prejudice existing in the minds of many against national banks and individuals having money is such that I think it quite improbable that the legislation which I deem necessary and useful upon this subject will pass at this time. I would, if I had the power, pass a law now which would perpetuate the national banking system.

Mr. President, Government, in my judgment, is organized and instituted for the purpose of protecting the people and their property. It has no other duties. The people composing the Government are not a partnership, engaged in business for gain, but they elect representatives to frame and make their laws, and elect others to execute them. Having protected the persons and the property of the people its duty is ended.

I will not indulge in ancient history, but confine myself to events happening in my own time. Within the last thirty years a civil war raged four years in this nation, and the Government, in exercising its duty and functions to protect the people and their property, successfully exercised the functions which I have described. But in doing so it involved the people in an immense public debt. The officers of the Government, at the beginning of this war, endeavored to borrow money to bear the expenses of it. These expenses becoming so large, it was found impossible to do so. Under these circumstances the Treasury issued what are commonly called "greenbacks," and declared them to be a legal tender in the payment of debts, and also organized our national banking system to make a market for its bonds. Business has been done from that time, very nearly up to the present, upon this so-called "greenback" or United States note and national-bank notes. It is needless to say that if the Government had had money at that time, or could have borrowed it, the United States note or "greenback" would never have been known. It was not issued for the purpose of furnishing a circulating medium, but was issued for the purpose of preserving the nation.

The war having closed, the Government immediately began to pay its debt, levying large taxes for that purpose, and during the last twenty years has paid nearly two-thirds of the debt contracted for its preservation. At this rate it will only be a few years before the entire debt will be paid, including the so-called "greenback" issue.

Then it will require accurate and careful legislation to so collect the requisite amount of money to carry on the expense of the Government without producing a surplus or a deficit. So long as there is any Government debt, and authority is lodged with the Secretary of the Treasury to invest the surplus in it, it will not be necessary to collect the exact amount required for the expenses of the Government. If our Treasury were like the Bank of England, possessing all banking functions, it would not be necessary to legislate about the currency or the surplus revenues. In Great Britain, all the revenue of the Government being deposited in the Bank of England—which is the treasury of that nation—is in active use for commercial purposes, as our $61,000,000 now deposited in our national banks are in active use for business. Any money, and all money, locked up in the Treasury of the United States might as well be in the bottom of the sea, for any good it is to the business of the country. There are over $600,000,000 now in the Treasury, including the $61,000,000 deposited in the national banks, and the demand debt of the Government is about $130,000,000 more than this sum. Instead of there being a surplus in the Treasury, if the demand debt should be all called for at once, the Government would be short of being able to pay it the amount above stated, namely, $130,000,000. The difference between a bank and the United States Treasury is this: The Government has in the Treasury about $600,000,000. It owes something over $700,000,000, which is due on demand, being something over $100,000,000 more than its cash assets. Now, a well-conducted bank has in its vaults a surplus over and above all its debts. When it lends money it receives an equal amount of bills of exchange or notes therefor. If it lends its own notes it receives the notes of its customers for the same, and it pays its own on presentation; and the bills receivable so taken are adequate to and usually do provide funds for the payment or redemption of its own issues. So that when a hundred dollars of its own notes are loaned it receives the note of the customer for a like amount. This function the Treasury does not possess. It pays out its money in the liquidation of some debt. It does not and can not lend money.

Let me state in a word, if I can, the difference between a "greenback" or United States note and a bank-note. The "greenback," as I before remarked, was issued because the Government had no money. The resources from which this "greenback" will be paid are the taxes which we impose for that purpose. There is no power to compel its payment, for the reason that the Government can not be sued. On the other hand, the national-bank note is issued by a corporation authorized by Congress for that purpose, having capital in money, with the additional security of the liabilities of the stockholders for an equal amount, and is secured also by a deposit of national bonds of a greater value than the notes themselves. The holder of these notes can compel by law their payment in coin. The assets of a bank, the liabilities of the stockholders, and the Government bonds deposited with the Treasury, are security for the payment of these notes.

It is not necessary for the Government to engage in any business for the purpose of making money, nor should it put itself in competition with its citizens.

In view of these facts Congress ought to pay off the debt contracted for the preservation of the nation, both its bonds and demand notes, and authorize the people, under the national-bank act, with suitable amendments, to furnish themselves with all the money which they need. This they can and will do, if some such legislation as is proposed by these amendments is adopted. The people will furnish their own circulating medium in such quantities as the business of the country requires, and they will not be subject to any legislation by Congress, nor will their interests be menaced or jeopardized as they now are by a deposit of sixty-odd million dollars in the national banks subject to the call of the Secretary of the Treasury.

The Government should get out of business of all kinds, and especially out of the money business. It might as well go into the railroad business, or steam-boat business, or the dry goods business, or any other business as to continue in the currency business. Its duty and function in regard to money are simply to collect from the people just enough (and no more) to pay the salaries of the executive and other officers and to defray the other necessary expenses of the Government. It should not be possible for Congress to pass any law destroying the business of the country; nor should it be possible for any officer of the Government to create a panic, as the Secretary of the Treasury can do to-morrow, if he so wills. The people should be provided with adequate laws to manage their own monetary and other affairs in their own way.

Banks are one of the evidences of advanced civilization. By them and through them the business of the country is done (and only about 5 per cent. is done with money). The balance is done upon bank credits. In New York City only 3 per cent. of money is needed for business. Where the largest accumulations of money are, and where the largest banks are, money is the cheapest.

I do not regard banks as monopolies, nor do I characterize them as the money power of the country, because I think they are the reverse of all this. The Senator from Colorado [Mr. TELLER], in his able speech the other day, informed the Senate that more than one-half of the bank capital of the United States was owned by small investors, holding less than $5,000 each of stock, and that but very few men owned any larger sum of bank stock. Women and children and trustees and guardians are large owners of the banking capital of the country. There is no concert of action on their part in the country, nor in any city in the country, either to put up the price of money or to lessen or inflate its circulation. Neither are the profits of these national banks derived from the Government franchise. The profits upon national-bank circulation are so small that many have given up and retired their notes. Any one who has any knowledge of banking operations knows that the bulk of the profits is derived from deposits. Custom has shown that it is perfectly safe to lend from 60 to 75 per cent. of them, and when no interest is allowed to the depositors the interest derived from lending these deposits is nearly all profit to the banks.

Mr. McCulloch, ex-Secretary of the Treasury, says of the national banks:

"Born when the Government was engaged in a tremendous struggle for the maintenance of its integrity, this national banking system is identified with the history of that struggle and shares the honor of its successful termination. Nor is this all. It has proved to be a system admirably adapted to our republican institutions. There is not a single monopolistic feature about it. It is open to all who have money to invest in banking. It furnishes the best bank-note circulation that is known to the world. I do not, therefore, exaggerate, strong as the statement may seem, when I say that the creation of this system was an act of consummate wisdom.

"This system is now in danger, and from a cause which nobody antici pated when it was created, and there are very few intelligent men who do not look forward to its possible discontinuance with grave apprehensions.

"The opinion that money can be created by acts of Congress is a very dangerous opinion to prevail among the people. Government notes which were not declared to be lawful money would, of course, be less objectionable than those which were, but the issue of notes by the Government, whether legal tender or not, is indefensible. The Government was created for no such purpose. The exercise of such power can only be justified by some great national emergency, and then only under the most conservative and stringent regulations. The legal-tender acts were passed in such an emergency, and fortunate was it that Congress was wise enough to limit the issue of notes to an amount that would not jeopardize the national credit or affect injuriously the business of the country.

"If there is one special thing that the Government ought not to do, and never can do without a departure from its proper functions, nor without prejudice to all branches of protective industry, it is to supply by its own notes the demand for a paper currency. It is very clear that the v cuum which would be caused by the retirement of the notes of the national banks ought not to be filled, and unless madness prevails with the law-making powers will not be filled by United States notes.

"Hands off by the Government; hands off from the currency and from business, ought to be and, if the matter were carefully considered, would be the demand of every patriot and of every laborer in the fields of productive industry.

"How, then, are these prospective evils to be avoided? In no other way as I can see but by the perpetuation and enlargement of our national banking system, which can only be accomplished by the continuation of a part of the public debt.

"In some such way as this the national banking system, which, in my opinion, is essential to the well being of the country, might be perpetuated and enlarged. It ought to be enlarged to such an extent that the notes of the national banks, with gold and silver, would occupy the entire field."

The price of money, like everything else, is governed by the law of supply and demand. Where there are no banks money is difficult to be obtained; and when so obtained the rates are unequal and always high. Usury laws preventing the loaning of money above a given rate have always made money dearer wherever they exist. I do not believe in sumptuary laws, legal-tender laws, or usury laws, but I do believe in that kind of government which has the fewest laws, giving the people the largest liberties, and guarantying good order, good morals, and adequate protection.

In pursuance of this position, while deviating from the main subject under discussion, I would not require any one by law to take silver, or greenbacks, or national-bank notes in payment of debts. I would leave that matter entirely to agreement and contract. I would permit any citizen of the United States to go to the mints and have his gold bullion coined into money; I would also permit him to have his silver bullion coined into money to any extent, having gold the standard, and I deem it an impossible thing to have two standards. There can be but one standard.

Certainly for thirty-seven years in the United States gold has measured everything.

As I before remarked, what I will say on this subject will be from facts coming under my own observation, in my own time.

In 1851, owing to the discoveries of gold in California, silver dollars were sold by me for $1.04; Mexican dollars at $1.06, and new Spanish milled dollars at $1.10, in gold. The result of this disparity at that time was that the silver of the country was bought up and exported. Continuing down to the present day, we find a greater difference between these metals, but in an opposite direction. Instead of being worth $1.04, the same quantity of silver is now worth but 70 cents, or a trifle more. The reasons of this disparity, in my judgment, are three: First, the increased production of silver in this country; second, the demonetization of silver by Germany, and, third, the restriction of the coinage of silver by the Latin Union.

Now, the wise thing, in my judgment, the manly thing, the thing that will make no difference to anybody in this country, is to accept the inevitable, and make the readjustment at once. If it is desired to make the silver dollar equal in value to the gold dollar, let the requisite quantity of silver be put into it. I say, it makes no difference to anybody, because it costs nothing to anybody. The amount of silver which the Government buys monthly should be put into an equal number of dollars in silver. Nobody is cheated. Nobody is injured. This silver dollar then could be exported as well as the gold dollar. Instead of $2,000,000 a month being coined, all could be coined that is brought to the mint. Then, if the owners of this silver and gold, coined under the new adjustment, preferred paper to coin, let them deposit it with the Treasury of the United States and receive certificates therefor.

It is claimed by many that the law creates values; that the stamp of the Government upon a piece of paper or anything else saying that it is a dollar makes it so. No one will pretend that the stamp of any Government upon a given quantity of gold adds anything to its value, for the reason that gold has a uniform value among all the civilized nations of the earth. The stamp of the Government is simply a certificate that it contains a given quantity of gold. That is all it does. Now, so far as our present silver dollar is concerned, the reason it is taken is because the Government agrees to take it for its dues. These persons admit that the Government has paid but 70 cents for it, yet they insist that it is a dollar, and is equal in value to the gold dollar. Now, if anybody should make a silver dollar containing precisely the same quantity of silver, and in such a manner that nobody could tell the difference between it and our dollar—in fact, so perfectly made that there would be no difference—the man who would make this dollar of the same ingredients as the Government dollar would be sent to the penitentiary for counterfeiting and forgery. The reason that it is taken, as I said, is because the Government takes it for its dues, and the further reason or belief that if the Government should not take it in this manner eventually it would take it up at 100 cents on the dollar in gold.

The reason that the United States note passes for 100 cents is not that it is intrinsically worth anything, but for the belief that is reduced to an almost absolute certainty that the Government would pay gold for it on demand.

Following this argument further, for the purpose of showing what value is, Confederate bonds have value (50 cents or a dollar a thousand)—not large, it is true. But why do they have any value? The reason given me in London last fall by a very large holder of these bonds was the belief that the Government of the United States at some time would pay them. His argument was this:

Any one of your States—

Said he—

under its limited sovereignty, has the right to issue bonds for any purpose which its Legislature may decide upon. If one State can do it, two States can issue a common bond for a common purpose. If two States, three; if three, more, and so on. So that the Confederate States having issued these bonds for a common purpose, which they deemed to be for a common benefit, brought them over to England to us and sold them to us and we paid our money for them. They are not only anxious but they are able to pay these bonds. But in your amendment of the Constitution readmitting them into the Union, for the purpose of punishing them for their rebellion, you provided that no part of the Confederate debt shall ever be paid by them. You not only do not punish them, but you relieve them from an honest debt which they are anxious to pay. Not only relieving them of the debt which they want to pay, but punishing us. Having prevented us from collecting the debt which they are not only willing but anxious and able to pay, we demand that you who have done this shall pay these bonds.

Now, upon this argument the holders of these Confederate bonds have a very feeble belief that we at some time will pay them; hence their value in the London market.

Further, showing the effect of law in not making values, it is only necessary for me to call your attention to the act of July 17, 1864, to prohibit sales of gold on foreign exchange under penalty, the purpose being to keep the premium of gold down. But the result of this act was to so largely increase the premium that Congress repealed the law within fifteen days after its passage. I call the attention of the Senate to this matter to show that by law we can not create values in anything. We can not make 70 cents' worth of silver worth a dollar; nor can we keep the rate of interest down by an act of Congress; nor did we keep the premium on gold down in 1864 by an act of Congress.

The days of miracles are passed. Laws can not create value. To those who believe that the stamp of a government upon any substance makes it valuable I would ask them why it is that if a twenty-dollar gold piece is taken to a blacksmith shop and mutilated so that it could not be recognized as a gold coin, no value is taken from it? It is worth just as much after the mutilation as it was when it was a new gold twenty-dollar piece. Whereas if you take a twenty-dollar "greenback" and by chemicals extract the printing on it, it does not retain its value the same as the gold piece. When this can be explained, that one under these circumstances is just as good as the other, then it can be fully claimed that one is the equal of the other.

Now, if values can be created by law, as claimed, why is it not the duty of Congress to print at once, upon paper, money enough for all the citizens of the Republic, so that they would no longer be compelled to work? Make each man a millionaire at once. It is just as easy to pass a law to create the amount required for this purpose as it is to create a smaller amount. It seems to me the mere statement of the case shows its absurdity.

In conclusion, under these amendments, or by some other similar legislation, I would refund the present public debt at 2½ per cent. at

fifty years, and authorize national banks to receive circulation at par for such amounts as they might use for that purpose. I would require the Secretary of the Treasury to invest his surplus in the purchase of any indebtedness of the Government in the open market from time to time. I would suspend the requirements of the sinking fund, because, if the Secretary is authorized to buy the public debt with the surplus from time to time, the requirements of the law creating that fund would be no longer necessary.

For the purpose of enabling the people to manage their money affairs in their own way, without any interference in any manner whatever on the part of the Government, I would allow them to maintain the volume of the national-bank circulation up to the limit of the present amount of the national debt by a substitution of State, county, and municipal bonds, as provided for in the last amendment which I have proposed.

If such legislation can be passed we will hear no more of bank stringency or panics produced by the contraction of the currency. The people will, under this machinery, have the power to manage their own monetary affairs in their own way, and the Government can go on and retire and pay its debt as rapidly as its revenues will permit, the people attending to their business and the Government returning to its legitimate function of protecting its people and their property.

Mr. REAGAN. While I do not feel physically able to address the Senate this morning, I am unwilling to allow the proposition and remarks of the Senator from Illinois [Mr. FARWELL] to pass without a protest.

One of the features of his proposition is to create an interest-bearing bonded indebtedness to run for fifty years. I wish to see the country relieved from a bonded debt as early as possible. I do not agree with the argument that a public debt can in any sense be made a public blessing, nor that we ought to employ the public debt as an agency of promoting any other interest in this country.

I do not deny that the national-bank system has subserved a very valuable purpose, both during the war, in keeping up the finances of the country and enabling the Government to tide through its then difficulties, and subsequently, in furnishing as good a currency as any bank, government, or institution could furnish. So it will be understood that I do not object to the quality of the national-bank issues; but I have not the same regret that the time is approaching when the national banks shall become extinct that is manifested by the Senator from Illinois.

One reason for my making this remark is the fact that the national banks have shown themselves to be guided by a policy peculiarly their own and adverse to the best interests of this country, by the cultivation and promotion of class interests. They have shown a purpose to oppose such legislation as the Congress of the United States thought necessary for the welfare of this country; and in doing this in 1878 they came well nigh producing a financial panic; and it is believed, and I feel that there is little doubt of the truth of it, that but for the action of the Secretary of the Treasury at that time in placing money on the market to buy bonds, the course of the banks in the sudden contraction of the volume of the currency as a political move would have produced a financial crash such as this country has rarely experienced, at a sacrifice of all the best interests of the country, to gratify a purpose to rule the legislation of this country.

I allude to the efforts which the banks made in combination with bondholders in 1878 to prevent the passage of the law which repealed the law that required the Secretary of the Treasury to redeem and cancel the legal-tender notes, and that law by which we proposed to remonetize silver. The object of the act—sometimes called the Bland act, and improperly so called—which was introduced and passed in the House, was to provide for the free and unlimited coinage of silver like gold; and it was subsequently amended in the Senate so as to limit the coinage to not less than two nor more than four million dollars of silver monthly.

In addition to this, any one who will examine the proceedings of the national banks in their annual meetings and see the policy they have pursued in their own interest and against the interest of the country, can not doubt that they have an interest peculiar to themselves and hostile to the best interests of this country.

For these reasons, if I had the power—and I trust such may be the policy of the Government—I would allow the charters of these banks to expire. I would not renew them. I would not adopt any measure that would suddenly repeal the law if I had the power of abolishing the banks at once, but I would allow their charters to expire and refuse to recharter them as banks of issue. I should not have any objection to them as banks of deposit and discount. For that they subserve a very valuable purpose without endangering the public interests; but I would allow their charters to expire, and as they expired I would supply the place of the bank notes retired from circulation in one of two ways: First, by providing as far as the Government could command the coin to issue coin certificates—not gold certificates or silver certificates—based upon the gold and silver in the Treasury to supply the place of the retired national-bank notes; and if we failed to have coin enough to supply a sufficient circulation, next to that I would provide that the Government should issue its Treasury notes, such as it has issued on many occasions in the history of the country—not with the legal-tender clause, for I doubt the power of the Government, notwithstanding the decision of the Supreme Court, to make paper a legal tender for private debts—but if there was not coin sufficient to supply the necessary currency, then I would require Treasury notes to be issued in an amount equal to the retired bank notes, which should have exactly the qualities and properties that the present national-bank notes have. They should be redeemable in coin at the will of the bill-holder, and they should be received for all taxes and dues of every kind, but without the declaration that they were legal tender.

In this way I would furnish the country exactly the quality and kind of paper that it has had from the national banks. And now, as it would be then, the inquiry would not be made by officers collecting money on execution whether they were receiving Treasury notes or legal-tender notes, because these notes would be at par, but I would provide in this way for the supply of any deficiency in the circulation created by the retirement of the national-bank notes.

Mr. FARWELL. Will my friend answer a question?

Mr. REAGAN. Yes, sir.

Mr. FARWELL. Will the Senator from Texas inform the Senate how the Treasury of the United States can issue a Treasury note when it does not want to buy anything or does not owe anything?

Mr. REAGAN. If the Government had no occasion to pay its public officers, its Army, its Navy, for its civil service, no occasion to pay debts or interest on the public debt, I admit the question the Senator from Illinois puts would be a pretty hard one to answer; but inasmuch as it has to supply money for all these purposes, and has often found it necessary to supply it by the issue of Treasury notes, I do not see the difficulty presented in his question.

Mr. FARWELL. I beg the Senator's pardon. I ask the question, in this state of facts, when the public debt is paid, as everybody admits that the public debt shall be paid, then I ask the Senator how the Treasury is going to issue a dollar of notes or anything else for any purpose except to pay the debts incurred and due from time to time?

Mr. REAGAN. I think I have just answered the Senator's question by saying that the notes can be used in payment of all the services rendered to this Government.

Mr. President, I do not see how in this way the public could suffer. If we may allow the Government to issue and guaranty the notes of the national banks, why put the people to the expense of meeting the contingencies and expenses of putting notes into the hands of banks and having them issued by banks? Would not the people be benefited by their being issued directly by the Government? If they would, then the adverse policy is simply a question about preserving and conserving the interests of that particular class of people who hold the capital stock of and are interested in the national-bank notes.

The Senator objects and says that this Government was not created for the purpose of issuing notes. If it was not, it has departed very seriously and frequently from the object of its creation. It has heretofore done so, and even now the very national-bank notes which he desires shall be continued and to guaranty the payment of, are issued by the Government, and if the Government issues these notes and guaranties their payment, sending them through the agency of national banks to the people, why not issue them directly and let them go to the people through the agency of the Government itself? So the Senator will see that the very national-bank notes which he advocates overthrow the position he has taken, that the Government was not created for the purpose of the issuance of notes as money.

Mr. President, there are a number of propositions submitted by the Senator from Illinois which, if my strength permitted, I should like to review, and especially so if I had had time to look into the question. I have simply made these points by way of protest against the policy of continuing the public debt for fifty years, protest against the policy of perpetuating the national banks which have shown themselves the enemies of the public, and to insist that our currency shall be issued by the Government, based upon coin, or if we have not coin enough to supply the necessary currency that it shall be supplied by Government Treasury notes.

Mr. STEWART. Mr. President, as the debate progresses one thing becomes more and more evident. The question at issue in this country is whether some new scheme shall be devised to continue the national debt in existence and use it for the purpose of enabling national banks to issue paper which passes as money, though it is not a legal tender. The effort is to devise some scheme in favor of piecing out this system which originated to please a class of banking men and make them loyal, a system which enabled private parties to exercise sovereign functions and issue money. In order to perpetuate this scheme what is proposed? The destruction of silver as money. People here and there talk about being the friends of silver; I am not a friend of silver; I am a friend of the people and believe in honest money. These men are very friendly to silver; they want to make the dollar as large as a cart-wheel! Now, they have a process by which they can depreciate the value of silver. The parties engaged in the scheme to demonetize it are not in this country alone. The Bank of England controls the price of silver and fixes it for us. With all her interest to get it cheap, she draws on India what are called consol bills. Taxes are collected in Indian silver. Silver is a legal tender, and gold is not allowed by

law to circulate there. Taxes are collected in silver; consol bills are drawn on India payable in silver, and they are drawn not only against the taxes that are collected there, but they are drawn against shipments of silver. They are enabled, as I have examined and found, to draw a large amount. They can hold back silver, and then when they want silver they keep cutting it down, sell their bills cheaper, perhaps lose a little, but keep working it down until they have it down to 74, and now it is proposed to put enough silver in the dollar to make it in market worth a gold dollar, and we are told that silver has declined. Who made it decline? Legislation and manipulation—nothing else. It did not decline for two hundred years preceding this scheme. When I am told that the alleged decline has anything to do with the production, I point to the fact that for two hundred years preceding this war on silver the two metals stood comparatively stationary at the ratio of 15½ to 1.

Mr. PLATT. Will the Senator allow me to ask him a question?

Mr. STEWART. Yes.

Mr. PLATT. If the demonetization of silver accounts for its decline, is not production and that question nearly related? When it was demonetized it was not wanted for coinage. Then, of course, there was no production in that sense. Demonetization checked the demand for coinage, and then there was more silver than was needed for other purposes.

Mr. STEWART. That did check the demand; and for what purpose was it done? Why was it demonetized? The object of demonetization was declared in Europe. It has never been declared in this country. The object was to advance the value of securities so as to make the rich richer and the poor poorer. That was distinctly avowed. For twenty years the effort was to demonetize gold for that avowed purpose. No one ever dared to avow that here, but it was avowed in Europe. During twenty years of discussion when they were trying to demonetize gold, and when finally they demonetized silver they declared it was for that purpose. That was what made it decline. There has not been an overproduction of it.

For two hundred years, as I have before remarked, silver and gold stood substantially stationary at a ratio of 15½ to 1. When it was demonetized silver fell. What was the production during that time? During those two hundred years preceding 1846, when Russia produced some gold, the quantity of silver produced was 70 per cent. to 30 per cent. of gold, and still it did not change the ratio. From 1846 to 1850 the production was about equal. From 1850 to 1875, when this crime was consummated by refusing silver at all the mints, the product of gold was about 70 per cent. to 37 per cent. of silver, but still they remained the same; and why should they not remain the same?

It does not make any difference what amount of either metal you put into a dollar provided you fix the amount that you put in by law; for if 412½ grains of silver can be exchanged for a dollar, and 25$\frac{8}{10}$ grains of gold can be exchanged for the same amount—a dollar—they can be exchanged for each other. It does not make any difference about the quantity. It is the dollar that the people want. Now, the proposition to increase the amount of silver in the silver dollar is to demonetize silver because its price can be depressed from time to time, measured by gold, and increase the bulk of the silver dollar until a man can not carry it.

I believe in standing by the contract, standing by the conditions, and before I will lend my voice to getting up any other scheme to issue national-bank currency which is not a legal tender, for the benefit of private corporations, I will contend as long as I have the power in favor of using the silver of the world, using honest money, and I protest against the destruction of one of the precious metals and the disuse of it for the purpose of bringing into existence this mushroom stuff that has already brought the country into a state of distress everywhere. Right here when we were having a surplus, when our revenues were producing a surplus, the machinery of the national-banking system so operated as to retire $60,000,000 in a short time. If it had not been for the retirement of these national-bank notes by the payment of bonds the country would not be in so bad a condition as it now is. This shows that there was no foresight in it. The national-bank system was not organized with a view of furnishing the country with a permanent, constant, and equal supply of money, but was merely capricious, to be dealt out by schemers, dealt out by combinations, dealt out by consultations between the Secretary of the Treasury and Wall street.

I say a system that can only live a few years as it now stands, that has not served a good purpose while it did live, which is attempting to displace one of the precious metals, ought not to be fostered any longer. No country ever suffered from too much of either of the precious metals; no country has ever had too much of them; and let us use these two metals, use what we can get of them; and then when we do not have circulation enough it will be time to see what can be done to add to the circulation; and when that is done I want it done by the Government of the United States and not by private corporations, for private corporations having the issue of money at their disposal, being able to make hard times or good times to suit speculation, are the greatest enemies any country can have. Witness the condition of the country, witness the price of cotton, the price of wheat, and the mortgages accumulating on the farmers of this country and say they do not want more money.

No one has been able to point out that silver ever did any harm. Why not have it instead of this national-bank failure which has done so much harm? That is the issue before the country. Shall some hot-bed scheme be invented to enable speculators to control the currency of this country, or shall we return to the money of our fathers? Let us use what there is and what can be produced of the precious metals, and if they do not furnish enough currency, it may be that there will be genius enough in the country to invent more money if it is needed; but first let us use what the world has recognized as money from time immemorial.

One thing further. I have heard much said about intrinsic value. I contend that there is no such thing as that. It is a misnomer to say in a commercial sense that anything has intrinsic value. The Senator from Illinois [Mr. FARWELL] talked about intrinsic value. For example, suppose one of you were on Lake Superior in a skiff, would you pay anything for a drink of water? Would it have any market value? Suppose again you were in the Sahara Desert with a gallon of water, 25 miles from any supply of water, the thermometer 120°, and you were half way, what would you take for that gallon of water? The intrinsic qualities of the water are the same on the lake as in the desert. It has intrinsic quality, not value. Value depends on two things—the limitation of coinage in the first place. It can not be unlimited in quantity and have any value. The limitation is the place where the value is. It is fixed by statute. It must be limited at that place in quantity and it must be desired. The desire of man and the limitation of quantity are the two qualities that make value. When you talk about intrinsic value in gold or intrinsic value of silver, it does not exist. Suppose all the rocks were silver, it would have no marketable value, because everybody could pick it up. The same would be true of gold, and the same is true of any other material. Air is extensive, it is everywhere; but it has no marketable value.

Mr. BECK. I think I can suggest the case, which the Senator will probably recall, of a celebrated banker in Calcutta who failed with £20,000 of gold coin in his vaults, because gold was not a legal tender in India and he could not get coinage for it with which to pay his debts.

Mr. STEWART. Yes.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, the Senate resumes the consideration of the unfinished business.

Mr. STEWART. Just one word further. That thing has been done in this country and men fell down like straw before a fire on Black Friday with all their securities in their hands when Jay Gould & Co. made a corner on money through their banking establishments. They used to corner gold, and men with any amount of securities were doomed to destruction. That is one of the reasons why I object to any system that places the destinies of the people in the hands of speculators. Let the Government issue any money that is to be issued, and nobody else. It is a sovereign right, and it ought not to be parted with or given away to any class of favored individuals.

RECOMMITTAL OF A BILL.

Mr. HOAR. I desire to ask that the bill (S. 442) to extend the time for filing claims in the Court of Claims under the provisions of an act entitled "An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to July 31, 1801, which was reported adversely from the Committee on the Judiciary, be recommitted to that committee. When it was reported adversely it was placed upon the Calendar.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the bill be recommitted to the Committee on the Judiciary.

The motion was agreed to.

HOUSE BILLS REFERRED.

The bill (H. R. 285) for the relief of the legal representatives of H. Corths, deceased, was read twice by its title, and referred to the Committee on Claims.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 112) granting a pension to George Schneider;
A bill (H. R. 138) granting a pension to Joseph Perry;
A bill (H. R. 335) granting a pension to General W. E. Woodruff;
A bill (H. R. 401) granting a pension to Mrs. Jeannie Stone;
A bill (H. R. 404) for the relief of Mary McGrath;
A bill (H. R. 680) granting a pension to Henry H. Stuttsman;
A bill (H. R. 879) granting a pension to Royal J. Hiar;
A bill (H. R. 2071) for the relief of Martha Gray;
A bill (H. R. 2094) to increase the pension of Alonzo B. Chatfield;
A bill (H. R. 2282) to pension Mrs. Theodora M. Piatt;
A bill (H. R. 2664) for the relief of Francis Daniels;
A bill (H. R. 3158) increasing the pension to Howard S. Abbott;
A bill (H. R. 3180) granting a pension to John H. Sayers;
A bill (H. R. 3554) granting a pension to Catharine Black;
A bill (H. R. 3579) granting a pension to Ellen Shea;
A bill (H. R. 3735) granting a pension to Eliza Shreve;
A bill (H. R. 3844) granting an increase of pension to Wilson C. Moles;

A bill (H. R. 4491) granting a pension to Rosanna Robey;
A bill (H. R. 4579) granting a pension to Mary G. Crocker;
A bill (H. R. 4580) granting a pension to Farnaren Ball;
A bill (H. R. 5195) granting a pension to David W. Seely;
A bill (H. R. 5311) granting a pension to Alonzo H. Gregory;
A bill (H. R. 5545) granting a pension to Nancy F. Jennings;
A bill (H. R. 5966) granting a pension to Mrs. Lepha A. Osborn;
A bill (H. R. 6379) to increase the pension of David M. Rennoe;
A bill (H. R. 6453) granting a pension to George P. Stone;
A bill (H. R. 6576) for the relief of James M. McKeehan;
A bill (H. R. 6582) granting a pension to Elizabeth Ward;
A bill (H. R. 6609) for the relief of Sarah E. McCaleb;
A bill (H. R. 6971) to pension Peter Clark, jr.;
A bill (H. R. 7715) for the relief of Georgia A. Stricklett;
A bill (H. R. 7882) granting a pension to John Kinney;
A bill (H. R. 7913) granting a pension to Nellie Palfrey Goodwin;
A bill (H. R. 8164) granting a pension to William H. Hester; and
A bill (H. R. 8185) granting a pension to David L. Partlow.

ADMISSION OF DAKOTA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 185) to provide for the admission of the State of Dakota into the Union, and for the organization of the Territory of Lincoln, the pending question being on the amendment proposed by Mr. BUTLER to the amendment reported by the Committee on Territories as amended.

Mr. SPOONER. Mr. President, I am entirely mindful that little if any virgin soil remains to be broken by a new-comer into this debate. The extraordinary research and ability which have characterized the work of the Committee on Territories at the last session of Congress and at this, and the speeches which have been made in support of this bill, have rendered it difficult indeed for any one to make an original contribution to the subject, either by way of precedent, argument, or even illustration. But aside from the general interest which invests this subject, involving as it does important considerations, present and permanent, to the Union, and involving also justice or gross injustice to the people of South Dakota, I have peculiar reasons for an intense interest in the fortunes of that people.

It is a little less than twenty-three years since I marched as a soldier over several hundred miles of that Territory and remained many months in the service within its boundaries. At that day, north of Yankton, no herds grazed upon its plains except herds of buffalo and antelope, and one traveling hundreds of miles saw no human habitation save the rude forts of the Government and the lodges and villages of the Sioux Indians.

From the standpoint of that day I have watched with absorbing interest the growth of Dakota Territory, and its development, only just begun, has made it to me the wonderland of this continent. My home is not far from its border and thousands of the people of Wisconsin, many of whom are acquaintances and friends, have settled within its limits. I therefore do not feel at liberty to hold aloof from this debate.

I listened with great care to the speeches submitted at the last session and at this against the admission of South Dakota to the Union. I concede their eloquence and ingenuity; but, with respectful deference to those who delivered them, I venture to say that I have never heard a ground suggested for denying the petition of South Dakota and turning her people empty-handed away from the door of the Union, at which they have so long begged for admission, that at the time or upon reflection has seemed to me to be well-founded in precedent, in law, or in reason. The people of South Dakota base their demand, or rather their petition, for admission into the Union upon three grounds, each, in my judgment, entirely adequate.

The first, and I will spend but a moment upon it, is the guaranty contained in the Louisiana treaty of April, 1803, the third article of which is as follows:

ART. 3. The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess. (8 Stat. L., p. 202.)

This article has been successfully invoked again and again as a basis for the claim of statehood. Repeatedly it has been recognized by Congress as affording sufficient support therefor, and it is too late in the political history of this country for any one, for partisan purposes or otherwise, to successfully impeach its adequacy. Recognition of it has sometimes, it is true, laid great stress upon the statesmen who have had to deal with it. When Arkansas stood at the door demanding admission as a slave State, upon the strength of this article of the Louisiana treaty, John Quincy Adams, every fiber of whose being protested against slavery and the extension of the lines of slavery, felt himself obliged, because of the obligations put upon him by his oath and this treaty, to vote for her admission. Permit me to read (for it exhibits a patriotism and lofty sense of duty worthy of emulation in this connection) what he said upon the subject:

I can not, consistently with my sense of my obligations as a citizen of the United States, and bound by oath to support their Constitution, I can not object to the admission of Arkansas into the Union as a slave State; I can not propose or agree to make it a condition of her admission that a convention of her people shall expunge this article from her constitution. She is entitled to admission as a slave State, as Louisiana and Mississippi and Alabama and Missouri have been admitted, by virtue of that article in the treaty for the acquisition of Louisiana, which secures to the inhabitants of the ceded territories all the rights, privileges, and immunities of the original citizens of the United States; and stipulates for their admission, conformably to that principle, into the Union. Louisiana was purchased as a country wherein slavery was the law of the land, and Arkansas must come in with slavery.

Observe that he did not seek discretionary power to justify him in dishonoring this pledge of his Government. He read the treaty, recognized the obligation of the agreement, found in the Constitution the power to perform it, and he performed it.

Its applicability to South Dakota is not denied, and why that people shall now be excluded from its operation is inexplicable, save for a reason which I will later attempt to give. The treaty is as virile to-day as it was the day it was ratified by the Senate.

But, Mr. President, Dakota justifies her formation of a proposed constitution and State government without a precedent enabling act, and her claim to admission as a State, upon the ordinance of 1787 and the legislation of Congress, and upon this foundation also her claim may securely rest. Article 6 of the ordinance is as follows.

And whenever any of the said States shall have 60,000 free inhabitants therein such State shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original States in all respects whatever, and shall be at liberty to form a permanent constitution and State government: *Provided*, The constitution and government so to be formed shall be republican and in conformity to the principles contained in these articles; and so far as it can be, consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period and when there may be a less number of free inhabitants in the State than 60,000.

May I ask the Senate for a moment to consider the circumtances under which the ordinance was made and of the men who framed it? This was not the first attempt at a governmental scheme for the Territory of the Northwest. For eight years prior to the adoption of this ordinance the subject was under debate. It had been considered by more than one Congress, and draught after draught had been reported. The number of inhabitants which should be essential to the foundation of a State received special attention. I beg leave to read from an address recently made by the Senator from Massachusetts [Mr. HOAR] at a centennial celebration at Marietta, Ohio. I wish I might put it all in the RECORD, for it is rich in historical information, patriotic in sentiment, and eloquent in language. He says:

In 1786 a new committee was raised to report a new plan for the government of the territory. This committee made a report which provided that no State should be admitted from the Western territory until it had a population equal to one-thirteenth of the population of the original States at the preceding census. This would have kept out Ohio till 1820, Indiana till 1850, Illinois till 1860, Michigan till 1880, and Wisconsin till after 1890.

At last, after much debate and investigation, the ordinance was adopted as we find it, the requisite number of free inhabitants being fixed at 60,000. Those men never could have dreamed, Mr. President, that the time would come when six times 60,000 free inhabitants of a Territory, as much entitled to the privileges and benefits of that ordinance as if originally included within its scope should knock year after year in vain at the door of the Union for admission.

But let us consider this article with some regard to the men who made it. They knew what it was to conquer a wilderness. They knew better than we know the hardships, the isolation, the dependence, and the danger involved to those who sought to build for themselves homes in a new country. They understood the cunning and the merciless cruelty of Indian warfare. They were not neophytes either in government. They had experienced almost every conceivable governmental ill. That ordinance and especially this article of it was the outgrowth of their own experience. They had known what colonial government meant. They had eaten of its bitter fruit, had endured in their own persons the outrage, the humiliation, the dependence, the taxation without representation, and all the other evils which invested the colonial system. They knew what it was to be ruled over by men appointed thousands of miles away, who had borne no part in their hardships, who had no lot or part in their struggles, who came simply to rule and then to leave, who were not accountable to them for misfeasance or malfeasance, in whose selection they had no voice, to secure whose removal they were absolutely impotent. It will too be admitted by all, that however grave might be the concerns of the present, those men never lost sight of the future.

The ordinance of 1787, of which this article is one of the most pregnant, born out of their experience, was intended to protect their children and their children's children, who were expected to settle in the time to come the Territory of the Northwest, against the ills which their fathers had borne. Other provisions of the ordinance plainly reveal how strongly within their thought and care was the necessity for protection from the selection of officials without interest in the prosperity of the people. They made it an element of eligibility to the appointment of officers for the temporary government that they should be owners of land among the people whose affairs they were to administer. Thus they declared as to the governor:

He shall reside in the district and have a freehold estate there in 1,000 acres of land while in the exercise of his office.

The secretary and the judges were required to reside in the district,

and to each own therein, while in the exercise of his office, a freehold estate in 500 acres of land. The object is manifest.

Read in the light of the surroundings of the men who framed this instrument, bearing in mind the experience which they had had and the evils against which they sought to guard, who can deny that it was a purpose near to their hearts that in the Territory of the Northwest, whenever 60,000 free inhabitants should be gathered together, they should have a right to put an end to Territorial government, to establish a constitution, republican in form, and to be then entitled to admission into the Union?

It is said that this ordinance was repealed by the adoption of the Constitution. The Senator from Missouri [Mr. VEST] so asserted, I believe, in argument at the last session of Congress. I think the assertion is well founded, and that the Supreme Court of the United States has so determined in the Strader case in 10th Howard. But while it may not be material to this discussion, I desire in passing to call the attention of the Senate to the fact that the men who framed the Constitution did not so understand it, and that they did not so intend it. At the very first session of Congress after the adoption of the Constitution, an act was passed which demonstrates this beyond question. It is entitled, "An act to provide for the government of the territory northwest of the river Ohio." This is the preamble:

Whereas in order that the ordinance of the United States in Congress assembled, for the government of the territory northwest of the river Ohio may continue to have full effect, it is requisite that certain provisions should be made so as to adapt the same to the present Constitution of the United States:

SECTION 1. *Be it enacted, etc.*, That in all cases in which by the said ordinance, any information is to be given or communication made by the governor of the said Territory to the United States in Congress assembled, or to any of their officers it shall be the duty of the said governor to give such information and to make such communication to the President of the United States, and the President shall nominate, and, by and with the advice and consent of the Senate, shall appoint all officers which by the said ordinance were to have been appointed by the United States in Congress assembled, and all officers so appointed shall be commissioned by him; and in all cases where the United States in Congress assembled, might, by the said ordinance, revoke any commission or remove from any office, the President is hereby declared to have the same power of revocation and removal.

Section 2 simply confers upon the Secretary power to discharge the duties of the governor in case of the death, removal, resignation, or necessary absence of the latter.

Here is plainly evinced the understanding that it survived the adoption of the Constitution and the purpose that it should continue in force. The only respect in which they supposed it necessary to change the ordinance so as to adapt it to the Constitution was in this matter of detail as to the appointment of officers, etc. But it is immaterial in this debate whether it was superseded or not. Various acts were adopted by Congress from time to time extending its provisions to other Territories than that of the Northwest. The Senator from Minnesota [Mr. DAVIS], in the exhaustive speech which he made upon this subject (and I congratulate his State upon the auspicious entry which he has made into this high arena of debate), has rendered it unnecessary for one hereafter, in order to trace the different statutes applying the ordinance to the present Territory of Dakota, to do more than to consult his speech. It is sufficient to say that by the act of Congress approved April 20, 1836, making this region a portion of the Territory of Wisconsin, it was declared—

That the inhabitants of the said Territory shall be entitled to and enjoy all and singular the rights, privileges, and advantages granted and secured to the people of the territory of the United States northwest of the Ohio River by the articles of the compact contained in the ordinance for the government of the said Territory passed on the 13th day of July, 1787.

This act remains unrepealed and unimpaired, and it will be observed that by its terms it extends all of the privileges, immunities, etc., granted by the ordinance, not simply a portion of them.

Mr. President, article 6, thus extended by this statute, constitutes a continuing promise on the part of the Congress of the United States to the people that if they would go into Dakota, brave the ferocity of the savage Sioux, endure the hardships of that rigorous climate, till the soil and build up homes, when their numbers should aggregate 60,000 they should be entitled to form a State government and to be admitted into the Union. This construction has been repeatedly placed upon the ordinance by Congress, and by some of the most distinguished of our statesmen, including Mr. Madison, so often justly lauded here, and its obligation has been repeatedly recognized and enforced.

But this is not the only legislative promise of statehood to be found upon our statute-books. I beg leave to refer to another. In the joint resolution of Congress approved March 1, 1845, admitting the "empire" State of Texas—that seems to be a favorite term in this debate—into the Union is found the following legislative declaration:

New States, of convenient size, not exceeding four in number in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution.

That was wise foresight in the interest of Democracy and slavery. The Democratic party may not have laid up treasures in heaven, Mr. President, but it certainly has laid up treasures in Texas. In the womb of that monster State lie concealed, ready to be summoned forth whenever the exigencies of a solid South shall demand it, four great States, each one of which may have quite 55,000 square miles of superficial area, each one of which would be larger than any one of twenty-six States of this Union, each one of which would be larger than the State which my friend from South Carolina [Mr. BUTLER] terms the empire State of New York or the empire State of Pennsylvania.

Mr. President, does not this clause in the act admitting Texas into the Union contain any pledge of statehood? Will any Senator on the other side of this Chamber say that it is not an enabling act, authorizing the people of Texas, proceeding under its authority, to divide that State into four States, and to form a constitution for proffer to Congress? And if those States should come, having been so divided, with convenient territory (an equal division, if you choose), bringing an unobjectionable constitution, and with requisite population, demanding admission under that act, who could gainsay them? Senators might be placed in the condition in which John Quincy Adams found himself placed as to Arkansas. Senators on this side of the Chamber might dislike to recognize it, might be glad to find opportunity in harmony with obligations under the Constitution and laws to reject those Democratic Senators, but upon what ground could they do it; and if they did do it, if they denied effect to this clause in the Texas act, it would be interesting to hear the Senators on the other side of this Chamber, including my eloquent friend from South Carolina, in their indignant denunciation of such a repudiation of a pledge made by the people of the United States.

Mr. GRAY. Will the Senator from Wisconsin allow me to ask a question?

Mr. SPOONER. Certainly.

Mr. GRAY. In the event supposed of four new States carved out of the territory of Texas applying for admission into the Union and recognition by Congress, I understand the Senator to say that he would consider himself deprived of discretion as a legislator in passing upon an act for the admission of such States.

Mr. SPOONER. No, sir; the Senator must not understand me to say that I would consider myself deprived of discretion. But I want to say to the Senator that as to the pledge to Texas—and the same is true as to the pledge to Dakota—if I found the pledge to be plain, and if I found the Constitution to be plain, and to give me the power, I would seek no discretionary theory upon which to repudiate and dishonor the pledge. If the great State of Texas were divided into five equal parts, and the four proposed new States came with 360,000 population each—for I will put it as it is in South Dakota to-day—with constitutions republican in form, petitioning for admission into the Union, I would seek no discretionary power or mere pretext to enable me to repudiate an outstanding promise of the Government, in good faith accepted.

Mr. GRAY. Would not the Senator exercise discretion?

Mr. SPOONER. I should exercise my discretion, but I would not consider that I had discretion to violate in spirit an obligation made by the Congress of the United States and acted upon by the people to whom it was addressed. Mr. President, no Democrat could be found in the Senate of the United States, I venture to say, who in the case which I put would not assert the right of the people of Texas, without any further enabling act than that, to divide the State and to demand admission into the Union. How does it differ from this act of 1836 extending the ordinance of 1787 to the people of Dakota, except in this: that it was less patriotic in its purpose, less pure in its origin, and it is less definite in its terms?

But, Mr. President, this guaranty contained in the sixth article of the ordinance of 1787, and tendered by Congress these many years to the people of Dakota, has been accepted by that people. Why has it been allowed to stand upon the statute-book since 1836, an open offer from the people of the United States to those who should settle that Territory, if it was intended to break it? Has this promise been left outstanding only to be broken? If it was intended to seek excuses for delaying or neglecting its performance, why, in justice to that people, has it not been repealed? It constitutes a high order of political compact, not susceptible, of course, like an engagement between individuals, of compulsory performance. The fact that Congress has absolute power to disregard it simply affords stronger reason why it should not be done. It is a pledge by the whole people to a portion of the people, binding in conscience if not in law. I say, Mr. President, it is a higher order of statemanship to seek power in the Constitution, if it were not plainly conferred, to enable us to keep that pledge, than to seek there the existence of a discretion to enable us to dishonor and repudiate it. Let us deal with it as

> Romans that have spoke the word,
> And will not palter.

But, Mr. President, I assume, for the purposes of the argument in what I desire further to say, that the ordinance of 1787 drops out from under South Dakota's case. I dismiss also from consideration the Louisiana treaty, and I contend that upon every principle of fair dealing, and in accordance with precedent and justice, South Dakota is entitled to be admitted as a State into the Union, and that it is an unjust partisanship which turns her people away. Is not this true?

Is the area adequate? The Senator from South Carolina does not dispute it. I do not understand that any opponent of her admission disputes it. This proposed State has 77,000 square miles. There are but seven States in the Union of larger area. Are our friends who op-

pose the admission of South Dakota wiser in this day and generation as to what should be the size of a State than were the men who framed the ordinance of 1787, and the men who administered it by Congressional enactments running through many years? The framers of the ordinance provided that the territory should be divided into not less than three nor more than five States. The total area of the Northwest Territory was 239,000 square miles. If it were equally divided into three States each would be a little over 79,000 square miles. They therefore considered that no State of that territory should be greater than 79,000 square miles. South Dakota is almost as large in superficial area. Divided by five, the superficial area of each State would be only about 48,000 square miles, which they evidently intended should be the smallest State. It has been divided by Congress into five States, of area as follows: Ohio, 40,000 square miles; Indiana, 34,000 square miles; Michigan, 56,000 square miles; Illinois, 55,000 square miles; Wisconsin, 54,000 square miles. The proposed State of South Dakota, as has been many times said in the hearing of the Senate, is larger than the great State of New York, or Pennsylvania, or Ohio, or Indiana. Who is to say that it has not sufficient area to fairly entitle it to statehood?

The other day, when the Senator from South Carolina was making his very eloquent speech, the Senator from Connecticut [Mr. PLATT] interrupted him to call his attention to the fact that by a bill passed in this Congress 11,000,000 acres of land within the limits of South Dakota hitherto within the Sioux reservation would be thrown open to settlement by a bill which had passed both Houses. The Senator from South Carolina replied that the bill had not passed yet. That bill while not passed yet has made some progress since then. I feel warranted in calling the attention of the Senate and the people to it. The differences existing between the two Houses have been adjusted, the conference report has been presented in each House and adopted, so that unless the exigencies of the political situation, unless the necessity of keeping one more obstruction in the way of South Dakota shall prevail, we may fairly presume that it will become a law. It adds to the public domain open to settlement within the limits of South Dakota 11,000,000 acres of land. Think of it! That makes 68,751 farms of 160 acres each, larger than one-third of the agricultural area of the State of New York, and I venture to say that the Senator from Massachusetts [Mr. DAWES] will next year, when 300,000 people shall have found homes on that tract, receive, and he will deserve it, their earnest gratitude for the persistence and the ability with which through five years he has labored to bring out from Indian reservation and to place within reach of the people such a vast area for the opening of farms and the building of homes.

Now, Mr. President, let us consider the question with reference to the population of the proposed State. Does the Senator from South Carolina [Mr. BUTLER] deny that the population is adequate? South Dakota has 360,000, now probably 400,000, people. This population exceeds that of any other State of the Union at the time of its admission. I have in my hand a table which I will not trouble the Senate by reading, but will insert in my remarks:

State.	Date of admission.	Representative ratio on previous census.	Population by previous census.			Population when admitted.			Population by following census.	Rate per cent. of increase during decade of admission.
			Free.	Slave.	Total.	Free.	Slave.	Total.		
Vermont	1791	33,000	85,425	.....	85,425	85,425	.....	85,425	154,446	80
Kentucky	1792	33,000	61,247	12,430	73,677	61,247	12,430	73,677	220,955	200
Tennessee	1796	33,000	32,274	3,417	35,691	*60,000	*7,000	*67,000	105,602	195
Ohio	1802	33,000	45,365	.....	45,365	45,365	.....	45,365	230,760	408
Louisiana	1812	35,000	41,896	34,660	76,556	41,896	34,660	76,556	152,923	100
Indiana	1816	35,000	24,520	.....	24,520	63,897	.....	63,897	147,178	500
Mississippi	1817	35,000	23,264	17,088	40,352	45,441	30,061	75,512	75,448	403
Alabama	1819	35,000							127,901	
Illinois	1818	35,000	12,282	.....	12,282	34,620	.....	34,620	55,162	350
Maine	1820	35,000	228,705	.....	228,705	298,269	.....	298,269	399,445	33
Missouri	1821	40,000	56,335	10,222	66,557	56,335	10,222	66,557	140,445	111
Arkansas	1836	47,700	25,812	4,576	30,388	*33,000	*9,240	52,240	97,574	221
Michigan	1837	47,700	31,639	.....	31,639	*65,000	.....	*65,000	212,267	570
Florida	1845	70,680	28,769	25,717	54,477	*34,000	*30,000	*64,000	87,445	60
Texas	1845	70,680	.....	.....	.....	*105,000	*38,000	*143,000	212,592	.....
Iowa	1846	70,680	43,112	.....	43,112	78,819	.....	78,819	192,214	345
Wisconsin	1848	70,680	30,945	.....	30,945	*180,000	.....	*180,000	305,391	886
California	1850	93,423	92,597	.....	92,597	92,597	.....	92,597	379,994	310
Minnesota	1858	93,423	6,077	.....	6,077	*120,000	.....	*120,000	172,023	2,730
Oregon	1859	93,423	13,294	.....	13,294	*50,000	.....	*50,000	52,465	294
Kansas	1861	127,381	107,206	.....	107,206	107,206	.....	107,206	364,399	240
West Virginia	1863	127,381	.....	.....	.....	.....	.....	*350,000	442,914	.....
Nevada	1864	127,381	6,857	.....	6,857	*40,000	.....	*40,000	42,491	520
Nebraska	1867	127,381	28,841	.....	28,841	*100,000	.....	*100,000	122,993	322
Colorado	1876	131,425	39,864	.....	39,864	*100,000	.....	*100,000	194,640	388

*Estimated.

One feature of this table I desire to bring to the notice of the Senate, and that is the fact that at the taking of the next census in each case after admission the population had more than doubled, and in some instances in very much less than a decade, which I refer to only to base upon it what seems to me a fair inference that statehood has a potential influence in inducing settlement; and it is certainly not unnatural to suppose that men would prefer to go with their families for settlement and investment into a State where government is complete and local self-government is established than to go into a Territory.

It must not be forgotten in this connection that probably hundreds of thousands of men are waiting in the United States to take to themselves out of the public domain the farms covered by the bill opening the Sioux reservation. It is not unfair to assume that inside of a year, by reason of this increase, the population of South Dakota will have increased by at least a quarter million of people.

What about the intelligence of the population of the proposed State of South Dakota? Does the Senator from South Carolina question that? Will any one seek to impeach the claim of statehood upon the ground that the population is deficient in intelligence? Certainly not. Upon this point South Dakota proudly points to her magnificent system of free schools; she points the Senator and his confreres to the fact that in the year 1886 there were expended in the Territory $1,900,000 in aid of popular education, one-half of which may fairly be put to the credit of the people of South Dakota. There are in Dakota five thousand school-teachers. The standard of education in that Territory is as high as in almost any State in this Union, I am told. The annual expenditure for the support of schools in aid of education, common and higher, is greater than in almost any Southern State. The people of South Dakota, Mr. President, may safely invite comparison in respect of intelligence, educational facilities, and advantages with the State of South Carolina and several other Southern States with detriment to the latter. I do not say this to reflect upon the people of those States, for I realize thoroughly the disadvantages which have surrounded them in this respect. I make the contrast only for the purpose of showing that by the comparison is proven, on the score of popular intelligence, the title of that people to permanent government in the Union, and to draw attention to the singular fact that notwithstanding this the Senators who represent in this Senate the Southern States stand in solid phalanx athwart the pathway of South Dakota into the Union.

Are the people of the proposed State of South Dakota attached to the Constitution of the United States? Are they loyal to the flag which waves over this Capitol? Are they obedient to the laws? Who dares assert the contrary? Why, Mr. President, within the limits of South Dakota are now over ten thousand men who followed Grant, Sherman, and Sheridan, and the dear dead soldier Senator from Illinois (Logan)—who, in the last debate for the admission of South Dakota, stood here manfully championing the rights of that people—on many a field of battle in defense of our flag and to maintain and perpetuate the Union into which they have vainly sought to be admitted.

Is that people deficient in morality? Is that people deficient in anything, Mr. President, which goes to make up the high quality of statehood? If it is so claimed, I invite the Senator from South Carolina or some other Senator opposed to this bill to indicate in what the deficiency consists.

Is the constitution republican in form? Indisputably so. Why, Mr. President, the objections made to the admission of the State of South Dakota if uttered anywhere else than in the Senate of the United States, or by men less eminent and distinguished than those who utter them here, would be properly termed pretexts rather than reasons.

Suppose the Territory of North Dakota were blotted out, and South Dakota, with its proposed limits, were the Territory of Dakota and the people of that Territory were here asking for admission into the Union, what could be justly said in opposition? Suppose North Dakota were the Territory of Dakota and the people of North Dakota, as they will be should South Dakota be admitted as a State, were here asking for admission, what could be fairly said against it? I deny that any one could successfully impeach her qualifications for admission into the sisterhood of States.

What, then, are the objections?

It has been insisted that the petition for admission of South Dakota should be denied because she comes without an enabling act. Is an enabling act essential then? I ask the Senators from South Carolina [Mr. BUTLER] and Indiana [Mr. TURPIE] where they find authority for the proposition that under the Constitution an enabling act is necessary as a precedent condition to the admission of a new State into the Union? Such a prerequisite is not found in the Constitution. It provides that: "New States may be admitted by the Congress into this Union." Here there is conferred upon Congress full power, and, if it pleases our friends who are opposed to the admission of South Dakota, I admit, full discretion in the premises. But where is to be found a restriction upon this power? Who can spell out from these words a requirement that there shall be an enabling act?

I need not call attention again to the fact, but I will, that of the twenty-five States added to the original thirteen, Vermont, Kentucky, Tennessee, Maine, Michigan, Arkansas, Florida and Iowa have been admitted by Congress in the exercise of this unrestricted power without any precedent enabling act. Oregon and California are to be added to the list, as my friend from Minnesota [Mr. DAVIS] kindly suggests to me. When before has precedent gone for so little? When before in the history of this country has the demand of a free people possessing every element of statehood been denied upon any ground? Congress has admitted State after State without an enabling act, and why must South Dakota await an enabling act?

Mr. PLATT. Congress never turned away a State for that reason.

Mr. SPOONER. The Senator from Connecticut truly says that Congress has never turned away in all the history of this Government a State otherwise entitled simply because it had not an enabling act. Mr. President, how was Texas admitted into the Union? Texas had no enabling act. Texas had not even been a Territory of the United States, and yet she was admitted.

If the proposed State posesses the other requisites of statehood there is no merit, nothing other than form in the objection that there has been no enabling act. I assert, Mr. President, as has been repeatedly asserted before, that the people of South Dakota have an inherent right as a free people to meet in convention, to adopt a constitution, to propose a division of the Territory, and to come here asking to be admitted into the Union. Her attitude here is not different from this. It is one simply of petition. It is not claimed that anything done by the people of South Dakota has made her a State or been potential to change her boundaries.

The Senator from Indiana [Mr. TURPIE] referred to this as a *de facto* State. No one in Dakota except a few men, so far as I know, has ever suggested that it was a *de facto* State. The people have understood that it was only tentative. Their proposition and prayer is that, having sufficient area, population, intelligence, loyalty, and all the elements of permanent prosperity and wealth, and having made a constitution republican in form, they be admitted into the Union as a State. Their petition is respectful and dignified.

But the Senator from South Carolina [Mr. BUTLER] seemed to be afraid that if this inherent power in the people should be recognized by the admission of South Dakota it would endanger the safety of this Government. He said it would be a "temptation to lawlessness," to violence, and by illustration he said, in substance: Suppose 200,000 socialists, and anarchists, and communists should get together out in the Territory of Washington and hold a convention and form a constitution and demand to be admitted into the Union. Suppose they did; how would it hurt anybody? When has petition endangered the safety of any interest in this country? Suppose they met in convention. The people have a right to. Suppose they adopted a constitution. The people have a right to. It rests only in proposition. Suppose they appointed a committee to bring here a petition asking that they be admitted into the Union; what of it? Would it injure anybody? Would it endanger seriously this country? Must they necessarily be admitted? Not at all.

Mr. BUTLER. If the Senator will pardon me for interrupting him, he has just struck the point exactly which I made in that part of my speech in reply to what I understood to be the proposition of the Senator from Connecticut, that where such a number of people met together and formed a constitution and had a sufficient area of territory, etc., they had the right to demand admission. It was that which I was combating, and I illustrated it by what the Senator has just stated.

Mr. SPOONER. The right to demand?

Mr. BUTLER. The right, and inherent right, to come in.

Mr. SPOONER. They have an inherent right to try to come in, just as some States of this Union claimed that they had an inherent right to go out and tried to get out. I do not admit, no man who favors the admission of South Dakota admits for a moment, that they have a right to force their way into the Union.

Mr. BUTLER. The Senator says they have just as inherent a right to get in as certain States had an inherent right to get out. He must bear in mind that we did not get out.

Mr. SPOONER. I did not say that; I said they had as much an inherent right to try to get in as some States had an inherent right to try to get out.

Mr. BUTLER. Nobody has denied that proposition. I did not deny it at all.

Mr. SPOONER. I do not know, then, where the Senator and myself differ. I do not contend that they can force their way into the Union. I insist only this, that in the exercise of the right of petition they may come here and ask to be admitted.

Mr. BUTLER. Nobody has denied that.

Mr. SPOONER. If socialists, anarchists, and communists should come we would deny their petition. Even though they had area sufficient, and population sufficient, and wealth sufficient, and intelligence sufficient, we would deny their petition and turn them away because they are not attached to the principles of the Constitution of the United States.

Mr. BUTLER. I agree with the Senator entirely. Therefore Congress would be exercising that discretion which I have been contending for and which the Senator admits.

Mr. SPOONER. I never have denied for a moment that Congress is to determine this matter. No one has denied it. How would a State get into the Union, how would Senators be entitled to walk into this door and vote without precedent action of Congress? No one contends that they could.

At the last Congress it was claimed as an argument against the admission of South Dakota that her people were in an attitude of defiance here. It is so suggested now. The Senator from South Carolina in his speech the other day read an item from some memorial protesting in strong language against the boundaries which those who oppose her statehood insist upon forcing upon her, and he cited that in support of the proposition that South Dakota is here in a condition of defiance. South Dakota is in no position of defiance. South Dakota formed her constitution. No one pretends that it has taken effect. South Dakota in the exercise of her inherent right and under the enabling act constituted by the ordinance of 1787 elected her officers. They have discharged no functions, nor was it intended that they should until the favorable action of Congress. I wish to read one sentence from their memorial. They say:

> The people of that part of Dakota south of the forty-sixth parallel of north latitude, having adopted a constitution republican in form, and taken the necessary preliminary measures toward organizing a State government, now, through their properly constituted agents, present such constitution to the President and Congress of the United States, and, confidently relying upon the rights which pertain to American citizens like circumstanced, respectfully but earnestly pray to be admitted as a State into the Union of States.

What self-respecting people could come in other attitude than that to ask admission? It was assumed over and over again in the last Congress that their State officers proposed to exercise their functions independent of action by Congress. The constitution itself provides the contrary, as follows:

> SEC. 32. Nothing in this constitution or schedule contained shall be construed to authorize the Legislature to exercise any powers except such as are necessary to its organization, to elect United States Senators, to provide and pass means and measures necessary, preliminary, and incident to admission to the Union, and to assemble and reassemble and adjourn from time to time; neither to authorize any officer of the executive or administrative departments to exercise any powers of his office except such as may be preliminary and incident to admission to the Union; nor to authorize any officer of the judiciary department to exercise any of the duties of his office until the State of Dakota shall have been regularly admitted into the Union, except such as may be authorized by the Congress of the United States.

The Territorial government has gone right along in Dakota since the adoption of this constitution, and since the election of those officers. No one has interfered with it or proposed to; and the President of the United States has kept right along, in violation of the pledge made by the platform upon which he was nominated and elected, appointing non-residents of that Territory to rule over that people.

It is objected that the Territory has not been divided; that no power but Congress can divide it, and that these people are in a revolutionary position in attempting to divide the Territory and to fix the boundaries of a State.

The complete answer to this is that they have attempted no such thing. They only propose to Congress that the Territory be divided, and that the boundaries which they recommend be accepted. They do not assume that this is binding upon Congress. The present bill does not recognize it as binding, for it changes the boundaries. This is not the first attempt of people to propose boundaries. It has been done repeatedly, and the boundaries proposed have more than once become the boundaries of States.

But the Senator from South Carolina made a point which I thought at the time had some little force in it as an objection to this bill. He called attention to the fact that the present constitution was adopted by comparatively a small vote of the people having a right to vote who lived within the boundaries of South Dakota, and he asked, "Is it fair to

impose upon that people by the passage of this bill a constitution for which so few of them voted; a constitution two and a half years old?" The Senator from South Carolina forgot, or if he did not forget it he did not care about it (for precedents seem to be entitled to no weight upon this question of the admission of South Dakota), that the constitution of Florida when she was admitted into the Union was six years old. Moreover, the Senator ought to have remembered that his objection was without strength, for the reason that the people of Dakota would have a right at will to amend this constitution.

But an absolute answer to the point which the Senator made is the fact, and it escaped his observation strangely, that in this very bill which Congress is asked to enact into a law it is declared that this constitution shall be resubmitted to a vote of the people, and if a majority of the legal voters do not adopt it, that this act shall be null and void, and if this act shall be thus rendered null and void, and Dakota be kept longer out of the Union, I suppose it would bring great grief to the Senator from South Carolina.

Mr. President, a great point is made, and it is made by the Senator from South Carolina the pivotal point on which his argument turns upon the question of dividing this Territory. He said almost at the outset of his speech that it resolved itself into a question whether the Territory of Dakota should or should not be divided.

First, on the question of division I desire to say that I deny the right of the people of a Territory to demand that it shall be left absolutely to them to decide for the Congress of the United States whether that Territory shall be divided or how it shall be divided, although Congress would doubtless generally consult them. But in the case of South Dakota, the very act—and I refer to it to make special use of it—under which the Territory of Dakota was organized contains a provision that nothing therein shall be construed to inhibit the Congress of the United States from dividing the Territory into two or more whenever, in the judgment of Congress, the interests of the people of the United States should demand it. That reservation of power was not necessary in that act. Why? Because the Congress under the Constitution retains the power to be exercised when it chooses to divide a Territory. Why was this unnecessary provision incorporated in the act? It was manifestly because it was feared that unless it were put there the people of Dakota might claim a vested right to determine as to the division of that Territory, that they might claim they had been warranted by the terms of the organic act in believing that the power was vested in them or that it constituted an agreement not to divide. It was put there as a legislative notice to the people of South Dakota that, come what would, they should have no right to determine the question as to the division of that Territory except Congress should choose to permit them so to do.

In this connection I desire to read from the very able report made by the Senator from Connecticut, representing the majority of the Committee on Territories, to show that in Dakota they have legislated constantly in recognition of this right reserved by Congress to divide the Territory, and evidently in contemplation that the power might be exercised. Allow me to call attention to this legislation, for it is exceedingly significent.

By act of February 22, 1879, an insane asylum was located at Yankton, in South Dakota, for which bonds have been issued to the amount of $215,900.

By act of March 9, 1883, the North Dakota hospital for the insane was located at Jamestown, in North Dakota, for which bonds have been issued to the amount of $168,000.

By act of February 17, 1881, a penitentiary was located at Sioux Falls, in South Dakota, for which bonds have been issued to the amount of $94,000.

By act of February 27, 1883, a penitentiary was located at Bismarck, in North Dakota, for which bonds have been issued to the amount of $41,000.

By act of February 3, 1883, the University of Dakota was located at Vermillion, in South Dakota, and bonds to build the same were authorized to the amount of $85,000.

By act of February 27, 1883, the University of North Dakota was located at Grand Forks, in North Dakota, and bonds for the same have since been issued to the amount of $74,000.

By act of February 21, 1881, an agricultural college was established at Brookings, in South Dakota, for which bonds have been issued to the amount of $100,000.

By act of February 23, 1883—

Coming from the beginning down almost to date—

an agricultural college was located at Fargo, in North Dakota, but the buildings have not yet been constructed.

By act of March 5, 1881, a normal school was located at Madison, in South Dakota, and bonds have been issued therefor to the amount of $55,600.

By act of March 9, 1883, a normal school was authorized at Larimore, in North Dakota, the buildings for which are yet to be constructed.

In all these acts authorizing the issuing of bonds for the erection of permanent structures for public institutions in North Dakota and in South Dakota it is provided that in the event of a division of the Territory the Territory of North Dakota shall be liable for the bonds issued for buildings which shall be in North Dakota, and that the Territory of South Dakota shall be liable for the bonds issued for the erection of buildings which shall be in South Dakota.

Mr. BUTLER. Would it disturb the Senator if I should ask him if he is reading from an act of Congress? I did not catch what he is reading from.

Mr. SPOONER. I am reading from ten or a dozen acts of the Territorial Legislature of Dakota and attempting to establish that from the beginning the Legislature of the Territory of Dakota has legislated and provided for improvements permanent in their nature, with reference to the division of this Territory as proposed by this bill.

But if it be admitted that the people of the Territory of Dakota have a right to determine for themselves whether the Territory shall be divided, and if so how it shall be divided, Senators opposed to this measure insist strenuously that there has been no sufficient expression of the popular will in Dakota upon that subject.

I assert the contrary, and I am quite willing, so far as I am concerned, to rest the claim of South Dakota to statehood upon the correctness of my assertion. I do not intend to read the various memorials passed by the Legislature of Dakota petitioning Congress for a division. They have been read to the Senate by the Senator from Illinois, and they are conclusive so far as a legislative expression is entitled to weight. Nor do I intend to call attention, save by mere mention, to the election held for delegates to a constitutional convention. I am prepared to lay all these evidences of the popular will aside, and to rest the case on the vote taken on the subject in 1887. The Democratic convention of the Territory of Dakota in 1887 passed a resolution, as I recollect it, requesting the Legislature to enact a law providing for the submission to the people of the whole Territory of the question of division. The Legislature enacted the law, and provided that the election should be held on the 8th day of November, 1887. It was held on that day. About 67,000 voters in the Territory of Dakota voted on that day upon that question, and of the total vote about 5,000 or thereabouts were found to be in favor of dividing the Territory substantially as proposed by the pending bill.

By what process of reasoning does the distinguished Senator from South Carolina attempt to convince himself or any one else that this was not a fair expression of sentiment upon the part of the people of Dakota? Tested by every test which we at the North apply to elections, that was as fair an election as ever was held. It was ordered by law, it was regularly notified to the people, it was held by officers of the law, such duty being imposed upon them. Every man within the limits of Dakota who had a right to vote could go to the polls and vote, and presumably every man in the Territory of Dakota having a right to vote who wanted to vote did go to the polls and vote.

How is the fairness of that election to be successfully attacked? How is its conclusiveness as an expression of the popular will to be impeached? There was no fraud or corruption there. There were no tissue ballots used in that election to defeat the will of that people. There were no organized raids upon the ballot-box in that Territory. The election was free and open as the air, and as the Senator from Connecticut [Mr. PLATT] suggests, every vote which was cast was counted as it was cast, and I add, it was returned as it was counted.

I repeat, that tested by the tests which we at the North apply to elections there is no tribunal in this country that would impeach or discredit for one moment the election held in Dakota in 1887 as a fair, just, and intelligent expression of the wishes of that people on the question of division.

But my friend from South Carolina analyzes the vote, and he concludes upon that analysis, what? He makes this proposition, as I recollect his speech, that from his computation and his analysis it appears that 30,000 voters in that Territory either were opposed to the division of the Territory or were indifferent upon the question and staid away from the polls. Up in the North, I beg to inform the Senator from South Carolina, we do not count the men who are indifferent and who do not care to go to the polls. A man who has a right to vote, who knows that if he votes his vote will be counted and that it will be returned, who does not care enough about the question involved to go to the polls and express his wish in the lawful way, is estopped from asserting politically afterwards, either in mass convention or by letter to members of Congress, that he was opposed to the result at that election.

I want to say to the Senator from South Carolina that whether the absence of voters from the polls affects the fairness of the election depends upon the causes of that absence. If they stay away from the polls because, having full right, they do not care to participate, the election, notwithstanding, must be considered a fair one. If they stay away from the polls because a system has been adopted by which the ballot-boxes and the ballots are so multiplied that an unlettered man, no matter how clear his choice may be, and how sincerely attached to this Government he may be, can not expect to vote and have his vote deposited in the proper box, it does affect the fairness of the election. If he is led to remain away from the ballot-box on election day because he does not dare to go there, because he has been taught to fear that an exercise of the rights of an American citizen will put his life in jeopardy, it does impeach the fairness of the election.

Ah, Mr. President, where large numbers of voters remain absent from the polls not because of indifference, but because they shudderingly recall outrages perpetrated and tolerated by the intelligent men of whole communities and whole States year after year through ku-klux clubs, night-riders, tissue ballots, bloodshed, intimidation, and fraud; if they remain away because there is ever present with them the remembrance of burning shanties, of colored Republicans driven to the swamps, lashed, exiled, pursued, hunted down in order to extinguish in them a desire to vote or to implant in their breasts a permanent fear equivalent, and intended to be equivalent, to disfranchisement; if they remain absent from the polls because there is always before their eyes at every polling place, in front of every ballot-box, the

bleeding form of Print Matthews falling within sight of his own home, shot dead pursuant to an organized conspiracy on election day, with his uncast ballot in his hand; if they remain away from the ballot-box because of the horrid memories of Yazoo, of Coushatta, of Copiah, then Mr. President, their absence from the polls does affect the fairness of the election, and does impeach it as an honest expression of the popular will.

We do not impeach the fairness of elections in some of the Southern States simply because of the small vote cast, simply because men who did not care to vote staid of their own free will away from the polls; but we impeach the fairness of those elections because of the causes which keep men from the polls and bring about a minority rule; a condition by which the State of Georgia has ten Representatives in the Congress of the United States elected by an aggregate vote of only about 26,000, which is less than the vote cast in any of the nine Congressional districts in the great State of Wisconsin.

But, Mr. President, none of these elements of outrage, intimidation, or fraud were present to discredit the result in Dakota on the 7th day of November, 1887. The election, I repeat, was fair, orderly, and peaceable, and a majority of all the voters of that Territory attended and cast their votes, who cared to vote, and upon that election a majority was canvassed and counted in favor of dividing Dakota.

But, Mr. President, what party necessity is it that in the face of a popular expression like this leads Democratic Senators solidly almost to bar the pathway of South Dakota into the Union upon the alleged ground that there has been no fair expression of the people of that Territory in favor of division? The contention is an idle one, and the great people of the United States will not fail to understand it. Their sober judgment will sift the wheat from the chaff in all this opposition, and their verdict will be one of condemnation.

Mr. Lincoln once said, and I commend it to our Democratic friends:

A political party may deceive part of the people all of the time and all of the people part of the time; but no party can deceive all of the people all of the time.

Mr. President, some one said the other day in the debate that the *de jure* expression of the people of Dakota upon this subject was made after this election. Within a few days ensuing the election a convention was held at Aberdeen, upon the voice of which the Senator from South Carolina, as I understand him, and the Senator from Indiana, base their claim that the people of Dakota are opposed to the division of the Territory. To place the action of that convention at Aberdeen against the election held under the forms of law in November as a fair expression of the people of Dakota seems to me to be a travesty on fair judgment, and nothing else. How were the delegates to that convention elected? The Senator from South Carolina and other Senators here know how easy it is to secure the election of a few delegates to a convention; almost as easy as it is to get a petition signed. Men uniformly sign petitions without knowing what they are, and a few men often meet in caucus and send delegates to a convention.

We have no data upon which to determine with any degree of accuracy, even if it were important to determine it, how many participated in the various counties in the election of delegates to the Aberdeen convention. One thing I think we do know fairly enough, and that is that it was a convention to be distinguished in the history of conventions for the number of delegates elected to it who personally were not present at it.

I hold in my hand a statement upon the subject, which is signed by the author, and which I am informed is quite accurate, to which I ask the attention of the Senate:

Number of delegates covered by the call	909
Number actually present	180
Not present	729
Number represented on a test vote	679
Of which the "proxies" numbered	499
Not present in person or by proxy	230

And the voice of this famous convention is to control the destiny of South Dakota! This correspondent asserts that in the proceedings of that convention seven men cast 192 votes, as follows:

A. W. Edwards, of the Fargo Argus, 55 votes—and I doubt not they were unanimous against division. F. M. Burdick, capital commission councilman, cast 30 votes, of course against division. Dr. Alloway, Territorial veterinary surgeon, cast 41 votes, unquestionably unanimous against division. Bud Reeves cast 17 votes, a united voice against division. F. A. Wilson, assistant Territorial superintendent, cast 23 votes against division. M. H. Jewell, auditor, 11 votes against division. Colonel Gale, asylum director, 15 votes against division.

And the action of this convention is set by the opponents of South Dakota against the majority of 5,000 out of 67,000 of the voters of that Territory who, not by proxy, but in their own proper persons, deposited their ballots upon that subject upon election day.

It has been argued that the Territory should be admitted as a whole because it has not been customary in the action of Congress to erect a State except with boundaries coterminous with the Territory. I shall spend no time, Mr. President, upon this suggestion for the reason that it is not founded as I understand it in fact. When Kansas was made a State, 300 miles of the Territory of Kansas extending to the Rocky Mountains were cut off and excluded from the boundaries of the State of Kansas. It now forms the eastern half of Colorado. The boundaries of neither Iowa, Minnesota, nor Wisconsin are coterminous with the Territorial boundaries out of which they were created. Out of this great territory Wisconsin was carved and Iowa as a Territory took the remainder. Out of that Iowa as a State was carved, and Minnesota as a Territory took the remainder. Out of that Minnesota as a State was carved, leaving the Territory of Dakota as now bounded.

The Senator from Indiana argued very strenuously the other day against division. He said substantially let us take Dakota in as a whole. South Dakota has 77,000 square miles of area; all of Dakota has more. South Dakota has 360,000 population, all of Dakota has more. Therefore let us admit Dakota as a whole. This evidently was not the view of those who have preceded us in the legislation of this country. That argument would have led to the admission of the entire Territory of the northwest as one State, and would justify the adding of Montana, Washington, and Dakota Territory and admitting them all as one State.

But the Senator from Indiana argued with pathetic eloquence in favor of admitting the Territory of Dakota as a whole also upon the ground that to divide it as proposed by this bill would sunder the ties which have been formed between the people of North Dakota and the people of South Dakota. "Blest be the tie that binds." The argument was exceedingly touching as the Senator's speech was exceedingly eloquent, and while I can not impeach, and would not if I could, the sincerity of the Senator's position, I think I am quite able to impeach his consistency in taking it. He will not submit to a division of the Territory of Dakota, thereby ruthlessly sundering the ties existing between the people of North and South Dakota, and yet a bill is on the table of the Senate reported by the Committee on Territories at this very session of Congress with a minority report, not signed by the Senator from Indiana, a member of that committee, and not signed by the Senator from South Carolina, also a member, but signed only by the Senator from Illinois [Mr. CULLOM], the Senator from Nebraska [Mr. MANDERSON], and one other, which it is proposed to enact into law admitting the Territory of Washington into the Union, and, in order to make it large enough, dismembering the Territory of Idaho by taking therefrom 24,000 square miles, an area larger than the State of West Virginia, and larger than Maryland, Vermont, and Rhode Island put together.

Why are not the ties that bind the people of the Panhandle of Idaho to the people who live in the remainder of that Territory as sacred to the Senator from Indiana as those which bind together the people of North and South Dakota? Are the people of Idaho permitted to vote on the question of dismemberment of their Territory and the departure of eighteen thousand of their inhabitants? Not at all. That bill which the Senators join in the majority report favoring, provides, not that the people of Idaho shall have a voice in determining whether these tender ties shall be sundered or not, but that the area and the people shall be taken without consulting them, provided only the eighteen thousand who are to be taken consent; and where does that leave Senators who support that proposition? They are willing to leave it to a vote of the people in the Panhandle of Idaho whether they shall be severed from that Territory or not without consulting the people of the remainder of the Territory, but they are not willing to leave it to the three hundred and sixty thousand people in South Dakota to determine whether they will come into the Union as a State with the boundaries which they have proposed.

But, Mr. President, that is not all. At the last session of Congress there passed this body a bill which further illustrates the inconsistency of Senators on the other side of this Chamber who are opposed to the admission of South Dakota. A bill was passed through the Senate, without a single dissenting vote, providing for an enabling act for Washington Territory, taking off the Panhandle of Idaho and its inhabitants, without submitting to a vote of any of the people of Idaho the question whether that Territory should be dismembered or not, and that, too, notwithstanding the fact that the population of Idaho is small and that her dismemberment would defer necessarily for a long period a condition of statehood.

Why is it that Democratic Senators are willing to vote for a bill giving to Washington Territory an enabling act at all; authorizing that Territory to come into the sisterhood of States, and yet vote here solidly session after session against the admission of South Dakota?

Mr. BUTLER. Will the Senator allow me to answer that?

Mr. SPOONER. Certainly.

Mr. BUTLER. I think it is due to truth and fairness that I should do so. Of course I do not mean to say that the Senator is suppressing the truth; he is evidently doing so, but I think not intentionally. I think it is due to fairness to state, and I think the chairman of the committee should state to the Senate, that that bill was adopted at the last Congress because there was not a syllable or a word of protest by way of anybody from Idaho against it; but the moment that protests came at this session the matter was discussed and decided upon as he states. I think it is fair to have that stated in this connection.

Mr. SPOONER. I am glad to have that statement made, if it is true.

Mr. PLATT. I can hardly say that there was no protest. I would say, however, that we reported that bill and passed it because we did

not believe that there was any considerable objection to it in that part of the Territory.

Mr. BUTLER. If there was any objection it escaped me. I never heard a word of protest against it.

Mr. SPOONER. But that does not change the force of my argument, if there is force in it. I said that at this session even the Senator from South Carolina and the Senator from Indiana are willing to dismember the Territory of Idaho, leaving it only to a vote of the 18,000 people who live in that portion which is to be taken off, and yet they are not willing to leave it to a vote of the 360,000 people of South Dakota whether they shall come into the Union apart from North Dakota or not.

Why is it that the Senator from South Carolina at the last session and doubtless at this session is willing to vote for the admission of Washington Territory and not for the admission of South Dakota? Wherein is Washington Territory stronger in the elements of statehood than South Dakota? She has not the wealth; she has not the school system; she has not the population; she has not, I believe, the arable acreage; she has not any element of statehood to the extent possessed by South Dakota. Why is it, then, that Senators on the other side so persistently favor making a State of Washington Territory and so persistently oppose making a State of South Dakota? I think the reason is to be found in the fact that South Dakota elected two Republican Senators to come into this Chamber and that Washington Territory has been represented in the other House for four years by a Democratic Delegate. It may not be that, but if it be not that I fancy it will puzzle Senators to explain how they can think Washington Territory entitled to statehood and South Dakota to vassalage.

Why must we have Dakota as one State? The Senator from South Carolina says it would be an "empire" State. We call New York an empire State. The people of the United States have become accustomed to look upon New York as the essence of an empire in area, wealth, intelligence, and all that goes to make power in a commonwealth. The people of the United States look also upon Pennsylvania as an empire State, upon Illinois as an empire State. Why is not South Dakota, larger in area, fairly to be considered, if admitted, sufficiently an "empire" State?

Senators talk about there being no danger in empire States. The greatest "empire" State in the Union, so far as territory is concerned, is the State of Texas, and I undertake to say in this presence to-day that the State of Texas does menace by her monstrous territory the interests of sections of this country.

The great empire State of Texas furnishes in the other House the chairman of the Judiciary Committee. The great empire State of Texas furnishes in the other House the chairman of the Committee on Ways and Means, a position second only in power and influence to that of the Speaker of the House of Representatives, the chairmanship of a committee which deals with the dearest interests of New England, of New York, of Pennsylvania, of all this country, next to personal liberty itself. The empire State of Texas does more than that. She furnishes the chairman of the Committee on Claims in the House of Representatives.

The great State of New York has no voice upon the Committee on Ways and Means. Why this remarkable preponderance of political influence from the "empire" State of Texas as against other "empire" States of this Union? I do not intend to reflect upon the "empire" State of Texas when I say that this preponderance is not due to her wealth or to the loyalty or intelligence of her people. It is due to two things, her solid Democracy, and her everlasting territory.

I believe that we want no more such "empire" States in the Union. The people of the great Northwest, of the States of Wisconsin, Minnesota, Iowa, Michigan, and Illinois have a peculiar interest, which should be heeded, as to the area of the States which are to be erected out of the remaining territory of this Union. Although all members of one governmental family, attached to the Constitution and the Union, loyally loving and ready to defend our flag, recognizing the fact that generally the prosperity of one section is the prosperity of all sections, save when the prosperity of one is gained at the expense of another, Senators should not forget that this common bond and general fealty do not require or bring about a necessary or natural oneness of industrial interests. The great agricultural States to which I have alluded, and the great States, agricultural and mineral, yet to come in to the northward and westward, will inevitably have a set of industrial interests of their own, peculiar somewhat to that region.

Their interests may not at all times be identical in all respects with the interests of manufacturing New England or of the central or southern section of the country. I submit it is but just, keeping in view the fact that in the erection of States we legislate not for the present but for all time to come; that the States yet to be born are to come from territory of resources illimitable, certain of speedy development; that their population, to be recruited from the older States and from the whole world beside, will rapidly grow to millions, that some reference should be had, in defining the boundaries and establishing the area of the new States, to the average size of the States hitherto admitted, and to affording fair representation in the Senate and in the House for the protection of the industrial interests of the newer portions of the Union. It is not fair, regard being had to the area of the States East and South, that another State like Texas should be carved out of the great Northwest.

But, Mr. President, a word further and I have done. This remarkable obstruction to South Dakota, this willingness to pass a bill enabling one Territory to come into the Union, this refusal to pass a bill enabling another more entitled to statehood to come into the Union, must have some foundation. What is it? I think it is not difficult to discover it. Here in the Senate the proposition of the majority to admit the State of South Dakota and to give an enabling act to the Territory of North Dakota is antagonized by a proposition to admit the Territory as a whole. But it does not follow from that that the Democratic party in control of this Congress proposes to admit even the Territory of Dakota as a whole. I think the evidence is abundant, so plain that no man can gainsay it, that it is resolved that Dakota, as a whole, shall not come into the Union except upon conditions unreasonable and founded only in partisan policy.

I have on my table a report made by the majority of the Committee on Territories in the House of Representatives in support of a remarkable bill, properly called an omnibus bill, a report and a bill, which it is due to the people of the United States should find some place in the discussion of South Dakota's right to statehood. It is a bill giving an enabling act to the Territory of Dakota as a whole. What else? The same bill gives an enabling act to the Territory of Washington; and what else? The same bill gives an enabling act to the Territory of Montana; and what else? The same bill gives, *mirabile dictu*, an enabling act to New Mexico. What means this?

I have on my table also evidence that this proposition, which is to antagonize this bill in the other House when it passes the Senate, as it will, meets with more than the concurrence of the majority of the Committee on Territories in that body. I find by the newspapers that there was a secret caucus, and therefore I feel entitled to assume that its proceedings have been reported with absolute accuracy.

I read from the Sunday morning Post:

The Democratic caucus held in the Hall of the House of Representatives last night lasted over three hours. About 130 Democrats attended, which was a pretty full attendance.

There had been a couple of all-night sessions, I believe, two nights previous to the caucus, which may explain the small attendance, or, perhaps some Democrats may have staid away because they were "indifferent," but as they might have attended it does not affect the conclusiveness of the result.

The business was to settle a party policy with regard to the admission of Territories to statehood.

The business was to settle a *party policy* with regard to the admission of Territories to statehood.

Mr. SPRINGER, as chairman of the Committee on Territories—

The same Mr. Springer who sent the pronunciamento to the Aberdeen convention to help the free people of Dakota to form and express their opinion upon the question of division—

Mr. SPRINGER, as chairman of the Committee on Territories, expounded the merits of the bill already reported to the House by his committee. This bill, called the omnibus bill, aims at the admission of Dakota, Montana, Washington, and New Mexico; and the caucus finally agreed to stand by the policy of that bill.

Here is the resolution:

Resolved, That it is the sense of the caucus that an enabling act for the Territories of Dakota, Montana, Washington, and New Mexico should be passed at this session, providing for constitutional conventions in each Territory, and the submission of those constitutions for ratification at an election in November, 1888, substantially as provided for in the bill reported by the Committee on Territories at this session.

Thus it is seen that it is not a party policy to admit even the great Territory of Dakota alone. There must come with her, and in the same bill, the Territory of Montana. But that might be Republican. There must come with her, and in the same bill, the Territory of Washington, which is safely enough Democratic from all external appearances. And there must come with her, and in the same bill, the Territory of New Mexico. The purpose and partisanship of it all is rendered concrete by a comparison of the title of New Mexico to statehood with the title of North and South Dakota to statehood. I read an extract from the able report of the minority of the House Committee on Territories:

Can it be said that Dakota, both North and South, are not strong enough to stand alone, that New Mexico is, and that Dakota shall neither be divided nor admitted without New Mexico and two other Territories are made States? Is it justice to insist on such conditions when Dakota has 600,000 people, nearly all Americans of intelligence and thrift, and New Mexico with less than 150,000, over two-thirds of whom are Mexicans and many ignorant and thriftless, about 9,000 Indians, and the remainder Americans and foreigners; when Dakota has 70,000 farms and New Mexico less than 10,000; when Dakota has only 46,000 acres of untillable land and New Mexico 74,000,000 acres; when Dakota in 1887 produced 60,000,000 bushels of wheat and New Mexico less than 1,000,000 bushels, Dakota 40,000,000 bushels oats, and New Mexico less than half a million, Dakota 24,000,000 bushels corn, New Mexico less than 1,000,000 bushels; when of 99,849 children in Dakota over ten years old in 1880 only 3,094 could neither read nor write, and of 87,849 children of same ages and in same year in New Mexico 52,994 could neither read nor write; when Dakota has 4,000 school-houses and New Mexico but few, none being reported in last report of the Bureau of Education; when Dakota has 5,000 school-teachers and New Mexico 164; when Dakota has 328 periodicals published within her borders and New Mexico but 30; Dakota with 1,032 post-offices on June 30, 1887, and New Mexi-

co but 215; increase of post-offices in Dakota in the year ended June 30, 1887, 39, in New Mexico 4; when Dakota has thousands of church buildings, fine capitol, 2 penitentiaries, 2 universities, 2 insane asylums, and 1 agricultural college, and New Mexico but few church buildings worthy of note, a moderate capitol and penitentiary building, but not one other public institution of charity or learning?

The committee might have gone further than that. They might have shown what the fact is, as I understand it, that quite 100,000 of that population belong to a different race than the Anglo-Saxon, speak a different language, have a different civilization. The comparative unfitness of New Mexico for statehood is emphasized by a fact which will be apparent to the Senate when I ask your attention to the fact that in 1885 the Legislature of New Mexico adopted a revised statutes, which I hold in my hand, and from one lid to the other one page is in the English and the other is in the Spanish language. The population is such that it was not deemed just to subject so large a population to the operation of laws unless they were printed in a foreign language which they could understand; and yet that Territory is proposed to be admitted into the Union, not alongside of South Dakota, not alongside of North Dakota, but alongside of the whole great Territory of Dakota, and in the same bill, for obvious reasons. I do not feel warranted in challenging the evident judgment of the Democracy that the population of New Mexico would be certainly Democratic.

Another thing is entitled to mention which makes all this more remarkable. The chairman of the Committee on Territories in the House of Representatives states in his report in favor of the admission of the Territory of New Mexico that her people have not asked authoritatively for admission since the Forty-fourth Congress. I ask again what is the meaning of all this? It is not inexplicable.

In the old days when slavery existed in this country, when it was a bone of contention, and there was a struggle for political power between the forces of slavery and the forces of freedom, it came about, not unnaturally, that a slave State must be brought into the Union alongside of a free State. The Senators from no State pledged to freedom could walk into this Chamber unless there came by their side or ahead of them Senators pledged to the extension of African slavery. Slavery is dead.

The first gun fired by South Carolina upon the flag of the United States gave slavery its death wound, but the relative position of political parties to-day in this country is not changed with the disappearance of that institution. It seems that to-day as in ante-bellum days the exigency of Democracy, solid at the South and complaisant at the North, demands that no Territory which will be Republican in its politics, which will send Republican Senators into this Chamber, shall be permitted to come into the Union unless alongside of it is admitted, regardless of its possessing elements of statehood, a Territory which shall be surely Democratic, so that the one may counterbalance the other. The power of the solid South in the electoral college, secured and kept by means suggested, is from this time forth to be maintained at all hazards.

Mr. President, I firmly believe that South Dakota will not be admitted by this Congress into the Union. I do not think it is the plan to open the door of the Union and invite her to sit at the table with the rest of the sisterhood. I believe the people will not fail to understand why it is that this political outrage is longer perpetrated upon that free, enlightened, brave people.

But if I could reach with my utterance the people of South Dakota I would pray them to be patient. I would say to them, "wait; 'patience is powerful.' Your cause is a just one. Refinements and pretexts may delay you but can not defeat you." I would ask them to stand by their guns; not to surrender; not to be cajoled or frightened under the threatened penalty of being kept in Territorial weakness and degradation, to abandon their right and claim to statehood and to follow the lead of the Aberdeen convention; because, sir, I believe that as sure as to-morrow is to follow to-day, the people of the United States will soon take a deep interest in this question. They are slow to anger, but a wrong upon a people is sure to arouse them, and I think we may safely prophesy to the people of South Dakota that before long, independent of what is done to-day, there will be elected a Congress which will recognize their rights and gladly welcome the proposed new State into the Union of States.

Mr. HOAR. Mr. President, I have listened, in common I believe with the whole Senate, with delight to the very able, eloquent, and original speech of the honorable Senator from Wisconsin [Mr. SPOONER]. It is unnecessary to say that I agree with the conclusions which he has stated and with the whole of his argument; but I was especially interested in his demonstration of the proposition that the good faith of the United States had been in the most solemn manner pledged to the people who are interested in the admission of South Dakota. But the Senator used one illustration, which I think ought not to pass without a suggestion of a *caveat* or disclaimer from some Northern Senator.

The Senator illustrated his argument by supposing the case of Texas having divided herself into one or more States, not exceeding five, and those States being presented for admission to the Union; as I understood my honorable friend, he thought that the same obligation of good faith, which, as he believes and as I believe, rests upon Congress in dealing with the proposition of the people of South Dakota would rest upon us without an exception in dealing with such a proposition from the State of Texas.

Mr. President, I am aware that such an opinion exists, that it exists in all parts of the country to some extent, but I think I ought to say before the Senator's speech passes into history that there are many persons who do not take the view, as to the existing obligation growing out of the joint resolution for the admission of Texas to the Union, which is suggested by the honorable Senator in his very admirable illustration.

Mr. SPOONER. I ask the Senator from Massachusetts if he knows of any who are now opposing the admission of South Dakota who disagree with my position?

Mr. HOAR. I do not. As I understand it, the language, in the first place, of the enabling act of the State of Texas, if it may be so called, is very different from the language of the treaty with regard to the Louisiana territory or the language of the ordinance of 1787 and the legislation which has been based upon that. The treaty with France of 1803, for instance, for the acquisition of Louisiana, is this:

> The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.

The language in regard to the admission of Texas is this. I read from the third clause of the second section of the joint resolution:

> New States, of convenient size, not exceeding four in number in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution.

They "may" be formed——

Mr. SPOONER. And shall be admitted.

Mr. HOAR. The Senator will see the point; I am merely stating an existing theory which has many advocates, without indicating my own opinion.

> New States, of convenient size, not exceeding four in number in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution. And such States as may be formed out of that portion of said territory lying south of 36° 30′ north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union with or without slavery, as the people of each State asking admission may desire. And in such State or States as shall be formed out of said territory north of said Missouri compromise line slavery or involuntary servitude, except for crime, shall be prohibited.

My honorable friend from Wisconsin will see the purpose which Congress had in mind. A portion of the territory of the State of Texas lay north of the Missouri compromise line, lay in that latitude which had been forever dedicated to freedom by the compromise of 1820. If Texas came in and remained as a whole, as a single State, and became filled with population, in the course of time we should have presented the singular anomaly of a State in the Union a portion of whose territory (then, however, the uninhabited portion) must, if the Missouri compromise remained in force, be forever free, and another portion of the same territory subject to slavery being established and maintained in it by the action of its own people. Therefore to meet that condition of things it was provided that there might be a proposition to divide Texas, which should come in the first place from Congress, at its discretion. The State of Texas might be divided, with the consent of the State, the proposition, the enabling act, the affirmative action, the original action, coming from the national authority, and of course to depend on its discretion of the public necessities, the condition being the assent of the State of Texas.

It seems to me that the argument which has carried conviction to so many minds is a very strong one, without expressing my own opinion upon it, that that was not intended as a compact with Texas to admit at her discretion and on her proposition, by the consent of Congress, new States, but was intended to reserve to Congress in future the discretion to make that proposition to Texas, the proposition which made to any other State in the Union, New York, or Ohio, or Wisconsin, would be regarded undoubtedly as a great piece of discourtesy and indignity to the State.

But, secondly, supposing that view to be wrong, the whole consideration and purpose and thought of that provision has been done away with by the abolition of slavery. When Texas, in the great war, went out of the Union and returned again, slavery being abolished, without any stipulation renewing the binding force of her original act of admission, I believe a very large number of the jurists, statesmen, and lawyers of the United States are of opinion that the obligation is gone, if it ever existed. *Cessante causâ cessat et effectus.*

Mr. President, what I have said does not in the least detract from the force of the argument of my honorable friend from Wisconsin; but it seemed to me that if this question shall ever arise for practical action anywhere, it ought not to be said that the view which my honorable friend has put merely as an illustration of his argument was announced by a Northern Senator without a suggestion being made at the time that it was not universally assented to by the Senators who listened.

Mr. VEST. Mr. President——

Mr. BUTLER. I take it for granted the Senator from Missouri does

not desire to proceed this evening, and I move that the Senate proceed to the consideration of executive business.

Mr. PLATT. Will the Senator allow me one word before that motion is put?

Mr. BUTLER. Certainly.

Mr. PLATT. Of course I can hardly object at this juncture in the debate to a motion of that kind if the Senator from Missouri does not desire to proceed this afternoon; but at the same time I am very anxious to bring this debate to a close. Can we not have an understanding that we shall have a vote to-morrow?

Mr. BUTLER. I should not like to make such an agreement at present.

Mr. PLATT. Well, I make no objection to the motion to-day.

Mr. WILSON, of Iowa. I rise to ask the Senate to proceed to the consideration of Order of Business 691, being the bill (S. 1592) to continue the publication of the Supplement to the Revised Statutes.

The PRESIDENT *pro tempore*. Does the Senator from South Carolina withdraw his motion to proceed to the consideration of executive business?

Mr. BUTLER. What is the proposition of the Senator from Iowa?

Mr. WILSON, of Iowa. If this bill shall induce debate I shall withdraw the request. I am very anxious to have the bill acted upon in order that it may go to the other House in time to receive action there at this session.

Mr. BUTLER. Of course I withdraw for that purpose if the bill will not lead to debate.

Mr. WILSON, of Iowa. I think it will not lead to any debate.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 12th instant approved and signed the following acts:

An act (S. 550) granting a pension to William C. Wait;

An act (S. 733) granting a pension to Abbie S. Hutchinson; and

An act (S. 803) granting a pension to Delia M. Peck.

The message also announced that the President had on the 13th instant approved and signed the following acts:

An act (S. 854) granting a pension to Sarah E. Branson;

An act (S. 1784) granting a pension to Ida M. Welton;

An act (S. 1785) granting a pension to Stephen D. Redfield;

An act (S. 404) for the relief of Margaret S. Murray; and

An act (S. 815) granting a pension to Angerone P. Cole, mother of George H. Cole, private Company B, Fourth Regiment Wisconsin Volunteers.

PUBLICATION OF HISTORICAL MANUSCRIPTS.

The PRESIDENT *pro tempore*. Pending the consideration of that motion of the Senator from Iowa, the Chair lays before the Senate a message from the President of the United States.

The message was read, as follows:

To the Senate and House of Representatives:

I transmit herewith, and commend to your favorable consideration, a letter from the Secretary of State outlining a plan for publishing the important collections of historical manuscripts now deposited in the Department of State.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April* 12, 1888.

The message was referred to the Committee on the Library, and ordered to be printed.

VENEZUELAN SEIZURES OF AMERICAN STEAM-SHIPS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate of the United States:

In response to the resolution of the Senate dated March 8, calling for the correspondence respecting the seizure of the American steam-ships Hero, San Fernando, and Nutrias, the property of the Venezuela Steam Transportation Company of New York, and the imprisonment of their officers by the authorities in Venezuela, I transmit herewith the report of the Secretary of State on the subject, together with accompanying documents.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, April 12, 1888.

HANNAH R. LANGDON—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I return herewith without approval Senate bill No. 549, entitled "An act granting a pension to Hannah R. Langdon."

The husband of the beneficiary named in this bill entered the military service of the United States as assistant surgeon in a Vermont regiment on the 7th day of October, 1862, and less than six months thereafter tendered his resignation, based upon a surgeon's certificate of disability on account of chronic hepatitis (inflammation of the liver) and diarrhea.

On the 12th day of June, 1880, more than seventeen years after his discharge, he filed a claim for pension, alleging chronic diarrhea and resulting piles. He was allowed a pension in January, 1881, and died of consumption on the 24th day of September in the same year.

Prior to the allowance of his claim for pension he wrote to the Bureau of Pensions a full history of his disability as resulting from chronic diarrhea and piles, and in that letter he made the following statement: "I have had no other disease, except last September (1880) I had pleurisy and congestion of my left lung." From other sources the bureau derived the information that the deceased had suffered an attack of pleuro-pneumonia on his left side, and that his recovery had been partial.

In December, 1880, he was examined by two members of the board of surgeons at Burlington, Vt., of which board he was also a member, and the following facts were certified:

"For the past fifteen years claimant has practiced his profession in this city, and has, up to within a year or a year and a half of this date, shown a vigor and power of endurance quite equal to the labor imposed upon him by the popular demand for his services. About a year ago he evinced symptoms of breaking down, cough, emaciation, and debility."

These results, "breaking down, cough, emaciation, and debility," are the natural effects of such an attack as the deceased himself reported, though not made by him any ground of a claim for pension, and it seems quite clear that his death in September, 1881, must be chargeable to the same cause.

His widow, the beneficiary named in this bill, filed her claim for pension December 5, 1881, based upon the ground that her husband's death from consumption was due to the chronic diarrhea for which he was pensioned. Upon such application the testimony of Dr. H. H. Atwater was filed to the effect that about 1879 he began to treat the deceased regularly for pleuro-pneumonia, followed by abscesses and degeneration of lung tissue, which finally resulted in death, and that these diseased conditions were complicated with digestive affections, such as diarrhea, dyspepsia, and indigestion. Another affidavit of Dr. Atwater, made in 1886, will be found in the report upon this bill made by the House Committee on Invalid Pensions.

The claimant's application for a pension was rejected by the Pension Bureau on the ground that the cause of her husband's death was not shown to have been connected in any degree with the disease on account of which he was pensioned, or with his military service.

I am entirely satisfied that this determination was correct.

I am constrained to disapprove the bill under consideration, because it is thus far our settled and avowed policy to grant pensions only to widows whose husbands have died from causes related to military service, and because the proposed legislation would in my opinion result in a discrimination in favor of this claimant unfair and unjust towards thousands of poor widows who are equally entitled to our sympathy and benevolence.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April* 16, 1888.

Mr. EDMUNDS. On the reference of that message I wish to say a word.

I am satisfied that the President of the United States has been greatly misled in the information upon which he has sent this message to the Senate. The gentleman who was the husband of this lady was personally known to me for thirty years or more, living in my town and village. He was a young doctor when the war broke out, and he went as other doctors did to do his duty for the side he was on, and confessedly he contracted in the service disease of chronic diarrhea, which hung on to him. He came back from the war, not having speculated in cotton or otherwise gained a great estate, to resume against his natural competitors in our little town his profession, on which alone, from day to day, he subsisted with his wife and children—I do not know how many he had—and being a proud, brave man, he did not apply to his country for a pension until a long time afterwards, because so long as he could step one foot before another he would not do it. Finally he was compelled to do it, and he got a pension on the ground that is stated there, of this chronic disease that confessedly he had contracted in the service; and anybody who knows anything in this world knows that that particular disease leads to a continual depression of the vital forces, and at last will produce some catastrophe; it may be a fever, it may be consumption, it may be one thing or another, but it is sure to come. It did come to him, so that he died instantly and immediately of a disease of the lungs which he never would have had in the world but for the fact that he had been run down to death's door by the disease contracted in the service.

I feel bound to say that it is a great injustice to my personal knowledge and I hope that the Committee on Pensions will examine into it, and if there is any way for the President to recall such a message, I should hope that he would do it; but if there is not, let the committee report to us what they find the truth to be. This is a very great injustice.

The PRESIDENT *pro tempore*. The bill, with the accompanying message, will be referred to the Committee on Pensions.

BETSEY MANSFIELD—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and referred to the Committee on Pensions, and ordered to be printed:

To the Senate:

I return herewith without approval Senate bill No. 809, entitled "An act granting a pension to Betsey Mansfield."

It is propsed to grant a pension to the beneficiary named in this bill as the mother of Franklin J. Mansfield, who enlisted as a private April 27, 1861, and died in camp of disease on the 14th day of November in the same year. His mother filed an application for pension in June, 1882.

The testimony filed in the Pension Bureau discloses the following facts:

At the time of the death of the soldier the family, beside himself, consisted of three persons—his father and mother and an unmarried sister. They owned and resided upon a homestead in Wisconsin comprising 293 acres, 20 of which were cleared, the balance being in timber, all unincumbered. The assessed valuation was $1,170, the real value being considerably more. The father was a farmer and blacksmith, healthy and able-bodied and furnishing a comfortable support; but shortly after the soldier's death he began to drink, and his health began to fail. Upon the marriage of the daughter he deeded her 50 acres of the land. He became indebted, and from time to time sold portions of his homestead to pay debts; but in 1882, at the time the mother's application for pension was filed, there still remained 110 acres of land, valued at about $3,300, 40 acres of which was mortgaged in 1880 for $600. Since 1879 the farm had been rented, except 8 or 10 acres reserved for a residence for the family. They owned two cows, and the rent averaged about $125 a year.

This was the condition of affairs as late as 1886, when the claim of the mother for a pension was, after investigation, rejected by the Pension Bureau, and it is supposed to be substantially the same now.

It also appears that a son, born since the soldier's death, and upwards of eighteen years of age, resides with his parents and furnishes them some assistance.

The claimant certainly was not dependent in the least degree upon the soldier at the time of his death, and she did not file her claim for pension until nearly twenty-one years thereafter.

Though the lack of dependence at the date of the soldier's death is sufficient to defeat a parent's claim for pension under our laws, I believe that in proper cases a relaxation of rules and a charitable liberality should be shown to parents old and in absolute need, through default of the help which, it may be presumed, a son would have furnished if his life had not been sacrificed in his country's service.

But it seems to me the case presented here can not be reached by any theory of pensions which has yet been suggested.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April* 16, 1888.

INDEX OF PUBLIC DOCUMENTS.

Mr. DAWES submitted the following resolution; which was referred to the Committee on the Library.

Resolved, That the Librarian of the Senate prepare a consolidated index of the public documents of the Forty-seventh, Forty-eighth, and Forty-ninth Congresses for the use of the Senate.

FOURTH VIRGINIA COLLECTION DISTRICT.

Mr. VANCE. I enter a motion to reconsider the vote by which the Senate on Thursday last passed the bill (S. 2613) to amend an act approved June 15, 1882, changing the boundaries of the fourth collection district of Virginia. I ask that the motion be entered.

The PRESIDENT *pro tempore*. The motion to reconsider will be entered accompanied by a request to the House of Representatives to return the bill, it having been sent to the House.

SUPPLEMENT TO REVISED STATUTES.

Mr. WILSON, of Iowa. I now renew my motion.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate proceed to the consideration of Senate bill 1592.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1592) to continue the publication of the Supplement to the Revised Statutes.

The bill was reported from the Committee on the Revision of the Laws with an amendment in section 2, line 19, to fill the blank with the words "five thousand dollars;" so as to read:

For preparing and editing said Supplement, including the legislation of the Fiftieth Congress, and the indexing and all clerical work necessary to fully complete the same, there shall be paid to said editor the sum of $5,000, which is hereby appropriated therefor out of any money in the Treasury not otherwise appropriated, to be paid when the work is completed.

The amendment was agreed to.

Mr. PLATT. I do not want to object to the passage of this bill, for I think it is very necessary that it should be passed for the convenience of people who have occasion to consult the statute-books of this nation; but I want to suggest that it seems to me we ought to have a thorough, full, complete, and accurate revision of the statutes, and I wish the Committee on the Revision of the Laws had gone even further than this. I trust they will take under consideration the question of a revision so that we can have all of our statutes in one book, and I will say more carefully arranged, indexed, and annotated than the present edition, which was last made in 1878, ten years ago.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LIGHTS AT CHARLOTTE HARBOR, FLORIDA.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

Mr. CALL. I ask the Senator from Vermont to allow me to have a bill taken up to which I am sure no one will object, for the establishment of a light at Charlotte Harbor, Florida. It is absolutely needed, and I am certain the bill will take no time.

Mr. EDMUNDS. If it does not require me to yield to anybody else, as we are obliged to have an executive session, I will yield to the Senator from Florida.

The PRESIDENT *pro tempore*. The Senator from Vermont withdraws his motion, to enable the Senator from Florida to move that the Senate proceed to the consideration of Order of Business 658, Senate bill 1431.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1431) making an appropriation for the erection of a light-house at Boca Grande Pass, Charlotte Harbor, Florida.

The bill was reported from the Committee on Commerce with amendments, in line 3, before the word "thousand," to strike out "fifty" and insert "thirty-five," and in line 5, after the words "for the," to strike out "erection of a light-house at Boca Grande Pass" and insert "establishment of a light or lights and other aids to navigation to guide into;" so as to make the bill read:

Be it enacted, etc., That the sum of $35,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the establishment of a light or lights and other aids to navigation to guide into Charlotte Harbor, Florida, the said amount to be expended under the direction of the Secretary of the Treasury.

The amendments were agreed to.

Mr. EDMUNDS. I assume that that bill is reported from the Committee on Commerce favorably.

The PRESIDENT *pro tempore*. It is reported favorably from the Committee on Commerce.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill making an appropriation for the establishment of a light or lights and other aids to navigation to guide into Charlotte Harbor, Florida."

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 9381) to facilitate the prosecution of works projected for the improvement of rivers and harbors.

EXECUTIVE SESSION.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 17, 1888, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 16th day of April, 1888.

ASSAYER.

Frank Nicholson, of Missouri, to be assayer of the United States assay office at St. Louis, Mo., *vice* Eliot C. Jewett, to be removed.

UNITED STATES CONSUL.

W. T. Walthall, of Biloxi, Miss., to be consul of the United States at Demerara, *vice* David T. Bunker, deceased.

SURVEYOR OF CUSTOMS.

Robert Calvert, of Wisconsin, to be surveyor of customs for the port of La Crosse, Wis., *vice* Frank I. Phelps, resigned.

COLLECTOR OF CUSTOMS.

Eli H. Reynolds, of New Jersey, to be collector of customs for the district of Newark, N. J., *vice* William A. Baldwin, deceased.

RECEIVER OF PUBLIC MONEYS.

Harvey E. Shields, of Terre Haute, Ind., to be receiver of public moneys at Seattle (formerly Olympia), Wash., *vice* James R. Hayden, removed.

(The nomination of said Shields to be receiver of public moneys at Olympia (now Seattle), which was sent to the Senate January 4, 1888, is withdrawn.)

CONFIRMATION.

Executive nomination confirmed by the Senate April 11, 1888.

UNITED STATES CONSUL-GENERAL.

Jared Lawrence Rathbone, of San Francisco, Cal., to be consul-general of the United States at Paris.

HOUSE OF REPRESENTATIVES.

MONDAY, *April* 16, 1888.

The House met at 12 o'clock m. Prayer by the Chaplain Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Saturday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MCSHANE for one week, on account of sickness.

To Mr. GROSVENOR indefinitely, on account of important business.

To Mr. FINLEY indefinitely, on account of important business.

To Mr. CROUSE, for one week.

ENROLLED BILLS SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill (H. R. 6732) granting a pension to Mrs. Leora Gear; when the Speaker signed the same.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same, namely:

A bill (H. R. 2927) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn.;

A bill (H. R. 1584) granting a right of way to the Duluth, Rainy Lake River and Southwestern Railway Company through certain Indian lands in the State of Minnesota;

A bill (H. R. 6051) regulating the times for holding the terms of the United States courts in the northern district of Iowa; and

A bill (H. R. 1076) authorizing the construction of a bridge across the Tennessee River at Chattanooga, Tenn.

ORDER OF BUSINESS.

Mr. BROWN, of Ohio. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 1740)——

Mr. WHITING, of Michigan. I demand the regular order.

The SPEAKER. The regular order is the call of States and Territories for the introduction and reference of public bills and resolutions. On this call petitions and memorials of State and Territorial Legislatures and resolutions addressed to the heads of Departments are in order.

DAILY HOUR OF MEETING.

Mr. HERBERT introduced the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That until otherwise ordered the daily hour for the meeting of the House shall be 11 o'clock a. m.; and committees engaged in the preparation of general appropriation bills may sit for that purpose during the sessions of the House.

Mr. HATCH took the chair as Speaker *pro tempore*.

MINTER P. KEY.

Mr. WHEELER (by request) introduced a bill (H. R. 9402) making an appropriation to test a system of fortifications devised by Minter P. Key; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REGISTRY-LETTER ENVELOPES.

Mr. WHEELER (by request) also introduced a bill (H. R. 9403) in relation to registry-letter envelopes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

J. B. READ AND MINTER P. KEY.

Mr. JONES (by request) introduced a bill (H. R. 9404) making an appropriation to test river improvements devised by John B. Read and Minter P. Key; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

RIGHTS OF INDIANS.

Mr. COBB introduced a bill (H. R. 9405) to protect the rights of the Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ALLOTMENT OF LANDS TO INDIANS.

Mr. COBB also introduced a bill (H. R. 9406) to amend an act entitled "An act to provide for the allotment of lands in severalty to Indians on the several reservations and to extend the laws of the United States and of the Territories over the Indians, and for other purposes," approved February 8, 1887; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ARSENAL AT BENICIA, CAL.

Mr. McKENNA introduced a bill (H. R. 9407) to make the arsenal at Benicia, Cal., an arsenal of manufacture, construction, and repair; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

STEPHEN L. KEARNEY.

Mr. DOUGHERTY (by request) introduced a bill (H. R. 9408) granting an increase of pension to Stephen L. Kearney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GYMNASIUM AT WEST POINT.

Mr. TOWNSHEND introduced a bill (H. R. 9409) for the erection of an academic building and gymnasium at West Point; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DISTRIBUTION OF PUBLIC DOCUMENTS.

Mr. PAYSON introduced a bill (H. R. 9410) providing for the distribution of public documents to depositories and other public libraries; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

BRIDGES ACROSS OHIO RIVER.

Mr. HOWARD introduced a bill (H. R. 9411) fixing the height of high water, to be used in determining the height of bridges to be built under the general law authorizing the construction of bridges across the Ohio River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BOUNTIES.

Mr. STEELE introduced a bill (H. R. 9412) to equalize the bounties of soldiers, sailors, and marines; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BUSINESS OF COMMITTEE ON THE PUBLIC LANDS.

Mr. HOLMAN submitted the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That Saturday, the 21st day of April, just after the reading of the Journal, be assigned and set apart for the further consideration of House bill No. 7901, "A bill to secure to actual settlers the public lands adapted to agriculture, to protect the forests on the public domain, and for other purposes;" that a recess shall be taken at 5 o'clock p. m. on said day until 7.30 p. m. thereof for further consideration of said bill, or, if the same shall have been completed, for the consideration of such bills declaring the forfeiture of grants of lands heretofore made by Congress as the Committee on the Public Lands shall determine.

REVENUE-CUTTER IN NEW YORK HARBOR.

Mr. BRYCE (by Mr. HOLMAN) introduced a bill (H. R. 9413) for the construction of a revenue-cutter for harbor duty at New York; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SECTION 4233, REVISED STATUTES.

Mr. BRYCE (by Mr. HOLMAN) also (by request) introduced a bill (H. R. 9414) to amend section 4233, Article VI, of the Revised Statutes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

RECORDS OF LAND OFFICE IN IOWA.

Mr. LYMAN presented a joint resolution of the General Assembly of the State of Iowa, asking the passage of a law to retain the records of the United States land office in Iowa when the office shall be discontinued; which was referred to the Committee on the Public Lands.

ALIEN OWNERSHIP OF REAL ESTATE.

Mr. LYMAN also presented a memorial and joint resolution of the General Assembly of the State of Iowa, in favor of the submission to the several States of a constitutional amendment prohibiting alien ownership of real estate in the States and Territories; which were referred to the Committee on the Judiciary.

Mr. WEAVER presented a memorial and joint resolution of the Legislature of the State of Iowa, praying Congress to take the necessary steps to have the Constitution so amended as to prohibit the ownership of real estate by non-resident aliens; which were referred to the Committee on the Judiciary.

Mr. CONGER presented a memorial and joint resolution of the Legislature of the State of Iowa, in favor of the submission to the several States of a constitutional amendment prohibiting alien ownership of real estate in the States and Territories.

Mr. CONGER. I ask to have the memorial and joint resolution read.

The memorial and joint resolution were read, and were referred to the Committee on the Judiciary.

INVESTIGATION OF RESTAURANT.

Mr. CONGER introduced the following resolution; which was read, and referred to the Committee on Public Buildings and Grounds:

Resolved, That the Committee on Public Buildings and Grounds be directed to investigate the management of the House restaurant, as to quality of food furnished, prices charged, service rendered, and general management thereof, and, if any evils are found to exist, to take immediate measures to correct them and make report of their findings and doings to this House.

PUBLIC BUILDING, WELLINGTON, KANS.

Mr. PETERS introduced a bill (H. R. 9415) for the erection of a public building at Wellington, Kans.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

RAILROADS UNDER JUDICIAL FORECLOSURE OR FORFEITURE.

Mr. ANDERSON, of Kansas, introduced a bill (H. R. 9416) providing for the control and regulation of railroads acquired by the United States under judicial foreclosure or forfeiture, and for other purposes; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

CITY OF LOUISVILLE.

Mr. CARUTH introduced a bill (H. R. 9417) for the relief of the city of Louisville; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WASHINGTON AND WESTERN MARYLAND RAILROAD COMPANY.

Mr. CARUTH also (by request) introduced a bill (H. R. 9418) to incorporate the Washington and Western Maryland Railroad Company; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

INCREASE IN PENSIONS TO SURVIVORS OF MEXICAN WAR.

Mr. CARUTH also presented resolutions of the General Assembly of the Commonwealth of Kentucky, in favor of an increase in pensions to be paid survivors of the Mexican war; which were referred to the Committee on Pensions.

PUBLIC BUILDING, BOWLING GREEN, KY.

Mr. HUNTER introduced a bill (H. R. 9419) for the erection of a public building at Bowling Green, Ky.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SURPLUS FOR PURCHASE OF BONDS.

Mr. BRECKINRIDGE, of Kentucky, offered the following resolution; which was read, and referred to the Committee on Ways and Means:

Resolved, That it is the judgment of this House that under section 2 of the act making appropriations for sundry civil expenses of the Government for the fiscal year 1882, approved March 3, 1881, the Secretary of the Treasury has the power to use the surplus at any time in the Treasury for the purchase of the bonds of the United States; and that so much of such surplus as may from time to time accumulate in the Treasury ought to be so used.

STATISTICS BEARING UPON THE TARIFF.

Mr. BRECKINRIDGE, of Kentucky, also offered the following; which was referred to the Committee on Ways and Means:

Resolved, That the Secretary of the Treasury be, and is hereby, requested to report to this House a computation, based upon the returns of the census of 1880, showing—

1. What number of persons in each of the gainful occupations (professional and personal service, trade and transportation, manufactures, mechanics, mining, and agriculture) were engaged in branches of which a product of like kind could be imported from a foreign country other than Canada in any measure or quantity sufficient to call for the attention of legislators, and what additional number could be in part or wholly submitted to competition from Canada.
2. What number in each category might be considered wholly free from foreign competition.
3. What number of persons might be considered in some small measure subject to foreign competition.
4. The number of persons represented by the export of the profits of agriculture, manufactures, and mining; to be estimated upon the relation of the value or quantity of such exports to the value or quantity of the total product; in other words, the number occupied in production for export.

BRIDGES ACROSS BAYOU BARTHOLOMEW, LOUISIANA.

Mr. NEWTON introduced a bill (H. R. 9420) authorizing the Houston, Central Arkansas and Northern Railway Company to construct and maintain bridges across Bayou Bartholomew and across the Ouachita, Red, Little, and Sabine Rivers, in Louisiana; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

COMPENSATION OF OFFICERS AND EMPLOYÉS, NEW ORLEANS MINT.

Mr. GAY introduced a bill (H. R. 9421) to regulate the compensation of the officers and salaried employés of the United States mint at New Orleans, La.; which was read a first and second time, referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

COMPENSATION TO CHIEFS OF DIVISION, GENERAL LAND OFFICE.

Mr. GAY also introduced a bill (H. R. 9422) to regulate and increase the compensation of chiefs of division in the General Land Office; which was read a first and second time, referred to the Committee on Expenditures in the Interior Department, and ordered to be printed.

PUBLIC LANDS EAST OF MISSISSIPPI RIVER IN LOUISIANA.

Mr. GAY also introduced a bill (H. R. 9423) to restore to the public domain and to regulate the sale and disposition of certain lands east of the Mississippi River in the State of Louisiana; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JUDICIAL DISTRICTS OF LOUISIANA.

Mr. BLANCHARD introduced a bill (H. R. 9424) to amend and reenact section 5 of an act entitled "An act to divide the State of Louisiana into two judicial districts," approved March 3, 1881; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FENCING RAILROADS.

Mr. MILLIKEN introduced a bill (H. R. 9425) to provide that railroads be securely fenced; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

CANNON FOR MONUMENT AT METHUEN, MASS.

Mr. ALLEN, of Massachusetts, introduced a bill (H. R. 9426) authorizing the Secretary of War to deliver to the town of Methuen, Mass., one condemned gun-carriage and cannon to be used for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RECORDING OF BILLS, SALES, CONVEYANCES, ETC., OF VESSELS.

Mr. CHIPMAN introduced a bill (H. R. 9427) to provide for the recording of bills of sale, conveyances, mortgages, and instruments of hypothecation of vessels; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BUREAU OF PUBLIC DOCUMENTS.

Mr. BURROWS introduced a bill (H. R. 9428) providing for the establishment of a bureau of public documents; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

PENSIONS TO SURVIVORS OF INDIAN WARS.

Mr. BARRY introduced a resolution to set apart Tuesday, the 22d of May, for consideration of House bill 8594, granting pensions to survivors of Indian wars from 1832 to 1842 inclusive; which was referred to the Committee on Rules.

LANDS IN RAILROAD LAND GRANTS.

Mr. DORSEY introduced a bill (H. R. 9429) to protect purchasers of land withdrawn by the Executive Department as lying within the limits of land grants to aid in the construction of railroads or patented to such railroad companies as indemnity lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

GOLD MEDAL TO CAPT. THOMAS SAMPSON.

Mr. COX introduced a bill (H. R. 9430) authorizing the Secretary of the Treasury to award a gold medal of the first class to Capt. Thomas Sampson, of New York City, for rescuing five boys from drowning; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

TAX ON DEALERS IN SPIRITUOUS LIQUORS.

Mr. COX also presented a joint resolution of the Legislature of the State of New York, in relation to tax on dealers in spirituous liquors; which was referred to the Committee on Ways and Means, and ordered to be printed.

CONSIDERATION OF CENSUS BILL.

Mr. COX also introduced the following resolution; which was referred to the Committee on Rules:

Resolved, That the 23d day of May, 1888, be assigned for the consideration of the bill (H. R. 1659) for the taking of the Eleventh and subsequent censuses of the United States, the same not to interfere with the morning hours or revenue and appropriation bills.

REGULATION OF COMMERCE.

Mr. CUMMINGS introduced a bill (H. R. 9431) to amend an act entitled "An act to regulate commerce," approved February 4, 1887; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

REFUND OF INCOME TAX.

Mr. BLISS introduced a bill (H. R. 9432) for the refunding of the income tax levied during the rebellion upon the salaries of commissioned officers of the Army and Navy of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PAYMENT OF PENSION AGENTS.

Mr. BLISS (by request) also introduced a bill (H. R. 9433) to amend the provisions of the act of July 4, 1884, relating to the payment of pension agents; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DISTRICT COURT, NORTHERN DISTRICT OF NEW YORK.

Mr. DE LANO (by Mr. NUTTING) introduced a bill (H. R. 9434) to amend the Revised Statutes of the United States establishing the times, places, and provisions for holding terms of the district court in the northern district of New York; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REAL ESTATE TITLE INSURANCE COMPANY.

Mr. BINGHAM (by request) introduced a bill (H. R. 9435) changing the name of the Real Estate Title Insurance Company of the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. DALZELL introduced a bill (H. R. 9436) to amend section 2307 of the Revised Statutes; which was read a first and second time.

The SPEAKER *pro tempore* (Mr. HATCH). From the title of this bill the Chair can not determine the proper reference, but will examine it.

Mr. DALZELL. It should be referred to the Committee on the Judiciary.

The SPEAKER *pro tempore* (after examining the bill). The Chair thinks this bill properly belongs to the Committee on Public Lands.

Mr. DALZELL. The necessity for the bill, as I understand, arises out of a construction put upon this section of the Revised Statutes by the Secretary of the Interior, and it would appear the bill ought properly to go to the Committee on the Judiciary. However, it makes no difference to me.

The SPEAKER *pro tempore*. The Chair thinks the bill belongs to the Committee on Public Lands.

The bill was referred to the Committee on the Public Lands, and ordered to be printed.

REPORTS OF DISTRICT RAILWAY COMPANIES.

Mr. ATKINSON introduced a bill (H. R. 9437) to require the street railway companies of the city of Washington to make annual reports; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

CONFEDERATE DOCUMENTS IN THE DEPARTMENTS.

Mr. PHELAN introduced a resolution directory to the heads of Departments, requesting a list of the Confederate documents in the Departments; which was referred to the Committee on the Library.

BANKRUPTCY.

Mr. CULBERSON (by request) introduced a bill (H. R. 9438) concerning bankruptcy; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ABOLITION OF NATIONAL BANKS.

Mr. MARTIN introduced a resolution instructing the Committee on Banking and Currency to report a bill to repeal the law authorizing national banks; which was referred to the Committee on Banking and Currency.

TAXATION OF GREENBACKS.

Mr. MARTIN also introduced a resolution to instruct the Committee on Banking and Currency to repeal the law exempting greenbacks from taxation; which was referred to the Committee on Ways and Means.

AMENDMENT OF REVISED STATUTES.

Mr. MARTIN also introduced a bill (H. R. 9439) amending sections 5449, 5450, and 5451 of the Revised Statutes, Title LXX, Crimes, chapter 5, and to repeal sections 5499, 5500, 5501, and 5502 of Title LXX, Crimes, chapter 6; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

OFFICERS IN MARINE CORPS.

Mr. WISE introduced a bill (H. R. 9440) to equalize the grades of officers of the Marine Corps; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

WHARF AT FORTRESS MONROE.

Mr. BOWDEN introduced a bill (H. R. 9441) for the enlargement of the wharf at Fortress Monroe, Va.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

NATIONAL CEMETERY AT HAMPTON, ETC.

Mr. BOWDEN also introduced a bill (H. R. 9442) to provide for widening the entrance to the national cemetery at Hampton, etc.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REPEAL OF TOBACCO TAX.

Mr. GAINES submitted the following resolution; which was referred to the Committee on Ways and Means:

Whereas the agitation of the internal-revenue tax as applied to tobacco has the effect of depressing trade and occasions great loss to planters, dealers, and manufacturers: Therefore,

Be it resolved, That the Committee on Ways and Means be instructed to report to this House one of the many bills introduced for the repeal of the tax.

J. F. SEAGER.

Mr. SNYDER submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Clerk of the House be, and is hereby, authorized and directed to pay to J. F. Seager, out of the contingent fund of the House, the sum of $75, for services rendered in the document-room during the month of November, 1887.

EMPLOYÉS OF THE GOVERNMENT NAVY-YARDS, ETC.

Mr. SMITH, of Wisconsin, introduced a bill (H. R. 9443) to regulate the manner of adjusting the pay of employés of the Government attached to the navy-yards and Naval Arsenal, and to secure them the highest wages paid for like services by private firms and corporations; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BOUNTIES OF SOLDIERS.

Mr. SMITH, of Wisconsin, also introduced a bill (H. R. 9444) to regulate the bounties of soldiers who served in the late war for the Union; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ADMISSION OF DAKOTA INTO THE UNION.

Mr. GIFFORD submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That Saturday, the 2d day of June, and Tuesday, the 5th day of June, 1888, immediately after the reading of the Journal, be set apart for the consideration of the bills upon the Calendar relating to the admission of Dakota into the Union of States. And if the consideration of said bills be not completed upon said days, that the consideration thereof shall continue from day to day until a final vote is taken thereon.

SEVENTH JUDICIAL DISTRICT, DAKOTA TERRITORY.

Mr. GIFFORD (by request) also introduced a bill (H. R. 9445) creating the seventh judicial district of Dakota Territory, and providing for a judge therefor; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC BUILDING, SALT LAKE CITY, UTAH.

Mr. CAINE introduced a bill (H. R. 9446) for the erection of a public building at Salt Lake City, Utah; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUBLIC BUILDING, DETROIT, MICH.

Mr. CHIPMAN introduced a bill (H. R. 9447) to restore certain money to the fund for erecting a public building at Detroit, Mich.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

UNCLAIMED PENSION FUNDS.

Mr. CAMPBELL, of Ohio, introduced a bill (H. R. 9448) to provide for the disposition of certain unclaimed pension funds; which was read a first and second time, referred to the Committee on Education, and ordered to be printed.

LARD.

Mr. ENLOE. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a petition, signed by 187 citizens of Jackson, Tenn., protesting against any effort to brand or tax good, nutritious, healthful, and wholesome food products, omitting the names of the petitioners, and have it referred to the Committee on Agriculture.

There was no objection, and it was ordered accordingly.

The petition is as follows:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

We, the undersigned, consumers of refined lard, such as is manufactured by Messrs. N. K. Fairbank & Co., and other lard refiners, hereby protest against any and every bill designing to brand or tax such product, knowing it, through personal experience, to be good, nutritious, healthful, and wholesome.

We also consider cotton-seed oil as wholesome and as valuable food as the leaf lard from swine, and we oppose any attempt to restrict or stigmatize either of these products in favor of the other.

On the other hand, we hereby strongly protest against the traffic prevailing among pork-packers and butchers in many localities of rendering and selling fat from objectionable parts and entrails of swine as lard, leaf lard, or prime steam lard, we believing such to be unfit for human food.

Dated March, 1888.

POOLS AND OTHER COMBINATIONS DECLARED UNLAWFUL.

Mr. MACDONALD introduced a bill (H. R. 9449) declaring all interstate trusts, pools, or combinations limiting or otherwise regulating or controlling the production, manufacture, shipment, sale, or price of any article of trade or commerce, to be unlawful and a criminal conspiracy, and for the punishment of the same; which was read a first and second time, referred to the Committee on Manufactures, and ordered to be printed.

POSTAL TELEGRAPH.

Mr. BURROWS. Mr. Speaker, I present the petition of 2,669 residents of the Fourth Congressional district of Michigan, placed in my hands by the Knights of Labor, asking for the establishment of a postal telegraph, which I move be referred to the Committee on the Post-Office and Post-Roads; and I further request that the petition be printed in the RECORD.

Mr. MCMILLIN. With the understanding, of course, that the names are to be omitted.

The SPEAKER. Of course.

There was no objection, and it was ordered accordingly; and the body of the petition is as follows:

To the United States Congress:

We, the undersigned, citizens and residents of the United States living in the Fourth Congressional district of the State of Michigan, represented by Hon. JULIUS C. BURROWS, respectfully call your attention to the dangers which threaten our country and her institutions through the consolidation of the various systems of telegraphy.

We ask that the Fiftieth Congress take immediate steps to establish a system of telegraphy, to be owned and controlled by the Government of the United States, the same to be operated in connection with the Post-Office Department.

ORDER OF BUSINESS.

Mr. WHITTHORNE submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That Rule —— of the House of Representatives be so amended as to authorize the formation of a special committee to be known and designated as the committee on the order of business, to whom shall be referred all resolutions requesting the assignment of special days or hours for the consideration of any bill or resolution reported to the House or of the business of any committee; and said committee may, with a view to the consideration and dispatch of business pending before the House, report on the order of such consideration.

PUBLIC BUILDING, PARSONS, KANS.

Mr. PERKINS introduced a bill (H. R. 9450) to construct a public building at Parsons, Kans., and for other purposes; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUBLIC BUILDING, INDEPENDENCE, KANS.

Mr. PERKINS also introduced a bill (H. R. 9451) to construct a public building at Independence, Kans., and for other purposes; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUBLIC BUILDING, ARKANSAS CITY, KANS.

Mr. PERKINS also introduced a bill (H. R. 9452) to construct a public building at Arkansas City, Kans., and for other purposes; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SETH C. MOFFATT EULOGIES.

Mr. SEYMOUR introduced joint resolution (H. Res. 148) to print 12,500 copies of the eulogies on Seth C. Moffatt, late a Representative